



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Tuesday February 16, 2016

A meeting of the Zionsville Plan Commission was scheduled for Tuesday February 16, 2016 at 7:00 p.m. in the Beverly Harves Meeting Room at Zionsville Town Hall, 1100 West Oak Street. The following items were scheduled for consideration:

- I. Pledge of Allegiance
- II. Swear in new members
- III. Attendance
- IV. Approval of January 19, 2016 Meeting Minutes
- V. Continuance Requests
- VI. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2015-41-SP	Scannell Properties #152 LLC	10505 Bennett Parkway	Petition for Secondary Plat approval in order to allow for a replat of Lot 4 of Ripberger Business Park, to provide for incorporation of 1.52 acres (being adjacent to lot 4's current boundaries) into lot 4 Approved 7 in Favor 0 Opposed
2015-43-RP	D. Berman	425 S. 6 th Street	Petition for Replat with waivers, of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District Petitioners Representative requested a continuance to the March 21, 2016 Plan Commission Meeting 7 in Favor 0 Opposed
2016-02-OA	Town of Zionsville	1100 W. Oak Street	Petition to amend the Town of Zionsville Ordinances specific to lighting requirements to permit the use of Light Emitting Diode (LED) lighting elements in addition to current permissible lighting elements within all Town Zoning Districts Petitioner requested a continuance to the March 21, 2016 Plan Commission Meeting 7 in Favor 0 Opposed

VII. New Business

Docket Number	Name	Address of Project	Item to be Considered
2015-40-Z	Fabrico Inc., & B. Slaff	165 and 235 W Sycamore Street	Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business, and the (VBD), Urban Village Business Development Districts, to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses. Withdrawn by Petitioner Approved Waiver of Refiling Rule 7 in Favor 0 Opposed
2016-04-Z	Boone County Tennis Center	4560 S. 875 East	Petition for Zone Map Change to rezone 4.13 acres from the (R2) Rural Low Density Single and Two Family Residential Zoning District to the (SU-7) Special Use Zoning District Given a Favorable Recommendation to the Town Council 7 in Favor 0 Opposed
2016-03-MP	K. Smith	6502 S. County Road 850 East	Petition for Minor Plat approval in order to establish a 5.64 acre lot, (Lot 1), and a 4.83 acre lot, (Lot 2), in the (R1), Rural Low Density Single Family Residential Zoning District Approved 7 in Favor 0 Opposed
2016-05-PP	DeRossi	8810 and 8811 Whitestown	Petition for Primary Plat approval in order to subdivide 77.015 acres into twelve (12) lot subdivision, in the (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District Petitioners Representative requested a continuance to the March 21, 2016 Plan Commission Meeting 7 in Favor 0 Opposed
2016-06-DP	DeRossi	8810 and 8811 Whitestown	Petition for Development Plan Approval to provide for development of a twelve (12) lot subdivision, in (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District Petitioners Representative requested a continuance to the March 21, 2016 Plan Commission Meeting 7 in Favor 0 Opposed

VII: Other matters to be considered:

Status of Commitments-Docket # 2015-21-PP and 2015-22-DP Vonterra

Status of Commitments-Docket # 2015-33-PP and 2015-34-DP Ansley

Respectfully Submitted:

Wayne DeLong, AICP

Director of Planning and Economic Development

Town of Zionsville

February 17, 2016



Petition Number: 2015-41-SP

Subject Site Address: 10505 Bennett Parkway

Petitioner: Scannell Properties #152, LLC

Representative: Grant E Chapman

Request: Petition for Secondary Plat approval in order to allow for a replat of Lot 4 of Ripberger Business Park, to provide for incorporation of 1.52 acres (being adjacent to lot 4's current boundaries) into lot 4

Current Zoning: (I-2) Urban General Industrial Zoning District

Current Land Use: Undeveloped

Approximate Acreage: 6.211 acres

Related Petitions: Approved: Docket # 2015-41-DSV Petition for Development Standards Variance to deviate from the required landscaping as stated in Article 3 of the Zoning Ordinance
Approved: Docket # 2015-25-Z Rezone from the I-3 Urban Heavy Industrial Zoning District to the I-2 Urban General Industrial District (1.52 acres of overall site)
Approved: Docket # 2015-39-DP Petition for Development Plan approval, requesting Architectural and Building materials waivers, for an approximately 67, 500 square-foot office/warehouse building

Exhibits: Exhibit 1 - Staff Report
Exhibit 2 - Aerial Location Map
Exhibit 3 - RePlat
Exhibit 4 - Town Engineer review letter (dated February 10, 2016)
Exhibit 5 - Findings of Fact (Subdivision Plat)

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Petition History

The subject property is approximately 1.52 acres located at the intersection of 106th Street and Bennett Parkway. While the Platting portion of the development has been pending with the Plan Commission and was originally filed for the November meeting, and was subsequently continued to the February meeting, both the variance hearing and development plan approval hearing have been held, and concluded.

Property History / Location

The overall subject site is comprised of two (2) parcels located in the I-2 General Industrial Zoning District (Urban). Joining the parcels would allow for road frontage for the combined parcels on both Bennett Parkway and 106th street.

SECONDARY PLAT REVIEW

Subdivision Control Ordinance

The primary plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance as outlined in the February 10, 2016 Town Engineer review letter.

Zoning Ordinance

The primary plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance as outlined in the February 10, 2016 Town Engineer review letter.

Street and Highway Access

The proposed development is intended to gain access from both 106th Street and Bennett Parkway. The proposed methods for ingress to and from the Subdivision are found to be in compliance with the Town's Subdivision Control Ordinance and or Town Design Standards.

Stormwater Management

The petitioner has provided a detailed drainage study which has been reviewed by Town staff the Town Engineer and has been found to be in compliance as outlined in the February 10, 2016 Town Engineer review letter.

Utility Capacity / Utility Easements

Staff is unaware of any concerns regarding capacity of sanitary sewer utility or the potable water utility which would impact service to the area. Further, adequate easements are being platted as a part of the subdivision process to provide for utility access within the subdivision.

Findings of Fact

The Plan Commission may approve a Primary Plat upon finding that:

- (a) Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- (b) Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and
- (c) Adequate provisions have been made for the extension of water, sewer, and other municipal services.

Findings as submitted by the Petitioner as attached as a part of this report.

PUBLIC POLICY

Comprehensive Plan

The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as residential. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

Transportation Plan

The Thoroughfare Plan in the Zionsville Transportation Plan recognizes both Bennett Parkway and 106th Street as Primary Arterials with the intersection of the two roadways having the potential to be improved with a round-about (Per the Road Impact Fee study). As filed, additional right of way will be acquired by the Town as part of this plat and the provided right of way is sufficient for the future contemplated project.

Water and Sewer

The property currently has sanitary sewer services near the property as well as potable water. Access to these utilities, as discussed in the Utility Capacity / Utility Easement section, can occur in a manner to serve all the lots in the subdivision in a conventional manner.

Emergency Warning Siren

Based on current or planned installations of Warning Sirens, no additional sirens are necessary to provide adequate coverage in the immediate area.

Findings of Fact

The Plan Commission may approve a Primary Plat upon finding that:

- (d) Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- (e) Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and
- (f) Adequate provisions have been made for the extension of water, sewer, and other municipal services.

Findings as submitted by the Petitioner are attached as a part of this report.

STAFF COMMENTS

Staff recommends approval.

RECOMMENDED MOTIONS

Secondary Plat Motion

I move that Docket #2015-41-SP Secondary plat approval, to allow for a replat of Lot 4 of Ripberger Business Park, to provide for incorporation of 1.52 acres (being adjacent to lot 4's current boundaries) into lot 4 (Approved with the conditions noted in the staff report and the proposed findings of fact / Approved based on the findings of fact / Denied / Continued) as presented.

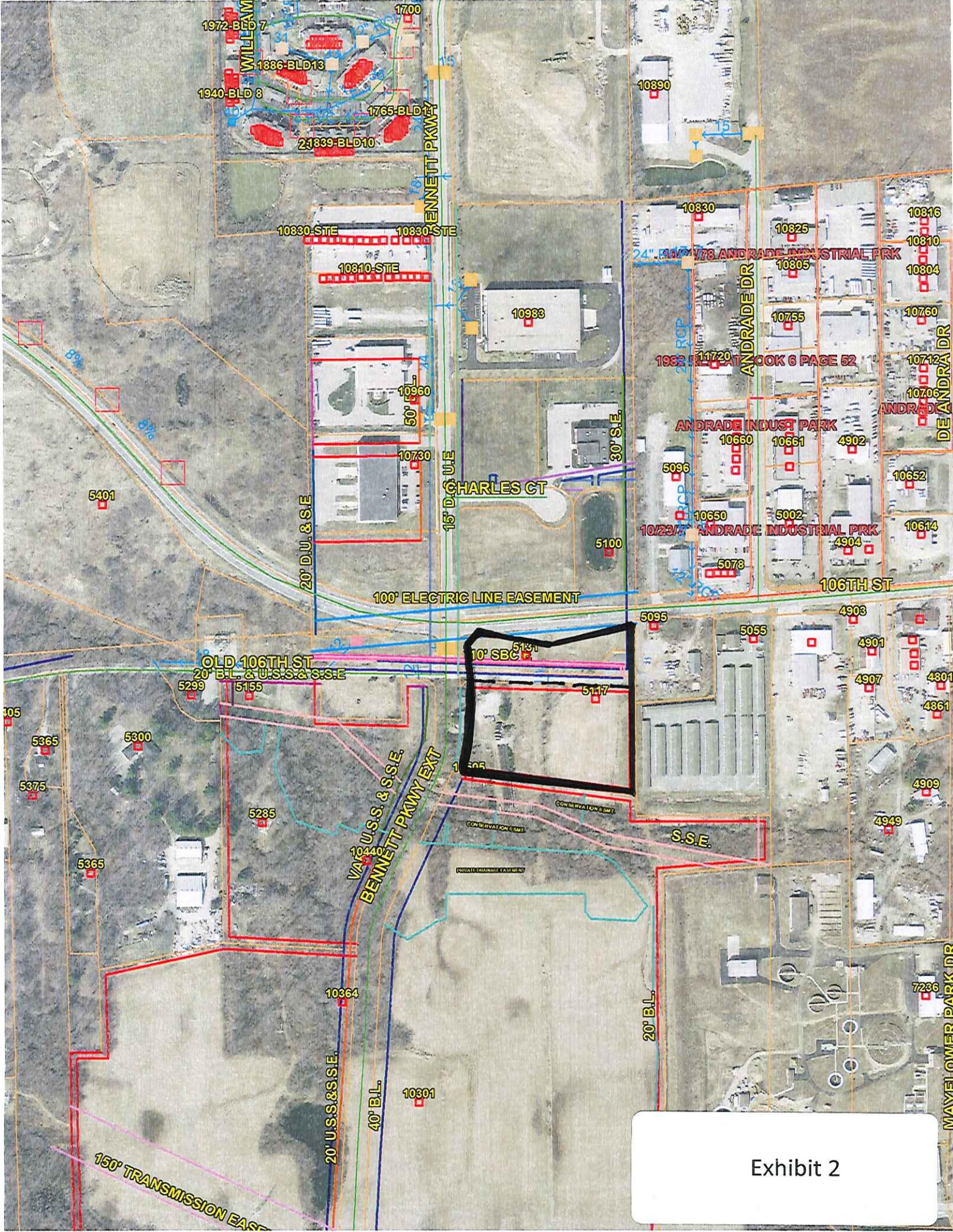


Exhibit 2



ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: February 10, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

Project	Name	Replat of Lot 4 – Ripberger Business Park	
	Location	SE Corner of 106 th Street and Bennett Parkway	
	Developer	Scannell Properties #152, LLC	
	Submittal	#2	
Documents Reviewed		Document Name	Document Date
		Secondary Plat	Received 2/10/16
Zoning	Current	I-2	
	Proposed	I-2	
Land Use	Current	Fallow	
	Proposed	Packaging and Warehousing	

Based on our review, we did not identify any items that appear to be inconsistent with the Town's standards or requirements.

**TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA**

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Tuesday February 16, 2016 has determined that the Primary Plat is/is not in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

- a. Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- b. Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and,
- c. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

TOWN OF ZIONSVILLE PLAN COMMISSION

The Primary Plat was APPROVED/DENIED on the _____ day of _____, 20____, subject to any conditions agreed to at the public hearing and listed in the Letter of Grant.

President, Town of Zionsville Plan Commission



Petition Number: 2015-43-RP

Subject Site Address: 425 S 6th Street

Petitioner: Woodrow and Evelyn H. Paris

Representative: Dave Berman

Request: Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District

Current Zoning: (RV) Urban Special Residential Zoning District

Current Land Use: Residential/Undeveloped

Approximate Acreage: 0.59 acres

Related Petitions: None

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Proposed Re Plat
Exhibit 4 - Proposed Conditions
Exhibit 5 – Engineer Review Letter
Exhibit 6 – Petitioners Waiver Application 1
Exhibit 7 – Petitioners Waiver Application 2
Exhibit 8 – Petitioners Waiver Application 3
Exhibit 9 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location

The subject property is approximately 0.59 acres located on the north side of Starkey Road, at the intersection of 6th Street. A Single Family dwelling unit currently exists on the east parcel.

Project Description

The subject property is currently zoned (RV), Urban Special Residential Zoning District. The petitioner is requesting plat approval to split the current parcel into three (3) lots. The intention of the Petitioner is to create two (2) new buildable sites.

Project History

This petition was continued from the January meeting to the February meeting of the Plan Commission at the request of a Remonstrator.

MINOR PLAT REVIEW

Subdivision Control Ordinance

The subdivision plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance (except as noted in this report-See Town Engineer letter dated January 11, 2016)).

Zoning Ordinance

The plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance.

Street Access / Sidewalks

The plat approval requires the dedication of right of way and the establishment of appropriate easements, and provisions for the future construction of sidewalk conformance with Town standards (see waiver requests).

Stormwater Management

All lots will utilize surface drainage to manage stormwater.

Utility Capacity / Utility Easements

Limited utilities are available to the site.

WAIVER REQUEST (SCO)

The petitioner is requesting the following waivers from the Subdivision Control Ordinance: **1) driveway locations being within 75 feet of the intersection.** Staff Response: While not in compliance with Town standards, the proposed locations are supportable as the proposed locations for the new driveways are preferable to locations which may conform to Town standards. **2) Petitioner is requesting to not install public pathway.** Staff Response: Given the location and lack of asphalt multi-use pathways in the immediate area, Staff is supportive of eliminating the requirement for a pathway IF sidewalks are required to be installed. **3)**

Petitioner is requesting to not install public sidewalk. Staff Response: While an asphalt pedestrian pathway is not required, installation of sidewalk is an expectation of staff.

Waiver Process

The *Plan Commission* shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case that:

- A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property;
- B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the *Comprehensive Plan*; and,
- E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the *Plan Commission*.

Findings are forthcoming as to each waiver requests and will be provided by the Petitioner at the hearing.

PUBLIC POLICY

Comprehensive Plan

The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as residential. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

Water and Septic

The property would utilize public water and sewer disposal systems.

STAFF COMMENTS

Staff recommends approval of the waiver request specific to the driveway locations.

Staff recommends denial of any waiver from the town's sidewalk location standards (staff would support a waiver from the standards regarding the installation of a pathway IF sidewalks are required to be installed).

Staff recommends approving the petition as filed, with the provision that language be incorporated into the plat which indicates that a sidewalk, in conformance with Town requirements, will be constructed and installed at the expense of the lot owner.

RECOMMENDED MOTIONS

Minor Plat Motion

I move that Docket #2015-43-RP replat approval establishing a three (3) lot subdivision at 425 S. Sixth Street be (Approved based the findings provided by the Petitioner / Approved based on the recommendation of Staff / Denied/ Continued) as presented.

Note: the above Recommended Motion assumes receipt, review, and disposition of Findings of Fact associated with the proposed replat's requested waiver(s). In the event draft finding(s) are not available for the Plan Commission's review at the hearing, the Plan Commission will not be in a position to conclude its review of the proposed replat.

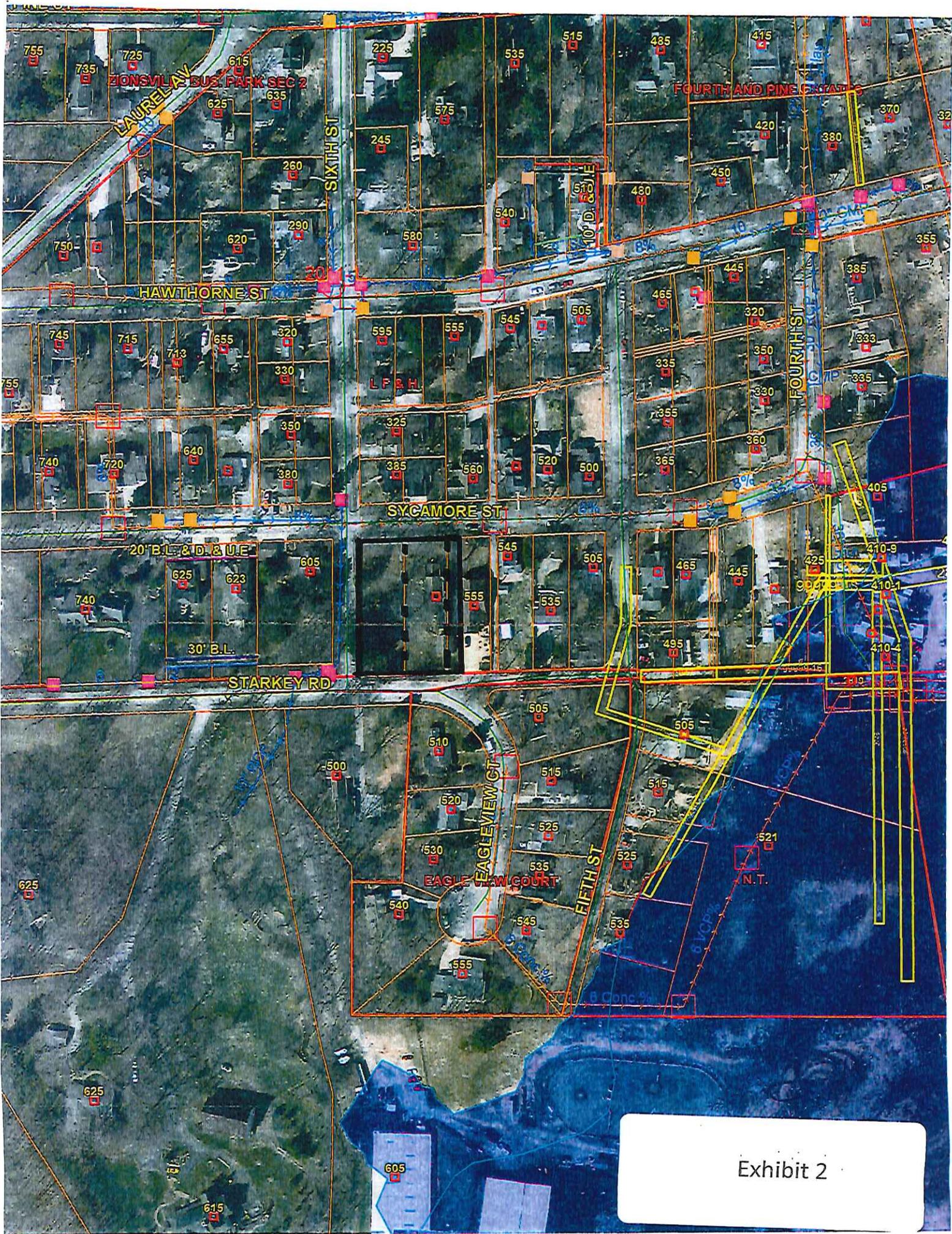
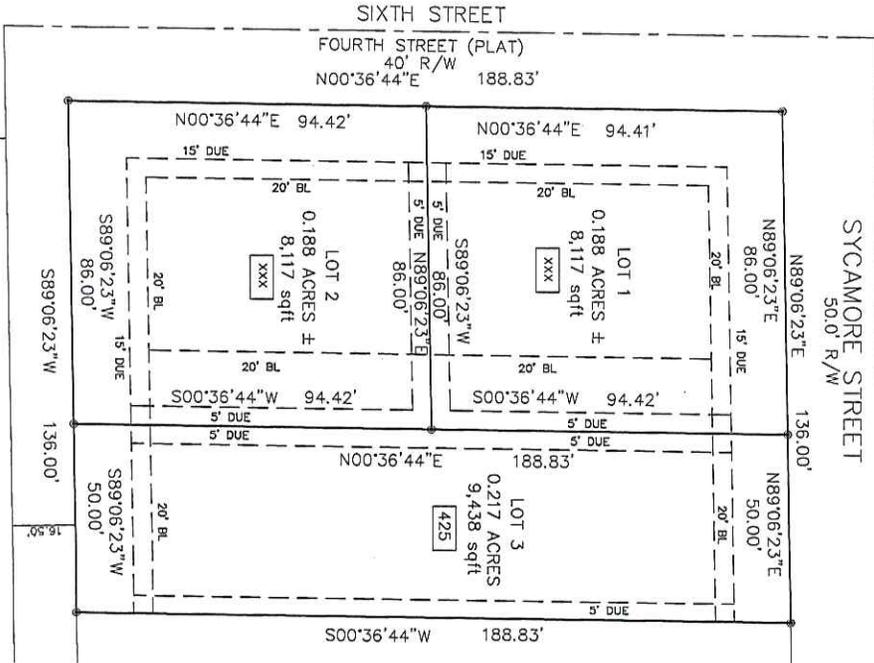


Exhibit 2



RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND
 HARBEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA
SIXTH AND SYCAMORE ESTATES
 PART OF NORTHEAST QUARTER 2-17-2E
 ZIONSVILLE, BOONE COUNTY, INDIANA



DEVELOPER
 DAVE BERMAN
 SQUA COMPANIES
 10000 N. STATE ROAD
 BOONE COUNTY, INDIANA
 PH# 317.937.9223
 FAX# 812.332.2494

OWNER
 TADGOSKY AND EVELYN H. PARRS
 7741 N. GRAY ROAD
 PROPERTY ADDRESS
 425 SOUTH 6TH STREET
 ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE
 RECD RECORD
 15
 RECORDED NOV. 23, 1999

ZONING
 R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

SURVEYOR
 THIS INSTRUMENT PREPARED BY:
 K. NATHAN ALTHOUSE, INC.
 MILLER SURVEYING, INC.
 948 CONNER STREET
 NOBLESVILLE, INDIANA 46060
 DATE 12/28/15
 JOB NO. B53343

EAGLE VIEW COURT

SURVEYOR CERTIFICATION

I, K. NATHAN ALTHOUSE, HEREBY CERTIFY THAT:

THE WITHIN PLAT IS A REPRESENTATION OF THE LANDS SURVEYED, SUBDIVIDED AND PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF;

LEGAL DESCRIPTION OF REAL ESTATE

LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARBEN'S ADDITION, AN ADDITION TO ZIONSVILLE, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF WIDTH OF THE ENTIRE EAST SIDE OF SAID LOT 59.

THIS SUBDIVISION CONSISTS OF 3 LOTS, NUMBERED 1, 2, AND 3, TOGETHER WITH EASEMENTS AS SHOWN ON THE WITHIN PLAT;

THE SIZE OF THE EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF;

ALL MONUMENTS SHOWN ON THE WITHIN PLAT ACTUALLY EXIST AND THEIR LOCATION, SIZE, THE AND MATERIAL, ARE ACCURATELY SHOWN;

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMANCE WITH 665 I.C. 1-12, AND, THE WITHIN PLAT COMPLETES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, 2016.

SIGNATURE: _____
 REGISTERED LAND SURVEYOR - INDIANA - #1320400007



LEGEND

B. L.	BUILDING LINE
DUE	DRAINAGE & UTILITY EASEMENT
AGE	AGRES (MORE OR LESS)
R/W	RIGHT-OF-WAY
●	5/8" IRON ROD W/ YELLOW CAP
○	STAMPED MILLER SURVEYING SET
[125]	PROPERTY ADDRESS NUMBER

AS USED IN THIS SURVEY, CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL SURVEYOR'S BELIEF THAT THE INFORMATION CONTAINED HEREIN IS A TRUE AND CORRECT REPRESENTATION OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

BUILDING SETBACKLINE
 LINES SHOWN ON THE PLAT ARE PRESENT TO THE ZONING CODE OF THE TOWN OF ZIONSVILLE. THE REQUIRED MINIMUM DEPTH OF FRONT YARD SETBACK MAY BE REDUCED PER THE REQUIREMENTS OF ZONING CODE, ARTICLE 2, SECTION 213B.31 (AS AMENDED).

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
 K. NATHAN ALTHOUSE.

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA
SIXTH AND SYCAMORE ESTATES
PROPOSED CONDITIONS

VICINITY MAP
 NOT TO SCALE



LEGEND

- B. L. BUILDING LINE
- DUE DRAINAGE & UTILITY EASEMENT
- ACE ACRES (MORE OR LESS)
- R/W RIGHT-OF-WAY
- 5/8" ROUN ROO W/ YELLOW CAP STAMPED WATER SERVING SET
- PROPERTY ADDRESS NUMBER
- 125 NON ACCESS EASEMENT

DEVELOPER

DAVE BERMAN
 SOVA CONSULTING
 8100 W. WASHINGTON
 BERNAMON, INDIANA 46017
 PH# 317.937.9223
 FAX# 812.332.2494

OWNER

WOODROW AND EVELYN H. PARRS
 7741 N. GRAY ROAD
 PROPERTY ADDRESS
 425 SOUTH 6TH STREET
 ZIONSVILLE, INDIANA 46017

SOURCE OF TITLE

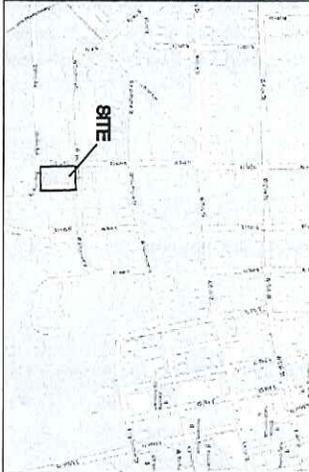
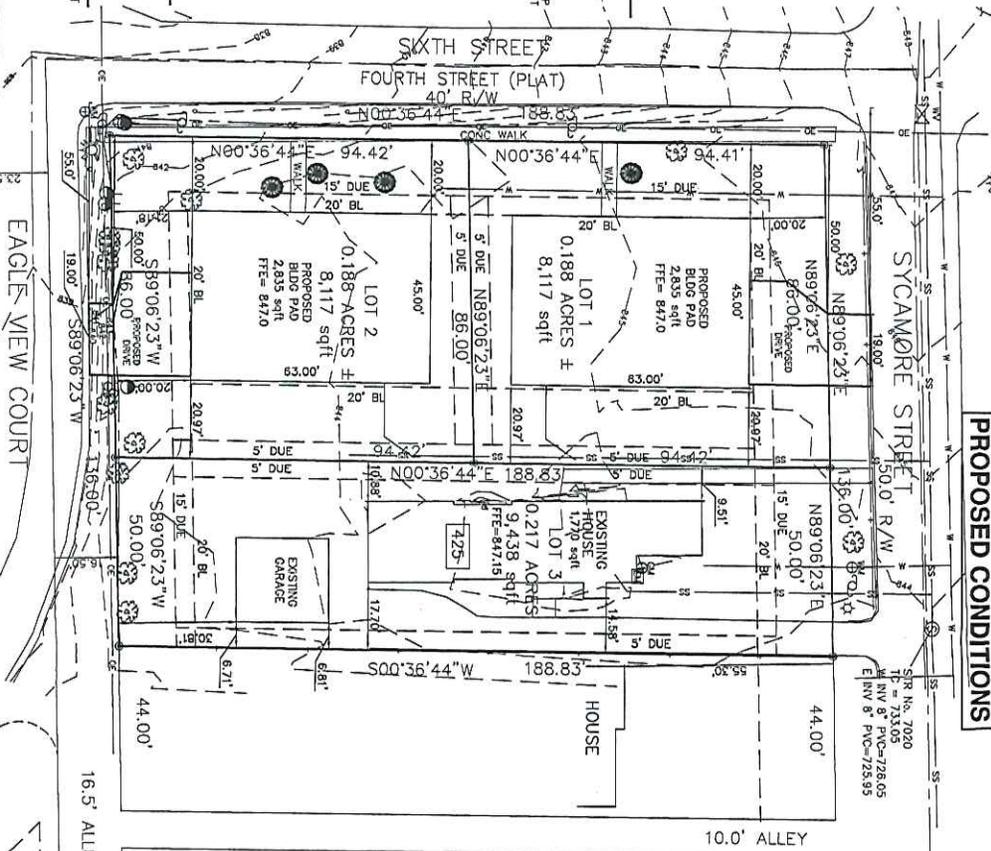
DEED RECORD
 BK 45, PG 346
 RECORDED NOV. 23, 1959

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

SURVEYOR

THIS INSTRUMENT PREPARED BY:
 K. NATHAN ALTHOUSE
 WALTER SURVEYING, INC.
 948 CORNER STREET
 ZIONSVILLE, INDIANA 46017
 PH# 773.2824 FX 773-2694
 DATE 12-15-15
 Job No. B95843



LAND DESCRIPTION

ADDRESS: 425 SOUTH 6TH STREET ZIONSVILLE, INDIANA
 LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA AS ESTABLISHED IN PLAT BOOK 3, PAGE 1-12 IN THE OFFICE OF THE RECORDER OF DEEDS, ZIONSVILLE, INDIANA, AND THE DATE EAST SIDE OF SAID LOT 59 OF THE DATE EAST SIDE OF SAID LOT 59

NOTE:

THE PROPOSED HOME LOCATION SHOWN ON THIS PRIMARY PLAT ARE THE PROPOSED LOCATIONS. THE TWO LOTS WILL BE CUSTOM HOMES SITES AND THE FINAL HOME SITES WILL BE DETERMINED WITH THE SITE PLAN AND BUILDING PERMIT PROCESS
 WAIVER OF SUBDIVISION CONTROL GUARANTEE -NO MULTI-USE PATH TO BE INSTALLED WITH THIS THREE LOT RE-PLAT.

FLOOD ZONE DEFINITION

AREAS OF MANUAL FLOODING X AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN
 THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18010334E AREA IN ZONE X MAP DATED JAN. 18, 2012.

425 SOUTH 6TH STREET



K. Nathan Althouse

CERTIFICATION DATE: 12-15-15
 PREPARED 1-4-2016
 REVISED 1-13-2015



To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: January 11, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

Project	Name	Sixth and Sycamore Estates Minor Plat	
	Location	425 S. Sixth Street Sixth Street Between Eagle View Court and Sycamore Street	
	Developer	Sigma Companies	
	Submittal	No. 2	
Documents Reviewed		Document Name	Document Date
		Primary Plat	December 15, 2015
Zoning	Current	R-V	
	Proposed	R-V	
Land Use	Current	Residential	
	Proposed	Residential	
Requested Variances			

Based on our review, we have developed the following list of items that do not appear to be consistent with the Town's standards or requirements:

I. PRIMARY PLAT

- A. Provide addresses for Lot 1 and Lot 2.
- B. It does not appear the required minimum 75' distance from a driveway to an intersection is provided for Lot 1 and Lot 2 where the proposed drives are indicated. Please obtain a waiver of this requirement for the indicated drive locations if they do not meet this standard.
- C. Please correct the misspellings in covenant paragraph 2 – change “distacnes form” to “distances from”.

Waiver Application 1

Subdivision Control Ordinance

Section 3.3 Streets B18(b)

b. No driveway shall be located within seventy-five (75) feet of the intersection of the two streets.

Waiver Requested

The developer (Dave Berman) requests a Waiver of the (75) seventy-five foot driveway set back from the intersection of two streets be reduced to (55) fifty five feet.

Waiver Application 2

Subdivision Control Ordinance

Section 3.4 Sidewalks Section B

B. Under circumstances considered appropriate by the Plan Commission or when approved for use a part of a Development Plan approval, an alternative pedestrian/bike path may be proposed in lieu of sidewalks.

Waiver Requested

The developer (Dave Berman) requests a Waiver of that no multi (pedestrian/bike) path be installed within this three (3) lot replat.

Waiver Application 3

Subdivision Control Ordinance

Section 3.4 Sidewalks Section A

A. Sidewalks shall be required for all Public Streets, including any perimeter Public Streets along the outer boundaries of the Subdivision, and shall be located along each side of a Public Street within the dedicated, non-paved portion of the Street Right-of-Way.

Waiver Requested

The developer (Dave Berman) requests a Waiver that no town sidewalks be installed on this three (3) lot replat.

**TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA**

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on ~~Tuesday~~ Monday February 16, 2016 has determined that the Primary Plat is/is not in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

- a. Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- b. Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and,
- c. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

TOWN OF ZIONSVILLE PLAN COMMISSION

The Primary Plat was APPROVED/DENIED on the _____ day of _____, 20____, subject to any conditions agreed to at the public hearing and listed in the Letter of Grant.

President, Town of Zionsville Plan Commission



Petition Number: 2016-03-MP

Subject Site Address: 6502 S. County Road 850 East

Petitioner: Mark Somers

Representative: Kenneth W. Smith

Request: Petition for Minor Plat approval in order to establish a 5.64 acre lot, (Lot 1), and a 4.83 acre lot, (Lot 2), in the (R1), Rural Low Density Single Family

Current Zoning: (R-1) Rural Low Density Single Family Residential

Current Land Use: Residential

Approximate Acreage: 10.47 acres

Related Petitions: 2016-01-DSV, Development Standards Variance to allow deviation from: The requirement for a parcel to provide 45 foot of road frontage, (Lot 2), a lot depth to width ratio of 3 to 1, (Lot 1 and Lot 2), and accessory structure square footage to exceed that of the Primary Structure (Lot 1), in the (R1) Rural Residential Zoning District (Approved, with Commitments)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Plat
Exhibit 4 – Town Engineer Comments letter dated January 28, 2016
Exhibit 5 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location

The subject property is approximately 10.47 acres located south of Oak Street and north of Hunt Club Road , and is located on the west side of County Road 850 East.

Project Description

The subject property is currently zoned R-1 (Residential). The petitioner is requesting plat approval to split the current parcel into two lots. The intention of the Petitioner is to create one new buildable site. Lot 1 is proposed to consist of 5.38 acres and Lot 2 is proposed to consist of 4.83 acres.

Petition 2016-01-DSV was considered by the Board of Zoning Appeals on February 9, 2016 and was subsequently approved (providing deviation to provide a 45 foot road frontage, a lot width to depth ration of 3 to 1, and for accessory square footage to exceed that of the primary.

PRIMARY PLAT REVIEW

Subdivision Control Ordinance

The subdivision plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance (except as noted in this report).

Zoning Ordinance

The plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance (except as noted in this report).

Street and Highway Access / Sidewalks

The two lots will utilize County Road 850 East for vehicular access. The plat approval requires the dedication of right of way and the establishment of appropriate easements, and provisions for the future construction of a pathway (parallel to the road frontage) in conformance with Town standards. The plat reflects these requirements.

Stormwater Management

Both lots will utilize surface drainage to manage stormwater.

Utility Capacity / Utility Easements

Limited utilities are available to the site. Utility easements are being provided for future potential use.

PUBLIC POLICY

Comprehensive Plan

The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as residential. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

Water and Sewer

The property would utilize a combination of private and public utilities, and has been working closely with the respective utility providers or soil; scientists to affirm the proper locations and areas for on-site services.

STAFF COMMENTS

Staff recommends approving the petition as filed.

RECOMMENDED MOTIONS

Primary Plat Motion

I move that Docket #2016-03-MP minor plat approval establishing a two (2) lot plat at 6502 S. County Road 850 East be (Approved based the findings in the staff report / Denied/ Continued) as presented.

SMITH - SOMERS MINOR PLAT

CERTIFICATE OF SURVEY

SURVEYOR'S REPORT

I, the undersigned, hereby certify that this survey and the associated surveyor's report were executed under my supervision and to the best of my knowledge, information, and belief were performed in accordance with the current Indiana Minimum Survey Standards, 663 IAC 1-12, for the type of survey as indicated herein on the following described real estate:

LOT # 1 LAND DESCRIPTION:

A part of the West Half of Section 4, Township 17 north, Range 2 East, Eagle Township, Boone County, Indiana, being more particularly described as follows:

Commencing at a railroad spike found marking the Southeast corner of the Northeast Quarter of said Section 4; thence North 60 degrees 32 minutes 57 seconds West 55.17 feet along the East line of the Northeast Quarter of said Section 4 to a magnetic nail with metal washer stamped "HAUSE PLS20600040"; thence North 21 degrees 54 minutes 07 seconds West 68.59 feet to a capped rebar; thence South 86 degrees 53 minutes 32 seconds West 25.05 feet to a capped rebar, said point being the Point of Beginning of this description; thence North 00 degrees 32 minutes 57 seconds West 211.19 feet to a capped rebar; thence South 83 degrees 15 minutes 21 seconds West 173.94 feet to a 5/8-inch diameter rebar with plastic cap stamped "WHIEE"; thence South 00 degrees 29 minutes 57 seconds East 238.38 feet to a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20606040" (hereafter called capped rebar); thence North 88 degrees 49 seconds East 568.99 to a capped rebar; thence North 25 degrees 16 minutes 31 seconds East 128.92 feet to a capped rebar; thence North 88 degrees 53 minutes 32 seconds East 149.15 feet to the Point of Beginning.

Containing 5.38 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

LOT # 2 LAND DESCRIPTION:

A part of the West Half of Section 4, Township 17 north, Range 2 East, Eagle Township, Boone County, Indiana, being more particularly described as follows:

Commencing at a railroad spike found marking the Southeast corner of the Northeast Quarter of said Section 4; thence North 60 degrees 32 minutes 57 seconds West 55.17 feet along the East line of the Northeast Quarter of said Section 4 to a magnetic nail with metal washer stamped "HAUSE PLS20600040"; thence North 21 degrees 54 minutes 07 seconds West 68.59 feet to a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20606040" (hereafter called capped rebar); thence South 25 degrees 16 minutes 31 seconds West 128.92 feet to a capped rebar, said point also being the Point of Beginning of this description; thence South 88 degrees 49 seconds East 568.99 feet to a capped rebar; thence North 88 degrees 49 seconds East 486.35 to a capped rebar; thence North 00 degrees 41 minutes 57 seconds West 276.01 feet to a capped rebar; thence North 25 degrees 16 minutes 31 seconds East 179.21 feet to the Point of Beginning.

Containing 4.83 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

50 RIGHT-OF-WAY LAND DESCRIPTION:

A part of the West Half of Section 4, Township 17 north, Range 2 East, Eagle Township, Boone County, Indiana, being more particularly described as follows:

Commencing at a railroad spike found marking the Southeast corner of the Northeast Quarter of said Section 4; thence North 60 degrees 32 minutes 57 seconds West 55.17 feet along the East line of the Northeast Quarter of said Section 4 to a magnetic nail with metal washer stamped "HAUSE PLS20600040"; said nail being the Point of Beginning of this description; thence containing North 60 degrees 32 minutes 57 seconds West 275.00 feet along the East line of the Northeast Quarter of said Section 4 to a found magnetic nail; thence South 88 degrees 15 minutes 21 seconds West 50.01 feet to a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar); thence South 00 degrees 32 minutes 57 seconds East 211.19 feet to a capped rebar; thence North 86 degrees 53 minutes 32 seconds East 20.05 feet to a capped rebar; thence South 21 degrees 54 minutes 07 seconds East 68.55 feet to the Point of Beginning.

Containing 0.26 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

INGRESS/EGRESS EASEMENT LAND DESCRIPTION:

A part of the West Half of Section 4, Township 17 north, Range 2 East, Eagle Township, Boone County, Indiana, being more particularly described as follows:

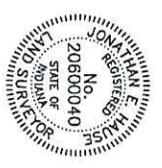
Commencing at a railroad spike found marking the Southeast corner of the Northeast Quarter of said Section 4; thence North 60 degrees 32 minutes 57 seconds West 55.17 feet along the East line of the Northeast Quarter of said Section 4 to a magnetic nail with metal washer stamped "HAUSE PLS20600040"; thence North 21 degrees 54 minutes 07 seconds West 68.59 feet to a capped rebar; thence South 86 degrees 53 minutes 32 seconds West 25.05 feet to a capped rebar, said point being the Point of Beginning of this description; thence North 00 degrees 32 minutes 57 seconds West 211.19 feet to a capped rebar; thence South 83 degrees 15 minutes 21 seconds West 173.94 feet to a 5/8-inch diameter rebar with plastic cap stamped "WHIEE"; thence South 00 degrees 29 minutes 57 seconds East 238.38 feet to a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20606040" (hereafter called capped rebar); thence North 88 degrees 49 seconds East 568.99 to a capped rebar; thence North 25 degrees 16 minutes 31 seconds East 128.92 feet to a capped rebar; thence North 88 degrees 53 minutes 32 seconds East 149.15 feet to the Point of Beginning.

Containing 0.39 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

I declare, certify, that points were set at the locations on the subject real estate, as shown, and that this survey correctly shows the location of all visible encroachments of which the undersigned has been advised, and all visible encroachments, if any, across the established survey lines.

CERTIFIED January 6, 2016

Jonathan E. Hause, P.L.S.
Professional Land Surveyor
Indiana No. LS20600040



In accordance with Title 865, Article 1, Rule 12, of the Indiana Administrative Code (formerly Title 864, Article 11.1, Chapter 13), establishing minimum standards for the practice of land surveying in Indiana, currently in effect, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of:

- a) Variance in the reference monuments;
- b) Discrepancies in record descriptions and plats;
- c) Inconsistencies in lines of occupation;
- d) Random Errors in Measurement (Relative Positional Accuracy);

The purpose of this survey was to retrace said monument the boundaries of the Somers Parcel recorded as Instrument Number 201300007829 in the Office of the Recorder of Boone County, Indiana, and divided it per instructions from the client.

The survey was controlled by the following monuments:

- 1) A Harrison Monument was found marking the location of the Southeast corner of the Southeast Quarter of Section 5, T17N, R2E. This monument was set by the Boone County Surveyor's Office in the location of the Original Center. Uncertainty in this monument - 0.25 feet.
- 2) A Harrison Monument was found marking the location of the Southeast corner of the Southeast Quarter of Section 4, T17N, R2E. This monument was set by the Boone County Surveyor's Office in the location of the Original Center. Uncertainty in this monument - 0.25 feet.
- 3) A Harrison Monument was found marking the location of the Southeast corner of the Southeast Quarter of Section 4, T17N, R2E. This monument was set by the Boone County Surveyor's Office in the location of the Original Center. Uncertainty in this monument - 0.25 feet.
- 4) A Harrison Monument was found marking the location of the Northwest corner of the Southeast Quarter of Section 4, T17N, R2E. This monument was set by the Boone County Surveyor's Office in the location of the Original Center. Uncertainty in this monument - 0.25 feet.
- 5) A stone was found along the South line of the MB Wolf, LLC Parcel described in D.R. 277, Page 790, said Reverter's Office. This monument is shown on a Survey by Mr. John C. Ryan, P.L.S. #2540, dated April 30, 1988. Uncertainty in this monument - 1.00 foot.
- 6) A 1-inch diameter iron pipe was found at the corners of said Jones Parcel. These monuments were found in the position of the corner as shown on a Survey by Mr. John C. Ryan, P.L.S. #2540, dated April 30, 1988. Uncertainty in these monuments - 1.00 foot.
- 7) A railroad spike was found marking the Southeast corner of the Northeast Quarter of Section 4, T17N, R2E. This monument has been held by other Surveys in the area. Uncertainty in this monument - 1.00 foot.
- 8) The centerline monuments called for on the Plat of Sharon Springs as recited in Plat Book 14, Pages 28-29. These monuments appear to be the original monuments of the subdivision. Uncertainty in these monuments - 0.25 feet.
- 9) The monuments called for as found or set on a Survey I performed dated April 17, 2014, HSE Job # 135371. Uncertainty in these monuments - None.
- 10) The monuments called for as found or set on a Survey I performed dated April 12, 2015, HSE Job # 155106. Uncertainty in these monuments - None.

The basis of bearings for this survey is based upon GPS observations made on November 20, 2013 with the South line of the Southeast Quarter of said Section 5, bearing South 89 degrees 26 minutes 16 seconds West. There are no discrepancies in record descriptions and plats.

There are no inconsistencies in lines of occupation. As a result of the above observations, it is my opinion that the uncertainties in locations of the lines and corners established on this survey are as follows:

- a) Variance in reference monuments: As Noted Above
- b) Discrepancies in record descriptions and plats: Negligible
- c) Inconsistencies in lines of occupation: Negligible
- d) Relative Positional Accuracy (RPA) of the corners of the subject tract established by this survey is within the specifications of an subsection survey (1/1012 feet plus 100 parts per million) as defined in I.A.C. 865.

NOTES:

- 1) All improvements shown hereon are as they were located on September 29, 2015.
- 2) This Document contains Three (3) Pages, all are required for this to be a Plat.
- 3) Provide pathways along County Road 550 East or make arrangements with the Town for their future installation.

105 N. MERIDIAN ST.
LEBANON, IN 46052
PHONE: (765) 482-5141
INFO@HAUSESURVEYINGANDENGINEERING.COM

A SERVICE DISABLED VETERAN
OWNED SMALL BUSINESS

DRAWN BY:	JEH	REVISIONS:			
CHECKED BY:	JEH	DATE:	01/05/2016	SCALE:	1" = 100'
No. Date					

SMITH-SOMERS MINOR PLAT

MARK SOMERS & KEN SMITH

PT. W 1/2, SEC. 4, T17N. R2E,
EAGLE TOWNSHIP, BOONE CO., INDIANA

SHEET NO. **2**
OF 3 SHEETS

PROJECT NO. **16P003**

SMITH - SOMERS MINOR PLAT

PLAT DEDICATION

Now therefore know all persons by these presents that We do hereby lay off plat and within the said Real Estate in accordance with the within Plat. This Subdivision shall be known as SMITH - SOMERS MINOR PLAT, an addition to the Town of Zionsville, Boone County, Indiana.

All streets, alleys, ways and public open spaces shown on the within Plat and hereafter dedicated to the public are hereby dedicated to the Town of Zionsville for public use and maintenance, save and except for those streets, alleys, ways and open spaces specifically identified as private on the plat and approved by the Plat Commission to be privately owned, operated and maintained.

Front building setback lines are hereby established as shown on the within Plat, between which lines and street right-of-way lines no building or structure (except for parking areas, driveways and interior access drives) shall be erected or maintained.

All storm water, drainage, water, and sanitary sewer easements shown on this Plat are hereby dedicated to the Town of Zionsville, save and except for those shown as utility easements, drainage, water and sanitary sewer easements specifically identified as private on the plat and approved by the Plat Commission to be privately owned, operated and maintained. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities. The easement area of each Lot shall be continuously maintained as a yard area by the Owner of the Lot, except for those improvements which are the responsibility of a public authority or utility company to maintain.

Within drainage easements, no structure, planting or other material shall be placed or permitted to remain which may change the direction of flow or drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels and the easements. The drainage easement of each Lot and all improvements in the drainage easement, including slope and drainage pattern, shall be continuously maintained as a yard area by the Owner of the Lot, except for those improvements which are the responsibility of a public authority or utility to maintain.

The first five (5) feet of any utility easement which is located along a street right-of-way shall be reserved for use as a Town of Zionsville utility easement for sewer and water, and shall be used for the installation and maintenance of fire hydrants, meter pits and similar apparatus approved by the Town Engineer. All other utility companies shall have the right to cross the first five (5) feet of said utility easement at or near perpendicular. No other utilities or apparatus hereon shall be installed within the first five (5) feet of said utility easement without the written approval of the Town Engineer.

The foregoing plat covenants shall run with the land and shall be binding on all parties and all persons claiming under them from the period of twenty-five (25) years from the _____ day of _____, at which time said Plat covenants shall automatically be extended for successive periods of ten (10) years unless by vote of a majority of the then Owners of the building site covered by these Plat covenants it is agreed to change such plat covenants in whole or in part. The following covenants run with the property and do not expire:

A shared maintenance agreement for the use of the common driveway will apply to the Owners of Lots 1 and 2, their heirs, successors and/or assigns.

In addition of any one of the foregoing plat covenants by judgment or court order shall in no way affect any of the other plat covenants which shall remain in full force and effect.

The right to enforce these covenants by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several Owners of the several Lots in the Subdivision and to their heirs and assigns.

In Witness whereof, Owner has executed this instrument this _____ day of _____.

Signature _____ Printed: MARK J. SOMERS

Signature _____ Printed: HOLLIE HANLEY

Title: OWNER LOTS # 1 & 2 Title: OWNER LOTS # 1 & 2

State of _____)
County of _____) ss:

Before me, a notary public in and for said County and State, personally appeared _____, Owner(s) of the Real Estate, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations thereon contained are true.

Witness my hand and notarial seal this _____ day of _____.

Signature _____ Printed: _____

County of Residence _____ My Commission Expires _____

PLAN COMMISSION APPROVAL

The Town Engineer and Building Commissioner of the Town of Zionsville have reviewed this Plat for technical conformity with the standards fixed in the Zionsville Zoning Ordinance and the Zionsville Subdivision Control Ordinance and hereby certifies that this Plat meets all of the minimum requirements of the applicable ordinances and requirements of the Town of Zionsville, Boone County, Indiana.

By: _____ Printed: _____
Building Commissioner, Town of Zionsville, Boone County, Indiana

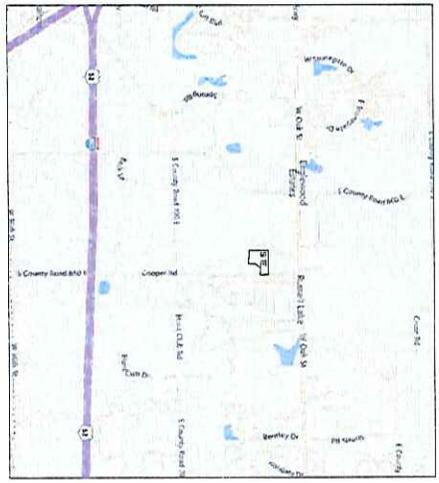
By: _____ Printed: _____
Town Engineer, Town of Zionsville, Boone County, Indiana

We, the undersigned, do hereby certify that under authority provided by the Indiana Planning Law, IC 36-7-4, et seq., enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, the Plat depicted herein is the Plat which was given approval by the Town of Zionsville Plan Commission at a meeting held on the _____ day of _____.

Witness by signature this _____ day of _____.

TOWN OF ZIONSVILLE PLAN COMMISSION

Signature _____ Printed: _____
Title: President Title: Secretary



- NOTES:
- 1.) All Improvements shown hereon are as they were located on September 29, 2015.
 - 2.) This Document contains Three (3) Pages, all are required for this to be a Plat.
 - 3.) Provide pathways along County Road 800 East or make arrangements with the Town for their future installation.

	<p>105 N. MERIDIAN ST. LEBANON, IN 46052 PHONE: (765) 482-5141 INFO@HAUSESURVEYINGANDENGINEERING.COM</p> <p>A SERVICE DISABLED VETERAN OWNED SMALL BUSINESS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">DRAWN BY:</td> <td>JEH</td> </tr> <tr> <td>CHECKED BY:</td> <td>JEH</td> </tr> <tr> <td>DATE:</td> <td>01/05/2016</td> </tr> <tr> <td>SCALE:</td> <td>1" = 100'</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Revisions</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DRAWN BY:	JEH	CHECKED BY:	JEH	DATE:	01/05/2016	SCALE:	1" = 100'	No.	Date	Revisions												
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SHEET NO. 3 OF 3 SHEETS PROJECT NO. 16P003	SMITH-SOMERS MINOR PLAT MARK SOMERS & KEN SMITH PT. W 1/2, SEC. 4, T17N, R2E, EAGLE TOWNSHIP, BOONE CO., INDIANA																								



To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: January 28, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

Project	Name	Smith Somers Minor Plat	
	Location	CR 850E South of Oak Street	
	Developer	Owner	
	Submittal	#4	
Documents Reviewed		Document Name	Document Date
		Minor Plat	February 11, 2016
Zoning	Current	R-1	
	Proposed	R-1	
Land Use	Current	Outbuildings	
	Proposed	Residential	
Requested Variances			

Based on our review, we did not identify any items that appear to be inconsistent with the Town's standards or requirements.

**TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA**

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on ~~Monday~~ *Tuesday, February 16, 2016* determined that the Primary Plat is/is not in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

- a. Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- b. Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and,
- c. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

TOWN OF ZIONSVILLE PLAN COMMISSION

The Primary Plat was APPROVED/DENIED on the _____ day of _____, 20____, subject to any conditions agreed to at the public hearing and listed in the Letter of Grant.

President, Town of Zionsville Plan Commission



Petition Number: 2016-04-Z

Subject Site Address: 4560 S 875 East

Petitioner: Kanis Limited Partnership

Representative: Michael Marine

Request: Petition for Zone Map Change to rezone 4.13 acres from the (R2) Rural Low Density Single and Two Family Residential Zoning District to the (SU-7) Special Use Zoning District

Current Zoning: (R2) Rural Low Density Single and Two Family Residential

Current Land Use: Undeveloped

Approximate Acreage: 4.13-acres

Related Petitions: None

Exhibits: Exhibit 1 - Staff Report
Exhibit 2 - Aerial/Location Map
Exhibit 3 – Conceptual Site Layout Plan
Exhibit 4 – Conceptual Landscape Plan
Exhibit 5 - Town Engineer Review Comments
Exhibit 6 - Petitioner Response letter to Town Engineer Comments
Exhibit 7 - Comprehensive Plan Map

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location

The subject property is approximately 4.13 acres located north of County Road 500 South and south of County Road 400 South, and is on the west side of County Road 875 East.

Project Description

The subject property is currently zoned (R2) Rural Low Density Single and Two Family Residential. The Petitioner requests to rezone the property to the SU-7 Special Use Development District in anticipation of construction of a Not for Profit Tennis Center.

Zoning Ordinance

In preparing and considering rezoning proposals under the 600 series of Indiana Code, the Plan Commission and the Town Council shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

Responses (findings) to each of these items are offered below:

Comprehensive Plan

As a general statement, Comprehensive Plan's do not identify recommended locations for Special Uses (as Special Uses typically located where the Use is needed). As in this case, the Special Use is requesting to locate adjacent to similarly zoned and utilized property (on three sides). Further, the proposed rezoning is an appropriate land use consistent with the policies of the Comprehensive Plan, given that the property is surrounded on three sides by a Special Use Development District (which permits the use of buildings and grounds for School related uses).

Current conditions and the character of current structures and uses in each district

As the use to the west, north, and south (Zionsville Community Schools Athletic Facility) is an existing SU-1 Special Use Development District, the proposed rezoning serves to reduce the potential for land uses locating on the subject site which could have characteristics that may be incompatible with the established SU-1 Special Use Development District as well as with the established residential development to the east. Specific to the established residential subdivision, any proposed improvements will be required to be sensitive to its proximity to residential uses.

The most desirable use for which the land in each district is adapted

As the land is located directly adjacent to an SU-1 Special Use Development District to the west, north, and south, and a residential district to the east, has access to an improved roadway as well as adequate utilities, a Special Use Zoning to provide for a non-profit facility is the most desirable use for the land (beyond absorption into the current Zionsville Community Schools Athletic Facility). Special Use Zoning that is consistent with the established SU-1 Zoning to the east is the most desirable use of the land.

The conservation of property values throughout the jurisdiction

Planned, orderly development of property is a key component in the conservation of property values. Nothing is noted in this proposal or associated petition filings to be contrary to the conservation of property values in the immediate area or the Town.

Responsible growth and development

The petition represents responsible growth and development as it is following the recommendations of the Comprehensive Plan for the Town of Zionsville.

STAFF COMMENTS

Staff recommends a favorable recommendation of the rezoning petition.

RECOMMENDED MOTIONS

Motion

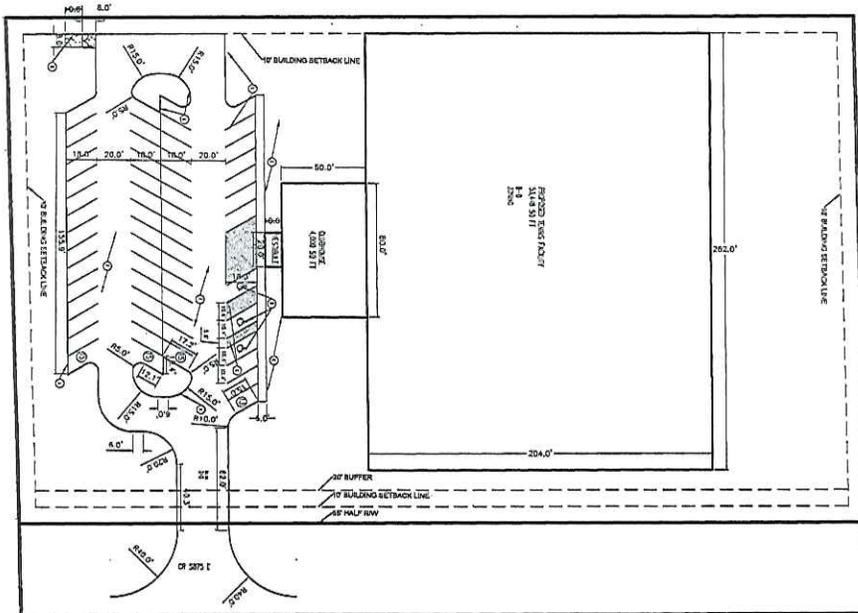
I move that Docket #2016-04-Z, Zone Map Change to rezone 4.13 acres from the (R2) Rural Low Density Single and Two Family Residential Zoning District to the (SU-7) Special Use Zoning District receive a (favorable recommendation based upon the findings in the staff report / unfavorable recommendation / Continued) as presented, with the recommendation being certified to the Town Council for adoption or rejection.

PROCEDURAL NOTE

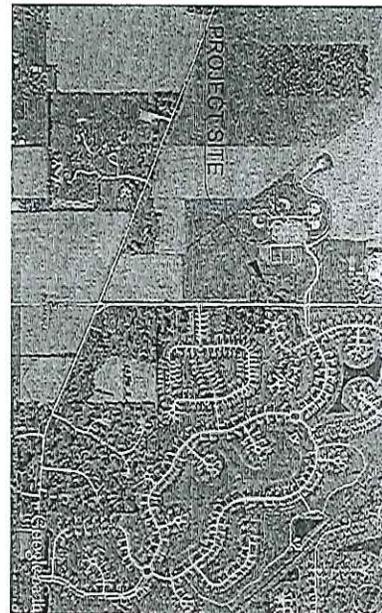
The recommendation of the Plan Commission, if finalized on February 16, 2016, will be forwarded (as certified) to the Town Council for consideration at its March 7, 2016 meeting.



Exhibit 2



SITE LAYOUT



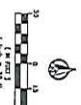
VICINITY MAP

1.72

- SITE PLAN GENERAL NOTES:**
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.
- SITE PLAN SETBACKS:**
- 10.0' FRONT SETBACK
 - 10.0' SIDE SETBACK
 - 10.0' REAR SETBACK
 - 10.0' CORNER SETBACK
 - 10.0' BUFFER
 - 10.0' HALF ROW

LEGAL DESCRIPTION:

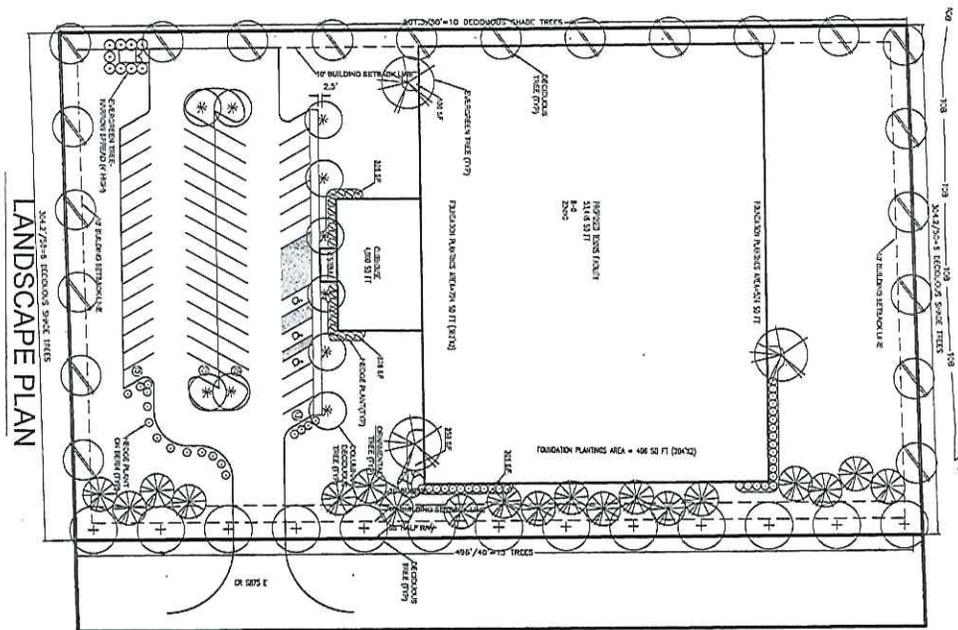
BOOK CONTAINING DEEDS
 A part of the west half of the southeast quarter of Section 28, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:
 Beginning at a point on the east line of said half quarter section 181.75 feet south, on the corner westward parallel to the east line of adjacent half quarter section 350.00 feet North, east 81 degrees 41.133 east, more or less, but subject to legal highways, rights of way and easements.



"IT'S THE LAW"
 Know what's Below
 Call Before you Dig
 811

ZIONSVILLE
 TOWN OF

STUDIO A ARCHITECTS 9511 East 96th Street Indianapolis, IN 46256 (317) 585-0884	ZIONSVILLE TENNIS FACILITY XX ZIONSVILLE, INDIANA SITE LAYOUT PLAN	PREPARED BY ARCHITECT DATE: 1/14/2016	Studio A of Indianapolis 9511 East 96th Street Indianapolis, IN 46256 (317) 585-0884
	SHEET NO. 2201 OF 2201	SHEET NO. 2201 OF 2201	SHEET NO. 2201 OF 2201



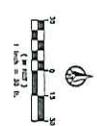
LANDSCAPE PLAN

NOTE: ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO EXTERIOR FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO INTERIOR FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO EXTERIOR FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO INTERIOR FACE UNLESS OTHERWISE NOTED.

- NOTES:**
1. ALL SPECIES OF PLANT MATERIALS AND SPECIFICATIONS THEREOF ARE SUBJECT TO ACCEPTANCE BY THE CITY OF INDIANAPOLIS AND APPROVAL OF THE OWNER AND/OR ARCHITECT TO THIS LANDSCAPE PLAN HAVE BEEN OBTAINED.
 2. CONTRACTOR TO REFER TO SPECIFICATIONS, CONDITIONS AND REGULATIONS FROM THE CITY OF INDIANAPOLIS REGARDING LANDSCAPE PLANTING AND INSTALLATION.
 3. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS BEFORE PLANTING.
 4. FOR ALL PLANTING MATERIALS TO BE PLANTED UNDER ALL PLANTINGS.
 5. PLANTINGS ARE TO BE PLANTED WITHIN 30 DAYS OF THE DATE OF THE CONTRACT SIGNATURE.
 6. THE LANDSCAPE ARCHITECT SHALL HAVE THE OPPORTUNITY TO SELECT PLANTING MATERIALS AND SPECIES FOR INSTALLATION.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING ANY PLANT MATERIAL THAT DIES OR IS DAMAGED DURING THE COURSE OF THE PROJECT.
 8. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE TO VERIFY LOCATIONS OF ALL PLANT MATERIALS TO BE PLANTED WITHIN THE PROJECT.
 9. PLANTINGS SHALL NOT BE LOCATED WITHIN 10' OF UTILITY STRUCTURES, WITHIN 5' OF EXISTING OR PROPOSED DRIVEWAYS OR WITHIN 15' OF EXISTING OR PROPOSED DRIVEWAYS UNLESS OTHERWISE SPECIFIED ON THE PLANS. CONSULT WITH THE CITY OF INDIANAPOLIS FOR ANY ADDITIONAL REQUIREMENTS.
 10. PLANTINGS AND OTHER MATERIALS ARE QUANTITIES AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE GROUND AND SUBSTRUCTURAL AREAS ONLY. CONSULT WITH THE ARCHITECT FOR ANY ADDITIONAL REQUIREMENTS TO COMPLETE THE WORK AS SHOWN AND SPECIFIED. ANY ADDITIONAL PLANTING WILL BE PAID FOR BY THE OWNER.

TOWN OF

ZIONSVILLE



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PROJECT NO. C201
 3 OF 13

DATE	BY	REVISION
01/13/2016	ANN	ISSUED FOR PERMIT

ZIONSVILLE TENNIS FACILITY
 ZIONSVILLE, INDIANA
LANDSCAPE PLAN

DESIGNED BY
 PREPARED BY
 NOT FOR CONSTRUCTION

Studio A of Indianapolis
 9511 East 96th Street
 Indianapolis, IN 46256



To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: January 21, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

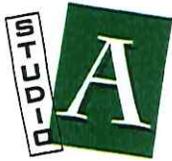
Project	Name	Boone County Tennis Center	
	Location	4560 S. CR 875 East	
	Developer		
	Submittal	#1	
Documents Reviewed		Document Name	Document Date
		Site Layout Plan	January 12, 2016 Received: January 15, 2016
Zoning	Current	R-2	
	Proposed	SU-7	
Land Use	Current	Residential	
	Proposed	Commercial	
Requested Variances			

Based on our review, we have developed the following list of items that do not appear to be consistent with the Town's standards or requirements:

I. SITE LAYOUT PLAN

- A. The plan indicates a B-O zoning instead of the requested SU-7 zoning. Please correct to avoid confusion.
- B. Please indicate whether the intent is to convey ROW during this requested re-zone. If so, please provide conveyance documentation prior to the BZA meeting.
- C. In the formal development plan submittal, please provide or address the following issues:
 - 1. Provide accel/decel lanes at the entrance.
 - 2. Please provide for water distribution improvements to provide fire protection service per the Town's Fire Protection Ordinance.

3. Provide a drainage system, including detention, in accordance with the Town's Stormwater Technical Standards.
4. Floodway and floodway fringe, if any.
5. Structures to be demolished.
6. Sanitary, storm, and water utilities.
7. Proposed drives and parking lots detailed more extensively. Please note that the depicted 20' aisles do not meet the Town's 24' aisle standard.
8. Sidewalk plan and, if applicable, proposed parking area pedestrian walkways.
9. Size, location, and species of any existing trees intended to be credited for the landscaping requirements.
10. Proposed landscaping plan.
11. Preliminary erosion control plan.
12. Building elevations and facade materials and colors.
13. Proposed wall signs and free-standing signs.
14. Exterior lighting, including exterior building and parking lot lighting, architectural lighting, and sign lighting. A photogrammetric analysis will be required to confirm light levels at the limits of the property.
15. Existing and proposed contours.



STUDIO A OF INDIANAPOLIS, INC.

9511 East 96th Street
Indianapolis, IN 46256
www.studioAindy.com
317-585-0834

LANDSCAPE ARCHITECTURE
SITE DEVELOPMENT & PLANNING
ENVIRONMENTAL SERVICES

WBE/DBE Certified
INDOT Prequalified

February 9, 2016

Mark DeBruler, P.E.
BLN, Town Engineer
8126 Castleton Road
Indianapolis, Indiana 46250

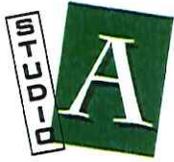
RE: Boone County Tennis Center Zoning
Request – Review Letter #1

Dear Mr. DeBruler:

I am writing this letter in response to your review comments that are in a memo from you to Wayne DeLong dated January 21, 2016. The response below will match the same numbering as the memo described above. The below responses that require additional information to be resubmitted for approval will be done after the petition receives an approved Letter of Zoning Map Amendment or the property files for Development Plan approval.

I. SITE LAYOUT PLAN:

- A. The site plan will be revised to reflect SU-7 zoning.
- B. The ROW will not be granted until after the zoning petition is approved and the Development Plan application is filed.
- C. The following are in response to list of issues that will be formally addressed during the Development Plan filing.
 1. When this project files for Development Plan approval acell/decal lanes will be provided at the proposed entrance onto CR S. 875 E.
 2. When this project files for Development Plan approval fire protection services will be provided.
 3. When this project files for Development Plan approval a stormwater drainage system will be designed in accordance with the Zionsville's Stormwater Technical Standards.
 4. There are no floodway and/or floodway fringe on this site and will be noted on the future Development Plan filing.
 5. A demolition plan will be filed when this project files for Development Plan approval.
 6. A detailed Utility Plan showing the proposed sanitary sewer, storm sewer and drinking water will be filed with the Development Plan application.
 7. Under the article listed below in the zoning ordinance it allows for narrower aisle for one-way parking. The parking spaces as shown have a 60-degree angle. Article 3: Accessory Uses, Section 3.11. Urban Off-Street Parking Regulations., Table 8: Parking Lot Design.
 8. Sidewalk will be added to connect the proposed building to the proposed parking lot on the plans that will be filed for Development Plan approval.
 9. Any trees that can be saved will be identified on the plans that will be filed with the Development Plan application.



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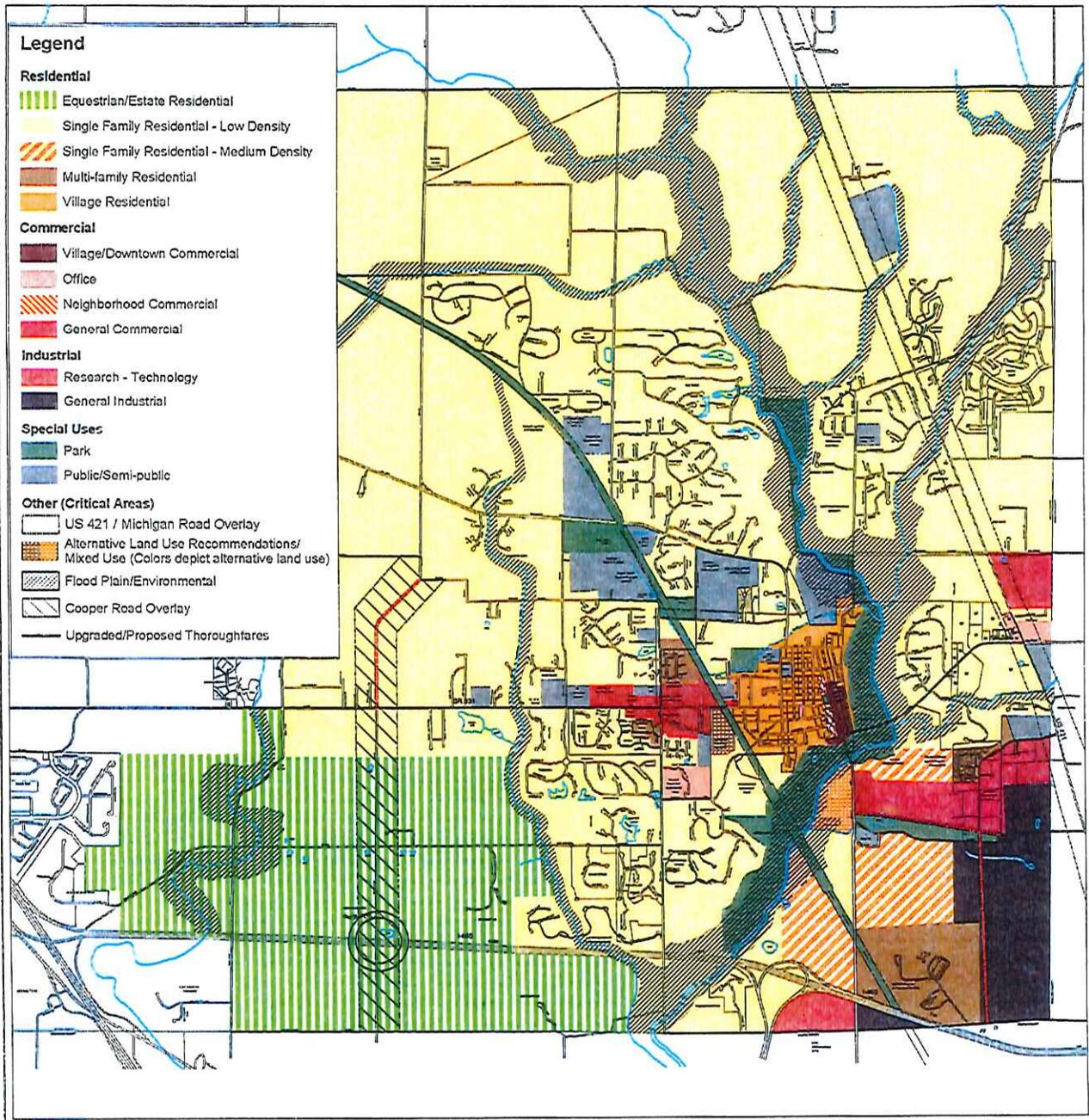
-
10. A preliminary landscape plans has been filed and will be updated as needed to meet the Town of Zionsville's landscape requirements.
 11. Erosion control plans, details and specifications will be filed with the Development Plan application.
 12. Building elevations have been filed and will be updated as needed. The façade materials and colors will be submitted with the Development Plan application.
 13. The proposed signage will be submitted with the Development Plan application.
 14. Site lighting and a photometric analysis will be filed with the Development Plan application.
 15. The existing and proposed contours will be submitted with the Development Plan application.

Sincerely,

A handwritten signature in blue ink that reads 'Max Mouser'.

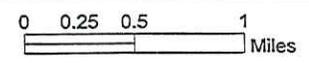
Max Mouser
Studio A of Indianapolis, Inc.

Cc: Janice Stevanovic
Enclosure



- Legend**
- Residential**
- Equestrian/Estate Residential
 - Single Family Residential - Low Density
 - Single Family Residential - Medium Density
 - Multi-family Residential
 - Village Residential
- Commercial**
- Village/Downtown Commercial
 - Office
 - Neighborhood Commercial
 - General Commercial
- Industrial**
- Research - Technology
 - General Industrial
- Special Uses**
- Park
 - Public/Semi-public
- Other (Critical Areas)**
- US 421 / Michigan Road Overlay
 - Alternative Land Use Recommendations/ Mixed Use (Colors depict alternative land use)
 - Flood Plain/Environmental
 - Cooper Road Overlay
 - Upgraded/Proposed Thoroughfares

Note: See Text for Detailed Description of Land Use Classification



Zionsville Comprehensive Plan



Figure 6.2 Proposed Land Use

July 2003

Zionsville Plan Commission

February 16, 2016

Call to Order

Pledge of Allegiance

In attendance: David Franz, Kevin Schiferl, Larry Jones, Jay Parks, Josh Fedor, Franklin McClelland, and Sharon Walker. Roll was taken.

Staff attending: Wayne DeLong, Carol Sparks Drake, attorney.
A quorum is present.

All Pledge of Allegiance.

Franz We have two new members of the Plan Commission, Sharon Walker and Franklin McClelland. We need to swear them in.

DeLong Thank you. Come down here. We'll swear you in together. Please raise your right hand, then I'll say, "State I" and you state your name. So, I.

Walker I, Sharon Walker

McClelland I, Franklin McClelland

DeLong do solemnly swear

Walker/McClelland do solemnly swear

DeLong that I will support the Constitution

Walker/McClelland that I will support the Constitution

DeLong of the United States of America

Walker/McClelland of the United States of America

DeLong the Constitution of the State of Indiana

Walker/McClelland the Constitution of the State of Indiana

DeLong and ordinances

Walker/McClelland and ordinances

DeLong of the Town of Zionsville

Walker/McClelland of the Town of Zionsville

DeLong I will faithfully

Walker/McClelland I will faithfully

Zionsville Plan Commission
February 16, 2016

DeLong	honestly
Walker/McClelland	honestly
DeLong	and impartially
Walker/McClelland	and impartially
DeLong	discharge all my duties
Walker/McClelland	discharge all my duties
DeLong	as a member of the Plan Commission
Walker/McClelland	as a member of the Plan Commission
DeLong	for the Town of Zionsville
Walker/McClelland	for the Town of Zionsville
DeLong	without malice
Walker/McClelland	without malice
DeLong	and to the best of my abilities
Walker/McClelland	and to the best of my abilities
DeLong	and skill
Walker/McClelland	and skill
DeLong	so help me God.
Walker/McClelland	so help me God.
Franz	I thank both of you for serving. We appreciate it and look forward to working with you. Can we call attendance, please?
DeLong	Mr. Franz?
Franz	Here.
DeLong	Mr. Schiferl?
Schiferl	Present.
DeLong	Mr. Jones?
Jones	Present.

Zionsville Plan Commission
February 16, 2016

DeLong Mr. McClelland?

McClelland Present.

DeLong Mr. Parks?

Parks Present.

DeLong Mr. Rachles? I'm sorry. Mr. Fedor?

Fedor Present.

DeLong Ms. Walker?

Walker Present.

Franz In your packets you have a set of minutes from the last meeting. Are there any amendments or changes to those, or additions to the minutes? Being none, do I have a motion?

Parks I move that the minutes be approved as presented.

Jones Second.

Franz All in favor?

All Aye.

Franz Opposed? Motion passed. Continuance requests. Docket #2015-43-RP, we have a request for a continuance.

Andreoli Thank you, Mr. President. For the record, my name is Mike Andreoli, attorney for Dave Berman, who is here tonight on behalf of Signa, who is the actual applicant of this particular re-plat request. We are respectfully requesting to have this matter continued to the regularly scheduled March meeting. We are in the process of looking at some of the drainage concerns that have been raised by some of those in the neighborhood, some of whom may have opposition to our project, some of whom just want to see if there is something that can be done to help some of their drainage there. And, we recently did some tests and studies that gave us more information so that we can at least look at trying to see if there is some help that we can bring to the situation. So, we're really not ready to present tonight, I think, until we have a better idea of what we can do to help, if anything, out in that particular area. And, so, would respectfully request to have it heard at the regularly scheduled March meeting. Thank you.

Franz Is there any opposition to the continuance? Being none, do any of the Plan Commissioners have any questions?

Parks I would move that we continue Docket #2015-43-RP to the regularly scheduled meeting of March 21.

Zionsville Plan Commission
February 16, 2016

- Franz Is there a second?
- Fedor Second.
- Franz All in favor?
- All Aye.
- Franz Opposed?
- Andreoli Mr. President, there was no mention of whether we need to re-notice. I didn't know if there was any intent in that regard. I don't want to presume something that I should not. We're not necessarily suggesting that, but it certainly is within the prerogative of the Commission and we're at your pleasure in that regard. But, I thought I would raise that issue so it wouldn't be an afterthought.
- Franz Given the response to this, I don't think that's necessary.
- Andreoli Okay. Thank you.
- Franz Docket #2016-02-OA, Town of Zionsville. Wayne, can you handle that one?
- DeLong Yes, thank you. Staff is requesting a 30-day continuance on this matter. Reason is the update to the ordinance is proving to be a little more complicated than what we planned. This is an update to allow the use, provide for the use of LED lighting within different districts in the Town of Zionsville, and we're just trying to get that language embedded into various districts, and it's proving to be a little more time-consuming than we had originally calculated. So, that'd be a request for a continuance to the March 21 meeting.
- Franz Any questions from the Commission? Do I have a motion?
- Parks Again, I would move that the Docket #2016-02-OA, be continued to our regularly scheduled meeting on March 21.
- Fedor Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? None. It's continued. Under new business, Dockets #2016-05-PP and #2016-06-DP, petitioner requests. Representative present? State your name and your address please.
- Price Mr. President, my name is Matt Price. I'm an attorney with Bingham Greenebaum Doll, address of 10 W. Market Street, Indianapolis. I'm here on behalf of the petitioners, Mr. and Mrs. DeRossi. We received staff comments that we're continuing to work through with staff. We're also anticipating having a meeting with surrounding neighbors between now and the March Plan

- Commission meeting, so we respectfully ask for a continuance to that meeting, without additional notice.
- Franz Any opposition? Any comments, questions from the Plan Commission?
- Schiferl Yes. This information wasn't in our packet, but does this bound 875 or is it just the part that bounds the long existing subdivision to the east?
- Price It is, if you recall, there was a proposal for a Pulte project, maybe a year or year and a half ago, that included the northeast, southeast and southwest corners of that intersection. This would be just the northeast and the southeast. About 70 plus acres for 12 lots.
- Schiferl Is it the one where—ask a better way. There were sale signs up, lots have already been sold or are under contract?
- Price They're under contract. That's right. They're all subject to plat approval. Correct.
- Schiferl Thank you. I just wanted to get the geometry in my head, or geography, I should say. Thank you.
- Price Absolutely.
- Franz Any other questions? Do we have a motion?
- Parks I would move that Dockets #2016-05-PP and 06-DP be continued to our regularly scheduled meeting of March 21.
- Franz Is there a second?
- Fedor Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? None. You have your continuance. We'll address Docket #2015-40-Z, Fabrico Inc. and B. Slaff. Representative, state your name and your address please.
- Ochs Mr. President, members of the Board, for the record, my name is Tim Ochs. I'm an attorney at Ice Miller with offices at 1 American Square, Suite 2900, Indianapolis, Indiana 46282-0200. I'm here this evening on behalf of the petitioner. This is a slightly unusual situation. This is the first scheduled public hearing for this matter. However, it may, the 60-day period may have passed since it was originally filed. There is a technical requirement in Indiana Code 36-7-4-608(b) that requires you to hear matters within 60 days. There have been three continuance requests by neighbors to allow more time to meet and discuss, which we're more than happy to do. As a matter of fact, we already have some tentative meetings scheduled. The thought, though, is that we can fix this little technical glitch by withdrawing and refile. In order to do that, however, I

would need the approval of the Board to waive its rules. One quick note on that, as a practical matter, this doesn't really change anything. The same information available on the project will remain as before and after the withdrawal. And, because it is a withdrawal, the refiling would require that notice be sent out for the March hearing. So, with that, I'd be happy to answer any questions.

Franz Is there any opposition to the request? Any questions from the Plan Commission?

Parks The waiver you're requesting is a waiver for ---

Ochs --it's a waiver of your rule that prohibits a refiling on a rezoning.

Parks Okay.

Franz Any further questions? Do we have a motion?

Schiferl I would make a motion that the Plan Commission waive its rule with respect to the immediate refiling of the zoning petition on the same track of the estate for 2015-40-Z, with the understanding that there will be new notice given with the refiling.

Franz Second?

Parks Second.

Franz All in favor?

All Aye.

Franz Opposed? Thank you. Move on to Docket #2015-41-SV, Scannell Properties, 152LLC.

Smith Good evening, Mr. President. My name is Mike Smith with American Structurepoint at 7260 Shadeland Station, Indianapolis. Tonight I'm representing Scannell Properties #152 LLC and I am seeking approval for petition #2015-41-SP. This is for a secondary plat at the southeast corner of 106th Street and Bennett Parkway. The purpose of the plat is to combine two properties so it can be developed as one parcel. The development plans for this project were approved at the December meeting, so I respectfully request approval of this petition, and I'm happy to answer any questions you might have.

Franz Are there any comments from the public? Any questions from the Commission?

Schiferl I actually have a question on the staff report. Wayne, I noticed under the public policy on the comprehensive plan, the plan identifies this property as residential. Is that just a typo?

DeLong That is correct. This property is recognized as industrial.

Schiferl See, I do read things, so, okay. Thank you.

- Franz Any additional questions. Staff report?
- DeLong Thank you. As noting the correction, staff is recommending approval of the petition as filed. This project's been pending for a few months and has the opportunity to be reviewed by the town departments and the town engineering staff. Again, staff is recommending approval of the project and the petition in front of you, and I'd be happy to answer any questions.
- Franz Any questions for Wayne? None. Is there a motion?
- Schiferl I would make a motion that Docket #2015-41-SP for secondary plat approval to allow the replat of Lot 4 of the Ripberger Business Park to provide for the incorporation of an additional 1.52 acres adjacent to the current boundaries of Lot 4 be approved with the conditions noted in the staff report and the proposed Finding of Facts that we've been provided with.
- Franz Is there a second?
- Walker Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? None.
- Smith Thank you, Mr. President.
- Franz Thank you. Moving on to #2016-04-Z, Boone County Tennis Center.
- Marine President Franz, members of the Commission, my name is Mike Marine, 7611 West Stonegate Drive, here in Zionsville. I'm here as an attorney for and as a board member of –
- Franz --will you please, thanks.
- Marine Sorry. I'm here as an attorney for and a board member of the Boone County Tennis Center. We're a 501(c)(7) non-profit corporation looking to build an indoor tennis facility for Zionsville. Just a little background, this idea started after a bunch of guys playing tennis in 2012, and Dave Hunt, our President of the Board, kind of took the initiative and we looked into whether or not we could get a tennis club built here in town. What we found out through working with the USTA, whose regional headquarters is here, the United States Tennis Association, with some of the tennis going through the state and looking at some of the more recently built tennis clubs is that the way you do it is through a not-for-profit club, much like a golf club or anything else, where you would take any profits and turn it back into the membership and keep the facility going. And, that's really the only financially viable way to do it. So, we formed that not-for-profit and began looking for property, and had some hits and misses along the way, but we're lucky enough to find, what we think, is almost the perfect piece of property. And, the Kanis family was kind enough to let us kind of get our ducks

in a row with financial plans with the bank and memberships and subordinated debt together over the course of the last 7 months. And, as an almost 30-year resident of Zionsville, I can't say I'm surprised that we got the support that we did, but I'm certainly pleased to see that we've gotten the support that we have. And, so, we are here asking for a little over 4 acres that is located on 875 East, adjacent to the current Zionsville school ball facilities, their new tennis courts and some soccer practice fields. It's currently there as a home that's unoccupied and an old barn, and we're looking to build an 8 court tennis facility there. And, in order to do so, and in order to close on that property, we're asking you to rezone that property from R2 to Special Use 7. We have been able to get memberships and subordinated debt pledges, as well as a sponsorship from Pearson Automotive. You may see things in the paper or on the internet. We have an internet site and all that good social media stuff referring to it as Pearson Automotive Tennis Club. The Pearson Automotive group has graciously agreed to a name sponsorship agreement, which has helped us get to the point where we're ready to go. But, before we can close on the property, we do need the rezoning. We've met with the Cobblestone Neighborhood Association in December and talked about our plans. We've tried to be as open as possible about this. We think it's a wonderful project. We think we've found the perfect place, and as a former member of this Commission, I am very pleased to come here and tell you, this really does work with the master plan. Because I know how important that was. I'm here to answer any questions, as is Max Mouser, who is our site engineer.

- Franz Is there anybody from the public that would like to comment? Please come up and state your name and address.
- Witskin Whitney Witskin, and I am in support of the Pearson Ford or Boone County Tennis Center. 1933 South 825 East, Zionsville.
- Franz Okay, thanks. Any further comment from the public?
- Peters Hi, my name is Tom Peters. We live at 8437 East 500 South, which is between a quarter of a mile and a half mile away. We also own the farm land just a little bit south, although not adjacent to this parcel that the proposal is made for. To me and my wife, I think this would be a good asset to the community. I guess our only concern is, since it is going to be a pretty big structure, and it is zoned residential to the east and a little bit to the south, where our residentially zoned property is, we want it to look nice. So, I don't know what we can do to ensure that. I guess I'm a little concerned that there is corporate sponsorship from Pearson Ford. We don't want a big Pearson Ford sign right across the street from our property. But, all in all, I think we support the project. We just want it to look nice. Thank you.
- Franz Okay. Thanks. Any further comment either for or against? Being none, does the Commission have any questions?
- Parks I do. In looking at your layout of the property itself, it looks like you're going to be coming in for some waivers.

- Marine We will be seeking a variance with respect to building materials for the upper part of the tennis facility will be steel. Will be, like, a steel siding.
- Parks It looks like it's almost right on the property line with the building itself, also.
- Marine I'll ask Max to respond to that if he could.
- Mouser Hi. Max Mouser, 9511 East 96th Street, Indianapolis. The zoning requirement for SU7 falls under the BO district in the ordinance, which is a 10 foot setback for the rear and it's, I believe, a 25 in the front, along with the additional right of way, there is probably about 15 additional feet plus or minus from setback to building on the front, and it's pushed as far to the back as possible to keep it away from the road.
- Parks So, you're assuming that the south side is like the back, even though it looks like, from your entrance, that's a side.
- Mouser Correct. The back is really the rear, from how the ordinance would apply to the setbacks.
- Parks Okay. So, the only waiver variance you're expecting to present will be for the materials that will be used.
- Marine Yes, at this point, that's it. That's what we're going to be submitting. Obviously, before we can close on the property, we have to get it rezoned. But, that is our intention assuming a favorable opinion from you folks. We'll seek it as soon as we can, seek the variance and then proceed on.
- Parks Okay. Thank you.
- Franz Any further questions?
- Jones Yes, I've got a quick question. Once again, on the site plan, it didn't really show any kind of relationship to anything else going on, especially the neighbors to the east. The 50 foot half right of way, so, that's from the center line of the road?
- Marine Correct.
- Jones And, so the road out there is basically two lane. So, then the residents to the east have the same 55 foot right of way, and then what do those lots do? There was just an email about a remonstrance regarding from some of the neighbors to the east.
- Mouser There is primarily, if you, I guess, look at Google Earth, is where I'm coming from, there is a cul-de-sac that backs up to 875, so there's probably 2 homes that would be directly affected as far as across the street. One in particular, by the time you go 55 feet from the center, and it's probably a 120 foot lot, you've probably got another 50 foot in their back yard. So, our building is going to be 150ish feet, 200 feet away. And, that's if it were straight across. We're actually diagonal, so I'm guessing it's probably more like 300 feet.

- Jones And, then this facility will be open what hours?
- Marine We expect, typically an indoor tennis facility is usually open between 7:30 in the morning and about 9 at night or 10 at night.
- Jones So, the parking lot will be lit?
- Mouser Yes, based on, it would go with the ordinance on lighting requirements to be shielded and not to exceed the 1/2 foot candle to go to the edge of the property.
- Franz Any additional questions?
- McClelland You said you had met with the homeowner's association?
- Marine In December, we met with the homeowner's association, yes.
- McClelland And, there was no strong objection at that point?
- Marine No strong objection. In fact, a number of the neighbors in there are, we have a large group of tennis folks here and there is a large group of them who live in Cobblestone. Obviously, there is going to be concerns, and we've done what we could. We certainly tried to push that building as far towards the school and those other facilities as we possibly could, and to do everything we can to make this as pleasing as we can.
- Schiferl Okay, Dave? Can I?
- Franz Yes.
- Jones Okay. I didn't want to interrupt you. I think, you know, there's two issues. Obviously, you've been asked a lot of questions about the development, but it's important to the rezone. And, I'll tell you right now, I'm in favor of the rezone. So, my questions are really more focused on the development side and talking about a few things. As you may have known, you know, there were a number of concerned residents with regard to an earlier building the school wanted to build in this vicinity. And, when I hear the words metal, I'm very concerned about that. And, I know we're not at that stage yet, and you're going to ask for the variance, and I do not want to prejudge it, but I would urge you to think about alternative building materials that can be incorporated there. The other question I have, that's my comment, the question I have is with regard to traffic. And, I notice that there was some notion that there will be, perhaps, blister and all that that might be applied for. I went out there and spent a half hour today out in this area, and I'm just wondering, have you approached the school at all to see about a backload easement being given to you, since they've paved a lot of this already, and it would eliminate yet another road cut on 875?
- Marine We have had discussions with them about various issues including potentially getting the land that's directly behind it that's not really in use, and probably isn't useable. But, I'll say that's, while they have given us at least in emails, their excitement about the opportunity this is obviously going to present for the kids in all the various tennis programs in the schools, they are slow to move. So, yes, we

plan to do that and to have those conversations, but until we get this rezoned and approved, I don't think they're going to put that on their agenda.

Schiferl Sure. And, I raise that because it occurred to me that, you know, your Exhibit #2 is an old picture from Google Earth because it doesn't have the school's tennis center on there. And, if when you go out there, and a lot of people may not have been out there, but it's quite nice and they've got the paved lot themselves. Someone asked about lights, I mean, the school has parking lots out there with lights, but if there would be a way, whether you could acquire more lands a separate issue. And, I know exactly what you're talking about, there is, like, that strip that doesn't look like it will ever be used. I'm sure our school could use all the revenue streams that it would like. But, if there would be a way, even absent that, to bring traffic in that way, as opposed to off 875, it might be something to explore.

Marine I certainly agree with you. And, I intend to push that. I would really like that. That's something we've talked about previously as a potential solution.

Schiferl That's all I have. Thank you.

Franz Any further questions? Wayne?

DeLong Thank you. Staff is in support of the petition as filed. The crux of staff's support lies in the comprehensive plan as mentioned by the petitioner. Special uses are not specifically identified in the comprehensive plan, but the plans often talk about service uses, special uses going where they need to go. In this particular case, you have a property that's surrounded on three sides by a special use being the school property. This site is an infill site, if you will, specifically laid out for either a campus expansion of the existing special use, some sort of institutional use being located on this property, or in this particular case, for the use of the non-profit of the tennis center. With those thoughts in mind, staff is supportive of the rezoning and would offer that favorable recommendation to the Plan Commission, or any recommendation to the Plan Commission be forwarded to the Town Council for its meeting in March. Certainly, development criteria that's been discussed this evening is subject to future filings with the Plan Commission related to lighting, architecture, site drainage, those types of features. Certainly, there is interest in seeking a variance from the zoning standards, specific to the architecture. The Plan Commission has spoken to that particular component. So, that's certainly something for discussion at future meetings. But, again, staff is recommending approval of the petition as filed, and I'd be happy to answer any questions.

Franz Any questions for Wayne? Being none, do we have a motion?

Parks I move that Docket #2016-04-Z, a zone map change to rezone 4.13 acres from the R2 rural low density single and two family residential zoning district to the SU7, or special use zoning district, receive a favorable recommendation based upon the findings in the staff report as presented with a recommendation being certified to the Town Council for adoption or rejection.

Franz Is there a second?

- Schiferl Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? None. You have your recommendation.
- Marine Thank you.
- Franz Docket #2016-03-MP, K. Smith. State your name and your address please.
- Smith Good evening. My name is Ken Smith. I live at 7590 Hunt Country Lane, Zionsville. I've been a resident for 10 years. I'm here tonight for a petition for a minor plat approval in order to establish a 5.64 acre Lot 1 and a 4.83 acre Lot 2 in the rural low density single family area. Our BZA approval #2016-01-DSV was considered by the Board of Zoning Appeals on February 9, and was subsequently approved. I appreciate the staff recommendation approval of this, and I think I've submitted all required documents, and I'm here to answer any questions.
- Franz Is there any public comment either for or against? Being none, any questions from the Commissioners? None. Wayne?
- DeLong Thank you. As the staff report indicates, staff is recommending approval of this petition. This has been subject of review first with the variance request specific to the items identified in the staff report, which is a reduction in road frontage and lot to depth to width ratios, and the second item being accessory structures being on the property without benefit of other structures. The variance that was approved provided for the development pattern as proposed in front of you this evening. The petitioner indicated at that time that they'd be moving forward within a year to make modifications to the existing accessory structures that are on the property and moving forward with it with a primary building to occupy that particular parcel. The development pattern that is within this area is mixed. They are either large lot developments if you look to the west at Montana Springs Drive, it does give the impression that this site has access to Montana Springs Drive. According to the plat, it does not. There is a very fine width of land between that right-of-way and this particular parcel that we're discussing this evening that would prohibit access to Montana Springs Drive. The layout of the property does not work well for, you know, conventional subdivision-type development, and this land use pattern proposes to keep a larger lot development in front of this area, and has been approved by variance by the Board of Zoning Appeals. With all that in mind, staff, again, is recommending approval of this petition, and I'd be happy to answer any questions.
- Franz Any questions? Being none, is there a motion?
- Fedor I move that Docket #2016-03-MP, minor plat approval, establishing a two lot plat at 6502 South County Road 850 East be approved based on the findings in staff report.

Franz Is there a second?

Parks Second.

Franz All in favor?

All Aye.

Franz Opposed? None. You have the approval. Thank you. A couple items for update here. The commitments related to Docket #2015-21-PP, Vonterra, and DP, Vonterra.

Drake We have received the comments back from the Park Board via their counsel, Mr. Burrus, and both his comments as well as my revisions have been shared with Mr. Andreoli. They are now being reviewed by his client and I would anticipate a revised set of commitments being provided to us within the next couple weeks.

Franz Okay. And, status of the Docket #33-PP and #34-DP, Ansley.

Drake We have had challenges on the Ansley commitments. I was unsuccessful several times getting a response from counsel on this. He has apologized and gotten back to me recently, and we believe those are moving forward now, and hope to report to you next month that they have been recorded.

Franz Okay. Thank you. Any other items? Being none, I adjourn the meeting. Oh, I can't do that. Sorry. So new at this. Motion to adjourn.

Franz Second?

Fedor Yes, second.

Franz All in favor, aye.

All Aye.