



**SPECIAL MEETING RESULTS OF THE  
ZIONSVILLE PLAN COMMISSION  
MAY 4, 2016**

A Special meeting of the Zionsville Plan Commission was scheduled for May 4, 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. Attendance
- III. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2016-10-Z	Fabrigo	165 and 235 W Sycamore Street	<p><b>Continued from the Special Meeting of the Plan Commission held on May 4, 2016, and the Regular Meetings of the Plan Commission held on April 18, 2016 and March 21, 2016; to the June 20, 2016 Plan Commission meeting</b></p> <p>Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business Development Districts, to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses.</p> <p><b>7 in Favor 0 Opposed</b></p>

- VI. Other matters to be considered:  
None at this time

Respectfully Submitted:  
Wayne DeLong AICP  
Director of Planning and Economic Development  
Town of Zionsville



**Petition Number:** 2016-10-Z

**Subject Site Address:** 165 and 235 W. Sycamore Street

**Petitioner:** Fabrico Inc. & Barbara Hanson Slaff

**Representative:** Timothy Ochs

**Request:** Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business District, to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses.

**Current Zoning:** (B-3) Urban Outdoor Business District

**Current Land Use:** Commercial

**Approximate Acreage:** 4.32 acres

**Related Petitions:** None

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Zoning / Location Map  
Exhibit 3 - Proposed Land Use Map (2012 EDSP)  
Exhibit 4 - PUD Land Use Plan & Topographical Survey  
(Supporting Exhibits to Ordinance contained in Staff Packet).  
Exhibit 5- A & F Engineering (Trip Generation Analysis)  
Exhibit 6 - A & F Engineering (Traffic Impact Report, 2014)  
Exhibit 7 - Zoning Process Flow Chart  
Exhibit 8 – Flood Zone Map-Panel 334  
Exhibit 9 – Pathways Map

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

The public hearing process associated with Petition 2016-Z-10 commenced on March 21, 2016 and resulted in a continuation of the hearing process. The matter was set for a public hearing on April 18, 2016 (and serves as a continuation of the hearing process). The matter will be heard at a Special Meeting of the Plan Commission on May 4, 2016.

### **Project Location**

The subject property is approximately 4.32 acres located on the south side of the Sycamore Street, and the east of Zionsville Road (South Main Street). The property contains buildings utilized for seasonal commercial uses.

### **Project Description**

The subject property is currently (B-3) Urban Outdoor Business District and is currently utilized for seasonal commercial uses. The petitioner desires to rezone the property to the Planned Unit Development classification to provide for a mix of land uses including single and multi-family residential, office, and commercial uses. Given the proposed mix of uses, a Planned Unit Development zoning classification is the most appropriate classification to seek to facilitate and consider the requested development.

### **Summary Analysis**

#### Traffic / Circulation

As indicated at the March 21, 2016 public hearing, staff is supportive of the project in principle and encourages further dialog and efforts on behalf of the Petitioner, Interested Parties, and the Town regarding the proposed development and access management (vehicular). As the 2012 Economic Development Strategic Plan states that commercial uses are “encouraged” to “master plan” both parking and vehicular circulation needs, conversations related to this topic is of foremost interest to the community, and staff. Since the writing of the prior staff report, Town Leadership and Management Staff have met with the Town Engineer to review various traffic (both pedestrian and vehicular) alternatives for the area, and the Town Engineer is moving forward with formulating its recommendations on the topic. This effort is in addition to, and complementary to, the development of the 4.32 acre site (be it to currently permitted B-3 standards or to contemplated PUD standards).

Specific to an analysis of traffic, the Petitioner has provided information to the file from A & F Engineering in the form of a Trip Generation Analysis (Exhibit 5). Independent of that information, the Town had previously (2013-2014), during its 5 year update of the Town’s Traffic Impact Analysis associated with the Road Impact Fee Study, identified the site for which redevelopment was likely to occur within the next 10 years. Identification, and

inclusion, of this site within the Town's 2014 study allowed the Town to utilize the specific traffic projections associated with this site (when zoned B-3) to calculate the Road Impact Fee charged to all developing properties within the Town of Zionsville. A comparison of the trip information is contained in Exhibit 5.

Specific to a Traffic Impact Analysis, the results of such a study will document capacity and volumes (the financial impact on the road system has already been determined via the 2014 study – trip charge is \$106.00 a trip). Excerpts from the Town's 2014 effort are attached as Exhibit 6 to this report. Currently the Town is engaged in additional studies of the Downtown specific to traffic, however, the results of that study are yet to be available. The Town's consultant team will continue to work with the Petitioner to communicate our findings all while the Petitioner continues to refine its review of the traffic information associated with its proposal.

### Zoning

#### -Land Use

As filed, the bulk of the requested land uses are currently permissible in the Village Business District, the Business-Office District, the Neighborhood Business District, and the General Business District. What are not contained in the list of proposed land uses are specific, currently permissible B-3 Outdoor Business land uses, such as:

<i>Automobile, Truck, or Bus Sales or Service</i>	<i>RV and Camper Sales or Service</i>
<i>Automobile, Truck, or Bus Rental</i>	<i>Boat Sales</i>
<i>Automobile Repair-major</i>	<i>Lumber Yard</i>
<i>Automobile parts sales (new or used)</i>	<i>Self-Storage Facility</i>

#### -Development Standards

As filed, the proposed development standards sought in conjunction with the contemplated PUD are found in the Town's current Ordinances. Highlighted below are specific items which deviated from current zoning standards:

Requested building height: 50-55 feet in specific locations with specific design criteria  
*Building height per zoning, maximum: 45 feet (in B-3)*

Encroachments into public ways: permissible  
*Encroachments into public ways: permissible, with execution of encroachment agreement*

Multi-family residential units  
*Residential uses are permitted on upper stories of buildings, only*

Single-family residential units  
*Single-family residential units are not permissible in B-3*

In summary, staff continues to be supportive of this development proposal. Detail as to how the heights of buildings in excess of 35 feet will require additional scrutiny at the time Development Plans are sought for specific vertical improvements.

## Rezoning-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:

The Comprehensive Plan Recommends "Village Expansion District" and specifically supports a "mix of retail, office, and supplemental residential with an emphasis on urban and pedestrian scale and proportion." The proposed mix of uses, inclusive of upper-story residential uses, is supported by the comprehensive plan. While the proposed single-family units are not supported by the comprehensive plan, their presence serves to enhance the established and expanding fabric of the Downtown area. With that in mind, a deviation from the plan to support a limited number of single-family dwelling units is supportable.

(2) current conditions and the character of current structures and uses in each district;

The current conditions and character of current structures is one of lower story, less intense land uses (as the immediately adjacent Downtown area to the north contains, primarily, individual buildings on individual lots). The proposed land use pattern and projected improvements (and their associated character), exclusive of the proposed single-family dwellings (which are proposed to be detached units), will consist of two, three, and four story buildings with zero-foot setbacks from the public ways. While two and three story buildings with zero-foot setbacks exist, or are supported by the adjacent zoning districts, buildings in excess of three stories are not customarily found in the Downtown area. However, as proposed, the upper stories of the contemplated buildings are anticipated to be "stepped behind" the prior lower wall. Between the utilization of the "stepped" technique and the existing topography of the property to further conceal the overall height of a building, the proposed heights and overall character of the buildings will be in a position to offer a positive contribution to the Downtown area.

(3) the most desirable use for which the land in each district is adapted;

The most desirable use of the land is one that is a mixed use development which is absent of intense outdoor commercial uses (currently permitted on the site at it is zoned B-3 District).

(4) the conservation of property values throughout the jurisdiction; and

The proposed rezoning which supports the location of a mixed use development with the development characteristics as outlined in the submitted Planned Unit Development document will serve to conserve property values throughout the jurisdiction.

(5) responsible development and growth.

The Petition represents responsible development and growth

### **Planned Unit Development-General Conditions**

Any real estate may be rezoned Planned Unit Development District in order to accomplish the following:

- a) The characteristics of the specific site development and its land uses proposed for the subject real estate are compatible with the surrounding area if the development were limited to those plans and uses as submitted.
- b) Land uses, which would not otherwise be permitted to locate within the existing zoning districts, are proposed for development on a parcel under single or multiple ownership or management.
- c) Exceptions or variations from the size, setback, frontage, density, uses, or other development standards which are established for a given land use in the other zoning districts are permitted as a part of the Planned Unit Development.
- d) The objectives and goals of smart growth are incorporated through the utilization of such initiatives as conservation developments, integrated mixed-use developments, and performance-based implementation developments.

### **Planned Unit Development-Guidelines for Design**

The following design principles are recommended by Article 5 of the Zoning Ordinance:

- a) The proposed development should be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and the Town's Comprehensive Plan.
- b) Interest and variety should be sought, by means of street design and changes in mixture of building types, heights, facades, setbacks, plantings, or size of open space. The design should be harmonious as a whole and not simply from street-to-street.
- c) Streets should curve to discourage fast movement of traffic; traffic calming devices should be integrated into street design; group parking areas should be screened, so that the vehicles are substantially hidden from the street.
- d) The natural amenities of the land should be preserved through maintenance of conservation areas and open spaces. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space.

- e) Height of buildings in excess of thirty-five (35) feet should be designed and planned to be reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities.
- f) Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the development. Commercial and office uses within the development should be at the front of the development and be accessed by an internal collector road.
- g) Structures or buildings located at the perimeter of the development should face outwardly and be properly screened in a manner that sufficiently protects the privacy and amenities of the adjacent and neighboring property uses.

#### **STAFF COMMENTS**

Staff recommends a favorable recommendation of the rezoning petition (supporting a mixed use development consisting of single family residential, upper story multi-family residential, commercial, and office uses), subject to the adoption of the submitted Planned Unit Development Ordinance.

Staff recommends approval of the proposed Planned Unit Development Ordinance.

#### **RECOMMENDED MOTIONS**

##### **Motion**

I move that Docket #2016-10-Z for rezoning of 4.32 acres at 165 and 235 W. Sycamore Street to the Planned Unit Development classification 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**

Upon the conclusion of the Public Hearing and Certification of the Plan Commission's recommendation to the Town Council, the Town Council will then set the matter on its Agenda for future consideration (as outlined in the attached flow chart-see Exhibit 7).

As a portion of the property is within the Special Flood Hazard Area (SFHA) associated with Eagle Creek, it is subject to additional development restrictions. Dependent on the location of any contemplated improvements, approvals from the Federal Emergency Management Agency, Indiana Department of Natural Resources, and / or the Town (in conjunctions with the Town's Ordinance for Flood Hazard Areas) may be necessary (specific to the SFHA).

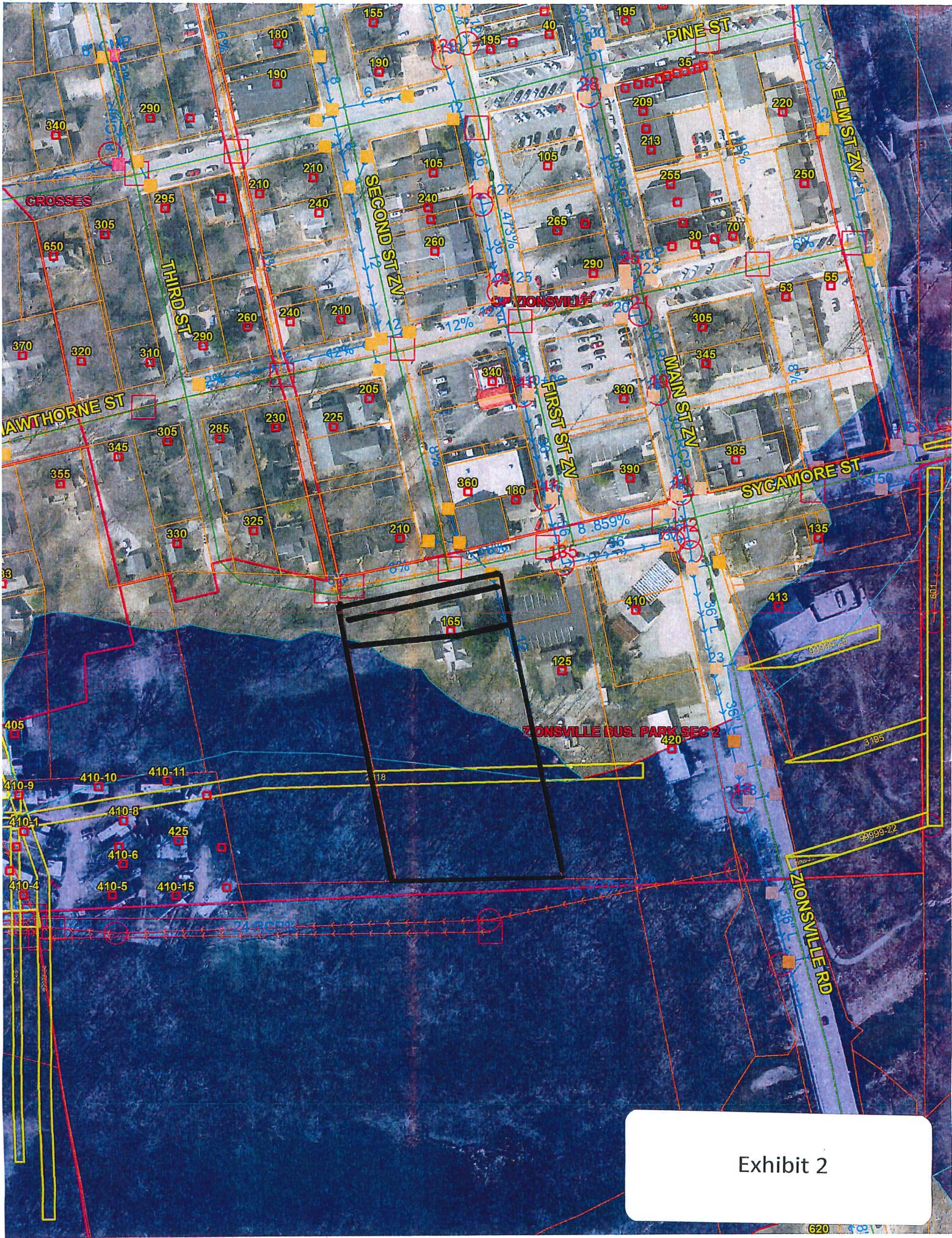


Exhibit 2

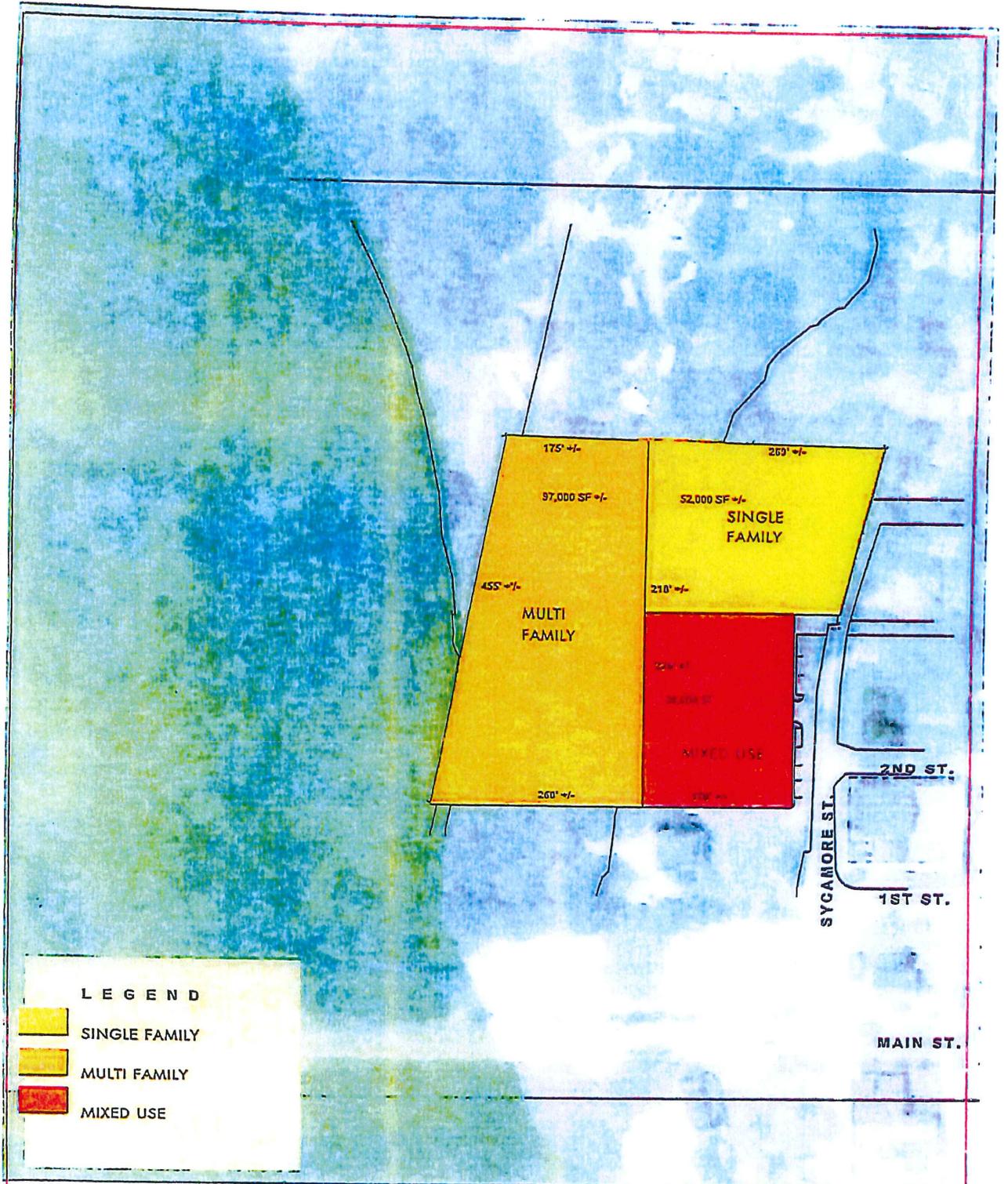


### Future Land Use Plan



Exhibit 3





DEVELOPMENT AREAS  
APPROX 1"=50' @ 24X36 ORIGINAL SIZE

200 WEST  
ZIONSVILLE, INDIANA

200 WEST PARTNERS LLC

DRAFT

CONCEPTUAL DEVELOPMENT PLAN  
©\_10 JANUARY 2016

Exhibit 4



TRANSPORTATION ENGINEERING STUDIES • TRAFFIC IMPACT ANALYSES  
STREET DESIGN • HIGHWAY DESIGN • TRAFFIC ENGINEERING  
PARKING LOT DESIGN • TRANSPORTATION PLANNING STUDIES  
CONSTRUCTION OBSERVATION • SITE ENGINEERING  
REGISTRATION  
INDIANA  
ILLINOIS  
IOWA  
KENTUCKY  
MICHIGAN  
OHIO  
MISSOURI  
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PRESIDENT

JOSEPH T. RENGEL, P.E.  
VICE PRESIDENT

R. MATTHEW BROWN, P.E.  
VICE PRESIDENT

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## MEMORANDUM

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**DATE:** 3/14/2016

**TO:** Randy Green  
200 West Partners, LLC  
4502 Panthera Leo Drive  
Westfield, Indiana 46074

**FROM:** Matt Brown, PE/PTOE  
Vice President  
A&F Engineering Co., LLC

**RE:** Trip Generation Analysis

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A&F Engineering has conducted a cursory review and analysis for a development site that is located along Sycamore Street, west of Main Street in Zionsville, Indiana. The purpose of this review and analysis was to estimate and compare the number of trips that will be generated by the prospective land-uses on the site during a typical weekday (24-hour) and during the AM and PM peak hour for the following two development options: Option 1 (possible under current B-3 zoning) – retail and office land-uses, and Option 2 – a speculative mixed-use development that has been proposed by Randy Green (the developer).

Option 1 includes the construction of what possibly could be constructed under the current B-3 zoning. It should be noted, this concept only represents one development option that could be constructed per existing zoning. Other options are possible as well:

- Shopping Center of approximately 40,000 square feet.
- General Office Building of approximately 80,000 square feet.

Option 2 includes the construction of the following as proposed by the developer:

- Sit-Down Restaurant of approximately 5,000 square feet.
- Medical-Dental Office Building of approximately 35,000 square feet.
- 10 dwelling units of Single-Family Detached Housing.
- 70 dwelling units of Apartments.



The following summarizes the analysis results:

- The AM peak, PM peak hour and 24-hour weekday trip estimates were calculated according to data published in the ITE *Trip Generation Manual* based on the two development options.

**Table 1** summarizes the trip generation estimates for each option.

TABLE 1 – PEAK HOUR & 24-HOUR TRIP DATA

DEVELOPMENT INFORMATION LAND USE	GENERATED TRIPS* (ENTER + EXIT)		
	AM PEAK HOUR	PM PEAK HOUR	24-HOUR
Option 1 (current zoning)	200	357	3361
Option 2 (as proposed)	132	187	2054

\*Includes internal and pass-by trip reductions.

- A comparison of the trip generation indicates that the land-uses as proposed by the developer would generate approximately **50%, 90%, and 60%** fewer trips during the AM peak, PM peak and during the 24-hour period, respectively.
- Based on the trip generation data, it can be concluded that the proposed development will have less of an impact on the adjacent roadway system and near-by intersections than land-uses that could be constructed per the existing B-3 zoning regulations.

If you have any questions regarding the information summarized in this memorandum please feel free to contact A&F Engineering.

**TABLE 1 - ESTIMATED INTERSECTION CONSTRUCTION COSTS**

#	Intersection	Today's Cost	10-Year Cost	Applicable Impact Fee Cost
4	106 <sup>th</sup> Street & Bennett Parkway	\$0	\$1,300,000	\$1,300,000
8	106 <sup>th</sup> Street & Zionsville Road	\$160,000	\$160,000	\$0
10	Sycamore Street & Zionsville Road/Main Street	\$0	\$200,000	\$200,000
11	Oak Street & First Street	\$260,000	\$260,000	\$0
13	Oak Street & CR 1000 E	\$0	\$0	\$0
15	Oak Street & Cooper Road	\$0	\$1,600,000	\$1,600,000
16	Oak Street & CR 800 E	\$800,000	\$1,600,000	\$800,000
17	Sycamore Street & US 421 / Michigan Road	\$0	\$50,000	\$50,000
18	Bloor Lane & Mulberry Street	\$0	\$100,000	\$100,000
23	CR 550 S / Templin Road & US 421 / Michigan Road	\$80,000	\$80,000	\$0
28	Whitestown Road & Ford Road	\$0	\$1,600,000	\$1,600,000
29	CR 500 S / Whitestown Road & CR 950 E	\$0	\$850,000	\$850,000
30	CR 500 S / Whitestown Road & CR 875 E	\$0	\$800,000	\$800,000
31	CR 500 S / 126 <sup>th</sup> Street & US 421 / Michigan Road	\$0	\$80,000	\$80,000
34	Willow Road & US 421 / Michigan Road	\$0	\$50,000	\$50,000
41	CR 300 S / 146 <sup>th</sup> Street & US 421 / Michigan Road	\$0	\$100,000	\$100,000
42	CR 300 S & CR 975 E	\$0	\$50,000	\$50,000
47	CR 200 S & US 421 / Michigan Road	\$0	\$130,000	\$130,000
72	Proposed East/West Connector Rd & Zionsville Rd	\$50,000	\$50,000	\$0
73	96 <sup>th</sup> Street & Bennett Pkwy	\$50,000	\$50,000	\$0
	<b>Total</b>	<b>\$1,400,000</b>	<b>\$9,110,000</b>	<b>\$7,710,000</b>

**TABLE 2 - ESTIMATED ROADWAY CONSTRUCTION COSTS**

#	Street/Segment	Today's Cost	10-Year Cost
6	Hunt Club Rd: Kissel Rd-Cooper Road	\$15,800	\$0
9	106th Street: Zionsville Rd-Bennett Pkwy	\$0	\$713,700
12	Oak Street: CR 700 E-CR 800 E	\$0	\$1,490,100
13	Oak Street: CR 800 E-CR 850 E	\$0	\$702,500
15	Oak Street: Spring Hills Dr-Sheets Rd	\$0	\$285,700
16	Oak Street: Sheets Rd-CR 1000 E	\$0	\$702,500
19	Sycamore Street: Main St-US 421/Michigan Rd	\$0	\$917,400
20	116th Street: US 421/Michigan Rd-County Line Rd	\$0	\$134,900
33	126th Street: US421/Michigan Rd-County Line Rd	\$45,200	\$0
35	CR 400 S: CR 800 E-CR 875 E	\$63,200	\$0
37	CR 375 S: CR 950 E-CR 975 E	\$10,700	\$0
38	CR 375 S: CR 975 E-Holiday Rd	\$21,300	\$0
59	CR 100 N: CR 800 E-US 421/Michigan Rd	\$27,700	\$0
69	CR 200 N: CR 1100 E-County Line Rd	\$62,500	\$0
71	CR 600 E: CR 100 N-CR 250 N	\$104,200	\$0
73	CR 700 E: Morton Rd-CR 550 S	\$20,900	\$0
74	CR 700 E: CR 550 S-CR 525 S	\$10,300	\$0
76	CR 750 E: CR 100 N-CR 200 N	\$83,300	\$0
77	CR 775/Kissel Rd: 96th St-I-865	\$20,900	\$0
79	CR 775/Kissel Rd: Hunt Club Rd-SR 334/Oak St	\$36,300	\$0
81	CR 800 E: CR 550 S-Whitestown Rd	\$27,700	\$0
82	CR 800 E: Whitestown Rd-CR 400 S	\$34,800	\$0
86	CR 800 E: SR 32-CR 100 N	\$83,300	\$0
87	CR 800 E: CR 100 N-CR 200 N	\$83,300	\$0
110	CR 1000 E: SR 32-CR 100 N	\$21,300	\$0
111	CR 1000 E: CR 100 N-CR 200 N	\$20,900	\$0
114	Turkey Foot Rd: Mulberry St-Oak Ridge Drive	\$36,900	\$0
116	Zionsville Rd: I-865-106th Street	\$181,600	\$0
119	CR 1100 E: CR 200 S-SR 32	\$83,300	\$0
120	CR 1100 E: SR 32-End of Asphalt	\$31,100	\$0
123	County Line Rd: 146th St-156th St	\$41,700	\$0
124	County Line Rd: 156th St-166th St	\$41,700	\$0

**TABLE 2 CONTINUED - ESTIMATED ROADWAY CONSTRUCTION COSTS**

125	County Line Rd: 166th St-SR 32	\$41,700	\$0
126	County Line Rd: SR 32-CR 100 N	\$41,700	\$0
127	County Line Rd: CR 100 N-CR 200 N	\$41,700	\$0
128	Proposed E/W Connector: Zionsville Rd-Mayflower Park Drive	\$637,000	\$637,000
129A	Bennett Pkwy Extension: Proposed E/W Connector-96th St	\$720,000	\$720,000
129B	Bennett Pkwy Extension: 106th St-Proposed E/W Connector	Covered in Bonds Issued in 2012.	\$720,000
130	Cooper Rd Extension: CR 575-SR 334/Oak Street	\$472,850	\$472,850
	<b>Total</b>	<b>\$3,164,850</b>	<b>\$7,496,650</b>

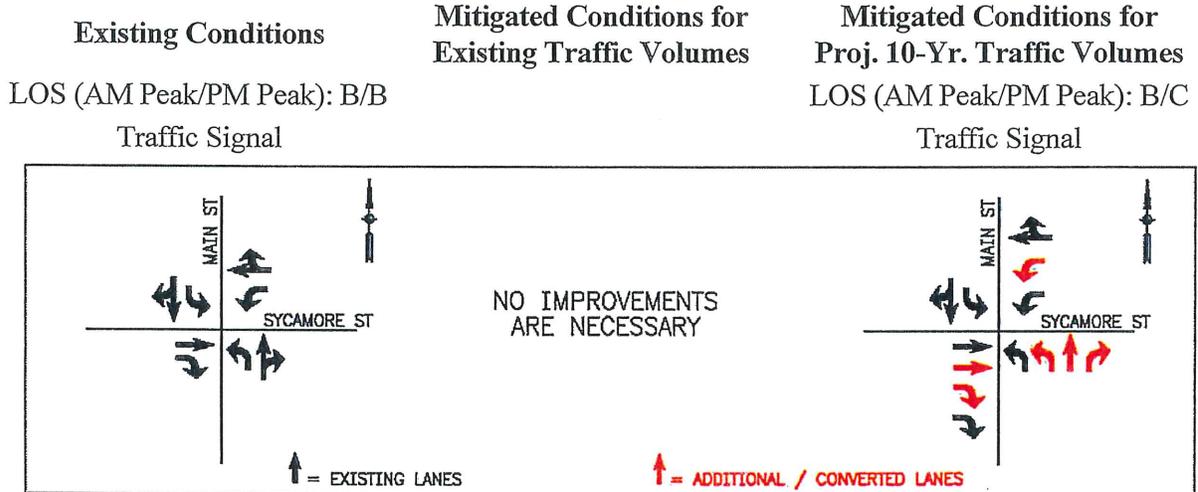
**Figure 3** graphically illustrates all recommended roadway segment and intersection improvement locations. These include all recommendations for existing conditions and/or 10-year conditions. However the roadway segments that only need widening to meet minimum lane width standards have not been included. Only segments where added travel lanes are needed are shown.

**TABLE 4 - SUMMARY OF 24-HOUR TRIPS**

Parcel #	ITE Code	Land Use	Build-Out	24-Hour Trips
1	720	Medical Office	323,200 SF	13,001
2	770	Business Park	715,200 SF	8,311
3	210	Single Family	168 DU	1,693
4	813	Discount Superstore	156,621 SF	7,948
	820	Retail	13,620 SF	1,858
5	760	Research Technology	1,152,000 SF	7,638
6	210	Single Family	65 DU	707
7	820	Retail	178,800 SF	9,908
8	710	Office	45,000 SF	716
	220	Apartments	276 DU	1,796
	252	Senior Living	102 DU	351
	850	Supermarket	31,000 SF	3,169
	820	Retail	111,000 SF	7,268
9	710	Office	6,600 SF	166
	820	Retail	15,000 SF	1,979
10	210	Single Family	62 DU	677
11	210	Single Family	76 DU	816
12	210	Single Family	95 DU	1,002
13	210	Single Family	96 DU	1,012
14	210	Single Family	26 DU	304
15	210	Single Family	34 DU	389
16	210	Single Family	360 DU	3,413
17	210	Single Family	26 DU	304
18	820	Retail	321,600 SF	14,511
19	210	Single Family	284 DU	2,744
20	750	Office Park	648,600 SF	7,167
21	750	Office Park	404,200 SF	4,621
22	850	Supermarket	30,000 SF	3,067
	820	Retail	20,000 SF	2,386
	220	Apartments	200 DU	1,336
	230	Townhomes	24 DU	186
23	932	Sit-Down Restaurant	5,539 SF	704
	820	Retail	8,560 SF	366
24	710	Office	16,000 SF	326
<b>Total</b>	---	---	---	<b>111,840</b>

- DU = Dwelling Unit, SF = Square Feet

## INTERSECTION #10 – SYCAMORE STREET & ZIONSVILLE ROAD/MAIN STREET



An in-depth illustration of the existing intersection conditions is also shown in **Exhibit 1**.

Existing Conditions

Improvements Needed to Mitigate Existing Traffic Volumes:

No improvements are necessary.

Estimated Construction Cost to Mitigate Existing Traffic Volumes (Today's Cost):

\$0

Projected 10-Year Conditions

Improvements Needed to Mitigate Projected 10-Year Traffic Volumes:

- Add NB right-turn lane & NB left-turn lane along Zionsville Rd
- Add EB through lane. This lane is included under the segment recommendations.
- Add EB right-turn lane along Sycamore Street
- Add WB left-turn lane along Sycamore Street

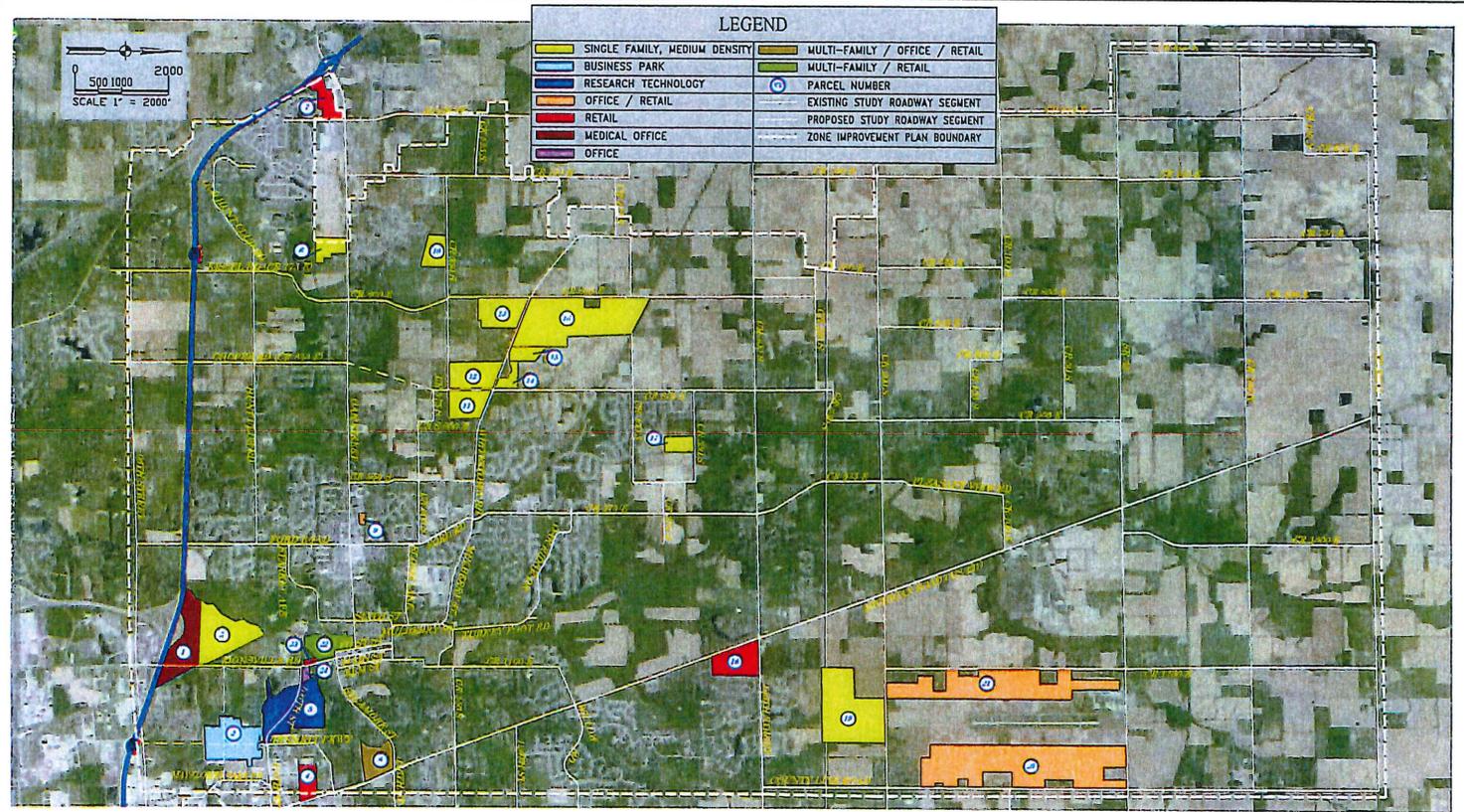
Estimated Construction Cost to Mitigate Proj. 10-Yr. Traffic Volumes (10-Year Cost):

\$200,000 (EB through lane included in segment cost)

Applicable Impact Fee Cost

Equals "10-Year Cost" minus "Today's Cost":

\$200,000



*TOWN OF ZIONSVILLE  
TRAFFIC IMPACT FEE ANALYSIS*

**FIGURE 2**  
VACANT LAND PARCELS  
(10 YEARS)

Prepared By:  
**A&F ENGINEERING**  
Transportation & Site Engineering  
Creating Order Since 1966



PUBLIC PROCESS FOR CHANGE OF ZONING REQUESTS (I.C. 36-7-4-600) Integrated with Town of Zionsville Plan Commission Rules of Procedure

PLAN COMMISSION HEARING PROCESS-FOR CHANGE IN ZONING

STEP ONE	DAY 1	DAYS 3-5	DAYS 12-14	DAYS 12-20	DAY 30
<b>ACTION:</b>	Public Filing	Plan Commission Agenda Posted to Town Website	Legal Notice of Plan Commission Meeting Published in Newspaper	Legal Notice Mailed to Adjourners	Public Hearing Occurs <i>first public interaction</i>
<b>DETAILS ON ACTION:</b>	Indiana Code requires Plan Commission to hold a hearing within 60 days of the filing	Second opportunity of public to learn of a filing (first is to check with staff after passing of deadline for filing)	Published in a newspaper of general circulation at least 10 days prior to the hearing (regulated by Indiana Code). (Third opportunity for public to be made aware of a rezoning request)	Notices are mailed to interested parties (interested parties are defined by the Plan Commission) (Fourth opportunity for public to be made aware of a rezoning)	Hearing can be continued from time to time and results in a recommendation being forwarded to the Town Council within 10 business days of the final determination (Indiana Code stipulates timing)
<b>INTERESTED PARTIES:</b>	Call on Town Hall to confirm what has been filed	Watch website for updates	Publication occurs on Wednesdays (typically, using Zionsville Sentinel Times)	Mail arrives certified	Hearing(s) occur at Town Hall -Public Hearing (& fifth time public to be made aware of rezoning request) is on a set schedule published yearly

TOWN COUNCIL MEETING PROCESS-FOR CHANGE IN ZONING

STEP TWO	DAYS 33-36	DAYS 37-119
<b>ACTION:</b>	Matter is Forwarded to Town Council	Town Council Posts Agenda to Town Website
<b>DETAILS ON ACTION:</b>	Town Council discusses request at an agenda setting meeting (& sixth time public to be made aware of a rezoning request)	Seventh opportunity of public to be made aware of a rezoning request (Note: Town Council by Indiana Code has up to 90 days to vote on a change in zoning)

DAYS 45-135

Town Council Holds Public Meeting *second public interaction*

Eighth opportunity of public to be made aware of a rezoning request

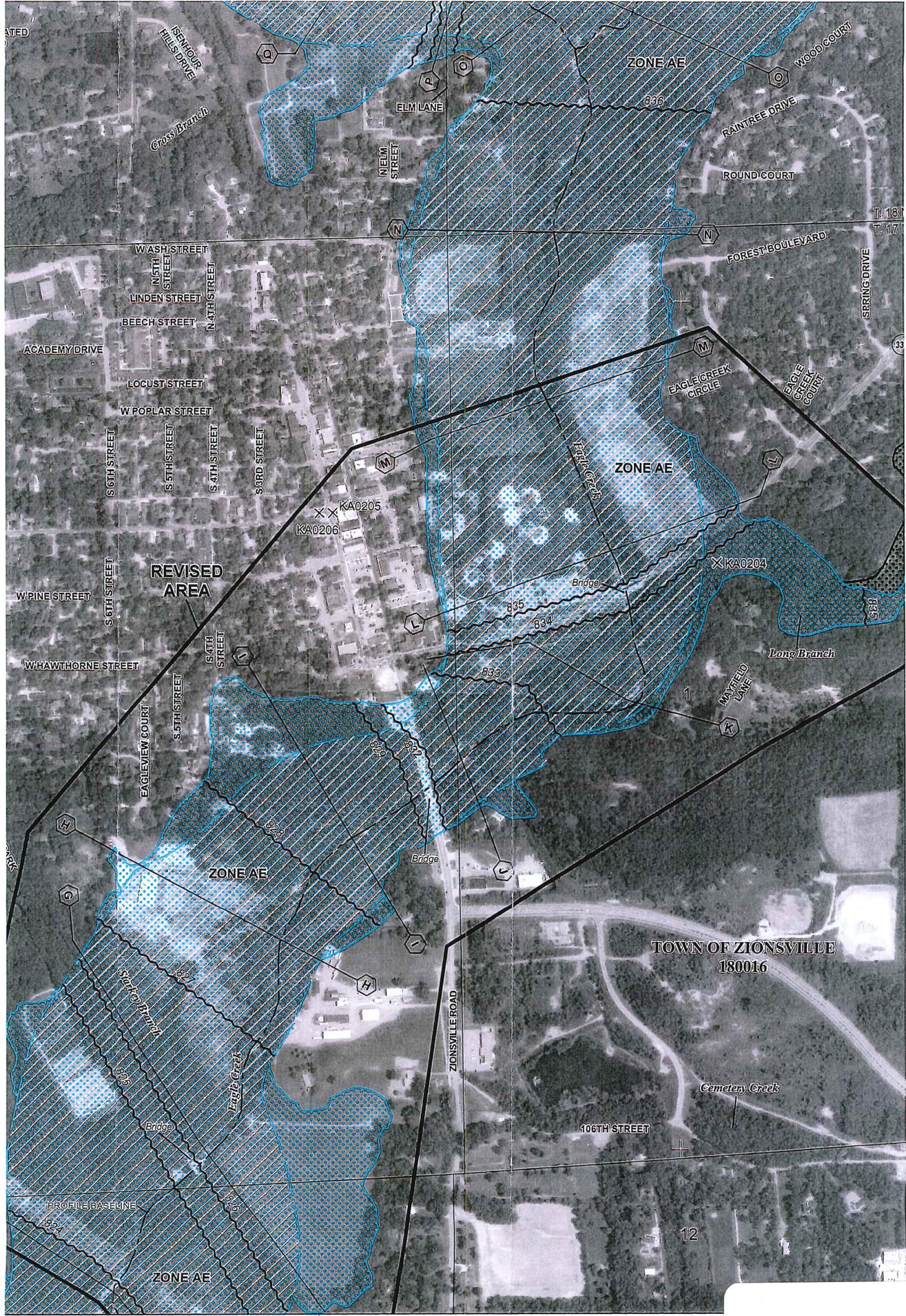
**Notes:**

1) This filing does not include any reference to Staff review of the filing (through a part of the process).

2) Indiana Code does not require the Town Council to hold a meeting to request not scheduled for a meeting is deemed effective/accepted as recommended by the Plan Commission).

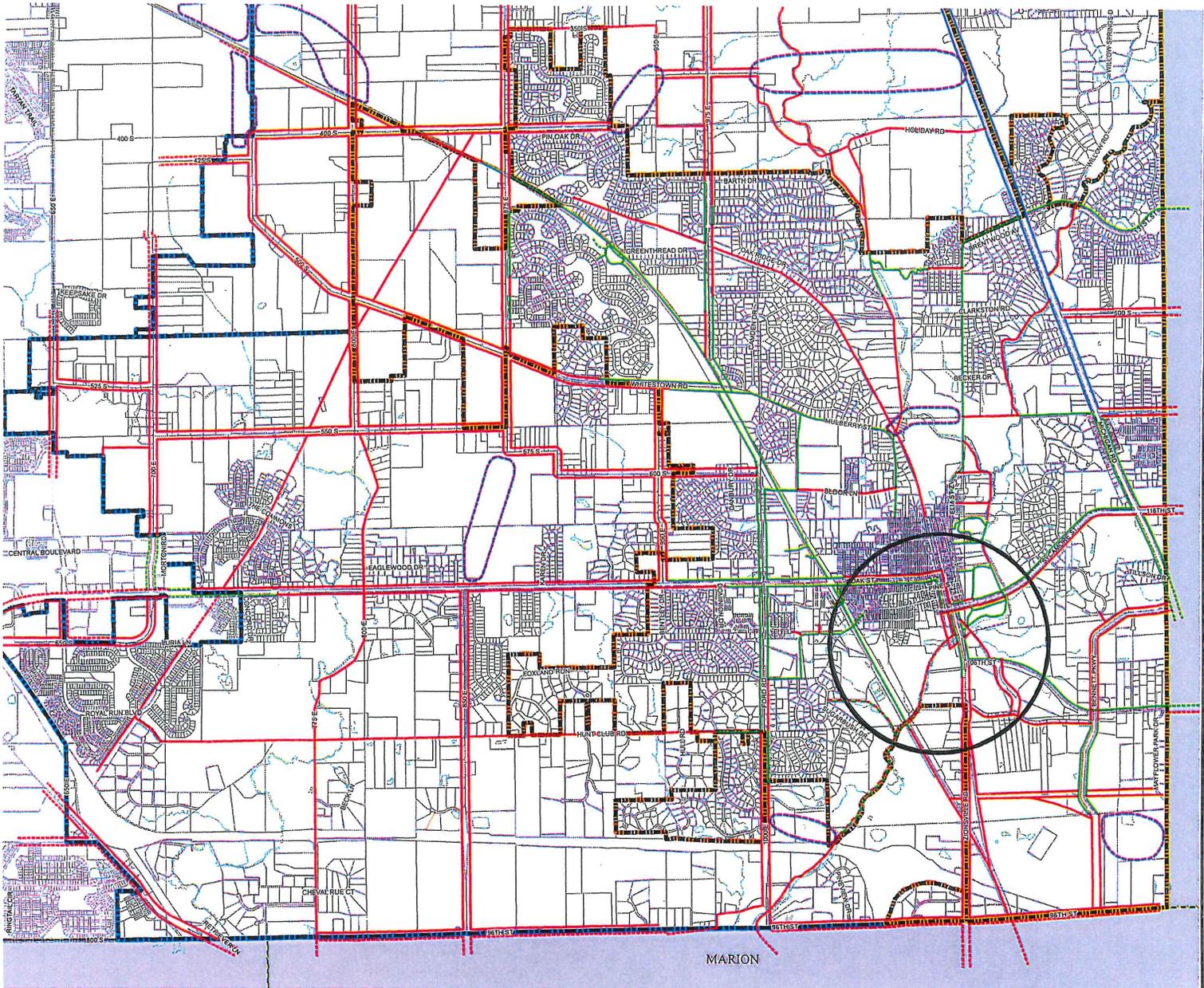
3) This may serve as a guide of the rezoning process as regulated by state law and further detailed in local ordinance as well as the Plan Commission's Rules of Procedure (the "Rules"). This document is only a guide and is not intended to circumvent or divide from the Rules associated with rezoning land in Indiana.





JOINS PANEL 0342

53°00'00"E



# TOWN OF ZIONSVILLE

## PATHWAY MAP

11/2/2015



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS

**LEGEND**

Conceptual Route	Water Features
Future Pathway, INDOT Related	Zionsville Town Service District
Future Pathway	Zionsville Rural Service District
Future Rustic Pathway, Initially not paved	Town of Whitestown
Existing Pathway	Parcels
Existing Rustic Pathway, Initially not paved	County Line

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**Zionsville Plan Commission Special Meeting**

May 4, 2016

In attendance: David Franz, Kevin Schiferl, Larry Jones, Jay Parks, Josh Fedor, Franklin McClellan, Sharon Walker.

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

Franz Call to order the Special Meeting of the Plan Commission meeting on May 4, 2016. Let's start with the Pledge of Allegiance, please.

All Pledge of Allegiance.

Franz Wayne, could you take roll please?

DeLong Mr. Franz?

Franz Present.

DeLong Mr. Schiferl?

Schiferl Present.

DeLong Mr. Jones?

Jones Present.

DeLong Ms. Walker?

Walker Present.

DeLong Mr. Parks?

Parks Present.

DeLong Mr. McClellan?

McClellan Present.

DeLong Mr. Fedor?

Fedor Present.

Franz Thank you. The items on the agenda tonight are Docket 2016-10-Z Fabrico 200 West. I guess that's it. One item. We do have a request for remonstrance, no, a request for continuance from a remonstrator. Is there any discussion on this?

Zionsville Plan Commission Special Meeting  
May 4, 2016

- Parks Mr. President, I would prefer that we not continue the hearing tonight. We do have a fairly large audience, and I think it would be unfair to them to move it to another night. We've already had one continuance from a remonstrator so I would move that the request for a continuance be denied at this point.
- Franz Is there a second?
- Jones Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? Motion passes to deny the continuance. This is, as we said, a continuance of an open hearing. At this point in time, I would invite somebody from the pet—first off, I will say that we are going to suspend normal rules on this. We're going to have a pretty good back and forth, and we are going to not begin anything after 9 o'clock. So we are going to set this for two hours tonight. So, we'll start with the petitioner. Take the time that you think is appropriate to make your points or case.
- Schiferl Point of Robert's Rules. I would make a motion to suspend the Rules.
- Parks And I second that.
- Franz All in favor?
- All Aye.
- Franz Opposed? Motion carries. State your name and your address, please.
- Ochs Certainly. For the record, my name is Tim Ochs. I'm an attorney at Ice Miller with offices at One American Square, Suite 2900, Indianapolis, IN 46282-0200. Here this evening on the behalf of the petitioner. Also, with me are David Rausch, the architect for the project, Steve Fehribach of A&F Engineering who will be speaking on traffic issues and Randy Green, the principal of the developer and petitioner. With that, I will introduce Randy who will start off our presentation. Randy?
- Green My name is Randy Green and I am a member of 200 West Partners, the petitioner for the site. My address is 4502 Panthera Leo Drive. That's in Westfield, Indiana 46074. My background is roughly about 20 years' experience both in the Indiana and Ohio market, primarily in land acquisition and development. I don't really have a formal background for building. I focus my efforts on the development aspect of parcels. Currently, I have two in Zionsville, Oxford Woods and Ansley Park which will soon start as well on U. S. 421. But, I have had the opportunity to work in smaller communities and historic districts, and I think I have a keen understanding of prudent designs and developments that are able to meet certain standards and integrate with the communities without being overly intense and that's what attracted us to this particular property. We felt that there was a great opportunity for growth as laid out by the land use plan and we felt that it could be

accomplished without the site being overly intense and that it would integrate well with the community. We will have our architect speak to questions this evening as well as our traffic expert and, of course, our attorney, Tim Ochs. Thank you.

Franz Thank you.

Ochs I did a quick, brief presentation as an overview last month so I'll try to avoid repeating that. Some things I won't be able to help. But, as we discussed last month, this is a rezone to a PUD from a B-3. For various reasons, including traffic, we need to remember that this is a rezone from a B-3 and not a rezone from a less dense classification. That's not meant as any type of threat which would be silly but it is meant to orient everybody as to where we start. We fought to avoid having PUD and a development plan. The process as contemplated by this particular PUD and as contemplated by the Zionsville Zoning Ordinance requires that should this ultimately be forwarded and approved by the Council that we would go through a development plan and be back in front of the Plan Commission with significantly more design details as is commensurate with the process that is intended, in our opinion, by the Zionsville Zoning Ordinance itself. Many of the questions and issues that we hear when we've met with and dealt with folks in the neighborhood, the VRA, are questions, quite frankly, we don't want to dodge or avoid but are questions at a level of development plan. While we'll do our best to answer those, some of those issues at the level being requested, we simply haven't got to because it's not at the level of the PUD ordinance itself although certainly if that's an issue that the Town feels concerned about we can delve into any of the issues that the Commission thinks appropriate. When we put together the PUD, and hopefully everyone has the booklet and Tab 1 is the current clean version of the PUD, we did it in a manner that attempted to mimic an existing—any of the existing Zionsville zoning districts in the Zionsville ordinance, both for ease of review but also so that it makes it easy to look at and compare and contrast. So, we have the permitted uses, the development plans and then architectural standards.

So, first with respect to uses and, again, as I went through last week, we've split this into three different districts. I think it's important to note that every single use proposed in the PUD in all three districts are currently permitted except for multifamily and single family. Every single other use is already a permitted use. So, what we've done, and I think staff did a great job of this in their report, we eliminated what we thought were in the B-3 district somewhat more onerous types of uses as a benefit, and then added those particular uses which, frankly from a traffic perspective, is a down zone, with respect to the single family and the multifamily. So, I have a handout. This is not anything new; it's just a summary of what's in the ordinance that relates to development standards. What this is, it's simply the first column is the development standard category, so setbacks, maximum building height, drive-thru, etc. The next column is the B-3 district standards. That is what is allowed under the current zoning district and then I have broken down the next three columns by the district and the PUD in which it's located just so we can compare apples to apples. So, it shows you what the setbacks are. This is an urban setting. We have zero setbacks internal to the site, and external to the site around the perimeter, it's easiest to say, it's basically a 10-foot setback on all perimeters except for Sycamore Street where that can be

zero. We want to pull the building other than the single family up to Sycamore Street to be consistent with the Village setting. The homes that would front Sycamore, and those have been reoriented, and I'll get to that in a moment, would have a front yard of 20 feet. In terms of the setbacks, also for the single family subarea, we did change that to a 5-foot minimum with an aggregate of 12 feet. The special, the VR, the Residential District in the ordinance, does have a similar provision. I believe that's 5 feet with a minimum aggregate of it's either 10 or 15, so it's almost exactly the same.

With respect to building height, we've heard of concerns about that. We have a 45-foot height now. What we did, just to make sure we're on the same page, we included in the new PUD, revisions as to what maximum building height means. And, we made it mean exactly the same thing as it does in the Zionsville Zoning Ordinance. Exactly. And, right now, the maximum building height anywhere on this property would be 45 feet. What we've done is for the buildings that would be up close to Sycamore Street which would be a row of single family homes, those are limited to 35 feet, so that's 10 feet down and we have revised the maximum height of the building closest to Sycamore Street in the mixed use area. Originally, that was two to four stories and 50 feet. What we've done is we've dropped that building to two to three stories with a maximum height of 45 feet. However, that would be stepped so it looks not quite as tall and not a blank wall right up against the street, five feet back above 35 feet. Otherwise, we have that at 55 feet for the southern part of the property. Now, the fall on this property is, as a lot of people are aware, is pretty significant to the south, and our engineers tell us that roughly about six feet on average of fall there, so, then, Sycamore Street itself is even a step up from that. So, when we say a 55-foot tall building, if it actually reached that height, you're actually looking at from a grade perspective, something that's really six feet lower so that would be an increase of only four feet. The rest of those development standards are basically consistent with existing standards in the ordinance and drive-thru service units would be permitted with the exact same conditions. Off-street parking, we have adopted the Village Business District standards. Signage, we have gone with the requirements of the ordinance for urban on-premise signs. In the single family area, only exempt signs would be permitted. Then, outdoor operations would be the same as they are treated in the B-3 District already.

A couple other changes that I want to point out here. And some, not changes, but I think are worthy of me pointing out. With respect to commercial uses, we do have a cap of 15,000 square feet maximum per any single user that is a retail user or a clothing service. The intent here is not to bring in a large individual user but to be consistent with the mix of commercial and retail uses that currently exist in the Village area. Also, with respect to architecture, we have detailed standards and intent for each of the three districts and Dave Rausch will be going through those here shortly. That's for each of the three districts. We have separate requirements. On the single family, and I'm going to pass this out. Again, this is not a change from the PUD, just something that will make it a little easier to go through.

What I have handed out to you is just a simple plat, or a drawing of an individual lot as it could exist or would exist in the single-family district. These are changes from the ordinance that have occurred since last, the last public hearing. The 35-

foot height limit stays as does the minimum dwelling sizes. But, what you see on here reflects a 70% lot coverage, a 20-foot front yard. Within the front yard is a mandatory 5-foot sidewalk with a 3-foot green space. Um, a minimum 16 x 22 foot driveway that would allow two, we think, two cars to be parked in the driveway if they weren't in the garage and the side yards that we already discussed. The lot sizes, you'll see, are roughly 100 feet by the minimum width of 50 feet.

Some of the other changes that are worth noting from the original ordinance. We modified the areas, and if you look at the concept plan which is, you know, Tab C in your—I'm sorry. It's Tab C to the PUD itself which is in Tab 1 of the booklet. Too many tabs there. That shows, kinda the new layout. And, we modified that. We extended what was originally the Mixed Use District of the project. We've extended that to include all of the eastern half of the site. The multifamily is now in the north—in the southwest corner and the single family remains in the northeast corner. We did that to increase flexibility to add additional commercial use of the property. Our brief but current experience on the site in terms of, if people have been reading about this in the paper—has been folks approaching us with those types of uses and the feedback we get as well from many people, stakeholders in the area are a preference for commercial uses. In order to do that, however, and remain flexible in terms of being able to respond to market demand and market conditions, we did add multifamily use as a permitted use in the Mixed Use District but just to make it clear, we prohibited multifamily on the first floor of any building within 50 feet of Sycamore. That's a standard that we stole from the Village Business District requirements. We had, as you'll note, in the redlined copy of the PUD ordinance which is Tab 2 of the booklet, and that frankly shows every single change including spaces, commas and periods to the PUD ordinance that was in front of you at the last hearing. One thing you might note is a slight increase in the uses. That was done—we went back, and when we were comparing the uses we were proposing to the B-3 uses, we actually realized we probably missed a few. None of those uses that were added are uses that are not already allowed in the B-3 District.

Another change that we made if you look at the concept plan, is to reorient the homes along Sycamore in the Single Family District. Maybe the easiest way to do this would be to turn to Tab 4 in the booklet. And, you see the first page is the current conceptual plan or is the prior conceptual plan that shows its location. Actually, that's mislabeled. That's the current concept plan in the aerial. Before we go to the next page, I think it's really worth noting, um, I've been doing this long enough and have gone to enough academic classes and seminars and the like on planning—if you take a step back and look at this project in its context with the greater Village area, it's classical zoning. That is, it's a transition with single family on the northwest portion of this project that transitions into multifamily and commercial. The commercial is located closest to the existing commercial uses in the downtown Village area and the multifamily is located on the southern-most portion of the property back up against an area that, quite frankly, because of flood issues and flood plane issues, will never be developed as anything. That is a truly textbook example of, in our opinion, of transitional zoning.

If you turn to the next page, that shows in much more detail, the front of the project as it fronts along Sycamore Street including the access—the proposed access points into the project as well as the reorientation of the single family homes on Sycamore Street. Now, the front yard faces Sycamore. That requires them to have a 20-foot front yard setback. They are required to meet the minimum standards for the driveway, and they all will have garages as well. That again was, in part, in response to some of the issues raised by some of the stakeholders in the area in terms of, you know, people accessing those homes and not wanting them to back up to Sycamore.

The other change that we made, and I have documented that as well, that I think is worth noting, is the height of the buildings along Sycamore. 35 and now three-story max and 45 feet with a step-back which we think is more restrictive than is currently allowed on the site.

The issues that we've heard, and we've touched on this briefly last time, with this site, first and almost always first is traffic. So, this evening, in order to address that, is Steve Fehribach of A&F Engineering. He is going to go ahead and address the memo that was done by his firm which is found at Tab 5 of your booklet. So, Steve?

Fehribach Sure. Steve Fehribach with A&F Engineering, office at 8365 Keystone at the Crossing. Um, I'd like to step back from the memo a little bit and talk about different types of traffic studies that can be done. What you see in front of you here is basically a trip generation analysis. There's also things called traffic operation analysis, traffic impact studies and all different types of studies that we, as traffic engineering professionals, do. In this case, what we did was we took a look at a trip generation study. Specifically, why we did that was because the zoning, existing zoning, I want to call it a down zoning only in traffic—

Franz I guess people are having a problem hearing you so could you speak a little closer to the mike?

Fehribach Oh, I'm sorry. Yeah. So, what we did was we looked at the existing zoning and then we took a look at what the developer was going to potentially put on there and kind of said to ourselves, "Okay, how does that traffic relate to each other?" So, we don't typically look at it as a build/no-build situation because any time something new comes in, we know we're going to add more cars. So, in this case, we know the community also has been looking at this area from Main and Sycamore and 1st and 2nd and Oak, and all of these for several years because it is kinda a hot spot for traffic. So what we decided to do was take a look at this and say, "Okay, if it gets built per zoning as it is today and compare that to what is proposed." And, that is basically what this memo does. Now, where does that data come from? It comes from the Institute of Transportation Engineers which is a group of professionals we all belong to out of Washington, DC. And, they compile this data on different land uses. There's about 1000 different land uses in this document. Everything from cemeteries to office buildings and everything else. So, this is not local data but it's data that's collected all over the country, and then it's normalized, and then that's what we use as traffic engineers do everywhere. So, we are kind of using the same data that we use in Indianapolis and Fishers and things like that. This data was also used in doing your Impact

Fee Study that was done a couple of years ago now. So, it's the same data that we keep using over and over again to be consistent.

What we found quickly is that, if we look at what can be zoned or what is zoned today as compared in the a.m. peak hour, we're going to generate 68 less trips in one hour if it's built per the development as proposed. That's pretty significant, about one a car. If you go to the p.m. peak hour which is typically the highest peak here in the community, we're going to generate 170 fewer trips if built as presently planned. Then, we go to the daily traffic and we say to ourselves, "Okay, what's that going to be?" That's all day long, 24-hour trips, things like that. 1307 less trips will go through that intersection on a daily basis. Now, some of you might ask, "Well why is it that you didn't do a full-blown traffic operations analysis or impact study?" In 2013, you guys did a study for this area and it identified several improvements that could be made. And, the community staff and the community is still evaluating those improvements and others as we go on. We know, A&F knows, that in the morning there's backup traffic. We know it is a low level of service. So, by adding traffic to that intersection, yes, it is going to increase the volume which could increase delay but this development will do it at a less impact. And, that's what we are trying to show through this memorandum. There are several different alternatives out there the community is looking at that could improve this intersection. Everything from roundabouts to traffic squares to additional signalization to new roads and things like that. Any of those improvements that are made will improve that overall corridor but this traffic is already in there, and I'll tell you why.

In 2013 when that study was done, we projected those volumes out to two thous—for 20 years. So, the volumes that were in that original study in 2013 projected out 20 years anticipate additional growth in this area which could be assumed as this piece of property or other ones. So, in a sense if we were to go back and do another study as compared to that, we would be double counting cars. So, we've got traffic that's projected out to two thousand, twenty-er, 2033 and then we would have this traffic on top of it. So, we felt at A&F Engineering, that probably the best thing to give you at this time would be, let's take a look at the existing zoning, let's take a look at the proposed thing, and see if there's that much of a difference and in this case, there is. So, therefore, that's what you ended up with in your packet.

Franz            Thanks.

Ochs            Just one quick follow-up to what Steve said, and certainly Steve is available for any questions, but and that is, since the traffic impact, the road impact ordinance contemplates these particular improvements to the Village area as well as elsewhere, and were factored into the amount of the impact fee on a per EDU basis, that is a responsibility that we would have, the developer would have, to pay prior to development. Those would fall, I think we estimated at about \$217,000. That could change by a small amount one direction or the other depending on the actual specific EDUs that are developed. Those dollars would then be used to make the improvements to the road system that are contemplated and are necessary to improve traffic flow in the Village area, particularly along 1st Avenue.

Another topic that we heard a lot of concern about is drainage. The easy answer there is to say, "Well, we haven't done that yet. No one does that where we are in the process." But, that isn't going to satisfy a lot of people. We understand that. We have asked our civil engineer to go out and look at the site and make sure that compliance with the drainage ordinance, the drainage handbook, is possible. That has been confirmed to us. But, at the end of the day, this site, it must, there are no ifs, ands or buts about it, it has to be designed, and we have to submit that design, a professional engineer has to do it, that meets all of the requirements of the drainage ordinance for the Town, and that's not something that's open to debate or discussion. If we can't do it, we can't build. It's that simple. And, so, we have to take care of it. We have to comply with the detention requirements. Those detention requirements have to exist above the 100-year flood elevation. We can only release water from the site at the predetermined rate as required in the ordinance. And, we have to collect all of our water. We can't get around that. So, I understand, we understand completely the concerns that some of the folks in the area have about drainage. We have not done a drainage study. That would be premature at this point in time. But, we can say without hesitation, from our perspective, it really isn't an issue because we have to do it. PUD-approved or not, development plan approved, if we reach the point where we can't do drainage properly in accordance with the plan, we can't do it. That's just the end of the discussion from our perspective. Certainly, when we reach a point in time, and hopefully we do, where we are generating a bona fide drainage plan to submit for approval, that will be available for everybody to review, and if they wish to comment on it at that point in time, that's certainly fine. But, we cannot avoid that requirement.

We have a question about open space in the plan. We went back and took a look at that. Quite frankly, it is probably something that we should put in the PUD, and we have no problem doing that. But, our overall open space will exceed 30% of the site and open space would be defined as that portion of the property where we don't have pavement, impervious service or buildings. Most of that would occur on the southern part of the property but it also occurs throughout the development as well.

Another issue that has been raised are schools. We finally got back after submitting a worksheet, a summary of the projected annual fiscal impact of the proposed development from the Zionsville Community Schools, and I will go ahead and hand that out. For those that understand the real estate tax levies and the like, you'll enjoy reading this. But, the simplest thing to look at is the top of the very first page and that is the summary, the simple summary of the overall fiscal impact per year of this proposed development on the school district. As you will see, the impact is \$961. That led Mike Shafer with the Zionsville School District to conclude that their computer model essentially predicts that the development would have a neutral fiscal impact on the local school district. As shown, we predict that the development would generate about, approximately \$206,354 in additional revenue for the school district. Some of that comes from state aid and local property taxes but would require approximately \$207,315 in additional costs from the new students expected from the development. Given the proposed mix that we have submitted, the school district estimated a total number of new students to be 25 in total. Mike Shafer went on to say that the minimal difference between revenues and expenses of \$961 should be regarded as being

within the margin of error of our model. As you will note, the model also indicates a school tax rate difference of approximately -1/2 cent if the development is built as proposed. I believe that this negligible result is also within the model's margin of error, and I consider the tax rate impact on the school's portion of local property taxes to be neutral as well. So, that is from the school and that is in response to some of the concerns that we have heard with respect to the Zionsville School District.

Another concern we've heard is parking, and David Rausch is going to go over that in a little bit more detail. But, as I indicated at the last hearing, we are proposing to meet the VRB standards for this project for the entire project as currently designed. As Dave will walk through very briefly, we have a small number of excess parking spaces above and beyond what the VRB standard would require. We do intend, hopefully, to be able to offer a very limited number of spaces in the garage to the general public if that's possible.

A couple of other comments. This—someone asked about affordable housing. No, this real estate is far, far too expensive for that. That's simply not going to occur. In terms of density, that has not changed. We have a maximum number of residential units of 85. Within that cap, we have no more than 75 multifamily and no more than 15 single family, whatever combination is used to reach that 85. We've had a number of questions about the single family homes. Again, Dave is going to get to that in just a minute. But, as of right now, we would anticipate that those would start at about \$500,000 in terms of price point. We've had questions about whether or not the multifamily could be apartments or whether they could be condos, the answer is that they could be either. It will just depend upon market demand. If there is a significant demand for condos that would be sold than that is certainly something that we would consider. It's going to depend on market demand. We would anticipate if that was the route we went that the starting price point of those condominiums would be about \$400,000. We think staff did a very, very good job with respect to the staff report and, in particular, how this fits in with the plans and the Comprehensive Plan that the Town has created. I do refer to, before I will turn it over to David, Tab 6 in your booklet, which is a letter from your Chamber of Commerce that supports this project. So, with that, I will introduce Dave Rausch, who is going to go into a couple of issues regarding the design of the project, the architectural design of the project. In particular, some of the issues involving the single family portion of the project. So, Dave?

Rausch

Thank you. David Rausch with offices at 70 E. Oak Street here in Zionsville. Following Tim's lead, what I would like to do is just take a few minutes here tonight, maybe amplify a couple of points that he made and certainly not repeat them. But, also, provide a little bit more supplemental information that maybe graphically begins to address some of the questions that, not only came from some of the Village residents a week or two ago—and over time, and also a couple questions that we fielded here in front of you all a couple of weeks ago. So, with that, I'm going to hand out a little bit more information to each of you.

What's in front you, we've—okay, thank you. What's in front of you are some supplemental concepts. Again, reinforcing Tim's comment about, you know, where we are in the process. But, certainly, we're multitasking here as the PUD

is contemplated and refined, we're also beginning to explore development concepts and, obviously, project feasibility and viability with the development team. So, the merging of those two tasks, activities, really I think maybe helps to, at a very, very preliminary level at least, identify some strategies. And, I think that's a key word of development and design strategies that are in front of us that will provide, you know, not only assurance that we understand the directions that we need to go but also are beginning to think about how those paths would be taken. So, I won't run through each page here specifically. But, the first four sheets—I won't need the plans—the first four sheets are the concept development plans which you have seen with a little bit of refinement from the refinements to the PUD and also some of the development strategy. Again, for the purpose of this meeting tonight, you know, although the PUD much like a zoning ordinance will allow many different things to happen, any one of which would be validated or supported by the market conditions, but certainly restricted and/or informed by the PUD that's in front of us. So, the issue with development concepts at this stage is we have to pick something to show, and that's important for us all to understand. So, what we have illustrated in front of you for the purpose of this, which we think is certainly viable and, something that has a great deal of consistency but also refinement going forward, are the single family homes on the northwest corner of the property, the mixed use or commercial building at 2nd and Sycamore, and then a mixed use building at the south side of that same parcel, and then a multifamily building in the southwest corner of the parcel.

Leafing through to, I guess if I can indulge you to about sheet 6, after the small scale plans, is a page that begins to speak to sort of the aspects or the character and the layouts conceptually of the home sites. And, as Tim mentioned, and as we have looked at layouts very conceptually, the notion of reducing the number of sites from 10 to 8 is in front of you. You can see in the small site plan in the center of that page, the four parcels that front Sycamore Street and four parcels that front an anterior drive that would also serve the multifamily building. One thing to note as we have been looking at a little higher level of detail, this plan also anticipates extending the south curb line of Sycamore Street so that we have a full 24-foot two-way traffic pattern in that street. It's a little hard to see at this level. I think the drawing in your packet might show it. As well as maintaining the parallel parking spaces that more or less organically occur on the north side of Sycamore Street today. And, the point for that, is that we recognize there is one-way traffic coming south on 3rd Street, and there will be four homesteads that are seeking access up that street currently doubling that number. If you're familiar with the street, there's a—it's a little difficult to know where the south edge of that street is today. So, this would true that up completely.

The site plan sketch in the top I think Tim covered. And, the two illustrations in the center of the page are important to focus on, that they are, in fact, illustrations. These are not the exact homes that are going to be built. Those homes would be governed by the PUD and the market and the buyer and the seller of those properties. The sketch though, I think, intends to do a couple of things. One is to communicate scale and composition and then secondly, as Tim alluded to, to make sure that as the PUD stipulates, materiality, size and other elements would very much be consistent with the Village of Zionsville and the Village Special Residential District. The fact that the garages are on the front of

the building Tim covered. Certainly, there are some design opportunities and challenges to make sure that those are properly handled. There are examples of that throughout the Village and in any community, and feel that good design and proper planning will certainly allow for those four sites not to be an eyesore or a blemish. The sketch to the left, upper left corner is then a view looking down Sycamore Street toward the first house. And those homes actually protrude out of the commercial building and would have visibility and attractiveness from the corner of 2nd and Sycamore.

The next sheet, quickly, begins to suggest the development of the commercial building on the southwest corner of 2nd and Sycamore Street. A couple of sketches. There's an artist's sketch as well as a computer-generated model and, of course, you'll notice that there are minor deviations between the two and representative of the iterations in the development of the project. But, what's important to point out here is, as Tim mentioned, the height limitation and how we handle those, those movements. The design strategy for this and all buildings on the site will be very much to be a pleasant and fitting neighbor as the site transitions from the VBD toward the southern edge. And, there's some design opportunities there to make sure that buildings fit by scale, material architectural detail and so forth without being mimicry of what is in Zionsville or, worse yet, mimicking what is in other communities in having misplaced architecture. Certainly, at a very preliminary stage, all of the details aren't vetted but what you see here is a masonry building of two stories with cornice at between 30 and 35 feet, very much consistent with Main Street and the size and character of buildings there with the 3rd floor a step-back between 5 and 15 feet depending on the location. The opportunity, hopefully, is that that 3rd floor step-back would actually be able to be terrace space for an office user or someone up there. The combination of punched openings in storefronts very much, awnings and other architectural elements, very much in keeping with a fitting design or a fitting development in this corner of the Town.

The next sheet probably more interestingly is a drawing or a series of drawings that begin to illustrate how a 50- to 55-foot tall building might begin to unfold on the site. As Tim mentioned, the site falls about, he mentioned 6 feet and, in fact, that's about where the elevation of the two buildings in these illustrations would fall, relative to Sycamore Street, about 6 feet lower. The site actually falls about 17 feet in total from the northeast corner to the southwest corner. That's important to know because that also becomes the platform for all of the underground parking that you see and the foundations and the foundation walls and so forth that would have to reach that elevation anyway. So, the design strategy for a 55-foot tall building in this area is really one that tries to unfold from sort of a face to the street to reaching out to the south where the vistas to the Eagle Creek area would actually be maximized. The sketches that you see—and I might add again, to “pick one,” this set of illustrations actually contemplates about a 24-unit condominium building with condominiums that range from 1800-2400 square feet in size. Is that what we're doing exactly? Of course, I can't say that. But, what I can say is that, you know, the development agenda would certainly like to see that done and prioritize that. There is certainly some nice opportunity but we're not at that stage yet. But, so just for the sake of clarity here, that is, in fact, what has been illustrated here. The three sketches that are in the upper right-hand corner are views, again, please don't take everything

literally, but suggest how a building might mass with the step-backs, fenestration, materials and the like. So, the upper sketch would be a view from the southwest where the grade has receded and the lower level would be a little bit more exposed. Using a combination of masonry on the base or the body of the building that would go up to third floor in this case. And, then, a different material, again whether it's cement board that is a little less detailed purposefully, and recessive in both color and detail at the top, those two top floors actually then are stepped back and treated differently so the top floor can become as a complete story, the top of the building as the ordinance in the Zionsville Zoning Ordinance calls.

The other two sketches, the one in the middle is from the northwest corner as if I were about standing at the intersection of 3rd and Sycamore, and seeing one of the single family homes in the front corner and, again seeing the upper floors of this building recede back. You can see the grade rising up as it would do from south to north and, then, therefore, diminishing the height of the building as it got to the north.

On the left side are three or four, I guess four, images of buildings, none of which would be this building, of course. And none of which necessarily are being presented as this is what you should like or we would like but more as a presentation of the strategy and examples of where upper floor treatments have been handled in other communities. Stylistic references would be specific to those communities. So, again, while you see the upper left-hand images being a little bit more industrial, it's in a little bit more industrial setting. And, the lower two examples, a little bit more of a high style setting. The strategy for these buildings would be very much to be responsive to the Zionsville setting. Time will afford us the opportunity to determine exactly what that might be. So, the other thing about the 55-foot height is that it does allow that fourth floor which is a pretty critical story height for residential construction. With the setbacks, allow for obviously relief of the wall line. The other thing they do is they allow for balconies at the floor that they occur on. That's important to know because it's a softening element. How they're handled is important. We have suggested and would suggest here that receded balconies as opposed to balconies that hand off would be a very valid and appropriate tool for a project like this. Whether there is a planting program for owners of units to plant scape balconies with flora or whatnot are certainly things that, you know, one would need to start to think about here and become opportunities to soften the building.

The next page then is a set of illustrations or is an illustration that looks to the West from the interior of the site and actually looks at, you see glimpse of, glimpses, excuse me, of all the structures as contemplated. To the right is the commercial building. Immediately behind that is a mass of one of the residences. In the distant center is the condominium building that I just described. There you can see as the grade rises up and the upper floor recedes, it gives the wall about a 2-1/2 story presence. Then, to the left is the other mixed use building with a combination of, as illustrated here, commercial space on the first floor and multifamily on the upper levels. Then, lastly on that same sheet is a conceptual development summary. As Tim mentioned, by very basic math based on this concept plan, we have just over 40 at 41,000 square feet of commercial space, 64 units illustrated and 245 parking spaces. Again, using simple VBD math, the required parking would be 178 spaces. And, again, although the PUD speaks to a

greater number of residential units on the property, as Tim has mentioned and I will mention again, from Day 1, the development strategy has been to make sure that we have adequate parking for not only the community but also the development. Just like traffic, ingress and egress have to satisfy the development as well to be successful as well as parking.

The last page I won't really get into, but it might be good for questions and answers, is just a very quick study of building height, setbacks and massing. So, with that, I guess in sum, the last sort of summarizing comment, as Tim started and spoke about relationship to the VBD and Zionsville Zoning ordinances, I just do want to reinforce that many of the elements in the PUD as far as materiality, as far as four-sided architecture and those sorts of things, are very literal interpretations of the Zionsville Zoning Ordinance and that the success of how all those mater—those requirements are implemented will, you know, certainly be a driver to the success and the fit of the project. But, again, four-sided architecture, service areas that are discreet and appropriate, multiple materials and a limitation of those materials that are not as solid, if you will, of brick and stone, such as stucco—we have those limitations that are very clearly identified and would be followed in the PUD. So, with that—

Franz Thank you.

Ochs Thank you very much for your patience. We went through a lot of information. We think this is a good proposal. It must be viewed from the context of the proper starting point. It's an exciting project from our perspective. It, we think, is the next logical step in the development of the Village area. We're excited to be part of the project and we would be very pleased to answer any questions that the Plan Commission might have. So, thank you very much.

Franz Okay, thank you. Is there a representative from the remonstrators?

Tousley There is no representative. However, there are a number of people who want to speak.

Franz Okay, I thought maybe there was going to be one spokesman. But, if you do want to speak, when you approach, please state your name and your address. So, let's start that off.

Tousley My name is John Tousley. I live at 305 West Pine Street, here in Zionsville. It's about four doors down from the subject property. I've lived in Zionsville since 1978, all of it in the Village and, at my present location at 305 West Pine since 1982. Raised four kids there. As you probably remember from last time, I did my first slide show for you folks.

Franz Did we have problems last time, too?

Tousley Yeah, we had problems last time. And, I really thought I would have it done.

Schiferl Perhaps it was your first—

Tousley Here we go. All right. Petitioner is basically seeking approval—and by the way, I apologize that I don't have the most updated information. Dealing with a PUD is kind of like dealing with Whack-A-Mole at Showbiz Pizza Palace. And, that is, things change so rapidly, you never quite know what's going to pop up next. So, many of the things that were spoken about tonight by the petitioner are entirely new and to everybody else in the back despite the fact that we had a meeting with them a while back. But, basically, what they're saying is that they have three areas and approximately 4.2 acres and are seeking a variety of mixed use retail—and this is taken from the documents—personal services, restaurants, professional offices, hotels and motels, too, by the way. So, the next time you want to spend time at a Holiday Express Inn, you might go there. Also, multifamily in the mixed use area. They are asking for multifamily and single family in the largest area in the PUD, a total of 85 units, I think is what I heard, and then single family in the single family area which is closest to Sycamore. The other problem is that none of this shows up the way I want it to. But, I guess that's progress, maybe.

Now, the problem with this is that the proposal doesn't follow the plan. If you look at the current multifamily zoning, it's B-3. B-3 zoning does not allow single family or multifamily. So, if you just take a look at the bulk of the property that's shown, most of the use will be in uses which are not allowed by the current zoning. Well, I'm going to wing it from this point. Then, we look at the 2012 Economic Development Strategic Plan. Can you do it? It worked in my office. No students at this thing. Let me see that slide. Let me just do it this way. Anyway, if you look at the 2012 Strategic Plan, it allows a Village expansion area limiting residential uses to upper story uses, so it talks about residential uses. It doesn't talk about multifamily uses. So, if we look at the 2012 Strategic Plan, it doesn't follow that plan either. Again, multifamily, single family. If we look at the Comprehensive Plan, and I really wish we could, it doesn't follow the 2010 Comprehensive Plan. The 2000 Comprehensive Plan, the 2010 Comprehensive Plan provides for multifamily, I'm sorry, does not provide for multifamily. It provides for basically Village downtown commercial use where the existing commonly called the Calico Corners building is located and the rest of it would be Village Residential as opposed to what they're proposing.

Now, you know, an interesting question applied or, there is an interesting question as to which applies, whether it's the Strategic Plan or whether it's the 2010 Comprehensive Plan. If you look—it may be a difference though without any particular meaning, because both of them, under both of them, the proposed use is not allowed, that is, the multifamily and the single family. And, it's questionable as to whether the commercial is given the fact that it doesn't meet many, many of the, many of the requirements.

Now, I want to talk about single family. They do show single family homes. It's been approximately anywhere so far from 8-10 and I heard, I thought at one point 15. But, tonight the concept plan was 8. Again, I guess this can change on a dime. On the lots, they call for something like 50 x 100. There are a few lots I thought they mentioned might be 60 x 100. The minimum requirement for a single family residence in the Village is 8000 square feet. So, if you look at that, if it is a 5000 square foot lot, they are 62.5% of what the minimum requirement is in Zionsville for single family Village Residential. Or, it's 75% if you happen to

get one of the large lots that are 60 x 100. In addition, their plans, and I guess that changed tonight, originally, they asked for 75% lot coverage. Now, tonight they said 70%. That's the first time I've heard of it. I'm sure you're familiar, though, that under the Village Residential District, lot coverage maximum is 35%. So, what we're talking about here are lots that are a third or more smaller than the minimum. We are talking about lots that have twice the lot coverage more than the minimum. How can you say that homes of that size in that proportion look anything like the rest of the Village? This is going to introduce an entirely new class of housing to the Village inconsistent with its neighbors. The side yards were described as 12 feet aggregate, minimum of 5 on any one side. In the Village, the ordinance is 15 foot aggregate with 5 foot on any one side. We also have the homes that face Sycamore with garages. There are a few examples of home with garages facing the street. Usually, they are more modern homes. Frankly, the older homes typically have detached garages that are separate. For instance, in my case, I have what used to be a barn that's on 3rd Street.

I live on 3rd Street, well just about, like I say, four doors down from here. The interesting thing about 3rd Street is on that section, it comes in two parts. The first part where you turn off Oak is one way. The second part where I am is two way but I say that kind of laughingly because two cars trying to get by and if anyone parks, never gonna happen. Then, you go down to 3rd Street which comes closest to this one and it is truly a glorified alley. And, 3rd Street is one of the main access points for this project. 2nd Street is the other one. Now, I use 2nd Street quite a bit. 2nd Street typically you have Albers parking out there and, on the right side, you have the Bentleys and Rolls Royces that I admire and wish I had on the left. And, if you hit the right time for Dairy Queen, you're going no place. That is the second access street for this.

In April 30, 2016, Indianapolis Business Journal, I picked that up not too long ago and I saw an interesting quote from our mayor. "I think we're a little picky," Mayor Tim Hawk acknowledged. "We want to get the right kind of development on certain parcels and in certain parts of town." Well, if there's a place for the right type of development, this certainly is it. And, I think we need to be picky. I think we deserve more. "I don't think Zionsville feels any pressure to approve developments they don't like," according to Steven Pittman. Before The Farm received zoning approvals, Pittman provided comprehensive fiscal, economic development and traffic impact studies in addition to discussing project details with residents and Town officials. You have none of that. As far as discussions, they have only recently begun. The first meeting with the VRA was only a little more than a week ago. Mr. Rausch was there. Unfortunately, most of the questions he couldn't answer. He tried. I've got to hand it to him. By the time he walked out of there, he probably felt like a pinata. But, we didn't get the information we asked for. "I think you should have your information about your development," Pittman said. "I couldn't fathom someone asking me to do a traffic study and not doing it." You have a memo, that's it. Zionsville deserves better. Thank you.

Franz

Thank you.

Royalty

Mr. President, for the record, my name is Bob Royalty, 325 South 3rd Street. Thank you for the opportunity to speak again to the Plan Commission on this petition. Mr. President, I want to go back to the words of the petitioner's attorney, Tim Ochs, at the April 16<sup>th</sup> Plan Commission with regard to the traffic study for the proposed PUD. This is a rough quote. I think it's fairly accurate. We went to A&F Engineering and asked that they take a look at this, and they did, and there's a letter in the staff report drafted March 14 which I understand is in the new PUD. What A&F did is basically the first two steps of a traffic study, a traffic analysis. They looked at how many trips this particular project in its current configuration would generate. Then, A&F came back to us and said, quite frankly, that it doesn't make sense that we do a full-blown traffic impact study, at least a traditional one because the last component of that is recommendations for improvements of surrounding streets and intersections. They are at a loss for that. Let me emphasize this. What the attorney said in March was, "They are at a loss for that." When looking at this proposed development on this site in Zionsville given the uncertainties of the Town's traffic plans, the traffic engineering firm of record in Indianapolis reported that they were at a loss on how to proceed. The parcel of land discussed here is landlocked. On the south side is dense forest and wetland leading to Eagle Creek. On its West, wooded Village residential housing. On the north, more Village residential housing on the one way alley called West Sycamore Street. Only at its northeast corner is there an opening, a small abutment to the Village Business District at 2nd Street. Placing high-density multifamily housing and multi-use commercial construction with only a narrow opening to the outside world is the definition of a bottleneck, a large number of cars trying to get through a small space on a daily basis. The memo which calls itself a cursory review provided by the petitioner estimates over 2000 additional trips per day over the current use for this area with almost 200 trips during the peak afternoon hour. And, we got some new information from the engineer tonight. He called this area a hot spot, a hot spot for traffic. And, we also learned, and this will come back quickly, that this is not local data. This is national data that has been normalized across the entire U. S. for this site. So, 2000 additional trips per day under normal circumstances, I assume. Well, now I know it's nationalized normalized data.

If you live in Zionsville, however, you know that many days are not normal. What happens on this key corner of Sycamore, Main and Zionsville Road during Brick Street Market, during the 4th of July fireworks when these 85 households squeezed into these four landlocked acres all invite their friends over? Sure, you can park in my driveway. We all say that if we live in the Village. But, we live on 8000 square foot lots with 35% coverage. We live according to current Village Residential zoning not a write-your-own-ticket PUD. Brick Street, 4th of July, Fall Festival, Lyons Park concerts and Little League and Walk for Life. These are part of the lifeblood of Zionsville. And, these beloved events could be choked by too much development and too much traffic, National, normalized data does not work for this area. This traffic would impact the Village, yes. But, this is not just a Village problem. This PUD is at the foot of the Village but this is also the heart of Zionsville. 2000 more vehicle trips each day on 1st Street and Zionsville Road as well as Sycamore Street. The backups on 1st Street send more and more vehicles everyday to 2nd and 3rd Street. The gridlock we see every afternoon on 1st Street will spread west into the Village. And, the wait times on Zionsville Road coming into town will get even longer. This will affect not only

the Village and Rain Tree but Ford Road and northern and Western Zionsville as more cars seek relief from the long wait on Zionsville Road. Furthermore, there are new sub developments coming on Zionsville Road south of Oak, south of Sycamore, sorry, adding to the traffic. And, in terms of producing a full traffic study, I'm not an engineer, but I'm pretty sure that A&F has a methodology to avoid double counting cars.

The petitioner estimates about \$217,000 in traffic use fees from the proposed PUD. Again, I'm not an engineer, but that sounds like a pretty small amount of money given the traffic and infrastructure challenges Zionsville is facing. And, I refer to a recent report about road conditions. If you look at the map that was published in the *Times Sentinel*, the red areas are primarily in the Village, areas in need of repair and improvement. I would be very curious to know how many feet of two-lane road could be repaved for \$217,000. I wonder if a contractor would start a project for that amount of money. So, A&F, A&F is at a loss for the traffic plan for this PUD. The petitioner's response, build it anyway and let the Town foot the bill down the line. They are presenting a plan to the Plan Commission that does not have a plan. Given the lack of detailed comprehensive traffic plan, I would say this is not a PUD, a Planned Unit Development. It's an unplanned unit development that carries a very high cost to Zionsville. Thank you.

Franz Thank you.

Lusk My name is Scott Lusk. I live at 285 Hawthorne Street. I appreciate your time. My first time addressing this Board. As you may have noticed, 285 Hawthorne is the corner of 3rd and Hawthorne, so one of the four houses that are on the one-way alley that leads into this proposed development. So, what I wanted to talk about a little bit—I was on the parking and marketing study. I was asked to be on it and, when we were looking at this area as a group, we were looking at 20 acres and it was very well spoken by the people before me that this now has shrunken down to four acres that are fairly landlocked. Depending on what goes around them, those could change, but it seems pretty clear that, you know, on the Stacy LaBolt's property that's been purchased and we know what's going there, and then the trailer park also seems to be pretty set on what they're going to do there. Everybody seems to be focused on 2nd Street and Sycamore which is going to be the main in-and-out but again, 3rd Street is the part that I don't think is being taken into account. We already see people cutting through that one-way to get around, to get to the 1st and Sycamore intersection without going down the long lines of cars on 1st. So, we've seen an increase. And, as a result, I personally have, you'll notice I have two elementary kids in the back because we couldn't get anyplace to put them tonight, but, you know, I currently have a permanent sign out there that says, Caution, Children Playing. But, in addition, I have my kids take a cone with a handmade sign and walk out there and set it on 3rd Street also saying Caution, Children are Playing. Every time they go out to ride their bikes and these kind of things. So, if the you know, the eight houses, the retail, maybe not as big a deal but the multifamily housing now adds a significant amount of cars coming into that particular area. And, to think that 3rd Street isn't going to be utilized to get to those locations, I think is a little understated. So, I don't know that the parking study has really taken into account what's going to happen outside of that one intersection. What's gonna happen at 3rd Street?

What's gonna happen on Hawthorne? What's gonna happen on 4th? I really feel like the infrastructure isn't there to support this kind of development. When we were looking at the 20 acres, we had access, you know, potentially to take traffic to 4th Street off Sycamore, extend that down. Or, get traffic onto 1st Street, onto 2nd Street, even come around the back of the CITGO lot and get back onto Zionsville Road. We don't have any of those options anymore. And, now we're looking at 4 acres with, in my opinion, way too much development for that amount of space. Thank you.

Franz Thank you.

Moyer Good evening. My name is Terry Moyer. I live at 420 West Pine Street. I have a letter I've been asked to read. It was dated and received today, May 4, and we can provide everyone with copies.

Dear Members of the Zionsville Plan Commission:

Although we are unable to attend this evening's hearing, we request that our comments be read into the record for your consideration. [This, by the way, is from Indiana Landmarks. I should have stated that at the beginning.] Indiana Landmarks opposes the proposed Planned Unit Development, the PUD, named Fabrico at 165 and 235 West Sycamore Street. We have heard from concerned Zionsville residents about this project and its potential to negatively impact the Zionsville community. This proposal would introduce a high-density project in Zionsville which could include four-story buildings and a 28,500 square foot commercial building. This type of high-density construction is in direct conflict with the vision statement outlined in Zionsville's Comprehensive Plan which I quote from beginning below. It reads:

"Maintain and enhance Zionsville as a vibrant, vital community with a small town atmosphere reflecting its Village heritage through ensuring overall low-density development, maintenance of the Village and downtown as the focal point of the community, enhancements to its commercial and light industrial zones and strengthening its architectural integrity and character."

Driving down Main Street in the Village, the historic architecture helps Zionsville maintain a distinct identity. To allow a development that would be in direct conflict with the community's vision for its development would negatively impact the identity of the Village and the entire Zionsville community. Approving this PUD with building heights up to four stories would detract from the small town atmosphere that makes Zionsville a desirable community to live. We request that you deny this petition and encourage development that aligns with the comprehensive plan which encourages well-planned design developments to complement the overall scale, density pattern and architectural integrity of the community.

Signed, Sincerely Raina Regan, Community Preservation Specialist from Indiana Landmarks. Thank you.

Franz Thank you.

Zelonis

Good evening. My name is Sally Zelonis. I live at 40 South 3rd Street. My family and I have lived here since 1997. A little awkward going forward with my remarks, only because some of the things that I brought to the hearing, the previous hearing that was held, have been somewhat addressed. But, as I say this, because there was an opportunity for the developer to come to a Village Residents Association meeting and the lawyer was the only one who showed up even though the developer had set the meeting to appear and was not there and there were over 100 folks from the Village. I feel like previous people had mentioned that the information that you heard tonight was the first time we had heard it tonight and no offense, but it's a little difficult to crane your neck to see some of this stuff and you get a paper copy and we don't so, um, bear with me because some of my remarks, some of it has been handled but others have not been addressed. On August 27, 2015, I attended a Zionsville downtown redevelopment site RVP Committee meeting hosted by HWZ Engineering and the Planning Department here in Zionsville. The purpose of the meeting was to look at the Town-owned PNC property and to discuss components for an RVP in preparation for the sale of this property. It was stated that the Town wanted to set high standards for this Village gateway property. The Town wanted to get this property developed before the properties nearby were sold and developed and the discussion went to building height. There seemed to be agreement that it should be 55 feet, and I disagreed with that. Some on the committee suggested that a step-back would be allowed so that 55 feet wasn't right at the front, and that was okay. So, at this point, I questioned what would happen at the intersection of Zionsville Road and Sycamore Street and the Town then produced a draft. You know, this is also shortened for a three-hour meeting, a draft roundabout for that intersection and, although there was no agreement, it appeared to be an option that was being considered by the Town. Where is the Town with the plans for this intersection? Where is the Town with the plans for the sale of the PNC property? I believe that these delays are not in the best interest for the Town of Zionsville, especially as it relates to the traffic that will be created by the development of 165 and 235 West Sycamore. I don't think it's in the best interest of the Town. As the proposed 165 and 235 West Sycamore Street project relates to building height, I would remind the Plan Commission, it's clearly stated in the PUD guidelines, height of buildings in excess of 35 feet should be designed and planned to reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities. None of the neighboring properties are above 35 feet, and I see that they have adjusted, addressed that with the single family homes. However, I can't say that with the retail. Ah, I do not consider 15 additional single family houses, 65 apartment units and a retail establishment efficient use of existing public services and facilities not in this area. I would also remind the Plan Commission in their review that the Town's Comprehensive Plan calls for minimizing the effects of future land uses that have a high potential for adversely impacting the environment and character of an area. The wetlands located on the property and all along Eagle Creek are fragile. We've all seen the severe flooding that has occurred over the past several years. We want you to help us to continue to support and enhance the Zionsville downtown as historic, unique, and a vibrant focal point of the community, both for residents and our many visitors. We also want your help to protect historic residential areas within the Village area of Zionsville. Thank you for your consideration.

Franz Thank you.

Funkhouser Hi. I also want to thank you for the time to speak. My name is Lana Funkhouser. I live at 305 West Hawthorne. It's the northwest corner, no, southwest corner of 3rd and Hawthorne. My house was built in 1872 and my family has owned that property since 1944. I'm wanting to ask a few questions, and some of it also mentioned, there is a great concern, Sally mentioned wetlands, flood plain, floodway, um, this is an area that everyone knows floods every year. Two years ago, almost, well three years ago, in 2013, it was the worst flooding since 1957 when the water was up and running over Zionsville Road and that hadn't happened since three people actually drowned in the ballpark and across there in 1957. So, the area has—there is a lot of vegetation, you know, until the leaves start coming out, you could see a little better, how low it is. And, also, you could also see all the trees, large trees that basically had just kind of fallen over and it wasn't because of a big wind. It's because they are constantly wet. So, the concern about wetlands, exactly where the floodway is, flood plain, um, you know, there are a lot of people interested in this. Friends of Indiana, excuse me, Friends of Eagle Creek, soil conservancy. If there are wetlands, you know, that's got to be mitigated and you have to deal with the Army Corp of Engineers. Um, I think this is kind of pooh-poohed or kind of put off just a little bit with "Well, we have certain things that we have to meet related to the local municipality's flood plan administrator's plan." And, um, I just think that we find it a little incredulous that this isn't seen as much more of a problem and actually, there is someone that's going to speak after me that has personal experience with that.

One thing on another topic that I'd like to ask is A&F Engineering, are they the engineers, traffic engineers for the Town?

DeLong Correct.

Funkhouser Correct. Then, you're representing the petitioner tonight, right? Okay. When you, I just retired out of healthcare after 43 years and I think we need a second opinion. So, I don't know, in years past, you guys are going to say, "Okay, you're ugly." I know I've heard that joke. Ah, anyway, I thought I'd say it first. Okay. Okay. I don't know where John Meyers is. HNTB. I don't know if they exist any longer. I'm going way back. I'm on record in saying that I do think we need a second opinion. Also, I want to point out, this, you know, we have to—we've seen a lot of pictures. We've been talking about eight houses. We've been talking about 65 apartments. The PUD ordinance—I haven't seen the last one—but whatever is approved is exactly what they can do. And, when they talk about market forces and they start, you know, about a condominium building—there is no commitment to that. And, anything that is a commitment that's not in the ordinance, I know I'm singing to the choir, but let me just tune up a little bit, that's exactly what they can do. And, they also, can sell property with this ordinance in place with 75 apartments, 15 houses and the commercial buildings in the way they are outlined. So, I do appreciate your time. I would like—I wanted to say one more thing. You know, when they talk about, well, okay, this time we're going to reverse the garages and so, now, the garages all along, you know, down 3rd Street and Sycamore, they're using eight houses as an example, but it doesn't mean it will be eight—you have backloading and basically, I think it's going to look like a service drive because you're going to have—the way I

count it, not even giving them 15—it would be eleven households backing into an alley and Sycamore which has difficulty, too. So, thank you. I want to introduce Patty Preston, and she has some pertinent information about flooding.

Franz Thank you.

Preston Okay, thank you. I am Patricia Brown Preston. I have lived at the same location in Zionsville in the old Village since 1971. Came down there from Union. That's where I grew up and my family. There's four generations—

Franz What is the address, please?

Preston 150 Elm Court Drive. That's located just north of Lions Park. It backs up to the flood plain so I've lived near a flood plain all these years. I first read about the project in the newspaper like a lot of folks probably here did. I was totally kind of confused and stunned by the whole idea of a PUD being proposed for this site so I began to do a little research about it. I also served here in Eagle Township from 1990 to 2002 as the Eagle Township Assessor so I am certainly privy to a lot of growth in Zionsville, and I understand a little bit about the zoning. So, I saw this in the newspaper and became interested because this area was always a floodway and non-buildable. So, when I started to read that this big project was being proposed, I actually came out of retirement. I came back into the public which I said I would never do, but I'm here because this is so important to our Town, to our Village and to all the people. I have some questions and I have some thoughts for you. And, so I'm thinking, how could anybody propose to build in a flood plain? I know it floods. Lived here a long time and Lana was talking about the flood a few years ago. And, my mom happened to be living in Compton's Trailer Park, the trailer park on 4th Street and they were emergency evacuated from that property. It was completely flooded over. So, we still, we still have this flood plain flooding issue which the folks gave us this map and if you look on page 3, more than half of their project is exactly where it flooded and you can see the trailers. All of that was flooded. My neighbor next door, his garage is not in the flood plain but it flooded completely. He lost everything in his garage. I also know from personal experience, looking, that people fill in the flood plain. And that is another issue that I think that ladies and gentlemen you need to consider because all over town there's little plaques by where the water goes and it says, and I would like to remind you, this area is delicate and fragile and part of the Eagle Creek water system. This is where we get our water from. If we start developing this floodways and flood plains with commercial projects, there is a domino effect not just on the people upstream but the people downstream and, in our case, we're so close to Eagle Creek, it could impact in some way our water system. So, I don't understand why—and I implore you—I heard that somebody got this area re-engineered, and I don't know personally about that, but I heard it and I would say that we need to look at that, seriously look at that because you all are responsible for protecting us. Not just our water, but our fragile ecosystems that if you look at these folks' map, you can see, there's, you know Zionsville has been here since 1852 and, in all those years, nobody built in that area where half of this project, proposed project is being—so, there's a reason for that and the reason is because it floods. And, I have brought some pictures to leave with you. These are pictures from the flood three years ago and it will show you that the water came up over all of the this property

in fact, they drew the lines, they drew the lines on here for you, for us, that was all flooded. So, in the sake of water safety, these proposed people, their safety, this is not a good idea. This is not a good spot for this proposed PUD project. It, in fact, in my opinion, it's the worst. I can't think of a worse spot for a project like this.

I also have just a few isolated questions here about, are these folks going to come back and ask for a tax abatement once they get rolling? I would also like to know for the record if, for some long-shot reason, this gets passed in some form or fashion, and they start their project but for whatever reason they have to back out of it, will the zoning revert back to its proper commercial if they remove themselves from the—200 West remove themselves from the project, would the zoning revert back to its current zoning. Thank you.

Franz Thank you.

Martini My name is Sarah Martini. I live at 80 Bailey Court. I am the president of the Village Residents Association also known as the VRA. Last week the architect came and presented to our association. The developer was not present. The attorney was suppose to be there but did not show up. The architect presented some theoretical designs that could be drastically altered. And, although he tried to answer questions, only a handful of questions were answered. A lot of the members made concerns, as you heard tonight. I'm not going to repeat them. But, after the meeting, it became very evident to me that most of the members of my organization do not support this and have a lot of concerns. It's evident that a vast majority of our members in the VRA believe that this development is not in the best interests of our Town. Thank you.

Franz Thank you.

Angstadt Good evening. My name is Gary Angstadt. I live at 345 West Hawthorne Street. I think most citizens in Zionsville, speaking for myself anyway, do not really understand why a PUD is a good idea on this property. We get vagaries of uses. The commercial building could be, we've been told a dental office, a restaurant, now perhaps a hotel. The single family homes which we think we would welcome, however, their size and scope and lot size in particular make for too dense a project. Right now, with 8000 square feet, the typical acre in the Village of Zionsville would have 5.3 homes. So, on this 4.3 project, you would think 20, 21 homes if the normal size and scope were to be applied. However, the largest eyesore I think on this is a 55-foot potential, again, we don't know since it's a PUD, but potential 55-foot tall multifamily building. LIDS is four stories. This would be taller than that. It would be quite large, quite out of place smack dab against Village homes. Plus, it could be apartments, it could be condos. That's also up in the air. Apartments tend to be people who come and go. Therefore, they're more like visitors. Condos at least would be homeowners and would be more welcome but where are we in that process. So, instead of a PUD, it would be nice if we had a commercial building. It would be approved for its size and use. If there's a multifamily building, what size would it be? It is apartments, condos and then single family, would they, indeed, fit in with the rest of the Village? Thank you very much.

Franz Thank you.

Lusk Hello. I'm Heather Lusk. I live at 285 West Hawthorne Street. I guess you all got the updated petition signatures again. Sorry, I'll keep bringing it to you as long as we have these meetings. Sorry to keep updating it for you but we are where we are. We are currently at 386 electronic signatures and about two dozen actual signed signatures for people who aren't comfortable doing the online thing. More than 400 people opposed to this project. There are others who because of their jobs with government, law firms or developers have expressed a lot of concern but have said they don't want their names to be actually on a document just for the record. There also are many Main Street business owners on these signatures even though the Chamber itself has expressed support.

We all had a choice to move there. Carmel schools are great. Fisher schools are great. There are private school options. We chose to live here because there's less traffic, less development. That's a lot of the comments that you'll see that keep coming up in the comments section from this petition. People are saying, "We moved to the Village six years ago to get away from this very kind of thing." That sentiment comes up time and time again. There were two unanswered questions that were brought up at the meeting the other night that I still haven't heard answers to. #1, why apartments at all? Why not just retail and a couple of homes? And I keep hearing anecdotally it's because it's the easy way out. It's the easy option for the developer, the easy way to get quick money. Is that right for Zionsville? Something that's easy? The second question that we had is if we could get examples of Randy Green's other work and David Rausch said he would work on that. We haven't seen any examples of other projects but he did mention a small town that he wanted to emulate the architecture of this small town in Ohio. That is where I did find Randy Green's name. He had proposed something that was turned down because of density and height concerns in this small town that's quaint like Zionsville. Thank you.

Franz Thank you.

Bugbee Hi, I'm Beth Bugbee. I live at 10 East Ash Street. I'm on the—I'm far from this proposed site. I'm on the north end of town at the end of Main Street. Um, even though I am far from this site, I, like other people in the Village in Zionsville, know the problems of Main and Sycamore. That intersection and what a nightmare it is, particularly at rush hour. So, when I heard about this project, honestly, I just didn't believe it. I thought, "Oh no. They can't put that there." So, I did a little reading, a little investigation and I wanted to know how many households were in the Village of Zionsville which is kind of hard to find. I thought the best way to find that out after many other avenues was the Post Office, and they know how many households are in the Village. There's 392. So, then I went to the PUD proposal, the elusive PUD proposal and took the number of 91 additional households. If you take that into the existing households, that is an increase of 24% in the number of households in the Village in one development., That is shocking to me. That sounds right now like it would be a planning nightmare. And, I just hope that it doesn't turn into a community nightmare. The other point I wanted to make was I have lived here 14 years. And, two things have not changed since I have lived here. One of them is our schools. We will do anything to keep our schools at the level that we now have them. The

second thing is that we have way too much residential development and not enough business. Our Town Council, everyone of them campaigns on it, they say we want more business here. We need more business. We don't need residential. So, here we are. There's a proposal to take an area that is zoned for business which we want and turn it into residential. That just seems like the wrong way to go. Thank you.

Franz Thank you.

Stacy My name is Ralph Stacy. I live at 60 South 2nd Street here in Zionsville. We have resided, my family has resided in the downtown area of Zionsville for many decades. Matter of fact I have lived at the same house for 70 years now. And, we had a family-owned and operated business here in Zionsville for 35 years. And, I wanted to ask—really, I have another question to ask besides the one I have on my prepared presentation. Is this area going to be in the TIF District?

DeLong It's currently within the TIF District.

Stacy This area is within the TIF District. Okay, that's very interesting. Has your planning staff researched how this proposed 200 West Planned Unit Development Area became zoned B-3, highway business, many, many decades ago? This would have been when the Village Business District was crafted and created. When we had a state highway, 334, that was created in the early 1930s when the Town petitioned the State of Indiana to establish a state highway between 29 or 334 or the old Michigan Road and State Highway 52 or Lafayette Road for improved movement of transportation and to get state funding to assist in this much-needed improvement. This 200 West Planned Unit Development is not appropriate butted up against single family area that was known as the original plot first recorded in 1852, re-recorded in 1957 after the fire of 1956 of the Boone County Courthouse. There were 28 acres in that plot with careful attention to the lot sizes and streets with all the lots 60 x 120. All streets 60 feet wide and all alleys 16 feet wide. To the West of this is Cross' 1st addition recorded in 1954. Elijah Cross was the large landowner and this addition had 12 lots. The next addition to the West was Laughlin Fouts and Hardin addition probably platted in circa 1870. This proposed PUD has the frontage of a one-way street east that was an alley in my youth here in the community and may not even be a dedicated Town street. This PUD belongs in downtown Indianapolis, and not next to single family homes that some have been multigenerational ownership and are architecturally very significant to our Village that was founded in 1952. There are families like Funkhouser, Gregory, Thurgood, Mahaney, Tousley, Lusk, Angstadt, Biggs, Vorhes, Marshall, Royalty and others who have made an investment in our Village residential community and that needs to be protected. This holds true with the Sullivan-Munce Cultural Center and other profit businesses close by. This PUD is too much, too dense in this family neighborhood. Please vote no. That was going to be the end of it but I had one other thing I wanted to say. Something that you really need to address, and I had brought it up—I brought it up with a member of the Plan Commission who's no longer on it when it came up is the Dairy Queen. They're still six months out of the year parking out in the public street with their overflow from their drive-up window. That needs to be addressed. I don't know. It needs to be taken care of. I

can remember going to the meeting when that Dairy Queen was not updated last year but many decades ago and talked about this same question. Business—

Franz I appreciate the concern, but that's a little off subject—

Stacy It is but not really. You're talking about traffic in this particular area.

Franz I understand.

Stacy These are just a few thoughts. Thank you very much.

Dreier Thank you for the chance to speak. My name is Paul Dreier. I live now at 535 West Pine Street. I'm a resident of almost 20 years. I know a lot of you up there. I can't believe that in one year, you can get the chance to talk to me twice or I get the chance to talk to you twice. Um, I'm opposed to this PUD. I love this Village and in 20 years of paying attention to what you folks have done up here, you've done an admirable job and the one time I did come up and request some support, I found it to be both completed with kindness and honesty and fairness. And, this just isn't fair. First of all, there's a comment by the engineer that indicated that the natural progression of a development of this type tiers up. It certainly does, if you look at almost everywhere else that you see these things in America, it happens but it happens over a long distance. Not over a four-acre property of which they only use maybe two acres. They're trying to cram what they're doing up here in Whitestown into a 2-acre area up here and that, to me, would be very embarrassing to the Village. Secondly, I'm trying to figure out—I have an advanced degree that requires advanced studies in mathematics, not simple math. But, if they're only adding \$200,000 to the school system for 25 kids, what happened to the numbers that were presented to us over the five or seven years that show those numbers to be significantly higher. So, I'd like to understand that mathematics. Maybe I've taken too much math, I don't understand it, but I'd like to have a better understanding there. Again, I would like to reiterate what was said earlier, that only \$200,000 will fix up a road when we were reported last week that just to get the roads in Zionsville to a minimum, we need \$5-10 million dollars. So, this \$200,000 doesn't cut it for the amount of traffic that is going to be added in, 2000 trips a day. That's only—well, I'll let you do your own math. So, finally, the comment is lot coverage. I mentioned earlier that I've been very proud of what happens here in our Village and how we plan it out. But, there's a case here in the Village proper on the corner of 4th Street and Ash, the southwest corner if I'm correct in my directions. There was a very large house thrown on a lot that used to have a trailer on it. It's gotta cover more than 70% of the property there. Every resident in the Village, residents from Colony Woods to Raintree to as far out as people in Zionsville know that house and they consider it an embarrassment. If we are going to start allowing 70 or more percent lot coverage in the Village, residents are going to be embarrassed where they live. Please don't let that happen. Thank you very much.

Franz Okay, this one will be the final person.

Rottman Great, Todd Rottman, address 320 West Hawthorne at the corner of 3rd and Hawthorne, so just one block down from this proposed project. Speaking as a resident in the area as an architect, I wanted to say that I respect and like David

Rausch, and I love his work. I couldn't be happier that he is the architect for this development so far. As a matter of fact, I'm not even comfortable standing up here remonstrating against the project that he's involved with. But, having been an architect, working for developers for many years, I understand that there is no guarantee that the architect who works on the master planning on the front end of the project is the architect that ends up being the designer of the buildings. The developer so far has not shown much concern or respect for the neighbors and I am very interested in knowing what their commitment is to using David as the architect because, quite frankly, my confidence in David is the only reason I have any hope for this project at all. Finally, as I mentioned I have worked with many developers. I have also designed many such infill developments within historic neighborhoods. It's one of our firm's specialties and we have been doing it now for over two decades. I think it's important for you guys to know that four stories is the maximum height of building you can build in Indiana for residents out of wood. And, it's interesting, you know, that those residences are going to be four stories tall. Typically, when I see that, it's the developer trying to maximize their profit per square foot of land and it's not because it's the appropriate building height for that property. I feel that three stories and a 35-foot maximum is more appropriate for this property considering its surroundings and, based on my experience with developers, a three-story building turns an ample profit on this particular piece of property. I don't support an increased height for, in my mind, the sole purpose of adding profit to the developer.

Franz All right. Thank you. So, we're at 9 o'clock. I guess I'll take suggestions from the Commission if we want to continue this a little bit longer. I guess we'll have—everybody okay with that? All right. So, Tim, Mr. Ochs, would you like to respond?

Ochs I'll be honest with you. I don't know how long this is going to take. So, we'll start and we'll see where we end up. Then, certainly, we want to hear comments from the Plan Commission themselves, so, I guess we'll play this by ear.

I'll take this to a certain degree in reverse order from what I heard and that might be a little bit easier. First, let's start with, there's a notion out there, an argument—it was presented in several different ways—that this PUD was somehow a free ticket, carte blanche, here you go, do whatever you want. We respectfully disagree with that and think it is borne out of a misunderstanding of the typical development process. There is no more loss of control than currently exists on the property right now. Anyone that would control or own the site has the ability to walk in with a development plan and propose buildings that would be subject to, in general terms, the exact same guidelines and when I say exact same, I mean, there's a setback, there's height restrictions, there's architectural guidelines. Those can differ but the nature, the scope, the scale of those guidelines are the same that exist today. So, and that's what this PUD is intended to do, is to take this property that currently has a single zoning classification of B-3 and allow us to use it for what we feel is extremely important extremely appropriate mixed use project that contains single family, multifamily and commercial uses. And, so, I think it's critical that that be remembered. If there are certain standards that need to be tweaked, that's fine, but to suggest that this is carte blanche is just, in our opinion, absolutely false and incorrect.

Another, several comments I heard was the doom and gloom related to—I won't say drainage—I'll say flooding and wetlands. Again, I won't belabor that we have to comply with the drainage ordinance requirements again but let's focus specifically on wetlands and let's focus specifically on flooding. First, wetlands. Um, wetlands are protected. We cannot by law, and quite frankly, that's federal law, disturb wetlands without taking care of those wetlands in the first place. What I mean by taking care of it. If there are wetlands that we intend to disturb, we have to delineate them according to the Army Corp of Engineers wetland delineation. Once we delineate them, we then say, okay, are we disturbing them and there will be an acreage and it will be of quality. We would then have to go through a very elaborate permitting process and, depending upon the nature and how much of those wetlands are disturbed could include an individual Army Corp of Engineers permit. Frankly, more likely to the extent that we even disturb wetlands, it would require that we go through an elaborate permitting process with the Indiana Department of Environmental Management that would, if we were allowed, culminate not only in mitigation of the wetlands disturbed by creating new wetlands at a mitigation ratio that exceeds to 2:1 and can be as high as 10:1 but it also requires that we obtain what is called a 404 permit which is a water quality certification. So, I appreciate the concerns. I know they are well intended. I never think otherwise but to suggest that it's the duty of the Plan Commission to protect wetlands, I would suggest they are more than adequately protected already and frankly by folks that have been doing it for years. That's the IDEM and the Army Corp of Engineers.

With respect to the flooding issue. I don't know why. I've done a lot of these hearings but sometimes I get the impression that folks that stand up in opposition think that the developer wants to build in a place where the project that they build is going to flood which I find a little bit incredulous. But, having said that, the area has been mapped. It is the subject of a flood plain. That's been delineated and it's reflected on the Federal Insurance Rate Map that says here is your flood plain. That flood plain is comprised of two segments, two parts. One part is the floodway fringe and one part is the floodway. Just in general, simple terms, the floodway fringe is that part of the floodway, the 100-year flood some people call it or special flood hazard area that is necessary because it stores water but it's not necessary to transport the flood waters away. That's what the floodway is. So, it's treated differently because those two components of the flood plain serve two different purposes. So, let's take the fringe first. The fringe is not necessary to carry the flood water away. It just happens to get flooded is the way to think about it. It just happens to get flooded because it's at an elevation adjacent to a river or creek or lake or whatever is being flooded. And that floodway fringe is controlled by the ordinances that have been put in place by the Town and, in this particular case, more importantly the County. If we put a yard of fill anywhere in the floodway fringe so that we can build on top of it, we have to take a yard of fill out of that floodway fringe as well. So, that the net storage capacity of the floodway fringe and that's the purpose of the floodway fringe is storage, nothing else, doesn't change. So it—that is a requirement Again, that is something we must adhere to. There's no ifs, ands or buts about it. So, the storage capacity of the floodway fringe that exists in this area will not change. So, it will not harm any adjacent property owners. And, again, we don't want to build something that's going to flood, that has a tendency to cause financial issues that cause troubles to the developer that go way beyond this.

Now, let's talk about the floodway. The floodway is that part of the flood plain that is necessary to carry away the flood waters. If you block it, if you block part of it, it can cause real problems. There is no question about that. The floodway—and that's why back in 1973, the State of Indiana adopted state statutes that said you cannot do anything in any floodway in the State of Indiana unless you go to the Indiana Department of Natural Resources and you get a construction in a floodway permit to do that. They said, in order to get a construction in a floodway permit, you have to meet three criteria. Those criteria are: 1) you cannot increase the elevation of the 100-year flood by more than 0.1 of one foot. The state looks at cumulative impacts for the corridor, the water corridor that you're in. So, in other words, we'll let you do work in the floodway but you have to demonstrate, and it's done by very detailed and expensive hydraulic study, that you're not raising the elevation of the 100-year flood at all. Because that could impact other property owners. Second criteria is that it does not adversely impact or cause danger or harm to other property owners or persons and then the third criteria is that it does not—I'm paraphrasing a little bit here but—it doesn't adversely impact fish and wildlife. So, it's a very elaborate process, very detailed and, oh by the way, we can't construct dwellings in a floodway. So, where does that leave us on the floodway? Well, the simple answer is we're not going to do any work in the floodway. It would be impossible. It doesn't make any sense. To the extent we place any fill in the floodway fringe, we have to mitigate that with zero loss of storage capacity. We have to deal with, according to all the regulations that are in place, a delineation manual from the Army Corp of Engineers about this thick, so the wetlands will absolutely be taken care of. So, I appreciate the concerns but, quite frankly, the regulations that are in place are designed to deal with this very issue.

Um, let's see. I still hear concerns about the school. Perhaps they are not aware of the study we passed out. But, certainly, from a fiscal perspective, it is neutral, that is, the conclusion of the school, the Zionsville Community Schools as well. We used their formula, that is, the Zionsville Community Schools formula to allow that financial analysis to be created which included their formula for determining the anticipated number of students that might be generated from this project, and they used the maximum and that is 25 students. If 25 students is going to cause the Zionsville School System to suddenly lose its luster or be less effective or somehow crumble, then there are bigger issues than this project. It's 25 students. So, we respectfully disagree with those assertions. Those are exaggerated, we believe.

Mr. Stacy, I'm not quite sure where he was actually going with his comments. He said it was not appropriate, that they had to respect the families that live there. Yet, it's okay for him to sell the adjacent property next door for commercial uses. So, I'm a little puzzled by some of his comments.

Let's see. There was a comment that the Town has taken a position somehow that there's too much residential and not enough business. You know, I don't want to speak on behalf of the Town. I don't know what the Town's feeling on that are but I'll—we'll share ours, specifically as it relates to this project. You can't have it both ways. You can't build just commercial. You can't build just residential. That's when you get out of whack. That's when you get out of balance. You

know, there's an old saying in the development business that retail follows rooftops. You need to have a balance of both. In our opinion, you need to have some residential development and then you need to have some commercial development to go with it. You can't just always do one or the other. That's the beauty of a mixed use. From a land use perspective, it's nice because you put residential users in an area that's walkable, where people can go get the services they need without having to jump in their automobile and drive somewhere. Not only is that good for the environment but that is the whole purpose of what you oftentimes hear is new urbanism. That's an objective that we want to achieve here. We think that's a good thing, not a bad thing. We think that adds to the vibrancy of downtown Zionsville, not detract from it. So, we think it's a good thing. So, that also answers the question of why multifamily. And, I'll add something there, too. We've reached a point—I do work for a lot of builders—and the paradigm of owning a home has changed. You may have heard of this from some of the other developers in town but not everyone has the dream of owning a home with a white picket fence. That's not the way it works anymore. I think a favorite term for some folks is renter by choice. We propose multifamily and, relatively speaking, a maximum of 75 which isn't a large multifamily project. You typically see garden style multifamily projects that have two or even more than three hundred multifamily units. Here, we're just doing 75. And, people now rent by choice. It isn't because, oh, we can't afford a house or, we're just going to live here for a month. People move into apartments and they stay. Do all of them stay? No. Some people move into an apartment that are young and then when they have enough money, then they want to build a house in Zionsville. So, to suggest that they're transients and they're just going to come into Zionsville and then leave isn't, you know, that's a conclusion that isn't necessarily supported by what actually happens. Can it happen? Yes. But that can happen with a house as well.

Again, Mr. Angstadt suggested there were vagaries of uses here. I appreciate the desire of the residents to know exactly what's going to happen here down to the, what is this building going to be used for? What is the 2000 square feet in the corner going to have as a use? I appreciate that desire. I do. It's understandable. But, we're at a place. We're at that first step, PUD, development plan, construction plans. We're at the level where we don't know but no one in our position really would. We have a list of permitted uses and if there are certain uses on there that the Town doesn't like, fine. Tell us that, and we can change that mix of uses but to suggest that there are vagaries of uses, again the PUD says, these are the permitted uses and if the use is not listed as permitted, we can't do it. And, as I said in my presentation, we've added single family and multifamily uses as the only uses that are not currently permitted on the site.

I just have to say one thing about the VRA meeting last week. First, someone suggested that it was called by the developer. It was not. It was a VRA meeting that was scheduled that we were invited to, and I would like to thank the VRA for inviting us to that. But, because of that, we were not able to pick the date and the time, and I, you know, I'm not the master always of my time. I had to appear before a City Council of another municipality at a scheduled public hearing so I couldn't make that. My apologies for not making that. But, I think there's been a backhanded suggestion that we called a meeting and then didn't show up. And, that is just not true. I'm sorry we couldn't answer more questions on that evening

and we certainly have extended an offer to meet with the VRA again and have provided a number of dates on which we would actually be available and make sure we would be there.

Building height was raised on a number of occasions. Again, we have tweaked our plans. If you look at the buildings along Sycamore, you have the single family at 35 feet. You've to the building, any building that's close, within 50 feet of—the setback by the way under the PUD for the Mixed Use District which would be that eastern or that northeastern most district is a minimum of zero, maximum of 20. So, any building there would fall within, you know, being within 50 feet. We have reduced that to two to three stories and a maximum height of 45 feet with a step back. So, you know, that, that actually with a step back is a little bit more restrictive than the current zoning on the property. We've heard those complaints. Finally, with respect to the 55 feet for the apartments in the back, again, there is a step back, because of the grade change on the property as it relates to Sycamore Street itself, the actual elevation would be less and we think appropriate.

If the Plan Commission does have questions regarding traffic, we certainly, would do our best to try to answer them. Again, Steve Fehribach is here to answer them. But, what I will say is, we're not trying to hide behind the fact that and acknowledge that the traffic situation in the Village is as ideal as everyone would like. That's not a disclosure that shocks anyone. But, what disturbs me is a notion that this project should be the source of the cure for all the traffic ails that exist in Zionsville. The process of adopting a road impact ordinance is one where you as a Town identify the level of service that you want your roads and intersections to have. That included, specifically included Sycamore Street. You look at that, then you look at the proposed development that would occur in the area covered by the Impact Fee Ordinance, you say, okay, these are all the improvements we want to make pursuant to the impact fee, road impact fee ordinance, then you divide by the number of equivalent dwelling units and you come up with the impact fee amount. And, that is considered to be—and that's done by statute and here is your impact on our community. And, it—you have given that to us. And, what I hear tonight is a suggestion that we are required to go way beyond that, way beyond the determination that was based on studies and engineering that was done by the Town that is equally applicable to any developer or any owner of property within Zionsville. Having said that, again, we will be more than happy to answer any—or try to answer any questions that the Commission might have on traffic.

Then, finally, we're simply going to have to disagree with respect to whether or not this complies with the Comprehensive Plan. We think it does. And, I think staff has agreed with us in that regard. So, with that, I know we've gone through a lot tonight. Again, we're more than happy to continue to work with the Town and with staff on the issues associated with this PUD. It is a significant piece of property for the Town. There's no denying that. We're also more than happy to—as we have already extended the offer—to meet again with the VRA and we'll certainly have everybody there. We just need to get a time where everybody is available but we have no problem with that. We think this can be a great project, an exciting project for the Town. We think it can be a great positive

for it. With that, we'd be happy to answer any questions that the Plan Commission might have.

Franz            Okay, thanks. But before we can get to that. I guess in accordance to the rules, if there are any remonstrators who want to make any comments, you can do so now. I would appreciate it if you can keep them brief.

Royalty        I think I'll speak briefly on behalf of other remonstrators, do I have to introduce myself again?

Franz            Yes, please do.

Royalty        Okay, yes. I'm still Bob Royalty and I still as of now live at 325 South 3rd Street but we'll see how long that continues. No, seriously, first is a question, a general question for the Plan Commission. My understanding from having reviewed the Pittman file for The Farm, the other approved mixed use development in Zionsville, which has not broken ground and from other developments which have not moved forward in Zionsville, that you as a Plan Commission can request additional information of the developer such as an actual comprehensive traffic study or other materials. Because I've seen those, as was quoted earlier in the IBJ article, the successful Farm PUD developer or owner said, "I cannot imagine not going through with that step." So, that's a question for the Commission, whether that's something you would consider on this issue. I'll let you deliberate on that.

The second, oh here we go. The second is just a really brief summation of what we—

Franz            Speak into the mike please.

Royalty        I'll just hold it up. This is for the Plan Commission and for everyone here. I want you to look at this picture and I want you to say, does this say Zionsville? Does this picture say to you Zionsville? We could move 15 minutes east and live in Carmel or West Clay and live with buildings like that. But, we chose Zionsville and so I want you to look at that picture and say, is this what Zionsville is? Thank you for your time.

Franz            All right with that, we'll end public comment at this point in time. Open it up to—

DeLong        I'm certainly happy to speak about some of the questions staff can answer. Certainly, unless the Plan Commission wants to have some discussion amongst themselves, with public present, of course. Specific to some of the items that were listed, the staff report that we prepared, specifically directs the review Item 1, out of state code. The Plan Commission needs to pay reasonable regard to the Comprehensive Plan. The staff report specifically references the Economic Development Strategic Plan as the document of record for discussion. The reason that that is relevant is that while the Comprehensive Plan was adopted a number of years ago, any town in the State of Indiana can amend its Comprehensive Plan through public process. This Town in particular has adopted numerous amendments over the last few years, has spent hundreds of thousands of dollars

doing so. In particular, the Economic Development Strategic Plan was one that took 18 months to create and itself cost \$100,000 as I recall and was the subject of numerous public meetings, some of which you and members of the audience participated in. That's just backing up just for reference. That's the document that we are working from. That plan speaks to Village expansion area. It lists a number of land uses specifically within that document that are supportable on the property. The siting question. The one use in particular that's not mentioned is single family and that's something that's been discussed this evening. Certainly, the petitioner is seeking to include that for various reasons. Comments have obviously been brought up related to size of lots, lot coverage, the development standards if you will that are associated with those.

Certainly, Mr. Ochs articulated comments very well related to floodway, floodway fringe, other requirements related to that 4144 Army Corp, all these different terms but they are all very relevant. I personally serve as the Town's floodplain administrator so I'm very familiar with those permits as well and same with the wetlands mitigation requirements. Again, it's a very complex process to disturb a wetland. Ultimately, if that is possible, mitigation is almost always required and ultimately the developer may be buying credit somewhere in the watershed for about \$43,000 per wetlands credit if wetlands need to be mitigated or removed from the site, assuming that even does occur. Certainly, appreciate the history information on the B-3. That district has been there for quite some time. It is the most intensive commercial classification the Town has on the books. B-3 is not a district that you find very much of within the Town of Zionsville. However, there is some in the downtown area and it's been there historically. Specific to the 4th and Ash item that was mentioned, that petition was heard by the Board of Zoning Appeals a few years back. The lot coverage, I don't remember specifically. I want to say it's within the 45% range to the best of my recollection. It is a matter of public record. We can certainly pull that file and have that available for public review at any time.

But, again, staff views this property as one that is ripe for the PUD usage of that ordinance. Staff's main drive behind that thought is the site's current zoning. If the site was zoned a less intensive commercial classification, I think staff would have a different outlook. But, the mix of uses, the infill development concept is not a concept that is thrown around lightly. But, this site needs to buffer sensitive uses all around it, be it environmental, single family, historical, cultural, and those, as staff we feel can be best accomplished through the PUD ordinance.

Franz                    Okay, thank you, Wayne. I'll open it up to questions from the Commissioners.

Schiferl                Um, can I ask a question of Mr. Ochs or a few questions?

Franz                    Sure.

Schiferl                Tim, thank you for your information, presentation first of all. I'm going to break my questions down, philosophically, then practically. Philosophically, someone asked the question earlier and it was confirmed that this is a TIF District or a large portion of it is Tax Incremental Financing District. Philosophically, why should we rezone property to a PUD which will be residential in use using a TIF District?

Ochs           Um, it's an interesting question. Um, I think I'll answer that by saying because it is a philosophical question, the Town may differ on the answer to the question. How we would answer it would be, we think it the most appropriate use. There are a lot of—and I think the way Wayne explained the scenario as to why a PUD is appropriate—was dead on. There are a lot of issues to consider here. TIF is one of them. Another issue to be concerned with is how you develop this site to make it fit in, from our perspective fit in—I know other people take exception to that, and obviously have—but how you develop the site to fit in ----

recording ends 2:33:05

Plan Commission member comments and questions continued, which are summarized below.

Parks           I have concerns about this PUD as written because it is too broad. In response to a question posed earlier, a zoning change runs with the land so any approved PUD would remain in effect.

I also share the concerns raised about height, as what is proposed is not consistent with the downtown area. There need to be commonality with what is along Main Street, with the area being an extension of the Village Business District.

McCleelan      Inquiring re how the proposed height of 55 feet compares with the existing tree height.

A PUD makes sense, given where the site is, but I am concerned about cramming in houses.

Jones           The piece I have problems with is that the information within the PUD does not align with the drawings.

Franz           When I look at this location, something is going to be there. The question is whether that's this PUD.

Parks           I move that the public hearing on Docket No. 2016-10-Z be further continued to the June 20, 2016, Plan Commission regular meeting at 7:00p.m.

Walker          I second that motion.

Franz           All those in favor?

All             Aye.

Franz           Special meeting is adjourned.