



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Tuesday, February 18, 2020

The meeting of the Zionsville Plan Commission was scheduled for **Tuesday**, February 18, 2020, at 7:00 p.m. in the Zionsville Town Hall Council Chamber, 1100 West Oak Street, Zionsville, Indiana.

The following items are scheduled for consideration:

I. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2019-52-Z	HUB I-65 Phase Two	4255 S. 300 East	<p>Received a Favorable Recommendation to the Town Council 4 in Favor 1 Opposed 2 Recused</p> <p>Petition for Zone Map change to rezone approximately 81.369 acres from the (AG) Agricultural Zoning District to the Rural (I1) Light Industry Zoning District.</p>

VI. New Business

Docket Number	Name	Address of Project	Item to be Considered
2020-04-CA	Appaloosa Crossing	10901 E. 300 South	<p>Continued to the March 16, 2020 Plan Commission Meeting 7 in Favor 0 Opposed</p> <p>Petition for a Commitment Amendment of 57.53± acres to amend the location of a water feature along U.S. 421 from the midpoint of the overall development's frontage to the southern portion of the frontage along U.S. 421.</p>
2020-01-PP	Appaloosa Crossing	10901 E. 300 South	<p>Continued to the March 16, 2020 Plan Commission Meeting 7 in Favor 0 Opposed</p> <p>Petition for a Primary Plat of 57.53± acres for 12 lots, 2 blocks, and 4 common areas within the Rural (GB) General Business Zoning District, the Rural (PB) Professional Business District, and the (R-2) Low Density Single-family and Two-family Residential District.</p>
2020-03-DP	Appaloosa Crossing	10901 E. 300 South	<p>Continued to the March 16, 2020 Plan Commission Meeting 7 in Favor 0 Opposed</p> <p>Petition for Development Plan Approval of 23,000± square foot, multi-tenant retail building on 3.40± acres within the Rural (GB) General Business Zoning District and the Rural Michigan Road Overlay (MRO). Waivers of Building Materials and Architectural Design requirements requested.</p>

Respectfully Submitted:

Wayne DeLong, AICP, CPM
 Director of Planning and Economic Development

February 19, 2020

Zionsville Plan Commission
February 18, 2020

In attendance: David Franz, Sharon Walker, Josh Fedor, George Lewis, Jeff Papa, Larry Jones, Mary Grabianowski.

Staff attending: Dan Taylor, attorney, and Janice Stevanovic.

A quorum is present.

Franz All right. I'll call to order the Planning Commission meeting of Tuesday, February 18, 2020. Start with the pledge of allegiance please.

All Pledge of Allegiance.

Franz Our Secretary, Wayne DeLong, is ill today, so stepping in for him is Janice Stevanovic. So, if you would please take roll.

Stevanovic Mr. Franz?

Franz Present.

Stevanovic Ms. Grabianowski?

Grabianowski Present.

Stevanovic Mr. Jones?

Jones Present.

Stevanovic Ms. Walker.

Walker Present.

Stevanovic Mr. Papa?

Papa Present.

Stevanovic Mr. Fedor?

Fedor Present.

Stevanovic Mr. Lewis?

Lewis Present.

Franz All right. We have full attendance, so a vote of 4 will be what it would take to pass any ordinances or actions here. Normally we would have a packet of the minutes from the January 21 meeting, however, there was a technical issue with the recording, so those will be presented probably in memorandum form at the February, or the March meeting. Up on the Docket is continuance of business from last month. Docket # 2019-52-Z, Hub I-65 Phase Two, 4255 South 300 East. Petition for zone map change to rezone approximately 81.369 acres from

the AGI agricultural zoning district to the rural I1 light industry zoned district. Is the petitioner present?

Price Yes, Mr. President. For the record, my name is Matt Price. I am an attorney with Dentons, Bingham, Greenebaum in Indianapolis, Indiana, with an address of 10 West Market Street. I am here today with representatives from Hub I-65, Raif Webster, to my right, and then behind him our civil engineer, Ross Nixon. And the three of us are available to answer questions that you have. If you recall, the matter has been continued a couple times. It was first heard back in December of last year. There was an automatic continuance request there at that time, and then we came back in January and had requested your consideration of a continuance to allow us time to work with certain of the adjoining property owners with respect to an agreement respecting this project, and I am pleased to announce that we have reached an agreement in principle, and their counsel, Jeff Jacob, is here tonight, as well, and can speak certainly on their behalf. What I propose to do is provide you with handouts to kind of refresh the topic a little bit and show you what changes we've made to the proposal since it was initially heard, and then obviously be available to answer any questions that you have. And, with your permission I'll provide these handouts.

Franz Sure.

Price For the record, I have not provided handouts to Plan Commission members on your far right because they previously recused themselves of receiving this matter as before the Commission, comprised of 5 total members. First of all, just behind Tab #1, I thought I would just briefly orient us with regard to the site, and the development pattern that is in the vicinity. It is a rectangular-shaped property that extends north/south. Immediately south of County Road 400, and east of County Road 300. And you'll see kind of down at the southern half of the property extending west to east are the words VanTrust. And, that's the developer entity that is before you this evening. That property was rezoned back in 2018, and subsequently received development plan approval, and is under construction now. We call that Phase One of Hub I-65, and it's relevant for a number of reasons this evening. One being that, certainly it's a like-land use. Was zoned from agricultural to industrial at that time, and then for other reasons I will also describe why it's particularly relevant here this evening relative to the agreement made with the adjoining property owners. The second page behind that tab shows some additional vicinity information, of note, including some items that were discussed at the December hearing. You'll see immediately north of our site, or north and east of our site, is a planned reconfiguration of the 267 interchange. That's kind of at the top left of the photograph. The area kind of shaded in dark gray shows the prevailing development pattern with various logistics and distribution land uses, and then south, as you're going down I-65 is the new proposed mid-point interchange, as well, which was part of a capacity analysis that INDOT undertook a couple years ago, but concluded that the addition of this mid-point interchange would relieve some of the congestion off of the 267 interchange, and be of benefit to the traffic flows up and down I-65. And, so that shows kind of what the very significant transportation improvements that are being made in the vicinity, and those transportation improvements are really helping to drive the development interest in this area for this particular land use.

Then behind Tab #2, I wanted to share the proposed structures themselves, and kind of how they are oriented. It's a little bit different than normal as far as looking at a drawing, so I want to make sure I am clear about this. Looking to your left is north, and so County Road 400 is the county road to the left inside of the page. County Road 300 is to the south. This property would gain access through the existing VanTrust development that is extending back east. So, there would not be access points onto either County Road 400 or 300, as a result of the project. There's several significant development features relating to the proposal that I want to highlight, and I can highlight with regard to that site exhibit. One is to the top of the drawing, as you're looking towards the Saratoga subdivision, which is the single-family subdivision at the very top of the aerial overlay. You'll see that there is a berming, a landscape berm, that extends the entire length of that property. That's an approximately 75-foot wide berm, or a buffer area, upon which a berm would be constructed, approximately 12 feet in height, and then landscaped on top of that with a fence. So, that the total approximate height of that screening is about 18 total feet. And, that is the exact same. In fact, we've made a commitment that it would be the exact same type of buffering as was done in Phase 1 for the southern perimeter of the Saratoga subdivision.

Coupled with that are some additional commitments relative to the structures themselves. They're limited in height, to 55 feet in height. There is a limitation in height as to the signage on the eastern side of the building, so that it's below visual level as it's directed towards the residential properties to the east. Similarly, there is a commitment to limit the height of any lighting on the property, as well. Noise is always a factor with regard to this type of land use, and while the buffer that's immediately adjoining the property line is useful in blocking out that noise, there is an additional feature, and this is something new from our proposal back in December, but it very much is modeled after what we did with regard to Phase 1, is the second buffer strip that you'll see that's immediately south of the main buffer area. There is a second one along here, which is approximately, Ross, is it 40 feet in width? Four feet tall, approximately? Thirty? I'm sorry. It's, had to double check that. It's approximately 4 feet in height, and then on the second page, behind the schematic, you'll see the proposed width is 30 feet. So, this drawing here shows you kind of linearly how the berms lay out. So, moving along the property, the 30-foot berm would be here, 4 feet in height, and as you move towards the residential neighborhood, it's the 75-foot buffer area there, with a 6-foot tall privacy fence in the height there.

The main thing I want to talk about, in addition to that, is one of the main features of the Phase 1 approval was the commitment from VanTrust to install a water line, an 8-inch water line, serving the Saratoga subdivision. And, this was a key commitment actually made, that proposal received a favorable recommendation here. We went to the Council. There was some further discussion about how to make the proposal better to address some of the concerns that are being raised by community members in the Saratoga subdivision. And one of the items that came out was the unreliability of some of their wells, particularly as there had been more development pressure brought to bear in the general vicinity. And, so that commitment was made, and subsequent to that time, what we've all discovered, Mr. Jacob and myself, is that Whitestown

was unwilling to permit, for engineering reasons, unwilling to permit the installation of that water line prior to a minimum number of residents in the Saratoga subdivision committing to be connected. Meaning that they had to actually sign a written agreement with Whitestown to have their homes connected to the Whitestown water utility. And, as contemplated, it was no small number. We received varying pieces of information, but to give you an idea, there are 22 homes in the Saratoga subdivision, or 22 homes that I think, I think it's all built out now. Mr. Trescari will correct me if I'm wrong. But, now 22. At the time I think there was only 21. But we would need approximately 17 to 20 of those in order to meet the minimum threshold to allow them to permit the water line to be installed. And, so that's been something that we have grappled with, the community has grappled with, since that approval. And, so when the opportunity came for a second phase, one of the early discussions we began to have with the neighbors, in addition to the buffering and making commitments to keep the same high standards for that buffering, was to try to also address and remove the barriers for those residents to be able to connect. And, those barriers are a variety. Some of them are directly related to cost. It's a fairly expensive item to pay the connection fees to be hooked up to the water itself.

Secondly, Whitestown has, kind of, what I would refer to collectively as an inside-outside rate, meaning that if you are a resident of Whitestown and live within their corporate limits and are served by their water utility, you have one rate. If you are a resident of another town, but also served by the Whitestown utility, you have another rate, and that rate is higher. It's considerably higher. And, so when you sign that contract, you not only agree to pay for the connection charges, but you also basically agree to relinquish your water that you can generate through your well. And, so, it was hard achieving that critical mass. I think it was basically impossible to achieve that critical mass of connectors because of the cost, and because, thankfully I guess in this instance, not all of the homeowners in the community are experiencing the same difficulty with their wells. Some are, some are not. Depends on your well, where it is placed in the aquifer, various things of that nature. And, so there was not that critical mass.

What we've gone back and done is, after a great deal of discussion and negotiation and engineering, to determine how do we bring that threshold level down, remove the barriers to entry, so to speak, so we can get those connectors marshaled, is we've made an agreement that has really two salient features to it. One is that VanTrust would pay an amount of money that's been, through engineering estimates, has been set in order to pay for all of the homeowners in the Saratoga subdivision to connect. So, covering their connection fees. And, then with a little bit of, in addition to that, with a little bit of engineering, and I think a little bit of good fortune for all of us who have been laboring through this over the last several months, a new party has come to the table who owns certain properties east of the Saratoga subdivision, along County Road 400. And this property owner was not a participant as far as they were not part of the agreement to extend with the water line during Phase 1. But the, kind of serendipitous aspect of their property ownership is that they own enough properties that are contiguous with one another that were able to loop the water line back east to where it originates in the Whitestown utility service on Indianapolis Road, and essentially in the shadow of the water tower itself, And what that does is, it brings down the threshold number of connectors necessary in order to get the

permit freed up to install the water line. So, in addition to covering all of the fees, we've also devised a pathway where we can go all the way through Saratoga, loop back east down County Road 400, and go reconnect at Indianapolis Road. And that property owner has also joined our agreement with regard to the payment of sums towards connection fees. And, so with the commitments that we've made mirroring the last Phase 1, and maintaining those same high standards, together with this, what we're calling a development agreement. You've got a written agreement that lays out the obligations for payment and the water line path, we believe we have reached a good compromise with regard to both allowing a Phase 2 to go forth, while also being respectful of existing homeowners in the vicinity, who live in a very nice subdivision, and allows, we think, a win-win scenario to move forward. That is the essence of our case. Raif and Ross and I are available to answer any questions that you have, and we would respectfully request a favorable recommendation and welcome your questions.

Franz All right. Thank you. Would you like to speak please, and confirm or comment on what Mr. Price has stated?

Jacob Absolutely. My name is Jeff Jacob. I'm an attorney with Hackman & Hulett here in town with offices at 1620 West Oak Street. Mr. Price is absolutely correct. And, one of the things that I want to, I guess, thank VanTrust for is that they have, since some of the difficulties or realizations of engineering struggles between Phase 1 and now, VanTrust has been helpful in assisting and analyzing some of the engineering challenges, and expanding this water line to include some of the properties on 400 South. So, we have, in fact, reached an agreement in principle. There were edits to that agreement. I have 16 signatures in Saratoga, one additional property owner, a 17th that says I am not interested in hooking on, which is part of the basis of that agreement, but I understand, they understand some of the risks without the water line in the subdivision, and are supportive of that. And, then there are 3 properties on 400 South, 2 owners, that are granting easement, working with Saratoga, and interested in hooking on, and have signed this, in fact, signed this development agreement, as recently as 30 minutes ago. So, we've been working diligently, and that's where we stand. We're happy to answer any questions.

Franz All right. Thank you. At this point, is there anybody else in the audience that would like to make any comment on this? If you go, please come up and state your name and address.

Triscari My name is Craig Triscari. I'm at 3270 Paddock Road, and I thank the two Board members up here that had recused themselves from this area. My home is directly adjacent to the proposed plan, and after listening, I'm happy that they actually solved the problem for Phase 1, but we're not necessarily talking about Phase 1, we're talking about building what they call Phase 2, another industrial site. The problems that, or the solution they came up with was a solution of promise that they made to that community nearly 2 years ago. But I appreciate that they came to a solution on that. Again, my home is directly adjacent to the proposed plan to build a light industrial mega warehouse between our residential community along Saratoga housing community, which is 400 East housing community, and the homes along 300 East. And, the area that they're talking about is Saratoga. It's

right, 22 homes, in that area and he said there is 3 homes along 400 that are included in there. And there is approximately about 40 to 45 homes directly in that area. So, I would say close to half of the homes they are impacting for the Phase 1 of water in that area. The housing community, or the plan to change the zoning designation from AG to Light Industrial does not conform or comply with the Town of Zionsville comprehensive plan, and I'm going to go ahead and give this to the President, a comprehensive plan. It is on Page 19 and 20 for those documents. I don't have a copy for everybody, but you're more than welcome to look at that. This document, which is posted on your website, allows the homeowners the ability to see what type of development would be placed near them so they can make an informed judgement of buying homes in that area. The current plan has mixed usage designated for the land. Mixed usage as defined in your comprehensive plan, is residential and general business, not light industrial.

Additionally, the document states that, and these again are your words in your comprehensive plan, "The buffering between different land use utilization of open space and agricultural and preservation should be incorporated into development of the area reflect rural characteristics." The plan that we're talking about here is not Phase 1 for the water. The plan here is to build a 5-story industrial site on the north side of that area, in between the homes of 300, 400 and parts of Saratoga. The type of development was seen in your buffering design in Creekside corporate park, which I believe you spent about \$14 million in development of infrastructure for that corporate park. This area, if approved, is four times that size, and so, there is no infrastructure in place other than what they just described for Saratoga. There is not for 300, which is a dirt road. There is not for 400, along up north 400. There is no lines that go up there. So, you're looking, at this point, based off of what they stated today, you're talking about 50% of that community. What you have, VanTrust plans does not allow for proper land use and buffering between residential and industrial, or keep the rural setting. Zionsville land use plans specifically references CR 300 South, and CR 400 East as poor access roads to I-65. And, again, I thank VanTrust for presenting the community, and they did send a letter out, which stated, with excellent access to both roads of 400 South and 300 East and I-65. I appreciate them saying that those roads are not going to be used because they're poor roads to actually use on the north side of that area. They physically have to go around, to give you a visual. They have to completely around the residential area in order to access I-65. They cannot go down 400. They have one entrance and one exit, and that's almost a 270-degree around that entire community. And, we mentioned that. Okay. This plan has, again, alongside the entire housing area to get to I-65. This plan has one exit, one entrance points into the area. By turning 90 degrees, and that's what they're doing. So, they're going down the road of new Indianapolis Road. They're creating a new road, and they're turning 90 degrees into the community to build this 5-story, 180-plus bay-door warehouse right up against 2-story homes, with a 75-foot buffer in that area. And, I appreciate they have a 12-foot berm, and a 6-foot fence in that area, but that's not necessarily, I think people in those areas are starting to realize as they're putting that up that it's a little bit more intrusive than they actually thought it would be. The current and future highway exchange plan, which was discussed. Plan does not support this massive movement into the area. The decision, and Whitestown was given a decision to go ahead and either expand the exit on 133, or build an interstate exchange. That was the option that they were given. And, they decided

we want to go ahead and build another exchange between Whitestown and Exit 133. This decision to build a new exchange between Whitestown Exit 133 is planned to build in order to push the trucks and access away from Exit 133. Now you're putting a building directly behind the community. You're putting a warehouse directly in-between that community, and behind them, that have to go all the way around, to go down the road to get pushed over to the other exit. That was not the intent. The Exit of 133 is not an expansion plan. It is not an expansion plan. It is a flow improvement plan since the area roads have been absolutely decimated in the last 3 years to push these mega-warehouses throughout Whitestown AG area. So, by placing a mega-warehouse behind the residential subdivision, you're causing increase in traffic, pollution, rural destruction of that area. It's in-between housing areas. That's what this is going to be.

More importantly, you are also ignoring the agreement you made with the community and our partnership with Zionsville, and Perry Township. We made an agreement with you several years ago that you would protect our area and that you would have our interests. And, I was one of the foot soldiers going to each and every individual house and home, which you got 95% of that community's area. Not just Saratoga. We're talking 95% of Perry Township, to partner with you to give you close to 600,000 acres of land, because we wanted to get away from Whitestown and the development plan that they have in that area. Water issues and well issues. In the last 3 years, the situation has become alarming to south side and west side homeowners, which say critical. The only access to water in that area from homeowners is well water and septic, and their own septic systems. And, we already explained that Whitestown is punitive. It's \$40 per month for not a drop of water. That's just the penalty because you're not in Whitestown's area. It's \$40 a month right off the top. It increases \$5. That can increase, I don't know, yearly or every other year. Whatever they decide it to be. In 10 years, it could be \$100 or \$90 punishment just for the water area that you have in that area. Whitestown water is currently not available to the community. We're told that now in Phase 1 they actually solved that problem, and I appreciate that if it actually occurs. When the Town of Zionsville approved the development of the western mega-warehouse, along the property line of residential subdivision, VanTrust promised to bring water lines. That was in 2008.

I'm glad, in 2020, they are looking to go ahead and bring water into that community now. The water is owned and operated and distributed by Whitestown Water Corporation, which has excessive requirements. We talked about those excessive requirements already, and I'm not going to re-go over those. VanTrust will put, plans on putting money in to go ahead and do the hook-up. To give you some idea, the hook-up cost is probably going to be about \$5000-\$6000 just for the hook-up. The cost of the bill is going to be about \$150 to \$200 for your water bill, and with 17 individuals on there, they are going to dump water, and it might be even more. I don't know. You know. Based on the cost. Whitestown water is the most expensive north of Indianapolis. The most. And, so for 5 years, 5 years of water usage and hookup, it's going to cost that community a quarter of a million dollars. That's just for 22 homes, by the way, in Saratoga. That does not include the homes on 400, the homes on 300, the homes north of 400 that don't have any access to water and have wells in that area. The

cost shifts to all homeowners in that area after those lines are run. That cost will double, if not triple, if they are allowed to disregard the comprehensive plan and build northside between the housing areas. So, it's just going to be at least a half a million dollars in that area for some of the homes in that area in order to hook up. And, that's for the first 5 years. They also mentioned that Whitestown, in the contract, is requiring that landowners designate their wells as non-potable. So, they're saying your well is useless. We're going to hook up to the water. You're going to sign this contract. Number one, you can't sue us for what we did to you before, and place all these, you know, these warehouses and they're depleted your water. You're signing a contract now saying that you're going to stay with us for a period of time, or you're not going to be able to use those wells. And, it's very, you can use them to water your lawn, but let me tell you, that's an expensive endeavor, to water your lawn and pay for a well system that you have for your house already. Especially if it's functional. Okay.

Now with the building of new mega-warehouse on top of the community, you impacted houses again at 400, Indianapolis Road, farmhouses north of 300 South and the houses that have no issues with Saratoga housing subdivision with no plan to get the needed water after wells are impacted. We're going to be back here in 2 years with some of those individuals saying we're having the same problem. You know, our wells are depleted. We're having problems. The saturation area in that area has been devastated because you have hundreds of acres now that are concrete, mega-warehouses. And, the property that they're talking about, they have huge water shed on that property that they're going to move. They're going to divert that water. To think that that's not going to have an impact on the wells in that community is absolutely, I just, I don't think that would, it's not going to happen. Trust cannot even be put in the infrastructure of the community, and Whitestown can change the requirements at a moment's notice with this recent. Initially, they came with 20. Then they said 17. Then they said if you go around and you build this, we can go ahead and maybe do 13. And, then went back to 17. The bottom line is, we do not control, Zionsville does not control the water. They do not control it. And, Whitestown can decide what the number is, and Whitestown can increase it and decrease it any time they want to.

Okay, just to also refresh people's memory, that community supported Zionsville with 600,000 acres. Whitestown does not like our community. I can tell you that for a fact. Okay. They hate us more than they actually dislike you. And one of the comments from the lawyers that was given to us that was dealing with the water in the last year was that, the person who has been doing this for over 15 years says they have been the most vindictive town that they have ever had to deal with when it comes to water, and that was one of the comments that was made. I would also like to inform you that unlike the last request to build a mega-warehouse on the west side of Saratoga a year and a half ago, the local community is not in support of action placing a mega-warehouse on the side of the residential homes. They are in 100% support in Phase 1 to get them water, and for VanTrust to adhere to what they said they were going to do on the west side. You will have 100% of the people vote. If you put it to them right now to vote to put this mega-warehouse on the north side of that community, I guarantee you you would have a 95-100% vote saying that they do not want that there. But the deal is, you don't put that there, we're not going to give you the water. We're not going to pay for it.

That's the deal. And, so even though we had a deal in Phase 1, this is now being hung over the heads of those 17 homeowners. And, I know because I have been in those meetings and I have seen the emails between the individuals. That promise, like many others, to include your promise to put nothing but mixed-usage into that area, has not been realized. Currently, the west side is fearful that nothing will help them get to the needed water. Obviously, they came to some plan. Several desperate landowners have hired lawyers to negotiate with VanTrust, Whitestown, to get water with currently no results. We actually found out today that they have results for Phase 1. I appreciate that. The community has spent thousands of dollars in resources to get water and to stop predatory development. This has cost the community. Just in Saratoga. Several, I mean, tens of thousands of dollars in time and money for the lawyers, just to get to where we are right now. It's cost the community that. Some neighbors have even gone as far as to write to local homeowners that if you do not contribute to the lawyer fees that were given that you would not get hookups. You would not be able to hook up. And, I did tell that to the lawyers, and I'm glad that they went to those individuals and they told them that that's not the case. Because I don't blame the lawyers here for doing that. People were desperate for water and they would do anything to get it for their homes. VanTrust has only reached out to the desperates for water, not the entire community. They have not reached out to some of the people on 300 or 400, or us. The only time they reached out is we'll put a berm and some trees up there for you. That's great. But the infrastructure is not there.

I would like to inform you that, we already talked about, the huge shifting of surface water, which I talked about on this land. There is a huge water shed on that property. And, they will engineer to move that water off that property. I don't want to repeat myself here. But, oh, by surrounding our community in industrial park, it's setting the standard for future development request in your town. This is going to become a standard in your town. Don't think for a second that this is not a standard that's being set. If you put a 12-foot berm, and you put trees up, and you put a 6-foot fence up, then it's okay to surround the community with industrial warehouses. It's not part of your comprehensive plan. Doesn't matter. Doesn't matter. It impacts the houses in that area for depreciation of value of those homes. Doesn't matter. And, so these standards are being set right now for your rural community. With the completion of putting this behind the community even though it is not part of your comprehensive plan, poor roads available, water issues, destruction of rural setting, destruction of home values, these multi-billion-dollar corporations come to your town and point to this area as a model for future development.

Okay. Zionsville is not the decider on water. Okay. So, the decisions that we make here, we don't control the water. We don't. And, Whitestown can change their mind like that, and they will, if they have the opportunity to. As for water, I would make sure that the water is available prior to any development of that area to include the 400 and 300. Infrastructure has to be in place, and it's not in place. We don't want a mega-warehouse there. We understand that there is development. We understand and negotiated with you that there would be mixed usage, general business and homes in that area. We accept that, and we actually encourage that development. This, we do not encourage. Finally, it is your duty to take into account the impact of residential home property loss. I do not think

anybody can say with a straight face that surrounding the community with a million-square foot warehouse as 180-bay doors, you know, faced right at your back door, in a rural community, is not going to have a profound impact on your home values. Okay. Even though VanTrust structure, you're building on the west side, received the 10-year tax deferment. Okay. And, they received the 10 years tax abatement because it's, because of depressed area. This will depress the area. They're getting tax abatements for 10 years, which is 10%, 20%, 30%, 40% and so on. They're going to do the same on the north side, as well. VanTrust will say that this is a standard, get tax abatements while depressing the surrounding community. Do not make the same mistake. Fix the current problem on the south and west side, which hopefully they did today. It doesn't fix this problem, and it does not fix the people on 300 and 400, but hopefully what they talked about completes Phase 1.

Phase 3, by the way, is to go to Lebanon across the street and put another warehouse there, to completely surround the community. That's Phase 3. Even though they called this Phase 1 the first time. Now they are calling it Phase 2. Non-compliant, finally just points of issue, and this is the last part is, non-compliant with Zionsville comprehensive plan. It doesn't comply with mixed usage. Your assessment from your project manager, or your developer here in your town, even states that in there that it does divert from your comprehensive plan. Roads incompatible with land usage, using INDOT current plan for assessment and comprehensive plan. Water issues, at least 50%, are going to be impacted. No structure in place in order to deal with that. Property values are going down and are issues on that side. VanTrust has tax benefits and right now, all of the cost has been shouldered by the community up to this point. Keep to your comprehensive plan. Your word to Perry Township and the partnership we forged with you. This is an opportunity for you to gain that trust again in Perry Township from coming into our community and us inviting you into the community as a partner. Vote no for this plan for the recommendation. It's easy, I think it's really an easy vote. And, again, I'm grateful that they do have Phase 1 finally after two years. They're actually going to get water for that community.

Franz All right. Thank you. Is there anybody else have any comments on this?

McFair Good evening. I'm Carolyn McFair and my husband, Andy. We live at the corner of 300 East and 400 South. So, we are directly across from this big warehouse. We built our home about 26 years ago, and are planning to stay there until we can no longer take care of the place. Andy has his pole barn for his hobbies, which is something that he had wanted for years. We would like to keep the value of our property. I'm afraid this will decrease the value. Our home is part of our legacy to our daughters. There are eight homes in this stretch on the road. Of those eight, five have been occupied by the same families for over 26 years. That's how long we've been out there. I don't know how long some of the others have been there. The other three homes, one was sold last year because of a death of the residents and it was sold to a young neighborhood farmer, and the other two changed hands approximately three times. So, you can tell this is really a very stable neighborhood. All of us will be facing this big warehouse, a 55-foot tall warehouse. We will see it every time we drive out of our driveway, and out our front windows.

Let me put this into perspective how large this warehouse would be. The building itself is proposed to be 780,560 square feet. When you divide the 780,560 square feet by 43,560, which is the square feet in one acre, it equals 17.923 acres. Now, we have eight homesteads, approximately 1-acre each. That would be about 8 acres. Therefore, our homes would fit into this warehouse, not once, but twice. If you stacked our homes to reach the 55-foot tall, they would be stacked at least 3 deep. This building would dwarf our homes, and knock dead into our neighborhood. On the north end of the warehouse, 203 parking spaces are proposed. That would be directly across from our home. Several of us are retired, or will retire in the next few years. We were awakened by alarms clocks for years, and now we do not want to be awakened by slamming doors, and voices of employees arriving for work. Please do not rezone this land for their huge warehouse. And, Petition 2019-52-Z, Exhibit 11, they had proposed construction and maintenance of a landscaped berm along the real estate's eastern property line, where it would be abutting Saratoga subdivision. A berm approximately 12 feet tall, and 60 feet wide, with a 6-foot privacy fence on top. See Exhibit 11, #3 for more details. We are requesting to have the same landscaped sound barrier, lighting and signage on 400 South for whatever is to be the building there. We also do not want to hear semis, and see their lights, slamming car doors and truck doors, voices of worker, machinery usage and backup beepers. Please provide this buffer for us, as well as for Saratoga.

We do not think a giant warehouse is a good usage to the land. General business or residential would be much more desirable with more green spaces. The buildings could be built around the natural water drainage, and have more green space for the ground to absorb the rainwater to replenish our water systems. As mentioned at the December meeting, Saratoga has well and water problems. We, too, have the bucket well, but we have good water at this time, and a good supply. If you cover the land with cement and asphalt, the rainwater cannot soak into the ground, and therefore go into our water usage. The well drillers we have spoken with could not say for certain that it will not affect our water supply. By building shorter buildings, there would not be as much contrast in height of the buildings and the homes. Lighting and signage would not be as invasive as awnings used in tall buildings. Sound barriers would still be desirable, to ensure the privacy of the homeowners and the businesses. Please keep us updated on your plans and consider our feelings and needs for the long-time homeowners. Please give us more notice than a registered letter the day before the meeting. We do not want to lose our tranquil neighborhood. We would much rather see corn and beans growing, than buildings. They do not make any noise or have lights. We want to keep the value of our homes that we love. I'm sure none of you, including the developers, would like to face a 50-foot tall, 18-acre warehouse every time you look out your front windows or drive out of your driveways. Thank you for listening to our concerns and suggestions.

Franz All right. Thank you. Is there anybody else who would like to comment? If there is none, Mr. Price, would you like to respond?

Price Appreciate the opportunity to respond. I was making some notes, as Mr. Trescari was talking, and certainly the last speaker, as well. With regard to the solution arrived at for this phase of the project, it is a different commitment, certainly, than what was originally made. The commitment originally was to install a water

line to carefully crafted commitment that indicated that it's subject to permitting. The permitting requirement by the utility, that is outside of our control. That's no question that's true. That's part of the reason we've been involved in the additional discussions we have been. Part of that permitting was that between 17 and 20, as I indicated, homeowners connect. And the cost to them of doing that, and the timing, in addition. Some of them just didn't want to do that because their wells were functioning, made that an impossibility. So, we have honored the commitment as made for Phase 1, but realizing that the problem persists.

Nevertheless, we've engaged in this discussion to reach the new agreement. And, I'll say, the problem that exists is not as much as it's two-sided, which is that a lot of the ills that Mr. Trescari notes are right in the sense that the area is devoid of infrastructure. It has no infrastructure. Their homes essentially have no infrastructure. They were built without utilities. They were built without water or sewer, limited stormwater, and what this project does is provide the platform so that some of that infrastructure can be provided to an area that otherwise lacks it. And, does so in a way that imposes no burden on adjoining county roads. It's not using County Road 300 or County Road 400 to access in and out. So, it can use the existing Indianapolis Road, the existing 267 interchange, which is immediately next door, and being modified further following a flow capacity analysis that was done a couple of years ago. So, the infrastructure that does exist supports a logistics-type use and the land use that Saratoga maintains is not supported by any infrastructure. This brings the infrastructure to them.

The other thing that is important, and it's noted in our staff report, which is not, the staff report is not carelessly drafted. It's drafted with regard to the actual criteria for evaluating a rezone petition. What the staff report notes is that a statutory element of evaluating the propriety of a rezoning request is what the current conditions are, and what the prevailing land use pattern is. And, that's noted expressly in the staff report. And, what that, what it shows is that this property immediately south, this is the subject VanTrust property, right here, and right around the corner here. Immediately south of it is an industrially-zoned property that was developed after Zionsville's comprehensive plan was adopted by Whitestown, and then similarly, Whitestown approved significant commercial activity right in the shadow of the Saratoga subdivision in the form of a new filling station.

And, so we have been, we have listened to and been sympathetic to Mr. Trescari's concerns over the planning process that he experience in Whitestown. And, that experience was to permit the gas station development immediately east of their neighborhood without any significant buffering, and, I might also add, permitting a fuel service station immediately adjacent to a residential subdivision that gets its water from wells. And, so when he says he was a foot soldier for seeking a new relationship with a different municipality, I totally understand that. And, I think what we believe this project represents is a good representation of that partnership. That the partnership here has been to insist upon robust screening and buffering, and insist upon berming infrastructure to an area that otherwise does not have any infrastructure. And, that's been the product of the community having a voice in this process where they were voiceless with the prior municipality. And we think that's a significant improvement.

But we also believe that they were given a voice, and not a veto. That partnership was two-fold. There were two parties to that marriage. One being the Perry Township residents, who rightfully wanted a better deal, and the other being the existing residents of Zionsville, who benefit tremendously from adding a responsible addition of commercial tax-base to our community. And, so what this project seeks to do is to balance those competing interests in a way that respects both parties to the relationship, if it's to go forward.

A couple other things I wanted to mention. The agreement that we've struck is significant in the sense that it will not involve, I think there was an expression used about a dump of water. I think suggesting that there's going to be somehow significant and maybe unusual volumes of water used by Saratoga and the community, or the property owner, along 400. One of the things that this design does is allows us to loop the water system so there is a continuous flow. There is not a requirement to have a letting of the water to flush the lines or anything like that. That's one of the tremendous advantages of this design that we've worked very hard to achieve. I think I mentioned that this project, again, I want to make sure there is not any misunderstanding on this point. There is not access onto County Road 400 or 300. There is no requirement for any truck or any other vehicle leaving this building to ever access County Road 400 or 300. It just does not. It would seem that any future, if there were any future mixed-use opportunities in this vicinity that were of such scale, that they could occupy this large acre parcel, and support the vast amount of infrastructure that would be needed for them to come up out of the ground, would almost certainly gain access onto 300 and 400 in order for those properties to be used, and that would burden an area that does not have an adequate road system with those uses, whatever those mixed uses might be on the west side of an existing industrially-zoned property and, I might also add, north of an existing industrially-zoned property too. It's bordered on two sides by industrial-zoned properties.

So, for this reason, for these reasons, we think this is a good compromise that gives voice to all parties' concerns and all parties to the partnership that I think does exist. With regard to the second speaker, we respect very much, and appreciate how succinctly she made her excellent points. We are fully prepared to include a buffering and screening package on the north side of that property. We contemplate having a 40-foot buffer, and can include a berm and landscaping, as well, and the same commitments as far as the lighting, signage could apply on that side of the building, as well. So, we're fully prepared to do that. We were contacted by at least two separate homeowners on that side of the building. We're reached out to them in writing a couple different times and were not able to get a response. But we are prepared to make those same commitments. I would add that one of the benefits of the layout for the property owners on the north side of 400 is that there are no loading docks contemplated on that side of the development. So, consistent with other projects that have been approved in Zionsville with regard to instances where homes were immediately across the street from an existing county road. What's been done in those instances, and I'm speaking of Becknell project, for example. What's been done in those instances is that there has been buffering and screening done between those homes and the newly approved structure, and they have limited the layout so that there were not loading docks on that side of the property. And, we are

into that facility off of 400 and 300, just by the nature of the road system and them driving in those areas. So, we were going to anticipate the use of these trucks coming in, in and around that area, trying to find entrance into that area, especially if they come up through Lebanon and Lebanon Road, not off of Exit 133. And, that's going to be a huge problem for the community.

Additionally, he mentioned they're not using 300 and 400 as a good thing. It's not a good thing to have one entrance and an exit point, because they're running alongside the community on both sides in order to get one access and entrance point to get out of there. So, we're going to have trucks going up and down that area, of that area. Hearing the beeps as they back up. And, we hear that now in the community. As they unload and load those trailers. It is extremely disruptive. Okay. The only other last thing I have is just a clarification. If you don't build, if you don't allow for them to build this, are they going to give us the water in Phase 1 that they promised in alliance. That they promised in Phase 1. Because I'm not really getting that. I'm getting that if you do this, they are going to do that. But, right now, they're in violation for the last 1½ years of this plan for Phase 1. They're in violation now of that. We do not have the water. So, I'd like to get some clarification on that.

Franz All right. Well, I'm going to close comment at this time. We've had the back and forth. And, there will be some questions from members of the Plan Commission. So, at this point, I'm going to ask for the staff report.

Stevanovic Reflecting the staff report that was submitted in the previous Plan Commission meetings, staff recognizes understanding how the parcel fits into the developing land use pattern is critical to the review of the request. And, therefore the Town of Whitestown comprehensive plan was reviewed, as well. While Zionsville's recommendation for the land is residential, overlay with a mixed-use designation, meaning any combination of open space, institutional, residential, commercial, industrial and agricultural uses that are compatible with each other and the surrounding land uses. The Zionsville comprehensive plan is neither reflective of the overall intensification of non-residential development in the immediate area, which has occurred in recent years, nor the Town of Whitestown comprehensive plans' recommendation of technology, mixed-use, commercial, light industry, high-density, and medium density residential zoning. Because of these two factors, a deviation from the comprehensive plan to facilitate a rezoning is supportable in the opinion of staff. Staff remains supportive of the project subject to finalization of written commitments, which include landscaping and the proposed buffering.

Franz All right. Thank you. At this point in time, I'll open it up for questions from any of the members of the Plan Commission.

Grabianowski You talked about landscaping and buffering. Does it also include adequate water? Or getting the water since Whitestown has apparently now agreed? Is that one of the commitments too?

Franz Mr. Price. Would you like to answer?

Price It is. The way we've structured this is, we have a development agreement that covers each of the lot owners in the Saratoga subdivision, plus the adjoining, and what we've pulled into the commitments is, which I included as kind of a loose piece of paper behind Tab #4, is a provision that if, for some reason, the project, my client ended up buying the property, then the terms of that agreement, as I have described it, become part of the recordable commitments against the property. So, that's the way we pull that thread through, and make that part of the commitment. And, the distinction was, we're in violation of nothing. That's not the same thing as saying that a practical problem doesn't exist. A practical problem exists. They do not have the threshold number of connectors in order to induce Whitestown to give us the permit and the permit is necessary in order for us to carry out the prior commitment. And, that's why we've been, we've gone forth with all of our development approvals while we've all worked through this process.

Jones I want to, this is something that's been going around and around. As part of Phase 1, the original building that's gone up and been constructed.

Price Yes, sir.

Jones Was there an agreement to provide water service to Saratoga?

Price There was an agreement to extend an 8-inch water line subject to permitting. And, the permitting requirement is that there be 17 to 20 connectors. So, Whitestown controls - -

Jones --Was that part of the agreement that was made?

Price I'm sorry.

Jones Was that part of the agreement originally made?

Price Yes, sir. Absolutely.

Jones Do we have any record of that?

Price It's in writing. It's part of the written commitments.

[inaudible] 1:07:58

Price If that were not the case, we've gotten a unanimous approval for our development plan approval. We've been issued building permits. We've honored our commitment fully. And, certainly it's not mentioned in the staff report. I would think that that would be in the staff report.

Franz Matt, with regard to access issue. I know that commitment, proposed commitment #9 says that the real estate will comply with the submitted site plan, etc. etc. Would you be agreeable to adding another statement that there would be no access onto the two county roads you mentioned? I know there may be, you

think the site plan deals with it, but 10 years from now, we're looking at the words, we might prefer that be in there.

Price We're amenable to that clarification.

[Long pause]

Franz We have members reading the language. That's the pause.

Jones So, is the building in Phase 1 received its water line?

Price It has not. I believe the water line has not been installed. It's under construction now.

Jones I mean, I'm, did anybody else read anything that said there had to be some sort of?

Franz Well, I mean it said built to the standards of the utility.

Jones Correct. That's 4 feet in the ground and buried in stone, and certain sized pipe.

Franz Well, I mean that could be the loop and flow and all that stuff. I don't know.

Jones Once again, it's utility standard. It's not making any statement regarding that there had to be so many clients, people signing up to do it. In other words, you just haven't met the standard for the previous Phase 1. You've not - -

Price --May I see what's being handed out, too?

Franz Sure. It's number 8.

Price It says subject to the applicable permit requirements of the water utility.

Jones Okay.

Price Well, the permit requirements are that they have a minimum number of connectors. I mean, that's precisely the issue that's been confronted.

Jones So, in other words, you made an agreement to something that you didn't control.

Price What we understood at the time - -

Jones --Ah, don't care.

Price We made a subject, we made a commitment - -

Jones --Matt, you're supposed to be the expert.

Price I am the expert. It was made subject to items in their control, which is having the number of requisite connectors.

- Jones I don't see anything in there that it was a, we will do something subject to you actually being deemed satisfactory to Whitestown, for lack of better term.
- Price I think that's exactly what subject to their permitting requirements means, under the utility standards. Absolutely.
- Jones I can almost bet that didn't show up in the conversation you had with the neighborhood, or with us, when you made that agreement.
- Price And, as I mentioned that commitment was made before the Town Council, and certainly I can tell you that we had discussions about making sure that what we were agreeing to had to be permitted by the utility. Absolutely. Precisely because we're not in control of that. It's an item that is within their control, and that's why you make it subject to.
- Triscari [inaudible] Mr. President, may I--
- Franz No. At this point, no. Thank you. The one thing I'd like to add on this is that their failure to comply or, in your opinion, not meet something from, something that was approved in 2018 on a wholly separate petition. I mean, that can't be a reason to refuse this one. You have to stick, it's the factors - -
- Jones --Well, they haven't completed the obligations that they agreed to for Phase 1 yet, and now they're asking for an extension with Phase 2.
- Franz Well, I think it's a difference of opinion potentially on, you know, if they can't get permitting, do they attempt to fulfill. The point is, since their failure to comply with something in your perception, is not justification to deny or not act on this petition. It has to be, it has to stick to the factors that are part of our decision-making process for this.
- Jacob Mr. Chairman, if I might shed some light on this. Having been involved from the early phases of this, we do not believe, speaking on behalf of the signatories of this agreement, believe that VanTrust is in violation. I reached out to Whitestown early on in the process in Phase 1. Had a personal conversation with members of their utility staff, and was not aware of a minimum take requirement. If there was a minimum take requirement discussed, had no idea that it would be as high as the threshold set by Whitestown. VanTrust has stood ready to install the line, and my clients have not been able to meet that, what I would call permitting, or the standards that Whitestown required. So, I understand that there may be some words in this that we're differing over. The intention was for that line to be installed subject to Whitestown's approval, and I personally thought those Ts were crossed. I know that Mr. Price thought those Ts were crossed. As the engineering evolved, and more stringent requirements and takes of water, and in fairness, that was a moving target. And, VanTrust has thrown additional engineering costs in trying to solve that. Part of the solution to that has now been to go out to 400 South and loop it, and that's reduced that number significantly. So, having been involved in this, I understand that there is frustration that there is not a water line installed, but Whitestown literally will not allow it to be installed until there is a commitment from residents to hook on. They won't allow VanTrust to put it in the ground and cap it, and wait until, we've talked about it,

thought about it. Say, hey, let's put it in there and wait until we have the requisite number of commitments done over a period of time. And, they won't allow that. So, I disagree, knowing the intention of how this evolved. There is a problem in the neighborhood. These residents are working to solve it? Yes. Is it perfect? No. But we believe that we've worked out a resolution to solve a problem for existing residences with a difficult issue. So, I hope that sheds some light on it. We don't view that there has been a violation. Trust me. If there had been, I would have been pointing that out long ago. So, thank you.

Franz If you can speak to permitting or something of that nature.

Triscari It is to that. Because the language says that the owners of Saratoga, according to this document, don't have any requirements to hook up. So, the agreement was that they were going to put the lines, but there was no requirement in this piece for any resident in Saratoga to hook up. And, so that was the agreement.

Franz Any additional? Is there more questions, comments? Go ahead.

Lewis I guess one question that I have is that, you know, previously this got agreed to based on the agreement of the residents that water would be provided, and it sounds like the understanding of the requirements of Whitestown changed after the fact. And, there was not water provided. To what extent is the agreement with them worked out, and finalized to the point where we're not going to come to find out later that now something else is changed and water cannot be provided for a different reason?

Price You are hitting the nail with a hammer. We totally agree. And, Jeff and I, that's what we've spent the last several months doing, is getting that documented in writing with Whitestown, as far as exactly what their permitting requirements are should we go this route. And, so we have had our engineers, with their engineers, and we reduced it to writing and we know exactly the pathway, and the number of requisite required connectors in order to receive the permit. So, we're confident that this solution has the buy-in from Whitestown, as well, so that we can dislodge that permit. We were saying questions and concerns. We're going to go to this considerable expense and to this effort of reducing all of this to written agreement. We wanted to know that Whitestown was going to be standing behind it, as well.

Franz How did this solution come about, I mean, arguably so late in the game relative to 2 years ago? Was this not an option at that time?

Price It was not in the sense that one of the, and I use the word serendipitous, because it really was something very unexpected, but one of the things that came to the floor that was not present before was the ability to loop back east along County Road 400. We had explored the possibility of locating a water line in the right-of-way for County Road 400 going all the way back to the main on Indianapolis Road. And, Whitestown would not grant a permit for a water line in the right-of-way, and so what it meant was you had to get an assemblage of property owners that all had some reason to want to grant you an easement, some of whom even refused payment for an easement, and so when this new property owner came to the floor and controlled, and there had been some change in circumstances, she

gained control of certain of these parcels after that project was approved. Suddenly, she had the properties that were contiguous that allowed the pathway back if she became a party to the agreement, and she did. So, it took a lot of time and effort to work through that.

Franz Any other questions. I guess I don't have to look down that way. It's just this side of the - -

Papa Can you describe the buffer on the north side you talked about?

Price Yes. So, it would be a 40-foot wide buffer. I think we had originally contemplated a 4-foot tall berm. Zionsville has certain planting valuations that are required to be along that berm, and so we would adhere to the Town's standards for making those plantings on the top of that berm, as well, such that you create a screen between the homes on the north side, and the doorway, entryways for the building across the way.

Franz And, that would be incorporated into the development plan?

Price Yes.

Papa/Lewis? And, that would be added to your commitments. I know that this is, you're on the fly, you're working on the fly, but that would be another commitment that you make.

Price We're prepared to make part of the commitment, yes. That is part of our development plan proposal.

Franz Is there any additional questions? Comments?

Papa Just one point, there are a couple references to the reorganization and promises that were made, and I want to just read what the two things that were relevant there. I'm not giving an opinion either way, but this is in the reorg document that both governmental bodies approved and the voters approved after that. Regarding zoning, it says all zoning classifications and zoning of property in Perry Township at 11:59 p.m. on December 31, 2014 shall be the classifications and zoning of such parcels in the Town of Zionsville on January 1, 2015, and remains such until and unless changed, replaced or amended by the Town of Zionsville. Contemplates changes after that, and then there was another provision that a lot of confusion goes around that issue of in our reorganized Town we have the urban district and the rural district, and there is a process for neighborhoods that are adjoining the urban district every few years to be considered to be joined in if they have services. And, so this says that that process applies to Perry Township, which means it's not going to get there for decades, but there is a provision that says if an individual property owner wants to be considered urban, they can petition in writing and that has to be signed by at least one member of the Town Council that represents them, and then the Council would have to approve it. So, it's not directly relevant, but that causes some confusion with the question about whether or not property can be rezoned. That's separate. That's on urban versus rural classification. And, that's ZR2B8 and ZR2B9 from the 2014 reorganization.

Franz Additionally, while the comprehensive plan is a piece of the factors that we can make decisions upon, or use as OA guide. It, by itself, is not the determining factor. There is other factors that can be considered that can allow us to, you know, override, you know, what is in the comprehensive plan. So, it's just one piece. And comprehensive plans over the years do change, whether through zoning or through renewal or rewrite of the comprehensive plan itself. Is there anything else? All right. So, given there are only 5 members of the Plan Commission that are going to be able to vote on this matter, we will need a group of 4, a quorum of the entire group to pass onto the Town Council, either a favorable or whatever approval that we elect to do so. Failure to reach a 3 to 2, or 4-vote then would send it to them without a recommendation?

? Correct.

Franz So, it would go forward without a recommendation to the Town Council, and it would still be subject to their final decision on if this is approved or not. With that, is there a motion on this matter?

Papa I'll make one just so we can vote on it. I move that Docket # 2019-52-Z to rezone approximately 81.369 acres in the AG agricultural zoning district to rural I2 light industry zoning district receive a favorable recommendation based on the finalization of the proposed written commitments, Exhibit 10 and 11, with the inclusion to approve the addition berm, Exhibit 9, including site cross-section Exhibit 8, and findings in the staff report and then we have additional - -

Franz --berm on the north side of the property.

Papa And, is that followed with as presented? As presented with recommendation being certified to the Town Council for adoption or rejection.

Franz All right. So, we have a motion. Is there a second?

Grabianowski Second.

Franz All right. We have a motion with a second. At this point in time, I will take a roll call on this matter. Janice?

Stevanovic Ms. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Nay.

Stevanovic Mr. Papa?

Papa Aye.

Stevanovic Mr. Lewis?

Lewis Aye.

Stevanovic Mr. Franz?

Franz Aye. Motion carries 4 to 1. This will be forwarded to the Town Council with a recommendation for approval. Thank you. Next on the Docket are items number # 2020-04-CA, # 2020-01-PP, # 2020-03-DP, Appaloosa Crossing, 10901 East 300 South. Petition for commitment amendment of 57.53 acres to amend the location of a water feature along US 421 from the mid-point of the overall development frontage to the southern portion of the frontage along US 421, petition for primary plat of 57.53 acres for 12 lots, 2 blocks and 2 common areas within the rural GB general business zoning district, the rural PB professional business district and the R2 low density single family and 2-family residential district, and a petition for development plan approval of 23,000 plus or minus square foot multi-tenant retail building on a 3.4 plus or minus acres within the rural GB general business zoning district in the rural Michigan Road Overlay, MRO, waivers of building materials and architectural design requirements requested. Is the petitioner present?

Price Yes. Thank you, Mr. President. For the record, my name is Matt Price. I am attorney with Dentons, Bingham, Greenebaum in Indianapolis, Indiana with an address of 10 West Market Street. I'm here tonight on behalf of the property owner and developer, Bob Harris, with Harris FLP. Greg Snelling is our civil engineer in the back right over there. Jerry Williams is our project manager. And, Jeff Desmitt. Is Jeff here? Yes. Who is with Access Architects, and we're all available to answer your questions. I wanted to give an overview of the project, and before I start, we had pre-filed these on this matter. Does everyone have their booklets? Because I'm going to refer to that. I've got extra copies if you need one. Okay. First, we've talked about this property many times over the last several years. The property was originally rezoned back in 2008, and then there was some modifications made in, I think it was 2016, we made some changes in order to permit a fueling center, and then most recently this last fall and winter we made some additional commitment modifications to what we believe is a modernization of the proposal to reflect a mixed-use development that would also potentially incorporate the residential uses, making it have the attributes of a lifestyle center.

It's a property, as you'll hear, has been in Mr. Harris's family for many years, and when I say many years, over 50 years, and then part of what we're here tonight is to give a nod to that legacy through an architectural vehicle, which Jeff will explain later in on my presentation. But, the first slide, if you will, behind the Number 1, is the property at the southeast corner of County Road 300 and Michigan Road, so you can see its general shape. We will talk a little bit about how we've expanded the footprint of the property a little bit for this proposal, and that's part of our initial request, which is best illustrated behind Tab #2. This is our current site plan, and right now our plan is to develop the project in phases. And, that really means two things in this context. One is, we're here tonight to receive plat approval for the initial phase, which is the initial perimeter out-lots, plus the common area designations, which are used for water features that we have throughout the property. And, then there are certain other large areas of property that are really reserved for subsequent phases of the project. And, we

think that some portion of those will be used in all likelihood for a residential user sometime in the future. And, then, outside of platting, we're here for the initial project that is actually coming out of the ground with vertical improvements, which is the retail shops that are up here in the northwest corner of the project, and that's the summary that was the 23,000-square foot retail center. And, so that's kind of the initial phase that we're seeking to plat. We are in contract with other out-lot purchasers and users, who we expect to follow suit in subsequent months and come through for development plan approvals for their individual structure. But, they're just not as far along as the retail shops are today.

One of the modifications that we're here seeking tonight relates to the change in the concept plan that was attached to our zoning commitments that were amended last fall. Those included a centrally located water feature along US 421, and the commitment made was to have a water feature along US 421. We still maintain such a water feature here on the very southern end of the project, but because it was no longer centrally located as shown on that concept plan, we discussed with Mr. Kilmer and staff, and concluded that the safest course was to modify that commitment expressly and relocate that water feature to the south. And, that's on additional property that Mr. Harris recently purchased actually back in December, and we think one, it serves a utilitarian purpose as far as serving as additional retention, but it also creates an additional buffer between the project and the Bridlewood subdivision to the south. So, it serves that dual purpose. So, that's kind of what you'll see in the summary memorandum that's included in your staff reports, is that's what's being done. Moving the centrally located pond feature to the south. Behind Tab #3 is in multiple pages, the actual what is the primary plat. And, this lays out the road sections, utilities, lot lines, setbacks, etc. relating to the initial phase of the project that we're platting here this evening, which are the out-lots along County Road 300, along US 421, and then, in particular, the lot at the very northern portion that is to be developed for the retail shops. Then, behind Tab #4, we're kind of zeroing in on the more specific approvals that we're here for this evening. This is an example of the representation of, excuse me, of the landscaping plan associated with the retail shops.

We should know, and it's in your staff report, but I'll mention it. We have a couple of pending variances before the Board of Zoning Appeals relating to two landscape-relating requirements that are found in Zionsville's overlay zone. One is that we're seeking to eliminate foundation plantings, and I can talk a little bit about that, and then secondly, we're seeking some relief from the requirement for a 6-foot perimeter parking strip around the parking lot. And, what we've done is we have taken the plantings that would otherwise be planted as foundation plantings, and in the perimeter parking lot, and we've added landscaping to the east of our building, which for long-term purposes, we think will provide a nice treescape and landscaping area along the private drive that goes behind the building, and then in the near term, also provide some additional screening between the project and the Willow Glen subdivision that is immediately east. And, so that's the landscaping plan. I'm going to give just a brief introduction. Maybe, Jeff, you could come on up while I'm talking about this. The last section is showing our rendering of the retail shops themselves, and with all that I had mentioned of the legacy of Mr. Harris's family owning this property, and one of

the interesting facts is that the family historically had a white barn on that property. And, so Mr. Harris went to great lengths to really have a vision for what this first property would look like. He has, Mr. Harris has an equestrian background and family interest in that himself, and that taken together with the history of having a white barn there, he wanted to establish that the property would borrow from equestrian-type themes, and that that would be the initial of setting the initial tone for the development going forward. What that does, though, is it also implicates a couple of requirements under the overlay zone, which were not specifically directed towards that kind of architectural theme, and so we're seeking two waivers from the overlay zone architectural requirements, which I've asked Jeff to expand upon just briefly. And, Jeff, if you would come on up and introduce yourself.

DeSmitt Jeff DeSmitt. I'm an associate principal with Access Architecture in Indianapolis, 618 East Market Street. So, what we want to kind of overview with you guys was that the two waivers, originally there were three, but I believe, based on the previous staff comments, the requirement that we cannot exceed 75% of the total ground level first floor façade for glass area, we provided an exhibit on Sheet 8505 that shows the typical storefront bay is less than that 75%. So, the two waivers that we would be seeking, the first would be an architectural design theme, so as you all know the overall design should be consistent with a, or complementary to their colonial federal Georgian decorum or Greek revival periods. I think one of the things that we worked really hard with Mr. Harris to come up with is a style that is more rural than it is urban, and so with that there are longer stretches than we would normally see with the ins and outs, and that gets to the second waiver, which is the building façade's waiver that requires offsets for buildings that have lengths of more than 90 feet. So, what we've tried to do to get around some of those deviations, we have supplied different architectural materials. There are canopies that provide a continuous walkway from one end of the building to the other under cover. That is also the reason why they are requesting the variance for the foundation plantings along the west side. We did not feel it was appropriate to put foundation plantings under a 10-foot deep canopy, so that's why those plantings were then moved to other phases on the project. And, as far as the actual overall theme, I think, when we're looking at where this property is at, and the rural nature for where it's at, we really think that the design that we presented, and as the Commission has noted, will be the first in an overall integrated area, really seeks to establish kind of that agrarian rural-style as the foundation for future developments on the site. And, we'd be more than happy to answer any additional questions that you may have.

Price I'll close by just briefly making a couple of statements. We interpreted each of the staff reports as supporting a recommendation of approval. I will say that there is a set of engineering comments that are appended as an exhibit to the primary plat and development plan staff report, and I wanted to note those just briefly, which is that our development team started really last fall. Meeting with staff to do more than just a pre-filing meeting, but to really sit down and work through the ordinances and the requirements pertaining to the ordinance so that we had really a head-start on the engineering requirements for the site. So, we did that on multiple occasions, and then really went through the TAC process. And, so while the number of discreet items that are referenced in the staff report seem like a great number of engineering comments, it is significantly reduced from where we

started by some 80% or more, depending on how you view each one of the discreet comments. And, with regard to two in particular that I wanted to note, really the only two that I saw as being called out in the staff report. One related to drainage. We have done a substantial really re-working of our drainage plan after receiving our TAC comments. There are some additional comments in the staff report that we believe are of a very highly technical nature, and do not go to the functionality of does the drainage plan for the property function. And, consultation with Greg Snelling, who is our civil engineer, we think that with additional dialogue, and really clarification of the Town's comments on those points, they can be addressed in subsequent administrative review.

And, then the second comment had to do with the traffic study, and I wanted to speak a little bit about that. Our initial traffic study was based on having the, basically a power center-type model, where a Kroger was the anchor user for the site. And, there were various comments made about how the drive-thrus, or specific uses, might affect the recommendations or outcome of the traffic study. And, we posed that question to our transportation engineer, and he provided it back to the Town that he had premised the study, and these are his words, based on the maximum practical build-out for improvements along US 421 and County Road 300, meaning that he did it based on the maximum development potential of this site. And, he goes on to say that while there might be incremental increases in traffic due to a specific use or user, that it would likely be accommodated by the recommendations called out in the traffic study. And, those are accounted for in the platting, meaning that we have dedicated right-of-way so that we can install the appropriate turn lanes, and the other recommendation was to have a traffic similation in our main entrance on 421, our full entrance on 421. And, so we believe that while certainly we'll identify and have discreet users that may differ somewhat from what the traffic study was premised upon, that the traffic study itself was premised upon the maximum. And, so the recommendations, as we understand the report, would not change. And, really, they couldn't change. They're going to recommend the same mitigating factors be installed, and we have accounted for that. I just wanted to draw special attention to those particular points. With that, any of us on the development team would be happy to answer any questions that you have, and we look forward to working with you on this this evening.

Franz All right. Thank you. At this point, is there any comments from any of the members of the public? If there are none, can we have staff report please?

Kilmer As mentioned, there are three different petitions under consideration this evening for the property. Give a very brief summary of each staff report, beginning with Case # 2020-04-CA, the Appaloosa Crossing commitment amendment. This is a petition for commitment amendment to replace the recorded concept plan with a revised concept plan, which relocates a water feature from the midway point of the site to the most southern portion of the subject site. Commitments for the subject property, or subject site, were originally recorded in association with rezoning of the property in 2008. This was done when the property was under the jurisdiction of Boone County. Since the original rezoning, the commitments have been amended twice, once in 2016 and most recently in 2019. Upon the 2019 approval, the petitioner recorded an amended and re-stated commitments concerning the use and development of real estate, and this set of commitments

included a conceptual plan, which showed the water feature midway along the overall site frontage of US 421, which is seen in Exhibit #2 of the staff report. In the current filing before you, this petition seeks to amend the 2019 amended and restated commitments with a revised concept plan, which is attached at Exhibit #3 to the staff report, and is seeking approval to relocate the water feature to the most southern portion of the subject property, while still being placed along US 421. All other commitments within the recorded and amended restated commitments are unchanged and would remain in effect. Staff is in support of the petition to amend the prior commitments with this revised concept plan.

Summary of the staff report for the primary plat. This petition is for primary plat of 57.53 acres to establish an integrated commercial center consisting of 12 lots, 2 blocks and 4 common areas within the GB, PB and R2 districts. The subject site is also within the Michigan Road Overlay. Internal streets of the integrated center are included on this perimeter and plat. The subject site is located on the southeast corner of US Highway 421 and County Road 300 South, or 146th Street. The overall proposed development intends 2 points of access from US Highway 421, and 3 on County Road 300 South. The review of the primary plat and its related facets were the topic of multiple meetings between staff and petitioner. Many issues have been resolved, however, there are 2 aspects of the proposed development in which the current Town engineer's comments focus details of the traffic impact study and details of the drainage facility. Staff does recommend approval of petition # 2020-01-PP subject to the petitioner addressing all comments noted within the Town engineer's comment memo, which is attached to the staff report as Exhibit #5.

Finally, a summary of the development plan petition for the shops. This petition is for an approximately 23,000-square foot multi-tenant retail building on 3.40 acres within the GB and Michigan Road Overlay districts. Waivers of building materials and architectural design requirements are being requested. Related petitions to the subject site include development standard variances, two requests related to landscaping. These requests were initially heard by the Zionsville Board of Zoning Appeals on February 5, 2020, and were continued to the March 4, 2020 hearing. Details of the 2 variances have been mentioned. One a variance of foundation plantings and the second variance of parking lot perimeter plantings. The subject site is within the Michigan Road Overlay, and is therefore subject to the architectural design requirements. The zoning ordinance does provide the Plan Commission that the Plan Commission may grant waivers of building materials and architectural design requirements, and approve the proposed design provided the findings are met for the respective categories. Regarding landscaping, should the two variances be approved by the Board of Zoning Appeals, staff is supportive of the submitted landscape plan, which is provided as Exhibit #4 to the staff report. The proposed lighting on the site is compliant with ordinance requirements. Signage for the shops is not included with this request for development plan. The petitioner will file a signage plan for the entire Appaloosa Crossing integrated center at a future time. Staff does recommend approval of the requested architectural building design, waiver and the building materials waiver. Staff also recommends approval of the development plan petition as filed, subject to resolution of the outstanding review items identified by the Town's engineer, Exhibit #5 of the staff report.

Franz All right. Thank you. At this point, I will open it up for questions from any of the members of the Plan Commission.

Grabianowski It would have been a lot easier if we took each one of these separate.

Papa I'm not sure when it's appropriate to bring this up, but the matters pending before the BZA that were continued, Mr. Jones can correct me if I state any of this wrong, it's just a little complicated to explain. So, what we were looking at was on this, on this right here, there is the idea of the 6-foot perimeter for parking, and we asked Mr. DeLong what the purpose of that was, and it was basically to shield the adjoining road from headlights and so on. There is some stuff there, but in this plan, what my understanding was is that you're already giving up an additional 75 feet to, I don't know if it's the Town or the State, but giving up an additional 75 feet. Then you have the 30-foot buffer from the Michigan Road Overlay, so there was a question raised as whether or not it's clear that when you have both of those things together, does the 6 feet have to be in addition to the 30 feet, or can the 6 feet of plantings be part of the 30 feet? And, it did kind of seem unfair that, if you get on 75 feet and 30 feet, and then you would have to have another 6 feet, and we're talking about that, and then there was a concern raised about, okay, but if we grant the variance for that, then what about the rest of the project going on Michigan Road, because if we change our mind later, then it's going to have this weird 6-foot cutout later. So, there was a question of should we wait and let the Plan Commission talk about whether or not, does that really apply in the Michigan Road Overlay? If it does, do we want to change it for this, or should it be addressed individually, or anyway. That was my understanding of why we continued it, because we wanted the Plan Commission to talk about this is a comprehensive project, in terms of whether or not you have a 6-foot gap down the road. I don't know if I missed anything.

Jones Correct. That's one of the things that we discussed regarding the, especially the 6-foot setback piece, was the fact that, you know, over the course of the years there has been changes, and basically the take from the highway department, along with the regular right-of-way setbacks was probably getting to the point that it's a little bit punitive to keep adding another 6 feet onto it. My comments will be the same comments as the comments I've had all along regarding this project. That, as a style of development, it is at best dated, as in, I always view our position here as to find things that are going to work into 2030, 40 and 50, and to me, this is straight up out of the 1980s. There is a lot of talk in the marketing of this project, as well as in some of the literature, about it being a mixed-use, kind of modernized development, but as you go through it, what we're seeing here is just the basic outlaw with a hope for some sort of future big-box development in behind it. You know, I can read what mixed-use developments is really are, and they are either vertically or horizontally kind of integrated centers where they have truly multiple uses, both residential, office, medical, business, retail, all combined on a parcel to make it actually kind of almost a standalone unit. In other words, it's kind of self-fulfilling. There is actually people occupying it and using it. And the goal of it is of a mixed-use project, is it cuts down on traffic. It is people-centric versus automotive-centric. Part of the reason we kind of passed on it at the BZA is we wanted to see what that little more fuller development was going to be, and just like what I was concerned with at the BZA is what we're being told right here tonight is this

really basically an approval of the out-lots, with no real commitments to what goes on behind it as far as going through just in summation of some of the engineering comments. You know, the best is regarding the traffic study, where it just flat-out says is that the most recent site plans vary significantly from the site plan in the original traffic study, as it does not assume a fueling station or any of the four drive-thrus shown in the most recent site plan. Therefore, the original traffic impact study should be updated to reflect the most recent site plan. In other words, we're, you know, we're back into this situation where we're back on our way into this development. Instead of having an overall plan for what they're going to do, and have it meet the basics of what is now considered a mixed-use-type project, we're getting presented this situation where we're approving a bunch of out-lots with an unknown coming in behind it, as well as a lot of marketing and conversation about what it will be. There is no plan.

And, I guess in summation, you know, you can drive west out to Whitestown to see what, you know, dotting of Main Street without out-lot looks like. I find it interesting going over to Fishers and traveling up and down 116th, and I go to 116th and Allisonville, and I go to 116th and Cumberland, and I see how in a 20-year period you have got these type of integrated centers where the Marsh's have closed and it's kind of thrown the rest of the development into, it's a slum. It's just, it really, it just has a huge kind of negative impact, you know, on the surrounding areas when these kinds of centers fail, and when they do fail, the fact that they are so difficult to re-develop into anything else. The reason I mention the one there at 116th and Allisonville, when the Marsh closed, Fishers actually kind of required them to tear down the Marsh grocery store section out of the strip center. The issue is, is that once they start to get on a downward cycle, you know, they don't really ever generate the revenue. They start to consume more assets than benefit and produced, and just while I'm on this diatribe, you know, I'll bring up the fact that across the street we are trying to hold Holliday Farms and their commercial development to some kind of standard, but here across the street, we're putting in a competitive competing development that doesn't. And, so I understand the TIF for Holliday Farms hasn't been finalized, but my general understanding of it is that while the developer of Holliday Farms will be on the hook for the debt, the way the TIF may work, once again, not sure, is that the Town really just gets the net benefits after the property taxes of Holliday Farms goes to pay off that debt.

You start creating competing developments that will probably be at a more cost-competitive square foot rate. That's going to put Holliday Farms into a situation where they are going to have to compete with that, yet we've committed ourselves to a situation where the gross property tax revenue off of one, is going to get devoted to it before we get any of the net. In other words, we're working against ourselves. But we need to pick a path. We picked pretty strong path with Pittmans and the Farms. We're sorry that didn't go through. We stayed on that course when we scaled back the amount of commercial development that went into Holliday Farms, but here we are piecemealing another commercial integrated strip center at 146th and 421 that I just don't see it moving us in a positive direction. That's about it.

Papa

My only thought about that is this was approved by the County before it was part of the Town. There were commitments made by them that we inherited in terms

of just the overall idea of the project, and this is, whatever this is, is desperately needed. I mean, once you get north of Kroger, you've got to go all the way to the gas station on Kirkland to get groceries, east all the way to Westfield, and west all the way to Lebanon. I mean, there is nothing up there. So, I mean, I understand your point about competing with Holliday Farms, but this project was there long before that and was agreed to by the County before, the Town inherited that thing that the county did before we got it. I'm not disagreeing with your points.

Jones I understand.

Papa I'm saying there is some points on the other side of that.

Jones So, for something that's desperately needed, why has it taken it 13 years?

Franz Well, this is the third iteration of what they're going to build, or you know, possibly more. Regarding the traffic study, I don't know what the original plan, conceptual plan, looked like, but my guess is it was quite a bit different than what this was. So, I think an update to the traffic plan is going to be required in this matter. So, I'll say that. Relative to this, you know, when we, you were back here in October. I guess you presented this in October, and you had the daycare and you had some conceptual ideas there. Even the piece here is dramatically different than what was on the concept plan at that time. You know, I guess when I look at this, is there a cohesive plan? Is there any plan at this point for what's going to be the rest of it? I mean, you know, we can put this in here with this, and then the next piece is, I think what Larry's worried about, and what I guess I'm worried about was what's the next piece look like. You know, how does that tie into this?

Fedor Speaking of someone who lives to the north of this, there legitimately is nothing up through there. You're right. You have to go all the way to Kirkland, Lebanon, Westfield to find any services of any nature. It's been long awaited. A lot of folks in Union Township area waited for this for a very long time. You know, 146th Street, to my knowledge, is probably going to be 4 lanes in the next 5 to 6 to 7 years, and 421 is probably following. This is going to be a 4-lane, 4-lane intersection both directions. You're going to have something that's going to be kind of, I think this is going to be a very desirable area in the long-term, particularly considering the other side of the intersection cannot be, the northwest side has got a power substation in it. You've got residential on the other side. You've got to the north of this the old Woods Edge Landscaping center, which could be potentially developed, as well, but for a major, major intersection, some commercial out-lots like this, to me, make sense, because nobody, I mean, we tried looking at Wolf Run a few years ago, and there was mass concern over bringing commercial development into a residential area. Very difficult to try to bring these things in, I think, and this area makes sense to me.

Franz I think it's needed too. I guess, you know, I'm just wondering has there been thought to try to, I mean, I guess it's subject to what you're going to be able to attract in their business-wise, but is there some, has there been a thought to try, I mean, I guess it's subject to what you're going to be able to attract in their business-wise, but is there some, has there been a thought to actually, you know,

here's the plan, and this is what we'll do. I mean, you know, we've got one piece in here, and we're talking about doing the 30-foot, 6-foot waiver. What's that do for the rest of, I mean, you know, there is a lot of unknowns that's going up next to it. I mean, we're trying to figure out how do we make a decision based upon the unknown?

Price

Right. And, I think what we've been working on, when you speak about the concept plan from last fall, you're right. What you're seeing is different than what was seen in that concept plan in the sense that the plat, for example, lays out exactly what the lot lines are, for example. It lays out where the streets go. It lays out where the detention facilities go. And, so it is a whole different level of detail as far as what was shown on that concept plan. And, the reason we're able to do that is because we do know, for the retail shops, for example, we know exactly what that building requires, and we know in subsequent lots exactly what their specifications require, as well, with regard to additional contracts that we have in place that are not, they are not ripe enough to have the development plan review yet, but we're under contractual obligations to be able to deliver the lot to their specifications. And, so we are making progress, and it is taking shape more definitively. One thing I would add, too, is this is a little different parcel in Zionsville as kind of landscape of commercial areas in that this is a commercial node for the community that's been identified for really decades, and beginning back in 2008, Mr. Harris got the initial zoning in place. He felt like the timing was good at that time to establish that node in something more concrete than just a representation on a comp plan, which, as we discussed in the prior matter, is subject to some debate.

So, you've removed that debate and actually established the zoning. Obviously, for a few years post-2008 it wasn't a real rosy time to develop real estate anywhere, including Zionsville, and then we got way far down the road with Kroger, and at the time, we really felt like that was the direction for this property. Kroger ended up shifting gears on us, and in the wake of the March bankruptcy, and really disrupted a lot of people's plans for the development of their property. And, Mr. Harris and I have discussed it that in some ways, I think to Mr. Jones's point, which we listen to. I mean, we're very much listening to what he is saying and really picking up words of wisdom there in many regards, because I think we feel like that initially it was a shock to the system when Kroger went a different direction. But perhaps it was a blessing because it really caused us to rethink the development. And, that led us to the process we went through last fall, which was, we call it modernization. Building upon kind of this proven model of a commercial node that has out-lots, and modernizing it so that it could include residential uses. And, where before it was prohibited, and we feel like that we can weave those uses together to create that total mixed-use package, but the initial step for us, and it is, I think admittedly, may be unconventional, is that we're developing it from kind of the proven and then working our way to, Mr. Jones mentioned words, kind of self-fulfilling, or self-sufficient. We share that goal. We really believe that it actually will strengthen the offerings that we're providing, for example, at the retail shops. There is nice coffee shop there, and make the community walkable. Something we've talked about with the Willow Glen residents. Both with regard to the pathways that are internal to the project, as well as connecting to pathways that they have going through their own project,

their own neighborhood today. We think we can build on that going forward, but you have to start somewhere, and we believe that this is that start.

Papa It's been discussed a little bit, but I guess I'm still not quite understanding the additional 6 foot or the 6-foot landscaping around the parking, has that been met by other developments along the Michigan Road corridor, and have been interpreted as such that that's an additional beyond whatever other buffering is required?

Kilmer First of all, to address the question as to whether it is required or not, the ordinance does clearly state that within the Michigan Road Overlay, there is a requirement of a 30-foot buffer and then for any parking areas between the building and that buffer area, there should be an additional 6-foot strip. So, the 6-foot strip is required, in addition to the 30-foot buffer, and what the variance request is, is to remove that 6-foot strip and just go with the 30-foot strip.

Papa Can you point us to that, because there is confusion at BZA?

Price I spent the Saturday morning after our BZA hearing driving up and down Michigan Road looking to see if I could find a compliant property, and this is not surveyor measurements, but I think the closest compliant property perhaps is the senior living facility, The Hearth, to give you an idea. I think that it may maintain the 6-foot strip, but it's the exception. I couldn't identify a single other property that complies with the overlay zone, and I'll give you an example that's close by, is Interactive Academy. I don't know if there is a single aspect of the Interactive Academy that complies with the overlay zone, with regard to building materials, buffer areas, parking aisles, nothing. I think it looks great. It doesn't look bad, and I think it serves a useful purpose. And, what we have experienced, what Bob has experienced, I shouldn't say we, but what Bob's experienced is that he is given considerable right-of-way over the years to allow for the future expansion of 421, and that pre-dated certain of the requirements that exist today, which require you to dedicate additional space moving east into the property. And, so what he is effectively saying is, is that at some point if he is able to incorporate that same or similar landscaping into the perimeter of the parking lot without having to also give up an additional 6 feet, then he can accomplish that purpose without giving away more land that was perhaps not contemplated at the time of the overlay zone was originally adopted. And, that's kind of our, that's our theory. It's something that, it's not, it's like the frog in the boiling pot, right? Initially the right-of-way taken for future expansions of 421 was one thing, and then what happens over time is the property comes into the Town's jurisdiction. It's subjected to the overlay zone, the buffer yard requirement, the dedication of an area for the recreational path pursuant to the strategic pathway plan, and then you'd stop on top of that the additional 6 feet, and it just keeps moving aligned, if you will, further back.

Papa And, my other question is about just the layout of this, and the way I'm looking at this, it appears that we're, there are potentially 4 drive-thru setups on the lot. And, I don't know exactly what our stacking requirements are behind drive-thrus, but just looking at how this is laid out, I can envision that depending on what types of businesses those are, there could be some significant traffic flow issues on this lot. If you start getting cars backing up and in line in these drive-thrus,

there is not really a whole lot of place for them to go other than the one that's located, I guess, to the north end. That seems to have a drive-thru stacking lane, but the other ones don't really, and those cars are going to kind of be all over the place, what it looks like to me.

Kilmer I can address the question about the landscaping, if that would be appropriate now.

Franz Yes. Go ahead.

Kilmer Within the Michigan Road Overlay section, under landscaping requirements, the first citation is areas to be landscaped includes landscape buffer, 30-foot landscape buffer shall be composed of grass landscaped areas, the incorporation of walkways, bikeways, into the design is encouraged, however, no parking areas through road, buildings accessory structures, etc. shall be established within that area. A couple sections later, where it talks about parking lots. Again, this is dealing with parking lots that are in front of the building between the building and Michigan Road, states that perimeter planting area of 6-foot wide shall be provided along front and sides of those areas. The perimeter planting area shall be provided in addition to the landscape buffer. Did you want to address stacking?

Snelling I'm Greg Snelling, civil engineer, 13295 Illinois Street, Carmel is my office. As this building is a spec building for most of the, if not all of it. I don't want to speak for the, I don't know the exact leasing situation. The only tenant that we've designed around is on the north end, and so we've shown some stacking in there, but the other windows, we don't, those are speculative, and we don't know where the windows would be to stack cars behind them, but you can see from, I mean, I could scale this. I haven't done an analysis because, again, it's spec Shell building, but you can see from the scale of the building that there would be, you know, four or five cars that could stack against the window in the middle drive-thru, and then on the southern end would be about the same. I didn't hear the part, I don't know if Roger was, did you clarify the exact requirement per window, or is that in the ordinance?

Kilmer I'm sorry, I did not look that up.

Snelling Okay.

Kilmer I don't believe we received a specific engineering review comment on that. I don't recall.

Snelling No, that has come up, but we, you know, we want to allocate room and you can see from the site plan that we have room for numerous vehicles. I want to stay four or five per window, but per tenant, we don't, there is no specific tenant that we've contemplated yet on any of those windows. Does that answer your question?

Papa I think to what extent it can be answered right now. Yes.

Franz We put the Starbucks on the one that's got the - -

- Price That is the plan.
- Franz Relative to the two variance requests for the BZA, I mean, the 6-foot against the building, can you explain, I mean, again, what's the justification for asking for that?
- Price The foundation plantings?
- Franz Yes.
- Price It is, physically, it is that we've got an awning that overhangs the structure and so for the health of the plant, that's one thing. And, then secondly, I think, Mr. Jones mentioned this during the hearing. I thought it was a good observation, which is the reason for those is to soften the exterior of the building, and I would suggest that the awning helps do that, and then that we would incorporate landscaping into the parking lot in front of the building, and so with the architectural features itself, plus the landscaping package that we are proposing, we accomplish the same function, as far as softening the appearance of the building.
- Jones I think both at the BZA level, one, we were just looking to see these drawings with a little more detail as to the right-of-way for the roads, and how that affected the 6-foot piece across the front. Secondly, like I said, we mentioned if we got commitments that instead of having the foundation plantings, we would have a more robust planting in the tree wells out in the parking lot that would probably also help soften the façade of the building. But, the other piece we were truly looking for, or at least I was looking for, is to see a little more fuller set of commitments, or ideas, of what the overall direction the project was going to take in terms of development, instead of, and this is the same plan we have seen over and over and over again. It's just as he stated, as Matt stated earlier, we are basically just approving the out-lots with no real set of commitments as to what's going on in the interior, and the net effect on the both the traffic study and the drainage plan is it leaves a little bit mute because nobody knows for sure what's happening with the overall site. The last concern is we're not really setting a particularly high bar as to what is being done, as much as the development talks about trails and connectivity and all that kind of stuff, it's, there is out-lots with the bare minimum sidewalk around it. And, just to make sure, once again, we went back and went through the Farms. I think everybody remembers seeing what the overall site plan for that looked like in terms of trails, and connectivity between buildings and curbside parking and other kind of overall project design details, even though at its core it had a fundamentally large grocery store in the center, out-lots around the outside, but it also had commitments regarding different types of maybe assisted living housing, housing over a certain amount of storefront, street level retail. In other words, there was a more fully developed mixed-use plan.
- Fedor The Farm was a PUD, correct. It was a planned unit development?
- Jones Correct. The, and it's off-stated whenever you talk about mixed-use developments. The planned urban development allows a developer to craft a series of commitments regarding development that allows for those mixes of

commercial and retail and office uses. The path that this property has gone down with it being zoned by the County is general business. Makes that process a little more difficult in that it puts the burden back on the petitioner to actually kind of individually kind of craft all those variances to get around all that stuff. It's, the planned urban development nomenclature was created to create flexibility to get back to, you know, when you think of downtown Zionsville, to ever recreate old-school, downtown Zionsville, you would need a PUD. What transpired over 100 years of, you know, whether it was a gas station or a pool hall that got turned into this, or what was the original Town Hall that's now something else, what a PUD does is allow you to condense 100 years of activity into 1, or 2 or 10.

Franz And, if I'm not mistaken on the Farm, you know, obviously there was no development plan or anything along that lines, but as part of the PUD itself, we got pretty good concept plan drawings. I mean, we know what was going to go in there in its entirety, is what I would say.

Price I think Mr. Jones's comments were kind of alluding to this that because we don't have the benefit of a PUD, in some ways we are having to do this a little bit more incrementally. That said, we're, I think we hear you. We're listening. What I want to be careful about is, I don't believe I'm going to be able to come back here. I wish I could come back here in a month and say I can tell you exactly what the rest of this acreage is going to be used for and what it's going to look like. I'm not going to be able to do that. But, I think we can, certainly with regard to the transportation plan, or the transportation study, and what I think I hear with regard to commitments more fully developed about our landscaping package and making sure that it's uniform across the development trail connectivity, making sure that it's identified at least conceptually and commitments could be made relative to that for the entire project, and perhaps other elements that we could provide more assurances for you that it meets the standards. I think we could definitely work at that, and take some time and come back with regard to that, as far as the bigger picture goes. So, those points are certainly well-taken, and if there is others along those lines, we are welcome to hear those.

Jones One other quick comment, you know, so I've been on the Plan Commission longer than I expected. Fully expect somebody to throw me off of here. But, when this project was first kind of out and about, I think there was conversations that there has always been a demand for a gas station up here at this corner. But even, you know, when Allen and Jay Parks and all that bunch were up there kind of running it, the message came out clear even back then that they wanted to see a more fully developed plan for what was going to happen up here, and they didn't want to end up with just a standalone gas station on a corner, or in the middle of a lot, or something like that. So, some of the comments I'm making are the same, I'm just repeating stuff that, when I didn't say anything 8 years ago that I heard, now that I've talked too much.

Price And, I hope I'm communicating a little bit of the tension that we experienced, because what we're trying to do is we have certain contractual obligations that we're trying to meet, and we've worked into our timeline the possibility of having more than one meeting before the Zionsville Plan Commission because we understand the process, and we understand that this is a significant undertaking. You know, I think that we're not going to be able to say what the

use is, and what it will look like on every stitch of the property, but I think we can provide some of the more global aspects of it, maybe more defined and committed to, and with the updated traffic study and drainage specifics we can help remove some of the concern that I hear being expressed. I think I hear that there is some support in a sense that there's a recognition of the need, and certainly we're zoned for that, and while we think there might be some overlap between uses, between properties like the Holliday Farm and this. I think they also serve some distinct purposes too, as far as the offerings on each property, and how they might serve the broader community, and so we think that there is some symbiotic nature between the two properties, and each project has been supportive of each other because recognizing that to some extent. And, so that's a diversion, but I think we certainly can come back to you with additional commitments and additional examples, I guess, that would give you additional insight into where we see this going and the context that we've made up to this point that give us assurances that that is the direction it's going.

Franz Okay.

Lewis If this is going to come back to the next meeting, which it sound like what might happen, just, I don't know what everybody else's opinion is, but I'm not included to agree that we should give up the additional 6 feet on the landscaping around the parking lot. I think that's the way the ordinance is written and that's the way it should be interpreted. That's my opinion.

Grabianowski Well, somebody said tonight that that was in part because of lights going out onto Michigan Road for the parking area. In 10 years, Michigan Road is going to be a lot wider. So, it might be a safety issue.

Franz Let's go to, it's in your book. It's the one that's actually upside down. It's this one here.

Price Landscaping plan.

Franz Yes. So, if you put this, so the book's upside down, and so, Michigan Road is right in front of you. So, the 30 feet goes from basically the edge of the parking lot, out to, is it, I see the path, the sidewalk there. And, then there is another 10 to 15, and then there is, is it the first line or is it the kind of hash-dotted line? That is the 30-foot? I mean, I'm just trying to understand exactly where that is. And, then you've got grass, or is it all 30 feet all the way out, or is it 30 feet and then there is kind of the right-of-way?

Snelling If you don't mind, me stepping in to clarify. I have a dimension site plan on my iPad here I can give you a little better.

Franz Yes.

Snelling So, the right-of-way is 50 feet from the center line.

Franz Okay.

- Snelling The proposed pavement with widening that INDOT requires is going to be approximately 24 feet, with a 4-foot shoulder. So, 22 feet of green space between the edge of pavement.
- Franz That's this to here. Right?
- Snelling That would be to the right-of-way line, which is the, it looks like it's got 2 dashes, and it's bolder.
- Franz Yes. Yes, okay.
- Snelling So, 22 feet of green space that just, in the right-of-way, that they don't own. Beyond that, to the east is another 30 feet of buffer yard.
- Franz Right. Okay.
- Snelling Part of that 30 feet is also, is right-of-way that the Town has requested that we grant to the Town as kind of like an easement. It's not going to be simple owned by the Town. It's going to be part of the lot. Within that 20 feet is a 12-foot multi-use path.
- Franz Okay.
- Snelling So we have, you know, the path is part of a recreational space, but 22 feet plus 30, this is just from pavement to pavement. Drawing a blank. But, it's a good distance of green space that just from pavement to pavement.
- Papa But, that 22 feet that's adjacent to the pavement, if 421 gets expanded to 4 lanes will become - -
- Snelling --We're making it 4 lanes now. That's part of our project. I mean, we're required by the traffic study to go ahead and widen.
- Franz So there is going to be 30 feet between the edge of the parking lot and - -
- Snelling --That's at full build-out after the project. So, I'm speaking in terms of proposed, not so existing if we don't need 12 feet off the center line. So, you're losing another, actually like 16 feet of, we're putting in 16 more feet of pavement to add that extra lane.
- Franz I'd say I'm opposite. I'm, you know, I probably couldn't tell the difference between 30 feet and 36 feet anyway, looking at it. You know, I would be okay with that if the BZA said go ahead. I mean, I'm okay with that. But, you know, if the BZA is looking for guidance, that's my opinion on that one. And, the foundation plantings, you know, I'll defer to what you guys say on that. If you think that some of the tree well plantings can soften the front, I'm okay with that. I don't know what everybody else was thinking from the Plan Commission if, I mean, that's why they, I'm assuming that's why you continued it to kind of get our thoughts on it.

- Papa Well, there was that, and also the idea of if the variance on that would be granted, then what about the rest of the strip, like should that be considered now or be done later, and I think there was again concern about it being - -
- Franz --I think if you, I mean, if we had more of a, but I would think we'd want, whatever we said here would probably be, we'd probably want it to be consistent however it's handled. That's my thoughts. I defer to everybody else what they think too.
- Papa On the safety issue about the 6 feet, maybe I misunderstood, but I thought I asked Mr. DeLong, or somebody did last weekend, or whenever it was, two weeks ago, and he said outside the overlay district it'd still be 6 feet. And, that's sufficient and that's the purpose. In this case, you'd have 30 feet with the 6 feet within it, that would otherwise be sufficient up against the road. So, the fact that they're giving up extra property and the road is moving closer that they - -
- Grabianowski --He said they already had accommodated for the road moving closer in this plan, so I'm okay without having the 6 feet.
- Papa Yes, I'm fine with going without it.
- Franz I mean, you know, ultimately it's the BZA's responsibility. I defer to what you guys think is appropriate. But, like I said, I'm not going to be able to tell the difference between 30 feet and 36 feet.
- Jones Like I said, part in parcel of the conversation at BZA, regarding this individual lot was the fact that, yes, that would then probably become the norm for everything up and down 421. Secondly what we were told is that we would have some more fuller developed plans that we have received, but still, once again, it's for the out-lot portion of it, and so the last, the final hump is what's our opinion as to what we want to see about the scope of the overall development. Or, are we going to be satisfied with this parceling out of the development phasing, as it is told to us?
- Franz Okay. Well, I think Mr. Price has stated that he's willing to come back with some additional drawings, concepts that we can take a look at next month. Is there anything else? I mean, the traffic plan, traffic study. Is there anything else that anybody wants to ask for?
- Fedor That are is growing so fast a traffic study probably isn't going to be worth the paper it's written on in a month.
- Franz But, I will say we've caught, you know, not having updated - -
- Fedor I would agree a traffic study would be great. I guess my point is it's changing so fast up through there.
- Franz I understand. But we've been called out on that several times.
- Fedor You're right. You're absolutely right.

- Franz And, this is relatively going to be, not relative, this is high-profile. So, is there anything else?
- Jones This is a quick, odd question. So, the streets are going to be private drives inside, correct?
- Price Yes, sir.
- Jones And then you're partitioning off the out-lots for sale. So, basically the larger sections that remain on, let's call it the east side of the property, will still be a separate parcel? If they ever wanted to, they could re-zone that part within the development? For some reason the whole idea of PUD-type description would help with a different type of use. Does that make sense? I don't know.
- Price Yes.
- Jones Is that doable?
- Price Yes, I would say that's probably doable.
- Jones Because the streets within the Farm were going to be public or private? Matt, would you remember.
- Price I don't. Might have been a little bit of a combination actually.
- Jones Okay.
- Franz All right. At this point in time, I guess I will entertain a motion to continue this to the March, what is the March meeting? March 16 Plan Commission meeting.
- Papa So moved.
- Franz Is there a second?
- Walker Second.
- Franz Multiple seconds. All in favor, signify by aye.
- All Aye.
- Franz Opposed by nay.
- [No response.]
- Franz Motion carries. Continued to next month. Thank you.
- Price Thank you for your time this evening.
- Franz At this point in time, I believe there is nothing else on the agenda. Does anybody have anything they'd like to bring up before I ask for a motion to adjourn? If not, is there a motion to adjourn?

Zionsville Plan Commission
February 18, 2020

Papa So moved.

Franz Second

Fedor Second.

Franz All in favor, aye.

All Aye.

Franz Opposed.

[No response.]

Franz Motion carries. We're adjourned.



Petition Number: 2019-52-Z

Subject Site Address: 4255 S. 300 East, Lebanon, IN 46052

Petitioner: Gerald and Jeanette Padgett

Representative: Matthew Price

Request: Petition for Zone Map change to rezone approximately 81.369 acres from the (AG) Agricultural Zoning District to the Rural (I-1) Light Industry Zoning District

Current Zoning: (AG) Agricultural Zoning District

Current Land Use: Residential / Undeveloped / Agricultural Activities

Approximate Acreage: 81.369 acres

Related Petitions: 2018-43-Z (favorable recommendation)

Exhibits:

- Exhibit 1 - Staff Report
- Exhibit 2 - Zoning / Location Map
- Exhibit 3 – Conceptual Site Plan
- Exhibit 4 – Zoning Ordinance Section 194.081 Districts
- Exhibit 5 – Comprehensive Land Use Plan
- Exhibit 6 - Town of Whitestown Comprehensive Land Use Plan
- Exhibit 7 – Town Engineer Comment Letter dated November 22, 2019, December 11, 2019, and February 5, 2020
- Exhibit 8 – Petitioner Site Cross Section Exhibit
- Exhibit 9 – Petitioner Proposed additional berm
- Exhibit 10 – Petitioner Proposed Commitment List
- Exhibit 11 – Engineers Comments on Commitments dated 12/12/2019
- Exhibit 12 – Town of Zionsville Process Flow Chart

Staff Presenter: Wayne DeLong, AICP, CPM

PROJECT OVERVIEW

Project Location

The subject property is approximately 81.369 acres located south of County Road 400 South and west of State Road 267. A two (2) acre tract is improved with a single-family residence, and the remainder of the acreage is currently utilized for agricultural purposes.

Project Description

The subject property is currently zoned Rural (AG) Agricultural. The Petitioner desires to rezone the entire site to the Rural (I-1) Light Industry Zoning District with the intension of potentially constructing two (2) industrial buildings (see Conceptual Exhibit 3).

Traffic

A Traffic Impact Study is on file (file-stamped December 10, 2019) and has been reviewed by the Town Engineer as well as other agencies. The Town Engineer has provided a Comment Letter dated December 11, 2019 (See Exhibit 7) regarding the Traffic Impact Study. Additional comments have been received from the City Engineer of Lebanon who states that the project appears to be compliant with the Thoroughfare Plan requirements of County Road 400 South and the required right-of way dedication. A request for information regarding the review of the document by other Agencies has been submitted to date, no additional comments have been received.

Process

The Plan Commission opened the hearing for this petition at its December 16, 2019 meeting. Due to an indecisive vote the Petition was continued to the January 21, 2020 Plan Commission Meeting. The Petition was subsequently continued to the February 18, 2020 Plan Commission Meeting.

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.

For reference, below is an outline of the items for which Staff will be considering related to the proposal and Staff's future staff report associated with a subsequent hearing.

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

Comprehensive Plan

While the parcel in question is within the Town of Zionsville's Corporate Limits and is subject to the Comprehensive Land Use Plan (Exhibit 5), understanding how the parcel fits into the developing land use pattern is critical to the review of the request reflect, and, therefore, the Town of Whitestown's Comprehensive Plan is referenced as well. While Zionsville's recommendation for the land is residential overlaid with a "mixed use" designation (mixed use is defined as "any combination of open space, institutional, residential, commercial, industrial, and agricultural uses that are compatible with each other and the surrounding land uses"), the Zionsville Comprehensive Plan is neither reflective of the overall intensification of non-residential development in the immediate area which has occurred in recent years, nor the Town of Whitestown Comprehensive Plan's recommendation of technology mixed use / commercial / light industrial / high density / medium density residential zoning for the adjacent properties located in Whitestown. Because of these two factors, a deviation from the Comprehensive Plan to facilitate a rezoning to is supportable in the opinion of Staff.

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

The proposed rezoning serves as an expansion of a recently established industrial zoning district, and, as such, no new characteristic or conditions are anticipated be introduced into the district. However, as the contemplated development is adjacent to residential improvements, prior projects to which the Town of Zionsville has had the ability to review have both limited the heights of buildings to 55 feet, limited heights of both freestanding lighting and lighting attached to structures, and proposed landscaping and earthen berms which exceeded Ordinance standards in an attempt to potentially mitigate light intrusion as well as alterations to the view shed of the area. These and other standards should be encouraged, as referenced in Exhibits 8, 9, and 10 to this report, to be perpetuated in the District, and is reflective of the maximum height limitation if the property were to be improved with multi-family residential development (the land use recommended by the Whitestown Comprehensive Plan for this specific site).

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

Generally speaking, zoning that is consistent with the established zoning pattern while being supportive of the existing and contemplated programming associated with the established land use is the most desirable use of the land. A light industrial use, when appropriately screened and limited in height as to potentially mitigate visual intrusion into the adjacent residential area represents an acceptable use of land.

The conservation of property values throughout the jurisdiction

Planned, orderly development of property is a key component in the conservation of property values. While nothing is noted in this proposal or associated petition filings to be contrary to the conservation of property values in the immediate area, appropriate screening and height limitations as previously relied upon in the public process and encouraged to be required as a part of approval.

Responsible development and growth

The petition represents, when limited in height and inclusive of additional earthen berms, landscape elements and incorporates recommendations of the Traffic Impact Study, responsible growth and development as it is consistent with the approved districts in the area.

STAFF RECOMMENDATION

Staff is supportive of the Petition to improve the property in substantial compliance with the submitted site plan, and the submitted site details subject to the finalization of the Written Commitments inclusive of the installation landscaping and buffering proposed by the Petitioner.

RECOMMENDED MOTION

I move that Docket #2019-52-Z to rezone approximately 81.369 acres from the (AG) Agricultural Zoning District to the Rural (I-1) Light Industry Zoning District receive a (favorable recommendation based upon the finalization of the proposed Written Commitments (Exhibit 10 and Exhibit 11 with the inclusion, if approved, of the additional berm (see Exhibit 9), including the Site Cross Section (see Exhibit 8) and 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 12).

Table 1, Land Use Districts

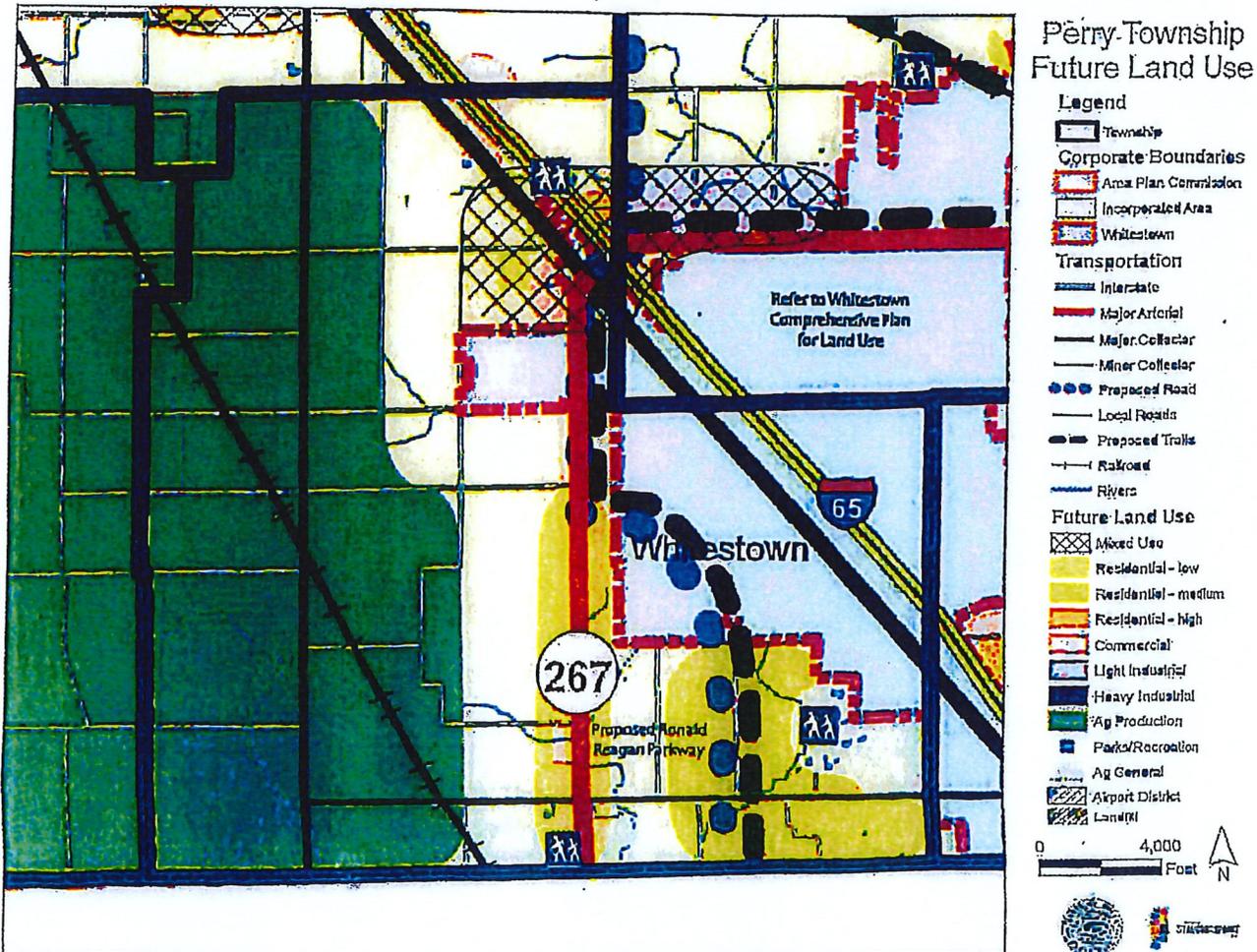
R3	Medium Density Single Family and Two-Family Residential	This is a medium density single-family district, which may include two family dwellings by Development Plan Approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.
R4	High Density Single and Two-Family Residential	This district is established for high-density single-family dwellings and may include two-family dwellings by Development Plan Approval. Single and two-family development in this district typically ranges from 3 homes per acre to 4.25 homes per acre. Two-family development typically ranges from 7 units per acre to 12 units per acre. In this district, single and two-family development at these densities requires connection to public water and public sewer utilities.
MF	High Density Multi-Family Residential	This is a high-density multi-family district. Development in this district is typically at a density of 7 to 12 dwelling units per acre. Development in this district requires connection to public water and public sewers.
Commercial Districts		
LB	Local Business	This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences.
PB	Professional Business	This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public.
UB	Urban Business	This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB District but without setbacks, buffer yards, or other design requirements common to suburban development.
GB	General Business	This district is designed to include central business districts in established urban places. This district would be used for most types of business and service uses.
AB	Accommodation Business	This district is established to include areas adjacent to Interstate interchanges and is designed to serve the needs of the public traveling on these major thoroughfares.
Industrial Districts and PUD's		
II	Light Industry	This district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.
I2	General Industry	This district is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.
PUD	Planned Unit Development	This district is established to encourage improved land development and building site design, to encourage and allow a variety of innovative uses, building types and arrangements, to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD district.

**Land Use Plan
Perry and Worth Townships**

The intersection of Highways 421 and 334 serves as an entry corridor into Zionsville. New commercial and mixed-use development should be restricted to the east side of US 421. New development should follow the US 421 overlay standards.

The Indianapolis Executive Airport (formerly Terry Airport), provides an excellent resource to industrial and commercial uses in and around Boone County. The airport has experienced substantial growth due to the overflow of general aviation uses from Indianapolis International Airport. The capacity of the airport, its proximity to surface transportation to Indianapolis along SR 421 and US 31, and existing area commercial and industrial land uses provide the perfect opportunity for mixed-use development to occur around the airport with focus on additional commercial and industrial opportunities. Specific development standards and land-use requirements that help protect existing property values, promotes the health and safety of the surrounding areas while accommodating future airport expansion should be incorporated into any type of growth and new development in or around the airport

Perry and Worth Townships



4: LAND USE

Future Land Use Map (Corporate boundary & 2013 pending annexation)

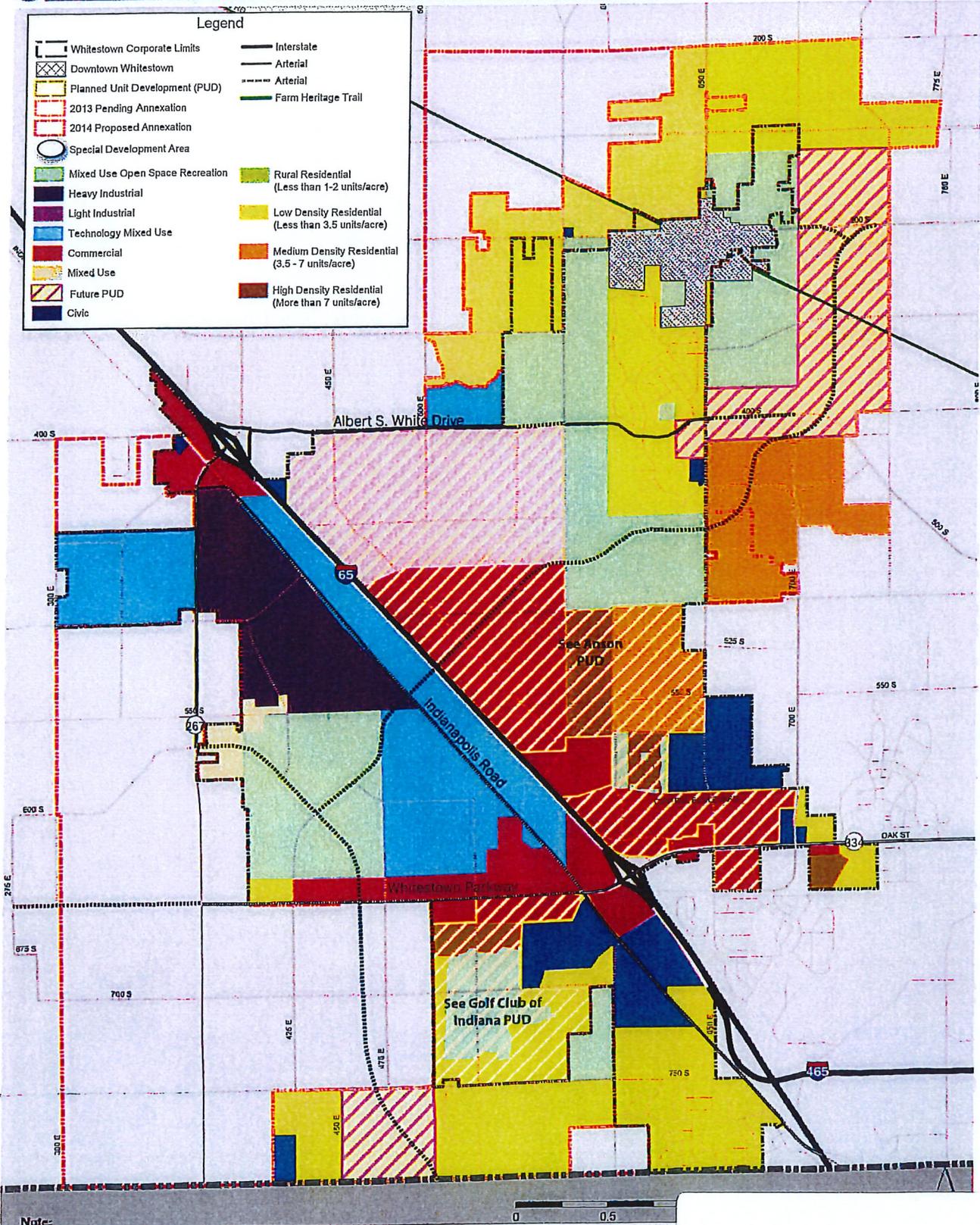


Exhibit 6



To: Wayne DeLong, Director of Planning and Economic Development
 From: Beam, Longest & Neff, LLC., Town Engineer
 John Beery, PE, PTOE, PTP
 Date: November 22, 2019

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

PROJECT DESCRIPTION

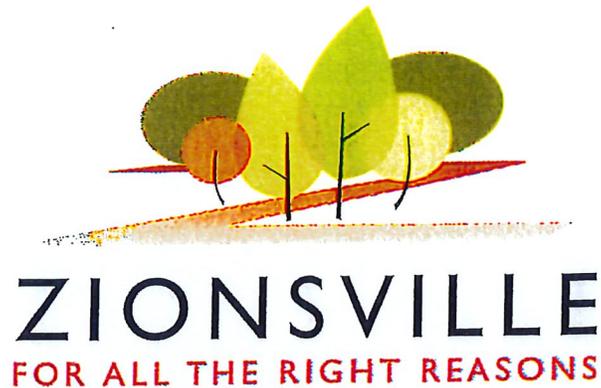
Project	Name	Hub I-65 Phase 2	
	Location	Southeast Corner of 4255 S 300 East	
	Developer	Van Trust Real Estate	
	Submittal	No. 1	
Documents Reviewed	Document Name	Document Date	
	Petition No. 2019-52-Z	November 12, 2019	
Zoning	Current	Rural AG	
	Proposed	Rural I-1	
Land Use	Current	Agricultural	
	Proposed	Rural I-1	
Requested Variances		None Identified in Petition	

Based on our review, we have developed the following list of items and comments:

I. RE-ZONING PETITION

1. The petition meets or exceeds the submittal requirements for a Traffic Impact Study per the requirements of Section 194.023 of the Town's Zoning Ordinance. A traffic impact study is required as part of the submittal and review. The traffic impact study presented from the previous project, dated October of 2018, should be revised and updated based on the proposed project. The Town of Whitestown and Boone County should be provided with copies of the study.

2. While it is acknowledged that this is a petition for zoning, to which is generally supported by the Town's Comprehensive Plan, it should be noted there are issues in the site plan exhibit which will require significant adjustment and will affect elements in the layout and design of the facility. This information has been shared with the petitioner at TAC and will be addressed in the development plan stage of the project.



To: Wayne DeLong, Director of Planning and Economic Development
 From: Beam, Longest & Neff, LLC., Town Engineer
 John Beery, P.E., PTOE, PTP
 Date: December 11, 2019

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

PROJECT DESCRIPTION

Project	Name	Hub I-65 Phases 2 and 3	
	Location	Southeast Corner of CR 400 South and CR 300 East	
	Developer	VanTrust Real Estate	
	Submittal	No. 1	
Documents Reviewed		Document Name	Submittal Date
		Traffic Impact Study	12-10-19
Zoning	Current	AG	
	Proposed	Rural I-1	
Land Use	Current	Agricultural	
	Proposed	Industrial	
Requested Variances	N/A		

Based on our review, we have developed the following comments:

I. TRAFFIC IMPACT STUDY

- A. The Capacity Analysis on page iii of the Executive Summary states that the analysis was completed in Synchro (Version 9.2) with methodology used from the HCM 2010. The latest methodology that should be used in that version of Synchro should be HCM 6th Edition, as it is the most recent version of the Highway Capacity Manual
- B. Please provide copies of the actual graphs used for Land Use 154 used to determined trips generated as an attachment in the Study.

Hub I-65 Phases 2 and 3
Review Letter #1
August 16, 2018
Page 2

- C. It is recommended that the report be reviewed by the Town of Whitestown as any changes proposed as part this study and the impacts of the development are under its jurisdiction.
- D. Further review is pending any future revisions.



To: Wayne DeLong, Director of Planning and Economic Development
 From: Beam, Longest & Neff, LLC., Town Engineer
 John Beery, PE, PTOE, PTP
 Date: February 5, 2020

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

PROJECT DESCRIPTION

Project	Name	Hub I-65 Phase 2	
	Location	Southeast Corner of 4255 S 300 East	
	Developer	Van Trust Real Estate	
	Submittal	No. 2	
Documents Reviewed		Document Name	Document Date
		Petition No. 2019-52-Z	December 16, 2019
		Site Exhibit and Cross Section	December 16, 2019
Zoning	Current	Rural AG	
	Proposed	Rural I-1	
Land Use	Current	Agricultural	
	Proposed	Rural I-1	
Requested Variances		None Identified in Petition	

A review was completed for the submittal and the following list of comments and items of note were developed.

I. RE-ZONING PETITION

1. While it is acknowledged that this is a petition for zoning, to which the Town is generally supportive and does not necessarily oppose, it should be noted there are issues in the site plan exhibit provided in the package which will affect the physical features and layout of the site and may need to be addressed. As a point of clarification and understanding, the issues may require adjustments to future site plan submittals and may affect zoning matters and future elements of design. Consideration should be given to each of the following matters

contained in the preliminary Site Exhibit and Cross-Section Exhibit submitted for the re-zoning.

- i) The cross-section exhibit does not show or contain the safety ledge required 6 inches below the proposed normal pool per pages 10 and 11 of the Town's Stormwater Standards. The safety ledge affects pond area storage, which can affect pond size and the footprint of the overall pond, which can in turn affect other elements and dimensions of the site plan. Pending other considerations, such as pass-through and on-site drainage, this item could affect the overall area and size of the development.
 - ii) Areas of pavement are shaded differently on the exhibit and there is no legend for the shading differences to discern if they are supposed to be different materials, such as gravel, concrete or asphalt. This matter should be clarified by a legend.
 - iii) Bollards or roadside protection and parking barriers are required where pond's proximity to a road or parking area does not meet the clearance requirements of the Town's Stormwater Standards. The placement of bollards cannot interfere with the 10-foot safety ledge, which is also used as emergency access.
 - iv) The width of the 10-foot clearance ledge is required from the top of bank for any pond. The distance is not labeled on the exhibit, but it appears that the 10-foot ledge is from normal pool. Considering storage in the pond, there should be an additional distance between normal pool and top of bank prior to the ledge. The ledge also appears to be an inconsistent width at the south area of the berms and pond. The minimum clear distance will need to be checked during design, which could affect other site features.
 - v) The end of the large berm on the northeast corner of the site appears that it may interfere with the proposed pond's outlet and overflow route to the existing regulated drain. The berm will most likely need to be shortened from what is presently shown.
2. Other items of note include:
- a. Per Section 194.111, Item (I) General Design, Sub-Item 6 – No more than 15 parking spaces shall be permitted in a continuous row.
 - b. Per Sub-Item 7 of the above-referenced Item- all parking areas consisting of more than 60 spaces shall provide separate pedestrian walkways. Please review and address this Sub-Item and all other referenced material in this section.
 - c. Per the same Item referenced above, Sub-Item (2), Interior Landscaping, requires one canopy tree and shrubs every 15 parking spaces.
 - d. The area with the pond in the middle eastern section of the site adjacent to the pond for Phase 1 should have a bufferyard and the required clearance from the property line for maintenance per the Town's Stormwater Technical Standards, whichever is greater. Landscaping cannot be contained in easements.
 - e. Bufferyards and setback areas should be cross-checked to determine their adequacy to accept, contain, and contain all runoff on-site in swales or stormwater drainage systems, underdrains and any easement widths between the property line and edges of parking lots.

- f. The legal drain which runs through the site serves offsite drainage areas, which are most likely a combination of existing depressional storage, overland flow, and piped flow. While it is noted that this petition is for rezoning only, it should also be noted that there are elements of concern in the attached exhibit regarding the maintenance and propagation of existing drainage patterns, flows, and easements. Please consult Section 3 on page 4 of Chapter 6 in the Town's Stormwater Technical Standards. Mitigation of this matter will most likely affect the configuration of the site shown as an exhibit in the application package. Upon a field inspection, it appears there are two crossings under CR 300 East, one on each side of the existing home, which serve approximately more than 200 acres. The project outlets to an existing culvert under CR 400 South near the northeast corner of the site. Accommodation of drainage and flows from the off-site area of the south and the adequacy of perimeter swales to handle flow needs to be evaluated. In the event that other space use constraints are identified during design, and which are not considered in the renderings, such as drainage ditches and easements, future bufferyard adjustments or styles may need to be considered.
 - g. The pond setback from the top of bank to the on the east side of the property should be at least 15 feet to meet standard easement requirements.
 - h. The proposed site needs to accommodate a landscaping plan that meets the intent of the Town's Zoning and Subdivision Ordinances. Bufferyards, drainage facilities, and other site features must be balanced to accommodate these requirements.
 - i. Other than the large berm, other landscaping features are not shown and landscaping is not permitted in any drainage easement.
 - j. Pass through flows and emergency overflow routes should be designed to Town and County Standards. This may affect bufferyards, berms, and landscaping features.
 - k. With the exception of the upstream pass-through flow from the adjacent properties, the expectation is that all drainage will be contained on-site and routed to the proposed detention pond.
 - l. Easements and drainage facilities may affect elements in the site plan.
3. Further review of the project is pending future submittals and more detailed information.

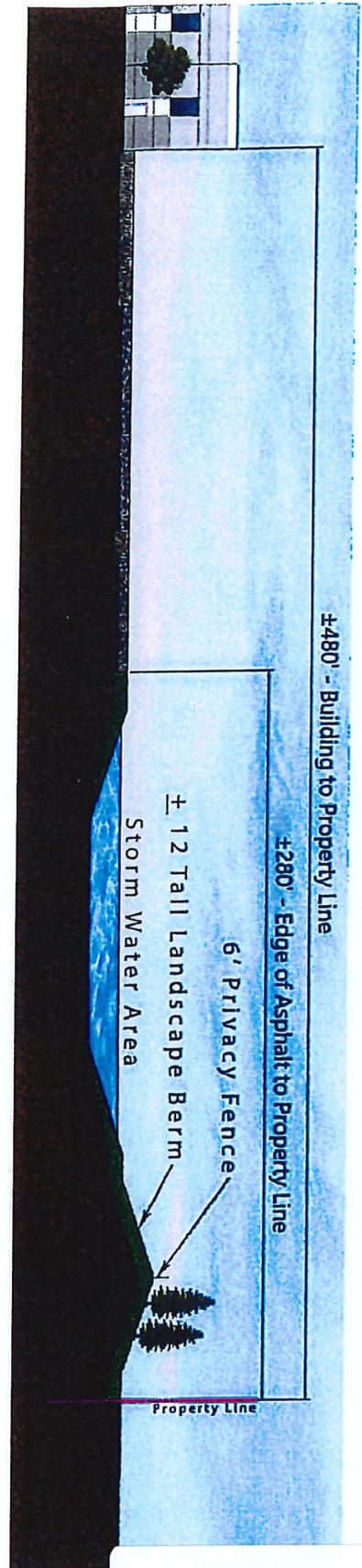
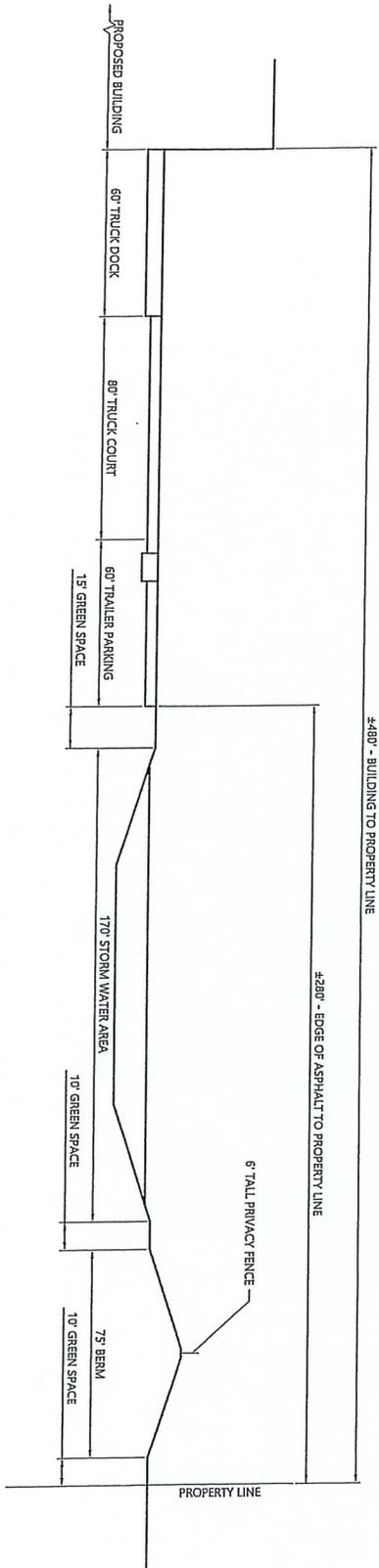


Exhibit 8



November 25, 2019

Cross Section Exhibit

HUB I-65 - Phase II
 S.R. 267 and Indianapolis Road
 Zionsville, Indiana 46075

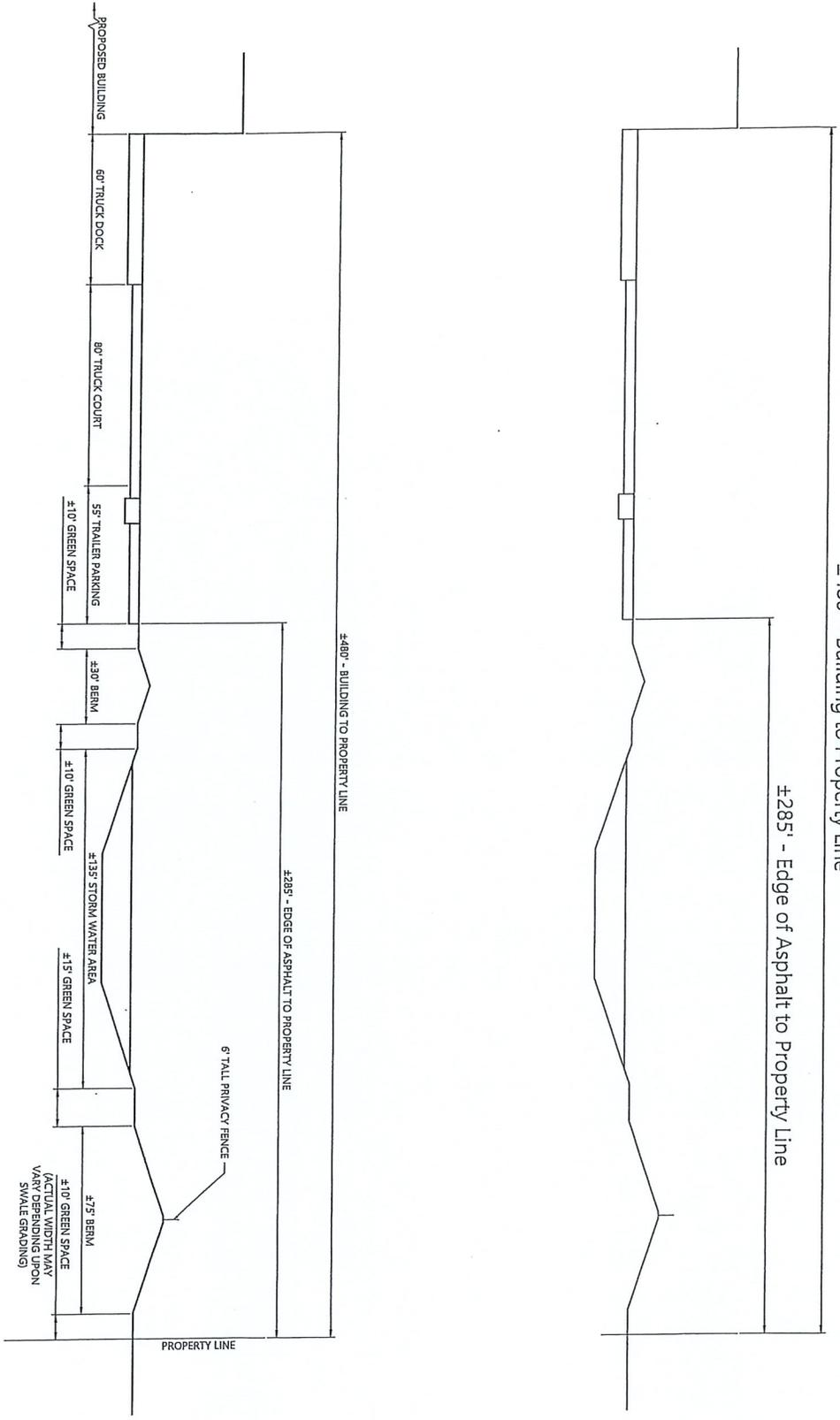


STRUCTUREPOINT

2019-01774

±480' - Building to Property Line

±285' - Edge of Asphalt to Property Line



0' 20'
SCALE 1" = 20'
January 13, 2020

Cross Section Exhibit

HUB I-65 - Phase II
S.R. 267 and Indianapolis Road
Zionsville, Indiana 46075



Site Exhibit

HUB I-65 - Phase II

 S.R. 267 and Indianapolis Road

 Zionsville, Indiana 46075

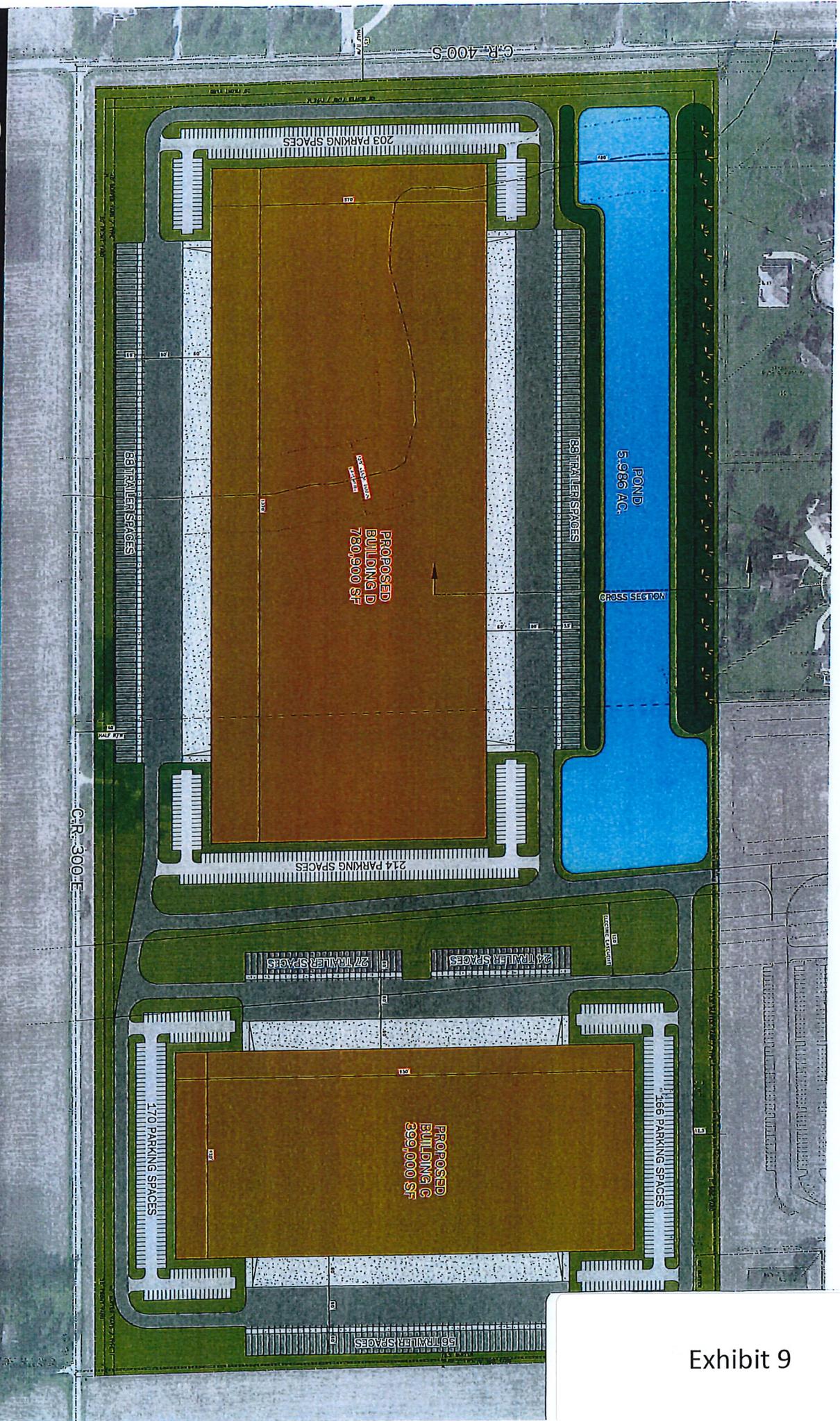


Exhibit 9

ZIONSVILLE PLAN COMMISSION
Docket Number 2019-52-Z
4255 S 300 E

PROPOSED COMMITMENTS LIST

- 1) Light poles constructed on the Real Estate that are directly adjacent to residential areas shall not be more than 20 feet in height.
- 2) Lighting installed on buildings constructed on the Real Estate that are directly adjacent to residential areas shall be shielded (i.e. directed downwards) LED lights and not placed higher than 20 feet from ground level.
- 3) Owner shall construct and maintain a landscaped berm along the Real Estate's eastern property line, where abutting Saratoga subdivision (approximately 12 feet tall and 60 feet wide). Slow or no-grow grass species shall be planted upon the berm. Owner will landscape the berm with a mixture of evergreen and deciduous trees at a planting density and spacing as depicted on the Site Plan accompanying these Commitments. Owner to replace, at is expense, any dead trees or plantings. It is the intention of the Owner that the building grade will not be unnecessarily and artificially raised in a manner substantially diminishing the visual barrier provided by the berm and fence height totaling approximately 18 feet, together with the landscaping. Owner establishing the building grade as part of the development plan approval process and to "balance" the Real Estate from the standpoint of cut and fill and to assure proper drainage shall not be deemed unnecessarily and artificially raising the building grade.
- 4) Owner shall install an approximately 6-foot privacy fence on the top of the berm. The fence shall be made of cedar and extend the entirety of the eastern property line, where abutting Saratoga subdivision, as depicted on the Site Plan accompanying these Commitments. The fence system shall be approved by a licensed engineer. Owner further agrees to maintain the fence and, if necessary, repair and replace damaged posts, boards and other components of the fence in a reasonably timely manner.
- 5) The goal of the berm and fence is to be in total 18 feet in combined height. Owner may reasonably adjust the height of the fence and/or berm to achieve the goal height.
- 6) No building constructed on the Real Estate shall exceed 55' in height.
- 7) Signage on the east side of buildings on the Real Estate, and across from that portion of the Real Estate adjacent to the Saratoga subdivision, shall not exceed 20 feet in height.
- 8) The development of the Real Estate shall comply with the submitted Site Plan and provide the buffer areas as shown on such plan.
- 9) Owner will screen any outside dumpsters in accordance with the Zionsville ordinance requirements.

Janice Stevanovic

From: Janice Stevanovic
Sent: Thursday, December 12, 2019 3:21 PM
To: Price, Matt
Cc: Nixon, Ross; Raif C. Webster - VanTrust Real Estate, LLC (raif.webster@vantrustre.com)
Subject: HUB I-65 Phase 2 Commitments

Matt,

We are sharing the following Engineer comments regarding the commitments presented in the December Plan Commission Packets.

Please let us know if you have any questions/concerns.

Janice Stevanovic
Planner II/Project Manager
Town of Zionsville
1100 W. Oak Street
Zionsville, IN. 46077
317-873-1574
jstevanovic@zionsville-in.gov

1. The berm width in the commitments (60 feet) does not match the berm width in the exhibit that was attached (75 feet).
2. The 10 foot greenspace around the pond should be 15 feet, which is the minimum easement required in the Stormwater Standards and the Town's desired distance around a pond for maintenance. The green space width should match the easement width for maintenance purposes. This should be confirmed.
3. Commitment number 8 references the site plan and states bufferyards. I recommend editing that statement to read: "The development of real estate shall comply with the bufferyard requirements for Rural development standards and process outlined in the Town's Zoning Code." The email we just received states the bufferyards won't be a part of the zoning petition, but the commitments presented in the package references the site plan and specifically references bufferyards.
4. Recommend a note that all dimensions and layouts are subject to final site design requirements.



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 (filing date is a minimum of 31 days prior to the initial hearing)

STEP ONE	DAY 1	DAYS 3-5	DAYS 12-14	DAYS 12-20	DAY 31
ACTION	Public Filing	Plan Commission Agenda Posted to Town Website	Legal Notice of Plan Commission Meeting Published in Newspaper	Legal Notice Mailed to Adjoiners	Public Hearing Occurs <i>first public interaction</i>
DETAILS ON ACTION:	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)
INTERESTED PARTIES:	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 32-41	DAYS 41-119	DAYS 42-135		
ACTION	Matter is Forwarded to Town Council	Town Council Posts Agenda to Town Website	Town Council Holds Public Meeting <i>second public interaction</i>		
DETAILS ON ACTION:	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 take action on a change in zoning)	Eighth opportunity of public to be made aware of a rezoning request		

Notes:

- 1) This listing does not include any reference to Staff review of the filing (though a part of the process).
- 2) Indiana Code does not require the Town Council to hold a meeting (a request not scheduled for a meeting is deemed effective/adopted as recommended by the Plan Commission).
- 3) This shall serve as a guide of the rezoning process as regulated by state law and further prescribed in local ordinance as well as the Plan Commission's Rules of Procedure (the "Laws"). This document is only a guide and is not intended to circumvent or deviate from the Laws associated with rezoning land in Indiana.





Petition Number: 2020-01-PP

Project Address: Approximately 10901 E. CR 300 South (146th Street) and U.S. Highway 421 (Michigan Road)

Project Name: Appaloosa Crossing - Primary Plat

Owner & Petitioner: Harris FLP

Representatives: Matthew Price, Attorney for Petitioner
Dentons Bingham Greenebaum LLP

Request: Petition for a Primary Plat of 57.53± acres to establish an integrated commercial center consisting of 12 lots, 2 blocks, and 4 common areas within the Rural General Business Zoning District (GB), the Rural Professional Business District (PB), and the Low Density Single-family and Two-family Residential District (R2). The subject site is also within the Michigan Road Overlay.

Current Zoning: Rural General Business Zoning District (GB), Rural Professional Business District (PB), and the Low Density Single-family and Two-family Residential District (R2). The subject site is also within the Rural Michigan Road Overlay (MRO).

Current Land Use: Undeveloped / Agricultural - currently farmed

Approximate Acreage: 57.53± acres

Related Petitions: 07-EA-16-839 (2008 Rezoning while under the jurisdiction of Boone County)
2016-45-CA - Approved
2019-44-CA - Approved
2019-45-Z - Approved
2020-03-DP - Pending
2020-04-CA - Pending

Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioner’s Project Narrative
Exhibit 4 – Primary Plat and Site Infrastructure Drawings
Exhibit 5 – Town Engineer’s Memo (dated February 6, 2020)
Exhibit 6 – Petitioner’s Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PROJECT OVERVIEW

Petition History:

This petition will receive a public hearing at the February 18, 2020, Plan Commission Meeting. The Zionsville Board of Zoning Appeals initially heard two Development Standard Variances (2020-03-DSV) on February 5, 2020, regarding landscaping for the proposed multi-tenant retail project to be constructed on the "Shops" lot of the proposed plat. After discussing the filing with the Petitioner and amongst the membership, the Board of Zoning Appeals moved to continue the case, and the Petition will be again discussed on March 4, 2020.

Location and Adjacent Zoning:

The subject property of 57.53± acres is located on the southeast corner of the intersection CR 300 South (146th Street) and U.S. Highway 421. The property is currently undeveloped and is farmed. The subject property is bordered on the north, on the opposite side of CR 300 South, by a number of uses and zoning classifications. These include a site formerly used as a landscape nursery (now vacant) which is zoned Local Business (LB); a private residence zoned Agricultural (AG); and the Brookhaven residential subdivision zoned Low Density Single-family and Two-family Residential District (R2). The entire eastern border to the subject property is the Willow Glen residential subdivision which is zoned Low Density Single-family and Two-family Residential District (R2). The subject site is bordered on the south by the Bridlewood residential subdivision which is zoned Low Density Single-family Residential (R1). The subject property is bordered on the west, on the opposite side of U.S. Highway 421, by a number of private residences which are zoned Low Density Single-family and Two-family Residential District (R2).

PRIMARY PLAT REVIEW

Subdivision Control Ordinance:

Review of the Primary Plat included multiple meetings with the Petitioner, the conducting of a Technical Advisory Meeting, review of revised plans, with the current status of the review being documented in the Town Engineer's Memo (Exhibit 5). Using the standards of the Zionsville Subdivision Control Ordinance (SCO) the Primary Plat was found to be generally in compliance with the Town's Ordinance with the exceptions as noted in the Town Engineer review letter. As of this writing, the Petitioner is currently reviewing the Town Engineer's review letter dated February 6, 2020, (associated with a January 31, 2020 submittal) to address remaining comments (see section below titled "Engineer's Comments").

Zoning Ordinance:

The primary plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in generally in compliance with the exception of the comments within the Town Engineers memo (Exhibit 5).

Street and Highway Access:

The overall proposed development intends two (2) access points from U.S. Highway 421 and three (3) on CR 300 South. The two access points on U.S. Highway 421 consist of one full access and one right-in/right-out. The three access points on CR 300 South consist of two full access and one right-in/right-out. The applicant is engaged in ongoing communications with INDOT jurisdiction to gain approval of these access points.

Storm Water Management:

The projects storm water management plan has been reviewed by Town staff and the Town Engineer. Review of the drainage information is currently ongoing for further review and internal discussion.

Declarations Covenants and Restrictions:

Petitioner has provided “Declaration of Covenants, Restrictions and Easements for Appaloosa Crossing” which are applicable to all property within the integrated center. Certain items within the Declaration need to be corrected (see page 17 of Exhibit E).

Engineer’s Comments (summary of Exhibit 5):

As mentioned earlier, the review of the Primary Plat and its related facets were the topic of multiple meetings between Staff and the Petitioner. Many issues have been resolved, however there are two aspects of the proposed development on which the current Town Engineer’s comments focus: details of the Traffic Impact Study and design of the drainage facilities.

The filed Traffic Impact Study was a draft and has not been updated. The draft study did not include specific uses now contemplated for the integrated center and utilized a different site plan than the one currently under consideration. The Town’s Engineer’s concludes his statements regarding the study (which begin on Page 16 of Exhibit 5) with “Neither the assigned uses used in the Traffic Impact Study nor the uses in in the Study’s site plan and the most current site plan are consistent. Please rectify the uses in the Impact Study and with the proposed site plan and apply the appropriate use codes for trip generation and pass-by trips.”

Regarding the design of drainage facilities for the proposed integrated center, significant revisions have been undertaken since the initial filing of the project with Staff and the Petitioner working together toward a working solution. While the recent submittals have shown improvements, due to the timing and the amount of revisions needed, the Town’s Engineer notes some certain items which must still be either labeled or resolved. A majority of these remaining items are found on Page 3 of Exhibit 5.

PUBLIC POLICY

Comprehensive Plan:

The 2014 Comprehensive Plan Amendment identifies Mixed Use as the proposed land use for the subject property. The proposed integrated center is consistent with this proposed land use.

Transportation Plan:

The overall proposed development intends two (2) access points from U.S. Highway 421 and three (3) on CR 300 South. The two access points on U.S. Highway 421 consist of one full access and one right-in/right-out. The three access points on CR 300 South consist of two full access and one right-in/right-out. The applicant is engaged in ongoing communications with INDOT jurisdiction to gain approval of these access points.

Water and Sewer:

A Technical Advisory Committee was held on January 23, 2020. Based on that meeting, Staff is unaware of any concerns regarding capacity of utilities which would service the area.

Findings of Fact:

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

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

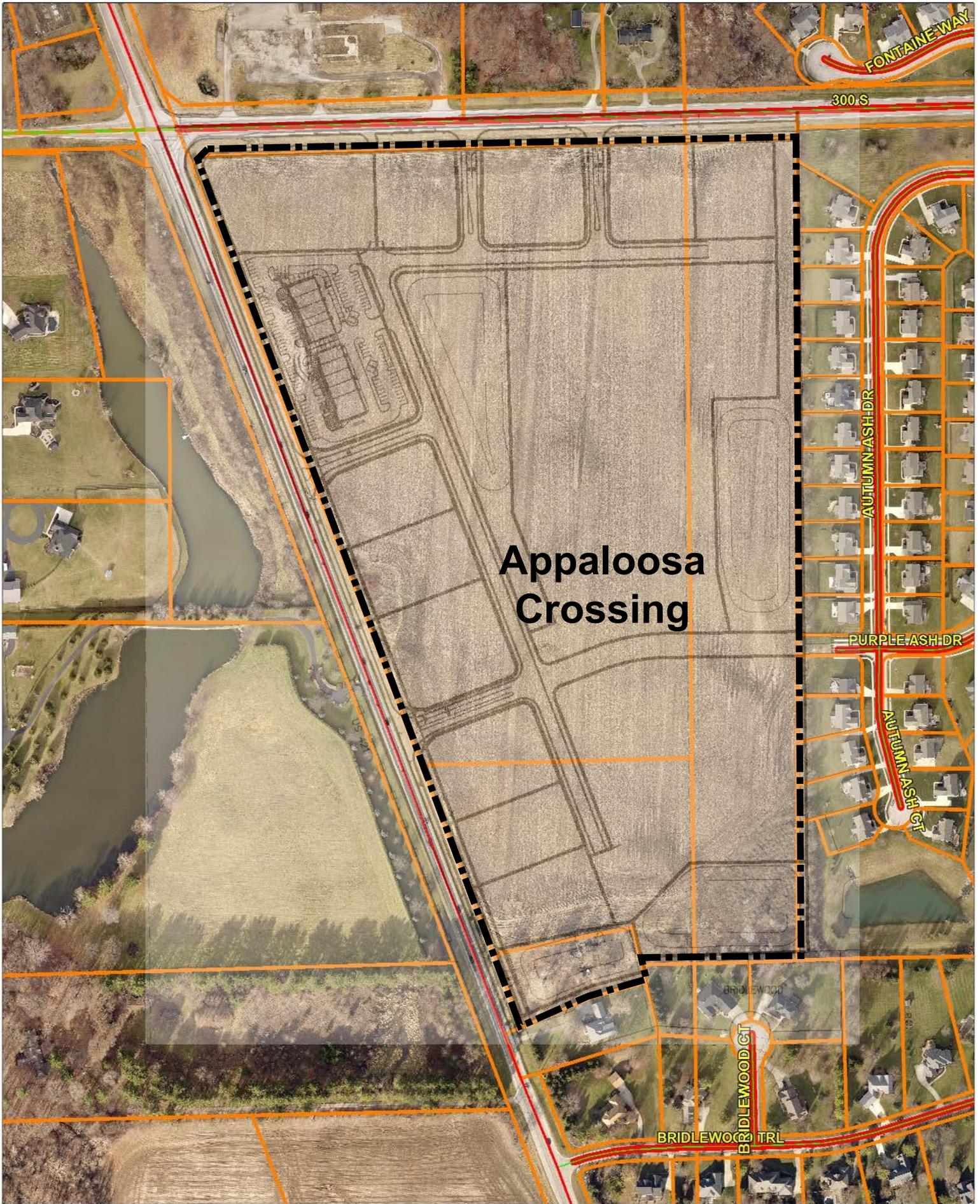
Findings as submitted by the Petitioner are attached as a part of this report.

STAFF COMMENTS

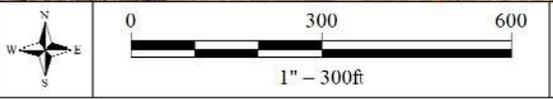
Staff recommends approval of the petition 2020-01-PP subject to the Petitioner addressing all comments noted within the Town Engineer’s Comment Memo (Exhibit 5).

RECOMMENDED MOTION - PRIMARY PLAT

I move that Docket 2020-01-PP Petition for Primary Plat Petition approval to establish 12 lots, 2 blocks, and 4 common areas within the Rural General Business Zoning District (GB), the Rural Professional Business District (PB), and the Low Density Single-family and Two-family Residential District (R2), and also being within the Michigan Road Overlay, be (Approved based on the findings of fact / Denied / Continued) as presented, provided that the Secondary Plat shall not be approved unless and until all comments noted within the Town Engineer’s Comment Memo (Exhibit 5) are satisfied.



Appaloosa Crossing



Appaloosa Crossing - Location Map - Exhibit 2

Project Narrative

Harris FLP originally rezoned the property in 2008. Pursuant to this previous rezoning, Harris FLP committed to a variety of development features and land uses. The project was originally anticipated to be anchored by a large grocery store on the northern portion of the property with predominantly office uses on the southern portion of the property. The development also anticipated out lots along Michigan Road and 146th Street (CR 300S), including a fire station to be located upon southernmost out lot along Michigan Road.

In 2019, Harris FLP modernized the zoning commitments for the property to permit, among other things, residential uses and enhanced pedestrian connectivity. These revisions reflect the mixed-use project envisioned today, anticipating residential uses and incorporating desired amenities and offerings for the Appaloosa Crossing occupants themselves and surrounding neighborhoods. Given the mixed-uses planned for Appaloosa Crossing, the project is moving forward in phases, with the retail shops comprising the first phase.

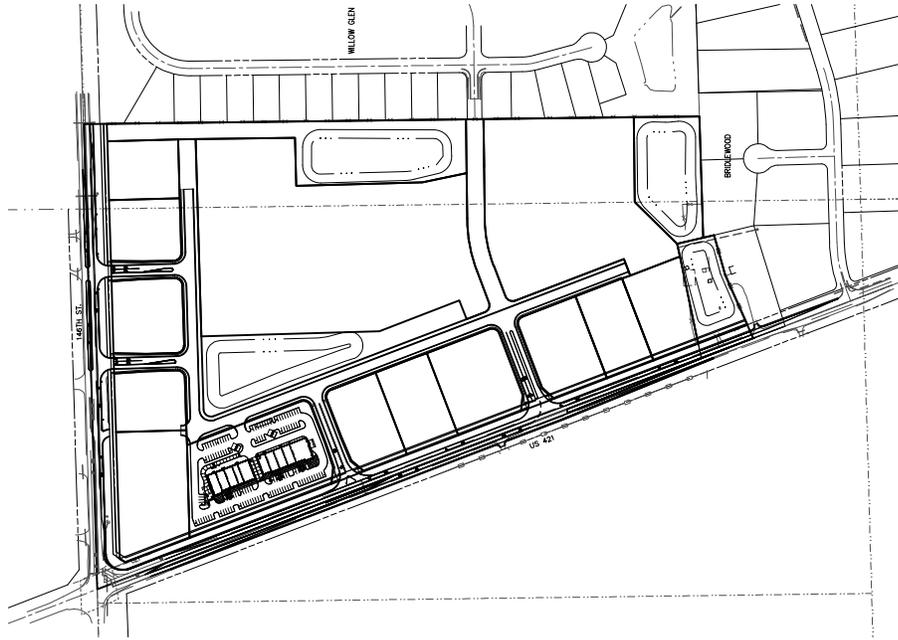
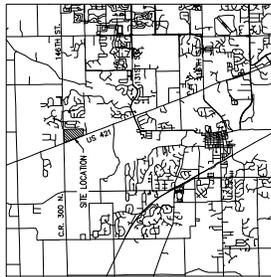
The architecture for the retail shops building is inspired by the white barn the Harris family previously maintained on the property earlier in the family's over 50 year history owning the property, and the building pays homage to that legacy, as well as the current equestrian land uses that help shape the area landscape. Appaloosa Crossing is requesting a waiver of architectural design requirements as part of the development. The proposed design for Appaloosa Crossing is a modern interpretation of some of the first barn styles built in the United States and those which define the landscape in equine architecture. The architectural style is meant to fit into and complement the surrounding rural architecture and nearby stables, while still being noticed as a product of its time. As the commission has noted, this building is the first in the overall integrated center and looks to establish this agrarian style as a strong foundation for future projects. We believe this development will provide this district with a unique sense of place that will increase property values, exist cohesively with existing residential uses, and attract new businesses.

The design for Appaloosa Crossing also requests a waiver of building material development requirements. The proposed design is comprised of materials which are all approved for the overlay district, executed in a modern style. A strong stone base of stacked limestone with accompanying stone lintels and sills is complemented with traditional board and batten siding above while utilizing EIFS for vertical parapets and sign band areas. The gable roof areas will feature a standing seam metal roof while flat roof areas will have a standard membrane roof covering.

Appaloosa Crossing seeks to be a unique addition to the Michigan Road Overlay area that will attract businesses looking to be part of a distinctive development. Harris FLP anticipates subsequent phases to begin in the near terms, with plans anticipated to be filed later this winter or early Spring.

CONSTRUCTION DOCUMENTS APPALOOSA CROSSING - SITE INFRASTRUCTURE

PART OF THE NORTHWEST QUARTER, SECTION 24, TOWNSHIP 18 NORTH, RANGE 2 EAST AND NORTHEAST QUARTER SECTION 23, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA



JURISDICTIONAL & UTILITY CONTACTS:

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100 N. Meridian Street
Cory Leffler
Jed@boonecountyparc.com

Boone County Planning Department
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Wayne County, IN 46777
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wplanning@boonecountyparc.com

Town of Zionsville Fire Marshal
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Fire@zionsville.gov

Town of Zionsville Street & Stormwater Department
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Street@zionsville.gov

Town of Zionsville Engineer
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Wayne County, IN 46777
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Zionsville, IN 46077
317-324-4244

Indiana Department of Transportation
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Indianapolis, IN 46250
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PLANS PREPARED FOR:
STRONGBOX COMMERCIAL
7661 N. PERIMETER ROAD
INDIANAPOLIS, IN 46241
(317) 550-0090

STORMWATER OPERATING AUTHORITY:
TOWN OF ZIONSVILLE
1100 OAK STREET
ZIONSVILLE, IN 46077
(317) 873-8247

NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL INFORMATION
3	OVERALL SITE PLAN
4-5	MAINTENANCE OF TRAFFIC PLAN
6-13	SITE DEVELOPMENT PLAN
14-18	PRIVATE STREET PLAN AND PROFILE
19-22	SANITARY SEWER PLAN AND PROFILE
23-26	STORM SEWER PLAN AND PROFILE
27	STORM SEWER STRUCTURE DATA TABLE
28	WATER MAIN PLAN
29-32	STORMWATER POLLUTION PREVENTION PLAN
33-42	CONSTRUCTION DETAILS

ALL IMPROVEMENTS SHOWN SHALL BE IN ACCORDANCE WITH THE TOWN OF ZIONSVILLE DESIGN AND CONSTRUCTION STANDARDS.

THE PROJECT SITE IS NOT LOCATED IN WITHIN ANY FLOODPLAIN, FLOODWAY, OR FLOODWAY FRINGE AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF ZIONSVILLE, INDIANA, MAP NUMBER 18011C0332E, DATED 01/18/2012. THIS AREA WOULD BE CONSIDERED ZONE 'X' (AREA OF MINIMAL FLOOD HAZARD).

DATE	DESCRIPTION
07/27/20	1. TOWN OF ZIONSVILLE COMMENTS
	2. TOWN OF ZIONSVILLE COMMENTS

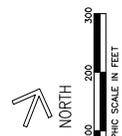
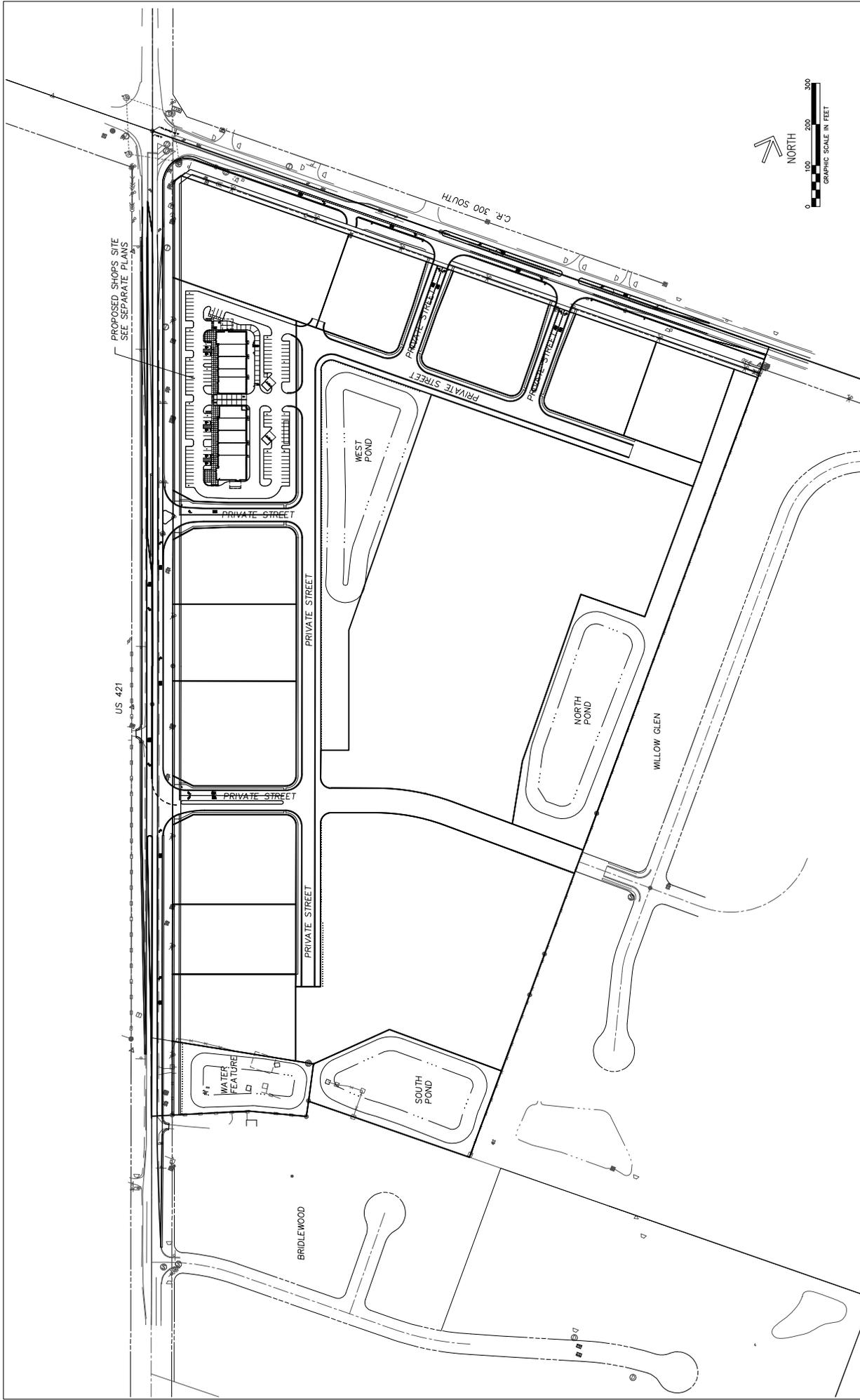


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INDIANAPOLIS, IN 46241
PHONE: (317) 550-0090

SNELLING ENGINEERING, LLC
100 N. MERIDIAN STREET, SUITE 100
WAYNE COUNTY, IN 46777
PHONE: (317) 444-4210
WWW.SNELLINGINC.COM



APPALOOSA CROSSING MIXED USE DEVELOPMENT TOWN OF ZIONSVILLE, INDIANA	SCALE: SEE PLAN	DATE: 07/27/20	SHEET: 1 OF 42
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PROPOSED SHOPS SITE
SEE SEPARATE PLANS

US 421

CR 300 SOUTH

WEST POND

NORTH POND

PRIVATE STREET

PRIVATE STREET

WILLOW GLEN

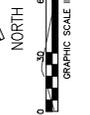
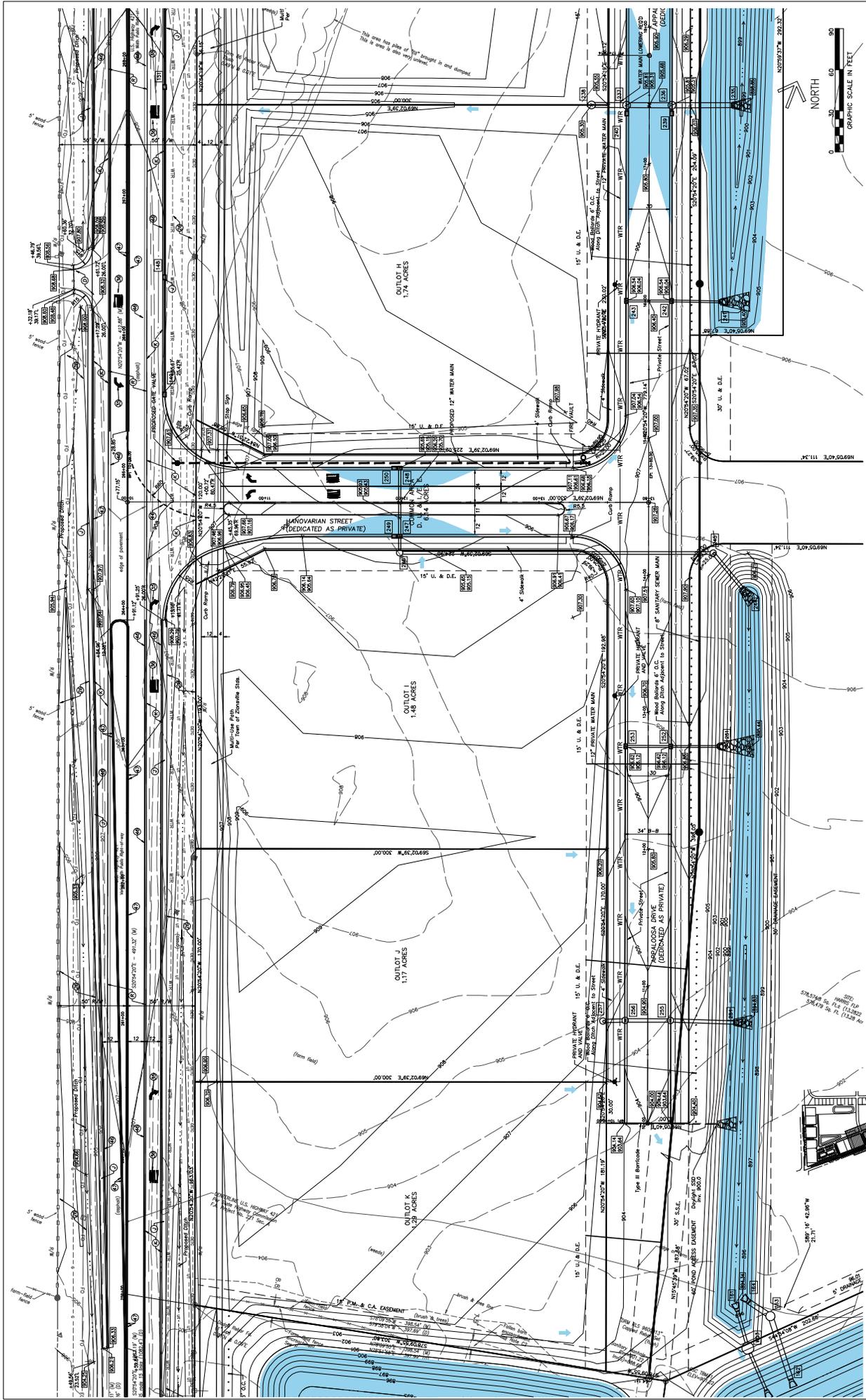
WATER FEATURE

SOUTH POND

BRIDLEWOOD

REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>5/17/20</td> <td>1. TOWN OF ZONABLE COMMENTS</td> </tr> <tr> <td>5/22/20</td> <td>2. TOWN OF ZONABLE COMMENTS</td> </tr> </tbody> </table>		DATE	DESCRIPTION	5/17/20	1. TOWN OF ZONABLE COMMENTS	5/22/20	2. TOWN OF ZONABLE COMMENTS	STRONGBOX COMMERCIAL 7800 W. GARDNER ROAD PHOENIX, AZ 85026 PHONE: (602) 990-0000	SNELLING ENGINEERING, LLC 1105 S. 102nd Avenue Suite 110 Phoenix, AZ 85043 PH: (602) 942-1110 www.snelling.com		APPALOOSA CROSSING MIXED USE DEVELOPMENT (aka ZONABLE, WILLOW GLEN)	OVERALL SITE PLAN
DATE	DESCRIPTION											
5/17/20	1. TOWN OF ZONABLE COMMENTS											
5/22/20	2. TOWN OF ZONABLE COMMENTS											
DRAWN: GSS CHECKED: GSS	SCALE: SEE PLAN DATE: 07/27/20	SHEET: 3 OF 42										

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SITE DEVELOPMENT PLAN

APPALOOSA CROSSING
MIXED USE DEVELOPMENT
LOC. ZONABLE R1000000

DATE: 07/27/20
SCALE: SEE PLAN
DRAWN: GSS
CHECKED: GSS

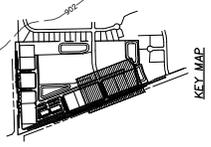
SNELLING ENGINEERING, LLC
1105 S. UNIVERSITY AVENUE
SUITE 110
TALLAHASSEE, FL 32303
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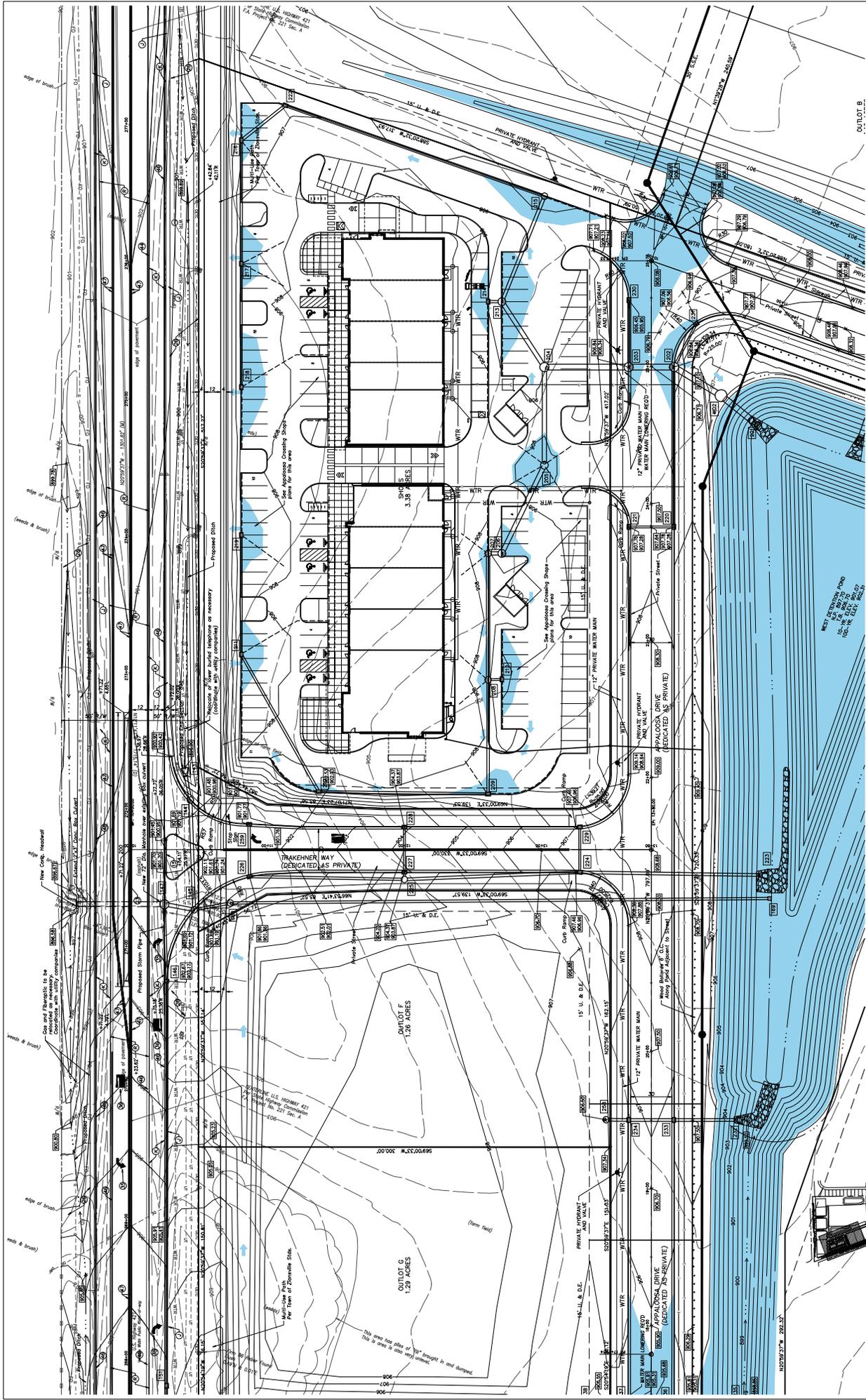
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DATE	DESCRIPTION
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07/27/20	2. PLAN OF PROPOSED DEVELOPMENT



See Sheet 6 of 42 for Keynote Legend



APPALOCOSA CROSSING
MIXED USE DEVELOPMENT
CITY OF ZIONVILLE, VIRGINIA

SCALE: SEE PLAN
DATE: 07/27/20

DRAWN: GSS
CHECKED: GSS

SITE DEVELOPMENT PLAN
SHEET: 8 OF 42

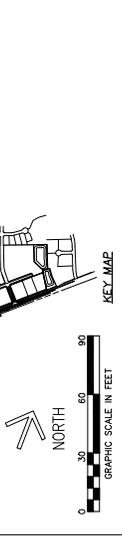
STAMP: 10000417
Professional Engineer
Virginia License No. 55000

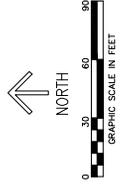
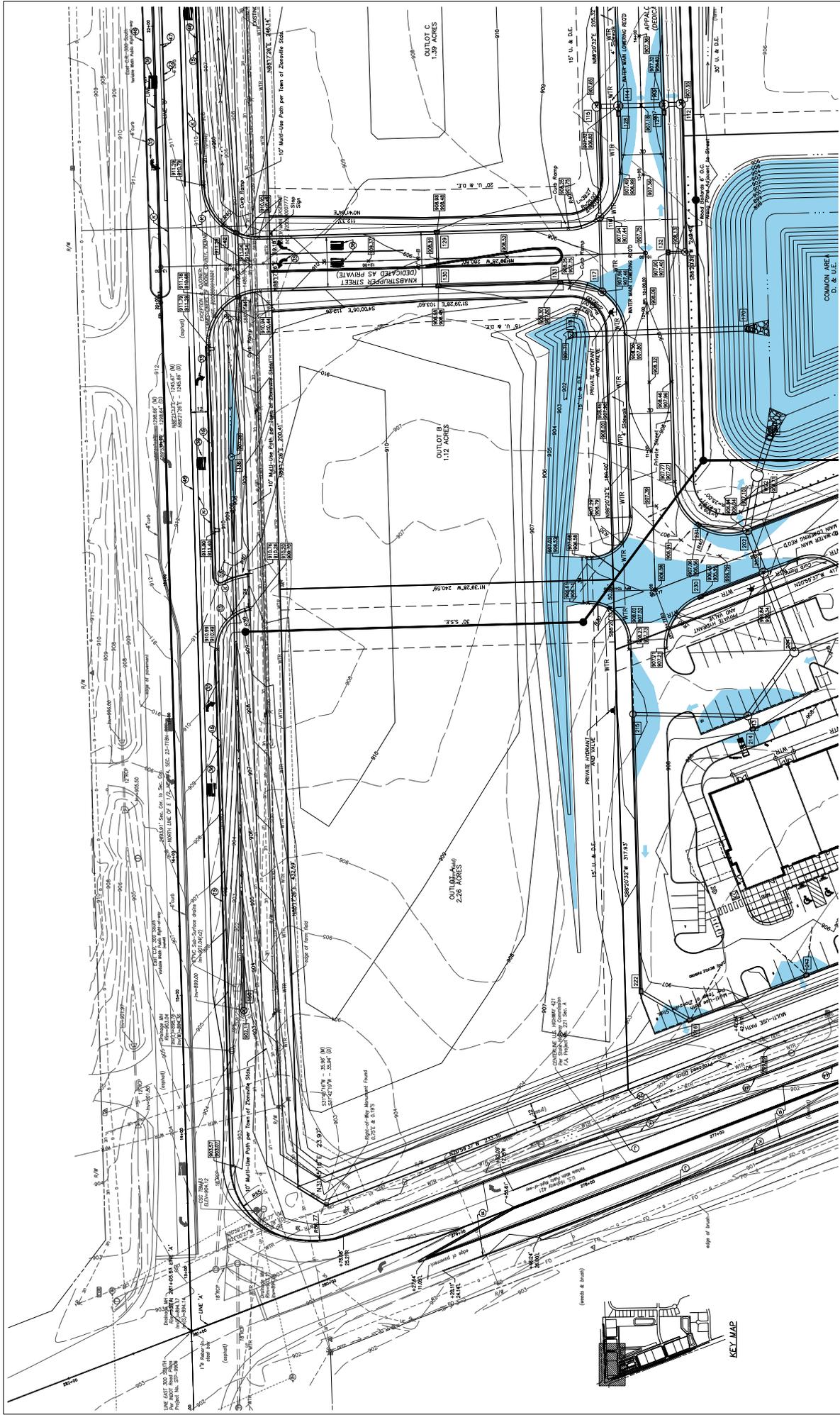
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DANVILLE, VA 24040
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REVISIONS	
DATE	DESCRIPTION
07/27/20	1. TYPICAL FINISH COMMENTS
07/27/20	2. TYPICAL FINISH COMMENTS





KEY MAP

REVISIONS	
DATE	DESCRIPTION
07/27/20	1. TYPICAL COMMENTS
07/29/20	2. TYPICAL COMMENTS

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 State of Arizona
 1000 N. CENTRAL AVENUE
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 PHOENIX, AZ 85008
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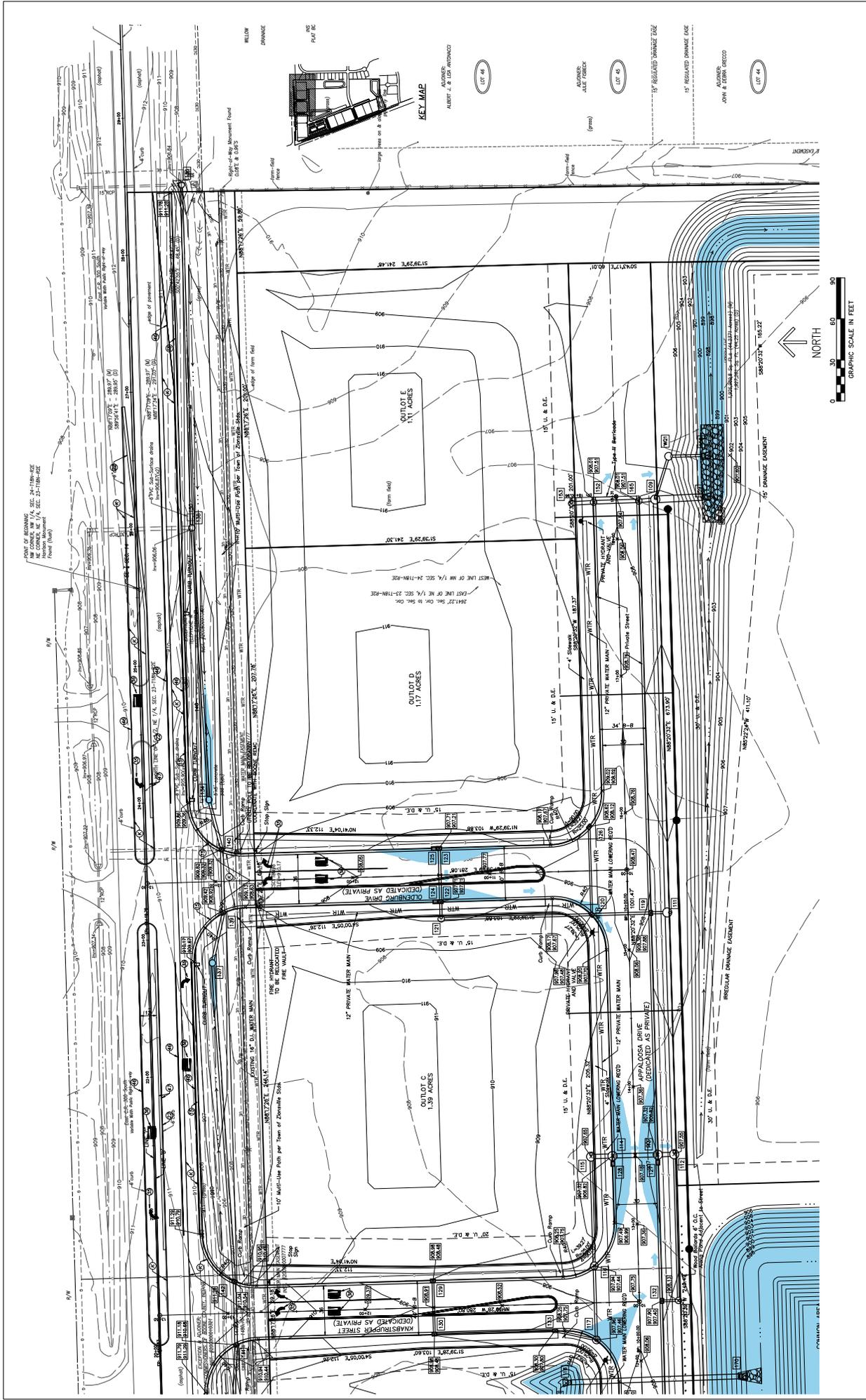
APPALOOSA CROSSING MIXED USE DEVELOPMENT
 City of ZONA RURAL NORTH

DRAWN: GSS
 CHECKED: GSS

SCALE: SEE PLAN
 DATE: 07/27/20

SITE DEVELOPMENT PLAN

9 OF 42



**APPALOOSA CROSSING
MIXED USE DEVELOPMENT**
CITY OF ZIONVILLE, VIRGINIA

SNELLING ENGINEERING, LLC
11000 WOODBURN ROAD
SUITE 110
DUMFRIES, VA 22024
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WWW.SNELLING.COM

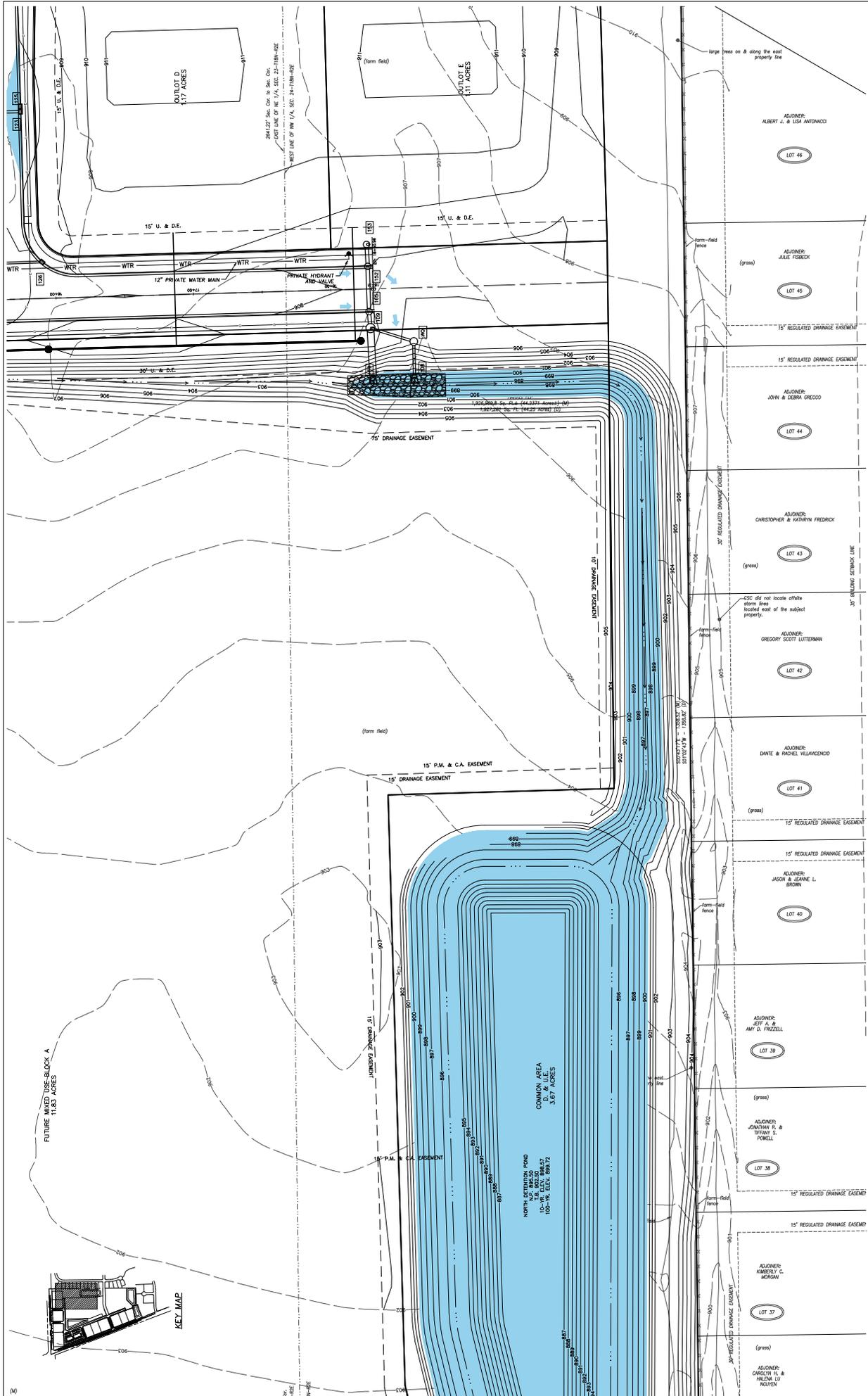


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REVISIONS	
DATE	DESCRIPTION
5/17/20	1. TOWN OF ZIONVILLE COMMENTS
5/22/20	2. TOWN OF ZIONVILLE COMMENTS

**APPALOOSA CROSSING
MIXED USE DEVELOPMENT**
CITY OF ZIONVILLE, VIRGINIA

SNELLING ENGINEERING, LLC
11000 WOODBURN ROAD
SUITE 110
DUMFRIES, VA 22024
PHONE: (571) 500-0090
WWW.SNELLING.COM



APPALOOSA CROSSING MIXED USE DEVELOPMENT
1500 N. W. 11th St., Tallahassee, FL 32304

SCALE: SEE PLAN
 DATE: 07/27/20

SITE DEVELOPMENT PLAN

SHEET: **11 OF 42**

SNELLING ENGINEERING, LLC
1000 N. W. 11th St., Tallahassee, FL 32304
 Phone: (904) 833-1000
 Fax: (904) 833-1001
 www.snellingeng.com

DATE	DESCRIPTION
07/27/20	1. PLAN OF PROPOSED COMMENTS
07/27/20	2. PLAN OF PROPOSED COMMENTS



KEY MAP

**APALLOOSA CROSSING
MIXED USE DEVELOPMENT**
CROSSING ROAD, MOBILE, ALABAMA

SCALE: SEE PLAN
DATE: 07/27/20

DRAWN: GSS
CHECKED: GSS



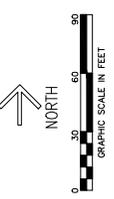
SNELLING ENGINEERING, LLC
12000 W. UNIVERSITY BLVD., SUITE 110
MOBILE, AL 36688
PH: 334.942.2110
WWW.SNELLINGENGINEERING.COM

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DATE	DESCRIPTION
5/17/20	1. INITIAL COMMENTS
5/26/20	2. 10% FINALE COMMENTS



ADJOINERS:
GARY W. H. & MICHELLE L. NGUYEN (LOT 36)
ADJOINERS: GREGORY ADAM & CHERYL A. DOWNS (LOT 35)
ADJOINERS: ANTHONY R. & KRISTIN E. ADAMS (LOT 34)
ADJOINERS: ANTHONY R. & LINDA HEANG TAI (LOT 33)
ADJOINERS: ANITA MANOJ-BOH (LOT 32)
ADJOINERS: TAI WANG & JONG LI (LOT 31)

ADJOINERS:
BUN PHOYOT OPEN SPACE (LOT 30)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 29)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 28)

ADJOINERS:
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 27)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 26)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 25)

ADJOINERS:
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 24)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 23)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 22)

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ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 20)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 19)

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ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 17)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 16)

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ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 11)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 10)

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ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 8)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 7)

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ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 5)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 4)

ADJOINERS:
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 3)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 2)
ADJOINERS: BUN PHOYOT OPEN SPACE (LOT 1)



ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
 From: Beam, Longest & Neff
 John Beery, PE, PTOE, PTP
 Date: February 6, 2020

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

PROJECT DESCRIPTION

Project	Name	Appaloosa Crossing (SE Corner of US 421 and CR 300 South)	
	Location	10901 E 300 South and 3201 S. US 421	
	Developer	Harris FLP	
	Submittal	No. 5 – January 31 Submittal	
Documents Reviewed		Document Name	Document Date
		Drainage Report	January 31, 2020
		Secondary Plat	January 31, 2020
		Construction Plans - Subdivision	January 31, 2020
		Construction Plans - Shops	January 31, 2020
		Landscaping Plan - Shops	January 31, 2020
		Photometric Plan for Shops	February 3, 2020
		Draft Traffic Impact Study	August 2019
		Fire Truck and Turning Templates	January 31, 2020
		Architectural Floor and Roof Plans	January 31, 2020
Zoning	Current	Rural PB	
	Proposed	Rural GB	
Land Use	Current	Agricultural	
	Proposed	Rural GB	
Requested Variances or Waivers		<ul style="list-style-type: none"> No foundation plantings around building No plantings in front of buildings. Relief from 30-foot greenbelt requirement for US 421 Overlay District 	

A review of the most recent submittals from January 29th and 31st was completed. The following is the list of comments from the original TAC review and comment letter dated January 23, 2020. Updates and the status of each comment is provided in red under the

original comment. Individual updates are provided due to the complexity and number of subsequent submittals. There was a drainage resubmittal made by the developer on January 27th, which consisted of a second comment letter which primarily involved drainage design. Therefore, there are two

I. DRAINAGE REPORT

- A. In reviewing the drainage report, exhibits, and plans submitted for the project, it is evident that the proposed drainage configuration and re-routing the majority of the 14.76 western watershed eastward will have adverse impacts and will not meet the requirements and intent of the Town's Stormwater Ordinance. The report and plans do not alleviate the concerns of Town and County staff, as it does not provide adequate direction and dispersal of discharge as well as adequate direction of flood mitigation, storage, and routing. I would recommend an alternative detention design to the one proposed as the present design does not appear to function as anticipated from our December 23rd meeting and subsequent communication and submittals. Refer to comment letter dated September 27, 2019.

Comment addressed. Refer to response letter from January 29th.

- B. The existing 36 inch pipe is noted to be a downstream restriction for emergency overflow routing and the 100-year storm event. Based on the calculations submitted, there are concerns about utilizing it to serve a watershed larger than it was intended to serve.

Comment is no longer applicable due to re-design submitted on January 27th.

- C. Page numbers were not included in either of the drainage reports, per our meeting on December 23rd.

Comment addressed in subsequent submittals.

- D. Per previous discussion, local ordinance takes precedence in the INDOT Driveway Permit Manual and design criteria. Please include the 100-year developed condition for flows tributary to the culvert crossing in the INDOT Drainage Report per the comments in our December 23rd meeting.

Comment is currently under review and will also be reviewed by INDOT per re-design submitted on January 27th.

- E. The maximum 10-year flow, 6.27 cfs, released from Pond 2P – South Pond on page 7 for the 10yr-24-Hr Rainfall in the Drainage Report exceeds the maximum allowable discharge, 3.89 cfs, in the summary table. Please address.

Comment addressed.

- F. Please complete the stormwater application checklist included in the Drainage Report.

A checklist was submitted with the most recent submittal from January 31, 2020.

- G. Please include the HUC Code for the project project's watershed in the Drainage Report.

Comment addressed.

- H. Please provide an overall flood routing exhibit for the project indicating emergency overflow routes in the Drainage Report. The last page of Appendix D in the drainage report has an 8 ½ x 11-inch page with the Shops project shown, but routing and storage is not shown or shaded in the exhibit. A 24 x 36-inch exhibit in the Drainage Report is the Town's Standard. Maximum ponding depths shall comply with the Town's Standards.

- A revised overflow routing exhibit was provided in the latest submittal. Ponding levels are not labeled or clearly labeled in many locations where sag inlets are located. By standard, there should be at least one passable 10-foot lane and no ponding of more than 7 inches deep to maintain access.
 - Based on the grades provided on the overflow routing sheet, Sheet #7 in the plans, and the profile for Hanovarian St, Sheet #14 in the plans, runoff would need to pond over 1 foot deep in the sag to overflow as shown in the drawings. Please address.
 - The elevation shown at the gutter for STR 113 east of Hanovarian St suggests that the roadway will need to be over 8.5 inches deep to overtop the curb and trail to the south in order to follow the overflow route shown. At that overtopping depth, the overflow would also overtop the centerline of the roadway which is labeled at an elevation of 907.18. The ponding elevation is not shown to overtop the road in the plans. Please review, address, and clarify.
 - The same situation appears to occur at STR 202 and 231. Please review all ponding areas and overflow routes to determine if they are feasible with and conform to the elevations provided in the plans.
 - Please check, review, and confirm all overflow route information.
- I. While the flood route exhibit does note the western overflow should route to the culvert under US 421, there are no diagrams, flow routing, or ponding areas noted in plans. There is not enough information on the plans to review and define the overflow routes previously discussed.

Comment addressed but see previous comment for verification.

- J. Water quality calculations in Exhibit D shall be per the requirements and format in Chapter 8 and 9 of the Town's Stormwater Standards. The methodology is presented in Section 2 of Chapter 9. Flow through hydrodynamic BMPs are customarily selected by their removal efficiency and flow based on impervious surface. Water quality calculations should be provided for each basin and in series relative to their upstream basin sizes. The write-up should summarize the areas, calculations and provide a detail and summary of the treatment. Each basin, per Standard, should flow through a minimum of 2 BMPs and calculations are needed for all BMPs.

Revised calculations have been received with the most recent submittal.

- K. Basin Node and Link Labels used in the drainage report and in the Cox Creek Exhibit should be consistent. Please review and make sure the links references are consistent.

The response from the developer is noted.

- L. The Cox Creek Analysis Exhibit shows that ponding will occur on Lots 7, 8, and 9 in Bridlewood Subdivision upstream of the existing 36" culvert. This information is based on LIDAR contour data and not actual survey data. Also based on the information, the storage and ponding does not occur within an easement as required by Town Standards and the Town's Stormwater Ordinance. This leads to further concerns with routing the additional 14 acres through the existing infrastructure.

This comment has been addressed with the re-design submitted on January 27th.

- M. Please provide a site map that includes BMPs and pond locations labels and names in the Drainage Report. The size should be 24 x 36-inch and it will be reduced in size to be included in the O&M Manual.
- N. In the drainage report, there are two exhibits for proposed conditions and proposed conditions (phase 1). Please provide a detailed summary in the drainage narrative to provide explanation on the difference between these two sheets.

Comment addressed.

- O. Please confirm the proposed inlets in sag conditions are sized at 50% clogged condition. Also, the 36-inch offsite outlet was not assumed to be clogged when it was analyzed.

Comment addressed.

- P. In the drainage report, the existing conditions exhibit is currently on letter size sheet which is not legible. Please provide legible exhibit on a plan sheet (24x36), also please provide topographic information 200ft along the perimeter of the property pre the requirements of the Town's Stormwater Standards.

It appears that some inlets and stormwater collection points only receive either one source of no source of water quality treatment. Please review the BMP treatment scheme and address. This was noted by both Town and review staff. This appears to occur primarily in the western basin and the wester interior roadway.

II. PRIMARY AND SECONDARY PLATS

- A. Page 15, "*Retention Ponds and Related Easements*" of the "Declarations and Covenants" for the subdivisions refers to 15-foot easements for maintenance around retention ponds. These easement do not appear on the plat, including the south pond along US 421. This needs to be addressed in the plat and on the plans.

This comment appears to be addressed.

- B. Fifteen-foot clear access easements are required around all ponds. Access is not provided to all ponds, as the top of bank for some are directly adjacent to property lines. Please also check the safety ledge requirements for wet bottom ponds in Chapter 6 of the Town's Stormwater Standards and review for compliance.
- C. All BMPs and pond shall be in maintenance and drainage easements and have access for maintenance and assigned to an entity by the plat and the O&M Manual.

Comment addressed.

- D. Please label all roads in the secondary plat. Please include the following note on the plat:

"Channels, storm water infrastructure 12-inches or larger, six-inch or larger subsurface drains in rear yard swales and under curbs where no street trees are allowed, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated drain easements. Drainage swales shall be the responsibility of the owner or the property's owner's association."

Comment addressed.

- E. Please add the following note to the secondary plat:

"Cross Reference Stormwater BMP O&M Manual Instrument # _____ which shall be the responsibility of the owner of the lot created by this plat. Said obligations shall run with any future owner, assigns, or heirs of the property. Obligations may not be transferred to a entity which is not an owner of the property."

Comment addressed.

- F. Easements that include internal access roads shall be designated and dedicated as intravehicular access easements for private roads/streets.

Comment adequately addressed.

- G. Dedicated sanitary sewer, water line, and other utility easements should be included on the plat.

Comment adequately addressed and will be monitored in the future.

- H. It is recommended that the note provided in the plat that reads “The first five (5) feet of any utility easement ...” be deleted, as it references the Town and infrastructure and services that the Town does not provide. All references to the Town should be re-evaluated because the internal roads and infrastructure and not specifically dedicated to the Town.

Comment addressed.

- I. All internal streets and drives the plat should be labeled with the street name and “(Dedicated as Private)” behind the name.

Comment addressed.

- J. Provisions for the perpetual maintenance of the internal roadways should be cross-referenced between the plat and the Declarations of Covenants and Restrictions. A note on the plat should be added for the Declarations recorded cross-reference number.

Comment addressed.

- K. Provisions in the plat should note access easement for individual lots to maintain and repair utility service laterals.

Comment sufficiently addressed.

- L. The lot south of proposed Common Area D, County Parcel #0290715000, is surrounded by a heavy dark line used for the rest of the proposed subdivision. Is this parcel a part of the project or to be platted or split as part of the project as the linework suggests? Please verify and address.

Comment is addressed.

- M. The right-of-way labels for CR 300 South on sheet 2 of the plat should be checked. While the 130 feet label scales out correctly across the roadway, the 70 ½ ft label along the proposed south right-of-way line does not scale out to that distance from the control line shown and referenced at the intersection of US 421.

Comment appears to be addressed.

- N. The proposed half right-of-way needed for the future CR 300 South project is an 80 ft half right-of-way. The thoroughfare plan in this location does warrant this distance due to the number of lanes, the proximity to the intersection, and the per the County's Ronald Reagan Mini-Corridor Plan.

Please label proposed right-of-way dedications on Sheet 2 of the Secondary Plat. Please dimension the proposed right-of-way called out Sheet 3 from the quarter section line show in the plat.

- O. The proposed plan and plat have several noted differences between bufferyard and setback requirements in the US Highway 421 Overlay District defined in the Town's Zoning Ordinance which will need to be addressed.

Planning staff reviewing, comment appears to be addressed.

- P. Lots should not be split across pages on the plat. All lots should appear in their entirety on one sheet. For instance, lots are broken across pages 6 and 7 of the plat. Outlot 1 and its legal description callouts are split across 4 separate sheets. Please address.

Comment addressed.

NEW COMMENTS

- Q. Please provide a corner cut for right-of-way on the northwest corner of Outlot A. The proposed trail and other improvements are not shown to be located in right-of-way.

- R. Please label the width of the buffer/easement of the east side of the site on Sheet #3.

- S. Further review is pending future submittals.

III. CONSTRUCTION AND DEVELOPMENT PLANS

- A. "Comment B" in the original comment letter dated September 27, 2019, should be referenced for future consideration. The development should consider the proposed alignment and requirements for CR 300 South outlined in the Boone County Thoroughfare Plan and the Zionsville Transportation Plan for road improvements and the required right-of-way. Please review the present site plan to ensure that it matches the necessary right-of-way requirements.

Comment appears to be addressed.

- B. Both plan set cover sheets show two separate contacts for Street and Stormwater, please combine into one Street & Stormwater and show Lance Lantz as the contact.

Comment appears to be addressed.

- C. Please review the development plan sheets to ensure that the existing and proposed contours tie together.

Comment appears to be addressed and it will be monitored in future submittals.

- D. Swales drainage ditches along the north and east perimeter of Future Mixed-Use Block A are not located within easements. Please check to ensure that all swales are located in drainage easements.

Comment appears to be sufficiently addressed for this stage of the submittal.

- E. Drainage structure and BMP numbers should be included in the erosion control plans.

- F. Matchlines should be provided for connecting sheet references in the plan sheets.

Comment addressed.

- G. Semi and Fire Engine Turning Templates should be ran for each street, drive, and parking lot entrance configuration with opposing traffic in drive approaches. Trucks should be able to make turns at all drives and intersections and stay in their lane and on pavement at radius points.

Please review the proposed templates. The design should be based on a smooth drive path set a certain driving speed, which should be 10 mph for right-hand turns and 15 mph for left-hand turns. Some of the turning movements are not smooth and appeared to be steered by hand.

- H. Bollards or railed barrier shall be installed along roads, right-of-way and parking lots per the Town's Stormwater Standards per previous discussions.

Comment addressed and will be monitored in future submittals.

- I. The grading in the plans does not show or indicate overflow routing discussed in the December 23rd meeting to US 421.

Comment addressed with re-design submitted on January 27th.

- J. The sanitary sewer system shall be reviewed and approved by TriCo.

Comment is in the process of being addressed.

- K. The detail for the proposed construction entrance provided in the Erosion Control details does not match the Town's standards. Please consult the Town's Stormwater Standards and modify the detail to include the physical characteristics and notes provided in the Town's detail.

The Town's correct detail is in the Appendix in the back of the most current Stormwater Standards on page 3 of 4 of the Individual Lot Stormwater Pollution Prevention Requirements.

- L. Exterior road and entrance improvements should be shown for the Shops project, as they will need to be completed with or prior to that project along with drainage improvements.

Comment sufficiently addressed.

- M. Reduced speed limits and signage are needed in the proposed maintenance of traffic (MOT) plans for US 421 and CR 300 South. Reduced speed limits should be provided for the tapers shown for the construction zones. Please include reduced speed limit signs for the designs based on the taper lengths. The work zone design should be per the requirements of the *MUTCD* and *Indiana's Work Zone Traffic Control Guidelines, 2013* or latest edition.

Comment is not critical and will be deferred to prior to construction release.

- N. Please check the number of barrels listed and the calculations with the spacing provided. The number of barrels appears to not match the spacing and the numbers counted in the plans.

Comment is not critical and will be deferred to prior to construction release.

- O. Details for the merge and a typical details for roadway cross section in MOT zones. The detail should provide barrel spacing and clearance and minimum lane width in the construction zone within the existing cross section of the roadway.

Comment is not critical and will be deferred to prior to construction release.

- P. The MOT plans should provide provisions, references and details for flagging operations.

Comment is not critical and will be addressed in further review.

- Q. Please provide the MOT plans in a more legible scale. May of the specifics are presently left to scale and they are difficult to read and interpret. Further review is pending.

Comment is not critical and will be addressed in further review.

- R. End sections and spillways shown the drainage plans should be evaluated per Town Standards for rip rap and stabilization to present scour.

Comment appears to be sufficiently addressed at this time, although future review is pending revisions.

- S. The roadway lane widening and tapers for the public road portion of the project need to be consistently labeled and dimensioned on each sheet.

Comment is not critical and will be deferred to prior to construction release.

- T. INDOT has approval authority over work design and performed in their right-of-way. Please reference INDOT's Standards and the Driveway Permit Manual which govern that work.

On-going review of this item will continue, including the drainage design, which will require approval as well.

- U. Plans for the proposed entrance are pending future revisions and considerations by INDOT and in the Traffic Impact Study. Further reviewing is pending. Please reference previous comment letters for the on-going CR 300 South Study. Any changes to the plans or the Traffic Impact Study requested by the INDOT should be provided the Town for input and comment.

Please refer to related comments.

- V. Please label street names on all sheets.

Comment sufficiently addressed.

- W. Stop signs shall be called out on the plans and placed at each drive exiting into public right-of-way where traffic control is not provided.

After further review, the draft Traffic Impact Study does not address who this issue should be handled or how stop control could affect queuing and access. Please review and place internal traffic control accordingly.

- X. Please go through the plans and move overlapping text and callouts for legibility.

Comment sufficiently addressed at this time.

- Y. Based on proposed and existing topography, the grading for the emergency spillway at the south end of the north pond will route into Lots 35 and 36 of the neighboring subdivision. Please address.

Comment addressed.

- Z. Please provide provisions for either underdrains or swales along the east perimeter or the project. It appears that berms and other grading is creating small pockets of undrained areas adjacent to the residential area.

Comment not sufficiently addressed. Perimeter swales, particularly along residential and neighboring and adjoining properties require underdrains.

- AA. The berm along the east property line scales out in some locations to exceed the Town's maximum 3:1 slope requirements. Please review and address where applicable.

This appears to be addressed and will be monitored in future submittals.

- BB. Sheet 15 of 42 of the Site Plans shows a swale/ditch running north/south along the east edge of the internal roadway. The cross street shown does not have a culvert underneath and it appears that the roadway will block drainage. (Note that streets are not labeled on the sheet.) The plan sheet and site plans show that the intent of the drive is to extend eastward. The proximity of existing cross culverts and their proposed grading appear to conflict with the proposed extension and would create a both a conflict and a steep embankment adjacent to the street extension.

Comment addressed.

- CC. The right-in-right-out access on CR 300 South is shown as a full driveway. The access point shall be designed to match the right-in-right-out on US 421.

Comment pending resolution with elements of Traffic Impact Study.

- DD. The middle access point on CR 300 South has been converted into a full access with a left-hand turn lane into the facility. In the pre-filing meeting, it was discussed this would act as "a right-in-right-out" because of the existing median in CR 300 South. The current plans show the median getting cut out to install a left-hand turn lane into the development.

Response noted and pending Traffic Impact Study comments.

- EE. The additional lane along CR 300 South from the intersection that was discussed in previous meetings has not been included in the plans submitted.

Comment addressed. Pending INDOT approval.

- FF. The safety ledge in the Typical Pond Detail on Sheet 33 shows that the depth of the safety ledge below normal pool is 12 inches. The Town's Standard Page 10 of Chapter 6 is 6 inches. Please address.

Comment addressed.

GG. The Typical Pond Detail referenced above shows the required 10-foot maintenance ledge, which may be included in the 15-foot easement.

Comment addressed.

HH. There are concerns regarding modifications at the east side of the existing box culvert under 421, which is located NW corner of outlot F. There is manhole structure and to pipes shown connected to this structure. This configuration will reduce the capacity of this box culvert to accept flows from the tributary watershed. The box culvert should be extended to the east to allow surface water runoff to be accepted into this culvert in a depressional area.

Comment addressed by drainage revisions.

II. Offsite contours on Sheet 6 of the overall site development plans are not sufficiently labeled to determine and assess topography.

Comment addressed.

NEW COMMENTS

JJ. The curb ramps shown in the locations on the plans do not match the detail shown on Sheet #34. Please address and check for ADA compliance.

IV. LIGHTING PLAN

A. A lighting plan was not submitted for the Shops project or the overall site plan.

A lighting plan for the Shops' site plan was received on February 3rd. No comments on the proposed photometrics. The diameter and specifications for light poles were not included in the cut sheet or in the plans. Building-based lighting, if proposed or considered should also be included in the submittal and plan. The lighting plan is not included in the site construction plans.

V. LANDSCAPING PLAN

A. A landscaping plan was not submitted for the overall site plan.

Note the receipt of a plan for the Shops only. See further comments.

B. The petitioner has requested a variance for foundation and building-based landscaping requirements.

- C. It is recommended that the sizes of the proposed green spaces be large enough to accommodate and be coordinated with the materials intended for planting so the uses and plantings do not interfere with one another or other physical elements of the site plan.

Comment addressed

- D. Sizes, types, and variations of plantings are not provided in the landscaping plan for the Shops. Please provide a detailed planting schedule for the development as well.

A plan was submitted for the Shops portion of the project. Note that landscaping rock with an unspecified color or type is noted in the plan and it is not listed as a landscaping material in the US 421 Overlay. It is restricted in other zonings to a certain percentage of the landscaped area. Please address.

VI. ARCHITECTURAL AND OTHER SITE ELEMENTS

- A. Please note the architectural requirements in the Rural Michigan Road Overlay District under Item C of Section 194.079, Rural: Overlay Districts of the Town's Zoning Ordinance. Please contact staff to coordinate and discuss specific waivers that need to be requested. They include;

§194.079(C)(10)(a) Architectural Designs; Design Theme: "Buildings shall be designed with an overall theme consistent with or complementary to the Colonial, Federal, Georgian, Victorian or Greek Revival periods. New buildings are not required to be imitative, but must incorporate the salient features of these architectural styles." Please have your architect prepare a brief statement as to how the proposed architecture style complies with this requirement. If the proposed building elevations cannot not comply with this requirement, a Waiver of this Architectural Design Requirement must be requested by the Petitioner of the Plan Commission.

§194.079(C)(10)(d) Architectural Designs; Building Facades: "Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style. Buildings with continuous facades that are 90 feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight feet deep, and at intervals of not greater than 60 feet...For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots shall be of the same materials and similarly detailed." As presented, the proposed facades do not include a defined base or foundation and do not include the required offsets. A Waiver of these

Architectural Design Requirements must be requested by the Petitioner of the Plan Commission.

§194.079(C)(10)(i) Architectural Designs; Storefronts: “Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not exceed 75% of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signs and lighting consistent with the overall building style.” Many of the tenant bays are primarily glass which appear to exceed 75% of the façade area. As the provided drawings are not fully dimensioned, please confirm the proposed design complies with this development standard. If not in compliance, a Waiver of these Architectural Design Requirements must be requested by the Petitioner of the Plan Commission. This Waiver Request should be included in your submittal of the Development Plan Application.

No direct response has been received to the above items in this subsection.

- B. Please label roof pitch in the architectural renderings.

The petitioner stated in the response letter received on January 31, 2020 that the roof pitch would be labeled on future revisions on Sheet A104. Architectural construction floor and roof plans were submitted, with partial dimension for the roof, but the pitch was not labeled.

The intent of labeling the roof pitch, for which the requirements are defined in Item (e) of Sub-Section (10), Architectural Design Requirements, of Section (C), U.S. Highway 421 – Michigan Road Corridor Overlay District in the Town’s Zoning Ordinance, is to provide the Planning Commission with convenient referenced. Roof pitch is presently not labeled in the Sheet A104 of the latest architectural drawings and it was not labeled in the architectural renderings originally submitted for the project.

Please label roof pitch on the original architectural renderings submitted for the sake of clarity for Planning Commission review. Refer to staff comments.

- C. Proposed signage is not provided or shown in either site plan submittal. It should be located in the site plans because it has the potential to affect or be affected by the location and function of other elements in the site plan.

Developer’s response in their January 31, 2020 resubmittal is noted.

- D. The architectural and site plans for the project do not contain provisions for shielding rooftop mechanical elements and vents and they are not shown in the

architectural renderings. It should be noted that provisions for the anticipated rooftop elements should be included in and noted for the project.

- E. Please prepare a summary table to include on the architectural drawings of percentage of the exterior materials for each façade elevation. The overlay district has architectural requirements for materials that will need to be evaluated and compared. Per the overlay district, windows shall not exceed 75% of the any façade. Please include glass in the summary.

Separate summary tables were submitted as separate sheets. Refer to staff comments.

VII. TRAFFIC IMPACT STUDY

- A. The concept site plan in used in the Study does not match the most recent site plan filed for the development for internal commercial/retail component of the project. It is recommended that internal intersections in close proximity to the right-of-way be modeled with their traffic control to determine or assess any potential impacts to public streets.
- B. As the site plan and other elements of the project progress, there are specific uses such as gas stations, drive thrus, and day care facilities mentioned for the site. Have any of these micro-uses been evaluated for parking and trip generation to determine with they exceed or are within the parameters of the uses and square footages assumed for the project? While the Town is not necessarily opposed to these uses, it appears that they need to be considered in the Traffic Impact Study.
- C. Four drive thrus are shown in the site plan. An analysis of the square footage of these locations should be discussed in the Traffic Study to determine if they are more intense than the Shopping Center use assigned in the study. The average trip rates for Shopping Centers can vary greatly from a Coffee/Donut Shop or a Fast Food Restaurant with a Drive-Thru. Also, Medical Office can draw a significant number of additional trips versus general office.
- D. The Town has been contacted by an outside designer regarding a daycare facility on one of the outlots on Michigan Road. This use was not factored into the Traffic Impact Study for the project. The intensity of the use and the capacity of the site to handle both parking and peak hour staging for such a facility should be evaluated for queue storage.
- E. Additional uses, such as some type of residential use has also been discussed within the development. While this could be have a lower impact than other proposed uses, it is not factored into the development.

- F. Based on the changes in accesses on CR 300 South from previous discussions, there is no analysis or alternatives presented in the Traffic Impact Study which reduce the number of full access points. Has this been investigated?

Note the petitioner's response below received January 31, 2020:

VII. TRAFFIC IMPACT STUDY

A. – F.

Due to various timing constraints, the traffic impact analysis was conducted without full knowledge of exact land uses that will be constructed on the subject site. Therefore, for the retail portions of the site the general retail use was used as it typically represents an aggressive traffic condition. Obviously, some specific uses (coffee shop, fast food etc.) could produce different trip estimates but these uses also typically generate significantly more pass-by trips than the general retail use considered in the study. Other potential uses such as day care, medical office and residential components were also not defined (and are not given at this time) at the time of the traffic study. However, residential and day care uses would likely generate less traffic compared to the uses included in the study. Finally, the recommendations within the traffic impact study include turn lanes at every access drive and a potential traffic signal along US 421 at the main drive. These recommendations represent maximum practical build out improvements along US 421 and CR 300. Therefore, incremental increases in traffic due to site development details would likely be accommodated by the recommendations called out in the study.

While restaurants, coffee shops, and other facilities are eligible and could receive pass-by trip reductions, the number of new trips is not necessarily and conclusively offset by other less intensive uses or equal to or less than trip rates for general business, commercial, or shopping centers. Additionally, the diversion of pass-by trips to certain users can and often do have adverse impacts to traffic because trips that pass by a vacant parcel of land can be converted into left-hand turns from trips which normally pass by as straight through movement.

In response to and in support of previous comments, those impacts described in the response cannot be fully vetted and analyzed at this time because of the difference in uses from the site plan and uses assumed and used in the original traffic impact study. The most recent site plans vary significantly from the site plan in the original traffic study as it does not assume a fueling station or any of the four drive-thrus shown in the most recent site plan. Therefore, the original traffic impact study should be updated to reflect the most recent site plan. Furthermore, the connection to the neighboring subdivision to the east is shown in the traffic impact study and the connection is not presently shown in the project plans, which impacts traffic movements. There has also been not commitment to the connection. Therefore, comments A through F are valid and can be addressed through an updated traffic impact study which matches the present site plan.

Pass-by and diverted trips are also not calculated consistently between assigned uses. For instance, trips generated for the site using land use codes for General Office and Shopping Center. The percentages of pass-by and diverted trips for the development are calculated using land use codes for General Office and General Retail. Pass-by trips and diverted trips should be calculated in a manner consistent with assigned uses

for trip generation. Neither the assigned uses used in the Traffic Impact Study nor the uses in in the Study's site plan and the most current site plan are consistent. Please rectify the uses in the Impact Study and with the proposed site plan and apply the appropriate use codes for trip generation and pass-by trips.

VIII. DECLARATIONS COVENANTS AND RESTRICTIONS

The response received in the January 31, 2020 submittal package states that the revisions addressing the following comments will be made prior to final staff review.

- A. Page 6; definition of Parcel: this states that on the Plat, the individual Lots will be identified a "Lot followed by a number." From the filed Secondary Plat, the Lots are followed by a letter, not a number.
- B. Page 17- Please add to "Retention ponds and Related Easements": "Declarant, the Association, and all subsequent assigns and heirs of all lots and property within the subdivision shall be responsible for maintain the Retention Ponds and drainage system in a functional manner consistent with the original design of the project and in compliance with the Stormwater Operation and Maintenance Manual on file and recorded for the subdivision."
- C. Page 33, Paragraph #18(A) – This states there will be no residential use permitted within the development. From earlier discussions with the developer, we know they are considering residential uses for a portion of the internal acreage of the site.
- D. Page 39, Paragraph 19(K) – Notices: this states that Notices are to be sent to an entity which is not the project's Declarant.
- E. Exhibits were not attached to the draft documents. Further review is pending.

IX. STORMWATER PERMIT AND O&M MANUAL

- A. A stormwater O&M manual will be required for the subdivision in later submittals prior to construction.

Comment is not critical and will be deferred to prior to construction release.

- B. Stormwater permits and an NOI for the project will be required after plans are revised and the project is approved.

Comment is not critical and will be deferred to prior to construction release.

X. GENERAL

- A. Street names should be submitted for review and approval.

Comment addressed but still pending resolution.

- B. No utility main sizing information has been provided.

Response noted and comment is not critical and will be deferred to prior to construction release.

- C. All drive lanes should be heavy duty asphalt to support heavy truck and emergency vehicle traffic.

Response noted and comment is not critical and will be deferred to prior to construction release.

- D. Hydrant locations are too far from outlets to provide service to buildings.

Item is subject to re-review by staff.

- E. The cross connection between the development and the neighborhood is inconsistently shown in the plans and supporting documentation. What is the plan for the connection? The connection is supported because it provides access to the develop from the neighborhood rather than forcing the traffic from the neighborhood into making two or three left hand turns to get from the subdivision using CR 300 South to access the development. This will eliminate left turns and congestion on CR 300 South.

Comment still outstanding.

- F. Further review and comments are pending on all submittals as future more detailed submittals are made and these comments are addressed.

XI. PROJECT COST ESTIMATES AND PERFORMANCE BONDS

- A. Itemized construction cost estimates and performance bonds will be required prior to construction and dependent on certain elements of project phasing.**

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

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Tuesday ~~Monday~~ February 18, 2020, has determined that the Primary Plat is/is not in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

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

TOWN OF ZIONSVILLE PLAN COMMISSION

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

President, Town of Zionsville Plan Commission



Petition Number: 2020-03-DP

Project Address: Approximately 10901 E. CR 300 South (146th Street) and U.S. Highway 421

Project Name: Appaloosa Crossing - Development Plan for “Shops”

Petitioner: Harris FLP

Representative: Matthew Price, Attorney for Petitioner
Dentons Bingham Greenebaum LLP

Request: Petition for Development Plan Approval of a 23,000± square foot, multi-tenant, retail building on 3.40± acres within the Rural General Business Zoning District (GB) and the Rural Michigan Road Overlay (MRO). Waivers of Building Materials and Architectural Design requirements requested.

Current Zoning: Rural General Business Zoning District (GB) and the Rural Michigan Road Overlay (MRO).

Current Land Use: Unimproved - farmed field

Approximate Acreage: 3.40± Acres (identified as “Shops” Lot on pending Plat) within the 57.53± Acres of the to-be-platted integrated center, Appaloosa Crossing.

Related Petitions: 2020-01-PP Primary Plat of Appaloosa Crossing (Pending Plan Commission Hearing)
2020-02-SP Secondary Plat of Appaloosa Crossing (Administrative Approval - Hearing not required)
2020-04-CA Commitment Amendment to relocate a pond/water feature along U.S. Highway 421 frontage (Pending Plan Commission Hearing)

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioner’s Narrative
Exhibit 4 – Development Plan Drawings (includes Site Plan, Utility Plan, Landscaping Plan, Site Photometric, Lighting Fixture Cut Sheets, Building Elevations, Building Rendering, and First Floor Construction Plan)
Exhibit 5 – Town Engineer’s Comments
Exhibit 6A & 6B – Petitioner’s Findings regarding Waivers
Exhibit 7 – Petitioner’s Findings of Fact regarding Development Plan Approval

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This petition will receive a public hearing at the February 18, 2020, Plan Commission Meeting. On February 5, 2020, the Zionsville Board of Zoning Appeals continued two Development Standard Variances (2020-03-DSV) to the March 4, 2020, Hearing. Information about these two variances and how they relate to the proposed improvement is presented in the Landscaping section below.

PROPERTY LOCATION, ZONING CLASSIFICATION & PROJECT DESCRIPTION

The subject site is generally located 250 feet south of CR 300 South (aka 146th Street) on the east side of U.S. HIGHWAY 421. The subject site is 3.40± acres and is a portion of the 57.53± acres to be developed as the Appaloosa Crossing integrated center. The subject site is bordered on the north by another undeveloped outlot of Appaloosa Crossing; on the east by an internal street of Appaloosa Crossing; on the south by a primary entry into Appaloosa Crossing; and on the west by U.S. Highway 421. The site is zoned Rural General Business Zoning District (GB) and is within the Rural Michigan Road Overlay (MRO).

The Petitioner proposes to construct a multi-tenant, retail building of 23,000± square feet with related parking areas. This will be the first building within the Appaloosa Crossing integrated center. The building consists of two tenant areas, each having five tenant bays, with two vehicular drive-through lanes separating the two tenant areas. The two tenant areas are connected by a roof which spans over the vehicular drive-through lanes. Drive-through facilities (i.e. service windows) are located on the ends of each tenant area and on each side of the vehicular drive-through for a total of four service windows.

Vehicular access to the subject site will be from U.S. Highway 421 and CR 300 South via internal private streets; no curb cut directly onto the subject site from U.S. Highway 421 is proposed. Pedestrian maneuverability on site will include sidewalks along the front façade of the proposed building. A 12-foot-wide recreation path along U.S. Highway 421 will parallel the building, but no connectivity from the building directly to the recreation path is shown on the submitted site plan. A sidewalk connecting to the recreation path is proposed along the southern portion of the Shops lot which then follows the internal access drive behind the building.

ANALYSIS

The Petitioner requests approval for the development of a single story, 23,000± square foot multi-tenant, retail building, with related parking areas. This is the first building to be considered for the integrated center, Appaloosa Crossing. Each future building within Appaloosa Crossing will be required to receive Development Plan Approval by the Plan Commission.

DEVELOPMENT PLAN REVIEW

Zoning Ordinance:

Approval of a Development Plan by the Plan Commission is required for "...new development or major additions..." within the Rural General Business Zoning District and the Rural Michigan Road Overlay (GB & MRO).

Architectural Design Requirements:

The subject site is within the Michigan Road Overlay and is therefore subject to Architectural Design Requirements (§194.079(C)(10)(a - k))" The Zoning Ordinance does provide that the Plan Commission may grant waivers of Building Materials and Architectural Design requirements and approve the proposed design provided the following findings are met for the respective categories:

Building Materials Findings. The town may grant a waiver of the building materials development requirements and approve the use of alternate exterior building materials on any facade of a building upon finding that:

1. The building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the building and will not be detrimental to the use or value of area properties;
2. The building materials utilized are appropriate when compared to the building materials utilized on other buildings on the site and surrounding sites;
3. The building materials utilized are consistent with and compatible with other building materials utilized on, and with the overall exterior character of, other buildings and development located along the street; and
4. The building materials utilized are consistent with the intent and purpose of this chapter.

Architectural Design Findings. The town may grant a waiver of the architectural design requirements of section of this chapter and approve an architectural design which does not incorporate the overall theme or incorporate the architecture, design and overall aesthetic exterior character of a building consistent with the Georgian, Federal, Greek Revival or Victorian architectural styles upon finding that:

1. The Architectural design represents an innovative use of building materials or design, or site design features which will not be detrimental to the use or value of area properties;
2. The proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites;
3. The building design is consistent with and compatible with other development located along the street; and
4. The proposed building is consistent with the intent and purpose of this chapter.

Staff's opinion is that the waivers of the Building Materials and Architectural Design requirements are necessary for the proposed design and that the findings for both waivers (noted above) are met. The Petitioner has provided a Project Narrative (Exhibit 3) which details certain architectural features and the design inspiration of the proposed building.

The proposed building utilizes a variety of materials (stone, EIFS, composite/cement board, and glass) and colors which will establish a standard for future buildings within the integrated center. Renderings are attached to this report with additional supporting documents within the Petitioner's materials (Exhibit 4). As filed, staff is supportive of the proposed architecture and color palette.

Landscaping:

As proposed, the site would be improved with a combination of deciduous and evergreen trees and shrubs as well as a variety of other types of plantings. As mentioned above, two Development Standard Variances have been requested for this project and have been continued by the Board of Zoning Appeals to its March 4, 2020, Hearing. Details of the two variances are:

Variance #1: **Variance of Foundation Plantings** - Development Standards Variance for the removal of the required foundation plantings along the front of the building, with the building to be constructed substantially in the manor of the building renderings presented, with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DP.

Variance #2: **Variance of Parking Lot Perimeter Plantings** - Development Standards Variance for the removal of the requirement of a six-foot wide Parking Lot Perimeter Planting area with the landscaping to be allocated to the eastern portion of the subject site along the interior access drive as depicted on the Landscape Plan filed in Docket #2020-03-DP.

Petitioner proposes to utilize landscaping rock rather than mulch in the planting beds. The landscaping plan does not identify the color or type of rock to be used. This site is within the Rural classification of Zionsville and the Michigan Road Overlay does not address ground cover within required landscaping. For sites within the Urban classification of Zionsville, the amount of landscaping rock is limited to no more than 20% of the required area to be landscaped.

Should the two requested Variances be approved by the Board of Zoning Appeals, Staff is supportive of submitted Landscape Plan (Exhibit 4).

Lighting:

The proposed lighting on the site includes twenty (20) pole-mounted lights in the parking areas. Per the submitted lighting plan, the pole lights would be mounted at 16 feet in height and be appropriately located within the parking areas in front of and behind the building. A photometric plan has been submitted and is compliant with the Ordinance requirements. Cut sheets of the proposed lighting fixtures have been filed (Exhibit 4). As filed, Staff is supportive of the lighting plan.

Signage:

Signage is not included with this request for Development Plan Approval. The Petitioner will file a signage plan for the entire Appaloosa Crossing integrated center at a future time. Petitioner is aware this will require a separate public hearing. Petitioner has indicated that the signage for this multi-tenant, retail building will only consist of wall signs for the individual tenants. No ground sign is anticipated for this building.

Storm Water / Drainage:

The Town's Street / Storm Water Department and Town Engineer have reviewed the proposed storm water drainage plan (review comments are contained in Exhibit 5). While certain items regarding the drainage plan are still needing to be finalized with labeling, no substantial items remain to be resolved specific to the site's drainage or management of storm water.

Utility Access:

Adequate access to utilities is available to facilitate the project. No issues are known at this time.

Vehicle and Bicycle Parking:

The site layout provides compliant vehicle parking for the proposed multi-tenant retail building. The Petitioner has provided bicycle parking in two locations on the west side of the building. This bicycle parking may be utilized by employees and patrons.

FINDINGS

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 194.127 of the Ordinance the Plan Commission finds:

1. The Development Plan **is** compatible with surrounding land uses because:
2. The Development Plan **does** demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because:
3. The Development Plan **does** demonstrate the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community because:
4. The Development Plan **does** utilize building materials and building style compatible with the Zionsville theme because:
5. The Development Plan **does** provide for the calculation of storm water runoff because:

6. The Development Plan **does** provide for current and future right-of-way dedications because:
7. The Development Plan **does** provide for building setback lines, coverage, and separation; vehicle and pedestrian circulation; parking; landscaping; recreation area or green space; outdoor lighting because:

The Petitioner's Proposed Findings are attached as Exhibit 6 for the Plan Commission's consideration.

STAFF RECOMMENDATION

Staff recommends approval of the requested Architectural Building Design waiver and the Building Materials waiver.

Staff recommends approval of the Development Plan Petition as filed, subject to resolution of outstanding review items identified by the Town Engineer (Exhibit 5).

RECOMMENDED MOTIONS

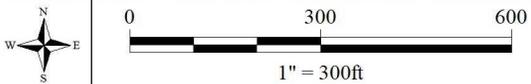
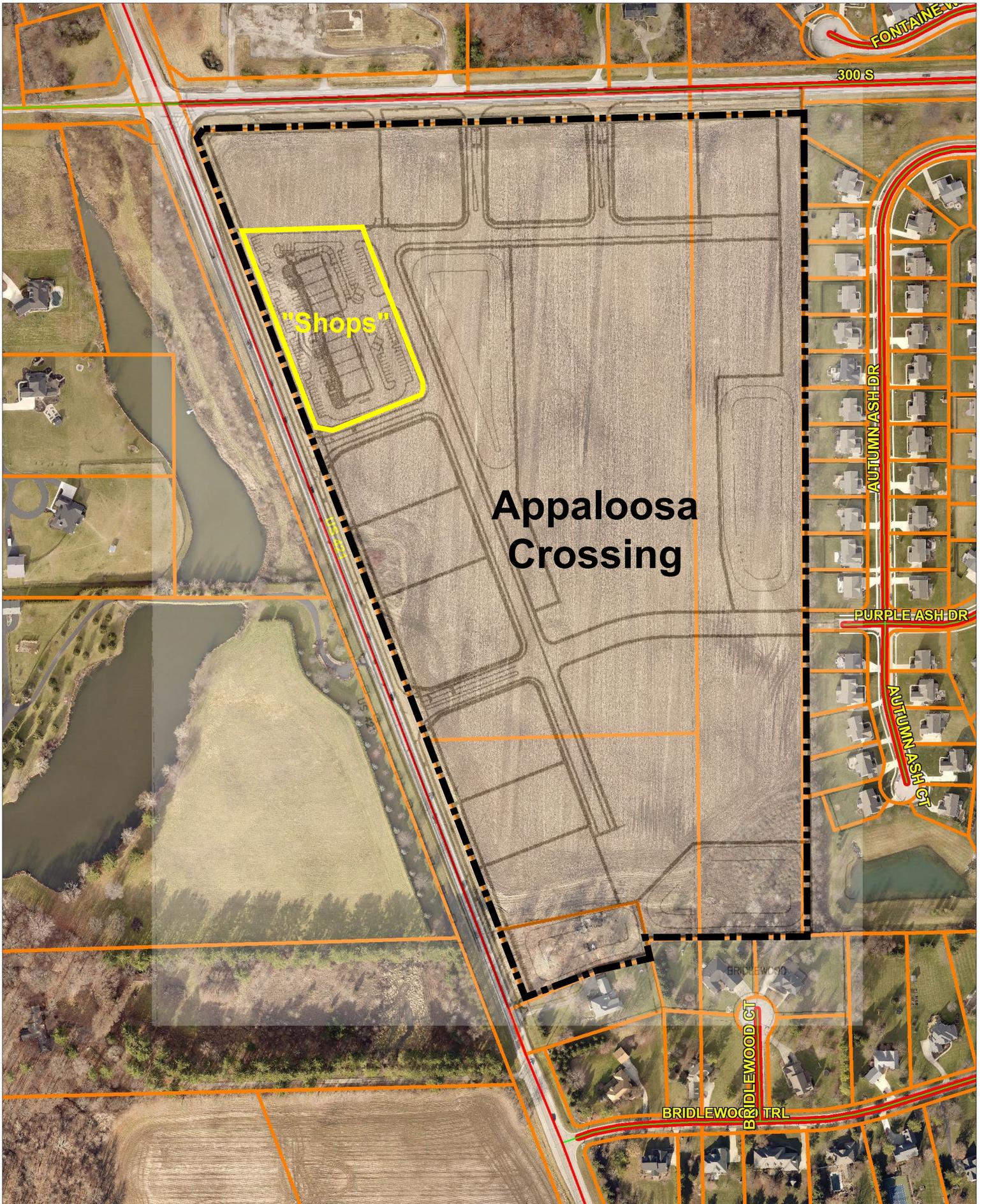
I move that the waiver of Architectural Building Design Requirements be (Approved based on the findings in the staff report / Denied) as presented.

I move that the waiver of Building Materials be (Approved based on the findings in the staff report / Denied) as presented.

I move that Docket #2020-03-DP to allow for a single story, 23,000± square foot multi-tenant, retail building, with related parking areas, in the Rural General Business Zoning District (GB) and the Rural Michigan Road (MRO) be Approved based on the findings in the staff report, staff recommendation, and submitted findings of fact / Denied/ Continued) as presented.

PROCEDURAL NOTES

An Improvement Location Permit will be required to be obtained from the Town prior to the commencement of any site work and/or building construction.



Appaloosa Crossing - "Shops" Location - Exhibit 2

Project Narrative

Harris FLP originally rezoned the property in 2008. Pursuant to this previous rezoning, Harris FLP committed to a variety of development features and land uses. The project was originally anticipated to be anchored by a large grocery store on the northern portion of the property with predominantly office uses on the southern portion of the property. The development also anticipated out lots along Michigan Road and 146th Street (CR 300S), including a fire station to be located upon southernmost out lot along Michigan Road.

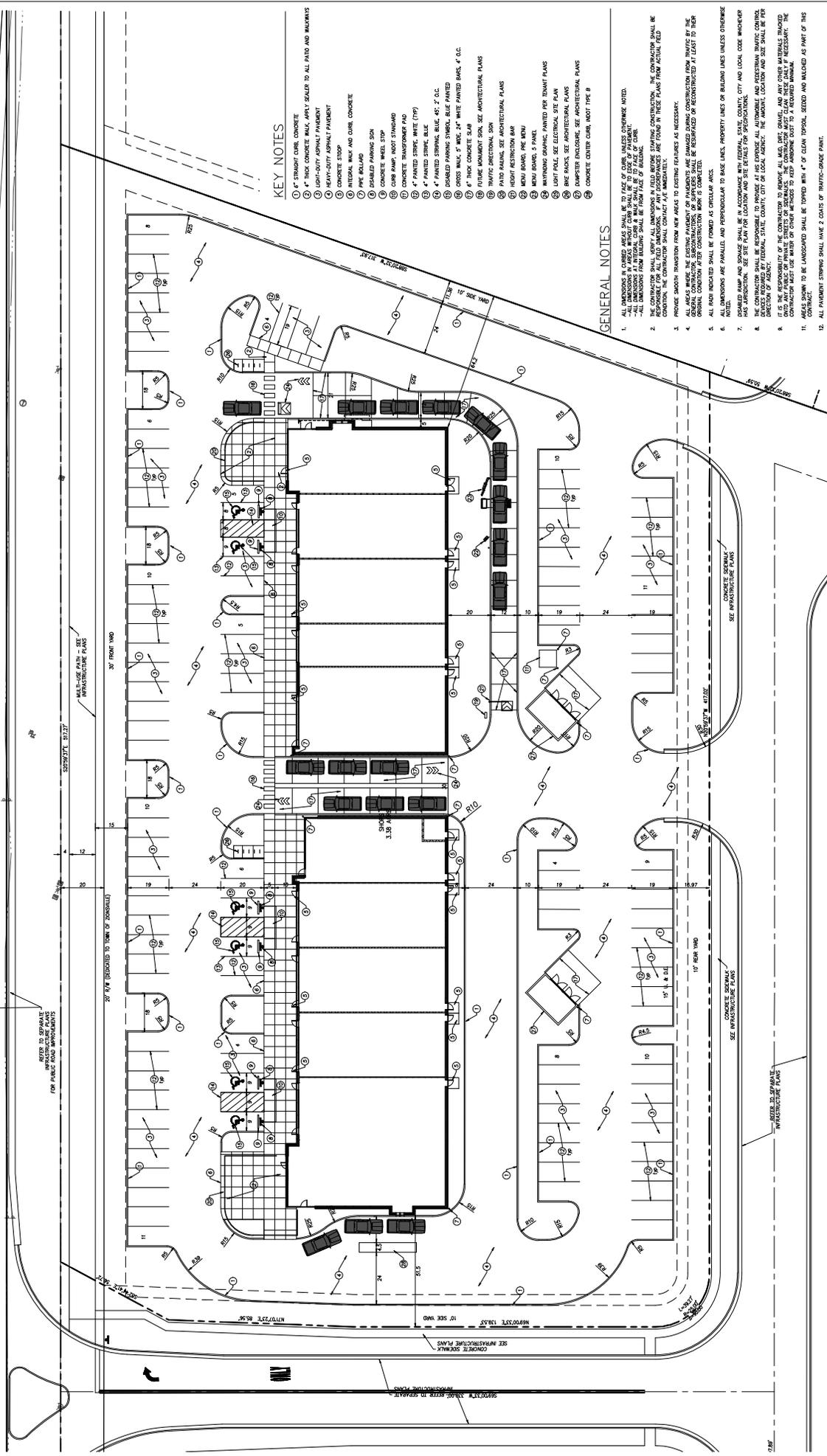
In 2019, Harris FLP modernized the zoning commitments for the property to permit, among other things, residential uses and enhanced pedestrian connectivity. These revisions reflect the mixed-use project envisioned today, anticipating residential uses and incorporating desired amenities and offerings for the Appaloosa Crossing occupants themselves and surrounding neighborhoods. Given the mixed-uses planned for Appaloosa Crossing, the project is moving forward in phases, with the retail shops comprising the first phase.

The architecture for the retail shops building is inspired by the white barn the Harris family previously maintained on the property earlier in the family's over 50 year history owning the property, and the building pays homage to that legacy, as well as the current equestrian land uses that help shape the area landscape. Appaloosa Crossing is requesting a waiver of architectural design requirements as part of the development. The proposed design for Appaloosa Crossing is a modern interpretation of some of the first barn styles built in the United States and those which define the landscape in equine architecture. The architectural style is meant to fit into and complement the surrounding rural architecture and nearby stables, while still being noticed as a product of its time. As the commission has noted, this building is the first in the overall integrated center and looks to establish this agrarian style as a strong foundation for future projects. We believe this development will provide this district with a unique sense of place that will increase property values, exist cohesively with existing residential uses, and attract new businesses.

The design for Appaloosa Crossing also requests a waiver of building material development requirements. The proposed design is comprised of materials which are all approved for the overlay district, executed in a modern style. A strong stone base of stacked limestone with accompanying stone lintels and sills is complemented with traditional board and batten siding above while utilizing EIFS for vertical parapets and sign band areas. The gable roof areas will feature a standing seam metal roof while flat roof areas will have a standard membrane roof covering.

Appaloosa Crossing seeks to be a unique addition to the Michigan Road Overlay area that will attract businesses looking to be part of a distinctive development. Harris FLP anticipates subsequent phases to begin in the near terms, with plans anticipated to be filed later this winter or early Spring.

US 421



KEY NOTES

- ① 6" STRAIGHT CURB, CONCRETE
- ② 4" THICK CONCRETE WALK, APPLY SEALER TO ALL PATIO AND WALKWAYS
- ③ LIGHT-DUTY ASPHALT PAVEMENT
- ④ HEAVY-DUTY ASPHALT PAVEMENT
- ⑤ CONCRETE STAIR
- ⑥ FINISH: PAINT AND CURB, CONCRETE
- ⑦ FINISH: PAINT AND CURB, CONCRETE
- ⑧ FINISH: PAINT AND CURB, CONCRETE
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GENERAL NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT FIELD BEFORE STARTING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
3. PROVIDE SMOOTH TRANSITION FROM NEW AREAS TO EXISTING FEATURES AS NECESSARY.
4. ALL AREAS WHERE THE EXISTING PAVEMENT OR PARAMETERS ARE DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR TO MEET THE ORIGINAL CONSTRUCTION REQUIREMENTS. ALL REPAIRS SHALL BE RESURFACED OR RECONSTRUCTED AT LEAST TO MEET ORIGINAL CONSTRUCTION REQUIREMENTS.
5. ALL ROW INDICATED SHALL BE FORMED AS CIRCULAR ARCS.
6. ALL DIMENSIONS ARE PARALLEL TO BALK LINES, PROPERTY LINES OR BUILDING LINES UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY AND LOCAL CODE ENFORCEMENT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE AT HIS EXPENSE ALL AUTOMOBILE AND PEDESTRIAN TRAFFIC CONTROL DEVICES AND SIGNAGE AS REQUIRED BY THE CITY AND LOCAL AGENCIES. THE AMOUNT, LOCATION AND SIZE SHALL BE PER THE CITY AND LOCAL AGENCIES.
8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE ALL SAND, GRAVEL, AND ANY OTHER MATERIALS BRANDED BY THE CONTRACTOR FROM THE SITE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIALS FROM THE SITE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
9. AREAS SHOWN TO BE LANDSCAPED SHALL BE TOPPED WITH 4" OF CLEAN TOPSOIL, SEEDING AND MULCHED AS PART OF THIS CONTRACT.
10. ALL PAVEMENT STRIPING SHALL HAVE 2 GALS OF TRAFFIC-SPACE PAINT.

APPALOOSA CROSSING SHOPS
U.S. ZONING DISTRICT SOUTH
U.S. ZONING DISTRICT SOUTH

SCALE: SEE PLAN
DATE: 07/27/20

DRAWN: GSS
CHECKED: GSS

SITE PLAN
C201

STRONGBOX COMMERCIAL

7800 N. WASHINGTON ROAD
SUITE 110
INDIANAPOLIS, IN 46253
PHONE: (317) 550-0000
WWW.STRONGBOX.COM

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REVISIONS	
DATE	DESCRIPTION
07/27/20	1. TYPING OF FINISH COMMENTS



DATE	DESCRIPTION
07/27/20	1. TYPING OF FINISH COMMENTS

General Notes

- THIS DRAWING IS BASED ON LIMITED INFORMATION. THE CLIENT HAS PROVIDED ALL NECESSARY DATA. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CLIENT HAS PROVIDED ALL NECESSARY DATA. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CLIENT HAS PROVIDED ALL NECESSARY DATA. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
- UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE INDICATED.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE INDICATED.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE INDICATED.

PROJECT INFORMATION

PROJECT NAME: **APALOSA STEELTRIP**

ACCOUNT NUMBER: **TRINADITY**

PROJECT NUMBER: **010204**

DATE: **8/13/20**

SCALE: **1" = 32'**

PAGE: **1 OF 1**

PROGRESS LIGHTING COMMERCIAL

3015 HILTONS BLVD. SUITE 100
 FAYETTEVILLE, NC 28404
 704.782.1111

PCAD SERIES LED Area Designer Lighting

Specifications:

Construction: The fixture is constructed from die-cast aluminum with a powder coat finish. The fixture is designed for outdoor use and is suitable for use in wet locations. The fixture is designed for use in wet locations. The fixture is designed for use in wet locations.

Options: The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors.

Electrical: The fixture is designed for use with a 120VAC, 60Hz power source. The fixture is designed for use with a 120VAC, 60Hz power source. The fixture is designed for use with a 120VAC, 60Hz power source.

Listing/Certification: The fixture is listed by ETL and is suitable for use in wet locations. The fixture is listed by ETL and is suitable for use in wet locations. The fixture is listed by ETL and is suitable for use in wet locations.

Warranty: The fixture is warranted for 5 years. The fixture is warranted for 5 years. The fixture is warranted for 5 years.

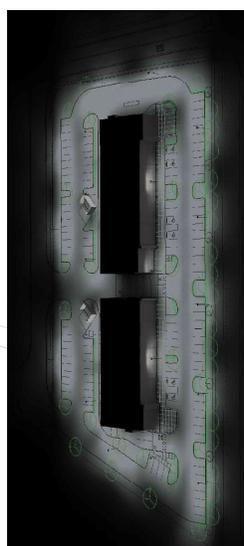
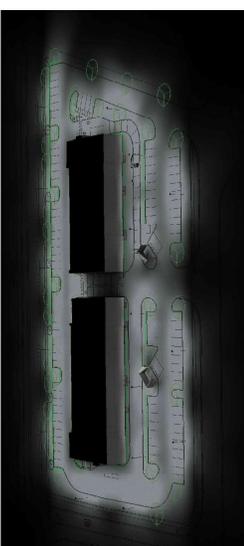
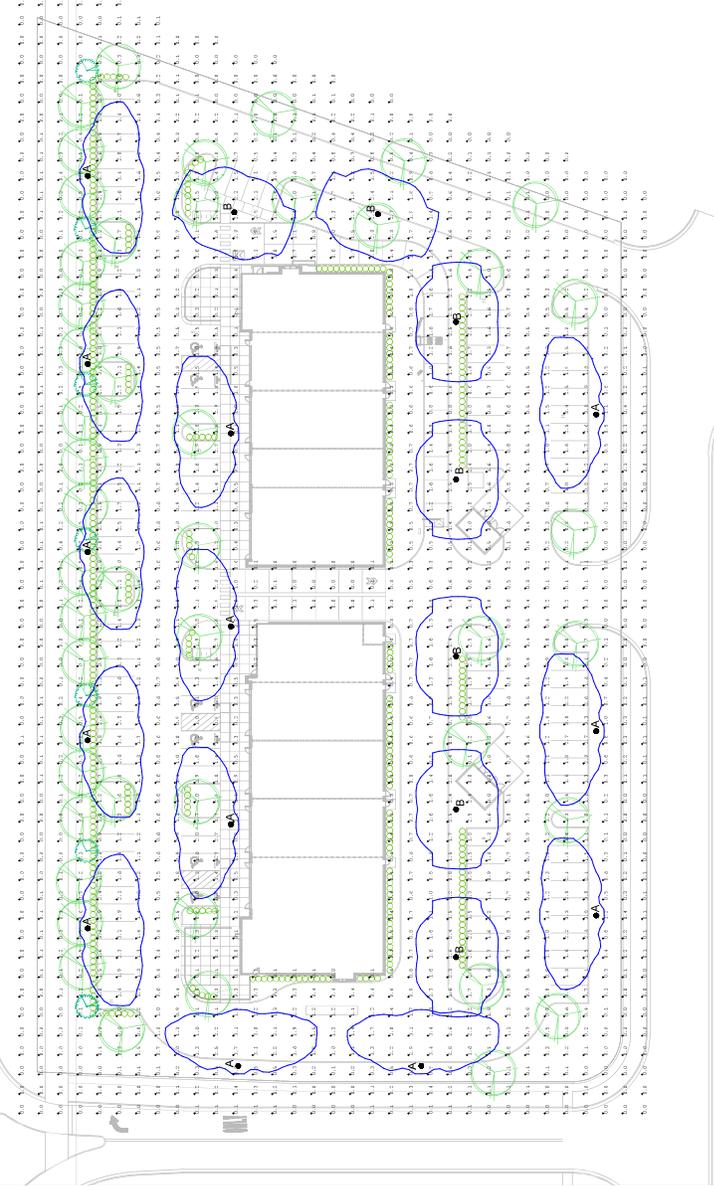
Color Temp: The fixture is available in several different color temperatures. The fixture is available in several different color temperatures. The fixture is available in several different color temperatures.

Energy/Usage: The fixture is designed for use with a 120VAC, 60Hz power source. The fixture is designed for use with a 120VAC, 60Hz power source. The fixture is designed for use with a 120VAC, 60Hz power source.

Finish: The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors.

Distribution: The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors.

Options: The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors. The fixture is available in several different finishes and colors.



CALCULATION SUMMARY

AREA	CACTYPE	UNITS	AVG	MAX	MIN	AVG/HR	MAX/HR
PROPERTY LINE	Barrance	Fc	0.00	0.7	0.0	N/A	N/A
SITE	Barrance	Fc	0.75	3.8	0.0	N/A	N/A
PARKING & DRIVEWAYS	Barrance	Fc	1.08	3.8	0.0	N/A	N/A

LIGHTING SCHEDULE

TYPE	QTY	PART NUMBER	NH	LUMENS	LUF	DESCRIPTION
A	13	PCAD355LED-4K-3	16'	6250	0.850	55W 4000K LED TYPE B OPTICS
B	7	PCAD355LED-4K-6R	16'	6468	0.850	55W 4000K LED TYPE BR OPTICS

PCAD SERIES

LED Area Designer Lighting

Specifications:

Construction:

The decorative pendant mount luminaire is pendant mounted in place with stainless steel bolts. The driver is located in the cast aluminum top housing and is accessible without tools by hinging the lower shade assembly. The lower shade assembly is a one-piece aluminum spinning.

Optics:

One piece optical system with internal brass standoff soldered to the board which can be field replaced. Two-piece die cut silicone and polycarbonate foam gasket ensures weather-proof seal around each individual LED and allows luminaire to be rated for high-pressure hose down applications. The optical cartridge is secured to the aluminum heat sink with fasteners to ensure thermal conductivity. Optics held into place without use of adhesives and complete assembly is gasketed for high pressure hose down cleaning.

Electrical:

Luminaire equipped with LED driver that operates with 120-277V universal voltage, 50/60Hz and includes 0-10V dimming capability. Power factor is 0.92 at full load. All electrical components rated at 50,000 hours at full load and 40°C ambient conditions. Thermal feedback between PCB and driver to protect luminaire from excessive temperature by reducing drive current as necessary. Surge protection standard with device providing surge current rating of 20KA using 8/20 pSec wave, LSP clamping voltage of 825V and surge rating of 540J.

Finish:

Polyester powder paint finish that is corrosion resistant and resists surface impacts up to 160 inch-pound.

Listing/Certification:

The luminaire bears a CSA label and is marked suitable for wet locations.

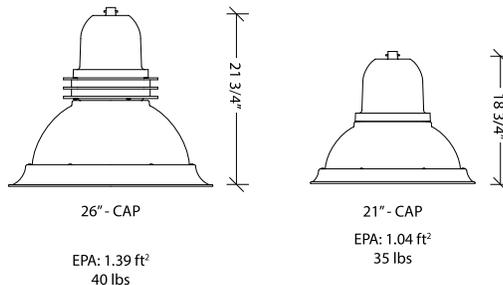
Warranty:

5 year limited warranty covering LED array and LED driver(s).

Images:



Dimensions & Mounting



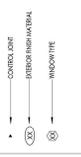
Engine/Wattage	Delivered Lumens (varies by optics)	Delivered LPW
55	5183-5500	93-100
80	6935-8215	93-103
136	12800-13700	93-103

Catalog number:

Series	Size	Wattage	Distribution	Finish	Options
PCAD - LED Area Designer Lighting	S - Small	55 - Small or Large	3 - IES Type 3	BZ - Bronze	Blank
	L - Large	80 - Small or Large	5 - IES Type 5 Round Wide	BL - Black	P - Photocell
		136 - Large Only		GN - Green	CR - Cast Rings

GENERAL ELEVATION NOTES
 A. REFER TO 2021 SITE INFORMATION SCHEDULE.
 B. REFER TO 2021 ARCHITECTURAL ELEVATIONS.
 C. FINISH ALL EXPOSED MASONRY WITH BRICK, PAVING MATERIALS, ETC.

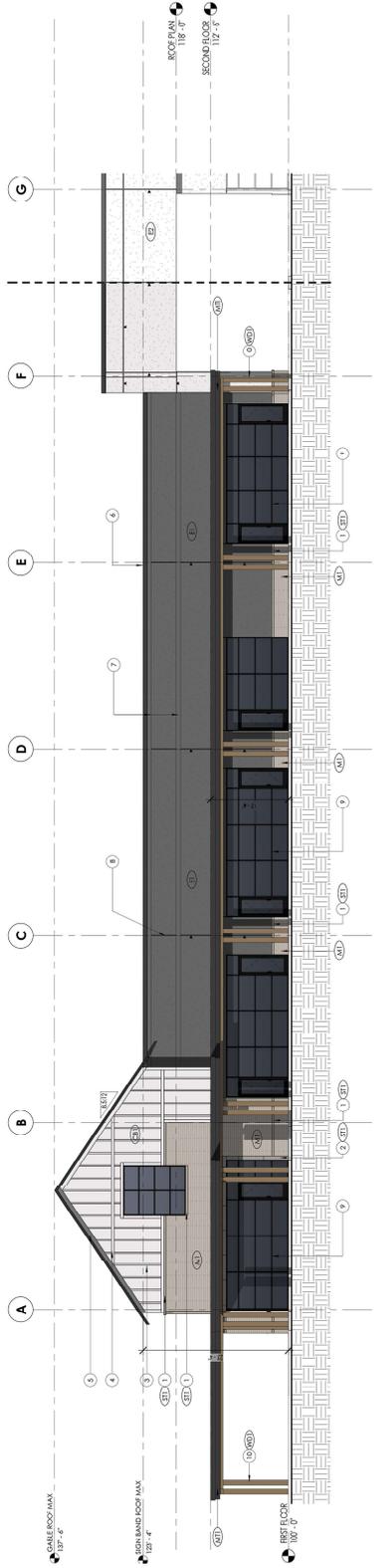
SYMBOLS



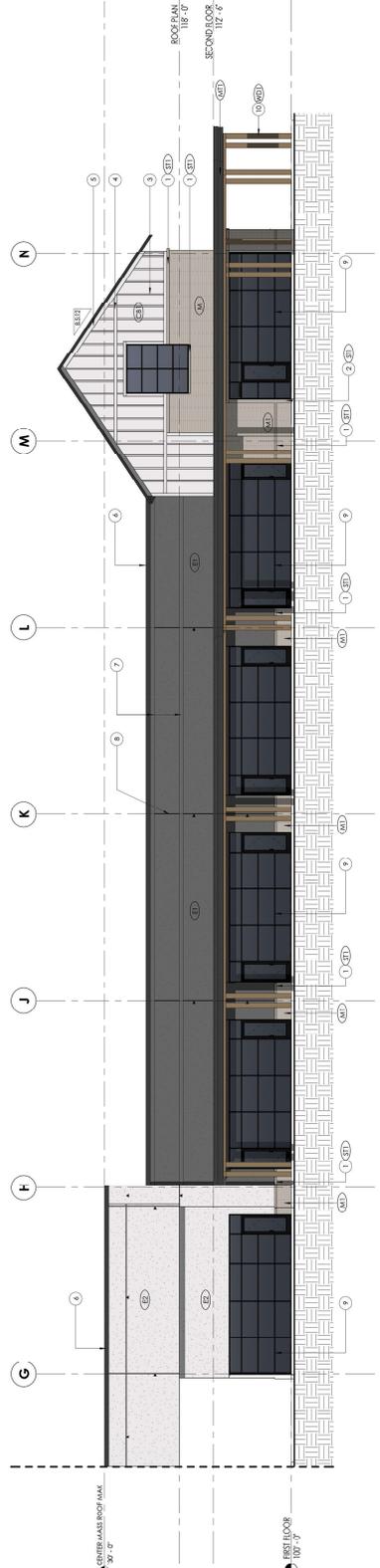
EXTERIOR ELEVATION KEYNOTE

1. HIGHLIGHTS TO MATCH TYPICAL.
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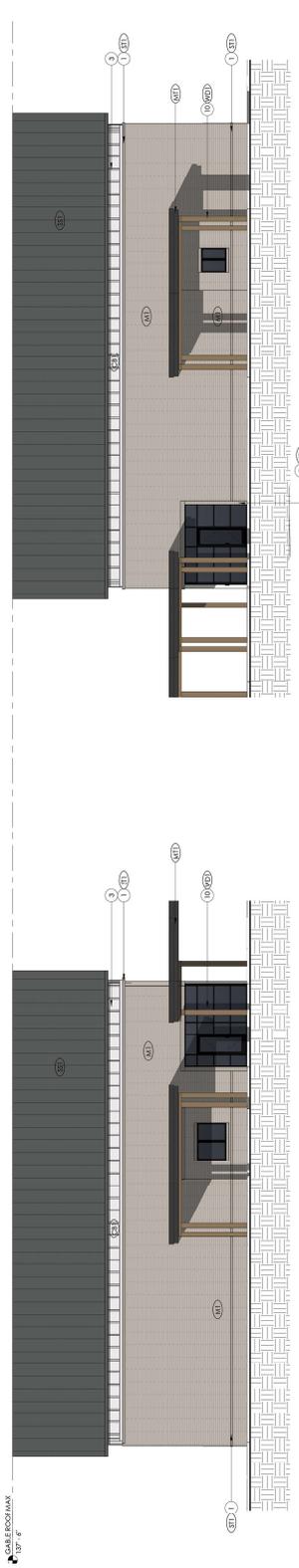
TYPE	PRODUCT	DESCRIPTION
EX-1	W/STONE MASONRY	W/STONE MASONRY
EX-2	W/STONE MASONRY	W/STONE MASONRY
EX-3	W/STONE MASONRY	W/STONE MASONRY
EX-4	W/STONE MASONRY	W/STONE MASONRY
EX-5	W/STONE MASONRY	W/STONE MASONRY
EX-6	W/STONE MASONRY	W/STONE MASONRY
EX-7	W/STONE MASONRY	W/STONE MASONRY
EX-8	W/STONE MASONRY	W/STONE MASONRY
EX-9	W/STONE MASONRY	W/STONE MASONRY
EX-10	W/STONE MASONRY	W/STONE MASONRY



01 EAST ELEVATION AREA A
 SCALE: 1/8" = 1'-0"



02 EAST ELEVATION AREA B
 SCALE: 1/8" = 1'-0"



03 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

04 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

GENERAL ELEVATION NOTES

- REF TO A01 FOR SITE INFORMATION, SCHEDULE
- REF TO A02 FOR WINDOW/ELEMENT ELEVATIONS
- PAINT ALL EXPOSED MISC. STEEL LABEL PANEL MOUNTS, ETC.

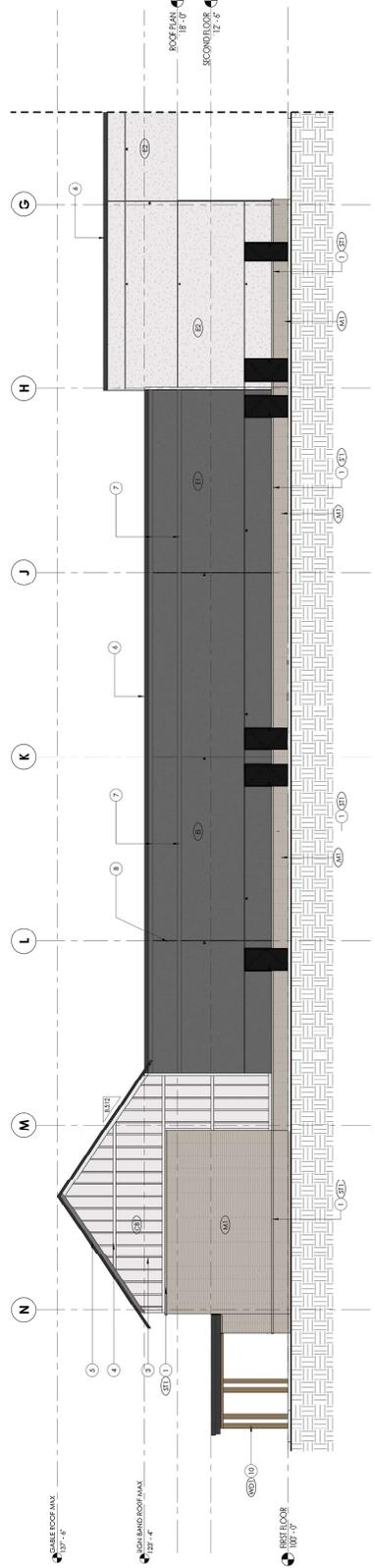
SYMBOLS



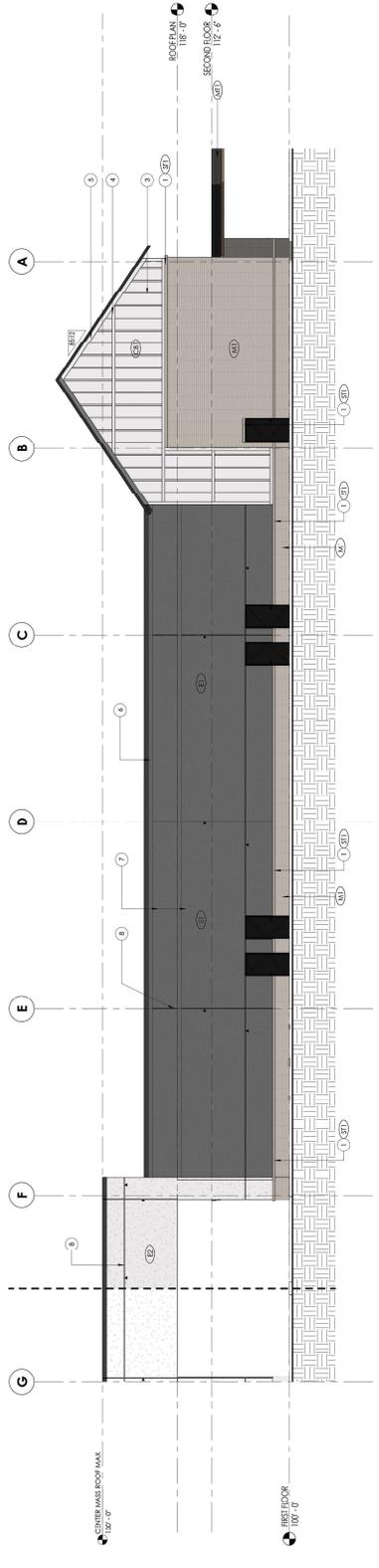
EXTERIOR ELEVATION KEYNOTE

- IMPOSED FULL HEIGHT SYMBOL
- IMPOSED FULL WIDTH SYMBOL
- PANED AREA, 1/2 PANEL, 2/3 PANEL, 3/4 PANEL, 4/5 PANEL, 5/6 PANEL, 6/7 PANEL, 7/8 PANEL, 8/9 PANEL, 9/10 PANEL
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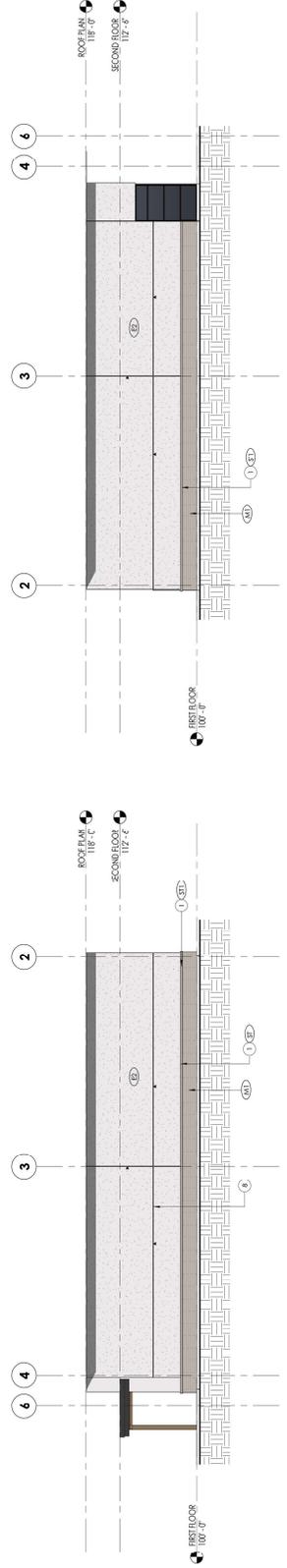
01 WEST ELEVATION AREA B
 SCALE: 1/8" = 1'-0"



02 WEST ELEVATION AREA A
 SCALE: 1/8" = 1'-0"

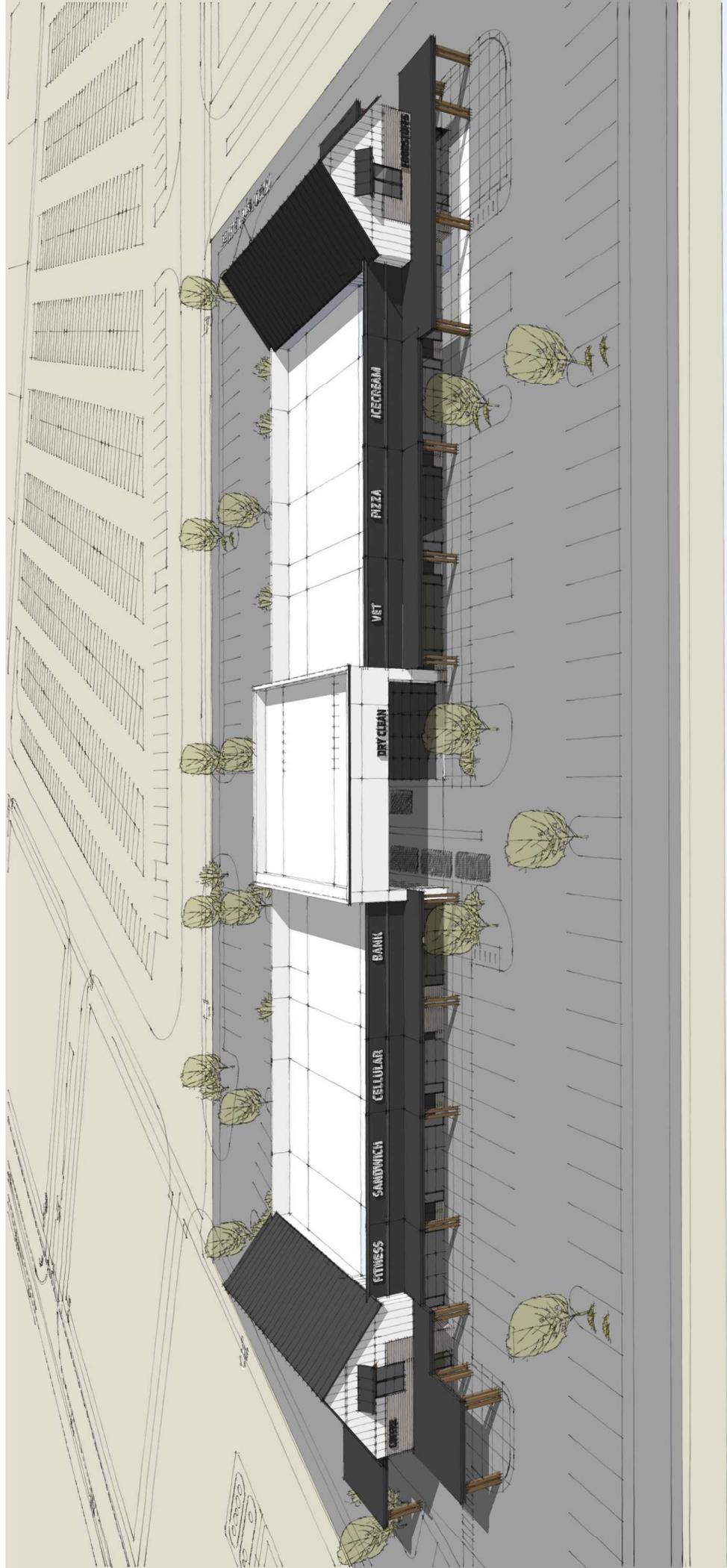


03 CENTER DRIVE THRU NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



04 CENTER DRIVE THRU SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

TYPE	PRODUCT	DESCRIPTION
(A1)	LAURENCE LAMINATE - FIELD	LAURENCE LAMINATE - FIELD SEE 4 (BOTH) FOR MATERIAL SPECIFICATIONS
(A2)	LAURENCE LAMINATE - ACCENT	LAURENCE LAMINATE - ACCENT SEE 4 (BOTH) FOR MATERIAL SPECIFICATIONS
(B1)	SP	PAINT - SPECTRAL GRAY COLOR: CH-4000
(B2)	SP	PAINT - SPECTRAL GRAY COLOR: CH-4000
(A3)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A4)	CEMEX	CEMEX COLOR: CH-4000
(A5)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A6)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A7)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A8)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A9)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000
(A10)	PAINT BEHRENBRAUN	PAINT BEHRENBRAUN COLOR: CH-4000



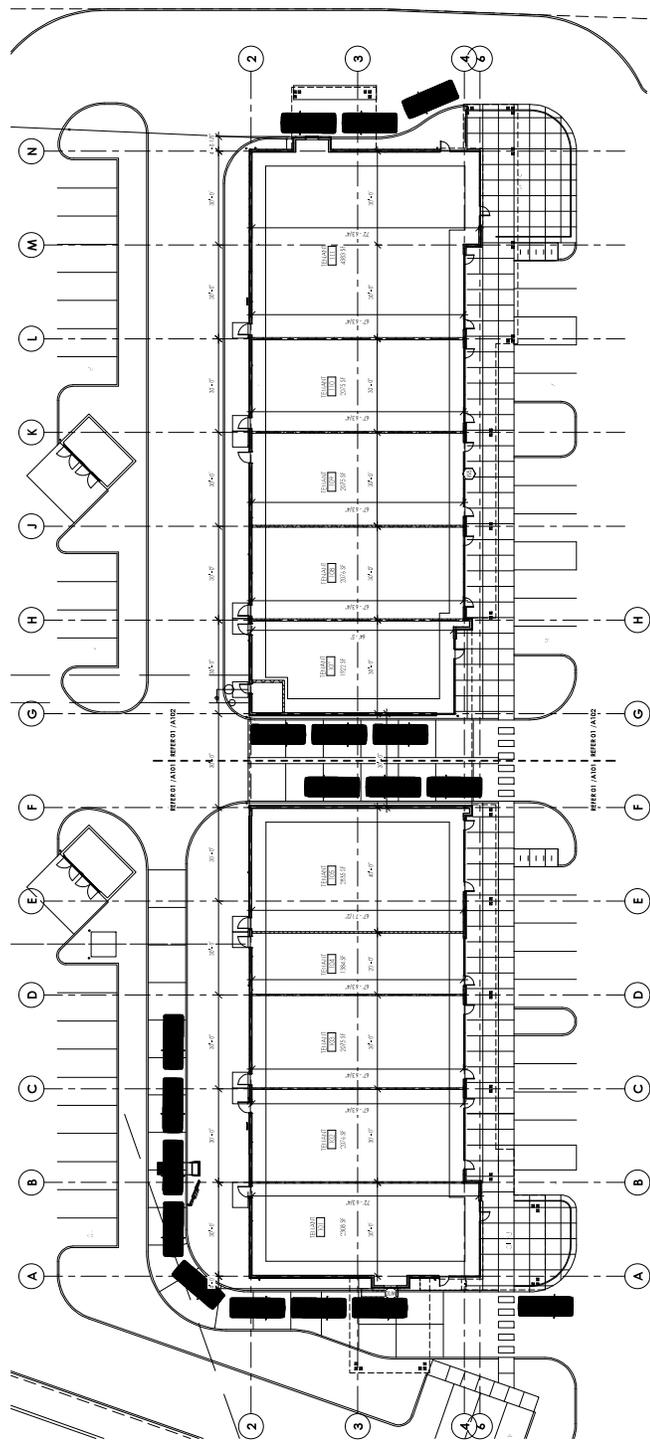
146TH & MICHIGAN SHOPS

CONCEPTUAL DESIGN

ZIONSVILLE 12/11/2019

- GENERAL PLAN NOTES**
- A. DO NOT SCALE DRAWINGS. REFER TO DIMENSIONS FOR ALL DIMENSIONS.
 - B. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS TO FACE OF CURB SHALL BE TO FACE OF CURB UNLESS NOTED OTHERWISE.
 - C. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - D. FOR ALL DIMENSIONS REFER TO DIMENSIONS.
 - E. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS TO FACE OF CURB SHALL BE TO FACE OF CURB UNLESS NOTED OTHERWISE.
 - F. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - G. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - H. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - I. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - J. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - K. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.
 - L. REFER TO ALL DIMENSIONS FOR ALL DIMENSIONS.

- PLAN KEYNOTES**
1. CONCRETE FLOOR SHALL BE FINISHED WITH POLISHED CONCRETE.
 2. CONCRETE FLOOR SHALL BE FINISHED WITH POLISHED CONCRETE.
 3. CONCRETE FLOOR SHALL BE FINISHED WITH POLISHED CONCRETE.
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 20. CONCRETE FLOOR SHALL BE FINISHED WITH POLISHED CONCRETE.



01 - FIRST FLOOR CONSTRUCTION PLAN
 SCALE: 1/8" = 1'-0"



ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
 From: Beam, Longest & Neff
 John Beery, PE, PTOE, PTP
 Date: February 6, 2020

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

PROJECT DESCRIPTION

Project	Name	Appaloosa Crossing (SE Corner of US 421 and CR 300 South)	
	Location	10901 E 300 South and 3201 S. US 421	
	Developer	Harris FLP	
	Submittal	No. 5 – January 31 Submittal	
Documents Reviewed		Document Name	Document Date
		Drainage Report	January 31, 2020
		Secondary Plat	January 31, 2020
		Construction Plans - Subdivision	January 31, 2020
		Construction Plans - Shops	January 31, 2020
		Landscaping Plan - Shops	January 31, 2020
		Photometric Plan for Shops	February 3, 2020
		Draft Traffic Impact Study	August 2019
		Fire Truck and Turning Templates	January 31, 2020
		Architectural Floor and Roof Plans	January 31, 2020
Zoning	Current	Rural PB	
	Proposed	Rural GB	
Land Use	Current	Agricultural	
	Proposed	Rural GB	
Requested Variances or Waivers		<ul style="list-style-type: none"> No foundation plantings around building No plantings in front of buildings. Relief from 30-foot greenbelt requirement for US 421 Overlay District 	

A review of the most recent submittals from January 29th and 31st was completed. The following is the list of comments from the original TAC review and comment letter dated January 23, 2020. Updates and the status of each comment is provided in red under the

original comment. Individual updates are provided due to the complexity and number of subsequent submittals. There was a drainage resubmittal made by the developer on January 27th, which consisted of a second comment letter which primarily involved drainage design. Therefore, there are two

I. DRAINAGE REPORT

- A. In reviewing the drainage report, exhibits, and plans submitted for the project, it is evident that the proposed drainage configuration and re-routing the majority of the 14.76 western watershed eastward will have adverse impacts and will not meet the requirements and intent of the Town's Stormwater Ordinance. The report and plans do not alleviate the concerns of Town and County staff, as it does not provide adequate direction and dispersal of discharge as well as adequate direction of flood mitigation, storage, and routing. I would recommend an alternative detention design to the one proposed as the present design does not appear to function as anticipated from our December 23rd meeting and subsequent communication and submittals. Refer to comment letter dated September 27, 2019.

Comment addressed. Refer to response letter from January 29th.

- B. The existing 36 inch pipe is noted to be a downstream restriction for emergency overflow routing and the 100-year storm event. Based on the calculations submitted, there are concerns about utilizing it to serve a watershed larger than it was intended to serve.

Comment is no longer applicable due to re-design submitted on January 27th.

- C. Page numbers were not included in either of the drainage reports, per our meeting on December 23rd.

Comment addressed in subsequent submittals.

- D. Per previous discussion, local ordinance takes precedence in the INDOT Driveway Permit Manual and design criteria. Please include the 100-year developed condition for flows tributary to the culvert crossing in the INDOT Drainage Report per the comments in our December 23rd meeting.

Comment is currently under review and will also be reviewed by INDOT per re-design submitted on January 27th.

- E. The maximum 10-year flow, 6.27 cfs, released from Pond 2P – South Pond on page 7 for the 10yr-24-Hr Rainfall in the Drainage Report exceeds the maximum allowable discharge, 3.89 cfs, in the summary table. Please address.

Comment addressed.

- F. Please complete the stormwater application checklist included in the Drainage Report.

A checklist was submitted with the most recent submittal from January 31, 2020.

- G. Please include the HUC Code for the project project's watershed in the Drainage Report.

Comment addressed.

- H. Please provide an overall flood routing exhibit for the project indicating emergency overflow routes in the Drainage Report. The last page of Appendix D in the drainage report has an 8 ½ x 11-inch page with the Shops project shown, but routing and storage is not shown or shaded in the exhibit. A 24 x 36-inch exhibit in the Drainage Report is the Town's Standard. Maximum ponding depths shall comply with the Town's Standards.

- A revised overflow routing exhibit was provided in the latest submittal. Ponding levels are not labeled or clearly labeled in many locations where sag inlets are located. By standard, there should be at least one passable 10-foot lane and no ponding of more than 7 inches deep to maintain access.
 - Based on the grades provided on the overflow routing sheet, Sheet #7 in the plans, and the profile for Hanovarian St, Sheet #14 in the plans, runoff would need to pond over 1 foot deep in the sag to overflow as shown in the drawings. Please address.
 - The elevation shown at the gutter for STR 113 east of Hanovarian St suggests that the roadway will need to be over 8.5 inches deep to overtop the curb and trail to the south in order to follow the overflow route shown. At that overtopping depth, the overflow would also overtop the centerline of the roadway which is labeled at an elevation of 907.18. The ponding elevation is not shown to overtop the road in the plans. Please review, address, and clarify.
 - The same situation appears to occur at STR 202 and 231. Please review all ponding areas and overflow routes to determine if they are feasible with and conform to the elevations provided in the plans.
 - Please check, review, and confirm all overflow route information.
- I. While the flood route exhibit does note the western overflow should route to the culvert under US 421, there are no diagrams, flow routing, or ponding areas noted in plans. There is not enough information on the plans to review and define the overflow routes previously discussed.

Comment addressed but see previous comment for verification.

- J. Water quality calculations in Exhibit D shall be per the requirements and format in Chapter 8 and 9 of the Town's Stormwater Standards. The methodology is presented in Section 2 of Chapter 9. Flow through hydrodynamic BMPs are customarily selected by their removal efficiency and flow based on impervious surface. Water quality calculations should be provided for each basin and in series relative to their upstream basin sizes. The write-up should summarize the areas, calculations and provide a detail and summary of the treatment. Each basin, per Standard, should flow through a minimum of 2 BMPs and calculations are needed for all BMPs.

Revised calculations have been received with the most recent submittal.

- K. Basin Node and Link Labels used in the drainage report and in the Cox Creek Exhibit should be consistent. Please review and make sure the links references are consistent.

The response from the developer is noted.

- L. The Cox Creek Analysis Exhibit shows that ponding will occur on Lots 7, 8, and 9 in Bridlewood Subdivision upstream of the existing 36" culvert. This information is based on LIDAR contour data and not actual survey data. Also based on the information, the storage and ponding does not occur within an easement as required by Town Standards and the Town's Stormwater Ordinance. This leads to further concerns with routing the additional 14 acres through the existing infrastructure.

This comment has been addressed with the re-design submitted on January 27th.

- M. Please provide a site map that includes BMPs and pond locations labels and names in the Drainage Report. The size should be 24 x 36-inch and it will be reduced in size to be included in the O&M Manual.
- N. In the drainage report, there are two exhibits for proposed conditions and proposed conditions (phase 1). Please provide a detailed summary in the drainage narrative to provide explanation on the difference between these two sheets.

Comment addressed.

- O. Please confirm the proposed inlets in sag conditions are sized at 50% clogged condition. Also, the 36-inch offsite outlet was not assumed to be clogged when it was analyzed.

Comment addressed.

- P. In the drainage report, the existing conditions exhibit is currently on letter size sheet which is not legible. Please provide legible exhibit on a plan sheet (24x36), also please provide topographic information 200ft along the perimeter of the property pre the requirements of the Town's Stormwater Standards.

It appears that some inlets and stormwater collection points only receive either one source or no source of water quality treatment. Please review the BMP treatment scheme and address. This was noted by both Town and review staff. This appears to occur primarily in the western basin and the wester interior roadway.

II. PRIMARY AND SECONDARY PLATS

- A. Page 15, "*Retention Ponds and Related Easements*" of the "Declarations and Covenants" for the subdivisions refers to 15-foot easements for maintenance around retention ponds. These easement do not appear on the plat, including the south pond along US 421. This needs to be addressed in the plat and on the plans.

This comment appears to be addressed.

- B. Fifteen-foot clear access easements are required around all ponds. Access is not provided to all ponds, as the top of bank for some are directly adjacent to property lines. Please also check the safety ledge requirements for wet bottom ponds in Chapter 6 of the Town's Stormwater Standards and review for compliance.
- C. All BMPs and pond shall be in maintenance and drainage easements and have access for maintenance and assigned to an entity by the plat and the O&M Manual.

Comment addressed.

- D. Please label all roads in the secondary plat. Please include the following note on the plat:

"Channels, storm water infrastructure 12-inches or larger, six-inch or larger subsurface drains in rear yard swales and under curbs where no street trees are allowed, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated drain easements. Drainage swales shall be the responsibility of the owner or the property's owner's association."

Comment addressed.

- E. Please add the following note to the secondary plat:

"Cross Reference Stormwater BMP O&M Manual Instrument # _____ which shall be the responsibility of the owner of the lot created by this plat. Said obligations shall run with any future owner, assigns, or heirs of the property. Obligations may not be transferred to a entity which is not an owner of the property."

Comment addressed.

- F. Easements that include internal access roads shall be designated and dedicated as intravehicular access easements for private roads/streets.

Comment adequately addressed.

- G. Dedicated sanitary sewer, water line, and other utility easements should be included on the plat.

Comment adequately addressed and will be monitored in the future.

- H. It is recommended that the note provided in the plat that reads “The first five (5) feet of any utility easement ...” be deleted, as it references the Town and infrastructure and services that the Town does not provide. All references to the Town should be re-evaluated because the internal roads and infrastructure and not specifically dedicated to the Town.

Comment addressed.

- I. All internal streets and drives the plat should be labeled with the street name and “(Dedicated as Private)” behind the name.

Comment addressed.

- J. Provisions for the perpetual maintenance of the internal roadways should be cross-referenced between the plat and the Declarations of Covenants and Restrictions. A note on the plat should be added for the Declarations recorded cross-reference number.

Comment addressed.

- K. Provisions in the plat should note access easement for individual lots to maintain and repair utility service laterals.

Comment sufficiently addressed.

- L. The lot south of proposed Common Area D, County Parcel #0290715000, is surrounded by a heavy dark line used for the rest of the proposed subdivision. Is this parcel a part of the project or to be platted or split as part of the project as the linework suggests? Please verify and address.

Comment is addressed.

- M. The right-of-way labels for CR 300 South on sheet 2 of the plat should be checked. While the 130 feet label scales out correctly across the roadway, the 70 ½ ft label along the proposed south right-of-way line does not scale out to that distance from the control line shown and referenced at the intersection of US 421.

Comment appears to be addressed.

- N. The proposed half right-of-way needed for the future CR 300 South project is an 80 ft half right-of-way. The thoroughfare plan in this location does warrant this distance due to the number of lanes, the proximity to the intersection, and the per the County's Ronald Reagan Mini-Corridor Plan.

Please label proposed right-of-way dedications on Sheet 2 of the Secondary Plat. Please dimension the proposed right-of-way called out Sheet 3 from the quarter section line show in the plat.

- O. The proposed plan and plat have several noted differences between bufferyard and setback requirements in the US Highway 421 Overlay District defined in the Town's Zoning Ordinance which will need to be addressed.

Planning staff reviewing, comment appears to be addressed.

- P. Lots should not be split across pages on the plat. All lots should appear in their entirety on one sheet. For instance, lots are broken across pages 6 and 7 of the plat. Outlot 1 and its legal description callouts are split across 4 separate sheets. Please address.

Comment addressed.

NEW COMMENTS

- Q. Please provide a corner cut for right-of-way on the northwest corner of Outlot A. The proposed trail and other improvements are not shown to be located in right-of-way.
- R. Please label the width of the buffer/easement of the east side of the site on Sheet #3.
- S. Further review is pending future submittals.

III. CONSTRUCTION AND DEVELOPMENT PLANS

- A. "Comment B" in the original comment letter dated September 27, 2019, should be referenced for future consideration. The development should consider the proposed alignment and requirements for CR 300 South outlined in the Boone County Thoroughfare Plan and the Zionsville Transportation Plan for road improvements and the required right-of-way. Please review the present site plan to ensure that it matches the necessary right-of-way requirements.

Comment appears to be addressed.

- B. Both plan set cover sheets show two separate contacts for Street and Stormwater, please combine into one Street & Stormwater and show Lance Lantz as the contact.

Comment appears to be addressed.

- C. Please review the development plan sheets to ensure that the existing and proposed contours tie together.

Comment appears to be addressed and it will be monitored in future submittals.

- D. Swales drainage ditches along the north and east perimeter of Future Mixed-Use Block A are not located within easements. Please check to ensure that all swales are located in drainage easements.

Comment appears to be sufficiently addressed for this stage of the submittal.

- E. Drainage structure and BMP numbers should be included in the erosion control plans.

- F. Matchlines should be provided for connecting sheet references in the plan sheets.

Comment addressed.

- G. Semi and Fire Engine Turning Templates should be ran for each street, drive, and parking lot entrance configuration with opposing traffic in drive approaches. Trucks should be able to make turns at all drives and intersections and stay in their lane and on pavement at radius points.

Please review the proposed templates. The design should be based on a smooth drive path set a certain driving speed, which should be 10 mph for right-hand turns and 15 mph for left-hand turns. Some of the turning movements are not smooth and appeared to be steered by hand.

- H. Bollards or railed barrier shall be installed along roads, right-of-way and parking lots per the Town's Stormwater Standards per previous discussions.

Comment addressed and will be monitored in future submittals.

- I. The grading in the plans does not show or indicate overflow routing discussed in the December 23rd meeting to US 421.

Comment addressed with re-design submitted on January 27th.

- J. The sanitary sewer system shall be reviewed and approved by TriCo.

Comment is in the process of being addressed.

- K. The detail for the proposed construction entrance provided in the Erosion Control details does not match the Town's standards. Please consult the Town's Stormwater Standards and modify the detail to include the physical characteristics and notes provided in the Town's detail.

The Town's correct detail is in the Appendix in the back of the most current Stormwater Standards on page 3 of 4 of the Individual Lot Stormwater Pollution Prevention Requirements.

- L. Exterior road and entrance improvements should be shown for the Shops project, as they will need to be completed with or prior to that project along with drainage improvements.

Comment sufficiently addressed.

- M. Reduced speed limits and signage are needed in the proposed maintenance of traffic (MOT) plans for US 421 and CR 300 South. Reduced speed limits should be provided for the tapers shown for the construction zones. Please include reduced speed limit signs for the designs based on the taper lengths. The work zone design should be per the requirements of the *MUTCD* and *Indiana's Work Zone Traffic Control Guidelines, 2013* or latest edition.

Comment is not critical and will be deferred to prior to construction release.

- N. Please check the number of barrels listed and the calculations with the spacing provided. The number of barrels appears to not match the spacing and the numbers counted in the plans.

Comment is not critical and will be deferred to prior to construction release.

- O. Details for the merge and a typical details for roadway cross section in MOT zones. The detail should provide barrel spacing and clearance and minimum lane width in the construction zone within the existing cross section of the roadway.

Comment is not critical and will be deferred to prior to construction release.

- P. The MOT plans should provide provisions, references and details for flagging operations.

Comment is not critical and will be addressed in further review.

- Q. Please provide the MOT plans in a more legible scale. May of the specifics are presently left to scale and they are difficult to read and interpret. Further review is pending.

Comment is not critical and will be addressed in further review.

- R. End sections and spillways shown the drainage plans should be evaluated per Town Standards for rip rap and stabilization to present scour.

Comment appears to be sufficiently addressed at this time, although future review is pending revisions.

- S. The roadway lane widening and tapers for the public road portion of the project need to be consistently labeled and dimensioned on each sheet.

Comment is not critical and will be deferred to prior to construction release.

- T. INDOT has approval authority over work design and performed in their right-of-way. Please reference INDOT's Standards and the Driveway Permit Manual which govern that work.

On-going review of this item will continue, including the drainage design, which will require approval as well.

- U. Plans for the proposed entrance are pending future revisions and considerations by INDOT and in the Traffic Impact Study. Further reviewing is pending. Please reference previous comment letters for the on-going CR 300 South Study. Any changes to the plans or the Traffic Impact Study requested by the INDOT should be provided the Town for input and comment.

Please refer to related comments.

- V. Please label street names on all sheets.

Comment sufficiently addressed.

- W. Stop signs shall be called out on the plans and placed at each drive exiting into public right-of-way where traffic control is not provided.

After further review, the draft Traffic Impact Study does not address who this issue should be handled or how stop control could affect queuing and access. Please review and place internal traffic control accordingly.

- X. Please go through the plans and move overlapping text and callouts for legibility.

Comment sufficiently addressed at this time.

- Y. Based on proposed and existing topography, the grading for the emergency spillway at the south end of the north pond will route into Lots 35 and 36 of the neighboring subdivision. Please address.

Comment addressed.

- Z. Please provide provisions for either underdrains or swales along the east perimeter or the project. It appears that berms and other grading is creating small pockets of undrained areas adjacent to the residential area.

Comment not sufficiently addressed. Perimeter swales, particularly along residential and neighboring and adjoining properties require underdrains.

- AA. The berm along the east property line scales out in some locations to exceed the Town's maximum 3:1 slope requirements. Please review and address where applicable.

This appears to be addressed and will be monitored in future submittals.

- BB. Sheet 15 of 42 of the Site Plans shows a swale/ditch running north/south along the east edge of the internal roadway. The cross street shown does not have a culvert underneath and it appears that the roadway will block drainage. (Note that streets are not labeled on the sheet.) The plan sheet and site plans show that the intent of the drive is to extend eastward. The proximity of existing cross culverts and their proposed grading appear to conflict with the proposed extension and would create a both a conflict and a steep embankment adjacent to the street extension.

Comment addressed.

- CC. The right-in-right-out access on CR 300 South is shown as a full driveway. The access point shall be designed to match the right-in-right-out on US 421.

Comment pending resolution with elements of Traffic Impact Study.

- DD. The middle access point on CR 300 South has been converted into a full access with a left-hand turn lane into the facility. In the pre-filing meeting, it was discussed this would act as "a right-in-right-out" because of the existing median in CR 300 South. The current plans show the median getting cut out to install a left-hand turn lane into the development.

Response noted and pending Traffic Impact Study comments.

- EE. The additional lane along CR 300 South from the intersection that was discussed in previous meetings has not been included in the plans submitted.

Comment addressed. Pending INDOT approval.

- FF. The safety ledge in the Typical Pond Detail on Sheet 33 shows that the depth of the safety ledge below normal pool is 12 inches. The Town's Standard Page 10 of Chapter 6 is 6 inches. Please address.

Comment addressed.

GG. The Typical Pond Detail referenced above shows the required 10-foot maintenance ledge, which may be included in the 15-foot easement.

Comment addressed.

HH. There are concerns regarding modifications at the east side of the existing box culvert under 421, which is located NW corner of outlot F. There is manhole structure and to pipes shown connected to this structure. This configuration will reduce the capacity of this box culvert to accept flows from the tributary watershed. The box culvert should be extended to the east to allow surface water runoff to be accepted into this culvert in a depressional area.

Comment addressed by drainage revisions.

II. Offsite contours on Sheet 6 of the overall site development plans are not sufficiently labeled to determine and assess topography.

Comment addressed.

NEW COMMENTS

JJ. The curb ramps shown in the locations on the plans do not match the detail shown on Sheet #34. Please address and check for ADA compliance.

IV. LIGHTING PLAN

A. A lighting plan was not submitted for the Shops project or the overall site plan.

A lighting plan for the Shops' site plan was received on February 3rd. No comments on the proposed photometrics. The diameter and specifications for light poles were not included in the cut sheet or in the plans. Building-based lighting, if proposed or considered should also be included in the submittal and plan. The lighting plan is not included in the site construction plans.

V. LANDSCAPING PLAN

A. A landscaping plan was not submitted for the overall site plan.

Note the receipt of a plan for the Shops only. See further comments.

B. The petitioner has requested a variance for foundation and building-based landscaping requirements.

- C. It is recommended that the sizes of the proposed green spaces be large enough to accommodate and be coordinated with the materials intended for planting so the uses and plantings do not interfere with one another or other physical elements of the site plan.

Comment addressed

- D. Sizes, types, and variations of plantings are not provided in the landscaping plan for the Shops. Please provide a detailed planting schedule for the development as well.

A plan was submitted for the Shops portion of the project. Note that landscaping rock with an unspecified color or type is noted in the plan and it is not listed as a landscaping material in the US 421 Overlay. It is restricted in other zonings to a certain percentage of the landscaped area. Please address.

VI. ARCHITECTURAL AND OTHER SITE ELEMENTS

- A. Please note the architectural requirements in the Rural Michigan Road Overlay District under Item C of Section 194.079, Rural: Overlay Districts of the Town's Zoning Ordinance. Please contact staff to coordinate and discuss specific waivers that need to be requested. They include;

§194.079(C)(10)(a) Architectural Designs; Design Theme: "Buildings shall be designed with an overall theme consistent with or complementary to the Colonial, Federal, Georgian, Victorian or Greek Revival periods. New buildings are not required to be imitative, but must incorporate the salient features of these architectural styles." Please have your architect prepare a brief statement as to how the proposed architecture style complies with this requirement. If the proposed building elevations cannot not comply with this requirement, a Waiver of this Architectural Design Requirement must be requested by the Petitioner of the Plan Commission.

§194.079(C)(10)(d) Architectural Designs; Building Facades: "Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style. Buildings with continuous facades that are 90 feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight feet deep, and at intervals of not greater than 60 feet...For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots shall be of the same materials and similarly detailed." As presented, the proposed facades do not include a defined base or foundation and do not include the required offsets. A Waiver of these

Architectural Design Requirements must be requested by the Petitioner of the Plan Commission.

§194.079(C)(10)(i) Architectural Designs; Storefronts: “Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not exceed 75% of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signs and lighting consistent with the overall building style.” Many of the tenant bays are primarily glass which appear to exceed 75% of the façade area. As the provided drawings are not fully dimensioned, please confirm the proposed design complies with this development standard. If not in compliance, a Waiver of these Architectural Design Requirements must be requested by the Petitioner of the Plan Commission. This Waiver Request should be included in your submittal of the Development Plan Application.

No direct response has been received to the above items in this subsection.

- B. Please label roof pitch in the architectural renderings.

The petitioner stated in the response letter received on January 31, 2020 that the roof pitch would be labeled on future revisions on Sheet A104. Architectural construction floor and roof plans were submitted, with partial dimension for the roof, but the pitch was not labeled.

The intent of labeling the roof pitch, for which the requirements are defined in Item (e) of Sub-Section (10), Architectural Design Requirements, of Section (C), U.S. Highway 421 – Michigan Road Corridor Overlay District in the Town’s Zoning Ordinance, is to provide the Planning Commission with convenient referenced. Roof pitch is presently not labeled in the Sheet A104 of the latest architectural drawings and it was not labeled in the architectural renderings originally submitted for the project.

Please label roof pitch on the original architectural renderings submitted for the sake of clarity for Planning Commission review. Refer to staff comments.

- C. Proposed signage is not provided or shown in either site plan submittal. It should be located in the site plans because it has the potential to affect or be affected by the location and function of other elements in the site plan.

Developer’s response in their January 31, 2020 resubmittal is noted.

- D. The architectural and site plans for the project do not contain provisions for shielding rooftop mechanical elements and vents and they are not shown in the

architectural renderings. It should be noted that provisions for the anticipated rooftop elements should be included in and noted for the project.

- E. Please prepare a summary table to include on the architectural drawings of percentage of the exterior materials for each façade elevation. The overlay district has architectural requirements for materials that will need to be evaluated and compared. Per the overlay district, windows shall not exceed 75% of the any façade. Please include glass in the summary.

Separate summary tables were submitted as separate sheets. Refer to staff comments.

VII. TRAFFIC IMPACT STUDY

- A. The concept site plan in used in the Study does not match the most recent site plan filed for the development for internal commercial/retail component of the project. It is recommended that internal intersections in close proximity to the right-of-way be modeled with their traffic control to determine or assess any potential impacts to public streets.
- B. As the site plan and other elements of the project progress, there are specific uses such as gas stations, drive thrus, and day care facilities mentioned for the site. Have any of these micro-uses been evaluated for parking and trip generation to determine with they exceed or are within the parameters of the uses and square footages assumed for the project? While the Town is not necessarily opposed to these uses, it appears that they need to be considered in the Traffic Impact Study.
- C. Four drive thrus are shown in the site plan. An analysis of the square footage of these locations should be discussed in the Traffic Study to determine if they are more intense than the Shopping Center use assigned in the study. The average trip rates for Shopping Centers can vary greatly from a Coffee/Donut Shop or a Fast Food Restaurant with a Drive-Thru. Also, Medical Office can draw a significant number of additional trips versus general office.
- D. The Town has been contacted by an outside designer regarding a daycare facility on one of the outlots on Michigan Road. This use was not factored into the Traffic Impact Study for the project. The intensity of the use and the capacity of the site to handle both parking and peak hour staging for such a facility should be evaluated for queue storage.
- E. Additional uses, such as some type of residential use has also been discussed within the development. While this could be have a lower impact than other proposed uses, it is not factored into the development.

- F. Based on the changes in accesses on CR 300 South from previous discussions, there is no analysis or alternatives presented in the Traffic Impact Study which reduce the number of full access points. Has this been investigated?

Note the petitioner's response below received January 31, 2020:

VII. TRAFFIC IMPACT STUDY

A. – F.

Due to various timing constraints, the traffic impact analysis was conducted without full knowledge of exact land uses that will be constructed on the subject site. Therefore, for the retail portions of the site the general retail use was used as it typically represents an aggressive traffic condition. Obviously, some specific uses (coffee shop, fast food etc.) could produce different trip estimates but these uses also typically generate significantly more pass-by trips than the general retail use considered in the study. Other potential uses such as day care, medical office and residential components were also not defined (and are not given at this time) at the time of the traffic study. However, residential and day care uses would likely generate less traffic compared to the uses included in the study. Finally, the recommendations within the traffic impact study include turn lanes at every access drive and a potential traffic signal along US 421 at the main drive. These recommendations represent maximum practical build out improvements along US 421 and CR 300. Therefore, incremental increases in traffic due to site development details would likely be accommodated by the recommendations called out in the study.

While restaurants, coffee shops, and other facilities are eligible and could receive pass-by trip reductions, the number of new trips is not necessarily and conclusively offset by other less intensive uses or equal to or less than trip rates for general business, commercial, or shopping centers. Additionally, the diversion of pass-by trips to certain users can and often do have adverse impacts to traffic because trips that pass by a vacant parcel of land can be converted into left-hand turns from trips which normally pass by as straight through movement.

In response to and in support of previous comments, those impacts described in the response cannot be fully vetted and analyzed at this time because of the difference in uses from the site plan and uses assumed and used in the original traffic impact study. The most recent site plans vary significantly from the site plan in the original traffic study as it does not assume a fueling station or any of the four drive-thrus shown in the most recent site plan. Therefore, the original traffic impact study should be updated to reflect the most recent site plan. Furthermore, the connection to the neighboring subdivision to the east is shown in the traffic impact study and the connection is not presently shown in the project plans, which impacts traffic movements. There has also been not commitment to the connection. Therefore, comments A through F are valid and can be addressed through an updated traffic impact study which matches the present site plan.

Pass-by and diverted trips are also not calculated consistently between assigned uses. For instance, trips generated for the site using land use codes for General Office and Shopping Center. The percentages of pass-by and diverted trips for the development are calculated using land use codes for General Office and General Retail. Pass-by trips and diverted trips should be calculated in a manner consistent with assigned uses

for trip generation. Neither the assigned uses used in the Traffic Impact Study nor the uses in in the Study's site plan and the most current site plan are consistent. Please rectify the uses in the Impact Study and with the proposed site plan and apply the appropriate use codes for trip generation and pass-by trips.

VIII. DECLARATIONS COVENANTS AND RESTRICTIONS

The response received in the January 31, 2020 submittal package states that the revisions addressing the following comments will be made prior to final staff review.

- A. Page 6; definition of Parcel: this states that on the Plat, the individual Lots will be identified a "Lot followed by a number." From the filed Secondary Plat, the Lots are followed by a letter, not a number.
- B. Page 17- Please add to "Retention ponds and Related Easements": "Declarant, the Association, and all subsequent assigns and heirs of all lots and property within the subdivision shall be responsible for maintain the Retention Ponds and drainage system in a functional manner consistent with the original design of the project and in compliance with the Stormwater Operation and Maintenance Manual on file and recorded for the subdivision."
- C. Page 33, Paragraph #18(A) – This states there will be no residential use permitted within the development. From earlier discussions with the developer, we know they are considering residential uses for a portion of the internal acreage of the site.
- D. Page 39, Paragraph 19(K) – Notices: this states that Notices are to be sent to an entity which is not the project's Declarant.
- E. Exhibits were not attached to the draft documents. Further review is pending.

IX. STORMWATER PERMIT AND O&M MANUAL

- A. A stormwater O&M manual will be required for the subdivision in later submittals prior to construction.

Comment is not critical and will be deferred to prior to construction release.

- B. Stormwater permits and an NOI for the project will be required after plans are revised and the project is approved.

Comment is not critical and will be deferred to prior to construction release.

X. GENERAL

- A. Street names should be submitted for review and approval.

Comment addressed but still pending resolution.

- B. No utility main sizing information has been provided.

Response noted and comment is not critical and will be deferred to prior to construction release.

- C. All drive lanes should be heavy duty asphalt to support heavy truck and emergency vehicle traffic.

Response noted and comment is not critical and will be deferred to prior to construction release.

- D. Hydrant locations are too far from outlets to provide service to buildings.

Item is subject to re-review by staff.

- E. The cross connection between the development and the neighborhood is inconsistently shown in the plans and supporting documentation. What is the plan for the connection? The connection is supported because it provides access to the develop from the neighborhood rather than forcing the traffic from the neighborhood into making two or three left hand turns to get from the subdivision using CR 300 South to access the development. This will eliminate left turns and congestion on CR 300 South.

Comment still outstanding.

- F. Further review and comments are pending on all submittals as future more detailed submittals are made and these comments are addressed.

XI. PROJECT COST ESTIMATES AND PERFORMANCE BONDS

- A. Itemized construction cost estimates and performance bonds will be required prior to construction and dependent on certain elements of project phasing.**

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

REQUEST FOR WAIVER OF BUILDING MATERIALS DEVELOPMENT REQUIREMENTS

FINDINGS

Building Materials Findings. The Town may grant a Waiver of the Building Materials Development Requirements of the Michigan Road Overlay and approve the use of alternate exterior building materials on any facade of a building upon finding that:

1. The building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the building and will not be detrimental to the use or value of area properties because:

The proposed design for Appaloosa Crossing is comprised of materials which are all approved for the overlay district, executed in a modern style.

2. The building materials utilized are appropriate when compared to the building materials utilized on other buildings on the site and surrounding sites because:

The material use for Appaloosa Crossing is complementary and compatible with the surrounding rural, agrarian style and is consistent with Zionsville strong desire to create variation and interest in the built environment.

3. The building materials utilized are consistent with and compatible with other building materials utilized on, and with the overall exterior character of, other buildings and development located along the street because:

A strong stone base of stacked limestone with accompanying stone lintels and sills is complemented with traditional board and batten siding, all seen in the surrounding areas along with traditional gable roofs. Additionally, the use of wood posts and accents for the canopy and additional architectural details furthers Appaloosa Crossings fit into the surrounding area.

4. The building materials utilized are consistent with the intent and purpose of this chapter because:

Appaloosa Crossings seeks to be a unique addition to the Michigan Road Overlay area that will attract businesses looking to be part of a distinctive development.

DECISION

It is therefore the decision of this body that this Request for a Waiver of Building Materials Development Requirements is **APPROVED / DENIED**.

Adopted this _____ day of _____, 20_____.

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

REQUEST FOR WAIVER OF ARCHITECTURAL DESIGN REQUIREMENTS

FINDINGS

Architectural Design Findings. The Town may grant a Waiver of the Architectural Design Requirements of the Michigan Road Overlay and approve an architectural design which does not incorporate the overall theme or incorporate the architecture, design and overall aesthetic exterior character of a building consistent with the Georgian, Federal, Greek Revival or Victorian architectural styles upon finding that:

1. The Architectural design represents an innovative use of building materials or design, or site design features which will not be detrimental to the use or value of area properties because:
The proposed design for Appaloosa Crossing is a modern interpretation of some of the first barn styles built in the United States and those which define the landscape in equine architecture. Reminiscent of barns in England, these early barns were a simple and popular design during Colonial times; rectangular in shape, gabled roof, with board and batten siding and a stone base, a style which Appaloosa seeks to modernize.
2. The proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites because:

The architectural style is meant to fit into and complement the surrounding rural architecture and nearby stables, while still being noticed as a product of its time.

3. The building design is consistent with and compatible with other development located along the street because:
The modern use of stacked stone, wood siding, EIFS, and glass, are utilized in a manner meant to accompany the surrounding architectural styles. As the commission has noted, this building is the first in the overall integrated center and looks to establish this agrarian style as a strong foundation for future projects.
4. The proposed building is consistent with the intent and purpose of this chapter because:

We believe this development will provide this district with a unique sense of place that will increase property values, exist cohesively with existing residential uses, and attract new businesses.

DECISION

It is therefore the decision of this body that this Request for a Waiver of Architectural Design Requirements is **APPROVED / DENIED**.

Adopted this _____ day of _____, 20_____.

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

**PETITION FOR PLAN COMMISSION APPROVAL
OF A DEVELOPMENT PLAN / MODIFICATION OF DEVELOPMENT PLAN**

FINDINGS

1. The Development Plan/Modification of Development Plan **(is/is not)** compatible with surrounding land uses because: The property is zoned for the proposed use

2. The Development Plan/Modification of Development Plan **(does/does not)** demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because:
The project meets local storm water drainage standards and utility availability has been confirmed.

3. The Development Plan/Modification of Development Plan **(does/does not)** demonstrate the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community because:
The proposed design is in accordance with the recommendations within the proposed Traffic Impact Study.

4. The Development Plan/ Modification of Development Plan **(does/does not)** utilize building materials and building style compatible with the Zionsville theme because:
The proposed design meets the intent of the US 421 Overlay Zone for architectural standards.

5. The Development Plan/Modification of Development Plan **(does/ does not)** provide for the calculation of storm water runoff because:
The project will reduce peak storm water discharge from pre-development conditions.

6. The Development Plan/Modification of Development Plan **(does/does not)** provide for current and future right-of-way dedications because:
The project will dedicate right-of-way in accordance with Town requirements.

7. The Development Plan/Modification of Development Plan **(does/does not)** provide for building setback lines, coverage, and separation; vehicle and pedestrian circulation; parking; landscaping; recreation area or green space; outdoor lighting because:
The project, with proposed variances, meets requirements within the zoning ordinance.

DECISION

It is therefore the decision of this body that this Development Plan/Modification of Development Plan is **APPROVED / DENIED.**

Adopted this _____ day of _____, 20__.



Town of Zionsville

MEMORANDUM

TO: Town of Zionsville Advisory Plan Commission
FROM: Wayne DeLong, AICP, CPM, Director of Planning and Economic Development
RE: Docket #2020-04-CA - Appaloosa Crossing Integrated Center
Petition for Commitment Amendment to provide for a revised Exhibit C, Concept Plan for the Real Estate, Ordinance #2008-13, in the Low Density Single-family and Two-family Residential District (R2), Rural General Business Zoning District (GB) and Rural Professional Business District (PB). The subject site is also within the Michigan Road Overlay (MRO).

History

Zoning Commitments for 57.53± acres, (which presently encompasses the proposed site submitted for this petition), were recorded in the Boone County Recorder's office in 2008 (subsequent to approval by the Boone County Area Plan Commission). As part of that approval:

- 1) 44.25± acres were rezoned from the R1 Zoning Classification to the Rural General Business Zoning District (GB);
- 2) 13.28± acres were rezoned from the R1 Zoning Classification to the Rural Professional Business District (PB); and
- 3) Instrument 200800010861 identified a list of a) Prohibited Uses and b) specific development Commitments.

In 2016, Petition #2016-45-CA sought and received approval from both the Zionsville Plan Commission and Zionsville Town Council to amend the Commitments, in order to allow for the use of a fuel station/service station (with a convenience store). Subsequent approval of the amendment was recorded in the Boone County Recorder's Office as Instrument #201700000546.

In 2019, Petition #2019-44-CA sought and received approval from both the Zionsville Plan Commission and Zionsville Town Council to amend the Commitments associated with Boone County Ordinance No. 2008-13, Recorded in the Office of the Recorder of Boone County, Indiana, as Instrument No. 2008-00010861, to allow for: a liquor store, single-family dwellings, major residential subdivision (including empty-nester homes), more than two (2) fast food restaurants, fast food restaurants to be adjacent to each other, a reduction in the side building setbacks to 30 feet (applicable only to the south property line of the southernmost outlot), a reduced number of water features along U.S. Highway 421 (referred to as Michigan Road in the filing) to one (1), modifications to the main access drive off U.S. Highway 421, increased number of outlots along U.S. Highway 421

and CR 300 South (146th Street) to eight (8), and five (5) respectively, placement of a monument sign on either the north or south side of the primary U.S. Highway 421 Entrance, a right-in only access from CR 300 South (146th Street) west of the main entrance off CR 300 South.

Upon this approval, an “Amended and Restated Commitments Concerning the Use or Development of Real Estate” was recorded in the Boone County Recorder’s office on December 30, 2019, as Instrument #2019013490.

Analysis of Current Request

In the current filing, Petition #2020-04-CA seeks to amend the Amended and Restated Commitments, recorded in the Office of the Recorder of Boone County, Indiana, as Instrument #2019013490, by replacing Exhibit C, Concept Plan for the Real Estate, with a revised Concept Plan. The recorded Amended and Restated Commitments, Exhibit B, III, includes a requirement “That a minimum of one (1) sizeable water feature be placed along U.S. Highway 421 as depicted in the concept plan.” The recorded concept plan depicted the water feature midway along the overall site’s frontage of U.S. Highway 421. The Petitioner has revised the concept plan and is seeking approval to relocate the water feature to the most southern portion of the subject property, while still being placed along U.S. Highway 421. All other commitments within the recorded Amended and Restated Commitments are unchanged and remain in effect.

Staff is in support of the petition to amend the prior Commitments. Specifics as to the support are detailed as follows:

Replacement of the recorded Exhibit C (attached as Exhibit 2), Concept Plan for the Real Estate, with a revised Concept Plan (attached as Exhibit 3): the proposed relocation of the required water feature meets the intention and purpose of the original Concept Plan and allows for a more outlots within the proposed integrated center to have frontage on U.S. Highway 421.

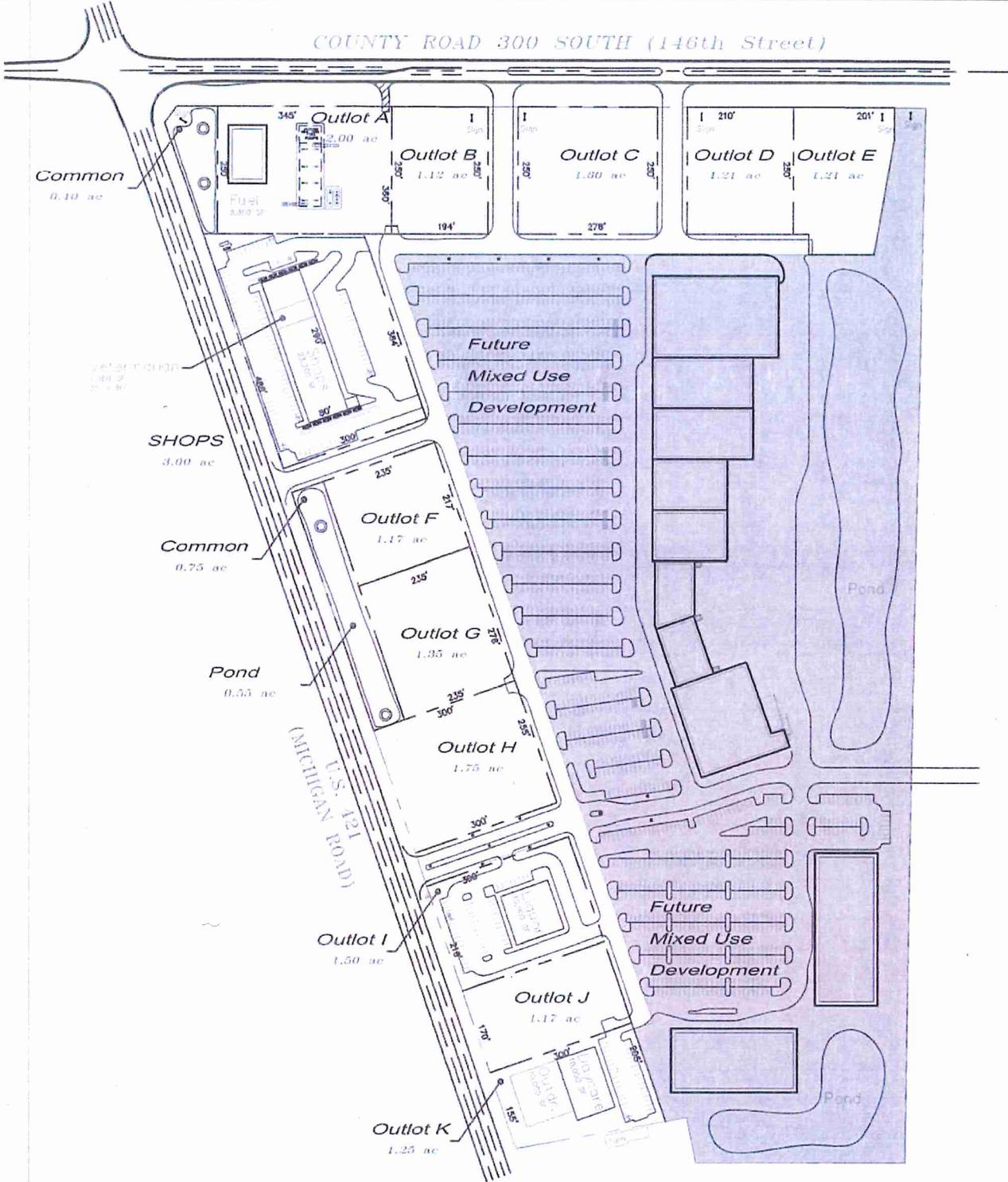
Please refer to Instrument #2019013490 for additional information.

If there are any questions as to the content, please do not hesitate to contact our office.

Respectfully submitted,
Wayne DeLong, AICP, CPM

EXHIBIT C

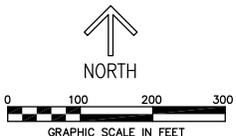
SITE PLAN



V HARRIS-IND-N
7h SITE



EXHIBIT C



SITE PLAN
APPALOOSA CROSSING