



**MEETING NOTICE AND AGENDA ZIONSVILLE PLAN COMMISSION MEETING  
Monday April 18, 2016**

A meeting of the Zionsville Plan Commission was scheduled for Monday April 18, 2016, at 7:00 p.m. in the Beverly Harves Meeting Room at Zionsville Town Hall, 1100 West Oak Street. The following items were scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of March 21, 2016 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be Considered</b>
2016-10-Z	Fabrico	165 and 235 W Sycamore Street	<b>Continuance of the Hearing approved from the March 21, 2016 Plan Commission meeting to the April 18, 2016 meeting</b> Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business Development Districts, to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses. <b>Continued to a Special Meeting of the Plan Commission to be held May 4, 2016</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-08-PP	Inglenook	10371 Zionsville Road	<b>Continued from the March 21, 2016 Plan Commission Meeting, to the April 18, 2016 meeting, at the request of the Petitioner</b> Petition for Primary Plat approval in order to subdivide 18.18 acres into 48 lots, in a (PUD), Planned Unit Development Zoning District <b>Approved with Conditions</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-09-DP	Inglenook	10371 Zionsville Road	<b>Continued from the March 21, 2016 Plan Commission Meeting, to the April 18, 2016 meeting, at the request of the Petitioner</b> Petition for Development Plan, (final plan), approval to provide for a 48 lot subdivision, in a (PUD), Planned Unit Development Zoning District <b>Approved with Conditions</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-05-PP	DeRossi	8810 and 8811 Whitestown	<b>Continued from the February 15, 2016, March 21, 2016, and April 18, 2016 Plan Commission Meeting, to the May 16, 2016 meeting, at the request of the Petitioner</b> Petition for Primary Plat approval in order to subdivide 77.015 acres into twelve (12) lot subdivision, in the (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District <b>Continuance Request Approved</b> <b>7 In Favor</b> <b>0 Opposed</b>

2016-06-DP	DeRossi	8810 and 8811 Whitestown	<b>Continued from the February 15, 2016, March 21, 2016, and April 18, 2016 Plan Commission Meeting, to the May 16, 2016 meeting, at the request of the Petitioner</b> Petition for Development Plan Approval to provide for development of a twelve (12) lot subdivision, in (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District <b>Continuance Request Approved</b> <b>7 In Favor</b> <b>0 Opposed</b>
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VI. New Business

Docket Number	Name	Address of Project	Item to be Considered
2016-16-Z	Town of Zionsville Creekside Corporate Park	5400 W. 106 <sup>th</sup> Street	Petition to modify both text and graphics of an existing (PUD), Planned Unit Development document <b>Approved</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-18-PP	Town of Zionsville Creekside Corporate Park	5400 W. 106 <sup>th</sup> Street	Petition for Primary Plat approval of 14 lots within Creekside Corporate Park, in the (PUD), Planned Unit Development Zoning District <b>Approved</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-13-CA	Giant Eagle, Inc.	7105 Whitestown Parkway	Petition for Commitment Amendment to provide for modification of Commitments, Ordinance # 2009-05, in the (GB) Rural General Business Zoning District <b>Given an Unfavorable Recommendation to the Town Council</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-14-DP	Giant Eagle, Inc	7105 Whitestown Parkway	Petition for Development Plan Approval to provide for a fuel station and convenience store in the (GB) Rural General Business Zoning District <b>Tabled</b>
2016-12-PP	Courtyards of Zionsville	6355 S. 950 East	Petition for Primary Plat approval with waivers, to provide for a Residential Senior Living Facility in the (R4) Rural Residential Zoning District <b>Approved with Conditions</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-20-PP	Town of Zionsville	1100 W. Oak Street	Petition for Primary Plat in order to establish (3) three, lots in the (PUD) Plan Unit Development Zoning District <b>Approved</b> <b>7 in Favor</b> <b>0 Opposed</b>
2016-15-DP	Town of Zionsville	1100 W. Oak Street	Petition for Development Plan Approval to construct a new Town Hall, (Government Center) and associated Improvements in the (PUD) Planned Unit Development District <b>Approved</b> <b>7 in Favor</b> <b>0 Opposed</b>

2016-17-DP	Boone County Tennis Center	4560 S. 875 East	Petition for Development Plan Approval to provide for a public recreational facility in the (SU-7) Special Use Zoning District <b>Approved with Conditions</b> <b>7 in Favor</b> <b>0 Opposed</b>
-----	Town of Zionsville	1100 W. Oak Street	Amendment of the Declaratory Resolution and Development Plan for the Zionsville 334/700 Economic Development Area <b>Approved</b> <b>7 in Favor</b> <b>0 Opposed</b>

VII: Other matters to be considered:

2015-43-RP, Berman, Consideration of Findings of Fact and Action Thereon

**Approved with an action of**

**6 in Favor**

**1 Opposed**

Respectfully Submitted:

Wayne DeLong, AICP

Director of Planning and Economic Development

Town of Zionsville

**Zionsville Plan Commission**

April 18, 2016

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

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

Franz Call to order the Plan Commission meeting of Monday, April 18, 2016. We'll start by saying the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Wayne, would you take roll, please?

DeLong Mr. Franz?

Franz Present.

DeLong Mr. Schiferl?

Schiferl Present.

DeLong Mr. Jones?

Jones Present.

DeLong Ms. Walker?

Walker Present.

DeLong Mr. Parks?

Parks Present.

DeLong Mr. McClellan?

McClellan Present.

DeLong Mr. Fedor?

Fedor Present.

Franz In your packets you have the minutes from the March 21, 2016, Plan Commission meeting. Are there any amendments, deletions, changes to be noted? If there are none, is there a motion to accept the minutes?

Parks So moved.

Franz Is there a second?

- Fedor Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? Motion passes. It's my understanding we have a continuance request tonight for Docket #2016-05-PP and #2016-06-DP. A representative please?
- Price Yes, Mr. President. For the record, my name is Matt Price. I'm an attorney with the law firm of Bingham Greenebaum Doll in Indianapolis, Indiana, 10 West Market Street. I'm here tonight on behalf of Dr. and Mrs. DeRossi with respect to the petition you just read and the companion petition #2016-06-DP, requesting a 30-day continuance to allow the petitioner to appear before the Town Council at its May 2 meeting, at which time we hope to receive a waiver from certain the drainage ordinance requirements relative to this petition.
- Franz Are there any questions from the Commission? Is there a motion?
- Parks It's my understanding you are requesting a 30-day continuance?
- Price That's correct.
- Parks Then, I would move that we continue the two dockets, #2016-05-PP and #2016-06-DP to our meeting of May 15, 2016.
- Franz It's May 16.
- Parks May 16, I'm sorry.
- Franz Second?
- Schiferl Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? Continuance granted. First item on the docket is a continuance of the hearing that was opened last month. It's Docket 2016-10-Z, Fabrico, a petition for a zone map change to rezone 4.32 acres from B3, Urban Outdoor Business Development Districts to a PUD Planned Unit Development District to provide mixed use development consistent with residential, office, and commercial uses. Representative, please.
- Ochs Mr. President, members of the Commission, for the record, my name is Tim Ochs. I'm an attorney with Ice Miller with offices at 1 American Square, Suite 2900, Indianapolis, Indiana 46282-0200. I'm here this evening on behalf of the petitioner and the property owner on this petition. This is a lengthy agenda, and actually about the longest I can remember to be honest. I know this project, it's a

high profile project directly adjacent to the Village District. I'll be honest in saying, obviously, it's up to you, but I don't expect a vote tonight.

Franz I guess I just want to state something. What I'd like to do, if this is acceptable to you and any remonstrators in the audience, we can open the conversation, have you make a presentation, remonstrators make a presentation, and then take some comments and then take a look at where we stand and then possibly push this forward to most likely a special meeting later in the month.

Ochs That would be perfectly acceptable to the petitioner.

Franz So, why don't you start and let's allot 20 minutes. About 20 minutes should be enough.

Ochs That certainly will be enough for us, and if I go too quickly, I'm obviously more than happy to answer any questions. Also, with me this evening is David Rausch, who is the architect on the project. This is 4.32 acres. It's located just south of the intersection of Sycamore and Second Street, just south of, really part of the downtown Village. What's extremely important to remember as we go through this process is the entire site is currently zoned B-3. We're asking for a PUD because this is a true mixed use development. We're proposing single family, multifamily and commercial uses all in the same site, all integrated into one project. And, that is frankly, what a PUD was made for. But, it's also important to note that with the exception of the residential uses, which is in many people's eyes a down zone, all of the uses that we're proposing are already permitted on the site. And, this is not a situation where we're coming in and saying rezone this from a low-density residential district to allow us really heavy uses. This is a situation where we think we can develop this site, and to develop it in the best manner possible, a PUD makes the most sense. So, I ask that you keep that in mind. The other thing that a PUD allows us to do is to eliminate, quite frankly, some undesirable uses that are currently permitted on the site. So, for instance, what would currently be permitted, RV camper sales, boat sales, lumber yard, self-storage, arcade, substation, contractor, tennis club, roller rink, none of those would be included within this PUD. So, even on the commercial side, we will be restricting uses that would currently be permitted.

With respect to the PUD itself, what we've done is we've broken the site down into three districts, or we call them in the PUD itself, a sub-area. The three sub-areas are the multifamily sub-area, the single family sub-area, and the mixed use sub-area. Then, within each of those districts in the PUD, we've listed the permitted uses and the development standards. And, to the greatest extent possible, we've tried to take not only the same format, but in many instances, the same uses that exist in conventional zoning districts within the Town of Zionsville Zoning Ordinance to make review and administration as easy as possible. So, with respect to the four districts, we'll start up front here with the mixed use. The permitted uses would be, in essence, retail and office uses, excluding those uses that I just mentioned as being undesirable. The multifamily back here, multifamily residential uses and accessory uses that you would expect with apartments like a clubhouse and amenities and the like would be permitted there. And, then the single family up front here, one- and two-family dwellings and associated uses including home occupation would be permitted. The home

occupation section, again, is lifted right out of the existing Zionsville Zoning Ordinance.

Overall, what is being proposed, has caps. No more than 15 single family homes, no more than 75 multifamily dwelling units for a total of 85. Our current density is about 15, and we've put a cap at 20 just to make sure everybody understands what we cannot exceed. With respect to the development standards, again, this entire site is currently zoned B-3. The height permitted under the B-3 district of the Zionsville Zoning Ordinance is 45 feet. So, as I go through the development standards again, keep that in mind. With respect to the mixed use project, we anticipate having a single building. That would be some type of retail or restaurant on the first floor with a mix of probably office on the floors above it. It would be from two to four stories in height. It would have a 50-foot maximum height, so it's just a 5-foot bump. What we are suggesting is that if the building is over 35 feet tall, there'd be a step back, that is there'd be at least a 5-foot step back for the top floor, so that the scope and scale has a better feel. And, I'll have a rendering that shows that in just a moment. We do have a cap, no single retail use, including clothing stores could exceed 5,000 square feet. This is proposed to be urban architectural design. Pitched roof would be prohibited. We'd push the building all the way as far as we can towards Sycamore, for having a true urban infill project. No internal setbacks anywhere in the district. There are perimeter setbacks. They're basically 0 or 10 feet, and if there is an adjacent residential district, it is 10 feet. There are outdoor operations permitted, including outdoor seating for restaurants. Any outdoor display would require a special exception, which is exactly how the current Zionsville zoning ordinance has it. A drive-thru would be permitted, but it could not be in the front, parallel to Sycamore. It'd have to be behind the building and screened. The multifamily district, same size buildings roughly, two to four stories, 55 feet in height. Stepped back 5 feet if over 40 feet. That height is measured from the building itself. This site slopes pretty significantly as you go to the west or to the south on the site. Some of this, a big chunk of it is flood, floodway fringe, which we do intend to fill. But, we will have to mitigate when we do that. But, as a result, the elevation of the first floor of the buildings in the back of the property, back here, as it falls towards the creek, will actually be as it relates to the street, lower. So, we might say that the building is 55 feet tall, but relative to Sycamore Street, it will not be that tall. Again, the multifamily, pitched roofs would not be allowed and similar style architecture, four-sided architecture. With respect to the single family homes, those would be one to three stories, a 35-foot tall maximum height, which is 10 feet lower than what's currently permitted. We're proposing a 900 square foot minimum size, not including the basement or garage. A 50% lot coverage ratio. Again, no vinyl would be allowed. Brick, stone, wood, cement fiberboard, those are what would be required on the single family homes and at least two different types of those. And, if at all possible, we do anticipate rear load garages. Those would have a 10-foot setback as well.

We've met with a number of residents in the area. Had initial meetings with some folks on the Village Business Association. Met with the Chamber of Commerce, and we've gotten some feedback. And, consistently, we've heard probably three or four issues. The first issue we've heard is parking. And, when we designed this particular project, we actually backed into the unit counts because we started with the notion that we have to park this site properly. Period.

So, we started with the Village Business District parking standards, and then said how many parking spaces can we comfortably get on the site, and then how many units, how much development will that allow us to do. So, this site does fully park under the Village Business District standards. This is the rendering that's in the PUD itself, but it is what we call the lower level plan. It shows mostly underground under some of the building parking, so there will be underground parking beneath the mixed use building. A portion of the multifamily building on this particular building, and then parking for the other multifamily building will be up in front and then each of the single family homes will have garages and driveways. The last exhibit in the PUD shows the anticipated parking counts. I think we're at approximately 201 spaces under the Village Business District, which we designate as the parking standard, 196 under our current plans would have been required. So, we actually exceed that by 5 spaces.

The other issues that we've heard kind of consistently are uses. The office/retail uses has not met with a lot of opposition. The single family, the use in and of itself has been acceptable. People want to see how exactly that's going to be done. The multifamily is the issue that has gotten some folks upset as a use that they would prefer not to see. This is an urban setting in the Village. We think it's appropriate for multifamily uses. Multifamily is a permitted use in the three different Village District ordinances, albeit, not on the first floor, but on the second floor. What we've done is we've pushed the multifamily uses to the west, if you will, behind the mixed use and the single family in an effort to start with what's more, I guess, traditional in the area and move back. This area almost certainly will never be developed simply because it's subject of floodway and we might be able to fill in the fringe, but we're not going to be able to fill in the floodway, so it isolates the multifamily and we think it's an extremely appropriate site for that.

The final issue, and probably issue 1, issue 2 and issue 3, quite frankly, is traffic. We went to A&F Engineering and asked that they take a look at this, and they did. And, there is a letter in the staff report dealing with traffic dated March 14, 2016. What A&F Engineering did is they basically did the first two steps, so to speak. Certainly, the first step in a traffic analysis. That, is, they looked at how many trips that this particular project in its current configuration would generate, and then A&F came back to us and said, you know what, it quite frankly doesn't make sense that we do a full-blown traffic impact study because, at least a traditional one in the traditional sense, because the last component of that is recommendations for improvements to the surrounding street and intersections. And, they're at a loss for that. The Town is currently looking at larger, bigger picture traffic issues in the downtown Village District, and A&F doesn't know what to recommend, because they feel like, quite frankly, it's a moving target. We recommend that a road improvement or an intersection improvement, let's say at Sycamore and 1st be done, but then what happens 6 months or a year or 18 months later when the Town decides, okay this is the plan we want to implement. So, what they've done is they've said, look this is zoned B-3, and under the B-3 guidelines, this is what you'd be permitted. This is the traffic that would be generated by it and what you're proposing is less intense from a traffic perspective and less vehicle trips would be generated. As important is the Road Impact Fee Ordinance that the Town has adopted. It contemplated that

improvements in this area, in particular Sycamore Street, would be necessary. It is part of that plan that was generated to come up with a dollar amount based on the current impact fee, which is \$106 per trip. This project, as currently proposed, would generate \$217,000 worth of road impact fees, and that's here, Town is \$271,000. Let's figure out the best way to use this money to improve the traffic situation. So, in terms of impact, we think it's less than currently permitted under its current zoning, and if developed, it actually generates a substantial amount of money that could be used to make the traffic improvements that the Town thinks best from a global perspective for the downtown Village District.

Just to wrap up here, just a few more slides. This is the next level up, and if you will, this is actually street level. So, that last plan would be below Sycamore, be some sub-surface parking. This is what is at ground level if you're looking at it from ground level being Sycamore Street. So, you see the single family homes, the mixed use building and the two multifamily buildings. This is a rendering that is kind of attempting to show in a 3D format that scope, scale, spacing and size of the project when built out as it relates to the surrounding area. We thought it did a much better job than I could do sitting up here and talking in terms of how this scales out. Again, this would become part of the Village. It would extend the Village south and west. We think it's entirely appropriate for the site on which it's located. So, with that, I went through it very quickly. We certainly would be happy to answer any questions that the Commission might have.

Franz Is there anybody who is representing the remonstrators? Is there one representative, or is it just –

Angstadt ---There's a bunch of us.

Franz All right. We'll limit it to 20 minutes total.

Angstadt I'll make mine fast. My name is Gary Angstadt. I live at 345 West Hawthorne Street, so my back yard comes within about 10 feet of this project. There are a number of issues here that other people will address quickly, but I'm trying to visualize what a 55-foot tall apartment building looks like because we don't have anything like that in Zionsville right now. That is pretty hulking. Yes, the ground does slope, but still 55 feet kind of looming over the back trees back there will be something very unusual for the Village. Also, the single family units, which single family, I think, would be welcomed in this part of the world. The lot size as proposed right now is 40 by 100, which is one-half the size that currently is allowed at 8,000 square feet in the Village, and that seems pretty tight. I asked Dave Rausch how close the walls would be on these now apparently 55-foot tall houses, and they would be just 10 feet apart. So, you could kind of reach over and touch your neighbor's house if they were sticking their arms out, and that seems excessive too. So, the idea of a PUD I get, but some of the elements within this PUD, we think, should be refined. Thank you.

Franz Thanks.

Funkhouser Hi. My name is Lana Funkhouser. I live at 305 West Hawthorne. It's the corner of Hawthorne and 3rd Street, and I'm just about the same distance from it as Gary. I did want to mention that there are several issues as the PUD is currently

written that people are going to address. Not inclusive, because we have a meeting coming up with David Rausch and Tim Ochs and perhaps the, I'm not sure he's the developer, but the person heading up things, on the 26<sup>th</sup>. I think it's going to be a better time for people to really hear about this because any of the meetings that have gone on before, have been just really small groups, and of course, there was a continuance last month. So, I expect, you know, we have currently, there are about 350 people who have signed the petition that are from the community at large, not just a few streets near it. And, I'm going to just mention one issue and it's environmental, and having to do with flooding and wetlands and drainage and fill, and, you know, two years ago, we had water running over Zionsville Road again, and one of the houses near this development, or proposed development, had 6 feet of water in the basement, and it was actually about one and a half feet from the highest that it had ever been in 1957. So, that's really remarkable. I know part of this is considered floodplain, and you can develop in floodplain, but there's a part of it, too, that at least the DNR told me, was floodway and so, there's a lot around that that we think should be thought about and investigated. One of the other things that I wanted to mention, and I'm not a big expert about the traffic impact study that was done in 2013 and how that works. I understand it's an amount of money for estimating the impact over, I think, 10 years to the roads. Now, the only thing is, the way I read it, it's any place within Zionsville. You know, it's the same amount of money, like the impact is the same anyplace in Zionsville. So, I just don't think certain developments, it's one size fits all the way it's written. So, I'd like to know a little more about that because I think it can be misleading from the standpoint of, sure, here's the amount of money, but I don't think one size does fit all. So, I will pass the baton to Sally.

Franz                    Okay, thank you.

Zelonis                Sally Zelonis, 40 South 3rd Street, Zionsville. A couple of things that I wanted to bring up that I know haven't been mentioned, but I happen to attend a town meeting in August 27 of last year. At the time that it was originally scheduled, it was going to be a charrette and then it was changed to be a discussion about the request for proposal for the bank building, PNC building, downtown. And the Town, my understanding when I attended that meeting, was that they were looking for input about what the Town should be looking for in terms of a new owner and a new building for that location. At that time, some of the discussion centered on wanting to be the first out there in terms of getting a proposal for that land because they wanted the opportunity to bring features for that parcel to be, you know, top notch, A#1, and people attending, at that time I was representing the Village Residents' Association. At that time, we were talking about height, building material, that kind of thing. And, of course, one of the things that I brought up was traffic. And, at that meeting, a double roundabout diagram was presented, so obviously, if that is, in fact, something that's under consideration for the intersection of Zionsville Road and Sycamore and that area, there better be a lot of discussion about what's going to go on because it would certainly affect this PUD and the traffic in that area.

I wanted to talk a little bit about the PUD piece of it. My understanding is that under the regulations for a PUD that recommendations to the height, recommendations in excess of 35 feet would have to take into consideration the

use around that area. Now, quite honestly, I know that area. I live on 3rd Street. Yes, it's at the other end, but guess what, nothing's over 35 feet there right now. So, I would suggest that if you're going to entertain the PUD, that you think very, very carefully about that height restriction, because the other thing that's required under the PUD is that you're protecting those homeowners or landowners or business owners in the nearest proximity, protection for the value of their property. And, I think that really takes careful consideration when you look at this project. And, then the other piece that I wanted, I know Lana talked about was a floodplain, but I believe, I'm not 100% certain, but in the PUD development, there is some need for recreational or some type of offset for areas that are not going to be developed so that not all the property under a PUD would come under development. That there be some open land use, not just mitigation for a floodplain. So, I hope that you'll consider those comments that I have. Thank you.

Franz Thank you.

Royalty Mr. President, members of the Commission, for the record my name is Bob Royalty, 325 South 3rd Street. I want to thank you for the opportunity to speak. I'd like to respond to Mr. Ochs and discuss a little bit further the traffic fee study and the traffic impact study. Is it okay if I switch back to the – I just want to emphasize the site itself and look at the geography of this particular 4.3 acres. It is essentially landlocked on three sides with the northern side with one small outlet onto 2nd Street. So, yes, this northeast corner abuts the Village Business District, but the vast majority of the 4 acres is next to residential and/or wooded property. So, thinking about that as urban infill is not in keeping with the character of the site. But, returning to the landlocked nature, 2nd Street and Sycamore Street, that little corner is the only entry and exit of this property, and when you put 2,000 trips a day through one small entry/exit, I think that's the technical definition of a bottleneck. And, of course, this is an area of high traffic along 1st Street already. I understand that the traffic fee impact study assesses the impact of development in the Town of Zionsville, appropriately, that it would have an effect around the town. It would affect the intersection of Sycamore and Main Street and in the south it would affect Boone Village, etc. But, in that traffic fee impact study, the words 2nd Street, 1st Street, oh, sorry, 3rd Street, 2nd Street, Hawthorne Street do not appear in that study. And, Sycamore Street only with regard to the crossing of Main Street. So, I would return to the need for a full traffic impact study on this property that would assess the actual impact of this development on these streets in this neighborhood of the Village that is primarily 75 to 85% touching residential property. And, I would respectfully encourage the Commission to require such a study, and note that the last mixed use PUD approved by the Town and the Plan Commission for Pittman Farms, the PUD included such a comprehensive traffic impact study, and that that's the precedent for mixed use development, and I would encourage that precedent for this PUD. Thank you.

Franz Thank you.

Tousley I'm John Tousley. I live at 305 West Pine Street, about two short blocks away from the project. I've been here since 1978. I've lived in my current house since 1982. Tonight, I'll just address the Comprehensive Plan. Frankly, the proposal is

contrary to the Comprehensive Plan. If you look at the Comprehensive Plan in 2002, and the ink is barely dry, it divides the property into two portions. One, Village Downtown Commercial. You can make an argument that what they're proposing is in, at least in theory, compatible, although you have to look at the buildings because the Village Downtown Commercial is supposed to be compatible with and strengthen the existing characteristics of the historic downtown and its unique Main Street area and, basically, to be similar to support the existing downtown construction we have for commercial. More to the point, the other half of the property is shown as Village Residential. Now, on Village Residential it states, "The traditional height bulk area and setback features of these neighborhoods shall be maintained, as well as their scale and proportion." The density range of the Village Residential land use category is between 4 and 5 dwelling units per gross acre. Now the proponent here today has indicated that they are at 15 units per acre, maybe go up to 20. If you look at the plans, the plans call for 5-foot setback between each of the buildings. That's the setback. As you know, the setback is much greater for the existing housing. In addition, they call for a 10-foot setback from the street. Again, this is contrary to the Village Residential classification and on its face, is incompatible with the nearby housing. If you look at the nearby housing, it is truly a gem. In fact, if you look at several of the periodicals, you're going to see Lana Funkhouser's home on that, because it epitomizes what Zionsville housing is. Now, what that house isn't is, it's not 5 feet away from its neighbors. It's more than 10 feet back from the road. And, if you look at the density of it, they are proposing that they take, or have each of these homes, I believe it was on a 4,000 square foot lot. You know that the minimum requirement for Zionsville is 8,000 square feet. How is it possible to say that a home on a 4,000 square foot lot that's going to occupy 50% of it is somehow compatible with the homes around it? It simply isn't. You can call it whatever you may, but it is incompatible.

The people of Zionsville and the people particularly of the Village deserve better. Don't jump at this proposition simply because it is extended to you today. Also, one point, and this is off the Comprehensive Plan. Drive down the road, drive down 3rd Street, and ask yourself how is this street going to handle the traffic? If you look at 3rd Street, it's a one-way street up to the point where it hits Sycamore. There are no sidewalks. There are children playing out in the middle of the street. You cannot get, unless you really try and have a small car, you cannot get two cars to pass each other. That's why it's one-way. And, yet, this is to be one of two streets that is going to serve the subject property. And, so, in the future what will happen is, I guess the kids will have to leave the street, the neighbors are going to have to watch their cars when they back out. If you look at the driveways, they're nonexistent. You really don't have much time to see what's behind you. Also, when you look at Sycamore, they propose no parking in front of the homes that they're going to put there. All the parking is going to be to the back. I suspect most, if not all of you, have had teenagers. You know where they're going to park. They're going to park on Sycamore, which is basically nothing more than a glorified alley at that point. This is a safety hazard that should be dealt with. The petitioner should not impose a safety risk to the people who live on Sycamore, who live on Pine, just for the sake of development. So, I invite you, and I ask you, go there, take a look and ask yourself whether this is the sort of street that should be expected to serve upwards of 75 apartment units, upwards of 15 single family homes with no

parking in the front, along with all the people who are going to come into the commercial. Now, I hear them when they say we can bring in so much worse. What an argument. This is kind of like putting a pistol to your head and saying if you don't accept this, wait until you see what we've got loaded for you. My feeling is, fine. Let them have at it. If they think they can do that, let's go out and see if they can actually find some people who want to put those uses in that neighborhood. What this neighborhood needs, and what it supports is the Comprehensive Plan. And, I trust that you'll take that into effect, in fact you're directed by ordinance to consider it. Thank you.

Franz Thank you. I'll give you about 3 or 4 more minutes.

Lusk Okay. I will be as brief as possible. Thanks for taking the time to listen to us this evening. I'm Heather Lusk, and I live at 285 West Hawthorne Street, and my children are among those playing in that small alley because no cars pass through there, maybe 20 a day at most. I assume you all have a copy of the petition that was, okay, terrific, you do. Roughly 330 signatures at this point, and I will keep that updated to you all. But, I am here on behalf of the parents of Eagle Elementary. I've had roughly 100 people in the past several weeks who have come to me with concerns because I live in such close proximity to this location. Very concerned about what this will do to Eagle. Already, there is a PUD approved at The Farm for residential and apartments. That's fine. I don't have the numbers to determine exactly how many children that would impact the school, but adding this to that will require either overcrowded classrooms at Eagle, or a significant redistricting. Parents at Thornhill, parents in Raintree, parents in Sugarbush walk their kids to school. They ride bikes to school. The traffic that this will create will also severely impact that, and there are parents, not only in the Village, that are very concerned about this. And, I do hope that you listen to their concerns as well. Thank you.

Franz Thank you.

Koharchik Hello. My name is Mikayla Koharchik. I live at 360 South 4th Street, which is at the corner of 4th and Sycamore. So, I'm right behind the area where this is proposed. A couple of concerns. One, in my opinion, is the lack of communication. When I asked for a variance for my home three and a half years ago, we had a certified list of over 35 recipients of people who could view our home. And, I only found out about this from a Twitter post. And, so I really think that the Village residents themselves need to hear about this and we need to talk more. And, we have questions, obviously, and concerns. My other fear is we talk about the drainage and this floodplain. Well, I'm right behind that floodplain, and if you have underground parking, and if you're filling in this flood area, where does that go. Because my home almost flooded three years ago when we had that major flood, when the trailer park was flooded. Homes across the street had to be taken down. And, so I ask that you really consider, not just the homes next to it, but also those behind this floodplain. Because every time there is a heavy rain, we are flooded in that area. And, finally, just think about the fact that Sycamore is the gateway into our beautiful Village, and this is what people are going to see when they come, and we want to make sure that it reflects what we have built our Village up to be. And, when I applied for my variance, I made sure that I

maintained the integrity of the Village, and I would ask that you would maintain the integrity of our Village as well. Thank you.

Beam I'm Walter Beam, 210 South 2nd Street. And, some of the issues that I have concerns about have already been addressed, but the primary ones are the floodplain issues and issues adjacent to that. This is a hardscape project that involves high density in an area that currently is run-off, as the last participant said, and that impacts the flow of water not only in the immediate area, but in my area and on up through the entire Village that runs uphill from there, and areas to the west that come into that area. They need to be addressing not only the impact on the floodplain in the immediate area, but the impact downstream. And, that in turn, impacts upstream in the floodplain, too. And, this is a serious problem. The other issue that I was concerned about, they've thrown you out a couple pieces of bacon with a \$217,000 goody for the Town. What about, you know, this project is high density. It's in a low area. It's going to have to have sewage lift plants, I'm sure. These are not inexpensive to put in. And, they are, more importantly, not inexpensive to maintain. They cost a great deal to maintain, and failure will create problems throughout the entire community, and they will fail from time to time. Those are a couple of the issues. The others, they've all covered.

Franz All right. Thank you. All right. I'm going to close public comment for now. Mr. Ochs, did I hear correctly, you have a meeting scheduled with the homeowners or the interested parties for April 26?

Ochs The Village Residents' Association reached out to us and we're absolutely happy to meet with them. I think we can cover a lot of these issues.

Franz Okay. Any members of the Plan Commission have any questions they'd like to ask at this time, knowing that this hearing will be continued?

Schiferl Earlier you said about continuing the meeting, but you intend to keep the hearing open as well?

Franz Yes, keep the hearing open and continue most likely to a special meeting. If nobody has any questions.

Jones I've got a couple real quick. Is there any way we can get, there seems to be a lot of concern regarding the single family lot density. Is there a way you can get some sort of a little more detailed site plan available to us to review? The same thing with site survey, grading, just, you know, what is the true impact from a streetscape of this 55-foot proposed building? A lot of times we talk about lot coverage, setbacks, distance from roads, it's all quite dependent on how big the road is, you know, what are we actually seeing when it comes to buildable area of these sites.

Ochs We can do that. I just looked at the architect, and he confirmed that.

Franz Anybody else? All right. I'm thinking that we'll need to have a special meeting on this. Does Wednesday, May 4 work for Mr. Ochs and your client and the Plan Commission members? 7 o'clock?

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- Ochs Works for me.
- Franz Okay. We need a motion on a special meeting.
- Parks I'll move that we continue the public hearing on Docket #2016-10-Z to a special meeting that is tentatively scheduled for May 4 at 7 o'clock.
- Walker Second.
- Franz All in favor?
- All Aye.
- Franz Opposed? Motion carries.
- Ochs Thank you very much for your time.
- Franz This is a continuance of, the hearing is open and this is the official public announcement of that meeting, correct?
- Drake That's correct. It will be right here in this same facility.
- Franz All right. Next item on the docket is Docket #2016-08-PP, Inglenook. Petition for primary plat approval in order to subdivide 18.18 acres into 48 lots in a PUD development zoning district. Is there a representative for the petitioner?
- Churchill Yes, sir. Ladies and gentlemen, good evening. My name is Nick Churchill with Pittman Partners. I'm here tonight with Casey Land of Land Building and Development, and Sean Downey of Hannum Wagle Cline. He's our consulting engineer. The two petitions we have before you involve both the primary plat and the development plan that are based upon a PUD that we had before you and was approved back in July of 2015. Over the course of the last 11 or so months, or 9 or so months, we've worked hand in hand with the Town as well as the utilities in the general area. You might recall that there is a rather extensive water main extension that's a part of this project, as well as the Ryland project to the south, that we're participating in with the help of the Town and the Fire Department. All that being said, we come before you with a primary plat that meets or exceeds the standards of the PUD that was approved. You might also remember that when we brought through the PUD process, we had zero remonstrants during that hearing process, and up to this point, we have not heard any concerns from any adjoining neighbors or citizens of Zionsville related to these two petitions. As the staff report notes, there are some comments outstanding from the consulting engineer from the Town. The majority of those comments are labels and other things that are minor revisions that either have been taken care of, or will be taken care of very shortly. The drainage study has no comments. The comments related to the development plan includes such things as labels and notes to be placed on the construction plans, as well as some testing that needs to be done post construction. That being said, if you have any questions, we're here to answer those, and we ask for your approval this evening.

- Franz            Okay. Thank you. Is there any public comments regarding this? Being none, does anybody on the Plan Commission have any questions related to this item?
- Parks            I guess I'm concerned about the statement in your primary plat review where you say that the compliance as outlined in the April 12 letter of the Town Engineer, and yet, that letter has a whole litany of things that seem to be lacking. And, though you dismissed a lot of those as being labels and things of that nature, there are things like soil samples and others that I think are more than just labels in that process. I would be remiss in not asking for more specific detail as to how these have been either mitigated, remediated or met.
- Churchill        I'll actually have our engineer address that. I believe the more technical question related to the soils is something best suited for Sean to handle.
- Downey          Good evening. Sean Downey with HWC Engineering, located at 151 North Delaware Street, Indianapolis, Indiana. A lot of the comments in regards to the city's engineering consultant are general notes that he wants added as we progress to the construction plans that will ultimately serve for construction of the site. The primary plat and the development plan, those are the framework that is utilized once we get to full-blown construction documents. So, his comments are in general nature that those notes that he's referring to need to subsequently need to be translated onto construction documents.
- Parks            Wayne, I would appreciate your insight as to where we are on this process as the site. I know we have had to wait quite a while on the water, and that, I understand, has been resolved at least to your and our satisfaction, water access.
- DeLong          That is correct. The water main project is working with Citizens, the Town and other interested parties along Zionsville Road, and that conversation has occurred. There are plans that are being worked on. Bonding is in place for the financial mechanism to make that project happen. The water extension has been taken care of. Specific to the staff's review of the project, certainly the staff report is recommending approval of the project subject to the number of items that are being spoken to this evening. Certainly, I think what the Plan Commission is focusing its energy is how to approve the project and find, conditionally approve the project and have adequate, defensible findings that can be supported by the group this evening. Certainly plats and development plans, those decisions have to be defensible. Certainly, the staff is looking at the items that are proposed from a technical nature, and the staff is confident that they can be certainly dealt with which those that have not been addressed as of this moment can be dealt with prior to the issuance of permits. So, I think you will need to talk about the specific items that are outstanding. My suggestion would be to touch on the specific items that are outstanding, and how those interact with the findings and hear from the petitioner how to get that wrapped up. Or, if that cannot be addressed this evening, then to move the matter forward, either to that special meeting that you said or a subsequent date after that.
- Franz            Do you have a copy of the engineer's report with you?
- Churchill        I do.

- Franz Okay. Can you identify which ones have been taken care of and which ones haven't?
- Churchill Yes, actually, I'll have Sean.
- Downey Regarding the primary plat, we've added the setback requirements. Item A has been addressed. Item B, an address plan, we're working with the Town to present our addresses for the site. Note regarding private streets has been added to the primary plat. On the development plan, we've added the location and dimensions of proposed structures. Item B in regards to infiltration details, we've added that as well. Item C, offsite easements, those will be in coordination with the offsite water project as well as the entrance accel/decel lanes. Item E we've addressed as well, and those will be reflected in our coordination back with the Town. Labels as to curb radii and tapers, we've added those as well. Item G is just a general note, I don't know that that's anything that is reflected on our plans. We've denoted the total parking spaces on our new development plan. And, then, Item I, all those notes 1 through 12, we will work to get all those either indicated on the development plan, or as I stated, subsequently on the final construction documents. Item J, regarding providing the geotechnical sampling, we have a geotechnical report, so we will be sure that's forwarded on to the Town's engineer, and that goes in line with Item K as well. Item L took that to being just a general note, nothing needing to be indicated on the plans. Item M, we'll consult with the Town's engineer as to the means in which he wants us to convey that backup method for water to enter the stone storage. Item N, we'll verify that that meets their expectations there as well. And, then, Item O we've denoted a note on that one as well.
- Fedor Would it be beneficial for you guys to look at this again on May 4 as far as these, such as Item I and a few of the other ones that still need to be, I guess, verified?
- Downey Well, I guess as Wayne indicated, we'll be resubmitting to the Town and they'll be looking at it again. Are you saying to come back before the next Plan Commission meeting. Is that?
- Fedor Well, move it to the May 4 special meeting we're already currently having. Obviously, there are several areas here of concerns.
- Churchill Actually, just to clarify that. Are you referring to the I under Roman numeral II.
- Fedor Yes, Section I, 1 through 12, there.
- Downey Okay. Those are all just notes. The following note should be added to the development plan to ensure. Have all those notes been added?
- Franz Wayne, how long would it take for the Town to review the sampling reports, those items under J and K?
- DeLong To review those reports. When would we be in receipt of those, J and K?
- Downey When? The geotech reports?

- Churchill        When? We could forward you those immediately.
- DeLong         I would certainly say by the end of the week if not sooner. Then, Carol is asking about the easements. The easements would not be secured and the project could not happen without the easements being actually in place.
- Churchill        There is actually talk about coordinating with the Street Department on the widening of Zionsville Road so we're not acquiring duplicate easements so that, in essence the right of way is acquired one time, more efficient for all parties.
- Franz            How long do you anticipate that to take, to get those?
- Churchill        Um, we've got a pretty good relationship with the neighbors to both the south and the north. I think the biggest challenge will probably be with the Dow Company, just given their size, making sure the documents get in front of the right people. We've got some good contacts there that have offered to help us.
- DeLong         Clarify, please, the easement for the discharge pipe. It's mentioned in that same sentence. Does that require something going off-site.
- Churchill        Yes, the developer and owner there where conversations are needing to take place with the cemetery to coordinate that off-site drainage.
- DeLong         Right. And that's through Cemetery Creek.
- Churchill        Yes.
- Franz            I guess the question is should we feel comfortable going forward with this with Items C, J and K open? That's really the issue. Any professional opinion?
- Drake            Those are all related to the development plan as oppose to the primary.
- Churchill        I don't know that we will be able to satisfy C prior to us having approvals in place. I think it's going to require an outlay of capital more then likely to obtain those easements. I don't know that we would be comfortable spending that money, having that engineering done for those easements without knowing that we actually had a project. And, I guess, I will add a little point of clarification. The idea of coordinating with the Street Department is important because knowing where that street is actually going to be, making sure that our infrastructure doesn't lie within the pavement if at all possible—I think Lance was talking about the Zionsville Road Project being, you know, designed this year. Execution next year. So, once that design is—they have a better idea of that design, we'll have a better idea of where we can safely locate that water main. J&K, you know as Sean mentioned, that report's been, we have a geotech report. We can absolutely share that with the consulting engineer. I think the soils are what they are. We're actually not, and Sean can correct me if I'm wrong here, we've actually dialed back the amount of infiltration that we're dependent on because of the types of soils on the site. We're actually making use of sub surface storage as opposed to infiltration to a greater extent so the impact of J&K have been softened since that last iteration of plans. And, the consulting engineer is aware of that.

- Franz Any comments?
- Parks The easement on the road. Wayne, would that impact more the development plan or the primary plat or both?
- DeLong The project itself—
- Parks The project itself has to cover both.
- DeLong They could not move forward without securing all of the easements necessary to provide for it. So, certainly, the plat and the development plan have both been designed and engineered to illustrate compliance with the Town's standards. And there will be bonding that would occur on top of that if the project were to go forward unless they were to build all the improvements and secure everything. So, to your specific question, I would think that that particular item would fall to the development plan. The plat could go forward. If your questions are going forward along the thoughts of considering approval for the preliminary plat, and then pushing the development plan out two weeks to see what sort of additional homework and completions of tasks can be wrapped up in two weeks.
- Parks Yeah, that's what I was thinking.
- Churchill I'm just not sure how much I can change the story related to the easements in two weeks.
- Parks How long do you think you would need?
- Churchill That's a great question for Lance. We could move forward without coordinating with the Town and acquire the easements and then the Town would have to come back and require the right-of-way at a later time. Um, I guess—if the development plan is subject to utilities being on site, I guess—is the off-site construction even part of the development plan or is that a separate—
- Franz No, it's a separate project with—
- Churchill Yeah, so that off-site project is wholly separate from the development plan. Now, granted, you know, you can't build anything without sanitary sewer or water based upon the standards of our PUD, but, um, they are two separate projects, one requiring this approval and then the Citizens project I don't believe requires a public hearing. Is that correct?
- Parks Well, I guess my question is, is it better to pull the two documents of the two dockets together and moving forward on one or is there an advantage to you to have one approved and not the other?
- Churchill I guess, um, it's always nice to have a petition approved but, at the same time, without both approvals, we're kind of at a standstill and my fear is that without both approvals, it's hard to justify as I stated earlier, the expenditure of capital toward the creation and obtaining of those easements. I just see them as two separate, one is dependent obviously, I just, I feel like the approval of the

development plan could be subject to the obtaining of those easements and it will be on a number of levels. One, you know, we can't construct the neighborhood without having the water main on site. Two, it would fall on the face of the PUD which backs up the construction plans. So, my fear is to hold up both petitions for this off-site issue might create somewhat of a perpetual situation where we can't comply.

Franz I think, we can—I mean, I think the primary plan can go forward without any real issue tonight. Um, the development plan, with some pretty major contingencies built in or subject to—

Churchill Absolutely. Yeah, having the water mains at site is a huge contingency. Um, but that project won't be developed without water.

Parks You're right.

DeLong And that's one of the reasons the Safety Board worked with the petitioner to develop a program, I think it's about a quarter-million dollar program with CalAtlantic the Town, and Pittman Partners, the old properties to ensure that water gets to the site. I mean, water is in proximity. It's to the north. It ends at 106<sup>th</sup>, just comes and then south of that intersection.

Churchill Yeah, per that agreement, we actually already have money on deposit with the Town.

Franz I guess, are we comfortable going forward with the development plan with the subject-tos as requested?

Parks Okay, I move that Docket 2016-08-PP, the primary plat approval for approval to provide for a 48-lot subdivision in a planned unit development zoning district be approved with the conditions noted in the staff report, the proposed finding of fact and subject to obtaining the appropriate—what's the wording?—easements relating to both the highway and the water project.

Fedor Second.

Franz Is there any discussion before we vote? None? All in favor?

All Aye.

Franz Opposed?

Parks Now, I will address the development plan by moving that Docket 2016-09-DP, the development plan, also for approval to provide for a 48-lot subdivision in a planned unit development zoning district be approved with the conditions noted in the staff report and based upon the findings and especially the obtaining of the appropriate easements related to highway and the water project.

Franz Is there a second?

Fedor Second.

Franz Any discussion prior to vote? All in favor?

All Aye.

Franz Opposed? Motion carries.

Churchill Thank you so much.

Franz Next items are Docket 2016-16-Z Town of Zionsville Creekside Corporate Park, petition to modify both text and graphics of existing PUD document and 2016-18-PP petition for primary plat approval of 14 lots within Creekside Corporate Park in a PUD. Wayne, I believe you're handling this one?

DeLong Yes, I am. Working to find the paper in order here. Thank you. Certainly, the Town and the Redevelopment Commission have been busy with the Creekside Corporate Park since purchasing the ground in 2013. Certainly, 2014 saw some street clearing activity in preparation of the installation of the structure and on March 14, that project was awarded and on March 15, the project moved forward with its infrastructure. In the meantime and as residents can certainly see, and visitors as well, LIDS moved into that area and has built their facility and now is in full operation and what is driving the items that are in front of you this evening is the first sale on the north side of 106<sup>th</sup> Street. That's DK Pierce who is a petition that is now on file and will be heard next month barring any other conversations outside of Town Hall regarding their filing. Certainly, look to appear at the Plan Commission next month and the items in the staff report, Items 1-8 are basically a result of that conversation. The document, the PUD document is written, certainly with one viewpoint, certainly in working with the marketplace, some of the changes that we have run into and some of the recommendations from potential tenants, brokers, developers, the community have made these suggestions. These suggestions, we see those as minor and some of them are just for clarification purposes only and also some of these are designed to allow some flexibility within the PUD document, much like what other PUDs enjoy within the Town. Certainly, these are—flexibility is built in for conversations internal to the project. Nothing is happening that would impact adjacent parcels. These conversations with representatives of other parties that surround the property and these changes are simply items that are happening internal and in between shared lot lines. We also have an update that's happening as to the graphics within the PUD document and that is specific to the street alignment, pathways, just refinements that have occurred based upon topography, research and just walking the site and viewing how the improvements would be physically installed on the land. So, with all those thoughts in mind, staff certainly has worked for you this evening to prepare the staff report that is in front of you. Certainly, the RDC is aware of the recommendations and the process that is in front of them and, as indicated in the staff report upon conclusion of this hearing this evening and the certification of whatever recommendation you may have if that's what you choose this evening, that would be forwarded to the Town Council and be set for a future agenda.

Franz Thank you. Is there any public comment regarding these items? Being none, does the Commission have any questions or comments?

McMlellan So, Wayne, just one question for you. How would these changes compare to say, Carmel, or Fishers or other neighboring communities?

DeLong I don't have a real clear answer for you. The project, the standards that are proposed within the development are commercial in nature. The setbacks that we have are very similar to other jurisdictions. The sign, I would say in particular, that the sign placement requirement where we had it exactly by the front door was pretty restrictive. So, I would venture to guess knowing from my own personal experience, Carmel, for example, allows a bit more flexibility than just requiring the sign by the front door only. So, I do not have a clear answer for you on every particular item but I would say the flexibility that we're building in is designed with the marketplace in mind because we want to be competitive against other jurisdictions.

Franz Are there any further questions, comments? Do I have a motion regarding Docket 2016-16-Z?

Schiferl I would make a motion that Docket 2016-16-Z to modify the text and graphics of the Creekside PUD document inclusive of the illustrative locations of public improvements and text changes related to the development standards in the 5400 block of West 106<sup>th</sup> Street receive a favorable recommendation based upon the staff report as presented with the recommendation being certified to the Town Council for its adoption or rejection.

Franz Is there a second?

Parks Second.

Franz Any discussion? All in favor?

All Aye.

Franz Opposed? Motion carries. Is there a motion related to 2016-18-PP?

Fedor I move that Docket 2016-18-PP primary plat approval for 14 lots within Creekside Corporate Park at 5400 West 106<sup>th</sup> Street be approved with the conditions noted in the staff report and findings of facts.

Franz Is there a second?

Parks Second.

Franz Any discussion? Being none, all in favor?

All Aye.

Franz Opposed? Motion carries. Next items on the agenda are 2016-13-CA and 14-DP petition for commitment amendment to provide for modification of Commitments, Ordinance #2009-05, in the General Business Rural Zoning District, and petition for development plan approval to provide for a fuel station

and convenience store in the rural General Business Zoning District. Is there a representative here?

Shinaver

Thank you. Sorry for that slight delay as I put up the easel. For the record, my name is Jim Shinaver. I'm an attorney with the law firm of Nelson and Frankenberger. We have offices that are located at 550 Congressional Boulevard in Carmel, Indiana 46032. With me tonight on behalf of the applicant, Giant Eagle, is Paul Gold. Paul is their commercial real estate broker. Also with us is our civil engineer, Andy Taylor. And then, Jon Dobosiewicz is also with us who is a professional land planner with my office. The petitions before you tonight pertain to a parcel of real estate that is approximately 2.27 acres in size. We submitted to the staff, and I believe they have forwarded them to you, a comprehensive informational brochure. Behind Tab 2 of that informational brochure, you will find aerial photographs that depict the location of this particular piece of real estate that is the subject of this request. That site is outlined in yellow and you can see it is located at the southeast corner of County Road 700 East and Whitestown Parkway. This property is zoned rural general business and is surrounded by various commercial and multifamily uses. The vacant sites to the east, west and south are zoned for commercial development and the property to the north and southeast of our site are developed with multifamily uses. The petitioner, Giant Eagle, was requesting approval for the construction of what's called a GetGo fuel station and convenience store. But, in order to do so, we need two approvals for this particular site that I will briefly review with you. The first relates to a commitment amendment and the second is for the development plan.

As your staff report explains, our site, the 2.27 acres, is part of an overall 12-acre parcel that was the subject of prior zoning commitments that were part of the action by the Boone County Plan Commission in 2009. Those 2009 zoning commitments prohibited on this site amongst other uses an automobile service station. Again, in order to develop the site for our intended use, we're asking for a commitment amendment so that those prior commitments to prohibit automobile service station would be removed. It should be noted that after the 2009 commitments were adopted, the real estate was then ultimately annexed into the Town of Zionsville. So, again, the current zoning for this property within the Town of Zionsville is GB or rural GB which would permit a fuel station. While it should be noted that we are requesting the prohibition of automobile service be removed, it only relates to this 2.27 acre parcel of real estate. We are not asking for any of the other prohibited uses that would pertain to this site to be removed. Further, this is a fuel station. It does not have an automobile repair component to it. So, we are not asking for approval to repair automobiles. Again, simply for the fuel station element. I'd also want to stress that regarding the overall 12 acres excluding our 2.2 acre site, we're not asking for any changes of those prior zoning commitments that affect that overall 12-acre parcel excluding our particular parcel. Finally, as you probably realize, what we're seeking from you regarding this commitment amendment request is a recommendation to the Town Council that would take final action on that particular matter.

The other matter relates to the specific development plan for the fuel station/convenience store. This first exhibit is the site plan and it was included behind Tab 5 of your informational brochures. Again, you can see to the north or

to the top of the page would be Whitestown Parkway in this location. Over to the west or the left-hand side of the image would be County Road 700. To our south or the bottom of the image is Grove Pass which is a private road. Then, to our east or on the right-hand side of the image is vacant real estate that is zoned for commercial purposes. A few items of note regarding this development plan. Immediately adjacent to Whitestown Parkway in this location, we are proposing a right-in, right-out only. To our south where Grove Pass is located, again it's currently a private street so as part of this proposal, Grove Pass will be dedicated as a public right-of-way with access as shown here on the site in these two particular locations access, these two access points were pushed over further to the east away from County Road 700 as part of the TAC review and discussion. You can also see that along the perimeter of Whitestown Parkway to our north and then the perimeter of County Road 700 East to our east, we propose a pedestrian path along those particular areas. And then, we're also proposing a concrete sidewalk to our south adjacent to Grove Pass. You can also see on this exhibit that we have positioned the fuel canopy so that it is adjacent to the building and perpendicular to Whitestown Parkway. We've done this so hopefully the canopy and the individual fueling stations will be less visible from the intersection of Whitestown Parkway and County Road 700. The trash enclosure area is located here on the south of the property. It is enclosed on all four sides and the building materials for that trash enclosure are similar to the building materials for the main building so that they complement each other. There would be a wooden gate on the front of that trash enclosure area so that parties that need to remove what's included have access. Then, also, you can see on this rendering, this is the colored landscape plans. You can see the locations of the perimeter parking lot landscaping and also included behind Tab 8 of your informational brochures are more detailed landscaping plans and renderings.

The next exhibit I want to review with you would be building elevations. We included multiple building elevations in respect to the renderings. Those were included behind Tab 6 of your brochure. This is one of those perspectives. This would be a perspective with the north side of the building as it faces Whitestown Parkway. In the background over here would be the fuel canopy again. You can see with this rendering there is a proposal for some outdoor seating with small tables and umbrellas for our patrons. You will note that the primary building materials are brick, masonry, stone-type design and then also storefront glass finishes to the fronts of the buildings and the windows. Again, we included a lot of detailed renderings of the elevations behind Tab 6 of that brochure.

Regarding signage and lighting, those specific plans are included behind Tab 7 and Tab 8. So, behind Tab 7, you will find detailed renderings of the sign package for this site. The site signage includes two wall signs and one round mounted sign. The staff report indicates that the proposed signage complies with the zoning ordinance and the staff, based upon the staff report comments, is supportive of that proposed sign package. Then, included behind Tab 8 is a photometric lighting plan and also there are examples of the proposed light fixtures within the brochure. The lighting will include LED types of lighting components in compliance with the applicable zoning ordinance standards.

In conclusion, the building elevations, landscaping, site signage and site lighting fully comply with the development standards applicable to the GB rule district of

your zoning ordinance. We're not seeking any variances from those particular standards. Our understanding is that your planning staff is supportive of the request and supportive of the commitment amendment approval and development plan approval. After answering any of your questions, at the conclusion of the public hearing, we would respectfully ask that you make a favorable recommendation for the commitment amendment to the Town Council and that you approve the development plan. So, we thank you for your time. We will, of course, remain available to answer any questions that you may have.

Franz Okay, thank you. Is there any public comment regarding this matter? Please step forward and state your name and address for the record.

Barrabee My name is Linda Barrabee. My address is 6514 Kingsbury Way. We're in the property that would back up to the field where this would be in the front. When Anson first started building, and I realize this plat is not part of the Anson development but when it first started building, the residents of Royal Run met with Anson. We talked about where commercial should be and where residential should be so as not to disrupt the residential area of Royal Run and all the others that have built there. 700 was to be the cut-off line. Anything to the east of 700 was to be residential. We've already seen creep from that and you'll note where this property is, that has been now approved in the front as commercial. We've already worked with the folks for the short-term stay SNF (skilled nursing facility) for that to be built behind us. Now, we're seeing more creep where we want to put a gas station there. There's already four gas stations within very close proximity. You've got Meijer. You've got the Circle K. You've got the truck stop. You've got the Shell station. You also have an empty gas station that hasn't been there that long. It was built after Royal Run that's right by the Taco Bell where you could put a gas station. There's already a fuel station there. It already has that variance. The children of the middle school fought very hard to get a walking path put in. You now want to add a gas station which will have a lot of traffic where these children will walk. That is a safety issue. I don't think people—I don't have a child in this school but I would bet that the people don't want their kids walking there with all that traffic going around. There's going to be lights out there that are going to be a problem to the residents. From my house now, when the trees are not leafed out, I can see the Meijer lights and it's across the street. I can see the storage unit lights. That's back past the apartments. I can see that from my house. We don't want large lights from a gas station. Again, the traffic that's going west, if they want to get to that gas station, they're going to U-turn. There's already enough traffic and road problems out by the CVS there. Now, you're going to move it further this way to the east. That's going to be a problem. Again, we don't want another variance out there. How about we go use the empty gas station that's out there? Let's not build a gas station that's close to the residents there. Thank you.

Franz Thank you.

Wisinski Hi. My name is Tom Wisinski. I live at 6515 Kingsbury Way. It's a subdivision behind—you know, I want to thank you for your time and consideration. Basically, Linda covers most of the same concerns that I have. I guess I'd like to say I'm not opposed to development; I just want to make sure it's the proper development for that, especially with the neighborhood right behind the

apartment complex. I just really had a couple of other points I want to ask. The one point that I don't have an answer to is, and it was mentioned that in 2009, the zoning was where it prohibited a service station or gas station. I don't know what's changed from 2009 to 2016 that would now allow a gas station to be put in. I would like that to be answered at some point. Congestion is another one I have a little concern with because as you know all there's a B-Dubs that went in at the other entrance, two entrances into Royal Run. That is now getting a lot more congested, especially when you got your CVS and you got B-Dubs. Now, if you start developing the second entrance because I basically use the second entrance because it's not as congested, if you put a station there and then, of course, there's going to be something south of that and something south of that and I'm sure there's going to be something developed, I guess it would be the west side, we're not going to be hardly able to get in and out of our subdivision so that's a big concern of mine as well. And then Linda mentioned to me, finally, like for the kids, our youngest is going to be graduating this year so we don't have little kids but I do have a concern that if they want to finish that walkway across 334 or Whitestown Parkway now, that that may not be the best thing to have a service station like right there and you're going to have kids potentially walking to Zionsville West Middle School from our neighborhood or from the apartment complex going to and from Zionsville Middle School. If I was a parent, I would be concerned. Thank you.

Franz Thank you.

Vershay Good evening. I'm Ryan Vershay, attorney at Lewis Wagner LLP, 501 Indiana Avenue, Suite 200, Indianapolis, IN 46204. I'm here on behalf of Gene B. Glick Company who owns and manages West Haven Luxury Apartments to the north of the subject site. Initially, Glick had a lot of reservations about a gas station in that area just based on experience in other areas but we've since seen the site plan, those have all but gone away. We just have a couple of concerns and some details that we'd like clarified tonight. We've had some correspondence with petitioner's counsel regarding a shade tree to be placed at the northeast corner of the site plan between the entrance/exit and the northeast corner of the property to help shield the gas station from our property a bit. Secondly, we have received some elevations along with the site plan that showed the enclosed dumpster area as well as the fuel station canopy. We just want to make sure and have some confirmation that what we received are what is before the Commission tonight. The enclosures were red brick on the bottom and then had some gray brick on top and the canopy had the same thing, red brick on the bottom, gray brick about halfway up. We just wanted to confirm that those are the elevations that were submitted. We have no objection to those. Third, we have requested that two covenants be placed of record with this property. The first being that no lighting on the property shall be directed at or shine on to our property across the street. We understand that it is across the street but those are concerns for our residents that we have. Secondly, that the subject property shall be maintained in a reasonably clean, sightly and secure manner. We request that those two restrictions be placed as a matter of record so that they are not only enforceable by the city but also by residents and landowners. Then, lastly, tonight we have the request that the masonry on the gas station canopy, it's brick up to a certain point, then it's just a metal pole. We request that the brick go all the way up to the canopy. That's all the comments that we have tonight.

Franz            Okay, thank you. Would you like to respond?

Dobosiewicz    Thank you very much. My name is Jon Doboseiwicz, land use professional with the law firm of Nelson and Frankenberger. I would like to address each one of the comments that have been brought to the attention by the Commission, by the public as well as the attorney representing Gene B. Glick. If you're familiar with the site of 700 and Whitestown Parkway, that area from the multifamily that's been constructed on the south side all the way over and including the site is zoned for commercial development. So south up to north of Royal Run up to 334/ Whitestown Parkway is zoned for commercial development. We're not here for a change in that; we're asking for the fuel center/convenience store where the ordinance today, where the commitment prohibits a service station. I think primarily the component was the automobile repair and that isn't being requested. It's the service station and convenience store that would be associated with it. One of the comments that was made by the resident was with regard to safety and traffic as well as—at that corner—and you can see from the site plan, if I can step away from the microphone, let me know if you can't hear me, this is 700, County Road 700. This is Whitestown Parkway and, with the construction of this development, we'll be adding an asphalt path, a 10-foot asphalt path, along Whitetown Parkway frontage as well as 700 East, and we're providing a connection, and a crosswalk across Whitestown Parkway, so that's going to assist in pedestrian connections and connectivity for those residents whether they be in Royal Run and now the connection between Grove Pass and south isn't constructed today but when commercial use has back filled that area and then construction, they'll construct in conformance with the requirements of the ordinance which will require them to construct that other segment of path as you get down toward Royal Run so that folks who would want to walk and cross over 334, whether it be to other commercial uses or the middle school, will have a pedestrian path all the way across that frontage with a striped crosswalk and also access along Whitestown Parkway. In addition to that, the folks who live in the multifamily south and east will have a sidewalk connection where today they have to walk in that easement which is Grove Pass. They'll have a sidewalk connection over to 700 along the east side of 700 across our site and then, of course, to the crosswalk that crosses Whitestown Parkway so that they can get up to the area which includes Meijer by foot now without crossing over into 700 or Grove Pass to connect at that location.

The other comment about commercial development stopping at 700. Again, this real estate as well as the real estate to the south, our approximately 3 acres and the other 9 acres to the south of this parcel, is zoned today rural GB for commercial development to occur so we're not asking for a change in zoning to allow commercial development. That should be the expectation with regard to development of the real estate. Some specificity was requested regarding our request and the 2009 commitments. In place today, there is a commitment which does not allow a service station on the property. We're asking for a fuel station as well as convenience store on the property. We're asking for a recommendation to be made by the Plan Commission and then consideration for adoption by the Town Council at their next meeting after this meeting. So we are asking for a change and that change is to allow this use on this piece of property where today Zionsville's ordinance under the GB rural permits a service station, the use that

we are asking and requesting to see a recommendation for this evening. There were a couple items that the attorney for Glick brought up. One was the request to see an additional shade tree added to the plan and that would be east of our right-in, right-out and if you look at the plan on display, I can show you that location. That location would be here at the very northeast corner of our site. The petitioner would agree to add that planting to the landscaping plan. In addition, there were questions regarding the dumpster enclosure design as well as the canopy design. It's my understanding and staff can confirm this, that the elevations that we have proposed with the development plan are required for us to construct. Any modification to those would come back to the Plan Commission. So to answer the question directly, the dumpster enclosure as well as the canopy will be designed and constructed as shown on the plans. Any change to that would require further approval by the Plan Commission and staff. Regarding the covenants requested by the petitioner, they indicated that they would like to see no lighting directed toward Whitestown Parkway and in essence, their use. All the lighting is a cut-off design. It's LED fixtures. Those are downward-directed. There is no bleed-over like with a standard shoebox or metal halide lighting fixture. But, if it's determined after the facility opens that there's a need for a house-side shield, and if you're familiar with that, there would be a lowered element dropped under the pole light so that it would restrict even further any point source view visibility of those light fixtures. We would add those if requested by the Town. Also, there was a question about maintenance, that there was a request that the owner be accountable to the surrounding residents as well as the Town. With regard to property maintenance, I'm sure that the Town of Zionsville has standards in place. We would be held to those standards as would any use in the community. I wouldn't ask that the Plan Commission entertain a commitment or covenant on our part to be beholden to the surrounding residents. If there's a complaint regarding the upkeep of the property, I would assume the Town would receive that complaint and we would be advised of the concern, and we would respond to the city in bringing that property into compliance if it were out of compliance with the standards that are in place for commercial properties within the Town today. I believe that addresses all the items that were brought up by the public. If you have additional questions, we'd be glad to address those as well.

Franz Does the Plan Commission have any questions?

Schiferl I have some questions and I guess some comments. One of the nice things about having a body like this is we have all different levels of experience up here. In my case, I was on the Boone County Plan Commission in 2009 when on a 5-0 vote we voted exactly for what Ms. Barrabee articulated. I sat there and heard a number of residents—I'm speaking as well to my fellow Commissioners up here—because I think it is very important that we put in context what 700 meant as a dividing line going forward. The reason the GB was voiced and voted on 5-0 and I was one of those votes—I can't speak for the other four but I have good suspicion as to why they voted the way they did—was because of the restrictions on use. The restrictions on use, sir, with all due respect did not just talk about auto repair facilities. They were specifically addressed 7 years ago to the issue of a service station which was specifically raised. Now, I come with that background with my questions. First of all, this land as I always understood it, was Whitestown territory up until I believe 2013 when the Town of Zionsville

brokered a deal with the Town of Whitestown to stop their bickering over land. My understanding is in April 2013, a mere three years ago, our Town approved the adoption or annexation of this land as part of what was called the PK TIF district. So, my first question is, is this still part of a TIF district?

Dobosiewicz Is that a question for us or for staff?

Schiferl For you, sir.

Dobosiewicz My understanding is that it's part of the TIF district.

Schiferl Which further and significantly troubles me because I don't think TIF money should go to support building of a gas station. Um, but, so it's a TIF district. The other thing, sir, I guess, or maybe, staff, if they can answer it, the—and I'll quote then President Papa of the Town Council. He said there will be no changes—this was to the citizenry of Zionsville—“There will be no changes. It will not change school districts, where you go to school. It just brings us into Zionsville jurisdiction. There will be no further tax or tax liabilities. And, there will no need to provide additional services such as police and fire to this area.” Now, if that's true, I'm concerned that we would have a gas station in an area where we are not providing fire service. I think that even the petitioner would request us to provide fire service to a gas station which means that we will not be providing services on our tax dollar to a TIF districted area where we don't get the benefit of those tax dollars for 20 or more years, a long period of time. Am I misunderstanding that, sir?

Dobosiewicz My understanding is that the Town of Whitestown provides fire service to this property presently and we not requesting a change.

Schiferl So, this area—your understanding would be that the Town of Whitestown would provide fire service to this area, not the Town of Zionsville?

Dobosiewicz No, my understanding is the Town of Zionsville provides fire service to this area and I would look to staff to confirm that.

Schiferl Sure. I guess I would ask staff to confirm it, too, because what I'm reading, Wayne, from then President Papa's comments were that there would be no need for additional services if this land were brought into Zionsville.

DeLong If the land was brought into Zionsville, I mean, it would become fire service territory of the Town of Zionsville. I'm not understanding the nexus here.

Schiferl Well, I generally agree with you, Wayne. I wouldn't disagree with that but, I'm looking at the vote that was taken by the Town Council on the annexation when they did this land swap and it specifically said that doing this, everything will remain unchanged and there will be “no additional services necessary, such as police, fire, etc. and that the existing county ordinances will still attach.” And, I get the county ordinances attach—that's why we're here in this GB. But, if you read what was spoken and stated at that meeting, it would tell me that this is not an area of Zionsville Police or Zionsville Fire.

- DeLong Well, it's definitely not Zionsville Police. This would be a rural service territory. Therefore, the County Sheriff would be the responding first responder. As far as fire service territory, I'm pulling up the maps right now—it's certainly not my field of expertise—but I would assume that the annexation of the property into the Town of Zionsville would push a property into fire service territory of the Town of Zionsville.
- Schiferl Again, I don't disagree with that ordinarily but this particular parcel was part of this agreement by and between Zionsville and the Town of Whitestown when they did this swap as I understand it. Correct?
- DeLong Correct.
- Schiferl Another question I had, sir. With regard to the private road, Grove Pass. Is it the intent of the developer to have that whole road turned over to the Town of Zionsville or who would that be turned over to?
- Dobosiewicz As it's in the Town, it would be to the Town. We would make a dedication, a public right-of-way. It's a 60-foot full-width right-of-way which would extend Grove Pass in its full width over to 700.
- Schiferl In other words, from the west terminus would be 700. On over to the east terminus would be the entrance to the subdivision that exists.
- Doboseiwicz Well, the existing Grove Pass which is public right-of-way, so there wouldn't be a gap.
- Schiferl And my question is, to whom would that be turned over to?
- DeLong That would be turned over to the County for maintenance and plowing.
- Schiferl So, even Zionsville's Town would not service it?
- DeLong That is correct.
- Schiferl So, if I understand all this, we'd have a parcel on a—I'm going to use this term and I don't mean it pejoratively but on an island that has Whitestown Road or Whitestown Parkway to the north which is the Whitestown obligation, correct?
- DeLong Correct.
- Schiferl And to the west 700 East, that also is Whitestown's obligation to maintain.
- DeLong 700 East would be the Town of Zionsville's to be maintained.
- Schiferl The reason I'm asking this again, I'm looking at the minutes from April 2013 and it says the Town of Whitestown will maintain Whitestown Road and County Road 700 East but Zionsville has agreed to pay \$100,000 to install the traffic signal if the property owners of the adjoining 40 acres, the PK TIF district, agree to annex into Zionsville. So, in other words, my understanding from that agreement was that this 12 acres, well, actually, that the whole 40 acres, gets

annexed into Zionsville including this 12 acres including as part of that this smaller 2-acre parcel, but that essentially, other than the \$100,000 contribution to the traffic signal, Zionsville had no road obligations there.

DeLong And, for maintenance purposes and plowing purposes, since this is still rural it would still be maintained and plowed by the County, even 700. Just for purposes of clarification.

Schiferl Okay. In other words, the department Lance Lance heads up would have no obligation to keep it maintained.

DeLong Correct. I mean, certainly, he has contributed to the review but certainly from a road point of view, the county highway engineer has been very much involved in this process.

Schiferl I had a question on the lighting. I appreciate all the details that were in here but, is this downcast lighting with covered to the sky lights?

Dobosiewicz Correct. There's no upwardly directed lighting whether that's LED or ambient. It's all LED which are point source. Even the canopy lighting is recessed up into the top of the canopy so you won't see any fixture or lighting down below that top of the canopy. It's all LED which are focused towards the point of sale.

Schiferl I do appreciate that aspect and for the gentleman who spoke from Gene B. Glick, the biggest contributor of light from that area out there is Gene B. Glick property which has no similar caps on its lights so maybe since they're asking for a tree if they could go back and put caps on the lights. It would help all the rest of us that live even up to a mile and a half away. I found it ironic they are requesting a tree to be planted to protect from light which is all downcast when they have light up into the ambient air. Thank you. That's all the questions that I have.

Franz Anybody else have any other questions, comments?

Walker I just wanted to make a comment. When I first saw that, I was really concerned about the safety issues that you had brought up. I'm a little more at ease about it because I know how hard those kids worked. I don't live too far from there—to get that sidewalk and crosswalk and how it was a really big deal to them. So, the path that you show makes me a little more easy about it. I'm still not really sure that it's going to be safe but at least you're making an effort.

Fedor So, Wayne, just so I understand the commitment that was made in 2009. If a McDonald's or Burger King or whomever wanted to put on this site, they could. No requirement for any amendments or waivers, correct?

DeLong I'd have to look at the commitment list. There are very specific requirements that were articulated in 2007 and 2009 related to this property as well as other rezonings that occurred in that window. Yeah, I'd have to look to see. Many commercial uses are permitted and then there are many commercial uses that are stricken from occupying that piece of real estate.

Fedor As I looked at it, I didn't see any, say, fast food prohibitions. I won't pretend I read every line because it's fairly long, but, I guess there's sort of a philosophical question of, is there a preference towards something that is in more genre of fast food type restaurant versus this type of establishment which is obviously more of a gas station/service station. More of a rhetorical point.

Fedor What are the hours of the gas station? Is it going to be 24-hour?

Dobosiewicz There's not a plan in place presently. There's no proposed restriction that it would be something less than 24 hours a day. But, it really depends on demand. Whether that's today or in the future. It could be 24 hours but if we don't see the demand over those evening hours, we wouldn't propose it to be open.

Schiferl Mr. Chair, I have an omitted question or two.

Franz Go ahead.

Schiferl On the limitations of use, as I said, I vividly remember people coming and talking about a gas station because, of course, we all knew it was a busy corner or projected to be a busy corner of roads and so, the natural thing comes up, well gee, what goes on corners? Gas stations. What can we do to not have them there? That was discussed but within the limitations on use, sir, are also the following: Reservoirs and storage tanks and, of course, gas would be an underground storage tank, so are you also asking for a restriction or a lifting of that use?

Dobosiewicz That's a particular use category in the ordinance which would be unrelated to the fuel station uses. They are capitalized terms and they're defined in the zoning ordinance. We would fall under the service station definition and not under the storage tank definition in the zoning ordinance.

Schiferl I will now self-confess as someone who actually does own some oil stocks—I'm not anti-oil—but I do know that oil companies and retail establishments that dispense gas and oil make a fair amount of the margin not off the sales but off other items including tobacco. And, I notice that one of the other uses that was prohibited for this site was that of tobacco stores. Is Giant Eagle committing to not selling tobacco at this location?

Dobosiewicz Again, not—with all due respect—the tobacco store is a defined term in the ordinance. We're not proposing a tobacco store. Tobacco sales is ancillary to the convenience store component and is not prohibited under the commitment. Tobacco sales wasn't prohibited. A tobacco store was prohibited under the ordinance and my understanding through staff is that the ancillary components such as the retail, the food service that comes out of that building as well as retail sales is all ancillary to the primary use which is the fuel center and convenience store.

Schiferl Well, ancillary is defined by Merriam Webster as "providing necessary support to the primary activities of the institution." So, my question is, is it truly ancillary to sell tobacco products at a gas station?

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Dobosiewicz Yeah, I think out of our discussions with staff, a tobacco store is not proposed but tobacco sales is permitted.

Schiferl So, Giant Eagle wants to sell tobacco there, yes?

Dobosiewicz Yes, we're not asking for a prohibition of tobacco sales out of the convenience store.

Schiferl What you're saying is, if I wanted to go and petition to open just a store that sold just tobacco, I couldn't do that.

Dobosiewicz It would be prohibited under the ordinance. Or, excuse me, under the commitment.

Schiferl So, what you're doing is saying we're going to sell gas and, by the way, we've got these cigarettes here you can buy.

Dobosiewicz I wouldn't characterize it like that but you're correct in your description.

Schiferl There was also on other use—oh, in the materials we received—where you see the number of things about display of outside products including, as I saw, the occasional springtime mulch and those things. Um, I noticed another prohibition was that of a roadside stand including, ironically, hay, grain and feed store type of sales, correct?

Dobosiewicz Correct. And, if I can, for the benefit of the Plan Commission members, this is again Whitestown Parkway, this is the east perimeter of the building. You'll see on the elevations that's shown---that area is restricted to this location right here along the base of the building. It's approximately 15 feet wide x 5 feet deep. That would be the area where we're asking for those seasonal types of materials to be sold as well as there is a location for an ice exchange along that east side of the building. It's well documented within Tab 6 of your brochure. It's in the elevations as well as it calls out specifically the limitations on that use, what is permitted and what it is not permitted on that particular reference page.

Parks I just have a couple comments. I, too, am concerned about creep and commercial creep along Whitestown Parkway. So, the comment that one of the remonstrators made about the fact that there was a creep of commercial that was supposed to stop at 700, now going east. I don't look at the rehabs project as commercial in that line because it has a residential aspect to it and it's not the kind of thing you would go in and out of to take care of—to satisfy your need for a particular short-term product. The other thing, and this is a personal bias—I am absolutely appalled at the placement of service stations that seem to be always in conjunction with somebody else's that ultimately leads to the worst thing on a highway which is the gas station skeleton. We've got a couple of those out there already and I don't see the value of another service station in that area. I see them all over Indianapolis. There's a brand new one at Massachusetts and Rural. I go there every week, a couple times a week. There are three other gas stations that are within a block, one of which is already closed. There is no move afoot to eliminate that. So, just from a standpoint of looking at the type of use that would be appropriate at that corner which is a very valuable corner, and I know why

you want to go there, but it just seems like it's overkill for that area. So, those are just comments more than anything else.

Franz I, too, struggle with this just from the fact that, you know, you're going to have essentially residential south and residential southeast of it. I realize something's going to ultimately go in there but, I mean, a high-traffic, potentially 24-hour well-lit, you know, business, may not be the best thing to put in there. Are there any further comments? Wayne, do you have a staff report?

DeLong Certainly. Really, what's in front of you this evening is two parts, a modification request to the prior commitments and, certainly, the development plan. Staff looked at these pieces together and found it difficult to review a request for modification to a commitment without knowing what that would look like physically on the property. Certainly, Mr. Schiferl has articulated certainly the details of that history. Certainly, staff has dove into the evolution of these types of commitments because this is not exclusive to this piece of property. There are other sites within Boone County that is now part of the Town of Zionsville in the rural area that has commitments that are particular about land uses and particularly focused on automobile repair, service stations. Certainly, what's permitted on this site today is the retail activity. It was zoned that way when it was annexed into the Town. It was very clear it was coming in as rural GB the use as permitted today is the retail sales of ancillary items, sundry items, convenience items. It's mixing that use with the dispensing of fuel and the sale of oil. It's not commonplace today to find an automobile repair service station in existence opening its doors today. Typically, you'll find an automobile repair facility and a convenience store as a second use with fuel sales. So, that world has split. Staff's support of this petition is following that evolution of land uses even though that's just a few short years ago. Certainly, it's well recognized the proximity of this site to residential uses. Certainly, the lighting plan and landscaping plan, the buffering are all designed with those thoughts in mind and staff's support of the request is directly tied to the site plan, and the illustrations that are in front of you this evening. With the process as it's designed, the modification request is ultimately looking for a recommendation from the Plan Commission with the ultimate decision being made by the Town Council as to that modification happening or not. Certainly, if the Plan Commission so chooses, I mean, you could continue this request for the site plan, the development plan side of the conversation and allow for disposal if you will and review of the modification position in a different tract. Staff thought it best, at least for initial conversation, is have all of this in one hearing so you could see vertically what is proposed as a result of the modification petition. But, certainly, those options are in front of you for considerations. Again, staff is recommending approval of the petition, certainly recognizing the number of items that are within the reports of your various service providers related to outstanding items and certainly, if there is any conversation on those, staff is interested to hear. The one comment I have on the lighting plan, and I know John Vershay and I exchanged some emails, and he may have followed up with me and I just didn't get that message—I was curious as to the lumens of the lights. There is a total number that's available but there's no specific number and I don't know if that number is known tonight or not. If they are 4000 Kelvin, 3000 Kelvin, 5000 Kelvin—I just don't know. That information is not provided on the lighting.

Franz Are there any questions for Wayne further on this?

? So, Wayne, one question for you. Upon learning tonight that the Boone County Plan Commission, I guess—is that what they were called?—was explicit in their desire to block a gas station. I know the category is automotive repair and service, I mean, how does that—does that potentially change your view on kinda the modification of the commitment here?

DeLong Those are exact things that we knew going into this. I mean, we have a number of things in consideration. You have the evolution of the land uses. You have fuel boutiques that are just a non-existent item just a few years ago. The lack of automobile repair happening here, all you're looking at it—don't, I'm not saying it's a preponderance of their business but certainly, they wouldn't be asking for fuel sales if it wasn't, you know, that is was something certainly in their wheelhouse, if you will, to provide. But, certainly, the site today could be utilized for convenience sales, retail store, selling the exact same items and providing the same food service as proposed. What is in front of you is, for the modification anyway, is the fuel sales. Staff has been looking at this commitment on this property and other properties throughout Town between the evolution to these more higher end fuel boutique type of facilities is where staff finds comfort in its recommendation of support.

Schiferl I do have a question now for staff. Can you explain how things evolved over seven years on use of service station for that because you lost me with the evolution of land use notion?

DeLong Certainly. I mean, gas stations have advanced dramatically, I would say in the last three years specific to the level of items that they are providing for their customer base, their street presence. I mean, 146<sup>th</sup> Street is a great example of a stretch of road that prohibited fuel centers of any type from Boone County line to Madison County for this exact same reason. You know, it's intense, the lighting, the traffic, all the different land uses that were seen as—land use characteristics that were seen as problematic. Um, so the era of that prohibition is, I think, prior to these particular zoning restrictions and 146<sup>th</sup> Street is evolving to allow fuel centers. They are—there will be one at Spring Mill and 146<sup>th</sup>, Carey Road and 146<sup>th</sup>, and Gray and 146<sup>th</sup> and then there's a fourth one at River Road and 146<sup>th</sup>. That's a great illustration of the evolution that happened in a different community specific to the straight prohibition of fuel centers and how they were seen as now accepted, basically I think from the demand by the public who is driving this road, that we need a place to buy fuel and sundry type items. So, that same logic is where staff would look at this site today that, you know, the architecture, the design, the amenities, the aesthetics, the demand for these types of facilities is sort of staff's viewpoint.

Schiferl But, what you're saying would make sense if, and you gave examples, Spring Mill, Carey Road. There's not within miles of either of those locations, three other gas stations. So, when you're using the evolution of land use analogy, you're using them where they're gas deserts. You would have to agree that's not a gas desert at 700 and 334.

DeLong Oh, I would agree with you totally, 100 percent. But, but, I don't believe staff has the luxury of that policy. That is a policy that the elected officials, the appointed officials can render at a subsequent hearing at the Town Council related specifically to the modification of the commitment. As staff, we cannot be charged with creating policy. I'm simply reviewing the request based upon the facts at hand. If the Town Council were to disagree, that's great. If the Plan Commission were to disagree, that's as well, great.

Schiferl I just want to be clear then because I looked at the materials. When you're saying you're talking about being in favor of this, I clearly see where you're indicating in favor of the development plan motion. You're not as staff passing any judgment on the lifting of the commitment motion, correct?

DeLong I have to get my memo back in front of me. As the memo indicates, staff is in support of the petition to modify the prior—and this support is directly related to the illustrative information contained in the GetGo development plan petition.

Franz So, what we have before us is we would need a motion to move this, to recommend this to the Town Council for modification of the commitments, step 1.

Schiferl I have a motion on that.

Franz I am not asking for one at this point in time. And, then step 2, just what we approve or vote on—I'm just—if this was advanced forward, would the second motion be approved, voted on subject to final approval from the Town Council?

Drake That would be one of several suggested conditions in the staff report on the development plan. I would just like to clarify, there has been considerable discussion about the modification requested being a service station/fuel station with a convenience store. If you will look at Item 4 as revised, it is to amend to permit an Automobile Service Station as that is defined in the Zionsville Zoning Ordinance. So, I simply want to be sure you are accurately apprised of what the amended commitment would be. And, if you have any questions on that, I will be glad to address them.

Franz All right. Any further questions or comments? Okay, do we have a motion on, let's see, what item was that? 2016-13-CA, the petition for commitment amendment.

Schiferl I do have a motion, Mr. Chairman. Consistent with the adoption ordinance of 2009-5 by the Boone County Board of Commissioners and, as later adopted by the Town Council of Whitestown which noted that, "We have paid reasonable regard to applicable comprehensive planning and current conditions and the characters of current structures in each use district"—again, consistent with those things, I would move that we send with an unfavorable recommendation to the Town Council 2016-13-CA on the petition for commitment amendment, requesting that the Town Council—our recommendation would be unfavorable, that they reject it.

Parks Second.

Franz All right. I guess we'll take a roll call on this one.

Parks So, an aye vote would be in favor of denial?

Franz To push an unfavorable. Aye is unfavorable. Nay is in opposition to that. Wayne?

DeLong Mr. Franz?

Franz Aye.

DeLong Mr. Schiferl?

Schiferl Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Ms. Walker?

Walker Aye.

DeLong Mr. Parks?

Parks Aye.

DeLong Mr. McClellan?

McClellan Aye.

DeLong Mr. Fedor?

Fedor Aye.

Franz The motion fails—or passes so we will forward an unfavorable recommendation to the Town Council.

Schiferl I would also move, Mr. Chairman, that we table—I think, Carol, I have to do this, right?—Okay, I would move to table 2016-14-DP until we receive word as to what the Town Council has done.

Franz Is there a second?

Parks Second.

Franz All in favor—or, any discussion? All in favor?

All Aye.

Franz Opposed? Motion carries.

- Dobosiewicz Thank you for your time this evening.
- Franz You're welcome. All right. Sorry to make you wait so long.
- Schiferl I just have a point of order. Carol or Wayne, on the tabling, will someone trigger that? I mean, we'll have to—
- Drake You have to bring it back off the table.
- Schiferl I mean, it will be put back on the agenda somehow?
- Drake We would put it back on the agenda subject to your action. I mean, once the Town Council, should they amend—
- Schiferl Oh, no, that's what I mean. One way or the other, there'll be something put back that we—
- Drake Yes, sir.
- Schiferl Thank you.
- Franz All right, next item on the docket is 2015-12-PP Courtyards of Zionsville. Petition for primary plat approval with waivers to provide for a residential senior living facility in the R4 Rural Residential Zoning District. Is there a representative here?
- Price Yes, Mr. President. My name is Matt Price. I'm with the Bingham law firm with an address of 10 West Market Street. Let me just introduce first a few of the individuals that are here with me tonight and then I will give you a brief overview of the project. We're all available to answer any questions that you have. First of all, to my right, are Terry and Larry Neer. If you guys could raise your hands real quick. They are the builder partners of Neer Development Company and partners with Epcon which is a company headquartered in Columbus, Ohio, that has developed active adult communities across much of the United States, but predominantly from the Mississippi east, and Larry and Terry have been builder partners with that company for many years and have built similar product to what they are proposing here in Stonegate, a development in Westfield and have another one in Mooresville. Also with us is our civil engineer Greg Dempsey. Then, this property that comprises the development is an assemblage of four separate parcels and so we also have a representative, and I'll explain why, of St. Alphonsus Church which is Andy Auersch.
- If you look at Exhibit 2 to the staff report, it provides an aerial photograph of the four parcels in question. I'll just give you a quick review of those and then I can get to the chase here. This is property located east of 950 and it's north of the St. Alphonsus Church and the Zionsville Medical Center. It's comprised of four kind of long rectangular parcels that are currently owned by Subah Packer who has a horse, kind of training facility, the Wheeler Trust, which has a single family residence. A third parcel as you move north, that's an empty parcel that's currently owned by St. Alphonsus Church and then finally, a fourth parcel that is

owned by a man named Kessler, recently purchased property. St. Alphonsus is with us today because the Neers and St. Alphonsus have agreed to a land swap where we would essentially trade approximately six acres for another six acres so that they would be able to have the cut-out of those parcels in the southwest quadrant of the project and immediately adjacent to their property. So they felt like that property would be better suited to their future plans in terms of offering additional programs through the church rather than having it a couple parcels removed.

I had previously provided a set of handouts which I'll briefly take you through and we can describe what we are requesting today as far as an approval. I've introduced Terry and Larry. It's this packet right here. I know you have a lot of materials. Hopefully, you've all got that. Yeah, there you go. I'll just go through it and describe a little bit about what you're seeing. Page 2 which is the first page after the introduction of Terry and Larry is our, the layout of our plat and 950 is the roadway north/south immediately on the west perimeter. We have a divided entrance, a divided entrance that goes into a loop road system. The project is comprised of 61 detached condominiums. So, each owner will own just the interior of their unit. The exterior of the unit along with all the landscaping, the lawns, other associated services, maintenance of the pool and the community center are all done through the condominium owner's association. So each owner will pay a monthly fee to make this a zero maintenance community. Then, you'll see to the southwest, the square or rectangular-shaped property there. That's the property that will go to St. Alphonsus as part of the land swap. So, that's page 2.

Page 3 shows in a little more detail, our landscaping package. To the north and to the east of our project is the Village Walk neighborhood. We worked closely with the property owners in that neighborhood to develop a landscaping treatment along their property lines to the north and to the east so that consists of a 10-foot landscape easement along the entire north property line as well as the east property line and then it also has included walking those properties with the individual homeowners and with an arborist who could identify trees to be preserved as part of our project. The idea is to maintain to the greatest extent possible the healthy species in that area along both the north and east property lines. There are some things that are going to have to be removed and should be removed just for safety and aesthetics. It will clean up a great deal of that property line while also making it a nice buffer between the developments.

I will talk a little bit about—give you a little more of an idea of what is included in the project. It does include a clubhouse and pool. The target buyer for this project is an active adult so our average age at an Epcon Community is about 63. We have approximately 1.7 occupants per home. Many single owners. Only 3.6 of the units is expected to have a single child so we are essentially anticipating one or two children in this project based on our history with this type of a project. I will talk a little bit more about the condominiums themselves skipping back to the elevations which began with the—well, let me go one before that, give you a little bit of an idea of some of the landscaping, too. We go over and above, well beyond Zionsville's requirements with respect to landscaping. We have a rendering of what our front entry will look like. The Deer Ridge subdivision is immediately to our west. We've also met with that homeowners' association

group. Got a great deal of positive support from them and this gives you an idea of some of the treatments that you'll see coming off 950.

I'll talk a little bit about some of the homes themselves. I realize this is a plat petition but for the sake of providing you a good overview. We show one of our elevations, called the Palazzo. Very soft color palate. Everything is closely regulated by the condominium association meaning that it's the association that maintains colors. Let me give you a little bit of an example. There is no garage sales unless they are part of a broader community event. The individual home owner has some small discretions as far as maybe a potted plant or a yard ornament that could be tastefully done in the front of their home but the landscaping treatments themselves are all chosen by the homeowners' association and maintained by the (home) owner's association. Then, I wanted to show you one particular feature of our floor plans. The project itself is called the Courtyards of Zionsville and there's a good reason for that which is if you flip back to what is the Palazzo floor plan, you'll see that the living space is all on the first floor which is a desirable feature for our target purchasers. The garage is a 2-1/2 car garage. The rooms are all 10-foot ceilings, a lot of open living space and each is equipped with an internalized courtyard that will adjoin the neighboring home or, not adjoin but it will be lined up against the neighboring home. We meet all the development standards. So, we meet the side yard setback, etc. but it will adjoin the neighboring home where it is not occupied. So, the idea is that this courtyard becomes kind of a private outdoor area. Now, why is that important? It's important because the rear yards of all the homes are not permitted to have any improvements or accessory structures. So, they are an open greenway and it provides an additional buffer between the individual home sites and the Village Walk neighborhood in particular. So that all of the outdoor living focus is all inside that courtyard which is up to the individual homeowner as far as how they want to maintain that. You see the typical things, a small water feature, you know, outdoor patio furniture, things of that nature. We provided several examples for the potential elevations for the homes. There is a certain amount of variety while also maintaining a lot of continuity as far as the design. There are front elevations that show various architectural features that can be added to the home. We anticipate the price range to be in the low to mid 300's. There are a number of options that can be added depending on what the homeowner desires. Almost all of those are internally driven, meaning they have to do with kitchen features, the degree of high-end features that can be added internally. There's also an option to add a bonus room above the garage which is often used for a study or arts and crafts type room or an extra bedroom. You can peruse those elevations.

We are not unlike one of the previous petitions relating to the Inglenook project in one sense but we're different in another sense which is that we, too, have a list of items that were noted by the Town's civil engineer. We believe that we addressed all matters relating to the plat approval and we will have a subsequent development plan approval to be heard by the Plan Commission, hopefully at its May meeting. We filed last Tuesday and many of the comments that remain relate to development plan oriented aspects of our project. But, we were asked relating to the plat to delineate any floodway that pertains to the property, to supply a copy of covenants which we did, to add an address plan which we did, to identify the sanitary sewer easements serving the property which we did, to

remove a previous iteration of our plan that had Arbor Way which is one of the streets internal to our project, to have that redesigned so that it did not dead end which we did, to specifically provide on the plat that there would be no landscaping in any drainage easement and then to clarify the nature of the common areas. What we were basically asked to do was to clarify that the homeowner was only going to own the inside of the structure wall to wall and not have any responsibility for the external improvements to the property which we also did. So, for those reasons, we believe that we meet all of the criteria for a primary plat approval.

We are also seeking two waivers relating to our street design which I think Wayne did a nice job of explaining the nature of those. It has to do with a horizontal curve radius and our minimum tangent length. Again, this is a public street. I wanted to note that. We decided purposefully not to try to build a private street or to seek any significant relief from the Town's street design standards. And, we did that because we are immediately adjacent to an urban service area. So, while we are zoned R4 which is a rural classification and we're in the rural service area, we thought it would be in the very near future that we would be transitioned and we wanted to transition at an appropriate level. So, that's an investment that the Neers have made in this project that I think exhibited a great deal of foresight, and I think frankly the quality with which they are pursuing this project. So, respectfully, we would ask for your approval of the primary plat with the two waivers, and my team and I would be available to answer any questions that you may have.

Franz                    Okay, thank you. Is there any comment from the public regarding this matter? Please step forward and state your name and address.

Ferguson            Yes, my name is Jeffery Ferguson. I live at 692 Morningside Drive in Sugarbush. I'm totally in favor of this project. I think one of the things that Zionsville lacks is a sufficient place for people of my age who want to get out of our bigger houses in some of the bigger subdivisions, our kids are grown, they've left but we still want to maintain a residence in Zionsville. I think this represents a very high quality opportunity to do that. So, I would encourage the planning council to really seriously look at this and approve it. I think it's going to be a real plus for Zionsville and allows us to stay here. I don't want to have to move somewhere else. I've been here since 1978. I love this town. I want to stay here but I can't stay in my big house. And this represents just a superb development. I've been to some of their other developments, seen them in person. They are extraordinarily well done. I think it will be a real plus.

Franz                    Any questions, comments from the Commission?

Schiferl                I have one question, Mr. Price. Thank you very much for the thorough presentation and plans. They were really good. On the code of bylaws, there's no restriction as I saw it on owner occupancy or owner occupancy levels. So, as drafted, someone could buy all 61 units and rent them out. Is that true?

Price                    That's true. There's not a restriction on rentals. That's true.

- Schiferl Having understood that restriction, can you comment on what Neer Development's experience is on owner-occupied versus rental?
- Price Yes, I can. It's—interestingly, when we met with Deer Ridge, one of the residents there brought up that issue with us and pointed out the project actually across from Oak Street, there's a couple, three investor-owned properties. The Neers' experience has been that that is very limited. A vast majority are owner-occupied and the instance where they are sought to be rented has been primarily when somebody has died and it has become part of an estate, and it's a way of generating some revenue during that transition. So, it has not been an issue for them up to this time and Epcon as a larger matter that's something that Epcon does not market. It's not part of their business model or anything like that. It's all owner-occupied is their focus for sure.
- Schiferl I imagine it's a price point issue that probably keeps some of that at bay?
- Price I think it does. I think it does. I think what happened across the street was that when we did have a little pullback locally in some of the home values, I think there were some investor bargain hunters there. I'm guessing. I see some LLC property owner names. It had not occurred to me until the gentleman from Deer Ridge mentioned that. I think today, though, with the price points that we're hitting here which are above across the street, the market will probably take care of itself.
- Schiferl Thank you.
- Franz Any additional questions?
- Jones Yeah, Matt, I've got a quick question. What do you think the average lot size is on this? For these? I was trying to see it.
- Price Let me—Greg, can you do that math in your head real quick. That's one of the interesting things. We're not platting individual lots so we're just platting the footprint but I know what you mean in terms of the nominal width times depth.
- Jones Yeah, the square footage.
- Price If we were creating lot sizes, what would be the nominal square footage of a lot, like we've heard discussion about the 8000 square foot Village lot size. Would we be bigger, smaller, about the same?
- Dempsey We'd probable be 8-10,000 square feet.
- Jones Okay. The point I brought up is it didn't look like they were that large and with the zero-lot line type development at the closest, you know, some of them get 10 feet apart. I guess the point I was driving at between this and the Inglenook, we've had two projects that basically appear to be substantially below the 8000 square foot threshold and it really is about type of development and intended market versus trying to subvert any kind of base level square footage for lots in the Town of Zionsville. It's just an observation.

- Parks I have a question. I miss two entrances to a subdivision of this nature. Have you looked at the possibility of having that second? Because you're, I got convinced that 42 houses at Inglenook was not enough to worry about a second entrance if you make it like a boulevard. In other words, if you made it almost like a four-lane entrance. We're talking 61 now. You're starting to get me uncomfortable.
- Price What we tried to do was line up the entrance to the Deer Ridge project immediately across the street. And, we have worked—one of the first things we did—was work closely with the Fire Department and the emergency responders to make sure they were comfortable with this design and they were comfortable with it. It's part of the reason why we built to the city's or the town's street standards so that we didn't have any issue with the largest apparatus moving in and out. I respect what you're saying. I think if there was any way we could we would have been able to do that but we're somewhat constrained by just the—what's across the street and the available frontage that we have.
- Parks In other words, if you had an accident in one lane, you could still get an emergency vehicle in the other lane?
- Price That's right. That's exactly—
- Parks That's my big—
- Price --the way it's designed. That's exactly right. That is the reason for that.
- Parks So, more of a boulevard type—
- Price That's right. Without that entrance, the Fire Department would have probably not been comfortable but they—we worked with them. That was one of the first visits we made was over that issue.
- Franz Any additional questions? Wayne?
- DeLong Thank you. As indicated in the staff report, staff is supportive of the plat as filed. Certainly, there are a number of items that have been listed in the staff report, specific to an attachment from the Town Engineer. As I indicated this evening, there's several items and staff believes those can be resolved to the satisfaction of the Town Engineer. Certainly, those are going to be tied to the development plan. It sounds like that is forthcoming and that has been filed with our department and is scheduled to be heard at your May meeting. With those thoughts in mind, staff is supportive of the petition as well as the waiver requests. Again, as indicated in the staff report, the waivers are tied to the street design given the curvature, the intricate nature and the limited on-street parking that would be in the subdivision is the crux of staff's support for the waiver request.
- DeLong Any questions for Wayne?
- Schiferl Wayne, yeah, I guess since this is zoned rural 4 and appreciating what Mr. Price said and the developer wanting to turn this road over to the Town, technically, it doesn't get turned over to the Town, it gets turned over to Boone County.

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- DeLong           The dedication certificate on the plat would be to the Town of Zionsville but ultimately, because of our local agreement, maintenance, plowing, all those activities would be a function of Boone County. The County's highway engineer has been involved in this project the entire time so they are well aware that this project is coming.
- Schiferl           Obviously, that may be something that we have to revisit with zones changing over time when we get density on them, the rural/urban distinction. That's all. Thanks.
- Franz             Any additional questions? Do we have a motion?
- Fedor             I move that docket 2016-12-PP primary plat approval with waivers to provide for a residential senior living facility in the R4 Rural Residential Zoning District be approved with the conditions noted in the staff report and proposed findings of fact.
- Franz             Is there a second?
- Parks             Second.
- Franz             Any discussion? They didn't state—we need to modify that. Oh, it does say approval with waivers.
- Parks             They did say—yes.
- Franz             All right. My mistake. Okay. All in favor, aye?
- All                Aye.
- Franz             Opposed? Motion passes. Congratulations. It's a long night. Next item on the docket are items 2016-20-PP and 2016-15-DP, Town of Zionsville related to the PUD, 1100 West Oak Street. Is there a representative for the Town of Zionsville?
- DeLong           We have a town team here specific to the development plan. Joe, did you want to cover any of the plat aspects or do you want me to cover that?
- Raper             You can do her.
- DeLong           Okay. Certainly, staff has prepared for you this evening yet another plat related to a town project. The lots are laid out in compliance with the PUD ordinance. This is a three-lot division of the current one-lot piece of property and it happens to be the property that you're sitting on this evening. With those thoughts in mind and staff's support of the petition as articulated in the staff report, I'd be happy to answer any questions.
- Franz             Any questions related to this? Is there any public comment related to this item? What about the Plan Commission? Are there any comments or questions?

- Schiferl I would just like to thank Wayne. I'm not sure if anyone else here among the seven of us went to the open houses they had but they were helpful and instrumental in at least educating me on this issue. Good work, you and others.
- DeLong Thank you. And others, yes.
- Franz Do we have a motion on 2016-20-PP?
- Schiferl I would move for approval of 2016-20-PP primary plat approval in order to establish three lots in a PUD unit development at 1100 West Oak Street be approved with the conditions noted in the staff report and the proposed findings of fact.
- Franz Is there a second?
- Parks Second.
- Franz Any discussion? All in favor, aye?
- All Aye.
- Franz Opposed? Motion carries. 2016-15-DP. Wayne, Joe?
- Raper Hi. My name is Joe Raper with CSO Architects, the architects for this project. We were retained to work on the proposed development and design of a new Town Hall for the Town of Zionsville. The proposal in front of you contemplates a 42,720 square foot new Town Hall, two stories with architecture similar to the library here in town. The building will be economical to operate. The Town will hold the northern part of the parcel once it is subdivided and will provide for the future growth of the government and its constituency that it serves for the next 50 years. We then respectfully ask for a favorable recommendation to the Town Council. Noted in the staff recommendation, there were some technical questions particular to a light fixture currently specified for the parking lot. We will work through those and would request that part of your recommendation give staff authority to work through those technical issues.
- Franz Thank you. Is there any public comment? Any questions from the commissioners?
- Schiferl I have just a question on logistics. Is the plan to have this demolished before construction begins or will construction begin with this being demolished?
- Raper This building will stay totally functional until the Town has taken control of the new facility. At that point, this building will come down and the two parcels up front would be available for further development.
- Schiferl As a result of that, will there be any restrictions on parking for the public because part of that will be trailers and stuff for the developer?
- Raper There will be some restriction just due to the fact that we have to have a lay down area for construction of the new facility. Roughly, the north third of that lot

would be within a fence. The remainder and the entrances would remain as is and would be repaired during construction if they fail under the loads of construction traffic.

Franz Any further questions?

DeLong I do have a point of clarification. This is a development plan. The sole approval authority lies with the Plan Commission. So there's no recommendation that would be forwarded on.

Franz Staff report?

DeLong Certainly. Again, thank you as the staff has populated your docket with five items for consideration this evening. This is the fourth. Staff is here to speak about the 42,000 square foot plus or minus proposed government center to be constructed on this property. Time line would look to release the project to public bidding here in the next 30-45 days or the bidding to occur over the next 30-45 days and certainly, I believe, moving forward here in early summer with the project itself. The project as proposed is in compliance with the PUD ordinance as approved by the Plan Commission and forwarded to the Town Council who also ratified its adoption. With those thoughts in mind, the staff is recommending approval of the petition as filed subject to working out some final site details specific to site lighting and other items as mentioned this evening. I would be happy to answer any further questions.

Franz Are there any questions for Wayne? Commissioners? There being none, do we have a motion on 2016-15-DP?

Parks I move that Docket 2016-15-DP for development plan approval to construct a new town hall and the associated improvements in the PUD planned unit development district at 1100 West Oak be approved based upon the findings in the staff report and the staff recommendations, subject to the submittal of all the lighting plans and other final plans prior to the issuance of the improvement location permit as permitted, as presented, excuse me.

Franz Is there a second?

Jones Second.

Franz Any discussion? All in favor say aye?

All Aye.

Franz Opposed? Motion carries.

Raper We thank the Commission.

Franz Next item is Docket 2016-17-DP Boone County Tennis Center, petition for development plan approval to provide for a public recreational facility in the SU-7 Special Use Zoning District. I got in under the wire.

Marine Thank you, Commissioners. I appreciate the agenda assignment here. No. The hour is late, so I will quickly summarize. My name is Michael Marine, 7611 West Stonegate Drive here in Zionsville. I have with me from Studio A Max Mouser. We were here a couple months ago as you recall for the Boone County Tennis Center. We're grateful to receive a favorable recommendation for a zoning change to the Town Council, and the Town Council went that direction. We then went to the BZA to get our variance for building materials and we're ready to roll and get this project under way. We're here to answer any questions you have. I think you have the staff report. Mr. Mouser went to the Drainage Board this morning and was able to obtain the approval we needed to—wasn't it an abandonment? vacation? So, we're pretty much all the way there. We have a couple of issues that we need to resolve that are, that would be the contingencies that I think are brought up in the staff report. We are working with the school to get an easement that comes with the land to get some language changes to it just so that it reflects commercial rather than residential. The flow shouldn't be any significant difference from what the easement set forth. So, if we can answer any questions for you, we'd be happy to do that tonight.

Franz All right. Is there any public comment on this item? Being none, any questions from the Commissioners?

Fedor On your landscaping plan, what type of tree height are we talking about? This is a relatively large building. I'm concerned that mature trees are going to cover some of this up.

Marine It was a comment. We had certain spruce trees planted that it was only a 25-foot height and they requested we switch that to a taller spruce so those will be revised.

Mouser How many parking spots? I think it's 57? 8 courts?

Marine We actually over-parked a little bit but just kind of that overlap between people coming in and coming off.

Franz An item that's open here is the sanitary sewer. Have you been able to--?

Marine I had a discussion with the school today. We could not get a meeting scheduled before this meeting and actually it will not be until next week. Everything sounds—there is no issue. They said that as long as they have capacity, they're fine with it. We currently have the capacity for three residential units. We're not anticipating our flows to be any different than probably those three. We're trying to get flow rates from an exact facility that was built in Ft. Wayne to kind of verify what that is.

Schiferl I have a question. On the north side of the parcel, there's—on the site layout, which is Exhibit 3, it didn't show anything but on one of the other diagrams, it shows a retention pond?

Marine It's a dry basin.

Schiferl Dry? Okay, so the retention pond is actually not on your property but north of—

- Marine That's the school's.
- Schiferl And will remain the school's?
- Marine Yes.
- Schiferl All right. And so, what you have is a dry basin that, I guess, would you field tile it in somehow or is it going to be--?
- Marine. Yes. If, um, on the north boundary if you will of where the basin comes down, the actual bottom of the pond will slope all to the north and there will be a tile run the full length of that basin and then go into a structure and then go eventually under the Cobblestone's pond where everything is currently draining. We're tying it into a legal drain there.
- Schiferl Thank you.
- ? And one more question. Do you have committed funding to start and finish the project at this point?
- Marine Yes. In fact, we were going to close tomorrow but we have that easement to clear up next week. But, we'll be closing on the property and the bank's already approved. They're doing an appraisal right now. So.
- Franz Any further questions. Wayne, staff report?
- DeLong Thank you. Certainly, the first thing as mentioned is the landscaping plan. That's the largest issue that was called out by the staff. Certainly, the discussion at the Board of Zoning Appeals meeting was centered around the screening of this larger structure. Has a variance on it specific to the materials. Certainly, the staff was supportive of that subject to the landscape plan. Certainly, the deletion of black hill spruce. Certainly, those trees can get a decent height. They are just a slow grower if you will. Certainly, as a species, as Mr. Mouser indicated, there are substitutions that can be made. That is something we can work towards through the other steps of this process specific to the building permit. There are findings as attached to the staff report as provided by the petitioner. Again, staff is supportive of the DP as requested and certainly would be happy to answer any questions.
- Franz Any questions? Being none, is there a motion?
- Parks I move that Docket 2016-17-DP for development plan approval to provide for a public recreational facility on the SU7 or special use zoning district at 4560 County Road South 875 East be approved based on the findings in the staff report, the staff recommendation, and submitted findings of fact, as presented.
- Franz Is there a second?
- Jones Second.

Franz Any discussion? All in favor say aye?

All Aye.

Franz Opposed? Motion carries. Two more things. Last item on the docket, unnumbered, Town of Zionsville amendment for the declaratory resolution and development plan for the Zionsville 334 700 economic development area. Wayne, I assume you'll take this?

DeLong Yes, and I will move quickly and certainly, if there's additional discussion, we can certainly continue it to next month. But, what's in front of you this evening is from time to time the town's Redevelopment Commission brings you a petition which is modifying an existing declaratory resolution and that is what is in front of you this evening. Tying back to another project you heard earlier is the 334-700/700 East declaratory resolution. That economic development plan as a part of that document was very specific to a certain layout. That was a layout that was in another time and in another market and a different owner. So, with the new ownership of that property, Pock Family Farm LLC. John Demaree is the principal of that. He has worked with the RDC and the RDC's counsel to develop an economic development plan that is the same dollar amount, \$3.4 million as the original plan, but is just modifying the allocation if there is ever any sort of financing that goes forward with that project which involves TIF dollars. Again, the dollar amount is the same, \$3.4 million and there is no commitment for the RDC to that number but certainly, for measurement purposes, that's what the dollar amount was viewed as something that would stay the same but certainly the language in the articulation of what could potentially be eligible for those dollars is different, simply because it's a different site plan, different owner. I would be happy to answer any questions.

Schiferl Wayne, does this include all 40 acres of what had been PK TIF?

DeLong Yes, it does.

Schiferl All 40. Of which how many are developed right now?

DeLong There is an old homestead and I don't know the acreage offhand of that but that's the extent of the improvements. The assessed value is that base which is just the homestead and the farmland.

Schiferl Well, the reason I'm asking is that, I forget the full name, Grove Lane, is that improvement part of it too?

DeLong That is a private asphalt 30-foot wide easement and that improvement is within the TIF district, yes.

Schiferl So, that's still as we pointed out earlier, that's private. Does the owner of the parcel own that, too?

DeLong Correct.

Franz Any further questions? Do we have a motion?

- Parks I move that the resolution as presented in front of us approving amendment to the declaratory resolution and development plan for the Zionsville 334/700 economic development area be approved as presented.
- Franz Is there a second?
- Fedor Second.
- Schiferl Can I ask a question? Do we have anything in writing? Did we get this in our packet or is this the only one?
- Franz No, it was in your packet.
- Schiferl I didn't see it. Sorry. I'm holding everyone up.
- Franz Ready? All right, we've had a motion. It's been seconded. Is there any discussion? All in favor say aye.
- All Aye.
- Franz Opposed nay? Motion carries. Last item is the findings for Docket 2015-43-RP with waivers, findings of fact. That was also in your packet. Did you get that?
- Schiferl I did get that.
- Franz Do you want to get a motion upon these?
- Drake Yes, please.
- Franz Okay, so. I don't know if we need to have any discussion on them. We voted on them last, er, last month. We still need a motion to accept these.
- Parks I would move that the Zionsville Plan Commission accept the findings of fact as related to Docket 2015-43-RP, with waivers, as presented.
- Franz Is there a second?
- Walker Second.
- Franz Any discussion? All in favor say aye?
- Unison Aye.
- Franz Opposed?
- Jones Aye.
- Franz Did he oppose it? So, nay. 6-1.
- Parks Do we have a significant party?

Zionsville Plan Commission  
April 18, 2016

DeLong Yes, we will be sending down some findings, Boone County Tennis Center, Town of Zionsville for their development plan, Town of Zionsville for plat, for Creekside Corporate Park plat and Inglenook DP and plats.

Franz Motion to adjourn? We can continue to sign. Is there a motion to adjourn?

Walker So moved.

Franz Good enough.



**Petition Number:** 2016-08-PP

**Subject Site Address:** 10371 Zionsville Road

**Petitioner:** PL Properties LLC

**Representative:** Nick Churchill

**Request:** Petition for Development Plan, (final plan), approval to provide for a 48 lot subdivision, in a (PUD), Planned Unit Development Zoning District

**Current Zoning:** (PUD) Planned Unit Development

**Current Land Use:** Residential / Undeveloped

**Approximate Acreage:** 18.18 acres

**Related Petitions:** 2015-05-Z Petition for Zone Map Change to rezone 18.06 acres from the (R-SF-2) Residential Single Family Zoning District to a (PUD) Planned Unit Development (Approved)

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 - Site Plan  
Exhibit 4 - Town Engineer review letter (dated April 12, 2016)  
Exhibit 5 - Findings of Fact (Subdivision Plat)

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

Both the Primary Plat Petition 2016-08-PP and Development Plan Petition 2016-09-DP are docketed for hearing on April 18, 2016 with the Plan Commission.

### **Property History / Location**

The overall subject site is comprised of one (a) parcel located in the PUD Zoning District (Urban) as rezoned per Petition 2015-05-Z.

## **PRIMARY PLAT REVIEW**

### **Subdivision Control Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance as outlined in the April 12, 2016 Town Engineer review letter.

### **Zoning Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Zoning Ordinance (or relevant PUD document) and found to be in compliance.

### **Street and Highway Access**

The proposed development is intended to gain access from Zionsville Road via the proposed internal street system. The proposed methods for primary and emergency ingress to and from the Subdivision are found to be in compliance with the Town's Subdivision Control Ordinance (as the internal street system is private).

### **Stormwater Management**

The petitioner has provided a detailed drainage study which has been reviewed by Town staff the Town Engineer. The attached Town Engineer letter (dated April 12, 2016) identifies items that are inconsistent with the Town's standards or requirements, and requires that the drainage study be updated with additional information.

### **Utility Capacity / Utility Easements**

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

### **Findings of Fact**

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

- (a) Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;

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

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

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

## **PUBLIC POLICY**

### **Comprehensive Plan**

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

### **Transportation Plan**

The Thoroughfare Plan in the Zionsville Transportation Plan recognizes Zionsville Road as a candidate for potential widening. The submitted plans provide the additional right-of-way requested by the Zionsville Transportation Plan (55-foot half right-of-way) in order to support widening as recommended by the Thoroughfare Plan.

### **Water and Sewer**

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

### **Emergency Warning Siren**

Based on current or planned installations of Warning Sirens, no additional sirens are necessary to provide adequate coverage in the immediate area (as the Bennett Parkway siren adequately serves this site).

### **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**

With the comments captured within the Town Engineer letter (dated April 12, 2016), Staff has full confidence that each future item can be resolved to the satisfaction of Staff. Therefore, Staff recommends approval subject to the resolution of each future item identified in the Town Engineer's letter dated April 12, 2016.

### **RECOMMENDED MOTIONS**

#### **Primary Plat Motion**

I move that Docket #2016-08-PP primary plat approval, for approval to provide for a 48 lot subdivision, in a (PUD) Planned Unit Development Zoning District be (Approved with the conditions noted in the staff report and the proposed findings of fact / Approved based on the findings of fact / Denied / Continued ) as presented.

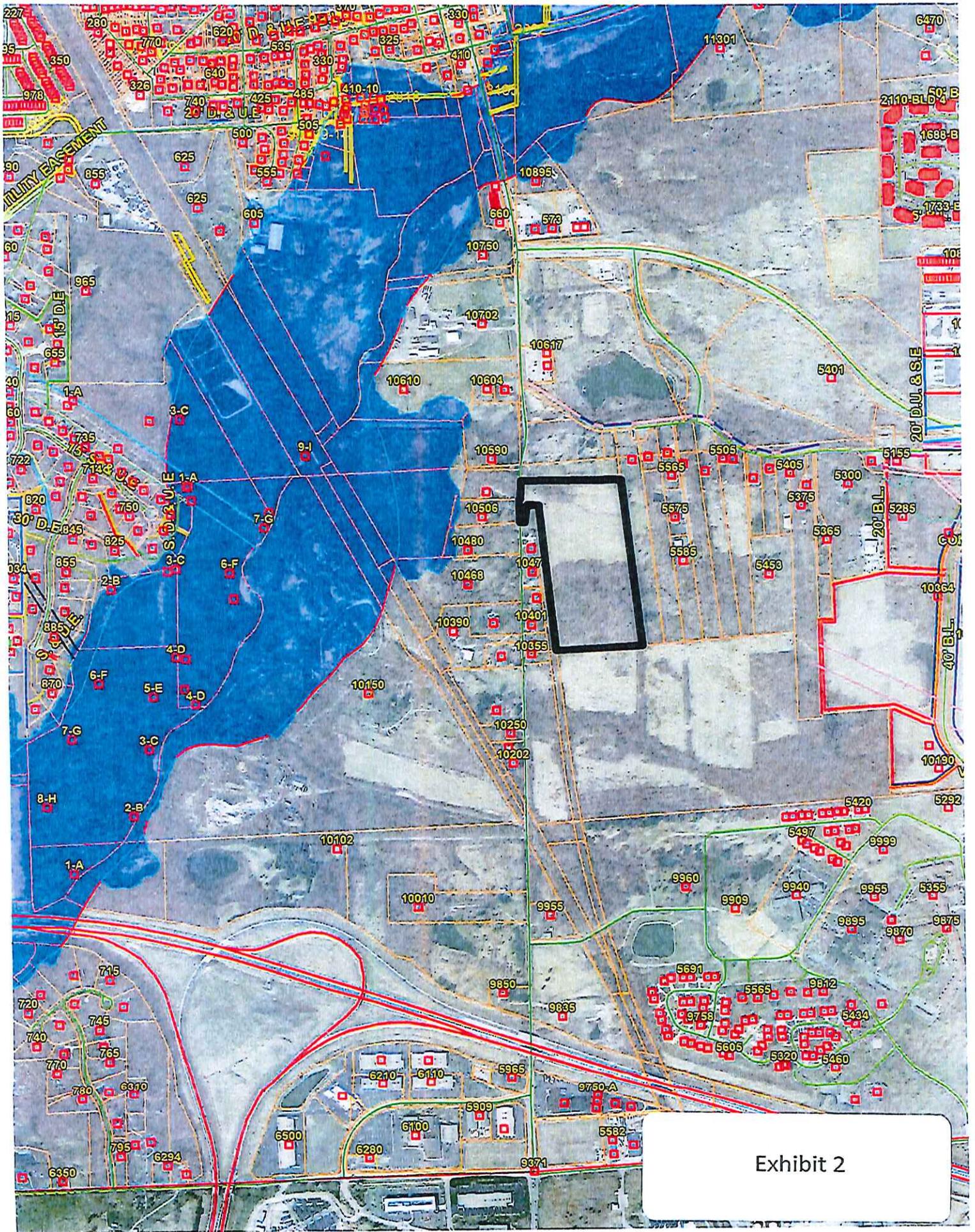


Exhibit 2





To: Wayne DeLong, Director of Planning and Economic Development  
 From: Mark DeBruler, P.E., Town Engineer *md*  
 Date: April 12, 2016

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

**PROJECT DESCRIPTION**

Project	Name	Inglenook of Zionsville	
	Location	Zionsville Road South of 106 <sup>th</sup> Street	
	Developer	Land Development and Building, LLC	
	Submittal	Submittal #3	
Documents Reviewed		Document Name	Document Date
		Drainage Report	4/8/2016
		Primary Plat	2/16/2016 (rev. 3/4)
		Development Plan	2/16/2016 (rev.3/4)
Zoning	Current	PUD	
	Proposed	PUD	
Land Use	Current	Undeveloped	
	Proposed	Cluster Residential	
Requested Variances			

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

I. PRIMARY PLAT

- A. Set back requirements per the PUD are included on the plans, but the setback lines are not shown or labeled.
- B. Include address plan.
- C. For clarity, please indicate “(Private)” or a similar note with each street name annotation in the subdivision.

## II. DEVELOPMENT PLAN

- A. Indicate location and dimensions of proposed structures.
- B. If the infiltration basin detail is the same as the infiltration trench cross-section, please change the names for consistency.
- C. Obtain easements for all off-site improvements, including the accel/decel lanes and the discharge pipe from the detention basin in CA B.
- D.
- E. The maximum water level in dry detention basin in CA B exceeds the maximum 4' depth.
- F. Include curb radii and tapers for all street improvements including parking bump outs.
- G. Building materials, colors, wall signs, and architectural lighting shall be in accordance with the PUD.
- H. Indicate total parking spaces to be provided.
- I. The following notes should be added to the development plan to insure they are addressed in the construction plans:
  - 1. Performance of infiltration and exfiltration systems, such as the bioretention systems and pervious paver systems, is highly dependent on installation practices. Follow the guidelines below in installation of these systems.
  - 2. Use only washed, open graded crushed aggregate that is clean of extraneous debris of any sort. Preference is to dump the aggregate directly into the excavation upon delivery. Aggregate stored on site should be placed on clean, hard pavement to maintain its cleanliness.
  - 3. Do not run wheeled or tracked construction equipment over exfiltration system excavations. The soil structure at the bottom of the excavation must not be compacted.
  - 4. Prevent runoff and debris from entering the excavation for any exfiltration system. Temporary sedimentation chambers or temporary runoff controls may be required to prevent runoff from entering the excavation. Fine sediments can seal the soil structure from infiltrating.
  - 5. Place geotextile fabric over aggregate in exfiltration excavations when not actively working on system.
  - 6. Prevent runoff from entering infiltration or exfiltration systems until establishment of vegetation in the contributing drainage area.
  - 7. Do not excavate final 6" of exfiltration system until ready to install aggregate to avoid silt from runoff clogging the soil.

8. Aggregate compaction should be done by equipment that will not crush the stone.
  9. Do not stockpile snow on infiltration or exfiltration practices.
  10. Aggregate should be compacted according to the geotechnical recommendations. Asphalt or cement coating of the aggregate to stabilize the bedding is not allowed without prior approval.
  11. Provide void calculations for the aggregate being installed for comparison with the drainage calculations. Do not use aggregate that does not meet or exceed the void calculations for the practice being installed.
  12. Provide standard details for control structures providing access for maintenance or repairs of the weir and orifices and for inspection and cleaning of the drain pipes.
- J. Provide geotechnical sampling and testing at storm water infiltration and exfiltration practice sites, including:
1. Samples of the soil at each sub-base infiltration practice (1 sample for each 5,000 SF or part, minimum 1 for each practice location). All samples shall be taken at the elevation of the bottom of the proposed excavation where infiltration is planned. Generally, test sub-base soil infiltration samples using ASTM D3385, Test Method for Infiltration Rate of Soils in Field Using a Double-Ring Infiltrometer. Where samples are of soils with an expected infiltration rate of  $1.4 \times 10^{-2}$  in./hr (10-7 m/sec) to  $1.4 \times 10^{-5}$  in./hr (10-10 m/sec), use ASTM D5093, the Test Method for Field Measurement of Infiltration Rate Using a Double-Ring Infiltrometer with a sealed Inner Ring. Percolation test results for the design of septic drain fields are not suitable for the design of stormwater infiltration systems.
  2. Samples of in-situ soils (1 sample for each 5,000 SF or part, minimum 1 for each practice location) to be incorporated, unmodified or amended, into infiltration practices. Tests shall include particle size distribution (soil texture) – ASTM D6913, organic matter percentage – ASTM D2974, and infiltration rate – ASTM D3385 and other tests as required by the geologist adequate to provide recommendations for the soils' suitability and amendments.
  3. High groundwater level, if encountered, should also be recorded, along with any indications in the soil horizons of high seasonal groundwater.
- K. Provide a geotechnical report, sealed by a registered professional geologist that:
1. Covers all exfiltration practices under pavement bearing vehicles. The report should provide soils and infiltration test results and recommend stone types and depths of the infiltration gallery will provide storage and adequate bearing for the life of the system (min. 20 years) without compaction (or with limited compaction to provide structural bearing capacity as detailed in the report) of the soils. The report should provide recommendations to prevent soil compaction during construction or controlled compaction, including construction-phase geotechnical testing. Apply a safety factor of 2 in calculations for sub-bed exfiltration rates in recommendations.
  2. Provides recommendations on soil amendments for all infiltration practices.

3. Provide calculations for selection of the geotextile fabric at all exfiltration practices through FHWA or AASHTO recommendations based on the soils analyses at the base of the exfiltration practice.
- L. All infiltration practices and exfiltration practices shall have overflows, either piped or through an overland emergency flood route, in case of high precipitation or failure of the practice. (Note that this requirement has been met).
- M. For pervious pavements, provide a backup method for water to enter the stone storage bed in case of pavement failure.
- N. Cast-in-place or precast concrete edge restraint curbs shall be provided for all permeable pavers bearing vehicular traffic. The curbs shall be a minimum 3" wide and 12" deep, and shall be larger or have footers if indicated in the geotechnical recommendations.
- O. Open graded crushed stone aggregate shall be used to fill the void space between pavers. Sand or B-Borrow shall not be used for this purpose.

### III. DRAINAGE REPORT

- A. No comments

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

**FINDINGS OF FACT**

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Monday \_\_\_\_\_ 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

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\_\_\_\_\_



**Petition Number:** 2016-09-DP

**Subject Site Address:** 10371 Zionsville Road

**Petitioner:** PL Properties LLC

**Representative:** Nick Churchill

**Request:** Petition for Development Plan, (final plan), approval to provide for a 48 lot subdivision, in a (PUD), Planned Unit Development Zoning District

**Current Zoning:** (PUD) Planned Unit Development

**Current Land Use:** Residential / Undeveloped

**Approximate Acreage:** 18.18 acres

**Related Petitions:** 2015-05-Z- Petition for Zone Map Change to rezone 18.06 acres from the (R-SF-2) Residential Single Family Zoning District to a (PUD) Planned Unit Development

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 – Overall Layout Plan  
Exhibit 4 – Landscape Plan  
Exhibit 5 – Lighting Plan  
Exhibit 6 – Town Engineer review letter (dated April 12, 2016)  
Exhibit 7 - Development Plan Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

Both the Primary Plat Petition 2016-08-PP and Development Plan Petition 2016-09-PP are docketed for hearing on April 18, 2016 with the Plan Commission.

### **Property History / Location**

The overall subject site is comprised of one (1) parcel located in the PUD Zoning District (Urban).

## **DEVELOPMENT PLAN REVIEW**

### **Zoning Ordinance**

The development plan has been reviewed using the standards of the Zionsville Zoning Ordinance (and/ or applicable PUD document) and found to be in compliance with the exception as noted in the Town Engineer letter dated April 12, 2016.

### **Landscape Plan**

The petition includes a landscape plan which conforms to and in many places exceeds the standards of the Ordinance.

### **Street and Highway Access**

The proposed development is intended to gain access from Zionsville Road via a proposed internal street system.

### **Stormwater Management**

The petitioner has provided a detailed drainage study which has been reviewed by Town staff the Town Engineer. The attached Town Engineer letter (dated April 12, 2016) identifies items that are inconsistent with the Town's Standards or requirements, and requires that the drainage plan be updated to include revised information.

### **Utility Capacity / Utility Easements**

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

## **FINDINGS**

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 4.3.C of the Ordinance the Plan Commission finds:

1. The Development Plan/Modification of Development Plan is compatible with surrounding land uses because:

2. The Development Plan/Modification of Development Plan **does** demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because:
3. The Development Plan/Modification of 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/ Modification of Development Plan **does** utilize building materials and building style compatible with the Zionsville theme because:
5. The Development Plan/Modification of Development Plan **does** provide for the calculation of storm water runoff because:
6. The Development Plan/Modification of Development Plan **does** provide for current and future right-of-way dedications because:
7. The Development Plan/Modification of 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:

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

#### **STAFF COMMENTS**

While the comments captured within the Town Engineer letter (dated April 12, 2016) Staff has full confidence that each future item can be resolved to the satisfaction of Staff. Therefore, Staff recommends approval subject to the resolution of each future item identified in the Town Engineer's letter dated April 12, 2016.

#### **RECOMMENDED MOTIONS**

I move that Docket #2016-09-DP Development Plan approval to provide for a 48 lot subdivision, in a (PUD), Planned Unit Development Zoning District be (Approved with the conditions noted in the staff report and based upon the findings / Denied/ Continued ) as presented.

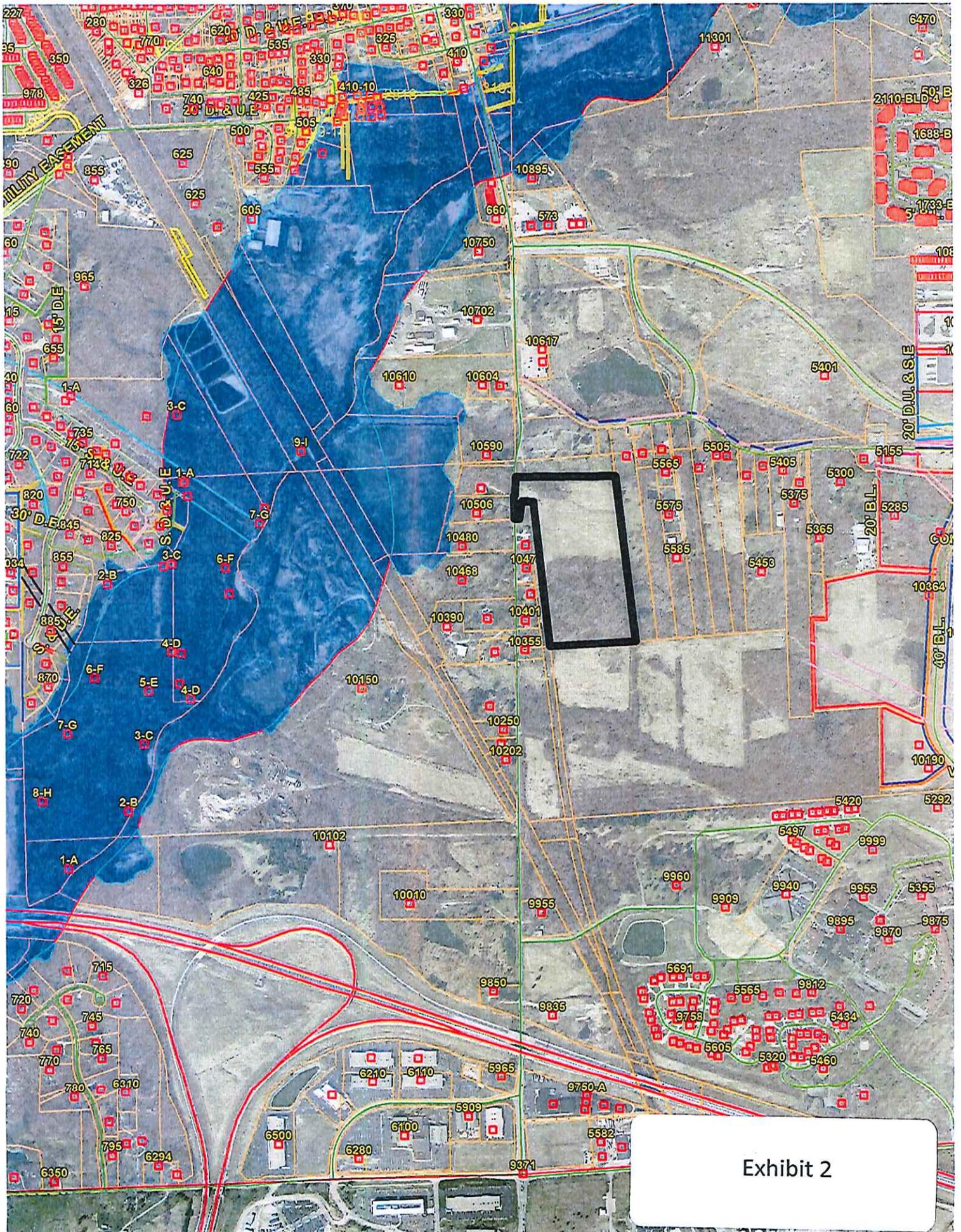


Exhibit 2



BLOCK A

TOTAL: 48 LOTS

REGULATORY STANDARDS

MIN FRONT YARD SETBACK	12' PER ORDINANCE 111-101
MIN SIDE YARD SETBACK	5' PER ORDINANCE 111-101
MIN REAR YARD SETBACK	5' PER ORDINANCE 111-101
MIN LOT AREA	12,000 SQ FT PER ORDINANCE 111-101
MIN FRONT PORCH DEPTH	4.5' PER ORDINANCE 111-101
MIN FRONT PORCH WIDTH	30' PER ORDINANCE 111-101
MIN FRONT PORCH HEIGHT	7' PER ORDINANCE 111-101
MIN FRONT PORCH AREA	225 SQ FT PER ORDINANCE 111-101

**INGLENOOK PRIMARY PLATLAND DESCRIPTION:**  
 The land shown on this plat is located in the unincorporated area of Zionsville, Indiana, and is bounded by Zionsville Road to the north, Inglenook Way to the west, and a creek to the east. The land is currently zoned R-1 (Single-Family Residential) and is being proposed for rezoning to R-2 (Two-Family Residential). The rezoning is necessary to allow for the construction of two-family dwellings on the property. The rezoning is supported by the Zionsville Planning Commission and the Zionsville Board of Zoning Appeals. The rezoning is also supported by the Zionsville Mayor and City Council. The rezoning is effective as of the date of the final plat. The rezoning is subject to the approval of the Indiana State Department of Transportation and the Indiana State Department of Environmental Management. The rezoning is also subject to the approval of the Indiana State Department of Health and the Indiana State Department of Agriculture. The rezoning is also subject to the approval of the Indiana State Department of Public Safety and the Indiana State Department of Education. The rezoning is also subject to the approval of the Indiana State Department of Natural Resources and the Indiana State Department of Labor. The rezoning is also subject to the approval of the Indiana State Department of Revenue and the Indiana State Department of Public Works. The rezoning is also subject to the approval of the Indiana State Department of Transportation and the Indiana State Department of Environmental Management. The rezoning is also subject to the approval of the Indiana State Department of Health and the Indiana State Department of Agriculture. The rezoning is also subject to the approval of the Indiana State Department of Public Safety and the Indiana State Department of Education. The rezoning is also subject to the approval of the Indiana State Department of Natural Resources and the Indiana State Department of Labor. The rezoning is also subject to the approval of the Indiana State Department of Revenue and the Indiana State Department of Public Works.

**LEGEND:**

EXISTING	PROPOSED
ROAD-RT-111-101	ROAD-RT-111-101
ROAD-RT-111-102	ROAD-RT-111-102
ROAD-RT-111-103	ROAD-RT-111-103
ROAD-RT-111-104	ROAD-RT-111-104
ROAD-RT-111-105	ROAD-RT-111-105
ROAD-RT-111-106	ROAD-RT-111-106
ROAD-RT-111-107	ROAD-RT-111-107
ROAD-RT-111-108	ROAD-RT-111-108
ROAD-RT-111-109	ROAD-RT-111-109
ROAD-RT-111-110	ROAD-RT-111-110
ROAD-RT-111-111	ROAD-RT-111-111
ROAD-RT-111-112	ROAD-RT-111-112
ROAD-RT-111-113	ROAD-RT-111-113
ROAD-RT-111-114	ROAD-RT-111-114
ROAD-RT-111-115	ROAD-RT-111-115
ROAD-RT-111-116	ROAD-RT-111-116
ROAD-RT-111-117	ROAD-RT-111-117
ROAD-RT-111-118	ROAD-RT-111-118
ROAD-RT-111-119	ROAD-RT-111-119
ROAD-RT-111-120	ROAD-RT-111-120

**Call 811 or 800-382-5544 Before you Dig!**

**INGLENOOK**  
 A COMMUNITY DEVELOPMENT  
 COMPANY

**GRAPHIC SCALE**  
 (IN FEET)

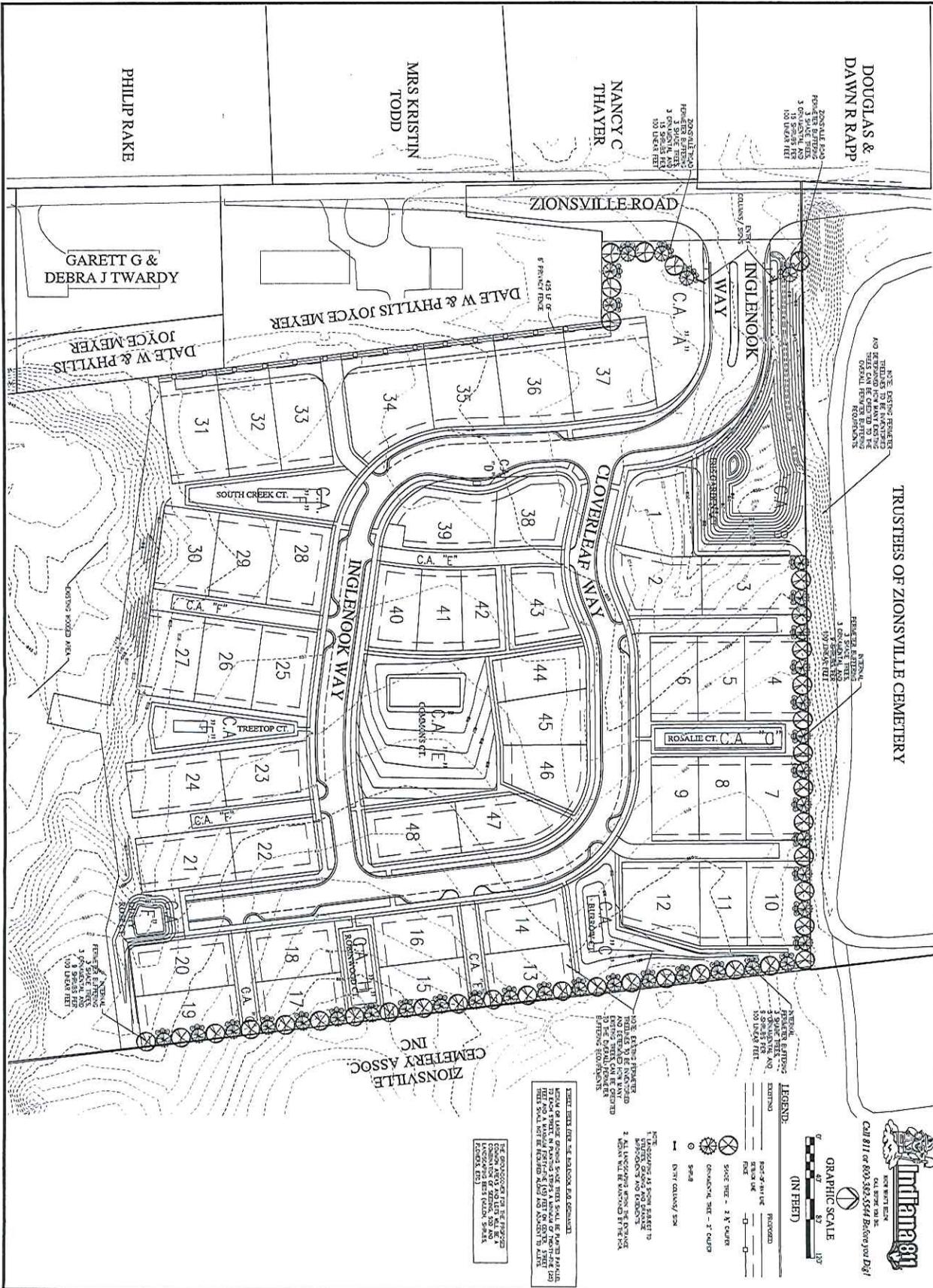
0 60 120 180

**INGLENOOK OF ZIONSVILLE  
 ZIONSVILLE, INDIANA  
 OVERALL LAYOUT PLAN**

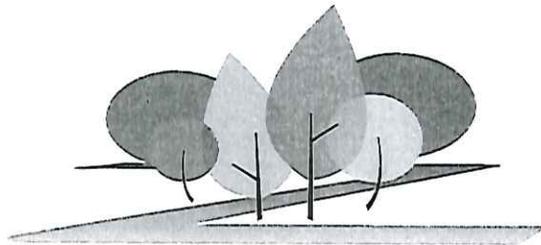
**C1.1**  
 OVERALL LAYOUT PLAN

DATE: APR 08, 2014  
 TIME: 9:52 AM  
 BY: TGETHER

Exhibit 3







# ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development  
From: Mark DeBruler, P.E., Town Engineer *md*  
Date: April 12, 2016

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

### PROJECT DESCRIPTION

Project	Name	Inglenook of Zionsville	
	Location	Zionsville Road South of 106 <sup>th</sup> Street	
	Developer	Land Development and Building, LLC	
	Submittal	Submittal #3	
Documents Reviewed		Document Name	Document Date
		Drainage Report	4/8/2016
		Primary Plat	2/16/2016 (rev. 3/4)
		Development Plan	2/16/2016 (rev.3/4)
Zoning	Current	PUD	
	Proposed	PUD	
Land Use	Current	Undeveloped	
	Proposed	Cluster Residential	
Requested Variances			

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

#### I. PRIMARY PLAT

- A. Set back requirements per the PUD are included on the plans, but the setback lines are not shown or labeled.
- B. Include address plan.
- C. For clarity, please indicate "(Private)" or a similar note with each street name annotation in the subdivision.

## II. DEVELOPMENT PLAN

- A. Indicate location and dimensions of proposed structures.
- B. If the infiltration basin detail is the same as the infiltration trench cross-section, please change the names for consistency.
- C. Obtain easements for all off-site improvements, including the accel/decel lanes and the discharge pipe from the detention basin in CA B.
- D.
- E. The maximum water level in dry detention basin in CA B exceeds the maximum 4' depth.
- F. Include curb radii and tapers for all street improvements including parking bump outs.
- G. Building materials, colors, wall signs, and architectural lighting shall be in accordance with the PUD.
- H. Indicate total parking spaces to be provided.
- I. The following notes should be added to the development plan to insure they are addressed in the construction plans:
  1. Performance of infiltration and exfiltration systems, such as the bioretention systems and pervious paver systems, is highly dependent on installation practices. Follow the guidelines below in installation of these systems.
  2. Use only washed, open graded crushed aggregate that is clean of extraneous debris of any sort. Preference is to dump the aggregate directly into the excavation upon delivery. Aggregate stored on site should be placed on clean, hard pavement to maintain its cleanliness.
  3. Do not run wheeled or tracked construction equipment over exfiltration system excavations. The soil structure at the bottom of the excavation must not be compacted.
  4. Prevent runoff and debris from entering the excavation for any exfiltration system. Temporary sedimentation chambers or temporary runoff controls may be required to prevent runoff from entering the excavation. Fine sediments can seal the soil structure from infiltrating.
  5. Place geotextile fabric over aggregate in exfiltration excavations when not actively working on system.
  6. Prevent runoff from entering infiltration or exfiltration systems until establishment of vegetation in the contributing drainage area.
  7. Do not excavate final 6" of exfiltration system until ready to install aggregate to avoid silt from runoff clogging the soil.

8. Aggregate compaction should be done by equipment that will not crush the stone.
  9. Do not stockpile snow on infiltration or exfiltration practices.
  10. Aggregate should be compacted according to the geotechnical recommendations. Asphalt or cement coating of the aggregate to stabilize the bedding is not allowed without prior approval.
  11. Provide void calculations for the aggregate being installed for comparison with the drainage calculations. Do not use aggregate that does not meet or exceed the void calculations for the practice being installed.
  12. Provide standard details for control structures providing access for maintenance or repairs of the weir and orifices and for inspection and cleaning of the drain pipes.
- J. Provide geotechnical sampling and testing at storm water infiltration and exfiltration practice sites, including:
1. Samples of the soil at each sub-base infiltration practice (1 sample for each 5,000 SF or part, minimum 1 for each practice location). All samples shall be taken at the elevation of the bottom of the proposed excavation where infiltration is planned. Generally, test sub-base soil infiltration samples using ASTM D3385, Test Method for Infiltration Rate of Soils in Field Using a Double-Ring Infiltrometer. Where samples are of soils with an expected infiltration rate of  $1.4 \times 10^{-2}$  in./hr (10-7 m/sec) to  $1.4 \times 10^{-5}$  in./hr (10-10 m/sec), use ASTM D5093, the Test Method for Field Measurement of Infiltration Rate Using a Double-Ring Infiltrometer with a sealed Inner Ring. Percolation test results for the design of septic drain fields are not suitable for the design of stormwater infiltration systems.
  2. Samples of in-situ soils (1 sample for each 5,000 SF or part, minimum 1 for each practice location) to be incorporated, unmodified or amended, into infiltration practices. Tests shall include particle size distribution (soil texture) – ASTM D6913, organic matter percentage – ASTM D2974, and infiltration rate – ASTM D3385 and other tests as required by the geologist adequate to provide recommendations for the soils' suitability and amendments.
  3. High groundwater level, if encountered, should also be recorded, along with any indications in the soil horizons of high seasonal groundwater.
- K. Provide a geotechnical report, sealed by a registered professional geologist that:
1. Covers all exfiltration practices under pavement bearing vehicles. The report should provide soils and infiltration test results and recommend stone types and depths of the infiltration gallery will provide storage and adequate bearing for the life of the system (min. 20 years) without compaction (or with limited compaction to provide structural bearing capacity as detailed in the report) of the soils. The report should provide recommendations to prevent soil compaction during construction or controlled compaction, including construction-phase geotechnical testing. Apply a safety factor of 2 in calculations for sub-bed exfiltration rates in recommendations.
  2. Provides recommendations on soil amendments for all infiltration practices.

3. Provide calculations for selection of the geotextile fabric at all exfiltration practices through FHWA or AASHTO recommendations based on the soils analyses at the base of the exfiltration practice.
- L. All infiltration practices and exfiltration practices shall have overflows, either piped or through an overland emergency flood route, in case of high precipitation or failure of the practice. (Note that this requirement has been met).
- M. For pervious pavements, provide a backup method for water to enter the stone storage bed in case of pavement failure.
- N. Cast-in-place or precast concrete edge restraint curbs shall be provided for all permeable pavers bearing vehicular traffic. The curbs shall be a minimum 3" wide and 12" deep, and shall be larger or have footers if indicated in the geotechnical recommendations.
- O. Open graded crushed stone aggregate shall be used to fill the void space between pavers. Sand or B-Borrow shall not be used for this purpose.

### III. DRAINAGE REPORT

- A. No comments

**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: it is consistent with the Comprehensive Plan for residential development.
  
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 Development Plan provides for distribution of water, sanitary sewers, storm sewers and other utilities throughout the entire development.
  
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: it provides for traffic flow through the neighborhood and provides emergency access with the boulevard entrance.
  
4. The Development Plan/ Modification of Development Plan (~~does/does-not~~) utilize building materials and building style compatible with the Zionsville theme because: a variety of architectural styles and quality materials will be offered throughout the development.
  
5. The Development Plan/Modification of Development Plan (~~does/ does-not~~) provide for the calculation of storm water runoff because: it will conform to the Town of Zionsville Stormwater Ordinance and Technical Standards.
  
6. The Development Plan/Modification of Development Plan (~~does/does-not~~) provide for current and future right-of-way dedications because: a 55 foot half right-of-way along the development frontage of Zionsville Road will be provided.
  
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: all are shown on the Development Plan.

**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\_\_\_\_.




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

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

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

**Representative:** Timothy Ochs

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

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

**Current Land Use:** Commercial

**Approximate Acreage:** 4.32 acres

**Related Petitions:** None

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

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

The public hearing process associated with Petition 2016-Z-10 commenced in March 21, 2016 and resulted in a continuation of the hearing process. The matter is set for a public hearing on April 18, 2016 (and serves as a continuation of the hearing process).

### **Project Location**

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

### **Project Description**

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

### **Summary Analysis**

#### **Traffic / Circulation**

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

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

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

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

### Zoning

#### -Land Use

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

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

#### -Development Standards

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

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

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

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

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

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

## Rezoning-Zoning Ordinance

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

(1) the comprehensive plan:

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

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

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

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

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

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

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

(5) responsible development and growth.

The Petition represents responsible development and growth

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

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

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

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

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

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

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

#### **STAFF COMMENTS**

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

Staff recommends approval of the proposed Planned Unit Development Ordinance.

#### **RECOMMENDED MOTIONS**

##### **Motion**

I move that Docket #2016-10-Z for rezoning of 4.32 acres at 165 and 235 W. Sycamore Street to the Planned Unit Development classification receive a (favorable recommendation based upon the findings in the staff report / unfavorable recommendation / continued ) as presented, with the recommendation being certified to the Town Council for adoption or rejection.

#### **PROCEDURAL NOTE**

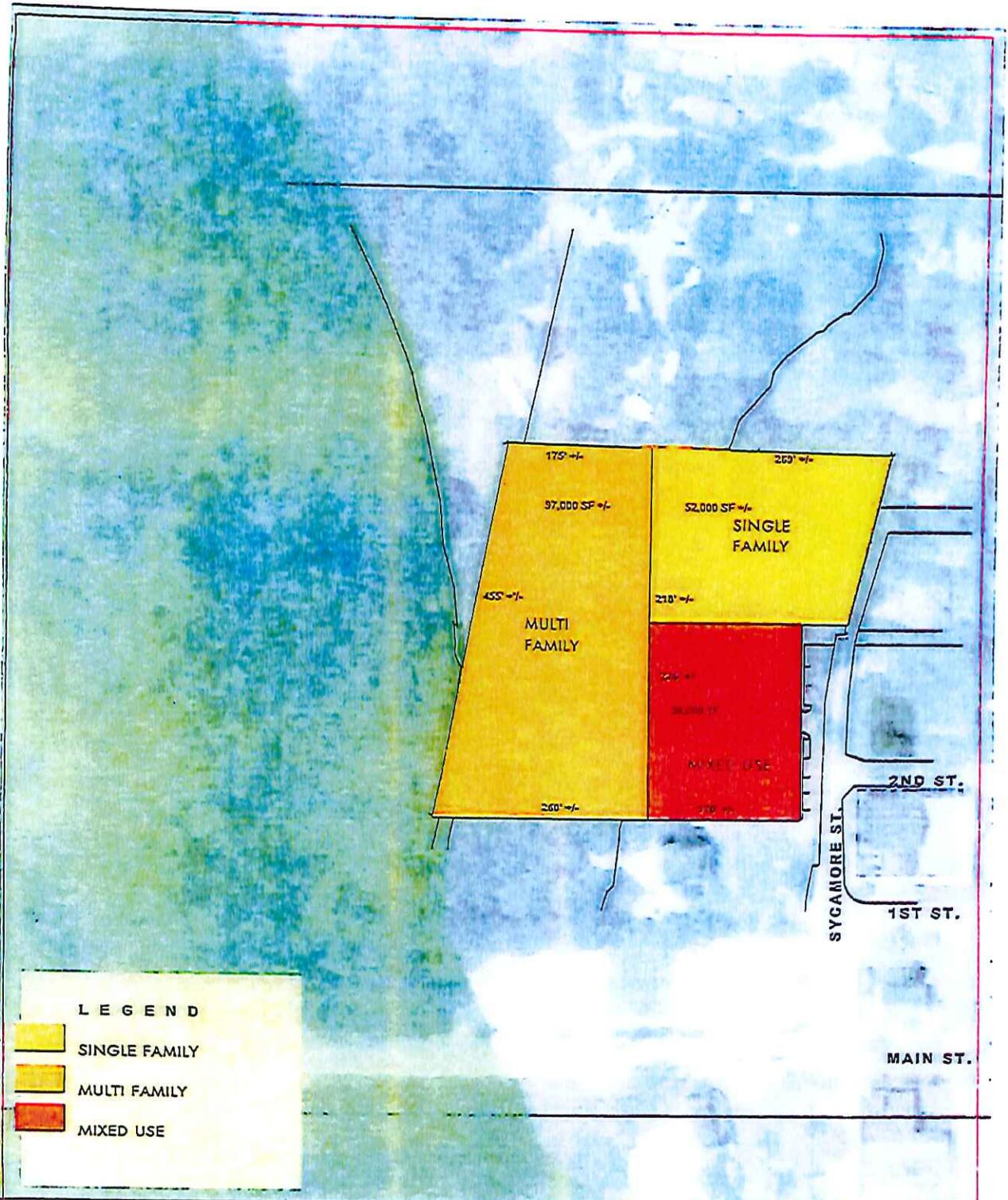
Upon the conclusion of the Public Hearing and Certification of the Plan Commission's recommendation to the Town Council, the Town Council will then set the matter on its Agenda for future consideration (as outlined in the attached flow chart-see Exhibit 7).



Exhibit 2







**LEGEND**

	SINGLE FAMILY
	MULTI FAMILY
	MIXED USE

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

200 WEST  
 ZIONSVILLE, INDIANA

DRAFT

CONCEPTUAL DEVELOPMENT PLAN  
 © 19 JANUARY 2010

200 WEST PARTNERS LLC

Exhibit 4



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

WILLIAM J. FEHRIBACH, P.E.  
OF COUNCIL

STEVEN J. FEHRIBACH, P.E.  
PRESIDENT

JOSEPH T. RENGEL, P.E.  
VICE PRESIDENT

R. MATTHEW BROWN, P.E.  
VICE PRESIDENT

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## MEMORANDUM

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**DATE:** 3/14/2016

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

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

**RE:** Trip Generation Analysis

---

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

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

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

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

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

The following summarizes the analysis results:

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

Table 1 summarizes the trip generation estimates for each option.

TABLE 1 – PEAK HOUR & 24-HOUR TRIP DATA

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

\*Includes internal and pass-by trip reductions.

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

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

**TABLE 1 - ESTIMATED INTERSECTION CONSTRUCTION COSTS**

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

**TABLE 2 - ESTIMATED ROADWAY CONSTRUCTION COSTS**

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

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

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

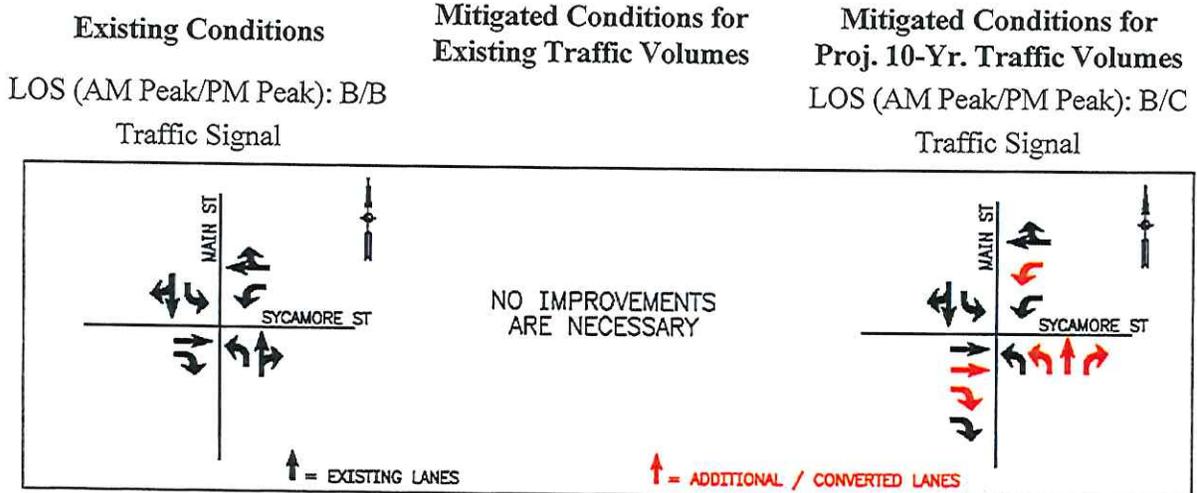
**Figure 3** graphically illustrates all recommended roadway segment and intersection improvement locations. These include all recommendations for existing conditions and/or 10-year conditions. However the roadway segments that only need widening to meet minimum lane width standards have not been included.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

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

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

- DU = Dwelling Unit, SF = Square Feet

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



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

Existing Conditions

Improvements Needed to Mitigate

Existing Traffic Volumes:

No improvements are necessary.

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

\$0

Projected 10-Year Conditions

Improvements Needed to Mitigate

Projected 10-Year Traffic Volumes:

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

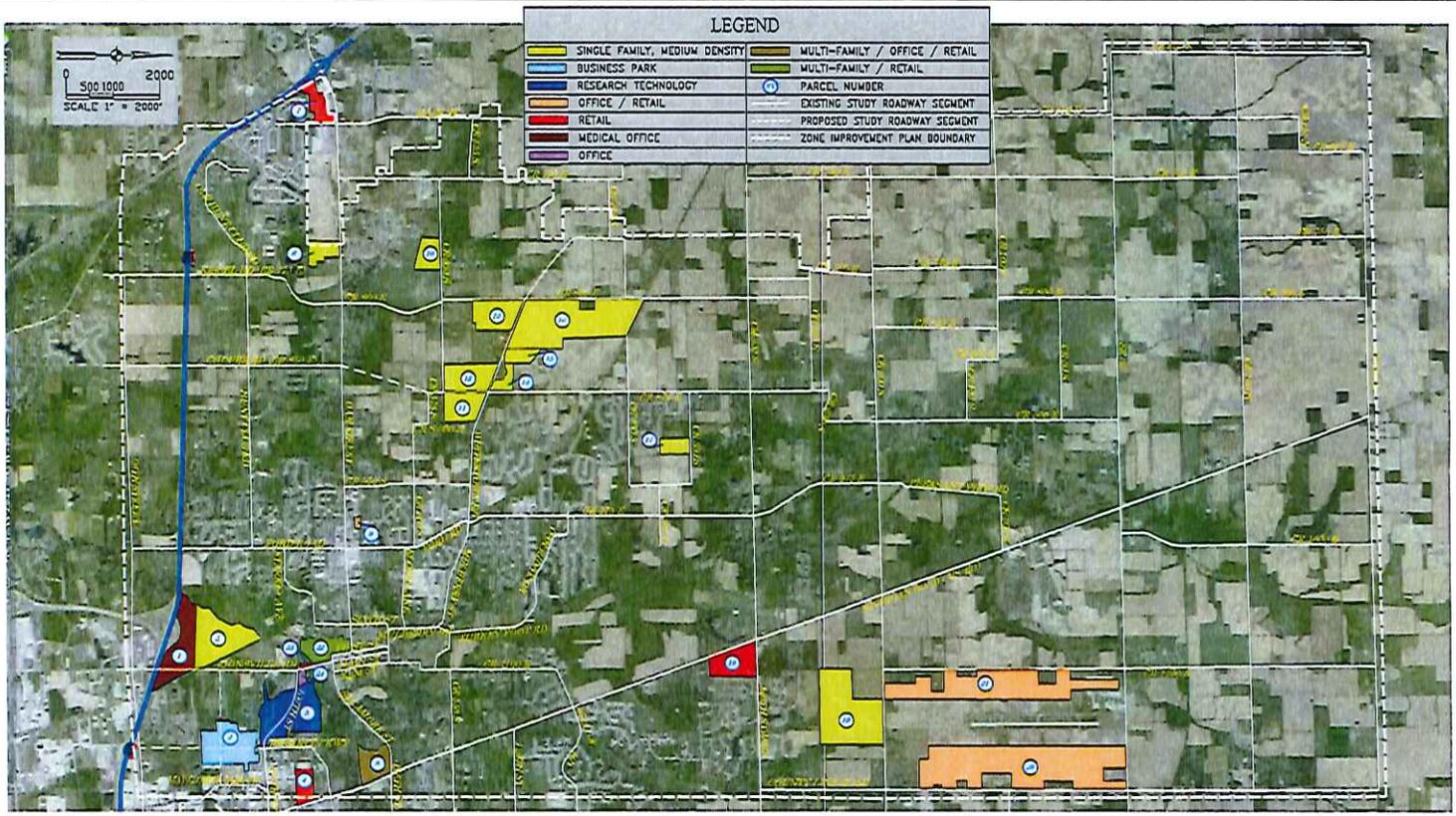
Estimated Construction Cost to Mitigate Proj. 10-Yr. Traffic Volumes (10-Year Cost):

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

Applicable Impact Fee Cost

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

\$200,000



Prepared By:  
**A.F. ENGINEERING**  
 Transportation & Site Engineering  
Creating Better Places

*TOWN OF ZIONSVILLE  
 TRAFFIC IMPACT FEE ANALYSIS*

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



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

**PLAN COMMISSION HEARING PROCESS FOR CHANGE IN ZONING**

STEP ONE	DAY 1	DAVS 3-5	DAVS 12-14	DAVS 12-20	DAY 30
<b>ACTION:</b> Public Filing	Plan Commission Agenda Posted to Town Website	Legal Notice of Plan Commission Meeting Published in Newspaper	Legal Notice of Plan Commission Meeting Published in Newspaper	Legal Notice Mailed to Adjainers	Public Hearing Occurs <i>first public interaction</i>
<b>DETAILS OR ACTION:</b> Indiana Code requires Plan Commission to hold a hearing within 60 days of the filing	Second opportunity of public to learn of a filing (first is to check with staff after passing of deadline for filing)	Published in a newspaper of general circulation at least 10 days prior to the hearing (regulated by Indiana Code); (third opportunity for public to be made aware of a rezoning request)	Published in a newspaper of general circulation at least 10 days prior to the hearing (regulated by Indiana Code); (third opportunity for public to be made aware of a rezoning request)	Notices are mailed to interested parties (interested parties are defined by the Plan Commission) (fourth opportunity for public to be made aware of a rezoning)	Hearing can be continued from time to time and results in a recommendation being forwarded to the Town Council within 10 business days of the final determination (Indiana Code stipulates timing)
<b>INTERESTED PARTIES:</b> Call on Town Hall to confirm what has been filed	Watch website for updates	Publication occurs on Wednesdays (typically, using Zionsville Sentinel Times)	Publication occurs on Wednesdays (typically, using Zionsville Sentinel Times)	Mail arrives certified	Hearings occur at Town Hall - Public Hearing (6th time public to be made aware of rezoning request) is on a set schedule published yearly
<b>TOWN COUNCIL MEETING PROCESS FOR CHANGE IN ZONING</b>					
<b>STEP TWO</b>	<b>DAVS 33-36</b>	<b>DAVS 37-119</b>	<b>DAVS 45-135</b>		
<b>ACTION:</b> Matter is Forwarded to Town Council	Town Council Posts Agenda to Town Website	Town Council Holds Public Meeting <u>second public interaction</u>	Town Council Holds Public Meeting <u>second public interaction</u>		
<b>DETAILS OR ACTION:</b> Town Council discusses request at an agenda setting meeting (& sixth time public to be made aware of a rezoning request)	Seventh opportunity of public to be made aware of a rezoning request (Note: Town Council by Indiana Code has up to 90 days to vote on a change in zoning)	Eighth opportunity of public to be made aware of a rezoning request	Eighth opportunity of public to be made aware of a rezoning request		

**Notes:**

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

2) Before staff does not require the Town Council to hold a meeting to request not to take a rezoning request to the Plan Commission.

3) This filing does not include a demand of the rezoning process or responsibility of the rezoning process on the part of the Plan Commission. Public hearing procedure (the "year"). The document also public can be made aware of rezoning request from the Plan Commission.



1100 West Oak Street, Zionsville, Indiana 46087 Main Line: 317-873-8247  
[www.zionsville.in.gov/dolanlog](http://www.zionsville.in.gov/dolanlog)



**Petition Number:** 2016-12-PP

**Subject Site Address:** 6355 S. 950 East

**Petitioner:** Larry D. Neer Courtyards of Zionsville, LLC

**Representative:** Matt Price

**Request:** Petition for Primary Plat approval with waivers, to provide for a Residential Senior Living Facility in the (R4) Rural Residential Zoning District

**Current Zoning:** (R4) Rural High Density Single and Two-Family Residential Zoning District

**Current Land Use:** Residential / Private Horse Stable/Vacant Land

**Approximate Acreage:** 18.91 acres

**Related Petitions:** 6265, 6305, 6355, 6401 S. 950 East. Docket # 2015-43-DSV. Variance regarding reduced front yard setbacks for a Senior Residential Community (approved)  
6401 S. 950 East-Docket numbers 2015-12-UV and 2015-12-DSV. Variances regarding the use and development standards for operating a private horse stable (approved)

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 – Primary Plat  
Exhibit 4 - Town Engineer review letter (dated April 14, 2016)  
Exhibit 5- Findings of Fact (Waivers)  
Exhibit 6 - Findings of Fact (Subdivision Plat)

**Staff Reviewer:** Wayne DeLong, AICP

## PROJECT OVERVIEW

### **Petition History**

The Primary Plat Petition 2016-12-PP is docketed for hearing on April 18, 2016 with the Plan Commission.

### **Property History / Location**

The overall subject site is comprised of four (4) parcels located in the (R4) Rural High Density Single and Two-Family Residential Zoning District. On February 9, 2016 the Boards of Zoning Appeals approved Docket #2015-43-DSV which provides for a minimum 20 foot front yard setback, measured from the edge of the right-of-way in the R4 rural residential zoning district.

## PRIMARY PLAT REVIEW

### **Subdivision Control Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance except as outlined in the April 14, 2016 Town Engineer review letter.

### **Zoning Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance except as noted in the April 14, 2016 Town Engineer review letter.

### **Street and Highway Access**

The proposed development is intended to gain access from County Road 950 via proposed internal public street system. The proposed methods for primary and emergency ingress to, from, and within the Subdivision are found to be in compliance with the Town's Subdivision Control Ordinance (except where as noted in this report).

### **Stormwater Management**

While information related to the site's drainage is included with the plat filing and easements are illustrated for conveyance as a part of the plat, a full drainage analysis will be conducted as a part of the Development Plan.

### **Utility Capacity / Utility Easements**

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

## WAIVER REQUEST (SCO)

The petitioner is requesting the following waivers from the Subdivision Control Ordinance: **1) reduction of the minimum horizontal curve of the street.** Staff Response: While not in compliance with Town standards, the proposed curvature is supported by the Town Engineer given the overall characteristics of the road system (closed loop neighborhood, reduced number

of on street parking events). **2) reduction in the minimum tangent length of the street.** Staff Response: While not in compliance with Town standards, the proposed curvature is supported by the Town Engineer given the overall characteristics of the road system (closed loop neighborhood, reduced number of on street parking events).

#### Waiver Process

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

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

Findings associated with each waiver request have been provided by the Petitioner and are attached to this report.

#### 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.

## **PUBLIC POLICY**

### **Comprehensive Plan**

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

### **Transportation Plan**

The Thoroughfare Plan in the Zionsville Transportation Plan recognizes County Road 950 as a candidate for potential widening. The submitted plans provide the additional right-of-way requested by the Zionsville Transportation Plan (55-foot half right-of-way) in order to support widening as recommended by the Thoroughfare Plan.

### **Water and Sewer**

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

### **Emergency Warning Siren**

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

### **Findings of Fact**

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

- 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 requested waivers.

With the comments captured within the Town Engineer letter (dated April 14, 2016), Staff has full confidence that each future item can be resolved to the satisfaction of Staff. Therefore, Staff recommends approval subject to the resolution of each future item identified in the Town Engineer's letter dated April 14, 2016.

**RECOMMENDED MOTIONS**

**Primary Plat Motion**

I move that Docket #2016-12-PP, Primary Plat approval with waivers, to provide for a Residential Senior Living Facility in the (R4) Rural Residential Zoning District be (Approved with the conditions noted in the staff report and the proposed findings of fact / Approved based on the findings of fact / Denied / Continued ) as presented.



Exhibit 2





To: Wayne DeLong, Director of Planning and Economic Development  
 From: Mark DeBruler, P.E., Town Engineer *md*  
 Date: April 14, 2016

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

**PROJECT DESCRIPTION**

Project	Name	Courtyards of Zionsville	
	Location	Deer Ridge Drive and C.R. 950 E	
	Developer	Courtyards of Zionsville, LLC	
	Submittal	Submittal #2	
Documents Reviewed		Document Name	Document Date
		Primary Plat	4/07/16 (Plot Stamp)
Zoning	Current	R4	
	Proposed	R4	
Land Use	Current	Agricultural	
	Proposed	Residential	
Requested Variances		Horizontal Street Radii	

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

I. PRIMARY PLAT

- A. Provide a citation of the last deed of record.
- B. Provide floodway and floodway fringe information.
- C. Provide a drainage easement for the existing storm sewer discharge from Pond 1 through the L.E. The L.E. easement should be omitted at this location.
- D. It appears the area of Block "B" between Arbor Way and Lot 1 is a L.E. A storm sewer is running through this easement. The portion of this easement where the storm sewer is to be located should be changed to a utility easement.
- E. A drainage, utility and landscape easement is located on the west and north side of Pond 2, as well as the northwest corner of Block "A". A landscape easement

cannot coexist with a drainage or utility easement since the landscaping will interfere with the drainage and utility access functions of these easements. Please eliminate all D.U. & L.E.s.

- F. It appears the nose of the entrance divider is in the ROW instead of being part of Common Area "A". This is acceptable provided no landscaping is planned for this area.
- G. Lot #1 is surrounded on three sides by a Landscape Easement. This easement will prevent utilities from accessing the lot from any location except along the CR 950 E right-of-way unless the L.E. is vacated.
- H. Provide an address plan consistent with the Town's addressing system. The current address plan just sequentially numbers each proposed structure. Provide an address for the Clubhouse if required by the fire code.
- I. Delineate the division between Cypress Drive and Arbor Drive for addressing.
- J. Confirm with the fire department that the north-south streets between Cypress and Arbor do not require separate names to comply with the street naming/address requirements of the fire code. The current street names will create N-S and E-W street numbers with the same street name.
- K. Provide a street lighting plan if street lights are proposed. Indicate if no street lights are proposed.
- L. Provide a drainage report for the project.
- M. Please explain the purpose of the Parkette on the northeast side of Pond 2. Note that safety concerns related to vehicular use and parking so close to a wet detention pond will need to be addressed.
- N. The top of bank of a detention facility should be at least 50' from the ROW. This condition may not exist at Pond 2. Where the T.O.B. cannot meet this condition, please install a guard-rail, berm, or other structural measure to reduce the chances of a vehicle entering the pond.
- O. Street jogs with a centerline offset of less than 150' are not allowed. This condition exists with the jog on Arbor Way created by curve 2 and curve 5.
- P. Provide detailed information about how the proposed sanitary sewer can be installed and maintained in the same easement between the lots in Village Walk as the existing storm sewer. A cross-section of the easement with the existing and proposed pipe will aid in this determination. Construction, and future maintenance, of the sanitary sewer through this easement is likely not possible.

**Plat Waiver  
Of  
Design Standards for Streets, Section 02500-21, Table 1  
Minimum Horizontal Curve  
Request for Reduction from 300 feet to 100 feet**

The granting of the Waiver will not be detrimental to the public safety or welfare, or injurious to other property because:

**This reduction will not have a detrimental impact on the proposed development or the surrounding communities as it will still allow for the safe passage of emergency vehicles as well as delivery or service vehicles. The design speed for this development will be 15 MPH which will further enhance the safety of the street.**

The conditions upon which the request for a Waiver is based are unique to the property for which a Waiver is sought and are not applicable generally to other property:

**Due to the unique shape of the site and the lack of connectivity to the adjoining sites it is not possible to create "loop" street within the site using the required minimum radius.**

The Waiver will not contravene the provisions of the Zionsville Ordinance or the Comprehensive Plan:

**This reduction will not allow the development to construct homes with a density that exceeds to allowable limit. The design speed for this development will be 15 MPH which will further enhance the safety of the street.**

Where the Waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the development in writing to the Plan Commission:

**The Primary Plat has been reviewed by all necessary Town departments as well as the Town Engineer.**

**Plat Waiver  
Of  
Design Standards for Streets, Section 02500-21, Table 1  
Minimum Length of Tangent  
Request for Reduction from 100 feet to 45 feet**

The granting of the Waiver will not be detrimental to the public safety or welfare, or injurious to other property because:

**This reduction will not have a detrimental impact on the proposed development or the surrounding communities as it will still allow for the safe passage of emergency vehicles as well as delivery or service vehicles. The design speed for this development will be 15 MPH which will further enhance the safety of the street.**

The conditions upon which the request for a Waiver is based are unique to the property for which a Waiver is sought and are not applicable generally to other property:

**Due to the unique shape of the site and the lack of connectivity to the adjoining sites it is not possible to create "loop" street within the site using the required minimum tangent.**

The Waiver will not contravene the provisions of the Zionsville Ordinance or the Comprehensive Plan:

**This reduction will not allow the development to construct homes with a density that exceeds to allowable limit. The design speed for this development will be 15 MPH which will further enhance the safety of the street.**

Where the Waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the development in writing to the Plan Commission:

**The Primary Plat has been reviewed by all necessary Town departments as well as the Town Engineer.**

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

**FINDINGS OF FACT**

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Monday \_\_\_\_\_ 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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Town of Zionsville  
1100 West Oak Street  
Zionsville, IN 46077

MEMORANDUM

**TO:** Town of Zionsville Advisory Plan Commission  
**FROM:** Wayne DeLong, AICP, Director of Planning and Economic Development  
**RE:** Docket # 2016-13-CA  
Petition for Commitment Amendment to provide for modification of Commitments,  
Ordinance # 2009-05, in the (GB) Rural General Business Zoning District

Zoning Commitments for 12.301 acres, (which presently encompasses the proposed site submitted for this petition), were recorded in the Boone County Recorder's office in 2009 (subsequent to approval by the Boone County Area Plan Commission). As part of that approval, a number of permissible uses were struck from the permitted use list.

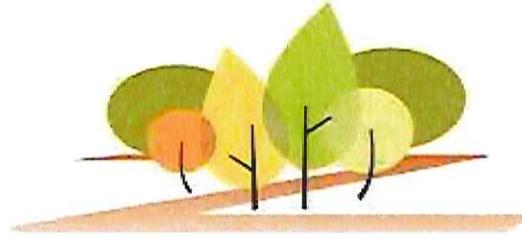
Per the filing, the petitioner seeks to modify the commitments, for the site location only (2.263 acres), in order to allow the use of a fuel station/service station (with a convenience store). Per the current zoning, the sales and dispensing of fuels and oil causes the contemplated use to require to seek a modification from the current commitments (as the sales of merchandise, food, and "convenience" items is permissible, today, without the need for modification to the prior commitments).

**Staff is in support of the petition to modify the prior commitments**, and this support is directly related to the illustrative information contained in the GetGo Development Plan petition. If this application seeking to modify the prior commitment did not have information to supplement our understanding of the filing, staff would have been less enthusiastic about the requested modification.

Please reference Ordinance No. 2009-05 (enclosed as Exhibit 1).

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

Wayne DeLong, AICP



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**Petition Number:** 2016-14-DP

**Subject Site Address:** 7105 Whitestown Parkway

**Petitioner:** Giant Eagle, Inc.

**Representative:** Nelson & Frankenberger

**Request:** Development Plan Approval

**Current Zoning:** (GB) Rural General Business

**Current Land Use:** Undeveloped

**Approximate Acreage:** 2.263-acre

**Related Petitions:** 2016-13-CA

**Exhibits:**  
Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Map  
Exhibit 4 – Conceptual Elevation (Front, Left, Right, and Rear Elevations)  
Exhibit 5 – Lighting Plan  
Exhibit 6 – Planting Details  
Exhibit 7 – Town Engineer Review Letter (dated April 13, 2016)  
Exhibit 8 – Boone County Highway Letter (dated April 14, 2016)  
Exhibit 9 - Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Project Location**

The subject property is approximately 2.263 acres located on the south side of the Whitestown Parkway, at the intersection of 700 East.

## **ANALYSIS**

As proposed, the approximately 2.263 acre site would be improved with a 6,233 square foot one story building serving as a sales area for the retail component associated with the use, a canopy associated with the fueling component, and a surface parking lot. Details related to the proposal are outlined in this report.

As part of the original contemplated development of the overall 40 acre site, the Owner entered into Zoning Commitments related to the site which, among other things, prohibited a number of land uses from occupying the site (including an Automobile Repair, Service Station). By definition, just the dispensing of fuel causes the proposed improvement the fall under the definition of Automobile Repair, Service Station). As such, the Petitioner has filed 2016-13-CA (seeking to modify the prior commitment related to this topic (and the modification of the commitment must be obtained by the applicant via both an action by the Plan Commission and the Town Council).

## **BUILDING / ARCHITECTURE**

Per the submitted site plan and renderings, the exterior of the proposed building would be comprised of a combination of modular brick veneer, modular block, fiber cement panels, glass, and aluminum. Exhibit 4 illustrates the proposed renderings of the building with the larger drawings contained in the petition packet offering a complete illustration of the proposed improvements.

## **WATER / SANITARY SEWER**

Potable water: Water is adjacent to the site. The Petitioner's design team will ensure that proper flow rates are available and adequate pressures can be maintained related to domestic use and for fire suppression.

Sanitary Sewer: As of the writing of this staff report, staff is unaware of any issues or concerns related to sanitary sewer or capacity.

## **STORM WATER / DRAINAGE**

The Town's Street / Storm Water Department and the Town Engineer have reviewed the proposed storm water drainage plan, as well as the County Surveyor. Approval of the County Drainage Board is required to be secured in order to discharge into the Maple Grove Legal Drain Watershed (hearing scheduled for April 18, 2016). Specific to the Drainage Plan, the Town Engineer provided comments within its letter dated April 13, 2016; staff will look for additional

information to be provided by the Petitioner at the hearing related to the outcome of the Drainage Board hearing as well as comments specific to the Town Engineer letter.

### **SIGNAGE**

A sign package is identified as a part of the filing (identifying a variety of signs designed for the benefit of the facility). Staff is supportive of the sign package as submitted for permanent signs. Grand opening and/or now hiring signs will be addressed at the time of the event.

### **PARKING / VEHICLE ACCESS**

The site will derive vehicular access from Whitestown Parkway and Grove Pass (currently a private street) via proposed curb cuts. As petitioner intends to dedicate Grove Pass to the public, staff would suggest that such dedication occur within 90 days of the approval of the Development Plan (and occur using forms approved by the County). Specific to parking, the proposed parking ratio exceed the standards of the Ordinance (40 spaces required, 68 provided).

Further, the County Highway Department provided a letter dated April 14, 2016 (in response to plans dated April 12, 2016) in which three (3) items remain to be addressed by the applicant specific to the upgrading of Grove Pass (Exhibit 8). The Petition will need to make provisions to adhere to the listed requirements.

### **LANDSCAPING / LIGHTING**

The submittal includes a landscaping plan which provides for landscaping in both the required yards, within the parking lot, and adjacent to the building. The proposed plan provides for a variety of plantings at the required locations.

Specific to lighting, the Petitioner has provided a lighting plan as a part of the file and proposed to utilize LED lighting components (installed in both wall mounted, under canopy, and on 25-foot tall poles). While the project was filed prior to the adoption of the Town's lighting ordinance and is not subject to those standards, those standards have been shared with the Petitioner for its reference. However, as filed, staff does not have an objection to the proposed lighting package.

### **FINDINGS**

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 4.3.C of the Ordinance the Plan Commission is to consider the following:

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:

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

#### **STAFF COMMENTS**

Staff recommends approval of the petition as filed subject to:

1. Securing Drainage Board Approval related to the Maple Grove Legal Drain.
2. Securing Zionsville Town Council approval of the Modification Petition 2016-13-CA.
3. Obtaining Town Engineer approval of the proposed Drainage Plan as well as outstanding items identified in its April 13, 2016 letter.
4. Recordation of the dedication of right-of-way associated with Grove Pass (executed on Town forms) within 90 days of the date of the approval of the Modification Petition 2016-13-CA.
5. Obtaining Boone County Engineer approval regarding Grove Pass (as per its letter dated April 14, 2016).

#### **RECOMMENDED MOTIONS**

##### **Development Plan Motion**

I move that Docket #2016-14-DP Development Plan to provide for a fuel station and convenience store in the (GB) Rural General Business Zoning District be (Approved based the findings in the staff report and the staff recommendation/ Denied/ Continued ) as presented, subject to final approval by the Town Council (inclusive of conveyance of the right-of-way associated with Grove Pass with recordation of the conveyance occurring within 90 days of the date of the approval of Petition 2016-13-CA by the Town Council.

#### **PROCEDURAL NOTE**

Upon the conclusion of the Public Hearing and Certification of the Plan Commission's Decision to the Town Council, the Town Council will then set the matter on its Agenda for future consideration.

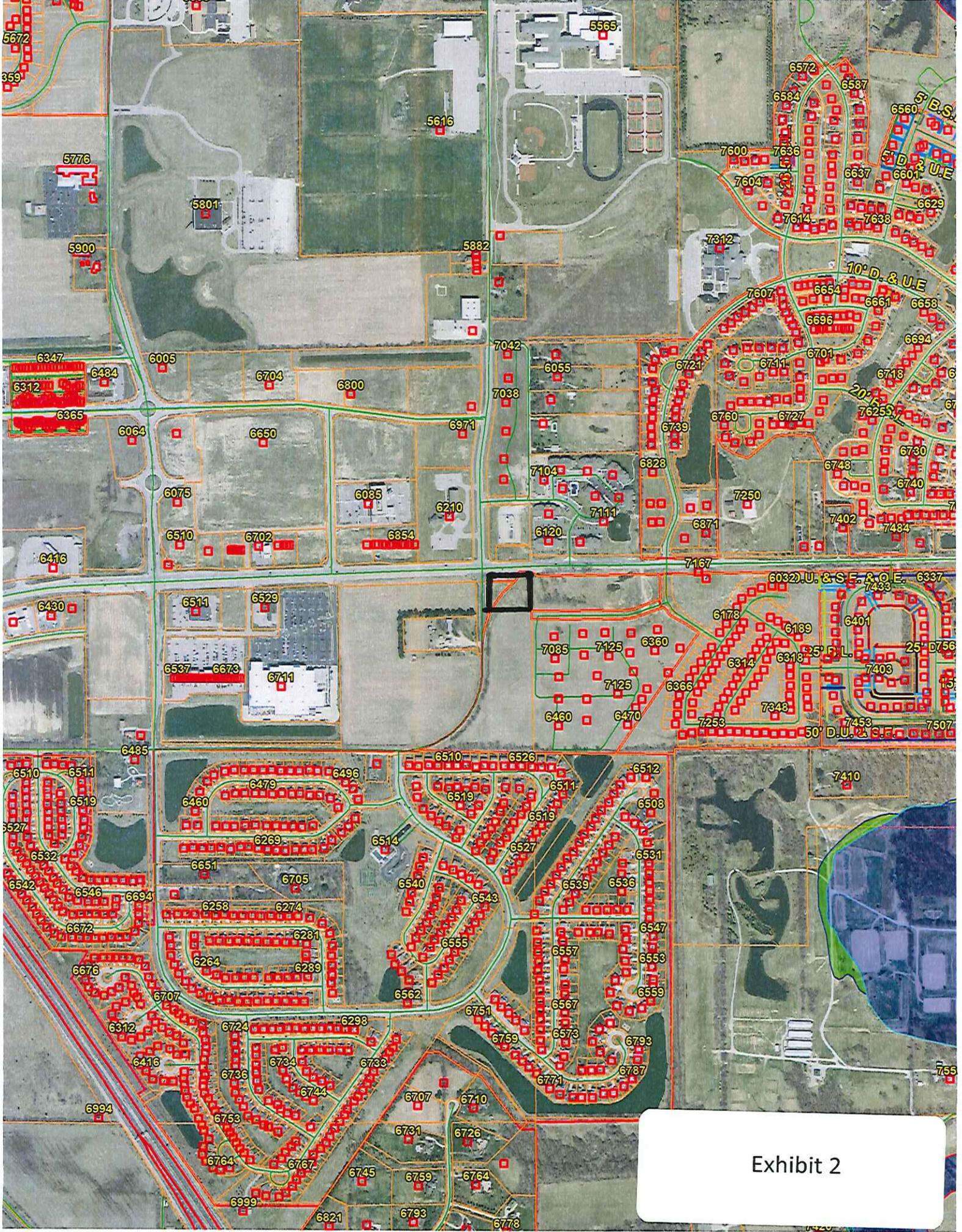
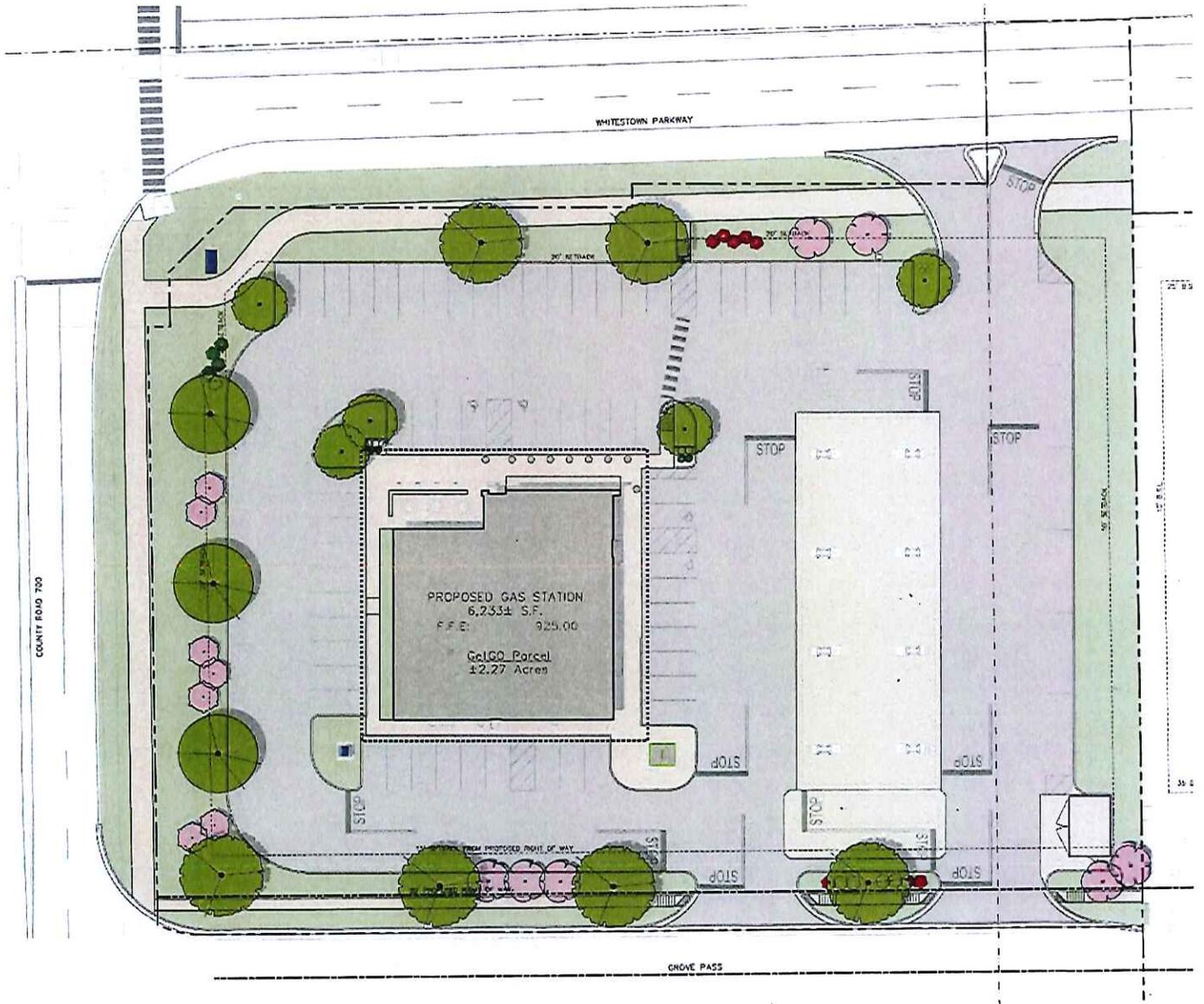


Exhibit 2



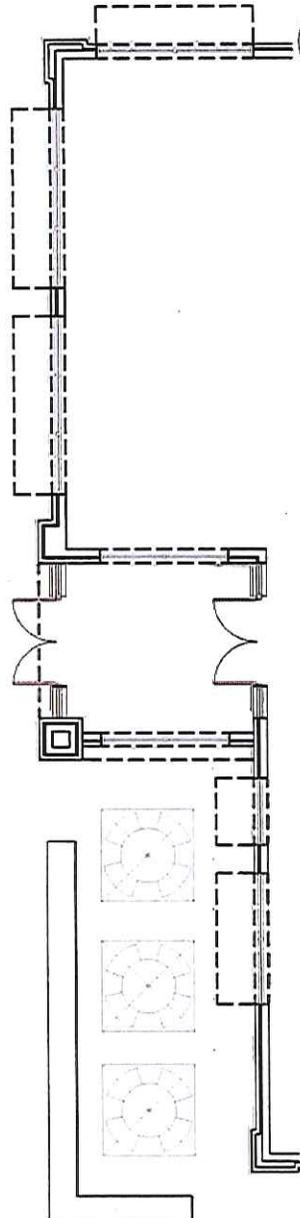
ZIONSVILLE, INDIANA  
 Scale: 1" = 50'-0"





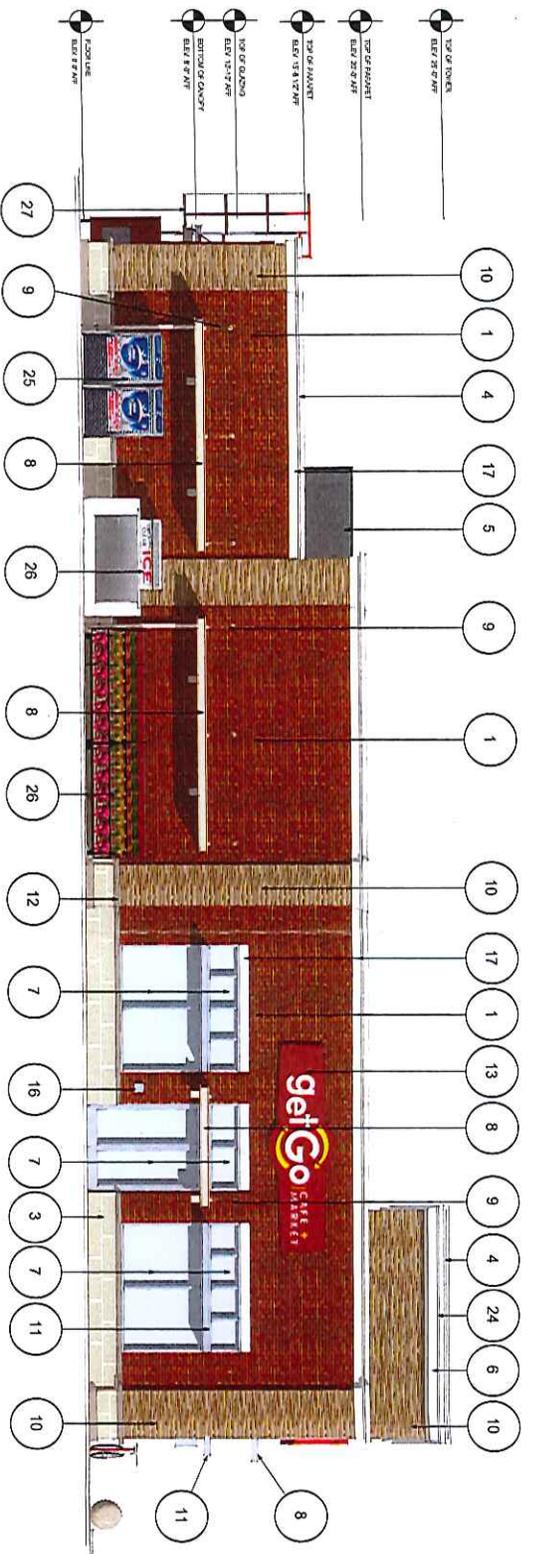
01 PROPOSED FRONT ELEVATION  
Scale: 1/8" = 1'-0"  
5'-0" X 15'-0" GET GO WALL SIGN  
75.0 SQ. FT.

02 PARTIAL FLOOR PLAN - FRONT ELEVATION  
Scale: 1/8" = 1'-0"

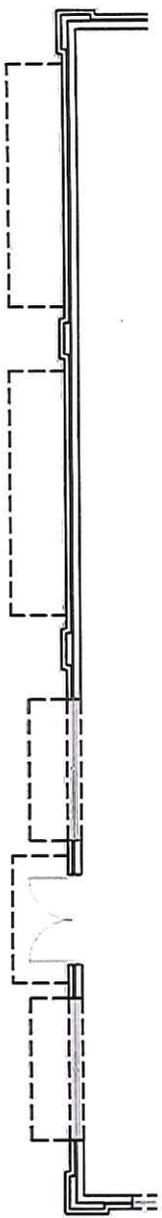


KEYED NOTES:

- 1 BRICKWORK - MODULAR BRICK VENEER, COLOR: FA20 SMOOTH
- 2 SPANSEL GLASS
- 3 GRANITE/CONCRETE BLOCK, TEXTURE: SANDBLASTED, COLOR: BRIGHT BLEND
- 4 PREFINISHED METAL CORNER TO MATCH (6)
- 5 ROOFTOP EQUIPMENT ENCLOSURE
- 6 EXTERIOR INSULATION FINISHING SYSTEM DRYVIT COLOR: TOWER SKY, R15, SANDBLEND FINE
- 7 GLASS STEPPED FRONT SYSTEM CLEAR ANODIZED ALUMINUM w/ INSULATED GLASS
- 8 PREFINISHED METAL CORNER TO MATCH, COLOR: SANDBLASTED, COLOR: BRIGHT BLEND
- 9 CONCRETE SIGN BEARING TO STRUCTURAL PLANT MOUNTING PLATES - COLOR: SHERWIN WILLIAMS TERNADO GRAY #117
- 10 ALUMINUM FRAME GLAZING, RAINSCREEN PANEL SYSTEM - 3/8" X 3/8" STICK SYSTEM, DESIGN: ALUMINUM FINISH, COLOR TO MATCH
- 11 ALUMINUM FINISHING, COLOR TO MATCH
- 12 FULL ASSEMBLY - RENAISSANCE MASONRY, TEXTURE: BROOMED, GEORGIA COLORS, SANDER CONCRETE EQUIPMENT WITH SIGNAGE CONTRACTOR
- 13 BRICKWORK - MODULAR BRICK VENEER, COLOR: FA20 SMOOTH
- 14 GRANITE/CONCRETE BLOCK, TEXTURE: SANDBLASTED, COLOR: BRIGHT BLEND
- 15 HOLLOW METAL DOOR, COLOR TO MATCH (1)
- 16 EXPANDED METAL STOP
- 17 BRICKWORK - RENAISSANCE MASONRY, TEXTURE: BROOMED, GEORGIA COLORS, SANDER CONCRETE EQUIPMENT WITH SIGNAGE CONTRACTOR
- 18 PAINTED METAL DOWNSPOUT COLOR: TO MATCH (1)
- 19 HOLLOW WALL SIGNPOST & MOUNTING PLATES FOR SIGNAGE TO MATCH (1)
- 20 HOLLOW WALL SIGNPOST & MOUNTING PLATES, MOUNTED HORIZONTALLY, COLOR: TO MATCH (3)
- 21 CO2 TANK SIGN, COLORED BY ORISPAK, COLOR: REDLAND ROSE
- 22 WALL WITH LIGHTING FIXTURE (REFER TO ELEC. DWGS)
- 23 DECORATIVE WALL SIGNAGE (REFER TO ELEC. DWGS)
- 24 RECESSED LINEAR LED LIGHTING FIXTURE
- 25 FROXYANE CLINGS
- 26 OUTDOOR EQUIPMENT MESH CANOPY
- 27 ROOF LUMEN SAFETY CLING, COLOR TO MATCH (1)
- 28 CT CABINET AND METER

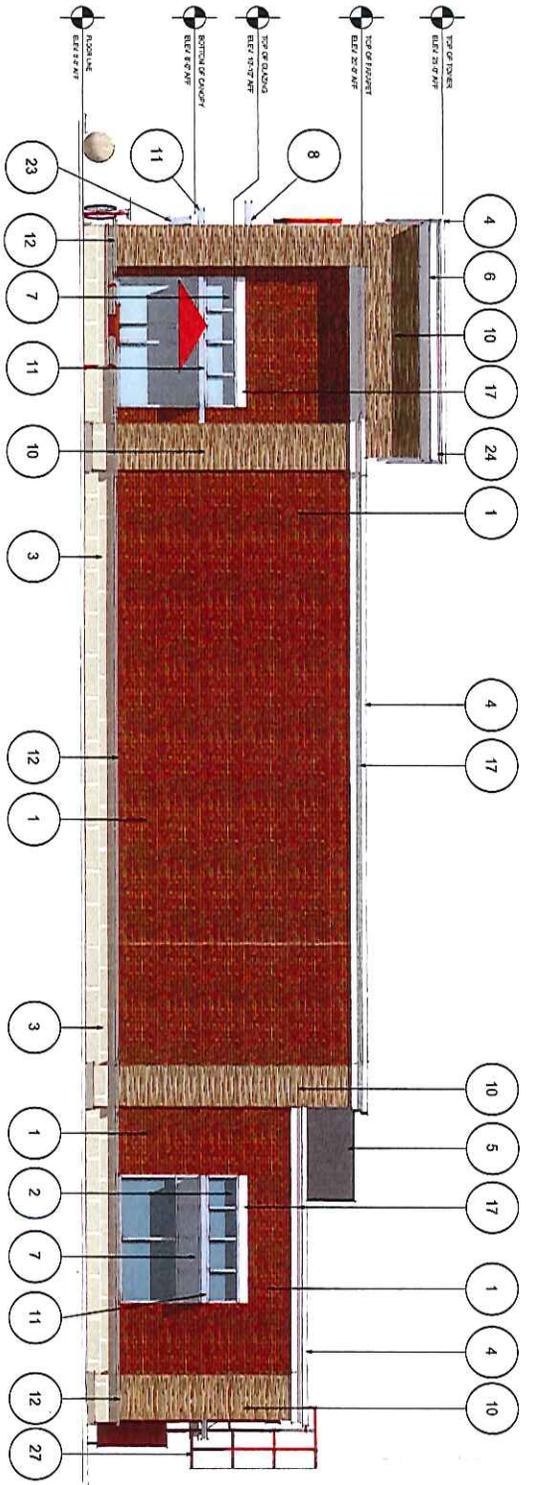


**01** PROPOSED LEFT ELEVATION  
Scale: 1/8" = 1'-0"  
5'-0" X 15'-0" GET GO WALL SIGN  
750 SQ. FT.

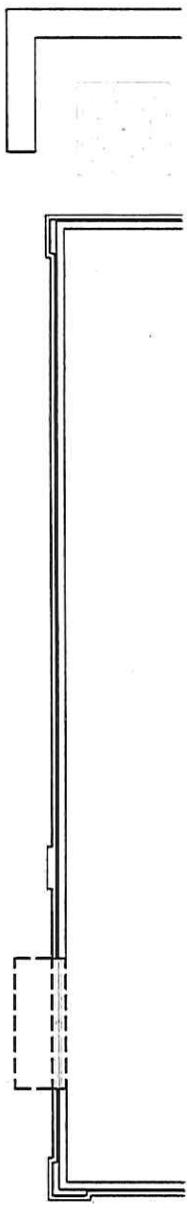


**02** PARTIAL FLOOR PLAN - LEFT ELEVATION  
Scale: 1/8" = 1'-0"

- KEYED NOTES:**
- 1 EXTERIOR BRICK - ACCENT BRICK BAYER COLOR - PERS. BRICK
  - 2 SPANDREL GLASS
  - 3 OBERFELD CO. OSMAR BLOCK - TEXTURE SANDBLASTED - COLOR "BURNED BLEND"
  - 4 PREPARED METAL COPING TO MATCH (6)
  - 5 ROOF TOP ELEMENT ENCLOSURE
  - 6 EXTERIOR INSULATION FINISHING SYSTEM DRIVE COLOR - TOWN SC - 4" XL SANDPAPER FINE
  - 7 GLASS STOREFRONT SYSTEM CLEAR ANODIZED ALUMINUM W/ 1" INSULATED GLASS
  - 8 PREPARED METAL CANYON BRAYERS - COLOR CANYON TESSON - BEER TO STRUCTURAL MOUNTING PLATES - COLOR SERRINI WALLING TECHNOLOGY #1170
  - 9 NICHA FRESH COAST PLYSCREEN FRAME - S1181 - 1" THICK STONE - COLOR "DESIGN STOREFRONT FINISHING COLOR TO MATCH
  - 10 ALL-ASSURANT - RENAISSANCE MASSARY - TEXTURE ROOFED - GEORGEA COLORS - CONSOLE CONTRACTOR
  - 11 COORDINATE REPAIRMENTS WITH SOURCE CONTRACTOR
  - 12 ALUMINUM ANODIZED BRAYE METAL TO MATCH (10) (11) (12) (13)
  - 13 HOLLOW METAL DOOR - COLOR TO MATCH (1)
  - 14 BRAYER ON RAIL STOP
  - 15 RENAISSANCE MASSARY - TEXTURE SMOOTH - GEORGEA COLORS - VANAGER
  - 16 PAINTED METAL DOWNSPOUT COLOR TO MATCH (1)
  - 17 THERMO-FULL SCOPER & PAINTED METAL DOWNSPOUT COLOR TO MATCH (1)
  - 18 THERMO-FULL SCOPER & PAINTED METAL DOWNSPOUT COLOR TO MATCH (1)
  - 19 CO2 TAKE ENCLOSURE BY OHSUPRES - COLOR TERNLAND PRESS
  - 20 WALL AND LIGHTING FIXTURE (REFER TO ELEC. DIVS)
  - 21 RECOGNITIVE WALL SOURCE (REFER TO ELEC. DIVS)
  - 22 RECESSED IN-PAINTED LIGHTING FIXTURE
  - 23 FINISH CASES
  - 24 OUTDOOR EQUIPMENT MESH HOUSE
  - 25 ROOF LUGGER IN SAFETY CASE - COLOR TO MATCH (1)
  - 26 CT (CABLE AND METERS)



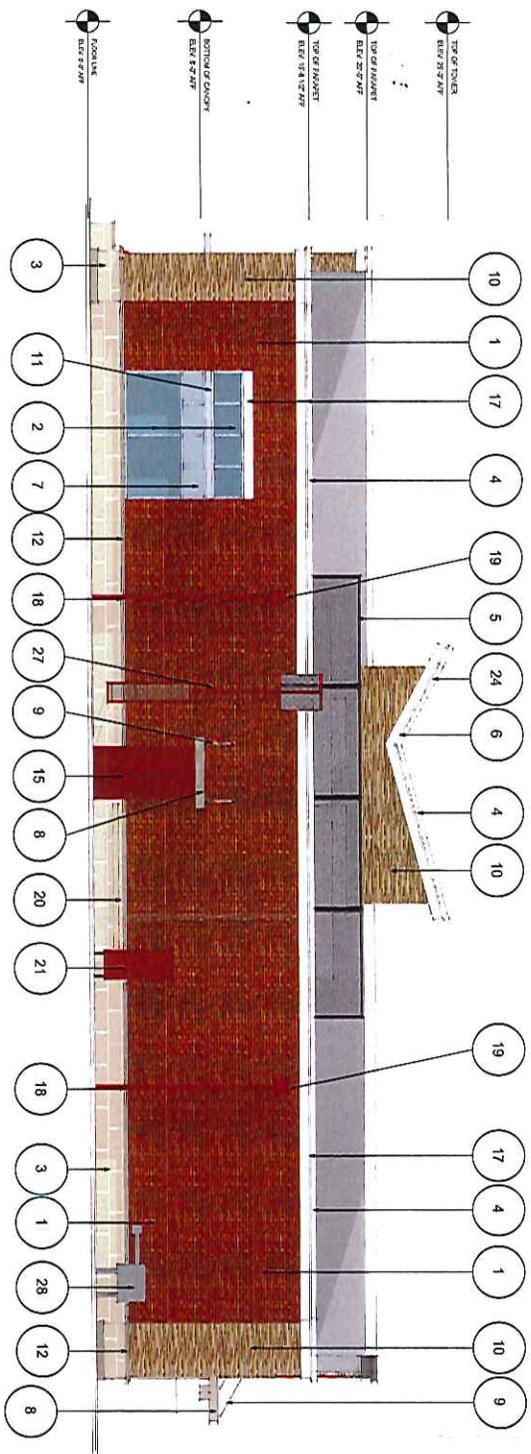
01 PROPOSED RIGHT ELEVATION  
Scale: 1/8" = 1'-0"  
8'-0" X 6'-9" GET GO WALL SIGN  
54.0 SQ. FT.



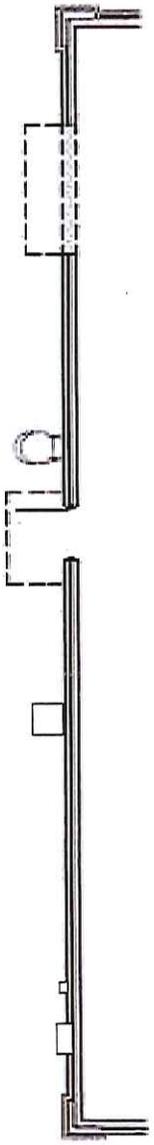
02 PARTIAL FLOOR PLAN - RIGHT ELEVATION  
Scale: 1/8" = 1'-0"

KEYED NOTES:

- 1 EXHAUSTION BRICK - MODULAR BRICK VENEER  
COLOR: RED SMOOTH
- 2 SPANDEL GLASS
- 3 GEORGE JS ON GOSSEL BRICK TEXTURE  
SANDBLASTED COLOR: BUFF BLEND
- 4 REFINISHED METAL COPING TO MATCH (6)
- 5 ROOF TOP EQUIPMENT ENCLOSURE
- 6 EXTERIOR INSULATION FINISHING SYSTEM DRYVIT  
COLOR: TOWERBENT #104, SANDERBLE FINE
- 7 GLASS STOREFRONT SYSTEM CLEAR ANODIZED  
ALUMINUM #11 INSULATED OUTDOOR
- 8 REFINISHED METAL CANOPY BY ALVES, COLOR:  
MOUNTING PLATES - COLOR: SERRANI WILLIAMS  
TECHNO GRAY #1170
- 9 CANOPY/TELEBOX SYSTEM TO STRUCTURAL PLANT  
MOUNTING PLATES - COLOR: SERRANI WILLIAMS  
TECHNO GRAY #1170
- 10 NICHIA PERSI COASTAL PULVERIZED HAIR  
SYSTEM STYLED STONE, COLOR: OCEAN  
SILVERSMOON PINK
- 11 SIL, AIRBORNE - REFINISHED METAL  
TEXTURE: ROOSED, GEORGE JS, SANDER  
BLEND
- 12 SERVICE FRIGID COMPACTOR, BICOOPED BY GC,  
COORINATE REPAIRMENTS WITH SERVICE  
CONTRACTOR
- 13 CLEAN ANODIZED ALUMINUM GABLE METAL TO  
MATCH REFINISHED METAL
- 14 HOLDUP METAL DOOR, COLOR: TO MATCH (1)
- 15 EVERBRIGHT PAEL STONE
- 16 AEROSOLWIT - RENAISSANCE MASTERY,  
TEXTURE: SMOOTH, GEORGE JS, SANDER  
BLEND
- 17 PAINTED METAL DOWNSPOUT COLOR: TO MATCH (1)
- 18 THEROM WALL COVERER & PAINTED  
THEROM WALL COVERER, COLOR: TO MATCH (1)
- 19 THEROM WALL COVERER & PAINTED  
THEROM WALL COVERER, COLOR: TO MATCH (3)
- 20 MOUNTED HORIZONTAL WALL COLOR: TO MATCH  
TEQUILA ROSE
- 21 CO2 FUNK ENCLOSURE BY GONZALEZ, COLOR:  
TEQUILA ROSE
- 22 WALL AND LIGHTING FIXTURE  
(REFER TO ELEC DWGS)
- 23 DECORATIVE WALL SPOUNCE  
(REFER TO ELEC DWGS)
- 24 RECESSED INVERT LED LIGHTING FIXTURE
- 25 PINDYNE CASES
- 26 OUTDOOR EQUIPMENT MERCHANTHOUSE
- 27 ROOF LADDER W/ SAFETY CASE, COLOR: TO MATCH (1)
- 28 CT CASSET AND METERS



**01** PROPOSED REAR ELEVATION  
Scale: 1/8" = 1'-0"



**02** PARTIAL FLOOR PLAN - REAR ELEVATION  
Scale: 1/8" = 1'-0"

**KEYED NOTES:**

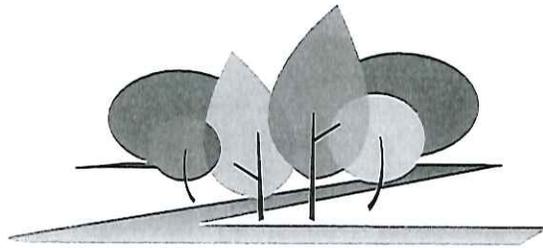
- 1 EXTERIOR BRICK - MODULAR BRICK VENEER COLOR - RED SMOOTH
- 2 SPANSEL GLASS
- 3 CEMENTitious GROUT BRICK TEXTURE SANDSILK BRICK - SIGHT BRICK
- 4 PREFINISHED METAL CORNER TO MATCH (6)
- 5 ROOF TOP EQUIPMENT ENCLOSURE
- 6 EXTERIOR INSULATION FINISHING SYSTEM DRYWT COLOR - TOILET SW - #1/4" SANDSILK FINE
- 7 GLASS STOREFRONT SYSTEM CLEAR ANODIZED ALUMINUM W/ INSULATED GLAZING
- 8 PREFINISHED METAL CANOPY BY WAFES COLOR SANDSILK
- 9 CANOPY FRAME REFER TO STRUCTURAL PLAN FOR FINISHES AND CONNECTIONS TO MATCH
- 10 NICHIA FERRI CEMENT PAINTS/SPRINK PANEL SYSTEM - STOKED STONE COLOR TOBACCO
- 11 ALUMINUM SANDSILK COLOR TO MATCH STOVERSON FRAMING
- 12 SILL, APERTURE - REINFORCE MASONRY, FINISHES PER PLAN, BRICKS COLOR SANDSILK
- 13 COMPACT REINFORCING WITH SILL CONNECTION
- 14 CLEAN ANODIZED ALUMINUM BRASS METAL TO MATCH STOVERSON FRAMING
- 15 HOLLOW METAL DOOR COLOR TO MATCH (1)
- 16 BERMENGYT RIEL STONE
- 17 APERTURE - REINFORCE MASONRY, TEXTURE SMOOTH, BEIGE/COLOR SANDSILK
- 18 PAINTED METAL DOWNSPOUT COLOR TO MATCH (1)
- 19 THROUGH WALL SQUIPPER & PAINTED METAL CONDUCTION HEAD COLOR TO MATCH (1)
- 20 1/2" LUMBER PEA NOCTIFIE
- 21 COOL RAIN DRAINAGE BY OTS/DYKEMA COLOR REINFORCING
- 22 WALL AND LIGHTING FIXTURE (REFER TO ELEC DIVISION)
- 23 DEORATORY WALL SOURCE (REFER TO ELEC DIVISION)
- 24 RECESSED LINEAR LED LIGHTING FIXTURE
- 25 FRONTE CASES
- 26 OUTDOOR EQUIPMENT MESH/ENCLOSURE
- 27 ROOF LADDER SAFETY CASE COLOR TO MATCH (1)
- 28 CT CASE/ET AND NETTER

Exhibit 4









# ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development  
 From: Mark DeBruler, P.E., Town Engineer *MD*  
 Date: April 13, 2016

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

### PROJECT DESCRIPTION

Project	Name	GETGO Café and Market	
	Location	7103 E. Whitestown Parkway	
	Developer	Giant Eagle, Inc.	
	Submittal	#2	
Documents Reviewed		Document Name	Document Date
		Construction Plans	April 1, 2016
		Drainage Report	April 12, 2016
Zoning	Current	R-GB	
	Proposed	R-GB	
Land Use	Current	Fallow	
	Proposed	Business	
Requested Variances			

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

#### I. CONSTRUCTION PLANS

- A. Provide an access easement over the pathway along Whitestown Road. The easement should extend to the property line, eliminating the spite strip.
- B. Please provide traffic control plans for driveway construction along Grove Pass.
- C. Construction plans shall be signed by a licensed professional engineer.

#### II. DRAINAGE REPORT

- A. Provide information about the capacities downstream of the swale on the north side of the site. The direction of flow is being reversed from existing.

- B. The 6" minimum orifice size for detention facilities is only applicable to above-ground storage facilities. The 100-year storm orifice needs to be resized to meet the design release rates instead of the minimum size.
- C. The storage system should be capable of restoring 90% of its capacity in 48 hours based on the maximum storage capacity (i.e., from a 100-year storm). The remaining capacity calculation in the report showed restoration of capacity in the CPv with a 1-year storm. Please provide revised calculations.
- D. The response letter indicated an underdrain had been added in the 9" stone base; however, upon review of the plans, these changes did not appear to be made. Please update plans accordingly.
- E. Please provide documentation acceptable to the County Surveyor that the downstream regulated drainage infrastructure has capacity for the additional flow of this development.
- F. Storm STR 12 (STC 900) shall be offline in accordance with the Zionsville Stormwater Technical Standards Chapter 9 Section C. Please revise as necessary.
- G. Storm structure 33 is part of the legal drain. Provide a connection in accordance with Boone County standards, including confirmation that the existing manhole is adequate in size to receive the storm pipe with suitable clearance from other pipes. Size, type, and casting for STR100 is not indicated on plans.
- H. A registered professional engineer needs to seal the drainage report.
- I. An E&O insurance certificate from the engineer needs to be provided with the drainage report.



1955 INDIANAPOLIS AVE

Lebanon, IN 46052

Phone: (765) 482-4450 | Fax: (765) 483-4451

**TO:** Wayne DeLong, Director of Planning and Economic Development

**FROM:** Craig M. Parks, Boone County Engineer

**DATE:** April 14, 2016

**SUBJECT:** GetGo Project Review, Submittal #2

We have completed our review of the referenced project and based on our review of the plans and comments submitted to you by the Town Engineer, we offer the following additional comments:

1. We would request 5' sidewalk along Grove Pass to meet current ADA recommendations.
2. It appears the sidewalk along Grove Pass goes out of right of way near 700E. Please modify the right of way to include a corner cut to ensure the sidewalk is within public right of way.
3. Please incorporate the Boone County Standard pavement section for a secondary street in your plans for the construction of Grove Pass.

If you have any questions, do not hesitate contacting me.

Exhibit 8

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

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

**FINDINGS**

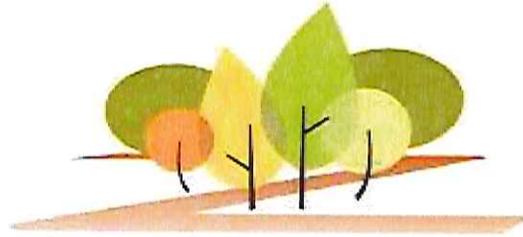
1. The Development Plan/Modification of Development Plan is compatible with surrounding land uses because the subject site is zoned as Rural General Business (GB) and the proposed use is a permitted use under the Rural GB zoning classification. Further, the uses that generally surround the subject site are also zoned Rural GB and include commercial and retail types of uses.
2. The Development Plan/Modification of Development Plan does demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because the proposed development plans demonstrate that water, sanitary sewer, storm water drainage and other utilities have been accounted for and will be available to serve the subject site.
3. The Development Plan/Modification of 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 the proposed development plans have taken into account the existing roadways and designed the entrance and exist points onto the subject site in consideration of the surrounding roadways.
4. The Development Plan/Modification of Development Plan does utilize building materials and building style compatible with the Zionsville theme as evidenced by the elevations and proposed building materials for the subject building.
5. The Development Plan/Modification of Development Plan does provide for calculation of storm water runoff because the Petitioner has filed with the development plans and drainage plan that provides for the design and calculation of storm water runoff.
6. The Development Plan/Modification of Development Plan does provide for current and future right-of-way dedications because the development plans have been designed in conjunction with reviewing the Towns Thoroughfare Plan and the development plan provides for the appropriate right-of-way dedications.
7. The Development Plan Modification of 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 development plans, as filed, depict the building setback lines, coverage, and separation; vehicle and pedestrian circulation; parking; landscaping; recreation area or green space (if applicable) and the outdoor lighting.

**DECISION**

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**Petition Number:** 2016-15-DP

**Subject Site Address:** 1100 W. Oak Street

**Petitioner:** Town of Zionsville

**Representative:** Town of Zionsville

**Request:** Petition for Development Plan Approval to construct a new Town Hall, (Government Center) and associated Improvements in the (PUD) Planned Unit Development District

**Current Zoning:** (PUD) Planned Unit Development District

**Current Land Use:** Present location of the Town of Zionsville Government Center

**Approximate Acreage:** 3.57 acres

**Related Petitions:** Docket # 2002-23-Z, Zone Map Change from the SU-2 (Church) District to the SU-8 (Buildings and Grounds Used by any Department of Town Government)  
Docket # 2015-10-Z, Zone Map Change to rezone 6.85 acres from the SU-8 Special Use Development District to a (PUD) Planned Unit Development District  
Docket # 2016-20-PP, Petition for Primary Plat approval in order to establish (3) three, lots in the (PUD) Planned Unit Development Zoning District (pending)

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Map  
Exhibit 4 – Landscape Plan  
Exhibit 5 – Conceptual Elevation  
Exhibit 6 - Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Project Location**

The subject property is approximately 6.85 acres, being approximately 329.97 feet in width and approximately 990 feet in depth (irregular shape) and located on the north side of West Oak Street. As proposed, the Government Center occupy Lot 1 within the proposed plat (inclusive of 3.27 acres). Both Docket # 2016-20-PP (Primary Plat), and 2016-15-DP (Development Plan) will receive a public hearing at the April 18, 2016 Plan Commission meeting.

### **ANALYSIS**

As proposed, the approximately 3.57 acre would be improved with a 35,000 square foot two story professional office building, a surface parking lot, and public infrastructure (inclusive of trail sections, a public plaza, and a drop box for utility payments). Details related to the proposal are outlined in this report (and the Petitioner's submittal).

### **BUILDING / ARCHITECTURE**

Per the submitted site plan and renderings, the exterior of the proposed building would be comprised of a combination of modular brick veneer, modular block, fiber cement panels, glass, and aluminum. Exhibit 5 illustrates the proposed renderings of the building with the larger drawings contained in the petition packet offering a complete illustration of the proposed improvements.

### **WATER / SANITARY SEWER**

Potable water: Water is adjacent to the site. The Petitioner's design team will ensure that proper flow rates are available and adequate pressures can be maintained related to domestic use and for fire suppression.

Sanitary Sewer: As of the writing of this staff report, staff is unaware of any issues or concerns related to sanitary sewer or capacity.

### **STORM WATER / DRAINAGE**

The petitioner has provided a detailed drainage study which has been reviewed by Town staff and has been found to be in compliance with Town standards.

### **SIGNAGE**

A sign package is identified as a part of the filing (identifying a wall sign associated with the occupancy). Staff is supportive of the sign package as submitted for permanent signs.

### PARKING / VEHICLE ACCESS

The site will derive vehicular access from Oak Street via a proposed private street. The use of a private street is supported by the Zoning Ordinance.

### LANDSCAPING / LIGHTING

The submittal includes a landscaping plan which provides for landscaping in both the required yards, within the parking lot, and adjacent to the building. The proposed plan provides for a variety of plantings at the required locations.

Specific to lighting, the Petitioner has not provided a lighting plan as of the time of this writing (as all new lighting elements are associated with the proposed building itself and not the parking lot). Site lighting (wall packs and any new free standing lighting) will be subject to review and approval prior to the issuance of an Improvement Location Permit.

### FINDINGS

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 4.3.C of the Ordinance the Plan Commission is to consider the following:

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:

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

**STAFF COMMENTS**

Staff recommends approval of the petition as filed subject to the submittal of a lighting plan for review and approval prior to the issuance of an Improvement Location Permit.

**RECOMMENDED MOTIONS**

**Development Plan Motion**

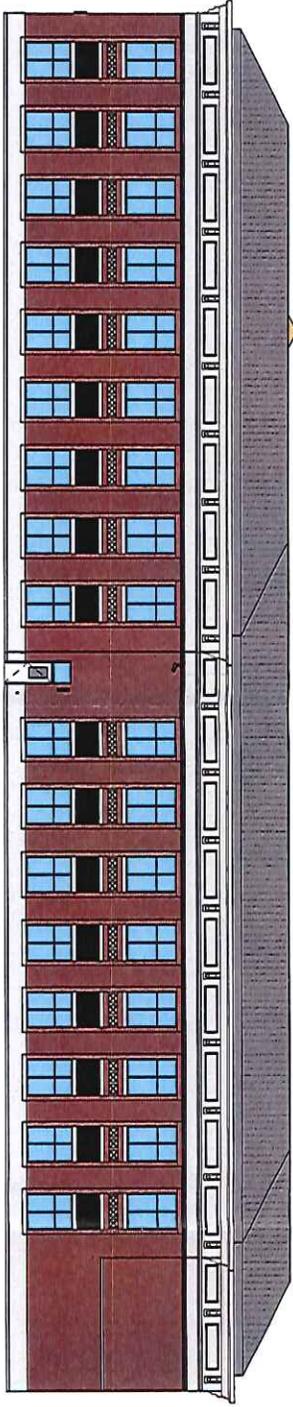
I move that Docket #2016-15-DP Development Plan Approval to construct a new Town Hall, (Government Center) and associated Improvements in the (PUD) Planned Unit Development District at 1100 W. Oak Street be (Approved based the findings in the staff report and the staff recommendation/ Denied/ Continued ) as presented.











NORTH ELEVATION

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

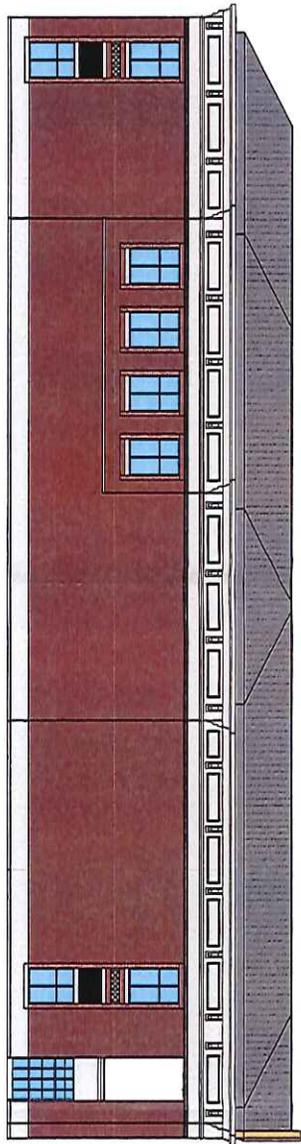


ZIONSVILLE GOVERNMENT CENTER  
1100 W. OAK ST., ZIONSVILLE, IN 46077  
4/11/16 14163



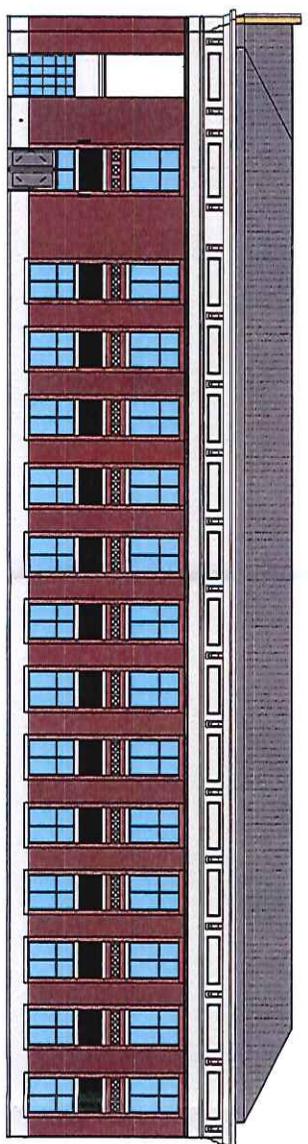
Schneider





WEST ELEVATION

SCALE: 1/16" = 1'-0"



EAST ELEVATION

SCALE: 1/16" = 1'-0"



ZIONSVILLE GOVERNMENT CENTER  
1100 W. OAK ST., ZIONSVILLE, IN 46077  
4/11/16 14163



Schneider



CSO Architects

**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 existing use will not change with the construction of the new facility.
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:  
Adequate water, sanitary sewers, storm water drainage, and other utilities are provided in accordance with the proposed development plan.
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 new facility access road aligns with Brendon Way to simplify site access and traffic flow from a single curb cut.
4. The Development Plan/ Modification of Development Plan (**does/does not**) utilize building materials and building style compatible with the Zionsville theme because:  
The new facility uses similar materials and an architectural style as the existing Zionsville Public Library.
5. The Development Plan/Modification of Development Plan (**does/ does not**) provide for the calculation of storm water runoff because:  
The site design is based on current Boone County drainage standards.
6. The Development Plan/Modification of Development Plan (**does/does not**) provide for current and future right-of-way dedications because:  
The new facility is being constructed at the north end of the property away from Oak Street.
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 development plan complies with the Town Hall PUD.

**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\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Petition Number:** 2016-16-Z

**Subject Site Address:** 5400 West 106th Street

**Petitioner:** Town of Zionsville

**Representative:** Town of Zionsville, by its Redevelopment Commission

**Request:** Petition to modify both text and graphics of an existing (PUD), Planned Unit Development document.

**Current Zoning:** (PUD) Planned Unit Development

**Current Land Use:** Under development - Research/Development/Office Park

**Approximate Acreage:** 75 acres

**Related Petitions:** 2010-24-Z (Rezone from I-3 Heavy Industrial to PUD)  
2015-02-Z(PUD) Amendment  
2016-18-PP (Pending)

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Zoning / Location Map  
Exhibit 3 – Comprehensive Plan Map  
Exhibit 4 – Creekside Corporate Park Boundary map  
Exhibit 5 – Creekside Corporate Park Preliminary Plat

**Staff Reviewer:** Wayne DeLong, AICP

## PROJECT OVERVIEW

### **Project Location / Property Status**

The subject property is approximately 75 acres located predominately on the north side of the West 106<sup>th</sup> Street. The subject property is currently experiencing redevelopment which has included tree clearing associated with a future road network and related infrastructure (2015) and now the installation of the future road network and related infrastructure (2016).

### **Project History / Project Description**

75 acres of the current CREEKSIDE PUD (the "PUD") was rezoned in 2015 to the Planned Unit Development classification in anticipation of redevelopment but under the ownership of the Town of Zionsville (being its Redevelopment Commission). The need for the rezoning was in response to the Redevelopment Commission's (the "Commission") interest in amending the permissible use list within the District and the contemplated addition of future community amenities to a portion of the 75 acres.

Since that time the Commission has determined, based on interaction with the marketplace, that it should consider a variety of amendments to the approved document. With that in mind a petition was filed with the Town in March of 2016 and is scheduled to be heard by the Plan Commission at its April 18, 2016 meeting regarding the proposed textual and graphical amendments.

## ANALYSIS

As identified above, the CREEKSIDE PUD document is proposed to be updated with both text changes as listed below as well as updates to the maps contained within the document (to be reflective of line work contained on the contemplated drawings associated with the Plat). A list of the proposed text changes are as follows (**proposed changes are in red**):

1. Added Language on Page 7; 1.08 Development Standards for Subarea A; C. Minimum Lot Width: 50 feet; **30 feet for lots connecting with the Creek Way cul-de-sac. Minimum lot width shall be measured at the Minimum Front Yard Setback.**
2. Added Language on Page 7; 1.08 Development Standards for Subarea A; D. Minimum Lot Frontage: 50 feet on a Public Street or Private Street; **20 feet for lots connecting with the Creek Way cul-de-sac. Minimum lot width shall be measured at the right-of-way line.**
3. Replaced Language on Page 7; 1.08 Development Standards for Subarea A; G. Minimum Side and Rear Yard Setback: 1. *Minimum Side Yard*: 30 feet for buildings, **5 feet ~~15 feet~~** for parking lots.
4. Replaced and added Language on Page 7; 1.08 Development Standards for Subarea A; G. Minimum Side and Rear Yard Setback: 1. *Minimum Rear Yard*: 30 feet for buildings, **10 feet ~~15 feet~~** for parking lots **and where adjacent to Subarea C.**

5. Replaced and added Language on Page 7; 1.08 Development Standards for Subarea A; L. Wall Signs for Single-Tenant Buildings and Multiple-Tenant Buildings with Interior Entrances: ...Each façade facing a Public Street may have one (1) wall sign above a featured main entrance, ~~or~~ in the parapet at the top of the building, **or in an architecturally designed location on the front façade.** **Under no circumstances shall more than two (2) wall signs be permitted on one (1) primary structure.** Wall signs shall be limited **by one of the following ~~as~~ follows:**
6. Added Language on Page 7; 1.08 Development Standards for Subarea A; L. Wall Signs for Single-Tenant Buildings and Multiple-Tenant Buildings with Interior Entrances: **5. *Small Front Façade (first floor wall)*: 2% of the total front façade area shall be the maximum square feet of sign area for a sign located in an architecturally designed location within thirty (30) feet of the main entrance. This standard applies to front building facades less than 4,000 square feet in area.**
7. Replaced Language on Page 9; 1.09 Architecture and Landscape Architecture Requirements for Subarea A: E. Building Façade Guidelines: 2. Buildings Not Along 106th Street: Any building located off of 106th Street shall have high architectural standards, however only the facades and building features clearly visible from **Creek Way** ~~Creekside Parkway~~ (the internal street) are required to meet that standard.
8. Added Language on Page 9; 1.09 Architecture and Landscape Architecture Requirements for Subarea A: G. Roof Guidelines: 1. *Pitched Roof*: Pitched roofs shall only be permitted on smaller lots toward the rear of the development. Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 5:12 to 12:12. Pitched roofs shall be clad in architectural, dimensional shingles or raised seam metal when done so for rainwater collection or other green building practice. Roof color shall be complementary to the design of the building. **The Creekside Committee may approve additional material that clearly satisfies the intent of this subsection, and that is complementary of the building's architecture.**

## PROCEDURE

Rezoning is a legislative process which begins with the Plan Commission and results in the recognition of responses to five (5) items found in Indiana Code (outlined below).

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.

## **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.

600 Series suggested responses for the Plan Commission's consideration:

- (1) the comprehensive plan;

The property is recommended for Office, Research & Technology District; the proposed development pattern shares characteristics with land uses which are supportable by the Plan's recommendations.

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

The current conditions and character of the structures and uses in the district are complementary to the character and uses contemplated within the Creekside Corporate Park Planned Unit Development document.

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

The land is adapted for development which has the ability to utilize the available acreage while meeting the expectations of the Community. The most desirable land use is one which as the ability to utilize the property while being cognizant of the natural features of the property.

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

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

- (5) responsible development and growth.

The Petition represents responsible development and growth

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

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

- a) The characteristics of the specific site development and its land uses proposed for the subject real estate are compatible with the surrounding area if the development were limited to those plans and uses as submitted.

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

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

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

- a) The proposed development should be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and the Town's Comprehensive Plan.
- b) Interest and variety should be sought, by means of street design and changes in mixture of building types, heights, facades, setbacks, plantings, or size of open space. The design should be harmonious as a whole and not simply from street-to street.
- c) Streets should curve to discourage fast movement of traffic; traffic calming devices should be integrated into street design; group parking areas should be screened, so that the vehicles are substantially hidden from the street.
- d) The natural amenities of the land should be preserved through maintenance of conservation areas and open spaces. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space.
- e) Height of buildings in excess of thirty-five (35) feet should be designed and planned to be reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities.
- f) Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the development. Commercial and office uses within the development should be at the front of the development and be accessed by an internal collector road.
- g) Structures or buildings located at the perimeter of the development should face outwardly and be properly screened in a manner that sufficiently protects the privacy and amenities of the adjacent and neighboring property uses.

### **STAFF COMMENTS**

Staff recommends a favorable recommendation of the rezoning petition subject to the adoption of the submitted Planned Unit Development Ordinance.

Staff recommends approval of the proposed Planned Unit Development Ordinance.

### **RECOMMENDED MOTIONS**

#### **Motion**

I move that Docket #2016-16-Z to modify both text and graphics of the CREEKSIDE PUD, Planned Unit Development document (inclusive of updated illustrative locations of public improvements and text changes related to development standards), in the 5400 block of West 106th Street, receive a (favorable recommendation based upon the findings in the staff report / unfavorable recommendation / continued ) as presented, with the recommendation being certified to the Town Council for adoption or rejection.

### **PROCEDURAL NOTE**

Upon the conclusion of the Public Hearing and Certification of the Plan Commission's Recommendation to the Town Council, the Town Council will then set the matter on its Agenda for future consideration.

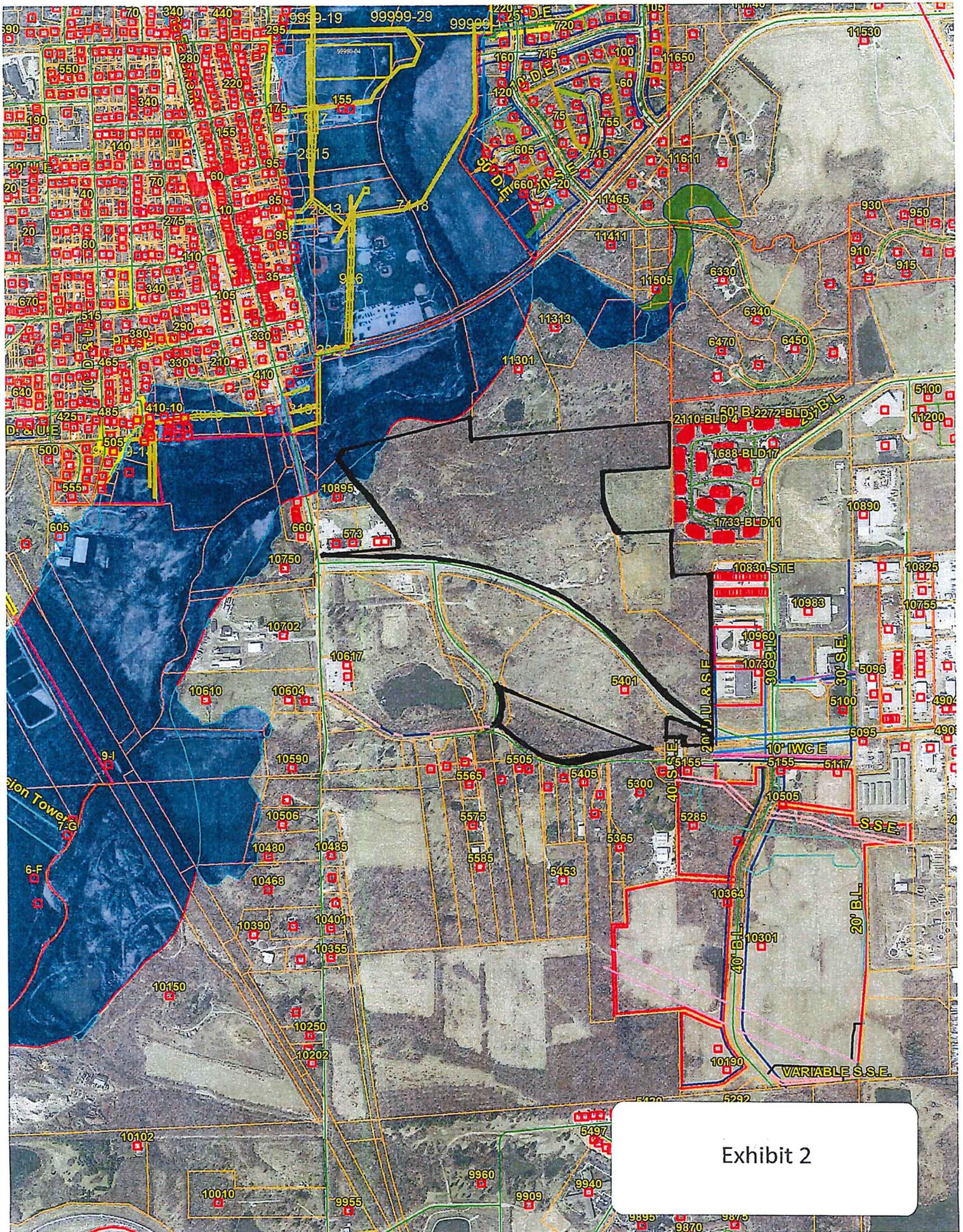


Exhibit 2

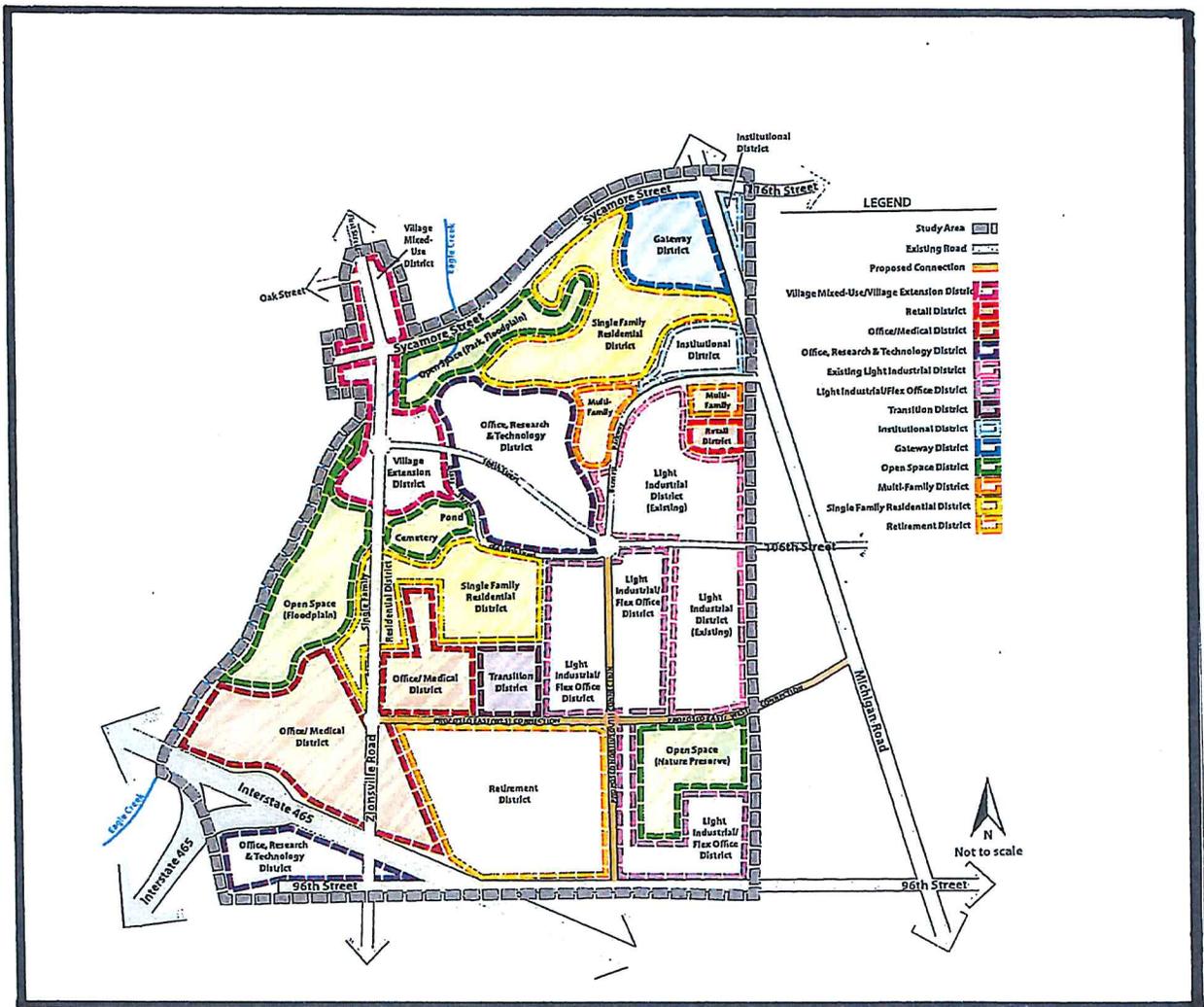


Exhibit 3

# Creekside Corporate Park PUD

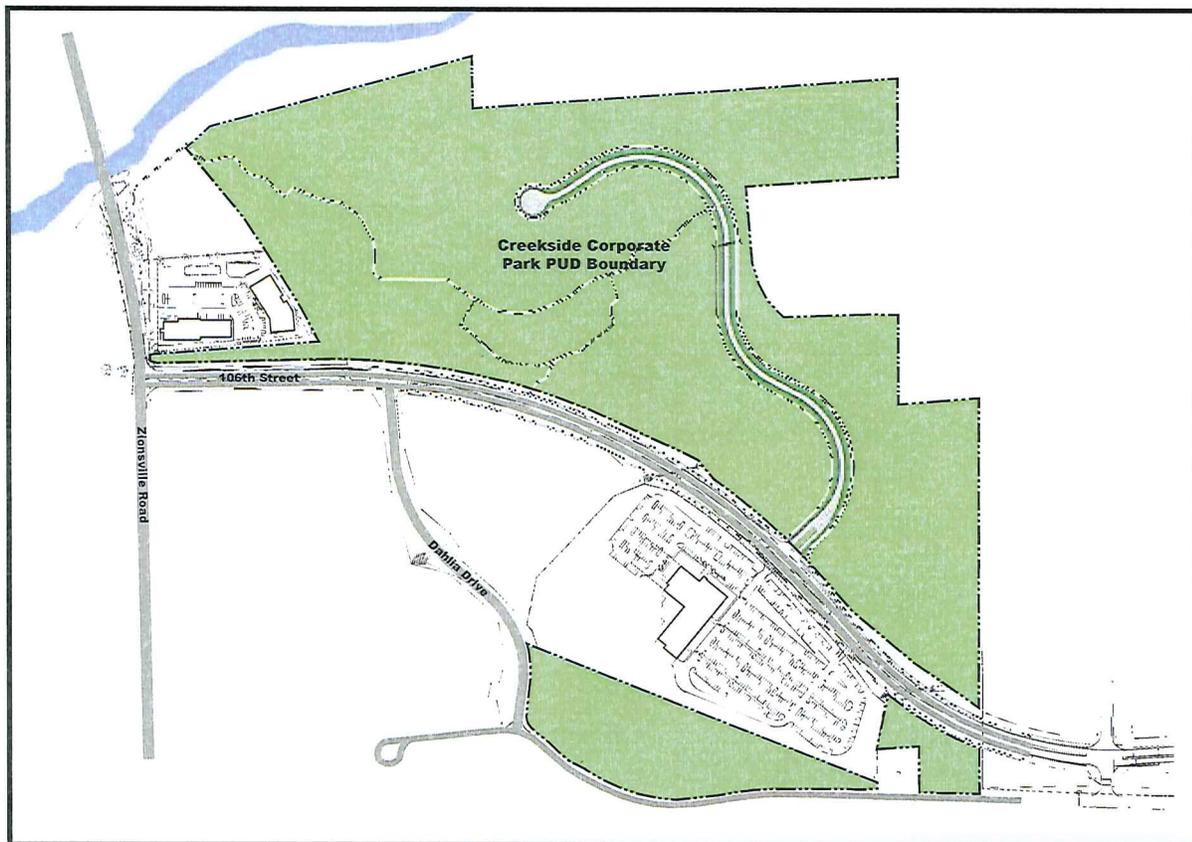
## 1.01 Intent

The intent of Creekside Corporate Park is to:

- A. Develop sensitively, providing a transition from the industrial zoning to the east to the village zoning to the west and north west;
- B. Develop responsibly, preserving the terrain and prime natural amenities that exist on the site;
- C. Enhance the gateway into Zionsville via 106th Street;
- D. Set the benchmark for undeveloped or under-developed land along 106th Street;
- E. Not require each developable lot to have its own open space, but instead preserving the ravines for aesthetic and recreation purposes;
- F. Not require each developable lot to have storm water detention basins, but instead utilizing low impact development techniques to meet storm water regulations;
- G. Allow land uses that will complement the region, add high quality jobs, and encourage higher quantity of jobs per square foot of building space;
- H. Allow complementary support businesses that are subordinate to the primary permitted uses; and
- I. Provide a trail network for recreation and pedestrian transportation purposes, allowing employees an expedited route to South Main and the Village.

## 1.02 Applicable Land

See Exhibit A for the boundaries of the Creekside Corporate Park PUD. Exhibit A shows a conceptual location for an internal street and internal curb cuts. The exact design, length and alignment of this route is subject to change upon further engineering study.



**Exhibit A**





**Petition Number:** 2016-17-DP

**Subject Site Address:** 4560 County Road S. 875 East

**Petitioner:** Boone County Tennis Center Inc.

**Representative:** Max Mouser

**Request:** Petition for Development Plan Approval to provide for a public recreational facility in the (SU-7) Special Use Zoning District

**Current Zoning:** (SU-7) Special Use Zoning District

**Current Land Use:** Agricultural

**Approximate Acreage:** 4.13 acres

**Zoning History:** Plan Commission Docket # 2016-04-Z (approved)  
Board of Zoning Appeals Petition # 2016-02-DSV (approved)

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Site Plan  
Exhibit 4 – Conceptual Elevations  
Exhibit 5 – Landscaping Plan  
Exhibit 6 – Town Engineers Comment Letter (dated April 13, 2016)  
Exhibit 7- Board of Zoning Appeals Minutes (March 8, 2016)  
Exhibit 8– Findings of Fact

**Staff Reviewer:** Wayne DeLong, AICP

## PETITION HISTORY

This petition will receive a public hearing at the April 18, 2016 Plan Commission meeting.

## PROPERTY HISTORY

This petition received a favorable recommendation to the Town Council, by the Plan Commission at their February 16, 2016 regularly scheduled meeting. The rezone to SU-7 received Town Council approval on March 8, 2016, with the development standards variance associated with the project receiving approval on March 9, 2016 (from the Board of Zoning Appeals).

## ANALYSIS

As contemplated, the property would be improved with a 58,648 square foot building proposed to be utilized as an indoor tennis facility. While the use is supported by the contemplated zoning district (as the land is owned by a not for profit), the development standards associated with the zoning do not wholly support the intended improvements (variance 2016-02-DSV was approved by the Board of Zoning Appeals related to the architectural features).

## DEVELOPMENT PLAN REVIEW

### **Zoning Ordinance**

The development plan has been reviewed using the standards of the Zionsville Zoning Ordinance (Ordinance) and found to be in compliance. A Technical Advisory Committee (TAC) meeting was conducted on and Town staff comments were provided to the Petitioner. Since that time, an additional round of reviews has occurred (as further outlined in this report).

### **Architecture**

The proposed improvements utilize a variety of materials and colors (rendering attached to this report). In summary, constructing a free span athletic facility utilizing the materials listed in the Zoning Ordinance is identified by the Petitioner as challenging. Staff would agree, there are challenges; the Zoning Ordinance does not differentiate between occupants of building/ uses and the identified architectural requirements. As expressed by the Petitioner, the desire is to construct the building predominately utilizing the following combination of exterior finishes: split faced block and metal panels.

### **Building Materials**

Historically, rurally zoned parcels which have been improved with large buildings designed to provide for non-profit service uses have utilized a combination of masonry and steel panels (Examples: Boys & Girls Club, Zionsville Youth Soccer, & Interactive Academy). Staff, and the Board of Zoning Appeals, given the use, did not object to the material selection. However, what was required to be contemplated and included in the development is a landscaping package which is complementary to the height and size of the proposed building, and the parking lot.

Staff suggested that, in addition to the landscaping illustrated on the concept rendering, 1) a combination of evergreen and deciduous plantings be installed parallel to the east facing and north facing facades which serve to block the view of the building to the north and east, 2) that foundation plantings be provided along the entire perimeter of the building (except where interrupted by points of egress, utilities, and mechanical equipment) as well as along both the eastern edge of the parking lot and along both sides of the driveway, and 3) that the Petitioner provide information as to the material (and color) being selected for the roof (assume metal panels) as well as method to be utilized to reduce the potential of glare. Further, it was indicated that if additional landscaping to reduce the visual impact of the proposed building on the adjoining residential land uses as well as the public utilizing County Road 875, Staff's support of the request would be reevaluated.

### **Utility Access**

Adequate access to utilities is available to facilitate the project (water, public; sewer, private). No issues are known at this time though final details of the sewer agreement with the Zionsville School Corporation are currently, to the understanding of staff, in flux. Prior to the issuance of an Improvement Location Permit, evidence of School District's approval of the use of its sanitary sewer will be required to be provided.

### **Streets & Vehicular Circulation**

The development would derive access from 875 East via an adequately designed road cut intended to serve a variety of vehicles (dependent on an acceleration lane, see Town Engineer letter dated April 13, 2016). Pedestrian circulation would be enhanced with the installation of a pedestrian pathway (as illustrated on the site plan).

### **Parking**

The proposed site development complies with ordinance standards as the site would be improved with parking to serve the proposed use 58 spaces (based on information available to the staff, it is believed that 58 spaces is adequate to serve the facility).

### **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 and features. Staff is of the opinion that additional Norway Spruce or Colorado Spruce trees shall be encouraged in the landscaping to be installed along the east side of the proposed improvements (Black Hills Spruce trees have a mature height of 15 feet and will not achieve the effect which the Board of Zoning Appeals was seeking when it approved the requested variance).

### **Lighting & Signage**

As proposed, the site would utilize a variety of wall mounted and pole mounted lighting elements. Per the submitted plan set, pole lights would not exceed 24 feet in height with all lighting elements utilizing LED components. As filed, staff is supportive of the lighting plan.

## **Drainage**

A detailed review of the site drainage has been conducted by the Town Engineer, the Street and Stormwater Department, and the Boone County Surveyor. Per the Town Engineer's letter dated April 13, 2016, items remain to be addressed by the Petitioner related to compliance with the Town's standards. Staff will look for these items to be finalized prior to the issuance of an Improvement Location Permit related to the contemplated improvements.

## **FINDINGS**

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 4.3.C 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 has prepared findings which are a part of the packet for Plan Commission review.

## **STAFF RECOMMENDATIONS**

Staff recommends approval of the petition as filed subject to finalization of development plan (inclusive of drainage and other components) prior to the issuance of an Improvement Location Permit (recommendation may be updated at the meeting based on evolution of the development plan review).

**RECOMMENDED MOTIONS**

I move that Docket # 2016-17-DP Development Plan Approval to provide for a public recreational facility in the (SU-7) Special Use Zoning District at 4560 County Road S. 875 East be (Approved based the findings in the staff report, staff recommendation, and submitted findings of fact / Denied/ Continued ) as presented.





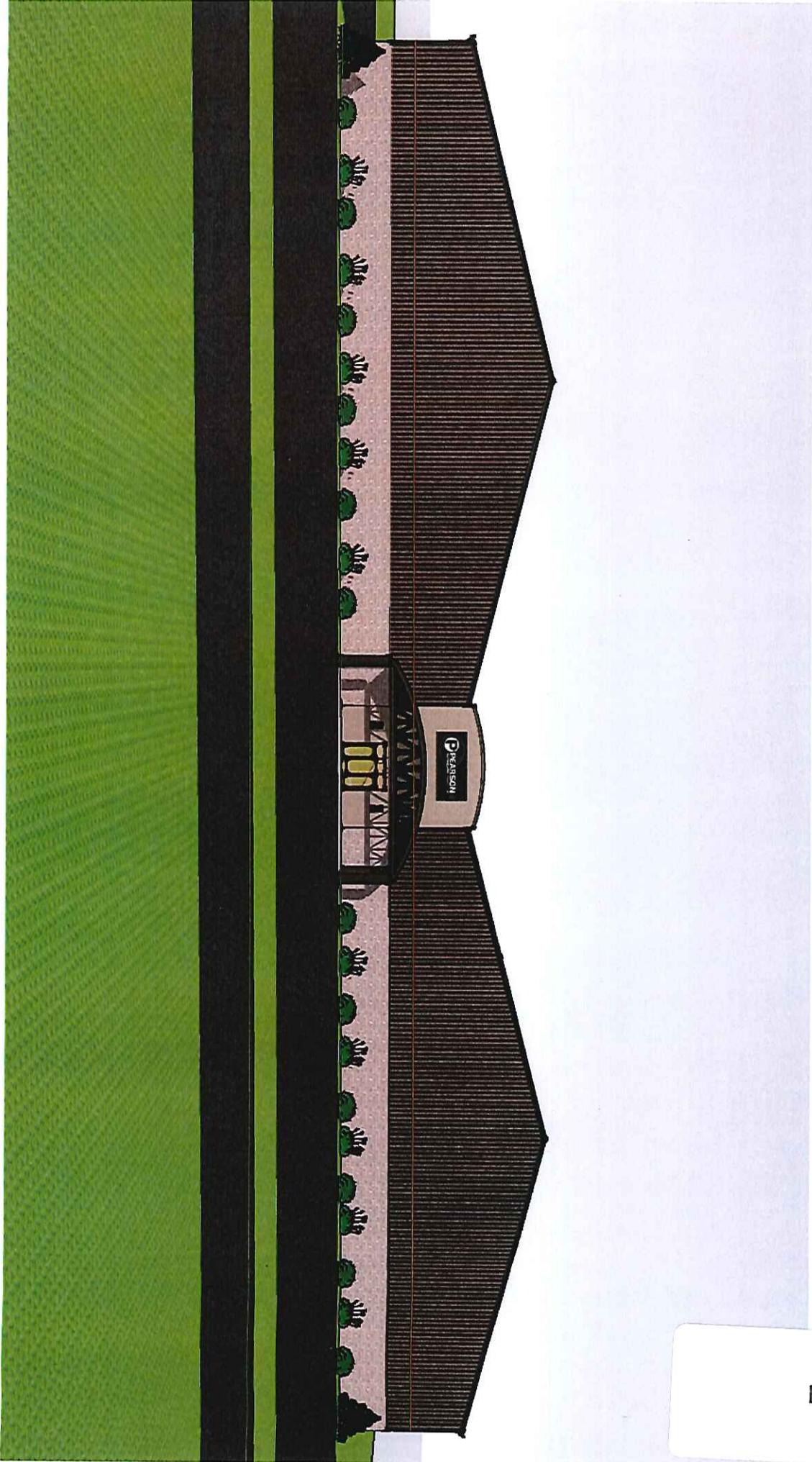


Exhibit 4

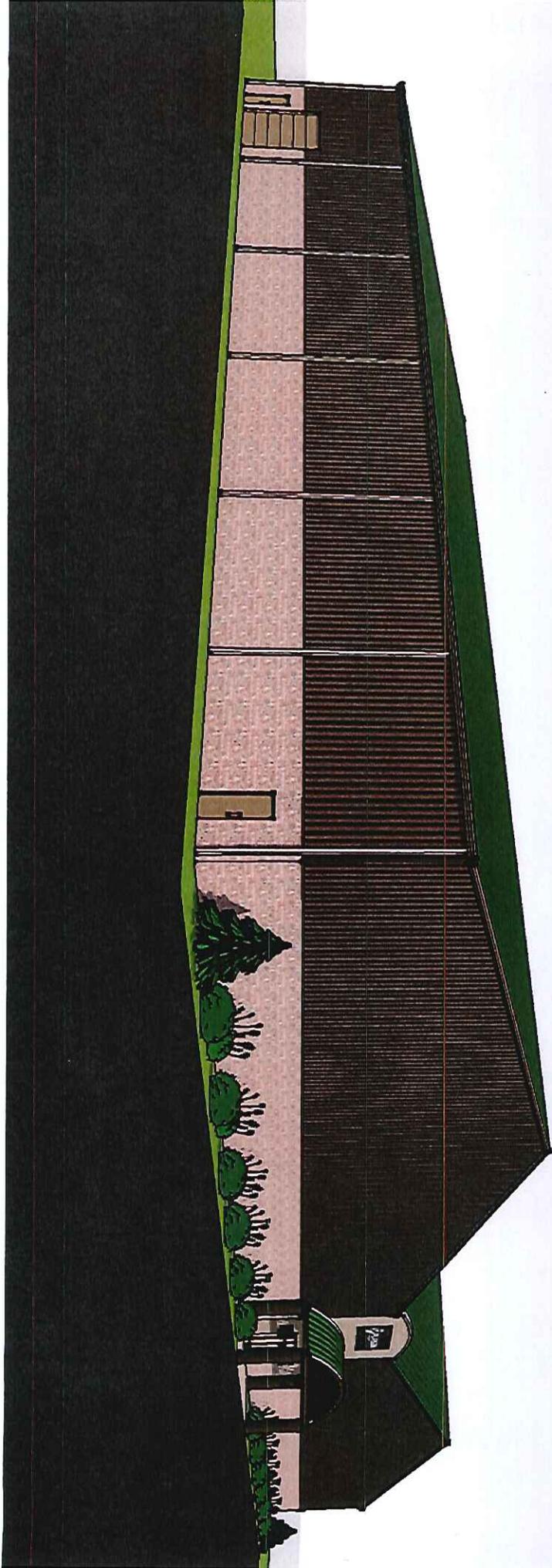


Exhibit 4

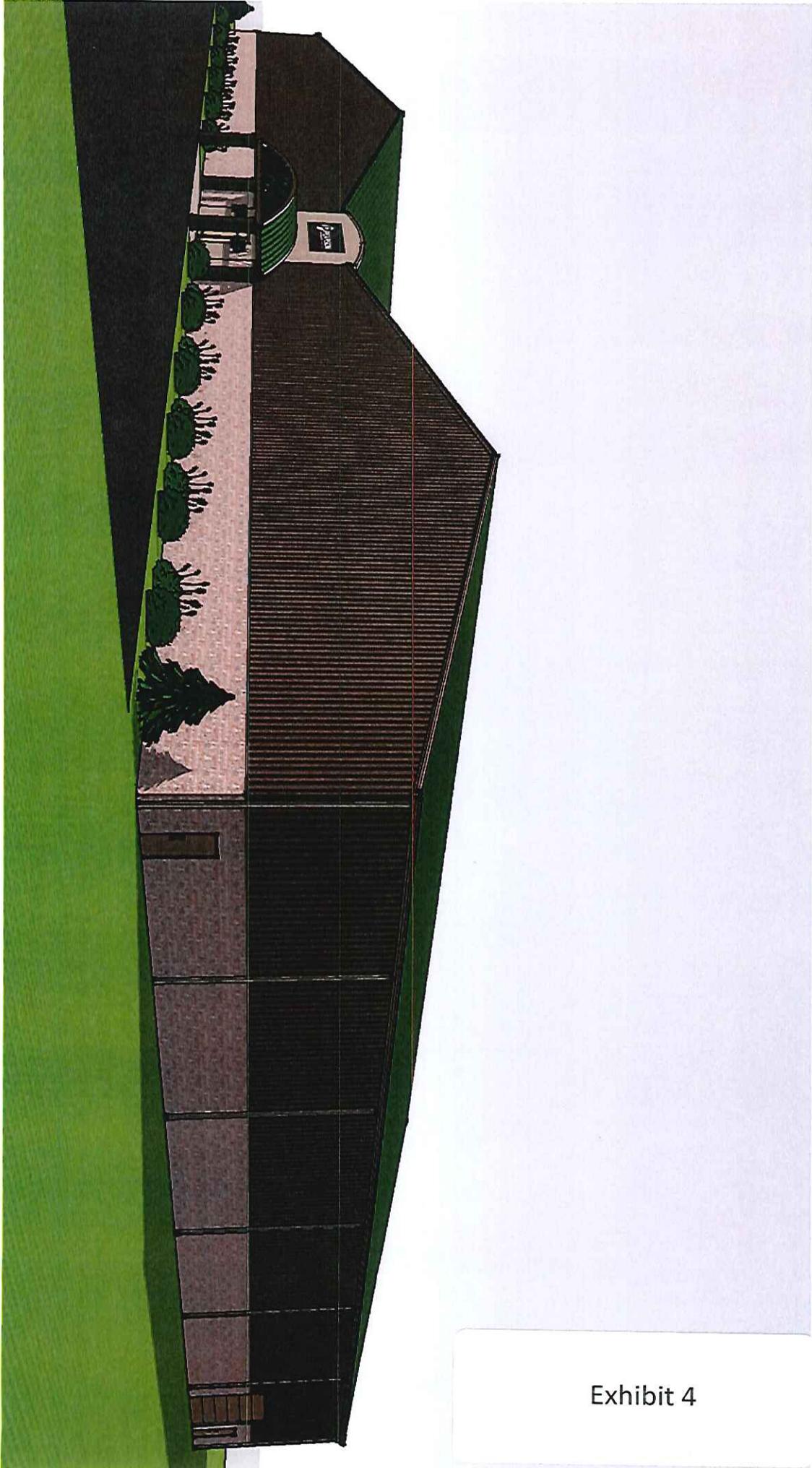


Exhibit 4

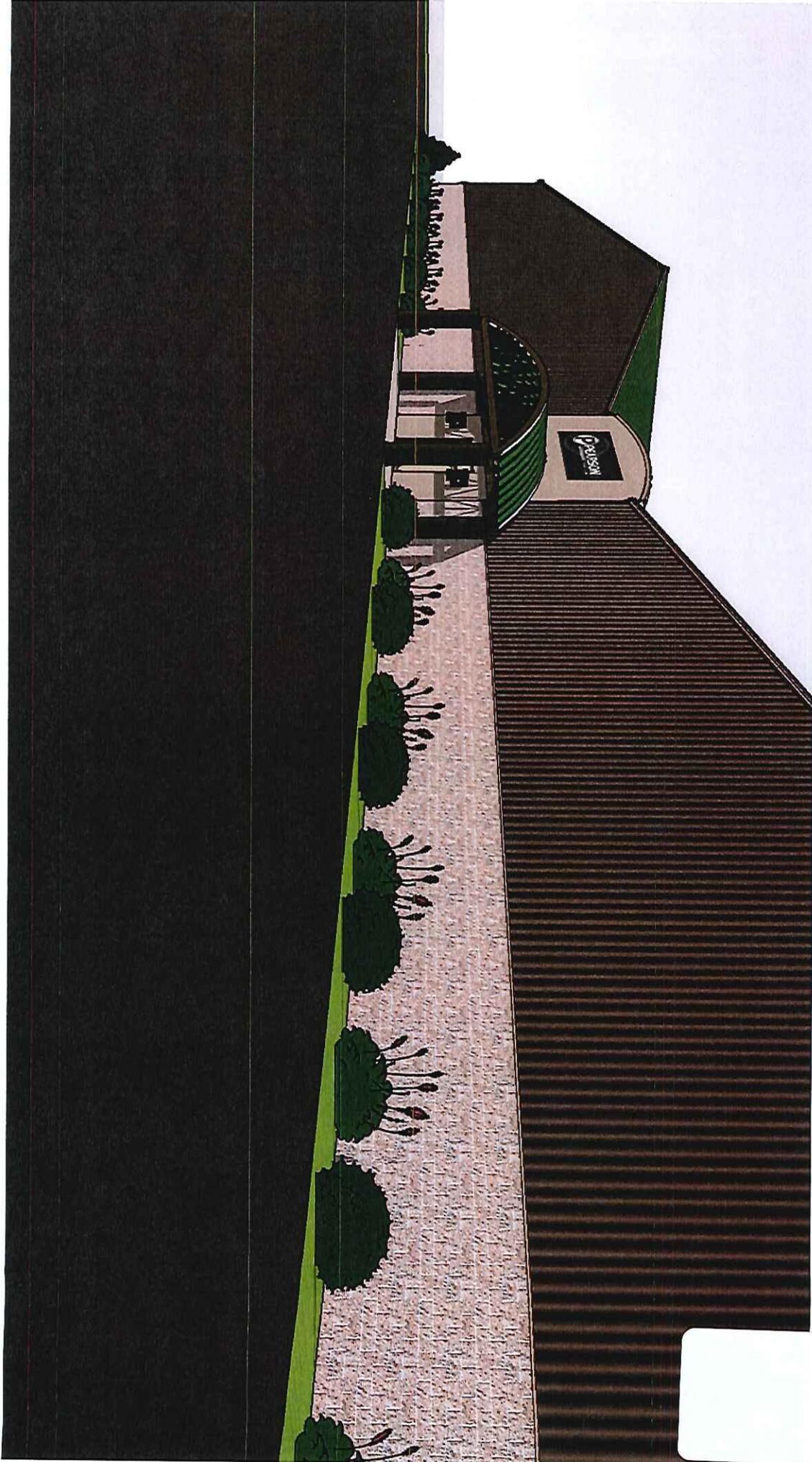


Exhibit 4



Exhibit 4

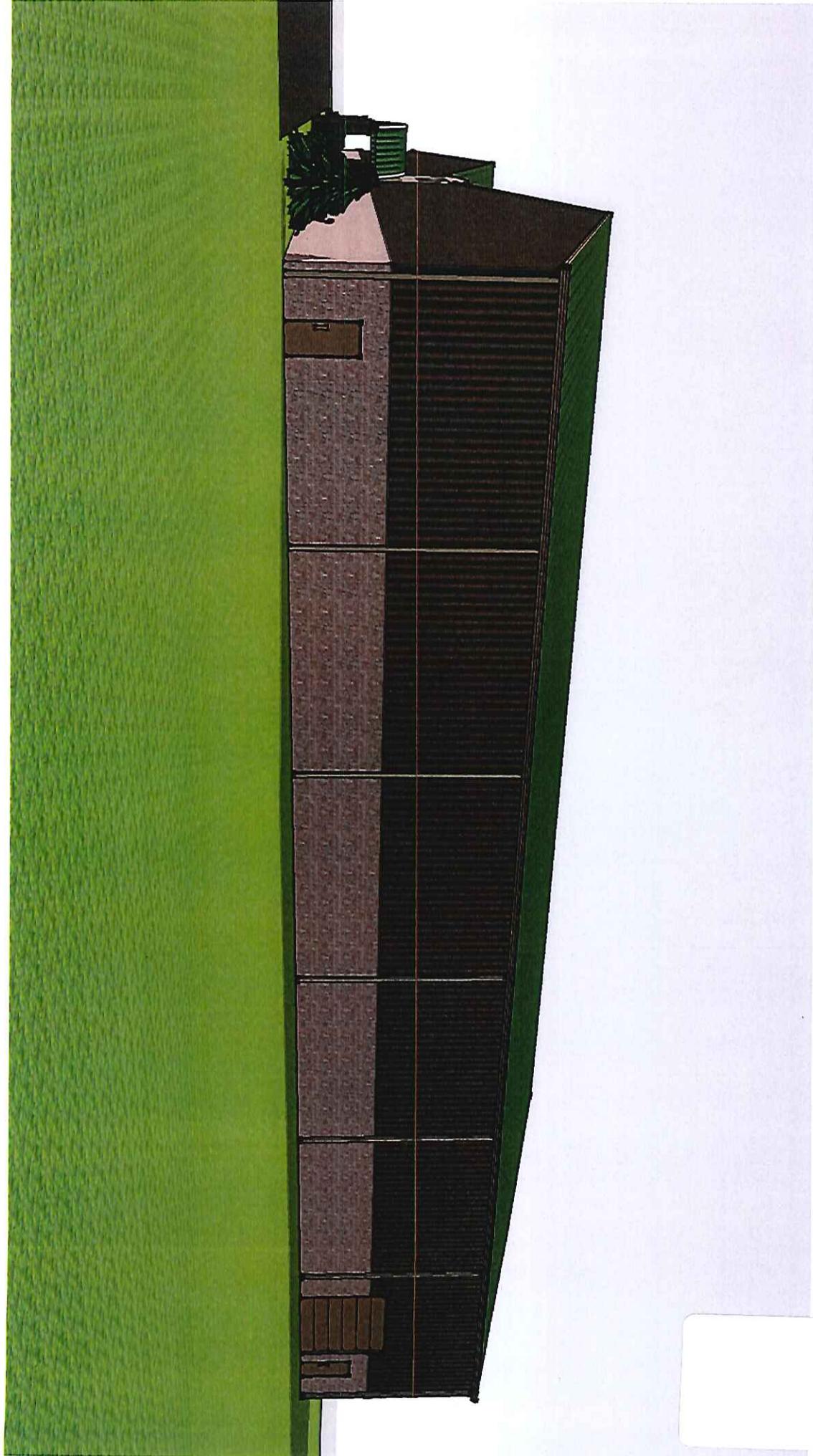


Exhibit 4





To: Wayne DeLong, Director of Planning and Economic Development  
 From: Mark DeBruler, P.E., Town Engineer *md*  
 Date: April 13, 2016

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

**PROJECT DESCRIPTION**

Project	Name	Boone County Tennis Center	
	Location	CR 875 at Spring Violet Place	
	Developer	Boone County Tennis Center, Inc.	
	Submittal	#2	
Documents Reviewed		Document Name	Document Date
		Construction Plans	3/15/2016
		Drainage Report	3/21/2016
Zoning	Current	SU-7	
	Proposed	SU-7	
Land Use	Current	Residential	
	Proposed	Commercial	
Requested Variances			

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

I. DEVELOPMENT PLAN

- A. Provide one bicycle parking space for each 10 vehicle parking spaces.
- B. Obtain ROW for the acceleration lane south of the entrance that is off of the tennis center property.
- C. Sanitary sewer service is proposed through a private sewer owned by the School District. Please obtain and provide evidence of the School District's approval for use of their sewer for this service.
- D. Two BMPs in series are required for storm water quality. A dry detention basin with a forebay can be considered as one BMP. Please provide forebays in the detention basin and provide a second BMP.

- E. The 6" downspout drain in front of the building appears that it may be too close to the building for constructability. Review and revise as needed.
- F. Provide an easement document for the portion of the sanitary lateral outside of the property.
- G. Provide the building's FFE for review of the drainage calculations.
- H. Please provide an exterior sign plan.
- I. Please provide a lighting plan indicating the light intensity at the property line.
- J. Coordinate approvals, access, and use of the legal drain for the site storm water discharges with the Boone County Surveyor's Office.

## II. DRAINAGE REPORT

- A. A registered professional engineer needs to seal the drainage report.
- B. Provide an errors and omissions (E&O) insurance certificate covering the drainage report.
- C. Since drainage from the existing/proposed right-of-way is not being collected and treated by the site storm sewer system, credit for this area cannot be provided. Please recalculate the allowable runoff excluding the right-of-way (see Item E. below).
- D. Calculate the maximum allowable release rates for the 10-yr and 100-yr storms based on the land area and provide in a table. Calculate orifice sizes and detention volumes based on orifices that do not exceed these discharge values. The 6" orifice size should not be used for these calculations (though the 6" orifice size should be used for the constructed structure).
- E. STR 704 appears to be at a high point, with a defined swale north of the structure flowing away from it. Please explain the purpose of this structure.
- F. Provide hydrographs or other documentation indicating the time to drain the detention basin.
- G. Indicate the distance from the building to the limits of the 100-year flood elevation in the detention pond.
- H. The detention pond top of bank needs to be a minimum of 50' from the ROW unless guardrails or other structural systems are placed to prevent vehicles from entering the basin.

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coverage exceeded the current ordinance standards. What is requested is certainly a percentage that is higher than what was there previously, but it's a percentage that's enjoyed by other properties in proximity to the site in question. In summary, staff is supportive of the petition as filed. I'd be happy to answer any questions.

Morical Thank you, Wayne. Any questions for staff? Hearing none, I would entertain a motion.

Evinger I'll make a motion. I move that Docket #2016-05-DSV, Design Standards Variance, to increase the lot coverage allowance to 42% in the Residential Village District for the property located at 260 North 3rd Street be approved as filed based on the Findings of Fact as presented.

Morical Thank you. Is there a second?

Wopshall Second.

Morical All those in favor, please say aye.

All Aye.

Morical Any opposed? Motion carries. Thank you.

Rottmann Thank you.

Morical The next item on the agenda is Docket #2016-06-DSV.

Mandel Good evening, ladies and gentlemen. My name is Derek Mandel. I live at 761 Franklin Trace here in Zionsville. My wife and I have lived here since 1995, had two kids go through kindergarten through high school here in Zionsville and my wife taught in Zionsville, so we're rooted here in Zionsville. And, I'm here today on behalf of the Boone County Tennis Center. I'm a board member of the Boone County Tennis Center. And, we're here this evening to seek approval of our petition for Development Standards Variance to deviate from the building materials requirement in the Special Use Zoning District. Also here tonight on behalf of our board for the Boone County Tennis Center is the high school tennis coach, Matt Moore, and also Kara Swinford and Meg King, they're fellow board members here as well. A brief history, we are seeking to build an 8-court indoor tennis facility on property located at 4560 South 875 East, which is bordered by the Zionsville Community School system's baseball and softball complex on the west, north and south sides, and the site is about 4.13 acres currently. Let me give you just a brief history of the facility. This came about, and I was checking my iPhone, when I wrote the mission statement back in October of 2012. We'd been talking about it myself, Michael Marine, who's another Zionsville resident and on the board, and also Dave Hunt, who's another Zionsville resident and on the board. We've been talking about putting this, it's a Zionsville originated concept that we've talked about and it has taken several years to get it going and do all the things that we need to do to try to do it right, and it's our goal to make this

the nicest and finest facility in central Indiana. And, I think we have the right people involved, resources involved, and it's our goal to work with the staff to make this a top notch facility that's going to make this community proud and something that will live on long beyond all of us. So, that's our goal is to do everything right. And, we did receive a favorable recommendation from the Town Council, and the recommendation was certified by the Town then to rezone the property from Rural Residential to the Special Use Zoning District. And, earlier today, we learned, my understanding, the rezoning ordinance was approved. I think that was earlier this morning we got notice of that. So, we are asking for a variance to utilize a combination of split face block and metal panels in the construction of the tennis facility. The facility is going to be 58,648 square feet. So, it's going to be a sizeable facility to house the 8 indoor courts and a viewing area where people can comfortably watch the matches and also have all the uses we envision. Currently, the zoning requirements prohibit the use of metal panels, however, historically, we understand large buildings designed to provide non-profit services have utilized a combination of masonry and steel panels, and we've included in our packet examples from the Boys and Girls Club, the Zionsville Youth Soccer, and Interactive Academy as examples of such buildings in the community. So, we brought samples if anyone is interested. We brought samples that I have in the box of the split face block, as well as the metal panel, which I have in the pew behind where we're sitting, which I will be happy to bring up. And, we have the contractors that we've been talking to, we've been working with them to make everything acceptable to staff recommendations. We did note in the staff report that several landscaping recommendations were made, and suggestions that would be complimentary to the height and size of the building. In particular, plantings to serve the block, to block the north and east facades. We also noted the suggestion of foundation plantings, and we understand those concerns and appreciate them and look forward to working with the Town during the plan approval process to address those areas. As I said, the people involved in this project, who started it, Mike Marine, myself, Dave Hunt, it's a not for profit. We're not here to make money on this at all. This is something that we just want to build. Most of us come from tennis families and know a lot of people who are active in the tennis community and there was just a need for a facility on the northwest side of Indianapolis. And, we want to do it right. We want it to be nice and we want it to be the best facility, and that's going to include following the staff's recommendations in terms of planting. We want to do that. We're not looking to, while cost is always a concern, budgetary things are always a concern, we don't want to do this on the cheap and just get by and slap up anything that can go up. We want this to be nice and we're going to work with the Town to do that, including the recommendations made in the staff report. As I said, I brought with me—

Morical --please make sure to speak into the microphone. We record all of these meetings and if you don't talk into the microphone, it's like it didn't happen.

Mandel Okay. I'm use to being in a court and talking before a jury. I roam around all over the place, but I know I've got to get to the microphone. So, this is what we envisioned in terms of a rendering, in terms of the front of the facility and —

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- Morical --you've got to head back to the microphone.
- Mandel And, the side of the facility, so, hopefully you can see it from there without me getting closer and wandering away from the microphone.
- Morical We can, thank you.
- Mandel Okay.
- Morical What is the color of the roof going to be?
- Mandel The color of the roof, we have not decided on final colors. We do have, I did bring with me a sample panel, which I can show you. We're not locked into the color and samples of the split faced block and metal panel as well. But, we're not locked into colors and we want the colors to be something that are not going to be offensive and blend in. But, I'll wander off and grab the panel and I won't speak while I'm doing it. This was provided to me today just as an example of something, and again, colors and not locked into at this point. We're getting close to that stage, but again, we'll work with the staff in terms of coloring and something that's aesthetically pleasing. Let me, hold them up if I—
- Morical --I can see them from here, thank you.
- Mandel These were given to us by our contractor recently for us to bring in as examples of the coloring and the texture of what would be involved in the process. In terms of the coloring, at least it's been advised to me, there's been no final decisions made on that. But, again, we're willing to work with the staff and make it conform with Zionsville's standards and what the Board pleases. And, I can't reiterate enough, we want this to be nice and we want it to conform, and we're willing to work and we're all certainly willing to listen to get it done properly. Are there any questions that need to be addressed or that you have?
- Evinger I think just back to your point, as far as the roof itself, it's matching the siding, then, basically. So, it's not going to be a separate color to be, you know, stand out? It would blend in? That was the original question, wasn't it?
- Mandel That was the question, that it wouldn't. That would be the plan as far as I understand it, yes, yes.
- Morical Any other questions for the petitioner? I know we got a letter from a remonstrator, which was handed out to us before the meeting tonight, but before we go to that, why don't we ask if there are any remonstrators here in the audience tonight. If you'll please come up to the podium and state your name and address for the record.
- Hoftiezer Good evening, Mr. President and the Board. Thanks for letting me be up here. My name is Tim Hoftiezer. I live in Cobblestone Lakes, 8765 Wood Duck Court. I've got letters of such, I could pass out to everyone.

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- Morical            That would be great. Thank you.
- Hoftiezer         Thank you.
- Morical            If you just hand Carol the stack, we can bring them down.
- DeLong            Is this the same letter you provided earlier, because then we have copies of it already?
- Hoftiezer         My wife dropped it off last week. All right. In it, we write down several tenets and points. The first thing is that all of us bought our houses knowing that we're protected by the Zionsville ordinances and we paid premium lot prices for where we're located. On top of that, I was not notified of this directly. I had to have a neighbor tell me, and if this is installed, I could probably throw a rock and knock out several car windows from where I live. So, the transparency through mail has been very inadequate and I do not appreciate that. So, we bought premium lots protected by ordinances by our Town, and they're stated on the second page. Secondly, the traffic along there has increased with the growth. During baseball practices and games, there is a great amount of traffic. Their exit and entrance is a blind spot coming from Zionsville Road up. Then also on that, there is a future plan to widen 875 we keep hearing about tonight. Where is that going to happen with their certain plot right now. It feels like that our side will be eaten up, along with our walkway. So, on top of that, so a setback issue for entering and exiting, and also a setback like Azionaqua, the Boys' Club, everyone they spoke of has setbacks for a set of purposes that is lacking in that plan. Then, on top of that, those places they talk about with the mixed metal, that's outside of Town limits. All of them are. We've never, ever done this before. The storage units are all brick. There shouldn't be metal outside my back door when I can't even put one in my own neighborhood.
- Morical            Mr. Hoftiezer, so you live right on—
- Hoftiezer         My corner of my lot kisses 875. I'm part of a pie of the cul-de-sac, and my lot, if extended hypothetically, would hit the corner of 875.
- Morical            Okay. I think we see that. Right. So, you're 8765 in the cul-de-sac. Okay.
- Hoftiezer         Yes. Then, on top of that, the whole plot they have designed for 4 acres fills up the whole land. Our flooding down later in our neighborhood is an issue that I don't know has been addressed or not by them. But, they've got one runoff pond for the high school, which connects to ours, which connects down. It connects down. In that horrid spring of, was it, 2013, we had a huge problem past the pool and then an old original section before the recession. And, the issue of green space versus soil, you know, suck up of drainage issues, over pavement, it's a big concern for us. And, there is a lot of parking spots. And, 8 tennis courts is a great spot. I think this is going to be a great thing to do for our Town. I don't know if this is the right design and place for it. And, then on top of that, we're bypassing ordinances that have been on the books, and they're going to bypass more ordinances on the books for a special project, which is wonderful, but then, in the

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future, what does that also protect other people like me who don't have a voice, we don't have big project names behind us to be protected from development outside our back door that was not originally zoned that way when we bought our property. Without any future considerations where that property could have gone when I bought it. So, that's pretty much my issue we have at hand. The future expansion of 875. There is no room on their side. Then, the whole drainage issue, traffic count, and then, all that metal. We have never allowed that in our Town. It feels like to me, I'm not an expert, sorry. but, all those places they speak of are outside Town limits. ZOSA, the Boys' Club out west. I mean our storage units here are all brick. Why shouldn't this be all brick as well? I have no opposition to a tennis center. I think it's a great idea. I don't play tennis, and by the way, I've been a resident here since the 1990s as well. And, I've got a family that went through the school system as well, so, I have as much tie and investment to this city. I helped build Pleasant View playground. I've been here many, many years. So, it's not like I moved here from out of state. I know what this Town's about, and I don't think it's about putting a big metal shed in someone's back yard without having a voice about it. Thank you for your time tonight.

- Morical Thank you, Mr. Hoftiezer. Any questions for Mr. Hoftiezer?
- Jones Real quick. How long has that property over there been zoned for, I guess it would be, special use. Right? For school use? What do athletic fields fall under?
- DeLong Well, the property previously was zoned R2. And, I do not have the rural use table in front of me. I was working with browser here. The property's been zoned since 7:30 this morning for a special use.
- Jones I'm sorry. Not this parcel, the fields next to it.
- DeLong The fields next to it, I would say 2008, oh, 9 or 10. 2010, 2009 is when the school rezoned the site for the football fields.
- Jones And, most of that parcel, we see that actually sort of wraps around this tennis facility, is actually all school property, right?
- DeLong Correct.
- Jones Am I hearing correctly, they just had this one outlot they were never able to acquire?
- DeLong Right.
- Jones Where the tennis facility is—
- DeLong --What is proposed this evening has always been under private ownership by a third party.
- Morical Do we know what the development plans are for the school property?

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- DeLong            They do have a master plan. It does show additional ball fields to the north and, certainly, I don't believe there is any additional buildings that would come further or closer to 875 specific to where this property's located, this 4 acres. They've recently constructed their outdoor tennis center just to the west of this property. It's not indicated on the aerial.
- Morical            Mr. Hoftiezer's concern about drainage. Is that, do they need to submit a drainage plan for their approval?
- DeLong            There would be drainage reviewed during Plan Commission's review of the development plan. I believe it's the petitioner's intent to demonstrate that the drainage can be accommodated by the schools existing drainage infrastructure, and that the school will agree to provide that access.
- Morical            Is that the pond located to the north?
- DeLong            That's correct.
- Morical            Mr. Hoftiezer, you heard the comments about additional landscaping that would be required. I don't know if we went into detail, but—
- Hoftiezer            --I'm sorry. I saw it, but that structure is so vast, it really won't matter. Those aren't going to be evergreens up there. Power line issues, movement in the future. It's a vast structure. And, it's the whole plot. The original plot was set back further with a smaller number of courts, that I saw in the past. Again, I just got wind of this last week. This is all new to me. I have not followed the process. Again, I think it's a great idea. I do. We've got the soccer fields. We've got Azionaqua. I love this idea. I just want it done right. He said that we want to do it right, so let's do it right the Zionsville way as you said. There's never been a metal structure close to a bunch of neighborhoods. Even the school system built an all brick system next to Pleasant View just recently in lieu of where it was supposed to go.
- Morical            Wayne, do you see an opportunity to put a berm in, or something that would allow for, on 875, that would allow for more effective screening of this structure.
- DeLong            There is a number of opportunities. The dedication of the right of way is per the thoroughfare plan. So, the land that is left to work with is about, the site plan shows that to be about 30 feet. I don't know if anybody is in the audience that could speak to the specifics of the site plan. It's my understanding that the buffer yard and some of that area will be utilized for drainage. There will be a drain pipe underground, which does complicate things a bit with a berm, and it also complicates things a bit with root systems of deciduous and evergreen trees. What staff has discussed with petitioner's representatives, and would certainly present to the Plan Commission at the appropriate time, is discussion of that landscaping package. What staff would encourage is specifically the use of Norway spruces, sunset red maples, and crab apples. So, you get some decent height, 30 to 50 feet, at maturity, yes maturity is a certain date way in the future, but certainly with alterations, spiking, other activities, you can really encourage

that growth to occur more rapidly than just naturally. So, those are some things to think about beyond just berming, getting some landscaping plantings along the north and east facades to provide for some additional screening.

- Morical           And, our focus tonight as it relates to the variances is on the architectural features, right? So, it's really about the metal siding?
- DeLong           That's correct. And, certainly, what's been talked about is Interactive Academy, Youth Soccer, Boys' and Girls' Club. Those are three facilities that were all approved in the county by the Area Plan Commission. Those facilities are technically in Town, however, those were not approved by the Plan Commission, the one sitting in these seats every month. Be that as it may, I mean, this property zoned R2, could have had that same request come in front of the Plan Commission that you're seeing tonight as SU-7. So, in essence, if the property would have been left alone and not rezoned to R2, you would have not had the opportunity to discuss this as a variance, but this would fall to the Plan Commission at a future date for discussion. So, the zoning layer of rezoning an SU-7 has added to the discussion, but does create the opportunity for this exact dialogue.
- Morical           And, again, the variance is about the architectural features of this building?
- DeLong           That's correct.
- Morical           If the building was made of all stone, there would be no variance required, or would there still be one?
- DeLong           There would be no variance. There is, no one's discussed the roof structure. We do have metal roofs in Town. We do have shingled roofs in Town. But, certainly, I think the Plan Commission would be interested as well in discussing next week the roof structure that's being proposed, but no, the variance that's in front of you is for the lack of masonry and the use of the metal.
- Morical           Mr. Hoftiezer, I don't know if this is practical, but if the eastern wall were masonry, would that help alleviate your concerns?
- Hoftiezer         Part of the concern is, now it's after the fact, because, as again, I got wind of this late, is when they widen 875, which is not tonight, I know that, where is that widening going to take place? Is it going to take place on the west or the east, a little bit of both? The traffic blind spot, I mean, there is a lot of safety issues that they approved, I understand that. The brick, I think, Mike should step forward on that issue. He is the one who directly backs into that. That's nice. I prefer all brick myself. That's where we've always feels like we've done, and those places when they were built, was there a big residential buildup around it already? Or did the residential growth come after everything was built. The land of Interactive is so by itself on Michigan Road. In comparison of apples to apples with those structures is not the same. Those structures were built either so far out of Town at the time, and then the growth came around it, or there was so much land already around it, and they could set it back, and that sort of thing they have,

both of them are set back. They're set back quite a bit from, through parking lot and through, you know, a setback. It feels over paved and large. I know we're talking about materials tonight, I apologize. But, it's not fair to compare those structures to this structure. There are two different situations now.

Morical Thank you, Mr. Hoftiezer. Any further questions?

Jones Yes. I'm going to butcher your name.

Hoftiezer That's okay. You can call me Tim, please.

Jones Tim, so, behind the Cobblestone houses between 875 and the residences, is that sort of a biking trail or part of a trail that's intended to be connected in? Is that what I'm seeing on the aerial?

Hoftiezer Are you talking about on our side of the neighborhood?

Jones On the east side of 875.

Hoftiezer That is not connected in. I don't know the Town's plan with that. There was that Heritage Trail proposed from that dog park, that the Parks and Rec put in, that they were going to connect into Lebanon. I don't know the details. I read everything through, you know, the Sentinel Times. I don't go to a lot of meetings. I apologize. I don't know that information. A great question. It's pretty, but it does have a dead end on both ends.

Jones Well, and I think the long-term, and that's even kind of interesting that we're picking that up. It's something to bring up with that previous project that we discussed. Then, Wayne, what we're looking at is a 35 foot setback from the center of 875. Correct? Half right of way?

DeLong The dedication of a 55 foot path.

Jones Okay. So, there's 55 then another—

DeLong --The ordinance would only require a 10 foot building setback line, but an overall 20 foot buffer. So, what would be required by ordinance is a 20 foot setback from the edge of the proposed right of way, which is 55 feet from the center line.

Jones So, what we're seeing along the east edge of the property is, from the center line to the road, is a 55 foot setback plus another, what is that in there? What's the additional building setback line?

DeLong It's in total, you would see 75 foot setback from the center line of 875.

Jones To the building line?

DeLong To the required minimum building line.

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- Jones           And, then the building sits back beyond that line, correct? Is what we're looking at?
- DeLong          That is what you're looking at. Might ask the petitioner if someone could speak if there is any additional changes that are happening with the building that are pushing it forward.
- Jones            I guess what I'm grinding away at is that we'll have the same kind of half right of way and setbacks on the other side of the property, so we're getting close to 200 feet between the resident lots and the structure. Am I doing my math correct?
- DeLong          Correct. I don't know the dimensions of the right of way along 875 on the east side.
- Jones            On the east side?
- DeLong          It looks as if appropriate right of way has been acquired.
- Jones            And, then any future widening of 875 would happen within that existing right of way. In fact, if you look at the Exhibit 2, it starts to show the right of way line and then the actual lot lines. And, then I guess the final comment I'd make is that my past history, I've built these kind of buildings, pre-engineered steel buildings with steel skin and a masonry base and you're doing a masonry base because it's durable, withstands lawn cutting and the general wear and tear. The balance of it going up is steel panel with insulation and, you know, it's basically designed to withstand the wind loads and get the clear span locations and so there's actually a lot of method to why it's assembled and put together the way it is. Just that it's the most efficient layout. You start trying to run masonry up that high and on those kind of walls, one, you end up with something that's quite monolithic looking, and two, it's just a long-term maintenance item for anybody that does it. You know, walls that big, they get wind load, heat, sun, they move, they expand, they contract. Long-term, the tennis facility would have a better ability to plant and do some low screening that over time would grow up to cover that, than I think what you'd end up. I know what you're saying would look good, and I've seen the self-storage units in downtown Zionsville, but those are actually sort of smaller scale and tucked back in.
- Hoftiezer        That's the issue, tucked back in. That's why I agree with you there. Tucked back in. Let's tuck that back in. I mean, this is a curveball that none of us in our neighborhood expected. I understand that it's free will and all that issue at hand, but there's ordinances in Town that hopefully protect us homeowners when we bought our lots at a premium. So, that's why I'm here.
- Morical          Okay. Thank you very much for your comments, Mr. Hoftiezer. Are there any other remonstrators here tonight? Seeing none, would the petitioner come back up please? Does the Boone County Tennis Center, the non-profit, own this property?

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- Mandel Yes, we purchased the property. Yes, we do. We put money on, we own the property, if and presuming everything would go through. It's ours. We own it.
- Morical So, you have a purchase agreement that's contingent upon this?
- Mandel Correct.
- Morical Okay. So, you haven't actually purchased it yet?
- Mandel Correct. We've put money down, but we have a signed agreement to purchase the property. But, obviously, if this didn't go through then the owner was kind enough, because he recognized what we're trying to do for the community and extended that courtesy to our group, which virtually no one, you know, that's such a kindness that he did. So, that's where we are with that, yes.
- Morical So, you may be familiar that in order to approve a variance request the petitioner needs to meet the burden of proof on 3 factors? I'll just read two of those that I think are relevant to this discussion. The first is the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. And, the second, which is actually the third item is, the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property. I'm struggling with those two items. Mr. Hoftiezer stood up and articulately pointed out how significant an impact this is going to have on, kind of, the view shed to the neighboring residential pieces of property. Would you care to talk to how this would not cause a substantial adverse effect on that subdivision?
- Mandel Yes, and I appreciate your comments in coming here this evening. And, I would point out, we have had an ongoing dialogue with the homeowner's association President of Cobblestone, who's known about our intentions from as far back in September, October. We had several town halls, which were well attended, including by the President, I believe, I'm not sure he's from Cobblestone. Oscar is his name and we've had an ongoing communication with him and trying to work with him and keep him advised of what's going on, or that we intended on going through with the project. And, we have had communication with the Cobblestone leadership, at least on a number of occasions. With regard to the aesthetics of it, I mean, Tim proposes, we make it brick. And, I think from a practical standpoint, anyone that's familiar with facilities such as for a tennis club or a sports facility, it would be so cost prohibitive the project would just, it couldn't go forward in terms of making it happen. Any other tennis facility that I'm aware of in the State of Indiana that I've been in, and I've been in many of them, you know, to have it all brick it would be cost prohibitive. And, we think, and I'll get to your other concern in a second, the other element, is that the value that this is going to bring to the community and the hundreds and thousands of people that will get the benefit, hundreds over time, over years of students and Zionsville youth and Boone County youth and neighboring counties use that will use for it, is going to be substantial. The parking issue, which ties into part of it, there is only going to be, I believe, 50 spots. On 8 courts, the most players that would be on there would be 32 at one time with some fans. It's not going to

generate any significant traffic at any one setting. There might be a tournament on a weekend or so, but it's not like the magnitude of a soccer tournament or a baseball tournament. It's tennis. It's going to get its people through there, but in terms of the resources having to do with traffic, increased traffic, we don't anticipate there to be significant traffic from experience with other tennis clubs. With regard to the aesthetics, some of the suggestions you put out with the shrubbery and the trees, we think that can address a large degree, with time as they mature to grow, to help with making it pretty for people to go by. And, we think we can work with some of the suggestions by the staff to make that happen, to get it looking nice. Is it ever going to look like a brick facility? No. But, there's a reason why there is no brick tennis facilities around. Because it's just, it's not going to happen. And, the community, we think, in terms of the value, turn it into one of your other elements, is going to increase. Whether there is statistics on it or not, but a tennis center, we believe, brings a level of prestige and access and will bring people to the community inside the community to use it, people outside the community to put money into it, to put resources into it. And, we believe that the facility, I think it can certainly be argued that having that kind of access to a first class, maybe the best tennis facility in the state in your neighborhood and access can arguably for every reason to say that it might decrease their value, I think an argument can be made it's going to significantly increase value to have that kind of access, if it's done right. If it's done right with staff, communicating with the staff to make it look right by what you can do, trees, shrubbery, building it off the road. I think you indicated with the numbers, it's built off the road even more than the minimum in terms of the numbers that you put there. So, we're willing to do everything we can to get it done right within reason. Cost obviously is a factor. This is a privately funded matter. There is not getting any money from the state. Not getting any money from the school. This is something that we've hit the pavement on and got into the community and reached out to different families. We have corporate sponsorship. I would like to point out, our facility is called the Boone County Tennis Center, but it's renamed the Pearson Automotive Tennis Center. John Pearson, a long-time Zionsville resident, and a long-time tennis player, tennis family, is excited about the project. He's got involved and has committed a corporate sponsorship to be involved with this. We're renaming in light of his generosity and vision to make this a better Zionsville. This is a man and a family who's been in Zionsville in excess of 50 years, and he believes in this project and believes this is going to be done right. And, he wouldn't put his name behind it, nor would any of us board members, unless we're going to do it right, to make it something this community can be proud of. And, it will be proud of it, because we're going to work with staff. We're going to do what it takes within reason. We don't have an unlimited budget, but we've got good support from several businesses in addition to Pearson who've committed various sponsorships to this that we're not disclosing at this point, but commitments, financial commitments to be involved with this. We have private members from inside Zionsville, Boone County, who have committed memberships, so we're going to try to do everything within reason, within the cost reason, to satisfy those elements that you pointed out, Mr. Morical, that need to be satisfied with as far as the elements to make this go forward.

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Morical Well, you've effectively addressed the first element that I didn't read, which is that the approval will not be injurious to the public health, safety, morals and general welfare of the community. In other words, I think that everybody agrees that having the tennis center in Zionsville is terrific. It's a great idea. Would love to have you guys build it. The question is, is this facility on this piece of property with this variance the right thing to do. And, that goes to the other two elements, which is the substantial adverse effect on neighboring properties and is essentially this zoning variance necessary for the development of this parcel.

Mandel I think the variance is necessary in order to come within budget. And, we've gone and studied several tennis facilities in Fort Wayne, Evansville, all throughout Indiana, to find out how is it done. We got the blueprints from one in Evansville. We went and toured and got insight from one in Fort Wayne, which is one we really like in terms of it being a first class facility. So, we've looked at numerous tennis facilities all throughout the state to try to figure out what's the best way to do it that we can make it a first class facility, and measuring the cost, and every one of those has some degree of the metal that we're talking about. It's not going to be just a metal shed. We think there are things that can be done, you know, to alleviate that concern and make it aesthetically pleasing, not just with the trees and what not. And, I'm not the contractor person part of who put together the petition. We do have Max Mouser and several others, who I believe, communicated with the staff who can better address that, but I think we have made some suggestions in there to make that more aesthetically pleasing. I don't see the substantial, and, the value I think could be argued, and I'm not here to argue, we're here to get a facility. I'm not looking to pick any arguments, but I think having a tennis center in a facility increased, in my opinion, I'm a tennis player and I might be a little bit biased, but I think that's a level of prestige. A tennis club, golf club, those are the kinds of things when people are looking to move to a community and they're coming in from out of state, they've been transferred from some company, they're going to look at Zionsville if it's got a first class tennis center. It's going to attract more people with certain demographics and income that will bring, you know, come to this community because of a facility like that, presuming it's done right.

Morical How tall is it going to be?

Mandel I don't know that off the top of my head. But, I'm sure it's in the submitted materials that went to the staff.

Morical Again, my question isn't so much of you guys building a tennis facility in Zionsville. I think that's great. You guys building it with masonry around the bottom, metal sheeting on the top, the sizing of it, that you've reviewed other facilities, all that's great, great, great. The question is, should we be granting this variance on this piece of property to put the tennis center right there? And, I'm glad you didn't buy it yet.

Mandel What?

Morical I'm glad you didn't buy it yet.

Jones Well, but maybe a couple other questions to look at is, one, so probably the best buyer for this property is the school system. So, what would the school system do? And, if it was the school making this proposal, would we hold it to the same level or same standard. And, if the school doesn't buy it, obviously it's not particularly an attractive piece. It's being used sort of as a farm. I understand the concern about the adjoining property owner's value when they look out and see this. But, I think there's also a certain value in having a tennis facility nearby your neighborhood. So, I live in Austin Oaks and we've got outdoor tennis courts and then we have a building that's been converted into an indoor tennis court. The neighborhood would love to bulldoze the damn thing. It's just a maintenance sucking mess. So, while it looks like a very nice barn-type item, it's the maintenance, the sprinkler systems, you know, we're trying to find uses for it. The neighborhood would just as soon bulldoze it. But, we get into a situation where we have a few residents who really love it. They bought in the neighborhood to be there, and so we're put in between. The benefit of having a tennis facility in an area next to other athletic fields is it sort of puts all those kind of uses together. It doesn't generate really any high amount of trash or other, you know, it's not going to generate a lot of trash. There is not going to be, I think, a lot of retail going on. I'm sure there is going to be some pop machines and some other stuff. A few amenities. But, in terms of a commercial structure and how it actually would impact the adjoining neighborhoods, I think there is probably going to be a certain amount of the neighbors in there that would really love to have that facility close to them since it's more of an adult use than it is a kid use, than the other soccer fields and baseball field attract.

Mandel Can I add to that as well? I know numerous Cobblestone residents who I play tennis with regularly and agree. I'm not just talking one or two, you know, I'm probably talking close to 10 that I've heard from who are excited about the facility. And, in terms of that area, as you said, Mr. Morical, why that area? That area is the ideal area. You've got 12 outdoor courts within walking distance for this. Having this indoor facility built the way that we're going to work with the staff to get it built will become the premier tennis, and I'm not trying to sound like a salesman, it will be from seeing many tennis courts, indoor and outdoor, to have the outdoor and indoor that close to one another, will be the premier in all of central Indiana, if not all of Indiana as far as having a tennis facility, as will be so well used by so many youth in Boone County. To have that access, right now, Boone County, Zionsville kids have to go to Carmel. They have to go to 38<sup>th</sup> Street. They have to go, you know, all the way to the east side to play tennis. And, that quite frankly, impedes, you know, the Zionsville tennis. I'm also the Zionsville Middle School boys' tennis coach, I've been doing in addition to my full-time job, I do that. I've done that for the last 7 years where I come back and teach the Zionsville Middle School kids. These kids don't have an avenue where they can go like the Carmel kids to, or some of the other communities where it's right close by for them to do that. And, having an indoor/outdoor facility here will enable the Zionsville kids, the athletes of Zionsville and the families of Zionsville to love and play the game of tennis and have it, and that's the perfect location. I can't think of a better location for the youth of our community, is to have it there because of the connection to the outdoor courts and the ability. So,

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in answer to your question, I don't think there is a better parcel, presuming we build it right and work with the staff to get it as good as we can within the confines of the budget to get it done than that facility right there.

Morical           Okay. Thank you. Mr. Hoftiezer, do you have some further comments?

Hoftiezer         Oscar never approached any of us in the cul-de-sac, and the HOA issue. Secondly, why didn't the school system buy it already and develop it, and if they did, they'd have it set back further. I don't disagree about how cool this location is tied to the other tennis locations, etc. It needs to be set back. It needs to be aesthetically pleasing for everybody who walks by it. This plot is too small for how big this structure is. This structure eats up the whole thing. There is no way they can mask this behind a few trees. It's going to be massive. And, then the noise, the hours, the traffic. He's underestimating, I think, how much traffic that's going to create. How many cyclists go through there. It's a lot. A lot of blind spots. I'm done. I'm sorry to take your time tonight. It's late. Sorry.

Jones             You're fine.

Morical           No, no. Thank you.

Wopshall         All we're deciding today is the materials.

Hoftiezer         I understand that. But, the bigger picture, I was not aware of that discussion, the bigger picture. I was never aware of this until recently, so that's why my points are over-exaggerated with other things. I apologize. You're right with materials. I apologize to stay on point. I apologize.

Morical           No, no. That's fine. I mean, the variance is about the materials, but we still have to answer these broader questions on the development. Any other remonstrators here tonight? Staff report please.

DeLong           Thank you. As indicated, the property is zoned SU-7 by action of the Plan Commission and certainly the Town Council and ultimately the Mayor has signed off on that proposed resolution making it official. Staff is supportive of the concept of the tennis center being located on this property. The height is not a piece of information that's clearly indicated within the filing. Certainly, for the BZA staff believe that the first 10 feet of the building is the courses of block. The ultimate height of the building would be about 36 feet at peak. Certainly, there is internal standards for tennis facilities based upon certain criteria, free span clearance areas for game play, if you will. Staff is encouraging of landscape plantings that serve to screen the facility, certainly as mentioned previously, Norway spruces, red sunset maples and crabapples. Those are 3 types of species that can achieve some pretty significant height pretty quickly to serve to screen the facility. As far as the right of way widening, certainly the site plan in front of you anticipates that happening, so staff believes the appropriate dimensions are there to work from and have discussions about. As indicated, the variance this evening is related to materials. Certainly, it's up for discussion with a history of those materials in the Town. Boone County has been supportive of those

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materials. Certainly, that's a different conversation than what the Town would have, it's in your geographic area today are facilities that enjoy the use of metals and some level of masonry. Again, staff is suggesting that if the petition were to go forward with proposed materials, that landscaping be installed to mitigate the view shed issue for the public. Again, staff is recommending approval subject to the items as discussed. And, I'd be happy to answer any questions.

Morical Thank you, Wayne. Any questions for staff? Any discussion amongst the Board?

Wolff I'm challenged. Specifically, I certainly appreciate the need and the desire for many of our community members and including our Town Council and Mayor supporting projects like this. I appreciate that. The question I'm asking myself is, if I was to live at the remonstrator's address, would I want to look at that in my back yard. That would be one side of it. The other side that I'm looking at is, well, just past that facility, or proposed facility is the community's high school and middle school's sports facilities, which would be consistent in nature with this use. So, this is a challenge for me.

Wopshall Well, if we deny this, the building can still be built, just use the proper materials. It still doesn't affect the neighbors any differently, except it looks different.

DeLong Correct. The use is permitted by zoning. What's in front of you this evening is a discussion about the architectural features. There have been some questions this evening, certainly one of those is, at least from staff, is the use of landscaping, what would that do to potentially screen the facility? One item for discussion potentially is to ask to see some sort of architectural rendering with those plantings brought in, ghosted in if you will, to give you an idea of what screening would look like, 2, 3, 7, 10, 20 years out. I don't know if that would reach to address any remonstrator concerns. But, certainly, that's one item up for potential discussion.

Morical Carol, is our focus tonight to only answer the 3 questions in the context of the materials and not the overall building? In other words, do we need to answer the question of whether the use and value of the adjacent property in the variance would not be affected in a substantially adverse manner as it relates only to the materials that are being put on this structure? Not the structure itself?

Drake Yes. Because, the materials are the variance.

Morical Okay. So, in terms of the use, intensity and the size of this, and putting it in this place, that question has already been decided by the Town Council, by granting this zoning change.

DeLong The rezoning allows for the construction of a, allows the property to be used by a non-profit. It doesn't say tennis center. It doesn't say—

Morical --But they did that in the context of this tennis center?

DeLong Yes, 100% understanding that the rezoning was to serve—

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March 8, 2016

- Morical --So, our elected officials, directly elected officials, decided they're okay with this.
- DeLong Yes.
- Morical So, the only question for us is, are we okay with the masonry up part of the way, metal siding up the rest of the way?
- DeLong Yes.
- Morical Well, that focuses it. Any further discussion? Hearing none, I would entertain a motion.
- Jones I move that Docket #2016-06-DSV, Design Standards Variance, to deviate from the building materials requirement in the SU-7, Special Use Zoning, be approved as filed and as presented.
- Morical Is there a second?
- Wopshall I'll second.
- Morical Are you amenable, Larry, to amending your motion to have it be subject to an enhanced landscaping plan approved by the Plan Commission?
- Jones Yes.
- Wopshall I second that too.
- Morical Okay. All those in favor, please say aye.
- All Aye.
- Morical Any opposed? Motion carries. Thank you very much. The last substantive item on our agenda tonight is Docket #2016-07-DSV, 91 South Main Street. Let the record reflect it's Mr. Price again. Mr. Price, if you'll please give us an overview of what it is you're asking for tonight.
- Price Absolutely. Yes, thank you, Mr. President. I'm here on behalf of the applicant CK Price Properties, LLC, principal of which is my father, Ken Price, who's sitting in the front row right there. To give you just a little bit of an overview of this project, CK Price has the Carter building under contract. Our contract is contingent upon the granting of this variance. It's really the last remaining step in our due diligence process relating to this variance. Just to give you a little bit of an overview of the site and I'll describe the nature of our variance. I know you're all familiar with it, but behind Tab 1, we've circled the building, which is at the northeast corner of Oak Street and Main Street. This was a building constructed in 2005. It's 3 levels, 14,000 square feet. It's been vacant for the last few years, as you all are probably aware. Initially commissioned as a toy museum for Mr.

**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 proposed tennis facility is surrounded on three sides by a similar use the Zionsville Sports Complex.
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 proposed facility will be served by public utilities and are on or adjacent to the site.
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 facility is adding a commercial drive with accel and decel lanes per the Town's details and specification.
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 building materials are similar to the material used on other similar facilities in the area.
5. The Development Plan/Modification of Development Plan (~~does/ does not~~) provide for the calculation of storm water runoff because: The proposed facility will construction a dry detention basin to meet the Town's storm water ordinance.
6. The Development Plan/Modification of Development Plan (~~does/does not~~) provide for current and future right-of-way dedications because: As a part of this petition the proposed right-of-way alone CR S 875 E will be granted.
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 proposed facility meets all of the above said requirement as outline in the Town's 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\_\_\_\_.

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**Petition Number:** 2016-18-PP

**Subject Site Address:** 5400 West 106<sup>th</sup> Street

**Petitioner:** Town of Zionsville

**Representative:** Town of Zionsville, by its Redevelopment Commission

**Request:** Petition for Primary Plat approval of 14 lots within Creekside Corporate Park, in the (PUD) Planned Unit Development Zoning District

**Current Zoning:** (PUD) Planned Unit Development

**Current Land Use:** Under development - Research/Development/Office Park

**Approximate Acreage:** 61.959 acres

**Related Petitions:** 2010-24-Z (Rezone from I-3 Heavy Industrial to PUD)  
2015-02-Z (PUD) Amendment  
2016-16-Z (Pending)

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 – Preliminary Plat  
Exhibit 4 - Findings of Fact (Subdivision Plat)

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

Both the Rezone Petition 2016-16-Z and the Primary Plat Petition 2016-18-PP are docketed for hearing on April 18, 2016 with the Plan Commission.

### **Property History / Location**

75 acres of the current Creekside PUD was rezoned in 2015 to the Planned Unit Development classification in anticipation of redevelopment, and division, under the ownership of the Town of Zionsville (being its Redevelopment Commission). As contemplated in this Petition, 61.959 acres within the Creekside PUD is proposed to be divided into 14 lots (as illustrated in Exhibit 3).

## **PRIMARY PLAT REVIEW**

### **Subdivision Control Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance with Town Standards.

### **Zoning Ordinance**

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

### **Street Access**

The proposed development is intended to gain access from West 106<sup>th</sup> Street via proposed Creek Way (with the exception of Lot 9-access will be derived from West 106<sup>th</sup> Street). The proposed methods for primary and emergency ingress to and from the Subdivision are found to be in compliance with the Town's Subdivision Control Ordinance.

### **Stormwater Management**

Drainage generated by the development will be managed by Low Impact Development methods. Employed methods will be reviewed on a lot by lot basis during the review of forthcoming Development Plans associated with anticipated future filings.

### **Utility Capacity / Utility Easements**

Both Sanitary Sewer and potable water are adjacent to the subject site; both utilities will be extended into the property as to provide adequate access and pressures for the contemplated individual developments.

### **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.

## **PUBLIC POLICY**

### **Comprehensive Plan**

The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as the Office, Research, and Technology District. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

### **Transportation Plan**

The Thoroughfare Plan in the Zionsville Transportation Plan recognizes West 106<sup>th</sup> Street but does not recognize Creek Way. Both roadways are currently designed with adequate right-of-way; no additional right-of-way anticipated to be required in association with the development of Creekside Corporate Park.

### **Water and Sewer**

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

### **Emergency Warning Siren**

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

### **Findings of Fact**

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

- 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, as filed.

**RECOMMENDED MOTIONS**

**Primary Plat Motion**

I move that Docket #2016-18-PP primary plat approval, for a 14 lots within Creekside Corporate Park, at 5400 West 106<sup>th</sup> Street be (Approved with the conditions noted in the staff report and the proposed findings of fact / Approved based on the findings of fact / Denied / Continued ) as presented.





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

**FINDINGS OF FACT**

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Monday \_\_\_\_\_ 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.

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President, Town of Zionsville Plan Commission

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**Petition Number:** 2016-20-PP

**Subject Site Address:** 1100 W. Oak Street

**Petitioner:** Town of Zionsville

**Representative:** Town of Zionsville

**Request:** 3 lot Subdivision

**Current Zoning:** Petition for Primary Plat approval in order to establish three (3) lots in the (PUD) Planned Unit Development Zoning District

**Current Land Use:** Present location of the Town of Zionsville Government Center

**Approximate Acreage:** 6.850acres

**Related Petitions:** Docket # 2002-23-Z, Zone Map Change from the SU-2 (Church) District to the SU-8 (Buildings and Grounds Used by any Department of Town Government)  
Docket # 2015-10-Z, Zone Map Change to rezone 6.85 acres from the SU-8 Special Use Development District to a (PUD) Planned Unit Development District  
Docket # 2016-15-DP, Petition for Development Plan Approval to construct a new Town Hall, (Government Center) and associated Improvements in the (PUD) Planned Unit Development District (pending)

**Exhibits:** Exhibit 1 - Staff Report  
Exhibit 2 - Aerial Location Map  
Exhibit 3 – Primary Plat  
Exhibit 4 - Findings of Fact (Subdivision Plat)

**Staff Reviewer:** Wayne DeLong, AICP

## **PROJECT OVERVIEW**

### **Petition History**

Both the Primary Plat Petition 2016-20-PP and Development Plan Petition 2016-15-DP are docketed for hearing on April 18, 2016 of the Plan Commission.

### **Property History / Location**

The overall subject site is currently comprised of one parcel located in the PUD Zoning District (Urban) and is improved with a 24,000 square foot multi-purpose building service as Zionsville's Town Hall.

## **PRIMARY PLAT REVIEW**

### **Subdivision Control Ordinance**

The primary plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance with Town standards.

### **Zoning Ordinance**

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

### **Street and Highway Access**

The proposed development is intended to gain access from Oak Street via proposed internal road system. The proposed methods for primary and emergency ingress to and from the Subdivision are found to be in compliance with the Town's Subdivision Control Ordinance.

### **Stormwater Management**

The petitioner has provided a detailed drainage study which has been reviewed by Town staff and has been found to be in compliance with Town standards.

### **Utility Capacity / Utility Easements**

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

## **PUBLIC POLICY**

### **Comprehensive Plan**

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

### **Transportation Plan**

The Thoroughfare Plan in the Zionsville Transportation Plan recognizes Oak Street as a candidate for potential widening. The submitted plans provide the additional right-of-way requested by

the Zionsville Transportation Plan (60-foot half right-of-way) in order to support widening as recommended by the Thoroughfare Plan.

#### **Water and Sewer**

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

#### **Emergency Warning Siren**

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

#### **Findings of Fact**

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

- (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, as filed.

#### **RECOMMENDED MOTIONS**

##### **Primary Plat Motion**

I move that Docket #2016-20-PP primary plat approval, in order to establish a three (3) lot subdivision in the (PUD) Planned Unit Development Zoning District at 1100 W. Oak Street be (Approved with the conditions noted in the staff report and the proposed findings of fact / Approved based on the findings of fact / Denied / Continued ) as presented.

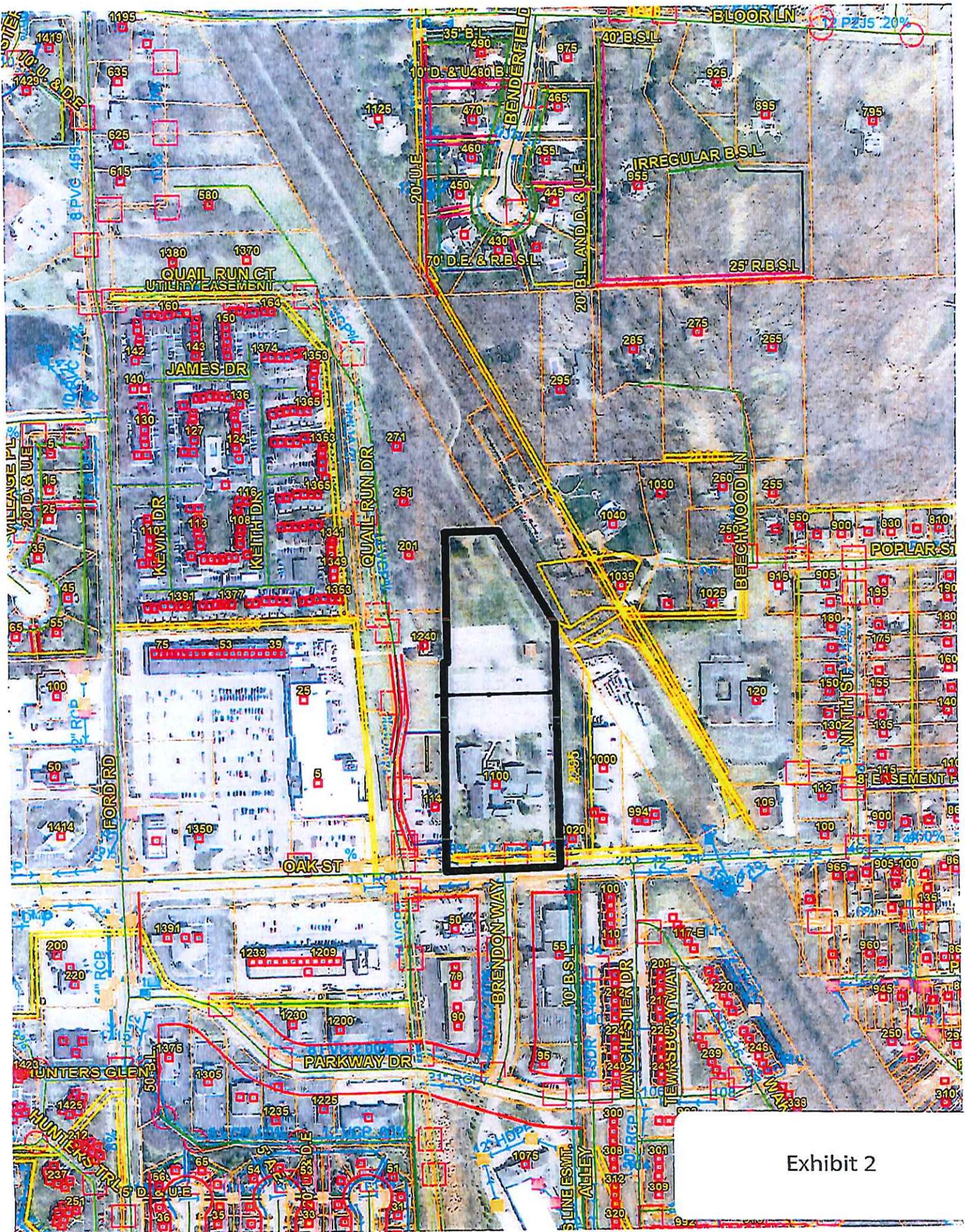


Exhibit 2



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

**FINDINGS OF FACT**

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Monday \_\_\_\_\_ 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.

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President, Town of Zionsville Plan Commission

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