



ZIONSVILLE PLAN COMMISSION MEETING RESULTS
Monday July 18, 2016

The Regular meeting of the Zionsville Plan Commission was scheduled for Monday July 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 May 16, 2016 and June 20, 2016 Regular Meeting Minutes
- IV. Approval of the June 15, 2016 Executive Session Meeting Minutes
- V. Continuance Requests
- VI. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2016-05-PP	DeRossi	8810 and 8811 Whitestown Road	Approved with Commitments 5 In Favor 1 Opposed 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
2016-06-DP	DeRossi	8810 and 8811 Whitestown Road	Approved with Commitments 5 In Favor 1 Opposed 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
2016-30-MP	T. Ferris	9015 E. County Road 200 South	Withdrawn by Petitioner 6 In Favor 0 Opposed Petition for Minor Plat Approval to allow for the establishment of 3 lots in the (R2) Rural Residential Zoning District

VII. New Business

Docket Number	Name	Address of Project	Item to be Considered
			None at this time

VII: Other Matters to be Considered

Docket Number	Name	Address of Project	Item to be Considered
2006-12-PP	Heritage RDG, LLC Wal-Mart Real Estate Business Trust	11000 N. Michigan Rd.	Approved 6 In Favor 0 Opposed Remanded to the Plan Commission for action per Cause No. 06D02-0806-PL-76 (consolidated with Cause No. 06D02-0806-PL-077) Petition for Primary Plat approval Commercial Plat of 21.49 Acres Into 2 Lots: #1 (2.589 Acres): #2 (18.9 Acres)
2006-13-DP	Heritage RDG, LLC Wal-Mart Real Estate Business Trust	11000 N. Michigan Rd.	Approved 6 In Favor 0 Opposed Remanded to the Plan Commission for action per Cause No. 06D02-0806-PL-76 (consolidated with Cause No. 06D02-0806-PL-077) Petition for Development Plan Approval for the construction of a Wal-Mart Supercenter

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

July 19, 2016



Petition Number: 2016-05-PP

Subject Site Address: 8810 and 8811 Whitestown Road

Petitioner: Robert and Sarah DeRossi

Representative: Matthew Price

Request: 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

Current Zoning: Rural (R2), Low Density Single and Two-Family Residential, and Urban (R-SF-2), Single Family Residential Zoning District

Current Land Use: Residential / Undeveloped

Approximate Acreage: 77.015 acres

Related Petitions: Board of Zoning Appeals Docket # 2015-02-DSV, approved by the Board of Zoning Appeals on March 8, 2016

Exhibits:
Exhibit 1 - Staff Report
Exhibit 2 - Aerial Location Map
Exhibit 3 - Site Plan
Exhibit 4 - Town Engineer review letter (dated May 18, 2016)
Exhibit 5 - Findings of Fact (Subdivision Plat)

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Petition History

On March 8, 2016 the Board of Zoning Appeals approved the Petition for Development Standards variance to provide for 12 estate lots without public water and sewer facilities and with a lot depth to width ratio exceeding 3 to 1. Both the Primary Plat Petition 2016-05-PP and Development Plan Petition 2016-06-DP dockets were continued from the March 21, 2016, April 18, 2016, May 15, 2016, and June 20, 2016, Plan Commission meeting, to the July 18, 2016 meeting.

Property History / Location

The overall subject site is comprised of two (2) parcels located in the Rural (R2) Low Density Single and Two-Family Residential and the R-SF-2 (Urban) 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 as outlined in the March 7, 2016 Town Engineer review letter (content specific to MINOR PLAT).

Zoning Ordinance

The primary plat has been reviewed using the standards of the Zionsville Zoning Ordinance.

Street Access

The proposed development is intended to gain access from existing roadways (no new roads are proposed as a part of the contemplated division).

Stormwater Management

As a part of this proposed development, the Town Council considered, and granted, a waiver from the Town's Drainage ordinance related to the contemplated development. Development of the waiver involved the Town staff, the Boone County Surveyor, and the Town Engineer (execution of the requirements of the waiver have been included in the proposed subdivisions Declarations and Restrictions). As of the writing of this report, Town staff awaits the final design of the drainage system (specifically the sediment basin) for its review and sign off. Staff will provide an update at the meeting as to the status of this design.

Utility Capacity / Utility Easements

As the development is to be served by well and septic, it will be up to individual lot owners to size and furnish adequate wells and septic fields (Note: Health Department has reviewed soil borings for the site and have indicated that due to soil quality in certain areas and overall high seasonal water table, above ground systems will be require for some lots, and all lots will require that drainage be available for all systems). 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 County Road 875 East, County 550 South, and Whitestown Road as candidates for potential widening. Further, a recent amendment to the Transportation Plan identifies the area to have the potential to be improved with the "North South Connector".

Water and Sewer

The property currently does not have sanitary sewer services or potable water near the property. Access to water, in particular, to provide for fire protection as required by the Subdivision Control Ordinance, if it cannot be achieved, may require the Petitioner to seek a waiver from the Safety Board related to water pressure.

Emergency Warning Siren

Based on current or planned installations of Warning Sirens, the proposed development is located in a coverage gap area. The Town will look to work with the Petitioner in an effort to remedy this concern.

Findings of Fact

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

- (d) Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- (e) Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and

- (f) Adequate provisions have been made for the extension of water, sewer, and other municipal services.

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

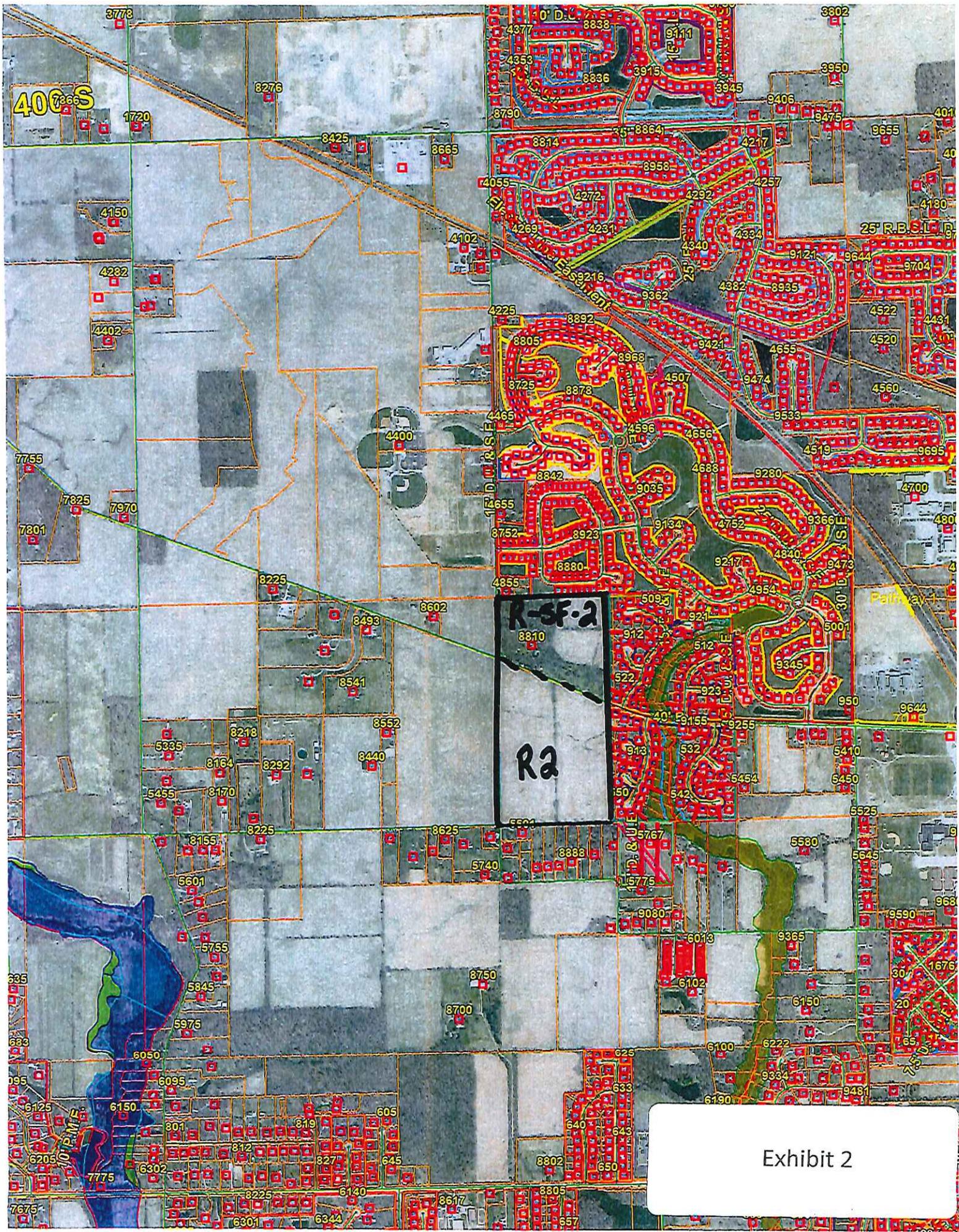
STAFF COMMENTS

With the comments captured within the Town Engineer letter (dated May 18, 2016) related to the MINOR PLAT, Staff has full confidence that each future item can be resolved to the satisfaction of Staff prior to the recordation of the Subdivision Plat. With that in mind, staff recommends approval of the proposed preliminary plat.

RECOMMENDED MOTIONS

Primary Plat Motion

I move that Docket #2016-05-PP primary plat approval, at 8810 and 8811 Whitestown Road to subdivide 77.015 acres into a 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 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.



R-SF-2
R2

Exhibit 2

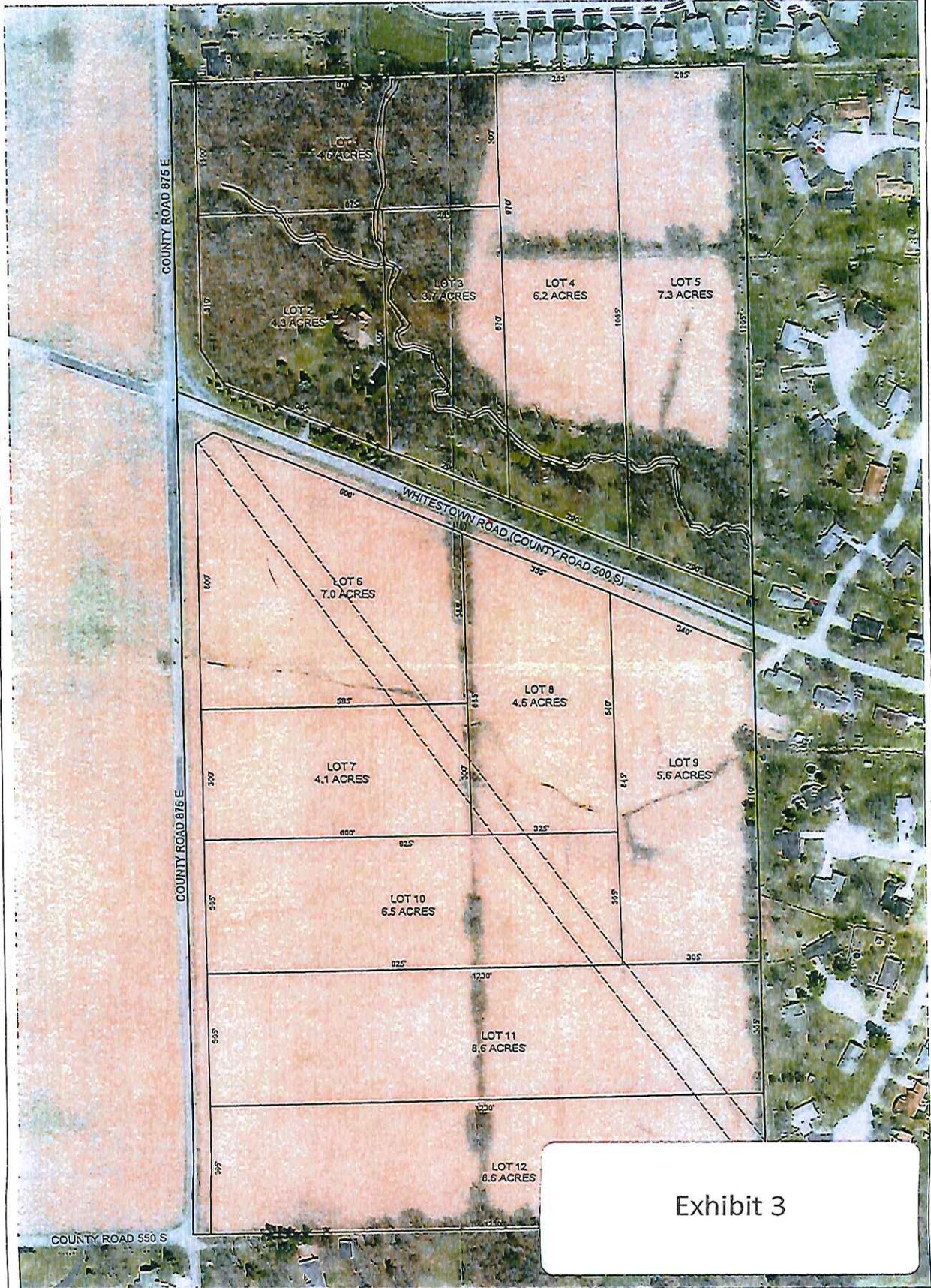


Exhibit 3



 NOT TO SCALE

ZIONSVILLE PROPERTY



To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: May 18, 2016

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

PROJECT DESCRIPTION

Project	Name	DeRossi Estates	
	Location	8810 Whitestown Rd. and 8811 Whitestown Rd.	
	Developer	Owner	
	Submittal	Submittal #3 – rev (revision highlighted)	
Documents Reviewed		Document Name	Document Date
		Primary Minor Plat	May 13, 2016 (Plot Date)
		Development Plan	May 13, 2016 (Plot Date)
		Sec. 1 and Sec. 2 Covenants	No identified document date
Zoning	Current	R-SF-2, R-2	
	Proposed	R-SF-2 (Sec. 1), R-2 (Sec. 2)	
Land Use	Current	Residential	
	Proposed	Residential	
Requested Variances			

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

I. PRIMARY MINOR PLAT

- A. Sections 1 and 2, as described in the covenants, need to be identified on the plat.
- B. Provide an address plan.
- C. Provide Minimum Flood Protection Grade (FPG) for each lot since we do not anticipate submission of construction plans for this development.

II. DEVELOPMENT PLAN

- A. Sections 1 and 2, as described in the covenants, need to be identified on the development plan.
- B. The Section 2 covenant indicates the replaced tile is to be perforated pipe. The development plan does not address whether the pipe is to be perforated or unperforated. Please clarify the type of pipe in the development plan and revise the covenants if required for consistency.
- C. Provide a plan and profile sheet of the proposed 18" replacement field tile. Indicate if the pipe is perforated or unperforated.
- D. Provide details, including the weir elevation, of the apparatus on Lot 9 that discharges overland flow to Sycamore Bend.
- E. Detail the proposed off-site storm water improvements in Sycamore Bend. Provide documentation that these improvements are acceptable to the Boone County Surveyor's Office.
- F. Provide a sidewalk plan or make arrangements acceptable to the Planning Department for their future installation.

III. COVENANTS

- A. The submitted primary plat appeared to include both Sections 1 and 2, though these sections were not identified. The definition of "Subdivision" in Section 1.06, which references the plat, appears to be prepared for a separate filing for each section and the plat title in that definition does not match the plat document submitted.
- B. Attachment "A" is referenced in the covenants as defining the Real Estate to which the covenants apply. No attachment "A" documents were provided for review. Provide a separate attachment for each section's covenants defining the Real Estate for only the section that the covenants apply.
- C. Will there be separate POAs for the two sections as indicated in Article 3? The POA is defined as covering each "Subdivision", which is defined as a section (i.e., the Real Estate)?
- D. The Town's Building Inspector does not make a determination as to whether a structure is "substantially complete". Revise this language to indicate the structure cannot be occupied until receipt of a Certificate of Occupancy by the Town, if this language is desired, as it effectively duplicates municipal law.

- E. Section 4.03 of the Section 2 covenants does not indicate the party responsible for installing the new drain tile or installation of the overland flow control weir. It will be difficult for individual homeowners to replace the existing tile on their lots under their various development schedules, having to tie the ends into either the existing tile or another recently installed tile. The only practical solution identified is to have the tile replaced as one project at or near the beginning of homebuilding on any of the impacted lots.
- F. The Strawmeyer property does not currently have drainage facilities consistent with the Zionsville Stormwater Technical Standards. Facilities meeting these standards will be constructed when the property is developed. The language in Section 4.03 of the Section 2 covenants effectively prevents run-off from the Strawmeyer property into the drainage easement until that development occurs. Please revise the language to allow for the current run-off through the easement until development of that property.
- G. An approved drainage plan as indicated in Section 4.01 will not be available.
- H. Section 4.03 should provide that the topography and drainage not be changed and that fences should not span the drainageway. The Town's language that will need to be on the secondary plat is shown below. This requirement that the lot owner be responsible for the drainageway maintenance is in conflict with the proposed covenants and can be changed, subject to Town approval.
 - 1. "Within drainage easements, no structure, planting or other material shall be placed or permitted to remain which may change the direction of flow or drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The drainage easement of each Lot and all improvements in the drainage easement, including slope and drainage pattern, shall be continuously maintained as a yard area by the Owner of the Lot, except for those improvements which are the responsibility of a public authority or utility to maintain."
- I. The run-on sentence in the Drainage Easement definition invites alternative interpretations. Please simplify this sentence to clarify its meaning.
- J. Easement types are not indicated on the submitted preliminary plat, so impacts cannot be determined. However, if the utility easements are converted to drainage and utility easements (DUEs) and the definition of a drainage easement is referenced in the DUE definition, the rights and responsibilities descriptions could be simplified.
- K. Remove the column in Table A regarding the total area + 50%. Indicate which column does represent the maximum allowable pervious area in each lot as discussed in Section 4.01.
- L. Some Table of Contents items do not appear to be consistent with the document.

**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 July 18, 2016 has determined that the Primary Plat **is/is not** in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

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

TOWN OF ZIONSVILLE PLAN COMMISSION

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

President, Town of Zionsville Plan Commission



Petition Number: 2016-06-DP

Subject Site Address: 8810 and 8811 Whitestown Road

Petitioner: Robert and Sarah DeRossi

Representative: Matthew Price

Request: 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

Current Zoning: Rural (R2), Low Density Single and Two-Family Residential, and Urban (R-SF-2), Single Family Residential Zoning District

Current Land Use: Residential / Undeveloped

Approximate Acreage: 77.015 acres

Related Petitions: Board of Zoning Appeals Docket # 2016-02-DSV, approved by the Board of Zoning Appeals on March 8, 2016

Exhibits: Exhibit 1 - Staff Report
Exhibit 2 - Aerial Location Map
Exhibit 3 – Project Area Map
Exhibit 4 – Town Engineer review letter (dated May 18, 2016)
Exhibit 5 - Development Plan Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Petition History

On March 8, 2016 the Board of Zoning Appeals approved the Petition for Development Standards variance to provide for 12 estate lots without public water and sewer facilities and with a lot depth to width ratio exceeding 3 to 1. Both the Primary Plat Petition 2016-05-PP and Development Plan Petition 2016-06-DP dockets were continued from the March 21, 2016, April 18, 2016, May 15, 2016, and June 20, 2016, Plan Commission meeting, to the July 18, 2016 meeting.

Property History / Location

The overall subject site is comprised of two (2) parcels located in the Rural (R2) Low Density Single and Two-Family Residential and the R-SF-2 (Urban) Residential Zoning District.

DEVELOPMENT PLAN REVIEW

Zoning Ordinance

The development plan has been reviewed using the standards of the Zionsville Zoning Ordinance.

Street Access

The proposed development is intended to gain access from existing roadways (no new roads are proposed as a part of the contemplated division).

Stormwater Management

As a part of this proposed development, the Town Council considered, and granted, a waiver from the Town's Drainage ordinance related to the contemplated development. Development of the waiver involved the Town staff, the Boone County Surveyor, and the Town Engineer (execution of the requirements of the waiver have been included in the proposed subdivisions Declarations and Restrictions). As of the writing of this report, Town staff awaits the final design of the drainage system (specifically the sediment basin) for its review and sign off. Staff will provide an update at the meeting as to the status of this design.

Utility Capacity / Utility Easements

As the development is to be served by well and septic, it will be up to individual lot owners to size and furnish adequate wells and septic fields (Note: Health Department has reviewed soil borings for the site and have indicated that due to soil quality in certain areas and overall high seasonal water table, above ground systems will be required for some lots, and all lots will require that drainage be available for all systems). 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

With the comments captured within the Town Engineer letter (dated May 18, 2016) related to the DEVELOPMENT PLAN, Staff has full confidence that each future item can be resolved to the satisfaction of Staff prior to the recordation of the Subdivision Plat. With that in mind, staff recommends approval of the proposed Development Plan.

RECOMMENDED MOTIONS

I move that Docket #2016-06-DP Development Plan approval for site improvements associated with 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 be (Approved with the conditions noted in the staff report and based upon the findings / Denied/ Continued) as presented.



Exhibit 3


 NOT TO SCALE

ZIONSVILLE PROPERTY



To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: May 18, 2016

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

PROJECT DESCRIPTION

Project	Name	DeRossi Estates	
	Location	8810 Whitestown Rd. and 8811 Whitestown Rd.	
	Developer	Owner	
	Submittal	Submittal #3 – rev (revision highlighted)	
Documents Reviewed		Document Name	Document Date
		Primary Minor Plat	May 13, 2016 (Plot Date)
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		Sec. 1 and Sec. 2 Covenants	No identified document date
Zoning	Current	R-SF-2, R-2	
	Proposed	R-SF-2 (Sec. 1), R-2 (Sec. 2)	
Land Use	Current	Residential	
	Proposed	Residential	
Requested Variances			

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

- I. PRIMARY MINOR PLAT
 - A. Sections 1 and 2, as described in the covenants, need to be identified on the plat.
 - B. Provide an address plan.
 - C. Provide Minimum Flood Protection Grade (FPG) for each lot since we do not anticipate submission of construction plans for this development.

II. DEVELOPMENT PLAN

- A. Sections 1 and 2, as described in the covenants, need to be identified on the development plan.
- B. The Section 2 covenant indicates the replaced tile is to be perforated pipe. The development plan does not address whether the pipe is to be perforated or unperforated. Please clarify the type of pipe in the development plan and revise the covenants if required for consistency.
- C. Provide a plan and profile sheet of the proposed 18" replacement field tile. Indicate if the pipe is perforated or unperforated.
- D. Provide details, including the weir elevation, of the apparatus on Lot 9 that discharges overland flow to Sycamore Bend.
- E. Detail the proposed off-site storm water improvements in Sycamore Bend. Provide documentation that these improvements are acceptable to the Boone County Surveyor's Office.
- F. Provide a sidewalk plan or make arrangements acceptable to the Planning Department for their future installation.

III. COVENANTS

- A. The submitted primary plat appeared to include both Sections 1 and 2, though these sections were not identified. The definition of "Subdivision" in Section 1.06, which references the plat, appears to be prepared for a separate filing for each section and the plat title in that definition does not match the plat document submitted.
- B. Attachment "A" is referenced in the covenants as defining the Real Estate to which the covenants apply. No attachment "A" documents were provided for review. Provide a separate attachment for each section's covenants defining the Real Estate for only the section that the covenants apply.
- C. Will there be separate POAs for the two sections as indicated in Article 3? The POA is defined as covering each "Subdivision", which is defined as a section (i.e., the Real Estate)?
- D. The Town's Building Inspector does not make a determination as to whether a structure is "substantially complete". Revise this language to indicate the structure cannot be occupied until receipt of a Certificate of Occupancy by the Town, if this language is desired, as it effectively duplicates municipal law.

**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 area is dominated by single-family dwellings and undeveloped property. The very low density of the 12-lot subdivision will result in a development with less impact upon adjoining properties than nearly any alternative development scenario.

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 12-lot single-family residential development will constitute such a very low density that the application of private sanitary and water facilities will not impact adjoining properties. Storm water drainage and other utilities will be provided as required.

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 very low density single-family residential development will result in extremely low impact upon the adjoining roads and the road network in the vicinity.

4. The Development Plan/ Modification of Development Plan (**does/does not**) utilize building materials and building style compatible with the Zionsville theme because:

The 12-lot single-family residential development will promote the construction of estate-type homes with significant economic value.
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5. The Development Plan/Modification of Development Plan (**does/ does not**) provide for the calculation of storm water runoff because:

The very low density single-family residential development will easily accommodate storm water runoff in accordance with the requirements of the town and/or the county.
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6. The Development Plan/Modification of Development Plan (**does/does not**) provide for current and future right-of-way dedications because:

The Primary Plat associated with the 12-lot single-family residential development presumes full dedication along the frontage of the adjoining streets in accordance with the Thoroughfare Plan.
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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 very low density single-family residential development will easily accommodate, and typically exceed, the minimum standards associated with the existing zoning districts for the subject site, and extensive areas of open space will be inevitably provided.
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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____.



**ZIONSVILLE PLAN COMMISSION
MEETING MEMORANDA
FOR**

Monday, July 18, 2016 at 7:00pm
Zionsville Town Hall-Beverly Harves Meeting Room
1100 West Oak Street

Members Present: Dave Franz, Jay Parks, Larry Jones, Sharon Walker, Josh Fedor, Franklin McClelland. Absent: Kevin Schiferl
Also Present: Carol Sparks Drake, Plan Commission Attorney, Wayne DeLong, AICP, Director of Planning & Economic Development

1. Opening
 - A. Call meeting to order-President Dave Franz called the meeting to order at 7:00pm
 - B. Pledge of Allegiance
 - C. Attendance
2. Approval of Minutes of the May 16, 2016, regular meeting and June 20, 2016, regular meeting (meeting minutes available)

Action Taken: Josh Fedor moved to approve the minutes of the May 16, 2016, meeting. Sharon Walker seconded the motion. The minutes were approved by a vote of four in favor, zero opposed, with Jay Parks and Franklin McClelland abstaining as they were not present at the May meeting.

Action Taken: Franklin McClelland moved to approve the minutes of the June 20, 2016, meeting. Jay Parks seconded the motion. The minutes were approved by a vote of five in favor, zero opposed, with President Franz abstaining as he was not present at the June meeting.

3. Approval of Minutes from the June 15, 2016, Executive Session (as revised and distributed at the meeting to the membership).

Action Taken: Jay Parks moved to approve the minutes of the June 15, 2016. Executive Session. Josh Fedor seconded the motion. The minutes were approved by a vote of six in favor, zero opposed.

4. Continuances

None

5. Continued Business

- a. Petitions 2016-05-PP and 2016-06-DP, DeRossi, 8810 and 8811 Whitestown Road, were both heard by the Plan Commission. Matt Price presented the Petitions seeking

both preliminary plat and development plan approval. The Commission was presented with a bound booklet of materials which included a proposed lot layout for the subdivision, encompassing twelve (12) lots oriented toward existing public streets as well as proposed draft commitments. Additionally, it was noted that efforts had been made to address various issues raised during the months these dockets have been under review and that the contemplated subdivision has required approvals from the Town Council, Town Board of Zoning Appeals, and the County Surveyor (in addition to the Plan Commission). Mr. Price advised that the petitioners had requested waivers from the following requirements: public water (addressed by prior variance and use of private wells), overall drainage requirements (addressed by prior action of Town Council), frontage road requirements, easements alongside and rear lot lines (addressed by prior action of Town Council), and sidewalks/pathways. Area residents Randy Gillespie and Tom Thompson spoke in favor of the contemplated subdivision. Plan Commission members discussed the proposed development with Mr. Jones expressing concern about the project's development pattern interaction with future planning efforts for the area. Plan Commission members also expressed concern about the lack of pathway connectivity which could result from granting the requested waiver. Staff addressed the Plan Commission in the form of a written report (distributed and available) and spoke in favor of both the Preliminary Plat and Development Plan but conveyed concern about granting the sidewalk/pathway waiver as sidewalks/pathways may eventually reach the subject site and, therefore, granting this waiver could hinder future public access and pathway use. After discussion, Matt Price indicated his clients were agreeable to a commitment to provide sidewalk/pathways in the future at such time as sidewalk/pathways reach the subject site from any adjacent property.

Action Taken: Jay Parks moved to approve petition 2016-05-PP subject to the findings of fact and the recommendation in the staff report, and subject to petitioners executing and recording the agreed Commitments prohibiting the real estate, or any portion thereof, from being further subdivided beyond the original twelve (12) lots and agreeing to install public pathways across the length of the real estate from north to south and from east to west at the time pathways are extended to the property line of the subject site from any direction. Franklin McClelland seconded the motion. The motion was approved by a vote of five in favor, one opposed.

Action Taken: Jay Parks moved to approve petition 2016-06-DP subject to the findings of fact and the recommendation in the staff report, and subject to petitioners executing and recording the agreed Commitments prohibiting the real estate, or any portion thereof, from being further subdivided beyond the original twelve (12) lots and agreeing to install public pathways across the length of the real estate from north to south and from east to west at the time pathways are extended to the property line of the subject site from any direction, which Commitments shall be in writing consistent with the form Commitment language and recorded.. Franklin McClelland seconded the motion. The motion was approved by a vote of five in favor, one opposed.

- b. Petition 2016-30-MP, T. Ferris, 9015 E. County Road 200 South. Michael Andreoli appeared on behalf of the Petitioner and indicated that the Petitioner desired to withdraw the petition.

Action Taken: Jay Parks moved to approve withdrawal of the petition filed as Docket No. 2016-30-MP. Sharon Walker seconded the motion. The withdrawal was approved by a vote of six in favor, zero opposed.

6. New Business

None

7. Other Matters

Petitions 2006-12-PP and 2006-13-DP, Heritage RDG, LLC and Wal-Mart Real Estate Business Trust, 11000 N. Michigan Rd, based on Boone Superior Court I, Findings of Fact, Conclusions of Law, and Judgment filed on June 3, 2016, were considered by the Plan Commission as ordered, adjudged, and decreed by the Court.

President Franz noted these two dockets were before the Plan Commission to take action consistent with the Court's mandate. To comply with that mandate, he indicated the Plan Commission's litigation counsel had identified the plans in the record which the Court mandated approval upon. These are the plans which were before the Plan Commission on May 15, 2006, located in the record before the Court at bates stamp pages 001524 through 001549. He indicated these plans reflect a 198,076 square foot retail store, including a garden center on the northeast side. In addition, in its Findings of Fact, the Court found the revised primary plat and development plan submissions at bates stamp page numbers 001401 through 001445, supplementing the foregoing, were also before the Plan Commission.

Action Taken: Jay Parks moved to approve petition 2006-12-PP, Petition for Primary Plat Approval, submitted by Wal-Mart Real Estate Business Trust, as shown in bates stamp page numbers 001524 through 001549 and supplemented by the documents located at bates stamp page numbers 001401 through 001445, all of which can be found in the record of proceedings for Cause No. 06D02-0806-PL-76, Wal-Mart Real Estate Business Trust v Zionsville Plan Commission. Josh Fedor seconded the motion. The motion was approved by a vote of six in favor, zero opposed.

Action Taken: Jay Parks moved to approve petition 2006-13-DP, Petition for Plan Commission Approval of a Development Plan, submitted by Wal-Mart Real Estate Business Trust, as shown in bates stamp page numbers 001524 through 001549 and supplemented by the documents located at bates stamp page numbers 001401 through 001445 and to accept the written commitments submitted by the Petitioner and located at bates stamp page numbers 001441 through 001443, all of which can be found in the record of proceedings for Cause No. 06D02-0806-PL-76, Wal-Mart Real Estate Business Trust v Zionsville Plan Commission. Josh Fedor seconded the motion. The motion was approved by a vote of six in favor, zero opposed.

8. Adjourn

The next meeting of the Plan Commission is scheduled for Monday August 15, 2016, at 7:00pm

Respectfully Submitted,
Wayne DeLong, AICP
Plan Commission Secretary