



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Monday November 21, 2016

The Regular meeting of the Zionsville Plan Commission was scheduled for Monday November 21, 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 the October 17, 2016 Plan Commission Meeting Minutes
- IV. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2016-37-PP	Cobble Creek	9085 E. Oak Street	<p>Withdraw Request filed by Petitioner Approved 6 in Favor 0 Opposed Continued from the August 15, 2016, September 19, 2016, and the October 17, 2016 Meeting, to the November 21, 2016 Plan Commission Meeting Petition for Primary Plat to subdivide 99.671 acres into 105 lots in the (R1) and (R2) Rural Residential Zoning Districts</p>
2016-38-DP	Cobble Creek	9085 E. Oak Street	<p>Withdraw Request filed by Petitioner Approved 6 in Favor 0 Opposed Continued from the August 15, 2016, September 19, 2016, and the October 17, 2016 Meeting, to the November 21, 2016 Plan Commission Meeting Petition for Development Plan Approvals to provide for a 105 lot subdivision in an (R1) and (R2) Rural Residential Zoning Districts</p>
2016-47-PP	200 West	125, 165, 235 W. Sycamore Street	<p>Continued from the October 17, 2016, and the November 21, 2016 Meeting to the January 17, 2016 Plan Commission Meeting 6 in Favor 0 Opposed Petition for Primary Plat approval to establish (2) two lots in the (B2) and (B3) Urban Business Zoning Districts</p>
2016-48-DP	200 West	125, 165, 235 W. Sycamore Street	<p>Continued from the October 17, 2016, and the November 21, 2016 Meeting to the January 17, 2016 Plan Commission Meeting 6 in Favor 0 Opposed Petition for Development Plan Approval to provide for (2) two, commercial structures with office uses on the frontage of the site in</p>

2016-54-DPA	Zionsville Christian Church	120 N. 9 th Street	Approved 6 in Favor 0 Opposed Petition for Development Plan Amendment to allow for construction of a 15'-6" x 20'-10" building canopy to an existing church building in (SU-2) Urban Special Use Zoning District
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V. New Business

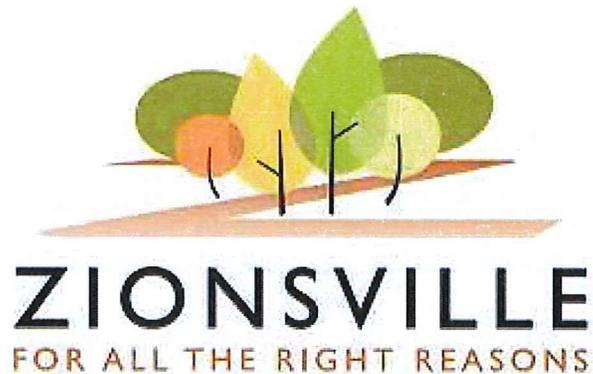
Docket Number	Name	Address of Project	Item to be Considered
2016-57-Z	Northfields	8666 E. 400 South	Continued from the November 21, 2016 meeting to the December 19, 2016 Plan Commission Meeting Petition for Zone Map change to rezone 71.58+/- acres from the (R1) Rural Residential Zoning District, to the (R2) Rural Residential Zoning District to provide for a residential subdivision
2016-55-DPA	McDonalds	50 Brendon Way	Approved 6 in Favor 0 Opposed Petition for Development Plan Amendment to provide the addition of (1) drive thru order point, and to modify the parking area by increasing the paved surface
2016-56-OA	Town of Zionsville	1100 W. Oak Street	Given a Favorable Recommendation to the Town Council 6 in Favor 0 Opposed Petition for Ordinance Amendments to Modify: <ol style="list-style-type: none"> 1) Chapter 194, Section 194.078 and Section 194.079 (MRO Urban US Highway 421-Michigan Road Corridor, and Rural Overlay Districts-Use of Drive Through Service Units in the MRO) 2) Chapter 194, Section 194.105 (Urban Off Street Parking Regulations- Parking Requirements when in proximity to VBD, Village Business District) 3) Chapter 195, Section 195.01 (Amendments to Fee Schedule) 4) Chapter 194, Section 194.024 (Interpretations Definitions - Defining Drive Through Facility).

VII: Other Matters to be Considered

Docket Number	Name	Address of Project	Item to be Considered
2016-05-PP 2016-06-DP	DeRossi	8810-8811 Whitestown Road	Status Update: Commitments Commitments are Recorded
			Review/Approval of the 2017 Plan Commission Meeting Dates Approved
			2017 Professional Service Contract-Legal Approved

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

November 22, 2016



Petition Number: 2016-54-DPA

Subject Site Address: 120 N. 9th Street

Petitioner: Zionsville Christian Church

Representative: David Rainey

Request: Petition for Development Plan Amendment to allow for construction of a 15'-6" x 20'-10" building canopy to an existing church building in (SU-2) Urban Special Use Zoning District

Current Zoning: (SU-2) Urban Special Use Zoning District

Current Land Use: Special Use (Church)

Approximate Acreage: 4.85 Acres

Related Petitions: 2016-28-Z, 2016-34-MP, and 2016-50-SP. A Rezone, Minor Plat, and Secondary Plat Petition in order separate from the church, a 0.28 acre residential lot

Exhibits:
Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Site Plan
Exhibit 4 – Exterior Materials Palette
Exhibit 5 – Engineering Comment letter (dated November 2, 2016)
Exhibit 6 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the November 21, 2016 Plan Commission meeting.

PROPERTY HISTORY

The property has been utilized as a Church, and recently undertook the process of splitting .028 acres from the parent parcel to sell for residential use.

ANALYSIS

As proposed, the 4.85 acre site would be improved with a 15'-6" x 20'-10" building canopy installed on the south side of the current facility.

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 (based on the submitted revised plan, see Exhibit 5).

Architecture

The proposed improvements utilize materials which will match the existing improvements. As filed, staff is supportive of the proposed architecture and material palate.

Procedure – Review of Building Design and Building Materials

In conjunction with the Development Plan review process, the applicant is required to demonstrate that the project complies with the following Town standards:

Building Design

- i). the Building materials utilized represent the use of said materials which enhance the overall aesthetic exterior character of the Building and will not be detrimental to the use or value of area properties.
- ii). the Building materials utilized are appropriate when compared to the Building materials utilized on other Buildings on the site and surrounding sites
- iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and
- iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

Proposed Findings of Fact are attached for the Plan Commission's consideration.

Staff is in agreement with the Petitioner's proposed findings.

Building Materials

- i). the Building materials utilized represent the use of said materials which enhance the overall aesthetic exterior character of the Building and will not be detrimental to the use or value of area properties.

- ii). the Building materials utilized are appropriate when compared to the Building materials utilized on other Buildings on the site and surrounding sites

- iii). the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and

- iv). the Building materials utilized are consistent with the intent and purpose of this Ordinance.

Proposed Findings are attached for the Plan Commission's consideration.

Staff is in agreement with the Petitioner's proposed findings.

Utility Access

Adequate access to utilities is available be not required to facilitate the project. No issues are known at this time.

Streets & Vehicular Circulation

The Canopy addition to the development will not increase or impede traffic.

Parking

The Canopy addition to the development will not reduce the amount of available parking.

Lighting

The Canopy addition to the development will not require lighting (however, if lighting is added in the future, the lighting elements are required to adhere to Town standards related to lumens and temperature).

Signage

No signage has been proposed for the addition of the canopy.

Stormwater / Drainage

The Town's Street / Storm Water Department and Town Engineer BLN have reviewed the scope of this project and determined that the scope of this project does not warrant any review specific to Stormwater or Drainage.

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, a 15'-6" x 20'-10" building canopy to be installed to an existing facility (the Petitioner is required to obtain an Improvement Location Permit prior to the commencement of site improvement activities associated with the project).

RECOMMENDED MOTIONS

I move that Docket # 2016-54-DPA Development Plan Amendment Approval to allow for construction of a 15'-6" x 20'-10" building canopy to an existing facility in (SU-2) Urban Special Use Zoning District, at 120 N. Ninth Street be (Approved based the findings in the staff report, staff recommendation, and submitted findings of fact / Denied/ Continued) as presented.

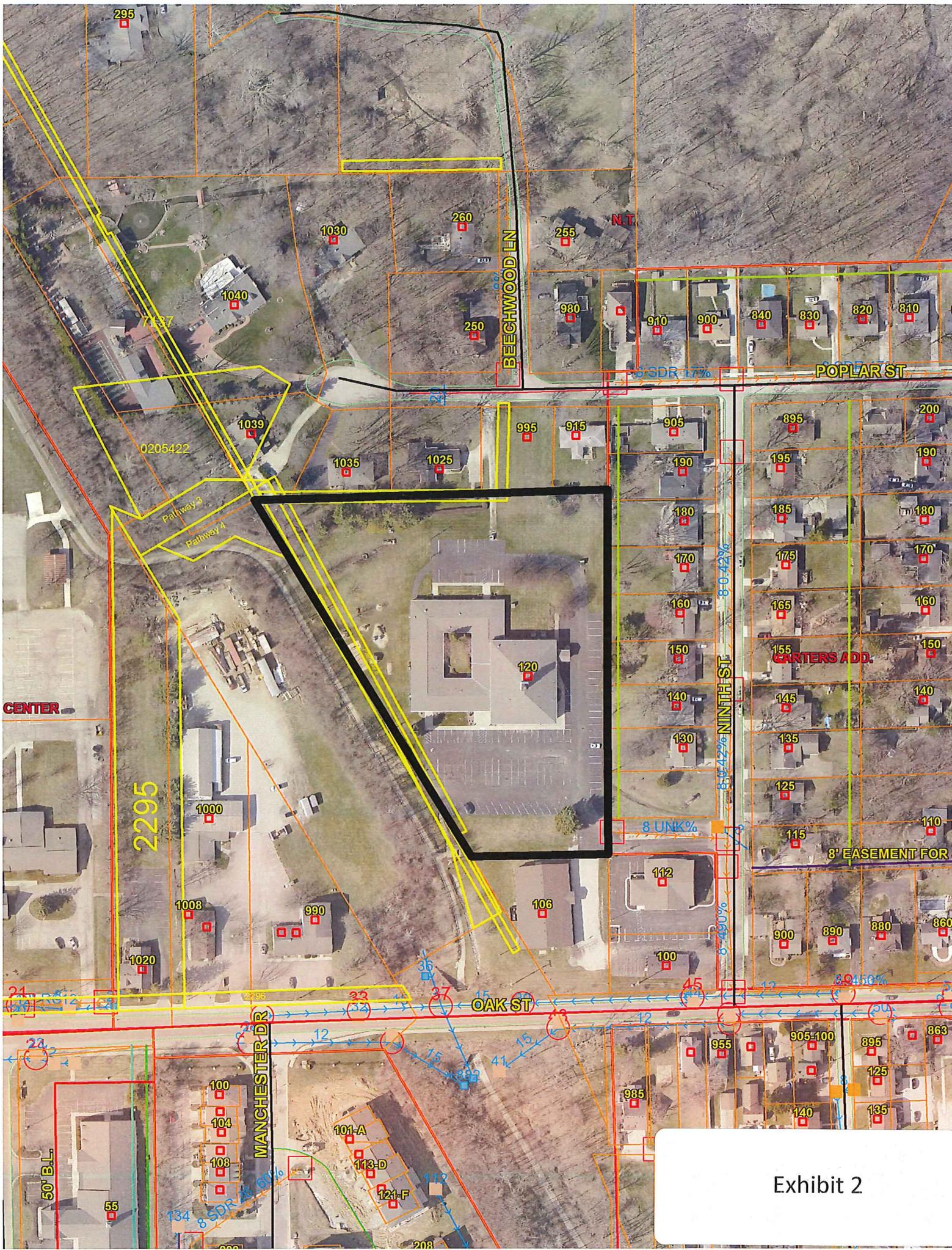
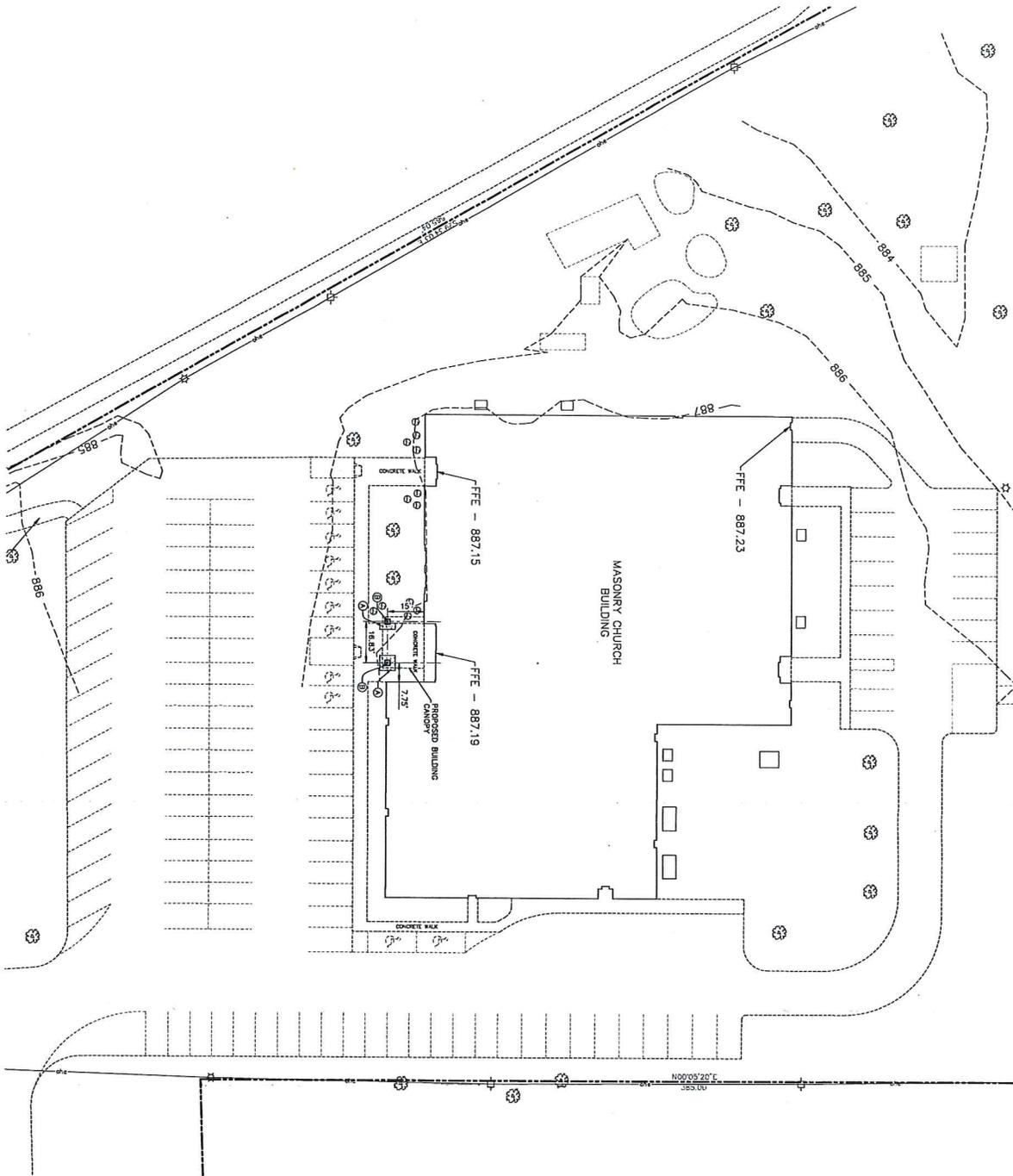


Exhibit 2

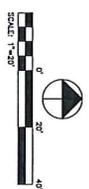


PROPOSED LEGEND

- 1. SIDEWALK PER DETAIL C-200
- 2. CONCRETE
- 3. CONCRETE WALL
- 4. CONCRETE WALL
- 5. CONCRETE WALL
- 6. CONCRETE WALL
- 7. CONCRETE WALL
- 8. CONCRETE WALL
- 9. CONCRETE WALL
- 10. CONCRETE WALL
- 11. CONCRETE WALL
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- 13. CONCRETE WALL
- 14. CONCRETE WALL

EXISTING LEGEND

- 1. EXISTING SIDEWALK
- 2. EXISTING CONCRETE
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- 13. EXISTING CONCRETE WALL
- 14. EXISTING CONCRETE WALL



GENERAL SITE NOTES

1. Any discrepancy in the plan shall be immediately reported to the Engineer for review.
2. All dimensions are to state and local regulations as appropriate.
3. All dimensions are to edge of pavement (COP) or face of curb, unless noted otherwise.
4. All dimensions are to center of pipe or hole, unless noted otherwise.
5. All dimensions are parallel with or perpendicular to noted otherwise.
6. Contractor shall verify all dimensions in the field and report any discrepancies to the Engineer immediately. If any discrepancies are found in their plan from actual field conditions, the contractor shall notify the Engineer immediately.
7. Contractor responsible for verification of all utilities shall be verified immediately. If any discrepancies are found, the contractor shall notify the Engineer immediately.
8. Contractor shall provide smooth transition from existing to proposed.
9. Contractor shall provide smooth transition from existing to proposed.
10. All utility trenches under and within 5 feet of pavement shall be completely backfilled with compacted material.
11. All utility trenches shall comply with ADA standards, with a maximum cross slope of 1:4 FT. & maximum linear slope of 1:20.
12. The contractor shall protect and not destroy any existing utility lines during construction. If any utility lines are damaged, the contractor shall immediately notify the Engineer or City of Zionsville.
13. All utility lines shall be protected in accordance with applicable codes and regulations.
14. Horizontal layout plan for construction shall be provided by the contractor prior to construction.

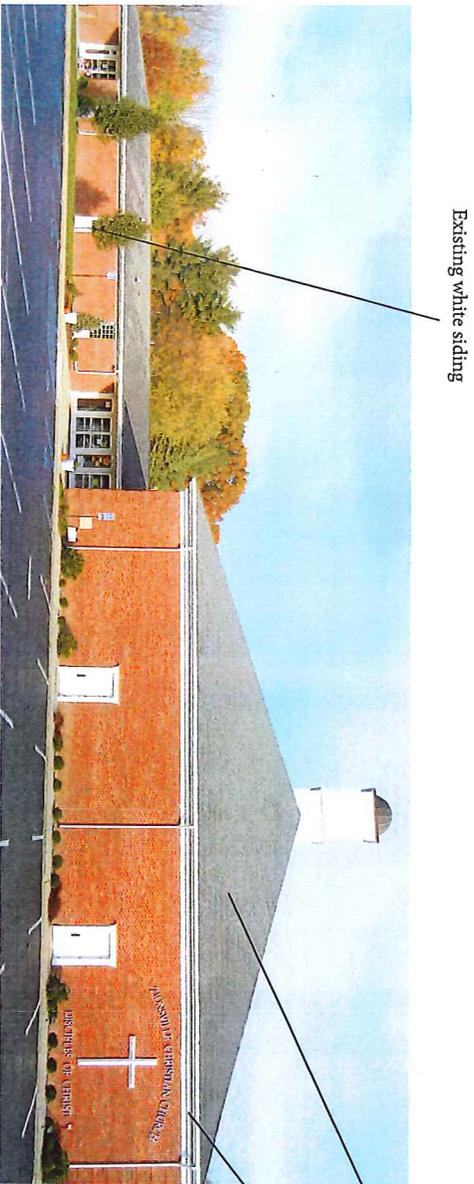
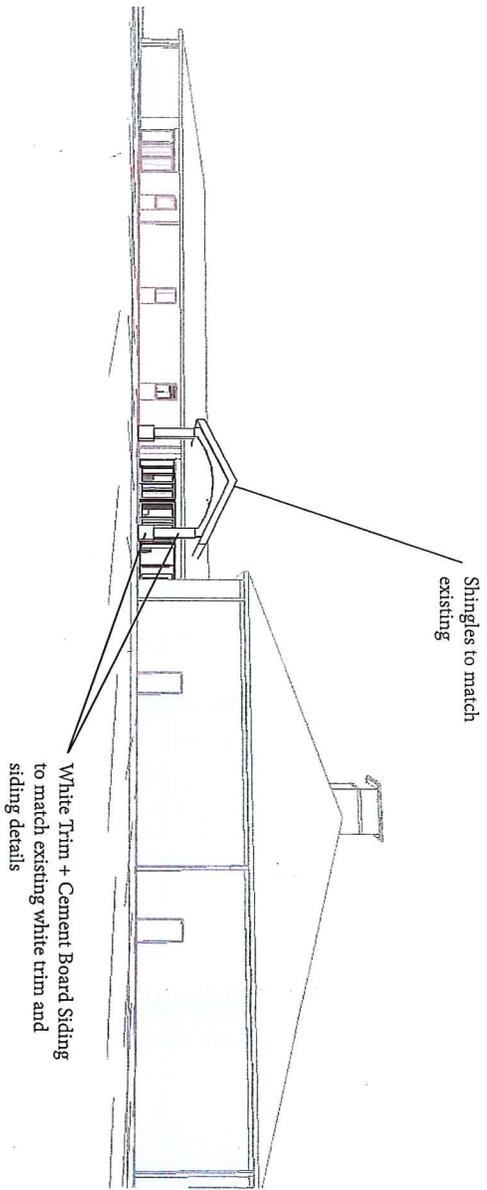
EXISTING LEGEND	
SYMBOL	DESCRIPTION
1	EXISTING SIDEWALK
2	EXISTING CONCRETE
3	EXISTING CONCRETE WALL
4	EXISTING CONCRETE WALL
5	EXISTING CONCRETE WALL
6	EXISTING CONCRETE WALL
7	EXISTING CONCRETE WALL
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14	EXISTING CONCRETE WALL

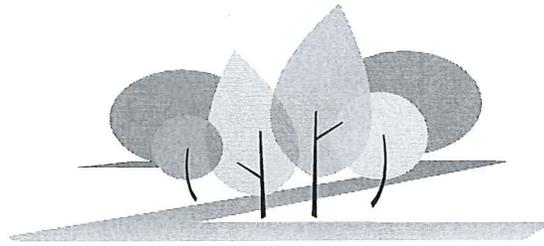
	<p>PROJECT ZIONSVILLE CHRISTIAN CHURCH RENOVATIONS 120 N 9TH STREET ZIONSVILLE, IN 46077</p>													
<p>DRAWING NUMBER C-200 R</p> <p>PROJECT NUMBER 20160135</p>	<p>DATE 11/09/18</p> <p>BY [Signature]</p> <p>CHECKED [Signature]</p> <p>DESIGNED [Signature]</p> <p>SCALE AS SHOWN</p>	<p>REVISIONS</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION									
NO.	DATE	DESCRIPTION												

ZCC Scope Description:
Exterior Materials Palette

New canopy addition design will match existing
White trim and white siding, painted to match
No new brick or other materials to be introduced
trim and cladding to be Cement Board (Hardipanel
equal)

11.07.2016





ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: November 2, 2016

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

PROJECT DESCRIPTION

Project	Name	New Canopy (Reduced Renovation Scope)	
	Location	120 N. 9 th Street	
	Developer	Zionsville Christian Church	
	Submittal	#1	
Documents Reviewed	Document Name		Document Date
	Zionsville Christian Church Renovations Construction Set		11/01/2016 (Owner's Comments)
Zoning	Current	SU-2	
	Proposed	SU-2	
Land Use	Current	Commercial (Church)	
	Proposed	Commercial (Church)	
Requested Variances			

A brief scan of the project did not identify any scope items necessitating an engineering review.

**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:

This is a canopy addition which will be similar to that of the existing church.

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 canopy addition will be open and not require utilities other than those provided to the existing building.

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 canopy addition will not increase or impede traffic.

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

The canopy addition will resemble the existing church building.

5. The Development Plan/Modification of Development Plan (does/does not) provide for the calculation of storm water runoff because:

The canopy addition will create minimal stormwater runoff.

6. The Development Plan/Modification of Development Plan (does/does not) provide for current and future right-of-way dedications because:

The canopy addition will not be located near the right-of-way.

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 canopy addition is not located within setback lines and is being constructed to accommodate pedestrian convenience and safety.

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: 2016-57-Z

Subject Site Address: 8666 E. 400 South

Petitioner: Leander Goodwin

Representative: Beazer Homes-Andy Buroker

Request: Petition for Zone Map change to rezone 71.58+/- acres from the (R1) Rural Residential Zoning District, to the (R2) Rural Residential Zoning District to provide for a residential subdivision

Current Zoning: (R1) Rural Low Density Single Family Residential Zoning District

Current Land Use: Agricultural / Undeveloped

Approximate Acreage: 71.58 acres

Related Petitions: None

Exhibits: Exhibit 1 - Staff Report
Exhibit 2 - Aerial/Location Map
Exhibit 3 – Petitioners Executive Summary
Exhibit 4 - Conceptual Site Exhibit
Exhibit 5 - Comprehensive Plan Map, 2010 (excerpt)
Exhibit 6 - Town Engineers Comment Letter dated November 2, 2016

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location

The subject property is approximately 71.58 acres located at the northwest corner of County Road E. 400 South and County Road S. 875 East. The site is adjoined by single-family residential development, agricultural land uses, a power utility substation both aerial towers and a telecommunications component, and land intended to be improved by the Town in the future for both a Fire Station as well as Park Board uses.

Project Description

The proposed 71.58 acre area is currently zoned as (R1) Rural Residential Zoning District. The Petitioner requests to rezone the property to the (R2) Rural Residential Zoning District in anticipation of the construction of a residential housing development.

Zoning Ordinance

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

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

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

Comprehensive Plan

The Comprehensive Plan recommends low density residential development for the subject site at "a density ranging from less than 1.0 to 2.0 Dwelling Units per gross acre".

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

As the use to the west consists of existing single-family dwellings and the remaining area is recommended for single-family residential development, the proposed rezoning is anticipated to support the current character of and uses of the district.

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

To the west of the subject site's location is both the Rockbridge subdivision which is an Urban (R-SF-2) Open Space Residential Single Family Zoning District and Preserve of Spring Knoll which is an Urban (R-SF-2) Open Space Residential Single Family Zoning District (in addition to metes and bounds platted lots). The southern, western and northern parcels are zoned (R1) Rural Residential Zoning District, and to the southeast of the subject site is the Hampshire subdivision which is zoned Urban (R-SF-2) Residential Single Family Zoning District. The subject site has access to existing public roads as well as adequate utilities (or expanded utilities, in the case of sanitary sewer), and is requesting zoning that is consistent with the established (or contemplated) residential pattern.

The conservation of property values throughout the jurisdiction

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

Responsible growth and development

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

STAFF COMMENTS

Staff 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 (noting here that as of this writing, a request for continuance of the public hearing process is on file with the Plan Commission).

Staff recommends a favorable recommendation of the rezoning petition.

RECOMMENDED MOTIONS

Motion

I move that Docket #2016-57-Z, Zone Map Change to rezone 71.58 acres from the (R1) Rural Residential Zoning District, to the (R2) Rural Residential Zoning District receive a (favorable recommendation based upon the findings in the staff report / unfavorable recommendation / Continued) as presented, with the recommendation being certified to the Town Council for adoption or rejection.

PROCEDURAL NOTES

The recommendation of the Plan Commission, if finalized on November 21, 2016, will be forwarded (as certified) to the Town Council for consideration at its next available regular meeting.

As the site is adjacent to a Legal Drain, the Boone County Surveyor and the County Drainage Board will maintain continuing jurisdiction over a portion of the project area.

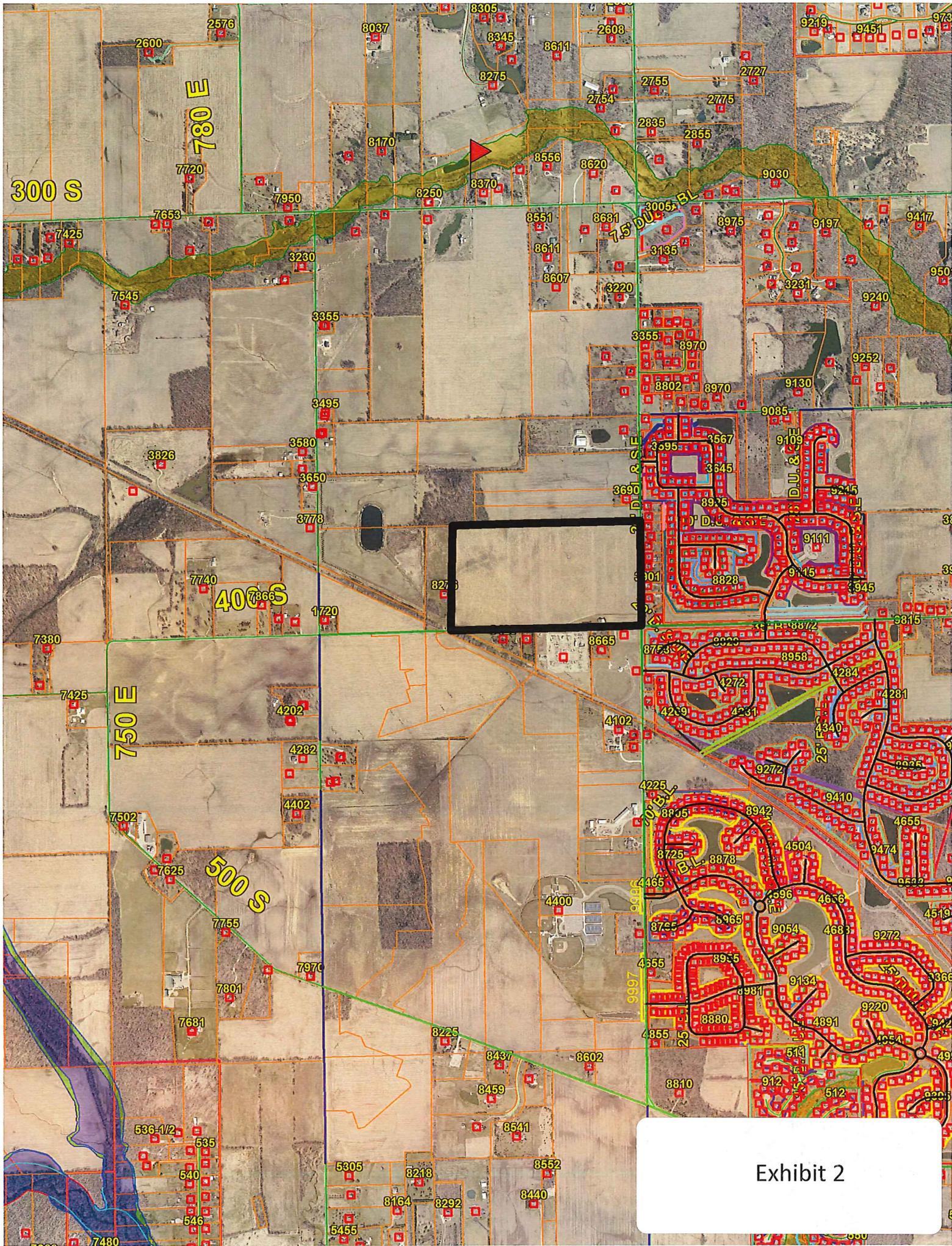
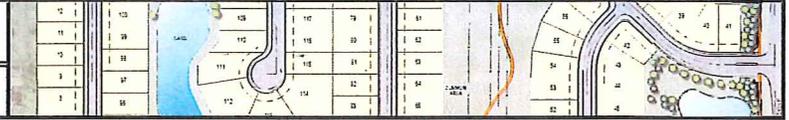


Exhibit 2

EXECUTIVE SUMMARY

NORTHFIELDS



Beazer Homes Indiana LLP (“Beazer”) is pleased to introduce its newest Zionsville single-family residential development, Northfields, a 120-lot subdivision located generally on the 71.58 +/- acres located at the northwest corner of CR East 400 South and CR South 875 East, near the Rail Trail and just northeast of the Hampshire subdivision currently under development near the intersection of CR 800 East and CR 500 South (please see the Aerial Location Map at Tab 2). Beazer respectfully requests approval of its Petition for Zone Map Change to rezone the land to R2 for the development of this proposed subdivision.

About the Concept Plan

Northfields is a thoughtfully designed single-family residential neighborhood. Careful and strategic design created the opportunity for over 39% of the total 71.58 +/- acres to be dedicated to open space and common area, while incorporating limitations from the overhead power lines, 150’ legal drain, and the substation located on the south side of of CR East 400 South. Homeowners will enjoy views of the three ponds and will benefit from direct access to the twelve foot shared-use trail that will connect Northfields to the Zionsville Rail Trail. The Concept Plan can be found at Tab 4.

About the Homes

Northfields will feature a mix of one-story and two-story single-family homes with Beazer’s newest designs, from its Crossroads Collection, ranging in size from 2,000 to 3,500+ square feet, with an expected average sales price of \$400,000. Exteriors will include masonry, stone, fiber cement siding, decorative garage doors, shakes and dimensional shingles. The Home Elevations are included at Tab 5.

If this rezoning is approved, Beazer plans to start development activity in 2018 with homes to come in late 2018. The homes will be built over a four year period, with approximately 30 homes built every year starting in 2018 and concluding development in 2021.

Thank you for your consideration.

CONCEPT PLAN

NORTHFIELDS



NORTHFIELDS
SITE EXHIBIT
ZIONSVILLE, INDIANA
NOVEMBER 1, 2016



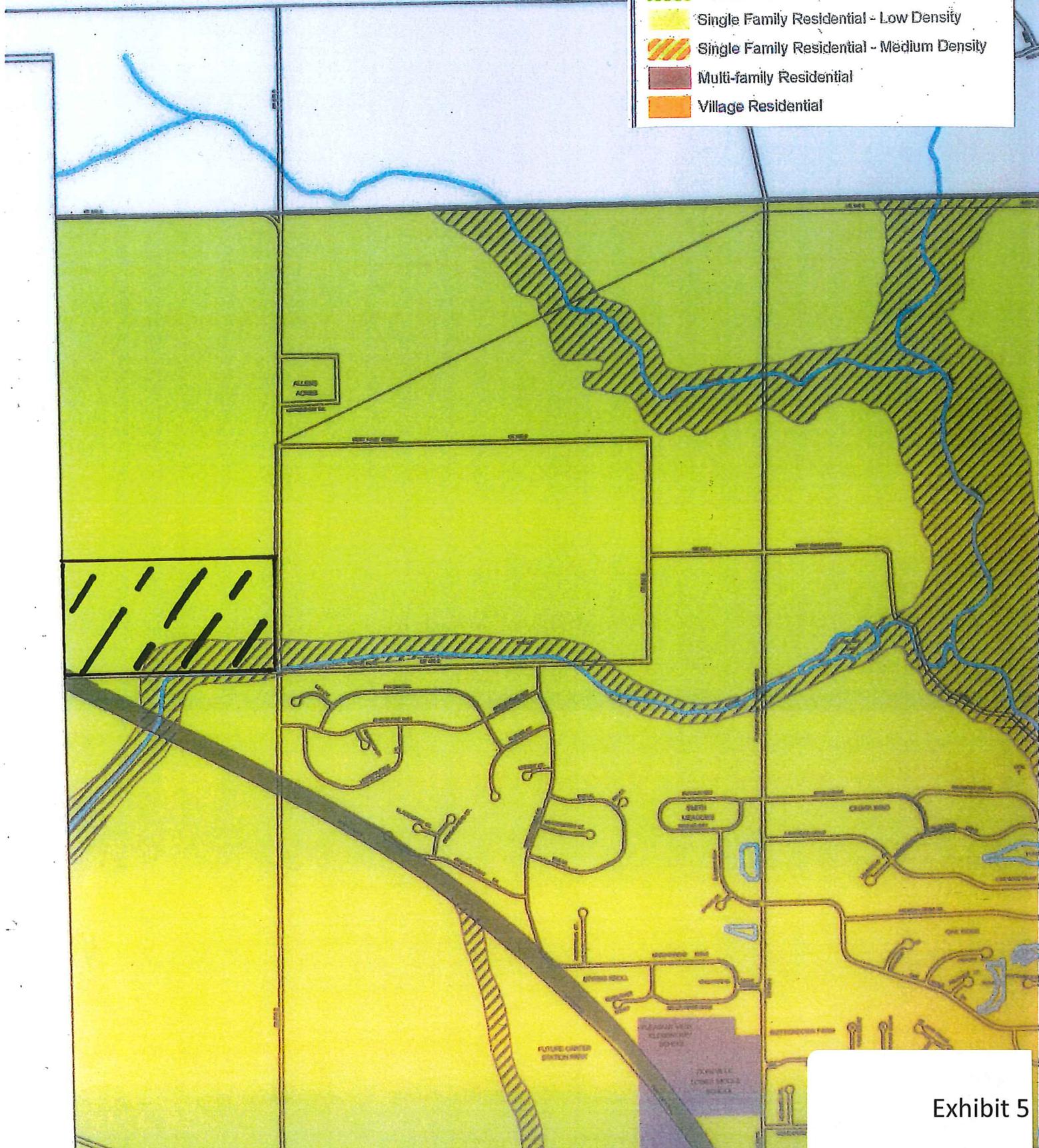
GRAPHIC SCALE
100' 200' 250'
SCALE: 1" = 200'

Exhibit 4

Legend

Residential

-  Equestrian/Estate Residential
-  Single Family Residential - Low Density
-  Single Family Residential - Medium Density
-  Multi-family Residential
-  Village Residential





To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *MD*
 Date: November 2, 2016

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

PROJECT DESCRIPTION

Project	Name	Northfields	
	Location	NW Corner of CR 875E and CR 400S	
	Developer	Beazer Homes	
	Submittal	#1-A	
Documents Reviewed		Document Name	Document Date
		Site Exhibit	October 13, 2016 (Plot Date)
		ALTA Survey	October 12, 2016
		Site Exhibit	November 2, 2016
Zoning	Current	R-1	
	Proposed	R-2	
Land Use	Current	Agriculture	
	Proposed	Residential	
Requested Variances			

A brief review was conducted of a Site Exhibit for the proposed Northfields subdivision related to a proposed re-zoning of the property. This review does not represent a comprehensive investigation into the development's design, characteristics, or zoning compliance.

I. SITE EXHIBITS

- A. Dimensions or areas were not provided on the Site Exhibit, but it appears that all lots exceed the minimum 5,000 SF area with public water and sewer service. Applicant has indicated the average lot size is 9,800 SF.
- B. All lots have street access.
- C. The possibility exists that Lot 16 exceeds the 3:1 lot width/depth ratio. This condition could not be confirmed with the available information but should be correctable with minor revisions of the lot lines.

- D. Water, sanitary sewer, and other utilities are to be provided.
- E. The average lot size of 70' x 140' will not readily support the front setback in the R-2 district of the greater of 20' from the R/W or 70' from the road centerline. This requirement would necessitate a 40' front building setback from the R/W (70' - 30' Half R/W). This zoning standard is difficult to achieve in urban-type subdivisions. Approval of a variance for reduced front building setbacks is supported.
- F. A distance of 75' will be required from the top-of-bank of the Simpson Legal Drain along the south periphery of the subdivision to any building or structure. The indicated legal drain easement encroaches on Lots 48, 49, 70, and 71. It appears that home construction on these lots will not be impacted by the presence of the legal drain. However, locations desired by these homeowner's for their accessory structures may be impacted.
- G. The proposed 120 lots do not trigger the need for a traffic study.
- H. Inadequate information was provided to review accessory uses or structures, minimum lot areas, primary building maximum heights, minimum main floor areas, maximum lot coverage, minimum structure width, lot depth:width ratio (see C. above), rear yard setbacks, side yard setbacks, minimum parking spaces, structures in a floodway, or bulk storage for compliance with the proposed zoning classification.



Petition Number: 2016-55-DPA

Subject Site Address: 50 Brendon Way

Petitioner: McDonald's USA, LLC

Representative: Blair Carmosino

Request: Petition for Development Plan Amendment to provide the addition of (1) drive thru order point, and to modify the parking area by increasing the paved surface

Current Zoning: (B2) Urban General Business District

Current Land Use: Commercial/Restaurant

Approximate Acreage: 1.01 acres

Zoning History: 1993-38: Amendment to Secondary Plat (related to easement, and drainage)
1993-39: Improvement Location Permit Approval
2004-11: Request to Install a Canopy and approve exterior color. Received exterior color approval only
2014-20-DPA: Request to approve exterior color

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Petitioners Statement of Purpose
Exhibit 4 – Site Plan
Exhibit 5 – Landscaping Plan
Exhibit 6 – Customer Order Here Graphic
Exhibit 7 – Double Arm Gateway-Drive Thru Graphic
Exhibit 8 – Town Engineers Comment Letter dated November 15, 2016
Exhibit 9– Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the November 21, 2016 Plan Commission meeting.

PROPERTY HISTORY

The subject property is located in the urban district of Zionsville, as a part of Zionsville Business Park, Section 2.

PROJECT OVERVIEW

Project Location

The subject property is located south of Oak Street, west of Brendon Way, North of Parkway Drive and east of Ford Road.

Project Description

The applicant requests approval to add a side by side Drive Through Service Component, including additional paving, landscaping and signage

DEVELOPMENT PLAN REVIEW

Zoning Ordinance

The development plan amendment has been reviewed using the standards of the Zionsville Zoning Ordinance (Ordinance) and found to be in compliance. Staff has reviewed the project and has found no outstanding concerns with a change in the impervious cover or drainage patterns. The Fire Marshal, during the normal course of review, raised a concern regarding verification that the cross-arm does not encroach on the designated drive lane, but notes that this will be reviewed during the Improvement Location Permit application process (pending Plan Commission review and approval of the overall project).

Architecture & Building Materials

The contemplated architectural components are illustrated within the materials attached to this report. While the Zoning Ordinance has very specific requirements related to building materials associated with foundations, facade walls, windows, and the pitch of roof systems, it is silent as to the minimum architectural standards related to a Drive Through Service Component.

Utility Access

Adequate access to utilities is available to facilitate the project.

Streets & Vehicular Circulation

The development currently derives access from West Oak Street via Brenden Way.

Vehicle Dependent Uses

The proposed additional components intended to serve the existing Drive Through Service Unit result in a stacking pattern which meets the minimum standards of the Zoning Ordinance.

Drainage

Adequate access to drainage infrastructure is available to facilitate the project.

Signage

No new signage (communicating a commercial message to the general public) is intended to be installed as a part of the contemplated site improvement. The Petitioner does request to install site improvements associated with the contemplated facility, including: two (2) Custom Order structures, a Double Arm Gateway, two (2) Outdoor Menu Boards, and a Pre-Sell Menu Board.

These structures are consistent with drive thru standards and are not considered free-standing signs.

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.

RECOMMENDED MOTIONS

I move that Docket # 2016-55-DPA Development Plan Approval to provide the addition of one (1) drive thru order point, and to modify the parking area by increasing the paved surface to the existing building located at 50 Brendon Way, which is within the (B2) Urban General Business Zoning District be (Approved based the findings in the staff report, staff recommendation, and submitted findings of fact / Denied/ Continued) as presented.

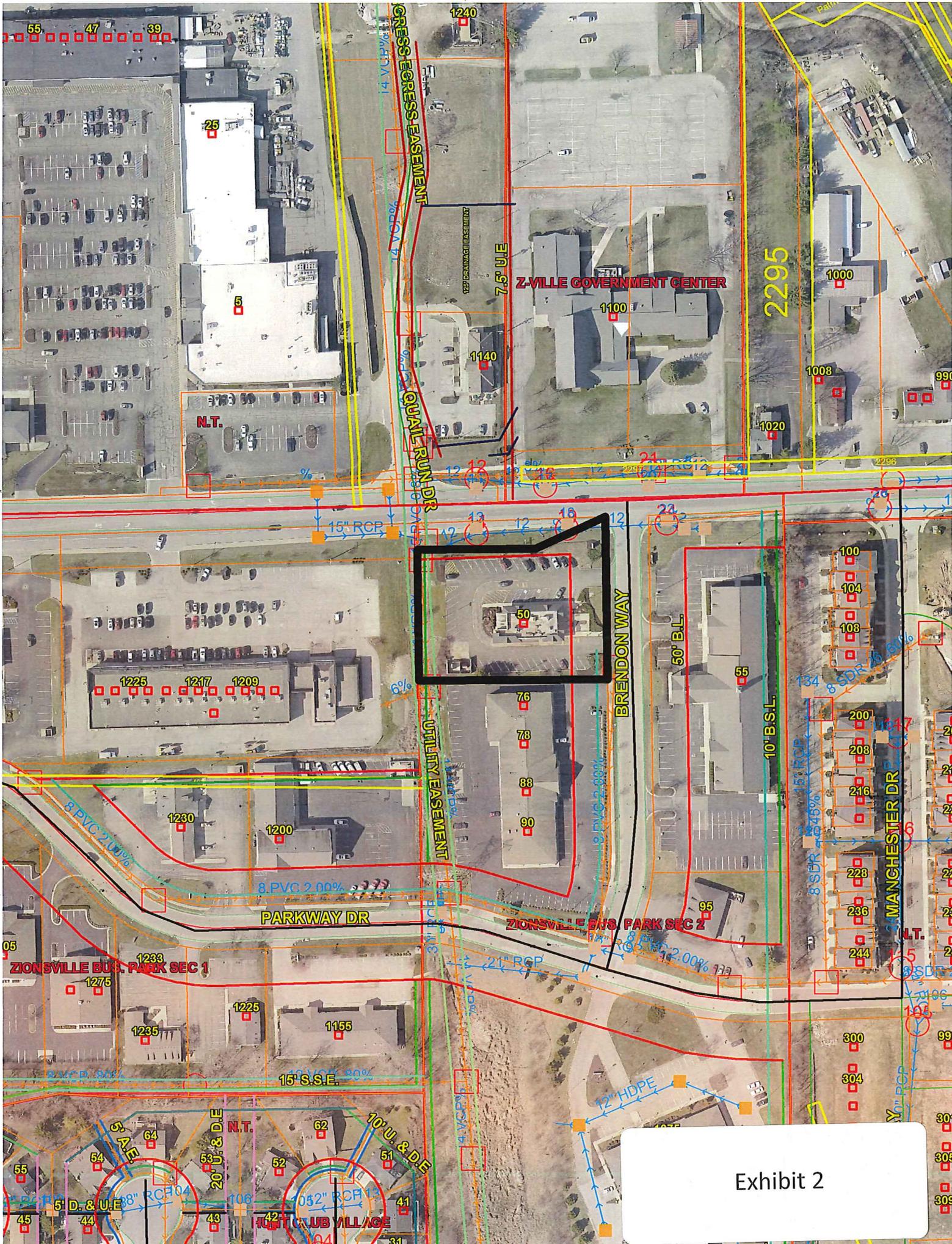


Exhibit 2

STATEMENT OF PURPOSE – TAB 1

Side-by-side Drive through Addition

McDonald's USA, LLC is seeking to make further investment in the 50 Brendon Way facility to improve the existing store, customers experience and meet market demands by adding a side-by-side drive through at this facility. A side by side drive through allows two cars to order at the same time as well as increasing the stack area to minimize vehicles stacking back to the customer entry path.

The project involves minor site modifications and the installation of the Drive Through elements on the property. The site improvements include minor pavement modifications, most notably an addition of pavement to the rear (west end) of the existing parking lot by five (5) feet. Other pavement areas will also be modified for the reconfiguration of the drive through area. Net result is that the overall paved surface area proposed will only result in an increase of 482 square feet of new paving, with a disturbed area for these improvements being 7,715 square feet total.

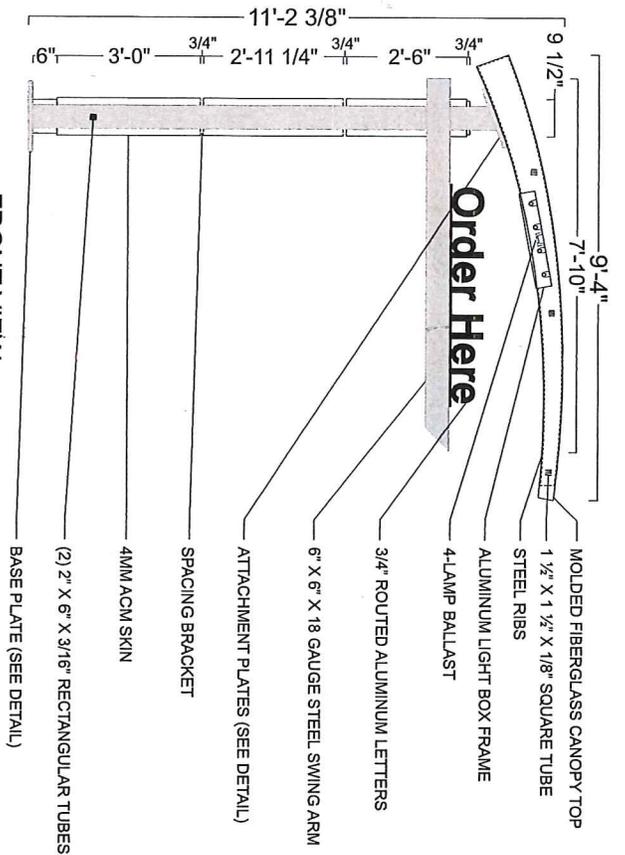
The drive through elements to be added include two Customer Order Points, two menu boards for each order point, a pre-sell board leading into the order points, and a double arm gateway for vehicle clearance safety.

Details of the site improvements and drive through elements are included with this petition for review and consideration.

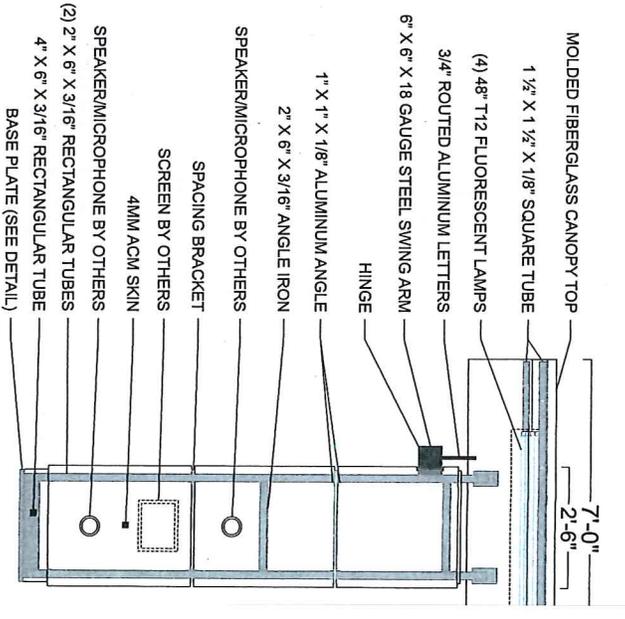
The results of improvements proposed will provide for a better customer experience by decreasing queues and wait times through the drive through. Internal site circulation is also an expected improvement since the dual drive through will increase drive through orders processing by as much as 50%, thus eliminating longer queues and on-site congestion with only a single point drive through ordering point.

The improvements proposed meet the zoning code and subdivision regulations with stacking requirements, parking and all other development standards. All improvement will be contained to the site, and there will be no impact to adjoining properties or adjacent Right-of-ways. There is no change in use or change in the manner in which the facility will operate as a result of these improvements.

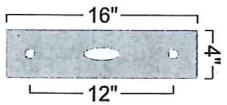
Thank you for your consideration.



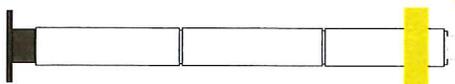
FRONT VIEW
SCALE: 1/4" = 1'-0"



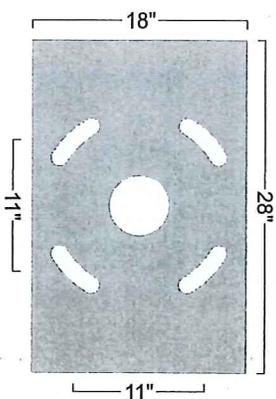
SIDE VIEW
SCALE: 1/4" = 1'-0"



ATTACHMENT PLATE DETAIL
SCALE: 3/4" = 1'-0"



GRAPHIC DETAIL
SCALE: 1/4" = 1'-0"



BASE PLATE DETAIL
SCALE: 3/4" = 1'-0"

SQUARE FOOTAGE: ACTUAL = 17.10
BOXED = 104.51

FIBERGLASS CANOPY DETAIL
DESIGN FACTOR: TBD
FIBERGLASS CANOPY WITH STEEL TUBE AND RIB INTERNAL STRUCTURE
EXTERIOR FINISH: PAINT TO MATCH PMS 109 C YELLOW
LIGHT LENS REMOVABLE FOR SERVICE
U.L. APPROVED
ELECTRICAL: 0.59 AMPS, 120 VOLTS

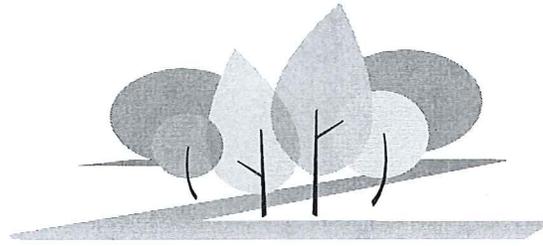
BASE DETAIL
DESIGN FACTOR: 90 MPH
ALUMINUM ANGLE IRON STRUCTURE
4MM ACM SKIN
EXTERIOR FINISH:
SWING ARM - PAINT TO MATCH PMS 109 C YELLOW
BASE - BONE WHITE
SHROUD & POLE - DEEP CAVIAR
U.L. APPROVED

"ORDER HERE" LETTER DETAIL
3/4" ROUTED ALUMINUM LETTERS W/ 1ST SURFACE VINYL DECORATION:
180-15 BRIGHT YELLOW (OPAQUE) - "ORDER HERE" COPY
BLACK - COPY OUTLINE

Customer:	McDONALD'S		
Date:	02/18/13	Prepared By:	RA
Item Number:	MCD-ORDERHEREBAS99S MCT-OUTSICANOPYTOP-Z6 MCD-8RLOORDERHEREALUM-S MCD-0HCLAMPKIT-S	File Name:	MCD ORDER HERE CANOPY
Revision:	5		

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ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
From: Mark DeBruler, P.E., Town Engineer *md*
Date: November 15, 2016

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

PROJECT DESCRIPTION

Project	Name	McDonald's Dual Lane Drive-Thru Modification	
	Location	50 Brendon Way	
	Developer	McDonald's USA	
	Submittal	#1	
Documents Reviewed	Document Name	Document Date	
	Construction Plan	November 1, 2016 (Plot Stamp)	
Zoning	Current	B-2	
	Proposed	B-2	
Land Use	Current	Restaurant	
	Proposed	Restaurant	
Requested Variances			

Based on our review, we did not identify any items that that were inconsistent with the Town's standards or requirements:

**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 improvements do not change use or operations of facility in any manner, and any and all improvements are well contained within the site.
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:
Proposed improvements, do not impact sanitary or water in any manner. No changes to storm water routing or overland flow flow conditions on site are affected.
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:
Proposed improvements do not impact traffic in any way off-site. On-site traffic circulation will be improved with the addition of a drive through, which will decrease on-site queues for the drive through and improve on-site circulation and process customers faster.
4. The Development Plan/ Modification of Development Plan **(does/does not)** utilize building materials and building style compatible with the Zionsville theme because:
No material or building changes included with proposed improvements. Elements proposed are designed to service customers in a safe and efficient manner and integrate with various other elements on site.
5. The Development Plan/Modification of Development Plan **(does/does not)** provide for the calculation of storm water runoff because:
Area of disturbance for improvements is 7,715 sft with increase in impervious area of 482 sft proposed. Storm water ordinance exempts projects with land disturbing activities of less than 10,000 SFT. No changes in overland flow routes or no measurable increases in runoff volumes to occur.
6. The Development Plan/Modification of Development Plan **(does/does not)** provide for current and future right-of-way dedications because:
Improvements proposed are all contained within site and present no impact or change in current use, nor warrant future R/W dedications.
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 improvements proposed comply with setback lines, coverage, separation, vehicle and pedestrian circulation, landscaping, recreation area or green space, outdoor lighting, and all improvements are in compliance with development standards for zoning district.

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____.



TO: Plan Commission Members
FR: Wayne DeLong, AICP
DT: November 21, 2016
RE: November Plan Commission
CC: Plan Commission Attorney Carol Sparks Drake

As discussed at the October Plan Commission meeting, Staff is focusing on four Zoning Ordinance amendments for discussion at the November Plan Commission meeting:

Amendments to Chapter 194 (Sections 194.024, 194.078, & 194.079): *An amendment to both the Rural and Urban Michigan Road Overlay Districts (MRO) in an effort to be inclusive of both Drive Through Facilities & Drive Through Service Units (order / pick up windows) in certain locations, establishing locations within the MRO corridor that would support a Drive Through Facility, and defining what constitutes a Drive Through Facility.* Currently the Ordinance prohibits Drive Through Facilities, however, there is no definition offered as to what constitutes a Drive Through Facility. The outcome of this effort would result in 1) establishing permissible areas(s) within the MRO for Drive Thru Service Units in high traffic areas within the MRO while articulating criterial as to supportable characteristics associated with a Drive Through Service Unit (example: orientation, location, intensity), 2) offer a definition of Drive Through Facilities and 3) establish permissible area(s) within the MRO for Drive Through Facilities (in high traffic areas).

Amendment to Chapter 194 (Section 194.105): *An amendment to the Minimum Parking Requirements for commercially zoned and special use zoned properties when those properties are in proximity to VBD zoned land uses.* Non-residential properties which border the VBD district are required to provide off street parking which exceeds what a neighboring property across the street is required to provide (generally speaking). Additionally, as the parking section of the Zoning Ordinance is written, it could, in Staff's opinion, encourage a development pattern which is not complementary to the Downtown feel. Staff would encourage the discussion of reducing the parking requirements for these perimeter properties and to adopt the standard currently applicable in the VBD.

Amendment to Chapter 195 (Section 195.01): *Fee Schedule Amendments.* The Fee Schedule was last amended in 2013, and the contemplated amendments would not alter any of the fees as adjusted in 2013 (the 2013 effort was associated with ILP fees). Staff is suggesting that the fees charged for certain services and filings be adjusted (increased) or in some cases, established.

Zionsville Plan Commission

November 21, 2016

In attendance: David Franz, Larry Jones, Jay Parks, Josh Fedor, Kevin Schiferl, Franklin McClellan. Not present: Sharon Walker.

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

Franz Call to order the Plan Commission meeting of Monday, November 21, 2016.
Please rise, and we'll start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Secretary, please take roll.

DeLong Mr. Franz?

Franz Present.

DeLong Mr. Schiferl?

Schiferl Present.

DeLong Mr. Jones?

Jones Present.

DeLong Ms. Walker?

DeLong Mr. Parks?

Parks Present.

DeLong Mr. McClelland?

McClelland Present.

DeLong Mr. Fedor?

Fedor Present.

Franz I have a quorum present. In your packet there were minutes from the October 17, 2016 meeting. Are there any additions, comments? Being none, may I have a motion to approve the minutes?

Parks I move we approve the minutes as presented.

Franz Is there a second?

Fedor Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay. Motion carries. All right on to continued business. The first two items on the docket are 2016-37-PP and 2016-38-DP for Cobble Creek related to the 9085 East Oak Street development. At this time I would need a motion to suspend the rules, so we could withdraw, the petitioner requests to withdraw these two petitions, so at this point in time I would need a motion to suspend the rules, so we could withdraw those.

Schiferl I would move to suspend the rules so as to allow the withdrawal of 2016-37-PP and 38-DP. Given that we had already started a hearing on them, I think we need to do that.

Franz Is there a second?

Parks Second.

Franz Any discussion or comments? Being none, all in favor signify by aye.

All Aye.

Franz Opposed by nay. Motion carries. The next two items on the docket are items 2016 – oh, my mistake. So, at this time we need a motion to accept the withdrawal.

Schiferl Having suspended the rules, I move that we allow the withdrawal of 2016-37-PP and 2016-38-DP.

Franz Is there a second?

Jones Second.

Franz Any comments, discussion? None. All in favor signify by saying aye.

All Aye.

Franz Opposed? Motion carries. Okay onto items 2016-47-PP, 2016-48-DP, 200 West, petition for a primary plat approval and a petition for development plan approval. Is the petitioner present?

Ochs Good evening. For the record, Tim Ochs representing the petitioner. We are requesting a continuance. One of the parcels of real estate that was originally included in the application is being pulled out of the application, will no longer be part of the project. It has also necessitated a significant design change that could not be finished up in time to get it to Staff and to the Town in a manner that was going to afford you an opportunity to look at it before the hearing, so we need an additional continuance to the December Plan Commission meeting.

- Franz I mean, can you provide any update on this project?
- Ochs Well, the parcel, I still refer to it as the Stacy parcel going back in time, is no longer under contract by the developer. It seems as though ownership of that parcel is going to go in a different direction, so you know the plans I believe are, if not done, extremely close to being done is what I'm told by the architect for the redesign with the Stacy parcel removed. So we suspect those will be submitted very shortly, probably the week after Thanksgiving.
- Parks My concern is, will 30 days be sufficient? This is a question I've asked the last three times.
- Ochs I understand and all I can tell you is what I'm told, which is the plans are done or almost done, and I would like to think we'd be able to go in December.
- Franz Any other comments from the Commission?
- Schiferl Tim, I appreciate what you're saying is, if the one parcel is withdrawn though, it's going to be modified. Would it effect notice provisions and other things?
- Ochs Well, no, because the real estate that was already noticed included the Stacy parcel plus the remaining parcel, so it's still valid because the real estate that's being decided includes that. Now if the Commission thinks that that might be a little misleading additional notice would certainly be, you know, something that we could do. But in terms of the legality, because we're not adding any real estate, we're fine.
- Franz Anything further? Would someone like to make a motion?
- Parks Well if I make a motion I'm going to go for 60 days because I don't think you can do it and provide the same kind of or the kind of contact with the neighbors that'll be required that would then generate another continuance because it hadn't been done.
- Ochs Given the time of year I certainly understand that.
- Parks So, then, I would move that we would grant continuance of Dockets #2016-47-PP and 2016-48-DP to our regularly scheduled meeting in January. The date is anticipated to be approved for the 17th, which is the Tuesday after Martin Luther King Day.
- Franz Is there a second?
- McClelland Second.
- Franz All in favor signify by aye.
- Drake Excuse me. It would be my recommendation, if he's changing the legal description, that they re-notice this time given the delay and the change in the legal description.

- Ochs It would also, in case it isn't that date, since you wouldn't be able to announce the right date at the public hearing, we'd have to anyway. So that's probably a good idea.
- Parks We will be doing that tonight.
- Ochs Oh, okay.
- Parks It's on the Agenda for tonight.
- Ochs All right.
- Parks That's why I was looking at the date, but I would be, I would amend my motion to include a requirement for re-noticing.
- Franz Is that acceptable to the second?
- McClelland Yes, second.
- Franz All right, all in favor signify by aye.
- All Aye.
- Franz Opposed by nay. Motion carries. Continuance is granted.
- Ochs Thank you.
- Franz Next item on the docket is 2016-54-DPA, Zionsville Christian Church, petition for development plan amendment to allow for construction of a 15'-6" x 20'-10" building canopy to an existing church building. Please state your name and address.
- Weber Good evening. Cara Weber with Delve Design, 30 North 6th Street. So we have before you, and we continued last month, petition to add the canopy onto the existing Zionsville Christian Church on 9th Street. It introduces no new materials. It will be white, cement board, Hardiplank or otherwise trim, shingled roof to match the existing, and it does not impede into any of the existing site or existing ADA-accessible ramps up onto the sidewalk.
- Franz Does that complete your comment?
- Weber It does.
- Franz Is there anybody from the public who would like to speak on this matter? Being none, do any of the commissioners have any questions? Wayne, can I have your report, please?
- DeLong Certainly and Staff is supportive of the petition as filed, provided a report for you. It echoes exactly what Ms. Weber covered for you this evening, so in the sake of being brief Staff is recommending approval of the petition, and I'd be happy to answer any questions.

- Franz Is there any questions from anybody on the Commission? Being none, is there a motion?
- Fedo I move that Docket 2016-54-DPA, development plan amendment approval to allow for construction of a 15'-6" x 20'-10" building canopy to the existing facility in the SU-2 Urban Special Use Zoning District at 120 North 9th Street be approved based on findings in the Staff Report, Staff recommendations, and submitted findings.
- Franz Is there a second?
- Jones Second.
- Franz All in favor signify by aye.
- All Aye.
- Franz Opposed by nay. Motion carries 6-0.
- Weber Thank you.
- Franz Onto new business. Docket 2016-57-Z, Northfields, 8666 East 400 South, petition for zone map change to rezone 71.58 acres from the R1 Rural Residential Zoning District to the R2 Rural Residential Zoning District to provide for a residential subdivision. Is the petitioner present? Oh okay, before we get to this we do have a continuance request provided by the remonstrator. Wayne, do you have any comment on this?
- DeLong I have no specific comments other than to just remind and certainly that the Plan Commission is aware that you have a clock that is ticking if you will based upon state statute. Certainly Mr. Buroker and your counsel can speak to that in any specificity. Certainly, that's something that is to be focused on.
- Franz Okay. Does anybody have any questions or comments related to the continuance request?
- Parks I think since the clock is ticking on the rezoning, petition for a zoning request and to grant such a continuance would then jeopardize the rights of the petitioner, then I would move that we deny the request for continuance at this time and allow the public hearing to begin.
- Schiferl Can I make a suggestion that we table it for possible denial until after the hearing?
- Drake I think what's in front of you on behalf of Mr. Andreoli's client is to not open the hearing at all. So, I would say that Mr. Parks' motion to deny that continuance would be appropriate. It would certainly still be within your prerogative this evening after you open the hearing to either make a decision or to continue that public hearing.

- Schiferl Okay, all right I'll second Mr. Parks' motion.
- Franz We have a second. Any comments, discussion related to this? Being none, all in favor signify by aye.
- All Aye.
- Franz Signify by opposed nay, no. Motion carries. So we will open the public hearing today.
- Buroker Thank you, Mr. President. Allow me to move my board just here closer. You guys maybe difficult to see, but if I put it in the middle. Tell me what you prefer. The neighbors and interested parties won't be able to see it so. You prefer it way down here Kevin or can you see it?
- Schiferl We can see it. We can see it. We have copies too.
- Buroker Is that out of light adequately? Good evening Members of the Plan Commission, Staff, and interested neighbors. I'm Andy Buroker. I'm here with India Ballard-Bonfitto, Faegre Baker Daniels as counsel to the petitioner, Beazer Homes of Indiana LLC. My client, Ty Rinehart, the Land Manager with Beazer Homes of Indiana is here as well tonight to address questions. I believe representatives of the property owners, the Goodwin family, are here in attendance as well this evening. We filed on behalf of Beazer Homes of Indiana a rezoning petition on October 18, 2016, with the Plan Commission requesting to rezone 71.68 acres now owned by six Goodwin family members from the current R1 residential district zoning to the R2 residential zoning district. As part of the jurisdiction requirements to be before you this evening we paid the filing fee of \$7,600, published notice of this hearing in the Times Sentinel Newspaper on November 2, mailed by certified mail notices of this hearing on October 31 to the owners of 30 parcels adjoining or within the required proximity of the site, and submitted a site plan and survey and copies of the two trustees' deeds as evidence of ownership of the site. This rezoning request is for a proposed residential subdivision on the current farm property located at 8666 East County Road 400 South, so in the northwest corner of County Road East 400 South and South 875 East just on the border, but within the rural district of the Town of Zionsville. Again, as I mentioned, Ty Rinehart with Beazer Homes is here with me this evening. We met with neighbors, immediately adjacent neighbors on Thursday, November 3 at the Zionsville United Methodist Church to present this proposal and answer questions and get their input on it. We provided a response to a number of their questions this past Saturday by email including an updated site plan that I will provide this evening and that I have before you here on the board. We've presented this proposal to Mike Shafer at the Zionsville Community Schools, their CFO, who provided to the Town its financial analysis of this project for the school system, and we met with Matt Dickey of the Town regarding the rail trail extension proposal and options in this area, and we also met with the road and street department heads of the Town of Zionsville and Boone County to discuss road improvements as part of this project and also that will be accomplished as part of Hampshire, another Beazer Homes Development, just to the west. So I'd like to review briefly the presentation booklet that we have prepared and submitted to the Staff on Friday, November 4.

It looks like this. We've provided copies. Does everyone have this Wayne, do you think? Okay, so Tab 1, and before I start, again we did file, we have provided in connection with meetings with Wayne and the Staff a revised site plan just to show this trailway along here. That's the only modification that's been made to what's in here, but I would like to pass that around if I give you a copy of this just on hand. So that is a modified copy of what we filed with the Town and presented to the neighbors, and it is on the board here. Again, just showing a little bit modification of the trail route along this way. So the first tab, Tab 1, is the executive summary of this project. Beazer Homes, is after approval to develop its Hampshire project, just to the west of this, wants to introduce its newest single family residential development, Northfields. We propose this to be a 120 lot subdivision over 71.68 approximately acres, and I've showed you where that is on the map. We've requested to rezone this from R1 to R2. Again, this is in the rural district right on the boundary of the Town's urban district and rural district, but it's in the rural district currently. We've looked at careful and strategic design created with the opportunity of nearly 39 percent of this parcel would be open space or not developed or built on. Again, with the retention ponds, the overhead powerline, the drainage easement, we'll go through these in a little bit, it's not completely consumed with buildings, which is a Beazer trademark, and you'll certainly see that in Hampshire's if you look at that overall development. Northfields will feature a mix of single and two-story family homes with Beazer's newest design. It's called the Crossroads Collection ranging in size from 2,000 to 3,500 square feet. We have an expected average sales price of \$400,000 with the range between \$300,000 and 450,000. Exteriors will be excellent and will include masonry stone, fiber cement siding, decorative garage doors, shake, and dimensional shingles, and we have home elevations in here. Will not be any vinyl siding at all. These will be nice end homes for the price points that we've referenced. Beazer plans to start development once it's approved. It is anticipated that it would start development activity in 2018 with homes started to be built in late 2018 and then build out of 120 lots over a four-year period with approximately 30 homes every year starting in 2018, so concluding development in 2021. Tab 2 again is a location, a general location map of Northfields to orient you to where this is. Again, County Road 400 South and 875, this again is relatively close to the rail trail. It abuts the urban district of the Town. A significant portion of land in this area has been developed. As you know from the east is Rock Bridge, to the east and south is the Preserve, just to the west and going south along 800, County Road 800 is Hampshire. So there's been a fair amount of activity in this area. A fair amount of the land going north, almost to 200, County Road 200, and then east to 421 is currently zoned R2. There remains a few parcels of R1 just to the north and west of this, but there's also a significant amount of already zoned R2 in this area. This also, because it's on the urban district boundary of the Town, we have talked with the Town and again on an every two-year basis the Town can bring in properties, change the boundary of the urban and rural districts and bring rural areas into the urban district changing from whom they get services, the Town instead of the county, etc. and this would be a good candidate for that kind of a change in 2018. Tab 3 shows, again I was mentioning some adjacent subdivisions in addition to these surrounding subdivisions, again much of the property north to County Road 200 and east to State Road 421 are already zoned R2 and so this type of use is

commensurate with what may occur in nearby portions in addition to the subdivisions that are shown on Tab 3.

Looking at Tab 4 of our booklet, this is the site plan that we've updated briefly showing the trail extension. If I could point you to this, this trail extension along 400, so that there is trail on the exterior, a 10' trail along the exterior of the property, not just internal, and that again comes from discussions with Staff about road and streets and connectivity and paths that would also go along with the road and street improvements that we need to conduct along 400 and 875. Again, much of the detail on that will come through the development plan stage about utilities and architectural standards, but that's really the only difference in the concept or site plan that we've filed and that we showed to the neighbors on November 3, so that's a slight difference. Some things I do just want to point out briefly again on this site plan to show, again there are some hurdles or challenges with this site. If you look at it, a couple of things that we are dealing with or confronted with, the high end in nature or type of development or subdivision that we do here along this southern part on the south side of County Road 400 is a nearly acre electric generating substation that is even anticipated possibly to be expanded, but it is not screened. It doesn't have a wall. It's just out there, which is fine, but it's, people would look at it. So from that we have an approximately 200' easement north, south going through almost the center of the property that is an electric overhead line easement. That dates from 1966, so it's been there a while. That's fine, but you can't construct under it, so designing how we do this subdivision you certainly have to compensate or account for that. And then the last item is the 150' right-of-way for the Simpson legal drain, which is a legal drain. Beazer has just improved it to do a waterline for Hampshire, so it's also had some improvements lately, but this is, it comes across the southeast corner of the property, then drops down across 40. So that's a 150' legal drain that we have to again account for in how we lay out and design because you can't move that. You certainly can't move the overhead powerlines.

Moving to Tab 5 is just some illustrative home elevations. Again, this is a development plan approval. Beazer is developing Hampshire and has had approval of and commitments have been recorded for Hampshire with substantially similar architectural standards that we will propose for Northfields, 70' lots in the northern portion of Hampshire, will be 70' lots here in Northfields. The elevations will reflect the Crossroads line of homes that we're building in the northern quadrant of Hampshire. They'll also be in Northfields, so they'll be very similar and again have some connectivity, so those are just the Crossroads line to give you some ideas on the elevations. And then Tab 6 of your booklet is some entryway monumentation as to how the entrance would look. Again, showing a stone wall with a significant amount of landscaping and sort of angling off to the side with landscaping and that would be the main entrance on 875. There'd be a similar entrance, a little bit smaller signage on County Road 400. So just for a little more background on this proposal that enlightens our request, this property's becoming available to be developed as Beazer has extended public utilities at a significant cost as part of its Hampshire subdivision, so water and sewer lines have been run to this property to make it available for development and again Beazer Homes did that, but it opens up this property and then perhaps other properties to the north. The current development Hampshire, also by Beazer, is southwest along County Road 800 is very similar to this

proposed project as I said also includes 70' lots. We will tie in the amenities to Hampshire with Northfields to allow them to use a pool and amenity clubhouse. We will connect trails that come through here and across 400.

We will go down to Hampshire, so there will be a significantly long north/south connection and east/west connection well down to where the southern part of Hampshire starts and that's a fairly long north/south development. Beazer will provide needed infrastructure in the existing rural district, so roads with curves. These are currently not highly developed county roads, historically county roads, really farm roads with no storm water drainage, no curbs or gutters, no trail accessibility at this point and so as part of the development plan approval and discussions with both Boone County and the Town we will enhance 875, the length of our property turn lanes, accel/decel lanes as part of Hampshire's commitments and if this were rezoned the entire length of County Road 400 will be improved from 875 West to 800. But all of that will be improved, not only with the trail, but with the road as Hampshire to the west part we're already committed under recorded declaration of commitments to do that and then the remainder part of it. Again, we've talked with the Town and that will be part of our development plan proposal. As I indicated, this entails development of a challenging site with 150' legal drain and 200' overhead electric powerlines plus the existing electric generating station. And then just a financial comment, property taxes are estimated to increase on this property from the current \$3,000 annually to approximately \$536,000 annually once fully built, but to be adjusted for the 1% circuit breaker.

On timing, again we plan to request development plan approval in December to address roads, drainage, architectural standards, the pathway rail trail, and utilities and then we'll also propose a front yard setback as is commonly asked for in the R2 district to the BZA. Again, construction is proposed to start in 2018 with a three-year buildout, so through 2021. Again, I know your counsel will tell you as to what you have to determine, but it was set forth in the Staff Report about paying attention to the comprehensive plan of the Town, current conditions and character of structures and uses in this area. Again, which is currently residential, becoming more residential to the west, the south, and northeast and this would carry on that theme. The most desirable use for this land is probably residential and not commercial, not industrial, not agricultural. We believe and assert that conservation of property values throughout the Town and in this immediate area will be enhanced by this development and Beazer believes that this is responsible development and growth in the Town of Zionsville. So, I appreciate your attention and consideration of our proposal for Beazer Homes Indiana, and I request your favorable recommendation to the Zionsville Town Council for adoption of this rezoning, and we're available for questions in response to the neighbors after they give their input. Thank you.

Franz Okay, thank you. Is there any comments from the public regarding this matter?

Andreoli Thank you Mr. President. For the record my name is Mike Andreoli. I'm here tonight on behalf of Danny Hockett. Mr. Hockett is the owner of the Auto Auction out along I-65 and Indianapolis Road. He is the principal in Hockett Land Development. Mr. Hockett owns approximately 50 acres that border this property in a woods area here and then a little farther to the west and also to the

north. We had requested a continuance, and we certainly understand the sensitivity of Andy being able to present on behalf of his client tonight, given the vulgarities of the statute, so we take no exception with that, but we would ask if the Commission would consider tabling this to the next meeting for several reasons.

The developer has been working on this for a period of time. This just came to the knowledge of the community a couple of weeks ago at a community meeting, and I attended with Mr. Hockett. There were a number of other members of the community at that particular meeting. And while I'm generally sensitive about people asking for continuances since I'm generally on Andy's side on these types of things and take those kind of requests seriously, the timing of this, given the fact that we're in November and we've got the winter to go, it seems like prudent to request on our part, so that we could understand and vet this project a little bit more from the community standpoint. Mr. Hockett had some concerns when he originally got Mr. Buroker's letter with regard to establishing the community meeting and in the original letter the price points were listed, average price points of these homes will be around \$350,000 and will range from 250 to 370. It appears that that has now bumped up and that was a concern of the neighborhood, but my concern, and I think Mr. Hockett's concern, is we'd like an opportunity to vet this. We've not been in the neighborhood of this particular price point brought by Beazer and to some extent, and I think you recognize this as a Board, that price points can be somewhat misleading in some circumstances. The price points for houses in Zionsville might historically be higher because of the community in which we live, but that doesn't mean that the quality of the development is going to be there or the architectural nature of the homes will be there. It just means that the price point's a little higher because of where we live and those types of things, so we'd like an opportunity to vet. I can't say that my client is automatically against this or not willing to work with Mr. Buroker. We indicated and I told Andy that we'd be happy to sit down with them one on one with Mr. Hockett. He originally bought that land with the idea of building a house on it. He acquired additional property around it to protect it and even looked at this property to buy and the property to the north, not from the standpoint of development, but from the standpoint of protection. So he has tremendous concerns because it now appears that we're going to have much denser development next to him than what he had ever anticipated when he bought this ground. I know that when he did buy the ground, for those of you that have been out there and looked at this, Carter built a lake on about 35 acres out there and there's a lake in the center of it and had property around it and that's the property that he bought after Mr. Carter passed away and Mr. Hockett acquired it. So, he has some concerns with regard to the price points of this particular development and the density of this development as it will do to his particular property that he bought, not necessarily from a development standpoint, but to build a house there and live there. So that's one of the concerns that certainly we have to be able to try to take a better look at this.

The other issues that were raised by the community have to do with drainage and those types of things and I'm not as concerned about those issues right now as those will be dealt with subsequently. My concern is that with the land use designation from R1 to R2 and the additional densities that will be required, we're seeing these price points come in I think pretty low and I don't know if

that's really what Zionsville wants or what the Board wants and we've got to continue to vet that to see whether or not that is something that the community thinks that it needs at this particular point and needs in that particular area. Mr. Hockett has concerns that they should not be out there next to his ground. Obviously, he's got a pecuniary interest in all of that. He bought property and understood the zoning classification when he bought it, now somebody's trying to change it, so that's a natural reaction on his part. Notwithstanding all of that, I did promise Andy that we'd sit down with him and try to talk with him about this.

Other issues that Mr. Hockett has raised that we haven't yet vetted is there an opportunity for a screen, vegetative or fencing. He's got woods that border up to part of this property to the extent that that's necessary. He doesn't want people dumping leaves and things back on his property just simply because they're woods and they're not necessarily occupied. Perhaps a fence or other type thing can help with that. At this particular point we've not been able to reach any accommodations or an agreement. I think the biggest factor and the biggest concern is that it's all right to have community meetings and those are good. I conduct them all the time and I think they're necessary and important, but this one happened a couple of weeks ago and as I said the developer's been working on this for a period of time. The meeting was held a couple of weeks ago. A lot of questions were raised. We got a fairly detailed bullet point response from Andy and I don't think there's anything nefarious about it. It's just that's as quickly as they were working to try to get the information about. We didn't get it until Saturday. I got it at the office Saturday. I didn't see it. I was working on some other matters including some submissions to the Town on another matter that precluded me from even opening it until early this afternoon. I could not talk with Mr. Hockett, my client, about the particulars contained in that because he was unavailable. As I indicated, he could not be here for this particular meeting. He was unavailable all day in business meetings that he could not change. I was able to change my meeting to come here tonight because it was a social event and this is the life I've chosen, so this is part of what you have to do to make sure your good client is fully represented at these meetings, but I don't think it's fair for the community to have to receive bullet point response to some of their concerns and questions on a Saturday and yet be requested to try to speak intelligently about that and some of their concerns, you know, on a Monday evening and so respectfully we would request that it be tabled a month to allow us an opportunity to review it. As I said, tabling it in the winter is a lot different than in tabling it when there's an opportunity perhaps for construction to start soon. So we don't think that that's a prejudice or harm to the petitioner, but it would allow the community a better opportunity to review what was submitted on Saturday and formulate some type of coherent response to this particular petition. Thank you.

Franz Thank you. Is there any other comments? Please state your name and address.

Yde My name's Margaret Yde and I am the lucky one that gets to live right here at the entrance right into my property, so that's where my perspective is coming from.

Franz Your address please.

Yde 3875 South, 875 East, Zionsville. As Mr. Andreoli mentioned, we did get this letter from them to notify us about the community meeting and it mentioned in the letter about the average price of the homes would be around 350, the range would be between 250 and 370, so at the meeting I asked how they came in with this average price of 350 with having such a low price point of 250 out to 370 and the gentleman indicated that, that's kind of like current day value, so when they start building the homes then the homes would be ranging around 300,000 to 400,000.

In my personal opinion, it's still a \$250,000 house, and I don't know anybody in Zionsville that built a house for \$250,000 and a year later can sell it for \$50,000 more. So I think they're being unrealistic about the numbers that they're providing us. And also at the meeting they gave us a different price point for the price ranges, so I'd like a true honest answer from Beazer Homes, what the actual price points of the homes that they're going to sell. The other thing is most of us that live on 875 went through this process before when Rock Bridge was being built and the developer promised us that we would have a berm and trees. Still don't have them all these years later. We were told there would be no privacy fences. Guess what, they have privacy fences. We were told they would be all brick homes. Guess what, they're not all brick homes. Some are brick fronts, but Hardiplank and vinyl. So in this nice email that we did get on Saturday they made some comments in here that they did speak with the Town in regards to the expansion of 875 indicating there's no plans to expand it. If expansion does happen on 875 and 400 it would be in their property. And if this is true and factual, we would like that to be in writing because before we were told by the developer things would happen, but they didn't, and I don't like these two-way conversations because I don't think it's fair to us as residents that in the future if 875 or 400 gets expanded that we lose our property. We lose part of our trees in order for Beazer to benefit financially. Because I don't think we as residents of 875 or 400 have to sacrifice because they want to make money. The information on the accel lane and if it did happen would be right in front of my property. They indicated they asked for a waiver and we don't know if that waiver has been granted, so I think we as homeowners should know that before the development is approved. They also indicated that they want to build 120 homes on 71.5 acres. As I mentioned, this common area is unbuildable. I think when they calculate their formula for development of homes it should be built on buildable area because when Rock Bridge was built there is a water drain that they had mentioned that goes through the property and that was considered legal greenspace that nobody could build on and at that time the Town Council said well that's not quite right, that they should not be able to calculate it and here again they're calculating their buildable space. I also think in their letter they said that they were going to go after family homes and it's very interesting that you're putting in 120 acres with no park for children to play in. We have most of the people on 875 and 400 have acre lots or approximately that size, so when our kids were growing up there was plenty of places for them to run and play around in. I see the neighborhoods in Rock Bridge and also in the Preserve. The lots are small, kids don't have room to play, and even though there is that little park that's by it, that park is very small and then you're also asking children to cross a very busy street at 400 and 875 to go and have fun. So I think they need to redesign the plan. I don't think it should be rezoned R2. There's a reason that we need R1 in Zionsville, and I recommend that we continue to have it as R1

even though they did a nice job in providing us information and one of the points that they made in here is that the R2 restriction allows for 0.5 and they're at 0.59 and in my book 59 is not 0.6. Thank you.

Franz Thank you. Any further comments? Again, state your name and address please.

Donathen Hello. My name's Tim Donathen. I'm at 3955 South 875 East. I just, I'm going to go on a little rant about the relationship between the homeowners and Beazer and/or the late Bill Carter and his development because basically, we agreed to, like what Margaret was saying, about a berm and some privacy trees and stuff like that, a little buffer zone between us and them. Well how the story went is that we got it approved. They were being nice and they asked somebody from our group and so it was me and I went to everybody along the 11, 12 homeowners along the street there and basically everybody wanted trees. So then they went back and said well we can't get these trees. Well long story short the agreement was between us and them. Therefore, when they sold the property guess what, it went out the window. So then Beazer comes along and said, oh, we'll try to see what we could do. Well that was just nothing but a bunch of smoke and mirrors, okay. So I went through again got everybody to sign everything again and then they said basically, oh, the Town of Zionsville won't let us do it. Even though initially in the first place basically they said the Town wouldn't honor anything because it was between two parties and not three, so if there's any concessions made between this, what I learned is don't trust them because they're not on your side. You guys kind of are sort of on our side to a point if it's a three-way party. It needs to be a three-way party. That's really what it needs to be. So with that being said, with the houses and the value of Rock Bridge, I believe they were a little bit less than what they initially were put in as or sold to us as because, like what Margaret said about the brick, these were supposed to be total brick houses, but when the, I don't, submissions or whatever got put in, the second or third time they changed them. They didn't talk about it in the hearing. It went in under the wire okay. Therefore they got brick front and vinyl sides. I don't want to see that happen here, okay. Other concern is this common area by the drain is that really considered common area? Because like I said, I mean, I think there is something that the Town had said that we can't use that as common space. So if they're going to figure that as the acreage per home frontage, that's fine, but this unusable space needs to be defined and it's not defined because it says common space right there, right where the drain's at. So that's a little, that's an issue for me. Otherwise, I tend to think there probably needs to be a little bit of buffer zone between back on the far west end, but for the most part you know I don't have any faith in this group, you know, and I've got reason to say that. I've got two t-shirts that says I can't trust them. So whatever they submit I just want to caution that you do like a before and after, what was initially said and then what they're submitting and kind of go page by page and make sure nothing's really changed because they've done it before. Thank you.

Franz All right thank you. Any further comment?

Davidson My name's Jerry Davidson, and I live at 3901 South 875 East.

Franz Would you please step closer.

Davidson Jerry Davidson. My address is 3091 South 875 East. I was just concerned about the traffic. My wife wanted a porch swing for her birthday. I got her one. I really didn't spend much time on my front porch, but I do now, a little bit, swinging in my porch swing. I can't believe the traffic that's already out there on 875. I think we're going to keep adding to this and add to this they're going to have to widen 875 some day.

We suggested to these guys the other night that they move everything 10' to the west. Their lake is out there and whatever and give a little more room for future expansion of 875 and the other thing is if you look at this map on the bottom section, 875, it shows these little accelerating lanes there, decelerating lanes, but it doesn't show passing lanes on our side of the road and if you go down 875 every subdivision there has got lanes for people to be able to pull over to turn so somebody can pass them. That's not in their picture and I'm sure the Town someday would like to have those lanes, you know, and I just, anyway I think traffic's a big thing, and I think they ought to consider moving 10 or 12 feet away west that's all.

Franz Okay, thank you. Any additional comments?

Ward I'm Julia Ward, and I live at 8475 East 400 South and I'm right next to the power station, just west of the power station and my concern is also for the traffic. 400 South has had a lot of increase in traffic since Rock Bridge and Spring Knoll were built up. It's tolerable now, but there are places on 400 that are currently almost one lane and one of those places is right next to my driveway because I typically have to wait and kind of hang back by the power station before I proceed over the berm where the ditching comes through and wait for traffic, so I can turn into my driveway. Maybe a little housing addition like this isn't going to create a lot, but my future concern is even a mile east there's a lot of unbuilt up property on that area. 400 South is the clear route for people going to the middle school, for people going out to the 65 on-ramp, and it's getting busier and busier. This will increase traffic, but then what about five years from now when we may see future buildup on east of us on the Pleasant View road and in that area. We're not going to be able to go into the power station side, and I hope you're not going to take my property because it's everything I have. These houses here aren't built yet. People have not put their lives and their money into these homes yet. I would like to see this section be moved back, so that there is allotment for future, in case that road ever needs to be widened for safety reasons. And the same on the 875, 875 is a little bit wider, but it is, we've always called it the little country highway because at rush-hour it is very busy. But I'd like us to see planning. You know when I look at where, how we built up Cobblestone, Cobblestone was great. It's way off the road on 875. It's way off the road, on Zionsville Road, but when I look at the backend where Spring Knoll kind of came up it's very close to the road. Then I see where we've put the new tennis building over off of 875. I was like that's the first thing that hits you when you drive by there. It's like wow how close is that to the road now. There's not a lot of room for future expansion, so while we're doing this, before we get everything built and people put their lives and their homes into this, why don't we think about moving this back, so that when we do have future development we're not all inconvenienced and our livelihood's taken away because you take

away my property you take away my retirement. Because that is my retirement.
Thanks.

Franz Okay, thank you. State your name and address please.

Snodgrass My name is Faye Snodgrass. I live at 605 Morningside Drive and I'm here on behalf of my daughter, Marissa Kerlin, who lives at 3755 East 875, I mean South 875 East. I did, unfortunately did not get the notice about the meeting with neighbors previously. She is unfortunately working overseas, but I appreciate the opportunity to share my concerns about changing the zoning from R1 to R2. My work requires that I look at things at a national level in terms of development and I think it's something that hopefully the Board is currently doing. This topic doesn't necessarily, my first just couple of sentences doesn't necessarily apply to the land in question, but it does lead to the impact of the tremendous loss of tillable land in Indiana. I think Hamilton County has learned a difficult lesson, the state will as a whole, especially in light of 15 years that US population will be increasing by 34 million people, all of whom I think enjoy eating as much as I do. So I just would hope that somehow in your land management plan that you're considering maintaining a balance and giving consideration to tillable land as I believe it's in line with the Zionsville rich legacy in terms of farming and agriculture. Specifically, I have a concern on the impact on the school district. I think as we lose the pastoral, more natural setting that is closely aligned to housing values. Research has shown since 2001 in No Child Left Behind increasingly people move in an area with a high ranking school district. I'm very proud of the work that's done in our blue ribbon school district and what teachers do everyday, but I also have been part of the last two referendums and understand the challenges the School Board is going with tax caps on building additional school space, the tightness of the high school and the low property values. I know the, I talked with Sherry Richey, who is Chair of the School Board, I believe that Mike turned in an impact report. I don't know what that is. I assume it's public knowledge, but I wasn't able to find it and I know sometimes it's neutral, sometimes it's, I don't know if you're able to share the impact of adding, you know, now double the number of homes, all of which are intended to be family homes, which I assume typically come with you know a few children and then will increase the enrollment in the school district. Is there going to be – I mean are you allowed to share that?

Franz There was one submitted, yes.

Snodgrass Are we allowed to know if there will be a negative impact on the school district through the – there will be. So is the city planning to step up and you know--

Franz According to the impact study, its impact on the school district is negative \$24,610.

Snodgrass Okay, that's good to know.

Franz Based upon 120 new students.

Snodgrass Okay. Because I do know in the past funding has been a challenge.

- Franz And that's at the average \$400,000 price point.
- Schiferl If that comes to tuition.
- Snodgrass Good. And then lastly, also, just has to do again a little bit more with the environment. We're 48th in the Country in terms of air quality and 4th worse in environmental, so as subdivisions go on you're getting rid of open land, trees, and a lot of things and replacing it with, you know, buildings with black, typically dark colored shingles, concrete or asphalt road systems. People have lawn care that adds pesticides, which eventually get in drinking water. I do applaud Beazer Homes for their commitment to be energy star certified homes, which is good news, but again I just think in terms of the overall impact and the health of not only us in Zionsville, but our neighbors here in Central Indiana that it would be a mistake to change the zoning, so I would urge the Council or the Board to consider leaving the current zoning in place.
- Franz Okay, thank you. Being no more comments, I want to hold off before we invite you back up. Is there any thoughts up here on the direction we should take at this point in time? I mean, we can keep the hearing open, carry it over to next month. Thoughts?
- Parks My thoughts would be that I think we ought to consider the request for a continuance from one of the neighbors who's directly impacted. Some of the items that have been brought up by the remonstrators I know the petitioner would want to have a little time to both respond in front of us and also respond directly to the remonstrators themselves. I think there are three items that I would have that, particularly, I would ask the petitioner to consider and that first of all, what is the, given the unbuildable area that you have, what is the difference in the density? In other words, you've got 120 homes for R2, what would be that density under R1? First question. Second question, as I remember the Hampshire development, the north side of that development was designed for upper end homes, 500+. That is the neighbor of this property and would to me indicate that that would be a better continuation at least on the west side of that property. So that's the second thing that I would consider as part of this. And the third thing is to address the issue that was just communicated to the public that the school system is looking at a negative impact and that negative impact is strictly on the operating side. It has nothing to do with the fact that you've got 120 new kids and what that's going to be doing to the buildings and that type of thing, so with those things in mind I would move that we continue this docket –
- Franz We'd carry it over, continue with the –
- Drake Continue or –
- Franz But keep it open.
- Parks Keep the public hearing open, but continue this into our December meeting, which is December, what is it, 19th, December 19th.
- Schiferl I would second that and echo those comments on those three points, particularly the schools. I took note of Beazer's own website when it talks about Zionsville,

and it says Zionsville's distinct charm and high quality of life extends to its highly ranked school system, so Beazer wants to use that as a selling point. I guarantee you us that are here paying taxes right now don't want you to do that at our expense. So that's a point I'd like to make and then another one would be that was not mentioned by Mr. Parks, is the roads. And I know Beazer is well aware of this and I have it and I'll be happy to share it with them, in 2006 a study was done before the current development that you're working in was done and the roads in this area were all rated at F's and D's then, 10 years ago, and I would think that if we're talking at all about development in this area that there should be minimally a roadway study as part of even a rezone petition.

Franz I think this action is appropriate just because of the timing of this all. I mean we're talking about November/December. I don't think there's going to be any ground being broken, so I don't think there's going to be any hardship on the developer on this one to go through this process, and I think if anything, it's going to be beneficial then to work with the community and see if some of this stuff can be worked out I guess.

Schiferl One omitted question. I know it's hard coming up with different names for different projects, but Northfield is a little confusing in that on 421 in Union County we have an historic area called Northfield. It used to have its own post office even, but it doesn't, so if there's a possibility of renaming this something appropriate. I'm sure you've got bright, smart people that come up with those things all the time.

Buroker Can I just respond to a couple of things before we continue the hearing tonight?

Franz Sure.

Buroker Is that all right?

Franz Is that okay? Yeah, that's fine.

Buroker So just a couple of things on the continuance again. Beazer doesn't own the property yet, so Mike's saying, you know, it doesn't matter from a development standpoint of getting in the ground in March, but we don't own it yet. We're under contract, so a due diligence timeline and/or purchase agreement is different than, you know, assuming that we own it and we've got due diligence timelines with the seller, so just to make that clear. It was mentioned about the calculation of the area for the ratio, so again this is R2 under Boone County and you can ask Wayne or your counsel for single family R2 in Boone County there's no minimum density calculation for R2 for single family about carving out or excluding certain things. For two family and multi-family dwellings in R2 under Boone County there are areas to carve out of that calculation, flood zones, and there are no flood zones in this property, other non-building areas. That's a definition under our two-family, multi-family dwellings. That's not this. So to Kevin, to answer your question under R1, that's one acre per one unit per acre. I'm sorry one unit per acre, so it would be 71 lots. Under R2 it's 0.6 units per acre, so again we're right at 6.

If we need, we're right at 0.6. The calculation of 120 lots into 71.68. If we need to remove a lot to get right at 6 we can, but we're right at 0.6 and that's what R2 is in Boone County who are on sewer. You were going to ask me as a part of that, go ahead.

McClelland Just as a follow-up I guess, and we can talk about this in December, I mean there's the statutory requirements of 0.6, then there's the sort of, since you are asking for a zoning change sort of the spirit of the rule, and I guess I would argue that powerlines in the middle of the property and unbuildable drainage corner suggests that maybe the, from the spirit of the rule, the perspective should be from that perspective not what's in the zoning guidelines. Just a thought to think about.

Buroker Yeah, thank you. Good point. Traffic is going to be an issue. Again, we have asked on behalf of the neighbors and on behalf of Beazer with respect to traffic to not add passing blisters. We have had a traffic study conducted, Kevin, by A&F Engineering. We provided that to the Town. Ty Rinehart talked about it with the County and Town Staff when we met with them. We've added traffic study for 120 units. It doesn't say a traffic, a passing blister is necessitated. It doesn't say that volume of traffic will be generated by this. It does talk about an accel/decel lane. We have talked with the Town about what their ideal is for the amount of pavement on there. Those roads are county roads and they need improved. So again if you, Hampshire, which is just west of here, we have recorded approved Plan Commission commitments for Hampshire from this point west to 800 to improve that road to Town standards. So we would do the same from the point here, where Hampshire ends, to 875. They need improved and we will talk, but again it's a question of is there right-of-way available and there's not because we don't want to put a passing blister in these neighbors' front yards where their driveways come. So the traffic study doesn't indicate that it would be necessary, so again that's a key issue for us and the Town and the neighbors, and I would indicate that we will look at that and continue that.

Franz Okay with the, I'm going to cut you off here on the traffic at this point in time because we've got a motion in front of us. Obviously if it doesn't pass we'll continue this conversation.

Buroker One thing to not leave you with, we didn't do Rock Ridge. Beazer did not make promises or have meetings with those neighbors, so again we did commitments for Hampshire. They're recorded. They're approved. They talk about our promises that we have to comply with, and we will. We would do the same for this.

Franz Okay. All right thanks. All right we do have a motion to continue this over to the December 18th meeting. Or 19th, I'm looking at next year's schedule. December 19th meeting. All in favor signify by, well is there any further discussion from amongst the commission?

Jones Just two quick questions, I guess. One, will the additional drawings have a little more information on actually the right-of-way being created along 875? Am I looking at that right? And then two, I'd like to have a little more clarity on construction within regulated drains, which is that sort of southeast corner.

They're kind of showing it as a common landscape area, but traditionally those things need to be kept open and clear since it's a drainage easement basically.

Franz Okay. Any further comments? Being none, all in favor of this being carried over to the December 19th meeting signify by aye.

All Aye.

Franz Opposed by nay, motion carries, so it's carried over to next month's meeting.

Jones Can I request of Staff that we be provided with the traffic report? It wasn't part of our packet.

DeLong Certainly.

Jones Thanks.

Franz See you next month. The next item on the list is 2016-55-DPA, McDonald's, 50 Brendon Way, a petition for development plan amendment to provide the addition of one drive-thru order point and to modify the parking area by increasing the paved surface. Is there a representative please?

Carmosino Good evening. For the record while this warms up, my name is Blair Carmosino, applicant on behalf of McDonald's Corporation. We have petitioned for a minor modification to the existing facility that is generally right across the street located at 50 Brendon Way. I forgot to include, we need address or are those sufficient as submitted on the packets? Okay.

Franz Excuse me, if you're going to, please talk, can you do it in the entrance area of the building? All right, continue. Trying to keep it quiet, so we can hear you.

Carmosino All right very good. I've prepared a brochure for you. I believe you're all in receipt of it. I've prepared a presentation that follows that quickly. If you would like I could go through it in three minutes or less. For the project itself, as noted, is located, if this thing fires up, located at 50 Brendon Way, which is generally across the street surrounded by similar zoning, zoned properties, and it looks like this is not going to work in this format, so my apologies. There was one minor change to the brochure and I think Staff may have supplemented it. It was brought to our, we discovered that there was no landscaping plan initially submitted prior to the printing. I believe Staff provided you the updated landscaping plan, so I wanted to make sure you had that. I wanted to talk through right quick the statement of purpose. This is to make these minor modifications to add a side-by-side drive-thru. This translates to one additional order point being installed at the store with two customer order, with allowing two customers to order at one time and then funnel back into the existing pay and pickup locations. The site improvements for this minor modification include only 500 square feet of new pavement to be added as well as a drive-thru ordering equipment and change out, and you'll see those represented further in the petition. The improvements being sought will improve the customer experience, minimize customer wait times and improve on-site circulation and cue time through the drive-thru. Flip right now to what I believe is your Tab 3 or

2, which is the site location. Then I want to dive into excerpts of the construction drawings. Your booklet includes 100 percent construction drawings, but I wanted to point out some features that we're proposing on the site. As demonstrated, I'm going to step away from the mic, if that's okay. As demonstrated, the red area right here is the new pavement that will push the parking lot back to the rear by 5 feet. We've also, we are going to restripe these stalls right here with a greater parking angle that is allowed by code, which gives us a better drive-thru aisle width right in here. And then of course we'll make improvements right in here to do the dual drive-thru. The demolition plan shows cross hatched then the improved areas.

Franz I mean we're recording this, so you've got to stay near the mic.

Carmosino The cross hatched area represents the areas impacted by the site. You'll notice a little cross hatched area down by the left front of the store. That is due to ADA compliance adjustment of the existing sidewalk, so there's no new improvements. It's just a change out demolition of the sidewalk to bring it into ADA compliance. The next sheet I'd like to draw your attention to of the construction drawings is the drive-thru layout plan. And what you'll see when this is complete is the drive aisle itself will split into two to allow for the two customers to order at one time. When they come in they'll be met with a pre-sell board. They'll go under the double gateway arch, they'll stop and place their order at the customer order point and they'll have visible to them menu boards. So they'll be two of those at those locations. After placing the order they'll continue around to the pay and pickup window, which will remain unchanged with these improvements and is adequate size and capacity to service the dual drive-thru system. I want to walk you through right now the elements that will be improved on the drive-thru end. First, we have the drive-thru equipment or the order point. On the left, this is two sheets in your packet, on the left is the technical specifications with dimension sizes and then on the right is a rendering to give you scale of what that has. That includes also the speaker and a screen that you're probably familiar with that the customer can confirm their order. Please note that that speaker does have automated volume control technology, so if you've noticed that those pickups before at those windows you pull into a diesel truck in front of you, the volume goes up. That diesel truck pulls through, the volume goes down. The next item I want to show you is the menu board, very similar to the one that's out there. These are automatic, rotate when the menu changes with the time of day. The next item is the double gateway entry point. This serves nothing more other than guide the customer into the dual lane situation and then of course provide the clear height check, so they don't knock down the canopy or subsequently the drive-thru pickup areas. And then finally an exhibit of the pre-sell board is included in your packet, a cut sheet for that.

So, again, I want to walk you through the order of those. As you enter you'll hit the pre-sell board, which will be on your left. You'll go through the double gateway arch, or entry point, to make sure your car's low enough and you're not going to wreck everything, stop at the customer order points, have the menu boards visible, drive around to your pickup and pay window, pay window and pickup in that order, and please note, I didn't note this on here, but there's existing two pull forward spots right there. And those will stay, so if your food is not ready you're asked to pull forward and the staff brings your food out for a

delayed order. And those will be maintained and continued. So in summary, these minor improvements they comply with Section 194.060, the B-2 Urban General Business District. They comply with urban off street parking regulations. They comply with urban requirements for drive-thru and on street stacking, off-street stacking specifications and these plans have been reviewed and addressed by TAC members and we made some changes per those requests. We have reviewed the Staff Report and are in agreement with the recommendation that Staff has submitted. At this time, I will be happy to answer any questions or concerns you may have.

Franz Okay, thank you. Wayne, hold on. Is there any comments from the public on this matter? Being none, Wayne could we have the Staff Report?

DeLong Thank you. Staff is supportive of the petition as filed, and I do want to note that this particular project is something that Staff has seen in several variations by several different parties that have brought it forward. This is the first time it's been vetted at a public hearing, so it's always good for the Staff to point out to the Plan Commission that, you know, it might seem like it's been a very short road for this gentleman, but this project's actually had a pretty long fuse to get to this point. Again, Staff is supportive of the petition as filed. Certainly the petitioner has worked with Staff and the TAC committee to work through various comments. Again, everything has been resolved and provided for and as indicated some of the elements actually did exceed the Town's minimums for parking and maneuvering. Again, Staff is supportive of the petition as filed, and I'd be happy to answer any questions.

Franz Okay, thank you. Does anybody on the Commission have any questions, comments regarding this issue?

Jones I've got a quick one. So the sign boards are illuminated by LED, but they're not really like an LED graphics?

Carmosino The menu boards?

Jones Correct.

Carmosino Correct.

Jones Just keep us out of trouble with permitting electronic signage.

Franz Any other comments, questions? Being none, is there a motion?

McClelland I move that Docket #2016-55-DPA, development plan approval to provide the addition of one drive-thru order point and to modify the parking area by increasing the paved surface of the existing building located at 50 Brendon Way, which is within the B2 Urban General Business Zoning District be approved based on the findings in the Staff Report, Staff recommendation, and submitted findings of facts as presented.

Franz Is there a second?

- Fedor Second.
- Franz Is there any comments, discussion? Being none, all in favor signify by aye.
- All Aye.
- Franz Those opposed by nay. Motion carries 6-0.
- Carmosino Thank you for your time this evening.
- Franz Thank you. Next on the docket is item 2016-56-OA, Town of Zionsville, petition for ordinance amendments to modify Chapter 194, Section 194.078, and Section 194.079, MRO Urban US Highway 421, Michigan Road Corridor and Rural Overlay Districts, Use of Drive through service Units in the MRO. #2 Chapter 194, Section 194.105, Urban Off Street Parking Regulations, Parking Requirements when in proximity to VBD, Village Business District. #3 Chapter 195, Section 195.01, Amendments to Fee Schedule and #4 Chapter 194, Section 194.024, Interpretations, Definitions Defining Drive through facility. Wayne, I assume you'll speak to these.
- DeLong Yes, I will, and certainly thank you, Plan Commission. This is something we alluded to at the October meeting and I believe this is the third year in a row where we're bringing you what we would title as our fall effort to provide some ordinance amendments, and this would be something that we'd like to do regularly and continue to do so unless, of course, there's something that arises, so this is a short list of items that we've noted, since we've done our last update. It's just things to discuss. So starting first with the fee schedule amendments. In 2013 we brought forward various fee schedule amendments, specific to building permits and other types of items that the department issues. This particular fee schedule amendment that's brought to you this evening are fees related to services that the department provides as well as fees related to specific petitions such as a rezone of a plat. So, in summary, what Staff is looking at is our operating expenses as well as what it costs to just overall obtain this type of approval for the Town to move through the process if you will and also to look at our presence in the marketplace and how we compare with other jurisdictions of comparable size and complexity when it comes to their processes. And certainly the items that we're adding a price point to if you will, where we do not currently charge any fee for that service, is simply generated out of need. I mean these things such as letters of zoning confirmation and other items it's just become more and more routine for our office to prepare those types of letters, that correspondence. It just oftentimes has research related to it and so we have just reached a point where we're issuing so many of those letters that we found it is time to try to find a way to recoup some of the expense that the Town incurs for that letter that goes out for the benefit of that particular individual, that particular landowner related to their transaction. So that's in summary speaking to the fees. I'm certainly happy to touch on them in a more broader sense.
- Specific to the parking requirement in the Village, this is something that's been on our radar for quite some time, and it's something that's rather peculiar. It's in the Village Business District, every property enjoys a one-half reduction in whatever the requirement for parking may be on the books; however, right across

the street if you are not within the Village Business District, you're held to double the standard, and so we've often looked at this standard as something to change at least to level the marketplace if you will for commercial properties that are within proximity to the Village, so they would simply enjoy the same reduction. This is a direct result of the parking study we concluded in early 2014, which concluded that there were only just peak points throughout the day and weekend where there was a problem is an exaggeration. You know parking concern where there were tight percentages for parking was available, but generally speaking parking is ample. You might have to walk a little bit or maybe park not exactly next to the business that you wanted to frequent or to the restaurant that you wanted to enjoy your food at, but this felt as something the Staff wanted to talk about with the Plan Commission.

Another item that we're proposing and this is you know fair, more complex than the other two items, is an update to the MRO. The Michigan Road Overlay is, of course, our corridor that runs clear through our town and ultimately through the entirety of Boone County. And what we've discovered in that corridor is a few things. First of all, that we were prohibiting or restricting drive through facilities, but yet not defining what that term meant, so the first effect here is to define that actual term and the second change that we're proposing, and there are several changes that go with that, is to provide standards as to which a drive through facility and/or vehicle dependent type use would be permissible in specific places along the corridor, and this is something that we've touched upon in various meetings on various ancillary projects where we have entire corridors that have been created throughout the metro Indianapolis area, but yet these corridors themselves have these same exact restrictions and at 146th Street, Michigan Road there's many corridors that I can point to where they have established standards that prohibit vehicular dependent uses or even a prohibition on fuel centers, and now 10-15 years later those restrictions are being lifted somewhat. One, because of vehicle-dependent uses and those types of entities. Their development standards have changed and what you find today is radically different than what was being built 15 years ago and plus, with the improvements to lighting controls and other types of omissions and concerns and screening they've found to be ways to make them much more compatible with adjacent residential sensitive, residential uses or other sensitive uses. So in summary and certainly I'd be happy to entertain questions and certainly engage in a more direct dialogue. Again, this is looking to open up specific points along the corridor, specifically at the intersection of State Road 32 and 421 and 146th Street and 421 for these uses. Both of those are ideal for regional type shopping and certainly that's what Staff would anticipate seeing in years to come. The only properties that are currently zoned commercially there is the large Harris property, the property to the north, which is the Union Crossing property, and then at State Road 32 there's a small parcel, which is a former fuel station. In summary just wrapping up here. Certainly, happy to talk in more specifics and happy to answer any questions.

Franz Does anybody have any questions, comments?

McClelland So Wayne on the fees, how much have you, compare and contrast for me if you could kind of how much we have collected or year to date or last year, whatever's easiest and how much would we collect under the new system.

- DeLong In a peak year, and this has been a very busy year, we've had, we pushed 90 petitions roughly in 2015 through the system. This year I would say we're going to be very close to that. We're going to exceed that number you know by maybe 10 to 15. If this fee schedule were in place right now, and we've had the entire year, we would've seen about \$22,000 in additional revenue and really that line item would go directly, we've already identified a source for the use for those particular funds if they were to have existed. So, for example, when we increased the building permit fee schedule we projected that it would increase our revenue by about \$70,000, and that's indeed what happened, so we feel rather confident in our projections based upon what increases we would see based upon the number of zoning letters we issue and the amount of research that we do for parties. The petition fee increases, the one fee that we're looking to change at least in structure is the grading permit. That is a permit right now that we issue for free for certain types of projects and so our project that's proposed to you here isn't to increase the fee per se, it's just to increase the size of the net that can capture folks that are going through that particular process.
- McClelland So the \$22,000 give or take is that for a staffing add or are you going to, what are you going to use with the proceeds?
- DeLong The use of that money would in 2017 and beyond would be to go towards town legal, to Plan Commission legal specifically.
- McClelland They're expensive. And then last question on this, how do we compare to our surrounding neighbors? Is this on par, higher or lower?
- DeLong We are, for comparable neighbors that utilize the development plan process, like a Carmel, Fishers, Westfield, Noblesville, we are in the middle, if not a touch lower. Again, we just, it's all, to us it's about overhead and our operating costs and they are staffed, they have a much larger staff than we do in those jurisdictions. Now we might have a larger square mile to cover and we might have maybe permit numbers that are getting close to what they're issuing, but simply when we're looking at our expenses we feel that our costs are justifiable.
- McClelland Thanks.
- Schiferl I have a question. So these are ordinances that we make recommendations to the Town Council on them?
- DeLong Correct.
- Schiferl Does that include the fees?
- DeLong They would follow, I mean certainly the Town Council would hear the same recommendation; however, from an advertisement point of view, the fee schedule is not something that could have the opportunity to go into effect for several months. We have an advertising requirement that has a 60 or 90-day window that it needs to be out there before we would adopt it. So we would see, you know, mid-February at the earliest we would see this going into effect.

- Schiferl And I have a, this is perhaps a policy question more than anything. You may not have the answer tonight. I fully appreciate that when asking this, but I did notice, and I hadn't noticed this before, that there is a reduction for fees for churches and not-for-profits of one-half and I'm just wondering how, why that is or how it came to be given separation of church and state. It seems like we're subsidizing activities, and I would think that abhorrent even though I am a churchgoing man myself, but it comes to mind because recently this past year we've had quite a lot with the Baptist Home and you mentioned about raising service charges, it seems as though they'll be a lot of inspection services related to those things that I think that someone should take a look at that. I don't know if it's our role to include or not include that in this fee proposal, but it's something that should be looked at.
- DeLong And certainly I can touch on that because I've asked those exact questions. I mean this is not something that I was on staff personally when this was written. This was around 10 years ago, if not a little more. This fee reduction of one-half is from my viewpoint pretty standard all across, you know many jurisdictions have this type of offering if you will within their zoning ordinances. Marion County specifically has this type of language. It's again not uncommon. Certainly we're incurring the exact same expenses. The Town is incurring the exact same expenses, not-for-profit, for-profit, whatever we're working on. In Zionsville it is a matter of choice that the Town Council has elected to give those individuals who have a bona fide nonprofit or the school system a reduction in costs they incur with the Town.
- Schiferl Well, my only other thing there is I appreciate the policy issues on that, but if we're going to do it for the school it seems we should do it for the library, for the fire district, etc., to other municipal buildings.
- Parks In reality even though they're two separate things, they result the same. It's a reduction in half and the library is a nonprofit, Fire Department also.
- Franz Any other comments, questions?
- Schiferl When is this up for us to vote on or to pas? Now?
- Parks Tonight, yeah.
- DeLong If you so choose.
- Schiferl I would make a motion Mr. Chairman that we forward with a favorable recommendation the four zoning ordinance amendments that were raised by Wayne this evening, those being amendments to Chapter 194, Sections 194.024, 078, 079 as well as those to the minimum parking requirements under 194.105 and the fee schedule amendments under 195.01.
- Franz Is there a second?
- McClelland Second.
- Franz All in favor signify by aye.

- All Aye.
- Franz Opposed by nay. Motion carries 6-0.
- DeLong Thank you.
- Franz Thank you. Other items to be considered. I think we have final news on the DeRossi commitments.
- Drake The DeRossi commitments have been recorded and a copy of the recorded document has been received.
- Franz Thank you. And you also have a copy of the proposed Plan Commission meetings for 2017. I guess we need to adopt and approve those tonight.
- Parks I move the adoption of the proposed dates for the Plan Commission regular meetings for 2017 as presented.
- Franz Is there a second?
- Fedor Second.
- Franz All in favor signify by aye.
- All Aye.
- Franz Opposed –
- Parks It should be noted that now Mr. Ochs can notice effectively with the official date of January 17.
- Franz He didn't hang around to catch that. And then the last item is the 2017 professional service fees contract legal. It's again proposed that Carol continues to perform the legal work for both the Plan Commission and the BZA. Greg Morical is in agreement with this also. What this does is it is a slight increase in the overall monthly rate for the hopes that we would get to a more stable billing rate on a monthly basis versus a fluctuation that we've had in the past several three years I said related to, I guess, high demand times the work. Is that a fair statement?
- Drake Well, we were at a flat rate, but this past year we had an initial number of hours at a flat rate and to the extent legal services exceeded that your rates have fluctuated, and this would eliminate that fluctuation in Wayne's budgeting.
- Franz Okay.
- DeLong And I would note for the record, I mean statutorily this choice, decision, lies with the Plan Commission. Mr. Morical, who has chaired your Board of Zoning Appeals, is supportive of Carol's service to the Town. The Board of Zoning Appeals has not weighed in or formally considered the request that's in front of you this evening. One, it's not germane for them to do that first without you

looking at it, so I just wanted to clarify that Mr. Morical is supportive of Carol's continued role in that.

Franz That's fine. I know that he was aware of this. All right. With that is there any questions/comments related to this?

McClelland Just one quick one. What's our 2016 number going to be roughly all in?

Drake Your total for 2016?

McClelland Yeah I know we've got a month to go, but –

Drake Somewhere north of \$65,000.00.

McClelland Okay. So this actually brings us down.

Drake This is a reduction.

McClelland Then I'm good, thanks.

Franz Thank you for that.

Parks I would move that the Plan Commission adopt and approve the contract for legal services engagement based upon the letter as presented to us tonight in which we would be returning to a flat fee, a flat monthly fee, rate for legal services.

Franz Is there a second?

Schiferl I would second it and add an acclamation for a job well done to Carol for last year's services.

Parks Here, here, I accept that.

Franz All in favor, is there any discussion/comment further, none? All in favor signify by aye.

All Aye.

Franz Opposed by nay. Motion carries.

Drake Thank you and thank you very much for your second, Mr. Schiferl. But thank you all for approving the proposed agreement for next year.

Franz Well thank you. And with that I'll entertain a motion for adjournment.

Parks So moved.

Franz Second.

McClelland Second.

Franz We're adjourned.

DRAFT