

Zionsville Plan Commission
December 21, 2020

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

Staff attending: Wayne DeLong, Roger Kilmer, Dan Taylor, attorney, Janice Stevanovic.

A quorum is present.

Franz Is this open? Are we online? Is it open now?

DeLong Yes, sir. We are recording.

Franz Okay. All right. Like to call to order the Zionsville Plan Commission meeting of Monday, December 21, 2020. I'm going to start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz All right. Wayne, would you please take roll?

DeLong Certainly. Mr. Papa?

Papa Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mr. Franz?

Franz Present.

DeLong Mrs. Walker?

Franz You're on mute.

DeLong I'll check her off as yes.

Walker Present. I'm present.

DeLong Mr. Fedor?

Fedor Present.

DeLong Mr. Lewis? Mrs. Grabianowski?

Grabianowski Present.

Franz All right. So we have a quorum. Six are present. Vote of four is necessary for any action to be approved or pass judgment on. I think Mr. Lewis is running late. So Wayne, when he—if he does join us, would you please note that in the minutes?

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- DeLong Will do.
- Franz In your packet, well it was actually online, was the minutes from the November 16, 2020 meeting. First off, did everybody get a chance to review those? They weren't in the physical packet we got but they were online.
- Walker Yes.
- Grabianowski I did not.
- Franz Okay.
- Grabianowski Not a thing.
- Franz All right. So, Josh, Larry, Sharon—no, there's George. Everybody else, did you guys have a chance to review?
- All named Yes.
- Franz Okay. All right, is there any comments or, you know, changes, additions, deletions to those minutes? Being none, is there a motion to approve the minutes?
- Walker So moved.
- Papa Second.
- Franz Is there a second? There's a second. All right. All in favor signify by aye.
- All Aye.
- Franz Oppose by nay. All right. Motion carries 6-0 with Mary abstaining and George is now present. On the docket for tonight, we have continued business. Docket #2020-44-DP, Appaloosa Crossing Master Signage Program. Address is 3295 South U.S. 421, petition for development plan approval of a master signage program for the Appaloosa Crossing commercial development. Zoned Rural Professional Business PB and Rural General Business GB and within the Michigan Road Overlay MRO. Is the petitioner present?
- Price Yes, Mr. President. Matt Price here today on behalf of the petitioner. We had corresponded, or I had corresponded, and discussed earlier today with Wayne DeLong and sent Roger and Wayne a note earlier today that we would like to request a continuance of this matter. We did make one revision to the plan since the meeting on November 16, but there were additional comments that we feel like we can do a better job of incorporating into this master signage plan and come back to you next month.
- Franz Okay.
- Price We fully request a continuance.

- Franz All right. I guess technically I need to ask is there any public comment on the continuance request? Roger, is anybody signaling?
- Kilmer At this time, there are no hands raised.
- Franz All right, so do any—
- Kilmer I apologize. I apologize. Ms. Sally Zelonis has raised her hand.
- Franz All right. So, if you—this comment is limited to the continuance request and nothing else. So, it's not about the project or the signage, it's just the continuance request. You're on mute.
- Zelonis I'm just raising my hand to be in attendance, so if you would note that.
- Franz Okay. All right. I—Wayne, that's another thing I forgot. We'll get to it right after we get this continuance vote. All right. Does any of the Plan Commission members have any comments, questions regarding the continuance?
- Jones I've got a question but it's not regarding the continuance. It's just a general question about what Matt and the group's going to work on? Is there any room for discussion of that?
- Franz Sure.
- Jones Basically, there's three. One, my understanding at one point, up at the corner of 146th and Michigan, there's supposed to be a gas station. Currently, they're kind of showing one of the outlet single tenant monument signs up there. Is that still part of the plan? If so, are we going to end up seeing another revision to the signage plan to—typically, gas stations want something else. The second is, just looking at the placement of the very, very far south single tenant sign. It seems to be out where the water feature is. I'm wondering if that's correct. Then, just once again as I'm flipping through the packet, there's a couple different exhibits and there's also a set of exhibits that differ from what I think the current site plan is. Can we get that cleaned up?
- Price Yes. Let me kind of take those in order. The plan is—originally, there was discussion about the convenient store and fueling station being up in the northwest corner. That is changing. I'm not really at liberty to go beyond that at this point, but we do have a development in process there that will impact that and will affect signage as a result of that. The second thing was with regard to—I apologize, Larry, I remember the third one. The third one was showing the sign on what I believe was Outlot K. That was the middle one. The third item was making sure we all have the same plan which I can do that. I don't—I'm not aware of any discrepancy there but I can make sure of that.
- Jones It's on Exhibit 5, there's a different site plan and access and everything else included as part of that. In fact, even the signage exhibits are different than the other, the ones in the package.

- Price I can't speak to—I had submitted a revised—we spoke to—we submitted a revised sign plan where we moved the multi-tenant sign from Outlot H to Outlot J. That was the only change we made but I can go back and make sure that we have that shown consistently.
- Jones All right.
- Franz Is there any other questions, comments? If not, is there a motion to continue this matter to the January 19 meeting?
- Grabianowski So moved.
- Franz Is there second?
- Fedor Second.
- Franz Dan, should we take this roll or can we do this by acclamation?
- Taylor You could do this by voice.
- Franz By voice? All right. All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay. All right, continuance granted. We'll see you next month.
- Price Thank you.
- Franz Thank you. All right. On to new business, Docket #2020-49—okay. Wayne, would you please ask to see if anyone would like to be recognized from the audience?
- DeLong Yes, certainly. Any party who's here tonight that would like their name read into the record, we already have Mrs. Zelonis. Any other party feel free to raise your hand and we will provide that for the record. Michael Andreoli, Craig Melton, Bill Culpepper, Jeff (no last name offered), Mr. Seward, Johann Becker, Tim Ochs. I believe that concludes your list.
- Franz Okay. I'll try to remember that next month in advance. Onto new business, #2020-49-CA Sila Capital LLC, 7011 East Whitestown Parkway 6200 South County Road 700 East estimated, modification of commitments associated with Boone County Ordinance #2009-05 recorded in the office of the recorder of Boone County, Indiana as Instrument #009200002673 to allow for an increase in the intensity of the multi-use component of the ordinance to provide for an apartment complex including three apartment buildings with the total number of 179 units on 9.295-acre parcel in the Rural General Business GB Zoning District. Is the petitioner present?
- Andreoli We are.
- Franz Please proceed.

Andreoli Thank you. For the record, my name is Mike Andreoli, 1393 West Oak Street right here in Zionsville. I represent Sila Capital. Jeff Reasner should also be joining us tonight at least from logging in. Also, Riley Seward of Kimley Horn is the civil engineer that is working with us with regard to this particular project. As correctly stated in the introduction, Mr. President, this is a petition to remove or modify previous restrictions that were on the property that somewhat limit the number of multi-family beds or housing on this particular property based upon ordinances that were drafted a number of years ago. When I prepared my packet of information, I attached the two ordinances that deal with this previously so that you've had an opportunity to have those and know the particular restrictions involved. We're not seeking to modify any of the other restrictions that were originally on this particular general business zoned property, just the restrictions as it relates to multi-family so that we can file a development plan application for 179-unit three-building multi-family living project. Essentially, this is a project that is going to be market-rate to the extent we obtain approval to remove the restrictions and then ultimately obtain the development plan approval for this site. They will be market-rate apartments. Most of the apartments are going to be one and two bedrooms. There's going to be just a very small number of three-bedroom units. Most of them are one and two bedrooms, and will be marketed towards young and professional folks that would want to live in the area.

The owner of this particular parcel, Mr. Demery, through his LLC is also the owner of the property directly to the west of this property. That's significant because from an engineering standpoint, from a traffic standpoint, you know, those types of things, we were able to and have been able to coordinate with Mr. Demery because Mr. Seward is the civil engineer that is working not only with our project but also with Mr. Demery's project. We've provided a traffic study. There's been some comments on that. As Brian has explained to the meeting that we had with the Royal Run homeowners board as well as the meeting that we had with Royal Run residents, this particular traffic situation is one of all but three jurisdictions, not only Zionsville but Whitestown as well as the county. So, we've gotten comments from all three of those. To the most part, we've found that the comments not only addressable but doable as far as our concerns. Even though we don't believe that some of the estimates with regard to traffic warrant passing blisters and those types of things and accel and de cel lanes, we've committed to do that because we've been requested to do that by multiple jurisdictions with regard to the road situation out there on essentially Oxford, our cut there. Our cut will be located directly across and line up with the cut that will be to the property to the west when it develops. So again, having Mr. Seward involved in this and understanding what the multiple jurisdictions are going to want, I think are going to make the very appropriate road situation out there when we start doing the improvements to accommodate the various developments out there.

We've had two meetings in addition to obviously the meetings with the town and PAC. I know Mr. Reasner has met with the Mayor and her staff with regard to this particular project. In addition, Mark McDonald who is the president HOA as well as Craig Melton who lives in Royal Run and essentially is the town trustee from that particular area reached out and we had meetings with the town, with the homeowner's board. In addition to that, we set up a Zoom meeting so that we

could get input from the community surrounding the area in particular with particular inferences with regard to the Royal Run community because those are single-family homes that will be on our south border. We want to design a particular project that would be able to be sustainable that we'd be able to build from a cost-effective standpoint given the enormous cost of the infrastructure improvements and the sewer improvements I might add from Whitestown. We decided three buildings with three stories would work best mainly from the standpoint that we could locate those on the site and do what needed to be done on our southern border to have a landscaping package, a mounding package, and a fencing package that will solve a lot of the light and sound problems from not only the vehicles that will ventriculate through this particular complex but on Oxford Drive. Countrymark has a large easement that is on the very south part of our property, north part of our common border with Royal Run. They essentially took down a lot of the trees and vegetation along there so it's essentially very sparse along there. As you'll know from our site plan, we went ahead and developed an extensive landscaping, screening, mounding, and fencing plan along that particular area to address any concerns Royal Run folks might have with regard to not only as I said our development but traffic that would be coming south on Oxford to go into Royal Run eventually to get into Royal Run. We have committed to the homeowners that not only will the mounding be six foot in height, and I think we submitted a revised plan that showed those dimensions, the fence will be six foot as well. We committed to pines and other trees that would remain in a vegetative state through most of the winter on the particular moundings with a heavy emphasis of pine and spruce in those particular areas and that we would plant those to a minimum height of six foot on the moundings. So that was our commitments to the R2, how we would move forward with this particular development. We've also committed to substantial compliance with the development plan. There was a question 17:58 that shown on the site, not so much that we found that there was any negativity towards it. There may be other people weigh in tonight about it but at least up to this point, we've heard none. One question and one comment was, what kind of fencing are you going to put around that? Are you going to put chain link fencing? We've committed that we would have no chain link fencing around and that it would be ornamental fencing of nature still accommodate our needs but not any chain link or wire fencing or anything of that nature but decorative or ornamental fencing.

Drainage for this particular property, I'm sure when you looked at the site you didn't see any. The drainage would be accommodated when we get to the development plan stage with an off-site drainage agreement with Mr. Demery on his property to the west. Mr. Seward will be designing that particular drainage system fully functional for both properties and would have to meet your stormwater management ordinance in all respects as well as any concerns raised by the Boone County surveyor from a drainage standpoint. We think all of those things can be appropriately accommodated given the size of the retention area across the street on the west, and that Mr. Seward has worked on that but we're not quite at the stage where we have drainage plans and specifics. We assure you that we will satisfy your stormwater management ordinance with regard to the drainage plans with regard to that particular site. As I have also mentioned to make sure to the extent Mr. Melton has concerns or any of the neighbors out there in Royal Run, we do commit to the landscaping plan that we've come up

with in substantial compliance with that moving forward as a condition of your approval tonight. I'll stop and hopefully respond to any questions that members of the Plan Commission might have or any questions as it relates to this particular site plan or proposed modification of the commitments from members of the audience. Thank you.

Franz All right, thank you. Before I proceed with that, I guess we've got to do one bit of business here. I would like a motion on Docket #2020-49-CA, #2020-51-PP, #2020-52-DP, #2020-48-DP, #2020-50-DPA, and #2020-53-RP to allow for the use of first-class mail notifying adjacent properties.

Papa So moved.

Franz Is there a second?

Grabianowski Second.

Franz All right. All in favor signify by aye.

All Aye.

Franz Oppose by nay.

Andreoli Mr. President, may I make one additional comment with regard to the notice? It is kind of an inadvertent. I wanted to mention what we did with regard to our notice in particular to surrounding property owners for our site.

Franz Okay.

Andreoli Essentially, instead of just sending out a basic notice of public hearing, we had an extensive letter that went out to surrounding property owners. We sent out our narrative that was attached to the packet. We sent out the site plan that was attached and the building renderings that you have as part of your packet. All of that was sent out in our initial notice to all of the surrounding property owners with in particular emphasis to the Royal Run folks since they're on our southern border and wanted to see what we were doing from a landscaping standpoint. So all of that went out with the actual notice of the public hearing. So, I wanted to make mention of that. Thank you.

Franz All right. Thank you very much. With that, at this point in time, if there's anybody who's in attendance who would like to speak on this matter, please raise your hand to be recognized.

Kilmer Mr. Franz, there are no hands raised.

Franz Okay. All right. At this point in time, Wayne, can we have staff report?

DeLong Certainly. This matter comes to you this evening, you may recall you've had, I believe, at least two other petitions in front of you just like this on this particular location that have sought to modify the commitments that were previously entered into by Boone County Area Plan Commission. Given that unique

relationship, any modification that happens is required to be forwarded to the Town Council for its ultimate adoption or rejection of the recommendation that you would provide this evening. With that in mind, staff is supportive of the petition as it's been filed specific to the concept of multi-family on this property. The analysis is narrower than the matter that you have in front of you because the petitioner has provided you an abundance of additional information which we certainly applaud that effort to bring you a traffic study, other details, architectural renderings, and other data to help you with your analysis this evening. The essence of this filing is the substance which is, is the modification of the commitments justified? Your prior commitments entered into in 2009 limited this to an age-restricted development of 75 units. Density was 14.59 units per acre in the southeast corner of this property. There is no restriction in the language from 2009 related to height. We can only assume that the height limit was what the ordinance allowed in 2009 which was 50 feet. So, your ordinance tonight for the ask that's in front of you this evening is not limited by the commitments. What was limited was the density, the concentration in the southeast corner of the property. Petitioner proposes to occupy the southeast corner of the property with a three-story building. That's what was approved in 2009. In essence, the difference is the northern buildings which get even closer to other multi-family units to the north and that are three-story and two-story to the east. That in essence is where staff finds the support for this petition barring any discussion from any interested parties about the height or other items staff is certainly supportive of the petition of the modification. Certainly, we do note that the development itself will be casting a shadow if you will in the western sun over the two-story, towards the two-story property. Certainly any analysis of that shadow could be provided for during the development plan review just to ensure that it's not a detrimental impact, if you will, or impact of that that parties find intrusive just for information purposes certainly at a minimum. Would note the petitioner indicated compliance with the drainage ordinance. I would note that per the annexation of this property, a specific drainage ordinance was in place at that time and that is the ordinance that is still in play with this property, not your more current ordinance. Just providing that for clarity here. With all that in mind, again staff is supportive of the petition as it's been filed. I'm happy to answer any questions.

Franz All right. Thank you, Wayne. At this point, I'll open it up to members of the Plan Commission. Comments, questions?

Grabianowski I appreciate the fact that Wayne brought up the shadowing of the units on the east side of the building because that was a little bit of a concern for me. I have an older friend who just moved in there. Obviously, there's going to be some it looks like from the picture, some green stuff put in there to separate the two. You've got the Countrymark, so you can't do a lot in there. I don't know how wide it is because some of those numbers are too small for me to read even with my reading glasses but I do appreciate the fact that you will be trying to keep an eye on the impact on the apartments to the east.

Andreoli Mary, I'll be happy to answer that in terms that was a question that was raised, one of the questions that was raised at the joint meeting that we had with the board and the residents out here, if I may.

Grabianowski Yes.

Andreoli One of the things we talked about, the actual plan itself went through a number of iterations before we chose this particular plan. One of the concerns that we had is we had to get a certain number of units to make the project work financially. On the flipside of that, we could have done it perhaps in two stories by having maybe more buildings on the site. The concern that we had with that is that we had to leave as much on our southern border available for landscaping because that was the Royal Run concern, I'm sure from the very beginning is to what kind of landscaping could we do down there especially after Countrymark removed all of the trees and shrubs in order to help unburden them from the traffic lights and other light and sound mitigation techniques. We thought three stories allowed us more room for a southern border so that we could load it up in landscaping and fencing and those type of things to help the Royal Run residents. We were most concerned about their sensitivity as you might imagine because they have single-family homes there.

Grabianowski Thank you.

Franz Mr. Andreoli, I've got a question.

Andreoli Yes.

Franz The property to the west is that, I mean, is that Zionsville or is that Whitestown?

Andreoli I believe it's Zionsville. Zionsville will be able to go ahead and have a say over that and I know that all of the joint efforts—our original thought, Mr. Franz, was we were going to perhaps do a joint traffic study with the property to the west and us for a couple reasons. That will help to defer the cost, it'll allow the town an opportunity to get a supplementary version of what kind of changes or what kind of modifications might be necessary in the traffic out there. That is still in the works, it's just not happened at the timetable that we wanted because we know that you had preferred to have a traffic study with regard to our request. They weren't quite ready yet, so we went ahead and pulled the trigger and did a traffic study. That will be revised and added to when we have more information with regard to the developments that will occur on the property immediately to our west.

Franz Do you have—I mean, is that going to be residential or is that going to be commercial?

Andreoli All commercial.

Franz All commercial?

Andreoli To our knowledge. What we've been told at this point, it's all going to be commercial at this point.

Franz You know, regarding the traffic study, you know, I was looking at it and I think we might need to refresh it just for your property anyway because it seems like those numbers are pretty low given the potential density of the 179 units in there

is what, I mean, will be up for development plan. I'm guessing that's what you're going to put up to us.

Andreoli Yes.

Franz I mean, it's only got—I mean, the numbers that are impacting it seem awful low so I think that would have to be revised to reflect normal traffic flow hopefully if we ever get back to that from the pandemic.

Andreoli Mr. Franz, that's a very good point. In fact, it was raised in a comment by staff as to that. We will commit to you that, from a timing standpoint, who knows what normal is or when we're going to see it but I suspect when we have more to know about what's going to happen across the street or if that is still lagging behind slightly, when we come in with development plan approval which will be several months from now, we will go back out and run additional counts with hopefully better traffic flow and perhaps numbers that aren't so COVID-tated [sic]. That was a—we don't know whether that's the case. We don't think it's going to change much in terms of the overall aspect but it's always good to be working with as accurate numbers as you can get them. So, we will commit to you that we come back in for the development plan approval assuming you approve and the town council does. We will go ahead and revisit some of those traffic counts hopefully with increased traffic flow because we have less COVID worries.

Franz Okay. Anybody else have questions, comments?

Papa I have two. One, first one, for Mr. Andreoli, did you mention any—have you looked at the impact on the schools?

Andreoli Yeah, we did. There's a letter in the packets from a Mike Shaffer. I've talked with Mike about that. It's kind of an unusual situation that we have because we are—when we originally did the fiscal study prepared by Mr. Crohn that was submitted and we looked at the GIS maps, we could not see that this particular parcel was part of a larger parcel on the east side of Oxford Drive there, that was in a TIF district. So, Mr. Shaffer had basically indicated to us that this had a substantial net benefit without being in the TIF district but a detriment to the school corporation being in the TIF district. That's in his particular report. I would submit to you, Mr. Papa, that I think that we've got an opportunity here between now and development plan to see what can be done to try to ameliorate those concerns or any negativity to the school corporation. We have alternatives perhaps to remove it from the TIF district. Given the fact that the road improvements would have to be made on our cut, or the cut across the street to the west. They will remain in the TIF district. They are commercial and will remain in that TIF district, so it may be an opportunity to do some type of working relationship with them where some of those improvements that will benefit collaterally our property are handled through the TIF district and we may be able to extricate ourselves from that. There are a couple of other ways that we can help with that in terms of supplement any negativity towards the school corporation. So, all of this has been fairly recent and kudos to Mr. Shaffer by determining this and then Janice was helpful. Janice was helpful in finding, getting me to a website that actually showed this. We had original TIF district

maps and everything that didn't seem to show this. They were poorly drawn but didn't seem to show this particular parcel as part of the TIF district. So, we'll have to deal with that between now and the development plan process for sure to see what we can do to deal with that. Development costs are high. I just can't commit right now that we would remove ourselves from the TIF district but I know you would expect as we go through the development plan process to try to do what we can to ease any burden on the school corporation. We're committed to try to do that.

Papa Okay. Yes, it is part of the TIF district. I know that for sure. My second question was actually, you mentioned Oxford Drive, and I think I've asked this a couple time to different people but, do we know where this reference came from to these street names of Oxford Drive and Grove Pass because—

Andreoli I did not, I did not know. Perhaps if Brian's there, he can comment on that because it's—Oxford Drive really is part of Royal Run. We've been reminded of that from the folks from Royal Run. That's what we showed. Whatever street it is, runs to our west and whatever we end up calling it, that's the improvements that we will make. That's where the study was conducted so I—

Papa Yeah, somebody commented Google Map shows it that way and it showed it that way for a while. I've asked about it and it seems to be a mistake. I don't—I haven't found anybody that can remember Zionsville naming either of those—

Andreoli I can't either. I can't—

Papa County Road 700 East was County Road 700 East. There was talk of jointly naming it north and south with Whitestown. Whitestown named it Veterans Drive or Veterans Parkway. I don't think Zionsville did anything with their southern half.

Andreoli Well, we used 700 East as part of the traffic study itself, so when we—

Papa I understand, but if I could finish my thought. I just—it may be important for signing or something later. I may be wrong, maybe some did it in the meantime, maybe the Mayor's done it in the last few months but I think that is 700 East and I think that part to the north has been labeled Grove Pass because the Whitestown portion just to the east is Grove Pass but I don't think it was actually ever named anything. I think that was dirt before, so if that's a detail that needs to be followed up on, I don't think either of those roads are the names that they're—not that you did anything wrong. I'm just pointing that out, I don't think they're officially those names. Maybe, Wayne or Janice know.

Andreoli No, I think—that's a great question. I've had that discussion with Janice in terms of how do we describe this parcel because the actual parcel is part of—the 9 acres is part of a larger parcel of 13 acres that has a Whitestown Parkway address. So, this property really doesn't have an address. So, I will represent to you, Mr. Papa, that we will work with staff and others to get to the bottom of this so that when we come up with a name for that, it's an accurate and appropriate name, and we'll do that before we submit a development plan approval.

- Papa Thanks.
- Franz Is there any additional questions, comments?
- Papa Sorry.
- Franz No problem.
- Lewis I don't know if I missed this or not but did you say that building three, the southernmost building, is envisioned to be a different height than the northern buildings or that they're all supposed to be the same height?
- Andreoli They're all the same height as I understand it. Brian, you chime in or Jeff, you chime in if I'm in accurate about that but these are three, three-story buildings.
- Franz They're limited to original 50-foot requirement, correct?
- Andreoli Oh, we'll be under that with three stories, but yes. That's the requirement in the GB general business classification out in a rural area, can't exceed that.
- Franz All right.
- Andreoli Of course, I would say Mr. Franz that although there's a number of excluded uses, the number of general business uses that can expand to 50 feet are enormous that are permitted as a matter of right. So, not all the uses in that GB District were excluded. Now, there's a number of uses that we don't think that the Royal Run people would particularly like to have in that corner property that could be up to 50 feet tall.
- Franz Okay, appreciate that. Anybody else have any questions, comments? If there are none, is there a motion to put forward a recommendation to the Town Council?
- DeLong Mr. Franz, before we jump to that, we have a very tight timeline for your next Town Council meeting. Mr. Andreoli has indicated that items would be reduced to commitment form. That's what was offered to you, to the Plan Commission. We will work to prepare a certification as quickly as we can to meet the statutory deadline but I did want to offer up that there's a number of items that are going to be lifted very quickly in order to meet the deadlines.
- Andreoli Especially around the holidays, I would agree with that, Mr. Franz. We would have no problem pushing back to a later January meeting or early February meeting if that would be more accommodating in terms of moving forward. It would be up to the Town Council. I'm going to be gone and over the holidays, everybody's busy, so it's a very difficult time to try to get work out.
- Franz All right. Well, Wayne, I am not going anywhere this year, surprise, surprise. So, I will be around if you need something signed.
- DeLong Definitely, you do not have the luxury of changing the date. You have to certify this within ten days of your action this evening. Town Council, as Mr. Andreoli

has the luxury of determining will place it in its normal docket, but we'll meet your obligations and we'll move forward from there.

Franz Okay. All right. With that, is there a motion?

Jones Here, I'll make the motion. I move that Docket #2020-49-CA requesting modification of commitments associated with the Boone County Ordinance #2009-05 recorded in the office of the recorder of Boone County, Indiana as Instrument #009200002673 to allow for an increase in the intensity of a multi-use component of the Boone County Ordinance #2009-05 to provide for a non-age restricted multi-family dwellings not exceeding three stories in height within 9.295 acres of the 12.301 acre site zoned Rural General Business GB receive a favorable recommendation as presented with the recommendation being certified to a town council for adoption or rejection.

Franz Is there a second?

Walker Second.

Franz Is there any further discussion, comments on this? If not, Wayne, would you please take roll?

DeLong Yes, sir. Mr. Jones?

Jones Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Papa?

Papa Aye.

- Franz All right, motion carries 7-0. We'll forward it to the Town Council and you can take it up with them.
- Andreoli Thank you. Merry Christmas to all.
- Franz All right. Merry Christmas to you. Thanks very much.
- Papa Merry Christmas.
- Franz Next on the docket is items #2020-51-PP Holiday Farms Section 5, 3900 South U.S. 421 petition for a primary plat approval to provide for 23 lots in the PUD Planned Unit Development and #2020-52-DP Holiday Farms Section 5 3900 South U.S. 421 petition for development plan approval to provide for the development of a 20.274-acre site in the 23 lots in the PUD Planned Unit Development Zoning District. Petitioner present?
- Sundling Yes. Phil Sundling with Henke Development here.
- Franz All right. Please proceed.
- Sundling Thank you. Good evening members of the Plan Commission. As always, thank you for your time tonight. Feels like just yesterday we were in front of you guys for Section 4 and not too long before that with Section 3. So needless to say, Holiday Farms is outpacing even our expectations which is just phenomenal. We're really excited to bring forward tonight Section 5 which includes 23 estate-style single-family lots. These lots are located between Holes 6 and 7 along the southwest corner of our property. These lots will be very similar in terms of size and style to those of Section 3 there just to the east. They range in size from just under a half-acre to over 1.5 acres. Nothing overly unique or different from previous sections proposed here in terms of the filing itself. Our timing for the construction of this section is we're shooting for the Spring of 21, so just a couple months away here and our goal is to start homes there by, I'd say year's end next year, probably maybe early to late Fall. As always, I'm happy to answer any questions you may have. Thank you for your time again tonight.
- Franz Thank you. Is there any questions from the public on this matter? If you would, please raise your hand to be recognized.
- Kilmer Mr. Franz, there are no hands raised.
- Franz All right. Wayne, can we have the staff report, please?
- DeLong Thank you. This plat petition comes to you this evening with a favorable recommendation. A platting in Indiana is miniscule in nature as long as the plat meets minimum standards of your subdivision control ordinance. The Plan Commission is compelled to approve the petition. The petition in front of you meets your subdivision control ordinance as noted. There are some waivers that we'll address during the development plan process based upon the petition that because this is a PUD. Again, the petition is supported by your staff and I'm happy to answer any questions.

- Franz All right. Thank you, Wayne. At this point, is there any questions, comments from any members of the Plan Commission? All right. If there are none, we'll need two separate motions on this matter, one for the #2020-51-PP. Would someone like to make a motion on that matter?
- Walker I will. I move that Docket #2020-51-PP petition for primary plat approval to provide for 23 lots in the PUD Planned Unit Development be approved based on the findings of fact as presented.
- Franz Is there a second?
- Fedor Second.
- Franz Any further comments, questions, discussion? Being none, Wayne, would you please take roll?
- DeLong Certainly. Mr. Franz?
- Franz Aye.
- DeLong Mrs. Walker?
- Walker Aye.
- DeLong Mr. Fedor?
- Fedor Aye.
- DeLong Mr. Lewis?
- Lewis Aye.
- DeLong Mrs. Grabianowski?
- Grabianowski Aye.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Jones?
- Jones Aye.
- Franz All right. Motion carries, 7-0. Now on to Docket #2020-52-DP. Is there a motion on that matter?
- Grabianowski I'll make the motion. I move that Docket #2020-52-DP development plan petition to provide for the development of a 20.274-acre site into 23 lots in the PUD Planned Unit Development Zoning District be approved with the conditions

noted in the staff report and based upon the findings as presented inclusive of the request waivers.

Franz Is there a second?

Jones Second.

Franz Any further discussion? Being none, Wayne, would you please take roll?

DeLong Yes, sir. Mrs. Walker?

Walker Aye.

DeLong Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Franz?

Franz Aye. Motion carries, 7-0. Keep moving forward.

Sundling Thank you all.

Franz Thanks so much. Bye-bye. Next on the docket is #5, or Docket #2020-48-DP 21st Amendment Outlot I of Appaloosa Crossing, 3295 South U.S. 421 petition for development plan approval of a 12,500-square-foot commercial building on Outlot I of the Appaloosa Crossing which is zoned Rural General Business GB and within the Michigan Road Overlay MRO. Is the petitioner present?

Ochs Yes. Members of the commission, for the record, Tim Ochs, attorney Ice Miller, representing the petitioner 21st Amendment.

Franz Please proceed.

Ochs Thank you. This is a petition that involves Outlot I in the Appaloosa Crossing Project that I think all of the commission members are very aware of given the prior approvals. It is a 1.5-acre outlot that is located directly south of the southernmost access into Appaloosa Crossing off of U.S. 421, or Michigan Road. Proposal would include the construction of a single-tenant building for 21st Amendment. It would be a liquor store with a tasting room. It has become very popular especially when dealing with high end wine and high-end spirits and even some craft beers to have tastings. So, this is not the first store that 21st Amendment has done it at, and it's been very, very successful in terms of those efforts. The proposed building is 12,500 square feet and the proposed architecture is one of the things that I want to touch on. The proposed architecture was done because it's, for two reasons. One, it's consistent with some of the more recent stores that have tasting rooms that 21st Amendment has done. We, the architect and owner of 21st Amendment, felt it was consistent with the Zionsville theme. So, this building was proposed subsequent to the filing of the petition for this development plan. Staff and then more recently the seller of this outlot which is the developer of Appaloosa Crossing informed us that two other outlots had been the subject of development plan approvals that those outlots had established perhaps an architectural theme for Appaloosa Crossing. We thought quite frankly that our architecture was more consistent with the Zionsville theme which it's predominantly brick with a pitch roof and gables as opposed to what was approved for the other outlots. We did have conversations with staff about the preference for the town. Would the town like this building to look like the architecture for the other outlots or would they like what has been proposed? No one could actually answer that question. So, that's something that my client is interested in knowing. If the preference of the town and the Plan Commission is to have a consistent architecture that's something that we can do and come back next month or maybe you like the proposed architecture which again, arguably is more consistent with the Zionsville theme.

Just a couple other notes that are worth mentioning, we did go before the Board of Zoning Appeals earlier this month for two variances. One variance was the elimination of an additional buffer yard along 421 which had been granted to other outlots in Appaloosa Crossing even though there's a reduction in the distance. The additional planting is not, will not be avoided. That is to say that that landscaping will be dispersed across the rest of the site and that variance was granted. We did have a lengthy discussion at the BZA about a parking variance that we had requested and that was continued. Since that BZA meeting, we have, we tweaked the site plan a little bit and I think you can see the site plan on page 392 of the large packet. What we've been able to do is identify—right now, we have 50 spaces what is proposed which is 1 space per 250 square feet. The ordinance standard is 1 per 300. We've been able to identify enough spaces to meet the ordinance requirement or at least come within a half space, but meet the ordinance requirements by placing angled parking on the site plan on the south side of the proposed building. It would make the drive lane on the south side of the building, which would be the least used if you will, a one-way away from Michigan Road obviously with the angled parking. The proposal is that the spaces would not be initially installed when the facility is built. My client's experience of over 50 years in doing these, liquor stores and tasting rooms, is that it simply doesn't require 62 spaces, 50 is adequate. However, there is no guarantee that this building will always be used as a liquor store and tasting room

or we may discover that in fact, we do need more parking spaces because there might be issues. This allows us to then install those additional parking spaces to the south of the building to comply with the ordinance. When we identified this approach to staff, staff then pointed out to us that there are provisions within the zoning ordinance dealing with the Rural General Business District that give the director, Mr. Long, a discretion to approve, and I think it is in the staff report, minor modifications to the parking requirements that are proposed in response to some of the issues raised that the BZA would allow to be utilized. We are certainly more than willing to do that as well. It would ensure that if need be that this facility would absolutely meet the parking requirements and if it doesn't, it would just allow for, we believe, a superior site with access all around four sides.

As part of Appaloosa Crossing, this is, will be served by all the utilities that are being installed for Appaloosa Crossing including the master detention and drainage for the site. That has been worked through. Water, sewer, electric and all utilities are available. We are not asking for any variances or modifications from required landscaping. We do have a lighting plan in the packet which would be comprised of 12 lights in the parking lot around the perimeter facing inward with sharp cutoffs. The light standard is shown on that landscape plan which, or the lighting plan which is at page 398. Then, the architecture both north, south, east, and west is shown on pages 399-400 of your packet. The doors to the building do face south. We do consider that the front because that's where the front door is. The axis of the building is a little bit longer as you go east, west than north, south. So, the building was designed with that in mind because that means the roof, the pitch of the roof runs east, west too. That makes the northern face look elaborate and it should be. We want it to be. We consider this to actually have two frontages. With the front door facing Michigan Road, we do consider that to be the actual front. Again, if the Plan Commission wants the architecture to be consistent with what's been approved for other outlots then this will change and you'll get to see hopefully the new architecture then next month. So with that, I'd be happy to answer any questions that the Plan Commission might have.

Franz All right. Thank you. At this point, is there anybody in attendance who would like to make a comment on this matter? If so, please raise your hand to be recognized.

Kilmer Mr. Franz, we do have one hand raised. It is Mr. Bill Culpepper.

Franz All right.

Kilmer We'll allow him to speak at this time.

Culpepper Yes, my name is Bill Culpepper. I live at 3290 South US Highway 421. My property is immediately across the road from the said property. In the interest of my property is probably 75 yards from where the liquor store will be located. Obviously, this has an effect on my property. I'm a bit surprised that the liquor store is being allowed here by the committee, but I'm particularly opposed to the tasting room. Obviously, I would think that would lead to the patrons lingering longer and you know, I just don't think it's a great idea for the community. It's also my understanding that one of the other businesses will be a day care center.

Again, I just don't find that to be consistent with the best use of the property and the best image for the community. Thank you for listening to me.

Franz All right, thank you. Is there anybody else who would like to make a comment?

Kilmer Mr. Franz, at this time, there are no hands raised.

Franz All right. Wayne, can we have staff report then please?

DeLong Certainly. Staff is supportive of the petition as it's been filed. The zoning allows for the land use that is being discussed this evening. So, the petition that's in front of you is specific to the three-dimensional drawings, the architecture, the layout, the site plan. Certainly, not foreclosing the opportunity to discuss any item to be put out there for your discussion. Certainly, the review of the staff is focused on the petition which is the development plan for a land use which is permitted by your zoning ordinance. Certainly and focusing on the parking, staff is supportive of the request. Certainly, was supportive of a variance as we indicated during the variance process, we find great value in hearing from experienced operators of businesses that are very aware of the finer granular topics related to how they can operate. Certainly, a community zoning ordinance is not an expert on every single topic and in every single genre. So, we looked for that better information, had a discussion about it. Certainly, in this case you do have a zoning ordinance that allows some articulation based upon businesses' operational practices. I believe we have found a solution that conforms with your ordinance and works for the petitioner as well, and provides for flexibility in the future be it growth or use of golf carts or any other mode of transportation that is a deviation from your practice that you see today in the community. Remainder of the items, certainly staff would encourage the architectural discussion. Certainly, staff is cognizant of franchise-based architecture. Certainly, finding an expanded palette, I don't—certainly, the BZA was very focused on thematically talking about this development and making sure the details were matched up in terms of landscaping, lighting, sizes, things of that nature. So then the Plan Commission can discuss if each building is to have that theme that has been established by at least one building, now the second building that Mr. Harris and his family look to construct out in this area. I would offer to you, that future conversations about franchise-based architecture including the gas station that's been, convenience store that's been discussed we'll be of great interest in the near future. With those thoughts, certainly again staff is supportive of the petition as it's been filed. I'll pause here for any questions and certainly any further dialogue, and happy to answer any specific items as well.

Franz All right. Thank you, Wayne. At this point in time, I'll go ahead and open it up to members of the Plan Commission.

Jones All right. So, I have a few. What's the, uh, what's the loading area for this building? Is it what I'd call the south façade or is it supposed to be more the east? Although, the east doesn't have any doors in it.

Ochs It would be the south façade.

Jones Which is also the area that you're proposing future parking if that ever comes up being needed?

Ochs If it is needed, yes.

Jones Which then closes off access for loading the building?

Ochs The method of outside of the initial stocking if you will of the store, stocking that occurs after that is done by trucks that are smaller than semi-trucks and done usually during off hours. So, they have stores in all kinds of locations including for example, downtown Indianapolis where loading and unloading is far, far more difficult than this site even if the parking on the south side of the building is added. So they've taken parking, unloading and unloading of inventory into account and this site is adequate to handle it.

Jones Just for the rest of the commission members to know that when this being before the Board of Zoning Appeals, part of my biggest concerns with it is that they, in my opinion, didn't meet any of the findings of the facts for a variance request. A lot of the justification for a larger building and less parking was that it created less drainage which made absolutely no sense. My other concern is, you know, we are now talking about a liquor store that is now an event center. You know, a tasting or any kind of thing like that is typically sponsored combined with other vendors. Once again, it actually increases parking demand rather than reduces it. It is interesting the paragraphs about the ability of the town to actually alter parking requirements in a Urban General Business District by 10%. I'm glad you had me read all that because also part of that is there's a requirement for bicycle parking for any General Business District building with over 30 spaces. Once again, if you've read through the entire Appaloosa Trail proposals, it very specifically talks about how it's not going to connect to the trail being cut out front. There is no particularly allowances being made for any kind of bike trails through it. So, we're getting into just a very car-centric based strip retail project that then now is reducing parking for said cars. Finally, you know, on architecture, you know, the whole Michigan Road Overlay that Carmel seemed to do a very good job of actually maintaining, You know, when Mr. Harris came before us with Appaloosa Trail and his kind of horse-centric barn reminiscent designs, you know, we tried to work with him and he's show a little continuity in the two proposals he's come up with. Now we've got this which has none of it. Doesn't really, it's not meeting the standards in the Michigan Road Overlay District design details nor is it really showing any kind of continuity with what we previously approved. So, you know, so we've got a building that doesn't meet the parking requirements, doesn't meet the architectural requirements, doesn't meet the requirements for providing any kind of other access via bicycle, and now we're hearing about it being more of an event center than a liquor store, and even the neighbors are concerned. So other than that, that's all I got.

Franz Would you like to comment, Mr. Ochs?

Ochs Yes. It's not an event center. It's a tasting room. That proposal hasn't changed and it is permitted by ordinance. So, that is not an issue tonight. On two, again, we were only made aware of the architecture that was approved for the other outlots after our petition had already been filed. Would we prefer the architecture

that's before you? Yes. Does it meet the requirements of the ordinance? Yes, we believe it does. Having said that, 21st Amendment is not McDonalds. 21st Amendment is not Olive Garden. I just use those as two examples of franchises that have very, very strong desires to have their architecture because it's part of their branding. As I indicated in my presentation, if the Plan Commission has a desire for consistent architecture, some people really like that, some people don't. I'd like to hear the answer because if there is a desire that the architecture be more consistent with what's already been approved then we'll make it more consistent with the architecture that has already been approved and come back next month. That's something we're certainly willing to listen to.

Franz All right. Anybody else have comments, questions?

Walker I personally like the idea of 21st Amendment fitting in with what we've already approved as opposed to what we see.

Franz Anybody else? I guess I'll go ahead and make a comment. You know, it looks like this plan was kind of just dropped in the lot really without regard to, you know, which façade faced which direction. The south façade, I mean, that looks like it should be the back of the building but it's the side of the building that everybody's going to see driving up from the south. So, if, when you take it back, I agree it should be consistent with what's been approved to date. When you take this back, I guess, I'd like to see some effort made to comply with Michigan Road Overlay on a more meaningful basis. Does anybody else have any questions, comments? Looks like this matter is up for continuance then. So, is there motion—do you have any further questions or Comments, Mr. Ochs?

Ochs No, I don't other than to say I would very much appreciate a continuance to allow us to make the architecture consistent with the other approvals.

Franz All right. I appreciate that. So, we have a request for continuance to the January 19, 2020 meeting. Is there a motion to do so?

Fedor So moved.

Franz Is there a second?

Grabianowski Second.

Franz All right. Wayne, would you please take roll?

DeLong Certainly, Mr. Franz—I'm sorry. Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mrs. Grabianowski?

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Grabianowski Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Walker?

Walker Aye.

Franz All right. Motion to continue is approved, so we'll see you next month.

Oaks Thank you.

Franz Thanks very much, bye-bye. Next item on the Docket #2020-50-DPA Zionsville Community Schools, 1000 Mulberry Street, petition for development plan amendment approval to allow for the expansion of the Zionsville High School with additions of approximately 81,130 square feet to the north and 14,203 square feet to the south of the existing structure and to allow for improvement to the track and field and the Special Use SU-1 Zoning District. Petitioner present?

Wert Yes, Andy Wert with Church, Church, Hittle and Antrim.

Franz All right. Please proceed.

Wert Good evening. Our team is represented tonight by myself, Andy Wert, Land Use Professional with the law firm Church, Church, Hittle, and Antrim with offices at 2 North 9th Street in Noblesville. Also, with us on the line here is Assistant Superintendent of Operations, Rebecca Kaufman, Chuck Tyler of the architectural firm Fanning Howey, Civil Engineer Brittany Heidenreich of TLF, and finally John Becker attorney with the Church firm. We're pleased to introduce to you the expansion plans for Zionsville Community High School. You may recall the referendum that was approved last year. That allowed us to move forward with facility upgrades to keep pace with our growing district. The high school project features building additions to the north and south around 95,000 square feet. This will add physical space for academics, dining, and administrative uses. Student capacity now at about 2,450 will increase to 3,050 students. So, an increase off about 600 students. Will have a new main entrance on the south side of the building which we believe will allow for easier accessibility for visitors as well as deliveries. We've provided for your review and comment building elevations as well as civil plans and a landscape plan. Landscaping, we're pretty much leaving alone except for the addition of foundations plantings on the new additions. Existing buffer plantings along

Mulberry Street will remain. Touch on drainage briefly here because that's a big part of our project. We are proposing underground detention on the north parking lot. In the southeast part of the campus, there is an existing variety detention pond that during heavy rain events has caused some problems for our neighbors to the south. With this project, we will be correcting that by providing additional stormwater storage volume and controlling the discharge rate. Our engineer, Brittany Heidenreich and your engineer, Renee Goff, have spent quite the time on getting this right. So, that I'm sure is welcome news to some of our neighbors. In addition to our standard notice of public hearing to interested parties, we did send notice to all property owners south and east of the detention pond over and above what was required but we knew there was considerable interest in getting this fixed. Our last development plan proposal for the high school campus was before you in 2008. Our student body has grown considerably since then. The current plan proposed a lot of enhances to traffic circulation, drainage, and as well as internal functions. I tried to hit the highlights here. Lots of information in your packet. I'm happy to go into more detail on anything that you feel appropriate. Of course, our team is present to respond to any questions that you might have.

Franz All right. Thank you. At this point in time, if there's anybody in the audience who would like to be recognized and comment on this, please raise your hand.

Kilmer Mr. Franz, there are no hands raised.

Franz All right. Wayne, can we have staff report, please?

DeLong Thank you. This petition in your SU-1 District is bound by standards found in the commercial sections of your zoning ordinance. This petition has been reviewed against those standards and found to be in compliance. There are, they're just some minor items listed through here that certainly can be addressed in the normal course of wrapping up this petition. I would say the largest item, if you will, is the discussion about the right-of-way. Certainly, appreciate any additional dialogue this evening on the record related to that topic. Any specific items, I'm happy to discuss as well. Again, staff is supportive of the petition. I'm happy to answer any questions.

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

Walker The right-of-way issue is something that you expected to come up anyway, correct? You will work with whomever you need to to get that all worked out?

Wert Yes. We—in fact, we have reason to believe that there may be some right-of-way dedication particularly on Hal Sharpe Way to the west that may have already been dedicated years ago. We've got a title company searching that and we just want to learn a little more detail before we go into specific commitments on the right-of-way dedication. We understand the town wants that cleaned up. Quite frankly, getting the road to the west dedicated puts the maintenance burden on the town and not the school. So, we've got some incentive to work with the town on that.

- Walker Thank you.
- Franz Is there anybody else? No comment from you Mary. You must have seen a lot of change in this area.
- Grabianowski I'm just so grateful I don't have to go through another remodeling. It's a pain in the patootie, but yes, I'm glad I've retired. It's needed. It's very crowded right now and it will only get more so.
- Franz Anybody else have any further comments, questions?
- Lewis I guess I do. Reading the staff report, it's saying that the stormwater management plan is being reviewed and is currently ongoing further review and internal discussion. So, is it to the point where it's resolved and figured out, or where does that stand?
- Wert I may ask Brittany. If Brittany's online, I may ask her to respond to that. There she is.
- Heidenreich Hello? Can everyone hear me?
- Franz Yes.
- Heidenreich Brittany Heidenreich with TLF. It's my understanding in talking with staff and town engineer, Renee Goff, that the main items related to drainage are more technical in nature involving some of our details and wrapping up the finalized drainage report. We have gotten calculations over to engineering involving our release rates from both the new underground detention in the north parking lot and our eventual outlet on the south side from the east expanded dry detention basin.
- Jones Am I reading this right? Architecturally we're kind of moving the entry to the high school around to the south side of the building?
- Wert That is correct, yes.
- Franz Any other questions, comments? If there are none, is there a motion on this matter?
- Papa Mr. President?
- Franz Yes.
- Papa Sorry, I should have said this sooner. I need to recuse myself on this vote.
- Franz Okay. All right. I understand that. Okay. So with that, is there a motion on this matter?
- Grabianowski I'll be happy to do that.
- Franz Okay.

Grabianowski I move that Docket #2020-50-DPA development plan amendment approval allow for the expansion of Zionsville Community High School with additions of approximately 81,130 square feet to the north and 14,203 square feet to the south of the existing structure and to allow for improvements to the track and field in the Special Use SU-1 Zoning District be approved based on the findings in the staff report.

Franz Is there a second?

Walker Second.

Franz Any further comment, discussion? Being none, Wayne, would you please take roll?

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mr. Fedor?

Fedor Aye.

Franz All right. That motion carries 6-0. It's approved.

Wert Thank you so much. I appreciate your time.

Franz Thank you very much. Last item on the docket is #2020-53-RP Naismith Replat 10839 and 10857 Pete Dye Ridge petition for a replat to allow for the vacation of an adjoining property line of 39 and 40 resulting in the lots being combined into one parcel in the Planned Unit Development PUD Zoning District. Is the petitioner present?

Sundling Phil Sundling with Henke Developments here, yes.

- Franz Okay, please proceed.
- Sundling This one will be quick. Essentially, we didn't have a lot large enough for the home that this family wanted to buy or to build rather. So, these lots were side by side. It fits in pretty well in the area. It won't look too much out of place which is something we consider any time we explore lot combinations. So, from our perspective from an ARB perspective, no issues there. Relatively simple lot combination just combining two lots to put a larger home there. Again, no lots were available for this family to build the home that they wanted.
- Franz All right. Thank you.
- Sundling Yep, absolutely.
- Franz Is there anybody in attendance who would like to comment on this. If so, please raise your hand.
- Kilmer Mr. Franz, there are no hands raised.
- Franz All right, Wayne. Can we have staff report, please?
- DeLong Certainly. The matter in front of you this evening much like your other plat you saw this evening is ministerial in nature related to heeding the subdivision control ordinance. The lot, the proposal conforms to the standards as identified by the town. Certainly, staff is supportive of the petition as it's been filed and I'm happy to answer any questions.
- Franz All right. Thank you, Wayne. At this point, is there any questions, comments from any members of the Plan Commission?
- Jones Are the adjoining lots to this sold or I'm assuming—
- Sundling I believe so. Let me—if you give me about 30 seconds, I can pull up the map to verify. Give me one sec. I think, we only—in Section 2, I believe we only have one or two lots remaining. Yes, all the lots in this area are sold, that's correct.
- Joins I'm assuming all the adjoining property owners received notice?
- Sundling Correct, yep.
- Franz Any other questions, comments? If there are none, is there a motion on this matter?
- Grabianowski I'll be happy to do another one. I'm tired. I want to get done.
- Franz Okay.
- Grabianowski I move to approve that Docket #2020-53-RP replat to allow for the vacation of the adjoining property line of Lots 39 and 40 resulting in the lots being combined into one parcel in the Planned Unit Development PUD Zoning District attached

as Exhibit 4 be approved based on the findings established at the public hearing as presented.

Papa Second.

Franz All right. Is there any further discussion, comment? Being none, Wayne, would you please take roll?

DeLong Certainly. Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

Franz Motion carries, 7-0. Approval granted.

Sundling Thank you, everyone.

Franz Thank you very much. One last thing on the docket is the—Wayne, in the packet provided are the 2021 Plan Commission meeting dates and deadlines.

DeLong Correct. You have two items on your other matters to be considered. The first is your dates that we provide to the general public certainly based up on your adopted rules of procedure. The third Monday except for holidays is when your group meets. Certainly, we build a schedule out from there to serve as filing deadlines and provide structure to the applicants as they move through the petition process.

- Franz Does this have, I mean, does this reflect any extension or, you know, of the deadlines or pushing them further back? Is this consistent with what's been done in the past?
- DeLong Correct, related to moving things just a touch. Certainly, Roger, Mr. Kilmer, can speak to that in any additional depth. We did have some balance that we wanted to provide to the schedule just to give staff a little bit more time to manage some of the petitions, certainly and the BZA as well. When we moved the deadline for the BZA, there was some overlap. Roger, any other specifics to mention here?
- Kilmer The only thing that I would add that the schedule that is before you is relatively consistent with other jurisdictions in the area. Roughly it is providing right around a 45-day turnaround time from the filing deadline to the hearing date. That is a common number found in surrounding jurisdictions.
- Franz All right. I know we had talked about that last week. I was just confirming that that was reflected in here. Does anybody else have any questions, comments on this one? If not, is there a motion to approve the schedule?
- Fedor So moved.
- Franz Is there a second?
- Jones Second.
- Franz I'm going to do this one with a voice vote. All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay. Motion carries, so this is approved. Wayne, do you want to just mention or talk about the fee schedule?
- DeLong Yes, very briefly, I do not have any information proposed for your consideration this evening, this is the start of that dialogue. From the town council's actions this morning, the town is working towards creating a fee schedule for to live in one place and it be amended one time each year if the town so chooses. All fees that are across the board in all different departments and different bodies would be migrated to this one specific ordinance. So in this particular case, we would look to remove the fee schedule that is actually embedded in your zoning ordinance and make that still live on but just in a separate place. So, this ultimately, we would be discussing this in January as a zoning ordinance amendment where your fee schedule would be deleted then only to have a mirror action by the town council adopting the fee schedule. Now, at this same moment, we would look to take advantage of this opportunity since we're talking about the fee schedule to consider any other amendments if you will. Certainly, there are action items that we've learned and are using currently that are more costly to our applicants that are—the costs are not being passed on related to this remote methodology that we're utilizing or will be utilizing soon, a system called Open Gov where everything will be online. Certainly, there are a lot of benefits that we're utilizing from this remote world that we're living in. We certainly look to take a further advantage of those that modernization of our services and certainly

also capture revenues to offset those additional costs. Again, just throwing a buoy out there tonight that we look to bring to you in January an ordinance amendment to your zoning ordinance. We would between now and that date provide the notice that is required by state statute. Dan Taylor, is there anything else specific that we need to mention tonight?

Taylor No, there'll be some other changes but we'll forward them to you.

Franz So, in that situation, obviously you will be kind of monitoring the fee structure for Plan Commission and related items. Is this something that under this one, this would be completely taken out of the Plan Commission's hands? Would there be a discussion with a recommendation to the town to adjust the fees? I'm just curious how that's going to work.

DeLong Well, I would say the state statute is pretty clear when it talks to the Plan Commission, talks about the Plan Commission being involved in its fees. So, I would venture to guess that relationship would carry on. Certainly, as staff we would be the in between and this Plan Commission's secretary certainly assuming I hold that same position in 2021 from the Plan Commission here. Certainly, we would work to manage that relationship but I can tell you tell you that a fee schedule living in a zoning ordinance is atypical. Certainly, it's what Zionsville has done but it makes it a bit more cumbersome to manage and make modifications.

Franz Okay. All right. I was just curious how that was going to work on a going forward basis, so appreciate the information. At this point, is there any further items to be discussed? I guess we'll see you in January. I don't know what the final makeup of the Plan Commission is going to be then. There might be a few changes. Don't know for sure, we'll find out. If not, if it does change, I appreciate working with everybody here. Merry Christmas and I would take, entertain a motion to adjourn.

Jones So moved.

Franz Second?

Lewis Second.

Franz All in favor, signify by aye.

All Aye.

Franz All right. We're adjourned. Thanks everybody.