



ZIONSVILLE
ZIONSVILLE PLAN COMMISSION RESULTS

Tuesday, February 21, 2023

6:30 PM (Local Time)

**THIS PUBLIC MEETING WAS CONDUCTED ONSITE AT THE ZIONSVILLE TOWN HALL
 IN ROOM 105 (COUNCIL CHAMBERS), LOCATED AT 1100 WEST OAK STREET
 AND ELECTRONICALLY VIA ZOOM**

The following items were considered:

- I. Pledge of Allegiance
- II. Attendance: Dave Franz, Mary Grabianoski, Chris Lake, Larry Jones, Sharon Walker, Cindy Madrick, and Jim Hurst attended in person.
- III. Community & Economic Development December Monthly Report (Informational Only – no action required)
- IV. Approval of the January 17, 2023, Regular Meeting Minutes: Approved with no changes.
- V. Continuance or Withdrawal Requests

Docket Number	Petitioner / Project Name	Address of Project	Item to be Considered
2023-01-Z	Block A, LLC (transferred from Ophthalmology Practice) / Rezoning	11695 E 550 South, Zionsville	Petitioner requested a Continuance to the March 20, 2023, Meeting. Continuance was granted. 7 in Favor 0 Opposed Petition for the Rezoning of 1.288+/- acres from the R-SF-2 Zoning District to the Urban Neighborhood Business (B-1) District, also being in the Michigan Road Overlay.

VI. Continued Business

Docket Number	Petitioner / Project Name	Address of Project	Item to be Considered
2022-53-PP	Epcon Communities / The Courtyards of Russell Oaks	8901 and 9085 E. Oak Street, Zionsville	Conditionally Approved with Commitments as presented & filed w/exhibits & per staff report. 7 in Favor 0 Opposed Petition for the Approval of a Primary Plat for a 150-lot residential subdivision being zoned Rural Single and Two-Family Residential (R-2) with four (4) requested Waivers of the Subdivision Control Ordinance.

2022-54-DP	Epcon Communities / The Courtyards of Russell Oaks	8901 and 9085 E. Oak Street, Zionsville	<p>Conditionally Approved with Commitments as presented & filed w/exhibits & per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Approval of a Development Plan for a 150-lot, single family subdivision being zoned Rural Single and Two-Family Residential (R-2) with proposed Waivers of the Subdivision Control Ordinance.</p>
2022-59-RP	The Club at Holliday Farms / Replat of Lot S & C.A. B of Sec. 7 and Lots T7 & T8 of Sec. 8	3546 S US 421 and 10756 & 10778 Dartmoor Way Zionsville	<p>Approved as presented & filed w/exhibits & per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for the Approval of a Replat of Lot S and Common Area B of Section 7, and Lots T7 and T8 of Section 8 of Holliday Farms to modify the previously platted lot lines being in the Planned Unit Development District (Holliday Farms PUD).</p>

VII. New Business

Docket Number	Petitioner/ Project Name	Address of Project	Item to be Considered
2022-61-RP	4071 & 4073 Wild Wood Court	4071 & 4073 Wild Wood Court, Zionsville	<p>Approved as presented & filed w/exhibits & per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Approval of a Replat of Lots 49 and 50 in the Willow Ridge Subdivision to relocate the shared lot line between the two lots, being in the Rural Single and Two-family Residential (R-2) District.</p>
2023-02-RP	Creekside Corporate Park - Lots 10 and 11	10814 and 10850 Creek Way, Zionsville	<p>Conditionally Approved as presented & filed w/exhibits & per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Approval of a Replat of Creekside Lots 10 and 11 to relocate the shared lot line between the two Lots, being zoned Planned Unit Development (Creekside PUD).</p>
2023-03-DP	Rahal Performance Building – Number One	10850 Creek Way, Zionsville	<p>Conditionally Approved as presented & filed w/exhibits, per staff report, and with approval of the Building Elevations by Subcommittee.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Development Plan Approval a 104,568 SF commercial building on Lot 10 being zoned Planned Unit Development (Creekside PUD).</p>

2023-04-DP	Rahal Performance Building – Number Two	10814 Creek Way, Zionsville	<p>Conditionally Approved as presented & filed w/exhibits, per staff report, and with approval of the Building Elevations by Subcommittee.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Development Plan Approval a 25,635 SF commercial building on Lot 11 being zoned Planned Unit Development (Creekside PUD).</p>
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VIII. Other Matters considered

Docket Number	Name	Address of Project	Item to be Considered
ACT 2023-011	267 Industrial Park - Building 4	5433 S. State Road 32, Lebanon	<p>Acknowledged by Plan Commission.</p> <p>Minor DPA: Notification from Staff of Amendments to the previously approved DP (Docket #2021-33-DP).</p>
Plan Commission Rules of Procedure			<p>Adopted as presented & filed w/exhibits & per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Amendments to Plan Commission Rules of Procedure</p>

Respectfully Submitted: Mike Dale

Director - Department of Community & Economic Development
Town of Zionsville

Zionsville Plan Commission
February 21, 2023

In Attendance: David Franz, Sharon Walker, Jim, Hurst, Mary Grabianowski, Chris Lake, Cindy Madrick, Larry Jones

Staff attending: Mike Dale, Janice Stevanovic, Roger Kilmer, Dan Taylor, Attorney

A quorum is present.

Franz Call to order the Plan Commission meeting of Tuesday, February 21, 2023. Start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Secretary, please take roll.

Dale David Franz?

Franz Present.

Dale Mary Grabianowski?

Grabianowski Present.

Dale Larry Jones?

Jones Present.

Dale Sharon Walker?

Walker Present.

Dale Chris Lake?

Lake Present.

Dale Jim Hurst?

Hurst Present.

Dale Cindy Madrick?

Madrick Present.

Franz All members are present. In your packet there was a set of minutes from the January 17, 2023 meeting. Is there any comments, additions, deletions to those minutes? If not, is there a motion to approve?

Grabianowski So moved.

Franz Second?

Lake Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Motion carries. Those are approved.

We have a request for a continuance. Docket Number 2023-01-Z,
Ophthalmology Practice Rezoning, 11695 East 550 South, Zionsville. Petition for
the Rezoning of 1.288+/- acres from the R-SF-2 Zoning District to the Urban
Neighborhood Business (B-1) District, along being in the Michigan Road
Overlay. Was there going to be somebody present for that?

Kilmer On the video –

Franz On the video.

Kilmer We should have John Cross.

Franz Can you please promote him? Please proceed.

Cross Yes, good evening. Attorney John Cross here representing the petitioner on this
property. As stated, there is a request for a continuance that came about today. A
brief history of this one – the property was being sold to the original petitioner
who was going to use it for medical office purposes and development as of last
Friday resulted in him backing out of the purchase of the property not moving
through with it so the property owner who is Block A, LLC has decided to take
over the petition and move forward with the rezoning to be one with no specific
use. The request for the continuance is because the prior petitioner had been in
discussions with the nearby HOA to the, of the neighborhood to the west and
they had discussions and since we now have a new petitioner, the HOA requested
a, a continuance so that we can further discuss with them so we had no objection
so we are requesting a continuance to the March 20th hearing to further discuss
with the HOA.

Franz All right, thank you. Is there any questions/comments from any of the members
of the Plan Commission? If not is there a motion to continue this matter to the
March 20th meeting?

Lake So moved.

Franz Is there a second?

Walker Second.

Franz Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Motion carries. We'll see you next month. Thank you.

Cross Thank you very much.

Franz Continued Business – Dockets Number 2022-53-PP and 2022-54-DP, Epcon Communities/The Courtyards of Russell Lake, 8901 and 9085 East Oak Street, Zionsville. Petition for the Approval of a Primary Plat for a 150-lot residential subdivision being zoned Rural Single and a Two-Family Residential (R-2) with four (4) requested Waivers of the Subdivision Control Ordinance and a Petition for the Approval of a Development Plan for a 150-lot, single family subdivision being zoned Rural Single and Two-Family Residential (R-2) with proposed Waivers of the Subdivision Control Ordinance.

We're doing something a little bit different this month. Starting this we're going to have the staff report first to kind of tee, tee everything up.

Kilmer Thank you. As mentioned, we have two companion petitions regarding this property. First is a primary plat request and then also a development plan approval request. The Courtyards of Russell Oaks would be a 150-lot single-family residential development on 97 acres, and we have a number of things I want to point out to the Plan Commission that you specifically need to focus on tonight regarding this development. The first is that when the prop, when a portion of this property was rezoned in 2020 there was a master conceptual plan as adopted as part of that rezoning and one of the requirements of the rezoning was that any future development be developed in substantial compliance with that master plan. The, the primary plat and the development plan before you, from staff's opinion, complies with that requirement but you, as the Plan Commission, you need to make that determination as well so the first thing that you need to do is determine if the primary plat is in substantial compliance with conceptual plan from the 2020 rezoning for either of the petitions to move forward. The total number of units is unchanged. It remains at 150 which was part of the rezoning. The differences include lot locations and the addition of an emergency access drive on the west side of the subject property. Originally the emergency access was shown as a second cut off of Oak Street. So that is the first item that we would charge you with to, to discuss.

Following that, there are four Subdivision Control Ordinance Waivers that must be considered. First is regarding the cul-de-sac length, the ordinance states that in no event shall a cul, shall a cul-de-sac measure more than 800 feet in length measured from centerline of an intersecting street excluding another cul-de-sac to the center point of the radius of the vehicle turnaround. The request tonight is to allow for the private road, Olympic Court, to have a length of approximately 1,150 feet from its intersection to Yosemite Drive.

Waiver number two is a requirement where driveway distances from street intersections, there's a requirement that no driveway shall be located within 75

feet of the intersection of two streets. Staff has reviewed the primary plat and found that the number of lots affected by this requirement are few with most occurring at T intersections.

The third waiver request deals with centerline radius for street curves. The design requirement is that design standards for streets of the design and construction standard per the Town, these design standards allow for street curves to be no less than 300 feet. The request is to allow for the radius of some of the street curves to be less than this radius. The Fire Department does not oppose this waiver. They have been provided an AutoTURN exhibit but the Fire Department does request or, or does recommend restriction of parking to one side of the street in the affected areas.

The final waiver request is for sidewalks and paths and, and we will get into this in some depth so please bear with me. Section 193.053 establishes sidewalks shall be required for all public streets including any perimeter or public streets along the outer boundaries of the subdivision and shall be located along each side of the public street within the dedicated non-paved portion of the street right-of-way. The petitioner is prepared to install this path along the majority of the site frontage but the need for a waiver of this requirement occurs in two locations along the site's Oak Street frontage. DPW and the petitioner have agreed to a set of commitments for this late installation and letters of credit for payment of these two locations. When you came in, at your seat you would've found a packet of material with a paperclip on it. First of all, the first two items in that packet are two letters of interest regarding the overall development but I'd direct your attention to the last page of that packet that I gave to you and that is a set of commitments that were received today provided by the petitioner's representative. They are commitments concerning the use and development of the, of the real estate property, specifically for the perimeter bike path along Oak Street. These commitments have been reviewed by our DPW staff. DPW staff is in agreement with this solution because as I mentioned, there are two areas of this path that are problematic.

On the extreme west end of the frontage of the Oak Street frontage Russell Lake essentially comes right up to the, the right-of-way and so physically the petitioner is requesting how can we construct a pathway here without going to extreme design measures and their concern is when Oak Street, should it be widened, all of a sudden their extreme design measures and construction actions are going to be taken out with the, with the widening of Oak Street.

On the extreme east end of the site's frontage, we have significant grade change where to construct a path that would be ADA compliant would result in essentially a bridge ending at nowhere because at the property line it, it's just a sheer drop off. So they are, what they are proposing is to provide letters of credit so that when paths from either end do come in to meet the pathway that they would construct along the areas of where it is feasible, that they are prepared to place a letter of credit to cover the costs of those two extreme ends and, and what would be required there. That is why the waiver of the pathways is required – it's for those two ends. Again, the petitioner is agreeing to put in a 10-foot-wide pathway along the frontage where it can be done today. The waiver is needed for what will be needed in the future.

The third item of interest to the, to the Plan Commission would be drainage of the site. One of the letters that was provided to you in the packet that was waiting for you was a letter from an adjoining neighbor. The proposed development will be affecting the existing natural drainage of the subject site. The staff comment letters identify remaining items to be addressed and, and, again, the adjoining landowners provided a letter outlining their concerns.

Regarding the staff recommendations for the three different petitions which not only the petition or I'm sorry – the two petitions and the waivers, staff does recommend approval of the four waivers of the Subdivision Control Ordinance. Regarding the primary plat, staff recommends conditional approval of the petition subject to the resolution of the items noted within the comment letters. Regarding the development plan approval, staff is also recommending conditional approval subject to the same, same item resolution of the items within the comment letters and the addition of the, a submittal of the tree inventory along the eastern property line for staff's review. The petitioner is going to be utilizing much of the existing tree line along the eastern portion of the subject site to meet their requirements for buffer plantings and we just don't have the fully detailed pre-inventory plan from that. It is a very thick area of growth and wide, so I'll be surprised if when the inventory comes back if additional plantings are needed. That, that would surprise me but we don't have the inventory back, so I don't want to commit to that yet. With that, that concludes the presentation of the staff reports.

Franz All right, thank you. Petitioner please.

Andreoli Thank you Mr. President. For the record, my name is Mike Andreoli, 1393 West Oak Street here in Zionsville. I represent the, the major developer of the project, Epcon, and they're represented here by Dale Pfeifer from Epcon Communities. In addition, Jim Knighton is here, and he is a principal in Kendalwood Realty. Jim and Kendalwood will be handling the estate lots that will border the, the lake itself. So, those two gentlemen are here to hopefully answer any questions you may have as well. And finally, Brett Huff from Kimley-Horn is here tonight to be able to go ahead and answer any technical questions that you may have.

My formal presentation is going to try to center on the concerns or the issues that were raised by the staff that kind of highlight your consideration for this evening. First, however, since this is Epcon's really first introduction to members of the Plan Commission, they've not developed here before, I think we want to take a little time and I think Mr. Pfeifer has a short presentation to talk about the product itself, what Epcon does, the, the amenities facility that is there and then, and then we'll, we'll move on to some of the other matters that we can discuss with you tonight that was raised by staff. Dale –

Pfeifer Greetings. I'm Dale Pfeifer with Epcon Communities. Thank you, Mike, and thank you to staff, first of all, for getting us here. It's always a pleasure to work with Janice and Roger. So, I, I just want to go through a little bit of background of Epcon and what makes us so unique. We, we've been in business since 1986. We're based in, in Dublin, Ohio and our entire focus has been building age-targeted 55+ homes for that demographic. With our franchisee's partners, Epcon

has developed over 420 active adult communities across the nation. We opened up a corporate office here about, in Indy, about two years ago and currently building in communities in, in Westfield, Carmel and Fishers on sites, by the way, that were denied previously zoning by other home builders they were denied their, their zoning. One of our franchisees built a successful community here in, in Zionsville just down the street behind the, the Catholic Church and it was well received by Plan Commission at the time but with Russell Oaks I, I can tell you we'll raise the bar from that community, if you're familiar with it, we freshened up the architecture, we've improved the floorplans and we've really dialed in the needs of our, of our customers.

Our brand is unique. We build courtyard-centric homes that are targeted to Baby Boomers, and they're uniquely designed to connect the indoors with the outdoors and create this experience around, around the community. We build lifestyle communities, not just homes. So that means we don't sell off the lots to other, other home builders. It's all about the, it's all about the courtyard design for us. We worked with visionary architects on a copyrighted courtyard home design that really brings a custom signature home for our, for our buyers. There's truly a need in the marketplace. Our typical buyer is either an empty nester having lived in Zionsville for years and now they don't, don't need that big yard, they don't need that big maintenance, or they are parents of current Zionsville residents and they're trailing their kids to be closer to their grandkids and so we build deed-restricted communities. We have strict covenants in place. In fact, the entire perimeter around our homes are effectively permanent greenspaces. You can't, you can't have any playsets, you can't have any basketball goals, no decks, no hot tubs outside of our courtyard area. All of our communities are, will be HOA maintained so that creates a, a uniform manicure look that nobody needs to worry about any mowers or snowblowers – it's a true lock and leave for our, for our buyers. Our homes have high price points. They really scream quality and custom.

Interesting to note are our, our people in our homes area 50% less people than a, than a typical single-family development and so that alleviates concerns about impact on traffic and services and schools. So, it stands to reason with fewer people there's, that results in less traffic. We've got a strong tax revenue base with our homes. With the increased tax bases, the schools will benefit because there's literally no impact on the schools and then last our, our resident is good for the local community. I like to say that they are, they're givers and not takers. They've got money to spend and time to commit to the community.

So, a little bit about the, the development plan – as you can see, there's a gas line, pipeline easement that cuts diagonally through the site and so everything to the north of the site will be developed by Mr. Jim Knighton who's here with us. He is planning for 10 lake-front estate lots, and he anticipates those homes to be custom built homes over \$1 million dollar price points. Epcon will build its 140-lot detached lifestyle community on everything below that, and we promote close, connected communities for our residents and that means they're all walkable and activities are driven to the front of the homes and internal to the development. We have a fair amount of open space. I think more than 50% of the development, as you can see, is, is open space and the crosshatched area to the right is where our tree preservation areas would be.

This is a quick look/feel of, of the homes. Our typical home is a single-story, 2-bedroom 2 bath all on the first floor, no steps, no mowers. We've got 2-1/2 car garages and the average square footage is about 2,000 square feet in the homes. We've got high-quality architecture, 50-year engineered sidings, cultured stone accents and 30-year architectural shingles. It's all about the courtyards for us. All, all of our homes will feature a private courtyard that creates a dramatic indoor/outdoor experience and the courtyards, as, as you can see in this over, overview here, they, they would extend from the, the left home from a panoramic window over to the blank wall of the right home. So the, the courtyard extends over the lot line in a courtyard easement.

So this is a depiction of the rear yard and with our courtyard design all of our backyards effectively have this built-in buffer yard. They're technically rear yards but they're owned by the homeowner themselves but maintained by the, as common area, by the, by the HOA. As you can see, the white fences they connect the homes and screen the courtyards and since nothing is permitted outside of the courtyards, the result is a, is a pretty nice, maintained view from the adjacent properties.

Amenities onsite – all of our communities have significant amenities for our residents and the clubhouse and the pool are the heartbeat of the community where we promote active wellness lifestyles to our community. Surrounding the clubhouse is pickleball, bocce ball, community gardens, plus a walking trail in the woods to the south internal to the development. And then the clubhouse itself has the same high-quality architectural features as our homes – 50-year engineered siding, cultured stone and so on.

And this is the entrance. So we, we are very particular about our entrances. It's upscale, it screams you have arrived when you, when you drive into the neighborhood and as a sidenote – we understand we'll have to come back for a sign variance because we'd like to have a nice significant sign, monument sign at the entrance. And so that's it. In closing, I, I, I just feel with our high value, low, low impact plan, it's, it's a really good positive outcome for the by-right zoning. I'll turn it back to Mike to answer any questions.

Andreoli

Thank you, Dale. I want to address some of the issues that staff had raised that I think is, is important. I hope for those members that were on the Plan Commission when we went through our rezoning, I hope that you'll notice a substantial difference in the reaction to this particular proposed development versus the zoning of it when we went through it. We've taken a lot of time to try to meet with the surrounding property owners as we promised we would before we'd come back with any type of development plans or, or platting of the, of the subdivision. And, in fact, before we even move forward with our filings, we met with the, the Armstrongs and Mr. Armstrong is here tonight, and you have a letter from Mrs. Armstrong. They are probably the most affected property that we have to this site as they, unfortunately, bought their property that's very close to our property line some, a few months before we actually came in with our petition and they didn't know about us, we didn't know about them in terms of buying the property but, obviously, we've tried to be sensitive to, to their concerns so much so that what we attempted to do was and, and I think they

support this for sure at this particular point is that we moved our, our units to the outside adjacent to their property and we've, we've put the roadway to the inside because there was concern as to how we were going to screen their property effectively. There's a pipeline easement there that we can't, we can't do anything with. We can't actually go in and plant trees and those types of things. We have restrictions on that so there was a legitimate concern at that time as to how we were going to, how we were going to screen that so they weren't getting the brunt of, of lights and the traffic noise that would be going by their home given its, given its proximity. So we've kind of flipped those, had the house on the outside and as Dale explained to you, all of these, all of these homes will have fences across the backyard and the actual backyard itself between the fence and the actual lot line will, will not have anything in them. They're not going to have playgrounds or playsets or anything like that. Everything's going to be focused in the, in the courtyard itself not in, in the back areas and so all of those will, will have fences. So that is a slight deviation from the original master plan that we hope that you find is, is acceptable at this particular point in time.

The other thing is as we were going through the development process and, and, and a number of meetings with, with staff regarding this particular project, in our discussions with the fire marshal, he continued to raise concern about two points with regard to our alternative or emergency entrance off of Oak Street. It was legitimately farther away to the back lots that might have to be served to the west because, as you'll recall, the emergency entrance was to the east of our main entrance, not to the west, because of the lake obviously being there. So he raised that concern. He recognized that, that we had proposed that and the rezoning was done with that commitment but he, he continued to raise concerns as to how we might address it.

The other thing that was a concern from a water line standpoint is we had to loop our water system and his indication was the best way to loop that system would be to see if we could try to go west into Russell Lake Drive, since they're installing water lines there, loop it as far west as we can loop it in terms of providing the, the maximum benefit that he would see to have a loop system out there.

So essentially what we did is we talked to the adjacent neighbor there and we've acquired a part of his ground in, in order to go ahead and put in a water line that will be looped to the water lines that are in Russell Lake, extending just straight on to Russell Lake Drive and into that particular system. The only other use is for an emergency entrance and this will not be a road and I know we have a concerned neighbor to the south of this. This will not be a road; it will be an emergency entrance. I hope it will never have to be used. Most of the emergency entrances that we've had throughout Town have never been used. We all hope and pray that that continues to be the case but its, it will be there for an emergency entrance if we, if we need it and that was a deviation that was supported by Mr. Lipps of the Police Department. You should have correspondence from Mr. Lipps in your packet with regard to his approval of that. It solves two problems for our development – it gives a much better and safer entrance from an emergency standpoint to the very western part of this particular development, specifically the custom lots and the lots that are at the far west and south end of our development and it allows us to do an appropriate

looping of our water system to provide for future health and safety with regard to the water use out there so both of those seem to be winners for not only the Town but for us so a substantial cost we made an arrangement with the, with the owner of that ground to acquire his ground. His owner's authorization is, is in the file and, and was included in your, in your particular packet. That's Mr. Schaefer from the Schaefer Trust who bought that ground some years ago and still maintains a house that will be located immediately to the north of, of the, the, the entrance.

When I, when I put your packets together, we had some, some large drawings with a lot of documents in them and I tried to put a note at the top of them as to which page the, the emergency entrance and the landscape plan for that emergency entrance. It's on 2, 201 and so that you could go easily to that to see what that was going to look like. In addition to being able to acquire the ground and put a, an, an, an emergency path in there for, for Fire Department, we also provided a substantial landscape plan that Mr. Schaefer had approved both north and south of the, of the 12-foot pathway that's part of the, the packet that you were provided and we believe that substantially modifies and, and helps the fact that there's going to be a path, albeit probably never be used but in essence it, it we provided the landscape in there to try to blunt the, the look of, of that and to try to provide some relief to the property owner immediately to the south. As I said, Mr. Schaefer had no problem with it to the north but the property owner to the, to the south had some concerns.

With regard to the cul-de-sac and the, the waiver with regard to that, I have noticed that waiver. We have had this discussion with staff as to really whether it's necessary and it, it is for your consideration tonight. I would suggest that it make sense to grant the waiver because the whole purpose of that is to not have long cul-de-sacs from a public health and safety standpoint and a number of other things. Our emergency entrance basically mitigates the fact that we're going to have that, that cul-de-sac. That wasn't there originally but now that we have it there I suspect that this, this cul-de-sac waiver may not be necessary but we're making it necessary for you to vote on that tonight. We've not had that experience before where an emergency entrance would remove that, that concern so we thought we'd go ahead and let the Plan Commission weigh in on that particular waiver even though I think this emergency entrance somewhat mitigates that and, and gives justification for that waiver.

The radius in the streets, Mr. Kilmer is correct, we went ahead and the turning radius is for, for Ron Lipps at the Fire Department and he was satisfied with regard to the turning radiuses with regard to the reduction of that and did make a suggestion that, that we limit parking in, in the area where we, we have that and if that is what the Plan Commission feels would be done, you can make that a condition of that approval and that would have no problem as far as we're concerned. We're happy to, to do it or not do it as, as the Plan Commission sees fit.

Side yards, as staff had mentioned, there's only a few of those at, at intersections. We've granted those historically in the past and there's not going to be any site distance or not going to be any impediments with regard to intersections because we provided and maintain that there will be no impediments with regard to

people coming into those intersections even with those, even with those driveways close to the streets. They haven't been a problem in any of the subdivisions where they've been granted, there haven't been any issues with them at all and staff is supportive of that.

Fourth, and I think the, the one that probably involved the most discussion and I think staff did an excellent job in, in telling you what the, the issues are with that is that our, our waiver with regard to the sidewalk along Oak Street. We have agreed to construct that 10-foot sidewalk now as part of our plans as far as we can construct it to the west up to the lake where we can't get it any farther and to the east to the extent that there's, there's an area there where the topography changes drastically and we'd have to put in a substantial retaining wall. Our concern was if and when Oak Street ever expands or there's improvements on Oak, Oak Street which would require an expansion, it, depending on what we do or what we put in, those may have to be taken out depending on how they're done and how, how the expansion of Oak Street would occur. We didn't want to incur that cost only to have it taken out. We wouldn't be the one taking it out, the Town would. The Town has a concern about incurring those costs as well if they had to go ahead and, and remove those.

So we've decided to go ahead and post an irrevocable letter of credit. I've listed the commitments that we have that we've shared with Town. That would have to be word smithed by either Mr. Taylor or Town counsel with regard to how the letter of credit is established but essentially what it does is we put up \$240,000. Those are numbers that, that came from the Town. Our, our numbers were close to that, a little bit smaller than that, but close enough that we took the, the Town's numbers of \$240,000 to complete those two ends if and when they, they need to be completed. This is really a good situation for not only the developer but it's a good situation for the Town because it gives the Town flexibility. The, the Town may, may have a desire at some point to go in and connect the two paths before Main Street is expanded and if that's the case, they have those funds and an irrevocable letter of credit to be able to go ahead and do that and although Mr. Taylor knows this extremely well, an irrevocable letter of credit is much better than trying to post a bond. When you post a bond, all you have to do is litigate to try to get the money. With an irrevocable letter of credit, my client has put up full cash collateral, they just draw down on it and the, the, the letter of credit will be word smithed, of course, to, to make sure the Town is protected with regard to that and that's part of these commitments that, that, the Town wanted.

There will be a sunset provision with that that would be five years but it would be five years after our last lot sold. We're projecting this is going to be about a two-year build out so you're looking at, at seven years down, down the road that that money's going to be available up to seven years for the Town to be able to make a decision. It, it just gives the Town enough flexibility to be able to go ahead and make decisions with regard to the expansion of Main Street or Oak Street and the connection of those two paths either together or independently of each other and we just think that's, that's a win-win situation for everybody, helps the developer because they don't have to upfront the cash right now in order to do it and there's no plans on the Board to connect those things now by the Town in any event immediately so it, it's just a, it's just a, a win-win situation for everybody we

believe going forward and most of the bike path, almost all of the lineal foot along Oak Street will have already been put in by my client. We're just talking about the two connecting ends on how that's going to occur in, in the future and, and we've funded that.

So, I'll, I'll be happy to answer any, any questions as we move forward with, with regard to this. We, we do have on our blow up if there's any questions with regard to the emergency entrance and how that is. I think Dale has, has included that. It's in your packets but we can blow it up if there's any questions or any suggestions with regard to how we, how we would, we would do that. Thank you.

Franz All right, thank you. At this time is there anybody in the public who'd like to comment on this matter? Please state your name and address.

Wood My name is Sue Wood and I'm at 665 East Russell Lake Drive. We are the adjoining owner to the emergency entrance that they're proposing and that is probably one of our biggest concerns. We did submit a letter. I am not positive it was not in the materials that were attached to the agenda. Okay, very good. Thank you. I just wanted to make sure that this was put forth.

In the past, an entrance into adjoining land has been denied through a lot in the subdivision or a lot in the neighborhood. We feel that that is a precedent and that's why this emergency entrance should not be allowed. There has been a, a proposed entrance off of Oak Street which is more able to handle the large vehicles of emergency and our streets haven't been paved since the asphalt was put down in the '70s. So our, it just is an overburden to our neighborhood to do this.

Additionally, there's been comments made that the Town would not accept right-of-way over water and this plat is proposing to dedicate right-of-way over water and this is at the west end of the plat about 350 feet where it will have partial water in that area. Another major concern for our end of the neighborhood is the drainage. There does not appear from the plans that we have seen a way to get the water through the, from our area under the road that goes to the estate lots to the pond. It seems like the, the pipe that's there stops just past to the northeast side of the, the road and it doesn't, it never connects to the pond. Now, I know that that was a concern of the Boone County Surveyor also because not only the water from Russell Lake but there's a lot of water that comes from west of Russell Lake subdivision from the Enclave and the Brooke properties over in that area will contribute to this.

But lastly, we feel like the developer has requested major waivers, first for zoning, reduction of the setbacks and it's just one waiver or change or let's not build it quite to standards from day one and we feel that there's got to be a point when this has got to be built to the standards that they say and not a commitment to change this or to change that. It just needs to be built, if it can be built, within the rules of the, of the Subdivision Ordinance so. That's all I have to say. Thank you.

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

Wood My name is Mark Wood and I live at 665 East Russell Lake Drive. That was my wife, Susan, and I have one question for the Board. If these guys came to you and said they wanted to put an emergency drive within feet of your house, would you be happy with it? I don't think so. Thank you.

Franz All right, thank you. Is there anybody else who'd like to comment?

Armstrong Good evening, Josh Armstrong. My wife, Eliana, and I live in 650 Spring Hills Drive. It's the property just adjacent on the eastern edge of the development. I'm speaking tonight not to remonstrate against the project but to make a request of the Plan Commission. First, I want to thank Mr. Andreoli for a productive collaboration to make a number of the adjustments that we requested to the landscaping plan. We did submit a letter describing our views on the project in detail. I want to highlight one thing in particular – not only are we the nearest neighbors to the project but we are always, also very much dependent on a peaceful and predictable flow of water throughout Irishman's Run Creek. Although our address is on Spring Hills Drive, our driveway actually goes across the creek and, in fact, last April the existing structure crossing that creek began to crumble quite dramatically so instead of remodeling our guest bathroom, we got familiar with the differences between a culvert, causeway, bridge and ended up building a bridge on our property. So what – thank you for your patience – all this is really just a long way of saying that any additional quantity of water flowing into Irishman's Run has the potential to, to leave us stranded. Therefore, we're making what is likely an unusual request to remain involved as the plans progress. We just want to have the opportunity to have our comments where relevant be considered prior to the secondary plat approval. So with that, again, thank you for your time. Appreciate it.

Franz All right, thank you. Mr. Andreoli. Is there anybody else? Ope, hold on, Mike, Mike. We've got a couple more.

Lindhjem My name is Nancy Lindhjem and I live at 6150 Irish Hill which is just across the street from Spring Hills Drive across the street from Russell Lake. We have lived there for 45 years this month and I'm, I knew nothing about this until I got your letter last week about this plot or plat meeting, everything. I was hoping this room would be filled, unfortunately, it's not. But I have some questions and my questions are things like: What studies have been done on the population, the impact of this population density in this little area right across the street from where I live? What studies have been done to explore the environmental impact of this proposition? I love sitting out, we live back up in the woods. We're not right on the highway. I love sitting out on my front porch and see deer walk across my front yard, see hawks flying over my property. What's going to happen to these animals and this wildlife when all of Russell Lake will be decimated into 150 homes? What solutions do you have for mitigating the traffic on 334/Oak Street? I still call it Deer Creek too okay? Sometimes it takes me 10 minutes to get out of my driveway now. What's going to happen when two years' worth of building, construction, all the things that go into building a subdivision like this? I just want to know how you're going to deal with that? How am I going to live with that? And I heard that the timeline is two years. But my final

question is how is this subdivision really going to improve Zionsville and not just improve Epcon's bottom line?

Franz Thank you.

Lindhjem And I don't know when I get those answers but [REDACTED]. 50:46 inaudible off microphone

Bauer Good evening. I am Roy Bauer with Buckeye Partners on one of the pipelines that come through here. Our address is 5405 West 96th Street and really I just didn't know much about this at all. I heard rumblings of it years ago when there were surveyors going through, whatever but the Armstrongs brought it to my attention and I told them that I would be here and just basically state our concerns as far as our easement there. There's one of the lots that was encroaching on our easement which I talked to Roger and he said that's been changed. I haven't seen any of the plans yet but he said that's changed but basically just protecting our rights of our easement and emergency access for us to get in there if we were to have an emergency and had to get in there that kind of thing because we do have that right and it's a, actually it's a high-pressured petroleum pipeline. It's got gasoline and diesel fuel going through it so I wouldn't want that in my backyard anyway so. But, yeah, I'm here if you got any other questions or anything like that so, just wanted to – thank you.

Franz All right, thank you. Is there anybody, somebody online? I think you're on mute. Josh, you've been promoted. You're on mute. Josh – you're on mute. All right, well we'll have to proceed. If he, if he joins, let us know. Mr. Andreoli, would you like to comment on these –

Andreoli Yes.

Franz Points that were raised?

Andreoli Some, some brief comments – with regard to the, to the emergency entrance and the concerns that were raised by the Wards [should be Woods] with regard to a project that happened earlier. I'm familiar with that project. It's the, it's the people that own in the very back of Russell Lake. They tried to get an additional building lot back there when the plat itself was not allowing that building lot. That's why they were turned down. It had nothing to do with, with any of the issues that were relevant to, to the things that we're dealing with today. I'm very familiar with, with that, that particular concern and it was actually done twice and it was turned down twice by the Area Plan Commission and it has nothing to do or any relevance to, to what we're doing here today.

Notwithstanding all of that, with regard to their drainage concerns and I can have Brett come up and answer any questions to the extent members of the Plan Commission would want, but we're accommodating everybody's water that comes off the site, we're retaining that and we're not metering it out at a rate that is not permissible under your Stormwater Management Ordinance. We're not, we're not asking for any waivers of your Stormwater Management Ordinance and as to the Armstrongs' concerns, members of the, of the Board of Zoning Appeals know this – members of the, members of the Plan Commission may not

is that when we were in this project early on Kent Esra, who owns Cobblestone, lives right at the front of the subdivision adjacent to the Armstrongs and he, through his attorney, Mr. Jacob, raised concerns about drainage and tree preservation and those types of things and as part of our submittal to the Board of Zoning Appeals when we received a variance that was necessary, we have written commitments that will be also made part of the record in this particular proceeding where we've done several things. We created at the very beginning of, of the area next to Esra's property that also helped the Armstrongs, a tree preservation area where we can't go in and disturb the trees unless they're deceased or dying so that we've kept those in a pristine state and we, we don't tamper with those.

If, can you pull this up? So right here. If you'll, if you'll look at the, the one to your, to your right up in the righthand corner there's an area that is the tree preservation area that we maintain that's essentially adjacent to the Esra's property which also provides benefit to the, to the Armstrongs as well. In addition to that, they had some concerns about drainage as it relates to some of the retention aspects of it and they asked us to put in dry socks that would run the entire length of, of the, of their property but all the way down to the south passing the Armstrongs' property which is, is another, another technique that we can use to make sure that we can help with the drainage, especially during construction and those, those types of things so we, we've made those commitments and we make those commitments again tonight for and on behalf of Mr. Jacob but also the Armstrongs as well with regard to drainage. We've made a commitment to keep the Armstrongs involved in, in every contingent step and we'll make that a commitment to, to you tonight that we will do so. They remain diligent. We, we believe that they're the one property that's truly the most affected in this particular development as it relates to the houses that are so close.

If you look at the, the site plan to your left and you see where our emergency entrance is, Mr., Mr. Ward [Wood], Mr. and Mrs. Ward's [Wood's] property is immediately south of that and that area is mostly in green, greenspace. There's a little part of it where the road bends and we're going to have that landscaped but most of it is to the south and to the east of their property is in that area that is, is that open area. There's some drainage issues in there, some topography issues and that will be kept in, in its current state and not have any houses next to it. Mr. Schaefer's property is immediately to the north of it and you can basically see those two properties on, on the drawing that, that you have there.

So one of the things that we struggled with was should we make this a bike path and a walking path as well as an emergency entrance? So many of the emergency entrances that we have around Town start off as a bike path or a walking path and double as an emergency entrance. Good example of that is just off of Hunt Club Road where we had the, the development to, to the north and we have a long walking path that goes back there doubles as an emergency entrance. They haven't gated it. We're going to gate ours but we decided not to make it a walking path and for several reasons: We, we've come up with what we think is an appropriate cure to provide paths along Oak Street. That's really where they should be as, as a perimeter bike path along Oak Street so we think we've reached a satisfactory resolution with regard to that and we didn't want to create extra traffic either coming in and out of there for our residents or the Russell

Lake residents. So we're not going to have access by bike or, or walking paths through there and we're going to gate it sufficiently so we'll not have that, just an emergency entrance only. So, as I say, and my only solace to, to Mr. and Mrs. Ward [Wood] and it's probably not any to them is that this will not be a roadway and our, our hope is it will never be used but if it has to be used, it's there for an emergency use only and not for ingress and egress for either pedestrian or vehicular traffic under any circumstance.

So I'll leave that up and do you have any comments you want to make Brett? Unless members of the, of the Plan Commission have comments or staff would have comments, Brett would be available to talk about the, the drainage. I would say one thing about it because we've shared this information with, with Mrs. Armstrong the other day all of our drainage calculations and all of that information. All of those drainage calculations were shared with Jeff as well on, on behalf of the Esras and they had an engineer that they had review that and made those requests of us that we've included in our commitments but the, the water that we're going to be putting in to the creek will be substantially reduced in terms of the surface water as part of our drainage calculations and part of our drainage plan. We, we're going to be putting less water in at a, at, at less of a rate than it would come naturally flowing right now and all of that's part of your Stormwater Management Ordinance and we've not asked for, as I said, any waivers with regard to the, the impositions on us with regard to stormwater management but be happy to answer any questions and I'd turn that over to Brett Huff from a technical standpoint who's more versed in that. Thank you.

Franz All right, thank you. At this time I'll open it up to members of the Plan Commission questions, comments.

Walker I just have more of a statement than a question. So, in our packet we have Exhibit 6-D and it's the letter from the Boone County Surveyor and you're all aware of that and you're working to do what they've suggested, correct?

Andreoli I'm sorry? I'm sorry Sharon.

Walker Okay, in the packet we have, Exhibit 6-D is from the Boone County Surveyor.

Andreoli Yes.

Walker And they have a few suggestions in there and you have worked with them?

Andreoli Oh yes.

Walker Okay.

Andreoli Yes those, those have been – we worked very closely with them as part of our TAC and those have been adopted and, and placed in the construction plans that are in front of you that TAC has reviewed.

Walker I just wanted to –

- Andreoli 1:023:31 inaudible staff here in Zionsville that reviewed that information as well including Mr. Susong and the people like that with regard to the stormwater management.
- Walker Okay. So that should relieve a little concern from the people who are listening that you have been in contact and are reviewing.
- Andreoli Yes. One additional thing and Mr. Schaefer had indicated since we're going to put some impervious width of path in that we look at and make sure that when we do that that our plans include making sure that we don't cause any drainage from that area that we're using to sheet off in either direction and we pick all of that up and take it to our development as well which we will do.
- Walker Thank you. I have another small question then. Who determined the 25 mile an hour speed limit through there, through your development?
- Andreoli I'm sorry?
- Walker Who determined the speed limit through the development? It's 25 mile an hour. I wanted to know where that came from.
- Andreoli Can you answer that? Pardon me? I don't know the answer to that so you'll have to answer it.
- Huff Brett Huff.
- Walker I'm curious.
- Huff With Kimley-Horn & Associates, office at 250 East 96th Street. Yeah, we're, we're going to follow Town standard speed limit. If it's 20, 25 – I don't really know off the top of my head –
- Walker Gotcha.
- Huff But it would be whatever the Town standard is for a subdivision.
- Walker I, I was just curious because the way the, the configuration looked I thought that might be just a bit fast and I'm not a slow driver so. Thank you.
- Franz Yeah, I know there's a comment related to the waivers that were requested. I would state that basically these are waivers that we've granted many times over so this is not inconsistent with our past precedence that we've set with other properties. So I just wanted to address that issue because there was a question on that. I'll ask the question about the emergency, emergency access. Again, explain that. Why was that, I mean, was it moved off of Oak Street for a, was it more of a convenience or more of a safety matter to get quicker access to the southern section of that property?
- Andreoli Yeah, I mean it was, quite frankly it came up by the discussions that we had Ron Lipps from the Fire Department and you should have information that he's provided in his packet. That was, that was a suggestion that he made because,

quite frankly, when were talking with him, we were struggling where are we going to, how we going to loop to the west? We only own up to the property line. How we going to get a, a water line to go back out to Oak Street when it's got to go through the lake to get back out there and the topography of it. And what is it going to do for tree removal? How we going to get it, how we going to get it out that way? And, in, in essence, Ron suggested that well we've got, we're putting the water lines in right in the street so we can, we can put those water lines in and loop the system there and they said by the way it may be better to, to, to go to the west to have an emergency entrance because for the discussion that I had with members of the Plan Commission earlier, he was concerned that our emergency entrance initially was even farther east than the, than the, the main entrance and that it could loop around and get to the actual back of the subdivision in, in a more efficient and prompt manner. So that's, that's literally how that, how that came up. There wasn't anything nefarious about it. It just solved two of the major concerns that we had and got that emergency entrance off the second entrance off of Oak Street.

Franz All right, thank you. Is there any other questions/comments?

Hurst Well I, I guess I am going to pick on the tenor of the letter of credit. A, a 5-year sunset if the Town hasn't provided some connectivity to that eastern and western border where the difficult building is, the more difficult construction of the pathway would be, some talk of Oak Street widening and so forth. Government moves slow. It does seem to me that, that the proposed 5-year tenor on a 2-year build out gives us 7 years. I guess I'm curious of the developer would be willing to extend that, that sunset date out further.

Andreoli We've not talked about that and, quite frankly, all of the discussion we've had to date centered around the 5-year sunset and I, I've not done one of these ever in my life where there wasn't a sunset provision and so you're not suggesting there not be one, you're suggesting that perhaps it'd be moved out some? I don't know whether Dale has the authority to make that call here tonight. We'd certainly, we'd certainly consider it as part of the approval process and we've got to do some wordsmithing with the, with the document as it is because these things take some wordsmithing with them to make sure that they're, they're, they're valid, they're enforceable and all of that. That's where Town Council or, or your counsel would come in. I've have seen these things before. So I can't, it's not my pay grade to commit to either a higher number or a, a longer sunset date. It's not anything that we've, we've talked about. That really, in essence, gives the Town 7 years of flexibility to make a decision.

Hurst Well and, and forgive me – and at the end of that 7 years the letter of credit goes away –

Andreoli It would.

Hurst You'd have to spend the money.

Andreoli It would and that, and –

- Hurst If we required you to spend the money, you would have to spend the money, although I would say for fairly silly purpose given what's going on with the property now. I don't suggest you go spend that.
- Andreoli Well, quite frankly, it's going to be an irrevocable letter of credit. If the Town wants to spend the money in year 4, they can go ahead and spend the money and just get a contract, do the project and they got \$240,000 sitting there that they can draw to do that. So I, I guess I don't – I understand your concern. I'm not sure I have the ability to be able to negotiate it here. I just, I just, I just don't. I wish I had some. We didn't know that issue was going to come up but probably should've anticipated that and had some response but I don't, unless Dale does. Not my pay grade.
- Pfeifer Not mine either but we understand your concern and I think we can move that out a bit. I, I don't know if you have a term in mind that –
- Hurst Well, the, the joy of being on the Planning Commission is we get these materials often just a business day before we have a chance to review it.
- Pfeifer Yeah.
- Hurst And so this is certainly new ground for me as a Planning Commission member also but I, I guess I'm making the assessment it's unlikely things have changed along Oak Street that they money's ever going to be spent and so to the extent I can push things to capture more value for the Town and citizens of Zionsville, I guess I'm trying to. Whether that's a longer tenor or different methods, I'll have to rely on others myself.
- Lake And I do think that longer timeframe is probably warranted because if you look at, you're a year plus probably to do engineering to, to widen the road and put a trail in, you know, put a path in – you've got to bid it, you've got to acquire land, you've gotta then build the road. I mean 5 years is not nearly as, I mean, you'll blink and the 5 years will be gone and the money will be gone.
- Franz So Roger why did, why was 5 years accepted. I'm just curious.
- Kilmer These were discussions that the, the petitioner presented these options. Our DPW staff reviewed through them. DPW agreed to this number so.
- Franz Being somewhat familiar with letters of credit in my line of business, it may be an issue on the like that a bank would issue one so if they, if we did ask for an extension there may be have to be renewal of the, of a doc, of the document itself. So that may be part of the reason it was 5 years. I don't know but. What are you suggesting? I mean –
- Lake I don't know. I mean if they can't agree to a number tonight I don't want to continue it necessarily on this item but –
- Franz Right.

Lake But I think in good faith through continued negotiations to try and push it out to maybe closer to 8 years so that when you've got 2 years of construction, 8 years of –

Franz 10 years?

Lake Yeah, so then you're hitting that 10-year mark that seems a little bit more reasonable for the Town to, to get something done.

Franz Okay.

Andreoli My, my client has authorized me to move that from a 5 year to –

Pfeifer Eight.

Andreoli An, an 8 year which effectively gives you a 10-year window and, quite frankly, if, if the Town does not feel like they, they want to take \$240,000 to build a bike path in the next 10 years then shame on them. So as some point there's got to be a sunset and somebody's got to make a decision when the money's just sitting there. Why don't you, why don't you use it and spend it if you're intending to spend? I think, I think that's a – I hope you believe that's a gracious offer but we would, we would extend that to, to 8 years which would give a full total of, of, of 10 years.

Franz All right. Appreciate it very much. Any other questions/comments?

Lindhjem 1:13:33 inaudible off microphone

Franz You have to come up.

Lindhjem 1:13:36 inaudible off microphone

Franz No, you gotta come up to the –

Lindhjem Okay.

Grabianowski You gotta be recorded.

Lindhjem What's that?

Grabianowski You have to be recorded.

Lindhjem I couldn't swear or anything?

Jones Uhh, you know –

Madrick We didn't say that.

Jones Yeah.

Lindhjem Okay, once again, I'm Nancy Lindhjem, 6150 Irish Hill. Is there a plan to have a turn lane into this subdivision because I know when I go home down Oak Street to get into my own driveway it's taking my life in my hands. So with all the, all the traffic and all the trucks there will be a turn lane?

?? 1:14:09 inaudible off microphone

Lake There are. In, in the packet there are additional turn lanes in each direction heading east and west.

Lindhjem Off of Oak Street?

Lake Off of Oak Street.

Franz Hold on, hold on.

Lindhjem What?

Franz All right, so we've got your question. So we'll ask somebody to come forward and answer the question.

Andreoli Yeah, fortunately for us the, the State went in and acquired substantial additional right-of-way and there's, there's, it needs to be improved and there's improvements with it but, yes, we're going to have, we're going to have essentially a, a passing lane on, on our side and then, of course, the church is on the other side and has built lanes over there so it's just, that was a coincide that works well but we have some additional, even though there's some pavement there it's going to have to be redone. There's additional improvements that have to be made with regard to the, I guess, the passing blister is what we'd call it along there.

Franz Thank you. Any other questions/comments?

Hurst I, I guess I'm just looking to confirm – there is no change in the density of homes here from what the zoning of, zoning was done in 2020?

Franz I remember very specifically it was 150 homes –

Walker Yeah.

Franz Between the two properties so. And I'm looking at this, in my personal opinion is that this, I think, meets the spirit of the original plan so.

Hurst I, I would agree but questions have been raised about the density and that, that was a decided matter a number of years ago at this point.

Franz All right, anything else? So what we would need is four separate motions on the waivers and then a motion on the primary plat and then a motion on the development plan.

Lake So I move that the Subdivision Control Ordinance waiver regarding cul-de-sac length be approved based on the Waiver Findings included in the staff report Exhibit 9-A as presented.

Franz All right, is there a second?

Grabianowski Second.

Franz Any further discussion? We'll just continue the roll call so go ahead please.

Dale Sharon Walker?

Walker Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Dave Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Franz That motion passes 7-0, waiver is granted.

Lake I move that the Subdivision Control Ordinance waiver regarding driveways within 75 feet of an intersection be approved based on the Waiver Findings included in the staff report Exhibit 9-B as presented.

Franz Is there a second?

Walker Second.

Franz Any further discussion? Go ahead.

Dale Larry Jones?

Jones Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Chris Lake?

Lake Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Dave Franz?

Franz Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Franz That waiver is also granted.

Lake I move that the Subdivision Control Ordinance waiver regarding centerline radius for the street curves be approved based on the Waiver Findings included in the staff report Exhibit 9-C as presented.

Franz Is there a second?

Grabianowski Second.

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Dale Larry Jones?

Jones Aye.

Dale Cindy Madrick?

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Madrick Aye.

Dale Chris Lake?

Lake Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Dave Franz?

Franz Aye.

Lake I move that the Subdivision Control Ordinance waiver regarding sidewalks and paths along Oak Street be approved based on the Waiver Findings included in the staff report Exhibit 9-D as presented.

Grabianowski Second.

Franz Is there any further discussion? Roll please.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Dale Sharon Walker?

Walker Aye.

Dale Jim Hurst?

Hurst Aye.

Franz And me say I. Okay.

Dale And Dave Franz, thank you.

Franz All right. Then we have the primary plat.

Lake So I move that – let me as a question first. The 8-year change does that want to be a part of this motion?

Taylor Yes.

Lake Okay. I move that Docket Number 2022-53-PP, a Petition for Primary Plat Approval for the Courtyards of Russell Oaks consisting of 150 single family residential lots on 97+/- acres in the Rural Single and Two-Family Residential District (R-2) be conditionally approved based on the Findings of Fact, the staff report and as presented subject to the resolution of the items within the comment letters Exhibit 8 and a modification of the commitments for the bike/walking path that it have an 8-year sunset in lieu of a 5-year sunset.

Franz That's on the letter of credit.

Lake On the letter of credit. Yes, thank you.

Franz Is there a second?

Hurst Second.

Dale Dave Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Franz All right. That motion is approved. On to the development plan.

Lake I might as well get this one too. I move that Docket Number 2022-54-DP, a Development Plan Approval Petition for a 150-lot, single family residential development on 97+/- acres in the Rural Single and Two-Family Residential (R-2) District be conditionally approved based on and subject to the Findings in the staff report and the staff recommendations, resolution of the remaining review items identified within the comment letters Exhibit 6, the submittal of the tree inventory along the eastern property line for staff review, the submit and the submitted Findings of Fact.

Franz Is there a second?

Hurst Second.

Franz Any further discussion?

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Dale Dave Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Franz That matter is passed too.

Andreoli Thank you.

Franz Thank you very much.

Andreoli Thank you.

Franz Next on the docket is Continued Business again – 2022-59-RP, The Club at Holliday Farms/Replat of Lot “S” and C.A. “B” of Section 7 and Lots “T7” and “T8” of Section 8, 3546 South U.S. 421 and 10756 and 10778 Dartmoor Way, Zionsville. Petition for the Approval of a Replat of Lot “S” and Common Area “B” of Section 7, and Lots “T7” and “T8” of Section 8 of the Holliday Farms PUD to modify the previously platted lot lines being in the Planned Unit Development District (Holliday Farms PUD). Are they online or they present or are they present in person?

Stevanovic Mr. President, I’ll go ahead and start if you don’t mind.

Franz All right, oh that’s right.

Stevanovic And, yes, our representatives will be via Zoom here shortly. So this petition requests approval of the replat of Lot “S” and Common Area “B” of Section 7 and Lots “T7” and “T8” of the Section 8 of Holliday Farms to modify the previously platted lot lines within this Planned Unit Development District of Holliday Farms. You will recall the petition was to be heard at the January 17th Plan Commission meeting but was continued due to the disconnection of the Zoom link. As reflected in the staff report, the purpose of the replat is for the construction of a T intersection of Dartmoor Way rather than the previously approved per thoroughfare. This new intersection would continue to the east in anticipation of the development of Lot “S” and to potential single-family residential homes which would require a future development plan petition for review. Staff has worked with the developer to ensure the construction plans for Section 7 and 8 reflect correct sanitary locations, easements and labeling and staff has no further comments on the replat. With this in mind, staff supports approval of Petition Number 2022-59-RP and we have Brad Henke and Betsy Garfield who are representatives for the project joining us via Zoom.

Franz All right. You’re on mute. Okay, there you go.

Garfield Oh, great. Good evening everyone. Hi. Betsy Garfield and Brad Henke, 1310 South U.S. 421, Zionsville, Indiana 46077. We are both with Henke Development and we appreciate you guys having us. We have loved working in Zionsville. It’s been some really exciting past few years and just really been kind of grateful to be a part of this community and, and seeing it all evolve.

The plans that you’re looking at tonight, this is where we had originally planned multi-family and after working with the community and neighbors, we have moved to doing that in high-end residential. We are looking to simply realign what used to be a curved road and it’s just going to end in a T. So, hence, you’ll see the replat of a few of the lots that, that it was touching and no other changes there.

Henke Yeah, thank, thank you very much for your time and thank you for the intro there, Janice. I, I think you captured everything as well. As Betsy mentioned, we talked with the families on T8, the, the Price family and, and T7 as well and we, we did have, I believe, a letter from Mr. Strick who was, he’s on T5 just a little south of this area, south of the 12th hole and we, we talked to him and I think he

just wanted to know what we were planning to the east of this area and as Betsy and Janice alluded to, that, that'll be residential, high-end residential just to the east so. With that, we're, we're happy to answer any questions and thank you all for your time this evening.

Franz All right, thank you. Is there anybody in the public who'd like to comment on this matter? Online? We have somebody online.

Strick Am I online?

Franz Yes you are, please proceed.

Strick Oh, hi. Members of the Commission and staff, my name is Greg Strick. I live at 3761 Dartmoor Way, Zionsville. As Brad Henke mentioned, I live down the street from this intersection. My letter of interest was written primarily because when the petition was first submitted and was to be discussed at the January 17th meeting, the, the, the purpose of that T at the end of Dartmoor was literally unknown. One would go to the T, drive north on Dartmoor Way to the T, turn right, turn east and you would go to future development. One of my major concerns when the Marketplace Flats were proposed approximately a half year ago and that was pulled back, was that the, the turn into an emergency exit from Dartmoor into the backend of that Marketplace Flats would have been a risk to residents along this street. Risk in not knowing what kind of 220-unit complex would yield, what kind of resident that would yield and what kind of risk that would bear on what we would bear as a risk and so I opposed that. Fortunately, that particular thing was, was not continued and I was thankful for that.

When this particular petition came up I thought to myself well, gee here we go again. Dartmoor has been through a number of changes over the course of time. I've been one of, I'm one of the first residents on Dartmoor Way having completed in, in the middle of '21 but when we purchased we thought maybe this would be a cul-de-sac and then it became a construction thoroughfare which to this day is still that and then it was to turn left, turn west out to the continuing part of, of our part, of our part of the subdivision and then lo and behold he comes another version of this, of the end of our street going to nowhere. As Brad Henke alluded to, I did speak to him and he mentioned that there would be single family residential toward the east and certainly that was attractive. Being residential is a little less, is a little less obvious of what that's going to be and I just had hoped that he would be able to express to, to the Town what exactly is going to be there. I believe the plans are in place and in the interest of those of us who live on this street, that should be known. It would be a shame if the suggestion was to have it be residential or even single family and then come another petition that that too disappear as previous visions of Dartmoor Way have and so I had asked that there be some commitment from Henke Development to the Town Commission on what exactly was going to be out there and with that I conclude my, my comments.

Franz All right, thank you. Would Henke, would Henke like to respond on that one?

Henke Sure. Thanks David and, and appreciate your comments Mr. Strick. As, as he alluded, we, we did talk several times and we, we have no problem committing

that that, that will be high-end residential to the east. We, we are working on our plans there but I, I indicated to, to Mr. Strick that that would be another gated entry in, in that area and a combination of 90 to 100-foot lots north of the 12th hole and then as you, you get further east they would mirror our P section which is I think those are 60 and 70-foot lots. So very, very similar to, to what we've done within Holliday Farms and but to, to his concern, we, we certainly are, are comfortable saying it, it's not apartments and it's, it's high-end residential. We anticipate those prices to be in the million to, to \$2+ million range in that area. Thank you.

Franz All right, thank you. At this point is there any questions/comments from anybody on the Commission?

Jones So could we make that commitment to make this high-end residential as part of the, any motion that we put forward on this Mr. Henke?

Henke Yes, we're, we're definitely comfortable saying high-end residential like I said.

Franz Anything else? Somebody like to make a motion on this matter?

Jones Okay, I'll make a motion. I move to approve that Docket 2022-59-RP, a Replat Petition to Modify the previously platted lot lines of Lot "S" and Common Area "B" of Section 7 and Lots "T7" and "T8" of Section 8 of the Holliday Farms in the Planned Unit Development District (Holliday Farms PUD) attached as Exhibit, Exhibit 6 be: 1) Approved as presented and described based on the Findings in the staff report and the staff recommendations, submitted Finding of Fact and the commitment to redevelop the adjoining Lot "S" as single family high-end residential structures.

Franz Is there a second?

Lake Second.

Franz Any further discussion?

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Dale David Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

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Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Franz All right, that matter passes. Thank you very much. We'll see you with a development plan.

Henke Thank you. Appreciate your time.

Garfield Night.

Franz Next on the docket – New Business: 2022-61-RP, 4071 and 4073 Wild Wood Court. The project address is 4071 and 4073 Wild Wood Court, Zionsville. Petition for Approval of a Replat of Lots 49 and 50 in the Willow Ridge Subdivision to relocate the shared lot line between the two lots being in the Rural Single and Two-Family Residential (R-2) District. Roger, are you handling this one?

Kilmer Yes sir. Just to give our IT a head's up, the representative presenting for the petitioner is Leigh Anne Ferrell and she will be joining us online so if you want to go ahead and, and get her cued up.

This project, as stated, is a request for approval of a replat to locate the shared lot line between two lots in the Willow Ridge Subdivision. The two lots are owned by the same family, Ted and Sarah Brauer, and the Brauers are wanting, they constructed a home in 2015, a single family residence with an outdoor swimming pool. That was constructed on Lot Number 49. Lot Number 50, the adjacent parcel, remains undeveloped. The petitioner is desiring to add a two-car garage adjacent to the existing garage. This additional garage would extend across the current existing lot line as currently platted which divides Lots 49 and 50. To accommodate for setbacks while still maintaining two separate lots, the request is to shift the lot line between Lots 49 and 50. By relocating the lot line, the proposed additional garage would comply with required setbacks and I would refer you to Exhibit 4 from the staff report which is a plot plan. It depicts where the proposed garage addition would be located and shows that it would be that if the lot line is relocated that all required setbacks would be met. The only other item of interest regarding this petition is that a petition for development standards variance to permit two lots exceeding the maximum lot width to depth ratio of 3:1 was approved by the Board of Zoning Appeals on their February 1, 2023 meeting. Staff does recommend approval of Plan Commission Docket Number 2022-61-RP and be glad to answer any questions you might have.

Franz All right, thank you. Petitioner, please state your name, address and proceed.

- Ferrell Hi. I am Leigh Anne Ferrell with Stoepelwerth and Associates. We are the engineer of the project, 7965 East 106th Street in Fishers. Thank you, Roger, for your explanation of the petition. My only comment to add along is they did get HOA approval for the garage addition.
- Franz All right, thank you. Anybody from the public like to comment on this matter? Anybody on the Plan Commission have any questions/comments?
- Jones It did come through the BZA. There wasn't really much discussion. Pretty simple and straightforward request. We didn't have any issues.
- Franz All right.
- Hurst I just, real quick to staff – does the remaining lot meet, when somebody wants to sell that and develop on it, is that still a developable lot without coming back to the BZA or the Plan Commission?
- Kilmer Yes, yes sir. The only area that would not comply is with the 3:1 ratio which, again, was presented to the BZA and the BZA approved that variance for both lots. So, so this remaining undeveloped lot could be developed. Someone could buy it now and pull a, a permit to construct a home on it.
- Hurst Thank you.
- Franz Any other questions/comments? Is there a motion on this matter?
- Lake I move that Docket Number 2022-61-RP, a Petition for the Replat of Lots 49 and 50 in the Willow Ridge Subdivision to relocate the shared lot line between the two lots being in the Single Family and Two-Family Residential (R-2) District be approved based on the Findings established at the public hearing.
- Franz Is there a second?
- Grabianowski Second.
- Franz Any additional questions/comments?
- Dale Larry Jones?
- Jones Aye.
- Dale Cindy Madrick?
- Madrick Aye.
- Dale Chris Lake?
- Lake Aye.
- Dale Mary Grabianowski?

Grabianowski Aye.

Dale Dave Franz?

Franz Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Franz The motion is granted. Thank you very much.

Ferrell Thank you.

Franz The next item on the docket we'll do – I'll just read all three at once. Creekside Corporate Park Lots 10 and 11, 10814 and 10815 Creek Way, Zionsville. Petition for Approval of a Replat of Creekside Lots 10 and 11 to relocate the shared lot line between the two lots being zoned Planned Unit Development (Creekside PUD). Rahal Performance Building Number One, 10850 Creek Way, Zionsville. Petition for Development Plan Approval of a 104,568 square foot commercial building on Lot 10 being zoned Planned Unit Development (Creekside PUD) and Rahal Performance Building Number Two, 10814 Creek Way, Zionsville. Petition for Development Plan Approval of a 25,635 square foot commercial building on the Lot 11 being zoned Planned Unit Development (Creekside PUD). Please proceed. Oh, we, we changed the order. Sorry. Who is doing this one Roger or Janice?

Kilmer I am.

Franz Roger. Thanks.

Kilmer Thank you. As mentioned, we have three companion petitions to consider regarding this proposal. The first is a, a replat to relocate the shared lot line between the two lots Lot 10 and Lot 11 of Creekside Corporate Park. The second petition is a development plan approval for a new commercial building of just under 105,000 square feet. It's a commercial building to be located on Lot 10 and the third petition is another development plan. This would be for Building Two, another commercial building of 25,635+/- square feet to be constructed on Lot Number 11 of Creekside Corporate Park. The current zoning for this, for all three petitions is a Planned Unit Development. It is part of the Creekside PUD so not, and also within Subarea E of Creekside.

The replat to go into a little bit more description of, of the different petitions, on the replat GRP will be developing the two adjacent lots, Lots 10 and 11, with commercial housing, commercial buildings housing the GRP operations. The locations of the proposed buildings would place Building One on the current

location of the, of the platted lot line and so the replat petition is to relocate this current lot line so it will not, so it will be located between the two proposed buildings allowing each building to exist on its own lot and comply with the required setbacks. Building Number One's development plan, again, proposed to be constructed on Lot Number 10, GRP proposes a 104,568+/- square foot two-story commercial building which would include office space, car repair and assembly space, automotive sales for a Ducati dealership and a small café. All of these uses are approved uses now based upon Subarea E of the PUD. With this building also there would be several environmentally friendly items being incorporated into the design into the building which will assist reaching the sustainability goals for the project.

The third petition, which is a development plan for Building Number Two, this would be constructed on Lot Number 11, GRP proposes a smaller commercial building 25,635 square feet two-story commercial building which would include a 4,000 square foot restaurant, commercial space for a future tenant and a car museum/exhibit space. Viewing the project as a whole, the proposed project will be pedestrian friendly. New sidewalks will be installed around the perimeter of the site along Creek Way and connecting to each building. As their plan for connection to the existing trail, bicycle parking will be provided for each building. A central gathering area is proposed between the two buildings which will include permeable pavers and an outdoor seating space for the restaurant, again, the restaurant being within Building Number Two.

There are a couple of items of interest for the Plan Commission to, to consider and discuss. As part of the development of Creekside Corporate Park, bioswales providing drainage along each side of Creek Way were installed. Access points to each lot within Creekside were accounted for in the design in the, in the, and the location of these bioswales. Both of the proposed vehicular access points involved in this replat are new and do not align with the previously identified access points for Lots 10 and 11 thereby interrupting the bioswales functionality. Staff has requested the petitioner to provide details regarding the resolution of these bioswales functionality and a maintenance agreement for the shared access easement identifying responsibilities for the ongoing maintenance of the shared access from Creek Way. There's one other item that we asked the petitioner just to clarify and that is regarding the light height of all lights within, within this development on – and I'm sorry I don't have the sheet number right in front of me – but on one of the sheets it has a drawing showing a 30-foot-tall light fixture, however, on that same sheet in a table it's referenced as 17 feet 6 inches tall. While I know that the, the maximum height for lighting based upon the Creekside PUD is 20 feet so we just need it clarified as to what, what pole height they are proposing for this development.

Regarding staff recommendations, for the replat staff recommends conditional approval of the Plan Commission Docket 2023-02-RP subject to the resolution of items noted within the Town's contractual engineer's comment letter and details regarding the resolution of the bioswales functionality. For development plan regarding Building Number One, staff recommends conditional approval subject to the resolution to the, all the items noted within the staff report and the comment letters and the recommendation for development plan for Building Number Two, again, staff recommends conditional approval subject to the

resolution of all items noted within the staff report and the comment letters. I'd be glad to answer any questions you might have.

Franz All right, thank you. Now, the petitioner can begin.

Hurt Okay, hello. I'm Aaron Hurt with Civil & Environmental Consultants. I'm a civil engineer on the project. I think online we have Dan Moriarity with Studio M Architects so any architectural questions he can weigh in online and then Audie Tarpley with Dillon Construction is with me tonight so they're the, the contractor on, on the project.

I think Roger did a good job. I might just walk through a few things just to try to clarify a few items. So on, on the screen is the site plan. The first item with the plat is pretty straight forward. Currently Lots 10 and 11 the common lot line goes, would go through Building One and so we're simply moving the common lot line to split, split the drive and so we're just shifting that internal lot line over so that's the purpose of the plat, the replat.

On development plan one or for Building One, this is the site plan for the building. It's, it's two stories but primarily just tall space at, at the beginning, at the front of the building. So Graham Rahal Performance they work on high-end cars so this is a, this will be Graham Rahal's basically headquarters so he'll have his office space in the back in an upper level area where we have a mezzanine at the back of the building and then on the north side or the left side of the building is where they'll work on the vehicles and, and have the car display area. On the right side of the building will be the Ducati dealership, so the new Ducati facility and splitting the building will be a, a café that will be shared space for the building to use. So that's Building One. It's about 105,000 square feet. Some features with the building – it will have some interior tanks where we're going to collect rain water and reuse that in the, in the car operation. We're looking to put solar panels on the roof, working with Duke Energy on that. We will have a couple of electronic car charging stations out front for electric cars. The, the drainage we're, we're doing a lot of different things on the drainage. In the upper corner we're going to have a dry detention area that will be planted with native seeding, seedlings. We do have some rain garden areas. We have some porous pavers so the area between the two buildings is meant to be an amenity space. Building Two, which you can see on the corner of this building or the corner of this page will have an outdoor restaurant so we're envisioning the space between the two buildings will be a nice gathering area with outdoor seating between the two buildings.

I'll shift over to Building Two which is the smaller building, about 26,000 square feet. In the lower left corner of the building is the 4,000 square foot restaurant so Rahal is currently working with an operator on that plan so that'll be finalized but we'll have outdoor seating, a, a nice restaurant. In the back of this space is a car museum or storage area where high-end cars will be stored and able to be viewed by people that visit the building. So that will be in the back portion of the building. In the lower right corner, they're currently working with some commercial tenants, probably automotive related I don't, I'm not sure if I'm at liberty to say, but they're actively working on that right now at the, at the right

corner of the building. So, very automotive focused and will complement the Rahal Racing facility to the east of Creek Way.

I did want to share some of the renderings but we have worked with staff. Our, our landscaping plan, we believe, is compliant. I did want to touch briefly on the bioswale comment. I don't want to get too detailed on it but if you, if you see the site plan there are a few blank spaces out on Creek Way and that was originally intended where curb cuts could be located so the bioswales are not located in those areas. The way our site plan worked out, it just didn't line up very well with those locations for curb cuts so what we can do is extend the bioswales, we believe, in those areas and we'll work with the engineering department to make sure we meet their goals for sustainability in, in the bioswales. So we think there's adequate space there to do that, it's just the, the two curb cuts didn't quite line up exactly how it was planned 7 years ago so but we will definitely work with staff on that.

And then I was just going to switch over to some of the renderings and Dan Moriarity may speak to this but I'll just quickly go through the images. So this is the Graham Rahal Performance building here. So this is the larger 104,000 square foot building. You can see the, the Rahal facility will be on the left side and the Ducati dealership will be on the right and in between will be the café, the shared café space. Here is another rendering of the Ducati dealership so this would be on the right side of the building or the east side of the building. And then switching to the restaurant building, the smaller 25, 26,000 square foot building, so this is looking from the southeast so this would be the commercial space that will be likely automotive related. In the back is the automotive museum or, or car storage area at the back and then on the left is the restaurant building or the restaurant use. So, and we understand we're going to need to work with staff on signage for the permitting so, obviously, that rendering just says signage but we'll come back with more detailed specifics on the sign, signs for the building.

I guess, I don't know – Dan Moriarity do you want to offer anything on the architecture?

Moriarity Really, can you all hear me?

Franz Yeah, please state your name, address please.

Moriarity Yeah. This is Dan Moriarity, Studio M Architecture, home address 3628 Eden Place, Carmel, Indiana. Really, I think Aaron has covered, and as he said, Graham's in active conversations with restaurant providers and we, we don't have this particular signage as of yet for what that might be but we'd certainly understand when and if that arrangement is made that we'd be back through the Commission for any signage-related issues. These are basically a combination of metal panel on the main building. We have some brick detailing that you see here on the restaurant in the front with storefront. The, the dealership on the corner also is, would be like an Alucobond metal panel, excuse me, then on the main building, I don't know if you want to jump back to that, Aaron, on your screen but as you can see, it's a combination of the Alucobond metal panels. We do have, we're still working with Ducati on their color schemes and their latest

scheme or their latest corporate standards include a, a actually a white canopy so to speak with a, with a red with red letters. So we're in the process of revising those colors for Ducati. It's the same, same design, same arrangement, just a, a little bit different scheming on the colors in, in that area. As Aaron said, the, the coffee shop in the middle there Graham is, is working as well with a coffee, a coffee, a local, well actually a regional coffee provider, I guess you'd say, been very successful that will also be open to the public. That's just not for the facility itself but that, that will be a, of course available to outside, outside guests. And I'm really just here to answer any questions the group might have.

Franz All right, thank you. Do you have anything else?

Hurt Yeah I think that covers it.

Franz Okay. Is there anybody in the public who'd like to comment on this matter? Being none, is, questions/comments from the Plan Commission members?

Lake So there is no access off of 106th Street?

Hurt Right, that's correct. There, there's an existing curb cut there but our intent is not to use that. I think engineering staff prefer that that stay there in case they needed it for maintenance purposes but our intent is not to use that curb cut.

Lake Can you –

Kilmer If I can, if I can clarify and add –

Lake Sure.

Kilmer On to that. That topic did come up during the TAC discussion and DPW even commented that because the Town put that curb cut in place, it's going to be the Town's responsibility to take it away and that is DPW's intention.

Lake Yeah, my only concern was we just had this subdivision that needed separate emergency access and if you had a wreck at the entrance of this, of Creekside in the, on the entrance drive itself and it was blocked there's no way to get to this building if there were a medical emergency and so I'm surprised that for as much square footage as there is here, in the likelihood if something like that happened and given what they're doing, that there is not some accommodation for access off of 106th Street.

Kilmer I can give you the technical response that has been provided to me by the other departments for that. Because the entry into Creekside is a true boulevard entry, meaning there, there, it's wide enough for, for more than just two vehicles to go in, that that satisfies the requirement for two points of entry.

Lake If, if –

Kilmer I'm just giving you the . 1:54:46 inaudible

- Lake Yeah, if you had a semi coming out of Rahal's current building, crossing to turn left onto Creekside Way or whatever that's called, and a car T-boned it that road is completely blocked. The boulevard only extends for the first 75 feet or whatever it is so I'm, I'm just surprised that there's no access off there. Also knowing that they're going to have trucks, potentially car carriers and stuff coming in and out of there from time to time that there's not access.
- Kilmer Yeah, I, I –
- Franz Any other questions/comments?
- Jones Well kind of following up of Chris, on one hand, on a positive note, what's, typically what do we look for for parking per 1,000 square feet of retail commercial space?
- Franz Zionsville's 3 or 3-1/2 –
- Jones Okay.
- Franz Per 1,000.
- Jones So the positive note is that the 26,000-foot building appears to be substantially overparked. If I'm counting them up right, there's 191 spaces around it. But to what Chris was saying, I don't see any kind of dedicated loading/off-loading space for semis on this site and car carriers and given the scale for the amount of square footage, I don't see any kind of loading docks, I don't see any kind of area dedicated for loading/off-loading vehicles. What's the plan?
- Moriarity I think I can answer that Aaron [REDACTED] 1:59:19
- Tarpley I, I can answer it. My name is Audie Tarpley. I'm the President of Dillon Construction and managed the design for, for [REDACTED] 1:56:27 this facility.
- Lake Stand over by the mic.
- Franz Over by the mic please.
- Tarpley Sorry. There, there are no large trucks coming in and out of this facility. There, there's no truck dock. The car carriers are private car carriers with one or two vehicles at the most. We've done the turn radiuses on the, on the lot and that's what set up you might notice that some of the, the aisles are a little wider than normal just for that but they're private carriers. There, there are no large car carriers that are going to enter this property.
- Lake So when Ducati delivers their first load of motorcycles they're not going to come with a 53-foot semi?
- Tarpley Actually, the at the facility in Brownsburg very few of the large over-the-road trucks. They're coming in batches of 3, 4, 5. The first one, you're, you're right – it probably will be a larger load for that one but that's not what will be coming in and out of here on a regular basis.

- Lake But can that be accommodated in this site because I know this northwest corner of the building doesn't look like there's much room to get a semi around that corner of the building.
- Hurt Yeah, we have done AutoTURN simulations on this. It's a little deceiving I think because of the scale but we, we've run the firetrucks through here and semi deliveries and like Audie was saying, we, we've widened out behind the building here and the way this is set up too, there's a garage door as you come in off of Creek Way and you can go straight in to the facility here. So, so I think that's part of the intent is that he will actually, they can pull cars or trucks straight in and then, and then back out and then go around and I think just the nature of this facility, they're dealing with high-end cars and like Audie was saying, they get, they, they don't get as much truck traffic as maybe a typical car dealership might and but we have run AutoTURN through here and it, it does accommodate that, a semi.
- Lake Okay.
- Jones I mean their existing facility in Brownsburg, the entire rear of their location is semi-truck docks.
- Tarpley Well, it is an industrial park.
- Jones Correct. That's my point.
- Tarpley Yes sir.
- Jones Because I don't think we want to have any vehicles loading and unloading on the street.
- Tarpley No sir.
- Jones I mean, Pearson Ford it's bad enough that they use Michigan –
- Lake Yeah.
- Jones And it, it's a car dealership and a motorcycle dealership.
- Tarpley Yeah, that is correct.
- Jones They're going to be delivering vehicles on car carriers.
- Moriarity That's not, that's not true.
- Tarpley These are one-of-a-kind cars.
- Moriarity Yeah.
- Tarpley There's no –

- Jones Yeah, I owned a few of them. Yeah, I understand exactly what they are.
- Tarpley Okay.
- Jones And I've had them delivered on car carriers and so I, I find it highly suspect that we're not going to end up with Creekside Boulevard being used as a truck dock.
- Moriarity I guess why, if I can ask –
- Franz Sure, go ahead.
- Moriarity Am I on mute still?
- Franz No, you're fine.
- Lake No.
- Moriarity If I can ask why, why would someone park on Creekside Avenue and unload a truck when you can drive a car carrier, if you had a car carrier which we don't suspect, suspect many or expect many, that can completely rotate, can drive around the facility as well as park inside the building. Why would anybody park out in Creekside to unload a car? That doesn't make any, that doesn't seem to make a whole lot of sense to me but there's, as, as Audie and, and Aaron both said, and you know yourself if you've owned them, like the clearance on these cars is, is almost nonexistent on some of them so many of them never see the outside. They come in, are unloaded inside, they're working on inside, they're reloaded and reshipped back to the owner. So it, it, I think it's misleading to characterize this as a high-volume operation. It's just, it's just not. We're not looking at a, an Andy Mohr Chevy here or something that's bringing in loads of cars every day.
- Lake Yeah and my concern wasn't volume, my concern was simply just that somebody's made sure these trucks are going to fit in there because we get – you, you can tell me you're not going to get anything but depending on what you order, shoot off Wayfair if it comes LTD carriers, it's coming on a 53-foot truck in the middle of Stonegate so I just – if you've run truck turn and it, it works, I'm – that was my question.
- Hurt Yeah, yeah we have. Yeah, we've run that. We've got a wider 28-foot drive. That really widens out in the back and then run full AutoTURN through it yeah.
- Franz Any other questions/comments?
- Lake Yeah, I'm going to jump over to architecture given that's my background.
- Franz Okay.
- Lake I've supported this project from the beginning even when it wasn't supported here locally so thank you for doing this project. So I'll start there. On Building Two, I'm kind of disappointed with the, the façade design on that. It looks like brick is literally glued to the front of the building and there wasn't much regard

to how the, the brick integrated with the building itself. Brick, that's the only brick on either building. Both buildings are more modern looking but then we've slapped a traditional brick element on the front of it to, I'm assuming to appease somebody, I don't know who that somebody is but to me that building needs some design work.

Tarpley It, we would agree with you.

Lake Okay.

Tarpley And I, I think Dan could chip in there. He, he knows that there's more work to be done. We were wanting some input from the ultimate user for it before we finished it but, but we do know that that, that needs to be addressed.

Lake And if you're going to do an element like that and the restaurant wraps the corner with outdoor seating, wrap that element around the corner it might, might help.

Moriarity That's a good, that's a good suggestion.

Lake And then I'm glad to hear something's going on with the Ducati red roof there because it looks like it weighs about 200 tons and is going to crush the glass. These, these cars are very sexy and that's very heavy and not sexy so it's, it's everything that the cars and the motorcycles aren't and so if there's a way to lighten that up and, and maybe not do the columns that look super modern or, and are not going to look good in the next 10 years, that corner has always bothered me from the beginning. The Mayor and I had conversations about that when she was trying to decide whether or not to support the project, so I, I think that corner needs a little bit of, a little bit of work. It's just too, too much, too heavy, I don't know – not, not quite the right character for that, for that lot. And I've said my peace.

Franz Any other questions/comments?

Hurt I, I guess we did want to clarify on the light poles, we will comply with the PUD ordinance. They will be 20 feet or less so. I think they're really at the 17.5 but we'll make sure they're not more than the 20 feet.

Lake Yeah, the photometric plan is, is says they're 17'6" and so you probably run into photometric issues if you take them to 30 anyway so –

Hurt Yeah, yeah so, okay. Just clarifying that.

Franz All right, thank you. Anything else? If not, are there three motions on this matter.

Jones Quick question –

Stevanovic Mr. President – could, could we interject just a minute please?

Franz Sure. All right, go ahead, Larry.

Grabianowski Larry.

Lake Larry –

Madrick Larry –

Franz Larry, were you going to ask a question?

Jones Yeah, I know. What's the height of the overhead doors you've got on this building on the back side?

Moriarity They vary.

Hurt Dan, can you comment on that, on the overhead doors?

Moriarity Yeah, they, they vary. If they're under the mezzanine or if they're in the, in the high bay area their, themselves but I believe they're 14 feet in the high area and 10 feet below the mezzanine.

Jones How tall is a semi anymore?

Moriarity Well most, most underpasses are 14 feet so if it can fit on an interstate it can fit in our building.

Lake I think an actual semi though is more like 12 feet max.

Franz Janice, did you have something?

Stevanovic Yes. What we're hearing from the Plan Commission is the desire or at least the thought process, I think, that what we're looking at architecturally is conceptual and if that is the case, I would like direction from the Plan Commission – do you want this project to be presented back to you as far as architectural screens? Is a subcommittee something that you're looking for? Are you wanting for staff to approve the eventual new elevations? Just need your direction.

Franz I'd say Chris, I mean, it sounds like a subcommittee.

Lake Yeah, I mean, I would hate to be in the situation we are sometimes where we, we put some concerns out there and these are concerns that, I mean, I've to Administration about, Town Council and I have had conversations about as this has moved forward and so, yeah, I don't want to just present them and then everybody goes off and we get the same thing that's on the screen so whatever process that is, I think this, as prominent as this is, it needs probably a little bit more, from our side, a little bit more shepherding if you will.

Franz So we've got a couple options. We can, I guess we can approve the plat or the replat but we continue the two plans.

Stevanovic In the past, if I can, it's, the project has been approved in the past subject to the subcommittee working with the developer.

Franz Okay, I mean, then that was, that – okay, I said that was one option. That’s the second option. So –

Lake Yeah.

Franz Umm –

Lake I’d prefer to not personally continue them.

Franz Okay, I mean, that’s fine. I mean, so –

Lake But I –

Franz Do we have, do we have volunteers for a subcommittee?

Grabianowski Chris will volunteer.

Lake I opened my, I opened, I opened my mouth so I guess I’m –

Madrick I’ll be on it because I agree with you. I think that this doesn’t –

Franz Okay.

Madrick Even go with the rest of the--

Lake Okay.

Franz Is there anybody else?

Lake We need one more. Right? Is that right? Three?

Hurst I’ll jump in there. I’m not too far from it every day so.

Lake All right.

Franz All right, so we have a subcommittee that they’ll work with the architect on the design and we’ll trust you. Thanks very much for volunteering everybody. All right, with that we can proceed to the –

Lake Sure.

Franz Motions.

Lake So I’ll do a motion on the replat. I move to approve that Docket 2023-02-RP, a Petition for the Replat of Lots Number 10 and Number 11 in the Creekside Corporate Park to relocate the shared lot line between the two lots being in the Planned Unit Development (Creekside PUD) be conditionally approved based on the Findings established at the public hearing and subject to the resolution of items noted within the Town’s contractual engineer’s comment letter, see Exhibit 7, and details regarding the resolution of the bioswales functionality.

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Franz Is there a second?

Hurst Second.

Franz Any further discussion?

Dale Sharon Walker?

Walker Aye.

Dale Jim Hurst?

Hurst Aye.

Dale David Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Franz All right, that matter is approved. The development plans –

Lake So how do we motion these? Do we note that the final design is subject to a –

Franz Subject to approval from the sub –

Lake Subcommittee?

Franz Plan Commission subcommittee.

Lake Okay.

Taylor Why don't we call it architectural subcommittee.

Franz Architectural subcommittee.

Lake Okay. So I move that Docket Number 2023-03-DP, a Development Plan Approval of 104,568+/- square foot commercial building on Lot 10 of Creekside Corporate Park being zoned Planned Unit Development (Creekside PUD) be conditionally approved based on and subject to the Findings in the staff report with staff recommendations, resolution of all items noted within the staff report and the comment letters, Exhibit 6, the submitted Findings of Fact and approval by the architectural –

Franz Subcommittee.

Lake Subcommittee of the Plan Commission.

Franz Is there a second?

Grabianowski Second.

Franz Any discussion?

Dale Larry Jones?

Jones Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Chris Lake?

Lake Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale David Franz?

Franz Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Sharon Walker?

Walker Aye.

Franz That matter is also approved.

Lake And, let's see – I move that Docket Number 2023-04-DP, a Development Plan Approval of a 25,635+/- square foot commercial building on Lot Number 11 at the Creekside Corporate Park being zoned Planned Unit Development (Creekside

PUD) be conditionally approved based on and subject to the Findings in the staff report and the staff recommendations, resolution of all items noted within the staff report and the comment letters, Exhibit 6, the submitted Findings of Fact and approval of the architectural design by the architectural subcommittee.

Franz Is there a second?

Grabianowski Second.

Franz Any discussion? Mike –

Dale David Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Chris Lake?

Lake Aye.

Dale Cindy Madrick:?

Madrick Aye.

Dale Larry Jones?

Jones Aye.

Dale Sharon Walker?

Walker Aye.

Dale Jim Hurst?

Hurst Aye.

Franz That matter is also approved. Thank you very much.

Hurt Yep, thank you.

Franz Next on the docket – Rules and Materials. Amendments to the Plan Commission Rules of Procedures. Go ahead –

Stevanovic Yes, I can take that sir.

Franz Yep.

Stevanovic The first item would be regarding Becknell. We all support 267 Industrial Park. This is something that staff is bringing to your attention. It is a minor amendment with the 8, 8-foot chain link fence needs to be installed at the rear north face of Building 4 in the loading dock area with Becknell or, as I said, the 267 Industrial Park. The location of the fence is 150 feet from the northeast corner of the building and it's 250 feet wide by 80 feet deep. A lock will be installed at the gates and the petitioner has already contacted the fire marshal to ensure compliance of the locking mechanisms. We did ask the Stormwater and Engineering Department to review this. Again, it is simply a minor amendment, one that we're just bringing to your attention.

Franz All right, thank you.

Stevanovic If you'd like, I can go ahead with –

Franz Sure.

Stevanovic The Rules of Procedure. Staff has provided to the Plan Commission members hard copies of the proposed resolution should the proposed amendments or revisions be accepted tonight. A red-line copy of the revised, of the requested revisions, a clean copy for reference and a template of the Plan Commission commitments form have also been provided. Briefly reading into the record these revisions include: An update to the cover and adoption page to include adoption and effective dates, the meeting date, the meeting time change from 7:00 to 6:30 p.m., we've corrected the address of Town Hall, there's a language revision replacing a reference to be the office of the Clerk to the Finance and Records Department. It includes verbiage requiring the use of the Town-generated commitment forms when applicable. It includes the option to notice not just by certified mail with return receipt but also first class mail and finally, requires that a list of adjoiners be included in the application packet. Staff is requesting your approval for these revisions and we've done a fairly thorough search of any additional revisions that might need to be made to the Rules and I believe that this would conclude the many times we've brought the Rules back to you. So, asking for your approval and happy to answer any questions.

Franz All right, thank you.

Grabianowski Thank you for all your work on this.

Franz Any questions/comments? So we need a motion to approve or to recommend – what is the motion?

Taylor Approve the use.

Franz Yeah, okay.

Taylor It's your Rules, yeah.

Franz Is there a motion to approve the amendments?

Lake So moved.

