



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Monday March 15, 2021

7:00 PM (Local Time)

THIS PUBLIC MEETING WAS CONDUCTED ONSITE AND ELECTRONICALLY AS ALLOWED BY VARIOUS EXECUTIVE ORDERS OF THE GOVERNOR OF INDIANA AND GOVERNOR HOLCOMB'S EXERCISE OF HIS POWERS UNDER INDIANA'S EMERGENCY MANAGEMENT AND DISASTER LAW, IND. CODE 10-14-3, *et seq.* ADDITIONAL INFORMATION REGARDING THE MEETING IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.

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Due to social distancing requirements, no more than twenty-seven (27) attendees, (with two (2) of those seats reserved for media), will be allowed in the on-site public meeting. Chairs must remain six feet apart. Face masks are required at all times while in the building. Social distancing must be followed while in the building. A health screening must be completed before admittance to the Council meeting room will be allowed.

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the February 16, 2021 Plan Commission Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

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

VII. New Business

Docket Number	Name	Address of Project	Item to be Considered
2021-04-Z	Goddard School	1580 W. Oak Street	<p>Given a Favorable Recommendation to the Town Council 7 in Favor 0 Opposed Petition for Zone Map change to rezone approximately 2.6 acres from the Urban (B2) Urban General Business Zoning District to a Urban (B1) Urban Neighborhood Business Zoning District</p>
2021-06-PP	Fischer Homes Chelsea Park	Templin Road Zionsville, IN	<p>Continued at the request of the Petitioner to the April 19, 2021 Plan Commission Meeting 7 in Favor 0 Opposed Petition for Primary Plat Approval to provide for 33 Lots with the following waivers in Rural (R3) Medium Density Single Family and Two Family Residential Zoning District</p> <ol style="list-style-type: none"> 1) Section 193.052 required turn radius from 300 ft. to 200 ft. 2) Section 193.052.14 cul-de-sac length over 800' 3) Section 193.052.14 an alley closer than 50' to the street right-of way 4) Section 193.053.18b driveways closer than 75' to the intersection
2021-01-DP	Convenience Store – Lot H of Appaloosa Crossing	3255 S. U.S. 421	<p>Approved with Conditions 7 in Favor 0 Opposed Development Plan Approval Petition for a 4,300 square foot convenience store with and fueling station on Outlot H of Appaloosa Crossing being zoned Rural General Business (GB) and within the Rural Michigan Road Overlay (MRO). Waivers of Architectural Design and Building Materials also requested.</p>

VIII. Other Matters to be considered

Docket Number	Name	Address of Project	Item to be Considered
			Zionsville Meadows-Skylight update
			267 Industrial Park-Installation of a trash enclosure to the south side of the building update

Please note that a quorum of the Zionsville Town Council may be in attendance at the meeting.

Respectfully Submitted:

Wayne DeLong, AICP, CPM
Director of Planning and Economic Development

ANNEX TO PUBLIC NOTICE FOR THE MARCH 15, 2021 ONSITE AND ELECTRONIC REGULAR MEETING OF THE ZIONSVILLE PLAN COMMISSION

In his various Executive Orders, Governor Eric J. Holcomb has ordered all political subdivisions of the State of Indiana to limit public gatherings and to implement the Centers for Disease Control and Prevention's and the Indiana State Department of Health's recommended virus mitigation strategies. The Executive Orders suspend certain requirements for Essential Governmental Functions that facilitate Essential Infrastructure with respect to public meetings and open door laws, including suspending physical participation requirements by members of public agency governing bodies and permitting public attendance through electronic means of communications. As a political subdivision of the State of Indiana, the Zionsville Plan Commission must comply with the Executive Orders throughout the duration of the COVID-19 Public Health Emergency.

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Members of the public shall have the option of recording their attendance at Plan Commission Public Meetings via electronic roll call at the start of the meeting or via e-mail at wdelong@zionsville-in.gov.

1. If a member of the public would like to attend a Plan Commission Public Meeting, but cannot utilize any of the access methods described above, please contact Wayne DeLong at 317-873-5108 or wdelong@zionsville-in.gov.
2. The Plan Commission will continually revisit and refine the procedures in this Annex to address public accessibility to Plan Commission Public Meetings during the COVID-19 Public Health Emergency.
3. If you need technical assistance in logging into Zoom for this webinar, please contact Joe Rust, at jrust@zionsville-in.gov.

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In Attendance: Dave Franz, Josh Fedor, Mary Grabianowski, George Lewis, Larry Jones, Sharon Walker, Chris Lake

Staff attending: Wayne DeLong, Bob Clutter Attorney, Janice Stevanovic, Roger Kilmer.

A quorum is present.

All Pledge of Allegiance.

Franz Wayne, would you please take roll?

DeLong Gladly. Mr. Franz?

Franz Here.

DeLong Mrs. Grabianowski?

Grabianowski Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mrs. Walker?

Walker Present.

DeLong Mr. Lake?

Lake Here.

DeLong Mr. Fedor?

Fedor Present.

DeLong Mr. Lewis?

Lewis Present.

Franz All right. We do have all in attendance. A vote of four on any matters will be necessary for that to be approved or denied. In your packet, there was a set of minutes from the February 16, 2021 meeting. Are there any comments, additions, deletions to those minutes? I noted one and sent it to Janice. She was going to update it. If there are none, is there a motion to approve the minutes?

Walker So moved.

Franz Is there a second?

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- Lake Second.
- Franz All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay. Minutes are approved. All right. There are no continuance items at this time. Before we get started, are there any members in the audience or virtually that would like to be recognized. If you would please, raise your hand on the zoom meeting. Are there any? No? Okay. We will move on. Also before we—one of the items, I guess I would entertain a motion for the waiver of registered mail for notification and the use of first-class mail for each of the Docket #2021-04-Z, Docket #2021-06-PP, and Docket #2021-01-DP.
- Grabianowski So moved.
- Franz Is there a second?
- Lake Second.
- Franz All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? All right. That's approved. All right. First thing on the Docket tonight is 2021-04-Z 1580 West Oak Street Goddard School petition for a zone map change to rezone approximately 2.6 acres from the Urban B-2 Urban General Business Zoning District to an Urban B-1 Urban Neighborhood Business Zoning District. Is the petitioner present? Please step forward, state your name and address, and make sure that you're speaking into the mic so people online can hear too.
- VonGunten Good evening, my name's Doug VonGunten. I'm with Ancon Construction, address 58664 St. Mary's Lane, Goshen, Indiana 46528. Here representing the petitioner Dia Walls and Goddard School for the rezone to a B-1. I also have Brad Schoeff here from Weihe Engineering. The project is a new Goddard School actually relocating from the current location, a new building about 13,000 square feet. Then, also in the development a proposed office professional services building about 5,000 square feet. So the need for a rezone to a B-1 is to allow for the childcare facility. We are happy to answer any questions.
- Franz All right. Thank you. At this time, is there anybody in the audience or online who'd like to make a comment on this matter? No? At this point in time, I'll take the staff report. Wayne, could you please provide that?
- DeLong Certainly. As published, staff is supportive of the petition as its been assembled for you this evening. We did provide some background history related to the property itself, created and given its zoning district in 1985. It's certainly been existing since then undeveloped. Most likely, it's highly probable this zoning district that was originally assigned to it was possibly to serve as some sort of buffer zone but the record simply is not clear related to that. Certainly, this

meeting this evening and certainly a subsequent Town Council process can certainly afford and serve to identify any possible concerns adjoiners may have about the project. Again, the request is supported by staff rezone request is in compliance with the comprehensive plan. I'm happy to answer any questions.

Franz All right. Thank you, Wayne. At this time, I'll open it up to any members of the Plan Commission who'd have any questions, comments.

Lake Is there any concern regarding the parking? I know you noted in there that if the parking for the professional building would end up being medical office, you wouldn't have enough parking to share that with the Goddard School which works really well except during drop-off and pick-up times which I'd think you'd be short. Is there any consideration to try and find additional parking onsite?

VonGunten We have not investigated further parking from a neighboring property or anything like that. During the next phase of design and working with planning and engineering, we would discuss parking and so forth. We have met the preliminary designs for the school portion of it. The professional services side is kind of a secondary piece of the project and exactly what that building would be is somewhat unknown yet. If, in fact, we would not be able to do the medical because of parking, then we would, you know, look to a different use for that building.

Grabianowski Would the drainage issues be addressed? Will the drainage issues be addressed?

VonGunten Yes, they will. We have been in contact with city engineering and planning and understand there has been an ongoing issue with adjacent properties and we do know that that's going to be another piece during engineering in the next phase of design that will have to be addressed. So we are aware of that and want to do our part to help solve that.

Lake Relative to that, is there bearing any due diligence at all to make sure that pond is even capable of handling the new impervious surface because it seems to struggle as it is right now let alone with all the additional impervious surface.

VonGunten We have, as well with the engineering department and Roger Kilmer, I believe, in the drainage side of things had several meetings with them in discussions with the capacity of those ponds. We still have some additional work to do with that but it is our understanding that if the formula to come with the drainage that we will meet that with the ponds. We do have some cleanup to do with the ponds. That's very apparent but the plan is to clean those ponds up and make them to the size that needs to be for our development.

Lake Thank you.

Jones It just appears from the picture we saw that whenever there's water in them, water inside the pond is being matched by water outside the pond which means there's a pretty fundamental design problem.

Franz Any other questions, comments?

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- Jones Just to confirm, the drainage issue will get handled as part of the final plan review with city engineers?
- VonGunten Yes. It will not be approved until the drainage portion of the project is taken care of and the city signs off on that.
- Franz Obviously, this is just the zone change, so anything along that line, we'll get another shot at when they come back for development plan. Any other questions, comments? If not, would somebody like to make a motion on this matter?
- Lake I move that Docket #2021-04-Z to rezone approximately 2.6 acres from the Urban B-2 Urban General Business District to Urban B-1 Urban Neighborhood Business Zoning District receive a favorable recommendation based upon the findings in the staff report as presented with the recommendation being certified with the town council for adoption.
- Franz Is there a second?
- Walker Second.
- Franz Any further discussion? Since we are still somewhat virtual, Wayne, could you please take roll?
- DeLong Certainly. Mrs. Grabianowski?
- Grabianowski Aye.
- DeLong Mr. Jones?
- Jones Aye.
- DeLong Mrs. Walker?
- Walker Aye.
- DeLong Mr. Lake?
- Lake Aye.
- DeLong Mr. Fedor?
- Fedor Aye.
- DeLong Mr. Lewis?
- Lewis Aye.
- DeLong Mr. Franz?
- Franz Aye. Motion carries, 7-0. We will pass that on to the Town Council. Thank you very much.

VonGunten Thank you.

Franz Next item on the Docket is 2021-06-DP Fisher Homes Chelsea Park Templin Road Zionsville petition for primary plat approval to provide for 32 lots with the following waivers in Rural R-3 Medium-Density Single-Family and Two-Family Residential Zoning District, Section 193.052 required turn radius from 300 feet to 200 feet, Section 192.05214 cul-de-sac length over 800 feet, Section 193.05214 an alley closer than 50 feet to the street right of way, and Section 193.053.18B driveways closer than 75 feet to the intersection. Is the petitioner present?

Resetarits They are.

Franz If you would state your name and address and please begin.

Resetarits Thank you. My name is Kyle Resetarits. I am an attorney with the law firm of Dentons at 10 West Market Street Indianapolis 46204. I am here on behalf of the petitioner Fischer Homes also standing in the place of Matthew Price of my firm who is unavailable this evening. With me is Jason Wisniewski, the VP of Planning and Entitlements with Fischer Homes and also two engineers, one live in person and one virtually from American Structurepoint. We're here this evening to petition for the approval of the primary plat for Fischer Homes. The subject real estate is located at 11400 Templin Road which is generally located at the northwest corner of Templin Road and US 421. I'd ask for next slide please. This is an area of that subject real estate. Next slide please. More specifically, we are looking at two parcels of real estate, one shown here. They are a rectangular shape directly at the intersection. Next slide. A second adjacent to the west as you can see on the next slide that is a particularly peculiar and unique shape. In fact, it imparts around another property owner's residence. As you've seen in our petition materials, Fischer Homes is proposing the subdivision of the real estate to accommodate 33 lots as shown on the next slide. Due to the unique and abnormal nature of the site, based on the current engineering, these lots only make up approximately 24% of the real estate and the remainder is intended to remain undisturbed common area. You can see there to the west and northwest corner of the real estate there with about 9% encompassing right of way, there's about 2/3 of the real estate that would remain undisturbed. A significant portion of that being flood plain area and a creek running east to west in the northern portion. Again, we anticipate limited disturbance of that northern end other than at the northern end of the cul-de-sac there which is Pembridge Lane. There will be some existing grade changes to meet the cul-de-sac and that common area.

So the property is zoned R-3 and while we anticipate that the discussion revolved around the development standards of this subdivision will be a discussion for development plan approval, we thought to just sort of frame that discussion we might show some of the high grade of quality product that we expect Fischer Homes to present here. So, I might ask for next slide. Excuse me, next slide after this. So there'll be two products mainly out of the Urban Collection and the Masterpiece Collection due to the unique nature of the site, the eastern leg, if you will, extends east towards US 421 will be position for this Urban Collection, 3 bedroom, 2 1/2 bath, you know, somewhere along that 1,800-2,000 square foot

area detached garages with some optional outdoor space. Next slide, please. Will show the Masterpiece selection which is a collection of homes that will, again, follow along Pembridge Lane and along this sort of serpentine roadway from Templin Road up to the northwest along that. That will be part of the Masterpiece Collection. Again, single-family homes 2,000-4,000 square foot at the base, attached garages, typically side entrance and two-story or ranch settings there. So next slide, please. Returning to—excuse me, just show some elevation. Just to again, to frame the discussion tonight and get you in the mindset of what's proposed here by Fischer Homes. I believe it's the next slide as well with three more of this Masterpiece Collection. Again, a high product to offer the Zionsville residences. So next slide please, we are looking at 33 home sites along these two roadways, Pembridge Lane and I'd add that Camden Walk the artery that goes east out of Pembridge Lane is an improved alley way to serve the rear of the homes and the rear garages there. It's a unique use of this irregularly shaped parcel. We think one that is harmonious with the surrounding properties and also a nice balance between the zoning designation of the property and the irregular shape. So accompanying this subdivision—next slide, please. We are asking for a four-waiver request. I'd ask for next slide, please. These are the four waiver requests that were included in our petition. Staff speaks on these, turning radius reflection from 300 feet to 200 feet, a cul-de-sac length of over 800 feet, a second cul-de-sac nearer than 50 feet with subdivision boundary, and driveways closer than 75 feet to an intersection. So, I'll just comment briefly on each of these again to help the discussion tonight.

The first being the turning radius reduction of 300 feet to 200 feet. We received no comments or, excuse me, no objection from the town engineer on this reduction. The town engineer actually verified that this 200 feet is a standard used throughout the state and meets the minimum requirement for roadways with normal crown and reverse crown specifically with those posted speed limit of 25 miles per hour or less. As we've talked about, we have a limited number of lots and I'll highlight that there's a relatively short distance of the subdivisions road networks from Templin Road to this cul-de-sac of Pembridge Lane. I think that specifically because of the lower volume of traffic and the decreased speed of motorists that this would be an insignificant if any deviation from town's objective relative to public safety and welfare in this subdivision.

We'll turn to the second waiver request of cul-de-sac length over 800 feet. You know, this was actually a unique situation where we requested this waiver in abundance of caution. I think we'll go to the next slide, or the previous slide please if you don't mind. The previous slide will show that the intersection of Camden Walk and Pembridge Lane is actually 800 or less than 800 feet from that cul-de-sac. Where the measurement is occurring is the cul-de-sac distance to Templin Road. So it's sort of a unique situation here where this distance is not measured exactly from the internal intersection which we might expect but because Camden Walk is an improved alleyway it is not measured from that distance. Again, I'll reiterate it is a length of only 800 feet if you were to measure from that intersection.

Turning to the third waiver request, cul-de-sac nearer than 50 feet to the subdivision boundary. Where we're dealing with here is actually on the eastern edge of the real estate and talking about how the cul-de-sac at the end of Camden

Walk happens to be less than 50 feet from the Michigan Road US 421 right of way there. You'll notice a rather wide right of way of Michigan Road as you all know that has been widened over the years, various takings were at about 66, a little bit greater than 66 feet to the middle of that right of way. We've been asked by the engineering team to dedicate an additional 20 feet of right of way to accommodate a walking path on the eastern side of this boundary. What we've also added a ten-foot landscape easement to afford the necessary buffering which will include a, excuse me, a fence along that eastern side. So, in some we do have 10 feet of landscape if you add that to the 20 feet of dedicated roadway to the existing right of way would be at about 30 feet. We do acknowledge with that additional right of way we'd be at about 10 feet but I want to highlight again that this is a cul-de-sac at the end of an alleyway that will service only about 13 lots. We don't expect heavy traffic whatsoever. We really anticipate this cul-de-sac will be one for emergency purposes only as those visiting these 13 homes would be accessing their drive and then exiting out onto Pembridge Lane to exit onto Templin Road. Again, due to the unique nature of this site, we do find this to be a harmonious use of it and an effective use specifically with the lot sizes being above the standard permitted in a R-3 designation.

Moving onto the fourth in interest of time, we will just discuss the driveways closer than 75 feet to the intersection. This is actually the intersection as opposed to when we were talking about the second waiver, the intersection of the internal street, Pembridge Lane and Camden Walk. So we have three lots, Lot 1, 20, and 21. You'll see 1 on the western side of Pembridge Lane and 20 on the eastern side and then 21 being that first lot as you turn onto the alleyway. So those are the only three lots in the subdivision that are affected by this standard. We understand that from the town engineer that this will typically pertain to an intersection of two local streets as opposed to the intersection of a street and an alleyway. So, I just want to make that distinction for you here. We do ask that this be recognized as a minor deviation particularly in light, as I've said many times this evening, the serpentine nature and unique nature of this sight, so.

What I will say in closing and we did as required of course provide legal note of this evening's hearing to interested parties. Have, in fact, met with several interested neighboring parties to discuss this engineering and the design. I would expect some comments maybe from those in attendance this evening. I do expect some of those comments to be more geared towards the development standards which I hope can be addressed next month during that hearing but we're happy to continue that or begin that discussion, I should say, this evening. I will add that some of those comments might be geared toward two items, one, the safety of the intersection at US 421 and Templin Road. There is a signal planned for that intersection which we hope will aid in the increased safety of this area of the town. The second comment that I do anticipate will be the improvement of a bridge along Templin Road. It falls to the west of this property. Two comments there, one, that thankfully there are plans to improve that bridge which will occur we anticipate well before a home will ever be occupied in Chelsea Park. Second, we would expect the majority of traffic by residents of this community to come off US 421. That doesn't negate the fact that you can access the town if you travel west down Templin Road but certainly we would expect the majority of that traffic to come west down Templin road and then enter the community or exit and follow east to US 421.

So, in sum, kindly appreciate your time this evening and request approval of the primary plat as well as the four accompanying waiver request. Thank you for your time this evening.

Franz All right. Thank you. At this point in time, is there anybody in the audience in person or virtual who'd like to comment on this matter? Would you like—if you're going to speak to the podium—Name, address, and phone, please. Speak into the—

Elliott I'm Charles Elliott. My wife and I own the property just north of where this development is proposed. We don't really have any objection to the homes being built there. I've seen some of the models that they have in other areas and it's a very nice facility. My primary concern is with the landscaping. There's a void in the landscaping and on the, I guess it would be from the west end of what I call mini houses, the smaller homes. From the end of those mini homes straight north to our property, there's a gap in there. They had landscaping around most of the property but not in there and I don't know if that was an oversight or what the reason for that was.

Franz All right. We'll give an opportunity to answer that after we've had public comment. Is there anybody else who'd like to make a comment? Can you—excuse me, I'm going to ask you to answer that to the general public after the public comment, if that's okay.

Resetarits Okay.

Franz Anybody else?

Colias Hi. My name's Steve Colias. I'm at 11180. We call 550 South, Templin Fort, you know. It's got 20 different names, so that's kind of exaggerating. So when you say Templin Road, I always kind of laugh because—there's a few things that I had questions about. One is the setback for the smaller homes. It's pretty tight to the street which is going to increase the runoff and coming down that hill, it's actually very steep. So that drainage issue is between that and the pond that's only 2.4 acres. I'm wondering if there's enough drainage capability for that with those two things. So the setback is what I'm a little concerned about. Also, for the small piece of property that you have, that's pretty high-density for that number of homes. How did that fit with our typical density standards in Zionsville? The common space that you talked about, we border that. In fact, part of our property goes across the creek to that. There's a very small corner of it. If there's increased runoff because of the development, now I'm concerned about the flooding that we'll get on our side of the creek and how that's going to affect our property. We have a great deal of wildlife over there that I'm concerned about. In that common area, are you going to be posting "No Hunting" signs and things of that nature because hunting is actually allowed on that side of the creek but not on my side of the creek? So it's the way that the town line is set up. A couple of other things, too, just the bridge as you brought up. Already it's the south side of the bridge, the pilings are falling through so you can see that there's a set up and then the north side of that bridge as you go over it, we've already—we patched it. It's already shot. You can see through the bridge down to the creek. So, if that's the case, I bring it up with all of you that that bridge be made

so that the walking path can go across it too somewhat of the one that goes south on Willow. That way that their community and our street, a few of us that live on it, can access the town much easier or get out to 421 to those walking trails so the sidewalk and continue that sidewalk all the way into town across the property to the south of Templin Road. There's already a easement for that as well. So that's something I wanted to bring up with the Commission. The other things too, were the style and price of the homes. I saw the style now but we're wondering about just the pricing and where those would fall and how that would affect our values. All in all, we're for it but those are some issues we want to address. Thank you.

Franz All right, thank you. Is there anybody else who would like to comment on this matter, anybody virtually? No? All right. Would you guys want to step forward and answer the questions?

Resetarits Thank you both for your comments this evening specifically related to the landscaping and drainage, I ask our project engineer to address those. So, I'm just going to yield the floor to him on that note.

Dabrowski My name's John Dabrowski. I'm a staff engineer with American Structurepoint. The address is 9025 River Road, Suite 200, Indianapolis, IN 46240. First question we had was about the landscaping. In terms of the primary plat, I know our landscaping was reviewed by the city engineer and we didn't have any comments regarding any gap or anything with the landscaping. When we get into our final development plan, that's something that we will continually work with staff to make sure to uphold the standards of Zionsville and all the buffer yards that we've added and the last submittal. Next question is referring to drainage. The—I would say the concern about all the narrow lots along the southeast corner of the property. That will be collected by a roadside ditch which will be routed through our pond and then released per the Zionsville standards limited by the release rates set by Boone County and Zionsville in the Zionsville Stormwater Manual. The one question about the size of the pond, I did do pond sizing calculations for this based on the proposed layout of the site. We do meet all of the Zionsville regulations as outlined in the Stormwater Manual. What we're figuring into our final development plans, we also resubmit our drainage report to confirm the calculations and keep consulting with the city engineer just to confirm that we're meeting all of the proposed allowable reduce rates. I think a few of the other questions were specifically related to use of that common area specifically signs being posted relative to hinting and a few of the more unique elements of that use. I think those might be better served in a phone call or meeting with the developer and myself, my colleague, Matt Price to sort of address some more of those details. We certainly have had conversations with other landowners. We're unable to meet with all of those interested so happy to arrange a discussion of those other items outside of tonight's hearing but just want to reiterate we appreciate your attendance this evening in addressing those and your support in that. I sort of leave it at that and maybe open to questions of staff or the board.

Franz All right. Is anyone else in the public would like to comment on that? All right. So, we'll turn it over to Wayne. Can we have the staff reports please?

DeLong Certainly happy to provide that. I do want to draw your attention to an additional comment that was not addressed here from Miss Cynthia Whitaker. I believe that's in front of you. I believe that's related to the project that we're discussing. In summary, it's focused on traffic and actually a stop on development until issues are resolved specific to traffic and also the construction, reconstruction of the bridge over Little Eagle Creek. So again, just drawing that to your attention for the record here. Again, that's in front of the Plan Commission members at their station. Specific to the petition that's in front of the Plan Commission this evening, this as a plat as it's been indicated and in Indiana, a subdivision is ministerial in nature. So the Plan Commission is bound by its own rules as adopted by the Town Council and it's the Plan Commission's job to implement those rules. So there's some things that's been discussed tonight such as landscaping and other items that are not necessarily germane to tonight's process. Those will be addressed at a later date and these elevations as well, price points and other points that have been brought up are simply not in the threshold of what's to be discussed but they are very important so I don't want to dismiss them. They're just going to be discussion points for another evening. So tonight's discussion is focused on the subdivision plat, the division of the ground, certainly the road network, the waivers that are being discussed. Density and drainage certainly are subjects of the conversation. Certainly, runoff as well is subject of the conversation.

One item I do want to mention is the comment about hunting. Again, hunting is not necessarily a subject for the Plan Commission but any project that goes through a process like this and is approved and certainly gains access to sanitary sewer, eventually has the opportunity to transition from rural to urban. When that happens, some of the rules that are in play do change such as how many chickens can you have on your property, how many/what kind of firearms, you know, discharging of firearms for recreational purposes, hunting, those types of rules do change. I do want to mention that tonight if there are any questions, I'm happy to discuss that further. It might be more in depth than what we can get into this evening. Specific to the project that's proposed, certainly staff has pointed out in the staff report that the development plan is something that's actually supported by the zoning. This is a very unique zoning classification of our three. It's a medium-density residential does support actually some two-family residential components to that. The density that is proposed is below the threshold that is supported in this district. This district actually would support 1.75-3 units an acre. Certainly, the overall acreage, that's how the town has always calculated density. It's the overall acreage divide by, you know, what is actually being developed. Certainly, the yield here is below that threshold. In essence, what we have is an open space/cluster-type development certainly striving to preserve many, many natural features as well as work to contribute to the community in terms of rebuilding the bridge and moving things forward such as pathway dedications and provision of that nature. With that said, staff is not supportive of two of the waivers, one being the driveway separations and the other being the length of the cul-de-sac in proximity to a property boundary. Staff simply sees these as self-created not so much related to the land and how it's assembled. Be that as it may, staff is supportive otherwise of the project and certainly happy to answer any specific questions that I can.

- Franz All right. Thank you, Wayne. At this point in time, I'll open it up to members of the Plan Commission.
- Lewis I have a couple questions about parking on the smaller lot. So is parking going to be restricted on the access alley that they'll use to access those properties?
- Resetarits There will be private residence garages that will align that alleyway to service those 13 homes. I believe parking restrictions are still being considered otherwise.
- Lewis Okay. I just foresee it's not going to be a full-width street so I mean, you have 13 houses there. If they have any visitors that want to come visit them, there's virtually no place for anybody to park because you can't park on the road. There's no street parking of any kind and that's a 20-foot-wide street. If people start parking back there, it's going to start blocking of people's access to their garages and if it's not really a public street, I don't know that the town's going to want to get into the business of trying to manage parking issues in the back of these buildings.
- Resetarits Sure.
- Lewis So I don't know if that's something that the HOA is going to take on or how that's going to be resolved but to me, that seems like a pretty major issue. There's not—it doesn't seem to have adequate parking access to people.
- Lake The bigger challenge is there was support from the Fire Department for the length and the turning radius but when you have guests parking, they're going to have to ultimately have to park in the cul-de-sac which is then going to not allow for firetruck turnaround nor if they park on the alley are they going to be able to get firetrucks past those cars. So I think not providing any sort of off-street parking for anybody other than the two vehicles that are associated with the residence in that attached garage, you've set yourself up to then not create a scenario that is in favor of life safety when it comes to the Fire Department accessing the back side of these houses.
- Resetarits Yeah, understood. These comments were not addressed at the time of engineering reports although I know there was contemplations of various, excuse me, signage to be addressed in connection with the development plan petition related to parking in the rear of these lots.
- Lewis I guess, my point is if we allow the platting to move forward, we're kind of setting the mold as to how this can happen. All that land is dedicated toward housing lots and there's a parking doesn't seem to be at least thought through to me.
- Jones I just agree with Mr. Lewis and Mr. Lake. You know, this style of development, they're doing one downtown about 22nd, 24th, Winthrop, a parcel of land that actually abuts the Monon Trail. So their front is actually the Monon Trail which is kind of interesting. They've been selling houses out and accessing through the alley. We've seen other developments over in Carmel where they take this kind of development and minimize the access to the garages via an alley and then use

the land in front as sort of an open common area. In both the, you know, development—well, not too much the development downtown but in the development in Carmel where they do these kind of lots, there's other adequate guest parking built into the overall plan. You know, you are going to have a problem that there is no visitor parking. What's going to happen is the cul-de-sac is going to end up being the parking lot for guests and so we've now created a parking lot right on 421. Then the other thing that's going to happen is regardless of what we do or say is when it comes to deliveries, every Uber Eats guy or cluster truck uses some sort of GPS. They're going to be stopping on Templin road, pulling over to the edge and running up to the front doors. That's how it's going to show up on their map. So, we are now creating a 13-home path problem at Templin which is already as everybody's noted a pretty bad intersection. Once again, to back up what Wayne was saying earlier about not agreeing with several of the variance or the variance requests or the changes is that, you know, basically the hardship on this property is entirely self-created. It's the desire to fit 33 lots on here that are creating some sort of wholly unique hardship with the property and not the property itself. So you don't meet the standards of the findings of fact on at least two of the five on every one of the requests.

Lake You know one other comment that was made is that the density is harmonious with the adjacent development. I fail to see anywhere remotely close where this density exists. The larger lots, yes, and you've got huge lots to the south, even probably bigger lots to the north and west. Certainly, not this density to the east. So what makes, I guess, what makes you make the statement that this density with these 13 homes right next to each other matches density in that, anywhere in that general vicinity.

Resetarits Yeah, thank you for that clarification. My intent with that comment was a balance of the two knowing that the current R-3 designation allows for, as Wayne noted, a more dense use balancing that with a development of the uniquely shaped parcel with the overall general area of the surrounding properties which are more reflected in the western portion of the development. I know that this style of home has entered into Fischer Homes portfolio and we've seen success with this product type. To address maybe some of the other comments that were just presented, I might open it up to Jason if he had any comments on that specific subject of parking and use. I believe there are some other comments related to deliveries and addressing of those parcels.

Wisniewski My name is Jason Wisniewski. I'm the Vice President of Planning and Entitlements for Grand Communities 3940 Olympic Boulevard, Erlanger, Kentucky 41018. Grand Communities is a land development company that is affiliated with Fischer Homes. Thank everyone for their time this evening and their comments. With regards to parking, really how we handle parking in our urban collection is on-street parking and by that, I mean, not the alley but Pembridge Lane would be it. The Masterpiece Collection, the larger sites, have I believe if not two most of them will have three-car garages typically is what we see in that price point. They also have driveways which allow for visitor parking so again, if there are—you're talking about a situation where how many people are going to be having parties on the exact same night, I guess, you could say holidays and things like that but typically the larger masterpiece sites have driveway parking where they can accommodate guests. There will be on-street

parking. Yes, there is a little bit of a walk for those people to get to the homes on front Templin Road but it's not any kind of walk that would be—people are going to do it. Look, if they're going to their friend's or their family's house, they're going to park a little bit up the street. It's just what happens and what will happen here. With regards to deliveries, typically what we would see there is people pulling off or one of two things may happen there is (1) deliveries will pull off onto Pembridge Lane and have to walk a good distance down the street which again, is a little bit inconvenient for the delivery person themselves but is more than—that happens in normal situations all the time. The other option would be that somebody would park on that alley but again, what you're talking about there is one vehicle, maybe two at a time that park there for a limited amount of time before they're gone. This is not like they're going to be parked there for an hour or two hours, something like that. You're talking about a matter of minutes. Again, my guess is that they will pull closer to that northern side. They'll probably go all the way down the alley, do a turnaround, park on that northern side and leave some free space for people to get in and out of their garages or fire access should those two things occur simultaneously which I would think that that would be a very rare occasion, so. On-street really is what will happen there or how that typically gets handles in the Urban Collection. Did you have a question, ma'am?

Lake

I think that's kind of a rosy view of what the parking situation is going to actually be. I mean, I live in a neighborhood with alleys. You get a teenager that's coming to babysit, somebody in those houses for six hours, they're not going to park on the other street up the street. They're going to park in the alley or they're going to park in the cul-de-sac. The delivery driver is not going to park at the end and then walk down, it's just not going to happen. I mean, the Amazon drivers in our neighborhood go 50 miles an hour in a 20 miles an hour zone. Signage doesn't deter them. They do what they want to do. They are going to park out on Templin and run out onto the front porch and come back. Yes, should they do it? No. Would the ideal scenario be that they park on the end and walk all the way down? Yes. Is that what is realistically going to happen? No, that is not what will happen. I can appreciate what you want to happen but that is in reality not what is going to happen. So what we don't want to do is set up a scenario where we take the rose-colored glasses approach to what we want to happen because that's what we would do, you know, if we were going to be doing that. That's not what somebody making \$7.00/an hour is going to do. They're going to pull up their Uber Eats car right on Templin and run up and drop that food off and get back in their car and make their next delivery. That's just the reality of it. So, I would hate for that to not be considered and kind of brushed aside because we think somebody's going to do something that we ultimately know they're not going to do.

Lewis

I guess just to add to that a little bit more, I suppose that it's possible that people would park on the street whatever the road name is going back there, but I can't imagine that the people on Pembridge are going to be very happy especially the ones down at that end of the street if there's constantly people parking in front of their house to go visit the people down the street. I mean, it could conceivably happen but I'm—I can foresee that those people would get very irritated by that over a period of time.

- Lake You take somebody coming to clean your home that's got a vacuum cleaner and tubs full of cleaning stuff, they're not going to park four houses down on Pembridge Lane and then walk all the way to the 13th house in the cul-de-sac with all that stuff in their hands. It's just not going to happen.
- Jones Just to confirm what we're looking at, there is no sidewalk connecting 21-33 back to Pembridge. Is that correct?
- Lake I think there's a sidewalk. No, I don't think there is.
- Resetarits One of these views should—
- Lake No, there—no, there is—
- Resetarits There's a sidewalk.
- Lake It doesn't look like there's sidewalks from the sidewalk up to the front of the house.
- Jones All right. Still, the idea is—
- Resetarits There will be, yes.
- Jones Yeah. The thought is somebody's going to pull in, park there in the entry on Pembridge Drive, then get out, then walk down the sidewalk all the way to house 33 to make a delivery? It's never going to happen.
- Lake Parking in the entry is its own issue in and of itself.
- Jones Correct.
- Lake That's a whole other safety issue.
- Jones So, they're parking in either the entry. They're parking in front of lot 19 or 20 as well as just, you know. I don't think people are going to be comfortable having visitors park on Camden Walk and then come into the back doors of homes.
- Franz If I understood you correctly, there's going to be in between the sidewalk and Templin road, there's going to be a drainage ditch for lack of a better term. That's going to be another obstacle to jump across if you try to park on Templin.
- Resetarits Yeah, I would clarify that the comment of the delivery driver crossing or parking on Templin to access the front of the homes would be a challenge due to the drainage there along Templin Road. So, that would feed them into the development to get off of Templin road for that hypothetical.
- Franz I would think though that until people become familiar with this, you're going to have drivers are going to stop on Templin Road and jump the ditch and park their vehicle because that's going to be the address of the house. I'm going to assume the house is going to have a Templin Road address.

- Resetarits Most likely it would, yes.
- Resetarits I mean, any delivery driver is going to go to the front door. They're not going to go to somebody's back door.
- Lake Until they get used to living and familiar with it.
- Resetarits Yeah, correct. I mean, there's a pattern initially. Certainly, there's ways to circumvent that by directions to your delivery drivers in the same fashion you would a higher density project that has different units in a smaller area where a parcel might be split up into apartments or condos or just closer homes might have a challenge in finding what the address might be. There are always delivery hiccups to resolve when you have new addresses introduced to delivery drivers.
- Lake So would you foresee that delivery truck coming in and parking in between Templin and Camden Walk to then get out and use the sidewalk in front of the homes? Then, you have that delivery driver blocking the entrance to your neighborhood.
- Resetarits Without being able to control what each delivery driver does, I would anticipate that there would be a method to enter off of Templin and then turn down Camden Walk to then follow Camden Walk around to the cul-de-sac and park on Camden Walk to then service the front of the homes with their package.
- Lake So, how do they get from the cul-de-sac to the front of the homes because the sidewalk doesn't connect to the cul-de-sac?
- Resetarits I think there's the path you could walk that—
- Lake So, they're going to park in the cul-de-sac, go east to the path, south to the intersection, west along the sidewalk to get to the front of one of those houses. I'm just—that's never going to happen. In no—if they're there 10 years, that's never going to happen. I mean, it—we're asking people to take the longest possible path to do the job that they're told to do as quick as humanly possible. Those two things are opposing each other and regardless of what ideals we have and how we want it to work, it is never going to happen that way.
- Lewis I really feel like just to make this work, there would need to be some sort of area for designated visitor parking and there needs to be some sort of, I guess, pull offs, you know, down along the front of there out on the road where, you know, delivery drivers can stop off to the side of the road safely and be able to access the fronts of these properties. I think that would go along way to solving some of these issues.
- Lake Will the mailboxes be on the alley on Camden?
- Lewis Typically, what we're seeing more and more and what we've planned for here, we've had a conversation with the postmaster is these will be the cluster mailbox units. That actually will be located—I don't know if it shows here in one of these plans or not but it would be just south of Lot 20 off of Camden Walk. So all the residents will actually have to pull in, go down to the end of the cul-de-sac, come

back, get their mail out of the mail or I guess they could just pull up and then turn around but then go back in but anyway, all mailboxes will be in that location for all 33 lots.

Franz Looking at the plans and I was thinking you could condense the yards back 10 feet and make Camden Walk wider but at the same time there's no convenient way for somebody to walk from the alley to the front of the house.

Lake I mean, I love the style of homes and the idea that you're going for, I just I think the site is giving you challenges that you're not realistically going to overcome at least to meet what after built conditions will be for things like the—you know, you mentioned that really the only people coming down that drive are going to be the people that are going into their garages yet you just mentioned that everybody in the neighborhood wants to get their mail is also then going to pull in that alley. They're going to go down to the cul-de-sac and they're going to park somewhere to get their mail.

Resetarits Again, it's not even a park to get your mail. A couple things, one is, I think how I would describe this conversation is that you as a collective body have done what you're supposed to do which is identify an issue that we have not thought through as well as we should have at this point. That's fair and that's something that we're going to obviously have to go back and think and there's been a lot of food for thought. So, we will do that. The second thing is though, I do not want to—I want to be careful about what we do with mail from a design perspective and how much we accommodate that because I would venture to say that the people that are buying in these and again, I would happily buy something like this. I love this style of home. I don't check my mail and hell if I even get much in the mail or anything of use. So, it's not like there's something that I'm dying to go get everyday necessarily. I think a lot of times when people do expect packages they either come via some other delivery service not necessarily U.S. Postal Service or you know, once again, you might not be checking it every day. You might be checking it every other day or, you know, a couple times a week kind of thing. 33 people spread out even, you know, that's—people are going to come and go in those peak hours. It's probably going to pick it up on weekends. They'll probably walk down or something like that when the weather's nice. I don't think that there's going to be like a traffic jam at the mailbox that we need to—

Lake No, I'm not suggesting that—

Resetarits I know you're not, I just—

Lake I have a cluster mailbox as well where I live. Those mailboxes are this big. They don't hold many days' worth of mail not that it's the mail you want but the mail you get that doesn't hold many days' worth of mail. So, yeah, I'm not saying you redesign this space based on mail but amazon will have at least two runs to the neighborhood a day. UPS will have two runs. FedEx will have two runs. Grub Hub will be out there 50 different times as well as the pizza delivery person. I just think there's going to be a lot of this traffic with deliveries and you've created a scenario that is very hard for these people to access these houses and

they're going to park in what is the most convenient areas which are the least safe and cause the most problems to traffic on Templin and on Pembridge.

Resetarits That's fair and I think, again, what I would stand here tonight and say is, I think we probably need a little more time here to go back and think through how we best address and accommodate. I don't think we're going to find the perfect solution out there but I think we can find something obviously better than we've got right here. At least be able to walk you as a body through how we see that working.

Jones I mean, this product might sell has an urban or village use but in those locations you've got kind of a street grid that allows people to get a visual on whatever's happening in front of their area, pick another route, pick an alley. In this situation, you know this is not an urban or village type location. In other words, the product doesn't match the site and it's just not ever going to fit not the way we are. Our lifestyles are changing and the deliveries and the way things work. I think you need a substantial rework.

Franz All right. I guess, we've given you quite a bit to think about. I'm going to assume that you're going to request a continuance.

Wisniewski Well, I guess before I—is there anything else we need to think about?

Jones I would—is that—

Lake I was going to say, I—maybe to counter what Mr. Jones had said, I think these will sell before your other lots will, these 13 or whatever they are small houses. I think there is a demand for that size and scale. Yeah, maybe it's not the kind of right location density wise but I think they will sell. I do think the delivery thing needs to really be thought out.

Resetarits Yeah, and I definitely agree. I think that that—we really appreciate that this evening being brought up. I think that there are alternative ways whether that's servicing each of the lots on those individual lots whether that's a separate pull-off, guest parking, things that we will certainly consider that will affect the design of this probably not materially. I would expect that potentially that involves adjusting a lot of two to accommodate the entirety of the project similar to how a maildrop might have affected one lot as you carved into that. So, I think we can address that. As we have met the other standards related to parking for the individual residences and certainly the other standards related to the roads but for the four waivers that we talked about earlier, I'm curious as to whether we might consider just a conditional consideration of this plat this evening to then be addressed later but I just oppose that, I think as just in response to what we might do this evening.

Franz I mean, I personally don't see how you can do a conditional approval on this one.

DeLong No.

Lake I think there's too much to think about and possibly change.

- DeLong I would jump in just as you're looking at your list and this development plan topic. Certainly, not putting Mr. Cutter on the spot here, but he does work for the county from time to time but the county highway department does have very particular standards about street trees and sidewalks. So, I would encourage you since these streets will be starting out as rural until they're brought into our urban services, just double check with the county specific to are their underdrains, the street trees, and just things like that. The lay of the landscaping plan is not a germane tonight because we're not reviewing the development plan but we also have the public looking at this thinking, okay, this is how this may shape up. Certainly, we don't want to have a misstatement of what your streetscape could look like if there are governmental regulations that actually prohibit the placement of the street trees.
- Resetarits Right, right. Wayne, just a clarification here, under this designation, there is no required off-street parking. Is that correct?
- DeLong Each home must provide a minimum amount of off-duty parking but when you open yourself up to governmental regulation, these are county roads, county streets and the county commissioners could adopt and prohibit on-street parking altogether or just the opposite. So, we definitely want to work through all those potential hitches just so everybody has the same information here.
- Lake I would second the street tree thing living in a neighborhood that has street trees that were put in against the county's request. They're now having problems. The county's very sensitive about street trees.
- Resetarits Thank you for raising that.
- Lake Yeah, I don't want to see you run into an issue with them after you've gotten everything figured out on this side.
- Resetarits Sure.
- Lewis The only other comment I have on this might be a development plan issue and I don't know if we can require it or not but there is a trail on the other side of the road. I think long term, the goal would be to have that trail connect but it doesn't seem like there's any provisions in the way the sidewalks are laid out to be able to help facilitate access to that trail on the other side of the road, so. If some thought could be put into that just to allow for that trail to continue to be connected in the future, I think that would be a good thing to think about.
- DeLong There's very specific language that Rosburn Farms was to provide certain truck connections at a certain time and those metrics have not been met I believe but they're getting close. I know we've had talks over there the last couple years about seeing that ball move forward on that particular topic and certainly we have a strategic trails implementation plan that should be referenced here as well. This all comes to play knitting the pathways together as mentioned this evening.
- Resetarits I think we'll need to reconcile that with the required buffer area there that I think we added additionally there along the trail. Just a comment there.

- DeLong Certainly, the buffer yard, we've always supported the placement trails in buffer yards to pull those two things together.
- Resetarits Yes, sir. Just to echo Jason's thoughts, were there other comments related to any of the other parts of the petition or the waivers specifically that we can discuss tonight or address as we go back to the office?
- Franz I'm looking at this and potentially with the changes you may have to make to make this work, some of these waivers might not be required. I don't know how much you're going to change it or whatever so I guess I'd wait to see what you come up with.
- Lewis Personally, I don't see an issue with the driveway distances from the intersection issue.
- Franz No, I don't either.
- Lewis I don't think there's going to be enough traffic to have it be any kind of a problem.
- Franz I'd prefer not to have that one coming straight out of the intersection. I mean, where that Camden Walk's going to be coming, looks like that one's going to come straight out.
- Resetarits Lot 1? Lot 1 on the west side of the street, yeah. Yeah, I think there was some discussion about a different orientation that would aid with that. As you noted, that might change.
- Franz Anything else? Anything else to let them think about? If not, I'm assuming you are—
- Resetarits Oh, I guess formally we'd ask for a continuance of tonight's petition.
- Franz Wayne, what's the April meeting date?
- DeLong We'll pull that up. April 19.
- Franz All right. So, would somebody like to make a motion to continue this matter to the April 19 meeting?
- Jones I make a motion that we continue Petition #2021-06-PP to the April 19, 2021 Plan Commission Meeting.
- Franz Is there a second?
- Grabianowski Second.
- Jones Real quick...is 30 days enough time to address?
- Resetarits Yes.

Resetarits I would just ask, would additional notice be required of that? No? Okay.

Franz Our attorney?

Clutter No.

Franz No? Okay.

Resetarits Thirty days does seem to be enough.

Franz Okay.

Resetarits Thank you.

Franz All right. Thank you. There was a second. Any further discussion? Going to take a voice vote on this one.

Clutter Yes.

Franz All in favor signify by aye.

All Aye.

Franz Oppose by nay. Motion carries. We'll see you next month.

Resetarits Thanks for your time. Appreciate it.

Franz Next item on the Docket is 2021-01-DP approximately 3255 South US 421 convenience store and fueling station Appaloosa Crossing Outlot H development plan approval petition for a 4300 +/- square foot convenience store and fueling station on Outlot H of Appaloosa Crossing being zoned Rural General Business and within the Rural Michigan Road Overlay MRO waivers of architectural design and building materials also requested. Petitioner present? Is he going to do it virtually?

Spiars Yeah.

Franz All right. Please state your name and address, and begin.

Jones Dave, I've got a question. It's about the notice. Should we address that before we get rolling on this or—

Franz I did all three at once at the beginning.

Jones Okay.

Franz The first-class mail? I did all three at the same time at the beginning.

Jones No, I've got a different question about what they actually sent people.

Franz All right.

- Jones Where will that fall in the discussion?
- Taylor I didn't hear the question, I'm sorry.
- Franz He has a question about the notice they actually sent. Should we handle that before we start? Okay. All right. So if you—Mr. Spiars, if you would hold on for a second.
- Jones So, if I'm looking at the affidavit of the notice that they actually sent to the individuals, it says that we are considering a convenience store.
- Spiars Yes.
- Jones No mention of a gas station or fueling being attached to it.
- Spiars I'm sorry is there a question related to that? I don't follow.
- Franz We're discussing the notice that was given to the adjacent properties. The notice stated a convenience store. Any thoughts from any members of the Plan Commission?
- Walker Would you have to include that in the notice? I'd say, I must—
- Jones That's my point. In the overall scheme of this development, we always heard there was going to be a gas station at the corner of 421 and 146th. I don't know if it's ever actually been presented to us. Am I—Wayne, am I wondering off somewhere?
- DeLong No, that's been a preponderant theme.
- Jones The theme, but it's never been presented. Is that correct?
- DeLong I don't believe anything has ever been filed that we've actually pursued that. I think we may have seen schematic drawings over the years that anticipated that.
- Jones Okay. so, they've never previously disclosed to anyone through this process that there was going to be a gas station on this development.
- Lake On this public notice it says that, 01:11:39. It says a 4,300-square-foot convenience store and fueling station on Outlot H.
- Jones Which section are you looking at?
- Lake It's the very last page of the—it's the print off of the Lebanon Reporter.
- Jones So, that's what is published in the newspaper, but what I'm saying is what is sent to the adjoining property owner. It's only the single page that goes out. Correct?
- DeLong That's all the required, but Mr.—the petitioner can speak to exactly what they placed in the envelope and the content of the letter.

- Spiars Yes. One page was put in the envelope. The content of the letter was given to us from Roger Kilmer. He wrote out what it needed to say and said this is your mail out.
- Jones I'm talking about this page.
- Lake Yeah, this one.
- Jones This one.
- Lake The affidavit?
- Jones Right. Mr. Spiars, you're saying you didn't fill out this affidavit?
- Spiars Yes, I filled out the affidavit. Yes, I did.
- Jones So, you're the one that listed convenience store with no mention of a fueling station?
- Spiars On the affidavit or the mailout?
- Jones On the affidavit notice of public hearing of the Town of Zionsville Plan Commission, it appears there is a handwritten from Russel Spiars, a petition of a convenience store on Lot H of Appaloosa Crossing. Did you fill that out?
- Spiars Yes.
- Jones Okay. That's the only thing that was sent to the adjoiningers? This is the first notice for this entire development of an actual gas station 24/7 operation being presented to the public. Correct?
- Spiars Okay. Let me find it. I'm looking at what went out. What went out in the letter is "notice is hereby given—"
- Jones Is that a concern?
- Spiars Yes. the mailout says for a development plan to allow for a 4,300-square-foot convenience store and fueling station on Outlot H of Appaloosa Crossing.
- Jones That's on what?
- Spiars That's on the mail out that went to the adjoiningers.
- Jones You said it's just a single page.
- Spiars Yes.
- DeLong Mr. Jones, I think what you're focusing on is the petitioner himself when he prepared his own affidavit which is the photocopied piece, he did neglect to write out convenience store and fuel center, fueling station.

Jones Correct.

DeLong But that firm of art did appear in the notice that was met.

Lewis This was not what was mailed out?

DeLong Correct. What is—

Lewis There's something else mailed out. This is his affidavit that he did the mailing.

Jones Okay.

Lewis There's another document that was actually sent.

Jones What's the document that was sent?

Lake I don't think we have that.

Spiars I can read it to you. I just read it, the pertinent part, a minute ago. I'll read—

Jones Is there any way we can turn up the volume on him?

Walker Yeah, I can't understand you.

Spiars Let me sit closer to my microphone? Is that any better?

Lake Might be the mask.

Jones Wayne, what does get sent to the adjoiner?

DeLong What is on this piece of paper. What is published in the newspaper is the same thing that's placed in the—I mean, this is what we prepare for the petitioner to mail out.

Jones All right.

DeLong So what is—what's caught here in text, illustrated here in text—

Lewis Is what they were sent.

DeLong Is what they were sent.

Jones Okay. So, they were sent a notice with a 4,300-square-foot convenience store and fueling station? Correct?

DeLong That's what we gave them to mail out. I believe Mr. Spiars is indicating here that that's indeed what he placed in there.

Spiars Yes, it is.

- Jones All right.
- Franz All right. Okay, Mr. Spiars. Please introduce yourself, address, and you may begin.
- Spiars Sure. My name is Rusty Spiars. I'm with Spiars Engineering in Indianapolis. My address is 3 Mantiek Court, Indianapolis 46222. My phone number is 317-289-5042. I am the civil engineer and project manager for the site development. Jason Burk, the project architect with Halstead Architects is also online I believe to answer your questions regarding architectural components. The proposed development will be a Hoosier to Go Convenience Store built on Lot H and fronting on Michigan Road south of County Road 300 South. It will be a 4300 square foot building with fuel service islands. Jason and I are representing Indy Holdings, the developers of the project. The current owners of the site is Harris FLP. They are the developers and owners of Appaloosa Crossing. The architectural style of the proposed building will follow a horse farm theme which will conform to the approved architectural them for Appaloosa Crossing. To follow the Appaloosa Crossing theme, rather than the standards of the Michigan Road Overlay, a variance from the architectural standards is required and we're asking your approval of that request tonight along with the approval of our site development plans. The site is served by the regional infrastructure, utility, roads, and stormwater facilities of Appaloosa Crossing and conforms to the approved design standards of Appaloosa Crossing. We have worked closely with the town staff to understand and comply with your zoning and development standards. The town staff has reviewed our plans and requested certain plan revisions. We are not taking exception to any of the staff review comments and are currently working to incorporate all their comments in order to comply with the town standards and receive an improvement location permit. Thank you.
- Franz All right. At this point in time, is there anybody in the public who'd like to comment on this matter either in person or online? If online, please raise your hand. There are none? At this point in time, Wayne, can we have staff report?
- DeLong Certainly. Staff is supportive of the petition as it's been filed this evening and has very specific comments for you related to the points on engineering, architecture, lighting, and other site items. Focusing on the architecture, certainly we appreciate the petitioner's continuing with the theme that the Plan Commission has spoken to which is board and batten style heritage towards a barn background. Certainly, this project moves forward that idea. Certainly, staff recognizes the challenges with a gas canopy meeting that type of standard but certainly that's something for our discussion this evening just simply for the record. Certainly, staff also notes the continuation of pathway as a responsibility of the developer. That's copious. Good things with the town will come from that. Staff notes two specific items in the staff report that we draw your attention to. One is the lighting components. Certainly, we note that Kelvin that's achieved by very specific components is rather high. Certainly, the roadside style signage, wants to speak about that this evening. We certainly understand that will be muted by darker colored cabinets that will be affixed to the building but certainly the white colored background signage that's out by the road, the highway, is of concern to staff. Specific to the landscaping, there are some elements that staff

feels could be relocated to help better manage their intrusion into the public space.

Another item that is not addressed specifically in the staff report but certainly is then that this Plan Commission has focused on is tying this neighborhood development together in the form of what it wants to be which is an integrated center. One item that is not addressed in specificity is the landscaping elements themselves thus far to this project, the totality of the development has not nailed down if you will exactly what the landscaping elements are to be that will be carried through. Not that that's a bad thing but certainly we want to have that discussion this evening. Certainly, this particular project neither is reminiscent of the strip building to the north nor the other retailers to the south. Certainly, staff would encourage since it's specifically the service areas that are proposed to actually be replaced with the understory plantings that are to be utilized on the Harris strip building to the north simply to have some connectivity, further connectivity in relationship between the landscape and elements. Some of these other points that we mentioned through the report and other points we mentioned in the, that are mentioned by the engineer. I will pause here to take any questions and again, staff is supportive of the petition that's been filed.

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

Jones Like Wayne mentioned, we keep running into the issue of what was presented to us that's described to us as an integrated center but we can't get the site integrated whether it's trees, lighting. You've heard my comments about the layout of the revised roads. Near a gas station is a high-volume activity 24/7. I find it interesting that we are approving, you know, just this one project on this one lot and we typically would have a full plan in front of us so we can oversee what's happening with the adjoining, what is, I guess, soon to be residential as well as kind of look at traffic flow and everything else. Generally, as I look at the site, you know, it is tight. Fuel trucks are going to come in off of 421. They're going to have to loop around the back of the building to loop around the front of the building to service the tanks. Then, once again, exit back out. I don't think we've quite identified if that access point there on 421 is going to have a light or not. Same thing, the continual unknown as this thing keeps moving along I see as a, just an issue. There was one other item that crossed my mind as we were talking about that with—that's it.

Lake I do share your concern about the fuel truck in particular getting out or in, I guess, depending on how they're planning to route that. You know, you've got right in, right out which wouldn't work for a fuel truck. You can get in the north entrance but you really couldn't make that turn coming out of the south entrance onto Appaloosa Drive without tearing up whatever your landscaping is going to be. Coming out of that turn, it does seem rather tight to get that out. I would hope somebody has run a truck turn program on this but just at first glance doesn't look like you crated a scenario to get trucks in and out with enough leeway to not create long-term damage.

- Franz Is Hanoverian and Appaloosa Drive is that going to be a 4-way stop or is—what type of traffic control is that going to have? I just think it's going to be tough to get in and out of this thing the way it's designed.
- Spiars I'm sorry. Am I free to address these now or do I need to wait?
- Franz You're free to answer.
- Spiars Okay. Yeah, the very first thing I did in laying out the site was the truck turn templates, the largest truck, the fuel trucks. So that was the basis of the whole layout from the very beginning because that's the most important feature of a fueling station is being able to get the trucks in according to the turns that they require, the radius, to have a place where they can park and off the right side of their truck, service, and fuel the tanks and leave room for vehicles to get by. So on the western most edge of the paved areas where the tanks are located, they're lined head-to-head so as to stay very close to that western edge so that a truck can snug up right close to them. Trucks are about 8 feet wide and they'd need about that much room to the right to operate and to refill the tanks. There's almost 50 feet of distance between that curb where the underground storage tanks are and the fuel islands. So cars coming out between the fuel island need, oh gosh, just about 15 feet to turn and go their way north or south. So, there's plenty of room for a truck to park there and not obstruct any vehicular traffic. Then, the path out going counter-clockwise, turn there, the curve there conforms to what a truck needs to get out and then go south or he can go north. So, the truck templates, I'm happy to submit those to whoever would like to look at them.
- Lake I think as long as you've addressed that you meet, you know, and you stated you have them, that's fine.
- Spiars Yes.
- Lake Hopefully you used the good truck driver setting as well as the bad truck driver setting when you—they'll both work.
- Spiars No, they're all the bad. They're all the bad truck driver settings.
- Lake Good.
- Lewis To what extent have you guys talked about or looked into addressing Wayne's comments about the lighting and the landscaping? I guess, if you've talked about them, are those changes that you're willing to make in the development plan?
- Spiars Absolutely, yeah. We think those are pretty simple changes. I read through those and there's nothing difficult about making those. We do need to talk to the owners of Appaloosa Crossing to make sure we have common theme in our landscaping. That's—I don't think that would be difficult to do either. There's many types of trees that would work in this area and plantings. So, we're happy to do that. We will do that.
- Lake What Kelvin temperature are the lights currently? Do you know that?

- Spiars I've got a lighting plan but I've not delved into that. We've got a lighting vendor who's been very helpful and has accommodated the comments he's been given. He'll continue to do so.
- Lake Okay. I was just looking at, you know, the cut sheet for the light has 3K, 4K, and 5K options but nothing circled as to what option was being used. Wayne made reference to the Kelvin temperature being kind of high. I just didn't—I wasn't able to put my finger on exactly what hot was.
- Franz 2700 is soft white.
- Lake Correct.
- Franz Yeah.
- Lake Yeah, I'm familiar with the temperature.
- Franz I think 6600 is going to be almost blue.
- Lewis They just haven't selected which one or indicate which one they're going to use in their plans. Under the canopy is 5000K, under the canopy. Then, your regular decorative lighting, we're looking at 3000K.
- Lake Yeah, I think that's going to be interesting in not a good way contrast between the lighting underneath the canopy and the general lighting. You know, it's like when you're driving down the street and you've got a house that has one yellowish looking garage light and they've replaced the other one and it looks really blue. You're going to have that same setup with this really bright blue light under the canopy but this dull yellowish light kind of over the rest of the site. So that may be something to—I know you want it to match what's going on in the rest of the development but I don't think it's going to look very appealing to have both of those on the same site. So just something to think about.
- Spiars Okay. Yes, we will.
- DeLong I do note on the cut sheet for the canopy. I mean, there is an option for a 4000K.
- Spiars Okay. We'll work with your planning staff to fully understand what your concerns are and conform to them.
- Franz Any additional questions, comments? Wayne, there was nothing else in the engineering report that was of concern that couldn't be worked out?
- DeLong Certainly, there's a number of comments but I would say while there is a ponderance of comments, these are items that are fairly typical for us as a staff via town engineering, town stormwater, town planning and economic development to move through. I'm comfortable that we can resolve these with fairly minimal efforts.
- Franz Okay. Any other questions, comments? Would somebody like to make a motion?

- Grabianowski Do we need to make three motions? There are two waivers and then—
- Franz Yes. so we would need to take two waivers first and then the development plan.
- Grabianowski I'll make the first one. I move that the waiver of architectural building design requirements be approved based on the findings in the staff report Exhibit 6 as presented.
- Franz Is there a second?
- Lake Second.
- Franz Is there any further discussion? Wayne, would you please take roll?
- DeLong Certainly. Mrs. Walker?
- Walker Aye.
- DeLong Mr. Lake?
- Lake Aye.
- DeLong Mr. Fedor?
- Fedor Aye.
- DeLong Mr. Lewis?
- Lewis Aye.
- DeLong Mr. Franz?
- Franz Aye.
- DeLong Mrs. Grabianowski?
- Grabianowski Aye.
- DeLong Mr. Jones?
- Jones Aye.
- Franz All right. Would somebody like to make a motion on the waiver of building materials?
- Lake I move that the waiver of building materials be approved based on the findings in the staff report Exhibit 6 as presented.
- Franz Is there a second?
- Grabianowski Second.

Franz Any discussion? Wayne, would you please take roll?

DeLong Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mr. Lake?

Lake Aye.

Franz Then, would anybody like to make a motion on the development plan?

Lewis It's a long one. All right. I'll do it. I move that Docket #2021-01-DP to allow for the development plan approval of a 4300 +/- square foot convenience store with a fueling station on Outlot H of Appaloosa Crossing zoned Rural General Business and within the Michigan, or Rural Michigan Road Overlay, be approved utilizing the design flexibility section of the ordinance regarding parking spaces based on the finding of the staff report and staff recommendations, submitted finding of fact, and subject to the resolution of outstanding review items identified by the town engineer's memo in Exhibit 5 of the staff report and the agreement of the petitioner to address the landscaping and lighting comments of the planning staff.

Franz Is there a second?

Jones Second.

Franz Any discussion? Wayne, would you please take roll?

DeLong Certainly. Mr. Lake?

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Lake Aye.

DeLong Mr. Fedor?

Fedor Aye.

DeLong Mr. Lewis?

Lewis Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mrs. Walker?

Walker Aye.

Franz Motion carries, 7-0. So, everything is approved. Thank you very much.

Spiars Thank you very much.

Lake Thank you.

Spiars Have a good night.

Franz All right. Wayne, other matters to be considered, do you want to dive into those?

DeLong Certainly, I can walk very quickly through three specific items that are on your agenda related to Courtyards, Zionsville Meadows, and Becknell project at 267. All three of these represent minor amendments to their approved development plans as zoning ordinance stipulates the staff report these out to you upon issuance of the building permit modification documentation specific to Courtyards. We're speaking to drainage challenges—oh, I'm sorry. I have the wrong document in front of me. Courtyards did not receive a waiver. So just speaking to the Zionsville Meadows, related to a skylight that was installed and then that now is related to the dumpster enclosures so just have the two matters this evening and happy to take any questions.

Franz Does anybody have any questions for him?

Lake I'm a little confused on Becknell because it's not really a dumpster enclosure. The dumpsters are out in public, not hidden. It's an addition to enclose the

processing the trash that goes into a dumpster. The dumpsters aren't actually enclosed. If was there any concern that we're approving a dumpster enclosure that doesn't enclose the dumpsters. If you look at the drawing, the dumpsters are actually outdoors of the building addition and don't show any screening around them? There's a building addition where the trash gets processed to go into the compactors that go into the dumpsters. So, I'm just—from a wording standpoint relative to requirements, if we're giving them some leniency on a trash enclosure, they're really not enclosing their trash.

DeLong This isn't really describing any leniency. This is just facilitating a building permit addition modification that didn't anticipate this particular enclosure. So, we can look into why if the dumpsters that have also been sited on the property are not enclosed, we can certainly address that.

Lake If they're not required to be enclosed, that's fine. Just when reviewing the drawings, the drawings show the dumpsters being outboard of the building addition with no enclosure. The enclosure is actually where some scaffolding and catwalk stuff is to facilitate trash from the production facility to go into hoppers that feed the compactors. So, I just want to make sure that everybody is clear that this isn't actually an enclosure for the trash. That these dumpsters are sitting wide open in public view. If that's okay and that's allowed, then I don't have any concern with it. I just wanted to make sure that we weren't confusing in our minds that there is this fence going around these dumpsters to be a trash enclosure when in fact they're sitting out in public view unless I'm misreading the plans.

DeLong It could be that these plans didn't for some reason address another topic but we can certainly look into the overall site compliance to assure that zoning has been met and certainly matches up with the original Plan Commission approvals.

Lake Yeah, I don't know what their requirements are for screening trash, I just—in looking at that, it raised a question that, okay, this is about a trash enclosure but it doesn't actually enclose the trash. Maybe that's me not understanding the process. Admittedly, I'm new.

DeLong Well, it could be that this is what the developer called the item that they sought the approval for and maybe it needed a more precise name.

Lake Okay, then that's fair too. I just, I was a little confused because it doesn't in fact enclose trash, so.

Franz Any additional comments? Any additional business? If not, is there a motion to adjourn?

Jones So moved.

Franz Second.

Lake Second.

Franz We're adjourned.