



MEETING RESULTS ZIONSVILLE BOARD OF ZONING APPEALS

Wednesday, April 7, 2021

6:30 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.*

The following items were scheduled for consideration:

- I. Attendance – **3 of 5 members attended** (L. Jones-in person, L. Campins-virtual, S. Mundy-virtual)
- II. Approval of the March 3, 2021 Meeting Minutes – **approved 3-0**
- III. New Business

Docket Number	Name	Address of Project	Item to be considered
2021-05-DSV	C. Henry	2346 S US 421	<p>Continued by Petitioner’s Representative to May 5, 2021 Meeting - Approved by Board – 3 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance to allow:</p> <p>1) A new accessory use which causes the square footage of the accessory uses to exceed that of the primary;</p> <p>2) An existing deviation of the 3:1 Lot Width to Depth Ratio; and</p> <p>3) Existing structures to deviate from the required minimum buffer yard setback in the Rural General Agricultural & Michigan Road Overlay Zoning Districts (AG & MRO).</p>
2021-06-SE	CoHatch - CRVD Zionsville LLC	75 N Main Street	<p>Approved as presented & filed w/exhibits & per staff report & subject to the disposition of 2021-07-DSV – 3 in Favor, 0 Opposed</p> <p>Petition for a Special Exception to permit outdoor seating for a restaurant in the Urban Village Business District (VBD).</p>

2021-07-DSV	CoHatch - CRVD Zionsville LLC	75 N Main Street	<p>Approved with the following revisions/conditions - petitioner to provide 31 spaces at an offsite (and off street) location in excess to the 4 onsite spaces, for the exclusive use of 75 N Main Street, with the following conditions:</p> <ol style="list-style-type: none"> 1. To be located in the Zionsville Architectural Review Committee’s boundaries (as amended time to time). 2. Petitioner require employees of existing tenants use off-site parking spaces. <p>– 3 in Favor, 0 Opposed</p> <p>Petition for a Development Standards Variance for a reduction in the required amount of off-street parking in the Urban Village Business District (VBD).</p>
2021-08-DSV	N & K Savabi	9475 Whitestown Road	<p>Withdrawn by Petitioner prior to noticing – Approved by Board 3 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance in order to provide for a new single-family home on a lot which:</p> <ol style="list-style-type: none"> 1) Deviates from the required 3:1 lot width to depth ratio in the Rural Low Density Single Family and Two-Family Residential Zoning District (R2).
2021-09-DSV	Sanford Trust	8275 E 250 South	<p>Approved as presented & filed w/exhibits & per staff report – 3 in Favor, 0 Opposed</p> <p>Petition for Development Standards Variance in order to allow a lot split of 39+ acres, into lots of 28+ and 11+ acres in which:</p> <ol style="list-style-type: none"> 1) Both lots will not meet the Lot Width to Depth Ratio of 3:1 2) One lot with existing structures exceeds the allowable roofed accessory square footage: and 3) One lot with existing structures exceeds the maximum permissible height associated with accessory structure(s) in the Low-Density Single-Family Residential Zoning District (R1).

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

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In Attendance: Laura Campins, Steve Mundy, Larry Jones.
Mr. Lake and Mr. Wolff are absent.

Staff attending: Wayne DeLong, Chrissy Koenig, Darren Chadd, attorney.
A quorum is present.

Jones We good to go? All right. I'm going to call to order the Board of Zoning Appeals Meeting for April 7, 2021 for the Town of Zionsville. We'll start off with the Pledge of Allegiance.

All Pledge of Allegiance.

Jones Thank you. Can you hear me on this? Am I coming all right?

Campins Yes.

Mundy I can hear you, Larry.

Jones Okay. All right. So, I guess the first thing we're going to do is go through and do the approval of the previous meeting minutes?

DeLong Certainly happy to do attendance.

Jones That's right. Please do attendance.

DeLong Yep. Mr. Mundy?

Mundy Present.

DeLong Miss Campins?

Campins Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mr. Lake? Mr. Wolff? 3-0. You have three members here. So looking for unanimous actions tonight. Anything else will be indecisive.

Jones All right. I guess the next thing we do want to do is approve the March 3, 2021 draft meeting minutes for review and approval. Anybody have any questions, cause for concern? Can I get a motion to approve?

Campins I motion to approve.

Mundy Second.

Jones All in favor, say aye.

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All Aye.

Jones Wayne, do we need any kind of roll call on that or is that fine?

Chadd I think we should since we have a couple people by Zoom just to be clear.

Jones Okay.

DeLong Okay. Roll call, Mr. Mundy?

Mundy Aye.

DeLong Miss Campins?

Campins Aye.

DeLong Mr. Jones?

Jones Aye. So, I guess the first item we want to do is suspend the rules regarding notice and that means that we'll accept—

Chadd To accept notice by regular mail instead of certified mail.

Jones Okay.

Chadd We've done that for several months just to accommodate some pandemic issues.

Jones Okay. Any concern? We have approval for same?

DeLong We're looking for a motion?

Jones A motion?

Mundy I move to approve the use of regular mail versus registered mail due to pandemic.

Campins I second. I second that.

DeLong All right. We'll do a roll call. Mr. Jones?

Jones Aye.

DeLong Miss Campins?

Campins Aye.

DeLong Mr. Mundy?

Mundy Aye.

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- Jones The first item we have on the Docket is 2021-05-DSV C. Henry, project address 2346 U.S. 421. My understanding, they have requested a continuance. Is that correct?
- DeLong We have a continuance for 30 days.
- Jones Okay.
- DeLong Next question is probably what is your planned meeting date.
- Jones Okay.
- DeLong May 5.
- Jones Can we get any discussion regarding the continuance? Can we get a request to a motion to continue it to May 5?
- Campins I motion to continue to May 5.
- Jones Second?
- Mundy Second.
- Jones Do you guys want to do the roll call?
- DeLong Roll call, Miss Campins?
- Campins Aye.
- DeLong Mr. Jones?
- Jones Aye.
- DeLong Mr. Mundy?
- Mundy Aye.
- Jones Next, we have the CoHatch project at 75 North Main. We have two petitions. Do you want to go ahead and let's do them separately since one regards the nature of the construction and the development and the other is regarding more or less a variance of parking? So, the first thing we'll hear is 2021-06-SE the CoHatch CRVD Zionsville, LLC. for 75 North Main. Speaking on behalf of the organization is—name and address, please.
- Rabinowitch Misha Rabinowitch, lawyer offices at One Indiana Square, #1800, Indianapolis. Do you mind if I remove my mask to speak?
- Mundy Please do.
- Rabinowitch That's okay.

DeLong Yeah, I would. Also—

Rabinowitch I'll take the silence as a sign that I should keep it on. No problem. Thank you.

Koenig Might try to move the microphone closer.

Rabinowitch Thank you, Mr. Jones and boards online and those present here. This project involves the property known as The Sanctuary at Main and Poplar most recently used as Nancy Noel's Art Studio Gallery, and Special Event Space. The space already includes a full commercial kitchen and bar area. As you probably know, the building's history dates back to 1854 when it was originally a church. It was rebuilt in 1895 so it has quite a history. In addition to being a church, the building has been used as a gathering space for the community, office space, and a retail space. Unfortunately, the building has been vacant for the past six years. I think Michael Kosene who's here in the audience and you may hear from the current owner, would tell you that unless they can move forward with the CoHatch Project, preservation of the building really is in serious jeopardy. It is a treasure that we think should be maintained. CoHatch is proposing to repurpose the building as co-working space and a restaurant with an outdoor patio. CoHatch's investment in the project and in the village here on this project will exceed \$3,000,000 when it's done. We're here tonight seeking approval of variance of development standards for parking and then the second part is the outdoor patio to permit outdoor seating in the Urban Village District. I understand we're going to take that petition separately although I won't provide the same background again for that one.

I think you'll find in the materials that we've submitted that we may not have satisfied everyone. As you can see from the support we've received from neighborhood stakeholders like the Zionsville Chamber of Commerce and zWORKS. John Watkins and Chris Watkins—I intended to introduce John. He's on the line. You may hear from him too. He's one of the principals of CoHatch. They work very hard to engage with the community, to understand concerns that were raised, reach agreements on parking and other matters that will benefit the village particularly as it relates to the economic development and impact aspect of the project. It's important as we look at the use proposed for the building that we take a look at what co-working space is. That may be a term that's not readily familiar to folks. It's very different than your typical office environment. Co-working space is not like the buildings you see downtown Indianapolis where people go and work from 8-5, they're more transient. They come and go. They share space. At CoHatch which is unique, members purchase membership interest that permit them to use the facility on an as-needed basis whether it's to find a quiet office space for an afternoon or conference room space. They have all of the modern technology that office users require and that are included in all of their facilities. CoHatch takes the co-working concept to even more of a niche in the market because they focus on the real estate aspect by looking for buildings that have some historic character and have unique traits just like this building and they really focus on suburban sub-markets like Zionsville. They are out of Columbus, Ohio and in and around the suburbs of Columbus. They've got a facility in Noblesville, and the most recent one here locally is just west of Broadripple where they're rehabbing an old church for their use. They focus on the uniqueness of the building not only on the exterior by improving the exterior

but the interior spaces. I just wanted to show you a few slides of some of their other locations where they've incorporated artwork and other unique characteristics in their conference room space and other office spaces that make these attractive for office users. Here's another look. You can see some of the technology that's incorporated into all of their conference room space. CoHatch is also unique because it's community-minded and mission-based. They understand the importance of engaging with the community. They often refer to their business model as Town Hall 2.0 because their locations are places where people come to work but also sometimes meet for non-for-profit organizational meetings and other similar activities. They're important—they become important parts of the community. Their co-working model extends beyond just the office use. They have other benefits that are afforded to members, rentals and vacation home in Florida. They have, some of their locations have theater rooms and other amenities that can be used by their members. Here's a listing of some of their locations in, sorry, primarily Columbus, Cincinnati, and Cleveland, most recently entering the Tampa, Florida market.

Getting to the Zionsville concept that they are proposing for this location, here you see an aerial of the site. It's again, at the southeast corner of Main and Poplar. There you see the proposed covered patio area and the outline of the building. Here are just, to refamiliarize yourselves, some photographs of the existing structure. This is the site plan. Just a couple things to point out, the site does have parking challenges. That's no secret. There are four parking spaces included in the site plan behind the building. The parking calculation under the ordinance is included there for the office use and the restaurant use. Under the ordinance, 34 parking spaces would be required and 4 spaces are provided. I will get into the mitigation plan that we have worked very hard on here shortly. First, just to walk you around the floor plans for the building, this is the floor plan for the main floor. There's already, as I said, a bar and commercial kitchen that they intend to repurpose. So, the restaurant there is on the south portion of the building and then the northern portion of that first floor is co-working space. There is a mezzanine level with additional co-working office and conference room space, sort of an open staircase atrium concept yet to the mezzanine. Then, in the lower level, the basement level, there's additional co-working office space. As the CoHatch folks looked closely at the site, you know, they really try to engage and understand what the history of the community in which they're going so that when they go to preserve the building, it fits in context. So, they've done quite a lot of research. What they hope to accomplish is to recognize and acknowledge the historical significance of the sanctuary building, also kind of a nod to Nancy Noel and her important relationship to the building as well. So, here you see the rendering of the building as proposed to be built with the outdoor patio there. That's really at the southwest corner maintaining the church elements of the building including the stained glass and the steeple and bell tower there on the north side. Here's a closer look at the outdoor patio and the ADA ramp that would be on the south side of the building. Here's a shot just looking due, looking head-on to the building.

Here's some interior shots. They really spent a lot of time trying to design something that is unique and will be attractive to village residents. This is the first-floor entryway. Then, looking further at the first-floor entry way and some of the art attributes that they intend to include. Here you can start to see in this

picture in the right-hand shot, the staircase leading to the mezzanine level which really is an interesting feature. Then, here you are at the top of the stairs on that mezzanine level leading to additional space and I think the shot on the right representative of the stained-glass features incorporated into the building.

So turning to the request specifically, for the parking variance. Again, the site plan provides for four spaces. Thirty spaces are required under the ordinance. It's important as we analyze the parking needs for the property, we look at a number of different issues. First, co-working spaces, I said are not like traditional office space. People come and go. People aren't coming from 8 to 5, Monday through Friday. That's just not how it works. Most of CoHatch's locations, and their experience tells them, and this location is no different, that many of their users are members of the immediate community and often walk or ride their bicycles to the office. The other thing is, the office and the restaurant use are complimentary. That's, in modern terms, a traditional mixed use where you have complimentary uses that conserve parking. That's what we have here. We provided in this graphic some statistics from another location showing that peak users of uses of the office space is really mid to late afternoon and then peak use of the restaurant is in the evening as you might imagine at 6:00 or later. So, the uses are complimentary. If you break down the request by use, the office component requires 13 spaces so that's just a 9-space variance. Then the restaurant component requires 21 spaces, so that's a 17-space component. We've worked very hard though on a parking mitigation plan that we believe appropriately addresses the parking needs for the site. In addition to the on-site parking, I think we identified in the materials, there's significant on-street parking. We counted over a 100 spaces which of course everybody has to share and use and those are not always available and open.

In addition to that, CoHatch has agreed to enter into a lease of the building at 95 South Elm Street from Bob Harris which is a couple blocks away to lease 29 spaces behind his building. It's our understanding that Mr. Harris intends to improve that lot which may accommodate more spaces. There's a reference in the staff report which is the first time we learned that Mr. Harris had committed, apparently committed, either those spaces or something close to it to a petitioner here a couple of years ago. Mr. Price, representative of the owner of that petitioner that's here in the audience, he can certainly speak to it. We've had the chance to talk, and we've talked to Mr. Harris about it. I think that our understanding is that likely very little chance of conflict when there are large events and that lot will need to be used by both parties notwithstanding. It's CoHatch's intent, and John Watkins who's on the line can speak to this, to work cooperatively with everybody including the Price Family to deal with any issues that come up. When we learned of the issue, we went back to Mr. Harris to ask him about it and he had indicated also that he owns another lot at 106th and Main which is not quite as convenient but certainly can be used for valet parking if needed. So, he's committed that opportunity as well.

We have included in the materials and it is a commitment that the petitioner is making that it will employ a valet service to accommodate high volume parking in the evenings should it be needed on the weekends or for special events. That's a service that, I think, has become pretty common in various areas around north side of Indianapolis and certainly downtown. Mr. Watkins has also spoken with

other area business and folks that have offered to provide for additional parking if it's needed and he can speak to that.

I'll, I guess, Mr. Jones, leave discussion of the outdoor patio until later although it was really going to be a brief part of the presentation here. I guess what I'd like to wrap up with this is the support that we've received. There's materials in your file, letters of support from various neighbors. Then, working closely with Chamber of Commerce, their letter of support is in their materials. Then, zWORKS which we think is an incredible opportunity to work together mutually to beneficial uses. The parties have met and entered into a collaborative agreement that we think would benefit really both parties, zWORKS with some additional office space and some service opportunities. So that looks like a wonderful partnership as well. Just to close, you know, virtually any use that goes into this property if this historic building is going to be preserved and we think it should be absolutely, is going to require a parking variance. That even includes a church. The uses that we're proposing here are compatible and really make an ideal repurpose, reuse of the building bringing this modernized use to the village where entrepreneurs will come to office, frequent area business have lunch, buy jewelry, what have you and support all the other retail businesses, cannot be understated.

So, we think that we've established the findings of fact required for the ordinance particularly the final finding of fact related to the practical application of the ordinance and the undue hardship. I think that's it's unanimous, nearly unanimous, that preservation of this 1850s building is important and its location on the property really is what creates the hardship here. So with that, we'd ask for your approval of the variance. Happy to answer any questions.

Jones Couple things, just to clarify. So the—what is before us currently that we're going to discuss and hear commentary on is the parking variance portion of the petition which is different than the one I read off before. So, it's 2021-07-DSV. Just to get us all back on the right track because I think I read the other one at the beginning.

DeLong Right. You have two different petitions. It was special exception of the variance if you'd like to address the variance first.

Jones I'll do the variance first for the parking. I need to get the order correct. Do we talk amongst ourselves and then for public commentary? It's always easier when you're on the other end.

DeLong Certainly. Certainly, look, you've had the presentation here. Certainly, turn now to the public to see if there's anybody online. I don't have the benefit of that use yet here. Certainly, IT or other members could be on video and wanting to speak and certainly members of the actual audience here could be looking to speak as well, in favor or in opposition.

Jones Okay. Should we ask for any people who are waiting to comment either in support or in opposition to this variance?

Kosene My name is Michael Kosene—

Jones Please, uh—

Kosene Okay, thank you. My name is Michael Kosene. Nancy Noel was my mother and I'm now potentially the owner, seller of this building. As you may know and that Misha commented on, we've been trying for the last six years, my mother and I, to sell this building. I'm a real estate developer, I come from a real estate family. So, it was my area of expertise. We've—the last six years, it's been a dark building, been a dark hole on Main Street frankly. I grew up in Zionsville, lived here my whole life and it was hard to see especially if anybody who has been in The Sanctuary knows the love and money that my mother put into that building and really transformed it to when I think it was a, I think, a furniture store at one point. So I hear about this company, CoHatch, looking around Indianapolis and surrounding areas. When I started to look into that company—at this point, I'm at kind of my wit's end. I come from a development family, I don't know what the strength, you know, what's going to happen to this building especially, you know, that my mother's passed and it's a massive financial obligation. I'd hate to see something happen to it after all the love she put in. I hear about CoHatch and I go and I start researching this company, and I see the strength of the company and how well organized they are and what they've been able to accomplish in a short amount of time but then I noticed that they also have a tremendous creative strength. Then, what really sold me on them before I ever called them was how they become a partner in the community as Misha also touched on is that they are not just a business that opens and sits back. They get involved and they, as with their potential partnership with zWORKS and all the effort they've put in to solve some of these issues was no surprise from what I've found. That's when I called and I brought them to Zionsville. They had not known about The Sanctuary. They did not know about Zionsville.

So, I was very impressed with the company and being, like I said, a lifelong resident of Zionsville, I thought that they would be another citizen here. I think as coming from a real estate professional seeing what Zionsville would like to grow but also keep its quaint boutique drawl that is Zionsville, I think that this is a wonderful opportunity for them. I think that it would be a great partnership. So, I wanted to come and obviously show my support and so if anybody has any questions for me, please, but I think that this would be a great use and the only possible way that I can see right now of preserving that building. I would personally hate to see anything happen to that building. There could be other opportunities that I would have. Frankly, I'm losing money on the sale of this building because I think this is the right thing to do and I mean that. So, thank you.

Jones I just got a couple questions about the, just about the structure itself while you're there. So, I understand there is a commercial kitchen there in the rear. Then, the area that is currently being shown as like a sort of bar and seating, is that space kind of exist currently?

Kosene Yes.

Jones Okay. so then, the CoHatch, their space will start there at kind of that, let's call it a dividing wall and head north basically. So, they'll also be using a portion of the

basement underneath as well but that will be mostly—sorry, is the basement area all for—will it be used for the restaurant as well or more just—

Rabinowitch Just co-working.

Jones Just co-work seating space? Then, so the north high, the brewing company, they won't actually be brewing on-site? Correct?

Rabinowitch Right. No, they won't. that's right.

Jones Okay. so, it will be mostly just restaurant then the other use and then obviously you'll be able to get the outside. Okay. Do we have any other members from the public that want to chime in? Okay. Can you put them up for us?

Zelonis Can you hear me?

Mundy Yes.

DeLong Miss Zelonis, please say your name and give us your address and please proceed.

Zelonis My name is Sally Zelonis. I live at 40 South Third Street in Zionsville. My husband and I have lived here for over 23 years. I applaud CoHatch for their respect for the historic property at The Sanctuary. We've always admired it. We've watched over the years as Nancy Noel undertook the restoration. I can only imagine the bills that she took on in terms of repainting that building alone. I've looked at the letters of support and I just would call to mind and it's good to see that other restaurants are in support of the project. I just remember a conversation a couple of months ago as the redevelopment commission I believe it was was looking at awarding some funding to one of the restaurants on Main Street and the comments made about parking and the discussion that's gone on now for years about employees. I know that Drew Kogan brought it to everyone's attention that there are restaurant employees that park on Main Street and take up the parking spots for visitors to Zionsville or Zionsville residents that are eating out in the evening. I think that this will continue to be an issue and I will only hope that the Chamber and the new restaurant would continue to ask their employees to park in further locations. Certainly, 106 and Main Street is a further location for sure. I only hope that the parking can accommodate all the restaurants that are here. We certainly enjoy, ourselves, certainly enjoy being able to walk to them but there are many in the outer parts of Zionsville I know that drive in to use the restaurants. I'm not against the project. I think the historic aspects of this building far outweigh squabbling over parking spaces. I think it will be of concern for the hair salon that's across the street during the day because they have limited parking and certainly for those residents on Main Street who park in front of their house currently and even on the side streets but I think that the historic nature of the building itself is really a major attraction for people here in Zionsville. So, I think it's a difficult decision but I'm in support of maintaining this beautiful building. Thank you.

Jones Thank you very much. Matt, do you want to come up?

Price My name's Matt Price. I live at 485 West Sycamore Street in Zionsville, Indiana. I've lived here for a little over 40 years. My parents and our family business own 58 North Main, 60 North Main, and 110 North Main. So, we have the three properties with the exception of Bob Goodman's store all immediately across the street from The Sanctuary. We're very much in support of the project. The word that we liked as a family and as business owners in the community from the letters of support was vibrancy. We think that downtown needs more vibrancy, more investment. That investment can be used to help solve the parking problems. As Mr. Jones has noted from time to time, having a parking problem isn't always a bad thing. We agree with that. We agree very strongly with that philosophy. We even have a competing enterprise in the Zionsville Underground as an event center. We're still very much in favor of it because we think there's room for more. There's room for more vibrancy and I'd like to congratulate Mr. Kosene. I think he's done an excellent job of recruiting a fine business partner to the Town of Zionsville. We had the opportunity to meet with Mr. Watkins and I've had conversations with Misha. They've all been very professional and very much seem like people what we'd want to welcome to our community. So, I just wanted to be on record that we support the variance and the special exception requested and appreciate the opportunity to speak this afternoon. Thanks.

Jones Okay. Thank you very much. Do we have anybody else from the public out there, either here or online? Do we have anymore online?

DeLong Yeah.

Jones Okay.

Kosene My name's Jerry Kosene. I own the Ford Center Shopping Center where the CVS is. We built it about 28-29 years ago. I happen to be Michael's father, so I have obviously have self-interest here. We have gone to great pains over the years to keep that property fresh. We make a big deal out of our retention pond. We want to continue to exemplify the vibrance and the currentness of what Zionsville should be doing. This is another effort, a responsible effort, to do just that. I think that parking is always an issue as a 50-year developer in Central Indiana. The issues relating to parking are really a good problem to have that needs to be solved permanently. If you're going to have a vibrant main street, you have to address it. The only answer is you've got to come up with a plan. So, all I'm saying as a property owner, as a taxpayer, as somebody who has developed in your community, I hope that continues. There's a lot of foresight that sits in this room and I hope everybody can get together and support these kinds of efforts. Thank you.

Jones Any other members, do we have any discussion amongst the board members, questions, thoughts?

Mundy I've got a couple questions. This should probably be a question for Misha, I guess, but how does this contrast or compare with something like zWORKS. Is this a successful zWORKER that ultimately needs to move up in terms of the office space that they might use on full-time or part-time basis or is it very similar to zWORKS in what it does?

Rabinowitch I think that's a great question for—I could try to answer but Mr. Watkins of Co-Hatch is on the line. Could we turn his mic on? So he would be the best person to answer that, one of the owners, John.

Watkins Hi. Can everybody hear me?

Mundy Yes.

Watkins Yeah, thank you everybody for the opportunity to present tonight. As been said, we're very honored to have this opportunity to be a part of the Zionsville community and a chance to preserve and enhance this beautiful building at 75 North Main Street that's been such an important part of the community for in its current state since 1895 and with the history going back to 1854. I actually spent an hour with Ralph Stacey two weeks ago and he gave me a great history lesson on it. He'd spent hours researching and it just further deepened our understanding and appreciation for the history and the people involved with that building. To answer your question, Mr. Mundy, zWORKS as we understand it and I've had meetings with Vicki, with Paul, and with the others, is that they really have three roles that they—three missions. One is as an incubator of new businesses, as an accelerator of existing businesses, and then providing co-working or shared space for these ultra-small, small start-up type businesses. At CoHatch, we are not an incubator or an accelerator. That's not in our mission. We actually have incubators and accelerators that operate out of our other facilities. We create that platform for people that create the new businesses and help small businesses grow. We allow them, you know, we provide the space for them to do that so they don't have to worry about their own real estate. We provide an ecosystem with other start-ups and professional services firms that allow for connections and people to come together both to do business and share ideas and to have community. So to the degree that there is overlap, it would be in the area of co-working. We've talked about that with Vicki and you know, as included in our submittal and as Misha referenced, we have an agreement in principle of how we would work together going forward that would allow zWORKS to focus primarily on their mission of incubating new companies and accelerating existing companies in their growth and that we would, you know, be their real estate platform, their office platform so that they could, you know, focus on the things that they do really well.

Mundy Thank you. A second question would be about the restaurant portion of the use of space there. Do you—is that space leased out to a group that designs and builds and runs restaurants or is that part of what your company does itself?

Watkins At North High, we don't have an equity interest in North High but in other locations where we're expanding, you know, there's a good chemistry between the North High ownership and the CoHatch ownership. So, we have invited them in certain locations like Zionsville, like Circle Centre, you know, and there will be other locations. We just announced two new locations in Tampa, Florida yesterday and North High Brewing will be going there with us. So there's just a good working relationship between the ownership of the two groups. So they would be a tenant. We don't call them tenants, we call them members within the space. I'm not sure if that answers your question or not.

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- Mundy No, that does. So, they're experienced in the restaurant business and that's what they do and that's what they bring to a place like this?
- Watkins Yeah, we do not want to be in the restaurant business and so we're looking for those that are an expert in that.
- Mundy Okay, thank you.
- Jones Mr. Watkins, just a quick question. Staff wise, what does CoHatch use on a regular daily basis staff wise?
- Watkins Yeah. In terms of our office offering, it's—we have one employee that works Monday through Friday and staffs the location. The offices are available 24/7 to members. We have a key FOB system where members, you know, prior to 8 a.m. and after 5 p.m. and on the weekends, they just FOB in. You know, we're on the honor system. Of course, we have the appropriate security in place and we've been in operation since 2016 and that system has worked very well for us. The restaurant would have anywhere from 6-15 people on staff, you know, depending on day of week and time of day.
- Jones Okay.
- Campins When you speak about the members, they have use of the space. Would these be members even if they're from out of state? If somebody came in that were members in Tampa and they came to Zionsville, would they be able to use that space as well?
- Watkins Yes. If you're a member in Zionsville and you happen to be in Tampa on vacation or business and you want to use one of our facilities, you have equal access to a facility in Tampa or Columbus or Cleveland or wherever else we have a location.
- Campins Okay. Thank you.
- Jones Guess I have a couple comments. You know, churches are interesting pieces of real estate. They are purpose-built which makes them just terrible to try to ever convert into any other use. Churches are worse than golf courses when it comes to pieces of real estate to own. They are the bottom of the barrel because they just, they're purpose-built and oft times they are given a certain amount of special exceptions but then they end up being kind of the mainstay piece of real estate for just about any town square or city you go through. You see the churches, everybody, you know, regardless of your feelings about religion one way or the other, churches have always been amazing pieces of architecture. When you're in their spaces and the things they do—downtown Indianapolis on College, for St. Joseph Brewery. I watched that building for 30 years languish and go through multiple owners trying and you know, finally as St. Joseph, it got used. It's a great place to sit in. You can't hear your neighbor across the table from you speak, you know, the acoustics are horrible but that's the nature of—they're just tough to repurpose but I don't think the town, the Main Street of Zionsville wouldn't be the same without that piece of real estate there without that look. The Town of Zionsville does not have any kind of historic preservation

protection for the parcel and as the Kosenes have spoken, it's, you know, if a use isn't found or this, you know, I hate to see what would replace it. I am not a particularly big fan of the HardiePlank siding, you know, paint and caulk apartment buildings that go up all over the place but that is the other option. So with that said, I think it is very important we find a way to make this use work.

You know, parking is always an issue. Like I said and I'll say it again, if you have a parking problem that means you have too many customers, too many visitors, too many people using your real estate. That means you have enough money to fix and take care of whatever problems are out there. When you have no parking problems, you have no customers, you have no money and you have no viable businesses. So to find the happy medium is always kind of tough. I appreciate all the work you've put into finding other locations for parking and going, being willing to try to lease same. I drove through the lot over there on Elm. Is that correct, 75 Elm Street? My concern is access. It's a gravel lot in a flood plain and if that parcel was actually ever to be—I don't quite understand some of the language I've heard whether or not the current owner is going to go to the cost to actually develop it as a parking lot or if that's somehow to be born by the developers of this property. Regardless, it's—the approval process is going to be bloody let alone the cost to do it. Then when you're done, you have a parking lot that's only accessible, you know, in a snow or ice storm, you're not getting in and out of that lot. I barely got in and out of it in my pickup truck this afternoon. As much as I appreciate that, you know, I'm wondering if when it comes to the parking issue if there isn't a better solution that the users could find some sort of, I'm thinking access to some sort of parking pass that could be worked out with other. You know the issue that you're going to have with the property is, like you said, CoHatch will only have one employee, the restaurant will have 10, which really only gives you a handful of people that you can actually control where they park. The rest, you know, the people using the business while they might like the idea of that parking lot being over there, getting them to actually go use it and hike up that hill, is going to be tough. So as much as you're going through a lot of effort to find other sources, I wonder if there isn't a better solution. I just, I see a lot of commitment to things that are going to be expensive to develop, difficult to enforce, let alone get anyone actually to use them. So, I'm wondering if the organization, CoHatch, and the restaurants and the Kosenes, if there might not be a better or other option out there that could be proposed.

Rabinowitch I think Mr. Watkins may want to respond. I'm happy to, but I wanted to give John the opportunity. He's had the conversations with Mr. Harris and some of the things that you've mentioned on the improvement come up, so. John, do you want to respond to that?

Watkins Yes. Can you hear me?

Rabinowitch Yeah.

Watkins Yeah. Thank you, Mr. Chairman. You know, Bob and I've talked. There is going to be a significant cost to develop that, to pave it, and stripe it assuming, you know, it's able to, you know, we get the permit to do so. You know, we've agreed not only to lease his building which we do not need other than the parking

spaces that are associated with it but also share in our fair share of the development of that parking lot to take it from it's current state, pave it completely, stripe it, and make it as convenient as possible. So, that was our primary path. We felt that it met the requirements recognizing in full all of the, you know, potential inconveniences that you've mentioned. Alternatively or I would just say, you know, while I was in Zionsville a couple weeks ago either directly or indirectly with the help of the Zionsville Chamber of Commerce was introduced to five different business owners four of whom have confirmed that they would be willing to lease spots to us evenings and weekends. One potentially that I have not yet confirmed that but for the ones that are confirmed, it's around 30 spots that are confirmed with the potential to be more than that. My understanding is that all those spots are within 300 feet of our property and thus we would not require the variance but we just felt having our own secure parking spaces at Mr. Harris's property was, even though it was going to cost us more was more secure and more convenient and is our preferred path but if not approved, you know, I'll start talking to these other five businesses and see what I can cobble together. It's just a lot of time and effort to do that. It's going to, you know, require other types of things that we have to solve for.

- Rabinowitch I would just only add that it seems like the Harris lot solution is a solution. It might not be the best solution. I think John you're saying, you're certainly willing to continue to explore these other solutions but this would permit us to move forward at this point.
- Jones So, Wayne, just to make sure as I'm reading through the staff recommendation, so do we actually have a parking plan that they've provided? Am I looking at it here somehow?
- Rabinowitch I can comment on that, and then Wayne can chime in. We were provided a parking plan late last night. I provided it to Wayne. Wayne, you'd do with it what—so, you do not have it but—
- Jones No, I got this today online so yes, I've seen this. Okay. Mr. Watkins, timing wise, Mr. Kosene, what is—where are you guys at in the process?
- Watkins We were originally supposed to close this month. Michael agreed to extend it to May 4. We've, because if this gets pushed to the next meeting, Michael's graciously agreed to extend our closing date to May 18. We will not close without having the parking issue settled.
- Jones Okay.
- Watkins I would just say too, Mr. Chairman, as we've already got \$70,000 or more invested in the project, we're highly committed to it. We want to do it to the point, as I mentioned earlier, to lease a building that we're never going to use just to have the parking and solve this problem.
- Jones Let me think of something. The current number of spaces that are required for this are what, 34?
- Rabinowitch Yes.

Jones Oh, okay. Steve, do you guys—other commission members have any thoughts or comments?

Mundy I think it's a great use of the facility. I agree with what you said earlier Larry about the old church being there. I think it is a part of Main Street. I wouldn't want to see it go away and happy to see a project that would bring some vibrancy and maintain the look of that building. The parking is going to be a problem. Now, those things will—I think people are smart enough, they figure those things out. I don't live in the village but I am in the village often to dine and other things. There's always places to find, you just have to walk a block or two or three. I think people will do that. The challenge with the lot that exists as a potential to solve all their parking needs is a tricky one and some people will just avoid it no matter what. I think preserving the old church, bringing business and vibrancy into that location is, in my mind, a fair tradeoff.

Jones I'll make a motion if anybody wants to have something out here to discuss. I'll move that Docket #2021-07-DSV a development standards variance for a reduction in the required amount of off-street parking in the Urban Village Business District VBD be reduced from the required 34 spaces to 12 parking passes to be acquired on existing parking lots within the village.

Mundy Question?

Jones Sure.

Mundy Do you find that preferable, Larry, to the plan that they have made using what is truly a difficult place to park in certain weather conditions but do you think that reducing the number of required spaces in more preferable locations is better than accepting a sufficient number of parking spaces in a difficult place to park.

Jones My concern with the parking plan for the redevelopment of this lot is it's number one, in a flood plain. Two, the existing lot, the majority of it is gravel. So, the cost and the approval process to get that done, it's—and the time, you know, it's going to be another year. If we make this project dependent upon this parking that's being provided, it ain't nothing's happening for another year. As well as even once it's done if it can be done, just the access to it is so difficult up and down that drive. I appreciate all the work they've put into and the willingness to agree to this. I just don't see it viable. It just isn't a viable option as much as everybody wants to be very optimistic about it and talk about it, I just don't see it happening. Then, that puts us into a bind of either delaying the project which I don't think everybody wants to do or, you know, finding ourselves back in this. The reason I bring up the parking passes as vague as that may sound, it gives the owners of the property and the developers the opportunity to go negotiate with the other adjoining property owners and find something. Then, those spaces at least they will have the option of directing employees to use which is typically the biggest complaint we ever hear about any use. It's not so much the customers, it's always the employee use parking on the street or doing something this. So, I'm hoping this is while it may sound a little vague and a little open, it's something that could be reasonably obtained if everyone wants to talk about that outside of us for a minute. It would be—the final piece is, the Town of Zionsville

has no towing company that works in here, do they? I mean, if you really want to get somebody towed out of your lot, can you get it done? Because you typically have to have that sign posted. You have to have a contract with the towing company to get that done. I mean, you're talking to someone who tows people out of their lots on a regular basis and yes, I have the signs and I have the contracts. Yeah, you go, so.

Rabinowitch When you—can you define parking passes?

Jones Exactly. It is just that vague. It is something that you can come back and say that we've met with neighbor X, Y, and Z and they have three and four and three and you know—should be able to do that math. What, five, or do I need more? Two? That way we at least have some ability for the operators to direct people to park somewhere and because the clientele and the customers and even people going to the restaurants, you know, it's not going to happen that they're going to go park down at the bottom of that hill, ever. They're going to do just like I do whenever we come over. You know, we always like to park close. We check the Zionsville lots, and then we work our way down the street. I've never not gone to a Zionsville restaurant because I couldn't find parking. I've never missed the Fourth of July because I couldn't find parking, you know, the Christmas in the Village, anything. You always find parking, you just maybe have to walk a little farther. So, the goal is just to find a way to address what is typically the first level of concern we hear at these meetings and that is if the operators can find a way for at least staff to be controlled, you know.

Rabinowitch Let's maybe hear from Mr. Watkins on that, if we could.

Watkins I want to thank you for that, Mr. Chairman. I just want to make sure I understand the proposal would be to reduce from 34 to 12 the number of spots required in order to, and then to have them defined as passes and then go from there?

Jones Correct.

Watkins I can accept that. We can work with that.

DeLong Mr. Chairman, just to provide maybe just some additional color and direction to, I think, to where you're thoughts are going. I mean, our zone—our zoning ordinance here in Zionsville is structured around specific land uses and specific ratios. It does not anticipate a co-working situation where a point of destination business is in fact bringing potential customers to Zionsville that might occupy this space for two hours and visit three other businesses in the village. They could potentially rideshare and they could potentially do other mechanisms to visit this facility. We simply don't have an ordinance that anticipates this kind of land use and certainly while the creativity that the petitioner has provided this evening is in effort to comply with the ordinance, what the board is supporting is a deviation from the ordinance supporting a walking distance that's potentially beyond what the ordinance says more than 300 feet that's these parking passes securing these 12 off-street parking spaces somewhere, I would define the geographical area as the commercial area of the village whatever is zoned appropriately that supports the commercial activities in the downtown all the way down to South Village. So, I think that's what's happening here and certainly we

would—certainly, as staff, we would look to see proof of those certificates or passes at the time of the request for a temporary certificate of occupancy providing that very clear wording as in fact, we typically see a TCO being requested prior to a full CO.

Jones So, do we—do I need to modify the variance or the motion to put a 500-foot radius on it, something like that because I know we would to at least define the area somewhat?

DeLong To me personally, you have a business model that does not follow the zoning ordinance for very specific reasons. The ordinance anticipates providing some convenience for that person who is visiting that business. In this particular case, that's not the business model. I would encourage just structuring it on anything that is zoned for the Village Business District or anything that is actually under what the commercial parameters which would include South Village. South Village is, some of it is, I believe, it is VBD. There might be something down that way that's B-3. I know the Dairy Queen's B-3 for example, so you have some properties that are not VBD. Certainly, there are your commercial entities that are in the downtown. I think there's more flexibility that can be, that is necessary that a defined numerical dimension.

Jones Okay. So, do I need to change the motion to list within the—am I going to codify it with a zoning district? Is that what we're—

DeLong I think one defensible way to clarify this is to define it as the boundaries as enforced by the Zionsville Architectural Review Committee because they are the arbiters of a program, the Architectural Enhancement Program, and their boundaries are determiners with any commercial property that's in the village, actually any property that's adjacent that's also utilized commercially. That would be one option if you were so inclined.

Jones No, because that covers multiple types of properties, multiple types of zonings and gives them the option to work with different groups to find a solution to the—I understand a parking pass is not the greatest descriptive term in the world but I think you're getting the general gist of it some point.

Rabinowitch It infers control exclusive control of the parking location, I think, is what you intend. It's the word passes that is problematic.

Jones Do you have a better phrase you would like me to—

Rabinowitch Parking spaces, exclusive use of "x" number of parking spaces.

Jones Okay. So, if we—I guess, it's my motion so I can modify it, correct?

Mundy You're free to modify it, Larry. I still—what's the number? Where does the number 12 come from?

Jones My assumption is the restaurant will probably have around 10-11 employees at any given shift or something of this size. The co-working staff said they'd have one. What I'm looking at is the company, the businesses have the best

opportunity. The manager of the restaurant, the manager of the CoHatch is going to hear the complaint about parking. So, at least they can state to whoever is complaining about the parking, "Hey, our employees are parking here, here, and here. We tell them to do so." It's just trying to get to some level of enforceability. That's, you know—I think Steve, you've been in this and you hear mostly the people complain about—most of the residents complain about employees of various businesses parking in front of the house all day long. You know, that's, that's—Drew Kogan is, you know, famous for coming in here and explaining things going on in the village and that's usually one of his number one core complaints is about, you know. It's not customers and clients and people new to the village coming in and parking in the street. It's just the people who are working there just because it's—you know, they get there early. It's the closest to it, and there they sit and their car sits there all day. That's—it's not good for the other businesses, so we're trying to figure out some way. Like I said, it's just a matter of trying to find a way that we can have the operator to these businesses somewhat control who's parking where.

Mundy

Okay. I understand that. I think the requirements in the ordinance sets aside parking because restaurants do in fact bring in a significant number of people in vehicles at certain times and that it is because of that that we have this not because of the employees but because the patrons of the restaurants if they're coming in to use it and it provides some space. Now, the employees that park there, okay, they have taken up that space but I think that's the intention of the ordinance. I—12, 10 or 12 just gets you the people that are going to be there everyday anyhow. So, now you have the patrons coming in, where are they going to park? They're going to search for parking spaces and there are places around but I think the ordinance's intent is that there is some space that is there for the sake of those people, patrons who are coming in. I don't think this solves any of that. Now, I buy into the pass concept but the number 12 to me, does not satisfy what needs to be taken care of.

Jones

Like I said, I'll drop back to my original statement. It may seem a bit of an arbitrary number but the idea was to get spaces that the venues could actually control and direct people to and then know they were there. You are correct, yes. That's the biggest issue with any type of parking situation. Broadripple put in a, you know, multi-story paved garage down there. Nobody uses it because it's paid and so, you know, the businesses still bear the brunt of all the customers parking in Broadripple. You know, once again, I watch Mass Avenue for the last 30 years and you know, they've—they've actually put meters in up and down the street which, once again, that controls. So, that's, you know, that's the other option for the Town of Zionsville is to go to parking meters something to help, you know, create a turnover. Once again, the reason just like what Wayne was talking about earlier, the reason I was interested in cutting the number from 34 to 12 is because one, the nature of the core business, the CoHatch space, their clientele is going to be a varied group. It will be people, you know—if anything COVID has taught us is that people don't really like to be at home. They really don't like working at home because you actually get less done than when you have a dedicated space where you can go, work, and come. That's kind of the CoHatch, the co-working model, is that people actually have certain preference to have a spot to go to work. Yes, the restaurant is going to add space but once again, when we look at the history and intensity of use of this structure in this, at this location, I think the

restaurant is actually a downgrade of the intensity of use that this parcel, this property, this church has had on the town of Zionsville. So, what we're getting caught up in is we have a 170-year-old structure that we've now got new zoning and it's created new parking requirements for a structure that 170 years ago never had to comply with any of it, hence the reason there's only 4 spaces. That's really the situation we have here. You know, once again, I'll go back and say it. You can grind that building up, put it in dumpsters real easy and build a building on that that meets all your parking requirements and strips all the culture out of the town. That's the other option that's laying out there. I know it. I understand it. You know, I've made that pitch in front of different commissions. Usually they swat me away but in our situation in the town of Zionsville, we have no protections for this property. Hence, I think the bigger burden we have is to find a way to get it to work and that's kind of the method of the madness of what I'm proposing here, is try to find something that is an improvement of the situation and it is something that is manageable.

Rabinowitch Can I make one comment on Mr. Mundy's—

Jones Sure.

Rabinowitch I want to make one comment, Mr. Mundy, on your point which I think was a very good one because you're getting it through a basis for the ordinance. I think, Wayne, you commented on that the ordinance really doesn't deal with co-working. It doesn't—in my opinion, it doesn't deal as well with mixed-use. When you break down what the ordinance requires for the different uses, so for the office space which is primarily a daytime use, it requires 13 spaces for that amount of square footage which is just a 9-space variance from the 4 that are provided. So the 12 that Mr. Jones is proposing is more than accommodate that variance if you break it down by use. Then the restaurant component requires 21 spaces which is a 17-space variance from the 4 that are provided. The 12 doesn't quite cover the 17 but it comes pretty close and again, you know, as you pointed out, I think, Mr. Mundy and I agree, you always look for the closest spot and if you've got to park a couple blocks away, that's what you do to go to the restaurant I'm talking about. Not to park your car all day for the office. So, I guess, that's what I would argue to you is another basis to support what Mr. Jones is proposing.

Mundy Well, Larry, what I'm saying is that I'm not—I don't want to see anything happen with that building either. I'd like to—I think the recommendation that the petitioner has put before us is worthy of coming to fruition. I think that asking them to find 12 parking spaces is not sufficient. Mr. Watkins, maybe you can respond to this but I think that you have said that you have had some contact with other businesses that have offered up that there might be space available that, um, and I guess if you can hazard a guess at what the number of those spaces might be, it give at least me, some indication that we can come closer to a respectable number of parking spaces to feel more comfortable that we're not going to have some great space there for restaurant and co-sharing of office space and find people parking six blocks away and unhappy about it and decide that they don't want to do that.

Watkins Yeah. Thank you, Mr. Mundy. Again, five businesses—I've spoken to some directly. Others I've heard from through the business advocacy group of the Zionsville Chamber of Commerce. Based on my calculations, there's around—there are 33 spots to be precise. Now, I have not engaged in any kind of negotiation or commercial discussion. So, I don't know if people—all of these would be evenings and weekends. None of these would be during the day. The current owners of these businesses need their spots weekday 8 to 5. So, it's evening, weekends. I don't know if they want \$1 a day or \$1,000 a day. So that could make that number 33 go to 0 or keep it at 33. I just didn't have time to, you know enter into those negotiations before this hearing.

Mundy I understand. If it goes to \$1,000 a day, Mr. Watkins, I wouldn't take it.

Watkins Good advice.

Mundy Might be worth more than \$1 but not \$1,000. I guess my point, Larry, I would like to see us get to a point where we feel much more comfortable about—I think there's complete comfort with what's proposed for the building itself at least in my mind. That's—I'm completely comfortable with that. I would like, though, that we have something a little more definitive in the way of parking. The number 12 just doesn't ring true with me.

Jones Okay.

Campins If I could say something. The lot that was proposed to lease for the parking, if all the employees could park in this lot and the co-share workers, I believe just like all of us, when we go downtown, we find the closest place we can park. You know, I don't think that people for the restaurant will probably park down in this lot but will, you know, continue to drive around to find something close just like the rest of us. During the day and the employees and the people that are using the co-share office, you know, we could direct them to use this lot. That would keep the employees from parking in front of owners' homes. Yes, there's additional parking for overflow for the restaurant, you know, if they are looking for it. I agree as proposed as well that it's viable.

Jones The concern I have about the lot is just the constructability. Will this thing actually ever exist and I don't want to get this group all—I mean, enough time and money, anything can be accomplished but I just—parking lots in flood plains are just difficult to get done. I don't—

Rabinowitch Is it being used as constructed?

Jones Huh?

Rabinowitch Isn't it being used as constructed?

Jones No. what's down there is part asphalt, part gravel, and then what's shown in my drawing is the area that's still grass being parking lot. So, my concern with this is this doesn't—it's not like there was an existing parking lot down there that's going to get seal coated and restriped and used. Somebody's got to build that. I don't know if Mr. Harris is building it or Mr. Watkins or whatever, but my

concern is if we tie the approval of this to this and this doesn't happen or what happens. That's what I'm trying to figure out a way to come to a different solution that just allows the process to move forward. That's, you know, I understand what Steve's talking about is that, you know, it's a slippery slope of how do we allow other—okay.

Watkins Mr. Chairman?

Jones All right. Yeah.

Watkins I'm sorry to interrupt. If I may propose something?

Jones Please.

Watkins Currently, the way it's operating at 75 South Elm is there's 23 spots that are in that partially graveled and paved lot. Our proposal was to add 16 with the paving of that area. The 8 to 5, Monday through Friday, the two buildings require 10 offices per code. So, that leaves 13 spots. We would still be willing to lease that building, you know, it's a couple grand a month for us to lease that building that would be used for the co-working, we call them community managers, who's the Monday through Friday daytime associate who works there and then for the restaurant employees that that would be their parking and they would be required to park there unless it's unsafe, you know, due to snow and ice. You know, we would certainly could commit to that. We can control that and that would not require any further approvals the Town of Zionsville for any development on that. Then, I would in good faith negotiate say another 8 spots with, you know, at reasonable market rates for evening and weekend parking spaces. That gets us to 21 which is our parking, you know, the number under the calculation for the restaurant use. Those would clearly be within 300 feet. I think out of 33, I think I could find 8 that would get us to that number.

Mundy Are you thinking Larry or are you on mute?

Jones A little bit of both.

Mundy Oh, okay.

Jones So then the motion would be revised to, you know, approved blah blah blah based on the parking plan as submitted that being use of the 23 spaces at what we have, 75 South Elm Street and then the petitioner finding another 8 spaces that would be leased for the exclusive use of the—I guess, we basically would co-join the property to the 75 North Main Street but not really tie it to either user. Correct? Is that a better way to assemble the motion? Do you know what I'm saying?

DeLong Yeah.

Jones In other words, not tie it to CoHatch, not tie it to a restaurant name but just for the venue. So then the motion would change to, I move that Docket #2021-07-DSV the development standards variance for the reduction in the required amount of off-street parking in the Urban Village Business District be revised to

the petitioner providing 23 spaces at a off-site location and then securing another 8 parking spaces for the exclusive use of 75 North Main with the following conditions, those parking spaces be located in the area commonly known as the Zionsville Architectural Review Committee District?

DeLong Boundaries.

Jones Boundaries? Boundaries. Two, that the petitioner require the employees of the existing tenants to use that off-site parking spaces. Does that make sense?

DeLong Yes.

Mundy I'm not sure, Larry. I don't know if I follow all of that. Essentially, you are making a motion that we would approve with the condition that those 23 spaces located at 75 North Elm be secured and in addition there be another, I believe Mr. Watkins said another 8 spaces that I think would be even more restrictive than the architectural review section. I think that was within the 300-400 feet of the 75 North Main Street location.

Jones The reason the Zionsville Architectural Review Committee—district?

DeLong Boundaries.

Jones Boundaries was used is that hits basically the Urban Village District and some of the other areas. So, it gives them a certain amount of flexibility as to using properties that have various commercial zoning uses. It broadens their ability. It doesn't limit it by a certain amount of footage. It basically expands it to an area that—how do I want to describe? That encompasses the various commercial uses we have. So basically, what it's saying is that, and make sure I'm thinking correctly. We're kind of making sure that the petitioner doesn't go to somebody's house over in one of the neighborhoods and rent the garage. It kind of keeps it confined to the other commercial uses that we have surrounding this area hence why we're using that title. Correct? All right. Does that make sense?

Mundy I'm not sure. Again, yes, I understand why you use that term. It does expand the boundaries of where those parking positions can be located. That again, would take it and Wayne, correct me if I'm wrong but I think that would take it well outside of the boundary of which the ordinance says that they should be located within.

DeLong Yes, you're correct, Mr. Mundy. It's actually—that line of thinking is actually in conformance with the petitioner's proposal which focused on potentially utilizing available parking spaces at South Village as a contributing factor in discussion this evening.

Mundy South Village being South Main?

DeLong South Main which is Bub's Burgers, Sub 16, Teays River.

Mundy Again, that's well outside of the 300 feet that the ordinance says that these parking locations should be within. Isn't that correct?

- DeLong That is correct.
- Mundy My point would be and I don't know if Mr. Watkins knows where these businesses are located but if they are located within that, the boundaries outlined by the ordinance, then why not put that in the motion that they be located within that boundary?
- Watkins If I could respond, Mr. Chairman, to Mr. Mundy?
- Mundy Thank you.
- Watkins Mr. Chairman, is it okay if I respond?
- Jones Yes, please. Yes.
- Watkins Yeah, Mr. Mundy, we're certainly incented [sic] to, you know, find spaces that are as close as possible to our location. So, you know, I would start with those businesses that are closest and work outwards. I would appreciate to have more flexibility in case, you know, someone, you know if all the businesses close realize they had leverage and you know, wanted to extort, not extort but just, you know, charge above what's fair. So having that, a broader boundary just, I think makes the negotiation easier. You know, we have to balance out with we don't—we want those spots as close as possible.
- Mundy I agree. Your interest would be better served having them close than distant. I guess, if you got to that \$1,000 parking place, I'd turn away from it too. So, I'd take you at your word that it is in your best interest to find them close and so Larry, I'll yield to the greater boundary that you suggest and say that's a reasonable way to approach this.
- Jones All right, thank you. Also, just a little background. You know, typically if this was a situation where there was an existing structure or structure being proposed that was going to increase the intensity of what was previously going on there, you want that 300-foot limit in there so they can't say, "Well, you know, I struck a deal with the guy at the Target lot that, you know, over there on Michigan that they can park spots." Our situation here is that we have a structure that historically has had a much more intense use than what it's currently being proposed but it's getting still caught up in having to comply with a series of zoning rules that the property never had to comply with even from the day it was built hence the reason it only has these four spots. So the goal of this is of trying to expand the territory that the petitioners and their tenants can use and still keep it within the, kind of, the Zionsville Architectural Review Committee's Boundaries. Also then, keeps all the activity, you know, in front of the group who at some point long-term has to identify, you know, come up with a system, a solution for the long-term parking needs for the entire town of Zionsville. So, it's like keeping all the same groups there in front. So, can I get a second on my motion?
- Campins I second.

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- Jones Do we want to do a roll call? Any further discussion?
- Mundy Only Larry that I will point out that even as recent as 1895, we didn't have cars so no wonder they only have 4 places.
- Jones Well, correct, so should I include this to the let's see the 23 parking spaces, the 8, and then room for 6 horses. Larry, is a horse or horse and carriage or horse and buggy? What's the proper? You want to take roll? I'll just go with the roll call? Thanks.
- DeLong Miss Campins?
- Campins Aye.
- DeLong Mr. Mundy?
- Mundy Aye.
- DeLong Mr. Jones?
- Jones Aye. So motion is approved. We got beyond the parking, correct? Shall we, yeah, move onto petition #2021-06-SE basically for the expansion of the porch for the 75 North Main Street property?
- Rabinowitch Yes, thank you. I won't rehash. We've been here a long time. Maybe just would share the screen with Joe, this the part to reorient everybody. So the second part of the request is to approve a special exception to permit the outdoor seating for the restaurant which is only permitted by special exception in the Urban Village District. You see here on the screen the rendering of what we are proposing. Still leaves the full length of the sidewalk. There really is a tailor-made area there in front of the existing church building for this addition. Outdoor dining for restaurants is incredibly important especially in this day of COVID. It's an important piece of this project and in urban settings like this, I think Matt used the term vibrancy. It does just that, it activates the sidewalk. So with that, we're happy to answer any questions. I'm sure Mr. Watkins would comment as well. That's all I have.
- Jones Okay. Do we have any members of the community that would like to speak on the porch addition? Nope? Any questions from any members of the commission, comments?
- Campins No.
- DeLong We had no hands raised from the public? No? Okay, thank you.
- Jones Anybody want to make a motion?
- Campins I'll make a motion.
- Mundy I will make a motion, Larry.

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Jones Okay.

Campins Okay.

Jones I move that Docket #2021-06-SE a special exception petition to permit outdoor seating for a restaurant in the Urban Village Business District BVD be approved as presented based on the staff report, exhibits, and proposed findings and is subject to the disposition of 2021-07-DSV.

Campins I second.

Jones Can I get a second?

Campins Yes, I second.

Jones Did we lose everybody?

Mundy Larry, I don't know why but both Laura and I said we would make the motion so you evidently didn't hear us.

Campins That's okay. I'll second his.

Mundy Can you hear this, Larry?

Campins Larry?

Mundy I don't think he can hear us. Larry?

Campins John, can you hear us?

Watkins I can hear you, yeah.

Mundy All right, Larry, you can't hear us? I don't think he can hear us.

Watkins I think we should use thumbs up.

Campins I like that, yes. Stand by we're having audio issues.

Mundy Yeah, we're having a audio problem. Wayne, can you hear us?

Watkins I think their screen is frozen actually.

Mundy Town Hall went dead. Well, Mr. Watkins, you just have to deal with two of us, now.

Campins Yep.

Watkins Okay.

Jones All right. I'm sorry, guys. I just kind of blew through everything, so.

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Campins That's okay.

Jones Well, back up just a minute. Was there any more commentary that you guys or questions you would like? Okay. so, then I made a motion. Do we have a second?

Campins I second.

Mundy I third.

Jones There we go. Roll call, please, Wayne?

DeLong Certainly. Mr. Jones?

Jones Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mrs. Campins?

Campins Aye.

Mundy The motion is approved.

Watkins Thank you. Thanks for your patience.

Jones Welcome. Sorry about all that.

Watkins Thank you very much. Very much appreciated.

Campins Thanks, John.

Watkins Thank you.

Jones All right. So we'll move onto Petition #2021-08-DSV N & K Savabi, did I say that, 9475 Whitestown Road. Is that correct?

DeLong Sure, withdrawal? Is that—yep.

Jones Has that one been withdrawn? Okay. Sorry. All right. So then we can move onto—do we need to do anything to withdraw or it's just been withdrawn?

DeLong Just recognize it.

Jones Just recognize it? So recognized, okay. 2021-09-DSV Sanford Trust 8275 East 250 South.

Andreoli Thank you Mr. President, my name is Mike Andreoli, 1393 West Oak Street. I represent the Sanford Trust which in essence is Jim and Karla Sanford who own this 39-acre parcel of ground for many, many years that have lived on the

property, have built a home on the property, and outbuildings on the property. Essentially we're here, the Sanfords are moving to St. Louis to be closer to their family and Mr. Sanford has retired from his business. They're moving there. A young couple to buy part of the ground, 28 acres of the ground and cannot afford at this point to buy the rest of it. In essence, they want to move into the Sanford home and the outbuildings and have the enjoyment of that. So Mr. Sanford has agreed to go ahead and sell the 28+ acres and he would keep 11 acres. We'd split the lot. They will have a common access. The access will not change for either of these two lots assuming that they're split in the event of the variances of the request. Essentially, what we will end up having is an unoccupied 11-acre parcel and an occupied parcel that will have buildings and accessory structures consisting of 28+ acres. Essentially, when we looked at this and staff was very helpful in leading us through some of the ordinance requirements and it seemed like every time we looked we found more things. Essentially, what we were trying to do is obviously get a 3:1 lot ratio approved for these particular lots. The lot is in its current form of 39+ acres is a legal non-conforming lot of record. It doesn't meet the requirements a 3:1 lot ratio now. Essentially, what we're trying to do is split them, have both parcels then that receive 3:1 lot ratios so that they're both legal conforming lots of record. As it relates to the larger parcel, the 28-acre parcel, that parcel has a number of outbuildings. In order to remain in compliance with your ordinances since the lot will be split, they would have to come back and in fact are here seeking variances for the accessory structure slightly exceeding the primary structure by about 1,000 square feet and the height of the accessory structure being greater than the primary structure with regard to the barn.

So, we've asked for those particular variances in order to make sure that when the lot is split that both parcels are legal conforming lots of record and the use of the lot will carry forward for the new owners will be occupying the 28+ acre parcel. Time is kind of of the essence with regard to this. That is not your concern necessarily but I did want to share that with you as it relates to the fact that we're trying to get a lot of this done now in absentia because Mr. and Mrs. Sanford are back in St. Louis but will be coming back and hopefully having a closing soon for the remaining acreage. I think what's going to happen in discussion with Chrissy, I think what the Sanfords hope to happen is that once the new owners get in there, they will be the purchasers of the remaining 10 acres so that they'll own it all. Can't afford to do it now but and don't really want to commit to that at this particular point. That would be the—that would be the ultimate hope. Mr. Sanford will not be living on that property nor any relatives. So it would be for sale if the, in fact, the people buying the 28 acres would want to buy it. If they are not then it would probably be put up for sale as a 10-acre building lot. The size of the lots and all the other requirements will comply with all of your ordinances. It's in an R classification so we don't need special exception for the 10-acre lot for a house on it. Of course, I think we'll have to meet all the requirements with regard to the septic and well situation out there to put on this septic and well on the 10 acres that somebody would ever buy it. Again, our hope is that the proposed owners of the 20-acre or 29-acre parcel will go ahead and buy that at some point in time. Thank you. Be happy to answer any questions.

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- Jones So the—guessing by, is there a bridge out there between these two bodies of water or what are we seeing? Is there—what is this road? Is it a road or is it a bridge or is there some sort of—
- Andreoli Yeah. There's a large culvert. That lake has been in existence and there's lake on either side of the entry way. It's in particularly good shape, and has served that area from farm trucks and everything else over the years, Mr. Jones. We're not changing that particular common access. That access has been there for many, many years. A lot of heavy stuff driven over it. We're not interested in changing it at all. That will be one common entrance coming back to that particular property. That one common entrance coming back to two properties assuming the split will be approved.
- Jones I guess my question or concern is if somebody then comes along and tries to chop the 10 acre up into five 2-acre lots or is that just another—
- DeLong That would come back to—that would be a plat approved by the Plan Commission and would require variances.
- Andreoli We looked at that, Mr. Jones. We looked at maybe just doing a plat but even if we did the plat we would have the same 3:1 lot ratios, a variance. So that was my original thought was just to do a plat with a common entrance but when it appeared that we have the same requirements to come in front for this board for variances for the 3:1 lot ratio, we decided to just go ahead and do a split. Certainly, a split is permissible because of the size of the acreage. You'd have to have enough acreage to be able to put septic. There isn't sewer out there but 28+ and 11+ plenty of room to go ahead and put legitimate septics.
- Jones Okay. I will ask if there's any members of the public that would like to speak, comment.
- ? No.
- Jones Okay. Steve, you guys got any questions or thoughts?
- Mundy No, I really don't.
- Andreoli I have received some calls from some of the neighbors and some of the information, and explained to them what it was all about and have not had any concerns raised. I did have some calls and we did—when we sent our information out, we actually sent a copy of the survey itself showing a slip and the narrative discussing it in extreme detail. So, in essence, received a couple phone calls and wanted to know—actually, one of them just wanted to know where Jim and Karla were going. They weren't interested in the split, they were just perhaps a little nosy. I'm not sure.
- Jones Thoughts, comments, motions out there?
- Campins So at this time, we would approve it to have the drive shared for the future lot as well? Is that correct?

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Jones Correct.

Campins I'm good.

Jones All right. I move that Docket #2021-09-DSV petition for development standards variance in order to allow a lot split of 39 +/- acres into lots of 28 +/- and 11 +/- acres in which (1) both lots will not meet the lot width-depth ratio of 3:1, (2) one lot with existing structures exceeds the allowable roofed accessory square footage, and (3) one lot with existing structure exceeds the maximum permissible height associated with accessory structure in the low-density single-family residential zoning district R-1 be approved based on the findings and based upon the staff report as presented.

Mundy Second.

Campins Third.

Jones Roll call?

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mrs. Campins?

Campins Aye.

DeLong Mr. Jones?

Jones Aye.

Andreoli Thank you for your time and it's nice to be back in front of you.

Mundy Wayne, you got off easy tonight. No staff reports?

DeLong We were prepared.

Jones Do we have any other business?

DeLong No business that I am aware of.

Jones All right.

DeLong We certainly have some findings that we may ask Larry to sign while he's in the building before he leaves the building. Then, we will work with the other members as time allows.

Jones All right.

Campins Great.

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Jones Anyone want to make a motion to adjourn?

Mundy So moved.

Jones Second. We're done.