



# ZIONSVILLE

## ZIONSVILLE PLAN COMMISSION RESULTS

Monday, April 17, 2023

6:30 PM (Local Time)

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

**The following items were addressed:**

- I. Pledge of Allegiance
- II. Attendance: Dave Franz, Mary Grabianoski, Chris Lake, Larry Jones, Sharon Walker, Cindy Madrick, and Jim Hurst attended in person.
- III. Community & Economic Development March Monthly Report (Informational Only – no action required)
- IV. Approval of the March 20, 2023, Regular Meeting Minutes: Approved
- V. Continuance or Withdrawal Requests

Docket Number	Name	Project Address	Item to be Considered
			None

VI. Continued Business

Docket Number	Petitioner / Project Name	Project Address	Item to be Considered
			None

VII. New Business

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
2023-05-Z	Phillip & Etelka Froymovich / Rezoning	970 Starkey Road Zionsville	<b>Provided a Favorable Recommendation to the Town Council</b> <b>7 In Favor</b> <b>0 Opposed</b> Petition for the Rezoning of 3.42+/- acres from the Open Land (O-1) District to the Urban Single-family Residential (R-SF-2) District.
2023-09-Z	Old Town Land Development / Wild Air Planned Unit Development	8700 E. SR 334 Zionsville	<b>Introduced and Continuance requested by Petitioner to the May 15, 2023 Meeting. Continuance was granted.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for the Rezoning of 260+/- acres from the Rural R-2 Classification to a Planned Unit Development (PUD).

2023-06-DPA	Ron Hopwood / Winery Access Drive	2055 S U.S. Highway 421 Zionsville	<b>Conditionally Approved with Commitments as presented &amp; filed w/exhibits &amp; per staff report.</b>  <b>7 in Favor</b> <b>0 Opposed</b>  Petition for Development Plan Amendment Approval to utilize a previously approved "emergency access only" drive as a temporary primary vehicular entrance. The property is zoned Rural General Agriculture (AG) and is within the Rural Michigan Road Overlay.
2023-07-DPA	The Smart Pergola / Verde Restaurant Pergola Addition	3221 S. U.S. Highway 421 Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b>  <b>7 in Favor</b> <b>0 Opposed</b>  Petition for Development Plan Amendment Approval for the addition of a pergola over an outdoor seating area being in the Rural General Business (GB) District and within the Rural Michigan Road Overlay.
2023-08-DPA	Sila Capital, LLC / Adler Apartments	7105 E SR 334 Zionsville	<b>Approved with Conditions w/exhibits &amp; per staff report.</b>  <b>7 in Favor</b> <b>0 Opposed</b>  Petition for Development Plan Amendment Approval for revisions of the site plan and building elevations for a 179-unit apartment development on 9.295+/- acres in the Rural General Business (GB) District.

VIII. Other Matters to be considered

<b>Docket Number</b>	<b>Petitioner/ Project Name</b>	<b>Project Address</b>	<b>Item to be Considered</b>
			Form Based Code Hearing Process

Respectfully Submitted: Mike Dale, AICP  
 Director - Department of Community & Economic Development  
 Town of Zionsville

Zionsville Plan Commission  
April 17, 2023

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

Staff attending: Mike Dale, Roger Kilmer, Janice Stevanovic, Bob Clutter, Attorney

A quorum is present.

Franz Call to order the Zionsville Plan Commission meeting of Monday, April 17, 2023. Please rise and start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Will the secretary please take roll?

Dale Mr. Franz?

Franz Present.

Dale Mr. Hurst?

Hurst Present.

Dale Mr. Grabianowski? Ms. Grabianowski?

Grabianowski Present.

Dale Thank you. Mr. Jones?

Jones Present.

Dale Ms. Madrick?

Madrick Present.

Dale Mr. Lake?

Lake Present.

Dale Mr. Walker?

Walker Present.

Dale Ms. Walker? Well I'm really making mistakes.

Walker That's okay. I've been called worse.

Franz We have full attendance tonight. Before we get started, Councilman Melton has asked that he be acknowledged that he's in attendance at this meeting so just want to let everybody know that.

In your packet was a set of minutes from the March 20, 2023 meeting. Is there any comments, additions, deletions to those minutes? If there are none is a motion to approve?

Grabianowski So moved.

Franz Is there a second?

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries. The minutes are approved.

There's no Continued Business so on to New Business. Docket item 2023-05-Z, Phillip and Etelka Froymovich Rezoning, 970 Starkey Road. Petition for Rezoning of 3.42+/- acres from the Open Land (O-1) District to the Urban Single-Family Residential (R-SF-2) District. Janice – okay.

Stevanovic This is a Petition for Rezoning 3.42+/- acres from the Open Land District to the Urban Single-Family Residential District. The zoning map, which is Exhibit 3 in your staff report reflects the Open Land Zoning to the north, south and east of the property but it also reflects the R-SF-2 Zoning to the east, Special Use Zoning to the north and Multi-Family to the west. The Open Land District is not one that encourages single-family residential living though over the years many single-family residences have been constructed in the Open Land District. The petitioners' request to rezone the property is to allow for a single-family residence to be constructed that would comply with the R-SF-2 Zoning District requirements which are less restrictive than the Open Land District. As the petitioner points out in the Plan Commission materials, often the construction of a single-family residence in the Open Land District requires several variances because the district itself is so restrictive. As an example, Open Land requires lots 5 acres. The R-SF-2 Zoning District requires a minimum lot area of 15,000 square feet. The lot coverage in the Open Land District is 10%, the R-SF-2 Zoning District is 20%. Open Land requires 50-foot side yard setbacks, the R-SF-2 District is not less than 20 feet with an aggregate of 45 feet.

Staff recommends that with all this in mind we would write a favorable recommendation of this request to the Plan Commission.

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

Burrus President Franz and members of the Plan Commission, my name is Roger Burrus, attorney at law with offices at 410 West Oak Street in Zionsville. I'm here representing Phillip and Etelka Froymovich. Phillip is here with me this evening if you have any questions for him but the Froymoviches have been

looking, they live in Carmel now. They've been looking for a home site in Zionsville for some time and they found a 3.42-acre parcel at 9, 970 Starkey Road. At that point they came to me and asked me what, what they might have to do to build a house there and, by the way, the existing home has been removed. That's a correction to what I had told staff before but other than, than that mistake on my part, the staff report is very well done. I think Janice did a very good job of, of outlining the considerations that the Plan Commission and the Town Council are to consider in, in, in any rezoning situation.

So when the Froymoviches came to me, I told them that they had three options: Option 1 with the Open Land District, well, first of all, I think it's kind of interesting that we have all this, this kind of a, an area of the Open Land Zoning classification that doesn't make a lot of sense to me. It may go back to when, back in the annexation days when county property would come into the Town in a, in an annexation and Open Land was kind of the default classification for those parcels that, that weren't really ready for a more specific zoning classification. So the ordinance used to provide that, that annexation properties would be zoned Open Land unless the property owner came and said what they wanted and if it was reasonable, then, then it would get rezoned from the get go. But we've got these parcels on Starkey Road and we're already seeing that, that if you want to develop, if you just want to remodel your home on Starkey Road, you have to seek multiple variances. The property at, at 1085 last November went to the BZA and got five variances in order to just remodel the existing home. I don't, I don't know that they were even changing the footprint. Also, Matt Lohmeyer at 880 Starkey Road is on his third or fourth variance petition for his home project on 1., I think 1.2 acres.

So this particular parcel there's plenty of land, 3.42 acres, I told my clients that option 2, if you don't want to go through all these variances, you could wait for the new Form Based Code because everybody's going to get rezoned then, right? And so looking at that, it indicates that, that the old classifications of Open Land, RE for Rural Equestrian and, and even the ag lands are going to be rezoned to a new Neighborhood Rural classification. I know a little about that ordinance but not the details but I'd be interested to know what the setbacks and lot coverage provisions are going to be for, for that new classification of Neighborhood Rural but my clients didn't want, it's kind of uncertain how long it's going to take to get our new code. We didn't want to wait for that to happen so option 3 was to rezone it. So looking at the rezoning, R-SF-2 is what made sense to us. It's the classification that most of the modern subdivisions and higher end subdivisions in Zionsville are mostly R, R-SF-2 so we think it's a good fit for the neighborhood. I talked to two of the neighbors on, that adjoin it and, and who indicated no serious concerns. There's R-SF-2 Zoning across the street for two lots. There's some larger parcels in there that, that could still be developed for larger tracts but it just seemed to us that, that we would – well the other thing is that we know that when the BZA grants a variance they want to see exactly what's going to be built there and my clients were not to that point yet. They don't have their building plans. So, so we couldn't really do the variance application under that scenario. We didn't feel comfortable with it. We feel very comfortable with R-SF-2 and think that that's the appropriate avenue for my clients to build one single-family home.

Staff asked us whether we would commit to a density restriction and we will. We'll commit to no more than two lots on that property, even though my client has no intention to subdividing it. They, they want to build one house where they're going to live and that's it. So with those comments I'll be happy to answer any questions.

Franz All right, thank you very much.

Burrus Thank you.

Franz Is there anybody in the pub, in the audience who'd like to comment on this matter? Online?

IT No.

Franz Nope? All right. At this point I'll open it up to questions from members of the Plan Commission. I guess the question I'll, I'll go ahead and ask this is if they're willing to commit, I mean if they're saying that they're not going to subdivide, I mean would they be willing just to commit that they won't subdivide? And, I mean, at some later date if somebody bought it and they wanted to they can –

Burrus Yeah.

Franz Come back and petition the appropriate –

Burrus I can ask my client but just so you know, my thinking on this was that when you got 3.42 acres and to put a restriction that would go indefinitely, it just struck me that that would be a bit much. I think, I think to my clients if that was the only way it was going to get approved, I think they'd, they'd go for that but it just seemed to me that R-SF-2 is, is, is going to ensure that, that, that it's going to meet the typical residential classification and setbacks and lot coverage and all that and so at some point when does regulation become too much regulation? But, Phil, if you had to restrict it to one lot you would, right?

Froymovich 17:52 off microphone.

Burrus There you go but I, I still say it shouldn't be necessary.

Jones Did I read this correctly – there is city and sewer to this property?

Burrus There's a sewer line that cuts through this property that –

Jones There's a sewer easement but is that a public sewer line that they can tap into?

Burrus Uh, yes, I think so. There's three manholes on the property as well so I assume that that would work.

Jones Okay. So you don't know?

- Burrus The Town Engineer pointed that out to us and, I mean, the sewer, the sewer treatment plant is across the street. I mean there's probably been no better sewer connection anywhere in the Town.
- Jones Well, unless it's a sewer line that's dedicated for another purpose to get to the sewer treatment facility and then is there city water out there?
- Burrus We think there is. We know we'd have to hook on to it so we, we'd have to find it somewhere.
- Jones Okay. So you don't know? It's a yes or no question.
- Burrus We don't know but we're required to hook on to city utilities.
- Jones What's the situation when it comes to flag lots? Is it –
- Kilmer 19:02 inaudible.
- Jones And rezoning the properties? My concern is, is if I'm looking at the site plan correctly this parcel is roughly 300 feet x 550 feet deep.
- Burrus Sounds right.
- Jones And so if it was split in half you'd end up with 150 x a 550-foot lot which, I think, hits the description of a flag lot, correct? So if the property gets rezoned to R-SF-2, is there still the concern for –
- Stevanovic There's a lot area that they have to adhere to and I, I think that I heard Mr. Burrus say that they would not, they would commit to not splitting the lot and the R-SF-2 is required to have sewer and water so they committed to do that just offering that.
- Burrus By the way, my client reminded me that, that the previous house was connected to city water and the water line is along Starkey Road.
- Jones So it was connected?
- Burrus To, to city water. The water line is along Starkey Road apparently.
- Jones So then back to the original question about the flag lot – is that?
- Stevanovic I don't have that off the top of my head, Larry –
- Jones Okay –
- Stevanovic But the R-SF-2 rather than the Urban which has the 3:1 and flag lots, the R-SF-2 has the urban area lot and width requirements and does not encourage flag lot.
- Jones All right.
- Hurst Larry, could you explain your question further? I'm not sure I follow.

- Jones            So one of the things that we, that's – I'm not sure the zoning classification or if it's just an across-the-board statement but that we do not allow flag lots and a flag lot is where the width of the lot to the depth exceeds a 1:3, 1:3 ratio. So, in this situation, if you took this parcel and divided it in half, the 300-foot dimension in half, you'd end up with 150 x 550-foot lot which then becomes a flag lot.
- Lake             Well the, yeah and the flag lot description typically comes from a skinny lot where you have just a drive going up the side and a big lot in the back and then you got a lot in the front. That's "graphically" what a "flag lot" looks like. We've proportioned it and said it needs to be 3:1 for us.
- Stevanovic      And if I may, the rural area is what does not encourage the flag lots by limiting the lot width to depth ratio so that's really a concentration in the rural area. The urban area does not encourage it either but in a more subtle fashion in that it, it limits the lot area and the lot width. So the, the encouragement is not to allow for – think of a flag – a flag pole.
- Hurst            No, I, I do understand that.
- Stevanovic      Yep, so –
- Hurst            Thank you, Janice.
- Stevanovic      So that's what they're trying to avoid.
- Franz            So if this was rezoned and they had the commitment to not exceed two lots – they're going to have to come – would they go to the BZA and get a variance on the flag lot?
- Stevanovic      If their lot configuration is not compliant, they would still have to come to the BZA.
- Lake             But at this point we're just approving one lot so that's –
- Franz            Right.
- Lake             Future speculation which they –
- Franz            No, that's, I mean –
- Lake             They'd have to go back and –
- Franz            Yeah.
- Lake             Yeah.
- Jones            Once, once again the, the reason we're asking or they're asking for this rezoning is to avoid future variances which it sounds like regardless of what they do, since they haven't really committed to a plan, they may or may not need variances. So



why are we, why are we entertaining this notion? Why don't they develop their develop of what they want to do and bring back a finished idea for us to actually understand what they're asking for.

Franz Or approve it with just the one lot stipulation.

Jones Or approve it with the one lot stipulation and be done with it.

Burrus We, we can do that. We'll, we'll stipulate, we'll commit to one lot.

Jones Okay.

Franz Any other questions/comments? Would someone like to make a motion?

Lake I move that Docket Number 2023-05-Z, a Petition for the Rezoning of 3.42+/- acres from Open Land (O-1) District to the Urban Single-Family Residential (R-SF-2) District with the commitment to keep it as one lot receive a favorable recommendation based upon the Findings in the staff report as presented.

Grabianowski Second.

Franz Any further discussion/comment? If there's none, I'll continue with the roll call vote practice.

Dale Sharon Walker?

Walker Yes.

Dale Chris Lake?

Lake Yes.

Dale Cindy Madrick?

Madrick Yes.

Dale Larry Jones?

Jones Yes.

Dale Mary Grabianowski?

Grabianowski Yes.

Dale Jim Hurst?

Hurst Yes.

Dale David Franz?

Franz Aye. All right, motion carries 7-0. We'll forward that to the Town Council with a favorable recommendation.

Burrus Thank you. As a reminder, we, we used regular mail, First Class Mail.

Franz We, we've modified the rules to allow for that.

Burrus Okay then that's all set. All right, thank you.

Franz Thank you.

Next on the docket item is 2023-09-Z, Old Town Land Development/Wild Air Planned Unit Development, 8700 East State Road 334. Petition for the Rezoning of 260+/- acres from the Rural R-2 classification to a Planned Unit Development. Roger, are you doing this one?

Lake Mr. Franz, I need to recuse myself from this. We have business with the development.

Franz Okay.

Lake Somebody fetch me from the hallway later.

Franz For the record, that was Chris Lake recusing himself. Roger, are you handling this one?

Kilmer Yes sir.

Franz Please –

Kilmer Thank you. Tonight's petition 2023-09-Z, the petitioner is Old Town Land Development. The request is rezoning 260+/- acres from the R-2 classification to the Planned Unit Development classification. If you'll refer to the staff report that's provided to you, I'm going to reference a number of the exhibits within it as I go through the description of the project.

If you refer to Exhibit 2, the subject site is generally located north of Oak Street and south of County Road 550 South involving multiple parcels on the east and west sides of Marysville Road. Exhibits 3 and 4 deal with the current zoning and the Comprehensive Plan for the site. The current zoning it is zoned Rural Single and Two-Family Residential. The Comprehensive Plan recommendation for this area is for residential medium for the entirety of the site. If you move on to Exhibit 5-A, the petitioner seeks to rezone the 260-acre site to the PUD classification to provide for a mixed-used development including single-family residential. Single-family residential would consist of estate lots, traditional neighborhood designs, ranches and cottages. Townhomes and apartments would also be permitted. Retail, senior living facilities, civic use and preserved wetlands, wet, woodlands are also included within the PUD. Exhibit 5-B is the, the use block exhibit for the development. The PUD would divide the entire site into the following eight use blocks: 1) The first are senior ranches. They are located in the northeastern portion of the site. 2) Custom estate use block. This

block consists of two areas. Both of those areas are located west of Marysville Road. 3) Traditional neighborhood development use block. This block includes the area located on both sides of Marysville Road and it should be noted that townhouses shall be permitted only on the east side of Marysville Road in this block. 4) The center commons use block is located in the heart of the site and on the east side of Marysville Road. 5) Cottage use block. This block is on the northeastern portion of the site. 6) Senior living facility use block located in the south central portion of the site and on the east side of Marysville Road. 7) And the civic use block located in the southern most portion of the site on the east side of Marysville Road with frontage also on Oak Street. 8) The last use block would be a woodland preservation use block. This block reserves approximately 30 acres of wooded greenspace in the southwest portion of the development.

The complete use – I’m sorry – the complete list of permitted uses and accessory uses for each use block are identified in the proposed PUD’s Use Table. Development standards for each use block are identified in the proposed PUD’s development standards matrix.

Regarding topics of interest for this petition: The various departments of the Town have reviewed the proposed rezoning ordinance and considered the proposed uses, development and architectural standards for new development, traffic impact on existing and proposed streets, drainage within and outside of the project’s boundaries. Multiple, multiple meetings with the development team and the Town’s representatives have occurred where questions were raised and then addressed. The most significant remaining item to be resolved is the approval process for future changes to the intensity of development. Staff recommends a revision to Section 12 of the PUD Ordinance to incorporate the Town Council approval and adoption of changes to the intensity of development. As currently proposed, changes would only require Plan Commission approval. The staff recommends that Docket Number 2023-09-Z receive a favorable recommendation from the Plan Commission to the Town Council subject to the following conditions: 1) Resolution of the TAC comments pursuant to the development plan approval process. 2) Implementation of the traffic impact study recommendations to the satisfaction of the Department of Public Works. 3) And revision of Section 12 of the PUD Ordinance to incorporate Town Council approval and adoption of changes to the intensity of the development. I’d be glad to answer any questions you might have.

Franz All right. Thank you, Roger. At this time –

Price Thank you Mr. President. Good evening. My name is Matt Price. I’m the attorney on behalf of Old Town Land Development. I want to introduce our team and then give you a little bit of a, a plan for how we intend to go about our presentation this evening. First of all, I have Justin Moffett, the Chief Executive Officer of Old Town Companies. Justin is going to give the first section of our presentation and talk a little bit about the visioning process, the community outreach and kind of how this land was studied to arrive at the current land use plan that we have before you tonight. Roger also mentioned the meetings we’ve had with staff over the last several weeks and months and I wanted to introduce our engineering team as well internal to Old Town Land Development which is Ed Hamilton and Neil Goradia and Neil, Ed, Justin and I are all available to

answer any questions that you have. I also wanted to acknowledge this project as you'll hear tonight is very much an intentional legacy type project to bring forward the Johnson family legacy and their longstanding citizenship in Zionsville and leadership in Zionsville and we have with us tonight a representative of the Johnson family, Mr. Zach Johnson, who is here tonight as well and I just wanted to acknowledge his presence. I'm going to turn it over to Justin, as I mentioned, to talk about the community outreach and visioning and then I'll take over when he's complete and take you through the use blocks and some of the more specifics about the proposal. Thank you.

Moffett

Thank you, Matt. Good evening. Justin Moffett, CEO of Old Town Companies. If you'd advance the next slide for me please. Briefly, I just wanted to, for those in the audience who may not be familiar with us, I wanted to share a little about our history. We're going into our 15<sup>th</sup> year as a homebuilding/land development company. We've since created a commercial real estate development arm of our company as well. Jeff Langston is my co-founding partner and Jeff's primary focus has been on the, the custom home side of our business and I lead the land development and planning side of, of our organization. Our founding principle from day one was outstanding locations, timeless designs and that's really carried through in how we promote the quality of architecture in our communities and how we envision what we consider placemaking initiatives when we're looking at a new development opportunity. On the screen I, I share just two examples, recent examples of homes that, that we've built in central Indiana. The one on the left is our former model home at Holliday Farms here in Zionsville and the home on the right is in the spirit of traditional neighborhood design, that's a home in Provenance which is a development in West Lafayette on the Purdue campus.

If you'd advance the next slide please – just as a for example – a lot of our work as a building/development company – I mentioned the word placemaking initiative. That, that's something that we learned over our 15 years and it started out of our desire to, to create special communities, front porch communities, communities that engage not just kind of the, the, the new development but the surroundings as well. We, we'd like to be context sensitive and connect our development with the surrounding properties in hopefully a respectful way. To that end, a lot of our work's kind of focused on community partnerships. A lot of my team's work is, is when a municipality or a property owner reaches out to us and asks us if we'd partner with them in helping envision something creative and special for a particular property. A for example of the type of community we develop is this, this new development in West Lafayette called Provenance. It was Purdue's objective to have a placemaking initiative to help them with their Discovery Park project so that there would be quality housing on the campus for, for people that were considering creating corporate headquarters or satellite headquarters on the Purdue campus. So this is a process that we ran and Zach Johnson, who, who Matt mentioned is here with us tonight, afforded us the opportunity to partner with him on creating a special vision for their family property and so our goal is to listen to stakeholders to determine highest and best use, what community needs are and, and I don't want to profess that we always get it right but, but we strive to be good listeners and bring quality vision to the table and so this project here is something I'm proud of that, that we've been creating, planned for several years and now executing on that vision. It's an 800 total, 800 residential unit community in partnership with Purdue but the objective

is to, to listen to what the land has to offer, opportunities and constraints, and then come up with a master plan that hopefully honors the, the property.

Next slide please – I won't go into great detail here. Matt's already mentioned it but the, the Johnson family did an RFP about a year ago seeking proposals for the development of the subject property and as a, as a builder/developer I'm always curious as to the intentions of the property owner but what I found is that it was authentic. They, the Johnson family saw a legacy development and they selected, and I was honored that they did select Old Town, but they selected us not based on the number that we offered them but on the process that we said that we would run and that was that we would, we, we call it a charette process but we would gather data about the property and the area and the housing stock that's needed in the community and we would bring the best plan that we thought that fit the real estate and then we, we'd, we'd create a financial plan based on that and Zach's family elected to partner with Old Town in, in helping bring this vision to fruition but there's a deep legacy with the family in the community. Elizabeth Johnson was quite passionate about her equestrian ventures and known locally in, in her work with the Trader's Point Charity Horse Show. But that certainly influenced the family's desire to see some of the special features of this property preserved.

Next slide please – So I mentioned this word charette – it's a fancy word for workshop and we have found that it's a great way to have an open process to gather feedback from stakeholders in, in the community and our goal is to try to identify who those stakeholders are. Certainly it's the property owner who wants something special to happen with their property. We've also had a series of, of neighborhood conversations, hosted a public meeting last fall, had a recent online Zoom meeting. More than that though, we've had a lot of meetings onsite with adjacent property owners around the perimeter of this very significant property. Ultimately, we, the, the goal was to, to have this charette to bring our best thinking to the, to the exercise. We, we engaged a very talented team of land planners who came in multiple times to do fact finding tricks to, to study the property and surrounding uses before we actually dove into the workshop last October. The result was the, the plan that we are going to share with you tonight.

Next slide please – This slide is entitled Listening to the Land. We, I, I frequently the, the phrase opportunities and constraints. Every property has both opportunities and constraints and our goal is to understand kind of what are the assets that we want to preserve? What are the, the circumstances that we might have to overcome? Drainage is, is usually a big one that we're focused on but tree preservation is, is quite an opportunity for us. It certainly creates a, has the opportunity to create a neighborhood that's engaging for new residents but also we know that that's, that's a concern for existing residents as well. That they, they care deeply about the impact to, to their adjacent property. Beyond that though, that was a hard line for the Johnson family. There are some significant wooded areas and in our agreements they wanted to make sure that we would commit to preserving those so that, that some of the more significant stands of trees could be turned into a community park that would be eventually dedicated to the benefit of the broader community. This slide shows a little detail about how we studied the, the drainage ways and the, the significant woodland areas, the wetlands that are worthy of preservation and then certainly the condition of

Marysville Road that, that creates, to some extent, a constraint of how do we have a, use that as a zipper, if you will, to weave a neighborhood together on both sides of that road.

Next slide please – One of our, our goals was to create a walkable community that uses the greenspaces that were worthy of preservation to kind of stitch the neighborhood together with an interconnected trail network that’s certainly publicly available but, but definitely it would be a, an amenity for potential future residents of this community. So this provides, this image provides a framework of kind of the quality woodland areas and the drainage ways that create, again, vistas and placemaking opportunities for us and how we use those, those special spaces to create a trail network throughout the community.

Next slide please – I’m just going to touch on this real briefly but there’s a few areas with some very significant trees and so outside of the contingent woodland areas there are some areas where there are some what we would consider legacy trees and so there, there are some opportunities where we consider them outdoor rooms, if you will, where we could create a, a community around groupings of significant, probably 300-year-old oak trees in, in several circumstances, and so back to kind of responding with, with stewardship over the land, really looking at the unique features that we wanted to plan the entire development around.

Next slide please – And, and finally, for us one of our values is community flourishing and creating unique places to, to live, work, play and so we see this green framework as helping us to kind of identify the, the basic land plan that we build off from there in planning our community. With that, I’m going to turn it back to Matt. If you’ll advance to the next slide and Matt’s going to share kind of the framework for the, the different communities within the Wild Air proposal.

Price

Thank you, Justin. Roger summarized the land use blocks and the various land use blocks and how they fit together in our concept plan. I thought I would take us on kind of a virtual tour of those individual land use blocks and build upon Justin’s comments about the design and intentionality behind the project based upon principles of traditional neighborhood design and having a compact development with a great deal of emphasis on pedestrian connectivity and kind of a very active center piece to the development. So this is kind of the overview, if you will, just to give you some orientation of which direction I’m intending to head as we talk about each section. I’m going to start off in the very center, work slightly southeast and then kind of progress counter-clockwise around and we’ll take you through each piece of the project.

If you go to the next slide – The first portion of the project is these, what we call in the use block plan the Center Commons. As far as the, the name of the neighborhood, we’re calling that Marysville Crossing and that is where the apartments and retail businesses would, would be located. The intention there is to create a, an active community that has loft style luxury apartments together with local, unique establishments that bring people together. Some limited food and beverage offerings are very important as a source of bringing people out and, and sharing community together and that’s one of the intentions of having this active center core. As you –

Go to the next slide – It also is intended to be a community gateway and so you'll see kind of in the center of the picture there is the middle access point along Marysville Road, access through a contemplated roundabout. As you move east, you go through the community clubhouse which is intended to have indoor recreational opportunities as well as a swimming pool for outdoor activities.

If you go to the next slide – Kind of a representation of our clubhouse. We wanted to take advantage of some of the natural features of, of the property so it's, it's intended to be nestled against a very prominent evergreen treeline that you can see now on the property that would be preserved. There's a natural play area that takes advantage of a sloping lawn. We think it'll be very active and attractive space for residents and visitors alike.

If you go to the next slide – The next section as we're moving kind of southeast of the clubhouse and on the eastern section of the property is what we're referring to as Wild Air Trails. This is the neighborhood that is the traditional neighborhood design element on the east side of Marysville Road. It offers a variety of housing types. It is the one portion of our traditional neighborhood design area that would permit townhomes and you kind of see where those are contemplated to go along the southwestern section of this neighborhood. One of the prominent features of this area is Wild Air Trail which is the green north-south corridor that you see going right through the center of this community. The idea is for the entire project to be connected by a network of local trails, regional trails as well as a robust number of sidewalks. Wild Air Trail itself intersects with what we call mews and green courts that provide opportunities for community interaction. So they're like small parks and open greenspace areas that present opportunities for people to connect in a, in a civic way. You also see that we have stormwater ponds along the eastern perimeter of the property and the lots are oriented to take advantage of those viewsapes and also add an element of privacy along the sides of those lots.

Go to the next slide – And this gives you some depiction of the what we refer to as the green courts that are interspersed throughout this section of the project.

Next slide please – Moving to the north, the next use block deals with senior ranches. One of the aspects of the project of incorporating a concept of traditional neighborhood design, once again, is to offer a variety of different housing types within the same development and so this does so by including senior ranches which is contemplated to be an age-restricted element of the community, again, taking advantage of existing trees and landscape so that we, we have what we call Hedgerow Trail along the southern portion of, of this property which connects back in to the boulevard entrance that you see internal to the project and then you'll hear more about this this evening as we talk but in the southwest of the senior ranches is what we're calling the ILADD cottages. It's a section of the development which would be reserved for housing varieties for those with intellectual or development disabilities and it's a very special part of our project and, and adds to our efforts to make this a, an inclusive community and one reflective of, of Zionsville's citizenry and its, its ethos, if you will.

If you go to the next slide – The next section we're going to kind of flip across the street, as Justin mentioned, the, the zipper that is Marysville Road. The, the,

the west side of, of Marysville Road has some unique attributes to it that we'll take you through. The idea and the guiding principles for this portion of the community were to build upon our commitment to providing sustainable parks, both internal to the development as well as we'll talk about the, the Johnson Preserve separately but as well as the Johnson Preserve to provide opportunities for recreation and to prominently feature again the, the water through the, the pond network that is through the center of the project as well as, as well as up in the upper northeast.

So if you go to the next slide – This is the neighborhood that we're calling Grand Oaks. This is the, the second part of the traditional neighborhood design use block on the west side of Marysville Road. It does not permit townhomes but would be limited to single-family housing only. You'll see that it's built around a, a park that we're calling Grand Oaks Park and, and also around its perimeter preserving a number of the existing trees that are on the property today.

If you go to the next block – This is the, the custom home portion of the development that is along the northern perimeter of our property where it borders at the very top County Road 550, again, incorporating existing trees along the perimeter of the property, providing an element of privacy through the use of the water features in this portion of the property as well as providing what we're calling green courts or opportunities for smaller park areas where folks can gather together and where the outdoors can be enjoyed in a, in an intimate setting.

Go to the next section – And this is the Lakewood Estates section, also part of our custom estates land use block characterized by the central pond, kind of providing the entryway, if you will, to the project. Again, lots that will incorporate a great deal of tree preservation. There is, there are existing trees in this vicinity of the property, larger lot custom homes in a private setting kind of nestled as we say in the woods.

Go to the next block – And now we're, we're jumping again across to the southern portion of the project back on the east side of Marysville Road and we have two important properties that comprise two of the last three use blocks. One is the senior living facility section that we're referring to as Elizabeth Woods. Our idea is that this property would incorporate a number of amenities associated with a senior living campus or facility. It's a very heavily wooded portion of the project and the intention is to maintain a great deal of that woods in order to provide a private and safe environment for senior living facility residents, another land use that's very much in need in our community. And then as you go further south to the civic use use block, that's an approximately 10-acre parcel that has been set aside exactly for a civic use and the idea is that we would create, through the reservation of this parcel, the opportunity for a community center to be pursued by the larger community. The idea is that this would be available to not only residents of Wild Air but also residents of broader Zionsville. Again, it's creating that environment to provide high-quality space for that type of a land use and as Justin mentioned earlier as far as being a good listener, this was a, an idea that came forward through listening sessions as well as studying the Parks Master Plan for the Town of Zionsville which noted several key takeaways but three of those key takeaways were a potential future for a community center in Zionsville,



having more parks generally in the community in, in particular in underserved areas and then thirdly, having greater preservation of, of natural features of land throughout the community which kind of is a nice segway to the next slide –

Jonah – there you go – And the, the last land use block is what we refer to as the woodland preservation area in the land use plan. What we intend to do with this property is to dedicate this as a public park, have very limited, if any, development activity on the park, meaning that it would only be developed to the extent necessary to provide trails and passive recreation for bikers and walkers and bird watchers, things of that nature but to really enjoy that property as a community asset and as Justin also mentioned to, to be able to witness the beauty of the, of the woods as well as the, and in particular the heritage trees that occupy sections of this property.

If you go to the next slide – This gives some, some perspectives on the type of potential improvements that could be done to the woodland preservation area.

Go to the next slide – That brings us to our conclusion. I did want to say before going any further that, because I would definitely be remiss if I didn't mention this, is that to, to bring forward a project like this takes a great deal of assistance from our Town staff and the professional team that advises this Commission and works so closely with the development community and I, I, I wanted to thank Mike Dale and his team and Roger Kilmer, in particular, for his attention to assisting us through this process. We are, we are here to seek additional comment and input and very much appreciate the opportunity to make this presentation to you this evening. Thank you.

Franz All right, thank you. All right at this time I will ask if there's anybody in the public who'd like to comment on this matter? If you do, please come up, state your name, address.

Easterday Good evening. I'm Tom Easterday. I live at, excuse me, 15 Williamsburg Court in Zionsville and have resided in Zionsville in that house actually for the past 36 years plus. And I'm very strongly in support of this project for two primary reasons: First of all, it goes way back, I guess 25 to 30 years ago, when I served on the Zionsville Town Council and in that capacity we had a vision. Zionsville was just starting to grow back then and we had a vision of a Town that would enhance its parks, enhance its trails or as we called them back then bikeways/pathways, would also have housing for all generations so that if a college student wanted to come back in live in Zionsville, there'd be housing available for them. Seniors wanted to downsize and remain in Zionsville, there'd be housing available for them. And this type of project is exactly that and, and I'm so proud of the, the Plan Commission and the Town Council over the years through the Comprehensive Plan, through various other activities and actions they've taken that they have preserved that type of vision for the Town of Zionsville. We've grown, we've grown responsibly and I think, again, this type of project does exactly that. It continues that responsible growth. At the same time, it provides the housing for all generations and on top of that it preserves some, some very valuable assets which I know Justin and, and Matt have already talked about as far as the land itself and that 30 acres they're preserving there. And the trails. That's always been very important to me and, and I love the fact

that Zionsville has been a leader in the State of Indiana and, and really across the country in preserving and, and doing a great job with our trails. So I am very much in favor of, of the project as a resident of Zionsville for that.

The second primary reason is, was mentioned the ILADD cottages. In 2019, a group of parents, I have a son who has an intellectual disability, and a group of parents and some others got together and we started a nonprofit call ILADD which stands for Independent Living for Adults with Developmental and Intellectual Disabilities and what we wanted to do were three things really and so we have a three-prong mission: One is to provide educational and enrichment programs for them. We've been overly successful with that. We now have over 100 participants with intellectual and developmental disabilities in our programs, a lot of independent living classes, things like a cooking class – as a matter of fact tonight there's a banking basics class going on – so we have a lot of independent living classes that we provide. In addition to that, we have a lot of clubs, like a hiking club, a community service club, we have a book club that and actually we have game nights too which are a lot of fun that are at Amore's Pizzeria on the second and fourth Thursday of each, of each month. Twenty-five to 35 people are usually there playing games. So we provide that educational and enrichment programming and that also includes informational seminars that are held here at the Town Hall in the Ascension St. Vincent Room. There's one coming up this Thursday night called Home Alone to help parents understand how they can actually have their, their children, their adult children with intellectual and developmental disabilities progress and transition to being able to live by themselves.

The second thing ILADD wanted to do was social outreach. It's very important to have an inclusive society and Zionsville is doing a very good job with that and can continue to do that through this project. The ILADD cottages would provide, and that's the third prong of our, of our mission actually, and that is to provide a housing option for people with intellectual and developmental disabilities. It's very important that those options are available. All of us have options in our life and people with intellectual and developmental disabilities have, unfortunately, not had a lot of those options available to them. This project would help provide that. Old Town, it was mentioned I think by Justin, about a year ago when the Johnson family was looking at how to utilize their property – Old Town has been involved with another charitable organization that serves people with intellectual and developmental disabilities – The Villages of Merici which is located at, at Fort Harrison on the northeast side of Indianapolis and they worked with them on a project which is I believe now almost completed in Carmel called the North End Project which are apartments that are available for people with intellectual and developmental disabilities as well as other members of the community. And we're looking at, and hopefully this is just our first project, because there's such a demand for housing. There are over 160,000 people in the State of Indiana with intellectual and developmental disabilities and right now about 64% of them are living at home. A lot of them living with parents that don't know what's going to happen to their child after they're gone. So this provides another housing option. Teaching them independent living skills, teaching them how to be able to live on their own and a lot of them are ready. We have three members of our Board of Directors who have intellectual and development disabilities. One of them works full-time at Kohl's, one of them works full-time at Home Depot and, and drives a

car so he's reminded me that we better have a garage for any home that we build for him so, but providing this housing option is very important and what we want to do is make sure they're a part of a neighborhood and they have amenities available to them, they have the trails they can walk on, they have possibly if there's maybe a coffee shop in, in the small commercial portion of this, maybe they can have a job there if they don't already have a job. So that's the second reason I support this very strongly. My involvement with ILADD and the fact that it will provide another housing option available to those with intellectual and developmental disabilities. So I would urge you to approve this and move forward with this project. I think, I, I thank Old Town and certainly all involved with that for their thinking of us in the first place. As I said, before the RFP process started. They called us up and said would you be interested if we were going to provide some land that you can help develop that for housing for adults with intellectual and developmental disabilities as well as a few of the houses, cottages there will have non-disabled people because we want it to be an inclusive community as well as a larger inclusive neighborhood. So very thankful to them and I do want to also thank all of you for your service on the Plan Commission. I know from my service on the Town Council sometimes it's not the most enjoyable thing but I appreciate all of your civic duty and, and you're carrying it out. Thank you all very much.

Franz All right, thank you. Is there anybody else who'd like to comment on this matter? So over here first.

Zaneteas Good evening. I'm Bettina Zaneteas. I live at 5977 South 800 East. My property backs right up to, I believe, the greenspace. So I've already had a couple conversations with Neil – which one is Neil? Okay. Because I, I had a conflict with the other meetings that they had. So I want to confirm that Neil said that they had originally planned to have entrance and exit at 550 on the north side of this project but apparently a lot of the neighbors who live there that, I mean, that street cannot accommodate that kind of traffic and so that was supposedly d/c'd right, Neil? Is that ever coming back? No? Okay. So there's just going to be two roundabouts on Marysville Road that allow entrance and exit to this property on both sides. That's very important because I live on 800 East and the traffic has, I've been there 30 years now and the traffic is growing and growing. People use it as a back way to get into Town and they come around the corner of my house at 40 miles an hour and so we are very concerned about 550 turning into a, just a big traffic area.

The second question is I haven't heard anybody mention anything about the impact to our school system. I mean, the schools are already crowded, I think, my daughter is finished now and you guys are having trouble hiring teachers so how do we plan to have all of these new kids enter school? Thank you.

Franz All right, thank you.

Stark First time doing this so you'll have to – I'll apologize if I don't get the etiquette quite right. Matt Stark – I have on 8346 East 550 South. First of all, I just want to say, commend Justin. He's done a great job reaching out and talking to us, taking our feedback in – so he's been very professional and I just want to commend him on that. However, I did want to highlight some of my concerns. First of all, I'd

like to ask – I’m not sure why we would do a PUD here. I don’t know why they would get special exemptions versus the guy who just went before us. He had to go through all of the zoning and all that stuff. A PUD would give them kind of a blank check. So my request would be if you’re going to put a commercial building in this property, zone it commercial. If it’s going to be residential density, zone it for that residential density. If it’s going to be a protected wetland, stay at the wetland don’t give flexibility later on. Let’s kind of commit and make them go through the same process that everyone else in Zionsville has to go through. I don’t think it’s fair to give special exemption just for this large property.

Second of all, I bought my property in 2019. This goes contrary to what I saw in the Master Plan. When I saw the Master Plan, it looked like density from the Village would get less dense as we moved west. This goes contrary to what I thought when I saw that in the Master Plan. I don’t know if there’s comments? I’ve heard you guys don’t comment back on that thing. That’s a question I have for you. And then along those lines, I live, I’m across the street. I got just about 13 acres. If they’re zoned and allowed to do whatever they want, is there a reason why I couldn’t do whatever I wanted with my property just across the street. Could I put a cash checking business on my front lawn? I would just ask you to think about what the implications would be for all the neighbors and how you’re going to I’ll say reconcile any differences that we have. Thank you.

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

Mattingly My name is Todd Mattingly. I live at 8888 East 575 South so it’d be across the street from the property. And my, I am opposed to the project. I want to let you know that and it’s mainly because of the density which we were just mentioning. I think it’s totally out of character for the area. I’ve actually been a neighbor of the Johnsons for 37 years, first on Sycamore Court and now where I live today so. I just, the density is what concerns me. You know it’s just totally out of character with the neighborhood. I’m concerned about the roads. I noticed in the plan that they outlined that there’s no planned improvements for any of the roads and as Marysville has been added the traffic in front of my house and all the houses in the area with all the developments has gotten a lot worse so. That’s the way I feel about it. I agree with what you say about a PUD. You outline what you do, why, why does the density of this project imperative to what’s allowed today and I think we really need to look at that so. That’s all I have to say.

Franz All right, thank you. Was there somebody over there?

Schiferl Good evening. I’m Carolyn Schiferl. I live at 8552 East 550 South, Zionsville. So I’m inadvertently across from the, from the project. Several things concern my husband and I. He’s not here tonight. One question we have is what, what is the impact to the number of how many people do we actually think will be living in this community? I haven’t seen it on the proposal. How is, how are the schools impacted? The traffic is always a huge concern. They’ve done a very nice Comprehensive Plan on how the neighborhood looks internally and with the parks. I love how they’ve done that. That’s to be commended. My question is how do the apartments and the commercial which, again, is very far from the center of Zionsville, which doesn’t really gel with the Master Plan as far as I’ve

been familiar with it, how do the backs of those tall buildings line up on Marysville Road and what does that look like to the existing residents when we are traveling through our beloved neighborhoods and areas? Is a PUD going to have an ordinance on what that looks like? Zionsville's very specific on neighborhood what the perimeter of a neighborhood has to look like. In other words, what does it look like from the outside of the neighborhood in our community? Does a PUD allow them to decide what the backs of those are going to look like all along Marysville Road? Will there be a limit, an ordinance, from what I understand they get, like Matt said, a blank check on how they want to put it together. When will they make changes based on how things are developing and who will approve those changes? Will there ever be an entrance or an exit on another road? 575 or 550? How does that all gel with, with what you approve? Those are my concerns. One more – sorry.

Franz Sure.

Schiferl How many dwellings have been approved right now that aren't yet built that we're in the process of building in our community? So what's the total number here on an impact to our community? I haven't seen those numbers. Thank you.

Franz All right, thank you. Is there anybody else?

Schmidt Christine Schmidt. My husband, Max, is here also. We're at 8680 East 550 South. So this development is just in our back yard by another neighbor. I'm just concerned about, obviously, traffic flow. With the new development north of me, more difficult to get out of my driveway and then coming in and off of Marysville Road I know will be more complex. I think my primary concern is the density but also probably mostly putting in an apartment complex on Marysville Road and I think they have done a great job – showed us pictures and whatnot but if I have to look out what I used to see as all farmland and now I'm going to see lights from an apartment complex it just changes what we've been used to. We've been there over 20 years and I just would like you to reconsider possibly eliminating apartment complexes on Marysville Road. Thanks for the consideration.

Franz All right, thank you. Is there anybody else? Mr. Price, would you like to respond?

Price Yes, thank you. Jonah, could you go back a few slides maybe to our, our Master Plan and I can speak with reference to it probably better. Right, right there's fine, yeah. Let me, let me address first off just the various access points and kinda how the, the development is intended to function from a traffic standpoint because some of what's been said is accurate, some of which is probably needs to be refined just a little bit. But the access points that would be available to the project are just starting from the north are the north roundabout that you'll see on Marysville Road and the, the use of that roundabout mechanism is something that was discussed with the Department of Public Works here with the Town and based on our traffic study we, it, it demonstrates a level of service at the very top level as, as an A. As you move south, that, that next roundabout is, as I mentioned, is the gateway into the Marysville Crossing multi-family component where the retail would be there to provide kind of the active core which is kind of the, a key feature to the development so that's access too. And we do have

further south, if you see in the kind of the purple area there where the senior living facility is contemplated, there is a right in, right out only entrance into that parcel which we wanted to mention as well and then lastly, down at the very southern, southeastern corner of the property there is an internal drive there so that not all internal trips or movement throughout the development needs to occur on Marysville Road or on any adjoining perimeter road but there's a right in, right out also that connects directly with Oak Street and so those are the four access points. There's not an access point onto 550 or to County Road 575. Those are topics that we've talked about with the neighbors and I just wanted to put that on the record and the traffic study bears that out as well.

With regard to the, the density, I thought the, the staff report does a very good job of analyzing this with regard to the Comprehensive Plan which identifies this property as being in the medium residential classification for comprehensive planning purposes which was to contemplate density per acre of, between 1 and, and 3 units an acre. It's currently zoned R-2 which, as the staff report also identifies, makes that property zoned for both single-family and two-family dwellings at approximately 1.75 units per acre which puts you at a total number of dwellings if you did it all with two-family dwellings – I'm not suggesting someone would do that – but if you did, that's around 455 total homes. Not an insignificant number, even if you use the, a single-family development pattern with some amount of property available for greenspace or even roads, drainage, etc., you're still talking about a very large subdivision and one that because it would be probably more homogeneous and traditional in its layout would not necessarily, in fact, likely would have a greater impact on the schools and I say that for a very simple reason which is that the school demographic analysis counts that each single-family home would, would generate one new student and then they have different ratios if the home type is in the nature of a townhome, an apartment, a senior living facility, a senior cottage, for example, that's age restricted. As you can imagine, those ratios are considerably lower and so by our own calculation, we believe that our project has a significantly less impact on the school corporation as far as child generation as compared to a traditional single-family development. We can go deeper into that topic if you'd like but we do believe that it fits very solidly within the Comprehensive Plan as far as density. It has a lesser impact than the school corporation precisely because it does have such a balanced mixture of housing variety. It's actually one of the strong points of, of this project as compared to a more traditional subdivision.

I will, I will also say that just the traffic was mentioned in another context. The perimeter road improvements there have not been any recommended perimeter road improvements precisely because we don't have access onto those roads. The intersections that have been studied include all the intersections I just mentioned as well as the intersections of 875 and 575 and 875 and 550 and both of those were found to have no adverse impacts on, on the efficiency of those intersections – none that would require any additional improvements to either one of those intersections. One of the things that's happened in this area that you're all acquainted with as we've looked at properties in this vicinity is that to handle traffic in the community generally, the Town has constructed Marysville Road, it's built the roundabout further north along 875, it's built the new roundabout at Marysville Road and Oak Street and then has even a, a, an additional roundabout that's contemplated for Oak Street and County Road 800.

That, that's not too far off, as we know, as we're receiving some of the advisories from the Town about future road closures but the point being that there has been a considerable amount of infrastructure brought to bear on this location and it's one of the things that makes it appropriate for a creative proposal and one that provides a balanced approach to housing and has a positive impact on the community generally.

I think that answers the questions that I, I wrote notes about and I'd be happy to answer any questions that you have and appreciate your time.

- Franz One of them they touched upon the business district. What, what are you envisioning like you mentioned coffee shop. I'm just curious what else is potential they envision.
- Price It's really, it's really, it's meant to be offerings that kind of bring the community together as far as very limited but offerings that would provide kind of unique retail opportunities to serve this immediate vicinity. It's not meant to be a regional draw to the area. The amount of square footage is significantly limited within the PUD and so the idea is that if you had a restaurant, a coffee shop, maybe some kind of specialty bakery, things that serve the people in the community and bring them, give them an opportunity to commune the way others of us do who live in different regions of the Town, do at their local coffee shop to function very much that same way but not intended to be a draw away from, from other parts of the Town. In, in some ways one of the earlier iterations of a traditional neighborhood design community in Zionsville predates our, our having the vehicle for a Planned Unit Development is Stonegate, I'm sorry. Thank you, Justin – is Stonegate. And if you recall, Stonegate at various times has had kind of that local pub and eatery that – not saying some of us don't visit from time to time – but it's primarily geared towards serving the, that local community and gives them an opportunity to socialize with one another in a, in a limited retail offering.
- Franz And one person asked about the, the business district or as it backs up against Marysville Road. They're concerned about the appearance.
- Moffett I'll tackle that one please. One of our goals is to make sure that the architecture, our architectural quality of our plans is four sided. That we don't have one good façade and then diminish the quality on the others. That said, with – if you would advance to the next slide please I think that will do a better job of telling the story. One more please – there we go. You, you'll see the, the roundabout in this image which serves as kind of the gateway entrance. Immediately adjacent to, to that entrance on the north and south side of that Marysville Crossing section of the proposed development, those are the, the larger structures that we propose. Those would be three stories tall there with main level retail spaces. Building on what Matt said, we see it as neighborhood retail to encourage energy and activity in the community. Mr. Easterday mentioned a project that, that Old Town is building currently. It's a mixture of market rate multi-family housing and attainable housing for people with disabilities but one of our goals was to create meaningful employment within the community so we have a bakery and coffee shop within that development. That's the sort of use we would envision on the main level. That said, the other structures that we're showing moving away from

that, that main street, if you will, coming into the neighborhood, those are two-story structures so we're stepping down throughout the rest of the multi-family development so just three stories on those buildings that anchor that grand entry, if you will, working your way back to the clubhouse facility then the rest of the buildings are two stories. The way that this land plan is designed that we have front doors facing the pedestrian path on Marysville Road. We didn't want to turn our backs architecturally to the, the residents traveling on that street so that's front door architecture and the façades, you'll see some images throughout, our character images throughout the packet, they're designed to look more like townhomes. We've, we've built something similar and we frequently have people come in and say can I buy a townhome? They, they don't recognize that they are apartment units. I will also add – that's a, we come from the custom home building space and then started incorporating some multi-family into some of our developments. Old Town's staff custom designed that multi-family product. Those two-story units, which is a, a majority of the multi-family within the development proposal, have private garages attached to each unit so it does function very much like a townhome. You would go into your garage, directly into your unit without a common hallway so half the units are main level units and half are second level units. They're true flats. In the other project that we developed that's similar to this it's been very attractive to seniors who desire to rent because of the main level with the private garages so it's a unique product, not, not like a lot of the apartments you might've seen proposed but, again, it's really important to us that we have quality architecture facing the, the right of ways.

Franz All right, thank you.

Jones Hey, I want to stay on that topic just for a minute. One of the provisions in the PUD allows in the Marysville Crossing, the commercial or the commons up to 300 units of multi-family but what you were just describing is a combination of – when I think of multi-family I'm thinking for rent but you said the townhomes were going to be for sale product?

Moffett So, so within the section that's called Wild Air Trails which is in the traditional neighborhood design portion of the development, that has for sale townhome units interspersed with the single-family homes. Then within this Marysville Crossing that's the multi-family for rent and, and retail component of the development.

Jones So –

Moffett I was suggesting sir that the two-story townhome or two-story apartments within that Marysville Crossing section have a townhome architecture.

Jones So the Marysville Crossing, predominantly everything in there is for rent housing?

Moffett Yes sir.

Jones And then on what we're seeing here what is the unit count estimated?



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Moffett            The site plan as shown represents 280 units.

Jones                So not much different from what you're asking for in the PUD?

Moffett            No sir.

Jones                Or what you're allowed for in the PUD?

Franz                As you're presenting this concept, what's the total density between apartments and homes?

Moffett            [REDACTED] . 1:25:20 inaudible

Franz                As presented here?

Moffett            379 on [REDACTED] ? 1:25 22

??                    [REDACTED] 1:25:23 inaudible off microphone

Moffett            399 homes total –

Franz                Okay.

Moffett            Including ILADD cottages and then 280 of the multi-family, sir.

Franz                Yeah, so it's –

Moffett            Right at 680.

Franz                680.

Moffett            Yes sir.

Franz                And, and right now it's zoned where you could put 455?

Moffett            Yes sir.

Franz                I think is –

Price                That's for a maximum density –

Franz                Right.

Price                For a two-family development and [REDACTED] . 1:25:48 inaudible off microphone

Moffett            I, I did want to – if I can make one more comment –

Franz                Sure.

Moffett            Building on the, the school comment. Our team has had two meetings with the School Superintendent over the last few months to provide information about our

plans in, including should, should this be approved the phasing schedule of the development. They were curious in, in building out their Comprehensive Plans for their school programming that they understood what components may come on at, at different sequences. You can imagine that this wouldn't happen all at once and be built out over approximately 7 to 7 to 8 years so we gave them some information on that but I certainly have no right to speak on behalf of school system but we, we came away with the impression that there wasn't a concern over the housing and the impact on schools.

Walker Did I read this right – I have written all over these maps because that's the way I do, that no more than 300 multi-family units, 175 single-family on the west side and 260 single-family on the east side?

Moffett That's correct.

Walker Am I right?

Moffett You are.

Walker Okay, thanks. And 20,000 square feet of retail – office and retail and stuff? So that isn't really big. Okay, thanks.

Jones So, Sharon, I went through and got those same numbers as well. One item that's not really showing up though in that ask is the retirement neighborhood or, or community. So that would be in addition to those numbers?

Moffett Yes sir, absolutely.

Jones Roger, I got one question you can help me with and this came up in the pre-meeting is the request by the developer to only require future approvals via Plan Commission only and not Town Council and I tried, I read that the initial time and went through and we discussed it but I couldn't find it right now. Where is that in the PUD? Are you familiar?

Kilmer In Section 12, I believe.

Walker Yeah.

Kilmer Yes.

Jones We weren't in particular agreement with that request. Does that sound correct?

Kilmer The topic is and, and Mr. Price is, is aware that we've had discussions about this already. As the PUD is currently proposed, any changes in the future regarding intensity of uses, the way the PUD is currently written, those changes would only come before the Plan Commission for approval or denial. Staff is of the opinion that that type of a change, specifically a change in the intensity of use, typically and should go first before the Plan Commission for a recommendation then forwarded on to the Town Council for final determination very similar to a rezoning because we're talking about a change in the intensity of use. So we, Mr. Price and, and I along with Mr. Dale we've exchanged emails on this topic, kind

of gone around in a little bit of a circle on it, presenting it to you tonight as an item of, of interest or concern. Again, staff believes the PUD should include the requirement it come first to the Plan Commission and then forward on to the, to the Town Council for a determination should the intensity of use change somewhere in the future.

Jones Mr. Price, are you in agreement with that?

Price 100% in agreement, yes.

Walker And when does that get to in writing?

Price Yeah, we're, we're happy to –

Walker You're working on it?

Price Yeah, just work with counsel and, and staff to, to craft that the way they would like to craft it. I think the provision is virtually identical to other language that's in existing PUDs. I don't think the intention though was ever to permit someone to increase the intensity of a use just by coming to the Plan Commission but we can make it really simple which is that if any text amendment is proposed, we would 100% commit to going through the Plan Commission and the Town Council. That's simply not an issue.

Jones Easy question – clubhouse use is that a separate fee based on homeowners that want to use it or is it kind of included in the homeowner's common?

Moffett It's included in the, the base HOA dues so there's not an additional fee. It's a mandatory participation for every resident of the Wild Air community.

Jones Okay. Next one up is Section 10 Drainage. In 10.1 it talks the development will adhere or exceed terms and conditions of the Zionsville Stormwater Control Ordinance and Technical Standards but then in 10.3 you've got a line "The approved drainage plan may include variations from the Zionsville Stormwater Control Ordinance taking into account the unique nature of the real estate as well as the topography, natural features, infrastructure blah, blah, blah, blah blah subject to the written approval of Town staff." Which one rules?

Price It's, it's both and I'll tell you –

Jones No, you get one.

Price I'm, if I had to choose one because it's real – the second one is kind of a derivative of the first –

Jones Uhh –

Price But the first one is fine.

Jones Alright.

- Price            The ord, your ordinance itself actually has that second language that says a, a petitioner can come forward and seek a variance with approval of the staff. And so –
- Jones            So we can get that line out of 10.3 then?
- Price            What's that?
- Jones            We can get that line removed from 10.3?
- Price            Yeah, that's fine. That's fine.
- Jones            Okay. And then the last ask is I really like pedestrian circulation, all the conversation about keeping everything connected, the trails, dedication to keeping land reserved and undeveloped, the amount of trees, water, etc. The only problem is there's no connection between the east and the west side of Marysville. What would it take to have you put a tunnel underneath Marysville?
- Walker           Or a bridge over?
- Jones            Uhh, tunnels are easier and cheaper, actually.
- Price            We, we, we've not discussed a tunnel or a bridge but we have discussed that any crossings would need to be at the roundabouts with DPW but we've not discussed any kind of a connection point more elaborate than that.
- Moffett           I'll jump in here. My partners who work on the engineering side are exploring a tunnel. That's our preference but it's dependent on the hydrology and how the, the ground percs there. We, obviously if a tunnel was flooding all the time it wouldn't be useful so if the hydrology is right we're looking at that. We have also studied an overpass, if you will, and there's a lot of research that suggests that, that people will not use them if, if they can see a direct path across the street, they will always choose to just walk across the street and so we've been focused with the Board of Public Works staff, engineering staff on safe crossings at the roundabouts and how those would be, would be managed.
- Jones            The problem is Cooper's, Marysville, 875 – that is going to become a primary north-south route through Zionsville. And roundabouts are great for cars, they're terrible for pedestrians. And with the clubhouse being on one side and the talk about connecting the neighborhood, the Holliday Farms has provisions in there for a bridge over 421 but there was no, there's provisions – there's no money and there's no way to force it getting done. With this project and the size and the scale, we do have a little bit of an opportunity to figure out a way to make sure it gets included because it is, I, I just, as a biker, as a walker, I'm more of a biker but, they're difficult to get across and predominantly there's going to be a lot of traffic running north-south up and through this, it's going to be difficult enough for the neighbors and the cars getting in and out but the pedestrians don't have a chance.
- Walker           Where's the lady that asked about ordinances?

Franz So is, is the tunnel the best – I mean the tunnel can only be best effort subject to the hydrology and that’s the issue. I mean that’s –

Jones That’s the question, yeah.

Franz So.

Moffett One of the commitments that we’ve made to the, the Town leadership was that we would program the what’s labeled as Johnson Preserve, the, the public park that the Johnson family would donate to the community, we would program it in partnership with the Parks Department. So we certainly want to get their feedback so that’s kind of a provision of our agreement is that we’d, we’d design it in conjunction and on the east side of Marysville there’s also some greenspace that’s been connected. We’d like to see those stitched together, if you will, and so getting across Marysville is very important to us, obviously for the benefit of our residents but also for the connectivity of the trail network that’s to the benefit of the, all citizens of Zionsville so it is important to us to see a safe connection happen so we’re, we’re interested in the tunnel idea because as, as Mr. Franz suggested – can’t commit absolutely because of the, the hydrology issue but it’s something that we are researching.

Franz Anything else? If not, how do we want to proceed on this matter?

Walker I may be old fashioned but I was always taught not to sign anything unless all of the verbiage was in there that I wanted to see and that’s just the way we’ve always conducted business, not to discredit any of our staff or anybody’s intentions. I, I kind of like to see things in writing the way they should be.

Jones And what would it take to sort out the hydrology to figure out if it’s available? Because I’m serious. It’s, we’re going to have problems.

Franz You’re going to have that but homes over there are going to have kids they’re going to want to get to the pool and, I mean, there’s gotta be a safe passage in some form or fashion.

Jones It, it just defeats all the conversation about everything being connected if it really isn’t connected.

Franz This is one of the things that when we were doing the charette I specifically, I think you probably heard this from a lot of people, what’s the passage across the street.

Hamilton Ed Hamilton at Old Town Land Development Company. We have taken a look at it. We’ve looked at cost and the size of the box required to put across there. The two, the two items that we’re concerned about is not just ground water. Ground water is very high right there. Can’t keep up with it. You start draining out wet, adjacent wetlands and it becomes an issue so we gotta check at the ground water. What it’s going to take – just doing a boring there to see, see what, see what that is. We’ll probably even maybe then do a, do a, we can do a test dig to dig a hole there and see not just where the water is but what it does once, once it’s exposed. If it starts popping up to the surface that tells us very different things than if it

just stays down low. The second part we'll have to take a look at it and make sure we get positive drainage away from there. Our outlet is all the way at the very southeast corner of the site, almost the opposite side from, from this point so we'll have to take a look at elevations to make sure we can get storm sewer that runs from an underpass and connects all the way and has enough slope to get all the way out to the ultimate outlet at the southeast corner. So there's no mechanical pumping of, of water it's just gonna result in failure.

Franz When do you, I mean, when do you think you would have a better indication of how that's going to turn out or if it's even a doable solution?

Hamilton We can have that in less than 30 days. We can, we could do a test dig within the next couple of weeks and we can run some stormwater calc, hydrologic calculations here in the next couple of weeks and come back in 30 days with that information.

Franz So it'd indicate that we're probably leaning towards a continuance.

Moffett Mr. Franz –

Franz Yeah –

Moffett From our perspective this is a significant amount of effort from our team to present this and we want to get it right and so it's not our goal to, to rush a decision. We'd rather, if that, that's the will of the Plan Commission, we'd rather go get the information on this subject and, and also correct any text changes that have been requested before we come back and, and have this discussion further.

Franz All right, thank you. So the continuance would be to May 15<sup>th</sup>, is that the next meeting?

Grabianowski Yes.

Franz All right, so –

Jones You want a motion?

Franz Sure.

Jones I move that Docket 2023-09-Z, a Petition for a Zone Map Change to rezone approximately 260+/- acres from the Rural R-2 classification to the Planned Unit Development (PUD) District be continued to the May 15, 2023 Plan Commission meeting.

Franz Is there a second?

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz            Opposed by nay.  
                      [No response]

See you next month. Thank you very much. We'll give people a minute to clear out before we start.

[Indistinct chatter off microphones 1:40:29 to 1:41:44]

All right, we'll go ahead and get started on this. Docket Number 2023-06-DPA, Ron Hopwood Winery Access Drive, 2055 South U.S. 421. Petition for Development Plan Amendment Approval to utilize a previously approved emergency access only drive as its temporary primary vehicular entrance. The property is zoned Rural General Agriculture (AG) and is within the Rural Michigan Road Overlay.

Lake            So not that I don't like you guys but I have to recuse myself again because we were the architect of record for this client.

Franz            Okay, so Mr. Lake is recusing himself again.

Lake            I'll go to the hallway.

Clutter         In the hallway.

Franz            So, Roger, are you handling this one?

Kilmer         Yes sir.

Franz            Chris, when you're on the way out can you kind of push people or shut the door?

Walker         Yeah, push people Chris that'll look good.

Jones           Get some use out of him, huh?

Franz            Yeah. All right, Roger –

Kilmer         Thank you. As mentioned, this is a Petition for a Development Plan Amendment Approval to utilize a previously approved emergency access only drive as a temporary primary vehicular entrance. Again, referring to the staff report, a couple of different exhibits I will direct you to – the location of this petition on Exhibit 2 it's located on the southeast corner of Michigan Road and County Road 200 South. The property is zoned Rural General Agricultural and is within the Rural Michigan Road Overlay. If you go to Exhibit 4 C200 this will help with the project description. The petitioner is seeking approval to open the existing barn for tastings and retail sales of William Rose bourbons and whiskeys prior to the development of the remaining portions of the overall development. To do so, the request of the Development Plan Amendment is to permit the previously approved secondary emergency access only drive to serve as the temporary primary access for the barn and related parking area. The topics of interest for this petition are the commitments from the petitioner to the Boone County

Highway Department specify that the temporary entrance will be utilized for no more than five years and should the entry create future traffic hazards, Boone County Highway has the authority to request changes. The staff recommendation on this petition is for approval of the Development Plan Amendment as filed with the commitments to the Boone County Highway Department being submitted on the Town's commitment form and recorded with the Boone County Recorder. Again, staff is in support of this request and I'll be glad to answer any questions you might have.

Franz All right, thank you Roger. Petitioner, please proceed.

Hopwood Thank you. I was kinda hoping the crowd was here for me. Hello. I am Ron Hopwood. I live at 2055 South U.S. 421, Zionsville, Indiana 46077. As you are aware from our previous meetings that in 2019 we have been working toward building a new winery, distillery, and vineyard on the 16 acres at 2055 South U.S. 421. The last few years we have been working closely with Y Engineers and DELV Design to bring to Zionsville a new 16-acre winery, distillery, and vineyard. When we started this journey, interest rates were half what they are today and pre-COVID prices of materials and labor were within our budget. Now with today's pricing, the project has more than doubled and we do not see it coming down anytime soon, if ever. We still want to move forward with the entire project but because of the cost outweighing what the small winery in downtown Zionsville can finance, we have decided that the only way for the project to get started as of now would be if we use the current entrance off of 200 South and complete the distillery first. That would not only save \$1 million dollars but we will then have the distillery and the downtown winery location together we will be able to finance the remainder of the project which would include a new winery and entrance off the, the State Highway 421. The entrance off the State Highway 421 came in with several surprise expenses and the cost has escalated since we started this in 2019. Today we are requesting a temporary entrance off of 200 South so we can renovate the 1840 barn into the distillery and allow customers to enter off of 200 South to patronize and enjoy the 1840 distillery barn. This would be for no longer than five years. Once the distillery is complete, we will then begin to move forward with the new winery and entrance off of 421. Do note the traffic will be at a minimum with only 18 parking spaces for the distillery. Thank you. And I'm available for any questions.

Franz All right, thank you. Is there anybody in the public who'd like to comment on this matter? There are none, so members of the Plan Commission – questions/comments?

Grabianowski It's a really cool barn. I went on the barn, the barn hop thing and it was – there, there's a beam in there that is taller than I am almost.

Walker But you're short, Mary.

Grabianowski Not as short as you are Sharon.

Franz If there's no further discussion, is there a motion?



Grabianowski I move that Docket Number 2023-06-DPA, a Development Plan Amendment to utilize a previously approved emergency access only drive as a temporary primary vehicular entrance for a period not to exceed five years from the date of this conditional approval in the Rural General Agricultural District and within the Rural Michigan Road Overlay be conditionally approved as presented with conditions as noted in the staff report and based upon the Findings of Fact, subject to resolution of engineering comment letter Exhibit 6 and the commitments to the Boone County Highway Department being submitted on the Town's commitment form and recorded with the Boone County Recorder.

Franz Is there a second?

Walker Second.

Franz Any further discussion? We'll do this with a voice vote. All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Unanimous. You have it. Thank you very much.

Hopwood Thank you.

Franz Next on the docket is 2023-07-DPA, The Smart Pergola/Verde Restaurant, 3221 South U.S. 421. Petition for Development Plan Amendment Approval for the addition of a pergola over an outdoor seating area being in the Rural General Business (GB) District and within the Rural Michigan Road Overlay.

Hurst Mr. President, should we await Mr. Lake?

Franz Yeah, we should. You're correct.

Hurst Unless he's gonna just recuse himself again.

Franz Hopefully he saw them walking out and he'll come back in.

Dale Thank you for remembering.

Franz Let the record indicate that Mr. Lake is back.

Lake We're good this time.

Franz All right.

Jones You're not in the pergola business?

Lake No.

Franz Roger, Roger you're handling it?

Kilmer Yes.

Franz Okay.

Kilmer Thank you. This petition is for Development Plan Amendment Approval for the addition of a Smart Pergola over an outdoor seating area associated with the Verde restaurant. The restaurant is located addressed as 3221 South U.S. Highway 421. This is the southern-most tenant bay of the multi-tenant retail building in Appaloosa Crossing. The zoning is Rural General Business and is within the Rural Michigan Road Overlay. The project description is, again, a request to, for approval to install a Smart Pergola over an outdoor seating area. This area is not currently covered by an existing permanent canopy. The addition of the Smart Pergola and optional removable vinyl walls will modify the building's southern façade. Staff does recommend approval of the requested Development Plan Amendment. I'd be glad to answer any questions you might have.

Franz Okay, thank you Roger. You may proceed. In the mic please.

Atteberry Can you hear me better now?

Franz Yeah.

Atteberry All right, thank you. For those of you who don't know, I'm Ross Atteberry with The Smart Pergola located at 8070 Castleton Road in Indianapolis. We've been in business about 9 years now and we do outdoor patio coverings with the intent being to allow our customers to adapt their patio spaces to the weather as it changes so. Basically, the structure has adjustable louvers to form a roof. Angled toward the sun they can provide daylight. Angled against the sun they're providing shade with an open roof allowing for air circulation. Above that you would have with a fixed roof space and close the interlock and form what's functionally a roof. It will hold up snow. Any water that lands on top of it is deserted into an internal gutter system. It runs down downspouts and is taken away so the area underneath stays dry. That is augmented, as they mentioned, with retractable drops on the sides. So with the addition of vinyl or sunscreens, they can enclose the area, stop the winds, stop rain from coming in underneath the space and make it functionally a room when needed that will convert itself back to a patio. So for a business it's a huge benefit, both for the owner in terms of stabilizing its revenue increasing the tables that he can seat space. Also for the staff who is not reliant upon the weather to make their rent payments. For clients booking spaces, booking holiday parties, they're not dependent upon the weather. They can rely on that space when they're looking for food and for the city the entire face is made of very heavy-duty materials, powder coated extruded aluminum. It does not need to be repainted so it's not dependent upon the owner's maintenance to keep it looking in good condition. So our current installations we have many across the, the state with about 60 commercial properties including country clubs, also quite a few restaurants. That includes several repeat customers. So, Cunningham Restaurant Group alone has five different Bru Burgers with our pergola system. We've done Woodys and Divvy

in Carmel, two for the Huse Culinary Group, 1933 and HC Lounge in Fishers and, in fact, Verde in Indianapolis at the Ironworks Hotel. So for Paul Arechiga, the current owner, who is looking to do this project, he's satisfied enough in that project that he's looking to purchase a second unit for the Zionsville location.

So in this particular project, it's a 28 x 18 cover for a patio space. There are two fixed roofs and we're covering the area right in between that. We took that into consideration architecturally with trying to match the profile of the front beam, doing some things with the cornice work to increase that, match it in color and also with the retractable sides. So those would be in black color to match. There will be heaters to allow them to use that space year-round. There's also interior lighting, not exterior lighting – that was a stipulation on review and we are coordinating with the Fire Marshal for fire protection to be added so basically Ryan Fire Protection looks like is going to put dry heads on the side of the building. They won't be noticeable from the inside so that's nice but they will cover the outdoor space so it'll be fire protected. It is made of non-flammable materials but even so we're, we're covering it with sprinklers and then the existing barriers will remain on the sides of the project. So they have some planters there currently that they're using as sort of an excise barrier or an improvised railing, it has flowers on the top. Those will probably be removed temporarily during phases of construction but then replaced in kind at the end. So the, the finished look will be very much what you see now. That's all I have if you have any questions.

Franz Okay. All right, thank you. Is there anybody in the public who'd like to comment on this matter? Plan Commission? Anybody?

Lake So it looks like you got one egress door as part of your screen system, is that correct?

Atteberry No, there are two. He's removing the, the retractable vinyl on the west side of his eastern fixed roof space and relocating that to the west side of our pergola space. So when this is done, the eastern fixed roof and the pergola will functionally be one room. They're adding an egress door out the east for them and then west for, for our pergola.

Lake Okay, thank you.

Franz Any other questions/comments?

Grabianowski Get it done before the next eclipse. We're going to be the, the heart in the solar eclipse. That'd be a good place to –

Franz That's in 2024.

Grabianowski Yeah, I know.

Franz Is that April '24?

Grabianowski Uh huh.

- Atteberry I think we'll miss Cinco de Mayo but we might make that date.
- Franz So you'll be, you'll be in an enclosed area, you won't be able to see it so.
- Lake I will comment – we've used these on projects and they hold up very, very well aesthetically and, and so we shouldn't have any issues with it.
- Franz Okay. Is there a motion?
- Hurst Sure. I move that Docket Number 2023-07-DPA, a Development Plan Amendment Approval for the addition of a Smart Pergola over a portion of the outdoor seating area located on the southern end of the "B" Shops building and the revised southern building façade being in the General Business (GB) District and within the Rural Michigan Road Overlay be approved as presented subject to the Findings identified in this staff report and based upon the Findings of Fact and subject to the items noted in the attachment, in the attached comment letter Exhibit 5.
- Franz Is there a second?
- Grabianowski Second.
- Franz Any further discussion? All right, we'll just take a voice vote. All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.  
[No response]
- Motion carries unanimously. Thank you very much.
- Atteberry Thank you very much.
- Dale Thank you.
- Franz All right, next on the docket is 2023-08-DPA, Development Plan Amendment. Sila Capital, LLC/Adler Apartments, 7105 East State Road 334. Petition for Development Plan Amendment Approval for the revisions of the site plan and building elevations for a 179-unit apartment development on a 9.295+/- acres in the Rural General Business (GB) District. Janice –
- Stevanovic This is a Petition for Development Plan Amendment Approval for revisions of the site plan and building elevation for a 179-unit apartment development on 9.295 acres in the Rural General Business District. A brief overview of the request provides that the request still includes three apartment buildings, a dog park, a maintenance building, and a pool house which is located within Building 3. Some revisions to the request include a reduction in the overall square footage of all three buildings with Building 1 now shaped as an L, architectural building materials which include a variety of building materials, fiber cement board and batten, fiber cement siding and brick. Accessory structures will be treated with

the same materials. An extended berm to the south of the site allowing for additional plantings and added buffering for the neighbors of Royal Run. Relocation of the maintenance building and trash enclosure to the southwest area of the site with more parking moved toward the perimeter of the site, the amenity area has been created between Buildings 1 and 2. Some additional items for consideration is that due to the slightly different alignment of the Harmon Legal Drain, the Boone County Surveyor recommended the approval from the Boone County Drainage Board to provide for the legal drain location as well as discharge into the legal drain. The petitioner received that approval this morning.

Entrances into the site remain the same. The petitioner continues to work with the Boone County Highway Department to ensure curbing and that 700 and Grove Pass comply with Boone County standards. Boone County Highway has requested that a HAWK crosswalk system be installed across the street from the Adler site. HAWK signals typically operate in yellow, red, flashing red sequence to alert motorists that the pedestrians need to cross the road and only operates when a pedestrian pushes the crossing button. The photometric plan included with this petition has been subsequently updated and approved by the Town's contractual engineer. Staff has provided an engineering comment letter within the staff report Exhibit 5. Of note is that staff provides that the project is largely compliant and staff is comfortable with the comments, the remaining comments will be satisfied. Staff recommends conditional approval of the petition subject to the final resolution of the Town engineer, Whitestown and Boone County Highway comments.

Franz All right, thank you. Please proceed.

Andreoli Thank you Mr. President. For the record, Mike Andreoli, 1393 West Oak Street. I represent Sila Capital, Jeff Reisner who is a Zionsville resident is one of the principals of Sila Capital. To his right is Bryan Sheward from Kimley-Horn. Also from Kimley-Horn, Eric 2:00:31 who is also participating in this particular project. To echo what Janice told you – one of the, the staff comments initially when they were received last week because we had not received final Drainage Board approval but that was given today in front of the Boone County Drainage Board so all approvals were, were given to the relocation.

The reason we're back here is, is not really a, a lot of substantive changes to this particular project. As you note, there aren't many substantive changes to the project itself. When we started to move forward to the, to the actual development process, meaning the construction process, there was an old access and utility easement that had run east to west through that property that actually benefitted the, the apartment complex to our, immediately to our east. We didn't think that that would be an issue with regard to the owners of the apartment complex to basically vacate that because it, it really had no utility use, they've already developed their property bringing utilities from elsewhere and there really isn't any access need for that. So normally in those kinds of cases those types of easements could be negotiated away from the benefitted property owner. In this case, we could not, we could not do that. We tried and tried and without getting into the specifics of the, of the difficulties that we had with them, we just decided that as a practical matter we'd just shift some of the buildings around a little bit and make sure that we did not impact that particular access and utility easement.

However, given the fact that we were modifying even in small ways, we had to come back through the process and work with staff and we're thankful with staff in helping us move forward very quickly with this particular process.

One of the things that, that, that did change, even though we received approval last time, since we had to come back Mr. Lake had made some comments that he wasn't particularly thrilled with some of the architecture with, with regard to the units themselves. We've made some changes to the architecture to hopefully make it more user friendly for him and make it a better project. We certainly hope so and so that was one of the things that we, that we changed. None of those changes did, we believe, any injustice to the commitments that we made to the Royal Run people with regard to any of our landscaping, our mounding, any of those things. We had certain written commitments that we had prepared. We haven't changed the number of units in the structure, we haven't changed the number of buildings in the structure itself so we've just moved some things around on the site so that we could avoid this particular easement.

I'd be happy to answer any, any other questions and if there are any technical questions, Bryan and Eric are here to be able to go ahead and, and answer those. Thank you.

Franz All right, thank you. Is there anybody in the public who'd like to comment on this? Please come forward.

Barrabee Linda Barrabee, 6514 Kingsbury Way in Royal Run. Our property backs up to the property and while Mr. Andreoli is correct that large buildings haven't moved back towards Royal Run, the dumpster and the maintenance building were relocated right behind our property. We already hear the GetGo dumpster being emptied at 4 a.m. We don't need one that close to our house and I would request that you move that dumpster back to the front of the property where it originally was and the maintenance building we're not as concerned about but the dumpster needs to be moved. That's a big issue for houses to have a dumpster. I don't think any of you, any of you would like that dumpster right behind your property. Thank you.

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

Andreoli I think that's, I think that's a fair comment. I'd like Eric to come up and address that because I think that's a, it's a heartfelt expression and probably need to address that.

Franz All right.

Sheward Janice, do you by chance have the staff report on the, that we could pull up the site plan on the screen or? If you don't that's perfectly fine I can speak to it. I believe it's in your materials if you go to –

Franz State your name.

Sheward Oh, I'm sorry. Bryan Sheward, Kimley-Horn & Associates. I'm the civil engineer on the project with Kimley-Horn & Associates. Within the construction plans that you have in front of you there's a plan sheet C3.0 – that's the site plan. It's an overall site plan of the whole site. As you're getting there I'll, I'll delay slightly. We have a, a very congested site if, if you see that. Quite a bit going on, especially on the northern portion of that site. It, it, I guess I would point out that on the south side we do have a 5 to 6-foot landscape berm that has, so an earthen berm with landscaping and also a fence as well. I, I believe the, the length of that fence could potentially be extended slightly to the west but essentially as you, you're looking at 10 to 12 feet above existing grade of where that maintenance and dumpster enclosure is, is positioned in the southwest part of the site. It would be difficult to find a location to put that given the constraints, especially the, the legal drain easement that runs through the property as well. So that would be my comment in that area but certainly I think open to discussing any of the landscaping proposed around that area. It, it's extremely dense. If you were to go down to L, I think, 1.0 is the overall landscape plan, you can see the measures that we've taken in that area on the, on the southwest side but certainly happy to answer any questions if I can for you.

Andreoli And, while, while certainly the comments are heartfelt, we have tried to keep as we've gone through this process as we did initially, kept the, the Homeowners Association up, up to speed in terms of our changes and our site plans and, and all, all of that, all of that information has been previously submitted on two different occasions to members of the HOA. We worked with members of the HOA initially which were, they were able to provide information to the, to the residents themselves. I suspect that and one of the things I like to do when I send out our narratives and, and notice of public hearing, I do send a written narrative out and generally what I do is send a site plan out as well so that they not only just have the notice of public hearing, they have the, the site plan. I think we could work with staff and bump up whatever additional landscaping we need to, to do around that particular maintenance area and I'd be happy to go ahead and do that so it's, we can, we can help at least shield it from view and hopefully with, with any of the noise or any of those things with regard to some of the landscaping we can put around it.

Jones I gotta a question – what would happen if you rotated it instead of being east-west, north-south? The issue with dumpsters one, is you need thickened asphalt around them because they collapse whatever they're parked on. The core issue and the core issue I think neighbors have is the backup sound. It's mandated by law so if you could at least point the rear end of the truck away from the neighborhood and that way somebody, the guy speeding into it would use that little whatever that little 12-car parking lot to kind of loop around to get in and out. At least it would get them out from driving back and forth across the back of your property. Is that good?

Walker Probably something that would be a sound barrier would be more what – that doesn't work either?

Sheward So, Mr. Jones, I'd note the orientation of the dumpster enclosure is east-west today and it's, it's set up that way so that the access drive immediately to the east is a long straightaway for a – I think if we rotated that, we certainly could, it

would just put the far end of the dumpster enclosure, I think, closer to their property.

Jones Yeah.

Sheward But they, I mean, we could. The challenge is, is just trying to find a location where the maneuvering of, of access is, is situated in such a way that would not cause a difficulty, I think, in access.

Lake Bryan, let me ask a question – the, I guess it'd be the north end of Building 2 there's some handicapped spaces there and then right there your parking turns and goes down the east side of the site. If in, there's a dimension there that says 33 foot and I don't know if that's the easement or what that is and then you got probably 10 foot to the edge of your parking. Your parking is 20-foot deep. If you could put that dumpster right there I think your trash truck would have the same ability to come around that corner, back in and grab it and then take back off and that is probably –

Sheward Yeah –

Lake I don't know – 500 feet further away from the neighborhood.

Sheward And that's, that's more consistent with where it was before admittedly in that area. With just trying to provide ADA parking spots as close as possible to –

Lake Well, it wouldn't affect your ADA spots. They'd still be able to stay there.

Sheward Yeah, I'm miss –

Jones But they have to shift.

Lake I'm talking about right, right here. It's hard to see on that point of view.

Grabianowski You can see on this computer. It's easier to see on this computer.

Lake So right here –

Sheward So the challenge that would have to 2:11:07 inaudible off microphone because that's the 2:11:09 regulated drain easement.

Lake Yeah, basically it parts that thing right there.

Sheward 2:11:15 inaudible off microphone.

?? If we could stay at that area over here but I think once we get inside here they're going to –

Sheward It's a challenge. I mean, you could take those two ADA spots and put them on this side. It'd require walking across the path that we have. It may be wide enough at, at that end –



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Lake I'm just trying to find a way they can dump back in, back into it. I mean, there's nothing you're going to do with berms or trees that's going to stop the sound of that. It's going to be loud and it's never at a convenient time. I mean it's –

Franz Right.

Lake It's just, it, it's never noon. It's, it's 4 in the morning.

?? And we've added on top of the berm a fence that wasn't previously there so it's landscaping the berm and fence.

Lake Yeah.

Franz Okay. You gotta –

Grabianowski It's just nice for site but not for sound.

Sheward I appreciate, I appreciate the comment for sure and I've, I know we don't want to make this a charette in the meeting. I, I can see what, what you're suggesting there, Mr. Lake. It would just require me to go and talk to Carol Cunningham at the Surveyor's Office. Bob's very well acquainted with, with that and he's shaking his head saying I don't think that'll fly.

Clutter It ain't gonna happen.

Sheward The, the dumpster enclosure could, could likely slide north by, I'm thumbing it here, by 50 or so feet to that next drive aisle that's to the north. It's not a huge . 2:12:39

Lake South of, plan north –

Sheward Plan, plan, well true north –

Lake Oh true north that's, that's, I see it.

Sheward Of the maintenance building. I mean that, that is an option that would still give an access drive from the east along that first drive south of Building 3.

Lake Yeah and then you'd have the maintenance building as a little bit of a noise buffer too.

Sheward Right, I mean that would be a, that would be a, a fairly easy, I'll just say easy, I, I think modification there to accommodate the, the pathing and I think that would also work well with, with, with the way that a refuse truck would come in to access it.

Lake Okay.

Franz Yeah.

- Dale I didn't know whether you could consider instead of the fence in that area a wall? A concrete masonry wall just where the dumpster location would go. I don't know if 8 feet is permissible –
- Lake That probably is a, a concrete block wall around that isn't it, or brick?
- Sheward It's a, it's a product, it's been used at IKEA. It's used in Whitestown at a few locations that I've worked on. It's a, it's a wall that's from a distance and from up close it looks like a stone wall. The actual product itself, I think, is HDPE or some type of a, a PVC-type product. If you're driving down 69 and you look off to your east at the back of IKEA, it's what's along that whole, it's, in my opinion, a nice-looking product.
- Andreoli 2:14:00 at all.
- Sheward No, it's a nice-looking product but it's, it's not concrete. I guess I want to make that that's, that it's not an actual masonry but it's kind of a faux look that, that it looks so I can't claim that it would be a sound barrier for, for what you're saying.
- Walker I saw them, them on 69 last week on my way to Evansville.
- Sheward Did you see it?
- Walker Yeah, so I thought well that might be good for a sound barrier but you're saying it's not?
- Sheward Well I, I can't claim –
- Andreoli 2:14:28 inaudible off microphone. I don't think we can say it with a straight face that it really is, is sufficient for sound.
- Walker Gotcha.
- Andreoli It's a nice look 2:14:41 inaudible off microphone than even some products that we could use for sound but, yeah, I don't think in and of itself it would be, we can claim it would really tremendously reduce the sound.
- Dale But a concrete block wall or a, a cement block wall can be painted and it can also be screened with landscaping with tall evergreens.
- Lake Yeah.
- ?? Can you build that into the top of a berm?
- Dale That's true too.
- Sheward So we'd be willing to make that commitment.
- Franz Okay. All right.

- Sheward Well yeah and, and to be clear we worked with, I think, staff on the let's call it east-west limits of that. The entire wall wouldn't be that wall it's –
- Dale Uh huh.
- Sheward Okay. All right.
- Jones And so I, and I take it the areas at the end of the two drives, all three drives that go directly, well the one – let's see – the parking lot there in the middle there's three drive aisles. The north one is in the easement, correct? That's the problem. The three east-west access drives in the middle?
- Sheward Yes –
- Jones But the other two you've got parking and then is there a setback requirement or something there along that property line or is it a, there's another north-south easement there isn't there?
- Sheward There's the, the main easement that runs east to west kind of through the middle drive I'll say that's the, the urban regulated drainage easement so that's the, the –
- Jones Oh yeah –
- Sheward Current legal drain, the Solomon Harmon, that comes through the site and we're reducing that to 30 feet which is acceptable to the, the County Surveyor and what was approved this morning for an improved condition of that tile.
- Jones In order words, the parking spaces along the east edge of the property, those are as far east as they can go?
- Sheward Oh yeah east because there's a, there's a natural gas or there's a petroleum pipeline easement that runs north-south along the east side of the property. That's a Countrymark easement with very specific requirements on what can and can't go in there.
- Jones So you can't put a structure up next to that easement?
- Sheward We can't, no. That's, it's a trap that they –
- Andreoli They won't even talk to you.
- Sheward We, we had to seek, just so you know Larry, we, we had to seek approval to even cross it with the legal drain pipe even though the pipe preexisted the pipeline –
- Jones Yeah.
- Sheward So it's, yeah.
- Franz Any other questions/comments?
- Madrick So explain to me where they're going to move it. Here to here?

- Lake That plan's not – that's an old plan.
- Madrick Oh.
- Lake Yeah, that, I don't even know why that one's in the packet.
- Madrick Oh.
- Lake Other than for reference because it's old. So this is the, the new site plan. You've got an L shape building there, a single building here and then a U shape building and it used to be over in this area previously. Now they've moved it over here and we're suggesting they flip it up here so that it's got the maintenance building between it and the, the property boundary and it moves it 50 to 60 feet further away from their residences.
- Madrick With block around it?
- Lake I don't know. I missed the comment – what was the?
- Dale I think primarily along the southbound, south side where the fence would have been placed.
- Sheward Correct.
- Franz They'd work with the Town –
- Lake Okay.
- Franz Staff on materials, placement sites and that sort of thing.
- Lake Okay.
- Sheward Yeah, one thing too is in the, in the plan that you see the, the fence runs along the southern toe of that berm. We can modify that to put the, along the top of that berm what was, I don't think Mr. Andreoli mentioned, is this building is further away from the, the third, southern-most apartment building, is further away from that south property line than the previously approved plan –
- Andreoli Yeah.
- Sheward So we're about 200 feet north of the property line. That's for the building itself so the, the, the dumpster enclosures we're discussing it would be approximately 180 feet from the south property line so there's a pretty good amount of space.
- Andreoli And the wall –
- Sheward And plus with, with the berm and the wall it's quite –
- Andreoli That would screen actually both buildings substantially. Screen not only the dumpster but the other, what is it? Screen the, is, is that the maintenance?

- Sheward Maintenance building, correct.
- Andreoli Put across, so many lineal feet across.
- Sheward Yeah, right. I think it is a betterment from the previous plan from a spacing standpoint.
- Jones We tend to agree with you if you can flop the building.
- Franz So does somebody want to make a motion and try to work all that into it?
- Lake Sure. Yeah, I got it up here. All right, since I've been in the hallway I guess this is my punishment. I move that Docket Number 2023-08-DPA, Development Plan Amendment to provide for revisions of the site plan and building elevations for a 179-unit apartment development on 9.295+/- acres in the Rural General Business District (GB) be approved based on the Findings of Fact, Findings in the staff report and the staff recommendations, submitted Findings – get my next page here — and subject to resolution of outstanding review items identified by the Town engineer, Whitestown and Boone County Highway as referenced in the staff report noting that the developer has agreed to move the dumpster enclosure to the north side of the maintenance building as shown on Plan C.0, excuse me, C.0 and coordinate with the engineer to establish a wall at the top of the berm on the south side of the property, materials to be and height to be decided between the developer and Plan Commission or Planning Department.
- Jones Second.
- Franz Any further discussion? All right, we'll do a voice vote. All in favor signify by aye.
- All Aye.
- Franz Yeah there was a second. Larry seconded. All, all opposed by nay.  
[No response]
- Motion carries. Thank you very much.
- Sheward Thank you very much.
- Dale Thank you.
- Franz Mike, is there any other business?
- Dale Oh, yeah, I want to ask, get your opinion. We're, we're coming up on a presentation of the draft Form Based Code and your thoughts on whether to have that meeting in a regular hearing setting or a special meeting? It would still be a public meeting, not a hearing item, but whether we have at a regular meeting or you have a special or you call a special meeting.
- Lake So, do we know what next month's agenda looks like?

- Franz            There's about six items plus the, plus the continued item –
- Lake            So I'd probably do it in a special meeting. Would be my recommendation. I want to make sure it gets the amount of time and attention it needs and I'm afraid if we've got six other items we're going to be pushing to get –
- Dale            Yeah.
- Franz            I mean, how long is the presentation?
- Dale            I'm, I'm guessing about, what do you think – 45 minutes to half, half an hour, 45 minutes. Maybe, maybe the whole meeting. And, of course, it depends on how many questions you have or how much sausage making you want to do during, during the meeting.
- Jones           Will audience members be able to comment on it?
- Dale            That'll be up to you. You're not obligated to take because it's not, take public testimony because it's not a hearing item but it is nonetheless a public meeting and if someone wants to raise their hand, that's up to you if you want to take, take questions.
- Lake            I assume in either case we will have the information ahead of time –
- Dale            Yes.
- Lake            To review? Okay.
- Dale            Oh yeah.
- Franz            Roger, what was, I mean you never know – but it seemed to me that most of the stuff coming up next week was rather straightforward or next month was rather straightforward. Is that fair?
- Kilmer          Tentatively scheduled for next month's meeting is a development plan petition for the expansion of Hoosier Village, we have some companion petitions for a section of Holliday Farms, a primary plat amendment and a development plan amendment. We also have development plan amendments for the Hy-Vee food store and a development plan amendment for the Hy-Vee convenience store. And then last would be a primary plat amendment for Block L in Pemberton.
- Jones            And we're also going to have the, the continuance –
- Kilmer          The continuance –
- Franz            The continuance.
- Lake            . 2:23:34

Franz But I think the continuance, I'm just saying the continuance seems like it's pretty straightforward. I mean, re-draft of the PUD and then I think the hydrology report on whether to do the – I don't know, some of these things they could, they could take a little bit longer.

Lake Well most of them are amendments and so –

Grabianowski The other thing tonight was 2:23:58 set for Wild Air Farms.

Franz Yeah.

Lake We could probably do, we could probably do it in a regular meeting.

Franz You figure 45 minutes – that, that would take you to 7:15, let's say 7:30. It'd be like starting our old meeting a half hour later when we started at 7, so it's probably doable to be able to do it in the same meeting.

Dale Do you want to start it at, at the bottom of the agenda or the top?

Franz I'd start it, I'd go, I'd kick off with it.

Dale You would?

Franz I mean –

Jones And are we voting on it or is it just a –

Franz It's an information.

Jones Information?

Dale It's, it'll be your decision whether to continue the matter another month if there's unresolved questions or if you'd be ready to schedule it for a public hearing for the following month.

Franz Okay. All right.

Jones Okay.

Franz And is, who's making the presentation?

Dale The consultant.

Franz Okay. What do people think about either starting the meeting or ending the meeting with it?

Lake I'd end the meeting with it.

Franz Ending?

Lake Otherwise, you have a bunch of people that are going to have to sit here for –

- Clutter Sit here for half an hour –
- Franz I figure they might be interested in it.
- Clutter Ha –
- Grabianowski If they are, they'll stay.
- Franz All right. So let's have it next month –
- Walker Yeah.
- Franz And post it as the last item on the docket.
- Kilmer I just have one –
- Franz Sure.
- Kilmer When you arrived this evening each of you found an envelope at your station. Just want to give, make you aware, this is a hard copy of an email that you should have received a few weeks ago from the author of the letter. The author of the letter is representing a few different land owners that live near Appaloosa Crossing. They are concerned about the light levels that are being emitted by the new development. We have had our code compliance officer go out and do actual light meter readings from that. We've found that the "B" Shops building is compliant, however, the, the Hoosier to Go convenience store was slightly above. We have informed Hoosier to Go that, that they need to bring their lighting back into compliance. They were given X number of days to do that. We are still within that, that period of time but they are anticipated to either bring it into compliance or contact us to say how, how can, what suggestions do you have. But the point is we are acting upon it. We have also contacted the author of the letter and informed them that we are researching the situation and as soon as it is resolved we'll be able to inform them what, what has been done. So I just wanted to let you know –
- Franz They were just –
- Kilmer Barely, barely above the reading. But, again, I wanted to let you know why that letter was waiting for you and give you some context to it.
- Jones So Chris, I gotta question for ya –
- Lake Okay –
- Jones Just experience-wise what you're finding with LED versus previous fluorescents and incandescents and even though the light might have 2:27:03 the same as far as output, is there a difference? I don't know.
- Lake No, I mean, you're measuring typically lumens –



- Jones            Yeah. A lumen is a lumen is a lumen?
- Lake             Foot candles at a certain point. Yeah it's the same color temperature is probably your biggest thing is that a lot of these stations and a lot of places in general are switching to a higher color temperature so 4000, 4500. You've probably got 3500 in here on these lights, the lights over there may be closer to 4000 so 4000 is more of a bluish-white light, cool, if you will, and down to 2700 is more warm. That's what you'd find in your house, yellower, kind of color of light and the foot candles may be the same but the, the cooler color temperatures just feel more harsh. I know I'll drive through our neighborhood and there are a few people that have like 4500 watt or, or kelvin bulbs in their front façade lights and man it's just like and it's not putting off any more light, it's just the whiteness is such a drastic difference from the yellowish color –
- Jones            Okay.
- Lake             That seems more muted even when the foot candle readings are the same. And, and lumen readings are the same so. And that's what we see with the gas stations. They're going for the light. They, they want your eyes to pop when you drive by and it's not the amount of light, it's just the kelvin temperature of the light.
- Jones            So do we have to start modifying foot candle and, and –
- Grabianowski   Temperature.
- Jones            Temperature?
- Grabianowski   It sounds reasonable –
- Lake             I mean that's a good question – I think it would be reasonable potentially in a Form Based Code to state that there's a limit of say 3500 kelvin on, on lighting.
- Jones            Because the old like metal halide and sodium and those things, I mean, on the one hand they were supposed to, not whatever and then that kind of bluish-grey, I think –
- Lake             Yeah –
- Jones            I'm working on trying to figure out lighting around my building because long story short, they picked up 100 bullet shells I think about a block south of my building and they were all initially barking that I was the cause of whatever was happening and they found that a different cause but now I'm trying to figure out a way to throw more light off my parking lot –
- Lake             Which you can't do –
- Jones            Which I'm not – yeah, you know, I'm not supposed to do –
- Lake             Yeah.

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Jones            But I'm, I'm just trying to figure out how to – because I have tenants that are my, I've got, I've got a park between my building and a parking lot. So how do I light up the park more without lighting up the neighborhood more? Are the neighbors going to be more agreeable to a little more light given a few less bullets?

Grabianowski    You might want to talk to the neighbors.

Jones            Well yeah –

Lake             I mean light trespass though does, those requirements exist today in the current, current code and so –

Grabianowski    I move we adjourn.

Walker           Second.

Franz             Second?

Lake             We have a second.

Franz             Or is Larry looking for more consulting?

Jones             I'm always angling somewhere, huh?