



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MAY 5, 2025
AT 7:00 P.M. EST
ONSITE MEETING
1100 West Oak Street**

This meeting was conducted onsite and via Zoom.

Council Members Present: Jason Plunkett, President; Brad Burk, Vice-President; Tim McElderry, Craig Melton, Evan Norris, Sarah Esterline Sampson, and Joe Stein
Participating Virtually: Tim McElderry

Also Present: Heather Harris, Town Council Attorney; Mayor John Stehr; Deputy Mayor Justin Hage; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of DPW; Mike Dale, Director of Planning & Building; Amy Lacy, Municipal Relations Coordinator and other Town staff.

OPENING

- A. Call meeting to order**
- B. Pledge of Allegiance**
- C. Attendance**

Plunkett All right, good evening. I will now call to order the Monday, May 5, 2025 regular Town Council meeting. If you would please, stand and join me for the Pledge of Allegiance.

All Pledge of Allegiance.

Plunkett All right, before we get to items of business, Amy, if you would please, could you do roll call for attendance?

Lacy Yes. President Plunkett?

Plunkett Here.

Lacy Vice President Burk?

Burk Here.

Zionsville Town Council
May 5, 2025

Lacy Councilor Sampson?

Sampson Here.

Lacy Councilor McElderry?

McElderry Here.

Lacy Councilor Melton?

Melton Here.

Lacy Councilor Norris?

Norris Here.

Lacy Councilor Stein?

Stein Here.

Plunkett All right, thank you very much. Procedurally, for the Council and for those in the audience, we do have, our Rules of Procedures do allow for online participation for Councilors in the event where it's unavoidable such as this evening, so we do have Councilor McElderry joining us online. As a result, we will do roll call votes across the board for everything so just bear with us and be, be patient please.

APPROVAL OF THE MEMORANDUM OF THE APRIL 21, 2025 REGULAR MEETING

Plunkett Up first on the agenda is the approval of the April 21, 2025 Town Council meeting memoranda. A copy has been posted. Are there questions from Councilors? Otherwise, I would entertain a motion.

Norris Move to approve.

Sampson Second.

Plunkett First from Councilor Norris, second from Councilor Sampson. All those in favor – sorry, Amy, if you would please, roll call vote.

Lacy President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Lacy Thank you.

Plunkett All right motion passes 7 in favor, 0 opposed.

APPROVAL OF THE APRIL 2025 PAYROLL CLAIMS

Plunkett Up next on the agenda is the approval of the April 25th, or I'm sorry, April 2025 payroll claims. Are there any questions from Councilors? Otherwise I would make a motion to approve.

Melton Second.

Plunkett Second from Councilor Melton. Amy, please.

Lacy President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?
Sampson Yes.
Lacy Councilor Stein?
Stein Yes.
Plunkett Motion passes 7 in favor, 0 opposed.

APPROVAL OF THE MAY 5, 2025 CLAIMS

Plunkett Up next is the approval of the May 5, 2025 claims. Are there questions or comments from Councilors? Otherwise I would make a motion to approve.
Melton Second.
Plunkett Second from Councilor Melton. Amy, if you would please.
Lacy President Plunkett?
Plunkett Yes.
Lacy Vice President Burk?
Burk Yes.
Lacy Councilor McElderry?
McElderry Yes.
Lacy Councilor Melton?
Melton Yes.
Lacy Councilor Norris?
Norris Yes.
Lacy Councilor Sampson?
Sampson Yes.
Lacy Councilor Stein?
Stein Yes.
Plunkett All right, motion passes 7 in favor, 0 opposed.

REQUEST TO SPEAK

Plunkett All right, up next on the agenda is the request to speak on agenda items and we have 13 requests to speak. It has been custom in the past if there are scenarios where Council feels appropriate to suspend the rules to allow for all 12 or all, all the folks who have filed to speak, we've been known to do that from time to time. It doesn't change the fact that we still get three minutes per person but it just gives everyone an opportunity to speak if that's something that this Council would like to consider so.

Burk Mr. President, I would move to suspend the rules to allow for testimony of all those who submitted a request to speak.

Stein Second.

Plunkett So I have a first from Councilor Burk, second from Councilor Stein. Amy, if you would please.

Lacy Sure. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Plunkett All right, so we will hear from all 13 individuals. We'll take them in order as received. Some of these go back into April which was from the time that they were first introduced to us. I would point out, as I mentioned before, this does not change the amount of time that you get. You get three minutes. At two minutes

I'll hold up one finger so that you'll know that you have one minute left and then the timer will go off at three minutes. This is a business meeting for the Council and I would ask that we conduct it as such. To Heather's point, we don't want signs, they're not permitted. It's a safety issue. We're not going to cheer, we're not going to boo, we're not going to yell. We have police officers stationed all around the room. We want to hear from the public but we're going to do it in a cordial manner so. Up first we have Anna Schappaugh, Anna Schappaugh, I'm sorry.

Schappaugh From here?

Plunkett From there.

Schappaugh Okay, perfect.

Plunkett And if you would please when you come up state your name and your address for the record and then I will start the timer after you do that.

Schappaugh My name is Anna Schappaugh and I live at 11779 East 200 South. In order to be respectful of your time, I stand before you tonight representing an entire room full of people who oppose this project. We are asking you to vote no and despite the ask for the no vote, we have worked very diligently over the last nine months to come together as a group of neighbors to work with the developer to offer a solution before you tonight that we thought would enhance the community as well as enhance our neighborhood but despite our best efforts, the developer came back at 250% higher density than what we felt blended into the character of our area. So as neighbors, almost 600 people signed a petition stating that we don't want this type of development in our rural area. Over 100 people submitted letters of interest stating how this will impact their quality of life. Farmers wrote to you telling you how their hayfields and their livelihoods would be taken away and not one time during this process has a landowner who's involved in this process stood before you and advocated and supported this project yet you have an entire room full of people begging you to vote no to this project.

So tonight I want to summarize those reasons we're asking you to vote no. The 2021 Airport Study that many of you on this Council voted yes to and adopted, said that the majority of this area was deemed tier 2, strongly discouraged residential use due to safety concerns. The Plan Commission did not send you a favorable rating because the staff told them twice that this did not meet the criteria. They said it didn't meet the Comprehensive Plan, it didn't meet the character of the area, it didn't meet the desired usage, nor was it evident to be responsible growth. I understand assessed value and property taxes are part of your responsibility so I looked at your packet. After you deduct the 70% that will go to the schools and then factor in service fees like roads, police officers and firefighters, you're left with pennies. So in addition to financial responsibility, you have a responsibility for safety and I would ask you what value do you put on a life? What value do you put on these safety concerns? The Airport Director in the last Plan Commission meeting said that this development will go over the most dangerous part of the flight path where students are flying and turning and statistically if a crash is going to happen, it's going to happen here. I want to remind you that Union Woodlands is not supposed to be set as precedent and in

the Land Use Study on page 8 it states that due to legal constraints they had to approve it but you are not under those legal constraints. You can say no tonight and so to conclude, I would ask you to show the community that the time and the money we've put into this and the Comprehensive Plan matter. Before the end of the year we will have a new Comprehensive Plan that says what the future of Zionsville will look like. There's no reason to vote for this tonight. We'd ask you to vote no and wait for the Comprehensive Plan. Thank you.

Plunkett Thank you. All right, up next we have Bryan Traylor.

Traylor A little different on this side. I like it.

Plunkett You never dressed like that for these meetings.

Traylor I know right? Bryan Traylor, 10319 East 100 North in Zionsville. Good evening. I'm here to discuss the petition for Union or I'm sorry, the Reserve at Union Woodlands. I served eight years on Town Council for this area. Also I served as part of the Airport Area Land Use Plan Committee. During that time I served with both Mayor Haak as well as Mayor Styron. These, the reason I bring that up is there seems to be an attempt to position that Airport Study Plan as Hamilton County trying to tell Zionsville what to do. Simply not the case, so I would ask you to please disregard that sentiment.

This matter does not need to take up a lot of time tonight other than the public speaking. The simple facts are the proposal does not fit within the Comprehensive Plan, it doesn't fit within the Airport Study. You also have a negative recommendation from the staff that went to the Plan Commission that they did not vote for or against – I'll get to that in a minute. You'll be told that this fits within other developments that were allowed in the area. Bradley Ridge already had zoning as residential so the Save Rural Zionsville got involved to negotiate the best possible outcome. Union Woodlands, as several of you Councilors know because we were all on this together, we attempted to stop that but due to a zoning plan that the county had put into place before this was brought into Zionsville, it was grandfathered in. We had no choice but to let them develop that land. We do not have that responsibility here because this is a straight up zoning change.

That brings us to the Reserve at Union Woodlands. It is not currently zoned for residential development so it's completely different from those two situations. If you looked at the letters of support, they only come from developers, those with investment properties in the area and those that can make money by opening this floodgate, not the current residents who will be directly affected. Approving this may not set a legal precedent but it will definitely send a message to dense production developers that rural Zionsville is ripe for the picking and every dense development that's approved will make it easier and easier to ignore the voices of the rural residents in the area. And also a point of order, the no recommendation that was submitted to you was not actually within their rules as the Plan Commission. I am not asking you to send it back to them. Please do not but if you read the rules and I've got a copy of them right here. I won't read all of them because I'm crunched on time but it says: No Recommendation. No recommendation occurs when the Commission does not reach a majority

agreement to approve or deny. There was never a vote to approve. There was never a vote to deny. They went straight to no recommendation which, if you look in the rules, both an approval require a vote and a denial require a vote. The only way that you can get to a no recommendation is if you try both of those and you cannot come to a conclusion. With that, I would ask that you –

Plunkett Thank you Mr. Traylor.

Traylor Thank you.

Plunkett I was never able to cut you off when you were on Council. All right, up next we have Christy Wright on behalf of Save Rural Zionsville.

Wright Hello. I'm Christy Wright. My address is 9301 East 180 South and my sincere thanks as always to you all for your service to our community. I'm speaking tonight on behalf of, of Save Rural Zionsville and we respectfully ask the Town Council to deny this petition. The density is still 4.8 times more than what the current zoning would allow. The petition is significantly out of compliance with the Comprehensive Plan. A second unfavorable staff report speaks for itself and the no recommendation from the Plan Commission should also speak for itself. Bryan Traylor just indicated similar concerns that SRZ has with the action that the Plan Commission took but regardless of that, the lack of consensus among those specifically tasked with evaluating land use and development for Zionsville signals that the proposal may not clearly meet the community standards or priorities. Ultimately, no recommendation is not neutral. It reflects ambiguity or concern so we urge you to weigh this decision with heightened scrutiny.

SRZ's hope is that the new Comprehensive Plan will identify a growth trajectory that enables the community to thrive into the future protecting what's special while enabling the growth that Zionsville needs to succeed and we're really pleased as Save Rural Zionsville to be part of that process. In the meantime, you should not feel pressured to accept this petition which will reshape a section of rural Zionsville erasing the underlying zoning of, in favor of a PUD that will end up sacrificing assets that the community has identified as important to protect. We can do better. The town's leaders have said they agree with residents, that rural Zionsville is distinct from the Village and should be protected. Both are uniquely Zionsville. At the same time, residents agree that Zionsville should be developed in some fashion but want a say in determining what that development should be. Residents want development that's compatible with existing land uses and appropriate for the area. The Reserve is not that project. If a 20-story building was proposed for the area in Lincoln Park in the Village would it be welcomed by the community or might it be considered incompatible and inappropriate with irreversible impact to downtown?

Final comments – SRZ's desire as demonstrated in our nearly three-year history, is to find common ground solutions. We invest time, expertise and resources to thoroughly understand relevant petitions and their compliance or lack thereof with the town's guiding documents and ordinances. We come to the table with those we disagree with in search of a win-win-win solution. In April '24 we were able to come before Zionsville's Town Council having made an agreement with Henke Development Group for Bradley Ridge. We hope you take as significant

and symbolic that we are here tonight in opposition of this petition. Saying no to this proposal is not saying no to progress. It's saying yes to thoughtful leadership, yes to smart growth alternatives and to the enduring charm and character of the place we all call home. Thank you.

Plunkett Thank you. Up next we have Bill Frye representing Indy Executive Airport.

Frye Good evening. My name is Bill Frye. I'm the President of the Hamilton County Airport Authority. I'm here representing Indianapolis Executive Airport at 11329 State Road 32. Our primary concern from the airport's view is public safety. Much of the proposed PUD lies beneath what we call the traffic pattern for runway 36 which is the south and north runway. Landing, aircraft landing here will be about 300-500 feet above ground level, perhaps lower, flying slow and turning while continuing to descend and get lined up for a landing on runway 36. A high-density PUD in an area where this type of traffic presents a safety risk to those on the ground, not to mention unwanted noise from the aircraft making the approach. We feel this PUD is inconsistent with safety and also with the Airport Land Use Plan that was adopted by this Council in January of 2022.

I was going to discuss a lot about the previous history of the Union Woodlands but that was already covered so I'm going to just add a little more to that and say that an earlier attempt to rezone this very property, piece of property was rejected by this Council in November of 2021 due to its density, the increased traffic on 200 South and its proximity to the airport. The proposed PUD has density equal to or greater than that, the earlier rejected petition and will add even more traffic to 200 South and then will be subject to airport operations.

I handed out to each of you a couple of 8x10 pictures of the first is what a traffic pattern for the airport really is and what a RPZ is. The petitioner has argued because the PUD does not lie within the defined runway protection zone or RPZ, there should be no restrictions on residential construction despite the clear recommendations to the contrary in the Airport Use Plan. An RPZ is designed to protect people and property mainly from runway excursions and aircraft failures during takeoff. The traffic pattern which overflies the PUD is primarily for traffic landing at the airport. Residential construction should be discouraged from these areas because this is where aircraft are, as I mentioned earlier, are, are flying low and slow prior to landing and a mechanical failure or other mishap can be catastrophic and have catastrophic effects on the ground. The RPZ is not the issue here and is irrelevant. The traffic pattern on runway 36 is the issue and that traffic pattern encompasses the proposed PUD. Thank you.

Plunkett Thank you Bill. All right, up next is Sean White with Jet Access and the airport.

White Good evening. My name is Sean White. I'm here with Jet Access which is the airport business that has about 50 employees. Same address – 11329 East State Road 32. As I mentioned, I'm here representing our, our organization and the 50 direct employees but also the thousands of other employees that the airport supports. Just for a little bit of background, the airport is the second busiest business aviation airport in the State of Indiana, only second to Indianapolis International and is one of the busiest non-towered airports in the country. So just a little bit of context for everything that's been said before and I'll just sum up

the things quickly because most of these issues have been discussed but the proposed PUD lies under a heavy area of traffic flow for the airport's main runway, runway 36, and as Bill mentioned, it's during a critical phase of flight. This is the downwind to base turn which is one of the slow, low and slow phases of flight and where a safety risk to the public does exist and we have seen that play out, unfortunately, in other situations around the country. So despite anything to the contrary that others may state throughout this, this is a critical safety area of flight. I'm a pilot myself and any pilot would tell you that. The FAA actually has multiple advisory circulars advising against development, residential development or high-density residential development in areas like this and the state has even proposed legislation encouraging Councils and Plan Commissions from or encouraging them to follow those circulars.

As was said, the airport and town have already collaborated on a land use plan that involved extensive public input process and that clearly recommends against development of residential property in this area and, again, this body accepted those recommendations in 2022. So to be also clear, we aren't opposed to all development in this area. The Airport Land Use Plan had compatible land uses suggested and those compatible land uses should be followed. So I think the decision here tonight is clear. The proposed development is incompatible land use in this area. The town's own staff have recommended against this development. The Plan Commission failed to provide a recommendation. The adjacent businesses, public infrastructure and neighbors are all opposed. I would respectfully ask this body to follow that same logic. Thank you.

Plunkett Thank you. Up next we have Alan Townsend.

Townsend Good evening. My name is Alan Townsend. I live with my wife of 37 years, Ruth Ann, at 250 North 1000 East in Zionsville. We've lived at this address since 1993 and we enjoyed raising our three children there. In the last 30 years, our neighborhood has changed significantly and while I don't get enthused about new developments, I'm here tonight to speak in favor of this project. When new projects like this come before the Town Council, my wife and I try to study them as carefully as we can, especially if they affect Union Township where we've lived for so long in an effort to determine whether the developers would be good stewards and good neighbors. When we learned of Mr. Henke's plans for Holliday Farms we tried to learn as much about his work product as possible, even visited his neighborhoods in other areas. We did not oppose his projects and others because we felt his track record warranted support. We've done the same thing with Pittman Partners. I've studied his different developments in Hamilton County and in Boone County, reviewed every page of the application, all the back and forth with the staff, reviewed the PUD, reviewed the commitments offered by his attorney, Mr. Price. This is a good project. It's the kind of project that decades from now this community will still be proud of and find desirable.

Back in 2008 and 2009 I served as one of three representatives from Union Township when we studied government reorganization to try and determine whether the Town of Zionsville unincorporated Eagle and Union Township should reorganize to form one body and whether that would be good for our community. We looked at it from every angle possible including land development and we all agreed that the residents of Union Township should be

treated fairly when it comes to opportunities to develop their real estate in a matter, manner other than production agriculture. I've encouraged my friends to support the reorganization and I'm glad I did. That's not to say I don't have concerns. I was concerned in 2021 when I saw the draft of the Airport Area Strategic Use Land Plan. I even wrote a letter back in August of 2021 on behalf of my neighbor and farmer, Bill Zaring, because that plan placed use restrictions on his 142-acre farm north of the airport even though no one from the Plan Commission ever visited with him about it.

Yesterday my wife reminded me that 20 years ago the airport opposed new Union Elementary on 146th Street. It was approved and built there anyway and my wife, as a former kindergarten teacher, also reminded me that everyone has gotten along and played nicely together ever since.

This project deserves your support. It's a good one. We want to see local people, local developers work on projects like this. Thank you.

Plunkett Thank you. Up next we have Julia Schultz.

Schultz Good evening. Thank you for your time. I'm Julia Schultz. I'm at 8440 Hunt Club Road. I am asking that you deny this PUD based on the following grounds, some you've already heard: Neither the staff's analysis nor the Airport Study support it; it does not meet the five criteria necessary to make this an acceptable project; excessive growth increases the burden on our entire infrastructure and permanently alters the character of Zionsville and the reasons for which most of us choose to live here. John Stehr, in fact, was quoted – hi John – in The Current newspaper expressing concern over the rising costs relating to stormwater utilities with continued growth. Okay, let's face it – all of the costs are going to continue to rise as more and more demand increases and it's placed on our infrastructures. That includes roads, utilities, emergency services, schools, etc.

The recent push for over development is being falsely touted as a way to obtain additional funding through property taxes. Over two-thirds of the state want to eliminate property taxes altogether and there are already four states in the process of doing so. My husband and I met one-on-one with Governor Braun. He claimed his plan will eliminate property taxes within six years by increasing homestead deduction until it wipes out the taxes completely. Regardless of how the elimination of property taxes is achieved, that revenue source will be disappearing so it's pointless to justify projects like this.

While these facts should provide more than enough to cause you to deny this project, there are other things to consider. It is not a necessity for the financial well-being or, or sustainability of Zionsville. We do not yet know what the impacts are of all the numerous developments in progress, especially the high-density projects. This project starts out at a deficit by requiring construction revisions to mitigate noise. Of course that doesn't stop noise outside and it doesn't provide protection from the toxic air particles from the planes. It makes no sense to approve something that starts out with problems out the gate. We don't know what the future revenue sources will be when property taxes are eliminated. Continued unnecessary over development will result in irreversible effects on quality of life due to congestion, air pollution, noise pollution and the

reduction of overall property values as Zionsville loses its uniqueness in favor of average cookie cutter developer's gold mine here. Plus the vast majority of residents who, by the way, are paying huge property taxes right now for the privilege to live here do not want this. We are counting on you to be responsible leaders who approve only those developments that preserve the unique character of our town. Existing residents should never be forced out of their homes by developments that completely and permanently alter the landscape and no longer reflect the nature of the surrounding area. Please choose the residents over developers and deny this unacceptable project. Thank you.

Plunkett Thank you Julia. Up next is John Covert.

Covert Hey, thanks for having me. I guess everybody wanted to hear from somebody who actually owns some property. Quint Partners is who I represent. This has been in my family for about 80 years. My Grandpa Quinton Covert bought it. We farmed it for 80 years –

Plunkett John – if you, if you wouldn't mind –

Covert Oh –

Plunkett Just state your address for the record please.

Covert Sorry, 13481 Violet Way.

Plunkett Thank you.

Covert There's six people that own this property. It's, it's my family. It's my cousins who live in Zionsville, I live right in Carmel, my aunt lives in Zionsville too and we've been here our whole lives. We've seen the whole area of Carmel and Zionsville I mean change a little bit but it's still a lovely place to live and that's why so many people want to because it's a great place to live and this, I mean the use that we thought of here with our property – well, first of all, as, as I've kind of already said, Quint Partners here is not as someone called it a land development company. No. I mean it's a family that's owned this property and has farmed it for 80 years. So that, that's not what we're doing here.

We've had a lot of people come to us over the years because we own several properties around the airport. I mean the airport hasn't. They did one time and we sold them a little bit to expand. The only other time we've sold some of this property was to a guy who lives at the end of the runway and he's, he's been fine. There's been no problem with the planes there. I mean but Mr. Pittman he, he's done some great work and we know this. 116th and Spring Mill is an, is an asset to our community. I live close to that and I love all the stuff that's in there. Yes, there's some apartments. Traffic is a little worse than it was 20 years ago but it's not like it's Chicago. It's not going to be that bad. I mean this is not a big development that he's proposing here and he makes nice stuff. He's making nice houses on this. We had a lot of people come to us wanting to put on a lot more dense than what he's doing but this is compatible with what's right next to it and what's right below it. I mean if you look at a satellite image photo, Brookhaven, I mean is right there and that's kind of the outward expansion in Zionsville right

now but this is going to be a nice development. He's going to comply with all the existing regulations. He's going to invest in extra soundproofing for the houses of anybody who wants to live there but I mean what are we to do with our land? Like should we just have it sit there and farm it for 0.4%, I think, is what the return is now. I mean we've tried this for a while but like you've got a right to use your property for the best use possible and we're not talking about using it for as many houses as possible. We want to bring something nice to the Zionsville community as my aunt and my cousins live here and I live right next door. So I mean that's what we're trying to do with Mr. Pittman developing this property here. I mean if the airport wants to come to us with a fair price they're welcome to. They haven't. This airport plan nobody asked us about it, nobody consulted us about it, nobody told us about it. And this is property that has been zoned throughout the years as residential and agriculture and we're looking to put a nice development back on it. So if anybody's got ideas of what we should do with our property, please let me know. We're open to ideas but we think we have found somebody that's going to do a good job with this property and make something nice, bringing nice people into Zionsville as you guys deserve. Thanks.

Plunkett Thank you. All right, up next on the or up next for speaking is Andy Skaggs.

Skaggs Good evening, Andy Skaggs. I live at 11004 Pete Dye Ridge here in Zionsville here to go on record and express my support as well for the zoning request for The Reserve at Union Woodlands. I believe this project will provide a really great array of housing options and I've seen a lot of Mr. Pittman's projects to date and I think they're really great. I would also voice my concern to some extent about the Airport Study that does limit property rights, property owners' rights, excuse me, regarding utilization of their own properties. Anyway, in summary, I think this is a high-quality proposal that's before you and it represents something very reasonable for our community so I thank you for your time and consideration and give some time back. Thanks.

Plunkett Thank you. Up next is John, and John forgive me if I mess up your last time. Is it, is it Paugh?

Paugh Yes.

Plunkett All right.

Paugh Yes, Paugh like a cat's paw. My name is John Paugh. I live at 9066 Bay Breeze Court in Indianapolis. I'm one of the property owners that Steve's put together for this project so I'm obviously here in support of it. I just want to comment on two things. We are not in the restricted area for the airport. We're actually beside the runway. Most of the people by the time they get to our airport are already on final. They're not turning over our property or if they are they're really late and it, it feels like our property rights are actually being violated. We've gone to the airport and asked them if they really want this property to buy it. They say they have no money. It's a way for them to take this property out and not pay for it. It's, it just does not feel right. This is a great project. We've looked at what Steve's done. The density is less than any, any of the developments around us.

He's putting homes up to the price of \$1.1 million dollars out there. We really encourage the Council to vote for this project. Thank you.

Plunkett Thank you. Up next we have Ben McCormick. Ben McCormick going once, going twice. All right, up next we have Chris Henry.

Henry If it's fine with tech, I'll just speak. So Chris Henry, 2316 South U.S. Highway 421, directly across Michigan Road from this project. I am not in support of the project for a number of different reasons. Some folks had mentioned earlier, as a matter of fact the speaker previously mentioned that the density is much lower than those projects around it. Simply not true. Union Woodlands when you take out the, the park commitment which was tier 3 at the end of the runway that is 1.14 units per acre. Countywood 0.78, Brookhaven 1.6 units per acre, this project 2.40 units per acre as identified by the staff of the Planning and Zoning.

My largest concern is not that there's a development there. The friends of 200 South and Save Rural Zionsville are not committed to a not in my backyard mindset. It's not. We want to do the right kind of project.

Recently went through, personally went through a PUD, pushed a commercial PUD through the City of Westfield. My goodness was the inspection thorough and complete. I had to actually identify excluded uses and allowable uses as a part of my PUD for it to be approved. This PUD is far too loose. There, there's lots of references to conceptual uses. I've heard 25 to 25 three-story townhomes. Within the market, within the campus district of the Airport Study it says no more 2-story height maximum. We've got 25 townhomes in that. There's been some reference this is going to mean improvement to property values. I could not disagree more. I think anyone who logically and appropriately speaking truth would recognize that the Zionsville public schools per these, per the Indianapolis Star are going to lose \$14 million dollars in property tax revenue over the next three years – \$14 million dollars. What's that going to do to class sizes? I know members on this Council served on the Zionsville School Board. They know what \$14 million dollars does. It increases class sizes. We want to hire teachers, sorry, we don't have the funds. That's not going to impact our 5-star schools positively. What do you think that's going to do to property values?

Carmel, you've all heard the story legacy of regret regarding townhomes. There's a gentleman, there's a Council member he says "townhomes worked well in central Carmel but very different in West Carmel." This is a West Carmel kind of rural environment. We do not need townhomes.

Final thoughts – this, as I said, the PUD is too loose. There are, you can build 1,200 square foot ranch homes, I heard a million dollar reference maybe 1,200 square foot ranch home probably not going to bring a million dollars, maybe in Zionsville, who knows, 900 square foot first floor for a two-story home in this development there's been a rush by some within Zionsville's government to create entry-level homes and what that will do is, that will produce the most dense, if we approve this, the most dense and the least attractive residential project ever proposed in Zionsville. It's not an attractive project. Forget zoning, Airport Studies, density consideration – this project is simply not attractive.

Fifteen to twenty-five percent, 15-to-25-foot structure separation minimums between homes. Twenty-five, well over 100 townhomes –

Plunkett Thank you Mr. Henry. All right –

Henry We trust you guys.

Plunkett Last one up is again, forgive me here – Mahvash Karimi. Is that correct?

Karimi Yes.

Plunkett Yes.

Karimi Good evening. My name is Mahvash Karimi Moghaddam and I reside at 9950 Spring Mill Road, Carmel, Indiana. I have approximately about 200 acres of farmland in the south, with the southeast corner of U.S. 421 and State Road 32. I have reviewed the proposal that was submitted by Mr. Pittman and I want to encourage you to approve this plan and it is creative and it preserves open space and it is appropriate use of the land at this location and provides great housing options for this area and last, the financial impact of this project will be very positive for the Zionsville town and I appreciate your consideration.

Plunkett Thank you. I will, one last time if Ben McCormick is in here.

?? Can I take his spot? [from the audience]

Plunkett No, I'm sorry. All right, there we have it. All right, so Amy, I'm going to give these back to you so you have them for the record. I want to thank everyone for taking the time to come up here and speak. It's not easy to stand in front of a room with Councilors, add to it 50 to 100 people, so I appreciate, appreciate everybody taking the time to do that.

OLD BUSINESS

Consideration of an Ordinance Establishing the Reserve at Union Woodlands Planned Unit Development (Petition 2024-50-Z) Ordinance 2025-11

Plunkett Up next on the agenda is first item of Old Business which is a Consideration of an Ordinance Establishing The Reserve at Union Woodlands Planned Unit Development. This is Petition 2024-50-Z. This is Ordinance 2025-11. We have the petitioner, Mr. Pittman. Mike Dale is also here to speak, if needed, and I'm assuming Matt as well so.

Pittman Mr. President, are you ready for me to do my presentation?

Plunkett I am if you give me one second. I just want to find it so I can follow along with ya. All right, go ahead.

Pittman Hello and good evening.

Plunkett This, this is the one that was submitted to our packet?

Pittman Yes.

Plunkett Okay.

Pittman I believe. Is that right Suzanne?

Plunkett Thank you.

Pittman Hello and good evening. For the record, my name is Steve Pittman with Pittman Partners. Our offices are located at 9589 Valparaiso Drive, I'm sorry – Valparaiso Court. I'm here tonight to discuss our proposed project, The Reserve at Union Woodlands. With me tonight is Wayne Falstad also with Pittman Partners and our legal counsel, Suzanne Baker and Matt Price of the Denton law firm and also Alen Fetahagic and Matt Luce of Kimley-Horn, our civil engineers.

This will surprise you when I tell you that I'm really excited about being here tonight. There's probably not many people who'd want to get up and speak in front of a room of upset people but I gotta tell ya, I am really, really passionate about advocating for people to have an opportunity to live here that don't live here today and when I say that I can go, go back the last 30 years and I can talk about Austin Oaks. I can talk about the Rancho Alegre property that is the Willows. You look at the old Abbott farm that is now Brookhaven. You look at Fieldstone. You even look at Union Woodlands that Platinum Property is doing and every one of those projects standing room only of people that did not want those projects to happen and there was no one there to advocate for them and if you go and you look at the results of those communities and what's happened is you got wonderful communities with wonderful people living in them that are very productive citizens, they're paying taxes, they're going to the schools, they're worshipping with all of us. So I, I am passionate about that and so, therefore, I am excited to be here to talk about that.

Another reason I'm passionate or I was really looking forward to be up, be up here tonight is I think there's just been a tremendous amount of noise around this project and a tremendous amount of inaccuracies and so all the emails and the things that are going on out there, this is an opportunity for what I say, what other people say, this is a moment for people to listen to facts. So I've had multiple people call me and tell me they've received emails and phone calls from people urging them to write letters, sign an online petition, make phone calls and show up to meetings to remonstrate against this mass, massive apartment complex and sports fields that we're going to do, that I personally said we're going to do another project and build a market district up here. None of those things are true. And part of that, and by the way, I'm not pointing fingers at anybody but part of that's our fault because when we started this project we started with a, with a plan to do apartments and we started with a plan to build a \$4 million dollar sports complex for the youth of Zionsville because we were told that Zionsville needed that. In order to pay for it we needed that kind of depth and so I don't think that we've done a great job of setting the record straight of what we're really doing and tonight we'll be able to do that.

I've heard people, like Chris just got up here and talked about how small our lots are and how small our setbacks are and houses are on top of each other and our lot sizes are smaller than let's say Wild Air Farm and Bradley Ridge and that's not true. The smallest lots in Wild Air, in Wild Air are 30 feet wide, Bradley Ridge is 50 feet, we're actually, our smallest lots are 70 feet and they go up to 80. I'm glad that, I'm glad a couple of the landowners that you guys were here to speak tonight. I've heard a lot of comments about how the greedy landowners are demanding such high prices that it's forcing developers to do these very dense projects and things that are not consistent with the area and nothing could be further from the truth. Both of these landowners have been very good to work with as I've come to them with, with problems and challenges. They've worked with me and they're sympathetic to what's happening here and they, and they want a first, a first-class project. It's, it's my hope that everybody in this room, not, not just me and the landowners, I hope that everybody in this room has a right regard for property rights and what does that mean? Property rights it's not for, for these property owners or any of us that own properties to do whatever we want with our properties but it's to do something reasonable and I can tell ya there's nothing more reasonable that could come forward on these properties than what we're proposing. So anyway, I'm hopeful that the presentation that we do tonight is going to set the record straight.

When we start a project we have three goals. First goal is we want to develop a project that's positive for the Town of Zionsville and the future residents and what I mean by that is the neighborhood that needs to add to the town. It needs to pay its way with the taxes that it provides, the impact fees that it generates and the customers that will spend money in Zionsville and the people that will be gainfully employed. The site needs to be and the plan needs to be thoughtful and respectful to our neighbors and it needs to be something that is a, a feasible investment for investors and developers and builders and lenders and that's the type of project that we're, we're trying to put together.

The other thing that we do when we put the land under contract and we start doing all the site due diligence out there and, by the way and I don't want to underestimate the importance of the site due diligence. The site due diligence we're doing of surveys and title commitments, we're looking at runway protection zones, we're looking at all the different issues that affect this, these individual properties which is different than a Comp Plan which is a broad-brush stroke. We're actually getting into a lot of detail on that.

While we're doing that we're also meeting with what I call some key stakeholders and I would tell you that we had meetings that I call go or no-go meetings and what that means we're going to have a meeting with someone if they tell us we're against this, we're going to try to stop this, we're done. Our first meeting was with, was with Mayor Stehr and Kate Swanson. We talked to them about our ideas and the things that we wanted to do and they were, they were very encouraging to us. Now when I say that and I know John's here – there he is – John would have to tell you if he, he never said hey, I support this but he encouraged us to move forward. He, John's very passionate about the Parks Department and he had a concern about Zionsville Little League baseball and softball and their Challenger Program turning kids away, encouraged us to meet with Zionsville Parks and Zionsville baseball to see if we could do something for

them as part of this project because the other developer, Platinum Properties, Platinum Properties was dedicating 35 acres to the park and they thought there could be a tremendous amenity that we could put there and so, so we listened to John, he encouraged us, we moved on. So that, that was one go, no-go that let's go to the next step.

We then met with a neighbor who is a State Rep, State Representative, his name is Hunter Smith. Many of you know Hunter Smith as a former punter for the Colts. Where, where Hunter is a, we could say he's a Hoosier today, I still think of him as a, as a Texas rancher and Hunter had what I believe I'm going to say fierce feelings of private property rights that, that hey, Steve, the property owners have the right to try to do something reasonable with their property. I would encourage you to do that and I'm certainly not going to stand in your way.

The next stop that we did, another go, no-go stop, was Zionsville Schools and we met with Rebecca Coffman and Matt Doublestein, had a fantastic meeting with them. They shared with us some of their plans and how they do things. Zionsville Schools does not come out and support or go against a project but they did, they were very clear to me that it's very, very important that Zionsville Schools is in a growing school district. They don't want to be in a stagnant school district or a declining school district. So we came away from that with very, very positive feelings.

I mentioned we met with the Parks Department and Zionsville Little League. Also, hats off to Platinum Properties. Platinum Properties is, is developing a 183-unit development that's next to us called Union Woodlands and we went to them and said hey, we're, we're working with the Parks Department, would you work with us to try to accommodate the Parks Department to do something really cool for this community and they were, they were all in. We still have a proposal for the Parks Department, we've just downsized it quite a bit.

And then we also met with the Zionsville, we also met with – I'm sorry – we also met with the Zionsville Planning Department. Spent a lot of time with Roger Kilmer and Roger Kilmer was great to work with. The Planning staff was fantastic to work with. Roger from the very beginning was always consistent with me, apologetically said unfortunately, my role here all, all I can do is make a recommendation on whether or not you meet the Comprehensive Plan or not so the reality is if we're not proposing corn or soybeans, we're not, we're not meeting the requirements of the Comprehensive Plan. So, so I appreciate the time with, with Roger and, and the process we went through with the Zionsville Planning Department and Plan Commission and I, and I, and my take on what happened at the Zionsville Plan Commission is a little bit different than some other people's take on that and we looked at that as a positive thing. I mean I, I felt very confident that we were going to get their support if a vote was taken. What they did by taking the vote that they took they said we don't agree with the recommendation that this project should be denied and we don't agree with the Comp Plan that you can't do anything on this property that doesn't make sense. They looked at all the requirements that the airport has, all the rules with regard to the airport and the FAA which we've met extensively with both of them and they said yes, all the things that these guys are proposing are allowed.

Next, we started meeting with Indianapolis Executive Airport and the FAA. Learned a lot about that and their Executive Director who I don't believe is here tonight, Sam Sachs, is a tremendous guy and, a guy that I would at this point consider a friend. Always answered my phone calls. We went back and forth a lot talking about these things and I, I think Sam probably did have the same concern that these landowners have of a potential taking of his property and they, he, he was clear they don't have the money to pay them for their property.

But one thing I want to say about the, about the Zionsville Airport that's important for everyone to know – in order to get the funding that they need to get from the, from the FAA and it's, it's actually FAA Advisory Circular 150-5190-4B, they have to go on record opposing development. So you talk to the FAA and you talk to the airport, in a perfect world they want a pop an airport down on a big area of farmland. They want to draw a one-mile radius around it and they don't want anything to happen there. Now they know that that's not reasonable but, but what they will do is they're going to, they're, they've become very, very good letter writers. They're very good letter writers opposing practically anything that happens within a, a two-mile radius. They opposed Union Woodlands, they opposed Brookhaven, they opposed Fieldstone, they opposed Union Elementary, they opposed recently Westfield Middle School two miles away on State Road 32. I just got a, a letter from another developer that shared with me they just sent a letter opposing a project that's already been approved in Westfield called Town, the Town Crossing PUD over two miles away. So what they do is they check in the box we did what we were supposed to do, go home and go to bed, get up the next day and go to work and when they go to the FAA everything's good. So I wouldn't put so much emphasis on, on what they have to say and, by the way, I like to be a very complementary person. I don't want to be negative. I like Sam Sachs a lot. He's been terrific to work with but that is the reality of, of what happens.

We, in terms of our stakeholder meetings, we next had neighborhood meetings, extensive neighborhood meetings and we had a meeting starting back in September at Zionsville Presbyterian Church and that's when we introduced our plan for a big \$4 million dollar sports complex for Zionsville that has gone away and then we met with them again before we went in January back to the Plan Commission at Aspasia and, by the way, I want to compliment Anna Schappaugh. She's been very good to work with as has Christy and both of them and along with Bryan Traylor have been very complimentary of me and I think when you deal with topics like this and you're on opposing sides, I think it's a really good thing when you can do it professionally and I think we've done that. I think there's probably, most things in life we would agree on and this is one that we don't. I will get into, as a I get a little bit further on I want to talk a little bit more about my meetings with Save Rural Zionsville.

Okay, as we get started and we start talking, looking at our exhibits here tonight that are part of your package, this first exhibit we're showing is an aerial photograph of the area and the area that I'm going to pay particular attention to is the quadrant formed by State Road 32 to the north and U.S. 421 to the west. As you can see, our property is 147 acres that you see in lime green. It has frontage on U.S. 421 –

Plunkett Steve, could you, could you hold on one second? Hey Joe – we’ve got one monitor up here that’s not showing this. Is there any way we can, do we need to unplug that and plug it back in or is there?

Sampson It’s, I mean it’s okay. I can scoot over. My vision’s pretty good.

Norris Ahh, there we go.

Sampson There we go.

Plunkett All right, thank you.

Norris Sorry Steve.

Pittman So to our north you can see the Hamilton County Executive Airport which I think goes by the name of Indianapolis Executive Airport at this point. You can see that the Zionsville Schools recently purchased a property over there so they obviously have plans up in that area. We can also see up north an EP, EPA super, superfund site and as you come a little bit further south on 200, the northwest corner, you see a really nice development that you all recently approved called Bradley Ridge. To my east you’ll see Union Woodlands. That’s the project, this is going to be, to me, a really interesting discussion. This is a project that was approved for 240, 240 houses in 2008 and it had not been built and so it was an approved project and as we get to the Comp Plan we’ll talk about even though there was an approved project, they put, they put it, they, they painted a brush of that and they were calling it open space that that should be permanent open space even though a 240-unit development was approved that’s now being developed as 183 units. To the south of us you can see three neighborhoods, Countrywood, Brookhaven and Fieldstone, and those were two of the projects that I sat there in the meeting when that was the old Abbott Farm and watched people oppose that and not want Brookhaven to happen and, in fact, the airport was against that as well.

As we go to our next slide here, okay – what I wanted to do here was juxtapose two of the Land Use Maps in your Comprehensive Plan. The one on the left is unannotated and it, it shows the layout of this, of this Comprehensive Plan that, that the airport did in conjunction with Zionsville and on the west side of 421 you can see the entire area is estate conservation residential and as you get north of 32 you can see the majority of it is agricultural. You see the airport and the things that they, they want to do there, what they’re doing and along 421 you see an area of campus housing which would be calling for significant development and campus housing and a portion of that sits on our property. And as you look at south of 200 there you can see that area that I talked to you about in green that they decided to take a, a big, broad brush and call that open space, even though a project was approved there and then adjacent to it they have ag land and then adjacent to that going to 421 is campus housing. If you look south of that and if you look at a map just going right up 421, the development goes right up to this property and this area had remained undeveloped and was rural because no utilities had entered the area. With the utilities, you have TriCo up there with sanitary sewer that they serve up to 200 South and then 200 South north is Citizens and Citizens will be bringing a sanitary sewer main straight across 200

to serve the Henke property and they would be, they would plan on going north, serve the rest of this area and my understanding is they would be looking at buying, buying HSE's certificate of territorial authority to serve this area.

When you look at the plan that I've marked up, you can see the area once again that we have in, in green and then next to it is, is Union Woodlands and one thing I want to be clear about, I've never ever said that this project next to me, Union Woodlands, is precedent setting. Clearly, Boone County approved that before you guys brought this into your jurisdiction. The only thing I've ever said is it's reality on the ground. When you go out there there's going to be 183 homes. We're not next to open space and, which leads me to my one of my first meetings with Save Rural Zionsville. We were on a conference call and when I got on the phone with them I said to them guys, I know what your position is, I know how you feel about development but I would request that you just have an open mind and hear me out. Hear me out what I have to say and then make your mind up which they did. They, we had a nice conversation and then one of their members said to me Steve, what you're proposing makes sense with one exception – you keep talking about this project called Union Woodlands. That project was approved in 2008 and has never been built and we don't think it's ever going to be built and so the argument that you're making kind of falls on deaf ears if that project doesn't happen. My response was you know what, I asked you guys to have an open mind and listen, listen to me, it's only fair that I listen to you and I actually agree with your comment. I do agree with your comment and I said now, I've been talking to that developer and they keep continuing to tell me that's going to be happening next month, next month, next month. You're right though, if it doesn't happen then this changes the complexion of things. So we waited and the project has started. It's underway.

A couple things I want to say about a Comp Plan and I want to be, make sure everybody is aware of – the Comp Plan is a guideline. It's one thing to consider. It's just a guideline. It's a, it's a broad brush. They took a paintbrush and drew over this. When you look at the thickness of a felt-tip marker going across the page, that marker probably has taken up a distance of 50, 60, 70 feet so there's no better way to study a project than when a developer comes in and he says I've done a survey of this property. We've looked at the woodlands, we've looked at the wetlands, we've looked at the utilities, we've looked at everything. We've gone and we've looked at the runway protection zone. We've, we've looked at the noise sensitive areas. We've measured all of that. This is the reality on the ground, let's, let's review this, let's look into this and, and that's what we've brought to you today so you can actually, you can actually be very supportive of this Comp Plan yet vote for our project. In fact, there's several projects here that, that have been approved that are not consistent with the Comp Plan and I'm not saying that to gotcha, I'm saying that to basically to say you guys made a great decision by approving Promontory. The Comp Plan calls for minimum lot sizes of 10 to 20 acres in an ag area. You did a great job in approving Bradley Ridge in a residential conservation district, estate district minimum lot size with utilities is 0.6 acres. I was just on there, looking at their plat the other day I saw a lot size of 0.19 acres and so it's going to be a great development. They're doing a lot of really cool stuff so I'm not saying that any mistakes were made there and our project is, is similar to that.

Okay, I've blown up that same Land Use Map there and I'm, I'm putting a circle around what the Comprehensive Plan called as open space because I think, I think this is a, a very critical document here that you're calling for open space on an area that a project was already approved for 242 houses, 183 are being built. Next to it you're calling for ag land and next to that going west to 421 you're calling for campus housing and so the area that we, and the campus housing is, is a project of what we put together that the Plan Commission and your Planning staff supported. The area in, the area in discussion is just that small area in between. It's a sliver of ground that we're talking about that's agriculture, it's zoned agriculture. Your Comp Plan calls agribusiness/agritourism and what we're saying is not appropriate. But I think that's a critical document to talk about.

This is a document that I'm, I'm not going to even talk about this it'll, it'll take up a little bit of time other than –

Plunkett Steve, I actually appreciate that there's a lot of background that goes into this. These last three or four slides were not included in our packet so we don't have this stuff.

Pittman Oh, I'm sorry this –

Plunkett So, if we could –

Pittman This document here is not in your packet?

Plunkett Correct. So if we could get to the stuff that's in the packet –

Pittman Sure.

Plunkett That would be –

Pittman This was not in the packet, Suzanne?

Plunkett No.

Pittman Okay.

Plunkett That is.

Pittman This is another document that we, the airport looked at putting a, a runway protection zone in place. We've went out and looked at the runway protection zone, we've taken measurements, surveys, we're, we're clearly out of it and so that was another one of the inaccuracies that people were saying we were trying to, we were trying to develop and build within a runway protection zone. We're not.

On a runway protection zone, one of the things that we learned is there's three, three things that we learned by interacting with the FAA and the airport is that you gotta stay out of the runway protection zone. If, and that's showing not only the existing runway protection zone but the future runway protection zone so

that's where we were originally going to put the sports park and that's why that fell apart so we're, we are fulfilling that requirement. If you look at #2 on that page, follow the tall structure height requirements. We're following all those rules and we're following all of the rules on noise sensitive areas which just clearly requires that we do some additional noise abatement with our construction techniques on the houses.

Okay, okay, real quick I'm going to, I'm going to go through these. This, this is the first plan that we started with that we quickly abandoned. We got rid of the sports park, got rid of the apartments, got rid of the townhomes. That had significantly more density. This was the sports park that we were going to build. It, it was significant. We thought it was a positive thing for the community. So from that, we jumped to this, this plan and we said okay, we'll put townhomes up on 421 along with professional office and the professional office area some people say oh, this is incredibly far north for, to have any sort of commercial or office and we're not calling for retail professional office. We're talking about law offices, title company, doctor's office, we've, we have three or four people that have already contacted us. We're talking to them. We think that's a great use for that area and great for your tax base. We've also have always said if anybody didn't like that we'd be glad to not, not have that and we'd have, we'd put townhomes there. From there we go back to the rest of that single-family detached housing. I'm going to hurry through this but it's, it came out to 2.4 units per acre and that's the plan that we took to the Plan Commission in January and here's, in this particular plan you can see The Reserve at Union Woodlands adjacent to us on the Lennar project to our east and you can see we worked with your Parks Director, Jarod Logsdon, to build more of a, a passive park.

So we talk about this Comp Plan. One of the reasons why we started, why we started the way that we did because if you look at this column right here it says general complementary uses – townhomes, apartments, mixed density residential in moderate amounts. So the airport and the Comp Plan actually encourage you as you get closer to the airport to put more density not less density. They say that those uses are more noise resilient but we knew, in fact, we learned because we changed our plans to go less dense because that's what the neighbors wanted and that's what the Plan Commission wanted but the Comp Plan, as an example, they said put more density the closer you get.

So when we went to the Plan Commission in, in January, this was the plan. The area in the front I'm not going to get into that any more than I have because that has not been controversial. We're showing townhomes in there at 4.2 units to the acre. So typical townhomes in the market is a density of probably 10 units per acre so we've cut it back significantly and we, and we played a guessing game. Nobody told us to be there. We played a guessing game of what's appropriate because the only thing we heard from the Planning staff was you're not consistent. In the other area you're not consistent with the agricultural designation but we didn't know what the appropriate density was. We, they told us this was it. They supported it. The rest of that property came in at 2.4 units to the acre. Housing in that area is \$650,000 to \$1.1 million, by the way, not starter homes and Union Woodlands 1.83 units to the acre and Brookhaven 1.6 units to the acre. So we thought that was a, that was an appropriate transition but we were told by the Plan Commission we still want you to look at lowering your density.

So they didn't vote no, they didn't say send this guy home we're done. They said would you look at lowering your density. So we came up with a new plan and this plan we took the entire north area and we created estate residential, 150 units, lots from or home prices \$850,000 to \$1.1 million and we listened to the neighbors, we listened to the Plan Commission, we listened to the county and they said we don't want any houses backing up to the road. We want to see the fronts of houses. We, the nomenclature we use in this business is residential, we call that an open space. I'm sorry – a, a frontage place ordinance so that's what we did and it's very similar to what they did at Brookhaven. People were really happy with that. You'll see one entry and the entry is aligned with 1100. So they were surprised that we were able to do that and get to that density. This is the park and the deal with the park right now is if you want Union Woodlands and us to build this park we'll use park impact fees to do that and it would be a benefit if we did that because we could do it for less expensive and we're not subject to fair wage laws but if the Park doesn't want to do it and you don't want to do it that's fine as well.

So the new plan the density you look at is 1.75 units per acre. So as, as I think John Paugh alluded to when he says we were less than those that are adjacent to us, we are less. Union Woodlands 1.83 units to the acre and we're at 1.75 and 1.83, it actually was approved at 2.4, they built it at 1.83. Why did we come in at, why did we come in at 1.75? What was that magic number? Well, we looked at your Comp Plan again and we read the Comp Plan. The study area is a desirable established real estate market due to its rural character and natural resource amenities. Development densities within the study area average 1.75 dwelling units per acre. So, so it seemed to us that that made sense if, if we're meeting the average in that area. When I've heard the descriptions tonight of this super high-density project, that's not how, that's, I don't think it's a high-density project. I hope you don't either. The other thing that we did is we wanted to make sure that we looked at the home values in the area, that we were not doing anything that would detract from those home values. Here it says the highest percentage of home values –

Plunkett Steve, I, again, I appreciate this. None of this is in our packet man.

Pittman Is that not in the packet?

Plunkett None of this is in the packet.

Norris This was in there because I read this. I remember this.

Sampson Yes.

Plunkett In a separate? All right.

Norris And this was in there too.

Pittman So they both were? Okay. You did your job Suzanne.

Plunkett Airport –

Norris Yes, I didn't know who's this was. I just read it.

Plunkett Yes, I didn't know who's this was either that's why nobody saw it because this says, this says presentation on it and this says Airport Area Strategic Land Use Plan. So we –

Pittman Okay so what we did is I sent to Suzanne every document that we would possibly use. If we haven't met your criteria I'll skip over it. What do you want me to do?

Plunkett Well, no, I mean it's in here. I just –

Pittman Okay.

Plunkett I think it, it's –

Pittman So, anyway, my only point here is it showing home values in the area of \$300,000 to \$749,000. That was in 2022 and I know they're significantly higher than that today but just showing that our homes are priced from \$650,000 to \$1.1 million so we're keeping with the area. We're not doing anything to take away from, we're not doing anything to take away from the home values. Okay, so now I'm going to guess that this document is not in your, in your file and so if it's not in your file I will read – we made commitments at the Plan Commission and since the Plan Commission I met with Council members they asked me for additional commitments that I'm making tonight –

Plunkett Steve, if, if it were in our packet where, what would it be under?

Harris First draft Reserve at Union Wood's PUD Commitments pdf.

Plunkett Okay.

Harris So is that – that's the Plan Commission commitments.

Sampson I have so many papers.

Pittman Okay, so it is in there.

Harris Well it's not this document but it's the Plan Commission –

Sampson Oh, it's in here. I think I found it. This thing? The pictures?

Norris The statement of commitments.

Sampson This thing?

Pittman No, that's, that's, that's different. The statement of commitments.

Harris We have the statement of commitments that's it.

Pittman Okay, this one is – okay.

- Pittman Okay. I think in the statement of commitments the rental restrictions were in there. Let me see –
- Plunkett All right, separate, it's a separate document.
- Sampson You found it?
- Plunkett Docket 2024-50-Z, Zionsville Plan Commission Commitments Concerning the Use or Development of Real Estate Voluntarily Made by or in Connection with Zoning Change Approvals Per the Town of Zionsville's Zoning Ordinance. Nope.
- Sampson This one?
- Plunkett Yes.
- Sampson Okay.
- Plunkett All right.
- Pittman This document that I have up is not the same document you have. Would you want me to shuttle past that so it's, I don't think you have this exact same page.
- Sampson Is this just what you've committed to the Plan Commission?
- Pittman Yes, this is just what I committed to the Plan Commission. So, but, but I think tonight for the first time, for the first time tonight you're going to hear three additional commitments that we've made through our meetings with Council members and others. And so #1, #1 people felt that we were going to ask for a TIF commitment, we were going to ask to TIF this community and that comment was brought up at the Plan Commission and for whatever reason we just never addressed it. I didn't think maybe it was even appropriate to talk about the Plan Commission level but here tonight you're hearing for the first time no TIF. No tax increment financing guarantee. 2) I worked with Councilor Evan Norris. He, he's had a, an interest and concern about raising the bar of architectural requirements in this community and so we had made a commitment based upon those conversation that all of our single-family homes that we will be building if this gets approved, 25, a minimum of 25% of them will have a front porch of a minimum depth of 6 feet.
- In addition to that, we're making a commitment that of all the single-family homes that are being built in the estate area, 25% of them will be side-entry garages. That will require that we widen the lots that will further reduce our density. I don't know how it does reduce our density but I'm assuming no one is going to complain about that.
- A document that you do have, a document that you do have is we never talked about the tax revenue, we didn't talk about the fees that would be generated from this so when you look at this project on an annual basis when you look at the

residential tax revenue and the commercial tax revenue, annually this is going to be bringing in over \$1.7 million dollars per year and it'll bring an additional \$1.7 million dollars one time park impact and road impact fees.

- Burk Steve, can you repeat that? So \$1.7 in tax revenues. How much for the impact fees?
- Pittman Impact fees for road and park just over \$1.7 million. So, so big numbers, big numbers.
- Plunkett But you, you said earlier you would use the park impact fee to build out the park?
- Pittman No. We'd only use that park impact fee if you all and your Parks Department wanted us to. If you don't want that park because there's also been conversations that you all don't have the funds necessary to maintain it, we'll just leave it alone, hand you the money. If you want the money, have the money, if you want us to go build a park we'll do it and we said if you want the park it makes, we think it makes sense for you to have us do it because we're not subject to all the rules and regulations that you guys are subject to but that's, that ball is totally in your court. That being said, that concludes my presentation and I look forward to answering any questions you all may have.
- Plunkett So I do think it's important Councilors to note we don't have a written commitment for the commitments that Mr. Pittman just said so should – Heather, how would that work? Should they make, should someone make a motion to approve this we would have to require written commitments or would we?
- Harris Well, so we have the written commitments that were made to the Plan Commission. What we don't have in our packet is additional written commitments that you all have agreed to post-Plan Commission. So –
- Sampson We would have to say –
- Harris The Town Council can request additional written commitments. Those can be verbally stated and then reduced to writing and certified after the Town Council meeting. We have precedent for that. We've done that a number of different times. Mr. Pittman could also restate them on the record and then reduce them to writing which we could agree to contingent upon those written commitments being executed and Mike Dale can clarify anything that I didn't say correctly but that's how we've handled it in the past and Matt's head nodding, which always makes me feel a little more assured so.
- Plunkett Okay. At this point I would open up questions from, from the Council.
- Melton I just, I want to start with a couple of comments like Steve, I appreciate all the different renditions of this that you've gone through to get where you're at. I will say it's been confusing to track along based on are we doing the park, are we not? The park's up to you guys. It, it's kind of frustrating to hear that. I also am a little frustrated that we've got what four commitments, three commitments additional. You didn't even read the one that's probably the most important to me which is the rental restriction. I think that's, I think that's a fantastic idea to kind

of bring that along to the project but I would like to hear the additional commitments one more time because I was confused, I didn't understand what you're saying you're going to do because you said 2, 3 so just go back through that for me for my clarity please and then, and then we can move on.

Sampson And are you saying to include the Plan ones also?

Melton I'm asking to under, I need to understand what, what your additional commitments are that are not included in the packet so that I can hear it clear – 1, 2, 3, 4.

Pittman Yep and thank you Councilor Melton. The rental restrictions is actually in your packet. It's part of the approval, or not the approval the, what came through the Plan Commission so there's only three, three new commitments that, that I'm making today that is the first time for the public and everyone to, to hear this for the record. We are guaranteeing that there will be no tax increment financing on this project so it's a no-TIF guarantee. We are also making a commitment that a minimum of 25% of all the single-family detached homes will have front porches with a minimum depth of 6 feet. That's commitment #2. And then commitment #3 is a minimum of 25% of all single-family homes in the estate area will have side entry garages. Those are the three commitments.

Melton Thank you.

Pittman Yes, you're welcome.

Harris Can I just read from the packet –

McElderry Steve, I have some questions –

Harris So I can make certain that –

McElderry Oop –

Harris And the public know whoever said that – can I just make sure –

Pittman Yes.

Harris I got them down? I can't type this fast. Guaranteeing that there'll be no TIF request for the project since TIF isn't guaranteed. Minimum of 25% of detached homes will have 25-foot porches?

Pittman I'm sorry – 25% will have, a minimum of 25% will have 6, a minimum of 6-foot porches.

Harris I'm so sorry. I figured that was going to be a really long porch.

Pittman That's a big porch.

Harris I was like I have to get that correct. And then a minimum of 25% of detached homes will have side entrance for driveways?

Pittman A minimum of 25% of the single-family homes in the estate area will have side entry garages.

Harris Thank you.

Pittman You're welcome.

McElderry Can I ask a couple questions? Can you hear me okay?

Plunkett Yes, Tim, go ahead.

McElderry Hey Steve, good to see you.

Pittman Hi Tim.

McElderry So you mentioned a lot of different neighborhoods as kind of comparative neighborhoods – Brookhaven, Fieldstone, Bradley Ridge was brought into it. Do any of those neighborhoods just for the public record, do any of them have townhomes?

Pittman Okay, I'm sorry, which, which neighborhoods? When I talked about Austin Oaks and Brookhaven –

McElderry I think literally Austin or do any of them have townhomes?

Pittman The only, the only projects that I'm aware that have townhomes are Appaloosa Crossing and also Holliday Farms. Holliday Farms in March had two, two townhome projects approved, one –

McElderry Right –

Pittman Is 7.6 units per acre and one at 11.2 and we're, we're at 4.2 but, but Brookhaven, Fieldstone, Austin Oaks, they do not.

McElderry Well that, that actually is perfect that, that you mentioned Holliday Farms because I guess my question and I know I've asked you this privately several times. I'd love to get it on the public record because I've met with a lot of folks. I have corresponded with a lot of folks, many of which are sitting in the audience right now remonstrating against this. I've never heard anyone say that they are against development of any type. I've never heard anyone say that they want to keep landowners from being able to sell their property so I don't think we, I don't think we should paint the remonstrators as being against those type of things. What I think they're concerned about as am I, are PUDs in the rural setting and my question to you is why does this need to be a PUD? Why could this not be zoned, I mean if we're charging \$1.1 million dollars for some of these houses, I think the argument could be made that a development that would fit better in the rural setting should be zoned more like a rural, a rural community not a urban community. And I don't think anyone will argue that this level of density is, is more resembling the Village or neighborhoods that are far south of this. So why does this need to be a PUD?

Pittman So Tim, it, it wouldn't necessarily need to be a PUD. We could, we could look at the community that's adjacent to us. We could look at the community that's adjacent to that that are zoned R-2 and R-3 and we could go in and we could zone these as R-2, R-3 and then go up in the campus housing area that, where we've encouraged, we've been encouraged not to do single-family detached and find whatever the appropriate zoning designation is in that area and we could pick that zoning designation in order to do that so it doesn't have to be a PUD. A PUD, a PUD just gives you more flexibility to make it more seamless from and so it, in my opinion, makes for a better development. I mean if you look at Bradley Ridge, that's a, that's a PUD. You look at Wild Air Farms –

McElderry Right.

Pittman That's a PUD. You look at Holliday Farms, PUD. PUDs are, are, are looked upon favorably as, as and if for some reason that you or others said to me we're not against you developing this property similar to this but we want you to rezone it to R-3 and find another zoning designation for the front I would've, I would've gladly done that.

McElderry Yes well I guess one of the things about PUDs is you can show us a plat map and still once, if once we approve this as a PUD changes can be made and that's exactly what Henke did at Holliday Farms. He sold off a, a chunk and said I'll just let, let a new developer make this into townhomes. That was never a part of the original map that, that Holliday Farms had so that's, that's my concern is we're really kind of giving you an open license to do what you want to do with this property and I, I trust that you are a man of your word but at the same time changes tend to be made and I can think of a few more examples of PUDs that have been changed after the fact that resulted in greater density than what was originally suggested.

I guess I'll just make one final comment and then I'll get out of the way and let this go to a vote when, when we get to that point but for every 150 acres that, that we take out of our rural space and kind of extend out urban type of density, we're eating away at a, at a way of life, a rural way of life that most of the people that are sitting in the audience right now that's why they're remonstrating. That's why I moved into District 1. If I want to have some chickens I can put some chickens out there. If I want some goats, if people want some horses, this is a way of life that I think we all agree is what makes Zionsville special, just like the Village and Main Street do and every time we extend out these types of neighborhoods, which they're fine neighborhoods. I'm not going to argue that I'm sure there'd be wonderful people living in it. I don't know how they're going to live with that, that noise of those planes. I don't think they'll have any clue until they've signed on the dotted line what that's going to be like but that said, this is, this is kind of a full frontal assault on our rural spaces and we're just letting it continue to creep forward and that's my concern is that I wouldn't want you to buy five, five blocks in the Village and tear down all the houses and put up rows of corn. I don't think the people in the Village would be happy about that. That's a certain way of life. This is a certain way of life. So to your point that that these are going to be nice houses and that there's going to be nice people moving in and we're going to be bringing more people to Zionsville, increased

AV which I would suggest is not going to kick in immediately and will not really address any of the budget shortfalls that we have coming in the next few years, I, that's not what I'm arguing against. I just want to see rural communities in the rural spaces. So I'll leave it at that and thank you for, for the time.

Pittman Tim, if I could just respond to, to your comment I'd appreciate it. I'm familiar with where you live and you have a beautiful place and when I've met with Save Rural Zionsville we've looked at and I say hey, I'm on board with, I agree with what you guys are advocating on the west side of 421 all the way up to 32 and as I pointed out today, I believe the quadrant east of 421 and south of 32 is extremely different and you have these large swaths like west of 421 that will continue to develop out and, by the way, it is developing out as rural estates and small farms and I think it's fantastic. I happen to believe that a lot of the area, in fact, where the attorney that spoke tonight, I'm trying to remember his name, if he's still here, oh yes, I think it was Mr. Townsend, where he lives I believe a lot of that area is probably going to remain rural the way it's developing and I know that Bryan lives up there as well and I think the area, I believe the area north of 32 and west of 421 going over to Lebanon over the next 50 years, next half a century so nobody needs to panic, that that will develop, that will develop differently than, than those other two areas. So that's just my opinion and so, so that's, that's how I wouldn't be trying to do this west of 421.

Burk Steve, just I had some concerns as well about the location of a PUD here as opposed to where we've put PUDs in other places and I thought the same thing. There, there, there's a way to go about doing this that was around a, a rezone. In fact, the Lennar project that tried to rezone wasn't a PUD, it was also a rezone. A lot of the projects that have been approved up there were rezoned residentials and not PUDs. I realize there's some mixed use in here so my question if you really need it but it sounded like you said no one asked you but you would've been open to potentially coming at this from kind of a parceled approach to a PUD to kind of build out specific standards to different, within zoning without a PUD even though I recognize there are advantages to a PUD, many that you recognize, that you mentioned in terms of aesthetics and flow and standards and those kinds of things that may, may not even be as high as what the zoning standards are. But is that correct that you said because if this doesn't pass –

Pittman Yes, yes, I mean if, if, if I was being led by whoever the leadership is over here, whether it's Plan Commission members, Planning staff, you all as Council members, the Mayor, Justin, if you guys were telling me that that's how you wanted us to go about doing this then we would've looked at doing it that way. I didn't, I didn't decide I wanted to do a PUD and I know nobody likes that. I mean like you mentioned, you get much higher architectural guidelines, you get better landscape requirements, you get all sorts of things with a PUD that you don't get with straight up zoning and if we want to change things, we generally would have to come back. Now we do show a concept plan so if I show a street veering that way with four lots and it doesn't veer that way but it veers this way with four lots, you have some, you can do things like that. I can't increase the density, I can't make the lot sizes smaller, I can't change the setbacks.

Burk Yes, I think there's some flex out there that we're cautious about and you're kind of getting to that nuance of what could potentially go in or be different than what,

what we approve because once that happens you have a lot of latitude within the PUD to kind of make some decisions but I have some questions specifically within the PUD if you'll bear with me and –

Pittman Sure.

Burk And one of them really I think the density and height to me are kind of critical factors. Within the PUD you kind of have four different development standards based on different categories which you call the estate homes, center commons, and then you got the Michigan Road block which is contained, contains townhomes and commercial use. The estate homes – 151 you've already mentioned maximum homes at a 35-foot height maximum. Same with the center commons. You've got 53 homes at 35-foot maximum but then you've got your Michigan Road block which is kind of one category of development standards even though it contains townhomes and commercial use. The townhomes could be a max height of 40 feet and then I had to check this three times and even call Roger because the commercial use was listed at 50 feet which is essentially the height of the apartments at The Farm which is an incredibly large infrastructure. I know that's not necessarily intent because there seems to be some inconsistency because I believe the PUD also says that you wouldn't be able to build more than 20,000 square feet of what you called service or retail which isn't very much –

Pittman No.

Burk 20,000 square feet is not much. I don't know why it would need to be 50 feet but I also realize you don't have to put commercial because this is packaged, even you made the point if we don't want commercial you can move the townhomes up and I had a concern with that. I really think that the commercial needs to be locked in as commercial, we need to develop it as commercial. It probably doesn't need to be 50 feet high. If it's truly dental offices or something else, probably one story, maybe two stories right along Michigan Road and then the townhomes even at 40 feet are pretty high. I believe Appaloosa is 35 –

Pittman Okay.

Burk Feet high as a two story and all of your illustrations really show that you're looking at, which would be consistent with 40 feet, you want three, three-story townhomes which, again, I just feel is really high when you're talking about the airport and I'll come back to the airport plan in a minute but why do you feel like you had to go like to commercial to 50. Just can you explain why that's in there? Is that an oversight?

Pittman That, that, that was a good catch on your part as far as I'm concerned that I'm glad to know that you're reading this.

Burk Thank you.

Pittman No, our, our intentions are one, one story.

Burk So that could be changed?

- Pittman It can be changed, yes.
- Burk And then even 40 feet in the air, in the airport plan it does say that you could put campus housing which could be defined as a townhome. I think it even lists townhomes, even apartments but it also specifically talks about not low density but low height and it even, I think it says one story, a few two story but not to exceed the height of other buildings in the area which would be 35 feet for homes. So I think 40 is really high and it's out of line with even what's in that, the airport plan. So I didn't know if, if there were, if you were locked, these are things that I would've probably negotiated out –
- Pittman Yes.
- Burk In a –
- Pittman No, if that's what you want we could do that. I mean these are the types of conversations and engagement we were hoping to get along the way. We never got that, that back and forth knowing what people wanted and didn't want. Quite frankly, we looked at other approved PUDS and how they wrote theirs and how that would fit with ours and we tried to come up with a plan but no those are, those are two good catches on your part and we'd be glad to do that.
- Burk And even 20,000 square feet feels, feels kind of small. If you're truly at a one story and that, and that's what the intended use is it's just not very much so I didn't know if like it, it made me question if you even needed it in the PUD because it doesn't bring a lot of AV –
- Pittman Yes.
- Burk And two, it made me question since it's all part of one Michigan Road standard area if, in fact, it would just go away and you would just move the townhomes up anyway.
- Pittman Well, I mean, I mean like, once again, it all depends – from what you just said I'm of the belief that you want to make sure that there's commercial there and you don't want it to be all townhomes. Or do you want it to be all townhomes?
- Burk No, I'd rather not. I mean I do believe that we need commercial –
- Pittman Okay, so –
- Burk Development and I don't think you were going to, I think if we develop other parts of Michigan Road I think you're going to see some commercial development there.
- Pittman Yes so, so we're, we will commit that being commercial and we'd be, we want to put as much square footage out there as we can. As you're going through this process and people are concerned, scared, worried you start coming, making commitments to try to accommodate people but we're, we're glad to change that.

- Burk I got a question about density – sorry guys, if anyone wants me to me jump off you can jump in. There was a gross density map that was part of the town report and Union Woodlands was listed as gross density as 1.14. I realize there's a lot of acreage out there that's not going to be developed. You're at 2.4. I mean there's, I do think density, this is a lot of density in this space and your density is really being driven by the townhomes. It's not being driven by, to your point, the single residences whether or not we like them or not they're consistent with some of the other neighborhoods you've called attention to, not, not all, but when you get up to 2.4 it's because the townhomes are 4.2. I mean that's incredibly high and to Tim's question earlier, I mean there just aren't a lot of townhomes and even if we could get our hands around, maybe there's going to be some residential development up there, maybe even in the new Comp Plan might call for some, some, some estate homes but certainly not townhomes. Can you do this project without townhomes?
- Pittman Well we'd have to, we'd have to go back and rework it and meet with the landowners and prices would have to change. That was a, and the interesting thing about it, about this conversation is that was the one area at the Plan Commission level where your Planning staff said yes, we're good with this and all the, all the effort was put on the area behind it so.
- Burk Yes it's interesting because obviously, they, they speak for themselves. As a, as a Council member who was here when we voted for the airport plan and I even pulled some of this out myself. I pulled the whole plan and brought it. Comparable land conflicts tall structures and concentration of people. The plan does not prohibit residential use and even mentions townhomes but only in tier 3 which is where you placed them but, again, a mix of two-family and multi-family, a limited number of two-story structures may be considered. So I don't disagree that it's, it's technically "campus housing" in terms of use but in terms of scale and size it's way bigger than any of us would imagine when we thought this would be campus housing. In fact, campus housing may have been one story, maybe two, not 40 feet. So they said it was okay if I were, in my opinion, it's probably not correlative to what we were intending when we passed that so just, just FYI and then, of course, in tier 2 which a lot of the homes are, was strongly discouraged in the, in the airport plan. So anyway, I'll, I'll stop there or you can address that piece but I get your point of hey, that seemed to be the red light, the green light that we were given but man that height is a lot higher than what, what would've been read in the Airport Area Plan.
- Pittman What, what is the height you want there Brad? Thirty-five (35) feet?
- Burk Well, I mean if you could –
- Pittman Same, same, same as the houses?
- Burk Well, if you read the Airport Area Plan, it specifically says a limited number of two-story structures may be considered where lower ground elevations near 421 without exceeding heights of other structures in the area. And if everything else is the height of 35 feet then that would, that would be what you're planning for your homes.

- Pittman So just so I understand and maybe you didn't, maybe you didn't – what in that front area that the Planning staff liked what we did, what you just want us to lower the height and do, you want the commercial, you want more commercial and you want –
- Burk Well, you're just talking about me. I don't know what the will of the group is –
- Pittman Right.
- Burk And I still don't, I mean there's still other concerns with the project but I appreciate that you're willing to say we're not going to have anything 50 feet, we may not even have anything 40 feet, we're definitely going to have commercial, we're going to have more limited townhomes. I just don't know, I'm with Tim, I don't know that I love the idea of townhomes that's why I asked you ultimately is what can you do without townhomes? I think the townhomes are misplaced in this area but I also realize that's how you've built the budget to accommodate the, what you have to do to build something there. Anyway, I will back off and yield.
- Plunkett Anything else from Councilors?
- Burk Or if anyone else wants to weigh in on those, those heights because, again, I'm not, I'm not speaking for the Council.
- Sampson No, I think that was a good point about the heights. So when the Planning Commission didn't do the two votes to get to the no recommendation I felt like it was up to us to actually do some due diligence and follow up with trying to disseminate what was hearsay versus I don't know, straight from the horse's mouth, right? So one of the concerns that Tim and I spoke about were townhomes having a place at this point in our, our community and I've been going to a lot of meetings where people have expressed desire to get into our community but having higher priced housing is a hard way to get in and so Tim had said he heard that Appaloosa townhomes were not selling and were struggling so I did follow up with, with Bob and asked him of his inventory, actually assuming he would tell me we're, we're getting there and he told me there's only five left. So that helped me get over the hump of why would we put townhomes there because I do recognize there is a demographic that would like to be in our community who can't buy the full house or maybe there's a split family and this is a way to keep their kids in these schools which with the rabbit hole, right, you then think oh, the schools. So I contacted Rebecca Coffman and Katie Aeschliman, the two current leaders of our school district and our school board and I do agree they do say we don't give a yea or nay to development but just to share the information that I received and I do think it's pertinent because it's very easy for us as a community to say what about the schools and I went ahead and made sure that I asked for their opinion and their opinion was, again, they did state we would rather be in a growing community that a declining community and we will share that we've had to remove three teachers from Union because enrollment is down from what they projected. I'm taking words from them. This is not my opinion at all. She also further elaborated that the numbers that they have used for their projections that they do studies on included this neighborhood because you had gone to them last summer and that that still

did not put them in Union or the middle school at capacity including the projected people.

So that was, that's just information that I found in my due diligence of taking if you say yes, if you say no, right? I listened to Save Rural Zionsville for the past year and a half really before I was even in office and I think that you're a phenomenal group, I really do. I think looking out in the room and seeing all these people, I'm very encouraged by our town's engagement.

For me, I don't think this is a bad project. I see no leapfrogging because whether we like it or not the other neighborhood is, it's started. I drove down 200 today and there are earthmovers there. I have considered if we want to have less of a broad stroke on the Comprehensive Plan we definitely need more active voices with planning and how to get commercial base as we do have to adjust to SB-1 being something that passed at our legislature. I don't think that that's something we can just ignore. I do look at the finances of our town and I do see that my priority would be to keep our safety and our security services but that's paid for by property taxes. It's, it's not something that we can ignore, that we are losing money over the next three years. It's a known quantity.

I have appreciated you're willing to meet the additional requests. It's hard. It's hard looking at this room with a lot of people who are like don't change my world but I have said before, I'd like to teach the town how to say yes and I think there's limits. I don't want to open a Pandora's box of neighborhoods popping up all over. I really do want to use this Comprehensive Plan to put further in place restrictions that we are looking more for commercial to help us with our tax base but when I drove down the road, I agree, we need to look at adding shoulders to 200 if we're putting in more housing. We need, we will need to make adjustments for this but the usual arguments of school and leapfrog are not met for me and I –

McElderry Sarah –

Sampson Oh, I just have one more thing.

McElderry Yes –

Sampson I do think that you have worked hard to bring positive change with the commercial you are bringing at 116th and Michigan so I do see that you have taken time to see what the community needs and it is, it's good for me to know that you're a local developer and I prefer that attention. So, okay Tim.

McElderry No, I'm sorry. I just, it seemed like a contradictory thing when you said we're looking to potentially lay off teachers because Union Elementary's census is down but Bob Harris' townhomes are selling like hotcakes. I don't, I'm not going to question if that's, if that's what Bob said but it doesn't seem like that totally jives.

Sampson I can only go by what people tell me and I have written proof of both so if you need to see it, I'm welcome, you're welcome to see it.

- McElderry No, no, no and I told you I don't know that for a fact and I hadn't talked to Bob yet –
- Sampson Yes –
- McElderry So I did not say it was factual but, again, I think that's contradictory to say the census is down at, at Union Elementary across the street from Appaloosa and all those townhomes are filling up so. I'll just point that out.
- Norris I'm not trying to get in the middle but I think it's, it's important to add color – the usual people that live in townhomes typically aren't families with children.
- McElderry Right.
- Norris So I just, I guess I want to add that to the context. I don't know though. I did see both emails and that's what they both said so.
- Plunkett I think, I do think it's important Councilors just as we go through this discussion, I don't know how productive it is to debate back and forth with Councilors. I do think it's important to talk to and speak with the petitioner. So any, any other questions for Mr. Pittman?
- Burk Yes, I do have some other questions and so thank you all for bearing with me. I talked about height in, in the PUD and density which I don't know that we've gotten where I'd like it to be. A lot of that is really driven by the townhomes. I don't know if there's some flex there but the other thing really for me that we've talked about a couple different times is timing and not just timing but what timing represents in this case because the timing is tied to the Comprehensive Plan that we're working on. I'm in year six on this Council and I think a lot of the challenge that we continue to see at the Plan Commission level and that this Council continues to see is because there's a disregard to some degree that the current Comprehensive Plan is out of date and not everybody completely understands whether it's Council members or community members or even developers what we want, where and what people should spend their time on and how we could all collaborate to build that vision and it's been frustrating because I feel like we're, we're constantly proact, we're, we're not proactive, we're reactive and we're always looking at some one-off that's this is off the plan, this is off the plan and then we're kind of setting precedent to constantly be off the plan so I know when, when I campaigned last time heavily with the Mayor we all talked about the need for Zionsville to get it together and put together a new Comprehensive Plan that's visionary and is looking 10 years out and we're doing that. We put it through the budget last year. We're now one year into that process we started a year ago and it's my understanding that, I mean, I think we're in rendition number two now that's been shared and I think in the next couple months we're going to see kind of a final plan and then my understanding is that by October this body may be passing that Comprehensive Plan which I hope truly is a visioning document for the town and helps everybody get on the exact same page because everybody's trying to do the same thing, right? You're trying to build a Zionsville that's healthy and vibrant and dynamic and preserves all the best of Zionsville and so, so is everybody else but I think we have different ideas about what that looks and feels like and this may solve a lot of those problems.

So I've been reluctant to make any significant change knowing we're four, five months away from what I've been asking for for six years and have now funded it at a pretty hefty price tag.

So I don't know that, that we're there. I guess I'd be curious why bring this now knowing that we're so close to October. Either way you're going to be asking for a zoning change that may or may not be consistent with, with the plan. I mean it's not consistent now so even if it's not then I mean you're not, we're still, we're still asking for a variance. So that's one question and then just I appreciate that even today in this meeting you're still willing to negotiate. You're still trying to find a win as by, as evidenced of the conversation we just had. Hey, what are, what are the heights? And, again, that's not just me, I just feel like this probably isn't the place to get all that figured out. If we're 90% there, I feel like we got a couple options to maybe still get there. One would be we could continue this and try to continue to work on it and bring it back. I don't know that there's an appetite for that. We could send it back to the Plan Commission and they can continue to work on it. I don't know that that's the best approach or we could deny it and you could come back with a fresh project that has substantive change. You don't have to wait a year, you could come back in a few months, maybe even by October when we have this plan and there might be a better appetite and maybe some things got flushed out so I want to help everybody get there, I just don't think we're there as of tonight.

Pittman

Thank you, Brad, for your comments. So my, my first response to the, to the Comp Plan would be I don't think it's fair to all of the landowners out there to just shut development down for what a year, year and a half, however long that whole process takes. Just say hey, we're, as a community we're not doing any developments until we get through that process. That's, that's my opinion. The other thing that's interesting if you, I've been participating in that as much as I can and if you look at the area that they're, the area that we're talking about, there is some, there, there are some changes and some improvements that have been made. For, for instance, the town and HWC, the planning group, didn't feel that it was appropriate to have the airport sitting at the table helping you guys make decisions of what should happen with your property. So I applaud, I applaud you guys on that. That's a conflict of interest to have them there but the other thing is they're looking today or when I met with them last time, the area that they said is inappropriate for residential housing now they're calling for estate housing okay? Now it's not approved yet but estate housing. So, estate housing, so, so I think that's really important. I mean that's a move in the right direction because they're saying hey, we were, that whole thing was wrong. That housing's not appropriate. Housing is appropriate. Now it's what's the appropriate density. And I can tell you that there's no possible way that you can put one home for three acres in that area in that close proximity to the airport and all a sudden you're going to need to sell homes for \$2.5 million dollars. It just isn't going to work. If you look at Holliday Farms, you look at Bradley Ridge, Henke Development is dealing with very, very beautiful properties naturally. I mean, tremendous topography, vegetation, water coming through and so that high end that you're getting in those two neighborhoods is absolutely fantastic. This site doesn't lend itself to that. This is a, a very flat site. We're preserving what, some people said we're not preserving trees, we're preserving what we have and we're in close, closer proximity to the airport so and, like I said, the, the

Comp Plan today actually says hey, you should really be doing denser housing than you're doing but we realized that that was just unpalatable to the Plan Commission and to the neighbors there so yes, if you guys, if you guys make a decision to turn us down I'll have to, I'll have to get with the property owners and see what, what the next step is so. I hope –

Burk Yes, I'm even, I'm even curious, Steve, I mean you're exactly right. I don't disagree that you're not going to get the same \$1 to \$2 million dollar homes in that particular location than what you're going to get somewhere else, although who knows what you could get. You obviously believe you can get \$1 million dollar homes.

Pittman Can't get \$2.5.

Burk \$2.5 million?

Pittman Can't get \$2.5 million.

Burk Oh no, I don't disagree with that. And so maybe the Comp Plan now and the current rendition is saying that that space is estate homes which is a change from what it says now. I don't know if that'll stick. Y'all, y'all continue to weigh in. That's why, that's why, that's why we're doing this process but it sounds like there were people and I heard, I heard many, many people who testified today including Save Rural Zionsville say we're trying to find the right spot, right? We want to find what works and maybe what ends up going in the Comp Plan is more, we're still working on it. I don't want to pass it and then go man, we just passed this let's, let's not follow what we just passed a month ago but perhaps as part of the negotiation what everybody can live with gets put into the Comp Plan and then you know what you're building and it fits and we're not deviating or cheating people from their feedback over the last year about what they want for the town. We're still trying to get there so I just feel like maybe we can still get there and use the Comp Plan as truly the basis that we stand on in this town and then everyone is in agreement. I've seen it before. I mean we have seen the town come together or the different interested parties to find something so I don't know, I mean I'm an optimist there but if everybody's truly trying to find an answer. Now if there's somebody who just says I don't anything ever, never going to happen, probably not going to get a negotiation but I don't, I'm not convinced there's still not some opportunity at a table where something could get worked out.

Pittman Yes.

Burk That's in line with what we're simultaneously doing with the Comp Plan. I don't know if that makes sense to you or not.

Pittman I would just, I would just answer that as that any time a developer comes in, I mean when you have landowners that are willing to sell, a developer that's willing to come in and go through all the, all the stuff we go through to get to this point, there's not a better time to study a piece of property. HWC and the people working on that, once again, they're working at scales that are, they're not looking at individual parcels. You have a tremendous amount of information on

this parcel, on this project to make a decision that's better than the information you're going to get and we were, we were in a, a meeting with a bunch of farmers with, with HWC and they, one of the comments that the farmers made well they said hey if, this particular family had been here for over 150 years, own over 1,000 acres, that if the farmers didn't allow development to happen years ago there'd be no development here, right? And so they, they allowed and encouraged development to happen. Now those farmers are saying hey, I don't want my land to be agricultural anymore as you heard from the Coverts. Their, their return on their investment is actually I don't know if it was 0.4% or 0.004% and we're asking them to hold that land indefinitely and not be able to maximize their value. So I appreciate that, that you're, you're thinking hey, what other options can we go, go with but I mean, gosh, I think we've really exhausted this and if you, if I've gotta come, come back I'll talk to the property owners if there's an opportunity to do that but I'm, I'll be pretty fatigued after this.

Burk Yes, yes. I kind of wish maybe, maybe, maybe some things had played differently and may, may – I wasn't there, right by design. We try not to involve ourselves in those conversations with the Plan Commission that's not, I don't feel like that's my role. We want to stay out of those conversations and then they recommend, they make those recommendations or not to us but I still feel like, I wasn't at those tables so I'm not exhausted but maybe I feel like there still could be some common ground and I could be completely off base and it's and it's over. I mean I don't know but I personally don't feel like it's exactly where I would like to see.

Plunkett Anything else from Councilors?

Stein I just have a comment, a couple comments. When I ran for this position one of the things that was very important to me was responsible development. We have thanks to Julia tonight who brought up the point that we have so many projects coming online right now that we don't know the effect of what that's going to look like. And we hear from developers all the time in order to get commercial development you gotta have rooftops. We've got rooftops. We've got, I'll probably miss something, but we have Wild Air coming online, we have The Farm coming online, we have Bradley Ridge coming online, we have Russell Lake coming online and I've probably missed something. Zionsville has –

Burk Bradley Ridge, Promontory.

Stein Promontory. I said Bradley Ridge, yes, but my point okay. Zionsville has three pillars as I see it. We have the Main Street is one of our crown jewels, we have the schools that's one of our crown jewels and we have the rural spaces as one of our crown jewels. We, since I've been on Town Council, I've had the privilege of witnessing Save Rural Zionsville negotiate really, really well with Henke on Bradley Ridge and, and it struck me tonight, I mean what Julia said struck me that we have all this stuff coming online and what Christy said tonight struck me and I had kind of had it in the back of my mind, these guys worked so well with Henke and got to a resolution. For them to come in here tonight and adamantly oppose this, there has to be and, Steve, I, I've come full circle on your project. I was 100% against it when you first presented it to me and then when you re-presented it to me with all the changes I warmed up to it and I tried to come in

here tonight with an open mind. I can't get past, I can't get past the fact that Save Rural is still completely against this thing because they are easy to work with. They are the guardians of one of our pillars and that's, that's the rural area and I think that the fact that they are here tonight highly represented, I mean we never saw this, quite this with the Henke development. That, that to me just man, I'm having a hard time getting past that right now but, but you have, you have demonstrated the fact that you're willing to continue to work and to Brad's point, I think there are good things about the project, I just don't think it's quite there for our community right now and so what I would like to see personally is continued dialogue, continued work to achieve something perhaps and maybe it's not, maybe it's not attainable but to try our best to work with those who are the guardians of one of our crown jewels, our rural areas, because I do think that they're not unreasonable people and I do think that they really do care and can get there so I've said enough but and I wanted to say it while you're up here because I'd love for you to have an opportunity to, to reply to that.

Sampson Is there a way to continue or did we have to vote it up or down tonight?

Stein I mean Brad, Brad pointed out if it doesn't work that he could reframe a new project I guess but it's going to take working with the landowners because, again, I don't know the financial aspects behind it. It has to work for everybody right in order for it to be –

Pittman Yes.

Stein A good project but I sure would like to see, because I think we're off our rockers to think that that's going to a farm field forever. Something may work there, I don't know what it is. It's not my, my area of expertise but the current project I, if these guys would've came in, if, if Save Rural would've came in here tonight and said boy, we're really, really close and a couple tweaks and we're there. We're just, I trust them. They have, I've seen them negotiate. I've seen them bring gaps close enough to make it work for both sides and I appreciate that about them.

Sampson With the new commitments, is that something that Save Rural Zionsville had asked for anything like that or? No?

Pittman You want me to comment to that Joe?

Stein Please.

Pittman Yes, I mean Christy's been great to work with and try to do things but they wanted us to on 147 acres, I think, their number was 47 lots. I mean so that's just such a huge gap. I mean there's just and, once again, I looked at it as the area east of 421 as a different area and that there, it, it's not to me it's not rural, it's not something you're going to be doing 3-acre estate lots like you all have on the other side of the road.

Stein No that's, that's a fair point and in, in my mind I and, again, the Comprehensive Plan is going to determine all this, Michigan Road is kind of a corridor of commerce and so the fact that you're willing to put some space on Michigan

Road makes a lot of sense and like I said, I was 100% against in the beginning but seeing what you've done, talking with you, seeing how pliable you have been and are willing to be I think, I hope I guess I should say, I hope that there would be something that would work really for everybody. I just I'm not seeing it right now.

Plunkett Thank you. Any other questions or comments from Councilors?

Norris Yes, I just want to make a couple comments if that's okay. First, I want to thank all of you and Tim as well. There's a lot of, I have a lot of appreciation and respect for each of you because until you're really in this seat you really don't understand how much work goes on behind the scenes. We've been watching this project even before it went before the Planning Commission. I know all of us watched the Planning Commission meeting, meetings and reviewed those and listened to your emails, listened to your comments. I want to thank everyone for your input in that.

I want to thank you, Steve, and Pittman Partners and Sam who I see back there as well as Wayne, thanks for being here. You guys met with me several times when I had questions, you never said no. You dropped whatever you were doing to, to sit with me. You listened and you implemented the, those, those small ideas or changes that I had when I was talking about the quality right, the quality of the build which, so in my mind, there's no doubt in my mind at least that this is a well developed and thought out project and I want to commend you and your group for that. I've toured several of the Pittman projects including The Farm and Silo. We've all probably been at the Bridges Crossing at 116th and Spring Mill and I'm looking forward to seeing those coming forward, especially The Farm. I hope to be there at the ribbon cutting for that and for the many businesses it's going to bring to Zionsville. However, to me, this, this essentially comes down to a land use question right and we have to look at those, those five factors and so, so for the audience just to know that like we're, we're not just coming up here and picking and choosing what we like and don't like. I mean the Indiana Code states that in preparing and considering rezoning proposals, the Planning Commission and the legislative body which is this Town Council shall pay reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and 5) which is responsible development and growth. And so for, for those five reasons, my vote tonight will reflect my application of this project under the Code and that's what I'm sticking to. Thank you.

Plunkett Councilor Melton –

Melton Yes, last kind of a just so I can kind of understand, we have this block of land that is considered for a recreational/civic use. Is that part of this development or not? And I've got so many maps here I'm looking at and, again, it's I'm just a little confused by all these different renditions. In the future I'd love to get exactly what we're proposing and then, and then we can say up or down but with this particular piece you said you've been having conversations with our Parks Department about, about that particular piece. I think if you do, if, if this, if this doesn't get voted up tonight, I would like to really understand what's going on

with that property. Is that property currently not being included in this development plan because it sits in the tier 1 for the Airport Study? Is that, is that correct?

Pittman No, so, so we don't own that property. That property is owned by the developer adjacent to us and as part of their commitment on their project, they're required to give, to gift 35 acres to the Parks Department, to the Town of Zionsville. So you guys will own that property. It's your property.

Melton But not because of this development?

Pittman Not because of this development.

Melton I think it's important because it was cast a little, to me, a little differently and maybe tonight as a little bit different. So that is not part of the greenspace included in your development.

Pittman No.

Melton Okay and I think that, that helps me.

Pittman Okay.

Melton Like I said, again, I've, I've, I've met with you, we've talked about it, I appreciate your time and there's just been so many changes and I understand your fatigue that you mentioned earlier. I believe myself has fatigue of PUDs and how those are so dynamic through the beginning planning stages, through counsel, through coming back and making changes so I'm somewhat interested in the comments that we had earlier about changing from our, changing to R-2 or R-3 to better understand and define and stick to the guns of what's going to be in those areas. I do also understand the benefit to the developer for a PUD in the flexibility that it creates but I guess being on the Council for the last few years it, it's a challenge to understand exactly what we're going to get when we have negotiations happen what I believe to be with the town and the departments outside of what was presented and I just, I just see those things changed and I'm like well that's not what I approved. I don't really understand that so I'm just letting you know that that's my fatigue. I don't know if anybody else on, has, has that fatigue on the Council but for the PUD.

One other thing I do want to say is I, I am really glad that this proposal came with your commitment to no TIF. I think that's, that's, that's a, to everybody here, that's a huge deal. Most of these developers that have come here in the last five years I've been on the Council have, have, have required a TIF and we've got a developer in good standing with the Town of Zionsville that has asked for no TIF. I'm stoked. I think that's a, that's a great thing. I don't know that this development is ready, ready to be shovel ready at this point based on kind of what we're hearing but I also haven't heard exactly what would bring back the approval from Save Rural Zionsville because, again, we've, we've heard 40-some-odd homes to where we're at with this, this and I, that is way too far off for, for this, this time, this moment in time of Zionsville and I do respect our rural districts. I represent a very rural area as well but it also has a big target on it.

Fortunately for us in that area we don't have a airport but we do have an interstate, a railroad and a potential Ronald Reagan coming through in the next few years so residential is, is a desirable selling feature in Zionsville because of our school systems and I love the fact that our school responds with hey, we'd rather be in a growing community than a dying community and I think we all as neighbors in the rural district have to understand that you bought so you could enjoy your property, enjoy that lifestyle but you also you, you don't necessarily control the view and or own the view and we all have to realize that. I don't own the view behind my house and I do believe that at some point the view behind my house will change, hopefully not in the near future but I'm, I'm pretty sure I can't afford the view behind my house. I live behind Wild Air Farms and that's just the reality of life so these conversations I think are amazing.

I'm glad you're all here tonight. I'm glad Save Rural Zionsville, Anna Schappaugh, Anna Schappaugh brought a lot of great points to this and I think as we swallow this pill of suggestive development for this particular parcel, I think we have to as a town decide where we want to go. Do we want this to turn into apartments? Do we want this to turn into residential? As Councilor Stein mentioned, it, it will turn into something at some point and if we ask him to do R-2 or R-3 that's going to, that, that could potentially make it the ground have more houses, more density potentially depending on how, how it all pans out so we just have to be careful of what we want to wish for when we see these but I do also believe that because this room is full tonight there is a reason for that and I think there is just a little bit more work to do and I think we have some great opportunity with these landowners, this project and I, with the Comp Plan coming as well I think that's a guide. It's not, it's not the rule of thumb, it's the guide so I kind of look at that with the airport plan as well as it being a guide, however, I approved that guide about two years ago and I, I really do value that guide as well so with that I just, I'm not giving you my vote but right now but I think that if we can work together I think at some point this ground should be developed, especially with the interest that you have now. I don't know what it's going to look like but that's my comment so. Thank you for committing to do things that other developers aren't committing to do in this town at, at this time.

Pittman You're welcome.

Plunkett Any other questions from or comments from Councilors? Tim, you're online, anything from you?

McElderry I'd like to make a motion.

Sampson Can I ask a question?

Plunkett We're not necessarily ready for that one yet.

McElderry Okay.

Plunkett I'm still taking comments and questions.

Sampson Yes. Do you want more time?

- Pittman I think, I think if Mr. Stein and others think that over time that we could agree on a density that would work and with the landowners, I don't think that that would be possible so if that would be an expectation, I'd say no. I don't know if that's everyone's expectation but if it was you're like hey, go back and tweak a few things from what we've heard tonight we'd be glad to come back.
- Sampson Would you be willing to change it to a non-PUD to an R-2 or would you –
- Pittman Yes, we'd be glad to meet with the landowners and look at that.
- Plunkett I would actually jump in here and just – my, my comments on this, Steve, I appreciate back in September when we met, right –
- Pittman Yes.
- Plunkett And even as recently as last Thursday, I would, I would say to everyone in this room, I think Pittman Partners do good work.
- Pittman Thank you.
- Plunkett I think they do good work. I think there's a lot of commentary that you've received that I think is unfair. With that being said, as I shared with you in September I had certain concerns that some of them just quite frankly will never be addressed and I told Steve last week I said I really like this project, I just don't like the location and his comment to me was well, where would you like to see it? And I don't have that answer either. So that, that's difficult, that's a difficult place to be. I think the comments and the questions about PUDs, I view PUDs differently and I've sat up here for 7+ years now listening to PUDs presented and PUDs provide the town the greatest opportunity for control. Case in point there's been developments that have been mentioned in comparison to this, Wild Air, Wild Air proposal, Bradley Ridge, even and even the neighborhood that's, that's next to yours or next to this proposal. Those all carried with them certain zoning, certain zone, certain zoning requirements that allowed for homes to be built there regardless, whether we took action or not. I go back to Wild Air. Wild Air's the biggest one and if you guys will recall when it was presented to us it was zoned mostly, I believe it was R-1 and R-2 and they could've put more homes on there than what was actually, what's actually going to be put on there now and we have restrictions in place, architectural restrictions as well, infrastructure, things that we're going to get from the town to improve roads and to improve certain, certain things so I appreciate the PUD conversation and I appreciate the PUD process. With that being said, as I've, as I told you before, there's just some things about this project that just simply can't be, can't be changed to get me over, over, over the line there but I want to say publicly that my vote is not in anyway shape or form indicative of, of my feelings about the projects that you present and the work that you do in Central Indiana and in the Town of Zionsville.
- Pittman Thank you.
- Plunkett So.

- Pittman Thank you.
- Plunkett I guess everybody's kind of had an opportunity to say their peace so I would at this point open up the, actually, before we do this, Heather, there's a little bit of a discrepancy on the way the ordinance is presented. Is that correct?
- Harris There is. So the ordinance that was included in the packet we had, there is a Plan Commission certification somewhere, I don't know where it went – here. Too many pieces of paper. I don't think that was included in the packet but it does talk about, it does state that the Plan Commission by a vote of 5 in favor, 2 opposed forwarded a no recommendation to the Town Council on this petition. So we do have the certification. Also included in the packet, the ordinance that was provided to us states it was a favorable recommendation but that is obviously inaccurate so you are voting on a recommendation from the Plan Commission for no recommendation. Clear as mud?
- Plunkett So the ordinance that was presented, just to be clear, the ordinance that was presented was presented with a favorable recommendation?
- Harris The ordinance –
- Plunkett That's not the motion –
- Harris That was provided –
- Plunkett That we would be –
- Harris To us by counsel for the petitioner through the, I think it was just the wrong one was provided to us. Usually there's a placeholder and there's still a placeholder. It's got a blank. Usually it has the date in which it was certified so I just don't think it was the correct version of the document as I understand it. I did talk to Mike Dale about that.
- Burk So how would you guide a, a motion.
- Harris Yes, so it depends on what you want your motion to be. So if somebody wants to give me a motion, I've got all different options of the way you can say it based on the non-favorable recommendation but I'm not going to suggest which policy of what you want to vote so if anybody wants to tell me how they wanna start out I can tell them how to say it.
- Plunkett All right, so –
- Melton I'll give it a try.
- Plunkett At this, Craig do you have, Councilor Melton, do you have a question or?
- Melton Nope, not a question. Go ahead.
- Plunkett At this point I would entertain a motion.

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Melton I'll, I'll make a motion –

McElderry Craig –

Melton Go ahead, go ahead Tim.

McElderry I was just going to move to deny the petition and ask the members of the Council to vote no on the Ordinance 2025-11, The Reserve at Union Woodlands Planned Unit Development District.

Harris That's a –

Plunkett Okay.

Harris That's a strong motion Councilor. It meets all the requirements I think and then when Amy does the roll call if you're, if you get a second then Amy would do the roll call and then we would be roll calling on a motion to deny so but you'll need a second.

Plunkett Okay.

Harris Did you get a second?

Plunkett So I have a first from Councilor McElderry. Do I have a second?

Stein Second.

Plunkett Second from Councilor Stein. So we have a first, we have a motion to deny the petition from Councilor McElderry, a second from Councilor Stein and Heather, just to be clear –

Harris Yes?

Plunkett When they vote, when Amy does the roll call vote here yes means what, no means what?

Harris Yes means you're voting to deny the petition. When you get the actual document, you will sign under nay. It's going to be a little confusing but we're going to get it right.

Plunkett It's usually not that confusing. All right, so a yes is to deny the petition or deny, I'm sorry, to, a yes is to deny the petition, a no is not to deny it and we will sign accordingly so, Amy, if you would please do a roll call vote.

Lacy Sure. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy And Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?

Sampson No.

Lacy Councilor Stein?

Stein Yes.

Plunkett Motion passes 6 in favor, 1 opposed.

Pittman Thank you.

Plunkett Thank you. All right, at this point I'll let all of you guys that came in here for this we'll just pause for a minute and you guys can feel free to exit the room. You don't have to listen to the rest of the meeting if you don't want to.

**** BREAK****

NEW BUSINESS

Consideration of an Ordinance to Amend the Zoning Ordinance (Petition 2025-24-OA) (Chapter 194, various) Ordinance 2025-12

Plunkett All right, welcome back. We will now move on to first item for New Business and this is a Consideration of an Ordinance to Amend the Zoning Ordinance. This is Petition 2025-24-OA, Chapter 194, Ordinance 2025-12. Mike Dale, Director of Planning and Building is here to present. Good evening Mike.

Dale Good evening. The ordinance in front of you is the product of conversations with the Plan Commission about how they conduct business in relation to development plans. As you know, new construction, new non-residential construction is required to go through development plan review and that involves an advertised hearing with the town Plan Commission and the Plan Commission essentially has no role in this process except to essentially approve the project if the project meets all of the town's adopted development standards. So it's, it's a formality essentially for the Plan Commission to hear these types of projects, notify the public, people come to the meeting thinking that maybe they have,

they can add or change something about the project when essentially the Plan Commission's hands are tied if the project meets all of the development standards.

So what we've talked to the Plan Commission about is maybe we can simplify the process by only bringing them the largest, most potentially controversial projects to the Plan Commission and leave the simpler projects, the smaller projects, the smaller projects that involve a small incremental change to staff to review and approve those. Right now, staff is already reviewing these projects for compliance with the development standards in our Town Code. Right now, not just the Planning Department but the TAC, Technical Advisory Committee, the town's various interests in, in reviewing the project will continue to do that under this ordinance. The only change is that which projects come to the Plan Commission and are advertised for a hearing versus those that can be approved administratively. So what we're proposing here is an ordinance that would change the process for certain types of projects and allow those types of projects to be approved administratively and by administrative I do mean by the Planning Director but still subject to the same process that they are already subject to involving plan review by all town staff and either other agencies, for example, Boone County if the project is in the rural area or involves county right-of-way, other utilities if the project involves, has an impact on the utilities. None, none of those things are changing. The project still is subject to the same rigorous review process, it just means that if the, for smaller projects if they meet all of the requirements of the Town Code and these other commenting agencies then they can be approved administratively. The larger projects would still go, go to the Plan Commission for the advertised hearing and the Plan Commission vote. That's really the essential difference of what we're proposing here and we can get into the nuts and bolts or the weeds if you have questions about the details.

Plunkett Thank you Mike. Any questions or comments from Councilors for Mr. Dale?

Stein I like where you're going with it. My only question is who determines whether it's big or small? And where do we draw the line?

Dale Yes, thank you for the question.

Stein Sure.

Dale And it's written into the ordinance. For example, the Plan Commission would approve projects involving additions or expansions of existing non-residential uses or structures including outdoor storage or sales areas, parking areas or paved surface areas by more than 50% of their current size. So that's, that's an important threshold. Likewise, administrative review can be accomplished for projects involving additions, expansions or removal of an existing non-residential structure including outdoor storage or sales areas, parking areas or paved surface areas by less than 50, 50% of their current size. There is also provision in the ordinance that gives the Planning Director the discretion to say even though this project doesn't meet the 50% threshold, even though it could be approved administratively, the Director thinks that this is going to generate a lot of, some controversy in the community and then the Director can use that discretion to

bring the project to the Plan Commission, require it be heard by the Plan Commission even though it doesn't meet that 50% threshold.

Norris And, Mike, is the intent of this to cut down on some of these 11 p.m. Planning Commission meetings to help make the government a little more efficient?

Dale That, that, that, yes, and also to alleviate some of the pressure on the community by giving them notice of a hearing and then they, they really have, the Plan Commission has no option. If the project conforms to the town standards then they have no choice but essentially approve these.

Norris Thank you Mike.

Dale Yes.

Melton So I like your idea of making it more efficient, obviously, I think less government is better but any, anyhow, but we have this process because what it does is it, it lets the public know what our government's doing and I'm just curious if this obstructs that opportunity for the, for the public to voice their opinion on certain development plans because I guess, in my opinion, it's going to reduce the ability for the public to voice their disapproval for certain allowable developments so I think we have to be careful with that. So what percentage of, of these are we going to pull out of the meeting? Is it half of the time they're things that we can't do anything about? Is it 20% of the meetings are filled with these? I mean what, how much more efficiency are we getting from this? I'm concerned because I think that it's important for the public to know what we're approving already even though we can't vote against it which is –

Dale Yes –

Melton Complicated in my mind again, a lot of complicated things over here –

Dale Right.

Melton But, I just feel like and then we give you the opportunity to say you know what, I think this is going to be a little, people are going to get riled up about that and that puts a lot on you as, as a staff member I think too so I think we have to be careful of this. I personally don't like the idea of this. I would much rather our unelected bureaucrats help make these decisions even though they can't make, as long as it meets the criteria, they have to vote it up but then the public knows about it and then if there is public outcry then we can change our ordinance or change our zoning or whatever the requirement is to, to, to make it more amicable to the public. So that's my, that's my thought on it. I like the efficiency, Evan, Councilor Norris but I just, I don't want this stuff to be done behind the scenes. To me it makes sense that we know hey, they're allowing this? And yes, they're allowing it because it's legal and then at that point if there's enough remonstrance against that then we can hopefully as Council be pulled aside and say hey, we don't like how this is going so that's my thought on it. I do appreciate you putting this together. I know we talked about this at, at one point but that, that's, that's kind of my concern. So I don't know if anybody else has that same concern but that's, that's my thought on it.

- Stein I guess I would just –
- McElderry Well I –
- Stein I'd feel better about if there's something that you think should, could be pulled because it's minor to perhaps throw that, run that by the President because the whole, the whole point of this is it's accountability, it's transparency and it kind of covers you in a way. Like if you went to the President of the Board and he said yes, I agree, this does not need to be seen but this one's going to be controversial I'd feel much better about that but I'm just one, one voice.
- Sampson No, I wrote notes to myself that it did feel a little bit of a power shift. I'm not saying you're power grabbing but just a power shift in I think the word that threw me was sole discretion.
- Dale Yes.
- Sampson That, that got me. I was like wait, wait, wait, what are we doing? So the, that was kind of a little check and balance for me as well so maybe if there's – go ahead.
- Norris I read the sole discretion as he may take a project that he could otherwise administratively approve and send it to the Planning Commission. That's how I read that.
- Sampson Right but I thought he said he could decide if something's controversial but maybe it's not to you but it is to someone else so that's where it seemed like if you had a second set like that's where I'm kind of with Joe on or I think it was Joe who said running the list by someone.
- Dale Okay. I hate to problem solve on the, off the cuff but I wonder and I haven't talked to the Mayor about this at all but I wonder if that might be the second with the subject to approval of the Mayor or the Administration and that would be ____ a conversation like this is a minor project, I don't think it's a big deal. I think this could be approved administratively, would you agree with it?
- Plunkett There's pretty, there's pretty straightforward criteria for when it would need to go to the Plan Commission. Unless, unless I'm reading this inaccurately, this is designed to take, to take items that get placed on the Plan Commission agenda that meet the criteria, assuming they meet the criteria essentially are required to be approved by the Plan Commission –
- Dale Yes, that's correct.
- Plunkett Public remonstrance is irrelevant.
- Dale Right. Now at sometimes with public remonstrance or public comment they will ask to see if the Plan Commission to somehow leverage or make some more demands from the developer for the build, from the contractor and that, that becomes a challenge because the Plan Commission knows they really can't

require more than what's required in the code but then they may ask the developer or the builder would you be willing to do X, X and Y –

Plunkett Yes.

Melton And that's strong.

Dale Yes.

Melton That's a strong thing because I've seen, we've seen that happen. We've seen well can you, can you build your structure that you're getting, can you build it over there because I don't want to look at it and, and people do it. People fold like that and I'm not saying it's right or wrong, I'm just saying but, to your point, President Plunkett, all these things that he's bringing will be approved by the, by the Board and because they have to because it meets all the requirements. He's just basically determining is it going to be controversial and I feel like I don't think that's, I don't think that's your job to determine if something is controversial. I think your job is to follow the ordinances in place and the zoning in place and the so I think, I think –

Dale In –

Melton Go ahead –

Dale In which case that, that particular provision can be eliminated and just if it meets the threshold or doesn't meet the threshold, if it's below the threshold it's approved administratively and –

Melton The threshold is still something that is interpreted, right? It's not –

Dale No.

Melton No?

Dale No, it's clear. No it's, it's the 50% language that I mentioned earlier and there's a few other things here like redevelopment of existing sites. If there's already buildings on the property and parking and somebody wants to redevelop the site for something else, that could be approved administratively. If it's in a PUD, we talked a lot about that this evening but within the PUD there's a submission of a concept plan or preliminary plan. When a construction project comes through not subject to, subjecting them through development plan review again if it conforms to the development plan approved in the PUD that would be a thing that could be approved administratively and there's, there's a few other nuances.

Melton I think that's what I was speaking on earlier –

Dale Okay.

Melton As kind of frustrating that we approve things and then by the way they look and then it comes to fruition and it, it's changed well, where did that change happen,

in your office or through that process and that, that's, that's what I don't like about this but I'm just –

Dale But what I'm saying is that project, the construction project, would need to conform to the plan that the Town Council approved and not subject that project through the development plan review phase again so that's why we're suggesting it could be approved administratively is because this is a plan that has been already approved by the Town Council.

McElderry Hey Mike –

Dale Yes?

McElderry I think it's also going to be kind of interesting that 50%, excuse me, 50% threshold I could see people starting to kind of maneuver around that a little bit too in the sense that if you take a little off here, a little off there you're down to 49%, that way we're good. It, it'll just be kind of, are you planning on staying right on that 50%, no creep? Like if somebody's at 52, it doesn't change what you're going to do?

Dale I'm wondering if you're talking about incremental changes where if somebody comes in and is able to get administrative approval of a 49% –

McElderry Right.

Dale Increase and then a year or two goes by and now they want to add more square footage or increase the parking lot more so –

McElderry That's, that's exactly what I'm suggesting.

Dale So cumulatively the project actually exceeds 50% if you, if you –

McElderry Right.

Dale Combine those projects and I've, I've wondered about that looking at the screen but yes, that's a, that's a good question in how we would do that. We can certainly track that information and if it's the sum total exceeds 50% regardless of how many projects then that is something, if that's the, that's the, that's how we implement this ordinance is to track that, that, that's feasible. We have good records.

Plunkett So Mike –

Dale Yes?

Plunkett Mike, my question would be how did we get to this point? And I say that because the first time I saw this was when it was given to us in the Council packet. This is the first time that other Councilors have seen it. Councilor Melton has concerns, Councilor McElderry has concerns –

Dale Yes –

Plunkett I guess I would say from the Council's perspective we've got three options here right? Or two options here – we either approve it and then work on it over the next three weeks to get it the way that we want it or if we're not comfortable with it, we deny it. I mean I think this is probably about as cut and dry as it relates to something that I don't think was necessarily vetted for our input.

Dale May I respond to that? Because we did have meetings with Council members who were willing to meet with us to discuss this and to get feedback on it. The Plan Commission said yes, we think it's a good idea and we did have those conversations. We invited each Council member to talk to us, some chose not to for whatever reason and that's okay but we did try to have a, a process that involved and ask the Plan Comm or Town Council their views on this.

Norris I do remember that.

Plunkett Yes.

Norris Yes, I apologize.

Dale Yes.

Norris Yes.

Dale Okay.

Melton In all fairness, that meeting was really long.

Sampson I know –

Dale It was long.

Norris So, so I will add to that, I was so concerned about all the solar and the other –

Dale Yes, yes –

Sampson Yes.

Norris That I totally disregard, so thank you –

Dale Yes.

Norris For reminding us Mike –

Sampson Yes.

Norris That we did talk about this, you're 100% correct. Thank you.

Dale Okay.

- Plunkett Yes, so this, this is an introduction on first reading so, again, if we think this is something we can come to a consensus on over the next couple weeks then we approve it or we introduce it and then we'll vote again in mid-month.
- Norris Perfect.
- Plunkett So.
- Burk I guess the only question I have, I mean, I've got concerns about it. I also watch and attend a lot of Plan Commission meetings. I just also wonder could they not put some different processes and procedures in place to make their meetings more efficient?
- Norris Of course.
- Burk Even the way we run our meetings, I mean, we suspended the rules today where it's 15 minutes, everyone's got 3 minutes. We don't have to allow everybody to speak. I know they're very generous and they do but if it's a situation where truly it's not going to matter then you limit discussion and you don't have to be –
- Norris Yes.
- Burk Here to 11 p.m. I appreciate that they open it up but it's also like you don't have to do it that way.
- Dale I think there's, there's a lot of leniency exercised by the Board, not necessarily following the rule of of the Rules of Procedure to the letter but the spirit of the –
- Burk Can I check (inaudible)
- Dale Yes, go ahead.
- Plunkett I'm getting some –
- Harris Well I was just going to say I think this did go before the Plan Commission right? And the Plan Commission is making the recommendation –
- Dale Yes.
- Harris For approval? So this would not be a first, this would not be a first reading, it would be a final reading. So the option –
- Plunkett Hmmm –
- Harris Just like any other option, I think you can hold it for additional time. You have 90 days to –
- Plunkett Right.
- Harris Take final action.

- Plunkett So we either vote it up or down or continue it.
- Dale You could also as I think the Indiana Code does allow for a text amendment of, of a –
- Harris I will need to check the process on –
- Dale Yes –
- Harris Because the text amendment process is different –
- Dale Whereas I believe that the Town Council could say we vote to change what's submitted and then the Plan Commission has another vote on whether to accept or not the Council's revisions and then it comes back to the Council for a final decision. And, Heather, you can correct me if it, I have that incorrect.
- Harris Yes, I know –
- Dale Yes.
- Harris I just, I would just want to check because I know the amendment to a text change is different than the amendment to a zone map change –
- Dale Okay.
- Harris And I just would want to confirm that.
- Dale Okay. There's time for that.
- Melton Heather, Heather should, should, should it get voted down tonight can, they could bring this back at any time, the Administration could bring it back, bring a version of something like it at any time, right? It's just a, it's a new ordinance.
- Harris So technically it's a, it's an administration-led petition but I think it falls under the same rules as one year but the Plan Commission has full discretion to be able to waive that rule so they could, they could technically offer they would have to ask if it could be refiled and it would be a decision of the Plan Commission whether or not to allow it within this one-year period.
- Melton That's the Plan Commission?
- Harris The Plan Commission has the discretion to waive that requirement to wait one year.
- Melton And they're the ones that gave us the no recommendation for the last –
- Harris Yes and that's in their rules. It's, it's in their rules. It's not necessarily statutorily based.
- Burk Heather, so if we continued it, the point is since they've given it to us, we really can't negotiate in a continuance to try to find a – because, again, I think there's, I

think we're really close. I think people just have some concerns before they vote it down. If we continue it could we work with Mike to kind of then get there or is that – now you're talking about an amended version to bring back on final reading, I guess it's possible to pass it with amendments on final reading?

Harris Yes, so I think it'd fall under subsection E which would be if it receives a favorable recommendation from the Plan Commission you can adopt, reject or amend. You could, if you amend it then it goes back to the Plan Commission so also if you've rejected it goes back to the Plan Commission but I would just want to make sure. I'd take a look at that because I didn't look at that closely. There's so many, as Mike can attest, there's a lot of different ways and it depends on how it was certified and how it was filed and I would just need to double check it. So I'm not comfortable unless Mike or someone else from the Administration because we don't have Plan Commission counsel here.

Dale This is not an urgent matter, so I don't see why you'd need to feel to, if, if you want to wait a month I don't think there's any harm.

Harris Yes you have 90 days which would give us some time to talk about it and sort through it and –

Melton Yes, is that a continuation?

Harris Tell you what your actions are. Yes.

Plunkett Yes.

Melton Okay.

Norris Would you like a motion?

Melton I can make it.

Plunkett At this point I would entertain a motion.

Melton Go ahead.

Norris I'll make the motion. I move that we continue Ordinance 2025-12.

Melton Second.

Plunkett I have a first from Councilor Norris, a second from Councilor Melton. Amy, if you would please, roll call vote.

Lacy Sure. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy	Councilor McElderry?
McElderry	Yes.
Lacy	Councilor Melton?
Melton	Yes.
Lacy	Councilor Norris?
Norris	Yes.
Lacy	Councilor Sampson?
Sampson	Yes.
Lacy	And Councilor Stein?
Stein	Yes.
Plunkett	Motion passes 7 in favor, 0 opposed.
Norris	Thanks Mike.
Dale	Thank you.
Plunkett	Don't go far.
Sampson	Yes.

Consideration of an Ordinance to Amend the Zoning Ordinance (Petition 2025-26-OA) (Outdoor Seating) Ordinance 2025-13

Plunkett	Up next is Consideration of an Ordinance to Amend the Zoning Ordinance. This is Petition 2025-26-OA, Outdoor Seating, Ordinance 2025-13. We have Mike here for this as well. This was also forwarded from the Plan Commission so this would be one vote as well.
Dale	Right, this project, this ordinance also received a favorable recommendation from the Plan Commission last month. This was a request essentially from Administration to simplify the approval process for outdoor seating, outdoor dining in the Village Business District, the VBD, and to also kind of separate what the role of the Zoning Ordinance from the role of, of permitting in the public right-of-way. Right now the Zoning Ordinance requires the Board of Zoning Appeals to grant a special exception in a public hearing to allow outdoor seating. It makes no distinction between what's on private property and what's in the public right-of-way and so the problem is that the Board of Zoning Appeals is making decisions that impact the public right-of-way which is really not and really shouldn't be the domain of either really the Planning Department or the

Board of Zoning Appeals. That should be the domain of the Department of Public Works and the Town Council.

So what the proposal is to do is: 1) Make it easier essentially, easier for merchants in the Village Business District to have outdoor dining seating on private property without having to go through a public hearing process. Secondly, if there is outdoor seating proposed in the right-of-way, that would still be subject to an encroachment permit that would be reviewed by the Department of Public Works and they would have their own design criteria to make sure it's, it's safe for public sidewalk access, walking in the right-of-way. Right now we, there's no, there's, there's really not some, some clear criteria for outdoor dining. It does speak to display of merchandise. It does, the code does currently require an encroachment permit for seating in the right-of-way but it's kind of buried within the Zoning Ordinance so what we're trying to do is separate the issues here – let the Public Works Department do what they do best in, in regulating the public right-of-way, leave the BZA and the Zoning Ordinance out of it. Meanwhile, also with this ordinance allowing merchants who want outdoor dining on private property to go ahead and pursue that without having them have to go through a public hearing.

Burk Mike, a couple questions – number one –

Dale Yes –

Burk I appreciate what the DPW is able to do because that's easy. I love the idea of splitting it out. There's a trend in, in, in a couple of these things where there's an attempt to limit public input on what the town is doing and I don't like it.

Dale Hmm.

Burk My question would be, just because someone has private, there's a lot of decisions we get just because it's private property doesn't mean you get to decide what you want to do on your property throughout the town. I mean you have to make your case. I'm just questioning if someone, I don't even know, I mean I'd ask you a question – so when was the last time a restaurant decided on private property they wanted to have outdoor seating and there was a big remonstrance against it? I don't even know, I mean is this even a problem? Are people really coming out and complaining that someone's making private property having seat, I don't know, but if someone really wants to come to a meeting and express themselves, I don't know that I care.

Dale I think the case you make can be made in, in favor of not requiring a public hearing because people don't come out all upset about this type of thing so. It tend, it seems to be a relatively benign request for people who want outdoor dining.

Burk But if it's not happening –

Dale Yes –

- Burk But if for some reason someone decided they really wanted to make that the issue, I'd like, I'd, I'd rather they have the chance than not. That's just my opinion.
- Melton I got a couple things to kind of piggyback on that and I, and I think you're probably right, I think most people don't come out and complain or, or about seating until it's in their way and they're like well who let these people put their seats out here? This is the sidewalk or so that's just my side comment on that. My questions are temporary seating or permanent seating? Is, is that defined in this?
- Dale No.
- Melton Okay, so I think that should be talked about. Is it for the weekend of Mother's Day? We've really got a big weekend this weekend, we're going to sell lots of barbecue – Joe, that was to you. The other thing is, permit costs – how much does that permit cost? I'm curious about that and then I, with our new smoking ordinance that we accepted what does the sitting outside – I don't know, I'm not sure of what, if we're allowed to smoke outside on patios or not in Zionsville and I just wonder if that plays a role in this at all? So three, three, threefold if you got that.
- Dale Okay, all right. I don't know the answer to the smoking thing.
- Melton Okay.
- Dale And the permit fee, the encroachment permit fee I'm not sure, I think it's either, it's a nominal, a relatively nominal fee as well I can say for the encroachment permit but I don't know offhand the permit fee for that.
- Melton And then the last one was temporary or permanent –
- Dale Yes.
- Melton Opportunity for this and I guess that's, that also will play a role in whether the fee is nominal or if it, they actually have to do some –
- Dale If it's in the right-of-way and I think that the terms would be established by the Department of Public Works through the encroachment permit process. If it's on private property –
- Melton It's, it's easy, right?
- Dale Yes, it's like just stay on your, on, on, on your private property and then they'll be no obstruction or concern about obstructing the right-of-way.
- Melton So you're kind of bundling it together with, with the two –
- Dale Yes.
- Melton The two options.

Dale Right, two birds.

Melton But we don't know the fee.

Dale Yes. There's, there was already an encroachment permit required but we're just saying that in addition to the current enforcement permit process, they, they also have to go through the BZA as a special exception as written in our Zoning Ordinance so –

Melton But you're getting rid of the special exception?

Dale Correct.

Melton Yep.

Dale Yes and –

Melton Can –

Dale Yes?

Melton Go ahead –

McElderry I didn't say anything.

Melton Okay. Were you about to say something?

Harris You asked the question about smoking, so smoking is prohibited in a public place which is defined as an enclosed area of a public space and 8 feet from that public space. So think of a restaurant, bar, tavern, fraternity hall – so front door, 8 feet from the building.

Melton So if we have public seating outside of an establishment –

Harris It would be 8 feet from the –

Melton Eight (8) feet from the door you can sit outside and smoke on the sidewalk in Zionsville?

Harris Yes. The way It's, it's an enclosed space so it's 8 feet from –

Melton That's the public aspect of it?

Harris Yes or a place of employment. So like this building, for example.

Sampson Except for on municipal property and you can't on municipal property per code.

Harris Even more.

Melton So I guess if we're doing a public encroachment to be able to put seating, does that allow cigarette smoking or cigar smoking in that, in that public space?

Sampson If you're 8 feet away from the?

Melton If you're 8 feet away. I'm just asking questions. I apologize that I'm taking your time on this late evening but –

Sampson Well it says in the code, if I'm correct, that you cannot do it on any municipal owned property –

Harris That's right.

Sampson And don't meet on the sidewalks so the answer would be no.

Melton Okay, great.

Sampson That would be my –

Melton I think, I mean that's logical to me.

Sampson That would be my quick non-legal, not a lawyer but read the code person answering.

Harris And I would maybe agree with that but I can take a look at it.

Plunkett Any other questions for Mr. Dale?

Sampson I don't remember all of this being covered in that meeting.

Dale This was not.

Sampson Okay, there we go.

Dale This was not.

Sampson I was like I was paying attention –

Dale No, you were.

Sampson Okay.

Plunkett This also came from the Plan Commission favorably so this would be a motion to approve or deny or continue. At this point, if there are no other questions or comments from Councilors, I would entertain a motion.

?? I'll move –

Burk Is there, go ahead – well, I guess, is there a way, I mean and I don't know, this could be just me – part of it I like. I feel like we're trying to do two different things in one bill. Is there a way to split this and get the part that everyone seems

the DPW side is really easy and just pass it that way or I'm, I'm happy to continue it or whatever but like, if that feels like an easy win and we split this motion in half or is that complicated Heather?

Dale I think that's a, I think that could be accomplished and I think that would be another amendment that we talked, that Heather and I just discussed on the previous item is that you, you propose a change to what the Plan Commission had voted on, had the hearing on, it goes back to the Plan Commission as an amendment and then Plan Commission votes on thumbs up or thumbs down but it comes back to you for a final decision.

Melton So if we were to continue this we really can't continue it because it's gotta go back to the Planning Commission?

Dale You have 90 days in which to make a decision.

Melton Okay.

Harris You can continue it and then if you'd like to talk more about what that change might look like and decide before you're going to make a motion for an amendment, you could do that.

Burk We could put it in later.

Plunkett But it still has to go back to the Plan Commission?

Harris Correct.

Plunkett So why wouldn't, why wouldn't we, if we're not comfortable with the way it sit now why wouldn't we deny it, send it back to the Plan Commission with the requests that we have and bring it back as opposed to continue it, hear it in 30 days –

Sampson Deny it again?

Plunkett Approve it with changes, it goes back to the Plan Commission and then they gotta vote again. It drags it out another 60 days.

Dale I agree with most of what you're saying. I just, I don't think that you have to deny the ordinance. I think that you can just vote to send an amendment back to the Plan Commission.

Plunkett But then we have to hear it again.

Dale Yes, yes and then it comes back to you but it's not a denial, you're not turning it down, you're amending it so it's still an active ordinance, it's just (inaudible)

Plunkett Yes I guess but hear me out Mike.

Dale Okay.

- Plunkett If we continue it today and the best case scenario we hear it May 19th with whatever changes we want, we approve those changes May 19th, it goes back to the Plan Commission to be approved in June and then it comes back to us in July as opposed to if we decline it today, it goes back to them now, it could be on the Plan Commission petition for the May 19th meeting.
- Dale There's not enough time for I don't think for –
- Plunkett You can't, you guys can't just scribble it out and put the changes in there?
- Dale And advertise it for a hearing we need 10 days' notice. We have 10 days, it's not the 9th yet.
- Plunkett Today's the 5th.
- Dale I don't see –
- Plunkett I'm trying to expedite your process for you.
- Dale Yes, yes, I don't see a problem offhand with that so.
- Stein Worst case we still hit it in the June meeting as opposed to July or August, to your point.
- Dale Not sure, I'm not sure you're saving time but you're –
- Plunkett Well it saves you 30 days at least.
- Dale Because you're not having to continue the item to –
- Plunkett Right, to our next meeting.
- Dale Yes, yes, yes. Okay.
- Plunkett And then the way the Plan Commission is staggered –
- Dale Yes.
- Plunkett They're going to be a month after our next meeting as opposed to if we decline it tonight, they can have it on their May 19th meeting and we can have it in July and approve it in July as opposed to approving in –
- Dale Could you not amend it tonight?
- Plunkett Or, I'm sorry, in June.
- Dale Instead of, instead of declining it, can you just amend it?
- Plunkett But if we amend it, we still have to vote at our next meeting –
- Dale Oh, you can't do it today.

Plunkett And then, and then it still has to go back to –

Dale Oh, okay.

Plunkett The Plan Commission is what I'm saying.

Dale Okay, you can't amend it today. It has to go through another second reading?

Plunkett Well I don't know what amendments we want.

Sampson That's what I was wondering.

Harris I think the only thing I would bring up is that if you amend it the Plan Commission has an opportunity to review and further amend or make further changes and send it back.

Plunkett Sure.

Harris If you reject it, they really only have the option to agree with whatever statement you've made as the reason for the objection, whatever change you're requiring and then they, you still have to bring it back for another vote. So, or the rejection will stand so. It's a little bit nuanced but it's, it's now I would say it is basically it's, you're making a proposal back to the Plan Commission if you amend it and you're having the opportunity for them to weigh in with their expertise and bring it back to you for final decision or you're dictating to them this is the only option you have. So that's the two, the way I would view it.

Dale Yes, that's a good way to look at it yes.

Sampson What changes are we looking to make?

Melton Vice President Burk –

Burk Well and y'all don't have to agree with me. I mean I like the portion about allowing DPW the clearance on what they need to do if it's town-owned property. I don't like the idea that if something's a private decision that someone's making that there's no way for someone to bring, to, to speak against it, even though they may never do it. It's just, I'd rather not take it off the table.

Dale I think that then therefore the only change you're advocating for is that portion under letter C – Development Standards C(14)(d)(6) which says that shall require an encroachment permit from the Building Commissioner. That would be the only change I think you're advocating for because that is what would take this whole process out of –

Burk I think so –

Dale The Building Commissioner's hands and the Zoning Ordinance.

- Plunkett It just feels like we're creating a solution for a problem that doesn't exist. I mean, I don't –
- Burk You mean the amendment?
- Sampson The whole thing?
- Plunkett Yes.
- Dale It's, it's a relatively small, it's a very small change.
- Burk It's just more of just the concept of it in the name of efficiency and moving things quickly, it's a slippery slope because there's a couple of other examples that we just talked about where hey, we could just get this done really quickly if the public weren't talking about it. And maybe it's not even anything that would make the change of outcome at all, it's just I love the idea of in local government where someone can come and make a comment and maybe they may be barking up the wrong tree but they have that right. The state clearly doesn't prohibit that from happening because the state statute doesn't address it. That's it. So, I mean, is it a small thing? Yes, it's super small. Is it symbolic? Maybe. Maybe it's the world we're living in. I'm just seeing a lot of muscling and muzzling.
- Dale Yes.
- Burk And –
- Dale Well and we're looking at, our department is looking at a lot of other Zoning Ordinance code amendments that are really small but meaningful so –
- Plunkett I would ask you on the record that you present those to the Council before they go to the Plan Commission and before we get them because this is a perfect example of it was presented to me like this is something that is being done because people don't really go through the BZA process to get it done and they're doing it anyway so we're just going to remove the BZA process. That seemed really simple to me. This is getting significantly, this is getting different than how it was presented to me so.
- Dale Okay.
- Plunkett I would just ask publicly whoever's working on these ordinance amendments to please notify Council leadership, Heather, of whatever amendments you guys are considering before they go to the Plan Commission so that we can weigh in on what's going to, what's going to ultimately end up in our lap.
- Dale Okay.
- Sampson And maybe an offer of an additional meeting that's more current with everything at once.
- Plunkett Well I don't we need more meetings right now, I think we just need a list of what's coming down the pipe. What are you guys, what are you guys looking

for? I've asked for this for two years now, so what are you guys looking for? Where can we get it? What's the proposal? What's, what's it mean? When do you anticipate giving it to us? When is it going to the Plan Commission? And I know there's a document that the Mayor and I share back and forth but I, but I think if you're telling me there's a number of things that are small, little things that are coming through, I'd like to know what those are before we –

Dale Would you like that in the forum, in this format?

Plunkett I would like a document that just simply says –

Dale Just a document.

Plunkett These are the things you're considering.

Dale Okay, all right.

Plunkett Yes.

Dale And then you'll, you'll –

Plunkett And I can share that with Heather –

Dale Okay.

Plunkett I can share it with, with Councilor Burk, we can share it with other Councilors.

Dale Okay.

Plunkett Before because it doesn't make sense for these things to go to the Plan Commission, waste their time if it's not going to come through here.

Dale 100%.

Plunkett We want to be respectful of their time too so.

Dale 100%, I understand that.

Plunkett All right, if there are no other comments or questions for Mr. Dale, I would entertain a motion at this point.

Melton Motion to deny Petition –

Burk Second.

Plunkett I have, I have a motion to deny by Councilor Melton and a second from Councilor Burk.

Melton I didn't finish it but it's 2025-26-OA, correct?

Plunkett Petition 2025-26-OA, Ordinance 2025-13.

Melton Thank you.

Plunkett Yes. So I have a first from Councilor Melton and a second from Vice President Burk. Again, this is a motion to deny the petition. Amy, if you would please, do a roll call vote.

Lacy Sure. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris No.

Lacy Councilor Sampson?

Sampson No.

Lacy And Councilor Stein?

Stein Yes.

Plunkett Motion passes 5 in favor, 2 opposed.

Dale Thank you very much.

Consideration of a Wastewater Construction Standards Ordinance
Ordinance 2025-14

Plunkett Thank you. Up next on the agenda, and I would say, if there's an appetite from the Council to have these modifications or anything done, make sure you get these to Mr. Dale so that that can be sent back to the Plan Commission in time for the May 19th meeting. Up next is a Consideration of a Wastewater Construction Standard Ordinance. This is Ordinance 2025-14. We have Lance Lantz, Director of DPW, here for presentation.

Lantz Hi. This would be an introduction for a first reading this evening and what we're asking is to change the ordinance which assigns the authority to the Town

Council to change our design and technical standards manuals. We would like that authority assigned to the DPW Director. You don't want meetings like this this late in the evening that are talking about pipe slopes, E1 positive displacement pumps and other elements of how we want our sewer systems to be built. So I'd be happy to answer any questions.

Plunkett I would, before we go much further there Lance, I appreciate you sharing with me that that is just what this is. This is giving you the authority to design and go through the wastewater construction standards and does not require us to go through that process.

Lantz Correct.

Plunkett Thank you. Any questions or comments for Mr. Lantz? I would make a motion to introduce Ordinance 2025-14 on first reading.

Melton Second.

Plunkett A second from Councilor Melton. Amy, if you would please.

Lacy Sure. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Plunkett Motion passes 7 in favor, 0 opposed.

Heather, we may have a question on the previous ordinance, the, so the motion on the, to deny Ordinance 2025-13 –

Harris It means you write nay on the document.

Norris You, you five would write nay. We right yes.

Plunkett Yep.

Harris Okay, it's clear as mud always. It's very counterintuitive.

Consideration of a Resolution Regarding the Appropriation of Additional Funds (Police) (Wastewater) Resolution 2025-04 (Public Hearing)

Plunkett All right, up next is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is for Police and Wastewater. This is Resolution 2025-04. This is a resolution so it requires one vote. Bear with me for a second here. We have Mia Riley, Deputy Director of Finance and Records here. I will, this is a public hearing. I have proof of publication of public hearing of the notice of public hearing. At this point I will open the public hearing. Is there any members from the public who would like to speak? Seeing none I will close the public hearing and if anybody has any questions for Deputy Director Mia, sorry – Deputy Director Riley? I appreciate the memos that have been presented. It's incredibly helpful as we get through these appropriation requests so I don't, I don't have any questions. Any questions from Councilors?

Burk No.

Plunkett I would make a motion to approve Resolution 2025-04.

Stein Second.

Plunkett I have a second from Councilor Stein. Amy, if you would please, roll call vote.

Lacy President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Plunkett Motion passes 7 in favor, 0 opposed.

Consideration of a Resolution Regarding the Appropriation of Additional Funds (DPW) Resolution 2025-05 (Public Hearing)

Plunkett Up next is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is for DPW. This is Resolution 2025-05. This is also a public hearing, and I have proof of publication of public hearing of the notice of public hearing. At this point I will open the hearing. If there are any members from the public who would like to comment. Seeing none I will close the public hearing. Are there any questions or comments from Councilors regarding the resolution? Otherwise I would entertain a motion.

Melton Motion to approve Resolution 2025-05.

Norris Second.

Plunkett I have a first from Councilor Melton, a second from Councilor Norris. Amy, if you would please.

Lacy President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

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Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Plunkett All right, motion passes 7 in favor, 0 opposed.

Parks (Carpenter Nature Preserve) Additional Appropriation (Public Hearing Only)

Plunkett Up next on the agenda is the Parks Carpenter Nature Preserve Additional Appropriation Request. This is a public hearing, public hearing only. I have the proof of publication of public notice of the public hearing. At this point I will open the hearing. If there's any members from the public who would like to speak. Having none I will close the public hearing.

OTHER MATTERS

Plunkett Are there any other matters from Councilors?

ADJOURN

Plunkett I will make a motion to adjourn.

Burk Second.

Plunkett Second from Vice President Burk. Amy, if you would please.

Lacy President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor McElderry?

McElderry Yes.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Norris?

Norris Yes.

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Lacy Councilor Sampson?

Sampson Yes.

Lacy Councilor Stein?

Stein Yes.

Plunkett Motion passes 7 in favor, 0 opposed.

The next regular Town Council meeting is scheduled for Monday, May 19, 2025 at 7:30 a.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law. Thanks for hanging in there.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville