



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Monday May 17, 2021

7:00 PM (Local Time)

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

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Webinar ID: 849 9946 2917

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

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Swearing in of New Member
- IV. Approval of the April 19, 2021 Plan Commission Meeting Minutes

V. Continuance Requests

Docket Number	Name	Address of Project	Item to be Considered
2021-12-DP	D. Altum	795 S U.S. 421	Petition to be removed from agenda until such time Notice is provided Petition for Development Plan Approval to allow for a Storage Structure in addition to Structures related to a Commercial Garden Center in the Rural (I2) Light Industrial Zoning District.

VI. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2021-08-PPA	C. Reitz	6250 Stonegate Lane	Approved as presented 7 In Favor 0 Opposed Petition for Primary Plat Amendment to provide for the establishment of 3 lots in the (R1) Rural Residential Zoning District
2021-10-DP	S. Jenkins - Topsy Mermaid	135 S. Main Street	Approved as presented 7 In Favor 0 Opposed Petition for Development Plan Approval to permit a building renovation and building additions on a 0.17 acre parcel located in the Village Business District (VBD)

VII. New Business

Docket Number	Name	Address of Project	Item to be Considered
2021-18-DP	Outlot "K" Appaloosa Crossing	3301 S. US 421, Zionsville, IN	Approved as presented 7 In Favor 0 Opposed Petition for Development Plan Approval of a 7,830+/- sq. ft. multi-tenant building on Outlot K (1.29+/- acres) within the Appaloosa Crossing Development; zoned Rural Professional Business (PB) and within the Michigan Road Overlay (MRO). Waivers of Architectural Design and Building Materials also requested.
2021-19-DP	COhatch Project	75 N. Main Street, Zionsville, IN	Approved as presented 7 In Favor 0 Opposed Petition for Development Plan Approval for the renovation of a 10,800+/- sq. ft. mixed use building, with the addition of a porch, for the purposes of co-working office spaces and a restaurant. The 0.25-acre site is zoned Village Business District (VBD).

VIII. Other Matters to be considered

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

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

Respectfully Submitted:

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

May 18, 2021

**ANNEX TO PUBLIC NOTICE
FOR THE MAY 17, 2021 ONSITE AND ELECTRONIC REGULAR MEETING OF THE
ZIONSVILLE PLAN COMMISSION**

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

Members of the public shall have the right to attend Plan Commission Public Meetings via the following forms of electronic communication:

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

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

Zionsville Plan Commission
May 17, 2021

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

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

A quorum is present.

Franz Plan Commission Meeting of Monday, May 17, 2021. Please rise. We'll start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Wayne, would you please take roll?

DeLong Certainly. Mr. Franz?

Franz Present.

DeLong Mrs. Grabianowski?

Grabianowski Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mrs. Walker?

Walker Present.

DeLong Mr. Lake?

Lake Present.

DeLong Mr. Fedor?

Fedor Present.

DeLong Mrs. Madrick?

Madrick Present.

Franz All right. We do have a new member we're swearing in tonight. Before we do that, I want to thank George Lewis for his service on the Plan Commission Meeting. He'll be missed but we welcome—sorry, I've got—Cindy.

Madrick That's okay.

Franz Onboard, so with that, Wayne, would you please do the swearing in?

Madrick Do you want me to stand or—

DeLong Please? If you could grab a hold of the piece of paper and read with me. You can stay right there. that's fine.

Madrick Okay.

DeLong I'm going to say it to you. Raise your right hand please.

Madrick Do you want me to repeat after you or you tell me the—

DeLong I will tell—please repeat after me.

Madrick All right.

DeLong I, Cindy Madrick—

Madrick I, Cindy Madrick—

DeLong Do solemnly swear—

Madrick Do solemnly swear—

DeLong That I will support the constitution of the United States of America,—

Madrick That I will support the Constitution of the United States of America,—

DeLong The Constitution of the State of Indiana,—

Madrick The Constitution of the State of Indiana,—

DeLong And the ordinances of the Town of Zionsville, Indiana.

Madrick And the ordinances of the Town of Zionsville, Indiana.

DeLong I will faithfully, honestly, and impartially discharge—

Madrick I will faithfully, honestly, and impartially discharge—

DeLong All of my official duties as a Plan Commission member for the Town of Zionsville, Indiana—

Madrick All of my official duties as a member of the Plan Commission for the Town of Zionsville, Indiana—

DeLong Without malice and to the best of my skills and ability—

Madrick Without malice and to the best of my skills and ability—

DeLong So help me, God.

- Madrick So help me, God.
- DeLong Thank you. Congratulations.
- Madrick Thank you.
- Franz All right, thank you. The board will look forward to working with you.
- Madrick Thank you.
- Franz In your packets, there was a set of minutes from the April 19 Meeting. Is there any comments, additions, deletions to those minutes? If there are none, is there a motion to approve?
- Walker So moved.
- Franz Is there a second?
- Lake Second.
- Franz Okay. All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? Motion carries, 6-0. I'm assuming Cindy, you didn't vote. Then, next on the—go to business, got continuance requests from 2021-12-DP D. Altum 795 South US 421 petition for development plan approval to allow for a storage structure in addition to structures related to a commercial garden center in the Rural I-2 Light Industrial Zoning District. Is the petitioner present? If not, Wayne, can you comment on this?
- DeLong I do not believe the petitioner is online, either. This matter as being requested to be continued to your June 21 meeting. I would note that the petitioner has not provided published notice or personal notice yet as we understand it; therefore, we would suggest that this matter be removed from your agenda until there's proof that notice has been provided and place it back on the agenda.
- Franz All right. Thank you. Would that take a motion to remove it from the docket?
- Clutter Yes, it would.
- Franz Okay. So, do we have a motion to remove Docket #2021-12-DP?
- Grabianowski So moved.
- Franz Is there a second?
- Walker Second.
- Franz All right. Any discussion? All in favor, signify by aye.

- All Aye.
- Franz Oppose by nay? Motion carries, 7-0. Thank you, Wayne, on that. Before we get started with the rest of the items, is there anybody in the audience virtually who would like to be recognized? If you do, please raise your hand.
- Dempsey Greg Dempsey.
- Franz Greg who?
- Dempsey Dempsey.
- Franz Greg Dempsey. Any additional? All right, thank you. Next on the docket are the continued business items from last month. Docket #2021-08-PPA C. Reitz 6250 Stonegate Lane petition for primary plat amendment to provide for the establishment of three lots in the R-1 Rural Residential Zoning District. Is the petitioner present?
- Reitz Yes, we're here.
- Franz Okay. Please go.
- Reitz Greg Dempsey, our engineer, is the one who is here virtually. My name again, for the new board member is Lawrence Reitz, Larry Reitz and I'm here with the owner Carol Reitz, my mother, sitting over here. Last month, we were in to submit our petition for primary plat amendment to the Stonegate neighborhood. Stonegate is located west of Zionsville, north of Oak Street. It currently consists of three sections, 16 lots. We're looking to complete the neighborhood with three additional lots. Just summary, at the last meeting, there were some questions about the access. I think all of that has been pretty much resolved to the satisfaction of the homeowner's association. I know there are a couple of those people that are here but I think we'd like to let Greg go ahead and continue and answer all of your questions. Thank you.
- Franz Right. Mr. Dempsey, please proceed.
- Dempsey Sorry. I was still muted, I apologize for that. Yeah, as Larry said—
- Franz I think you'll just—hold it. Please introduce yourself and address for record, please.
- Dempsey Okay, sorry. This is Greg Dempsey with Innovative Engineering at 3961 Perry Boulevard, Whitestown, Indiana. As Larry said, there have been several conversations now with the Stonegate Homeowners' Association about the concerns they raised at the last Plan Commission meeting. A couple of the biggest issues that were raised was the use of the private drive, and the ownership and maintenance of the proposed common areas. As you may have seen in your packet, we pulled out the page from the existing covenants that covered the use of the private drive. It's mentioned of the further real estate. One of the things we're trying to accomplish with this, the new plat, is we're defining that a little

better. I guess, really updating the definition of the further area or the further real estate to include specifically Section 4 and also the portion of Section 3 that contains the ingress/egress easement. In addition to that, these, the new lots will be allowed to join the HOA, so that should satisfy any of the access over the existing private drive. The other concern was the ownership and maintenance of the proposed common areas. We've greatly expanded the language in the covenants included with the plat. You should all have a copy of those in the new packet you've received. This a lot more clearly spells out that those areas are going to fall under the maintenance of these new three property owners, and that the HOA overall won't be responsible for maintenance of particularly Common Area A which is along the creek there. I know that was an area we spoke about during the last meeting. Just to take that a step further, we went ahead and defined those areas in the drawing of the plat as well just to try and take another step to clarify that. In addition to those which were really the two big concerns, one of the other concerns was the maintenance of the existing ponds there. So some language has been added to cover that as well to allow the HOA to get in there and maintain that pond, and really take over the maintenance of that. With that, like I said, these were kind of what we had as what the major concerns were from the last meeting. We've, Larry in particular, has worked with the HOA to try and get these resolved. I think we've done that successfully. Even the meeting we had with them earlier today, that was expressed that, you know, they're pleased with the changes we've made and we think everybody's kind of in agreement now. With that, we'll be happy to answer any questions you guys may have.

Franz Thank you. At this point in time, is there anybody from the public who'd like to comment on this matter? Please step forward.

Hines Good evening. My names is Kurt Hines. I'm President of the Stonegate Proper Homeowners' Association and I live here in beautiful Zionsville, Indiana at 6140 Stonegate Run. I just want to echo, I know I was here last time expressing concerns a lot of which were informational. We have worked with the Reitzes, with Innovative Engineering to come up with reasonable compromises on all of those areas. As I kind of read the room, if you will, two of the big concerns by the Planning Commission seemed to be around the egress/ingress which was part of our concern as well as kind of this idea of a subdivision within the subdivision. Both of those areas have been, you know, satisfactorily addressed. We got a couple of, you know, things to iron out sort of t's to cross and i's to dot but we're—as now proposed, we're supportive of allowing the preliminary plat to be approved.

Franz All right, thank you. Is there anybody else who'd like to comment on this matter? Being none, Wayne, can I have staff report, please?

DeLong Certainly. Staff is supportive of the petition as it's been filed. Appreciate the concerns that have been 12:17 access and use. Again, that looks like it's all been resolved. Appreciate that. Staff is supportive of the petition as it's been filed. I'd be happy to answer any questions.

Franz All right, thank you. At this point in time, does anybody on the Plan Commission have any questions, comments regarding this matter?

- Jones Wayne, I've got a question regarding Lot 3. Is there any issues out there with it's kind of length to width ratio or is that not hit when you get in there, lots in a subdivision? Is its odd shape ever going to cause problems, do you think?
- DeLong For the existing Lot 3?
- Jones Yeah.
- DeLong Well, uniquely when this lot was created by prior to the time and lot area is something—lot width and lot area are specifically ran, specifically listed as non-conforming with approval of non-conforming standards. So, I think to define the ordinance's 13:29 configuration as a permissible non-conformity, I can't—without knowing more about it, I can't see it coming out as a 13:41.
- Jones Okay. So in other words, you don't think it will come back as something that's going to need a variance at a later date?
- DeLong As it's a property that's outside of the boundaries of the plat as being proposed. Let me put the—I'm going to put this around there. Yeah, I don't see this as a—I think it will be a non-issue for us in terms of going forward.
- Jones Okay.
- Franz Anybody else have any other questions, comments? If there are none, is—would somebody like to make a motion on this matter?
- Lake I move that Docket #2021-08-PPA, petition for primary plat amendment approval to provide for the establishment of three lots in the R-1 Rural Residential Zoning District be approved based on the findings of fact as presented.
- Franz A second?
- Madrick Second.
- Franz Is there any further discussion? Being none, all in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? Motion carries, 7-0. Thank you.
- Reitz Thank you.
- Franz Next on the docket is #2021-10-BP S. Jenkins Tipsy Mermaid, 135 South Main Street, petition for development plan approval to submit a building renovation building additions on a .17-acre parcel located in the Village Business District VBD. Before we get started, I'm not sure if we did this last month when this opened but is there—would somebody please make a motion to accept—did you use first class mail to notice?

- Rausch Yes.
- Franz Okay. So it's—can I have a motion to accept first-class mail for appropriate notice on this matter?
- Lake So moved.
- Franz Is there a second?
- Fedor Second.
- Franz All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? Motion carries. So petitioner please proceed.
- Rausch Thank you. My name is David Rausch, office at 170 South Main Street in Zionsville. The project in front of you is a renovation of the existing 135 Main Street building formerly a Serenity Restaurant. The project includes a couple of very modest additions and in large sense, the property is being reconfigured. It's about 1700 square feet today currently. We're adding about 800 square feet as noted in the application. The workings of the property though are substantially the same in terms of numbers of seats and restaurant accommodations. The kitchen that existed or exists currently is much smaller than is required for a current operation. So, although we're adding about 800 square feet, nearly all of that is service and kitchen space. The site—
- DeLong I think there is an echo.
- Rausch Okay. So effectively, we take the existing porch that's on Main Street and we're proposing to wrap it around to the current patio space on the south side of the lot extending a hip roof that's compatible with the porch itself creating an accessible entry off of Main Street with a slope walk surface and then a modest addition to the east side. There's currently about a 10x15 little shed addition that we're taking off and then we'll rebuild a full addition to that side. All of the existing parking remains. The patio to the south remains where we're not building on it. Of course, to note the Norway Spruce tree that is in that property will actually come down as part of this project. We will be rehabilitating the landscaping that's in the patio and along its edges, and certainly creating a much nicer street presence for the property as we adapt it here. I think those are the highlights. I'm happy to field questions or comments that the commission has.
- Franz All right, thank you. At this point in time, is there anybody in the public who'd like to comment on this matter? If there are none, Wayne, can we have staff report, please?
- DeLong Certainly. Staff is supportive of the petition as it's been filed and certainly appreciate the petitioner's efforts to work with the building at 135 South Main Street and take upon its current status to this next iteration in its life. The

original, I'm sorry, the previous use was for a restaurant. This current proposal is for a restaurant. We speak to a comparable within the staff report specifically to the parking as one particular item. Certainly, this project will enjoy benefiting from the road impact fee, sewer impact fee, and other credits that accompany the property based on its former use as a restaurant certainly leveraging that forward in terms of scalable increase. Again, staff is supportive of the petition as it's been filed and I'm happy to answer any questions.

Franz All right. Thank you, Wayne. At this point in time, is there anybody in the Plan Commission who'd like to comment, have any questions on this matter?

Grabianowski I would like to say something. Comparison of the Topsy Mermaid to Serenity is somewhat false because Serenity was open for lunch and tea and this will be open in the evening as well. Do you really think that nine parking spaces are adequate?

Rausch So this property will be open for—right now, and I apologize, Shari Jenkins is online should we need her to speak into anything if I'm inadequate here. At this point, the property, the plan is to have lunch and dinner service for this property. How do I answer your question? So the mechanics of the zoning ordinance and the mechanics of the property itself suggests that nine parking spaces are what is required for compliance. That is in fact, what we are providing. I think we could talk about broader urban planning questions and considerations for parking itself. We did actually explore whether this facility should be larger, more extensive than what we are proposing. Some of you may or may not know we had pursued a project similar to this a year and a half ago or so which was actually about the same size. So the performance is that it's a bar-centric boutique for lack of a better word, restaurant and the goal is not to—obviously, the goal is to have it real less service but not necessarily jam as many seats into a piece of property as you can possibly afford to do. So, I'm not sure whether I can, you know, state factually whether nine parking spaces is too much or too little. You know, I can tell you that we are trying to comply with the ordinance and believe we have done so.

Grabianowski Well, I appreciate the fact that you've complied. I bring it up only because it just—I'm getting irritated that we don't have a parking garage somewhere on Main Street.

Jones I would kind of like to speak in support of what Mary's saying, just get little more factual about it. The previous Serenity did serve lunch and dinner—

Grabianowski No, not dinner, just tea.

Jones Just tea. They didn't have a bar. They didn't have a kitchen suitable to actually serve what they did. The most I ever saw in there was 40 people inside. Yes, they used the outside space for events and would get larger occasional crowds. One of the things we repeatedly hear is that we do not want Zionsville to become Broadripple or Carmel. Back in the 80s and 90s down in Broadripple, I built Bazbeaux Pizza, Midtown Café, Broadripple Steakhouse, Housework. So everything that everybody says Zionsville does not want to become, I at one point built. So when I'm looking at this plan, this is exactly what we would do in Broadripple. What's buried in it is the 60 seats inside that are shown on the plan,

the 31 seats outside that are shown on the plan, and then there's a 1,000 square feet of activity area with a bar. Current code means that you need about 5 square feet per person which means you can get another 200 people back there. So when I look at this plan, I see something where Serenity at best would have 40 people in an occasional outdoor use, this place will be set up that they could have 291 guests or customers plus a staff of twelve or so which means their whole body count will be about 303 people. They're setting it up with a full bar and a full kitchen which means they can run this continuously and service that number of people or at least have that number of people occupying it. One of the other things I find interesting in going through the findings is two items. A couple of them come up, one is about parking exactly. Two is about the removal of that tree. I did a little check. I think that is the single tallest tree in the village. It's healthy. It's fully green tipped. They probably ought to get the vines off the base of it, but you know, we consistently hear about how they do not want the Zionsville—what are we calling it now? The Zionsville Preservation Commission Plan or something like that is all about, you know, basically preventing existing housing stock from being demolished but here we are about to clear cut the tallest single tree in the village. Finally, it just rolls back around to exactly what it is. This is a wholesale multiple increase in the intensity of use of this property. It seems just to be sliding along and I'm just amazed by it because once again, when Sycamore Flats was brought up and the intensity of that, they got 300 people signing or 3,000 people signing something about not wanting change and here...crickets. This will be a wholesale much more intensive use of this property. I'm just interested in hearing why this seems to be going through just fine. What's the difference?

Rausch May I speak to a couple of your comments, Larry?

Jones Sure.

Rausch Well, let me first correct you. We actually, when this project started—I'm going to start with the tree because that's absolutely science. When this project first started and we knew what optimally would happen to make this truly a, not a snack shop but a restaurant which means you have to have appropriate service and appropriate dining space. Our first exploration was well, what do you do with the property along the south side of the building? We've had an arborist. We've actually had two arborists look at the tree and I certainly understand maybe your sensitivity to that. That tree is a Norway Spruce. It's about 75 years old and by professional opinion, it likely would be lucky to have 100-year life in that location. That tree is not completely healthy. If you look at it closely enough, you'll see it's thinning and you will see that it is completely disrupting all of the pavement in the edge of the building in that area. So, I can speak to that from somewhat of a factual standpoint. Yes, while that tree might be satisfactory in a natural environment where it doesn't have the urban pressures that it has, it is by a professional arborist's point of view, it's 75 years into what they think is a 100-year life span. Secondly, it does not promote good use of that patio. That patio is not handicap accessible and it's also a mess because of the spoils from the tree. So, I think that while again if we were out in the middle of a field, we would look at it differently, I think that the way one might look at this is, what does this location look like over the next 50 years not the next five? So, that would be my comment to the tree.

Relative to the disposition of the property, you know, we cannot nor will we speak to the previous operators lack of intensity or the perceived intensity of this operator. What we can speak to is that we have x number of square feet and as I tried to say clearly that we are—the square footage that we are adding almost on a square foot by square foot basis goes to service areas. We are expanding the kitchen, the servery, and the backyard area. The addition to the south is actually basically taking existing dining space that existed and also restrooms. The additional space that we're creating actually just pushes the existing dining space from what's inside the footprint to the outside of the footprint. So, you know, how this project may fall into one's opinion about what Zionsville should or shouldn't be, I'm going to leave that to the subjective minds of the community and certainly the discretion of the Plan Commission. I'm not going to speak to that as either the designer of this building or a 37-year resident of this community. So, I'm happy to answer any more factual questions that might be out there.

Jones Then answer my factual question, can the occupancy load get up to 303 people?

Rausch No.

Jones So the 1,000 square feet of activity space with the bar, that doesn't count? That's not going to be used?

Rausch That space is for the guests of the restaurant itself. It's for cornhole or shuffleboard or those kinds of things. If need be, I'll have to call in Shari as an online member to speak to that.

Jones It's 1,000 square feet of space with 5 square feet per person could have 200 people in it. There's a bar back there. When you add that to the seating—

Rausch The service bar is a function of, you know, serving guests that are seated in the patio itself. There is concern from Shari that the flow from inside the bar which will be staffed for the inside guests and with use on the patio will need some sort of supplementary service. I'm going to let her speak to this but my representation to you is that that is not, you know, a pit for lack of a better word for hundreds of people to, you know, mingle in. That's not the purpose and that's not what's being described in the plans. So, if we need to—

Jenkins I am here if any to comment on that with—if I'm heard right now. Can I—

Franz Yeah. Please introduce yourself and then address please before you speak. Thanks.

Jenkins All right. This is Shari Jenkins. I'm at 215 Sherwood Court in Zionsville. I'm not sure where the 300-person number came. Currently, Noah Grant's, as we know, is a very large space, you know, just a couple doors down. There is no way—my occupancy is at 168 currently. I don't even think if I wanted to I could put 200 people at Noah Grant's. So, when I look at Serenity, that space 135 Main, that space is so much smaller even including the outside. 300 people, I'm not sure—again, I've been listening but I'm not sure where that number came from but

there's no way even if I wanted to, 300 people could even—I mean, there's no room for 300 people. The back area that David was speaking of is an overflow waiting area because the dining room is so tiny honestly in Serenity. I think David and Darren and I the other day, I think—Dave, correct me if I'm wrong. It's 500 square feet if I'm—everything that we're—Dave, please correct me because you know me and numbers. That's where you come in. The dining room is super small and the addition of the bar area on the patio will allow for more guests. It's also taking up a portion, a decent portion of the patio that exists currently or did exist with Serenity. The back area is a waiting area with a, when we use the word “bar”, I call it a “mobile bar”. It will not be a full-service bar. It's more like a she shed with a few beers, a few wines just to have a place for people to wait because there is so little space in that restaurant. So, I'm not, I guess, I'm curious as to the 300 number. Dave, if you could concur with me on what you and Darren and I spoke about the other day about the dining room area as far as the square footage. It's actually pretty tiny.

Rausch Yeah, I don't—I don't think I know the cumulative number, it's just the dining room. So, the other thing about the dining room is—so, two things, first of all, we're taking a portion of it out for a proper service area on the north side. We're taking another 80 square feet out for a vestibule. To Shari's point, we have, you know, the remnants of what was already, and another 80 square feet for a restroom. So, it's probably in the range of 500 square feet which is what's prompted the addition to the south. Obviously, taking also advantage of Main Street and the natural light diffused to the south and so forth and clearly a nice wraparound porch addition. In terms of when you look at the site plan, you know, everything to the east of the building is service area. There's a service ramp that comes from effectively the back gate. The service bar that is back there is, as Shari mentioned and I'll reinforce, is an intent there as not a bar that one sits at, it's not a bar that one stands at. It's a service bar which supports the restaurant function that's within. So, I mean, if the Commission would seek to have some sort of for lack of a better word, commitment or something that there is not going to be a pick the number 200 or 300-person capacity back there so you don't have a concert on your hands or something that is, you know, imagining the worst. I could certainly confer with Shari that I'm confident that based on the design decision and the program to date that has never been the intention. The fact is that that is space that is there today and if it weren't there today, we wouldn't have it at all because it's quite frankly unnecessary but it's rather than spend money to take it out and do what, I don't know with, it was basically left, you know, in place. So, that's the agenda for why that space actually exists because it's there today. That's the best I got.

Jones That's fine. I mean, by the time you take out the tree and add the addition, you're going to strip it all out and rebuild it anyways regardless of—I mean, it's nice that it's there but it will not be there by the time the work is done. It will be completely rebuilt.

Rausch We don't think it will be completely rebuilt. We do think that everything to the sort of midpoint of the east edge of the building will be but no, we don't.

Jones Okay.

Rausch If the back side of it—

Jenkins If any—oh, sorry, Dave. Go ahead.

Rausch No, you're fine.

Jenkins I don't know the last time anyone's—David and I have done this a few times. If you actually walk that patio and look at it, we've all seen it. We drive by it, we walk by it, but if you actually walk through that patio, it's an eyesore. It is not pretty the way it is today. It's a great space. There is a decent amount of space with, you know, exciting uses for it. If you walk it today, changing it in my mind is a positive because if you walk through it right now, it's full of weeds. It's full of old—I don't even know what those things are, like rotten, not rotten. The wick—it's just—walk through it. You'll see. It's full of—it has not been taken care of in 20 years. It is not great. My intent is to make it a beautiful thing on Main Street. Yes, it will change. Yes, the bar will take over the space where the tree is. I will also though beautify any of the landscaping that is there because right now it's not landscaping. It's weeds and rot iron that is rusted, I mean, quite frankly. Like, again, I ask all of you to walk through that patio and you'll see if you really look at it, it is not a beautiful space as it stands today. The patio, the bricks from the tree, it's not flat at all. I mean, it's—it's a beautiful space, it can be but it is not today. I encourage you to go look at it so that you understand we're not destroying a beautiful patio. We are here to take a space right on Main Street and turn it into a beautiful patio.

Jones My concern isn't about the look of the patio. I walked it this morning. Yes, it's a mess. That's not a doubt. The question is, we are taking existing property in a previous use and replacing it with a much more intense use. We, or me, as a member of the Plan Commission specifically, we consistently get hit with the comments about parking, parking, parking, parking, too much density, too much activity, too much intensity hence, you know. Sycamore Flats was an amazing project for what it would have done to the infrastructure of the town. It would have added net parking. It would have improved drainage. It would have done a whole bunch of good for the town as well as cleaned up the whole intersection down there. It got shut down. I'm trying to see what the difference is because what's going on here with this property is this will be a much more intense use of a existing facility, the addition of the bar, the buildout of the kitchen, the addition of the additional seating inside and out, plus this outside recreation area. My question is and this is just, what's the difference? The nine parking spaces are not going to service this.

Lake So, can we get a little bit more, I guess, direction on how that outdoor entertainment space is going to be used? Is it for patrons who have been seated that haven't received their food? Is it for patrons who are waiting for a seat?

Jenkins Patrons who are waiting for a seat.

Lake To have some place to hang out or is it as a additional permanently occupied space in addition to all the seating for the restaurant?

Jenkins It's a place for people who are waiting for a seat because again, like I said, I—the last meeting I had this past week—again, Darren's not here. Again, we had just 500 square feet inside for dining. I think that is being overlooked right now. It is a tiny area of just dining space. So, it is a place for people to wait so that quite frankly, they don't leave and don't go anywhere else. It's a place where they can—I've used the word adult playground. They can sit, they can grab, like I said, in this little mobile bar, they can grab a beer or a glass of wine and wait for their table because there will be waits. It is not a dining area.

Lake Thank you for clarifying that.

Rausch If I can just add, I mean, I don't know how to answer the intensity of use question. I don't know how that is actually administered from a numbers standpoint. Maybe there is something there. I will say that that space in its final configuration is no different that what it was in its current original configuration. So, if you're asking about a change, you're asking about a change in operational use of that space. I think what we're trying to say and what Shari's trying to say is, there is not a contemplated change of operational use of that space.

Jenkins The building and maybe one thing—Dave, you have said it but I will reiterate. The building, as it stands today and how Serenity operated, was a kitchen with more than 500 square feet of dining. I don't know what that number is but as a restaurant that wants to serve a more complicated food, complicated menu, things that need a hood, actual stove, a grill. I'm taking areas of that space that right now or when Karen had it that were dining space and I'm using that as part of the kitchen because I have a more complicated menu and sophisticated menu than what was there, so we have—so, we are removing areas that were previously dining room space and now will be part of the kitchen to operate, you know, like I said a more diverse menu. So, the space inside in the winter months—I mean, I've spoken with Dave about this. In the winter months, it's going to be a very small restaurant, a very small restaurant. The outside is going to be a bonus, you know, May through September. So, as Mary mentioned 45 minutes ago and I think what she said secondly is it's always an issue in Zionsville. I don't think anybody disagrees with that but I guess, what I'm trying to say with this specific project is a lot of her space when—Larry, you said, like I'm changing it and yes, I am. I mean, I'm not going to pretend that I'm not but I am using a lot of what she used for tables as kitchen space. So again, this project isn't just about the problem of parking in Zionsville in my opinion. Clearly, I have two restaurants next door. If anybody knows what the parking problems are, I'm your girl, I get it. I have customers who—I get the parking problem. This is not going to make it better and it's not going to make it worse. There is a parking problem and I think to take Topsy Mermaid and say that this is the problem with parking, I think is unfair to what I am trying to do to downtown Zionsville to be quite frankly. There is a parking problem. This restaurant is going to benefit the TIF District. If anybody needs the numbers, if you don't have access to them, I can show them to you the amount of money that I've put in. This will do the same thing and I just feel like there should be an understanding that this restaurant isn't the reason there is a parking problem.

Franz Wayne, essentially because they're not changing the seating, the parking situation gets grandfathered through to them. Is that a fair statement?

DeLong Correct. When we looked at the zoning analysis prior to maybe even concurrent with the filing somebody else's conversation point prior to the filing, the original former use, we've had 90, would have generated 97 seats. This use has 96 seats. So, yes, the zoning status of the legal non-conforming use if you will, the parking deviation, is carried forward by the current, by someone who seeks to occupy the space next which is in this case, the Topsy Mermaid.

Fedor Where's the delivery access? Is—are deliveries going to be coming in off Oak Street? Is that how food deliveries and so forth and everything's going to be coming in off of Oak?

Rausch They'd be down the alley.

Fedor They'd be down the alley?

Rausch Yeah.

Fedor I would like to point out, I'm sitting here counting some of the other restaurants in the area and I may not be accurate on the parking spots but this one at least does have nine parking spots that comes with it. A lot of the other restaurants, don't have, have no parking. It's not just public street parking, at least there's nine spots. I agree parking's awful. I drive a bigger size truck and I can't get around too easily.

Franz I think with the outdoor bar, activity space, whatever you guys are going to call it, I think you're not going to turn people away if they show up to have a beer while they're potentially waiting to get into the Salty Cowboy, too. So, I think it's going to be a gathering spot because it is a decent size space. I guess, on the other hand if that parking situation is grandfathered in, as you said, I don't know what we can do. I mean, I don't think there's much we can do to remedy that here.

Jenkins I'm going to jump in and say as someone who's obviously a business owner. Many of you know that I grew up here. I went to Zionsville High School. Full disclosure, Mrs. Grabianowski was my teacher. I want—fact. I love—I've always said how much I love this town and from a business side and from a personal side. I don't have an answer to parking because that's just not what I'm good at. I wish someone could figure it out. That's not where my brain goes but I do think, we don't, you know—I think Larry said earlier, we said we don't want to be Carmel but I do think we want a vibrant downtown. I think that's what I'm trying to do. If any of you remember like when I had Brixx 15, 16 years ago, all we had in this town were antique stores, really sleepy clothing stores, and a few restaurants. We have over the past 16 years that I've been a business owner in the Village, we've seen a great change in bringing people to the Village. They're not necessarily going to Trader's Point or to Carmel and again, I don't have the answer for parking but I feel like I have a really good inside look at how I can bring people to Zionsville which I think is a goal that we all want. This new restaurant is—I'm personally super proud of it. Like, it's going to be wonderful between the food, the service, and the structure that David has created. Again, I don't have an answer to the parking because that's not my strength. My strength

is attempting to bring people to the Village and making our Main Street in what I think—I've said this before, as cool as the Arts and Design District Main Street which does have a parking garage ironically enough. I don't have an answer but I do want all of you to know that I hear your criticisms. I hear your frustrations. I hear the issues. I'm here 1000% to help our town become something better. I don't want to say something bigger and better. I left out the word bigger. Better, a place that people will not leave and go to Trader's Point or not go to Carmel. They'll stay in Zionsville because we have really awesome options for them. That they're willing to park seven blocks away because they're willing to. So, that's my soapbox, sorry.

Franz Are there any additional questions, comments on this one? If not, I'll entertain a motion.

Fedor I move that Docket #2021-10-DP to permit a building renovation and building addition on .17-acre parcel located in the Village Business District be approved based on the findings in the staff report and staff recommendations, (2) submitted findings and facts, and (3) subject to the resolution of the outstanding review items identified by visionary report memos and Exhibit 4 of the staff report.

Franz Is there a second?

Walker Second.

Franz Before we vote, Wayne, I want to ask one question. Based upon this, they're not asking for any variances and they're in full compliance with the ordinance. Is that correct?

DeLong Correct.

Franz All right, thank you. Any further discussion? All right. All in favor, signify by aye.

All Aye.

Franz Oppose by nay? Motion carries, 7-0. Thank you.

Rausch Thank you.

Jenkins Thank you everyone. I do appreciate.

Franz Thank you.

Jenkins thank you.

Franz Next on the Docket #2021-18-DP—onto new business, #2021-18-DP Outlot K, Appaloosa Crossing 3301 Southwest US 421 Zionsville, Indiana petition for development plan approval of a 7,030 +/- square feet multi-tenant building on Outlot K, 1.29 +/- acres within the Appaloosa Crossing development zoned Rural Professional Business PB and within the Michigan Road Overlay MRO. Waivers

of architectural design, building materials are also requested. Did you—Matt, did you use first-class mail?

Price I did.

Franz All right, so I would entertain a motion to accept first-class mail for notice on this matter.

Lake So moved.

Franz Is there a second?

Grabianowski Second.

Franz All in favor, signify by aye.

All Aye.

Franz All right, please proceed, Matt.

Price Thank you, Mr. President. For the record, my name's Matt Price. I'm an attorney with Dentons. Here tonight on behalf of Harris FLP the owner and developer of the Appaloosa Crossing project at the southeast corner of 146th Street and US 421 Michigan Road. Here tonight to present to you what would be the fifth building to be approved in the development. With Mr. Reff's help, I'll take you through a PowerPoint that we have to summarize our petition. Go to the first slide, thank you. This is a proposal relating to Outlot K which is the southern most outlot so it's the southern most outlot along Michigan Road, southwest corner of the project immediately north of the water feature to the south. You'll see Outlot J immediately north of the proposed outlot. Outlot J is a medical office building that was approved this last Fall I think is the timeline for that. What we're proposing here by way of use is a multi-tenant building just under 8,000 square feet. The northern most section you'll see there is for a veterinarian and then the southern most section, the majority of the building, approximately 5,000 square feet is for a dog daycare. It's a Pampered Pooch Resort and Spa, high-end doggie daycare that provides grooming, some overnight accommodations with a reservation, and what we think would be a very much welcome addition to this corridor. Go to the next slide.

You may recall that we've discussed over the last year or so, we got our first building approved last April just shortly after we started going with the virtual meetings. At that time, we presented what has become the Appaloosa theme which is the building design that gives a nod to modern interpretation of equestrian-type architecture, gives a historical nod to Mr. Harris' ownership of the property and the white barn structure that they used to have on this location. We're continuing with that theme with respect to this building as well. Just to give an example, the southernmost section of that slide reflects the view from the western frontage. You'll see on the far southern end of the building is the barn-like gabled roof, and we are borrowing from the retail shops which are the far northern end which has that same design including the same front façade features. Next slide, this is kind of a tight shot of that same western elevation. It

also shows what are our legally permissible signage areas on the building. This is not—our plan is not to use all of the legally permissible areas for signage but we did want to demarcate where the permissible signs could go. Again, we’re just being just the two individual users. Next, Joe. Thank you. This last slide gives a call out to one of the features of the staff report which had to do with our landscaping plan. We have received a variance on each of the proposals on Michigan Road to not have a six-foot parking, landscape parking strip along our western parking lot frontage and in exchange, have relocated those plantings to the rear of the property. What the—in discussions with staff, what they’ve requested is that we move and concentrate those plantings to the southeast section of the property and that’s what this depicts here too as well to add additional screening. I should also point out too that in the—the staff report notes this that in the rear of the doggy daycare and spa, we have about a little over 3,000 square foot fenced in grass, what we anticipate to be grassy enclosure for play, exercise, other things that dogs may need to do in that area. We’re surrounding that, screening that with a six-foot privacy fence to assure that that is all very much contained. With that, I’d be happy to answer any questions that you have and we’d respectfully request your approval of our development plan this evening.

Franz All right, thank you. At this point, is there anybody in the audience who’d like to comment on this matter? All right, there are none. Wayne, can we have staff report, please?

DeLong Certainly, staff is supportive of the petition as it’s been filed and certainly notes that the variance request is on file at the Board of Zoning Appeals for a number of items specific to this project in order to facilitate various components. Certainly, the landscaping as mentioned by Mr. Price is one particular item. The building height’s another for example. Certainly, staff would note for the record and certainly we would look to include this in the forum-based code, is that in the rural area prior to reorganization, how height was measured on a rural building is different than how the town measures and defines building height today. In the rural area, building height is actually measured from an average of peaks, measurements from the roof mid-peak, I believe. Certainly, if you were to apply that definition against the building that’s in front of you, the building would more than comply with the height standard as defined by the Boone County Area Plan Commission Zoning Ordinance, circa 2010. Again, staff is supportive of the petition as it’s been filed, again subject to the variance request pending at the Board of Zoning Appeals. I’m happy to answer any questions.

Franz All right. Thank you, Wayne. At this point in time, I’ll open up to any members of the Plan Commission for questions, comments.

Jones Couple on Matt, you didn’t previously submit this but we got some documentation on it awhile ago then it got pulled. Did you guys add the 24-hour to be able to do the overnight or was the original one—

Price We, uh, here’s what we felt like had occurred on that is that we—the variance was phrased for the hearing that was to be scheduled for the first Wednesday of this month as “an animal daycare”. Under the definition of “animal daycare” under the Zionsville ordinance, it expressly does not permit boarding and that

- was not our intention. Our intention was to permit boarding. So, we've gone back, amended our petition and renotified.
- Jones Okay. Then, is there any relationship between the vet and the doggy daycare group? Are they kind of two separate entities with similar—
- Price They are very familiar with each other but they're two separate entities. They're not affiliated.
- Jones Then, so Wayne, this is kind of a question for you. So, I've got a building with a vet in it and they've got a small fenced area behind them, so the dogs that have some sort of, or pets that have had some sort of surgery or something like that can get out and they can kind of walk and check that the anesthesia has worn off. I'm assuming if at some point, the vet determines they need a little outdoor fenced area and don't really want to put those animals with the other animals playing, that could get approved without having to come back before us.
- DeLong If that would comply with the minor amendment test as we find in the zoning ordinance, then yes, it could be something that staff would administer and then report that out in the normal course of business.
- Franz I've got a question. If for some reason, this variance is pretty—overnight boarding for the pet facility is not approved, does this modify how you deal with the building?
- Price It may. What I understand kind of the floor plan is they provide for kind of a large indoor exercise area to allow pet parents to monitor via closed circuit webcam. So, certainly a key offering of their business model is to have by reservation private suites for dogs that seek to stay overnight. I don't know exactly what they would do if that was not permitted. I know it's just a big part of kind of the suite of services that they offer, and you know, they've given me some indication that it's not necessarily a consistent use of that service but during some holiday seasons, during vacation times, they see kind of an uptick in that usage, other times not as much but something that they feel is very much needed in the community based on their market research.
- Franz I'm just—if the BZA doesn't approve the variance, does this change, I mean, are you going to come back and ask for something different of going to work through Wayne on that.
- Price No, I think we would work with our tenant client and with Wayne on that, certainly. Try to put our best foot forward and try to get that variance of course.
- Franz Keep the same building as is?
- Price Yep.
- Franz Okay.
- Walker I had a question on height and Wayne answered my mark, so appreciated that.

- Price Right.
- Lake I would say from my experience too architecturally that it is traditionally measured from the average of the eave to the peak, not generally to the peak itself in most municipalities in Central Indiana within which I work.
- Franz I don't think anyone could tell two feet difference anyway, so.
- Lake Oddly enough, I looked at what would that roof pitch look like if it were down two feet and it looks weird. It looks better at the pitch that it is right now.
- Franz Any other questions, comments?
- Jones Once again, I don't think I can speak for the rest of the BZA but I know when it does come before us, you know, these (1) the location of this type of business on that property couldn't be better given its separation with the water feature to the south and the distance to the neighborhoods to the east and then the interstate and then even the rest of the development to the north. So, I don't—I can't foresee the BZA having many issues with what is being requested but can't speak for them.
- Franz To be honest, I'm not anticipating any but I was just kind of wondering if for some reason, something happened. So—
- Jones You want a motion?
- Franz Sure, I'll take a motion on this one.
- Jones I move that waiver of architectural building design requirements be approved based on the findings in the staff report, Exhibit 8A as presented.
- Franz Is there a second?
- Lake Second.
- Franz Any further discussion? All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay. That motion carries, 7-0.
- Jones I move that the waiver of building materials be approved based on the findings in the staff report, Exhibit 8B as presented.
- Franz Is there a second?
- Grabianowski Second.
- Franz All right. Any further discussion? All in favor, signify by aye.
- All Aye.

- Franz Oppose by nay? That one also carries, 7-0.
- Jones All right. I move that Docket #2021-18-DP to allow for the development plan approval of a 7,830 square foot multi-tenant building on Outlot K, 1.29 +/- acres within the Appaloosa Crossing development zoned Rural Professional Business PB and within the Michigan Road Overlay MRO be approved based on the findings in the staff report and the staff recommendations, submitted findings of fact, subject to the approval of the requested variances by the Board of Zoning Appeals and subject to the resolution of the outstanding review items identified by the engineering review letter in Exhibit 7 of the staff report.
- Franz Is there a second?
- Lake Second.
- Franz All right. Any further discussions? All right. All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? That motion also carries, 7-0. Thank you very much.
- Price Thank you, Mr. President.
- Franz Next item on the Docket is #2021-19-DP COHatch Project 75 North Main Street, Zionsville, Indiana petition for development plan approval for the renovation of the 10,800 +/- square foot mixed-use with the addition of a porch for the purposes of co-working office spaces and a restaurant. The .25-acre site is zoned Village Business District VBD. Before we get started, did you notice with first-class mail?
- Rabinowitch Yes.
- Franz Okay. I would take a motion to accept first-class mail as appropriate notice for this matter?
- Walker So moved.
- Franz Is there a second?
- Lake Second.
- Franz All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay? Motion carries. Please proceed.
- Rabinowitch Good evening, Commissioners. My name is Misha Rabinowitch, an attorney with offices at 1 Indiana Square in Indianapolis. I'm here on behalf of COHatch. Also here with me tonight is John Watkins. He's in the audience here, one of the

principals of COHatch, as well virtually, the architect on this project, Tim Lias, online. This project involves the property sometimes known as the Sanctuary, most recently used as Nancy Noel's art studio and a special event space at the southeast corner of Poplar and Main. The space already includes a full commercial kitchen and bar area. Of course, this is a historic building. The building's history dates back to 1854 when it was originally a church and was rebuilt in 1895. Over the years, in addition to the church, the building has been used as a gathering space for the community, office space, and retail space. Unfortunately, the building has been vacant for the past six years and I think the owners, the Cosine Family, would tell you that they really struggled to find a user. It's an important building to the village. I know the COHatch folks feel that way. COHatch proposes to repurpose the building, bring it back to life as a co-working space and roughly 1,800 square foot restaurant with an outdoor patio. COHatch is an office co-working space concept. I'm going to describe what they do. They're based in Columbus, Ohio but rapidly growing throughout not only Central Indiana but the Midwest. COHatch's investment in this property will exceed \$3,000,000. Last month, we appeared before the Board of Zoning Appeals on a petition for a parking variance and that request was unanimously approved conditioned on a commitment to provide offsite parking in an amount that the ordinance requires which we are committed to doing. Also, a special exception to permit the outdoor patio that is proposed to be added to the building. So tonight, we are seeking your approval of the development plan for this project so we can move forward. One other thing I wanted to mention as we get into this is that we work very closely with residents within the village, the Zionsville Chamber of Commerce, and the zWORKS group who has a similar business concept, a little bit different but have really worked out a unique partnership that will, we think, permit both groups to prosper. Next slide, please.

Just to tell you a little bit more about COHatch, it's a co-working concept. It's not like traditional office space where people come and office from 8-5. It's a shared office space concept. They have memberships to the location and their membership permits them to use other COHatch locations. It's not also like what you think as big box co-working that some of you may heard of like We Work. These are smaller concepts. The difference—COHatch's difference is they really look for unique spaces that have some historical significance or buildings that have character that they may be able to do like they're proposing to do here in Zionsville, to bring them back to life and repurpose them. They're currently working on a project in Broadripple actually set to open this week bringing an old historic church back to life as co-working space. Next slide, please.

They also try to bring unique designs to their projects. These are some sort of representative interior slides showing you what their spaces look like bringing some contemporary looks to the conference rooms even some family-friendly aspects. The middle on the bottom slide shows a little mini arcade where you're bringing your child to work or have the opportunity to use this space for a birthday party, that sort of thing. Next slide, please. Here are just a few additional views. Next slide. The other thing that is different about COHatch is it is mission-oriented. They understand the importance of engaging with the community. They often refer their concept as Town Hall 2.0 because it is intended to be a place where communities are able to gather whether it be for their business needs, or often non-profit or community organizations use their

facilities for their purpose. Next slide please. The co-working membership also brings other benefits to users. They may use the onsite amenities like theater rooms and podcast rooms and that sort of things, and then other offsite amenities like they have vacation homes and things that members can rent. Next slide, please. This is just a listing of the locations they're either opening or working on. Recently expanded into the Florida area and of course, are growing here in Indianapolis. Next slide. So moving onto the Sanctuary building, this is a view of the inside and just sort of a representative view of the entry way. Next slide, please. This is just an aerial showing you the location south east corner of Poplar and Main. Next slide. Here's some photos of the existing status. Next slide. Just quickly on the site plan. This slide is the site plan showing the parking calculation. The site only provides for four onsite parking spaces. The ordinance between the office use and the restaurant requires 34 parking spaces. I'm going to get into that a little bit further. Next slide, please. This is the basement floor plan. The basement would just be co-working space. Next slide. This is the first-floor plan. There you'll see on the south side of the building is really just reusing the existing event or meeting hall space for the restaurant using the existing kitchen. Then on the north side is the first floor of the co-working space. Next slide, please. This is the second floor. It says first floor but it's actually the second floor. There's sort of an atrium staircase up to second floor which is also co-working space. Next slide, please. Here's a rendering of the building with the improvements and the additional patio there you'll see along Main Street. Next slide, please. A little closer look, there you'll see the signage. They're just proposing two blade signs that we think fit with the property. Next slide, please. Here's a closer look at the signage and downlit. Next slide, another rendering. Next slide. Just some of the materials for you, mainly the lighting and heating element for the patio and the decking. Next slide.

We presented the parking mitigation plan in great detail. Commissioner Jones can speak to that but we arrived at what we think is a solution. I want to talk a little bit about the complimentary nature of the uses. Again, co-working space is not traditional office space. People don't office there everyday from 8-5. They come and go and they're not there every day. COHatch typically like in this instance is located in walkable communities. They anticipate that a lot of their members live in close proximity to the site. The other thing about the use, the office use and the restaurant use are compatible in that the office uses primarily a daytime during the week use whereas the restaurant use is in the evening and on weekends. So with that, we have proposed and I guess, been approved four onsite parking spaces. The ordinance requires 34 parking spaces. We will provide offsite parking. We have secured a lease with the property owner—next slide, please, the property owner at 95 South Elm Street for at least 23 spaces. We had conversations with a number of other property owners nearby for additional parking spaces so we will be able to meet that commitment. This slide here shows you we had just inventoried the on-street parking. That's of course, not included in our calculation but again, the parking has been approved by the Board of Zoning Appeals. Next slide, please. One more.

I just wanted to mention again that we have worked closely with zWORKS, with the Chamber of Commerce, with other restaurants including restaurant owners, other neighbors and restaurant owners, to make sure that we had a plan that was supported by at least the constituents that we were able to speak to. So their

letters of support are in their materials. With that, we'd ask for your approval of the development plan and we're happy to answer any questions.

Franz All right, thank you very much. At this point in time, is there anybody in the public, from the public, who'd like to comment on this matter? All right. Why don't you promote them? Ann, can you hear me? You must be muted.

King Hello. Is that better?

Franz Yes. Please state your name and address.

King Yes, Ann W. King. I am a retail merchant and have been for 21 years in the Village of Zionsville and property owner since 2007. I certainly welcome this venture by COHatch; however, I do want to make sure all the adequate parking for their intended restaurant patron, staff, and office co-worker. I struggled all the years that Miss Noel was in business in that building to keep her staff, event staff, and her event patrons from parking in my business parking lot which is to the rear of 6066 East Cedar Street. That is located diagonally southeast from what I call the Noel Church Building or the former Sanctuary. You know, all the comments Larry Jones made on the 2021-10-DP, the old Serenity place, there is so little parking in the Village and you allowed or your predecessors allowed the co-working space zWORKS to be approved with almost no parking and certainly much more parking than four spaces. All day they park their cars all up and down Cedar Street for 6, 8, 10 hours a day without moving their car. At least restaurant patrons in the space that Shari Jenkins was talking about, at least restaurant patrons are only there for an hour or two but co-working people are there for many hours. It has just incredibly impacted parking for our business as retail merchants in the Village.

Franz All right. Thank you very much.

King You're welcome. I will make one more comment.

Franz Sure.

King Mr. Rabinowitch very kindly sent me a letter dated May 5 about this meeting today. I did not receive it until May 14. I never received any notice about the parking hearing prior to today.

Franz All right. Thank you.

King Thank you so much.

Franz So, was she noticed?

Rabinowitch I'll have to go back and look at the list. We sent the notice to the same list that we had before, so that would be my belief.

Franz On the BZA, there's not a notice—is there a notice for the BZA, Wayne?

DeLong Correct, that's—yeah.

- Franz There is? All right. So, would you like to comment on her—
- Rabinowitch Yeah, at first, we're certainly sympathetic to retail business owners and understand just from the short time here and at the last meeting that there's a parking situation in Zionsville. We would respectfully say that bringing the daytime workers that COHatch does who will frequent the retail business is a benefit to the community. I guess, I would—Mr. Watkins here can speak to this if need be but I don't think it's accurate to say that co-working users typically spend all day at the co-working space. It's more a couple hour type of stay, and not on a everyday basis. So, then I would just say that we work very hard on the commitment that was incorporated into the Board of Zoning Appeals approval to provide offsite parking. I guess one thing that is responsive that I didn't mention is that for big events like maybe the event she was talking about that occurred on the Nancy Noel use, we would have valet parking so that we could get people to the offsite parking easily.
- Franz So, would the COHatch members there be fully aware that the parking, the 29 spaces, 31 spaces, they're going to know exactly where the location is and they're going to be directed to those spaces?
- Rabinowitch Yeah. If Mr. Watkins can speak to that, we've talked about signage and/or instructions to members when they take membership.
- Watkins Good evening, and thank you for the opportunity to speak to you. My name's John Watkins from Columbus, Ohio and one of the principals of COHatch. As we spoke at the BZA hearing, what we've done is work with Bob Harris to secure a significant number of parking spaces at his 95 South Elm site. The discussion at the BZA is it's very difficult to enforce our members whether it's the restaurant patrons or our co-working members to use that parking because it is 400 feet away and there is a steep slope to get up and down that building. What we, I think, agreed to at that meeting that certainly our staff, the co-working staff and the restaurant staff we can require that they park in that location. Then, we have four of our additional and there are four different businesses with a total of 33 parking spots within 200-300 feet of our location that I'm here this week to try to finalize negotiations for the use of their spaces dedicated evenings and weekends to deal with the evening problem. There's actually plenty of parking in Zionsville, it's just a lot of it is every business owner wants to protect it for their own clients which we understand. So, you know, we're very committed to solving the problem. We're leasing this building from Bob that we will not use. We're doing that just to secure the parking and we'll be paying other business owners to use their parking for evenings and weekends. We'll do our best to encourage our members during the day to use the parking that we have, that we'll be using at 95 South Elm and we'll do our best with the restaurant including having the valet service if it becomes an issue.
- Lake Can I ask, in your experience running co-working spaces, due to COVID in 2020, my guess is your users stayed longer than they would traditionally do because they were 100% remote from home versus folks that would come there and plop down for a few hours and then go have a business meeting. They couldn't have a business meeting, so they were having zoom calls from the same place. So, as

COVID goes away, the issue that maybe the Zionsville folks are experiencing with zWORKS with people camping out for 8 or 10 hours, will likely revert back to what I see as traditional co-working space where you come for a couple hours in between meetings to get some stuff done and then you're back out again. Is that kind of a—do you see that same trend?

Hawkins The trends that we're seeing are that small, medium, ultra-small, medium-sized businesses are continuing to have the work pattern that you have and then we're seeing large corporations that are offering co-working services to their employees as an amenity. So, you know, get away from the kids and the dogs in the evening or during the day and have a place to go to hold those meetings and not be at Starbucks or Panera or whatever. So, those are the trends that we're seeing. It's really hard to forecast if it will snap back to that over time. I would agree with your logic. As Misha mentioned, we're building up to 10 locations around Central Indiana so people have the option to go to different places where they have their meetings. I would also note that approximately 100 zWORKS members, existing members will transition from their location to ours. So, there shouldn't be any additional impact and that may be good news or bad news for Mrs. King but the—you know, there won't be any additional intensity of use with the zWORKS members because they'll just be moving across the street to our side.

Lake Thank you.

Franz What are the hours of the COHatch?

Watkins The, uh—

Franz I guess, for the remote workers office, I mean, the—

Watkins Yeah, staffed from Monday through Friday, 8-5 and then we use key FOBs. So, it's open 24/7 but we rarely see any co-working activity, you know, past 5:00. Then, you have the advantage of our model is that the restaurant and the co-working uses are, you know, opposite in terms of their times of use.

Franz Okay, thanks. Any other questions, comments?

Jones Yeah, I've got just one more just kind of for the good of the order basically. What's interesting and I guess the comparison from this project to the Topsy Mermaid is just a couple things I want to bring up. So, this location, this building has got a specific set of handicaps. One, it's a church. Churches just never convert into anything easily. They are specifically built for their use, you know, as a house of worship. So, they hence have large use, a lot of small rooms. They just don't really transition well. The other thing is, this was built in 1854 when parking was not an issue. I'm assuming back in 1854 there was complaints about the horses and buggies and that sort of mess of that but hence you've got a site that has no parking and two, what you also find because it's not been used for anything in the last several use, the whole grandfathering of anything goes away. Hence, they've got to meet all the modern standards while they're handicapped by a site and a building built 170 years ago. It's kind of odd. My concern regarding the Topsy Mermaid is they were grandfathering in all these kind of uses

in parking but they were increasing the size of the space by 50%. I'll stand pat on my numbers about the number of occupants they can have at the site. So, they're going to have actually a greater impact on parking but they were held to a much lower standard. Which then kind of puts the burden back on Wayne is that somehow the Town of Zionsville has got to get a little consistency and continuity as to how they want to address the parking hence Miss King's comments are true in we're not really doing anything to provide a consistent path for future development and redevelopment of other buildings and the town.

Franz I will say this, I appreciate you guys working with the BZA on getting this parking set up. If you would note, you've been hearing it from Larry on the other side.

Jones Exactly.

Franz So, thanks a lot for that. Is there any further comments, questions?

Grabianowski I appreciate the preservation of a historic building. I understand where Larry's coming from. I hope it works. It's kind of a neat concept. It's where we do have parking is at the far south end of Main Street. At some point, the Town of Zionsville has to figure this out because it's not fair you guys are having to go the extra mile to try and—valet parking, I mean, okay. Yeah, it's—it has to be dealt with so that business owners who live next door to you can park in front of their building when they have to load equipment.

Fedor I generally, I guess, I have concern about the 24-hour access. This sounds like a really neat idea. At least I'm not trying to simplify this when I say this, but it sounds like a business gym. You know, people—there's 24-hour gyms. There's people in and out of them all the time, they're just not on Main street. I guess, that's my biggest concern about this that they've done a great job with everything else. It's the 24-hour access that concerns me, so.

Franz Any additional comments, questions? If not, is there a motion on this matter?

Lake I move that Docket #2021-19-DP—

Franz Oh, sorry.

Lake Sorry, Wayne.

Franz We had so much conversation back and forth, we forgot about the staff report. Wayne, can we have the staff report?

DeLong Certainly happy to provide one. Certainly, the BZA, we worked that project as well certainly mentioned here. Again, certainly staff appreciates that dialogue and certainly a fair amount was exchanged related to the parking. Certainly, ultimately the goal of the Board of Zoning Appeals in that motion was for the project to find the parking it needs somewhere within the boundaries of the Zionsville Architectural Review Committee's reach, if you will, of their program. Certainly to, only if nothing else offer flexibility to the project over the years to provide for its parking at places that might not exist today. Again, certainly staff

will focus on the Plan Commission's review and certainly staff is supportive of the petition as it's been filed. Certainly, speaks to the number of items that are germane to the project itself. Again, staff is supportive of the petition as it's been filed and I'm happy to answer any questions.

Franz All right. Thank you, Wayne. Does anybody have any questions for Wayne, now? I would ask, Wayne, and this is kind of related to the whole parking issue. When we have items that come before us such as development plans or something for a change of use for a building or potentially similar usage, is there a way that we could establish an ordinance that they have to meet new parking guidelines? Does that automatically get grandfathered in subject to the prior use?

DeLong Certainly, the ordinance as it's structured has language regarding development standard and how those exist and certainly how those are carried forward by an individual piece of property. Certainly, in the case of the tea room, you saw a project with a restaurant indeed closed. I believe it was December to early 2021. Certainly, the next project almost instantaneously started to move forward with seeking those entitlements. So, certainly the ordinance speaks to, I think, it's a six-month window where if a development standards is not utilized that you do give up that deviation.

Franz Okay.

DeLong At the same time, in Indiana there's vested rights. Certainly, the project, you know, other projects continue to move forward and seek entitlements relying upon those non-conforming standards. I know Mr. Rabinowitch has spoken to how this building, this particular building has been vacant for six years. In essence, actually the family did rely on it to facilitate the Nancy Noelle brand and gallery, maybe not open to the public every day of the week but certainly it did facilitate the business mission for the property or for the entity itself. So, in essence, we walk through each property and talk through each idea as it comes in. Certainly, some properties have zoning letters that we write speaking to those entitlements and speaking to this non-conforming status and how those things do change. This particular property has a number of previous variances and/or development plan approvals it has secured. So, this property is a little different. Certainly, the occupancy of any building is while the space may yield a certain number of opportunities for humans to be within the space, those humans also have to exit the space and certainly have to adhere to a life safety plan. So certainly, the math may say one thing on how many people you can put into a space either fixed seating, standing, or whatever the case may be but the exit plan also has to then mathematically support that number of people hence where you land at 4975, a different number of people in a space versus what could be in there without any seating. So, these are all calculations and conversations we have with individual petitioner, each individual party that seeks information from us, probably a longer answer than what you may have been looking for and again, staff is supportive.

Lake So to that point, I was surprised that Topsy Mermaid did not have a life safety plan because it would have quantified the number of occupants that they were legally allowed to have which would have helped in our conversation. I don't know if there's a way to require that projects coming before Plan Commission do

submit a life safety plan because we don't see one for COHatch either but that would—that uses code to determine and show here's how many occupants that our space can legally support. Now, they may not have it that full but that's how many it can support. Then, you know, Larry would be able to then, you know, have a number that they've determined to better challenge. I don't know if that's something that we can start to require but it's certainly a missing piece of the puzzle that is helpful information that would, I feel like, help us in these conversations.

DeLong Certainly, the ordinance speaks to the minimum standard as to what entitles a party to solicit and file with the Plan Commission. Certainly, we have a number of items that we let petitioners know, "Here's additional items that are really going to be helpful in this conversation." We can certainly include the life safety plan. I mean, I can certainly say that some petitioners have submitted that, maybe without much thought.

Lake Yeah.

DeLong It just, it's a sheet in the series.

Lake I mean, it's required for their state submission. They need it anyway, so they might as well share it.

DeLong Dually noted.

Lake I think relative to parking, it'd be nice to see Zionsville develop a requirement like a lot of municipalities do with sidewalks that if you're in the area that maybe doesn't have sidewalks, yet. When you're building a new building, you can either put your sidewalk in or you can pay into a fund. You know, what opportunities are there to say, "Okay, so you need 40 parking spaces and you can't realistically get that, you can get 10. Then, you need to pay into a bank at \$10,000 per space that ultimately goes to fund a garage." There needs to be a mechanism to do that. That's one way to do that because we are seeing a lot of these projects be under parked. Now, if you had enough parking space for all these buildings they wouldn't all be used at the same time, so you'd actually have more parking spaces than you collectively need but there would at least be a mechanism in place to fund that, so.

Franz I would agree. All right. So, we're—let's go back to the matter at hand so we can get out of here.

Lake Oh, yeah. Am I allowed to remake my motion?

Franz Would someone like to make a motion?

Lake All right. I'll try this round two here. I move that Docket #2021-19-DP to permit a building renovation and building additions on a .25-acre parcel located in the Village District VBD be approved based on the findings in the staff report and the staff recommendations, submitted findings of fact, and subject to resolution of outstanding review items identified by the engineering review letter in Exhibit 4 of the staff report?

- Franz Is there a second?
- Jones Second.
- Franz Is there any further discussion? All in favor, signify by aye.
- All Aye.
- Franz Oppose by nay. Motion carries, 7-0. I appreciate you listening to our banter.
- Rabinowitch Thank you.
- Franz You know, when you bringing up about the parking space, is there such thing as a parking impact fee such as there's a road impact fee? I don't know.
- Lake It is feasible to do that to say basically, any offset that's paid into a pool. You know, a surface parking spot's \$3,500 roughly. Parking garage space is somewhere in the magnitude of \$25-30,000.
- Franz Yeah.
- Lake So, you need to just pick a number and then while that might not solve your immediate parking problem, it certainly gives you a quicker mechanism to get a garage or some other system in place financially.
- Franz Wayne, quickly, I mean, how would Zionsville go about potentially implementing such a fee?
- DeLong Certainly, it would be something that would be an ordinance. Certainly, take public conversation. Certainly, it's, I mean, the town already has different types of impact fee on the books so to speak. So certainly, you could mirror those ordinances to give you that structure. Certainly, I would think that between the Zionsville Gateway Area Conversation and the other activities that are currently underway and certainly there's public conversation that accompany those. I think that this is, you know, certainly a very unique time to explore that specific thought as a part of that public dialogue.
- Lake Even if the Gateway Project or any of those other projects identify a garage, having at least some mechanism to help offset the cost of that by the businesses that are incurring the need seems to be the logical way to make that work.
- Franz We get caught in the middle. Everybody wants to see some improvements and they want to see stuff in the village but then there's no parking. Parking's expensive.
- Lake Yeah. Land's at a premium.
- Jones I think we ought to get a meter maid. Somebody in a golf cart, little van, maybe-
- Franz Have a little piece of chalk, go around and check the tires.

Jones You know if you put that out there'd be—

Grabianowski You could just do a two-hour limit.

Franz We could get antique—

Lake Yeah, two-hour limit in some areas.

Grabianowski If we do put meters, we could do a two-hour limit. We can't but somebody will.

Franz Okay.

Grabianowski I move, we adjourn.

Franz All right.

All Second.

Franz We're adjourned.