



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
JULY 7, 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

Also Present: Heather Harris, Town Council Attorney; Mayor John Stehr; Deputy Mayor Justin Hage; Fire Chief James VanGorder; Deputy Fire Chief Josh Frost; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of DPW; Roger Kilmer, Senior Planner, Planning & Building Department; 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, July 7, 2025 Town Council meeting. If you would please stand. We have a special group with us this evening, the Boy Scout crew, Boy Scout Troop 69. They're going to lead us in the Pledge of Allegiance. If you guys would like to come up here and we'll wait for you guys to get up here and start the Pledge.

All Pledge of Allegiance.

Plunkett All right, thank you very much.

ALEX PALOU DAY PRESENTATION

Plunkett All right, first up on the agenda we have a special presentation from Mayor Stehr.

Stehr Well good evening everyone and it is great to see such support for our Boy Scouts so thank you all for coming out tonight. Really appreciate that. So you may have heard back in May about the Indianapolis 500 and there's a guy who

was born in Spain who won the Indianapolis 500 but I think what a lot of people didn't know back then is that he lives in Zionsville now and I don't know about you but my rule of thumb has always been if somebody lives here for six months we claim them as a Hoosier and in this case he's lived here for six months so he's not only a Hoosier, he's from Zionsville. The first person from Zionsville to win the Indy 500. Now as you all know, our brick street is very important to us here just like the bricks over at that race track there on the west side so what we've done is we've taken a brick from our original Main Street, this is a historic brick that is 150 years old and it is now engraved saying "Zionsville celebrates the Indy 500 Champion Alex Palou 2025." But that's not all – when we called Alex and asked if he wanted to come in and have this presentation tonight, he not only said yes, he enthusiastically said yes. And, he brought his lovely wife, Esther, here as well and we appreciate her coming here and we appreciate his interest in being here and I just have a quick proclamation to read. Now this has a lot of whereases in it. I'll skip some of the whereases but, but here's what it says:

The Indianapolis Motor Speedway opened in 1909 and hosted the first Indianapolis 500-mile auto race in 1911;

And 76 individual drivers have won the race in that time;

And the Chip Ganassi racing team was established in 1990 and has won the Indianapolis 500-mile race six times since 2000, most recently in 2025. The Ganassi team hired Zionsville resident, Alex Palou, as a driver in 2021 and together they have won the Indy Car Series Championship in 2021, 2023 and 2024 – it doesn't say this but they're on their way to maybe winning it again this year too having won six of the first 10 races of the season. I'm sorry, I just have a little more to go here.

Whereas, Alex Palou led the last 14 laps and was the winner of the 2025 Indy 500 with an average speed of 168.883 miles per hour for his first victory in the signature race in five starts and his first win ever on an oval track;

And, whereas, with his wife, Alex Palou, became the first native of Spain to win the Indianapolis 500;

And Alex consistently recognized the efforts of the Ganassi racing crew while highlighting their dedication and impact on his success on the track;

And Alex Palou has been a role model in our community and on the Indy Car racing circuit by consistently displaying the attributes of integrity, sportsmanship and excellence.

Now, therefore, be it resolved that I, Zionsville Mayor, John Stehr, proclaims July 7, 2025 as Alex Palou Day in recognition of his extraordinary achievements and positive impact on our state and our community and I urge all residents to join me in celebrating and honoring Alex for his unselfishness, his accomplishments and contributions to the racing community and for being a positive ambassador for our town. Ladies and gentlemen – Alex Palou.

Palou Thank you Mayor, thank you. Thank you. Yes, thank you everybody. I have no words honestly. Like I, when they told me that you guys were going to celebrate my Indy 500, I was like yes, let's do it. Like I'm living in Indy, in Zionsville now so it'll be fun but I expected just a picture and maybe, I don't know, something else and that's it but I didn't expect people, I didn't expect all of this so thank you for preparing this for me, for our team, for my family – it's, it's truly special. Thank you to all the fans and everybody that has made it here today for me but it feels amazing. It feels more than a dream. I never thought that I would be in the position I am today and I couldn't be happier so thank you for the brick, thank you for this day. It's truly, truly special and it's also, today actually is the 10th anniversary with my wife together so we didn't plan this, we did not plan this but thank you for choosing this day because it's, yes, here's the present – see. So thank you so much. Thank you guys. Thank you to everybody in Zionsville.

Stehr And we'll plan to do all this again next year.

Palou Okay.

Stehr Okay, here you go. Congratulations. Thank you. Alex is going to head outside and and sign a few more autographs.

SWEARING IN OF FIREFIGHTERS

Stehr In the meantime, we're going to move on with the business of the town and the next thing we have is swearing in four firefighters and I know that we have a, a good crowd for that as well and so with that in mind, I'd like to call up the first to be sworn in tonight – that would be Tyler Hess.

VanGorder Mr. Mayor, if I could – Mr. Mayor. If I could say a few words as we get ready for the swearing in. Mr. President, members of the Council, Mayor Stehr – I'm extremely proud to be before you this evening for the swearing in of four new firefighters for our Fire Department. These four firefighters are filling current vacancies within the department, and we are excited to have them join the ranks of the Zionsville firefighters leaving us only 11 full-time vacancies. They have recently completed 22 weeks of a joint academy with the Pike Township Fire Department where we did joint training and they obtained their emergency medical service and firefighter certifications. At the conclusion of the swearing in, I would ask that Deputy Chief Frost to come forward and present a gift on behalf of the Fire Department executive team to the four firefighters and Mayor Stehr as I turn it over to you, I'd like to tell you a little bit about those folks coming up. This is Tyler Hess and if his wife, Daisy, would please come forward, stand with him as he's administered the oath of office and as soon as they're finished you may pin the badge on. Mr. Mayor –

Stehr I'm sorry for jumping in front of you in the line. I didn't mean to do that but this is a great day and I always appreciate the support that our firefighters have when they come in here to be sworn in, so this is a wonderful opportunity for us and I hope you feel that way too. So, I would ask you Tyler please raise your right hand and repeat after me. I, Tyler Hess –

Hess I, Tyler Hess –

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Stehr	Do solemnly swear –
Hess	Do solemnly swear –
Stehr	That I will support –
Hess	That I will support –
Stehr	The Constitution of the United States of America –
Hess	The Constitution of the United States of America –
Stehr	The Constitution of the State of Indiana –
Hess	The Constitution of the State of Indiana –
Stehr	And the Ordinances of the Town of Zionsville, Indiana –
Hess	And the Ordinances of the Town of Zionsville, Indiana –
Stehr	I will faithfully –
Hess	I will faithfully –
Stehr	Honestly –
Hess	Honestly –
Stehr	And impartially –
Hess	And impartially –
Stehr	Discharge all my official duties –
Hess	Discharge all my official duties –
Stehr	In the position of Firefighter –
Hess	In the position of Firefighter –
Stehr	For the Town of Zionsville –
Hess	For the Town of Zionsville –
Stehr	Regardless of the race –
Hess	Regardless of the race –
Stehr	Creed –

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Hess	Creed –
Stehr	Color –
Hess	Color –
Stehr	Religion –
Hess	Religion –
Stehr	Sex –
Hess	Sex –
Stehr	Or national origin –
Hess	Or national origin –
Stehr	Of the persons I serve –
Hess	Of the persons I serve –
Stehr	So help me God.
Hess	So help me God.
Stehr	Congratulations Tyler.
Hess	Thank you.
VanGorder	And the next firefighter I think you have –
Stehr	The next is Samuel Hipple.
VanGorder	And he'll be pinned this evening by his girlfriend, Rachel Berry.
Stehr	Please raise your right hand and repeat after me. I, Samuel Hipple –
Hipple	I, Samuel Hipple –
Stehr	Do solemnly swear –
Hipple	Do solemnly swear –
Stehr	That I will support –
Hipple	That I will support –
Stehr	The Constitution of the United States of America –
Hipple	The Constitution of the United States of America –

Stehr	The Constitution of the State of Indiana –
Hipple	The Constitution of the State of Indiana –
Stehr	And the Ordinances of the Town of Zionsville, Indiana –
Hipple	And the Ordinances of the Town of Zionsville, Indiana –
Stehr	I will faithfully –
Hipple	I will faithfully –
Stehr	Honestly –
Hipple	Honestly –
Stehr	And impartially –
Hipple	And impartially –
Stehr	Discharge all my official duties –
Hipple	Discharge all my official duties –
Stehr	In the position of Firefighter –
Hipple	In the position of Firefighter –
Stehr	For the Town of Zionsville –
Hipple	For the Town of Zionsville –
Stehr	Regardless of the race –
Hipple	Regardless of the race –
Stehr	Creed –
Hipple	Creed –
Stehr	Color –
Hipple	Color –
Stehr	Religion –
Hipple	Religion –
Stehr	Sex –

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Hipple	Sex –
Stehr	Or national origin –
Hipple	Or national origin –
Stehr	Of the persons I serve –
Hipple	Of the persons I serve –
Stehr	So help me God.
Hipple	So help me God.
Stehr	Congratulations.
Hipple	Thank you.
VanGorder	Abigia Jones will be sworn in, excuse me – will be pinned by his mother, Sandra Jones.
Stehr	Raise your right hand and repeat after me. I, Abigia Jones –
Jones	I, Abigia Jones –
Stehr	Do solemnly swear –
Jones	Do solemnly swear –
Stehr	That I will support the Constitution of the United States of America –
Jones	That I will support the Constitution of the United States of America –
Stehr	The Constitution of the State of Indiana –
Jones	The Constitution of the State of Indiana –
Stehr	And the Ordinances –
Jones	And the Ordinances –
Stehr	Of the Town of Zionsville, Indiana –
Jones	Of the Town of Zionsville, Indiana –
Stehr	I will faithfully –
Jones	I will faithfully –
Stehr	Honestly –

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Jones	Honestly –
Stehr	And impartially –
Jones	And impartially –
Stehr	Discharge all my official duties –
Jones	Discharge all my official duties –
Stehr	In the position of Firefighter –
Jones	In the position of Firefighter –
Stehr	For the Town of Zionsville –
Jones	For the Town of Zionsville –
Stehr	Regardless of the race –
Jones	Regardless of the race –
Stehr	Creed –
Jones	Creed –
Stehr	Color –
Jones	Color –
Stehr	Religion –
Jones	Religion –
Stehr	Sex –
Jones	Sex –
Stehr	Or national origin –
Jones	Or national origin –
Stehr	Of the persons I serve –
Jones	Of the persons I serve –
Stehr	So help me God.
Jones	So help me God.
Stehr	Congratulations.

Jones Thank you.

VanGorder And finally, Daniel Quick will be pinned by his wife, Abby Quick.

Stehr Raise your right hand and repeat after me. I, Daniel Quick –

Quick I, Daniel Quick –

Stehr Do solemnly swear –

Quick Do solemnly swear –

Stehr That I will support –

Quick That I will support –

Stehr The Constitution of the United States of America –

Quick The Constitution of the United States of America –

Stehr The Constitution of the State of Indiana –

Quick The Constitution of the State of Indiana –

Stehr And the Ordinances –

Quick And the Ordinances –

Stehr Of the Town of Zionsville, Indiana –

Quick Of the Town of Zionsville, Indiana –

Stehr I will faithfully –

Quick I will faithfully –

Stehr Honestly –

Quick Honestly –

Stehr And impartially –

Quick And impartially –

Stehr Discharge all my official duties –

Quick Discharge all my official duties –

Stehr In the position of Firefighter –

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Quick In the position of Firefighter –

Stehr For the Town of Zionsville –

Quick For the Town of Zionsville –

Stehr Regardless of the race –

Quick Regardless of the race –

Stehr Creed –

Quick Creed –

Stehr Color –

Quick Color –

Stehr Religion –

Quick Religion –

Stehr Sex –

Quick Sex –

Stehr Or national origin –

Quick Or national origin –

Stehr Of the persons I serve –

Quick Of the persons I serve –

Stehr So help me God.

Quick So help me God.

Stehr Congratulations.

Quick Thank you.

VanGorder If we could have all four firefighters up front for our final presentation.

Frost Okay gentlemen – if you would give me your attention. We started this tradition a while back and this is something that the executive team has put together that we like to raise awareness to how important you are to all of us and to the town. Specifically, we'd like to make sure that you realize that you are now a part of our history and you have this opportunity now to write what your legacy is going to be. Find out what your story is going to be as firefighters, paramedics, officers, whatever path you take in the fire service for the town. You choose to live that

the way that you want, you're the author of it, but people will identify you by how you write that story. So you probably already know after recruit school you will develop nicknames, you will develop a reputation and it's incumbent upon you to define what that's going to be. Moving forward we would like for you to receive a couple different things from us. The first is a medal with St. Florian on it and your unit number. Regardless of what your religious affiliation is, we would ask that when you wear this medal, when you feel it upon your chest let it serve as a reminder that people are counting on you to do your job. Whether it's your citizens in the community that you're serving, your family to get home, your shift mates to make sure that you watch their back and to watch each other's back. So we'd like you to wear this as a reminder and constantly let every time you notice it or feel it know that that is a higher power watching out for you reminding you that you have a responsibility to everyone around you. That's one.

The other is a part of writing your legacy we would like for you to take up roots here, work your career here and have time where you will put this item on your shelf at home and let it serve as a reminder that every day you're writing your story. We would like to present each of you with a retirement bottle that is to not open until on or after June 6, 2045. Believe it or not, that's not that long away. You will look back and it will be shocking to you what a blink of an eye that time has passed in. But put this in a prominent place at home. In all seriousness, this is going to be an opportunity for you someday to open this bottle, toast it with your shift mates, your recruit mates and the people that you've worked with through the years to tell your story. That legacy that you're writing, that you're leaving with the way you come to work every day, put this in a place where you'll remember that you are writing your legacy every time you show up to work. You'll have difficult days. There will be hard days. There will be times where you lean on other people and other people will lean on you but it is a reminder that you are serving a calling that you received and you answered that call. So we'd like you to accept these on our behalf and know that every day you're working toward that final joy that you can share with each other. Thank you.

Plunkett All right. Mayor Stehr, Chief VanGorder, certainly appreciate that. Thank you to the Fire Department and congratulations to you four. Certainly always an enjoyable time when we get to celebrate swearing ins with you guys so at this point I'll pause the meeting, so you guys don't have to stick around for the rest of it. If you guys want to go ahead and take off and we'll just give you guys a couple minutes to, to get out of here.

Break

APPROVAL OF THE CONSENT AGENDA

Plunkett All right, at this point we'll move on to the next item on the agenda which is the Approval of the Consent Agenda. Are there questions from Councilors? Otherwise I would entertain a motion.

Norris Motion to approve the consent agenda.

Melton Second.

Plunkett I have a first from Councilor Norris, a second from Councilor Melton. All those in favor signify by saying aye.

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next is Request to Speak on Agenda Item. Amy, are there any requests to speak?

Lacy No there are not.

OLD BUSINESS

Plunkett All right, moving on to Old Business, we have no items of Old Business so the first item of New Business, the Boy Scouts picked a really good meeting to come to.

NEW BUSINESS

Consideration of a Right of Way Vacation (Holliday Farms) (Public Hearing) (First Reading)

Ordinance 2025-16

Plunkett First item of New Business is a Consideration of a Right-of-Way Vacation, this is Holliday Farms. This is a first reading. This is Ordinance 2025-16 and we have Roger Kilmer, Senior Planning, Senior Planner, Planning & Building to present. Good evening Roger.

Kilmer Good evening. Name is Roger Kilmer, Senior Planner for the town. The item before you for consideration at this time is a requested vacation of a public right-of-way, specifically, part of Marketplace Drive which is up in Holliday Farms. A petition for the vacation of this was filed on behalf of Foxlane Homes and has gone through the appropriate review and public notice. To give you a little bit of background, first of all, I'm going to be briefly introducing the request tonight and then I'll turn it over to the petitioner.

To give you a little bit of background on what is being requested and where it is, on the screen in front of you is a copy of the recorded secondary plat of Holliday Farms Section 7. More for the benefit of the, of the public, the location of public ways and lots are established through the recording of secondary plats and, again, this is the recorded plat of Section 7. What is being requested is that part of the public way of Marketplace Drive, the area that I've highlighted in yellow, is being requested to be vacated meaning essentially erased from the secondary plat. The petitioner is asking to do this to give, to allow them greater flexibility in

the future development of this portion of Holliday Farms. Vacating portions of a plat is a little bit of a unique process in that a plat, as mentioned earlier, establishes location of roads and public ways but it also establishes lots and the state legislature through their process has established essentially two different erasers to erase right-of-ways and lots but they've given one eraser to the local jurisdiction, governing jurisdictional body which is yourselves. Your eraser is only allowed to erase public right-of-ways and easements. The second eraser is given to the Plan Commission. They are allowed to erase lots.

So what is before you tonight is basically the removal of the recorded right-of-way, this portion of right-of-way of Marketplace Drive that will, if approved, it will allow greater flexibility for the development. The developer then will need to go back before the Plan Commission to essentially erase the lot lines therefore creating a blank canvas which they then as we've been told are intending to develop townhomes on this, this portion. The roadway that would be running through that development would then be most likely a private drive, not a public drive, put a private one and, again, the property would be then re-platted for development of townhomes.

This maybe give a little bit better perspective on where we are. Again, the right-of-way to be vacated is outlined here in the white dots. The lots that will be vacated in the future are these that are outlined in red so that eventually all of this area again would be a blank slate. For orientation purposes, this is Michigan Road. Right across the street is the Interactive Academy. Back behind this area is the residential section of Holliday Farms and just to the north of this area is the commercial development of Holliday Farms which is growing as we speak. So with that, I'm going to pause and turn it over to Kylie Bright-Schuler from American Structurepoint representing the petitioner and we'll allow Kylie to come up and answer any questions you might have.

Plunkett Hey Roger – real quick before Kylie comes –

Kilmer Yes –

Plunkett Up there – you mentioned this is kind of a two-step process. I don't know that I've seen this come to us before like this. I'm not saying that I'm opposed to it. I see, it seems like it makes sense. My question is are we getting the cart before the horse or should it go to the Plan Commission first or is this the right first step?

Kilmer Excellent question. The state legislature in, in establishing those two erasers that I mentioned, in that it also establishes the process that if both portions are needed for a vacation, the part before you has to go first.

Plunkett Okay.

Kilmer And we have done this before on another section of Holliday Farms. It was a number of years ago but we, this is the second time we're doing that for a portion of Holliday Farms.

Plunkett Okay, perfect. Thank you.

Kelly Good evening. My name is Doug Kelly. I'm with Foxlane Homes, the petitioner, here with Kylie from Structurepoint and I'll be able to speak to more of the, from the homebuilder side and the development side and also if there's any technical questions or any, anything from that aspect Kylie will be here to answer them for you as well.

As he said, we plan on developing the neighborhood. We're going to be putting some high-end 32-foot-wide townhomes, two-story. We're currently building in Holliday Farms. We feel that there's a need for a luxury higher end, low maintenance part of, of the neighborhood so the, the homes that we will be planning on doing with, with this approval would be more of a luxury high-end first floor owner's bedroom. The snowbird type, the who want to live in the luxury style of Holliday Farms. We plan on continuing how beautiful it is already and continuing that into this section as well so. But with this, hopefully with this approval we'll continue, this is the first step in our site plan process. We've thrown some designs out there and everything but we need to obviously go ahead with this first so.

Burk Thanks Doug. I just have a couple of questions.

Kelly Sure.

Burk Obviously I'm not opposed to putting the townhomes there and I believe there's a, there's a need in the community for that. The change though is a way from what was, what was initially planned? Was that commercial –

Kelly Yes.

Burk Activity? So, a concern I have is tax revenue on commercial property as opposed to townhomes is, is a loss of revenue to the town if we were to make this change. The second question I have is is it, this is, this is obviously a public drive kind of a heading through there. When I initially pictured this as kind of a commercial center the idea was you'd have a couple different entry points in and out to the commercial section. You're asking to remove the drive up to Rogers –

Kelly Correct.

Burk Is that going to, how will people access the new townhomes if there's no drive going through there? I'm just trying to mentally picture this.

Kelly Yes well currently there's a paved road there currently which is I guess I would consider it a northern part of this, of the subdivision that's currently installed. So the entrance to there would be in that northern entrance and then it would head south to an entrance that we would create for that section of the neighborhood.

Burk So you would be putting in something?

Kelly Correct.

Burk On a different road?

- Kelly Yes, right off Rogers Highway, Rogers Parkway.
- Burk The other question I had and I don't know if you'll be able to answer it or someone else and I wish I could remember and Evan you may even know, probably a year ago we had a conversation about kind of a re, re-crafting the pathway through this space. Originally I think it was supposed to be along 421. Now, admittedly, there is a new pathway being built on the east side of 421, thank goodness, but is this also, if we vacate this, is this not part of what was considered the pathway trail compromise to move from along 421 through what I thought was the commercial area?
- Kelly Part of this is that we're going to continue the trail throughout the neighborhood to connect to the northern part where it was going to connect to before.
- Norris And I can help with that. That, that trail vacation, I believe, was up towards the Garontakos site which was up near the old farmhouse which is not even exhibited on this.
- Burk Okay, north of Rogers?
- Norris Yes, way north.
- Burk Okay.
- Norris It's not even on this map.
- Burk So this doesn't impact that at all?
- Norris No.
- Sampson I was wondering the same thing.
- Burk Yes, yes, thank you.
- Norris At least that's my understanding. I'm looking at Brad Henke – he's giving me the thumb's up.
- Melton My question is for, I think, Roger real quick. Roger, sorry – are we getting rid of right-of-way? Are we getting rid of entrance to Michigan Road? Is that –
- Kilmer Yes.
- Melton Okay.
- Kilmer This area, this entry onto Michigan Road it will be vacated and, again, what they are proposing is at some point off of Rogers they'll have a private road coming down into their development but it is not anticipated to come out and tie onto Michigan Road. So the two points of access from the commercial section of Holliday Farms onto Michigan Road will be here at Rogers Parkway and then further north it is just off of this map. Unfortunately, it is already existing and that is up closer to the Starbucks and the Kiddie Academy up to the north.

- Melton So is there only one access into this property at this point? That's the future plan?
- Kilmer In, into the residential portion that they are proposing there will be one point of access and it would be coming off of, off of this area.
- Melton I guess in the back of my mind I'm thinking about fire protection and access and I assume all that stuff will be crossed and dotted through that process.
- Kilmer Yes.
- Melton I think initially I'm okay with this and I'm glad that we're getting off of Michigan Road another access. I think that's my main concern is, is that. However, it'd almost be in the future if we could see a plan at the same time we're getting rid of something which I don't know if that's not the process but it'd make us more comfortable to be like let's move on so I think that's what I'd like to see in the future if we can but, but yes, this looks like a great compromise as we move forward.
- Kelly With this per the zoning we're able to do 12 units per acre. We're going to be far, far below that. We're going to be probably at the 60% since we're, we chose to do a wider unit as opposed to a narrow unit and go up. We chose to do a wider unit –
- Melton 3 feet you said?
- Kelly 32 feet.
- Melton 32?
- Kelly Yes. So we're able to fit that first floor primary bedroom on that, on there and have an option though to do second floor or first floor so.
- Melton Fantastic. Thank you.
- Kelly Yes, you're welcome.
- McElderry I just have one quick – oh, go ahead Roger.
- Kilmer If I can just to re-emphasize and clearly respond to your question about fire concerns and things like that. Their proposed development will still be required to go through Plan Commission not only for the replatting but also for the development plan so all of the different utility agencies and town departments and everything will still be reviewing it just as if it's a, a brand-new project so everyone will be looking at this project.
- Melton Thank you very much.
- McElderry Yes, just a quick question – so if I'm looking at this correctly, the townhomes would be located on Lots I, J and K and then those on H, J – H, G and F is

everything north of Rogers Parkway still going to be commercial development?
It is?

Kelly I'll let Brad answer.

Henke Brad Henke, Henke Development Group, 1310 South U.S. 421. To your question – that is correct. Everything north would be commercial and really kind of a the quaint Marketplace village there. We have, you've probably already seen, but a dental group getting ready to go and then we have some other shops in addition to the Garontakos building that would all be north of this.

McElderry Okay, thank you. That's it.

Plunkett I just have a procedural question, Roger. The, do we, will, will we need to amend the Holliday Farms PUD for this?

Kilmer No. The proposed uses – first of all dealing with uses – the proposed uses are permitted in this area of Holliday Farms. The layout that was within the Holliday Farms PUD was a conceptual layout which still greatly reflects what is currently platted and what will be platted. There is enough area for play to, to allow that. Again, the conceptual plan of the Holliday Farms did not nail down a specific site plan, it laid the things out in general, in a general format and what is being proposed would be compliant with that general layout.

Plunkett And then what if, for whatever reason, the Plan Commission doesn't approve their part of it? What happens then?

Kilmer Well, the –

Plunkett And, again, I'm just, I don't want to get, I know the development plan will have to go through the Plan Commission, that will ultimately be vetted that way but procedurally I just want to make sure we're doing what we're supposed to be doing here.

Kilmer There are essentially three things that will have to be approved for their proposed development. One is the vacation of this right-of-way. Two will be the vacation and replatting of the, of the property for their proposed development and the third item is the development plan approval by the Plan Commission. Those, those last two steps both by the Plan Commission are essentially ministerial meaning if they meet all of the standards that are spelled out within the Holliday Farms PUD and the Zionsville Zoning Ordinance, the Plan Commission has to approve those.

Plunkett Thank you.

Sampson So that then gets me thinking if it's ministerial are we taking away the public voice?

Kilmer No there, there will still be public hearings held on those just, just as any development plan that comes before the Plan Commission now is still going to receive a public hearing. Any primary plat or plat amendment that comes before

- the Plan Commission it is going to be required to have a public hearing. So those, those processes are still in place.
- Sampson How advertised was this in the Holliday Farms community that this was changing from commercial to townhomes?
- Norris It's always –
- Sampson It's always been townhomes?
- Norris Well it's always been an approved use and it's kind of a bigger question for the neighborhood. It's always been an approved use. You mean how much was this vacation easement –
- Sampson Yes.
- Norris Published?
- Sampson Yes, like do people know this is happening?
- Norris Per notice.
- Sampson So they had to have the Lebanon Reporter?
- Kilmer It was published in the Lebanon Reporter and for vacations only property owners that own property touching the area to be vacated have to be notified. In this case the landowner that touches the entire portion of the area to be notified is Henke Development so there were no other outside property owners required to be notified. If there was any additional notification published or, or made available to residents of Holliday Farms, I'd have to let Mr. Henke respond to that.
- Henke I can just elaborate on that. We, we don't have all the plans of the development as Doug mentioned but we have met with a number of the families there on that west side on all the uses in the Marketplace as well as landscaping working with all of them on evergreens down through that area like mostly north of the pond in that area but we've met with all of them. We've talked through townhomes as a use in that area as well.
- Sampson I just, I think there's been a lot of pushback in our community about like PUDs and the changes that are made post-approval and I just want to make sure we go through as many congenial steps as we can just so people don't feel hoodwinked. I don't know.
- Melton My comment to yours is this is a right-of-way so –
- Sampson Yes –
- Melton We're getting rid of the right-of-way. The development plan that they bring is still going to go through a process and get crossed and dotted as it moves through –

- Norris The only –
- Sampson I agree with that except that it, I mean to his point, it could become ministerial and it just, it, it has to be approved once we let the first domino fall so it's just thought from a –
- Norris Roger, correct me – the only two ways you amend a PUD is if you change the uses or you substantially deviate from the original PUD, correct?
- Kilmer And if you do either of those, you essentially have to go back through a rezoning –
- Norris Rezoning –
- Kilmer Of changing a PUD to a new PUD because you're going to be changing uses or changing development standards, things like that. This change does not rise to that requirement.
- Sampson Is there like a, a number or percentage of change? What is the non-subjective measurement of substantial change in a PUD?
- Norris That's a legal question.
- Sampson Okay. Is there, is there a box that flags something for substantial versus not substantial?
- Norris I think the statute might say it's in the discretion of the Planning Director. Am I, am I correct?
- Kilmer I am not an attorney so I'm going to defer.
- Harris Yes, I mean, I think anytime you're trying to develop, if you're, if you're changing anything like zoning you're going to have to go back through the Plan Commission. If you're changing the original intent or use of the property, you're going to have to go back through the Plan Commission. So there's always going to be some steps but this is, if this is already an approved use –
- Sampson Right, I get it.
- Harris It's just what are they doing with the property.
- Sampson It's just maybe more for future as we consider PUDs what would be a measurement that if we're pushing to have more commercial in our town and we're presented with what would be commercial and it flips to residential. It's two different revenue stream from the tax base but also it might not necessarily be approved by a governing body if, if it's too much of a change. That's all. I'm just trying to define too much of a change just from what I've had pushback from the constituents. I'm not opposed to this but I do want people to know that we are considering this so that we can maybe firm up those feelings of once you have a PUD you're willy-nilly able to do whatever you want because I think PUDs are a good tool in our town but I want the community to understand that as well.

- Norris Yes, and I will say and I'm not speaking on behalf of all the residents of the neighborhood but I will say that the change or the original scope of this being commercial and Mr. Henke can correct me if I'm wrong but the general desire to have townhomes in this location is much more desirable to these neighbors directly to the west than it would be the commercial uses to the west so I mean, obviously, no one's here to speak on that but I think that's the general sentiment in the neighborhood.
- Sampson Well just and the last thing we considered some of the pushback was we, the townhomes just a half mile away that people didn't want townhomes so I'm just trying to make sure that we're representing the people on both sides but no one's here so I'm just more saying for the future people who bring PUDs also.
- Burk Were they townhomes or apartments?
- Plunkett Well, I mean, I think in an effort to kind of reign this in a little bit, again, we're focused on the right-of-way vacation. The development plan will be presented to the Plan Commission. All this stuff will have an opportunity for remonstrance, communication, support, etc., etc. so I just, I think the, all great questions and really good dialogue, especially given this, the complexity of this, complexities of this area. I think just to kind of reign it back in though I think we're focusing on the right-of-way vacation and then we'll get, obviously as the development plan is approved and it comes back to the Plan Commission ultimately that stuff will come to us too and we'll have a chance to look at it and –
- Sampson If this is a living space though do we have to have a pathway behind it to go with what we normally require or is the pathway in front of it not, is that all we needed? Because we had to give that up in the north side as you said. We had to say they didn't have to have a perimeter that they could go in front of and around but now we're not addressing that? That comes in a different time?
- Kilmer If I may just talk very briefly about the history of the pathway as it applied to Holliday Farms. Initially the plan was a requirement of any subdivision is to have a public pathway along the perimeter of the subdivision. So when Holliday Farms came in for its approval, the thought was well, we're going to have a pathway along Michigan Road because that's the perimeter. Through the process, it was requested by, by the development team and approved by the town that through this, I'm going to refer to it as the commercial portion of Holliday Farms, that the pathway was going to be allowed to divert away from being right next to Michigan Road and move through the commercial section along Marketplace Drive. Well, obviously, now we're vacating, the request is to vacate a portion of, of Marketplace Drive so now we're reverting back to okay, we need to still resolve the required pathway. There will be one and part of their proposal through the development plan and replatting will be the relocation where the pathway was going to follow this area, it will obviously now no longer follow that but it will come along Michigan Road and then branch off and go through the commercial portion of.

- Sampson Okay. I wanted to make sure that was clear that we're right back to where we have a sidewalk over there on Michigan Road because otherwise the town is going to be stuck putting a sidewalk there before we know it.
- Kilmer No we will, the end result will be a recreation path all along the, you mentioned the east side of Michigan Road, the end result of this will be a continual path along the west side –
- Sampson West side, yes.
- Kilmer It just might not be right immediately next to Michigan Road, it might be still going through the commercial portion.
- Sampson Okay, I just wanted to make sure we weren't vacating that right-of-way of perimeter path when we vacate this right-of-way. Okay, great.
- Burk Well we technically are. That was my question, first question. They may replace it at a later time but they are in fact, this is where the, where the path is currently laid out.
- Kilmer Yes and they will be required to –
- Sampson Required to finish it.
- Kilmer To replace it elsewhere and that will be part of the approval process through the Plan Commission.
- Sampson I think that's just what I wanted to make sure is that by vacating this I'm not vacating the future part so I'm good.
- Kilmer You're not vacating the right to get, to get that. We're vacating the location of it but we are going to get that pathway.
- Sampson Okay.
- Burk Yes. I have just one question – I mean, obviously, I think the primary change is to net more square footage by vacating the right-of-way which is the Marketplace Drive. How much more square footage do you gain for development by, by vacating this?
- Kelly I don't necessarily think it's going to be more square footage overall, I think it's just going to allow us more flexibility and create a more aesthetic neighborhood while meeting the guidelines of the current zoning itself.
- Burk So it's not necessarily to put more "12 units per acre." It's not to add square footage?
- Kelly No, no, no. We're going to be more probably the 7 units an acre most likely is kind of of just our quick math going through it all so we'll be well, well below the 12 units per acre.

Burk Okay. Thank you.

Plunkett All right, any other questions from Councilors? This is a public hearing and I have proof of publication of public hearing. At this point I'll open the public hearing. If there's anyone from the public who would like to comment. Seeing none, I'll close the public hearing. At this point I would entertain a motion.

Melton I'll make a motion to introduce Ordinance 2025-16.

Stein Second.

Plunkett I have a first from Councilor Melton, a second from Councilor Stein. All those in favor signify by saying aye.

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

Norris Mr. President, if I may, should we vacate or what am I saying – suspend the rules on this one and go ahead and approve this on final reading?

Plunkett Is there a timeframe you guys are up against? Would it be beneficial to suspend the rules and approve it tonight or, or does that matter to you guys?

Norris So you don't have to come back in two weeks.

Kelly Yes, sure that's fine.

Sampson You're like yes.

Burk I don't know that I would support it just because I don't know how the public feels about it and two more weeks may give me a better sense if there's, maybe there's remonstrance, maybe there's not but I don't see a need to push it through right now.

Plunkett All right, fair enough.

Harris You have to have all, a unanimous vote to suspend the rules.

Plunkett It's gotta be unanimous so.

Norris Well it sounds like Brad I'm not going to get your vote tonight.

Sampson It's his district.

Plunkett All right, thank you very much. See you guys in a couple weeks.

Norris Sorry.

Consideration of an Ordinance Regarding Right-of-Way Consent to Encroach (First Reading)

Ordinance 2025-17

Plunkett All right, up next on the agenda is a Consideration of an Ordinance Regarding Right-of-Way Consent to Encroach. This is a first reading, Ordinance 2025-17. We have Lance Lantz, Director of DPW, here and I believe, Heather, you've got some commentary you can provide on this as well.

Lantz I believe you did receive a late version as this one had been bouncing back and forth between attorneys so I'll let somebody else in the room speak to any tweaking that may have happened in the 11th hour but before you tonight for an introduction and consideration on first reading is a new section of the Code of Ordinances specific to encroachments into and upon the public rights-of-way. Now these are not easements. We've dealt a lot with utility easements and drainage easements. This is the rights-of-way. This is the property alongside roads, sidewalks, etc. that the town owns and maintains. Now we've long had an encroachment process in our Code of Ordinances but it was oddly specific to trees and flora and it was in Chapter 100 of the Code of Ordinances and so right or wrong through the years the town has used that section of the code specific to trees and flora to apply to any and other sundry needs across the town for right-of-way encroachments when odd, odd things cropped up.

So essentially this ordinance says anything that you do upon the property that, that this body government, governs, our right-of-way, requires the authorization and approval of the town and we thought that while we are embroiled in these conversations of updating the outdoor dining regulations currently under the BZA's auspices, to encroachment process more accurately or, or appropriately awarded through the Town Council and the DPW as your agent in the field. We thought we'd crack this section of the code because we've frankly never had this other than for trees.

So the first section speaks mostly to the perimeter encroachments in a right-of-way. These are really far and few between. It's not often that you have building type extensions that are in the right-of-way but we are seeing now in some subdivisions there's, there's more and more interest in them providing their own private flock cameras and radar feedback signs so anything that's going to be put in the public right-of-way that's not going to be tasked to the town to maintain, it's not going to be our liability, we're not going to be responsible for it if it's damaged, we want to have these encroachment processes to recognize that.

The second section speaks more to commonly encountered encroachments that we deal with more on a daily basis which is things such as PODS, dumpsters in the spring and many in the Village in particular and many subdivisions that have small lots, people don't have room, they don't have room to put a dumpster in their driveway if they're working on their house. They don't have room to take a dump truck worth of mulch they want to spread in the spring so we want to offer these opportunities to our public but we want to make sure that we're aware and regulating them so they know where they are and that everything's being done

properly. This would also be the encroachment process once we bring the outdoor dining within right-of-way to fruition by removing that from the BZA. This will be the process that outdoor dining establishments will go through so that we can review the area that they'd like to use perhaps restricted all with the goal to make sure that ADA accessible routes are maintained throughout our community. I'd be happy to answer any questions that you may have on this. This is a first reading only.

Plunkett Heather, is there anything you want to add on that?

Harris Yes, the only thing I was going to mention is when we were talking about the outdoor dining, the Council had a discussion about encroachments in the right-of-way and some questions were raised which prompted the review and then bringing forward this ordinance so this is something really that you all got started for the town and the only changes were you got a draft version so we just gave you the clean copy and we had clarified a process for when the town can recoup their cost if they have to remove something from the right-of-way after 24 hours so that we can give written notice and then we can remove the obstruction but, if necessary, recoup costs. So if it were something expensive, took extra labor, we should be able to recoup those costs so – and that's allowed under the statute and that's it.

Sampson Is 24 hours the normal time for someone to respond or?

Harris Yes, we felt like that wasn't temporary so if you're doing mulch for the day great. If you're parking a dumpster there and you haven't gone through a process to allow it to be – there, there is a process that the town is going so you can go have a conversation but if you're doing it without permission, we felt like that was reasonable and pretty, pretty consistent –

Sampson I just thinking of a weekend of mulch would maybe be 48 hours so that's –

Lantz Yes, if it's not, if we're aware of it we could say put it here and you're okay –

Sampson Yes.

Lantz And you need it there for three or four days we get it – you're spreading your mulch. Not, not an issue. This isn't really a, a policing action that we're seeking.

Sampson Yes.

Lantz And to Ms. Harris' point, these PODS and dumpsters they require before they drop stuff, anybody who puts stuff on the road they want to know the town says it's okay and we have this very unofficial email, yes, I think it's okay go for it. It's a little more structured than that but that's in essence all it is so this allows us to develop our own unique forms for each specific use that's being requested so that we can give the dumpster companies, the POD companies, the landscape – yep, you're good to go, here's your, here's your proof that they've asked for.

Sampson Is there a cost to getting the permission?

Lantz There is currently a \$65 right-of-way encroachment fee on the fee schedule that is charged by the Planning & Building Department.

Sampson But it –

Melton Lance –

Sampson Oh, I'm so sorry –

Melton Well I didn't really –

Sampson But if they did it for 24 hours like mulch they don't have to come get a \$65 permission? Or they do?

Lantz Well the way the ordinance reads right now –

Sampson Yes –

Lantz That \$65 fee does not discriminate. It is for a right-of-way encroachment so I think, we're not out to make any money folks, we just love to sell permits, right? Sorry. We're not out to grab 65 bucks from everybody and I could see that that might become onerous so I have no problem working with the Planning Department to see if they wanted to reduce that fee a little bit just to cover a little bit of our time.

Sampson I would think that would be okay if we looked into that.

Harris I was just going to point out the other thing about giving notice I mean to the town is then if there's like planned construction or some kind of improvements the town is doing you can coordinate so we want to make sure people are aware of it.

Sampson Right.

Melton My question was about letter B on here. It says toward the end it says where necessary, to protect the public in nighttime, lighted amber lamps, suitable reflective markers shall be placed around such materials. First question – is that the town supplying those or is the private person pulling the permit or, I'm sorry, pulling the encroachment request I guess –

Lantz Yes, I'm sorry –

Melton Yes, yes, that's the first part. Basically, I'm worried about us saying it's okay to throw something in the street and then somebody hitting it and we're not really governing cones – we're not even requiring cones, we're not requiring barricades or anything we're just saying hey, you can put it there but you might have to put a reflective marker on it or a lighted amber lamp so, I don't know, I was just thinking I've put stuff in the street, I've put some stuff in the – if it can happen, it will happen is all I gotta say about that but we've dumped gravel in the street one time and a car ended up on top of it. It happens.

- Lantz And that's precisely why that language is in here so that we have the right to require nighttime demarcation of what they have –
- Melton But the daytime though I guess like no cones, no barricades or anything like that? Just –
- Lantz Well typically a reflective cone is what's used and –
- Melton Okay.
- Lantz Those are, meet both daytime and nighttime visibility requirements and sometimes dumpsters come with their own reflectors on them too so.
- Melton Great, yep. Okay. I just wanted to –
- Lantz And PODS as well.
- Harris I do think it is the intent there though that it's the individual that's asking for the permission that's putting that –
- Lantz Correct.
- Harris And so I do think to your point we can clarify that in that section a little bit. I'll work with Jon Oberlander so we can just say the town may require –
- Melton And would that be, I mean would that be on the permit though? Is, is this a permit because we're giving permission, right? So –
- Lantz This is a permit of sorts. It's, it's a right-of-way encroachment affidavit and acknowledge – well you call it, I call it an acknowledgment.
- Melton You'll put this information on that?
- Lantz And one of the nice things about this, as I mentioned, this gives us the latitude when you don't include a form in the actual ordinance itself, we can create our own forms and I will say by practice ever since I've been here and we've been having people ask if they could put stuff in front of their house in the street for a while. It has been our practice for years to require them to provide some type of reflective marker on the corners.
- Melton Okay.
- Harris So for second reading we'll offer a little clarification just to make sure that it's clear it's the individual that's requested the permit.
- Melton Not the town –
- Harris Yes.
- Melton Yes, great. Thank you.

Harris Got it.

Plunkett Any other questions from Councilors for Lance or Heather? I'll make a motion to introduce Ordinance 2025-17.

Melton Second.

Plunkett I have a second from Councilor Melton. All those in favor signify by saying aye.

All Aye.

Plunkett Those opposed same sign.
[No response]

 Motion passes 7 in favor, 0 opposed.

Burk Evan, if you'd like to suspend the rules –

Norris No, I'm, no this one I want some public input.

Burk Okay.

OTHER MATTERS

Plunkett That's funny. Up next are Other Matters. Are there any other matters from Councilors? I would just reiterate the appreciation to Mr. Palou. It's my understanding that he literally just wrapped up autographs.

Sampson Wow.

Plunkett That's pretty impressive.

Burk Yes.

Sampson Yes.

Plunkett So.

Norris Cool. That's awesome.

ADJOURN

Plunkett All right, I will make a motion to adjourn.

Norris Second.

Plunkett A second from Councilor Norris. All those in favor signify by saying aye.

All Aye.

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Plunkett Those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

The next regular Town Council meeting is scheduled for Monday, July 21, 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. Thank you.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville