



**ZIONSVILLE PLAN COMMISSION RESULTS**

**Monday August 16, 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 IC5-14-1.5-3.5, et seq. ADDITIONAL INFORMATION REGARDING THE MEETING WAS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.**

**The following items are scheduled for consideration:**

- I. Pledge of Allegiance
- II. Attendance 4 members appeared in person, 2 members appears via Zoom, 1 absent
- III. July 19, 2021 and July 20, 2021 Plan Commission Meeting Minutes approved
- IV. Continuance Requests

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be Considered</b>
2021-31-Z	Pulte Homes of Indiana Goodwin Properties	8666 E 400 South	<b>Petitioner request to continuance to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Zone Map change to rezone approximately 68.691 acres from the Rural (R1) Low Density Single Family Residential Zoning District to a Rural (R2) Low Density Single Family and Two Family Residential Zoning District
2021-36-DP	Brickyard Solar	Various Properties in Union Township (refer to site plan)	<b>Petitioner request to continuance to the September 20, 2021 Plan Commission meeting</b> <b>5 in Favor</b> <b>0 Opposed</b> <b>1 Recused</b> Petition for Development Plan Approval of a Solar Farm in various properties in northern Union Township with all properties zoned Rural General Agriculture (AG)

2021-22-DP	Nicholson Orthodontics	95 E. Oak Street	<b>Petitioner request to continuance to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan Approval of a 4,000+/- building addition to an existing structure in the Village Business District (VBD)
------------	------------------------	------------------	---

V. Continued Business to the September 20, 2021 Plan Commission Meeting

Docket Number	Name	Address of Project	Item to be Considered
2021-23-PPA	The Parke	410 S. 4 <sup>th</sup> Street and 500 S. Main Street	<b>Petitioner Requested Continuance from the June 21, 2021 and July 20, 2021 Plan Commission Meeting to the September 20, 2021 meeting</b> <b>Approved</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Primary Plat Amendment to provide a central water system supporting a separate fire protection main as per Section 193.056 of the Subdivision Control Ordinance in the Urban (PUD) Planned Unit Development

VI. Continued Business

2021-29-CPA	Town of Zionsville Draft Airport Strategic Land Use Plan		<b>Petitioner request to continuance to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition to consider amendments to the Town of Zionsville Comprehensive Plan in order to consider incorporation of the Airport Strategic Land Use Plan
2021-32-RP	267 Industrial Park Phase 2 Replat	5301 S. State Road 267 Lebanon, IN 46052	<b>Approved</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for replat approval to replat block 1 into Lots 3&4 in the Rural (I1) Light Industry Zoning District
2021-33-DP	267 Industrial Park Phase 2 Replat	5301 S. State Road 267 Lebanon, IN 46052	<b>Approved with Conditions</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan Approval to allow for construction of two (2) light industrial, warehousing, and distribution buildings in the Rural (I1) Light Industry Zoning District
2021-28-DP	Goddard School	1580 W. Oak Street	<b>Approved</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan Approval of a 12,915+/- sq. ft childcare facility on a 2.6 +/- acre lot which is zoned Urban Neighborhood Business District (Urban B-1)

VII. New Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be Considered</b>
2021-39-CA	The Towns at Appaloosa	10901 E. 300 South & 3201 S. U.S. 421	<b>Continued to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Commitments Amendment to modify Commitments associated with Plan Commission approval of Docket # 2020-04-CA, recorded in the Office of the Recorder of Boone County, Indiana, as Instrument No. 202013511
2021-37-PP	The Towns at Appaloosa	10901 E. 300 South & 3201 S. U.S. 421	<b>Continued to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Primary Plat approval to allow for 125 lots (four being common areas) in the Rural (GB) General Business & Rural PB (Professional Business) Zoning District
2021-38-DP	The Towns at Appaloosa	10901 E. 300 South & 3201 S. U.S. 421	<b>Continued to the September 20, 2021 Plan Commission meeting</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan approval to provide for the development of a 16+/- acre site to accommodate 125 townhomes in the Rural (GB) General Business & Rural PB (Professional Business) Zoning District
2021-40-DPA	AES Office Building	10440 Bennett Parkway	<b>Approved</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan Amendment/Modification for the addition of a parking lot with 13 spaces on the east side of the property in the Urban (I-2) General Industrial Zoning District
2021-35-DP	Ford Center Commercial Building	1466 W. Oak Street	<b>Approved</b> <b>6 in Favor</b> <b>0 Opposed</b> Petition for Development Plan Approval of a 2,000 square foot Commercial Building within the existing Ford Center Development and the Urban General Business Zoning District

VIII. Other Matters to be considered

<b>Docket</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be Considered</b>
			Conducting and Electronic Meeting Policy
			Week of September 20, 2021 Zoning Charrette
			Placement of Public Notice Signs

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

August 17, 2021

Zionsville Plan Commission  
August 16, 2021

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

Absent: Sharon Walker

Staff attending: Attorney Dan Taylor, Wayne DeLong, Janice Stevanovic, Roger Kilmer.

A quorum is present.

Franz I call to order the Zionsville Plan Commission meeting of Monday, August 16, 2021. Start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Janice, would you please take roll?

Stevanovic Yes. Mr. Franz?

Franz Present.

Stevanovic Mrs. Grabianowski?

Grabianowski Present.

Stevanovic Mr. Jones?

Jones Present.

Stevanovic Via Zoom?

Jones Did I come in?

Stevanovic Yes, thank you.

Franz We heard you.

Jones All right. Thank you.

Stevanovic Mrs. Walker is absent. Mr. Lake? I just saw him.

Grabianowski I did, too.

Stevanovic Mr. Lake?

Franz He was on.

Grabianowski Yeah, he was on.

Stevanovic Okay. We'll come back. Mr. Fedor?

Fedor Present.

Franz All right so—

Stevanovic Ah, Ms. Madrick?

Franz Oh, sorry.

Madrick Present.

Franz All right. So, with that, we have five, five members present. We do expect one to join us so when he does join us, could you notify so we can put that in the record? With five, that's a quorum. Any action again will take four votes either yea or nay for the motion to be passed or denied. In your packet, there were two sets of minutes from the July 19, 2021 and the Special Meeting on July 20, 2021. Are there any comments, changes, additions, deletions to any of those minutes? If not, is there a motion to approve the minutes?

Madrick So moved.

Franz Is there a second?

Lake Second.

Franz Given the fact that we have, can we do this by acclamation or should we do roll? Okay, because we have members participating remotely, we'll have to take a roll call vote on those.

Stevanovic Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Ms. Walker is absent. Mr. Lake?

Franz He's muted.

Stevanovic We'll come back. Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Stevanovic Mr. Lake?

Franz Chris, it looks like you're muted. All right, well, there he is. Chris, are you on now?

? Somebody's there.

Franz All right. We had five votes 'aye,' so that's sufficient enough to pass those. Um, on tonight's docket, I'll go ahead and get this out of the way. There were five petitions that used first class mail for notification. They were 2021-28-DP, 2021-39-CA, 2021-

Lake Can you guys hear me?

Franz Yes, we got you now.

Lake I can't hear you guys at all.

Stevanovic Can you message on the system?

Franz I can't. They'd have to do it back there. All right, so 2021-37-PP, 2021-38-DP and 2021-35-DP. So, I'd like a motion to allow use of first class mail for proper notice.

Lake So moved.

Franz Is there a second?

Madrick Second.

Franz All right. Janice, will you take roll?

Stevanovic Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake? Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz All right. So, that's five confirmative votes. So, notice is allowed by first class mail. Onto the docket items, we have some continuance requests, 2021-31Z Pulte Homes of Indiana, Goodwin Properties, 866 East 400 South, petition for zone map change to rezone approximately 68.691 acres from Rural R1, low-density single-family residential zoning district to an R2, low-density, single-family and two-family residential zoning district. Is the petitioner present?

Price Mr. President, for the record, my name is Matt Price. I'm with the Dentons law firm 10 W. Market Street, Indianapolis, Indiana. Here tonight on behalf of Pulte Homes. We are working with staff at their request to update our traffic study. We did not have it in time in any form, draft or otherwise, in time for staff to review it. I did speak to my client just a moment ago and we did receive a draft, it appeared earlier today but obviously, not prepared to proceed but we will be ready to proceed at the September, I believe September 20 meeting of the Plan Commission. This would be our second continuance request but we feel like we will be ready to go at the next hearing.

Franz All right, thank you. Any questions or comments from any members of the Plan Commission? If not, is there a motion to continue this matter?

Lake So moved.

Franz Is there a second?

Madrack Second.

Franz Janice, would you please take roll?

Stevanovic Yes. Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrack?

Zionsville Plan Commission  
August 16, 2021

Madrick Aye.

Franz Okay, so that matter carries 6-0, continued to next month. Next on the docket is Brickyard, Docket #2021-36-2021 Brickyard Solar, various properties in Union Township, petition for development plan approval of a solar farm and various properties in northern Union Township with all properties zoned rural general agricultural. Um—

Fedor Mr. President? I need to recuse myself from Docket #2021-36-2021.

Franz Okay, thank you. Was the Town going to handle this one?

Kilmwe The petitioner should be online.

Franz Okay, is the petitioner online?

Solada Hello. Good evening.

Franz Hello. Please state your name and address, please.

Solada Yes, good evening. My name is Mary Solada. I'm the attorney representing Brickyard Solar. Ally Sexton with NextEra Energy may also be with us. I am simply here to request a 30-day continuance in this matter. As the planning staff is well aware, we did pay its 79 thousand dollar filing fee and we are studying our options regarding Brickyard Solar going forward and would again ask that this matter be continued to September 20.

Franz All right, thank you. Is there any questions, comments from any member of the Plan Commission? If there are none, is there a motion to continue this matter to September 20, 2021?

Lake So moved.

Franz Is there a second?

Madrick Second.

Franz All right. Janice, would you please take roll?

Stevanovic Yes, Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.



Zionsville Plan Commission  
August 16, 2021

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Franz Recused himself.

Stevanovic Oh, that's right, excuse me. Ms. Madrick?

Madrick Aye.

Franz All right. That motion carries 5-0. We'll see you next month. Thank you.

Solada Thank you. Appreciate it.

Franz Next on the docket is #2021-22-DP, Nicholson Orthodontics, 95 E. Oak Street, petition for development plan approval of 4000 plus or minus building addition to the existing structure in the Village Business District VBD.

Kite I'm Paul Kite, Strongbox Commercial representing Nicholson Orthodontics and request a 30-day continuance to complete our elevations.

Franz Okay. Is there any questions, comments from any member of the Plan Commission? If there are none, is there a motion to continue this matter to September 20, 2021?

Lake So moved.

Franz Second?

Madrick Second.

Franz All right. Janice, will you please take roll?

Stevanovic Yes, Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Zionsville Plan Commission  
August 16, 2021

Stevanovic Mr. Fedor?

Franz Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz That motion carries 6-0. We'll see you next month.

Kite Thank you.

Franz Onto continued business #2021-29-CPA, Town of Zionsville, draft airport strategic land use plan, petition to consider amendments of the Town of Zionsville Comprehensive Plan in order to consider incorporation of the airport strategic land use plan.

DeLong Mr. Franz, members of the Plan Commission, Wayne DeLong, Director of Community and Economic Development for the Town. Certainly, as you may recall from your last meeting, this petition was continued for other reasons to allow a full complement of the Plan Commission to be present to hear the matter. We learned late today that Ms. Walker was unable to join us this evening and certainly as staff, we are not here to push forward given the absence of one of your members for the very reason of the continuance is again to have all members here so as to hear this matter. Certainly, we are open to the idea of continuance for 30 days to your September 20 date. Certainly, apologizing to the team as I did not get a chance to communicate this as this happened so late in the day.

Franz All right, thank you. Is there any questions, comments? Chris, did you have anything to say on this one?

Lake Um, my only thoughts were, you know, for as much as we talk about no residential in this area and then we show what is multi-family residential, it may help to do some sort of diagramming in the plan that shows concentric circles radiating out from the airport that talks about where residential usages are and are not acceptable and what type of residential usages. That way the plan kind of more complements itself versus contradicts itself. Um, and then, potentially making special note of applicability of solar in and around the airport, directly in and around the airport as that may be a good option for that property and would hate to have somebody speculate as to the intent later if we can clarify some intent now.

DeLong All right. We will be prepared for September.

Franz All right. Does anybody else have any questions, comments? If not, is there a motion to continue this matter to September 20, 2021?

Lake So moved.

Franz Is there a second?

? Second.

Franz All right. Janice, will you take roll, please?

Stevanovic Yes, Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Jones?

Jones Aye. Am I not coming through?

Franz You are now.

Stevanovic You are now, yes. Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz All right. That motion carries 6-0, continued to next month. Thank you. Next on the Docket #2021-32-RP, 267 Industrial Parkways to replat. This is for replat approval of 5301 South State Road 267, Lebanon, Indiana 46052, petition for replat approval to replat Lot 1 into Lots 3 and 4 on the rural I1, light industry zone district and Docket #2021-33-DP, 267 Industrial Parkways to replat. This is for plan approval to allow for construction of two light industrial warehouses and distribution buildings in the R1, light industry zoning district. Is the petitioner present?

Dempsey Greg Dempsey, Innovative Engineering, 3961 Perry Boulevard, Whitestown, Indiana, here tonight to present the 267 Industrial Park replat and development plan. I've got Blair Carmosino with me tonight. He's with Becknell, he's representing the owner and developer. A little bit of history on the site. The site was rezoned rural I1 in 2018. The primary plat and development plan for the first two buildings along with the detention ponds, water quality measures, mass earth work for phases I and II were all approved in 2019. All of the utilities necessary

to provide service for both phase I and phase II run along a common center drive that separates phase I and II. Phase II consists of two buildings which is consistent with what was approved with the primary plat. Building 3 which is a northern building is approximately 392,000 square feet. It will have loading berths on both the north and south side along with additional trailer parking. Car parking will be on the east and west sides of that building. Building 4 which is a southern building is approximately 208,000 square feet. The loading berths will be on the north side. Car parking will be along the south. The pod located along the east side of those buildings was designed and constructed to accommodate runoff from this phase. There is a shared drive-cut onto State Road 267. This was approved and constructed as part of phase I also. In addition to that, both buildings will have access to the center drive that runs east and west. There is no proposed connection to County Road 550 South at this time.

The lighting and landscaping plans have been prepared in accordance with the town's standards and the zoning commitments. As noted in the staff report, we will continue to work with staff to address any remaining comments. These comments are all fairly in nature, fairly minor in nature. Lastly, the building colors and elevations will be very similar to the same as what was built in phase I. Thank you for your consideration tonight and Blair or I will be happy to answer any questions you may have.

Franz All right. Thank you very much. At this time, I'd like to open it up to the public if there's any comments on this matter. Is there anybody online? All right, being none, the staff report, please, Janice?

Stevanovic As part of the original recorded plat, the petitioner now requests replat of block 1 into lots 3 and 4. The plat has been reviewed to town standards and the recorded commitments are found to be in compliance as reflected in the engineer's comments provided to you. Staff is in support of the replat, happy to answer any questions on that. If you like, I can go on to the development plan—

Franz Yes, go on to the development plan.

Stevanovic At the time of the writing of the staff report, the petitioner was able to respond to staff comments in the form of a response letter which has been included in your packets. However, timing did not allow for the updated plans to be submitted prior to this meeting. Noting the response letter from the petitioner dated August 10 this year, many of the staff comments related to lightning and landscaping will be satisfied with the updated plans that will be submitted. The petitioner will continue to work with staff to resolve the drainage comments. Staff recommends conditional approval of the development plan. Happy to answer any questions.

Franz All right, thank you. At this point in time, I'll open it up to any members of the Plan Commission that have questions, comments? I have a question. When this was first designed, was there some thought that there was going to be a single building on that space?

Dempsey Um, it was kind of, it was tossed around a little bit but really the approach all along has been for two buildings. Um, they left that southern portion as a single

block just in case it did, you know, if the market need changed, then they could put a single building on there if they wanted to without having to vacate the plat.

Franz And the, the building, lot 4, building 4 relative to the chiro 550, is that the same distance as was proposed on the original kind of mockup? The only thing I'm concerned about is the people who live along there, they were complaining about, you know, site lines and you guys were planting trees so I'm wondering if they, if it moved up, if it was moved closer to the, to the street or the road, would that impact the plantings or is it still going to have the same kind of setback from the property, or the road?

Dempsey It's still the same setback.

Franz Okay.

Fedor Originally in 2018 if I remember, there was a driveway cut on 550, on the county road there, there is no cut any longer?

Dempsey No, not at this time.

Franz I recall that on the south end of the lot there was a lot of concern about the neighbors across the road with drainage? Janice, you mentioned earlier that that, you think that has been taken care of with the overall site development to begin with? I mean, is there anything going with that at this point in time?

Stevanovic Quite a lot of the drainage has been managed through the first phase, correct?

Dempsey Correct, yeah. And, that, the drainage on that side was actually, we reconstructed a legal drain that went through there. And, it went from, I think it was a 15-inch pipe up to a 48-inch pipe and that seems to have improved drainage pretty considerably in that area.

Franz Okay. Any questions, comments? If not, I'll entertain a mo—two motions, one for the replat and one for the development plan.

Grabianowski I'll do the replat.

Franz Okay.

Grabianowski I move to approve that Docket #2021-32-RP replat to replat lot 1 into lots 3 and 4 in the rural I light industry zoning district be conditionally approved based on the findings established at the hearing as presented.

Franz Is there a second?

Lake Second.

Franz Any further discussions, comments? Janice, would you please take roll?

Stevanovic Mr. Franz?

Zionsville Plan Commission  
August 16, 2021

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz And, the motion carries 6-0 so that, the replat is approved. Is there a motion on the development plan?

Lake I move that Docket #2031-33-DP development plan petition to allow for construction of two light industrial warehousing and distribution buildings in the rural I1 light industrial zoning district be conditionally approved, or I'm sorry, approved with conditions noted in the staff report and based upon findings as presented.

Franz Is there a second?

Grabianowski Second.

Franz Any further discussion, comments? Janice, would you please take roll?

Stevanovic Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Zionsville Plan Commission  
August 16, 2021

- Jones Aye.
- Stevanovic Mr. Lake?
- Lake Aye.
- Stevanovic Mr. Fedor?
- Fedor Aye.
- Stevanovic Ms. Madrick?
- Madrick Aye.
- Franz That motion also carries 6-0. The development plan is approved. Thank you very much. Next item on the Docket is #2021-28-DP Goddard School 1580 W. Oak Street. Petition for development plan approval of the plus or minus 12915 square foot childcare facility on 2.6 plus or minus acre lot which is zoned urban neighborhood business district, urban B1.
- VonGunten Good evening, Doug VonGunten, Ancon Construction, 2146 Elkhart Road, Goshen, Indiana. Good evening. Here representing Dea Walls and the Goddard School. At the last meeting, we had a continuance to address a few outstanding items from the staff regarding drainage. Here tonight to ask for the final development plan approval.
- Franz All right, thank you. Is there anybody in the public who would like to comment on this matter? Anybody online? Janice, may we have the staff report, please?
- Stevanovic On March 15 this year, the Plan Commission provided a favorable recommendation for the rezone of this parcel from B2 to B1 in order to allow for childcare facility. In this development plan petition, the petitioner requests development plan approval for a 12,900 square foot childcare facility. Staff has reviewed the project's landscaping, lighting, drainage and parking and found the project to be compliance as reflected by the engineer's comment letter provided in your packet. Staff recommends approval of the project.
- Franz All right. Are there any questions, comments from any members of the Plan Commission?
- Jones I've got two.
- Franz All right. Go on.
- Jones What was the outcome of the drainage? Previously we've had neighbors on the south side of Oak Street complain about drainage. As I was going through the drawings, I was trying to figure out what the outfall for those two retention ponds is. What's, what's going on there and is this contributing to anything on the south side of Oak and have we gotten it resolved?

- VonGunten Part of the questions from the last meeting was the drainage on the northwest corner of the property and I don't know that I can answer that question exactly what that elevation is right at the moment but we have addressed that with the staff and believe that we've answered all the questions from the staff regarding that drainage. There is a drainage easement on the west side of the property that we are using for the outfall for helping that situation on the northwest corner. I don't know if that answers your question.
- Jones If there's been some review of it. Like I said, I was just going through the drawings trying to figure out where—we can see where the water came into the retention ponds. I wasn't finding where it went out. The second question is and I posed this to Wayne earlier, there's a restaurant, El Toro, there in the strip center. City of Indianapolis, I'm used to being confronted with situations where a school cannot be or maybe the reverse I should say, cannot have a liquor license within, I think it's 300 feet door to door of a school or a church. Um, is there any type of rule, regulation either within excise or our own zoning that has any effect on this or is this a problem?
- VonGunten Janice? It maybe a staff question. I mean,--
- Stevanovic I'm not aware that we have anything in our particular zoning ordinance but it might well be a state requirement. Something that would have to be discovered.
- Jones So, when it comes to state review of this project, and there's an existing liquor license within x-square feet of this building, is the state then going to prevent a permit from being issued?
- Stevanovic I don't have knowledge of that at this point in time, Larry. That's something that would have to be investigated.
- Lake Larry, my guess is that unless you had a site plan showing an adjacent restaurant that might have a liquor license during the construction design review process with the state of Indiana, they are looking for life safety issues relative to the building itself and that would not come under their purview.
- Jones Yeah, I mean, usually what happens, my, my experience is, the burden is on the liquor license owner, not so much the school or the church. Ah, my concern is, there's an existing restaurant use. If that restaurant use changes locations, takes their liquor license with it and then along comes a new operator wanting to bring their liquor license to that site, have we created a problem? Wayne, did you get a chance to talk to the Cosines about this today?
- DeLong I don't have that information. Roger, did you happen to have a chance to check in with the Cosines?
- Kilmer No.
- DeLong I mean, we—I mean, this burden would fall to the petitioner and then fall to neighbors. The town cannot answer this very specific question about the liquor license, unfortunately.



- Lake Larry, how's that 300 feet measured by your understanding?
- Jones It is corner of structure to corner of structure. That's not even—when I said door to door, that was even incorrect. They take the closest two points of any, any entitled location. So, once you call a school a school, it's from the corner of the school. Once you call the restaurant, you know, having a three-way liquor license, it's the back corner of the restaurant.
- Lake So, my understanding is that this came up out on, um, shoot out by the new daycare across from Stonegate, the west entrance of Stonegate because they had, there's a liquor store there as well and that was heavily petitioned against and my understanding is that it is barely far enough away from the restaurant that, or the liquor store is barely far enough away from the school to comply. But, again, that was the school coming after the daycare not the daycare coming after the liquor license.
- Franz Well, our attorney has something to state on this.
- Taylor Well, I mean, if there's, if there's, if someone has a liquor license now, they would not be affected by an after-occurring event like the construction of the school and someone in the future, that's an issue for the Alcoholic Beverage Commission, not for us.
- Jones Okay.
- Franz Any other questions, comments? If there are none, is there a motion on this matter?
- Grabianowski I move that Docket #2021-28-DP, a 12,915 plus or minus square foot childcare facility on 2.6 plus or minus acre lot which is zoned urban neighborhood business district urban B1, be approved based on 1) the findings in the staff report and the staff recommendations, 2) submitted findings of fact, 3) subject to resolutions of outstanding review items identified by the engineering review memos in executive 7 of the staff report.
- Franz Is there a second?
- Madrick Second.
- Franz Any further discussion, comments? Janice, would you please take roll?
- Stevanovic Mr. Franz?
- Franz Aye.
- Stevanovic Mrs. Grabianowski?
- Grabianowski Aye.
- Stevanovic Mr. Jones?

Zionsville Plan Commission  
August 16, 2021

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz That motion carries 6-0, approved. Thank you very much. Next on the docket, all three at once #2021-39-CA Towns of Appaloosa 109013 East 300 South and 3201 South U. S. 421, petition for commitment amendment to modify commitments associated with the Plan Commission approval of Docket #2020-04-CA recorded in the office of the Recorder of Boone County Indiana as instrument #202013511, Docket #2021-37-PP petition for primary plat approval to allow for 125 lots, four being common areas in the rural GB general business and rural PB professional business zoning district and Docket #2021-38-DP, petition for development plan approval to provide for the development of a 16 plus or minus acre site to accommodate 125 townhomes in the rural GB general business and rural PB professional business zoning district. Is the petitioner present?

Price Yes, good evening, Mr. President, members of the commission. For the record, my name is Matt Price. I'm with the Dentons law firm in Indianapolis, Indiana here tonight on behalf of Pulte Homes. I have a team of representatives who are with me this evening to answer any questions you may have about each or any one of the proposals we have before you this evening. Let me introduce those individuals very briefly while Mr. Russ, thank you, has loaded my Power Point. First, we have Dave Compton, on behalf of Pulte, Robyn Crawford also on behalf of Pulte, our civil engineer to Dave's right Brandon Burke and then the owner of the real estate, Bob Harris with Harris FLP.

To give you just a little bit of an overview of the property itself. If we can go to the first slide. Thank you. The Plan Commission has reviewed various aspects of this project over the last really year and a half, two years. You may recall that up in the northwest corner of the property which is located generally south of County Road 300 or 146<sup>th</sup> Street and east of U. S. 421 that up in the northwest corner that we received approval for the retail shops back in April of last year. And then, since that time, we received approval for various other out-lots along Michigan Road. And, if you drive by there today you can see that the initial building of the building pad and we're on the eve of going vertical with improvements to the shop up in the northwest corner. This particular proposal is east of the out-lots and south of 146<sup>th</sup> Street and is, we propose to be the residential component of the project. And, so what you see is the Towns at Appaloosa which is a townhome project that will cover approximately 18 acres of the total project site. Up in the very northern section of the property so

abutting the Towns to the north is a little over a 5-acre parcel that is being reserved with the anticipated use being hopefully a boutique grocery store. So, a Whole Foods, Fresh Thyme type user, that's what that a little over 5-acre parcel is being reserved for.

The Towns itself consist of 121 townhomes. You'll see that one of our petitions is a commitment modification and the commitment modification is necessary because the commitments made, originally I think back in 2008 and they've been amended several times since then, prohibited multi-family land uses. And, the way Zionsville defines multi-family is it's a building that has three or more attached dwellings. And, so, the underlying zoning districts this consists of two, each of which permit multi-family in all forms including apartments. We're not seeking approval for that genre of multi-family but only approval for owner-purchased for sale townhomes. If you could go to the next slide.

The next slide is the landscaping plan. In the approximate center of that drawing you'll see the main access which is what we call Hanoverian which eventually hooks up with Michigan Road and is a full access entry point. Immediately north of that is Pinto which our secondary access. And, then we have a loop road system that's comprised on the east side as Haflinger and on the west side as Morak. That's our street configuration. We have undertaken a great deal of effort to arrive at a landscaping plan that provides for ample buffering. I'll describe that a little bit as we go into more detail. But, you'll see kind of beginning up in the northeast corner we have a water feature that has been contemplated for a portion of the project since, really since its inception. You may recall that originally some of the early iterations of this plan contemplated that immediately west of that retention pond would be really a large scale traditional grocer, like a Kroger. Those plans have been scuttled and changed as we have responded to the market. I know this project has evolved over the last several years. But, it's still incorporating that water feature into the project which provides for buffering with the Willow Glen homeowners to the east.

One of the other ongoing discussions that is occurring with Willow Glen is the precise landscaping treatments along that existing fence row. So, the plan is to both clean up that fence row, take out some of the undergrowth, the weeds, the poison ivy, clean up that fence row, include the plantings along the eastern property line as we show on our landscaping plan. We have also had additional discussions with property owners on the east side of the line to make the offer to allow them to identify native hardwoods and spruce trees that we could plant both on our side of the property and on their side of the property to create a very robust buffer along that eastern perimeter.

Similarly, on the south, we also have a retention feature, water feature, to the south that provides additional buffering against the Bridlewood subdivision further to the south and then you'll notice that in the list of requested waivers we are requesting a waiver from the street tree requirement. The street trees for the project would consist of approximately 127 trees in total that would be on both sides of the street configuration. What we propose to do is to not locate those trees to the interior of the project and along the streets but to take those same 127 plantings and what we call redistribute them throughout the project. So, if you look over immediately west of the pond, you'll see that we've redistributed a

number of trees along the west side of that pond. We've also added trees along the north perimeter of the project and then similarly all along the western perimeter of the project we've added additional trees to the rear of the homes as you go north to south along the western portion of the project.

I should also add that one, I think, important feature of the buffering on the west side of our project is that as each out-lot has been approved, they've been approved with variances that required that the plantings that would otherwise be in a parking lot strip be relocated to the eastern portion of those parcels. So, what we're providing for is kind of a redundancy or duplication of landscaping to create a robust streetscape along the interior of the project so we'll have plantings along the rear of the out-lots as you go north to south and then, once you cross the street, you'll also have those additional plantings that are part of the redistribution of the street trees to create street buffering really on both sides and augmenting the screening between the residential portion of the project and the commercial portion of the project. Go to the next slide.

So, a little bit about what the townhomes are proposed to look like. You may recall that we have strived for architecture that harkens back to the history of the property, both within the Harris family and kind of equestrian type feel reminiscent of the barn that used to be located on the property. This is a new townhome design that's been developed specifically for the Appaloosa setting and we've tried to achieve an architecture and color palette that very much complements the other aspects of the mixed use development. So, that's the front elevations. You'll see the—next slide, if you would, Joe.

These are the rear and side elevations. I wanted to mention a little bit about some of the key features of the homes themselves. All of the homes will be limited to two stories under the maximum height for single-family dwellings on the property. So, they will be just over, well almost 34 feet at the maximum height under the current ordinance is 35 feet. There'll be between 23 and 24 feet wide and, depending on whether there's a sun room addition in the rear, anywhere from 54 to 60 feet in depth. I wanted to mention a few of the exterior features and materials. No vinyl siding. We intend to have fiber cement siding, asphalt dimensional shingles and then some masonry elements depending on the precise elevation which you may have noticed on the front elevation.

I wanted to mention just a couple other things in closing. We have a total of four waivers, one of which I already mentioned which is the street tree waiver which we're proposing to relocate the trees as I mentioned. The other waiver request is to not require sidewalks on both sides of each street. We have a sidewalk that's on the exterior perimeter loop as well as along Hanoverian and Pinto. We do have three kind of sub-streets that do not have sidewalks but they're served by—they are the frontage for only a few homes and those are Arabian, Norwalker and Belgian on the plan. What we, what we are trying to achieve is overall connectivity within the project itself. One of the commitments that we're prepared to make after a great deal of discussion with the Willow Glen subdivision is to use resources that would otherwise be devoted to additional sidewalks and use those resources to build a sidewalk connection to the Willow Glen subdivision up in the northeast corner of the project. As we have noted, Mr. Harris and I have noted over the years, the, the current Zionsville Master Plan

requires perimeter sidewalks so we have perimeter pathways, for example, along 421 and along Michigan Road. We think that's a good thing in terms of promoting overall connectivity in the community. The Willow Glen subdivision, though, was built at a time when that was not required and it was under the former Boone County jurisdiction so what we propose to do is kind of finish that link, if you will, connect to them off-site and provide a convenient and safe sidewalk access into the Appaloosa Crossing project.

The other two waiver requests are there's a provision in the Zionsville Subdivision Control Ordinance which prohibits dead-end streets. On occasion, not coincidentally I think, for a couple of other townhome projects, that waiver has been granted where it involves only a limited number of home and there is otherwise convenient and safe traffic circulation in the project. We feel like we have that here with the loop road system (51:29) and with the dual access points with regard to Hanoverian and Pinto. Then, lastly, we have a center line radii waiver request which initially the town staff had some questions about. Brandon Burke, our civil, was able to provide clearer auto turn example, pardon me, to demonstrate that required fire department apparatus could safely move around our development and so we understand now that the town staff anyway is in support of all four of our waiver requests.

We think this is a great fit for our overall project. We wanted to have a residential component. We feel like this meets that need. We also feel like it will remove any uncertainty about what is going in the centerpiece of the proposal and kind of set in motion the development pattern which everyone can proceed around and understand what is going in there and make appropriate provisions for the buffering and screening so that the project works and functions well internally as well as is a good neighbor for the surrounding property owners. With that, I'd be happy to answer any questions that you have. My team would be as well and we appreciate your consideration this evening. Thank you.

Franz                    Thank you, Matt. At this point in time, is there anybody from the public who would like to speak on this matter? Please step forward, state your name and address.

Soller                    Good evening. My name is Michael Soller. My address is 3615 Sugar Pine Lane. I'm representing the Hidden Pines homeowners' association. On behalf of the homeowners' association at Hidden Pines, we'd like to object to this high-density multi-family request for change. It's not that we don't want residential in that area; we just believe that there's no compelling reason to change an ordinance that dates back to 2008. It doesn't provide the common area that's very similar to the surrounding communities, surrounding homes. We do believe that the 2008 ordinance was there for lack of multi-family was because of the extreme density that this plan shows. We do object to the lack of connectivity between Willow Glen and it just is, those variance requests allow for this high-density area and there's nothing in this area that looks like this. We just don't think it's compatible with our neighbors. Although we agree and we appreciate the development of the retail space and we liked the previous plan. We didn't have an objection to the previous plan where they were single-family homes. We just do object to this high-density multi-family proposed plan.

Franz Okay, thank you.

Davis I'm Paxton Davis, 3227 Purple Ash Drive in Willow Glen. As a resident of Willow Glen, my neighbors and I have significant concerns about the proposal to change the current zoning. Our concern, our first concern is an increase in traffic. The development of the southeast corner of 300 South and 421 with retail outlets will no doubt increase an already busy intersection. However, if 121 homes are also added into the mix along with the existing neighborhoods of Willow Glen, Brookhaven, the Willows and other neighborhoods, the traffic could reach dangerous levels, especially in the morning and afternoons when school buses are operating. Since there are no current plans to expand the roadway for additional traffic that will be incurred we find it unsafe and irresponsible to allow the development to include additional residential dwellings. Our second concern is the increase of students to Zionsville Community Schools Corporation, especially Union Elementary. Union Elementary is already over capacity and even with a new elementary school opening in 2022, the school corporation is growing rapidly with new communities already under development. We understand that there are claims that the townhouses will be purchased by empty nesters and young professionals who would not be utilizing the school system. However, at the price point Pulte is proposing for families wanting Zionsville schools, there are few other options in the community and nothing within Union Elementary's boundaries in that price range. Finally, do we want a community of densely populated, multi-family housing units? Part of the appeal of Zionsville to our family and our neighbors was that Zionsville is different. The town was not packing in housing units like Carmel or Fishers. We believe allowing developments like the current townhouse proposal would reduce to the appeal of the community while also failing to provide the tax base necessary to provide services to the community. Thank you.

Franz Thank you. Is there anybody else?

Ahferdel Hello, my name is Chris Ahferdel. I live at 3229 Autumn Ash Drive, also a Willow Glen resident. My family and I moved to Zionsville about six years ago. We moved here primarily because of the exemplary job that this commission does and that the town does in planning the development here for all of its residents. Since then, we have opened a small business here and we also have commercial real estate interests here in the town of Zionsville as well which we hope to be developing in the very near future. I would have to agree with Paxton. This type of development is not in keeping with the character of Zionsville. It's something more like what you would find in some of our Hamilton County neighboring communities. So, I urge this commission and the town to overturn this proposal. I think most of the residents in Willow Glen at least can agree that the original proposal for the empty nester single-family homes was much more palatable and more in keeping with the character of Zionsville. That's what I have to say. Thank you.

Franz Thank you. Is there anybody else?

Running Hi, my name is Jeff Running. I live at 3597 Sugar Pine Lane, also in Hidden Pines. I just also happen to be a member of the board of HOA in Hidden Pines. I'm here also to express my objection to this proposal. One of the reasons my

wife and I moved to Hidden Pines is because we saw that this type of development would not occur. We wouldn't have to live next to something like this. That's why we didn't move to Carmel. But, it's starting to happen in the community and it's changing the entire nature of the town that we wanted to live in. I'm also worried as the previous gentleman said about the density of traffic. I don't hear of any plans to expand the Michigan Road to handle the excess traffic once Holliday Farms is completed, once Oxford, that Oxford subdivision is completed and there's another subdivision going in south of Oxford which is just going to add to the congestion. And, uh, in addition, one of the things that's conspicuous by its absence in this proposal is why the previous plan for 86 so-called garden homes was changed to 121 homes now. It's, uh, I just don't understand why the previous proposal is insufficient for the people who are planning and developing this. So, thank you.

Franz                    Thank you. Is there anybody else? Is there anybody online? Nope. Mr. Price, would you like to respond?

Price                    Yes, please. Well, first of all, we appreciate the comments very much. We, on behalf of Pulte, we certainly believe that Hidden Pines is a very nice development and appreciate those comments. One of the things I guess I want to address right off the bat is the notion that this is higher density. The change we're asking for is to permit the attached style of dwelling. Back in 2019, the commitments were modified to permit a major residential subdivision and under the development standards that are applicable to general business and professional business which is the two zoning districts that cover this land, both are the same with regard to how they treat residential properties. They permit lot sizes down to 5000 square foot lots. And, so, there are other development standards as well as far as lot frontage, side yard setbacks. You have to meet a five-foot side yard setback. But, the notion that amending this commitment somehow adds residential density in any material way is just not accurate. What it does is it permits the attached single-family form of dwelling as opposed to what's permitted today which is 5000 square foot lots, 5 foot side yard setbacks and detached. So, it's a, it's a definitional exercise that we're going through as opposed to density.

I would also note that the town's traffic engineers, the same engineering company that analyzes traffic for us on this project also is the town's traffic engineer, A&F. And, their study concluded that by changing the use from commercial and office for this area to residential even with the townhomes at 121 units that the number of overall trips is reduced by 450 trips a day. So the demand on traffic infrastructure actually goes down overall and substantially. Mr. Harris and I were also chatting briefly that as far as improvements to 421, those improvements if you've driven by there are in place today. There have been turning lanes added, there's plans for future signalization of the southernmost entry point. Mr. Harris has spent millions of dollars making those improvements to 421. He has similar commitments relatively to the turn lane improvements along 146<sup>th</sup> Street which the town earlier this year received a report from its civil engineers about what the future costs of upgrading 146<sup>th</sup> Street were and they were staggering as far as from where it starts in Zionsville to the east and extends west. This project finances a portion of those 146<sup>th</sup> Street improvements, you know, along its, along its frontage. We, ah, I guess I would, the last thing that I

would mention—oh, let me talk a little bit about the generation of children based on Pulte’s experience over the last 30 years, they estimate there would be approximately 0.1 child per unit so around 12 kids overall. This same discussion point has popped up, I think, oh, I know when Manchester Square, Manchester Estates, I have periodically spoken about over the years and Mike Shaver who, rest his soul, would provide us data that essentially backed up that here is the number of children that get on a school bus in a townhome project and it comes in at around that 0.1 per dwelling.

The project as I mentioned is already zoned for a major single-family subdivision with lots as small as 5000 square feet which is a little bit larger than half of what a lot is in the village to give an idea of how small that would be. We think that a traditional single-family development would actually have greater impact on the schools than the townhome project and that this actually serves as a broader need in the community. We have a community that has relatively few townhome offerings. This serves a need for young professional, some empty nesters who are active and can still negotiate the two-story building and then also kind of niche which is a, which has been noted over the years is that for instances where families have shared custody arrangements and they want to stay inside Zionsville School Corporation. It provides that option as well. Those are the three major demographic categories that the project draws from. Again, we abide by the height limitations. We have enjoyed, we think, a very good relationship with Willow Glen over the last few years. We fully intend on continuing that as we have ongoing discussions with them about the precise buffering treatment to the east and, in fact, we have a walk, we have a property walk, I think, scheduled for tomorrow to follow up on that. It’s not something that’s unusual. We’ve had intermittent conversations with that homeowners’ association over the last few years and have enjoyed a great relationship and plan on being good partners in the future including connecting their subdivision for foot traffic into the Appaloosa Crossing development so that can benefit from the offerings including restaurants, cafes, other offerings that we intend to have as part of the retail portions of the projects. For all those reasons, we respectfully ask your approval and again, be happy to answer any questions from members of the commission. Thank you.

Franz                    Thank you. I guess I would ask, a short rebuttal. Would anybody from the public like to comment on what he stated?

Soller                    Mike Soller again. Just one rebuttal. A 5000 square foot allowance for a lot with a five-foot setback on either side, if that’s the standard, let’s follow the standard. Making interconnecting walls and saying that it’s not higher density is just mathematically impossible. So, I don’t see that that’s compatible. I wanted to point that out. And, the other thing, the other thing I forgot to say previously was the comment made about hopefully a boutique grocery store. We’ve already heard, they changed. There was a grocery store before. It wasn’t compatible with the development plans. Having that background, I understand the mathematics. However, hopeful is not a plan. So, if there’s going to be a grocery store in the five-acre parcel to the north, then let’s make that part of the commitment in this conversation rather than continuing to change the plan as I understand has occurred. Thank you.



Franz All right, thank you. All right, at this point in time, I'll close the public hearing on this. Janice, can I have the staff report, please? Roger is going to have it?

Kilmer Yes, thank you. As has been mentioned, this petition or this project is subject to three different petitions. We're seeing a commitment amendment, then a primary plat and then a development plan. The petitioner has done a good job of laying out a lot of the, or an overview of the project but I do have some specific comments to make for each different petition. Beginning with the commitment amendment. As was mentioned, this property was rezoned back in the mid-2000s with commitments recorded in 2008 when this property was rezoned under the county's jurisdiction. The commitment for no multi-family was included at that time. Um, so, while townhomes or multi-family dwellings are typically a good buffer from a planner's standpoint, a good buffer between single family residential and commercial uses, staff is curious as to what has happened since 2008 when those commitments were recorded which prohibited multi-family, what has changed between then and now other than the full development of a residential subdivision immediately to the east of this site. Um, I, I did inquire of Mr. Price what, what information had been shared with the neighbors of specifically Willow Glen about this change of use and he had mentioned that they were hoping to have a walk-through tomorrow but as I understood it and have heard tonight that is more for topics regarding landscaping, buffers and staff is curious, how were the interested parties notified of this potential change of use? Um, so those are just some, um, with that staff is supportive of this. Again, because traditionally multi-family does provide a good buffer between single-family and commercial but there are just some unknowns that we would still like to learn a little bit more of.

Moving on to the primary plat petition, um, it is noted that there are four waivers associated with this petition. Initially when this went through TAC and comments were generated, um, the town's engineer objected to two of these. Since that time, additional information has been provided. Staff is now in support of the four different waivers. I would note and this is going to now lead somewhat into the development plan. Mr. Price mentioned quite a bit about landscaping and how things were going to be moving and one of the waivers on the primary plat is the elimination of street trees. You should be aware that the changes of the landscaping that is being proposed is also subject to a development standards variance which will be heard by the Board of Zoning Appeals at their September 1 meeting. So, that is an item that they will have to be approved as well. Regarding the primary plat, staff is in support of approval of waivers and the primary plat itself.

Regarding the development plan, checking my notes here, there was also some new information presented tonight, specifically regarding the exterior building materials. Staff had not had the ability to review those prior to tonight so information that was presented this evening should you choose to act upon this and approve it, I would suggest that you also include the requirement that it be subject to the information that was presented tonight since staff did not have a chance to review those. But, regarding the development plan, staff is in support of it also. All of these are subject to the BZA approving the variances for landscaping and the conditions as noted in the staff report. Glad to answer any other questions.

- Franz All right, thank you. At this point in time, I will put it up to the members of the Plan Commission for questions, comments.
- Lake So, I'll, I guess I'll start. Mr. Price, I feel like we're getting a little bit of a bait and switch, kind of hey, look at these single-family homes approved. These, okay, great. Now, let's try and up the density. And, I agree with Mr. Soller in that there's no way this density is equal to the density that was approved last time. It may be within the allowable density, but you now have 121 units on the same acreage you had 87 units and saying that you have the same density is mathematically impossible. Um, so you might want to rethink that a little bit. I also feel like we're, you know, we've been gracious in allowing some changes relative to landscaping on some of the retail areas in this development, and I feel like now that's kind of getting taken advantage of, that, well, we just don't have to provide the required landscaping, we'll just move the trees somewhere else. I think it's going to be pretty depressing driving down one of those internal streets in that neighborhood with no street trees. I think that's a huge mistake. I think it makes it very uninviting. I think the lack of any sort of common area or green space makes it very uninviting. Certainly, it doesn't help the value of the subdivision. And, then, you've got multiple areas where you've got, you know, those little dead-end streets where you've got residents that look out their front door into the side of another person's townhome which those would be a great opportunity to add some amenity space within that neighborhood. What is your price point, Mr. Price, on these units?
- Price So, Pulte estimates they'll be between 325 and 350 per unit.
- Lake Okay. I, I personally as an architect am not very pleased with the aesthetics of it. It's a lot of garage door and not a lot of anything else. Uh, I feel like when you can put garages in the rear on units like this, it's much more successful, creates much more of a sense of kind of collective community versus, you know, I bought this because I had to buy it versus I bought because I wanted to be here and partake in the neighborhood and in the community. So, I am generally not very satisfied with the change to this density or the design of these units compared to what you presented to us last time.
- Price Yeah, let me, let me speak to kind of the first point, Mr. Lake, and I appreciate your comments. The, uh, I think what you're referring to is the empty nester project that we did present—
- Lake Yes, yes.
- Price --back in January for ah, variances that related to the front yard setback for those properties. It did not, uh, progress to the stage of a development plan or plat being approved and I can provide a little more color with regard to that. That builder is based locally and they had, you may recall, certain members of the Plan Commission will recall, and all of you may be familiar with it, they have another project just north of St. Alphonsus Church which has been a very successful project and they were looking for another location here in Zionsville. And, uh, frankly, as we got closer to that becoming a reality, they got into more discussions with what I would call the broader Epcon corporate body about a

couple of things. One was the materials cost associated with building those homes. Ah, which they were increasingly uncomfortable with as far as a risk in their business plan. And, and secondly, Epcon has a broader corporate entity not withstanding the local builder's great interest in that site. They could not identify another location where Epcon had been within a mixed use development, where they had been kind of immediately adjoining the commercial uses that were present with our project. And, I will tell you that, uh, they just got cold feet. They felt like the customer that they serve which is a different customer base than what would, what would go here. They were increasingly concerned that they would not be able to satisfy the concerns of their would-be purchaser living really anywhere near the commercial development. And, so, while it initially felt like that was going to be a good transitional use, it just turned out they couldn't get comfortable with that. So, they went a different direction and left us. We were, however, very I guess, bullish and keen on the idea of maintaining the transitional use notion here, that we would have and would benefit from a residential component to transition between the commercial and Willow Glen, in particular, to the east which had been our discussions for the good part of, you know, a year. And, so, consistent with that, the staff report we think rightfully was supportive of that and we've continued along those lines with discussions with Willow Glen. How that was socialized Roger mentioned that in the staff report, our practice over the last couple of years has been to speak with the president of the Willow Glen homeowners' association, Kristen Norris, who I think is here this evening. She's right there. Hello, Kristen. And, to provide periodic updates. Kristen, in my experience then, kind of invites us if you will to broader discussions with that community as I think as, I think as her constituency feels warranted and she feels warranted. And, so, we had an initial discussion with Kristen. We felt like that went positively, that the benefits of the transitional use were still present with this development and so we went, we went forward. We had additional discussions with various of the neighbors along our eastern property line even as late as last evening to go over specific buffer treatments so that those individual home owners could be confident about what they are going to see from their side of the project and those discussions certainly continue and I think we'll plan on having those continue tomorrow as well. I might also add, that's not been unusual for us. We've had I would say an ongoing and productive dialogue with the Willow Glen homeowners' association including discussions about what the appropriate means for conducting from a pedestrian standpoint were and that's kind of how we work together to come up with idea to connect over in the northeast portion.

On the density question, I certainly understand what you mean as far as, is it the exact same density if it's the exact same piece of ground. What I was, what I was pointing to you is that if one wanted to be creative and try to maximize the number of single family lots to roughly approximately 121 lots, I believe you could reconfigure the interior of this project, incorporate other portions of common area and seek to maximize the number of, for example, 5000 square foot lots. There's a procedure under the county zoning ordinance for reducing lot frontages for up to 20% of the total lots in your development. You could go through a yield exercise to try to do that. We've not done that. We've tried to emphasize the positive aspects of the townhome project and I think secure the transitional nature of the use and have no more homes in a material sense than what would otherwise be permitted in the interior of this project under the

existing zoning. What it does allow for us to do is to have attached townhomes so a shared wall if you will whereas it's otherwise not permitted under the existing commitment. And, I would also say, I think part of the reason why—I was not part of the initial commitments—but the initial commitments back in 2008 prohibited multi-family in the GB and PB districts which was being put in place and I think there was pretty good reason for that which is that the, the apartments are a permitted use under that zoning classification. They were then; they are today. And, they permit 20 units per acre. And, so I think the intent of that commitment was to prohibit apartments. It wasn't necessarily speaking to, um, a townhome, like what we're proposing here today. I might also add it prohibited single family residential in those commitments back in 2008. And, so, when we modernized those commitments we allowed for single-family residential and at the time felt like an empty nester offering might be appropriate. We tested that. And, it's evolved at this point to the townhome type offering as, as a builder who is confident in the location, comfortable with the neighbors on the east and the west and a good fit, we think, for securing that transitional use as you go from west to east.

Franz Chris, do you have any follow-up?

Lake Other than, you know, I'm looking at these lots, you know, if you, if you look at a wall, curb, you know, front to back, you're at 2600 square foot per unit for the interior units. You are pretty maxed out at the 87 on density before given the single-family requirements and so, I don't think you could get 121 detached homes on this property under any sort of zoning standard that we have. So, it is a significant increase in density.

Jones I'll, um—

Franz Go ahead, Larry.

Jones Yeah, I'll back up a little bit about what Chris is saying. Um, obviously, it's not the Plan Commission's job to be real estate developers. You know, we have to work within the guidelines of what we're approving or denying. Um, but it doesn't stop us from looking around to see what has been successful in other environments. You know, Henke over in Bridgewater, tried to do a product like this over close to the Guerin High School. Those buildings never did sell. They eventually sold those lots off to another person who then, they, too, couldn't get the project off the ground and then came back through and did like single-family homes on the subdivided lots. They were multi-storied, front-loaded garages. Um, on the other hand, we can look across the street at Manchester Square and we see a development where they did a very similar type product but there, they rear-loaded the garages on many of them. They did a boulevard down the front. I was just on my phone doing a quick count of the previous development and of what appears to be 40 units, they had 16 common parking areas plus street parking. Plus, they had their trees, the street trees, sidewalks on both sides. So, once again, Matt, what you're asking for is just pushing the boundaries one step too far. We're sorry that, you know, I think back to when I started on this commission, Jay Parks and Alan Rachels were running it and they made a comment about how, you know, Mr. Harris was trying to get a standalone gas station up at this site and they weren't interested in hearing anything until they

had an entire development for the parcel assembled. We, you know, a decade later, have tried to be obliging and allow Mr. Harris to do portions of the development as other items come on and here we're sitting being presented this and, you know, all we can really do is rely on the rules and regs that we have in place where we approve or deny and I'm not particularly interested in granting additional variances to get this amount of density and this type of product at this site.

Franz            Would you like to comment?

Price            Yeah, thank you. No, I appreciate what Mr. Jones is saying and uh, you know, I think we have enjoyed, uh, flexibility in working with the Plan Commission. I think it has arrived at a very positive project in terms of the mix of uses that we're offering. Uh, at the same token, we have, I think worked very hard, with our neighbors at Willow Glen throughout this process and I feel, I think, very much committed to a residential use to provide that transition and this is one that works. Now, we, you know, I certainly understand the history, for example, of Manchester Square and Manchester Estates, uh, you know, it worked out. Now, it took a decade for that to work out the way it looks today. Um, they have, um, dead-end streets. They have, uh, some street level plantings, uh, some of which shroud the front of the homes and hide the front facades, even cover up part of the garage doors. And, what we were trying to do is not relieve ourselves of the responsibility of making those plantings but to put them in locations where we thought it maximized the property from an aesthetic standpoint. Now, having said that, we would certainly be amenable to looking at, you know, other options in terms of landscaping treatments as we go forward. As I mentioned, you know, earlier on in our discussions with Willow Glen, we have had discussions with the property owners along our southeastern border about allowing them to choose specific species both on our property and on their property to enhance that buffering. Those discussions are going to be ongoing and we would certainly look at other treatments that could be done with regard to the development itself to enhance the aesthetic.

Lake            So, Mr. Price, you talked a couple times about your communications with the Willow Glen neighborhood. Yet, nobody from Willow Glen stood up and supported this project. Why is that?

Price            Kristen Norris is coming forward.

Norris           Hi there, Kristen Norris, 3256 Autumn Ash Court, president of the HOA for the Willow Glen Neighborhood Association. I'll be honest with you. I tend to stay out of, for the most part, the approving and whatnot. I see my role as the president of the HOA to facilitate a conversation and a dialogue between Bob Harris and my neighborhood and so, several of my neighbors stepped up today and presented their opinion. I'm not going to stand here as the president and tell you, is everybody in the HOA of Willow Glen excited about a two-story development behind their house? Of course not. We were very much like our neighbors excited about the empty nester. I'm sure as heck much more excited about residential than I am any business and um, two- or three-story businesses going in behind my home. I live right up against this property. I have a stub road at the end of my road thanks to some longstanding plan to connect our

neighborhoods together that never came to fruition. I would say that's when we started talking to Bob Harris. Was like, what's going on with this new neighborhood? So, he's not lying. We've been in multiple dialogues. Bob and I will have a meeting, he'll give me an update, I'll email him about updates and my neighbors can attest to this. We've had more HOA meetings in the past since I've taken on the presidency of the HOA and they are great. They were here at our neighborhood Friday night, last night at 5 o'clock and they spent 1-1/2 hours talking to everybody in the community. They walked the property line, listened to our concerns. We ask questions, they follow up with the questions. To say that we don't have a dialogue would be a false pretense. We have a very great relationship, I would say, in trying to figure out what's going to work best for our neighbors and our community. Am I going to tell you, though, that everyone in Willow Glen is excited about this? No, no one is excited. I've been looking at a beautiful field and have a gorgeous sunset for the last six, five years I've lived there. No, I'm not happy about that. Um, you know, but at the end of the day, what is my alternative? I sure as heck don't want a big huge business in the back of my neighborhood. I want connectivity and they're willing to put in a path into our neighborhood, into our greenspace so that my kids can safely ride their bikes and go get ice cream. I care about those kinds of things and I think they've been more than willing to work on those spaces and so I do appreciate our relationship and I think, it's not my job as a town commission to sit here and tell you guys whether or not you approve two-story homes. I think that's, unfortunately, whether you like the roles you sit in or not, that's not yours. The role I sit here as president of the HOA is make sure that my community's voices are heard and thank you, that's where I stand on it. And, I appreciate all my neighbors for coming out and showing up. If you want to stand against it, that's fine. I think that's where their values are heard. If you have questions for me, I can answer them.

Franz Thank you. Any follow-up, Chris?

Lake No. I didn't hear any wild support for it. So, that was kind of my point.

Franz Anybody else have questions, comments?

Fedor The road to the north of this. On the north end here, you've got the dead-end road, will that eventually connect to this north block, the boutique store or whatever is going to go in, is that going to connect eventually? The north dead-end road on the project?

Franz Arabian Landing.

Fedor Yeah, I couldn't read that. I've got to get my glasses. Yeah, Arabian Landing, will that connect eventually to the, or a sidewalk access or?

Price Oh, you mean would it connect to the east? No, it would not. If I'm understanding you. No, Arabian Lane just Ts into Halflinger and does not extend further east beyond that point.

Fedor No, I'm talking about the northern section of it.

Price Northern section. Can I? So, I'm sorry, I think I misunderstood you. No, that's to the north, no. It would connect to the frontage road that goes along 146<sup>th</sup> Street. We have kind of an outbox so that the intention is that the future grocery store user would be oriented to the north. You would gain access from the road, the frontage road that extends west to east, uh, behind the out-lots.

Fedor Okay.

Franz How many townhomes are connected in each individual building or is that subject to the length of the street? I'm just kind of curious how that's determined?

Price Ah, it varies throughout the project. I believe in the development plan staff report on page 3, there's a table there that summarizes the four or five, the four-, five- and six-unit building count.

Franz I remember that now.

Price And how those break out as far as the total composition of units.

Franz It sounds like the decision has been made that there's going to be residential of some sort in this space. Is that a fair statement?

Price Yes. We feel like that's the best use and the right use for it, absolutely. I should also add we appreciate very much Kristen Norris' remarks. I think those were spot-on as far as the characterization of our ongoing contacts with her. I will say based on the feedback that we received this evening and the upcoming schedule of events we have with Willow Glen, it's beyond just tomorrow night. We kind of laid out a calendar a month or so ago as far as what our future activities would be. We were hopeful that that would be a post-approval but given some of the flavor of the comments and our walk-through tomorrow along the property line which Roger properly indicated is mostly about the buffer. It's not only about that. When we have discussions, it goes—there's no rules about what you can talk about. We talk about the whole project. I am open and would like to receive any other additional comment but we would also, I think, like to have additional dialogue with, in particular, Willow Glen and believe a continuance may be in order to allow us to do that.

Franz Okay. Anybody else have any questions, comments?

Madrick I've got just an overall comment. I don't disagree with you when it comes to it's a great transition piece, right? I don't think anybody wants to go back through our house on the other side to any retail. I mean, that seems logical. Um, but again, you guys, you're taking away the landscaping. This is not terribly appealing. This isn't what we want we want in Zionsville to me. I mean, you think can—so, I would just say go back and think about possibly a little less density. Um, maybe still over 87, but not 121 and try to make it a little nicer looking aesthetically. I mean, what I see is a garage that happens to have a couple windows above it. And, it's just not what we think of when we want to see real estate in Zionsville. So, add some landscaping. The concept I'm okay with, that transition. Um, but that's my suggestion.

- Franz Anybody else?
- Jones I mean, Matt, once again, like I said, it's not our job to play developer but is the, did the gas station end up down there on lot H?
- Price Yes.
- Jones So, then, on lot I, we've got a liquor store and then down there, the vet and all that, I'm glad that this project or this presentation is showing the lot or the entry to it kind of lining up with the existing entry on 421. I was never happy with the previous kind of funny job. You know, I'd suggest having some discussions with somebody to maybe figure out a way to transition the entry into this thing. Um, my opinion would be to do something a little different along there to maybe buffer the housing behind it and you might strike a blend between the proposed single-family home, you know, 5000 foot lot owners not wanting to look out their backyard and see a gas station. I, uh, you know. Like I said, it's not our job to play developer, but as I'm watching this thing unfold, I see how, I see the nature of the requests and why they're happening.
- Lake I think, too, to add to that, Larry, I mean, you know, these other neighborhoods came into being after these commitments were put in place. And, so, they weren't expecting this. And, now, they're changing it and if you're going to change it, at least, give us something good out of it. And, we're getting a change that wasn't contemplated by the neighbors which is, less likely, you know, is more likely to be unappealing to them and a development that also in and of itself isn't very appealing.
- Franz Anybody else? All right, so a request for continuance on these three matters to be suddenly filling up September 20 Plan Commission meeting. Is there a motion to continue this matter, these three matters?
- Jones I move that we move Docket #2021-37-PP—can we make it all one motion?
- Franz Yeah, for the continuance? Sure.
- Jones The continuance. Docket #2021-38-DP and Docket #2021-39-CA be continued to the September 20 Plan Commission meeting.
- Franz Is there a second?
- Madrick Second.
- Franz Any discussion? Janice, would you please take roll?
- Stevanovic Yes. Mr. Franz?
- Franz Aye.
- Stevanovic Mrs. Grabianowski?



Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz Motion carries 6-0, matter is continued. We're going to have a busy month.

Price Thank you, Mr. President.

Franz Sure. The Goodwin property, that matter was continued to next month. I don't know. I can't speak for them if they would want to talk to you about it. That's fine. So, okay. Next on the docket is #2021-40-DPA AES, 10440 Bennett Parkway, petition for development plan amendment modification for the addition of a parking lot with 13 spaces on the east side of the property in the Urban I2 general industrial zoning district. Is the petitioner present? Online? Okay.

Stevanovic Yes.

Franz All right. Please proceed.

Steinert Hi, my name is Leslie Steinert and I'm with LandWorx Engineering 958 E. Washington Street, Suite 100, Indianapolis, Indiana 40202. This particular office building is in construction now and was approved last year or the beginning of this year and, um, the owner has decided that they wanted to add 13 parking spots to this which will require a retaining wall but that is about the only thing we're asking for on this amendment to the development plan. Myself and Evan West who is the design engineer on the project is on the call as well and we're here to answer any questions you might have.

Franz All right, thank you. Is there anybody in the public who would like to speak on this matter? Janice or Roger, could you provide the staff report, please?

Kilmer As the petitioner mentioned, this project was originally approved as Docket #2021-19-DP on July 20 of last year, received full development plan approval for a building of approximately 12000 gross square feet. Out of that 12000 it's about a 6200 square foot footprint. In the lower level is a walkout basement. At that time, the approval included just a single row of parking along the eastern frontage, maybe like butting up against the, well, the façade of the building.

Since that time, the developer is wanting to add an additional row of parking which would be between the previously approved row and Bennett Parkway. In the process of doing this, they are allowed to reduce the frontage setback from 40 down to 20 if they provide a type A landscaping which they have done in this proposal. So, that is the major change. That did effect some drainage features which staff has reviewed and approved. The only item of concern is that now there is a retaining wall that is being proposed to accommodate this new parking area. That retaining wall encroaches into a utility easement. The original layout included a small encroachment also. That small encroachment was approved. However, now that we're adding another row of parking, that encroachment is greater. Town staff and TriCo Utilities have looked at it and there is no objection to it. However, we do still need to get confirmation from Citizens Energy. They have a line running through that easement. We just want to make sure that they're okay with the encroachment as well.

- Franz            Okay, thank you. At this point, is there any questions or comments from any members of the Plan Commission?
- Lake            It's about time somebody added more parking not less.
- Franz            It's too bad it's too far from –
- Lake            Maybe you can rent these to CoHatch.
- Madrick        That's a good idea.
- Lake            Or Nicholson Orthodontics, take your pick.
- Steinert        We honestly just don't want to continue to next month. I think you guys are full.
- Franz            I'm optimistic that's not going to happen, okay. Any further comments, discussion? If not, is there a motion on this matter?
- Lake            I move that Docket #2021-40-DPA Development Plan Amendment modification for the addition of a parking area of 13 additional parking spaces on the east side of the property in the Urban I2 general industrial zoning district be approved based on the findings of fact in the staff report, staff recommendation, the submitted findings of fact, pending approval by all utilities.
- Franz            Is there a second?
- Madrick        Second.
- Franz            Any further discussion, comment? Janice, would you please take roll?
- Stevanovic     Mr. Franz?
- Franz            Aye.
- Stevanovic     Mrs. Grabianowski?

Zionsville Plan Commission  
August 16, 2021

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrick?

Madrick Aye.

Franz All right. That motion carries, 6-0. It's approved. Thank you very much. We do get some things done.

Steinert Thank you very much for your time.

Franz #2021-35PP Ford Center commercial building 1466 W. Oak Street, Oak Street, petition for development plan approval of a 2000 square foot commercial building within the existing Ford Center development in the urban general business zoning district. Is the petitioner present? I assume they're online.

Demerly Hopefully, you can see me. This is Mark Demerly with Demerly Architects.

Franz Yep, we see you and hear you, thanks. Please proceed.

Demerly Thank you. I know David Cosine is also online but I'm not for sure if he can log in and everything properly so I will just go ahead and present. We've been working with staff. Staff's been amazing by the way. You guys have a great group of people up there. We are proposing a 2000 square foot commercial building there in the Ford Center. I think most of the presentation has been really included in your, in the documents that we presented. The finishes. We're looking at something that is compatible with regards to other buildings, still a little bit more contemporary than some of the more traditional of the original Ford Center but I think still very compatible. And we've also addressed I think with staff a number of items that have come up that are, regards to drainage and parking and queuing everything else. So, what I would like to do. I know they have recommended for approval. I would like to go ahead and answer any questions that the commission would have.

Franz All right, thank you. At this point in time, is there anybody from the public who would like to comment on this matter? Anybody online? Roger, Janice? Roger, staff report, please.

Kilmer Thank you. Um, as stated, the proposal before is for 2000 square foot commercial building located within the Ford Center. This project is rather straightforward. A couple of unique items about it, though, would be that they are proposing a drive-through window which would be on the eastern façade and I mention that because if this, this project has also already gone before the Board of Zoning Appeals and received a variance. It was approved for reduction in foundation landscaping. When you take a look at the landscaping on this, it might appear light and the BZA looked at it, evaluated it and granted the approval. And, again, when you're looking at the landscape plan, the question might come up, well, we're only seeing foundation plantings on the west façade. The reason for that is on the east façade, the aforementioned drive-through window, there's a section within our ordinance that says you don't have to have foundation plantings along that wall if you're going to have a drive-through window there. So, those are, they are proposing other landscaping around the perimeter of the site. Just touching lightly on parking, since I know that Mr. Lake is concerned about that, when you look at this building and what they are proposing, granted they are taking out some parking spaces to construct this building. Overall, the required parking of the integrated center and what is provided does meet with the ordinance requirements. So, with that, staff is supportive of the request. I'll be glad to answer any questions you might have.

Franz All right, thank you. At this point, open it up to any members of the Plan Commission. Any questions, comments?

Jones I was reading through the recommended motion, and it says subject to resolution of outstanding items in memo #5. Did those get, is that resolved?

Kilmer Mr. Jones, those are standard comments from our town's engineer and some comments resulting from the TAC review. These are minor items at least from our point of view that still have yet to be addressed but they are minor items that would not be significantly impacting the project. It's a matter of crossing some T's and dotting some I's.

Jones Okay.

Franz Anybody else?

Lake I would just comment on the design. The western façade is awful flat. It doesn't offer much visual appeal and you're going to get a lot of direct sun coming in those west windows. It would be nice if you could do some sort of articulation of that façade or some sort of sunscreen extension on the mullion or something to kind of give that a little bit of depth. I think it will serve you well in the long run and might improve the aesthetic of that façade.

Demerly My comment is that we will work with staff on that, okay? And, discuss the possibilities, okay?

Franz All right. Anybody else? If not, is there a motion on this matter?

Jones I move that Docket #2021-35-DP development plan for a 2000 square foot commercial building within the Ford Center which is zoned Urban General

Business UGB be approved based on 1) the findings of the staff report and the staff recommendations, 2) submitted findings of fact and 3) subject to resolution of outstanding review items identified by the engineer review memo and exhibit 5 of the staff report.

Franz Is there a second?

Madrack Second.

Franz Any further discussion or comment? Janice, would you please take roll?

Franz Janice, would you please take roll?

Stevanovic Mr. Franz?

Franz Aye.

Stevanovic Mrs. Grabianowski?

Grabianowski Aye.

Stevanovic Mr. Jones?

Jones Aye.

Stevanovic Mr. Lake?

Lake Aye.

Stevanovic Mr. Fedor?

Fedor Aye.

Stevanovic Ms. Madrack?

Madrack Aye.

Franz The matter carries 6-0. Thank you very much.

Demerly Thank you so much and appreciate being virtual tonight as well.

Franz Thanks. Um, onto other matters, um. Dan, do you want to take the first one?

Taylor Yes, um, as you know, you all need someday to adopt a remote meeting policy. I'm going to pass out for each of you a resolution that would get you there. And, um, this is, this resolution doesn't try to take a lot of license with the state law and it matches very closely what your Town Council is considering. Essentially, it would allow you to continue to meet remotely if you're in a public health emergency declared by the governor or by the mayor and so that would not change. If that occurs, you all can—at least one of you has to be present but the others can participate electronically and that count for a quorum and they can

vote. So, that's what we've been doing. But, if there is no emergency, that's where we get into really the hard part and the state legislature has allowed some flexibility and so that flexibility you'll see in Section 3 on page 2. The way this works is that if at least a majority of you can be physically present, then up to three members could participate electronically with some restrictions. And, those restrictions generally are that you can't, you can only participate electronically two consecutive meetings. After that, you have to come back and be physically present unless there's some exigent circumstances that would allow you to do it more. Secondly, you cannot participate remotely more than 50% of your meetings in the calendar year. So, although you can do it, you can't exceed that, ah that number. Again, there are some exceptions which you'll see for military service, illness, death of a relative or emergency, a real emergency they say. And so, the process would work, you see the middle of page 2, 3B is that if you want to participate electronically, you just have to provide notice of that to the president of the commission. The recommendation is seven days in advance and if you cannot do it seven days in advance, then the president may allow you to do so at his discretion. It says that if more than three of you want to attend electronically, it's first come, first serve. There's really no other way to do that, so, you can only say yes to three and after that, you can't say yes anymore. So, it sets that out and then, you'll see on page 3, state law does not allow you to meet remotely if any of the seven items in Section 5 are on your agenda. I can't imagine these will really be on your agenda because they really are more financial matters and probably not applicable to you and then, um, so those would be the rules. So, this, this resolution which is a draft for you to consider, mirrors exactly the state law. Now, the state law does say that you may adopt rules that are more stringent than this. Otherwise, you could limit members to participate only one meeting at a time, not two consecutive or you could limit it to less than 50 percent of the meetings for the year. My recommendation to you would be to stay with what the state law says, see how that works for a while because nobody quite knows how this is going to work, you guys did great during the pandemic being all remote but this, this mix of remote and physically present, we're not sure how they will go, but so I think what most governments are doing is they're going to follow that state law and see how that works and if they need to, feel like they need to tighten it up later, they always can come back, adopt another resolution amending this. And, I'd be happy to answer any questions.

Franz                   And, currently we don't need this because we're still under the emergency order, correct?

Taylor                 The governor's order is still in place so you don't need it quite yet because you're still allowed to do what you need to do but probably in, I would recommend in September, you take some action. And, if you want changes to this, fine, but go ahead and take some action because no one really knows how long it will be. The governor has only left that on, not because of COVID count, but because of fear that the Federal Government would link disaster relief to whether or not you still had an emergency. So, he's left it on there but he's not going to leave it on there forever.

Franz                   All right. Could you forward a copy of this to Janice so she can get it to Larry, Sharon and Chris?

- Taylor Well, Chris, Sharon, Larry, too. Sure, I'll do that.
- Franz All right. Roger, are you going to take the next item? Or, is it Wayne? Wayne's coming back.
- Taylor Because he wants to say that word, charrette.
- DeLong Again, I'm happy to speak to the other items that are on your docket for this evening. Um, it's probably been almost a year since we started talking about the form-based code process and we've been talking more succinctly about that within recent days and here is that moment where we are staring towards as Dan said, the charrette and that is going to be a week-long event within each township. We will be up at Fayette at the fire house on one night, the airport in a hangar on the one night. We will be at Town Hall upstairs one night and then downstairs on the fourth night. Not here tonight to tell you exactly what night is what stage, but nonetheless, we will be coming to an area near you looking to seek public input directly from the public and in the meantime, and the entire time, our team from Michigan will be working out of 3rd Street Inn in their studio. So, lots of different ways to interact with the team that's working on the form-based code. So, more information for filing in a press release where we will outline a schedule. I just don't want to confuse the public what I articulated last night and [REDACTED].
- Franz [REDACTED] 2:03:33?
- DeLong I'll happily notice each one of those. You will want to include the Plan Commission, the Town Council and any other body, for example that may want to frequent those events. It will be different per locale so to speak but with the same presentation but certainly it's much like our ZGA, The Zionsville [REDACTED] project. It's a listening mode as well as educational but we do, are out to gather, public input.
- Franz All right, thanks. Does anybody else have any questions on that?
- Jones Real quick. So we can attend of them, all of them or none of them we want to, correct?
- DeLong Correct. And, certainly, the evening on the fourth night will be an output session to articulate back to the attendees and certainly for the consulting team to be talking about the information they've gathered based upon their prior day's activities.
- Franz Will some of these be run concurrently?
- DeLong Each one will be a different night so, they'll be—
- Franz So it might carry over to next week. Because that would be, Monday is the 20<sup>th</sup> is Plan Commission. Tuesday, Wednesday, Thursday, so you'll wrap it up on Friday?

DeLong Well, we'll wrap it up on Thursday night so, in essence, I would not staff or plan to staff. But at the Plan Commission meeting—

Franz Okay, so—all right.

DeLong Most likely will be one of the remote sessions.

Franz Okay, gotcha.

Lake Wayne, are we going to have a quorum issue if more than three of us attend any one meeting?

DeLong We'll notice these so we don't have a legal issue, open door.

Taylor If we give notice, then it's okay if a majority of you attend and participate.

Lake Okay, that works.

Franz All right. All right, thank you, Wayne. Placement of public notice signs. Roger, Janice?

Stevanovic This is a conversation that staff would like to bring to you in that presently what happens between the BZA and Plan Commission, when project is noticed or put on the petition, a sign is placed on that parcel and that is typically the responsibility of staff to place that sign understanding that it's not just placing the sign but also picking them up. The amount of time involved in staff's attending to that task is time spent away from other tasks that are maybe just as important so what we'd like to do is bring to you an idea of updating the rules or procedure to include the responsibility of sign placement on the petitioner. We'll bring that to you just for a review in the next meeting.

Franz Okay, sounds good.

DeLong And, so, I would be remiss not to point out the reason we chose to do it this way originally is we were reluctant to push this responsibility onto the petitioner. Among other reasons, um, the challenge of what if my sign disappears? What if my sign blows away? Will an interested party feel that adequate notice was not provided if the sign is not maintained? Certainly, these signs cost money. The signs take time to put up. So, these are items that we want to address in this overall conversation.

Franz Okay.

? Wayne, could the signs be placed by staff simply because I could foresee a situation where somebody doesn't clearly put the sign up, puts it between two trees or something, would staff be able to place the sign and make it the burden of the petitioner to remove the sign?

DeLong Well, that is sort of how it works right now and what Janice is getting at, you know, we've given three to six hours a month that is dedicated to sign installation and sign retrieval. We do have a team of building inspectors that can well assist



us, but it's still a task nonetheless and, and utilization of staff's time to put these signs out.

Franz Anything else? Anything else on this one?

Stevanovic The only other thing is that Roger and I would like to pass on the finding of facts so please stay to take care of those.

Franz So, I have a question. September 20, we continued five matters, I think? I think it's probably too late. I mean, when will you know what the full docket for September is going to look like? And, I'm going to guess it's going to be to like split it into two meetings potentially, correct?

Stevanovic I can let you know after the meeting, tomorrow morning. I just don't have the hard copy in front of me right this minute.

Franz We're already too late to even make it.

? That would cut into the other hearing things that we're doing.

Franz I know. It's not, there's no good answer for next month. I would recommend that you all make sure that you will probably be here after 10. So, suspend the rules. So get some sleep. All right. With that, I will entertain a motion to adjourn.

Madrick So moved.

Franz Second?

Lake Second.

Franz All in favor? Aye.

All Aye.