



**ZIONSVILLE PLAN COMMISSION MEETING RESULTS**

**Tuesday, February 22, 2022**

**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 IS PROVIDED IN THE ANNEX PUBLISHED WITH THIS NOTICE.**

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

- I. Pledge of Allegiance
- II. Attendance-Dave Franz, Larry Jones, Sharon Walker, and Kellie Adams, attended in person.  
Mary Grabianoski and Cindy Madrick attended via Zoom  
Chris Lake was absent
- III. Oath of Office
- IV. Approval of the January 18, 2022, Plan Commission Meeting Minutes-Approved
- V. Continuance Requests

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be Considered</b>
2022-01-PPA	Silverthorne Homes / Union Woodlands	11281 and 11589 E. 200 South, Zionsville	<p><b>Petitioner to Request a Continuance to the March 21, 2022, Plan Commission Meeting.</b></p> <p><b>Approved to continue to the March 21, 2022, meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for a Primary Plat Amendment for 179 residential lots on 160.92± acres in the Rural Single and Two-Family (R3) and Agricultural (AG) Zoning District. The following Waiver is requested: Subdivision Control Section 193.052(18)(b) regarding driveway spacing from an intersection.</p>

2021-71-DP	Silverthorne Homes / Union Woodlands	11281 and 11589 E. 200 South, Zionsville	<p><b>Petitioner to Request a Continuance to the March 21, 2022, Plan Commission Meeting.</b></p> <p><b>Approved to continue to the March 21, 2022, meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Development Plan Approval for the development of a 160.92± acre site to accommodate 179 single family residences with ponds, associated infrastructure, and a park in the Rural (R3) Rural Single Family and Two-Family Residential and Agricultural (AG) Zoning District.</p>
2022-02-DP	JC Hart / Marketplace Flats at Holliday Farms	Marketplace Drive, Zionsville	<p><b>A remonstrator has filed a timely Continuance Request in compliance with the Plan Commission's Rules of Procedure for this Petition to be heard at the March 21, 2022, Plan Commission Meeting.</b></p> <p><b>Continued to the March 21, 2022, meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Development Plan Approval of a 220-unit apartment development on a 16.966± acre site within the Rural Planned Unit Development District (Holliday Farms PUD). The following Waivers are requested: PUD Section 16.03 regarding design speed standards of streets; PUD Section 13.16 regarding street blade standards; and Subdivision Control Sections 193.055 and 193.057 regarding easements for Storm and Sanitary Utilities.</p>

VI. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
			None

VII. New Business

Docket Number	Petitioner/ Project Name	Address of Project	Item to be Considered
2022-03-DP	The Woodmont Company / Kiddie Academy at Holliday Farms	3650 Marketplace Drive, Zionsville	<p><b>Continued to the March 21, 2022, meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Development Plan Approval of a childcare facility on a 1.228± acre parcel within the Rural Planned Unit Development District (Holliday Farms PUD). The following Waivers are requested: PUD Section 13.16 regarding street blade standards; and Subdivision Control Section 193.052(18)(b) regarding driveway spacing from an intersection.</p>

VIII. Other Matters to be considered

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

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

Respectfully Submitted: Wayne DeLong, AICP, CPM

Director of Community & Economic Development-Town of Zionsville

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In Attendance: David Franz, Larry Jones, Sharon Walker, Kellie Adams

Virtual: Mary Grabianowski, Cindy Madrick

Absent: Chris Lake.

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

A quorum is present.

Franz Call to order the Zionsville Plan Commission meeting of Tuesday, February 22, 2022. Start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Wayne, are you going to take roll?

DeLong Yes. Mr. Franz?

Franz Present.

DeLong Ms. Grabianowski?

Franz She's not, she's not –

Stevanovic She's working on it.

DeLong Okay, she's working on it. All right, very good. Mr. Jones?

Jones Present.

DeLong Mrs. Walker?

Walker Present.

DeLong Mr. Lake?  
[No response]

DeLong Mrs. Madrick?

Madrick Present.

DeLong Mrs. Adams?

Adams Present.

Franz All right. So we have five people here, one trying to connect in so we've got a quorum. In any case it will still take four votes for a pass, or a fail. Um, before the minutes we have an oath of office to, for the new member of the Plan Commission. Roger, you're taking care of that?

Kilmer Yes. I, state your name –

Adams I, Kellie Adams –

Kilmer Do solemnly swear –

Adams Do solemnly swear –

Kilmer That I will support the Constitution of the United States of America;

Adams That I will support the Constitution of the United States of America;

Kilmer The Constitution of the State of Indiana;

Adams The Constitution of the State of Indiana;

Kilmer And, the Ordinances of the Town of Zionsville, Indiana.

Adams And, the Ordinances of the Town of Zionsville, Indiana.

Kilmer I will faithfully, honestly and impartially –

Adams I will faithfully, honestly and impartially –

Kilmer Discharge all of my official duties –

Adams Discharge all of my official duties –

Kilmer As a member of the Plan Commission –

Adams As a member of the Plan Commission –

Kilmer For the Town of Zionsville, Indiana –

Adams For the Town of Zionsville, Indiana –

Kilmer Without malice –

Adams Without malice –

Kilmer And to the best of my skill and ability –

Adams And to the best of my skill and ability –

Kilmer So help me God.

Adams So help me God.

Kilmer Okay.

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- Adams Thank you.
- Franz Welcome aboard. We look forward to working with you and thank you for your service. I'll say it all at once. In your packet is a set of the minutes from the January 18, 2022 meeting. Are there any comments, additions, deletions to those minutes? If there are none, is there a motion to approve the minutes?
- Walker So moved.
- Franz Second? Is there a second?
- Jones Second.
- Franz All in favor signify by aye?
- All Aye.
- Franz We got four. Mary, we're still not hearing you if you can hear us.
- Grabianowski Aye.
- Franz All right. Thank you. So that motion carries 5-0. Kellie was not here last month.
- Taylor I think it's six.
- Franz She wasn't here, so we got five votes.
- Taylor Oh, okay.
- Franz Next on the docket under Continuance Requests. Dockets Number 2022-01-PPA and 2021-71-DP Silverthorne Homes/Union Adam or Union Woodlands 11281 and 11589 E. 200 South, Zionsville. Petition for Primary Plat Amendment for 179 residential lots on 160.92 ± acres in the Rural Single and Two-Family (R3) and Agricultural (AG) Zoning District. The following Waiver is requested: Subdivision Control Section 193.052(18)(b) regarding driveway spacing from an intersection and a Petition for Development Plan Approval for the development of a 160.92± acre site to accommodate 179 single family residences with ponds, associated infrastructure, and a park in the Rural (R3) Rural Single Family and Two-Family Residential and Agricultural (AG) Zoning District. Is the petitioner present?
- Downey Good evening Plan Commission. Thank you this evening. My name is Sean Downey, Project Engineer with Silverthorne Homes, office located at 9225 Harrison Park Court, Indianapolis, Indiana 46216. Um, as President Franz indicated, um, I am before you this evening to request a continuance to the March 21, 2022 Plan Commission meeting. Um, we and our engineers continue to be in discussion with Town staff and Town review engineer as well as County Highway and County Surveyor's Office on this project. Um, we have had meetings as recently as Friday discussing the park dedication within this project. With that, there are some comments that we need some additional time to address

so we would respectfully request a continuance to come back before you next month.

Franz All right, thank you. Are there any questions or comments from any of the members of the Plan Commission? If there are none, is there a motion to continue this to the March 21, 2022 Plan meeting, Plan Commission meeting?

Grabianowski So moved.

Franz Is there a second?

Jones Second.

Franz Janice, who is going to take roll?

DeLong I will do that.

Franz All right.

DeLong Ready for a vote?

Franz Yep, go ahead.

DeLong Mr. Franz?

Franz Uh, aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mrs. Adams?

Adams Aye.

DeLong Mrs. Madrick?

Madrick Aye.

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

Downey Thank you.

Franz Um, Docket Number 2022-02-DP JC Hart/Marketplace Flats at Holliday Farms, Marketplace Drive, Zionsville. Petition for Development Plan Approval of a 220-unit apartment development on a 16.966± acre site within the Rural Planned Unit Development District (Holliday Farms PUD). The following Waivers are requested: PUD Section 16.03 regarding design speed standards of streets; PUD Section 13.16 regarding street blade standards; and Subdivision Control Sections 193.055 and 193.057 regarding easements for Storm and Sanitary Utilities. We've had a remonstrator file a timely continuance request so it's my understanding the Plan Commission is required to extend that continuance. So, at this point, is there a motion to continue this matter to next month?

Jones So moved.

Franz Is there a second?

Walker Second.

Franz Wayne, would you take roll, please?

DeLong Certainly. Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mr. Jones?

Jones Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mrs. Adams?

Adams Aye.

DeLong Mrs. Madrick?

Madrick Aye.

DeLong Mr. Franz?

Franz Aye. That motion, that item is continued to next month, March 21, 2022. Um, New Business. Docket Number 2022-03-DP The Woodmont Company/Kiddie Academy at Holliday Farms, 3650 Marketplace Drive, Zionsville. Petition for Development Plan Approval of a childcare facility on a 1.228± acre parcel within the Rural Planned Unit Development District (Holliday Farms PUD). The following Waivers are requested: PUD Section 13.16 regarding street blade standards; and Subdivision Control Section 193.052(18)(b) regarding driveway spacing from an intersection. Is the petitioner present?

Bagley Yes, hi. This is Melanie Bagley. I'm here representing the Woodmont Company. Can you hear me okay? Hi.

Franz Uh, address please and then you may proceed.

Bagley Yes, sir. Um, my address is 2348 Arezzo Lane in Allen, Texas 75013. Um, just wanted to say hello. I'm working on behalf of The Woodmont Company. Uh, we are proposing to develop a brand new Kiddie Academy which is an early education and, and a childcare facility. Um, as you can tell from the site plan or the exhibits that have been provided to you in advance of this meeting, um, we are one of the first new businesses that's going to be coming in here to the, to the brand new Holliday Farm development. We've been working very closely with Henke and our civil engineer which is Chris Wiseman, who is also here from Cripe with us as well. Um, he's our civil engineer of record and, and we feel that's a great benefit to us since he's a part of the day-to-day ongoing related to this overall development. So we've really been working with Henke and then subsequently with staff to accommodate all of the design requests and, um, we're here to answer any questions you may have regarding the exhibits that have been provided to you. Thank you so much.

Franz All right. Thank you. At this time, at this time is there anybody else, anybody from the public who would like to comment on this matter?

[No response]

While I'm asking that, is there anybody online who'd like to be recognized who hasn't been recognized yet?

[No response]

Sally Zelonis, I believe, requested to be recognized. So is there any public comment on this matter, either online or in person? Staff report, please.

Kilmer Thank you. The petition before you is for Development Plan Approval with two Waivers as was mentioned. Uh, the proposed development is of a childcare facility. It is located on a 1.228 acre site known as Lot A within the Secondary Plat of Section 7 of Holliday Farms. This portion of Holliday Farms was identified in the PUD as part of the "Central Mixed-Use Block" and the proposed use is permitted at that location. Um, the building itself will be a single story 10,600 square foot childcare facility that would include childcare services in addition to educational programs for children, children ranging in age from 6 months to 6 years of age. The facility would employ up to 20 new staff and certified educators with approximately 10-12 staff members in the building during the maximum shift. There are two separate playground areas that are fenced for security and designed based on the age groups that will utilize the area and the proposed operational hours will be from 6:30 a.m. to 6:30 p.m. Monday through Friday. Uh, the two Waivers that are being requested: The first one is for, is regarding street blade standards. This Waiver request is the same as what has been requested with other projects within Holliday Farms and to allow for consistent street blade signage throughout the development. Uh, the request is for a more decorative option than what would be utilized typically. Uh, the second Waiver is regarding the driveway spacing from an intersection. This site is located and I would refer you to Exhibit 2 of the staff report. The subject site is

located on the southwest corner of Frederick Place and Marketplace Drive with the primary vehicular entry, let me clarify, for the only vehicular entry onto the site being off of Frederick Place which would be to the west of the proposed building. Where that drive is located, it is within 75 feet of the intersection of Frederick Place and Marketplace Drive and our Subdivision Control Ordinance prohibits driveways within that 75-foot area. That is the reason for the requested Waiver. The PUD, again, this project is within the Holliday Farms PUD and when that PUD was approved, it delegated much of, many of the normal reviews that would fall to the Plan Commission, it deferred those to the developer of the PUD itself. Um, such as review of architecture, review of landscape and review of lighting. Much of that is now under the jurisdiction or the guidance of the developer of the PUD and that covers, as I mentioned, landscaping, lighting, signage which this is nice plus for this project. We actually have signage information; we don't always get that but at least that has been provided here. Um, the amount of vehicular parking is also governed by the Holliday Farms PUD based upon their standards. The PUD standards would require a minimum of 32 parking spaces, 33 spaces are, are proposed for the site including two ADA spots located near the main entrance. Staff is in support of the two requested Waivers and also staff is in support of the requested Development Plan Approval for a 10,600 square foot childcare facility. Um, I'll be glad to answer any questions you might have.

Franz All right. Thank you. At this point, I'll open it up for comment from members of the Plan Commission.

Jones Roger, I got a question. So when it comes to architectural review, if a project doesn't meet the standards that Holliday Farm put in their PUD, we don't have any way to enforce that they comply with their own standards?

Kilmer My read of the PUD and obviously, I would have to defer to counsel then, to confirm or correct me, um, is that the final architectural design of proposed buildings or development within the PUD is subject to the Architectural Review Board of the overall development which, in this case, is still the developer.

Jones Uh huh.

Kilmer If in their, if in their determination the proposed architecture meets the design requirements, my read of the PUD is this, it is then in compliance with the PUD itself.

Jones So I'm looking through their Architectural Standards Exhibit 15 of the binder that we received with the approval of the original project and back under Section C(e) Secondary Facades it talks about how no façade will extend more than 3 times the building height without some sort of vertical change in materials and structures and color, blah, blah, blah. The secondary façade, the rear of this, and this is something I'd actually want to ask, it actually faces Marketplace Drive so is that the, would that be considered the primary façade or the secondary, but regardless, it doesn't meet the standards that they've set forth for themselves. They're the only people that can enforce it? So, in other words, there's no standards.

- Kilmer            Again, I have provided my read of the PUD says. I do need to defer to counsel.
- Jones             What standards?
- Taylor            Now the PUD it defines the standards and so it's whatever the PUD says.
- Jones             So if they're not meeting the standards that they've placed in their PUD, who enforces that? Or more of the point, we have no ability to enforce it?
- Taylor            Well the Town can always enforce its Zoning Ordinance and the PUD becomes part of the Zoning Ordinance for that particular development so you do have some if there were an enforcement issue. But if the PUD provides an architectural review which is subjective, um, it is left to that, the developer then if we have concern, we should express that to the developer. But, again, the way that it's described, it seems that it's discretionary, discretionary approval.
- Jones             So, as I'm reading through the Petition for Development Plan Approval and I get down to the proposed elevations, they provided a very pretty picture of their entry structure but architecturally the building they are getting ready to build has absolutely nothing to do with that picture. Kind of a bait and switch. We have no ability to say, you know, it's nice that you've shown us one thing but it's not what you've conveyed in the drawings that you're going to do.
- Taylor            Roger, do you know, um, in the PUD approval were there commitments that the buildings had to appear as offered at the PUD approval level?
- Kilmer            Within the PUD they did provide conceptual examples of what would be the appearance of buildings in different sections of the PUD because there are different areas, um, and for each area they did provide photographic examples of this is, this is the type of thing that we are looking to do.
- Taylor            Yeah, so, Mr. Jones, uh, in a situation like that, sometimes your approvals require that the structures appear substantially similar to what is presented to you. In most mixed-use PUDs, that is, there is more flexibility built in but, um, I would say that if you have PUDs presented and, and it contains provisions where the architectural review is given to the developer and you don't want that, then don't approve them.
- Jones             So –
- Taylor            I understand your point. I'm just –
- Jones             Yeah.
- Taylor            Yeah.
- Jones             So, I guess when I'm expressing my disappointment in the Henke Development Team and the Holliday Farms, what I really should be doing is expressing our, my disappointment in that me, personally, as a member of this Commission allowed the Town of Zionsville to get duped because now what we've put ourselves in a bind is that while we've been provided a lot of pretty pictures, we

have no ability to enforce that's actually going to happen. Uh, it's the same thing right along with, as I went back and kind of reviewed the, oh, the section regarding the, what do they call it, the Hospitality Section, the uh –

Kilmer Historic and Hospitality?

Jones Historic, Hospitality and Office Block. You know, if you read through that, it was an emphasis on collectively laying out things that would be office and medical buildings. If you read through the, the verbiage as well as the written word regarding the TIF they received, um, one of the better remonstrance letters I've seen is the one from Mr. Mullen, who kind of spells it out pretty much by citing what the Zionsville Redevelopment Commission said would be there and they talk about things like amphitheater, community event center, there's no mention of apartments, but once again, in our desire to be supportive of Holliday Farms, not only are we finding ourselves when it comes to architectural standards and review, we got duped but we also got duped on the ability to say no to apartments up there because it's in the schedule, whatever that is, back in through the project.

So, I guess all I can do is to say I guess as future projects come through to this group, we need to sit on them a little harder because obviously there's a substantial difference between what we are told verbally, what we are shown in writing and what they intend to do. Um, so now when it comes to the Kiddie Daycare, my first concern is you've got a building that sits basically 3 feet above the street. Um, one of the things that we bent over backwards to help Henke with is the, the trail aspect that comes up Michigan and routes through the property. Um, we had a substantial amount of discussion and even modified some of the commercial block to make it a little more accessible and visible from Michigan but we still wanted to create kind of that village atmosphere with the trail going through it. The first building I see coming through it has as its adjoiner to the trail a 5-foot tall fence, some sort of reference to a wall, the back end of a building with a series of doors. Once again, I've already pointed out it doesn't meet the secondary façade standards that they have in there. Um, so what is this? What are we getting? We also have the electrical transformer out there, too? I mean, it's, um, you know, we re-discussed this the other day with the project over at Stonegate where the façade entry faced kind of the parking lot but the rear of the building faced the neighborhood and we re-worked to get a little more, uh, uh, detailed something, a little bit more, um, pleasing to the eye. Um, I kind of find it funny the, a decade ago when I started doing this we approved the Walgreen's over there at Oak and um Ford Road and, uh, set them back several months until we got a façade on all four sides that was actually kind of appealing to the neighborhood.

It seems since then we've just lost the ability to have any sort of architectural integrity when it comes to any of the buildings that we're giving now. So, I don't know what to do with it. It doesn't meet standards that they have in their own PUD. Obviously, it sounds like we don't have any say over it, we've got a façade that butts up to the trail piece that's supposed to be a, you know, I, I just, I gotta laugh. The amount of time we spend saying we don't want to be Carmel, but Carmel sure as hell does a much better job when it comes to the structures and the buildings they put along their trail and the interconnectivity they do and, than

what we're getting here. Because everybody on the Commission, I hope you understand that the colorful pictures and the renderings we're seeing is the best this is ever going to look. Other than that, we're getting a 10,000 square foot block building with a minimal amount of fiber cement at the top and a few sparse pieces of EIFS to make it look like there's columns. Other than that, I got no opinion.

Franz I want to, uh, I want to add on something that you said, Larry, on that. You know, when I see this and I compare it to what we saw when the PUD first came before us, this would not be something we would anticipate to be built there.

Jones Nope.

Franz And, further we see this, this is the first building that's going to go up. It's setting the bar. And I would argue compared to what we saw, it's a pretty low bar. Um, you know, aside from that, you know, the parking lot where you've got the entrance to the parking lot, I'm assuming that's a two-way street, Frederick Place, with everybody going in and out early in the morning, that's going to be a nightmare, you know, from a standpoint of traffic. I mean –

Jones There's no flow, there's –

Franz Yeah. I mean it's –

Jones It's daycare, you drop off your kids. You're in and out.

Franz Yeah. I mean, there's, typically there's one entrance in, one entrance out and it just flows right through. This is going to be, it's going to be backed up in the parking lot, it's going to be backed up on Frederick Place. I mean, I honestly don't know if there's anything that can be done to even address that with the way this is sitting on the lot.

Walker I had the same questions. I have them all marked here – the same kinds of things you gentlemen are talking about.

Jones The nature of a childcare is you've got to have a fence surrounding the entire structure and when you start – and what I, what I couldn't quite figure out is the grade change from the building to the street. There's a 3-foot difference down there at the south end of it and there's a little notation about some type of wall and some type of fence but in the end, there, I don't quite get what we're going to get. I can imagine it and there's not sufficient detail in here. The renderings that they put in here are colorful but they have absolutely no bearing on how the building is sided or its relationship to the street or anything else. I mean it's just, it's, you know –

Franz Were there any renderings of the fence that was going up?

Jones Uh, there's a, I mean in the plans there is a section, a fence detail, it's a 5 foot –

Franz RC– okay I see it now.

Walker            Yeah.

Jones            But there's an item #17 that's called out in the Cripe drawings that says it's a wall. Is it a, you know, and it's somewhere down there at the – it appears that, you know, you've got a building sitting at 703, or is it 703? Um, and it's going to have a regular continuous concrete stoop out the back side of it but there's a grade change. The building is so close to the street that you can't meet the 1" per 1 foot typical drop. You've got some 30" of grade change from top of curb to building slab and you don't have 30 feet.

Franz            Petitioner, would you like to comment, address any of these concerns?

Bagley            Of course. I was just wondering, I didn't want to interrupt, um, I've been keeping a little list and, of course, I'll probably defer to, to Chris Wiseman as well to some degree. Um, let me start with the architectural comments that um were discussed here just a little bit ago. Um, you know, I think, starting with the color renderings that were provided, um, you know, the color renderings are meant to give some, some indication of how the materiality will play out when it's actually installed. I, I believe it is a little bit deceiving just because of the digital nature, you know, of, of what's been produced. Um, you know, I, I think we started, if you could see what we started with and where we've come, I mean, we started with a building that was predominantly stucco and, you know, with a, um, you know, a masonry water table and, you know, we were advised that a full masonry building with, you know, a coping at the top and, you know, was, was more desirable. So, you know, we've gone from something that is, you know, I would say prototypical to, you know, and considering alternative materials for masonry to a full masonry building, you know, citing the examples of New Albany and references that we were given, you know, you have predominantly masonry buildings and, and that's sort of the look that we were, we were trying to achieve here. Um, you know, I think looking back at the code regarding the fenestrations or the breaks in the plane, you know, we are proposing, you know, the columns, the bump-outs to break up the plane. I understand that there is a desire to, to have more of that but considering the, you know, the internal layout for any of you that have maybe taken your child to a childcare facility at one point or another, you know, it's set up like a school, like, you know, classrooms. Um, you know, the doors at the back those are for emergency egress purposes, um, and access to the playground. Every classroom has to have its own, its own access, um, so that's why you see the series of doors along the Marketplace side, um, it's not, it's not just because we wanted to have a lot of doors and I'm sure you could understand that, that need.

The other item related to the, the, ah, sticking with the aesthetics, the fencing, that is something I, I realize there's conflicting details in here. That has been an ongoing discussion with the developer. Um, we do have uh a lot of fencing that is going to be required here. Fencing is required at that east elevation along Marketplace, again, for children that are going outside and heading to the playground area, obviously, because the, the developer required us to pull the building so close to Marketplace Drive, um, we had to have, you know, we have to have the fencing there to keep, to keep the children safe. Um, there is a, there was a discussion with the developer as to whether or not a masonry base to that fence would be required, um, but given the constraints of the site and the building

being so close to Marketplace, we really didn't have room for it. Additionally, as you might imagine, um, uh, uh, a fence, uh, at a, at a playground area that has a uh masonry base might entice young children to climb up on it and jump off of it and it becomes a, becomes a safety hazard. So, it is our desire to move forward with just a uh, a double powder coated steel fence that would have some type of finial or decorative element, um, incorporated. Um, related to the, the traffic – I understand, again, I have, I have four children I know what pick up and drop off, no one knows that more than me. Um, but as I understand it, this, the area to the south of us is under contract and is going to be coming into the Town for, you know, planning and site review very shortly so there is a, there is a plan for this to continue through and create two points of access. Um, as, you know, as you travel from, you know, as you enter in from Frederick, would, you would then have the option to leave to the south and go back onto Marketplace so that plan is in play. This, this site will not dead end and I agree that would be a traffic nightmare.

The other thing to consider is that the, for those of you that have ever taken a child to daycare, you know, our hours are, we open at 6:30 so people start dropping off, you know, between the hours of 6:30, anywhere from the hour, you know, to, all the way up to 9:00-9:30. So, yes, will there be a, a point somewhere in that time where there will probably be a peak, yes, but, but with the range of time that we would expect people to, to, to drop off and to pick up, it is staggered such that I, I do believe that once that development to the south is, is open, there will be a steady flow, um, through the site and, and congestion would be mitigated. Um, regarding the grade change at the south corner – yes, there is a grade change, um, because, as I mentioned with the building, you know, to create that urban downtown feel, we've pulled this building close to Marketplace. As such, there is a, a, a sort of steep grade change there at that southeast corner. The detail that you're referring to, I believe, is a, is a low, uh, a turndown, a turndown curb if you will, um, and you know, that is something that we're, we're working through with Henke, the developer. That would be proposed to complement, the style of that and the materiality of that would be, would be complementary of the, of the main building. Chris, do you want to add anything as far as the differential there and how you've designed it for that turndown curb?

Wiseman Uh, sure. The –

Franz Please introduce yourself and address please.

Wiseman This is Chris Wiseman. I work at Cripe. My address is 3835 E. 78<sup>th</sup> Street, Indianapolis, Indiana 46240. Uh, the grade, the grade differential starts, it's on the high side is the north side and the grade falls to the south side. From the north to the south, the highest point on that turndown at the interface between we'll call it the stoop of the Kiddie Academy and the plaza, um, of the Henke development, the Marketplace Drive corridor, it's um, it's not 3 feet, it's actually 1 foot, I think it's 11", 1 foot 11, like 2 feet. Approximately 2 feet at the tallest point on the south side, um. The fence will be along the top of it and it's a turndown down to that plaza grade. Um, the material types is what she alluded to. That's in regards to the grading question.

Bagley Um, thank you, Chris.

- Wiseman Melanie, also you were, I think, at on the drop off they don't pull up and just let the kids out, they actually park their car and walk them in, correct?
- Bagley That's correct. Thank you for pointing that out. Yes. There is no corticashare 37:45 or valet service or any, um, service of that type. Parents are permitted to actually take their kid to the classroom. So, um, you know, that, that is an option that would encourage people to park, come into the building. It's not going to be, and that was a question that came up during TAC, um, that, you know, there was concern about cars stacking up, cueing back onto Frederick and in anticipation of dropping off their child, but that's not the case here. They will be required to park and walk their child into the facility. Um, you know, I would like to, I would like to point out that we are, we have been working with Henke at length on this, um. I, I, we recognize that this is sort of the, at a very prevalent, um, prominent, excuse me, intersection and, um, from the photos that we were given, uh, you know, we're really working to, to present a nice masonry, full masonry building, you know, with, with, with a cornice or coping that is, is decorative in nature, um, you know, windows that were a little more, um, in keeping with the, with the period or the look that is, you know, that, that the Town and the developer are striving for, um, you know, I would ask that, you know, the Commission give consideration to, you know, what we're presenting here tonight.
- Jones Like I said, I still have the same problem that what's being presented and what we're going to end up with are, are not the same. They speak of columns on the face of the building but all I see is a block building when I look at the plan detail and when I read down through the notes, most of the columns, they're just control joints. So it's, it's not really a, and it certainly has nothing to do with the picture you're showing of the, of the uh gatehouse at Holliday Farms. And then finally, you know, I guess I gotta go re-read, you know, my planned urban development. I didn't think the Town of Zionsville gave up their rights to the architectural review. It's a mistake on us.
- Franz You mentioned that there's going to be before the Plan, a potential petition before the Plan Commission for the property south and you mentioned that that's going to connect to another driveway on that property but I'm looking on your D001 development plan that has the whole area, you know, picture, you know, on here, so, again, if that goes south, does that dead end? Wayne, do you, do you have any idea how this is going to end up? Is there going to be a drive all the way behind those buildings or – I see there's kind of a, it looks like there's potential for an intersection on these drawings. Are those going to be connected through the sides, lots?
- Bagley This is where I wish that, that someone from Henke –
- Wiseman I can answer, I can answer that question. This is Chris. Uh, yes, the vision of Henke from what I've gathered and meeting with them is all the lots, I think there's four lots, starting with Kiddie Academy that go south, maybe five lots. All of those driveways, we'll call them drive aisles and parking will be connected. So they can't, they're not going to be standalone out lots. They'll all have interconnected access throughout all the four or five lots that are on that, uh,

west side of Marketplace and then, I believe, there's two curb cuts on Marketplace. I think the next curb cut would be the, the lot south of this one gets a curb cut on the south side of that lot and then you skip, then two more lots is another curb cut to Marketplace. So, there will be in theory the drive aisle in the rear will be the road so to speak that'll navigate the cars over to those Marketplace connections and the Frederick Place to the north.

Bagley And to, honestly, to give you some assurance, I mean, we, we had concerns up, upfront, you know, related to circulation, especially considering the, the pre-application meeting, um, you know, comments that came back from Fire. We, you know, we, there has to be development to the south really for a fire truck to circulate and that's been a concern that we've cited with Henke right out of the gate and, you know, they've assured us that, um, you know, that there will be, you know, a tenant going into the south, there will be connectivity, um, and uh that will, again, alleviate some of the traffic, although I do think, you know, again, as I said, the with the times of the day and the hours which we expect people to drop off, with people having to park and walk their child in, I don't expect any stacking out onto Frederick if that's the concern. And I do believe that the, you know, ingress and egress will not be, um, severely impacted by, you know, a plethora of cars trying to get out of there because the time is so staggered.

Franz How many kids will be there?

Bagley It's an average of approximately 175. Now take into consideration, I know that sounds like a large number, but it's very rare that it's that number every single day, you know, of the entire year simply because people are on vacation, kids are out sick, you know, different, for different reasons, it's never, it's never, you know, on a very rare occasion is it, is it that maximum number but it is designed to accommodate that occupancy in the classrooms.

Franz You know, relative to the parking lot extending down to the southern lots as they're developed, I don't think the intent would be to have that as a secondary street. So, I'm not too certain that the people south of you would appreciate, you know, using it as a street when the, if it does stack. I think, you know, you said that because they park that can alleviate some of that issue. I don't think that's going to be the case. I think you're going to have those, that same issue when they park or not. Matter of fact, it could get worse internally because you just got a narrow area, people backing out blocking each other, that sort of thing. So, um  
–

Jones And these are individually owned parcels, aren't they?

DeLong Mr. Wiseman answered that question, but –

Jones Mr. Wiseman, are these individually owned parcels?

Wiseman Yeah, they're all platted in single lots so they, I would envision they would all be owned by different parties at some point. I guess somebody could buy multiple if they wanted to.

- Jones            The point is, the developer doesn't have the wherewithal, or doesn't have the right to say that property A can cross property B for –
- Wiseman        I think they've made it, yes, it's in –
- Bagley          Uh huh.
- Wiseman        I think it's a part of the, the purchase agreement with the, on those lots that they have to have access in the rear to all the lots, they have to maintain that access. That's a part of their, their standard purchase agreement on the access in the rears. They have to maintain that. They can't block it. From what I've heard from Phil and the different Henke, Melanie probably can confirm that. That was in their standard verbiage.
- Bagley          Yes, that's correct. Otherwise, we wouldn't, you know, I don't think we would've contemplated a design that, that anticipated a continuous connection.
- Wiseman        And Phil does apologize, he had a commitment this afternoon so he wasn't able to attend. He tried to get another party from Henke to cover but it was last minute, so, um. I don't think anybody from Henke is on or I haven't, I don't think I can see the, who's invited but I don't think – the other person that could be on would be Doug Fleener but I'm sure he would have a Henke, well actually, he might be signed in. It would be Doug Fleener could be on here for Henke but I don't think, I didn't hear from Phil that he was going to join on behalf of Henke.
- DeLong         And Mr. Franz, while we're pausing to review who's in attendance, there is a gentleman who inadvertently didn't get connected exactly when you were asking for initial public comment that does wish to offer public comment with your approval.
- Franz            Okay, all right. Well let's go ahead and take that then. If you want to promote him so he can speak.
- [Long pause]
- Franz            Have you promoted him? Greg you're muted.
- Strick          Did I –
- Franz            There you go.
- Strick          Did I take it off mute?
- Franz            Yeah, you're good. Name, address –
- Strick          Thank you so much. My name is Greg Strick. I'm a resident of Holliday Farms. I live at 3761 Dartmoor Way, Zionsville. Um, and I would've made comments earlier but I didn't understand the nature of this particular petition. Uh, just a couple of quick comments – to Mr. Jones' uh comments about, um, having something in the PUD which seems to be different than what is currently being presented, um, I would like to express that a number of the neighbors here, both

on Dartmoor Way and other parts of the community as current residents, as well as those who are in the process of building or have bought lots and have not yet built, um, are concerned that there are elements of the PUD and this is specifically with regard to the apartment complex that was being continued until next month. Um, parts of the PUD that obviously were there back in June 2018 and should we and, we should probably have been aware before we purchased, we should've gone back to read the PUD but, that was not something that was raised to our attention and so we're looking at this particular part of the development and asking ourselves why things that might affect us as neighbors immediately neighboring that particular property are not, are not going to be thoroughly discussed and maybe they will be but, we're concerned that, um, we were not provided an opportunity to present our views in a timely manner and so with that backdrop, I just wanted to, um, express my concern that there were no members of the public who own or who are building, um, homes on the other side of this particular Academy who if you continue on Frederick Place to Cherwell there are homes there that will back up to the, what I take it now, will be the Kiddie Academy. I'm surprised that none of those, uh, owners or potential residents in those locations or anywhere on Cherwell have come forward to express their views or concerns. I'm wondering so to the point I want to make, I'm wondering if notice was provided to those particular native, uh, residents to be able to express timely comment?

Franz            Obviously the, this is public information, so, you get an opportunity to speak at the Plan Commission hearing. It sounds like you may be talking about stuff even prior to the Plan Commission, having some input into design, etc. That falls under the Architectural Review Board of the PUD which right now Henke controls. So –

Strick            And that's –

Franz            I would argue he doesn't really have to have conversations with, whoever's running that doesn't have to have conversations with, you know, other residents. Um –

Strick            And –

Franz            I mean, until you guys take it over, I mean, at a certain point you will become responsible for that, but, unfortunately, a lot of this stuff at this point, falls under their review. So, I, I, I think that's what you mean, not that you don't get an opportunity to speak at this because we've got, the petition you're referencing to, we've got several remonstrance letters and obviously that one is continued until people can get back so they can comment on it. So, um, we will listen to what you have to say here, um –

Strick            And that is precisely my, my point about, um, you know, not being able to make comment because of who controls the Architectural Board and I would, I would hope that while that may be written, I hope that it is not in stone, uh, and hope that the Planning Commission has an opportunity to, to address things that, you know, may not, may not meet standards. I mean, is this a case of the fox now watching the hen house, this is, I hate to be parochial about it but it, it could be seen that way. Um, and so and to your point of setting the, setting the bar low,

again, it's—if they are in control of the Architectural Board and we as members of the community now forming don't have an input into that, um, you know, I guess this is a sad, sad way to comment on it but it's, unfortunately, a comment that needs to be made. So I, I thank you for, for your attention.

Franz Uh thank you. Anymore comments or questions on this one?

Jones And I just, I gotta make sure – I'm sitting up here reading through the, the PUD package. There's a Section 19 Procedural Provisions, Section 19.02 paragraph A says that "There's no development plan approval by the Plan Commission for detached dwellings" which, I mean, I'm assuming that houses "development amenities associated accessory structure, landscaping, lighting and signage" and then it says "but all other buildings and associated parking, landscaping, lighting and signage not for the overall district shall require development plan approval by the Plan Commission." So, so if we don't think they're meeting the standards they laid, laid out as part of the architectural review then we don't have to approve the development plan. Is that, am I –

Kilmer And I will say that, that section that you just read I did include verbatim in the staff report.

Jones Okay.

Kilmer That, that they are required to get the development plan approval from the Plan Commission.

Jones Okay.

Kilmer But there are different sections within the PUD where it talks about and, and I'm needing to make the distinction between development plan approval and architectural review. That the architectural review is delegated to the developer but the development plan approval is still a requirement to – the Plan Commission does have to, to give development plan approval.

[Long pause]

Franz Roger, are you comfortable that they're fully in compliance with the ordinance, the PUD ordinance on this, the building?

Kilmer In our review meetings, um, early on and even, even through the TAC process, um, there were concerns raised about the architecture of the building, um, um, and present at those meetings were representatives of the developer of the overall developer in addition to those of Kiddie Academy, um, and, uh, those concerns were clear, um, what, and I, I believe I'm speaking correctly when I say some of those concerns were even expressed at the pre-filing meeting. Uh, and once a project is submitted to us we can re-state those concerns but eventually it comes back to we, we as, as I understand staff's role, we are very limited in what we can do from an architectural standpoint. And so we have to present to you what is presented and filed.

DeLong           And expand – [inaudible microphone not working] 58:12 –58:24 certainly a 2017 review of a 2017 PUD ordinance and certainly the, the illustrations that were contained within thinking back to those moments are telegraphing to the Plan Commission what you should anticipate receiving for review and certainly you are then calibrating your, what you think your processes are going to be and, and when the subsequent projects are coming in. In this particular case, it's, there might be a, you know, a small or, you know, whatever that size disconnect is between what your expectations were and what the projects are and certainly working with the petitioner here to, to move to appoint that where the Plan Commission thought these projects were to be when they did come forward. Again, I go back to those moments in 2017, there was very, very comfortable conversations as to what this PUD was to bring, the illustrations as to the product, certainly now it's a few years later, you're exploring the very first one of these, certainly the project isn't meshing up with your expectations and certainly those, those moments can be, are being articulated here, certainly as your counsel has offered, your review is focused on the development plan, not so much the architecture, but if there's issues with the development plan that you see certainly we can talk about those as well but certainly, you know, we're not sitting here with an answer for you as to the architecture because of how the PUD is structured to Mr. Jones' point future projects may result in a tighter review of the Plan Commission and its language specific to future PUDs.

Franz             Dan?

Taylor            Yeah. Mr. Kilmer, can I just ask you again, Mr. Franz asked whether you thought that the submission was compliant with the PUD and the other applicable ordinances from the Town with, uh – was your answer yes or – your recommendation is yes but is that your answer?

Kilmer            While my preference would be for some other changes to be made, I do believe that what has been submitted is in compliance.

Franz             Okay.

Taylor            And I just would remind the Commission, um, and I wasn't here when this was approved, but I, I've covered this in training and I'll say it again that, uh, development plan approvals are ministerial, the only question is the question that Mr. Franz asked which is "Does it comply?" um, and then within mixed large, complicated, mixed use PUDs like this one, um, you know, if parts of the PUD approval limited review, if that's what the PUD says and that's what the Town Council approved, we can all be unhappy about it but it doesn't change anything, okay, your job on a development plan review is merely ministerial, does it comply? As I read the staff report, um, it complies in all aspects except for the two Waivers requested. The granting of Waivers is discretionary but, um, again, as you work your way through this matter, I would just keep that in mind that the review of waivers is discretionary. You can apply the criteria of your ordinance and review those but as to the development plan, if it meets the ordinance, then you would be duty bound to approve it despite reasonable misgivings I would call them just reminding you of that legal standard.

- Franz I think Wayne put it well when he said that expectations were set but now are not really being met. I mean, he didn't say that but I'll say it, in my opinion, not being met –
- Jones Uh huh –
- Franz What about the traffic flow? I mean, we believe there's a safety concern. I mean, at least is this worth a continuance? I don't know. I mean –
- Taylor You've got two Waiver requests both of which involve traffic circulation and control and so, yes, if the Plan Commission believes it needs more information about traffic circulation in order to make a discretionary decision regarding those Waivers, that would be something you could ask for.
- Franz I would really like to understand the connectivity between the five sections to understand how that's going to flow and how that would impact that. That would be something that I think the developer could come in and, and address. Is that fair?
- Taylor Yes and in considering the Waivers, you might want commitments made about this, um, second, second connection or extension of roads. You might want, um, to impose conditions on those Waivers that the granting of the Waiver, for example, um, this traffic issue is somehow, um, made, um, as a condition, some of the things we heard tonight which you might not have heard before.
- Jones Thanks Dan. And, once again, we always kind of understood we were trying to get a street scape that primarily had the front façades on the trail, on the street, you know, kind of that urban village look and that, to do that you have to put the parking in the rear. But, are we going to see more and more of the same where the whole façades of all the buildings get built turn their back on what we're trying to create and, at that point, you might as well just put in an alley, put the trashcans out there – I mean to the dumpster so they can get to them easily and call it a day. But, I don't think that's what we were, once again, initially discussed. Then we get down, I'm just, Roger, I've gotta, I'll have a question for you – get down into Section 21 about “All violations and enforcement of the Holliday Farms ordinance shall be subject to Article 10 of the zoning ordinance.” Where do I find that? The zoning ordinance?
- Franz Was it arguable intent? Was that it was? Arguable intent?
- Jones No, in Article 10.
- Taylor/Franz Oh, Article 10 –
- Franz I thought you said arguable intent.
- Jones No, no, no. I just gotta go dig that up.
- DeLong Article 10 should be with Enforcement Procedures.

- Jones Yeah. It's an unrelated, it's just something I gotta go find – I'm sure I've got it somewhere. It's available to me.
- Kilmer I, I'm speaking, um, not specifically to the Section that you were citing but in a similar PUD that is under current consideration, we just did an extensive review of it this afternoon and there were a number of typos that we have asked to have corrected. That is an example of one that we found in today's review, so I'm, you know, I was not here when this PUD went through and, and staff obviously just missed that one but, again, in a similar PUD that is under current review, we found that same, that same type of example and we just said we don't have an article, and in your case it's Article 10, we don't have an Article 10 in our zoning ordinance so that, that is something that needs to be corrected on the one that we are currently working on. That doesn't help you understand the ordinance that's, that's applicable to this project –
- Jones Well, the good news then if there is a listed Article 10 and it doesn't exist we can create it now, can't we?
- [Laughter]
- Kilmer I'm going to defer to counsel.
- [Laughter]
- Jones Sorry.
- ?(1:06:42) He's kidding.
- Madrick This is Cindy, but, um, I am going to suggest that we do continue it because I'm just thinking about, I mean, I've had three kids in daycare and the reality is, is if you have 30 or 40 different parents showing up in different cars in that high hour of let's say 7:30-8:00 a.m., there's been so many times where you can't even get a parking space. I mean, it, it's if you don't have one way out and one way in, it, it can be a real, real problem. So, I really do think that needs to be evaluated and that other proposal come up as a part of this.
- Jones Okay.
- Franz So we do, we have a request for a continuance but, you know, before we act on that, well, we can go ahead and do that but I would have a request of the petitioner –
- Taylor Can we get a second first?
- Franz Okay. All right. That's fine.
- Taylor See if there's second.
- Franz All right. Is there a second on this continuance motion?
- Jones Second.

- Taylor Great.
- Franz All right, so, we've got a motion and a second. Um, I would ask the petitioner, I mean, it looks like this is going to be continued. I can't predict what everyone's going to vote but I think I might be right on this one. Can we see what type of commitment language you have relative to the drive space through your property and the adjacent properties? I would like to understand that better to see if that's really going to be the type of relief that you think it's going to be.
- Bagley Sure.
- Franz And then I, I guess I'd also like to see if Henke, yeah, Henke Development has, if they can give us an opinion on how they anticipate that to work also. I mean that's critical to, you know, what you are trying to do with this childcare. So, I would ask that be provided next meeting. Is there anything else anybody would like to ask for?
- Jones No, that's fine.
- Bagley If I may just clarify – so what we'll be providing will be the commitment language to any agreements relative to our property and the property to the south and for any properties that are, you know, intended to connect even further on down in those consecutive lots and then when you say what, you would also like to see if Henke can give an idea as to how the circulation would work, um, are you looking for a, um, something conceptual, a conceptual site plan that, that has ours, our site plan connect, you know, dropped in? I just want to be clear on the expectation for that.
- Franz It's one of those things that if we see the language that you guys are committing to with your property, that may address that second part because that will say a lot as to what the expectation is –
- Bagley Sure.
- Franz To allowing, I mean, it's going to become like a secondary street, I mean, let's be honest. If, if, you know, so, I, I just want to understand how that's going to work. Because if it doesn't work then it's all going to back up back to Frederick Place and you've got to remember there's, there's continued discussion of the development for the north which is going to be laying traffic onto that also. But, I mean, we're just dealing with yours right now and the –
- Bagley Of course, yes, yeah.
- Franz So. So at least the language and if you, if you don't feel the language is, I would like, I mean, let's get Henke in here, somebody from Henke and explain. Let, they're the guys who drafted this, they're the ones who are requiring it. Let's get them in here and see what they've got to say about it and how they anticipate this to work. Is that fair?

Wiseman This is Chris Wiseman. I'll reach out to Phil and make him aware of this issue. I think he does have some rough site plans, Melanie.

Bagley He does, uh-huh.

Wiseman They'll need, uh, I agree, I think, it would've been really nice if he, if they were present today but, um, we'll make sure they're here next time and provide any information before the next meeting.

Franz All right. We would appreciate that. Um, we've got a motion to second. Is there any further discussion? Wayne are you going to take roll?

DeLong Yes. Mr. Jones?

Jones Aye.

DeLong Mrs. Walker?

Walker Aye.

DeLong Mrs. Adams?

Adams Aye.

DeLong Mrs. Madrick?

Madrick Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

Franz All right. The continuance is granted. We will see you next month on March 21<sup>st</sup>.

Bagley Thank you so much.

Franz Thank you.

Wiseman Thank you.

Franz Is there any other matters to be considered? Anybody have anything? Wayne?

DeLong I just have a very brief advertisement for our part 2 of the community conversation related to the Town Council engaging their counsel as well as other individuals to propose a, as reaction to the public seeking conversation about a historic preservation commission, the creation of a historic preservation

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commission, and that community meeting is at 6:00 p.m. here at Town Hall  
March 8.

Franz Okay. Thank you. Anything else? Is there a motion to adjourn?

Walker So moved.

Franz Second?

Grabianowski Second.

Franz All in favor say aye.

All Aye.

Franz Thanks everybody. See you next month.

Madrick Good night, guys.