



**ZIONSVILLE PLAN COMMISSION MEETING RESULTS**

**Monday, March 21, 2022**

**7:00 PM (Local Time)**

**THIS PUBLIC MEETING WAS CONDUCTED ONSITE AT ZIONSVILLE TOWN HALL IN ROOM 103 (COUNCIL CHAMBERS), LOCATED AT 1100 WEST OAK STREET AND ELECTRONICALLY VIA ZOOM.**

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

- I. Pledge of Allegiance
- II. Attendance: Dave Franz, Larry Jones, Sharon Walker, Mary Grabianoski, Cindy Madrick, and Chris Lake attended in person.
- III. Approval of the February 22, 2022, 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>
2022-02-DP	JC Hart / Marketplace Flats at Holliday Farms	Marketplace Drive, Zionsville	<p><b>Due to a timely continuance request from an Interested Party, the Petition was continued from the February 22, 2022 meeting to the March 21, 2022, meeting. Petitioner to request a Continuance to the April 18, 2022, meeting.</b></p> <p><b>Approved to continue to the April 19, 2022, Special Meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Development Plan Approval of a 220-unit apartment development, with three Waivers, on a 16.966± acre site within the Rural Planned Unit Development District (Holliday Farms PUD).</p>
2022-03-DP	The Woodmont Company / Kiddie Academy at Holliday Farms	3650 Marketplace Drive, Zionsville	<p><b>Continued by the Plan Commission from the February 22, 2022, meeting March 21, 2022, meeting. Petitioner to request a Continuance to the April 18, 2022, meeting.</b></p> <p><b>Approved to continue to the April 19, 2022, Special Meeting</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Development Plan Approval of a childcare facility, with two Waivers, on a 1.228± acre parcel within the Rural Planned Unit Development District (Holliday Farms PUD).</p>

V. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2022-01-PPA	Silverthorne Homes / Union Woodlands	11281 and 11589 E. 200 South, Zionsville	<p><b>Petitioner requested a Continuance from the February 22, 2022, meeting to the March 21, 2022, meeting.</b></p> <p><b>Approved as presented with Waivers.</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, with Waivers for driveway spacing from an intersection, in the Rural Single and Two-Family (R3) and Agricultural (AG) Zoning District.</p>
2021-71-DP	Silverthorne Homes / Union Woodlands	11281 and 11589 E. 200 South, Zionsville	<p><b>Petitioner requested a Continuance from the February 22, 2022, meeting to the March 21, 2022, meeting.</b></p> <p><b>Indecisive vote to Deny the Approval</b>  <b>3 in Favor</b>  <b>3 Opposed</b></p> <p><b>Due to the Indecisive vote, Petition was continued to the April 19, 2022, Special Meeting</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>

VI. New Business

Docket Number	Petitioner/ Project Name	Address of Project	Item to be Considered
2022-07-Z	Henke Development / Promontory Planned Unit Development (PUD)	9825 Windy Hills Drive, Zionsville	<p><b>Petition was continued to the April 19, 2022, Special Meeting for further study.</b></p> <p>Petition for a Zoning Map Change of 321.48+/- acres from the Rural General Agriculture (AG) District to the Planned Unit Development (PUD) District to permit a single-family residential development.</p>
2022-08-MP	Roger Burrus / Burrus Minor Plat	275 Beechwood Lane, Zionsville	<p><b>Approved as presented.</b>  <b>6 in Favor</b>  <b>0 Opposed</b></p> <p>Petition for Minor Plat Approval to subdivide a 2.21+/- acre parcel into two lots in the Urban Single Family Residential (R-SF-1) district.</p>

2022-09-MP	Robert Carr / Carr Minor Plat	802 S 1100 East, Zionsville	<b>Approved as presented with Waivers. 6 in Favor 0 Opposed</b> Petition for the approval of a three-lot residential Minor Subdivision, with two Waivers of the Subdivision Control Ordinance, of 41.27+/- acres in the Rural General Agriculture (AG) District.
2022-04-DP	Sila Capital, LLC / Adler Multi-family Development	7105 S. 700 East, Whitestown (Approx. Address)	<b>Approved as presented with Waiver. 5 in Favor 1 Opposed</b> Petition for Development Plan Approval with a waiver for landscaping of a 179-unit multi-family development on 9.295+/- acres in the Rural General Business (GB) District.
2022-05-DP	Seake, LLC / Parking Area	151 Express Lane, Zionsville	<b>Petition was continued to the April 19, 2022, Special Meeting for further study.</b> Petition for Development Plan Approval of a parking area on a 1.06+/- acre site in the Urban General Business District (B-2).
2022-06-DP	Town of Zionsville Parks Board / Big-4 Rail Trail Trailhead	10230 Zionsville Road, Zionsville	<b>Approved with Conditions. 6 in Favor 0 Opposed</b> Petition for Development Plan Approval of a trailhead, with parking and restroom facility, on 1.41+/- acres in the Rural Single and Two-family Residential (R-2) District.

VII. Other Matters to be considered

Docket Number	Name	Address of Project	Item to be Considered
ACT 2022-015 (2004-30-DP)	Cobblestone Grill	160 S Main Street, Zionsville	Minor Development Plan Amendment to permit the replacement of an existing walk-in cooler/refrigeration unit with a new smaller unit to be located in the same area, behind the existing screened wooden wall.

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

Zionsville Plan Commission  
March 21, 2022

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

Staff attending: Attorney Bob Clutter, Wayne DeLong, Roger Kilmer  
A quorum is present.

Franz Call to order the Zionsville Plan Commission meeting of Monday, March 21,  
2022. We'll start with the Pledge of Allegiance please.

All Pledge of Allegiance.

Franz You taking? Wayne, are you taking roll, please?

DeLong Yes I will. Mr. Jones?

Jones Present.

DeLong Mrs. Madrick?

Madrick Present.

DeLong Mr. Lake?

Lake Present.

DeLong Mrs. Grabianowski?

Grabianowski Present.

DeLong Mr. Franz?

Franz Present.

DeLong Mrs. Walker?

Walker Present.

Franz All right. All six members are here. A vote of 4, uh, would be required for any  
motion to be approved or denied. In your packet was a set of minutes from the  
February 22, 2022 meeting. Are there any comments, corrections, deletions from  
those minutes? If there are none, is there a motion to approve?

Madrick So moved.

Franz Is there a second?

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries.

Lake I'd like to abstain since I wasn't here for that meeting.

Franz Motion carries 5-0. In the continuance matters we've got two continuance requests: 2022-02-DP JC Hart/Marketplace Flats at Holliday Farms, Marketplace Drive, Zionsville, Petition for Development Plan Approval of a 220-unit apartment development, with three Waivers, on a 16.966± acre site within the Rural Planned Unit Development District (Holliday Farms PUD). Is there a motion to continue this matter to the – oh, before we do that, um, looking at the schedule, um, and taking a look at the August or the April schedule, I think it's wise that we have two meetings next month – a special meeting which would handle the continued matter items and then the regular meeting which would be the normally docketed items for the month of April. Um, what are people thoughts, people's thoughts on that?

Lake That's fine.

Jones It's fine.

Franz All right, so we would make that, uh, it's April 18<sup>th</sup>, I think is the regular, regular meeting? Is that correct, Wayne?

DeLong Right.

Lake Yes it is.

Franz So April 19<sup>th</sup> would be the, uh, meeting for the continued items. So, is there a motion to continue Docket No. 2022-02-DP to, Oct, Sept – the April 19<sup>th</sup> special meeting?

Lake So moved.

Franz Is there a second?

**Female Second. 8:08**

Franz Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries unanimously. That matter is continued to April 19<sup>th</sup>. Next request for a continuance is 2022-03-DP, The Woodmont Company, Kiddie Academy at

Holliday Farms, 3650 Marketplace Drive, Zionsville, Petition for Development Plan Approval of a childcare facility, with two Waivers, on a 1.228± acre parcel within the Rural Planned Unit Development District (Holliday Farms PUD). Again, this matter is requested to be continued to the special meeting of April 19, 2022. Is there a motion to accept a continuance?

Walker So moved.

Franz Is there a second?

Grabianowski Second.

Franz Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

That matter is also continued to the April 19<sup>th</sup> meeting.

DeLong And Mr. Franz, just for point of clarification, are you also saying that any other matter that's also to be heard this evening that does result in a continuance after discussions with the body here, that you would look for that matter too as well upon motion be continued to –

Franz Yes. Those would also be continued to the April 19<sup>th</sup> meeting.

DeLong Thank you.

Franz So with that if anybody was here to comment on these two matters, we're not going to have that hearing tonight. So just to let you know that. On to Continued Business from last month – 2022-01-PPA, Silverthorne/Union Woodlands. Um, Petition for a Primary Plat Amendment for 179 residential lots on the 160.92± acres, with Waivers for driveway spacing from an intersection, in the Rural Single and Two-Family (R3) and Agricultural (AG) Zoning District and 2021-71-DP, Silverthorne Homes/Union Woodlands. I'll get the address this time 11281 and 11589 East 200 South, Zionsville, 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? While you approach, is there anybody who's attending the meeting online who would like to be recognized? Sally?

Lake Zelonis. Zelonis.

Franz Sally Zelonis. Is there anybody else? Okay, thank you. Please proceed.

Downey Uh, good evening Plan Commission. Uh, my name is Sean Downey, Senior Engineering Director with Silverthorne Homes, uh, office located at 9225 Harrison Park Court, Indianapolis, Indiana 46216. Uh, also with me this evening

is John Dabrowski, uh, Project Engineer, with American Structurepoint. Um, the first petition item before you is an amendment to our primary plat was approved last June, uh, the reason for the amendment, uh, the petition as President Franz referenced is the driveway spacing at intersections. Um, this is an Ordinance item that I understand has been before you a number of times on recent subdivisions, um, my understanding is how that Ordinance is being interpreted is why this has kind of been before you a number of times, um, really, there are no changes to our primary plat other than just that Waiver request as to the spacing of driveways at T-intersections, so –

Franz All right. Thank you. Uh, should we, um, all right, we'll just – go ahead with the, uh, let's go on – we'll handle both of the motions at the end of the proceeding.

Downey Okay. Um, the other petition before you, uh, is for our development plan. Um, we have gone through the review process with Town staff, um, we've been before the Boone County Drainage Board where we received approval with them this morning. Um, we have worked closely with staff, um, on a number of levels from the design, from drainage review, um, we've also had a separate meeting on the park dedication, um, which actually based on the original commitment back in 2006 of 35 acres, uh, we're actually going to be dedicating 45 acres of the park area on the northern portion of our development, um, there's a few outstanding, um, items that we're still working with staff on. Um, in our opinion, there's nothing major from a design standpoint, um, there more aesthetic and cosmetic, kind of corrections to the plans. Um, I know we've, like I said, we've worked really closely with staff. We were supposed to be before you last month but we came and requested a continuance, um, to give us more time to kind of work out some of the bigger issues we had with drainage, in particular. Um, I will say in the staff report it makes notes to three wet ponds for a development. Um, in our continued working with staff, we actually have one wet pond. The other two ponds are dry so I know there was some concerns on, um, you know, the quality of those ponds and what would be wet, um, as far as, um, you know, those, those parameters. Um, with that I will open it up to any comments or questions.

Franz All right. Thank you. Um, at this time, is there anybody from the public who would like to comment on this matter? If so, please step forward, state your name and address. So, as they – you'll get an opportunity as we go through this.

Frye Good evening. My name is Bill Frye. I'm the president of the Hamilton County Airport Authority representing the Indianapolis Executive Airport.

Franz Could you be a little bit closer to the speaker please?

Frye

At 11329 East State Road 32 in Zionsville. Um, I know I sound like a broken record up here. I've been up here a number of times talking about this. Uh, but I've got to reiterate our opposition to the Union Woodlands development, specifically at the location of such a densely populated development and its associated wildlife attractant, wet retention ponds, so close and aligned with our runway and it's not in any way a good idea. Uh, you just mentioned tonight that they've changed some of the ponds to dry ponds but they didn't tell us which ones. Right now the big wet pond is still, as far as I know, in alignment with the runway. Let's look at the facts – the development that's being proposed will not in any way impact the operations of the airport or have any impact on our future growth. That's not why we're here. Our concerns are not on the impact the development would have on the aircraft or aircraft operations. Rather, we're concerned about the impact that flight operations will have on the unsuspecting residents of this development. Additionally and more importantly, we cannot be silent about the potential safety issues that wildlife attractants in this development create for both Zionsville residents who will purchase homes in this development but also for those that live in nearby Fieldstone and Brookhaven for the aviation community who use the airport. The FAA advises that wet retention ponds or other manmade waterfowl attractants should not be located within 10,000 feet of a runway. Union Woodlands will put a wet retention pond less than 3,500 feet from a runway. Aircrafts on approach or takeoff pass over these ponds low and slow which means that their reaction time and options in the event of a bird strike are severely limited. The results could be catastrophic. The developers of this property don't care what happens here once they've completed the project and moved on. We do. And I know that you and the Town of Zionsville do also. We objected to the location of Union Elementary School in its proximity to the airport at the time it was built and even provided an optional site for that school. Our objections were ignored and now the residents in the area express concerns over that school's location. We objected to the development of Fieldstone and Brookhaven because their location within the noise sensitive area. Our objections were ignored and now the residents object to increasing aircraft operations. And now we're objecting to Union, Union Woodlands because it not only places additional homes even closer to the aircraft operation but introduces a real potential hazard due to bird strikes causing a downing of an aircraft into a residential area – a horrible situation that none of us wants to see. Last year we expressed our concerns over the retention ponds and even met with the developers and pointed out the dangers of these ponds. We were ignored at that time. This Plan Commission, as I recall, even asked the developer to consider alternatives to the wet retention ponds. It appears that request was also ignored. As we've heard, there is no Zionsville Ordinance that would prohibit these ponds but common sense dictates that placements of these hazards so close to an active runway is not prudent and could, could be considered as

negligent. Um, I'd also point out in looking over the documentation, uh, I'm not sure the petitioner knows where this development is located since, uh, in their, uh, Declaration of Covenants and Restrictions, um, it states that the development is in Hamilton County. I quote from the very first recital which says "Whereas declarant is the owner of real estate in Hamilton County, State of Indiana more particularly described in Exhibit A attached and made part hereof" and it goes on and then later in the document it states "that final plat means that certain primary plat of Union Woodlands which has been recorded as Instrument No. blank in the office of the Recorder of Hamilton County, Indiana." In fact, the petitioner places the Union Woodlands development in Hamilton County at least three times in that document. Moreover, in their, in those documents there's no mention of the airport or, and/or the fact that residents will be subject, subjected to aircraft operations. For the reasons stated, we urge the Plan Commission to reject the petitions of Union Woodlands. Thank you.

Franz All right. Thank you. If you're interested in speaking please come forward. Oh, they're all over there? Okay. Come on up.

Thompson Thank you. My name is Bill Thompson. I live at, uh, 2550, uh, East 1200 – I'm sorry, 2550 South 1200 East, um, and I'm here because in order to make this development work, TriCo needs to take my land. So they need to run a sewer line across my woods, 12 acres of woods, that sits behind me, beautiful woods that I bought from the farmer who actually sold the rest of the property to the school. So this is just a dense woods, 12 acres of dense woods, and they want to take a 30-foot swath and clear all the trees out, dig a 15-foot trench and run a pipe across that land. My backyard pool is probably 50 yards from that. I, I just can't imagine let alone the noise that that is going to create. It might be drowned out by the flights going over but it's going to create a ton of noise. And, they just kind of said well there's no major issues here. Well it is a major issue – you want to take my land. You want to just take my land. And, and, I, so far TriCo has just, you know, they, they come back and they say we want to, we want a survey for it will you let, let us do it? They come and they say oh, well we're, we're working with you on the alignment. Well they're working with me on the alignment? It's like they're working with me to how best to steal my car. I mean they're, they're really not working with me – they know that they're going to just take that land and they're going to benefit from it and the developer is going to benefit from it and I get nothing. I, and they can't pay me enough frankly if they want it, and they haven't offered a dime. I don't want the money. I want my woods the way it is. Thank you.

Franz Thank you.

Jones Can you identify the property again, sir? I –

Thompson Yes. It's 2550 South 1200 East and so the woods backs up right to the Brookhaven line and they want to run that line from 146<sup>th</sup> Street all the way across. And, and get an easement and then have ongoing maintenance. They're going to put manhole covers in there.

Jones Well, uh, 146<sup>th</sup> is south of 300 south so where are they bringing this line up through? I guess I –

Thompson I think it started – I don't know where it started – 146<sup>th</sup> Street somewhere.

[inaudible] 22:30

Jones So have they secured any easements to do this?

Thompson Yes they did. They've got easements in Stillwater – they've had those. So Stillwater is the first, um, division, subdivision that they're going to run through. Apparently they have easements there, um, before any of these houses have been built but they don't have easements across my neighbor's property, um, nor across my property and they've pretty much assumed that they're going to get it – which, you know, at the end of the day, eminent domain –

Jones Have they proposed they're going to condemn your property?

Thompson Yes. I, I, I'm not giving it to them. I'm not going to give it to them. That's what they've said. They're going to just come and not only take it but then take down all those trees. You know what they said to me? They said well come with us and you can mark the trees that, that you don't want taken down – the big ones. It's like, it's a thick, thick, beautiful woods and I bought it as a buffer for what I knew was going to happen in that, in that back, uh, that back area – the Brookhaven development. It, it – and again it's the ongoing maintenance. And I don't know how they're going to, how they're going to get that – they've talked to my neighbor that they're going to run it through her property. And there's – for what? For, for the benefit of the developer. You're the one that benefits from that. You make all the money. TriCo gets more fees and they finance it on our back. I'm sorry. I'm, I'm a little angry.

Franz Thank you very much.

Borman My name is Terri Borman. I'm a neighbor of Bill's. My address is 2714 South 1200 East. I've been there for over 30 years. In that time frame I have seen it grow from purely farmland to subdivisions all over. I have never objected to growth. I know growth is, is inevitable but I am objecting to this subdivision for the same reason my neighbor, Bill, is.

They – in order to, to develop this subdivision they have to run a sewer through my property. Um, I do not have an easement, do not want an easement, do not want this period. Um, like Bill said they haven't offered us anything for it but regardless I have woods behind my property also, okay? They're going to run a 1,000-foot sewer line 30-foot wide, take out all the trees, they will essentially take out half of my woods. These are mature trees. They're going to take out half of it, um – the subdivision behind me is Brookhaven. I did not object to it, you know, I'm, I'm, I'm for growth, however, those woods were there for a buffer to that subdivision. It provides me privacy, it provides a noise and light, uh, buffer, um, and quite frankly, I'm like Bill – I don't believe that, that the developer should benefit over private individuals. There's three owners or three private individuals that own land that do not have easements and TriCo has said they're going to do, they're going to condemn it and take it. Um, I object to this for multiple reasons. There are other options for sewers. I have seen minutes from TriCo that says it's going to cost more to go like along the road – \$400,000 more, they're not interested. They have to go deeper – I don't really care. They have options. The easiest way is to go through our properties and take it and I just vehemently oppose this. Um, I'm looking to the Town of Zionsville, the developers, TriCo to meaningfully pursue other options for sewers for this development. Thank you for your time.

Franz Thank you. Is there anybody else that would like to comment?

Magoni My name is Gary Magoni. I live in, uh, Brookhaven and, um, I also have some requests. I submitted them to, uh, to Janice Stevanovic and I think she put them in the record but I'd like to go over those this evening with you just for a few minutes. And, by the way, just as a comment – this is my 10<sup>th</sup> home during my career. I've lived in several states and several communities. In fact, uh, neighboring communities and, um, Mrs. Stevanovic, Roger Kilmer and some of the other folks down in, down in, um, the Department of Planning here are just super folks and, uh, we're very lucky to have them and, uh, certainly, um, it is not that way in every community – believe me when I tell you that. So, you should be very proud of that Department. But anyway, um, I live at 11134 Glen Avon Way in Zionsville. That's in the Village of Brookhaven. That is the street that backs directly up to the, uh, Union Woodlands Subdivision. And I have been at every meeting, um, from back last year to tonight listening and, uh, um, you know, there was some discussions on, uh, on this project – the Union Woodlands project as well as the Lamar project and, uh, I listened to all the arguments and the same arguments that were used for the Lamar project by a lot of the residents and potential businesses in that area were almost the same identical, um, arguments that were used to, uh, to try to, um, not have the zoning go for the, uh, Union Woodlands project. Well, I guess the decision has been made that the Union

Woodlands project was going to go ahead and I respect that and so do all my neighbors that I represent here tonight but our street backs right up like I said to the, uh, Union Woodlands project and right now it's a beautiful woods and farm fields and, obviously, I, I have the plans, uh, and that whole thing is going to – the woods, most of the woods is going to be destroyed and, and, uh, they're going to back their development, uh, which we don't have a huge problem with at this point if that's what was decided, that's what was decided. But the point here is, is that it's going to be right in our backyards and they're going to put this park up front north of that development right off of 200 and, um, uh, the developer seems all excited about that. Well, but all their houses are going to be right in our backyards now. So we have a few requests. You know, from the current plan for Union Woodlands project calls for like you said 179 homes almost directly behind the subdivision of Brookhaven and directly behind our street on, on Glen Avon Way. The homes in Union Woodlands are on lots of 50-70 feet wide from what I can see with just about 0 lot lines. The proposed homes do not mimic any of the surrounding homes in any of the neighboring subdivisions or rural areas across 200, either in architecture, square footage, lot size or value. The proposed homes are basically box-style track homes which, again, do not mimic anything in the surrounding subdivisions or across 200. Now, you know, they aren't bad homes, I'm not here to tell you that, that they're bad homes and nobody wants the same or anything like that but it makes a dramatic contrast to the homes that are already there and probably will end up affecting the property values. I, we, we are a little bit surprised, my neighbors and I, who have been to a lot of other meetings that there wasn't a requirement to put houses in there at least compatible or comparable to the houses in the immediate surrounding area or in practically on that end of town, um, all of them are, are bigger, on bigger lots, bigger homes, uh, and so on. With these facts in mind, the residents who live in the Brookhaven subdivision, especially along our street on Glen Avon Way that backs right up to the project of the Union Woodlands, we have three, three requests because we assume this thing is going to go through so consequently, uh, we ask for some support in just some meager ways here. There is currently a very nice tree line that, that most of our properties go right into the middle of and that tree line is really sparse but it's very nice. It has all mature trees and, uh, it would serve as a nice, um, backdrop to really the new homes in the Woodlands as well as the homes that we enjoy, you know, right now on our street. Most, like I said, most of the property lines extend into that wood line and since the tree line is very narrow, we are requesting that none of those trees be taken down. That's our first request. So, and – for instance, in my yard I have some beautiful oaks, maples, walnuts and they're very mature, very beautiful and, uh, they're, they are on my side of the property line. Just 4 feet away from those trees or 5 feet on the other side of the property line, is a few other very nice trees and I can't imagine you taking those down that you're going to need that space. So I'm

requesting that the tree line stays up. Now the second request may seem a little bit strange but for the sake of more privacy, can a line of pine trees or other ornamental trees be ran along the back property line of the Union Woodlands project and between the homes on Glen Avon Way very similar to the tree line that was put up at Holliday Farms along, uh, Michigan Road and the golf course to give it some sort of a barrier? Now you're saying well, Mr. Magoni you just asked for the tree line to stay up and now you're asking for us to plant pine trees. Well, the, um, the neighbors when we all bought our homes cleared out all the brush and, uh, on our side of the property lines and left it, left the mature trees up and, uh, but there's big spaces from there to that wall there's spaces. So it's not going to create a big, big barrier but it would be nice, again, for the people in the Union Woodlands as, and again to the people in, uh, my subdivision or on my street backing up to that property line, to have some nice – a barrier of trees there which would be nice similar to the one along Michigan Road. That's our second request. And then finally, and during the argument about the Lamar project, there was a couple business owners along 421 there or I believe that's Michigan Road, that, that said we don't want to be looking at the – they were putting up or proposing a very similar box that they were putting up and, uh, they were requesting, I thought the request was honored so we're going to make that same request – is that the, is that the homes facing or backed right up to us and a lot of them are going to be very close right on our property lines or right across the property lines – have different backs on them instead of looking at just a box with some, uh, uh, cement board siding or I don't know if they're going to have vinyl siding or cement board siding or whatever but that's what, that's what the pictures show when they originally showed the pictures here. So, um, we're asking that the, that because of the types of homes that are going to be in the Union Woodlands, uh, we're asking that, uh, that the homes backing up to our property lines, um, have some different treatments on the back of it like all brick, stone or a covered porch is put on the back of them or something that is not just a plain Jane box that you're looking at from, you know, from our homes. Um, again, I appreciate your time and, uh, I would like you to support us on this, uh, on these requests and, uh, thank you so much for your time tonight.

Franz All right. Thank you. Is there anybody else that would like to speak?

Emerson Thank you so much for the opportunity. My name is Emily Emerson. I live at 2486 Still Creek Drive in Brookhaven. Um, really this is more administrative but I've listened to the petitioners make their presentation and they were hinting at still having some things that they were working out in their plans. For the sake of transparency, I don't think that any decision should be made until they actually have their final plans ready to present. So, if – because if something is going to change between now and whenever they get their stuff finalized, the community should have a

chance to review that. I would imagine the Planning Commission would want the chance to review that, to actually see if it's in line with that they are contemplating approving. Um, as a, as a resident of Brookhaven, yes I'm also concerned about the development north of us. I'm concerned about anything that would diminish our property values. I'm concerned about something that would not be in line with the development goals of Zionsville. I also am concerned about safety and that's already been addressed by others but I think at the very least we should all be evaluating final plans and not something that they're still working out. Thank you.

Franz All right. Thank you. Is there anybody else? All right, Wayne – who's doing the staff report?

DeLong I'll be providing the staff report this evening. Certainly the petition that's been described by the, the applicant is one that the Plan Commission does recall from prior conversations, uh, specifically with the plat and the requirement to work through the 2006 era zoning that was put in place by the County. So, your, your process moving forward from there is much more ministerial in nature, uh, and as long as the project is following your Ordinances, the Plan Commission is compelled to approve it as certainly parties indicated tonight there were things that have been discussed previously, the ponds and other subject matter that are certainly beyond your requirements. Certainly the staff is supportive of the, of the petitions. Certainly there are comments in the staff report and open-ended items related to, uh, waiver for discussion this evening but certainly staff is supportive of that item as well. Certainly staff is happy to answer questions.

Franz All right. Thank you, Wayne. At this point in time anybody on the Plan Commission have questions/comments?

Lake So, how can we I guess vote for this when there have been numerous concerns by the Airport Authority about wet ponds and there's still a wet pond directly over the runway in this project? It's a life safety issue for the pilots, for your residents and for our residents. It seems pretty poor judgment to not have addressed that before bringing this back to the group.

Downey Um, I can speak to that as an engineer, um, we have to have a wet pond for earth for a dirt source, um – we are proposing to put riprap around the banks of the wet pond, um, that will help to deter nesting by geese, other fowl, um – we're prepared to do above and beyond, um, guidelines in the Ordinance as it pertains to drainage to help minimize the ability for geese to nest and be around that pond. Um, we've done this in other communities where we've been near airports, um, but in this case with our

three ponds we're able to make two of them dry but we do need one of our ponds to remain wet. It's just how our design – there's really no way around that one.

Lake There's a way around it – it just, the development doesn't give you the density of houses you want, correct? There's a way around it. There's an engineering solution that doesn't require it. It just doesn't give you the layout that you want that gives you the houses you want.

Downey It actually doesn't impact our layout at all. The pond geometry would stay exactly as it is, so.

Lake Then what does it change? You're saying you can't do it but, I mean, it's physically – from an engineering perspective – possible. You just have to change something, right?

Downey For us the wet pond serves as a feature for the subdivision. It serves as a dirt source.

Lake So it's worth having a feature if it increases the, the health risks, life safety risks to your residents?

Downey We can definitely look at it. We, like I said, there's wet ponds around us in Brookhaven. There's wet ponds to the east, to the south. Um, like I said, we, we conceded when we made two, two of the three ponds dry. So –

Lake The, the one that's wet is the one that's closest to the alignment with the runway.

Downey Correct.

Lake It's like my parents used to tell me when I was a kid if your friends jumped off a bridge would you jump off a bridge? Putting a pond there doesn't make it right just because somebody else has a pond.

Jones Yeah, and Wayne this is the part I'm trying to figure out – so as I'm going through the development plan it says the Plan Commission shall hear and approve or deny development plans based on the findings of the building commissioner or Plan Commission, which I guess is us, per section 194.127 of the Ordinance. Number 1 is the development plan modification of development plan is compatible with surrounding land uses. And this isn't. And that's the core piece. The pond is not compatible with the airport as a surrounding land use. So why are we, uh, to me is number one of, of why are we even considering this. Um, my other question is too regarding the development plan, uh, it says it does demonstrate availability and coordination of water, sanitary sewer, storm water drainage.

Obviously, they have not secured the rights to actually bring sanitary sewer to this. It assumes it does but that's not the same as does. It's the same as when guys tell me the work's done. I say is it done, as in done, like finished done? Not tomorrow done. Today done. They don't have sewer. Um, my final question is – has the Town accepted these 45 acres of park? And who's responsible for taking care of it? And why do we want it?

DeLong So, I'll start with the, the last question first. So the zoning commitments from 2006 articulate that, uh, as a trade-off in terms of the, the open space requirement, uh, a donation to the Union Township Trustee was to be made at the time of platting. Um, so the property is going through the platting action right now, uh, the final action would be the recordation of the plat. You would, you would think that the area would then be transferred at that time by, via deed or, or block transference, if you will. If that transfer does occur then it would fall to the Town of Zionsville – that's who the Union Township Trustee assumes, has been assumed by – and then from there the donation would fall to the Parks Board so ultimately it would fall to the Town to, to maintain the property in somewhat shape or form via the Town, Town Park Board. Um, from the, from the project's point of view, the recommendation to you is, by, by staff and the staff report does speak to subject to conditions, working through details and certainly we've had these conversations before where what level of detail is, is the Plan Commission comfortable, uh, deferring to staff and that, that bubble varies depending on what project and certainly this could be one of those projects where the Plan Commission here at a minimum, uh, would like to see these final details and were as indicated by the, the some members of the public here, uh, as opposed to deferring to staff to, to work out those items, certainly meeting all requirements, of course, um – did that answer there answer the two questions? No?

Jones Not at all.

DeLong Okay.

Jones I'm, I'm not comfortable assuming to approve a project that doesn't have storm or doesn't have sanitary sewers to it. And it doesn't sound like they're even close. So why are we hearing it? Secondly, like I said, the development plan is not compatible with surrounding land uses because the surrounding land use is an airport and we've got a stack of documents saying how it's a, it's a safety issue and although they have approved other projects, you know, near the airport this is the nearest so it's like, you know, it's, it's at some point, you know, what has been done, you know, once again, the first three guys that jumped off the bridge, oh okay they hit

the water. My luck I'd hit the rock. So, you know, I'm not, not interested in following along.

Lake I think another item we discussed last time was the noise and the fact that we are by an airport and I believe there was discussion that there'd be language in the covenants, uh, noting that, you know, making, making the residents aware of the fact that they are subject to the airport noise. I don't have those minutes, unfortunately. They were some time ago – um, but I'm surprised that that's not in this, in that document. How are they, how are they going to be notified duly that this is going to be – it's, it's not going to be great for them to be living right there while you're trying to also sell a house.

Downey We have provided staff with updated covenants that has those items written in it now.

Lake Okay.

Downey As far as the proximity to the airport and those – staff had us verbatim from the original commitments that is now in our covenants and restrictions. Um –

Lake Is there a reason we haven't a copy, been made a copy?

DeLong I can certainly look in the file.

Lake Because I looked through it and unless I'm missing it, I didn't see it. I could've very well overlooked it. I guess while we're waiting I'll ask another question – so one of the residents talked basically about one-sided architecture versus four-sided architecture. Are these houses that only look pretty from the front and they look like siding and windows on three other sides? Or, or do these have requirements that actually have more than just cement board siding all the way around them with some sort of relief in the back of the house?

Downey Yes. There will be treatment on all sides of our, of our homes meeting the Town's architectural standards. Um, in regards to Mr. Magoni's letter, I did receive that, um, and we're, we're open to discussions with staff and those residents. Um, that specific area of Avon Way, um, that's actually got the best buffer. I think there's only a handful of lots that actually butt up to that. Um, we're also in the process of completing our tree study for the property. Um, we intend to preserve as many good trees that meet the Town's, uh, standards as far as acceptable species and whatnot, um, and then we also have buffer requirements that we'll have to adhere to, you know, to make up for any areas that may not have enough existing trees. So there is a buffer requirement that we will be adhering to.

- Lake So at what point do those get put into the landscape plan? Because right now the landscape plan on that portion of the site has no new trees. It also doesn't note that any trees are being taken down.
- Downey In working with Janice and staff, that's what – we recognize we're at the development plan stage.
- Lake Okay.
- Downey And providing you all the comfort level as a Commission to be able to approve the project but we also know that it's even the staff comment letter where they make a comment but they make a statement that this can be handled in construction plan phase. Uh, like I said, we, we fully understand that our landscape plan until it's been vetted and approved, we, we don't have a project that moves forward based on that landscape criteria.
- Lake Okay.
- Downey And I believe that was a condition that is stated in the staff report so –
- Lake Okay.
- Franz One of the items Mr. Jones asked about was the, uh, sewer. I mean what assurances do you have that sewer is going to be running through – I'm just curious.
- Downey I guess I can't speak on behalf of TriCo but we have had conversations with them and their communication to us is that while we are in their service territory, our property and the property to the west they won't bring sewer to that area until a project has been approved. So, it, it's not in their, it's not in their MO to run sewer to a property in hopes that someday somebody will develop it. So that's what's precipitated where they are right now in their design.
- Lake So would the development be willing to cover the delta to run that sewer line along the road versus through the residents' properties?
- Downey I'm sorry – I didn't –
- Lake Would the development be willing to cover the difference in cost to run the sewer line along the road versus through the backyards of residents?
- Downey Those are conversations we're willing to have. Like I said, TriCo has taken ownership of bringing sewer to the property. We've not dictated

where they go or how they do it. They have, they are getting it to our property and then from there we're running the sewer through our property and then taking it to our west boundary line so it can serve someday down the road any development potentially, whatever that may be, to the west, so –

Jones But just to clarify, you don't meet Finding #2? You don't have sanitary sewer. You're assuming, but you don't.

Downey I'm sorry. I didn't catch that –

Jones You do not have a guarantee that you'll have access to sanitary sewer? There is no sanitary sewer serving the property? No real plan to do it.

Downey There is no physical sewer to our property at this point, no.

Jones And there is no actual design plan for it?

Downey They're working on design –

Jones But it doesn't exist.

Downey And that's what the individual who spoke –

Jones I don't, I don't care what they're doing in the future. You're asking me to approve something today. Correct?

Downey They don't have sewer in the ground if that's what you're asking. Correct.

Jones Oh, and final question is we never got to – or would we handle it separately – the, uh, variance for the, uh, driveways within 75 feet of the intersection.

Franz We'd handle that separately. I mean, if you have questions about it feel free to ask it since –

Jones No it's not – it's, I'm just trying to think back to other developments. Typically we don't have this many T-type intersections and usually the lots are a wider space so you don't have this issue. From the density of the lots and really what that boils down to is just simple life safety. A person pulling up to an intersection isn't really paying attention to who's backing out of a driveway. You're paying attention to cars on the street. And when you look through their site plan they've got –

Lake Will those intersections have three-way stops where they T?

Downey Yes.

Lake Okay.

Franz Did you answer yes to that or no?

Downey Yes.

Franz Yes.

Walker You have those marked on one of the maps that we have – the little, the red circles around the lots correspond with the verbiage inside, um, the packet which lots is being affected.

Franz Right.

Lake Yeah. I was just making sure there were stop signs because –

Walker Yes.

Lake Where the street goes through like on Ornell Lane if those residents park in front of their house some of them would actually be parking in an active intersection if it's a three-way stop. And if it's not a three-way stop then those cars going east-west would have to veer around a parked car into an, uh, an active intersection.

Walker Has the Fire Department and everybody has approved the way the short streets are and everything?

Downey Correct, yes.

Walker I know I was looking at and thought have they approved this?

Downey Yes.

Walker It's in there? Okay.

DeLong And I would point out that we do have updated covenants in the file and I certainly can't speak to how the packet pulled together the, the prior version if that was something that should be that the staff when they put it in the packet. I, I just can't speak to that but we do have an updated version.

Lake Sure.

DeLong That reflects what's been sent.

- Lake Okay. Thank you.
- DeLong Certainly.
- Jones Either way, I don't think your development plan shows stop signs at the, uh, T-intersections.
- Walker I don't see them either.
- Jones Of course, your legends don't actually call out what's on the drawings either but – you know, details – who cares? Which is it? Are they there or are they not?
- Downey Stop signs?
- Jones Stop signs.
- Downey At every intersection?
- Jones At the T-intersections.
- Lake At all three sides.
- Downey I don't have that plan in front of me. I – we can, we can add them if that's what you'd like, so.
- Jones You want a motion?
- Franz Hold on. I, I want to go back to your question about the safety with the ponds and in the adjacent seat to the airport comment that it's inconsistent with, you know, adjacent properties or – I guess I'd ask legal, what do, what do you think about that? I'm just kind of curious. I'm trying to –
- Clutter Well, I, you all are familiar with the standard that, um, the plat approval is not discretionary. Once, once they satisfy the terms of the Subdivision Control Ordinance, um, so at least as it relates to the plat amendment – now the development plan is a little bit different, of course. Um, there's – it cuts both ways. I mean, you can certainly say that it's a public safety issue. It is a safety issue for having, uh, water fowl close to planes taking off and landing. Um, but, again, that, that bumps up pretty strongly to, uh, their vested rights as this point.
- Lake So we made it pretty clear when we voted for this the first time that A) We didn't like it – we thought it was a really bad place for a subdivision and this clearly wasn't heeded or this wasn't – wouldn't be before us today –

- Clutter Uh huh.
- Lake It is allowed to be residential and nobody's saying it can't be residential. We're just saying that residential with a wet pond is a life safety issue and if I'm going to get sued by somebody, I'd rather get sued because I didn't vote for this than because somebody died and I'm being sued for negligence for approving it.
- Clutter Understood.
- Lake So –
- Franz Anybody have other comments, thoughts on how we want to proceed?
- Lake I think the plat amendment motion obviously goes first.
- Franz I mean – there is an option, I mean, if we wanted to continue it if we felt like there's any opportunity for them to make any modifications that would satisfy it, satisfy us.
- Jones We've asked for those before and here we are. Correct? I mean the items that we're discussing that are a concern aren't particularly new.
- Lake Yeah.
- Franz Then uh –
- Lake So let's do –
- Franz Would somebody like to make a motion?
- Lake So let's – I'll start off with the, the primary plat amendment. So I move that Docket 2022-01-PP Petition for Primary Amendment approval with Waiver from Subdivision Control Section 193.052(18)(B) regarding driveway spacing from an, from an intersection in order to allow for 179 residential lots on 160.92± acres in the Rural Single and Two-Family (R3) and Agricultural (AG) Zoning District be approved as presented with conditions as noted in the staff report and based upon the Findings of Fact.
- Franz We have a motion. Is there a second?
- Grabianowski. Second.
- Franz Any further discussion?

Jones Wait a minute.

Lake That was simply the one for the driveways.

Jones Except the drawings that we have in front of us don't really match up with the statements made. And then how do we think that actually adding stop signs are going to alleviate the issue? Because the issue is you've got a very tight subdivision where you have people backing out into intersections and we're trying to figure out is where street parking is.

Lake Yeah. I don't like it. My thought there is we've approved this and myself in particular three or four times in the last year and –

Jones I know we've approved driveways that are close to intersections where –

Lake Devonshire was one. Uh, there were several listed in the, in the staff report.

Jones All right.

Clutter So, you have a motion to approve the plat amendment?

Franz Motion to approve and we have a second. Any further discussion? Wayne would you please take roll?

DeLong Certainly. Mr. Jones?

Jones Uh, I guess aye.

DeLong Mrs. Madrick?

Madrick Aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Franz?

Franz Aye.

DeLong Mrs. Grabianowski?

Grabianowski Aye.

DeLong Mrs. Walker?

Walker Aye.

Franz So the Waiver and we've got the primary plat amendment is approved. Would anyone like to make a motion on the development plan?

Jones Sure, I'll make a motion. I move that Docket 2022-71-DP Development Plan Petition for the development of 160.92 acre site to accommodate the 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 be, uh, denied.

Franz We have a motion for denial. Is there a second?

Lake Second.

Franz We have a second is there any discussion? None? Wayne, would you please take roll?

DeLong Certainly. Mrs. Madrick?

Madrick This is aye for denial, correct?

Lake Correct.

Madrick Aye.

DeLong Mr. Lake?

Lake Aye.

DeLong Mr. Franz?

Franz Nay.

DeLong Mrs. Grabianowski?

Grabianowski Nay.

DeLong Mrs. Walker?

Walker Nay.

DeLong Mr. Jones?

Jones Aye for deny.

Franz All right. We have a deadlock vote. Is that a continuance?

Clutter Continuance to your next meeting.

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- Franz All right. It results in a continuance to the next meeting which will be April 19<sup>th</sup>, Tuesday, April 19<sup>th</sup>. I guess do we have any, any requests of them? Information?
- Lake No wet ponds for starters.
- Jones And confirm you have sewer.
- Franz I guess, appropriate, I mean the proper, uh, maps that show stop, stop signs. Anything else?
- Madrick I think it would be nice for you to make a request to TriCo that you're not going on other people's property and taking their property away. I mean be good citizens to your neighbors.
- Jones Yeah. I don't think there's a substantial, uh, or, uh, enough public good to, uh, condone condemn – condemning the property. Typically you condemn property when there's some sort of greater public good if needed.
- Downey I'll present that to TriCo then.
- Jones This is a private need. Huh?
- Downey I'll communicate that to them then.
- Franz All right. Thank you very much. Next item on the Docket is 2022-07-Z, Henke Development Promontory Planned Unit Development (PUD), 9825 Windy Hills Drive, Zionsville, Petition for a Zoning Map Change of 321.48± acres from the Rural General Agriculture (AG) District to the Planned Unit Development to permit a single-family residential development. Please proceed.
- Price Uh, good evening Mr. President and members of the Commission. My name is Matt Price here tonight on behalf of Henke Development and the Promontory of Zionsville. Let me, uh, introduce our development team as, uh, each one of us is available to answer any questions that you have following our, uh, brief introduction of the project. Uh, first of all, we have Mr. Steve Henke joining us this, this evening, Betsy Garfield, uh, Brad Henke, um, as well as Doug Fleener and joined by our civil engineer, Phil Sundling, who is acting as our audiovisual technician at this very moment. Uh, so he's going to pull up the, uh, PowerPoint and we'll, we'll move forward. So, uh, the staff report does an excellent job of, uh, providing an overview of the property but we wanted to provide some additional, uh, illustrations and highlight certain of the details of the proposal. Uh, first of all, the, uh, project is a little over 321 acres and it's at the, uh, southeast corner of County Road 200 North, uh, on the north side Michigan Road to the west side of the development and then bounded by County Road 1000 on the far east side. Uh, it's an exceptionally unique property, uh, in Zionsville and really in the county. Uh, it's, uh, equipped with a, uh, or it's improved by a nearly 33-acre lake which I believe is the largest lake, uh, in the entire county. Uh, it also is benefitted by, uh, changes in topography, rolling hills, exceptionally, uh, attractive property that really presents an opportunity for a planned unit development like this. Um, for those of you that are familiar with the, the property, it, it has two, uh, dwellings on it today. One, the main dwelling

that you see in the picture before you now, uh, kind of the main, uh, homestead. Right now the plan is that that will either be incorporated into the project, uh, as an individual home site or made potentially an amenity center, uh, for the project. Uh, you'll see kind of as you, as you go along the, the, uh, shoreline there's a second guest house that's also prominently, uh, overlooking the lake. Uh, if the – that, that may also serve as an amenity center really in lieu of the larger dwelling as well. And, and what we envision for, uh, that type of an amenity is, is like a, a clubhouse that would, uh, potentially offer food and beverage, a place where you could store, uh, a kayak or a paddleboard, uh, things of that nature, uh, and serve kind of as a, as a community club for, uh, the project. Kind of working our way through a number of the photos, you can see kind of the, the open pasture area, there's a significant number of trees on site and this is our, our concept plan which I'll, I'll take you kind of around the horn as far as, uh, the way we foresee the development, uh, unfolding. You'll see kind of in the center left of – is a boulevard entrance off of Michigan Road. That would be the primary entrance, uh, for the project. Um, for the first, um, several hundred feet as you enter the project, you'll – there's a greenspace there that would be devoted to, uh, a pasture area, uh, for equestrian, uh, pursuits and interests. Uh, one of the things that we want to build upon with this project is, uh, building upon the, uh, the equine history of Zionsville, uh, and this particular vicinity and offer, uh, to some extent, offer boarding for horses, uh, other ability to enjoy field, uh, like pursuits, uh, and so that's what you'll see as you first, uh, enter the development. Then as you, as you progress through the entryway, uh, we intend to have individual homesites both adjacent to the equestrian fields and around the lake property itself, uh, so that each individual home site around the lake would have a beautiful view of, of that, uh, preserve amenity. Uh, we can kind of work through some of the other pictures here. Uh, this, this gives you an idea of schematically what one of the individual lots looks like adjoining the, uh, lake. So the – as you, the front of the drawing is the access to the homesite. We used as the footprint the largest home by square footage in Holliday Farm to show how it would fit on one of our lots. We have a minimum lot acreage of 2 acres, uh, we've, we've put a limit on the total number of homesites of, of 90, uh, in total on 321 acres and you'll see as you progress towards the shoreline you have kind of a little inlet or carve out area where you could, uh, store a boat, uh, we are not going to permit the extension of piers out into the water. The idea is that you would have a very discrete, uh, storage area for any kind of watercraft, a kayak, canoe, perhaps an electric powered boat but no motorized vehicles, uh, and no extensions out into the, uh, waterway. The idea being that we want to preserve the pristine nature of the lake and the viewshed for all the individual homeowners that would live around the lake. This shows as well, uh, our, uh, some of the landscaping elements. Um, we have borrowed, uh, tremendously from the landscaping plans for Holliday Farm. Uh, our project would really involve a significant, reforestation of this property. It's, it's improved by many trees today but we would add even more, uh, trees including the street trees that we show, uh, in this depiction as well as landscaping around the perimeter. This gives you an idea of the kind of, uh, uh, entryway that we would like to create, uh, as, as you, uh, as you come into the development and drive through it. Uh, one of the themes of this project is for it to be, uh, understated, um, low impact, um, building upon the rural nature of the surrounding properties so that once you're inside the, the development, that you, you feel like you're in a rural, uh, setting. This gives a couple of examples of what, uh, the, uh, boarding, uh, barn and facility, uh, could

look like. Uh, the idea being that as you drive by, uh, the project on Michigan Road this is really what you would see as opposed to individual homesites. You would see the, the, uh, the equestrian type fencing and, uh, a boarding facility like we see there. Uh, to provide for, uh, security and kind of the privacy that we're seeking to achieve it would – it, it contemplates that this would be a gated, uh, community and we would, uh, coordinate that with, uh, our local first responders and Fire Department to, uh, to make that function appropriately as we've done at Holliday Farm. And then this shows, uh, some of the other amenities that we foresee. Uh, we, uh, anticipate having pickleball courts like what you see there, uh, outdoor areas for, uh, gathering and enjoying, uh, kind of waterfront living, you know, at the, at the clubhouse level and then show you also at individual, individual homesites. Uh, these are planned to be estate home lots, uh, with beautiful, uh, new estate, uh, homes building upon the great tradition Zionsville has for fine residential offerings. Then these depict, uh, something that we foresee as far as accessory structures to individual homesites where, uh, you could, uh, improve the property with a boathouse, uh, a place to, uh, uh, gather and enjoy the water with, uh, friends and family, uh, and so we anticipate that many of the homeowners will want to have these individual accessory structures and the PUD contemplates that as well. And this shows some other, uh, of how those areas can be, uh, improved and, and, uh, built to enjoy the, the lake. Um, we, uh, we are at, at an early stage in this project unlike, uh, the proposal, uh, that you just heard. We're at the beginning stages seeking, uh, Planned Unit Development, uh, approval. Uh, we received, uh, a good number of comments back in, uh, February that we worked to respond to and received another set of comments, uh, the first of last week, um, and there, there are a good number of comments that I, that I, we fully anticipate being able to respond to each one but I wanted to hit on just a few of the topics that were raised in the, the latest memorandum, uh, because they're important as we go forward and work with, with staff and the Planning Commission. Uh, first off, we are anticipating that this project would be served from a utilities standpoint by individualized, uh, septic systems and wells. Uh, we've done a great deal of diligence with respect to both and, uh, uh, for example, uh, we had an onsite aquifer study being conducted, uh, even as late as today to confirm the availability of a, um, ample water supply for the individual homesites. We anticipate that will be, uh, completed in the coming weeks. Uh, similarly, we've been working very closely with the Health Department with regard to, uh, septic systems, uh, for each one of the homes and we've specifically designed the lots to be large enough to accommodate both a well and a septic field while meeting each one of the, uh, technical requirements from the County Health Department. Um, also with regard to access, uh, we've met with, uh, surrounding property owners, uh, both as a group, uh, and individually and I wanted to make a couple of points with regard to, uh, how we see access functioning. As I mentioned, the main access point would be off of Michigan Road. Uh, we do have a secondary access off of County Road, uh, 1000. Um, the plan is not to permit any construction traffic off of County Road 1000. We may have a temporary access off of County Road 200 North for construction purposes but do not anticipate any permanent access off of County Road, uh, 200. And, I, I wanted to say that on the record because that's been a very important point, uh, as we've met with neighbors wanting to understand where we anticipated, uh, traffic, uh, to flow, uh, to and from. And then, uh, lastly, um, I would just note that we believe that the PUD vehicle is the right vehicle, uh, for this land use. Uh, it allows us, uh, to

preserve the natural features of this property including the, including the lake. It allows us to combine, uh, some differing land uses together and by that what I mean is we are able to combine the single-family uses as well as our, uh, development amenity uses and we've come up with kind of a, a fairly broad array of those uses but the idea is that, uh, to the extent that, for example, a café were permitted as part of a development amenity, that it would be of the scale and nature to serve residents that live within the project. Uh, it's not intended as a, uh, a public-oriented business but an amenity to serve the individuals and homeowners that actually live within the project, uh, itself. But one of the things we wanted to do was provide that, uh, array of amenity-type uses that are either not otherwise permitted in a residential zone per se or otherwise not defined at all or not found at all in our zoning ordinance things like boat houses, uh, and, and uses of that nature and so the PUD vehicle provides an excellent opportunity to be able to combine those land uses in a way that allows us to, uh, preserve the natural features of the property and off, offer a truly unique, uh, development proposal for the entire Town of Zionsville. Uh, as I mentioned, our team is available to answer any questions that you have. We look forward to, uh, continuing to work with staff and with the Planning Commission and, and welcome your thoughts. Thank you.

Franz All right. Thank you. At this point is there anybody in the public who would like to comment on this matter?

Carr My name is Jacqueline Carr and I own the farm that is contiguous with this property and it's from the, I can't tell what that is, but to 100 North so, I, I own what – that goes up to 200 and I own from here okay – this we used to own but now we own –

Sundling Basically this area down here?

Carr Yes, yes.

Sunding Okay.

Carr And, um, we farm so I'm concerned about rezoning this to residential how that's going to impact our ability to farm and to graze cattle. And all around this property is, is ag and it's farmed. And, um, I'm also – well if you're doing septic, um, that'll be okay but if go to a water treatment plant we've been around this once before when Pennsbury was on the table, um, that discharged into our property which is David's addition that goes through there. So I have two concerns: 1) Our ability to farm and 2) What you're doing with the wastewater. Questions? Thank you.

Franz Yep. Thank you. Is there anybody else that would like to comment? Matt, before we get to the, uh, staff report do you want to comment on those?

Price Yes, absolutely. So, um, first of all, I appreciate the comments very much. We look forward to being, uh, good neighbors. Um, our, uh, just stepping back for, for a moment just in a, in a general sense, we are seeking to really blend in with those adjoining agricultural uses. And, in fact, are including uses that are very similar in the sense of, uh, maintaining horses, open pasture, uh, areas, uh, and so

we intend to, to blend in, um, and be respectful and cognizant of the agricultural uses that, uh, surround the property. So, our land use, uh, changing to a, um, a residential model that is incorporating, uh, rural components is meant to compliment and be consistent with, as I think the staff report speaks to, uh, the adjoining agricultural, uh, uses. Uh, and certainly our change in land use would not affect their ability to continue to farm from a zoning, uh, perspective at all.

Lake Wayne, I assume these lots in the future would have to, somebody would have to sign a right to farm act or, or does that only pertain to individual lots in AG?

DeLong Certainly that's something to incorporate into the PUD process but that requirement generally is only functioning type associated with special exceptions AG like you're getting at.

Lake We can add that into the PUD?

DeLong Oh certainly.

Lake Okay.

Franz All right. Wayne, can we have a staff report then or Roger.

Kilmer Thank you. Uh, Mr. Price provided a nice overview of the, the overall project but there are a couple of things I want to go through to make sure the Board is fully informed of the process of evaluation that has occurred so far as well as also sharing that with the general public. Um, as with any project, whether it's a rezoning or development plan or whatever, petitioner makes a filing, uh, we as, as the planning staff then distribute the materials out to all the different Town Departments for review and comment. Um, we then after about a period of, of a 7-10 days after receiving the materials gather together with the petitioner to go through what is called a TAC meeting – a Technical Advisory Committee meeting – and that is where we're going to be putting and forward together all of our comments, uh, questions, concerns about the project, uh, we document that within a letter and then provide that, that, uh, comment letter to the petitioner for them to respond to. They have usually approximately around anywhere from 7-10 days to respond to those items that we've, uh, presented. That response then is what we bring forward at, at this meeting. In this case, uh, that process was followed. Um, when the petitioner submitted the materials in response to the TAC comments, uh, staff again went through them all and we generated a second TAC comment letter. In that letter, which is included within the packet, uh, there are still a number of significant concerns, questions, items that, that staff and when I say staff I'm not referring exclusively to the planning staff that when I use the term staff I'm talking about all Town staff which would include, um, DPW, it would include storm, sewer, it would include all of our engineering comments. There are a number of aspects of this PUD that staff still has questions about, uh, so from a staff standpoint we are not comfortable with the project moving forward tonight. We would recommend that it be continued. Another reason why we are, um, suggesting that the project be continued is to give an opportunity to hear from you, uh, the Plan Commission, uh, because I'm sure that you have questions and comments about it that maybe we have not even explored yet and we would like to incorporate your questions and comments

along with our second TAC letter that has been provided to them to hopefully move this all forward. Um, uh, so, again, staff at this time is, is recommending the project still be vetted somewhat tonight but yet be continued to the next month's meeting for further discussion. So, I'll answer any questions at this time.

Franz All right. Thank you, Roger. At this point in time I'll open it up to members of the Plan Commission for questions/comments.

Walker The questions I had about the well and septic and the 90 lots and as close as they were you've answered. So, I, I knew just from my limited experience selling real estate we had to do all that stuff. So I'm glad to hear that you've done those steps.

Price It's underway.

Walker I'll be interested to see what, what the soil borings show and all that stuff but that intrigues me because I've been involved in it before so that'll be interesting to see. Also, I'm just smiling about the horse farm that the open thing at the top with the little horse sticking its head out. That might not be \_\_\_\_\_. 1:27:10. No, that has nothing to do with it, just sharing, thinking outloud.

Price Understand.

Lake So I do think when we look at this and we look at issues with adjacent properties in the future certainly just the right to farm be incorporated into the PUD so that, you know, residents now that hey you got this 2.5 million dollar house and when they harvest soybeans it's going to get covered in dust and you're going to have to pay somebody to clean your windows and we don't want to hear about it. Um, so I think that would be very advisable, um, because we'll hear about it. Somebody will send us a letter – we'll hear about it. Um, Councilman Traylor had a good email that he sent that was included in our packets. Um, I do have some concern about some of the amenity uses. Um, you know, you've got potentially, uh, a music theater, an outdoor theater, which as we've seen with other things like the polo facility can have impacts that carry off the property to adjacent homeowners, uh, and so allowing those in the project purely by PUD would not be my preference. I'd want to see somebody come back and have additional commitments be able to be applied to those if and when those were desired, um, like a roadside sale stand. I mean, I'm – I guess if you've got a lemonade stand inside your community go for it but, um, out on 421 is a different story. Um, I know that one of the TAC comments was, you know, how do we know where these commercial uses are going to go? Is this something where five years down the road you've sold all the lots in the back, you can't sell any lots up front because it's too close to 421 so all of a sudden somebody puts a movie theater at the corner of 421 and 200 North because well the PUD says you can put a movie theater in there. I think that's something we would not want to be able to happen. If that is zoned or if that is labeled as equestrian then it stay equestrian and if it, you know, changes use that somehow that has to come back and I don't know how that works through the PUD mechanism, um, but I think those are just some of my general concerns. I love the, the project. It's an amazing property, um, I wish I could afford a lot there. Um, or a house on, on the lot. I could afford one, well I could afford the lot probably just not the house on

the lot. So if I can put my tent up that would be great. Um, yeah, no. Um, otherwise I, uh, I don't disagree with, with a continuance request either, so.

Jones

I guess my take on it is probably the opposite of Chris's. Um, obviously, some of the commentary, comments coming back regarding the Holliday Farms PUD and how that project is closing out has caused some concerns as to why we would approve another PUD for this developer. Um, when the PUD was approved for Holliday Farms it was because it was on a golf course, there truly was some wooded lots, there was some opportunity to do some unique things and we also, uh, listened to a lot of commentary about how the commercial would be developed and how the, uh, property around the historic farmhouse would be developed and we are finding as that project closes out that we missed a few details, uh, that are causing some concern amongst other owners in Holliday Farms as well as myself. Um, I'm not particularly interested in approving a PUD for this project. It just doesn't seem to warrant it. Uh, mostly as I read through these documents, um, I'm concerned, if not downright confused. Um, I'm looking at the, uh, Promontory overview map and, and while once again when you come to Zionsville everybody loves to talk about their love of horses but I just can't figure out how that works. Does that mean that there's probably 30 or 40 lots that can actually have a barn to access that common, uh, amenity area, um, or can anybody have a small barn on their lot and if so, how to the horses get from the back side to the front side of the property? Or from the east side to the west? Um, I'm also concerned with kind of this desire to cut out any kind of, uh, previously approved Zionsville drainage, uh, rules and regs. Um, a decade or more ago I actually worked on this property and, um, while I appreciate everybody's comment about it, as I look up at it right now it hasn't changed much in the last decade. It's, it's got some features around the water but the rest of it is farm field and it's currently being farmed, correct? It appears that way when you Google it. Um, and as you read through the fact that they want to put in roads, no curb, with all the lots they want to put the, uh, septic fields in the front which means you're creating this kind of common swale that's going to serve both to drain the septic fields as well as to drain the roads and, and that's a little concerning. And, once again, if this went through a normal subdivision ordinance, uh, planning process probably that stuff would be addressed. Uh, once again, when it comes to the commercial uses and this desire to put in a private pumping station to service that, once again, we're, we're given a lot of verbiage and not a lot of detail, nothing aligns. Matt, we know we've through a process trying to get that approved but you clearly there could demonstrate that trying to get water to the project you were trying to develop was literally impossible. Here nobody's really proved that one way or the other and since we don't really know the, the full extent of what you're trying to do commercially, you know, once again, it appears that at 321 acres with the traditional, uh, zoning, um, designations we have a better plan could be assembled and it wouldn't need to go down the PUD route.

Price

If I could speak to a couple other things. I appreciate your comments. Um, one, one of the things with the, uh, stormwater treatment in the, uh, planned unit development, one of the things that we're trying to incorporate upfront in the, in the ordinance is the use of low impact development techniques to meet the Stormwater Control Ordinance for the Town of Zionsville. So, it's not an attempt to do anything less than what the stormwater ordinance, uh, requires today.

Zionsville has kind of an interesting way of presenting the low impact development options. They exist but they're not specifically set forth in the Stormwater Control Ordinance. They're set apart in a separate, uh, booklet of technical standards. And so we were just simply wanting to introduce that, uh, that, those technical standards to achieving the stormwater treatment on a par with any other, uh, project in Zionsville except that we would be able to utilize the property's natural features – its topography, its existing water features, its existing, uh, uh, areas that are, uh, that are, uh, wetlands, etc. But it was not an attempt to, uh, to, uh, uh, get out of compliance with the Stormwater Control Ordinance and that's, that's an issue that we're working through with staff. Secondly, I do understand the need to tie down, uh, where the amenity uses would be located, uh, on the property. Uh, we certainly don't have, uh, any problem, uh, being more specific about that and, uh, we are trying to offer, uh, some uses that might be classified as commercial in nature just because they involve, uh, providing a service, um, to the residents who live within the project. So, the idea is that they are part of an amenity. So if we had a, for example, a barista working in the, in the clubhouse, you know, near the lake, that that would be permitted. That's all we're trying to do is, is get that, uh, permitted upfront as opposed to having something permitted and then coming back for variances or special exceptions or amendments to, uh, the planned unit development. It's not intended to, uh, create, um, commercial properties for the benefit of those outside of Promontory itself.

Jones Uh, one more – so in the ordinance portion of it Section 18 Violations and Enforcement. Section 18.01 “All violations and enforcement of the Promontory ordinance shall be subject to the zoning ordinance.” Frankly, the reference to Article 10 was clear. What does that mean? Roger, you got any – is this the improvement over the Article 10?

Kilmer I'm sorry?

Jones Is this the improvement over the reference to Article 10?

Kilmer It's a revision to – I'm not sure it's an improvement.

Jones Correct. It's nothing. We need to get on, once again, I've, I've made some inquiries about the issues with the Holliday Farms PUD and this one hasn't gotten any better. Somehow as I read through this all I see is that the Town of Zionsville will actually have no say in what happens out there at this development.

Price It's quite the contrary. The, the enforcement mechanism for the, uh, development is the same as any other development in Zionsville as far as code enforcement, being able to enforce this legislation as drafted. I think that's all that's saying is that what is being enforced is, are the terms of, pardon me, are the terms of the planned unit development ordinance. But it's not detracting or removing any enforcement authority from the Town of Zionsville.

Jones But there is language in here about not having to comply with certain, once again, the drainage issues.

Price Well it would be subject to the terms of the ordinance itself. That's correct. So if we use the low impact development standards, and those have been approved, what we've put in here is actually, uh, uh, following the Town's, uh, Stormwater Control Ordinance in that the final drainage plan, for example, remains in the, uh, Town's authority to approve or deny. What we're trying to introduce though is the ability to use the low impact development standards that the Town has published in a, in a set of guidelines, uh, but which are only referenced in the ordinance. They're not incorporated into the ordinance, at least that's our concern that they're not directly incorporated, although they're referred to. But we would preserve all authority of the Town to enforce the PUD in accordance with its terms.

Franz Roger, what under the current zoning what could they do and what couldn't they do that's included in the PUD?

Kilmer Current zoning for the property is, is Rural Agricultural (AG). So, um, if, if you would look at what is being proposed, how, how could that fit into the AG? It, it could not because, um, what we are essentially looking at is a major subdivision without certain amenities, specifically, um, water and sewer, and major subdivisions are not a permitted use within the AG District. Um, so, therefore, that, that's, that's one reason why they have to rezone. Now the question of do they have to rezone to a PUD or is there another existing zoning classification that accomp – that could accomplish essentially this same type of development, that, that's a question that we have asked, asked of the petitioners in the initial TAC letter back to them and, um, the response was, was one that still made us scratch our heads as to we're, we're not sure we're, we're communicating the thoughts yet as to what, what other districts could possibly accommodate this.

Price And, and can I, could I speak to that Mr. –

Franz Sure.

Price So, our response to that was essentially that while there are land use districts in Zionsville that contemplate the residential use, they don't contemplate virtually any of the development amenities that we're proposing or if they do, they require some additional specific zoning relief, like a special exception or a variance. What the PUD vehicle says in the, in the enabling ordinance is that you can come forward with a proposal that incorporates those additional terms without having to resort to fur – further development standards, variances or other variances to permit what you're contemplating within the four corners of that ordinance. So, while you could certainly have, there are certainly land use districts that provide for, uh, estate lot homes, they don't permit for the kind of, the combination of estate lot homes with, uh, stables, with boathouses, with cafes inside a boathouse, with those, some of the uses aren't defined at all, others of them are only permitted with additional relief. So that's, that's why the PUD is being proposed. And the, and the staff did an excellent job of kind of laying that out in a tabular form and you can see that the various land use classifications just don't overlap to permit what we're proposing.

Lake Roger, Stonegate is not a PUD is it?

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March 21, 2022

Kilmer Pardon me?

Lake Stonegate is not a PUD, correct?

Kilmer No, no.

Lake Okay. I'm just thinking of a neighborhood that has a meeting house, a pool, a restaurant, apartments, businesses, townhomes. Mr. Price, one comment – I know that on the last page of the PUD zone map change filing document, page 16, you have a map of the lots and, of course, it says conceptual subject to change. It shows 80 lots – you mentioned 90 lots maximum. Which is correct?

Price They're both correct. The ordinance caps at that 90. Our current layout is, uh, showing that we could actually do 80.

Lake Okay.

Price Up to 80.

Lake I just wanted to make sure that was intentional and not, uh –

Price It was intentional. Yes.

Lake A discrepancy.

Price Yeah.

Lake Thank you.

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

Grabianowski Sure. I move that Docket No. 2022-07-Z, a Petition for Zone Map Change to rezone approximately 321.4 – huh?

Franz The motion is in the Staff report

Grabianowski I, I know.

Franz Oh, okay.

Grabianowski I know.

Franz Okay, sorry.

Grabianowski I know – I had it, I have wrote down right there.

Franz Okay. All right.

Grabianowski God he has no confidence – .48± acres from the Rural General Agricultural District to the Planned Unit Development Zoning District be continued until the April 18<sup>th</sup>, 2022 Plan Commission meeting.

Franz April 19<sup>th</sup>.

Grabianowski April 19<sup>th</sup> – that’s right.

Franz The special meeting.

Grabianowski The special meeting, April 19<sup>th</sup>.

Franz All right. Is there a second?

Walker Second.

Franz Any further discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries. We’ll see you next month on what’s going to be a busy special meeting.

Price Thank you Mr. President.

Franz Thanks. Next on the Docket is 2022-08-MP, Roger Burrus/Burrus Minor Plat, 275 Beechwood Lane, Zionsville, Petition for Minor Plat Approval to subdivide a 2.21± acre parcel into two lots in the Urban Single Family Residential (R-SF-1) District. Please proceed.

Burrus Good evening. I’m Roger Burrus. Uh, my office is at 410 West Oak Street, Zionsville but I’m here, um, with respect to my parents’ property at 275 Beechwood Lane in Zionsville. And, um, uh, also with me tonight is Brady Kuhn with Kuhn & Gustafson Land Surveyors if you have any technical questions. Um, I think this will be a lot simpler than, than some of the other petitions you’ve heard tonight. You know, I’m here –

Franz Go.

Burrus For whatever you need. I’ll try to give it to you. Um, so I’m going to kind of do the quick version. Um, some of you have heard this already at the BZA last fall when I got the variance for the, for the street frontage but it, it’s an interesting situation. Uh, Beechwood Lane was started before I was born, um, by somebody who subdivided this area into four large lots ranging from mostly over 2 acres, um, one of those lots ended up being about 5 acres because, uh, that lot was able to acquire 1 acre from its neighbor but the other, um, peculiar thing about the neighborhood is that, um, Beechwood Lane is a public street until it gets to the base of my parents’ driveway and then there’s a driveway that goes over to 285 and 295 Beechwood Lane, my two neighbors, and so that easement crosses, um, the property. Uh, so it’s an access easement. Um, I can’t, we can’t interfere with that and, um, but that kind of naturally subdivides the property into the parcel

with the house which is 1.35 acres and then, um, 0.81 acres would be the proposed lot 2. Um, it's not an ideal homesite currently. If somebody wanted to build on it they'd have to do a lot of filling. I'm not – I'm hoping I don't do that. I would rather just sell the entire property and, and I have to sell the property because it's in my, my mother's estate and the only way I can close the estate is to sell the property in order to, uh, split the proceeds with the heirs. So, I've had this dilemma now for some time about what do I do with it and, and, uh, in listening to prospective buyers and, and builders and so forth, you know, I've gotten a range of opinions but a lot of those opinions indicate that there are people who would like to buy the house on 1.35 acres but not the proposed lot 2. Um, I thought that maybe, uh, one of the, uh, neighbors would want to buy it. I've, I've explored that. I've talked to all my neighbors numerous times. We have new owners at 295 Beechwood Lane, um, I really thought they, I think they should buy it but they haven't so far, uh, so, uh, my plan is just to, to go ahead and, and seek approval from you to subdivide, um, but then if I don't need to do it I've already talked to staff about the fact that, that you can get a minor plat approved and then if you decide you don't need it, you can just not record it. So my plan would be to present it, uh, to answer your questions, um, answer the questions of any, any people who might care to comment on it or to buy it, um, I'm open to any offers at any time. Um, the staff report did a good, good job. Uh, we've responded to the issues, uh, brought up by engineers and by, by staff. In fact, we've, I continue talking and working with Lance and with the Town engineer about identifying sewer lines and, you know, what needs to be done to accommodate those for the benefit of my neighbors. Um, I submitted a narrative explanation which, which I'm sure none of you have read but if you have, uh, you get the award tonight for due diligence and, uh, so, I think we've addressed all the issues that have been brought up and, um, by the way I did first class mail so if you are inclined to approve it, I think you need to move to accept that and, um, I am happy to answer any more questions, uh, but I think we've complied with the ordinance in all respects. Thank you.

- Franz All right. Thank you. Is there anybody, uh, anybody from the member who would like to – public who would like to comment on this? There are none? Um, Wayne, can we have staff report please.
- DeLong Certainly. In summary, staff is supportive of the petition as it's been filed. We have a few – certainly the staff recommendation is, is supportive throughout the staff report and certainly members of the, of the Plan Commission that are sitting members of the BZA also know this petition from previous conversations, uh, specific to a variance. Again, staff is supportive of the petition and I'd be happy to answer any questions.
- Franz All right. Thank you. Does anybody have any questions/comments?
- Lake So we had a revised petition that got sent to us today, Wayne. Does that change any of the additional items under the approval on the, uh, recommended motions?
- DeLong We can look at the engineering comments.
- Lake I just want to make sure, you know, you guys had asked if we're going to approve this. It is subject to that and I can't remember from looking at the one –

we did not get a hard copy. We were sent it via email today. Um, I just want to make sure that that motion does not differ from this motion.

Burrus Can I ask – was that the staff report amendment or the petition amendment?

Lake Uh, it came to us as an entire, I believe, new packet. We just don't have a hard copy of it. While we're waiting on that from Wayne do we want to approve second class mail as a –

Franz Well, first class mail.

Lake Sorry – first class mail.

Franz Yeah. Is there a motion to accept first class mail as proper notification?

Lake So moved.

Franz Is there a second?

Jones Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Okay that's approved. Um, I'm trying to find the email.

Lake I can pull it up as well. I just want to make sure that –

DeLong I believe your, the motion as it's written in the staff report still functions as –

Lake Still correct?

DeLong As needed.

Lake Okay.

Franz So it's, yeah it says the, what we got was a correction to Exhibit 1 of staff report.

Lake Okay.

Franz And so we should be good.

Lake All right.

Franz Any further discussions/comments? Is there a motion?

- Lake I move that Docket No. 2022-08-MP, Petition for Minor Plat Approval to subdivide a 2.21± acre parcel into two lots in the Urban Single Family Residential (R-SF-1) zoning district be approved based on the Findings of Fact in the staff report, uh, staff recommendation, submitted Findings of Fact, um, and subject to resolution to the engineering comments in Exhibit 5.
- Jones Second.
- Franz Second. Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.  
[No response]
- Motion carries unanimously. Thank you.
- Burrus Thank you.
- Franz Next on the Docket 2022-09-MP, Robert Carr/Carr Minor Plat, 802. South 1100 East, Zionsville, Petition for the approval of a three-lot residential Minor Subdivision, with two Waivers of the Subdivision Control Ordinance of 41.27± acres in the Rural General Agriculture (AG) District. Please proceed.
- Lasch Good evening. This is, I'm Jennifer Lasch, civil engineer with The Veridus Group, office address is 6280 North Shadeland Avenue, Indianapolis, Indiana. We are here before you, as you said, for the minor plat approval for the three-lot residential Minor Subdivision. We did receive our special exception, as you are aware, for the permit of the residential uses on this rural agricultural land approved by the Board of Zoning Appeals on January 5<sup>th</sup> of this year. Staff report did an excellent job and we will continue to work with engineering to address their final comments and we'd address their comments as our plans are progressing at this time. I'm here to answer any questions that you may have. We, um, ask that this petition be, um, approved.
- Franz All right. Thank you. Is there anyone in the public who would like to comment on this matter?
- Frye I'm Bill Frye. I'm the president of the Hamilton County Airport Authority. Um, representing the Indianapolis Executive Airport at 11329 East State Road 32. Um, the only comment I have about this – this is obviously not the same issue as other developments we've talked about. My only ask, ask is that the petitioner reconsider the pond that's showing on the land. It is, this property is within the traffic pattern of the airport and it is a wildlife attractant and I would just ask them to reconsider putting a pond on this property. Thank you very much.
- Franz All right. Thank you. Any, any other comments? Roger –
- Kilmer Yes sir.
- Franz Can you give a staff report please?

- Kilmer Yes sir. Um, Ms. Lasch did a, uh, fine job on an overview of the petition. Uh, there are two things though that I would like to add to it in addition to the request for, uh, the approval of a Minor Plat. There, there are also two Waivers of the Subdivision Control Ordinance which would need to be approved as well. Uh, first is a Waiver for the length, length of the cul-de-sac, uh, the private drive that would be serving, uh, the, the rear lots of this proposed subdivision, uh, as that proposed cul-de-sac does exceed the permitted 800 feet. The second Waiver would be for, uh, regarding water facilities for fire protection. This is somewhat of a standard Waiver request that we deal with, with, uh, minor subdivisions out in the agricultural area just due to water pressures, uh, that are required of, of wells. Um, as was mentioned, this property did, uh, go before the Board of Zoning Appeals and received its, uh, special exception for residential uses on agricultural land, uh, for the three lots and for the Minor Subdivision itself. Uh, there are some, um, what staff would consider small or minor items still yet to be addressed, uh, that are covered in the, um, TAC comment letter which is, uh, Exhibit 8, uh, but staff is supportive of the, uh, two Waiver requests and the proposed Minor Subdivision. Uh, I'd be glad to answer any questions you might have.
- Franz All right. Thank you. At this point are there any questions/comments from any members of the Plan Commission?
- Lake I have a question for the petitioner – so if I'm going to beat this drum with one petition I gotta beat it with the other one was well. Um, is this a wet pond?
- Lasch Currently it is shown as a wet pond.
- Lake Is there any way to do something other than that for drainage since we're at a swale system?
- Lasch Yes. The owner is willing to pursue other avenues than a wet pond for drainage solutions.
- Lake Okay. Thank you.
- Franz This is a three-lot subdivision, uh, just maybe I'm missing something but it's got a 1, Lot 2, Lot 3 and then Lot 3 twice.
- Lasch Because it's divided by the access easement that goes through for shared access.
- Lake Lot 3 is actually an L.
- Franz Oh.
- Lasch Uh huh. It's kind of an "L" shape Lot 3.
- Franz Oh, okay.
- Lasch Because the shared access goes through it.

Franz I got, I got it. All right. That's what I'm missing.

Lake It shows up better in –

Franz Yeah.

Lake The survey drawing as an L shaped lot –

Franz All right.

Lake Than, than in this drawing.

Franz Okay. I see it now. All right. Thank you.

Lasch You're welcome.

Lake I thought the same thing.

Franz All right. Any further questions/comments?

Lake We need two motions?

Franz So the question I've got is, uh, would the owner be amenable to the modification in creating a wet pond, uh –

Lake Removal of a wet pond?

Franz How would we, I mean, how would we, uh, put that in there and make it enforceable? Or is that enforceable? What do you think?

Clutter Uh, well –

Jones The pond doesn't exist currently.

Clutter Yeah, right. It, it – I mean it would certainly be enforceable. Um, I suppose if they're looking at other solutions whether it's in line with detention or something like that. Um, I – you could have a commitment that there will not be service water detention on –

Lasch Yeah. The original intent was, um, as we all know, many times as a service – a wet pond is an amenity and a feature on, on the site. Um, with the creek, the Finley Creek, being adjacent and with that, um, ditch going through the stie, the idea was there's already a lot of natural features on this site that a wet pond would not be increasing that from the standpoint of the ditch and the, and the Finley Creek. So that was the original thought on the idea of having the wet pond.

Clutter So, so you don't really need the wet pond for detention purposes then?

Lasch Correct.

- Clutter With Finley Creek, you've got—
- Lasch There are, there are alternate measures of being able to conserve. Um, it might be temporary impounding and then, like a dry base then where it will fill with water temporarily and then give at least –
- Clutter I know you said they're in line with the 1:58:28 state.
- Lasch Exactly.
- Clutter Yeah. If you don't need it for storm water detention purposes with Finley Creek running through, um, you could certainly have that as a commitment.
- Lake Okay.
- Clutter If, if you thought it was necessary. I'm not sure it would be for a three-lot subdivision but, maybe it is.
- Lake Okay. Motions?
- Franz All right. Thanks. Um, anybody want to make a motion on this one?
- Lake Sure. Um, for the Waivers I move that the Waiver for the length of the cul-de-sac street, uh, to exceed 800 feet be approved based on the Findings of Fact included in the staff report Exhibit 10-A as presented.
- Franz Is there a second?
- Grabianowski Second.
- Franz Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.  
[No response]
- The Waiver is granted.
- Lake I move that the Waiver for water facilities for fire protection be approved based on the Findings, Findings included in the staff report Exhibit 10-B as presented.
- Franz Is there a second?
- Grabianowski Second.
- Franz Okay. Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.

[No response]

That Waiver is granted.

Lake I move that Docket No. 2022-09-MP, approval of a Minor Plat for a three-lot residential subdivision located at approximately 802 South County Road 1100 East, Zionsville be approved based on the Findings in the staff report, staff recommendation, submitting – submitted Findings of Fact as presented and subject to a resolution to engineering and Boone County Highway comments Exhibit 8 and the petitioner’s provided details and Fire Department’s requirement for construction of the private drive Exhibit 9 and a commitment from the petitioner, uh, to not have a permanent wet pond located on the site.

Franz Is there a second?

Madrick Second.

Franz Any further discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Granted. Thank you.

Lasch Thank you for your time.

Franz Thank you very much. Uh, next on the Docket 2022-04-DP, Sila Capital, LLC/Adler Multi-Family Development, 7105 South 700 East, Whitestown, Petition for Development Plan Approval with a Waiver for landscaping of a 179-unit multi-family development on 9.25 – 9.295± acres in the Rural General Business (GB) District. Please proceed.

Andreoli Thank you, Mr. President. For the record, uh, Mike Andreoli, 1393 West, uh, Oak Street. I think I can be, uh, somewhat brief tonight, uh, as the staff report did an excellent job of calling out all the issues and this is not the first time this particular site has been in front of the Plan Commission. As you will recall, in 2020 we received, uh, unanimous support and then Town Council legislation that allowed us to modify the prior commitments on this site that would, uh, uh, then allow us to file a development plan for the 179 multi-family units you see on the plans, uh, before you. Uh, essentially, uh, as part of that, uh, modification of commitments, we, we met with the, uh, residents, uh, of, uh, Royal Run and their homeowner’s association board. We’ve done that again – we did that again in following up with these particular plans and moving forward. They had requested we do so just to make sure and I think it was prudent on their part that the commitments that we made at the time in 2020 were the exact commitments or we exceeded those commitments with regard to the development plan and I’m proud to say that all of those commitments were met and/or exceeded with regard to all of the landscaping, the locations and all of the things on the original, uh, site plan that we’ve prepared. One thing that was, was different that I can share

with you and then I'm going to have Bryan Sheward, uh, who is with us tonight, uh, as well as Jeff Reasner and Felix Shalit, who are the principals of, uh, Sila Capital. One of the things that we attempted, uh, uh, to look at when we had our modification was, we were contemplating, as you'll recall, going off site across the street, uh, to the Demaree property, that was in a stage of development. Mr. Sheward was handling the engineering services for both and we were contemplating doing an off-site, uh, drainage detention over there. That was changed. We now, uh, we now have provided a drainage plan that, uh, does not necessarily need that particular, uh, amenity off site. We've brought it all with drainage appropriately through the site, uh, and relocated the legal drain and Mr. Sheward will tell you that, uh, that that was approved this morning by the Boone County Drainage Board. Uh, but, importantly, I think the details since they were not originally discussed, uh, previously, uh, I would have him, uh, make some comments on that and share those with you. Thank you.

Sheward

Good evening Plan Commission Members. Uh, my name is Bryan Sheward. I'm with Kimley-Horn & Associates, civil engineer. Our offices are at 250 East 96<sup>th</sup> Street, Suite 580 in Indianapolis, Indiana. Uh, Mr. Andreoli did a nice job explaining that. I, um, the nuance here is that, it has hit the news, um, I think in the last couple of months that a grocer from out of town is coming on the west side of 700, which is the property to our west so previously Mr. Demaree was looking to file, uh, a project, a primary plat for some type of development that was going to be referred to as "Pock Farms." Um, at the time we had come around for the, the modification of the zoning. Um, that fell off now Hy-Vee has, has come in and we're engaged with Hy-Vee as the civil engineer working on that project as well. So that'll probably be back before this Board in a few months, um, once that goes through the, the whole develop plan and primary plat process. Um, specific to the drainage, that was, uh, an item that was a complication on this project from the beginning. Uh, so as Mr. Andreoli said, we were contemplating taking drainage from the site to the west side of 700 into a detention pond and then releasing it back through the site, uh, to through the Solomon Harmon Legal Drain to the east side of the property. It would be a very odd back and forth. Um, all joking aside, this will not have a wet pond because it's in an underground detention basin on site. There's two underground systems, one on the north side of the site, on the south side of the site and a reconstructed 30-inch, uh, legal drain will run through the property which Mr. Clutter was there this morning at the Boone County Drainage Board, uh, that we, we received approval for the relocation and reconstruction of that drain. So, what we've done with this is we are reconstructing the tile through the property, providing a manhole on the west side of 700 which will be what they Hy-Vee will connect to in the future. This is helping out future development on the west side presuming that that moves forward, um – it's, it's a betterment certainly, uh, as compared to the 12-inch perforated tile that's out there today, um, and the downstream infrastructure that runs through the apartments to our east with sites for undetained flow from this entire area we're now taking about 10 acres of this area and detaining it in underground detention. Um, so, if you have any questions about more than that I'd be happy to answer.

Andreoli

One additional matter, uh, when we were going through the, uh, filing process and working with staff, uh, we discovered that, uh, we would need a, uh, a, uh, buffer yard landscape setback or, uh, a plat waiver and in this case development

plan waiver for that on the east side of our property. We've got a, kind of an unusual situation – normally you've got, you've got a, uh, zoning classification, zoning classification and you can come up with your buffer yard. In this case we have a multi-family classification and the general business, two different jurisdictions, uh, but the use is the same. You have a multi-family on one side, multi-family on the other side. So, uh, we, we necessitated a, uh, buffer yard, uh, a development plan waiver, uh, and, and the primary reason is that Countrymark has a, uh, gas line easement the entire, uh, from the north to the south property line along our property line on the east side. So, they will not allow us to put anything in there, we can't do any plantings in there, can't do any fencing in there, those types of types of things. So, we've done what we could in terms of locating those types of things but we do request a, uh, a buffer yard, uh, development plan waiver for that and staff has called it out in the staff report, uh, particularly well. We would, uh, we would appreciate approval for that as well tonight. Thank you. I'd be happy to answer any questions that you have.

Franz All right. Thank you. Would anyone in the public like to comment on this matter?

Barrabee I'm Linda Barrabee. I'm at 6514 Kingsbury Way in Royal Run. My property backs up to this property. A couple of things that I think are more administrative – the property owners for the property that backs up to this was notified that a meeting was going to occur with Mr. Andreoli's firm and the residents after that meeting already occurred and we were not notified about the meeting. Whether there was a lapse on the HOA board that didn't do that, Mr. Andreoli's firm – I don't know but I think it would be nice if we're invited to a meeting when you're talking about a property that backs up to our property. Um, a couple of things that, um, were committed in the past – 6 foot berm minimum, 6-foot evergreen trees minimum and minimum 6-feet apart on that berm unless the species of trees need it to be further apart. I see the 6-foot berm, I see the 6-foot trees, I think it says evergreen but it's about the size of a grain of rice or smaller on the document that I was given so I can't read if it says evergreen or not. There's nothing on there about the 6 feet apart. What I don't want happening is now we have this 20-foot berm with one 6-foot tree on it. That doesn't do us any good. And I'm not, I, I'm not convinced that there's going to be 6 feet apart. I still have concerns about the drainage. I'm not an engineer, I can't answer that but in our property Boone County has tore that up because of the swale drainage issues at least three times in the last 20 years. It's still not the best. So I have concerns when you're going to put more over there that that drainage is still going to be a problem that we will have water in our backyard. We have that now and that was supposed to be a dry swale. I've not had too much of a dry swale when we have rain. So, that's a concern of mine, especially now that it's being not going across the street into a pond which is what it was supposed to occur. I think at the other end now it's been committed that there's going to be a stone fence which I think the folks, my property does not back up to that, knowing that other apartment complex there and those apartments are very close to the houses down there, uh, a wrought iron fence isn't going to work there either. It needs to be the stone fence. I hope that's what the document that I got, again, we weren't invited to this meeting so we could ask these questions. I think these questions could've been alleviated if we would've been invited. And we, again, we found out about that meeting after the fact. After we got our notice. Thank you.

Franz All right. Thank you.

2:10:46 inaudible

Barrabee Well I can't see.

Sheward I'm sorry.

Barrabee We're behind the berm.

Sheward Okay.

Lake Can we have the – Mr. Andreoli, can you or Mr. Sheward address the landscape comments?

Andreoli Yes.

Lake Can you address her comments relative to landscaping?

Sheward Yes, absolutely.

Lake Since she wasn't able to read it.

Sheward Yes.

Lake Just for the public record.

Sheward Absolutely. So, our landscape plan which is on file – it's a part of the Plan Commission packet. Um, and I'd be happy to show this, I'll zoom in. Uh, we are proposing and, and by nature of putting that – they are evergreen number one and I can show it to you right now if you'd like to see it. Uh, with trees of this kind you stagger them so that you can get that look and still provide the distance between that's necessary for it not to kill themselves over time as they grow. Um, so as it's, it's staggered back and forth – it's quite frankly the most evergreens I think we could physically set on the berm –

Barrabee Okay.

Sheward Along that stretch and then the, the fence that is referred to is around the portion, we would've continued that berm if we could but the Countrymark easement and our loop drive, everything gets condensed around the southeast corner of the site. So what we're proposing is, uh, uh, a composite fence material that looks like stone –

Barrabee Okay.

Sheward Um, it's something that's been used – I've, I know we've used it on IKEA up in Fishers on the back side you can go and see that in person if you want to see it as well as, uh, a project in Whitestown, um, off a road extension. So it's a nice product. Um, it's, uh, it looks like stone when you're looking at it but it's a

composite material, so, um – and from a drainage perspective, there’s more of that site today that hitches to the south. We’re actually capturing the vast majority of that pitching it back to the north to route through the legal drain. Right along the southern edge about 33 feet is where that Countrymark easement runs and we are severely restricted on what we can do in that easement or as it wraps around we can’t grade, fill, cut anything. So we feel that by capturing some of the drainage which naturally trends south and taking it to the north, we should be improving the situation. And there is an inlet, um, off the southeast corner of the property, um, that we went out and took pictures of that sits several feet lower – it’s just on the southwest corner of the, um, Watermark Apartments, that is a regional low spot so we feel that there is a, a way to get drainage down to that corner and we’re proposing some minor grading in the southeast corner to pitch the, the flow that way. So, um, we’ve been working with Michel Susong and George Lewis on this for the last few weeks, so.

Franz All right. Thank you.

Lake Thank you.

Andreoli One other, uh, comment and we certainly apologize if, if, uh, she or others did not get notice of the meeting. Uh, it was organized with the HOA Board and their representatives, uh, and they were free to invite whomever they wanted, uh, that was the course of our meetings previously too. I did get one call indicating that, uh, they wanted to see the plans and that they had not been invited to a meeting. I don’t know if it was nice lady or not – somebody had called me – and I said, well we apologize. I’ll send you what I have and I’d be happy to meet with you in the office, uh, were we have bigger sets where you can look at them so you can get a pretty good idea. There was no follow-up call to that, but, uh, uh, we assumed that, uh, hopefully she talked with members of the Board and they were satisfied, so.

Franz All right. Thank you. Anybody else want to comment on this? Roger? Wayne?

DeLong Thank you and certainly the detail provided this evening, uh, is, is very, uh, a lot of depth and we certainly appreciate the petitioners, uh, work and efforts to, uh, move this project forward. It’s been quite a long road, uh, to get to this, to this moment here. Um, certainly there are Waivers, as mentioned, Waiver, as mentioned in the staff report. That is something that is, uh, maybe not as routine as, as the Plan Commission may recall but it’s certainly, uh, something in the ordinance that does allow, uh, for encroachment of landscaping into very specific places and generally speaking the ordinance in the rural area does not embrace landscaping within certain buffer yards when there’s also drainage easements. Um, but certainly it’s good to have all of that wrapped up with the Boone County Drainage Board here this morning signing off on, on the drainage plan. Certainly as, as staff’s detailed review, we’re supportive of the petition as it’s been filed. Again, you have a detailed staff report in front of you related to, uh, comments, um, minor items still outstanding, as typical, and I’m happy to answer any questions.

Franz All right. Thank you, Wayne. Anyone have any questions/comments on this one?

- Lake                    Yeah, I'm, uh, I am floored that we would approve this aesthetic. This, I, I am like floored. This design – I don't even have words for this right now. Um, the, the mix of architectural styles, the materials in this area, um, I, I just don't know how this gets our approval, um – I mean, I'll, we'll have to see this every day when I drive out of my neighborhood and, and this in my mind is not the type of architecture that we should want in Zionsville. I have no issue with the site plan, with the landscaping, with the stormwater, but – the aesthetics of this need a lot of work. So I don't know what steps we have to make that happen but, I, I would be pretty disappointed to see this being built as it's pictured today.
- Walker                What I remember from the first time we were looking at this was that there was general concern that the height of the building would block sunlight and light to the, the adjacent villas.
- Lake                    That was the previous submission. Is that correct?
- Walker                Yeah.
- Lake                    Not, not this project. The previous –
- Walker                That was another one.
- Lake                    Iteration.
- Walker                So has this –
- Lake                    Okay. I just, I wasn't on then.
- Walker                Yeah, you weren't on then.
- Lake                    I wasn't on the Plan Commission at that point so I'm just trying to understand.
- Franz                  I'm assuming these are in compliance with the ordinances, Wayne?
- DeLong                Certainly. The Plan Commission has more in place standards in the urban area where you have very specific guidelines in the ordinance that spells out, spells out very specific, uh, themes. Uh, the rural area, uh, does not have that same language in the ordinance. Certainly the Plan Commission has through its development plan process, uh, the ability to enter into those conversations, have, have a discussion but certainly from a, from a staff review process, uh, there's limited language in the ordinance where we are focusing on like the urban, urban district. Uh, certainly thinking back years ago, uh, to the Cracker Barrel which was a project that went through development plan review in the rural area, aesthetics came up specific to the stone wrap. Things changed on the project, um, certainly in other areas of Town that also in the urban, or the rural area, that have a HOA. There's review criteria that come into play where the Town is not necessarily involved in those conversations. Uh, certainly the Plan Commission articulating topics would be a great thing to be, provide this evening specific to direction. Certainly if it's, uh, the Plan Commission, uh, from time to time has moved things to a subcommittee, uh, to allow the petitioner to meet one on one,

uh, in a, in an appropriate process that's not a violation of Open Door to facilitate that conversation as well.

Franz All right.

Lake I mean, you know, you look at, you got apartments just, uh, just west of Stonegate, you've got apartments across the street, you've got apartments in Anson, you've got new apartments not in our, not all of these are in our jurisdiction –

Franz Yeah, I understand.

Lake But of those – this just stands out as having the least design pallet of all those.

Franz You want to comment?

Andreoli Well, in response to Mr. Lake's comments – thank you, uh, uh, I know they're heartfelt, uh, uh, because you pretty much, uh, say what you think all the time and I certainly appreciate that but, but I have to tell you when we came in 2020 this is the same renderings that we had, we got accolades for it. Uh, what a difference a day makes. Uh, uh, I didn't see that coming. Um, and, um, so I don't know how to respond to it other than we've had the same essential architectural design. We haven't had any concerns from the neighborhoods, from the multi-family project next to us, from the development that's going to occur across the street, uh, at least in terms of the renderings we haven't had any concerns voiced and the record will be void of any concerns raised with regard to the architectural. Uh, I don't know whether we would've been in a position to change them at that time, uh, or now, uh, um, but at, at this point they, they, they are what they are and they are as we portrayed them back in 2020. So, um, pretty much catches our side a little bit by surprise, although I do appreciate your comments and I know they're heartfelt.

Lake Yeah, I mean. I think I'm the only one with an architectural degree up here so that's why I'm making these comments. Um, and I was not on the Board in 2020. Um, you know, it's a mix of some sort of flat roof chunky art deco slammed on the end of a 1980s three-story walk-up, you know, apartment building. And, um, we could and we should do better in our community, uh, and I think others before us have and I think that we need to try harder to uphold a better standard regardless of whether or not we can check the boxes of meeting the height and meeting the, the, the offsets in the façade and meeting the, the material requirements, uh, I think we can do better. And people may not agree with me and that's fine – they can vote they want to vote but this bothers me that, that I will – yeah there are two strip centers across from the entrance to Stonegate and they are markedly different and the one that is – I don't know if both of those are in Zionsville's footprint but certainly the one that is further west is about two or three steps down – oh sorry, further east – is two or three steps down from the one further west and I see that same thing with putting this next to the other apartments. That we're allowing something that is a couple of steps down from what is generally located around it. And, and I'm not supportive of that.

Franz I'm just looking at street view on the, uh, Google maps and, I, I mean aside from the colors I think the, the endcaps with larger patio type amenities to those corner apartments, I mean, from a color standpoint, I mean besides the color I really can't tell a lot –

Lake It's a form and a massing thing and, uh –

Franz Well.

Lake And, again, that may only be my opinion and that's fine but.

Franz Understood. Anybody else have any questions or comments? If not, are there any motions on this one? Landscaping first.

Grabianowski [Inaudible] 2:24:27 \_\_\_\_\_ or Sila?

Franz Is it Sila Capital?

\_\_\_\_\_ Sila.

Franz Sila.

Grabianowski Okay. I move that the Waiver for Sila Capital/Adler Multi-Family Section 194.111 regarding landscaping be approved based on the Findings included in the staff report as presented.

Franz Is there a second?

Jones Second.

Franz Any further discussion? All those in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Waiver is granted.

Grabianowski I move that Docket No. 2022-04-DP, Development Plan Approval with a Waiver for landscaping of a 179-unit multi-family development on 9.295± acres in the Rural General Business District be approved as presented with conditions as noted in the staff report and based upon the Findings of Fact, uh, subject to resolution to the engineering comments.

Jones Second.

Franz Any further discussion? All in favor signify by aye.

Jones  
Madrack Aye.

Grabianowski  
Franz  
Walker

Franz            Opposed by nay.

Lake            Nay.

Franz            Motion carries 5 to 1 with Mr. Lake dissenting. Thank you.

Lake            We can do better and we should do better.

Franz            Next on the Docket 2022-05-DP, Seake, LLC/Parking Area for 151 Express Lane, Petition for Development Plan Approval of a parking area on a 1.06± acre site in the Urban General Business District (B-2).

Andreoli        Thank you. For the record, Mike Andreoli, 1393 West Oak Street here in Zionsville. Uh, I represent Seake and Storen Financial partnership –

Franz            Seake.

Andreoli        And, uh, and, uh, they own the, uh, building over here where Storen Financial is just adjacent here to the, uh, to the Town Hall. They are seeking to put in a, uh, 1.6 acre on a 1.6 acre tract, a parking area that will hold 33, uh, parking spaces. Uh, before I go further to touch upon some of the issues with regard to this, I do note that staff has recommended a continuance, uh, of this. Uh, there are some, uh, minor, uh, uh, I think engineering matters that need to be attended to. In addition, there's, there's an issue that I will touch on shortly with regard to, uh, the, uh, access to the particular site itself, uh, and any, uh, consent letters from, uh, from, uh, the, uh, owners of land therein, uh, so that we recognize that that request for continuance and, uh, and we'll concur that, uh, perhaps an additional month might, uh, free up some of the issues and we can be better prepared, uh, at the next, uh, meeting. But before I do that, let me touch on the, on the major issue, uh, as I see it. And the major issue is access to the site. So that, uh, so that you are aware, of the actual site location as portrayed in the staff report is essentially right behind the Storen Financial and Eagle Eyecare building. It's in the area that was drainage but it's, uh, it's going to be put actually over the drainage detention and the detention will there be underneath for drainage and those types of things. So that drainage detention will be maintained and parking will be put, uh, uh, over the, uh, top. Uh, the drive that comes in to the Town Hall is actually owned by Seake. The, there is a common access easement for Seake, the property right across the street on the drive as well as the Town Hall that serves access to the site, common access to the site and common access to all of the parking in the site. Uh, so that, that was done a number of years ago when the Town Hall was built and then when the, uh, Storen Financial building, uh, was built at that particular point in time. We, we have sent consent letters out. They were sent probably two months ago. We received a letter from the Mayor's office, uh, specifically her counsel, uh, indicating that they would be happy to do the consent if we would add the parking lot that my clients bought and paid for and are developing into the common easement that serves the current site that we're, we're on today. And, we commented back that while that's all fine and

good, uh, we're not really interested in, in doing that given the fact that that property was available to discuss with the Town to perhaps be purchased in a joint venture of some sort so the Town can use it as well, uh, and, my clients paid for it and my clients are paying for all the construction of the parking lot. Moreover, it's not really legally required. We're not adding on to our integrated center. I could understand the, uh, office of the Mayor and her counsel being concerned if we were seeking to add on to the, to the Storen Financial building and were adding more people there and thereby adding more parking, uh, because there's maintenance issues with regard to the road and a number of other things. All of those are relevant comments and relevant issues. We, were not adding on to the building. All we're doing is adding additional parking and it came about because we were having fewer and fewer parking spaces out front for the patrons of Eagle Eyecare and others, uh, as more, uh, services were added to the Town Hall and more department heads were locating there more parking was being used over there in Town Hall. All fine and good, all appropriate, nothing wrong with any of that. So, in essence the folks from Seake are having all of their people park in this new parking lot to free up all of the other parking and consequentially free up parking for the Town as well because this parking is all common parking. Anybody could park anywhere. So, consequently, by having all of the owners and employees of the Seake integrated center park in the back, we've legitimately freed up additional, uh, spaces that the Town, uh, can, can use and patrons can use. Notwithstanding all of that, we will continue our efforts to work with, uh, the Mayor's office to see if we can find a resolution, uh, for this between now and the, and the next, uh, meeting. Uh, we're, to say we're a little disappointed at this point is an understatement but notwithstanding they, they have issues that they feel need to be addressed as well so I think it's incumbent on us to, uh, try to do that between now and the next meeting so I think Roger's continuance request, uh, is well placed not only because of the technical issues but it gives us an additional month to see if we can try to figure something out and work something out. Uh, we also in, in the correspondence and hopefully you may have received some of that correspondence with your packet, we've indicated we, we're not trying to prohibit you from using the lot if there's a, if there's a need that the Town has – there's a big meeting for instance that we have to park up in the grass and those types of things that lot could be made available at, at request to, for those types of things. So, the other aspect of it – we have another entrance to Express Drive right by Starbucks which touches upon the lot to be able to enter that way. Um, so there's a number of different solutions. Some are better than others for all involved but we'll uh, we'll try in the next, uh, 30 days to see if we can, uh, come to better solutions with the, uh, with the Town and figure out if we can get these consent letters signed. We've asked that they be signed. Other than the one letter in the correspondence that I've had with Mayor's counsel, we've not gotten any of them back. Thank you.

Franz All right. Thank you. Is there anybody in the public that would like to comment on this matter? I guess he kind of summed up your staff report already but do you want to proceed?

Kilmer Thank you. He, he did cover quite of it, uh, but there are two, two aspects that I'd like to, to kind of focus on. Uh, again, what is being proposed is Development Plan Approval for the addition of a 33-space parking area on 1.06 acres, uh, located in the Urban General Business District. Um, as Mr. Andreoli stated, uh,

and focused on, uh, one of the items that is driving staff's desire to continue this – one of the items is the, uh, consents for use of property that is not owned by the petitioner or a related entity of the petitioner. Uh, there are three parcels involved, uh, four if you include the subject parcel itself, um, the subject parcel being owned by Seake 2020, the Seake building being owned by Seake, LLC but then the other two parcels are being owned, owned by Town entities and all of these parcels are being used in, in one form or other either for access from Oak Street into the proposed parking area or in some cases, um, uh, one of the Town parcels is even, uh, that is where a proposed gate that would be securing the proposed parking area there are some off-site improvements and some of those off-site improvements are on the Town property. So, we feel it is important for the, the Town and, and the petitioner to come to terms to permit and allow everything that is being proposed. Um, the second item though that, that Mr. Andreoli didn't, didn't, uh, focus on, he did touch upon it, is drainage concerns for this site. Uh, as it's currently, as it currently exists, the site serves as a retention area for surrounding parcels. Uh, where the proposed parking area is to be placed is right on top of this designed drainage area and so that raises some questions from our Stormwater Department as to okay how are we going to be addressing this – we've been told it's going to be through underground storage but a detailed drainage report has not yet been provided. It has been requested but it has not been, been provided yet so our drainage, our Stormwater Department is very concerned about this and feels very uneasy about recommending approval at this time. They are saying – they are not saying it cannot be accommodated it's just that we do not have the information yet to make that determination and, and we are requesting that from the petitioner. So, because of those two items, the drainage and the consents of ownership, uh, staff believes that it, it would be appropriate to continue this project for 30 days to hopefully iron out these issues.

Franz All right.

Kilmer I'd be glad to answer any questions.

Franz Okay. Thank you. At this point, does anybody on the Plan Commission have any questions/comments?

Jones I've got a couple – just to make sure I understand this thing. So, currently the building, the Seake, LLC building sits on – I'm looking at Exhibit 2 parcel.

Kilmer Uh huh.

Jones Um, is the access drive from Oak back to the, uh, Zionsville, the, our current, current building is that, so is, is the property line kind of accurate so basically there's an easement across the Seake property to access our building? Is that how that's handled?

Kilmer The property line that is, is depicted on Exhibit 2 – the problem with aerial photos and overlays is it may not be exactly on that line but it does give a, a fairly good representation.

Jones That's fine.

- Kilmer And it is an access easement that extends from Oak Street to the north back toward the, the current Town Hall and that easement does fall on both sides of the property line.
- Jones Okay.
- Kilmer Just as when you get to the east-west property line that is, um, north of the Seake building but south of the Town Hall –
- Jones Uh huh.
- Kilmer That drive is also an easement and that property line splits that easement as well. So for someone to drive in from Oak Street and turn north and then turn west to get to the subject site, once they leave Oak Street they are traveling on nothing but, but access easements.
- Jones And so currently they have roughly 51 parking spaces serving their facility and they're saying they need 33 more? Is that's what going on?
- Kilmer I don't have that exact count. I apologize but roughly, yes.
- Jones Sounds roughly yes? Okay. So the subject site – who owns that?
- Kilmer That is owned by Seake 2020 – a related entity that owns the Seake building.
- Jones Okay.
- Kilmer They are, they are two different entities.
- Jones That's fine.
- Lake Do we know the square footage of that existing building?
- Kilmer I do not.
- Andreoli I'm sorry?
- Lake Do you know the square footage of that existing building?
- Andreoli \_\_\_\_\_ [Inaudible]
- Lake I'm just trying to understand if the parking spaces that were provided were, met code or had a waiver to be able to reduce them to the number shown?
- Andreoli And, and I did not represent them at the time, Mr. Lake, so, please take this with at least what I understand – is that when that building was built in the, the entire parking for the not only the Town Hall but the potential for the property across the street as well as the building itself with all the parking included that traffic studies and other things were done and all those, all that parking for that building was taken into consideration to come up with the number of parking places that we had to put around our building.

- Lake Okay.
- Andreoli Although it's common parking everywhere. Whether it was the Town wanted to park over on our building and on part of our site they could do that and vice versa.
- Lake Typically we see that those counts usually require more parking than what is actually used and in this case there's clearly less parking than what is actually used –
- Andreoli Yeah.
- Lake And so I just, not knowing the history of that development, was trying to understand whether that was due to a waiver or what.
- Grabianowski When did Zionsville Eyecare ? 2:40:16
- Andreoli We might have some information on that.
- Zeller I may have the answer. My name is Mike Zeller. I live at 420 West Cedar Street, uh, in Zionsville. I was the owner's rep on the building construction and have recently joined the team as ownership for the, the parking lot. I don't have the details with me but, uh, the parking numbers for the original building were per code.
- Lake Okay.
- Zeller Even though it was an integrated site and there was clear understanding with the Town from the beginning that there was going to be some sharing back and forth, uh, I'm, I'm quite certain there was no, uh, variance involved in getting a reduced number of parking spots based on the, uh, the building construction.
- Andreoli And, and staff had indicated on one of the things that – to kind of give you a head's up as to why we, we wanted this is that we actually we're not putting any of the, of the, uh, uh, uh, disability parking or any of that thing of that nature back on the 33, uh, lot sites since that will be utilized for, for employees and owners but we are expanding that in the front of the, uh, building itself so that, uh, more people can, can use the ADA required spots there.
- Lake Okay. Thank you.
- Jones Back to the rest of my question. So Seake owns the subject site. Does the subject site actually carry on to the other side of the road or is that truly the property line for it?
- Kilmer That truly is the property line. It does not carry to the west side –
- Jones Okay.
- Kilmer Of that road. It does not.

- Jones And then there's another parcel to the north –
- Kilmer Which is, uh, a cellular tower.
- Jones Okay. And then there's an apartment complex all the way up and then I'm assuming there's a, kinda shared round of easements for the road that, that, uh, the, uh, Boone Village uses, um, Starbucks uses and then I guess is that one little chunk on the other side of the road develop, developable?
- Lake It's under the power lines.
- Kilmer It, it is under power line –
- Jones Protect power.
- Kilmer But I, I know there have been conceptual plans drawn up for various uses for that site.
- Jones Okay. So that's what I'm looking at. So I guess my concern is at some point someone seek, could want to develop that open parcel to the north of where this lot's going to go. Correct? Where the proposed lot is on that site?
- Kilmer You mean the northern portion of that lot?
- Jones The northern portion of it, yes. Is that a developable piece of land?
- Kilmer It, it is but that is, that is still under the control of the, of the Seake 2020 ownership. They own that. And I know that there have been different ideas, uh, that the have played with as to what that area could, could be used for.
- Jones Okay.
- Kilmer It's just not included in this petition request.
- Jones And then this current drainage whatever it is – serves who? Does it serve Starbucks? And it serves Seake? And it serves us?
- Kilmer So far you're correct.
- Lake And the parcel to the north.
- Kilmer Yes.
- Jones Then the parcel to the north. So, number one, you don't have any confirmation that whatever they're putting in there will actually continue to serve the current demand?
- Kilmer That is correct. We –
- Jones Current or potential.

- Kilmer Requested that information but have not received it yet.
- Jones So we don't have that? Then the City's ask back again is to, is of what?
- Andreoli I'm sorry –
- Franz What's the city asking you – what did the Mayor's office request of you?
- Jones What did the Mayor ask?
- Andreoli Essentially what they, what they want, Mr. Jones, is they want us to do an amendment to the original access easement that allows common access through all the site as well as common parking through all the site. That's what that access and utility and parking easement does – it, it basically makes it accessible to all. They want us to add this lot as part of that which would mean that the Town could use it for whatever purpose the Town wants to use it for. I'll give you an example – a couple of years ago when we had the Town market, uh, it was moved unilaterally, uh, to the Town Hall. Well the problem that, with that was on Saturdays there was substantial amounts of traffic and parking to access the, uh, the, uh, lot and the access to the farmer's market on Saturdays. Well that – clients of Eagle Eyecare that have hours then could not, could not park. Uh, the parking was being utilized. Now, the Town helped with that and specifically, Mr. DeLong, helped with that by, uh, organizing, uh, the, uh, Police Department and others when he determined that that was causing a problem to try to put some gates and, uh, redirections on others to keep, uh, customers in the lot where they needed to be and the, those patrons that were all accessing the Town market could park in the other areas. So he was very helpful with that but that was a unilateral decision that was made by the Town. We had no control. We were never asked about it. We were never consulted about it. We're just not interested in getting into an arrangement like that again. From a business standpoint, that's, that's our concern. We have an opportunity, I think Mr. Jones asks some cogent questions. We have an opportunity perhaps to come in from the other side and to use that road to access the lot itself and put parking that way. I don't think that would be a preferred way for us given the fact that these are essentially going to be employees and the owners of the building but, if, if, if we had to do that, that would be something we certainly could do. I don't know how enthusiastic my clients would be about, uh, allowing, uh, any use for that other than their own private use in the future but, uh, we're, we're trying to see if we can work out a solution. We're trying to see if we can be good neighbors and, and hopefully the Town in the spirit of doing that as well will work with us to see if we can put something together – so, believe me, this is not an attempt by me tonight to have a, just a, jump on the Town session. That's not it. I'm just wanting to explain to you where we are, what the concerns are, uh, from our standpoint and where we think we are from a legal standpoint. We'll continue to work through it and see if we can come up with a solution. The discussions have been cordial, uh, to date, uh, and, uh, they're ongoing. So, we'll see if we can come up with something.
- DeLong Mr. Franz, I do want to clarify a few points since I did assist with, I think, nearly every step of this development process. Uh, certainly the, the Town Hall integrated center is platted to the centerline of the easements that are illustrated

so there is no question that the easements are owned by the different parties that, that split, that are, that literally are split within the, in the easements and the drives. Uh, certainly when the integrated center was developed, it, as Mr. Zeller has indicated, I mean there was no parking variances granted to this integrated center, therefore, the parking calculations are based upon the B-2 standards as identified in the, in the code at that time. Um, certainly as an integrated center, this was very unique. Um, there were no common area maintenance fees, there were no other sort of structure beyond the, uh, access, and, uh, Shared Access Agreement that was signed by all parties at the time, uh, to execute that. So the, the idea in moving forward, I believe in part, is to move towards a conversation that monetizes some of the amenities that are enjoyed – no cost for trash pickup, those types of things. The center is doing so well, if you will, um, the, the incremental increase of the usage is something that is, I think, of topic, um, not a flat rate but just a, a, monetizing the increase and I think that's part of the, part of the conversation with the Mayor's office and certainly the Department of, of Redevelopment represented by Brian Crist. Certainly it is an opportunity to access the other easement which is a round drive now known as the Rail. That is also an access easement, probably comes with additional burdens financially and otherwise because it, it has the same challenges or similar anyway, uh, of different owners, multiple different owners owning pieces of that, that easement. So certainly if that's being, if that's being explored by the petitioner, I certainly encourage communication with the different owners through that, that structure. Certainly the Town itself would want to encourage access through our easement system because, if nothing else, that encourages eventual, the eventual tripping of warrants to facilitate the future installation of a traffic signal. If we never, we we're unable to meet those warrants then installing a traffic signal might be more problematic than, than planned and I think that would – many would benefit from a traffic signal in this area and certainly having to through, cut through traffic access from the Rail to Town to, to Oak Street might circumvent that and certainly would also not be accomplished if there was no access to this site and it was solely from Rail. So there's many different objectives here – certainly it seems like there's a solution, uh, in the works and certainly as, as Roger has indicated and, and Mr. Andreoli has indicated, a continuance of 30 days, uh, would certainly help facilitate all of these conversations.

Franz All right.

Jones So basically it sounds like: 1) We've got to make sure that whatever is being planned here is actually going to handle the drainage that is existing and then even could be proposed which is fine and 2) It sounds like this is a good time to get some sort of common area maintenance agreement set up, you know, probably should've been set up from day one, uh, you know, it didn't but this is probably a good time to do that but in the end, private property is private property and if they want to put a parking lot on their lot as long as they can meet all the other conditions, it's theirs to do with what they want, you know –

Franz All right. We have a request for a continuance, um, or is there a motion to continue this matter to the –

Jones I move that –

Zionsville Plan Commission  
March 21, 2022

Franz Filling up the April 19<sup>th</sup> meeting.

Jones Yeah. I move that Petition 2022-05-DP, Development Plan Petition for the development of a 33 parking, 33-space parking area on a 1.06 acre site within the Urban Genal Business (B-2) District be, uh, continued to the April 18<sup>th</sup> or 19<sup>th</sup>?

Franz/Lake 19<sup>th</sup>.

Jones 19<sup>th</sup> Plan Commission meeting.

Franz Is there a second?

Grabianowski Second.

Franz Any further discussion? Is there a, uh, mot – all in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries. We'll see you next month. Uh, next on the Docket 2022-06-DP, Town of Zionsville Parks Board/Big-4 Rail Trail Trailhead, 122 – or 10230 Zionsville Road, Zionsville, Petition for Development Plan Approval of a trailhead, with parking and restroom facility, on a 1.41± acre in the Rural Single and Two-Family Residential (R-2) District.

Logsdon Good evening. Jarod Logsdon, Superintendent of Parks and Rec here in Zionsville, 1100 West Oak Street. I'm here more than I'm at home, so. Tonight before you – give a little background on this project. In 1992 the Town began its first acquisition of the Rail Trail corridor and for the past 30 years they've been improving that, improving that corridor as a recreational, uh, access for non-vehicular, uh, recreation, pedestrians and cyclists. The park system and trail system in Town has built up to connect to the central spine and I feel very fortunate to be a part of this project as we are nearing completion. So with the southern expansion that's going on now and the northern expansion to begin soon, we will have the five-mile segment of the Zionsville Rail Trail completed, uh, in the coming years. As a component of that expansion is also tonight's development plan petition for a southern trailhead just off of Zionsville Road and this will serve as the southern terminus of our trail system, uh, to begin the five-mile journey into our park system in Town. Uh, among the trailhead, there will be 17 parking spaces, two of which are accessible, a turnaround roundabout, a restroom facility that is open year round, uh, with locks on the doors to close as this is a dawn to dusk facility. So, a little background in addition to that, this idea has been around for a while with the 2015 Vonterra platting, this trailhead was referenced and Vonterra actually forms a C around these two parcels of this project. Uh, as construction began with the Vonterra, the existing Rail Trail was built into the subdivision as well as a sewer and water line that were extended to the Rail Trail or the trailhead parcels which we will connect to with this project. So, um, in addition, in 2018, uh, the Town's Comprehensive Plan was amended to include the northern and southern expansion as well as this trailhead. So, I'm

happy to answer any technical questions in addition to the information before you. With me is Tricia McClellan of Rundell Ernstberger Associates who has helped us take this vision into an actionable plan.

Franz All right. Thank you. Is there anybody who would like to comment on this in the public?

Bradley Good evening. My name is Jake Bradley, 5834 Muscadine Way in Vonterra. I am here in my capacity as the president of the homeowner's association and we're here to express our support for the trailhead. We have two requests that are quite simple. The first one is that the mound and trees on the west side of this development remain. With my conversations with Jarod, I understand that's going to be the case. So that's wonderful. On the north side of this development there is a fence that exists that will provide blockage for headlights and people going to and from, uh, we just ask that fence remain or be reconstructed as the case may be. Thank you.

Franz All right. Thank you. You have a comment to those?

Logsdon Um, yeah, absolutely. We are in the tree planting business so keeping those on the berm is no issue at all. Uh, concerning the fence, I will want to get my eyes on that as this is a dawn to dusk, uh, facility there shouldn't be too many headlights. However, we are more than happy to work to install a vegetative buffer in addition to any trees that might be on that northern side, um, or if a fence is needed, explore that as well. So, we are actively working with one of the, uh, neighbors of the Vonterra subdivision on Overlay-Worman to increase some of our vegetation between their property and our parking lot so this is very common practice for us to do with our neighbors.

Franz All right. Sounds good. Um, Wayne staff report.

DeLong Certainly. I'll keep it brief. Staff is supportive of the petition as it's been filed. Certainly this is a Town project, if you will. Certainly the features that are in, in front of you are, are certainly items that, uh, have been created by the Parks Board and certainly staff is here to assist with any questions.

Franz All right. Thank you. At this point is there any questions or comments from any of the members of the Plan Commission?

Grabianowski I love our Parks Department. I think they do a great job.

Logsdon Well thank you so much.

Lake I would second that but I'm going to be the hated guy on the committee again tonight. Is there anything we can do with the design of those restrooms? That, they're a premanufactured is what it appears like restroom facility that does not match the aesthetic of Zionsville or of anything in Zionsville parks currently. You've got an entrance to Hoosier Village just south of there that's very well done, you've got Mulberry Park that has, you know, beautiful facilities, uh, and then we've got this prefabricated restroom facility that sits right up on Zionsville Road as you're coming down to the entrance to Zionsville and, you know, we've

already got a not great gateway which we're working to fix, thank goodness, but, um, it just looks really cheap. And I just don't feel like it keeps with the aesthetic that we want in our park system.

Logsdon Um, there is the option within the construction plans that we're developing to have either a stick-built facility or one of these prefabricated – um, not necessarily to the exact renderings that are there, uh, there was the specification of a brick exterior, um, and then, obviously, paints that match the, uh, aesthetic of the park we're developing there. But, um, uh, what's tricky is, you know, these construction prices have been going through the roof recently, so, um, we were going to leave it to the contractor whether that is stick built or a prefabricated, um, mold.

Lake I think simply making it a single slope roof from back to front with the front being higher and making those members be some sort of nice timber would go a long way. Um, I think the plan as far as the layout is great – like no issues there. I just think we can make it look a little more park-like and a little less, uh, highway, uh, emergency bathroom stop, you know, I think we owe it to ourselves –

Logsdon That's far.

Lake To, to model what we want others to do and not set the bar low.

Franz Well, Chris, I guess I would have to agree with you on this one.

Lake It only took all meeting – no.

Logsdon We're, we're happy to explore those options, uh, further, absolutely.

Lake And, again, I'm not talking go drastic here. I think the masonry is fine, uh, I think you could do something with the roof and some timbers out front to just start to pull some of the elements. I mean, as a park system I would hope that we are shooting for something that's cohesive across all of our parks. And the challenge is we set the bar really high with Mulberry. You know, we've got really nice buildings out there and to replicate those today to your point with the construction market, pretty challenging, and I, and I get that but we also don't have to offload this thing off the back of a truck onto a slab and wipe our hands and walk away, so.

Logsdon So that's a great point, especially as this is, you know, the first thing in our park system people will see as they come from the south.

Lake Yeah, I mean, it's super prominent. Uh, it, it is better than the two residences that are there. No that that necessarily needs to be on record but, um –

Franz It is.

Lake I know. I know.

Clutter You said it.

- Lake                    However, um, it, yeah. Just if we could look at that it would be appreciated.
- Logsdon                Certainly.
- Lake                    Thanks.
- Franz                    All right. Any other questions/comments? Would somebody like to make a motion?
- Grabianowski        I move that Docket No. 2022-06-DP, Development Plan Approval of a trailhead with parking and restroom facilities on 1.41± acres in the Rural Single and Two-Family Residential District be approved on the basis of Findings in the staff report, staff recommendation, submitted Findings of Fact as presented and subject to resolutions of staff comments.
- DeLong                And Mr. Franz, you may want to find a way to incorporate staff level sign off, maybe working with a Plan Commission member – you’d want to find a way to –
- Franz                    From the final design?
- DeLong                Close the loop on this. I, I would be uncomfortable leaving it up to staff without some sort of direction as to exactly what, uh, is being articulated here.
- Grabianowski        You want me to add to that?
- Lake                    You’ve mentioned it in passing.
- Lake                    Um –
- Franz                    But, uh –
- Grabianowski        With some attention towards improving the restroom facilities?
- Lake                    I think with the aesthetic –
- Grabianowski        Aesthetic of the facilities.
- Lake                    Improving the aesthetic.
- Franz                    And would we have a volunteer from the Plan Commission to –
- Jones                    I volunteer Chris Lake.
- Lake                    I’m more than happy. We’re working with Tricia on other stuff, so –
- Franz                    All right, so, um, with Chris Lake working with the petitioner and the Planning Department to come up with a final design that’s acceptable to all.
- Lake                    Yes.

Jones Second.

Franz We have a second. Any further discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries 6-0.

Jones Are we done talking about restrooms?

Lake Yeah.

Jones Good. See ya.

McClellan We did notice by first –

Franz We still have one little thing left.

Lake And we've got to sign some Findings so don't –

McClellan We did notice by first class mail if you need to approve that too.

Franz Yeah, okay. Is, uh – we need to, uh – is there a motion to allow for first class mail for appropriate notice on this matter?

Lake So moved.

Grabianowski Second.

Franz Second. All in favor signify by aye.

All Aye.

Franz Thank you. Um –

McClellan Thank you.

Jones Thank you.

Franz Last item on the Docket, uh, I think the Town's handling this one?

DeLong Yes, very, very brief. This is a – you know from time to time we bring you Minor Development Plan Amendments. This is a minor amendment to Cobblestone restaurant in the Village. This is a project that, uh, resulted in the replacement of their walk-in cooler. The walk-in cooler unit is inside an enclosure. It is not something you see from the street. It's, it's enclosed with an Epay wood structure and, uh, awning system but certainly bringing it to you nonetheless as it's a modification to the footprint of the building.

Franz All right. Does any ever, does anybody have anything else? Is there a motion to adjourn.

Walker So moved.

Franz We have a second?

Grabianowski Second.

Franz All in favor signify by aye.

All Aye.