



# ZIONSVILLE

## ZIONSVILLE PLAN COMMISSION RESULTS

Monday, May 15, 2023

6:30 PM (Local Time)

**THIS PUBLIC MEETING WAS CONDUCTED ONSITE AT THE ZIONSVILLE TOWN HALL, 1100 WEST OAK STREET, ROOM 105 (COUNCIL CHAMBERS), AND ELECTRONICALLY VIA ZOOM**

**The following items were addressed:**

- I. Pledge of Allegiance
- II. Attendance: Dave Franz, Mary Grabianoski, Chris Lake, Larry Jones, Sharon Walker, Cindy Madrick, and Jim Hurst attended in person.
- III. Community & Economic Development April Monthly Report (Informational Only – no action required)
- IV. Approval of the April 17, 2023, Regular Meeting Minutes: Approved
- V. Continuance or Withdrawal Requests

Docket Number	Name	Project Address	Item to be Considered
			None

VI. Continued Business

Docket Number	Petitioner / Project Name	Project Address	Item to be Considered
2023-09-Z	Old Town Land Development / Wild Air Planned Unit Development	8700 E. SR 334, Zionsville	<b>Provided a Favorable Recommendation to the Town Council.</b> <b>4 In Favor</b> <b>2 Opposed</b> <b>1 Recused</b> Petition for the Rezoning of 260+/- acres from the Rural R-2 Classification to a Planned Unit Development (PUD).

VII. New Business

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
2023-10-DP	BHI Senior Living / Hoosier Village Expansion	5300 W. 96th Street Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 In Favor</b> <b>0 Opposed</b> Petition for Approval of a Development Plan for the expansion of the Hoosier Village CCRC with 89 attached townhomes on 26.8 acres being zoned Special Use Seven (SU-7).

<u>2023-11-PPA</u>	Henke Development / Holliday Farms – Lot “S” of Section 7 – Primary Plat Amendment	3595 Marketplace Court Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for Approval of a Primary Plat Amendment subdividing 17.123 acres into 37 single family lots, a block for future single family, and a remainder of Lot S, being zoned Planned Unit Development (Holliday Farms PUD). Four (4) Waivers of the Subdivision Control Ordinance are requested.
<u>2023-12-DP</u>	Henke Development / Holliday Farms – Lot “S” of Section 7 – Development Plan	3595 Marketplace Court Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for Approval of a Development Plan of 37 single family lots, a block for future single family, and the remaining portion of Lot S, being on 17.123 acres and zoned Planned Unit Development (Holliday Farms PUD). Four (4) Waivers of the Subdivision Control Ordinance are requested.
<u>2023-14-DPA</u>	Hy-Vee, Inc. / Food Store	6125 S. 700 East Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for Approval of a Development Plan Amendment for the Hy-Vee Food Store, being 112,697+/- SF, on 17.93 acres (Lot 1) and zoned Rural General Business (GB).
<u>2023-15-DPA</u>	Hy-Vee Inc. / Convenience Store	6125 S. 700 East Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for Approval of a Development Plan Amendment for the Hy-Vee Convenience Store, being 5,062+/- SF, on 1.36+/- acres (known as Lot 5) and zoned Rural General Business (GB).
<u>2023-16-PPA</u>	Zionsville Development LLC / Pemberton - Amendment of Block "L"	8100 Abington Way Zionsville	<b>Conditionally Approved as presented &amp; filed w/exhibits &amp; per staff report.</b> <b>7 in Favor</b> <b>0 Opposed</b> Petition for the Approval of a Primary Plat Amendment to establish a single-family residential lot with a Waiver to allow a driveway within 75' of an intersection, being zoned Urban Single- and Two-family Residential (R-SF-2).

VIII. Other Matters Presented (Not requiring Plan Commission action)

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
ACT-2023-22	Pepper Construction / HUB Bldg. #219	4215 Indianapolis Road, Zionsville	Minor Development Plan Amendment - Fence installation
ACT 2023-23	American Structurepoint / HUB Bldg. #846	4175 Indianapolis Road, Zionsville	Minor Development Plan Amendment – Addition of 11 Light Poles

2023-08-DPA	Sila Capital, LLC/ Adler Apartments	7105 E SR 334, Zionsville	Project update regarding the status of fence and dumpster locations
2023-03-DP & 2023-04-DP	GRP Buildings #1 & #2	10850 & 10814 Creek Way, Zionsville	Architectural Review Subcommittee approved the revisions to both buildings' elevations on May 5, 2023.

Respectfully Submitted: Mike Dale, AICP  
 Director - Department of Community & Economic Development  
 Town of Zionsville

Zionsville Plan Commission  
May 15, 2023

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

Staff attending: Mike Dale, Janice Stevanovic, Roger Kilmer, Bob Clutter, Attorney

A quorum is present.

Franz Call to order the Plan Commission meeting of Monday, May 15, 2023. Please rise and start with the Pledge of Allegiance please.

All Pledge of Allegiance.

Franz Secretary, please take roll.

Dale Dave Franz?

Franz Present.

Dale Jim Hurst?

Hurst Present.

Dale Mary Grabianowski?

Grabianowski Present.

Dale Larry Jones?

Jones Present.

Dale Cindy Madrick?

Madrick Present.

Dale Chris Lake?

Lake Present.

Dale Sharon Walker?

Walker Present.

Franz All right, before we get started, just to let you know, there was an item on the docket tonight the Form Based Code Update. That's not going to happen tonight. That's going to happen next month. So if anybody is here for that, just to let you know.

In your packet there was a set of minutes from the April meeting. Is there any comments, additions, deletions to those minutes?

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Hurst I move to approve the minutes.

Franz Okay, is there a second?

Grabianowski Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

All right, the minutes are approved.

On to continuance from last month – Docket Number 2023-09-Z, Old Town Land Development/Wild Air Planned Unit Development, 8700 East State Road 334. Petition for a Rezoning of 260+/- acres from the Rural R-2 Classification to the Planned Unit Development.

Lake I need to recuse myself again so –

Franz Yeah, all right. Thank you.

Lake In the hallway.

Franz So there'd be 6 members of the Commission on this one. Still would take a vote of 4 for any approvals on any action we take. At this point, will the petitioner please –

Grabianowski Staff report.

Franz Oh, yes. We changed our method, sorry.

Stevanovic It happens.

Franz Roger, go ahead –

Kilmer Thank you. Tonight I'm going to give an abbreviated presentation compared to what I did last month –

Franz Okay.

Kilmer Just to summarize but I would also very informally like to ask the, the public's patience tonight. We are trying something new by projecting things up onto the screen from this laptop so it's a little bit of trial and error. So we, we would appreciate your patience.

The first case tonight as introduced is 2023-09-Z, a proposed rezoning for the Wild Air Planned Unit Development. The property, as you see on the map and on the screens in front of you, is generally located north of Oak Street and south of

County Road 550 South involving multiple parcels on the east and west sides of Marysville Road and you can see Marysville Road bisects the, the property. The current zoning of the property is the entirety of it is zoned R-2 which is Rural Single and Two-Family Residential. The Comprehensive Plan calls for this area – let me zoom in a little bit more here – calls for this area to be medium residential. The blue dots that you see there on the screen are Marysville Road how it bisects the site.

The project, the petitioner seeks to rezone 260 acres to the PUD classification to provide for a mixed-use development including single-family residential. This single family would consist of res – of estate lots, traditional neighborhood designs, ranches and cottages. Townhomes and apartments would also be included. There would be an area for retail, senior living use, civic use and preserved wet, wetlands. The entire site would be divided up into 8 use blocks. The senior ranches use block located here in the northeast portion of the site, custom estates use, use block located here on the west side of Marysville Road, we have traditional neighborhood development use blocks located on both sides of Marysville Road. We have some here and then also some down through here. The center commons use block right in the heart of the development would be, would include some retail uses and the apartments that are proposed would all be within the center use area. We have a cottage use block area for seniors – I’m sorry here and the senior living use block and finally a civic use block down on the far south side which would have frontage on Oak Street. The final area is a woodland preservation area of approximately 30 acres here on the west side of Marysville Road. The complete list of permitted uses and accessory uses for each use block is identified within the proposed PUD’s Ordinance use table. Development standards for each use block are identified in the, in the proposed development standards matrix.

The topics of interest from last month – first of all, staff had raised the question about future changes to intensity or uses. That has been revised so that any future changes to the, to the intensity of use would not only come here to the Plan Commission but it would then also be forwarded to the Town Council for resolution, very similar to the process that a rezoning goes through. The other item of, of primary interest from last month’s meeting was an additional pedestrian crossing of Marysville Road. The petitioner has offered commitment language for either a pedestrian tunnel or an additional at-grade crossing. I’ll defer to the petitioner for further discussion on that topic. Staff’s position on this, this petition is that we recommend a favorable forwarding to the, to the Town Council subject to the following conditions: Resolution of the TAC comments pursuant to development plan approval process, implementation of the traffic impact study recommendations to the satisfaction of the Department of Public Works and recordation of the commit, of a commitment for the additional pedestrian crossing of, of Marysville Road, the language that was presented to you this evening so. With that, I’ll be glad to answer any questions you might have.

Franz All right. Thank you, Roger. At this point we’ll have the petitioner come up.

Price Thank you, Mr. President, members of the Commission. For the record, my name is Matt Price. I’m the attorney for Old Town Land Development. I want to re-

introduce our team from last month. I've got with me tonight Justin Moffett sitting in the front row, Ed Hamilton and Neil Goradia. Each of the three of these individuals together with myself is available to answer questions that you may have as the, as the matter is considered tonight. Mr. Kilmer did an excellent job of summarizing kind of bringing the matter forward to you tonight based on where things were left back in April and I'd like to just reiterate and, and summarize a few of those points myself and then touch upon the commitment regarding the pedestrian and access or crossing across Marysville Road.

First of all, we did revise the text both in Sections 12.4 and 14.3 to provide that any change to the PUD Ordinance would require really two steps: Consideration before the Plan Commission at a public hearing and then approval by the Zionsville Town Council. We wanted to remove any doubt that, that anything could be changed to the ordinance without the concurrence of the Town Council and so that's been incorporated into the ordinance that you have before you this evening.

Secondly, in Section 10.3, there was a sentence regarding the possibility of providing modifications to drainage plans other than the plans that are specified by the Stormwater Control Ordinance for the Town of Zionsville and what we've made clear is that the, any drainage plan must comply with the Town of Zionsville's Stormwater Control Ordinance. The ordinance itself does provide some flexibility but we didn't want any ambiguity. We're not talking about any flexibility beyond that contained in the Stormwater Control Ordinance so any petition must comply with the Stormwater Control Ordinance as applied by the Town and its Department of Public Works.

We also made certain, certain clarifications with regard to Exhibit 5 and the road section graphics and what, what those were necessitated by is that the Department of Public Works just wanted to clarify that those exhibits reflected the minimum setbacks adjacent to each particular road classification and so we went back through and just made sure that each one of those diagrams reflected the minimum setbacks associated with each type of road classification.

And then the, the last item that we were asked to research, conduct additional investigation and return to you with a proposal was with regard to a pedestrian crossing across Marysville Road and so we, we did that. Our engineering team met with the Town's engineering team and Department of Public Works. We conducted some additional field investigation with regard to the, the construction practicalities on the site to confirm that the commitment we're, we're about to offer is in fact one that can be fulfilled if the Town chose to, chose to go this direction. And so we've concluded that in the affirmative that a pedestrian crossing is possible. We are proposing to leave that to the Town's determination as to the type of pedestrian crossing. We're proposing that it be located south of the southernmost roundabout between Oak Street and that roundabout and that the Town can determine whether it would prefer a tunnel below Marysville Road including accessible pedestrian trails and sidewalks and I, I gave a handout today that, that shows such a tunnel. We're familiar with these tunnels here locally as well but included a representation of such a tunnel or an at-grade pedestrian crossing utilizing what's called rectangular rapid flashing beacons. It's a particular type of road crossing system with a, with the specified appropriate

pavement markings and signage that attend to a, a rectangular rapid flashing beacon system. In addition, that system would include a pedestrian refuge island in the, in the, in the median between or in the center of Marysville Road that would be an added feature to that at-grade crossing feature. We've put that commitment language in writing as is the Town's custom and practice. This exact verbiage or verbiage approved by the Plan Commission and adopted by the Council would then be incorporated into the Town's Form of Commitment which would be placed of record against the real estate and would run with the real estate into the future and be, put the public on notice of the, of the commitment.

We believe that addresses each one of the items that we were asked to review in anticipation of tonight's meeting and Justin, our development team and myself are available to answer any questions that you have. Thank you.

Franz All right, thank you. At this point, I'll open it up to public comment. The comments should be limited to the items that we're discussing tonight which is the change in the language in the PUD or the commitments that they're willing to make. So if anybody would like to speak, please come forward.

Mattingly My name is Todd Mattingly. I live at 8888 East 575 South which would be just north of the property concern formerly of 625 Sycamore Court which is just west of the property concern so I've been adjacent to this property for 37 years. Correct me if I'm saying some things that aren't in the, in your allowed topics but you mentioned when you're, that this is part of the medium density plan that was approved in the 2014 Zionsville Master Plan which when I read that it says characterized by smaller lot subdivisions, 1 to 3 families, it makes no mention of commercial. It makes no mention of apartments and I think that this plan that we have in front of us it mediates quite greatly –

Franz That's really not what we're talking about tonight. I understand where you're coming from but the, this is within the rights of the Town to make modifications to the zoning to adjust for that so –

Mattingly So that decision's been made?

Franz It hadn't been made. We're, we're deciding on it –

Mattingly Okay.

Franz Before we make a favorable recommendation, unfavorable or no recommendation –

Mattingly Okay.

Franz To the Town Council.

Mattingly So all the 10 commercial uses they listed could happen depending upon your recommendation?

Franz Well, depending upon how the PUD ends up getting developed.



Mattingly Okay.

Franz Which is subject to the development plan which comes before the Plan Commission also.

Mattingly All right. So, in evaluating a PUD as I read your criteria, it says any real estate may be rezoned to a PUD if the characteristics of the site development is compatible with the surrounding areas. Now I got on Google Maps and I'm sure everybody's –

Franz Again, we're, this is, this is, this was discussed last month. We're, we're limiting the discussion to the items that we've got – you'll have an opportunity, whatever gets recommended to the Town, there'll be an opportunity to make your comments at that time also.

Mattingly So we don't want discuss that it's not compatible.

Franz Well, it was discussed last month.

Mattingly Okay. Can I do the pedestrian crossings?

Franz You can talk about the pedestrian crossings.

Mattingly Oh, thank you. One for three isn't bad. Okay. In addition to being a neighbor, I'm a registered professional engineer, 24:11, structural and I'm also a registered contractor, licensed contractor. I think that the idea that they will ever build a tunnel under Marysville Road is not possible. That's my professional opinion. It's not commercially feasible. The grade it takes to get the ADA handicap in there and I don't know if you've driven down Marysville Road but it was about two weeks ago that the water disappeared from the ditches. There's a very high water table out there. The wetlands that, that are there that they're donating are a testament to that. So I just want you to understand when you agree to this proposal you are agreeing to a road that they had said will, if you read the traffic study, Marysville Road the traffic will escalate quite greatly down that road and you're looking at an at-grade crossing. I think that's your only potential. I noticed when they talked before they said maybe over the grade, maybe under and when they came back they said well an at-grade is a possibility. The reason an at-grade is a possibility because it's the only possibility so that's my professional opinion and I don't think it's a great idea on a busy road so.

Franz All right, thank you.

Mattingly All right.

Franz Is there anybody else who'd like to comment?

Schiferl Hello neighbors. My name is Kevin Schiferl. I live at 8552 East 550 South and I, too, like Mr. Mattingly, have been an adjoiner to this property for 37 years – Todd and Lisa, there you go. Obviously, I have other opinions I'm not going to share because I want to stick on what we're here to talk about Mr. Chairman and one of the things I heard was there was changes to drainage and some road

changes and I wondered if any of those changes involve Marysville Road? The reason I raise that is I was a proponent back in 1998 of the north-south connectors cult and I applaud that was finally put in. When it was put in, I asked Lance Lantz why we were putting it in with ditches instead of curbs like we mandate when people do developments and I was told that when the development comes along that that will be done. So my question is, is on Marysville Road will there be sewers and curbs as part of the proposal that you put in and, and said you amended some things with drainage. I'm concerned if we man, as I told Lance Lantz, if we're going to mandate that of people that come here, I think we should've mandated that of ourselves when we put in Marysville Road and I do realize it would add an expense but it wasn't done. They put in French ditches and all that and my concern about not taking care of Marysville Road, in addition to the internal roads, is echoing what Todd said, I am not a professional engineer, I birthed one and he tells me the same thing that, that Todd says that it's a drainage problem and we see that when it rains a lot and I'm concerned with future development what's going to happen with, if we keep a ditch on Marysville Road. So I'm interested in hearing more about changes to the drainage plan and changes to the road plans and I'd like to see this development which so much utilizes Marysville Road make sure that Marysville Road comes up to the same Town standards that we have for all of our roads.

Franz All right, thank you. Is there anybody else who'd like to comment? Would petitioner like to comment?

Price Yes, we'll let, Mr. Moffett would like to address the pedestrian crossing question first.

Moffett Good evening. Justin Moffett with Old Town. Ed Hamilton is our engineering expert so if we get any technical questions I'll defer to him but we took very seriously the question asked of us last month at Plan Commission and had we wanted to give you flippant response, we would've given it then that yeah we, we will try to do it if it's possible. We instead said we need a month to go research the subject and find out what was possible and so not only did we do quite a bit of engineering calculation with our civil, Kimley-Horn, to figure out if we can actually get a tunnel to drain appropriately if one were installed, we actually went out and dug some test holes and let them sit to see if they would fill with water. We did the research. There, we can assure you that in heavy storm events it's possible there's going to be standing water at the base of a, of a subgrade tunnel but we have designed it in a way that would have positive outfall to our stormwater system so we would not have made that commitment if it were not possible. However, we did not feel like it was our decision to determine what happens with your right-of-way as a Town. We believe that that is an appropriate decision made by either the Planning Commission, the Town Council, the, the city's Administration or the Board of Public Works. We wanted to show our commitment to be willing to install either traffic mechanism that would be appropriate for this circumstance. So both have been vetted and so we are willing to financially commit to either but we didn't want to make a commitment to one that we believed that was impractical. As of a month ago, I would've told you I think it's really impractical and then Ed went and proved us wrong and I, I would warrant to you that we did not want to be right because it's a significant potential

expense for us but we did determine that we did have positive drainage in order to make that work.

Just for clarification, there will be work done to Marysville Road. Significantly, the most significant elements are the, the proposed roundabouts. The southern roundabout would be elevated just a bit over the current road grade so to get a tunnel to work we'd have to, heading south off of that roundabout, we'd have to raise the road grade just a bit to get the clearance for the tunnel but that's work that was already going to be happening related to the, the roundabout expansion so we did prove that it is possible and are willing to make that commitment. Would you like to address curbing?

Hamilton Sure. Ed Hamilton with Old Town Land Development. Anywhere we touch on Marysville Road where we're going to impact for the two roundabouts. We're also going to have a right in, right out at the senior living facility block where we'll have right in, we'll have acceleration and decel lanes. We will have curbs on those improvements. It'll have curbs as well as a storm sewer instead of the ditches but the, the ability just to kind of come along and sawcut the edge and install curb and gutter it, it's not really practical that the profile grade of Marysville is virtually flat. It's less than the, the minimum you would put a curb on so if we were to have to put curb and gutter on, we would be rebuilding all of, of Marysville Road to get it at that right profile so our intentions were only to impact Marysville where we need to which is the right in, right out entrance and the two roundabouts and where we'll have curb and gutter and, and storm sewer.

Franz All right, I guess at this point I'll open it up to members of the Plan Commission if they have any questions/comments.

Grabianowski Why would you put a pedestrian crossing where there are no people who live? You're putting it in woods and, and over the center, I mean, you know – almost to the senior living facility. Why wouldn't you put it where you have all the houses?

Moffett So at the southern roundabout that's proposed that enters what we would effectively call the main street of the neighborhood. There was a concern raised about the safety of crossing there with the traffic as people or cars exiting the roundabout and so there was a theory thrown out of if we separated it from the roundabouts and connected what we're showing on our land plan as two significant park spaces, so on the west side of Marysville we're showing a 30-acre –

Grabianowski Right.

Moffett Wooded preserve –

Grabianowski And nobody lives there.

Moffett That would be a dedicated, yeah but it, the idea is that it would connect to the east side of Marysville where there's significant density and another park that we would connect the two park spaces together and so it was requested of us that we would provide a, a safe crossing place and so these were the solutions we came

up with in partnership with the, the Planning staff and Board of Public Works and your Department of Engineering. So this was largely a response to a request for creating a safe, crossing.

- Grabianowski But 12-year-old kids are not going to walk down [REDACTED]. 33:27 Just sayin'.
- Moffett Because there is an interconnected sidewalk network, so paths on either side of Marysville, there is, there would be a crossing still at, at the roundabouts but the goal was there would be a, an alternative if desired.
- Franz Anybody else?
- Walker I need to ask a question –
- Franz Sure.
- Walker Explain to me how wide this area is where you're going mow the, the thing in the center. Is it just like a strip likes on 38<sup>th</sup> Street between the fairgrounds and the south parking lot? Is it wider?
- Moffett Yeah –
- Walker What is it?
- Hamilton We, we would follow the FAWA and USD recommendations which is 8 foot minimum. That allows so many crossing to –
- Walker What's the minimum?
- Hamilton The minimum is only like 5 feet. Eight (8) minutes is, 8, 8 foot is recommended so if somebody on a bicycle was there they –
- Walker Right.
- Hamilton Would fit on that, that median.
- Walker Okay. Thank you.
- Hamilton Sure.
- Jones You may overrule about everything I'm going to say but I'll say it anyways – I'm kinda losing faith in the entire PUD process. In general, my concerns are as while the developers get a certain amount of benefit and I understand Chris will talk about that it's giving us more livable, walkable pathway developments. The Town of Zionsville isn't really getting much in return. A lot of this harks back to some of my concerns with Holliday Farms whereas we heard the initial PUD there was talk about a pathway over 421 which is, the cost of which will have to be, I think, entirely borne by the Town of Zionsville if it ever happens. Secondly was the issues regarding the old farmstead up there at the north end where during a presentation we were given some sort of illusion there was some sort of community aspect to it. At best, the barn's going to get bulldozed and we'll have

an insurance or law office up there or houses but not much in benefit to the general community of Zionsville.

A couple of my concerns kind of roll around 1) I did a little more review of the traffic study and my concern with the traffic study is that per the presentations you guys have done you speak of the property being titled for up to 735 residential units, whether that's multi-family, single-family or whatever. Within the PUD there is no documentation as to the number of units that'll make up the assisted living facility, the senior living facility. It's only when you start going through the traffic study you find out that it's, 200 units are allocated for it but, once again, the PUD doesn't really set any kind of number of units that'll be in there. So it could be more than 200, it could be less. Also as you go down through it, I started reading and checking into the, the civic aspect of it. Currently in the PUD it is calling it out as a 20,000 square foot potential commercial structure of some form. The traffic study only calls it out as 10. So you kind of run down through the traffic study – the bottom line is the PUD is entitled for roughly 13% more residential units and 100% more commercial development down there on that corner. I just want to clarify – you guys don't own the residential parcel at the corner of Marysville and Oak, correct?

Price The, the parcel that is immediately on the north side of Oak Street, that's correct.

Jones Yeah.

Price Yep.

Jones Secondly, if I'm reading this right, while the, the senior living facility will have an entrance off of Marysville, the civic piece as well as the service roads for the senior will come off of this, this rear access drive.

Price The, the senior living facility has a right in, right out off of Marysville Road.

Jones Correct but it also has two service entries off of whatever that road to the east of Marysville is.

Price The internal drive? Internal –

Jones Correct.

Price Street? Yes.

Jones And then the 20,000 square feet of entitled commercial property at the corner has no access off of either Oak or Marysville and it's entirely off that service drive?

Price Well I think it's, I think what you're referring to is the civic use block.

Jones Correct.

Price The, it's, so the, I was just wanting to distinguish between that and the commercial, the, the retail space is in the center commons use district which is

across from the middle roundabout. The civic use space is the space that we reserve for the Town's use for a civic use. So not commercial.

Jones So then in addition to the 935 count and 20,000 square feet of commercial, there's still more development to happen at that quadrant that was not factored into the traffic study?

Price Well the, the critique of the traffic study by the Town was that it actually overstated the background traffic and demonstrates that at each one of the studied intersections that we have more than satisfactory service level.

Jones But I'm, I'm not talking about what's going on currently. I'm talking about the additional –

Price Yeah.

Jones Use is understated.

Price Well, no, I don't believe that's accurate to say that because the, the critique of the plan was that the background and planned additional traffic, meaning traffic from adjoining properties that are to be developed in the area were stated more broadly than what's actually in the traffic impact study. That's what the, that's what the traffic engineer said in response to our plan. He believed he overstated that traffic.

Jones The way I read it is it said they went out and measured current traffic and then they do a, a call it inflation or additional expansion of about 3% per year then I'm assuming whatever information is in your PUD, whatever is in your proposal is then passed along to, well and that's, that's the concern. What is, what you are asking this property to be entitled for according to what I see in it and what you are telling me now is 735 residential units, 200, well, there is no number applied to the, the nursing or the senior living, there's 20,000 square feet of commercial and then there's still additional to that whatever happens with the civic block.

Price Those are in essence the, the correct –

Jones And this is grinding back to my initial statement, the problem with what we are being provided because it doesn't really fully embrace what you are asking to be entitled for.

Price I think, I think it does actually very specifically with perhaps one exception –

Jones I'm very specifically not finding the information –

Price Which is that –

Jones I'm looking for.

Price Yeah. The, the, the only limiter that is not expressly stated is the number of rooms in the senior living facility, although that is factored into the traffic impact study at 200.

- Jones Correct, 200.
- Price Correct.
- Jones But if we approve this PUD, there is no limit.
- Price There, there is not a stated cap on the number of rooms in the senior living facility. There is though with regard to the multi-family –
- Jones I understand –
- Price With regard to the retail square footage and with regard to –
- Jones But that's my beef.
- Price The –
- Jones And there's no –
- Price With regard to single-family homes.
- Jones And so what you're telling me is that the actual amount of commercial use in this would be 20,000 but that's all up in the – and I'll, I'll get to this issue in a second as well is that your Exhibit #5 doesn't really tie particularly well to any of the drawings you've supplied us with. We'll get there after that in a minute. So in other words, the civic area, the area in blue, the parcel down at Oak and Marysville, we don't know what the use of that is really going to be and we don't have any cap on what it can be?
- Price What we, what we have done is reserved that for the Town's determination of an appropriate civic use and we've listed what those civic uses are in the PUD.
- Jones Okay. All right.
- Franz How would the senior system, facility or that section – what, just curious, what would the ordinances say about the density of that piece? Do we have any idea what that is Roger?
- Kilmer As, as Mr. Jones and Mr., Mr. Price had mentioned, the, the number of units is not specified within the PUD Ordinance currently.
- Franz But under the current, well it's residential so it's –
- Jones And I'll, I'll just, and the reason I'm grinding away at all of this is if I'm reading the traffic study correctly, it appears that it says this access road at, on Oak Street is just going to be a right in, right out only?
- Price That's correct.

- Jones So the expectation is the service vehicles for this civic use and the service units for this senior living are only going to make right in and right out at that point? My concern is –
- Price Yes.
- Jones People are going to be coming off the roundabout at Marysville and Oak Street and be confronted on a two-lane road with somebody stopping to make a lefthand turn because who's going to monitor it?
- Price Heading, heading east?
- Jones Heading east.
- Price Yeah, it's, it's limited to, it's limited to right in, right out so you wouldn't be able to make a lefthand turn into that entrance.
- Jones Well they gonna that, how thick is that paint gonna be?
- Moffett We, we were, it was requested of us through our planning process by the engineering department to put some sort of barrier, some curbing barrier, so I don't know if you've seen the triangular exit points? So you would be forced to do a right and so there's, the idea is there's a center island that would prohibit traffic from doing anything but a right in, right out.
- Jones So the commercial service vehicles coming off the interstate coming east on Oak are going to go through the roundabout and then they're going to find this and they're going to go where to turn around? Who's neighborhood is the neighborhood? Is it Russell Lakes?
- Moffett Absolutely it would travel through our neighborhood if we were to develop this so you –
- Jones But the problem is the civic block has no access when you're heading east on Oak Street from what you just said.
- Moffett The, the senior living block there that would be, we would dedicate that through to the main road. It would, we were just modeling a right in, right out there so we could act, show accurately every potential access point and so that would be a lane that would travel through to the north-south boulevard that dissects the east part of the road. So in our, in our land plan that's called Wild Air Trails. That's the section, the TND section of that neighborhood and so that, that node or that right in, right out on Marysville through the senior would connect into that as an interior lane. So you would be able to enter there for the civic use site or you would be able to enter through the center commons area of the site.
- Jones Okay but my point is the trash trucks, the delivery vehicles, the service vehicles, the employees and even people using the civic use there at the corner, they are not going to drive north and through the neighborhood and around a roundabout and back south to Oak Street. They're going to want to leave those fairly intense commercial uses and want to head to Oak Street.



Moffett They would have to drive over a curb to, to accomplish that and so it's possible, you're right but –

Jones I'm sorry –

Moffett I don't want to argue the point that, that somebody could do it –

Jones Okay –

Moffett But our, our goal is to present a plan and then listen to the professional feedback of the city planners and engineers and say now how do we mitigate these issues and provide safe access to the site? And so that's, that's what we've proposed. So it becomes our vendors' challenge or our operators' challenge to say here's the --

Jones Or the Town of Zionsville's challenge –

Moffett Pardon?

Jones Or the Town of Zionsville's challenge.

Franz Well how, who helps when we're doing this? Obviously it's part of the development plan – Department of Streets?

Grabianowski Right.

Franz They're going to take a look at it, they're going to make recommendations, they'll have their comments and their requirements on the ins and outs of these properties, correct?

Dale That's absolutely correct. The, if the rezoning is granted and that, that's what you're tasked with is to forward a recommendation to the Town Council on rezoning for this PUD. If the project goes to the Town Council and Town Council can have another opportunity to review the project then subsequent development plan and platting will occur and each, at each of those stages the Department of Public Works will weigh in.

Jones But who bears the cost of that work?

Dale Well the, obviously, the developer has their engineering team but they'll have to pay their engineering fee and, of course, the Town –

Jones What about the road?

Dale And the Town, of course, bears the cost of any plan review, internal plan review.

Jones Who bears the cost of the road?

Dale Construction of the road?

Jones Correct.

- Dale It'd be a public right-of-way, Marysville –
- Jones Yeah.
- Dale So Town, the Town –
- Moffett If, if we need –
- Franz Do we have any idea what the road impact fee on this would be?
- Dale I don't –
- Jones And that's my rub.
- Dale Yeah –
- Jones We're entitling 260 acres for a certain amount of housing, an undefined amount of senior living, an undefined civic use and then when we look at the plan and we see a situation that we don't think would be – what's the word – feasible?
- Dale Feasible with that –
- Jones You know that word I'm using –
- Franz I mean it's, it's, you would say untenable.
- Jones Untenable – there we go. Thank you. The Town of Zionsville then has to bear the cost of the fix and isn't that the complaint we hear every time we approve any development?
- Franz Well we're, right now we're not approving –
- Jones I understand we haven't approved anything.
- Franz We're just making a, a recommendation –
- Jones All right, I'll make two quickies – one, it's great that they've got this 30-acre forest area. There's no parking, there's no – so it's a community asset that, once again, the residents over there are going to bear the brunt because people are going to park at the curb if they're going to do anything with it. What was the last one? Something else that, those are the biggies. And then finally, I don't quite understand your Exhibit 5, especially when you start talking about the traditional neighborhood development use block, single-family without alleys but they've only got a 10-foot setback off the sidewalk. So are these, I, I don't – I'm assuming they're going to have a garage? You can't get out of the garage without parking on the sidewalk? How's that work?
- Moffett If you'll allow me I'll answer a few of those.
- Franz Sure.

Moffett First of all, any improvements that are necessary to the right-of-way, the developer bears the cost of those improvements. In addition to those initial improvements we make, we have a per door impact fee, road impact fee, that is nearly 7 figures for this project. So it's a significant contribution so if there were additional improvements the Town would see feasible, after we make our initial improvements, they would have significant resources to make those improvements.

I heard a comment around parking at the park and I want to go on record as saying we have iterated on this, this land plan for nearly 7 months with the, the Town Planning staff and engineering to answer some of these questions at a granular level and so when I look at this proposed 30-acre park in the exhibits you'd have to zoom in but we, we show a delineated parking area in addition to on-street parking throughout the entire development. So we, we recognized that concern early and wanted to make sure that it was not seen as exclusive to the residents in the neighborhood. There was a delineated public trailhead with parking so that has been resolved.

Specific to this question about the TND lot type – a traditional neighborhood design, a feature of it is rear-loaded garages served by alleys and so in that condition where you would have a 10-foot front yard setback very similar to what you might see with some of the homes in the Village area in, in Zionsville where the homes have large porches, they engage with the sidewalk and all the garages are at the rear on an alley so there's effectively two frontages for those, that home type.

Franz Anyone else have any comments? All right, so our responsibility is to make a recommendation to the Town Council knowing that whatever our recommendation is the Town will ultimately make the final decision. We'll get another bite at the apple if it is approved from the development plan process and all the Town departments will be involved in any of the decision making, recommendations, etc. so that's basically the situation as I see it. With that, unless there's any additional comment. Is there any, is there a motion on this matter?

Hurst I'll go for it.

Franz All right.

Hurst I move that Docket Number 2023-09-Z, a Petition for Zone Map Change to rezone approximately 260+/- acres move from the Rural R-2, excuse me, approximately 260+/- acres from the Rural R-2 Classification to a Planned Unit Development (PUD) District with the recommendation being certified to the Town Council for adoption or rejection receive a favorable recommendation as presented and based upon the Findings in the staff report subject to the following conditions: 1) Resolution of TAC comments pursuant to the development plan approval process; and 2) Implementation of the TIS recommendations to the satisfaction of the Department of Public Works; and 3) The proposed commitment language Exhibit 6-C be incorporated into a Plan Commission Commitment Form and recorded with the Boone County Recorder.

Franz All right, is there a second?

Madrick Second.

Franz All right. Any further discussion? Will the secretary please take roll?

Dale Sharon Walker?

Walker Aye.

Dale Chris Lake?

Franz He's abstained.

Dale Oh, excuse me. Cindy Madrick?

Madrick Aye.

Dale Larry Jones?

Jones No.

Dale Mary Grabianowski?

Grabianowski No.

Dale Jim Hurst?

Hurst Aye.

Dale David Franz?

Franz Aye. We will forward this forward to the Town Council with a favorable recommendation by a vote of 4 to 2 at our earliest convenience.

Next item on the docket – we'll let the room clear. All right, next on the docket is 2023-10-DP, BHI Senior Living/Hoosier Village Expansion, 5300 West 96<sup>th</sup> Street, Zionsville. Petition for Approval of a Development Plan for the expansion of the Hoosier Village CCRC with 89 attached townhomes on this 26.8 acres being zoned Special Use Seven (SU-7). Roger, Janice – who's doing this one? Janice –

Stevanovic That'd be me and we're just going to pull up those exhibits.

Franz All right.

Stevanovic All good? This project is the Hoosier Village expansion. It's a request for a Petition of Approval of Development Plan for the expansion of Hoosier Village with 89 attached townhomes on 26.8 acres being zoned Special Use Seven.

A few items of interest are that the addresses for the townhomes are presently under review. This is Special Use zoning. As proposed, the petitioner requests to improve the site plan with 89 additional townhomes, a dog park and a community garden. Exhibit 2 is your location map which is, generally this site location is generally at the intersection of 96<sup>th</sup> Street and Zionsville Road, however, the subject site is approximately 26 acres located in the southeast area of the Hoosier Village campus. As I said, addresses for the townhomes are presently under review. The zoning map identifies the subject site as Special Use zoning. The zoning district is not affected with this petition. Exhibit 4 is a phasing plan. This demonstrates conceptually how the development plan may develop. Units and areas along Hoosier Village Road are being first developed. Units west of Hoosier Village Road to be developed second or third, east of the road developed second or third and northern units will be developed fourth. The development plan, very briefly, shows us the entryway in from 96<sup>th</sup> Street. The very first island that you see is where the monument sign would be placed. It reflects the proposed boulevards and connections into the existing Hoosier Village campus through Hoosier Village Drive and you'll note the proposed dog park and garden area to the southeast area of the site.

The Elevations – The proposed improvements utilize a variety of materials and colorings. Renderings are attached to this report with additional supporting documents within the petitioner's materials. The buildings will be flat roofed. The façade offers a variety of materials including brick, veneer banding, fiber cement banding panels and decorative metal railing on the balconies. The three-bedroom townhomes are offered in light, medium or dark color palettes with the two-bedroom offered in a medium-colored palette. The building color matrix, which is Exhibit 5, depicts the color palette pattern of the buildings throughout the development.

The Landscape Plan – There we go. At this writing a tree preservation survey is in progress, however, the landscaping plan is found to be compliant with Town standards. Highlights are that there is one shade per 50 foot of side yard provided for each townhome. Foundation plantings for the front and side of the units are provided at two plants per 100 lineal feet and are proposed to be ornamental trees, shrubs and grasses. Also the entryway from 96<sup>th</sup> Street will include mounding and extensive landscaping.

Signage – As I mentioned, a new entry monument will be constructed with the existing island on the Hoosier Village Drive nearest to 96<sup>th</sup> Street. The photometric plan included here is lighting for the development. It's been reviewed and found compliant. Sheets of building wall mounded signs are included and also showed the elevation sheets provided. Street lighting is intended to be consistent with the Hoosier Village and photometric plan reflects the street lighting will be contained within the site.

Engineering Comments – While staff comments seem extensive, it is noted that all the comments are in the process of resolution. Examples of this are the address plan and the right of way. Staff has no concern that all developed staff comments will be resolved.

Draft Commitments – Staff has requested and received commitments related to the staff request to dedicate 55-foot half right-of-way to the east of the entrance of this petition which is reflected, down further, yeah it's in the Exhibit at the end of the commitments here. You'll see it highlighted in the Exhibit A or C. I can't remember which. Let's see – half right-of-way to the east of the entrance of this petition is reflected in the Exhibit. The petitioner has also agreed to install a 10-foot pathway along 96<sup>th</sup> Street at such time there is a pathway connection. Included in this Exhibit are revisions from staff of the proposed commitments. I apologize. I should strike that statement. They actually have resubmitted the most updated commitments we have are in your packet.

Franz            Okay.

Stevanovic      This project has been reviewed to the standards of the ordinance and found to be largely in compliance. Staff's position is favorable to the conditional approval of this petition subject to the resolution of the remaining staff comments and the review and approval of the commitments by staff and counsel for the Plan Commission.

Franz            All right, thank you Janice.

Stevanovic      Uh huh.

Franz            Mr. Ochs, would you like to proceed?

Ochs             Yes. Good, good evening. For the record, Tim Ochs, attorney at Ice Miller with offices at One American Square, Suite 2900, Indianapolis, Indiana, here this evening on behalf of BHI Senior Living. I'll start by thanking staff and the, the folks on TAC that have reviewed this and done a lot of work to get the project where it is. I'm not going to rehash what Janice has gone through – just make a couple of comments. First, this represents probably the last significant area on the traditional Hoosier Village campus that has not been developed. BHI currently has a wait list of a little over 400 people that would like to move into Hoosier Village that they, they simply can't do. This represents a new style of product for BHI and we think it will be received. It is a town, townhome type unit but we have a lot of folks moving into Hoosier Village that are active seniors that like this type of, of plan.

A few other points and, and Janice is it possible to put the site plan on the screen or?

Stevanovic      It is – it's actually. I'll let IT run up and, and how you how to turn that on.

Franz            While we're doing that, let the record reflect that Mr. Lake as rejoined the Plan Commission.

Stevanovic      There we go.

Ochs             Oh, there it is. Okay. The reason why everything is oriented as it is with not very much down in this portion of the project is because we have one, two, three, four – there are four pipeline easements that cross this property. So we're extremely

limited in terms of what we can do down here so it pushes everything up. Second, the reason why the dedication of right-of-way along 96<sup>th</sup> Street is only to the east of the access point is because this area is right-of-way that has already been given to the Indiana Department of Transportation as part of the 96<sup>th</sup> Street project they're working on associated with 465. A couple other points – in the last couple of days staff at BHI and Hoosier Village have, have received a couple of calls about concerns associated with the project, part of Hoosier Village that is located directly adjacent to the site. This building here and in particular there are two garages here that people are concerned about. This garage will have to be demolished but our site plans that we've submitted also show that we're going to rebuild that garage as part of phase 1 and then the, the entry point on the garage that will remain is just going to get swapped around so there's not going to be a net loss of any parking for any of the residents in this particular facility located on, on the campus. So with that, again, I think staff covered it pretty well. I think we meet all the requirements of the ordinance. There are no issues with utilities. They're all internal to the site. We've worked through all the drainage issues and we'd be happy to answer any questions that the Plan Commission might have.

- Franz All right, thank you. At this point in time is there anybody from the public who would like to comment on this matter? Seeing none, I'll open it up to the members of the Plan Commission.
- Hurst Often what gets talked about when you're talking about multi-unit developments like this is the cost to, to the schools. Probably not particularly applicable here. I imagine though that this community will add to some other services in the, in the Town. Someone can correct my ignorance but is, is this a property tax paying entity with these developments?
- Ochs It, it, it is not but two comments – one, it, it's age restricted under what's called the Housing for Older Persons Act. It's a federal law that is an exemption to the Fair Housing Act. It allows us to say no kids so there's zero impact upon the schools.
- Hurst On, on the schools but there are other services.
- Ochs Yeah, literally. On the other services, this, this is an active adult. They actually have a lesser impact on a lot of the services even including traffic. A lot of these folks have a flexible schedule so they don't travel the roads in a.m. or p.m. peak hours. They stay off the road and they do their errands and they do their traveling on off times. The same thing in terms of visiting restaurants and stores. These are the folks that usually go there during off times and they actually fill in those spaces that exist. So there's rarely, rarely any police runs out to Hoosier Village. That would be extraordinarily rare and with this type of product which is active adult, you, you've got stairs you gotta go up and down. The amount of, of ambulance runs or fire runs are anticipated to be very low.
- Hurst It's been, the committee or its attorney could correct me if I'm getting too far off scope here but it, it, it's been several years now since I've written the, read rather the contract that Hoosier Village has with its residents but does the contract for these units provide the standard of care that should they need assisted living or nursing or memory care it's provided?

Ochs            Yeah, as a whole, Hoosier Village is what's called a continuing care retirement community (CCRC). It is a highly regulated entity. They have all the licenses and inspections by the State Health Department and it does what the name implies continuing care so onsite in addition to these types of townhomes which are active adult, there are other single-fam, more traditional single-family ranches. You get up, you can move up into assisted living, there's skilled living, there are memory units and people don't buy these units they, they enter into a sophisticated license with BHI. When they're ready to move, they get 95 to 98% of their money back and then they, if you're a resident in the community, you have priority because you can't kick anybody out –

Hurst            Right.

Ochs            But you get priority for space to move up, for example, now you need more care we're going to leave the townhome and we're going to go up to assisted living, okay now I need more care I need to go from assisted living to skilled nursing. That, that, that's the one of the whole purposes of a continuing care retirement community.

Hurst            I, 100 percent. As you continue to add, in this case, townhomes, are you also scaling up those other facilities or does it increase the competition for the spaces in existence?

Ochs            There is capacity for the amenities onsite. So, this does add some amenities. It's got the, the dog park and, and the garden and there'd be new walking trails. Those will be open to all the residents at Hoosier Village as will all the amenities that already exist will be open to the residents of the townhomes. Those have been built to accommodate this project because BHI has always had this on their radar in terms of this is, this is what we want to do and but really it, the time is right because of, because of two reasons: One, we finally switched – once upon a time the main entrance into Hoosier Village was off 96<sup>th</sup> Street. It's now been relocated to Zionsville Road and I think to great success. I think it looks great and it's, I think, more appropriate. It's a, it's a Zionsville community and having that main access off Zionsville Road is, makes it feel like it's more a part of the community but we moved that and then the work on 465, the wall, and the work on 96<sup>th</sup> Street have suggested now is finally the time where this is the last remaining spot.

Hurst            I, thank you and I appreciate you described some of the services are universal and it's scaled. I was referring specifically to the skilled nursing, assisted living, memory care.

Ochs            Yeah. We think though, I mean, there's a waiting list and I think long term this is not going to be the last project at Hoosier Village and additional work and maybe densification in the future are being contemplated. We, they just can't do it all at once so this is, this is the next step and I'm sure BHI will be back in front of this Plan Commission in the future.

Hurst            Thank you.



Franz I have a question for staff – the, the streets in the property are those maintained by BHI or are those maintained by the Town?

Stevanovic BHI.

Ochs BHI.

Franz BHI? Okay. And is BHI on these 89 townhomes which is, it sounds like it's about 32 buildings – are you subject, are they subject to the road impact fee or is that, is – can anybody answer that?

Stevanovic I'm going to have to come back to you with that. Honestly, I don't – it's been a while since Hoosier Village has come in with a project so I'm going to have to take a look at it.

Franz Mr. Ochs, do you know?

Ochs I, I, I believe it is.

Franz Okay.

Ochs You're, you're not subject to a road impact fee because you're putting in new roads. The road impact fee applies to a geographic area and if you add an EDU, there's a charge per EDU.

Franz Okay, all right. Okay. Anything else? Sir come on and ask the question. No you gotta come up and state your name.

Arid (sp?) 1:12:33 Inaudible off microphone.

Franz I did but –

My name is Dick Arid and I'm a resident of Hoosier Village and I am concerned about fire management in these high-density, three-story buildings. Is there any requirement for sprinklers and will they be installed? I mean I'm uthe third floor and a fire is on the second floor, it's a, it's a dangerous situation and they're dense. They're all packed in there so – that's my question. Is there any provision for fire?

Franz Would you like to respond?

Ochs The units will be sprinkled, sprinklered I should say and commiserate with the requirements of the Town, there will be fire hydrants within 300 feet of every unit. So we, we meet all the requirements and actually not required to have them sprinklered but we are.

Franz And they're attached, I mean, it's, it's, it looks like they're in clusters of three or two so the firewalls and everything between the properties –

Ochs Yes, correct.

Franz And when, when he talked about it's if you have a three-story, all three floors are from the ground up that's one unit, correct?

Ochs Correct.

Franz All right. Anything else?

Stevanovic Mr. President, if I could just add to that –

Franz Sure.

Stevanovic Our Fire Marshal does review the plans and he does go out onsite and review that they are built to plan so hopefully that gives some added assurance.

Franz Okay, all right. Thank you.

Ochs Yeah, we, we got our second round of comments from the Fire Marshal just today so.

Franz Okay. Anything else? If not, is there a motion on this matter?

Lake I move that Docket Number 2023-10-DP, Petition for Approval of a Development Plan for the expansion of the Hoosier Village CCRC with 89 attached townhomes on 26.8 acres being zoning Special Use Seven (SU-7) be approved based on the Findings in the staff report and staff recommendations, submitted Findings and subject to resolution of outstanding review items identified by the Town engineer as referenced in the staff report.

Franz Is there a second?

Walker Second.

Franz Any further discussion? I'll do a voice vote on this one. All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries 7-0. Thank you very much.

Ochs Thank you.

Franz Next on the docket, I'll read them both together, 2023-11-PPA which is a Henke Development/Holliday Farms Lot "S" of Section 7 Primary Plat Amendment. Petition for Approval of a Primary Plat Amendment subdividing 17.123 acres into 37 single-family lots, a block for future single family and a remainder of Lot "S" being zoned Planned Unit Development (Holliday Farms PUD). Four (4) Waivers of the Subdivision Control Ordinance are requested and 2023-12-DP, same, Petition for Approval of a Development Plan of 37 single family lots, a

block for future single-family homes and a remaining portion of Lot 5 or “S” being on 17.123 acres and zoned Planned Unit Development (Holliday Farms PUD). Four (4) Waivers of the Subdivision Control Ordinances are requested.  
Roger –

Kilmer

Yes sir. Thank you, Mr. President. As mentioned, the, the petitioner for these next two petitions is Henke Development Group, two companion petitions – a Primary Plat Amendment and a Development Plan. The reason, and I will begin with the primary plat amendment. The reason why this is coming before you is that this Lot “S” went through the primary platting and has even been recorded through a secondary plat as Lot “S” of Section 7. When it was primary platted and recorded as, on the secondary plat it is a single lot of, of approximately 17.123 acres. The petitioner is wanting to subdivide that single lot into 39, 37 single-family lots, a block for single for future single-family lots and the remainder of Lot “S” for the historic building. So we kind of have to go back to the beginning and do a primary plat amendment to then be able to proceed forward. So that’s the, that’s what brings this here today.

You’ll see up on the screen a location map and, again, this is Lot “S” of Section 7. It’s located on the extreme northeastern corner of Holliday Farms. It has some frontage on Michigan Road to the east and then to the south would be some of the commercial lots that are planned for Holliday Farms and then to the southeast or southwest and west would be single-family lots of Holliday Farms and then it is bordered on the north by a single residential lot not within Holliday Farms. The property is all zoned PUD as you see on the zoning map and then finally, if we get around to the plat drawings themselves, there we go – again, this shows the, the area that we’re talking about in relation to the remainder of Holliday Farms which is this entire area and, again, we’re talking about just the northeastern corner of that. This is an enlargement of that specific, again, what is right now a singular Lot “S” that they want to, to divide in this manner. They would have the remaining part of Lot “S” is, would be here which is the historic home that is going to be retained then we have a number of single-family lots, some that would be served by an extension of Marketplace Drive, others that would be served by Cherwell Drive and then a double-loaded cul-de-sac that would be served by, I believe, is Dartmoor Way and then the remaining Block A is this area on the extreme northeastern corner of, of this area.

The various departments of the Town have reviewed both the primary plat and development plan. We’ve considered the proposed uses, development and architectural standards for new development, the traffic impact on existing and proposed streets and drainage within and outside of the project’s boundaries and, and the primary topic of interest that remains for staff is that the final resolution of this Block A that the petitioner has indicated that this area will be platted in the future for additional single-family lots but we don’t have any paperwork for that and it’s just one of those items that is still kind of tied up. That’s the, the last, the only remaining item for either the Development Plan or the Primary Plat Amendment. Staff supports conditional approval of Docket Number 2023-11-PPA and 2023-12-DP. I should note that staff is also in support of the four requested waivers from the petitioner and the conditional approval that staff is recommending is subject to resolution of the remaining TAC comments. I’d be glad to answer any questions you might have.

Franz Thank you, Roger.

Lake Can I get a quick clarification?

Franz Sure.

Lake This is not Section 7, this is Section 9.

Kilmer In, I, I thank you for bringing that up –

Lake Is that not –

Kilmer In, in, in much of the paperwork that’s been submitted by the petitioner, initially it was submitted as Section 9. As staff got into it and realized that no this required a primary plat amendment of Lot “S” of Section 7 –

Lake But per these drawings, Lot “S” is identified in Section 9.

Kilmer That’s from earlier, they have not made the transition yet.

Lake Okay.

Kilmer Right now as it exists today there is not a Section 9.

Lake Okay.

Kilmer This in the future may be referred to as Section 9 –

Lake Okay.

Kilmer But right now what we’re dealing with is a primary plat amendment of Lot “S” of Section 7.

Lake Gotcha. Okay. Thank you.

Franz Petitioner, are you ready? Are they online?

IT Yes.

Franz Okay.

Garfield There you go. Hi everyone. Betsy Garfield here.

Franz You must be muted.

Henke Brad Henke.

Garfield There we are. There we go. Is that better?

Henke Is that, can you hear us?

- Franz No, still can't hear you. We're doing something on our end.
- Garfield Okay. Is that better?
- Franz Yeah, we've got ya. Go ahead.
- Garfield Okay, I was going to say it, it's showing unmuted. Betsy Garfield with Henke Development and I'm here with Brad Henke as well. Roger, thank you for that great overview. We appreciate it. I realize that it's a little bit complicated but you've explained that perfectly. We appreciate your time so.
- Henke Yeah we're, we're really excited with, it, it's amazing we're already here – the, one of the last phases of Holliday Farms and as, as Roger indicated, we're bringing through 37 custom lots here as one of the last phases and really need on the north side of, of the, the drive there those would all be tree-lined lots there and then on the south side they would, on, on the western portion they would overlook the 12<sup>th</sup> hole and then as you work your way east, it would be part of the village, the marketplace area there. The, as, as Roger indicated, the block on the north, we do plan to bring that through right away as well. That would just be additional single family, being similar sizes to what you see there anywhere in the, the 60-to-70-foot range, somewhere in there. I think, I think there could be maybe 6 or 7 lots, we just, I think we missed the date by a couple weeks so that'll follow here shortly but thank you all for your time and we're, we're here to help with any questions we can.
- Franz All right, thank you. At this point is there anybody in the public who'd like to comment on this matter? We have someone approaching.
- Garfield Okay.
- Pickering Good evening. Doug Pickering, I'm 3525 Dartmoor Way, immediately to the south block in Holliday Farms there. Just curious what's going to happen with the trees that are currently in this plotted area?
- Franz All right. Would you like to comment? Did you hear what he said?
- Garfield Yeah.
- Henke We did. I, I couldn't tell exactly where he was saying in the, in the plotted area?
- Pickering It's the, if, if you look at the planned Lot F10, I believe.
- Garfield The ones they back up to along that fence row.
- Henke Oh, I'm sorry – are, are you referring to the north side, the fence row on the north side?
- Pickering Actually, it's the lots to the south immediately as you go to the north on Dartmoor Way and turn to the right to, I think you're calling that Dartmoor Court or Dartmoor Circle.

- Henke            Yeah, so the, the, the trees that are there in between, those, those would be part of that easement that, that wouldn't be touched and then the, the northern portion of that lot, I believe it's Lot V10 –
- Pickering        Yes.
- Henke            Some of those would potentially come out with the build but the, the southern portion would not be, would not be touched there.
- Garfield         Yeah.
- Pickering        So, so to be clear – the portion on V10 would be taken down? Is there anything that would replace that since that lot backs in basically to my lot?
- Henke            Anything south of their building setback line would, would not, where the house could, could build some of those would potentially come out. We, we, that is something that on the trail there we're happy to plant a couple additional trees –
- Garfield         Yeah.
- Henke            In there too if that helps there.
- Pickering        Sure. What about the power line easement that's there? Is that, is that staying as is with this extension?
- Henke            That is.
- Garfield         Yes that stays.
- Henke            That, that's correct. The centerline of that is where the, the it's shown in grey where the E is and there's a dash line across. That would be the electrical easement going through there.
- Pickering        And in terms of drainage and so forth, where does this, where does this flow back because I think that goes towards what is maybe 13 and so forth? Is it supposed to flow that way or is it coming back towards 12?
- Henke            I, Chris Wiseman, are you, our engineer is on here.
- Garfield         Yeah.
- Henke            I, I know he's worked with the Town on, on the drainage. I'm not as familiar with the exact flow of it. Chris, are you there?
- Garfield         He might be.
- Franz             He's not online.
- Pickering        You, you can follow up. That's fine.

- Garfield            Yeah, we absolutely can, yeah.
- Pickering            Okay. Thank you.
- Franz                All right, thank you. Anybody else like to comment, questions? If not, I'll open it up to members of the Plan Commission. So when you come forward and make on, get the amendment or the plat for that the Lot "S" I guess the remaining, is that just going to extend off that cul-de-sac?
- Henke                Yeah –
- Garfield            Correct.
- Henke                We, we would envision and we, we submitted, we just missed it by a few weeks, but just doing a private drive off of that and then it could get another 4 or 5 lots. Initially we just weren't sure with abutting 421 but now that the berm is going in out there, we think it sets up really well to, to just be additional residential as part of that section.
- Franz                So it would remain a cul-de-sac and you just, I mean, it wouldn't be a cul-de-sac then it'd be kind of a bubble, if you will, in the, in the street and then just extend out?
- Henke                That, that's correct. Just do a private drive off the east –
- Franz                Okay.
- Henke                Side of that cul-de-sac.
- Garfield            Uh huh.
- Franz                All right. Anything else?
- Lake                 I think my only concern and I'll speak on behalf of my BZA role is we're seeing a lot of requests for people that can't fit pools on their property and they're being told by the developer to just come to BZA and we'll let them do it. That is not the case. If they can't fit it on their site they don't get it so it'd be great if you guys could communicate to your folks that they need to plan for that ahead of time because I think we had 4 petitions last month for people that wanted to extend and Zionsville allows secondary structures in the, in the right-of-way and, and building setback areas. You guys, unfortunately, do not the way you structured your PUD and so we're getting, we're bearing the brunt of, I think, poor communication to those residents that they can just kind of do what they want and we'll approve it on our end. So –
- Franz                Well –
- Lake                 As these lots are developed making sure that they understand that they can't build past that line would be appreciated.
- Franz                But, again, if we recall, those are two independent decisions that –

Lake            They are.

Franz            Yeah.

Lake            But they're –

Franz            So they can always come and ask. It's still subject to –

Lake            They are.

Franz            Both parties have to agree essentially.

Lake            Correct but they've created a PUD that doesn't allow for it.

Henke            We appreciate –

Lake            And if they're going to expand the lot count with more people, those people need to be very, they need to be made aware of what they can and can't do because of the way the PUD was written the first time.

Henke            We –

Jones            Also as we're looking through these drawings, I'm not finding, is there a matrix on here as to what the –

Franz            Setbacks are.

Jones            Setback lines are going to be?

Lake            They're in the, the setback lines are identified in the drawing –

Garfield        Uh huh.

Lake            Specifically for each, each lot.

Kilmer          And there is a use matrix on sheet P-100.

Jones            P-100.

Lake            It's at the bottom of the page.

Kilmer          In the lower righthand corner, P-100.

Henke            Chris, I'll, I'll reference your question too real quick while you're looking. We appreciate your comments on that and we were made aware that, that there were several that came forward on that and, and we'll, obviously, we'll work on that on the front end to help you guys there.

Lake            Thank you.



- Franz Is there anybody else? If not, this will take a motion on each docket item so would somebody like to make a motion on 2023-11-PPA?
- Grabianowski I move that Docket Number 2023-11-PPA, a Petition for Approval of a Primary Plat Amendment subdividing 17.123+/- acres previously platted as Lot "S" of Section 7 into 37 single-family lots, a block for future single-family lots and a remainder of Lot "S" being zoned Planned Unit Development (the Holliday Farms PUD) be conditionally approved subject to the resolution of items noted within the comment letter, Exhibit 5, based on the Findings of Fact as presented with waivers for design speed standards, street blade standards, design and construction standards for typical residential cross sections, design and construction standards for driveway spacing from intersections.
- Franz All right, is there a second?
- Lake Second.
- Franz Any further discussion? Again, I'll go with a voice vote on this one. All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.  
[No response]
- That motion carries 7-0.
- Docket Number item 2023-12-DP.
- Henke Thank you.
- Garfield Thank you all. Appreciate it.
- Franz We still got one more. We gotta do the second one.
- Garfield Yeah.
- Franz They're two separate.
- Garfield Or if we needed to, yeah, we were getting good.
- Lake I move that Docket Number 2023-12-DP, a Petition for Development Plan Approval to provide for the development of 17.123+/- acres previously platted as Lot "S" of Section 7 into 37 single-family lots, a block for future single-family lots and a remainder of Lot "S" with common areas for private roadways in the PUD, Planned Unit Development Zoning District be conditionally approved subject to the resolution of items noted within the comment letter, Exhibit 5, based on the Findings of Fact and as presented.
- Franz Is there a second?

Grabianowski Second.

Franz Any further discussion? Again, a voice vote. All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

That motion carries also 7-0. Thank you.

Henke Thank you very much.

Garfield Thank you.

Franz All right, next on the docket – we'll take these together, 2023-14-DPA, Hy-Vee, Inc./Food Store, 6125 South 700 East, Zionsville. Petition for Approval of Development Plan Amendment for the Hy-Vee Food Store being 112,697+/- square feet on 17.93 acres (Lot 1) and zoned Rural General Business (GB) and 2023-15-DPA, Hy-Vee, Inc./Convenience Store, 6125 South 700 East, Zionsville. Petition for Approval of a Development Plan Amendment for the Hy-Vee Convenience Store being 5,062+/- square feet on 1.36+/- acres (known as Lot 5) and zoned Rural General Business (GB). Roger –

Kilmer Yes, yes sir. Thank you. As mentioned, we have two more not directly companion petitions because they do stand alone but they're both related. So I present these together. The first is 2023-14-DPA. This is for a Development Plan Amendment of the Hy-Vee Food Store, the larger grocery store that's being proposed and I have a location map up on the screen for you. To orient you, north is up which is always preferred. Across running east-west is Whitestown Parkway and running along the east side of the site is County Road 700 East and it kind of winds down around the south side of the site. The food store is planned to go on Lot 1 of the Hy-Vee call it plat and it would be located in this general area of the site. The other Development Plan Amendment before you tonight is for the convenience store and fueling station often referred to as the C store. It is to be located up in the northeastern corner of the overall site at approximately where the hand is located at this time.

The zoning for both sites is Rural GB. Here you see it in relation to other properties around. To the west is the Lowe's property which is under the, the Whitestown zoning jurisdiction. Also, properties to the north are also under Whitestown's jurisdiction. Off to the east of the Hy-Vee property to the northeast is the GetGo location and then south of that this parcel is to be developed for the Adler Apartment development and to the south is the, the single-family development –

Grabianowski Royal Run.

Kilmer Thank you. I was drawing a blank right there. Moving on to the development plan drawings for it, for, for this project. Again, this the overall site plan and, unfortunately, now north is off to the left so, again, as point of orientation, this is

Whitestown Parkway. The food store, the reason for it coming through as a Development Plan Amendment, there are essentially three changes that are being made to the store. First, it is getting smaller in overall size. The original approval last year was a store of approximately 150,000 square feet. The new proposal is for a store of almost 113,000 square feet and so just the reduction in size is one item. By reducing the size, that also then changes the building, building elevations, obviously, just somewhat compacts them. The building materials and the overall design or the primary design of the structure did not change but the building elevations, obviously, got shorter in length. The third change that is being proposed for this is that when the original project came through, the drive aisles for the pharmacy pickup and also the food pickup were located on what would be the east end of the building where, where my hand is located now. That area is right now being reserved for possible future expansion if the Hy-Vee would ever want to do that but those services, those drive-thru pickup aisles were relocated to the west side of the building down here in this area. So, again, those are the three primary changes to the, to the food store, reduction in size, change in building elevations and the relocation of, of those drive-thru services.

Now changing focus to the C store, I'm going to zoom in on it a little bit more to make it easier to see. Again, this is located up in the northeastern corner of the primary plat area for the entire development. For orientation, Whitestown Parkway here running along the north side of the site and County Road 700 East along the east side of the site. The change to the building is that while the food building got a little smaller, the C store got a little bit bigger. Just a, a new model, I guess, that, that Hy-Vee is utilizing for this site. It grew by about 900 square feet so, again, similar things. The size of the building changed, therefore, the elevations changed a little bit. We don't have a change in, in flipping of the aisles or anything like that here but one other change that did occur was, and I will go to the C store elevations here, the canopy over the fuel pumps now has a slight angle to it which it didn't before. I don't think it's a major item, I just want to make you aware of the change. So, again, the, the reason for the C store needing a Development Plan Amendment is that it got a little bit larger, the building elevations changed and they also have retained similar building materials and colors as they had during the previous approval. The materials and colors used on the C store mimic those of the larger food store so it will be one, one harmonious development between the two. With that, staff is in a position to, to support conditional approval of both subject to the resolution of comments with, within the attached comment letters. Again, this is for Dockets Number 2023-14-DPA, the food store, and 2023-15-DPA, the convenience store. I'd be glad to answer any questions you might have.

Franz All right, thank you. At this point in time petitioner.

Sheward There's normally a plug-in.

IT On the side.

Sheward Yeah, yeah I got it. Good evening, Bryan Sheward with Kimley-Horn & Associates. Offices at 250 East 96<sup>th</sup> Street, Suite 580 and I'm here representing Hy-Vee. On the phone, I believe, is John Brimm (sp?) from Hy-Vee out in Iowa

this evening. So if there's a specific question that I may not be able to answer, hopefully he will be able to.

As is typical, Roger did a great job there. I don't think I need to go into extreme detail on what I've got here but I did want to highlight a few items. Let me skip to, let me skip to this real quick. So this is just as a comparison, this is what we brought before you late last year. This was the slightly larger building. You can see that the, the aisle or I should say the pharmacy pickup, as Roger outlined, was on the east side which is the upper part of the plan. If I skip ahead to the next, maybe I toggle back and forth a little bit, you can see that in, in large, in my opinion, for the most part, it's the same development with some minor changes there with the building flipping essentially a mirror of itself and in, in fact, I would also say the, the back of the building facing south is technically further away from Royal Run now if you want to count that as a benefit, but the screening, the pond and the orientation, the same traffic flow, all that is the same. We kept the traffic study as it was, which had a slightly larger building. There was no reason to modify that for the, the smaller building. Plus, if they come back in the future, we understand they would need to come back to this Board for any type of expansion to this building. We don't believe that and I don't think it'd be possible to get back up to 150,000 square feet with the, the outline there.

Just to reiterate, we, we were here last month for the Adler at Zionsville which, you can see, is up, kind of the upper right portion of the screen. One thing that we are working with the County Highway Department who controls County Road 700 is pedestrian connectivity. I know that was brought up earlier on another petition. It certainly makes sense to be concerned about that and so at the south leg which I don't have my mouse here but on the south leg of that southern entrance which is the one closest to the Adler at Zionsville green box, we're going to be installing what they call a HAWK signal so if somebody walks up pushes a button, it's got a mast arm with a light. That light will turn red, somebody is able to walk across the street. So that was, that's been part of the conversations over the last few months with the County Highway Department on the best way to get people who would likely just walk across an un – walk across the road and there was connectivity to get over there but we know people's tendencies to take a direct path so this is a way to, to deal with that in a safe way.

Again, detention is on the south side with a berm further to the south between the neighborhood and the store. Architecture – this is a, kind of representative elevations there. You can see it's, it's still the same motif just as Roger said, truncated in its length. Again, that's the same picture that we had used last time. It's still the, the look of what they're proposing. My understanding is this will be the first prototype of, or the first kind of this new prototype built so this is just a slight, and I'm not sure if that's based on market research and coming out of COVID and everything else but that's, that's the direction that they're going. Again, convenience store with fuel sales or the C store there was very minor changes there. We already had an adequate amount of parking for the extra 900 square feet so there was no additional parking added. That's, this is before, this is after. Going back and forth you can see very minor changes. It's the same curb cuts, same orientation. If the Plan Commission has any questions, I'd be happy to, to answer.

Franz All right, thank you. At this point in time is there anybody in the public who'd like to comment on this matter? Okay, seeing none, I'll open it up to members of the Plan Commission.

Grabianowski I'm glad that you recognize that pedestrians go for the straightest plain across and you're making it safe.

Franz I realized this will come up at the time they get developed it but what, I mean, conceptually, what's, what's the other four lots going to be?

Sheward I don't think they know yet.

Franz Okay.

Sheward We put in a mix in the traffic study. If you go further east, you'll see some multi-tenant buildings there with Fundae's and that – it's possible that that, that could be a, it could be a standalone restaurant, it could be a bank. It's a, it's a difficult thing to project. We tend to pick on the conservative end when looking at graphic generation but it could be very low generation or it could be a couple sit-down restaurants. So, I'm not sure if they know at this point.

Franz All right. Any additional questions/comments? If not, we'll need a motion on both items – Docket 2023-14-DPA is there a motion?

Lake Sure. I move that Petition 2023-14-DPA, a Development Plan Amendment Petition for a 112,697+/- square foot food store on 17.93+/- acre site being in the GB District be conditionally approved based upon the Findings of Fact as presented with conditions as noted in the staff report and subject to resolution of comments within the attached comment letters, Exhibit 5.

Franz Is there a second?

Madrick Second.

Franz Any further discussion? We'll take a voice vote. All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

That motion carries 7-0. Docket Number item 2023-15-DPA.

Lake I move that Petition Number 2023-15-DPA, a Development Plan Amendment Petition for a 5,062 square, +/- square foot convenience store and fueling station on 1.36+/- acre site in the GB District be approved as presented with conditions as noted in the staff report based upon the Findings of Fact and subject to resolution of comments within the attached comment letter, Exhibit 5.

Franz Is there a second?

- Walker Second.
- Franz Any further discussion/comments? Again, a voice vote. All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.  
[No response]
- That motion carries, also carries 7-0. Thank you very much.
- Sheward Thank you.
- Franz Next on the docket is 2023-16-PPA, Zionsville Development LLC/Pemberton – Amendment of Block “L”, 8100 Abington Way, Zionsville. Petition for the Approval of a Primary Plat Amendment to establish a single-family residential lot with a Waiver to allow a driveway within 75 feet of an intersection being zoned Urban Single and Two-Family Residential (R-SF-2). Janice –
- Stevanovic Yep. Ready? There we go, okay. This is Pemberton Block “L.” It’s a Petition for the Approval of a Primary Plat Amendment to establish a single-family residential lot with a waiver to allow a driveway within 75 foot of an intersection being zoned Urban Single and Two-Family Residential or R-SF-2. Its address is 8118 Abington Way. It’s also Lot 48. This was contemplated and approved during the secondary plat approval process. This request is to provide for the addition of Lot 48 into the Section 2 of the subdivision. This request requires a waiver from the SCO 193.052 18(B) which is the purpose of the Primary Plat Amendment. The location map depicts the location of Lot 48 of the Pemberton subdivision.
- Lake That is not accurate, by the way.
- Stevanovic I beg your pardon?
- Lake That is the incorrect site. It’s on the other side of the street. Nope, one more lot to the right.
- Franz Yeah.
- Stevanovic Yep.
- Lake I think. Nope, to the right.
- Kilmer I think it’s this one.
- Lake Is it, is it that one?
- Stevanovic It’s the one in –
- Lake Okay.

- Stevanovic Because the other one is in Section 1.
- Kilmer This one is in Section –
- Lake Yeah, just the one that’s identified though as the site –
- Stevanovic You’re exactly right.
- Lake Is actually, is not the site.
- Stevanovic You’re exactly right. Thank you.
- Lake Just so, just so people aren’t looking at that thinking that’s not –
- Franz I was looking at it and wondering how’s that within 75 feet of an intersection?
- Lake Yeah, that’s, yeah, it’s on the other side of the street down, down a lot.
- Stevanovic Okay, let’s look at the zoning map. Oh, same thing, okay.
- Lake You actually have the ability in that PDF to move that, that box if you so choose.
- Stevanovic Yep. So, um, okay. So we’ve identified – thank you, Chris, where that lot actually is. The recorded plat which is your next exhibit, simply reflects the Block “L” referred to as Lot 48. The next exhibit is the proposed plat introducing the Lot 48 is instead of Block “L.” Got it? Thank you. Exhibit 6 is the petitioner’s Finding of Facts. Also Exhibit 7 which is the Waiver Findings and the petitioner can speak further to you about this. And the engineering comments you’ll see are very minimal. The dedication statement can be revised an elevation provided prior to the recordation of the plat, if approved, and that’s in the engineering comments.
- Waiver requests are tied to primary plat petitions and are required to be publicly noticed. The secondary plat was recorded in 2021 with Lot 48 represented as Block “L” because the lot was identified as requiring a waiver from the SCO which was not contemplated during the primary plat process in 2005 or again in 2015. The developer opted to move forward and record the plat and now requests to include Block 48 as a developer lot, developable lot. Staff’s position is favorable to the approval of the petition subject to resolution of staff comments with the consideration that this request is not atypical of a subdivision development. The Plan Commission and staff have historically been in favor of approving these requests noting that traffic speeds within a platted neighborhood are controlled, the infrastructure laid out of the development lends itself to reduced traffic speed and staff has no comment or concerns related to the waiver request. Again, staff is in favor of the petition. Happy to take questions.
- Franz All right, thank you. Is the petitioner present?
- Calderon Thank you and good evening Mr. President, members of the Plan Commission. Joe Calderon, attorney with offices at 11 South Meridian, Indianapolis

representing Zionsville Development LLC on what is a very minor amendment, we think. As Janice explained, we did, I think, finally get the correct lot identified which was in the materials all along. This was approved as part of the original development plan as a developable lot. Last year when Section 2 was going to get recorded, they realized that it did require a waiver of the driveway standard so they went ahead and recorded the plat understanding they'd have to come back for a subsequent waiver which we have now done. We believe we meet the waiver requirements. This is very low traffic, there's already adequate common area right across the street and along 800 so there's no short shrifting of common area for the benefit of the residents. This is a lot that is compatible and consistent with the other lots that are adjacent to it and we believe we meet the other required findings both for the amendment and the waiver. So with that, I'll stop and answer any questions that you may have.

Franz All right, thank you. At this point, is there anybody in the public who'd like to comment on this matter? Seeing none, is there any questions from any members of the Plan Commission? Seeing none, is there a motion on this matter?

Lake I move that Docket Number 2023-16-PPA, Petition for the Approval of a Primary Plat Amendment to establish a single-family residential lot with a waiver to allow a driveway within 75 foot of an intersection being zoned Urban Single and Two-Family Residential (R-SF-2) be approved based on the Findings in the staff report and staff recommendations, submitted Findings and subject to resolution of outstanding review items identified by the Town engineer as referenced in the staff report.

Franz Is there a second?

Hurst Second.

Franz Any further discussion/comments? Once again, a voice vote. All in favor signify by aye.

All Aye.

Franz Opposed by nay.  
[No response]

Motion carries 7-0. Thank you.

Calderon Thanks so much.

Franz Other matters to be discussed or considered. Obviously, the Form Based Code Update will, is now rescheduled for next month. Again, we'll take that in the same order that we've got it here today and then we've got some Minor Development Plan Amendments – 2023-22, Pepper Construction and HUB Building #219, American Structurepoint/HUB Building #846, Sila Capital, LLC/Adler Apartments and GRP Buildings 1 and 2. Who would like to comment on that?

Stevanovic I'll take it.



Franz All right.

Stevanovic Both of these buildings or these minor amendments are for the HUB. Phase 1, this very first one is Building 219. As we've informed Plan Commission in the past, Section 194.127 does allow for the Building Commissioner to approve minor amendments. This very first one is simply a fence installation which, Roger, go ahead and go through the exhibits so that they can see them. Very simply, this is a project presently in process. There's fence posts and chain link fence going north and south have been installed. Posts have been installed for the gate and fence area but not to the chain link fence yet. Sliding gates are anticipated to arrive in the next two weeks and then the project will be completed. They are working with the Fire Marshal to ensure that the Knox Box combinations are communicated and this is simply to ensure that their fencing for their trucks just for increased safety.

Moving on to the light poles at Building 846, we previously had approved, Plan Commission previously had approved, additional trailer spaces at Building 842. These lights have simply been installed for additional safety. They are an approved height of 15 foot. They are located just north of 846 and, again, it's for additional safety.

Franz Okay. We, we had a discussion about this so what I asked them to do is to when we do have a Minor Development Plan Amendment to bring it forward to us when they occur so we can get a feel for what they're approving and if we feel like it might be something that we'd want to have come back to the Plan Commission, we kind of, kind of instruct them to experience. So that's just kind of where we left it at this point in time. So the other two items are 2023-08-DPA, 1:57:58 the Sila Capital, LLC/Adler Apartments.

Stevanovic Yes, on the Adler information, this is under your other matters simply to bring the Plan Commission up to date because also the resident in Royal Run, if I say her last name wrong I apologize, Barrabee, I believe, was interested in having us report to the Plan Commission. That's why you're seeing this information right now. Exhibit 1 is very simply a letter from the representative of that project, Mr. Andreoli, to the remonstrator informing her of the fact that the trash enclosure has now moved more north on the other side of the maintenance building and you'll see her response to Mr. Andreoli, not extremely satisfactory. That is the one and only time that I heard from this remonstrator. Mr. Andreoli did again reach out one more time and let her know that, that the project had explored all of its options in moving that trash enclosure in other areas north and simply had landed on where Plan Commission was pointing apparently at the Plan Commission approval date and so that is where that trash enclosure is going to land. Again, I never heard back from her but I am following her request to inform the Plan Commission. In addition, Plan Commission tasks staff to take a look at the fence and ensure that we're comfortable with what the fencing of materials, height, location would be. You'll see in Exhibit 3 that Roger has pulled up now, and this is still in review, by the way, along with the additional remaining staff comments, not that there are many and not that staff is concerned that they will not be satisfied, but this is to show you the type of fencing that is intended for that area for the berms that are between the project and the Royal Run

subdivision. Again, that fencing has been extended down toward where the maintenance building is which is now in front of, as far as Royal Run is concerned, the trash enclosure behind it. Hopefully I've explained that well.

Franz Okay. Any questions/comments on that matter?

Lake I mean I do feel like they met the intent of what we asked them to do.

Grabianowski Yeah.

Lake They moved it probably 60 foot further to the north and now there's the maintenance building to hopefully block –

Franz Yeah.

Lake Some of that sound and additional wall and fencing so.

Franz And then the last item on the docket is 2023-03-DP and 2023-04-DP, GRP Building 1 and 2. Architectural Review Subcommittee approved the revisions to both buildings' elevations.

Lake I'm going to report out on that if that's okay.

Franz Okay, that's fine.

Lake So, we had a subcommittee of myself –

Franz Right –

Lake Ms. Madrick and Mr. Hurst that met a couple of Fridays ago maybe –

Franz May 5<sup>th</sup>.

Lake May 5<sup>th</sup>, thank you, and we discussed with the petitioner the revised elevations. I think we were satisfied. I, I think we felt like Building 2 was the one that had probably the, the least pleasing design initially and they made the most headway on that. One thing that we did catch in the, the image that's up at the upper right image – no go back, right where you were. No.

Kilmer I don't have the elevation in here.

Lake Oh, there you go – so the rendering shows a thinner, I'll call it eyebrow that sticks out and the, the elevations still showed it thicker so we asked for clarification – is the rendering correct or is the elevation correct? They noted that the rendering was correct and so you can see they've dropped the thickness of that eyebrow if you go by 18 inches which kind of makes it feel a little bit lighter. We did confirm that the columns are kind of, they're meant to represent a motorcycle frame and are kind of a little kitschy but they're not structural so if –

Hurst And by the way, not a finding of the subcommittee.

Franz All right, that's not a finding. All right.

Lake My, my personal comment – but that they were not structural so if at some point in time this were reverted to some other building, they could be removed without impeding the, the structure of the building. And if you have the second, second building elevations – I think you'll notice that this is a drastic change from last time. Completely different material pallet, different form of the building, completely different signage and I think we were, I think we liked the, the signage of the other one better. It was more logo-like but this meets the requirements of the actual dealership branding so we were fine with it and appreciated the change in design and material pallets so it received unanimous approval by the subcommittee.

Franz All right, thanks very much. Is there any other matters to discuss? Mike –

Dale No.

Franz Roger, Janice? All right, is there a motion to adjourn?

Lake So moved.

Franz Second?

Hurst Second.

Franz All in favor?

All Aye.

Franz I don't have to ask if anyone's opposed.