

Zionsville Plan Commission
May 16, 2022

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

Staff attending: Attorney Bob Clutter, Wayne DeLong, Roger Kilmer, Suzanne
Baker

A quorum is present.

Franz Call to order the meeting of Monday, May 16th. Please start with the Pledge of
Allegiance.

All Pledge of Allegiance.

Franz Roger, are you taking roll or Wayne?

DeLong I will take roll. Mr. Franz?

Franz Present.

DeLong Mrs. Grabianowski?

Grabianowski Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mrs. Walker?

Walker Present.

DeLong Mr. Lake?

Lake Here.

DeLong Mrs. Madrick?

Madrick Present.

Franz We have six members present, um, that's all the members right now, so, um,
there's a line item on here, Wayne, April 2022 Community & Economic
Development Monthly Report. Is that not, is that just a mistake why it's on the
agenda?

DeLong Yeah I would say.

Franz All right.

DeLong Roger, do you have anything further?

Kilmer Norm, normally you are provided that information within the packets and due to the new format of the agenda we had to plug it in to –

Franz Oh, okay.

Kilmer To transmit it to you, so.

Franz All right. Okay.

Lake Okay.

Kilmer It's somewhat of a placeholder.

Franz Okay. I gotcha ya. Um, in the packet there was two sets of minutes from the, one was from the April 18, 2022 regular meeting and one was from the April 19, 2022 special meeting. Um, is there any comments, deletions, additions to either sets of those minutes?

Grabianowski Can we pass them both with one, uh, motion?

Clutter You can.

Franz So is there a motion?

Grabianowski So moved.

Franz All right. There's our motion to approve.

Lake Second.

Franz There's a second. Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Those are approved.

We have three continuance requests tonight: 2022-18-MP, Squires Minor Plat continuance request, um, 1567 North 1000 East, Sheridan, Petition for a Minor Plat of a 159, uh, acre parcel into three residential lots in the Rural Agricultural District. Anybody here to speak on that? All right. Um, any discussion on this? Is there a motion? Okay, so let's, let's talk about this real quick. Um, looking at the agenda for next month, it would appear it's going to be a pretty full agenda again. We have, um, at least three items continued tonight, um, I don't know what tomorrow night's going to be so I think we're going to be looking at another special meeting in June so that would be June 22nd. Um, we can, looking at the schedule, if it's these three items that are continued, um, we probably can fit it in, it would be tight. Mary has expressed preference not to.

Zionsville Plan Commission
May 16, 2022

Grabianowski I don't want to be here until 11:00.

Franz And we will, we will grant her that wish. So, I think it's wise that we go ahead and, um, have a motion to have a special meeting on June 22, 2022. Is, is there a motion?

Lake So moved.

Grabianowski Second.

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

All Aye.

Franz Opposed by nay.
[No response]

We'll have two meetings again next month.

Um, so, on to the, uh, request for continuance on Petition 2022-18-MP, is there any discussion/comments on that? If not, is there a motion to continue this to the special meeting on June 22?

Grabianowski I move that we continue, um, item 2022-18-MP to, uh, Wednesday, June 22nd.

Franz Is there a second?

Walker Second.

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

All Aye.

Franz Opposed by nay.
[No response]

That motion that, uh, petition is moved to January, June 22, 2022. Next on the docket 2022-21-DP, FedEx Parking Expansion, um, uh, 10301 Bennett Parkway, Zionsville, Petition for Development Plan Approval of a parking lot expansion for tractor railers, van, and automobile parking on a 15-acre site in the Urban General Industrial (I-2) district. Is anybody speaking on this matter tonight? Is there any discussion from any of the members of the Plan Commission? Is there a motion to continue this the June 22, 2022 special meeting?

Lake So moved.

Franz Is there a second?

Jones Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Motion carries 6-0. It is continued to next June 22nd meeting, special meeting.

2022-22-DP, Altums Garden Center, uh, 795 South U.S. Highway 421, Zionsville, Petition for Development Plan Approval of garden center to be located on a portion of a 7-acre site in the Rural (I-2) Industrial Zoning District and within the Rural (MRO) Michigan Road Overlay Zoning District. Is anybody speaking on this?

Kilmer We, we do have someone online.

Franz Can you hook them up?

Lake We also need to see if there's anybody that needs to be recognized.

Franz Yeah. While we're waiting for him, if you are attending virtually and you'd like to be recognized, please raise your hand on the Zoom so we can recognize your name.

Zelonis Sally Zelonis.

Franz Sally Zelonis.

?? **Inaudible off microphone 15:25**

Franz Okay. Um, so there's nobody speaking on this petition. Um, any discussion by any members of the Plan Commission? If there is none is there a motion to continue this to the June 22, 2022 special Plan Commission meeting?

Lake So moved.

Franz Is there a second?

Jones Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Motion carries 6-0. It's continued to the June 22nd special meeting.

Continued Business from last month: 2022-15-RP HF - Section 2 - Lot F28, The Club at Holliday Farms/Replat of HF Section 2, Lot F28, 10571 Pete Dye Ridge,

Zionsville, Petition for the Approval of a Replat of Holliday Farms, Section 2, Lot F28 to reduce the platted front setback line in the Holliday Farms (PUD) Planned Unit Development Zoning District. Is there a petitioner present?

Kilmer I was told he was going to be online.

Franz Okay. Is he online?

Kilmer Phil Sundling, Phil Sundling.

Franz Okay. Let's, um, let's do this and, um, if you would let us know if he does come online so we can pick it up at that time. We'll just put this on hold to see if he shows up. If not, we'll have to continue it at the end of the, or when we get rid of the, get through the rest of this stuff – not rid of. Poor choice of words. Um, on to New Business. Uh, 2022-19-Z, Prologis Rezoning Staff Report and Project Materials, oh, staff report, never mind that's – Prologis/Prologis Rezoning, 3302 East 55 South, Lebanon, um, Petition for Change of Zoning of 40 acres from the Rural General Agriculture (AG) District to the Rural Light Industrial (I-1) District and the 2022-20-CA, Prologis Commitment Amendment, um, 5190 South State Road 267, Lebanon, Petition to Modify existing zoning Commitments to include an additional 40 acres adjacent and to the west of ground previously rezoned to the Rural Light Industrial (I-1) District under Docket Number 2020-10-Z. Um, before I ask the petitioner to come up I'd to get, um, the opinion of staff on why this is recommended to be continued.

Kilmer Thank you. Um, as, I'll kind of jump to the, to the conclusion of the staff report in, in there. Two reasons why staff is recommending a continuance of this, um, one being that the comprehensive plan for this area is currently under study, um, no decisions have been made yet, um, uh, we, staff would prefer better guidance on what is, what, uh, this area should look like down the road and, uh, um, because of that we're, we're hesitant to make a, a recommendation of that. The second item is that, uh, uh, the traffic impact study for this expansion, um, it did not account for the additional size of the buildings and, uh, the traffic engineer that reviewed this, uh, had a number of different questions. He issued his own comment letter and there are a number of issues in there that we feel should be addressed prior to, the, uh, Plan Commission making a recommendation on this rezoning. So those two factors, uh, combined are why staff is, is recommending a continuance of this petition to next month.

Franz All right. Um, we're brought up on this stuff, oh, while the petitioner is here, is this something that we have to open or can continue this to next month because of various planning reasons is what I would say?

Clutter You can do a motion. I, I don't know if Mr. Price, do you have any objection to a continuance?

Inaudible off microphone 20:07

Price Good evening. Uh, Matt Price, attorney for Prologis, uh, with an address of 10 West Market Street, Indianapolis, Indiana. I'm with, uh, Cody Riles from Prologis and Greg Dempsey, our project engineer. Uh, I, I believe under the

Rules of Procedure that we do need to open the public hearing, um, because I think we need to hold a public hearing within 45 days of the date of our filing which we've, we've done as a matter of practice over the last several years. Um, with regard to the staff's recommendation, um, it was news to us, uh, as of Friday afternoon that there was any reluctance to make a recommendation concerning the rezoning petition. That was, we were encouraged to file it when we had our, uh, pre-filing meeting and we believed we were going to be supported, uh, with that rezoning. We also do not believe there's been any moratorium enacted with regard to the entertaining of zoning petitions in the area that is beginning to be studied for a comprehensive planning exercise and so we don't think that's an impediment at all, in fact, we think it's contrary to law to take the position that you cannot make a recommendation simply because a planning, an update to the comprehensive plan is pending. Uh, secondly, with regard to the traffic study, the, uh, the traffic study has exactly the square footage, it actually overstates the square footage a little bit, uh, but it, it accounts for the full 1.8 million in square feet of potential, uh, space, uh, and so we attempted to clarify that with the Town's engineers when we first received the staff report Friday afternoon so we believe it does address exactly what's being proposed and that the Town engineer concurred with that based on our discussions. Having said that, I'd be happy – we're prepared to go forward and present our case, uh –

Franz I guess the question I've got is on the opening of the hearing.

Clutter Well, and, and my point was is that, that 45-day requirement can be waived certainly with, with Mr. Price's client's consent to a continuance but that's – we can open it and go from there.

Price I, I, uh, I guess we wouldn't have a, uh, I guess my reaction is this, we, we were surprised by the staff report and are prepared to go forward and I guess would like to receive comments if the Plan Commission, uh, would like to go forward. If, if there is a preference on behalf of the Plan Commission for us to continue then, I don't feel like I'm going to argue that point either, although I don't think given the circumstances that, uh, uh, that much is going to change between now and the next meeting with regard to the traffic study, for example. I think it's going to be more of a validation that the traffic study does, in fact, reflect the square footage proposed.

Clutter And that's, that's part of the discussions, Mr. Price, is with the special meeting and not sure with vacation scheduled and quorums and, obviously, we're short a member too, we're trying, trying to figure out what's the best way to proceed in terms of making sure that this has the maximum number of Plan Commission members able to participate, so.

Franz That's on me, yeah, it's really, I would have no problem opening this up but I just want to make sure that if we go to next month, if it does get continued and has been opened up, that we're able to actually have a quorum present to be able to decide on it.

Price I see. The concern over the Plan Commission having a quorum at the next month?

- Clutter Yes, yes. And, and if any evidence is presented this evening and a new member joins by the next meeting then they wouldn't be able to participate necessarily, so. It's kind of a Hobson's choice here.
- Franz Yeah.
- Price A Hobson's choice being between the double and the deep blue sea, right? That was a law school question at one point. Um, well I'm not trying to, uh, uh, maybe you can tell – I'm not trying to foist ourselves upon you other than, um, we had, you know, submitted an application and submitted responses and tried to clarify the staff report when we received it, uh, Friday. If the preference is for us to be heard in June I have no problem with that either, I'm, that, that would, I think that we'll follow the Plan Commission's lead and I guess I think I'm hearing that you'd prefer to hear us in June.
- Franz I, I think it potentially works better.
- Price Okay.
- Franz So, all right. I mean, so do we have to officially make a motion to waive the 45-day requirement, Bob?
- Clutter Yes you should.
- Franz Okay. So is there a motion to waive the 45-day, is it a filing department, uh, hearing within the filing department?
- Clutter Hearing within the filing, it would be a filing—
- Franz Okay is there a motion to waive the 45-day requirement to hear it or to hear it within 45 days of the filing?
- Grabianowski So moved.
- Franz Is there a second?
- Walker Second.
- Franz Any discussion?
- Jones I've got a discussion.
- Franz Sure.
- Jones Where does the comprehensive plan then fall into how this project gets reviewed?
- Clutter Well, you have to utilize the existing comprehensive plan as it has been adopted. And, and I believe that speaks to Matt's point that the fact that there's some new study being done or a revision to the comprehensive plan can be prohibitive if

you get specific items but in terms of the statutory criteria, you'd have to utilize the existing comprehensive plan.

Jones And the existing plan calls it to be agricultural general, is that correct?

Clutter I believe that's correct based upon the map that I'm looking at here.

Jones I understand we, to the north of this have approved similar projects –

Clutter Correct.

Jones But we also had a parcel of land that was kind of bordered on both sides by or three sides by Whitestown from their approval.

Clutter Correct.

Jones But this piece then sort of begins the next phase of what progresses south and west of 267.

Clutter I would certainly agree with that.

Jones Which is a substantial chunk of land that currently is all zoned either ag general or ag production. Correct?

Clutter Correct.

Jones So there is no –

Clutter West, west of 267, correct.

Jones And to date the things that we've been approving to the east of 267 have been a little smaller in scale.

Clutter Generally speaking that's correct, sir.

Jones So, why would we not wait until there's a comprehensive plan that gives us direction as to what we should be doing?

Clutter We don't know when that's going to occur.

Jones Not our problem.

Clutter Understood but Mr. Price and his clients have filed a petition and have a right to be heard under, in the not too distant future. If, if the comprehensive plan update was produced in 30 or 60 days, great and if it's –

Jones Fine by me.

Clutter If it's six months then –

Jones Still.

- Clutter Mr. Price's clients may not be happy with that decision but, as this –
- Jones Well they were given notice based on the current comprehensive plan and the current zoning of the property what has been previously approved by our comprehensive plan for this area and then they're asking for a change of that.
- Price Can, can I speak to that just briefly? So we were rezoned less than two years ago –
- Clutter Uh huh.
- Price With the exact same comprehensive plan for the exact same, uh, land use.
- Clutter And it was ag then wasn't it?
- Price It was. Absolutely.
- Clutter That's what I thought, yeah.
- Price So and there's and if, if the Town would like to enact a moratorium on rezoning petitions then the process to go forward to do that is to have a public hearing –
- Clutter Uh huh.
- Price And that puts people on notice that there's a change in the process. Right now we're being significantly prejudiced by what's said in the staff report. It's a clear violation of law which is that if there's a moratorium enacted on rezoning petitions and that's a change to the zoning ordinance, the zoning ordinance has to be amended in accordance with any other amendment.
- Clutter Uh huh.
- Price And that's not been done.
- Jones We're not requesting a moratorium, correct?
- Clutter At this point, no. No.
- Jones I mean, you're entitled to the previous zoning you had for this parcel to do what you previously requested, correct?
- Price Correct but the staff –
- Jones So you're modifying and expanding that?
- Price But, but the staff report is saying that they're unable to make a recommendation until the comprehensive plan has been, has been changed.
- Jones But that's not a moratorium that is just a statement of fact.

Price I think it's a moratorium because under, under law we're entitled to be reviewed against the criteria in their place today. What, by implication what it's saying is, is that you cannot make a favorable interpretation until the comprehensive plan is amended and that's not the law.

Clutter I, I would disagree a little bit with that because the staff comment is a recommendation only, of course. It's not as if the Plan Commission is saying we're not going to rezone this property, it's just a recommendation from the staff but your point is well taken.

Price Yeah. The dialogue we're having though is, is exactly the implication that I was concerned about.

Clutter I understand.

Franz The, the comprehensive plan is just one item in the rezoning process.

Clutter It's one item and, and remember the comprehensive plan is a recommendation only and there can be acceptable deviations. It is a recommendation. It's, it's a guide.

Lake Well we had the same discussion with the, uh, Union Woodlands.

Clutter Yes sir.

Lake That, you know, unfortunately, the comprehensive plan at the time allowed it even though it now, well with that –

Inaudible – multiple people talking at the same time 31:10

Franz Well the Woodlands was different because they actually filed before the down zone request was –

Clutter Yes.

Franz Filed.

Lake Correct. It was the airport overlay though –

Clutter Right, the airport overlay.

Lake That would've stopped it that was not in place.

Franz Yeah, it's – all right, so, we've got a motion to continue this to next month, um, it would be to the June 22nd meeting, um, is there anybody, anybody, any further discussion on this? Or we have a motion not to continue but to waive the, the, uh –

Grabianowski 45 days.

Lake 45 days.

Franz Opening of the hearing within 45 days of the filing. That's what we've got so is there and we've had a, a, we've had a motion and a second, so any further discussion? All in favor signify by aye.

Grabianowski Aye.
Lake, Walker
Madrick, Lake

Franz Opposed by nay.

Jones Nay.

Franz Motion carries 5 to 1. Um, so then we have a motion to continue this matter to the June 22nd meeting. Is there a motion to do so?

Grabianowski I move we continue, um, 2022-19-Z to the June 22nd meeting.

Franz Is there a second?

Madrick Second.

Franz Any further discussion?

Lake So our biggest concern here is quorum and the challenge that puts us in by starting something we don't think we can finish?

Grabianowski But we know you're not even going to be here.

Franz Well, I mean, it's –

Grabianowski Is, is five people enough?

Lake So we just don't think we're going to get through it tonight?

Franz Uh, I mean, if, I mean the issue is if we, if we open this hearing up and we get a new member they cannot vote on the matter –

Clutter They could not participate.

Franz Next time. So if we're short –

Lake We can also get through this tonight.

Franz Or, take--

Lake I mean, if I, you know, as I listen to this, if theoretically, you know, we're relying on the comprehensive plan that's in place and Mr. Price's assertion is correct that they had everything in the traffic study based on the new numbers and they have

then communicated that to the Town engineer and we make it subject to the traffic study lining up, this could be finished tonight.

Franz It could be.

Lake Because part of me would rather just get off the agenda and not have to worry about it.

Franz All right, um, so let's –

Lake We gotta a motion, so –

Franz Okay, hold on, I mean let's, I mean we can, can we withdraw a motion if it's accepted by the second?

Clutter Yes.

Franz Okay. So, any, I guess I'll open it up – who wants to hear this tonight?

We've got two hands.

Grabianowski Yeah, I'm okay.

Franz Okay, all right. So does the person who second accept, or first and second accept withdrawal of the motion to continue?

Grabianowski Yes.

Madrick Yes.

Franz All right. So the motion is removed so on with the show.

Price Thank you Mr. President and members of the Commission. I'd, I'd ask for the PowerPoint presentation to be pulled up. Thank you. Let me just, uh, state for the record, uh, who's here this evening and, uh, appreciate the opportunity to go forward tonight. Um, this, uh, in this matter I represent Prologis and, uh, in particular a joint venture between Browning and Prologis that's called PLD Browning Ventures, LLC and if you go to the next slide. This is the, uh, current proposed, uh, site plan for the property to orient you. The original rezoning which was, uh, completed in June of 2020, uh, is at the northwest corner of State Road 267 and County Road 550. Uh, it's immediately across the street from a Becknell Development which is the 267 industrial park which is also, uh, in Zionsville and was rezoned approximately, um, a year or so before, uh, well probably two years before, uh, Prologis. The outline in red is the additional, uh, 40 acres that we're seeking to rezone, uh, from agriculture to rural I-1 so it will match the existing zoning, uh, to the east which is a rural, uh, I-1 and also matches the, uh, zoning, uh, across the street, uh, 267 for the Becknell, uh, project. Uh, the fundamental, uh, change that's being made with regard to the layout is that the original two buildings were, uh, oriented the same way, uh, with access off of 267 in the exact same places except each building was approximately 550,000 square feet. What this change allows us to do is expand

those building sizes to between 850,000 to slightly over 900,000 square feet. The traffic study, for example, is built around, um, the model of having 1.8 million square feet between the two, uh, structures. Um, it also does a couple of other things by having this additional, uh, 40 acres. You'll see that the, uh, detention facility at the southern end of the property, uh, has been expanded from the, uh, original proposal and it also moves the, uh, potential access point off County Road 550 a little further west, uh, of the intersection. So it creates a little more separation between, uh, that intersection and where that potential, uh, access point would be. Go to the next slide. There has been a number of, uh, um, additions and changes in the vicinity since the 2020 rezoning, uh, that we think are consistent with what's being requested tonight. First, the Becknell project has gone forward in two of the four buildings that were part of that proposal which were to range in size between 200,000 square feet and 400,000 square feet have been completed, uh, and are occupied. The other two buildings, uh, further south and towards, uh, County Road 550 are being, uh, put in place today. Construction on the third building is actually very nearly going vertical on the building pad on, uh, lot number 4 is being built, uh, as we speak. Uh, Exeter, which is our neighbor to the north, which is in the Whitestown zoning district which extends all the way from State Road 267 to the, the western north-south road that you see there which is County Road 300, uh, they've added, uh, an additional structure, uh, to the west that you see, uh, on that drawing. In addition, uh, just from, um, um, I'm sure from, uh, personal experience, you, you'll note that the, uh, the interchange at County Road 550 has continued to be, uh, constructed. At the time that we had the hearing, uh, in 2020 that was, uh, a planned, uh, interchange but not yet under construction. That's, that's moving forward and is also driving, uh, the development pattern in the area. I should also note that within the last 45 days or so, uh, the property south and east of, uh, the intersection and extending 300 or so acres further east was rezoned by the Town of Whitestown for the I-1, uh, zoning classification as well. So there's been an, a continued, uh, development of this type of land use, uh, in the surrounding vicinity. If you go to the next slide – this is a, uh, schematic of the, uh, of the two buildings you saw on the previous plan. Uh, I'll note just a couple of things, uh, we abut agricultural land to the west and south and so, therefore, are employing what's called buffer yard H which is out of the, uh, Town's zoning ordinance. Um, it is exactly the same buffering package that was proposed as part of the 2020, uh, rezoning. To the north and east we have buffer yard A which is the buffer yard classification for when you adjoin property zoned industrial, so to the north is the Exeter property, to the east is the Becknell, uh, property. I'll note just a couple of things with regard to access. As I mentioned, the same access points as were originally proposed, uh, are being, uh, repeated here today so we have a right in, right out only at the far northeast corner of the project, a full access point in the center that matches up with the access lane for the, the Becknell project and then, as I mentioned earlier, we've moved the potential access off of County Road 550, uh, further west from its original, uh, proposed, uh, location. Go to the next slide. The, the companion petition that, uh, accompanies the rezoning is to extend or to, to modify, uh, that site plan to, uh, incorporate the additional 40 acres then the entire development would be subject to the same commitments which were made during the original rezoning back in 2020, uh, which is to place limitations on, uh, the height of, uh, light poles, uh, to require shielded, uh, downward directional lighting, uh, on the buildings themselves, uh, reiterates the landscape buffers that I just described. Uh, we do, uh, seek to maintain through item #4

some flexibility with regard to, uh, the number and size of buildings. Uh, Prologis and, and Browning's joint venture is geared towards, uh, build to suit, uh, type arrangements and so, they, what this project does is allows them to have additional flexibility and complete, uh, for the top projects in the Indianapolis market and so we want to maintain the, the buffering commitments and the commitments relating to lighting but preserve some flexibility as far as the actual size of, of buildings and then lastly we make a commitment to screen any, uh, outside dumpsters in accordance with Zionsville's, uh, zoning requirements. And as I mentioned, those are the exact commitments that are applicable to the, uh, to the original, uh, rezoning in 2020 which was for 78, a little over 78, uh, acres.

Um, going back to our discussion about, uh, the comprehensive plan, the staff report that we received back in 2020, uh, observed that the proposal was consistent with the surrounding, uh, development pattern and that this would, uh, fit in with that development pattern. Uh, that with the buffering, uh, that it did not have an adverse impact on adjoining properties or adjoining property values. One of the good things about this location and which distinguishes it really from the Becknell location is that it is not immediately adjacent to any residential, uh, uses, uh, and even with that additional, uh, 40 acres we're still well removed from any adjoining, uh, residential uses and so we think the staff report even in this go around acknowledges, uh, that as well. Um, the, the thrust of the traffic study was to, uh, urge, uh, the developer, uh, to signalize the intersections at 267, uh, and 550 and also our central access point. Those were the exact same recommendations that were made as part of the original, uh, proposal and that is part of the, uh, the long-range plan for the site. Once we reach the development plan stage then at that point we would know precisely what the, uh, the traffic demands are, we would, uh, appropriately, uh, signalize each of those, uh, intersections as required, uh, and also provide for the internal, uh, traffic circulation as is noted by the Town's, uh, uh, traffic engineer. And those comments are completely consistent with other like projects that Zionsville has heard and approved over the last, uh, four years, uh, which provide for internal, uh, traffic controls to assure that, uh, public safety vehicles can adequately, uh, serve the buildings and also provide for, uh, truck transportation internally so that there is not excessive, uh, lines or chewing, uh, when entering or exiting, uh, the property. And those are, those have been addressed at the development plan, uh, stage. Um, because the buildings are anticipated to be larger, the investment is also correspondingly larger, uh, the, uh, the original estimated, uh, investment was just a little short of \$45 million dollars. Um, with the additional square footage and with additional costs, we estimate that the, the total investment here now would be between \$75 and \$90 million dollars. Um, the project will seek, uh, tax abatement, uh, in a manner consistent with what all of these, uh, warehouse users, uh, seek, uh, but, uh, and that amounts to a 50% abatement over the first 10 years of the project's life. Uh, but it still pays, uh, 50% of the property taxes that are due which is still a very substantial, uh, number, by, by an measure, uh, so it represents a very substantial, uh, uh, investment by of the joint venture. Um, our view is is that with regard to traffic and the development pattern in the surrounding area, it's not a question of whether these buildings of this type will be built or not, it's a question of where they'll be built. Um, we think that, um, it's appropriate for Zionsville, uh, to encourage, uh, this type of investment in its taxing district rather than see that investment to, uh, Whitestown, uh, and have them, uh, locate the, uh, build to suit, uh, investment in

areas that they are zoning and, and, uh, developing now for that very use. The advantage we have today, uh, over Whitestown at this location is that we have a site that's more or less ready to go. The utilities are, uh, near the property, uh, it's accessing off of 267. The competing locations that, uh, our neighboring community is offering will require substantial infrastructure investments in sewer, water and roads and so we feel like that this project represents a competitive advantage for Zionsville, uh, going forward. Uh, we did meet with, uh, neighbors, uh, in anticipation of this meeting tonight and talked to them about, uh, concerns relative to lighting, drainage and traffic, um, and had a very, uh, open, open conversation. I feel like we made very good strides to address their concerns and, uh, my development team and I are available to answer any questions that you have this evening and we appreciate the opportunity to be heard. Thank you.

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

Triscari My name is, uh, Craig Triscari, 3270 Paddock, uh, Road. Um, I did provide this Board with a written, uh, letter so I'm not going to read, uh, the written letter. You can, you can read that portion of it but I do want to, uh, um, go over some highlights both that were discussed today and four key points that, uh, uh, really need to be taken into consideration. Um, the first, uh, portion of that is the, uh, comprehensive, uh, comprehensive plan. In 2020 as was, was noted, um, you, you had decided that you were going to build in that area. That's actually built on three sides of residential, uh, residential property. The comprehensive plan called for mixed usage which was residential and commercial to be put on that, not industrial. Um, and there was a reason for, for that because the ordinance is in the, the roads and the other supporting, uh, efforts in the comprehensive plan that they didn't support that, that type of development and we're seeing that now. We're seeing the problems from, from that decision, uh, that decision now. A 12-foot berm and a 6-foot fence, uh, with a 5-story building overlooking 2-story homes, um, a few hundred feet away with 168 bay doors or 200 or 300 in that area now, it's up to about 400 bay doors. That doesn't provide any protection for, uh, for that community, uh, at all and when I mean the community, I mean the established, residential communities in those, in those areas. So the comprehensive plan is a big issue. Um, back in 2020, the Board recommended a favorable, uh, um, um, piece but it wasn't based on the comprehensive plan. They actually used the Whitestown plan and saying because you had, you have, uh, development in this area we can go ahead and build adjacent to that, um, um, that, that property and it became basically a self-licking lollipop where you had building, yes they put another, uh, uh, uh, warehouse here we can put another here, we can put one here, we can put one here and then oh we have a whole residential area here no problem, we're here, here, here, here and around it. It didn't follow the comprehensive plan and, and, uh, within this Board it was even directed that you could ignore or you don't have to necessarily consider, not ignore, but you don't have to consider the comprehensive plan, it's just a suggestion but it's not just a suggestion, it's when people buy property in that area they, if they do their due diligence they can see what property is going to be built around them which gets to the next point which is the residential property devaluing. It was talked about that the property wasn't going to be devalued based on, um, building industrial right next to rural residential. My property

decreased by \$60,000. Now I go in front of the, the county and I can make the argument about the property value changing because I have an industrial building in my backyard now where before I had a cornfield and number one it wasn't part of the comprehensive plan and the comprehensive plan was not used by the Board. So it did devalue, uh, the property in, in that area. There's no argument about it. Um, um, I'm living proof of that. So that's number two with understanding what devaluing you're doing of the local property in that area. In phase one when you built that in 2019 we had an independent realtor come out to Saratoga and they estimate anywhere from \$700 to 1.2 million in loss based off of that kind of development in the area. And that was just for phase one, not for two or for building four or for this particular plan that they have, uh, going on here. Number three, um, we are working with, uh, the Town, and the Mayor, uh, to, to, to, uh, redirect the, the comprehensive plan so that is ongoing and that's with all of Perry Township, the community, saying enough is enough we don't, we don't want this to keep on continuing without a plan behind it and there is not a plan behind this development. There's absolutely no plan behind that, that development, uh, in, in, in that area. Um, one of the other, one of the other comments, I believe, uh, that was, that was in, in that, uh, that letter also dealt not only with the comprehensive plan and, uh, the residential devaluing of, of property but the commitment letter that you have that they provided doesn't represent the ordinances that you currently have within that area because that area based off your comprehensive plans have ordinances safeguard those communities. They're extremely lenient. It's like putting a building in the middle of a cornfield – you're not going to have to have all these berms and these things up for the protection of these residential properties that are surround, that are surrounding them. So the ordinances that you currently have in place for the rural area do not represent what is going on in that community. Things like hours of operation. I've been in, in these meetings where these, these people have told you we're only going to work until 10:00 or 8:00 but I can tell you they work 1, 2, 3 4 and the beeping continues in that area. You don't have the protective measures in place, again, because you didn't follow the comprehensive plan and the comprehensive plan even stated that the roads don't support what you were doing in that area and we did it anyway. On 300, on, on 400 and 300 which are not usable for, for what was built in 2020. There's only one entrance and exit out of that area which even adds to more congestion on 267 in that intersection on 65 even with the development and the building of the roads that they're doing. I would recommend at least one main thing that you needed to look at which is this commitment letter that they have in, in this added, added piece that it needs to, to, uh, be looked at in order to represent what is actually going in, uh, that community and protect that community and I would actually recommend that you do wait for the comprehensive plan to come, uh, open because at least the community will have voice in what's being built. Because the last time we came here and we gave you 200 named petitions of this is not what we wanted in our area you guys decided to, to ignore that. So the community is now looking at legal issues to go through, uh, uh, that comprehensive plan and, we're talking to the state because if a Board decides not to go ahead and look at the comprehensive plan and look at the value of homes and they're doing this with a private company then there should be some recourse for that, that, that landowner to recover the damage that has been done by, by that private industry that, that came into that area that they didn't follow the comprehensive plan for and we are talking to the state just like we did with Whitestown and the water and the

sewage which changed, which law passed this year that changed what they did because that was extremely, extremely painful for the community because you don't control the water and the sewage and then the money for the taxes – let me just make it clear to this Board, your schools aren't going to get a dime of this money, not a cent of it because we're not in your district. We don't get represented from you for water, for sewage, for police, for schools. You're not getting that money that get redistributed by the county for what you're doing in that community. It gets redistributed for the districts that actually support that community so you're making a decision that you're not supporting the community in. So I just ask you once again follow the comprehensive plan, wait for a comprehensive plan to come through and let's go ahead and, and move forward with the community with you versus us fighting you every step of the way for all these type of buildings that are going up. Thank you.

Franz All right. Thank you. Is there anybody else who'd like to comment? Mr. Price would you like to respond?

Price Um, just, just to clarify, as you, as you all are aware, Mr. Triscari lives in the Saratoga subdivision which is, uh, a couple miles north of this proposed, uh, development and he's talking about the, uh, alleged impacts of the VanTrust development on the Saratoga subdivision and it's something my, my office tracks and we've tracked it since 2018 and, uh, the property values in Saratoga between 2020 and 2022 increased by 12.86% in that period of time and that marks the, uh, 1, 2, 3, it's the, uh, fifth consecutive year that those property values, uh, have systematically increased and those are based on recent sale data, uh, from '19, '18 and '20, uh, that show that those properties are being sold for substantially higher, uh, than their assessed valuation and that is just a fact. There was never any testimony from any independent real estate broker that said anything about property values, uh, being damaged by, I think the amount he said was \$700,000 to a million and, and we have said this repeatedly over the last four years, uh, that those statements are not supported by fact and, uh, and they're, they're simply not and, again, today, uh, there's simply no evidence being put forward, uh, to suggest that there's anything to support, uh, those statements. I might also add with regard to that project which he is speaking about, Mr. Triscari was the lone remonstrator during those remonstrance, uh, hearings during the rezoning process. He was the lone remonstrator. Uh, the, the neighborhood of Saratoga did not remonstrate against either the initial rezoning or the second rezoning and, and, Larry, I, I understand there were, uh, comments made about the buffering along County Road, uh, 400, that was part of the development plan process and, uh, at least the folks that I heard speak, none of them were from, uh, Saratoga and those were addressed, uh, by the Plan Commission. Uh, with regard to the tax impact, it's also simply not true. It, it is accurate to say that the Zionsville School Corporation does not have jurisdiction over this area but this is an area that is an overlapping tax district with the Town of Zionsville and so for every tax dollar that Prologis and Browning pay, it's one less tax dollar that somebody on Main Street has to pay and that's been one of the reasons why, uh, these projects have been very solidly supported by the Plan Commission and by the Zionsville Town Council. They represent significant, uh, economic development, uh, projects that benefit our community with very little expenditure of resources. Uh, for example, State Road 267 is a state highway. Zionsville does not pay for the maintenance and improvement of State Road 267, uh, and, and this offers an opportunity to

diversify our tax base in a location where we provide minimal services but nevertheless get to collect, uh, property taxes and, uh, that's been one of the compelling features of this arrangement in having, uh, jurisdictional reach that extends west of, uh, State Road 267 and west of I, uh, 65. Um, I, uh, uh, I think that's responsive to Mr. Triscari's comments. I'd be happy to answer any questions that you all have as well.

Franz All right. Yeah, come on up. What's your response?

Triscari Okay, so I, I can tell you for a fact that's absolutely incorrect as far as the money and the property. I don't know where he's getting his numbers but I know what my neighbors sold their house for and what the square footage was and what the neighbor down the, the road sold their house for before in 2018 and what they got per square footage for. That response is completely inaccurate, especially when the landowners, it's their obligation to go to the county and determine whether or not the value for taxes of their houses went down. They actually have to instigate that. It's not, you're going to get taxed higher and higher and your house is going to get taxed higher and higher each year since I've been, since I've been here but the Town and the county did see the devaluing of property. I'm a proof of that. I mean my, I got a check back from the county based on that. My assessment was made by the county and it was shown that it was devalued so whatever he's saying here about how the prices went up like 12%, it's a lie.

Price 12.86.

Triscari Okay, great. But it, it's not reality on the ground. Just like the noise is, that, that we have and you're going to be working until 10:00 is gonna, is, is, is what you do. It's not what happens on the ground and we live there. As far as the tax base, when we reorganized with Zionsville, we had, we had an agreement of what we were going to put our tax money into in that area and that agreement was fire that we were going to put our tax money into, into it. I think there's parks and there's administrative costs because we got you a new mayor for the Town based on, on us, us coming, coming there. Schools aren't getting a cent of this money, Zionsville Schools, because they're not in our, our tax district for that. Lebanon School Districts are. Matter of fact, we just voted just recently last week to increase the taxes on, on those, those buildings based on it for the schools and one question that came up was would they be taxed even if the Town, even if the Town of Zionsville gave them remission of tax, of taxes and the answer was absolutely because they're not in that tax base. You can't, you can't prevent those, uh, not getting those taxes if you're not going to get those taxes to begin with. The money that you're not going to get, the 50%, is what we agreed on – the fire, the, the administrative, uh, costs and, and, uh, the parks. That's what Perry Township came into agreement with you in 2015 when we were paying our taxes. Whitestown wanted to tax the hell out of us, you guys struck an agreement with us on that and you also accepted the comprehensive plan at that time which you guys signed which is on your website today so if somebody wants to buy property in that area today they would see that it's protected and that's not the case. That is absolutely not the case here. So basically from all the things that, that, that you were talking about it has not occurred in our area. And one other thing, the 17 people that he talked about, Craig was the lone remonstrator, I was the only person that wouldn't sign the agreement with Whitestown for water and

in that agreement made by, you know, some of the lawyers that were, were in here was that you would not remonstrate. You want water, you don't remonstrate. I have emails that say you won't, you don't pay the lawyer fees to get this, you're not getting water.

Price That's not an email from me. I don't know what you're talking about.

Triscari Not, I'm not saying from you but I'm saying I got them from, from individuals in the community. They were scared because all this development was going in and it was damaging the, the wells in those systems, in those areas, again, was not part of the comprehensive plan and they needed water and that took forever to get and there's some laws that changed based on, on, on that requirement and that did not go smoothly, by the way. That was anything but smooth but I would ask anybody on this Board to knock on any of those doors in Saratoga and ask them what they think about this development now. I, I would ask any of you to go out there and do that and they'll tell you what they think of that.

Price It's, it's just fundamentally wrong. He doesn't understand the way the property tax system works.

Franz All right. Let's, let's, um, let's –

Triscari I talked to the Mayor – the financial person in, in Zionsville [redacted]
inaudible off microphone 1:05:13

Franz All right. Please, please, please. Thanks. At this point in time I'm going to close the, this portion of the public hearing and, uh, staff report please.

Kilmer Thank you. Um, Mr. Price did a, a nice job of summarizing the, the two petitions – the rezoning and the, uh, commitment amendment. As previously stated, the request is to rezone 40 acres, um, from the AG to the rural light industrial zoning district. This rezoning is very similar to the rezoning that was done back in 2020 for the adjacent, uh, 76 acres immediately to the east of this subject property. As mentioned, the, the desire by, uh, the petitioner is to expand the rezoning to accommodate larger buildings then will, then what was previously proposed. The difference between now and what happened back in 2020 regarding the rezoning I would say just is that there has been increased dialogue between the Town and residents of Perry Township and, and that is, I would say the driving force behind the proposed comprehensive plan revisit, uh, to look at this area. That would, that is, uh, again, my, my summary of what has changed between, between then and now, um, so staff feels somewhat handcuffed because we, we know what the current comp plan says and shows and recommends. We also know what, uh, residents of the area are seeking. That's a big reason why, why we were requesting continuance of the case. Uh, as for the traffic impact study, there are items there that, uh, uh, I'm sure as, uh, the Plan Commission has done in the past where projects may be approved subject to, um, completion or satisfaction of items within, within the comment letter – that could possibly be done in this case as well.

Franz All right. Thank you. Do you have any – is that it?

Kilmer Yeah.

Franz Okay. Um, at this point in time any members of the Plan Commission have any questions/comments?

Lake Sure. Mr. Price, can you step up please?

Price Yes.

Lake Uh, so your client currently owns that 40 acres?

Price The 40 acres?

Lake The 40 acres?

Price No. My client has that under contract.

Lake But it's under contract?

Price Yeah.

Lake So, the landowner is willing to sell that knowing it's going to be industrial.

Price Yes sir.

Lake And there's no, um, no residential immediately abutting?

Price Correct.

Lake Okay.

Price In, in our project, one thing I forgot to add and I, I apologize is that, um, this project is in some ways grandfathered in as far as a water service and utility service by Whitestown. They're viewing it as a modification to an existing project that they agreed to serve so they're agreeing to serve this in its totality – my understanding is they are not agreeing to serve anywhere else in the unincorporated, or in the, uh, incorporated area by merger, uh, at this time.

Lake Yeah. So where I was going my logic and I don't disagree, Roger, that there are residents who are expressing concern about what's going on out there. You have an existing project that was approved that is looking at an expansion, you have a landowner that is willing to sell that land knowing that its use will be industrial, it does not have any residential immediately surrounding it and so that's where I was trying to go with that. I, I fully believe that we need to have well done comprehensive plans that we need to follow, um, we have one that obviously suggests ag but we then approved, a, an industrial right, you know, in that, in the current parcel, um, and any other petitions have, uh, allowed for that rezone to industrial as well so that's where I was going.

Franz Related to the utility request though you brought up the utilities – so that piece of property that's going to be just west of it, it looks like it's about the same size as

what your parcel will be once it's completed, uh, if you get this approved – are you saying that there's no commitment for utilities on that property from Whitestown?

Price Right. So, uh, this 40 acres is taken from a larger tract, uh, of about 117 acres so the remaining, uh, acreage so the 117 minus 40 that remaining acreage there's no commitment for utility service. And I, I believe that is the, based on conversations we've had with the Town of Whitestown on this property and other properties in the Zionsville jurisdiction, that they are not making any commitments to serve utilities outside of preexisting obligations and they viewed this as a preexisting obligation.

Franz Okay. And the traffic study, which, which of the entrances did you say were most likely going to end up with lights?

Price So it's the, uh, central entrance – it's the only full entrance off of, uh, State Road 267. It's the one that lines up with the Becknell project to the east.

Franz Okay.

Price And the intersection itself and those discussions have been progressing with INDOT now for a couple, couple years because, uh, I believe it's felt that regardless of anything happening in Zionsville west of 267 that there's going to need to be a signal out at the intersection there, uh, because of, uh, background traffic levels.

Franz Okay. Does anybody else have any questions?

Jones Are the comments in the, uh, traffic study correct? The Exhibit 6? Is this typical Roger that this kind of information will get filled in later?

Kilmer Are you speaking specifically of the traffic?

Jones Um –

Kilmer Because we did, did include three different comment letters.

Jones I'm reading through the Boone County letter and then the, uh, the letter back from John Berry.

Kilmer Your question is are these typical?

Jones Are they typical – the fact that building sizes don't match with previously –

Kilmer Admittedly, I don't have a lot of experience with traffic impact studies, um, as I read through them, they do appear to be items that, that could be resolved, um, subject to, uh, approval being granted subject to, to these being resolved.

Jones Matt, I hear you talking about a light there at the, uh, well at the 4-way intersection but what's going to happen down at 550 and 267? Is that addressed in here?

- Price It is, um, the traffic study recommends signalization of that intersection as well and the approvals both on the east side of the street and our prior approval both contemplated the geometry for a signalized intersection at that location.
- Jones So then who bears the cost to update 550?
- Price So, what's contemplated is, if, um, um, if the developer seeks access on the County Road 550 that they would bear the cost of the improvements to County Road 550 and, but my understanding is that's the same arrangement that, um, Becknell has to our east.
- Lake That access right now is just speculative as far as southbound.
- Price That's right.
- Lake South curb cut.
- Jones The south curb cut that's to the west edge of the property?
- Price Yes that's correct.
- Jones But when you look at your traffic flow off the proposed light there at the middle of the project on 267, I don't know, uh, building number, let's call it building #2, the building to the south, I'm just hard pressed to believe that those vehicles are going to, the semis are going to leave that, go west, go north, go east, go through that to get back to that light. They're going to want to go out to 550 South.
- Lake It just won't be connected day one. They may want to do that, but –
- Jones May want to do it, but – but it's on the plan we're approving.
- Lake Uh, as uh, future accessible.
- Price And we, we would be willing to make that, I mean, it's the intent, we would be willing to make that conditioned upon approval during the development plan approval so you'd have another bite at that apple when you saw a real proposal.
- Lake Okay.
- Franz Anything else? If not, is there a continue, not a continuance but is there a motion on this matter?
- Lake I move that Docket Number 2022-19-Z, a Petition for Zone Map Change to rezone approximately 40 acres from the Rural General Agriculture (AG) Zoning District to the Rural Light Industrial (I-1) Zoning District with Commitments receive a favorable recommendation based upon the Findings in the staff report as presented and subject to the approval of Docket Number 2022-20-CA which incorporates Commitments onto the subject property and, uh, reconciliation of the staff's comments relative to, uh, the traffic impact study.

- Franz Is there a second?
- Grabianowski Second.
- Jones Did we –
- Franz We have a second. Is there any further discussion/comments?
- Jones Did we pick up anything regarding this access off of 550?
- Lake What will we want to say there?
- Franz Well, you, you were saying that would get addressed in development plan, right?
- Price What, what I was saying, um, um, Mr. Clutter kind of glared at me when I said it so maybe I didn't say it right – what I meant to do is say that we would make any access to County Road 550 conditioned upon that being approved as part of the development plan. So that you would actually see an actual building and the internal traffic flows and then you could decide at that time if that was appropriate.
- Franz Okay.
- Jones And then the cost to upgrade 550 from that access point out to 267 will be borne by the developer?
- Price Yes.
- Clutter Does that include signalization if warranted?
- Price Uh, I believe we have a, um, a cost-sharing for that since we're not the only ones affected.
- Clutter Right. Okay.
- Franz All right. So we, we have a motion and a second. I don't think we have to add anything to it. Um, any further discussion on this? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.
[No response]
- Motion carries 6-0, it's approved.
- Next on to the commitment modification.
- Price Mr. President, I, I don't want to interrupt you but one thing I think we do need to do is we sent notices both by certified mail and first class mail.
- Franz So it was a mixture on both of them?

Price We, we, uh, we actually, uh, did an initial set of notices and then within the time period noticed that, uh, that there may have been a couple other folks that needed to receive notice so out of abundance of caution we just resent the entire notice.

Franz Okay. Is there a motion to accept first class mail as, uh, appropriate acceptance for notice?

Walker So moved.

Franz Is there a second?

Lake Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

All right. That's approved. So, next we have Docket 2022-20-CA. Is there a motion on this one?

Lake Um, I move that Docket Number 2022-20-CA, the Petition for the Commitment Amendment to Modify Commitments reported in the Office of the Recorder of Boone County, Indiana as Instrument Number 2021003808 to allow for a modification of Exhibit A, the legal description of the real estate, to incorporate the 40 acres involved in the current companion rezoning petition 2022-19-Z and modify Exhibit B, the conceptual site plan receive a favorable recommendation as presented with the recommendation being certified by the Town Council for adoption or rejection.

Franz Is there a second?

Jones Second.

Franz Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

The motion also carries. Thank you very much.

Price Thank you Mr. President.

Franz Mr. Lake you read the proceedings better than I do.

Lake I just thought if we could get through it, we might as well try and get through it.

- Franz All right. Next on the Docket, if I can find my agenda, um –
- Kilmer Excuse me. The petitioner from the first hearing that we skipped over is now online.
- Franz Okay. All right. So let's go back to 2022-15-RP.
- Sundling Good evening. Can you guys hear me? Phil Sundling here.
- Franz Uh, yeah, we can hear you. It's a little light. Can you turn him up a little bit?
- Sundling Is that any –
- Franz Is that the best?
- Sundling Is that any better?
- Franz All right. We'll proceed.
- Sundling I'll talk loud, so. Uh, good evening members of the Plan Commission. First of all, I greatly appreciate your flexibility on the agenda. We, uh, hosted a neighborhood meeting here at Holliday Farms tonight, uh, lingered far longer than we anticipated so, again, thank you for flushing us out of the prime time spot of the agenda, um, this petition is pretty straightforward. Essentially a replat to accommodate two goals: uh, the first of which is to reduce the front yard setback from 60 feet to 30 feet on Lot F28. Uh, note that the minimum front yard setback in the PUD, um, is 25 feet so it's still an increased setback from generally the rest of the lots at Holliday Farms. Uh, the reason were initially set this back at 60 feet was to allow homes to push back a little further to the golf course. Let me see if I can share my screen here. Can you guys see that?
- Franz Yes
- Lake Yes.
- Sundling So this is, uh, this is the design file the, um, grading and, and utility plan but the lot we're talking about here is on the left side of the screen so these are some of the, the deepest lots at Holliday Farms, F28 through 31, um, and you can kind of see on the rears of these lots there's a big ridge, um, so the goal with pushing the setbacks further back, um, was to push the homes further back so they can get views to the south overlooking hole 7. Um, so this particular lot had a 60-foot setback. To the east of it is an 80-foot setback and then there's two that are 100-foot setback. Um, the region, the reason for the staging is to, from a streetscape perspective if you're at a 25-foot normal BSL and you bounce back to 100 foot it kind of looks silly from the road so, generally when we do additional setbacks we try to stairstep it a little bit. Um, in this case, the petitioner, the, the property owner for F28 they want to do a port cochère. So the port cochère actually, but generally the home sits about 60 foot BSL but they want to drive under a port cochère so that extends into that 60-foot BSL and essentially reduces it to a 30.

Um, the second part of the replat came from a change to the stormwater design in this area. These lots, the road sits up a few feet higher on these lots so the homes traditionally you'll see homes the finish floor elevation sit about 2 or 3 feet higher than the road. With these being set so far back, um, and having walkout basements, the finish floor is actually a little bit lower so what we did from a design perspective, we put an open swale on the, on the front of these homes that would outlet to, it flows westerly in an outlet to the west side of F28 here in this ravine, so the F28, F29 and F30 the homeowners got together and they requested that in lieu of doing an open swale, uh, they asked us if, if we'd be willing to pipe, enclose that and pipe it and outlet it to the east side of F28. Um, Cripe handled that design, we sent it through engineering review. I think they've sent comments back which are going to get addressed, they're pretty minor. It's a pretty straightforward change. Um, so this, this replat on F28, in particular, accommodates that, that revised drainage easement here on the, on the east side of that lot. Um, I think that's, that's pretty much it. I'm happy to answer any questions you guys may have at this time. Thank you.

Franz All right. Thank you. Is there anybody in the public who would like to comment on this matter? If not, are you handling it, Roger?

Kilmer Yes sir. Mr. Sundling laid out the, the, uh, requested petition clearly. Again, they're looking to reduce the platted 60-foot front building setback line down to 30 feet. Uh, it should be noted that the minimum, uh, setback front building setback line in this area would be 25 so they are still exceeding that, uh, requirement, they're just looking to reduce from 60 to 30 and also to address these drainage items that, uh, were not originally, um, covered on, on the recorded plat so we're looking to include those and incorporate those changes. Um, staff doesn't have any other comments at this time and I'd be glad to answer any questions you might have.

Franz All right. Thank you. Is there any questions/comments on this? When the other lots are built on are they going to have to come back and do the same thing?

Sundling No. There's no revisions to any other setbacks on these. F29 is already approved, it's under construction. F30 is already approved and F31, I believe, is already approved. None, none of those are requesting, uh, BSL adjustments.

Franz All right. Any other questions/comments? Is there a motion on this matter?

Lake I move that Docket Number 2022-15-RP, a Replat Petition to modify the location of the platted front building setback line and to memorialize easements not previously shown on the recorded plat of Holliday Farms Section 2, Lot F28 being in the Planned Unit Development (PUD) Zoning District be approved based on the Findings established at the public hearing subject to the resolution of items noted within the engineering comment letter Exhibit 6.

Franz Is there a second?

Walker Second.

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

- All Aye.
- Franz Opposed by nay.
[No response]
- Motion carries 6-0, granted. Thank you very much.
- Sundling Thank you guys.
- Franz All right. Next item on the Docket is 2022-17-DP, Auto Potenza/Aleman Realty/Auto Potenza, 7845 South Indianapolis Road, Zionsville, Petition for Development Plan Approval for an auto repair business including a new structure of approximately 3,600 square feet on a 2.02-acre site zoned Rural Light Industrial (I-1). Petitioner please state your name and address.
- Grove Michael Grove, architect representing the, uh, owners, uh, 2461 Quiet Way, Indianapolis.
- Franz All right. Please proceed. If you would, please try to speak in the –
- Grove Oh.
- Franz Mic a little better.
- Grove There, is that better? Yeah, okay. So as stated in this, we're, uh, proposing a 3,600 square foot repair facility, one story with a mezzanine area, uh, also including four lifts and one area for alignment. So that's the extent of really what's in the building. Uh, as you can see, it's, we're covering the building with, um, a hard cementitious, uh, siding system. Also, we have, uh, a split-face block up along the perimeter up to 30 inches for, where the, uh, siding starts. The lone signage is on the front of the building as shown along with the dimensions which we've discussed with the, uh, the committee. Additionally, the photos that were included are to, uh, give you an example of showing the siding, several different buildings that we're going to use plus the colors which are included as far as the roofing. All the, uh, lighting. The site is basically on the building, um, at the top soffit areas, only on the front and aiming down toward the parking area directly in front of the building. So there's no other lighting going away from the building toward other properties. This is a unique site because, as you see, it's kind of shaped like an arrow and, uh, it's bordered on one side by I-65 and the other by Indianapolis Road, which Indianapolis Road then crosses under I-65 right at the south end of the property. So basically we have only one, uh, property owner to the north – everything else is surrounded by public ways. I think one of the things we discussed is and that we wanted to talk about today was the, uh, the usage of our existing trees, shrubs, everything that's on the site, uh, as the buffer yards since the entire site is surrounded by trees and, uh, as you look at the, the, uh, drainage plan you'll see the new detention area which is, will be a grassy detention area at the far south end and all drainage, new drainage from the building and the parking areas will be directed to that area and then slowly from that point over to the existing, um, uh, area that runs along Indianapolis Road going south – that drainage area, the highway drainage area. Um, that whole area

is totally covered now with trees and so once we get into that area and we start to make the, the number of trees that we're forced to take out relative to, uh, create the detention area then after that it's our intention to keep as much as possible. We're trying to eliminate cut down anymore trees than we possibly have to in these areas. Um, I do have some photos I brought just to, if anyone who is not familiar with this, just to show the, um, the area along Indianapolis Road. As I'm sure, you're probably familiar with it just to show the area along Indianapolis Road as I'm sure you're probably familiar with it, just to show you the area of inaudible off microphone 1:32:01 along here.

Walker

Right.

Grove

It's like dense. It's, so it's just, which is great because it really is the, really just natural buffer for, uh, for the property. And I think one of the things we wanted to achieve was to be able to utilize this in lieu of just creating a new buffer area based on what has been or, or they have talked to which are, is required. Um, I think beyond that the other issue I think that we're in a little conflict with is the fact that there is, uh, in the code the requirement for a concrete walk or other path, mostly I think asphalt, along the property as it borders on Indianapolis Road. Um, I think our objections here are that the property goes down to a point and then it becomes overpasses for 65 so we don't have a continuous neighbor or anybody to the south. So if we put something it would go to a point and stop and there would be no continuation. There's nobody could walk on, beyond that without crossing an area that's uninhabited. Um, the other thing is that with the drainage and with our reconfiguration of the ground and the amount of trees we have and the distance back to the drainage area along Indianapolis Road plus, uh, where the right-of-way is to actually get a path to fit in there is going to be a problem down at the far at least southern half of this property. Um, the northern half as you approach in, those trees area there has been thinned out before and it's wider so there is some ability to get a pathway from the north end at, at the driveway and approximately about 100 feet to the south before it starts to narrow up and I think we'd be open to doing that and then that could be continued to the north whenever the property to the north is developed and they're going to add anything they could connect at that point. But beyond that, I'm not sure if there, at this point if you have any other questions.

Franz

All right. Thanks. Um, is there anyone in the public who would like to comment on this matter? If not, staff report please.

Baker

Thank you. Um, I think the petitioner did a good job summarizing the, uh, report. Um, as Mr., uh, Grove had stated, this is a request to operate an auto repair shop. It's in a preexisting, uh, single-family home with an addition. Um, they previously earlier this month received Board of Zoning Appeals for a reduction in parking which was approved, um, I think really the only concern or issue that the staff had was the recommendation, um, by DPW to provide a sidewalk or a pathway, um, assuming along the right-of-way and what, um, the petitioner has, uh, stated as maybe deviating from that, um, going inside the property, um, with easements or of some sort and staff hasn't really seen any site plan or something that actually shows what is being proposed. Um, but besides that, as long as the petitioner addresses all the, um, the comments in the letter, um, is in favor of this request.

- Franz All right. Thank you.
- Grove Let me clarify one thing – uh, one thing she made a comment – this building is not an addition. The initial house that was there is, is a separate entity. This building is separate it not attached to it.
- Franz Okay.
- Grove Um, the other issue is that, uh, as we talked, we actually started out and we show, uh, a way or where we show a path on our plan but because of the density and whatever, we can't determine the actual direction that that may have to take. We figure if we continue on down that way we will have to interwork it back in and around the trees and on away from the right-of-way area to get it to fit.
- Franz Okay. At this point anybody on the Plan Commission have any questions/comments?
- Lake I think my only comment which isn't necessarily in our purview, but as one architect to another, I'd hope that you're going to back ventilate that, uh, hardy plot, that hardy board because otherwise after about three years it's going to warp and look really bad.
- Grove Oh yeah.
- Lake Like every residential building in downtown Indianapolis right now.
- Grove Absolutely.
- Lake Uh, so, if you can detail that with some good flashing and some furring strips that would be appreciated.
- Grove I was trying to think. It seemed like there was one other thing I was going to, um, I did, oh, and one other thing I wanted to mention on C1 you'll see that we documented every tree within the continuous area totally around all the way down to where it just becomes a total density to wherever the detention will finally be and we document what they are and, uh, just to give you an idea as to how many there are.
- Grabianowski I drove by today and it definitely is wooded.
- Franz Yeah.
- Grabianowski You couldn't hardly see the house.
- Grove Right.
- Walker And I drove by yesterday, so, yeah.
- Jones Um, do we have the right or the ability to waive things like sidewalks at this level?

- DeLong I don't believe you have that as a part of your development plan approval process. What you've done in the past is you may have timed that installation. For example, that the development plan had a note added to it that said this, this sidewalk would be added, uh, once an extension reached this piece of property as to not have a public works installation occur and 10 years later it's decayed enough that it needs to be replaced without any, without any public benefit.
- Clutter Right.
- Franz Okay.
- Jones So there's a way to kind of craft a motion that kicks it off to never.
- Lake And I do think, and I do think too, I mean, DPW has to physically go look at this because there's not a place for a sidewalk.
- Jones No.
- Lake Nor would it be used.
- Grove Actually the closest thing you've got is the pathway at the baseball park. There's one in front of it and from that point on there's nothing on that side of the road.
- Franz Okay. All right. Any other questions/comments? Is there a motion on this matter?
- Jones Uh, sure, let's see if we can get this. Uh, I move that Docket Number 2022-17-DP, Development Plan Approval for the auto repair business including a new structure of approximately 3,600 square feet on 2.02 acres zoned Rural Light Industrial (I-1) be, uh, approved as presented with conditions as noted in the staff report and based upon the Findings of Fact (1) Subject to the Town engineer, ZFD, Boone County Highway comments I'm going to say 5, 6 and 7 but is there one I want to modify in there?
- Lake I think you can just do it as its own amendment at the end.
- Jones Hmm?
- Lake I think you can just do it as its own amendment at the end.
- Jones Just do it as a – okay.
- Lake Yeah.
- Jones Subject to, uh, Exhibits 5, 6 and 7 and then (2) Um, installation of sidewalk will be subject to, uh, the extension to the property by the, by similar sidewalk at the time that that walk is installed. Does that make any sense?
- Franz From adjacent property owners.
- Jones From adjacent property owners.

Franz Is there a second?

Lake Second.

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

All Aye.

Franz Opposed by nay.
[No response]

Motion carries 6-0. Thank you very much.

Grove Thank you very much.

Franz Uh, next on the Docket is 2022-23-DPA, Topsy Mermaid, um, 135 South Main Street, Zionsville, Petition for Development Plan Amendment to Docket 2021-10-DP which addressed the renovation of an existing building for a restaurant use. The Amendment is to address the expansion of the building's footprint, a 1, a 0.17-acre site is in the Village Business (VBD) District. Please proceed.

Rausch Uh, good evening. Thank you for the opportunity to, uh, visit with you tonight. My name is David Rausch with an office at 170 South Main Street in Zionsville. Um, we're here in front of you, uh, this evening. You may remember about a year ago we stood here with, uh, the same property and, uh, during that time have, um, revisited a number of, um, problematic issues relative to the, the project and some constructability issues with the existing building and have as a result, sort of turned the development plan, um, around a little bit and we think, uh, we're, of course, biased, but think that the project is stronger, uh, for that. So, um, without dwelling on the past but talking about what's in front of you this evening, uh, we are effectively going to reposition the property, uh, by, uh, renovating the existing and the original two-story, uh, home structure that was originally built as a home and formerly Serenity restaurant and there are a couple of single-story additions that we were trying to renovate, uh, previously and we'll now be demolishing those in favor of a more robust, uh, kitchen addition on the south and a dining and bar addition to the, uh, I'm sorry to the east, and a dining and bar addition to the, to the south. Um, we'll be taking out the, as we were before, the large evergreen tree, um, in the patio and, and expanding the building into the patio to within about 5 feet of the south property line. Um, as such, we will also be redeveloping the entire, uh, rear or east part of the property from the building to the alley with, um, cleaning up the parking, uh, lot and expanding the spaces from its current six to a total of 10, um, and also include an adequate, um, dumpster or refuse, uh, container screens. Um, the, uh, front of the, the, the streetscape, if you will, of the, of the, the project then utilizes the existing porch for, uh, covered dining and then the, the, the space between the porch and the property line, which is also the wrought iron fence, will be, um, repaved with salvaged bricks. Currently it's about 50% paved. We'll pave all of that so we have a nice, um, comfortable outdoor space, um, in front. The building itself then is going to be, uh, more of a, of a, I'll call it a restoration. The asbestos siding on the building will be removed. The clapboard siding that's underneath of it will be

restored, uh, first indications are that it's in relatively decent shape. Um, and then our addition is effectively a larger, um, if you will, extruded form to the south and will include the new entrance, uh, dining and bar, um, and then all of the service areas will be on the east side of the building which will be, um, concealed from Main Street by the, um, story and a half, uh, roof that, that we're extending. Um, I think the package probably speaks for itself. Um, I'd be happy to, um, ask, receive questions or comments as you may have them and thank you.

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

Kilmer Thank you and when Mr. Rausch says it's been almost a year, it's almost a year to the day if we would, if we would be meeting tomorrow it would've been a year that this, uh, original development plan was, was approved. Um, as he gave a very good, uh, summary of what is being proposed. Uh, essentially the, the building's footprint is growing and by doing that, uh, I'm pulling it from conversations we've had over the past year, the building is becoming, uh, uh, more economical to, to operate. Uh, it's becoming more efficient. Um, they have also been able to increase the parking on the, on the rear of the building, uh, which is, which is a positive. Um, the proposed architecture of the building staff is in support of it. Um, this project in the, in the 12 months has gone through a number of different, uh, revisions and evolution and, uh, staff is supportive of this proposal before you this evening. I'd be glad to answer any questions you might have.

Franz All right. Thank you. Is there anybody on the Plan Commission with questions/comments?

Madrick My only comment is I'm kind of excited about it.

Lake And I will say the owner and, and architect did meet with, uh, myself and I think, Larry, you were there as well, uh, to talk through kind of what they were doing to make sure that they kind of got some of our comments upfront and those have been incorporated so we appreciate that effort to do that ahead of time.

Rausch Thank you for the time and I, uh, realized I made an important misstep here tonight in not introducing building owner, Greg Merrill, and the operator, Sherry Jenkins, my colleague, Darin Lanich.

Franz You've got a screening fence between, I guess it's you and the, the Brick Street Inn?

Rausch Yes.

Franz I'm just curious why that, that wasn't there originally – was that there on the original plan or was that an addition?

Rausch Um, I, I believe it was there on the original plan but I'm going from memory. There's an existing, um, cedar fence that comes up about halfway up on the property and our plan is to go ahead and extend that, uh, because we have a, um, our accessible parking space and our accessibility to the building is going to

come from the east parking lot up the side and there will be actually a grade change on our sidewalk to the adjacent property of about 18”.

Franz Okay.

Rausch So our belief was to extend that fence up to basically the face of the building, um, that will allow for a more comfortable grade change and sort of continuity there.

Franz All right. Any other questions? If not is there a motion?

Lake I move that Docket Number 2022-23-DPA, a Petition for Approval of a Development Plan Amendment to permit a building renovation and building additions on a 0.17-acre parcel located in the Village Business District (VBD) be approved based on the Findings in the staff report and staff recommendations, the submitted Findings and subject to resolution of outstanding review items identified by the engineering review letter and Exhibit 5 of the staff report.

Franz Is there a second?

Madrick Second.

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

All Aye.

Franz Opposed by nay.
[No response]

Motion granted 6-0. Thank you very much.

Rausch Thank you.

Franz Last on the Docket, um, I believe, um, Docket Number ACT-2021-72, RLL Racing at 10771 Creek Way, Zionsville, Minor Development Plan Amendment to Docket 2020-41-DP, for the relocation of staff parking spaces, the relocation of the secondary gate access and the installation of an RV port. Um, Roger, Wayne? Roger?

Kilmer Yes sir. Thank you. Staff just wants to bring to the attention of a minor development plan amendment to Docket Number 2020-41-DP. This is the RLL Racing Headquarters. As you may recall, the development plan that was originally approved proposed a secondary access from Bennett Parkway across a parcel connecting to the RLL site. The location of that proposed drive changed over time to, it moved south, so where that drive now intersects with the RLL site, that made the required, or required adjustment of parking spaces being relocated, the gate that is on that side of the RLL property to be relocated as well as some trash enclosures. They were all relocated to accommodate this new point of access. Additionally, um, in, in the process of the construction, RLL requested that they add, that they be approved to incorporate an RV dump port. Um, if you may recall, part of their operations is taking RVs to different racing locations. These are provided as hospitality areas for the driver, for employees for, for, um,

different corporate reasons. When they come back to their headquarters they are looking for a place to dump what may have been stored in the RVs, um, DPW has gone through and reviewed this and they have no problem with the addition of this dump port. Uh, as staff reviewed this, it was determined that everything qualified as a minor development plan so we're just bringing this to your attention that this permit has been issued. I'd be glad to answer any questions you might have.

Franz Anybody have any questions?

Jones And they have worked out a way to get semis in off of the backside?

Kilmer Yes sir.

Jones So didn't we make a modification?

Kilmer That was a development plan amendment to the Triphase parcel – it goes across the Triphase property and there is a, a curb cut that's been approved and constructed on that parkway. So, yes, the service vehicles including a transports will be accessing the RLL site from Bennett Parkway across the Triphase parcel.

Jones Okay. I thought at one point we made an additional curb cut off of, uh, 106th.

Lake And that was rescinded.

Kilmer That was, that was essentially forfeited when, when the Bennett Parkway option became available.

Lake Yeah.

Jones Okay.

Franz All right. Anyone else? Is there a motion to adjourn?

Grabianowski So moved.

Franz Is there a second?

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz Thanks a lot.

Walker See ya tomorrow.