

Zionsville Plan Commission
May 17, 2022

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

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

Franz I call to order the special meeting of the Zionsville Plan Commission of Tuesday,
May 17, 2022. Please rise.

Lake Larry's not here. He went to the restroom.

Franz Oh, okay.

Clutter Here he is.

Franz Please rise and start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Wayne will you please take roll for the last time?

DeLong Certainly. Mr. Franz?

Franz Here.

DeLong Mrs. Grabianowski?

Grabianowski Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mrs. Walker?

Walker Present.

DeLong Mr. Lake?

Lake Present.

DeLong Mrs. Madrick?

Madrick Present.

Franz We have all six members present. Um, on the docket tonight we have 2021-71-
DP, Union Woodlands/Silverthorne Homes/Union Woodlands, 11281 and 11589
East 200 South, Zionsville, Petition for Development Plan Approval for the
development of a 160.92± acre site to accommodate 179 single family residences
with ponds, associated infrastructure, and a park in the Rural (R3) Rural Single-

Family and Two-Family Residential and Agricultural (AG) Zoning District. They have requested a petition, uh, a, uh, continuance to the what would be the June 22, 2022 special meeting. Is, I don't know if we have to, do we need to, do you guys want to hear what he has to say or are you guys ready to vote?

Grabianowski If you want a continuance I'm good with it.

Franz So it's pretty self-explanatory in the, in the, in the letter but go ahead if you want to go ahead.

Downey Uh, good evening Plan Commission members, uh, Sean Downey, Senior Director of Engineering, Silverthorne Homes, uh, office located at 9225 Harrison Park Court, Indianapolis, Indiana 46216. Um, as you have before you, we issued our written request for a continuance, um, as part of the rules and procedures. I'm just here before you this evening just to make an in-person request. Um, as you all are aware, you, you asked that we go back and talk to TriCo. With the quick turnaround on plans and materials needing to be back in staff's hands, we weren't able to have everything in place so we're just asking for a continuance to the June meeting, so.

Franz All right. Thank you. Um, any discussion on this? Is there a motion to continue this to the June 22, 2022 special meeting?

Grabianowski So moved.

Franz Is there a second?

Walker Second.

Jones Second.

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

All Aye.

Franz Opposed by nay.
[No response]

Motion carries. We'll see you next month.

Downey Thank you.

Franz Thank you.

Kilmer Mr. Franz, if I may, just to reiterate to the, to the petitioner you did state it a couple of times, the meeting next month will be on Weds, it'll be on Wednesday, June 22nd not Tuesday the 21st. You, you had requested the 21st.

Downey Understood.

Kilmer Yeah. Thank you.

- Franz All right. Thank you. Uh, the next item on the docket Continued Business 2022-07-Z, Promontory PUD Rezoning, Henke Development Promontory Planned Unit Development, 9825 Windy Hills Drive, Zionsville, Petition for a Zoning Map Change of 321.48± acres from the Rural (AG) General Agriculture Zoning District to the (PUD) Planned Unit Development Zoning District to permit a single-family residential development. Please proceed.
- Price Thank you, Mr. President and members of the Plan Commission. Uh, thank you, first of all for, uh, holding this special meeting tonight and allowing us to make this presentation. Uh, I'd like to bring you all current since the last meeting. Uh, we made a number of revisions to the Planned Unit Development ordinance as well as a key exhibit to that ordinance, uh, which is the Concept Plan that we, uh, provided a, an enlarged copy of, uh, just before the hearing tonight. It's identical to what's in your packets, uh, and identical to what was submitted as, as part of the last, uh, submittal. Um, the, the major change to the Concept Plan was to, uh, demarcate the location of the amenity areas and to create really free sub-areas, uh, for those amenities which we have identified as, uh, the equestrian development amenity area, the open space development amenity area and the lakefront and meeting space development amenity area and those are delineated, uh, in the, uh, Concept Plan exhibit to show exactly where the uses which fall within each one of those categories would be located and so, uh, on the western, uh, part of the project is where the equestrian development area is located, uh, the lake and, uh, uh, the lakefront and meeting space is where the existing, uh, structures are located now, uh, lakeside and then the open space development area is located in a few different areas, uh, including, uh, following the path of the, uh, the railway which is included in the eastern part of the project as well as, uh, some areas adjacent to that, uh, trail area all, all the way along the, uh, uh, southwest portion of the development and all the way up to the northeast portion. Uh, then within each one of those sub-areas we categorized the permitted land uses that can be located in each one of those, uh, sub-areas. Um, and that's, that's identified in Exhibit 3 and so to give you some examples, um, the, uh, uh, equestrian, um, amenity area included, as, as you might expect, the riding stables, uh, the lakefront and meeting space includes boathouse, boat rental as well as the location for our café and a potential brew pub or tavern, uh, provided that it's an accessory use. Uh, and then in the open space area we have uses permitted like a park, uh, firepit and disc golf, those type of outdoor, uh, recreational uses. So that's kind of, uh, one major, uh, category of revisions. The other major category you may recall is that we had a number of outstanding engineering comments, uh, where I think it's fair to say that the, uh, engineering staff, uh, wanted more, uh, specificity with regard to a number of standards and so, uh, what we've done is, uh, worked very closely with staff. We had an in-person meeting with the engineering team and, uh, Mr. Kilmer from planning and, uh, we added, uh, definitive specifications with regard to, uh, such matters as stormwater control that will meet or exceed, uh, the standards set forth in Zionsville's Stormwater Control Ordinance. We set out specific, uh, criteria and specifications for the use of wells and onsite sewer systems and we also set forth, uh, definitive timing for perimeter pathway installation around the, around the project. Uh, and laid those out, uh, in accordance with the standards that the Town prescribed for us. Um, the, you may have noticed in the, uh, staff report that there is a comment letter, uh, dated May 12 and it identifies really two things, one of which is that we need

a correction to our Exhibit 8. Exhibit 8 is a picture of our, uh, street, uh, scape proforma, um, and what we neglected to include on there and will happily include is that the minimum pavement section width is to be 20 feet. That's the minimum. We anticipate it being wider than that but they asked that we add that label to Exhibit 8 which is, uh, that, that's frankly my mistake. It was in the comment letter from, uh, George Lewis, uh, when I was going back through incorporating his comments I just didn't pick that up. Uh, so we don't have any problem making that, uh, revision. The other items that are listed are, uh, the, the, the, uh, reviewer notes that they are items for later stages of the project's development and it really, I think, is a, a wise, uh, kind of memorialization for everyone's sake of the, uh, specific standards and specifications that we've incorporated into the PUD and so what I, what I envisioned as being really as a checklist that when we go through, uh, should this be approved, if we go through development plan approval this would serve as kind of that initial checklist in reviewing, uh, our plans and we certainly agree with and, and think that's an excellent summary in the, uh, comment letter. Um, with that I think we're, uh, our team, our Development Team is, uh, here, Phil Sundling, uh, with, uh, engineering, Brad Henke, Doug Fleener, Betsy Garfield, all of us with the Henke Development Team are available to answer any questions that you have and we, I wanted to reiterate we very much appreciate the special meeting. It's not lost on us that, uh, few jurisdictions would, would schedule the number of special meetings you are scheduling and it's a great courtesy to the petitioners and, uh, we appreciate it very much.

Franz At this time is there anybody in the public who would like to comment on this matter? Also, is there anybody online who'd like to be recognized?

Lake While you're at it, I'd like to make a motion to use first class mail as a noticing method.

Franz Okay. Is there a second?

Grabianowski Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

That's allow or permitted. Um, no comments at this point? Roger, do you have the staff report?

Kilmer Yes sir. I presented it a few different times to you so I will be, uh, brief. Um, Mr. Price, uh, outlined the changes that have occurred since the last Plan Commission presentation, uh, staff did have an opportunity to meet with the petitioner and go over quite a few of the, the engineering details that, that were still uncomfortable to our engineering staff. Um, I have confirmed with, uh, George Lewis, the Town's engineer, that the remaining items as Mr. Price noted are, are more of a checklist item. These items can be, uh, addressed at both the platting or

development plan stages so we don't believe that those are factors, uh, that would, um, um, really play into tonight's discussion. Um, staff has appreciated the responsiveness of, of the petitioner and willingness to work with us. Uh, staff is in support of the, uh, proposed rezoning and recommends a favorable recommendation from the Plan Commission. I'll be glad to answer any questions you might have.

Franz All right. Thank you. At this point does anybody on the Commission have any questions/comments?

Lake I'll just say thanks for the way you delineated the uses, uh, within each of the different sub-areas on the property that was, I think, what we were intending and very helpful.

Price Good change.

Jones Roger, I got a question then. Um, when it comes back to Exhibit 8 typical section for the road did, uh, anyone in engineering have any concerns that there is no section given for the road?

Kilmer Section given?

Jones Pavement section.

Kilmer There was no, no concern expressed about that, no.

Jones Okay. Isn't that – um –

Lake Wouldn't that be part of the drawings for the development plan?

Jones Uh, that's what – I guess where my concerns start to bubble up is things like Section 13 and 13.01 and what we just heard was that the development would adhere to or exceed the terms and conditions of the Zionsville Stormwater Control Ordinance and technical standards but you go down to 13.03 and it says the approved drainage plan may include variations from the Zionsville Stormwater Control Ordinance. So which is – are they going to adhere or are they going to vary it?

Price May I attempt to answer that, Mr. Jones?

Jones Sure.

Price Um, that, you've, you've actually hit on a sentence that was a matter of great discussion when we met with staff and, and, uh, Mr. Kilmer was there I think for part of this discussion is that what, what we were advised is that, that the ordinance itself gives the planning staff by delegation the ability to provide waivers from that Stormwater Control Ordinance and so they felt like as long as we agreed to meet or exceed that it was also appropriate to provide that we could seek waivers consistent with meeting or exceeding the terms of the ordinance.

Jones 13:47

- Price As, as they've done in other properties.
- Jones Wait a minute, are you exceeding or are you asking for waivers?
- Price Well, the, the waiver –
- Jones You usually don't ask for a waiver to exceed.
- Price No, no, the, uh, I think that's the distinction and that's, this is the very discussion we had is the waiver doesn't mean a lesser standard. It means a different way of achieving the same standard. And so the, the example we discussed is like with the Creekside, uh, Park is that it has departures from the, the, the standard provisions of the Stormwater Control Ordinance but not a lesser, um, requirement.
- Jones Okay.
- DeLong And, and Larry, Mr. Jones, just for a different way to look at this is that the Stormwater Ordinance actually Chapter 50 actually prohibits landscaping in drainage easements and recently they had a project that wanted to put plantings in a landscape easement to enhance the overall project, hence, asking for a waiver of the standard so at times the standard, as Mr. Price is getting at, uh, is, uh, the overall outcome is enhanced because of the waiver.
- Jones Okay. Um, the second to me is kind of the entire Section 12. Um, basically you're excluding any efforts to put any kind of connecting paths around the perimeter of this development, um, so we're not really in the development of this piece, uh, I, I understand we, uh, from time to time allow developments not to put in the path if there's no path that they're going to connect to but this is a 300 and some odd acre unit that's going to basically foster additional development in an area but it's not providing any connectivity to anybody. So you're adding a lot of density in the area in terms of number of housing but you're not giving your residents nor anybody visiting some other alternative other than a car to get there and you're certainly not making any attempts to connect it to anything else. And then it, it, I'm, I'm just kind of questioning the entire kind of path detail. We talk about the equestrian development amenity area which sounds like there's going to be horses and all that kind of stuff in there, um, but you kind of exclude both sidewalk, you, you force all activity into the roads. There's no sidewalks, you know, there's no way that your paths from your open space development area connect to the equestrian development area which to me seems, uh, I, I just I don't understand the reluctance to actually both, you know, both, uh, connect the neighborhood to anything else going around in the area as well as internally connect yourself.
- Lake Well 12.06 there states that if the adjoining properties end up having trails that connect to their property they will at their cost run a trail along 421 connecting said adjacent properties.
- Jones I understand what it says but I don't agree with it. That's my point.

- Lake Okay. So you think it should be in day one?
- Jones Correct – for something this large.
- Lake Even if it doesn't _____ 16:54?
- Jones Because when it comes to traffic along 200 North and 1000 East, how many lots do you have out there? What's the count?
- Price Uh, maximum of 80.
- Jones 80. Now there's probably going to be 40 or 50 homes the way I'm seeing this thing is going to sell out but still that's a lot of activity in that area and not a lot of connectivity to anything else. Um, and then I get a little concerned as to just how the, the gating of this is going to go. Is it, is it gated between the development area, the equestrian development area or the lake and equestrian area or entirely off of 421 and then, and, I, I really am going to demand more detail before I go forward with anything on this because I'm living around the corner from the backside of Holliday Farms and while they did a great job on the front gate that access point off of Willow is – I don't know what a proper term for it is, but I'm sure the adjoining neighbors don't really like seeing the landing lights off that, uh, that gate. I don't know if anybody else sees it. I drive by it every night and, it, I would've expected more so I expect to see more than this. Um, the next item that rolls up is the request for alleys. Can you explain that?
- Price Request for?
- Jones Alleys.
- Price Um, we don't, we don't anticipate, uh, an alley. I suppose it's possible that you could have someone classify it as an alley as an access to, uh, one of the, one of the amenity buildings.
- Jones Um, next up on this thing is actually development of the paths. So my understanding is you can use golf carts on every street, path, whatever. But it sounds like the paths are only going to be 5 feet wide. The golf cart I own is 4 feet wide at a minimum. How's this going to work for people moving around in the neighborhood or trying to use these paths? And it also sounds like they aren't going to be really paved with anything, they'll either be limestone or mulch, which I don't know exactly what a mulch path is but that's all right. How, how's this going to work? I mean, seriously? I, I just, I just see far too many wide open requests and I don't see the kind of detail in the standard of, and, I, I don't think we're going to get another bite at it. So what's going on?
- Price Let's uh, there's, uh, several questions there and we'd like to obviously address, uh, each one. Um, with regard to the just the just internal pedestrian connectivities [sic] as a separate issue from the perimeter pathways, our, uh, vision for the project is that it have a more rural streetscape and not have a traditional, uh, urban sidewalk component. The, there will be a grass area along the side of the, uh, streets for, for folks to walk. It is, it's not a, uh, a highly dense development and the street curvature is designed so that speeds within the

development should be low, uh, and so it's anticipated that folks could walk along the side of the street if a car did happen along there's a, there's a, there's a, an edge of the road that's, that's grassy for, for folks to walk. They're also able to use golf carts to go to each of the, uh, amenity areas internally. It's not, it is not a cost item. It's, it's more of an aesthetic, uh, item for us and, uh, that's kind of why we've chosen to do that. The perimeter pathway proposal was, uh, something that we worked on, uh, together with staff. There was debate on that, uh, topic. We, uh, we borrowed the language from other projects with substantial, uh, street frontage, uh, allowing them to build a path when it connected to something, uh, and this is in a, in an area where at least for the foreseeable future, um, we don't anticipate there being adjoining, uh, pathways but, uh, when, when, uh, when it's triggered under the ordinance we would have that and we would have it funded. Uh, we were also asked to make the internal, uh, trail open to the public at such time that we, uh, uh, had an obligation to build the perimeter path on County Road 1000, we added that language, uh, as well at the staff's, uh, request. As far as the, uh, you want to talk about the gate and the entryway?

Henke Brad, Brad Henke, Henke Development, uh, 781 Old Ashbury, um, I was just going to say that that's a great point on the gate, Larry. We, we didn't, we just put that up temporarily because we've ordered gates just like the main entry so we agree that doesn't look great right now. Uh, but we put it up temporarily until the gate gets there. Um, we, we've also, uh, met with the neighbors on the other side of the street too and we're going to be adding plantings in their yard to, to help screen any lights too if they are coming out there, so I, I appreciate that.

Jones Okay. Um, and the reason all this kind of ties around and goes into Exhibit 7 item #20. If the Town has petitioned to take over the private streets and/or alleys within the real estate. The street or alley must be improved to the current governing Town standards as determined by the Town's engineer prior to acceptance at the sole expense of the petitioner unless otherwise waived by majority passage of the Zionsville Town Council. To me what this says if these roads that I can't seem to find any standard for what you're going to build fall apart, we've got 40 multi-million dollar homes out there and they choose to sue the Town of Zionsville because we allowed this thing to be done, the Town Council is going to be put in the position of well do we accept it or do we fight the lawsuit and I don't like, and I've said this over and over again, the means and methods where we kind of pass down the line the ultimate responsibility for something. What's this all about?

Price That, that's actually language that is prescribed to protect the Town that puts the impetus on the petitioner to bring the streets to current Town standards before they can be dedicated. And so that, that language is actually protective of the Town. We do, in, in Exhibit 7, item 1, we do indicate that the internal streets will comply with local street standards as far as construction of the streets. So it would be if those standards changed and were, were enhanced from the date of construction you could not do, um, what, what has been done in other, in other subdivisions historically where there was not an affirmative obligation to bring the stand, to bring the streets up to the current standards prior to dedication.

Jones Uh, it's my core concern with, I understand the nature of what you're trying to create. You know, you've got this vision of neighborhoods that are 60, 80, 100

years old where this estate scale homes are built on these kind of non-traditional roads. The difference is, is we are selling this in today's market not, um, a market that existed 60 or 80 years ago and so once you buy something at 60 or 80 years ago, you, you, assume all of the historical issues with it. My concern is this, this revision of, of standards for development to allow this is going to create more problems than, than anybody's actually foreseeing and I, and that's the same thing I keep battling at all the time. As, as I'm looking through it it's just a little too wide open and there's a little too much language that kind of releases liability or, or allows the developer to do whatever they want and I'm, once again, not happy with it. I mean right down to the lakefront meeting space development amenity. We don't really know how much land that's going to entail and it sounds like you can add buildings and structures to it and as long as you figure out a way to size the fire protection system large enough to draw out of that lake, and it says in here that the developer has the right to kind of change the size of those parcels. I –

- Price Yeah I don't know about the last comment but, uh, certainly we have, we have crafted this to, to achieve some flexibility because this is a, a zoning document and not a formal development plan submittal yet and we have worked through each one of these, these topics with the Town's engineer. I mean, for example, the language on the street dedication that's language that we have worked through with the Town to protect it from the, the being, uh, requested to accept the dedication of streets that weren't built to current standards. It was not a way of getting out of, um, having compliant streets today. In fact, we are committing to build the streets to current Town standards as far as the construction, depth of pavement, materials relating to the wear and tear on the street. What we don't meet is the requirement to have sidewalks adjoining the street.
- Lake To make me feel a little better on your, your item #1 on Exhibit 7 where it says pavement sections and then in parentheses says material thicknesses only –
- Price Uh huh.
- Lake Would you be amenable to adding compaction requirements along with that?
- Price Absolutely.
- Lake Just since you're singling out materials I just think we'd feel better if compaction requirements were in there as well.
- Jones And then the last one is we've kind of rewritten the, uh, Right to Farm Act and we did a little check and I guess you actually have the correct Indiana Code on it. Roger, we need to update our Indiana Code that's listed in there. The language is different and that's a document we've been using for a number of years. Why the change?
- Price This is a, uh, a commitment document that I identified as being the most recent one used in Zionsville that I could locate. It wasn't an attempt to depart from our standard language.
- Jones Yeah, but it is a little different.

- Lake Well maybe our counsel can clarify but when I looked up the ordinance as numbered, uh, that we call out, it says it's been repealed. So we're actually citing a repealed code. Am I correct in that?
- Jones And then Chris are you talking about the Indiana Code or the Zionsville Code?
- Lake No, the ordinance that you had called out was a State of Indiana ordinance.
- Jones Yeah, the old 36-7-4-921.
- Lake Yeah.
- Jones Okay. So the current –
- Lake That's an Indiana Code that has been repealed.
- Jones Yeah. So the one they list, the 36 F and E, is that correct?
- Lake Is also a state, is also a State of Indiana Code.
- Jones Yeah, but that one's –
- Lake That one is –
- Jones Correct.
- Lake Appear, appears to be currently valid.
- Jones Yeah and then we also drop off the Zionsville Zoning Ordinance 194.103(A)(5)(a). That didn't make it into your Right to Farm Act.
- Price I thought and I apologize – what I thought we were trying to accomplish is, uh, because I went back and researched this as well, when we got asked to add the Right to Farm language, I went back and looked at the consolidation, uh, documents and those consolidation documents actually have an express requirement to include the Right to Farm, uh, covenant in any rezoning occurring in the rural district and so I went back and located this as being an example of compliant with that, uh, uh, reorganizational, uh, ordinance. I would be, um, and I think we, we are in total agreement – we, we had a, there was one individual who lived, uh, actually a little bit further south of our development who, I think, actually raised this topic with us and, um, we would certainly agree to work with counsel on Town approved language on Right to Farm. It's not, it's not an attempt to sidestep that requirement at all or depart from it in any way.
- Jones I guess finally Section 6.01 paragraph D – so the controlling developer may add or remove, increase, decrease, modify the areas but it still needs to come back into a final review by us the Plan Commission, correct?
- Price Correct. That's right. Which each, uh, section will be subject to platting and, uh, development plan review.

- Jones And then the last thing, you're not also going to comply with the Michigan Road Overlay Corridor Ordinance. Do we stop there? We stop at 32 with it?
- Lake I don't know where extends up to.
- Jones Yeah. Do we know, Wayne, how far does it extend up?
- DeLong Our Michigan Road Corridor goes all the way to the Town lot, so 200 North.
- Jones I know we've modified developments to work with it going down through there but are we going to just not have it apply at all when it comes to this property?
- Price One of the ways we've tried to address that is by we've delineated what uses, uh, can be adjacent to Michigan Road, um, we've delineated when the perimeter pathways would be required, um, I suppose we have not set forth, uh, the exact landscaping treatments, uh, but it would be subject to further development plan review at that time. Uh, and so, um, you know, we've, we have, I think, knitted together a, a, a platform that allows you to determine whether it's, uh, whether it's, uh, you know, consistent with the surrounding properties, for example, uh, without subjecting us to, uh, the strict application of the overlay zone. And, and further south there, it's, it's not, it is not novel language in the sense that it's never been done this way, it, the, The, uh, Farm PUD, for example, is actually removed from the, uh, overlay zone and they put in similar safeguards to what we've done.
- Franz Anybody else have any comments, questions?
- Grabianowski Well, when I drive by I want to look at the horses. I don't want to look at bushes. I mean I understand the landscaping that we have to do in the commercial area but this is, you know, this is a pretty farm fence with horses, a barn, yeah. It's nice.
- Franz Anybody else? If there is nothing else, is there a motion on this matter?
- Lake So I would move that Docket Number 2022-07-Z, a Petition for Zone Map Change to rezone approximately 321.48± acres from the Rural General Agriculture (AG) District to the Planned Unit Development (PUD) Zoning District receive a favorable recommendation as presented and based upon the Findings of Fact in the staff report, uh, following up, uh, on comments, uh, as noted by staff in their TAC comment letter, uh, with a change of Exhibit 7, item #1 that behind, uh, the phrase material thicknesses that the words compatibility, or sorry, compaction requirements, uh, be added, uh, in there and, uh, with, uh, the counsel with, with Mr. Price working with our counsel to clarify the proper Right to Farm language.
- Franz Is there a second?
- Walker Second.
- Franz All right we have a second. Any further discussions? All in favor signify by aye.

Grabianowski, Aye.
Walker, Lake,
Franz, Madrick

Franz Opposed by nay.

Jones Nay.

Franz Motion carries 5-1. We'll forward that to the Town Council.

Price Thank you Mr. President.

Franz Thank you. Next on the docket is 2022-03-DP, Kiddie Academy/The Woodmont Company/Kiddie Academy at Holliday Farms, 3650 Marketplace Drive, Zionsville, Petition for Development Plan Approval of a childcare facility, with two Waivers on a 1.228± acre parcel within the Planned Unit Development Zoning District (Holliday Farms PUD). Is the petitioner present? Please step forward.

Bagley Good evening. My name is Melanie Bagley. My address is 2348 Arezzo Lane. I'm here tonight from, uh, Allen, Texas and, um, enjoying my afternoon so far driving through your community and the beautiful farmland. It's, uh, not every day I get to see horses as I'm driving up and down the highway, so, um, I was, uh, here before you in February, uh, not too long ago, although it feels like it's been a while, um, when we presented, um, some, uh, elevations and a site plan to you for consideration, uh, for the new Kiddie Academy, um, to be part of the Holliday Farms development. Um, I want to say that since then I feel like we've come a very, very long way over the last three months. I feel that what we presented to the Commission, uh, several months ago may have been, uh, a bit premature and, uh, and, um, over the last several months we have worked with the ARB and with, um, and their in-house or third-party architect, David Rausch, uh, to go through the, um, comments that were presented to us from Planning Commission. Um, I hope that what you've been presented with, um, uh, meets the intent to the comments that were made at the meeting, uh, in February and I just want to touch on a couple of the points, um, that were discussed in that meeting. Um, again, we have probably gone through, since, since our meeting in February, probably six iterations of elevations, um, the site plan has been tweaked to accommodate the elevations and the, uh, increase, actually, in building footprint that was created by, um, the, um, changes to the building itself. Um, so starting off with architecture and working with David Rausch, again, and under his, um, strict, uh, tutelage we have come up with a more, I would say, uh, Georgian style architect, uh, style of architecture for the building. Um, if you're familiar with the Georgian style architecture, um, symmetry is, is king. Uh, what we've done here is, is balanced out the building, a rectangular building with more windows, windows that are equally spaced, uh, we have, um, you know, gone to a full brick building. Before we were presenting some sort of a more thin brick material but it will be a truly modular brick building. Um, our entrances are embellished, um, again, in the Georgian style architect, uh, style of architecture you have those more prominent entryway features, you have, um, again, the, the repetition, uh, in the, uh, entry points and in, in the windows which, which I think

you will see here. Um, we've also added the transoms. Again, those are symmetrical and repeated throughout the design of the building itself. Um, with regard to the site enhancements, there were conversations, um, at the February meeting related to, um, questions on the materiality of the, um, the fence and the mat— that will front along the east side of the building and wrap where the playground area is. Um, I am happy to report that the materials that will be used will be very high quality. We will have an iron fence. We will have full masonry columns that, that, uh, separate or at, at intervals along that fence, um, with a cast stone cap, um, and the turndown curb that fronts – this was something that came up during the meeting last time – uh, will also be clad in masonry to match the building. Um, with regard to landscaping, um, landscaping has been increased to exceed the PUD minimum standards. Um, additionally, at the request of the ARB and, and Henke's suggestion, uh, we have added some additional evergreens on the west property line to create some additional screening, uh, between the Kiddie Academy development and the future residences there. Um, lastly, I want to address the, uh, circulation topic that did come up again during the meeting last time. I know there were some concerns there, um, again, I want to be clear that this is, um, Kiddie Academy is not a drop off, it's not a drop off situation. I, we heard the term drop off when kids are dropped off there was concerns about queuing, concerns about stacking, uh, but, again, I want to be clear this is not a concentrated school zone type situation where the doors open at 7:30 and bell rings at 7:50. Our hours are 6:30 a.m. in the morning to 6:30 p.m. in the evening. As you all know, as, um, people that work, um, parents start dropping off children as early as 6:30 and it is a staggered drop off and I just used drop off – let me take that back. Parents will park and walk their children to their respective classrooms. There will be no concierge type, valet type service where staff comes out and greets the car and takes the child in. That will not occur. The parent will park, the parent will take the child into the facility and then will depart the property. Um, so, um, again, this is something that some daycare or childcare facilities do offer but in this case because of the way the site is configured, it was not conducive to be able to offer, offer that option. So I just want to be clear it is our intent that there would be no queuing and, therefore, no stacking up onto the adjacent roadway. Um, uh, finally, I just want to reiterate, um, you know, how much we have worked, uh, with the ARB, um, what we heard from the Planning Commission last time in February and heard loud and clear was that this building will be one of the first buildings in Holliday Farms. Um, having driven by the property itself today, I, I, I get the vision. I understand it'll be a prominent, uh, building, um, along the roadway and, um, I feel that we have made strides and efforts to meet, um, and, and exceed, I hope, uh, the, the, the feelings of the Plan Commission and the intent of the ordinance and, um, that is my presentation. I'll be available for any questions you may have. Thank you so much.

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

Kilmer Thank you. As the petitioner mentioned, this project was initially presented to the Plan Commission back in February and, uh, there were significant discussion regarding the architecture of the building and also the, um, the vehicular connectivity between this site and, and the site immediately to the south. Um, the, I'd like to address the changes or, or the information that has changed since that initial presentation, uh, specifically, regarding the architectural aspects of the

building, uh, the building facades have been, uh, revised as the petitioner noted, um, uh, to give more, of a, uh, what I'm terming somewhat of a more residential feel to the, uh, um, streetscape rather than the institutional or, or a more commercial appearance of what the original design presented. Um, a lot of this is not only from the facades but also the roof treatment. Uh, previously the building had a flat roof with parapet and horizontal banding, uh, the building now utilizes the appearance of a hip roof to, to screen any roof-bound and mechanical equipment and on the east elevation which faces Marketplace Drive roof dormers have been incorporated into the hip roof. The, regarding the, um, questions about vehicular connectivity to the site, to the parcel to the south, the petitioner did provide a, a drawing of their site and the one to the south. You would find that as Exhibit 4 to the staff report. It does show, um, vehicular connectivity, uh, circling all the way around back to Marketplace Drive on, on the south. The challenge for the petitioner is that they don't own that lot to the south and, and how that will be developed and when it will be developed but they are, are at least presenting conceptually how this traffic connectivity would work. Those are the, the biggest changes that, uh, staff wanted to focus on. Um, staff is in support of this development plan request and I'll be glad to answer any questions you might have.

Franz All right. Thank you, Roger. At this point I'll open it up to any members of the Plan Commission for comment and questions.

Lake I think the only thing I would note is that mechanical units on a roof are never the size they show in conceptual design. So we'd want an assurance that your, uh, roof ridge height as you call out your drawings is modified as needed to exceed the height of any and all mechanical units on the roof.

Bagley We accept that condition.

Lake Thank you. Unfortunately, they always grow.

Bagley They've gotten bigger over the years.

Lake Take it from an architect, they always grow.

Bagley Have you seen the DOAS unit?

Lake Yeah. Mechanical engineers always deceive.

Franz You probably won't be able to answer this so, um, you might be able to – um, the Frederick Place and Marketplace Drive intersection is that just going to be right-of-way stop or is that going to be a 4-way stop? I mean, what's the traffic control on that one going to be?

Sundling Phil Sundling, Henke Development. That'll be a 4-way stop.

Franz Okay. And, I mean it's hard to visualize what's going in there because right now my understanding is the Marketplace Flats is being worked on so this depiction may not be accurate.

Sundling Uh huh. Yeah, let me pull up an exhibit. This might be better for you guys to see. Are you referring specifically to the connectivity to the south? Is that what you're –

Franz Yeah, I mean, yes that and the traffic flow behind. Is the intent that the traffic behind the building is going to be shared access or is that –

Sundling Yes. Yes, exactly right.

Franz And then hitting west on Frederick Place from the intersection I just mentioned, uh, is that, is that gated there? I mean, uh, I'm looking at the map and it looks like there's –

Sundling West on Frederick Place into the residential is gated, correct.

Franz Okay.

Sundling is off microphone here
Sundling Yep. It's not showing up so I'll walk up here **47:51 inaudible off microphone.** This is just a conceptual rendering but that's the other full access drive onto the Marketplace Drive here. This is the Woodmont site –

Franz Right.

Sundling So this is just how we anticipate the lots – this is Lot B, this is Lot C, this is how we anticipate at this point. It's a very simple apartment **48:12** on the west side, building on the, on the east side, **48:16** if they park here and they want to leave **48:17** if they want to they could drive through shared access out here to Marketplace Drive.

Clutter Where did you say it's going to be gated?

Franz It's right there.

Sundling It'll be **48:26** up here into the residential. Every, every bit of residential at Holliday Farms is gated.

Jones So is it gated at the rear property line of those lots or where?

Sundling There's, this is the entrance to the residential **48:45** no entrance is **48:45** the residential **48:45** other than there. **48:45** gated. This is Frederick Place. This is Marketplace Drive.

Jones Uh huh.

48:56 inaudible off microphone
Sundling

Kilmer The gate is shown on Exhibit 4 within the staff report. The gate locations.

Franz Does anybody else have any questions or comments?

- Jones Like I said it's still a general concern that the rear of the building is set hard on their, on the, uh, the trail portion.
- Franz Anything else? I will say it does look a lot better than the first pass by a longshot. So I appreciate you working on this. If there's no further discussion, is there a motion on this? I guess we have to, do we have to move –
- Lake Yes.
- Franz Each of the Waivers separately?
- Clutter Yes, yes sir.
- Franz Okay.
- Lake So I move that the Waiver for Holliday Farms PUD Section 13.16 regarding street blade standards be approved based on the Findings included in the staff report Exhibit 6A as presented.
- Franz Is there a second?
- Grabianowski Second.
- Franz Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.
[No response]
- That Waiver is granted.
- Lake I move that the Waiver for Subdivision Control Section 193.052(B)18(b) regarding driveway spacing from an intersection be approved based on the Findings included in the staff report Exhibit 6B as presented.
- Franz Is there a second?
- Grabianowski Second.
- Franz Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.
[No response]
- Motion also carries. Waiver is granted.
- Lake I move that Petition Number 2022-03-DP, Development Plan Petition for the development of a 10,600± square foot childcare facility with Waivers on a

1.228± acre parcel in the Rural Planned Unit Development District for Holliday Farms be approved as presented with conditions as noted in the staff report and Exhibit 5 and based upon the Findings of Fact, uh, and with the acknowledgment from, uh, the petitioner that the roof ridge height on the building will exceed any and all mechanical units on the roof.

Franz Is there a second?

Grabianowski Second.

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

All Aye.

Franz Opposed by nay.
[No response]

That motion carries 6-0. Thank you very much. Next on the docket is 2022-05-DP, Seake – I'm not sure.

Clutter Seake.

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

Garn Uh, Nicholas Garn, uh, 3607 Mossy Rock Drive, Zionsville, Indiana and, uh, I'm one of the founding members of Seake. Um, my understanding the only thing holding up the project in the past, uh, being last time was, um, Town's approval on, on the use of shared easement and to the best of my understanding I think that has come to an understanding. Um, and if there's any questions, I know Roger – but from a technical perspective I know we've got the engineer, um, available via Zoom so, um, I know we're prepared to do whatever the Town needs to meet those requirements. And if there's any questions I can answer, please don't hesitate. Sorry I, I don't have more polished people here for you guys but –

Franz That's fine. Um, thank you. Is there anybody from the public that would like to comment on this matter? Roger, you got the staff report?

Kilmer Thank you. Reflecting back on the previous presentations and conversations the Plan Commission has had, there have really been two, um, main items that have, uh, resulted in the petition coming back before you the first being the adjacent owners' consent, uh, those adjacent owners two of which are, are the Town, one is Seake itself. Uh, in the past, um, uh, there has not been much discussion between the petitioner's counsel and the Town's counsel, uh, toward resolution, however, uh, since the last meeting there has been positive movement, uh, resulting in, um, Exhibit 7 of the staff report which is an email from the Mayor's counsel, Amy Nooning, um, to Mr. Mike Andreoli, the petitioner's counsel, uh, stating, again, from Ms. Nooning stating that, uh, the Town will not object to Seake's use of the drive based on the, the assertions that all owners and employees will be required to park in the new lot and there will be no increased

use of the shared drive and also with the understanding that should Seake propose to develop the adjacent lot further and if they seek to enter through a shared entrance that Seake agrees to start to share in the cost of maintenance of the drive. Uh, while this is not specifically consent from the Town, um, it is staff's understanding that the other parties of the Town were somewhat waiting to see how this played out and now that, uh, there is, uh, apparent consent from the, from, uh, the Mayor's office we believe that the, the consents from the RDC and also the, uh, Town Hall Building Corp. those will be able to be secured, um, at, at, uh, an upcoming RDC meeting and I believe, uh, this topic is even going to be discussed, uh, and that, that RDC meeting, I believe, is scheduled to be heard next Monday. Um, so that would take care of one of the entities and it should be noted that Amy Noonung is the counsel for the other Town entry, entity so as she is recommending, uh, or saying that the Town will not object from the Mayor's standpoint, I suspect she will give that same advice to the Town Hall Building Corporation. Uh, so, again, those consents from the adjacent owners we believe will be able to be secured. The second topic that had been a concern for this project, uh, involved the drainage and, uh, I had a lengthy discussion with, with, um, um, George Lewis, the Town's engineer, uh, yesterday afternoon about the, the status of this and, uh, there are still questions about what has been designed and, and how it's been presented. Um, Mr. Lewis would, would prefer to iron more of these items out prior to, prior to the project moving forward, however, he did also say that we have, the Plan Commission, has approved projects in the past subject to addressing items listed in the engineer's letter and Mr. Lewis feels like we could probably address those in that manner as well. So this project has moved forward. Could be closer to resolution on some items? Maybe yes but are, are those items, uh, worthwhile of continuing another month? That is, that is up to you to decide. Uh, with that I'll answer any questions you might have.

Franz All right. Thank you. At this point is there any questions/comments from anybody from the Commission?

Jones I could add something.

Franz Please do.

Jones I am the President of the Zionsville Building Corporation and if this matter would make it's way in front of us, I'd approve it. So that answers that.

Franz Okay.

Grabianowski That's power.

Clutter You're one out of three, right?

Jones Correct. I'm sure I could convince the other two.

Clutter You can probably convince the other two.

Jones Yep. So what else do we need –

Clutter If, if you wanted to proceed you could certainly make anything you say –

- Franz Subject to?
- Clutter Subject to the consent to both the Redevelopment Commission and the Building Corp. so that's your option, you can certainly make that as a Condition.
- Lake And I would note that the petitioner notified the Town in December and asked for consent and here we are almost six months after that initial letter. So, uh, I would urge us to not continue this again.
- Franz I would be of the mindset to push this thing forward.
- Grabianowski And let the –
- Franz And let the, let the, subject to, to be resolved. So.
- Jones I'll make the motion on this. So I move that petition 2022-05-DP, Development Plan Petition for the Development of a 33-space parking area on a 1.06± acre site within the Urban General Business (B-2) District be approved as presented with the conditions as noted in the staff report and Exhibit 5 and based upon the Findings of Fact.
- Grabianowski Second.
- Franz Any further discussion? All in favor signify by aye.
- All Aye.
- Franz Opposed by nay.
[No response]
- Motion carries 6-0. You've been waiting to hear that for a while.
- Garn Thanks guys. Appreciate it.
- Franz All right, before we go, I want to thank Wayne for his 10 years of service to the Town of Zionsville. I hate to see you go, I really do –
- Walker Yep.
- Franz Uh, but, you know, good luck on your next endeavor and you'll be missed.
- Grabianowski Yes.
- DeLong Thank you. It's been a pleasure.
- Walker Here, here.
- DeLong I appreciate the kind words.
- Franz With that is there anything else?

Zionsville Plan Commission
May 17, 2022

Lake Move to adjourn.

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz We're adjourned.