



ZIONSVILLE

ZIONSVILLE PLAN COMMISSION RESULTS

Monday, August 21, 2023

6:30 PM (Local Time)

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

The following items were addressed:

- I. Pledge of Allegiance
- II. Attendance: Dave Franz, Chris Lake, Mary Grabianoski, Larry Jones, Sharon Walker, Jim Hurst, and Cindy Madrick attended in person.
- III. Community & Economic Development July Monthly Report (Informational Only – no action required)
- IV. Approval of the following Meeting Minutes:
 - A. June 28, 2023, Special Meeting Minutes: Approved
 - B. July 17, 2023, Regular Meeting Minutes: Approved
 - C. July 26, 2023, Special Meeting Minutes: Approved
- V. Continuance or Withdrawal Requests

Docket Number	Name	Project Address	Item to be Considered
2023-27-Z:	Atwater Rezoning	7250 W. Oak Street	<p>Continuance Approved to the September 18, 2023, Meeting as requested by the Petitioner.</p> <p>7 In Favor 0 Opposed</p> <p>Petition for the rezoning of 10.0+/- acres from the Rural Professional Business (PB), Rural Single- and Two-family Residential (R2), and Rural Single- and Two-family (R3) Districts to the Rural General Business (GB) District.</p>
2023-28-Z	Henke Development / Bradley Ridge PUD - Rezoning	Parcels addressed as: 1120, 1310, 1550 S. U.S. Highway 421; 1555 S. 950 East; and 9625 E. 100 South (approx. address)	<p>Continuance Approved to the September 18, 2023, Meeting as requested by the Petitioner.</p> <p>7 In Favor 0 Opposed</p> <p>Petition for the rezoning of 349+/- acres (9 parcels) from the Rural General Agriculture (AG), Rural Single-family Residential (R1), and Rural Single- and Two-family Residential (R2) Districts and within the Rural Michigan Road Overlay to the Planned Unit Development (PUD) District.</p>

VI. Continued Business

Docket Number	Petitioner / Project Name	Project Address	Item to be Considered
			None

VII. New Business

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
2023-34-CPA	Town of Zionsville		<p>Resolution approved and executed.</p> <p>7 in Favor 0 Opposed</p> <p>A Resolution to Amend the Town’s Comprehensive Plan to include a “Zone Improvement Plan” which proposes a road impact fee for future development.</p>
2023-30-Z	Harris FLP / Appaloosa Crossing - Lots "J" and "K" - Rezoning	3295 and 3301 S. US Highway 421	<p>Favorable Recommendation as presented and filed with exhibits, and per Staff Report, also being subject to existing recorded Commitments regarding uses and development standards, and new recorded Commitments regarding building heights and lighting levels.</p> <p>7 in Favor 0 Opposed</p> <p>A Petition to rezone Outlots “J”, “K”, a portion of Appaloosa Drive, and all of Block “B” of Appaloosa Crossing from the Rural Professional Business (PB) District to the Rural General Business (GB) District and being within the Rural Michigan Road Overlay.</p>
2023-31-RP	Harris FLP / Appaloosa Crossing - Replat of Outlots “I”, “J”, and “K”	3263, 3295, and 3307 S. US Highway 421	<p>Approved as presented and filed with exhibits and per staff report.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for the Replatting of Outlots “I”, “J”, and “K” in Appaloosa Crossing to enlarge Lot “I”, and to combine Lots “J” and “K” with Block “B” and a portion of Appaloosa Drive into a single lot, being in the Rural General Business (GB) and Rural Professional Business (PB) Districts and within the Rural Michigan Road Overlay.</p>
2023-24-DP	Culver's Restaurant	3263 S. U.S. Highway 421, Zionsville	<p>Waiver of Architectural Design approved unanimously.</p> <p>Conditionally Approved as presented and filed with exhibits, and per staff report, with a requirement to have no neon lighting on the building’s facades.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Approval of a Development Plan for a restaurant with a drive-thru being in the Rural General Business (GB) District and within the Rural Michigan Road Overlay (MRO). Waiver for architectural design is also requested.</p>

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

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
	Town of Zionsville		<p>Special Plan Commission Meeting scheduled for October 5, 2023, beginning at 6:30 pm in the Council Chambers.</p> <p>Subcommittee established with a meeting date to be determined.</p> <p>Discussion of the review status of the proposed Form-based Code Zoning Ordinance and Zoning Map.</p>

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

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

Staff attending: Mike Dale, Roger Kilmer, Dan Taylor, Attorney

A quorum is present.

Audio began at 13:19

Lantz ... encouraged to begin a process. We started the process again back in 2022. One of the most important things about this is the presence of an advisory committee that the state enabling statute enumerates the disciplines and professions of the, the members of that committee and while each one of them brings a unique and important perspective to the committee's vetting of the process, I point out that we routinely and always make every attempt to include BAGI – Builders Association of Greater Indianapolis. They represent a large constituency and we absolutely seek to get their concurrence before we come before this Board or ultimately the Town Council.

I spoke way too fast, got ahead of my notes so if I could just highlight one more big change since our last update – we have reorganized Perry Township so that area west of 65 is now included in the Zone Improvement Plan. Another thing I'll highlight – there on page 2 about midway down is the level of service determinations by the committee. These are continuations of the levels of service that were established back in 2007. Each subsequent update has elected to maintain those same levels of service. There's a very brief explanation below that of why you don't strive for an A-level of service but in the simplest terms, it would cost the Town out of a process like this. We would have so many deficiencies that would be placed on the Town to correct before new development could be charged that we simply just wouldn't have an impact fee. I'll speak a little bit more on that later as we go through just a couple of points in the Zone Improvement Plan.

I think the last thing I'll highlight in this memo – on page 3 of 3 there's a table there at the end. We always ask ourselves "how do we prepare?" This is a Rational Nexus process, right? There has to be a direct association of cost, contribution to traffic woes by future development and a very calculated process but, of course, checks and balances – where do we compare with our neighbors who have also adopted a similar process through the year? You can see there that the current proposed fee is \$278.35 per trip and then, of course, that far column shows you where we fall with our peer communities and immediately to the left it shows you that levels of service C, D and E are the routine selections to make this a viable process.

I'll move on now – just a couple of things to highlight in the Zone Improvement Plan – if you have that available and in front of you, digitally or otherwise, the first thing I'll call out is on page 11 where it describes those levels of service, right? What does A, B, C, D, E, F mean? It's a very familiar scale to everyone, right? We all went to school and are familiar with that but there's actually a

timing delay based on the level of service assigned and you can see for an intersection we have chosen routinely the level of service C which is 20.1 seconds to 35 seconds of delay on average for a vehicle to get through an intersection and I might point out that these are during peak hour times. Obviously, your experience is much different at 10:00 at night or 4:00 in the morning. So, that is kind of intuitive, right? How long does it take me to get through an intersection? On the next page on page 12, it talks about how you determine a level of service on a roadway and the simplest way to explain that is how often when I'm on a roadway is something other than the speed limit dictating how fast I drive, right? On level of service A, if it's a posted speed limit of 45 miles an hour, 92% of the time I am able to achieve that without my driving being influenced by congestion or other people on the road or their behaviors.

Moving on then briefly and I, I want to give this all the due consideration you would like but I do respond to this if you think you're knowing all this, right, and move it along. So please guide me to the appropriate level of discussion you'd like to have. Beginning then on page 16 are several series of tables. The first set there deals with intersections levels of service for existing intersections and I mentioned earlier that you cannot charge new development for existing problems. So this table goes through and lists every intersection that currently performs during peak hour times below a level of service C. These are expenses the Town as an entity must address before we can collect or apply impact fees. That table then continues on on page 22 with the 10-year mitigation and that begins the intersections that are forecast to reach or fall to a level of service below C on a 10-year horizon and those begin to be the projects that you can charge new development for and you can see that there is a very specific intersection improvement noted with each intersection. The committee went through intersection by intersection. These days, in most cases, the mitigation is a roundabout, single lane or multi-lane, depending. My question when, when considering an intersection improvement is always all right, let's put a roundabout and the first question is well, why not? Is there a reason not to? So each one of those was discussed by the committee, led by Mr. Brown of A&F so I won't bore you with the rest of those tables.

Let's conclude things here – on page 47 then we've got a 18:37 traffic data that we collect. A lot of committee discussion on what exactly to do at the intersections that are forecasted to have sub-standard levels of service and you can see that at the very bottom of the page is the formula that distills all this data down to a single per-trip fee. Turning the page then to 48, you can see at the top kind of squeezed in there right below the header are actual numbers plugged into that formula and then below that sort of a tabular representation of those fees. All of this results in a per-trip fee of \$278.35 which is what 1, 2 point change greater than our current fee that we have right now of \$106.00.

The action then before you and this is a little bit more robust of a policy or a process than the last update to the road impact fee. This evening you are being asked to consider this Zone Improvement Plan and adopt it as it stands with its contents into the Town's Master Plan. Assuming that is achieved this evening, then it goes, like many of your processes do, a rezone similar to the Town Council for confirmation. Once the Town Council confirms this plan becoming a part of our Master Plan, then we actually bring back an ordinance to you that sets

all the details up, the numbers. What it will do is, is kind of reiterate the appeals process we have in place, establish the fee of the Appeals Board, which also deals with Parks impact fees for any project they might want to take umbrage or exception to the assigned value of their contribution and there are also in lieu of opportunities. If there is a project in here that would benefit a developer and it's adjacent to their project, they may want to build one of these projects and, of course, they are eligible for a credit because we're all achieving the same goal to, to pay for that so. That brings me to the end of my comments and I'd be happy to answer any questions you may have.

Franz All right, thank you.

Lantz Or, call up the brains and let Matt answer any questions you may have.

Franz All right, first, is there anybody in the public who'd like to comment on this matter? If not, I'll open it up to members of the Plan Commission.

Jones I'd always like just, one of the things that stuck out and I read it repeatedly just for more clarification, the existing problems. So, road impact fees can't go to fix existing problems? What, just fill me in on what that scenario is because I think the reason we need road impact fees is to correct, to fix all the existing problems, correct? Am I wrong?

Lantz So, we built, the Town built a tremendous amount of credit – when you look at this as an overall plan or overall approach to traffic issues in our community, the Town bonded for Marysville Road and constructed two roundabouts so there is a \$7 million-dollar local contribution. So we've invested already on the dime of current taxpayers who, who fund those bonds, \$7 million dollars. So that opens up a lot of consider it matching, if you will. That's one way. The same process was followed with Zionsville Road. Zionsville Road was part of that same bond issuance. Fortunately, in that case, the Boone County Commissioners had an old TIF down at the Browning at 96th and Zionsville Road. We worked with the County, they exhausted those TIFs so that counts as a local contribution. So we've already fed a lot of local dollars into the improvements so we can really maximize the impact fees the that we're collecting because it's not necessarily on a project by project basis, right? There's, the existing deficiency says I got to turn a turn, I gotta put in a turn lane. Okay, that's on us to, the current community, to, to fund. The impact is it needs a traffic signal. So you can charge for that traffic signal. It's all an accounting exercise on what you invest in to match these impact fee dollars.

Franz So, on the impact fees themselves so, if, if we're, subdivisions coming in, you calculate the impact fee and we'll say it's \$400,000 that'd only be – that doesn't necessarily mean that \$400,000 has to be spent exactly on that development or would it be just – how does that work?

Lantz Yeah, great question and it absolutely does not mean. We have a single zone in Zionsville. There are other communities who establish multiple zones because they wanted to say, make sure that Fishers, I think, started out with four zones or Noblesville, quickly found it was unwieldy and, and not really the best application and, and basically tied their hands too often. So, any dollar collected

within the development of this impact improvement plan can be used anywhere in Town and just as a reference, we've been building the 23:40 since 2007 and it has taken that long for us to afford this roundabout that's currently under construction. That was intended to be funded entirely by road impact fees building upon our past local dollar investments in the network but we were able to actually leverage those dollars for an \$800,000 Community Crossings grant. So, another way that we can take those dollars and leverage them for any other available grant funding for road projects that we might have.

Jones I guess the final question is then so when we approve subdivisions and they need turn lanes or pass lanes that are added as part of their development plan, you know, that's a separate expense by the developer and then the impact fee is on top of that?

Lantz Absolutely. The standard entrances require with decel lanes, XL lanes and a passing blister.

Franz And the, I've already asked this question before and got the answer I know but just for everybody's education here – this is a very specific calculation. There's no variance. There's no you can't sit there and say well we really should be 15% higher. It's, the calculation is what it is and that's it.

Lantz Absolutely. It must be the Rational Nexus and I think one point I may have neglected to make is that upon final adoption as this bounces back and forth between this Board and the Town Council, there's a six-month moratorium on this new fee. So we continue on with six months under the current pricing structure and that's out of deference to someone who might be bringing a project right to the finish line ready to pull permits and then all of a sudden – bam, your pro forma is shot. So, we won't start this until six months after final adoption.

Hurst I, I guess I would like a little clarification after our Chairman or President's comment. The, the formula is set but your inputs were decided by committee, right?

Lantz The, the, the method of treatment, roundabout versus signal, those were determined by committee work and preferences of staff, frankly. Is there more to the question or did I?

Hurst Well, I, it, it, and I'm not suggesting this is appropriate or necessary, if we wanted a higher number, there are other inputs we could've changed because, yes, the formula is, is –

Franz But even the trips are kind of established based upon the size of the, the building or those, I mean, the trips are set. There's a, there's a chart you look up and it says this is the estimated number of trips, correct?

Lantz Correct, correct. That had triggered a thought of –

Hurst But we do get to choose at what level of service we wish to make them?

Lantz Yes, yes. That's –

- Hurst Right?
- Lantz Yeah, that is oddly enough if we had gone for B we'd be getting less money.
- Hurst Well then let's go the other way.
- Lantz Well, then, then you – when this was first discussed in committee back in 2007 there was a lot of discussion on what's your pain point, what's your threshold? And each committee iteration we've provided examples. This is a level of service C. If you drive through here at 5:30, you're going to see what is our form of our threshold? So it kind of gets some real-world experience to, to –
- Hurst I, I am sure it is –
- Lantz Quantify it.
- Hurst Very well done and at work. I just, the, the formula may be set but there are other things that we 26:53.
- Lantz Sure. Yeah, there are absolute, yeah there are absolutely variables that, that could be adjusted to make the fee go up or down.
- Hurst And, and, and Whitestown must not have a road impact fee because I don't see them in your chart.
- Lantz They do not.
- Hurst Okay.
- Lake I will say as a committee member, we did look at some of those levers that we could pull and what that might do and what the impact was and what the downstream effect of that was and I think we felt like we got to what was reasonable, palatable, and gave us the best footing as we would go to do this again in 5 or 10 years.
- Walker Well, I would just like to say this is one of the best put together reports. Easy to read, easy to figure out what you were trying to say. So my compliments to you and your committee.
- Lantz Well thank you very much and I, I should've acknowledged earlier Mr. Lake's contribution to this among many of the other contributions he makes of his personal time so thank you for that just based on the committee.
- Jones Just one more quick question – on page 4 there's a historical roadway funding source. And just because, of course, we're obviously all going to be driving electric vehicles in a few years and gas taxes are going to go away, everybody but me, but which one of those columns is that going to affect? Where do the, when you were talking about the roadway funding or is the gas tax and all that kind of stuff completely not part of this package?

Lantz It's tangentially, you know, conversationally involved. So, in that table LR now stands for local road and street, MVH stands for motor vehicle highway and the MVH restricted is motor vehicle highway restricted. Those are all predominantly funded by the state distribution of the gas tax. So, as we move, if we move, towards electric vehicles, we're going to – state legislature primarily is going to need to come up with a replacement revenue for those somehow because right now those are pretty much gas tax and there's pennies of cigarette taxes and tobacco taxes mixed in there but those are the 29:07 share.

Franz Anything else? Is there a motion on this?

Taylor We just need a motion to approve the resolution so.

Franz Yep.

Lake So I move to approve the resolution as drafted.

Franz Is there a second?

Walker/Jones Second.

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

All Aye.

Franz Opposed by nay.
[No response]

You have your resolution.

Lantz Thank you very much for your time this evening and your, as always, keen attention to detail. Very much appreciate it.

Franz Thank you.

Dale Thank you.

Franz Docket Number 2023-30-Z and I'll read the next one with it – 2023-31-RP, Harris FLP/Appaloosa Crossing Lots "J" and "K" Rezoning and Replat of Outlots "I", "J", "K", 3295 and 3301 South U.S. Highway 421, Petition to Rezone Outlots "J" and "K", a portion of Appaloosa Drive and all of the Block "B" of Appaloosa Crossing in the Rural Professional Business (PB) District to the Rural General (GB) District and being within the Rural Michigan Road Overlay and the second one is at address 3263, 3295 and 3307 South U.S. 421, Petition for Replatting of Outlots "I", "J" and "K" in Appaloosa Crossing to enlarge Lot "I" and to combine Lots "J" and "K" with Block "B" and a portion of Appaloosa Drive into a single lot, being in the Rural General Business (GB) and Rural Professional Business (PB) Districts and within the Rural Michigan Road Overlay. Is petitioner present? Oh, Roger – I'll get it, I'll eventually remember it so. Roger –

Kilmer I'm going to be patient. I'll for you to call on me. So, thank you. Yes, the two petitions you mentioned are, are definitely companion petitions. To tell the story of these two though, I am also going to need to include a portion of the story about the third petition following that, that being for the Culver's Restaurant. I want to give each petition its own due but, again, to make sense out of the different petitions, I need to combine some information from the other two. So, please bear with me as, as I tell the story.

The first petition of these three that was filed was actually the development plan for Culver's and it was filed for the existing Lot "I" and an additional 18 feet of Lot "J." While you wouldn't think that 18 feet makes a lot of difference, those 18 feet are what led to the other two petitions to be heard tonight and if we can have my screen pulled up please. No, I'm, I'm connected here. There we go. Thank you.

The three petitions I, I need to tell the story about are all located up in Appaloosa Crossing and for orientation purposes, north is to the top of the, top of the sheet with this being County Road 300 South or 146th Street, Michigan Road or U.S. 421 here along the, what is the west side of Appaloosa Crossing and, again, the, the area of the three petitions that I'm going to describe are all located down in this area of Appaloosa Crossing. As I mentioned, the Culver's site which is known as Lot "I" was the first petition to be filed and if you look closely, I have a red line showing going through a part of Lot "J" where they wanted to add 18 feet onto Lot "I." The reason for that was that Culver's needed some additional square footage on their lot which Lot "I" did not provide so, they struck a deal with, with Harris FLP who owns all of these properties that we're discussing tonight to purchase the additional 18 feet. As staff, when this was submitted, staff looked at it and said well, that's nice except for the recorded plat shows some recorded setback lines and things within those 18 feet. It would be easiest and cleanest if we replatted Lots "I" and "J" so that we didn't have a property line that was moving and readjusting setback lines, things like that. The proposed plat came in to, to replat Lot "J" and, unfortunately, by taking that, those 18 feet off of Lot "J," it dropped the acreage of Lot "J" down below slightly 1 acre. Appaloosa Crossing has a series of commitments for its development where it said all outlots would be no less than 1 acre. So now we've got a problem with Lot "J." So, this, this information was made clear to, to not only Culver's but also the Harris team and at the time I was told the Harris team was considering replatting Lots "J" and "K" anyway and so this kind of forced their hand to do this and so what they are actually doing is going to be replatting Lots "I", "J" and "K" giving 18 feet to, off of Lot "J" to Lot "I." They will then be combining the remainder of Lot "J" with Lot "K" and adding that, adding to that area would be Block "B" which is immediately to the east of Lot "K" and a portion of Appaloosa Drive which is to the east of Lot "J" and I'll remind everyone that all of the streets within Appaloosa Crossing are private. They're, they're owned by the developer so they have control to do this.

So let me move forward one more. This, again, shows the area to be replatted. As we talked through the replatting, one of the other things that became obvious through discussion, and I'm going to go back one screen here, as it's currently platted, Lot "I" is zoned GB, General Business, but Lots "J" and "K", along with Block "B" and Appaloosa Crossing Drive are zoned PB. The petitioner in

looking at this decided well, let's go ahead and rezone everything to the GB District to be consistent with Lot "I" and so that is what has led to the third petition, the rezoning.

And, again, so let me move forward – that's the area to be replatted. Here's an enlargement of, on this side of the screen is the current plat of the three lots – Outlot "I", Outlot "J" and Outlot "K" where here to the right side of the screen is what is proposed to be replatted where Outlot "I" is now 18 feet, a little bit wider, Outlot "J" as shown is a combination of the remainder of Outlot "J" and Outlot "K" along with Block "B" and that portion of Appaloosa Drive.

Moving forward – this is the zoning map of the area and, again, it is showing the area that would be rezoned from the PB District to the GB District. Again, the lot that is Culver's is already zoned GB so it does not have to be but the petitioner is requesting that Lots "J" and "K" along with Block "B" and Appaloosa Crossing Drive be rezoned from PB to GB.

Now staying on the rezoning petition, obviously, one thing that is of interest to the Plan Commission and Town Council when considering rezonings is what does the Comprehensive Plan call for this area? I've tried to identify it. It's very difficult it's such a small area but the area of proposed rezoning is right here. I tried to circle it in black but what that is showing is that that area is marked, marked for mixed-use and, as is the remainder of Appaloosa Crossing so staff believes that this would be in concert with what the Comprehensive Plan is calling for the, the requested rezoning. With the original rezoning for Appaloosa Crossing that was done back in 2008, there were a series of development commitments associated with that rezoning and that rezoning was done while the property was still under the County's jurisdiction. It has been, since been incorporated into Zionsville's jurisdiction. We adopted those same development standards and commitments that were in place in 2008. Those standards have been amended a couple different times since then. I provided the two most recent set of commitments concerning this real estate for your reference. I've only got a couple of slides from those commitments here on the screen that I'm going to show. In your packet you did have the entire set of commitments with them.

Most recently in 2020, a commitment amendment was made to relocate a water feature that had originally been planned to go along parallel and along the frontage of Michigan Road. It was relocated from this area down to a southern lot, the most southern lot of Appaloosa Crossing, and I outlined that here and that's a little important. As we get a little bit further into the discussion, I'll come back to this topic so if you can keep that in the back of your mind please but that lot is a common area that's designed to be a retention pond. That was the, the most recent commitment amendment. Prior to that, they had gone through a restatement of all of the commitments back in 2019 and I provide those here because within that set of commitments it also included all the, all those uses that would be prohibited within the development. I'm showing those quickly here to point out these same commitments would still apply to the requested rezoning tonight. Nothing is being removed, those still would apply to the requested rezoning.

So we go through and this is the original layout for those commitments. Again, if you look down here to the south, it does not show that most recent lot where they add, which they added to the overall development which is going to serve as a retention pond. Again, the, the water feature was right through here and it has been relocated down to this area and I bring that up because one of the other concerns Plan Commission and Town Council should have is not only the Comprehensive Plan but what are the other uses adjacent to the ground that's being rezoned? One of the reasons why this area had originally been zoned for PB, a less intense district than what the GB is, is because they were looking to provide some buffering to those residences to the south. At that time, again, this, the lot where the retention pond is going now, was not a part of Appaloosa Crossing so they were truly butting their uses up against residential. They now have a lot that is, that is designed as a retention pond to hopefully provide that buffer area which is one of the, the rationale that petitioners presented for why they should be, be able to change this, this zoning from the PB to the GB District. Again, this location map just gives a little bit clearer indication as to the area that is going to be rezoned, that they are requesting to be rezoned, from PB to GB.

With that, I'm going to pause on the, on the rezoning. I will add though that staff does support a favor, favorable recommendation of the rezoning request tonight. I'll be glad to answer any questions you might have on the rezoning.

Franz All right, thank you.

Kilmer So, I don't know if you want the petitioner to address rezoning or would you like me to go straight into the replatting? Keep going?

Franz Yeah, yeah.

Kimler Keep going. Okay, I will do that. Again, this is the area that is being requested to be replatted tonight. Some of these are ones you've already seen but I wanted to bring them back up just so they're, they're fresh. Again, the, the drawing here on the left side of the screen is the current layout of the lots, again, with lot, Outlot "I", Outlot "J" and Outlot "K." Outlot "I" would grow to the south by about 18 feet. The remainder of Outlot "J" and Outlot "K" would be merged together with Block "B" and a portion of Appaloosa Drive so that it would result then in one large lot to be known as Outlot "J" and Outlot "I" would be enlarged to accommodate the proposed Culver's Restaurant which we will hear in just a little bit.

Everything, the, the requested plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be compliant with the exceptions noted in the, the attached comment letter and when you came in this evening, you should have found at your location I had left for each one of you an updated or revised Exhibit 6. You'll see down in the lower right I've highlighted Exhibit 6 Revised. This is an updated letter that was received from the, the Town's contractual engineer just this afternoon and wanted to give you the latest and greatest so should you move forward with a favorable, favorable recommendation of the replat, please note in the motion that you're referencing Exhibit 6 Revised, not Exhibit 6 as it's stated in, in the sample motion that I have provided to you. With that, now I'll answer any questions regarding the replat.

Franz All right, anybody have any questions for Roger or should we jump to Matt? Mr. Price –

Price Thank you Mr. President and members of the Commission. For the record, my name is Matt Price. I'm the attorney for Harris FLP tonight. Very much appreciate Roger's thorough review of both petitions, the rezoning and the replat. Just very briefly, many of you have lived this project along with us and made it a better proposal along the way. But just to kind of refresh where we started and where we, where we find ourselves today with these requests – this property, as Roger mentioned, was originally rezoned back in 2008 and it's about 57 acres, 44 of those 57 acres were originally zoned for General Business and the concept at the time was to use a common expression, a power center. It was really rezoned with the idea that Kroger would locate a store there with a store that was well over 100,000 square feet and had a, a number of other adjacent retail uses and that was basically the northern 44 out of those 57 acres. The remainder of the property, including the interior of the property, was set to be Professional Business. And kind of fast forward if you will to 2019 and then 2020 and all that, all the great things that 2020 brought our community generally and the business community specifically, we've had to adapt to a changing environment and, and really modernize the proposal and have come forward with a number of requests over the years and, and what has, what it's resulted in is a more of a mixed-use project that includes a significant residential component with a townhome project and then locates the business uses along the perimeter of both Michigan Road and County Road 300 or 146th Street as Roger mentioned.

And so this proposal tonight is to kind of complete the rezoning process and that updating process, if you will, by rezoning the southern two outlots to the General Business subject to all the same existing use limitations. We would also note that our experience is in, in responding to the marketplace and you can see it firsthand when you drive by there today is that the users that are coming to our mixed-use facilities are a combination of retail uses and also some professional business-like uses and what I mean by that is the northern retail center, for example, includes a dry cleaning pickup and drop off which is a use very much akin to a professional business use. It also includes a dentist office. What we're proposing for this new, newly created combined outlot is a smaller version of the building that's already out there today for mixed-use that would include a couple of restaurant users including a brunch/lunch spot as well as a med spa user and potentially a chiropractor. So it's a, it's a mixture of uses that are both retail and professional business oriented.

Mr. Harris is here tonight and together we are available to answer any questions that you have and very much appreciate Roger's report and opportunity to address you tonight. Thank you.

Franz All right, thank you. Is there anybody from the public who would like to comment on this matter?

Bash I would like ask just a question.

Franz You have to come up. State your name, ask the question.

Bash Up here?

Franz Yep.

Bash Thank you.

Franz Speak into the mic.

Bash Alison Bash, sorry, and –

Franz State your name again.

Bash Alison Bash and my question is rezoning from the PB to the GB and why is that necessary if those are the types of businesses that you're going to have in there because protecting my view and the neighborhood right there, we'll see lights, we'll see bright, bright lights if you change that to a GB I can promise you. So why do you need to change from PB to GB if those are the business you will have?

Price The, thank, thank you very much for the question. The PB land use designation does not permit a mixed-use shopping center building at all and so both, whether it's zoned PB or GB, it's subject to the same light restrictions underneath the Zionsville Zoning Ordinance and I might also add that Mr. Harris and I have talked about the lighting issue and Mrs. Bash has been a person who has discussed that with you all, at least through correspondence, and while we haven't had any issues that we're aware of relating to the shopping center and its lighting, we are committed that on this building we would include that any interior, any signs that have interior lighting would, would have a, a dimmer switch that would be activated at sunset to reduce the light intensity by 50% and just add that as a feature voluntarily to the structure. Our intention is not to create any, any undue light pollution, although I will add that I think the Town's inspectors have been onsite with regard to the convenience store and determined that it was compliant with the Zoning Ordinance but we'll voluntarily make that commitment. It's, it's some technology that Mr. Harris has been evaluating as he's looked at this proposal.

Franz All right, thank you. Come on up.

Bash Alison Bash. With that commitment to the dimmer switch at sunset, would that be site-wide or are you just talking at outlet, the big combined outlet, the "J", "I" and "K?" Can I?

Price Yeah, sorry. Go ahead.

Bash And also the convenience store/gas station was not in compliance. It took a while to get it in compliance and I'm not quite sure, I just measured the foot, foot lights recently. We have a, a tool to do that and they're still not in compliance per our electrician and the, the roof lights that go along the building top come in my back window at night and shine off my front window. They're on the pond. Would those also be continuing on to all of your buildings? And just that, the, the lights

around the convenience store the – and the Culver’s always has too. Will those dim at sunset as well? Thank you.

Price The commitment I was making was limited to the new structure. The existing building is not equipped with that dimmer technology. I have, I have not heard of any incident where the, the existing retail facility has been viewed as being noncompliant at all and, and I’m happy to have a discussion about the convenience store. I know just from my own observation it appears the convenience store is turning off some of its lighting, I think voluntarily.

Franz All right, thank you. All right, at this time I will open it up to any members of the Plan Commission for questions/comments.

Lake So I am pleased that the uses, the restricted uses carry over in this instance. I had kind of made a list of ones that all fall in your, your list mainly because they would’ve probably been too heavy of a use for an adjacent residential area. The other change though that concerns me is going to GB. Commercial buildings can be 75 foot versus 35 foot. Would you guys be willing to commit to nothing over 40 foot?

?? 40 foot?

Price Height.

?? Oh height? Yes.

Lake Thank you.

Dale I can speak to the lighting issue a little bit. We did get complaints about the convenience store, exterior lighting exceeding the Town’s light standards and we had our zoning or permit technician go out there a number of times with a light meter and has concluded that based on adjustments made by the, the landowner, the exterior lighting is, is in compliance with the Town’s lighting restrictions. There, there was some discrepancy because the, our, our inspector wasn’t holding the light meter at a particular, at the right angle and so he was getting some false readings initially until he realized that there is another way to hold it that’s, that’s, that meets the, the specifications for that model of light meter and having changed that then found the, the building is now in, in compliance with lighting standards. So, it does matter how you, you know, where, how you hold that meter in getting the, the proper reading.

Franz Okay.

Lake And I would note too that color temperature plays into that a lot.

Dale Mm hmm.

Lake You can have the same lumens at a different color temperature –

Dale Mm hmm –

- Lake And it seems much brighter. So, I know they use a very, a very bright light, a very cool light –
- Dale Mm hmm –
- Lake At 5,000 probably Kelvin which contributes to that.
- Dale And, and so I would invite Ms. Bash if you want to talk to us again about that and, and compare notes with your lighting meter then we'd be happy to talk to you more. Okay. Thank you.
- Bash Thank you.
- Price Mr. Lake, can I clarify one thing? On the building height can we make that commitment exclusive of the cupola or decorative –
- Lake I'd be fine with that.
- Price Adornment?
- Lake How about we just say of the main roof line?
- Price Main roof line would be –
- Lake Or, or parapet.
- Price That, that would be preferable because I think –
- Lake Okay.
- Price The way Zionsville measures height is to the tallest view.
- Lake Yes, yeah. Fair enough.
- Franz Any other questions?
- Jones Yeah, just back on lighting again – and as this project has moved forward, I know we made alterations to the setbacks from Michigan Road because of kind of a double jeopardy which road kept asking for more, blah, blah, blah. I'm just wondering when it comes to the existing gas and convenience station, the other existing general business, I'm looking at the Culver's plan and you've got a couple pole lights that are out on the, let's call it the western edge of the property. Do the other properties have those lights? I know the – just as we've approved parking lot lighting, where has the placement of those fixtures ended up? Do you know what I'm looking at, Chris?
- Lake They are, they are not on the western edge of the gas station. I don't think there are any lights past the service canopy –
- Jones Yeah –

- Lake Hold on a second, I'll look up north. On the northern addition, the lights are at the west edge of the parking lot.
- Jones Are they?
- Lake Yeah –
- Jones So there's parking out there?
- Lake And the landscape at the west edge of the parking lot and then you got what like 15 foot and then you got a trail and grass between the road.
- Jones And as we move to more GB zoning for those other lots, we're going to get more of the same down on those parcels as well. Would that be a correct assumption?
- Lake That west edge is also further away from residential than the north edge.
- Jones And then my final question is what are we calling that – is it a water feature or is it a retention pond down there at the south end?
- Price It, it's both. Now that we have electric at that end of the property it will include a fountain in the, in the basin.
- Jones So there will be something done to it to give it a little more –
- Price Right.
- Jones Curb appeal –
- Price Correct.
- Jones Than a retention pond?
- Price Yes.
- Lake It's pretty weedy right now.
- Jones Yeah. Pretty much a retention pond right now.
- Franz Any other questions, comments? If not, can we have motions on these matters?
- Lake So I move that Docket Number 2023-30-Z, a Petition for the Rezoning of Outlots "J", "K" and a portion of Appaloosa Drive and all of Block "B" of Appaloosa Crossing from the Rural Professional Business (PB) District to the General, Rural General Business (GB) District and being within the Rural Michigan Road Overlay receive a favorable recommendation based upon the Findings in the staff report as presented and subject to the existing recorded commitments restricting various uses and setting forth certain development criteria remaining and being applicable to the subject property including a commitment agreed to tonight that the roof line and/or parapet of buildings on these new GB lots will not exceed 40 feet.

- Franz Is there a second?
- Grabianowski Second.
- Franz Any further discussion?
- Jones One quick question about the addition of the, so basically Appaloosa Drive is now going to terminate what we'll call the north side of Lot "J". Is there any concern with losing any of that buffer to the housing to the east?
- Franz Are you talking about where the, the, the street becomes part of that lot?
- Jones Correct.
- Lake I mean, it doesn't change the way it was in the original, original plat. The street goes down the same distance and, or is planned to go down the same distance in both of them.
- Jones It's just a question.
- Franz I think, I mean, in the housing area it wasn't going to gain any access from that –
- Lake Yeah.
- Jones No.
- Price It's a good question. The, the, the street is actually already there down to this lot and I think the, the plan is that as we come back with a development plan and our final design is that that area will be incorporated into additional landscaping area. It just provides us some better flexibility given the, the dimension of the site, a little more maneuverability with it.
- Franz All right, thank you.
- Jones I guess that goes back to the request for a change from a Professional to a General Business. So now you've got something that's going to have longer hours. I don't think we really in the Professional Business dictate hours of operation but generally the reason we do it is because there are more limited hours versus restaurants or other things going on in the evening.
- Lake Most of which though are restricted out based on the covenants in that use anyway.
- Jones And that's –
- Lake Their, their commitments.
- Jones Their commitments? All right.

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Lake Yeah. Pubs and taverns are out, motels/hotels are out. All the things that I think would be a nuisance – tobacco sales, agricultural, industrial uses are all out.

Jones Yeah.

Franz All right, so we have a motion and a second. Any further discussion? All right, all in favor, all in favor signify by –

Taylor You have to do a roll call.

Franz Oh, a roll call on this one. Okay. Secretary, will you take roll? For rezoning we gotta do roll? Okay, thanks.

Dale Cindy Madrick?

Madrick Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Chris Lake?

Lake Aye.

Dale Sharon Walker?

Walker Aye.

Dale Larry Jones?

Jones Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale David Franz?

Franz Aye. So we will forward that recommendation to the Town Council. And do we have a motion on the replat?

Lake I move to approve Petition 2023-31-RP, a Petition for the Replatting of Lots “I”, “J” and “K” in Appaloosa Crossing to enlarge Lot “I” and to combine Lots “J” and “K” with Block “B” and a portion of Appaloosa Drive into a single lot being in the Rural General Business (GB) and Rural Professional Business (PB) Districts and within the Rural Michigan Road Overlay be approved based on the filed and presented information including Exhibit 6 Revised and the Findings established at the public hearing.

Franz Is there a second?

Walker Second.

Franz Any further comments/discussion? Does this one need a roll?

Taylor Yeah.

Franz Okay.

Dale Sharon Walker?

Walker Aye.

Dale Chris Lake?

Lake Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale David Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Larry Jones?

Jones Aye.

Franz All right, that is also approved 7-0. Thank you very much.

The next item on the Docket 2023-24-DP, Culver's Restaurant, 3263 South U.S. Highway 421, Zionsville. Petition for the Approval of a Development Plan of a restaurant with a drive-thru being in the Rural General Business District and within the Rural Michigan Overlay (MRO). Waivers for architectural design and exterior building materials are also requested. Roger –

Kilmer Thank you. Completing the, the trifecta of the three, three petitions, this is the development plan for the proposed Culver's Restaurant. On the screen I have, again, the location map showing the site being identified as Lot "I" of Appaloosa Crossing. The site plan that's provided up on the screen – let me stop for a moment before I go into the site plan – this project has already received two variances from the Board of Zoning Appeals. On March 1st it first received a

development standards variance for the, basically the reduction of a required 6-foot landscape strip along this frontage of Michigan Road. There is already a required 30-foot-wide buffer yard in this area and one of the requirements of the Rural Michigan Road Overlay is that in addition to that 30-foot-wide buffer, an additional 6-foot-wide planting strip needs to be in place if there is any parking located between the front of the building and Michigan Road and in that case there is some parking here and so there was that requirement for the 6-foot-wide additional planting strip. They requested a waiver or a variance of that requirement. Very similar, very, exactly similar to one other petition along this stretch of, of Appaloosa Crossing had requested and received. The requirement was though for the planting materials that were to be placed in that area, they were to be reallocated around other portions of the site. So it wasn't a removal of the planting materials, just a removal of that additional 6-foot-wide strip.

The second variance that they petitioned for and were granted from the BZA is a requirement, again, from the Rural Michigan Road Overlay – that's no building, no site more than 1,320 feet from the intersection of, of County Road 300 South and Michigan Road could, anything outside that range, could not have a drive-thru facility. So they requested a variance of use to permit a drive-thru facility. The BZA did grant that. Again, that was at the March 1, 2023 hearing from the BZA.

So with that, I'll now go into a description of, of what the site plan presents, first of all, again, this is located just south, on the southeast corner of Hanovarian Street and Michigan Road. The sole point of vehicular entry onto the Culver's site would be here on the back side of the property back on Appaloosa Drive, both a full in and out here. The building is just a little bit over 4,600 square feet. This site would also be improved with a dual drive-thru facility here on the back side where they would then feather into each other or zipper into a single drive here along the north side of the building to the drive-up window. Following around, following the vehicular path around the, the site, again, coming around to the front of the building, there would be angled parking in front. There's an outdoor seating area in front of the building. Continuing on around to the south side of the site is the, the main and primary parking field for the development.

Moving on – there were really three areas of the development plan and these are all noted within the staff report and also within the engineer comment letters. Three areas that were submitted but they weren't submitted to the rural standards, they were submitted to the urban standards. Specifically, lighting, landscaping and signage. Typical, and, and, again, all these areas are noted within the comment letters as things that still need to be remedied because, again, they were designed to the urban standard and not the rural standard. Typically, we, we would be bringing this to you saying there's really just a few T's to be, be crossed and I's to be dotted on a project. These could be argued that these are significant changes but, however, they've already been designed to meet the urban standards. The petitioner has said they'll be able to bring these into compliance with the rural standards so staff is going to leave it up to you as to whether these are items that can be approved conditionally, meaning leave it up to staff to confirm, or do you want it to come back once, once the revised items have been remedied to the rural standard?

Such, such things on the lighting as the height of lighting standards, the types of fixtures to be used, meaning the, the size of the poles, things like that – they are not, I don't want to say they're not significant items but they're items that can be easily remedied, they just have not been remedied yet and they could be on, on the next set of drawings.

The landscaping is of similar nature. Again, it was designed to urban standards rather than rural standards so this would need to be slightly revised to, to come into compliance there.

Looking at the building elevations – the third item that, that the petitioner has already filed a petition for and that is for signage. This site in the Rural zoning classifications, the number of signs is determined by the amount of frontage you have. In this case, this site is going to have three frontages – one along Michigan Road, one along Hanovarian Way and one along the back side of Appaloosa Crossing or Appaloosa Drive. You're allowed one sign for every 200 linear feet of frontage that you have. In this case, the building would qualify for three signs. They're requesting four so that request has already been filed and is scheduled to be heard by the BZA at their upcoming September meeting. So, as a part of this development plan, I have included in the language that should you conditionally approve this project, signage is not included in that, that signage would have to be first approved by the BZA and then the, the petitioner would have to go through the ILP process for signage to, to make sure that that complies with, with our standard. But you'll see that the, the building has, has a stone base and, and some stone columns. EIFS is, is on the exterior along with a window – I'm drawing a blank here – I want to call them shades, they're not shades though but awnings –

Lake Awnings.

Kilmer There we go – thank you. Around one, the back end of the building they have a storage and trash enclosure area. This is the depiction of what would be the front of the building facing Michigan Road where they have, again, an outdoor seating area that would be under a roofed area. This is the back side of the building that would be facing Appaloosa Drive and then this is the side of the building that would be facing Hanovarian Way where you have the cars would come up and stack to the drive-up window at this location. The Town's project has gone through the TAC review and found it to be substantially in compliance other than the items I noted regarding lighting, landscaping and the, the signage request.

From a vehicular parking standpoint, parking is based upon the number of seats that the restaurant will provide. They are proposing a total of 145 seats that would be comprised of 129 interior seats and 16 outside. That would require an, that would result in a requirement of 49 parking spaces. Their site plan is providing a total of 71 with three of those 71 being ADA compliant.

As for the requested waiver of architectural building design, this site, again, being within the Rural Michigan Road Overlay, is required to meet the Zionsville theme. This is, this same waiver request has been made of all other development out in Appaloosa Crossing. When the first building for Appaloosa Crossing came in, they wanted to establish their own theme somewhat of a, a, a farm or barn-

style appearance which, again, did not comply with the, the Zionsville theme. They requested this same architectural waiver. All the other projects that, that are under construction that have been approved out there have requested this same waiver to match up with the Appaloosa theme, not the Zionsville theme. So, staff would recommend that approval of the architectural building design waiver be approved. Staff also recognizes there is a number of items still to be addressed by the petitioner, however, staff's position is favorable to a conditional approval of the petition for development plan for a restaurant with drive-thru facilities, again, not including the signage and, addition, approval of an additional sign is subject to the BZA's approval of the requested variance. I'll be glad to answer any questions you might have.

Franz All right, thank you. At this time, would the petitioner like to make any comments?

Goins Mr. President and Council, thank you. Thank you for hearing this this evening. My name is Bob Goins. I represent K&J Investments 17, LLC and Culver's Restaurant. Thank you, Roger, I'm not much of a public speaker or an orator so I don't have a lot to add to what he said. He did an excellent job but I am here to answer any, any questions you may have and hopefully I can help.

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

Erhart-Graves My name is Julie Erhart-Graves and I, along with Alison Bash, and several other neighbors live across 421 from Appaloosa Crossing. I think I've got a concern. Every building so far that's been installed, the two buildings that have been installed and are occupied at this time all have roof, rooftop lighting that we see from our backyard, from every bedroom window. I actually have talked to a real estate agent who has more than 20 years' experience in Zionsville and she has confirmed that our property values have gone down because we see neon green rooftop lights and we see the, the commercial building, the entire roof line of that building as well. So I'm up here about Culver's because I've seen Culver's buildings at night and they have blue neon across the top of those. So I'm, I'm here to plead to please stop the, the rooftop lights. It, from our perspective, it's starting to look a little Vegas and I also have seen Culver's where they've got the blue concentrated pillar lights all around and so we see that. We see the green, we see whatever color is going over on the commercial building and we are going to see these blue lights as well and so I want to: A) Inquire as to whether or not there are going to be rooftop lights on, at this Culver's – are there going to be the blue concentrated lights on the building and then just let you know our concerns.

Franz All right, thank you. Would you like to comment on that?

Goins Yes, I wanted to answer one of the questions is no, we will not have the blue lights that you may have seen shooting up on the building. We will not have that. We do have plans for the blue neon that goes around the top. I will be honest with you. We do have that but one thing to note is we do close at 10 p.m. so our lights go out at 11.

- Erhart-Graves If I try to sell my house people are not going to be moving . 1:17:38
inaudible off microphone
- Goins I understand but that is it. Yeah, we will not have the blue up lights whatever but we would have the, propose to have the blue neon around the top.
- Franz Anybody else have any public comment?
- Bash Alison Bash again. So, the blue neon lights that you're referencing –
- Franz You, you need to face the –
- Bash Those would not be included in the dimmer at sunset that go around the building? I'm guessing and at this point I would just urge you to wait until the urban has changed to the rural lighting signage, just because I think we need to see that on paper, see that it, in fact, is going to happen. My property in particular it, it's a miracle it happened. I lost 15% value because of the construction and the lighting. So, they said if it gets worse over the next year I get to appeal next year and I'll lose more so it is affecting us. It's affecting us tremendously. I just urge you to hold off the vote until you get the urban changed on the development over to rural and really look at maybe these fluorescent lights that are on the rooftops that are being used because it does impact us and it does impact the quality of, and the value of our homes and our properties.
- Franz All right –
- Bash Thank you.
- Franz Thank you. If I'm not mistaken, this, the Culver's building was not going to be subject to the commitment? Okay. Anybody else? If not, at this point in time I'll open it up to members of the Plan Commission.
- Lake This end of the Commission down here was looking at images of Culver's at night and I will say that the ones without any blue lighting at all, whether they're the up lights at the columns or the lights around the top of the parapet look much better than the ones with blue lighting. So I think for me there would have to be a commitment to have no blue lighting on the, on the project at all before I'd be willing to consider this further.
- Franz And they have other properties that are similar?
- Lake Yeah, I'm looking at probably a third of the images have no blue lighting at all, a third have just the roofline at the parapet lit up and a third look like they're a Vegas nightclub with blue up every single column and façade.
- Goins At this site we would be willing to get rid of the blue neon lights. That's, normally we don't but in this case it's not, it wouldn't be a problem. I would be willing to make the commitment not to put the blue neons around the top.
- Lake Thank you.

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Franz Thank you. Roger, I'm assuming that the, the urban versus rural items that you've identified, they're pretty straightforward as to it's real easy for you to say these are compliant or these are not compliant. Is that correct?

Kilmer That is correct.

Franz Okay. Anybody else? If not, we have to have a couple of motions. There's a waiver. Would anybody like to make a motion on that one?

Lake And I assume the lighting will be tied to the second, to the actual petition commitment itself?

Taylor Yes –

Lake The commitment for the blue lights?

Taylor Yes, yes.

Lake Okay. I move that the waiver of architectural building design requirements be approved based on the Findings in the staff report Exhibit 6 as presented.

Franz Is there a second?

Grabianowski Second.

Franz Any further discussion? Secretary, please take roll. It's easier that way.

Dale Jim Hurst?

Hurst Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale David Franz?

Franz Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale Larry Jones?

Jones Aye.

Dale Sharon Walker?

Walker Aye.

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Dale Chris Lake?

Lake Aye.

Franz All right, the waiver is granted. Is there a motion on the petition itself?

Lake Sure. I move that Petition 2023-24-DP, Development Plan Approval of a restaurant with drive-thru facilities not including signage be, being in the Rural General Business (GB) District and within the Rural Michigan Road Overlay (MRO) be conditionally approved based upon the Findings of Fact as presented with conditions as noted in the staff report and subject to resolution of commitments within the attached comment letters Exhibits 5A and 5B and the recording of the proposed Access Easement. Included in this would be a commitment by the developer to have no blue neon lighting on the façade anywhere.

Franz Is there a second?

Walker Second.

Jones One question – is it the developer’s requirement for the lighting or the owner or the property owner’s?

Franz This one would be property owner’s.

Lake That the developer, property owner or franchisee – how’s that?

Jones There we go.

Lake All right.

Taylor The commitment will run with the land also so –

Franz Okay.

Taylor . 1:23:33

Franz All right.

Grabianowski Sharon.

Franz Is there a second on that one?

Jones Second.

Franz All right, any further discussion? Secretary, please take roll.

Dale Mary Grabianowski?

Grabianowski Aye.

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Dale David Franz?

Franz Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Chris Lake?

Lake Aye.

Dale Sharon Walker?

Walker Aye.

Dale Larry Jones?

Jones Aye.

Franz That is conditionally approved. Thank you very much.

All right, next on the docket is really kind of an update of the status of the proposed Form Based Code modifications that were discussed at the July 28th meeting, I think it was. So, I believe, McKenna's representative, Lippens, Paul Lippens, is, is online –

Lippens Good evening Commission. I don't know if I'm live now. I was just promoted to panelist.

Franz We can hear you.

Lippens All right.

Franz So if you would, can you give us an update of where we stand on the requests that we had in, in to you?

Lippens Yeah, I'm going to do a share screen. I have an exhibit prepared and hopefully everyone can see it. It's just a, a few slides but I thought it would help in the discussion.

All right, it looks like that did come up. So, we had a, a couple discussions. I think to move forward there's a few tasks here which I've outlined. We want to resolve the major issues that were identified by Plan Commission and, and at several coordination meetings with staff we thought the best approach moving forward would be to then create a Memorandum of Amendments that we would bring back to Plan Commission so that you could review the Ordinance along

with the major amendments and some minor amendments but then forward a recommendation to Town Council with amendments and then Town Council's role in the process would be then to consider the Ordinance along with a Memorandum of Recommended Amendments from Plan Commission.

So, based on the conversations, I have a concise list here of what in conversation with staff we have determined are the, the major issues along with some potential solutions. So, the, I think the, the, the biggest issue raised overall was that the Form Based requirements are, are too restrictive, both in the, the types of architectural standards but as well as how much of the township they're perceived to apply to. So, the, the big solution we'd like to discuss tonight is to essentially turn this into a hybrid code so that only some of the districts the Form Based requirements would apply and in several of the districts the majority of the Town actually, the districts would be permitted to use the building types but not required. So, the districts where the Form Based Codes would not be required we're proposing are the AG District, the NR District, the N1 District, the N2 District, the MU3 Corridor Commercial District which would be, I think it's important to have at least one commercial district where the Form Based requirements would also not apply and then the I1, I2 and AZ, the Airport District. In addition to exempting those districts from the requirement to follow the Form Based Code procedures, we would also meaningfully relax the material standards. For instance, take out the brick coursing requirement, include other types of wood and side paneling including composites along with cedar and some of the other notes that we've discussed but, the material standards were one kind of point of issue that we've discussed in the Form Based Code and we would propose relaxing those also within the districts where the Form Based Code would apply.

Another major issue that has been brought up is that the solar and wind utility standards which would be required to go through the exempt special exception process should also be required to have overlay zones, a utility overlay zone and that that would have to be approved through a rezoning process. We think that recommendation is a good recommendation so we would create overlay zones for major utilities.

Another issue that wasn't described in such detail is the Town currently has Special Use Districts for institutional, predominantly governmental uses. There's been a conversation to incorporate those Special Use Districts into the underlying districts which already could permit institutional uses. So that's a revision we've discussed with staff as well.

And then there are, are also going to be a number of kind of technical amendments. These are small amendments that can be made with, with text reviews. One example would be permitting or requiring EV standards or an EV, even a shared parking, a swap rate for EV spaces for regular parking spaces and charging stations as well. So that type of a text amendment could be incorporated as part of a technical text amendment into an amendment where, so you could kind of see these amendments one by one and our strategy would be to kind of incorporate some of these smaller issues that were raised through comments Plan Commission has provided to staff in, in that technical memo. So, really we kind of have three large scale categories and then a catchall for technical amendments

which are for some of the smaller issues that individual Planning Commissioners have brought up and, and shared during the review.

So I wanted to do a, just a quick slide on that Form Based District applicability. In Article 5 the first section of Article 5 it says: "All new construction in the Town of Zionsville must meet the requirements of this Article." We would change that to this District applicability and it would say: "All new construction in the NV, N3, MU1, MU2 and MUV Districts are required to meet the requirements of this Article" and then we would say within those other districts I just mentioned, the AG, NR, N1, N2, MU3, I1, I2 and AZ Districts, they would be permitted to utilize the requirements of the Article in accordance with the table of permitted building types but not required to follow the process. So, that's what would make this a hybrid code. The Town in the future would be able to amend this section if you felt it was appropriate to utilize building types in these other districts but for the purpose of move, moving forward, it would apply to a much smaller section of the Town.

This is the map, the current proposed zoning map and just to show everyone the areas in which the Form Based Code would apply are not the entire areas in red here but the, for, for the most part, these are the districts where those, those districts would apply. So you see this would really effectively make the Form Based Code section of the plan apply in a much smaller area of the Town and it would address the overall concern that that part of the code was too restrictive and allow the Town to move forward with a zoning code that really does achieve the goals of modernizing the code, eliminating and consolidating obsolete building types as well as consolidating the functionality of the districts to the, to, within the areas that are outside these Form Based Districts as well.

So, tonight I think what we want to hear from Planning Commission are if we missed any of the major issues. So if there are outstanding major issues, I would love to hear kind of that discussion so that we can get with staff and come up with those solutions. With respect to kind of technical amendments, a process or even a recommendation from Plan Commission to get any minor technical amendments, those types of edits, to staff within a time period. We do think with this, this approach we could turnaround that technical amendment fairly quickly and place the item on the agenda for consideration with a technical memorandum for Plan Commission's consideration hopefully even in September if you like this path forward. So, this is the, the process then. We would be recommending kind of the new thing after our meetings last month would be to create this memo with proposed amendments for consideration and then we would be going back to the process. This is our, our process slide. You know we got through the public draft, final draft. We're not, we have not scheduled the public hearing process so what we'd be doing here is kind of amending the process to include this part where we take Plan Commission's feedback, we create an Amendment Memorandum so that that Memorandum can be public and can be available for Plan Commission at the time where you have your public hearing process and then we would be looking for Plan Commission to forward those amendments to Town Council. Town Council may, of course, have additional amendments. They may not concur with the amendments that Plan Commission recommended but after Town Council has that opportunity to also see that Amendment Memorandum, we

would then add the amendments into a final Zoning Ordinance which then would, would be the one that would come into effect if, if it were adopted.

So, this is an efficient way for us to address the fact that Plan Commission has raised some major issues that you'd like to see addressed and the idea is by addressing those issues, we'd get Plan Commission something in relatively short order that you would feel confident voting on. And, I don't know if I missed anything, Mike, I think this is what we discussed preparing for this evening and I'll, I'll stop my share and I would love to hear Planning Commission's thoughts.

Franz All right, thank you. Just to let you know, I'm not taking any public comment on this one tonight. We're discussing it, I, I still think we're probably going to have another informational meeting, I think that'd be recommended so we'll give the public another opportunity to comment at that time before we have the actual hearing on the matter. So, I'd like to get anybody's feedback from the Commission here.

Lake So the thing I still have the most trouble with is, Paul, I feel like you guys are conflating Form Based Code and design. Form Based Code does not dictate design, it dictates massing, it dictates where a building sits on a site but it does not dictate design. So by pulling out certain districts that don't have to follow the Form Based Code but the rest of them are still required to meet the design requirements doesn't really help because the strict design requirements are the issue, not the form. So the form part, of the Form Based Codes I've researched, I haven't found any that have the architectural design requirements that this code has and we keep saying that we're trying to give relief on the Form Based Code conflating Form Based Code and design and the two need to be discussed separately. Keeping some of the design requirements that are in those uses that still have to follow them do not allow for reasonable buildings to be built in any of those zones. Reasonable buildings that you can construct in a modern-day manner with modern day materials that somebody can afford to build, that somebody can afford to own, lease, rent. It just doesn't, those don't compute. And so I, I, we need to untangle those two issues and I don't feel we've done that yet. Just simply by pulling some out and saying well they don't have to follow the Form Based Code because that was the problem – the problem wasn't the Form Based Code, the problem was the design standards, in my opinion. So that's the one thing where I still think we're, we're struggling because we're conflating those two topics.

Franz Yeah and I, I, I tend to, I mean not 100%, but I tend to agree that a lot of this has, that, that we're getting caught up is the actual design –

Lake Yeah –

Franz Of the buildings, materials and all that stuff. So, we talked about adding schedules in this to say these new materials, that sort of thing but I, I mean, I just think this has got a lot of work to go. I think this, I'm not arguing this isn't a good first step so – I still think we have some, need some input, additional input from the members of the Plan Commission on this. Like I said, I, I still think we're going to have to have another public meeting to get comment. Anybody else? This is an opportunity to say what you want to say.

Walker Well I have something very small but to me it's not small. The map that you gave us, I had mine enlarged so I could see it better. You left off I-65, the I-65 corridor, you didn't show State Road 267 and that may not seem important but with all the things that are happening and occurring on those two areas, you don't even show them and they're very important. And there's a whole bunch of other stuff but that was a little nitpicky thing I thought they're not on there and they need to be because that will affect what we do over there. So that was my, that's my first comment.

Franz What do you, I mean, so, if we have another public meeting, I'm just looking at the calendar if we follow kind of the same schedule we had last time, it'd be September 26th or September 27th. September 18th is the regular Plan Commission meeting so, I think if we do something, we should definitely decide if we're going to have another or at least put on the, on the schedule a special meeting to have further discussions and get comments from the public. So what are you, what are you proposing that you, you will, your next steps? What, what documentation do you anticipate providing us?

Lippens As I, as I said, the proposal that I discussed with, with staff was to create a Memorandum –

Franz The amendment document?

Lippens Mm hmm. That states, states which amendments we feel like we should create to address the, the major issues that were identified which I, I described also the categories of, of major issues which I, I haven't heard anyone say there were additional major issues that needed to be addressed other than the ones I discussed.

Franz Well, I mean, it's a pretty, it's a pretty dense document. It's hard to digest this and come up with every known issue. I still think if something like this were approved, I think this is going to be, for a little while, a living document that's going to get, as things pop up we're going to modify. At least I, I just feel to see something like that is going to happen and I don't know how that would go about being done but it sounds like some work. So when, when do you anticipate having what you were going to provide? Is that next week or what, what's the timing of that?

Lippens Well it would largely depend on getting an understanding that Planning, Plan Commission concurs with the approach. So, we need to understand that Plan Commission, we've heard the concerns Plan Commission has made and that the approach we've discussed with staff is a good approach that Planning Commission would like to see an, an amendment document and, if so, we will work with staff to get that to you as soon as possible. I think for a Plan Commission meeting in September or even a special meeting, I think that that is reasonable and we would prioritize getting this work done so that the township can, can move along in the process according to kind of our near-term schedule which was try to get the Ordinance adopted this fall.

- Franz And I believe that comments were submitted from many of the members of the Plan Commission to the Town so I don't know, I don't know in aggregate what those all reflected so, I don't think anybody knows in aggregate what those reflected at this point.
- Lake No, speaking of other big issues though, I think, lot coverage in the Village residential area is another issue that hasn't yet been addressed.
- Franz And, in general, the the zoning did create more dense development than what we currently have.
- Hurst Did somebody [REDACTED] 1:41:32 on the density changes with the zoning? How many more housing units did we de facto approve if we had [REDACTED] ? 1:41:41
- Lake It was, it was in the synopsis document, I think.
- Hurst Paul or Mike, do you guys know?
- Lake The one, yeah the one that was linked to the agenda.
- Hurst Because there, there is some, I don't have my glasses so I might [REDACTED] 1:41:59 pick out my notes but I know there was a, I believe it was the N1 lot size went down by half for someone [REDACTED] 1:42:09 changed into and the zoning density changed quite a bit and at the last Planning Commission meeting, I believe Mr. Franz had made a request for Google Map overlays of, of these zonings and if that exists, I was not able to find it.
- Madrick I didn't find it either.
- Lake I did note though that they didn't, that they didn't change. I think the intent was that they didn't change but as they aggregated them, they did in fact change.
- Franz Right.
- Lake So I was incorrect on that –
- Hurst Okay.
- Lake On what I said last time.
- Franz Well we used to have like a, I mean a, a one unit per acre size in the Ordinances. That's gone. It goes from, I believe, 3 acres to 1 house down to 2 houses to 1 acre.
- Lake And in, and some of the districts too, like the Village Residential District, their lot sizes never, they were always smaller than the –
- Franz Right.
- Lake Minimum anyway so they just dropped the minimum so they didn't have a bunch of nonconforming lots. There's no real way to make more lots in that area –

- Franz Yeah, I mean, it's hard to redevelop that too –
- Lake Yeah.
- Franz I mean, so –
- Hurst Sure, I, if I could continue –
- Franz Sure.
- Hurst I had also asked for a document that brought together the old zoning to the new zoning and was sent what was linked to the agenda today, a document dated 2021 which I think the cleanest thing I could say about it, it describes what the consultants hoped to do in 2021. It does not describe what was done or tie it to the current zoning. So, quite frankly, Town staff doesn't have my thoughts because I don't think I've been provided the materials I need to understand.
- Franz And I think from the current document to the new document, I mean, I, I think what you're trying to see if you can get a red-line of those documents to, I mean –
- Hurst Well, not, not even a red-line. I mean, this, this document makes, makes a stab at it. Here are the seven zonings or the however many zonings, here's where they went, but describing what changed, describing what density changes. This document references zoning districts that don't exist in the zoning draft. So I, I printed it off a couple of times and –
- Franz And that's what I did. I had to go back to the old zoning and cross reference to the new zoning to see the densities and those sorts of things. I mean there's nothing that has a nice, easy –
- Hurst Right and –
- Franz Conversion.
- Hurst Even if I had the time, I don't know that I have the capability to become a zoning expert across two, two things. I, I think the, the, I would like more help but I think the, the Town deserves more of an explanation of, or a consolidated explanation of the, the changes. When, when I was appointed to serve, I was, on this Planning Commission, I was appointed as a, a member living in a rural district. That rural district is Perry Township which absorbed the Town Comprehensive Plan when it was annexed. The more and more I sit with this, the more and more I think maybe we're doing this backwards and maybe the Comprehensive Plan needs to be looked at before we get too far with this.
- Lake So, two comments – I, A) Completely support that. I know that there, there was an attempt to get the funding for the Comprehensive Plan to redo that and I think it does need to go first. Unfortunately, that was not successful, however, to your other point about density, one of the letters by Bruce Nicholson that we were, we

received today he had a little bit of that summary. Now, I don't want to take that off, you know, staff or McKenna's shoulders to provide but there's –

Hurst That was the best summary I'd seen –

Lake Yeah, yeah. I, I thought it was in that document you were referencing but it, it was in the letters. That's where I saw that.

Franz Roger, when was the last time – Mike, I'd ask you but it was before you were here. When's the last time we did the Comprehensive Plan update?

Kilmer Some of the sections, some of the rural sections, I believe, were amended in 2014 but very, very few. So a majority of the Comprehensive Plan is pre-2014.

Franz Okay.

Lake It's like 2010 or earlier I think –

Kilmer Yeah.

Lake For the majority of it. I think that would really then set the tone for where you want to go and then this is the, the mechanism that helps you implement that versus you have a mechanism to help you implement something that, you haven't figured out your direction yet so.

Hurst But, as to the Town's that I was asked by Paul today, if we're going to say oh we have a Form Based Code but only for little certain segments of it, I, I don't quite get that and Chris's comments and Dave's comments earlier that separating the design from form seem important in this. A, a broader book of, of what, of illustrations, photographs and what does fit the form for these areas that don't already look like the Village would, would seem important.

Lake And I –

Hurst That sounds like a lot of work to be done in four weeks.

Lake And I just had a note that 2003 was the last true Form Based Code –

Franz Comprehensive Plan.

Lake Oh sorry – Comprehensive Plan. Thanks, yes, Comprehensive Plan. It has had subsequent small amendments to certain areas but –

Grabianowski We've had a lot of growth and change in the last 20 years.

Hurst A little, little bit.

Lake Yes.

Walker And we have all the other things at the Gateway. I listened to the Town Council meeting this morning with the pathways plan. There's a whole lot of things that

need to be coordinated because you're doing this here – I can't talk without my hands – you're doing this here and then you're doing that and it's like there's overlapping need to work together. A lot of people have spent a lot of time and a lot of good things it looks like are coming from them but it's gotta work together. You can't piecemeal this stuff, in my opinion. And I don't like a lot of that so there you go.

Franz So, I'm going to throw something out because I don't know if we're prepared to say, Paul, we know exactly what we want you to do right now. I, I mean, I would be willing to sit on like a sub-committee or something like that that can meet with Mike and kind of hash out our thoughts here and then we can kind of feed it to Paul and see how we can work that in. Is, I mean, is there other volunteers for, for that?

Lake Do all sub-committee members have to be from the Commission? So I'm going to nominate somebody that's not going to like this but David Rausch who is an architect here in Town who, I think, would be, who, who's been an architect in Town long enough that I think he would have some very valuable input on this process, in particular, the, the separation of form and design.

Franz Who would go about contacting him?

Lake I'd be more than happy to reach out. I don't know that he'll say yes but –

Hurst Well, he'll read the minutes of this and know, right?

Lake I'm hoping Dave is watching online.

Jones Chris, Chris's phone may light up any minute now.

Franz I just saw a thumbs down. No, I'm just kidding.

Taylor What did he do to you?

Lake I know – that's probably what it's going to feel like for him isn't it?

Franz Is there anybody else? I mean, Jim, would you like to?

Hurst Well I, again, I lack the understanding of the comparisons.

Jones I'll get involved in it. I mean, I'm, it's – like I need one more thing on my plate but my concern is a couple things – 1) Exactly what Chris said. Form Based zoning and design are two separate things. And if there's areas that want design standards, then there's ways to, whether it's a historic district or something 1:50:28 to, to define, define the design they want in whatever area they want to describe. The second thing I don't like hearing is this is a working document that we're going to create amendments. So, I mean, is that –

Franz So, I, I just said that that's what this looks like we're heading to –

Lake Yeah –

Jones No, but that's what –

Franz Yeah –

Jones Was provided to us that we're going to have these little, we're going to tweak this thing as we go which means, does that mean once the BZA has had 10 variances or something that it generates an amend? What is that? And, who's going to direct, who's going to create those?

Franz I'm just wondering what that process would be –

Jones Yeah –

Franz Do you have to be like a – I mean, how would you go about doing that?

Taylor I do not – I've never seen that done before. Presumably what you do is, if you have multiple variances on a fairly routine basis, then staff says to, to you – we need a text amendment unless, unless you think this should still be the rule or the limitation because we sure are getting a lot of variances and then you, you all first consider a text amendment and then it goes to the Town Council. That's the way it works everywhere, everywhere. So there's, that is always part of the process I would suppose but, yeah, in terms of like actual mechanism of this, I'm not sure how it would work. And I, and also – can I ask Paul a question?

Franz Sure.

Taylor Paul, I wondered you mentioned in your summary that, that you're, you think there, you heard about a need for overlay districts for solar and wind and yet I don't see any detail about that. Is there, did I miss it or is that to be developed yet?

Lippens We have not –

Taylor As to what those districts would say.

Lippens We have not developed any information – we have not developed new overlay districts. That was a comment that we heard, that we heard would be an important thing to be addressed in order to move the code forward.

Taylor Okay.

Lippens Also, just a point of 1:52:32, we were proposing to do an Amendment Memo to cover all of the amendments that would be made as a part of the adoption of this. So, that would be a one-time, we'd create a memo so that Plan Commission can review the amendments that they want to the draft that was issued prior to voting on it. Otherwise, the comment that Attorney Taylor made that there's always an opportunity for zoning amendments to happen, I concur with 100%. So we're not proposing anything outside of the, the usual process for considering updates to your Zoning Ordinance. You may always hear updates as needed.

Franz So let me ask a question on this – so we, we get, we have the current document that was prepared, then we’re going to have a set of amendments to that document – is the proposal that we’re going to recommend, make a recommendation to that with the document plus the amendments not incorporated when we make the recommendation?

Lippens Correct, correct. That was, that was what was recommended, that we discussed with staff in preparation for the meeting tonight – that we would create a list of amendments in memorandum form so you could see every, and every member of, of the public that wanted to see too, would see every amendment that was made to the Ordinance since the, the, the adoption draft was released.

Taylor Paul –

Franz Go ahead Dan –

Taylor Why would that be preferable to a corrected, a corrected edition or red-lined edition? If you could just help me understand – why would that be better? Or preferable?

Dale Well I can say that was at least staff’s recommendation. It, it’s easy for the public to see the list of revisions rather than scouring through an entire document looking for red-lines. That, that was one perception –

Lake We would still get a clean copy at the end –

Dale Ultimately, if the Town Council adopts the, the draft version with amendments –

Lake Included –

Dale Then they would generate a clean copy.

Lake Okay.

Franz The amendments, so the amendments that are there they’re not like, a sentence that says we’re going to amend this by, by – this is going to be the final amended language?

Dale Right.

Franz So, yeah, all right.

Dale Yes.

Franz Okay.

Dale 1:54:58 amended language.

Franz I, I just want to make sure that the, what we’re, what we would be recommending or the Town Council approving is the actual language not –

Dale It is the actual language –

Franz To be determined later. Okay.

Dale No, specific text revisions.

Franz Okay.

Dale Also in this way if the consultant generates an Amendment Memorandum and there are further revisions, they're not constantly having to reformat the entire document –

Franz Okay.

Dale They can just go into the memorandum, make those changes. Likewise, if the Town Council has some revisions, they can just modify the memorandum, not revise the entire document.

Franz So, anybody else want to volunteer besides me and a volunteer, oh, Larry said he would –

Jones Yeah, I'll do it.

Franz So –

Kilmer I have a procedural question, specifically to Mr. Taylor – a number of months ago we had a project that required a, an architectural review sub-committee and it was determined that those meetings needed to be advertised. Would the meetings of the sub-committee also require advertising?

Taylor Yep, yes.

Kilmer Okay.

Taylor And held in public.

Kilmer All right.

Franz Okay.

Kilmer Thank you.

Franz So, we'll figure out how that's all going to work.

Taylor It sounds like you and Larry and, and the mystery guest.

Grabianowski Well we can't have more than two Board members –

- Franz You, you can have three, you can have three Plan Commission members because if we have four then it's a, we have a quorum so you can do three. So, we're still open to one more. Maybe somebody will jump –
- Lake If I can't get Dave Rausch to do it, I may take that up.
- Franz All right.
- Franz It doesn't take a motion to do a sub-committee does it?
- Taylor No.
- Franz No? All right.
- Dale So the sub-committee consists of Larry Jones, David Rausch potentially. Who else?
- Franz Me.
- Dale Okay. And staff.
- Franz Yeah, staff. So what we'll do, Paul, is we'll, we'll have some meetings. We'll try to, qualitatively give you what we want you to work into the amendments so it's going to be a little bit, a little bit more time.
- Dale Do you have a timeframe in mind of when this committee would meet and?
- Franz Well, if we have to publicly announce it, I mean, how much lead time do we have to give?
- Taylor 48 hours' notice.
- Franz Okay. I, I was thinking, I was hopefully trying to meet sometime like next week. I mean, something like that. I mean, subject to schedules –
- Jones Yeah.
- Franz I mean, I want, I want to get this thing – I'd still like to do this so we can have the, the September 28th meeting which I guess there's another question – should we, we can always cancel that, that special meeting but we should put that on the docket now, correct?
- Taylor Yes.
- Franz So, is everybody okay with the, the September 27th I think is a Wednesday, September 28th is a Thursday –
- Lake Yeah –
- Franz Meeting? Is everybody available for that? Next, September 27th or 28th for a special meeting?

Lake I will not be here on the 27th or 28th but you can sure meet without me.

Franz You have such salient points, Chris.

Grabianowski You do.

Taylor I won't be –

Franz All right, so that doesn't work. I mean we've got, I mean could we do it, I mean, have two meetings that week of that September 18th? What's the 20th and 21st look like?

Lake I'm tentative on the 20th. I'm waiting to find out if I have to go on a trip at DePauw University or not so I won't –

Franz Okay.

Lake I, I just don't know.

Franz Well, I mean, if everybody else can make it let's –

Lake It's a client, it's a client trip so –

Franz I gotcha.

Lake I'm waiting on them to schedule it. I just have a hold.

Franz Does that look okay, Jim?

Hurst I, September is shot. I, when you're talking about expertise, I mean it's more important to get Mr. Lake here but – thank you for nodding Mary.

Franz Well this is, this is the informational meeting where we get more public feedback. If we, if, if what we have is prepared and ready for them to review –

Hurst I, I certainly would be able to attend remotely.

Franz Okay.

Hurst I, I can't commit to being here on –

Franz What about the first week of October?

Hurst October is going to . 1:59:36

Dale October 4th, Wednesday the 4th there's a BZA hearing.

Franz Okay. Then I'm out of town on the 3rd. I could do the 5th.

Lake I can do the 5th.

Franz What's that?

Lake I said I can do the 5th.

Jones I'm fine for the 5th.

Franz The 5th okay? All right, October 5th we will have a special meeting.

Dale And then I will work to arrange a committee meeting – Larry Jones, David Rausch, Dave Franz and staff.

Franz Okay –

Dale For perhaps next week.

Jones Just not Thursday or Friday.

Dale Okay, Monday through, Monday through Wednesday next week?

Lake Mike, I will copy you when I email Dave Rausch.

Dale Okay.

Lake And then you can just –

Dale Sounds good. Thank you.

Lake Coordinate.

Franz So what is, what is next week?

Jones 28th, 29th, 30th.

Dale For the special meeting are you referring?

Taylor No, the committee meeting.

Franz No, I was, I mean, whenever schedule you want. I'm open to, I mean I'm pretty wide open on the 28th. The 29th there's, if you coordinated it after 3 and the 30th would have to be, the 30th is pretty much anytime.

Dale So, we're talking about a special meeting Thursday, October 5th?

Franz Right –

Dale 6:30 p.m.

Franz 6:30 p.m.

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Dale Okay. That's set. Committee meetings – looking at Monday through Wednesday of next week – August 28th, 29th or 30th?

Franz I mean, the 31st I've got 2:01:47.

Taylor You open in the evening?

Franz Yeah, I'm open in the evening. What about the 31st, evening of the 31st Larry for the sub-committee? Of August for the first –

Jones Yeah, I'm in New York.

Franz Okay.

Dale Monday through Wednesday next week is only available for everybody unless you want to push it back another week.

Franz Well, let's do this – why don't we just, let's try to schedule offline, the, this sub-committee meeting.

Dale Okay.

Franz And see what we can do.

Dale It'd just be 48 hours public notice.

Franz Yeah, right.

Dale Yeah, yeah.

Franz Okay. We'll be –

Jones And then the other meeting we've set it on the 5th at 6:30?

Franz October 5th, 6:30. All right, Paul, we'll, staff will be in touch.

Lippens All right.

Franz Thanks very much.

Lippens I appreciate everyone's time and feedback. It seems like you got a good idea moving forward so thank you very much for your time tonight.

Franz All right.

Dale Thank you, Paul.

Lake Thank you.

Franz Staff, is there anything else on the docket you want to bring up or discuss?

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Kilmer No sir.

Franz Mike?

Dale No sir.

Franz Do we have a motion to adjourn?

Grabianowski I move we adjourn.

Franz Second?

?? Second.

Dale Thank you.