



ZIONSVILLE

ZIONSVILLE PLAN COMMISSION RESULTS

Monday, September 18, 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, and Jim Hurst attended in person. Cindy Madrick attended via Zoom.
- III. Community & Economic Development August Monthly Report (Informational Only – no action required)
- IV. Approval of the August 21, 2023 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	Continuance Approved to the October 16, 2023, Meeting as requested by the Petitioner. 7 In Favor 0 Opposed 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.
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)	Continuance Approved to the October 16, 2023, Meeting as requested by the Petitioner. 7 In Favor 0 Opposed 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.
2023-36-Z	Sentry Development/ Holliday Farms Senior Living PUD	3795 S. US Highway 421, Zionsville	Petition introduced and Continuance Approved to the October 16, 2023, Meeting as requested by two Interested Parties (Neighboring HOAs). Petition to Rezone 23.18+/- acres from the SU-7 District to a Planned Unit Development to provide for a three-story, 155-unit senior living facility with related accessory buildings. This acreage is to be incorporated into the existing Holliday Farms PUD.

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>Ordinance Continuance Approved to the October 16, 2023, Meeting as requested by the Petitioner.</p> <p>7 in Favor 0 Opposed</p> <p>An Ordinance Amending the Town’s Comprehensive Plan to include a “Zone Improvement Plan” which proposes a road impact fee for future development.</p>
2023-45-CPA	Town of Zionsville		<p>Favorable Recommendation with one modification to Page 207 of the Parks Plan (remove sentence regarding solar development).</p> <p>7 in Favor 0 Opposed</p> <p>Petition to consider amendments to the Town of Zionsville Comprehensive Plan to revise and update the text of the Plan. The Plan Commission will consider incorporation of the Zionsville Parks and Recreation Department five (5) year Master Plan (2023-2028)</p>
2023-37-CA	PLD/Browning Venture LLC / Park 267 - Commitment Amendment	5190 S SR 267, Lebanon	<p>Favorable Recommendation with the faux stone wall to be utilized.</p> <p>7 in Favor 0 Opposed</p> <p>Petition to Amend the previous Rezoning Commitments:</p> <ol style="list-style-type: none"> 1. Removing the requirement of a masonry wall on the north and south ends of the property; 2. Widen the required north and south bufferyards from 20 feet to 40 and 50 feet with enhanced plantings; being in the Rural Light Industrial (I-1) District.
2023-33-MP	Harry and Linda Moore / Moore Minor Plat	6890 S 850 East, Zionsville	<p>Conditionally Approved as presented and filed with exhibits, and per staff report, subject to addressing Staff Comments.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for a Minor Subdivision Plat of a 12.44 acre parcel into two residential lots in the Rural Equestrian (RE) zoning district.</p>
2023-35-DP	Stewart Properties & Investments / Stewart Pole Barn	460 N 650 East, Lebanon	<p>Conditionally Approved as presented and filed with exhibits, and per staff report, subject to addressing Staff Comments and adding the Commitment to provide a 25-foot-wide easement for future Midland Trail.</p> <p>7 in Favor 0 Opposed</p> <p>Petition for Development Plan Approval of an addition of a pole barn to an existing storage building in the Rural Light Industrial (I-1) district.</p>

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

Docket Number	Petitioner/ Project Name	Project Address	Item to be Considered
Form-based Code			Acknowledgment of the withdrawal of the Form-based Code Zoning Ordinance.
2024 Plan Commission Deadline and Meeting Schedule			Draft: 2024 Plan Commission Filing and Meeting Date Schedule to be finalized upon confirmation of 2024 Town-observed Holidays.

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

Zionsville Plan Commission
September 18, 2023

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

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

A quorum is present.

Franz Welcome to the Zionsville Plan Commission meeting of Monday, September 18,
2023. Please rise and start with the Pledge of Allegiance.

All Pledge of Allegiance.

Franz Mike, would you please take roll?

Dale David Franz?

Franz Present.

Dale Mary Grabianowski?
[No response]

Absent.

Larry Jones?

Jones Present.

Dale Sharon Walker?

Walker Present.

Dale Chris Lake?

Lake Present and Mary is walking in right now.

Dale Okay.

Lake I can see her out there.

Dale Jim Hurst?

Hurst Present.

Dale Cindy Madrick?

Madrick Present.

Franz All right, all seven members –

Dale Seven, okay.

Franz All seven members are present. In your packet there's a set of minutes from the August 21st meeting. Are there any comments, additions, deletions to those? If there are none, is there a motion to approve?

Grabianowski So moved.

Franz Is there a second?

Lake/Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

The minutes are approved.

We have a number of continuance requests. Docket Number 2023-27-Z, Atwater Rezone, 7250 West Oak Street. Petition for Rezoning of 10+/- 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. Roger, do you have or –

Kilmer We have received a letter from the petitioner requesting a continuance from tonight's meeting to the October 16th meeting. They've said that they are meeting with neighborhood groups and are continuing to try to work out different questions and concerns expressed by the neighborhood group.

Franz Okay. Anything to add? Okay.

Price Thank you Mr. President. For the record, Matt Price on behalf of the petitioner. Just to build upon a little bit what Roger Kilmer mentioned, we have a, a written MOU summarizing our responses to the Stonegate Homeowners Association. We sent it to their Board President last month and are awaiting their kind of feedback and confirmation that we've addressed each one of those items and we did provide a copy of that memorandum to Mr. Kilmer as well so that he could see the, the nature of the comments that we're receiving and that we have made headway as far as our, our responses.

Franz Okay, thank you. Are there any questions/comments? If not, is there a motion to move this to the October 16th Plan Commission meeting?

Lake So moved.

Franz Is there a second?

Grabianowski Second.

Franz Any discussion? All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

It is continued to next month.

Next on the docket is 2023-28-Z, Bradley Farms PUD Rezone, Parcels addressed as 1120, 1310, 1550 South U.S. Highway 421, 1555 South 950 East and 9625 East 100 South. Petition for the Rezoning of 349+/- (9 parcels) from the Rural General Agriculture (AG) Rural Single-Family Residential (R1) and Rural Single- and Two-Family Residential (R2) Districts to the Planned Unit Development District. Roger –

Kilmer Similar to the previous petition, the petitioner submitted a request to continue this hearing to the October 16th meeting. They, too, are meeting with neighborhood groups and continuing to have dialogue. That is what I have to offer.

Franz Anything to add? Nope? All right. Any questions/comments? Is there a motion to move this to the October 16th – ope.

Ridolfo Hi, thank you Mr. President and members of the Commission. My name is Tony Ridolfo and I represent the [REDACTED] 11:40 off microphone Zionsville Group [REDACTED] with Mr. Price.

Franz We're not, we're just voting on a continuance on this matter.

Ridolfo No, I, I'm aware of that. I apologize. I just wanted to be brief. I know we're going to be meeting with Mr. Price and Mr. Henke in early October and my fear is that we may not have sufficient time to have dialogue in advance of the mid-October meeting. I just wanted to –

Franz So what I would suggest is – that, that's fine.

Ridolfo Thank you.

Franz See, see how it goes and come back in October.

Ridolfo Appreciate it. Thank you.

Franz All right, thanks. So we had a motion and a second?

Walker Second.

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
 [No response]

This is also continued to next month, October 16th.

Next on the docket 2023-36-Z, Sentry Development and Holliday Farms Senior Living PUD, 3795 South U.S. 421, Highway 421, Zionsville. Petition to Rezone 23.18+/- acres from the Special Use-7 District to a Planned Unit Development to provide for a three-story, 155-unit senior living facility with related accessory buildings. The acreage is to be incorporated with the existing Holliday Farms PUD. Roger –

Kilmer Thank you. We have received two timely and complete continuance requests from two adjoining Homeowners Associations to continue this hearing from tonight to the October 16th meeting. However, to comply with Indiana Code, the petitioner is given the opportunity to at least introduce the project within 60 days of filing. If we would grant the continuance and not hear, not have it introduced tonight, we would be exceeding that 60-day requirement. So in the past what the Plan Commission has, has done is allowed the petitioner to at least introduce the project and then continue it to the next meeting to, to meet up with the continuance request.

Dale If I may interject, there's a few people in the audience who are having difficulty hearing. So if you could all speak clearly into the microphone that would be appreciated.

Franz All right. So what we'll do is we'll open this up. It'll be a brief introduction to get it on the docket then we'll vote on the continuance and next month we'll have the full staff report, re-introduce this from the petitioner and take public comment at that time. Go ahead.

Price Thank you Mr. President. For the record, my name is Matt Price. I'm the attorney for Sentry Development. I have an address of 10 West Market Street, Indianapolis, Indiana. I'm here tonight with a full development team that I'd like to introduce to you and they'll be available to answer your questions as we work through this matter over the coming weeks and months. First of all is Jordan Dorsey with Sentry Development in the front row. We have Jim Rinehart our civil engineer, our architect, Pete Schwartz, is here and then we have our traffic engineer as well, Matt Brown, who I saw earlier. There's Matt. That's our, our full team.

Before I give you the brief overview of the project, I, I would like to just elaborate a little bit on what has transpired as far as meetings with the neighborhood groups. Those have primarily focused around meetings with Hidden Pines representatives and the representatives of Bridlewood. Hidden Pines is immediately east of this property, Bridlewood is the project or home, subdivision immediately north. We met with them separately each of them, something somewhat unusual, which is that they gave us a detailed summary of requests that they would like to see relative to this project and so gave us a, a very detailed set of tasks to work through and, and we're in the progress of,

process of doing that now and anticipate meeting with one or both of those groups later this week. So with that, let me give you just a, an overview of the project and if we could go to the first slide – talk a little bit about the subject parcel. It's outlined in, in red with the kind of jagged line that's along the eastern perimeter which follows Cox Creek. It's immediately east of the Holliday Farms central mixed-use block or, excuse me, immediately, yeah, the property is immediately east of the Holliday Farms central mixed-use block, immediately north of Interactive Academy and, as I mentioned, south of the Bridlewood subdivision. In all, it's approximately 23 total acres and it's, it's characterized by a, a heavily wooded section in the center east of the property.

Go to the next slide – the, the principal use for the project comprising nearly 10 acres of the 23 is for a senior housing project and this would provide for a continuum of care for the individuals that live in the project and, and what we mean by continuum of care is that it provides a range of options for the residents ranging from independent living to assisted living and memory care. Altogether, 155 units, 92 of which are independent, 45 assisting and 18 are memory care. All the residents would have access to the amenities onsite including dining services, recreational opportunities, rehabilitation care, regardless of which of the various living units that they're choosing to, to occupy. It's very much a, a, an older clientele that we're seeking to target with the average age being in the 80s for the development based on other like projects that Sentry has been involved with in other locations. It is a licensed facility through the department, Indiana Department of Health and the Division of Long-Term Care.

Go on to the next – this gives you an idea of, of the, the architecture for the facility. This is an amendment. It's proposed as an amendment to the Holliday Farm PUD so we are incorporating through this amendment the same high architectural requirements that are contained in the Holliday Farm PUD as evidenced by this example.

Go to the next side – this is another representation of the architectural features, use of brick, enhanced landscaping, all would be part of this project and carried over from the Holliday Farm PUD.

Go to the next slide – the project has, will incorporate a number of key amenities which I wanted to highlight just a few. It has first-class dining facilities. Often these facilities include a recreational space including a, a lounge or bar area as well as opportunities to gather together for opportunities to read, participate in group activities and functions and the, the, the facility makes this space readily available with very high-level finishes and décor.

Go to the next slide – this is the site plan for the project. You'll see that we're proposing a full access drive off of 421. It would line up with an access point to the Holliday Farm project to the west. The project is oriented so that the building improvements that you see on the north end of the project would be limited to two story and the building at the south end would be a three-story facility. We have worked hard to preserve the existing wood stand in the area and take advantage of that screening. I should add that one of the key requests from the neighbors was to shift the building south and west further than what we had initially proposed to take advantage of, of more of the wooded area and to add to

the screening and we're actively pursuing those options. What you see before you is, is a drawing that would provide for a 90-foot setback from the northern most building to the north property line.

If you could go to the, the next slide – this provides some detail as far as the separation of the proposed buildings to the nearest residential property lines and residential structures themselves. So, this is to the east and what you see are homes in Hidden Pines that are backing up to the common area for the, the Hidden Pines project as well as the woods on the east portion of the subject property and it shows a, a distance of approximately 400 feet from our eastern most building line to the property line for the Hidden Pines residential lot.

If you, if you go to the next slide – this shows the representation to the north. You may recall that Hidden Pines was approved several years ago with an emergency access drive that extends east-west to 421 and so our project starts, property starts south of that east-west drive and you see the, the 90-foot building setback line from our property line to the closest building and approximately 180 feet from the residential lot that you see to the north there to the subject property's property line. But, again, I want to, I want to emphasize that we continue to work with the neighbors on, on shifting the building to take advantage of, of the tree stand that's there. They have also asked because of their experience with the Interactive Academy building that they feel like they can see or some of the residents at Hidden Pines can see when the tree, when the trees lose their leaves they've asked for some augmentation of the landscaping with evergreen plantings and we're also working through providing additional buffer area that would include planting of evergreen trees and so when we come back in October, what you can expect to see is both shifts in location of the building as well as that enhanced landscaping package which we're going to share with the neighbors before, before we come back to you next month.

If you could go to the next slide – this is a significant economic development project as well as a, an important option for senior housing in the community. We estimate that it'll generate approximately \$500,000 annually in new property tax revenue. I'll go ahead and mention that one of the central components of the meetings we've had so far with neighbors has been the possibility of adding trail extensions, both certainly across the subject property which is a requirement under our Zoning Ordinance but also on, on adjoining properties including the Bridlewood project and helping link the properties that front Michigan Road, some of which are, are legacy developments that were built prior to the requirement to extend trails along frontages and so we're, we're looking at those options and how to finance those options with the assistance of the Town. We're having those meetings now to ascertain what resources are available to accomplish that. I should also add that one of the other requests kind of similar to that so that you can get the full flavor of some of the scope of these requests, would include an underground tunnel linking the east side of Michigan Road with the west side of Michigan Road and that's also a part of the preliminary engineering that we're undertaking, cost estimates that we're obtaining and having ongoing discussions with the Town about the viability of that type of a, a request but it is something that we intend to come back to you next month with a, a more complete set of presentations about but we're, we've been working through those issues with the adjoining neighbors.

If you can go to the next slide – I wanted to also mention that the, the project is not limited to the senior housing. It also is adopt with certain modifications the central mixed-use, uses that are permitted in Holliday Farm and also permit them subject to certain limitations on the east side of the road but, again, the idea is to maintain both the scale and the architectural treatments for any of those business uses and so what we've got in the, the remainder of the Power Point is a number of representations of the finishes for those various type of land uses. I should also add that with regard to, to this particular topic, there is also a great deal of discussion taking place about which of the central mixed-use district uses should not be permitted on the east side of the road and so we're going through and doing an itemization of that. I can, I can tell you that there is widespread agreement that there won't be any multi-family on the east side of the road and that's not a permitted use as we've presented it today but we're also working through some of the other land uses to ensure compatibility on, on the east side of, of Michigan Road while also taking advantage of some of the symbiotic effect of having a, a single developer with control over both sides of Michigan Road to ensure the compatibility of those land uses that they aren't competing with one another and also to ensure the high quality of the features of those buildings that are being proposed on, on either side of the road.

And if you can go forward with the next couple of slides we can show some of the other representations. Again, a lot of, a lot of brick. That's, for example, a Starbucks. The idea would be to have outdoor dining/café opportunities. Part of the, part of what makes this location so ideal for an anchor senior housing project is that it is kind of in, in the mix of, of travel for folks coming to and from work and to and from their single-family homes. One of the things that Sentry has found makes ideal, makes for an ideal location for senior housing is to not have it isolated near a shopping center or near an industrial development but to have it where people would otherwise congregate and live so that when you're going to visit a family member, that family member can join you for dinner, can join you for an activity and be close by where you would naturally undertake and do those things as part of your day-to-day life.

Go to the next slide – this shows some of the other representations, again, maintaining the, the architectural requirements through, through the vehicle of the amendment to the Holliday Farm PUD.

And with that I'm, I'm available to answer any questions that you have and I appreciate the opportunity to make an initial introduction tonight. Thank you.

Franz All right, so we're just going get the procedural component out of the way and get this thing introduced so we're within the time limits for the presentation. So, and, the request is for a continuance to October 16th.

Lake So moved.

Franz So moved. Is there a second?

Walker Second.

Zionsville Plan Commission
September 18, 2023

Franz All in favor signify by aye.

All Aye.

Franz Opposed by nay.
[No response]

Motion is continued to next month. Thank you very much.

Price Thank you.

Franz Next on the docket another continuance request – Docket Number 2023-34-CPA, Town of Zionsville. An Ordinance to Amend, an Ordinance Amending the Town’s Comprehensive Plan to include a “Zone Improvement Plan” that proposes a road impact fee for future development. Roger –

Kilmer Thank you. This item requires continuance to next month simply because the Town Council needed to act upon this item this morning. They did not act upon it so, therefore, you cannot act upon it either. So, therefore, we do need to, to move it to the October 16th meeting and hopefully by then the Town Council will have taken action so that you’ll be free to do, do likewise.

Franz All right, thank you. Any further questions/comments? If not, is there a motion to move this to the October 16th meeting also?

Grabianowski So moved.

Hurst Second.

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

All Aye.

Franz Opposed by nay.
[No response]

That is also carried to next month.

On to other New Business, Docket 2023-45-CPA, Town of Zionsville. Petition to Consider Amendments to the Town of Zionsville Comprehensive Plan to revise and update the text of the Plan. The Plan Commission will consider an incorporation of the Zionsville Parks and Recreation Department 5-Year Master Plan (2023-2028).

Kilmer Thank you. As mentioned, this is a Petition to Consider Amendments to the Comprehensive Plan, specifically, an update to the Parks Master Plan covering years 2023 to 2028. I am going to defer to Jarod Logsdon, leader of our Parks Department, for him to make the presentation.

Franz All right, please proceed.

Logsdon Thank you Roger. Good evening Plan Commission. Every five years the Parks Department has the privilege of re-engaging with our community in a comprehensive series of meetings and data gathering to project how our park system will grow in the next five years so. Our previous plan was 2018 through 2022 so wrapping up last year. Part of the reason we do this is to keep a pulse on our community to not only identify the needs but also the recreational wants of our community and incorporate those into our park system. Also, it is a requirement of the DNR to remain eligible for grant funding that we regularly apply and receive to build out our park system.

So, a quick overview of the previous 5-Year Master Plan – within it there were 10 out of the 13 priority projects were completed. That is the Big 4 Rail Trail northern expansion, southern expansion, Overley-Worman Park, Heritage Trail Park improvements, Elm Street Green playground, Starkey Nature Park stairs improvement, installation of a dog park at Heritage Trail Park, the tot lot and tennis courts that adjoin Lions Park as well as the Big 4 Rail Trail Starkey Avenue bridge replacement.

Within this new project or this new 5-Year Master Plan, there are several capital items proposed and we'll get to those in just a second but how this plan differs a little bit from the previous plan is that it builds on the physical inventory of our park system, evaluating our needs of today as well as our wants for tomorrow but we also took a comprehensive look at the operations of our park system and built out the pillars of our park system as they pertain to accessibility, our future growth of green infrastructure as well as investing in our assets of today and making sure we have a life cycle replacement strategy so. Just some operational items that were tucked in there in case I'm not here tomorrow and the next Superintendent can pick it up and run with it.

Some of the capital items proposed in the next five years would be the Carpenter Nature Preserve, Lincoln Park, one of our oldest parks having a refresh and some improvements to that for accessibility, Starkey Nature Park expanded parking. Any weekend you go there you'll see that many vehicles are parked in the grass and far exceed our limitations of our paved parking area. Mulberry Fields pickleball court expansion with shelter and year-round restroom building and concessions. Pickleball has taken our country by storm, at least in the last five years, so ourselves, like many park systems, are playing catchup with that new high-demand sport. Replacement of the Zionsville Golf Course Clubhouse. That building was originally constructed in the '60s and it has certainly reached its end of life and we continue to have record seasons out at our Zionsville Golf Course. The creation of the Holliday Nature Sanctuary. This was a land donation just upstream from the Holliday Farms development that was donated to the Town years ago and is in our foreview for development as well as a trail along Pleasant View Road that would allow us to connect to the Big 4 Rail Trail to a series of our parks along Eagle Creek creating what we're calling the Park Connector Loop activating most of those through either our trail system or offroad multi-use pathways. And a splashpad and restroom building for our Heritage Trail Park. I often joke that if my legacy with Zionsville is to become the Superintendent of restrooms then I will take that and run with it. Happy to answer any additional questions you may have in regards to this update to our 5-Year Master Plan.

- Franz All right, thank you. Is there any public comment on this matter? Seeing none, I'll open it up to the members of the Plan Commission.
- Grabianowski I think you did a wonderful job. It's very thorough, I liked all the pictures too but very well done. Good planning for the future.
- Logsdon Thank you.
- Walker Agree.
- Lake Yep. I would say the same thing. Very, very, very well thought out, high level of engagement with the community. I know I participated in multiple surveys myself so thank you all for really trying to understand what it is we want and need. Obviously, the community is growing substantially compared to what it was and so thank you all.
- Logsdon Thank you.
- Hurst I'll, I'll agree with all of that. I do hope the Town will do more than just updates to the current Comprehensive and Master Plans as 35:47. I do have a question – I live in Perry Township which you were nice enough to come out the summer before last and, and make a presentation on the parks and encourage our, my neighbor and my, participate in your survey and we didn't really come through for you so we, we owe you more on that next time around here but in the paragraph in here, there's a couple of paragraphs in here on Perry Township I'm going to need some understanding as to why a reference to solar is needed in a parks document. Page 207 indicated the flat landscape lends itself to solar development. It's a declaratory statement. It's the only reference to solar in the entire 303-page document. I'm a little confused by that.
- Logsdon Yeah, I was unaware that that was in there so I'll have to revise that as well. We can certainly adopt that to remove that line from there. Perry's an interesting topic. As we met with residents there really kind of the consensus we got is that they didn't really need parks at this time because everybody kind of has a park in their backyard and we appreciate that but certainly as development continues, we want to be sure that there green infrastructure for those future residents. So, kind of a blanket strategy of just allowing, to make sure that development is going to work for the Perry Township residents of the future as development happens. So, concerning –
- Hurst And, and, and I believe the Town and your, your commitment to that. On your heat map in what I'll generically call Perry Township well actually you've indicated in the green color it's Perry Township, could you give me a little understanding of how you identified those locations?
- Logsdon Yes, so for the heat map we wanted to take a comprehensive look at Zionsville to understand where our high-quality habitat and natural corridor still remained. As you see from that heat map, the majority of that is along Eagle Creek so kind of our marching orders for Union and Eagle Township is to conserve as much of the Eagle Creek corridor as we can. Now, if you'll look on that heat map, there's also some high-density woods throughout our remaining portions of those

communities so any opportunity we can have, whether that is through development or through donations or through active acquisitions to preserve and enhance those areas, we should take those opportunities as they come. Now they're not creating more high-quality habitat so once it's gone, it's gone. And as we look at Perry Township with its heritage of agriculture for the majority of it, there's really not any ecological backbone that we could tie onto and begin to build our park system on that side so much of that drainage has been turned into canals to divert water from the fields. So, really, it was a struggle to find where our presence could be. So, ultimately, kind of the recommendations from the 5-Year Master Plan would be to work with development and establish a, a trail just like our Big 4 Rail Trail for those residents to enjoy in the future so. So many ideas that came from that were a farm-to-table trail so in the future exploring opportunities for a private-public partnership where the heritage and the agricultural roots of Perry Township could be preserved through a working farm that would then offer a commercial enterprise for visitors to that area. So as far as exact locations, at one point that heat map did have actual parcels labeled but we determined that that was a little too specific and we just needed to coordinate the message that that would be a linear trail going through Perry Township.

- Hurst Thank you for that understanding. In regards to removing the line on page 207 referencing solar in a parks document are you able to do that or does that action by the Plan Commission?
- Logsdon No, I can certainly edit the document.
- Hurst Okay.
- Logsdon Yep.
- Franz So I'm assuming the motion we would make would be to, to strike that line?
- Taylor Yes, your action is approve – it just takes approval so you're not recommending on a Comprehensive Plan, you're, you're approving. So, I would want your motion to say with that deletion to a way to make sure that gets captured that way and that's how it will go to the Town Council.
- Franz Okay.
- Hurst Thank you very much.
- Logsdon Thank you for pointing that out.
- Franz Any other comments?
- Dale I have a question about the resolution. I don't know the answer but should the, should the resolution also include a clause that states that the existing or prior Master Plan is hereby rescinded?
- Taylor It should really would say that this, this Master Plan replaces –
- Dale Okay.

Taylor The prior Master Plan. It needs to be replaced.

Dale Okay.

Taylor It's just a vision, so it's not and not law, it's just a vision so that's usually the language I see is replaced.

Dale Which I don't see in the resolution.

Taylor Right it could be, we could add to that.

Dale Okay.

Franz Anybody else? All right. Thank you for the work on this. It's very thorough, well thought out. With that, is there a motion to approve the –

Taylor Approve the Master Plan as an amendment to the Comp Plan.

Franz All right, approve the Master Plan as an amendment to the Comp Plan with the deletion of the sentence related to solar on page 207, the line that states the flat landscape also lends itself to solar development.

Hurst Yes.

Franz So moved.

Hurst So moved.

Franz Okay, is there a second?

Lake Second.

Franz Any further discussion? Roll call.

Dale Cindy Madrick?

Madrick Aye.

Dale Jim Hurst?

Hurst Aye.

Dale Chris Lake?

Lake Aye.

Dale Sharon Walker?

Walker Aye.

Zionsville Plan Commission
September 18, 2023

Dale Larry Jones?

Jones Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale David Franz?

Franz Aye.

The motion carries 7-0.

Logsdon Thank you.

Franz Thank you very much.

Next on the docket 2023-37-CA, PLD/Browning Venture LLC/Park 267 Commitment Amendment, 5190 State or South State Road 267, Lebanon. Petition to Amend the previous Rezoning Commitments. Removing the requirements of a masonry wall on the north and south ends of the property, widen the required north and south buffer yards from 20 feet to 40 and 50 feet with enhanced plantings bring in the Rural Light Industrial (I-1) District, being in the Rural Light Industrial (I-1) District. Roger –

Kilmer Thank you. John, if I could have my screen projected please? Thank you. As mentioned, the petition before you is a request to amend commitments. To give you some orientation as to what parcel we're talking about, it's maybe fresh on your mind because just recently you approved the primary plat and development plan for the Park 267 project. It is that same project and to help orient you, north is to the top of the screen, this side is bordered on the east by State Road 267, on the south by County Road 550 South and when this property was rezoned under Docket Number 2020-08-Z, there were a number of commitments associated with that rezoning. One of those commitments, let me move on – called for a, and I've highlighted here in the, in the recorded text, a 20-foot type H buffer adjacent to all agricultural zoned properties. So now I want to go back to the site. The agricultural zone properties it would apply here and then also down here along the south, south edge of the site.

So going back to the recorded commitments, one of the things that was not necessarily caught at this time was that by specifying a 20-foot type H buffer, that included a requirement for a masonry fence to be constructed. In our Zoning Ordinance there are different levels of buffers. Level A all the way through H, there might be others above that, I'm going off of memory right now, but when you specify the width of the buffer that then dictates or determines what amount of plantings must go in there and in, even in some cases it may also require a fence or a berm. In this case, there are a number of different widths that could work for a type H buffer. By specifying a 20-foot type H buffer, it included the requirement for a masonry wall in those areas.

If I scoot on, this was the site plan that was originally filed with that rezoning and you'll see that the proposed two buildings with the access of each building primarily running east-west. What that did was put loading bays on the north edge of the northern building and on the southern edge of the southern building somewhat suggesting that's where they needed some stronger buffering for those adjacent parcels. The new site plan, which is, which was recently approved by you, is for a single building where the primary access runs north-south or parallel with State Road 267. With that building orientation, there are no loading docks on the north end and none on the south end thereby somewhat removing the primary need for that strong, significant masonry buffer.

The petitioner is requesting to amend the commitments from that, that petition to a minimum of a 30-foot type H buffer. This increase in width removes the requirement of a masonry wall but would require additional plantings and either an 8-foot tall wood stockade fence or a 5-foot tall berm. All other commitments within the recorded commitments are unchanged and would remain in effect. The petitioner's proposed landscape plan that they've submitted proposes a 40-foot and I'm going to move forward on the site plan and in this orientation north is off to your right up in this area. The proposed site plan proposes 50-foot wide type H buffer in this location here, along this area a 40-foot wide buffer which would include the requirement for a stockade fence and then a 50-foot buffer in this area. The, the two areas of 50-foot widths here and down through here would not require fencing but just increased plantings. So, again, what they are proposing with this landscape plan is a greater level of buffering than what was previously required, the difference being the previous requirement required a full masonry fence. They're now looking to change that. They have also provided, if the Town would be of interest – and I'm sorry these next few slides are just enhancements of the proposed plantings in those areas. I'm going to speed through them but they have also proposed, if the Town would be interested, a foe masonry wall in exchange for a stockade fence and, and here's a representation of what that would look like. It would suffice but, again, that's up, up to your decision. Those are the basics of, of the commitment amendment request. Staff supports the requested petition. I'll be glad to answer any questions you might have.

Franz All right, thank you. Does the petitioner want to comment on this?

Price Mr. President and members of the Commission, my name is Matt Price here today on behalf of PLD/Browning Venture. I have Amy Rzepka with the company here tonight. She's been along for each one of the steps in the process of obtaining the rezoning for this property initially as well as the very recent development plan approval. Roger, I think, described the nature of the request very succinctly.

When the original commitments were prepared, they reflected what the buffer yard width was being shown on the site plan which was a 20-foot buffer yard which is the minimum type H buffer yard width and when you determine to go with the minimum width, that triggers the requirement for the masonry wall. I can say from our internal discussions and from getting ready to do the development, development approval back in June, it was never the intention to build an unsightly masonry wall and make this look like a penitentiary or, or something of that nature. It was to have a minimum of a 20-foot buffer that met

the requirements of type H. So the other way you meet the type H buffer requirements is to have wider buffers, the berm fence and landscaping components that work together so as Roger said, this is a, an enhanced buffering package over what was initially committed to and we think it achieves a better overall product than one that is more, blends in better with the surrounding community. And I'm going to allow Bryan Sheward to take you through the specific exhibits.

Sheward

Sure, yeah. Bryan Sheward, I'm a civil engineer with Kimley-Horn & Associates, offices at 500 East 96th Street, Suite 300, we just moved. I got to get that right. There we go – so, again, Roger did a, a nice job. I, I can be quick here. This is the project site with north oriented to the north. You can see the three properties that existed prior, the secondary plat is being recorded now to turn it into one property. Again, I wanted to hit on this, this was a version of the plan. There were a few different things in the past but the key is north is to the right. I suspect, Roger, you're probably correct. I think that was maybe the thought is on the north side with the docks facing north and on the south side with the docks facing south an extra measure of, of buffering for those adjacent properties.

This is the, the proposed site plan as being built now and you can see docks faced east and west. On the north side it's parking for the facility and on the south there's some parking, a detention pond and a, a loop drive that comes around the south side of the building for access but highlighted boxes on the northeast, which is here, on the southwest here and on the southeast, the highlighted ones are the ones we're talking about tonight. So, as Roger mentioned, on the north side in red it's – I'm going to try to zoom in. The scale is, is large on this but the point being is our, our building is quite far from this location so what's drawn right there that's 50 feet so you can see we're several hundred feet away just to get to, or at least 100 feet, to get to the drive, even further to get to the building and even further yet to get to docks.

Similarly, on the south side, quite a bit of space off of County Road 550. There's a right-of-way dedication then there's the, the buffering area then there's a whole wet detention pond before you and you can see that the docks are bookended with the building so they're kind of screened by the building themselves as well. And then the blue, we're very close to having 50 feet as well. It's about 42, 43 feet at the closest point between the property line and the south edge of this loop drive and we had with staff gone to the Ordinance, went to the table or the type H buffer, there's a 20, a 30, a 40, a 50 – each one has its own prescriptive how many plants you need per 100 feet and whether it's a wood fence or it's a masonry wall and had basically looked and right sized it, I, I guess I would say to what the site plan ended up being in this case.

Happy to talk through calculations and such but the plan meets, meets the Ordinance with the specifics and this is an example. If you've driven on I-69 near IKEA, that same wall is used if you're familiar with that, as well in Whitestown off County Road 575, the extension that was recently built south of 53:28 property. We had used this similar product. I think it's an attractive product. It's more expensive than a wood fence at initial install but long-term maintenance it's not replacing boards, it's not a material that would rot over time which wood will eventually and it gives the appearance of masonry. So this is what we're offering

as a betterment, in our opinion, but if, if the Plan Commission or Town Council truly wants it to be a wood stockade fence, we can do that too so. But for the long-term vision as an, as an owner of the facility, they chose to go with this as the leading option for aesthetics as well as long-term maintenance. I'd be happy to answer any questions you have.

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

Walker The same type fence they use on I-69 going towards Evansville, correct?

Sheward I can't say –

Walker . 54:43

Sheward I don't know for sure. We did the IKEA so I know that for a fact and the project but possibly. I also saw it this weekend in Pike Township if you're taking Lafayette Road south like you're going to the Colts Complex there's an apartment complex on the I guess it would be the east side of the road that also used it and it looks just like this so I'm assuming it's probably the same color and everything and everything is tan.

Walker It looks like masonry.

Sheward It does.

Franz Any other questions/comments? The maintenance on the, this fence is that, I mean, is it like power wash periodically? I'm just kind of curious what, what's the maintenance and what's the, what's the protected life of these things?

Sheward I, I'm going to give you an answer but it's my opinion. I don't know if it comes from a, the supplier but I would imagine it's similar to a fence in your yard that yes, you'd probably want to power wash it and make sure you mow up around the base that it doesn't become unsightly at that point but as a vinyl product, I think it would last decades without having the need for significant upkeep but –

Franz I mean, does it fade at all or it is pretty much anti-fading? I'm just curious.

Sheward I'd be happy to get back to you on that. I wouldn't want to tell you yes and then be wrong about that but we can do some research and provide it to staff if, if that is requested.

Lake They do fade. They also get damaged pretty easily by landscape crews and if it's open to wind exposure, they tend to get disassembled by heavy wind fairly easily if they're not constructed correctly. Not that wood is much better from a wind or maintenance standpoint but –

Dale Is it necessary or appropriate for the owner to commit to maintaining the, the fence or wall in perpetuity?

Zionsville Plan Commission
September 18, 2023

Lake Yeah, I mean, I think if it's a requirement of the buffer yard then it has to be maintained in –

Dale Okay.

Lake Perpetuity.

Franz I'm assuming that'd be okay if we added that –

Sheward Yeah, I'm sure that, as the owner of the property, they'll want to maintain it and make it look nice as well so, no, I'm sure that's a part of the Ordinance of the Town I would imagine, the regular upkeep and maintenance is the responsibility of the owner.

Franz Any other questions/comments? Is there a motion on this?

Hurst Sure. I move that Docket Number 2023-37-CA, a Petition for a Commitment Amendment to modify commitments recorded in the Office of the Recorder of Boone County, Indiana as Instrument Number 2021003808 to allow for a modification of the required type H buffer yard to a minimum of a 30-foot type H buffer receive a favorable recommendation.

Grabianowski Second.

Franz Any further discussions? Mike, would you please take roll?

Dale Larry Jones?

Jones Aye.

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.
- Franz That motion is approved.
- Sheward Thank you.
- Franz Thank you very much.
- Kilmer Excuse me – do we need any clarification on what type of fence? Are we talking a wood stockade or the proposed?
- Franz So do we modify the amendment post or do we have to restate the amendment?
- Taylor You just ask the person who made the motion did they intend to allow the, the alternative fence.
- Hurst I failed to include the use of the alternative vinyl masonry-looking fence.
- Franz Does the second?
- Grabianowski No, I'm fine with it.
- Taylor You can ask if there's any objection.
- Franz Is there any objections from any members? No? So, we'll go with that. Thank you.
- Sheward Thank you.
- Franz Docket Number 2023-33-MP, Harry and Linda Moore, Moore Minor Plat, 6890 South 850 East. Petition for a Minor Subdivision Plat of a 12.44 acre parcel into two residential lots in the Rural Equestrian (RE) Zoning District. Roger please.
- Kilmer Yes, thank you. And John, if you could project my screen please? Thank you. As mentioned, the petition before you is for a Minor Subdivision Plat of a 12.44+/- acre parcel. The owners, Harry and Linda Moore, are wanting to subdivide this single parcel into two residential lots. The property is within the Rural Equestrian Zoning District. This petition does not change the zoning, it will remain RE but they are just looking to split their, their parcel into two.

On the screen in front of you, I've outlined the, their parcel that, that is under consideration of this petition. Again, this is 12.44 acres. They're looking to add a property line approximately in this area creating essentially two 6-acre parcels. The unique item about this request is that back in 2017 there was a minor plat where these two lots were split off of the parent tract as well. It left these two and this one remaining tract. There was another piece here that has since been sold to an adjacent landowner so it did not have to go through the, the subdivision process. But what, what this means is that by subdividing this last 12.44 acres of the parent parcel, the entire parent parcel will have gone through the minor subdivision process so any future subdivisions of any of these lots would require

a major subdivision process. That is not required at this time but if any of these new lots would, would want to be subdivided at some time in the future, again, that would require a major subdivision process.

Staff supports the approval of this minor petition. We have taken it through TAC, we have reviewed through it with all the different disciplines within the Town and, again, staff supports the approval of this, this petition to provide for a two-lot minor subdivision subject to the resolution of some engineering comments. I will share that the engineer for the project having received the most recent comment letter, has already provided responses to those. I didn't want to confuse the issue by giving you new drawings today that staff has not had a chance to review so we're still recommending conditional approval but we're going to be reviewing through those revised drawings as soon as tomorrow even but tonight's motion should be for a conditional approval.

Franz All right, thank you. Does the petitioner want to make a comment on this? Okay. All right, does anybody or is there anybody in the public who would like to comment on this matter? Sure.

Schultz Good evening. I'm Julia Schultz. We are the middle house on that row of three. So we fully support this. For us it's, it's great. I mean as you go down Hunt Club there's hardly any lots left that don't have these gorgeous homes on them so it's going to kind of complete it and for us it's a, it's another buffer for that corner because I mean where we are we can see all the traffic that goes along there so we completely support this. I hope you will do that.

Franz All right, thank you. Anybody else? If not, any questions from members of the Plan Commission? If there are no questions, is there a conditional approval of this matter?

Walker I will. I move that Docket 2023-33-MP, Approval of a Minor Subdivision Plat of a 12.44+/- acre parcel into two residential lots being in the Rural Equestrian (RE) Zoning District be approved, conditionally approved – I put that in there – as submitted with the conditions.

Taylor The condition that all comments be satisfied.

Walker Okay. All comments be satisfied. I just took that for granted, sorry.

Taylor Thank you.

Lake Second.

Franz Any further discussion? Mike, would you please take roll?

Dale Sharon Walker?

Walker Aye.

Dale Larry Jones?

Zionsville Plan Commission
September 18, 2023

Jones Aye.
Dale Mary Grabianowski?
Grabianowski Aye.
Dale David Franz?
Franz Aye.
Dale Cindy Madrick?
Madrick Aye.
Dale Jim Hurst?
Hurst Aye.
Dale Chris Lake?
Lake Aye.
Franz Motion is approved. Thank you.

Docket Number 2023-35-DP, Stewart Properties & Investments/Stewart Pole Barn, 460 North 650 East, Lebanon. Petition for Development Plan Approval of an addition of a pole barn to an existing storage building in the Rural Light Industrial (I-1) District. Roger –

Kilmer Thank you. As mentioned, this is a Petition for Development Plan Approval for an addition of a pole barn to an existing storage building located within the Rural Light Industrial District. The petitioner purchased this property a number of years ago and has added onto it recently. I apologize it's difficult to see on this map but I'll try to outline the parcel with the icon here. Primarily a piece that runs mostly east-west and runs along, is bordered on the northern side by the old Midland Rail Line. That will come into, to comment in just a moment or two. The additional storage, the, the property has been improved with a number of storage buildings. In its history, there was even a residence at one time on this property. It is no longer occupied and it is not being used for a residence but there have been a number of buildings added to it and the owner is needing some additional storage area. He, unfortunately, had a property in Hamilton County that was taken by eminent domain and has had stored some of his private items on that property and they now need to be relocated. He is wanting to relocate them onto this property and wanted to add some more storage space to it.

One comment or question that was posed to the petitioner, staff wanted to make it clear that this was going to be for personal use only. We were curious if there was any interest or any hope that somewhere down the road he'd start renting out some space and he assured us that that would not be the case that it is for his own personal use. To ensure that, we asked him to put that in the form of a commitment that will be recorded and, and run with the land so even if he would

then sell it off and a future owner would acquire the land, that future owner would not be able to use it for, for anything other than personal use only. One reason why that is important is that building codes, different types of building codes kick in if you're dealing with personal storage space or commercial storage space and, and as, again, as we requested, he has committed that this will be used for personal storage only.

As were topics of interest on this, as I mentioned, a former rail line, the Midland Railway Corridor extending along the northern border of the site is also under the ownership of the petitioner. This former rail line is included in the 2016 Zionsville Strategic Trails Implementation Plan for development as a portion of the future Midland Rail Trail. The Parks Department has requested a commitment be added to, to grant a 25-foot wide trail easement along the northern property line for the full length of the property. When this was initially discussed with the petitioner, a promise that they won't build anything in that area, staff came back and said could we have that added to the commitment list that they've already said that it would be for personal use only, can we now have commitment #2 that that area will be reserved as a 25-foot wide trail easement along that northern property line for the full length of the property. Staff is in support of, of this development plan petition. I'll be glad to answer any questions you might have.

Franz All right, thank you. Is the petitioner present to make any comments?

Stewart Good evening. I'm Phillip Stewart. I, I own the property and it's unfortunate that my wife isn't here. She would protest because she thinks I have too much stuff that I want to store. Anyway, all we're wanting to do is, is add an additional 4,400 square feet, a pole barn, I have the contractor with me who is going to erect the pole barn once we have the approval. It will be in addition to the existing pole barn. I don't know if you're familiar with this facility. It was a fertilizer plant at one time I understand. It was a Humane Society or kennel of some sorts at one time, I think shortly before I acquired it a few years ago. It, it, it's covered – it was, the outside was covered with a bunch of slabs, wood slabs that have deteriorated. We're in the process of removing those and we're going to cover it with metal siding so it'll match the, the pole barn structures and look a lot better. The north or the east side of the property that runs along 650 East has a chain-link fence. It's an 8-foot fence. There are some mature trees along that property line that tend to buffer it from 650. I, I'll be happy to answer any questions that you might have or the contractor can answer any questions.

Franz All right, thank you. Is there anybody in the public who would like to comment on this matter? No, I'm just saying is there anybody from the public who would like to comment on this matter. Seeing nobody, I'll open it up to members of the Plan Commission. Real quick – did he agree to the 25-foot commitment?

Kilmer We need to have, we need to hear that tonight.

Franz Okay.

Stewart Yeah, we, we have no plans to build any permanent structures on that 25 foot on the north. We just recently acquired the property to add it to the property that we

had. We have no plans to build on that and the plans that we've submitted do not provide for any structures of a permanent nature.

Franz So you'd be willing to –

Stewart We'd love to see the trail go through there.

Franz Okay, so you'd be willing to add that as a commitment to – okay. Thank you.

Stewart Yes.

Franz Anybody else have any questions?

Walker I have a question –

Franz Sure.

Walker This was, if, if I'm correct, this was noticed at one address and the address it was noticed at is not the correct address. Am I correct in that? And does that present a problem? I don't recall having this come before us with the wrong address on the part that was noticed. Because the letter from the Boone County Health Department says 490 North 650 East and on here we have 460.

Kilmer I know that the property does carry a couple of different addresses.

Walker Okay, that was my question. I did not know that.

Kilmer Because, again, he just acquired an additional piece to the north, there is a span of a few addresses at that –

Walker Well I, I had to ask because I noticed that and I thought okay, what would be the reason for that.

Lake It looks like eight, eight different parcels potentially.

Franz All right, any other questions/comments? If not, is there a motion on this matter?

Jones You need me to do it?

Lake I got it. I move that petition number 2023-35-DP, Development Plan Approval of an addition of a pole barn to an existing storage building in the Rural Light Industrial (I-1) District be conditionally approved based upon the Findings of Fact as presented with conditions as noted in the staff report, subject to resolution of comments within the attached comments letter Exhibit 6 and the modification of commitments to include a 25-foot trail easement along the northern property line for the full length of the property being recorded with Boone County.

Franz Is there a second?

Grabianowski Second.

Zionsville Plan Commission
September 18, 2023

Jones Can I make an amendment? Can we add that the commitment, that all the buildings on the site be used for the storage of personal items only?

Lake So, yeah, I'll take that amendment.

Taylor That's already in the first draft that Roger mentioned. It's already in there but –

Lake Of the commitments.

Taylor That clarifies that we want them 1:14:27, right?

Lake Yep. That's fine.

Franz Second accept that?

Grabianowski Yes.

Franz All right. Any further questions/comments? All right, discussion? Mike, would you please take roll?

Dale Who made the motion? I'm sorry.

Lake I did.

Dale Okay. Chris Lake?

Lake Aye.

Dale Sharon Walker?

Walker Aye.

Dale Larry Jones?

Jones Aye.

Dale Mary Grabianowski?

Grabianowski Aye.

Dale David Franz?

Franz Aye.

Dale Cindy Madrick?

Madrick Aye.

Dale Jim Hurst?

Hurst Aye.

- Franz All right, that motion is approved. Thank you.
- Stewart Thank you. Thank you for your attention.
- Franz All right, well, Mike, I'm going to let you handle the next item – the Form Based Code.
- Dale All right. A few weeks ago I believe it's been now I sent you a letter from the Mayor where she is withdrawing the proposed Form Based Code from any further immediate consideration by the Plan Commission. She has also informed the consultant, McKenna, that we are no longer in need of their services. So, in all practical intents, the project has been withdrawn and there's no more work being done at this time. Of course, you can decide at any time if you would like to pick up the project yourselves and, and, and continue where we left off or some at some phase. The Mayor states in her letter that she believes there is some merit still existing within the draft code, there's some good work in there and it would be unfortunate to throw all that time and effort away by not taking some advantage of the draft document.
- Lake By virtue of Zionsville having paid the consultant, does Zionsville own the intellectual property behind the document?
- Dale Yes.
- Lake Okay. Thank you.
- Dale Yep as well as all supporting data since . 1:16:16
- Lake Okay.
- Jones So one of the core issues was just kind of the addition of design parameters –
- Lake I mean it wasn't, in my opinion, it wasn't a true Form Based Code and it put undue hardship based on the design standards in the document and there were a number of items that I think many of us expressed should've been addressed given the different variance requests that we get that were not adequately addressed in the document. So, I, I think there were a number of things that –
- Jones But I think there was some general support that it kind of reduced the number of –
- Lake Yeah –
- Grabianowski The numbers on the –
- Jones Zoning districts we have.
- Lake Yeah, districts, yes.

Zionsville Plan Commission
September 18, 2023

- Jones So what would be the process for, for, you're assuming us, to, if we so elect, take time and, and piece and part and see if there's something within the document we'd want to actually act upon? How's that go?
- Taylor Well, the amendment of the Zoning Ordinance can be proposed by the Plan Commission, can be proposed by the Town Council and it can be proposed by staff or some combination thereof. So, if you wanted to, if a member of the Commission wants to work on, to me, any amendment to the Zoning, the Zoning Ordinance you can do that and then if you get a majority to agree with you, then you've got an amendment.
- Lake Does that amendment then, is that just a suggestion that Town Council would have to ratify?
- Taylor It is. It would go to, the Town, the Plan Commission would have to make a recommendation for approval to the Town Council –
- Lake Okay.
- Taylor And then it would have to go to the Town Council. So –
- Lake Okay.
- Taylor Obviously the more collaborative approach you take, the better chance for success.
- Dale And, and that would be a public hearing –
- Taylor Sure –
- Dale Right?
- Taylor Sure.
- Lake I'm just trying to make sure I understand all the steps and not just –
- Franz Well, it's like I said – I thought there was some good stuff in it. I thought it was too overreaching to the entire 67 square miles of Zionsville. So, I think maybe after the first of the year we can discuss if we want to do something along that line with, with staff.
- Lake Okay.
- Franz 1:18:39 time until the first of the year though.
- Jones Well then the other question about that just for my own edification would be if we'd want to create our own subcommittee and then could we bring in just outside individuals – I was thinking of David Rausch and some other –
- Franz As long as we don't have a quorum, right? Or, no, you can't or is it public, it has to be held publicly?

- Taylor Yeah, the Public Access Councilor says that if you form a committee, if you, the Plan Commission, appoint a committee that's all, that's all open to the public then.
- Franz Okay.
- Lake If Larry and I – I don't think you were suggesting a formal committee though were you?
- Jones Well that's, that's what I'm, I'm trying to make sure just you know –
- Franz Well, I mean, if we, if we, we can't designate a committee without, it'd have to be public?
- Taylor That's correct.
- Franz But if we –
- Taylor But if you and Larry want to get together and work on it yourselves and with whomever, then that's just something you guys are doing but if the Plan Commission appoints a committee to work on something, to have meetings about something, to receive information then it's going to have to be right in here, all that work has to be done right in here. Generally speaking, what happens is a member of the Commission or two might work with staff to develop proposed amendments that could then be considered by the Plan Commission and that process is certainly done at the staff level. It would not require public participation. Does that answer your question?
- Jones Yes.
- Taylor Okay.
- Hurst And, and as all of you very smart people decide how you might individually contribute to such a process, solar is a topic of conversation apparently even in Parks Department documents. I would certainly be supportive of overlays that made sure that anything solar has got to go through the Plan Commission.
- Franz Well our current solar, I mean we, that went to the BZA, I mean, is that currently how it would be handled pretty much across the Zionsville community?
- Taylor Yeah. The, the idea is municipalities are approaching that one of two ways – through a special exception process which is what you have so it goes to your BZA. Other communities are creating a, a zoning overlay and that, that's a whole different, that's a different matter and it would be, it would come to you, the Plan Commission, first and then go to the Town Council and it's discretionary. So it is thought to be, to leave the Town more in charge of that determination because even special exceptions are not discretionary. If it, if it, if the petitioner can satisfy your requirements, then the BZA must approve and I think that that, the communities that have gone to the overlay districts have decided that that really doesn't allow the Town to protect itself very well.

- Franz Okay. I know the BZA did not approve the variance request related to the solar that was there.
- Lake It didn't meet any of the three –
- Franz Okay.
- Lake Requirements.
- Franz Okay.
- Lake It wasn't in keeping with the Comprehensive Plan, it was going to devalue the 1:22:07 around it and it was not keeping visually with the context of the surrounding.
- Franz So that, that's how they denied it even though it met the, I mean, potentially met the special exception?
- Taylor Yeah, I agree with Chris, it didn't meet the 1:22:21 factors –
- Franz Okay.
- Taylor But –
- Lake Yeah –
- Taylor Again –
- Franz If, if you want to make it a little bit, make sure it's going to come to a Board or BZA, you'd want to put language in there that, such as the overlay zone, district?
- Taylor Yeah, communities that have thought about it and thought that if you're going to come in and affect 8,000 acres at once we probably would like you to go to our Plan Commission and our Town Council.
- Franz Okay.
- Hurst That, that sounds like a very wise idea.
- Franz Anything else on this?
- Kilmer I have, I have one item. Just to close all the loops on the withdrawal of the Form Based Code, at your last meeting you had established there was going to be a special meeting on October 5th to discuss it. I just want to make sure the public is now fully aware that meeting will be cancelled.
- Franz All right, yes. That meeting will be cancelled.
- Kilmer Yes.

- Franz Thank you. Last item is the 2024 calendar.
- Kilmer This calendar was generated based upon this past year's calendar schedule so, the only thing that has really changed are the specific dates. This should be considered a draft simply because the Town Council has not finalized what holidays are going to be observed and when during calendar year 2024. So some, there might be a random date or two in here where it will move from a Monday to a Tuesday to accommodate a, a public holiday being observed on a Monday. I tried, I factored everything in from this past year to, to work on this but wanting to get it out as soon as possible knowing that as early as November 27th could be the first filing date. I wanted, I wanted you to get a first look at it.
- Franz All right, thank you. And then at some point in time we'll get a formal calendar to approve for the coming year, correct?
- Kilmer As soon as the Town Council approves what the holidays are for 2024 this will be finalized and I'll bring it back to you at that time.
- Franz All right. Anybody have anything else?
- Dale Yes, one more thing.
- Franz Sure.
- Dale I wanted to ask the Plan Commission again the work involved with putting together all of this paperwork every month is extensive. It's a lot of work to run all these, all these copies, compile them and also the cost of printing this.
- Franz What I would say is if we wanted to cut back on this, I would say can we still get the printed staff report and their attached materials? I mean it's – my laptop is about this big –
- Dale Uh huh –
- Walker Mine too –
- Franz And I've got a bigger monitor I can see at home –
- Dale Yeah –
- Franz But it's, and I still need something to –
- Dale That, that's a great suggestion. I wonder if you'd let us know what materials are essential or most important for you to receive at the meeting.
- Lake Well there's two copies of everything for each petition –
- Franz Right.
- Dale Yeah.

Lake So there's the part you're sharing with us and then there's the copy that shows what was sent to everybody else. We don't need the same thing twice in every individual petition.

Franz I think if we got the full staff report with the, the, what they view are the necessary exhibits –

Lake Yeah –

Franz I'd be very comfortable with that.

Lake Which and that might've been made, that comment might've been made in BZA but it's been made before that that's a way to at least reduce it by half.

Dale Yeah, that would be very helpful and –

Lake Yeah –

Dale Much more time efficient.

Jones Uh huh.

Lake We can get David Franz some glasses too.

Franz Hey – I'm getting old man.

Dale Roger, do you have anything to add to that?

Kilmer Not at this time.

Dale Okay.

Franz All right, anybody else?

Dale That's all. Thank you.

Franz All right, is there a motion to adjourn?

Grabianowski I move to adjourn.

Lake I second.

Jones So moved.

Franz All in favor?

All Aye.