ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2015-43-RP
Subject Site Address:	425 S 6th Street
Petitioner:	Woodrow and Evelyn H. Paris
Representative:	Dave Berman
Request:	Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District
Current Zoning:	(RV) Urban Special Residential Zoning District
Current Land Use:	Residential/Undeveloped
Approximate Acreage:	0.59 acres
Related Petitions:	None
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Map Exhibit 3 –Proposed Re Plat Exhibit 4 - Proposed Conditions Exhibit 5 – Engineer Review Letter Exhibit 6 – Petitioners Waiver Request (Driveways) Exhibit 7 – Petitioners Waiver Request (Pedestrian Path) Exhibit 8 – Petitioners Waiver (Sidewalk) Exhibit 9 – Findings of Fact
Staff Reviewer:	Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location
The subject property is approximately 0.59 acres located on the north side of Starkey Road, at the intersection of 6th Street. A Single Family dwelling unit currently exists on the east parcel.

Project Description
The subject property is currently zoned (RV), Urban Special Residential Zoning District
The petitioner is requesting plat approval to split the current parcel into three (3) lots. The intention of the Petitioner is to create two (2) new buildable sites.

Project History
This petition was continued from the January meeting to the February meeting of the Plan Commission at the request of a Remonstrator. At the request of the Petitioners Representative, the petitioner was continued form the February meeting to the March 21, 2016 Plan Commission meeting.

MINOR PLAT REVIEW

Subdivision Control Ordinance
The subdivision plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance (except as noted in this report-See Town Engineer letter dated January 11, 2016).

Zoning Ordinance
The plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance.

Street Access / Sidewalks
The plat approval requires the dedication of right of way and the establishment of appropriate easements, and provisions for the future construction of sidewalk conformance with Town standards (see waiver requests).

Stormwater Management
All lots will utilize surface drainage to manage stormwater.

Utility Capacity / Utility Easements
Limited utilities are available to the site.

WAIVER REQUEST (SCO)

The petitioner is requesting the following waivers from the Subdivision Control Ordinance: **1) driveway locations being within 75 feet of the intersection.** Staff Response: While not in compliance with Town standards, the proposed locations are supportable as the proposed locations for the new driveways are preferable to locations which may conform to Town standards. **2) Petitioner is requesting to not install public pathway.** Staff Response: Given the location and lack of asphalt multi-use pathways in the immediate area, Staff is supportive of

eliminating the requirement for a pathway IF sidewalks are required to be installed. **3) Petitioner is requesting to not install public sidewalk.** Staff Response: While an asphalt pedestrian pathway is not required, installation of sidewalk is an expectation of staff.

Waiver Process

The *Plan Commission* shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case that:

A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property;

B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property;

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the *Comprehensive Plan*; and,

E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the *Plan Commission*.

Findings associated with each waiver request have been provided by the Petitioner and are attached to this report.

PUBLIC POLICY

Comprehensive Plan
The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as residential. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

Water and Septic
The property would utilize public water and sewer disposal systems.

STAFF COMMENTS

Staff recommends approval of the waiver request specific to the driveway locations.

Staff recommends denial of any waiver from the town's sidewalk location standards (staff would support a waiver from the standards regarding the installation of a pathway IF sidewalks are required to be installed).

Staff recommends approving the petition as filed, with the provision that language be incorporated into the plat which indicates that a sidewalk, in conformance with Town requirements, will be constructed and installed at the expense of the lot owner.

RECOMMENDED MOTIONS

Minor Plat Motion

I move that Docket #2015-43-RP replat approval establishing a three (3) lot subdivision at 425 S. Sixth Street be (Approved based the findings provided by the Petitioner / Approved based on the recommendation of Staff thereby approving the waivers for both driveway locations and public pathway locations, and denying any waiver of sidewalk requirements / Denied/ Continued).

LAUREL AV
ZIONSVILLE BUS. PARK SEC 2
SIXTH ST
FOURTH AND PINE ESTATES
HAWTHORNE ST
L.P.&H.
FOURTH ST
SYCAMORE ST
20' B.L. & D.L. & U.E.
30' B.L.
STARKEY RD
EAGLE VIEW CT
EAGLE VIEW COURT
FIFTH ST
N.T.

Exhibit 2

Exhibit 3

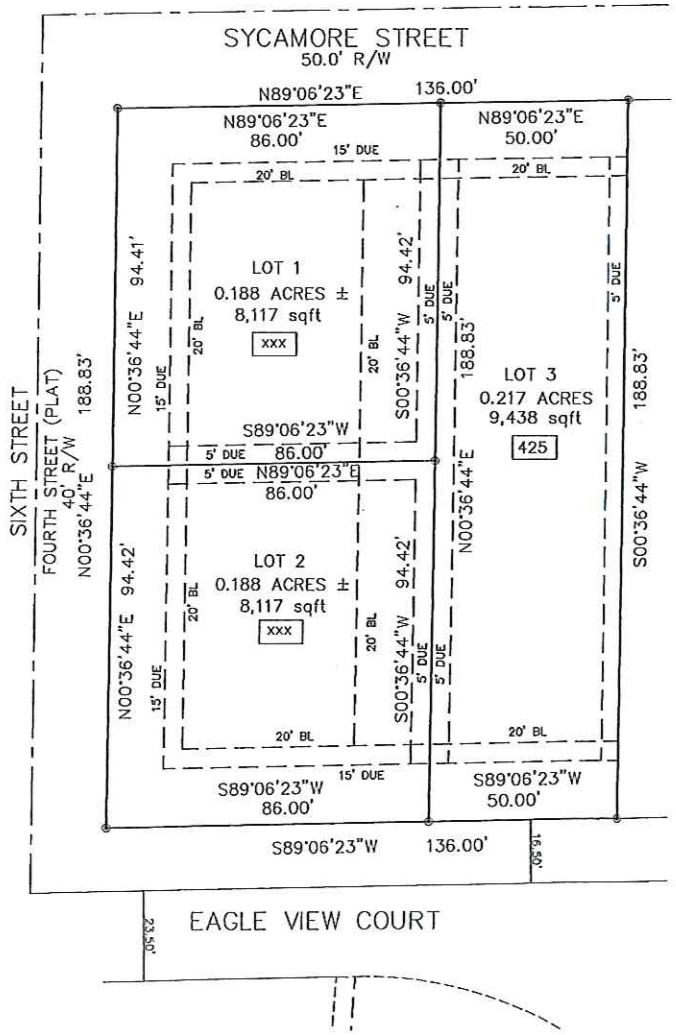
Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA

SIXTH AND SYCAMORE ESTATES

PART OF NORTHEAST QUARTER 2-17-2E
ZIONSVILLE, BOONE COUNTY, INDIANA

GRAPHIC SCALE
0 10 20 40
SCALE : 1" = 20'



DEVELOPER

DAVE BERMAN
SIGMA COMPANIES
DAVE BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

OWNER

WOODROW AND EVELYN H. PARIS
7741 N GRAY ROAD
PROPERTY ADDRESS
425 SOUTH 6TH STREET
ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE

DEED RECORD
BK 45, PG 346
RECORDED NOV. 23, 1959

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
URBAN SPECIAL RESIDENTIAL

SURVEYOR

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
PH 773-2644 Fx 773-2694
DATE: 12-15-15
Job No. B36343

SURVEYOR CERTIFICATION

I, K. NATHAN ALTHOUSE, HEREBY CERTIFY THAT:

THE WITHIN PLAT IS A REPRESENTATION OF THE LANDS SURVEYED, SUBDIVIDED AND PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF;

LEGAL DESCRIPTION OF REAL ESTATE

LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTIRE EAST SIDE OF SAID LOT 59.

THIS SUBDIVISION CONSISTS OF 3 LOTS, NUMBERED 1, 2, AND 3, TOGETHER WITH EASEMENTS AS SHOWN ON THE WITHIN PLAT;

THE SIZE OF THE EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF;

ALL MONUMENTS SHOWN ON THE WITHIN PLAT ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN;

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMITY WITH 865 IAC 1-12; AND, THE WITHIN PLAT COMPLIES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS _____ DAY OF_____, 2016.

SIGNATURE_____

PRINTED: K. NATHAN ALTHOUSE, PLS
REGISTERED LAND SURVEYOR - INDIANA - # LS20400007

K. NATHAN ALTHOUSE
REGISTERED No. LS-20400007
STATE OF INDIANA
LAND SURVEYOR

LEGEND

B. L.	BUILDING LINE
DUE	DRAINAGE & UTILITY EASEMENT
AC±	ACRES (MORE OR LESS)
R/W	RIGHT-OF-WAY
●	5/8" IRON ROD W/ YELLOW CAP STAMPED MILLER SURVEYING SET
125	PROPERTY ADDRESS NUMBER

AS USED IN THIS SURVEY, CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDING WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

BUILDING SETBACK LINE
THE BUILDING SETBACK LINES SHOWN ON THE PLAT ARE PURSUANT TO THE ZONING CODE OF THE TOWN OF ZIONSVILLE. THE REQUIRED MINIMUM DEPTH OF FRONT YARD SETBACK MAY BE REDUCED PER THE REQUIREMENTS OF ZONING CODE, ARTICLE 2, SECTION 2.13.B.5.I (AS AMENDED).

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
K NATHAN ALTHOUSE.

Exhibit 3

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA

SIXTH AND SYCAMORE ESTATES

PART OF NORTHEAST QUARTER 2-17-2E
ZIONSVILLE, BOONE COUNTY, INDIANA

DEDICATION STATEMENT

WE, WOODROW PARIS AND EVELYN H. PARIS, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY LOCATED IN THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, ACCORDING TO DEED RECORDED IN DEED RECORD BOOK 45, PAGE 346, OF THE OFFICIAL RECORDS OF THE RECORDER OF BOONE COUNTY, INDIANA, AND FURTHER DESCRIBED AS FOLLOWS:

SEE LAND DESCRIPTION

NOW THEREFORE KNOW ALL PERSONS BY THESE PRESENCE THAT WE DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.
THIS SUBDIVISION SHALL BE KNOWN AS RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA
SIXTH AND SYCAMORE ESTATES, AN ADDITION TO THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA.

ALL STREETS, ALLEYS, WAYS AND PUBLIC OPEN SPACES SHOWN ON THE WITHIN PLAT NOT HERETOFORE DEDICATED TO THE PUBLIC ARE HEREBY DEDICATED TO THE TOWN OF ZIONSVILLE FOR PUBLIC USE AND MAINTENANCE, SAVE AND EXCEPT FOR THOSE STREETS, ALLEYS, WAYS AND OPEN SPACES SPECIFICALLY IDENTIFIED AS PRIVATE ON THE PLAT AND APPROVED BY THE PLAN COMMISSION TO BE PRIVATELY OWNED, OPERATED AND MAINTAINED.
FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE WITHIN PLAT, BETWEEN WHICH LINES AND STREET RIGHT-OF-WAY LINES NO BUILDING OR STRUCTURE (EXCEPT FOR PARKING AREAS, DRIVEWAYS AND INTERIOR ACCESS DRIVES) SHALL BE ERECTED OR MAINTAINED.

ALL STORM WATER, DRAINAGE, WATER, AND SANITARY SEWER EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE TOWN OF ZIONSVILLE, SAVE AND EXCEPT FOR THOSE STORM WATER, DRAINAGE, WATER, AND SANITARY SEWER EASEMENTS SPECIFICALLY IDENTIFIED AS PRIVATE ON THE PLAT AND APPROVED BY THE PLAN COMMISSION TO BE PRIVATELY OWNED, OPERATED AND MAINTAINED. WITHIN THESE EASEMENTS, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF UTILITIES. THE EASEMENT AREA OF EACH LOT SHALL BE CONTINUOUSLY MAINTAINED AS A YARD AREA BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS WHICH ARE THE RESPONSIBILITY OF A PUBLIC AUTHORITY OR UTILITY COMPANY TO MAINTAIN.

WITHIN DRAINAGE EASEMENTS, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY CHANGE THE DIRECTION OF FLOW OR DRAINAGE CHANNELS IN THE EASEMENTS OR WHICH MAY OBSTRUCT OR RETARD THE FLOW OF WATER THROUGH DRAINAGE CHANNELS IN THE EASEMENTS. THE DRAINAGE EASEMENT OF EACH LOT AND ALL IMPROVEMENTS IN THE DRAINAGE EASEMENT, INCLUDING SLOPE AND DRAINAGE PATTERN, SHALL BE CONTINUOUSLY MAINTAINED AS A YARD AREA BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS WHICH ARE THE RESPONSIBILITY OF A PUBLIC AUTHORITY OR UTILITY TO MAINTAIN.

THE FIRST FIVE (5) FEET OF ANY UTILITY EASEMENT WHICH IS LOCATED ALONG A STREET RIGHT-OF-WAY SHALL BE RESERVED FOR USE AS A TOWN OF ZIONSVILLE UTILITY EASEMENT FOR SEWER AND WATER, AND SHALL BE USED FOR THE INSTALLATION AND MAINTENANCE OF FIRE HYDRANTS, METER PITS, AND SIMILAR APPURTENANCES APPROVED BY THE TOWN ENGINEER. ALL OTHER UTILITY COMPANIES SHALL HAVE THE RIGHT TO CROSS THE FIRST FIVE (5) FEET OF SAID UTILITY EASEMENT AT OR NEAR PERPENDICULAR. NO OTHER UTILITIES OR APPURTENANCES THERETO SHALL BE INSTALLED WITHIN THE FIRST FIVE (5) FEET OF SAID UTILITY EASEMENT WITHOUT THE WRITTEN APPROVAL OF THE TOWN ENGINEER.

THE FOREGOING PLAT COVENANTS SHALL RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE _____ DAY OF _____, _____, AT WHICH TIME SAID PLAT COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITE COVERED BY THESE PLAT COVENANTS IT IS AGREED TO CHANGE SUCH PLAT COVENANTS IN WHOLE OR IN PART.

INVALIDATION OF ANY ONE OF THE FOREGOING PLAT COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PLAT COVENANTS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
THE RIGHT TO ENFORCE THESE COVENANTS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL BY DUE PROCESS OF LAW OF ANY STRUCTURE OR PART THEREOF ERECTED OR MAINTAINED IN VIOLATION HEREOF, IS HEREBY DEDICATED TO THE PUBLIC, AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN THE SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

IN WITNESS WHEREOF, OWNER HAS EXECUTED THIS INSTRUMENT THIS DAY OF .

SIGNATURE_____ SIGNATURE_____

PRINTED WOODROW PARIS PRINTED EVELYN H. PARIS

STATE OF)) SS: COUNTY OF)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____, OWNER(S) OF THE REAL ESTATE, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AND WHO, HAVING BEEN DULY SWORN, STATED THAT ANY REPRESENTATIONS THEREIN CONTAINED ARE TRUE.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY OF _____, 2016.

THESE PLAT COVENANTS AND RESTRICTIONS ARE ADOPTED THIS _____ DAY OF _____, 20___ AS FOLLOWS:

1. THE PLATTED LOTS SHALL CONSIST OF SINGLE FAMILY RESIDENCES ONLY. THE SINGLE FAMILY RESIDENCES TOGETHER WITH ANY ACCESSORY STRUCTURE CONSTRUCTED ON LOTS 1, 2, AND 3 SHALL CONSIST OF BUILDING MATERIALS SUCH AS WOOD, CONCRETE, FIBERBOARD, STONE, BRICK AND OTHER MASONRY APPROVED BY OWNERS. NO VINYL SIDING SHALL BE ALLOWED OR PERMITTED ON THESE SINGLE FAMILY RESIDENCES OR ACCESSORY USES. THE HEIGHT OF THESE SINGLE FAMILY RESIDENCES ON LOTS 1, 2, AND 3 SHALL NOT EXCEED THE MAXIMUM ALLOWED IN THE RV RESIDENTIAL ZONING DISTRICT.

2. AS TO PLATTED LOT NO. 1 AND 2, OWNERS SHALL MAKE EVERY EFFORT TO LOCATE THE DRIVEWAY AWAY FROM SIXTH STREET, BEING ON THE EAST SIDE OF SAID LOTS SO TO PROVIDE MAXIMUM DISTACNES FORM SIXTH STREET. IN THE EVENT THAT IT IS NOT FEASIBLE TO SO LOCATE A RESIDENTIAL DRIVEWAY ON THE EAST SIDE OF SAID LOT, THEN, AND IN THAT EVENT, THE OWNERS SHALL CONSTRUCT A PRIVACY FENCE NOT TO EXCEED FIVE (5) FOOT IN HEIGHT, ALONG THE COMMON BOUNDARY. BUILDING MATERIAL FOR SAID PRIVACY FENCE SHALL CONSIST OF WOOD. IN THE EVENT OTHER MATERIALS ARE PROPOSED,

4. OWNER OF PLATTED LOTS IN SIXTH AND SYCAMORE ESTATES SHALL BE DESIGNATED AS WOODROW PARIS, AND EVELYN H. PARIS, TOGETHER WITH ANY SUBSEQUENT OWNERS OF LOTS 1, 2 AND 3. THE ARCHITECTURAL CONTROL BOARD IS HEREBY ESTABLISHED FOR THE PLATTED LOTS CONSISTING OF DAVID BERMAN, AS SUCH, THE ARCHITECTURAL CONTROL BOARD SHALL HAVE SOLE AND UNBRIDLED DISCRETION TO APPROVE ARCHITECTURAL AND BUILDING PLANS FOR SINGLE FAMILY RESIDENCES AND ACCESSORY STRUCTURES FOR LOTS 1, 2 AND 3. AS SUCH, SUBSEQUENT LOT PURCHASERS ARE WELL ADVISED TO OBTAIN PRE-APPROVAL OF ARCHITECTURAL AND BUILDING PLANS FOR LOTS 1, 2, AND 3 AT THE TIME PRIOR TO CLOSING ON SAID PURCHASES. THIS COVENANT AND RESTRICTION SHALL AUTOMATICALLY EXPIRE WITHIN ONE (1) YEAR OF A CERTIFICATE OF OCCUPANCY BEING ISSUED FOR THE LAST SINGLE FAMILY RESIDENCE CONSTRUCTED ON LOTS 1, 2, AND 3.

_____ _____

WOODROW PARIS, OWNER EVELYN H. PARIS, OWNER

STATE OF INDIANA)) SS: COUNTY OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID

COUNTY AND STATE, THIS _____ DAY OF _____, 2016.

SIGNATURE_____
NOTARY PUBLIC

PRINTED_____

MY COMMISSION EXPIRES: COUNTY OF RESIDENCE:

_____ _____

PLAN COMMISSION APPROVAL

THE TOWN ENGINEER AND BUILDING COMMISSIONER OF THE TOWN OF ZIONSVILLE HAVE REVIEWED THIS PLAT FOR TECHNICAL CONFORMITY WITH THE STANDARDS FIXED IN THE ZIONSVILLE ZONING ORDINANCE AND THE ZIONSVILLE SUBDIVISION CONTROL ORDINANCE AND HEREBY CERTIFIES THAT THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS OF THE APPLICABLE ORDINANCES AND REQUIREMENTS OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA.

BY:_____ BY: _____

PRINTED: _____ PRINTED: _____

BUILDING COMMISSIONNER
TOWN OF ZIONSVILLE
BOONE COUNTY, INDIANA

TOWN ENGINEER
TOWN OF ZIONSVILLE
BOONE COUNTY, INDIANA

TOWN OF ZIONSVILLE PLAN COMMISSION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT UNDER AUTHORITY PROVIDED BY THE INDIANA PLANNING LAW, IC 36-7-4, ET. SEQ., ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, THE PLAT DEPICTED HEREIN IS THE PLAT WHICH WAS GIVEN APPROVAL BY THE TOWN OF ZIONSVILLE PLAN COMMISSION AT A MEETING HELD ON THE _____, DAY OF _____, _____.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, _____.

TOWN OF ZIONSVILLE PLAN COMMISSION

SIGNATURE_____ SIGNATURE_____

PRINTED_____ PRINTED_____
TITLE PRESIDENT TITLE SECRETARY

SURVEYOR

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
Ph 773-2644 Fx 773-2694
DATE: 12-15-15
Job No. B36343

OWNER

WOODROW AND EVELYN H. PARIS
7741 N GRAY ROAD
PROPERTY ADDRESS
425 SOUTH 6TH STREET
ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE

DEED RECORD
BK 45, PG 346
RECORDED NOV. 23, 1959

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
URBAN SPECIAL RESIDENTIAL

DEVELOPER

DAVE BERMAN
SIGNA COMPANIES
DAVE BERMAN, PRINCIPLE
BERMANOYAHOO.COM
PH# 317.937.9223
FAX# 812.332.2494

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
K NATHAN ALTHOUSE.

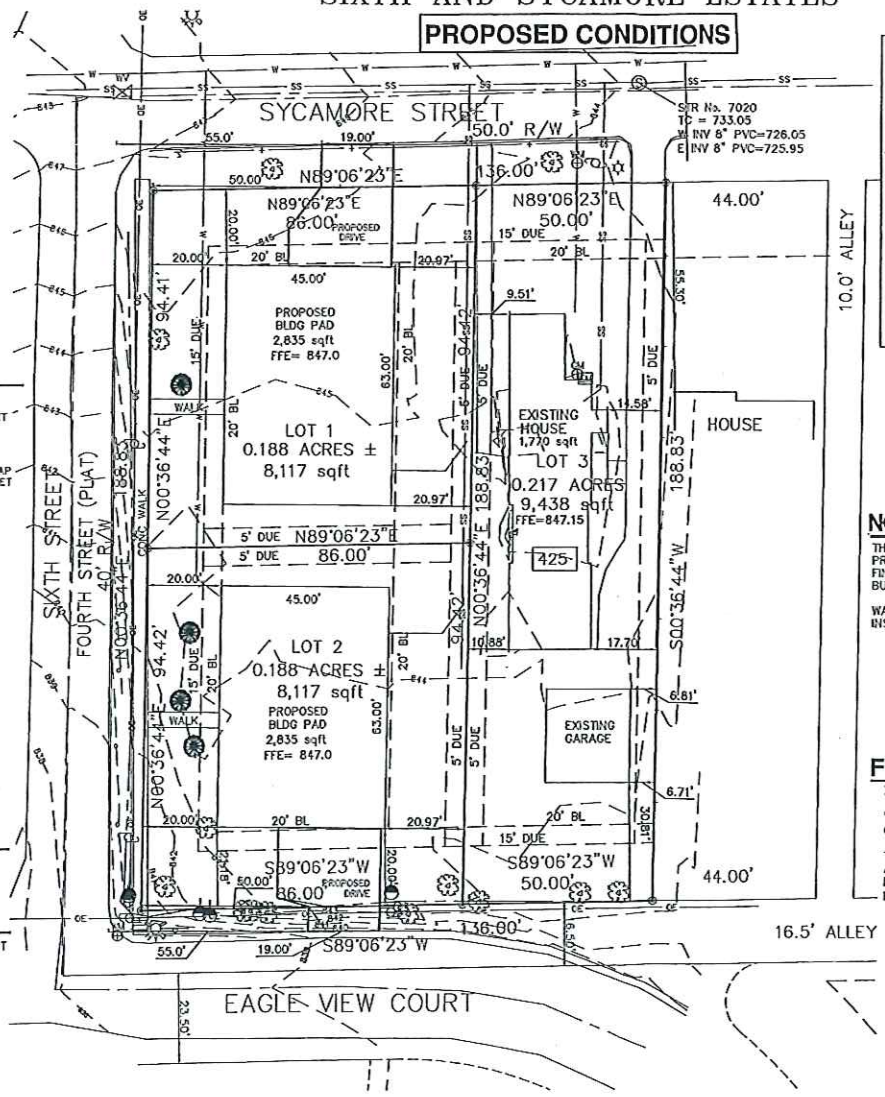
Exhibit 4

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA

SIXTH AND SYCAMORE ESTATES

PROPOSED CONDITIONS



GRAPHIC SCALE

0 10 20 40

SCALE : 1" = 20'

LEGEND

B. L.	BUILDING LINE
DUE	DRAINAGE & UTILITY EASEMENT
AC±	ACRES (MORE OR LESS)
R/W	RIGHT-OF-WAY
●	5/8" IRON ROD W/ YELLOW CAP STAMPED MILLER SURVEYING SET
125	PROPERTY ADDRESS NUMBER
NAE	NON ACCESS EASEMENT

DEVELOPER

DAVE BERMAN
SIGMA COMPANIES
DAVE BERMAN, PRINCIPLE
BERMAN@YAHOO.COM
PH# 317.937.9223
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OWNER

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DATE: 12-15-15
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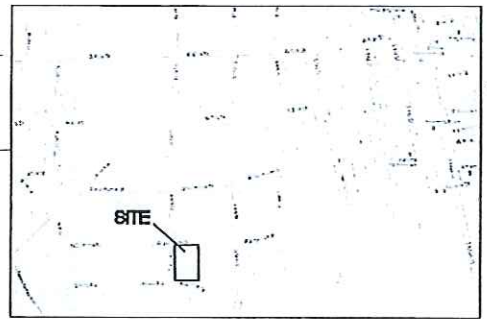
VICINITY MAP

NOT TO SCALE



ADDRESS: 425 SOUTH 6TH STREET ZIONSVILLE, INDIANA

LAND DESCRIPTION

LOTS 59, 60 AND 61 IN LAUGHLIN, FOUTS AND HARDEN'S ADDITION, ANADDITION TO ZIONSVILLE, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF UNIFORM WIDTH OFF OF THE ENTE EAST SIDE OF SAID LOT 59.

NOTE:

THE PROPOSED HOME LOCATION SHOWN ON THIS PRIMARY PLAT ARE PROPOSED LOCATIONS. THE TWO LOTS WILL BE CUSTOM HOMES SITES AND THE FINAL HOME PLACEMENT WILL BE DETERMINED WITH THE SITE PLAN AND BUILDING PERMIT PROCESS

WAVIER OF SUBDIVISION CONTROL ORDINANCE –NO MULTI-USE PATH TO BE INSTALLED WITH THIS THREE LOT RE-PLAT.

FLOOD ZONE DEFINITION

ZONE	EXPLANATION
"X"	AREAS OF MINIMAL FLOODING X AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18011C0334E. AREA IN ZONE "X" MAP DATED JAN. 18, 2012.

425 SOUTH 6TH STREET

K. NATHAN ALTHOUSE REGISTERED No. LS20400007 STATE OF INDIANA LAND SURVEYOR

K. Nathan Althouse

CERTIFICATION DATE: 12-15-15
REVISED 1-4-2016
REVISED 1-19-2016

ZIONSVILLE
FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
From: Mark DeBruler, P.E., Town Engineer MD
Date: January 11, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

Project	Name	Sixth and Sycamore Estates Minor Plat	
	Location	425 S. Sixth Street Sixth Street Between Eagle View Court and Sycamore Street	
	Developer	Sigma Companies	
	Submittal	No. 2	
Documents Reviewed		Document Name	Document Date
		Primary Plat	December 15, 2015
Zoning	Current	R-V	
	Proposed	R-V	
Land Use	Current	Residential	
	Proposed	Residential	
Requested Variances			

Based on our review, we have developed the following list of items that do not appear to be consistent with the Town's standards or requirements:

I. PRIMARY PLAT

A. Provide addresses for Lot 1 and Lot 2.

B. It does not appear the required minimum 75' distance from a driveway to an intersection is provided for Lot 1 and Lot 2 where the proposed drives are indicated. Please obtain a waiver of this requirement for the indicated drive locations if they do not meet this standard.

C. Please correct the misspellings in covenant paragraph 2 – change "distacnes form" to "distances from".

Exhibit 5

TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA

DOCKET NO. 2015-43-RP

PETITION FOR PLAN COMMISSION APPROVAL

OF A

DEVELOPMENT PLAN WAIVER OF Section 3.3 Streets B18(b)

FINDINGS

A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property: Will Not (lowest traveled local street).**The waiver that is requested resembles the surrounding area and will be congruent with the neighborhood.**

B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property. **The waiver that is requested resembles the surrounding area and will be congruent with the neighborhood. Also given the site conditions, if not granted, a two point turn will be needed in order to exit the garage depending on vehicle size.**

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. **The existing mature trees on the north and south lines and with the contours on the south line, makes it particularly difficult to install sidewalks without removing all the trees and added some retaining walls. The three waivers that are requested resemble the surrounding area and will be congruent with the neighborhood.** Also given the site conditions, if not granted, a two point turn would be needed in order to exit the garages depending on vehicle size.

D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the Comprehensive Plan; and, Will not (note drive ppt.). There are 29 drives that are less than the ordinance within 4 blocks.

E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission. **Development plan has been reviewed by the Town departments.**

Exhibit 6

TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA

DOCKET NO. 2015-43-RP

PETITION FOR PLAN COMMISSION APPROVAL

OF A

DEVELOPMENT PLAN WAIVER OF Section 3.4 Sidewalks (path) A and B

FINDINGS

A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property: Will Not (none currently exist)

B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property. **The waiver that is requested resemble the surrounding area and will be congruent with the neighborhood. Also** many well established trees would need to be removed and power poles relocated (See PPT- Sidewalks) particularly on the side property line which has a steep embankment (~4')

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. **The existing mature trees on the north and south lines and with the contours on the south line, makes it particularly difficult to install sidewalks without removing all the trees and added some retaining walls. The waiver that are requested resemble the surrounding area and will be congruent with the neighborhood.** Also many well established trees would need to be removed and power poles relocated (See PPT- Sidewalks) particularly on the side property line which has a steep embankment (~4')

D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the Comprehensive Plan; and, Will not

E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission. **Development plan has been reviewed by the Town departments.**

Exhibit 7

TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA

DOCKET NO. 2015-43-RP

PETITION FOR PLAN COMMISSION APPROVAL

OF A

DEVELOPMENT PLAN WAIVER OF Section 3.4 Sidewalks A and B

FINDINGS

A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property: Will Not (none currently exist)

B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property. Yes- many well established trees would need to be removed and power poles relocated (See PPT- Sidewalks) particularly on the side property line which has a steep embankment (~4')

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Yes- many well established trees would need to be removed and power poles relocated (See PPT- Sidewalks) particularly on the side property line which has a steep embankment (~4')

D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the Comprehensive Plan; and, We propose that the north / south sidewalk on 6th Street be brought up to ADA compliance in place of the removal of trees and adding new east west sides walks (see sidewalk PPT)

E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission. (staff's report supports no town sidewalks)

Exhibit 8

TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on ~~Monday~~ Tuesday February 16, 2016 has determined that the Primary Plat **is/is not** in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

a. Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;

b. Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and,

c. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

TOWN OF ZIONSVILLE PLAN COMMISSION

The Primary Plat was APPROVED/DENIED on the _____ day of _____, 20_____, subject to any conditions agreed to at the public hearing and listed in the Letter of Grant.

_____ _____

President, Town of Zionsville Plan Commission

_____ _____

_____ _____

_____

Exhibit 9

ZIONSVILLE
FOR ALL THE RIGHT REASONS

Petition Number:	2016-10-Z
Subject Site Address:	165 and 235 W. Sycamore Street
Petitioner:	Fabrico Inc. & Barbara Hanson Slaff
Representative:	Timothy Ochs
Request:	Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business Zoning District to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses.
Current Zoning:	(B-3) Urban Out door Business
Current Land Use:	Commercial
Approximate Acreage:	4.32 acres
Related Petitions:	None
Exhibits:	Exhibit 1 - Staff Report Exhibit 2 - Zoning / Location Map Exhibit 3 - Proposed Land Use Map (2012 EDSP) Exhibit 4 - PUD Land Use Plan & Topographical Survey (Supporting Exhibits to Ordinance contained in Staff Packet). Exhibit 5-Plan Commission Hearing Process
Staff Reviewer:	Wayne DeLong, AICP

PROJECT OVERVIEW

Project location

The subject property is approximately 4.32 acres located on the south side of the Sycamore Street, and the east side of Zionsville Road. The property contains buildings utilized for seasonal commercial uses.

Project Description

The subject property is currently (B-3) Urban Outdoor Business and (VBD) Village Business District and is currently utilized for seasonal commercial uses. The petitioner desires to rezone the property to the planned Unit Development classification to provide for a mix of land uses including single and multi-family residential, office, and commercial uses. Given the proposed mix of uses, a Planned Unit Development zoning classification is the most appropriate classification to seek to facilitate and consider the requested development.

STATUS OF REVIEW BY STAFF

Staff is supportive of the project in principle and encourages further dialog and efforts on behalf of the Petitioner, Interested Parties, and the Town regarding the proposed development and access management (vehicular). Further, there is much internal dialog currently occurring regarding the intersections of Main Street, Sycamore Street, and First Street, and Staff will be in a position to report on the internal discussions at the March 21, 2016 meeting.

For reference, below is an outline of the items for which Staff will be considering related to the proposal and Staff's future staff report associated with a subsequent hearing.

Rezoning-Zoning Ordinance

In preparing and considering rezoning proposals under the 600 series of Indiana *Code,* the Plan Commission and the Town Council shall pay reasonable regard to:

(1) the comprehensive plan:
(2) current conditions and the character of current structures and uses in each district;
(3) the most desirable use for which the land in each district is adapted;
(4) the conservation of property values throughout the jurisdiction;and
(5) responsible development and growth.

Planned Unit Development-General Conditions

Any real estate may be rezoned Planned Unit Development District in order to accomplish the following:

a) The characteristics of the specific site development and its land uses proposed for the subject real estate are compatible with the surrounding area if the development were limited to those plans and uses as submitted.

b) Land uses, which would not otherwise be permitted to locate within the existing zoning districts, are proposed for development on a parcel under single or multiple ownership or management.

c) Exceptions or variations from the size, setback, frontage, density, uses, or other development standards which are established for a given land use in the other zoning districts are permitted as a part ofthe Planned Unit Development.

d) The objectives and goals of smart growth are incorporated through the utilization of such initiatives as conservation developments, integrated mixed-use developments, and performance-based implementation developments.

Planned Unit Development-Guidelines for Design

The following design principles are recommended by Article 5 of the Zoning Ordinance:

a) The proposed development should be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood and the Town's Comprehensive Plan.

b) Interest and variety should be sought, by means of street design and changes in mixture of building types, heights, facades, setbacks, plantings, or size of open space. The design should be harmonious as a whole and not simply from street-to street.

c) Streets should curve to discourage fast movement of traffic; traffic calming devices should be integrated into street design; group parking areas should be screened, so that the vehicles are substantially hidden from the street.

d) The natural amenities of the land should be preserved through maintenance of conservation areas and open spaces. A minimum of at least twenty (20) percent of the gross area of the site should be retained in open space.

e) Height of buildings in excess of thirty-five (35) feet should be designed and planned to be reasonably consistent with the neighboring property and foster efficient use of existing public services and facilities.

f) Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the

development. Commercial and office uses within the development should be at the front of the development and be accessed by an internal collector road.

g) Structures or buildings located at the perimeter of the development should face outwardly and be properly screened in a matter that sufficiently protects the privacy and amenities of the adjacent and neighboring property uses.

PROCEDURAL NOTE

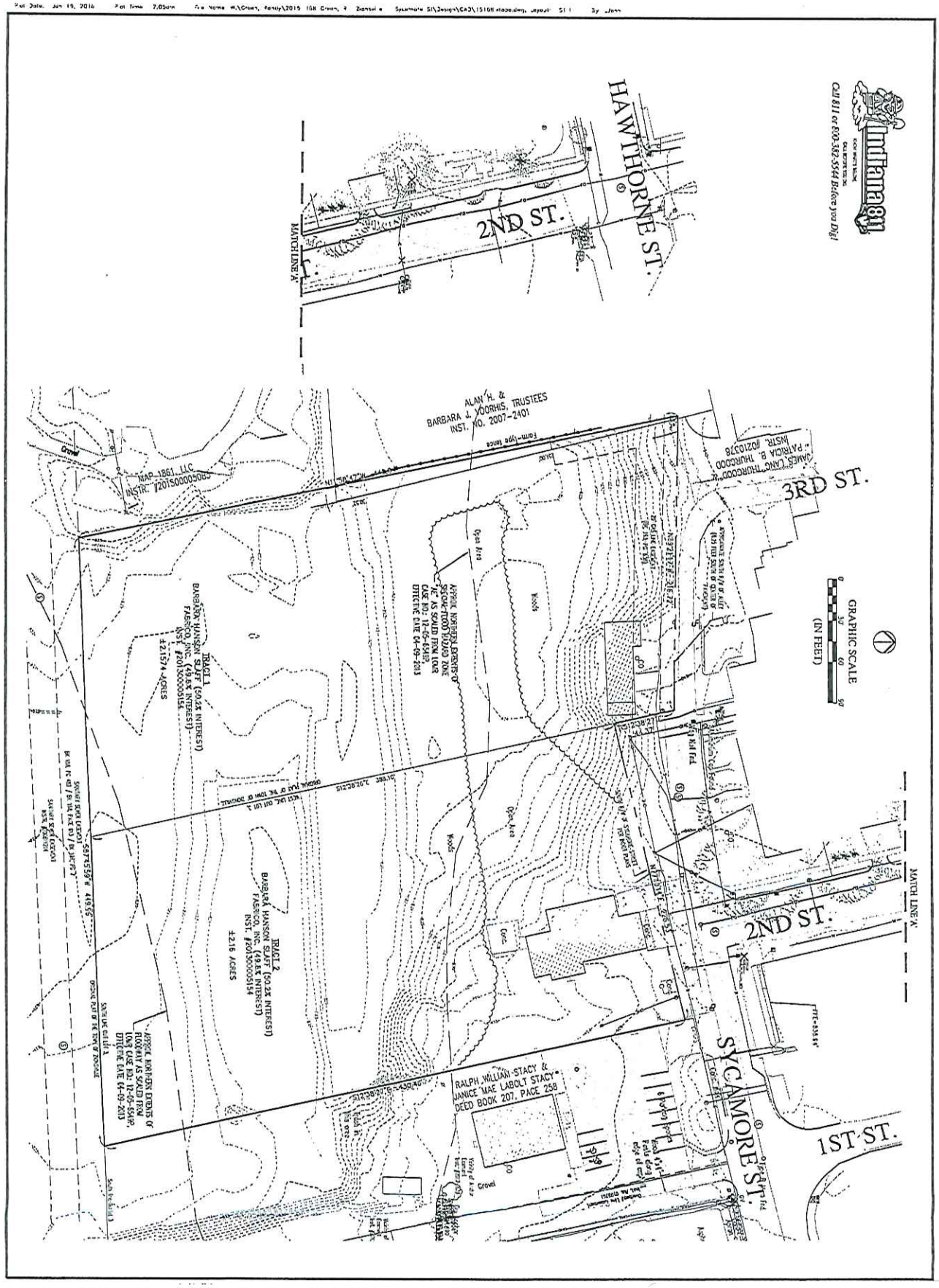
Upon the conclusion of the Public Hearing and Certification of the Plan Commission's recommendation to the Town Council, the Town Council will then set the matter on its Agenda for future consideration (as outlined in the attached flow chart-see Exhibit 5).

PINE ST
ELM ST ZV
SECOND ST ZV
THIRD ST
HAWTHORNE ST
FIRST ST ZV
MAIN ST ZV
SYCAMORE ST
ZIONSVILLE RD
CROSSES
ZIONSVILLE BUS. PARK SEC 2

Exhibit 2

Future Land Use Plan

Exhibit 3

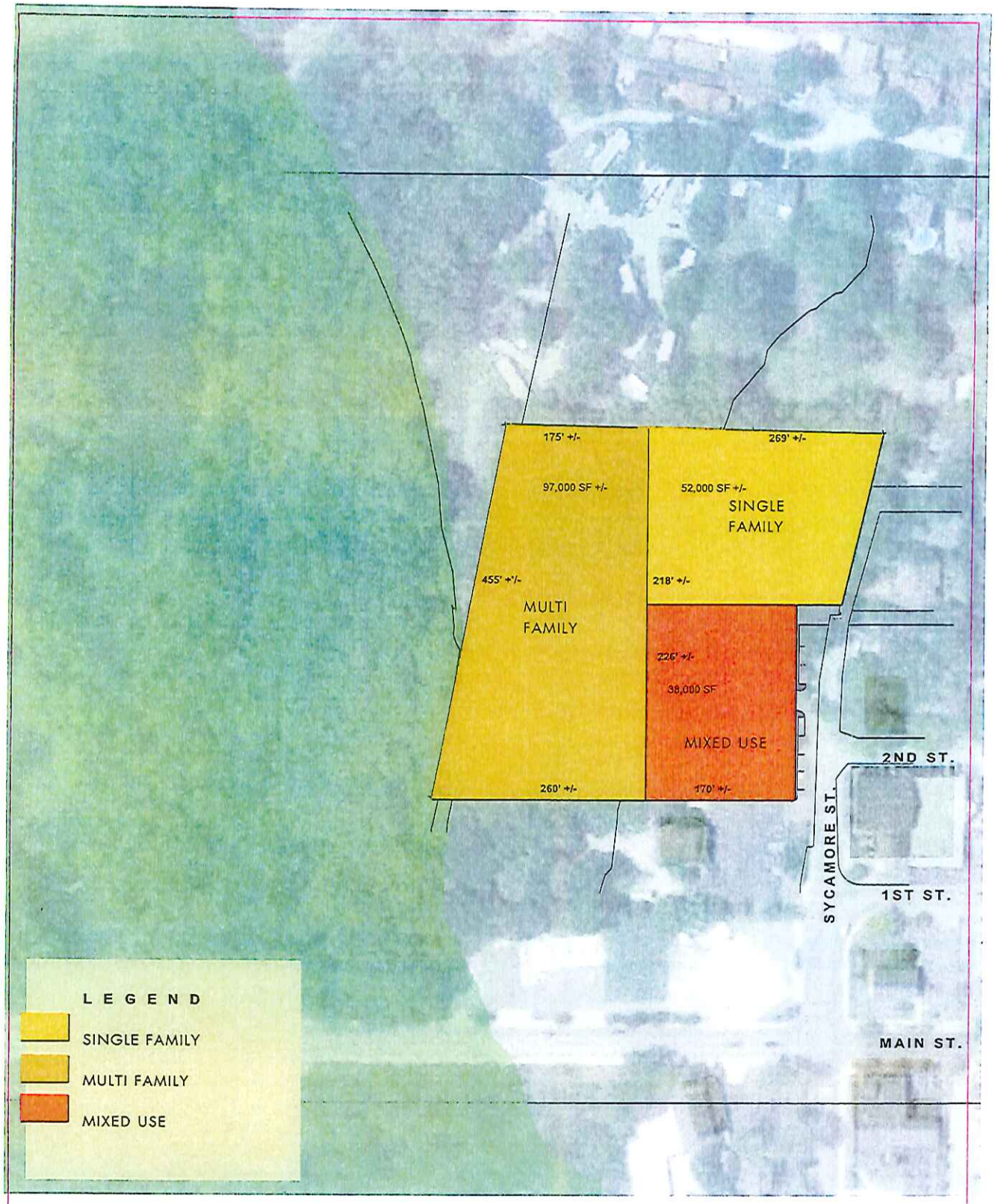


SYCAMORE STREET
ZIONSVILLE, INDIANA

TOPOGRAPHIC SURVEY

S1.1

Exhibit 4



DEVELOPMENT AREAS
APPROX 1"-50' @ 24X36 ORIGINAL SIZE

DRAFT

200 WEST
ZIONSVILLE, INDIANA

CONCEPTUAL DEVELOPMENT PLAN
© 19 JANUARY 2016

200 WEST PARTNERS LLC

Exhibit 4

Exhibit 5

ZIONSVILLE
FOR ALL THE RIGHT REASONS

PUBLIC PROCESS FOR CHANGE OF ZONING REQUESTS (I.C. 36-7-4-600) integrated with Town of Zionsville Plan Commission Rules of Procedure

PLAN COMMISSION HEARING PROCESS-FOR CHANGE IN ZONING

STEP ONE	DAY 1	DAYS 3-5	DAYS 12-14	DAYS 12-20	DAY 30
ACTION	Public Filing	Plan Commission Agenda Posted to Town Website	Legal Notice of Plan Commission Meeting Published in Newspaper	Legal Notice Mailed to Adjoiners	Public Hearing Occurs *first public interaction*
DETAILS ON ACTION:	Indiana Code requires Plan Commission to hold a hearing within 60 days of the filing	Second opportunity of public to learn of a filing (first is to check with staff after passing of deadline for filing)	Published in a newspaper of general circulation at least 10 days prior to the hearing (regulated by Indiana Code). (Third opportunity for public to be made aware of a rezoning request)	Notices are mailed to interested parties (interested parties are defined by the Plan Commission) (Fourth opportunity for public to to be made aware of a rezoning)	Hearing can be continued from time to time and results in a recommendation being forwarded to the Town Council within 10 business days of the final determination (Indiana Code stipulates timing)
INTERESTED PARTIES:	Call on Town Hall to confirm what has been filed	Watch website for updates	Publication occurs on Wednesdays (typically, using Zionsville Sentinel Times)	Mail arrives certified	Hearing(s) occur at Town Hall -Public Hearing (& fifth time public to be made aware of rezoning request) is on a set schedule published yearly

TOWN COUNCIL MEETING PROCESS-FOR CHANGE IN ZONING

STEP TWO	DAYS 33-36	DAYS 37-119	DAYS 45-135
ACTION	Matter is Forwarded to Town Council	Town Council Posts Agenda to Town Website	Town Council Holds Public Meeting *second public interaction*
DETAILS ON ACTION:	Town Council discusses request at an agenda setting meeting (& sixth time public to be made aware of a rezoning request)	Seventh opportunity of public to be made aware of a rezoning request (Note: Town Council by Indiana Code has up to 90 days to vote on a change in zoning)	Eighth opportunity of public to be made made aware of a rezoning request

Notes:

1) This listing does not include any reference to Staff review of the filing (though a part of the process).

2) Indiana Code does not require the Town Council to hold a meeting (a request not scheduled for a meeting is deemed effective/adopted as recommended by the Plan Commission).

3) This shall serve as a guide of the rezoning process as regulated by state law and further described in local ordinance as well as the Plan Commission's Rules of Procedure (the "Laws"). This document is only a guide and is not intended to circumvent or deviate from the Laws associated with rezoning land in Indiana.

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www.zionsville-in.gov/planning