



ZIONSVILLE PLAN COMMISSION MEETING RESULTS

Monday March 21, 2016

A meeting of the Zionsville Plan Commission was scheduled for Monday March 21, 2016, at 7:00 p.m. in the Beverly Harves Meeting Room at Zionsville Town Hall, 1100 West Oak Street. The following items were scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of January 19, 2016, and February 16, 2016 Meeting Minutes
- IV. Continuance Requests

| Docket Number | Name | Address of Project | Item to be Considered |
|---------------|-----------|--------------------------|--|
| 2016-08-PP | Inglenook | 10371 Zionsville Road | Petitioners Representative to Request a Continuance to a future meeting Petition for Primary Plat approval in order to subdivide 18.18 acres into 48 lots, in a (PUD), Planned Unit Development Zoning District Continued to the April 18, 2016 Plan Commission Meeting 7 in Favor 0 Opposed |
| 2016-09-DP | Inglenook | 10371 Zionsville Road | Petitioners Representative to Request a Continuance to a future meeting Petition for Development Plan, (final plan), approval to provide for a 48 lot subdivision, in a (PUD), Planned Unit Development Zoning District Continued to the April 18, 2016 Plan Commission Meeting 7 in Favor 0 Opposed |
| 2016-05-PP | DeRossi | 8810 and 8811 Whitestown | Petitioners Representative to Request a Continuance to a future meeting Continued from the February 16, 2016 Plan Commission Meeting at the request of the Petitioner Petition for Primary Plat approval in order to subdivide 77.015 acres into twelve (12) lot subdivision, in the (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District Continued to the April 18, 2016 Plan Commission Meeting 7 in Favor 0 Opposed |

| | | | |
|------------|---------|-----------------------------|--|
| 2016-05-DP | DeRossi | 8810 and 8811 Whitestown | Petitioners Representative to Request a Continuance to a future meeting Continued from the February 16, 2016 Plan Commission Meeting at the request of the Petitioner Petition for Development Plan Approval to provide for development of a twelve (12) lot subdivision, in (R2), Rural Low Density Single and Two Family Residential Zoning District, and the (R-SF-2), Urban Single Family Zoning District Continued to the April 18, 2016 Plan Commission Meeting 7 in Favor 0 Opposed |
|------------|---------|-----------------------------|--|

V. Continued Business

| Docket Number | Name | Address of Project | Item to be Considered |
|---------------|--------------------|-------------------------------|---|
| 2015-43-RP | D. Berman | 425 S. 6 th Street | Continued from the February 16, 2016 Plan Commission Meeting by request of the Petitioners Representative Continued from the January 19, 2016 Plan Commission Meeting by Remonstrator request Petition for Replat with waivers, of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District Approved subject to adoption of Findings of Fact for: 1) Waivers of Pathway and Driveway Locations 2) Plat 6 in Favor 1 Opposed |
| 2016-02-OA | Town of Zionsville | 1100 W. Oak Street | Continued from the February 16, 2016 and the January 19, 2016 Plan Commission Meeting at the request of the Petitioner Petition to amend the Town of Zionsville Ordinances specific to lighting requirements to permit the use of Light Emitting Diode (LED) lighting elements in addition to current permissible lighting elements within all Town Zoning Districts Received a Favorable Recommendation to the Town Council 7 in Favor 0 Opposed |

VI. New Business

| Docket Number | Name | Address of Project | Item to be Considered |
|---------------|---------|----------------------------------|--|
| 2016-10-Z | Fabrico | 165 and 235 W Sycamore Street | Petition for Zone Map Change to rezone 4.32 acres from the (B-3) Urban Outdoor Business Development Districts, to a (PUD) Planned Unit Development District to provide for a mixed use development consisting of residential, office and commercial uses. Continued to the April 18, 2016 Plan Commission Meeting 7 in Favor 0 Opposed |

VII: Other matters to be considered:

Status of Commitments-Docket # 2015-21-PP and 2015-22-DP Vonterra-Unanimously accepted by the Plan Commission

Status of Commitments-Docket # 2015-33-PP and 2015-34-DP Ansley

Respectfully Submitted:

Wayne DeLong, AICP

Director of Planning and Economic Development

Town of Zionsville

March 22, 2016



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 from 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

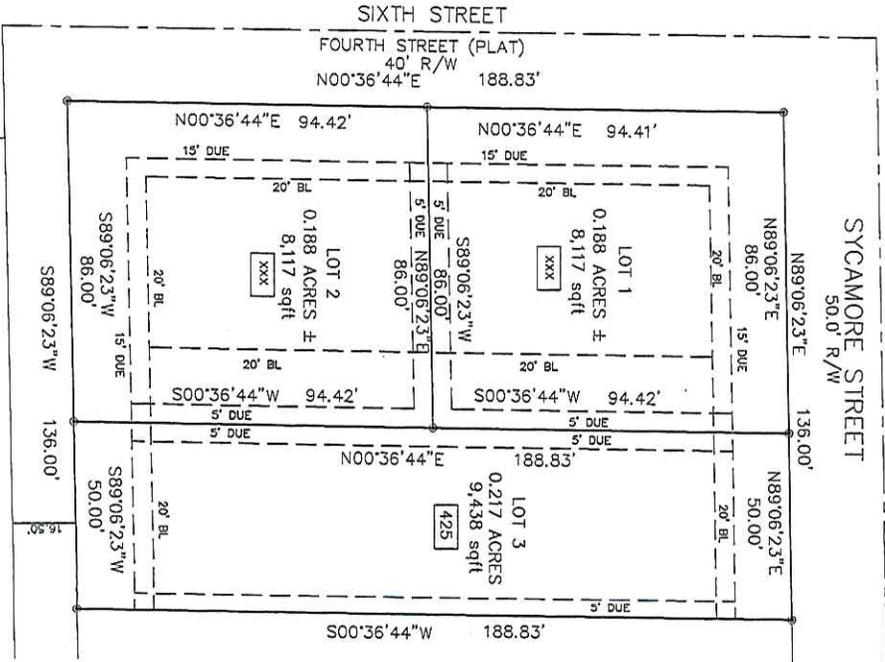
I move that Docket #2015-43-RP replat approval establishing a three (3) lot subdivision at 425 S. Sixth Street be (Approved based the findings provided by the Petitioner / Approved based on the recommendation of Staff thereby approving the waivers for both driveway locations and public pathway locations,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



Exhibit 2



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 2-47-2E
 ZIONSVILLE, BOONE COUNTY, INDIANA



DEVELOPER

DAVE BERMAN
 SIGMA COMPANIES
 DAVE BERMAN FORUM
 PH# 317.937.9223
 FAX# 812.332.2494

OWNER

MARGUERITE AND EILEEN H. PARRIS
 7724 N. GAY ROAD
 PROPERTY ADDRESS
 425 SOUTH 6TH STREET
 ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE

DEED RECORDED
 IN BOONE COUNTY
 RECORDED NOV. 23, 1959

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

SURVEYOR

THIS INSTRUMENT PREPARED BY:
 K. NATHAN ALTHOUSE
 K. NATHAN ALTHOUSE
 ULLER SURVEYING, INC.
 948 CONNER STREET
 NOBLESVILLE, IN. 46060
 PH: 773-2844 FX: 773-2894
 DATE: 12-23-2015
 JOB NO. 538343

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 5, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF 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 PLAN.

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 UTILITY ARE ACCURATELY SHOWN.

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMITY WITH 635 IAC 1-12, AND, THE WITHIN PLAT COMPLETES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, 2016.

SIGNATURE: _____
 K. NATHAN ALTHOUSE, PLS
 REGISTERED LAND SURVEYOR - INDIANA - # 1520160007



LEGEND

| | |
|-------|--|
| B. L. | BUILDING LINE |
| DUE | DRAINAGE & UTILITY EASEMENT |
| ACE | ACRES (DASH OR LESS) |
| R/W | RIGHT-OF-WAY |
| ● | 5/8" IRON ROD W/ YELLOW CAP SHORDED WALTER SURVEYING SET |
| [125] | PROPERTY ADDRESS NUMBER |

AS USED IN THIS SURVEY, CERTAIN TERMS TO STATE OR DECLARE A PROFESSIONAL SURVEYOR'S OPINION OR CONCLUSION ARE NECESSARY. THESE TERMS ARE PART OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

BUILDING SETBACK LINE
 LINES SHOWN ON THE PLAT ARE PRESUMED 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 213(B)(5) (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.

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOURS AND HADDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA
SIXTH AND SYCAMORE ESTATES
PROPOSED CONDITIONS

VICINITY MAP
 NOT TO SCALE



LEGEND

- B, L BUILDING LINE
- DOE ORNAMENT & UTILITY EASEMENT
- ACE ACRES (MORE OR LESS)
- R/W RIGHT-OF-WAY
- 5/8" IRON ROD W/ YELLOW CAP SURVEY MARKER SETTING SET
- PROPERTY ADDRESS NUMBER
- 125 NON ACCESS EASEMENT
- NAME

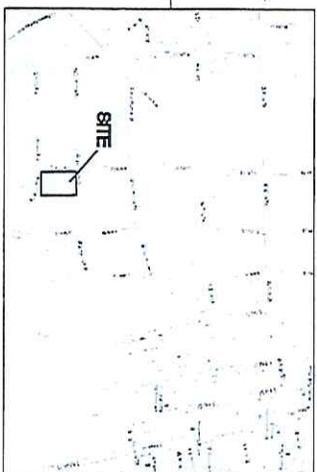
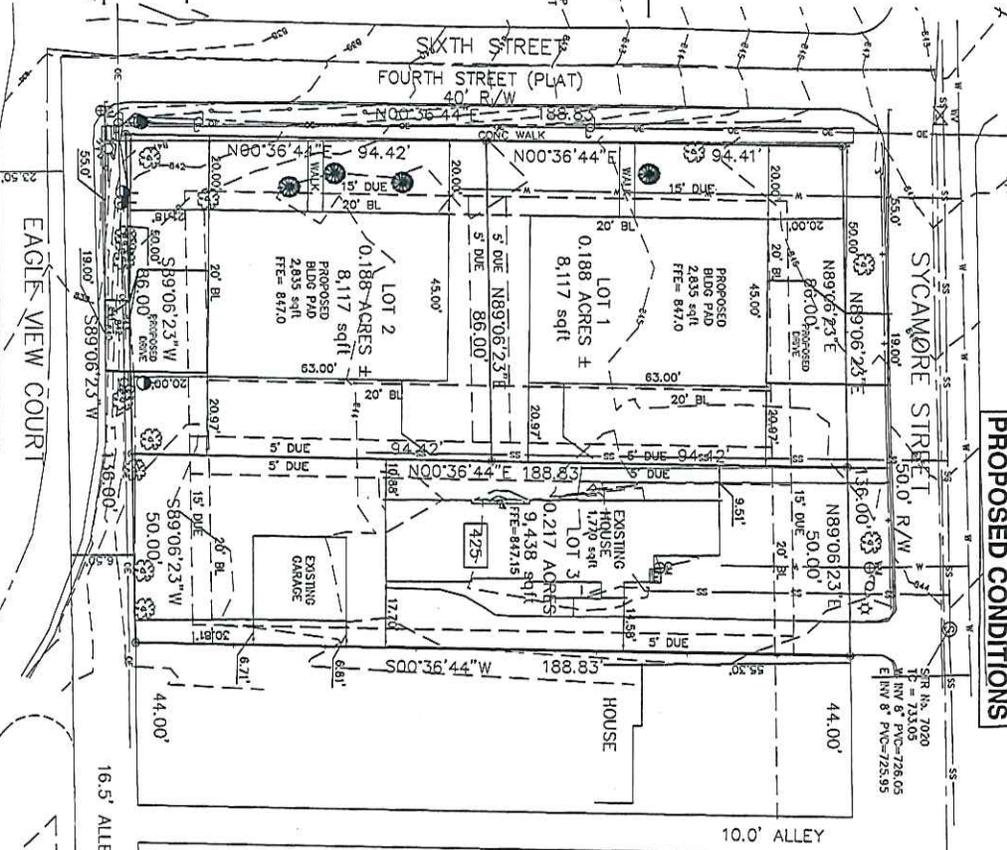
DEVELOPER
 DAVE BERGAN
 DAVE BERGAN ENTERPRISES
 425 SOUTH 6TH STREET
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 ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE
 DEED RECORDED BK 45, PG 346
 RECORDED NOV. 23, 1959

ZONING
 R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

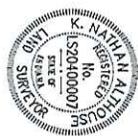
SURVEYOR
 THIS INSTRUMENT PREPARED BY:
 K. NATHAI ALTHOUSE
 MILLER SURVEYING, INC.
 918 CONNER STREET
 NOBLESVILLE, IN. 46060
 PHONE: 317.247.4544
 DATE: 12-15-15
 JOB NO. B56343



NOTE:
 THE PROPOSED HOME LOCATION SHOWN ON THIS PRIMARY PLAT ARE THE PROPOSED HOME LOCATIONS. THE SITES WILL BE CUSTOM HOMES SITES AND THE FINAL HOME PLACEMENT WILL BE DETERMINED WITH THE SITE PLAN AND BUILDING PERMIT PROCESS.
 WAIVER OF SUBDIVISION CONTROL GRANTANCE - NO MULTI-USE PATH TO BE INSTALLED WITH THIS WHEEL LOT RE-PLAT.

FLOOD ZONE DEFINITION
 ZONE EXPLANATION
 AREAS OF ANNUAL FLOODING X AREAS DETERMINED TO BE OUTSIDE 600-YEAR FLOODPLAIN.
 THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD RESILIENCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18010035E AREA IN ZONE X MAP DATED JAN. 18, 2012.

425 SOUTH 6TH STREET



K. Nathai Althouse
 SURVEYOR
 CERTIFICATION DATE: 12-15-15
 REVISED 1-4-2018
 REVISED 1-13-2015



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”.

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.**

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.**

**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)

**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



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 of the 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 manner 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).

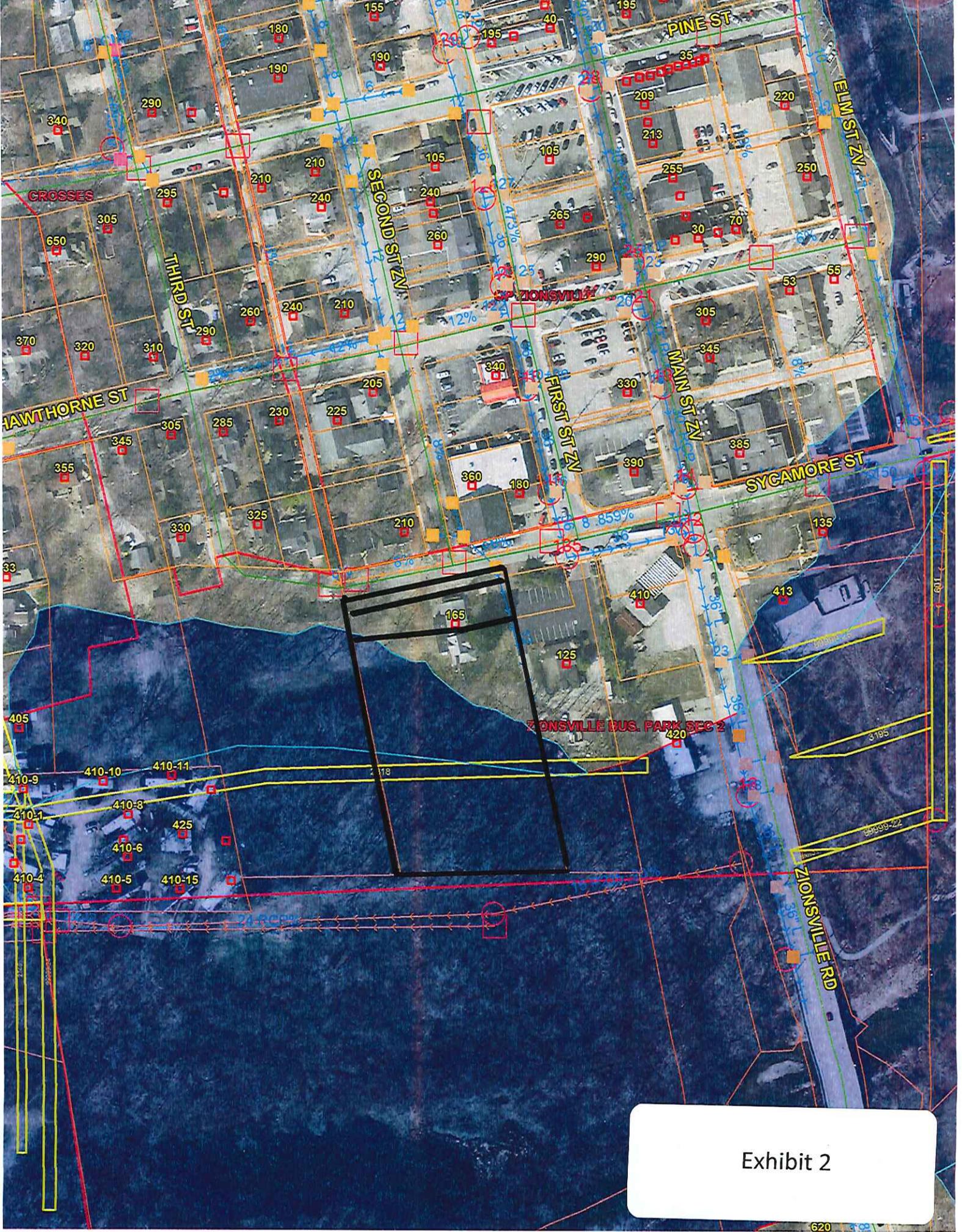


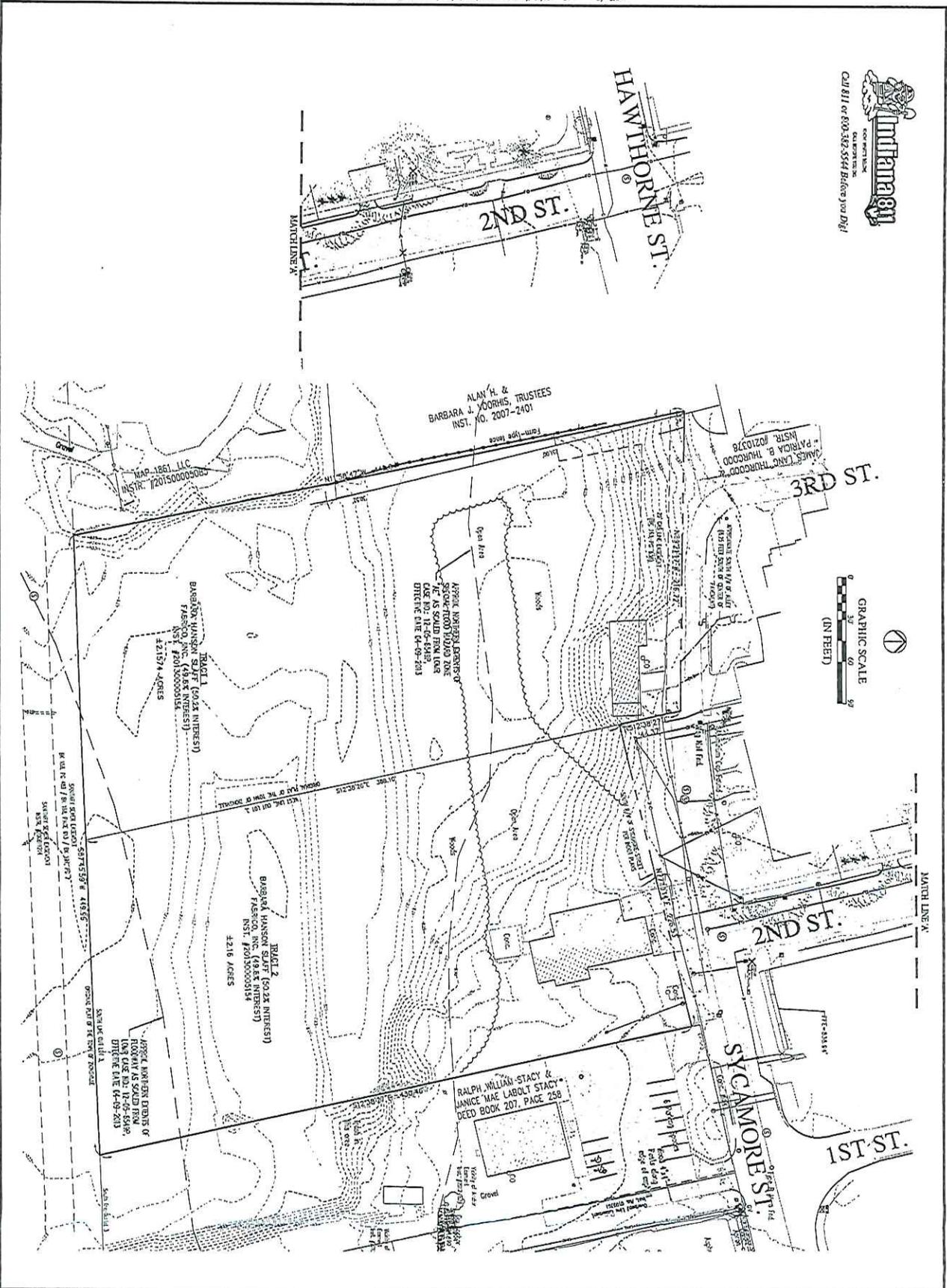
Exhibit 2



Future Land Use Plan



Exhibit 3

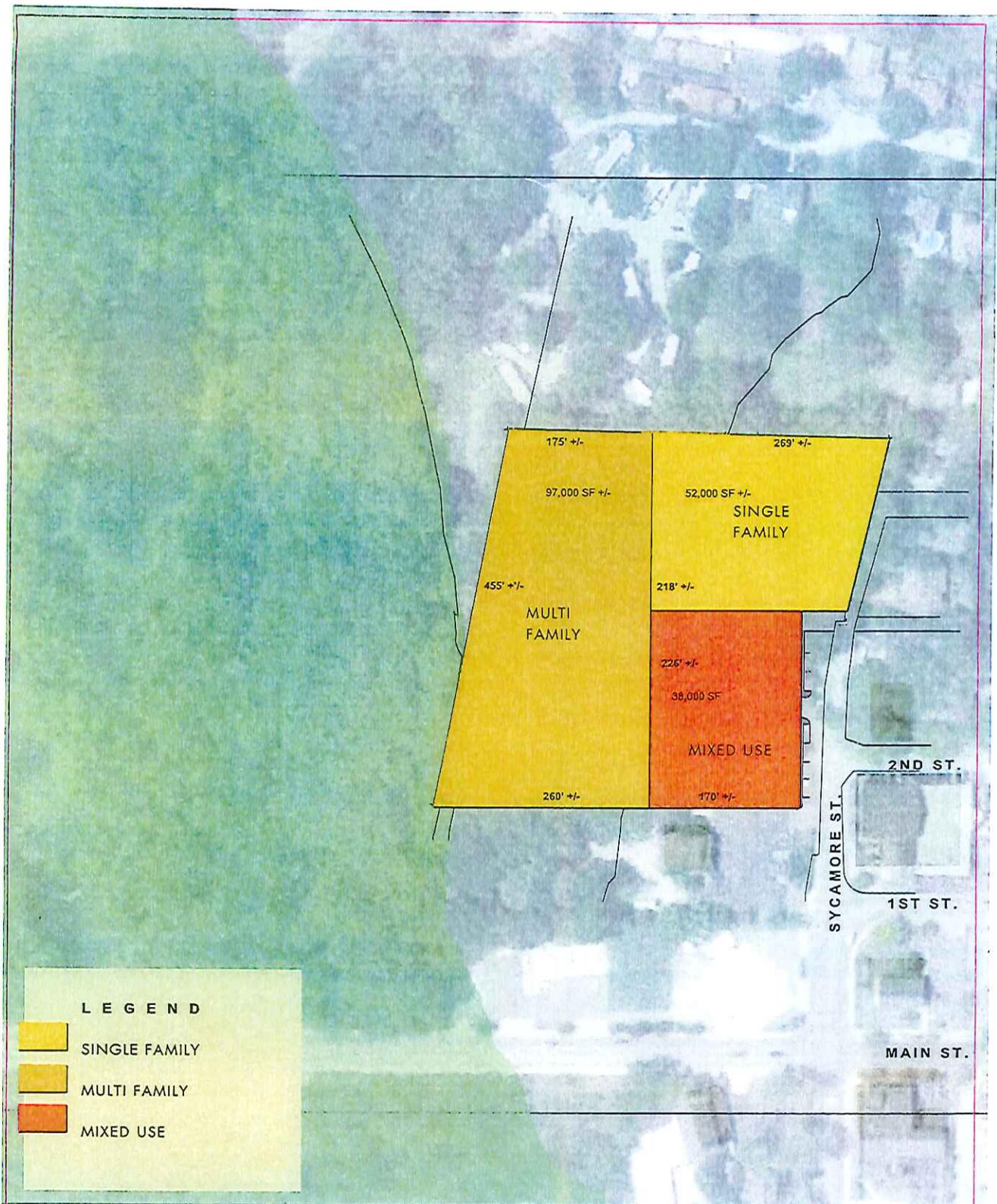


| | |
|------------|----------|
| DATE | 10/21/15 |
| BY | JK |
| CHECKED BY | JK |
| SCALE | AS SHOWN |
| PROJECT | S1.1 |
| REVISIONS | |

SYCAMORE STREET
ZIONSVILLE, INDIANA

TOPOGRAPHIC SURVEY

Exhibit 4



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

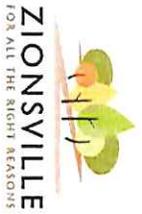
200 WEST
 ZIONSVILLE, INDIANA

200 WEST PARTNERS LLC

DRAFT

CONCEPTUAL DEVELOPMENT PLAN
 © 19 JANUARY 2016

Exhibit 4



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 | DAVS 3-5 | DAVS 12-14 | DAVS 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 Adjainers | Public Hearing Occurs <i>first public interaction</i> |
| 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 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 | DAVS 33-36 | DAVS 37-119 | DAVS 45-135 |
|---------------------------|--|---|---|
| ACTION | Matter is Forwarded to Town Council | Town Council Posts Agenda to Town Website | Town Council Holds <u>Public Meeting</u> 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 aware of a rezoning request |

Notes:

- 1) This listing does not include any reference to Staff review of the filing (through a part of the process).
- 2) Indiana Code does not require the Town Council to hold a meeting to 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.

1100 West Oak Street, Zionsville, Indiana 46077 Main Line: 317-873-8247
www.zionsville-in.gov/planning





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 from 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.

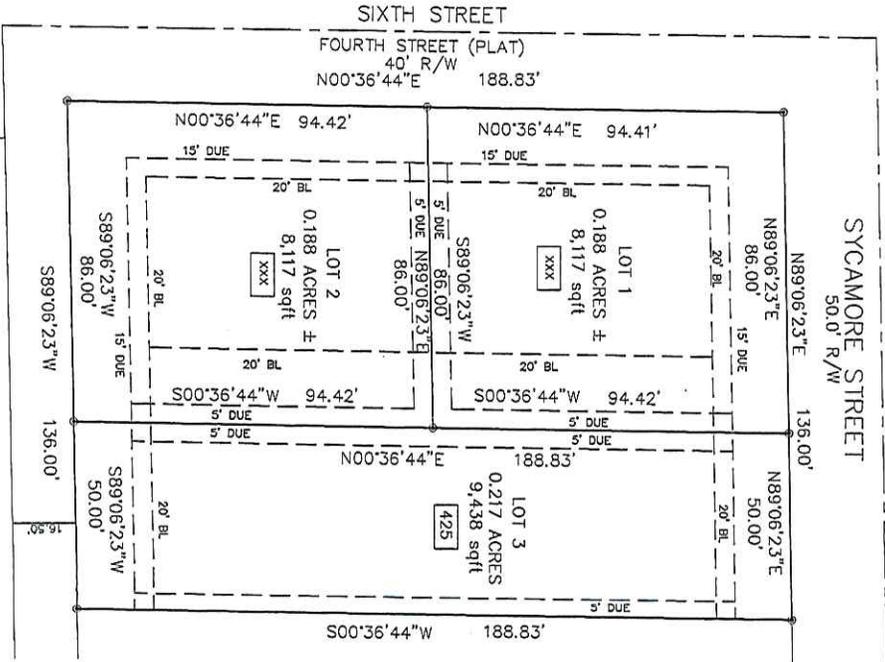
RECOMMENDED MOTIONS

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).



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 2-47-2E
 ZIONSVILLE, BOONE COUNTY, INDIANA



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 5, PAGE 1-2, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, EXCEPT 44 FEET OF 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 PLAN.

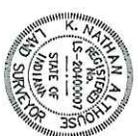
THE SIZE OF THE EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

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

THE BOUNDARY SURVEY OF THIS PLAT IS IN CONFORMITY WITH 655 IAC 1-12, AND, THE WITHIN PLAT COMPLETES WITH THE PROVISIONS OF THE TOWN OF ZIONSVILLE SUBDIVISION CONTROL ORDINANCE.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, 2016.

SIGNATURE: _____
 SURVEYOR: K. NATHAN ALTHOUSE, P.E.
 REGISTERED LAND SURVEYOR - INDIANA - # 1520160007



LEGEND

- B. L. BUILDING LINE
- DUE DRAINAGE & UTILITY EASEMENT
- ACE ACRES (WHICH OR LESS)
- R/W RIGHT-OF-WAY
- 5/8" FROM ROAD W/ YELLOW CAP SHIPPED WALKER SURVEYING SET
- PROPERTY ADDRESS NUMBER

AS USED IN THIS SURVEY, CERTAIN TERMS TO STATE OR DECLARE A PROFESSIONAL SURVEYOR'S OPINION OR CONCLUSION ARE NECESSARY. THESE TERMS ARE PART OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

BUILDING SETBACK LINE
 LINES SHOWN ON THE PLAT ARE PRESUMED TO BE THE ZONING CODE OF THE TOWN OF ZIONSVILLE. THE REQUIRED MINIMUM WIDTH OF FRONT YARD SETBACK MAY BE REDUCED PER THE REQUIREMENTS OF ZONING CODE, ARTICLE 2, SECTION 213(B)(5) (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.

DEVELOPER

DAVE BERMAN
 SIGMA COMPANIES
 DAVE BERMAN, FICOM
 PH# 317.937.9223
 FAX# 812.332.2494

OWNER

MARGUERITE AND EILEEN H. PARRIS
 7724 N. GAY ROAD
 PROPERTY ADDRESS
 425 SOUTH 6TH STREET
 ZIONSVILLE, INDIANA 46077

SOURCE OF TITLE

DEED RECORDED IN BOONE COUNTY, INDIANA
 RECORDED NOV. 23, 1959

ZONING

R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

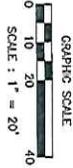
SURVEYOR

THIS INSTRUMENT PREPARED BY:
 K. NATHAN ALTHOUSE
 ULLER SURVEYING, INC.
 948 CONNER STREET
 NOBLESVILLE, IN. 46060
 PH: 773-2844 FX: 773-2894
 DATE: 12-23-2015
 JOB NO.: 538343

Docket Number to 2015-43-RP

RE-PLAT OF LOTS 59, 60 AND 61 IN LAUGHLIN, FOURS AND HADDEN'S ADDITION, AN ADDITION TO ZIONSVILLE, INDIANA
SIXTH AND SYCAMORE ESTATES
PROPOSED CONDITIONS

VICINITY MAP
 NOT TO SCALE



LEGEND

B, L BUILDING LINE
 D, OE OR easement & utility easement
 A, CE ACRES (MORE OR LESS)
 R, /W RIGHT-OF-WAY
 5/8" IRON ROD W/ YELLOW CAP 5/8" IRON ROD SURVEYING SET
 PROPERTY ADDRESS NUMBER
 [125] NON ACCESS EASEMENT
 NAME

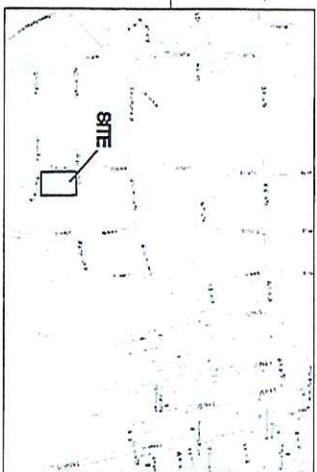
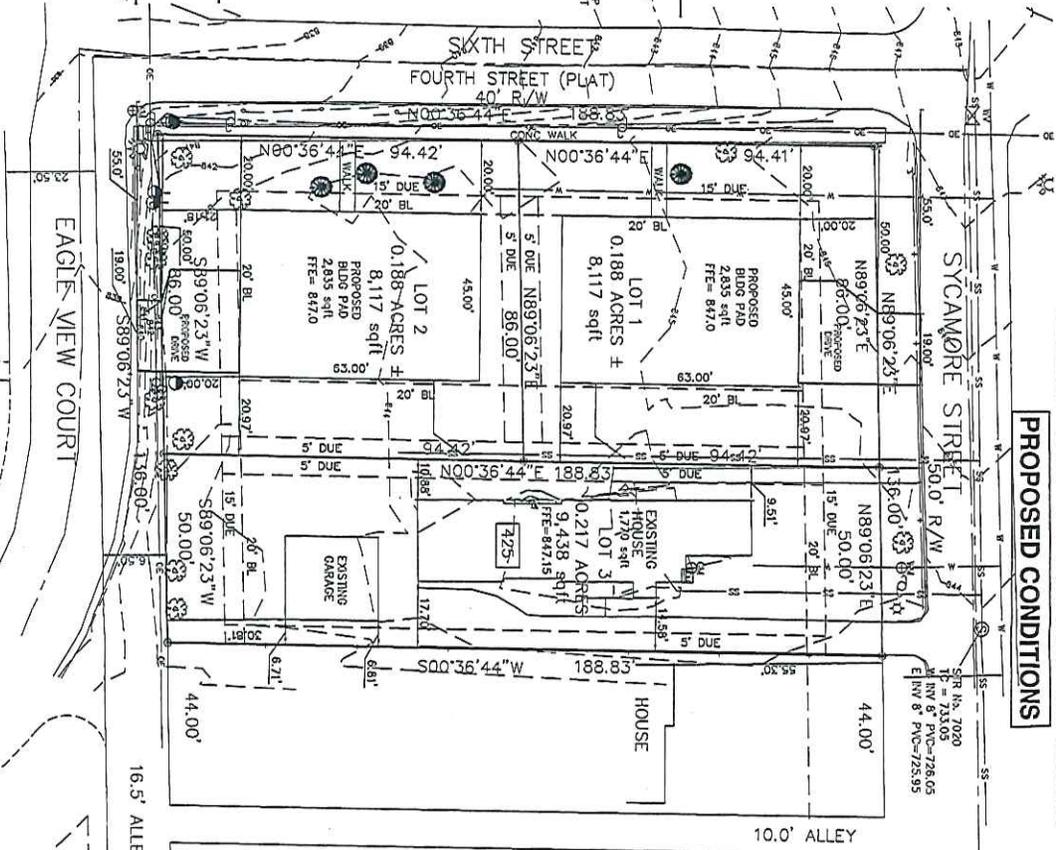
DEVELOPER
 DAVE BERGAN
 DAVE BERGAN ENTERPRISES
 425 SOUTH 6TH STREET
 ZIONSVILLE, INDIANA 46077
 PH# 317.937.9223
 FAX# 812.332.2484

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

SOURCE OF TITLE
 DEED RECORDED BK 45, PG 346
 RECORDED NOV. 23, 1959

ZONING
 R-V - VILLAGE RESIDENTIAL DISTRICT
 URBAN SPECIAL RESIDENTIAL

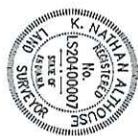
SURVEYOR
 THIS INSTRUMENT PREPARED BY:
 K. NATHAI ALTHOUSE
 MILLER SURVEYING, INC.
 918 CONNER STREET
 ZIONSVILLE, INDIANA 46060
 PHONE 317.937.9224
 DATE 12-15-15
 JOB No. B56343



NOTE:
 THE PROPOSED HOME LOCATION SHOWN ON THIS PRIMARY PLAT ARE THE PROPOSED HOME LOCATIONS. THE SITES WILL BE CUSTOM HOMES SITES AND THE FINAL HOME PLACEMENT WILL BE DETERMINED WITH THE SITE PLAN AND BUILDING PERMIT PROCESS.
 WAIVER OF SUBDIVISION CONTROL GRANTANCE - NO MULTI-USE PATH TO BE INSTALLED WITH THIS WHEEL LOT RE-PLAT.

FLOOD ZONE DEFINITION
 ZONE EXPLANATION
 AREAS OF ANNUAL FLOODING X AREAS DETERMINED TO BE OUTSIDE 600-YEAR FLOODPLAIN.
 THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD RESILIENCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18010033E AREA IN ZONE X MAP DATED JAN. 18, 2012.

425 SOUTH 6TH STREET



K. Nathai Althouse
 CERTIFICATION DATE: 12-15-15
 REVISED 1-4-2018
 REVISED 1-13-2015



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”.

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.**

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.**

**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)

**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



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 of the 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 manner 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).

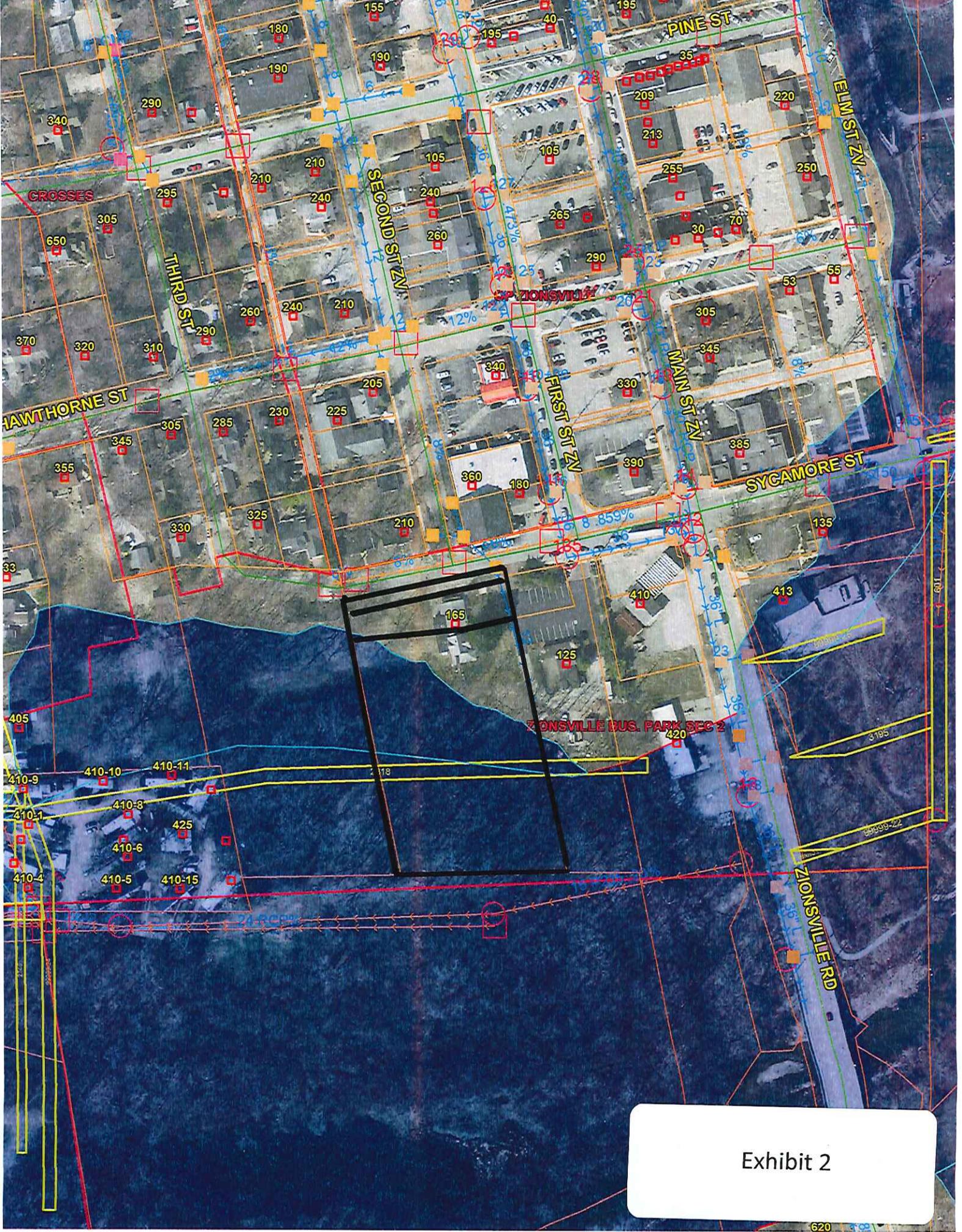


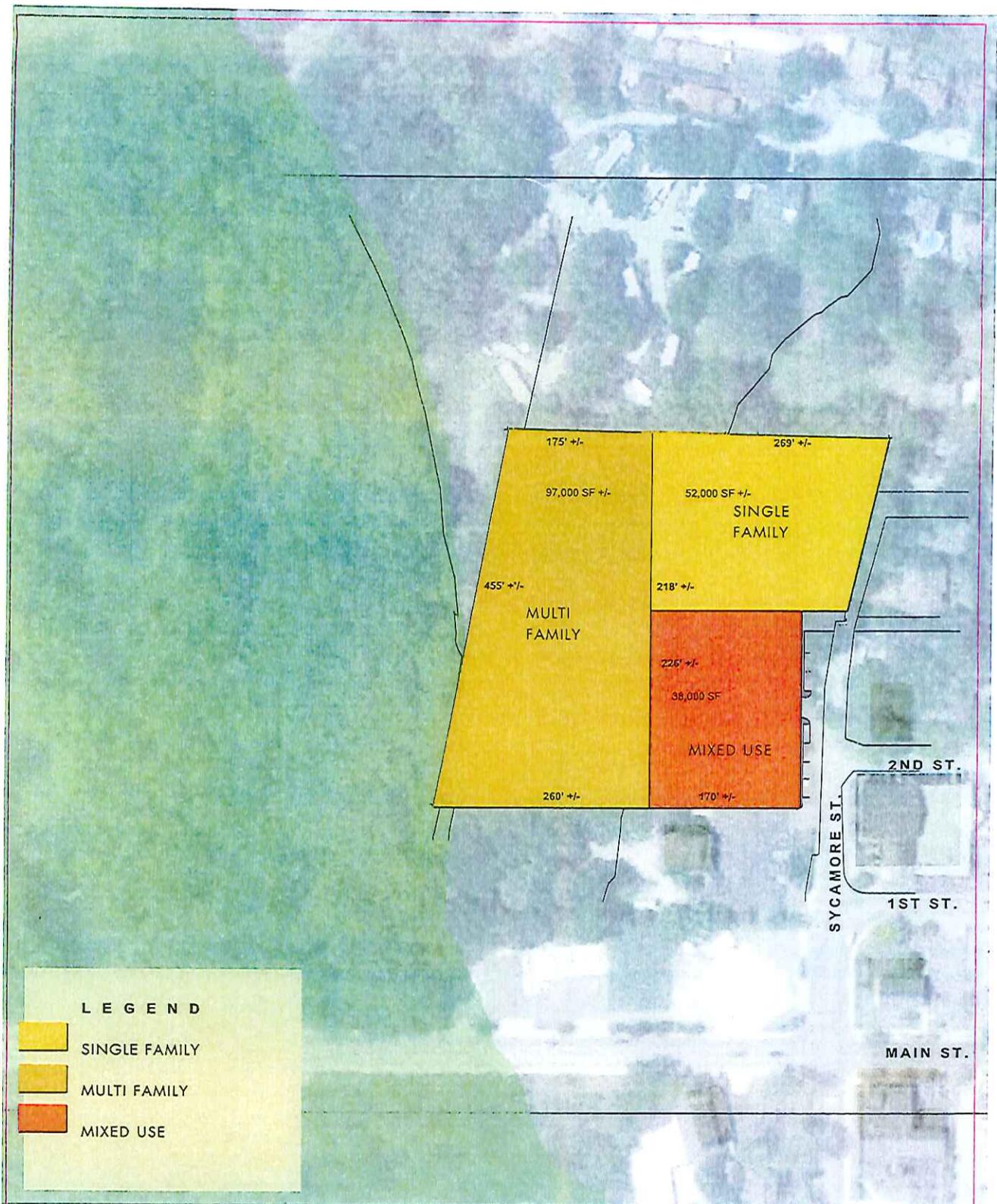
Exhibit 2



Future Land Use Plan



Exhibit 3



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

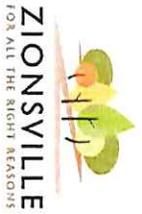
200 WEST
 ZIONSVILLE, INDIANA

200 WEST PARTNERS LLC

DRAFT

CONCEPTUAL DEVELOPMENT PLAN
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Exhibit 4



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 | DAVS 3-5 | DAVS 12-14 | DAVS 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 Adjainers | Public Hearing Occurs <i>first public interaction</i> |
| 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 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 | DAVS 33-36 | DAVS 37-119 | DAVS 45-135 |
|---------------------------|--|---|---|
| ACTION | Matter is Forwarded to Town Council | Town Council Posts Agenda to Town Website | Town Council Holds <u>Public Meeting</u> 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 aware of a rezoning request |

Notes:

- 1) This listing does not include any reference to Staff review of the filing (through a part of the process).
- 2) Indiana Code does not require the Town Council to hold a meeting to 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.

1100 West Oak Street, Zionsville, Indiana 46077 Main Line: 317-873-8247
www.zionsville-in.gov/planning

