

ORDINANCE NO. 081319

AN ORDINANCE CONCERNING THE ANNEXATION OF
ADJACENT AND CONTIGUOUS TERRITORY CHANGING
AND EXTENDING THE CORPORATE BOUNDARIES OF
THE TOWN OF MCCORDSVILLE, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA THAT:

Section I. The corporate boundary of the Town of McCordsville, Indiana is hereby changed and extended so as to include and make a part of the corporation of the Town of McCordsville, Indiana, the following described real estate situated in Hancock County, Indiana, consisting of 75 acres, more or less, including right of way, described on "Exhibit A", attached hereto and incorporated herein by reference.

Section II. The Town of McCordsville, Indiana has developed a fiscal plan and has established a definite policy to furnish the annexed territory within a period of three (3) years, governmental and proprietary service substantially equivalent in standard and scope to the areas of the Town which have characteristics of topography, patterns of land utilization and population density similar to the above-described property.

Section III. The annexed territory west of County Road 600 West is hereby assigned to Council District 1.

Section IV. This Ordinance shall be in full force and effect from and after its passage, approval by the Town Council, and publication as prescribed by law.

Section V. The annexed territory to be zoned "PUD: Planned Unit Development" is described in attached "Exhibit A", and commonly referred to as Sagebrook. The applicable PUD zoning is described in attached "Exhibit B".

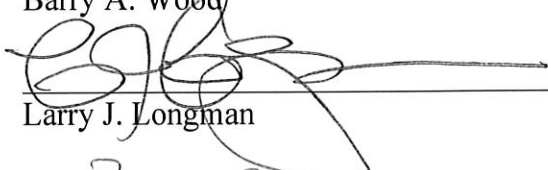
Section VI. Introduced and filed on the 13th day of August, 2019. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-9.8.

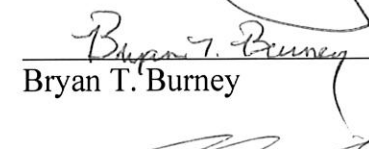
Duly ordained and passed this 10th day of December, 2019 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

Voting Affirmative:


Thomas R. Strayer


Barry A. Wood


Larry J. Longman


Bryan T. Burney


Branden D. Williams

Voting Opposed:

Thomas R. Strayer

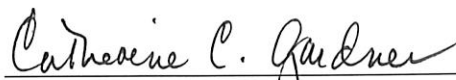
Barry A. Wood

Larry J. Longman

Bryan T. Burney

Branden D. Williams

ATTEST:


Cathy Gardner, Clerk-Treasurer

This instrument was prepared by Gregg Morelock, Attorney at Law.

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. – Gregg Morelock

"EXHIBIT A"
ANNEXATION LEGAL DESCRIPTION
(Including Adjacent Rights of Way)

LAND DESCRIPTION
(per survey)

That portion of the West Half of the Southwest Quarter of Section 35, Township 17 North, Range 5 East of the Second Principal Meridian, Hancock County, Indiana, more particularly described as follows:

Considering the north line of said Southwest Quarter as bearing North 89 degrees 11 minutes 26 seconds East with all bearings contained herein being relative thereto.

Commencing at a boat spike found marking the northwest corner of said Southwest Quarter, thence North 89 degrees 11 minutes 26 seconds East along the north line of said Southwest Quarter 310.37 feet 310 feet by deed) to a P.K. nail found at the northeast corner of Robert Sherman's Minor Subdivision as per plat thereof recorded in Plat Cabinet B, Slide 265 as Instrument Number 95-5912 in the Office of the Recorder of said county, said point being the POINT OF BEGINNING; thence continue North 89 degrees 11 minutes 26 seconds East along said north line 1024.46 feet to a Mag nail with "LS29800001" set (herein referred to as "nail set") at the northeast corner of the West half of said Southwest Quarter; thence South 00 degrees 08 minutes 16 seconds West along the east line of said Half Quarter 2621.51 feet to the Southeast corner of said Half Quarter, being marked by a railroad spike found 0.3 feet west; thence South 88 degrees 58 minutes 00 seconds West along the south line of said Southwest Quarter 1338.07 feet to a brass plug found marking the southwest corner thereof; thence North 00 degrees 12 minutes 22 seconds East along the west line of said Southwest Quarter 1979.51 feet to a P.K. nail found at the southwest corner of the land of Galleger as described in Instrument Number 96-9267 in said county records (the remaining course are along the south and east lines of Galleger and the east line of said Minor Subdivision plat); thence South 89 degrees 33 minutes 05 seconds East 323.85 feet (322 feet by deed) to a wood post found; thence North 01 degree 37 minutes 55 seconds West 238.89 feet to a 5/8 inch rebar with "Banning Eng Firm *0060" cap set; thence North 00 degrees 36 minutes 20 seconds West 415.43 feet (598 feet by deed for the previous two course combined) to the POINT OF BEGINNING, containing 75.779 acres (75.66 acres by deed), more or less.

**“EXHIBIT B”
PUD Zoning Standards**

Petition 202

ORDINANCE NO. 2002-5C

AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA
ZONING ORDINANCE NO. 1993-8F

AN ORDINANCE TO AMEND CHAPTER 7, OF THE HANCOCK COUNTY CODE;
SPECIFICALLY ARTICLE 2, AS AMENDED.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF _____
HANCOCK COUNTY, INDIANA, THAT:

SECTION I

Section 7.1-120 Zoning Map of Chapter 7, Article 2, Division
2, of the Hancock County Code, is amended as follows:

The Zoning Map referred to in Section 7.1-120 for Vernon
Township is hereby amended by reclassifying the following
described area from A-1 to PUD.

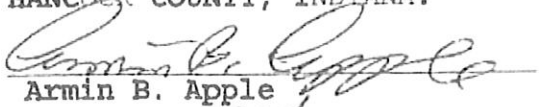
See attached legal description which is
Incorporated herein as "Exhibit A" (see backside)
Sec. 35, Twp. 17, Range 5 E.

SECTION II

This Ordinance shall take effect upon its passage, as
provided by law.

ADOPTED THIS 13th DAY OF May, 2002.

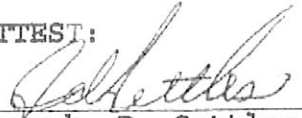
BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA:


Armin B. Apple


Brian T. Kleiman


Jack E. Heiden

ATTEST:


Joseph D. Settles,
Hancock County Auditor

Petitioner: Stafford Development, Inc.
320 N. Meridian St.
Suite 700
Indianapolis, IN. 46204

"Exhibit A"

Date 5-13-02 (6)

The West Half of the Southwest Quarter of Section 35, Township 17 North, Range 5 East, located in Hancock County, Indiana. Containing 80.00 acres, more or less.

EXCEPT:

Part of the West Half of the Southwest Quarter of Section 35, Township 17 North, Range 5 East, Hancock County, Indiana, and more particularly described as follows:

BEGINNING at the Northwest Corner of said Half Quarter Section; thence Easterly along the North line of said Half Quarter Section 310 feet, more or less, to its intersection with an existing North-South fence line extended; thence Southerly along said fence line extended and fence line 598 feet, more or less to an existing corner post; thence Westerly along an existing East-West fence line and fence line extended 322 feet, more or less, to the West line of said Half Quarter Section; thence Northerly along said West line 597 feet more or less to the point of beginning. Containing 4 acres, more or less.

Containing after said exception 75.66 acres, more or less.

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0
0
2
3

AM:0

COUNTY ROAD
10200 007
700 WEST

Stafford Development
321 North Meridian Street, Suite 700
Indianapolis, Indiana 46204
317-284-9400 317-284-9406 fax

H. Variances. The ARC may recommend and the Board may authorize variances from compliance with any of the architectural provisions of this Declaration, including without limitation restrictions upon the height, size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration may require. Such variances must be evidences in writing, must be signed by a majority of the ARC, and shall become effective upon recordation. After Declarant has lost the right to appoint a majority of the members of the ARC, the Board must approve any variance recommended by the ARC before any such variance shall become effective. If such variances are granted, no violation of the covenants, conditions and restrictions contained in this Declaration shall be deemed to have occurred with respect to the matter for which variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provision hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting the use of his Residence.

I. Appeals. For so long as Declarant has the right to appoint and remove a majority of members of the ARC the Board may, at its discretion, adopt policies and procedures for appeal of ARC decisions for reconsideration by the Board. The Board shall have no obligation to adopt or implement any such appeal procedures, and in the absence of Board adoption of appeal procedures, all decisions of the ARC shall be final.

J. Architectural Requirements. The following are architectural requirements:

- i. Each home without a wrap around front porch will have a 50% ^{back on} front elevation. This 50% shall exclude the surface area of all doors, windows and garage doors; *
- ii. All homes shall have 9" roof overhangs around the entire home;
- iii. Shutters will be required for all windows on the rear elevations of two-story homes that back up to a County Road which does not have a rear elevation screened-in back porch;
- iv. One third of all homes which back up to a County Road will have a screened-in back porch;
- v. On corner lots, the side elevation which does not include the garage shall have at least two windows;
- vi. Each lot will have a 7' side yard building setback, with an aggregate of 14' between homes;
- vii. 4' sidewalks will be located on both sides of all streets throughout the subdivision;

- viii. The minimum square footage on the homes in the subdivision will be as follows:
 - a) 1,500 sq. ft. for a ranch; and
 - b) 1,800 sq. ft. for a two-story homes;
- ix. No home model shall be built next to the same model;
- x. All homes will be built with dimensional shingles and all homes will be built with OSB board under all siding material;
- xi. All homes shall have a two-car garage or larger;
- xii. Environmentally friendly King Luminaire light fixtures with aluminum or fiberglass poles consistent with the County's Light Standards shall be used in the subdivision;
- xiii. All homes will be serviced by sanitary sewer and water connections;
- xiv. The streets will have a width of 26' from back-of-curb to back-of-curb;
- xv. Minimum lot size will be 80' frontage by 120' depth;
- xvi. Entries on CR 600 North, Carroll Road and CR 650 North will be boulevard entries as shown on the preliminary plans; and
- xvii. The landscaping along Carroll Road, CR 600 North and CR 650 North will include a 5' and 6' mound and will be consistent with a Landscaping Plan approved by the Hancock County Planning Department.

4. Remedies.

A. In General. Any party to whose benefit the Restrictions inure, including Developer, any Owner, the Association, or any applicable governmental authority, may proceed at law or in equity to prevent the occurrence or continuation of any violation of these Restrictions, but Developer or the Association shall not be liable for damages of any kind to any person for failing either to enforce or carry out any of the Restrictions.

B. Delay or Failure to Enforce. No delay or failure on the part of any aggrieved party to invoke any available remedy with respect to a violation of any one or more of the Restrictions shall be held to be a waiver by that party (or an estoppel of that party to assert) any right available to him upon the occurrence, recurrence or continuation of such violation or violations of the Restrictions.

Accordingly, no use shall be made of the Lakes which in any way interferes with their proper functioning as part of such storm water drainage system. No boating, swimming, diving, skiing, ice skating or other recreational activity shall be permitted in or on the Lakes. No sewage, garbage, refuse, or other solid, liquid or other materials or items (other than storm and surface water drainage) shall be put into the Lakes, except the Association may take steps to clean and purify the waters thereof by the addition of chemicals or other substances commonly used for such purposes or by providing therein structures and equipment to aerate the same. Fishing from the shoreline area of the Lakes by an Owner, his occupants, his invited guests and family, shall be permitted subject to rules determined by the Association and abeyance and compliance with all applicable fishing and game laws, ordinances, rules and regulations. No Owner or other person shall take or remove any water from or out of the Lakes, or utilize the water contained therein for any purposes, including, without limitation, connection with any sprinkler or irrigation systems. No piers, docks, retaining walls, rafts or other improvements shall be built, constructed or located on any Lot or on the Properties, except by Developer and/or the Association, which extend into, or to within twenty-five (25) feet from the shoreline of the Lakes.

ii. Nuisance. No nuisance shall be permitted to exist on any Lot and no waste shall be committed on any Lot which shall or might damage or cause injury to the Common Areas.

iii. Setback Lines. Building setback lines shall be established on the Plat. The minimum setback lines shall be as follows:

- a. The setback from street right of ways will be a minimum of thirty-five (35) feet as shown on the Plat, except the minimum setback shall be thirty (30) feet for all lots which back up to Carroll Road.
- b. A minimum rear yard of fifteen (15) feet will be provided for each Lot within the Development.
- c. The minimum side yard setback within the Development will be no less than seven (7) feet and an aggregate of fourteen (14) feet.

iv. Utility Easements and Drainage. "Utility Easements" as shown on the Plat shall be reserved for the use of public utilities for the installation of water, sewer, gas, tile and/or electric lines, poles, ducts, pipes, etc., on, over, under, and to said easement for local use. These easements are not for the use of, and shall not be used for, high voltage electric transmission lines or high-pressure liquid transmission pipelines, except by written permission of the Association. "Drainage Easements" shall be reserved as drainage swales, and said swales are to be maintained by the Owner of any Lot affected. All easements show as "Utility Easements" are also to be considered drainage easements and are subject to all restrictions of drainage easements. No permanent or other structures are to be erected or maintained upon any easements shown upon the Plat and

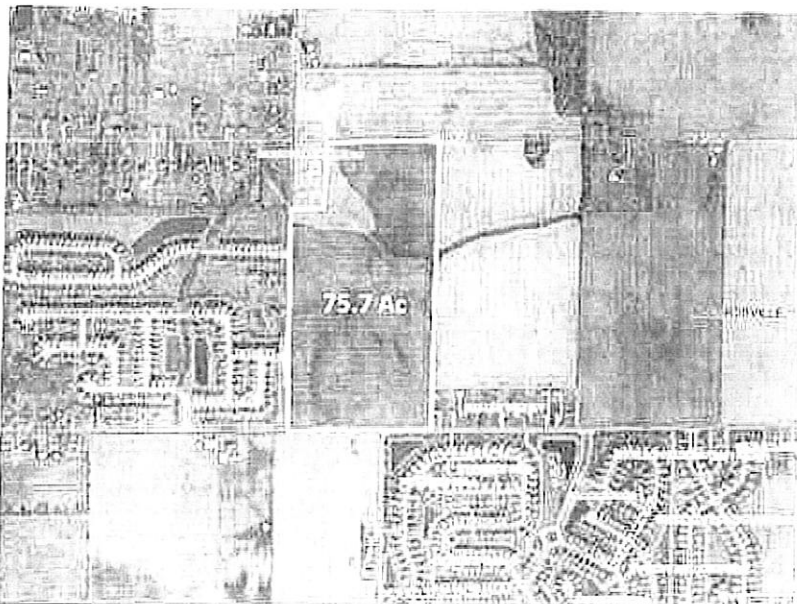
Item 5: Sagebrook PUD

- PUD and Preliminary Plan Amendment for the Sagebrook Development on 75.78 acres.
- Location: CR 700 West between 600 N and 650 N
◆ Vernon Township
- Purpose: To revise the PUD commitments and Preliminary Plan to accommodate higher-quality homes and an improved drainage system.
- Density: 169 lots / 76 acres = 2.2 du/ac

2/23/2018

28

Sagebrook / Site



SAGEBROOK DEVELOPMENT COMMITMENTS

Date: February 16, 2016

Lot Standards

1. Minimum lot width shall be 70' wide as measured at front setback line; minimum lot size shall be 8,400 square feet.
2. Minimum front yard setback shall be 35'; minimum side yard setback shall be 7'; minimum rear yard setback shall be 20'

Architectural Standards for Homes

3. Minimum home sizes shall be:
 - a. 1,500 square feet for ranches
 - b. 1,800 square feet for two story
4. All siding materials shall be masonry, wood, cement fiber board, stucco, shakes, board and batten, E.I.F.S. and vinyl siding (minimum thickness of 0.044 inches). Colors of all exterior materials shall be chosen by the builder and approved by the applicable governmental architectural review committee, if applicable.
5. Each home shall have a minimum of 50% masonry on the front elevation, exclusive of windows, doors (including garage doors) and areas above roof lines. On corner lots, the side of the home which faces a public street shall include a minimum of 3' masonry ledge (wainscot).
6. Unless adjacent to masonry, all windows and doors shall have a nominal one inch by six inch wood or vinyl surround, shutters decorative trim or headers.
7. On corner lots, the side adjacent to a public street which does not include the garage shall have at least two windows. If a builder's specific house plan allows a third window shall be included, in the builder's sole discretion.
8. All homes shall have a two-car garage or larger.
9. One-third of all homes which back up to a County Road shall have an enclosed sunroom, screened-in back porch or covered back porch.

10. Shutters shall be required for all windows on the rear elevations of two-story homes that back up to a County Road which do not have an enclosed sunroom, screened-in back porch or covered back porch.
11. All homes shall have minimum of 9" overhangs around the entire home. All homes shall be constructed with dimensional style shingles.
12. All homes shall be built with either OSB board or rigid foam insulation board under all siding material, excluding masonry.
13. No home model shall be built next to or directly across the street to the same model.
14. One-third of the homes located along the east property line of the subdivision north of Trittipito Ditch shall have an enclosed sunroom, screened-in back porch or covered porch on the rear of the home.

Street and Utility Standards

15. A 40' half right-of-way shall be dedicated along Carroll Road. A covenant shall be included in the Declaration of Covenants, Conditions and Restrictions which require that the Homeowners Association transfer to the appropriate authority an additional 20' of right-of-way if Marion County chooses to widen Carroll Road and needs additional right-of-way.
16. The streets shall have a width of 30' from back of curb to back of curb within a 50' right-of-way.
17. Five feet sidewalks shall be located on both sides of all public streets throughout the subdivision. There shall be a five feet grass planting strip between the back of curb and the sidewalk. The sidewalk will be inside of and adjacent to the right-of-way and a one foot public sidewalk easement shall be platted on the front of each lot and common area that front the street right-of-way if required by the applicable governmental authority.
18. Entries on CR 600 North, Carroll Road and CR 650 North shall be constructed with a landscaped island provided as shown on the preliminary plan.
19. All homes shall be served by sanitary sewers and water connections.

Landscape Standards

20. Landscaping along CR 600 North, Carroll Road and CR 650 North shall include a 3' to 4' mound and shall have landscaping planting at the rate: i) three 2 inch caliper shade or

ornamental trees, ii) two 6 foot tall evergreen trees and iii) ten 24 inch shrubs/bushes for every 100' of frontage (not including the power line easement). In order to create a more pleasing effect of the perimeter landscaping, the developer shall have the right to choose to arrange the required plantings in a more aesthetic fashion per a landscape plan to be submitted and approved at the time of Primary Plat approval.

21. Each lot shall have one 2 inch caliper street tree planted outside of the public right-of-way in the front yard. The variety of street trees shall be per a list provided by the applicable governmental authority and approved by the builder. In addition to the street trees, each lot shall have a minimum of one 2 inch caliper shade or ornamental tree and ten 24 inch shrubs/bushes installed in the front yard at the time of home construction or within 6 months after completion of the home depending upon weather conditions.

Miscellaneous Standards

22. Environmentally friendly King Luminaire light fixtures with aluminum or fiberglass poles consistent with the county's light standard or other style as approved by applicable governmental authority shall be used. All street light fixtures shall be cut-off type to avoid significant light pollution. When the community is turned over to the homeowners for management, the street lights shall be paid for and owned fee simple so that the only cost to the homeowners association is the monthly utility usage cost for the street lights; such cost shall be paid for by the homeowners association. The homeowners association shall not be burdened with a street light lease agreement.
23. The subdivision shall be managed by a professional homeowner's association management company that shall maintain all common areas.
24. The homeowner's association covenants shall contain a provision which requires all trash pick-up services to be provided by one provider which offers a recycling service. However, if the property is annexed into the Town of McCordsville, the Town will provide trash collection which shall be paid for through the homeowners' property tax bills, unless the McCordsville Town Council passes an ordinance which changes or eliminates the Town trash collection service to homeowners in any manner. Recycling services is not included in the Town's services therefore it will be at the discretion of the homeowner's association to determine if they want to have a recycling service.
25. There shall be a covenant restricting the housing of animals outside.
26. All owners within the subdivision shall be subject to a non-remonstrance covenant regarding any attempt by Town of McCordsville to annex the subdivision.

27. The builder shall have the right to place community marketing signs at the both entrances of the community off of the County Roads. Each sign shall be up to 32 square feet in size. In addition to the above mentioned signs, the builder shall have the right to place other ancillary marketing signs within the community including but not limited to signs in front of the model home(s) with business hours, phone number, website and etc. as well as signs on each lot identifying the individual lots such as "Available/For Sale" or "Sold". Signs in front of each model may include one sign up to 9 square feet with the name of the model style and other information along with two additional signs each up to 4 square feet with additional advertising information. In addition to signs, builder shall have the right to install and maintain a US flag, Indiana state flag and company flag at the models. Also, the builder shall have the right to install and maintain up to five banner poles and flags along the County Road, outside of public right-of-way, leading to the location of the builder's models. The poles shall be black and the banner flags shall be appropriate symbols, colors or text advertising the community.

HANCOCK COUNTY BOARD OF COMMISSIONERS – MINUTES - MARCH 15, 2016

Sagebrook PUD Amended Preliminary Plan and Commitments- Paul Clare appeared before the Commissioners on behalf of Arbor Investments, LLC to request Sagebrook PUD amended preliminary plan and commitments at CR 700 West between 600 N and 650 N. Commissioner Stevens moved approval of amendments for the PUD for Sagebrook. (CR 700 West between 600 N and 650 N) Commissioner Huber seconded. A discussion was had. Motion carried 3/0.

**HANCOCK COUNTY AREA PLAN COMMISSION
111 AMERICAN LEGION PLACE
GREENFIELD, IN 46140**

**PLAN COMMISSION MINUTES
DATE: FEBRUARY 23, 2016 TIME: 6:30 P.M.**

5. Arbor Investments – Sagebrook
on 700 W between 600 N & 650 N
35 - 17 - 5

Planned Unit Dev.
PUD 15-1530
Vernon

Amending the PUD ordinance and the Preliminary plan for Sagebrook (Arbor Investments) located on 700 W between 600 N and 650 N on 75.78 acres. Mr. Dale stated the proposed amendments are to accommodate higher-quality homes and an improved drainage system. He stated there will be 169 lots on 76.0 acres making it 2.2 dwelling units per acre. He stated R2.5 is north, south, and east of this site and R-1 and another PUD to the southeast. He stated the Comprehensive Plan shows a portion of this area as Conservation which deserves some level of protection from development; provide habitat; serve important drainage function; serve as recreational opportunities; and be accessible via sidewalks/paths. It also shows as Residential – Low Density and should not exceed 2.5 dwelling units per acre. Mr. Dale stated commitments have been made regarding lot standards, architectural standards for homes, street and utility standards, landscape standards, street lighting, HOA management, trash pick-up, and community marketing signs. Mr. Dale stated all Technical Committee comments have been signed off. He stated this project is consistent with the Comprehensive Plan, with the most desirable use of land, with conservation of property values, and with responsible growth and development. But is not consistent with the current conditions and character of current structures. Mr. Dale stated he received a letter of remonstrance from Ms. Nancy Daw and Mr. Stephen Hoback. Their letter stated there is a culvert replacement project scheduled for bids in March 2016 for Carrol Road and believes this project should be delayed until the project has been fully studied and completed. Their letter also stated they believe this project will damage the bank stabilization along Indian Branch in Lawrence due to storm water discharges from Hancock County and that the existing and proposed PUD does not meet the letter or intent of the county's PUD ordinance. Mr. Dale stated he agreed that the purpose for a PUD is for mixed use development but around 2002 several PUD's were approved for residential subdivisions to adjust the county's building standards. Mr. Stevens asked how this PUD's (that was approved in 2002) development standards compare to the current R2.5 standards. Mr. Dale stated some of the architectural standards proposed in the amended PUD are better than the R2.5, some are less like the smaller lot size requested. Mr. Dale stated the developer is requesting to reduce the lot width from 80 ft to 70 ft in order to enhance the drainage. He stated the drainage standards are much more rigorous than they were in 2002. Mr. Nigh asked if this project was hooked together with the Stansbury development in 2002. Mr. Dale stated it was not that this was an entirely different project. Mr. Stevens stated the county does not want another Stansbury. Ms. Gray stated Stansbury has a high rate of foreclosure and police/emergency calls. Mr. Paul Claire, Arbor Homes, along with Lance McElroy, Arbor Homes, Jeff Banning and Bob Staton of Banning Engineering was present and stated the county approved this PUD with commitments in 2002 but

nothing was ever done with this proposed development. He stated Arbor Homes purchased this property in 2005 then the downturn of the economy hit and this project was put on the shelf. He stated the economy is in an upswing now and Arbor Homes is finally able to move forward. He stated they are not increasing the number of lots or lowered the standards. He stated they have enhanced the architectural standards, but want to reduce the lot width to increase open space for a park area and to help with drainage, as they know drainage is a very huge concern. Mr. Claire stated he lived just across from this project in Marion County in 1980 and drainage was a big problem then too. He stated Arbor Homes realizes that drainage is a huge issue and they plan to address it. He stated the general layout of the subdivision is the same as it was in 2002 except they have moved the entrance to line up with the entrance across 700 W (Carroll Rd.) which the Highway Engineer appreciated. He stated other than lot widths, the rest of the standards go up per McCordsville request, as they may annex this subdivision in the future. He stated masonry standards went up, the number of required windows went up, treatments around the window/doors, the minimum amount of landscaping for each home went up, buffers along county roads were added as none were required previously, and Arbor Homes agreed to wider streets and sidewalks. He stated they have met with McCordsville numerous times to work through this. He stated on February 9, McCordsville voted in support of this project. He stated the adjacent Marion County subdivision lots are 50 to 55 ft wide and Stansbury's are 50-55 ft wide. Mr. Claire stated they have provided the preliminary drainage to the County Surveyor's office and have obtained all the Technical Committee comment sheets signed off. Mr. Claire stated per the existing PUD ordinance the 10 year rain fall event release rate is 77 CFS (measurement of run-off) as a farm field and under the new proposed PUD ordinance it is reduced to 7 CFS, a 90% reduction and for the 100 year rain event under the existing PUD is 166 CFS and the proposed is 20 CFS. He stated the proposed street width is 30 ft. and the county standard is 28 ft and the proposed front yard setback is 35 ft. Mr. Long asked how the common areas will be maintained. Mr. Claire stated a statement on the plat will say the HOA must use a mandatory professional management firm. Mr. Dale stated a multi-use path is shown outside the public R/W so that the maintenance is on the homeowners. Mr. Holden asked the time line to install the amenities. Mr. Claire stated the park area will be installed with the first section. He stated the Trittipio ditch area should be conserved and the only affect they have will be a stream crossing or a street with a culvert installed per the county's standards, which will require a permit through DNR. He stated the drainage does not go through IDEM because the area is less than 1.0 square mile. The board asked for remonstrators. Mr. David Parnell, a Marion County resident, two-time City of Lawrence council member and is currently sitting on the utility service board as secretary for Lawrence. He had concerns regarding the price point and drainage. He stated he has spoken with IDEM and they are aware of the problem and are getting people to come out to review the area all the way down to Indian Lake. He stated he would like to see larger lots and fewer houses. He stated he is concerned about the intersection of Carroll Rd. and 62nd street. He stated watershed is a big problem and the City of Lawrence is currently working with Indianapolis/Marion County on an inter-local agreement regarding storm water. He stated there are homes in Marion County that are losing their yards into Indian Lake. He stated he is not opposed but doesn't believe now is the right time and to give Lawrence time to get a grip on the watershed issue. Mr. Nigh asked if Mr. Parnell was here on behalf of Lawrence or himself. Mr. Parnell was here on behalf of himself. Mr. Mike Geryak stated he is not opposed to the proposed development but as a neighbor directly to the east on 600 N (Country View Estates) he does not want to look at a wall of vinyl siding from the backsides of these homes. He stated he

would like to have the same type of landscape buffering that is proposed along the county roads to help break the monotony. He stated the landscaping buffer required along 600 N in front of Stansbury is now beginning to look better. Ms. Lori Thomasson stated she lives in Stansbury and she doesn't want another Stansbury built. She stated when it rains she watches their retention pond fill up and flood the road. She stated she has watched outsiders come into their subdivision and fish. She stated they had to close their park because of the crime. She just had concerns about how this new development is going to handle these types of outside obstacles that Stansbury faces. Mr. Chuck Dych stated there is just too much water in this area and has to keep two sump pumps running when it rains. He stated Marion County residents are filling in the ditches/ponds which makes the flooding worse for them. He stated the speed limit is 45 mph but cars travel 70 to 80 mph. He stated he was almost hit by two cars drag racing, that they hit and broke a telephone pole in his yard just where he had been mowing just a few minutes before. The board asked if there was anyone else that wished to speak about this project. Mr. Ryan Crum, representing McCordsville Town Council was present and stated they have reviewed this proposal several times and believe this is a quality project. He stated they believe reducing the lot widths is an upgrade to increase drainage. Ms. Patricia Martin stated she is directly affected by the retention ponds that drain into the Trittipito ditch. She stated she has concerns regarding the additional traffic, that at 7:30 AM she counted thirty-five cars pass by within a ten minute span. The board asked if Mr. Claire would have any rebuttal. Mr. Claire stated the drainage was already approved in 2002 (however this drainage proposal is much better) and that Marion County would continue to have drainage issues even if this isn't approved. He stated these proposed ponds will retain water and release water at a lower rate. He stated the County Highway does not require a traffic study and no road improvements are required except for the proposed entrances. He stated regarding water quality, since 2002 new water quality standards have been raised and adopted by most of the counties. He stated Sagebrook's drainage plan will not affect Country View Estates as their drainage does not even make it to our site. Mr. Claire stated he will not place a price point commitment on the homes but believes they will be higher than the two Marion County subdivision homes and significantly higher than Stansbury. Ms. Ault asked about the homes located within the flood zoned area. Mr. Claire stated they will do a flood study to remove the flood zone from the map. Mr. Long asked if Arbor Homes would agree to the additional landscaping buffer per Mr. Geryak's request. Mr. Claire stated they will commit to extend the buffer along the east property line just north of 600 N until they reach the easement for the high power lines. He stated they can't do mounding on the lots because of drainage on the rear of those lots. Mr. Stevens stated it sounds like the main change is reducing the lot widths to increase the open space and drainage areas and to increase the architectural standards, so in Mr. Dale's opinion, is this a positive change. Mr. Dale stated in his opinion, the standards amended are higher than originally proposed and believes this project has been upgraded from the originally approved PUD. Mr. Nigh asked if no action was taken, could the project proceed with the original approved PUD. Mr. Dale stated they would still need a Primary Plat approved and then a Final Detail Plan. Mr. Morelock stated to add the additional commitment with the motion. Mr. Bolander made the motion to recommend approval with the additional landscaping buffer commitment. Ms. Ault seconded. Motion carried. Mr. Stevens stated he doesn't like the reduced lot widths, but believes it will help with the drainage issue. Eight (8) approved, Zero (0) denied.