

March 2nd, 2021

MCCORDSVILLE PLAN COMMISSION

6280 W 800N | McCordsville | IN | 46055

PUBLIC COMMENTS FROM DANIEL MADISON FOR THE PUBLIC HEARING OF A
PETITION TO REZONE TO SUMMERTON PUD SCHEDULED FOR 3-16-21:

Thank you for taking the time to read and process my concerns as it relates to the present version of the Summerton PUD (Case Number PC-21-003). I wish to present the following concerns to the McCordsville Plan Commission and its board members as they prepare for the Petitioner's presentation for expansion south and east of our property.

Item #1: Drainage Easement Not Addressed (Snider to Madison)

Of highest concern is the impact of the Petitioner's proposed development on drainage for our property at 5413 W McCord Road. In February of 2012, we secured an EXCLUSIVE DRAINAGE EASEMENT with the Snider, John W. & Patricia Revocable Living Trust which dedicated a 20' wide easement for a 725' sub-surface tile we buried which carries all our property runoff (via a dry retention pond), septic perimeter drainage, and water from 5 active sump pumps installed in our home's basement. The 10" perforated tile runs from the SE corner of our property to the Shultz & Shultz Regulated Drain to the south – directly through the Petitioner's proposed development. In addition to our home, our neighbors to the west (Jeff & Angela Mull) also tapped their sump & perimeter drain lines into our tile in 2014.

The signed & recorded easement clearly states, *"Grantor [Snider] shall not construct or permit to be constructed any house, structure or obstruction (other than ground cover, fences or pavement for driveway or parking purposes) on, over or interfering with the construction, maintenance or operation of any part of the drainage facilities."* The document further states, *"Grantor [Snider] shall not cause or allow the removal of earth over the drainage facilities without prior consent of the Grantee [Madison]."*

Within the Summerton PUD, neither the legal description of EXHIBIT A (pages 6-7) nor the graphical representation presented in EXHIBIT B (page 8) addresses the Snider to Madison Drainage Easement. Further, EXHIBIT B displays proposed homesites, roads, mounding and trees in direct violation of said easement. Easement legalities aside, no effort has been made by the Petitioner to reach out and negotiate a potential solution to the very real danger this proposal presents of flood damage to both ours and our neighbor's homes.

Upon construction of our home in 2012, I invested over \$50,000 into the engineering and construction of an extensive property drainage system which includes a dry retention pond, driveway culverts, and literally thousands of feet of drain tile around the perimeter of our property in order to properly manage runoff from our property. The entire system relies upon its connection to the 725' tile which carries the water across the Snider's land to the Regulated Drain. As part of negotiating the easement in 2012, we agreed to allow the 10" tile to be perforated in order to assist in removing water from the Snider farm.

Below are a few photos from the installation of the system in 2012, as well as one showing conditions around our foundation prior to making the drainage investment.





Item #2: Proposed Landscape Buffer for Adjacent Properties

Section 3, Part D, “Perimeter Landscape Standards” of the Summerton PUD states, “*The developer shall install a landscape buffer ‘2’ along the adjacent parcels as depicted in Exhibit ‘D’. Said buffer shall consist of evergreen trees spaced 40 feet on center and shall be a minimum of six feet in height. The landscape buffer behind lots 18-24 [nearest to Madison property] and 144-157 on Exhibit D shall also contain a 3’ – 5’ continuous mounding.*”

As is evident in the photo below, the 3’ – 5’ continuous mounding (with a higher tree count per foot) installed by the Petitioner for the McCord Pointe development directly to our north offers little to no privacy for our home. Notably, these mounds are 225’ from the front of our home; the

proposed mounds to our east would be only 106' from the east side of our home – the portion of our home and property we use most often for outdoor activities and family gatherings.



I would like to propose the Plan Commission ask the petitioner to offer 6' – 9' continuous mounding with six-foot evergreen trees spaced 20 feet on center as a landscape buffer behind the proposed lots 15-24 (up to Summerton's northern boundary). I believe this is little to ask in light of the significant impact the Summerton development will have upon our outdoor environment, privacy, and the inevitable time and energy necessary to negotiate a solution for the drainage easement.

Item #3: No Tree Conservation Areas

The Summerton PUD lists no efforts for tree conservation of any kind, neither along the Shultz & Shultz Regulated Drain nor along adjacent properties. With the already sparse landscape of most of central Indiana, this would seem a major oversight on the Petitioner's part.

Of primary concern is the already established tree/shrub line along the eastern border of our property. These existing trees and shrubs will provide far more natural privacy for our home than the proposed six-foot evergreen trees will for decades.

I would like to propose the Plan Commission require the Petitioner include language to protect the established trees and shrubs along our eastern and southern property lines should any of those trees' trunks or branches reach within the proposed development's property.

Note, none of these trees or shrubs have been an issue for farming over the past nine years we've lived in our home and have instead become a natural refuge for wildlife. Leaving this natural border in place will only assist in lowering the impact of the development's impact on local wildlife, while providing additional appeal to potential home buyers along the borders.

The picture below shows the current view looking east toward the natural tree/shrub line. Most of these trees are already on our property, but if one or two should fall just over the line, I would propose language be constructed within the PUD to protect them.



Item #4: Consideration of Larger Lot Sizes

The petitioner replies to Question 2 of the Exhibit B Rezoning / Zoning Map Amendment Criteria section by stating, “*The proposed rezoning will allow for the development of a single-family residential neighborhood, which will be compatible with the character of the site’s nearby residential and agricultural uses.*” Though this statement may be true for some of the surrounding residential properties, it fails to hold true as it relates to the construction style and ratings of several adjacent homes along W McCord Road. Not only will the lots within the proposed Summerton development be *significantly* smaller than those to the north, but the homes themselves will not carry the same construction grade level.

The Petitioner further states in response to Question 4 of the same Exhibit: “*Property values throughout McCordsville will not be negatively affected by the proposed single-family residential development.*” To claim neighboring property values will not be negatively affected by the proposed Summerton PUD is to purposefully choose to ignore specific adjacent property owners who chose to invest in larger acreage lots and higher construction grades than what Summerton is offering. This is a blanket, ungrounded claim.

Understandably, it is not practical for the McCordsville Plan Commission to require all future petitioners to present multi-acre lotted development plans, however, as we enter the unknown age of our post-COVID world, I believe demand from homeowners who want to spread out and have more acreage to raise a family will only increase in the years to come.

Currently, McCordsville offers little to no estate-size lotted neighborhood developments. I believe allowing a few developers into the mix who can bring this variety of homestead to the table will only work to the advantage of McCordsville’s future growth and diversity of home options. But to do so, we must push back harder against Petitioners who do not hold this as a high value in their plans for our communities.

In Closing

Thank you for taking the time to hear my voice in this major development. Overall, I am pleased to hear of future economic growth in our community. My biggest concern is that we are careful to not allow massive national developers to tease our community into a homogeneous presentation of single-family homes that presents little character and lead us to believe the falsity that *all* current & future home buyers no longer care to invest in space to spread out and raise their families on more than a 0.25-acre yard. It makes for a slick marketing angle to increase shareholder profits, but it's simply not truthful.

Please don't hesitate to reach out to me directly with any questions or concerns. I am happy to provide PDF copies of the signed drainage easement and drain tile profile, if needed.

SINCERELY,

DANIEL R. MADISON
5413 W MCCORD RD
MCCORDSVILLE, IN 46055
EMAIL: DRMADISON@MAC.COM
PHONE: (317) 258-1536