

Planning & Building Department 6280 W 800N McCordsville, IN 46055 Phone: 317.335.3604 Email: <u>building@mccordsville.org</u>

#### **PUBLIC HEARING INFORMATION**

Case #: PC-22-002

<u>Title</u>: Arbor Homes' request for a favorable recommendation for a rezone from R-1 & R-3 to Shadow Grove PUD

<u>Meeting Date</u>: this petition is currently scheduled to be heard at February 15th Plan Commission meeting

\*Meeting agenda and staff report will be available on the website by end of business day on the Friday preceding the applicable meeting. Go to <u>www.mcccordsville.org</u> and click on "Agendas & Minutes".

# JANUARY 21, 2022









# SHADOW GROVE Planned Unit Development



DEVELOPER SILVERTHORNE HOMES 9225 Harrison Park Court Indianapolis, IN 46216

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## **Statement of Intent:**

Silverthorne Homes ("Petitioner") seeks to rezone approximately 210 acres of land in the Town of McCordsville, Indiana from R1 and R3 to PUD zoning for single family, detached residential use. The property is located at the northwest and southwest corner of Mt Comfort Road (N 600 W) and W 650 N and will feature a maximum of 472 lots with 2.4 miles of trails. The property is adjacent to Austin Trace PUD, Weavers Landing PUD, and agricultural/vacant land to the west, Gateway Crossing PUD and agricultural/vacant land to the north, Easton at Stansbury and agricultural/vacant land to the south, and Outlook Christian Church PUD, Champion Lake subdivision, and agricultural/vacant land to the east.

The proposed development (Shadow Grove) is consistent with the goals and objectives of the Town of McCordsville's Comprehensive Plan. Specifically, the development meets Land Use Goal #4, Transportation Goal #1, #3, #4, Public Facilities Goal #2, and Open Space Goal #1, #3. Shadow Grove supports the Future Land Use Map's anticipated uses of Low Density Residential and Low-Medium Density Residential by proposing two different product types that reflect the intent of both designations. The differing product lines, and their placement, ensure the property is compatible with other communities in the surrounding area.

**Area A: Silverthorne**, located northwest of Mt Comfort Road (N 600 W) and W 650 N, features the Silverthorne line of homes, and includes a maximum of 248 lots at a proposed density of 1.9 units/acre. **Area B: Destination**, located southwest of Mt Comfort Road (N 600 W) and W 650 N, features the Destination line of homes, an empty-nester ranch style product. This area will include a maximum of 204 lots at a proposed density of 2.6 units/acre. A subsection of Area B, approximately 3.7 acres, is to be reserved for single-family attached product. The maximum number of lots for this product will be 20 lots.

Amenities throughout the community include a pool, pool house, and playground in Area A, located in the middle of Shadow Grove's trail system, making it easily accessible for all homeowners. Within the existing 15.5 acres of woodlands, the trail leads residents to small neighborhood campsites, BBQ stations, and fire pits all located adjacent to a 3.8 acre pond that will be stocked with fish. Area B's amenities will include a community garden, pollinator garden, and butterfly garden with trail connections. All amenities will be accessible to the entire Shadow Grove community.

#### **ORDINANCE NO.**

#### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE, HANCOCK COUNTY, INDIANA AMENDING ORDINANCE NO. \_\_\_\_\_, THE ZONING ORDINACE FOR THE TOWN OF MCCORDSVILLE, INDIANA

**WHEREAS**, the Town Council of the Town of McCordsville, Indiana (the "Town Council"), has heretofore adopted Ordinance No. \_\_\_\_\_\_ as the Town of McCordsville, Indiana Zoning Ordinance (the "Zoning Ordinance") pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the Town of McCordsville, Indiana (the "Town") is subject to the Zoning Ordinance; and

WHEREAS, the Town Advisory Plan Commission (the "Commission") considered a petition ("Shadow Grove PUD"), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Docket \_\_\_\_\_, after a public hearing held on the \_\_\_\_day of \_\_\_\_\_, 2022, to the Town Council with a \_\_\_\_\_ recommendation by a vote of \_\_\_\_\_ in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on the \_\_\_\_\_\_, 2022; and

**WHEREAS**, the Town Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of McCordsville, Hancock County, Indiana, meeting in regular session, that the Subdivision Control Ordinance and Zoning Map are hereby amended as follows:

#### Section 1. Applicability of Ordinance.

- 1. The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "Shadow Grove PUD" (the "District").
- 2. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its Exhibits, and (ii) the provisions of the Zoning Ordinance, as amended and applicable to the Underlying Zoning District (as defined herein) or Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 3. The underlying Zoning District shall be Single Family Residential District 5 (R5) as stated in the Ordinance #121410 adopted in January of 2011, (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District shall apply.
- 4. Section ("Section") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Subdivision and Development Ordinance.
- 5. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

<u>Section 2. Definitions.</u> Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning and/or Subdivision Control Ordinance.

**Section 3. Preliminary Development Plan.** The Preliminary Development Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Section VIII.: Planned Unit Developments. The Real Estate shall be developed in substantial compliance with the Preliminary Development Plan.

**Section 4. Permitted Uses.** The permitted uses, as defined by the Town of McCordsville Subdivision Control Ordinances, for the Real Estate are described below, all uses not listed below, shall be considered prohibited.

- 1. Single-Family Dwellings (Detached Dwellings, Townhouses, etc.)
- 2. All Accessory Uses and Temporary Uses in the Underlying Zoning District shall be permitted unless otherwise prohibited in this Ordinance.

<u>Section 5. Zoning District Standards.</u> The Shadow Grove PUD shall have two (2) Area Districts (Area A: Silverthorne and Area B: Destination) and one (1) subdistrict (Area B: Attached) as shown on the Preliminary Development Plan, attached hereto as **Exhibit B.** The standards of Section III.: Zoning Districts Standards in the Zoning Ordinance, as amended, shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

	Area A: Silverthorne	Area B: Destination	Area B: Attached <sup>2</sup>
Development Standards			
Max. Number of Lots	248	$204^{1}$	20
Min. Lot Area (SF)	10,000 SF	7,800 SF	1,300 SF
Min. Lot Width (ft)	75'	62'	20'
Min. Lot Depth (ft)	135'	130'	70'
Min. Front Yard Setback (ft)	30'	25'	15'
Min. Side Yard Setback (ft)	10'	6'	0'
Min. Rear Yard Setback (ft)	15'	15'	15'
Maximum Building Height (ft)	35'	35'	40'
Minimum Square Footage (single-story) (SF)	1,800 SF	1,500 SF	1,400 SF
Minimum Square Footage (multi-story) (SF)	2,000 SF	N/A	1,400 SF

<sup>1</sup>Shall <u>Area B: Attached</u> not develop for attached product.

<sup>2</sup>Should <u>Area B: Attached</u> not develop for attached product, then this area reverts back to Area B: Destination and all standards outlined above shall apply.

**Section 6. Development Standards.** The standards of Section III.: Zoning Districts Standards in the Zoning Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance. All homes construction in the Shadow Grove PUD shall have the following minimum standards:

- 1. <u>Roof Pitch</u>. All Dwellings in the District shall feature a minimum of a 6:12 primary roof pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof Structures) shall not be considered primary roof for the purposes of the 6:12 pitch requirement above.
- 2. <u>Roof Overhang</u>. All Dwellings shall have a minimum of an eleven (11") inch gable overhang on Dwellings where the side consists of siding at the eave, and a minimum of an eight (8") inch gable overhang on Dwellings where the side consists of brick at the eave.
- 3. <u>Front Elevation</u>. A minimum of fifty percent (50%) of the homes shall have a front elevation of at least fifty percent (50%) brick or stone, exclusive of windows, doors, garage doors, and areas above a roof line. The remaining homes may have less than fifty percent (50%) brick or stone provide they contain a minimum of a 30" high brick or stone wainscot and contain a minimum of two (2) of the following siding materials on the front elevation; horizontal lap siding, vertical siding, board and batten and/or shake. Front elevation returns shall match the front façade.
- 4. <u>Perimeter Lots</u>. All Lots indicated with a (o) shall have a rear gable in the form of one of the following: Enclosed sunroom, screened in porch, a covered back porch with a minimum of 8"x8" columns, rear bump of at least ten (10') feet in width by four (4') feet in depth. If a first-floor brick wrap is chosen, a gable is not required on the rear Elevation.
- 5. <u>Corner Lots.</u> All lots indicated with a (\*) shall have a brick or stone wainscot on the side façade facing the street.
- 6. <u>Siding</u>. All siding shall be brick, stone, wood, cement fiber board or stucco. Vinyl siding is prohibited in Area A: Silverthorne. Vinyl siding shall be permitted in Area B: Destination. Vinyl siding shall be a minimum of 0.046 mm thickness. Colors of all exterior materials shall be chosen by the builder and approved by the applicable governmental architectural review

committee, if applicable.

- 7. Anti-Monotony. A single Dwelling Elevation shall not be repeated unless it is separated by at least three (3) different front Elevations along either side of the same street frontage. So far as to ensure that significant architectural features shall differentiate Dwellings within the District. There shall not be more than ten (10%) percent of the Dwellings in the Area A: Silverthorne with the same front Elevation.
- 8. Windows and Openings. Unless adjacent to masonry, all windows and openings shall have a nominal 1-inch by 6-inch (1"x 6") wood or vinyl surround. All ranch homes shall contain a minimum of three (3) windows on the front façade, and one (1) window on the side and rear facades, with the exception of a side facade facing a public street which shall contain a minimum of two (2) windows. All two-story homes shall contain a minimum of two (2) windows on all four sides with the exception of a side facade facing a public street which shall contain a minimum of three (3) windows. Windows on the front façade may include sidelights and garage door windows. Double windows count as two windows.
- 9. Sod and Seedings. All Dwelling shall have sod installed for the Front Yard to the corner of the front Elevation. Dwellings built on Corner Lots shall have sod installed on sides having Street frontage to the corner of the street side elevation.
- 10. Maximum Lot Coverage for all Impervious Surface. The maximum Lot Coverage for all Impervious Surface shall be fifty-five (55%) percent of the total Lot.
- 11. Character Exhibits. Elevations, attached hereto as Exhibit D, Character Exhibits, are incorporated as a compilation of images designed to capture the intended quality of Structures to be constructed in each District. Although the exhibits do not necessarily represent final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of Structures that are required to be constructed and that contribute to each District's intent and vision. It is not the intent to limit the architectural styles shown in Exhibit D, but to encourage diversity in architectural styles of Dwellings within the District.
- 12. Driveways. All Dwellings in the District shall have concrete driveways.
- 13. Landscaping. All Dwellings in the District shall be landscaped with a minimum of one (1) deciduous tree, two (2) ornamental trees and twelve (12) shrubs planted along the front foundation of the primary structure. All homes on corner lots shall also include a minimum of one (1) deciduous tree, one (1) ornamental tree, twelve (12) shrubs planted along the foundation of the primary structure and sod in the side yard facing the side street. Area B: Destination shall come with full sodded and irrigated yards.
- 14. Garages: All Dwellings in the District shall have a minimum two-car garage with a minimum of nineteen (19') feet in width or depth measured from the exterior of the garage.

Any front-loading garage that protrudes eight (8') feet or more in front of the front elevation shall feature at least one (1') window on one/either side elevation of the garage. The maximum protrusion distance of the garage shall be sixteen (16') feet from the front facade. Garage protrusion shall be measured from the widest part of the front elevation. This may include the front porch. The maximum protrusion distance does not apply to courtyard/tandem style garages.

Side load garages shall be required on 50 percent (50%) of the Area A: Silverthorne corner Shadow Grove PUD

lots. Corner lots are identified on the concept plan with a (\*).

All dwellings shall have decorative garage doors. Decorative garage doors are defined as having one of the following: hardware, windows, and/or separate garage bays.

<u>Section 7. General Standards.</u> The standards of the Subdivision Control Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

- 1. <u>Street Width</u>. Unless otherwise specified in **Exhibit B**, **Preliminary Development Plan**, all Streets within the District shall be designed with a Right-Of-Way of fifty-four (54') feet with a minimum Street width of thirty (30') feet from back of curb to back of curb. There shall be a six (6') feet wide planting strip from back of curb to front edge of sidewalk with a one (1') foot sidewalk Easement at the rear of the sidewalk.
- 2. <u>Street Signage</u>. The Developer shall be responsible for the cost of and the placement of all Street signage as required by the Town.
- 3. <u>Utilities</u>. All utilities within the District shall be trenched and located behind the curb. This commitment is subject to the approval by the utilities that will serve the community. Private utilities shall be placed in the utility Easements and shall not be within the public Right-Of-Way.
- 4. <u>Lighting</u>. Streetlights shall be installed at each community entrance, intersection, and cul-de-sac.
- 5. <u>Common Area Landscaping</u>. The Common Area(s) located along Mt Comfort Road, W 650N and W 600N shall include seven (7) trees and (6) shrubs per one hundred (100) linear feet as depicted in **Exhibit C, Landscape Plan.**
- <u>Common Area Ponds</u>. Common Area Pond #1 and #2 as depicted on <u>Exhibit B, Preliminary</u> <u>Development Plan</u>, will feature decorative fountains. Common Area Pond #3 will feature an illuminated decorative fountain. All ponds and features will be maintained by the HOA.
- *i.* <u>Amenities</u>. Amenities depicted in <u>Exhibit C, Landscape Plan,</u> include approximately 2.4 miles of walkable and bikeable trails. In Area A: Silverthorne, amenities will include a pool, pool house, playground, and butterfly garden located in the middle of Shadow Grove's trail system. Within the existing 15.5 acres of preserved woodlands, the trail will lead residents to a maximum of four (4) small neighborhood campsites, each with a BBQ station and fire pit, located adjacent to a 3.8 acre pond. In Area B: Destination, amenities will include a community garden, pollinator garden, and native landscaping within the overhead powerline easement, all with trail connections.
- 7. <u>Prohibited Structures</u>. No other detached structures or above ground pools shall be permitted in the District. Pergolas and gazebos, however, are permitted.
- 8. <u>Fence Standards</u>. Fences shall be 4' wrought iron in style or a 6' vinyl privacy fence. Fences shall not be closer to the front property than the rear corner of the home. If the homeowner chooses to install a fence, and their lot is a perimeter lots along Mt Comfort Road, W 650N and W 600N the fence shall have 4' wrought iron in style.
- 9. <u>Mailboxes</u>. Dwellings in the District shall have individual mailboxes to be installed by the

Developer for each Dwelling. Mailboxes will be installed along one side of the Street in accordance with the local United States Postal Service (USPS).

- 10. <u>Homeowner's Association</u>. The subdivision shall be managed by a professional homeowner's association management company that shall maintain all common areas. Area B: Destination shall be a low-maintenance community and shall include yard and landscaping maintenance outside of private fences, snow plowing, and annual power washing of vinyl siding. Playgrounds, trampolines, and basketball goals shall be prohibited in Area B: Destination.
- 11. <u>Builder Signage</u>. The builder shall have the right to place a community marketing Signs at each entrance of the community off of Mt Comfort Road, W 650N and W 600N. Each Sign shall be up to thirty-two (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 nine (9') square feet with the name of the model style and other information along with two additional Signs each up to four (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.
- 12. <u>Snow Plowing</u>: The homeowner's association shall be responsible for all snow removal on internal streets.
- 13. <u>Model Home:</u> A model home will be constructed in each area. The model home shall be one (1) of the three (3) largest models offered by the builder, at the time the model permit is issued. If the builder elects to build more than one (1) model in each subarea, this requirement shall only apply to one (1) model.\_
- 14. <u>Area B: Attached</u>: Block 1 as depicted on <u>Exhibit B, Preliminary Development Plan</u>, is set aside by Petitioner for attached residential development. The intent of this Block is to provide single-family attached product. If at the time of development of the final section of Area B: Destination of the Real Estate, a rezone for commercial development adjacent to Block 1 has not been filed with the Town of McCordsville, the Petitioner reserves the right to develop Block 1 into a maximum of fifteen (15) lots following the same requirements of Area B: Destination.

PASSED AND ADOPTED THIS \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

#### MCCORDSVILLE TOWN COUNCIL

Voting For	<b>Voting Against</b>	<u>Abstain</u>
Tom Strayer, President	Tom Strayer, President	Tom Strayer, President
Branden Williams	Branden Williams	Branden Williams
Chad Gooding	Chad Gooding	Chad Gooding
Larry Longman	Larry Longman	Larry Longman
Greg Brewer	Greg Brewer	Greg Brewer

ATTEST:

Staci Starcher, Clerk-Treasurer

### EXHIBIT A

### **LEGAL DESCRIPTION**

Brown Family Farm

The Southeast quarter of the Southeast quarter of Section 35, Township 17 North, Range 5 East, containing 40.62 acres more or less.

Also: The Northeast quarter of the Southeast quarter of Section 35, Township 17 North, Range 5 East, containing 40 acres, more or less.

Containing in both descriptions 80.62 acres, more or less.

#### EXCEPT:

That part conveyed to Hancock County, Indiana, by Corporate Warranty Deed recorded September 7, 1993 as Instrument No. 9309565, in the Office of the Recorder of Hancock County, Indiana, more particularly described as follows:

A part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 17 North, Range 5 East, Hancock County, Indiana, described as follows: Commencing at the Northeast corner of said Quarter-Quarter Section; thence South 0 degrees 05 minutes 38 seconds West 15.00 feet along the East line of said section to the prolonged South boundary of County Road 650 North; thence South 89 degrees 15 minutes 50 seconds West 40.00 feet along the prolonged boundary of said County Road 650 North to the West boundary of County Road 600 West; thence South 0 degrees 05 minutes 38 seconds West 935.00 feet along the Boundary of said County Road 600 West; thence North 89 degrees 15 minutes 50 seconds East 25.00 feet along said boundary to the West boundary of Old County Road 600 West; thence South 0 degrees 05 minutes 38 seconds 600 West; thence South 0 degrees 05 minutes 38 seconds West 164.98 feet along said boundary; thence North 27 degrees 03 minutes 56 seconds West 126.13 feet; thence North 47 degrees 35 minutes 30 seconds East 78.09 feet to the point of beginning and containing 0.109 acres, more or less.

## **EXHIBIT A - continued**

#### **LEGAL DESCRIPTION**

#### Nancy A Daw

A part of the West Half of the Northeast Quarter of Section 35, Township 17 North, Range 5 East, more particularly described as follows, to-wit: Beginning at a point 106 2/3 rods West of the Southeast corner of the Northeast Quarter of Section 35, Township 17 North, Range 5 East; thence, West on the South line of said Quarter Section a distance of 911.47 feet to the Southwest corner of the same; thence North on the West line of said Quarter Section to the Northwest corner of the same; thence East on the North line of said Quarter Section a distance of 918.04 feet to a point directly North of the place of beginning, thence South to the place of beginning, containing 55.04 acres, more or less.

EXCEPTING from said tract the following described land, to-wit: A part of the West Half of the Northeast Quarter of Section 35, Township 17 North, Range 5 East, more particularly described as follows: Commencing at a point on the South line of said Northeast Quarter of said Section 35, which point is 16 feet East of the Southwest corner of said Northeast Quarter; run thence North parallel with the West line of said Quarter Section a distance of 208 feet; thence run East and parallel with the South line of said Quarter Section 208 feet; thence South parallel with the West line of said Quarter Section 208 feet, thence West 208 feet to the place of beginning, containing in said tract after said EXCEPTION containing 54.05 acres, more or less.

## **EXHIBIT A - continued**

#### LEGAL DESCRIPTION

Lain Farms

A parcel of land lying in the Northeast Quarter of Section 35, Township 17 North, Range 5 East, being more particularly described as follows:

The Point of Beginning of the following described parcel of land being the Southeast corner along the east line of said Northeast Quarter; thence, on an assumed bearing of North 01 degree 07 minutes 50 seconds east along the east line of said Northeast Quarter a distance of 1,382.79 feet; thence South 89 degrees 56 minutes 27 seconds west a distance of 291.76 feet; thence North 01 degree 07 minutes 50 seconds east, parallel with said east line of the Northeast Quarter, a distance of 596.21 feet; thence South 89 degrees 56 minutes 27 seconds west a distance of 1,468.30 feet; thence South 01 degree 07 minutes 50 seconds west parallel with said east line of the Northeast Quarter a distance of 1,978.18 feet to the south line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds east along said south line a distance of 1,760.02 feet to the POINT OF BEGINNING of the above described parcel of land. All situate, lying and being in Vernon Township, Hancock County, Indiana, containing 75.95 acres, more or less.

EXCEPT that part taken by Order of Appropriation of Real Estate to Hancock County, recorded January 11, 1994 as Instrument No. 9400412, Cause No. 30D01-9310-CP-250, described as follows:

A part of the Northeast Quarter of Section 35, Township 17 North, Range 5 East, Hancock County, Indiana, described as follows: Commencing at the southeast corner of said quarter section; thence North 0 degrees 24 minutes 05 seconds East 16.50 feet along the east line of said section to the prolonged north boundary of County Road 650 North; thence South 89 degrees 15 minutes 50 seconds West 20.00 feet along the prolonged boundary of said County Road 650 North to the west boundary of County Road 600 West and the point of beginning of this description; thence continuing South 89 degrees 15 minutes 50 seconds West 90.02 feet along the south boundary of County Road 650 North; thence North 42 degrees 10 minutes 59 seconds East 105.06 feet; thence North 8 degrees 31 minutes 53 seconds East 70.71 feet; thence North 0 degrees 12 minutes 42 seconds East 10.00 feet along said north line to the west boundary of County Road 600 West; thence South 0 degrees 24 minutes OS seconds West 1,366.27 feet along the boundary of said County Road 600 West to the point of beginning 0.401 acre, more or less

## EXHIBIT B

## PRELIMINARY DEVELOPMENT PLAN



## EXHIBIT C

# LANDSCAPE PLAN



## EXHIBIT D

# CHARACTER EXHIBITS Area A: Silverthorne



## **EXHIBIT D - continued**

# **CHARACTER EXHIBITS** Area B: Destination





