



Planning & Building Department
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PUBLIC HEARING INFORMATION

Case #: BZA-22-019

Title: Browning Investment's request for a Special Exception and Development Standard Variances for a multi-family residential project on +/- 24 acres, located along the westside of CR 600W, approximately 1/4 mile north of CR 800N

Meeting Date: this zoning petition is currently scheduled to be heard at the March 1st Board of Zoning Appeals 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 www.mccordsville.org and click on "Agendas & Minutes".

**Statement of Intent for
Special Exception and Variances of Development Standards**

Browning Investments, LLC (“Petitioner”) seeks approval of a Special Exception for Parcel G of the Villages at Brookside PUD (referred to as “Parcel G” or “Site”) to allow for a multi-family development (the “Proposed Development”). Parcel G is approximately 25.2 acres located on the west side of N 600 W between W 800 N and W Brookside Parkway. Section 2.B. of the Villages at Brookside PUD (Ordinance No. 052305) provides that uses within the business parcels of the PUD, including Parcel G, that are permitted as special exception by the Hancock County Zoning Ordinance¹ shall continue to be special exceptions. Multi-family uses are listed as a special exception use within the commercial districts of the Hancock County Zoning Ordinance. As the Site is now within the Town of McCordsville, the Proposed Development will be subject to the MF2 development standards of the Town of McCordsville Zoning Ordinance (the “Zoning Ordinance”), along with the Mt. Comfort Road and Broadway Corridor Overlay (Ordinance No. 071222A of the Town of McCordsville) (“Mt. Comfort Overlay”)².

Petitioner proposes to develop and construct approximately 288 luxury market-rate apartments in approximately 8 (eight) three-story buildings and approximately 20 townhomes in four (4) two-story or three-story buildings. Additionally the Site shall be improved with a clubhouse and pool as well as other amenities, including a dog park and green area, all as approximately depicted in the Preliminary Site Plan filed herewith. The exteriors of the buildings shall be constructed of masonry and fiber cement panels or other similar materials allowed under the Zoning Ordinance and shall feature exterior elevations as approximately depicted in the preliminary Elevation Plans filed herewith. Within the Proposed Development, approximately 40-50% of the units will be one (1) bedroom, approximately 40-50% of the units will be two (2) bedrooms and approximately 0-10% will be three (3) bedrooms. The Proposed Development will have paved surface parking and several garages available for residents.

Additionally, to allow for construction of the Proposed Development as approximately depicted in the Preliminary Site Plan, Petitioner also requests the following Variances of Development Standards of the MF2 Standards or the Mt. Comfort Overlay:

- **Parking Standards:** Variance of Section 154.114(D)(1) (aka Section 6.05(D)(1)) of the Zoning Ordinance to allow for a minimum of 1.5 parking spaces for each dwelling unit; provided, however, that if 75% or more of the units are two bedroom units and/or three bedroom units, the number of parking spaces will be increased, so that 1 parking space

¹ The Villages at Brookside PUD was approved prior to the real estate being annexed into the Town of McCordsville.

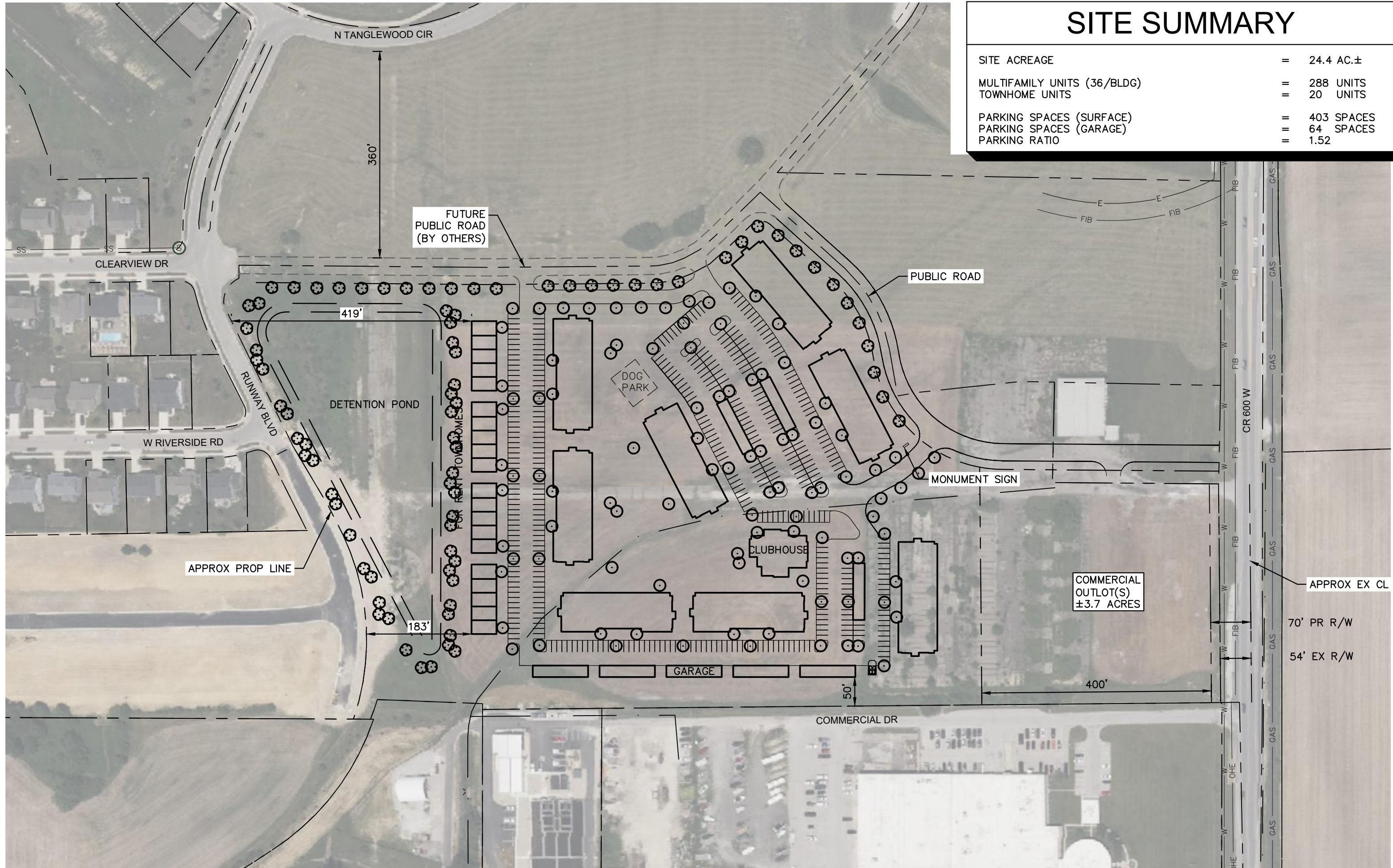
² With approved variances to certain MF2 development standards and to certain standards of the Mt. Comfort Overlay as requested herein.

per bedroom shall be provided. The final amount of parking spaces provided shall be reviewed and approved during the Development Plan process for the Site.

- Architectural Standards – Exterior Materials: Variance of Section 5.04(D)(4)(c)1.i. of the Mt. Comfort Overlay to feature brick or stone on at least 25% of any façade visible from a street. Other elevations must feature at least a brick or stone wainscot.
- Architectural Design Standards – Windows: Variance of Section 154.113 (B)(1)(d) (aka Section 6.04 (B)(1)d)) of the Zoning Ordinance to allow windows only on the front and rear elevations of the dwelling.
- Minimum Living Area: Variance of Appendix B: Bulk Use Standards Matrix of the Zoning Ordinance to allow for 950 sq. ft. average minimum living area of the dwelling units on the Site.
- Architectural Standards – Gable Roof Slope: Variance of Section 5.04(D)(4)(c)1.v. of the Mt. Comfort Overlay and of Section 154.113 (B)(2)(a) (aka Section 6.04 (B)(2)a)) of the Zoning Ordinance to allow for a minimum roof slope of 6:12 on all roofs including gable roofs.

SITE SUMMARY

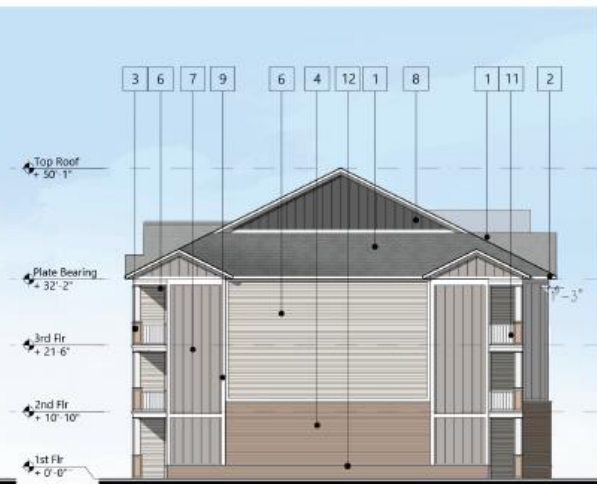
| | | |
|-----------------------------|---|------------|
| SITE ACREAGE | = | 24.4 AC.± |
| MULTIFAMILY UNITS (36/BLDG) | = | 288 UNITS |
| TOWNHOME UNITS | = | 20 UNITS |
| PARKING SPACES (SURFACE) | = | 403 SPACES |
| PARKING SPACES (GARAGE) | = | 64 SPACES |
| PARKING RATIO | = | 1.52 |





MATERIAL LEGEND:

1. Asphalt Shingles Roof ($\frac{6}{12}$ pitch typical)
2. Metal Gutter
3. Support Column
4. Stone or Brick Vent
5. Fiber Cement Panels with Battens
6. Horizontal Fiber Cement
7. Fiber Cement Vertical Siding with Batten (Color1)
8. Fiber Cement Vertical Siding w/Batten (Color 2)
9. Fiber Cement Trim (White)
10. Vinyl Windows & Patio Doors
11. Balcony
12. Soldier or Rowlock



Elevation Plans



**McCCORDSVILLE BOARD OF ZONING APPEALS
SPECIAL EXCEPTION APPLICATION**

Zoning Ordinance Section 10.04

Applicant Information

Name: Browning Investments, LLC Brian J. Tuohy, Attorney

Current Address: 50 S. Meridian Street, Suite700

(Number) (Street)

Indianapolis

IN

46204

(City)

(State)

(Zip)

Phone No.: 317-638-2400

E-mail Address: btuohy@tbmattorneys.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: McCordsville Investments, LLC

Current Address: P.O. Box 357

(Number) (Street)

McCordsville

IN

46055

(City)

(State)

(Zip)

Phone No.: _____ E-mail Address: _____

Property Information

Current Address: N 600 W (Parcel ID No. 30-01-23-400-030.007-018)

(Number) (Street)

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

Approx. 25.2 acres on the west side of N 600 W between W 800 N and W Brookside Parkway;

Parcel G of the Villages at Brookside PUD

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Special Exception Requested

I am requesting a special exception as listed by Section 2.B. of Ordinance No. 052305 (the Villages at Brookside PUD) to allow the following:

a multi-family development in Parcel G of the Villages at Brookside PUD. See Statement of Intent filed herewith.

Special Exception Criteria

The McCordsville Zoning Ordinance establishes specific criteria that must be met in order for a special exception to be approved. Please answer each question below and if the response is "NO", describe why the special exception use requested does not meet the required criteria.

Will the special exception be served with adequate utilities, access roads, drainage, and other necessary facilities?

YES NO, Please Explain (attach additional pages as necessary): The proposed

development will provide adequate utilities, access roads, drainage and other necessary facilities.

Will the special exception provide safe conditions that do not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and comply with the development standards of the McCordsville Zoning Ordinance?

YES NO, Please Explain (attach additional pages as necessary): The special exception

will comply with the applicable development standards of the MF2 district, the Mt. Comfort Road and Broadway Corridor Overlay and/or the variances of development standards requested by Petitioner.

Will the special exception be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties?

YES NO, Please Explain (attach additional pages as necessary): The proposed multi-family

development includes a detention pond, row of townhomes and "green area" on the western portion of site which buffers the proposed multi-family buildings from adjacent residential uses to the west.

Will the special exception produce a total visual impression and environment which is consistent with the environment of the neighborhood?

YES NO, Please Explain (attach additional pages as necessary): The land south

of the site is zoned I-1 and includes industrial uses and the land west of the site includes single-family residences. The proposed multi-family development is an appropriate transitional use between the two existing, adjacent uses. The petitioner proposes to use high quality exterior materials for the proposed buildings and to provide adequate open space and amenities for residents of the development.

Will the special exception organize vehicular access and parking to minimize traffic congestion in the area?

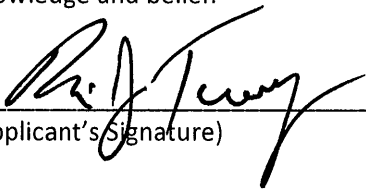
YES

NO, Please Explain (attach additional pages as necessary):

Access to the site includes access from Mt. Comfort Road (with accel/decel passing blisters) and, in the future, from a public road to be installed along the northern and western borders of the site.

Applicant's Signature

The information included in and with this application is completely true and correct to the best of my knowledge and belief.



(Applicant's Signature)

12/13/22

(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow Town staff to enter this property for the purpose of processing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

See signed Property Owner's Consent

(Owner's Signature)

(Date)

(Owner's Signature)

(Date)

SPECIAL EXCEPTION PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.04 Special Exception)

The following shall be included in the Special Exception Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Special Exception Use Application Checklist:

- Special Exception Application
- Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- Copy of Deed for Property Involved, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- Filing Fee
- Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following where appropriate
 - Site Plan (signed, dated and clearly showing entire layout of property and all features relevant to the special exception request).
 - Statement of Intent
 - Fiscal Impact Study (if applicable)

**MCCORDSVILLE BOARD OF ZONING APPEALS
VARIANCE APPLICATION**

Zoning Ordinance Section 10.03

Applicant Information

Name Browning Investments, LLC by Brian J. Tuohy, Attorney
Current Address: 50 S. Meridian Street, Suite 700
(Number) (Street)
Indianapolis IN 46204
(City) (State) (Zip)
Phone No.: 317-638-2400 E-mail Address: btuohy@tbmattorneys.com

Property Owner Information (the "owner" does not include tenants or contract buyers)

Name: McCordsville Investments, LLC
Current Address: P.O. Box 357
(Number) (Street)
McCordsville IN 46055
(City) (State) (Zip)
Phone No.: _____ E-mail Address: _____

Property Information

Current Address: N 600 W (Parcel ID No. 30-01-23-400-030.007-018)
(Number) (Street)

Subdivision Name (if applicable): Villages at Brookside

OR General Location (if no address has been assigned, please provide a street corner, subdivision lot number, or attach a legal description)

Approx. 25.2 acres on the west side of N 600 W between W 800 N and W Brookside Parkway;

Parcel G of the Villages at Brookside PUD

Administrative Officer Use Only:

Existing Zoning: _____

Future Land Use: _____

Date Application Filed: _____

Docket No.: _____

Present Use of Property: Unimproved

Size of the Lot/Parcel in Question: Approx. 25.2 acres

Are there any restrictions, laws, covenants, variances, special exceptions, or appeals filed in connection with this property that would relate or affect its use for the specific purpose of this application? If yes, please list date and docket number, decision rendered and pertinent explanation:

Yes. An application for a Special Exception is being filed contemporaneously herewith. See Statement of Intent.

Variance Information

Describe the variance requested: See Statement of Intent for list of variances requested.

Development Standards Variance Requested:

- | | |
|---|--|
| <input type="checkbox"/> Building Height | <input type="checkbox"/> Entrance / Drive |
| <input type="checkbox"/> Building Setback | <input type="checkbox"/> Sight Visibility |
| <input type="checkbox"/> Lot Coverage | <input type="checkbox"/> Fence and Wall |
| <input type="checkbox"/> Lot Width | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Buffering and Screening |
| <input checked="" type="checkbox"/> Parking | <input type="checkbox"/> Exterior Lighting |
| <input type="checkbox"/> Loading | <input type="checkbox"/> Sign |
| <input checked="" type="checkbox"/> Other (please specify): <u>See Statement of Intent for list of variances requested.</u> | |

Describe reasons supporting the variance requested: _____

See Statement of Intent.

Development Standards Variance Criteria - Parking Standards Variance

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

YES NO, Please Explain (attach additional pages as necessary): _____

The number of parking spaces proposed will provide ample parking for the proposed mix of predominately one and two bedroom units. In the event more two or three bedroom units are constructed than anticipated, Petitioner will increase the parking spaces provided as set forth in the Statement of Intent. Additionally, the number of spaces will be reviewed and approved during the Development Plan process.

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

YES NO, Please Explain (attach additional pages as necessary): _____

Petitioner proposes to provide surface parking and garage parking in an amount that is sufficient for the number and types of units to be built within the proposed development. The development and parking areas will be landscaped in accordance with the standards of the McCordsville Zoning Ordinance. Due to the ample parking to be provided, the use and value of the area adjacent to the site will not be adversely affected. Reducing the number of parking spaces will reduce the amount of hard surfaced area, which will not have an adverse affect on the area adjacent to the property.

Will the strict application of the terms of this Ordinance result in a practical difficulty in the use of the property? This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

YES NO, Please Explain (attach additional pages as necessary): _____

Without the variance, Petitioner will be required to provide more parking than needed for Petitioner's proposed community, which will increase the size of the parking area on the site and reduce the amount of green space within the site.

Development Standards Variance Criteria - Architectural Standards - Exterior Materials Variance

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

YES NO, Please Explain (attach additional pages as necessary):

For the exterior materials of the proposed buildings, Petitioner proposes to use fiber cement panels or other similar materials allowed under the Zoning Ordinance, along with at least 25% of brick or masonry on any façade visible from a street. The proposed exterior materials will include a mix of colors which will result in visually interesting, aesthetically pleasing buildings. Reduction of the amount of brick or masonry will not be injurious to the public in any manner.

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

YES NO, Please Explain (attach additional pages as necessary):

Petitioner is proposing to use fiber cement panels or other similar materials allowed under the Zoning Ordinance and stone or brick as exterior materials in a mix of colors to create visually interesting buildings. The use of such high quality materials will not adversely affect the use and value of the area adjacent to the site.

Will the strict application of the terms of this Ordinance result in a practical difficulty in the use of the property? This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

YES NO, Please Explain (attach additional pages as necessary):

The variance will allow for a greater mix of exterior materials and colors which create visual interest and prevent large expanses of one exterior material or color. Without the variance, Petitioner will be unable to develop buildings with a similar percentage of brick or stone to other multi-family projects approved for development within McCordsville.

Development Standards Variance Criteria - Architectural Design Standards - Windows Variance

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

YES NO, Please Explain (attach additional pages as necessary):

The buildings will contain adequate windows along the front and rear sides of the buildings to provide natural light and ventilation to each residential unit. The elimination of windows on the "ends" of the buildings will not be injurious to the public in any manner.

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

YES NO, Please Explain (attach additional pages as necessary):

Adequate windows will be provided along the front and rear sides of the buildings. The side elevations will include a mix of exterior materials and colors to provide visual interest in the side facades. The absence of window on the ends of the buildings will not have an adverse affect on the use or value of the area adjacent to the property.

Will the strict application of the terms of this Ordinance result in a practical difficulty in the use of the property? This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

YES NO, Please Explain (attach additional pages as necessary):

Due to the floor plan of the individual residential units and the proposed location of certain utilities and meters, there is a practical difficulty in providing windows along the ends of the buildings. Additionally, windows on the "ends" of the buildings will reduce usable wall space within individual apartment units.

Development Standards Variance Criteria - Minimum Living Area Variance

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

YES NO, Please Explain (attach additional pages as necessary):

The minimum living area variance requested is only 50 sf less than required. Petitioner is proposing predominately one bedroom and two bedroom residential units, which will range from approximately 700 sf to approximately 1,200 sf. Some three bedroom units may also be provided, which will range from approximately 1,200 to 1,300 sf. Adequate living space will be provided for residents of the proposed development.

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

YES NO, Please Explain (attach additional pages as necessary):

Because the variance is only a slight deviation from the standards of the zoning ordinance, the use and value of the area adjacent to the site will not be adversely affected.

Will the strict application of the terms of this Ordinance result in a practical difficulty in the use of the property? This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

YES NO, Please Explain (attach additional pages as necessary):

Because the proposed development will include more one and two bedroom residential units than three bedroom residential units, the variance to allow a reduction of the minimum living area is required.

Development Standards Variance Criteria - Architectural Standards-Gable Roof Slope

The McCordsville Zoning Ordinance establishes specific design criteria that must be met in order for a variance to be approved. Please answer each question below and if the response is "NO", please describe why the variance requested does not meet the required criteria.

Will the variance provide safe conditions that will not be injurious to the public health, safety, morals, and general welfare of the community?

YES NO, Please Explain (attach additional pages as necessary):

The main roofs of the proposed buildings will comply with the roof pitch required. The variance will apply to the gable roof pitch, which will be the same roof pitch as the main roofs of the proposed buildings.

Will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

YES NO, Please Explain (attach additional pages as necessary):

Because the pitch of the main roofs will comply with the required roof pitch and the gables will be the same pitch as the main roofs, the area adjacent to the site will not be adversely affected.


Will the strict application of the terms of this Ordinance result in a practical difficulty in the use of the property? This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

YES NO, Please Explain (attach additional pages as necessary):

The roof design of the proposed buildings requires the gable roof pitch to be less than required. Such gable roof pitch will be the same as the main roof pitch, which meets the requirements of the zoning ordinance.

Applicant's Signature

The information included in and with this application is completely true and correct to the best of my knowledge and belief.



(Applicant's Signature)

12/13/22

(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers)

I authorize the filing of this application and will allow the Town staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

See signed Property Owner's Consent

(Owner's Signature)

(Date)

(Owner's Signature)

(Date)

VARIANCE PERMIT - APPLICATION CHECKLIST

(McCordsville Zoning Ordinance: Section 10.03 Variance)

The following shall be included in the Variance Application. The applicant is responsible for contacting the Administrative Officer to identify any information that is not applicable. The applicant is also required to provide any other information requested by the Administrative Officer or his/her designee to demonstrate compliance with the requirements of the McCordsville Zoning Ordinance.

Variance Application Checklist:

- Pre-Application Meeting (required)
- Variance Application
- Affidavit & Consent of Property Owner(s) (if owner is someone other than applicant), 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- Copy of Deed for Property Involved, including any covenants or commitments, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer
- Filing Fee
- Supporting Information, 5 hard copies in a recordable format plus one electronic submittal in a format acceptable to the Administrative Officer of each of the following (where appropriate)
 - Site Plan (signed, dated, drawn to scale and/or fully dimensioned and clearly showing entire layout of property and all features relevant to the variance request).
 - Statement of Intent