

# Advisory Plan Commission

## Town of Brownsburg

**Assigned Staff:** Lauren Bouslog, Associate Planner

**Report Date:** 10/7/2024

**Request Type:** Primary Plat with UDO Waivers Requested

### General Information

<b>CASE NUMBER</b>	PCPP-24-4
<b>APPLICANT</b>	Rick Lawrence
<b>LOCATION</b>	Located between Birch Run @ Wynne Farms Subdivision and N CR 900 E. Parcel #: 32-07-25-200-002.000-016
<b>PARCEL SIZE</b>	59.03 acres

### Cross References

<b>Previous APC Cases</b>	PCMA-24-1, rezone from AG to R3 & M2.
<b>Relevant BZA Cases</b>	N/A
<b>Other</b>	Annexed into Brownsburg in 2011 under Ordinance No. 2011-02.

### Attachments

<input checked="" type="checkbox"/>	Tech Review & Response
<input checked="" type="checkbox"/>	Plat
<input checked="" type="checkbox"/>	Other: Commitments from Rezone Case
<input checked="" type="checkbox"/>	Other: Architectural Examples from Rezone Case
<input type="checkbox"/>	Other:

## Site and Zoning Map:



## Project and Site Background:

Davis Homes is platting a subdivision consisting of approximately 59 acres of land, which will include a R3-Residential area for maintenance free, age-restricted (55+), 103 single-family detached for-sale ranch homes to be called "Courtyards at Centennial" and a M2-Medium Density Multiple-Family Residential area for maintenance free, age-restricted (55+), 76 for-sale paired villa homes, to be called "The Villas at Centennial". Residents and visitors will have access to the site to the west through Kilgobbin Crescent and to the east through N CR 900 E. In the northeast corner of the plat, an access road called Fagan Way was noted that will tie into the future Liberty Junction entrance. Republic Avenue provides access to the southern side of the site where the road runs eventually to adjacent development in the future.

The applicant has submitted a waiver request for lot size and lot width. Staff believes that this waiver should be approved, due to the criteria and the Intensity and Density Bonus Section of the Traditional Neighborhood subdivision type as well as the Curvilinear Subdivision type. The applicant is unable to use the TD intensity and density bonus section because the town typically denies bump-outs on streets and the villas equate to more than 20% of the neighborhood. That said, they are using upgraded materials and bringing more decorative and architectural features than our code requires that could be considered under the alternate compliance section of 7.17(E). The propose lot width, while lower than a standard R3, is significantly higher than the 5,400 square foot allowed under the intensity bonus. It is also higher than the Curvilinear subdivision bonus minimum, which is 7,200 square feet. The development falls somewhere between the CL and TD types in an ongoing gray area issue of this particular code. Staff believes that they meet much of the intent of the bonus sections especially under the alternate compliance sections. Additionally, upon the adoption of the new UDO, the lot width waiver would not be needed.

## Technical Review:

The TECH Review took place on September 19, 2024. Development Services noted that the applicant needed to update their waiver request letter and remove the M2 duplexes off the waiver. A 50' landscape

buffer common area is required along collector roads so CR 900 will require one and also need a trail. Perimeter planting needs to be included on the landscape calculations, lot width at the BSL should be shown for curved lots, vision clearance triangles and street lights also needed to be shown on the plat. Capital Projects mentioned the Town would like a developer contribution towards improvements at CR 900 and the CR 300 intersection. The Parks Department wanted to discuss with the developer about the crossing and connections to the trail. The Parks Department will require clear signage, appropriate lighting, and safe pedestrian crossings, especially where the trail intersects with the proposed vehicular traffic. The property is in Citizens Energy Group's water service area.

### **Waiver Request:**

A UDO waiver request pertains to a section that does not line up with Chapter 6 or 7. In this case, the affected section is Article 2.12- lot width and area also have to be considered under a waiver due to state law. The minimum lot area required is 9,000 SF, but 7,750 SF was proposed. For the minimum lot width, 80' was required and the applicant proposed 65'. If approved, the waiver will change the conditions of subdivision approval. Waivers must be submitted before the final plat is recorded.

- 1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or be otherwise injurious to other property:
  - a) The requested waiver would not be injurious to the public safety, health, or welfare, or otherwise be injurious to other properties because the proposed waivers are related to the uses, namely single-family and paired villa homes, that are complimentary to the existing development in the area and will utilize utilities already available to the site.

Staff notes that the reduced lot width and area are requested to accommodate a low-maintenance development of age-restricted properties. The requested sizes are similar to other neighborhoods in the community and a larger common area is planned for this development that is central to the neighborhood. Residents of this neighborhood will also have direct access to major trails. Setbacks will be the same as the district requirement, keeping the desired minimum distance between homes and the siding material was committed in the rezone to be fiber cement or another upgraded siding type. Age-restricted development has been sparse within the community over the last few years, and this will provide another option for those looking to downsize. Staff has no concerns on public safety, health, or welfare.

*Based on the above information, staff believes this criterion has been met.*

- 2) The conditions upon which the request for a Design Standard Waiver is based are unique to the property for which the Waiver is sought and are not applicable generally to other property:
  - a) The requested waiver has conditions that are unique to the subject property and are not applicable generally to other properties due to the proposed active adult, maintenance-free living design of the neighborhood. The proposed neighborhood has been designed to provide low maintenance lots and enhanced neighborhood amenities. These benefits are derived from smaller lot sizes focusing more on the community layout and open space design as the lot and open space maintenance is included. Therefore, individual lots are not as defined as they would be in a typical neighborhood. This allows for increased neighborhood amenities and useable common areas for the use and enjoyment of all residents in the neighborhood. Additionally, of note, is that

the proposed lot design is consistent with the concept plan presented to the Plan Commission during the zoning map amendment (PCMA-24-1) and approved by Council under Ordinance Number 2024- 07.

Staff notes that other neighborhoods in the area are not age-restricted, and homes/neighborhoods designed for a wider range of ages and family stages can come with many more types of accessory structures (play sets, as one example) and are improved with 3-4 bedroom or larger homes. This neighborhood will be single-story homes designed for downsize stages of life which can be placed on a reduced lot size and width and still have patios and yard areas.

*Based on the above information, staff believes this criterion has been met.*

3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

- a) On account of the particular physical surroundings, shape, and topographical conditions of the property involved, a particular hardship or practical difficulty to the property owner would result if the strict letter of these regulations are carried out. Specifically, the site is bounded on the west by existing development, including the Bicentennial Trail, to the north by a proposed townhome development, to the east by County Road 900 East and to the south by property within Avon. The required right-of-way dedication, drainage, and pond design limit the real estate available for development of typically sized lots. Larger lots do not create the incentive envisioned by the proposed development targeted toward an active adult community in that the proposed buyer desires smaller, low-maintenance lots (which are included) with enhanced common area and neighborhood amenities which are made available via the standards addressed in the proposed waiver.

Staff notes that the enhanced common areas and low-maintenance services are all the purview of the Homeowner's Association for this neighborhood. This is above and beyond the typical amount of services that many other HOA's in the community have to provide. For this reason, the reduced size of the lots and total number of lots are both important for the ongoing fees to future residents. As noted before, there has been limited age-restricted development in the community and providing this number of lots fills an ongoing gap. The requested reduction is still higher than the minimum required if the Intensity and Density sections were sought in a Curvilinear or a Traditional Subdivision.

*Based on the above information, staff believes this criterion has been met.*

4) The Waiver shall not in any manner subvert the provisions of Article 5: Development Standards, the Comprehensive Plan, Bike and Pedestrian Plan, or the Thoroughfare Plan:

- a) The requested waiver would not in any manner subvert the provisions of Article 5: Development Standards, the Comprehensive Plan, Bike and Pedestrian Plan, or the Thoroughfare Plan.

Staff notes that the applicant is dedicating the appropriate right-of-way, making trail connections within the neighborhood, and extending a stub road. These are all positive improvements in the plans and standards noted above.

*Based on the above information, staff believes this criterion has been met.*

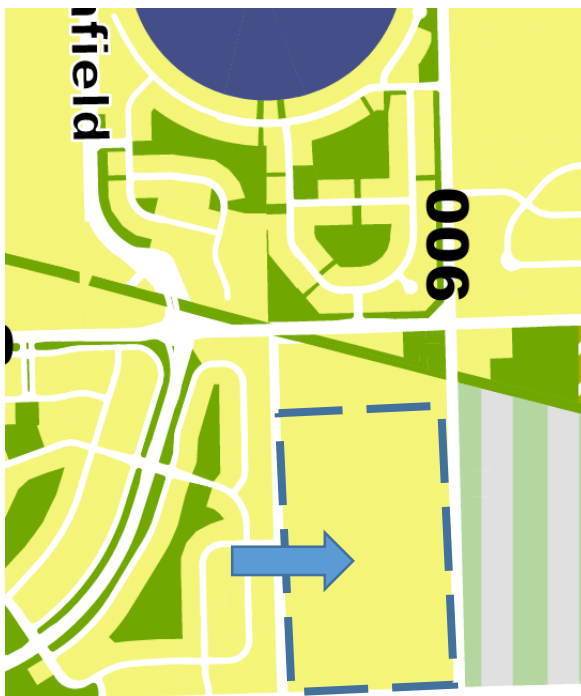
### Plat Criteria:

*Pursuant to Article 9 of the Brownsburg Unified Development Ordinance the Advisory Plan Commission shall make findings of fact on the following criteria:*

5) The subdivision of land is Consistent with the **Comprehensive Plan**.

Future Land Use Map Link: <https://www.brownsburg.org/DocumentCenter/View/1068/2021-Future-Land-Use-Map-PDF>

- a) The Future Land Use Map notes the site as being Single-Family Detached. The use of the site as mainly age restricted Single-Family ranch homes and Medium Density Multiple-Family Residential villas fits with the growth areas plan outlined in the Comprehensive Plan. The site is marked as an opportunity for infill.



*Based on the above information, staff believes this criterion has been met.*

6) The subdivision of land satisfies the development requirements of **Article 6: Subdivision Types.**

- a) The project is a major subdivision and falls somewhere between a curvilinear and a traditional. The building setback lines are shown ranging from 25' to 30' in this subdivision. Perimeter landscaping is required along CR 900 and the appropriate common area is provided on the plat. There is a large area of open space central to the community with planned amenities as well as various other common areas that will host multiple trail connection points throughout the neighborhood.

*Based on the above information, staff believes this criterion has been met.*

7) The Development Plan satisfies the standards of **Article 7: Design Standards.**

UDO Link: <https://www.brownsburg.org/DocumentCenter/View/108/Unified-Development-Ordinance-UDO-PDF#page=75>

- a) *7.08 Development Name:* CENTENNIAL OF BROWNSBURG complies with this section. The two different housing models they offer in the same subdivision will be named Courtyards at Centennial of Brownsburg and The Villas at Centennial of Brownsburg.
- b) *7.09 Easement Standards:* The primary plat complies with this section. No-access easements and drainage & utility easements have been created throughout the plat. The final plat shall include any applicable easement descriptions and required language from the UDO.
- c) *7.18-7.20 Lot Establishment Standards:* The primary plat complies with the residential lot establishment standards. The corner lots are larger as required and the lots are laid out to front the interior streets. The plat also does not have any through lots which are discouraged in the UDO.
- d) *7.26 Open Space Standards:* Open space areas shall retain private ownership whether that be a single owner or an owners' association. At least 50% of all open space should be accessible to the lot owners of the development which the plat shows and complies with. The minimum required open space for this site is 15% of the original parent tract. The proposed plat sets aside 26%
- e) *7.28 Pedestrian Network Standards:* Any development with internal streets must have sidewalks along those streets. This subdivision shall comply with this section at the time of development of the property. A trail connection and signage will be added on the northwest corner of the development. The B&O trail has a slanted existing path about a block up from the edge of the development and there is also an existing path directly to the west that this new trail connection will link to. There will also be a trail along CR 900 E.
- f) *7.30 Perimeter Landscaping Standards:* The plat shows the appropriate common area along CR 900 where perimeter plantings will be installed.
- g) *7.37-7.38 Access Standards:* The primary plat complies with residential access standards and has the lots being access from interior streets. Access streets were anticipated as part of the project, noted on the plat, and the plat shows where they feed into.

*Based on the above information, staff believes this criterion has been met.*

8) The Development Plan Satisfies any **other applicable provisions** of the Unified Development Ordinance.

- a) No special provisions that relate to the plat besides what the waiver would allow are noted for this site. Overlay districts and other nonconformances are not applicable to this project.

*Based on the above information, staff believes this criterion has been met.*

9) The Development Plan Satisfies the **construction requirements** of the Brownsburg Standard Details.

- a) The project will have to complete all remaining technical review comments, and that is a condition of approval on the staff report.

As part of the rezone, the applicant committed to a \$1200 per lot fee toward roundabout improvements at the intersection of CR 900 and 300.

*Based on the above information, staff believes this criterion has been met.*

**Recommendations:**

*The Advisory Plan Commission may request conditions and commitments related to the project and criteria. Conditions or commitments must be made as part of the motion.*

***Based on the information provided and the criteria responses, staff recommends a motion to***

<input checked="" type="checkbox"/>	Approve the Waiver sought for Article 2.12 for PCPP-24-4 as presented.
<input type="checkbox"/>	Approve the Waiver sought for Article 2.12 for PCPP-24-4 with the following staff conditions: 1.
<input type="checkbox"/>	Deny the Waiver sought for Article 2.12 for PCPP-24-4 based on the following criteria:

***Based on the information provided and the criteria responses, staff recommends a motion to***

<input type="checkbox"/>	Approve PCPP-24-4 as presented.
<input checked="" type="checkbox"/>	Approve PCPP-24-4 with the following staff conditions: 1. All remaining technical review comments will be addressed prior to stamping the final DPR set. 2. The final plat shall be recorded in the Office of the Recorder of Hendricks County prior to the issuance of any building permits. 3. The approval of the Findings of Fact and Report of Determination by the Plan Commission.

<input type="checkbox"/>	Deny PCPP-24-4 based on the following criteria:
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