

*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Suite 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION
Hancock County Area Plan Commission

Project Name: Hills Over Sugar Creek Amended PUD
Petitioner: Todd & Carie Tholen
Project Location: 3582 S 400 W
Township: Sugar Creek

I, Michael Long, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached PUD amendment and preliminary plan are true and accurate records of the meeting of the Plan Commission on 27 October 2020. The attached amendment and plan received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.

The attached amendment and plan are hereby certified to the Board of Commissioners, Hancock County, Indiana.

HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA

Michael Long, Secretary

ORDINANCE NO. 2020 - 11 E

AN ORDINANCE AMENDING "THE HILLS OVER SUGAR CREEK PLANNED UNIT DEVELOPMENT" BEING THAT OF ORDINANCE 2018-7B, AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA ZONING ORDINANCE AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156, OF THE HANCOCK COUNTY

This is an Ordinance (this "Ordinance") to amend the Zoning Ordinance of Hancock County, Indiana, enacted by the Hancock County Board of Commissioners pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the Hancock County Board of Commissioners enacted Ordinance No. 2018-7B on July 3, 2018 ("The Hills Over Sugar Creek PUD Ordinance");

WHEREAS, the Hancock County Area Plan Commission considered a petition (Petition No. 2052), requesting an amendment to The Hills Over Sugar Creek PUD Ordinance with regard to Section 300.001 Lot Standards; Section 305.001 (B) Residential Development and Design Standards; Section 305.001 (J) Landscaping; Section 305.300 Nature Preservation Easement; Section 305.500 Homeowners Association; Section 900.001 Street Standards; and Section 1000.001 Commons Areas and Nature Preserve on the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Area Plan Commission forwarded Petition No. 2052 to the Board of Commissioners of Hancock County, Indiana with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hancock County, Indiana, that The Hills Over Sugar Creek PUD Ordinance and the Hancock County Zoning Ordinance are hereby amended as follows:

Section 300.001 Lot Standards. Shall be amended as follows: Each lot developed in the Real Estate shall meet the minimum standards below:

- (A) Minimum Lot Area = 5 acres
- (B) Minimum Lot Width = as shown on the primary and secondary plat
- (C) Maximum Lot Coverage (all hard surfaces) = 10%
- (D) Minimum Front Yard Setback (measured from street right-of-way line)=
Lots fronting on County Road 400 West shall have a minimum front yard setback of 50 feet from the dedicated right-of-way line of County Road 400 West; Lots being accessed by a private shared drive shall have a minimum set back from said shared driveway of 60 feet measured from the edge of the shared driveway easement. In all instances no building shall encroach upon the protected building zone shown on the preliminary plat and secondary subdivision plat.
- (E) Minimum Side Yard Setback = 50 feet (for the purposes of this standard, in the event a Lot Owner acquires two (2) lots or combines two (2) lots for the purposes of building one (1) dwelling, the side yard shall be considered the outermost lot line of the combined two lots.

Furthermore if two lots are combined to create one building lot, the dwelling and accessory structures may straddle the line common line or dividing line of said two lots).

- (F) Minimum Rear Yard Setback = 70 feet
- (G) Minimum Living Area = 1,900 square feet for one story dwellings and 2,300 square feet for a two-story dwelling.
- (H) Minimum Ground Floor Living Area = 1,900 square feet for one story dwellings and 1,000 square feet for a two-story dwelling.
- (I) Maximum number of primary structures per lot = one (1) dwelling
- (J) Maximum height of primary structure = 35 feet
- (K) Maximum height of accessory structure = 30 feet
- (L) Maximum size of detached accessory structure = On all lots the maximum size of any one detached accessory structure shall be 5,000 square feet.
- (M) Maximum number of detached accessory structures = 2

Nothing contained in this section shall prevent the combining of adjacent lots to create a larger lot or the splitting of adjoining lots to create lots and one-half lots. Any such combining shall be done by a "lot amendment" which shall be prepared in accordance to the standards for subdivision plats.. In no event however shall dividing of lots be allowed which create a greater number of lots than the number approved by this ordinance.

Section 305.001 (B) Residential Development and Design Standards. Shall be amended as follows:

(B) *Residential development and design standards.* It is the intent of these design standards to promote both technically and aesthetically pleasing housing options for the Subdivision.

(1) *Residential subdivision layout.*

(a) *Open space shall not be required.*

(C) *Concept Plan.* The Real Estate shall be developed in substantial compliance with the concept plan attached hereto and incorporated herein as Exhibit B.

Section 305.001 (J) Landscaping. Shall be amended as follows:

(A) *Landscaping.* Landscaping shall be required for all new homes constructed on each lot per Section 700.001 of the Ordinance within 180 days after the certificate of occupancy is issued.

(B) *Perimeter Landscaping.* A 20-foot landscaping area adjacent to County Road 400 West shall be platted and improved as herein detailed ("Improvements") by the Developer. A landscape plan ("landscape plan") shall be prepared and presented for approval by the plan director at the time of primary plat approval in compliance with this section. Upon completion by the Developer, the improvements placed in said landscape area shall be maintained by the owners of the lot on which the improvements are placed. All attempts should be made to avoid conflicts with drainage and utility easements. The landscape plan shall include a minimum of the following:

1. A minimum of twenty four (24) trees and forty (40) shrubs shall be provided in the 20 foot landscape area. The trees shall be a roughly equal mix of deciduous canopy trees and evergreen trees.

2. Planting pattern. The required trees and shrubs shall be at least 50% evergreen, planted in clusters or irregular patterns; and shall be combined with one of the following landscaping options in addition to the plant material:

i. Decorative perimeter fences/wall constructed of masonry, stone, wood, or decorative metal. Fences/walls constructed of synthetic materials that simulate natural materials will also be considered. Fences/walls shall be at least 36 inches in height, but not over 72 inches in height. Fencing/walls may only be provided by the developer and only located in the area designated as "landscape easement". Landscaping shall be placed on the right-of-way side of the fence/wall.

ii. Earth Mounds which may include fencing. Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a 3:1 ratio. Engineering design requirements shall determine the setback from the right-of-way line of County Road 400 West.

3. Plant material shall be placed out of the sight visibility triangle as defined by the Hancock County Code. There should be a clear visibility zone between 36 inches and nine feet maintained by the property owner.

Section 305.300 NATURE PRESERVE AND TREE PROTECTION EASEMENTS:

Shall be deleted in its' entirety.

Section 305.500 Homeowners Association. Shall be deleted in its' entirety.

Section 900.001 Street Standards. Shall be amended as follows:

1. Private Gravel Drive Standards. All lots shall be accessed via a private shared gravel drive. The gravel drive shall be a minimum of twenty (20) feet wide and constructed of a minimum of eight (8) inches of compacted #53 stone on a compacted subgrade.
2. The private gravel drive shall be located within a forty (40) foot wide shared driveway use and maintenance agreement ("Agreement") to be recorded prior to the Secondary Plat. The Agreement shall include standards for use, maintenance, insurance and reconstruction and provisions for sharing the costs of same by the then lot owners and developer, provided developer owns a or any lots.
3. County Road 400 West. There shall be no direct access from Lot 1 or Lot 2 to County Road 400 West other than the private gravel drive. Only one public entrance shall be allowed from County Road 400 West to the subdivision. The entrance shall be constructed as shown on the preliminary plan.
4. Private Gravel Drive Geometrics. The centerline of the gravel drive may have reverse curves without being separated by tangent parts. The minimum drive centerline radius shall be one hundred twenty-five (125) feet.
5. Emergency Vehicle Turn Around. The private drive to each lot shall include an Emergency Vehicle Turn Around ("EVTA"). The EVTA shall be used for emergency vehicles and other private traffic generated by guests and invitees of the other lot owners. The EVTA shall be constructed in a similar manner as the private shared driveway in terms of width and stone base depth. The length of the EVTA shall be a minimum of twenty (20) feet having a twenty-five (25) foot radius at each pavement intersecting edge. The EVTA shall be shown on the secondary plat as an EVTA easement including covenants and restrictions establishing the EVTA as an easement for use as and by those stated herein. The covenants and restrictions shall further state the EVTA shall be maintained in good condition by the lot owner for the use intended and shall not be blocked or prevented in anyway from being used as intended.

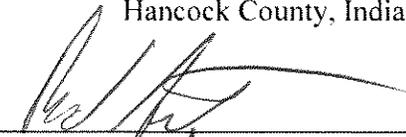
6. The declarations, conditions and covenants of the Development shall extend rights to the public safety officials to use the private gravel drive and EVTA as necessary at all times.

Section 1000.001 Common Areas and Nature Preserve. Shall be deleted in its' entirety.

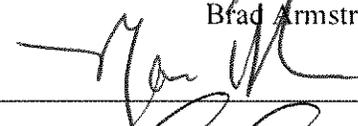
APPLICABILITY. Development of the Real Estate shall be governed by The Hills Over Sugar Creek PUD Ordinance, as amended by this Ordinance. All other provisions of The Hills Over Sugar Creek PUD Ordinance shall remain in effect with the adoption of this Ordinance.

Adopted this 17th day of November, 2020

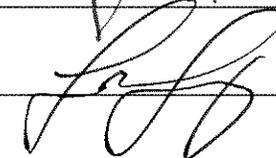
Board of Commissioners
Hancock County, Indiana



Brad Armstrong, President



Marc Hurber



John Jessup

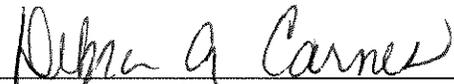
Attest: 
Hancock County Auditor

EXHIBIT A – LEGAL DESCRIPTION OF PUD

Part of the Southeast and Northeast Quarters of Section 20, Township 15 North, Range 6 East of the Second Principal Meridian, Hancock County, Indiana, more particularly described as follows:

BEGINNING at a 5/8" rebar at the northeast corner of said southeast 1/4 section; thence south 01 degree 28 minutes 28 seconds east (assumed bearing) along the east line of said southeast 1/4 section a distance of 467.70 feet to the southeast corner of a 57.60 acre tract conveyed to Todd A. and Carrie L. Tholen as per Instrument #2015-6521 recorded in the office of the Recorder of Hancock County, Indiana; (the next eight (8) calls are along the south, east, south and west lines of said 57.60 acre tract) (1) south 89 degrees 51 minutes 01 seconds west parallel with the north line of said southeast 1/4 section a distance of 888.19 feet to a 5/8" rebar with a yellow cap inscribed "UCEA Firm 0022"; (2) South 01 degree 39 minutes 34 seconds east a distance of 119.38 feet to a capped rebar; (3) North 89 degrees 52 minutes 19 seconds West a distance of 270.96 feet to a capped rebar; (4) North 65 degrees 39 minutes 26 seconds West a distance of 131.29 feet to a capped rebar; (5) north 47 degrees 37 minutes 11 seconds west a distance of 184.04 feet to a capped rebar; (6) north 21 degrees 57 minutes 23 seconds west a distance of 88.01 feet to a capped rebar; (7) north 01 degree 33 minutes 07 seconds west a distance of 127.31 feet to a capped rebar; (8) North 89 degrees 45 minutes 41 seconds west through a rebar a distance of 45.42 feet to the center of Big Sugar Creek; (the next thirteen (13) calls are along the center of said Big Sugar Creek and continue along the west line of said 57.60 acre tract; (1) north 02 degrees 44 minutes 17 seconds west a distance of 200.04 feet to the north line of said southeast 1/4 section; (2) north 13 degrees 09 minutes 17 seconds west a distance of 62.80 feet; (3) north 07 degrees 28 minutes 54 seconds west a distance of 125.94 feet; (4) north 09 degrees 14 minutes 08 seconds west a distance of 56.76 feet; (5) north 27 degrees 11 minutes 31 seconds west a distance of 96.21 feet; (6) north 15 degrees 29 minutes 11 seconds west a distance of 49.37 feet; (7) north 11 degrees 27 minutes 38 seconds west a distance of 137.66 feet; (8) north 04 degrees 16 minutes 26 seconds east a distance of 113.98 feet; (9) north 22 degrees 31 minutes 30 seconds east a distance of 58.24 feet; (10) north 18 degrees 52 minutes 50 seconds east a distance of 76.40; (11) north 39 degrees 46 minutes 44 seconds east a distance of 135.89 feet; (12) north 50 degrees 26 minutes 31 seconds east a distance of 136.14 feet; (13) north 32 degrees 50 minutes 17 seconds east a distance of 126.30 feet to the north line of said 57.60 acre tract; (the next four (4) calls are along the north, east and north lines of said 57.60 acre tract); (1) south 88 degrees 55 minutes 41 seconds east a distance of 240.65 feet; (2) south 81 degrees 29 minutes 07 seconds east a distance of 652.59 feet; (3) South 01 degree 12 minutes 14 seconds east a distance of 948.91 feet; (4) south 89 degrees 51 minutes 47 seconds east a distance of 392.87 feet to the POINT OF BEGINNING. Containing 42.79 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

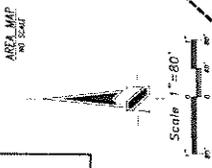
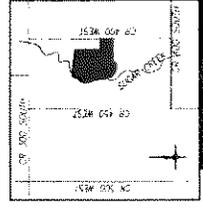
EXHIBIT B – CONCEPT PLAN

"THE HILLS OVER SUGAR CREEK" FIRST AMENDMENT - BASE MAP

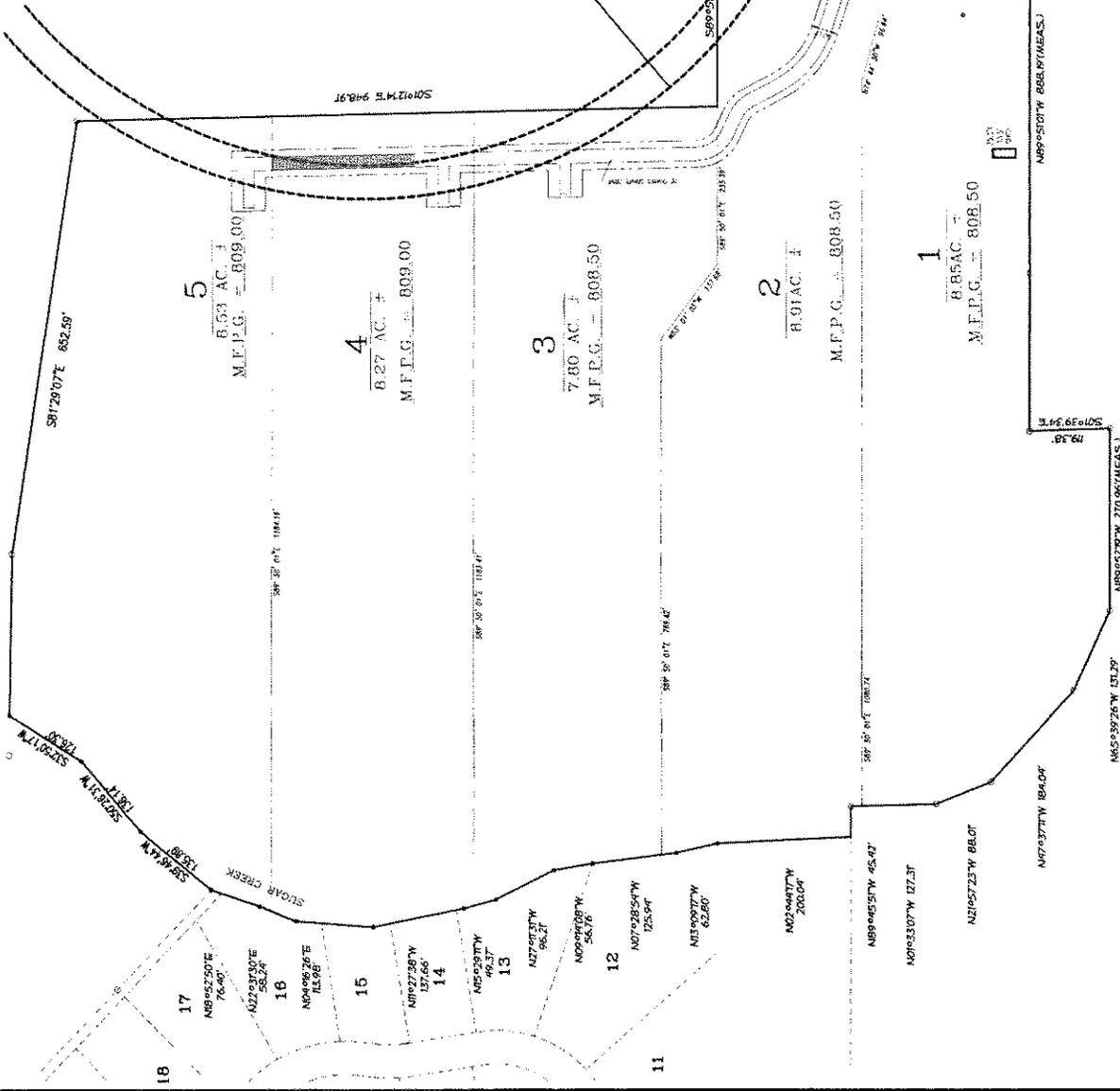
A PART OF SEC. 20-T15N-R6E, SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA

COUNTY ROAD 400 WEST
 COUNTY ROAD 400 WEST
 COUNTY ROAD 400 WEST

SEE ADDRESS:
 240 SOUTH 400 WEST
 NEW PALESTINE, IN 46183



NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT SPECIFICALLY AUTHORIZED BY THE INSTRUMENT TO WHICH THIS MAP IS REFERENCED. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS MAP OR FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS MAP.



Prepared For:
 Todd & Carrie Tholen
 37 West U.S. HWY 52
 Fountainstown, IN 46130

Project Name:
 "THE HILLS OVER SUGAR CREEK" - PUD

Sheet Title:
 Sheet 13A

Block No: 1 OF 1

Date: 10.08.2020



This Map was prepared by
 H.C. Johnson
 1401 N. W. 10th St.
 Fountainstown, IN 46130
 317-422-2222

"THE HILLS OVER SUGAR CREEK" FIRST AMENDMENT - CONCEPT PLAN

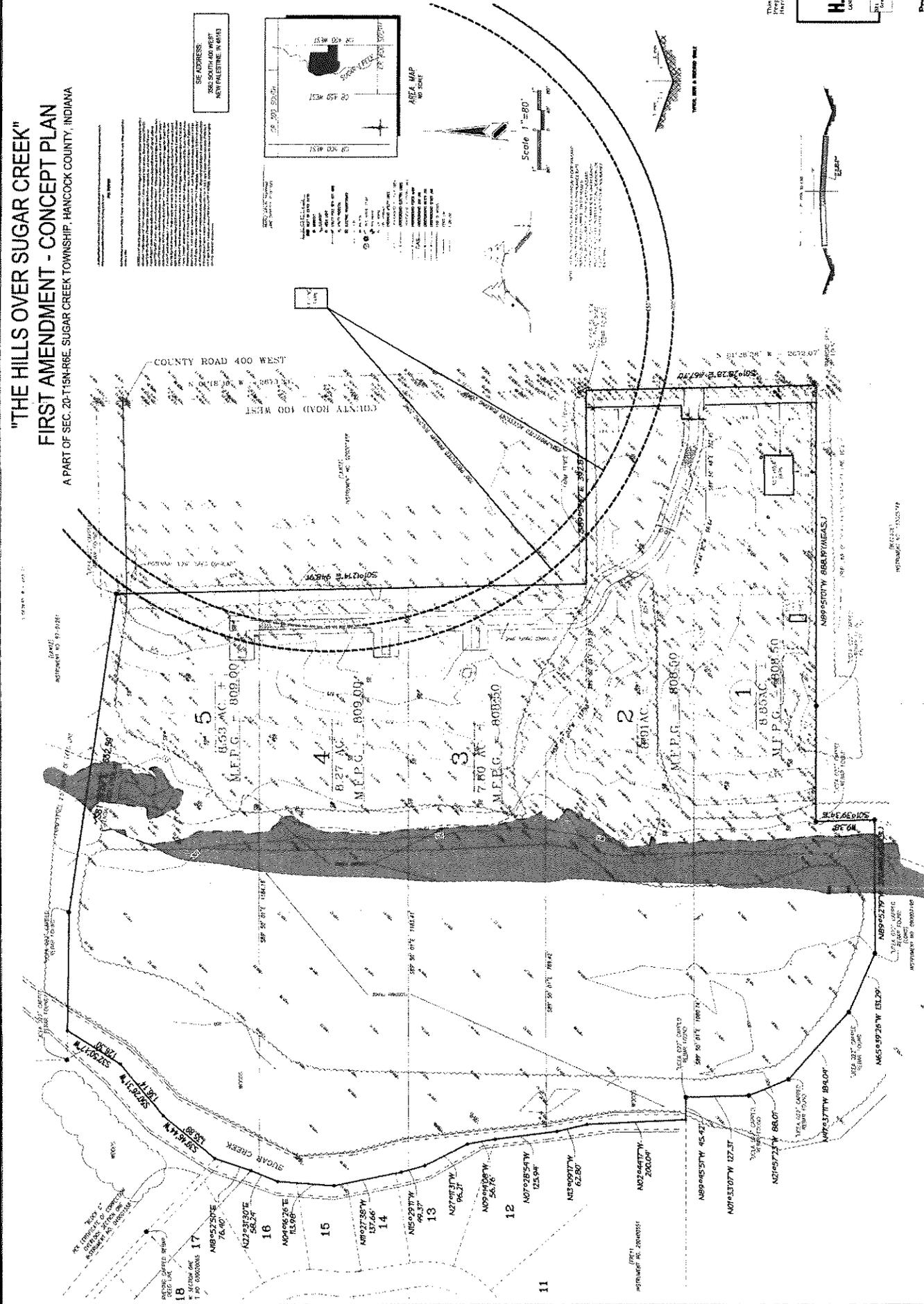
A PART OF SEC. 20-T15N-R6E, SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA

Project Name "THE HILLS OVER SUGAR CREEK" - PUD	Project Number Todd & Carrie Tholen 37 West U.S. HWY 52 Fountainown, IN 46130
Sheet No: 1 OF 1	Date: 09-28-2020
Client Title Prepared For:	Author 10/26/2020 ADDED DIMENSIONS, M.P.G. TO LOTS



This instrument prepared by H. Gibson

Drawn: WTH-KL-1711



SEE ADDRESS
502 SOUTH 400 WEST
NEW PAVEMENT IN WORK

NOTES:

1. THIS CONCEPT PLAN IS SUBJECT TO THE APPROVAL OF THE HANCOCK COUNTY BOARD OF ZONING AND PLANNING.
2. THE PROPOSED LOTS ARE TO BE USED FOR RESIDENTIAL DEVELOPMENT.
3. THE PROPOSED LOTS ARE TO BE USED FOR RESIDENTIAL DEVELOPMENT.
4. THE PROPOSED LOTS ARE TO BE USED FOR RESIDENTIAL DEVELOPMENT.
5. THE PROPOSED LOTS ARE TO BE USED FOR RESIDENTIAL DEVELOPMENT.

REVISION: 11-13-2019

APPROVED BY: [Signature]

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

PLAN COMMISSION MINUTES

DATE: October 27, 2020 TIME: 6:30 P.M.

4.Tholen, Todd - Hills Over Sugar Creek
3582 S 400 W
20 - 15 - 6

Planned Unit Dev.
PUD Amendment 20-2052
Sugar Creek

PUD Amendment to increase the lot size and decrease the number of lots for The Hills Over Sugar Creek subdivision located at 3582 S 400 W on 42.7 acres. Mr. Dale stated in June 2018 the County Commissioners approved the preliminary plan and rezoning from R1.0 to PUD. He stated to keep in mind the current proposal does not include a petition to subdivide the property that if the current proposal is granted, then the owner (s) will file for a primary plat to subdivide the property. He stated the Comp Plan shows this area as low density suburban residential. He stated the adjacent land uses have single-family homes, agriculture, floodplain/floodway and a confined feeding operation within 750 ft. He said county code 156.022 (D) states: In any district, no residential primary or secondary structure may be located closer than 750 ft to a waste control structure for a confined feeding operation...This provision may be waived or modified subject to the granting of a special exception by the BZA. Mr. Dale stated the approved plan had 14 lots with common area in the floodplain, public streets, and a homeowner's association. This proposal has 5 lots with no common area, a private drive, and larger lots. He stated there is a list of amendments (can be found in the file folder) regarding lot and development standards, landscaping, nature preserve & tree easements, homeowner's association, street standards, and common areas. The proposal is consistent with the Comp Plan, most desirable use of land, with conservation of property values, and responsible growth and development but is not consistent with the current conditions and character of current structures. Mr. Dale stated the Technical Committee requested the following: Planning – simplified concept plan depicting the lot boundaries and floodplain and a copy of covenants and restrictions pursuant to HCC 156.052(C)(6)(i) and Surveyor – Provide BFE information since most of the homes will be walkouts. Mr. Dale stated staff position is favorable subject to conditions: A) Petitioner shall provide the above requested Tech Committee information as part of the primary plat submittal (B) The plat shall include a non-remonstrance clause wherein the lot owners agree to not object to the continued operation of the CFO provided it operates in accordance with the Hancock County and the State of Indiana regulations, and C) Remove PUD text amendment that allows administrative approval of lots that do not conform to the approved preliminary plan. Mr. Harold Gibson, H. Gibson Land Surveying was present along with the owners Todd and Karen Tholen. He stated this is a beautiful site and a few years ago he helped the Tholen's with this project and at the time believed this would be a slam dunk and people would want to build million-dollar homes here but unfortunately that hasn't come true. He stated the property has some really large challenges, it doesn't have sanitary sewers, there's a large floodplain area along the back, the restriction of area because of the CFO, and the slope of the ground. He stated as it's turned out the cost to develop it is too much for the market to accept. He stated they have

had people interested in buying 10 acres and other acreage but nothing they would feel comfortable selling as it would jeopardize the rest of the property. Mr. Gibson stated the PUD ordinance that was passed set up restrictions on land use, minimum size lots, general lot standards, and minimum home sizes. He stated the PUD is the ordinance and if not followed, one has to come back to amend that ordinance. He stated they want to make the lots larger because he believes there's a need for estate type lots and are looking for \$500,000 homes and up for these proposed lots. He stated this amendment only addresses items within the PUD ordinance that they need to change or delete, like the HOA as an HOA is not required for five lots and common area as each lot will be 5 to 10 acre parcels and will have plenty of room on their own lot for recreation. He stated the landscaping standards were changed somewhat so that it is more appropriate for an estate lot. He stated the minimum lot size will be 5-acres. Mr. Gibson stated with regards to the private drives, there may be language missing and he will look at it again. He stated the property is about 11,400 ft long and his goal was to have each driveway be a turn-around or an egress/ingress easement for emergency vehicles so they wouldn't have to go to the end. He stated if the ordinance calls for a 50 ft ½ right-of-way on 400 W he will show that. Mr. Holden asked if these lots will have road frontage. Mr. Gibson stated two lots will but the other five do not and will use the private drive. Mr. Armstrong stated he is concerned about people coming before the County Commissioner's regarding the CFO and the maintenance of the shared driveway. Mr. Gibson stated he will have a separate document that addresses the shared driveway and the county ordinance that addresses CFO is also included on the plat. There were no remonstrators. Mr. Bolander made the motion for a favorable recommendation. Ms. Oldham seconded. Motion carried. Seven (7) approved the favorable recommendation, Zero (0) denied.

Item 4: The Hills Over Sugar Creek

PUD Amendment to increase the lot size and reduce the number of lots on 42.79 acres.

Location: 3582 South 400 West

- ◆ Sugar Creek Township

History

- ◆ 06/18: Commissioners approved preliminary plan and rezoning from R1.0 to PUD.

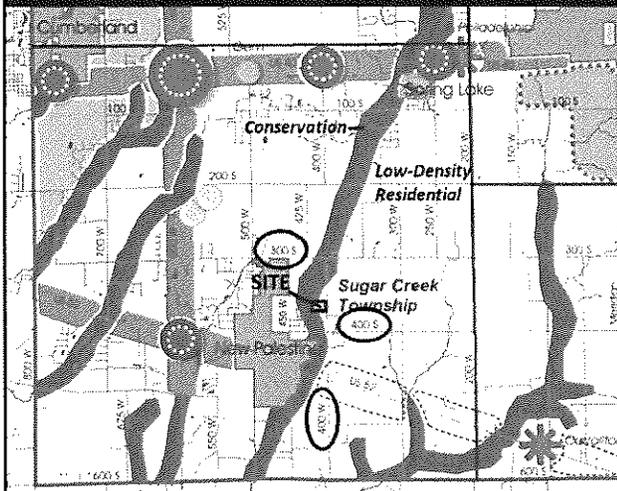
Note: The current proposal does not include a petition to subdivide the property. If the current proposal is granted, then the owner(s) will file for a primary plat to subdivide the property.

10/26/2020

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Hills / Comprehensive Plan



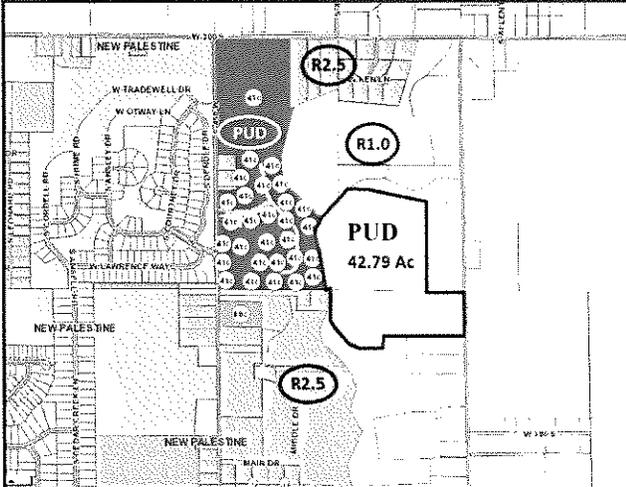
Low Density Suburban Residential: Primarily intended for single-family detached residences not to exceed 2.5 du/ac with access to utilities, transportation facilities, and commercial opportunities.

10/26/2020

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Hills / Zoning Map



Min Lot Area and Equivalent Density

R1.0 = 2,300 sf
Net Density = 1.9 du/nac

R2.5 = 14,000 sf
Net Density = 3.1 du/nac

Proposal = 1.5 ac
Net Density = 0.66 du/nac

10/26/2020

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Hills / Adjacent Land Uses



Adjacent Land Uses

Single-Family Homes

Confined Feeding Operation within 750'

Agriculture

Floodplain / Floodway

10/26/2020

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41

Hills / Confined Feeding Operation



Confined Feeding Operation HCC 156.022(D)

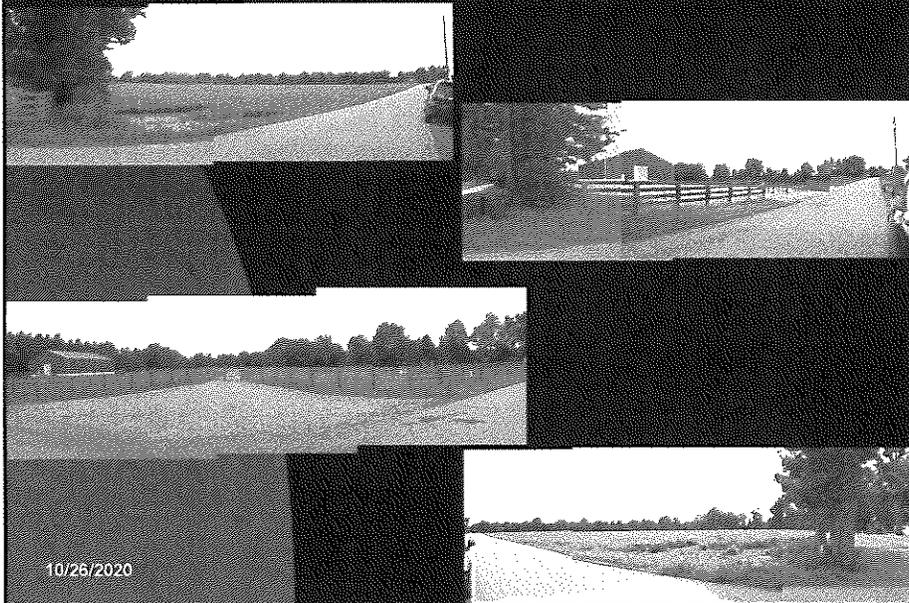
In any district, no residential primary or secondary structure may be located closer than 750 feet to a waste control structure for a confined feeding operation ... This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

10/26/2020

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Hills / Ground Photos



10/26/2020

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Hills / Proposed Ordinance Amendments

Lot Standards – amended as follows:

- ◆ Min Lot Area 5 acres
- ◆ Min Lot Width As shown on the final detailed plan
- ◆ (This should also be shown on the primary plat)
- ◆ Max Lot Coverage 10%
- ◆ Min FYSB Along CR 400 W 35' (50' required in the R1.0 zone)
- ◆ Min FYSB Interior Lots 60'
- ◆ Min SYSB 50'
- ◆ Min RYSB 70'
- ◆ Min Living Area 1,900 sf / 2,300 sf for two-story dwelling
- ◆ Min Ground Floor Living Area 1,900 / 1,000 for two-story dwelling
- ◆ Max Number Primary Structures/Lot 1 dwelling
- ◆ Max Height of Primary Structure 35'
- ◆ Max Height of Accessory Structure 30' (26' limit in R1.0 zone)
- ◆ Max Size Accessory Structure 5,000
- ◆ Max Number Accessory Structures 2 per lot
- ◆ Combination or splitting of adjacent lots may be approved administratively by the plan director. *Staff does not support this. The purpose of a PUD is to allow public input on the design and layout of the preliminary plan.*

10/26/2020

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Hills / Amendments, con't

Development/Design Standards

- ◆ Open space shall not be required
- ◆ The real estate shall be developed in substantial compliance with the concept plan.

Landscaping

- ◆ 20' landscaping area adjacent to CR 400 W as shown on the primary plat, shall be maintained by the lot owners on which the improvements are placed as follows:

Mix of canopy and evergreen trees consisting of 24 trees and 40 shrubs

Trees and shrubs shall be at least 50% evergreen, planted in clusters or irregular patterns, combined with one of the following

- i. Decorative perimeter fence/wall constructed of masonry, stone, wood or decorative metal, at least 36" in height but not exceeding 72", in an area designated as "landscape easement" placed on the right-of-way side of the fence/wall.
- ii. Earth mounds which may include fencing, minimum 3' tall, maximum slope of 3:1.
- iii. Plat material shall be placed out of the sight visibility triangle, a clear visibility zone of 36" and 9' shall be maintained by the lot owner.

Nature Preserve & Tree Protection Easements

- ◆ Deleted in its entirety

10/26/2020

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Hills / Amendments, con't

Home Association - Deleted in its entirety

Street Standards – amended as follows:

- ◆ Private Gravel Drive: All lots shall be accessed via a private shared gravel drive. (What if the owners wish to pave it?) The drive shall be at least 20' wide and constructed with minimum 8" of compacted #53 stone on the compacted subgrade.
- ◆ The gravel driveway shall be located within a 40'-side shared driveway use and maintenance agreement to be recorded prior to the secondary plat which shall include standards for use, maintenance, insurance, reconstruction and provisions for sharing costs.
- ◆ CR 400 W: There shall be no direct access from Lot 1 or Lot 2 to the county road other than the private gravel driveway. Only one public entrance shall be allowed from CR 400 W to the subdivision. The entrance shall be constructed as shown on the preliminary plan.
- ◆ Private Driveway Geometrics: The centerline of the gravel drive may have reverse curves; minimum drive centerline radius shall be 125.
- ◆ Turn Around: Each lot shall have a drive access constructed as a "turn-around" for all traffic using the private gravel drive, platted as a turn-around easement with conditions preventing the turn-around from being used as a turn around at all times. ?

Common Areas and Nature Preserve - Deleted in its entirety

10/26/2020

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Hills / Consistency with Comp Plan

- 1) Consistent with the Comprehensive Plan: Yes
 - ◆ The proposed PUD Amendment is consistent with the "Low Density Suburban Residential" land use designation that promotes residential densities below 2.5 du/ac.
- 2) Consistent with current conditions & character of current structures: No
 - ◆ The proposed PUD Amendment is in not keeping with the current use of the property that is primarily occupied by agricultural uses.
- 3) Consistent with most desirable use of land: Yes
 - ◆ The proposed PUD Amendment is in keeping with the owner's intended land use.
- 4) Consistent with conservation of property values? Yes
 - ◆ The proposed PUD Amendment is anticipated to protect the property values of the nearby land uses.
- 5) Consistent with responsible growth and development: Yes
 - ◆ The proposed PUD Amendment is designed to provide safe access to the residential lots while promoting compatibility with the adjoining properties.

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Hills / Recommendation

Technical Committee

- ◆ Planning Department requested the following:
 - Simplified concept plan depicting the lot boundaries and floodplain
 - Copy of covenants and restrictions pursuant to HCC 156.052(C)(6)(i)
- ◆ County Surveyor:
 - Provide BFE information since most of the homes will be walkouts

Staff Position

- ◆ Proposal lacks information requested by the Tech Committee
- ◆ Staff Position: Favorable, subject to conditions:
 - A) Petitioner shall provide the above requested Tech Committee information as part of the primary plat submittal.
 - B) The plat shall include a non-remonstrance clause wherein the lot owners agree to not object to the continued operation of the CFO provided it operates in accordance with Hancock County and the State of Indiana regulations.
 - C) Remove PUD text amendment that allows administrative approval of lots that do not conform to the approved preliminary plan.

10/26/2020

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