

Town of Brownsburg

Advisory Plan Commission

Project Synopsis

TO: Plan Commission
CC: Kenny Windler, RH of Indiana; Tricia Leminger; Jonathan Blake; Dawn Brown; and Meegan Morgan
FROM: Todd A. Barker, AICP
DATE: May 17, 2011
RE: CASE # PCCA 4-11-1069 The Oaks at Windridge, Commitment Amendment
Lots 1, 2, 3, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 33, 34, 35, 37, 38, 39, 40, 41,
42, 43, 44, 45, 46, 47, 48, 49, 51, 52, & 53 in Section 1 and all remaining Sections.

GENERAL INFORMATION:

APPLICANT: RH of Indiana, LP c/o Kenny Windler

STATUS OF APPLICATION: Pending a recommendation from the Advisory Plan Commission

REQUESTED ACTION: Favorable Recommendation regarding the requested Commitment Amendment

DATE OF APPLICATION: April 15, 2011

DATE OF PUBLIC HEARING: May 23, 2011

PURPOSE: Amendment of the zoning requirements within The Oaks at Windridge Subdivision a single family residential neighborhood.

ORDINANCE: Original Zoning Map Amendment: Ordinance 2003-37 & 2003-38

PROPERTY ADDRESS: Oaks at Windridge; Subdivision located on the west side of County Road 650 East between County Road 700 North and 800 North.

PARCEL ID: 32-02-33-200-013.000-026, 32-02-33-476-002.000-026, 32-02-33-476-003.000-026, 32-02-33-476-004.000-026, 32-02-33-477-002.000-026, 32-02-33-483-001.000-026, 32-02-33-483-004.000-026, 32-02-33-483-005.000-026, 32-02-33-483-006.000-026, 32-02-33-483-007.000-026, 32-02-33-483-008.000-026, 32-02-33-483-009.000-026, 32-02-33-483-010.000-026, 32-02-33-483-011.000-026, 32-02-33-483-012.000-026, 32-02-33-483-013.000-026, 32-02-33-483-014.000-026, 32-02-33-483-016.000-026, 32-02-33-477-010.000-026, 32-02-33-477-011.000-026, 32-02-33-477-012.000-026, 32-02-33-478-002.000-026, 32-02-33-478-003.000-026, 32-02-33-478-004.000-026, 32-02-33-478-005.000-026, 32-02-33-478-006.000-026, 32-02-33-478-007.000-026, 32-02-33-478-008.000-026, 32-02-33-479-001.000-026, 32-02-33-480-001.000-026, 32-02-33-480-002.000-026, 32-02-33-480-003.000-026, 32-02-33-480-004.000-026, 32-02-33-480-005.000-026, 32-02-33-482-002.000-026, 32-02-33-482-003.000-026, and 32-02-33-482-004.000-026.

EXISTING ZONING: R-2

UTILITIES:
WATER: Town of Brownsburg
SANITARY: Town of Brownsburg
STORMWATER: Town of Brownsburg

EXISTING SURROUNDING ZONING:

NORTH: AGR Agriculture Residential (Hendricks County)
SOUTH: AGR Agriculture Residential (Hendricks County)
EAST: AGR Agriculture Residential (Hendricks County) & R-2 Single Family Residential
WEST: AGR Agriculture Residential (Hendricks County)

EXISTING USES:

NORTH: Religious Facility and Private School
SOUTH: Single Family Residential
EAST: Single Family Residential
WEST: Agriculture

NEIGHBORHOOD CHARACTERISTICS:

The Oaks at Windridge is an upper-end production home built subdivision that contains existing homes. This project is immediately west of Windridge Landing a custom home built subdivision. South of The Oaks at Windridge are large lot home sites that are not within the cooperate limits of the Town of Brownsburg. North of this project is Bethesda Baptist Church and School. West is active agriculture ground.

TOTAL PARCEL SIZE:

40.46 Acres

COMPREHENSIVE PLAN DESIGNATION:

Single Family Residential

THOROUGHFARE PLAN:

N/A

GREENWAYS MASTER PLAN:

N/A

PUBLIC NOTICE:

PUBLIC COMMENTS:

As of May 17, 2011 no comments have been received regarding this petition.

STATUTORY REQUIREMENTS / FACTORS TO BE CONSIDERED:

IC 36-7-4-603 and

Brownsburg Municipal Code §155.038 (D)

1. Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive Plan?
2. Is the proposed amendment compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property?
3. Is the proposed amendment the most desirable use for which the land in the subject property is adapted?
4. Will proposed amendment have an adverse effect on the value of properties throughout the jurisdiction?
5. Will the proposed amendment reflects responsible standards for development and growth?

PREVIOUS ACTIONS ON-SITE:

Ordinance 2003-37 and 2003-38 annexing and zoning the property R-2 Single Family Residential. Two ordinances were required because there was not enough contiguous property to complete the annexation in one action;

Docket# 2004-07P Primary Plat Approval June 28, 2004; and

Docket# 2004-24P Commitment Amendment Request to reduce the minimum square footage on the first floor - request was denied.

PREVIOUS ACTION- SURROUNDING AREA:

Docket# 2003-16P Windridge Landing Phase 2 Conditional Zoning Request (Ordinance 2003-23, 2003-24, and 2003-25);

Docket# 2003-17P Windridge Landing Phase 1 Conditional Zoning Request - Project under construction originally approved through Hendricks County (Ordinance 2003-23, 2003-24, and 2003-25); and

Docket# 2003-25P Windridge Landing Phase 2 Primary Plat;

SUPPLEMENTARY DOCUMENTATION INSERT:

- | | |
|--|-------------|
| ▪ APPLICATION | EXHIBIT - A |
| ▪ DETAILED STATEMENT OF REASON | EXHIBIT - B |
| ▪ ZONING MAP | EXHIBIT - C |
| ▪ AERIAL INSERTS | EXHIBIT - D |
| ▪ SITE PHOTOS (PROPERTY AS WELL AS SURROUNDING PROPERTIES) | EXHIBIT - E |

EXHIBIT – A
APPLICATION

**Commitment Amendment
Application**

TOWN OF BROWNSBURG
FOUNDED 1848
PLANNING & BUILDING
APR 13 2011



TOWN OF BROWNSBURG

61 North Green Street
Brownsburg, IN 46112

Phone: 317.852.1128
Fax: 317.852.1135

BROWNSBURG ADVISORY PLAN COMMISSION

Project Name: THE OAKS AT WINDRIDGE, SECTION 1 Received: 4/15/11
Docket Number: 2011-069 Fee: \$500.00
Original Project
Docket Number: PCCA - 4-11-1069

1. Applicant's Name(s): RH OF INDIANA, LP 2. Phone: 317-846-4200
c/o KENNY WINDLER
3. Applicant's Email: kwindler@msn.com
4. Applicant's Address: 9025 N. RIVER ROAD, SUITE 100
INDIANAPOLIS, IN 46240
5. Owner's Name(s): OAKS AT WINDRIDGE, LP 6. Phone: _____
c/o RUSSELL WEBB 317-
7. Owner's Address: 7386 BUSINESS CENTER DR, STE A
AVON, IN 46123
8. Representative: NA 9. Phone: _____
10. Representative's email: —
11. Representative's Address: —
12. Applicant(s) is Circle One: Sole owner Joint owner Tenant Agent
 Other (specify) HOMEBUILDER
13. Legal Description: (See Attached Description & Map)
14. Parcel Number(s) SEE ATTACHED

EXHIBIT – B
DETAILED STATEMENT OF REASONS

OAKS AT WINDRIDGE

Detailed Statement of Reason and Commitments

A. Detailed Statement of Reasons

The petitioner, RH of Indiana, LP, dba Ryland Homes, has proposed to purchase and construct homes on the 36 remaining lots in Section 1 of the Oaks at Windridge, a residential neighborhood in the Town of Brownsburg. The specific lots in Section 1 included in this amendment are lots 1-3, 10, 12, 14-24, 26, 33-35, 37-49, and 51-53. The Owner, Oaks at Windridge, L.P., wishes to include the future undeveloped sections as part of this petition as well. The petition wishes to make two amendments to Exhibit C – Statement of Purpose and Commitments of Ordinance #2003,37, an Ordinance Annexing Real Estate to the Town of Brownsburg, Hendricks County, Indiana (herein referred to as “Commitments”). First, the current Commitments create certain minimum square footage requirements to establish the usable floor area of a single story home, the usable first floor area of a two story home and the total usable floor area of a two story home. The Petitioner seeks an adjustment in the first floor area of a two story home and the total floor area of a two story home to better balance the footprint of the home. No change to the usable floor area of a single story home is being requested.

Secondly, the current Commitments require a minimum of 50% brick/masonry and/or stucco on the front elevation of the home. The Petitioner wishes to allow for more flexibility in the architectural styles of homes that can be built, providing for a more diverse and aesthetically pleasing neighborhood yet maintaining consistent values of the homes. The Petitioner seeks to amend the language to allow for homes with less than 50% brick/masonry and/or stucco on the front elevation so long as the home meets a certain minimum number of other architectural features, with the objective that the sum of the architectural features will be of equal or greater value than the 50% brick/masonry, to uphold the integrity and character of the original Commitments.

The purpose of the following commitment is to establish the design and architectural standards for all builders to follow in constructing homes on the remaining lots in Section 1 and the future lots in the Oaks at Windridge. Each proposed elevation must meet a minimum number of structural features on the front elevation to provide ample value and interest in basic structure and design, and secondly, a minimum number of decorative features on the front elevation to provide sufficient character and curb appeal, herein “Design Standards”. The Petitioner seeks to establish certain Design Standards, to be approved by the Brownsburg Plan Commission and enforced by Planning Staff, to provide for flexibility of design for future builders in the oaks at Windridge. Each home desired to be constructed shall be submitted to Planning Staff for approval prior to acquiring a building permit, based on meeting the Design Standards.

EXHIBIT – B
DETAILED STATEMENT OF REASONS – Continued

- No vinyl exteriors shall be permitted.
- A Homeowners Association shall be established and provided for the enforcement of “Covenants and Restrictions” and the maintenance of “Common Areas”.
- All homes shall be constructed with a minimum of 50% brick, masonry and/or stucco on the front elevation. Net square footage shall be calculated as the total square footage of the front elevation less the square footage of all openings including but not limited to: Doors, Windows, Cantilevered Bay Windows and Garage Doors.
- Or, if the home has less than 50% brick, masonry and/or stucco on the front elevation as calculated above, the homes shall meet the following minimum architectural features:
 - a. Required Features
 - i. All homes shall have a side load or court yard garage (no garage doors facing the front street).
 - ii. All homes shall have garage coach light(s) on a photocell
 - iii. All homes shall have an address stone/plaque installed on the front elevation so it clearly visible from the street.
 - iv. All front doors shall have a raised panel design, unless upgraded by the buyer to a decorative glass insert.
 - v. All vents, faux vents and decorative moldings shall be of wood or Phypon type product.
 - vi. All exterior trim materials on the home shall be a minimum of 6” wide applicable on corner breaks, soffits, gutter boards, freeze boards, and window trim.
 - b. Additionally, each home shall have at least four (4) of the following structural features on the front elevation:
 - i. A brick/masonry wainscot a minimum of 3’6” high on the entire front elevation, or a minimum of 20% brick, masonry and/or stucco on the front elevation, as calculated above
 - ii. Brick/masonry on both side elevations and/or rear elevation a minimum of 3’6” high on the entire façade plane
 - iii. Nine foot first floor plate height
 - iv. 3 car garage
 - v. A façade projection/recess on front elevation, defined as a minimum 12” offset on at least one plate height. This could be on the first floor plate or second floor plate, or both.
 - vi. 3 or more façade projections/recess on front elevation
 - vii. Bay or box bay window on front elevation
 - viii. 3 or more gables on front elevation
 - ix. Change in roof ridge elevation
 - x. Hip roof element
 - xi. 8/12 or greater roof pitch on all front facing gables
 - xii. Dormer(s)
 - xiii. Architectural entrance such as a recessed entry or similar, other than a covered porch

Exhibit C (2 of 3)

EXHIBIT – B
DETAILED STATEMENT OF REASONS – Continued

xiv. Covered front porch of a minimum of 20 square feet

c. Additionally, each home shall have at least five (5) of the following **architectural features** on the front elevation:

- i. Dimensional asphalt shingles
- ii. Gable vent (operable or faux)
- iii. Window in gable (operable or faux)
- iv. Gable brackets – decorative brackets used to represent support of a structure above.
- v. Eyebrows on single gable (only a total of one credit allowed for this feature)
- vi. Pent roof on a single gable (only a total of one credit allowed for this feature)
- vii. Large feature window above front door (min. 20 square feet of glazing)
- viii. Window treatments to include either of the following on 50% or more of the windows on the front elevation
 1. Window architrave, constructed of 6” wide wood or composite material
 2. Shutters
- ix. Accent siding – multiple siding applications such as shake shingle, board and batten, etc.)
- x. Accent roof material – second distinct roofing material separate from asphalt shingles such as standing seam metal
- xi. Accent masonry material – multiple masonry material on front elevation such as a combination of brick, stone, or stucco
- xii. Ornamental porch columns – square, round or tapered (greater than 4” x 4”)
- xiii. Porch railings consisting of wood, ornamental iron, or composite type material
- xiv. Porch column brackets – decorative brackets used to represent support of a structure above
- xv. Keystones made of either wood, Plypon type material or masonry above windows on all applicable windows
- xvi. Decorative window grids
- xvii. Front door with sidelight(s) and/or transom
- xviii. Decorative glass in front door
- xix. Windows in garage door

Exhibit C (3 of 3)

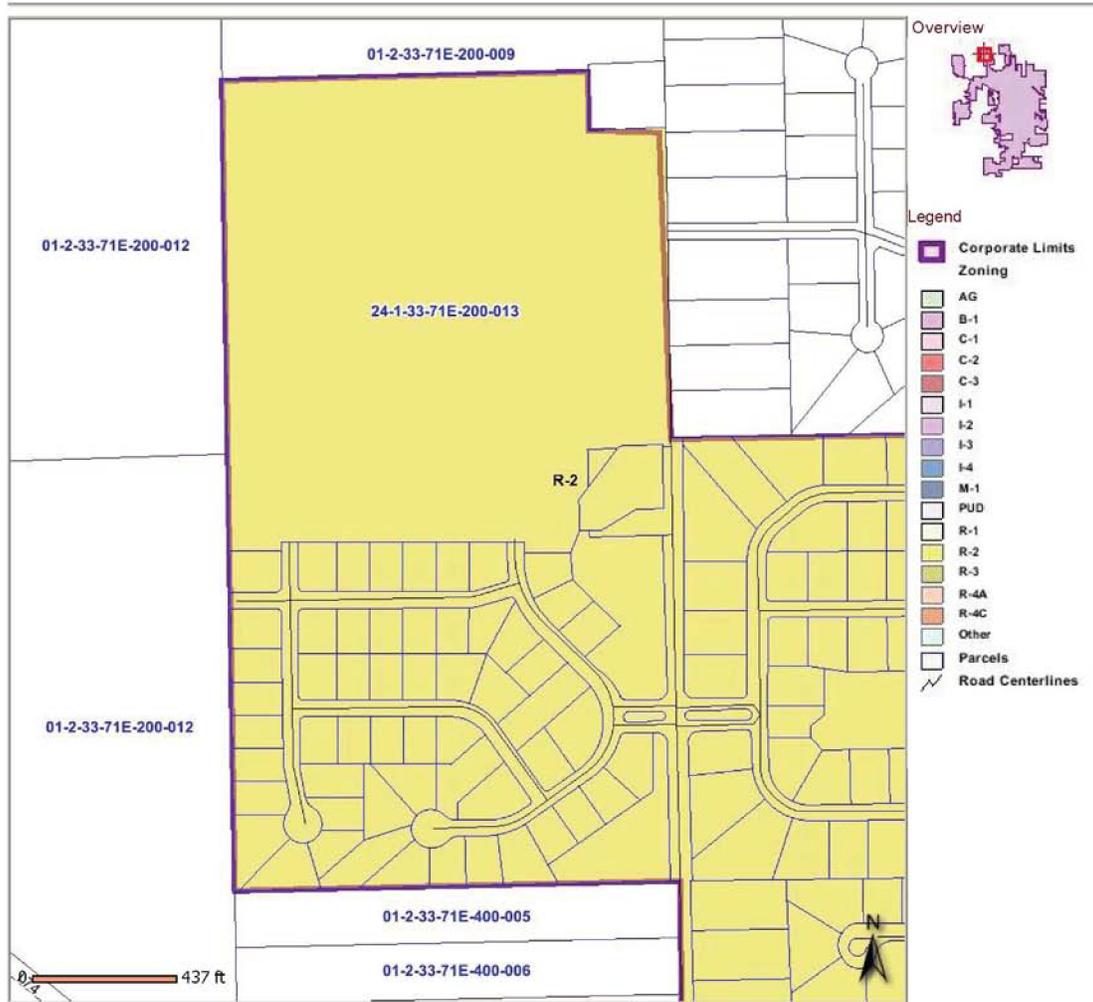
EXHIBIT – C
ZONING MAP

Town of Brownsburg, IN



PCCA-4-11-1069 The Oaks At
Windridge

Date Created: 5/17/2011
Map Scale: 1 in = 437 ft



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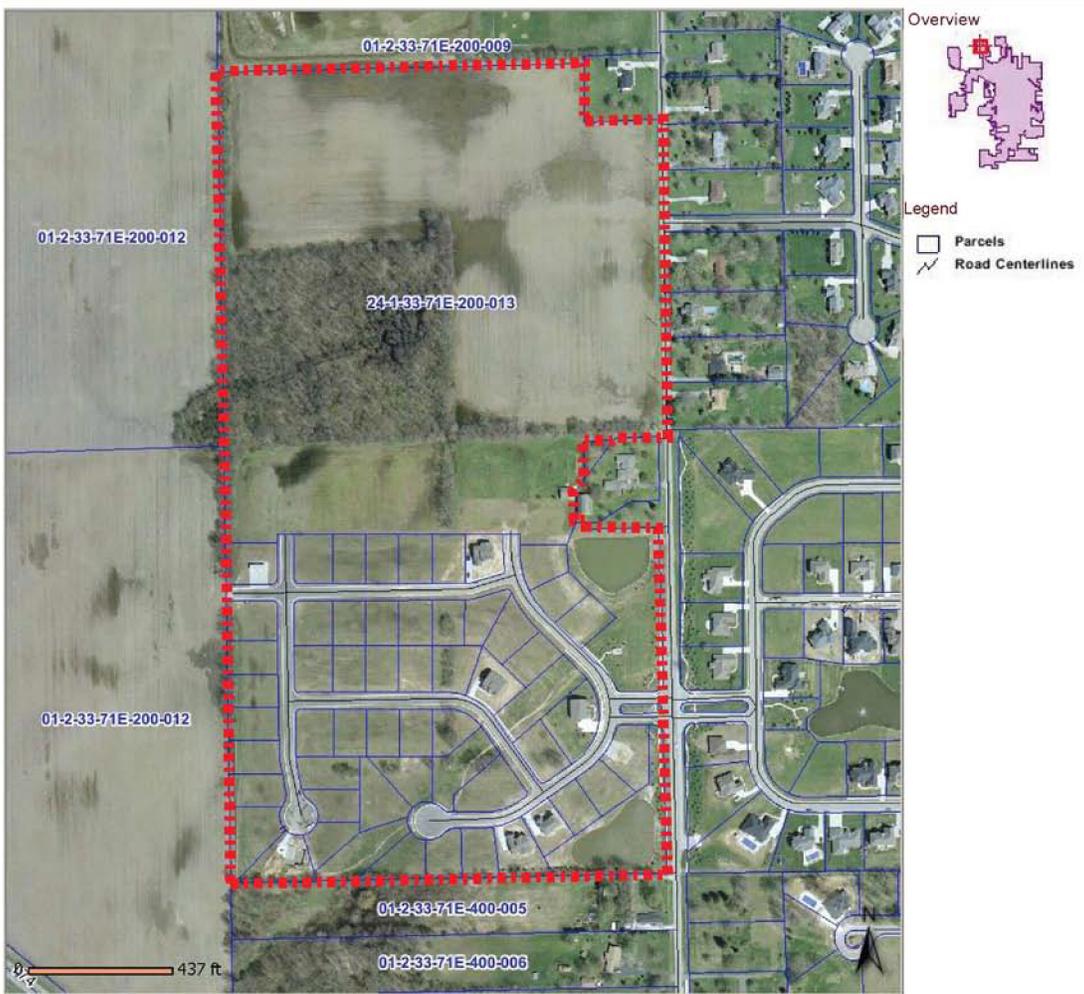
EXHIBIT – D
AERIAL INSERTS

Town of Brownsburg, IN



PCCA-4-11-1069 The Oaks At
Windridge

Date Created: 5/17/2011
Map Scale: 1 in = 437 ft



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EXHIBIT – E
SITE PHOTOS



STAFF ANALYSIS:

This request attempts to make changes to (2) two sections of Ordinance 2003-37 Exhibit "C".

The first is the section titled "PARCEL D" (Weddle and Ayres) roman numeral I. the forth * item b. Multi Story Homes. The existing ordinance requires a minimum of 1,600 sq. ft. on the first floor with a total of 2,000 sq. ft. in the entire dwelling. RH of Indiana proposes to reduce the first floor sq. ft. to a minimum of 1,250 sq. ft. while increasing the total floor area to a minimum of 2,400 sq. ft. The Oaks At Windridge neighborhood is zoned R-2, which by the Town Zoning standards establishes the minimum usable living floor area for multi-level structures as two thousand (2,000) sq. ft. with no minimum first floor requirement. This request would increase the total square footage area required for the subdivision.

As can be seen in the PREVIOUS ACTIONS ON-SITE section of this report on page 2 a similar request was submitted on this neighborhood in 2004 which was denied. What is different in this request from Docket # 2004-24P? In the 2004 request there was no proposed increase in the total square footage of the homes and no proposed additional architectural standards.

The second piece to this request is the section titled "PARCEL D" (Weddle and Ayres) roman numeral II. the sixth * the minimum percent of brick, masonry, and/or stucco on the front elevation. For a reduction in the amount of brick, masonry, and/or stucco on the front elevation the RH of Indiana is proposing certain architectural requirements being meet. See pages eight (8) and nine (9) of this report. It is staff's opinion that the list of architectural requirements proposed would be relatively equivalent to and/or greater than the existing architectural requirement of the 50% brick, masonry, and/or stucco on the front elevation. However, it is the understanding of staff that covenants exist within the Oaks at Windridge subdivision that require a first floor brick, or masonry wrap for all of the homes within the subdivision. The Town is not able to enforce subdivision covenants, which can be amended without Town approval or knowledge.

Staff has mixed opinions on this request.

The PROS of this request:

- An increase in the total required square footage of the homes;
- An increase in the architectural requirements from the current ordinance; and
- A builder willing to continue building within this approved subdivision.

The CONS of this request:

- The existing homeowners hold a minority stake in the Home Owners Association (HOA), therefore they would not be able to prevent the covenants from being amended if RH of Indiana is successful with this request; and
- Without the amendment as requested the subdivision will likely see little construction of new homes until the national economy improves or the supply of existing building lots within the Town and the surrounding area reduces to the point the demand for these lots increase.

RECOMMENDATIONS:

With this Zoning Commitment Amendment request I recommend that the Plan Commission consider obtaining commitments from the petitioner for the following:

- A first floor brick or masonry wrap (all elevations of the first floor) on all lots along Co. Rd. 650 East including lots 1, 2, 3, 51, 52, and 53 in section 1 and the first row(s) of lots west of Co. Rd. 650 East in all future sections; and
- That any lot that adjoins an existing home as of 5/23/2011 must include a first floor brick or masonry wrap (all elevations of the first floor).

Based on the evidence provided by the petitioners, the information in this report and the suggested commitments listed above I recommend that the Plan Commission send a FAVORABLE RECOMMENDATION to the Town Council on this Zoning Commitment Amendment.

STAFF CONTACT:

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Jonathan K. Blake

TITLE: Director of Planning

Planning Technician

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