

# Town of Brownsburg

## Advisory Plan Commission

### Project Synopsis

**TO:** Advisory Plan Commission; and Tricia Leminger  
**CC:** Lee T. Comer, Comer Law Office  
**FROM:** Todd A. Barker, AICP  
**DATE:** August 17, 2012  
**RE:** CASE # PCMA-7-12-1107 | Hollaway Hills PUD Amendment

**GENERAL INFORMATION:**

**APPLICANT:** Two West, LLC

**STATUS OF APPLICATION:** Pending a Public Hearing at the Plan Commission

**REQUESTED ACTION:** PUD Master Plan Amendment

**DATE OF APPLICATION:** July 13, 2012

**PURPOSE:** To allow the existing clubhouse to be used as a Single Family Dwelling.

**PROPERTY ADDRESS:** 4 Hollaway Boulevard

**PARCEL ID:** 32-02-32-400-001.000-028; 32-02-32-400-006.000-028

**EXISTING ZONING:** PUD

**UTILITIES:**

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

**EXISTING SURROUNDING ZONING:**

NORTH:	PUD
SOUTH:	PUD
EAST:	AGR (Hendricks County)
WEST:	RB (Hendricks County)

Hendricks County Zoning District Intent Statements:

**AGR** - The intent of the Agriculture Residential (AGR) District is to permit the establishment of individual single-family dwellings while maintaining a primarily rural character. This can serve to protect land best suited for agricultural use from the encroachment of incompatible land uses.

**RB** - The intent of the Single-family (RB) District is to permit the establishment of single-family land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and connected centralized sewer and water facilities.

**EXISTING USES:**

NORTH: Single-Family Condo's  
SOUTH: Single-Family Residential; Golf Course  
EAST: Single-Family Residential  
WEST: Agriculture

**NEIGHBORHOOD CHARACTERISTICS:**

The area adjacent to and surrounding this property includes a range of Single-Family and Agricultural uses. This development is highly recognizable because of West Chase Golf Club.

**TOTAL PARCEL SIZE:**

1.29 AC

**COMPREHENSIVE PLAN DESIGNATION:**

The Town Council recently adopted the Town of Brownsburg 2012 Comprehensive Plan, which became effective on August 1, 2012. This project was filed prior to the adoption of the Town of Brownsburg 2012 Comprehensive Plan. As a result we will provide analysis for this petition based on both The Town of Brownsburg 2020 Comprehensive Plan and the Town of Brownsburg 2012 Comprehensive Plan.

Town of Brownsburg 2020 Comprehensive Plan:

The Future Land Use map within the Brownsburg 2020 Comprehensive Plan identifies this area as "Single-Family".

Town of Brownsburg 2012 Comprehensive Plan:

The Business Areas Plan within the Town of Brownsburg 2012 Comprehensive Plan identifies this area as "Single-Family Detached".

**THOROUGHFARE PLAN:**

The 2020 Thoroughfare Plan identifies County Road 550 E as "Collector" and Hollaway Boulevard as "Local".

**GREENWAYS MASTER PLAN:**

The 2008 Greenways Master Plan identifies a "Greenway Trail" adjacent to the West Fork of White Lick Creek through this development.

**PUBLIC NOTICE:**

Published on August 15, 2012 in the Hendricks County Flyer

**PUBLIC HEARING DATES:**

August 27, 2012

**PUBLIC COMMENTS:**

As of August 22, 2012 no public comments have been received.

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**STATUTORY REQUIREMENTS/ FACTORS TO BE CONSIDERED:**

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§ 155.230 STATEMENT OF PURPOSE.

(A) The purpose of the Planned Unit Development (PUD) is to provide a means of achieving innovative and creative design and flexibility of development through an alternative zoning procedure when sufficiently justified under the provisions of this chapter. Planned Unit Developments are intended to encourage a higher quality of design and more amenities for medium-to-large scale neighborhoods. A PUD may be developed with a variety of residential types and nonresidential uses. A PUD may contain both individual building sites and common property which are planned and developed as a unit. The end result shall fulfill the objectives of the Comprehensive Plan and other planning policies of the town while departing from the application of the district regulations.

(B) A Planned Unit Development may be granted as a rezone in any rezoning district by the Town Council, should it determine that the Planned Unit Development is in the best interest of the town, and complies with all the standards established in this subchapter. The Plan Commission and Town Council may require conditions of approval or design considerations that will promote proper development or benefit to the community.

(C) The purposes of a Planned Unit Development are:

- (1) To encourage a more creative approach in land and building site planning.
- (2) To promote variety in the physical development pattern of the community, including mixed-use

development.

- within the PUD.
- (3) To use design to provide compatibility between areas of different land uses and development intensities
  - (4) To enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green space.
  - (5) To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
  - (6) To promote architecture that compliments the surrounding areas.
  - (7) To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
  - (8) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivisions, public improvements, and siting considerations.
  - (9) To encourage developments that greatly exceeds the development standards of the previous zoning district to create a high quality development.

(D) It is not intended that the town automatically grant the concept plan of a development proposed by a petitioner. The Plan Commission shall approve only such plans of a development that are consistent with the public benefits resulting from planned developments. Therefore, the town may require as a condition of approval and subsequent amendment of the zoning map, conditions, limitations or design factors which will promote proper development of a Planned Unit Development. The town shall discourage the use of a PUD as a means of circumventing the rezoning/subdivision process or to avoid the standards and requirements of this chapter or the Subdivision Control Ordinance. The PUD shall further be discouraged as a means to guarantee density/intensity increases over those permitted in the previous zoning district.

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**PREVIOUS ACTIONS ON-SITE:**

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- 1993-14 | PUD Concept Plan
- 1993-17 | PUD Master Plan
- 1993-21 | Primary Plat
- 1994-30 | Plat Amendment
- 1995-04 | PUD Master Plan Amendment
- 1995-15 | PUD Master Plan Amendment
- 1995-33 | Sidewalk Waiver
- 1996-37 | Secondary Plat
- 1996-38 | Secondary Plat
- 1996-39 | Secondary Plat
- 1997-36 | PUD Master Plan Amendment

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**PREVIOUS ACTION- SURROUNDING AREA:**

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None

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**SUPPLEMENTARY DOCUMENTATION INSERT:**

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- |                                 |             |
|---------------------------------|-------------|
| ▪ APPLICATION                   | EXHIBIT – A |
| ▪ DETAILED STATEMENT OF REASONS | EXHIBIT – B |
| ▪ PROPOSED PUD LANGUAGE         | EXHIBIT – C |
| ▪ ZONING MAP                    | EXHIBIT – D |
| ▪ AERIAL INSERTS                | EXHIBIT – E |
| ▪ SITE PHOTOS                   | EXHIBIT – F |

EXHIBIT – A  
APPLICATION

**ADVISORY PLAN COMMISSION**

ZONING MAP AMENDMENT APPLICATION PACKET



61 North Green Street • Brownsburg, IN 46112  
Phone 317-852-1128 • Fax 317-852-1134  
www.brownsburg.org

**APPLICATION**

DOCKET #: PCMA-7-12-1107 | 2012-13p      DATE RECEIVED: 7.13.2012  
 APPLICATION FEE: \$      RECEIPT #: \_\_\_\_\_

**COMPLETE THE FOLLOWING**

<b>APPLICANT INFORMATION</b>		Two West, LLC		2. PHONE:	
1.	APPLICANT NAME:				
3.	MAILING ADDRESS:	11576 Willow Bend Ct, Zionsville, IN 46077			
4.	EMAIL ADDRESS:				
<b>OWNER INFORMATION</b>		same		6. PHONE:	
5.	OWNER'S NAME:				
7.	MAILING ADDRESS:				
8.	EMAIL ADDRESS:				
<b>AGENT INFORMATION</b>		COMPANY NAME: Comer Law Office, LLC		CONTACT NAME: Lee T. Comer	
10.	AGENT'S ADDRESS: PO Box 207	CITY: Danville	STATE: IN	ZIP: 46122	
11.	PHONE: 317-745-4300	FAX: 317-745-3029	EMAIL ADDRESS:	lcomer@comerlaw.com	
<b>ENGINEERING INFORMATION</b>		COMPANY NAME: <u>Benchmark Consulting</u>		CONTACT NAME: <u>Bill Ottinger</u>	
13.	ENGINEER'S ADDRESS: <u>20 E Airport Rd #100</u>	CITY: <u>Brownsburg</u>	STATE: <u>IN</u>	ZIP: <u>46112</u>	
14.	PHONE: <u>317-852-5695</u>	FAX: <u>317-852-5517</u>	EMAIL ADDRESS: <u>ott@BenchmarkCON.COM</u>		
<b>SURVEYOR INFORMATION</b>		COMPANY NAME: <u>N/A</u>		CONTACT NAME:	
16.	SURVEYOR'S ADDRESS:	CITY:	STATE:	ZIP:	
17.	PHONE:	FAX:	EMAIL ADDRESS:		

EXHIBIT – A  
APPLICATION *continued*

**ADVISORY PLAN COMMISSION**

ZONING MAP AMENDMENT APPLICATION PACKET

18.	<b>PROJECT CONTACT</b>	CONTACT NAME: Lee Comer			
19.	PHONE: 317-745-4300	FAX: 317-745-3029	EMAIL ADDRESS: lcomer@comerlaw.com		
20.	APPLICANT IS ( <i>CHECK ONE</i> )	<input checked="" type="checkbox"/> SOLE OWNER	<input type="checkbox"/> JOINT OWNER	<input type="checkbox"/> TENANT	<input type="checkbox"/> AGENT <input type="checkbox"/> OTHER (SPECIFY)
21.	<b>PROPERTY LOCATION</b>				
A.	ADDRESS:	4 Hollaway Blvd., Brownsburg, IN 46112			
B.	PARCEL NUMBER(S): 026-132711-400001 INCLUDE THE ENTIRE PARCEL NUMBER FOR EACH PARCEL				
C.	EXISTING LAND USE:	Golf course and club house			
D.	DESCRIBE THE PROPOSED PROJECT:	See Detailed Statement of Reasons			
22.	PRESENT ZONING:	PUD		PROPOSED ZONING:	PUD
23.	ACREAGE: 1.29ac	TOWNSHIP: Middle	SECTION #: 32	TOWNSHIP #: 17 North	RANGE #: 1 East
24.	WHAT GOALS/OBJECTIVES/IMPLEMENTATIONS STEPS OF THE COMPREHENSIVE PLAN WILL THIS HELP THE TOWN OF BROWNSBURG ACHIEVE?				
	The general area consists of a golf course and residences. The PUD supports these uses. A singular residence as petitioned, simply lends itself to the residential nature of the area. The comprehensive plan shows that the future of this area is single family residential in nature.				

EXHIBIT – A  
APPLICATION *continued*

**ADVISORY PLAN COMMISSION**

ZONING MAP AMENDMENT APPLICATION PACKET

26. **APPLICATION NOTARIZATION**

THE ABOVE INFORMATION AND ATTACHED EXHIBITS, TO MY KNOWLEDGE AND BELIEF, ARE TRUE AND CORRECT, AND IN COMPLIANCE WITH THE SUBDIVISION CONTROL & ZONING ORDINANCE OF THE TOWN OF BROWNSBURG, IN.  
Two West, LLC

By: Richard J. Smith 7/30/12  
SIGNATURE OF APPLICANT DATE

Richard J. Smith, Member  
PRINT NAME DATE

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )



BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Richard J. Smith,  
Member Two West, LLC, WHO ACKNOWLEDGED THE EXECUTION OF THE ABOVE AND FOREGOING INSTRUMENT TO ITS  
VOLUNTARY ACT AND DEED ON THE 30 DAY OF July, 20 12.

2/17/20  
COMMISSION EXPIRATION DATE

Laura Carter  
NOTARY

Hendricks  
COUNTY OF RESIDENCE

Laura Carter  
PRINTED NAME

EXHIBIT – A  
APPLICATION *continued*

LEGAL DESCRIPTION  
HOLLAWAY HILLS

A part of the Southeast Quarter of Section 32, Township 17 North, Range 1 East of the Second Principal Meridian in the Town of Brownsburg, Middle Township, Hendricks County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of Lot Numbered Forty (40) in Hollaway Ridge, Section I, a subdivision in the Town of Brownsburg, Hendricks County, Indiana, per the plat thereof recorded as Instrument Number 18304 in Plat Cabinet 2, Slide 188, Page 2 and Slide 189, Page 1 in the office of the Recorder of Hendricks County, Indiana; thence North 56 degrees 12 minutes 27 seconds East on and along the Northwesternly Right-of-Way line of Hollaway Boulevard 152.07 feet to the POINT OF BEGINNING of this description; thence North 33 degrees 47 minutes 33 seconds West 246.92 feet; thence North 64 degrees 48 minutes 12 seconds East 117.45 feet; thence North 01 degree 28 minutes 09 seconds East 217.56 feet; thence South 70 degrees 06 minutes 58 seconds East 21.08 feet; thence South 01 degree 28 minutes 09 seconds West 204.00 feet, thence North 68 degrees 54 minutes 08 seconds East 32.55 feet; thence South 70 degrees 56 minutes 41 seconds East 160.00 feet; thence South 01 degree 28 minutes 09 seconds West 45.67 feet; thence South 19 degrees 31 minutes 35 seconds East 53.64 feet to a point on a curve concave southeasterly having a central angle of 03 degrees 50 minutes 11 seconds and a radius of 224.00 feet, said point also being a point on the Northwesternly Right-of-Way line of Hollaway Boulevard; thence Southwesterly on and along said curve and said Right-of-Way line an arc distance of 15.00 feet (said arc being subtended by a chord having a bearing of South 58 degrees 07 minutes 32 seconds West and a length of 15.00 feet); thence South 56 degrees 12 minutes 27 seconds West on and along said Right-of-Way line 210.26 feet to the POINT OF BEGINNING and containing 1.29 acres, more or less, and subject to all restrictions, rights-of-way and easements of record.

EXHIBIT – B  
DETAILED STATEMENT OF REASONS

DETAILED STATEMENT OF REASONS  
HOLLAWAY HILLS

In 1993 a PUD was approved as Ordinance 93-42, which comprised the West Chase Golf Course and the subdivisions of Hollaway Pointe, Hollaway Ridge, and Hollaway Corners. As a part of the PUD, the golf course was considered to be the open space as required by the ordinances of the Town. However, there was no reference or requirement of a club house. Nevertheless, a club house was constructed for benefit of the golf course.

Due to the lagging economy, it has been necessary for the owner of the golf course (Hole in One, Inc.) to explore creative financing to insure continuation of the golf course as well as preservation of the open space as required by the PUD. The golf course owner has secured a purchaser, Two West, LLC, of the club house area with provision for a lease-back/buy-back of the club house. The lease-back/buy-back provisions will allow the continued operation as a club house and amenity to the golf course. In a worst case scenario in which the golf course owner loses control of the golf course, the purchaser of the club house would like the flexibility of having the club house available as a residence. There is no immediate nor forthcoming objective to create a residence, but the flexibility of having a club house and/or a residence in the structure benefits the present operation and financing of the golf course.

Therefore, your Petitioner, as the present owner of the club house, respectfully petitions the Town of Brownsburg and its Plan Commission to amend Ordinance 93-42, 1993, to allow a club house and/or a residence in the present-day club house.

Respectfully submitted,

Two West, LLC

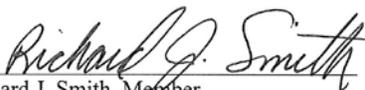
By:   
Richard J. Smith, Member

EXHIBIT – C  
PROPOSED PUD LANGUAGE

**Proposed Hollaway Hills PUD Language**

Draft: 08/22/2012

(A) PURPOSE.

- (1) To permit Golf Course and Single-Family uses on lots with centralized sewer and water connections.

(B) PRINCIPLE USES PERMITTED.

- (1) Principle uses permitted within this subdivision include:

- (a) Single-Family Dwellings
- (b) Golf Club House

(C) ACCESSORY USES PERMITTED.

- (1) Accessory Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

(D) SPECIAL EXCEPTION USES PERMITTED.

- (1) Special Exception Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

(E) DEVELOPMENT STANDARDS.

- (1) The minimum standards for properties within this subdivision shall be as follows:

- (a) Maximum Number of Lots: 1
- (b) Minimum Lot Area: 60,000 square feet
- (c) Minimum Lot Width: 225 feet
- (d) Maximum Lot Coverage: 30%
- (e) Minimum Front Yard Setback: 25 feet
- (f) Minimum Side Yard Setback: 25 feet
- (g) Minimum Rear Yard Setback: 25 feet
- (h) Minimum Dwelling Unit Area: 11,000 square feet
- (i) Maximum Principle Structures: 1
- (j) Maximum Height:
  - 1. Principle Structure: 50 feet
  - 2. Accessory Structure: 40 feet

EXHIBIT – D  
ZONING MAP

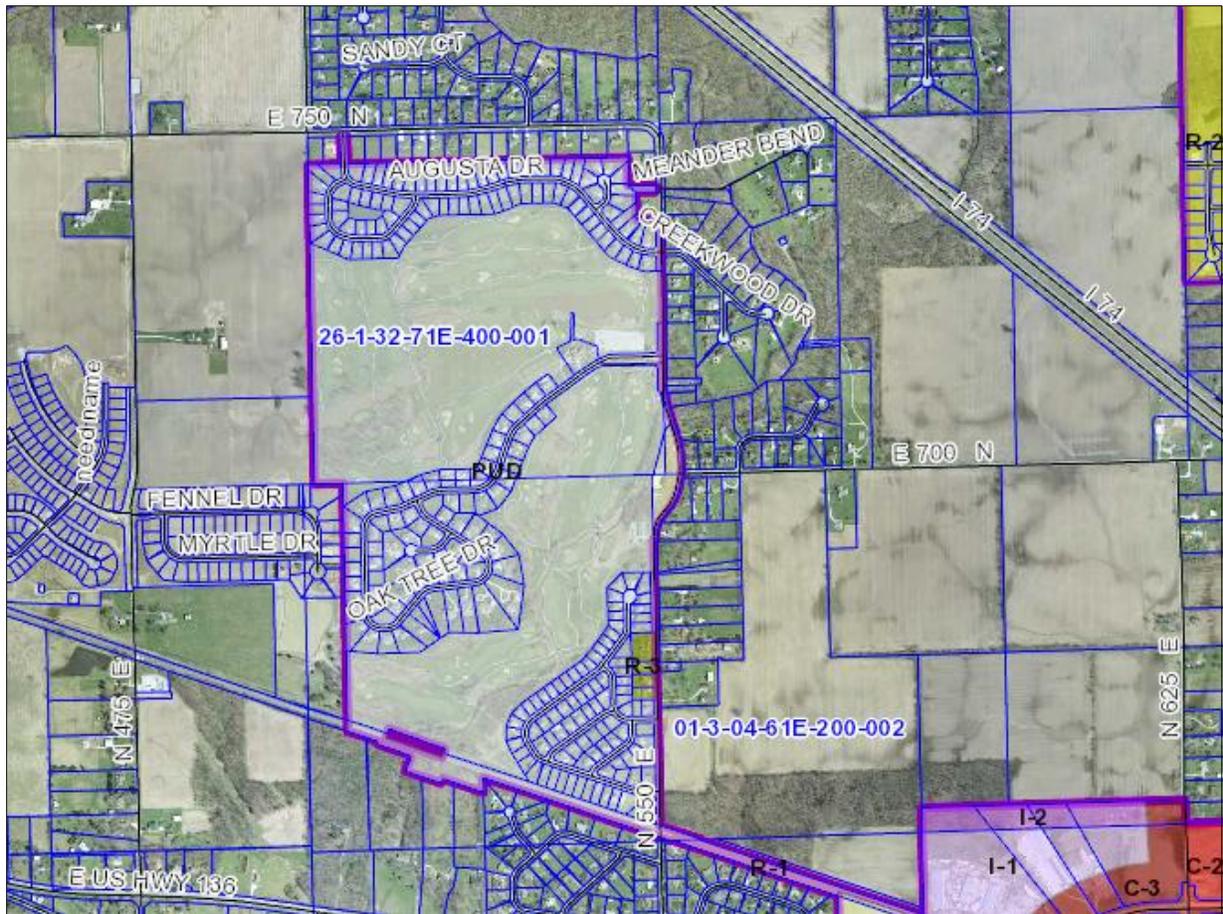


EXHIBIT – E  
AERIAL

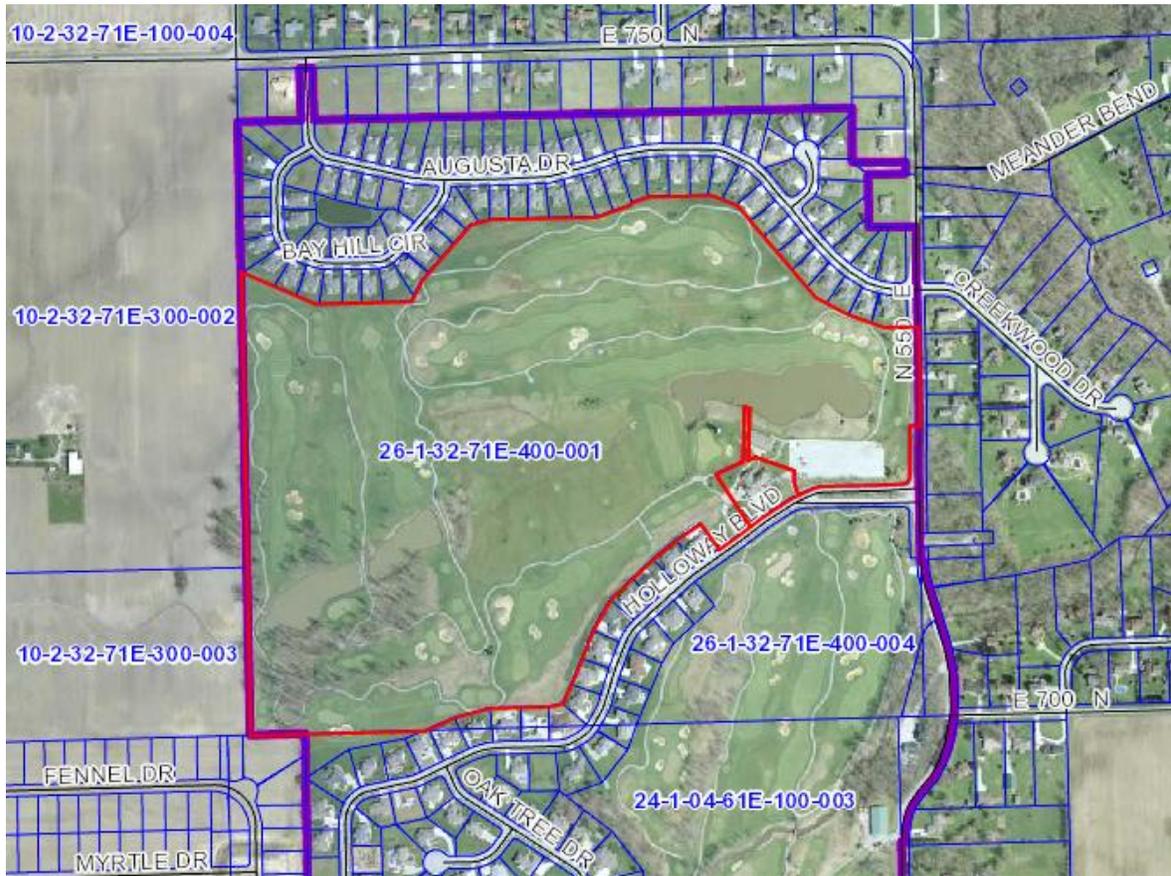


EXHIBIT – F  
SITE PHOTOS



At Hollaway Ridge entrance – Looking West



View of Club House – Looking North

EXHIBIT – F  
SITE PHOTOS *continued*



View of Club House – Looking South



**View of retention pond from Club House – Looking North**

EXHIBIT – F  
SITE PHOTOS *continued*



**View of banquet facility – Looking North**



**View of Club House – Looking East**

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**STAFF ANALYSIS:**

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The Hollaway Hills PUD was first introduced and approved in 1993, by ordinance 1993-42, and since that time has gone through several alterations, changing regulations such as density and development standards. The originating ordinance included 218 Single-Family lots on 260 acres, a density of 0.84 lots per acre, and an 18-hole golf course. Two years later, ordinance 1995-19 modified the overall project size to 229 lots on 260 acres for a total density of 0.87 lots per acre. The West Chase Golf Course, as it is now known, includes 18-holes of golf, a clubhouse, driving range, and banquet facility and serves as the focal point for the communities of Hollaway Corner, Hollaway Ridge and Hollaway Pointe.

The current petitioner, Two West LLC, has acquired the existing clubhouse facility on the West Chase Golf Course in a “creative financing” measure to assist the existing course owner, to keep the course open, during the current economic decline. As a result of the significant investment the purchaser has made in securing the clubhouse, and to protect this investment, the petitioner would like to amend the PUD to allow the clubhouse to be utilized as a residence in the unlikely event the golf course is forced to close. The petitioner has stated that it has no immediate or forthcoming plans to convert the property to a residential use, and that this request is to protect their financial investment in the property.

The golf course currently operates out of the clubhouse, which includes a ground floor garage for golf cart storage and a second story which houses the pro-shop and snack shop. The petitioner has not adequately addressed how the golf course operation will be affected in the event the course closes, the clubhouse is converted to a residential use, and the course subsequently re-opens under new ownership. The PUD Concept Plan, dated July 22, 1993, includes a designated clubhouse and “Development Amenity” area in the general location of the present day clubhouse and banquet facilities.

Based on Staff review of the existing Hollaway Hills PUD, and amendments thereto it is recommended that a thorough clean-up of the entire PUD be completed to clearly identify the characteristics and development standards within each community to eliminate conflicting regulations and improve enforcement measures in the future.

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**RECOMMENDATIONS:**

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Upon reviewing all of the materials provided by the petitioner, a review of the site, the applicable Town regulations I recommend the Plan Commission send a FAVORABLE RECOMMENDATION to the Town Council for this PUD Amendment request subject to the following comments, commitments, and conditions:

1. That the following commitments be executed by the owner on the Town’s standard written commitment form, and recorded in the Office of the Recorder of Hendricks County, and the same be binding upon the owner and all subsequent owners of the real estate subject to this petition:
  - a. Prior to the conversion of the clubhouse into any residential use, the Real Estate must be subdivided pursuant to the applicable Subdivision Control regulations of the Town of Brownsburg. All other applicable residential development standards (e.g. fencing, landscaping, lighting, etc. shall comply with the *R-1 Single-Family* district standards, or similar low-density regulations in place at the time of subdivision.
  - b. At the time a residential use is established on said Real Estate, in whole or in part, the owner will notify the Town of Brownsburg Building Department & Fire Territory to complete a Occupancy/Life Safety Inspection, and that any defects; code violations or life safety issues discovered by the Town and/or Fire Territory will be corrected by the owner prior to taking occupancy or issuance of Occupancy Permit.
  - c. Each change in the use of said Real Estate (commercial clubhouse to residential and vice-versa) shall require the structure(s) to come into compliance with applicable building codes.
  - d. The establishment of a new section of the Hollaway Hills PUD to address the clubhouse and potential residential use, inclusive of language comparable to the following:
    - i. PURPOSE.
      1. To permit Golf Course and Single-Family uses on lots with centralized sewer and water connections.
    - ii. PRINCIPLE USES PERMITTED.
      1. Principle uses permitted within this subdivision include:
        - a. [1] Single-Family Dwelling

b. Golf Clubhouse

iii. ACCESSORY USES PERMITTED.

1. Accessory Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

iv. SPECIAL EXCEPTION USES PERMITTED.

1. Special Exception Uses shall be permitted as regulated by the Brownsburg Zoning Ordinance in the *R-1 Residential District*.

v. DEVELOPMENT STANDARDS.

1. The minimum standards for properties within this subdivision shall be as follows:

- a. Maximum Number of Lots: 1 Golf Course / 1 Residential
- b. Minimum Lot Area: 60,000 square feet
- c. Minimum Lot Width: 225 feet
- d. Maximum Lot Coverage: 30%
- e. Minimum Front Yard Setback: 25 feet
- f. Minimum Side Yard Setback: 25 feet
- g. Minimum Rear Yard Setback: 25 feet
- h. Minimum Dwelling Unit Area: 11,000 square feet
- i. Maximum Principle Structures: 1
- j. Maximum Height:
  - i. Principle Structure: 50 feet
  - ii. Accessory Structure: 40 feet

- e. If/when the clubhouse and golf course properties are under the same, single, ownership that the two properties must then be combined back into one single tract (parcel) pursuant to the Subdivision Control regulations of the Town of Brownsburg in place at such time.
- f. All golf course related operations including but not limited to a golf shop, pro-shop, kitchen, golf cart storage, and maintenance must be housed in a permanent structure; complete with structural footing and foundation, and no temporary structure may be used for any portion of the golf course operations.

2. The approval of the Findings of Fact and Report of Determination by the Plan Commission.

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**STAFF CONTACT:**

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NAME: Todd A. Barker, AICP

Jonathan K. Blake

TITLE: Director of Planning

Planning Technician

PHONE: 317-852-1128

317-852-1128

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[jblake@brownsburg.org](mailto:jblake@brownsburg.org)