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Hamilton County Recorder IN
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ORDINANCE NO. 111422
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the City of Fishers (the “City”), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City’s Plan Commission has conducted a public hearing on January 4, 2023 for case RZ-22-8 as required by law in regard to the proposal to amend the City’s Official Zoning Map to designate the real estate identified on Exhibit A, attached hereto and incorporated herein (the “Real Estate”), as within the Cyntheanne Woods PUD; and

WHEREAS, the Plan Commission at its January 4, 2023 meeting sent a Favorable Recommendation to the Fishers City Council by a vote of nine (9) in favor and zero (0) opposed; and

WHEREAS, to support its long-term vision for the City, the Council desires to adopt certain amendments to the Official Zoning Map.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

Section 1. Declaration. The City’s Official Zoning Map is hereby amended to designate the Real Estate as within the Cyntheanne Woods PUD.

Section 2. Purpose and Intent. The purpose and intent of this text amendment is to support the City’s long-term vision for the City.

Section 3. Approval. This amendment shall become effective upon its adoption and publication in accordance with Indiana law. Development of the Real Estate shall be governed entirely by the provisions of the Cyntheanne Woods PUD and the provisions of the UDO.

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ORDINANCE 111422

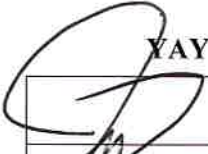
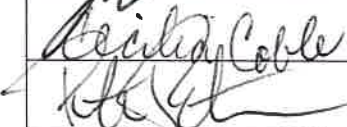
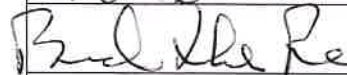


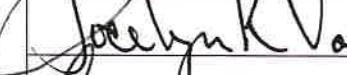



SO ORDAINED/RESOLVED by the Common Council of the City of Fishers, Indiana, on this
17th day of _____ January _____, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the _17th_ day of January _____ 2023, at 8:09 p. m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

January 17, 2023
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl

ORDINANCE NO. 111422

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:
A PART OF THE NORTHWEST QUARTER, SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST, LOCATED IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST (ASSUMED BEARING) 521.13 FEET ON AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 1215.50 FEET ON AND ALONG SAID NORTH LINE TO A MAG NAIL; THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS EAST 1320.50 FEET PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 00 DEGREES 09 MINUTES 25 SECONDS WEST 1435.50 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0038; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 980.50 FEET PARALLEL WITH SAID SOUTH LINE TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 220.00 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 340.00 FEET PARALLEL WITH SAID SOUTH LINE TO THE POINT OF BEGINNING.

EXHIBIT B



2023

Cyntheanne Woods PUD



Planning & Zoning Department
City of Fishers
Ordinance No. 111422



1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaration

1. Ordinance No. 111422 (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Cyntheanne Woods PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate north of Thorpe Creek, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The portion of the Real Estate south of Thorpe Creek (containing approximately ten acres), as shown on the Concept Plan shall remain subject to the R2 Residential zoning district standards of the UDO. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted in the portion of the Real Estate north of Thorpe Creek.

1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended

quality and character of the Cyntheanne Woods PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Cyntheanne Woods PUD shall not exceed 61 lots.

- 1. Article 3.1. Establishment of Zoning Districts: Shall apply.
- 2. Article 3.2. Residential Districts: Shall apply, except as modified below:

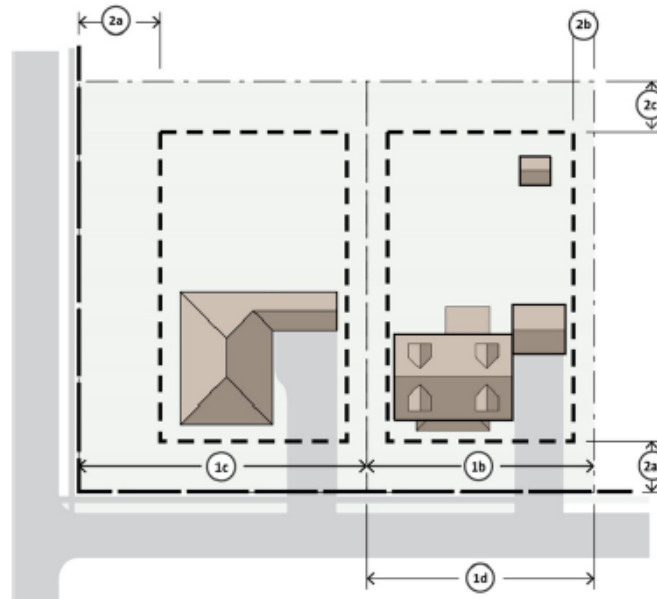
(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the District:

District Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	3,500 sf
1b. Lot width at building line – standard	40 feet
1c. Lot width at building line – corner	50 feet
1d. Lot frontage	20 feet
2. Minimum Building Setbacks	
2a. Front - local street / other street type	10 feet
2b. Side	*1 foot
2c. Rear	15 feet
2d. Minimum Building Separation	**10 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	1,800 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

* There shall be a minimum three (3) foot wide reciprocal use and access easement along side lot lines of adjoining lots where the side yard building setback is less than three (3) feet.

** There shall be a minimum ten (10) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



D. Article 6.1 General Regulations: Shall apply.

E. Article 6.2 Accessory Structure Standards: Shall apply.

F. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in **Exhibit C** is hereby incorporated into this Cyntheanne Woods PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in **Exhibit D** Garage Door Illustrations.
- 3) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 4) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).

- 5) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**). Variations, as illustrated below, shall be permitted.



- 6) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on **Exhibit C** and **Exhibit E**.
- Article 6.3.4.B.2(a-d) shall apply, as compliance is demonstrated in Exhibit E.
 - Along rear elevations are facing a public view (where visible from roadways, common areas and pedestrian areas) enhancements to dwellings shall be as generally depicted on **Exhibit E**. Additionally, a minimum of one (1) window shall be added to the rear of any garage area where the garage area is along the rear of the dwelling (see **Exhibit E** “*”).

G. Article 6.4 Entrances & Driveways: Shall apply.

H. Article 6.5 Exterior Lighting Standards: Shall apply.

I. Article 6.6 Height Standards: Shall apply.

J. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- Required landscaping that can not be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.

- 4) **Section 6.7.4 Bufferyards** - Shall not apply.
- 5) **Section 6.7.5 – Lot Plantings**: Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family Lots**: 1 canopy tree per frontage, which canopy tree shall be one and the same as the tree required under Section 6.7.5.
- K. **Article 6.8 Lot Standards**: Shall apply.
- L. **Article 6.9 Outdoor Display & Storage Standards**: Shall apply.
- M. **Article 6.10 Parking & Loading Standards**: Shall apply.
- N. **Article 6.11 Pedestrian Accessibility Standards**: Shall not apply to the Greenway Trail Corridor Area (as identified on the Concept Plan (Exhibit B.2)).
- O. **Article 6.12 Permitted Nonresidential Structure Standards**: Shall apply.
- P. **Article 6.13 Property Identification Standards**: Shall apply.
- Q. **Article 6.14 Public Art Standards**: Shall apply.
- R. **Article 6.15 Setback Standards**: Shall apply.
- S. **Article 6.16 Signage Standards**: Shall apply.
- T. **Article 6.17 Wall & Fence Standards**: Shall apply.
- U. **Article 6.18 Water & Sewer Standards**: Shall apply.
- V. **Article 6.19 Vision Clearance Standards**: Shall apply.

1.3. Planned Unit Development Design Standards

- A. **Cross Reference**: The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.
 - 1) **Article 8.1 General Provisions**: Shall apply.
 - 2) **Article 8.2 Block, Lot & Access Standards**: Shall apply.
 - 3) **Article 8.3 Street & Alley Standards**: Shall apply.
 - 4) **Article 8.4 Open Space, Common Area & Amenity Standards**: Development of the Real Estate shall not be subject to the Open Space requirements of UDO. Dedication of the part of the Real Estate, as generally illustrated and labeled as Greenway Trail Corridor Area on Exhibit B.2, to the City of Fishers at the time of Secondary Plat shall satisfy all applicable Open Space requirements of the UDO. If the City desires to improve the dedicated area prior to its dedication, then the property owner shall work in good faith with the City to accommodate the City's plans.
 - 5) **Article 8.5 Other Design Standards**: Shall apply.

1.4. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.5. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.6. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.7. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

1.8. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

PUD Draft F 010523

Exhibit B.1 – Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

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Exhibit B.2 – Concept Plan



Exhibit C – Illustrative Architectural Exhibit



Exhibit C – Illustrative Architectural Exhibit

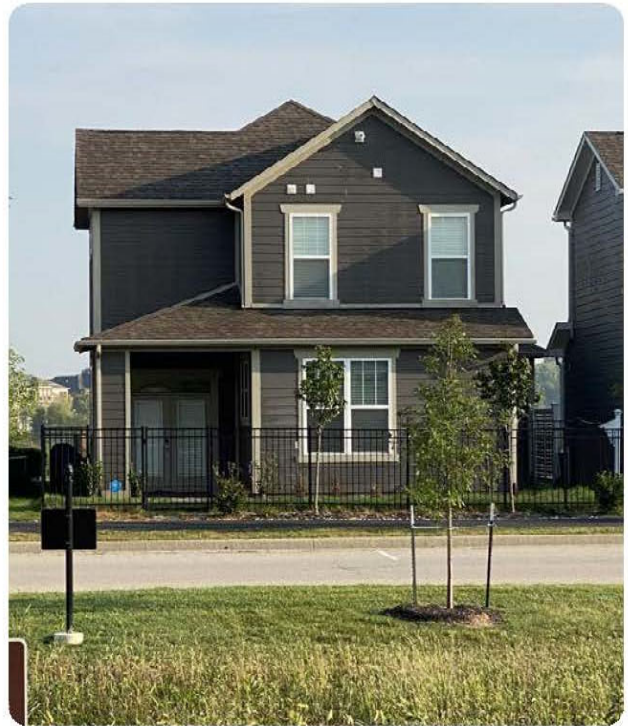


Exhibit D – Garage Door Illustrations



Exhibit E – Rear Elevation Enhancement Illustrations

REAR ELEVATIONS - PHOTOGRAPHS



* A minimum of one (1) window shall be added to the garage in the areas noted with an * for those dwellings facing a public view.

Cyntheanne Woods

Planned Unit Development (PUD) / Rezone

CITY OF FISHERS, INDIANA

**January 4, 2021
Plan Commission**

Applicant: William Tres, LLC

Attorneys: Nelson & Frankenberger, LLC
Rick Lawrence, Attorney
Jon C. Dobosiewicz, Land Use Professional
317-844-0106

TABLE OF CONTENTS

1. Explanation of Request
2. Location Exhibit
3. Aerial Exhibit
4. Cyntheanne Woods Concept Plan
5. Typical Lot Plans
6. Home Character Exhibits
Rear Elevations - Photographs
7. Streetscape Exhibits
8. Cyntheanne Woods PUD Ordinance

TAB 1

EXPLANATION OF REQUEST

The applicant, William Tres, LLC, has filed a rezone application pertaining to a parcel of real estate that consist of approximately 40.5 acres that are located east of and adjacent to Cyntheanne Road 1/8 mile south of 136th Street (collectively, the “Real Estate”). The Real Estate is shown on the Site Location Exhibit included behind Tab 2 and is currently zoned per the terms of the Creekside Shoppes PUD-C. The current use of the property is agricultural in use which can be seen on the Aerial Exhibit included behind Tab 3. Surrounding property to the north (south of 136th Street), is agricultural in use as well. To the east is the Barrington Estates subdivision. Also adjacent to the east and south of the Real Estate is the Britton Falls subdivision. One single-family residence exists south of the site along Cyntheanne Road. Located to the west of the Real Estate, across Cyntheanne Road, is the Cyntheanne Christian Church and the Hunters Run subdivision.

William Tres, LLC is seeking to rezone the Real Estate to the “Cyntheanne Woods Planned Unit Development Ordinance” (“Cyntheanne Woods PUD”) in order to develop a high-quality, for-sale, residential community consisting of sixty-one (61) single family detached homes on the Real Estate. Expected prices for homes will be from the \$400,000’s. Character exhibits of the proposed homes are included behind Tab 6. Homes include recessed garages and significant architectural detailing on all sides, as shown on the Character Exhibits. Rear Elevations are enhanced as illustrated on the last page of Tab 6. The exhibit included behind Tab 7 includes streetscape examples from a similar community which includes the proposed homes. In addition to the architectural design, the reduced front yards along with the recessed garage format will create a welcoming pedestrian oriented street frontage within the neighborhood.


As illustrated on the Concept Plan (see Tab 4), the single family detached homes are to be constructed on lots located generally along the western and northern area of the Real Estate. Details of the proposed lot style are included behind Tab 5 which includes the recessed garage layouts and setbacks. As shown on the Conceptual Plan, and requested by City Staff, the better part of the Real Estate will be dedicated to the City of Fishers to become part of the City’s Greenway Trail Corridor. This Greenway area provides an open space transition between the single family homes and the existing neighborhoods to the east and south.

The Cyntheanne Woods PUD, included behind Tab 8, contains specific development requirements for the single family detached homes, as well as specific architectural requirements for the home product. To this end, Illustrative Architectural Exhibits of the potential home product and specific rear elevation and garage door enhancements are included as exhibits to the Cyntheanne Woods PUD.

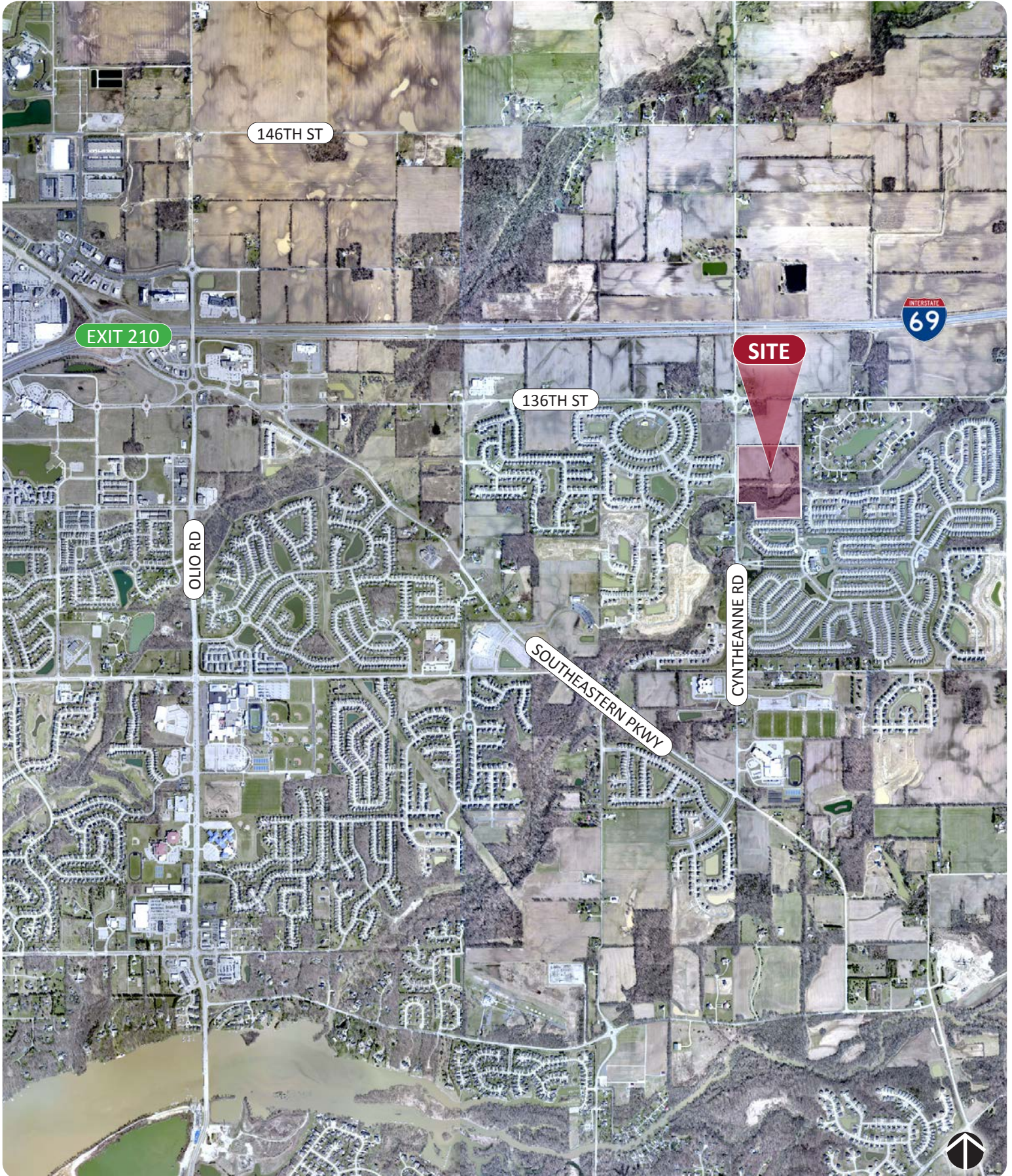
We look forward to presenting this request to you on January 4, 2022.

Respectfully submitted,


Rick Lawrence


Jon C. Dobosiewicz

TAB 2



TAB 3



TAB 4

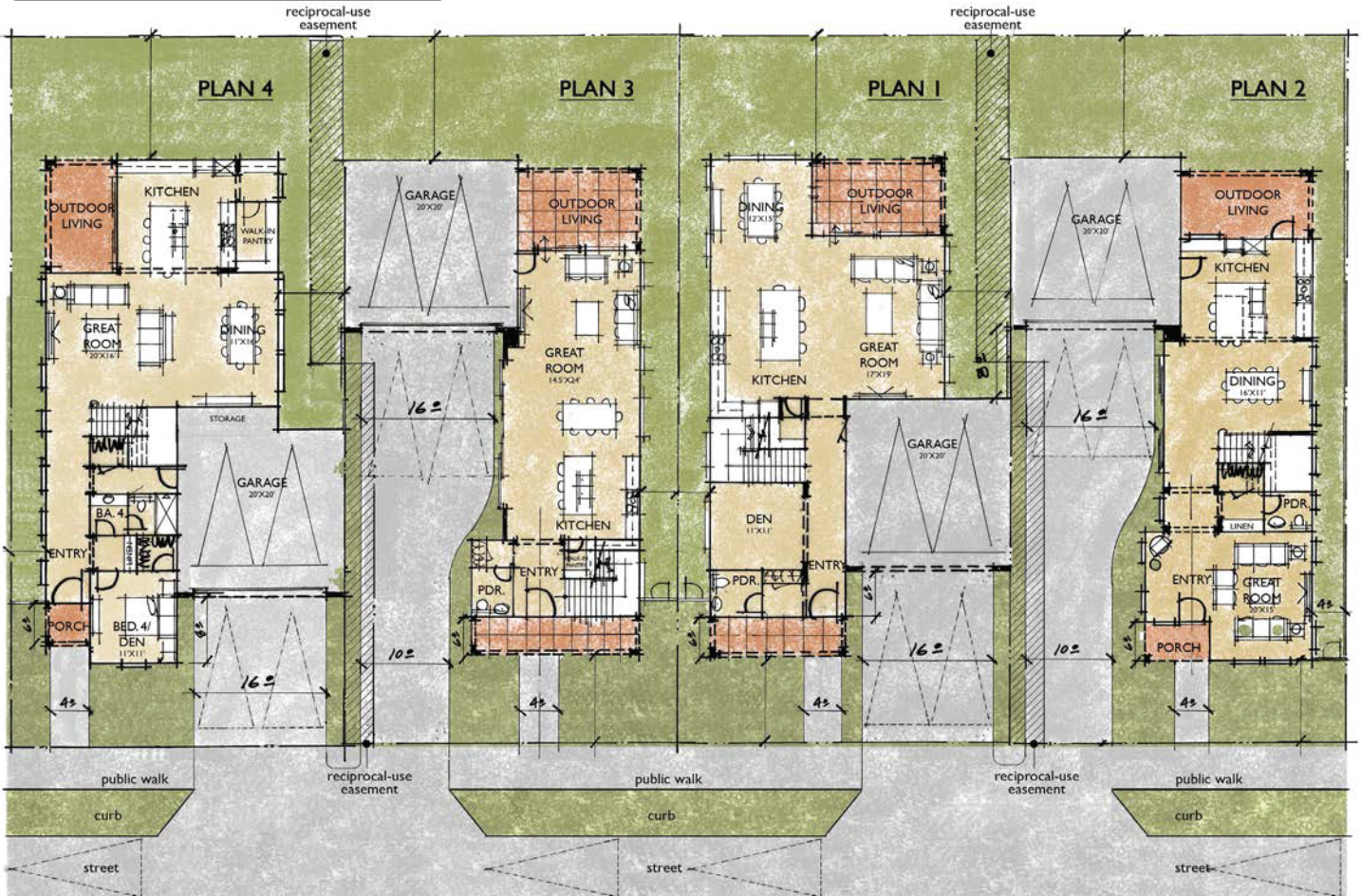
CONCEPTUAL PLAN

CYNTHEANNE WOODS

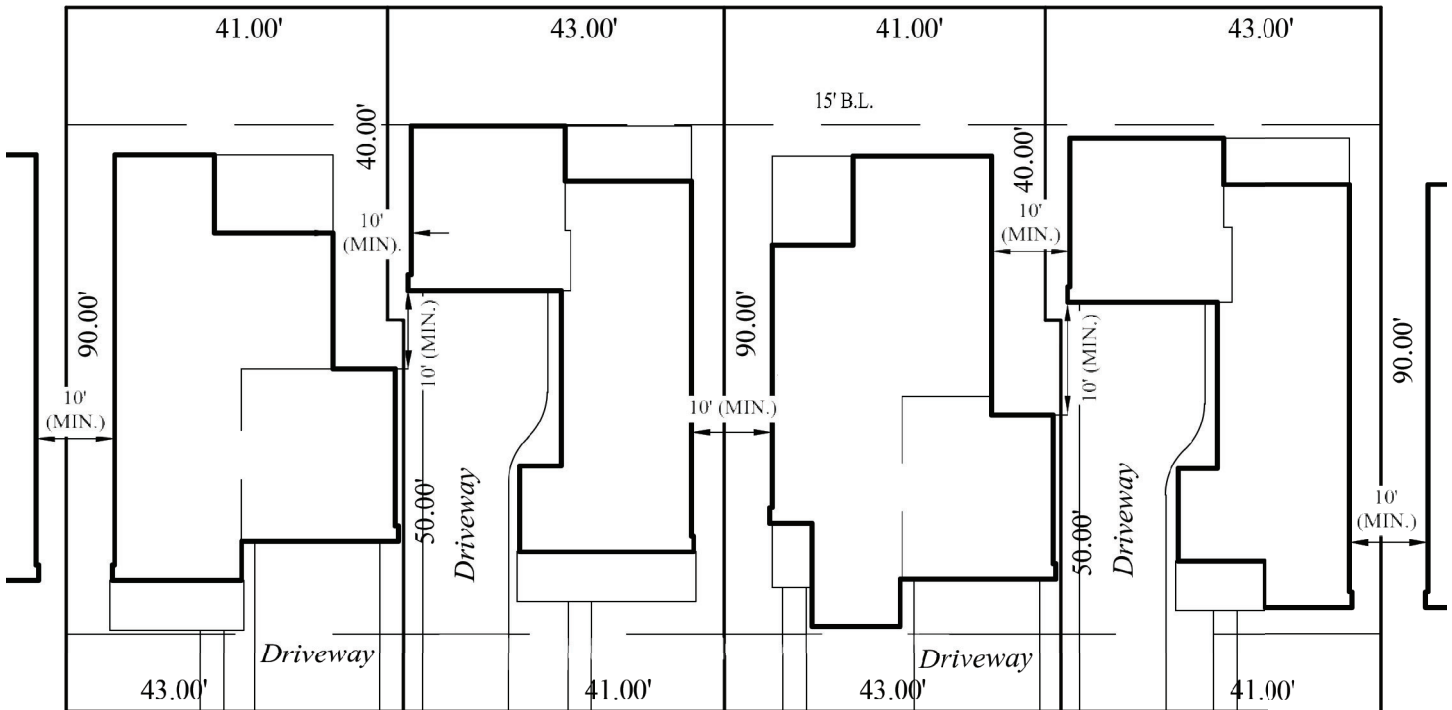


TAB 5

FIRST FLOOR - LOT PLAN EXAMPLE



TYPICAL PLOT PLAN



TAB 6

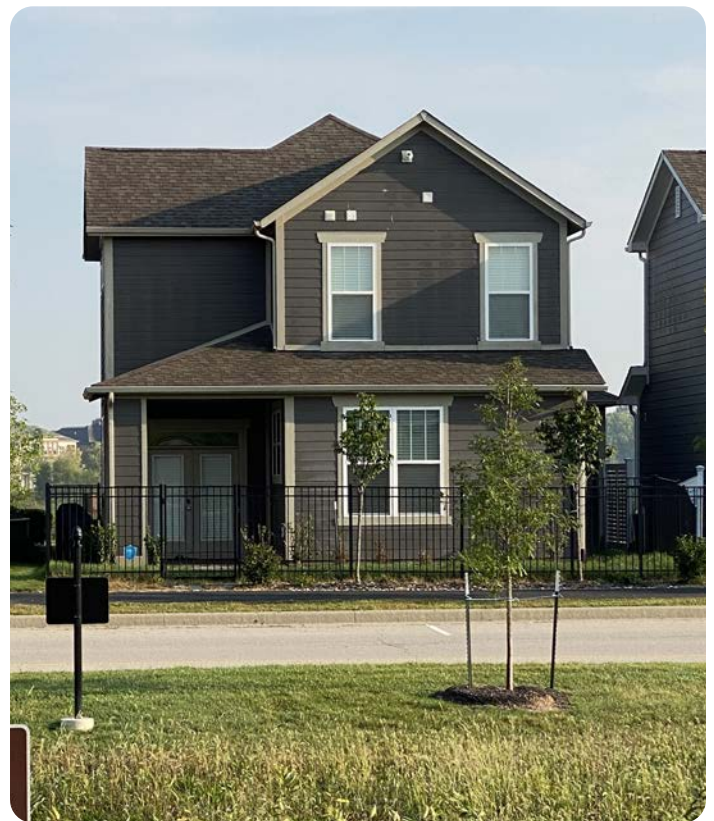
CHARACTER EXHIBITS

CYNTHEANNE WOODS





REAR ELEVATIONS - PHOTOGRAPHS



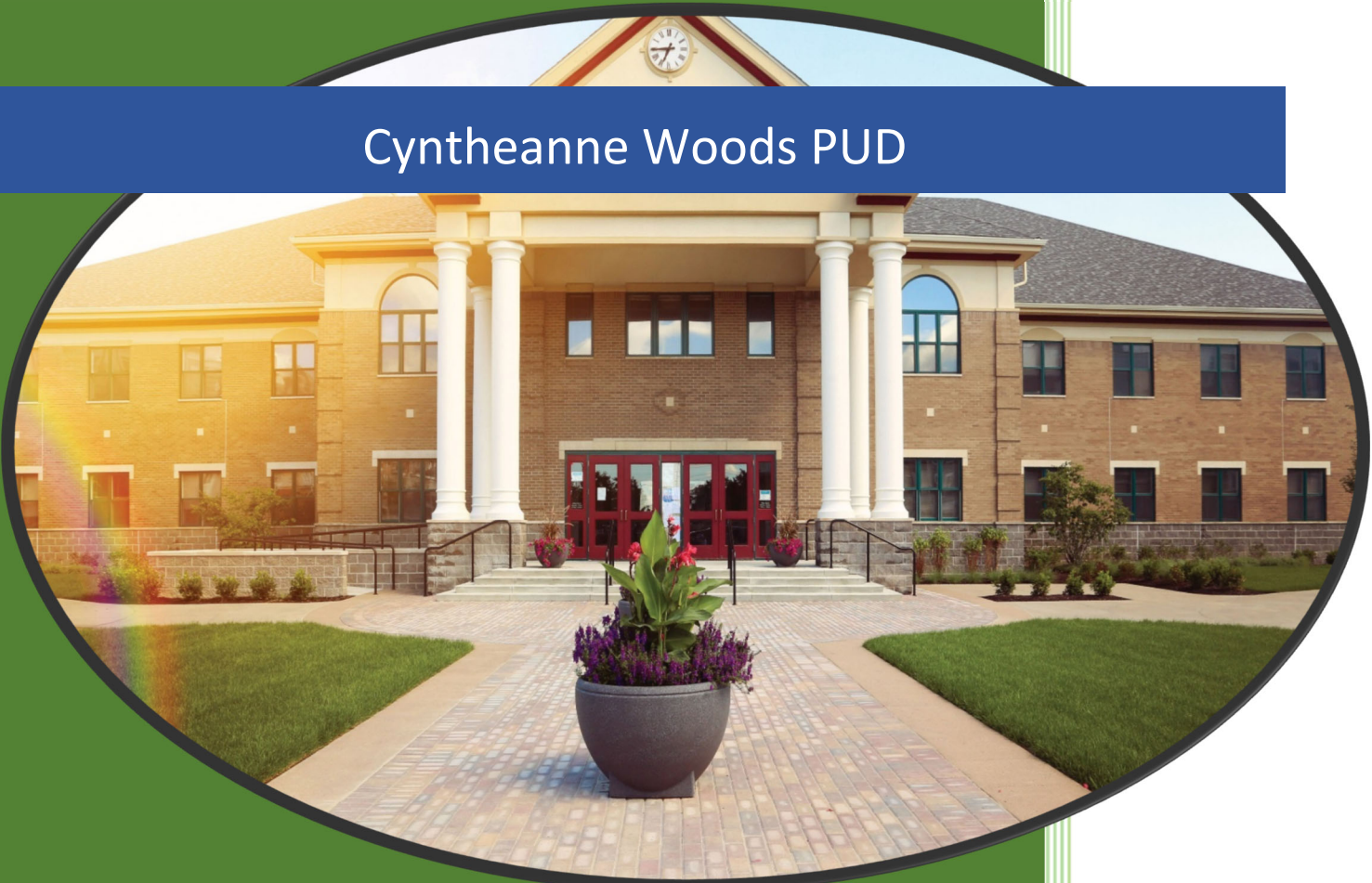
TAB 7



TAB 8

2023

Cyntheanne Woods PUD



Planning & Zoning Department
City of Fishers
Ordinance:



1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaration

1. Ordinance No. _____ (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Cyntheanne Woods PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted in the Real Estate.

1.2. Concept Plan

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The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Cyntheanne Woods PUD shall not exceed 61 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

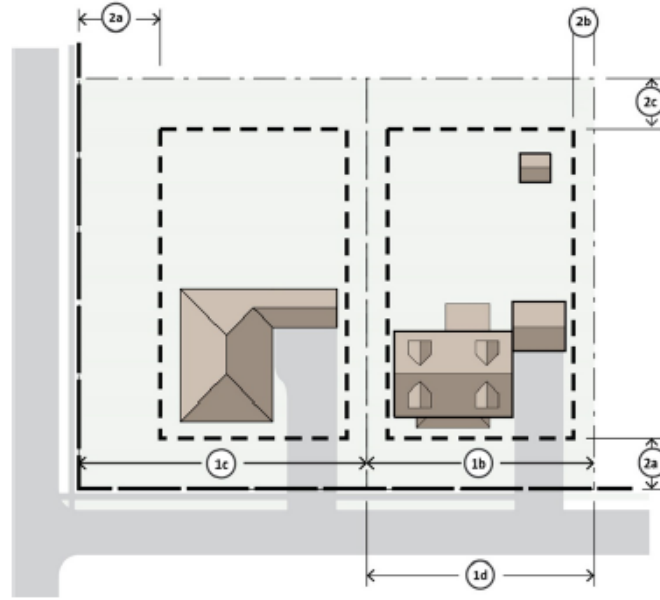
(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the District:

District Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	3,500 sf
1b. Lot width at building line – standard	40 feet
1c. Lot width at building line – corner	50 feet
1d. Lot frontage	20 feet
2. Minimum Building Setbacks	
2a. Front - local street / other street type	10 feet
2b. Side	*1 foot
2c. Rear	15 feet
2d. Minimum Building Separation	**10 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	1,800 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

* There shall be a minimum three (3) foot wide reciprocal use and access easement along side lot lines of adjoining lots where the side yard building setback is less than three (3) feet.

** There shall be a minimum ten (10) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



D. Article 6.1 General Regulations: Shall apply.

E. Article 6.2 Accessory Structure Standards: Shall apply.

F. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in **Exhibit C** is hereby incorporated into this Cyntheanne Woods PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in **Exhibit D** Garage Door Illustrations.
- 3) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 4) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 5) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**). Variations, as illustrated below, shall be permitted.



6) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on **Exhibit C** and **Exhibit E**.

a. Article 6.3.4.B.2(a-d) shall apply, as compliance is demonstrated in Exhibit E.

b. Along rear elevations are facing a public view (where visible from roadways, common areas and pedestrian areas) enhancements to dwellings shall be as generally depicted on **Exhibit E**. Additionally, a minimum of one (1) window shall be added to the rear of any garage area where the garage area is along the rear of the dwelling (see **Exhibit E** “*”).

G. Article 6.4 Entrances & Driveways: Shall apply.

H. Article 6.5 Exterior Lighting Standards: Shall apply.

I. Article 6.6 Height Standards: Shall apply.

J. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.

2) Required landscaping that can not be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.

3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.

4) **Section 6.7.4 Bufferyards** - Shall not apply.

- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family Lots:** 1 canopy tree per frontage, which canopy tree shall be one and the same as the tree required under Section 6.7.5.
- K. **Article 6.8 Lot Standards:** Shall apply.
- L. **Article 6.9 Outdoor Display & Storage Standards:** Shall apply.
- M. **Article 6.10 Parking & Loading Standards:** Shall apply.
- N. **Article 6.11 Pedestrian Accessibility Standards:** Shall not apply to the Greenway Trail Corridor Area (as identified on the Concept Plan (Exhibit B.2)).
- O. **Article 6.12 Permitted Nonresidential Structure Standards:** Shall apply.
- P. **Article 6.13 Property Identification Standards:** Shall apply.
- Q. **Article 6.14 Public Art Standards:** Shall apply.
- R. **Article 6.15 Setback Standards:** Shall apply.
- S. **Article 6.16 Signage Standards:** Shall apply.
- T. **Article 6.17 Wall & Fence Standards:** Shall apply.
- U. **Article 6.18 Water & Sewer Standards:** Shall apply.
- V. **Article 6.19 Vision Clearance Standards:** Shall apply.

1.3. Planned Unit Development Design Standards

- A. **Cross Reference:** The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.
 - 1) **Article 8.1 General Provisions:** Shall apply.
 - 2) **Article 8.2 Block, Lot & Access Standards:** Shall apply.
 - 3) **Article 8.3 Street & Alley Standards:** Shall apply.
 - 4) **Article 8.4 Open Space, Common Area & Amenity Standards:** Development of the Real Estate shall not be subject to the Open Space requirements of UDO. Dedication of the part of the Real Estate, as generally illustrated and labeled as Greenway Trail Corridor Area on Exhibit B.2, to the City of Fishers at the time of Secondary Plat shall satisfy all applicable Open Space requirements of the UDO. If the City desires to improve the dedicated area prior to its dedication, then the property owner shall work in good faith with the City to accommodate the City's plans.
 - 5) **Article 8.5 Other Design Standards:** Shall apply.

1.4. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.5. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.6. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.7. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

1.8. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

PUD Draft E 122022

Exhibit B.1 – Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER, SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST, LOCATED IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST (ASSUMED BEARING) 521.13 FEET ON AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 1215.50 FEET ON AND ALONG SAID NORTH LINE TO A MAG NAIL; THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS EAST 1320.50 FEET PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 00 DEGREES 09 MINUTES 25 SECONDS WEST 1435.50 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0038; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 980.50 FEET PARALLEL WITH SAID SOUTH LINE TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 220.00 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 340.00 FEET PARALLEL WITH SAID SOUTH LINE TO THE POINT OF BEGINNING.

Exhibit B.2 – Concept Plan



Exhibit C – Illustrative Architectural Exhibit



Exhibit C – Illustrative Architectural Exhibit

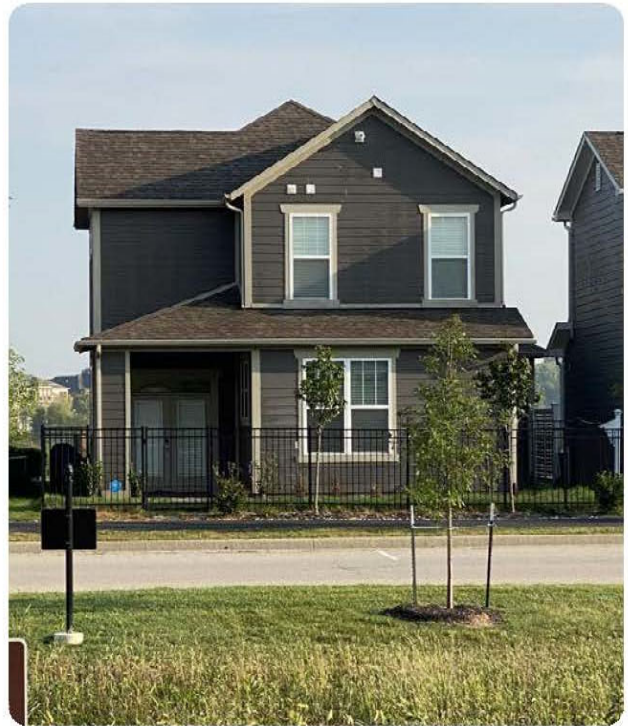


Exhibit D – Garage Door Illustrations



Exhibit E – Rear Elevation Enhancement Illustrations

REAR ELEVATIONS - PHOTOGRAPHS



* A minimum of one (1) window shall be added to the garage in the areas noted with an * for those dwellings facing a public view.



City Council Staff Report

Meeting Date: January 17, 2023

DEPARTMENT CONTACT:

Bre King, Senior Planner (kingb@fishers.in.us)

CASE NUMBER:

RZ-22-8

PETITIONER:

Rick Lawrence on behalf of William Tres Development (rick@nf-law.com)

PROPERTY ADDRESS/LOCATION:

Southeast corner of 136th Street and Cyntheanne

REQUEST: Consideration of a rezone of 41.45 acres from Planned Unit Development-Commercial (PUD-C - Creekside Shoppes) to Planned Unit Development-Residential (PUD-R) for a 61-unit, single family residential subdivision to be known as Cyntheanne Woods.

EXISTING ZONING:
PUD-Commercial (Creekside Shoppes Ordinance No. 080408)

PROPOSED ZONING:
PUD-Residential (Cyntheanne Woods Ordinance No. 111422)

FISHERS 2040:
Neighborhood Service Center, Estate Residential & Open Space Overlay

LOT SIZE: 41.45 acres

LOCATION MAP



STAFF RECOMMENDATION

Approve Deny Continue

ZONING HISTORY:

The current zoning of the property is PUD-Commercial (Creekside Shoppes Ordinance No. 080408). This zoning designation was approved on November 5, 2008. The current zoning is intended to allow all uses described in the C1, C2 and I1 districts of the Unified Development Ordinance (UDO) with some additional use restrictions.

The property is currently vacant and has been vacant / farmland since at least 1936 according to photographic evidence taken from the city's GIS maps.

SURROUNDING LAND USE & ZONING:

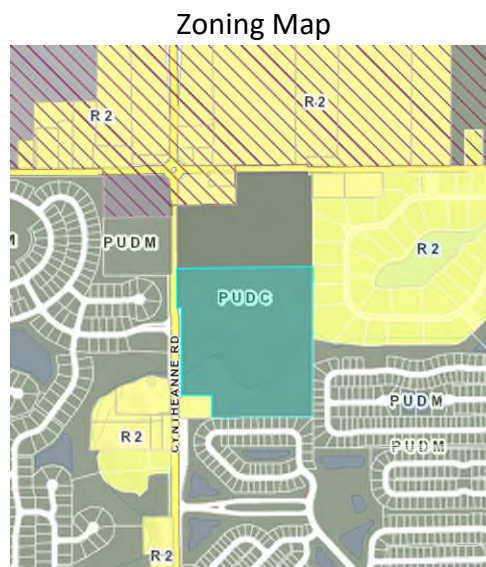
North: PUD-M Britton Falls Ordinance No. 041513 (Vacant)

East: R2 Residential (Barrington Estates) & PUD-M Britton Falls Ordinance No. 041513 (Britton Falls)

South: PUD-M Britton Falls Ordinance No. 041513 (Britton Falls)

West: PUD-M Britton Falls Ordinance No. 041513 (Hunters Run)

The proposed development is surrounded by single-family residential on the East, South and West, ranging from R2 to PUD communities. To the North is another parcel zoned PUD-C-Creekside Towns and is currently vacant. The proposed single-family development aligns with the current conditions and character of the surrounding land use.



SUMMARY OF PUBLIC COMMENTS:

Neighborhood Meetings – The developer met with the Britton Falls (11/9/22), Hunters Run (12/7/22) and Barrington Estates (11/15/22) to provide the surrounding neighborhoods an overview of the new development and solicit feedback. A summary of these meetings and responses has been provided by the developer and included on the agenda. City staff did not attend these neighborhood meetings, but the primary concerns are indicated below as detailed by the developer.

- Density of housing
- Desire for open space / tree preservation
- General amount of development around the city
- Desire for commercial uses

City Council – This item was given First Reading at City Council on 11/14/2022. Below is an overview of the comments made

- Councilperson Coble would like to see enhanced architecture on the rear elevations facing Cyntheanne Road. Staff Echoes this sentiment and would like to see additional architectural features on the rear garage elevations.
- All Council members voiced support for the greenway connection proposed South of the proposed homes on the property.

Frank Harlem, property owner at 15252 Charbono Street in Britton Falls, stopped by the City Service building on 12/28/2022 to ensure staff was aware of the former deed restrictions on the property regarding the area south of Thorpe Creek. These commitments were made to the Britton Falls HOA under document reference no. 200000063298 and instrument no. 2008059403. The commitments state that Thorpe Creek is to be in a Tree Conservation Area and the area south of Thorpe Creek is to remain a density of no greater than 1.7 dwelling units/acre that was under the original R2 zoning. This area is identified in the PUD as “Greenway Trail Corridor Area” will be dedicated to the city for future parkland ensuring these commitments are adhered to. The petitioner has also added language to the PUD to ensure these commitments are being adhered to.

Plan Commission – This item with to Plan Commission on 1/4/2023. No public comments were heard. Plan Commission send a **favorable recommendation** to City Council by a vote of 9 to 0.

PETITION OVERVIEW:

This new zoning district will be known as the “Cyntheanne Woods PUD” and is generally located on the southeast corner of 136th and Cyntheanne Rd. The underlying zoning district for this PUD will be the R5 Residential Zoning District found within the City’s Unified Development Ordinance (UDO), except as modified by the proposed ordinance. When additional permits are applied for (Primary Plat, Secondary Plat, Subdivision Improvement Permit), the permits will be reviewed by the Technical Advisory Committee for code compliance.

The image below provides an overview of the Cyntheanne Woods PUD deviations from the UDO and items that exceed UDO Requirements. This rezone was reviewed by the Technical Advisory Committee (TAC) on 11/17/2022. All staff TAC comments have been addressed.



Density Standards	
Lot Size	↓
Frontage	↓
Setbacks	↓
Impervious Area	↓
Building Floor Area	↑

Other Standards	
Architecture	↑
Open Space	↑
Tree Preservation & Native Landscaping	↑

Development Standards – Compared to R5 Zoning District.

Cyntheanne Woods PUD		UDO R5 Residential
1a Lot Area	3,500 sf	7,500 sf
1b Lot width at building line – Standard	40'	70'
1c Lot width at building line – corner	50'	84'
1d Lot Frontage	20'	50'
2 Minimum Building Setbacks		
2a. Front – local street / other street type	10'	25'/40'
2b. Side, primary structure	*1'	10'
2c. Rear	15'	25'
2d. Minimum Building Separation	**10'	-
3. Maximum Building Height		
3a. Primary structure	35'	35'
4. Building Floor Area		
4a. Living unit area, 1-story (min)	1,800 sf	1,000 sf
4b. Living unit area, 2-story (min)	1,800 sf	1,200 sf
5. Other		
5a. Requires municipal water and sewer hookup		
5b. Impervious area of lot (max)	75%	50%
5c. Alternative standards	Sec.8.4.7. Conservation Development	Sec.8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot	Sec. 6.8.1.G. Structures Per Lot

* There shall be a minimum three (3) foot wide reciprocal use and access easement along side lot lines of adjoining lots where the side yard building setback is less than three (3) feet.

** There shall be a minimum ten (10) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.

Architecture – The Illustrative Architectural Exhibits will be reviewed by PUD Committee for approval on January 4, 2023. At the request of staff, the petitioner has included the provision that rear elevations facing a public view (where visible from roadways, common areas and pedestrian areas) enhancements to dwellings shall be added. Additionally, a minimum of one (1) window shall be added to the rear of any garage area where the garage area is along the rear of the dwelling. Architecture was approved by the PUD Committee at their 1/4/2023

meeting.

Open Space – To meet open space requirements, the developer has agreed to dedicate the open space area to the City of Fishers for a future park. Activation of this area with trails, including connections to surrounding neighborhoods, will be determined by the City at a later date.

Native Landscaping – All required landscaping will be native species as selected from the City of Fishers Planting Guide list of Approved Species. In addition, the species will be required to be varied so that no more than 30% of a total plant material may be one species to increase resistance against pest or disease. In addition, the detention pond will have native species planted along the edge of the pond to assist with natural water quality improvements.

Site Access & Right of Way – All proposed roads will be designated as local and public. The city Engineering Department has a plan in place to widen 136th in 2024 to assist with traffic flow. The development proposes one entrance off Cyntheanne road to be placed directly across from the entrance to Hunters Run Subdivision. A second emergency service access will be provided north of this entrance. The development will also provide a stub street to the North to connect with future development. It is important to highlight that all access and ROW improvements will need to be reviewed by the City’s Engineering Department through the Technical Advisory Committee (TAC) and are subject to additional comments by staff.

Fishers 2040 – The Fishers 2040 Future Land Use Map identifies this area as Neighborhood Service Center on the northern portion of the property and Estate Residential on the area in the proposed tree preservation area of the development.

Fishers 2040 Future Land Use Map



Neighborhood Service Center is defined as a land use intended to provide daily retail uses,

personal services and community gathering space for the convenience of neighborhoods in which they are located. Integrated residential uses may be appropriate and neighborhood centers should be integrated to coordinate with surrounding residential uses to provide support and pedestrian activity.

Estate Residential is intended to establish and preserve land that is used for single-family homes on large lots, less than one unit per acre. Uses may include residential single-family development that is integrated with compatible agricultural or ecological uses.

There is also a band of Open Space Overlay following the route of Thorpe Creek on the property. The Open Space Overlay is land identified for development or redevelopment on the future land use map include environmentally sensitive areas, such as wood lots, tree rows or stream corridors, or key connection points within the city's larger greenway network. The Future Land Use Map includes a greenway overlay that conceptually illustrates open space preservation and greenway connection opportunities throughout the planning area.

The development is residential in nature similar to the estate residential category in the plan. However, because the development is preserving the native landscape, they have proposed higher density in the Northern portion of the property. The Comprehensive Plan still shows the potential for commercial rezones / development on the Southeast and Southwest corner of 136th and Cyntheanne. Despite the commercial uses allowed on the subject property since 2008, no commercial development has occurred.

STAFF RECOMMENDATION

Approve Deny Continue



Council Action Form

MEETING DATE	January 17, 2023			
TITLE	Consideration of a rezone of 41.45 acres from Planned Unit Development-Commercial (PUD-C - Creekside Shoppes) to Planned Unit Development-Residential (PUD-R) for a 61 unit residential subdivision to be known as Cyntheanne Woods. Case #RZ-22-8			
SUBMITTED BY	Name & Title: Megan Vukusich			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
	<input type="checkbox"/> Executive			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
				<input checked="" type="checkbox"/> Final Reading
	Ordinance #: 111422		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	Rick Lawrence is requesting a rezone of 41.45 acres from Planned Unit Development-Commercial (PUD-C - Creekside Shoppes) to Planned Unit Development-Residential (PUD-R) for a 61 unit residential subdivision to be known as Cyntheanne Woods. See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold Final Reading
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	November 14, 2022 - 1st Reading -- City Council January 4, 2022- Plan Commission Recommendation and Public Hearing January 17. 2022- Proposed Final Reading -- City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold Final Reading for the rezone.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Ordinance 2. Petitioner's Packet 3. Staff Report	