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Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



ORDINANCE NO. 011921B

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING ORDINANCE 081511C, PARKSIDE PUD, AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA – 1980, AS AMENDED.

WHEREAS, this is an ordinance to amend the Ordinance 081511C, an ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-20-4 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission at its March 3, 2021 meeting sent a Favorable recommendation to the Common Council by a vote of 6 in favor and 0 opposed, and 1 abstention.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 *ET. SEQ.*, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, ORDINANCE 081511C (“PARKSIDE PUD”) IS HEREBY AMENDED AS FOLLOWS:

Section 2. AMENDMENT. This Text Amendment affects the Amended Eastern Property line associated with the approved senior living facility. Which is legally described in Exhibit A, attached.

Section 3. The specific zoning standards, preliminary architectural drawings and concept plan shall be approved as shown in Exhibit B (“Petitioner’s Packet”),

Section 4. DEVELOPMENT STANDARDS. “Required Landscaping and Screening” is hereby relabeled as paragraph D and the following shall be inserted as the new paragraph C, entitled “Residential Use”:

A. RESIDENTIAL USE.

The following development standards and definitions shall apply to residential land use on the Subject Property. For the purposes of this Ordinance, residential use shall be limited to a Senior Independent Living Facility. (1) MAXIMUM NUMBER OF UNITS. The maximum number of apartment units permitted within the Senior Independent Living Facility shall not exceed 162.

B. PARKING. There shall be a minimum ratio of 1.08 off-street parking spaces/residential unit serving the Senior Independent Living Facility. There shall not be a required minimum number of covered parking spaces.

ORDINANCE NO. 011921B

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B. PARKING. There shall be a minimum ratio of 1.08 off-street parking spaces/residential unit serving the Senior Independent Living Facility. There shall not be a required minimum number of covered parking spaces.

ORDINANCE NO. 011921B

C. RESIDENTIAL SITE DEVELOPMENT STANDARDS

- a. Front Yard Setback – minimum 40 feet measured from the outside limit of Parkside Drive.
- b. Side Yard Setback - minimum 20 feet.
- c. Lot Frontage – No frontage on a public street shall be required, as Parkside Drive is a private street.
- d. Buffer Yard – in lieu of any buffer yard required by the UDO, the following shall be provided along east property line of the Subject Property:
 - I. A forty-foot (40’) wide green space area including a ten foot (10’) strip of landscaped area shall be maintained along the east side of the Subject Property. The 10’ landscaped strip shall be located within the westerly edge of the 40’ wide green space area as shown in Figure 1. Said landscaped area shall not require the installation of mounding or trees, only shrubs as required by the definition of a Medium bufferyard.
The development standards described for the Amended Eastern Property Line.
 - II. A six-foot (6’) tall PVC privacy fence shall be required along the entire east property line
 - III. Ancillary Structures/Accessory Use – Ancillary structures and Accessory Uses
 - IV. including but not limited to, single-story garages, single-story carports, and singlestory maintenance buildings shall be allowed to have Side Yard and Rear Yard Setbacks of fifteen feet (15’).
 - V. General Accessory Standards –the general accessory standards of the UDO shall
 - VI. apply unless otherwise noted in this Amendment.

ARCHITECTURAL GUIDELINES

- a. All exterior building materials shall be of durable high-quality products. Vinyl siding
- b. will not be permitted. Cementitious siding will be used where clapboard style siding is shown.
- c. Maximum building height shall be three stories above grade, which shall in no case exceed 46 feet to the peak of the roof line.
- d. Brick or stone masonry shall be required on all sides of any building and the front elevation shall require a minimum of 50% brick or stone masonry, excluding the area of doors, windows and vents.
- e. Accessory buildings/structures are permitted.

OTHER RESIDENTIAL STANDARDS

Any residential standard for the Senior Independent Living Facility not specifically defined in this Ordinance or established by deed restrictions recorded with the land shall follow the standards of the M2 district as defined in the UDO, with the following exception: Minimum Living Unit Area on the Subject Property shall be as follows: 1-bedroom /2-bedroom / 2 BR w/1.5 Bath: 600 / 750 / 885 sf.

Section 5. LANDSCAPING.:

“Required Landscaping and Screening” shall be modified as follows: Section D(2), entitled “Perimeter Land Related to Abutting Properties,” shall be replaced in its entirety to read as

ORDINANCE NO. 011921B

follows: Perimeter Land Relating to Abutting Properties. A forty foot (40') wide green space area including a ten foot (10') strip of landscaped area shall be maintained along the east side of the any land in the Parkside PUD that is undeveloped as of the date of this Amendment. The 10' landscaped strip shall be located within the westerly edge of the 40' wide green space area as shown in Figure 2 of Exhibit B. Said landscaped area shall

not require the installation of mounding or trees, only shrubs as required by the definition of a Medium bufferyard.

Any undeveloped land or lots along the east property line of the Parkside PD District that have existing perimeter trees removed shall require the installation of a six-foot (6') PVC privacy fence along the east property line. On the site of a building or landscaping structure or open lot use providing an offstreet parking area or other vehicular use area, where such areas will not be entirely screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a wall or hedge or other durable landscape barrier not greater than eight (8) feet in height nor less than three and onehalf (3 1/2) feet in height, to form a continuous screen between the off-street parking area or other vehicular use area and such abutting property. Such landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property, provided the purpose of screening off-street parking area and other vehicular use areas is accomplished. If such barrier consists all or in part of plant materials, such plant materials shall be planted in a planting strip of not less than five (5) feet in width.

In addition, one tree shall be provided for each seventy-five (75) lineal feet of such landscape barrier or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use areas. Each such tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Each such planting area shall be landscaped with grass, ground cover, or other landscape material, excluding paving, in addition to the required tree. The provisions of this subsection shall not be applicable where a proposed parking area or other vehicular use area abuts an existing hedge, wall, or other durable landscape barrier on an abutting property. Said existing barrier may be used to satisfy the landscape barrier requirements of this subsection, provided that said existing barrier meets all applicable standards of this Ordinance and protection against vehicular encroachment is provided for hedges.

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE PARKSIDE PUD. PUD-C SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED. IF THERE IS A CONFLICT BETWEEN THE UNIFIED DEVELOPMENT ORDINANCE AND THE INTENT OF THE PUD ORDINANCE, THE PUD ORDINANCE SHALL CONTROL.

ORDINANCE NO. 011921B

SO BE IT ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 15th day of March, 2021.

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

YAY		NAY	ABSTAIN
<i>[Signature]</i>	Selina Stoller, President		
<i>[Signature]</i>	David George, Vice President		
<i>[Signature]</i>	C. Pete Peterson, Member		
<i>[Signature]</i>	John Weingardt, Member		
<i>[Signature]</i>	Cecilia C. Coble, Member		
<i>[Signature]</i>	Brad DeReamer, Member		
<i>[Signature]</i>	Todd Zimmerman, Member		
<i>[Signature]</i>	Samantha Delong, Member		
<i>[Signature]</i>	Jocelyn Vare, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 15th day of March, 2021, at 9.00 p m.

ATTEST: *[Signature]*
Jennifer L. Kehl, City Clerk



[Signature]

Scott A. Fadness, Mayor

MAYOR'S APPROVAL

3/15/2021

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

ORDINANCE NO. 011921B

“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

EXHIBIT A



ORDINANCE NO. 011921B

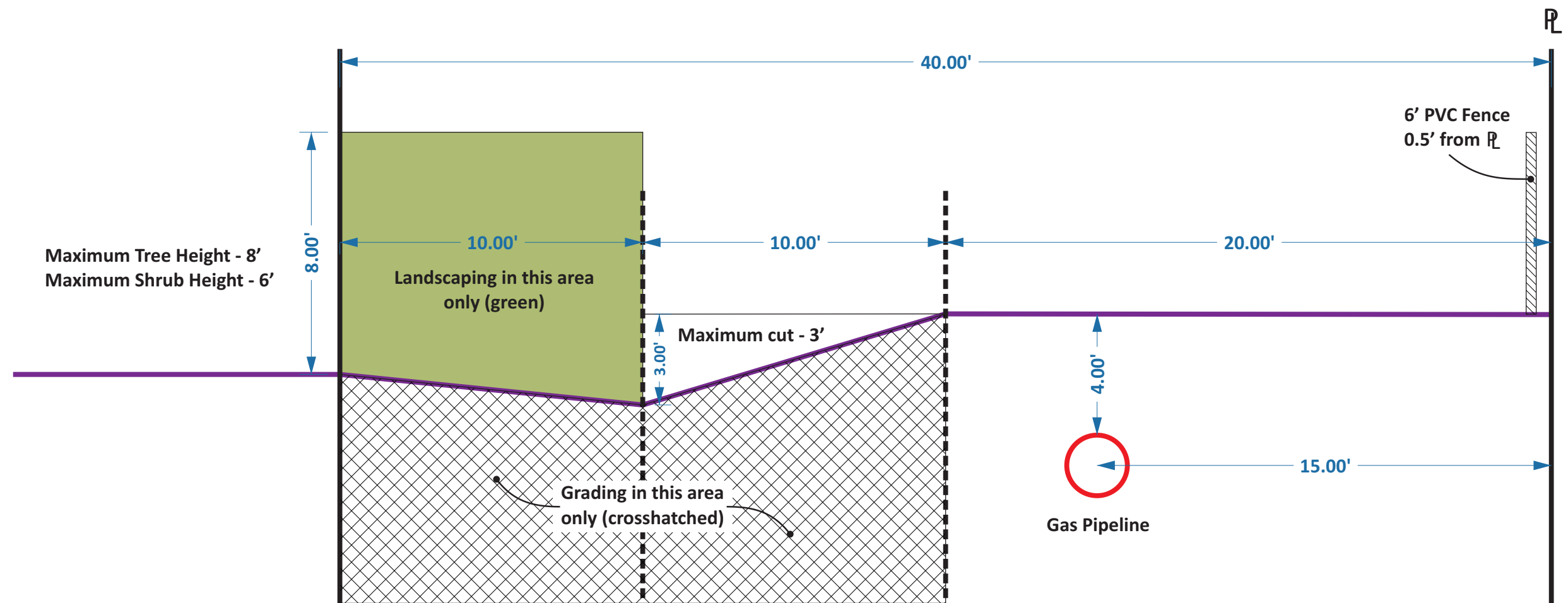


EXHIBIT "C"

EXHIBIT B:
ORDINANCE NO. 011921B

AN ORDINANCE AMENDING THE TEXT OF THE PARKSIDE PUD
ORDINANCE No. 030294C
OF FISHERS, INDIANA

AN ORDINANCE AMENDING THE TEXT OF AN ORDINANCE OF FISHERS, INDIANA, DATED March 2, 1994 - Ordinance No. 030294C (the "Parkside PUD") as amended by Ordinance No. 081511C (the "2011 Amendment"), and as amended by Ordinance No. (the"2018 Amendment");

SECTION 1. DECLARATION

It is hereby ordained by the City Council (the "Council") of the City of Fishers, Indiana (the "City") that the 2018 Amendment is hereby repealed and replaced in its entirety and the text of the Parkside PUD is hereby amended as set forth in this Amendment to the Parkside PUD. To the extent there is any conflict between the Parkside PUD and this Amendment to the Parkside PUD, this Amendment to the Parkside PUD shall control. Any provisions of the Parkside PUD that are not specifically amended by this Amendment to the Parkside PUD shall remain in full force and effect. Any provisions of the Unified Development Ordinance of the City of Fishers, Ordinance No. 090605A (the "UDO") which are specifically referenced shall apply.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this Amendment to the Parkside PUD is to amend certain and specific provisions of the Parkside PUD pertaining to the list of permitted land uses and the development standards for those land uses. This Amendment to the Parkside PUD hereby establishes a Senior Independent Living Facility, defined as multi-family apartment rental units restricted to tenants that are 55 years old and over, as a permitted residential land use and also establishes specific development standards for said Senior Independent Living Facility.

SECTION 3. AMENDMENTS TO THE PARKSIDE PUD

The following constitute the amendments to the Parkside PUD:

A. Section 2 Land Use is hereby appended with the following:

In addition to C3 and 11 land uses, the Senior Independent Living Facility shall be a permitted land use subject to the development standards, architectural guidelines and other restrictions defined herein. The Senior Independent Living Facility shall be eligible as a permitted use only within the ten (10) acre area described on Exhibit "A" attached hereto (the "Subject Property").

B. Section 3. Development Standards, Existing paragraph C, entitled "Required Landscaping and Screening" is hereby relabeled as paragraph D and the following shall be inserted as the new paragraph C, entitled "Residential Use":

C. RESIDENTIAL USE.

The following development standards and definitions shall apply to residential land use on the Subject Property. For the purposes of this Ordinance, residential use shall be limited to a Senior Independent Living Facility.

(1) MAXIMUM NUMBER OF UNITS. The maximum number of apartment units permitted within the Senior Independent Living Facility shall not exceed 162.

(2) PARKING. There shall be a minimum ratio of 1.08 off-street parking spaces/residential unit serving the Senior Independent Living Facility. There shall not be a required minimum number of covered parking spaces.

(3) RESIDENTIAL SITE DEVELOPMENT STANDARDS

- a. Front Yard Setback – minimum 40 feet measured from the outside limit of Parkside Drive.
- b. Side Yard Setback - minimum 20 feet.
- c. Lot Frontage – No frontage on a public street shall be required, as Parkside Drive is a private street.
- d. Buffer Yard – in lieu of any buffer yard required by the UDO, the following shall be provided along east property line of the Subject Property:
 - i. A forty foot (40') wide green space area including a ten foot (10') strip of landscaped area shall be maintained along the east side of the Subject Property, The 10' landscaped strip shall be located within the westerly edge of the 40' wide green space area as shown in Figure 1. Said landscaped area shall not require the installation of mounding or trees, only shrubs as required by the definition of a Medium bufferyard.



FIGURE 1

- i. A six-foot (6') tall PVC privacy fence shall be required along the entire east property line.
 - e. Landscaping –A detailed landscaping plan developed in accordance with the requirements of Section 6.7.3 of the UDO shall be provided to the PUD Committee, and upon approval, shall create the applicable landscaping standards for the Senior Independent Living Facility. Site drainage requirements shall have priority in any conflict between landscaping requirements and drainage requirements. Landscaping will need to be placed in a way that does not impair or impede the function of any drainage pipe, structure or swale.
 - f. Ancillary Structures/Accessory Use – Ancillary structures and Accessory Uses including but not limited to, single-story garages, single-story carports, and single story maintenance buildings shall be allowed to have Side Yard and Rear Yard Setbacks of fifteen feet (15').
 - g. General Accessory Standards –the general accessory standards of the UDO shall apply, unless otherwise noted in this Amendment.
- (4) ARCHITECTURAL GUIDELINES
- a. All exterior building materials shall be of durable high-quality products. Vinyl siding will not be permitted. Cementitious siding will be used where clapboard style siding

is shown.

- b. Maximum building height shall be three stories above grade, which shall in no case exceed 46 feet to the peak of the roof line.
- c. Brick or stone masonry shall be required on all sides of any building and the front elevation shall require a minimum of 50% brick or stone masonry, excluding the area of doors, windows and vents.
- d. Accessory buildings/structures are permitted.

(5) OTHER RESIDENTIAL STANDARDS

Any residential standard for the Senior Independent Living Facility not specifically defined in this Ordinance or established by deed restrictions recorded with the land shall follow the standards of the M2 district as defined in the UDO, with the following exception:

Minimum Living Unit Area on the Subject Property shall be as follows: 1-bedroom / 2-bedroom / 2 BR w/1.5 Bath: 600 / 750 / 855 sf.

- C. Section 3, new paragraph D, entitled "Required Landscaping and Screening" shall be modified as follows: Section D(2), entitled "Perimeter Land Related to Abutting Properties," shall be replaced in its entirety to read as follows:

Perimeter Land Relating to Abutting Properties. A forty foot (40') wide open space area free from buildings and structures (except for fencing) shall be maintained along the east property line of lots along the east side of the Parkside PUD that are undeveloped as of the date of this Amendment. Paving, parking, vehicle circulation, sidewalks and other at-grade improvements shall be allowed within the 40' strip. Any landscaping other than turf or ground cover installed within the 40' strip may be placed only within the 10' landscaped strip located within the westerly edge of the 40' wide green space area as shown in Figure 2. Said 40' No Building strip shall not require the installation of mounding, trees, or shrubs as may be required by this PUD Ordinance or by any other provisions of the UDO as long as a 6' opaque privacy fence is maintained along the east property line adjoining the residential land uses.

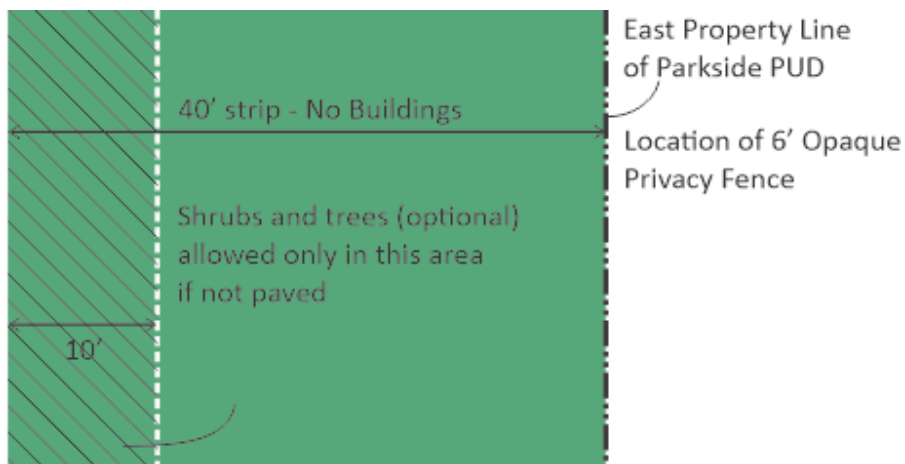


FIGURE 2

Any undeveloped land or lots along the east property line of the Parkside PD District shall require the installation of a six-foot (6') PVC privacy fence along the east property line as shown in Figure 2, concurrent with the development of the property.

On the site of a building or landscaping structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened by an intervening building or structure from abutting property, that portion of

such area not so screened shall be provided with a wall or hedge, opaque privacy fence, or other durable landscape barrier not greater than eight (8) feet in height nor less than three and one-half (3 1/2) feet in height, to form a continuous screen between the off-street parking area or other vehicular use area and such abutting property. Such landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property, provided the purpose of screening off-street parking area and other vehicular use areas is accomplished. If such barrier consists all or in part of plant materials, such plant materials shall be planted in a planting strip of not less than five (5) feet in width.

In addition, one tree shall be provided for each seventy-five (75) lineal feet of such landscape barrier or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use areas. Each such tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Each such planting area shall be landscaped with grass, ground cover, or other landscape material, excluding paving, in addition to the required tree. The provisions of this subsection shall not be applicable where a proposed parking area or other vehicular use area abuts an existing hedge, wall, opaque privacy fence, or other durable landscape barrier on an abutting property. Said existing barrier may be used to satisfy the landscape barrier requirements of this subsection, provided that said existing barrier meets all applicable standards of this Ordinance and protection against vehicular encroachment is provided for hedges.

D. Section 3. Existing paragraph D, entitled, "Signs" is hereby relabeled as paragraph E.

SECTION 4. PROCEDURES

The Parkside PUD as hereby amended by this Amendment to the Parkside PUD, shall remain in full force and effect.

SECTION 5. APPROVAL

This Amendment to the Parkside PUD shall be in full force and effect from and after its passage by the City Council.

ADOPTED BY THE City Council of the City of Fishers, Indiana on this ____ day of _____, 20____.

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

AYE

NAY

	Cecilia Coble	
	Todd Zimmerman	
	Samantha DeLong	
	David C. George	
	Brad DeReamer	
	Jocelyn Vare	
	Pete Peterson	
	Selina Stoller	
	John Weingardt	

ATTEST: _____
Jennifer Kehl, City Clerk
City of Fishers, Indiana

Date: _____

Approved by: Chris Greisl, City Attorney

I hereby certify that the foregoing Ordinance/Resolution was delivered to City of Fishers Mayor Scott Fadness on the ____ day of _____, 20____, at _____m.

ATTEST: _____
Jennifer Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana 46038

EXHIBIT "A"

LAND DESCRIPTION

Part of the West Half of the Southeast Quarter of Section 30, Township 18 North, Range 5 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Southeast Corner of said Quarter Section; thence along the south line thereof South 89 degrees 30 minutes 21 seconds West (basis of bearings is South 00 degrees 07 minutes 49 seconds East on the East line of said Southeast Quarter - Indiana State Plane Coordinates - Indiana East Zone NAD83)1335.32 feet to the Southeast Corner of the West Half of said Quarter Section; thence along the east line of said Half Quarter Section North 00 degrees 11 minutes 00 seconds West 921.03 feet to the Point of Beginning; thence parallel with the south line of said Quarter Section South 89 degrees 30 minutes 21 seconds West 787.93 feet; thence North 32 degrees 06 minutes 13 seconds West 157.55 feet to the southeast line of Parkside Drive as described in Instrument No. 980039548 and Instrument No. 2002037932 in the office of the Hamilton County Recorder; thence along Parkside Drive North 47 degrees 12 minutes 00 seconds East 478.57 feet to the point of curvature of a curve concave northwesterly having a radius of 405.00 feet, the radius point of said curve bears North 42 degrees 48 minutes 00 seconds West from said point; thence Northeasterly along said curve 264.53 feet to the southwest corner of Parkside - Lot Six, the plat of which is recorded in Plat Cabinet 2, Slide No. 300 as Instrument No. 199909948156 in the Office of the Recorder, Hamilton County, Indiana, said corner bears South 80 degrees 13 minutes 22 seconds East from the radius point; thence along the south line of Lot 6 North 89 degrees 17 minutes 28 seconds East 394.39 feet to the east line of said Half Quarter Section; thence along said east line South 00 degrees 11 minutes 00 seconds East 685.10 feet to the place of beginning containing 10.00 acres, more or less.



CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Jessie Boshell, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038 T: (317) 595-3116 EMAIL: boshellj@fishers.in.us

DOCKET NUMBER:

Ord. No. 011921B (TA-20-4)

PETITIONER/PROPERTY OWNER:

MANN PROPERTIES

PUBLIC HEARING DATE:

Wednesday, February 3rd, 6:00 PM

PROPERTY ADDRESS/LOCATION:

12915 Parkside Drive/15-11-30-00-00-023.000

SPECIFIC REQUEST: Consideration of a text amendment to the Parkside PUD to amend the parking and landscaping requirements as part of a proposed Senior Apartment project. Proposed landscaping requirements will apply to the entire parent tract. Senior Apartment project is 10 acres and will consist of 162 apartment units. Subject site is located on the east side of Parkside Drive, between 126th and 131st streets. Subject property is addressed 12915 Parkside Drive.

SIZE OF PROPERTY: 17+/- acres

EXISTING ZONING: PUD-C

EXISTING LAND USE: Vacant Land

PROJECT SUMMARY:

Mann Properties is requesting a text amendment to the Parkside PUD to amend the parking and landscaping requirements as part of a proposed Senior Apartment project, with the use already being allowed for the site. Petitioner is requesting the text amendment to clean up language related to parking requirements and is requesting to amend the landscaping requirements due to requirements by utility agencies.

LOCATION MAP:



STAFF RECOMMENDATION

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> APPROVE WITH CONDITIONS	<input type="checkbox"/> DENY	<input type="checkbox"/> CONTINUE
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ATTACHMENTS

- | | |
|--|--|
| <input type="checkbox"/> SUBMITTED PLANS | <input type="checkbox"/> LEGAL NOTICE |
| <input type="checkbox"/> PUBLIC COMMENTS | <input type="checkbox"/> AGENCY COMMENTS |
| <input type="checkbox"/> OTHER | <input type="checkbox"/> LEGAL DESCRIPTION |

PETITION HISTORY:

The subject site is located at 12915 Parkside Drive in the Parkside PUD.

The proposed text amendment will amend parking requirements and landscaping requirements that were previously approved in 2017. Subject site received initial approval for a text amendment to allow an independent living senior apartment facility in 2011. In 2017, the same scope of project was granted approval with updates to the ordinance.

Petition went before City Council for first reading on January 19th.

Item went before Plan Commission on February 3rd, 2021 and received approval of 8-0, with one abstention. After the recommendation of approval was granted, the item went before City Council on February 15th. Petitioner asked that the item be sent back to Plan Commission for an amendment to the language that was in the PUD regarding the 40-foot-wide landscaping easement. Petitioner sought the return to provide updated language that was more transparent for future development on the site.

Updated petition received approval of 6-0 vote, with one abstention at the March 3rd, 2021 Plan Commission.

PETITION OVERVIEW:

Petitioner is seeking approval of a text amendment to amend the parking requirements in the PUD ordinance, and the landscaping requirements. The petitioner is seeking to clean up the ordinance and reflect the reflect parking numbers approved in 2017 to allow 1.08 parking spaces per unit or a total of 175 spaces.

In addition, the petitioner is seeking to modify the minimum square footage of units from 775 square feet to 600 square footage. Units will be 1 and 2 bedrooms. The proposed would modify the current 775/875 square footage to 600/750/885 square footage. Square footage is dependent upon number of bedrooms and bathroom configuration. The petitioner is also seeking approval of an amendment to the landscaping requirements. Currently, the ordinance requires a 30 foot in width tree preservation area along the entire length of the eastern property line. Ordinance states that the trees can be removed if necessary, for utility installation.

Through the due diligence stage, the petitioner was notified by Vectren that the trees would have to removed as part of a gas line expansion. As such, the petitioner is seeking an amendment to the ordinance to be transparent, and to help create a new buffer. Vectren has stated that the trees will be removed whether the amendment is approved or not. Subject amendment would provide a 40-foot in width area along the eastern property line. Within the 40-foot area, 30 feet would be green space, and the remaining 10-feet would be a landscaping strip with plantings to help with buffering. The petitioner will also install a 6 ft fence along the eastern property line to provide additional screening.

At the February Plan Commission meeting, the petitioner proposed a 40-foot in width area along the entire eastern property line. Within that 40 feet, there would be a 30-foot-wide green space with a 10-foot-wide landscaping strip on the westerly edge. Petitioner also stated in proposed that a 6-foot opaque fence would be installed along the entire eastern property line for buffering. Petitioner received unanimous approval in February, however, due to potential issues for developments in the future and other language discrepancies in the ordinance that contradicted one another the petitioner is seeking to amend the amendment to the following standards.

Subject amendment would provide a 40-foot in width area along the entire eastern property line. Within the 40-foot area, 30 feet would be green space, and the remaining 10-feet would be a landscaping strip with plantings to help with buffering.

The petitioner will also install a 6 ft opaque fence along the eastern property line to provide additional screening. No buildings shall be allowed to be built within the 40 foot in width area long the entire eastern property line. However, Paving, parking, vehicle circulation, sidewalks and other at-grade improvements shall be allowed within the 40' strip.

PUBLIC COMMENTS:

We have received public comment related to the tree preservation area. Of those comments, residents have expressed their hopes of keeping the trees for privacy.

STAFF COMMENTS:

Staff is supportive of Ord. No. 011921B as the proposed will provide screening between the proposed senior apartments and the neighborhood to the east. Vectren has stated that the trees will be removed regardless of the outcome. As such, staff has worked with the petitioner, and believe this is the best solution for the subject property and the properties to the east. Proposed amendment to the amendment offers more transparency for future development and for the neighbors to the east.

ATTACHMENTS:

- 1) Council Action Form
- 2) Ordinance
- 3) Petitioner Packet (Exhibit B)
- 4) Vectren Letter
- 5) Gas Line Exhibit



Council Action Form

MEETING DATE	March 15 th , 2021		
TITLE	Consideration of a text amendment to the Parkside PUD to amend the parking requirements and minimum unit square footage as part of an approved senior apartment project. Petitioner also requests an amendment to the landscaping requirements that apply to the entire parent tract. Subject site is located on the east side of Parkside Drive, between 126th and 131st streets. Subject property is addressed 12915 Parkside Drive.		
SUBMITTED BY	Name & Title: Jessie Boshell, Planner II Department: Planning and Zoning		
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special <input type="checkbox"/> Retreat
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 checked="" type="checkbox"/> 3 rd Reading <input checked="" type="checkbox"/> Final Reading
	Ordinance #: 011921B		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"/> Document does not need recorded with the County Recorder's Office

	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office	
APPROVALS/REVIEWS	<input checked="" type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input 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)	Mann Properties requests a text amendment to the Parkside PUD to amend the parking requirements and minimum unit square footage as part of an approved senior apartment project. Petitioner also requests an amendment to the landscaping requirements that apply to the entire parent. Subject site is located on the east side of Parkside Drive, between 126th and 131st streets. Subject property is addressed 12915 Parkside Drive. Please reference the Petitioner's Packet for the proposed update and illustrative concept map.	
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:	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 3 rd and Final Reading
	2.	Continue to Next Meeting
	3.	Take No Action
	4.	
PROJECT TIMELINE	January 19th, 2021: Council held combined 1st Reading February 3rd, 2021: Plan Commission (Public Hearing-received favorable recommendation) February 15 th , 2021: Petitioner asked City Council for item to be sent back to Plan Commission for an amendment to the amendment to clean up language related to the development of real estate within the 40-foot-wide green space. March 3 rd , 2021: Plan Commission received favorable recommendation for updated amendment.	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends holding 3 rd and final reading, adopting Ord. No. 011921B	
SUPPLEMENTAL INFORMATION (List all attached documents)	-Staff Report -Ordinance -Petitioner Packet -Vectren Letter -Gas Line Exhibit	