

**SOUTHWEST CORNER 116TH/OLIO ROAD  
ORDINANCE NO. 100702B (Revised 11/4/02)**

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF FISHERS, INDIANA - 1980.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980.  
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA,  
THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND  
ORDINANCES - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED  
AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described real estate is hereby zoned as PUD-M also to be further defined as the Southwest Corner Olio Road/116th Street PUD-M and replaces Ordinance #050701A.

SEE "EXHIBIT A" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

To create a neighborhood commercial area consisting of approximately 11.46 acres located on the south side of 116th Street and adjoining a portion of the west right-of-way of Olio Road, as depicted on the concept plan identified as Exhibit "B", attached hereto, and to create a residential district consisting of approximately 9.89 acres which borders Geist Lake on one side and adjoining a portion of the west right-of-way of Olio Road, as depicted on Exhibit "B", through the adoption of development standards including architectural design and material standards and the creation of various landscaping buffers and open space to aesthetically enhance and to be COMPATIBLE with the mounding residential neighborhoods.

SECTION 3. LAND USE

- A. All uses described in Section 151.073 (C1, Commercial District), Section 151.074 (C2, Commercial District), Section 151.075 (C3, Commercial District) and Section 151.070 (R6, Residential District) of the Fishers Zoning Code, as amended, shall be permitted in this PUD District, but the placement of the various buildings containing these uses are limited to the geographical areas more specifically described below, as depicted on Exhibit "B".
- B. The commercial uses permitted under this PUD-M shall be limited to approximately 11.46 acres (the "Commercial Area") and the residential uses permitted under this PUD-M shall be limited to approximately 9.89 acres (the "Residential Area"), both located in, and limited to, their respective areas that are geographically depicted on Exhibit "B".

- C. Development along the westerly property line of the Commercial Area shall consist of C-1 commercial uses only and the Nature Preserve as shown on Exhibit "B". Development of the balance of the Commercial Area as depicted on Exhibit "B" is merely conceptual and building sizes and or locations may change or be altered provided all revisions comply with the requirements of this PUD-M. The maximum square footage of retail and office buildings in the Commercial Area is restricted to no more than 68,760 square feet. Prior to the occupancy of any building within the Commercial Area, the buffering requirements set forth in Section 4(A)(2) and the Nature Preserve set forth in Section 4(A)(3) hereof must be installed and completed.
- D. Development of the 57 condominium units and related improvements within the Residential Area shall be substantially as depicted on Exhibit "B".
- E. No fast food or drive-in type restaurants are permitted. Sit-down or full service restaurants are permitted with the ability to serve alcoholic beverages.
- F. The commercial area within this PUD prohibits and hereby precludes any business which principally features sexually explicit products.
- G. Package liquor sales shall be prohibited in gas stations/convenience stores.
- H. The fuel dispensing facilities and/or the proposed building within the Commercial Area which is closest in proximity to the intersection of 116th Street and Olio Road may continuously remain open for operation 24 hours per day. Alternatively, if there is no fuel dispensing facility but a different type of use in the building closest in proximity to the intersection of 116th Street and Olio Road (such as a drugstore), then it may continuously remain open for operation 24 hours per day. All other buildings in the Commercial Area cannot be open to the public between the hours of 12:00 midnight and 6:00 a.m.
- I. One Fueling dispensing facility is permitted within the southwest PUD.

#### SECTION 4. COMMERCIAL STANDARDS

- A. Bulk and density standards
  - (1) Building setbacks from property lines:
    - Front 50 feet
    - Side 10 feet
    - Rear 20 feet
  - (2) Buffer to adjacent residential property
 

The landscape buffer for the western property line of the Commercial Area that has a lineal length of approximately 790 feet, and the landscape buffer for that portion of the southern property line of the Commercial Area that has a lineal length of approximately 345 feet, will consist of a six-foot tall mound, with a six-foot tall solid cedar fence placed on top of this mound with masonry columns at each end

and masonry columns then spaced approximately 50 feet apart. Twenty-seven existing Norwegian Spruce trees currently located on the north side of Annie Lane shall be relocated to the western side of this mound that has a lineal length of approximately 790 feet, and spaced approximately 30 feet apart. No trees or any other type of landscaping shall be located on the south side of the mound that has a lineal length of approximately 345 feet. In addition, the existing wire fence along this 345 feet property line shall remain in place. If any of the Norwegian Spruce trees that are relocated die within one year of transplanting, the tree shall be replaced with a minimum of an eight-foot evergreen tree at time of planting.

(3) Nature preserve

The nature preserve in the southwest corner of the Commercial Area, as depicted on Exhibit B, shall be installed and then allowed to grow without being mowed so that with the passage of time it is truly a natural looking nature preserve.

(4) Buffer for the interior residential condo units of this PUD-M

Except for the cul-de-sac, the remaining portion of the existing road called Annie Lane shall remain in place. Buffering for the condominium units shall be along the south side of Annie Lane, and shall consist of two of the following items, as chosen by the developer of the condominium units: a five-foot tall decorative fence (either wood, wrought iron, or masonry); a landscape screen of evergreen and deciduous plantings; or, an earthen mounding. The fencing and landscaping requirements may be altered by the PUD Committee if the spirit and intent of the buffering to the residential area is met.

(5) Lot coverage not to exceed 75 percent which is inclusive of buildings, parking areas and all other impervious surfaces which results in a open space requirement of 25 percent of the land area.

(6) Building height

Buildings are restricted to 35 feet maximum height or a maximum of two stories (Pitched roofs are measured at the mid-point.).

(7) Parking standards

(a) Parking ratios

Retail	Minimum of one space for every 300 gross square feet and a maximum of one space for every 250 square feet
Office	Minimum of one space for every 225 net usable square footage, Maximum of one space for every 200 square feet
Restaurant	Minimum of one space for every three seats plus one for each employee on largest shift.

- (b) Parking lot landscaping on the interior shall be required at a minimum of five percent of the total parking area and shall be part of the landscaping plan reviewed by the PUD Committee. The interior parking lot landscaping is calculated as part of the 25 percent open space lot coverage area requirement.

B. Architectural standards

1. All buildings must have similar design and material.
2. All buildings must screen all mechanical equipment including roof and ground mounted.
3. The exterior of all buildings adjacent to residentially zoned areas or occupied shall consist of a brick, masonry or stone facade or stucco materials with masonry surface and appearance.
4. All structures within an individual PUD area shall be constructed with similar materials and compatible architecture.
5. Facades that have greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
6. Where large multi-tenant retail establishments contain additional, separately owned stores that occupy less than 25,000 square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
7. Building facades must include a repeating pattern that includes no less than three of the following elements:
  - a. Color change;
  - b. Texture change;
  - c. Material module change;
  - d. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.
8. Roofs shall have no less than two of the following features:
  - a. Pitched roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;

- b. Overhanging eaves, extending no less than three feet past the supporting walls;
  - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
  - d. Three or more roof slope planes.
9. Materials and colors.
- a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.
  - b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
  - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
  - d. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
10. Entryways.
- a. Each retail establishment greater than 20,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
    - (1) Canopies or porticos;
    - (2) Overhangs;
    - (3) Recesses/projections;
    - (4) Arcades;
    - (5) Raised corniced parapets over the door;
    - (6) Peaked roof forms;
    - (7) Arches;
    - (8) Architectural details such as tile work and moldings which are integrated into the building structure and design;
    - (9) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
  - b. All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of Items 1 through 9.

11. Pedestrian circulation.
  - a. Sidewalks at least eight feet in width shall be provided along the south side of 116th Street and the west side of Olio Road for any portion of the Commercial Area that abuts either of these public roads.
  - b. A continuous internal pedestrian walkway, no less than eight feet in width, shall be provided from the public sidewalks set forth in subparagraph (a), above, to the Nature Preserve. In addition, other pedestrian walkways shall be installed to connect to any restaurants and/or multi-tenant buildings from the primary internal pedestrian walkway that connects to the Nature Preserve. Focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground.
  - c. Sidewalks, no less than five feet in width, shall be provided along the full length of all retail and office buildings along any facade featuring a customer entrance, and along any facade abutting public parking areas. Excluding buildings containing C-1 uses, such sidewalks located along any facade featuring a customer entrance shall include periodic planting beds.
  - d. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
12. Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 12:00 midnight and 6:00 a.m. with the exception of snow removal. Furthermore, no loading dock area may face an adjacent residential area.

C. Signage

- (1) All wall signage shall be reverse channel letter neon.
- (2) All other signage requirements shall be in conformance with Chapter 158 of the Fishers sign code.
- (3) Ground signs shall be architecturally compatible

D. Lighting

- a. Limit to 0.5-foot candles at the property line, except those areas containing an egress/ingress to an adjoining public road.
- b. No greater than a 20 to 1 ratio of lighting with a ten-foot candle maximum on site.

- c. Light poles shall be limited to 30 feet in height.
- d. Light fixture shall be decorative along the entrance drives and along public rights-of-way approved as part of the overall architecture, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than 180-degree angle of light.

E. Landscaping

- a. All landscaping not defined in this ordinance shall be required as section 151.072 Screening and Planting of Fishers Code of Ordinances.
- b. A 25-foot landscaping area is required between the Commercial Area and the south side of 116th Street, and the Commercial Area and the west side of Olio Road, exclusive of driveways and parking areas. Entrance drives may cross this area at a 90-degree angle.
- c. One street tree is required every 50 feet along 116th Street and along Olio Road, and can be placed within the 25-foot landscaping area.
- d. The 25-foot landscape area described in subparagraph (b), above, shall be landscaped with a buffer screen of either a wall or fence of ornamental iron, block, brick, solid wood fencing or combination thereof. Said wall or fence shall be at least 36 inches in height and shall be so constructed to such minimum height to restrict any view there through, or a compact hedge of evergreen and deciduous shrubs, at least 36 inches at time of planting.

F. Accessory uses

- a. Dumpster and trash compactors shall be enclosed by a masonry enclosure and gated.
- b. Accessory structures including trash dumpster and compactors are not permitted within any front yard or within any side or rear yard setback requirements.
- c. No outdoor sales areas are permitted unless surrounded by a permanent structure consistent with material of the building.
- d. Permanent outdoor display areas are permitted provided that they are surrounded by a combination of 2.5-foot tall masonry wall or wrought iron fencing or combination of the two.

G. Other requirements

Any other requirements not specified by this PUD Ordinance shall be subject to Chapter 151.074 C2 Commercial District.

## SECTION 5. RESIDENTIAL STANDARDS

### A. Bulk and density standards

(1) Project size

9.89 acres

(2) Density

Maximum of 57 condominium units consisting of no more than seven buildings of three units each and nine buildings containing no more than four units each.

(3) Building setbacks

Front 15 feet

Side 20 feet separation between buildings

Rear 20 feet

(4) Buffering to adjacent residential property

The entire length of the west property line of the Residential Area that adjoins Lot 8, Country Lane Estates ("Lot 8"), which is approximately 810 lineal feet in length, shall be buffered as follows:

(a) For that portion of the west property line commencing at its northerly most point and extending south for approximately 344 lineal feet long, the existing first row of Norwegian spruce trees that are closest to the property line with Lot 8 shall remain;

(b) In this same 344 lineal foot area, remove and relocate the existing second row of Norwegian spruce trees that are east of the first row, and install a three-foot tall mound (three to one slope on both sides) in this area, with the six-foot tall solid cedar fence with the brick columns every 50 feet on top of the mound in this area;

(c) Commencing with the 40 foot "jog" south of the 344 lineal foot area, and continuing approximately 226 lineal feet south of the "jog", install a five-foot tall chain link fence, with no mounding in this area, and maintain as many existing trees in this 30-foot wide area as possible;

(d) For the remaining 200 lineal feet to the southern boundary of Lot 8, install a four-foot tall mound, with three to one slopes, with a six-foot tall solid cedar fence with brick columns on top of this mound.

(e) The two condominium units closest to Lot 8 of Country Lane Estates, (rows 3 and 4 north of Geist lake), shall have no windows on the west side of these two condo units. The mounding and landscaping requirements may only be altered by the legal owner of Lot 8 and the developer of the Commercial Area.



(5) Building height

Buildings are restricted to 35 feet maximum height or a maximum of 2 ½ stories. (Pitched roofs are measured at the mid-point.)

(6) Parking

All homes shall have two car garages with two additional parking spaces on the driveway

B. Architectural standards

1. All buildings must have similar design and material and must be architecturally compatible.
2. The exterior of all buildings will be 50 percent masonry consisting of high quality materials, including but not limited to brick, limestone, other native stone and tinted/textured concrete masonry units, with complimentary horizontal siding which supports the architectural design.
3. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
4. Building trim and accent areas shall be residential in character.

C. Other requirements

- a. Any other requirements not specified by this PUD Ordinance shall be subject to the Chapter 151.070 R6 Residential District.

SECTION 6. PROCEDURES.

1. The adoption of this ordinance and the subsequent consideration of any detailed and final development Plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

2. Following approval of PUD zoning, the developer shall meet with the PUD Committee for preliminary architectural review. PUD Committee design recommendation shall be required for Plan Commission review of the (detailed) development plan. Each individual parcel, building, when filing for an improvement location permit, shall submit architectural design plans for the PUD Committee review and approval prior to the issuing of a structural building permit.

3. All architectural approvals shall be approved by an Architectural Review Committee made up of the members of the PUD Committee and one resident appointed from the Town Council and one resident/architect as appointed by the Town Council.

4. A fee for PUD architectural review shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance.

SECTION 7. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 4th day of November, 2002.

**THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA**  
**AYE** **NAY**

**BY:**

Scott A. Faultless /s/ Scott A. Faultless,  
President

Timothy O. Lima /s/ Timothy O. Lima,  
Vice President

Stuart F. Easley /s/ Stuart F. Easley,  
Member

Eileen Pritchard /s/ Eileen Pritchard,  
Member

James W. Wallace /s/ James W. Wallace,  
Member

Dan E. Henke /s/ Dan E. Henke,  
Member

\_\_\_\_\_ Charles P. White,  
Member

**ATTEST:**

Linda Gaye Cordell /s/

DATE:

Linda Gaye Cordell  
Clerk-Treasurer  
Town of Fishers, Indiana

\_\_\_\_\_

Approved by: Douglas D. Church: Church, Church, Hittle and Antrim - Town Attorney

## EXHIBIT "A"

### RESIDENTIAL AREA

A part of the Northeast Quarter of Section 2, and a part of the Northwest Quarter of Section 1, both in Township 17 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast Quarter of Section 35, Township 18 North, Range 5 East (the Northwest corner of said Section 1 lies 58.08 feet Westerly from the Southeast corner of said Section 35, according to the congressional (Original) Survey Plat); thence North 89 degrees 57 minutes 27 seconds West (bearing system per plat of Kleinwood Addition, Section 1, recorded in Plat book 12, pages 17-18, in the Office of the Recorder for Hamilton County, Indiana) along the North line of said Northeast Quarter a distance of 694.66 feet to the Northwest corner of Kleinwood Addition, Section 3, recorded in Plat Book 11, pages 7-8 in said Recorder's office, said point also being the Northeast corner of a tract of land described in Instrument No. 9909912488 in said Recorder's office; thence South 00 degrees 02 minutes 33 seconds West a distance of 50.00 feet to the South right-of-way line of 116th Street per plans for the Indiana Department of Transportation (INDOT Project HCHD #PR-98-0002. Point of Beginning, the next two (2) courses being along said right-of-way line; thence (1) South 89 degrees 57 minutes 27 seconds East parallel to aforesaid north line a distance of 259.99 feet thence (2) South 00 degrees 02 minutes 33 seconds West a distance of 16.41 feet thence South 00 degrees 02 minutes 33 seconds East a distance of 540.22 feet thence South 89 degrees 57 minutes 27 seconds a distance of 512.25 feet to a point on said right-of-way line; thence South 25 degrees 30 minutes 00 seconds East along said right-of-way a distance of 1.13 feet; thence North 64 degrees 30 minutes 00 seconds East a distance of 0.85 feet to a point 60 feet Westerly and parallel with the centerline of Olio Road per said right-of-way plans, said point also being on a curve having a radius of 924.24 feet the radius point of which bears South 73 degrees 10 minutes 57 seconds West from said point; thence Southeasterly along said curve an arc distance of 50.89 feet to a point that bears North 76 degrees 20 minutes 15 seconds East from said radius point; thence South 64 degrees 30 minutes 00 seconds West a distance of 119.53 feet to a point on said right-of-way line per said plans; thence continuing along said right-of-way line (the next five courses being along said right-of-way line) (1) South 15 degrees 41 minutes 32 seconds East along the East line of Lot 3 in said Plat of Kleinwood Addition, Section One, a distance of 419.78 feet thence (2) South 00 degrees 23 minutes 32 seconds East a distance of 170.49 feet; thence (3) South 11 degrees 42 minutes 10 seconds East a distance of 167.29 feet; thence (4) South 00 degrees 23 minutes 32 seconds East a distance of 121.34 feet; thence (5) South 03 degrees 31 minutes 07 seconds West 40 feet, more or less, to the shore line of Geist Reservoir as established when said Reservoir is full (water level at an elevation of 785.0 feet above mean sea level); thence Westerly along the meandering shore line to a point on the East line of a tract of land described in Instrument Number 8711249 in said Recorder's Office; thence North 09 degrees 00 minutes 01 seconds West along said East line a distance of 426.49 feet; thence North 49 degrees 12 minutes 26 seconds West along said East line a distance of 39.94 feet to the Southeast corner of Lot 8, County Lane Estates, as recorded in Plat Book 5, Page 130, in said Recorder's Office; thence North 19 degrees 00 minutes 00 seconds East along the East line of said Lot 8 a distance of 344.44 feet to the Northeast corner of said Lot 8; thence North 89 degrees 57 minutes 27 seconds West along the North line of said Lot 8 and the North line of a private drive within said Country Lane Estates plat a distance of 344.66 feet to the Southeast corner of a deed recorded as Instrument Number 9909900488; thence North 00 degrees 02 minutes 33 seconds East along the East line of said deed a distance of 790.00 feet to the Point of Beginning. Containing 15.94 acres, more or less.

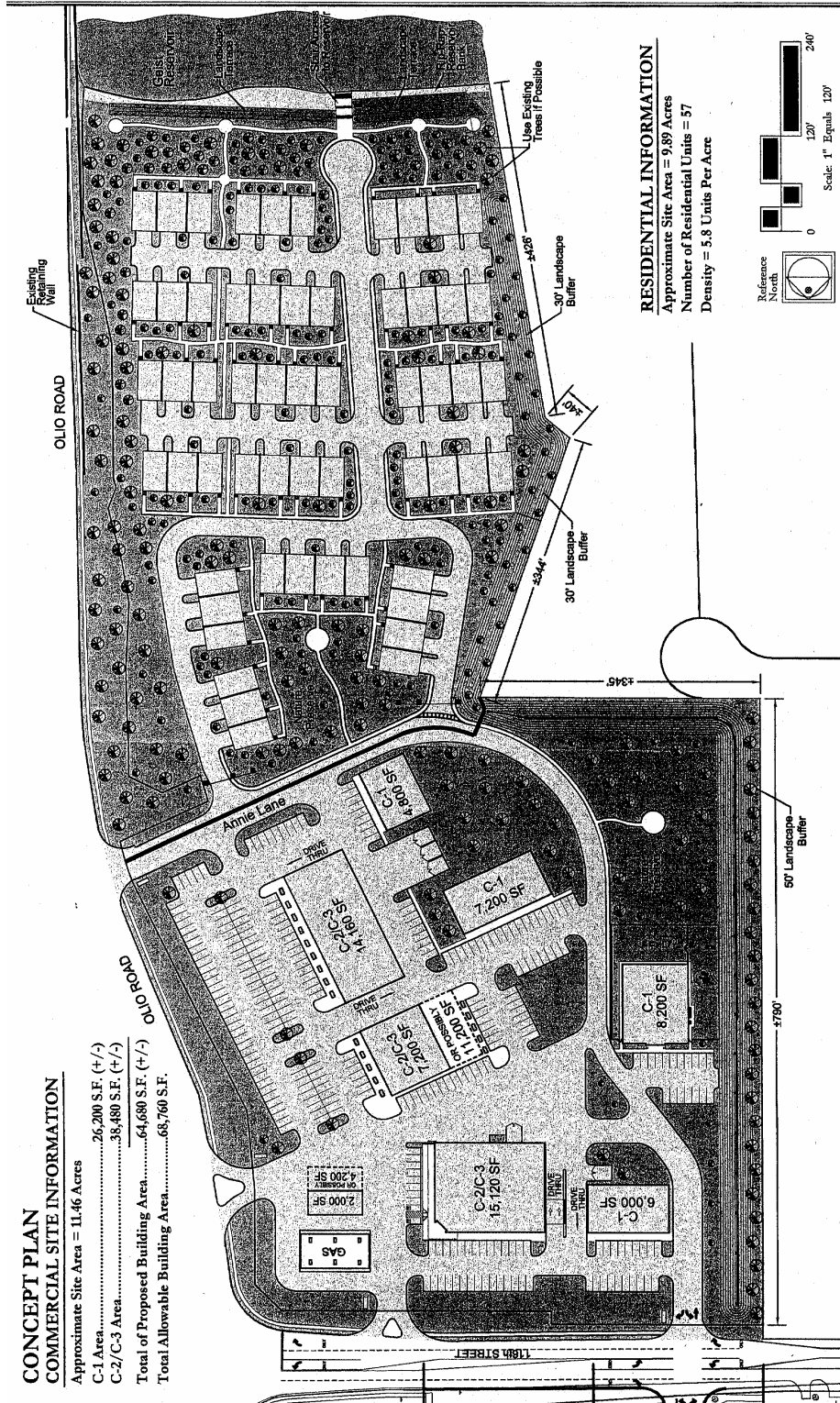
EXHIBIT "A"

COMMERCIAL AREA

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Commencing at the Southeast corner of Section 35, Township 18 North, Range 5 East (the Northwest corner of said Section 1 lies 58.08 feet Westerly from the Southeast corner of said Section 35, according to the congressional (Original) Survey Plat); thence North 89 degrees 57 minutes 27 seconds West (bearing system per plat of Kleinwood Addition, Section 1, recorded in Plat book 12, Pages 17-18, in the Office of the Recorder for Hamilton County, Indiana) along the North line of said Northeast Quarter a distance of 694.66 feet to the Northwest corner of Kleinwood Addition, Section 3, recorded in Plat Book 11, Pages 7-8 In said Recorder's Office, said point also being the Northeast corner of a tract of land described in Instrument Number 9909912488 in said Recorder's Office; thence South 00 degrees 02 minutes 33 seconds West a distance of 50.00 feet to the South right-of-way line of 116th Street per plans for the Indiana Department of Transportation (INDOT) Project HCHD #PR-98-0002 the next seven (7) courses being along said right-of-way line; thence (1) South 89 degrees 67 minutes 27 seconds East parallel to aforesaid north line a distance of 259.99 feet; thence (2) South 00 degrees 02 minutes 33 seconds West a distance of 16.41 feet to the Point of Beginning; thence continuing along said right-of-way line; thence (3) South 89 degrees 57 minutes 27 seconds East parallel with the North line of said Northwest Quarter Section a distance of 331.81; thence (4) South 45 degrees 07 minutes 14 seconds East a distance of 46.40 feet; thence (5) South 00 degrees 02 minutes 33 seconds West a distance of 120.79 feet; thence (6) North 89 degrees 6 minutes 46 seconds West a distance of 37.27 feet to the Northeast corner of Lot 7 in Kleinwood Addition, Section Two, recorded in Plat Book 12, Pages 19-20 in said Recorder's Office; thence (7) South 25 degrees 30 minutes 00 seconds East along the East line of said Lot 7 a distance of 428.63; thence North 89 degrees 57 minutes 27 seconds West parallel with the said North line of said Northeast Quarter Section a distance of 512.25 feet; thence North 00 degrees 02 minutes 33 seconds East a distance of 540.22 feet to the Point of Beginning. Containing 5.00 acres, more or less.

CONCEPT PLAN: CORNER OF 116TH STREET AND OLIO ROAD



**CONCEPT PLAN**  
**COMMERCIAL SITE INFORMATION**  
 Approximate Site Area = 11.46 Acres  
 C-1 Area.....26,200 S.F. (+/-)  
 C-2/C-3 Area.....38,480 S.F. (+/-)  
 Total of Proposed Building Area.....64,680 S.F. (+/-)  
 Total Allowable Building Area.....68,760 S.F.

**RESIDENTIAL INFORMATION**  
 Approximate Site Area = 9.89 Acres  
 Number of Residential Units = 57  
 Density = 5.8 Units Per Acre

