

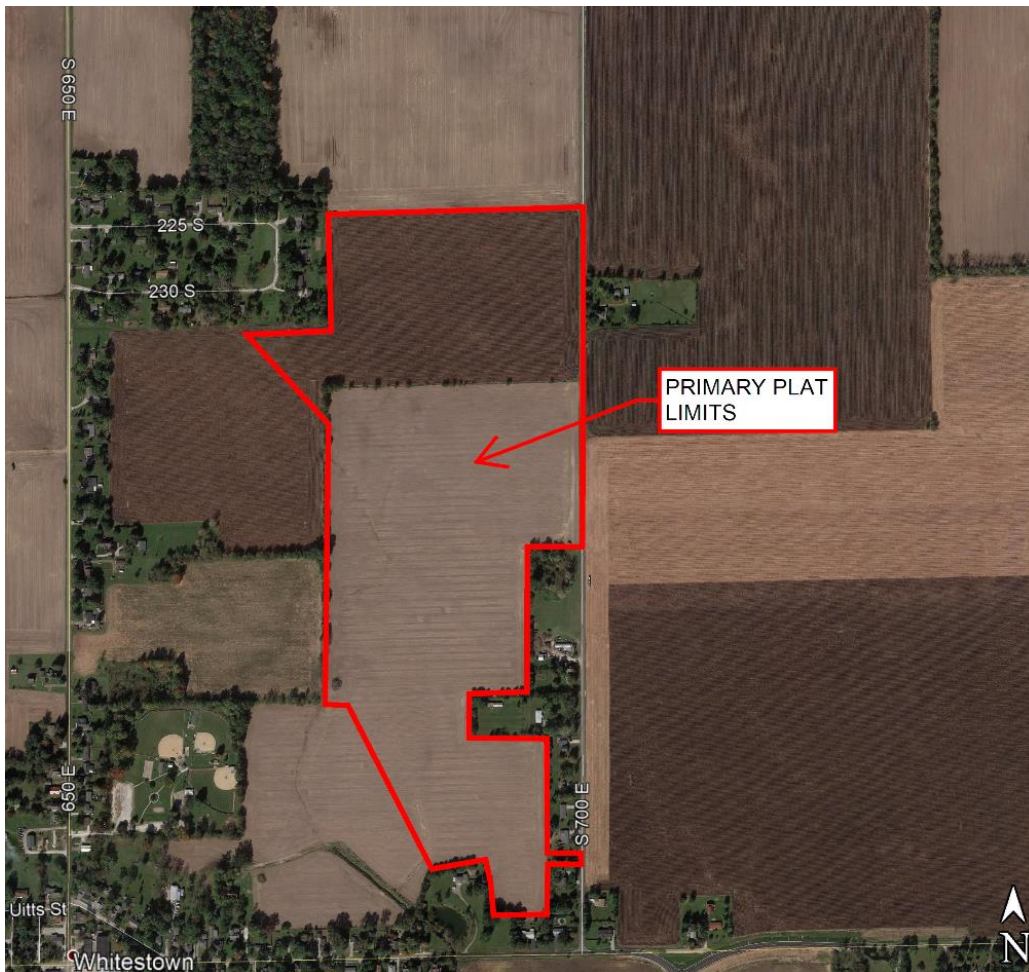


# Staff Report PC20-001-PP

## Jackson Run– Primary Plat

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**Docket PC20-001-PP – Primary Plat – Jackson Run.** The petitioner is requesting review of a Primary Plat to be known as Jackson Run with 148 lots. The subject property contains 94.13 acres and is located at on the west side of CR 700 E and north of East Pierce St (CR 300 S). The property is zoned R3 - Medium-density Single-family and Two-family Residential. Petitioner is also requesting a waiver to reduce the minimum side yard setbacks from 10' to 5'. The petitioner is Braun Property Development and property owner is Braun Property Development and Hayley Good.



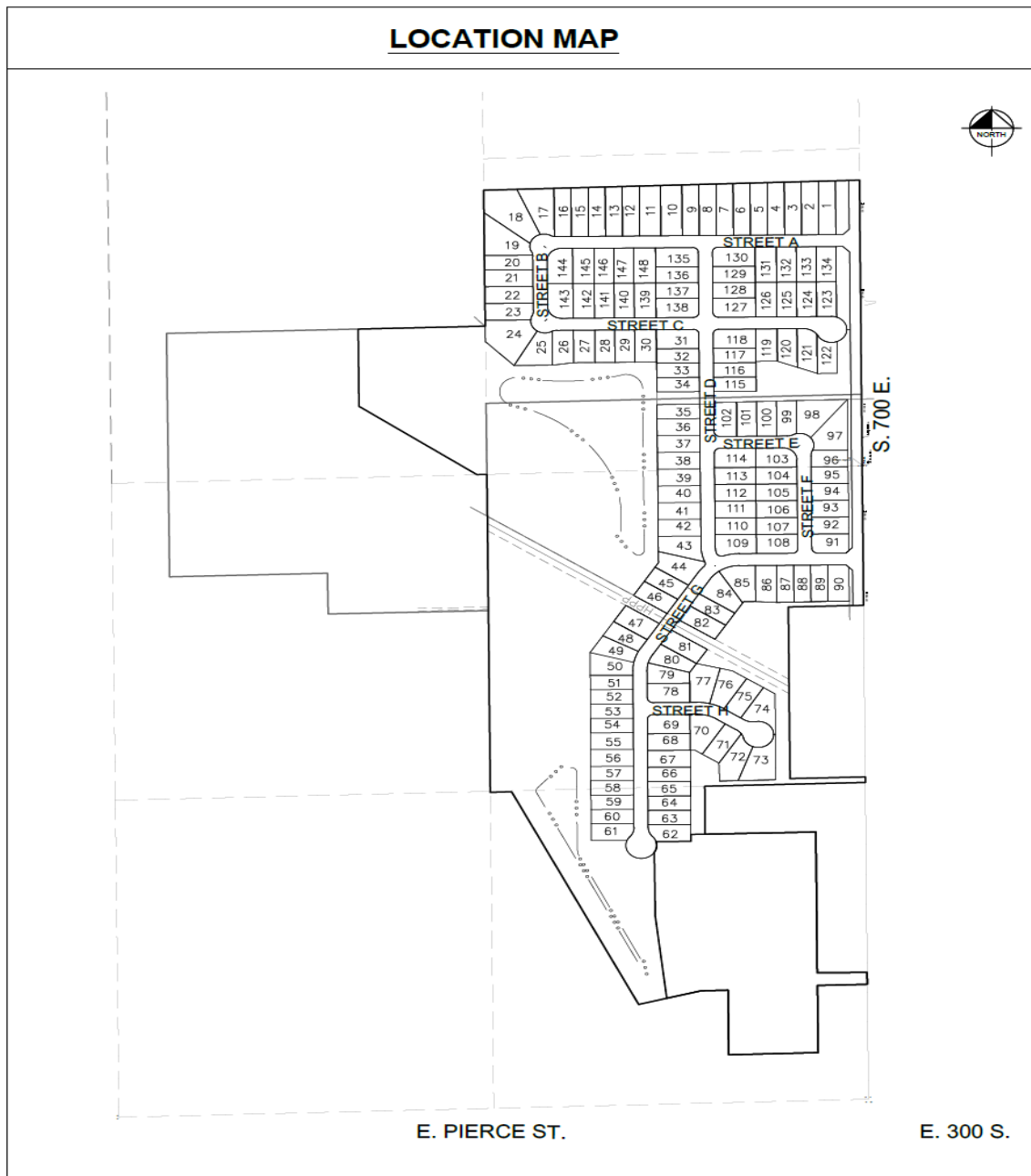
### History

- A portion of the property was given favorable recommendation for a rezone from AG Agriculture to R-3 Medium-density Single-family and Two-family Residential on January 13, 2020 by Whitestown Plan Commission.
- It is scheduled to be heard by Whitestown Town Council on 2/12/20.
- The Concept Plan was heard by the WPC on January 13, 2020 and was approved contingent on Town Council re-zone approval.

## Proposed Development

Jackson Run is planned to be a single-family residential subdivision project developed by Braun Property Development, LLC. The site has some challenging aspects to overcome for this development with Boone County Drainage and Jackson Run Floodplain. The wetlands/floodplain in the southwest portion will be preserved in common areas and neighborhood greenspace. The project will consist of 148 lots with 35.90 acres of open space that will exceed the 30% requirement for R-3 zoning. Access will be via two entrances located off CR 700 E.

The proposed primary plat for this site is shown below:



## Waiver Request

Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations in the Subdivision Control Ordinance and/or the purpose and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers so that substantial justice may be done and the public interest secured. Waivers shall not have the effect of nullifying the intent and purpose of the regulations.

**Ordinance Section:** Petitioner requests a waiver of Section 2.4 of the Whitestown Unified Development Ordinance. (“UDO”)

### Ordinance Language to be waived:

Minimum side yard setback		10
Minimum rear yard setback	Primary Structure	20
	Accessory Structure	5

### Alternative/Substitute to be offered: 5’ sideyard setback

1. The approval of the waiver request will not be detrimental to the public safety/health/welfare or injurious to property within a reasonable proximity to the subject property involved in the waiver request because...

*Adequate separation will still be provided between homes. The proposed residential neighborhood is less dense than the maximum density of the R3 District and includes over 35 acres of open space. The reduced minimum side yard setback will not be detrimental to the public safety/health/welfare or injurious to property within reasonable proximity to the subject property involved.*

2. The strict application of the applicable ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or neighborhood because...

*The site is near existing single-family residences and proposed two-family residences (which on one side have no separation between two dwelling units). The proposed 5' minimum setback provides adequate separation between homes and is not out of character in the area of the subject property.*

3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives because...(Note: financial hardship does not constitute grounds for waiver)

*The types of homes proposed to be built by area homebuilders that fit the demand of homebuyers include a small bump out on garages providing storage space for future residents. The proposed 5' minimum side yard setback will allow space to provide this small bump out. There is a practical difficulty in providing homes meeting market demand without the reduced side yard setback.*

4. The waiver request is necessary and represents a minimal deviation from explicit ordinance standards because...

*A minimum side yard setback of 5' is being provided within the proposed residential development, which provides adequate separation between homes and is a minor deviation from the explicit ordinance standards.*

## **Compliance**

The proposed primary plat is in compliance with the standards of the Zoning Ordinance and Subdivision Control Ordinance.

## **Technical Advisory Committee Comments**

Only a few minor comments are needed to address on the revised plans, but do not affect the consideration of the primary plat at this time. Items to include:

- Continuation of working with Boone CO. Surveyors office for site drainage
- Work with Planning Department and home building on Subdivision Control Ordinance requirements

## **Staff Comments**

- Project Developer will be required to meet with staff regarding final architectures of homes within neighborhood
- Staff believes proposed Primary Plat falls inline with Comprehensive Plan for the Town
- Developer will be required to follow standards within Whitestown UDO and Subdivision Control Ordinance
- Developer will continue to work with Boone Co Surveyors office to improve drainage in site area