



Staff Report PC21-016-PP

Jackson Run South Condos and Waivers

Docket PC21-016-PP – Primary Plat and Waiver – Jackson Run South Condos and Waivers

The petitioner is requesting review of a Primary Plat and Waiver to be known as Jackson Run South Condos located at 210 E Pierce St (est) in Whitestown, Indiana. The site is zoned MU-COR, Mixed Use-Commercial, Office, and Residential. The petitioner is proposing approximately 84 residential lots on an approximate 14.3 acres. The applicant and owner is Braun Property Development, LLC.

Location

1. The site in question is located on the west side of CR 700 E, approximately 220 feet north of Pierce Street. The proposed plat is the most southern portion of the Jackson Run development. The Legacy Core is located to the southwest of the proposed plat. The surrounding area is characterized by residential, recreational, and agricultural uses.

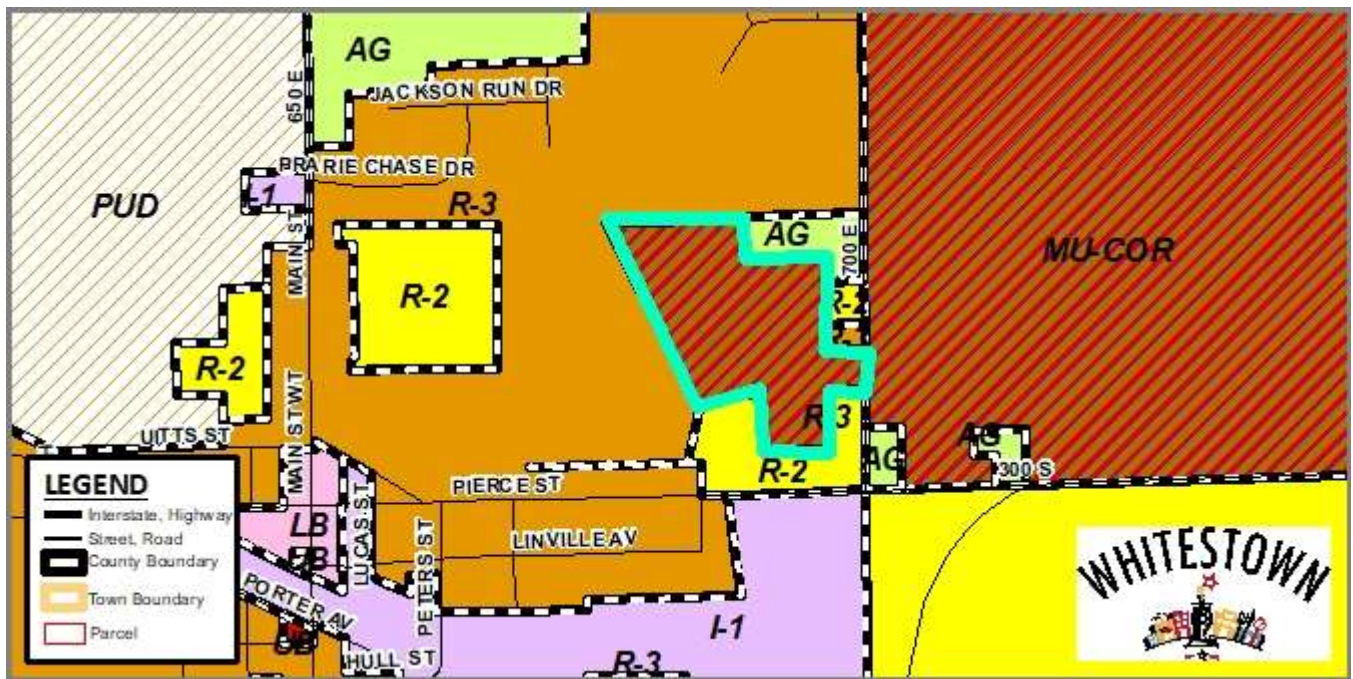


History

1. In January 2020, the Whitestown Plan Commission provided a favorable recommendation for the Concept Plan for the site in question and surrounding area to the north (PC19-044-CP). At the time of approval, no development was planned for the site in question.
2. In November 2020, the Whitestown Plan Commission provided a favorable recommendation for the Zone Amendment request to change the site in question from R-3 to MU-COR (PC20-044-ZA).

Zoning

The site in question is zoned Mixed Use- Commercial, Office, and Residential. The “district is established to accommodate developments containing a variety of commercial, office, and residential uses.” Permitted uses within the zone include multifamily and single-family residential dwellings, assisted living facilities, restaurants, hotels, and government buildings.



Proposed Development

The proposed project is located on an approximately 14.3 acres. The applicant is proposing 84 single family dwellings to be constructed condominium style.

The submitted plans and materials indicate the following:

- 84 lots for single-family condominiums at a density of 8.87 du/na;
- The maximum density for the zone is 15.0 du/na.
- One access point to CR 700 E and a stub street to the north for a future connection;
- An entrance monument sign at the CR 700 E entrance;
- A Common Area of approximately 138,314 square feet;
 - A portion of this Common Area is proposed to be split and dedicated to the Town, however the lot split is not shown on the plat;
 - A portion of this Common Area includes a wet pond shared with the adjacent parcel to the west.
- A proposed bump out street for parking on the west side of the property.

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.

Waiver Request 1

Ordinance Section: Petitioner requests a waiver of Section 2.6 B. Minimum Lot Frontage/Street Frontage of the Mixed Use- Commercial, Office, and Residential Zone.

Ordinance Language to be waived: Section 2.6 B. states as follows:

“Minimum Lot Frontage/Street Frontage Residential Use 30’ ”

Based on the lot requirements of the Mixed Use- Commercial, Office and Residential Zone, the ordinance requires the minimum lot/street frontage of each lot to be 30 feet wide. The petitioner requests a waiver to have the

minimum lot frontage/street frontage be 26 feet wide.

Alternative/Substitute to be offered: Petitioner proposes to plat parcels with 26' wide street frontage.

1. The requested waiver would not substantially affect the integrity of the development plan for the site because...

As part of the approved zone amendment for the site (PC20-044-ZA) the applicant stated and included a concept plan showing the site to be used for townhomes. If the waiver is not granted, the condominium style could not move forward and would be inconsistent with approved rezone proposal.

2. The requested waiver is appropriate for the site and the surrounding area because...

The site is being proposed in a grid pattern with no cul-de-sacs. Due to the layout of the proposed Primary Plat the proposed street frontage does not need to be as large as required in the standards. This is the first Condominium style neighborhood in the Town and the smaller street frontage is appropriate for the site layout.

3. The requested waiver is compatible and consistent with the intent of the stated standards or development plan because...

The requested waiver is consistent with the requested waiver for a reduced lot width minimum. If the required lot width is lowered, so too should the required street frontage. The Unified Development Ordinance only accounts for single-family detached lots, instead of Condominium style construction which naturally has thinner street frontage than detached single family.

Waiver Request 2

Ordinance Section: Petitioner requests a waiver of Section 2.6 B. Minimum Lot Width of the Mixed Use-Commercial, Office, and Residential Zone.

Ordinance Language to be waived: Section 2.6 B. states as follows:

“Minimum Lot Width Residential Use 40’ ”

Based on the lot requirements of the Mixed Use- Commercial, Office and Residential Zone, the ordinance requires the minimum lot width of each lot to be 40 feet wide. The petitioner requests a waiver to have the minimum lot width be 26 feet wide.

Alternative/Substitute to be offered: Petitioner proposes to plat parcels with 26' wide lot widths.

1. The requested waiver would not substantially affect the integrity of the development plan for the site because...

As part of the approved zone amendment for the site (PC20-044-ZA) the applicant stated and included a concept plan showing the site to be used for townhomes. If the waiver is not granted, the condominium style could not move forward and would be inconsistent with approved rezone proposal.

2. The requested waiver is appropriate for the site and the surrounding area because...

The site is being proposed in a grid pattern with no cul-de-sacs. Due to the layout of the proposed Primary Plat the proposed lot width does not need to be larger than the proposed lot frontage/street frontage.

3. The requested waiver is compatible and consistent with the intent of the stated standards or development plan because...

The requested waiver is consistent with the requested waiver for a lower street frontage minimum. If the street frontage is lowered, so too should the required lot width. The Unified Development Ordinance only accounts for single-family detached lots, instead of Condominium style construction which naturally has thinner lot widths than detached single family.

Waiver Request 3

Ordinance Section: Petitioner requests a waiver of Section 2.6 C. Minimum Side Setback of the Mixed Use-Commercial, Office, and Residential Zone.

Ordinance Language to be waived: Section 2.6 C. states as follows:

“Minimum Side Setback Residential Use 5’ ”

Based on the building placement requirements of the Mixed Use- Commercial, Office and Residential Zone, the ordinance requires the minimum side setback of each lot to be 5 feet from the property line. The petitioner requests a waiver to have the minimum lot width be 0 feet.

Alternative/Substitute to be offered: Petitioner proposes to have a zero-foot side setback on the parcel lines where the condominium units share a wall.

1. The requested waiver would not substantially affect the integrity of the development plan for the site because...

As part of the approved zone amendment for the site (PC20-044-ZA) the applicant stated and included a concept plan showing the site to be used for townhomes. If the waiver is not granted, the condominium style could not move forward and would be inconsistent with approved rezone proposal.

2. The requested waiver is appropriate for the site and the surrounding area because...

The proposed zero-foot setback is appropriate for the site because in order to have condominium style construction, walls are shared and require a zero-foot setback at the shared parcel line.

3. The requested waiver is compatible and consistent with the intent of the stated standards or development plan because...

The requested waiver is compatible with the intent of the primary plat because to construct single-family condominiums on individual parcels, a zero-foot setback is required for shared walls. The Unified Development Ordinance does not provide standards for condominium style construction and a waiver is the only option to promote a mixed style of housing within the community.

Compliance

The proposed project is zoned MU-COR, Mixed Use-Commercial, Office, and Residential. The proposed development plan is in compliance with the Whitestown Unified Development Ordinance with the exception of the proposed waiver requests.

Staff Recommendation

Staff is providing a favorable recommendation for the proposed Primary Plat located at 210 E Pierce Street (est) to construct approximately 84 residential lots, condominium style, on an approximate 14.3 acres.

If the Whitestown Plan Commission approves the proposed Primary Plat, a condition/commitment should be placed that the Common Area will be split into two lots, the north part being dedicated to the Town as Block A and the second to remain Common Area under the proposed development.

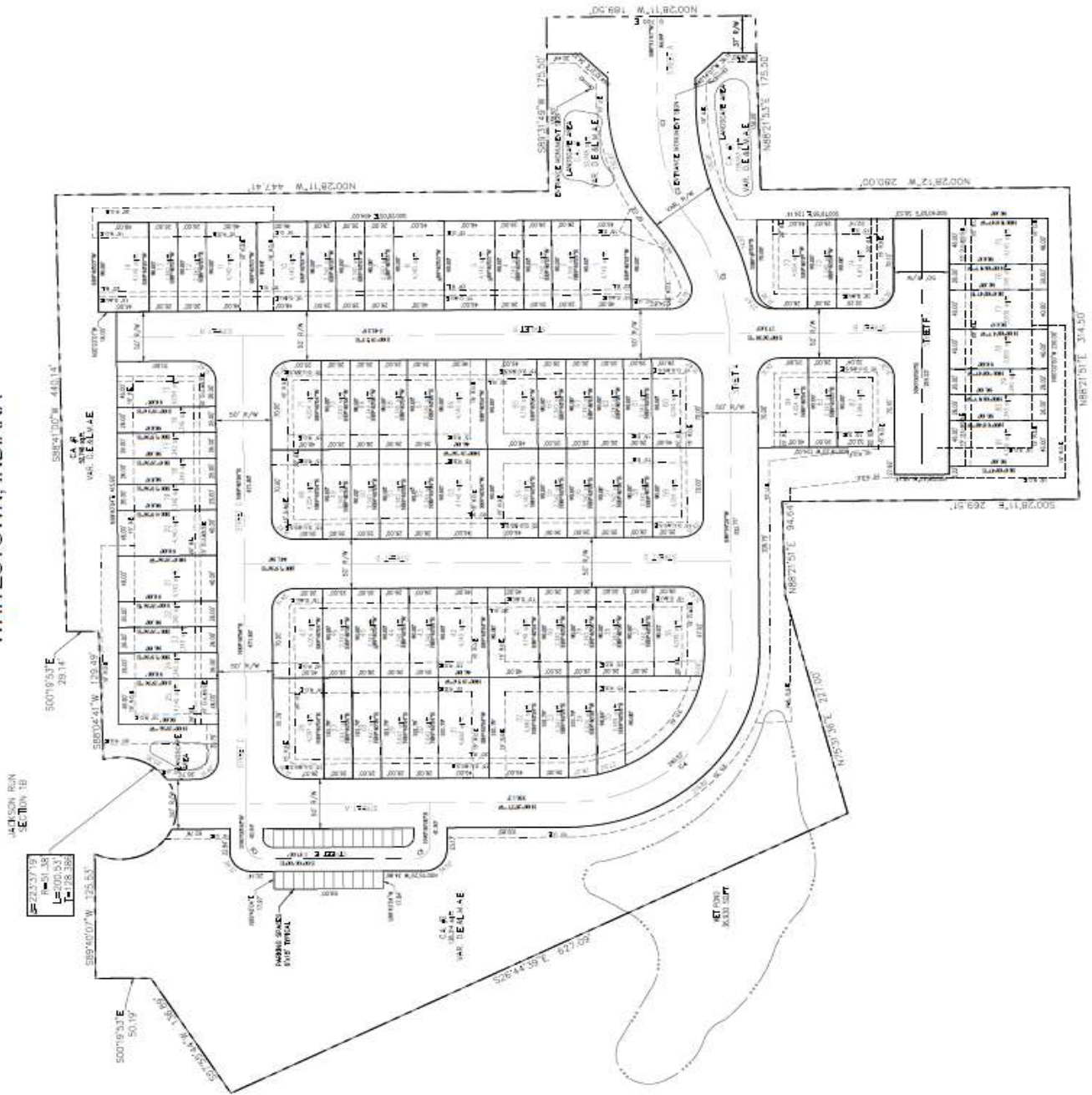
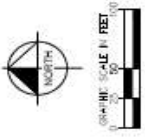
Staff Recommendation Waivers

Staff is providing a favorable recommendation for the proposed Wavier Request 1 to reduce the required minimum street frontage. Staff finds that because the Unified Development Ordinance does not specifically provide standards for condominium style construction, special allowances should be made. A reduced street frontage is consistent with the proposed site layout.

Staff is providing a favorable recommendation for the proposed Wavier Request 2 to reduce the required minimum lot width. Staff finds that because the Unified Development Ordinance does not specifically provide standards for condominium style construction, special allowances should be made. A reduced lot width is consistent with the style of construction and site layout; the lot width should correlate with the street frontage given the grid pattern of development.

Staff is providing a favorable recommendation for the proposed Wavier Request 3 to reduce the minimum side setback. Staff finds that because the Unified Development Ordinance does not specifically provide standards for condominium style construction, special allowances should be made. Having a shared wall along parcel lines is an integral part of condominium style construction which requires a zero-foot side setback in some instances.

JACKSON RUN SOUTH PRIMARY PLAT WHITESTOWN, INDIANA



Kimley-Horn
 ENGINEERS, ARCHITECTS & PLANNERS
 1000 N. WASHINGTON ST., SUITE 200
 WHITESTOWN, IN 46075
 PHONE: 317.340.1000
 FAX: 317.340.1001
 WWW.KIMLEY-HORN.COM



BRAUN
 PROPERTY
 DEVELOPMENT
 LLC

PRIMARY PLAT
 WHITESTOWN, IN

JACKSON RUN
 SOUTH
 WHITESTOWN, IN

ORIGINAL DATE: 04/20/2022
 PROJECT NO.: 170155004
 SHEET NUMBER: C101

