



# Staff Report PC23-057-PP

## Windswept Farms Primary Plat

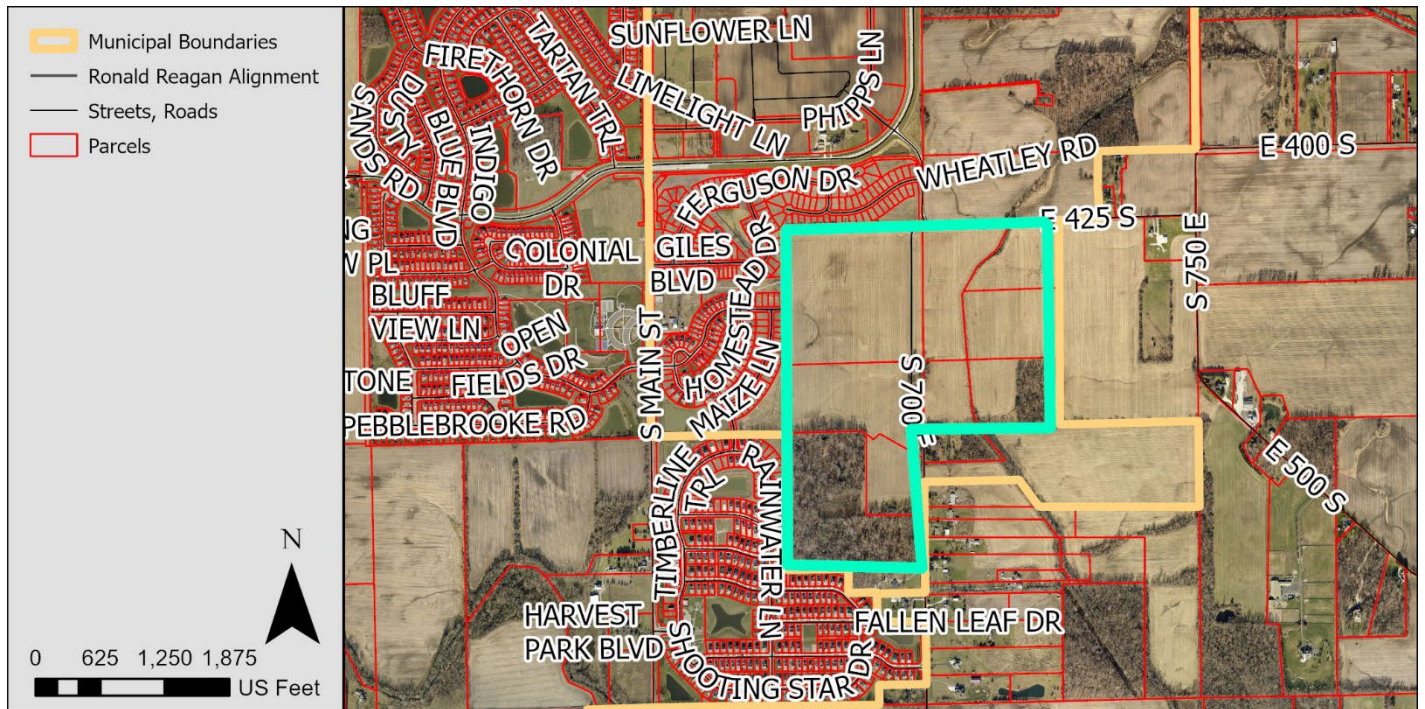
Meeting Date: January 9, 2024

### Docket PC23-057-PP – Primary Plat – Windswept Farms

The petitioner is requesting a review of a Primary Plat known as the Windswept Farms. They are also seeing two waivers and an amenity standards substation. The site in question is located on the east and west sides of County Road 700 East and south of County Road 425 South in Whitestown. The applicant is proposing to construct 284 single-family homes on approximately 159.50 acres. The site is zoned Medium-density Single-Family and Two-Family Residential (R3). The owner and applicant is Windswept Farms Development, LLC.

### Location

The site in question is located on either side of County Road 700 East and the south side of County Road 425 South. The surrounding area is characterized by medium-density residential and agricultural uses. The southwestern area of the site is wooded with wetlands, and there is an existing dwelling and barn on site. Harvest Park and the Heritage residential subdivisions are located to the north, west, and south of the site.



### History

1. In 2023, the Whitestown Plan Commission provided a favorable recommendation to rezone the area from a Low-density Single-family Residential (R-1) and Low-density Single-family and Two-family Residential (R-2) Zoning District to a Medium-density Single-Family and Two-Family Residential (R3) (PC23-029-ZA). The Town Council subsequently adopted the rezone and commitments (ORD 2023-19).

### Proposed Development

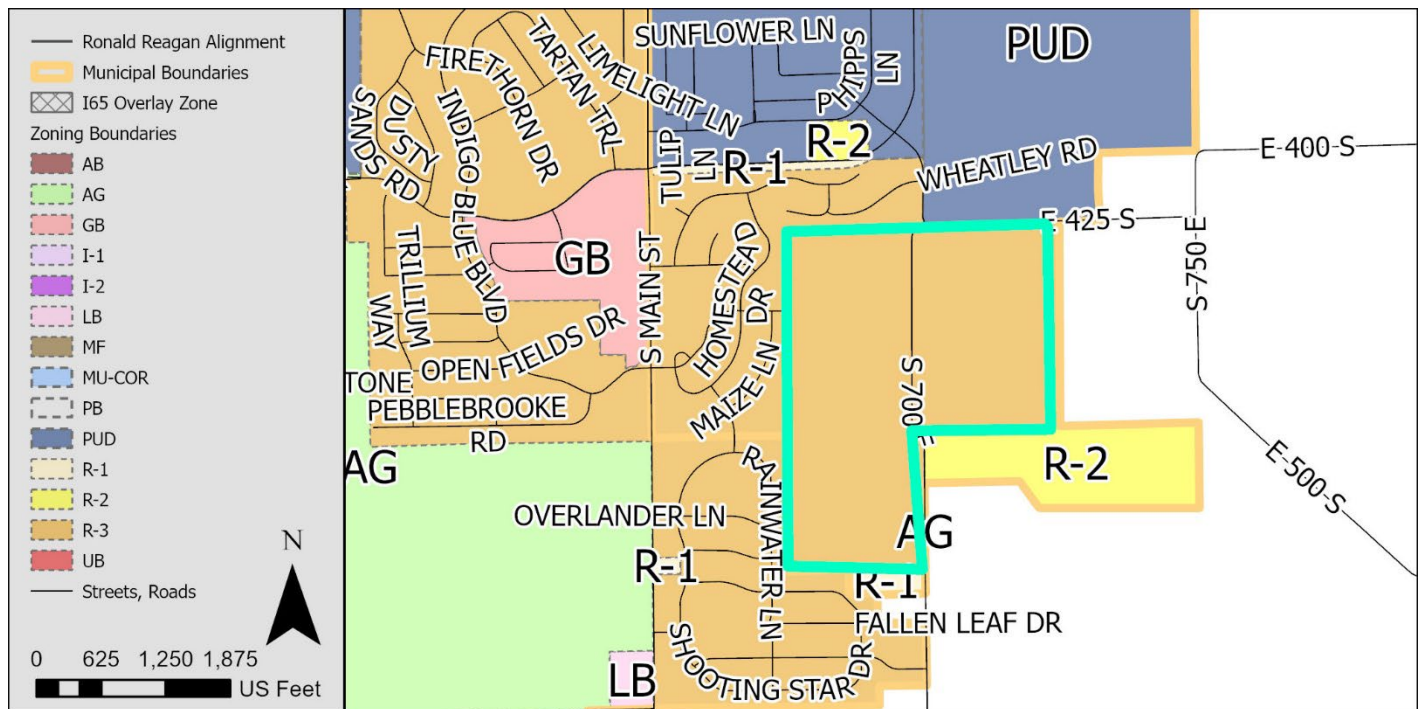
The proposed plat is located on approximately 159.50 acres. The site is currently surrounded by residential uses of varying densities and contains floodplains/floodways on site.

The submitted plans and materials indicate the following:

- 284 total residential dwellings:
  - o 135 lots at 51'x120'-130'
  - o 97 lots at 61'x 130'-140'
  - o 52 lots at 70' x 130'-140'
- Approximately 77.83 acres of open space;
- Proposed pedestrian network:
  - On both sides of the internal street network.
  - 10' sidewalk along the westside of C.R. 700 East; and,
  - 10' sidewalk along the south side of C.R. 425 South
  - 8' Path trail network throughout the development approximately 7,800'.
- Right-of-way for a future roundabout at the intersection of C.R. 700 East and C.R. 425 South;
- Proposed landscaping plan;
- Stormwater detention/retention ponds;
- Provisions for easements.

## Zoning

The site in question is zoned Medium-density Single-family and Two-Family Residential (R-3). The R-3 “This is a medium-density single-family district, which may include two-family dwellings with development plan approval. Development in this district typically ranges from 1.75 to 3.00 dwelling units per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.” Single-family residential dwellings are permitted use in the R-3 zoning district.



## Waiver Request #1

Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with 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.

The Plan Commission, in its discretion, may grant a waiver from standards required by Article 9.5-9.18 of this Ordinance.

**Ordinance Section:** Petitioner requests a waiver of Article 9.14 (G)(3)(a)

**Ordinance Language to be waived:** Article 9.14 Street and Right-of-Way Standards (G) Improvement Standards (3) Cul-de-sac Design (a) “The maximum length of a cul-de-sac is 600 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street.”

**Petitioner Request:** To exceed the maximum length by 64 feet from 600’ to 664’

**Staff Recommendation:** Staff is providing a favorable recommendation of the cul-de-sac waiver to exceed the maximum length of the cul-de-sac. There is a 16’ emergency access drive connected to the cul-de-sac instead of a public road that would meet the 600’ requirement. The site is geographically constrained with floodplain/floodway and utility easements that limit the site from being designed in an alternative matter. When making any recommendations staff looks at the following criteria:

- 1. The proposed development will enhance the use or value of area properties.*
- 2. The proposed development will not be injurious to the public health, safety, morals, or general welfare of the community.*
- 3. The strict application of the Ordinance standard will result in a development that is undesirable when compared to the proposed development.*
- 4. The proposed development is consistent and compatible with other development located in the area.*
- 5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.*

## Waiver Request #2

The Plan Commission, in its discretion, may grant a waiver from standards required by Article 9.5-9.18 of this Ordinance.

**Ordinance Section:** Petitioner requests a waiver of Article 9.11 (H)(1)

**Ordinance Language to be waived:** Article 9.11 Open Space and Amenity Standards. (H) Amenity Centers within Major Subdivisions (1) Neighborhood Park. “A neighborhood park is required in any residential subdivision with more than 120 dwelling units or a parent tract greater than 60 acres. An additional neighborhood park is required for each additional 120 dwelling units or additional 60 acres within the parent tract. When an additional neighborhood park is required, one of the following may occur:

- a. A sport court may be substituted and located adjacent to the first park or on a unique site; or
- b. The additional neighborhood park may be located adjacent to the first and the minimum required amenities for both parks are integrated as a single park; or
- c. The additional neighborhood park can be located on a unique site.”

**UDO Requirement:** With 284 dwelling units the petitioner is required to provide 2 neighborhood parks 1 following Neighborhood Park Standards (Article 9.11 (I)) and 1 of the requirements of 9.11 (H)(1) (a-c).

**Petitioner Request:** To accept the historic barn and 50 acres of tree preservation areas as meeting the neighborhood park requirements.

**Staff Recommendation:** Staff would not be in support of the waiver as suggested because staff believes the petitioner can meet the Neighborhood Park Standard outlined in the UDO. Staff would support this waiver if the petitioner were to change the request to modify the tree requirement (1b) and trail surface (1d) requirements to count the woods and allow asphalt as a trail surface respectively. By making these adjustments, Staff believes the petitioner can align with the intent of the minimum standards for a passive neighborhood park (Article 9.11 (I)(1)).

When making any recommendations staff looks at the following criteria:

- 1. The proposed development will enhance the use or value of area properties.*
- 2. The proposed development will not be injurious to the public health, safety, morals, or general welfare of the community.*

3. *The strict application of the Ordinance standard will result in a development that is undesirable when compared to the proposed development.*
4. *The proposed development is consistent and compatible with other development located in the area.*
5. *The proposed development is consistent with the intent and purpose of the Comprehensive Plan.*

## Substitution Request

The Plan Commission, in its discretion, may accept an equivalent or greater Amenity Center.

**Ordinance Section:** Article 9.11 (P)

**Ordinance Language:** Article 9.11 Open Space and Amenity Standards P. Plan Commission Authority to substitute. "The Plan Commission has the authority to accept a clearly equivalent or greater amenity center in lieu of what is required. The developer must provide plan view drawings, elevation drawings, supportive illustrations, and a description of the facility and products proposed to be used for the Plan Commission to determine equivalency. Further, a developer can locate multiple required amenity centers together in a single area, if the intent of this ordinance is clearly met.

**Petitioner Substitution:** To substitute the Historic Barn, trail system, and 50 acres of preservation areas as the Amenity Center Requirement of UDO Article 9.11 (H)(2).

**Staff Recommendation:** It is staff's position that the petitioner's substitution request falls short of the equivalent or greater standard mandated by strict compliance with the UDO. Other subdivisions have included the trail system and met the Amenity Center Requirement, Staff recommends denying the proposed alternative substitution.

Should the Plan Commission deny the Amenity Substitution Staff recommends continuing this petition to allow the petitioner and staff to work on a compliant Amenity Center addition.

## Staff Recommendation

Should the Plan Commission approve all waivers (2) and Amenity Substitution:

Staff is providing a favorable recommendation for the Windswept Farms Primary Plat Docket PC23-057-PP. The petitioner is proposing to subdivide approximately 159.50 acres into 284 Single-family dwelling units, trails, and internal right-of-way. The proposed Primary Plat is in compliance with applicable chapters of the Whitestown Unified Development Ordinance and the associated Commitments.

If the Plan Commission approves the Primary Plat, staff recommends the following conditions.

1. Provide a Rapid Flashing Signal at the trail intersection of C.R. 700 East.
2. Trail Connection resembling the example shown in Article 9.4(D), connecting the 5' sidewalk to the 8' path on the east side of CR 700 E.

# Attachment H: Waiver Request

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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 these regulations.

Use the form below for each waiver requested. Attach a separate sheet if necessary.

Ordinance Section: 9.11(H)(1) NEIGHBORHOOD PARK
Ordinance Language to be waived: Requiring Neighborhood Park as part of Windswept Farms development.
Alternative/Substitute to be offered: Our development will contain 48.5% open space with nearly 50 acres of tree preservation areas. In addition, we will have trails throughout the neighborhood and the woods. We are also retaining the large barn as an amenity. We are asking that these count towards these UDO requirements.
<b>1. The proposed development will enhance the use or value of the area properties because...</b> We are preserving a large amount of trees and an old historic barn. To remove these to provide for a neighborhood park would actually diminish the value of the property to the future neighborhood residents.
<b>2. The proposed development will not be injurious to the public health, safety, morals, or general welfare because...</b> The public will not be harmed by preserving woods and historic structures. Rather, it will benefit the residents and guests to the area.
<b>3. The strict application of the Ordinance standard will result in a development that is undesirable when compared with the proposed development because...</b> In order to meet these ordinance requirement, it would require removing trees and demolishing a historic barn on the property.
<b>4. The proposed development is consistent and compatible with other development located in the area because...</b> These woods and the historic barn have been a part of this property and area for many years. The surrounding property owners made clear, as did plan commission and council, that it is important for the trees and barn remain in their current state.
<b>5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan because...</b> These woods and the historic barn have been a part of this property and area for many years. The surrounding property owners made clear, as did plan commission and council, that it is important for the trees and barn remain in their current state.

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Use the form below for each waiver requested. Attach a separate sheet if necessary.

Ordinance Section: 9.14(G)(3)(a) THE MAXIMUM LENGTH OF A CUL-DE-SAC.
Ordinance Language to be waived: The maximum Length of a cul-de-sac is 600 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street
Alternative/Substitute to be offered: The maximum Length of a cul-de-sac is 664 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street
<b>1. The proposed development will enhance the use or value of the area properties because...</b> Design constraints on the east and west side of CR 700E forced the locations of the entrances. North of the east entrance, Pennington Drive, there is an existing 100' power line easement and a significant amount of required right-of-way dedication for a future round-a-bout. South of Pennington Drive there is an existing barn, which is being preserved, the ideal placement for the proposed lift station and a retention basin. Less than 500' east of CR 700E is an open ditch regulated drain. We ask for an additional 63.24' in cul-de-sac length to make the best use of this area, given all the design constraints.
<b>2. The proposed development will not be injurious to the public health, safety, morals, or general welfare because...</b> The cul-de-sac, which is only extended by 63.24', terminates with a 16' emergency access drive which extends to CR 700E. With the cul-de-sac only exceeding the 600' allowed by 63.24', this poses no risk to the public, especially with the inclusion of the emergency access drive.
<b>3. The strict application of the Ordinance standard will result in a development that is undesirable when compared with the proposed development because...</b> Design constraints on the east and west side of CR 700E forced the locations of the entrances. North of the east entrance, Pennington Drive, there is an existing 100' power line easement and a significant amount of required right-of-way dedication for a future round-a-bout. South of Pennington Drive there is an existing barn, which is being preserved, the ideal placement for the proposed lift station and a retention basin. Less than 500' east of CR 700E is an open ditch regulated drain. We ask for an additional 63.24' in cul-de-sac length to make the best use of this area, given all the design constraints.
<b>4. The proposed development is consistent and compatible with other development located in the area because...</b> Design constraints on the east and west side of CR 700E forced the locations of the entrances. North of the east entrance, Pennington Drive, there is an existing 100' power line easement and a significant amount of required right-of-way dedication for a future round-a-bout. South of Pennington Drive there is an existing barn, which is being preserved, the ideal placement for the proposed lift station and a retention basin. Less than 500' east of CR 700E is an open ditch regulated drain. We ask for an additional 63.24' in cul-de-sac length to make the best use of this area, given all the design constraints.
<b>5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan because...</b> Design constraints on the east and west side of CR 700E forced the locations of the entrances. North of the east entrance, Pennington Drive, there is an existing 100' power line easement and a significant amount of required right-of-way dedication for a future round-a-bout. South of Pennington Drive there is an existing barn, which is being preserved, the ideal placement for the proposed lift station and a retention basin. Less than 500' east of CR 700E is an open ditch regulated drain. We ask for an additional 63.24' in cul-de-sac length to make the best use of this area, given all the design constraints.



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THE HERITAGE  
 SECTION 6  
 INSTRUMENT NO. 2022000607  
 ZONING: R-3

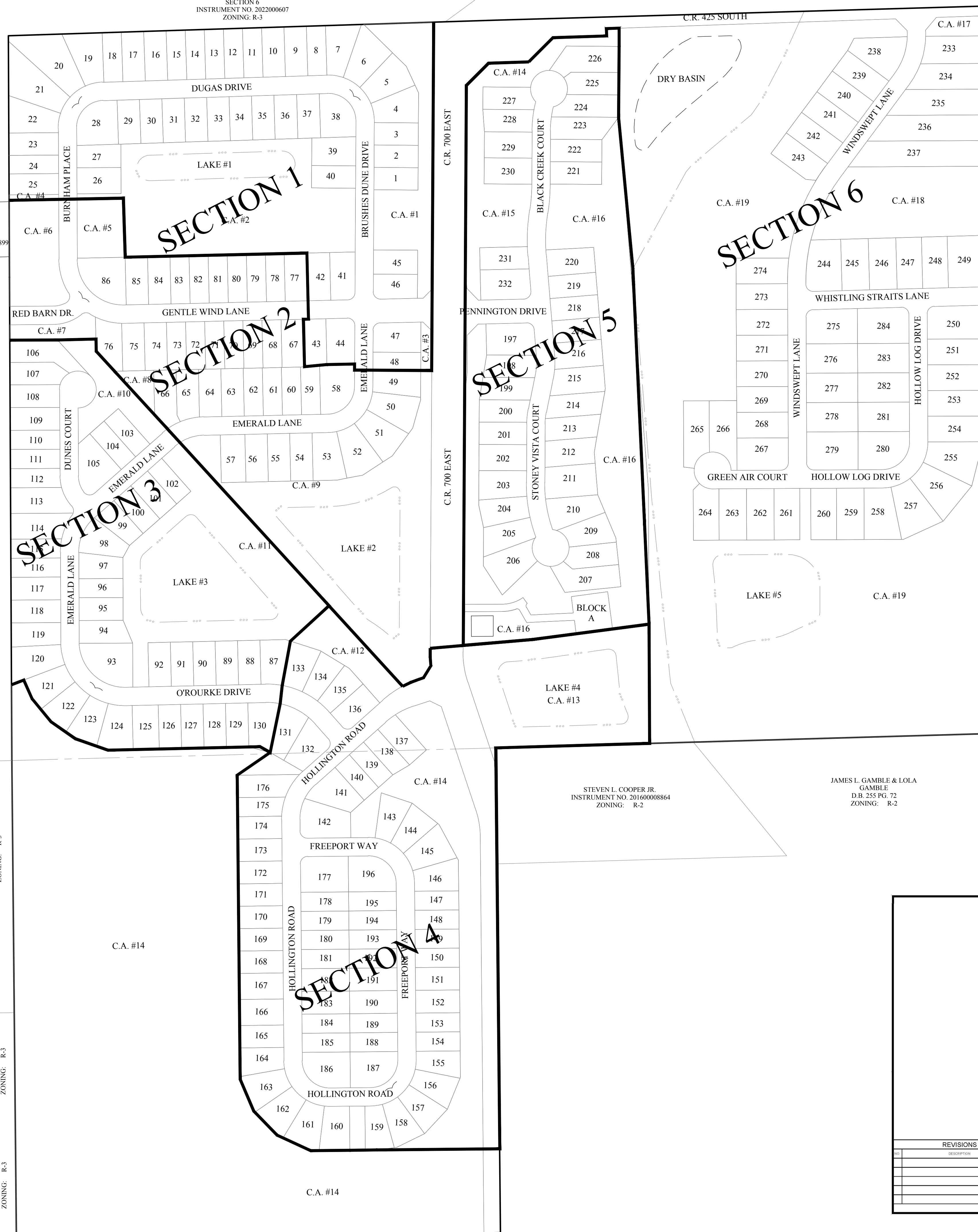
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THE HERITAGE  
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HARVEST PARK  
 SECTION 6  
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 ZONING: R-3

HARVEST PARK  
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HARVEST PARK  
 SECTION 6  
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 ZONING: R-3

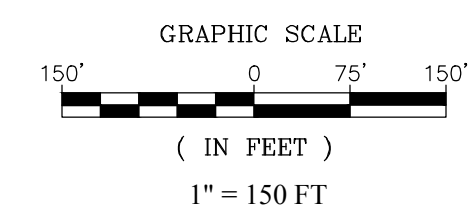


FURTELLA SMITH  
 D.B. 211 PG. 546-567  
 ZONING: R-2

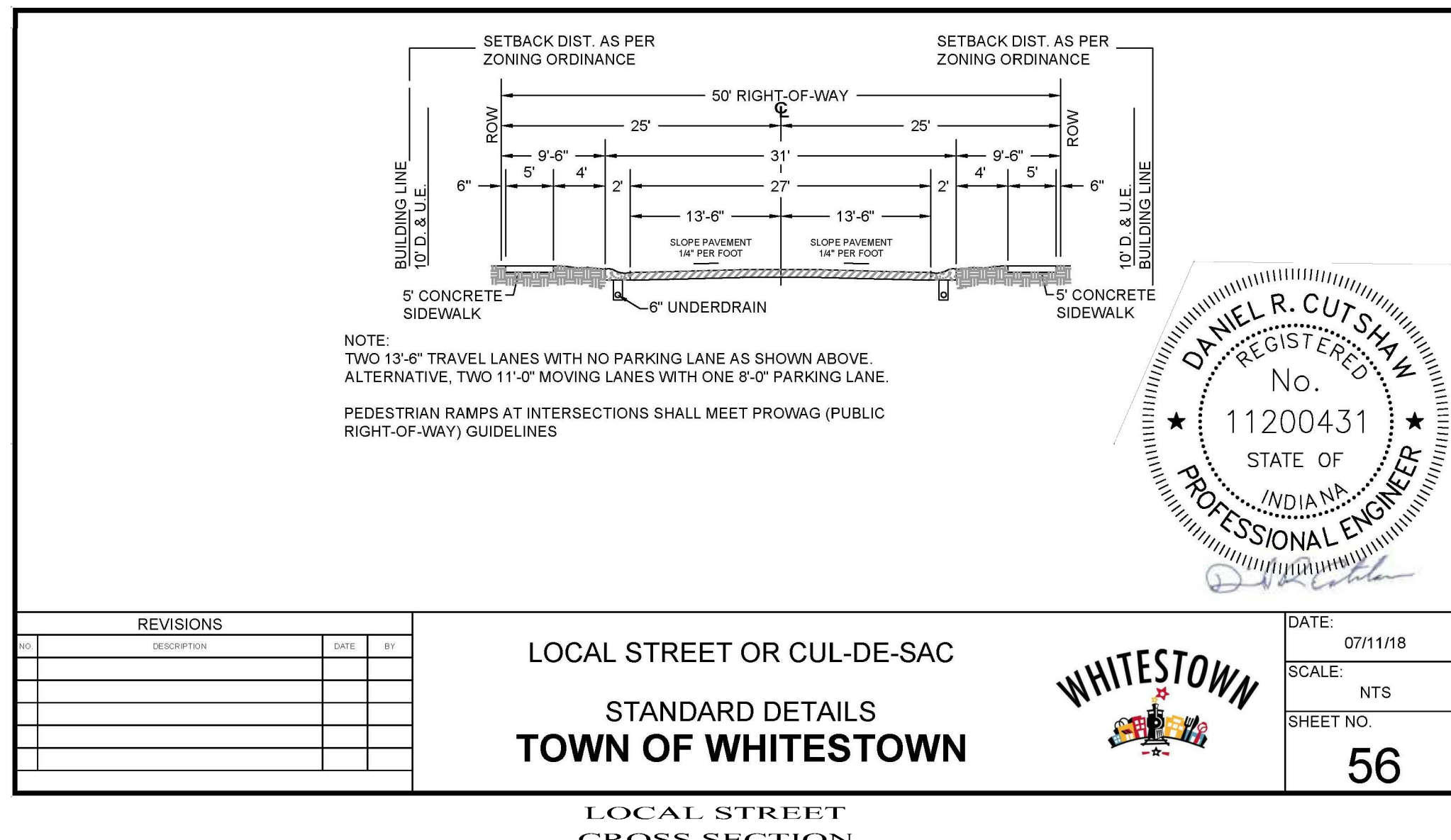
FURTELLA SMITH  
 D.B. 211 PG. 546-567  
 ZONING: R-2

STEVEN L. COOPER JR.  
 INSTRUMENT NO. 201600008864  
 ZONING: R-2

JAMES L. GAMBLE & LOLA  
 GAMBLE  
 D.B. 255 PG. 72  
 ZONING: R-2



- Section 1  
52'x120'-130' - 29 lots  
61'x120'-130' - 19 lots
  - Section 2  
52'x120'-130' - 28 lots  
61'x120'-130' - 10 lots
  - Section 3  
52'x120'-130' - 28 lots  
61'x120'-130' - 16 lots
  - Section 4  
52'x120'-130' - 50 lots  
61'x120'-130' - 16 lots
  - Section 5  
61'x120'-130' - 36 lots
  - Section 6  
70'x130'-140' - 52 lots
- TOTAL = 284 LOTS



NO.	REVISIONS	DATE	BY

LOCAL STREET OR CUL-DE-SAC  
 STANDARD DETAILS  
 TOWN OF WHITESTOWN



DATE: 07/11/18  
 SCALE: NTS  
 SHEET NO. 56

NO.	REVISIONS	DATE	MARK	BY

THIS DRAWING IS NOT INTENDED TO BE USED AS A SUBSTITUTE FOR AN ORIGINAL BOUNDARY SURVEY OR A SURVEYOR LOCATION REPORT.

CERTIFIED: 11/30/2023

DENNIS D. OLMSHEAD  
 REGISTERED  
 No. 900012  
 STATE OF INDIANA  
 LAND SURVEYOR

**STOEPPELWERTH**

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505  
 phone: 317.849.5935 fax: 317.849.5942

PRIMARY PLAT - KEY MAP

WINDSWEEP FARMS

BOONE COUNTY, INDIANA

WHITESTOWN, IN

DRAWN BY: LAF CHECKED BY: GDK  
 SHEET NO. C100  
 S & A JOB NO. 105260GBC

