



**REQUEST FOR COUNCIL ACTION**  
TOWN MANAGER'S OFFICE



<b>Agenda Item:</b>	<b>Town Council</b> <b>Action Requested:</b> First Reading Second Reading Public Hearing Third & Final Reading Motion to Approve/Consider
<b>Project Name:</b>	<b>Presenter:</b> <b>Title/Dept:</b>
<b>Strategic Plan Link:</b>	<b>Comprehensive Plan Link:</b>
<b>Executive Summary:</b>	
<b>Supporting Docs Required:</b>	
<b>Staff Recommendations:</b>	
<b>Town Manager Comments:</b>	
<b>Department Head Approval:</b>	
<b>Town Manager Approval:</b> 	

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE  
TOWN OF BROWNSBURG, HENDRICKS COUNTY, INDIANA  
FOR ROSEMONT AT WYNNE FARMS PD**

**WHEREAS**, Benjamin Sheppard (the “Applicant”) on behalf of Rosemont at Wynne Farms HOA (the “Owner”) has filed for an amendment to the Official Zoning Map for the Town of Brownsburg, Hendricks County, Indiana (the “Proposal”) for certain real estate located generally on the north side of Northfield Drive, west of N CR 800 E, which is generally depicted on **Exhibit-A** (the “Property”) pursuant to I.C. 36-7-4-608, *et seq.*; and

**WHEREAS**, the Property is zoned Wynne Farms PD pursuant to the regulations of the Wynne Farms PD Ordinance 2018-18 of the Town of Brownsburg; and

**WHEREAS**, the Applicant’s Proposal is to amend the Rosemont neighborhood of Ordinance 2018-18 to increase the maximum lot coverage to 45% and remove the maximum accessory structure lot coverage; and

**WHEREAS**, the Applicant’s Proposal is consistent with the goals, objectives and policies of the Comprehensive Plan, and the Owner’s desired use of the Property; and

**WHEREAS**, the Applicant’s Proposal is compatible with the current conditions and overall character of the existing development in the immediate vicinity of the Property; and

**WHEREAS**, the Applicant’s Proposal is the most desirable use for which the land in each district is adapted; and

**WHEREAS**, the Applicant’s Proposal is expected to conserve property values throughout the jurisdiction; and

**WHEREAS**, the Applicant’s Proposal is deemed responsible development and growth; and

**WHEREAS**, the Plan Commission (the “Commission”) has considered said Proposal at a public meeting, on May 24, 2021 and forward the request on the to the Town Council (the “Council”) with a **FAVORABLE RECOMMENDATION** subject to the following conditions:

**ORDINANCE NO. 2021-19** *continued*

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- 1) This rezone is only applicable to the property defined as Parcel A of the Wynne Farms PD;
- 2) Explore stormwater capacity with Town's engineer; and,
- 3) The approval of the Report of Determination by the Plan Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Brownsburg, Hendricks County, Indiana as follows:

- 1) The above recitals are incorporated herein by reference as though set forth fully herein below.
- 2) The Applicant shall assume and be responsible for payment of all costs incurred in the preparation and filing of all changes in this ordinance.
- 3) The zoning on the Property, as shown on the Official Zoning Map, shall be amended as per this Ordinance for Area A (Rosemont) of Wynne Farms PD

This Ordinance is hereby passed by the Town Council of the Town of Brownsburg, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**BROWNSBURG TOWN COUNCIL**

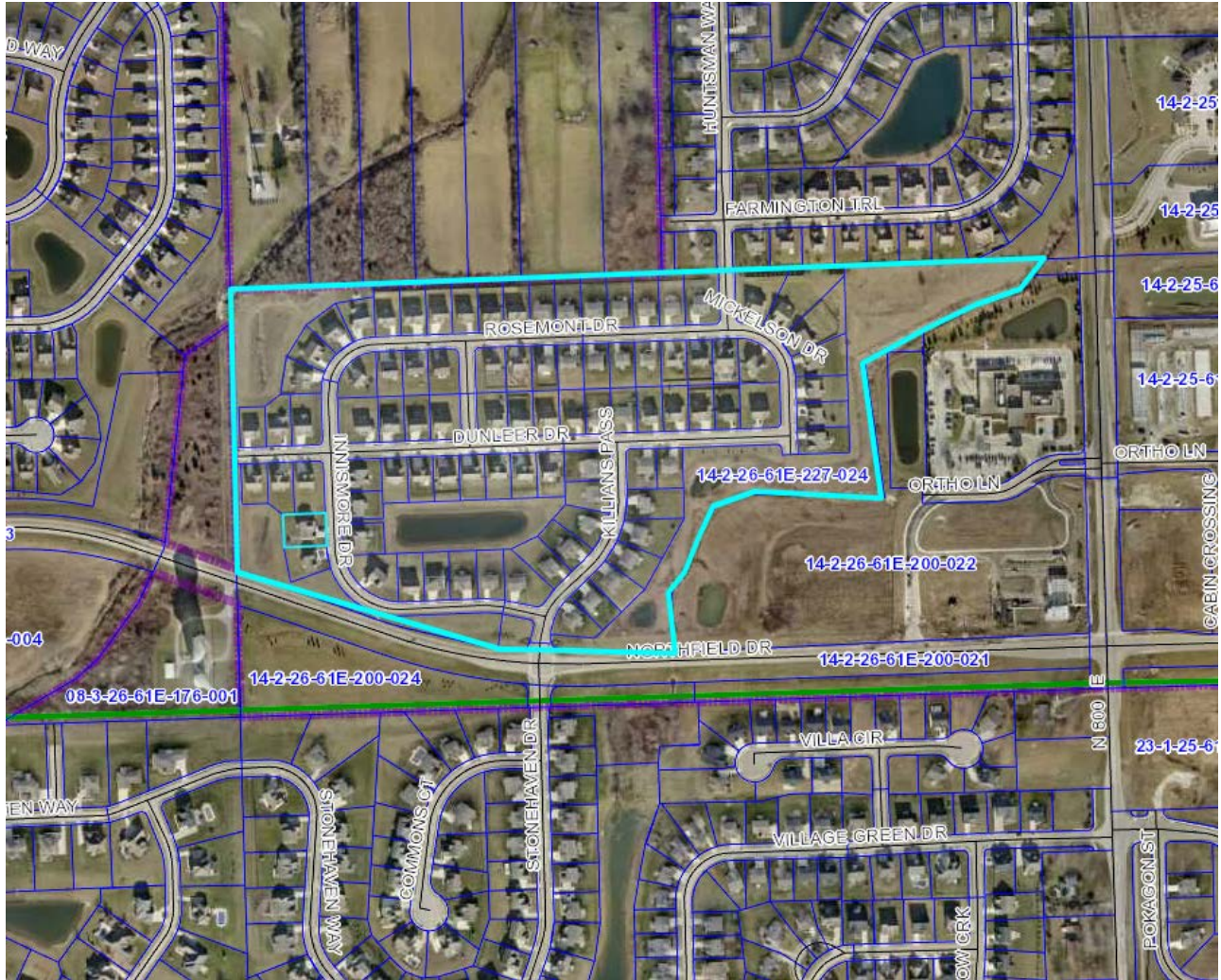
\_\_\_\_\_  
Travis Tschaenn, President

**ATTEST:**

\_\_\_\_\_  
Ann Hathaway, Clerk-Treasurer

This instrument prepared by Jodi Dickey, Town of Brownsburg, 61 N. Green Street, Brownsburg, Indiana 46112. 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. Jodi Dickey

**EXHIBIT "A"**  
**General Depiction**  
**Rosemont at Wynne Farms**



# Town of Brownsburg Advisory Plan Commission

## Project Synopsis

**TO:** Advisory Plan Commission

**CC:** Benjamin Sheppard

**FROM:** Lauren Gillingham, AICP Candidate

**DATE:** June 3, 2021

**RE:** CASE # PCMA-04-21-1903 | Rosemont at Wynne Farms PD Amend. | Zoning Map Amendment

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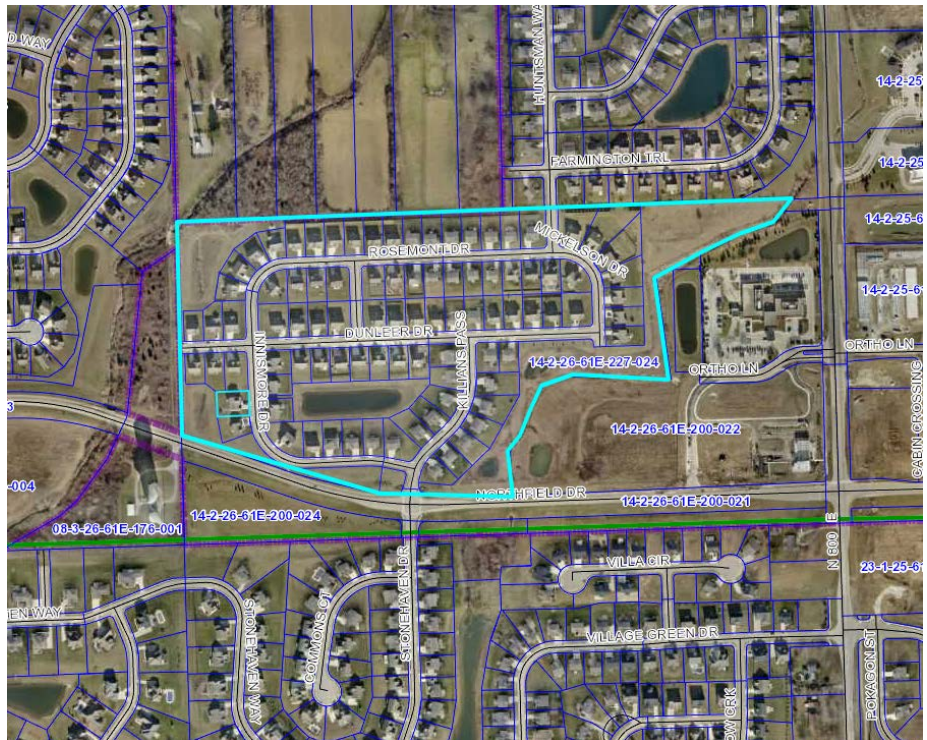
### GENERAL INFORMATION:

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**PETITION NUMBER:** PCMA-04-21-1903

**APPLICANT:** Benjamin Sheppard, Homeowner within the Rosemont at Wynne Farms PD

**LOCATION:** The property is located approximately on the north side of Northfield Drive, west of N 800 E.



**PARCEL SIZE:** This portion of the overall PD is roughly 45 acres.

**LAND USE AND ZONING:**

The subdivision is currently zoned Wynne Farms Planned Development (PD) District (Parcel A), and is built-out as single-family residential.

Direction:	North	West	East	South
Zoning:	HC-AGR, and R-2	HC-AGR and PD	PD	HC-RB and RE
Use:	Single-family	Utility; Single-Family	Medical	Single-family

**ACTION REQUESTED:**

Send a positive recommendation to council for the requested amendment to the PD language. The requested change is to amend the language to remove the accessory structure lot coverage maximum and increase the overall lot coverage to 45%. The Plan Commission should hold a public hearing, offer comments and suggestions on the petition, and forward a recommendation to the Town Council.

**SITE HISTORY:**

This site was annexed in 2008 as part of the larger Wynne Farms annexation. There was an amendment in 2014 for this portion of the PUD that related to architectural features. Other petitions on this site include primary and secondary plats for the remaining development. The subdivision is now considered built out. In the past, Development Services used to permit variances to individual lots within PDs. The current request is identical to a variance approved by the BZA in July 2020 (BZDV-06-20-1836), but will apply to the entire neighborhood rather than a single lot.

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**STAFF COMMENTS:**

As previously mentioned, the applicant is requesting a zoning map amendment (also referred to as a rezone or PD amendment) to increase the maximum lot coverage allowed from 35% to 45% and to remove the maximum accessory structure lot coverage, which is 5%.

Per the petitioner, the size of the homes and driveways put the lot coverage maximums in many cases near 30% before any accessory structures are even installed. Pools, as one example, typically include additional decking or patios, which is difficult to fit within the current restrictions. The petitioner proposes that these are valuable additions to homes that only serve to increase property value.

While this request is to about allowing homeowners to get more enjoyment from their properties by allowing more room for desirable amenities, such as in-ground pools, pergolas, and patios, it also brings the neighborhood in line with UDO standards. Rosemont development standards are very similar to those of the R3 zone, which permits 45% lot coverage and doesn't have an accessory structure lot coverage restriction. Because the PD was master planned under Hendricks County jurisdiction, the development standards

were largely based on the standards the county was using at the time. When the Town later annexed the land, they elected to keep the PD as written rather than rewrite it follow the UDO (as was done with sections of West Wynne Farms). As a result, the Wynne Farms neighborhoods (Rosemont, Birch Run, and Northfield at Wynne Farms) are the only neighborhoods in town with restrictions on how much of the lot accessory structures can cover. However, because Birch Run and Northfield at Wynne Farms share a neighborhood pool, it is really only a problem in Rosemont.

This request is strictly a text amendment to the development standards, and does not involve the addition or removal of land from the PD, changes in permitted uses, or the like.

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## STATUTORY REQUIREMENTS

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In accordance with Indiana Code Sections 36-7-4-603, in considering a proposal for zoning amendments, the Plan Commission must “pay reasonable regard” to the following:

**Criterion 1: The Comprehensive Plan**

The proposed amendment will not change the uses of this neighborhood. It is built-out and consistent with the Comprehensive Plan.

*Staff believes this criterion has been met.*

**Criterion 2: Current conditions and the character of the current structures and uses in each district:**

Per the petitioner, there are in-ground pools in existence in the neighborhood, including at least one which received a variance. Amending the PD text would not result in a development pattern that is in conflict with the existing character.

*Staff believes this criterion has been met.*

**Criterion 3: The most desirable use for which the land in each district is adapted:**

The overall use will not be changed with this PD amendment, and the usability of lots will be increased. The amendment could make lots in this neighborhood more desirable to future and current homeowners.

*Staff believes this criterion has been met.*

**Criterion 4: The conservation of property values throughout the jurisdiction:**

The PD amendment allowing increased lot coverage is not expected to have a negative impact on property values. In some cases,

additional improvements could have the potential to increase values of individual lots.

*Staff believes this criterion has been met.*

**Criterion 5: Responsible development and growth:**

This text amendment will not create scenarios that are counter to responsible growth and development. This is an existing neighborhood that is already built-out, and the amendment will allow additional amenities and accessory structures to be created within the existing development. The requested maximum at 45% is similar to that of the R3 zone and would not be considered excessive to the development pattern.

*Staff considers this criterion to be met.*

**COMMITMENTS**

*Staff does not recommend any new commitments on this approval.*

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**RECOMMENDATIONS**

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Commissioners should hold a public hearing and offer comments and suggestions on the proposal. The Advisory Plan Commission may choose to forward a positive, negative, or no recommendation to the town council.

Requested Action: Hold a public hearing on **PCMA-04-21-1903** and forward a recommendation to the council. Should commissioners choose to make a recommendation, staff is supportive of this proposal and recommends a **positive** recommendation and the following conditions:

1. That the PD Amendment only apply to Parcel A of the Wynne Farms PD
2. The approval of the Findings of Fact and Report of Determination by the Plan Commission.

Should the commission choose to forward a positive recommendation to the council, any conditions or commitments must be made part of that recommendation.

**ATTACHMENTS:**

Motion Worksheet  
Conceptual Site Plan



**Docket #** PCMA-04-21-1903

**Name:** Rosemont at Wynne Farms PD Amend

**Proposed Motion:**

I move to send a **FAVORABLE / UNFAVORABLE** recommendation to the Town Council on the Zoning Map Amendment sought by Benjamin Sheppard, Docket # PCMA-04-21-1903, Rosemont at Wynne Farms PD Amend. The subject property being located at all addresses within the Rosemont at Wynne Farms neighborhood.

I believe the petition has **SATISFIED / NOT SATISFIED** the guidelines for Zoning Map Amendment Approval as prescribed in Article 9, 9.13 of the Unified Development Ordinance for and in Indiana Code 36-7-4-603 and 36-7-4-608, for the following reasons:

1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;

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2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

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3) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;

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4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and,

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5) Whether the proposed amendment reflects responsible standards for development and growth

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Should Commissioners choose to forward a positive recommendation, please list suggested conditions and/or commitments below (list all that apply):

- 1) \_\_\_\_\_  
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  - 2) \_\_\_\_\_  
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  - 3) \_\_\_\_\_  
\_\_\_\_\_
  - 4) \_\_\_\_\_  
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Staff suggests the following conditions:

- 1. That the PD Amendment only apply to the Rosemont at Wynne Farms neighborhood
- 2. The approval of the Findings of Fact and Report of Determination by the Plan Commission.

**FINDINGS OF FACT & REPORT OF DETERMINATION**

The Brownsburg Advisory Plan Commission held a public hearing for docket # PCMA-04-21-1903 Rosemont at Wynne Farms PD Amendment located on the entirety of Rosemont at Wynne Farms on May 24, 2021.

This Report of Determination is based, in whole or in part, on the Applicant's Conditional Zoning Map Amendment Application, submitted on March 30, 2021, and the Detailed Statement of Reasons revised on April 14, 2021; and the same is hereby incorporated by reference.

Staff prepared a Project Synopsis, dated May 14, 2021, and the same is hereby incorporated by reference.

After hearing a presentation from the Applicant, and taking comments from the public, the Commission voted 6 in Favor/0 Opposed/0 Abstained, on a motion to send a **FAVORABLE RECOMMENDATION** of PCMA-04-21-1903 to Town Council, subject to and conditioned upon the following:

- (1) That the PD Amendment only apply to Parcel A of the Wynne Farms PD.
- (2) Explore stormwater capacity with Town's engineer.
- (3) The approval of the Findings of Fact and Report of Determination by the Plan Commission.

The Commission took the following into consideration when making their recommendation on this above referenced proposal:

- (1) The Brownsburg Comprehensive Plan;
- (2) The current conditions and the character of current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

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Brett Scowden, President

ATTEST:

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Jodi Dickey, AICP, Administrator