

TOWN OF FORTVILLE

ORDINANCE NO. 2020-7B

Change of Zoning Classification - Madison Village PUD

RECITALS

1. Pursuant to Indiana Code §§ 36-7-4-600 *et seq.*, the Town Council of the Town of Fortville (“Council” and “Town,” respectively) has lawfully adopted a Zoning Ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the Town, and which Zoning Ordinance has been codified in the Town’s Code of Ordinances.
2. Pursuant to Indiana Code § 36-7-4-602, the Council is authorized to amend the map that is part of the Zoning Ordinance.
3. The Fortville Advisory Plan Commission (“Plan Commission”) rendered a Favorable Recommendation after conducting a Public Hearing at their meeting on July 28, 2020 regarding a request to Rezone certain real property of approximately 6.52 acres from Industrial: General (IG) to Planned Unit Development (PUD) depicted in attached Exhibit A (Legal Description), Exhibit B (Concept Plan/Map), and Exhibit C (Planned Unit Development Document).
4. In accordance with Indiana Code § 36-7-4-605, the Plan Commission certified its recommendation regarding the Rezone to the Town Council.
5. The Council has considered the Plan Commission’s recommendation and, in accordance with Indiana Code § 36-7-4-608, desires to adopt the proposed change in zoning for the Real Estate.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. The official Zoning Map accompanying and made part of the Zoning Ordinance is hereby amended to change the zoning classification of the Real Estate from Industrial: General (IG) to Planned Unit Development (PUD), with Exhibit C describing the development standards applicable to the property.

SECTION 2. All modifications to building elevations and/or additional building elevations shall be submitted for review and approval by the Town's Planning & Building Director or Town Manager. The Planning & Building Director's or Town Manager's review of the elevations shall be performed in order to determine its compatibility and consistency with the intended quality, character, and development standards of this PUD.

SECTION 3. The Town's Planning & Building Director or Town Manager shall have the discretion and flexibility to consider and approve modifications pertaining to any development and architectural standards and concept layout established by this Ordinance if the Town's Planning & Building Director or Town Manager determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance. All such modifications shall be made in writing with an explanation supporting the change.

SECTION 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed. Additionally, if applicable, all previous zoning commitments are hereby repealed.




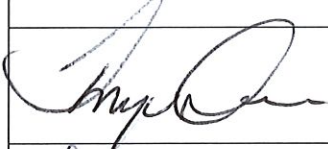
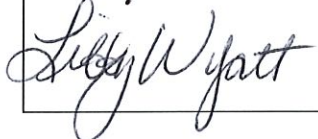
SECTION 5. This Ordinance shall be in full force and effect upon passage, and upon ordinance publication, if applicable.

[Signature Page Follows]

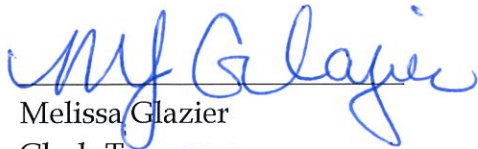
Introduced and filed on the 20th day of July, 2020.

Duly ordained and passed on the 3rd day of August, 2020 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

AYE		NAY
	Fred (Fritz) Fentz, President	
	Robert Holland, Vice President	
	Becky Davis, Councilwoman	
	Tonya Davis, Councilwoman	
	Libby Wyatt, Councilwoman	

ATTEST:



Melissa Glazier
Clerk-Treasurer

Prepared by: Adam Zaklikowski, AICP, Planning & Zoning Director

Approved as to Form by: Alex Intermill, Town Attorney, Bose McKinney & Evans, LLP

Exhibit A - Legal Description

[See following pages.]

LEGAL DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION #10, TOWNSHIP 17 NORTH, RANGE 6 EAST, VERNON TOWNSHIP, HANCOCK COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1" STEEL ROD IN CONCRETE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID #10, THENCE NORTH 89° 55' 23" WEST, A DISTANCE OF 1,323.31 FEET TO A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION #10, THENCE NORTH 89° 55' 23" WEST, A DISTANCE OF 913.08 FEET TO A MAG NAIL THE TRUE POINT OF BEGINNING, THENCE SOUTH 00° 36' 52" WEST, A DISTANCE OF 712.83 FEET TO A MAG NAIL, THENCE SOUTH 44° 56' 39" WEST, A DISTANCE OF 180.73 FEET TO A POINT, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,432.39 FEET, AN ARC LENGTH OF 136.31 FEET, A CHORD BEARING OF SOUTH 45° 48' 17" WEST, AND A CHORD DISTANCE OF 136.26 FEET TO A MAG NAIL, THENCE NORTH 01° 14' 45" EAST, A DISTANCE OF 248.01 FEET TO A 5/8" REBAR, THENCE NORTH 88° 44' 31" WEST, A DISTANCE OF 195.16 FEET TO A MAG NAIL, THENCE NORTH 01° 14' 45" EAST, A DISTANCE OF 489.74 FEET TO A MAG NAIL, THENCE NORTH 57° 31' 34" EAST, A DISTANCE OF 361.30 FEET TO A MAG NAIL, THENCE SOUTH 89° 55' 22" EAST, A DISTANCE OF 107.28 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 6.520 ACRES.

A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 17 North, Range 6 East, Hancock County, Indiana, being a part of the tract as recorded in Document number 97-13249, in the Office of the office of the recorder of Hancock County, Indiana, and being all that part of the Grantor's land as shown on the attached Right-of-way Parcel Plat, Exhibit "B", described as:


Commencing at the Northwest Corner of the Southwest Quarter of Section 10, Township 7 North, Range 6 East; thence South 00 degrees 29 minutes 18 seconds West, a distance of 59.436 meters (195.00 feet) on the west line of said Southwest Quarter to the northwest corner of the said tract; thence North 56 degrees 46 minutes 07 seconds East, a distance of 6.046 meters (19.83 feet) on the northwesterly line of said tract, being the Point of Beginning; thence continue North 56 degrees 46 minutes 07 seconds East, a distance of 6.518 meters (21.58 feet) on the said northwesterly line, being designated #107 on said parcel plat; thence South 00 degrees 29 minutes 18 Seconds West, a distance of 156.283 meters (512.74 feet) to a south line of the said tract; thence North. 89 degrees 29 minutes 58 seconds West, a distance of 5.471 meters (17.95 feet) along the said South line to the existing 5.029 meter (16.50 feet) right-of-way of Madison Street; thence North 00 degrees 29 minutes 18 seconds East, a distance of 152.630 meters (500.75 feet) along the said right-of-way to the point of beginning, containing 845.0 square meters (9,096 square feet), more or less.

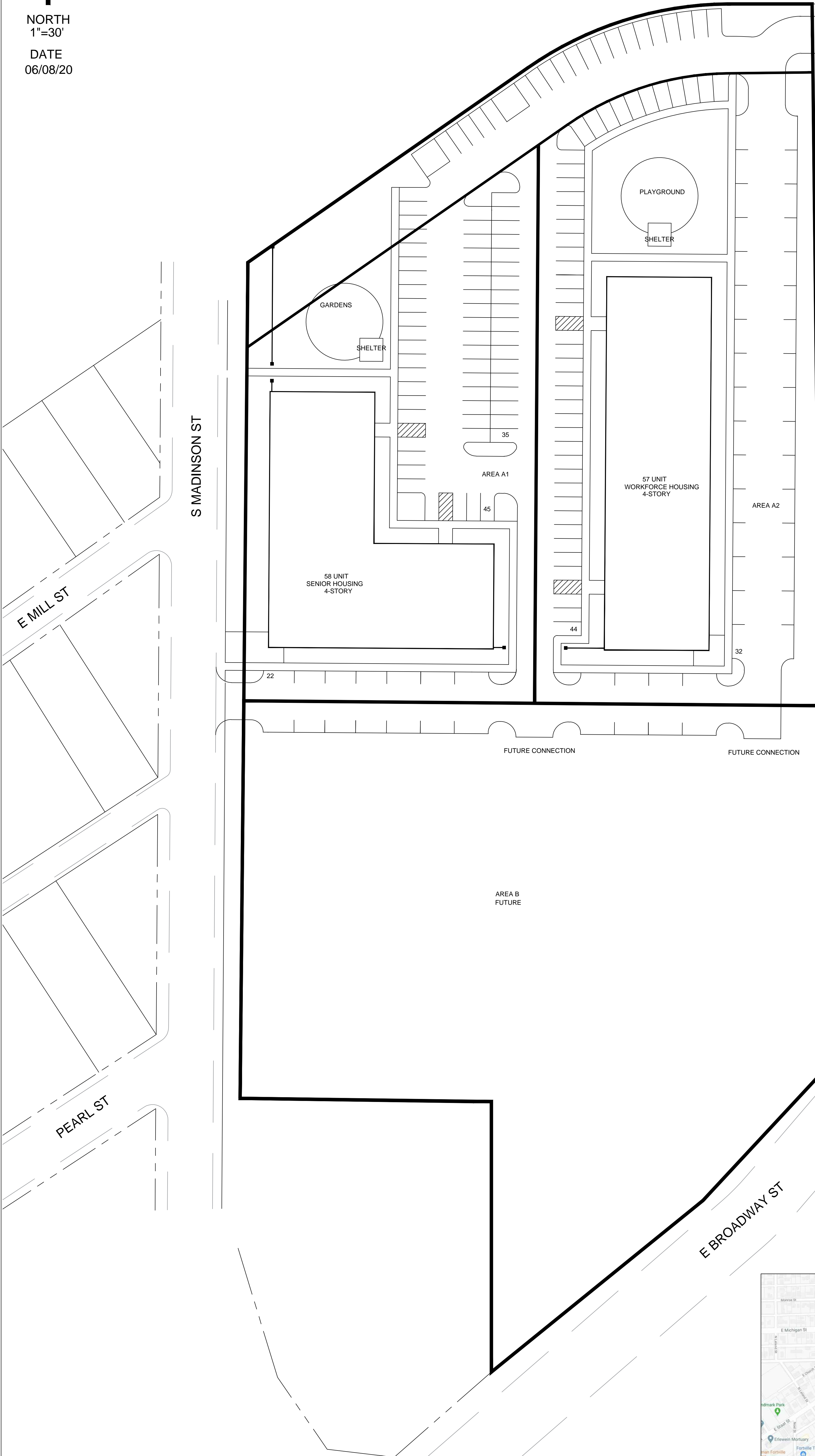
PARCEL ID. 30-02-10-300-010.000
-017

A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 17 North, Range 6 East, Hancock County, Indiana, and being all that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked as EXHIBIT "B", described as follows: Commencing at the northwest corner of said quarter-section; thence south 0 degrees 29 minutes 18 seconds West 208.709 meters (684.74 feet distance deduced from Instrument # 97-13249) along- the west line of said quarter-section to the northwest corner of the grantor's land; thence South 89 degrees 29 minutes 58 seconds East 59.485 meters (195.16 feet) along the south line of the grantor's land; thence South 0 degrees 29 minutes 18 seconds West 55.559 meters (182.28 feet) along a west line of the grantor's land to the point of beginning of this description: thence Northeasterly 47. 134 meters (154.64 feet) along an arc to the left and having a radius of 865.744 meters (2,840.37 feet) and subtended by a long chord having a bearing of North 47 degrees 17 minutes 27 seconds East and a length of 47.129 meters (154.62 feet) to point #33 on said plat, which point is on the northwestern boundary of United States Route 36 and State Road 67: thence South 44 degrees 07 minutes 31 seconds West 20.211 meters (66.31 feet) along the boundary of said United States Route 36 and State Road 67; thence along said boundary Westerly 28.559 meters (93.70 feet) along an arc to the right and having a radius of 424.705 meters (1,393.39 feet) and subtended by a long chord having a bearing of South 46 degrees 06 minutes 45 seconds West and a length of 28.554 meters (93.68 feet) to the west line of the grantor's land; thence North 0 degrees 29 minutes 18 seconds east 2.336 meters (7.66 feet) along said west line to the point of beginning and containing 44.6 square meters (480 square feet), more or less.

Exhibit B - Concept Plan/Map

[See following page.]


 NORTH
 1"=30'
 DATE
 06/08/20



E OHIO ST

S MADINSON ST

E MILL ST

PEARL ST

E BROADWAY ST

SITE DATA:

LOCATION:
 215 S MADISON
 PARCEL # 30-02-10-300-010.000-017

SIZE:
 6.52 TOTAL ACRES +/-

OWNER:
 DEBO PROPERTIES LLC
 215 S MADISON ST
 FORTVILLE, IN 46040

DEVELOPER:
 MVAH PARTNERS
 9349 WATERSTONE BLVD
 CINCINNATI, OH 45249

CONTACT:
 PETE SCHWIEGERAHT
 513-964-1157

REQUEST:
 REZONING TO PUD

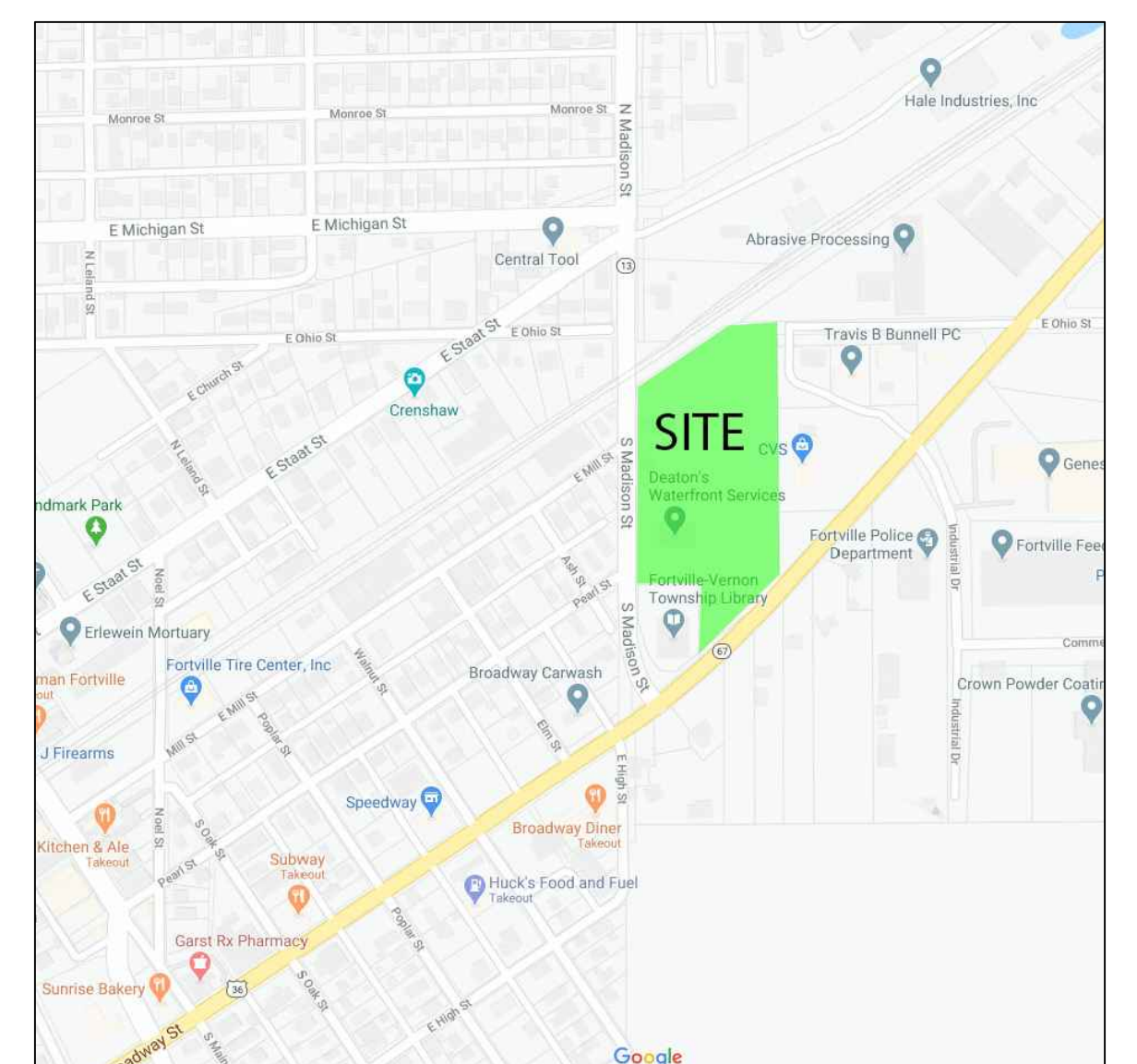
PROPOSED USE:
 MIXED-USED
 RESIDENTIAL
 COMMERCIAL

ZONING:
 ADJACENT = CC, IG, R3.5
 EXISTING ZONING = IG
 PROPOSED ZONING = PUD

AREA A1 & A2
 58 UNITS SENIOR INDEPENDENT LIVING
 57 UNITS WORKFORCE HOUSING
 115 TOTAL UNITS
 182 PARKING SPACES

AREA B
 FUTURE COMMERCIAL / MIXED-USE
 RESIDENTIAL PERMITTED ABOVE 1ST
 FLOOR

VICINITY MAP



MADISON VILLAGE
 FORTVILLE, INDIANA

Exhibit C - Planned Unit Development Document

[See following pages.]

I. Table of Contents

- a. Statement of Intent
- b. New Mixed Use Planned Unit Development (PUD) Standards
- c. Exhibits

II. Statement of Intent

- a. The Developers of the Madison Village project, which is depicted on Exhibit B, have worked with the Town of Fortville (“Town”) to design a mixed-use project consistent with the Town’s application for the Stellar Grant application. As contemplated by the Stellar Grant, the Madison Village will consist of apartments and commercial space.
- b. This document sets forth the PUD standards for Madison Village using the Town’s suggested PUD Standards, Community Commercial Zoning District, and the Broadway-Main Overlay District.

III. New Mixed Use Planned Unit Development (PUD) Development Standards

- a. Permissible Uses:
 - i. The development shall be mixed-use, allowing multi-family and commercial uses within the project area.
 - ii. Area A
 - 1. Buildings shall be all multi-family residential.
 - 2. Residential units and/or amenities shall be permitted on the first floor of buildings.
 - iii. Area B
 - 1. Buildings may be all commercial, or a mixed-use.
 - 2. Buildings must include some 1st floor commercial.
 - 3. Residential units shall be permitted.
- b. Density:
 - i. A maximum of 30 multi-family units per acre gross density (190 Total Units)
 - ii. The minimum dwelling unit size shall be 700 SF.
- c. Building Setbacks:
 - i. The intent of the proposed setback is to allow for Traditional Neighborhood Design (TND).
 - 1. Front Yard = 15’
 - 2. Rear Yard = 15’
 - 3. Side Yard = 5’
- d. Site Access:
 - i. A shared access shall be located between Area A & Area B providing primary access from Madison Street.
 - ii. Secondary access to Area A shall be provided from E Ohio St.

- iii. To alleviate traffic on Madison and Ohio Streets, additional access to Area B shall be provided from Broadway Street and shall be reviewed and approved as plans become available.
 - iv. The south and east perimeter roadway of Area A may be a private street but shall appear as a public street in its design and aesthetics.
 - v. Sidewalks shall be provided throughout the project at a minimum of 5' wide.
- e. Parking:
- i. Parking shall be screened from the right-of-way.
 - ii. Parking calculations for each use as outlined below.:
 - 1. Commercial Uses: as required by the Community Commercial Zoning District
 - 2. Multi-family: 1.5 per dwelling unit
 - 3. Senior Housing: 1.1 per dwelling unit
 - iii. Commercial and multi-family shared parking reduction of 20% is allowed on site.
 - iv. Chairback curbs shall be required throughout the project.
- f. Lighting:
- i. All site lighting shall be full cut-off fixtures with 0.0 fc requirement at lot lines.
- g. Building Design:
- i. The residential buildings shall be consistent with the design shown in Exhibit 1. Brick shall be provided on approximately 66% of the front facades (2-3 stories) and approximately 33% in the rear. The rear of each building shall have a similar level of articulation as shown on the front façade of Exhibit 1.
 - ii. Maximum building height: 45' (4-stories)
 - iii. All 1st floor amenity spaces facing Madison Street shall have the appearance of commercial storefronts on the exterior of the building. The front facade of all buildings shall face the right-of-way.
 - iv. Approved Building Materials include:
 - 1. Brick
 - 2. Limestone or a product which appears to be Limestone
 - 3. Stone Copping
 - 4. Cementitious Panels
 - 5. Hardie Plank & Panel
 - 6. Vinyl prohibited
 - v. All windows shall have a minimum 1 x 4 nominal trim when surrounded by siding. All windows surrounded by masonry shall have a cornice or sill. All windows shall have grids.
 - vi. Noise attenuation shall be provided in the buildings along the railroad tracks.
 - vii. Dumpsters must be enclosed and landscaped, and materials shall be comparable to building materials and colors within the project.

- viii. All mechanical units shall be screened, and also landscaped if on ground level. Roof-mounted units shall be screened behind a parapet wall or with an architecturally compatible screen or enclosure(s).
 - ix. Each building in Area A shall be developed and constructed to meet Enterprise Green Communities Criteria.
 - x. An elevator shall be provided in each building in Area A and each building in Area A shall be fully sprinklered.
- h. Signage
- i. Project Signage is defined as signs stating only the name of the project:
 - 1. Residential
 - a. A sign not exceeding 40 square feet shall be permitted along Madison Street at the newly proposed common access point.
 - b. A sign not exceeding 40 square feet shall be permitted on the Ohio Street at the secondary access point.
 - 2. Commercial
 - a. Future commercial signs shall be in conformance with requirements of the Community Commercial Zoning District standards.
 - i. Landscaping & Fencing
 - i. Parking Lots
 - 1. Provide 1 tree + 100 square feet/5 spaces
 - ii. Lot Interiors
 - 1. Provide 2 deciduous or evergreen trees + 1 ornamental tree/1,000 square feet of 1st floor gross square footage
 - iii. Foundation planting
 - 1. Provide 1 plant/10 lineal feet of building perimeter
 - iv. Madison & Broadway Frontage, south perimeter street of Area A, east perimeter street of Area A.
 - 1. Street trees shall be provided at a minimum of every 25 feet of continuous sidewalk, and shrubs.
 - v. Plant Materials
 - 1. Developer shall use best efforts to provide drought resistant plant materials throughout the project.
 - vi. A 6' tall wood shadow box fence shall be provided along the railroad tracks.
 - j. All other standards for project not outlined within these PUD standards shall follow the guidelines as set forth in the Broadway-Main Overlay District for Fortville, Indiana and the land use requirements for Community Commercial zoning district in the Fortville Zoning Ordinance.