



HEARING EXAMINER

January 23, 2025

Case Number: 2024-CAP-848 / 2024-CPL-848
Property Address: 7511 New Augusta Road (Approximate Addresses)
Location: Pike Township, Council District #1
Petitioner: Ashton Apts, LLC, by Elizabeth Bentz Williams, AICP
Zoning: D-5II and D-6II
Request: Modification of commitments related to 2018-ZON-106 commitments 1, 2, 4, 5, 6, 8, 11, 15, and 17 to allow for attached dwellings rather than senior-restricted apartments.

Approval of a Subdivision plat to be known as Ashton Village Subdivision, dividing 25.988 acres into 184 lots, with a waiver from Sec 741-301-2 to modify the amenity requirements.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for row house lots, with front loaded garages (for lots within the D-5II) exceeding 45% of the front façade (not permitted), with reduced landscaped living material in the front yard (minimum 65% living material required).

Current Land Use: Undeveloped
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was previously continued for cause from the December 19, 2024 hearing to the January 23, 2025 hearing at the request of staff to allow additional time for the request to be amended and new notices to be mailed.

STAFF RECOMMENDATION

Staff **recommends approval** of the modification request.

Staff **recommends approval** of the waiver request.

Staff **recommends approval** of the variances to provide for row house lots, with front loaded garages exceeding 45% of the front façade and with reduced landscaped living material in the front yard if the request is amended to note a minimum of 43% landscape area in the front yard.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 20, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provide a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.



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Current Planning**

2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That all standards related to 741.201.A-C – Primary Plat Requirements be met prior to recording the final plat.
13. That all standards related to 741-303.B – Through Connectivity (Metro Context Area), be met prior to recording the final plat.
14. That all standards related to 741.305 – Numbering and naming be met prior to recording the final plat.
15. That an amended plat with sidewalks compliant with Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
16. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be subject to the waiver request.
17. That a street lighting plat compliant with Section 741-316 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
18. That the approval shall be in accordance with the variances requested.

PETITION OVERVIEW

LAND USE

The 25.988-acre subject site is comprised of two parcels (6001198 and 6030910) that will ultimately be subdivided into 184 lots. The site is bordered to the north by an elementary school, zoned SU-2, to the east by baseball fields and single-family dwellings, zoned D-4 and D-5II, to the south by single-family dwellings, zoned D-5II, and to the west by a single-family dwellings and multi-family dwellings zoned D-A, D-5II, and D-6II.

MODIFICATION

The grant of the request would modify commitments related to 2018-ZON-106 that include 1,2,4,5,8,15 and 17 to allow for attached homes rather than senior restricted apartments.

The language of the commitments removes the language that was specifically associated with apartments.

WAIVER

The waiver request would modify the amenity requirements for this development to be reduced in size.

Table 741-310-2: Additional Open Space Components and Minimum Standards for Residential Subdivisions notes that a community garden proposed in the Metro Context Area would have to be at least two acres in size. Additionally, a dog park proposed in the Metro Context Area should be no less than one acre in size.

The proposed subdivision would have an approximate 0.259-acre community garden and an approximate 0.282-acre dog park.

PLAT

The request would allow for the subdivision of two parcels to be known as the August Village Subdivision, dividing 25.988 acres into 184 lots.

The northern portion of the subdivision is zoned D-6II and the southern portion is zoned D-5II.

STREETS

Vehicular access would be via New Augusta Road. There are new streets proposed for this development that include Ashton Place Drive, Stillness Drive, Whispering Garden Drive, and Garden Trace Drive. A few of the street names are not labeled.

All the interior streets included in the plat are public local streets. Ashton Place Drive would connect the northern portion to New Augusta Road while the southern portion would gain access to New Augusta Road by turning at Whispering Garden Drive to Ashton Place Drive or Ashton View Lane.

SIDEWALKS

Sidewalks would be required along all internal and external streets.



VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for front loaded garages to exceed the 45% limitation of Table 744-701-2: Private Frontage Design Standards in the D-5II district.

The proposed row houses would have two-car front loaded garages which would not be able to meet the garage width limitation due to the overall width of the proposed unit measuring approximately 24 feet.

In order to meet the standard, the garage would not be able to exceed 10.8 feet in width where the proposed would measure approximately 20 feet in width.

In order to promote density, an increase in the housing stock and home ownership, staff understands that supporting the garage width variance for the existing D-5II district is essential.

Per Table 744-701-2: Private Frontage Design Standards, the D-5II district requires 65% minimum landscape area in front of the front building line.

The front building line in this instance would start at the front loaded garage. Staff requested that at least 50% of landscape area be proposed.

When calculating the front living material, the proposal would have approximately 43.7% of living material in front of the garage. However, when factoring in the landscape area between the front façade of the garage and the front façade of the dwelling entrance, an additional 11.1% landscape area is proposed.

Staff is comfortable with the overall 54.8% of total landscape area although 11.1% would not count towards meeting the 65% requirement, but would meet the intent of staff’s request for 50% of landscape area.

STAFF ANALYSIS

The subject site has had previous variances approved through 2021-HOV-004 for the D-6II section for 20-foot front yard setbacks, perimeter yard setbacks ranging from 10 feet to 22.5 feet and a 20-foot separation between buildings. The subject site has also had a previous variance approved through 2021-HOV-003 for the D-5II section for 20-foot front yard setbacks. These variances would still be applicable to the site where needed.

Overall, staff is supportive of the modification request to allow for attached dwellings instead of senior-restricted apartments, the plat petition with the waiver request for the amenity spaces, and the variances needed to allow for row house development in the D-5II district so long as the request is amended to note that 43% of landscape area would be proposed.

Existing Zoning	D-5II and D-6II	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood and Large-Scale Park	
Surrounding Context	Zoning	Land Use
North:	SU-2	School
South:	D-5II	Residential (Single-family dwellings)



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East:	D-4 / D-5II	Residential (Single-family dwellings) / Baseball Fields
West:	D-6II / D-A / D-5II	Multi-family Dwellings / Single-family dwelling
Thoroughfare Plan		
New Augusta Road	Primary Collector Street	80-foot proposed right-of-way and 60-foot existing right-of-way.
Petition Submittal Date	October 21, 2024	
Final Plat Submittal Date	December 20, 2024	

SUBDIVISION PLAT REGULATIONS

741-203 Required Documents for Approval		EVALUATION
741.201.A-C – Primary Plat Requirements:	<ul style="list-style-type: none"> Plat name, Legal Description, Surveyor Seal, Scale. Boundary Lines, Existing Street Names and dimensions. Layout of Proposed Streets – names, widths, classifications. Layout of all easements and purpose thereof. Layout of lots with numbering and dimensions. Floodway/Floodplain Delineation. Topographic Map. Area Map. 	Not Satisfied
741-203.D – Traffic Control Plan	<ul style="list-style-type: none"> Traffic control street signs and devices. Traffic calming devices. Bicycle facilities. Sidewalks and pedestrian facilities. Transit facilities, such as bus stops pads or shelter. Street lighting. 	Satisfied
741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)	<ul style="list-style-type: none"> Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry Location of Open Space Areas of the open space common area, indicating size and general improvements Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors) 	Satisfied

	<p>741-205 – Waivers</p> <ul style="list-style-type: none"> • <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> • <i>The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;</i> • <i>Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;</i> • <i>The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and</i> • <i>The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.</i> 	<p>Waiver requested</p>
<p>741-300 Design and Installation Standards</p>	<p><i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i></p>	<p>EVALUATION</p>
	<p>741-302.A – Lots:</p> <ul style="list-style-type: none"> • <i>Comply with zoning district and any cluster approval or variance grant.</i> • <i>Lots must have positive drainage away from buildings.</i> • <i>No more than 25% of lot area may be under water.</i> • <i>Side lots lines at right angles to streets or radial to curving street line.</i> • <i>Layout of lots with numbering and dimensions.</i> • <i>Floodway/Floodplain Delineation.</i> • <i>Topographic Map.</i> 	<p>Satisfied.</p>
	<p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> • <i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i> • <i>Triple frontage lots are prohibited.</i> • <i>Lots abutting alleys must have vehicular access exclusively from alley.</i> • <i>Lots shall not have direct access to arterial streets.</i> • <i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i> 	<p>Satisfied</p>

	<p><i>741-302.C – Blocks:</i></p> <ul style="list-style-type: none"> • <i>Shall not exceed maximum block lengths per Table 741-302.1</i> • <i>If exceeded, it must be demonstrated that:</i> <ul style="list-style-type: none"> ○ <i>There are improved pedestrian easements at intervals of 400 feet or less.</i> ○ <i>Adequate traffic calming provisions are made.</i> ○ <i>The block length must be exceeded because of physical conditions of the land.</i> 	<p>Satisfied</p>
<p>741-303 Streets and Connectivity</p>	<p>All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.</p>	<p>EVALUATION</p>
	<p><i>741-303.A – General:</i></p> <ul style="list-style-type: none"> • Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> • Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. • Not more than two streets shall intersect at any one point. • Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. • All streets shall be dedicated to the public. Alleys may be private. • Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system. 	<p>Satisfied</p>
	<p><i>741-303.B – Through Connectivity (Metro Context Area):</i></p> <ul style="list-style-type: none"> • Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. • Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. • All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. • Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. • Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. • Subdivisions with 30 or more lots shall have more than one entrance to the existing street network. 	<p>Not Satisfied</p>
	<p><i>741-303.D – Cul-de-sacs (Metro Context Area):</i></p> <ul style="list-style-type: none"> • In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units. 	<p>Satisfied</p>

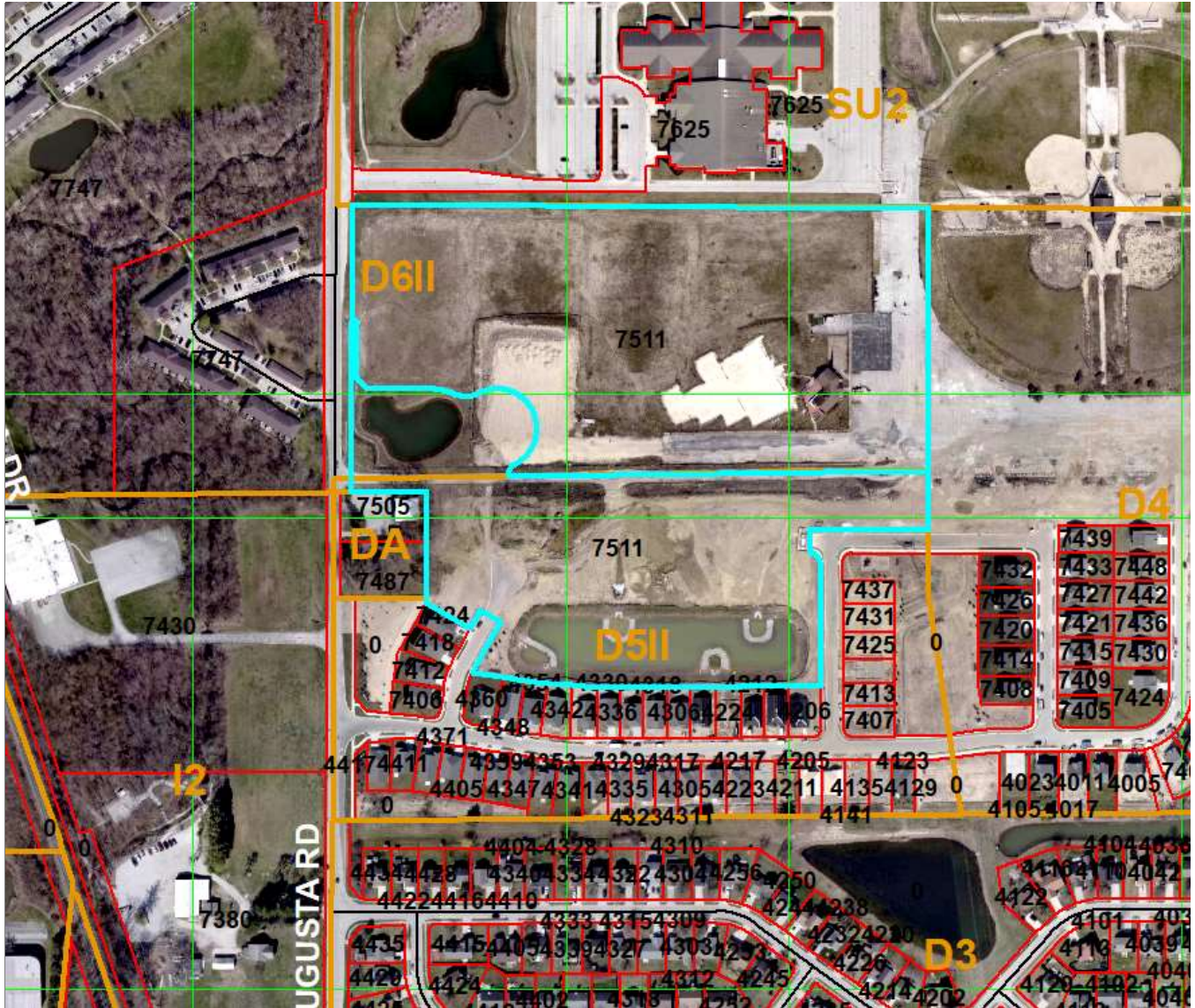
741-304-316 Additional Development Items		EVALUATION
741.304.A-C – Traffic Control Devices: <ul style="list-style-type: none"> Street name signs, traffic control signs, bike route signs. Traffic control devices for streets exceeding 900 feet in length. Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units. 	Satisfied	
741.305 – Numbering and naming: <ul style="list-style-type: none"> Street numbering per adopted addressing guidelines. Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street. 	Street naming and numbering not submitted	
741.306 – Sidewalks: <ul style="list-style-type: none"> Sidewalks shall be provided along all internal and external streets. 	Not Satisfied	
741.307-309 – Easements, Utilities, Stream Protection Corridors: <ul style="list-style-type: none"> Utility easements shall be located along lot lines and shall be a minimum of 10 feet. All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance. Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise. All utilities shall be located underground. All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205. 	Satisfied	
741.310 – Common Areas, Open Space and Public Sites (Compact Context Area): <ul style="list-style-type: none"> Required for subdivisions with more than 20 dwelling units. Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet. Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping. Additional Open Space Requirements: Community garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall. Reservation of land for public/semi-public purpose. 	Waiver Requested	
741-312 – Monuments <ul style="list-style-type: none"> Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1. 	Satisfied	

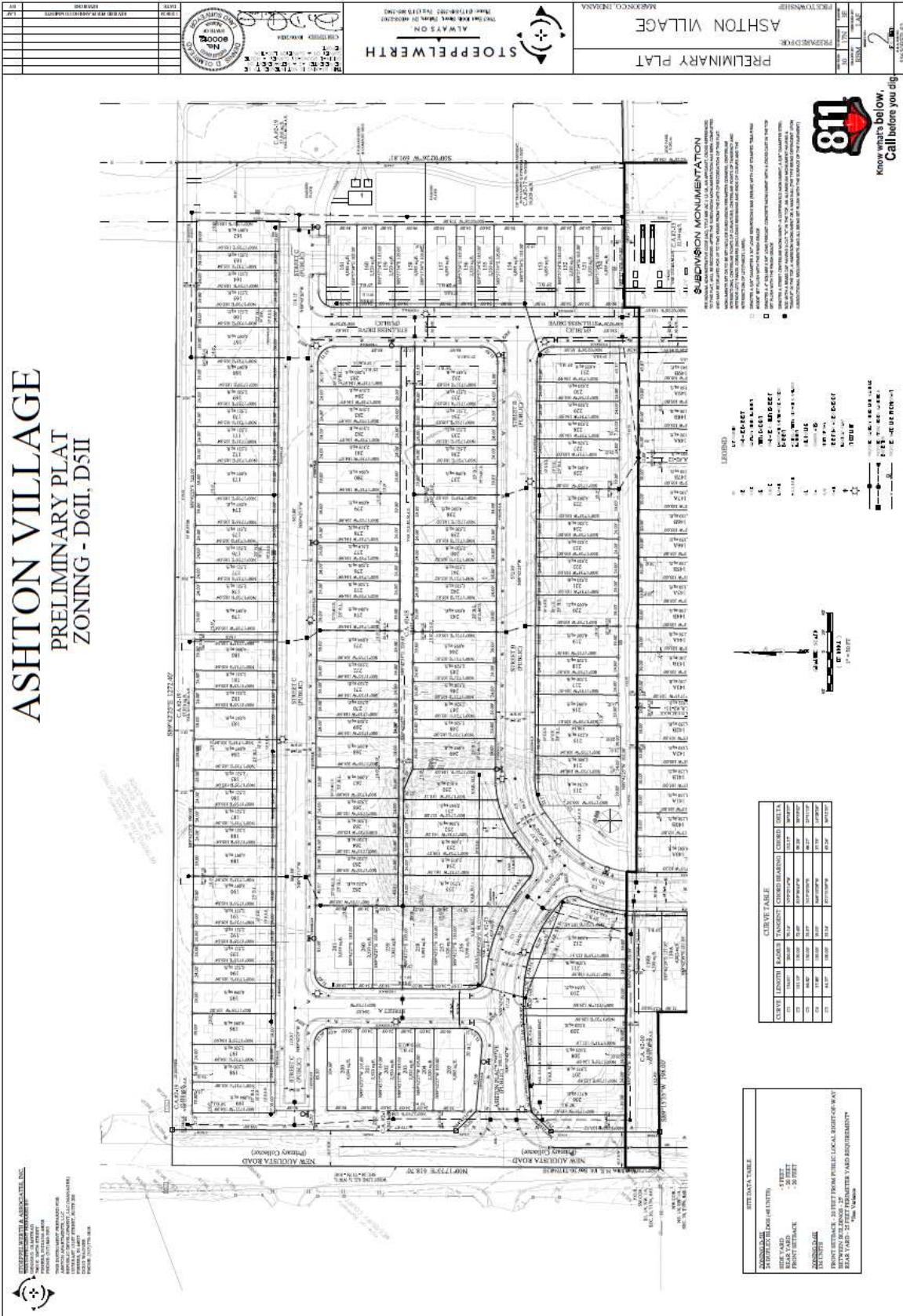


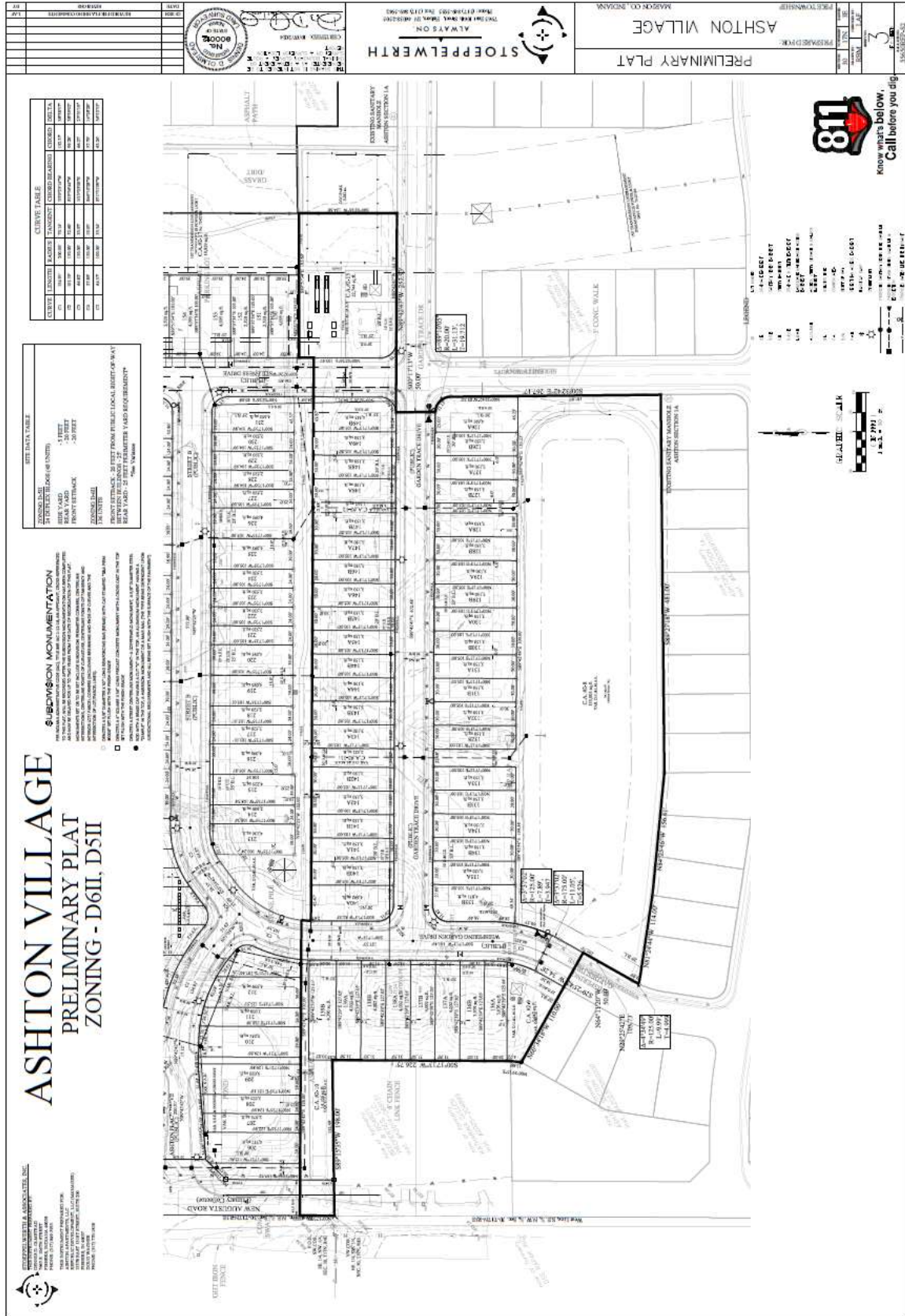
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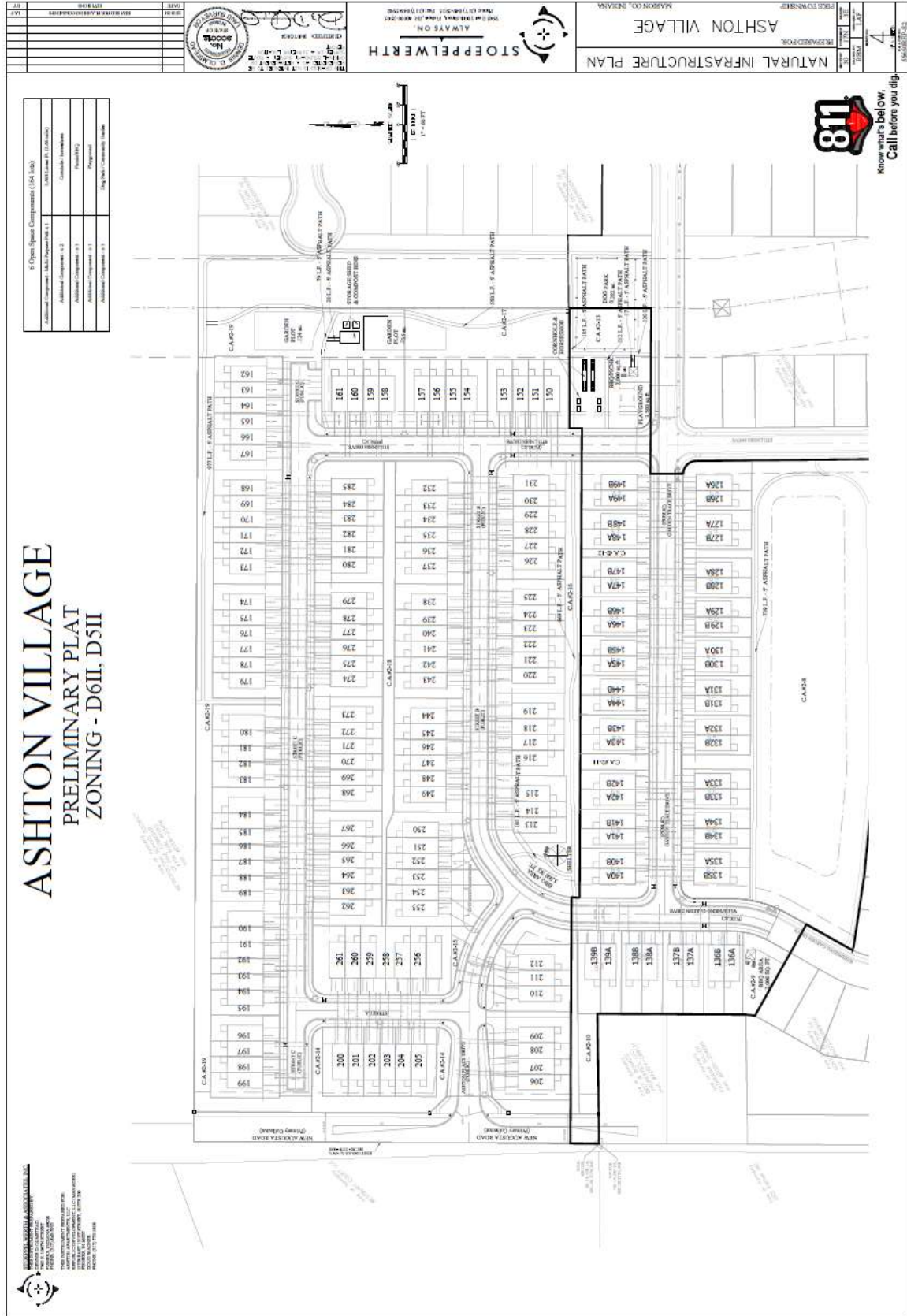
	<p><i>741.313 – Flood Control:</i></p> <ul style="list-style-type: none"> • <i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i> • <i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.</i> • <i>For Zone AE areas, the plat must show the BFE topographic line.</i> • <i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.</i> 	<p>Satisfied</p>
	<p><i>741.316 – Street Lighting:</i></p> <ul style="list-style-type: none"> • <i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i> 	<p>Street lighting not submitted</p>

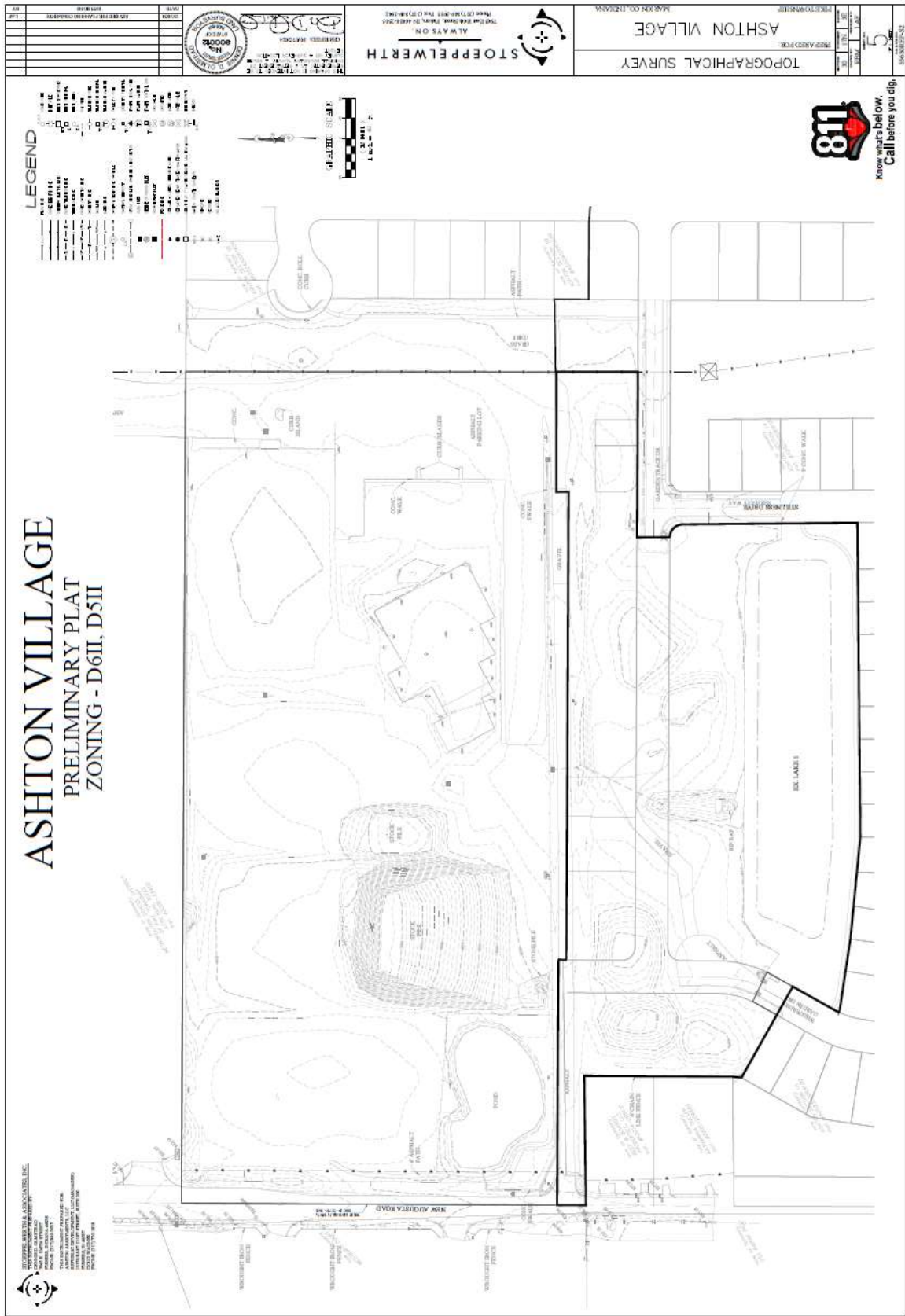
EXHIBITS

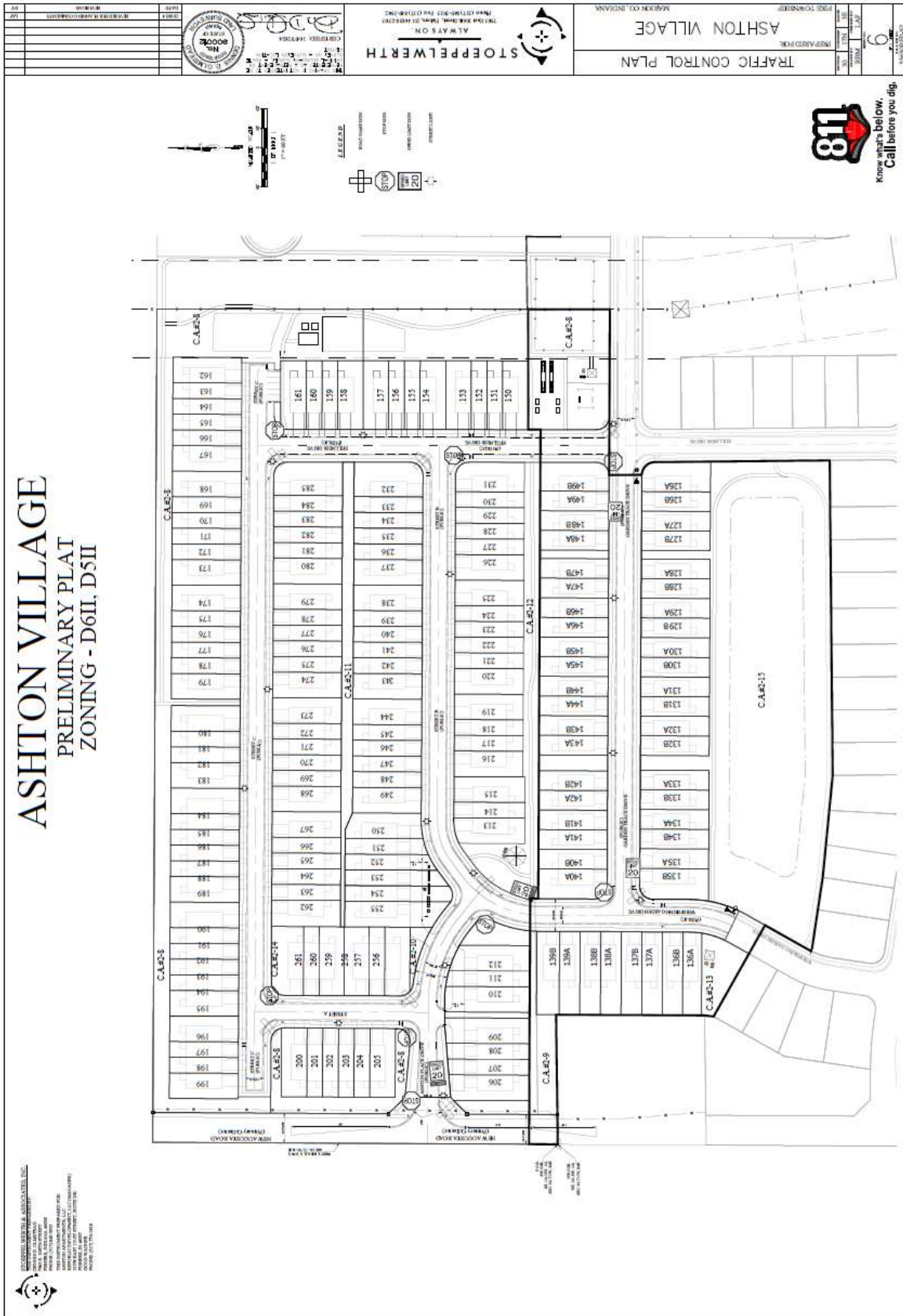












Townhome Collection – Roxbury & Trenton **LENNAR** *ei*



INDIANAPOLIS DIVISION
EVERYTHING'S INCLUDED®

REV#	DATE	DESCRIPTION
1	10/15/14	PRELIMINARY SHEET
2		
3		
4		
5		

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TRENTON OR ROXBURY D TRENTON OR ROXBURY A (Reversed)

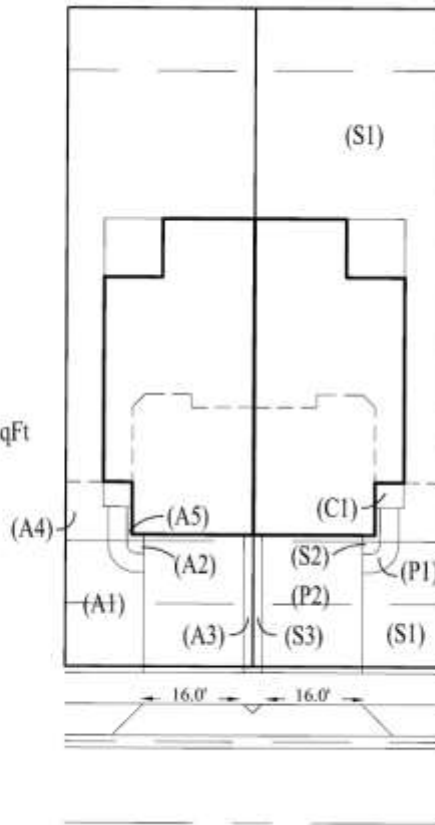
FRONT ELEVATION **2-UNIT BUILDING**
NOT TO SCALE

LENNAR
 2-STORY FL TOWNHOMES
 CONTROL ELEVATIONS
 2-UNIT FRONT-LOUIS

C-2.1

Landscaping Calculation

Area 1 (A1) = 226.48 SqFt
 Area 2 (A2) = 4.98 SqFt
 Area 3 (A3) = 30.61 SqFt
 Area 4 (A4) = 60.57 SqFt
 Area 5 (A5) = 6.29 SqFt
 Green Area (B.L. to R/W) = 262.07 SqFt
 Green Area (Front Yard to B.L.) = 66.86 SqFt
 Total Green Area = 328.93 SqFt
 Total Area (B.L. to R/W) = 599.99 SqFt
 Total Percentage = 54.8%
 Required = 65.0% Landscape Area



Open Space Calculation

Space 1 (S1) = 1547.60 SqFt
 Space 2 (S2) = 11.27 SqFt
 Space 3 (S3) = 30.50 SqFt
 Pavement 1 (P1) = 35.46 SqFt
 Pavement 2 (P2) = 336.00 SqFt
 Covered 1 (C1) = 9.25 SqFt (Half Credit)
 Green Area (Lot) = 1589.37 SqFt
 Pavement / Covered Area (Lot) = 380.71 SqFt
 Green + Pavement = 1970.08 SqFt
 Total Area (Lot) = 3149.22 SqFt
 Total Percentage = 62.5%
 Required: 60.0% Open Space



METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA

WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

Petitioners are providing 6 additional amenities. The proposed community garden and the dog park are provided, but are reduced in size, less than required. Nothing about this request has any qualities that would harm or be detrimental to the public health, safety, or welfare or injurious to any neighboring properties.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

The community garden and dog park are still being provided and each has all the required, essential properties from the ordinance. These are universal sizes without regard to the size of the community and therefore, we believe these amenities are "right sized" for this community. The dog park is also located immediately adjacent to the sister community dog park.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

The community is planned as an infill with an overhead power line traversing the property. The community garden and dog park are still being provided and each has all the required, essential properties from the ordinance. These are universal sizes without regard to the physical size of the community, just the number of lots and therefore, petitioner believes these amenities are "right sized" for this community.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

By reviewing the amenities provided, the plat absolutely fulfills the intent of the ordinance. The variety of the amenities and the locations interspersed throughout the community, along with the trails and sideways to connect them provide the intended high standard of development.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The relief sought is for size of amenities. There will be no other variance from other provisions of the zoning ordinance by these requests.

DECISION

Exhibit "B"

Commitments
2018-ZON-106

1. Uses shall be limited to either Senior (age-restricted at 55+) Apartments, or Senior (age-restricted at 55+) Attached Homes (a minimum of 2 and up to a maximum of 8 attached dwellings per building).
2. All dwelling units shall be for occupancy by at least one (1) person 55 years of age or older, as permitted by and in compliance with the Housing for Older Persons Act (1995). The minimum age of a resident spouse or partner of the 55 or older resident shall be 35. The minimum age of a resident child or grandchild of the 55 or older resident, or of the spouse/partner, shall be 18. However, dwelling units occupied by community staff, such as resident managers or maintenance personnel, are exempted from age restrictions.
3. Sidewalks shall be provided along both sides of interior roads, and along New Augusta Road.
4. Apartment buildings shall be a maximum of three (3) stories tall.
5. Apartment buildings shall include brick/stone on 50% of the front façade, and 50% of the first floor of the side and rear facades (exclusive of windows and doorways).
6. Attached Homes buildings shall include brick/stone on 50% of the first floor of the front and side facades (exclusive of windows and doorways), unless the home is of the "Craftsman", "Prairie", or "Farmhouse" architectural style with enhanced architectural detailing. Said "Craftsman", "Prairie", or "Farmhouse" architectural style shall be of a similar production cost as a brick/stone façade.
7. Any vinyl building façade material used shall be Norandex interlocking or similar (.042 mm or thicker).
8. Lawn and landscaping maintenance shall be provided by the Ashton Place owner or a management company contracted by the owner.
9. The existing, deteriorated wood fence along New Augusta Road will either be repaired, replaced or removed. A split-rail fence shall be installed along the New Augusta Road frontage.
10. Vehicular access to the site shall be limited to entrance(s) from New Augusta Road. Vehicular access shall be prohibited from either Augusta Commons or Crooked Creek Heights West.
11. A minimum six (6)-foot wide pedestrian and bicycle path shall be installed from the apartments to the abutting school property to the north. The pedestrian and bicycle path shall be located with the coordination of the Metropolitan School District of Pike Township.
12. Model homes shall be permitted.
13. A walking path shall be provided within the overhead power line easement, to the extent permitted by Indianapolis Power and Light.
14. A joint maintenance agreement shall be established between the subject development (Ashton Place) and the adjoining Ashton Gardens and Ashton Manor.

MDC's Exhibit B -- page 7 of 8

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Metropolitan Development

FEB 05 2019

Division of Planning

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment 1 shall be amended to read: Uses shall be limited to individually deeded Attached Homes (a minimum of 2 and up to a maximum of 8 attached dwellings per building).
2. Commitment 2 shall be deleted in its entirety.
3. Commitment 4 shall be amended to read: Buildings shall be a maximum of three (3) stories tall.
4. Commitment 5 shall be deleted in its entirety.
5. Commitment 6 shall be amended to read Attached Homes buildings shall include brick/stone on 50% of the first floor of the front and side facades (exclusive of windows and doorways), unless the home is of the "Craftsman", "Prairie", or "Farmhouse" architectural style with enhanced architectural detailing. Said "Craftsman", "Prairie", or "Farmhouse" architectural style shall be of a similar production cost as a brick/stone facade (see exhibit Attached or similar).
6. Commitment 8 shall be amended to read: Lawn and landscaping maintenance shall be provided by the Ashton Place Homeowners' Association.
7. Commitment 11 shall be amended to read: A minimum six (6)-foot wide pedestrian and bicycle path shall be installed to the abutting school property to the north. The pedestrian and bicycle path shall be located with the coordination of the Metropolitan School District of Pike Township.
8. Commitment 15 shall be amended to read: The site plan is conceptual. However, the subject development (Ashton Place) shall not exceed 136 individually deeded Attached Homes.
9. Commitment 17 shall be amended to read: Trash service will be provided to each home by the Ashton Place Homeowners' Association.
10. All other commitments (numbered 3, 6, 7, 9, 10, 12, 13, 14, 16, 18, 19, 20 and 21) subject to 2019-ZON-106 and recorded in Instrument #A201900024530 shall remain in full force and effect.
11. An owner leasing a home within the subdivision shall register with the City of Indianapolis's Landlord Registration Program through the Department of Business & Neighborhood Services, as defined in the "Revised Code of the Consolidated City and County," Chapter 851- Indianapolis Landlord Registration Program, as may be modified or amended.
12. In addition to the registration required with the City of Indianapolis, the owner shall provide the Home Owners Association (HOA) with contact information for the (i) tenant of the home and (ii) the property management company with which the owner has contracted, if applicable.

13. Any leasing of a home shall be for a minimum of 12 months. In the case of substantiated hardship the HOA Board may grant a lease period of less than 12 months (e.g.: first responders temporary assignments or deployments).
14. Short Term Rentals shall not be permitted (e.g. AirBnB, Virbo, etc.).
15. Petitioners shall prepare and adopt HOA documents to establish policies and standards for vetting potential tenants, including but not limited to background checks and verification of satisfactory income standards.
16. Petitioners shall provide a copy of the HOA documents to the Pike Township Residents Association, after said documents are completed.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2024-CAP-848.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Pike Township Residents Association



Photo of the D-5II portion of the subject site looking west.



Photo of the D-5II portion of the subject site looking northwest.



Photo of the D-5II portion of the subject site looking north towards the D-6II portion of the site.



Photo of the subject site looking east from New Augusta Road towards the D-5II district



Photo of the D-6ll portion of the site looking east from New Augusta Road.



Photo of the school, zoned SU-2, north of the subject site.



Photo of the subject site looking northeast at the D5-II portion of the site.



Photo of the subject site looking southeast at the D5-II portion of the site. |