



## METROPOLITAN DEVELOPMENT COMMISSION

April 17, 2024

<b>Case Number:</b>	2024-CZN-808 / 2024-CPL-808
<b>Property Address:</b>	11329 Maze Road (approximate address)
<b>Location:</b>	Franklin Township, Council District #25
<b>Petitioner:</b>	KDB, LLC, by David A. Retherford
<b>Zoning:</b>	D-A
<b>Request:</b>	Rezoning of 8.18 acres from the D-A (FW) (FF) District to the D-P (FW) (FF) District, to provide for three single-family dwelling lots.  Approval of a Subdivision Plat to be known as Caldwell Farms, dividing 8.18 acres into three lots.
<b>Waiver Requested:</b>	None
<b>Current Land Use:</b>	Agricultural Land
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

## PETITION HISTORY

This petition was automatically continued from the March 20, 2024 hearing to the April 17, 2024 hearing at the request of a registered neighborhood organization.

## STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning request subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of Maze Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated March 1, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. 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.

## PETITION OVERVIEW

### LAND USE

The request would rezone the 8.18-acre site from the D-A (FW) (FF) district to the D-P (FW) (FF) classification to provide for three single-family dwelling lots.

The site is predominately surrounded by single-family dwellings except for large commercial buildings that were once used for a seed storage and distribution business as well as a propane distribution business.

### REZONING

The property is zoned D-A, which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.

4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

“Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.”

## **FLOODWAY / FLOODWAY FRINGE**

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. It also has the secondary zoning classification of a Floodway (FW).

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-P in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

The southern portion of the site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway along the southern property boundary where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.



## **D-P STATEMENT**

The D-P Statement, file-dated February 6, 2024, describes the project as a proposed estate lot and mini-farm residential subdivision which provides for three lots which will average approximately 2.6 acres each in size.

The Development Statement also addresses development standards such as setbacks, open space, landscaping, and leaves the lot area, lot width and street frontage per the proposed subdivision plat. It is noted that any standards not addressed in the D-P Statement would default to the D-A standards.

The properties would be served by septic systems and private wells.

There are commitments included that address minimum square-footage for the dwellings, architectural standards, building materials, limitations for types of building construction and building types.

## **PLAT**

### **SITE PLAN AND DESIGN**

The subject site is an undeveloped lot zoned D-A and was used for agricultural purposes. This proposed plat would divide the existing parcel into three lots that would have single-family dwellings. This plat petition would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

## **STREETS**

Both Lot 17A and 17B would front on Rural Street with Lot 17B containing most of the frontage, with Lot 17A sitting primarily behind Lot 17B.

Lots 2 and 3 would front on Maze Road with Lot 2 containing most of the street frontage, with Lot 3 sitting primarily behind Lot 2 with a 30-foot street frontage for a driveway. Lot 1 would gain access to Maze Road through a pre-existing 50-foot-wide access easement that borders along the western property boundary. No new streets are proposed.

## **SIDEWALKS**

Sidewalks do not exist along Maze Road.

Section 744-303.A notes "When a lot is part of an approved major residential subdivision that includes or required sidewalks, sidewalks must be installed." Therefore, the installation of sidewalks for this minor subdivision are not required for this development.

## **DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Maze Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



**STAFF ANALYSIS**

Although this development is not typical for the D-P district, staff is supportive of the request since the three lots would be estate lots and would be in line with the rural or estate neighborhood recommendation of the Comprehensive Plan.

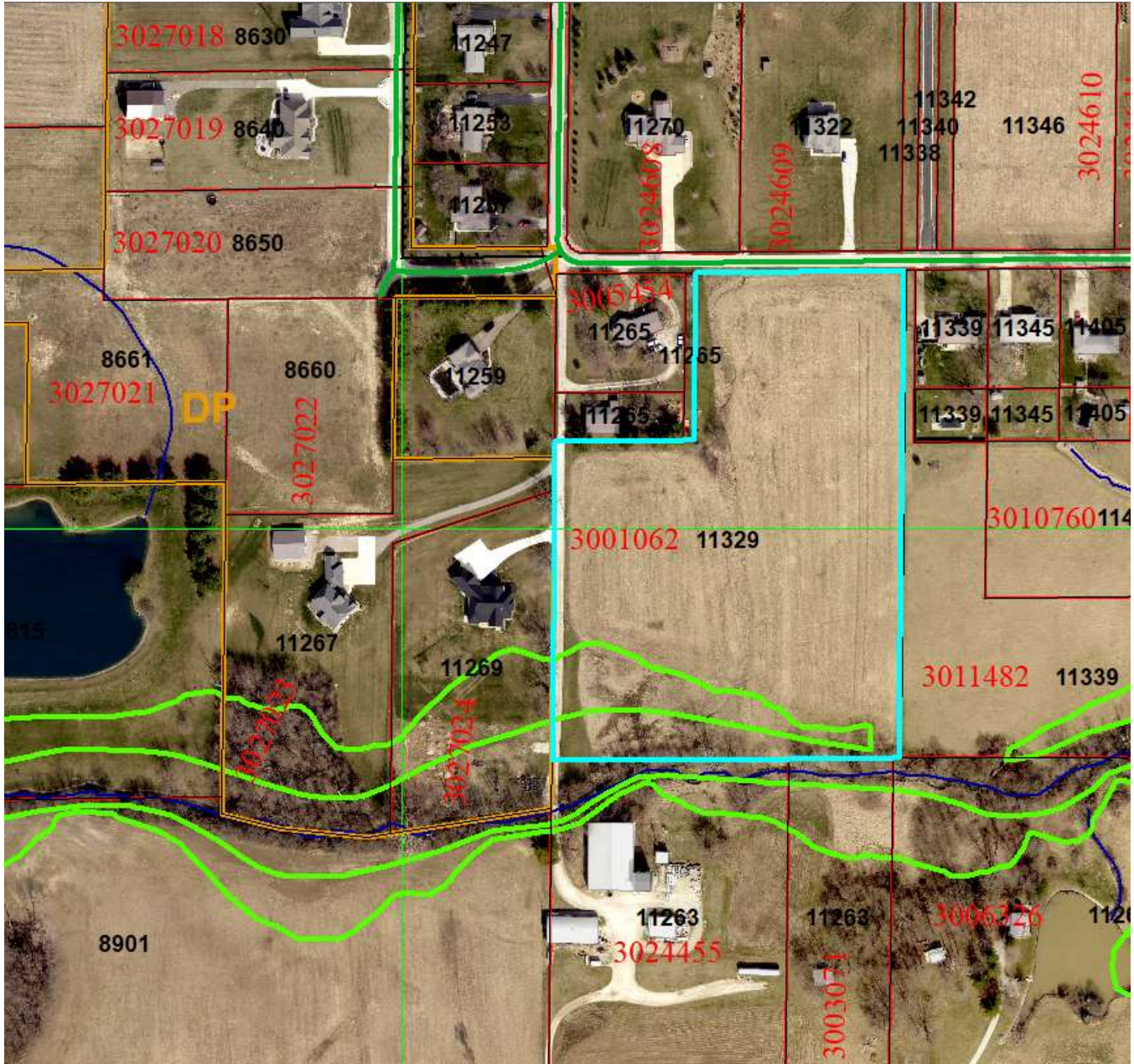
Approval shall be subject to the conceptual site plan, file-dated December 27, 2023, D-P Statement file-dated February 6, 2024 and the right-of-way dedication commitment.

**GENERAL INFORMATION**

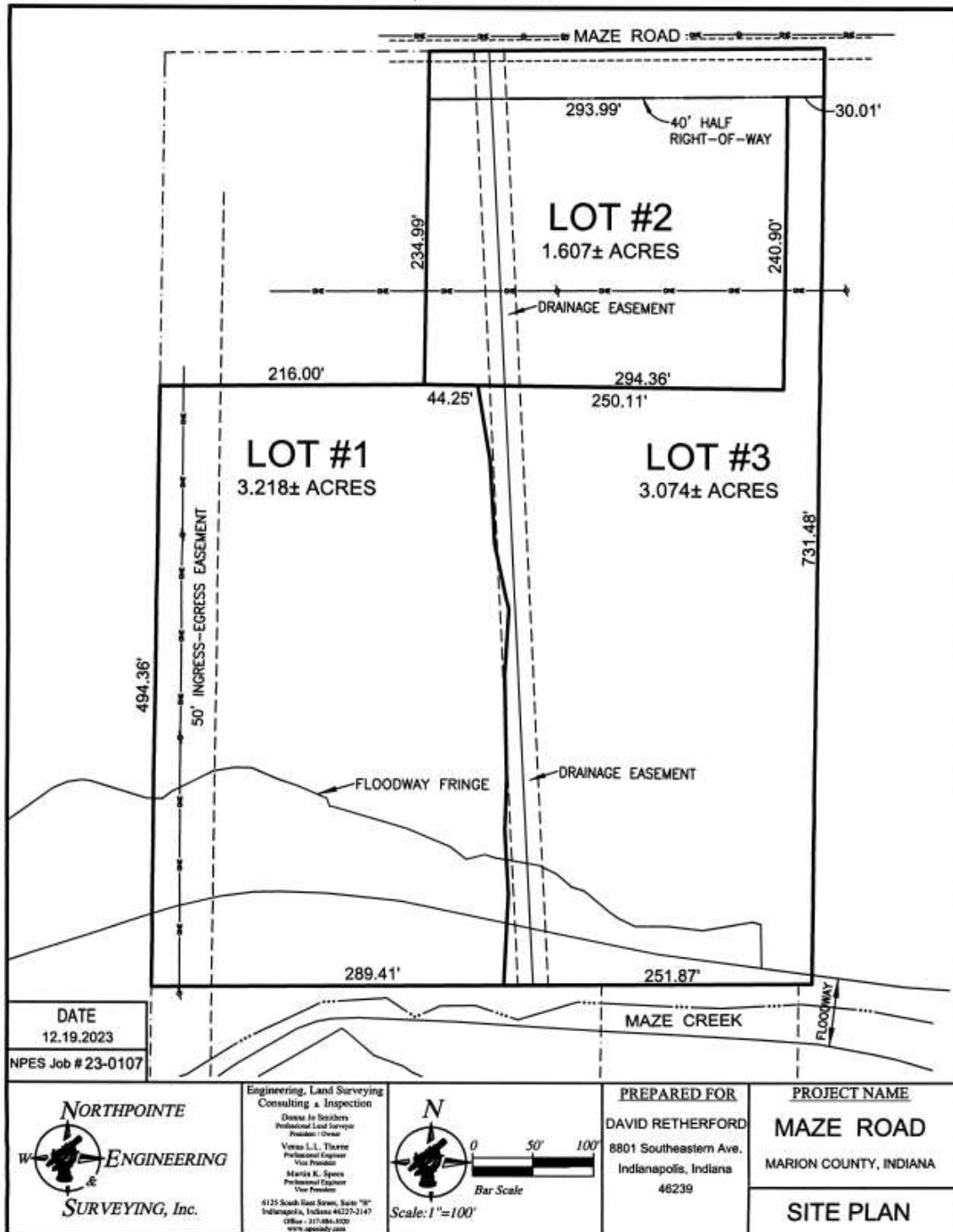
<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural Land	
<b>Comprehensive Plan</b>	Rural or Estate Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Residential (Single-family dwellings)
South:	D-A	Industrial
East:	D-A	Residential (Single-family dwellings)
West:	D-A / D-P	Residential (Single-Family dwellings)
<b>Thoroughfare Plan</b>		
Maze Road	Secondary Arterial	30-foot existing and 80-foot proposed right-of-way.
<b>Petition Submittal Date</b>	December 27, 2023	



**EXHIBITS**



11329 Maze Rd











Caldwell Farms Subdivision

11329 Maze Road (approx.)

PRELIMINARY PLAN

PLANNED UNIT DEVELOPMENT

202\_-ZON-\_\_\_\_

Prepared by

David A. Retherford, Attorney at Law, Inc.  
Attorney for the Petitioner

February 6, 2024

**I. Statement of Purposes:** This project is a proposed estate lot and mini-farm residential subdivision which provides for three lots which will average approximately 2.6 acres each in size (after grant of right of way), which will be created via the rezoning and platting of the subject property. The lots have been laid out to be compatible with existing and future site conditions, and also the well-established pattern of large lot residential estate lots and mini-farms on surrounding lands on both sides of Maze Road as it extends East of Acton Road, which has created a corridor of this unique style of development in the far southeast corner of the City.

The property is comprised of 8.18 acres. The legal description is attached hereto as Exhibit A, which is incorporated herein by this reference. A companion plat approval petition was filed shortly following the D-P meeting. The site is located on the South side of Maze Road, approximately ½ mile Southeast of the intersection of Acton Road and Maze Road, in Franklin Township. The site is irregular in shape, with 324 lineal feet of street frontage along the South side of Maze Road. The site also includes a pre-existing shared 50 foot wide access easement through the west portion of Lot 1, which extends offsite to the North and connects to Maze Road. There are multiple other existing D-A and D-P zoned large tracts which are developed with single family homes to the North, East and West of the subject property. In addition, homes on estate lots exist all along Maze Road from its intersection with Acton Road and extending to the East to where Maze Road terminates into Dix Road approximately .5 mile East of the site. Immediately West of the subject property is an existing 8 lot estate residential development which is similarly zoned D-P and was platted as the Hutchinson Farms Subdivision by the same team of developers as the subject property.

The site topography is rolling farm ground which falls off to the South down to a creek running along the South line. A underground drainage line which provides an outlet for several perimeter drains for the homes on the North side of Maze Road runs generally North to South just east of the deep ravine which runs through the property and has been designed around. The centerline of the open ditch within that ravine is to be platted as the common lot line between Lots 1 and 3. The property is unique due to the extreme changes in elevation which offer opportunities for a home to be built on each lot which could include a side or rear yard walkout basement. There are no existing stands of trees on the site.

Maze Road is a secondary arterial.

**II. Preliminary Plan:** The subject 8.18 acres will be divided into three (3) estate sized lots as shown on the Conceptual Plan attached hereto as Exhibit B, which is incorporated herein by this reference. The total overall density of the development will be .37 residential units per gross acre. The area is currently shown on the Comprehensive Plan for Franklin Township as being appropriate for development as a Rural or Estate Neighborhood, and this development complies with that recommendation.

A. Development Standards

1. Residence Building Setback Line.

- a. For Lot 1 on the Conceptual Plan, the home is anticipated to be oriented to face to the North, or possibly to the West. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure for this Lot from the North lot line shall be not less than Seventy Five (75) Feet, and not less than fifty (50) feet from the East lot line, and not less than (30) feet from the East edge of the access easement running through the West portion of the lot, and not less than One Hundred and Fifty (150) feet from the South lot line.
  - b. For Lot 2 on the conceptual plan, the home is anticipated to be oriented to face to the North. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure on Lot 1 shall be not less than Seventy Five (75) feet from the South edge of the Maze Road right of way, and not less than thirty (30) feet from the East lot line, and not less than fifty (50) feet from the South lot line. In addition, no structures shall be built west of the East edge of the pre-existing drainage easement running through the west portion of the lot.
  - c. For Lot 3 on the Conceptual Plan, the home is anticipated to be oriented to generally face to the North. However, to accommodate the possibility of a different orientation, there shall be no specific front, side or rear building setback lines for the primary structure. Instead, the setback for the primary structure on this lot shall be not less than Fifty (50) feet from the North line (defined as the north line of the lot as it extends West from the south end of the 30 foot wide access corridor which connects to Maze Road), and not less than thirty (30) feet from the East lot line, and not less than Seventy Five (75) feet from the West lot line, and not less than One Hundred and Fifty (150) feet from the South lot line.
2. Accessory Structures. The size, design, location, and exterior materials of any proposed accessory structure on a lot shall be subject only to the prior written approval of the Developer or its successor in interest; and all accessory structures, decks over 18 inches high and similar shall be set back not less than thirty (30) feet from the lot line(s) unless specifically approved otherwise in writing by the Developer or its successor in interest.
  3. Lot Area. Each Lot shall have the minimum lot area as shown on the recorded Final Plat.
  4. Lot Width and Street frontage. Each Lot shall have a minimum lot width and street frontage as shown on the recorded Final Plat. Note that Lot 1 shall have zero lot width and zero frontage on the public street due to the fact that it gains access to Maze Road through the pre-existing easement running along the west portion of said Lot, as shown on the Plat.
  5. Open Space. Minimum Open Space shall be 85%.



6. Landscaping. The initial landscaping package installed on each lot by the builder shall include at a minimum 4 trees (2' min. caliper for deciduous, 6' foot min. height for evergreen, no white pines); and 15 shrubs and/or decorative grasses. All landscaping is to be installed within 6 months of the initial occupancy of the home, weather permitting; and shall be well maintained and/or replaced as necessary by the homeowner.

B. Proposed Layout of Streets, Site Access, and Other Basic Elements of the Plan.

1. Streets/driveways: Lots 2 and 3 will gain access to Maze Road via the respective direct frontage each lot includes along the South side of Maze Road. Lot 1 will gain access to Maze Road via the pre-existing access easement and driveway contained therein which is shared with the two homes directly West of said Lot, and the property to the South of the Lot, as will be shown and defined on the recorded Final Plat and the associated recorded Declaration of Covenants and Restrictions (the "Declaration"), roughly as indicated on the Conceptual Plan.

2. The layout of the development is as shown on the proposed Conceptual Plan, and on the subsequent approved Plat.

3. Septic systems are proposed to provide sanitary sewer service.

4. Private wells are proposed to provide water service to each of the residences.

C. D-A uses and default standards. The permitted uses, and all other standards not established at a different distance or value pursuant to the approved D-P Preliminary Plan, the approved Plat and/or the recorded Declaration, shall be determined based as if the Site was otherwise covered by the applicable provisions of the D-A section of the Dwelling Districts Zoning Ordinance.

1. The following uses which are otherwise authorized by the D-A ordinance, shall be prohibited:

- a. Commercial Greenhouses and Plant Nurseries

**III. Commitments:**

1. Any residence constructed on a lot shall contain livable space, exclusive of porches and attached garages, of not less than 2,500 square feet for a one-story residence, and/or 2,000 square feet on the ground floor for any residence containing more than one story. The terms "more than one story" shall include both a traditional two story home and also a one-story home which includes a loft or bonus room which is above the first story but is generally contained within the roof structure of the first story of the home with the exception of dormers and the like.

2. Vinyl siding shall not be permitted on the first-floor exterior of any residence.

3. The first-floor exterior of the residence, with the exception of doors, windows, trim, and architectural features shall be covered in brick, stone, stucco, or other composite and/or masonry



product including but not limited to the concrete board and sheet products manufactured by the James Hardie Companies©, and those products identified as “LP” siding.

4. The residence shall include an attached or detached garage containing a total of not less than 480 square feet.
5. No “plain” concrete block shall be used on any portion of the exterior of the residence other than the building foundation.
6. The minimum roof pitch shall be a 5/12.
7. The maximum number of Lots in the development shall be Three (3).
8. No manufactured homes, house trailers, or previously constructed homes that are dismantled and moved to the Real Estate to be reconstructed, shall be constructed or placed on the Real Estate. However, this condition shall not prohibit log homes or other quality homes for which all or portions of the home is assembled off-site as part of the initial construction process, and then is disassembled for transport and final reassembly on site; nor shall this condition prohibit quality homes for which the framing walls and/or trusses are constructed off-site and then are transported to the site for final assembly.
9. No mobile home, construction trailer, unfinished basement, tent, shack, barn, or any temporary or permanent outbuilding shall at any time be used as a residence, either temporarily or permanently.
10. A construction trailer shall not be placed on the site any earlier than 60 days prior to the commencement of construction on the proposed residence, nor shall it be left on the site more than thirty (30) days after the completion of the residence. No construction trailer shall have “advertising” on the exterior of the trailer which is considered “off-site advertising” for any business or location other than the builder, subcontractors, and suppliers associated with the construction occurring on site.
11. The following issues shall be addressed in the Declaration to be recorded against each of the lots and made effective as of the sale of each lot by the Developer:
  - a. No Lot shall be permitted to be used or maintained as a dumping ground for rubbish. Trash, garbage, junk or other unsightly materials or waste shall not be kept outdoors. No inoperable or junk vehicles, unlicensed vehicles, or vehicles under major repair, shall be parked or stored outdoors on any lot.
  - b. Driveway culverts, drainage swales and underground drainage lines designed to handle primarily surface water runoff, shall be installed in such a manner that all applicable drainage regulations are complied with.
  - c. Any pre-existing underground tiles and/or drainage lines shall not be damaged or restricted as a result of an intentional or grossly negligent act of a builder or lot owner. If

necessary, any pre-existing tile or line on the lot shall be relocated or routed around the residence or construction areas at the lot owner's expense, and in such a manner that the performance of said line to the benefit of any other properties (as measured prior to construction commencing) is not materially and negatively impacted.

9. Upon the recordation of the Final Plat, additional right-of-way shall be deemed dedicated thereby sufficient to result in a total forty (40') wide half right-of-way along the Maze Road frontage of Lots 2 and 3. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW.

10. Any septic system which is utilized to service any home in the development shall comply with the requirements for septic systems in Marion County at the time the applicable permit is filed.

**IV. Order of Development:** The construction of the first of the proposed homes is anticipated to begin in 2024.

**V. Environmental Impact Consideration:** Existing soils which require same will be subject to appropriate erosion control measures if disturbed during construction.

**PHOTOS**



Photo of the proposed Lot 3 looking south.



Photo of the proposed Lot 2 looking west on Maze Road.





Photo of the proposed Lot 1 looking south along the existing access easement west of the site.



Photo of the proposed Lot 1 to the right looking north on the access easement.





Photo of the southern property boundary looking east on the site.



Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling northwest of the site.



Photo of the single-family dwelling west of the site.





Single-family dwelling east of the site.



Single-family dwellings north of the subject site across Maze Road.