

Staff Report – Plan Commission

Docket #:	PC2023-047	Hearing Date:	August 28, 2023
Address:	895 Pushville Road		
Applicant:	Lennar Home of Indiana, Inc. by Brian J. Tuohy / Cynthia M. Blackford, Attorneys		
Owner:	Mary E. Kemp Revocable Trust, 11033 Queens Way Circle, Carmel		
Staff Contact:	Gabe Nelson, nelsong@greenwood.in.gov , 317.887.5230		

Request:

Lennar Home of Indiana, Inc. by Brian J. Tuohy / Cynthia M. Blackford, Attorneys requests an amendment to the original Zone Map Change Commitments to revise Commitments number 1, 5, and 11.

- The proposed change to Commitment 1 adjusts the number of single-family dwelling units and removes townhome units.
- The proposed change to Commitment 5 adjusts the developer's responsibility to improve Pushville Road and Emerson Avenue.
- The proposed change to Commitment 11 allows for an extension of time for the petitioner to close on the purchase of the site.

Location:

Approximately 43 acres located at the southwest corner of Pushville Road and Emerson Avenue.

Existing & Surrounding Land Use:

- Petitioner's Site: East: RA (Residential Attached SF) and RM (Residential Medium)
- North: RL (Residential Large), RM (Residential Medium) and IM (Industrial Medium)
- East: RL (Residential Large) and RM (Residential Medium)
- South: AG (Whiteland)
- West: Immediately west is Louisville-Indiana rail right-of-way; beyond that is IL (Industrial Large)

History:

This property was rezoned in 2021 from RL to RM/RA to allow a combination of attached and detached single-family homes. For various reasons, the project did not come to fruition and a request was later made to have this property rezoned to allow for a corrugated cardboard plant. This zone map change was denied and plans have now reverted to a residential use for this property. Due to the change from a combination of housing types to all detached single-family homes, a change in commitments is necessary.

Recommendation:

Staff **recommends approval** of the changes to Commitments 1 and 11.

Staff **recommends denial** of the changes to Commitment 5.

Attachments:

Exhibit A: Detailed Statement of Reasons for Change in Commitments

Exhibit B: Proposed Commitment Change

Exhibit C: Ordinance No. 21-48 with Redlined Proposed Changes

Amended
Exhibit A: Detailed Statement of Reasons for Change in Commitments

Petitioner proposes to develop a maximum of 115 single-family homes on the approximately 43.95 acre site located at 895 Pushville Road (the "Site"). In 2021, approximately 17.371 acres of the Site was rezoned to the RA zoning district and the remaining 26.217 acres of the Site was rezoned to the RM zoning district (the "2021 Rezoning").

In connection with the 2021 Rezoning, Ordinance No. 21-48 was recorded on February 24, 2022 as Instrument No. 2022-004132, which contained eleven (11) Commitments regarding the use and development of the Site. In 2022, Petitioner filed a petition to amend Commitment No. 11. The Advisory Plan Commission approved the modification to Commitment No. 11 after a public hearing on August 8, 2022. An updated Ordinance No. 21-48, which includes the modified Commitment No. 11, was prepared following the August 8, 2022 hearing (the "August 2022 Ordinance"), but it does not appear the August 2022 Ordinance was recorded.

In connection with the development of single-family homes on the Site, Petitioner respectfully requests to amend certain commitments within the August 2022 Ordinance.

Exhibit B: Proposed Commitment Change
Proposed Changes in Bold

Commitment No. 1 within Ordinance No. 21-48 Current Language:

1. The parcel shall be developed with **no more than 80** single-family homes **and 79 townhomes**.

Commitment No. 1 within Ordinance No. 21-48 Proposed Language:

1. The Parcel shall be developed with **a maximum of 115** single-family homes.

Commitment No. 5 within Ordinance No. 21-48 Current Language:

5. The following improvements to be incorporated and addressed during plan review:
 - A. **Pushville will need to be improved from the Railroad track to Emerson Ave intersection**, per City standard details.
 - B. Coordinate with the gas pipeline company regarding petitioner's road improvements in the area of pipeline crossing on Pushville. (No change)
 - C. **Emerson Avenue improvements to include** milling and resurfacing all through lanes within the limits of the accel/decel & passing blister.

Commitment No. 5 within Ordinance No. 21-48 Proposed Language:

5. The following improvements to be incorporated and addressed during plan review:
 - A. **The Petitioner shall improve Pushville Road along the Parcel's frontage**, per City standards.
 - C. **The Petitioner shall provide necessary road improvements along Emerson Avenue including an accel/decel lane, passing blister**, milling and resurfacing of all through lanes within the limits of the accel/decel & passing blister lanes. **If the Petitioner is unable to obtain consent from an adjacent property owner to make the improvements along their property, the Petitioner shall not be required to make the roadway improvement on the adjacent property owner's property.**

Commitment No. 1 within Ordinance No. 21-48 Current Language:

11. Should the Developer not close on the purchase of the **property** by December 31, **2022**, the City of Greenwood may initiate a zone map change to revert the Parcel back to Residential Large (RL) zoning.

Commitment No. 1 within Ordinance No. 21-48 Proposed Language:

11. Should the Developer not close on the purchase of the **Parcel** by December 31, **2024**, the City of Greenwood may initiate a zone map change to revert the Parcel back to Residential Large (RL) zoning.

Exhibit C: Ordinance No. 21-48
Redlined Proposed Changes

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Amended
Proposed Amendments to Commitments

**COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF
REAL ESTATE MADE IN CONNECTION WITH REZONING OF
PROPERTY BY CITY OF GREENWOOD COMMON COUNCIL ORD.
NO. 21-48**

WHEREAS, by Ordinance No. 21-48 (the “Ordinance”), the Common Council of the City of Greenwood, Indiana (the “City”) approved the rezoning of approximately 43.59 acres of Real Estate (as hereinafter described), from RL – Residential- Large Lot Zone use to RA-Residential-Attached Single-Family Zone and RM-Residential-Medium Lot Zone designation under the City’s Unified Development Ordinance;

WHEREAS, the Ordinance set forth certain zoning commitments applying to the Real Estate relating to the RA-Residential-Attached Single-Family Zone and RM-Residential-Medium Lot Zone designations;

WHEREAS, following a properly noticed public hearing on August 8, 2022, the City’s Advisory Plan Commission approved a modification to the commitments;

WHEREAS, in accordance with the Ordinance and applicable law, Mary E. Kemp Revocable Trust (“Owner”), the owner of real estate located as the southwest corner of Pushville Road and Emerson Avenue, Greenwood, Indiana, identified as Parcel ID No. 41-05-16-011-005.000-030, more particularly described and shown as follows (the "Parcel"):

**LAND DESCRIPTION
RM –RESIDENTIAL –MEDIUM LOT ZONE AREA**

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 4 EAST, JOHNSON COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

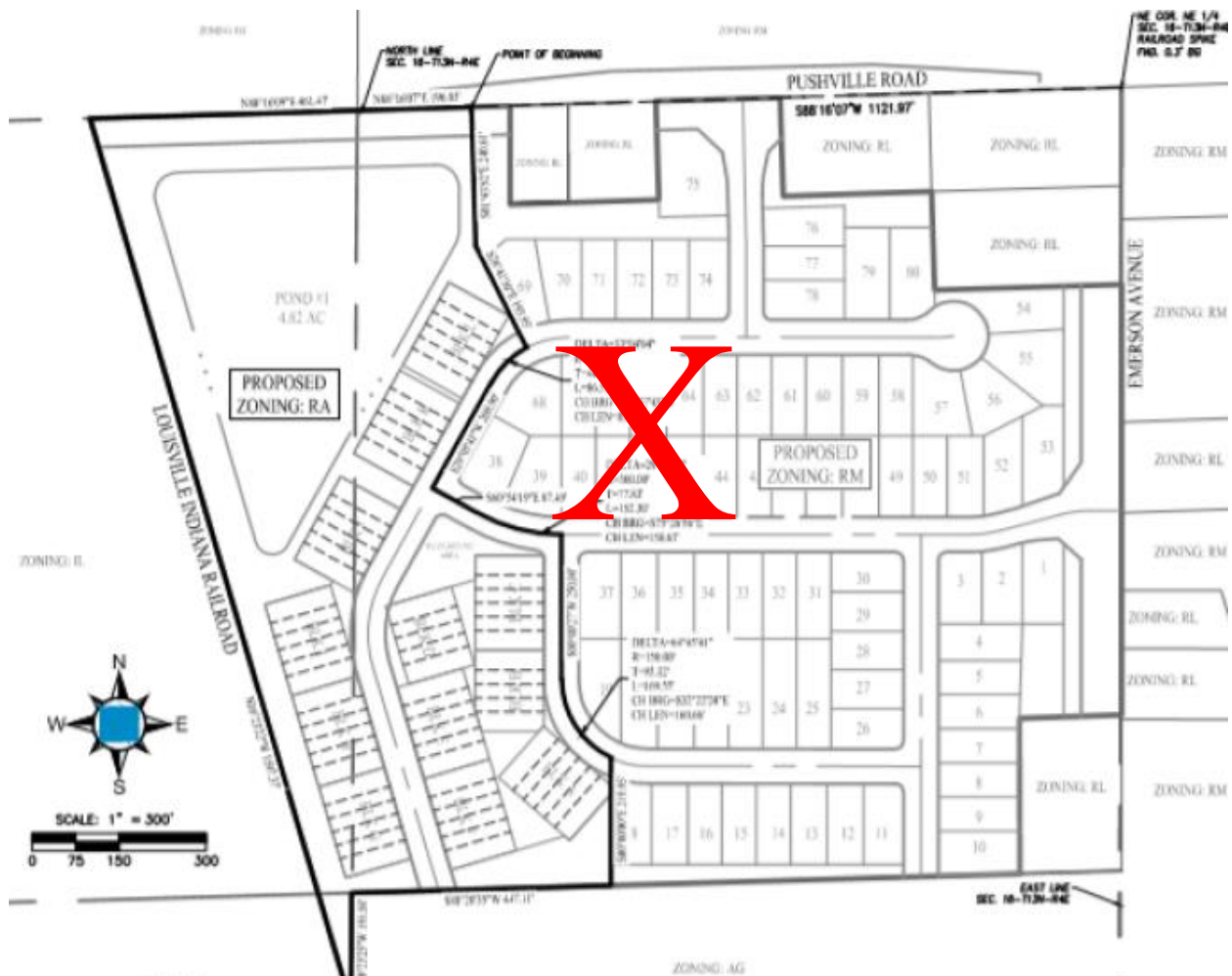
COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 16 MINUTES 07 SECONDS WEST 589.00 FEET ALONG THE NORTH LINE OF SAID QUARTER TO THE POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 42 MINUTES 37 SECONDS EAST 170.15 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 07 SECONDS EAST 256.00 FEET; THENCE SOUTH 1 DEGREE 42 MINUTES 37 SECONDS EAST 170.15 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 27 SECONDS EAST 322.80 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 0 DEGREES 00 MINUTES 27 SECONDS WEST 742.78 FEET ALONG SAID EAST LINE; THENCE SOUTH 87 DEGREES 51 MINUTES 37 SECONDS WEST 176.23 FEET; THENCE SOUTH 0 DEGREES 10 MINUTES 51 SECONDS EAST 267.69 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 20 MINUTES 35 SECONDS WEST 705.39 FEET ALONG SAID SOUTH LINE; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 219.95 FEET; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 169.55 FEET AND HAVING A LONG CHORD BEARING OF NORTH 32 DEGREES 22 MINUTES 24 SECONDS WEST AND A DISTANCE OF 160.66 FEET; THENCE NORTH 0 DEGREES 00 MINUTES 27 SECONDS EAST 250.00 FEET; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 152.30 FEET AND HAVING A LONG CHORD BEARING OF NORTH 75 DEGREES 26 MINUTES 56 SECONDS WEST AND A DISTANCE OF 150.67 FEET; THENCE NORTH 60 DEGREES 54 MINUTES 19 SECONDS WEST 87.49 FEET; THENCE NORTH 29 DEGREES 05 MINUTES 41 SECONDS EAST 208.90 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 86.57 FEET AND HAVING A LONG CHORD BEARING OF NORTH 45 DEGREES 37 MINUTES 43 SECONDS EAST AND A DISTANCE OF 85.37 FEET; THENCE NORTH 26 DEGREES 41 MINUTES 30 SECONDS WEST 195.95 FEET; THENCE NORTH 1 DEGREE 43 MINUTES 52 SECONDS WEST 240.61 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEGREES 16 MINUTES 07 SECONDS EAST 66.59 FEET ALONG SAID NORTH LINE; THENCE SOUTH 0 DEGREES 09 MINUTES 17 SECONDS EAST 170.21 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 07 SECONDS EAST 256.00 FEET; THENCE NORTH 1 DEGREES 42 MINUTES 37 SECONDS WEST 170.15 FEET TO SAID NORTH LINE; THENCE NORTH 88 DEGREES 16 MINUTES 07 SECONDS EAST 215.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 26.217 ACRES, MORE OR LESS; and

LAND DESCRIPTION
RA-RESIDENTIAL-SINGLE-FAMILY ATTACHED ZONE AREA

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 13 NORTH, RANGE 4 EAST, JOHNSON COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 16 MINUTES 07 SECONDS WEST 1121.97 FEET ALONG THE NORTH LINE OF SAID QUARTER TO THE POINT OF BEGINNING; THENCE SOUTH 1 DEGREES 43 MINUTES 52 SECONDS EAST 240.61 FEET; THENCE SOUTH 26 DEGREES 41 MINUTES 30 SECONDS EAST 195.95 FEET; THENCE ALONG A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 86.57 FEET AND HAVING A LONG CHORD BEARING OF SOUTH 45 DEGREES 37 MINUTES 43 SECONDS WEST AND A DISTANCE OF 85.37 FEET; THENCE SOUTH 29 DEGREES 05 MINUTES 41 SECONDS WEST 208.90 FEET; THENCE SOUTH 60 DEGREES 54 MINUTES 19 SECONDS EAST 87.49 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND AN ARC LENGTH OF 152.30 FEET AND HAVING A LONG CHORD BEARING OF SOUTH 75 DEGREES 26 MINUTES 56 SECONDS EAST AND A DISTANCE OF 150.67 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES 27 SECONDS WEST 250.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 169.55 FEET AND HAVING A LONG CHORD BEARING OF SOUTH 32 DEGREES 22 MINUTES 24 SECONDS EAST AND A DISTANCE OF 160.66 FEET; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 219.95 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 88 DEGREES 20 MINUTES 35 SECONDS WEST 447.11 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 0 DEGREES 23 MINUTES 25 SECONDS WEST 195.58 FEET ALONG SAID EAST LINE OF SAID WEST HALF TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE CONRAIL RAILROAD (FORMERLY KNOWN AS THE PITTSBURGH, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY); THENCE NORTH 16 DEGREES 23 MINUTES 22 SECONDS WEST 1597.37 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY TO THE NORTH LINE OF SAID WEST HALF; THENCE NORTH 88 DEGREES 16 MINUTES 09 SECONDS EAST 461.47 FEET ALONG SAID NORTH LINE TO A MAG NAIL AND THE NORTHEAST CORNER OF SAID WEST HALF; THENCE NORTH 88 DEGREES 16 MINUTES 07 SECONDS EAST 196.85 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER QUARTER TO THE POINT OF BEGINNING, CONTAINING 17.371 ACRES, MORE OR LESS;

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makes the following commitments concerning the use and development of the Real Estate:

1. The ~~Parcel~~ shall be developed with ~~no more than a maximum of 115 single-family homes. and 79 townhomes.~~
2. A large bufferyard is to be established along with railroad tracks.
3. An ADA compliant pedestrian crossing across Emerson, connecting to the Elmwood Estates trail network.
4. Coordinating with the Greenwood Parks Department, a 10' asphalt trail shall be constructed the length of the railroad tracks and this land will be dedicated to the parks department.
5. The following improvements to be incorporated and addressed during plan review:
 - A. ~~The Petitioner shall improve Pushville Road along the Parcel's frontage Pushville will need to be improved from the Railroad track to Emerson Ave intersection, per City standards. details.~~
 - B. Coordinate with the gas pipeline company regarding petitioner's road improvements in the area of pipeline crossing on Pushville.
 - C. ~~The Petitioner shall provide necessary road improvements along Emerson Avenue including Emerson Avenue improvements to include an accel/decel lane, passing blister, milling and resurfacing of all through lanes within the limits of the accel/decel & passing blister lanes. If the Petitioner is unable to obtain consent from an adjacent poperty owner to make the improvements along their property, the Petitioner shall not be required to make the roadway improvement on the adjacent property owner's property.~~
 - D. The applicant shall address and correct all plan review comments during plan review.
 - E. All improvements will be performed in accordance with the Technical Review Committee.
 - F. Prepare a Traffic Study for this development inclusive of the following key intersections:
 1. Project's Pushville entrance
 2. Project's Emerson entrance
 3. Pushville & Emerson
 4. Pushville & US31
 5. Emerson & Worthsville Rd
6. Landscaping of the site shall comply with the following requirements unless a waiver is approved:
 - A. Applicability

The standards of this section shall apply to new development and expansions greater than 20%, as described below:

 1. Expansion of a structure or use beyond 20% requires that the entire site must be compliant with the standards herein;
 2. If the expansion is less than 20%, then only the expanded part of the use, building or site must be compliant with these standards; and
 3. If only the site, and not the use or building, is expanded by more than 20%, then 3 only the site must be compliant with these standards.

- B. Enforcement

Failure to implement the approved landscape plan shall constitute a violation of the Greenwood Unified Development Ordinance.
- C. Maintenance

All landscaping shall be maintained in accordance with the approved landscape plan with landscaped areas maintained with plantings in good health, and free of refuse or debris.
- D. Vegetation

All proposed plant material shall be:

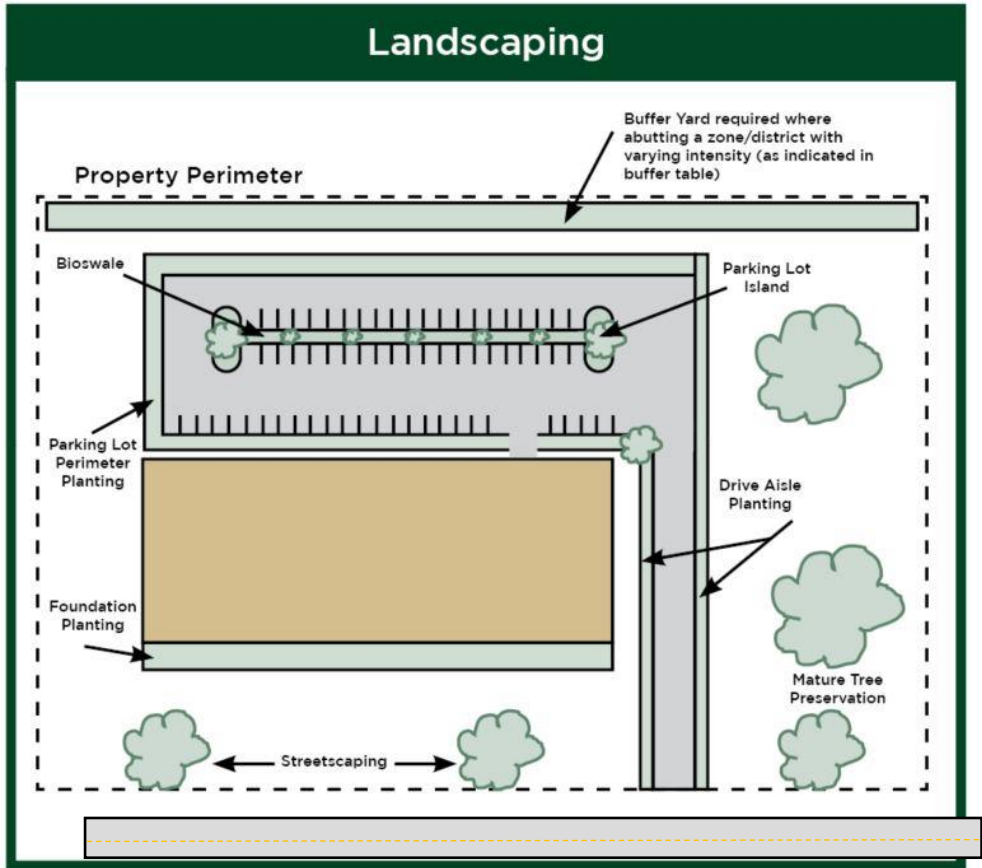
 1. Included on the Greenwood Planting Guide kept on file at the Department of Planning and Buildings, as approved by the Plan Commission;
 2. All plants must be non-invasive species;
 3. Not more than 30% of any single plant genus; and
 4. Living, disease free, undamaged, and free of material defects.
- E. Mature Tree and Plant Conservation

The preservation of plants and trees that exist on a site shall count toward the requirements of this Ordinance, provided that:

 1. Existing preserved trees must be greater than 6 inches in caliper measured diameter;
 2. Existing vegetation is clearly indicated on the landscaping plan;
 3. Existing vegetation is not an invasive species; and
 4. Existing vegetation is in good health or can reasonably be brought into good health.
- F. Types of Landscaping

The following types of landscaping described in this section are illustrated in the graphic below.

 1. Mature Tree Preservation
 2. Foundation Planting
 3. Parking Lot Perimeter Planting, Parking Lot Islands, Drive Aisle Planting
 4. Streetscaping
 5. Buffering



- G. Foundation Plantings

Foundation landscaping shall be provided as per the property groupings listed below:

Standard	Single-family residential properties and duplexes	Multi-family properties	Commercial properties under 25,000 sf of GFA and institutional properties	Industrial Properties, and any commercial property over 25,000 sf of GFA
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Front Yard Landscaping	Planting strip with minimum width of three (3) feet along the full length of the foundation facing a street.	Planting strip with minimum width of five (5) feet along the full length of the foundation facing a street.	Planting strip with minimum width of 10 feet along the full-length of the foundation facing a street.*	Planting strip with minimum width of 15 feet along the full length of the foundation facing a street.*
Type of Planting	Five small shrubs and one shade tree per street frontage.	Shrubs, flowers, long grasses, shade or evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shrubs, flowers, long grasses, shade/evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shade, ornamental and/or evergreen trees are required at one (1) per 40 feet of linear foundation length facing the front street. Shrubs, grasses, and flowers may be interspersed at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.
	*If a decorative masonry wall is erected, the planting strip may be decreased to four (4) feet in width.			
	Old Town development where the structure physically abuts the public sidewalks shall be exempt from the foundation landscape requirement.			

H. Streetscaping

Street trees shall be planted at a rate of one tree per 40 linear feet of frontage. Trees shall be planted in the front yard no closer than three feet from the curb or edge of the right-of-way, or if there is a sidewalk then three feet on the sidewalk opposite the street, as the case may be. Tree plantings shall not be placed in the visibility triangle located at an intersection. Street trees may be spaced 30-60 feet apart depending on site conditions provided the spacing averages to one tree per 40 feet of curb line adjacent to the subject properties.

7. The border of the site shall have a buffer yard specified as follows:

I. Buffering

A landscaped buffer shall be required where districts and zones abut to mitigate the impact of adjacent uses that vary in intensity. Buffer yards shall be categorized as Small, Medium, or Large; the standards for each buffer yard are listed in the table below.

Buffer Yards	Small	Medium	Large
Width (min)	20’*	30’	40’
Canopy or Evergreen Trees (min per 100’)	3	4	5
Ornamental Trees (min per 100’)	2	3	4
Shrubs (min per 100’)	10	15	20
*Where a residential subdivision is being established, a perimeter buffer yard 20 feet in width must be planted along all thoroughfares which abut the subdivision, irrespective of whether front, side or rear yards abut the thoroughfare, and provide access to the subdivision. All such buffers shall be located within common areas and not on an individual lot or lots.			
Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting district, zone or use.			
Undulating mounds or berms maybe substituted for a perimeter buffer yards. Mounds or berms shall be a minimum height of six (6) feet, a minimum crown width of two (2) feet, and a side slope not greater than three (3) feet horizontal to one (1) foot vertical. Mounds or berms shall be planted and covered with live vegetation. One tree must be planted on the berm for every 40 feet in length.			
For the Medium and Large buffer yards, the erection of a high-quality fence made of wood or masonry six (6) feet in height as measured from the nearest visible street or adjacent property shall reduce the required buffer yard by 10 feet. Landscape must be installed on the outward side of the fence.			
Buffers shall be located along the outer perimeter of the lot, parallel to and extending along 100% of the shared lot lines, except the lot line abutting the right-of-way.			
If the difference in GFA between a minor commercial use and a major commercial use is less than 10,000 sf of GFA, then a buffer yard is not required.			

The small, medium and large buffering as described above shall be applied at the perimeter of

properties that abut a different district or zone. The buffer yard is the responsibility of the developing use, and shall be applied as per the matrix below:

District or Zone Where Developing Use is Located*						
Adjoining District or Zone		RL/RM/RA/OTR	RMC/RMH	CS/OT	CM/CL/IC	IM/IL
	RL/RM/RA/OTR		Small	Small	Large	Large
	RMC/RMH	Small		Small	Medium	Large
	CS/OT	Small	Small		Medium	Large
	CM/CL/IC	Medium	Medium	Medium		Large
	IM/IL	Large	Large	Large	Large	

8. The structures will comply with the following Residential Single-Family Building Design Standards and no variance requests from the standards will be filed with the City of Greenwood Board of Zoning Appeals.
- Building Design Standards

A. Applicability and Purpose

1. The building design standards herein are intended to promote high-quality, aesthetically consistent, but not homogenous or monotonous, design for the promotion of the durability and longevity of buildings and the preservation of property values in the City.

2. The building design standards herein shall apply to all new development, in addition to expansion of an existing structure by an amount greater than or equal to 20% of the gross floor area.

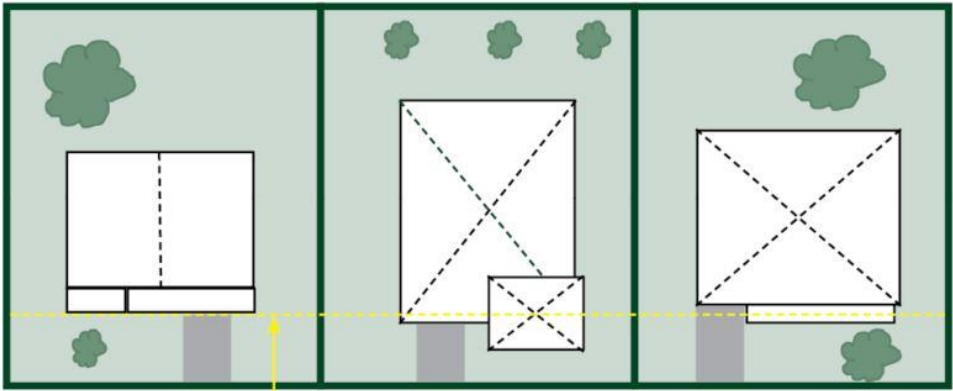
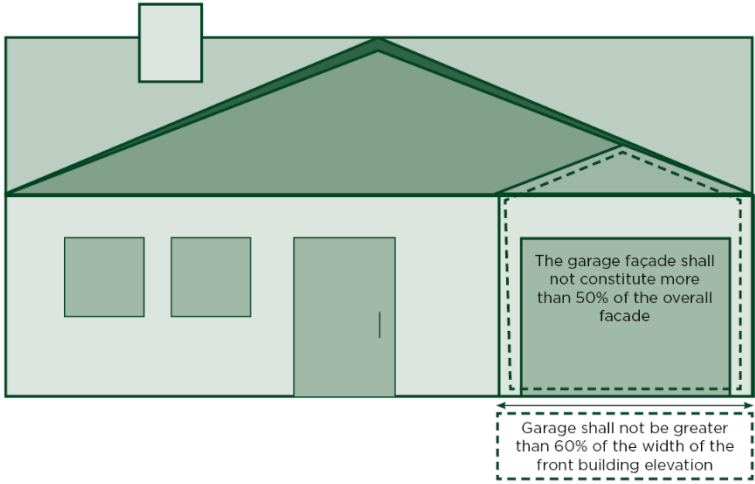
3. Allowed exterior materials are determined by building elevation. Additional design standards specific to certain building elevations and circumstances may also apply as set forth herein.

4. These standards are in addition to the development standards applicable in each district and zone. Where there is a conflict between the development standards and these building design standards, the building design standards herein shall govern and control.

5. Materials percentages stated herein are exclusive of window and door openings.

B. Single-Family Residential Building Design Standards

1. The following table sets forth required design standards for all new detached and attached single-family residential dwelling structures and all new additions to detached and attached single-family structures that are greater than or equal to 20% of the gross floor area of the structure being expanded:
- | Single-Family (Detached and Attached) Residential Building Design Standards | |
|---|---|
| Feature | Standards |
| Non-Monotony | <div> <div>A. Adjacent new structures may not utilize the same front elevation. Variation in elevation due to one, two, or three car garages may not count toward this non-monotony standard. Where rear yards are adjacent to the right-of-way, the non-monotony standard shall also apply to rear elevations.</div> <div>B. Adjacent new structures may not have the exact same front setback measurement; the setback must vary by at least two (2) feet and not more than five (5) feet between the two structures.</div> <div>C. In any residential subdivision, monotony of front elevation design is prohibited, and no residential dwelling structures of the same front elevation design or predominant material shall be permitted to be located directly adjacent to one another.</div> <div>D. On individual structures, there shall be no blank exterior walls. Each wall shall have a minimum of eight square feet of windows and an architectural feature or a change in building material or finish. Structures with a zero-foot side yard setback are exempt from side elevation standards for those side elevations facing the zero-foot side setback.</div> </div> |
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Single-Family (Detached and Attached) Residential Building Design Standards	
Feature	Standards
	 <p>Non-Monotony: Variation in Front Elevation and Setback</p>
General Design	<p>A. A front building elevation may contain an attached garage and visible garage door(s); provided that the portion of the front building elevation of the single-family structure devoted to the attached garage shall not be greater than 60% of the width of the front building elevation (50% for ranch-style homes). The garage façade shall not constitute more than 50% of the overall façade (60% for ranch-style homes). Accessory third-car garages are exempt from the width requirement provided the garage door is set back at least two feet from the front of the façade. Garage width is measured from interior wall face to interior wall face of garage interior.</p>  <p>B. A front building elevation shall have a prominent front entryway and door visible from the front lot line and at least two windows of no less than eight (8) square feet each in size.</p> <p>C. The primary front entrance to a residential dwelling structure shall not be located on a side or rear elevation.</p> <p>D. If a three-bay garage is attached to the residential dwelling structure, then the third bay of the garage elevation shall be recessed from the remaining portion of the garage elevation by a minimum of two (2) feet.</p> <p>E. Front porches are encouraged but not required; however, if they are provided, they shall be finished with at least one of the materials present on the front elevation.</p> <p>F. Side elevations shall have a minimum of eight (8) square feet of window per above grade floor. Side elevation window area can be combined.</p> <p>G. Gable ends shall overhang by no less than 12 inches. Covered porch overhangs shall be no less than eight (8) inches</p> <p>H. Garages facing the public right-of-way may not extend more than eight (8) feet from the body of the structure.</p>
Exterior Materials	In order to give property owners flexibility for meeting the exterior materials requirements for single-family dwellings, three paths have been developed. One of the following set of “Paths” below, which are comprised of different sets of standards, may be chosen:
Path 1	<p>A. Front Elevation. The front elevation shall be comprised of any one or any combination of the following materials: stone, brick, heavy-gauge vinyl (minimum of 0.046 inch gauge), fiber cement siding, engineered wood siding, or stucco, provided that a minimum of 50% of the front elevation shall be clad in mortared masonry and fiber cement siding shall not count toward this minimum requirement.</p> <p>B. Side Elevations. Side elevations facing public ways or common areas shall be comprised of a minimum 50% mortared masonry. Where mortared</p>

Single-Family (Detached and Attached) Residential Building Design Standards	
Feature	Standards
	<p>masonry is required on a side elevation, it shall be required on both side elevations and the rear elevation. Permitted siding materials are stone, brick, fiber cement siding, heavy-gauge vinyl (minimum of 0.046 inch gauge), engineered wood siding, or stucco, and any remaining portion may be a durable, synthetic material designed and rated for building exteriors. Side elevations shall contain at least one window per above-ground level and the total transparency of each side elevation shall be at least 8 square feet.</p> <p>C. Rear Elevations. Rear elevations facing public ways or common areas shall be comprised of a minimum 50% mortared masonry. Permitted siding materials are stone, brick, fiber cement siding, heavy gauge vinyl (minimum of 0.046 inch gauge), engineered wood siding, or stucco, and any remaining portion may be a durable, synthetic material designed and rated for building exteriors. Rear elevations shall contain at least two windows of eight (8) square feet each on each above ground story of the residential dwelling structure.</p> <p>D. Enclosed porches or porticos attached to or within five (5) feet of the residential dwelling structure shall be clad in the same materials as the majority portion of the rear elevation and shall not be clad in metal or vinyl siding or cladding.</p>
<i>Path 2</i>	<p>A. Mortared masonry shall be used on any street-facing or common area-facing façade up to a height of no less than 36 inches. Where mortared masonry is required on one side or rear façade, it shall be required on all side and rear façades.</p> <p>B. Fiber cement and engineered wood siding shall be permitted in the following manner: above the wainscot on any street-facing or common area-facing frontage; or on the entirety of any elevation that does not face a street or common area. However, any elevation may be 100% mortared masonry or stucco.</p> <p>C. Street-facing elevations must contain at least two windows per above grade floor.</p>
<i>Path 3</i>	<p>A. Brick, masonry, stone, or fiber cement siding, and up to 20% accent metals per elevation may be used in any combination if four of any of the following architectural features are provided (definitions for items below can be found in the glossary):</p> <ol style="list-style-type: none"> 1. Coach garage; 2. Any of the following styles of roof design: dormer roof, gable roof with dormer window(s), cross-gabled roof, a-frame, gambrel, mansard or pyramid mansard; 3. Wrap-around porch; 4. Three separate siding/exterior material types; 5. Side load garage; 6. A portico over the front entrance; 7. Horizontal transom windows above all first-floor doors and windows; 8. An outdoor balcony space; and 9. Front entrance courtyard.
Corner Elevations	<p>A. Side elevations facing a street, such as those on a building situated on a corner lot, shall contain at least three (3) windows of eight (8) square feet each.</p>
Trim	<p>A. All trim on all building elevations shall be clad in painted wood, engineered wood, or fiber cement.</p>
Eaves/Roof Overhangs	<p>A. Eaves and roof overhangs shall be a minimum of 12 inches from any exterior surface on all elevations. The distance shall be measured from the adjacent exterior surface.</p> <p>B. Gutters shall not count toward this requirement.</p>
Foundation	<p>A. Foundations shall be a minimum of four (4) inches exposed or such greater amount as required by the Indiana Building Code where a masonry finish is not utilized at the building base..</p>
Window Profiles	<p>A. Windows shall not be flush with exterior walls.</p> <p>B. Glass shall be inset from the exterior wall and/or frame surface to add relief to the wall surface.</p> <p>C. Bay windows or other windows designed to protrude beyond the exterior wall surface are permitted.</p>

Single-Family (Detached and Attached) Residential Building Design Standards	
Feature	Standards
Driveway Measurement	A. A single-family home must have a minimum of 18 feet between the edge of the sidewalk closest to the building and the garage.

9. Concept Plan:
- A. Homes identified as RA in shown below shall follow said development standards:
The Residential Attached Single-Family (“RA”) zone provides areas of the City devoted to attached single-family homes, such as duplexes and townhomes within and complimentary to areas devoted to single-family dwellings to promote a greater mix of residential housing options. The RA Zone includes other complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”. Development Standards specific to the RA zone are set forth as follows:

RA STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	5,400*	N/A
Lot Width (Ft.)	40; 24 for units attached on both sides	N/A
Units per Acre	N/A	10
Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	8 for each side yard; 0 between attached dwelling units	N/A
Rear Yard Setback (Ft.)	20	N/A
Building Height (Ft.)	N/A	40
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	60*
Residential Unit Size (Sq. Ft.)	900	N/A
Accessory Building Location	Rear Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/front setback and the accessory building	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Driveway or Garage	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

*For attached, single-family townhomes the coverage shall apply for the project as a whole, not the individual lots

- B. Homes identified as RM as shown below shall follow said development standards:
The Residential Medium Lot (“RM”) zone provides for areas of the City devoted to detached single-family residential dwellings and subdivisions. The RM zone includes other complimentary principal and accessory uses by right and as special exceptions. Development standards specific to the RM zone are set forth as follows:

RM STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	7,700	N/A
Lot Width (Ft.)	55	N/A

Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	10 for each side yard	N/A
Rear Yard Setback (Ft.)	25	N/A
Building Height (Ft.)	N/A	35
Residential Unit Size (Sq. Ft.)	1,100	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	50
Accessory Building Location	Rear Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/ front setback and the accessory building	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Driveway or Garage	
Signage	Division III, Sec. 10-03-08	
Landscaping	Division III, Sec. 10-03-06	
Parking	Division III, Sec. 10-03-02	
Design Standards	Division III, Sec. 10-03-14	
Uses	See Master Use Table above	

10. The following engineering concerns shall be addressed during design:
- A. All drainage detention/ runoff rates/ water quality to be per the latest Greenwood Stormwater Technical Manual.

B. Guardrails will be required around all detention facilities near roadways and the ends wrapped around the radii as follows:

1. Vehicular traffic shall be protected from bodies of water on both public and private property and from topographic or geologic hazards, including, but not necessarily limited to, streams, lakes, detention ponds, ditches, ravines, rock outcrops, hillsides, or walls by one of the following:

a. "W" Beam guardrail to be installed per Indiana Department of Transportation specifications.

b. Steel Backed Timber Guardrail per U.S. Department of Transportation Federal Highway Administration Federal Lands Highway Office Standards listed in Section 617 of the Federal Highway Administration Website or approved equal as supplied by the Cor-Tenn Company of Knoxville, Tennessee.

c. Mounding of Dirt at least eight (8) feet in height with maximum slopes of 3:1.

C. Access Easements (common areas) to be required to all detention facilities from roadways for easy access for future maintenance

D. Water quality structures are to be within 10’ to 15’ of hard surface pavement to allow for easier maintenance/cleaning in the future

E. Sidewalks/ pathways along all public road frontages shall be constructed in accordance with the following requirements:

1. Sidewalks shall be labeled upon the improvement plans and installed by the developer in subdivisions, as follows:

a. Sidewalks shall be installed in all residential subdivisions, according to the following:
- | Residential Subdivisions | <i>Required on Both Sides of Street</i> | <i>Required in Mid-Block</i> | <i>Required Along Existing Street Bordering Subdivision</i> | <i>Width (Min. Ft. Clear)</i> | <i>Required Grass Strip Between Sidewalk and Curb</i> | <i>Curb Bump-Outs Required</i> |
|--------------------------|---|-------------------------------|---|---|---|--|
| Sidewalks | Yes | In Plan Commission discretion | In Plan Commission discretion | Residential Perimeter: 6 ft.
Residential Internal: 5 ft.
Commercial & Industrial: 6 ft. | Yes | Yes, where on-street parking spaces are provided |
- 10

				Trails: 10 ft. Old Town District Perimeter: 12 ft. Old Town Internal: 8 ft.		
or per adopted City master plan for Old Town District sidewalks						

- b. The Plan Commission may waive the requirements of this sub-section in instances where a park, railroad, extreme topographical conditions or other unusual conditions make sidewalk and pathway installation difficult on both sides of the street.
- c. Sidewalks and other pathways identified in the Comprehensive Plan shall take precedent over standard sidewalk widths and specifications. Where identified in the Plan, pathways shall be minimum ten (10) feet in width. The City Engineer may reduce the width of these pathways due to slope, grade, topography, or other restrictions encountered in the field.
- d. All perimeter sidewalks shall be in the right-of-way.
- e. Sidewalks shall connect to all building entrances from the front right-of-way.
- 2. Trail Systems.
All proposed subdivisions shall provide for trail systems at two levels:
 - a. Internal trail system within the subdivision to link common areas with the public sidewalk system and to link to perimeter or abutting regional trails; and
 - b. Regional trail systems that abut or traverse the subdivision in conformance with the Comprehensive Plan. Although easements across private property may be necessary in some instances, the preferred locations for trails are common areas, public rights-of-way, or easements abutting/paralleling such areas.
 - c. All perimeter trails shall be in the right-of-way.
 - d. If there are existing culverts under either County or City jurisdiction – City has the right to require complete removal and replacement depending upon existing condition.
 - e. The City of Greenwood Engineering Division has the right to require additional items at the time of the plan commission process. 11.
- 11. Should the Developer not close on the purchase of the ~~property~~ Parcel by December 31, 2024, the City of Greenwood may initiate a zone map change to revert the Parcel back to Residential Large (RL) zoning.
- 12. Vinyl siding is prohibited as a building material.

These Commitments may be enforced jointly and severally by:

- A. The Greenwood Advisory Plan Commission;
- B. The Greenwood Common Council;
- C. Owners of all parcels of ground adjoining the Real Estate to a depth of 300 feet. The identity of such owners shall be determined from the records of the Office of the Johnson County Auditor which lists the current owners of record. For purposes of this paragraph, the cutoff date for such determination shall be at 12:00 O’clock noon on the date of filing for enforcement.

These Commitments shall be considered a covenant running with the land and the Owner of the Real Estate, subsequent Owners of the Real Estate, and other persons acquiring an interest therein are bound to their terms and conditions and subsequent modifications thereto as made pursuant to this instrument, statutes of the State of Indiana, ordinances of the City of Greenwood, or other applicable law. Commitments numbered 1 through 11 may be modified or terminated by a decision of the Greenwood Advisory Plan Commission, made at a public hearing after proper notice has been given; Commitment numbered 12 may be modified or terminated by a decision of the Greenwood Common Council, made at a public meeting.

The Commitments contained in this instrument shall be effective upon the later of adoption of Greenwood Common Council Ordinance No. 21-48, which changes the zoning on the Real Estate aforesaid from AG- Agricultural use to RM Residential Medium Lot use and RA- Residential-Attached Single-Family use, or the recording of this instrument.

By the execution of this instrument, the undersigned owner Mary E. Kemp Revocable Trust hereby certifies and warrants that real estate Parcel ID No. 41-05-16-011-005.000-030 is owned in fee simple absolute by it pursuant to a Quitclaim Deed recorded as Instrument Number 2000-004683 on March 3, 2000, in the Recorder’s Office of Johnson County; and that this commitment instrument will be recorded in the chain of title of the real property; that the undersigned has the authority to enter into this commitment agreement, and upon its execution

the commitments shall be the lawful and binding obligations of said Owner and all subsequent owners of the Real Estate.

In witness whereof, the undersigned Owner executed this instrument this ____ day of _____, 2022.

OWNER OF REAL ESTATE
PARCEL ID NO. 41-05-12-022-001.000-062

MARY E. KEMP REVOCABLE TRUST

By: _____
Mary E. Kemp, Trustee
Mary E. Kemp Revocable Trust

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public, in and for said County and State personally appeared Mary E. Kemp, Trustee, Mary E. Kemp Revocable Trust, who acknowledged the execution of the foregoing Commitment Instrument, and who, having been duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this ____ day of _____, 2022.

My Commission Expires: _____
_____, Notary Public

Resident of _____ County, IN

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.

This instrument prepared by: Shawna Koons, Greenwood City Attorney, 300 S. Madison Avenue, Greenwood, IN 46142