City of Columbus – Bartholomew County
Planning Department

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STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION
(March 12, 2014 Meeting)

Docket No. / Project Title:	PUD-14-03 (Shadow Creek Farms Preliminary PUD, Neighborhood Commercial Area, Statement of Conditions)
Staff:	Melissa Begley
Applicant:	Beazer Homes
Property Size:	322.214 Acres
Current Zoning:	PUD (Planned Unit Development)
Location:	South of County Road 200 South between County Roads 225 West and 150 West, in the City of Columbus

Background Summary:
The proposal is an amendment to the Preliminary PUD Plan for Shadow Creek Farms. The Preliminary PUD Plan for Shadow Creek Farms was approved in 1999 (PUD-99-2) for a subdivision of 886 residential lots, a 6 acre tract for neighborhood business and 110 acres of open space. At this time, residential Sections 1, 2, 3, 4 and 5 have been completed and structures have been built on all of the lots. Sections 7A and 7B are currently being developed with only a few lots remaining. The Preliminary and Final Plats for Sections 8 and 9 have been approved. Sections 6, 10 and 11 have not been developed at this time.

The applicant would like to amend the PUD to remove the neighborhood business uses as shown on the Phasing Plan and allow the area to be used for a common area with a detention pond. They would like to modify the Statement of Conditions document and remove provisions related to annual meetings, construction traffic, development phasing, and annual reports. The applicant is also requesting a final determination on road improvements as prescribed by the Statement of Conditions document.

Key Issue Summary:
The following key issue(s) should be resolved through the consideration of this application:
1. Is the removal of the commercial area and changing it to a common area with a detention pond acceptable? Is commercial development viable at this location?
2. Are the conditions included in the Shadow Creek Farms Statement of Conditions still relevant and appropriate for this development?
3. Should the developer be responsible for the road improvements listed in the Statement of Conditions document?

Preliminary Staff Recommendation:
Favorable Recommendation to the City Council.

The staff recommends that road improvements be made to the Shadow Creek Farms frontage along 150 West in accordance with the Subdivision Control Ordinance standards and waive all other road improvements as stated in the Statement of Conditions Document.

Plan Commission Options:

In reviewing a request for a *Preliminary PUD* the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to a future Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding *Preliminary PUD* applications.

Decision Criteria:

The Shadow Creek Farms Planned Unit Development was initially approved in 1999 under the procedures specified by the Zoning Ordinance at that time. A different PUD procedure was established with the replacement of the Zoning Ordinance in 2008. Under the original approval procedure the property was rezoned to PUD at the time the City Council approved the preliminary PUD. Current Zoning Ordinance Section 5.1(E) establishes the intent of the Zoning Ordinance for pre-2008 PUDs to follow the procedures in place at the time of their original adoption. Therefore, the Plan Commission and City Council should pay reasonable regard to the following when considering this Preliminary PUD modification (a rezoning).

The Comprehensive Plan.
Preliminary Staff Comments: The future land use plan identifies Shadow Creek Farms as residential and the site is currently surrounded by residential. The Comprehensive Plan also encourages adequate green space in new developments. The Comprehensive Plan does not address items such as construction traffic and annual meetings as identified in the Statement of Conditions document, but does encourage orderly growth by planning and providing an arterial street network paid for from public and private sources in a fair and equitable manner.

The current conditions and the character of current structures and uses in each district.
Preliminary Staff Comments: The commercial area is currently undeveloped and is located along a minor arterial road. The tract is located within the Shadow Creek Farms subdivision but is physically separated by Opossum Creek. Large lot residential and farm fields are located to the east of the tract.

The most desirable use for which the land in each district is adapted.
Preliminary Staff Comments: The commercial area is currently permitted for a variety of commercial uses but is also located adjacent to residential uses. The open space would serve as a transition to the surrounding lower density single family residential. The items proposed to be deleted from the Statement of Conditions were required by the Plan Commission and City Council at the time Shadow Creek Farms was originally approved. They were intended to address concerns about the scale and pace of construction in this large development. These concerns did not materialize.

The conservation of property values throughout the jurisdiction of the City of Columbus.
Preliminary Staff Comments: The property values would not be affected. The commercial area tract is currently undeveloped and other than the construction of a pond, will remain as open space. The items proposed to be deleted from the Statement of Conditions were required by the Plan Commission and City Council at the time Shadow Creek Farms was originally approved. They were intended to address concerns about the scale and pace of construction in this large development. These concerns did not materialize.

Responsible growth and development.
Preliminary Staff Comments: The commercial area is located within the City limits of Columbus and has adequate access to existing streets and infrastructure. The subject property is located along a minor arterial street which would provide adequate vehicular ingress and egress to and from the property. There is abundant open space within Shadow Creek Farms. This site will provide a buffer to the adjacent properties. The items proposed to be deleted from the Statement of Conditions were required by the Plan Commission and City Council at the time Shadow Creek Farms was originally

approved. They were intended to address concerns about the scale and pace of construction in this large development. These concerns did not materialize.

Current Property Information:	
Land Use:	Single family residential/Undeveloped ground
Site Features:	Undeveloped sections of Shadow Creek Farms, single family homes, detention ponds, common area
Flood Hazards:	Floodway, 100 year flood fringe along Denois Creek
Special Circumstances: **(Airport Hazard Area, Wellfield Protection Area, etc.)**	The subdivision is located in the Wellfield Protection Area
Vehicle Access:	County Road 200 South (Minor Arterial, Residential, Suburban) and County Road 150 West (Minor Arterial, Residential, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	**Land Use:**
North:	RS2 (Residential: Single Family 2) RS3 (Residential: Single Family 3)	Wildflower Estates, Agriculture farm fields, large lot single family residential
South:	AP (Agriculture: Preferred)	Agriculture farm fields
East:	AP (Agriculture: Preferred) RS2 (Residential: Single Family 2)	Agriculture farm fields, large lot single family residential
West:	AP (Agriculture: Preferred)	Agriculture farm fields, large lot single family residential

Interdepartmental Review:	
City Engineering:	To be provided at the public hearing.

History of this Location:

The relevant history of this property includes the following: Shadow Creek Farms is an ongoing development, originally approved in 1999 (PUD-99-02), consisting of 11 residential sections, a 33 acre park, and a 6 acre tract set aside for neighborhood business use. At this time, Sections 1, 2, 3, 4 and 5 have been completed and structures have been built on all of the lots. Sections 7A and 7B are currently being developed, with only a few lots remaining. The Preliminary and Final Plats for Sections 8 and 9 have been approved. Sections 6, 10 and 11 have not been developed at this time. No steps beyond the original Preliminary PUD approval have been taken with regard to the commercial portion of the development.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as residential.

The following Comprehensive Plan goals and policies apply to this application:

1. **POLICY A-2-18**: Maintain and enhance neighborhood-scale business areas, with special attention to the unique character of each area. *Neighborhoods can be enhanced by convenient shopping areas, provided that these are of a type, size and design consistent with their surroundings.*
2. **POLICY C-1-2**: Require adequate greenspace in new developments. When reservation of green space is impractical because of the size of the development or other factors related to the land, provide other methods for the developer to meet this goal. These mechanisms could include payment in lieu of park land dedication or enhancement of and/or connection to exiting parks.
3. **POLICY C-1-9**: Designate park areas as passive, active, or restricted. Passive and active uses would include human use of the areas. Restricted use would protect wildlife corridors, natural habitats, wetlands, and unique vegetation. The parks system should include both passive and active recreation at convenient location throughout the community.
4. **POLICY E-3-1**: Allow the free market and private investment decisions to govern the quantity of each type of business and the variety of goods and services available, within the framework of an overall land use plan.
5. **POLICY F-1-4**: Encourage orderly growth by planning and providing an arterial street network paid for from public and private sources in a fair and equitable manner.
6. **POLICY F-4-2**: Costs for street improvements necessitated by new development should be borne in a fair and equitable manner by the developer, not by the community as a whole. New development should not substantially diminish the level of service currently enjoyed by local residents.

This property is located in the Western Hills character area. The following planning principles apply to this application: Encourage neighborhood business centers in convenient locations as new residential areas are developed.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant has stated that they would like to alter the Preliminary PUD Plan to remove the commercial area and make it common area with a detention pond.
2. In the Preliminary PUD Plan, this area is identified as providing neighborhood services. The types of uses permitted in this area are those permitted under the former B-1 Neighborhood Business District, including:
    - business service uses, including banks and financial institutions;
    - clothing service uses, including dry cleaning and laundry receiving stations, laundromats, dressmaking, millinery, tailoring and shoe repair shops;
    - equipment service uses, including electrical and household appliance stores, radio, television, video, computer, and music sales, rental and repair; sporting goods and hardware stores;
    - food service uses, including grocery and convenience stores, meat and fish markets, delicatessens, restaurants, coffee shops, eating places and bakeries;
    - personal service uses, including beauty and barber shops, camera and photographic shops and optician shops;
    - professional offices, including medical and dental clinics;
    - retail service uses, including drugstores, variety stores, book and stationery stores, newsstands, candy and ice cream stores, florist, gift, antique, art, music, toy and hobby shops, paint and wallpaper stores, aerobics, exercise and dance studios, jewelry and leather stores;
    - special service uses, including children's homes, day care centers, training and education centers, kindergartens, nursing homes and neighborhood social centers;

- general business offices, including agency, insurance, association, communication, travel and health offices or studios;
- utility installations, and facilities;
- accessory uses, which are incidental to, maintained on the same lot and commonly associated with the operation of a permitted use; temporary uses; and other uses comparable and compatible to those set forth above.
- Excluded from the approved uses are package liquor stores or drive-through facilities (other than banking facilities).

3. The Preliminary National Flood Insurance Program Flood Insurance Rate Maps, created in 2011, show a significant portion of Shadow Creek Farms being in the 100 year floodway fringe. In order to build houses in the 100 year flood fringe, the houses will need to be elevated 2 feet above the base flood elevation. Beazer Homes has indicated that they are proactively working to elevate the impacted lots above the preliminary flood elevation to prevent future homeowners from needing to purchase flood insurance. The purpose of the proposed pond is not for stormwater detention but for fill dirt to elevate building pads.
4. Of the total 6.174 acre commercial area a significant portion of the site is in the floodway and the 100 year flood fringe, leaving approximately 2.6 acres of developable land.
5. The nearest commercial development, Columbus Crossing, is located 3.4 miles from Shadow Creek Farms.
6. Not including the open space in sections 6 and 10, the existing open space within Shadow Creek Farms equals approximately 110 acres or approximately 34 percent of the total property. Changing the commercial area to common area will add to this overall total. This results in a significant amount of open space to be maintained by the Shadow Creek Farms Homeowner's Association. Maintenance costs, including mowing, operating the clubhouse, maintaining the athletic fields and the detention ponds will be borne by the homeowners thorough annual association dues. Given that Shadow Creek Farms is designed as a more affordable housing option for the City of Columbus, these maintenance costs could be significant to the individual homeowners.
7. In reviewing the Shadow Creek Farms Preliminary PUD Statement of Conditions it was determined that some portions of the document are out of date or otherwise in need of review and possible revision. The following lists the relevant conditions:
    a. Statement of Condition #2 states that "No phase of development may be commenced until the previous phase in completed". It is presumed there was concern that development would happen so quickly that older sections wouldn't be completed as new sections were being built and that lots would be left vacant. To date, Sections 1, 2, 3, 4 and 5 have been completed and structures have been built on all of the lots. Sections 7A and 7B are currently being developed, with the streets and infrastructure in place with only but a few lots still available. The Preliminary Plats and Final Plats for Sections 8 and 9 have been approved. Sections 6, 10 and 11 have not been developed at this time. It is staff's observation that the sections have progressed very systematically and that older sections do not have any vacant lots.
    b. Statement of Condition #7 discusses the neighborhood services. With this application, the applicant wishes to eliminate the neighborhood commercial area and change it to common area.
    c. Statement of Condition #13, in part, refers to bus stop designations for both the school system and Columbus Transit. Typically the school bus stops change from year to year as their ridership changes and permanent bus stops may not be useful. Columbus Transit does not serve the west side of town and if a bus stop were identified would not be utilized.
    d. Statement of Condition #15 refers to construction traffic. This condition requires the developer to coordinate with the school system regarding bus traffic and construction traffic and to report the arrangements to the Planning Department. Staff has not received any complaints from the Bartholomew Consolidated School Corporation regarding a conflict with school busses and construction traffic from Shadow Creek Farms.
    e. Statement of Condition #29 requires, in part, an annual report to be provided to the Planning Department regarding annual financial statements, a list of officers and directors

and annual minutes. This is the typical function of a Homeowners Association and generally does not require oversight from the Planning Department.

f. Statement of Condition #30 requires an annual meeting of the Shadow Creek property owners and surrounding property owners to discuss the anticipated construction schedule and any comments or complaints. A report of the meeting is then to be provided to the Planning Department. It was perceived that the Shadow Creek Farms development would create significant concern to neighboring properties. In the recent past, this does not seem to be a significant problem and any problems have been resolved through the developer.

g. Statement of Condition #31 requires the developer to make available an ombudsman to the lot owners and the neighboring properties to help resolve complaints regarding the new homes or the development. To date, we are not aware of any complaints that have not been resolved through the developer. The developer has staff in place to help address concerns from the Shadow Creek Farms property owners and neighboring property owners.

8. The Statement of Conditions document identifies requirements to be completed by the developer. #12 includes items for road improvements and specifically states that the items are to be completed if the Plan Commission finds that the improvements are needed. The following table identifies these roads.

Road Improvements	**Previous Decision**
200 S (From 225 W to SR 11)	Not determined
150 W (From 200 S to Deaver Rd)	Not determined
½ of Deaver Road (From 150 W to SR 11)	To be completed with Section 11
225 W	As traffic warrants determined by Plan Commission

As the largest subdivision in Columbus, it was a concern at the time that the development would significantly impact the surrounding county roads, particularly with the volume of cars being added by the neighborhood residents and the subsequent wear and tear to the roads. The subdivision is over halfway complete and many of the roads, particularly 200 South, have experienced an increase in traffic, but not all can be attributed to Shadow Creek Farms. The recent improvements to 200 South from 150 West to State Road 11 has made a positive improvement to that section of roadway. Since the development is over halfway complete, the improvements need to be decided and the timeline for completion of those projects needs to be determined.

In 2006, the Plan Commission discussed these road improvements and determined the following:

- Improvements to the intersection of County Roads 150 West and 200 South shall be made with Section 5 (Preliminary PUD Condition 12, Near Site Traffic Improvements).
- The developer shall pay the costs of improvements to one-half of Deaver Road from County Road 150 West to State Road 11 with Section 11 (Preliminary PUD Condition 12, Near Site Traffic Improvements).
- Improvements to County Road 225 West shall be completed if and when traffic generated by the development necessitates such improvements (Preliminary PUD Condition 12, Near Site Traffic Improvements).

9. This proposed revision of the Preliminary PUD Plan will require Beazer to appropriately update all text and maps associated with the commercial area to reflect its new use as a common area and to have the revised Preliminary PUD Plan with updated Statement of Conditions recorded.

THIS INSTRUMENT PREPARED BY:
CURTIS C. HUFF
STOEPPELWERTH AND ASSOCIATES, INC.
7965 EAST 106th STREET
FISHERS, INDIANA 46038
PHONE: (317)-849-5935

THIS INSTRUMENT PREPARED FOR:
BEAZER HOMES
9202 N. MERIDIAN STREET, SUITE 300
INDIANAPOLIS, INDIANA 46260

DENSITY CALCULATIONS

SECTION	HOUSING UNITS	ACRES	DENSITY	TYPE
1	98	27.864	3.52	LAKESIDE, ENCLAVE
2	82	17.351	4.72	LAKESIDE
3	129	82.078	1.57	
4	79	13.906	5.66	
5	111	43.725	2.53	
6A	48	19.027	2.52	
6B	33	5.555	5.94	
7A	45	11.463	3.92	
7B	31	4.546	6.81	
8	32	21.140	1.51	
9	51	27.449	1.86	
10	72	33.622	2.14	
11	74	14.488	5.11	
TOTAL	**885**	**322.214**	**2.75**	

SHADOW CREEK FARMS
REVISED 03/18/14
PHASING PLAN

1. Improvements to the intersection of County Roads 150 West and 200 South shall be made with Section 5 (Preliminary PUD Condition 12, Near Site Traffic Improvements).
3. A 5-foot wide sidewalk to Southside School shall be built with Section 6 (Preliminary PUD Condition 18, Pedestrian Trails) on the south side of County Road 200 South.
4. On the Deaver Road changes the developer shall pay the cost of improvements to Half of Deaver Road
5. Improvements to County Road 225 West shall be completed if and when traffic generated by the development necessitates such improvements(Preliminary PUD Condition 12, Near Site Traffic Improvements).

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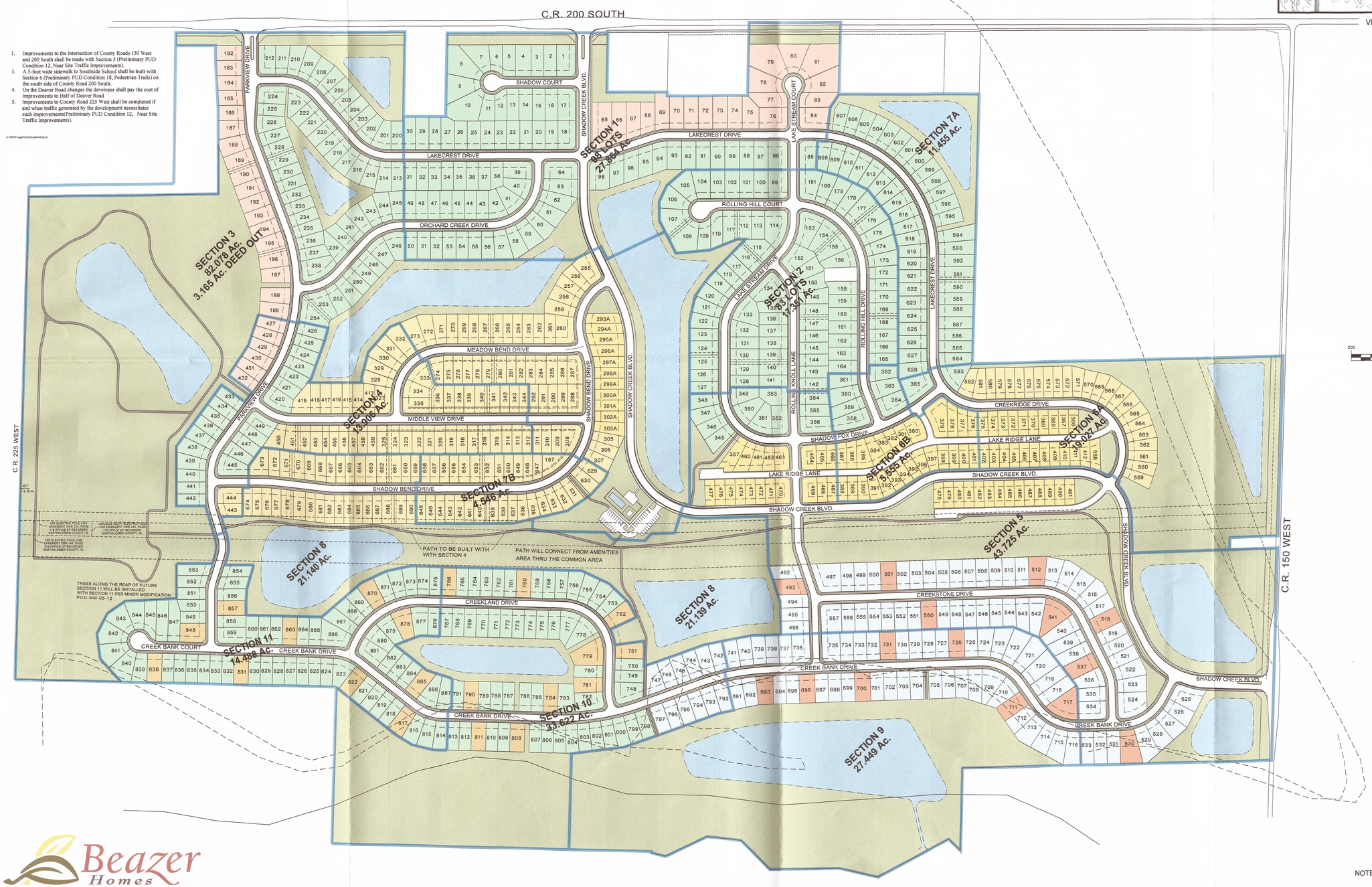
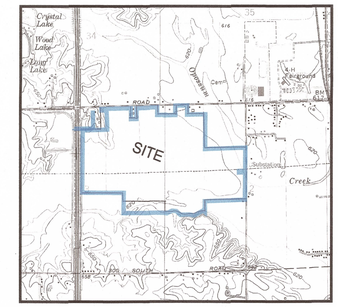
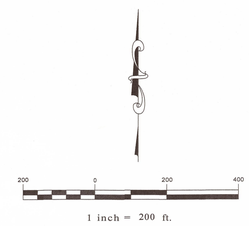




VICINITY MAP



- 42' REAR LOAD
- 40'
- 50'
- 55'
- 60'
- 61'
- 66'
- STREETS
- SIDEWALKS
- COMMON AREA (C.A.)
- LAKES
- BURIAL SITE

NOTE: PATH WILL BE INSTALLED AS SECTIONS ARE DEVELOPED

Beazer Homes

REVISED: MARCH 1, 2006
REVISED: APRIL 4, 2006

03/18/14 SPLIT SEC. 6 TO 6A & 6B - ADDED LAKE TO AREA 6A GDK
05/29/12 ADDED LAKE AND REMOVED TRACT A KRG
09/07/12 KRG

MARK	REVISIONS	DATE	BY
	ADDED NOTE TO PHASING PLAN	12/11/06	KRG
	REVISED SECTIONS AND CHART AND ADDED PATHS	3/1/06	KRG
	REVISED SECTIONS AND CHART	8/23/05	KRG
	REVISED SECTION 4 AND 5 LINES AND CHART NUMBERS	5/22/02	KRG
	REVISED SECTION LAYOUTS AND PHASING	5/1/00	ADG
	ADD DENSITY TABLE		WAB

DWN. BY SCS
CK. BY WAB
SCALE 1"=200'
DATE 3/6/00

CERTIFIED: 3/6/00

CURTIS C. HUFF REGISTERED No. S0348 STATE OF INDIANA LAND SURVEYOR

STOEPPELWERTH & Associates, Inc.
CONSULTING ENGINEERS - LAND SURVEYORS
(317) 849-5935 FAX:(317) 849-5942
INDIANAPOLIS INDIANA COLUMBUS

PHASING PLAN
SHADOW CREEK FARMS
INDIANA

SHEET NO. 1 OF 1 SHEETS
JOB NO. 34255

Conformed Copy of Conditions
Amended on November 1, 2005

DRAFT

STATEMENT OF CONDITIONS

CONDITIONS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY UNDER CHAPTER 17.22, PLANNED UNIT DEVELOPMENT DISTRICT

The owner of real estate located in Bartholomew County, Indiana, which is described in attached Exhibit A (the "Real Estate"), set forth the following CONDITIONS concerning the use and development of the Real Estate:

Owners: Crossmann Communities Partnership/Beazer Homes

Petitioners: Crossman Communities Partnership/Beazer Homes

Developers: Crossmann Communities Partnership/Beazer Homes

Project: Shadow Creek Farms

Petition No.: PUD-99-2

Real Estate: See attached Exhibit A

Statement of CONDITIONS:

1. APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT. The Real Estate shall be developed in accordance with chapter 17.22 of the Columbus Zoning Ordinance, PD Planned Unit Development District. The Development shall be a planned unit development community, primarily residential in nature, consisting of approximately 313 acres. The Real Estate shall be developed substantially in accordance with the Preliminary Planned Unit Development plan approved and adopted by the Common Council of the City of Columbus in the above-referenced cause number. Before any development takes place on the Real Estate, Crossmann Communities Partnership/Beazer Homes shall prepare and submit to the Columbus City Plan Commission for its approval a detailed site plan specifying the exact location, composition and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features, including general locations and features of proposed buildings, and the design, general location and dimensions (total structure and copy area) of all signs. Such detailed site plans shall be consistent with the approved Preliminary Planned Unit Development, and shall be submitted for each phase of the development.

2. PHASING OF DEVELOPMENT. The Developer will develop the Real Estate in phases. Before submitting a detailed site plan to the Plan Commission, the developer will prepare a detailed phasing plan indicating the order of development, the property involved in each phase, the density of each phase, the number of housing units in each phase, the public and private improvements to be included in each phase, the relationship of each phase (including the improvements therein) to the overall project, and the relationship of each phase to the Comprehensive Plan. The developer agrees that no more than 150 building permits for single-family homes in the Project shall be issued in any one calendar year. ~~No phase of the development may be commenced until the previous phase is completed. For purposes of this project, completed means that all private improvements shown on the approved plans shall be completed, and all public improvements, with the exception of sidewalks, have been accepted by the city. All public sidewalks shall either be completed or have their installation assured by a financial guarantee meeting the requirements of the Columbus Subdivision control Ordinance, the Columbus City Engineer, and the Columbus Board of Public Works & Safety. For purposes of the project, "commenced" means the granting of secondary approval to the subdivision plat for the relevant phase. (Amended by Ordinance No. 27-2005 on November 1, 2005.~~

3. COORDINATION OF PHASING WITH DRAINAGE PLANS. Phasing of the development will be coordinated with the drainage plans in a manner so as to retain flexibility in future planning, and will be subject to the regulatory jurisdiction of the Drainage Board. Prior to the approval of a detailed site plan with respect to any phase of the Development, Crossmann/Beazer will obtain a full geotechnical report for the applicable section of the development in connection with the preparation of drainage plans, and will obtain City Engineer and Drainage Board approval of all drainage plans. Each phase of the Project will include sufficient stormwater retention facilities to fully support that entire phase (or more) of the Development. Developer agrees to comply with the conditions set forth in the letter from the Bartholomew County Surveyor's Office dated July 26, 1999, a copy of which is attached hereto as Exhibit B, as those conditions may be amended from time-to-time by the Drainage Board pending final Drainage Board approval. The Developer shall design and pay for such off-site drainage improvements as the Plan Commission deems necessary for adequate drainage of shadow Creek Farms and for preventing additional drainage problems for other property in the watershed. In the exercise of this responsibility, the Commission shall incorporate any requirements of the Bartholomew County Drainage Board relating to the regulated drains and shall consider any other recommendations of the Drainage Board.

4. LOT AREAS AND DENSITY. A maximum of 939 residential lots will be developed in Shadow Creek Farms. This development will include a variety of housing types and prices, in accordance with the policies of the Goals and Policies Element of the Columbus Comprehensive Plan. This variety will be accomplished by the following:

   a) Varying the densities within the development. This variation shall be great enough to create a clear difference in neighborhood character. The Columbus Plan Commission shall determine whether the variation is sufficient to comply with the Goals and Policies element of the Columbus comprehensive Plan.
   b) Incorporating design guidelines to ensure visual variety, housing diversity, and conservation of property values both within the development and within the general area. These design guidelines must be acceptable to the Columbus Plan Commission.

5. DEDICATED OPEN SPACES. Crossmann/Beazer commits to dedicate to public use a 31 acre park along the western boundary of the property. The 31 acre park will be developed by Crossmann Communities Partnership/Beazer Homes to include an access drive, parking areas and soccer fields, which development will be accomplished working in cooperation with the Columbus City Parks Department in the design and installation of park facilities. Crossmann/Beazer will develop and maintain the park as a private facility or common area for the residents of the Development until such time as it is accepted by the City as a public property. In the event the City declines to accept the park as public property, Crossmann/Beazer will designate with 31 acre park area as a perpetual outdoor recreational amenity for the Development project, and the long-term ownership and maintenance of the area will be transferred to the Homeowner's Association for the Project, together with other common area improvements, at the appropriate phase of the Development.

   The Development also includes generous areas (presently planned for approximately 18 acres, more or less) of east-west open space and trail corridor generally following the PSI utility easement, including an amenity area for neighborhood improvements to include, without limitation, by way of example, a swimming pool, court games, bathhouse and clubhouse facility, as well as an approximately 8 acre passive recreation/preservation area along Denios Creek. Following the development of these areas, long-term ownership and maintenance of these areas will be transferred to the Homeowners Association, together with other common area improvements, at the appropriate phase of the Development.

Approximately 3 acres of buffer area in the northwest portion of the Project has been designated by Crossmann/Beazer as a natural buffer, to include an earthen berm of approximately 4 feet in height, with plantings. This 3 acre area will not be subtracted from the 31-acre park, but will be in addition to the park area. Landscaping will be installed, and this 3 acre buffer area will be conveyed to the adjoining property owner to act as a permanent natural buffer, pursuant to an agreement between Crossmann/Beazer and the adjoining property owner. Developer agrees that this three acre area will not be part of the Planned Unit Development rezoning, but is included in the concept plan solely for purposes of illustration and these Conditions regarding buffering.

6. OPEN SPACE DEVELOPMENT – PARK DEDICATION. The construction of park facilities and the offer of dedication of the 31-acre park area to the public will be made prior to or upon completion of 200 units within the Development. The Developer will work in cooperation with the Columbus City Parks Department in the design and installation of park facilities. A complete site plan for the park shall be submitted to the Plan Commission staff and approved as part of the final plan for phase I or phase II of the Project.

~~7. NEIGHBORHOOD SERVICES. Crossmann Communities Partnership/Beazer proposes approximately 4 acres, more or less, to be developed as commercial properties, with uses compatible with those uses which are permitted under the B-1 Neighborhood Business District of the Columbus Zoning Ordinance, including the following B-1 and other uses; business service uses, including banks and financial institutions; clothing service uses, including dry cleaning and laundry receiving stations, laundromats, dressmaking, millinery, tailoring and shoe repair shops; equipment service uses, including electrical and household appliance stores, radio, television, video, computer, and music sales, rental and repair; sporting goods and hardware stores; food service uses, including grocery and convenience stores, meat and fish markets, delicatessens, restaurants, coffee shops, eating places and bakeries; personal service uses, including beauty and barber shops, camera and photographic shops and optician shops; professional offices, including medical and dental clinics; retail service uses, including drugstores, variety stores, book and stationery stores, newsstands, candy and ice cream stores, florist, gift, antique, art, music, toy and hobby shops, paint and wallpaper stores, aerobics, exercise and dance studios, jewelry and leather stores; special service uses, including children's homes, day care centers, training and education centers, kindergartens, nursing homes and neighborhood social centers; general business offices, including agency, insurance, association, communication, travel and health offices or studios; utility installations, and facilities; accessory uses, which are incidental to, maintained on the same lot and commonly associated with the operation of a permitted use; temporary uses; and other uses comparable and compatible to those set forth above, and also residential uses to the extent integrated with the residences in the~~

~~remainder of the planned unit development. Crossman/Beazer commits further to specifically exclude any package liquor stores or drive-through facilities (other than banking facilities).~~

~~The total floor area of the improvements within this section of the planned unit development would comply with the development standards of Chapter 17.26 (B-1 Neighborhood Business District) of the Columbus Zoning Ordinance. Accordingly, total floor area of the buildings shall not exceed 60% of the lot areas within this section. Uses within the section may be developed as separate lots, or as an integrated center, in accordance with future detailed site plan approval. All references to "industrial" uses within the Developer's application are hereby deleted and of no force or effect.~~

~~The hours of operation of uses located within this area shall be subject to approval by the Columbus Plan Commission as part of the detailed site plan for this area.~~

8. PERMANENT SIGNS. All permanent signage of Crossmann Communities Partnership/Beazer at the Development shall be substantially in accordance with the conceptual sign program illustrations, elevations and descriptions submitted with the Developer's application and file-dated June 30, 1999. The Developer retains the right to make artistic changes, name changes, and design changes in on-site permanent signage. The Developer hereby agrees that the combination of materials, quality, sampling of combination landscaping and signage shall be substantially in conformance with the foregoing conceptual illustrations, elevations and descriptions for signage. Additional permanent signs will be installed within the Project to identify sections of the Project, amenity areas, and the like. Developer anticipates needing up to 14 or more such interior signs. A complete, acceptable sign plan shall be submitted for review and approval with the final Planned Unit Development plan including, without limitations, dimensions (total structure and copy area) and sign locations.

9. OFF-SITE SIGNS. All off-site signage within the zoning jurisdiction of the City of Columbus will comply in all respects with the provisions of the Columbus Zoning Ordinance regulating such signs unless an appropriate variance or exception has been duly issued and approved by the proper City Agency.

10. TEMPORARY AND ADVERTISING SIGNS. Temporary signs and advertising signs at the Development will be substantially in conformance with the signage program submitted for approval by Crossmann Communities Partnership/Beazer with this

application and file-dated June 30, 1999. The typical marketing signs will be substantially in accordance with the foregoing temporary marketing sign illustrations. Changes, additions or modifications, to the temporary and advertising signage program at the Development, will be proposed to the Plan Commission staff for approval or, at the request of the staff, to the Columbus City Plan Commission through the detailed site plan approval process, or otherwise, under the continuing jurisdiction for detailed site plan approval by the Columbus City Plan Commission.

11. OFF-SITE TRAFFIC IMPROVEMENTS. The Developer will use all commercially reasonable efforts working with the State of Indiana Department of Transportation to expedite the completion of permanent intersection improvements for the intersection of State Road 11 and County Road 200 South, and in regard, the Developer hereby agrees that it shall not be entitled to apply for or obtain any building permits for single-family residences within the project until such time as the permanent intersection improvements at State Road 11 and County Road 200 South are completed and open to the public for ordinary traffic. However, after needed rights-of-way are acquired for the intersection, the Developer shall be able to apply for and obtain model home building permits (no more than 4) and temporary improvement location permits for mobile sales offices and trailers of the Developer prior to such completion.

12. NEAR SITE TRAFFIC IMPROVEMENTS. The developer will improve, or cause the improvement, of the intersection of County Road 200 South and County Road 150 West, substantially in accordance with proposed intersection geometrics submitted with the Developer's Preliminary Planned Unit Development plan file-dated August 9, 1999, including turn lanes for traffic moving from 150 West to 200 South, and a passing blister along 200 South, and including, without limitation, the posting of financial assurances by the Developer such as, without limitation, posting bonds, other sureties and in all respects in compliance with the requirements for the construction of public improvements projects. ~~The Developer will help facilitate improvements to the street on the western boundary of the Project currently designated CR 225 West, if and when traffic generated by the Development necessitates such improvements.~~

In addition, the developer shall be responsible for the following improvements if the Plan Commission finds that the need for such improvements is reasonably related to the development of Shadow Creek Farms.

a) The developer shall design and pay the costs of improvements to CR 200 South from CR 225 West to SR 11. The design of these improvements shall be consistent with the requirements of the Subdivision Control Ordinance.

b) The developer shall design and pay the costs of improvements to CR 150 West from CR 200 South to Deaver Road. The design of these improvements shall be consistent with the requirements of the Subdivision Control Ordinance.
c) The developer shall pay the cost of improvements to one-half the right-of-way of Deaver Road from CR 150 West to SR 11, provided that the City of Columbus and/or Bartholomew County agrees to pay for the improvements to the other half of the right-of-way.
d) The developer will design, pay for, and construct improvements to CR 225 West. The design of these improvements shall be consistent with the requirements of the Subdivision Control Ordinance.

13. ONSITE TRAFFIC IMPROVEMENTS. The developer at each point of entry to the Development, to include two entrances on County Road 200 South and one entrance on County Road 150 West, will improve, or cause the improvement, of the applicable access drive and County Road substantially in accordance with the proposed driveway geometrics submitted with Developer's Preliminary Planned Unit Development plan and file dated August 9, 1999, including, without limitation, the posting of financial assurances by the Developer such as, without limitation, posting bonds, other sureties and in all respects in compliance with the requirements for construction of public improvement projects.

~~The developer shall designate bus stops, with the number and locations to be approved by the Plan Commission, and shall provide an enlarged sidewalk or gathering area to accommodate persons waiting at each stop. The location of these bus stops shall be coordinated with the City of Columbus Transit Division and with the Bartholomew County School Corporation.~~

14. TRAFFIC CIRCULATION WITHIN THE DEVELOPMENT. The Development will include a street extending from County Road 200 South to County Road 150 West. This street will be developed as a collector road. The collector road will be constructed using traffic calming techniques, including pavement which in general will be approximately 28 feet in width, using vertical curbs instead of roll curbs, using 5 foot wide sidewalks (rather than 4 foot wide as in other portions of the Project), and having no curb cuts except as approved by the City for the amenity area, or other common areas or improvements within the Project or otherwise approved by the City. The collector road will not have driveways having direct access to it. The right-of-way for the collector road will be designed between 50 and 60 feet wide, subject to the detailed site plan approval process, and except where boulevards, turn lanes, or the like require otherwise. The collector road will otherwise be constructed to substantially comply with all City of Columbus standards for collector roads.

Four-foot wide concrete sidewalks shall be provided along only one side of a portion of Shadow Creek Boulevard and an eight-foot wide asphalt path along only one side of a portion of Shadow Creek Boulevard and in other areas as indicated on the attached plan (Amended by PUD-MM-03-02, March 5, 2003).

Local streets within the Development will be designed and constructed utilizing traffic calming techniques such as reduced street width, and will include where feasible sidewalks and green strips approximately four feet in width along either side of the road pavement. Parking on the majority of local roads will be restricted to one side of the road only.

In conjunction with each preliminary subdivision plat, the developer shall designate a construction entrance. The location of this entrance must be acceptable o the Plan Commission.

15. ~~CONSTRUCTION TRAFFIC. No construction traffic, truck traffic, or service traffic associated with the development of Shadow Creek Farms shall conflict with pupil drop-off or pick-up at Southside School or other schools in the immediate vicinity of Shadow Creek Farms. The developer shall coordinate this traffic with the Bartholomew Consolidated School Corporation and shall report to the planning staff the arrangements made to prevent these traffic conflicts.~~

16. DOUBLE-FRONAGE LOT TREATMENTS. Double-frontage lots along County Road 200 South, County Road 150 West and the collector road through the Development will require enhanced landscaping treatments. Crossman Communities Partnership/Beazer will address such treatment in detail in each detailed site plan for each phase of the Development to be submitted to the Plan Commission for approval. Double-frontage lots cannot be eliminated, but will minimized through a combination of cul-de-sacs, buffers and open space integration. The developer commits to provide design-related solutions including such measures. The Developer commits hat such measures will include at the non-access side of a double-frontage lot, a building setback, right-of-way, or other buffer of at least ten feet greater than the rear yard setback for lots which do not have a double-frontage.

    An additional ten-foot setback on the non-access side of double-frontage lots on Shadow Creek Boulevard shall not be required. Landscaping on these lots shall be accordance with the plan filed with this application. (Amended by PUD-MM-02-09, October 23, 2002.)

17. BUFFERS TO NEIGHBORING PROPERTIES. To minimize the impact of the Development on neighboring properties the Developer proposes to preserve existing vegetation to the extent feasible, use minimum four-feet mounding of earth in combination with deciduous and evergreen trees, to create a natural buffer between the Development and neighboring properties, to be no less than 30 feet in width along the boundary of all properties presently occupied by residential structures. These buffers will consist of larger open spaces along certain portions of the Development including, for illustration, the 31-acre park to be preserved along the western boundary of the Development, the 3-acre natural buffer to be created and conveyed to the northwest adjoining property owner, and the 8-acre open space to be preserved along the southern portion of the Development in the vicinity of Denios Creek. The Developer reserves the right to use expanded buffers in other areas as needed or desired. Existing properties of landowners located along CR 200 South whose properties are surrounded by the Project to the south but are not within the Development shall be offered the option of connecting to the Development by drives to local roads within the Development.

18. PEDESTRIAN TRAILS. In addition to 4-foot sidewalks to be utilized along local streets, the Development will include a pedestrian trail system for residents of the community. This trail will be designed using an approximately 6 foot wide asphalt or hard surface path, in combination with existing and planned open space elements and outdoor recreation facilities. The pedestrian trails will be designed to minimize interaction between pedestrian and vehicular traffic. The proposed approximate location of elements of the pedestrian trail system will be determined during the detailed site plan approval process for each phase of the Development. The Developer commits to install sidewalk for pedestrian traffic from the Development to the nearby Southside Elementary School.

19. MINIMUM SETBACK REQUIREMENTS. The minimum front, side and rear-yard setbacks will be specified in the detailed site plan approval process for each phase of the Development, but will be based upon an integrated plan for entire Project, subject to review and approval by the Columbus City Plan Commission. While the creative and flexible land use approach under the Planned Unit Development District Zoning Ordinance will require variations in setbacks, it is anticipated that each section of the Development will have minimum setback requirements appropriate for the size and nature of residential units within such section of the Development. The Developer will have the right to request reduced setbacks for front, side and/or rear yards to less than the R-2 requirements.

20. WESTERN ACCESS TO COUNTY ROAD 200 SOUTH. The western access to the Development from County Road 200 South will be located no less than approximately 120 feet west of the property line of property (excluded from the Project) presently owned by Max and Bonnie Boas. No less than thirty feet of that distance will be developed as a buffer zone pursuant to the above Condition regarding buffers.

21. MUNICIPAL WATER LINES. The Developer will pay the cost of bringing water lines into the development from the sources of municipal water supply.

22. FIRE HYDRANTS. The Developer will pay the cost of installing fire hydrants within the Development in accordance with all applicable laws and ordinances, and will pay the cost of water line extensions as required for fire hydrants.

23. SANITARY SEWER LINES. The Developer will pay the cost of connecting to, and extending throughout the Development, all municipal sanitary sewer lines.

24. STREET LIGHTS. The developer will pay the cost of installing all street lights required pursuant to City of Columbus lighting requirements and codes.

25. NO PRIVATE UTILITY, ANNEXATION. The Developer will withdraw the petition currently pending as Cause No. 41207 before the Indiana Utility Regulatory Commission for a private sewer certificate of territorial authority upon the adoption of the annexation ordinance. The annexation of the property will not be effective until the developer has provided revised preliminary PUD documents containing all changes to the PUD requested herein.

26. CONSTRUCTION EROSION CONTROL. Throughout the construction of the Development, the Developer will implement erosion control measures designed to minimize soil erosion pursuant to all federal, state and local laws, regulations and ordinances governing erosion control during construction.

27. TIME HORIZON SCHEDULE FOR DEVELOPMENT. The Developer commits to proceed with development activities upon the Real Estate pursuant to the Preliminary Planned Unit Development plan as approved by the Plan Commission with all commercially reasonable diligence, so as to make available a steady, well–planned stream of affordable, quality housing. Necessary infrastructure will be developed to support all growth within the Project. The Developer estimates that development will occur at the rate of approximately 100 lots per year following approval by the Columbus City Plan Commission of the first detailed site plan for the initial phase of development. The size

and scope of development will cause the pace of development to vary over time, and the length of time between approvals of detailed site plans for each phase of the Development may extend beyond 2 years. Accordingly, model courts and model homes may remain as models for the earlier of five years or the completion of build-out, and Developer will appropriately maintain same. To alleviate the potential for model home visits and traffic detracting from adjacent lot owners, Developer will allow the lots adjacent to any longer term model homes to remain vacant until such Time as the Developer prepares to sell the model. Lighting for each model home shall be designed and placed so as not to cast a glare on neighboring homes.

28. NO BASEMENTS IN RESIDENTIAL UNITS; FLOODPLAINS. Developer commits that no residential units within the Development will be constructed without basements. No improvements for occupancy will be constructed within any area constituting a 100 year floodplain unless and until the area has been elevated above the floodplain level and an appropriate letter of map revision or conditional letter of map revision has been issued permitting same. All fill activities will be performed in accordance with applicable laws and regulations.

29. HOMEOWNERS ASSOCIATION FORMATION, OPERATIONS. The Developer will provide to the Plan Commission copies of all articles of incorporation, bylaws and declarations of covenants and restrictions for the homeowners association for the Project promptly upon formation, and the association will provide copies of all amendments thereto. ~~The association will further provide each year to the Plan Commission an annual report, an annual financial statement, a list of the officers and directors, and annual minutes and other materials reasonably requested by the Plan Commission.~~

~~30. ANNUAL MEETING. During construction, the developer will organize an annual meeting and invite all of the lot owners within Shadow Creek Farms development and all owners of neighboring property within 1000 feet of the property bounded by CR 200 S, CR 150 W, CR 225 W and Denios Creek. Within 10 days after the meeting, the developer shall provide to the planning staff a report reviewing the status of the project, the anticipated construction schedule for the next year, and any comments or complaints offered by those invited to the meeting. Property owners not able to attend may submit written comments to be incorporated into the report. Based upon this report and any other relevant information available to the developer and the city, either the developer or the city may request additions or changes to the conditions. The final decision regarding conditions requested by the Developer shall rest with the Common Council after recommendation from the Plan Commission.~~

Conformed Copy of Conditions
Amended on November 1, 2005

31. ~~OMBUDSMAN. The developer will include with the final detailed PUD for each phase a mechanism acceptable to the Plan Commission for establishing and paying for an ombudsman to mediate complaints regarding the housing units or the development. The ombudsman will be available to lot owners within the subdivision and to neighboring property owners within 1000 feet of the property bounded by CR 200 S, CR 150 W, CR 225 W, and Denios Creek.~~

~~Sheet L-102 Labeled "Preliminary Land Plan Concept" and all other drawings and documents included as part of the submission shall be amended to reflect the planned development ordinance adopted by the Common Council including the amendments listed herein. The layout shall be amended such that the most dense portion of the development is centrally located within Shadow Creek Farms development, is surrounded by the other portions of Shadow Creek Farms, and reflects sensitivity to the existing adjacent houses. The development design shall be acceptable to the Columbus Plan Commission.~~

These conditions shall run with the land and be binding on the Owners, the Developer, subsequent owners of the Real Estate and other persons acquiring an interest therein.

The Conditions contained in this instrument shall be effective upon:

(a) the adoption of rezoning petition #PUD-99-2 by the Columbus City Common Council changing the zoning classification of the real estate from R-2 zoning classification to the DP Planned Unit Development District zoning classification.

and shall continue in effect for as long as the above-described parcel of Real Estate remains zoned to the PD Planned Unit Development District zoning classification or until such other time as they may be modified, rescinded or released upon a decision by the Columbus City Plan Commission and/or Columbus City Common Council in accordance with law.

These conditions may be enforced by the Columbus Plan Commission.

The undersigned hereby authorizes the Columbus City Plan Commission to annex these Conditions to any ordinance constituting final approval of petition #PUD-99-2.

Conformed Copy of Conditions
Amended on November 1, 2005

OWNER/PETITIONER/DEVELOPER

Signature_____

Printed Steve Cook, Vice President Land Acquisition and Land Development, Indianapolis Division

Date_____