

Planned Unit Development Application

Town of Avon, Indiana

Avon Plan Commission



APPLICATION PROCEDURES

DEFINITION

A Planned Unit Development (PUD) is a development occurring on a parcel(s) under single ownership or unified control which is developed as a unit and is mapped as a zoning district in and of itself. A planned unit development includes two or more principal buildings or uses, and is processed under Chapter 8 of the Town of Avon Unified Development Ordinance (UDO).

APPLICATION

*All preliminary consultations and in-person application submittals are by appointment only. Please reach out to Planning department staff prior to application submittal. **Preliminary consultations must occur at least two weeks prior to the filing deadline.** Complete applications, supporting documents, and payment may be mailed prior to the application deadline. Failure to provide a complete submittal will result in the scheduling of your petition to the following Plan Commission meeting date.*

The application will not be considered complete until all information is received. All applications and supplemental material must be submitted by close of business on the deadline and must be completed on town forms. All applications will be reviewed for completeness and accuracy prior to acceptance.

1. A **notarized application** filed at least fifty-two (52) days before the date of the Plan Commission public hearing;
2. A **legal description** of the property;
3. A **site map** of existing conditions and/or copies of **any proposed development plans**;
4. A **Written Statement** of how the proposed amendment relates to the Avon Comprehensive Plan;
5. If the applicant is not the owner, a signed and notarized **Letter Granting Authority to an Agent**;
6. A **sample letter** for the written notification requirements;
7. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth;

FEES

The following fees apply to a PUD Preliminary review:

1. **Application Fee** by check made payable to the Town of Avon.
2. **Legal Advertisement Fee** by check made payable to the Town of Avon.
3. **Traffic Study Review Fee** by check made payable to HWC Engineering.
4. **Design Review Fee** by check made payable to Crossroad Engineers, PC.

*Fees are nonrefundable and are due at time of application. See *Fee Schedule* for more details.*

NEIGHBORHOOD MEETING:

The petitioner shall to host a neighborhood meeting a minimum of fifteen (15) days prior to the scheduled Informational Meeting date. Mailed notification of this neighborhood meeting shall be provided in accordance with Chapter 8.3(c) of the UDO. The Neighborhood Meeting shall not constitute a public hearing on the proposed Planned Unit Development, and shall not be administered by Town staff or the Plan Commission. No action may be taken on any proposed PUD zoning district at a Neighborhood Meeting, and no comments, proposed changes, or requested changes shall be considered binding.

A report detailing the events, attendance, and information presented by the applicant at the neighborhood meeting must be submitted to the Administrator at least 10 days before the Plan Commission public hearing. Copies of the report are distributed to the Plan Commission members as a component of any staff report provided prior to the Plan Commission public hearing. A person may submit written comments regarding the petition file. Comments received at least 10 days prior to the public hearing will be provided to Plan Commission members.

TAC SUBMITTAL AND REVIEW

The applicant shall be responsible for the submittal of any proposed project with the Town of Avon to members of the Technical Advisory Committee (TAC). A copy of TAC members and contact information can be found online at avonindiana.gov or provided at Avon Town Hall. The Avon Plan Commission Staff will schedule a technical review meeting, where Town Staff, including the Town's Engineering consultant, will

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provide written comments. The petitioner will be given an opportunity to address the concerns and submit revised plans approximately three (3) weeks before the Plan Commission meeting. In the event these issues are not addressed, staff reserves the right to recommend a continuance for the application to be considered at the next available meeting. Copies of the technical review and Staff comments will be made available to the applicant prior to the public hearing.

PUBLIC NOTIFICATION

1. NEWSPAPER NOTIFICATION: Town Staff will submit legal notices for publication at least ten (10) days prior to the date of the Board of Zoning Appeals public hearing.

2. WRITTEN NOTIFICATION: The applicant must mail first class letters to all interested parties at least ten (10) days prior to the date of the Board of Zoning appeals public hearing. Interested parties are defined as all persons with a legal interest in the property and all owners of real property within six hundred and sixty (660) feet or a depth of two (2) ownerships, whichever is less, of the applicant's property. An adjacent property owner must not include properties of common ownership relative to the subject parcel and notice must be provided in accordance with the standards above beyond common ownership parcels. The applicant may follow the sample written notification letter. The provided Affidavit of Notice to Interested Parties must be signed and notarized attesting to the mailings and submitted to the Town with a copy of a sample mailing seven (7) days prior to the public hearing. (See attached sample letter and affidavit form.)

3. POSTING ON PROPERTY: Town Staff will post a public hearing sign at the subject property at least ten (10) days prior to the date of the Board of Zoning Appeals public hearing. Applicants should advise the property owner/manager and/or tenants not to remove or obscure the sign and to notify staff if it is removed or damaged prior to the hearing.

PLAN COMMISSION REVIEW

The Plan Commission must hold a public hearing to consider the request for the zoning amendment. The Plan Commission will forward to the Avon Town Council its recommendation on the proposed amendment as being favorable, unfavorable, or no recommendation. Plan Commission meetings are held at 6:30 p.m. on the fourth Monday of every month in the Avon Town Hall, located at 6570 East U.S. Highway 36, Avon, Indiana 46123, unless indicated otherwise.

TOWN COUNCIL REVIEW

The Town Council must consider the Plan Commission's recommendation within ninety (90) days of the Plan Commission hearing.

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APPLICATION CHECKLIST

1.		One (1) completed checklist signed and dated. (Attach completed copy of this form.) Mark all items N/A (Not Applicable) which don't apply to your project.																				
2.		One (1) completed application form: typewritten, signed by the owner or an authorized agent of the subject property, notarized and filed at least fifty-two (52) days before the date of the Plan Commission meeting. If application is incomplete, the petition will not be docketed. Be sure to include:																				
		<table border="1"> <tr> <td></td> <td>Project Name</td> <td></td> <td>Acreage</td> </tr> <tr> <td></td> <td>Project Address</td> <td></td> <td>Nearest Intersection</td> </tr> <tr> <td></td> <td>Parcel Number(s)</td> <td></td> <td>Current Zoning Classification</td> </tr> <tr> <td></td> <td>Existing Zoning</td> <td></td> <td>Existing Land Use</td> </tr> <tr> <td></td> <td>Proposed Land Use</td> <td></td> <td>Proposed Zoning</td> </tr> </table>		Project Name		Acreage		Project Address		Nearest Intersection		Parcel Number(s)		Current Zoning Classification		Existing Zoning		Existing Land Use		Proposed Land Use		Proposed Zoning
	Project Name		Acreage																			
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	Parcel Number(s)		Current Zoning Classification																			
	Existing Zoning		Existing Land Use																			
	Proposed Land Use		Proposed Zoning																			
3.		If the applicant is not the owner, one (1) signed and notarized copy of the Letter Granting Authority to an Agent.																				
4.		One (1) completed Contact Information form.																				
5.		One (1) copy of the legal description of property.																				
6.		One (1) Written Statement of how the proposed amendment relates to the Avon Comprehensive Plan.																				
7.		Three (3) paper copies of a Preliminary Plan of the Planned Unit Development District prepared at a scale not less than 1" = 200'. The submission shall include the following (also see "Forms of Filing" and "Specific Requirements sections below): A. Text and table submittals: 1. Legal description; 2. Letter of Intent; 3. Draft PUD district zoning standards; 4. Comparison of proposed standards and existing UDO standards; 5. Permitted Use table; 6. Comparison of permitted uses and existing UDO permitted uses; 7. Proposed infrastructure standards; 8. Comparison of existing infrastructure standards and proposed standards; 9. Market Survey; 10. Fiscal Impact Analysis; 11. Traffic Analysis; 12. Phasing Schedule; 13. Proposed Commitments; and 14. Draft Covenants. B. Graphic Submittals: 1. Survey / Plot Plan; 2. Area Map;																				

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3. Existing site plan;
4. Topography;
5. Existing waterways and wetlands;
6. Tree Identification Plan;
7. Proposed underlying zoning district plan;
8. Yield Plan;
9. PUD Concept Plan;
10. PUD Open Space Plan;
11. PUD Alternative Transportation Network Plan;
12. Proposed Infrastructure Plan;
13. Sample Floor Plans and Elevations;
14. Sample Lighting Plan; and
15. Sample Landscape Plan.

Forms of Filing

Information submitted as part of any Planned Unit Development zoning district request shall take the following form:

a. Text and Table Submittals shall be provided in the following format:

1. on 8 ½" x 11" plain copy paper,
2. in a minimum ten (10) point font;
3. with a minimum 1' margin on all sides;
4. With a header listing the both the name of the chapter of the submittal and the corresponding numbered tab;
5. With a footer listing the page of the chapter and the date of most recent revision
6. In a three-hole punched ring binder;
7. With numbered tabs separating each chapter and exhibit.

b. Text and Table submittals shall be submitted in the following quantities:

1. Three (3) paper copies;
2. One (1) Microsoft Word version (for review and comment);
3. One (1) Adobe PDF version.

c. Graphic Submittals shall be submitted in the following format:

1. 11"x17" maximum size;
2. plain or gloss-finish paper;
3. with a title block identifying the nature and title of the specific graphic exhibit; and
4. with a title block listing the date of the most recent revision and noting the nature of any revisions;

Specific Requirements – Text and Table Submittals

1. Legal Description:

- (a)** The submitted legal description shall match the version on record with the Hendricks County Recorder's office as of the date of submittal;

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- (b) shall include all properties within the subject site, and
- (c) shall identify any exceptions or exclusions from the subject site.

2. Letter of Intent:

- (a) The submitted letter of intent shall explain any unique or distinguishing characteristics of the proposed PUD, and shall provide a summary or overview of the proposal.
- (b) The submitted letter of intent shall not duplicate information listed in other required forms of filing, and shall not provide information that conflicts with other required forms of filing.

3. Draft PUD district zoning standards:

- (a) Shall use a numbered and/or lettered organizational system; and
- (b) Shall not use "bullets."
- (c) Shall address the provisions typically found within the Town of Avon Zoning Ordinance (*i.e.*: setback, maximum and minimum building height, required parking) in a manner consistent with the treatment of the district by the Avon Zoning Ordinance unless the proposed PUD zoning district establishes an acceptable alternative means of regulating development standards within the subject site (*ex*: Form-Based Code).

4. Comparison of Proposed PUD zoning standards and existing Avon Zoning Ordinance standards:

- (a) Shall use the current standards of the Avon ZO as the basis for the comparison.

5. Permitted use table:

- (a) Shall use alternating colored background shading to distinguish and separate individual proposed uses; and
- (b) Shall include a legend or key identifying indicators for "Permitted," "Conditional," "Prohibited," and any other manner of listed use.
- (c) Shall include any specific restrictions for any specified uses either
 - (1) Within the text of the permitted use table or
 - (2) As a numbered footnote, referencing a list of specific restrictions.
- (d) Shall provide a list of uses specifically prohibited within the proposed PUD zoning district, and
- (e) Shall include a note stating that uses not expressly listed within the table shall be considered prohibited.

6. Comparison of permitted uses and existing Avon ZO standards:

- (a) Shall use the current permitted uses of the applicable district of the Avon ZO as the basis for the comparison.

7. Proposed infrastructure standards:

- (a) Shall use a numbered and/or lettered organizational system and shall not use bullets;

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(b) Shall be accompanied by scaled drawings depicting the proposed infrastructure standard; and

(c) May be required to bear the stamp of a registered Engineer if requested by the Avon Public Works Department or any participating utility.

8. Comparison of proposed infrastructure standards and existing standards:

(a) Shall use a numbered and/or lettered organizational system and shall not use bullets;

(b) Shall include details or scaled drawings depicting the existing infrastructure standard.

9. Market Survey:

(a) Shall identify the extent of market demand for the uses proposed in the planned unit development;

(b) Shall provide analysis of:

(1) Demographics;

(2) Sales potentials;

(3) Competitive alignment;

(4) Assessment of market share; and

(5) Market positioning of each component of the planned unit development.

10. Fiscal Impact Analysis:

(a) Shall indicate the anticipated fiscal impact of the planned unit development on major taxing bodies which shall include, but not be limited to:

(1) The municipal corporation,;

(2) School district(s); and

(3) Other taxing bodies as identified by Town of Avon staff.

(b) The study shall include detailed estimates of:

(1) The expected population of the development;

(2) the operating cost to be incurred by each taxing body;

(3) Any additional major capital investments required, in part or in whole, because of the planned unit development;

(4) The value of any land to be dedicated or donated; and

(5) The revenue generated for each taxing body by the planned unit development to offset service and fiscal demands created by the planned unit development.

11. Traffic Impact Analysis:

(a) Shall be of a scope determined by the Town of Avon Public Works Department;

(b) Shall be provided in a format determined by the Town of Avon Public Works Department.

12. Phasing Schedule:

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- (a) Shall establish a proposed earliest start date for each identified section of the proposed PUD zoning district;
- (b) Shall establish a proposed latest start date for each identified section of the proposed PUD zoning district; and
- (c) Shall identify any limits to beginning construction of any specific section based on completion of all or a portion of any other section.

13. Proposed Commitments:

- (a) Shall be submitted on the approved Town of Avon form found in appendix "B" of the Avon Zoning Ordinance.
- (b) Shall be divided into sections corresponding with:
 - (1) General Commitments;
 - (2) Use Commitments;
 - (3) Development Standards Commitments;
 - (4) Architectural Standards Commitments;
 - (5) Infrastructure Commitments; and
 - (6) Land Dedication Commitments.

14. Draft Covenants:

- (a) Shall describe the manner in which maintenance and upkeep of any required open space, natural area, or public facility not expressly dedicated to the public shall be accomplished.

1. Specific Requirements – Graphic Submittals

1. Survey / Plot Plan:

- (a) Shall include the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land use of adjacent properties.
- (b) Shall identify the acreage of any included parcel.
- (c) Shall include all boundary lines, with bearings and distances to recognized monuments.

2. Area Map

- (a) Shall identify existing land-use of the site and all properties adjacent to the site;
- (b) Shall identify zoning of the site and all properties adjacent to the site; and
- (c) Shall show the general location of the proposed development referenced to major streets and section lines.

3. Existing Site Plan:

- (a) Shall depict general conditions of the subject site, including:
 - (1) actual direction and gradient of ground slope;
 - (2) any embankments or retaining walls;
 - (3) character and location of major buildings, railroads, power lines, towers and other nearby nonresidential land-uses or adverse influences;

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- (4) Existing access points to public rights-of-way;
- (5) Any public rights-of-way within the subject site;
- (6) Any private drives within the subject site;
- (7) Any major infrastructure, including ponds.

4. Topography Plan:

- (a) Shall depict one (1) foot contours for the subject site;
- (b) Shall depict five (5) foot contours on the first 50 feet on all adjacent tracts of land.

5. Existing waterways, wetlands, and flood areas plan:

- (a) Shall identify any existing waterway;
- (b) Shall identify any inventoried or suspected wetland;
- (c) Shall identify the location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the site.

6. Tree Identification Plan

- (a) Shall generally indicate the location of any existing tree stands, fencerows, and tree lines;
- (b) Shall identify the general location and limits of any proposed tree preservation area;
- (c) When the text of the accompanying PUD zoning district proposes any credit or other valuation for any tree preservation, the submitted Tree Identification Plan shall include a Tree Inventory that identifies the location, caliper, and species of any tree above twelve (12) inches in trunk caliper measured three feet above ground level.

7. Proposed underlying zoning district plan:

- (a) Shall identify the location of the chosen underlying Town of Avon zoning districts.

8. Yield Plan

- (a) Shall demonstrate potential development of subject site in accordance with provisions of existing Avon Zoning Ordinance districts identified in (g) above.
- (b) Shall include a table listing the respective numbers of lots, units, square footages of non-residential developments, parking spaces, and acreages of any open spaces.

9. PUD Concept Plan:

- (a) Shall show the basic concept, scope, character, and nature of entire proposed planned unit development.
- (b) Shall depict proposed development areas within the PUD zoning district and label them in such a manner as to coincide with the designations of the permitted use table and the development standards chapters of the Draft PUD ordinance.
- (c) Shall be submitted in color.

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10. PUD Open Space Plan:

- (a) Shall depict any portion of the subject site to be preserved, improved, or maintained as open space;
- (b) Shall distinguish between those portions of the subject site intended to be dedicated to a public entity and those portions of the subject site intended to be held and maintained by a private entity;
- (c) Shall include approximate acreages and dimensions for all proposed open space areas, whether dedicated to public entities or privately held;
- (d) Shall indicate the means of allowing access to any proposed open space from public rights-of-way or access easements;
- (e) Shall indicate any path, trail, sidewalk, or road network offering connection between any proposed open spaces.

11. PUD Alternative Transportation Network Plan:

- (a) Shall depict the location of any proposed sidewalk, path, trail, or multi-use path within the proposed development;
- (b) Shall indicate the location of any easement necessary for implementation of any proposed sidewalks, paths, trails, or multi-use paths;
- (c) Shall indicate the location of any proposed alternative transportation improvement other than a sidewalk, path, trail or multi-use path, such as rest areas, water fountains, road crossings, and bicycle parking areas; and
- (d) Shall indicate the approximate location of any proposed multi-modal transit connections (*i.e.* train stations, bus stops).

12. Proposed infrastructure plan;

- (a) Shall indicate the location and name of all existing and proposed public and private roads, access easements and rights-of-way within the subject site;
- (b) Shall indicate the location and name of all existing and proposed public and private roads, access easements and rights-of-way within the two hundred (200) feet of the subject site;
- (c) Shall indicate all service facilities, driveways, private streets, paths and off-street parking facilities within the subject site;
- (d) Shall indicate any potential utility or access easements -- location, width and purpose.
- (e) Shall identify the location, size and type of any public or private utility within the subject site;
- (f) Shall indicate the direction and distance to, and size of nearest water mains and sewers adjacent to the tract.

13. Sample Floor Plans and Elevations;

- (a) Shall include typical floor plans and elevation plans, including foundation styles and building materials, for all potential buildings.

14. Sample Lighting Plan;

- (a) Shall depicting the proposed location, style, size, and level of illumination of all outdoor lighting fixtures for the planned unit development for any

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		proposed right-of-way, entry feature, or required open space. 15. Sample Landscaping plan. (a) Shall identify the location of any proposed (1) buffer yard, (2) transitional landscaping areas, (3) entryway planting, (4) road treatment or street tree area; and (5) common area or required open space; and (b) Shall provide a typical landscaping plan depicting landscaping consistent with any landscaping standards proposed within the PUD zoning district. Miscellaneous 1. The Zoning Administrator may require additional documents. (a) The Zoning Administrator shall inform the petitioner of such requirements during the Zoning Administrator review stage. 2. The Zoning Administrator may waive any of the aforementioned requirements if upon examination such information or data is not relevant to the review of the Planned Unit Development District.
9.		One (1) completed sample Public Notification Letter to be sent to adjacent property owners.
10.		A list of adjacent property owners .
11.		Two (2) electronic copies of all plans and application documents submitted on thumb drives .
12.		Nonrefundable application fee . (Check must be made payable to the "TOWN OF AVON").
13.		Nonrefundable legal advertisement fee . (Check must be made payable to the "TOWN OF AVON").
14.		Nonrefundable traffic study review fee (Check must be made payable to "HWC Engineering").
15.		Nonrefundable design review fee (Check must be made payable to "Crossroad Engineers, PC")

*Fees are nonrefundable. See *Fee Schedule* for more details.*

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Proposed Name of Project:			
Applicant(s):		Address:	
Telephone:		Email:	
Owner(s):		Address:	
Telephone:		Email:	
Attorney:		Address:	
Telephone:		Email:	
Surveyor/Engineer:		Address:	
Telephone:		Email:	
Property Location			
Street Address:		Nearest Intersection:	
Parcel ID:		Acreage:	
Existing Zoning:		Existing Land Use:	
Existing Overlay (e.g. corridor or flood plain)		Surrounding Land Use:	North: _____ South: _____
Proposed Zoning:			West: _____ East: _____
<i>The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.</i> <i>I (We) also understand that the application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspection, reports, and the like required by the Town.</i>			
Date		Printed Name & Title / Company (if applicable)	
		Signature of Owner(s) or Agent	
}			
STATE OF _____			
}			
COUNTY OF _____			
}			
		SS:	
Subscribed and sworn to before me this _____ day of _____, 20____.			
Notary Public Signature		Notary Public: Printed Name	
My Commission Expires: _____		Residing in: _____ County	

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CONTACT INFORMATION	
<i>The person indicated below will receive all correspondence between the Plan Commission Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.</i>	
<i>Indicate the Contact Person to be notified to request additional information, schedule meetings, and to receive Avon Plan Commission Staff Letters and Recommendations.</i>	
Please type or print legibly.	
Business Name:	
Contact Person:	
Address:	
Phone Number:	
Email:	

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LETTER GRANTING AUTHORITY TO AN AGENT

I (We) do hereby grant authority to _____
Name of Agent
to seek a Planned Unit Development approval from the Town of Avon Plan Commission
for the property located at:

Property Address or Parcel ID number(s)

I (We) am (are) the owner(s) of the real estate included the proposed Zoning Amendment.

Date

Printed Name & Title / Company (if applicable)

Signature of Owner(s)

STATE OF _____ }

COUNTY OF _____ }

SS:

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in: _____ County

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SAMPLE NOTIFICATION LETTER

Date **(Date Letters Mailed)**

Name

Address **(Mailing Address of Adjacent Property Owner)**

City, State, and Zip Code

Dear **(Name of Adjacent Property Owner):**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Avon Plan Commission for a Planned Unit Development to be known as **(Case Number, Case Name and a brief description of the Project)** on a **(Number of Acres)** acre parcel(s), located at **(insert address if known, or parcel number)**, in the Town of Avon, Indiana, located near **(Give the Location of the Project in Relationship to the Nearest Street Intersection)**. This proposed zoning amendment would change the current zoning classification of the above referenced property from **(Existing Zoning Classification)** to **(PUD) Planned Unit Development**.

A copy of this application, legal description, and all plans pertaining to this proposed Planned Unit Development are on file and available for examination prior to the public hearing in the office of the Planning Department at the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123, between the hours of 8:00 AM-11:30 AM and 12:30-4:00 PM, Monday through Friday. Written objections to a proposal may be filed with the Planning Staff up to and including the date of the public hearing at the Avon Town Hall at the above address and such objections will be considered.

The Avon Plan Commission will hold a public hearing on this proposed Zoning Amendment in the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana, 46123 on **(Date of the Public Hearing)** at 6:30 PM.

Very truly yours,

(Name and Signature of Applicant or Agent for the Applicant)

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
FOR PLANNED UNIT DEVELOPMENT APPROVAL
AVON PLAN COMMISSION
TOWN OF AVON, INDIANA**



Affidavit must be submitted prior to the scheduled public hearing.

I, _____ do hereby certify that notice to interested parties of the date, time,
(Name of Person Mailing Letters)

and place of the public hearing for the application of:

(Case Number & Case Name)

Requesting: _____
(Describe Planned Unit Development Proposal)

Located at: _____
(Street Address and Give the Location in Relationship to the Nearest Intersection)

was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Town of Avon Unified Development Ordinance (attach additional sheets, if necessary):

OWNER

ADDRESS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

And, that said notices were sent by certified mail on or before the ____ day of _____, 20____, being at least ten (10) days prior to the date of the public hearing.

(Signature of Applicant or Agent)

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County