

Yorktown Planning Commission

FINDINGS OF FACT

PETITION NO. 2022-03 REZONE

SUBJECT PROPERTY: 9860 W. Smith Street, Yorktown

PETITIONER: Yorktown Real Equities LLC
17219 FOUNDATION PKWY
WESTFIELD, IN 46074

A hearing was held, pursuant to due notice regarding the above-mentioned application for rezoning, on the 15th day of November, 2022 which was then continued to December 7, 2022. Testimony and evidence from the Petitioner, remonstrators from the public, and the Town were received by the Plan Commission members.

1. The Petition was presented by a representative of Petitioner, requesting a rezoning from M2 (Multi-Family) to PD-M2 (Planned Development-Multi-Family).
2. Testimony was given by members of the public who presented concerns about traffic, flooding, protection of the wetland area and nearby cemetery, the adjacent conservancy area, and the viability of the project. A summary of the testimony presented is available in the minutes of the meeting, incorporated herein by reference.
3. The Comprehensive Plan states that the PD-M2 zoning district is established to encourage innovations in development techniques so that the growing demands of the community may be met with greater flexibility and a more efficient use of land. The approved uses in a PD-M2 are those of the underlying zoning of M2, which is multifamily residential.
4. The Planning Commission, in reviewing this application, paid reasonable regard to the following factors:
 - a. The content of the Yorktown Comprehensive Plan.
 - b. The current conditions and character of current structures and uses.
 - c. The most desirable use for which the land in each district is adapted.
 - d. The conservation of property values throughout the jurisdiction.
 - e. Reasonable development and growth.

Being duly advised, the Plan Commission recommends as follows:

The application/petition should be: _____ Approved as submitted
_____ x Approved with conditions
_____ Approved with modifications
_____ Denied

Required Conditions:

1. Petitioner must obtain a driveway permit from INDOT prior to the creation of any new points of ingress/egress from SR 32;
2. Petitioner to bear all risks and costs associated with INDOT permitting, including but not limited to any required traffic studies, deceleration lanes, or required changes to proposed ingress/egress points on the preliminary plat;
3. Petitioner must receive a design release from the Indiana Department of Homeland Security prior to the Town issuing a structural permit;
4. Petitioner must maintain and preserve the existing wetland area;
5. Petitioner to provide the Town with a performance bond in an amount to be determined by the Town Council;
6. Digital as-builts must be submitted to the Town prior to final plat approval and/or recording of said plat;
7. The Plan Commission is to be authorized to take any and all legal actions necessary to enforce these conditions.

The Yorktown Town Council has thirty (30) days to review the rezoning petition, the Plan Commission's recommendation to approve this rezoning request, and to vote on the same.

Jason Gasaway, Plan Commission President