

Findings of Fact and Ruling

PETITION FOR PUD APPROVAL: **A09-04-01 (This # comes from the APC office)**

OWNER OF REAL ESTATE: **John H. Doe**

LOCATED AT: **100 S File St**

DESCRIPTION: **40 Acres in the NE ¼ of S12T26NR12E**

CURRENT ZONING CLASSIFICATION: **R-2**

PROPOSED PUD: **Doe Acres – 52 lots**

PRINT DATE: **April 24, 2009**

Comes now the Wells County Area Plan Commission and in support of granting John H. Doe's Petition for PUD makes the following Findings of Fact, to wit:

John H. Doe filed a Petition for a PUD as to the following described real estate located in Harrison Township, Wells County, Indiana; more particularly described on Exhibit A attached hereto.

Notice of the scheduled May 7, 2009 public hearing on the Petition was duly published in accordance with I.C. 5-3-1 more than ten (10) days prior to the public hearing.

The sign as required by the Wells County Area Plan Commission has been duly posted in accordance with the Rules of Procedure of the Wells County Area Plan Commission more than fourteen days prior to the Wells County Area Plan Commission hearing.

On May 7, 2009, the Wells County Area Plan Commission conducted a public hearing on the Petition in accordance with the Rules of Procedure of the Wells County Area Plan Commission and the following evidence was heard.

17-06 The petition includes the PUD District Ordinance which names the affected real-property, specifies the range of permitted uses, specifies the development requirements, specifies the required plan documentation and supporting information, specifies the limitations of the PUD district, and specifies how it meets the requirements of the Wells County Zoning and Floodplain Management Ordinance and the Wells County Subdivision Control Ordinance.

17-07 (1) This petition shall conform with the objectives of the Comprehensive Plan due to the fact that the petition is located in an area designated on the land use map for residential development.

17-07 (2) The petitioner holds this property under single ownership.

17-07 (3) The petition shall not be located in a way to be detrimental to the surrounding properties and land uses due to the fact that it will be designed and used in the same manner as the neighboring properties.

17-07 (4) The petition shall not endanger the public health, welfare or safety of the neighboring properties due to the fact that it will provide for better traffic management in the area and will provide ample drainage and other utilities to better serve the site and the neighbors.

17-07 (5) The petition shall be sited, oriented, and landscaped to produce a harmonious relationship between the buildings and grounds of the petition with those on neighboring properties due to the fact that it will be designed in a similar manner as the neighboring properties.

17-07 (6) This petition shall allow for a total visual impression and environment that is consistent with the environment of the neighborhood due to the fact that the land uses, building materials, scale of the structures, and building style will be similar to the neighboring structures.

17-07 (7) This petition shall comply with the proposed PUD District Ordinance requirements for setbacks, height, and lot sizes. The PUD District Ordinance requirements shall pay reasonable regard to the surrounding requirements for setbacks, height, and lots sizes of the R-2 zoning district as shown on the plat for this petition.

17-07 (8) This petition's traffic management plan shall provide for traffic conditions that are favorable to public health, safety, and convenience and will be harmonious with the comprehensive plan due to the fact that it will meet the requirements of the Wells County Subdivision Control Ordinance as shown on the plat for this petition.

17-07 (9) This petition's vehicle access and parking are organized to minimize congestion in the neighborhood due to the fact that they meet the minimum requirements of the Wells County Zoning Ordinance for parking requirements and have ample room for the movement of vehicle traffic on the site.

17-07 (10) The petitioner has obtained written approval from the City of Bluffton for the connections to the public utilities shown on the Plat for this petition.

17-07 (11) The petitioner has delivered the final draft of the restrictive covenants or private restrictions to the Wells County Area Plan Commission office along with this document.

17-07 (12) (A) The petition shall pay reasonable regard to the lots and yard requirements of the Wells County Zoning and Floodplain Management Ordinance.

17-07 (12) (B) The petition meets the requirements of the Storm Water Standards of the Subdivision Control Ordinance as shown by the proposed storm water calculations, elevation data, detention calculation, and drainage outlet sizing on the plat for the petition.

17-07 (12) (C) This petition will meet the general regulations of the Wells County Zoning and Subdivision Control Ordinance as shown on the plat for the petition.

17-07 (12) (D) This petition is in zone "C" according to the 1983 FIRM map.

17-07 (12) (E) This petition shall be monumented and depicted on the plat as required by the Survey Standards in the Subdivision Control Ordinance as shown on the plat for the petition.

17-07 (12) (F) This petition will not violate any of the performance standards of the Wells County Zoning and Floodplain Management Ordinance.

Wells County Board of Zoning Appeals Variance _____

Wells County Area Plan Commission Modification _____

Conditions or Commitments _____

Wherefore, based upon the above findings of fact and upon the Motion of _____, duly seconded by _____, the Petition for a PUD by _____ is hereby granted by a vote of _____ in favor and _____ opposed.

Granted this 7th day of May, 2009.

Wells County Area Plan Commission President

Wells County Area Plan Commission Secretary