

THE BRITTON FALLS PUD ORDINANCE

ORDINANCE NO. 022105A

AN ORDINANCE AMENDING THE ZONING ORDINANCE

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This PUD District Ordinance (the "Britton Falls PUD") is an ordinance amending the Zoning Ordinance of the Town of Fishers, Indiana (the "Town"), dated November 3, 1980, Ordinance No. 110380, as amended (the "Zoning Ordinance") and the Official Zone Map (the "Zone Map"), which is a part of the Zoning Ordinance.

Recitals

WHEREAS, under Docket # 1-IZ-05, the Town's Plan Commission (the "Plan Commission") conducted a public hearing, as required by law, with respect to the application (the "Application") for a change in zoning classification filed by Pulte Homes of Indiana, LLC for the real estate containing approximately 915 acres and legally described in what is attached hereto and incorporated herein by reference as Exhibit A (the Real Estate);

WHEREAS, during the consideration of the Application, the Town of Fishers was also in the process of considering, but had not yet enacted a Unified Development Ordinance, a draft of parts of which is attached hereto and incorporated herein by reference as Exhibit B, and shall hereafter be referred to as "Exhibit B"; and

WHEREAS, the Plan Commission has sent to Town's Town Council (the "Council") its _____ recommendation adopted on the _____ day of _____, _____ by a vote of ___ in favor, _____ opposed, and _____ abstained.

NOW, therefore, the Council hereby adopts and enacts this Britton Falls PUD.

Section 1. Title. This Ordinance shall be formally known as the Britton Falls PUD.

Section 2. Purpose. The purpose of this Britton Falls PUD is (i) to designate the Real Estate as a Planned Unit Development Zoning District, (ii) to specify uses permitted in this Britton Falls PUD, (iii) to specify development requirements in this Britton Falls PUD, and (iv) to meet the requirements of Indiana Code 36-7-4-1500 et seq.

Section 3. Application. The use and development of the Real Estate shall be governed by this Britton Falls PUD, and anything not addressed or not covered by this Britton Falls PUD shall be governed by the Zoning Ordinance, as amended. The Bulk Standards, Development Standards, and Design Standards in Article 2, Article 5, and Article 7 of Exhibit B, as modified, revised, and/or made inapplicable by (i) Section 4, Section 5, Section 6, Section 7, Section 8, and Section 9 of this Britton Falls PUD and (ii) Exhibits C through H of this Britton Falls PUD shall govern the use and development of the Real Estate.

Section 4. Zoning District Designation, Default UDO Standards, Permitted Uses, and Authorization to Subdivide.

4.01. Zoning District Designation. The Zoning Map is hereby changed to designate the Real Estate as a Planned Unit Development Zoning District, Planned Unit Development - Mixed (PUD M).

4.02. Establishment of Britton Falls PUD Areas. Attached hereto and incorporated herein by reference is Exhibit C as a districting map (the “Districting Map”), allocating the Real Estate into Area 1-A (“Area 1-A”), Area 1-B (“Area 1-B”), Area 2-A (“Area 2-A”), Area 2-B (“Area 2-B”), Area 2-C (“Area 2-C”), Area 3 (“Area 3”), Area 4-A (“Area 4-A”), Area 4-B (“Area 4-B”), and Area 5-A (“Area 5-A”) and Area 5-B (“Area 5-B”). The foregoing Areas shall collectively be referred to as the “Areas”. Any reference to Area 1 shall include Area 1-A and Area 1-B, any reference to Area 2 shall include Area 2-A, Area 2-B, and Area 2-C, any reference to Area 4 shall include Area 4-A and Area 4-B, and any reference to Area 5 shall include Area 5-A and Area 5-B. In the Developer’s discretion, when detailed development plan approval is requested, the size of Area 2-A may be increased or reduced by up to ten percent (10%), the size of Area 2-B may be increased or reduced by up to ten percent (10%), and the size of area 2-C may be increased or decreased by up to ten percent (10%); provided, however, that the maximum number of dwelling units in Area 2 may not exceed one thousand seventy (1,070) Dwelling Units.

4.03. Assignment of Zoning Districts. The following Zoning Districts from Article 2 of Exhibit B are hereby assigned to each Area as follows:

| AREA | EXHIBIT B ZONING DISTRICT |
|-------------|-----------------------------------|
| 1-A | R2 Residential District |
| 1-B | R2 Residential District |
| 2-A | R2 Residential District |
| 2-B | R2 Residential District |
| 2-C | R2 Residential District |
| 3 | C1 Commercial District |
| 4-A | R2 Residential District |
| 4-B | R2 Residential District |
| 5 | C2 Neighborhood Business District |

4.04. Development Standards. The development standards applicable to each of the Areas shall be the Development Standards in Article 5 of Exhibit B applicable to the underlying Zoning Districts assigned to each of the Areas in 4.03 above, as modified, revised, or expressly made inapplicable by this Britton Falls PUD.

4.05. Default Design Standards. The design standards applicable to each of the Areas shall be the Design Standards in Article 7 of Exhibit B applicable to the PD (Planned Unit Development) subdivision type, as modified, revised, or expressly made inapplicable by this Britton Falls PUD.

4.06. Authorization to Subdivide. The subdivision of any and all of the Area(s) is permitted.

4.07. Permitted Uses. The following uses are permitted in the Areas:

1. All uses scheduled as permitted uses within the R2 Residential District of Exhibit B shall be permitted uses within Areas 1-A, 1-B, 2-A, 2-B, 2-C, 4-A and 4-B. Further, a clubhouse not to exceed twenty-five-thousand (25,000) square feet in size shall be permitted in Area 2 as an accessory use.
2. All uses permitted as uses within the C1 Commercial District of Exhibit B shall be permitted uses within Area 3.
3. All office uses scheduled as permitted uses within the C1 Commercial District of Exhibit B, and all uses scheduled as permitted uses within the C2 Neighborhood Business District of Exhibit B, including, without limitation, all restaurant uses and retail uses defined and enumerated in Article 11 of Exhibit B, shall be permitted uses within Area 5; provided, however, that the following uses, as defined in Article 11 of Exhibit B are prohibited:
 - a. *Restaurant, Fast Food;*
 - b. *Retail, High Intensity;* provided, however, that on the southeast corner of Area 5-B, one (1) single user, not to exceed seventy-five thousand (75,000) square feet, along with a gas station with a kiosk, shall be permitted. Such kiosk shall provide payment services for the payment of gasoline and petroleum products, and shall not also sell other retail goods, such as tobacco products, snacks, and beverages.
 - c. *Retail, Special Handling;* and
 - d. *Retail, Very High Intensity.*

4.08. Bulk Standards. Article 2 of Exhibit B specifies Bulk Standards applicable to each of the underlying Zoning Districts of Exhibit B, which are assigned to the Areas in 4.03 above. Attached hereto and incorporated herein by reference are Exhibits D in 8 parts are charts which specify (i) in one column the bulk standards from Article 2 of Exhibit B, for comparison purposes only, and (ii) in the other column the alternative Bulk Standards of this Britton Falls PUD which are actually applicable to each of the Areas. Further, the following additional bulk standards shall apply:

1. The minimum separation between Dwellings in Area 1 and Area 4 shall be twelve (12) feet, the minimum separation between Dwellings in Area 2 shall be ten (10) feet. Brick ledges, cantilevered chimneys, bay windows, decks, and screened-in porches shall be permitted to encroach into side setbacks, rear setbacks, and minimum separation between Dwellings;

provided, however, that any such encroachments by decks and screened-in porches shall not exceed five (5) feet into the rear yard and (ii) three (3) feet into the side yard and the minimum separation between buildings.

Section 5. Alternate Development Standards. Except as specified below, the Development Standards set forth in Article 5 of Exhibit B shall apply in Area 1A, Area 1-B, Area 2-A, Area 2-B, Area 2-C, Area 4-A, and Area 4-B of this Britton Falls PUD.

5.01. Architectural Design Standards; Single-family Residential. Except as specified below, the applicable Architectural Design Standards in Section 5.012 of Exhibit B shall apply in this Britton Falls PUD:

1. Section 5.012(A)(1), entitled “Masonry” is hereby replaced and superseded, in its entirety, by the following:
 - a. Each Dwelling in Area 1 must both (i) have a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof, and (ii) have a total of six (6) points from the list of “Architectural Features” delineated in Paragraph 3 immediately below in this Section 5.01.
 - b. Each Dwelling in Area 2 must either have (i) both a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof, and a total of four (4) points from the list of “Architectural Features” outlined in Paragraph 3 of this Section 5.01, or (ii) a total of six (6) points from the list of “Architectural Features” outlined in Paragraph 3 of this Section 5.01.
 - c. Each Dwelling in Area 4 must either have (i) both a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus

require brick to be laid above the roof, and a total of six (6) points from the list of "Architectural Features" outlined in Paragraph 3 of this Section 5.01, or (ii) a total of eight (8) points from the list of "Architectural Features" outlined in Paragraph 3 of this Section 5.01.

- D. For Area 1 and Area 4, the exterior chase of fireplaces shall be brick or other masonry material, except for direct-vent and interior fireplaces.
2. Section 5.012(A)(2) of Exhibit B, entitled "Exterior Material," is hereby revised as follows:
- a. Vinyl siding shall be minimum .042 inch siding. Vinyl siding shall be nailed and not stapled to the side of the Dwelling;
 - b. Vinyl lap siding shall have a maximum ten (10) inch exposed board face, or a maximum double five (5) inch reveal; and
 - c. Fiber cement siding shall have a maximum eight and one-quarter (8.25) inch exposed board face or a maximum double seven and one-quarter (7.25) inch reveal.
3. Section 5.012(A)(3) of Exhibit B, entitled "Architectural Features," is hereby replaced and superseded by the following:
- a. Architectural Features: All Dwellings shall have a total of four (4) or more points from the following list. All features are worth one point unless otherwise noted:
 - 1. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
 - 2. Veranda/balcony;
 - 3. Reverse Gable;
 - 4. Turret on Dwelling: (2 points);
 - 5. Two or more roof planes visible from the front of the Dwelling: (2 points);
 - 6. Decorative garage doors or windows in garage doors;
 - 7. A separate overhead door per car for each garage bay;
 - 8. No front loading garages: (2 points);
 - 9. Masonry accent areas on one hundred percent of the front elevation, excluding openings and areas which will not support brick;
 - 10. At least four feet of relief at one or more points along the front elevation;

11. Full first floor Masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof;
 12. Sunroom, screened porch, or breakfast nook;
 13. Transom windows;
 14. Bay window;
 15. Two or more dormers;
 16. Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof;
 17. Hip roof;
 18. More than two Masonry materials on the front elevation;
 19. Brick detailing, either multiple quoins or other features such as arches, keystones;
 20. Architectural treatments on gable ends;
 21. Covered stoop/steps with a connection pathway from sidewalk;
 22. Architecturally treated entrances for Dwellings without a front porch;
 23. At least two (2) feet of relief at two (2) or more points along the front elevation;
 24. Architecturally enhanced /articulated trim moldings such as fipons above windows;
 25. Decorative shutters on front of Dwelling;
 26. Decorative front door or side lights; and
 27. Decorative columns composed of wood, plastic, or fiberglass.
4. Section 5.012(A)(4) of Exhibit B, entitled "Dimensions," is hereby replaced and superseded by the requirement that the width of a front loaded garage shall not exceed more than 50% of the width of the front elevation, provided, however, that with respect to Dwellings in Area 2C, there shall be no restriction on the maximum width of garage.
 5. Section 5.012(D)(2) of Exhibit B entitled "Materials," is hereby supplemented to also permit (i) three tab asphalt or fiberglass shingles with a twenty-five (25)-year life and (ii) dimensional shingles with a thirty (30) year life.

6. Section 5.012(E) of Exhibit B, entitled “Automobile Storage”, is hereby revised as follows:

a. Section 5.012(E)(3) of Exhibit B pertaining to three-car garages is hereby replaced and superseded by the following:

- The third bay of a three-car garage shall be recessed two feet from the other bays and shall have a separate garage door. There is no recess requirement for side-load or courtyard-loaded garages; however, the third bay on three-car garages for side-loaded or courtyard garages shall have a separate garage door.

b. The minimum garage depth specified in Section 5.012(E)(4) of Exhibit B is hereby changed to twenty (20) feet;

c. The maximum garage width specified in Section 5.012(E)(5) of Exhibit B is hereby revised to be the maximum of fifty-percent (50%) of the width of the front elevation of the Dwelling, provided, however, that with respect to Dwellings in Area 2C, there shall be no restriction on the maximum width of the garage.

d. Section 5.012(E)(6) of Exhibit B, entitled “Garage-forward Design”, is hereby replaced and superseded by the requirement that: (i) front-loaded garages protruding between 8 and 14 feet forward of the dwelling area shall have at least one window installed in the garage wall that is perpendicular to the front façade of the dwelling, (ii) front-loaded garages protruding greater than 14 feet forward of the dwelling area shall have at least two windows installed in the garage wall that is perpendicular to the front façade of the dwelling, and (iii) all side-loaded garages shall have a window that faces the street.

e. Section 5.012(E)(7) of Exhibit B, entitled “Carport,” is hereby revised to prohibit carports.

7. Section 5.012(F) of Exhibit B is hereby revised to delete and eliminate Section 5.012(F)(3), entitled “Largest Model,” and with respect to Section 5.012(F)(4), entitled “Basement”, to require partial basements in homes in Area 1 and Area 4, and to require a partial basement in only one of the model homes in Area 2.

5.02. **Entrances and Driveway Standards.** Except as noted below, all applicable Entrance and Driveway standards set forth in Article 5 of Exhibit B shall apply in this Britton Falls PUD:

1. Section 5.023(D)(2) prohibiting an entrance or driveway from being installed within fifty (50) feet of the right of way line, is hereby deleted and made inapplicable to this Britton Falls PUD.
 2. Section 5.024(C), entitled "Setback," is hereby revised to provide that driveways shall not be any closer than one (1) foot to a side and rear property line, unless a shared driveway is established.
 3. The location of access points for entrances to Area 1-A and Area 1-B shall be determined during the development plan approval process.
- 5.03. **Environmental Standards.** Except as noted below, all of the Environmental standards in Section 5.028 of Exhibit B shall apply in this Britton Falls PUD:
1. Subsection E, entitled "Retention, Detention and Pond Edges," is inapplicable to this Britton Falls PUD.
 2. Subsection I, entitled, "Tree Preservation," is inapplicable to this Britton Falls PUD; and
 3. Subsection J, entitled "Greenway Corridor," is inapplicable to this Britton Falls PUD.
- 5.04. **Floor Area Standards.** None of the Floor Area Standards set forth in Section 5.038 of Exhibit B shall apply to the use and development of the Real Estate.
1. Minimum square footages dwelling units are specified in Exhibit D in 8 parts; and
 2. Throughout this Britton Falls PUD there shall be no average floor area requirements.
- 5.05. **Landscaping Standards.** Except as noted below, all of the applicable Landscaping Standards specified in Article 5 of Exhibit B shall apply in this Britton Falls PUD:
1. Except as noted below, all of the applicable standards in Section 5.042 of Exhibit B, entitled "Landscaping Standards; Perimeter Planting Standards," apply to this Britton Falls PUD:
 - a. Section 5.042(A), entitled "Residential Properties," is hereby revised to provide that, all such, landscape easements shall count toward open space and that such landscape easements which are greater than or equal to thirty (30) feet in width may overlap to a maximum of ten (10) feet with any other type of easement.

- b. Section 5.042(B)(I), entitled “Trees and Shrubs,” is hereby revised to provide that (i) the number of shrubs to be planted shall be ten (10) per one hundred (100) lineal feet and (ii) trees and shrubs may be clustered together.
 - c. Section 5.042(B)(2)(b), entitled “Mounds,” is hereby modified to provide that continuous mounds are permissible, and the maximum slope of any mound shall be 3:1.
- 2. All of the provisions and standards in Section 5.043 of Exhibit B, entitled “Landscape Standards; Street Trees,” shall apply in this Britton Falls PUD; provided, however, that street tree grates shall not be required for street trees.
 - 3. All of the requirements in Section 5.048 of Exhibit B, entitled “Landscape Standards; Buffer Yards,” shall apply to this Britton Falls PUD; provided, however, that there shall be no buffer yard required in any Area where Area 1, Area 2, or Area 4 abut a parcel of real estate which is on the perimeter of the Real Estate and which is zoned C1 or a zoning district of lesser intensity than C1.
 - 4. All of the provisions and standards in Section 5.049 of Exhibit B, entitled “Landscape Standards; Optional, Natural Area Protection,” shall be optional and elective to the Developer and, to the extent that the Developer preserves any natural areas, the Developer shall receive an Open Space credit equal to two (2) times the area of the preserved natural area.
- 5.06. **Lighting Standards.** Except as noted below, all of the applicable Lighting Standards in Article 5 of Exhibit B shall apply to this Britton Falls PUD:
- 1. Section 5.052(A) of Exhibit B, entitled “Dusk-to-Dawn Yard Lighting,” is hereby supplemented to provide that, in lieu of dusk-to-dawn yard light, each garage is permitted to have two (2) dusk-to-dawn lights. Dusk-to-dawn lights on front-loaded garages shall be located on the front of the garage, and dusk-to-dawn lights on side-loaded garages shall be attached to the side of the garage. In Area 1 and Area 4, dusk-to-dawn lights are required on each side of the front door of each Residence.
 - 2. Street lighting shall be installed not only at the corners of internal streets, but also either mid-block or every 15th Dwelling, whichever is less.
- 5.07. **Lot Standards.** Except as noted below, all of the applicable Lot Standards in Article 5 of Exhibit B shall apply to this Britton Falls PUD:

1. Section 5.058(C)(2), entitled "Corner Lots," is hereby modified to provide that the minimum lot width for corner lots shall be either at least the lesser of (i) 1.2 times the minimum lot width for the zoning district or (ii) fifteen (15) feet greater than the minimum lot width for the zoning district.
 2. Section 5.061(A) of Exhibit B, entitled "Lot Standards; Residential," shall not be applicable to the use and development of the Real Estate.
 3. The Developer shall install a hard surface trail connecting the clubhouse, located in Section 2, to the exterior walking path that runs north and south along Cyntheanne Road.
 4. Within Area 1-B, the Developer shall install a hard surface walking trail, at least six (6) feet in width, across Thorpe Creek and connecting to Cyntheanne Road.
- 5.08. **Parking Standards.** With the exception of Section 5.068(M)(2), which shall not apply to this Britton Falls PUD, all of the applicable Parking Standards in Article 5 of Exhibit B shall apply to this Britton Falls PUD.
- 5.09. **Pedestrian Accessibility Standards.** Except as noted below, all of the applicable Pedestrian Accessibility Standards in Article 5 of Exhibit B shall apply in this Britton Falls PUD:
1. No sidewalks shall be required along the internal boulevard entrances off of Cyntheanne Road into Area 2; provided, however, that within the median of such boulevard, the Developer shall install an eight (8) foot wide hard surface path. This eight (8) foot wide hard surface path will connect to both the external perimeter path and the interior sidewalk system, with brick paver walks across said internal boulevard transitioning to a walking trail connecting to the external perimeter path. Such walking trail shall be composed of mulch, hard surface, or other surface compliant with the Americans with Disabilities Act.
 2. The Developer shall install a trail that shall be six (6) feet in width and composed of asphalt, and located where indicated on the Trail Plan. Also, within Area 2, sidewalks shall be required on one (1) side of the street only, in the areas identified on the Trail Plan on the loop road which extends eastward through Area 2, from Cyntheanne Road to Atlantic Road.
 3. The Developer shall install a hard surface trail connecting the clubhouse, located in Section 2, to the exterior walking path that will run north and south along Cyntheanne road.

4. Upon request of the Town, the Developer shall dedicate a strip of land along Thorpe Creek not exceeding thirty (30) feet in width for the use as a greenway trail of the Town.

5.10. Public Improvement Standards. All of the applicable Public Improvement Standards in Article 5 of Exhibit B shall apply to this Britton Falls PUD with the exception Section 5.086(A), which shall not apply to the use and development of the Real Estate and which shall be replaced and superseded by the following:

1. Developments are permitted only if the public streets, drainage facilities, and utilities located within the development are adequate to serve the proposed development.
 - A. Drainage facilities and public utilities shall have sufficient capacity to serve the development.
 - B. The Director of Development and/or Town Engineer shall make a determinate as to needed street and drainage improvements within the development based upon the requirements of the Zoning Ordinance.
 - C. The Director of Development and/or Town Engineer shall make a determination as to needed utility improvements within the development based upon the requirements of the Zoning Ordinance.
 - D. When public improvements are required, the Developer or authorized representative is required to post performance and maintenance guarantees for such improvements.

5.11. Setback Standards. With the exception of Section 5.087(H) of Exhibit B, entitled "Top of Bank Setback" which shall not apply to the use and development of the Real Estate, all of the applicable Setback Standards in Section 5.087 of Exhibit B shall apply to this Britton Falls PUD, but only to the extent not in conflict with or modified by Exhibit B.

5.12. Sign Standards. All of the sign standards in the Zoning Ordinance, as amended, revised, modified, and supplemented below, shall apply in this Britton Falls PUD:

1. Permanent Subdivision Identification Signs shall be permitted in a location at the entryways for Area 1, Area 2, Area 3, and Area 4 as follows:
 - a. A total of four (4) such signs, each of which may be up to one-hundred thirty-two (32) square feet in size, shall be permitted for Area 1;

- b. A total of four (4) such signs shall be permitted for Area 2. Two (2) of these signs shall be off of Cyntheanne Road, shall not exceed ninety-six (96) square feet each, and shall be set back at least one-hundred (100) feet from Cyntheanne Road. Two (2) of these signs shall be off of Atlantic Avenue, shall not exceed sixty-four (64) square feet each, and shall be set back at least twenty-five (25) feet from Atlantic Road.
 - c. A total of six (6) such signs, each of which may be up to thirty-two (32) square feet in size, shall be permitted for Area 4;
 2. In Area 1, Area 2, and Area 4, monument column signs identifying each distinct neighborhood shall be permitted. Up to fifteen (15) such signs shall be permitted. The total sign area of such signs shall not exceed 4.5 feet, and the structural column framing such signs shall not exceed six (6) feet in height.
 3. The number, size and location of such signage in Area 3 and Area 5 shall be governed by the Zoning Ordinance; provided, however, that:
 - a. All signage illumination within Area 3 and Area 5 shall be either internally illuminated with reverse channel lighting or externally illuminated with wall-mounted gooseneck luminaries;
 - b. Any wall signage within Area 3 and Area 5 shall be a maximum one (1) square foot of wall signage for each lineal foot of the front elevation of the particular user, and no particular user's wall sign may exceed three-hundred (300) square feet;
 - c. The ground floor of each user shall be entitled to one (1) blade sign beneath the any canopy or awning; and
 - d. A total of three (3) pylon two-sided signs, none of which may exceed twenty (20) feet in height and two hundred (200) square feet in size on each side, may be installed by the Developer at locations chosen by the Developer in Area 5-A and/or Area 5-B. One (1) of the pylon signs will be located in Area 5A, and two (2) of the Pylon signs will be located in area 5B; provided, however, that absent a variance from the Town's Board of Zoning Appeals, the three (3) pylon signs made the subject of this Section 5.12(3)(d) shall not be allowed until such time as the commencement of construction of an interchange at the intersection of Cyntheanne Road and Interstate 69.

4. In Area 2, banner signs identifying the community name, amenities, logos, and life style themes shall be allowed off of light poles.
5. In Area 1, Area 2, and Area 4, off-site weekend directional signage, not located upon the Real Estate shall be permitted for up to 6 signs for Area 1A, 6 signs for Area 1B, 6 signs for Area 2A, 6 signs for Area 2B, 6 signs for Area 2C, 6 signs for Area 4A and 6 signs for Area 4B.
6. In Area 1, Area 2, and Area 4, the following shall apply to Temporary Subdivision Signs:
 - a. Temporary subdivision signs, up to ninety-six (96) square feet in size, are permitted.
 - b. One such temporary subdivision sign shall be allowed off of 136th Street, two (2) such temporary subdivision signs shall be allowed off of Cyntheanne Road, two (2) such temporary subdivision signs shall be allowed off of 126th Street, and two (2) such temporary signs shall be allowed off of Atlantic Road.
 - c. The temporary subdivision sign corresponding to each of the Areas must be removed when the Certificate of Occupancy is issued for the last home to be constructed in that Area.
8. In Area 1, Area 2, and Area 4, each model home shall be allowed one (1) sign per model, indicating the corresponding name and square footage of the Dwelling. The maximum size of a model sign is 32 square feet.
9. In Area 1, Area 2, Area 4, signage which is located on canopies and which does not exceed forty (40) square feet is allowed for each of the Areas, and shall be permitted to state the name of the particular Area/community and the Developer name and logo.
10. In Area 1, Area 2, Area 4, on site directional signs are permitted, so long as such signs do not exceed sixteen (16) square feet each. The location of such signs will be approved during the development plan approval process.
11. One (1) identification ground sign shall be permitted for each amenity area within Area 1, Area 2, and Area 4; provided, however, that such signs shall not have a sign area in excess of thirty-two (32) square feet.
12. Real estate signs, per Section 158.48 of the Sign Code of the Zoning Ordinance, shall be permitted.

13. All monument signs, other than the monument column signs permitted under 5.12(2) above, shall be landscaped as required by Section 158.41(A)(5) of the Sign Code of the Zoning Ordinance.

5.13. Temporary Use/Structural Standards. Except as noted below, all of the applicable Temporary Use/Structural standards in Article 5 of Exhibit B shall apply to the use and development of the Real Estate:

1. Section 5.107(G) is hereby replaced and superseded with the provision that, with respect to each Area, a construction trailer and/or sales trailer shall be permitted until such time as the Certificate of Occupancy is issued with respect to the last home to be developed in such Area.
2. Section 5.108(C)(1)(b) of Exhibit B, pertaining to construction trailers is hereby replaced and superseded with the statement, "once the temporary use permit for the construction trailer has been issued, the construction trailer may remain for up to three (3) weeks prior to the start of site improvements, and shall be removed when the last Certificate of Occupancy has been issued for the applicable Area."
3. Section 5.108(D) of Exhibit B pertaining to single-family model homes is hereby supplemented to provide as follows:
 - a. All of the model homes within Area 2 shall be located within one (1) model home area and, regardless whether such model home area is located in Area 2-A, Area 2-B, and/or Area 2-C, such model homes may be (i) Dwellings permitted in Area 2-A, (ii) Dwellings permitted in Area 2-B, and/or (iii) Dwellings permitted in Area 2-C, or (iv) any combination of the above. All model homes shall be permitted Dwellings in the Area in which they are located, even if they do not comply with the standards applicable to such Area and, therefore, by way of example, a model home illustrating an Area 2-C Dwelling shall be a permitted Dwelling in Area 2-A or Area 2-B.
 - b. Section 5.108(D)(4) entitled "Street Requirements" is hereby revised to provide that, prior to being occupied, all model homes shall have frontage on an asphalt street with curbs in front of the model homes.
 - c. Section 5.108(D)(5) entitled "Fire Hydrant Proximity" is hereby revised to provide that, prior to occupancy, all model homes shall be located within 500 feet of a functioning fire hydrant and, further, that an unoccupied model home which is not located within 500 feet of a functioning fire hydrant, may be constructed and completed, so long as the Developer provides a letter to the

Town in form and content acceptable to the Town, indemnifying the Town against any claims or damages arising out damage or destruction to the model home which occurs prior to the installation of a functioning fire hydrant within 500 feet of the model home. Further, all model homes shall be entitled to have the required inspections so long as gravel access to the model home is maintained and, therefore, model homes shall be entitled to the required inspections even though they are not located within 500 feet of a functioning fire hydrant.

- d. Section 5.108(D)(6) of Exhibit B entitled "Signage" is hereby revised as set forth in Section 5.13(6) above.
4. Except as noted below, all of the applicable provisions in Section 5.108(E) of Exhibit B, entitled "Sales Trailers," and applicable to single-family Areas, shall apply in this Britton Falls PUD:
- a. The Developer shall be permitted to have one (1) sales trailer area in each Area where model homes exist. The sales trailers in each such Area shall be connected. The sales trailer area in Area 2 shall be located at least two hundred (200) feet east of Cyntheanne Road.
 - b. Section 5.108(E)(1)(b), entitled "Duration," is hereby modified so hat a Temporary Use Permit for a sales trailer is valid for twenty-four (24) months and is renewable by the Director for an unlimited number of additional twenty-four (24) month periods, which renewals will not unreasonably be withheld.
 - c. Section 5.108(E)(2) entitled, "Location," is hereby supplemented to provide that, in addition to the three (3) sales trailers permitted in 4(a) above, the Developer may place another temporary information trailer, up to one (1) doublewide in size, off of Cyntheanne Road, within the future right of way, so long as such trailer is set back thirty (30) feet from the existing edge of pavement. Such trailer may be installed, at a location chosen by the Developer, at such time in the future when earthmoving activities begin within Area 2, and shall be removed within thirty (30) days of the opening of the first model home within Area 2.
 - d. Section 5.108(E)(3) is hereby modified to provide that sales trailers may be installed, at the Developer's risk, prior to the installation of roads and curbs, so long as the Developer provides the Town of Fishers with an indemnification letter, in form and content acceptable to the Town, indemnifying and holding harmless the Town, from any and all claims or liabilities arising out of or in

connection with the sales trailer; provided, however, that until the installation of road and curbs, such sales trailers shall remain unoccupied.

- e. Section 5.108(E)(6) is hereby modified to provide that the hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m. daily.

5.14. Vision Clearance Standards. Except as noted below, all of the applicable provisions of Section 5.122 of Exhibit B, entitled "Vision Clearance Standards" shall apply in this Britton Falls PUD.

1. Section 5.122(B), Triangle Leg Lengths, is replaced with: Twenty-five (25) feet measured from the closest edge of the right of way.
2. Section 5.112(C), Curb Cuts, is replaced with: Where curb cuts are established, the twenty-five foot triangle let shall be measured from the back of curb or pavement of the intersecting roadways or driveways.

5.15. Use Specific Standards; Neighborhood Business. Except as noted below, all of the applicable provision of Section 5.119 of Exhibit B entitled "Use Specific Standards; Neighborhood Business" shall apply in this Britton Falls PUD.

1. Section 5.119(A)(5) of Exhibit B, prohibiting kiosks, is inapplicable to the use and development of the Real Estate.
2. Section 5.119(B)(1) of Exhibit B, entitled "Drive-up Windows" and prohibiting drive-up windows with audio speakers or menu boards, is inapplicable to the use and development of the Real Estate.

Section 6. Alternate Design Standards. Except as noted below, all of the Design Standards in Article 7 of Exhibit B shall apply in this to the use and development of the Real Estate.

6.01. Requirements. Section 7.004(A)(1) of Exhibit B, entitled "Requirement" and pertaining to frontage roads is inapplicable to the use and development of the Real Estate.

6.02. Anti-Monotony Standards; Residential Neighborhood. None of the provisions of Section 7.008 of Exhibit B, entitled "Anti-Monotony; Residential Neighborhood", shall apply to the use and development of the Real Estate, and, instead, the Anti-Monotony Code attached hereto and incorporated herein by reference as Exhibit E shall apply in this Britton Falls PUD, but only to Area 1, Area 2, and Area 4.

6.03. Conservation Standards. Section 7.011 of Exhibit B, entitled "Conservation Standards; Residential" and Section 7.012 of Exhibit B entitled "Conservation

Standards; Commercial and Industrial” are inapplicable in the use and development of the Real Estate, and, in place thereof, the commitments attached hereto and incorporated herein by reference as Exhibit F shall apply.

6.04. Construction Surety Standards; General. Section 7.013 of Exhibit B, entitled “Construction Surety Standards; General,” shall be inapplicable to the use and development of the Real Estate and, in its place, there is hereby inserted the requirement that, at the time an Improvement Location Permit is issued, the Developer shall pay an amount equal to one percent (1%) of the total cost of any street, sidewalk, path, drainage facility, or other improvement made the subject of the Improvement Location Permit to be dedicated to the Town of Fishers.

6.05. Covenant Standards; Residential. Section 7.014 of Exhibit B, entitled “Covenant Standards; Residential” is hereby supplemented to provide that each HOA shall continuously utilize outside professional management and, upon the request of the Director of Development, a copy of the contract with the outside professional manager shall be provided to the Town of Fishers.

6.06. Entryway Feature Standards. Section 7.022 of Exhibit B, entitled “Entryway Feature Standards” is replaced and superseded by the following:

1. Permanent Subdivision Identification Signs shall be permitted in a location at the entryways for Area 1, Area 2, Area 3, and Area 4 as follows:
 - a. A total of four (4) such signs, each of which may be up to one-hundred thirty-two (32) square feet in size, shall be permitted for Area 1;
 - b. A total of four (4) such signs shall be permitted for Area 2. Two (2) of these signs shall be off of Cyntheanne Road, shall not exceed ninety-six (96) square feet each, and shall be set back at least one-hundred (100) feet from Cyntheanne Road. Two (2) of these signs shall be off of Atlantic Avenue, shall not exceed sixty-four (64) square feet each, and shall be set back at least twenty-five (25) feet from Atlantic Road; and
 - c. A total of six (6) such signs, each of which may be up to thirty-two (32) square feet in size, shall be permitted for Area 4.

6.07. Lot Establishment Standards; Residential. Section 7.025 of Exhibit B, entitled “Lot Establishment Standards; Residential,” is hereby revised as follows:

1. Section 7.025(B)(3) of Exhibit B, entitled “Corner Lots,” is hereby modified to provide that the minimum lot width for corner lots shall be either at least the lesser of (i) 1.2 times the minimum lot width for the

zoning district or (ii) fifteen (15) feet greater than the minimum lot width for the particular Area

2. Section 7.025(B)(5) of Exhibit B, entitled "Special Lots," is hereby revised to substitute "15%" for "25%." Also, Lots, on which existing natural water features are present, must be a minimum of fifteen (15) feet deeper.

6.08. Open Space Standards; Residential. Except as noted below, the applicable standards in Section 7.033 of Exhibit B, entitled "Open Space Standards; Residential," shall apply in this Britton Falls PUD:

1. The open space requirement shall be located approximately where illustrated on the Open Space Plan attached hereto and incorporated herein by references as Exhibit G. The exact location of open space shall be determined during the approval of Detailed Development Plans and Final Development Plans. The open space, which shall be permitted to include ponds, wetlands, and flood plane areas, shall be a minimum of and shall not be required to exceed (i) forty-five (45) acres in Area 1, (ii) one hundred (100) acres in Area 2, and (iii) fifty (50) acres in Area 4.
2. Section 7.033(C)(3) of Exhibit B, entitled "Man-made Water Features," is hereby revised to delete the words "and provides native habitat," and Section 7.033(C)(3)(c)(i) is hereby modified to provide that a buffer area around the full circumference of the water feature of at least fifteen (15) feet from the top of bank shall be available as open space.
3. Section 7.033(C)(3) of Exhibit B is hereby supplemented to provide that where such water features adjacent to a public right of way, the Developer shall install a fountain or bubbler-type feature, of the Developer's design, in order prevent the water from becoming stagnant.
4. Sections 7.033(C)(3)(c)(i) and 7.033(C)(4)(d)(i) of Exhibit B are hereby modified to indicate that the minimum width around the perimeter shall be twenty (20) feet from top of bank and, further, Section 7.033(C)(3)(c)(ii) and Section 7.033(C)(4)(d)(ii) are inapplicable to the use and development of the Real Estate.
5. Section 7.033(C)(5) of Exhibit B, entitled ""Created Woodlot," is hereby qualified to provide that there is no requirement to create woodlots and, therefore, Section 7.033(C)(5) shall be inapplicable to the use and development of the Real Estate.

6.09. Pedestrian Network Standards; Residential. Except as noted below, all of the standards set forth in Section 7.035 of Exhibit B, entitled "Pedestrian Network Standards," apply in this Britton Falls PUD"

1. All of the provisions in Section 7.035(B)(2) of Exhibit B, entitled "Sidewalk Location," are applicable to the use and development of the Real Estate; provided, however, that no sidewalks shall be required along the internal boundary and entrances off of Cyntheanne Road into Area 2 and that, within the median of such boulevard, the Developer shall install an eight (8) foot asphalt path connected to both the exterior perimeter path and the interior sidewalk system.
2. Section 7.035(c)(6) of Exhibit B, entitled "Special Requirements," is inapplicable to the use and development of the Real Estate.
3. Except as noted below, all of the provisions Section 7.035(D) of Exhibit B entitled "Pedestrian Crosswalk" apply in this Britton Falls PUD:
 - a. The second sentence of Section 7.035(D)(1) of Exhibit B providing that "the Plan Commission may require that crosswalks be marked at other intersections or pedestrian-crossing points on as-needed basis" is inapplicable to the use and development of the Real Estate; provided, however, that crosswalks shall be installed per the plans approved by the Technical Advisory Committee.
 - b. Section 7.035(D)(2) of Exhibit B entitled "Mid-Block" is deleted and hereby inapplicable to the use and development of the Real Estate.

6.10. Perimeter Landscaping Standards; Residential Development. Except as noted below, all of the standards in Section 7.039 of Exhibit B entitled "Perimeter Landscaping Standards; Residential Development" apply in this Britton Falls PUD:

1. Section 7.039(C)(2)(a) of Exhibit B is hereby modified to require twelve (12) trees per 100 lineal feet of perimeter planting.
2. Section 7.039(C)(2)(b) of Exhibit B, pertaining to shrubs, is hereby revised to require and average of 10 shrubs per 100 lineal feet and to permit the clustering of shrubs.
3. Section 7.039(3)(b) of Exhibit B, pertaining to mounds, is hereby revised (i) to provide that the maximum side slope shall not exceed 3-to-1 (3:1) ratio and (ii) to eliminate the mandate that "continuous mounds are not permitted."

6.11. Street Lighting Standards. Except as noted below, all of applicable provisions of Section 7.045 of Exhibit B, entitled "Street Lighting Standards; Residential Development" shall apply in this Britton Falls PUD:

1. The Developer shall provide two (2) dusk-to-dawn lights, without a manual override switch, adjacent to the garage door on each Dwelling.
2. Street lights will be required at all intersections of internal streets.

6.12. Street Right of Way Standards. Except as noted below, all of the Street and Right of Way Standards specified in Section 7.043 of Exhibit B shall apply in this Britton Falls PUD:

1. Section 7.043(C)(8) of Exhibit B, entitled "Street Width," is hereby revised to indicate that all main entrances from perimeter road ways will have a boulevard, the right of way of which shall be fifty (50) feet in width.
2. Section 7.043(C)(10) of Exhibit B, entitled "Block Length," is hereby replaced and superseded with the requirement that the maximum block length permitted is three-thousand two-hundred (3,200) feet.
3. A centerline radius of fifty (50) feet shall be permitted.
4. Within Area 1, Area 2, and Area 3 there shall be no requirement for a minimum tangent of one hundred (100) feet between reverse curves; instead, reverse curves, with tangents in between are permitted.
5. All local streets within this Britton Falls PUD shall have a minimum right of way width of fifty-two (52) feet, and shall be a minimum of twenty-eight (28) feet from back of curb to back of curb.

Section 7. Supplemental Provision. The following provisions and standards, though not specified in Exhibit B, shall apply to the use and development of the Real Estate.

7.01. Entrance Requirements. Within Area 2, entrance wall features shall be allowed to be up to twelve (12) feet in height at the grade level established with a mound or by the pavement and located within three (3) feet of the back of curb. This entranceway shall be permitted to encroach within the right of way of the main entrance boulevard off of Cynthecanne Road into Area 2, so long as it is located behind the back of the curb.

7.02. Trail Requirements. In addition to the perimeter walking trails and the trail along the boulevard, a walking trail system through out the development shall be installed by the developer per the attached walking trail plan attached hereto and incorporated herein by references as Exhibit H. Such trails shall be a minimum of six (6) feet in width and shall be constructed of asphalt or concrete material, except where such trails extend through a natural area, wherein construction may

be of different material so long as the trails comply with the Americans with Disabilities Act.

7.03. Boulevard and Street Standards: The following standards shall apply to boulevards and streets:

1. Area 2-A and Area 2-B shall have an unloaded boulevard extending through the development from Cyntheanne road to Atlantic Road. Such location shall follow the same route as shown in the location as shown on the District Map. The road width shall be 32' back to back of curb.
2. The Right of way width shall be 60'.
3. An eight (8) foot walking/multipurpose trail shall be installed along one side of the loop road from the clubhouse area to Atlantic road.
4. The pavement width on the entry boulevard from Cyntheanne road to the clubhouse shall be as follows:
 - a. Inbound lanes 18' wide back to back of curb;
 - b. Outbound lanes 18' wide back to back of curb; and
 - c. Before the Boulevard flares out by Cyntheanne road, the pavement shall be 46' back to back with a right of way of 68'.

7.04. Age Restrictions for Area 2. Developer shall comply with all requirements of 24 CFR part 100, subpart E and The Housing for Older Persons Act of 1995 (Pub.L. 104-76, 109 Stat. 787, approved December 28, 1995) ("HOPA"), as they may be amended, to qualify the Dwellings in Area 2 as "housing intended and operated for occupancy by persons 55 years of age or older", as such phrase is defined in Section 2 of HOPA, in order to exempt Developer and future owners of the Dwellings from The Fair Housing Act's (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) (the "Act") prohibition against discrimination because of familial status.

7.05. Miscellaneous Restrictions Applicable to Area 2.

1. All Dwelling plans offered in this Area 2 shall have a master bedroom on the first floor.
2. To the extent permitted by law, the use of gas or battery operated golf carts or similar vehicles shall be permitted on public and private roads.

7.06. Grading. It shall not be a condition to the commencement of earthwork that a Detailed Plan first be approved; instead, grading may commence upon the obtaining of a grading permit, which may be obtained upon the submission of a site plan and an erosion control plan for the Area(s) to be graded.

7.07. Landscaping. The minimum landscaping for Area 1, Area 2, and Area 3 shall be as follows:

1. All the Lots in Area 1-A, 1-B, 4-A, 4-B shall have a minimum of (i) thirty (30), two (2) gallon shrubs, (ii) one (1) shade tree and one (1) flowering tree, each with a two (2) inch caliper at planting, and (iii) a sodded front yard and, for sodding purposes only, corner lots are deemed to have two (2) front yards.
2. All Lots in Area 2 shall have a minimum of (i) fifteen (15), two (2) gallon shrubs, (ii) either one (1) flower tree or one (1) shade tree, each of two (2) inch caliper at planting, and (iii) a sodded front yard and, for sodding purposes only, corner lots shall be deemed to have two (2) front yards.

7.08. Proposed School Parcel. To the west of and adjacent to Area 1-A is an area identified on the District Map as the "Proposed School" (the "School Parcel"). Any portion of the School Parcel not acquired by the school system shall, at the option and election of the Town Council, be conveyed to the Town, in whole or in part, as a public park to be used as public open space, and any portion of the School Parcel not so conveyed to the Town shall be developed in the same manner as Area 1 is required to be developed under this Britton Falls PUD.

7.09. Existing Uses and Structures. Notwithstanding anything to the contrary in this Britton Falls PUD, any parcel or portion of the Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Britton Falls PUD, along with any structures existing on the date of the enactment of this Britton Falls PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Britton Falls PUD.

Section 8. Procedure. The following procedure shall apply throughout this Britton Falls PUD:

8.01. Subsequent Approvals. The adoption of this PUD Ordinance and the subsequent consideration of any Detailed Development Plans and Final Development Plans shall be consistent and pursuant to the provisions of the Planned Unit Development Committee and the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District. Any requirements not specified by this PUD Ordinance shall be subject to Chapters 151.064 R2 Residential District of the Town of Fishers Code of Land Use Ordinances.

The petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by Department of Development staff. In addition, the petitioner shall:

1. Meet with staff to discuss the project;
2. Meet with the PUD Committee to present preliminary plans and drawings for the project. The PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;
3. Submit preliminary elevations and lighting along with material samples, color boards and other materials that further illustrate the project to the PUD Committee; and
4. Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project.
5. Detailed Development Plans, which are in substantial compliance with the terms, conditions, and provisions of this Britton Falls PUD, including all of its exhibits, shall be approved, and Final Development Plans, which are substantial compliance with the Detailed Development Plan, shall be approved.

8.02. Appeal. The denial by the Department of Development of any request for approvals may be appealed to the Plan Commission, which may affirm or reverse the decision of the Department of Development, and the denial by the Plan Commission of any request for approvals may be appealed to the Town Council which may affirm or reverse the decision of the Plan Commission. In circumstances permitted under the Zoning Ordinance, appeal may also be made to the Town's Board of Zoning Appeals.

8.03. Text Amendment. At the time of the enactment of this Britton Falls PUD, the Town was in the process of considering, but had not yet enacted, a Unified Development Ordinance, a draft of which is Exhibit B. It is anticipated that the Unified Development Ordinance, which is eventually enacted by the Town will be a revision of Exhibit B. After the Unified Development Ordinance is enacted by the Town, the Developer shall, after obtaining the consent of all the owners of the Real Estate, file an application for a text amendment (hereafter the "Text Amendment") to this Britton Falls PUD, in an effort to modify this Britton Falls PUD so that it is based upon the enacted Unified Development Ordinance and not upon Exhibit B. If the Town, acting through the Plan Commission and the Town Council, mutually agree upon form and content, and terms and conditions of the Text Amendment, then the Text Amendment amending this Britton Falls PUD shall be enacted; otherwise, if the Town, acting through the Plan Commission and the Town Council, and the Developer are unable to mutually agree upon the form and content, and terms and conditions of the Text Amendment, then the Text

Amendment shall not be enacted but, instead, shall be withdrawn. The Developer shall not be required to pay a filing fee for the Text Amendment.

Section 9. Definitions. All of the definitions in Article 11 of Exhibit B shall apply throughout this Britton Falls PUD and, in addition, the following definitions shall also apply:

- 9.01. "Aggregate side setback" shall mean and refer to the sum of the two (2) side yard setbacks of a lot.
- 9.02. "Developer" shall mean and refer to Pulte Homes of Indiana, LLC, and its successors and assigns.
- 9.03. "Dwelling" shall mean and refer to a detached single family residence intended for occupancy by one (1) family.
- 9.04. "Exhibit B" shall mean and refer to Article 2, Article 5, and Article 7 of Draft E of the proposed Unified Development Ordinance for the Town of Fishers, a copy of which has been filed by the Developer with the Department of Development.
- 9.05. "Masonry" shall mean and refer to brick, stone, cultured stone, stucco, or EIFS material.

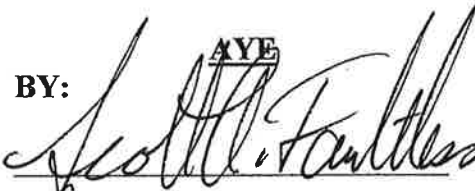
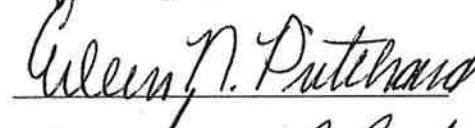


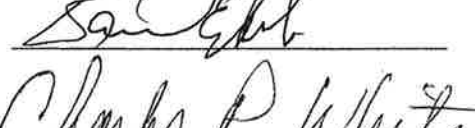
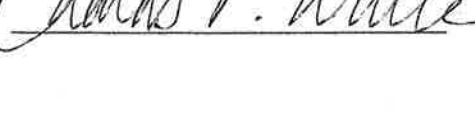
ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 20th day of March, 2006.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY:

AYE

NAY

| | | |
|---|--|-------|
|  | Scott Faultless, President | _____ |
|  | Eileen N. Pritchard, Vice President | _____ |
|  | Stuart F. Easley, Member | _____ |
|  | Timothy O. Lima, Member | _____ |
|  | Daniel E. Henke, Member | _____ |
|  | Charles P. White, Member | _____ |

David C. George

David C. George,
Member

ATTEST:

Linda Gaye Cordell

Linda Gaye Cordell, Clerk-Treasurer,
Town of Fishers, Indiana

DATE:

3-20-06

Approved by: Douglas D. Church: Church, Church, Hittle, and Antrim - Town Attorney

Britton Falls PUD

Exhibit A

The "Real Estate"

Overall Description:

A part of the Southeast Quarter of Section 20, Sections 29 and 30, and part of the Northeast Quarter of Section 32, Township 18 North, Range 6 East, Fall Creek Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 30; thence North 89 degrees 39 minutes 12 seconds East along the South line of said Section 30 a distance of 2650.24 feet to the Southeast corner of the Southwest Quarter of said Section 30; thence North 00 degrees 29 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 583.17 feet TO THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; thence continuing North 00 degrees 29 minutes 51 seconds West along said East line of said Southwest Quarter and the East line of the Northwest Quarter of said Section 30 a distance of 3745.64 feet; thence South 89 degrees 40 minutes 31 seconds West a distance of 1,437.08 feet to the West line of the East Half of the Northwest Quarter of said Section 30; thence North 00 degrees 21 minutes 48 seconds West along said West line a distance of 1,001.10 feet to the North line of said Northwest Quarter; thence North 89 degrees 40 minutes 07 seconds East along said North line a distance of 1,434.74 feet to the Northeast Corner thereof; thence North 89 degrees 29 minutes 49 seconds East along the North line of the Northeast quarter of said Section 30 a distance of 2,000.81 feet; thence South 00 degrees 13 minutes 55 seconds East parallel with the East line of said Northeast Quarter a distance of 448.00 feet; thence North 89 degrees 29 minutes 32 seconds East a distance of 672.30 feet to said East line; thence North 00 degrees 13 minutes 55 seconds West along said East line a distance of 119.19 feet; thence North 89 degrees 36 minutes 52 seconds East parallel with the North line of the Northwest Quarter of said Section 29 a distance of 596.01 feet; thence North 00 degrees 22 minutes 54 seconds West a distance of 329.00 feet to the North line of said Northwest Quarter; thence North 89 degrees 36 minutes 52 seconds East along said North line a distance of 727.25 feet to the East line of the West Half of said Northwest Quarter Section; thence South 00 degrees 10 minutes 26 seconds East along said East line a distance of 936.38 feet; thence South 89 degrees 36 minutes 52 seconds West parallel with said North line a distance of 1,321.46 feet to the West line of the Northwest Quarter of said Section 29; thence South 00 degrees 13 minutes 55 seconds East along said West line a distance of 397.88 feet; thence South 89 degrees 34 minutes 18 seconds West a distance of 1,333.46 feet to the West line of the East Half of the Northeast Quarter of said Section 30; thence South 00 degrees 21 minutes 52 seconds East along said West line a distance of 1,332.21 feet to the South line of said Northeast Quarter; thence South 89 degrees 39 minutes 05 seconds West along said South line a distance of 89.79 feet; thence South 00 degrees 16 minutes 37 seconds East a distance of 1,000.74 feet; thence North 89 degrees 39 minutes 22 seconds East a distance of 329.35 feet; thence South 00 degrees 16 minutes 20 seconds East a distance of 407.74 feet; thence North 88 degrees 46 minutes 35 seconds East a distance of 1,090.88 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 16 minutes 20 seconds West along said West line a distance of 1392.02 feet to the Northwest corner thereof; thence North 00 degrees 13 minutes 55 seconds West along the West line of the Northwest Quarter of said Section 29 a distance of 301.12 feet; thence North 89 degrees 25 minutes 42 seconds East parallel with the North line of said Southwest Quarter a distance of 1,320.03 feet to the East line of the West Half of the Northwest Quarter of said Section 29; thence South 00 degrees 10 minutes 26 seconds East along said East line a distance of 301.13 feet to the South line of said Northwest Quarter; thence North 89 degrees 25 minutes 42 seconds East along said South line a distance of 1,983.20 feet to the West line of the East Half of the Southwest Quarter of the Northeast Quarter of said Section 29; thence North 00

degrees 10 minutes 51 seconds West along said West line a distance of 1,328.39 feet to the Northwest corner thereof; thence North 89 degrees 32 minutes 55 seconds East along the North line of said East Half of the Southwest Quarter of the Northwest Quarter a distance of 662.11 feet to the Northeast corner thereof; thence North 00 degrees 14 minutes 19 seconds West along the West line of the Northeast Quarter of said Northeast Quarter of said Section 29 a distance of 969.36 feet to Thorpe Creek; thence northeasterly and easterly along said Thorpe Creek by the next sixteen (16) courses: 1) North 48 degrees 41 minutes 52 seconds East 8.93 feet; 2) North 53 degrees 03 minutes 19 seconds East 109.41 feet; 3) thence North 55 degrees 37 minutes 16 seconds East 197.66 feet; 4) North 59 degrees 00 minutes 44 seconds East 119.63 feet; 5) North 36 degrees 59 minutes 13 seconds East 30.24 feet; 6) North 59 degrees 35 minutes 57 seconds East 94.58 feet; 7) North 76 degrees 25 minutes 13 seconds East 34.93 feet; 8) North 85 degrees 27 minutes 58 seconds East 94.15 feet; 9) North 88 degrees 35 minutes 56 seconds East 150.53 feet; 10) North 81 degrees 57 minutes 54 seconds East 24.69 feet; 11) South 82 degrees 40 minutes 18 seconds East 64.66 feet; 12) North 84 degrees 37 minutes 59 seconds East 42.04 feet; 13) South 67 degrees 13 minutes 58 seconds East 48.12 feet; 14) North 87 degrees 00 minutes 13 seconds East 31.00 feet; 15) North 75 degrees 05 minutes 52 seconds East 34.88 feet; 16) North 41 degrees 06 minutes 27 seconds East 47.99 feet to the North line of said Half Quarter Section, said line also being the South line of the Southeast Quarter of said Section 20; thence South 89 degrees 40 minutes 11 seconds West along the South line of said Quarter Section a distance of 2,331.92 feet to the Southwest corner of said Quarter Section; thence North 00 degrees 05 minutes 54 seconds East along the West line of said Quarter Section a distance of 1,283.09 feet to the southerly right-of-way line of Interstate 69 as established per the right-of-way plans for State Highway "I" Project No. 69-1(36)12 R/W and a point on a curve concave northerly, the radius point of said curve being North 00 degrees 53 minutes 42 seconds West 14,453.58 feet from said point; thence along said southerly right-of-way line of Interstate 69 as established per the right-of-way plans for State Highway "I" Project No. 69-1(36)12 R/W by the next three (3) calls; 1) easterly along said curve 146.16 feet to the point of tangency of said curve, said point being South 01 degrees 28 minutes 28 seconds West 14,453.98 feet from said point; 2) easterly along said curve 1,345.84 feet to the point of tangency of said curve, said point being South 06 degrees 48 minutes 34 seconds East 14,453.98 feet from the radius point of said curve; 3) North 83 degrees 11 minutes 27 seconds East 1,169.86 feet to the East line of said Quarter Section; thence South 00 degrees 20 minutes 11 seconds West along said East line a distance of 1,506.77 feet to the Southeast corner thereof; thence South 00 degrees 21 minutes 25 seconds East along the East line of the East Half of the Northeast Quarter of said Section 29 a distance of 2,648.42 feet to the Southeast corner thereof, said point also being the Northeast corner of the Southeast Quarter of said Section 29; thence South 00 degrees 23 minutes 11 seconds East along the East line of said Southeast Quarter a distance of 2,667.43 feet to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 32; thence South 00 degrees 07 minutes 59 seconds East along the East line of said Northeast Quarter a distance of 331.40 feet; thence South 89 degrees 05 minutes 59 seconds West a distance of 210.30 feet parallel with the North line of said Northeast Quarter; thence South 00 degrees 07 minutes 59 seconds East parallel with said East line of the Northeast Quarter a distance of 361.20 feet; thence North 89 degrees 05 minutes 59 seconds East parallel with said North line a distance of 210.30 feet to said East Section line; thence South 00 degrees 07 minutes 59 seconds East along said East Section line a distance of 1,969.19 feet to the Southeast corner thereof; thence South 89 degrees 15 minutes 18 seconds West along the South line of said Northeast Quarter a distance of 2,626.80 feet to the Southwest corner thereof; thence North 00 degrees 59 minutes 06 seconds West along the West line of said

Northeast Quarter a distance of 2,654.44 feet to the Northwest corner thereof, said point also being the Southwest corner of the Southeast Quarter of said Section 29 said point also being the Southeast corner of the Southwest Quarter of said Section 29; thence North 00 degrees 07 minutes 20 seconds West along the East line of said Southwest Quarter a distance of 288.16 feet; thence South 89 degrees 25 minutes 42 seconds West parallel with the North line of said Southwest Quarter a distance of 2,633.19 feet to the West line of said Southwest Quarter; thence North 00 degrees 16 minutes 20 seconds West along said West line a distance of 309.38 feet; thence South 89 degrees 37 minutes 51 seconds West a distance of 2,652.54 feet to the place of beginning, containing 915.67 acres, more or less.

EXCEPT:

Warranty Deed: Instrument Number 92-32609

Beginning at a point 200.00 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) from the Northwest corner of the Northeast Quarter of Section 32, Township 18 North, Range 6 East and on the North line thereof; thence continuing North 90 degrees 00 minutes 00 seconds East on and along said North line 100.00 feet; thence South 00 degrees 21 minutes 10 seconds West parallel with the West line of said Northeast Quarter 300.00 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with said North line 100.00 feet; thence North 00 degrees 21 minutes 10 seconds East parallel with said West line 300.00 feet to the place of beginning. Containing 0.689 acres more or less.

Note: Description was prepared at client's request based upon ALTA/ACSM Land Title Surveys prepared by Stoepelwerth & Associates, Inc and record land descriptions and is therefore subject to a complete and accurate boundary survey.

S:\50755\Legal\SecondOverallDescription10-19-05.rtf

Britton Falls PUD (Ord. # 022105A)

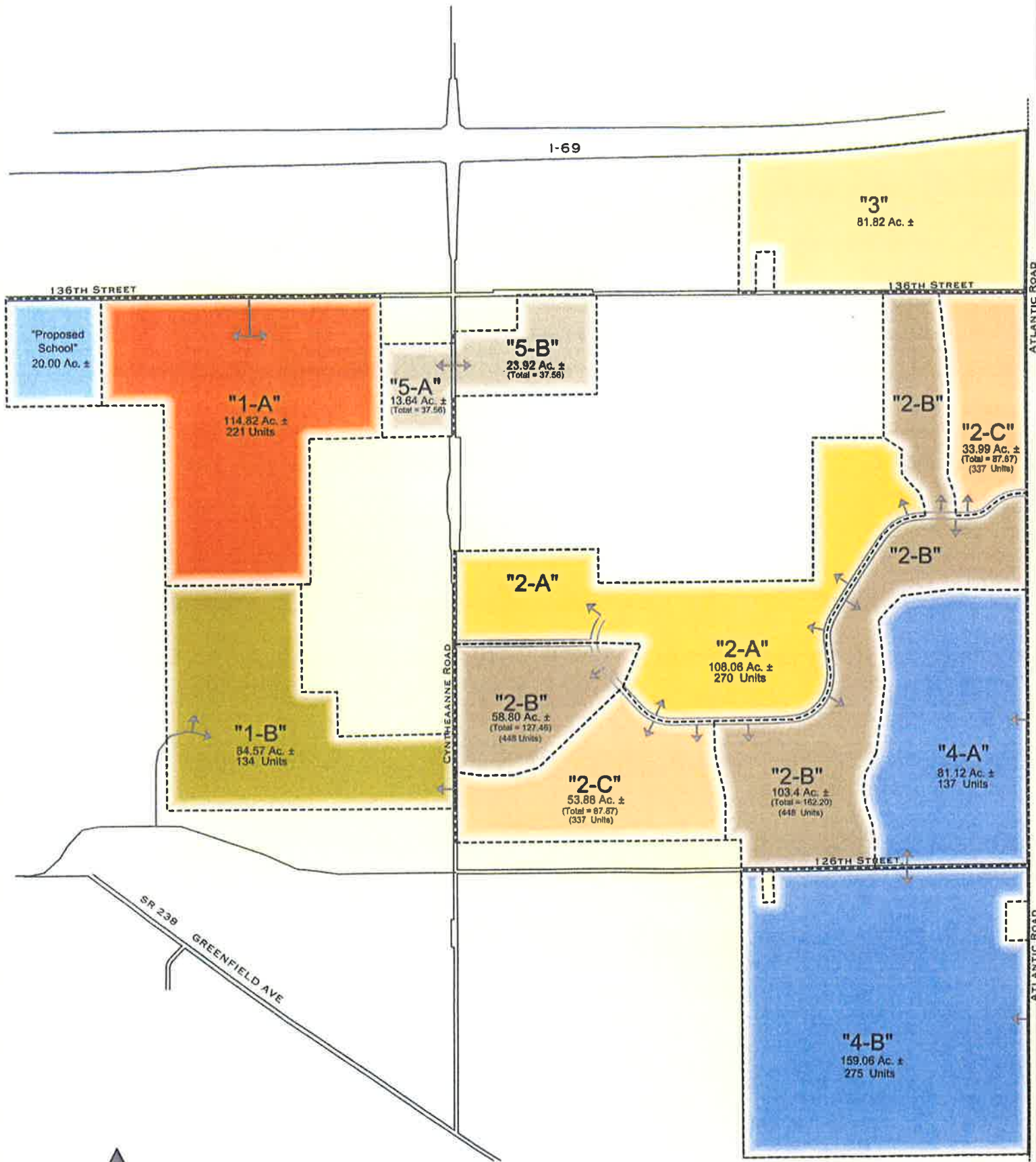
Exhibit C

The "District Map"

Britton Falls PUD

Exhibit D

The “Bulk Standards Charts”



1-69

"3"
81.82 Ac. ±

136TH STREET

136TH STREET

"Proposed School"
20.00 Ac. ±

"5-B"
23.92 Ac. ±
(Total = 37.56)

"5-A"
13.64 Ac. ±
(Total = 37.56)

"1-A"
114.82 Ac. ±
221 Units

"2-B"

"2-C"
33.99 Ac. ±
(Total = 67.67)
(337 Units)

"2-A"

"2-B"

"2-A"
108.06 Ac. ±
270 Units

"2-B"
58.80 Ac. ±
(Total = 127.46)
(448 Units)

"1-B"
84.57 Ac. ±
134 Units

CYNTHIANNE ROAD

"2-C"
53.88 Ac. ±
(Total = 67.67)
(337 Units)

"2-B"
103.4 Ac. ±
(Total = 162.20)
(448 Units)

"4-A"
81.12 Ac. ±
137 Units

126TH STREET

SR 238
GREENFIELD AVE

"4-B"
169.06 Ac. ±
275 Units

ATLANTIC ROAD

ATLANTIC ROAD

North
SCALE: 1" = 1200'

| | R2 AREA 4A | | R2 AREA 4B | |
|-------------------------------------|---|---|---|---|
| | EXHIBIT B (For Comparison Purposes Only) | BRITTON FALLS PUD | EXHIBIT B (For Comparison Purposes Only) | BRITTON FALLS PUD |
| Minimum Lot Area | 15,000 square feet | 11,000 square feet | 15,000 square feet | 11,000 square feet |
| Minimum Lot Width at Building Line | 100 feet | 90 feet | 100 feet | 90 feet |
| Minimum Lot Frontage | 50 feet | 35 feet | 50 feet | 35 feet |
| Sewer and Water | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup |
| Minimum Front Setback | 40 feet | 25 feet | 40 feet | 25 feet |
| Minimum Side Setback | 15 feet | 3 feet | 15 feet | 3 feet |
| Minimum Aggregate Side Setback | 30 feet | 25 feet | 30 feet | 25 feet |
| Minimum Rear Setback | 40 feet | 25 feet | 40 feet | 25 feet |
| Maximum Density | 1.7 d.u./ac. | 1.8 d.u./ac. Maximum Number of Dwelling Units: 145 | 1.7 d.u./ac. | 1.8 d.u./ac. Maximum Number of Dwelling Units: 286 |
| Maximum Impervious Surface Coverage | 35% of Lot Area | 45% of Lot Area | 35% of Lot Area | 45% of Lot Area |
| Minimum Living Unit Area | 2,000 square feet | <ul style="list-style-type: none"> 2,800 square feet in a two-story Dwelling 2,200 square feet for a one-story building | 2,000 square feet | <ul style="list-style-type: none"> 2,800 square feet in a two-story Dwelling 2,200 square feet for a one-story building |
| Maximum Primary Structure Height | 35 feet | 35 feet | 35 feet | 35 feet |
| Maximum Accessory Structure Height | 18 feet | 18 feet | 18 feet | 18 feet |

| | R2 AREA 2A | | R2 AREA 2B | | R2 AREA 2C | |
|-------------------------------------|---|---|---|---|---|---|
| | EXHIBIT B (For Comparison Purposes Only) | BRITTON FALLS PUD | EXHIBIT B (For Comparison Purposes Only) | BRITTON FALLS PUD | EXHIBIT B (For Comparison Purposes Only) | BRITTON FALLS PUD |
| Minimum Lot Area | 15,000 square feet | 7,000 square feet | 15,000 square feet | 5,500 square feet | 15,000 square feet | 4,500 square feet |
| Minimum Lot Width at Building Line | 100 feet | 60 feet | 100 feet | 50 feet | 50 feet | 35 feet |
| Minimum Lot Frontage | 50 feet | 30 feet | 50 feet | 30 feet | 50 feet | 25 feet |
| Sewer and Water | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup |
| Minimum Front Setback | 40 feet | 20 feet | 40 feet | 20 feet | 40 feet | 20 feet |
| Minimum Side Setback | 15 feet | 5 feet | 15 feet | 5 feet | 15 feet | 5 feet |
| Minimum Aggregate Side Setback | 30 feet | 10 feet | 30 feet | 10 feet | 30 feet | 10 feet |
| Minimum Rear Setback | 40 feet | 15 feet | 40 feet | 15 feet | 40 feet | 15 feet |
| Maximum Density | 1.7 d.u./ac. | 2.6 d.u./ac. Maximum Number of Dwelling Units: 270 | 1.7 d.u./ac. | 3.5 d.u./ac. Maximum Number of Dwelling Units: 448 | 1.7 d.u./ac. | 4.5 d.u./ac. Maximum Number of Dwelling Units: 337 |
| Maximum Impervious Surface Coverage | 35% of Lot Area | 50% of Lot Area | 35% of Lot Area | 50% of Lot Area | 35% of Lot Area | 50% of Lot Area |
| Minimum Living Unit Area | 2,000 square feet | 1,700 square feet | 2,000 square feet | 1,400 square feet | 2,000 square feet | 1,100 square feet |
| Maximum Primary Structure Height | 35 feet | 35 feet | 35 feet | 35 feet | 35 feet | 35 feet |
| Maximum Accessory Structure Height | 18 feet | 18 feet | 18 feet | 18 feet | 18 feet | 18 feet |

R2
AREA
1B

R2
AREA
1A

| | Exhibit B (For Comparison Purposes Only) | BRITTON FALLS PUD | Exhibit B (For Comparison Purposes Only) | BRITTON FALLS PUD |
|-------------------------------------|--|---|--|---|
| Minimum Lot Area | 15,000 square feet | 11,000 square feet | 15,000 square feet | 11,000 square feet |
| Minimum Lot Width at Building Line | 100 feet | 85 feet | 100 feet | 90 feet |
| Minimum Lot Frontage | 50 feet | 35 feet | 50 feet | 35 feet |
| Sewer and Water | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup | Requires municipal water and sewer hookup |
| Minimum Front Setback | <ul style="list-style-type: none"> Local Street: 40 feet All others: 55 feet | 25 feet | <ul style="list-style-type: none"> Local Street: 40 feet All others: 55 feet | 25 feet |
| Minimum Side Setback | <ul style="list-style-type: none"> 15 feet 10 feet for dwelling with attached side-load garage | 3 feet | <ul style="list-style-type: none"> 15 feet 10 feet for dwelling with attached side-load garage | 3 feet |
| Minimum Aggregate Side Setback | 30 feet | 25 feet | 30 feet | 25 feet |
| Minimum Rear Setback | 40 feet | 25 feet | 40 feet | 25 feet |
| Maximum Density | 1.7 d.u./ac. | 1.95 d.u./ac Maximum Number of Dwelling Units: 225 | 1.7 d.u./ac. | 1.8 d.u./ac Maximum Number of Dwelling Units 150 |
| Maximum Impervious Surface Coverage | 35% of Lot Area | 45% of Lot Area | 35% of Lot Area | 45% of Lot Area |
| Minimum Living Unit Area | 2,000 square feet | 2,200 square feet | 2,200 square feet | 2,600 square feet |
| Minimum Primary Structure Height | 35 feet | 35 feet | 35 feet | 35 feet |
| Maximum Accessory Structure Height | 18 feet | 18 feet | 18 feet | 18 feet |

| C1 AREA 3 | | BRITTON FALLS PUD |
|---|---|---|
| EXHIBIT B (For Comparison Purposes Only) | | |
| Minimum Lot Area | NA | NA |
| Minimum Lot Width | NA | NA |
| Minimum Lot Frontage | 100 feet | 100 feet |
| Sewer and Water | Requires municipal water or sewer hookup | Requires municipal water or sewer hookup |
| Minimum Front Setback | 50 feet all others | 50 feet all others |
| Minimum Side Setback | 10 feet | 10 feet |
| Minimum Aggregate Side Setback | 20 feet | 20 feet |
| Minimum Rear Setback | 20 feet; Note: Additional Buffer Yard requirements may apply | 20 feet; Note: Additional Buffer Yard requirements may apply |
| Minimum Building Separation | 25 feet | 25 feet |
| Minimum Internal Setback | 18 feet | 18 feet |
| Maximum Impervious Surface Coverage | 75% | 75% |
| Minimum Main Floor Area | NA | NA |
| Minimum Floor Area Per Unit | NA | NA |
| Maximum Structure Height | <ul style="list-style-type: none"> • Primary Structure: 35 Feet, not to exceed three (3) stories • Accessory Structure: 18 feet | <ul style="list-style-type: none"> • Primary Structure: 50 Feet, not to exceed four (4) stories* • Accessory Structure: 18 feet |

*Provided, however, that any structures which are developed under the C1 Commercial District and which are located in the southern one-third (1/3) of Area 3 shall not exceed thirty-five (35) feet in height. For purposes of this provision, the "southern one-third (1/3)" of Area 3 shall mean and refer to a rectangular parcel of real estate which (i) has 136th Street as its southern boundary, (ii) does not exceed thirteen (13) acres in size, and (iii) encompasses the cutout shown on the District Map. Provided, further, that the maximum gross floor area of all buildings in Area 3 shall not exceed 366,000 square feet.

**C2
AREA
5**

**EXHIBIT B
(For Comparison Purposes Only)**

BRITTON FALLS PUD

| | | |
|-------------------------------------|---|----------|
| Minimum Project Area | No Minimum | None |
| Minimum Lot Area | 1 Acre (43,560 square feet) | 1 Acre |
| Minimum Lot Frontage | 150 feet | 150 feet |
| Sewer and Water | Requires municipal water or sewer hookup | Yes |
| Minimum Front Setback | 50 feet | 50 feet |
| Minimum Side Setback | 10 feet; 50 feet if adjacent to residentially zoned or used area | 10 feet |
| Minimum Aggregate Side Setback | 20 feet | 20 feet |
| Minimum Rear Setback | 20 feet ; 50 feet if adjacent to residentially zoned or used area | 20 feet |
| Minimum Building Separation | 20 feet | 20 feet |
| Minimum Internal Setback | 18 feet | 18 feet |
| Maximum Impervious Surface Coverage | 75% | 75% |
| Minimum Gross Floor Area | NA | None |

**C2
AREA
5**

**EXHIBIT B
(For Comparison Purposes Only)**

BRITTON FALLS PUD

- The total gross floor area of all buildings in Area 5A shall not exceed (i) 6,000 square feet multiplied by the number of acres within Area 5A plus (ii) 20,000 square feet of office buildings.
- The total gross floor area of all buildings in Area 5-B shall not exceed (i) a maximum of 40,000 square feet of office buildings in the eastern 1/3 of Area 5B plus (ii) 6,000 square feet multiplied by the number of acres within Area 5-B.
- 1 single user to be located within the western 1/2 of Area 5-B, shall be permitted to occupy up to 75,000 square feet of gross floor area, but no other single user should be permitted to occupy more than 40,000 square feet of gross floor area.
- No freestanding, single user, outbuilding shall exceed 10,000 square feet.

- No single-story, multi-tenant building shall exceed 16,000 square feet in total gross floor area; No two-story, multi-tenant building shall exceed 20,000 square feet in total gross floor area.
- No freestanding, single-tenant structure shall exceed 7,500 square feet in total gross floor area.
- No development shall exceed 50,000 square feet in total gross floor area.

Maximum Gross Floor Area

15%

Minimum Required Open Space

Primary Structure: 35 feet, not to exceed two stories; 25 feet for freestanding structures, not to exceed one story.

Maximum Primary Structure Height

35 feet

Maximum Accessory Structure Height

18 feet

18 feet

NOTE: The "eastern 1/3 of Area 5-B" shall mean and refer to an area, not to exceed 8 acres, which is rectangular in shape and which has as its eastern boundary the entire eastern boundary of Area 5-B.

NOTE: The "western 1/2 of Area 5-B" shall mean and refer to an area, not to exceed 12 acres, which is rectangular in shape and which has as its western boundary the entire western boundary of Area 5-B.

Britton Falls

by Del Webb



| Development Type | Total Units | (Typical) Lot Size |
|------------------|-------------|--------------------|
| Pulte Homes | 134 | 90'X145' |
| Del-Webb | 221 | 85'X140' |
| Del-Webb | 270 | 65'X110' |
| | 448 | 50&52'X110' |
| | 337 | 45'X110' |
| Custom | 412 | 90'X145' |
| Commercial | N/A | N/A |
| C-1 | N/A | N/A |

EXHIBIT O
 +/- 13 ACRE
 TRAILHEAD/PARK SITE



Britton Falls PUD

Exhibit E

The “Anti Monotony Code”



Pulte Homes of Indiana
11590 North Meridian Street, Suite 530
Carmel, IN 46032

Memo

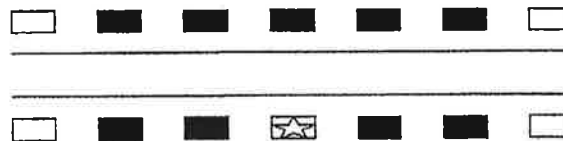
Date: July 29, 2004
To: All Pulte Homes of Indiana Team Members
Cc : Mark Thomas
From: Greg Huff
Re: Monotony Code

In an effort to maintain Pulte's high standard of neighborhood integrity and design, please review the following guidelines relating to our monotony code:

1. Brick packages may not be duplicated for two homesites on each side of the residence on the same side of the street. Also, brick packages may not be duplicated for three houses across the street from a residence. (Please refer to the illustration below.)



2. Front elevations on the same plan may not be duplicated for two homesites on each side of the residence on the same side of the street. Also, elevations for the same plan may not be duplicated for five houses across the street from the residence. (Please refer to the illustration below.)



Obviously, not all streets run perfectly straight and we have corner lots and cul-de-sacs to contend with as well. Please use this information as the guideline to help uphold Pulte community standards and solve the unique situations as a community team in your sales and construction meetings.

Britton Falls PUD

Exhibit F

The "Commitments"

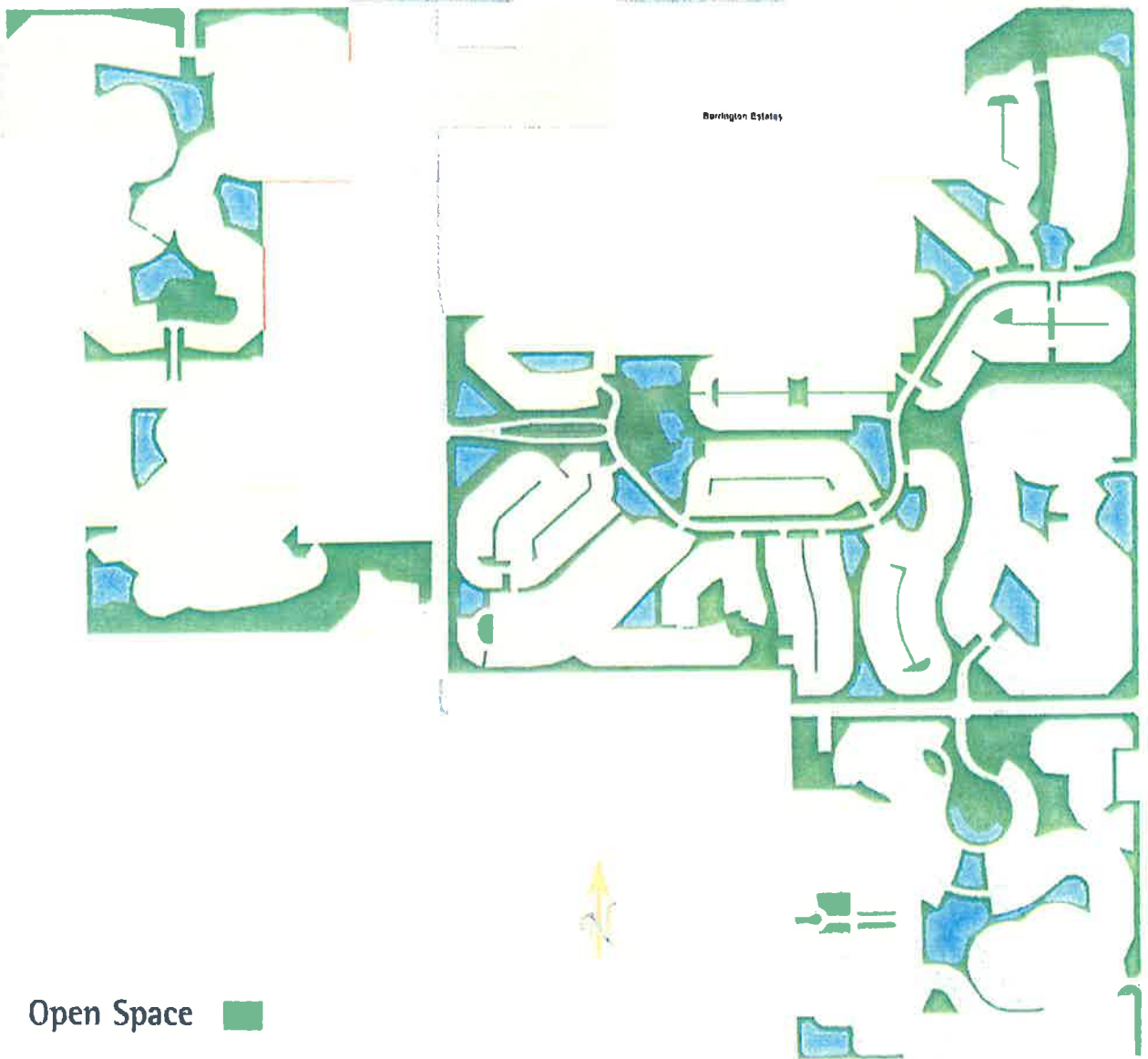
**PLEASE SEE NEXT TAB FOR
COMMITMENTS AND RELATED EXHIBITS**

Britton Falls PUD

Exhibit G

The “Open Space Plan”

Open Space Plan



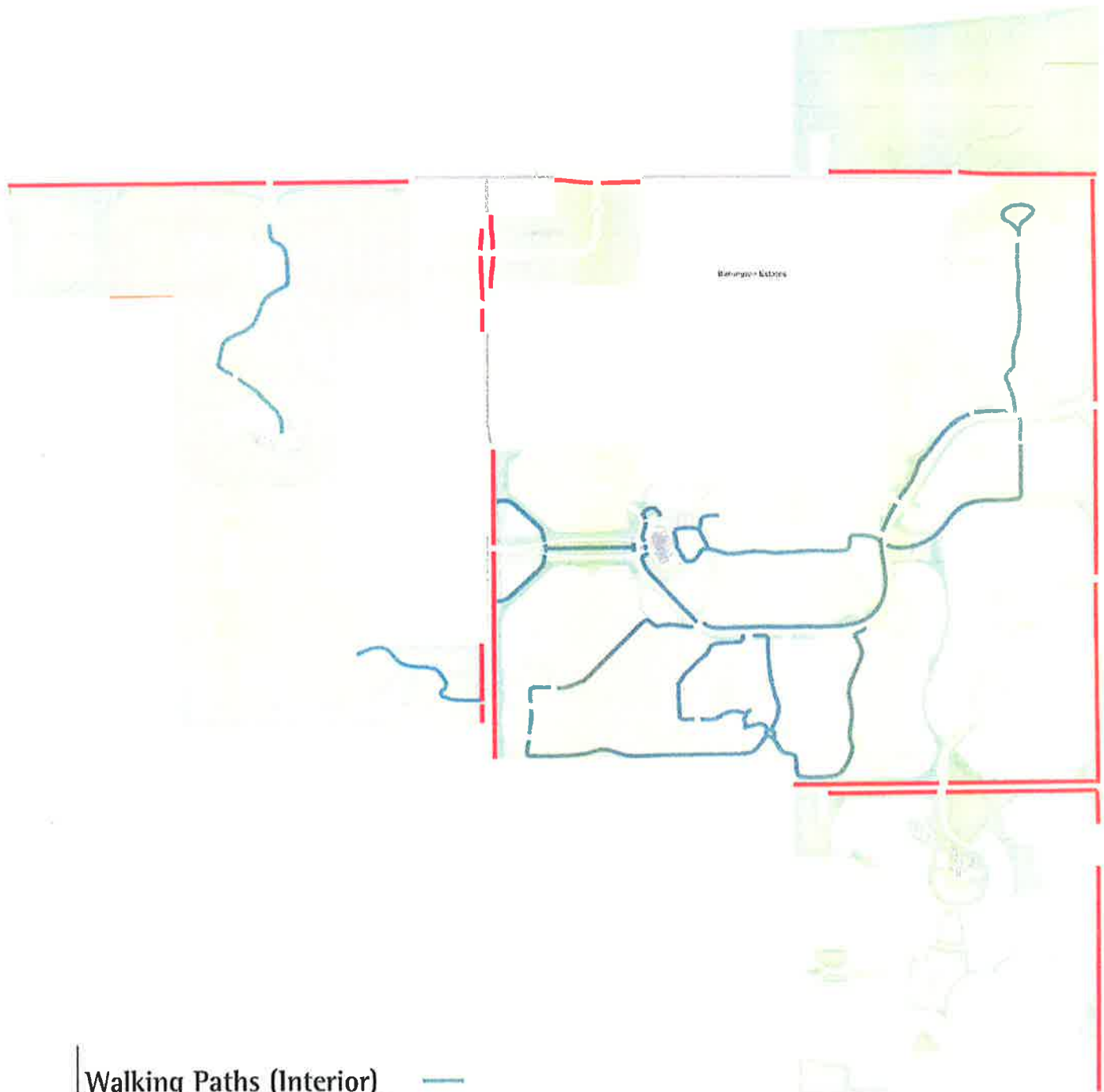
Open Space ■

Britton Falls PUD

Exhibit H

The “Trail Plan”

Trails Plan



Walking Paths (Interior) ——— 5.1 Miles

Walking Paths (Exterior) - - - - - 4.75 Miles

Total Walking Trails 9.85

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

PULTE HOMES OF INDIANA, LLC, (hereafter the “Developer”), the contract purchaser of certain real estate located in Hamilton County, Indiana, and described in what is attached hereto and incorporated herein by referenced as Exhibit “A” (hereafter the “Real Estate”), makes the following Commitments (hereafter the “Commitments”) to the Advisory Plan Commission of the Town of Fishers, Indiana (hereafter the “Plan Commission”) and to the Town Council of the Town of Fishers, Indiana (hereafter the “Council”).

Section 1. **Cross Reference.** These Commitments are made in connection with approvals obtained under Docket Number 1-IZ-05, and Ordinance Number 022105A.

Section 2. **Exhibits.** The following exhibits are attached hereto and incorporated herein by reference:

Exhibit “A”. Attached hereto and incorporated herein by reference as Exhibit “A” is the legal description of the real estate (the “Real Estate”);

Exhibit “B”. Attached hereto and incorporated herein by reference as Exhibit “B” is the district map (the “District Map”) which allocates the Real Estate into Area 1-A, Area 1-B, Area 2-A, Area 2-B, Area 2-C, Area 3, Area 4-A, Area 4-B, and Area 5 (collectively the “Areas”);

Exhibit “C”. Attached hereto and incorporated herein by reference as Exhibit “C” is a landscape plan showing proposed landscaping on certain lots within Barrington Estates (hereafter the “Barrington Plan”)

Exhibit “D”. Attached hereto and incorporated herein by reference as Exhibit “D” are examples of possible buildings illustrating the type of architectural style permitted in Area 5.

Exhibit “E”. Attached hereto and incorporated herein by reference as Exhibit “E” is a landscape plan showing landscaping and fencing on a portion of the perimeter boundary lines of Area 1-A and Area 1-B (the “Keck Plan”).

Exhibit “F”. Attached hereto and incorporated herein by reference as Exhibit “F” is an illustration of the Livestock Containment Fence.

Exhibit “G”. Attached hereto and incorporated herein by reference as Exhibit “G” is an illustration of a cattle creek fence.

Exhibit “H”. Attached hereto and incorporated herein by reference as Exhibit “H” is a screening plan for the residence on the northeast corner of 126th Street and the western boundary of Area 2-B (the “Corner Lot Plan”).

Exhibit “I”. Attached hereto and incorporated herein by reference as Exhibit “I” is the exhibit (the “Tree Plan”) identifying the tree conservation areas and the tree preservation areas.

Exhibit “J” Attached hereto and incorporated herein by reference as Exhibit “J” is the Landscape Plan providing for landscaping around Mead property located off of Atlantic Road (the “Mead Landscape Plan”).

Exhibit “K”. Attached hereto and incorporated herein by reference as Exhibit “K” is the Owen Plan.

Exhibit “L”. Attached hereto and incorporated herein by reference as Exhibit “L” is the Shepherd Plan.

Exhibit “M”. Attached hereto and incorporated herein by reference as Exhibit “M” are the specifications for Pulte’s Classic Series.

Exhibit “N”. Attached hereto and incorporated herein by reference as Exhibit “N” are the specifications for Pulte’s Executive Series.

Exhibit “O”. Attached hereto and incorporated herein by reference as Exhibit “O” is a description of the “Trailhead Property”.

Section 3. Commitments.

1. Along the entire northern boundary of Area 5-A, and along the entire eastern boundary of Area 5-B, the Developer shall install a mound which shall be at least fifteen (15) feet in height and ten (10) feet in width on top, and which, on the east side of Area 5-B, shall have a maximum slope of three-to-one (3:1). On top of the mound, the Developer shall install a ten (10) foot high shadow box fence with brick columns every fifty (50) feet, to be maintained by the owners association established for Area 5-A and, in the absence of such owners association, by the owner of the real estate upon which the mound exists. On the top of the mound and on the north side of the fence on Area 5-A, and on the top of the mound and

on the east side of the fence in Area 5-B, the Developer shall plant (i) Norway Spruces, fifteen (15) feet on center, which, on the east side of Area 5-B, shall be at least eight (8) feet in height at planting and (ii) six (6) maple trees, with a minimum caliper of two (2) inches at planting per one-hundred (100) feet. The above shall be installed during the development of Area 5-A and Area 5-B. All trees, which die within one (1) year of the original planting, shall be replaced once, and only once, by the Developer during the next planting season. Within the Developer's discretion, the mound located along the northern boundary of Area 5-A may be covered with grass or other naturally occurring groundcover, all of which may be cut or trimmed on a regular basis. Within the Developer's discretion, the west side and the top of the mound along the entire eastern boundary of Area 5-B may be covered with grass or other naturally occurring groundcover, all of which may be cut and trimmed on a regular basis. The east side of the mound located along the entire eastern boundary of Area 5-B shall be covered with natural and wild grasses, and shall not be mowed or trimmed. If the land which is not part of the Real Estate and which is located north of and adjacent to Area 5-A, on the southwest corner of 136th Street and Cyntheanne Road, is developed commercially, then the mound and landscaping described above for the north side of Area 5-A shall not be required.

2. A landscape area, fifty (50) feet in width, shall be established along (i) the entire northern boundary of Area 1-A adjacent to 136th Street (ii) the eastern boundary of Area 2-B, Area 2-C, Area 4-A, and Area 4-B, adjacent to Atlantic Road, (iii) the southern boundary of Area 4-A adjacent to 126th Street, and (iv) the northern boundary of Area 4-B, adjacent to 126th Street. Within this landscape area, the Developer shall install a mound. The mound shall be of varying height, but shall be an average of six (6) feet in height and shall never be less than five (5) feet in height. Within this landscape area, the Developer shall plant twelve (12) trees every one hundred (100) feet. The trees may be clustered. The trees shall be a mix of Spruce trees and deciduous trees, as determined by the Developer in the Developer's sole discretion; provided, however, that (i) at least fifty percent (50%) of the trees shall be Spruce trees, (ii) all Spruce trees shall be at least seven (7) to eight (8) feet in height, at planting, and (iii) all deciduous trees shall have at least a two (2) inch caliper at planting. All trees, which die within one (1) year of the original planting, shall be replaced once, and only once, by the Developer during the next planting season.
3. Along the eastern boundary of Area 5-B, there shall be a green belt buffer (i) which is one-hundred seventy-five feet (175') in width if the development immediately adjacent to such buffer within Area 5A is retail development and (ii) which is one-hundred-fifty feet (150') in width if the development immediately

adjacent to such buffer is office and/or C1 development. In this buffer, buildings and pavement are prohibited; however, in the Developer's discretion, drainage facilities and landscaping. Also, within the Developer's discretion, mounding may exist in this buffer, so long as the top of the slope of the mound is at least thirty (30) feet from the western top of bank of the legal drain. This 30-foot setback area shall remain open and available to be utilized for maintenance access to the legal drain from the west.

4. A greenbelt buffer, fifty-(50) feet in width, shall exist along the entire southern boundary of Area 3. No buildings or parking shall exist within this greenbelt buffer; provided, however, that in the Developer's discretion, drainage facilities, landscaping and mounding may be installed in this greenbelt buffer. Further, within this fifty (50) foot greenbelt buffer, the Developer shall plant twelve (12) trees every one hundred (100) feet. The trees may be clustered, shall have a minimum height of thirty-five (35) feet at maturity, and shall be maintained by the owners association established in connection with Area 3 and, in the absence of such owners association, the owner(s) of the real estate upon which they exist. The trees shall be a mix of spruce trees and deciduous trees, as determined by the Developer in the Developer's sole discretion; provided, however, that (i) at least fifty percent (50%) of the trees shall be spruce trees, (ii) all spruce trees shall be seven (7) to eight (8) feet in height at planting, and (iii) all deciduous trees shall have at least a two (2) inch caliper at planting. All of the above, set forth in this paragraph 4, shall be included in a landscape plan submitted in connection with the site plan approval process.
5. Along the western boundary of Lots in Barrington Estates which are contiguous with Area 5-B, the Developer, on or before November 30, 2006, shall install Blue Spruce trees and or deciduous trees, per the detail specified in the Barrington Plan. All trees, which die within one (1) year of the original planting, shall be replaced once, and only once, by the Developer during the next planting season.
6. The buildings constructed in Area 5 shall be of an architectural style similar to or compatible with the buildings illustrated in Exhibit D.
7. As indicated on the Keck Plan, the Developer shall install the following:
 - A. In what is identified as Place 1 on the Keck Plan, the Developer shall plant twelve (12) Spruce trees every one hundred (100) feet, which shall be seven (7) to eight (8) feet in height at planting. Such trees shall be planted during the development of Area 1;

- B. In what is identified as Place 2 on the Keck Plan, the Developer shall install a mound which shall vary in height but shall have an average height of four (4) feet, and a slope of three-to-one (3:1). Within this mound, the Developer shall plant a total of thirty-six (36) Spruce trees, all of which shall be at least seven (7) to eight (8) feet in height at planting. All trees, which die within one (1) year of the original planting, shall be replaced once, and only once, by the Developer during the next planting season. The Developer shall hydro-seed the mound upon the completion of the planting of the trees. The maintenance and irrigation of the trees shall be the responsibility of the owner of the land on which the trees are planted;
- C. On either side of the driveway, in what is identified as Place 3 the Keck Plan, the Developer shall install ten (10) spruce trees, ten (10) feet on center, which shall be eight (8) in height at planting. All trees, which die within one (1) year of original planting, shall be replaced once, and only once, by the Developer during the next planting season. The maintenance and irrigation of the trees shall be the responsibility of the owner of the land on which the trees are planted;
- D. In what is identified as Place 4 in the Keck Plan, the Developer shall install a livestock containment fence. The aforementioned livestock containment fence shall be constructed with cedar corner posts no smaller than 6" by 6" and 8 feet in length, with a cedar brace that is 4" by 4" and 10' long. A brace wire shall be installed as part of the corner post bracing with two wraps around the end of each #9-gauge wire. There shall also be cedar line posts with a minimum length of 6' spaced ten feet apart. The fence shall be a woven wire type fence 48" in height with #9 gauge wire on top and #11 gauge wire on the rest of the fence. On top of the wire fence there shall be installed a single line of barbwire of the following specifications: #12.5 gauge with 4-point barbs. All wires and fencing shall be stapled at each post on all strands by 1.5" galvanized staples. The livestock containment fence shall be substantially similar in design to Exhibit F, which is incorporated herein by reference. Such fence shall be maintained by the owner of the property on which the fence exists, and shall be installed during the development of Area 1 and before the issuance of the first Certificate of Occupancy for a residence in Area 1; and
- E. In the two (2) areas identified on the Keck Plan as Place 5, and within Thorpe Creek, the Developer shall install a cattle-creek fence, which shall

be substantially similar in design to the fence illustrated in Exhibit G. The fence shall be installed during the development of Area 1, and prior to the issuance of the first Certificate of Occupancy for the first residence in Area 1. The fence shall be maintained by the owner of the real estate on which it exists.

8. Along the southern boundary of Area 2-C, the Developer shall install a landscape area which is fifty (50) feet in width. Within this landscape area, the Developer shall plant trees at the rate of twelve (12) trees per one hundred (100) feet. The trees shall be spruce trees and deciduous trees, and at least fifty percent (50%) of the trees shall be spruce trees. The spruce trees shall be seven (7) to eight (8) feet in height at planting, and the deciduous trees shall have a two (2) inch caliper at planting. The trees may be clustered, in the Developer's discretion. There will be no mounding within this landscape area.
9. From the segment of Area 3 on the north side of 136th Street, existing between Cyntheanne Road, on the west, and the western border of Area 3 on the east, certain field tiles drain underneath 136th Street. The Developer shall confer with landowners who own real estate along this segment adjacent to 136th Street and on whose land such field tiles exist so that (i) the exact location of such field tiles may be determined and (ii) such field tiles can subsequently connect into the drainage system to be designed and installed for the Real Estate. The Developer shall not cut-off the flow of said drainage tiles, and the Developer shall incorporate and coordinate such drainage tiles into the drainage system designed and installed for the Real Estate.
10. Certain field tiles (the "Field Tiles") extend south, from the southern boundary of Area 4-B into the parcel of land immediately south of and adjacent to Area 4-B (the "Adjacent Parcel"). The Developer shall confer with Marion C. Hensley, one of the owners of the Adjacent Parcel, so that the exact location of such Field Tiles may be determined. The Field Tiles shall subsequently be capped off and routed into the drainage system to be designed and installed for the Real Estate. The final design of such routing shall be determined by the Fishers Technical Advisory Committee.
11. In the area indicated on the Corner Lot Plan, the Developer shall plant spruce trees or deciduous trees, at the rate of twelve (12) per one hundred (100) feet. Spruce trees shall be seven (7) to eight (8) feet in height at planting, and deciduous trees shall have a minimum two (2) inch caliper at planting. Fifty percent (50%) of the trees shall be spruce trees.

12. Per the Mead Landscape Plan, and at the time of commencement of the land located within Section 4-A adjacent to the Mead property, the Developer shall install a thirty-foot-wide (30') common area, containing a double row of spruce trees, which shall be seven (7) to eight (8) feet tall at planting. Each such row shall be planted in a cross-hatched pattern.
13. Mary E. Owens is the owner of approximately .69 acres located on the south side of 126th Street, surrounded on three sides by the northeast corner of Area 5-B (the "Owens Parcel"). Along the eastern, southern, and western boundaries of the Owens Parcel, a thirty-foot wide (30') tree preservation buffer is hereby established (the "Thirty-Foot Tree Buffer"). Within this Tree Buffer, trees may be removed only for public health and safety reasons, as determined by a registered arborist who shall file a report detailing such reasons for removal with the director of the development for the Town of Fishers, Indiana. This Thirty-Foot Tree buffer is illustrated on the Owens Plan.
14. Mary Ann Shepherd is the owner of approximately 1.54 acres which has frontage on the east side of Cyntheanne Road, and which is north of and adjacent to Area 2-A (the "Shepherd Parcel"). Upon completion of the entrance into Area 2-A from Cyntheanne Road, Pulte shall plant, on the Shepherd Parcel and at location selected by the owner of the Shepherd Parcel, three (3) short-needle evergreen trees, which shall be at least seven (7) to eight (8) feet in height at planting, and one oak tree, which shall have at least a two (2) inch caliper at planting. In addition and as illustrated by the Shepherd Plan, upon completion of the entrance into Area 2-A from Cyntheanne Road, Pulte shall plant evergreen trees, every thirty (30) feet on center, within Area 2-A, on the south side of the fencerow existing along the northern boundary of Area 2-A, for the entire distance of the southern boundary of the Shepherd Parcel. Any of the foregoing trees described in this paragraph 14 which die within one (1) year of the original planting, shall be replaced once, and only once, by the Developer during the next planting season. In addition, Mary Ann Shepherd shall identify three (3) trees located within the fencerow along the boundary line between Area 2-A and the southern boundary of the Shepherd Parcel, and such trees shall not be damaged or destroyed by the Developer during the development of Area 2-A and, in the event that any such tree or trees are damaged or destroyed by the Developer during the development of Area 2-A, the damaged or destroyed trees shall be replaced by three (3) short-needle pine trees which shall be at least twelve (12) feet in height at planting.
15. In order to provide for the preservation of the twenty-foot (20') wide fencerow of trees located along the southern boundary line of Area 4-B (the "Fencerow"), the

Developer will include a provision in the Declaration of Covenants, Conditions, and Restrictions applicable Section 4-B and recorded by the Developer with the Recorder of Hamilton County, Indiana, providing that the tree preservation standards specified in paragraph 17 below shall apply to the Fencerow. The following additional commitments shall apply to the fencerow:

- A. The Fencerow shall be located in a common area, and shall not be located upon any lots.
 - B. With the exception of a storm drainage outlet which, if required by the Director of Development of the Town of Fishers (the "Director"), will be located within the western-most fifty (50) feet of the Fencerow, no utilities shall be located within the fencerow. If said storm drainage outlet is required by the Director, representatives from the Developer shall confer with the Director in an effort to minimize the impact on the Fencerow. The Developer shall provide reforestation, of any area within the Fencerow affected by said storm drainage outlet, with deciduous trees of two (2) inch caliper at planting and/or conifer trees which are to be eight (8) to ten (10) feet in height at planting.
 - C. Unless required by the Director, any stub street within Area 4-B shall be installed no further south than the northern boundary of the Fencerow; provided, however, that all easements and rights-of-way extend to the southern boundary line of Area 4-B.
 - D. The Developer agrees to supplement the Fencerow with no more than twenty-five (25) trees, which shall have a minimum of a one-and-a-half (1.5) inch caliper at planting. All such trees will be species which are indigenous to Indiana, unless otherwise agreed by the Developer and a representative of the owner(s) of the Adjacent Property, as that term is defined in Commitment No. 10 above.. The trees shall be planted no later than eighteen (18) months after the enactment of this Britton Falls PUD, and shall be planted by the Developer in locations agreed upon by the Developer and a representative of the owner of the Adjacent Property, as that term is defined in Commitment No. 10 above.
16. North of and adjacent to the western segment of Area 2-A is a parcel of real estate which comprises approximately 40.45 acres and is titled in the name of Joyce A. Rhodehamel Trustee and which, on the date of the execution of these Commitments, was assigned Parcel No. 13-12-29-00-00-019.000 (the

“Rhodehamel Parcel”). With respect to the Rhodehamel Parcel, the following Commitments are extended:

- A. A fencerow exists along the common boundary line of the southern boundary of the Rhodehamel Parcel and the contiguous portion of Area 2-A. This fencerow will be within a Tree Conservation Area, as defined in Paragraph 18 below; and
 - B. Immediately north of the northern boundary of the Rhodehamel Parcel, along the southern boundary of Area 5-B, the Developer shall establish a 30-foot (30') landscape buffer, which shall contain a mound with an average height of four (4) feet. On the top of this mound, the Developer shall install a ten (10) foot high shadow box fence, with brick columns every fifty (50) feet. The fence shall be maintained by the owners' association established in connection with Area 5-B or, in the absence of such an owners' association, by the owner(s) of the land on which it exists. On the south side of the fence, and within the thirty (30) foot landscape buffer, the Developer shall plant twelve (12) trees every one-hundred (100) lineal feet. The trees shall be a mix, approximating fifty-fifty (50/50) of (i) conifer trees, which shall be a minimum of eight (8) feet in height at planting, and (ii) deciduous trees, which shall have a minimum caliper of one-and-a-half (1 1/2) inches at planting. All such trees which die within one (1) year will be replaced, once, and only once, by the Developer, at the Developer's expense, during the next planting season. The aforesaid thirty (30) foot landscape buffer, fence, and trees shall be established upon the commencement of the development of Area 5-B.
17. Tree Preservation Areas (the “Preservation Areas”) are shown on the Tree Plan attached hereto and incorporated herein by reference as Exhibit I. As shown, Tree Preservation Areas are located in common areas and not upon lots to be developed and platted as homesites for single-family residences (“Lots”). This Paragraph 11 pertains to Preservation Areas located within common areas and not upon Lots, and Paragraph 12 below pertains to Conservation Areas located upon Lots. Except as noted below, each builder, developer, and/or owner shall endeavor to preserve trees within the Preservation Areas located within common areas and not upon Lots, and shall not remove trees, small trees and/or underbrush within the Preservation Areas:
- A. The clearing of dead trees shall be allowed;

- B. The removal of trees and underbrush necessary for the installation of utilities, drainage improvements and infrastructure, and trails shall be allowed; provided, however, that the Developer and the Director of the Department of Planning of the Town of Fishers, Indiana, shall confer in an effort to design the utility and drainage plans to reasonably minimize the loss of trees by reason of the installation of utilities and drainage infrastructure; and,
- C. The removal of trees for public health and safety shall be allowed, as determined by a registered arborist who shall file a report detailing such reasons for removal with the Director of Development for the Town of Fishers, Indiana.

Except as set forth immediately above in paragraphs 15A, 15B, and 15C, each tree within the Preservation Area that is located within common areas and not upon Lots, which is badly damaged or destroyed, and which is greater than four (4) inches in diameter, measured six (6) inches above the ground, shall be replaced within one (1) year, by the person or entity causing such damage or destruction, with a tree which is at least two-and-one-half (2 ½) inches in diameter measured six inches above the ground. Any trees, which are so replaced and which die within one (1) year of their planting, shall promptly be replaced with a substantially similar tree. In order to facilitate tree preservation, during the time of all construction and development activities, an orange snow fence shall be placed around the perimeter of the drip line of all trees to be conserved within the area of such construction and development.

- 18. Tree Conservation Areas (“Conservation Areas”) are also shown on the Tree Plan. The Developer and each builder shall take reasonable steps and measures to avoid the damage or destruction of healthy trees within the Conservation Areas.
- 19. If a gas refueling center is developed in Area 5-B, then prior to the opening of such refueling center, Developer, at its sole expense, shall install a water main into Section #1 of Barrington Estates as defined in the Plat thereof, recorded with the Recorder of Hamilton County, Indiana as Instrument No. 9809803969 (hereafter “Section 1”), subject to the following conditions:
 - A. Developer shall install the water main in Section I subject to the terms and conditions required and imposed by the applicable utility.
 - B. Developer shall pay the cost of any availability/inspection fees required by the utility to be paid prior and during the inspection of said water main.

The Barrington homeowners, however, shall be required to pay any and all connection, availability, tap and other fees required by the utility to be paid at the time of the actual connection/tap is requested/made for each residence within Section I, and the Developer shall not be entitled to any surcharges on connection, availability, tap, and other fees paid by homeowners within Section I; provided, however, that notwithstanding anything herein to the contrary, the Developer shall be entitled to receive (i) any subsequent connection, availability, tap, and other fees paid in connection with any residence not located within Section I and (ii) the revenue allowances which are to be paid as a result of any connections, whatsoever, including connections to residences in Section I.

- C. In addition, Developer would be responsible for all costs and repairs relating to:
1. Satisfying the requirements/specifications of the selected water providers/utilities.
 2. All damage arising from the installation of the water main system including, but not limited to, damage to landscaping, driveways, irrigation system and mailboxes. Such items shall be repaired or restored in a timely manner by the Developer, subject to weather delays, upon completion of construction of the water main distribution system.
 3. Developer hereby retains all rights as applicable for any subsequent connection fees, refunds from main extensions, or revenue credits for subsequent extensions of water taps by homeowners or other parties.
 4. Developer agrees to post the applicable bonds to the water provider/utility as required by the selected water company in order to transfer ownership of the water distribution system to the water/utility company, which shall assume responsibility for any ongoing maintenance/repairs of the water distribution system after conveyance by the Developer and acceptance by the selected water distribution company/utility.
- D. Notwithstanding anything herein to the contrary, if the water main serving Section 1 has already been installed prior to the completion and commencement of operation of said gas refueling center in Area 5-B, then the Developer shall be relieved of any and all obligations under this

Paragraph 13, including, without limitation, the obligation to install a water main serving Section 1.

20. The following additional commitments are applicable to Area 5:
- A. No mortuaries shall be permitted in Area 5.
 - B. Wall signs which are parallel and adjacent to the south and east boundaries of Area 5-B and which are reasonably visible to the residences of Barrington Estates from their homes, are prohibited.
 - C. One (1) gasoline refueling center is permitted only within the western one-fourth (1/4) of Area 5-B. The total number of gasoline disbursement nozzles shall not exceed ten (10). Such gasoline refueling centers may include a kiosk to provide for a means to make payment. The kiosk shall have a pitched roof, which shall be architecturally consistent with the nearest building, and shall have unpainted brick as its exterior building material, exclusive of doors, windows, and other openings.
 - D. Self-service laundry facilities are prohibited in Area 5; provided, however, that dry cleaning facilities providing pickup services, only, are permitted.
 - E. Automotive, engine, and machinery repair or sales facilities are prohibited in Area 5.
 - F. Automobile part sales are prohibited in Area 5.
 - G. The hours of operation of any wine and spirits store located in Area 5 shall be (i) between 9:00 a.m. and 11:00 p.m. on Monday through Thursday, and (ii) between 9:00 a.m. and 12:00 midnight on Friday and Saturday.
 - H. No user in Area 5 may continuously conduct business, without stopping, for any interval of twenty-four (24) consecutive hours, it being the intention of this restriction that no business shall stay open twenty-four (24) hours a day.
 - I. Deliveries and trash removal from Area 5 shall be no earlier than 7:00 a.m. and no later than 9:00 p.m.; provided, however, that there shall be no restrictions on the times during which snow removal can occur.

21. Amenity areas in Area 1-A and Area 1-B shall share a common amenity area that shall include but not be limited to the following:
 - A. A main swimming pool of at least one-thousand eight-hundred (1,800) square feet in size and a tot pool of at least two-hundred (200) square feet in size;
 - B. Bathhouse with changing rooms and storage;
 - C. Playground with commercial grade play equipment;
 - D. One unlighted tennis court; and
 - E. Two (2) half-court basketball courts.

22. Amenity areas in Area 4-A and Area 4-B shall share a common amenity area that shall include but not be limited to the following:
 - A. A main swimming pool of at least 1,800 square feet in size and a tot pool of at least 200 square feet in size;
 - B. bathhouse with changing rooms and storage;
 - C. A playground with commercial grade play equipment;
 - D. One (1) unlighted tennis court; and
 - E. Two (2) half basketball courts.

23. The amenity areas in Area 2-A, Area 2-B, and Area 2-C shall share a common amenity center with the following requirements.
 - A. The amenity building shall be at least eighteen thousand (18,000) square feet in size and contain the following amenities:
 1. Indoor pool;
 2. Indoor Jacuzzi;
 3. Indoor workout area at least one thousand two hundred (1,200) square feet in size;

4. At least three (3) multipurpose rooms;
 5. Locker room;
 6. Library;
 7. Billiards room; and
 8. Two (2) offices.
- B. The amenity building shall be allowed to include the following structures and facilities:
1. Fences, walls and trellises;
 2. Pavilion;
 3. Recreation and multi purpose buildings that permit the sales of alcohol;
 4. Health and fitness facilities;
 5. Social facilities;
 6. Garden plots and green houses. (Approved for common areas); and
 7. Other private and public recreational facilities and buildings, the primary function of which is to service the owners, and guests of the development.
24. Outdoor Amenities in Area 2 shall include the following:
- A. Two (2) unlighted tennis courts;
 - B. One outdoor pool with a minimum size of eighteen hundred (1,800) square feet; and
 - C. Two (2) bocce courts

25. If, as a result of the development of the Real Estate, private wells on adjoining land are dried up, or the water in such wells become contaminated, discolored, or malodorous (collectively the “Problems”), then the Developer shall cooperate fully with local, county, and state authorities to determine the cause of the Problems and will follow all requirements in Indiana Code, Title 14, Natural and Cultural Resources, Article 25 Water Rights and Resources. If found to be responsible for causing a Problem, the Developer shall either connect the injured party to a public water source, at no installation cost to the injured party, or drill a new well for the injured party, at no expense to the injured party.
26. The Developer makes the following commitments regarding rights-of-way:
 - A. With respect to that segment of 136th Street which is north of and contiguous with Area 5-B, the Developer shall (i) dedicate a forty-five (45) foot half right-of-way, and (ii) shall also establish a twenty (20) foot landscape easement which may later be utilized by the Town as right-of-way, in which event the Developer shall no longer be required to maintain the twenty (20) foot landscape buffer along the northern boundary of area 5-B.
 - B. Along the segment of 136th Street north of and contiguous with Area 1-A and the “Proposed School” site, the Developer shall dedicate a forty-five (45) foot half right-of-way and, further, shall cooperate with the Town to install required mounding as far south, as possible, within the fifty (50) foot landscape easement so that, if the Town later widens 136th Street, the impact on perimeter landscaping will be minimized.
 - C. Along the segment of 136th Street south of and contiguous with Area 3, and north of and adjacent to Area 2-B and Area 2-C, the Developer shall dedicate a forty-five (45) foot half right-of-way.
 - D. Along those segments of Cyntheanne Road which are contiguous with the Real Estate, the Developer shall dedicate a sixty (60) foot half right-of-way.
 - E. Along those segments of the Real Estate which are contiguous with 126th Street, the Developer shall dedicate a forty-five (45) half right-of-way, and shall also install a pedestrian trail within the adjacent fifty (50) foot buffer.
27. The following additional architectural standards shall apply to Area 1-A and Area 1-B:

- A. All of the dwellings shall have Hardi Plank or similar cement board siding. Vinyl siding is prohibited other than for accents and vinyl-clad windows.
 - B. All of the dwellings shall have side-loaded, two-car garages.
 - C. All of the dwellings shall have at least a partial basement.
 - D. All of the dwellings shall comply with or be equivalent in value and quality to Exhibit M, "Specifications for Pulte Classic Series".
28. The following additional architectural standards shall apply to Area 4-A and Area 4-B:
- A. All of the dwellings shall have Hardy-plank or similar cement board siding. Vinyl siding is prohibited other than for accents and vinyl-clad windows.
 - B. All of the dwellings shall have side-loaded, three-car garages.
 - C. All of the dwellings shall have at least a partial basement.
 - D. All of the dwellings shall comply with or be equivalent in value and quality to Exhibit N, "Specifications for Pulte Executive Series".
29. The following additional commitments shall apply to the use and development of the Real Estate:
- A. Boulevard entranceway no less than seven-hundred-fifty (750) feet in length.
 - B. One waterfall on either the north side or south side of the entranceway off Cyntheanne road.
 - C. One fountain or bubbler on either the north side or south side of the entranceway off Cyntheanne road.
 - D. The perimeter mounding adjacent to Cyntheanne Road shall have an average height of seven (7) feet, and shall be either continuous or undulating.

- E. The Declaration of Covenants, Conditions, and Restrictions applicable to Area 2 and recorded by the Developer with the Recorder of Hamilton County, Indiana, shall contain a provision providing that no one under the age of nineteen (19) shall reside in any residence located within Area 2 for more than ninety (90) days in any consecutive twelve (12) calendar month period and (ii) that the foregoing provision prohibiting anyone under the age of nineteen (19) from residing in any residence located in Area 2 for more than ninety (90) days in any consecutive twelve (12) calendar month period is enforceable by any resident within Area 2, and also by the homeowners association identified in the Declaration and established by the Developer.
- F. All other perimeter areas of Area 2-A, Area 2-B, Area 2-C, Area 4-A, and Area 4-B adjacent to 126th Street or Atlantic Road shall have a mound with an average height of six (6) feet, and shall be either continuous or undulating.
- G. All common areas, which are adjacent to Cyntheanne Road, 126th Street, and Atlantic Road, shall be irrigated.
- H. Entryway monuments, within Area 2 and off of Cyntheanne Road, shall have at least four (4) square feet of brick or stone per unit.
- I. For all residential Areas, the Developer shall establish a mandatory Homeowner's Association (hereinafter the "HOA") which will maintain an account for replacement reserves, to be funded by mandatory assessments and to provide revenue for landscaping maintenance. The Director of Development will, from time to time, have authority to request from the HOA a copy of the budget and maintenance schedule, should such Director of Development determine that landscape materials are not being maintained to adequate standards.
- J. An irrigation system shall be installed at the main entranceways into the Real Estate and adjacent to the perimeter right of way. Such system shall be maintained in good working order by the HOA.
- K. The floor plans for all Residences in Area 2 shall offer a four (4) foot garage extension as an option available for purchase by the homebuyer.

- L. The floor plans for all Residences, other than for Residences in Area 2, shall offer a three (3) car garage as an option available for purchase by a homebuyer.
- M. So long as the road impact fee and park impact fee assessed for each residence in Area 2-A, Area 2-B, and Area 2-C is the same as the road impact fee and park impact fee assessed for each residence in Area 1-A, (i) the Developer shall not appeal the road impact fees assessed against residences in Area 2-A, Area 2-B, and/or Area 2-C for any reason including, without limitation, that there are fewer trips from residences in Area 2-A, Area 2-B, or Area 2-C, and (ii) the Developer shall not appeal the park impact fee against residences in Area 2-A, Area 2-B, and/or 2-C for any reason including, without limitation, that the owners of residences in Area 2-A, 2-B, or 2-C use public parks less frequently than other residents.
- N. The Real Estate will be developed so that there will be no general sheet drainage on to lands adjoining the Real Estate. All storm water runoff shall be treated as required by law.
- O. All street lighting shall be installed with reflectors or other such devices or controls so that light is reflected downward to mitigate light spillover.
- P. The drainage plan proposed for the Real Estate, once developed, will be designed in furtherance of the objective that, while accepting storm water runoff from adjoining properties, the Real Estate, once developed, will not sheet-drain on adjoining properties as it currently does and, as such, there will be no general sheet drainage onto properties adjoining the Real Estate.
- Q. All storm water drainage points to be located on the Real Estate shall be approved by the Town of Fishers and/or the Hamilton County Surveyor's Office, whichever has jurisdiction. Further, all storm water runoff from the Real Estate shall be treated for sediment and other harmful contaminants as required by Indiana law.
- R. The Declaration of Covenants, Conditions, and Restrictions, recorded in connection with Area 2 (the "Area 2 Declaration") shall provide that the homeowners association, established in the Area 2 Declaration, shall provide, with regard to each lot in Area 2, (i) lawn cutting and fertilizing, (ii) the mulching of all landscape beds, once a year, and (iii) the removal

of snow, which has accumulated beyond two (2) inches in depth, from all walks, driveways, and porches.

- S. In exchange for a park impact fee credit in an amount equal to the purchase price paid by the Developer for the Trailhead Property, and after the acquisition by the Developer of the Trailhead Property, the Developer shall dedicate the Trailhead Property to the Town, for use as a trailhead for the Thorpe Creek Greenway, upon the earlier of (i) four (4) years after the date of the enactment of this Britton Falls PUD or (ii) the recordation by the Developer, with the Recorder of Hamilton County, Indiana, of the last and final secondary plat of the final phase or section in Area 1. The foregoing notwithstanding, however, if, prior to such dedication, the Developer acquires other real estate on the west side of Cyntheanne Road and along Thorpe Creek, which is deemed acceptable by the Director of the Development, as a substitute for the Trailhead Property, then the Developer may dedicate such other real estate instead of the trailhead property, as a trailhead for the Thorpe Creek Greenway, and shall receive a park impact fee credit equal the purchase sales price which the Developer pays for such other real estate.

Section 4. Binding on Successors. These Commitments are binding on the Owner of the Real Estate, each subsequent Owner of the Real Estate, and each other person acquiring an interest in the Real Estate, unless modified or terminated by the Commission. These Commitments may be modified or terminated only by a decision of the Plan Commission after a public hearing wherein notice as provided by the rules of the Plan Commission has been made. The provisions of this Section 4 notwithstanding, these Commitments shall terminate as to any part or parts of the Real Estate hereafter reclassified (rezoned) on the Town's Official Zone Map.

Section 5. Effective Date. The Commitments contained herein shall be effective upon the occurrence of all of the following events:

- (1) The adoption of an ordinance by the Council assigning the requested Britton Falls classification to the Real Estate;
- (2) The acquisition of the Real Estate by the Developer or its successors and assigns; and
- (3) The commencement of the development of the Real Estate in accordance with the assignment of the requested Britton Falls PUD classification.

Section 6. Recording


The undersigned hereby authorizes the Secretary of the Commission to record these Commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These Commitments may be enforced by the Commission and the Council, and any property owner within or immediately adjacent to the Real Estate.

IN WITNESS WHEREOF, PULTE HOMES OF INDIANA, LLC, has caused these Commitments to be executed as of the date first written above.

PULTE HOMES OF INDIANA, LLC

By: 
David Compton,
Vice President of Land Acquisition

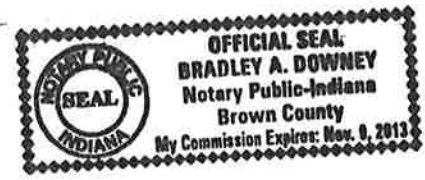
STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared *David Compton*, as Vice President of Land Acquisition for Pulte Homes, LLC, and having been duly sworn, acknowledged execution of the foregoing Commitments.

Witness my hand and Notarial Seal this 17th day of MARCH, 2006.

My Commission Expires: 11/9/13
B.A. Downey
BRADLEY A. Downey, Notary Public
Resident of Brown County

Prepared By: Charles D. Frankenberger, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, Indiana 46280 (317) 844-0106.



Commitments

Exhibit A

The "Real Estate"

Overall Description:

A part of the Southeast Quarter of Section 20, Sections 29 and 30, and part of the Northeast Quarter of Section 32, Township 18 North, Range 6 East, Fall Creek Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 30; thence North 89 degrees 39 minutes 12 seconds East along the South line of said Section 30 a distance of 2650.24 feet to the Southeast corner of the Southwest Quarter of said Section 30; thence North 00 degrees 29 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 583.17 feet TO THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; thence continuing North 00 degrees 29 minutes 51 seconds West along said East line of said Southwest Quarter and the East line of the Northwest Quarter of said Section 30 a distance of 3745.64 feet; thence South 89 degrees 40 minutes 31 seconds West a distance of 1,437.08 feet to the West line of the East Half of the Northwest Quarter of said Section 30; thence North 00 degrees 21 minutes 48 seconds West along said West line a distance of 1,001.10 feet to the North line of said Northwest Quarter; thence North 89 degrees 40 minutes 07 seconds East along said North line a distance of 1,434.74 feet to the Northeast Corner thereof; thence North 89 degrees 29 minutes 49 seconds East along the North line of the Northeast quarter of said Section 30 a distance of 2,000.81 feet; thence South 00 degrees 13 minutes 55 seconds East parallel with the East line of said Northeast Quarter a distance of 448.00 feet; thence North 89 degrees 29 minutes 32 seconds East a distance of 672.30 feet to said East line; thence North 00 degrees 13 minutes 55 seconds West along said East line a distance of 119.19 feet; thence North 89 degrees 36 minutes 52 seconds East parallel with the North line of the Northwest Quarter of said Section 29 a distance of 596.01 feet; thence North 00 degrees 22 minutes 54 seconds West a distance of 329.00 feet to the North line of said Northwest Quarter; thence North 89 degrees 36 minutes 52 seconds East along said North line a distance of 727.25 feet to the East line of the West Half of said Northwest Quarter Section; thence South 00 degrees 10 minutes 26 seconds East along said East line a distance of 936.38 feet; thence South 89 degrees 36 minutes 52 seconds West parallel with said North line a distance of 1,321.46 feet to the West line of the Northwest Quarter of said Section 29; thence South 00 degrees 13 minutes 55 seconds East along said West line a distance of 397.88 feet; thence South 89 degrees 34 minutes 18 seconds West a distance of 1,333.46 feet to the West line of the East Half of the Northeast Quarter of said Section 30; thence South 00 degrees 21 minutes 52 seconds East along said West line a distance of 1,332.21 feet to the South line of said Northeast Quarter; thence South 89 degrees 39 minutes 05 seconds West along said South line a distance of 89.79 feet; thence South 00 degrees 16 minutes 37 seconds East a distance of 1,000.74 feet; thence North 89 degrees 39 minutes 22 seconds East a distance of 329.35 feet; thence South 00 degrees 16 minutes 20 seconds East a distance of 407.74 feet; thence North 88 degrees 46 minutes 35 seconds East a distance of 1,090.88 feet to the West line of the Southwest Quarter of said Section 29; thence North 00 degrees 16 minutes 20 seconds West along said West line a distance of 1392.02 feet to the Northwest corner thereof; thence North 00 degrees 13 minutes 55 seconds West along the West line of the Northwest Quarter of said Section 29 a distance of 301.12 feet; thence North 89 degrees 25 minutes 42 seconds East parallel with the North line of said Southwest Quarter a distance of 1,320.03 feet to the East line of the West Half of the Northwest Quarter of said Section 29; thence South 00 degrees 10 minutes 26 seconds East along said East line a distance of 301.13 feet to the South line of said Northwest Quarter; thence North 89 degrees 25 minutes 42 seconds East along said South line a distance of 1,983.20 feet to the West line of the East

Half of the Southwest Quarter of the Northeast Quarter of said Section 29; thence North 00 degrees 10 minutes 51 seconds West along said West line a distance of 1,328.39 feet to the Northwest corner thereof; thence North 89 degrees 32 minutes 55 seconds East along the North line of said East Half of the Southwest Quarter of the Northwest Quarter a distance of 662.11 feet to the Northeast corner thereof; thence North 00 degrees 14 minutes 19 seconds West along the West line of the Northeast Quarter of said Northeast Quarter of said Section 29 a distance of 969.36 feet to Thorpe Creek; thence northeasterly and easterly along said Thorpe Creek by the next sixteen (16) courses: 1) North 48 degrees 41 minutes 52 seconds East 8.93 feet; 2) North 53 degrees 03 minutes 19 seconds East 109.41 feet; 3) thence North 55 degrees 37 minutes 16 seconds East 197.66 feet; 4) North 59 degrees 00 minutes 44 seconds East 119.63 feet; 5) North 36 degrees 59 minutes 13 seconds East 30.24 feet; 6) North 59 degrees 35 minutes 57 seconds East 94.58 feet; 7) North 76 degrees 25 minutes 13 seconds East 34.93 feet; 8) North 85 degrees 27 minutes 58 seconds East 94.15 feet; 9) North 88 degrees 35 minutes 56 seconds East 150.53 feet; 10) North 81 degrees 57 minutes 54 seconds East 24.69 feet; 11) South 82 degrees 40 minutes 18 seconds East 64.66 feet; 12) North 84 degrees 37 minutes 59 seconds East 42.04 feet; 13) South 67 degrees 13 minutes 58 seconds East 48.12 feet; 14) North 87 degrees 00 minutes 13 seconds East 31.00 feet; 15) North 75 degrees 05 minutes 52 seconds East 34.88 feet; 16) North 41 degrees 06 minutes 27 seconds East 47.99 feet to the North line of said Half Quarter Section, said line also being the South line of the Southeast Quarter of said Section 20; thence South 89 degrees 40 minutes 11 seconds West along the South line of said Quarter Section a distance of 2,331.92 feet to the Southwest corner of said Quarter Section; thence North 00 degrees 05 minutes 54 seconds East along the West line of said Quarter Section a distance of 1,283.09 feet to the southerly right-of-way line of Interstate 69 as established per the right-of-way plans for State Highway "I" Project No. 69-1(36)12 R/W and a point on a curve concave northerly, the radius point of said curve being North 00 degrees 53 minutes 42 seconds West 14,453.58 feet from said point; thence along said southerly right-of-way line of Interstate 69 as established per the right-of-way plans for State Highway "I" Project No. 69-1(36)12 R/W by the next three (3) calls; 1) easterly along said curve 146.16 feet to the point of tangency of said curve, said point being South 01 degrees 28 minutes 28 seconds West 14,453.98 feet from said point; 2) easterly along said curve 1,345.84 feet to the point of tangency of said curve, said point being South 06 degrees 48 minutes 34 seconds East 14,453.98 feet from the radius point of said curve; 3) North 83 degrees 11 minutes 27 seconds East 1,169.86 feet to the East line of said Quarter Section; thence South 00 degrees 20 minutes 11 seconds West along said East line a distance of 1,506.77 feet to the Southeast corner thereof; thence South 00 degrees 21 minutes 25 seconds East along the East line of the East Half of the Northeast Quarter of said Section 29 a distance of 2,648.42 feet to the Southeast corner thereof, said point also being the Northeast corner of the Southeast Quarter of said Section 29; thence South 00 degrees 23 minutes 11 seconds East along the East line of said Southeast Quarter a distance of 2,667.43 feet to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 32; thence South 00 degrees 07 minutes 59 seconds East along the East line of said Northeast Quarter a distance of 331.40 feet; thence South 89 degrees 05 minutes 59 seconds West a distance of 210.30 feet parallel with the North line of said Northeast Quarter; thence South 00 degrees 07 minutes 59 seconds East parallel with said East line of the Northeast Quarter a distance of 361.20 feet; thence North 89 degrees 05 minutes 59 seconds East parallel with said North line a distance of 210.30 feet to said East Section line; thence South 00 degrees 07 minutes 59 seconds East along said East Section line a distance of 1,969.19 feet to the Southeast corner

thereof; thence South 89 degrees 15 minutes 18 seconds West along the South line of said Northeast Quarter a distance of 2,626.80 feet to the Southwest corner thereof; thence North 00 degrees 59 minutes 06 seconds West along the West line of said Northeast Quarter a distance of 2,654.44 feet to the Northwest corner thereof, said point also being the Southwest corner of the Southeast Quarter of said Section 29 said point also being the Southeast corner of the Southwest Quarter of said Section 29; thence North 00 degrees 07 minutes 20 seconds West along the East line of said Southwest Quarter a distance of 288.16 feet; thence South 89 degrees 25 minutes 42 seconds West parallel with the North line of said Southwest Quarter a distance of 2,633.19 feet to the West line of said Southwest Quarter; thence North 00 degrees 16 minutes 20 seconds West along said West line a distance of 309.38 feet; thence South 89 degrees 37 minutes 51 seconds West a distance of 2,652.54 feet to the place of beginning, containing 915.67 acres, more or less.

EXCEPT:

Warranty Deed: Instrument Number 92-32609

Beginning at a point 200.00 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) from the Northwest corner of the Northeast Quarter of Section 32, Township 18 North, Range 6 East and on the North line thereof; thence continuing North 90 degrees 00 minutes 00 seconds East on and along said North line 100.00 feet; thence South 00 degrees 21 minutes 10 seconds West parallel with the West line of said Northeast Quarter 300.00 feet; thence South 90 degrees 00 minutes 00 seconds West parallel with said North line 100.00 feet; thence North 00 degrees 21 minutes 10 seconds East parallel with said West line 300.00 feet to the place of beginning. Containing 0.689 acres more or less.

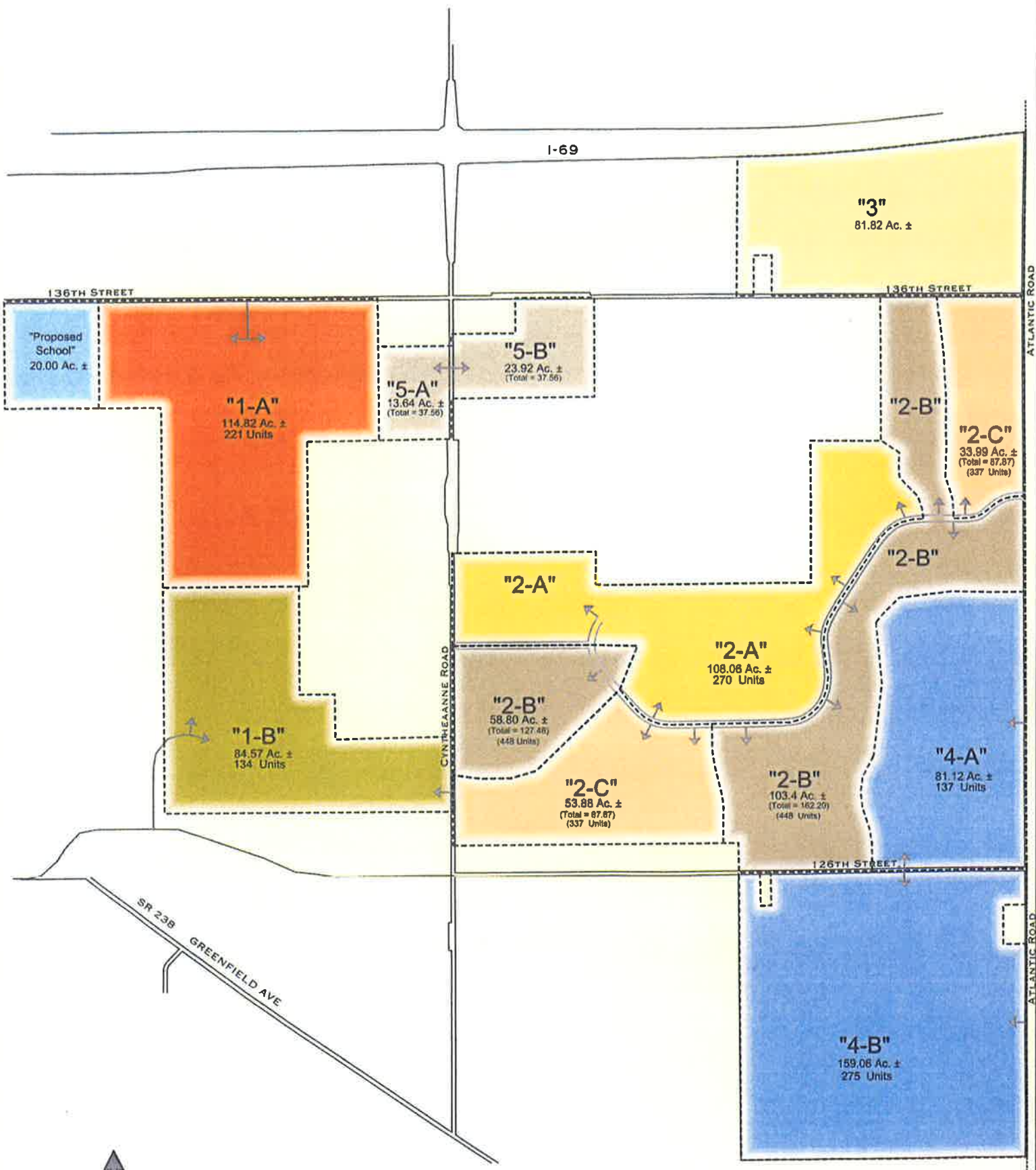
Note: Description was prepared at client's request based upon ALTA/ACSM Land Title Surveys prepared by Stoeppelwerth & Associates, Inc and record land descriptions and is therefore subject to a complete and accurate boundary survey.

S:\50755\Legal\SecondOverallDescription10-19-05.rtf

Commitments

Exhibit B

The “District Map”




 North
 SCALE: 1" = 1200'

Commitments

Exhibit C

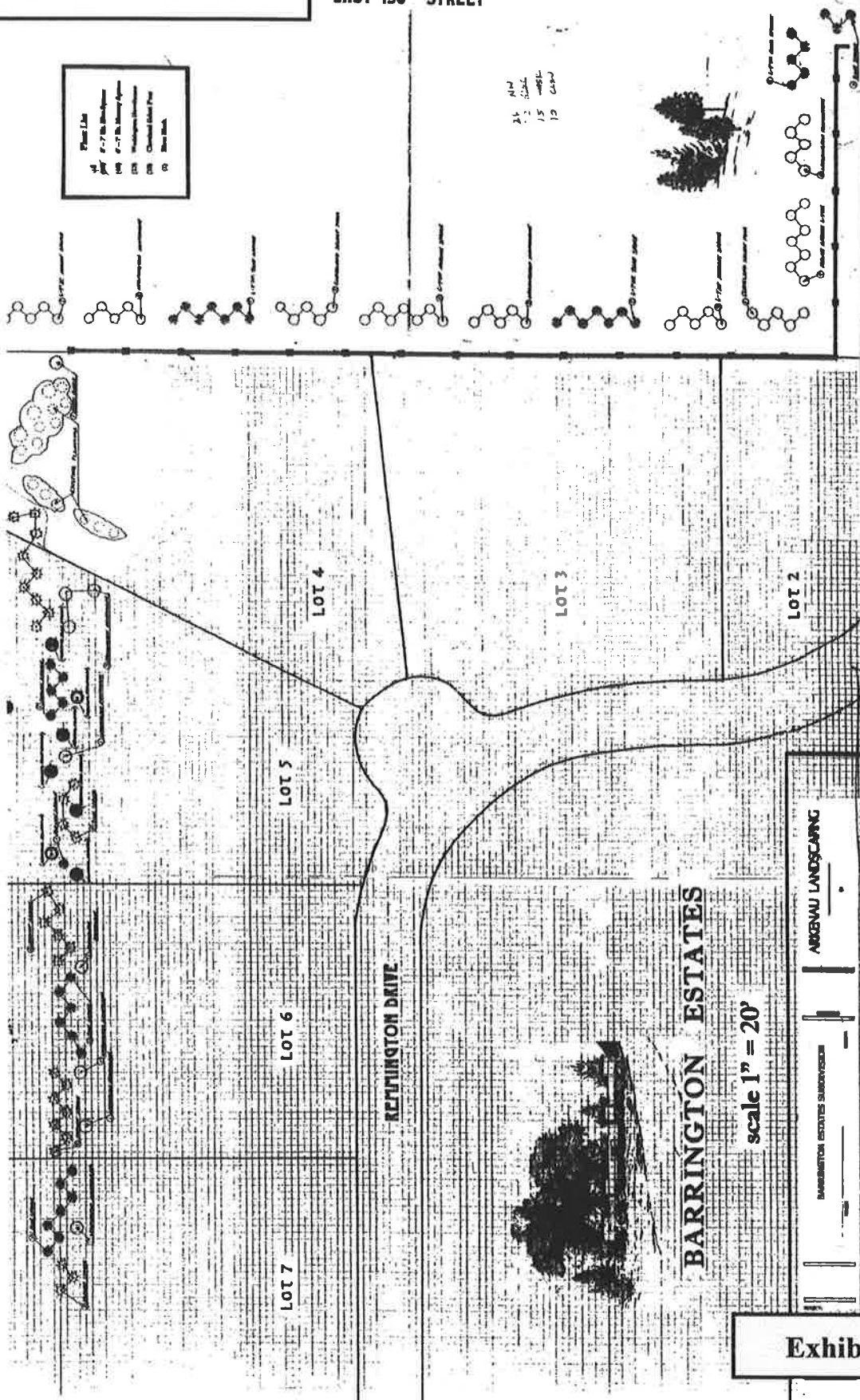
Barrington Plan

Barrington Estates

EAST 136TH STREET

- Plant List**
- 14 6-7' Bk. Shrub
 - 15 6-7' Bk. Shrub
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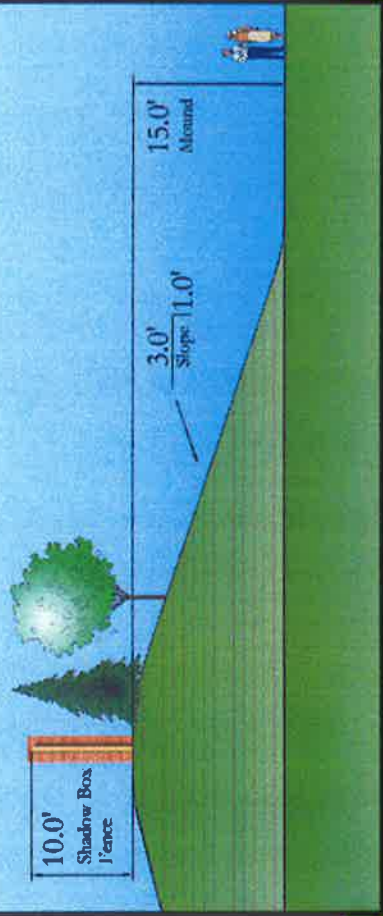


PLAN
- THE BARRINGTON
EXHIBIT "C"

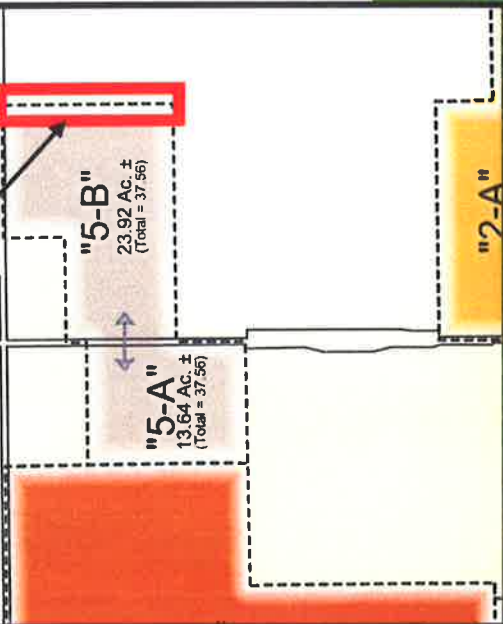
Exhibit 10-A-11

Barrington Estates

Mound Cross Section



Proposed Buffer Location



10' High Shadow Box Fence

Norway Spruces

15.0' on center

Brick Columns

50.0' on center

10.0' Top Width

6 Deciduous Trees per 100'

Exhibit 10-A-12

Commitments

Exhibit D

Samples of Architecture Style
Permitted in Area 5



Charter One

FAJITAS

BAR & GRILL



**SUNRISE
CAFE**

Curves

**bronze
tanning**

Ace DISCOUNT
LIQUORS & WINE

Richman
CLEANERS

 **CHINA INN**
SUSHI

PENN STATION
EAST COAST SUBS

GREAT CLIPS



Quizno's
SUBS

Regular **244** ⁹/₁₀

Plus **254** ⁹/₁₀

V-Power **266** ⁹/₁₀



ATM

Speedway









Haute Décor

McVARS VIDEO GAMES

MCALISTERS DELI

STOP







FOX AND HOUND
Pub & Grille

99999999

MCALISTERS DELI



COLD STONE
CREAMERY

RELLIS
CLEANERS

OPEN

Now Audiotaping
Apply today or call

POP-SHOTS
ICE CREAM

POP-SHOTS
ICE CREAM



Commitments
Exhibit E

The “Keck Plan”

Keck Commitment

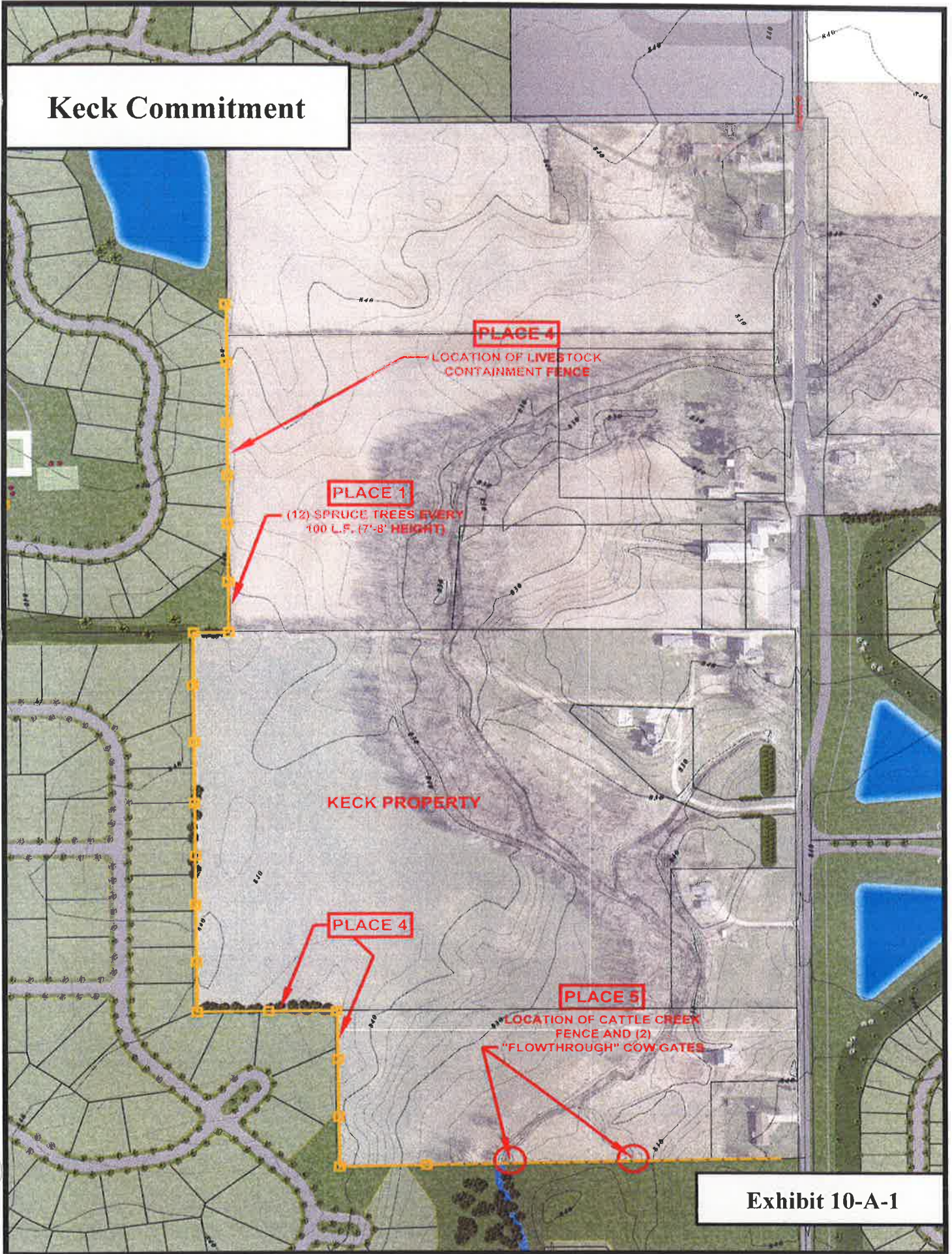


Exhibit 10-A-1

Keck Commitment

PLACE 2

150 LF OF 4' MOUNDING
W/ (18) SPRUCE TREES
(7'-8' HEIGHT)

KECK PROPERTY

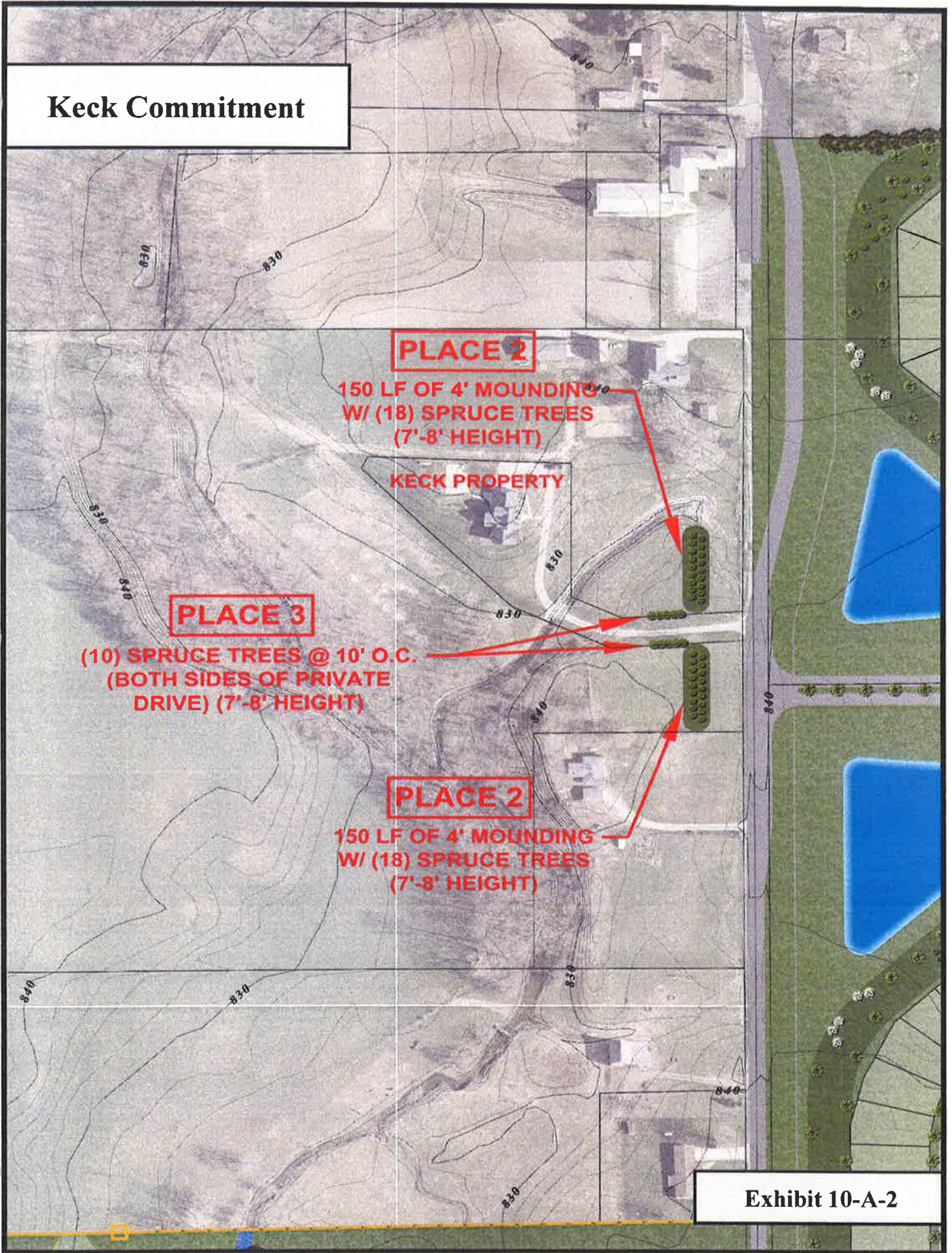
PLACE 3

(10) SPRUCE TREES @ 10' O.C.
(BOTH SIDES OF PRIVATE
DRIVE) (7'-8' HEIGHT)

PLACE 2

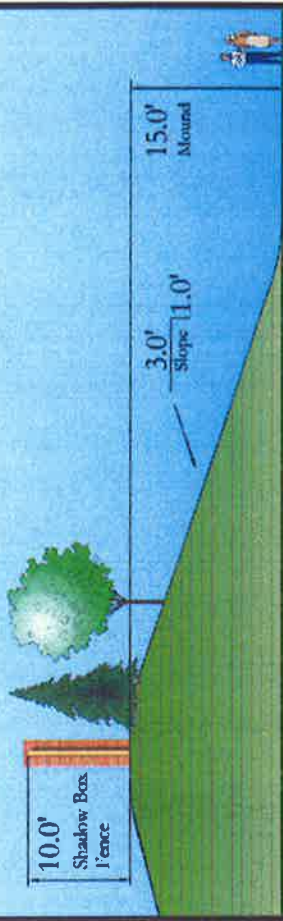
150 LF OF 4' MOUNDING
W/ (18) SPRUCE TREES
(7'-8' HEIGHT)

Exhibit 10-A-2

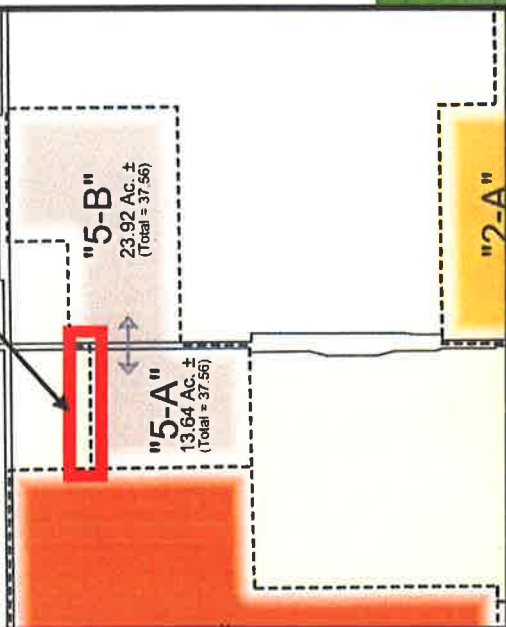


Keck Commitment

Mound Cross Section



Proposed Buffer Location



10' High Shadow Box Fence

Norway Spruces

15.0' on center

Brick Columns

50.0' on center

10.0' Top Width

6 Deciduous Trees per 100'

Exhibit 10-A-3

Commitments
Exhibit F

Samples of Livestock Fence



Commitments Exhibit F
Livestock Fence Pg 1 of 2





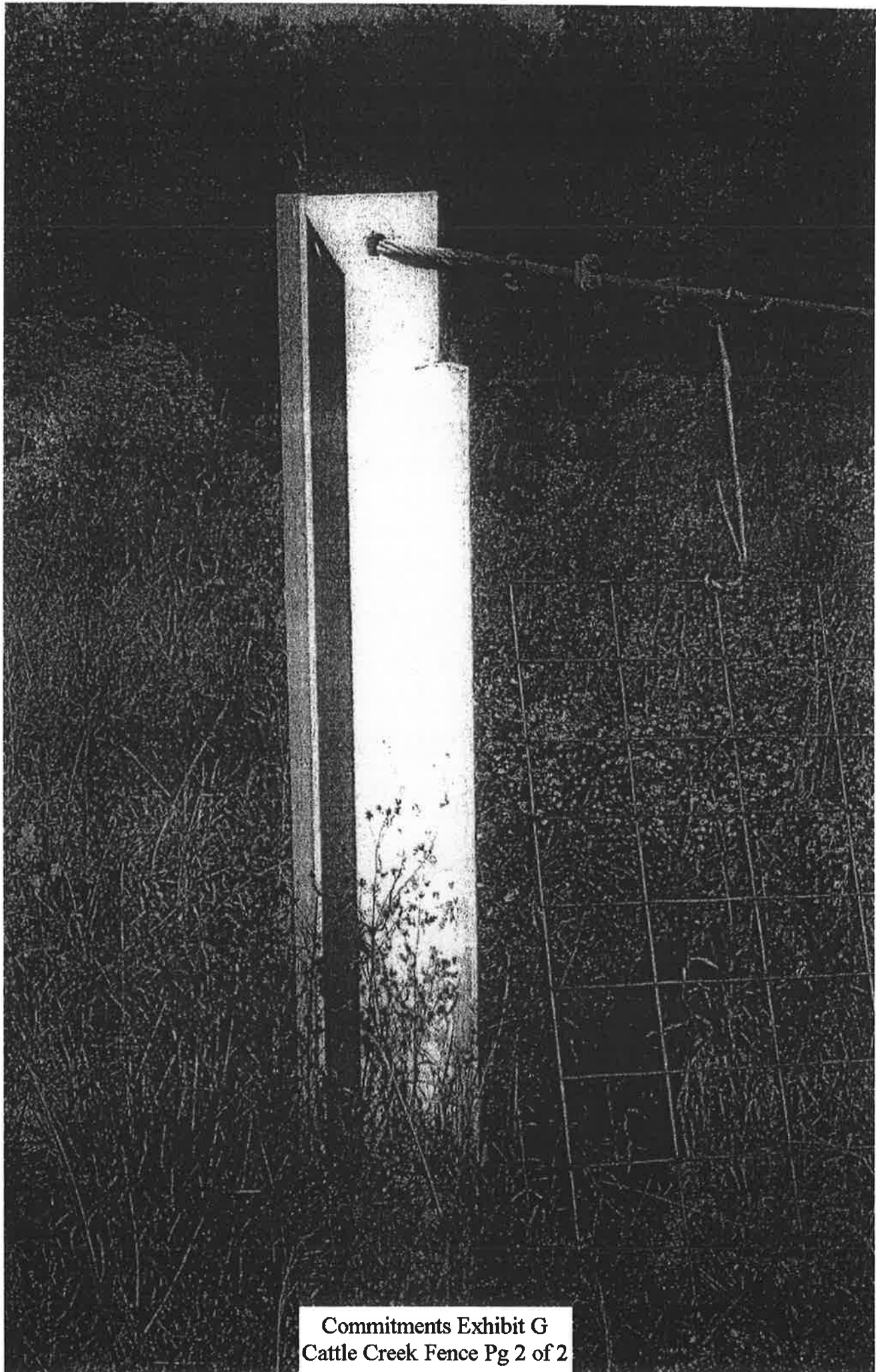
Commitments

Exhibit G

Samples of Cattle Creek Fence



Commitments Exhibit G
Cattle Creek Fence Pg 1 of 2

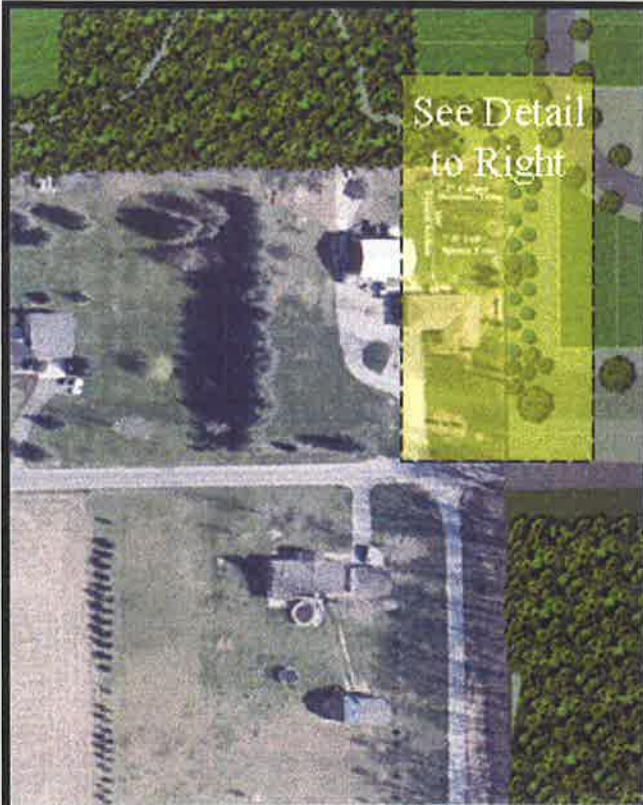


Commitments Exhibit G
Cattle Creek Fence Pg 2 of 2

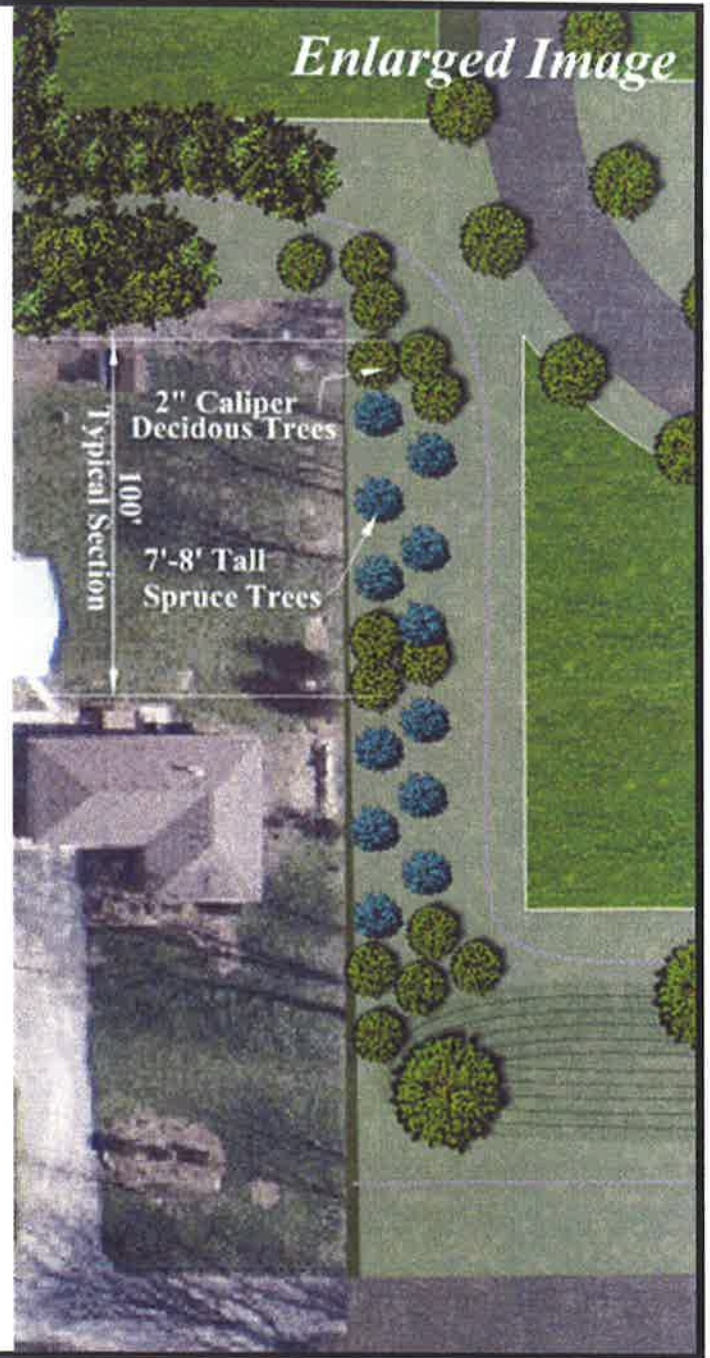
Commitments
Exhibit H

The “Corner Lot Plan”

126th St. Residence Buffer



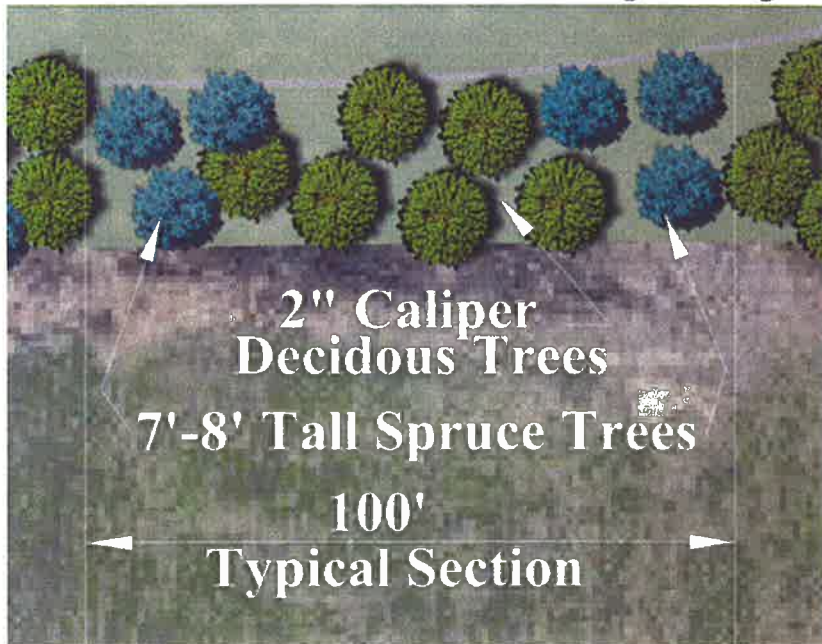
50' common area buffer
with 12 trees every 100'
(50% deciduous trees,
50% evergreen trees)



126th St. Residence Buffer



Enlarged Image



50' common area buffer with 12 trees every 100' (50% deciduous trees, 50% evergreen trees)

Commitments
Exhibit I

The "Tree Plan"

Tree Conservation/ Preservation



Tree Preservation

42 Ac.±

Tree Conservation

5.5 Ac.±

Commitments

Exhibit J

The "Mead Landscape Plan"

Marjorie Mead Exhibit



Exhibit 10-A-8

Commitments
Exhibit K

The “Owen Plan”

Mary Owens Exhibit

30' Tree Preservation
Easement

30' Tree Preservation
Easement

30' Tree Preservation
Easement

Exhibit 10-A-7

Commitments

Exhibit L

The “Shephard Plan”

Mary Ann Shepherd Buffering

Mary Ann Shepherd Exhibit

250' ±

Grouping #1

Grouping #2

- Grouping # 1 = Three Short-Needled Spruces, One Oak Tree
 - *At time of planting, the spruces shall be 7-8ft and the oak shall be 2" in diameter
 - *Placement shall be determined by landowner after the Del Webb entrance is complete
 - *Any tree that does not survive the first year shall be replaced one time with a like tree
- Grouping # 2 = Evergreen Tree Buffer
 - *2 rows of evergreens spaced 30ft on center
 - *Shall start east of the buffer mound and end at the Shepherd's east property line
 - *Any tree that does not survive the first year shall be replaced one time with a like tree
- *Pulte will preserve the tree line on the south side of the Shepherd's property

Commitments

Exhibit M

Pulte Classic Series Features

GRAY EAGLE HIGHLANDS

QUALITY FEATURES – CLASSIC SERIES

ENERGY SAVINGS FEATURES:

- Energy Star Certification – 5 Star
- Two-step energy seal process through-out entire home to reduce air infiltration
- Low "E" windows
- 90% high efficiency gas furnace with air conditioning
- 48 gallon Power shot water heater
- Insulated foam sheathing board with building paper housewrap and fiberglass batt insulation exterior wall system
- Fiberglass batt insulation in all cantilevers and bays
- Blown fiberglass insulation in all heated ceiling areas
- Outside air induction on all furnace systems
- Ridge and soffit vent system for maximum attic ventilation

SUPERIOR EXTERIOR FEATURES:

- Insulated fiberglass entry door with full weather stripping and dead bolt
- Spacious insulated 2 car garage with drywall and prime painted finish
- Dual glazed vinyl windows with decorative grids on front of home
- Pre-wire for garage door opener
- Sectional overhead garage door with rubber sweep
- CertainTeed asphalt roof shingles with 25 year limited warranty
- Concrete walkway from driveway to front porch
- Two exterior electrical outlets
- Two freeze resistant exterior water spigots
- Concrete Patio per Plan
- Front lawn sod
- Rear Et side lawn hydroseed

PULTE QUALITY ASSURANCE:

- Pre-construction information session
- Pre-drywall consultation
- Pre-closing homeowner orientation
- Customer service walk at 3-month
- Customer service walk at 11-month
- Measured customer satisfaction
- Protection Plan: 2-5-10 year limited warranty



The above interior and exterior standards are subject to change, but must comply with or be equivalent in value.

ELEGANT INTERIOR FEATURES:

- 9' ceilings on first floor
- Stain resistant Textured wall to wall carpeting with rebond 6 lbs. pad
- Armstrong vinyl flooring in kitchen, nook, hall bath, powder bath, master bath, foyer and laundry
- Stained stair handrail
- Kohler Sterling product for sinks, Lavatories, Showers Et Bath Tubs
- Kohler Pedestal sink in powder room per plan
- Moen Faucets in all baths
- Mirrors in bathrooms and master suite dressing area above vanity
- Merillat Millbridge II cabinets
- Custom Laminate countertops in kitchen, hail and master baths
- Stainless steel kitchen sink with 1/3 HP disposal
- General Electric self cleaning electric range
- General Electric dishwasher Et range hood fan
- Sea Gull light fixtures throughout
- Four panel provincial doors with polo style knobs
- Premiere interior trim package
- Fireplace with Custom Mantel, Ceramic Tile Hearth and Face
- Centralized "Structured wiring system" for voice and data communication
- Phone – Category 5 dedicated runs to each location per plan
- Cable TV-RG-6 dedicated runs to each location per plan
- Gracefully textured drywall ceilings
- Glued and screwed 3/4" tongue and groove (OSB) oriented strand board floor decking
- Engineered floor joist system

QUALITY FEATURE UPGRADES STANDARD TO THE GRAY EAGLE HOMES COLLECTION:

- Brick Chimney Chase
- Partial Basement
- Garden Bath
- Elevation 1C
- Vaulted Ceiling
- Classic Trim Package
- Window Grids on 4 sides
- Hardwood in Foyer
- 2 Car Side Entry Garage Elevation C
- Hardi-Plank Siding

CLASSIC SERIES COLLECTION:

Pulte Homes of Indiana Reserves the Right to Substitute, Without Notice, Material of Similar Quality for any Product Listed in these Specifications

Commitments

Exhibit N

Pulte Executive Series Features

MANORS OF WEST CLAY

QUALITY FEATURES INCLUDED IN the MANORS OF WEST CLAY BASEMENTS INCLUDED – ALL HOMES

ENERGY SAVINGS FEATURES:

- Energy Star Certification – 5 Star
- Two-step energy seal process through-out entire home to reduce air infiltration
- Low "E" windows
- 90% high efficiency gas furnace with air conditioning
- (2) – 48 gallon Power shot water heater
- Insulated foam sheathing board with building paper housewrap and fiberglass batt insulation exterior wall system
- Fiberglass batt insulation in all cantilevers and bays
- Blown fiberglass insulation in all heated ceiling areas
- Return air venting in all bedrooms for air exchange
- Outside air induction on all furnace systems
- Ridge and soffit vent system for maximum attic ventilation

SUPERIOR EXTERIOR FEATURES:

- Partial Brick Front with returns at roof line per elevation
- Brick on Three sides of home per floor plan & elevation
- Cast iron address plaque or limestone placque
- Hardi-Plank siding
- Insulated fiberglass entry door with full weather stripping and dead bolt
- Spacious insulated 3 car garage with drywall and prime painted finish
- Garage door openers with Keypad
- Sectional overhead garage door with rubber sweep
- Windows with aluminum exterior cladding
- Certainteed 30 year Dimensional asphalt roof shingles
- 8 inch side gable overhangs
- Stately 6 inch guttering system
- Concrete walkway from driveway to front porch
- Two exterior electrical outlets
- Two freeze resistant exterior water spigots
- Concrete Patio per Plan
- Front lawn sod
- Rear & side lawn hydroseed

PULTE QUALITY ASSURANCE:

- Pre-construction information session
- Pre-drywall consultation
- Pre-closing homeowner orientation
- Customer service walk at 3-month
- Customer service walk at 11-month
- Measured customer satisfaction
- Protection Plan: 2-5-10 year limited warranty

ELEGANT INTERIOR FEATURES:

- 9' ceilings on first floor
- Solid 3/4" Oak Hardwood floor by Bruce in foyer, kitchen / nook, & powder room(s)
- Stain resistant Textured wall to wall carpeting with rebond 6 lbs. Pad
- Ceramic tile flooring in hall and master baths
- Armstrong vinyl flooring in laundry
- Stained stair handrail
- Kohler Sterling product for sinks, Lavatories, Showers & Bath Tubs
- Elongated lavatories in all baths
- Shower pan with Tiled walls in Master Bath
- Garden tub in master bath
- Tempered Glass shower door in Master Bath
- Kohler Pedestal sink in powder room per plan
- Moen Faucets in all baths
- Cultured Marble countertops in hall & master baths
- Mirrors in bathrooms and master suite dressing area above vanity
- 42" Merillat Millbridge II cabinets
- Custom Solid Surface Staron countertops in kitchen
- Stainless steel kitchen sink with 1/3 HP disposal
- Gourmet Kitchen including GE double oven, 4 burner cooktop and microhood
- General Electric dishwasher
- Sea Gull light fixtures throughout
- Semi solid six panel doors with lever style knobs
- Executive custom interior trim package
- Laminate wood shelving in all closets
- Fireplace with Custom Mantel, Ceramic Tile Hearth and Face
- Centralized "Structured wiring system" for voice and data communication
- Phone – Category 5 dedicated runs to each location per plan including all bedrooms
- Cable TV-RG-6 dedicated runs to each location per plan including all bedrooms
- 300 amp electrical service to home
- Gracefully textured drywall ceilings
- Vaulted or trayed master Bedroom Ceiling
- Glued and screwed 3/4" tongue and groove (OSB) oriented strand board floor decking
- Engineered floor joist system



The above interior and exterior standards are subject to change, but must comply with or be equivalent in value.

EXECUTIVE SERIES COLLECTION:

Pulte Homes of Indiana Reserves the Right to Substitute, Without Notice, Material of Similar Quality for any Product Listed in these Specifications

Commitments
EXHIBIT O

Trailhead Property

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



Date: March 6, 2006
To: Town Council
From: Development Department
RE: Ordinance #022105A Britton Falls PUD-M - To consider a request for initial zoning of the Britton Falls PUD-M, generally located between 126th and 136th Streets and on the east and west sides of Cyntheanne Road. Proposed 3rd Reading

This report is our staff response to both council and citizen comments generated at the Town Council meeting held February 20, 2006 of the Britton Falls PUD (Pulte/Del Webb). The previous staff report prepared for the February 20th meeting is attached as an exhibit. This exhibit includes answers given in response to questions raised at the February 6th, 2nd Reading on this project. Also attached are exhibits regarding private wells, architectural standards, and commercial uses.

STAFF RECOMMENDATION:

Only a few times in the history of the Town of Fishers has there been the opportunity to deal with such a large parcel and shape the future of an area such as is provided by this proposal. This project has the most complete and complex zoning ordinance ever written for a project in the Town of Fishers.

REASONS TO SUPPORT:

- 1) **A key focus on this project should be a Land Use determination. While the project does not entirely meet the guidelines for the area as laid out in the Town's Conceptual Future Land Use Map, we find the key difference is that the area show on the map to be "mixed use" is slated to be R2 in this proposal and the area for R2 is now the Del Webb. It seems to staff this swapping of land uses is appropriate considering these size and scope of this project.**

- 2) **A second factor is the mix of housing proposed and the Del Webb assessed value without school age children. The staff believes that the opportunity to have a nationally recognized name associated with this age restricted project is a positive for the Fishers community. This housing will provide a needed and necessary housing development and lifestyle unique to the area. The balance of the housing that ranges in price from \$250,000 to over \$1 Million provides over 750 units of housing for the second or third move up buyer. The Del Webb portion of this project brings good assessed value to the community without the added costs associated for the schools.**

- 3) **The Britton Falls PUD raises the construction and design standards as a measure of comparison for future development in the Town of Fishers. We believe that the voluntary nature of this proposal as guided by the Ordinance and the commitments provide the Town with a great measure of oversight on this development.**
- 4) **Our final recommendation (from both Parks and Development) is that the 13 acres (approx) on Cyntheanne be donated as a Public Park area, subject to acceptance by Town Council. In addition, staff (Development and Parks Departments) will recommend that Town Council grant Parks Impact Fee Credit for land and improvements as approved by the Town, for this site.**

While this is a complex document, we certainly make no guarantee that every scenario has been taken care of, but standard process for Plan Commission approval of development plan, Technical Advisory Committee approval of construction plans and continuing monitoring of the project through construction will provide adequate safeguards for ongoing supervision.

Staff recommends adoption of the Britton Falls PUD, with the donation of the 13 acres along Cyntheanne Road for a public park.

We would be happy to answer any questions you may have.

Below are the Staff responses to 3rd reading questions:

RESPONSES TO TOWN COUNCIL AND CITIZEN CONCERNS AT 3RD READING

WELLS: See **PULTE RESPONSE** as well as attached memo from **DOUG CHURCH. (Exhibit 1A)**

WATER: **Pulte** to show the three routes, where are the links? Where are mains extended? What do residents do that want to tap in? What is their fee? Will Pulte stub to properties for extensions?

Also, **Pulte to research** the depth of aquifer, how will this effect grading? Also, how will grading effect the aquifer?

SEE PULTE RESPONSE

SEWER: What are HSE Utilities options? What are whole NE quadrant options? Can they do a lift station? Can the sewer go along side of Cyntheanne?

SEE PULTE RESPONSE

Jim Hart (or representative from HSE Utilities) has been invited to be present to speak on this issue.

ROADS: Do cost comparison for “Peterson” plan. **(Town Engineer)**

What traffic mitigating approaches can be used to deter traffic from the East?
(Staff will solicit opinions from Steve Fehribach, Town’s traffic Engineer)

Mr. Fehribach indicated the following at the 2-20 TC meeting: Traffic from Madison County was included in our traffic analysis. The data in the impact fee study is reliable.

What is the ROW for 136th Street?

Presently it is deemed a Secondary Arterial from Prairie Baptist to Atlantic and is designated to have a 90 feet Right of Way or 45 foot half ROW.

Can this be taken off both sides or one or the other?

Typically, the ROW is requested at the time a parcel is developed. The petitioner is asked to provide a ½ ROW as required by the Town of Fishers Transportation Plan.

IN ADDITION TO THE 45 FEET ½ ROW, PULTE HAS AGREED TO PROVIDE AN EXTRA 15 FEET OF AREA FOR THE PATH ON THE SOUTH SIDE – SEE PULTE NOTE

COMMERCIAL:

Compare standards to 116th and Olio, the “big box” stuff and 360 degree architecture from the 131st Street Marketplace.

The underlying base zoning for these standards is the REQUIREMENT to include the UDO Draft E standards. These standards have taken into account many of these concerns. We have attached a list of key commercial architectural design elements included in the Draft E of the UDO and the other areas (116th/Olio and 131st St Marketplace) for your consideration (see Exhibit 2A).

Show list of Commercial C1 and C2 uses and what Pulte is adding or eliminating.

A list of current permitted uses in the C1 and C2 districts is attached, as well as the uses Pulte is eliminating or modifying (see Exhibit 3A).

Compare signs – tell where different

Pulte has agreed to more restrictive commercial sign size, 1 sq ft of signs for 1 lineal foot of frontage up to 300 sq ft (compared to 1 ½ sq ft per lineal foot) along with having a sidewalk blade type sign for pedestrians mounted vertically to the storefront.

At staff request, Pulte has added the option of exterior lighting of a “goose neck” style to illuminate signs in addition to the reverse channel back lit signs (116th and Olio)

Monument signs are compared as follows:

| Pulte Commercial | Parkside | Kroger at Cumberland | 116th/Olio |
|-------------------------------|--------------------|--------------------------------|-------------------------------------|
| Entry (3) | (4) | (1) | (2) |
| Size 200 sq ft | 240 140 | 180 | 60 |
| Height 20 | 28 20 | 20 | 6 |
| Road type 3 to 5 lanes | 4 lane SR37 | 4 lane 116th | 5 lane Olio/116th |

RESIDENTIAL:

Review Architectural standards (p.9 5.01). What is unique?

These standards are ones added from reviewing what has been approved for other PUDs and discussions with builders. We believe that the range of choices and options allows variety of design and style while helping upgrade the appearance of a neighborhood helping add to its long range viability. While none may be termed “unique”, staff believes they provide buyers with choices that in the long run will bring higher value to the properties if there is a subsequent resale.

Move away from Design standards to reliability standards

Staff has requested and Pulte has furnished numerous items wherein Pulte states their building standards are “higher” than state building codes. Their voluntary action in submitting these standards avoids a conflict for the Town as we have adopted the State of Indiana Building Code. The Town’s legal counsel may be prepared to answer further questions on this issue.

Staff sees inherent problems in enforcing these during construction inspections if they are part of the Ordinance. As a commitment, we view these voluntary standards to be outside the Town’s inspection and enforcement procedures.

Cost of a brick house vs. Hardi-plank vs. vinyl?

PULTE TO ANSWER

RESIDENTIAL (cont’)

Area 4 – What standards are higher than code?

PULTE TO ANSWER

Residential Sign ordinance – what is unique here?

Pulte is requesting larger sign at entry to Del Webb. Present ordinance allows a 32 sq. ft. sign, however, they are making a commitment to set their sign a minimum of 150 feet back from ROW as compared to our ordinance standard of 5 feet setback.

In addition, the ordinance as written allows interior subdivision directional signs, not presently allowed in our ordinance. In this case, the different subdivision areas within the Del Webb and other portions of this development will be allowed directional signage to highlight various neighborhoods. The quantity and location of these are restricted. Amenity Centers can also have signs. Other signs in the residential areas are in

conformance with what other developers and builders are allowed per our ordinance.

SCHOOL:

Will Pulte convey the school property to the Town?

SEE PULTE RESPONSE

Don't want to convey the school property to the Town.

SEE PULTE RESPONSE

Is the school going to purchase this property?

STAFF POSED THIS QUESTION TO HSE SCHOOLS ATTORNEY BRAD COOK WHO STATED: "the school has an interest in considering the property and is awaiting a contract proposal from Pulte to review costs and timing and will review and act on the issue when review is completed."

MAINTENANCE:

P.14 24.1 Is this maintenance Optional?

PULTE ANSWERED NO AND ORDINANCE HAS BEEN CHANGED.

PARKS IMPACT FEE:

Will Pulte seek lower Parks Impact Fee through an Appeal for the Del Webb single family homes?

PULTE ANSWERED NO AND THIS HAS BEEN ADDED TO COMMITMENTS

OTHER:

What commitments are worked out with Rodhamel?

SEE PULTE RESPONSE

Response to Mrs. Peterson's letter (regarding wells)

SEE PULTE RESPONSE AND DOUG CHURCH MEMO (see Exhibit 1A for Mr. Church's memo).

OTHER RESPONSES TO CITIZENS CONNERNs:

STAFF COMMENT TO MR. PETERSON STATEMENT

Response to Mr. Peterson's comment at 2-20 meeting. **The statement that 126th would be targeted for commercial is not supported by staff or by actions of this Council or our Boards and Commissions. We have successfully kept 116th Street between Allisonville and the Town Center from "turning over" into commercial area. We believe this to be important to many areas to maintain this separation.**

STAFF RESPONSE TO MRS. BIRKE

about getting a fire, police or (library – separate entity) location. **Each of these agencies reviews its needs and future locations and timing are suggested in the Town's Capital Plan. Developers are approached if land in their site is designated as an appropriate location.**

STAFF RESPONSE ABOUT EMINENT DOMAIN

The town has followed all legal processes established for Right of way needs. Individuals are PAID for right of way through an extensive process of valuation and offers and negotiation. Through the many road improvements done by the Town, very few have ever ended up in going through the full court determination process. Nearly every homeowner has agreed to the granting of their property for a value they have accepted.

OTHER RESPONSES TO CITIZENS: (CONTD)

RESPONSE TO BRIAN BAEHL 3/6 06 LETTER

126th Street Extension

The study assumes the possible ultimate buildout to 4 lanes as per the Transportation Plan, that is to designate roads in certain classes IN THE EVENT future widening is necessary. If 4 lanes are not built, that is the Town's determination when future factors are considered.

To assume that the road may be cheaper through Pulte property because they will have to give property may not be correct. The task to determine impact fee credits is a legal issue and our Traffic Engineer and staff are involved. If Right of Way is requested for a "thoroughfare" through a person's property, the Town may have to "buy" that ROW if it dictates location. This could involve Impact Fee credit for both the ROW and road to be built. That review is done during a project's technical review and ultimately a determination is made by the Fishers Town Council.

126th Street Detailed discussion

Staff has been in contact with many property owners in this area and will take all factors into consideration at the appropriate time.

NATURE PARK SITE – the Development staff has long requested this project include some "public park" site.

SEWERS AND WELLS– see report above

"DEL WEBBERS" – Nationwide traffic studies indicates the Del Webb age individuals drive fewer miles than traditional single family home drivers. Pulte has agreed to pay the full road impact fee rate, and therefore are paying a "fair" share per our Road Impact Fee requirements.

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



EXHIBIT 1 : FEBRUARY 20TH STAFF REPORT

Date: February 20, 2006

To: Town Council

From: Development Department

RE: Ordinance #022105A Britton Falls PUD-M
To consider a request for initial zoning of the Britton Falls PUD-M, generally located between 126th and 136th Streets and on the east and west sides of Cyntheanne Road.
3rd Reading

This report is our staff response to both council and citizen comments generated at the Town Council 2nd Reading of the Britton Falls PUD (Pulte/Del Webb) and begins on Page 4.

Petitioner's Request:

This petition is a request for initial zoning of approximately 913 acres in northeast Fishers. The property is generally located north of 126th Street and south of 136th Street and on the east and west sides of Cyntheanne Road. A portion of the subject property (81 acres) is located on the north side of 136th Street (Exhibit 1).

The petitioner is proposing to create a mixed-use planned unit development (PUD-M). The proposal includes the creation of 1,822 residential units, along with approximately 119 acres of office and commercial uses.

The subject property is currently zoned R-2. The property was zoned R-2 as a result of the joinder agreement between the City of Noblesville and the Town of Fishers. The Conceptual Future Land Use Map suggests part of the area under consideration for this request would best be developed with a mix of retail and office uses. Some of the uses contemplated in this area (guided by the land use map) include single family detached residences, commercial and office uses, and a medical complex. The commercial uses should be those of a neighborhood or local service area as opposed to a more regional shopping center.

The petitioner's proposal segments the property into five (5) distinct areas. Area 1 is comprised of single family detached residential, Area 2 is the "age restricted" Del Webb product, Areas 3 and 5 are office and commercial and Area 4 is single family custom homes. The overall density of this project is 2.3 units per acre, ranging from a low of 1.5 du/ac (Area 1B) to a high of 3.9 du/ac (Area 2C).

The site is currently undeveloped, consisting of cropland, wooded tracts, and gently rolling topography with Thorpe Creek running through a section of the property.

The property has not yet been annexed, although the petitioner has agreed to annexation.

Surrounding Uses & Zoning:

Land surrounding the subject property is generally zoned R-2. The Conceptual Future Land Use Map suggests the lands to the west of Cyntheanne Road would be appropriately developed as a mixed use and/or office park area. Property south of the subject parcels and west of Cyntheanne Road is institutional (park and school).

1st Reading:

First reading for this request was held by Town Council at the February 21, 2005 meeting. The Council asked for a fiscal plan on the proposed development including the Town's possible costs for upgrading roads in the area plus police and fire service costs. The petition has been in the Advisory Plan Commission review process since that time. Other Comments from the Council members centered on concerns with infrastructure improvements (especially roads), overall project density, "age restricted" regulations and community impacts, buffering existing developments (Barrington Estates subdivision), and architectural standards.

Plan Commission:

This request went before the Plan Commission for public hearing and recommendation at the December 13, 2005 meeting. Staff outlined five distinct items of concerns:

1. Zoning. Staff was concerned that the petitioner's suggested R-2 zoning designation could be misleading. While R-2 zoning would protect the Town should Pulte not develop, none of the petitioner's lots met the minimum size of the R-2 district.
2. Parks, Trails, and Open Space. Staff had the opinion that the petitioner's proposal did not provide enough public open space and that the petitioner's proposal did not adequately connect this development to the rest of the area via a pedestrian trail system.
3. Architectural Features. The petitioner proposed a list of architectural features to enhance the façade of homes. Each home would need to garner a specified number of points to qualify as acceptable. Staff had concerns whether all the items listed should count toward meeting that goal.
4. Garages. There was concern that a typical 20' deep garage does not provide space for cars and storage of waste receptacles. Staff suggested a minimum of 22' deep garages.
5. Signage. The petitioner's proposal for sign numbers and sizes well exceeded what the Town's current code would permit. Staff recommended signage be removed from consideration of the PUD and considered as a separate item.

During the public hearing, there was remonstrance, which generally focused on the project's density and impact to schools and local roads.

1. A major item of concern was infrastructure. Neighbors wondered where the developer would place water and sewer lines, and would their land be taken for that. The alignment of the 126th Street extension was also discussed. The ultimate configuration and increase in traffic may have a considerable impact on current residents along that road. Residents also asked about the appropriateness of placing a school site along 136th Street, which is anticipated to be a future commercial corridor.
2. Some remonstrators wanted the petitioner to give a guarantee that verbal commitments made to the neighbors would be written and included in the PUD ordinance so the Town

could enforce them. Also, some of the neighbors worried about existing wells and if the Pulte project would negatively impact them.

3. Finally, residents were worried about the 'age restricted' clause and how to gain assurances that the Del Webb part of this project would be truly for ages 55 and older. They also mentioned their concern about traffic studies that relied on fewer children than traditional single family residential. One question remonstrators asked was, if the Del Webb portion does not, in fact, develop as age restricted, how would the increase in numbers of children impact schools?

The Plan Commissioners also had several comments and concerns about the project:

1. What assurance does the Town have that verbal commitments will be adhered to;
2. Architectural standards are less than desired (to assure market values);
3. The size and number of various signs for this project is too large;
4. The amount and type of open space; and,
5. Garage sizes

Plan Commission Recommendation:

The Plan Commission separated three items from the general recommendation. The motions of support for these statements are in addition to the overall vote. These are:

1. Plan Commission supports the statement that the Commission isn't satisfied with the amount of Public Open Space in the current ordinance and commitments. Brian Atkinson made the motion. Peter Emigh seconded. Vote: 9-2.
2. Plan Commission supports the statement that the Commission would like the garage depth increased to a minimum of 22ft. Dan Kloc made motion Peter Emigh seconded. Vote 10-1.
3. Plan Commission supports the statement that they support the staff recommendation on signage to keep it consistent with the current sign ordinance. They also support staff's recommendation on flags. Motion: Peter Emigh made a motion. Kevin Clasen seconded. Vote 11-0.

There was a motion made to send a favorable recommendation to Town Council. That motion failed 5-6.

The Plan Commission voted 6-5 to send an unfavorable recommendation to Town Council.

2nd Reading:

Second reading for this request was held by Town Council at the January 18, 2005 meeting. As with the Plan Commission public hearing, there were several remonstrators. Many of the same concerns regarding increased vehicle traffic, road way and other necessary infrastructure improvements, possible negative fiscal impacts to schools, private wells and drainage, and open space, were restated at the 2nd Reading.

Town Council members had numerous questions/comments, including:

1. What would the impact to schools and road ways be if this area developed piecemeal as R-2?
2. Remove any ambiguous language in the ordinance;
3. provide a floor plan for each residential section;
4. Provide more detail (i.e., a concept plan) for the commercial areas;
5. Does this proposal have any impacts on the current traffic impact study and will this developer be required to pay more in fees to mitigate that impact;

6. Staff should review the transportation plan and show how 126th Street should develop—2 lanes vs. 4 lanes;
7. Has regional detention been considered for this area?
8. Compare the amount of “empty nester” product already approved
9. Can the “age restricted” component of this project be legally enforced?
10. The developer should provide assurances the age restricted housing product is structurally sound;
11. Compare the projected and actual build-out of the Avalon subdivision.

Staff Comments:

To respond in a reasonably logical manner to the public and Council comments, Staff has grouped those comments into similar sections.

Ambiguity

There was some concern that language regarding the commercial areas of this development was too ambiguous to be enforceable and that some of the commitments made by the developer to surrounding neighbors might not have included all interested parties. Specific comments have been made to the 3 property owners addressed in the FCVHOA letter by Pulte and we believe those answer most of the questions they have raised. Their continued reference to the UDO and its standards was to an early version that has not been adopted. Through a series of meetings with stakeholders, many changes the FCVHOA cite have been modified in the upcoming UDO and therefore staff does not support the positions the FCVHOA has taken on USO standards.

There was a concern that the commercial area did not include either a site plan or appropriate standards. The petitioner followed many of the 116th and Olio PUD standards, including a limit on square feet per acre, signage, architectural design, open space, etc. We believe these standards will establish the proper commercial atmosphere for this area. The petitioner has submitted an updated proposal which includes some more detail on the commercial area for Cyntheanne Road, south of 136th Street (petitioner’s book, tab 14). He characterizes the proposed uses as neighborhood retail, pedestrian friendly, and similar to 116th and Olio. The east side of Cyntheanne would be anchored by a grocery store. This commercial component could be redesigned if the proposed interchange at Cyntheanne and I-69 was constructed. The petitioner has submitted a concept plan, showing a likely build-out of the site (also tab 14). This concept plan would be finalized during the Detailed Development Plan process. This will allow staff and the Plan Commission to ensure a neighborhood and pedestrian friendly development.

The petitioner has also included commitments to surrounding property owners as part of his proposal (petitioner’s book, tab 10 and 18). A map highlighting each buffer area is shown in tab 10, page 3. Tab 10 also details the sizes and plantings for each buffer area. As far as Staff is aware, each concerned neighbor has been addressed with this proposal.

This PUD proposal has been carefully crafted and reviewed by the department and the developer and through numerous meetings with Council, Plan Commission, public community meetings, and individual meetings with affected homeowners. This is one of the most comprehensive PUDs that has been written, since we used as a basis previous PUDs, we corrected areas of concern or misunderstanding, and we tried to clarify areas that may be future issues. There will be issues in the future on a project this size; that is why State Statute sets appeal processes and amendments and/or PUD review of issues.

Roads

Council requested a summary of the Town's strategy in upgrading roads, when they are scheduled, and how the number of lanes are determined. The Town of Fishers was one of the first communities in Indiana to enact Impact Fees under Statutory Home Rule provisions. When state legislation was adopted enabling local communities to establish road and park impact fees, the Town of Fishers modified its ordinances to comply with the State Statutes. The Council has used Impact Fees so that new residential and commercial provide their fair share of infrastructure needed for their development.

There are processes in place allowing a developer to make "up front" infrastructure improvements and use those costs to offset their future impact fees. This has allowed some road projects to be done earlier than possible than if they had been funded through the Town's budget process.

The Town of Fishers has not built roads prior to rooftops, but continually assesses road and intersection needs for scheduling improvements. Staff believes that for the Town to spend Town taxpayer dollars for new roads in areas not yet brought into the town limits would be poor demonstration of fiscal responsibility.

Staff has examined available information from the A & E traffic impact fee study and the Town of Fishers transportation plan. That information is summarized below.

Much of the debate in relation to increased traffic that may or may not be caused is due to conflicting records of road classifications and their future intended usages. There are three applicable sources that determine road classifications. However, each source analyzes data and produces results in different manners. The three sources are:

- Hamilton County Thoroughfare Plan
- Town of Fishers Transportation Plan
- Traffic Impact Fee Study

The Hamilton County Thoroughfare Plan

The Hamilton County Thoroughfare plan is used to regulate new construction and the construction's proximity to existing and future proposed roads. It is also used to reserve right-of-way for future road improvement projects built to accommodate the anticipated traffic volumes from the build-out of the land in the county in accordance with the county Comprehensive Plan (Exhibit A).

The Fishers Transportation Plan

The town transportation plan is designed to help guide growth and provide the town with the necessary tools to ensure that traffic safety and circulation needs are met, as indicated by long-range transportation studies. The plan establishes a functional classification that helps guide transportation system development in relation with future land-use development. This framework ensures that the transportation plan fits and serves the land uses, even as the Town continues to grow. Road classifications (Exhibit B) in this plan are based upon planning principles, and the expected traffic changes based upon future development over the next 20 years. This is why the plan may show 120' rights-of-way for a road which is currently only two lanes. In 20 years there may be a need for four or more lanes and if the town can get that right-of-way now, it makes for a more cost effective and efficient process in the future. Existing and future levels of service (LOS) are also included in this plan (Exhibit D).

The Traffic Impact Fee Study

Exhibit C & E highlights the information used by A & F Engineering to determine an appropriate cost of maintaining adequate road infrastructure. When referring to A & F

Engineering Traffic Impact Fee Analysis, figures were based upon existing land uses under current zoning at the time of publication (See attached Land Use map) projecting the next 20 years of the total development (build out) of the town. Traffic counts are measured at DHV (Design Hourly Vehicle) or the number of times each individual vehicle makes one pass over the test strip along the given segment of road in the peak (PM) hour. This number is typically used for calculating road costs. The proposed extension of 126th St. (between SR 238 and Cyntheanne) is not annexed and is presently under Hamilton County jurisdiction. A & F Engineering prepared a road impact comparison between their Traffic Impact Fee Study based on current land-uses and the road impacts of the proposed Pulte/Del-Webb project. There is more information under the Financial section discussion below. Exhibit G shows the results in detail.

While the traffic generated shown for Britton Falls is higher than what was anticipated in the Road Impact Fee analysis, it is the view of A&F Engineering that:

- 1) The Britton Falls development will occur over many years and the Impact Fee study is a 5 and 10 year look at traffic demands. With an update to the Impact Fee plan scheduled every 5 years (next one for TOF = 2009), the additional traffic demands will be accommodated in future studies.
- 2) The Road Impact Fees generated from this project are significantly higher than anticipated in the Impact Fee study allowing over \$1,000,000 of fees to be used in a manner the town determines for additional road improvements. Each phase of the development will be analyzed for traffic impact and the Fishers Town Council will ultimately be asked to determine the improvements to the roads and the granting of Impact Fee credits for those improvements.

Also, Pulte has indicated they will *not* seek an appeal of road impact fees for what they believe to be a lesser traffic impact for the Del Webb homes, but will pay the Town's full assessed road impact fee.

Sewers/wells

The petitioner has submitted a response to questions regarding proposed sanitary sewer routing (petitioner's book, tab 7) and private wells (petitioner's book, tab 11). The sewer route is shown on a map using Hamilton Southeastern Utility's (HSE) infrastructure master plan. It is anticipated any necessary property required to extend utilities to the Pulte development will be acquired by HSE as part of installing the infrastructure.

Eminent Domain:

It is VERY unusual for the sewer utility to choose to exercise eminent domain in Fishers. The sewer utility and homeowner usually come to a satisfactory agreement on easement purchase.

Sewer Value:

Sewer availability in this area may enhance many existing properties in that it provides this service at a cost a homeowner might afford as opposed to having to bear the cost independently. In addition, the presence of sewers lowers the health risk common with septic systems. This health risk plus the added value gain with sewers available should be a positive for the existing residents and Town of Fishers.

Drainage

Staff asked Town Engineer to provide an analysis and summary of regional detention for this area. His response was not received in time to include with this report.

Open space, trees, buffers

Throughout this rezone process, there has been an effort to preserve as much existing natural area as possible, while still permitting development on the property. Much of the 913 acres under consideration is vacant or agricultural land, with very little in the way of natural features. The majority of the wooded areas are found along Thorpe Creek, parts of which are included in this development. The petitioner is proposing to keep housing lots away from the creek area, and is using that as part of his open space. It is important to note, however, that Thorpe Creek is a regulated drain and is under the authority of the Hamilton County Surveyor's Office. That agency does control a 150' full easement (75' on either side from the top of bank) for drainage purposes. The County may, when it deems necessary, dredge the creek bottom, straighten the creek bed, perform maintenance on creek banks, and remove any and all trees from the path of water flow. According to the Surveyor's Office:

(1) When this project is built, the existing drain will be required to be reconstructed. This is done through the "petition" process and is approved by the County Drainage Board.

(2) When the drain is reconstructed, the developer may apply for what is called a "Non-enforcement." This instrument functions like a "consent to encroach" permit by the utility companies.

(3) The width of the easement required will be directly related to various factors, like, is it proposed to be an open ditch or a pipe? If an open ditch, is there flood plain associated? If a pipe, how large and how deep is the proposed pipe? If it is a pipe, is there also a grass waterway? These factors and others will affect the size of the easement needed. Per Indiana Code, the easement may be reduced down to no less than 25' from top of bank for an open ditch and 15' per half for a storm pipe. So, if the existing tile was reconstructed to become a storm sewer, the easement could possibly go from 150' wide down to 30' total * under the right circumstances.

Basically, for any drain, if the open drain is currently a regulated drain, then, the possibility does exist that the drain could be cleared and dredged. It is also a possibility that the developer would be required to be the one to do the clearing. There are some options however that could be discussed. There are some alternatives that could be done. As with most projects there is an element of site specific implementation. The new Rule 5 standards will also play a part.

Staff would seek to work with the Hamilton County Drainage Board, Surveyor's Office, HSE utilities, and the developer to review and implement plans that would create minimum destruction of trees in the wooded utility easement areas.

The petitioner is also maintaining existing tree fencerows and small wooded tracts throughout the development (especially in Area 4—the custom homes). He has retained an arborist to assist in a tree inventory and management plan. Information from the arborist can be found under tab 9. The existing fence rows slated for preservation will be placed in preservation easements (language detailing these is found under tab 18, pg. 2-9)

to be owned and maintained by the Home Owner's Association. These tree preservation and conservation areas will be further refined through the Detailed Development Plan process.

Open space is shown on the map found under tab 17, exhibit G. That exhibit shows the areas the petitioner is proposing to be open space. Much of the open space is surrounding detention ponds, amenity areas, preserved wooded tracts, and Thorpe Creek. The petitioner has also submitted additional information regarding open space (petitioner's book, tab 2).

Staff has requested from the very initial meetings that this proposal include an area of **public open space**. If the Del Webb portion was being zoned as R 5C it would require up to 85 acres of open space. Using the general Parks and Recreation Master Plan guidelines, the Town should have 12 acres of park land for every 1,000 persons. The estimated 5,000 people likely to be part of this community as part of the Pulte/Del Webb request, would require about 60 acres of open space.

Staff respectfully requests that the 13 acres off Cyntheanne be "donated", and given impact fee credit for the land value. This site puts a public access point on a key road, it can serve as a trail head for the Thorpe Creek trail area, and it would provide some small part of the desired public open space/park area.

Zoning

Concerns under this broad category include a vision of this area if it were to develop under current (R-2) zoning district standards. If one assumes the simplest calculation—the maximum number of 15,000 square feet lots that would fit into the 913 acres—a total of 2,651 homes could be built. If one assumes that an R-2 designation allows only about 1.7 lots per acre, then about 1,553 homes could be built on the project site. The current PUD proposal calls for 1,822 homes plus 119 acres of commercial to be built on the 913 acres. Residential Areas 1 and 4 are proposed to develop at a density of 1.8 units/acre. Area 2 (the age restricted component) is proposed to develop at an overall density of 3.15 units/acre.

Much of the planned commercial area (81 acres) is anticipated for the property north of 136th Street. That same area is shown on the Conceptual Future Land Use Map as being part of the I-69 Corridor. Specific development standards for this corridor have yet to be created by the Town. There is a desire to construct an interchange at the I-69/Cyntheanne Road intersection. An interchange in this location will have a great impact on the character of the surrounding lands. Staff agrees that commercial zoning is, for the immediate future, the most appropriate for this parcel. Concerns were stated about zoning north of 136th Street and the need for a master plan of this area. The essential question is the possibility of the interchange discussed above.

With an interchange, Cyntheanne and 136th Street would be a major intersection and commercial corner. Both the southwest and southeast corners would seem appropriate areas for retail uses. On the north side of 136th, staff would anticipate heavier commercial circling the intersection. Office zoning could surround the retail corners and then office park, enclosed industrial, and similar uses could be the dominate ones in the area between 136th and I-69. The south edge of the strip on the north side of 136th Street should be less intense office and medical uses to keep the scale of the street in keeping with residential on the south side.

Without an interchange, the need for four corners of retail would be slight. One good retail corner would suffice for some years to come. This area would see much less development opportunity for years without the interchange. Office use would be minimal. Most of the area north of 136th Street would come under pressure for housing of some multi-family type. Enclosed warehouse and small office park and business headquarters could be possible, depending on the price of the land.

Financial

The petitioner has provided financial information in his submittal (tab 15). Included in the information is a fiscal analysis prepared by O.W. Krohn and Associates which provides data about tax revenues, impacts on schools, and impact fees that will be collected as a result of this project. The petitioner has provided a summary of the projected positive fiscal impacts of his project. He has also included a summary of the Avalon PUD, showing original estimated sales prices vs. actual sales prices (\$181,333 vs. \$206,000 on average) and expected vs. actual build-out timing (2011 vs. 2013).

Part of the financial picture is a look at potential impact fees. The Town of Fishers' original impact fee study anticipated a build-out of R-2 and industrial/warehouse development in this area. As such, the total road impact fees generated was expected to be in the range of \$1.4 million. The Britton Falls proposal, on the other hand, is expected to generate an amount of about \$6 million. Also, Pulte has indicated they will *not* seek an appeal of road impact fees for what they believe to be a lesser traffic impact for the Del Webb homes, but will pay the Town's full assessed road impact fee.

Park impact fees should also be considered. As currently administered, these fees are collected only from residential development. The impact fee ordinance was recently updated and will become effective in July 2006. The fee for single family residences is \$1,070. If Britton Falls builds as expected, a total of 1,822 homes will be built, generating at least \$1,949,540 for park related expenditures.

Housing issues

Several items were listed as concerns under this broad category. There were questions concerning the build-out of the Avalon subdivision, interior and exterior architectural features, building materials, monotony, and age restricted housing (HOPA) compliance. The petitioner addresses HOPA in his submittal under tab 5. Tab 13 includes information about the maintenance free features, building materials, and building code compliance. Included in the proposed ordinance (tab 17, exhibit E) is the Pulte anti-monotony code, which is in place in all Fishers Pulte neighborhoods (Gray Eagle, Avalon, etc.).

An issue raised at the council meeting was the projected and actual complement of empty nester housing. Staff reviewed available data on the subject of approved projects and building permits issued to Avalon in particular and other active adult subdivisions in Fishers. Avalon was discussed above under the financial category.

There are a total of ten (10) subdivisions geared toward an active adult lifestyle. Within those subdivisions, 663 single family lots and 236 duplexes have been approved, for a total of 899 housing units. A chart showing each subdivision, its location and number of units is included as an exhibit to this report.

Other

Staff has asked legal counsel for a statement on several aspects of this project as questioned by Town Council:

1. State law on wells and developer responsibility;
2. Covenants that enforce age restrictions beyond federal law; and ,
3. Legal enforcement of this PUD.

These have not been submitted to our office in time to include with this report.

Future Development process:

If this requested rezone is approved, the petitioner will next move through the Development Plan approval process. Staff will continue to work with the developer on project details throughout this procedure. Before any development can occur on this property, a Detailed Development Plan (DDP) with Plan Commission approval is required.

Staff Recommendation:

Below are some of the reasons in support of this proposal:

1. This is an opportunity to comprehensively plan and zone a large area and to set standards for future zoning in this vicinity;
2. This is an opportunity to bring a desirable housing type to the community that offers a known and respected brand name;
3. The advantage of the Del Webb assessed valuation and its positive impact on the schools and community;
4. The addition of architectural standards, including the petitioner's quality commitment;
5. Staff support is contingent with the availability of the area along Cyntheanne as public open space.

Due to the numerous questions and comments posed at the 2nd Reading and the amount of material Council is being asked to review, Development Staff suggests the Council consider keeping this under review and acting upon this project at the March 6, 2006 Town Council meeting.

We would be pleased to answer additional questions or provide other information if necessary and requested.

14-25-4-1 "Construction" defined

Sec. 1. As used in this chapter, "construction" means the process of building a building, highway, utility, or another structure. The term includes the following:

- (1) The process of assembling materials.
- (2) Disassembling and removing a structure.
- (3) The preparation of the construction site.
- (4) Related work.

14-25-4-2 "Dewatering well" defined

Sec. 2. As used in this chapter, "dewatering well" means a temporary water well that:

- (1) is used as part of a construction project to remove water from a surface or subsurface area; and
- (2) ceases to be used upon completion of the construction project or shortly after completion of the project.

14-25-4-3 "Nonsignificant ground water withdrawal facility" defined

Sec. 3. As used in this chapter, "nonsignificant ground water withdrawal facility" means the ground water withdrawal facility of a person that, in the aggregate, has a withdrawal capability of less than one hundred thousand (100,000) gallons of ground water in one (1) day.

14-25-4-4 "Owner" defined

Sec. 4. (a) As used in this chapter and subject to subsection (b), "owner" includes the following:

- (1) The owner of an interest in property.
- (2) A person in possession of property.
 - (b) For a temporary dewatering well, "owner" means the person who authorized the construction that necessitated the installation of the dewatering well.

14-25-4-5 "Potable water" defined

Sec. 5. As used in this chapter, "potable water" means water that at the point of use is acceptable for human consumption under drinking water quality standards adopted by the water pollution control board under [IC 13-18-4-1](#).

14-25-4-6 "Significant ground water withdrawal facility" defined

Sec. 6. As used in this chapter, "significant ground water withdrawal facility" means the ground water withdrawal facility of a person that, in the aggregate from all sources and by all methods, has the capability of withdrawing at least one hundred thousand (100,000) gallons of ground water in one (1) day.

14-25-4-7 "Water well" defined

Sec. 7. (a) As used in this chapter, "water well" means an excavation, however constructed, that is used for the purpose of withdrawing ground water for reasonable beneficial uses.

- (b) The term does not include agricultural and urban drainage systems.

14-25-4-8 Investigations

Sec. 8. Within twenty-four (24) hours after receiving a written complaint from the owner of a nonsignificant ground water withdrawal facility that a water well on property in the owner's possession has:

(1) failed to furnish the well's normal supply of water; or

(2) failed to furnish potable water;

the director shall cause an onsite investigation to be made.

14-25-4-9 Ground water emergency; based on investigation

Sec. 9. If an investigation under [section 8](#) of this chapter discloses:

(1) that the well has:

(A) failed to furnish the well's normal supply of water; or

(B) based upon reasonable evidence of prior potability supplied by the owner, failed to furnish potable water;

(2) that there has been a substantial lowering of the level of ground water in the area that has resulted in the failure of the well to:

(A) furnish the well's normal supply of water; or

(B) furnish potable water if the failure is caused by natural variations in the potability of water in the source aquifer;

(3) that the well and the well's equipment were functioning properly at the time of the failure;

(4) that the failure of the well was caused by the lowering of the ground water level in the area;

(5) that the lowering of the ground water level is such that the ground water level:

(A) exceeds normal seasonal water level fluctuations; and

(B) substantially impairs continued use of the ground water resource in the area; and

(6) that the lowering of the ground water level was caused by at least one (1) significant ground water withdrawal facility;

the director shall, by temporary order, declare a ground water emergency.

14-25-4-10 Ground water emergency; based on other evidence

Sec. 10. If the director has reasonable evidence that indicates that continued ground water withdrawals from a significant ground water withdrawal facility will exceed the recharge capability of the ground water resource of the area, the director shall, by temporary order, declare a ground water emergency.

14-25-4-11 Notice of hearing

Sec. 11. A temporary order under [section 9](#) or [10](#) of this chapter must include a notice of hearing to be held under IC 4-21.5-4 as soon as practicable after the declaration of the ground water emergency. Following the hearing, the director may continue, amend, or terminate the ground water emergency. The emergency shall be terminated as soon as justified by changed conditions.

14-25-4-12 Restrictions on withdrawal of ground water

Sec. 12. (a) Except as provided in subsection (b), the director may restrict the quantity of ground water that may be extracted from a significant ground water withdrawal facility when the director declares a ground water emergency under [section 9](#) or [10](#) of this chapter if:

(1) the:

(A) facility is reasonably believed to have caused the failure of the complainant's water well; and

(B) immediate temporary provision of an adequate supply of potable water required under sections 18(1) and 20(a) of this chapter is not carried out; or

(2) there is a reasonable belief that continued ground water withdrawals from the facility will exceed the recharge capability of the ground water resource of the area.

(b) If an operator of a significant ground water withdrawal facility withdraws water by a means other than pumping, the director may temporarily restrict the quantity of ground water that may be extracted only if the provisions of subsection (a)(1) have not been met.

14-25-4-13 Adoption of rules

Sec. 13. The commission may adopt rules under IC 4-22-2 to administer this chapter. The rules must be consistent with IC 25-39 and rules adopted under IC 25-39.

14-25-4-14 Ground water emergency; effectiveness, notice

Sec. 14. (a) A declaration of a ground water emergency under this chapter is effective when a copy of a declaration is served under [IC 4-21.5-3-1](#) upon a person who owns the significant ground water withdrawal facility that is reasonably believed to have caused the failure of the complainant's water well.

(b) As soon as possible after a declaration of a ground water emergency has been made, copies of the declaration shall be given to the newspapers of general circulation located in the affected county. The notification to newspapers required by this subsection is in addition to the minimum procedural duties required of the department under IC 4-21.5 and does not satisfy service of process by publication under [IC 4-21.5-3-1\(d\)](#).

(c) If the emergency requires action before service can be completed under subsection (a), oral notification in person by a representative of the department and authorized by the director is sufficient until service can be completed. Oral notification is effective for not more than ninety-six (96) hours.

14-25-4-15 Effect on civil right of action

Sec. 15. This chapter does not:

(1) create a new; or

(2) abridge an existing;
civil right of action.

14-25-4-16 Violations; injunctions

Sec. 16. (a) A person who violates this chapter commits a Class A infraction.

(b) The commission may, without proof of irreparable injury, maintain an action to enjoin a violation of this chapter.

14-25-4-17 Right to compensation for impairment of nonsignificant ground water withdrawal facilities

Sec. 17. The owner of a significant ground water withdrawal facility shall, subject to an order issued under [section 20](#) of this chapter or under [IC 13-2-2.5-11](#) (before its repeal), provide timely and reasonable compensation to persons who own nonsignificant ground water withdrawal facilities if there is failure or substantial impairment of those facilities as set forth in [section 8](#) of this chapter if both of the following conditions exist:

(1) The failure or substantial impairment was caused by the ground water withdrawals of the significant ground water withdrawal facility.

(2) Either:

(A) the affected nonsignificant ground water withdrawal facility was in existence before January 1, 1986; or

(B) if constructed after December 31, 1985, the facility conforms to the rules of the department issued under section 13 of this chapter. Water wells constructed after December 31, 1985, but before the adoption of rules under this chapter must conform to the Recommended Guidelines of the department in Information Bulletin No. 3 published at 9 IR 1242.

14-25-4-18 Measure of compensation

Sec. 18. Timely and reasonable compensation under [section 17](#) of this chapter consists of and is limited to the following:

(1) The immediate temporary provision at the prior point of use of an adequate supply of potable water.

(2) Reimbursement of expenses reasonably incurred by the complainant to do the following:

(A) Obtain an immediate temporary provision at the prior point of use of an adequate supply of potable water.

(B) Provide timely and reasonable compensation as provided in subdivision (3)(A) and (3)(B).

(3) Either:

(A) the restoration of the affected nonsignificant ground water withdrawal facility to the facility's former relative capability;

(B) the permanent provision at the point of use of an alternative potable supply of equal quantity; or

(C) the permanent restriction or scheduling of the ground water withdrawals of the significant ground water withdrawal facility so that the affected water well continues to produce:

(i) the well's normal supply of water; or

(ii) the normal supply of potable water if the well normally furnishes potable water

14-25-4-19 Refusal of compensation

Sec. 19. The refusal of an owner of an affected nonsignificant ground water withdrawal facility to accept timely and reasonable compensation is sufficient grounds for the department to terminate an order imposed on a responsible significant ground water withdrawal facility. An owner may request a hearing under IC 4-21.5 if the owner does not believe compensation was timely or reasonable.

14-25-4-20 Ground water emergency; temporary provision of potable water

Sec. 20. (a) Upon the declaration of a ground water emergency under [section 9](#) of this chapter, the director shall, by temporary order, require the immediate temporary provision at the prior point of use of an adequate supply of potable water. A temporary order under [section 9](#) or [10](#) of this chapter remains in effect for ninety (90) days unless:

(1) terminated by the director before the expiration of ninety (90) days; or

(2) extended under [IC 4-21.5-4-5\(b\)](#) during the pendency of a proceeding under section 18(2) and 18(3) of this chapter.

(b) The commission shall implement [section 18\(2\)](#) and [18\(3\)](#) of this chapter by order. Before the commission enters an initial determination of the order, the department shall conduct an investigation and provide affected persons with an informal opportunity to contribute to the investigation. All final orders of the commission shall be issued under IC 4-21.5-3.

14-25-4-21 Nonsignificant ground water withdrawal facilities to comply with rules

Sec. 21. (a) An owner of a new nonsignificant ground water withdrawal facility who desires to receive the protection of this chapter must construct the facility to conform to the rules adopted under [section 13](#) of this chapter.

(b) Before a licensed water well drilling contractor or plumbing contractor drills and equips a ground water withdrawal facility for a person, the contractor must advise the person of the provisions of this chapter.

Current through the 2005 First Regular Session of the 114th General Assembly

EXHIBIT 2A : COMMERCIAL
ARCHITECTURAL STANDARDS

The Council raised the question in regards to the “lack” of commercial standards and a desire to have them comparable to 116th and Olivo and the 131st Street Marketplace.

A. The Britton Falls PUD commercial standards defer completely to the Draft “E” of the UDO. The standards for 116th and Olivo and the 131st Street Marketplace have generally been incorporated into Draft E of the UDO and therefore are applicable in the Britton Falls PUD.

Here are some of the areas covered in Britton Falls PUD - THE TEXT IS FROM THE UDO.

A. Compatibility—all structures within the same Area shall be constructed with similar or compatible design, materials, and architecture.

(language in UDO, 116th and 131st)

B. Mechanical Equipment—all mechanical equipment, whether roof or ground mounted, including: HVAC systems, pedestals for telephone, electric, or cable service, television antenna, or satellite dish antenna shall be screened by buildings, ornamental fences/walls, architectural screens, parapet walls, or appropriate landscaping to provide complete screening in the elevation view from all sides of the building served.

(language in UDO, 116th and 131st)

C. Finished façade

All buildings located in Area 5 shall include a finished façade on each elevation.

All buildings located in Area 3 shall include a finished façade on each elevation visible from a primary and secondary arterial and/or collector road.

(UDO is more restrictive than 116th and 131st so it applies)

D. Exterior materials on finished façades—finished façade of all buildings (excluding window, door, roofing and soffit materials) shall be constructed of either brick, stone (limestone, granite, fieldstone, etc.), architectural pre-cast (only if the surface resembles brick or stone), masonry, stucco/EIFS, or concrete composite/fiber cement siding.

(language in UDO adds language covering when adjacent property is residential)

Commercial Standards (cont'd)

E. Façade length—finished facades that are one-hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses with a minimum projection or recess of five (5) percent of the overall length and extending along at least twenty (20) percent of the length of the façade. No uninterrupted length of any finished façade shall exceed one-hundred (100) horizontal feet.

Britton Falls PUD does not contain “big box” reference as there is a maximum limit on the square feet allowed for individual free standing structures

F. Architectural details on finished façades—finished façades shall include a repeating pattern that includes not less than three (3) of the following elements:

1. Color change
2. Texture change
3. Material module change
4. An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib

(This has been modified in Britton Falls PUD)

G. Entryways—each ground floor retail tenant space designed to contain greater than 10,000 square feet in area shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1. Canopy or porticoe
2. Overhang
3. Recesses/Projection
4. Arcade
5. Raised corniced parapet over the door
6. Peaked roof form
7. Arch
8. Architectural details such as tile work and moldings which are integrated into the building structure and design
9. Integral planters or wing walls that incorporate landscaped areas or places for sitting.

(Modified in Britton Falls PUD)

Commercial standards (cont'd)

H. Roofs—roofs shall have some combination of the following:

1. Parapets—not exceeding 1/3 the height of the supporting wall and shall conceal flat roofs
2. Cornice—three-dimensional and in scale with the structure
3. Eaves, overhangs—extending not less than twenty-four (24) inches from the surface of the wall
4. Pitched roofs—shall have a minimum slope of 5/12 and:
 - a. Shall be comprised of three (3) or more roof slope planes;
 - b. Shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three dimensional asphalt/fiberglass shingles. Metal roofs shall have a low gloss finish to reduce glare;
 - c. No more than fifty (50) percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so that the roof can be given articulation with different heights.

(UDO has more features than 116th or 131st that apply to BFPUD)

I. Trash Enclosures—all dumpster locations and trash compactors shall be enclosed by a masonry enclosure that complements the architecture of the building and an opaque gate.

J. Accessory structure location—allows encroachment into rear and side yard setbacks as long as they are no closer than 10 feet to property line.

K. Pedestrian Circulation—continuous internal walkways, a minimum of six (6) feet in width, shall be provided from all required perimeter pathways to the principal customer entrance of all retail structures on the site. In order to enhance pedestrian safety, all internal walkways that cross roadways or parking lots shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete, or brick.

UDO is more restrictive and applies to BF PUD

L. Lighting

1. Lighting shall be limited to 0.5 footcandles at the property line
2. Light poles shall be limited to twenty five (25) feet in height
3. Light fixtures shall be decorative along the entrance drives and along public rights-of-way.

EXHIBIT 3A : PERMITTED USE LIST

List of Permitted Uses in C-1

- Office or office complex
 - Professional offices
 - Bank, savings and loan, financial services
 - Real estate, insurance
 - Clinic, medical or dental
 - Nursing and convalescent homes
 - Medical or dental laboratories
 - Utility business office
 - Business offices related to local services
 - Mortuaries**

- Public and semi-public
 - Libraries
 - Community centers
 - Governmental offices and buildings, limited to offices or clerical use only
 - Fire station
 - Civic clubs or recreational facilities
 - Parking areas for employees and public use

- Schools, private and professional
 - Dance
 - Music
 - Business
 - Clerical
 - Kindergarten, day nursery
 - Arts and crafts

- Accessory structures and uses

List of Permitted Uses in C-2

- All uses permitted in C-1, AND those listed below

- Shops and markets
 - Bakery, retail outlet only
 - Barber shop
 - Beauty shop
 - Dairy—ice cream shop
 - Drug store
 - Meat market
 - Restaurant—sit down may have a liquor license
 - Conventional table service
 - Cafeteria
 - Delicatessen
 - Grocery

- Service shops
 - Apparel store

- Appliance store
 - Appliance repair
 - Shoe repair shop
 - Flower and garden shop
 - Gift shop
 - Jewelry shop
 - Drycleaners, retail outlet only
 - Self service laundry and cleaners
 - Pet shop
 - Post office
 - Record shop
 - Stationery store
 - Variety store
 - Millinery shop
 - Hardware and paint store
 - Tailor shop
 - Utilities office, retail service only
 - Photographic studios
 - Reducing or health salons
- Neighborhood shopping center—may be composed of a mix of the above allowed uses. No single center shall exceed 90,000 square feet of gross floor area.
 - Auto service stations—limited to not more than three service bays; all operations indoor only.
 - Accessory structures and uses

Note: ** Denotes those uses Pulte has voluntarily removed from the Britton Falls PUD.

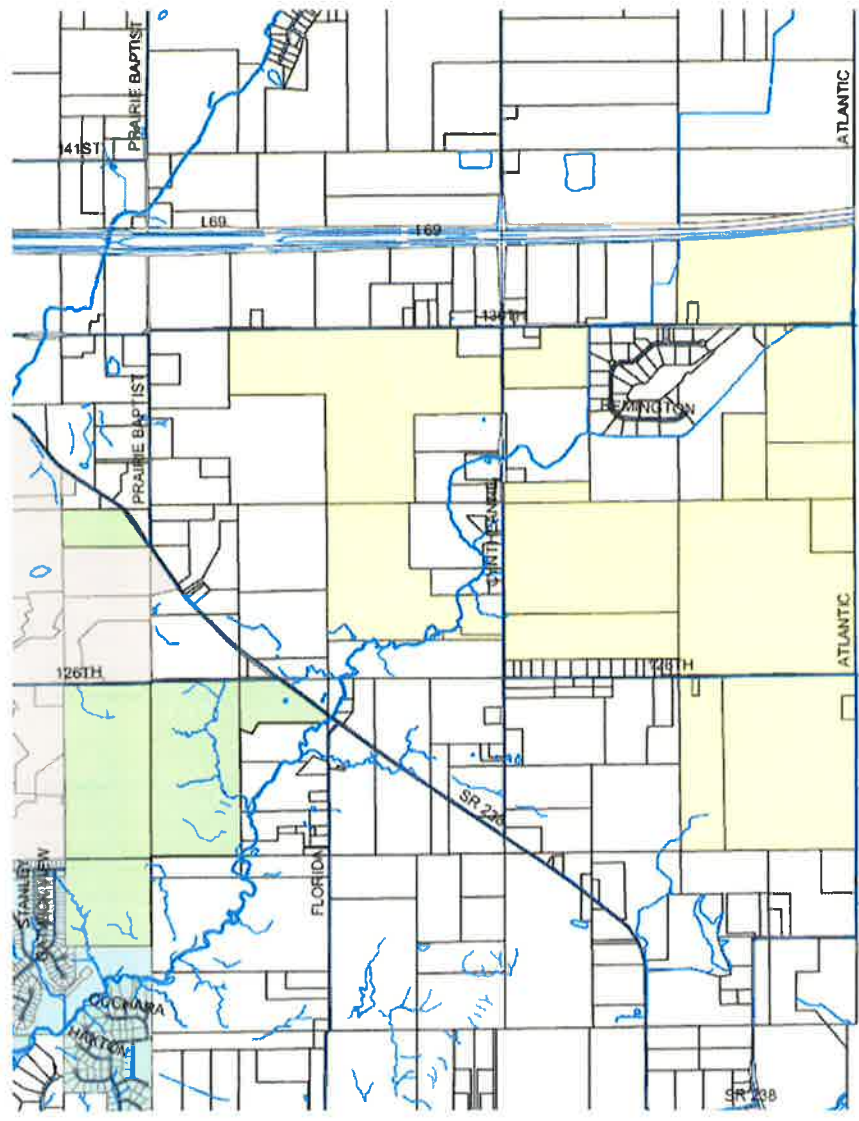
In addition, the proposed UDO includes several types of restaurants; the Britton Falls PUD has prohibited *Restaurant, fast food*.

The proposed UDO also includes definitions for *Retail, high intensity*, *Retail, special handling*, and *Retail, very high intensity*. The Britton Falls PUD also excludes these uses (except for the single user permitted in Area 5B).



Town Council
 Scott Campbell
 Helen N. Prichard
 Susan F. Fandy
 Timothy D. Linn
 Donald E. Hulse
 Charles P. White
 David C. George
 Clark Tomasz
 Linda Gray Cordell

**1-IZ-05, Pulte Homes,
 Brown, Hollinger and Underwood Properties
 Proposed Initial Zoning and Annexation**



Legend

- 1-IZ-05
- Zoning - R1
- Zoning - PUD
- Parcel Lines as of December, 2004
- Corporate Boundary as of September, 2004
- Pending Annexations as of September, 2004

Town of Fishers
 Development Department
 One Municipal Drive
 Fishers, Indiana 46038
 www.fishers.in.us
 January, 2005





February 26, 2006

RE: Proposed Pulte/Del Webb PUD Development in Eastern Fall Creek Township

Dear Fishers Town Council Members:

Pursuant to your request, Pulte Homes is pleased to present answers to questions raised at the Third Reading of the Proposed Britton Falls Development. Throughout the 15 months that this ordinance has been in the zoning process, the proposed development has evolved and been refined into what we believe is the most comprehensive zoning ordinance that has ever been presented for approval by the Town of Fishers. Numerous meetings and related discussions have been held with interested parties, most of which border the proposed development. As a result, extensive buffering requirements have been incorporated in the commitment section of the proposed ordinance. The proposed buffering agreements meet or exceed the existing Town of Fishers ordinances and proposed Draft "E" of the UDO for buffering to surrounding uses. We have worked hard and gained the support of the Barrington Estates community and many other area residents for the proposed development.

In summary, the Development Department staff has dedicated hundreds of hours into the review of this development. The Ordinance and related Commitments have been refined to remove any ambiguities that may have existed. For the first time in the history of zoning in Fishers, interior and exterior quality features are being mandated to help ensure the quality and sustainability of the homes being constructed for future decades.

The Del Webb portion of the proposed development will add tax revenue without adding school children. This development also provides the "missing piece" to the diversity of housing in the Town of Fishers by including the first Del Webb, age restricted community in the State of Indiana. Additionally, the Del Webb portion of the proposed development will contribute \$3.9 Million more to HSE schools each year over what the schools would receive if the area is developed as currently zoned (R-2). With regard to roads, per A&F Traffic Engineering, this development will provide \$4.6 million more in road impact fees with little to no additional road improvements being necessary other than what was projected to be produced under the most recent Traffic Impact Study Update done in 2005.

The answers to questions raised at the third reading at Town Council are as follows:

What responsibility will Pulte Homes take if private wells are dried up or water is contaminated or becomes smelly as a result of developing the Britton Falls Development?

Answer: Pulte Homes will cooperate fully with local, county and state authorities to determine the cause of the above item and will follow all requirements in the State of Indiana statute regarding groundwater and wells. (*Indiana Code, Title 14, Natural and Cultural Resources, Article 25 Water Rights and Resources*) If found to be responsible for causing the problem, Pulte will either connect the injured party to a public water source at no installation cost to the affected party or drill a new well at no expense to the affected party.

In a recent study performed by Driesenga & Associates Engineering, based on the available well log information the average vertical isolation distance between the deepest pond bottom and the usable aquifer is 40'.

Where is water service coming from for the development?

Please see attached Exhibit A for the water routes and rates. Pulte Homes will waive any subsequent connector fees for any resident or neighbor whose well is affected by the development. Subsequent connector fees are calculated per state statute and vary depending on the size of the line installed in front of or across the street from the home. Pulte will provide easements for future water main extensions outside the borders of the Britton Falls development.

What are the sewer options for serving the proposed development?

Pulte defers to Hamilton Southeastern Utilities to answer this question. It is Pulte's understanding that HSE Utilities is following a utility master routing plan, which was designed and approved by the utility in 1995.

Evaluate the proposed Peterson road designs for the 126th Street alignment.

Pulte supports the finding of Edwards & Kelsey as well as A&F Engineering, the consultants hired by Fishers to evaluate the multiple 126th Street routes, one of which will serve this area. Pulte supports either route B, D or G between SR238 and Cyntheanne Road as being most cost effective for the Town of Fishers and its' residents. Between Cyntheanne Road and Atlantic Road, Pulte Homes supports Edwards & Kelsey's finding that the proposed widened two lane 126th Street will fit in the existing ROW with the exception of .18 acres which must be purchased from third parties. In addition, under the plan presented by Pulte Homes, these road improvements will not impact the existing Peterson fence, which is adjacent to 126th Street. Per the report submitted by A&F Engineering, this section of 126th Street functions at above acceptable levels of service through the year 2022 as a two lane road between Cyntheanne Road and Atlantic Road.

Evaluate the 136th Street alignment between Prairie Baptist Road and Cyntheanne Road

Pulte will dedicate a 45' half ROW when the applicable section of 1A is developed. Additionally, Pulte will allow the 8' multi path use path to encroach into the northern 15' of the 50' landscape buffer.

Evaluate the Commercial Standards for the proposed commercial development at 136th and Cyntheanne Road:

The UDO draft "E" is the baseline standard established for the commercial development at 136th Street and Cyntheanne Road. The UDO draft "E" was developed utilizing the best of the 116th Street and Olio Road standards and improvements were made by the Town based on information they obtained regarding other developments in this area. Additional zoning commitments and related use restrictions were developed over several months of negotiations with members of the Barrington Estates Homeowner's Association. These discussions resulted in intense mounding and use restrictions between the Barrington Estates Development, which has \$1.3 million dollar homes located next to the proposed commercial development. The result of these discussions with Barrington Estates includes commercial architectural guidelines, which are sampled in Exhibit "D" of the Commitment in Area 5. There are a total of eleven photos, which include a photo of the Speedway Gas station located at 116th Street and Lantern Road as well as sample pictures of lighting and rear elevations of buildings.

Over the past 15 months, the proposed Pulte signage plan has been modified to be consistent with the Town of Fishers ordinances with the exception of one pylon sign at the entrance of each commercial development in area 5. These signs are limited in size to be consistent with other Pylon signs like the one at the entrance to the Kroger shopping center at 116th Street and Cumberland Road.

Residential Standards: Architectural Features versus durability and sustainability standards:

It is Pulte's belief that for a neighborhood community to stand the test of time is must include more than must include more than just durable housing stock. We believe a sustainable neighborhood originates with a great land plan that features amenities in concert with an entranceway that welcomes both residents and guests. An exterior elevation anti monotony code combined with a professionally managed HOA ensures that a neighborhood has diversity of housing elevations along with grounds, open space and an amenity center that is maintained regularly.

Architectural features combined with durable and sustainable construction products and specifications will help to ensure that the neighborhood will be sustainable and last for years to come. We believe that with the help and input from staff and Draft "E" of the UDO, Britton Falls accomplishes all of the above objectives. In 7.05, 7.06 and 7.07 of the Britton Falls Ordinance, additional restrictions and architectural standards are set out for all residential areas of the development. The main components of the UDO draft "E" are established as a baseline for the single-family portions of the Development. In areas 1a, 1b, 4a, and 4b side load garages and Hardi Plank exterior siding are required. Additionally, this is the first development in Fishers where a detailed listing of interior and exterior specifications has been filed as part of the zoning process. We believe that these specifications help to further guarantee that quality materials and construction practices are utilized in the construction of our homes.

The following is a list of features and construction practices included in Pulte homes today: 90% efficient gas furnaces, low "E" windows, studs 16" on center, engineered floor joists, 5 star /TSI/Thermal Envelope, concrete floors in all crawl spaces, house wrap, tape, tarpaper and rubber thru wall flashing. Additionally, all floors decking is ¾" thick nailed and screwed for dimensional stability (per plan) with all drywall glued, screwed, and nailed. Currently, these are only some of the features and construction practices included in Pulte homes that exceed State building code as well as the proposed UDO. In addition, attached as Exhibit B are the quality interior features Pulte includes in their classic and executive series of homes. Pulte Homes has always been a leader as it relates to building construction practices and interior/exterior features. As a result of this leadership, Pulte is constantly looking to implement new products, technologies, and building practices that elevate the quality, performance and livability of our homes. The aforementioned items represent Pulte's baseline standards that as previously mentioned exceed Draft "E" of the UDO and State of Indiana standards. As new products and technologies emerge and building practices continue to evolve, some or all of the aforementioned features and building practices will evolve or change. It is Pulte's commitment to always be the leader in building high quality sustainable, homes and communities.

Can the School Ground be conveyed to the Town of Fishers?

HSE School Corporation selected the school location. Consistent with the Avalon School Corporation Agreement, Pulte Homes is working directly with Brad Cook, the attorney representing the Hamilton Southeastern School Corporation.

Is maintenance optional on the Del Webb homes?

Each Del Webb unit will pay a mandatory monthly maintenance fee, which will cover grass cutting and fertilization, snow removal above 2", and bed cutout as well as new mulch every spring. Because of the low maintenance material utilized in the construction of the home the only painting that will need to be done on the exterior of the home will be the trim around the garage door. The PUD has been clarified to provide for the above items.

Will Pulte request park impact fee Credits for the Del Webb Section?

NO, the Commitment section of the ordinance has been modified to indicate so.

In Conclusion.

Over the last 15 months thousands of hours by many interested parties have come together to bring forth the Ordinance and related Commitments that are before you for your consideration. Pulte firmly believes that this development sets a higher standard/ benchmark for Eastern Fall Creek Township and the rest of the Town of Fishers on a go forward basis. We appreciate the both the time of and input from staff and all interested parties in regards to this community. We appreciate your time and consideration of this proposal.

Most Sincerely;



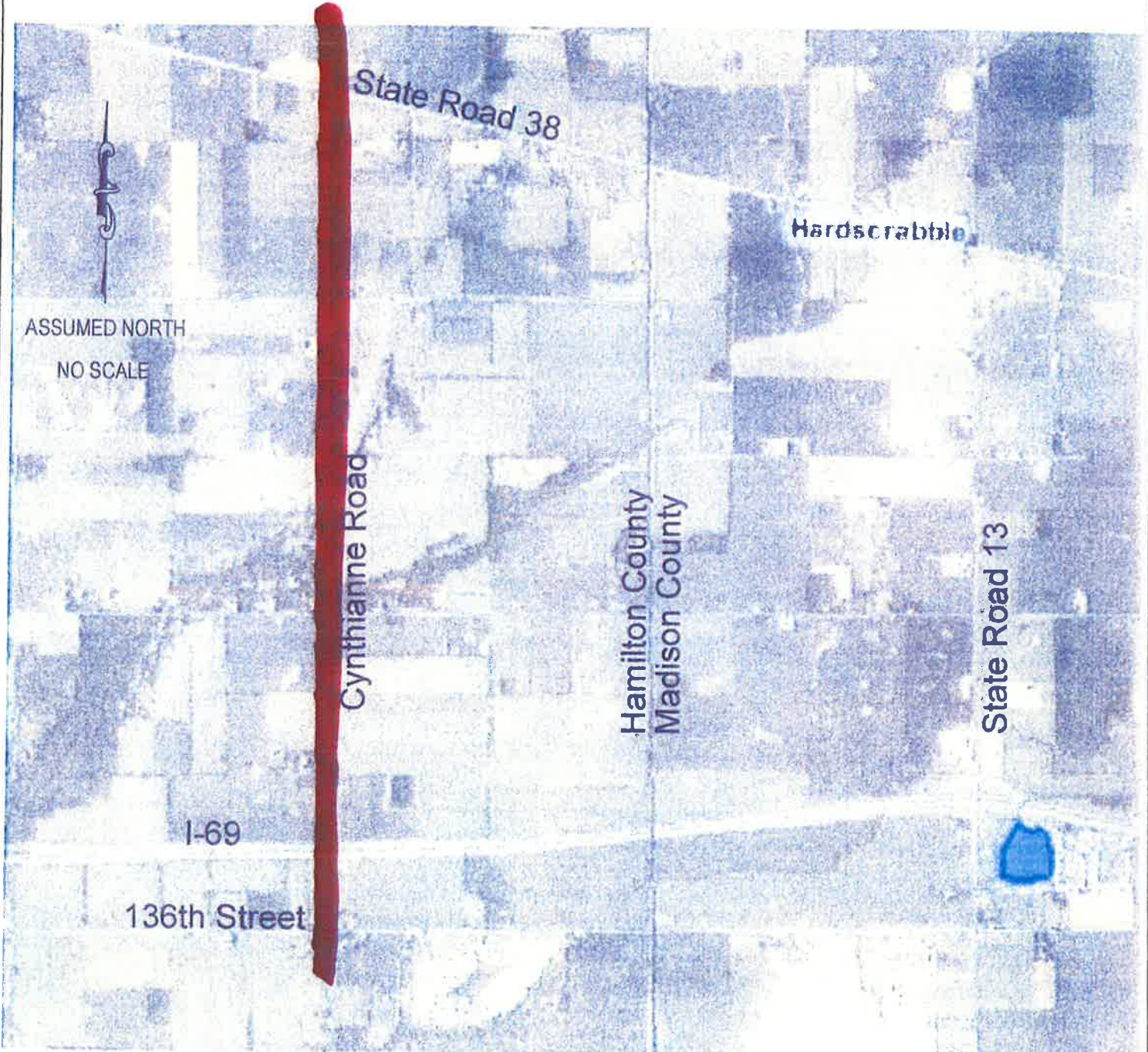
David M. Compton
Vice President of Land Acquisition
Pulte Homes of Indiana, LLC

Enclosures

Exhibit A

Proposed Water Routes

EXHIBIT
CYNTHIANNE ROAD
STATE ROAD 38 TO 136TH STREET



PREPARED FOR:

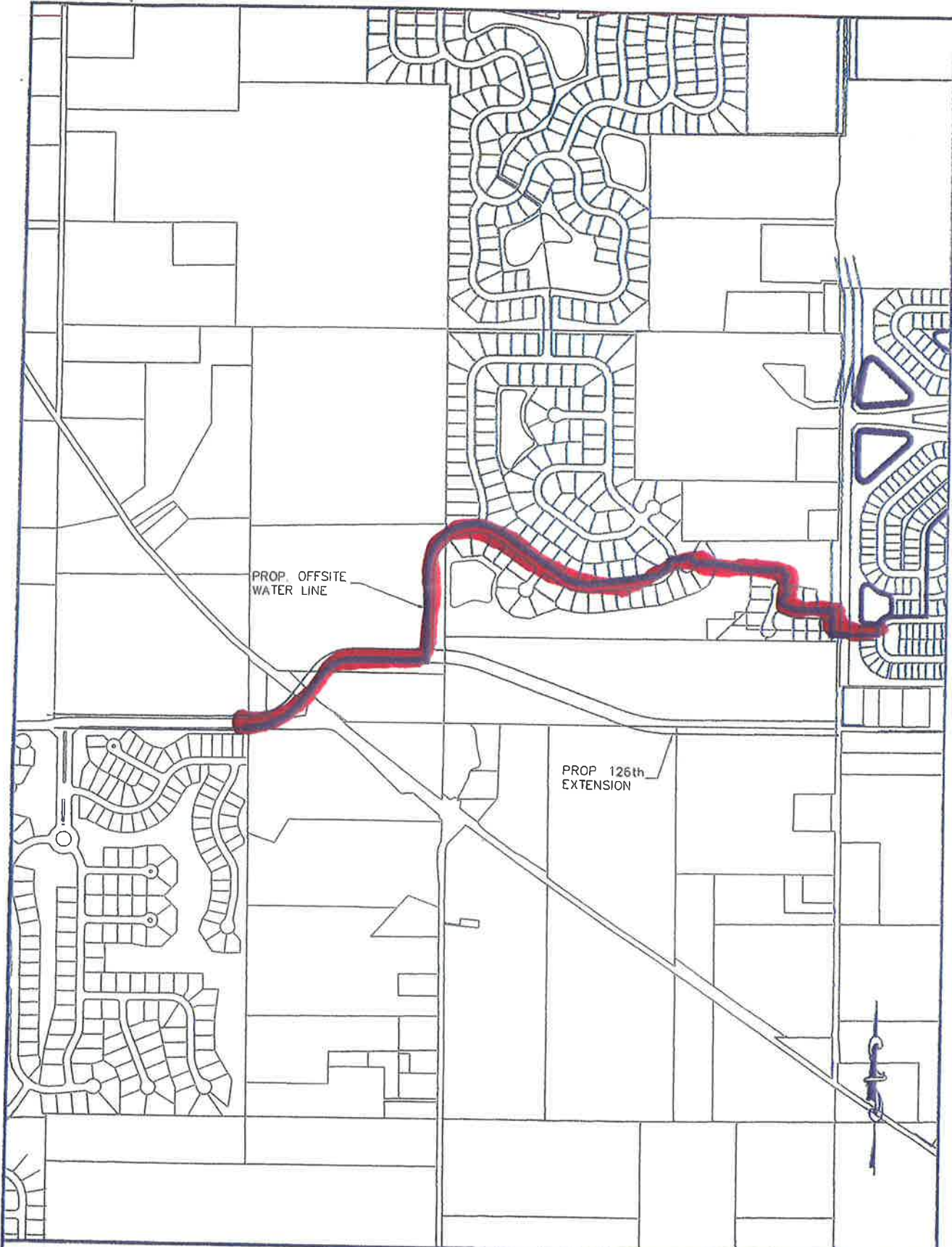
NEAL MCKEE
SOUTHERN MADISON UTILITIES
7515 WEST 8TH STREET
ANDERSON, IN. 46011

PREPARED BY:

RAYL
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ENGINEERING, INC.

1940 EAST 53rd STREET
ANDERSON, INDIANA 46013
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mail@raylengineering.com

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DRIESENKA & ASSOCIATES, INC.
Conceive It. Believe It. Achieve It.

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 Surveying
 Testing

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 Kalamazoo, MI
 Coonier, MI
 Indianapolis, IN
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 Ph. 616-249-3800
 Ph. 616-848-1980
 Ph. 268-844-1455
 Ph. 231-775-7789
 Ph. 317-571-3420

www.driesenga.com

| | | | |
|-------|------------|-------------------|-------------------|
| IN | OF SECTION | 29 | T. 18 N., R. 6 E. |
| DATE | 02/02/06 | DRAWN BY DRS | |
| SHEET | 1 | OF | 1 |
| | | JOB No. 0560063-1 | |

Exhibit B

Pulte's Quality Features
Executive Series and Classic Series

MANORS OF WEST CLAY

QUALITY FEATURES INCLUDED IN the MANORS OF WEST CLAY BASEMENTS INCLUDED - ALL HOMES

ENERGY SAVINGS FEATURES:

- Energy Star Certification – 5 Star
- Two-step energy seal process through-out entire home to reduce air infiltration
- Low "E" windows
- 90% high efficiency gas furnace with air conditioning
- (2) - 48 gallon Power shot water heater
- Insulated foam sheathing board with building paper housewrap and fiberglass batt insulation exterior wall system
- Fiberglass batt insulation in all cantilevers and bays
- Blown fiberglass insulation in all heated ceiling areas
- Return air venting in all bedrooms for air exchange
- Outside air induction on all furnace systems
- Ridge and soffit vent system for maximum attic ventilation

SUPERIOR EXTERIOR FEATURES:

- Partial Brick Front with returns at roof line per elevation
- Brick on Three sides of home per floor plan & elevation
- Cast iron address plaque
- Hardi-Plank siding
- Insulated fiberglass entry door with full weather stripping and dead bolt
- Spacious insulated 3 car garage with drywall and prime painted finish
- Garage door openers with Keypad
- Sectional overhead garage door with rubber sweep
- Double hung Pella Wood windows with aluminum exterior cladding
- Certainteed 30 year Dimensional asphalt roof shingles
- 8 inch side gable overhangs
- Stately 6 inch guttering system
- Concrete walkway from driveway to front porch
- Two exterior electrical outlets
- Two freeze resistant exterior water spigots
- Concrete Patio per Plan
- Front lawn sod
- Rear & side lawn hydroseed
- Exterior yard light

PULTE QUALITY ASSURANCE:

- Pre-construction information session
- Pre-drywall consultation
- Pre-closing homeowner orientation
- Customer service walk at 3-month
- Customer service walk at 11-month
- Measured customer satisfaction
- Protection Plan: 2-5-10 year limited warranty

ELEGANT INTERIOR FEATURES:

- 9' ceilings on first floor
- Solid ¾" Oak Hardwood floor by Bruce in foyer, kitchen / nook, & powder room(s)
- Stain resistant Textured wall to wall carpeting with rebond 6 lbs. Pad
- Ceramic tile flooring in hall and master baths
- Armstrong vinyl flooring in laundry
- Stained stair handrail
- Kohler Sterling product for sinks, Lavatories, Showers & Bath Tubs
- Elongated lavatories in all baths
- Shower pan with Tiled walls in Master Bath
- Garden tub in master bath
- Tempered Glass shower door in Master Bath
- Kohler Pedestal sink in powder room per plan
- Moen Faucets in all baths
- Cultured Marble countertops in hall & master baths
- Mirrors in bathrooms and master suite dressing area above vanity
- 42" Merillat Millbridge II cabinets
- Custom Solid Surface Staron countertops in kitchen
- Stainless steel kitchen sink with 1/3 HP disposal
- Gourmet Kitchen including GE double oven, 4 burner cooktop and microhood
- General Electric dishwasher
- Sea Gull light fixtures throughout
- Semi solid six panel doors with lever style knobs
- Executive custom interior trim package
- Laminate wood shelving in all closets
- Fireplace with Custom Mantel, Ceramic Tile Hearth and Face
- Centralized "Structured wiring system" for voice and data communication
- Phone – Category 5 dedicated runs to each location per plan including all bedrooms
- Cable TV-RG-6 dedicated runs to each location per plan including all bedrooms
- 300 amp electrical service to home
- Gracefully textured drywall ceilings
- Vaulted or trayed master Bedroom Ceiling
- Glued and screwed 3/4" tongue and groove (OSB) oriented strand board floor decking
- Engineered floor joist system



EXECUTIVE SERIES COLLECTION: Brookshire, Parkview, Ellsworth II, Crestview, Strathmoor & Wentworth

Pulte Homes of Indiana Reserves the Right to Substitute, Without Notice, Material of Similar Quality for any Product Listed in these Specifications

REVISED: 1-6-06

GRAY EAGLE HIGHLANDS

QUALITY FEATURES INCLUDED IN ALL CLASSIC SERIES HOMES

BASEMENTS INCLUDED - ALL HOMES

ENERGY SAVINGS FEATURES:

- Energy Star Certification – 5 Star
- Two-step energy seal process through-out entire home to reduce air infiltration
- Low "E" windows
- 90% high efficiency gas furnace with air conditioning
- 48 gallon Power shot water heater
- Insulated foam sheathing board with building paper housewrap and fiberglass batt insulation exterior wall system
- Fiberglass batt insulation in all cantilevers and bays
- Blown fiberglass insulation in all heated ceiling areas
- Return air venting in all bedrooms for air exchange
- Outside air induction on all furnace systems
- Ridge and soffit vent system for maximum attic ventilation

SUPERIOR EXTERIOR FEATURES:

- Partial Brick Front with returns at roof line per elevation
- Low maintenance Alcoa vinyl siding
- Insulated fiberglass entry door with full weather stripping and dead bolt
- Spacious insulated 2 car garage with drywall and prime painted finish
- Dual glazed vinyl windows with decorative grids on all sides of home
- Pre-wire for garage door opener
- Sectional overhead garage door with rubber sweep
- Certanteed asphalt roof shingles with 25 year limited warranty
- Concrete walkway from driveway to front porch
- Two exterior electrical outlets
- Two freeze resistant exterior water spigots
- Concrete Patio per Plan
- Front lawn sod
- Rear & side lawn hydroseed

PULTE QUALITY ASSURANCE:

- Pre-construction information session
- Pre-drywall consultation
- Pre-closing homeowner orientation
- Customer service walk at 3-month
- Customer service walk at 11-month
- Measured customer satisfaction
- Protection Plan: 2-5-10 year limited warranty

ELEGANT INTERIOR FEATURES:

- 9' ceilings on first floor
- Solid ¾" Oak Hardwood by Bruce in Foyer
- Stain resistant Textured wall to wall carpeting with rebond 6 lbs. pad
- Armstrong vinyl flooring in kitchen, nook, hall bath, powder bath, master bath and laundry
- Stained stair handrail
- Kohler Sterling product for sinks, Lavatories, Showers & Bath Tubs
- Shower pan with Tiled walls in Master Bath
- Tempered Glass shower door in Master Bath
- Kohler Pedestal sink in powder room per plan
- Moen Faucets in all baths
- Mirrors in bathrooms and master suite dressing area above vanity
- Merillat Millbridge II cabinets
- Custom Laminate countertops in kitchen, hall and master baths
- Stainless steel kitchen sink with 1/3 HP disposal
- General Electric self cleaning electric range
- General Electric dishwasher & range hood fan
- Sea Gull light fixtures throughout
- Four panel provincial doors with polo style knobs
- Classic interior trim package
- Fireplace with Custom Mantel, Ceramic Tile Hearth and Face
- Centralized "Structured wiring system" for voice and data communication
- Phone – Category 5 dedicated runs to each location per plan
- Cable TV-RG-6 dedicated runs to each location per plan
- Gracefully textured drywall ceilings
- Vaulted Master Bedroom Ceiling
- Glued and screwed ¾" tongue and groove (OSB) oriented strand board floor decking
- Engineered floor joist system

QUALITY FEATURE UPGRADES STANDARD TO THE GRAY EAGLE HOMES COLLECTION:

- Brick Chimney Chase (Kensington II, Princeton II, Windsor II)
- 2 Car Side Entry Garage Elevation C
- Hardi-Plank Siding



CLASSIC SERIES COLLECTION: Kensington II, Cambridge II, Princeton II, Windsor II, Manchester Et Buckingham

Pulte Homes of Indiana Reserves the Right to Substitute, Without Notice, Material of Similar Quality for any Product Listed in these Specifications

REVISED: 1-6-06

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



MEMORANDUM

Date: February 20, 2006

To: Town Council

From: Development Department

RE: Ordinance #022105A Britton Falls PUD-M
To consider a request for initial zoning of the Britton Falls PUD-M, generally located between 126th and 136th Streets and on the east and west sides of Cyntheanne Road.
3rd Reading

Council members:

Staff would like to take this opportunity to address issues raised since this proposed Britton Falls PUD ordinance appeared at the 2nd Reading in January.

Staff would like to clarify from the start, that the UDO referred to in Mr. Hensley's letter is a document that is *not* in force at the present time. Additionally, the version Mr. Hensley is using as his foundation is "Draft E" which is currently being revised through a series of meetings with staff, stakeholders, and consultants. The proposed Britton Falls PUD ordinance complies with the most recent version of the UDO.

First, staff would like to comment on the safety concerns brought up by Mr. Hensley in his letter detailing both the Hensley family and the Fall Creek Valley Homeowner's Association concerns.

1. Mr. Hensley's main safety item concerns setbacks and encroachments (Hensley letter, page 7, bullet #3). The concern here is that a structure could encroach into the required side yard setback, making the homes too close together, and thereby creating a fire hazard. Per the proposed Britton Falls PUD ordinance, only basement window wells, chimneys, and bay windows are allowed to encroach into the required setback. Also as noted, the State Building Code allows a minimum of six (6) feet of building separation, while the homes themselves will be ten (10) feet apart.
2. A second safety concern of Mr. Hensley's is the water feature perimeter access (Hensley letter, page 17, paragraph 6.08). The Britton Falls PUD suggests a minimum of twenty (20) feet to allow emergency access for water rescues. Current construction standards also require ponds to install safety ledges six to ten (6-10) feet wide and eighteen (18) inches below the water surface (Town of Fishers Stormwater Technical Standards Manual, chapter 6, page 6), providing a further area to conduct a water rescue. Twenty (20) feet is ample room to allow emergency vehicles to gain access to a pond, and is five (5) feet wider than currently required.

A second item of discussion is garage depth. There are currently no standards for minimum garage depth. The latest version of the draft UDO suggests a minimum of twenty-two (22) feet to accommodate cars and storage. The Britton Falls PUD has a minimum depth of twenty (20) feet. However, the petitioner has made several commitments regarding garages, which may be found in the petitioner's book, under tab 1. While staff feels the easiest solution would be to require a minimum garage depth of 22', the various options for garage extensions and three car garages is a workable solution for the petitioner.

Other items of discussion centered on private wells, the legality of enforcing an age restriction, and the overall ambiguity of the proposed ordinance. The Town's legal counsel researched these items and offers the following statements via an email from Doug Church:

We have completed our research and what follows is the executive summary which I believe is supportable under the law on the questions posed:

1. Wells. Indiana law does not "guarantee" any well user a quantifiable amount of water from the aquifer that they rely upon for their potable water. In other words, an aquifer may extend far beyond the borders of an individual lot or tract of ground and may be accessible to many wells. However, there are remedies for misuse or contamination of a well. There are also some nuisance cases where someone essentially "hogged" the aquifer. By and large, these are all individual civil actions should someone deem themselves to be harmed and entitled to a remedy. The Town may ask for some assurances from the developers but there is no specific issue before us at present. It is speculative and private.

2. The developer may, under federal law, impose a restriction on age and limit children to zero without violating the law. This provision is an exception to what would otherwise be discriminatory and the 80% limit is cast as a "minimum", not a "maximum." Such a restriction IS enforceable.

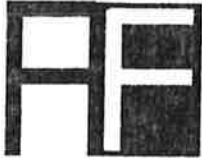
3. I have read more ordinances than I can count. I've never read one that I couldn't argue something was ambiguous. There is nothing from my reading of this ordinance that makes it more or less ambiguous than others. The fundamental question is a little different: Are there critical provisions that are intentionally ambiguous so as to benefit the developer? Both Ann and I have reviewed the document and we do not feel that we can say that it is free of potential ambiguity but it is reasonable in its text and understandable. More important, we can (and do) recommend including a sentence in the covenants to this effect: "In the event that any provision herein is deemed to be ambiguous by a court of competent jurisdiction, then such ambiguity shall be resolved against the interest of the Owner/Developer." That should eliminate this concern.

Finally, road infrastructure has been a major concern throughout the hearings on this ordinance. The Town's road engineering consultant (Steve Fehribach, with A & F Engineering) has prepared a summary and will be in attendance tonight to present that data and to be available for questions from the council. A memo from A & F discussing this topic is included as an exhibit.

Attachments:

1. Memo from A & F Engineering regarding future roadway conditions
2. Letter from David Compton to Marion Hensley updating the status of their discussions
3. Letter from Marion Hensley to the Town Council in reference to the proposed ordinance
4. Letter from David Compton to James Smyth regarding property adjacent to Britton Falls. The original letter from Mr. Smyth has been included in the Town Council packet.

A & F ENGINEERING CO., LLC
CONSULTING ENGINEERS



William J. Fehribach, P.E.
President

Steven J. Fehribach, P.E.
Vice President

8365 Keystone Crossing, Suite 201
Indianapolis, In 46240
(317) 202-0864 fax (317) 202-0908
www.af-eng.com

MEMORANDUM

DATE: February 20, 2006

TO: Fishers Town Council

FROM: Steven J. Fehribach, P.E.
Thomas S. Vandenberg, E.I.
A&F Engineering Co., LLC

RE: Impact to Future Roadway Conditions due to
Proposed Pulte Commercial Development
Area 3, Area 5A & Area 5B

The *Traffic Impact Fee Analysis*¹ performed for the Town of Fishers projected the improvements that would be needed to the roadway network in order to accommodate the anticipated 20 year build-out. This memo addresses what impact the proposed Pulte commercial development would have on the future roadway network in the vicinity of the Pulte development.

The proposed Pulte commercial development was analyzed with the following:

- Area 3 - 366,000 square feet of business park
- Area 5A - 104,000 square feet of retail
- Area 5B - 106,000 square feet of retail
75,000 square foot supermarket
Service station with 12 fueling positions

¹ *Traffic Impact Fee Analysis*, Prepared for the Town of Fishers by A&F Engineering, December 2004.

136TH STREET & CYNTHEANNE ROAD

This unsignalized intersection currently operates as a two-way stop with Cyntheanne Road stopping for 136th Street. Each approach consists of one shared lane for all traffic movements. The addition of a left-turn lane in both the northbound and southbound approaches along Cyntheanne Road would be needed in the future as determined in the impact fee analysis.

When considering the future traffic with the proposed Pulte commercial development, either of the following intersection configurations may be needed to achieve acceptable levels of service:

- Option #1: The intersection converted to a one-lane roundabout. The approximate construction cost for this option would be \$500,000.
- Option #2: The intersection upgraded to a traffic signal control with the addition of a left-turn lane along each approach. The approximate construction cost for this option would be between \$350,000 to \$400,000.

126TH STREET & CYNTHEANNE ROAD

This T-intersection currently operates as a one-way stop with 126th Street stopping for Cyntheanne Road. Each approach consists of one shared lane for all traffic movements. Based on the Town of Fishers thoroughfare plan, 126th Street will be extended from S.R. 238 to Cyntheanne Road. The intersection of 126th Street and Cyntheanne Road would most likely operate as a two-way stop with Cyntheanne Road stopping for 126th Street. No future improvements would be needed at this intersection as determined in the impact fee analysis.

When considering the future traffic with the proposed Pulte commercial development, either of the following intersection configurations may be needed to achieve acceptable levels of service:

- Option #1: The intersection converted to a one-lane roundabout. The approximate construction cost for this option would be \$500,000.
- Option #2: The intersection upgraded to a traffic signal control with the addition of a left-turn lane along each approach. The approximate construction cost for this option would be between \$350,000 to \$400,000.

136TH STREET – PRAIRIE BAPTIST ROAD TO CYNTHEANNE ROAD

This roadway segment currently operates effectively as a two-lane facility and will continue to do so in the future as determined in the impact fee analysis.

When considering the future traffic with the proposed Pulte commercial development, this roadway segment could experience level of service "E" during the PM peak hour as a two-lane facility. However, since the size of the proposed development is unknown at this time, it is recommended that this roadway segment remain a two-lane facility. This segment should then be monitored as traffic increases over time due to future growth.

OTHER ROADWAY SEGMENTS

The following roadway segments will operate effectively as two-lane facilities in the future with or without the proposed Pulte commercial development:

- 136th Street – Cyntheanne Road to Atlantic Road
- Cyntheanne Road – 126th Street to Town of Fishers northern border



February 19, 2006

Fishers Town Council
C/O Mr. Scott Faultless, President
One Municipal Drive
Fishers, IN 46038

RE: Status update of discussions with Marion Hensley and Members of the FCVHOA regarding outstanding issues.

Over the course of the last two weeks Pulte Homes and members of the FCVHOA specifically, Marion Hensley, Brian Baehl, and Mary Ann Shepherd, have had the opportunity to meet on three separate occasions. I am pleased to report that a significant amount of headway has been made in regards to addressing outstanding concerns of all parties. The most significant strides forward are as follows:

The existing zoning commitment number 15A will be modified so that the clearing of underbrush in tree preservation areas will be prohibited. 15B will be modified to add "underbrush".

The existing zoning commitment number 16 will be modified to create a 20' tree preservation area OUTSIDE the lot area along the common property line between the Hensley Family and south property line of section 4B. All utilities will be located outside this tree preservation area with the exception of the most western 50' of the tree preservation area which may contain a storm drainage outlet for section 4B unless specifically requested by the Director of Development and the Town Engineer of Fishers. In this situation before the installation of utilities, Pulte Homes, the Town of Fishers, and representatives would meet in order to determine the best way to minimize the impact to the tree preservation area and provide for reforestation of the affected area. All stub streets to the Hensley property would be constructed to the 20' tree preservation strip. Right of way and all applicable easements would be granted to the property line.

A follow up meeting has been scheduled with Mr. Hensley to discuss filling in gaps in the existing tree row. The results of this meeting will be included in the revised commitment number 16.

Commitment number 10 regarding storm drainage and existing subsurface extending north from the Hensley property into 4B will be modified to add clarity regarding the

routing of existing drainage off 4B into the storm sewer system to be designed by the developer of 4B and approved by the Town of Fishers. Additionally, if a lake were to be placed in the Southwest corner of parcel 4b then at least 50% of the perimeter would consist of native plantings.

A new commitment will be added whereby the intent of the proposed drainage plan for Britton Falls will be clarified. Subject to the approval of staff and counsel, it is proposed as follows:

“While accepting storm water runoff from adjoining properties, this development will not sheet drain onto other properties as it currently does. All storm water discharge points will be approved by the Town of Fishers or the Hamilton County Surveyor as applicable. There will be no general sheet drainage to adjoining yards, drives, fields or woods. All storm water runoff will be treated for sediment and other harmful contaminants prior to leaving the site.”

Additionally, interior and exterior feature specifications as referenced in sections 7.06e and 7.07e will be added as exhibits to the ordinance. Several features detail of interior and exterior specifications which require additional description will be completed prior to their addition. An interior feature sheet for Sections 2a, 2b and 2c will also be added to the ordinance.

Other minor areas of advancement will be forwarded to staff in a memorandum and a subsequent final modification subject to staff’s approval of the Britton Falls PUD and related commitments. I want to personally thank Marion Hensley for his dedication and time invested to date on this project. We look forward to finalizing these revisions for inclusion in the final ordinance and commitments.

Most Sincerely,

David M. Compton
V.P. of Land Acquisition
Pulte Homes of Indiana, LLC

CC: File, Marion Hensley, Wes Bucher, Jodi Dickey, Charlie Frankenberger

To: Fishers Town Council and Staff:
From: Marion P. Hensley, FCVHOA

Feb. 19, 2006

In reference to Pulte development rezoning request:

As you may remember I took an action item at the 2nd reading to send you a list of comments regarding the Hensley issues and the broad based FCVHOA concerns. I E-mailed the comments out to all of you and Mr. Compton. We (FCVHOA) received a detailed reply from Mr. Compton but unfortunately not from Staff. We did not understand some of the Pulte reply and as a result we the FCVHOA has met with Mr. David Compton of Pulte several times in the last 2 weeks to discuss many of the concerns we have with this proposed ordinance. We have made significant progress on several detailed items. Mr. Compton has agreed to submit updates to the ordinance and commitments. We wish to thank him for his response. We have some clean-up items that Mr. Compton has agreed to address in good faith in the next two weeks. Many other items of concern that in reality were questions to the town about safety related concerns, setbacks, garage depth and such we have decided to trust the Council to draw your own conclusions/questions regarding those topics and look after the long term community interests.

On the other hand we are still very concerned about 2 topics:

- 1- We strongly support the Staff position that the 13 acres on Cyntheanne Rd be used as public park space and a trailhead for the future greenway. Other creative solutions should be sought to further increase the natural type park space to meet the Park Plan, future greenway and compliment the ball field type park space already planned.
- 2- In regard to 126th street. We believe that firm plans need to be in place to address 126th Street extension and improvements as an **"integrated solution"** with this Pulte project. If this is not done many desirable options will be lost to the Town by not addressing the planning before the land use is approved. Current 126th St. resident's suggestions about potential routes apparently are not part of the current study effort. This is not right! It would seem that in fairness to the current residents facing potential "Eminent Domain" and property loss and as well Pulte that they deserve the respect of a complete study. Now is the time to decide if the effected parts of 126th are to be a thoroughfare for Madison Co. traffic toward Fishers or not. Do we want features in the eastern part of 126th near Atlantic Road that slow traffic like a meandering road integrated within section 4 or possibly a roundabout at the section 4 entrances? We all know what the current Transportation Plan says, but it is the FCVHOA position that 126th east of SR238 should be only 2 lanes and not be a desirable major thoroughfare for Madison Co. traffic. As Cyntheanne Rd improves it provides a good connection to SR238 as

well as the future 136th thoroughfare. One could argue that we may not need a 126th extension at all if we do not encourage Madison co. traffic! Is this option in the current study?

In conclusion, there are other road options that greatly effect the proposed Pulte development that are better for the current residents, the Town of Fishers and the future Pulte home buyers that appear not to be studied. Now is the time to resolve this!

Thank You for your attention

FCVHOA

Marion P. Hensley
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(317)485-5566 (eve)



February 17, 2006

Fishers Town Council
C/O Mr. Scott Faultless, President
One Municipal Drive
Fishers, IN 46038

RE: Letter from James W. Smyth dated February 14, 2006

We received a copy of the letter dated February 14th, 2006 from Mr. Smyth to the Fishers Town Council concerning his client, Mrs. Joyce Rhodehamel, who owns property adjacent to the proposed Pulte/ Del Webb development. After reading Mr. Smyth's letter, Pulte Homes feels that it is important to provide additional details not contained within Mr. Smyth's letter concerning recent contacts between Mr. Smyth and Pulte Homes concerning his client Ms. Rhodehamel. A summary is as follows:

After the January 18, 2006 Town Council meeting where Pulte had a second reading for Britton Falls, Pulte Homes received a voice mail contact from Mr. Smyth's law firm indicating that they denied that Mrs. Rhodehamel had received notice from Pulte Homes concerning the proposed Pulte/ Del Webb development. Pulte contacted Nelson and Frankenberger, it's law firm representing them in this zoning matter, who produced a copy of a certified mail receipt with Mrs. Rhodehamel's signature at a Carmel address indicating that in fact she did receive a copy of the zoning notice. This signed receipt was faxed to Mr. Smyth's law firm by Pulte, which included a drawing of the perimeter of the real estate.

As acknowledged in her affidavit, Ms. Rhodehamel did not attend any public hearings regarding the proposed development nor did she contact any representative of Pulte Homes concerning the development. This proposed zoning case has received significant coverage in both the local print and television media outlets. We have reviewed our files and related contacts with other interested parties and find no contacts with Ms. Rhodehamel or her counsel prior to the January 18th second reading at the Fishers Town Council.

Over the last 15 months, Pulte Homes has and continues to meet with all interested parties who have come forth and wished to have discussions regarding the impact of this proposed development upon their real estate. This includes the residents who reside within the Barrington Estates community, some of which have homes that back up

directly to the proposed commercial development. As of the date of this letter Ms. Rhodehamel's real estate is unimproved and is being utilized for agricultural purposes.

As we have done with all other interested parties who have expressed a desire to meet, we are open to meeting with Ms. Rhodehamel or her counsel to discuss her concerns regarding the real estate. Given the notice provided to Ms. Rhodehamel and the media coverage the proposed development has received to date, we are surprised that we did not hear from Ms. Rhodehamel or her counsel until after the end of the public input process. However, we will still make ourselves available to meet with Ms. Rhodehamel or her representatives to discuss any concerns she may have regarding the development.

Most Sincerely,

David M. Compton
V.P. of Land Acquisition
Pulte Homes of Indiana, LLC

CC: File

Town Council Third Reading of Proposed Britton Falls PUD-M

To: The Fishers Town Council
Re: Remonstrations of the Pulte Britton Falls Third Reading, 6 March, 2006
From: Brian Baehl
14976 State Road 238E, Fishers
CC: Fisher's Staff Department

Dear Town Councilors and Staff,

The following are comments and suggestions for the third reading on March 6th. . Please accept this in your meeting packet. Thank You.

126th Street Extension Study

Thank you very much for asking for an additional study of the Peterson's Plan and being open to alternate avenues into the Pulte property. Also note that the road study is for a four lane road. I'm quite puzzled why the Town engineer last Monday stated that only a two lane road would be required east of SR238E and have the study estimate it for four lanes. It should have been estimated for only two lanes then. The estimates are therefore much more than for a two lane road. Please ask Edwards and Kelcey for estimates of a two lane road extension also. The cost of a four lane road going through the Pulte project seems less desirable, but when a two lane road is estimated, going through their development may be a cost savings since Pulte would be giving the Town the right-of-way for free as assumed by Edwards and Kelcey's study. Another cost savings would be to delete the landscaped median since a two lane road may not require this, but a four lane road would. Therefore the total estimates for a two lane road through the Pulte development may be far less than the original four lane road with median and landscaping. Pulte may desire to landscape around the road at its own expense.

Detailed 126th Street Extension Discussion

Per the Edwards and Kelcey diagram, Alt E1 would reach too far north into the Catholic Church property creating design problems for the church and school. This would also create a large unusable triangle in the south-east corner of their property. Alt C and Alt D could morph together but go into the southern portion of the Pulte property. Also note that Pulte's drawings have a north bound driveway in the churches property for their southern access, but the church has informed Staff and the Town Council of their desire not to have a driveway there. The church would most likely want 126th street to be on their southern-most property line and then go up to Pulte's southern-most property line in section 1B, waisting the least property for both the church and Pulte. This proposal is in the Peterson Plan.

Therefore, with the Peterson Plan, Pulte would obtain a southern access into section 1B, the church would get "free" road cuts and the fire department would get a quick and safe route into the property. The Peterson Plan would be a winning solution for all three.

126th street would then proceed east to the southern portion of the 13 acre nature park site. The Fisher's residents would then have access to this nature park from both 126th street and Cyntheanne Road.

Town Council Third Reading of Proposed Britton Falls PUD-M

126th street would then continue east past Cyntheanne Road, but rather than dropping south as Alt E1 indicates, the road would continue due east until passing the 126th street residents (call this Alt E1 variant). The rectangular property south of Alt E variant (that does not drop down) and north of the 126th street resident's back yards could be made into open space, reforested, a large lake built or a combination of all of these. This would be a variant to the Peterson's Plan and could also be considered.

The Town Council should request a road right-of-way from Pulte in the southern section of 1B, north of the 126th street residents and also Section 4 for an exit and made as a condition for approval of this project.

School Property

The public park at the school location hinges on if the school would use this parcel or not. I believe it is a good idea that Pulte deeds this property to the Town upon approval rather than stringing everyone around. The school has had over six months to decide on this site. Pulte claims that the school system wanted this school at the present site, so why is it taking so long for the school system to decide? Please ask for a decision from them before March 6th.

Nature Park Site

The people of Fishers would adamantly desire the 13 acre site be "donated" to the town as recommended by Staff. Pulte has been holding onto this "ace" for more than a year. **Please make this donation as a condition for approval.** Pulte is taking so much from the surrounding neighbors and it would be admirable if they gave something back to all in return. As the new Park Master Plan states, nature parks are most needed now, more so than soccer fields. The Fisher's park site at Cyntheanne Road would be a great place for soccer fields since it is mainly open and the 13 acre site is both open and heavily wooded. Being next to Thorpe's Creek would be a wonderful nature site. We did not talk too much about wanting this site at the second reading because it was already discussed and wished to respect the time limits on remonstrations.

Sewer Routes

Please ask the sewer company about different routes and costs at the March 6th Town Council meeting. Thorpe's Creek is such a beautiful area that destroying so many trees and natural habitat would be a shame. Please ask for different alternatives such as going along roads to place the sewer lines. Remember that the sewer company is a for-profit organization and taking the least expensive route along Thorpe Creek is in their interest, which I'm sure is what they will state at the meeting. There will be eminent domain possibilities with the Thorpe Creek sewer route. We would like to avoid this. The sewer route should be routed along the 126 street extension, as described above, through Pulte's property.

Town Council Third Reading of Proposed Britton Falls PUD-M

Wells

Pulte intends to irrigate their open space with well water. This is such a massive project that wells may very well be affected. What if Pulte does dry up or contaminate a neighbor's well? Can Pulte charge this person thousands of dollars to hook up to their source even when they caused the problem in the first place? Of course they will adhere to all laws, but Pulte is asking for rezoning and thus asking the Town for something substantial. Why can not the Town or the neighbor's ask something of them beyond the minimum required by law? If Pulte did all of their irrigation via the city source, then maybe there would be less concerns.

Del Webbers

Pulte states during the second reading last Monday that Del Webbers will be traveling south for the winter for almost 50% of the time and thus be traveling less on the roads. I believe that the Del Web section is going to produce more traffic than Pulte leads on. Pulte states that 50 year old people will be allowed to buy houses in Section 2. These people will be working many years and traveling to work just like all the rest of Fishers. As long as 80% of the total residents are over 55, this would meet the 80/20 HOPA rule. I do not believe that retirees travel less. There will be more traffic exiting Section 2 than all the other sections combined. Therefore, Pulte should bear more of the responsibility of building the roads.

Summary

In summary, many improvements to this Del Webb development have occurred through the hard work from Staff, Plan Commission, Town Council, Pulte and the residents of Fishers. But we believe that this Del Webb proposed development is lacking in several key areas – 126th street right-of-way, lack of a public park, well water protection and sewer route eminent domain protection.

Please request the following from Pulte as a basis for your vote on March 6th:

- 1) Road right-of-way for the Peterson Plan;
- 2) Donation of the 13 acre parcel in section 1B for a Public nature park;
- 3) Well Water protection and free hook-up for neighbors if contaminated or emptied;
- 4) Alternate Sewer Route with no Eminent Domain risk to property owners of Thorpe's Creek.

Otherwise, please vote NO to this rezoning request.

Sincerely, Brian Baehl

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



Date: February 20, 2006
To: Town Council
From: Development Department
RE: #022105A **Pulte Homes by Del Webb/Britton Falls PUD-M**
To consider a request for initial zoning of the Britton Falls PUD-M, generally located between 126th and 136th Streets and on the east and west sides of Cyntheanne Road. (Proposed 3rd Reading)

This report is our staff response to both council and citizen comments generated at the Town Council 2nd Reading of the Britton Falls PUD (Pulte/Del Webb) and begins on Page 3.

Petitioner's Request:

This petition is a request for initial zoning of approximately 913 acres in northeast Fishers. The property is generally located north of 126th Street and south of 136th Street and on the east and west sides of Cyntheanne Road. A portion of the subject property (81 acres) is located on the north side of 136th Street.

The petitioner is proposing to create a mixed-use planned unit development (PUD-M). The proposal includes the creation of 1,822 residential units, along with approximately 119 acres of office and commercial uses.

The subject property is currently zoned R-2. The property was zoned R-2 as a result of the joinder agreement between the City of Noblesville and the Town of Fishers. The Conceptual Future Land Use Map suggests part of the area under consideration for this request would best be developed with a mix of retail and office uses. Some of the uses contemplated in this area (guided by the land use map) include single family detached residences, commercial and office uses, and a medical complex. The commercial uses should be those of a neighborhood or local service area as opposed to a more regional shopping center.

The petitioner's proposal segments the property into five (5) distinct areas. Area 1 is comprised of single family detached residential, Area 2 is the "age restricted" Del Webb product, Areas 3 and 5 are office and commercial and Area 4 is single family custom homes. The overall density of this project is 2.3 units per acre, ranging from a low of 1.5 du/ac (Area 1B) to a high of 3.9 du/ac (Area 2C).

The site is currently undeveloped, consisting of cropland, wooded tracts, and gently rolling topography with Thorpe Creek running through a section of the property.

The property has not yet been annexed, although the petitioner has agreed to annexation.

Surrounding Uses & Zoning:

Land surrounding the subject property is generally zoned R-2. The Conceptual Future Land Use Map suggests the lands to the west of Cyntheanne Road would be appropriately developed as a mixed use and/or office park area. Property south of the subject parcels and west of Cyntheanne Road is institutional (park and school).

1st Reading:

First reading for this request was held by Town Council at the February 21, 2005 meeting. The Council asked for a fiscal plan on the proposed development including the Town's possible costs for upgrading roads in the area plus police and fire service costs. The petition has been in the Advisory Plan Commission review process since that time. Other Comments from the Council members centered on concerns with infrastructure improvements (especially roads), overall project density, "age restricted" regulations and community impacts, buffering existing developments (Barrington Estates subdivision), and architectural standards.

Plan Commission:

This request went before the Plan Commission for public hearing and recommendation at the December 13, 2005 meeting. Staff outlined five distinct items of concerns:

1. Zoning. Staff was concerned that the petitioner's suggested R-2 zoning designation could be misleading. While R-2 zoning would protect the Town should Pulte not develop, none of the petitioner's lots met the minimum size of the R-2 district.
2. Parks, Trails, and Open Space. Staff had the opinion that the petitioner's proposal did not provide enough public open space and that the petitioner's proposal did not adequately connect this development to the rest of the area via a pedestrian trail system.
3. Architectural Features. The petitioner proposed a list of architectural features to enhance the façade of homes. Each home would need to garner a specified number of points to qualify as acceptable. Staff had concerns whether all the items listed should count toward meeting that goal.
4. Garages. There was concern that a typical 20' deep garage does not provide space for cars and storage of waste receptacles. Staff suggested a minimum of 22' deep garages.
5. Signage. The petitioner's proposal for sign numbers and sizes well exceeded what the Town's current code would permit. Staff recommended signage be removed from consideration of the PUD and considered as a separate item.

During the public hearing, there was remonstrance, which generally focused on the project's density and impact to schools and local roads.

1. A major item of concern was infrastructure. Neighbors wondered where the developer would place water and sewer lines, and would their land be taken for that. The alignment of the 126th Street extension was also discussed. The ultimate configuration and increase in traffic may have a considerable impact on current residents along that road. Residents also asked about the appropriateness of placing a school site along 136th Street, which is anticipated to be a future commercial corridor.
2. Some remonstrators wanted the petitioner to give a guarantee that verbal commitments made to the neighbors would be written and included in the PUD ordinance so the Town could enforce them. Also, some of the neighbors worried about existing wells and if the Pulte project would negatively impact them.
3. Finally, residents were worried about the 'age restricted' clause and how to gain assurances that the Del Webb part of this project would be truly for ages 55 and older. They also mentioned their concern about traffic studies that relied on fewer children than traditional single family residential. One question remonstrators asked was, if the Del Webb portion does not, in fact, develop as age restricted, how would the increase in numbers of children impact schools?

The Plan Commissioners also had several comments and concerns about the project:

1. What assurance does the Town have that verbal commitments will be adhered to;
2. Architectural standards are less than desired (to assure market values);
3. The size and number of various signs for this project is too large;

4. The amount and type of open space; and,
5. Garage sizes

Plan Commission Recommendation:

The Plan Commission separated three items from the general recommendation. The motions of support for these statements are in addition to the overall vote. These are:

1. Plan Commission supports the statement that the Commission isn't satisfied with the amount of Public Open Space in the current ordinance and commitments. Brian Atkinson made the motion. Peter Emigh seconded. Vote: 9-2.
2. Plan Commission supports the statement that the Commission would like the garage depth increased to a minimum of 22ft. Dan Kloc made motion Peter Emigh seconded. Vote 10-1.
3. Plan Commission supports the statement that they support the staff recommendation on signage to keep it consistent with the current sign ordinance. They also support staff's recommendation on flags. Motion: Peter Emigh made a motion. Kevin Clasen seconded. Vote 11-0.

There was a motion made to send a favorable recommendation to Town Council. That motion failed 5-6.

The Plan Commission voted 6-5 to send an unfavorable recommendation to Town Council.

2nd Reading:

Second reading for this request was held by Town Council at the January 18, 2005 meeting. As with the Plan Commission public hearing, there were several remonstrators. Many of the same concerns regarding increased vehicle traffic, road way and other necessary infrastructure improvements, possible negative fiscal impacts to schools, private wells and drainage, and open space, were restated at the 2nd Reading.

Town Council members had numerous questions/comments, including:

1. What would the impact to schools and road ways be if this area developed piecemeal as R-2?
2. Remove any ambiguous language in the ordinance;
3. provide a floor plan for each residential section;
4. Provide more detail (i.e., a concept plan) for the commercial areas;
5. Does this proposal have any impacts on the current traffic impact study and will this developer be required to pay more in fees to mitigate that impact;
6. Staff should review the transportation plan and show how 126th Street should develop—2 lanes vs. 4 lanes;
7. Has regional detention been considered for this area?
8. Compare the amount of "empty nester" product already approved
9. Can the "age restricted" component of this project be legally enforced?
10. The developer should provide assurances the age restricted housing product is structurally sound;
11. Compare the projected and actual build-out of the Avalon subdivision.

Staff Comments:

To respond in a reasonably logical manner to the public and Council comments, Staff has grouped those comments into similar sections.

Ambiguity

There was some concern that language regarding the commercial areas of this development was too ambiguous to be enforceable and that some of the commitments made by the developer to surrounding neighbors might not have included all interested parties. Specific comments have been made to the 3 property owners addressed in the FCVHOA letter by Pulte and we believe those answer most of the questions they have raised. Their continued reference to the UDO and its standards was to an early version that has not been adopted. Through a series of meetings with

stakeholders, many changes the FCVHOA cite have been modified in the upcoming UDO and therefore staff does not support the positions the FCVHOA has taken on USO standards.

There was a concern that the commercial area did not include either a site plan or appropriate standards. The petitioner followed many of the 116th and Olio PUD standards, including a limit on square feet per acre, signage, architectural design, open space, etc. We believe these standards will establish the proper commercial atmosphere for this area. The petitioner has submitted an updated proposal which includes some more detail on the commercial area for Cyntheanne Road, south of 136th Street (petitioner's book, tab 14). He characterizes the proposed uses as neighborhood retail, pedestrian friendly, and similar to 116th and Olio. The east side of Cyntheanne would be anchored by a grocery store. This commercial component could be redesigned if the proposed interchange at Cyntheanne and I-69 was constructed. The petitioner has submitted a concept plan, showing a likely build-out of the site (also tab 14). This concept plan would be finalized during the Detailed Development Plan process. This will allow staff and the Plan Commission to ensure a neighborhood and pedestrian friendly development.

The petitioner has also included commitments to surrounding property owners as part of his proposal (petitioner's book, tab 10 and 18). A map highlighting each buffer area is shown in tab 10, page 3. Tab 10 also details the sizes and plantings for each buffer area. As far as Staff is aware, each concerned neighbor has been addressed with this proposal.

This PUD proposal has been carefully crafted and reviewed by the department and the developer and through numerous meetings with Council, Plan Commission, public community meetings, and individual meetings with affected homeowners. This is one of the most comprehensive PUD that has been written, since we used as a basis previous PUDs, we corrected areas of concern or misunderstanding, and we tried to clarify areas that may be future issues. There will be issues in the future on a project this size; that is why State Statute sets appeal processes and amendments and/or PUD review of issues.

Roads

Council requested a summary of the Town's strategy in upgrading roads, when they are scheduled, and how the number of lanes are determined. The Town of Fishers was one of the first communities in Indiana to enact Impact Fees under Statutory Home Rule provisions. When state legislation was adopted enabling local communities to establish road and park impact fees, the Town of Fishers modified its ordinances to comply with the State Statutes. The Council has used Impact Fees so that new residential and commercial provide their fair share of infrastructure needed for their development.

There are processes in place allowing a developer to make "up front" infrastructure improvements and use those costs to offset their future impact fees. This has allowed some road projects to be done earlier than possible than if they had been funded through the Town's budget process.

The Town of Fishers has not built roads prior to rooftops, but continually assesses road and intersection needs for scheduling improvements. Staff believes that for the Town to spend Town taxpayer dollars for new roads in areas not yet brought into the town limits would be poor demonstration of fiscal responsibility.

Staff has examined available information from the A & E traffic impact fee study and the Town of Fishers transportation plan. That information is summarized below.

Much of the debate in relation to increased traffic that may or may not be caused is due to conflicting records of road classifications and their future intended usages. There are three

applicable sources that determine road classifications. However, each source analyzes data and produces results in different manners. The three sources are:

- Hamilton County Thoroughfare Plan
- Town of Fishers Transportation Plan
- Traffic Impact Fee Study

The Hamilton County Thoroughfare Plan

The Hamilton County Thoroughfare plan is used to regulate new construction and the construction's proximity to existing and future proposed roads. It is also used to reserve right-of-way for future road improvement projects built to accommodate the anticipated traffic volumes from the build-out of the land in the county in accordance with the county Comprehensive Plan (Exhibit A).

The Fishers Transportation Plan

The town transportation plan is designed to help guide growth and provide the town with the necessary tools to ensure that traffic safety and circulation needs are met, as indicated by long-range transportation studies. The plan establishes a functional classification that helps guide transportation system development in relation with future land-use development. This framework ensures that the transportation plan fits and serves the land uses, even as the Town continues to grow. Road classifications (Exhibit B) in this plan are based upon planning principles, and the expected traffic changes based upon future development over the next 20 years. This is why the plan may show 120' rights-of-way for a road which is currently only two lanes. In 20 years there may be a need for four or more lanes and if the town can get that right-of-way now, it makes for a more cost effective and efficient process in the future. Existing and future levels of service (LOS) are also included in this plan (Exhibit D).

The Traffic Impact Fee Study

Exhibit C & E highlights the information used by A & F Engineering to determine an appropriate cost of maintaining adequate road infrastructure. When referring to A & F Engineering Traffic Impact Fee Analysis, figures were based upon existing land uses under current zoning at the time of publication (See attached Land Use map) projecting the next 20 years of the total development (build out) of the town. Traffic counts are measured at DHV (Design Hourly Vehicle) or the number of times each individual vehicle makes one pass over the test strip along the given segment of road in the peak (PM) hour. This number is typically used for calculating road costs. The proposed extension of 126th St. (between SR 238 and Cyntheanne) is not annexed and is presently under Hamilton County jurisdiction. A & F Engineering prepared a road impact comparison between their Traffic Impact Fee Study based on current land-uses and the road impacts of the proposed Pulte/Del-Webb project. There is more information under the Financial section discussion below. Exhibit G shows the results in detail.

While the traffic generated shown for Britton Falls is higher than what was anticipated in the Road Impact Fee analysis, it is the view of A&F Engineering that:

- 1) The Britton Falls development will occur over many years and the Impact Fee study is a 5 and 10 year look at traffic demands. With an update to the Impact Fee plan scheduled every 5 years (next one for TOF = 2009), the additional traffic demands will be accommodated in future studies.
- 2) The Road Impact Fees generated from this project are significantly higher than anticipated in the Impact Fee study allowing over \$1,000,000 of fees to be used in a manner the town determines for additional road improvements. Each phase of the development will be analyzed for traffic impact and the Fishers Town Council will ultimately be asked to determine the improvements to the roads and the granting of Impact Fee credits for those improvements.

Also, Pulte has indicated they will *not* seek an appeal of road impact fees for what they believe to be a lesser traffic impact for the Del Webb homes, but will pay the Town's full assessed road impact fee.

Sewers/wells

The petitioner has submitted a response to questions regarding proposed sanitary sewer routing (petitioner's book, tab 7) and private wells (petitioner's book, tab 11). The sewer route is shown on a map using Hamilton Southeastern Utility's (HSE) infrastructure master plan. It is anticipated any necessary property required to extend utilities to the Pulte development will be acquired by HSE as part of installing the infrastructure.

Eminent Domain:

It is VERY unusual for the sewer utility to choose to exercise eminent domain in Fishers. The sewer utility and homeowner usually come to a satisfactory agreement on easement purchase.

Sewer Value:

Sewer availability in this area may enhance many existing properties in that it provides this service at a cost a homeowner might afford as opposed to having the bear the cost independently. In addition, the presence of sewers lowers the health risk common with septic systems. This health risk plus the added value gain with sewers available should be a positive for the existing residents and Town of Fishers.

Drainage

Staff asked Town Engineer to provide an analysis and summary of regional detention for this area. His response was not received in time to include with this report.

Open space, trees, buffers

Throughout this rezoning process, there has been an effort to preserve as much existing natural area as possible, while still permitting development on the property. Much of the 913 acres under consideration is vacant or agricultural land, with very little in the way of natural features. The majority of the wooded areas are found along Thorpe Creek, parts of which are included in this development. The petitioner is proposing to keep housing lots away from the creek area, and is using that as part of his open space. It is important to note, however, that Thorpe Creek is a regulated drain and is under the authority of the Hamilton County Surveyor's Office. That agency does control a 150' full easement (75' on either side from the top of bank) for drainage purposes. The County may, when it deems necessary, dredge the creek bottom, straighten the creek bed, perform maintenance on creek banks, and remove any and all trees from the path of water flow. According to the Surveyor's Office:

(1) When this project is built, the existing drain will be required to be reconstructed. This is done through the "petition" process and is approved by the County Drainage Board.

(2) When the drain is reconstructed, the developer may apply for what is called a "Non-enforcement." This instrument functions like a "consent to encroach" permit by the utility companies.

(3) The width of the easement required will be directly related to various factors, like, is it proposed to be an open ditch or a pipe? If an open ditch, is there flood plain associated? If a pipe, how large and how deep is the proposed pipe? If it is a pipe, is there also a grass waterway? These factors and others will affect the size of the easement needed. Per Indiana Code, the easement may be reduced down to no less than 25' from top of bank for an open ditch and 15' per half for a storm pipe. So, if

the existing tile was reconstructed to become a storm sewer, the easement could possibly go from 150' wide down to 30' total * under the right circumstances.

Basically, for any drain, if the open drain is currently a regulated drain, then, the possibility does exist that the drain could be cleared and dredged. It is also a possibility that the developer would be required to be the one to do the clearing. There are some options however that could be discussed. There are some alternatives that could be done. As with most projects there is an element of site specific implementation. The new Rule 5 standards will also play a part.

Staff would seek to work with the Hamilton County Drainage Board, Surveyor's Office, HSE utilities, and the developer to review and implement plans that would create minimum destruction of trees in the wooded utility easement areas.

The petitioner is also maintaining existing tree fencerows and small wooded tracts throughout the development (especially in Area 4—the custom homes). He has retained an arborist to assist in a tree inventory and management plan. Information from the arborist can be found under tab 9. The existing fence rows slated for preservation will be placed in preservation easements (language detailing these is found under tab 18, pg. 2-9) to be owned and maintained by the Home Owner's Association. These tree preservation and conservation areas will be further refined through the Detailed Development Plan process.

Open space is shown on the map found under tab 17, exhibit G. That exhibit shows the areas the petitioner is proposing to be open space. Much of the open space is surrounding detention ponds, amenity areas, preserved wooded tracts, and Thorpe Creek. The petitioner has also submitted additional information regarding open space (petitioner's book, tab 2).

Staff has requested from the very initial meetings that this proposal include an area of **public open space**. If the Del Webb portion was being zoned as R 5C it would require up to 85 acres of open space. Using the general Parks and Recreation Master Plan guidelines, the Town should have 12 acres of park land for every 1,000 persons. The estimated 5,000 people likely to be part of this community as part of the Pulte/Del Webb request, would require about 60 acres of open space.

Staff respectfully requests that the 13 acres off Cyntheanne be "donated", and given impact fee credit for the land value. This site puts a public access point on a key road, it can serve as a trail head for the Thorpe Creek trail area, and it would provide some small part of the desired public open space/park area.

Zoning

Concerns under this broad category include a vision of this area if it were to develop under current (R-2) zoning district standards. If one assumes the simplest calculation—the maximum number of 15,000 square feet lots that would fit into the 913 acres—a total of 2,651 homes could be built. If one assumes that an R-2 designation allows only about 1.7 lots per acre, then about 1,553 homes could be built on the project site. The current PUD proposal calls for 1,822 homes plus 119 acres of commercial to be built on the 913 acres. Residential Areas 1 and 4 are proposed to develop at a density of 1.8 units/acre. Area 2 (the age restricted component) is proposed to develop at an overall density of 3.15 units/acre.

Much of the planned commercial area (81 acres) is anticipated for the property north of 136th Street. That same area is shown on the Conceptual Future Land Use Map as being part of the I-69

Corridor. Specific development standards for this corridor have yet to be created by the Town. There is a desire to construct an interchange at the I-69/Cyntheanne Road intersection. An interchange in this location will have a great impact on the character of the surrounding lands. Staff agrees that commercial zoning is, for the immediate future, the most appropriate for this parcel. Concerns were stated about zoning north of 136th Street and the need for a master plan of this area. The essential question is the possibility of the interchange discussed above.

With an interchange, Cyntheanne and 136th Street would be a major intersection and commercial corner. Both the southwest and southeast corners would seem appropriate areas for retail uses. On the north side of 136th, staff would anticipate heavier commercial circling the intersection. Office zoning could surround the retail corners and then office park, enclosed industrial, and similar uses could be the dominate ones in the area between 136th and I-69. The south edge of the strip on the north side of 136th Street should be less intense office and medical uses to keep the scale of the street in keeping with residential on the south side.

Without an interchange, the need for four corners of retail would be slight. One good retail corner would suffice for some years to come. This area would see much less development opportunity for years without the interchange. Office use would be minimal. Most of the area north of 136th Street would come under pressure for housing of some multi-family type. Enclosed warehouse and small office park and business headquarters could be possible, depending on the price of the land.

Financial

The petitioner has provided financial information in his submittal (tab 15). Included in the information is a fiscal analysis prepared by O.W. Krohn and Associates which provides data about tax revenues, impacts on schools, and impact fees that will be collected as a result of this project. The petitioner has provided a summary of the projected positive fiscal impacts of his project. He has also included a summary of the Avalon PUD, showing original estimated sales prices vs. actual sales prices (\$181,333 vs. \$206,000 on average) and expected vs. actual build-out timing (2011 vs. 2013).

Part of the financial picture is a look at potential impact fees. The Town of Fishers' original impact fee study anticipated a build-out of R-2 and industrial/warehouse development in this area. As such, the total road impact fees generated was expected to be in the range of \$1.4 million. The Britton Falls proposal, on the other hand, is expected to generate an amount of about \$6 million. Also, Pulte has indicated they will *not* seek an appeal of road impact fees for what they believe to be a lesser traffic impact for the Del Webb homes, but will pay the Town's full assessed road impact fee.

Park impact fees should also be considered. As currently administered, these fees are collected only from residential development. The impact fee ordinance was recently updated and will become effective in July 2006. The fee for single family residences is \$1,070. If Britton Falls builds as expected, a total of 1,822 homes will be built, generating at least \$1,949,540 for park related expenditures.

Housing issues

Several items were listed as concerns under this broad category. There were questions concerning the build-out of the Avalon subdivision, interior and exterior architectural features, building materials, monotony, and age restricted housing (HOPA) compliance. The petitioner addresses HOPA in his submittal under tab 5. Tab 13 includes information about the maintenance free features, building materials, and building code compliance. Included in the proposed ordinance (tab 17, exhibit E) is the Pulte anti-monotony code, which is in place in all Fishers Pulte neighborhoods (Gray Eagle, Avalon, etc.).

An issue raised at the council meeting was the projected and actual complement of empty nester housing. Staff reviewed available data on the subject of approved projects and building permits issued to Avalon in particular and other active adult subdivisions in Fishers. Avalon was discussed above under the financial category.

There are a total of ten (10) subdivisions geared toward an active adult lifestyle. Within those subdivisions, 663 single family lots and 236 duplexes have been approved, for a total of 899 housing units. A chart showing each subdivision, its location and number of units is included as an exhibit to this report.

Other

Staff has asked legal counsel for a statement on several aspects of this project as questioned by Town Council:

1. State law on wells and developer responsibility;
2. Covenants that enforce age restrictions beyond federal law; and ,
3. Legal enforcement of this PUD.

These have not been submitted to our office in time to include with this report.

Future Development process:

If this requested rezone is approved, the petitioner will next move through the Development Plan approval process. Staff will continue to work with the developer on project details throughout this procedure. Before any development can occur on this property, a Detailed Development Plan (DDP) with Plan Commission approval is required.

Staff Recommendation:

Below are some of the reasons in support of this proposal:

1. This is an opportunity to comprehensively plan and zone a large area and to set standards for future zoning in this vicinity;
2. This is an opportunity to bring a desirable housing type to the community that offers a known and respected brand name;
3. The advantage of the Del Webb assessed valuation and its positive impact on the schools and community;
4. The addition of architectural standards, including the petitioner's quality commitment;
5. Staff support is contingent with the availability of the area along Cyntheanne as public open space.

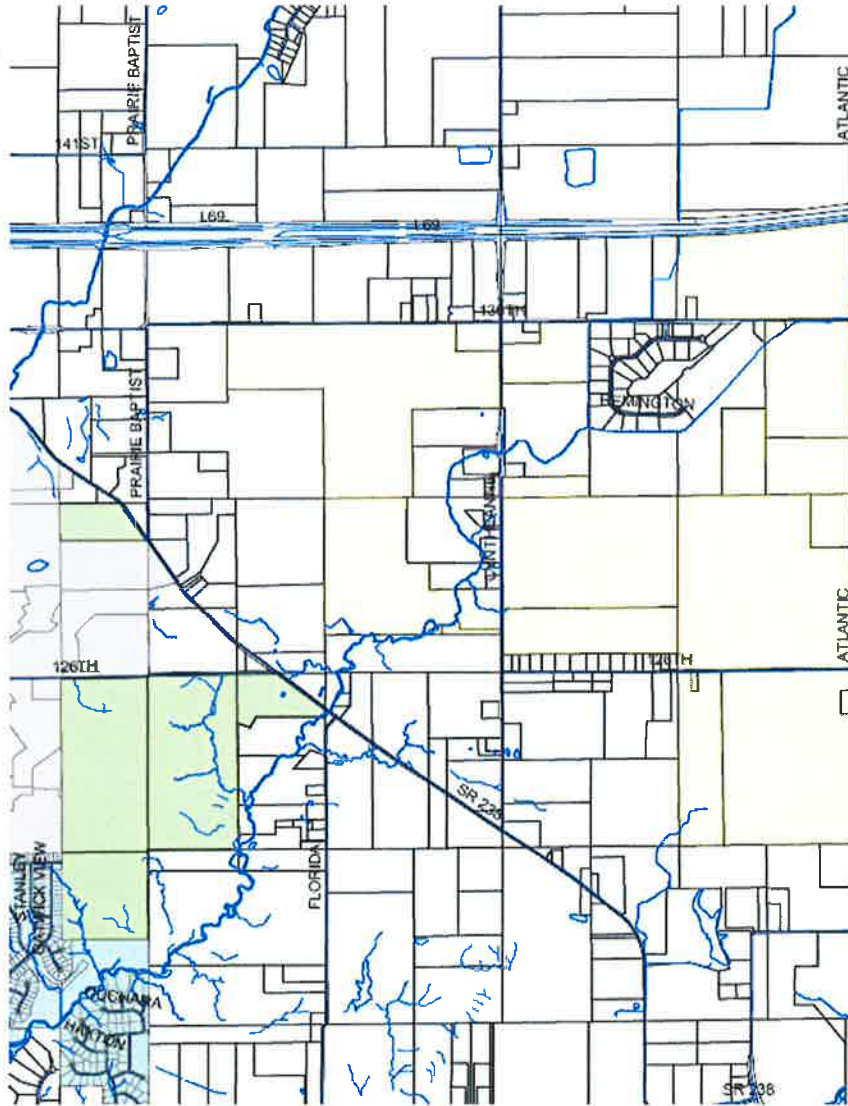
Due to the numerous questions and comments posed at the 2nd Reading and the amount of material Council is being asked to review, Development Staff suggests the Council consider keeping this under review and acting upon this project at the March 6, 2006 Town Council meeting.

We would be pleased to answer additional questions or provide other information if necessary and requested.



Town of Fishers
 Bill A. Fiallos
 Ellen N. Pritchard
 Stuart F. Tandy
 Timothy O. Linn
 Daniel E. Houck
 Charles P. White
 David C. George
 Clerk-Treasurer
 Linda Gaye Cordell

1-IZ-05, Pulte Homes,
 Brown, Hollinger and Underwood Properties
 Proposed Initial Zoning and Annexation



Legend

- 1-IZ-05
- Zoning - R1
- Zoning - PUD
- Parcel Lines as of December, 2004
- Corporate Boundary as of September, 2004
- Pending Annexations as of September, 2004

Town of Fishers
 Development Department
 One Municipal Drive
 Fishers, Indiana 46038
 www.fishers.in.us
 January, 2005



NOT TO SCALE

**Proposed Pulte / Del Webb
Road Impact - Generated Trip and Impact Fee Comparison
Prepared by A&F Engineering Co., LLC
February 7, 2006**

Office / Retail Uses

Proposed Pulte / Del Webb Development

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|----------------------|------------|-------------------------|---------|-------------|
| | | | PM | 24-Hour | |
| 3 | Business Park | 366,000 SF | 484 | 4,680 | \$772,200 |
| 5 | Retail / Supermarket | 285,000 SF | 945 | 14,564 | \$2,403,060 |
| | Total | 651,000 SF | 1,429 | 19,244 | \$3,175,260 |

Impact Fee Study

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|------------------------|------------|-------------------------|---------|------------|
| | | | PM | 24-Hour | |
| 3 | Industrial / Warehouse | 114,576 SF | 113 | 1,316 | \$217,140 |
| 5 | Single Family | 25 DU | 25 | 252 | \$39,600 |
| | Total | - | 138 | 1,568 | \$256,740 |

Difference

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|----------|------|-------------------------|---------|-------------|
| | | | PM | 24-Hour | |
| 3 | - | - | 371 | 3,364 | \$555,060 |
| 5 | - | - | 920 | 14,312 | \$2,363,460 |
| | Total | - | 1,291 | 17,676 | \$2,918,520 |

Note: Impact Fee for Residential = \$1584 / DU
Impact Fee for other = \$165 / 24-Hour trip

**Proposed Pulte / Del Webb
Road Impact - Generated Trip and Impact Fee Comparison
Prepared by A&F Engineering Co., LLC
February 7, 2006**

Residential Uses

Proposed Pulte / Del Webb Development

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|----------------|-----------------|-------------------------|---------------|--------------------|
| | | | PM | 24-Hour | |
| 1 | Single Family | 355 DU | 335 | 3,335 | \$562,320 |
| 2 | Senior Housing | 1,055 DU | 269 | 4,012 | \$1,671,120 |
| 4 | Single Family | 412 DU | 410 | 4,026 | \$652,608 |
| | Total | 1,822 DU | 1,014 | 11,373 | \$2,886,048 |

Impact Fee Study

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|---------------|---------------|-------------------------|--------------|--------------------|
| | | | PM | 24-Hour | |
| 1 | Single Family | 132 DU | 137 | 1,448 | \$209,088 |
| 2 | Single Family | 221 DU | 212 | 2,110 | \$350,064 |
| 4 | Single Family | 372 DU | 377 | 3,692 | \$589,248 |
| | Total | 725 DU | 726 | 7,250 | \$1,148,400 |

Difference

| Area | Land Use | Size | Generated Two-Way Trips | | Impact Fee |
|------|--------------|-----------------|-------------------------|--------------|--------------------|
| | | | PM | 24-Hour | |
| 1 | - | 223 DU | 198 | 1,887 | \$353,232 |
| 2 | - | 834 DU | 57 | 1,902 | \$1,321,056 |
| 4 | - | 40 DU | 33 | 334 | \$63,360 |
| | Total | 1,097 DU | 288 | 4,123 | \$1,737,648 |

Note: Impact Fee for Residential = \$1584 / DU

Active Adult Developments
List of Subdivisions

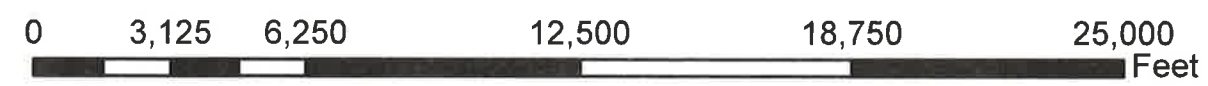
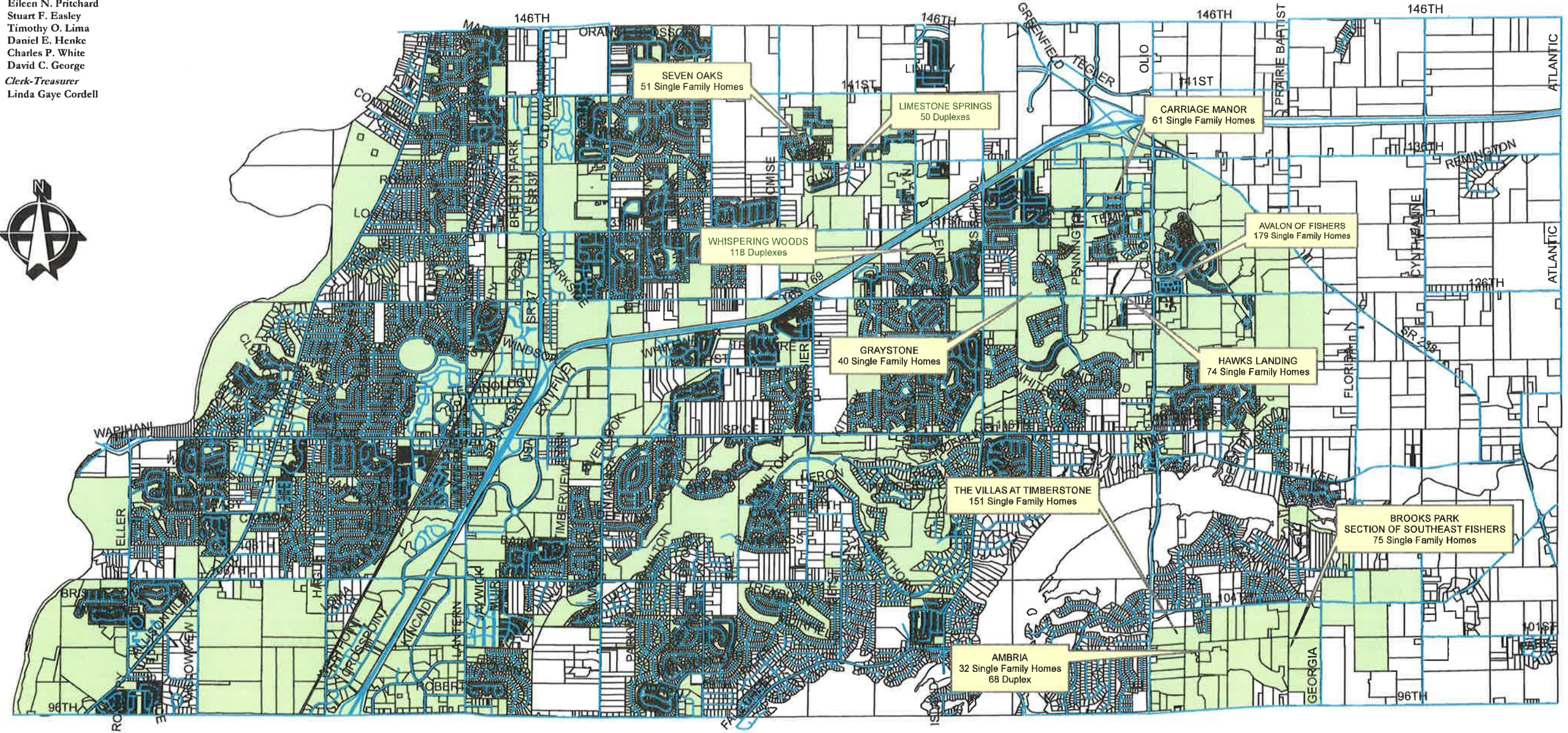
| SINGLE FAMILY SUBDIVISIONS | LOCATION | # of SF | # of DUPLEX | TOTAL ACTIVE | | ACRES | PRICE | DEVELOPERS |
|----------------------------|------------------------------------|----------------|--------------------|---------------------|-------------|----------------|--------------|------------------------------------|
| | | | | ADULT UNITS | ADULT UNITS | | | |
| Avalon of Fishers | NE corner 126th St. - Olio Rd | 179 | - | 179 | - | 139 | 175-225 | Pulte |
| Brooks Park | S of 104th - W of Georgia Rd | 75 | - | 254 | - | 28 | 150 | Brooks Landing LLC |
| Carriage Manor | W of Pennington Rd - S of 131st S. | 61 | - | 315 | - | 15 | 150 | MI |
| Graystone | S of 126th - E of Brooks School Rd | 40 | - | 355 | - | 16 | 250 | Hills |
| Hawks Landing | SW corner 126th St. - Olio Rd. | 74 | - | 429 | - | 28.7 | 200 | Gunstra |
| Seven Oaks | N 136th - W Marilyn | 51 | - | 480 | - | 19.6 | 150-175 | Logan Limited - Adams and Marshall |
| The Villas at Timberstone | S of 104th - E of Olio Rd | 151 | - | 631 | - | 17.8 | 170-220 | Preccdent |
| Ambria | NE corner of 96th - Olio Rd | 32 | - | 663 | - | 47.7 | 175-250 | Hills |
| DUPLEX SUBDIVISIONS | LOCATION | # of SF | # of DUPLEX | TOTAL ACTIVE | | ACRES | PRICE | DEVELOPERS |
| Ambria | NE corner of 96th - Olio Rd | - | 68 | 731 | - | 47.7 | 175-250 | Hills |
| Limestone Springs | S of 136th - W & E of Marilyn Rd | - | 50 | 781 | - | 6.705 | 159 | Centex |
| Whispering Woods | N of 126th St - W of Raiders Blvd | - | 118 | 899 | - | 35 | 125-148 | Logan Limited - Adams and Marshall |
| Total | | 663 | 236 | 899 | 899 | 401.205 | | |



Town of Fishers

Town Council
Scott A. Faultless
Eileen N. Pritchard
Stuart F. Easley
Timothy O. Lima
Daniel E. Henke
Charles P. White
David C. George
Clerk-Treasurer
Linda Gaye Cordell

**Town of Fishers
Active Adult Communities
(SF Homes & Duplexes)
January 2006**



Legend
Town of Fishers Corporate Limits

PREPARED BY THE TOWN OF FISHERS GIS
BASE MAP INFORMATION PROVIDED BY
THE HAMILTON COUNTY, INDIANA INFORMATION SERVICES DEPARTMENT

THIS MAP IS PROVIDED FOR GENERAL INFORMATIONAL PURPOSES ONLY. THE TOWN OF FISHERS DOES NOT WARRANT ITS ACCURACY, COMPLETENESS OR SUITABILITY FOR ANY PURPOSE, AND THE MAP SHOULD NOT BE RELIED UPON WITHOUT PROPER FIELD VERIFICATION. DETAILED LAND USE QUESTIONS SHOULD BE DIRECTED TO THE TOWN OF FISHERS DEVELOPMENT DEPARTMENT AT (317)595-3120. FOR FURTHER INFORMATION ABOUT THIS MAP, CONTACT MIKE CRANFILL, GIS COORDINATOR, TOWN OF FISHERS, INDIANA (317)595-3100.

Concerned Residents of 126th St.

We are requesting a "Strong Commitment" from Pulte on the concerns we have about our wells. We would like to see written in the PUD a strong Commitment by Pulte to Drill new wells/supply water should the following occur:

- Well goes dry
- Well water becomes Smelly
- Well water becomes Dirty
- Well water taste bad and becomes undrinkable
- Well water volume is reduced or becomes restricted

These are things that we are very concerned about. I know Mr. Compton has said that they would commit if the wells go dry, but this is not enough. We need to be assured that if our well water becomes dirty, smelly, bad tasting and the volume is restricted that things will be made right with us.

It's only right that you require Pulte to commit to these things in writing and in the PUD. You are representing us the people of Fall Creek Township, PLEASE help us with our request.

The council has not given any indication of requiring Pulte to put in their own main Thoroughfare. They will have a Blvd. running through the development anyway, why not extend it on West (through their own property). This is something that needs to be addressed and decided on NOW.

I know you are tired of hearing it, But, not only will it keep from eminent domaining peoples property, but it will make a "Safe" and more "Direct route" for this huge development to commute and not for all the people over in Madison Co.'s Summer Lake housing division.

Thank You
Caroline Peterson

16005 E 126th ST
Fishers IN 46037
(317) 485-6020

-----Original Message-----

From: Brian Baehl [mailto:baehlb@iquest.net]

Sent: Tuesday, January 31, 2006 1:21 AM

To: White, Charlie; Henke, Dan; Pritchard, Eileen; Easley, Stuart; George, David; Lima, Timothy; Faultless, Scott; Bucher, Wes; Dickey, Jodi

Cc: baehlb@iquest.net; brian.baehl@thomson.net

Subject: Pulte Dev Docket 1-IZ-05 for Town Council Review

Dear Council members and Fisher's staff,

The upcoming Pulte Del Webb project is very complex and many issues are still yet to be resolved. Please consider not voting on this development until the March 6th Town Council meeting next month or delaying it even more if the Town's questions and concerns are not achieved. This would be 87 days after the Plan Commission vote and would be less than 90 day limit.

Some of the major issues yet to be resolved include:

- 1) 126th street extension. The impacts should be mainly on the undeveloped Pulte land and not on current resident's front yards. Currently no southern access to section 1-B. The new 126th street extension study for more alternate routes is encouraging.
- 2) Why should 126th street be extended? It is basically a Pulte driveway. The neighboring county will use it to congest Fisher's streets.
- 3) No public park or useable open space. Please keep park impact fees in this area.
- 4) A large lake in the Del Webb section for public fishing would be a very nice addition rather than the dozens of little collector ponds. In Pulte's November 20, 2005 advertising in the Sunday Indianapolis Star, "Active adult living coming soon with Britton Falls", Pulte states there are 15 surrounding lakes. Where are these lakes? Why not build a nice lake in its own development? This article also states 100 acres of open space, but is it useable?
- 5) The trails do not go into section 1B to Cyntheanna road as Pulte promised and no trail access from the Del Web section to the "Custom" section. Pulte wants to keep out as many people as possible from each section and surrounding neighbors.
- 6) Are these really custom homes?
- 7) Overall density should be reduced by 250 units per R-2 standards.
- 8) Does the school intend to use the property on 136th street? We should get a yes or no from them before vote. Pulte "donated" land in the Avalon development a mile away. Do we need both?
- 9) Pulte should give a 75 foot right-of-way for the Thorpe Creek greenway versus 30 feet and development designed around the greenway.
- 10) HOPA questions yet to be answered for age restriction and enforcement.
- 11) What does Pulte plan to build in the Del Web section? There are no building specs for these houses. Will these houses keep its value?
- 12) What are the sewer / water / phone / electric routes to this development? Eminent Domain issues?
- 13) This Pulte property is not contiguous land with Fishers. How can it be annexed?
- 14) Infrastructure impacts. Pulte is continuing to push out build-out timetable to make it seem like it would not affect the infrastructure. It started at 12 years and now 17 years.
- 15) This development will generate more children than Pulte projects per 80 / 20 HOPA rule.
- 16) What is the thought of keeping all this development R-2? There would be 250 less homes and maybe less impacts to the community. A study should be done for both cases.
- 17) In Pulte's document titled "Avalon Zoning Classification – From Crossman Approved Mixed Use PUD for Avalon Ordinance 010702A To Pulte Homes Residential PUD for Avalon", for docket 1-R-03 dated February 3, 2003 to the Town Council, Charles Frankenburger writes on page 1, "Quality and Price Range of Homes. Crossman's plan embodied in the approved mixed use PUD ordinance provides for homes with an average price of approximately \$150,000. Under the new concept plan, the lowest price home is expected to average **\$190,000**" If you travel on I-69 northbound today just prior to Exit 10 on the left hand side of the interstate, you will see a large Pulte Avalon advertisement sign that reads "... from the **140ks**...". This is not close to the \$190s like Pulte promised or led the Town Council to believe. Will the Britton Farms development price point claims in the Plan Commission and Town council meetings live up to Pulte's claims?

Jodi, could you please insert this into the Town Council packet? Thanks.

Sincerely,
Brian Baehl
14976 State Road 238E
Fishers

February 13, 2006

Town of Fishers
Planning Commission and
City Council Members

Re: Pulte Development (1,800+ Homes)

Dear Members and Town Council:

I realize you have probably heard everything there is to hear about the Pulte Development being built inside the square of Cyntheanne Road, 136th Street, Atlantic Road and 126th Street. However, you must realize the magnitude of the size of this development, which is roughly the size of Fortville, Indiana. This town that is being built in this area will add greatly to the cost of our schools, cost of public services (police, fire and ambulance) and major additional traffic problems at the I-69/SR 238 interchange, as well as add to the major congestion along I-69 south to I-465.

With this in mind, I do not understand why the Town of Fishers has to bear the burden of paying for all the additional road work that is being created by this huge development. Pulte will make millions on this property over the coming years.

The Town must ask itself why Pulte's development does not show any major road going through its own project? Why should the Town of Fishers and the small number of homeowners surrounding this development bear the complete cost and loss of their land and all the inconvenience of added traffic of this huge addition to our Town? Why have the alternative roads suggested to this commission not even been considered? Something is amiss here.

You, as our trusted city officials, must be responsible and not allow this development to continue unless Pulte's plan is revised to reflect the major road going through their own development.

Thank you for taking the time to read my letter.

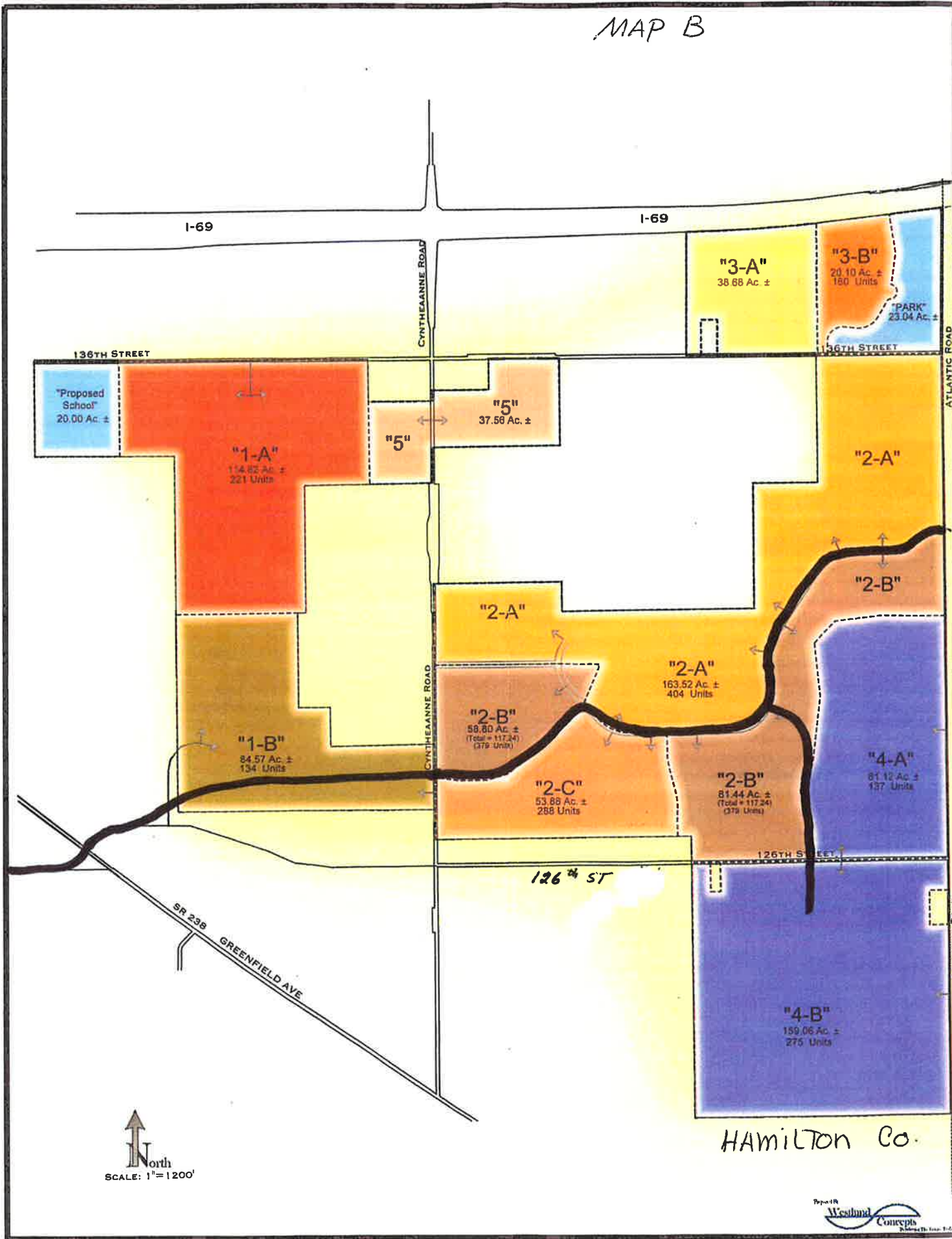
Sincerely,

Shelly Allman

16124 E. 126th Street
Fishers, IN 46037
(a proud Fishers resident)

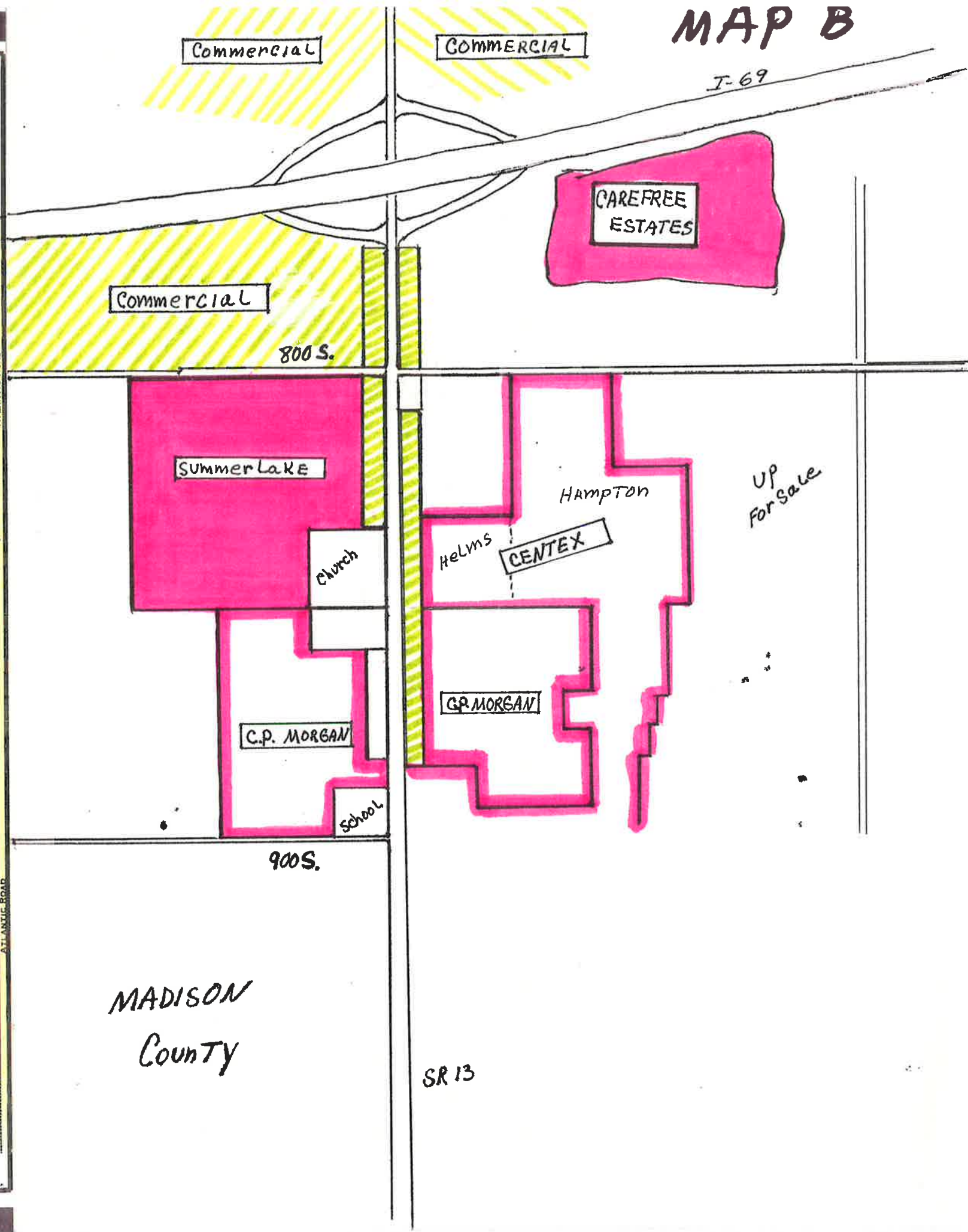
MAP B

MAP B



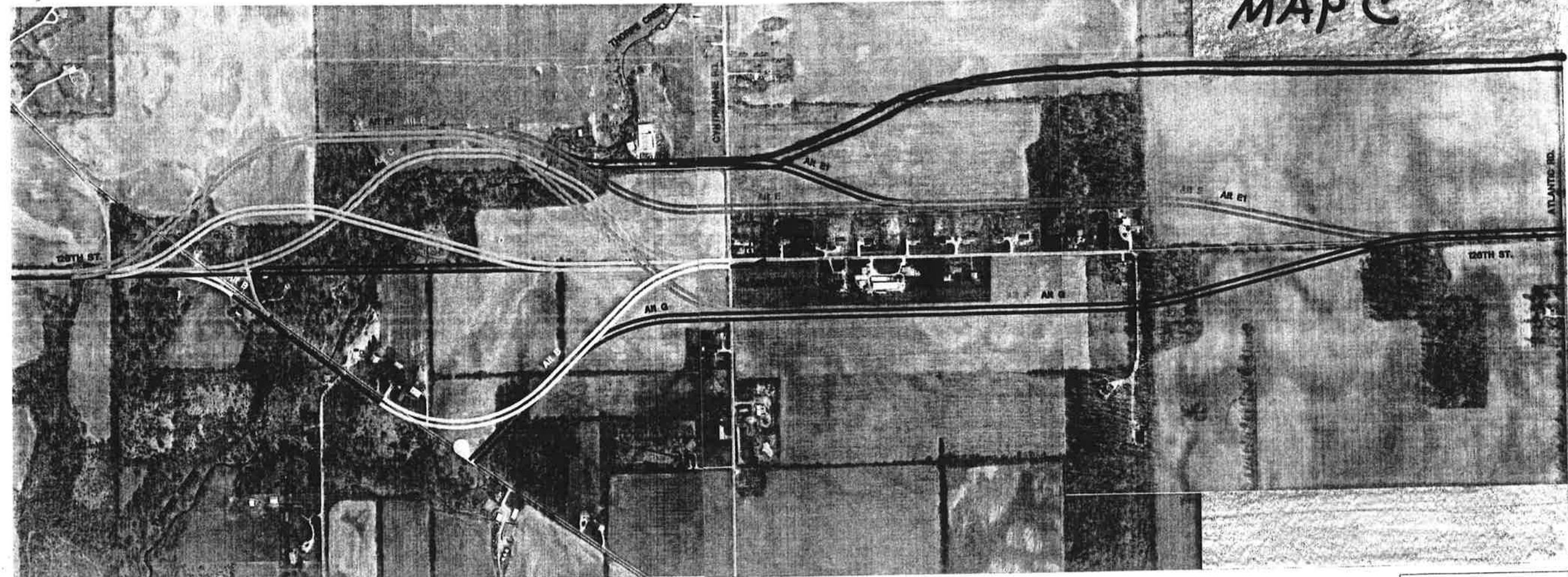
North
SCALE: 1"=1200'

Westland Concepts



HAMILTON Co.

MAP 'C'



**Edwards
& Kelcey**
EDWARDS AND KELCEY, INC.
222 E. OHIO STREET,
SUITE 400
INDIANAPOLIS, IN 46204
PH: (317) 636-1552

126th Street Extension
Feasibility Study

**Edwards
& Kelcey**
REV. 1-11
EDWARDS AND KELCEY, INC.
222 E. OHIO STREET,
SUITE 400
INDIANAPOLIS, IN 46204
PH: (317) 636-1552

126th Street Extension
Feasibility Study

REV. 1-10-06
Extension Alternates

Representing the 126th St Home Owners

Map "A"

This is a map of the proposed Pulte Development. Cyntheanne Rd., 136th St, and Atlantic Rd., are the only roads in and out of this proposed development, which are two lane secondary county roads with no pull-off access and all of them leading to State Rd. 238, which is over congested with traffic from the current developments and Verizon Wireless.

Map "A" shows the vague but noticeable hook-up between State Rd.238, where 126th St. ends and the segment of 126th St. from Atlantic Rd. and Cyntheanne road being connected. This is going through everyone's property but their own. Now Pulte has the land closest to this site and could be required to plan for this road extension through their development (as shown), where it would be needed the most. Also the two sections of this development West of Cyntheanne Rd. have only one entrance and exit, which is off of 136th St. making it difficult for Fire, Police and Medical Services to reach.

Maps "B & C"

Please Note:

Pulte could be required to plan for this main road extension through their massive 900 acre plus development and have a suitable route for Fire, Police, Medical, School Bus and Trash removal, with the town.

The Del Webb, being the Heart of this development, the first section to be started, having the highest density and Senior Citizens, these public services would be needed the most at this location since there is no indication of any of these services by the developer.

With this planned road extension through the proposed development, Cyntheanne, Atlantic, 136th, 126th could still be used as a secondary access and the residents wouldn't lose the biggest part off the front of their property from eminent domain due to road expansion, at the tax payer's expense.

Also, I might add, that if 126th St. is made into a main thoroughfare, the neighboring development, Summerlake, being less than one mile East of this location and projected to grow three times larger into 1800 homes, would benefit more from this thoroughfare than the Town of Fishers. (See Map B)

Since the last Town Council Meeting, 1-18-06, approximately 1-2 miles down 126th st. in Madison county, I have discovered that in addition to the present Summerlake addition, the Hampton and Helm's farms were sold and Centex Homes will be building 400 new homes. This will be called Hampton Acres. A proposal for a new school location has been indicated on 900 S, and new commercial along State Road 13 has been planned. Pendleton's future projection is to expand and develop from the County line Road to the town.

Most of the people that live in Summerlake and this area in Madison County commute to Marion County to work. In fact there is a sign posted in front of SummerLake Housing Development stating that this is the "Suburbs to Indianapolis".

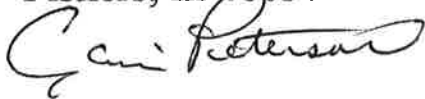
I would like to elaborate a little more about this main thoroughfare that Pulte could be required to put through their development. The residents of Britton Falls would not live directly on this road. They would live on secondary roads leading to it, making it a safer commute through this huge development. This should be planned for NOW, whether Pulte is the developer or whoever.

If 126th was extended and widened the current eighteen residents would be effected by high volume, fast paced, traffic, directly in front of their homes, with the road expansion being too close to the houses.

Note: This may not have been explained by the Planning Department, but the adequate footage of a four lane road with landscaped median is 100 to 110 feet width allowing for sidewalks and utility poles. There is not this kind of footage between residents on this segment of 126th St. without taking these entire homes.

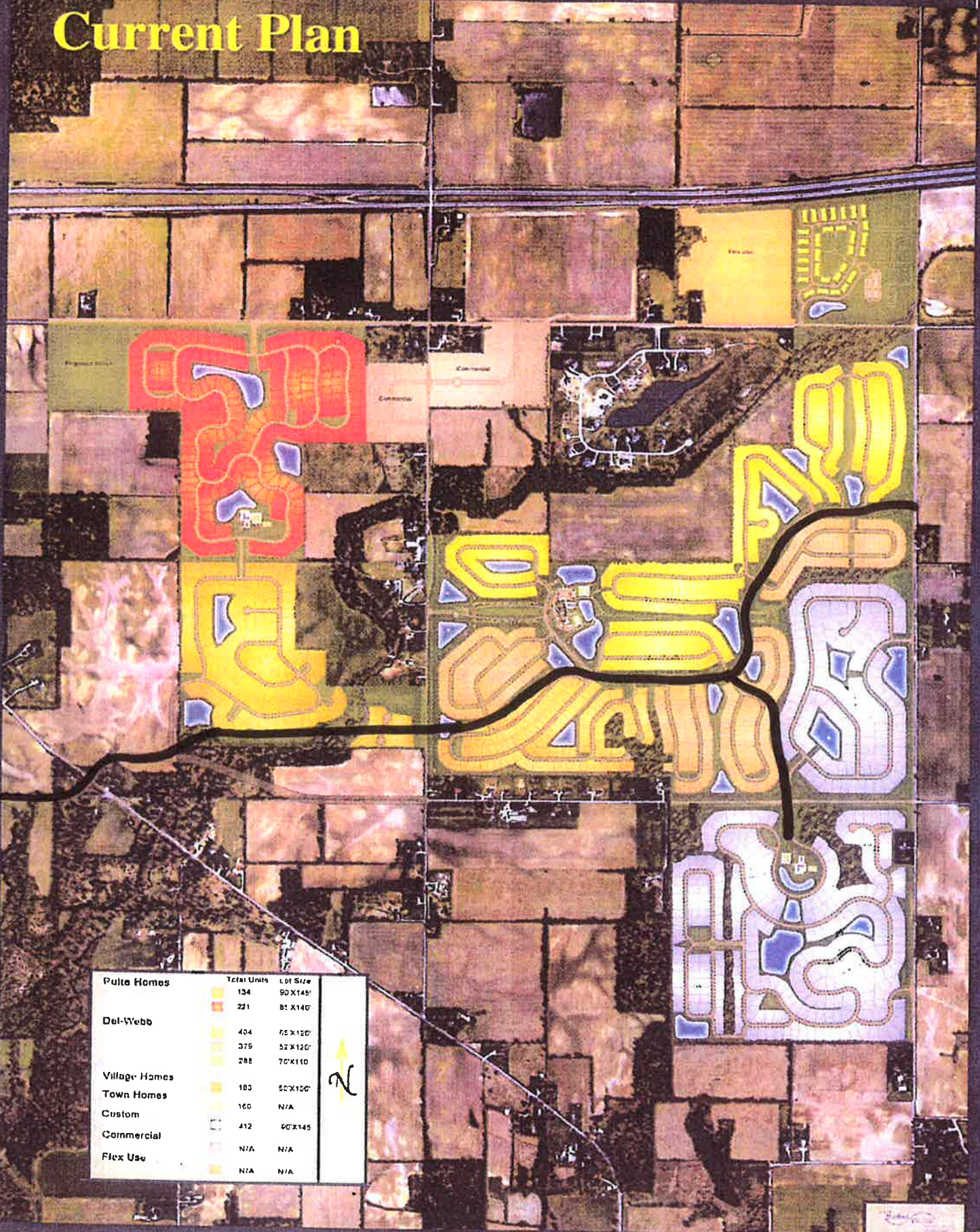
Thank You

Kevin Peterson
16005 E 126th St
Fishers, In 46037

A handwritten signature in cursive script that reads "Kevin Peterson".

2-10-06

Current Plan



| Category | Total Units | Lot Size |
|---------------|-------------|----------|
| Pulte Homes | 134 | 90'X145' |
| Del-Webb | 221 | 85'X140' |
| | 404 | 65'X120' |
| | 375 | 52'X120' |
| | 288 | 70'X110' |
| Village Homes | 100 | 50'X100' |
| Town Homes | 160 | N/A |
| Custom | 412 | 90'X145' |
| Commercial | N/A | N/A |
| Flex Use | N/A | N/A |



2/06/05

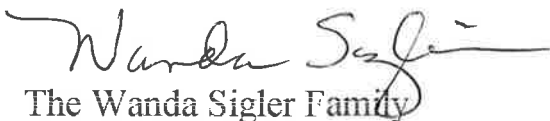
Dear Fishers Town Council,

We, the Siglers are asking for you to consider other routes for the sewer leading to Pulte/Delwebb. We sit along Thorpes Creek to the south on Florida Road. Surveyors hired by Hamilton Southeastern Utilities have stakes just 60 feet or less from our backyard. The sewer line will cut our field in half. It goes directly through ground that was originally our chicken house (the foundation is there, **Picture A**) Which is the highest point in the field that does not flood in the spring. This is the only ground behind the house that is fit for any buildings such as a polebarn. We were told the sewer ground will be 30 feet wide. The sewer line will take down many of our (70+ yrs) mature trees, (**Picture B**). The root system to these trees hold the banks of the creek in place without them we will have major erosion to our property, (**Picture D & E**).

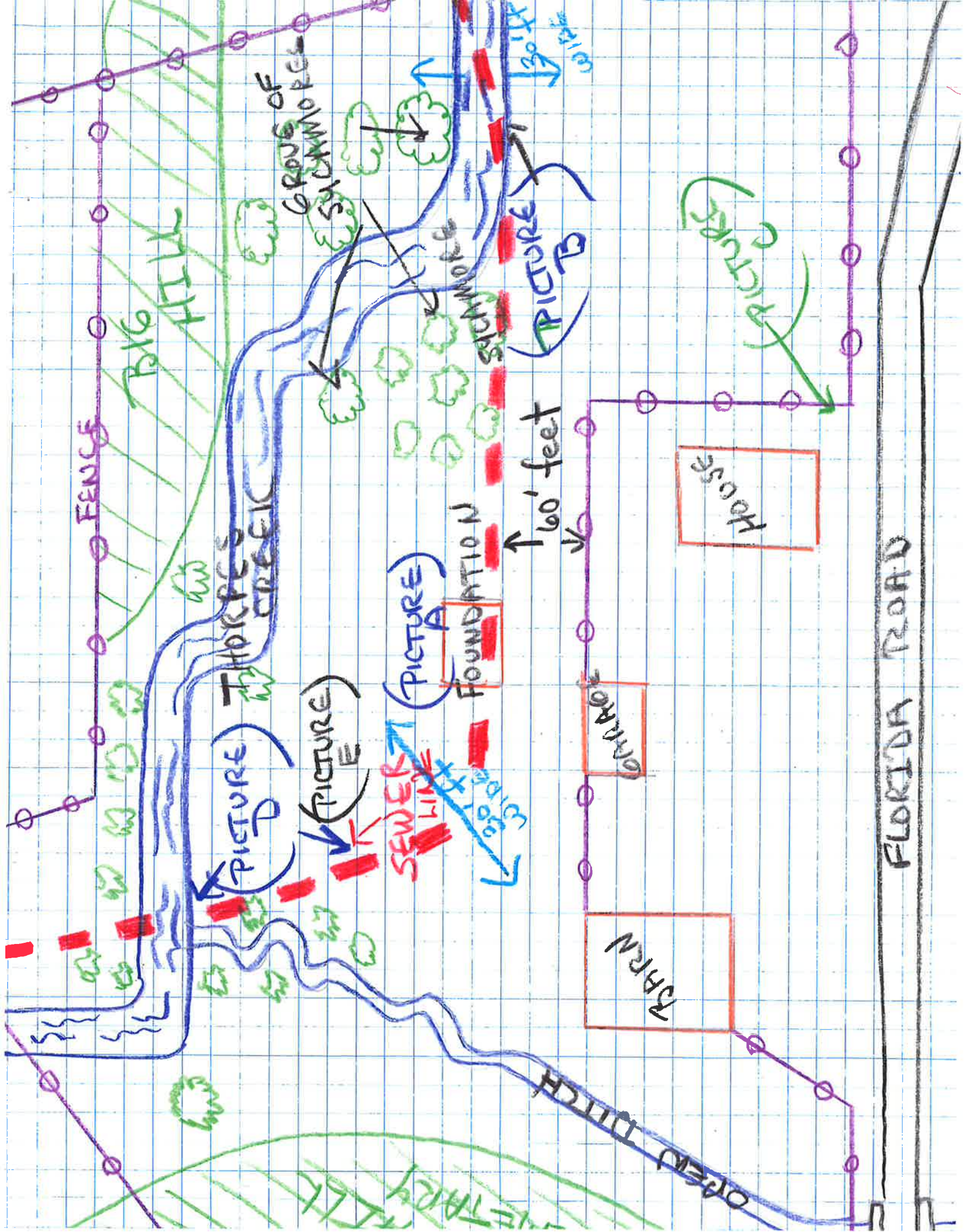
Due to the population explosion of the Town of Fishers, the State Highway Department has bought the yard in front of the house, (**Picture C**). Now we are having the sewer behind the house, which surely will depreciate the value of the house and property. We intend to be here at this location for many years.

Why should Pulte and the utility company with all their money be able to come in and destroy our property for their monetary gain. They are basically taking away our use of our property.

Sincerely,



The Wanda Sigler Family
12301 Florida Road
Fortville, IN 46040



FENCE

BIG HILL

THOMPSONS CREEK

PICTURE (D)

PICTURE (E)

SEWER LINE

PICTURE (A)

FOUNDATION

60' feet

GARAGE

BARN

HOUSE

PICKUP

OPEN DITCH

GROUPS OF SPOONMOSES

SPOONMOSE

HILL

FLORIDA ROAD

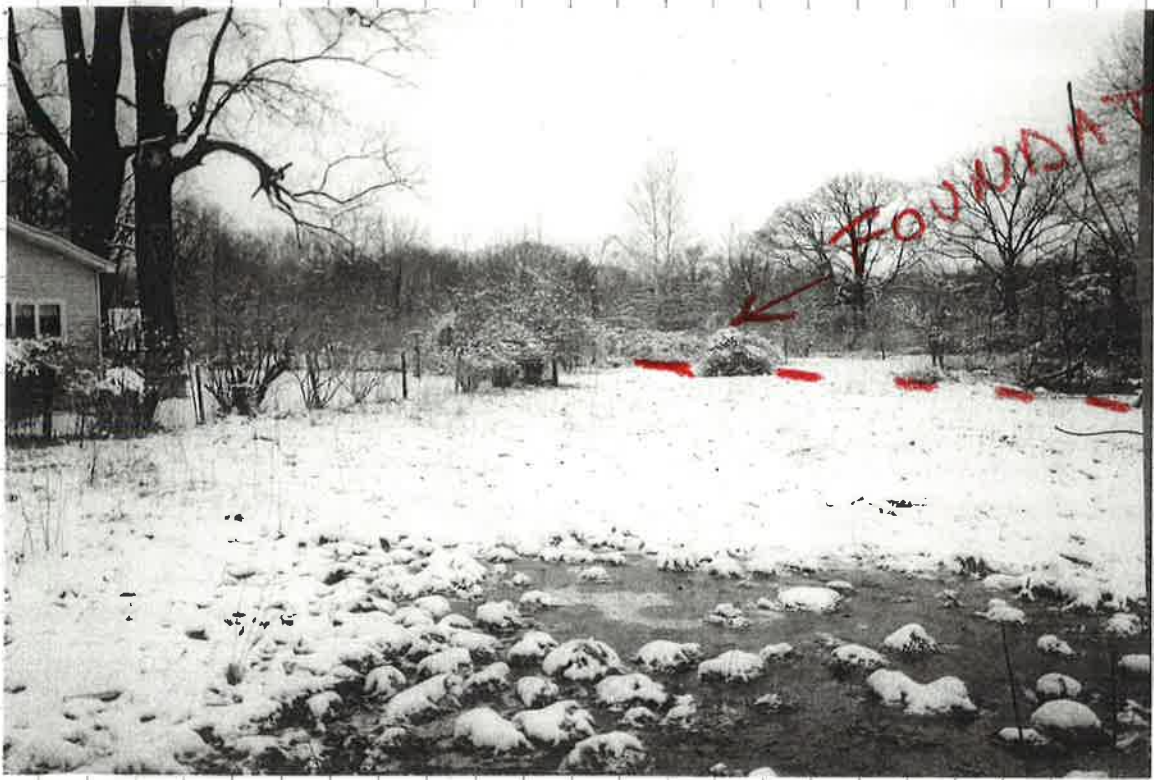


FOUNDATION



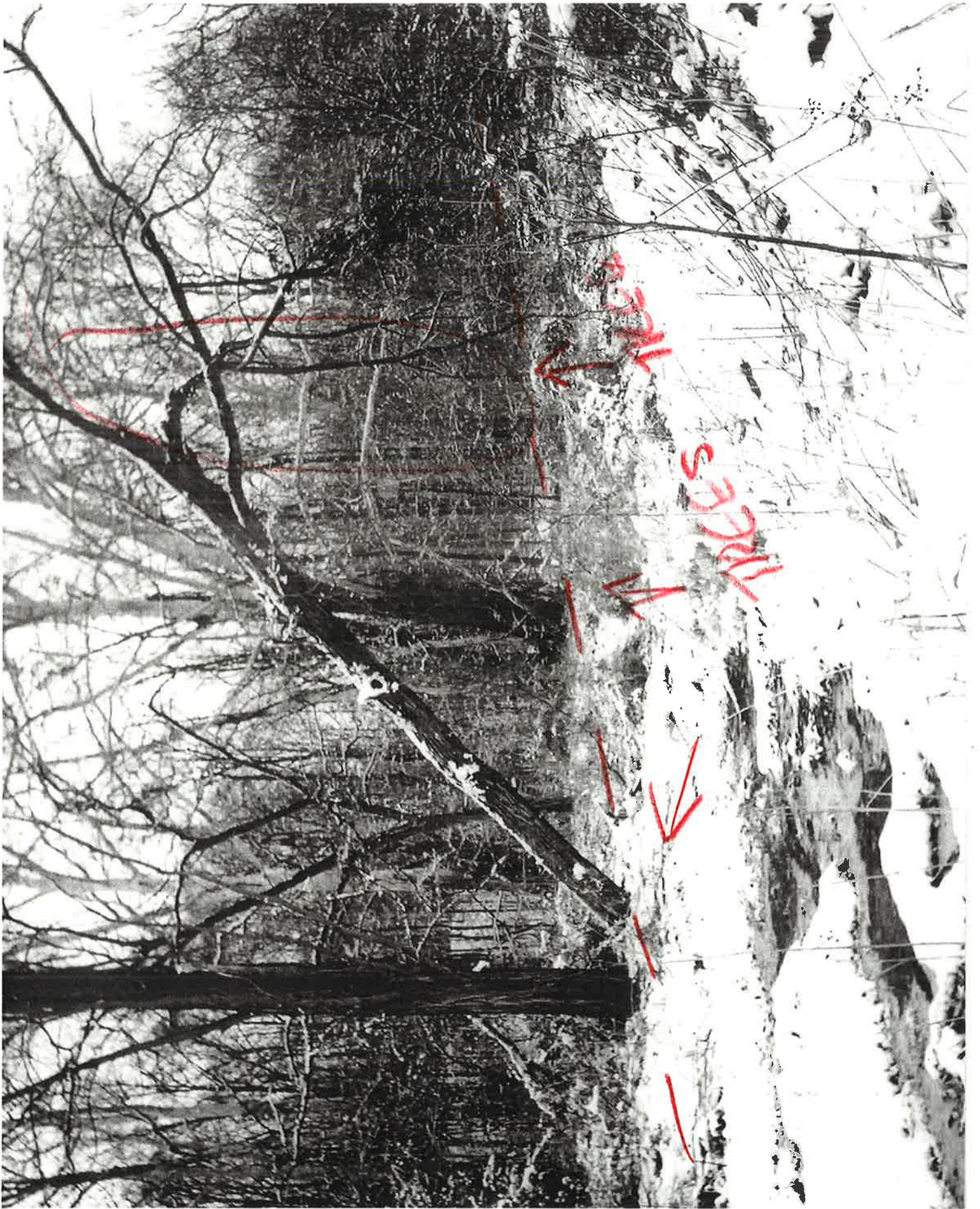
FOUNDATION
(PICTURE A)
STAKE

HIGHEST
POINT IN
FIELD





(Picture 12)





(PICTURE D)

← THORPE'S CREEK

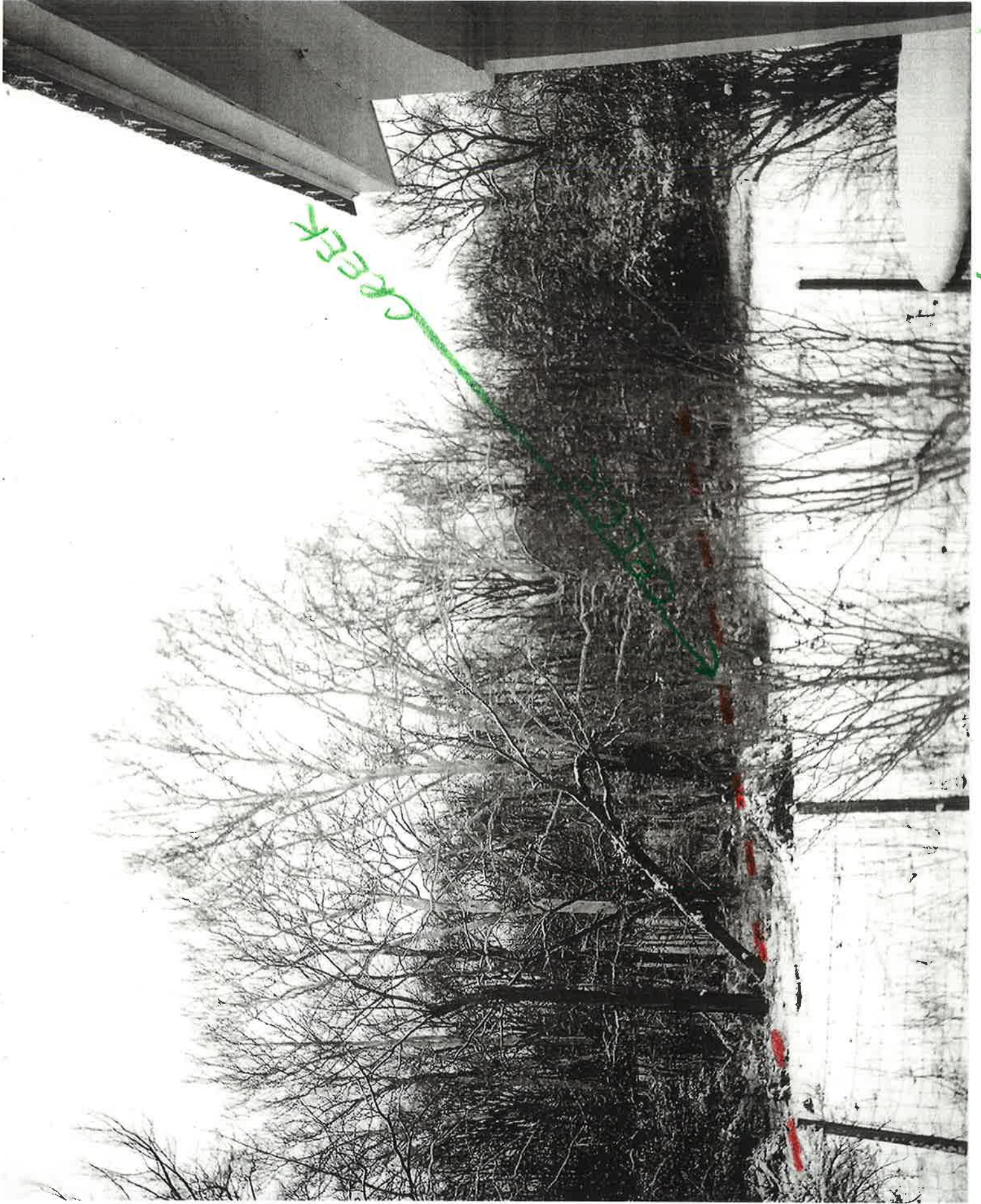
← DITCH



← Ditch



(PICTURE E)



(PICTURE E)



(PICTURE C)

From the Concerned Residence of: F.C.V.H.O.A.

ADVANTAGES AND DISADVANTAGES OF THE PULTE DEVELOPMENT

ADVANTAGES:

- Increased tax revenue for the town of Fishers
- More housing for people, from all walks of life.
- 1st Del Webb Community for the State of Indiana
- More business benefiting Pulte Developments.

DISADVANTAGES:

- The addition of 5,000 + more vehicles to our roadways (I-69 is already a major problem for commuters)
- The addition of 3,000-4,000 more children to our already "at capacity" school system. This is not taking into account all the other developments in and around HSE that are being developed as we speak.
- Jeopardizing the existing residence safety.
- Crime will increase: The more people the more Crime.
- The wells of the existing residence will be in jeopardy: Pulte plans to use wells for their irrigation systems.
- With such a "HUGE" development, there will be too much **eminent domain** of people's properties.
- There will be **major added taxes** to support the school systems.
- Tax payers, County and City will pay more for all the road improvements.
- Tax payers, County and City will pay more for Additional Law Enforcement, Fire Stations, Emergency vehicles etc.

DISADVANTAGES OF THE DEL WEBB:

- Del Webb with its 1160 units is over half the units in the entire development.
- Only (1) person is required to be 55 years and older per household.
- **80/20 rule (The Housing for Older Persons Act of 1995)**
Only **80%** of the units are required to have (1) person age 55 and over.
- There could be several people under 55 including children, living in the same household with the (1) 55 year old.
- **80/20 rule:** 20% of the units can be age 19 & up, and these people will have families and school age children.
- More school age children will be in the Del Webb than we are being led to believe, **Adding even more to our schools and roads.**

- The roads and schools will have much much **more impact** than we are being led to believe.
- Not all 55 year olds will be retired (they will be working everyday)
- 55 year olds could have school age children (attending our schools)
- Allstate Insurance studies show that because **RETIRED** people will be out on the roads **MORE**, there is a higher risk that these people will be in accidents and the Ins. Premiums will be more. (Adding just as much road impact as a regular high density community would)

Please don't allow yourselves to believe that because the majority of the development is to be Del Webb, that the impact will be 60% less on our roads and schools.

Given all the above information, we believe that whether the Development is a Del Webb community or not, the **Density** is much ***TOO HIGH.***

Thank you for the opportunity to make our concerns public.

Please give them serious consideration when making your decision, because those decisions will affect all of us in the long term.

Caroline Peterson



Representing the 126th St. Home Owners

If you will look at Pulte's most current map "A" of their proposed development.

Observe: The vague but still noticeable 126th St. hook-up between State Rd 238 and the segment of 126th St. off of Cyntheanne Rd. is still shown.

Obviously this route has already been planned out, totally ignoring the **eminent domain** of current land owners and the eighteen residents of 126th St. They would all lose the biggest part off the front of their residents, due to this future road expansion.

Now I have not yet heard any good explanation for this route, where it would be the most practical and cost affective. When Pulte has the land closest to this site, and could be responsible for one new road leading into their 900 + acre development Map "B", Pulte needs to be held accountable for this new **town** they want to build out here and not jeopardize the safety & welfare of the current residents and the proposed population, and not at the tax payer's expense.

Also, I might add, that if 126th St. is made into a main thoroughfare Madison county with Summer Lake expanding at least three times greater, would benefit more from this than the Town of Fishers.

Now is the time to be taking all these things into consideration, not after the problem has been created.

DEL WEBB

Now Mr. Compton has not explained in detail about this Del Webb.

He has lead us to believe that this was going to be just a 55 or older community with no children. He didn't mention about the 80-20 Rule, Standards set by the Federal Gov. only 80% of these units would be required to have **just one** 55 or older person as head of the household, and the rest can be any age. The other 20% may be resold or marketed to persons of any age, having children that would be in our school system.

These people will be working people; does everyone at age 55 get to retire? Could they not have children attending our schools?

What else are we not being told?

The highest density and lowest cost units will be in the Del Webb and are located behind the current residents on 126th St., not in an area where there are no current residence.

The Drilling of private wells for Pulte's irrigation and maintaining the retention ponds, jeopardizing our well systems as was done when Hamilton Proper and Windermere started digging their retention ponds.

Posting their Burma Shave advertising signs along the road ways, having to look at them every day.

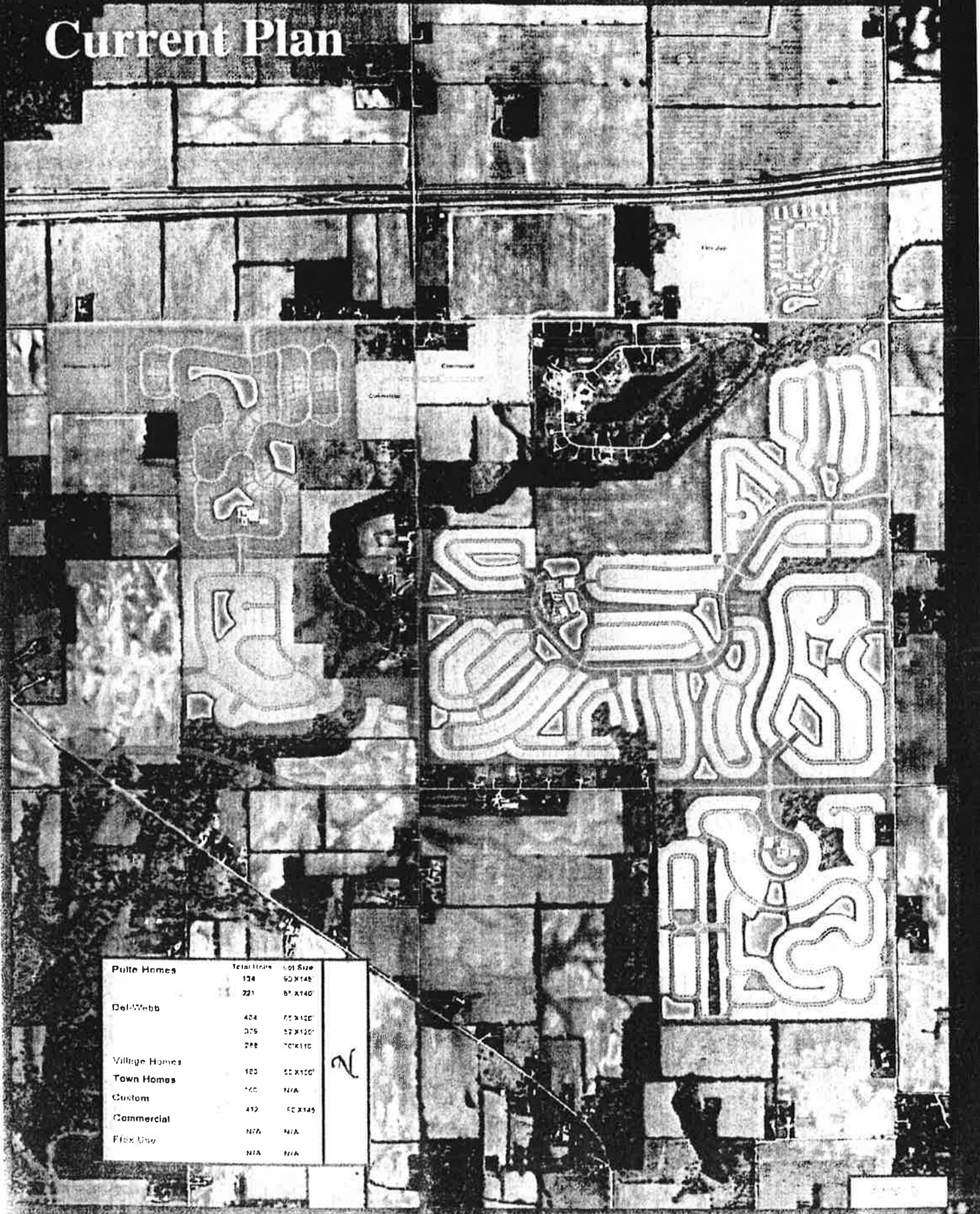
If you think for one minute that this will not have a great impact on our roads and schools, please **think again**.

Due to the Massive size of this project..... Please, turn it down, or at leastReduce it in size.

Thank you

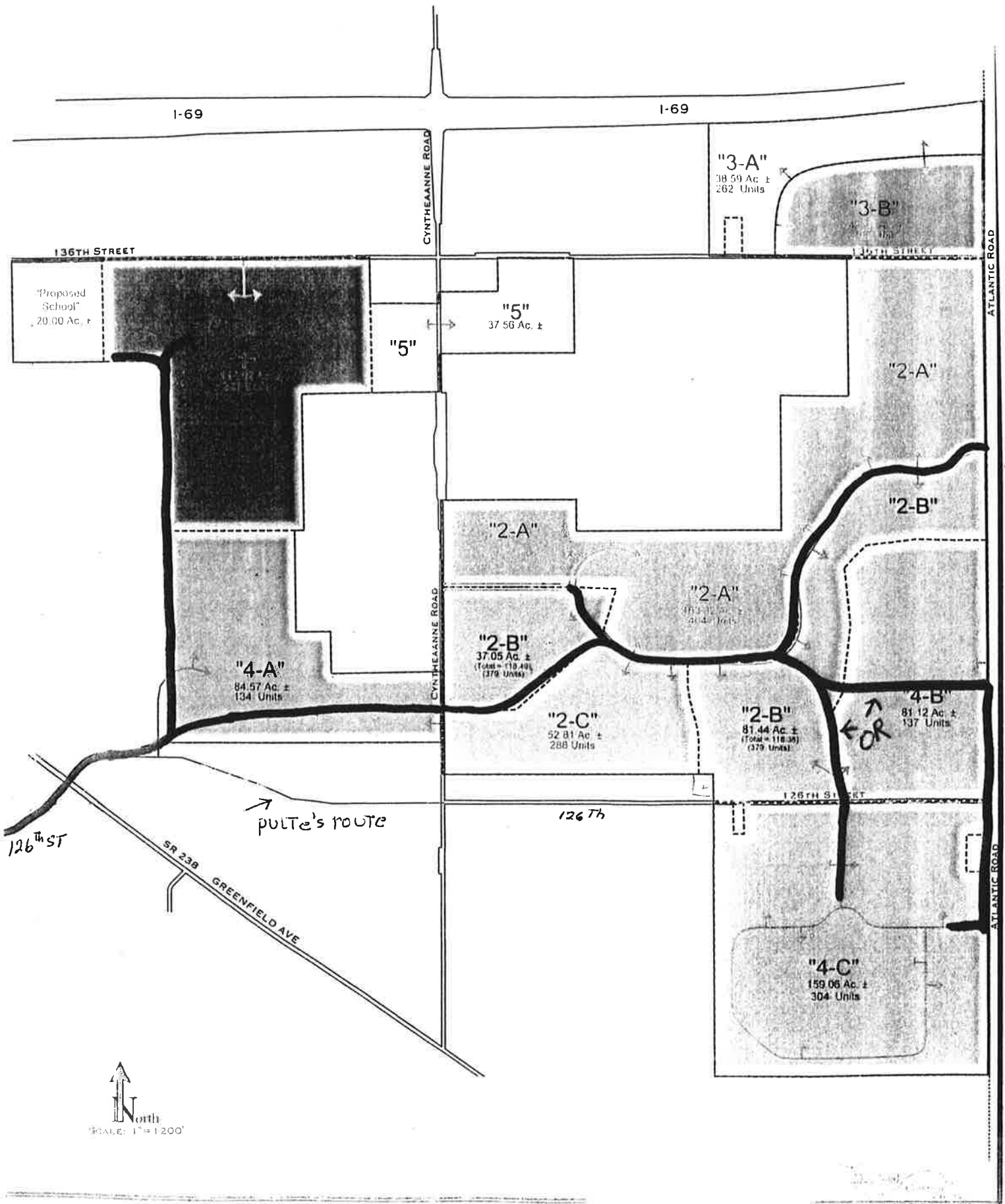
Kevin Peterson
Gini Peterson

Current Plan



| | Total Units | Lot Size | |
|---------------|-------------|------------|---|
| Pulte Homes | 134 | 60' X 145' | 2 |
| | 221 | 80' X 140' | |
| Del-Webb | 404 | 65' X 120' | 2 |
| | 375 | 52' X 120' | |
| | 298 | 70' X 110' | |
| Village Homes | 103 | 52' X 100' | 2 |
| Town Homes | 100 | N/A | |
| Custom | 412 | 60' X 145' | |
| Commercial | N/A | N/A | |
| Flex Use | N/A | N/A | |

THE F.V.H.O.A. SUGGESTION FOR A "PULTE BUILT" MAIN ROAD TO TAKE CARE OF ALL THE ADDITIONAL TRAFFIC USING MOST OF PULTE'S EXHISTING ROADS



Residents of Barrington Estates

c/o Howard Goldstein
16279 Remington Drive
Fishers, IN 46037

317.485.7454 – home phone
317.407.2380 – cell phone
317.276.9392 – work phone

January 11, 2006

Town of Fishers

- Department of Development
 - Fishers Town Council
- One Municipal Drive
Fishers, Indiana 46038

Re: Response to the proposed 'PUD' for the 900+ acre Pulte Development Project, January 18, 2006

To whom it may concern:

On February 3, 2005, I, on behalf of the majority of the residents of Barrington Estates submitted a letter to both the Fishers Department of Development and to the Fishers Town Council regarding the 900+ acre project located on/near 136th Street and Cyntheanne Road, as well as surrounding Barrington Estates (located on the south side of 136th Street, east of Cyntheanne Road). This letter, which is signed by the majority of the residents in Barrington Estates, states our initial list of issues and concerns, as well as our proposals as to how they can be addressed. As a reminder, it is stated in this letter that many who invested in Barrington Estates did so after consulting the *Town of Fishers Conceptual Guide for Future Land Use* map, and would not have invested the significant sums of money in their homes nor in this future section of the Town of Fishers, should there have been any indication that the land areas immediately surrounding Barrington Estates could be used for anything other than *Low Density Single Family Residential* purposes. With this said, the majority of the residents of Barrington Estates were and still are very much willing to cooperate with Pulte and the Town of Fishers to resolve our issues/concerns with the proposed development.

In the months which followed, a core group of Barrington Estates residents met with Mr. David Compton of Pulte on no less than twelve (12) occasions to address our concerns relating to the proposed development, as well as create possible solutions. Much was discussed on each of these occasions, which included buffering (mounding, trees, setbacks and such) between Barrington Estates and the proposed development areas, the proposed commercial development on both sides of Cyntheanne Road, and all other proposed sections (commercial on the north side of 136th Street east of Cyntheanne Road, Britton Falls, as well as the other portions of the proposed project). In each of these meetings, we felt very optimistic that our issues and concerns would be appropriately addressed, leading to our approval and support of the proposed development project. **Today, I'm pleased to say that the majority of the residents of Barrington Estates fully support and are in favor of the proposed development,** in consideration of that which is stated in *The Britton Falls PUD Ordinance, Ordinance #020705B* document dated January 18, 2006, inclusive of Exhibit F section entitled "*The Commitments*".

Since the October 11, 2005 plan commission meeting, Mr. Compton of Pulte met with us on several occasions to formulate a solution which together, we felt would be in the best interest for Pulte, for Barrington Estates, as well as the Town of Fishers. We are part of this future area of the Town of Fishers and as such, want a solution which would be in everyone's best interest. To that end, Mr. Compton and a core group of Barrington Estates residents worked diligently to do just that. The results of these efforts are before you in the documents I previously referenced, and submitted to you by Pulte.

Other than lots with a 100 foot width and homes with a minimum square footage of 1,800, no architectural standards exist today for those areas zoned R2. Per their proposal, we feel Pulte is far exceeding these standards by among other items, mandating and/or offering side-load garages, Hardee Plank siding, as well as offering interior features and amenities not mentioned nor required per the standards in areas 1A, 1B, 4A, and 4B of the proposed development. Additionally, Pulte's overall density of 1.8 homes per acre is consistent with the R2 zoning, and is inclusive of open space and other common amenities as well as extensive perimeter buffering and landscaping.

Per Pulte's research, Britton Falls will provide for a tax base of \$230 million, without adding any additional burden to the school system. Further per Pulte's research, traffic generated from the total build-out of Britton Falls will be less than if this area were to be developed under R2 zoning. The Britton Falls age restricted housing will expand the diversity of the Town of Fishers. Via the presentation of its grand entrance and 22,000 square foot club house, Britton Falls should be quite desirable, a jewel to this area in the Town of Fishers.

As we have consistently and repeatedly stated in our previous letters and presentations, the proposed commercial development was of paramount concern to us; we have invested significantly in our homes (some in excess of \$1 million) in this future area of the Town of Fishers based upon both the then current zoning, as well as the zoning indicated by the *Town of Fishers Conceptual Guide for Future Land Use* map adopted September 2, 2003 (the date by which we purchased either our lot or home). With this said, we do realize that commercial and office land usage benefit the Town of Fishers, and are needed to generate the desired tax base. Again, in an effort to do what is best for all, we met repeatedly with Mr. Compton to devise a solution. This solution is before you in the documents I previously referenced and submitted. Among other items, this solution consists of mounding, trees, setbacks, and such which we feel should adequately buffer Barrington Estates from the proposed commercial development immediately to our west. As the land elevation for some of the homes along the western end of Barrington Estates is higher than that of this proposed commercial development area, the specifications for the mutually agreed upon buffer area (mound height, fence, trees and such) between us is essential; any lesser offering would not provide for sufficient buffering in both Pulte's and our opinion.

As for the zoning in area 3 of the proposed development (area north of 136th street, opposite Barrington Estates), we do support C1 zoning as stated in the documents referenced and submitted; we feel with proper buffering, layout, and architectural design, this area could too be considered as very desirable in this area of the Town of Fishers, and would exist in harmony with current development.

We do have concern with the potential Davis Homes development project near Prairie Baptist Road and 136th street. As Davis is only platting this 100+ acre area, the lack of architectural standards, buffering requirements, and homes only needing to 1,800 square feet in size are of concern to us; we feel this would not fit well with current development/development efforts in the area. We would hope Davis Homes and existing residents in the area could work together in a like manner as Pulte has with us.

In conclusion, we are accepting of change. As evidence to this, we have worked very hard and diligently together with Mr. Compton of Pulte homes to create a solution which benefits the Town of Fishers, Pulte, and Barrington Estates. **This solution** is contained in the documents referenced and submitted, and **is fully supported by the majority of the residents of Barrington Estates.**

Very respectfully submitted on behalf of the majority of the Residents of Barrington Estates,



Howard Goldstein

Residents of Barrington Estates

c/o Howard Goldstein
16279 Remington Drive
Noblesville, Indiana 46060

317.485.7454 – home phone
317.407.2380 – cell phone
317.276.9392 – work phone

February 3, 2005

Town of Fishers

- Department of Development
 - Fishers Town Council
- One Municipal Drive
Fishers, Indiana 46038

To whom it may concern:

We, the undersigned, are residents of Barrington Estates, located south of East 136th Street between Cyntheanne Rd. and N. Atlantic Rd. in Hamilton County. We recently learned of development projects being considered which would be located either adjacent, or in very close proximity, to Barrington Estates. We are extremely concerned of the impact these projects may and will have on property values and quality of life for the homeowners in Barrington Estates.

As we are certain you are aware, Barrington Estates is a neighborhood of luxury custom homes on larger lots (1.3 acres and larger), many of which are valued from \$800,000.00 to well over \$1,000,000.00. Prior to each of us making our decision to build homes in Barrington Estates, we consulted the *Town of Fishers Conceptual Guide for Future Land Use* map. (The most recently published version of this map was adapted September 2, 2003.) This map clearly shows the land areas directly to the West, East and South of Barrington Estates, as well as a portion to the North, to be considered for *Low Density Single Family Residential* development and use. We would not have invested significant sums of money to build our homes, which each of us consider to be his/her dream home, in Barrington Estates should we have had any notion that these land areas could be used for anything but *Low Density Single Family Residential* purposes.

Having said that, we are very much willing to cooperate with both the developers and the Town of Fishers to address and resolve issues and concerns we may have with the development projects being considered for approval. To this end, we have met with representatives of Pulte Homes and Precedent Development, David Compton and Doug Wagner respectively, on Thursday February 3, 2005. After this initial meeting with the developers, we have the following concerns, listed below. Please note this is an initial list of our concerns; more concerns, or modifications to those listed below, may follow as we examine the proposed development plans in more detail.

Concerns:

1. Area to the West of Barrington Estates (South-east corner of the 136th Street and Cyntheanne) Road intersection: Commercial Development

Concern(s): Traffic, noise, visibility to/from Barrington Estates, potential odor and pollution, light pollution, well water contamination

We do not want to see, smell, or hear anything resulting from the commercial use of this area.

Our Proposal: Allow for C2 commercial district development with the following modifications:

- No Mortuaries

- Only permit signage which would not be visible to residents of Barrington Estates
- No dining establishments of any sort which would contain 'drive through' food pick-up, or food delivery services to vehicles
- No establishments of any sort which vend petroleum based or other fuels (i.e.: gasoline, diesel, methanol, ethanol, propane) As our water is supplied via wells in the area, and as other options for city water will not be feasible once city water is in the area (due to Barrington Estates not having a distribution system for city water), this specific item is of extreme importance to us.
- No Self Service laundry or cleaners facilities (retail only –ok)
- No Automotive, engine, or machinery repair or sales facilities of any sort.
- No Automotive parts sales facilities of any sort which offer repair or installation services.
- No large grocery, 'Big box', or variety stores (such as the larger Marsh or Kroger grocery stores, Wal-Mart, and such)
- Restricted delivery and trash-removal times (none permitted between the hours of 9:00 pm and 7:00 am, and none on weekends or holidays).
- Lighting installed such that does not shine toward Barrington Estates or create light pollution.
- Appropriate residential building architecture style/design, similar to that of the retail outlets opposite the Fishers Town Hall on 116th street.
- No building shall exceed 35 feet in height at its highest point.
- A buffer zone between Barrington Estates and the proposed commercial area be established and maintained by the developer, enforceable by the Town of Fishers or other governmental entity, and consist of the following:
 - A minimum of 300 feet, to run adjacent to West boundary of Barrington Estates, extending to 136th street to the North
 - Retention Pond(s) of appropriate size that would guarantee that the level of the boarding creek rise no higher than current/normal levels.
 - 10 feet tall of mounded dirt area
 - 8 feet tall fence on top of the mounded dirt, with Brick columns located at 50-foot intervals and corners. Fence to be maintained by the developer
 - Two rows of trees/shrubs on the East side of the fence (types, sizes, and quantities to be determined), one located at the top

and one located at the bottom of the dirt mound. Trees to be spaced 20 feet apart, alternating between top and bottom rows.

2. Areas to the East, North and South: High Density Residential Proposed

Concern(s): Traffic, noise, visibility and access to/from Barrington Estates, tree and wildlife preservation, eco system.


- Our Proposal:
- Sizeable buffers, Fences, Tree preservation areas, green spaces for all our wonderful wildlife so they don't lose out on habitat and become homeless, Trees, shrubs and mounds of dirt to better isolate Barrington Estates from these areas.
 - Maintain low density residential in all sections, phases, neighborhoods to no more than 3 homes per acre and no more than 2 homes per acre total development. Create green space parks for the community.
 - No street designs of these proposed developments, which could possibly connect to directly to the streets contained with Barrington Estates. One day Barrington Estates will be a gated community, with private streets.
 - Retention pond(s), which would guarantee creek water levels, not rise higher than those currently, resulting from normal storm water.
 - Sizeable set backs/buffer areas, from both 136th street and the perimeter of Barrington Estates
 - Offset entrance(s) to development to the North of Barrington Estates, accessible from 136th street.

Again, our intentions are to maintain our quality of life and property values, as well as maintain as best we can Barrington Estates as we envisioned it to be based upon the *Town of Fishers Conceptual Guide for Future Land Use* map. Any variance from the *Town of Fishers Conceptual Guide for Future Land Use* map is of vital importance and concern to us. More specifically, both the 'middle' and 'high' density residential property development, as well as commercial development of the areas surrounding Barrington Estates are what concern us most. We are more open to C2/C3 commercial project west of Cyntheanne Rd as long as we don't see it, hear it or smell it plus not effecting our water system. We hold great optimism that by working with both the Town of Fishers and the developers, concerns and issues relating to the proposed commercial and residential development which differ from that shown on the *Town of Fishers Conceptual Guide for Future Land Use* map can be resolved to the satisfaction of all. We genuinely look forward to working with both the developers and the Town of Fishers to resolve any issues and concerns relating to these development projects. Please do not hesitate to contact us at any time should the need arise.

Property Owner(s): MARK + AMY SIZEMORE

Lot Number: _____

Address: 16298 REMINGTON DR.


Signature(s):  Date: 2/3/05

_____ Date: _____

Property Owner(s): MATTHEW + DENISE HARTW

Lot Number: 5

Address: 16274 REMINGTON DRIVE
NOBLESVILLE IN 46060


Signature(s):  Date: 2/3/05

_____ Date: _____

Property Owner(s): Joseph M. Mahin

Lot Number: 3

Address: 16266 Remington Dr.
Woblesville, TN


Signature(s):  Date: 2/3/05

Date: _____

Property Owner(s): Kathy Hevn

Lot Number: Lot 12

Address: 16302 Remington Dr.


Signature(s):  Date: 2/3/05

Date: _____


Property Owner(s): Arthur A. Khan

Lot Number: 19

Address: 16267 E. Remington Dr.
Noblesville, IN 46060


Signature(s):  Date: 2.3.05

Date: _____

Property Owner(s):  DANIEL J. HAWKINS
16350 REMINGTON DR
NOBLESVILLE, IN 46060

Lot Number: _____

Address: 16350 REMINGTON DR
NOBLESVILLE, IN 46060


Signature(s):  Date: 2.3.05

Date: _____

Property Owner(s): Issa & Shayesteh Rashid

Lot Number: 18


Address: 16273 Remington Dr.

Signature(s):  Date: 2-3-05
Shayesteh Rashid Date: _____

Property Owner(s): Howard & Jo Goldstein

Lot Number: 17

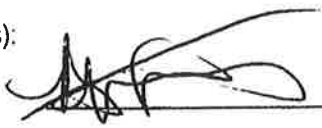
Address: 16279 REMINGTON DR
NOBLES VILLE, IN 46060

Signature(s):  Date: 2-3-05
Date: _____

Property Owner(s): KEVIN & LAURA MOLLOY

Lot Number: 15

Address: 16297 REMINGTON DR.

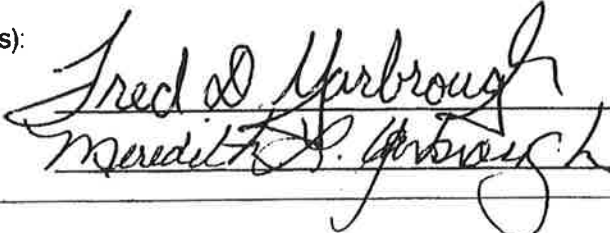
Signature(s):  Date: 1/6/05

Date: _____

Property Owner(s): FRED & MEREDITH YARBROUGH

Lot Number: 14

Address: 16301 REMINGTON DRIVE
NOBLESVILLE IND 46060

Signature(s):  Date: 2/6/05

Date: 2/6/05

Property Owner(s): TOOD & MISSY Crowder

Lot Number: 8

Address: 16286 Remington Dr.
Noblesville IN 46060

Signature(s): Melissa H. Crowder Date: 06 Feb/05
[Signature] Date: 2/6/05

Property Owner(s): Beul & Melissa Sheppard

Lot Number: # 3


Address: 15950 E. 126th St.
Noblesville IN 46060

Signature(s): Melissa Sheppard Date: 4/6/05
[Signature] Date: 4/6/05

Property Owner(s): Robert & Cindy Drilakny Jr

Lot Number: _____

Address: 15106 E 132st


Signature(s):  Date: 4-6-05

_____ Date: _____

Property Owner(s): Mary Ann Shepherd

Lot Number: _____

Address: 13182 Cyntheanne Rd
Noblesville

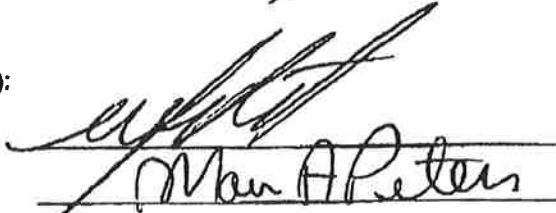
Signature(s):  Date: 4-6-2005

_____ Date: _____

Property Owner(s): MARK R. PETER
MARINA A. PETER

Lot Number: #20

Address: 16263 REMINGTON DR.
NOBLESVILLE, IN 46060

Signature(s):  Date: 1-7-05
Mark A. Peter Date: 1-7-05

Property Owner(s): _____

Lot Number: _____

Address: _____

Signature(s): _____ Date: _____
 _____ Date: _____

• Page 10

February 3, 2005

Property Owner(s): Roger S. Hinds
Susan M. Hinds

Lot Number: Lot # 21
16259 Remington Dr.

Address: 16259 Remington Dr
Noblesville, IN 46060

Signature(s): Roger S. Hinds Date: 2/7/05
Susan Hinds Date: 2-7-05

Property Owner(s): _____

Lot Number: _____

Address: _____

Signature(s): _____ Date: _____
 _____ Date: _____

4850166 Page 10 of 10

February 3, 2005

Property Owner(s): TODD & MISSY Crowder

Lot Number: 8

Address: 16286 Remington Dr.
Noblesville IN 46060

Signature(s): Melissa H. Crowder Date: 06 Feb 05
Todd Crowder Date: 2/6/05

Property Owner(s): SEAN & BETH ARTZ

Lot Number: 7

Address: 16282 REMINGTON DR.
NOBLESVILLE IN 46060

Signature(s): S.M. Artz Date: 2/7/05
Beth Artz (ma) Date: 2/7/05

February 3, 2005

Property Owner(s): Roger S. Hinds
Susan D. Hinds

Lot Number: Lot # 21
16259 Remington Dr.

Address: 16259 Remington Dr
Noblesville, IN 46060

Signature(s): Roger S Hinds Date: 2/7/05
Susan Hinds Date: 2-7-05

Property Owner(s): _____

Lot Number: _____

Address: _____

Signature(s): _____ Date: _____

_____ Date: _____

Fall Creek Valley Home Owners Association

Remonstrance for
Proposed Pulte Development
Docket No. 1-IZ-05, Ordinance #0207058
January 18, 2006

Introduction

- For many months of public and private meetings - Since April.
 - Most remonstrations/questions/concerns not addressed by Pulte.
- We the community will have to live with these decisions for years to come. Pulte will make their money and leave.
- We must make sure that the development and impacts Pulte leaves us with is what we want and need as a community, long term!
- **Many unanswered questions and issues! Is Pulte listening to the community?**

Pulte Agreements

- The current Pulte submission has less meat in it than the UDO rev. E. - Many exclusions
- Should be more specific than draft UDO for such a massive development, to protect the community
- “Promises” only discussed in the “sales pitch” are not legally binding; are not real commitments to the community.
- **Please read the FCVHOA ordinance comments document located in the Planning Commission file.**
- **Don't let Pulte dilute the standards!**

Public Park Space

- Current plan has no public park space
- Per Nov. 8 2005 Staff Report, there should be 50 acres of public park space supplied within this development
- FCVHOA supports this Staff comment
- This 50 acres of park space should be nature oriented more than ball fields. Fishers owns bare land suitable for ball fields on Cyntheanne currently.
- The small area of section 1A by Cyntheanne Rd would be an ideal location for part of this park space given the connectivity to a future greenway

School Population Projection

- Dell Webb student impact not fully counted to date
- If one assumes 50 % will come from Fishers area then 1055 Dell Webb homes divided by 2 = 527. 527 x 0.7 students/ house = **369 students not counted by Pulte**
 - Non-Dell Webb Homes from Pulte submission = 550 students
 - 369 + 550 = 919 new students
 - **20% of Dell Webb can have students per HOPA = 148 Students**
 - **919 + 148 = 1067 students**
 - **Pulte's all custom projection of 1446 students is Wrong! It counts land not going to have homes**
 - **913.56 Acres- (School) 20 Ac. -(area 3 C1) 81.82 Ac.-(area 5 C2) 37.56 Ac. = 774 Ac. X 1.7 homes/ac (R2) = 1316 homes X .7 student/home = 921 students! Less than the current Pulte plan!**

Sewers/ Water

- How are the sewers/water getting to this development?
- Who are the affected landowners?
- Have all of the new easements required to support this development been acquired/optioned? No, they have not!
- Where is the written commitment ensuring capacity? Vs. best /worse case build out schedule and other developments?
- **Pulte should have all options on easements before zoning approval not though the utility and eminent domain process after the fact. Current residents should have the opportunity to sell easements under open negotiations, not forced by law.**

Traffic/Roads

- I-69, Per IDOT, > 10 years out for major improvements
- SR-238
- 126th St, 136th, Cynthianne Rd , Atlantic Rd?
- Where is the documented coordination with Madison Co. Highway Dept. plans?
- What are Madison Co. build out traffic flow projections and impact to Hamilton Co.? The jobs are toward INDY
- Where is the mass transit corridor in this plan?
- **Is this proposed ordinance fully compliant to the current Fishers Transportation Plan?**

126th Street Extension/Improvement

- Without this development there is no rush in extending the road; Current road adequate for reasonable population density
- Taxpayer cost of Bridge. Schedule to be built vs. Pulte build out schedule?
- Taxpayer cost to build/improve road above impact fees collected?
- Access and public safety problem with section 1B without south access.
- **Pulte should build the road integrated within the design of the development!**

Tree Conservation/Preservation Plan

- Where is the legal description of the conserved areas? A crude map is not adequate description of the commitment
- Not tree conservation/preservation when it is destroyed for utilities/easements
- All tree preservation areas must be deeded to the homeowners association or to the town of Fishers, not individual lot owners, and therefore count as open space
- Specifically, Tree Preservation in lots is unenforceable in practice. We must correct!
- **Tree conservation/preservation is meaningless if it can be destroyed by the development/ lot owner without serious financial cost to the developer!**

Conclusion

- Too many serious problems with ordinance
- This proposal is not a good deal for Fishers as written!
- **Vote NO to the proposed Pulte re-zoning!**

Lewark, Kelly

From: Larry [geistlake@earthlink.net]
Sent: Monday, January 09, 2006 2:25 PM
To: Lewark, Kelly
Subject: Pulte Del Webb Development >>>>

Dear Council Member,

If you truly represent the will of the people, you will stop, read and take action to alleviate some of our concerns.

I live at 14940 State Road 238 E. I am across the street from some of the Pulte, "Avalon of Fishers" development and the New Crossroads Community Church. Rainwater Surface Drainage was an issue before the development of the church began. Now, because of the requirement to raise the ground for the church area by 5 feet, all of the area that was used for ponding water is higher than the surrounding area and causes greater water run off across the neighbors and my property. What was a water problem is now a nightmare every time we have any significant rainfall. I have a basement and have to run two sump pumps just to keep the water out of the basement. Someone has to address water runoff. We need larger holding ponds to offset all the land that is or will be under roofs and pavement. Go take a look at the flooded creeks after any average rainfall. The creeks do not have the necessary capacity now, why let the developers add more load ?

We also need some public parks that have some size to them. I grew up around the Broad Ripple area and we used Broad Ripple Park all the time. It had a very large swimming pool and all the people in the area could use it. It gave kids a place to be busy at play and out of trouble. It offered public play and picnic grounds, public swimming, and public outdoor ice skating in the winter. Let's let Pulte and Davis put in a large public park to accommodate all the new residents that they are bringing in. Ponds, and trails do not constitute a PUBLIC PARK.

My yard is now being used as a bathroom by all the wild animals that can no longer take refuge in the woods that were removed by the "Avalon of Fishers" development. Please require these developers to leave more green space >> holding ponds, utility easements, walking paths and roads do not make good animal refuse. More mounding and privacy screening would help cut down on noise and increase green space.

Traffic is another major issue. Once all these new homeowners arrive at I 69 by driving across property taken under Eminent Domain from existing homeowners, where are they going to go ?? Is 238 going to become a parking lot like 96th and I 69 and 116th and I 69.

The state wants to use eminent domain to take 3/4 acre of my property to widen the road. The land across the street from me is undeveloped and could easily be used to widen the road with less impact to the existing homes in the area. The state could condemn that land, but it belongs to Pulte and we wouldn't want to take possible building lots would we. The state is willing to destroy everyone's property and dreams rather than take undeveloped land. This is all happening because we are allowing uncontrolled development. Why does SR 238 need to be widened?? Is it because Pulte needs a way to get people to all the new homes they hope to build on Cyntheanne Road. Why not let Pulte put in the roads that are necessary to move the new residents. Let Pulte pay for these roads and put them on the land that they are acquiring rather than having the county or state use eminent domain to take land from

1/9/2006

existing property owners. Why should existing taxpayers/ property owners suffer from what the developers leave behind >> lack of adequate ingress egress roads? Let Pulte improve Cyntheanne road and Davis improve Prairie Baptist road. How about road impact fees? Shouldn't the developers be required to pay some heavy impact fees to repair the local roads torn up by the heavy trucks during construction. Why should the taxpayer foot these repair bills or suffer with deteriorated roads.?

If these developments are truly cash flow positive, why are my taxes being raised every year. WHO is NOT Paying Their Way ???? Why should existing taxpayers be penalized by new development. Why should Fishers buy land for Parks and schools. Let the 'well to do' developers supply ready to use land for parks and schools in their developments.

How about getting utilities to the developments?? Are the utility companies going to come through and condemn present homeowners land to run utility lines and sewers to these new properties. Shouldn't plans for these things be in place before you approve these developments?

Last and just as important >> how many Vinyl Villages do you want to look at before you say enough is enough. Twenty years from now they will begin to self-destruct and look like ???? Let's be responsible citizens and build a variety of custom homes on large lots. This might be your last chance to get some HIGH END homes in Fishers.

Please considered making the "FOR PROFIT" developers do something constructive instead of destructive.

Poor roads, over crowded schools, higher taxes, more traffic congestion, excessive flooding, lost natural woods, threatened water table, and eminent domain are not things that existing property owners should have to endure so developers can walk away with a huge profit.

Sincerely,

Larry P. Feltman

Lewark, Kelly

From: Wright, Scott [SWright@ProLiance.com]
Sent: Monday, January 09, 2006 3:36 PM
To: Lewark, Kelly
Subject: Pulte Dell Webb and Davis Prairie Crossing Developments

Kelly,
Please make sure that my note below is received by town council members of Fishers. If you are unable, please let me know the appropriate means of doing so.
Thanks, -Scott Wright

To: Fishers Town Council
From: Scott Wright, Resident of Fishers
Date: January 9, 2006
Regarding: Pulte Dell Webb Development and Davis Prairie Crossing Development

I am concerned about the two major new developments that are being proposed near my home at 13026 Prairie Baptist Road in Fishers. The Pulte Dell Webb Development and the Davis Prairie Crossing Development will have a significant impact on our community because they will consume a significant amount of countryside acreage and require extensive supporting utilities and road infrastructure. Your treatment will set a precedent for many future proposed developments.

Rainwater drainage is a serious problem along Prairie Baptist Road and State Road 238 near my home. I have brought this issue up in formal correspondence with state highway planning officials regarding the proposed expansions of Highway 238. The field across the road from my home has become, in recent years, a wetlands for 8-10 months of the year with an influx of nickel-sized mosquitoes, thousands of frogs, and scores of snakes and other creatures. The local creeks easily turn into small rivers after any notable rainfall. We have a serious drainage problem. By developing so many proposed new homes with roofs, driveways and streets, I am concerned that the existing problem will only become worse. Please make sure that developers and city planning personnel address these current problems before adding to them or creating new problems which require even more costly repairs at taxpayer's expense. Make developers share the cost of viable drainage solutions for the entire area.

The areas being proposed for these communities have no city infrastructure besides telephone service and limited county roads. Please make sure that developers are acquiring sufficient amounts of land required for easements to service their proposed developments on a voluntary basis, rather than later forcing taxpayers to pay for all the improvements. I believe these developments will place my acreage and that of my immediate neighbors in the bull's eye of several future condemnation proceedings for easements where I will have few, if any, options to contest the proposed easements. I purchased the small amount of acreage surrounding my home for its future "option value" where I may decide to do with it as I please as long as I remain within the tasteful covenants of the property. These new developments will surely place my property and that of my neighbors squarely in harm's way as future condemnation proceedings (some held long after the developers are gone) will force us to provide numerous easements and restrict our plans for any permanent structures on our own lands. Please make developers pay for easements out of their own pockets and incorporate this important cost in their plans.

While I understand the need for affordable housing, I am concerned about this section of Fishers becoming a vast repository of lower priced homes. These two development projects seem to be attempting to distinguish themselves by their high housing densities. The vast development known as "Avalon of Fishers" is currently being built across the street from my home and has ample starter homes, town homes, and other affordable home

options to serve this area for many years to come. I am concerned that our community will become very lopsided with very few "move up" opportunities for families. Hopefully, they will not decide to "move up" to Carmel, Zionsville, or someplace else. Please take care to build a genuine community that includes a diversity of homes, not a monotonous sprawl. This will improve long-term commitment to our community and give taxpayers a sense that our tax dollars are investing in the future. Consider requiring a maximum of 2 or 3 homes per acre and homes with starting price points in excess of \$300,000.

Please make conscientious choices to make an improved Fishers, not just a larger Fishers. Please make developers share more of the true costs associated with their plans.

Sincerely,

Scott Wright

This message may contain ProLiance Energy, LLC privileged and/or confidential information. If you rec

Lewark, Kelly

From: Rita Burke [trburke@iquest.net]
Sent: Monday, January 09, 2006 4:43 PM
To: Lewark, Kelly
Subject: Letter for Fishers Town Council

Dear Fishers Town Council,

This letter regards our concern over Pulte's planned development of Britton Falls (even the name is a misnomer!) in the Cyntheanne/126th Street area, basically behind our home, which is located at 15324 St. Rd. 238 (Greenfield Ave.). Though their newly acquired properties do not adjoin ours, we are greatly impacted by Pulte's planned development.

For more than thirty-two years, we have been home owning residents on the north side of St. Rd. 238, at 15324, where 126th Street ends. To accomodate some of their development, Pulte's plan includes a yet nonexistent 126th St. from our intersection at St. Rd. 238, east to Cyntheanne Road. Building 126th St. would be expensive and invasive to beautiful landscape and could virtually wipe out our property or, at the least, devalue it! No one would choose a home on a narrow sliver of ground between two roadways.

Our personal concerns if Pulte's project is approved:

1. Loss of our property, due to INDOT taking frontage along St. Rd. 238 for upgrade and the additional possibility of 126th St. being extended, either through or behind our property.
2. Additional loss of our property and landscape, should sewer, gas, water lines etc be brought through on our side of St. Rd. 238 to accommodate Pulte's large development.
3. More traffic congestion on I-69
4. Too much dense development in the Fishers area and far too little green space.
5. Higher taxes
6. Loss of privacy and loss of a country atmosphere

Important issues for Fishers Town Council to consider:

- 1. Over-building!** Presently, there are more than six hundred (600!) Fishers home for sale, according to the on-line website. Additionally, countless empty lots are available for construction in the area of 126th St. and St. Rd. 238.
- 2. Need to adopt a better planned use formula!** Natural landscape of peaceful meadows, mature trees and pleasantly rolling hills have been destroyed and replaced with crowded homes, while far too little green space is being preserved.
- 3. Attention to the real issues!** The most critical issue is poor traffic flow. Congested I-69 is the major and practically sole north-south route for commuting to and from Indianapolis. It is also difficult for the school system to keep pace with the rapid growth.
- 4. INDOT has no immediate plan to improve I-69!** Pulte's development needs I-69. At a recent Indiana State Highway meeting in Greenfield, we were informed that there is no immediate plan to add more lanes to I-69, nor any intention to add an interchange at Cyntheanne Road.
- 5. Pulte's plan for a Del Webb Retirement Community may not be successful!** Senior citizens could not deal well with increased congestion on I-69. Most Del Webb retirement communities are located near a major airport, in sunny climates, and with homes situated around an attractive golf course. Those elements are missing from Pulte's plan.

5. Pulte should be financially liable! Pulte should be required to build any new streets through their acquired acreage, rather than taking away land from present homeowners, and those new roads should be at Pulte's expense. Pulte should also be required to reimburse property owners for land taken or landscape destroyed to accomodate their gas, sewage or water lines.

7. The Fishers Plan Commission and Fishers Town Council should represent and support its citizenry!
YOU can make a difference and we hope that you will! We urge the Fishers Plan Commission and the Town Council to carefully consider impact of more development and improve any future development while there is yet opportunity!

Thank you for your consideration!

Tom & Rita Burke
15324 St. Rd. 238 East
Fishers, IN 46037
(317) 485-4215

Marion P. Hensley
12089 Atlantic Road
Pendleton, IN 46064

January 7, 2006

To: Fishers Town Council
Fishers Dept. of Development Staff

Reference: Pulte Rezone request Ordinance # 020705B

The Hensley Family owns approximately 60 acres that adjoins the whole of the southern border of the proposed section 4B, encompassing a length of ½ mile, and as one would expect, we have much apprehension concerning the nature and details of the proposed adjacent development.

At the Planning Commission hearings, I presented the unique nature of the bordering wooded fence line. With its diverse corridor consisting of mature trees and underbrush, which provide cover for wildlife, it connects significant wooded acreage south and west of section 4B to areas in Madison County and the Fall Creek Valley, warranting appropriate conservation actions while also providing an exceptional buffer between the properties.

Shortly after the initial Planning Commission hearing in April 2005, I personally met with Mr. Compton of Pulte, on site, to discuss the tree line and drainage issues between the properties. Mr. Compton offered a 30 feet wide tree preservation strip down the whole of the border. In fact, he indicated that Pulte would plant native tree species such as Hawthorns in those areas, which did not reach a width of 30 feet. When asked if the tree preservation area would be part of open space or lots, he indicated lots, and I voiced concern that with the area in lots, homeowners could cut trees and remove the underbrush to fully utilize the extremely small back yards, therefore, defeating the intent. The difficult enforcement of the issue, I indicated, would undermine the objective of the proposed agreement, even with covenant wording. At the time, I requested that Mr. Compton provide a written proposal for my consideration, which he agreed to provide in a short period of time -- a potential "win-win" agreement, however, the written proposal never materialized. I continued to remind Mr. Compton on several occasions throughout the summer and fall and he still failed to provide a written proposal as promised. In November, Fall Creek Valley Home Owners Association (FCVHOA) sent an e-mail to Mr. Compton and Staff, which included discussion of this topic. Again, Mr. Compton never acknowledged nor replied to this e-mail to the Hensley Family. One day before the December 13, 2005 Planning Commission hearing and vote, Pulte submitted a last minute letter with changes to the proposed ordinance and commitments, including the current 15ft Tree Preservation strip as a part of the lots, however Pulte did not provide me with a copy for evaluation of the wording before or after the Commission vote. After obtaining a copy of the Pulte filing for 2nd reading and reviewing the wording, we have several concerns that warrant immediate action:

Exhibit F The "Commitments"—Paragraphs 12-14 Comments

- Paragraph 13—Pulte defines the "Fence Row" as a Tree Preservation area in this paragraph. It points out that tree preservation standards of paragraph 12 shall apply. Paragraph 12 in turn exempts any trees on lots, which indicates that Pulte has agreed to nothing! As requested by me multiple times to Mr. Compton this Tree Preservation area must be open space such that paragraph 12 is fully enforced.
- Paragraph 12—The Tree Plan is identified as Exhibit "H", whose drawing is labeled Exhibit "I".

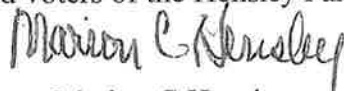
Solution:

- Change this Tree Preservation area from 15 feet to 30 feet wide as Pulte offered in May 2005.
- Change the area to “open space” such that the preservation is fully enforceable by paragraph 12 of the commitments.
- Add a 6-foot continuous mound with the 30-foot tree preservation north boundary on the centerline of the mound.
 - o Native tree plantings, such as Hawthorn, planted on south mound face.
 - o South face shall not be mowed, This mound serves several beneficial purposes:
 - Concisely denotes the Tree Preservation north boundary
 - Provides a buffer from wildlife and the human activity in small congested backyards
 - Preserves value of lots along this border given that the trees are truly protected and preserves the Pulte lot price independent of any future development to the south.
 - Deters yard expansion into the open space and preservation area , which remains a wildlife corridor —unenforceable degradation of trees and habitat.
 - Improves the deterrence for children trespassing onto the agricultural land/farm lane and 5-acre lake to the south and resultant hazards.
 - Improves privacy for the new homeowners from the traffic and noise on the farm lane on the Hensley side of the border.
 - Ensures that Pulte will not allow any sheet drainage onto the Hensley property as promised in the “Water Quality/Drainage” section of the January 18, 2006 Pulte submission book.

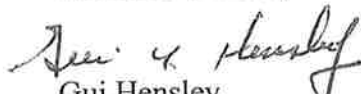
This matter has a very simple inexpensive solution, as illustrated above, that truly is a “Win-Win”. The Hensley Family would request that the Town Council and Staff insist that Pulte adopt the above proposal in good faith before any vote on the rezoning!

Thank You! The registered voters of the Hensley Family!

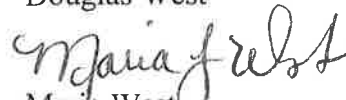

Marion P Hensley


Marion C Hensley


Douglas West


Gui Hensley


Marthanna Hensley


Maria West


Krista Hensley

JANUARY 8, 2006

DEAR FISHER TOWN COUNCIL,

THIS LETTER IS IN REGARDS TO THE PULTE/DELL WEBB NO. 1-12-05 HOUSING DEVELOPEMENT.

AS MY MOTHER AND I HAVE SAT THROUGH SEVERAL MEETINGS OF PULTE/DELL WEBB, PULTE TELLS US WHAT A BENEFIT THEIR 55 AND OLDER RETIREMENT COMMUNITY WILL BE TO THE TOWN OF FISHERS AND IS A COMMODITY THE TOWN DOESN'T YET HAVE. THIS COMMUNITY WILL NOT PRODUCE MANY SCHOOL AGE CHILDREN, ISN'T THERE ALREADY THIS PRODUCT IN AVALON CALLED "THE EMPTY NESTER" ??

PULTE SAYS THE COMMUNITY WILL HAVE LESS TRAFFIC BECAUSE OF THE AGE GROUP. I HAVE KNOWN MANY PEOPLE TO RETIRE AND GO ON INTO NEW CAREERS WORKING DAILY INTO THEIR 70'S, THEY DO NOT STOP DRIVING THEIR CARS. MY GRANDPARENTS INTO THEIR LATE 80'S, ALWAYS EACH DAY HAD A REASON TO GET INTO THEIR CAR AND DRIVE INTO NOBLESVILLE. THERE WILL BE MUCH TRAFFIC ON THE ROADS.

WHAT BENEFITS WILL PULTE BRING TO THE RESIDENTS WHO ALREADY LIVE IN THIS AREA. ??

WE SEE OUR TAXES GOING UP FOR SCHOOLS, ROADS, AND FIRE STATIONS. THE TOWN OF FISHERS SAYS THEY HAVE NO DEFINITE ROAD PLANS IN THE NEAR FUTURE WHICH ARE NOW VERY NARROW. AS FOR A NEW GROCERY STORE, GAS STATIONS, ETC., WE HAVE ALL THAT OVER ON OLIO ROAD.

THEY ARE NOT GIVING US ANY NEW OR DIFFERENT
PRODUCT THAN WHAT WE ALREADY HAVE, HOUSES
UPON HOUSES! IF THIS AREA IS DESTINE TO BE
DEVELOP, LET IT HAVE MORE OPEN SPACE WITH
SOMETHING MORE REMARKABLE THAN WHAT
POLTE IS OFFERING.

THANK YOU FOR YOUR TIME.

SINCERELY,

The Wanda Sigler Family
THE WANDA SIGLER FAMILY
12301 FLORIDA ROAD
FORTVILLE, INDIANA 46040

BARRINGTON ESTATES RESIDENT LETTER

Date: February 07, 2005

Dear Councilman Timothy O. Lima,

Hello! My name is Ron Leech. My wife, Kristie, and my two sons, Tyler and Evan, four and two years, respectively, and myself live in the Barrington Estates. We have enjoyed the country living and enjoyed watching the deer and other wildlife with our children. We especially cherish the peaceful evenings, the unbelievably beautiful sunsets, and the overall tranquility that our wonderful country setting has afforded us. But we also realized when we purchased our lot and constructed our home that eventually our beautiful country living would be replaced by urban sprawl. Two of the proposed projects tonight will directly affect us. The townhomes would be the panoramic view of our front yard. The way our home is situated, the townhomes would engulf any and all view we have to the north. Our home is also built on a lake and the entire back of our house consists of windows. As a result, the retirement community will completely be a panoramic view out of our back windows. Being a young family, who plan on raising their children and retiring in the community, we find it hard to not become actively involved to make sure that the area continues to grow in a manner consistent with the quality of life that has been afforded Fishers/Hamilton County residents.

We believe the best way to deal with change is with a successful management plan. We would like to see growth in our area come at a rate that is manageable to our governmental services. We should not jeopardize the standard of our police, fire, or emergency care providers. We should also establish architectural/zoning standards for the area to ensure that residents continue to experience high quality of life. These standards could start out as a general buffer area around the Barrington Estates area and be expanded if necessary. These standards would ensure that any new construction would be sensitive to the current architectural structure. They would also aid in streamlining future development of the area. Developers would be aware of the basic standards to build in this area, and homeowners would be assured that proposed new development already comply with generally accepted guidelines in the area.

We recognize Pulte and Precendent as reputable home builders who are capable of building quality construction homes of high architectural level. In keeping with the quality of life that most Hamilton County residents are accustomed to, we would welcome these two builders to become part of our community if the planning commission would encourage them to offer the future residents of this area their highest quality product line.

In closing, we look forward to the opportunity to work with you, to express our ideas and concerns, to aid in potential solutions, and to resolve these issues in a manner that is acceptable to everyone involved. Thank you for your time and consideration.

Respectfully Yours,



Ronald L. Leech, CPA



Kristie Leech

Tyler Leech

Evan Leech

Residents of Barrington Estates

c/o Howard Goldstein
16279 Remington Drive
Noblesville, Indiana 46060

317.485.7454 – home phone
317.407.2380 – cell phone
317.276.9392 – work phone

February 3, 2005

Town of Fishers

- Department of Development
 - Fishers Town Council
- One Municipal Drive
Fishers, Indiana 46038

To whom it may concern:

We, the undersigned, are residents of Barrington Estates, located south of East 136th Street between Cyntheanne Rd. and N. Atlantic Rd. in Hamilton County. We recently learned of development projects being considered which would be located either adjacent, or in very close proximity, to Barrington Estates. We are extremely concerned of the impact these projects may and will have on property values and quality of life for the homeowners in Barrington Estates.

As we are certain you are aware, Barrington Estates is a neighborhood of luxury custom homes on larger lots (1.3 acres and larger), many of which are valued from \$800,000.00 to well over \$1,000,000.00. Prior to each of us making our decision to build homes in Barrington Estates, we consulted the *Town of Fishers Conceptual Guide for Future Land Use* map. (The most recently published version of this map was adapted September 2, 2003.) This map clearly shows the land areas directly to the West, East and South of Barrington Estates, as well as a portion to the North, to be considered for *Low Density Single Family Residential* development and use. We would not have invested significant sums of money to build our homes, which each of us consider to be his/her dream home, in Barrington Estates should we have had any notion that these land areas could be used for anything but *Low Density Single Family Residential* purposes.

Having said that, we are very much willing to cooperate with both the developers and the Town of Fishers to address and resolve issues and concerns we may have with the development projects being considered for approval. To this end, we have met with representatives of Pulte Homes and Precedent Development, David Compton and Doug Wagner respectively, on Thursday February 3, 2005. After this initial meeting with the developers, we have the following concerns, listed below. Please note this is an initial list of our concerns; more concerns, or modifications to those listed below, may follow as we examine the proposed development plans in more detail.

Concerns:

1. Area to the West of Barrington Estates (South-east corner of the 136th Street and Cyntheanne) Road intersection: Commercial Development

Concern(s): Traffic, noise, visibility to/from Barrington Estates, potential odor and pollution, light pollution, well water contamination

We do not want to see, smell, or hear anything resulting from the commercial use of this area.

Our Proposal: Allow for C2 commercial district development with the following modifications:

- No Mortuaries

- Only permit signage which would not be visible to residents of Barrington Estates
- No dining establishments of any sort which would contain 'drive through' food pick-up, or food delivery services to vehicles
- No establishments of any sort which vend petroleum based or other fuels (i.e.: gasoline, diesel, methanol, ethanol, propane) As our water is supplied via wells in the area, and as other options for city water will not be feasible once city water is in the area (due to Barrington Estates not having a distribution system for city water), this specific item is of extreme importance to us.
- No Self Service laundry or cleaners facilities (retail only –ok)
- No Automotive, engine, or machinery repair or sales facilities of any sort.
- No Automotive parts sales facilities of any sort which offer repair or installation services.
- No large grocery, 'Big box', or variety stores (such as the larger Marsh or Kroger grocery stores, Wal-Mart, and such)
- Restricted delivery and trash-removal times (none permitted between the hours of 9:00 pm and 7:00 am, and none on weekends or holidays).
- Lighting installed such that does not shine toward Barrington Estates or create light pollution.
- Appropriate residential building architecture style/design, similar to that of the retail outlets opposite the Fishers Town Hall on 116th street.
- No building shall exceed 35 feet in height at its highest point.
- A buffer zone between Barrington Estates and the proposed commercial area be established and maintained by the developer, enforceable by the Town of Fishers or other governmental entity, and consist of the following:
 - A minimum of 300 feet, to run adjacent to West boundary of Barrington Estates, extending to 136th street to the North
 - Retention Pond(s) of appropriate size that would guarantee that the level of the boarding creek rise no higher than current/normal levels.
 - 10 feet tall of mounded dirt area
 - 8 feet tall fence on top of the mounded dirt, with Brick columns located at 50-foot intervals and corners. Fence to be maintained by the developer
 - Two rows of trees/shrubs on the East side of the fence (types, sizes, and quantities to be determined), one located at the top

and one located at the bottom of the dirt mound. Trees to be spaced 20 feet apart, alternating between top and bottom rows.

2. Areas to the East, North and South: High Density Residential Proposed

Concern(s): Traffic, noise, visibility and access to/from Barrington Estates, tree and wildlife preservation, eco system.


- Our Proposal:
- Sizeable buffers, Fences, Tree preservation areas, green spaces for all our wonderful wildlife so they don't lose out on habitat and become homeless, Trees, shrubs and mounds of dirt to better isolate Barrington Estates from these areas.
 - Maintain low density residential in all sections, phases, neighborhoods to no more than 3 homes per acre and no more than 2 homes per acre total development. Create green space parks for the community.
 - No street designs of these proposed developments, which could possibly connect to directly to the streets contained with Barrington Estates. One day Barrington Estates will be a gated community, with private streets.
 - Retention pond(s), which would guarantee creek water levels, not rise higher than those currently, resulting from normal storm water.
 - Sizeable set backs/buffer areas, from both 136th street and the perimeter of Barrington Estates
 - Offset entrance(s) to development to the North of Barrington Estates, accessible from 136th street.

Again, our intentions are to maintain our quality of life and property values, as well as maintain as best we can Barrington Estates as we envisioned it to be based upon the *Town of Fishers Conceptual Guide for Future Land Use* map. Any variance from the *Town of Fishers Conceptual Guide for Future Land Use* map is of vital importance and concern to us. More specifically, both the 'middle' and 'high' density residential property development, as well as commercial development of the areas surrounding Barrington Estates are what concern us most. We are more open to C2/C3 commercial project west of Cyntheanne Rd as long as we don't see it, hear it or smell it plus not effecting our water system. We hold great optimism that by working with both the Town of Fishers and the developers, concerns and issues relating to the proposed commercial and residential development which differ from that shown on the *Town of Fishers Conceptual Guide for Future Land Use* map can be resolved to the satisfaction of all. We genuinely look forward to working with both the developers and the Town of Fishers to resolve any issues and concerns relating to these development projects. Please do not hesitate to contact us at any time should the need arise.

Property Owner(s): MARK + AMY SIZEMORE

Lot Number: _____

Address: 116298 REMINGTON DR.


Signature(s):  Date: 2/3/05

_____ Date: _____

Property Owner(s): MATTHEW + DENISE HATHN

Lot Number: 5

Address: 16274 REMINGTON DR NE
NOBLESVILLE IN 46060


Signature(s):  Date: 2/3/05

_____ Date: _____

Property Owner(s): Joseph M. Mahin

Lot Number: 3


Address: 16266 Remington Dr.
Woburnville, TN

Signature(s):  Date: 2/3/05
Date: _____

Property Owner(s): Kathy Hevn

Lot Number: Lot 12


Address: 16302 Remington Dr.

Signature(s):  Date: 2/3/05
Date: _____

Property Owner(s): Arthur A. Khan

Lot Number: 19

Address: 16267 E. Remington Dr.
Noblesville, IN 46060


Signature(s):  Date: 2.3.05

Date: _____

Property Owner(s): Daniel J. Hawkins
16350 REMINGTON DR
NOBLESVILLE, IN 46060

Lot Number: _____

Address: 16350 REMINGTON DR
NOBLESVILLE, IN 46060



Signature(s):  Date: 2.3.05

Date: _____

Property Owner(s): Issa & Shayesteh Rashid

Lot Number: 18


Address: 16273 Remington Dr.

Signature(s):  Date: 2-3-05
 Date: _____

Property Owner(s): Howard & Jo Goldstein

Lot Number: 17

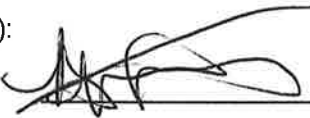
Address: 16279 REMINGTON DR
NOBLES VILLE, IN 46060

Signature(s):  Date: 2-3-05
Date: _____

Property Owner(s): KEVIN & LAVRA MOLLOY

Lot Number: 15

Address: 16297 REMINGTON DR.

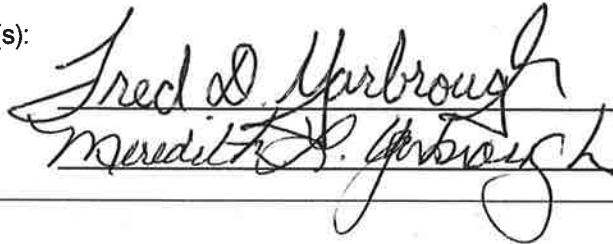
Signature(s):  Date: 1/6/05

Date: _____

Property Owner(s): FRED & MEREDITH YARBROUGH

Lot Number: 14

Address: 16301 REMINGTON DRIVE
NOBLESVILLE IND 46060

Signature(s):  Date: 2/6/05

Date: 2/6/05

February 3, 2005

Property Owner(s): JOHN & MISSY CROWDER

Lot Number: 8

Address: 16286 Remington Dr.
Noblesville IN 46060

Signature(s): Melissa Crowder Date: 06 Feb 05
John Crowder Date: 2/6/05

Property Owner(s): SEAN & BETH ARTZ

Lot Number: 7

Address: 16282 REMINGTON DR.
NOBLESVILLE, IN 46060

Signature(s): S.M. Artz Date: 2/7/05
Beth Artz (ma) Date: 2/7/05

February 3, 2005

| | | |
|--------------------|-----------------------|--------------|
| Property Owner(s): | Roger S. Hinds | |
| | Susan M. Hinds | |
| Lot Number: | Lot # 21 | |
| | 16259 Remington Dr. | |
| Address: | 16259 Remington Dr | |
| | Noblesville, IN 46060 | |
| Signature(s): | Roger S. Hinds | Date: 2/7/05 |
| | Susan Hinds | Date: 2-7-05 |


| | | |
|--------------------|--|-------|
| Property Owner(s): | | |
| | | |
| Lot Number: | | |
| | | |
| Address: | | |
| | | |
| Signature(s): | | Date: |
| | | Date: |

*** TOTAL PAGE 10 ***

Property Owner(s): MARK R. PETERS.
MARINA A. PETERS

Lot Number: #20

Address: 16263 REMINGTON DR.
NORFOLK, IN 46060

Signature(s):  Date: 1-7-05
Mark A. Peters Date: 1-7-05

Property Owner(s): _____

Lot Number: _____

Address: _____

Signature(s): _____ Date: _____
 _____ Date: _____