

ORDINANCE NO. 020399B

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF FISHERS, INDIANA - 1980

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF FISHERS, INDIANA -1980. BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA,
THAT THE ZONING ORDINANCE, A PART OF THE
COMPREHENSIVE PLAN AND ORDINANCES - 1980,
ORDINANCE OF 1980, ORDINANCE NO. 110380 AS
AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380 and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described real estate is hereby designated
PUD-R District

SEE EXHIBIT "A" ATTACHED HERETO ("Real Estate") ("Legal Description") and EXHIBIT
"B" ("Pictorial Description"). The term "Real Estate" notwithstanding, such term shall not include
the part of the Real Estate specifically described on Exhibit A-1 and to be zoned I-1.5.

SECTION 2. PURPOSE OF DISTRICT

- A. The purpose and intent of the District is to provide a degree of flexibility in the development of single-family homes in the medium-density range.
- B. The percentage of the Real Estate to be preserved and/or enhanced as open, passive or active recreational space shall not be less than the average lot size of all lots to be created within the District vs 12,000 square feet.

SECTION 3. LAND USE

The following uses shall be permitted in the District:

- 1. Single-family dwellings - detached.
- 2. Public buildings and facilities with proper architectural design:
 - i. Fire station
 - ii. Park, recreation area
 - iii. Swimming pool
 - iv. Schools
 - v. Library
 - vi. Pumping stations for water, sewage, or storm water

3. Public recreational clubs or associations, not-for-profit:
 - i. Swimming
 - ii. Tennis
4. Manmade lakes and ponds, for both aesthetic and utilitarian purposes.
5. Appurtenant features such as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths, and structures of like nature.
6. The keeping of domestic pets, provided it is not for profit and not construed as a kennel, and limited to three (3) animals.
7. Fences, walls, structural screens when they do not impede the view of streets.

SECTION 4. DEVELOPMENT STANDARDS

1. Minimum Front Yard:

Area I	30 feet
Area II	25 feet
Area III	25 feet
2. Minimum Rear Yard:

Area I	25 feet
Area II	25 feet
Area III	25 feet
3. Minimum Home Separation:

Area I	15 feet
Area II	15 feet
Area III	12 feet

Double frontage lots which face an interior street of a subdivision but also have frontage on a perimeter collector street or thoroughfare shall have an area 30 feet in width designated as "Common Area" or "Landscape Easement" to encompass the entire perimeter of the subdivision where it adjoins a collector street or thoroughfare. This area shall be screened and landscaped in conformance with § 151.093.

4. Minimum Living Unit Area:

<ol style="list-style-type: none"> A. Minimum living unit area exclusive of basement porches, garages, carports and accessory uses 	<ol style="list-style-type: none"> <u>Area I</u> 2,000 s.f., single-story 2,400 s.f., multi-level
<ol style="list-style-type: none"> B. Minimum living unit area exclusive of basement, porches, garages, carports and accessory uses 	<ol style="list-style-type: none"> <u>Area II</u> 1,600 s.f., single-story 2,000 s.f., multi-level

Area III

- C. Minimum living unit area exclusive of basement, porches, garages, carports and accessory uses
- 1,400 s.f., single-story
1,800 s.f., multi-level

Within Area III not less than 60% of the homes to be constructed adjacent to Hoosier Road, E. 121st Street, and the West property line, shall be two-story homes.

5. Maximum Lot Coverage 40%

6. Maximum Structure Height:

Primary	35 feet
Accessory	25 feet

7. Off-Street Parking:

26 foot street	3 spaces
30 foot street	2 spaces
All others	2 spaces

8. Garage Requirement. Each dwelling unit shall have attached garages of at least two (2) car capacity and the garage shall be attached to the unit for which it is intended.

9. Cul-de-sacs. All Cul-de-sacs created within the District shall contain a center island in accordance with the standards of the Development Department or Technical Advisory Committee.

10. Street Trees. The Developer shall cause street trees with a minimum caliber of 1.5 inches to be installed within the right-of-way of each street at a rate of one (1) per 50 feet in accordance with the standards of the Development Department.

SECTION 5. MAXIMUM DENSITY

The maximum density shall be ~~2.58~~^{2.51} units/acre. *RL/nc*

SECTION 6. PROCEDURES

The adoption of this ordinance and the subsequent consideration of any detailed and final development Plan shall be consistent and pursuant to the provisions of the Planned Unit Development process set forth in § 151.093 Planned Unit Development District.

SECTION 7. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

initial to authenticate amendment from 2.58 to 2.51.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 7th day of April, 1999.

THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA
AYE
NAY

BY:

Walter F. Kelly

Walter F. Kelly,
President

Timothy O. Lima,
Vice-President

Timothy O. Lima

Stuart F. Easley,

Member

Scott A. Faultless,
Member

Scott A. Faultless

Eileen Pritchard,
Member

Roy G. Holland,
Member

James P. Roederer,
Member

ATTEST:

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

Prepared by: James J. Nelson, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, IN 46280; (317) 844-010

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Exhibit "A"

LAND DESCRIPTION
STEINMETZ PROPERTY

The Northwest Quarter of Section 33, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana, EXCEPT that portion taken for Interstate Highway 69 and also EXCEPT a 1 acre tract of land described as follows:

Begin at the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 33; thence North twenty (20) rods; thence West eight (8) rods; thence South twenty (20) rods; thence East eight (8) rods to the place of beginning and containing 1 acre.

A new and composite description of the above described tract of land being as follows:

Beginning at a Railroad spike found per Hamilton County Surveyor references at the Northwest corner of the Northwest Quarter of said Section 33; thence North 89 degrees 39 minutes 00 seconds East (an astronomic bearing based on the Indiana State Plane Coordinate System, East Zone (TAD 1983)) along the North line of said Northwest Quarter a distance of 2631.30 feet to a 1 inch Iron Pipe found at the Northeast corner of said Northwest Quarter; thence South 00 degrees 05 minutes 14 seconds East along the East line of said Northwest Quarter a distance of 994.46 feet to the Northeast corner of the above described 1 acre tract of land, said tract having been conveyed to Rob + and Caryn Calkins by Warranty Deed recorded in Deed Book 327 page 413 in the Office of the Hamilton County Recorder, the following three (3) calls being along the northerly, westerly and southerly sides of said Calkins tract; thence South 89 degrees 30 minutes 09 seconds West 132.00 feet (8 rods); thence South 00 degrees 05 minutes 14 seconds East 330.00 feet (20 rods); thence North 89 degrees 00 minutes 09 seconds East 132.00 feet (8 rods) to the Southeast corner of the Northeast Quarter of said Northwest Quarter; thence South 00 degrees 05 minutes 14 seconds East along said East line 1324.47 feet to a railroad spike found per Hamilton County Surveyor references marking the Southeast corner of said Northwest Quarter; thence South 89 degrees 21 minutes 20 seconds West along the South line of said Northwest Quarter a distance of 2635.66 feet to a stone with a cut "X" found per Hamilton County Surveyor references marking the Southwest corner of said Northwest Quarter; thence North 00 degrees 00 minutes 10 seconds East along the West line of said Northwest Quarter a distance of 2662.51 feet to the point of beginning.

EXCEPTING therefrom the following land taken for Right of Way purposes as described and recorded in Deed Record Book 216, pages 144 through 148 in the Office of the Hamilton County Recorder; said right of way being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence South 00 degrees 00 minutes 10 seconds West (bearings have been rotated from the datum used in the original deed to agree with the Indiana State Plane Coordinate System data referenced above) along the West line of said Northwest Quarter a distance of 724.21 feet to the POINT OF BEGINNING; thence North 82 degrees 08 minutes 00 seconds East 189.35 feet; thence Northeasterly 1267.33 feet along an arc to the left and having a radius of 3053.10 feet and subtended by a long chord having a bearing of North 70 degrees 14 seconds 30 seconds East and a length of 1258.26 feet; thence North 58 degrees 21 minutes 00 seconds East a measured distance of 605.97

Exhibit "A" cont'd

feet (606.73 feet by deed) to the South boundary of 126th Street; thence North 89 degrees 39 minutes 00 seconds East 500.46 feet along said South boundary of 126th Street; thence South 58 degrees 21 minutes 00 seconds West a measured distance of 1033.59 feet (1034.35 feet by deed); thence Southwesterly 1375.26 feet along an arc to the right and having a radius of 3313.10 feet and subtended by a long chord having a bearing of South 70 degrees 14 minutes 30 seconds West and a length of 1365.41 feet; thence South 82 degrees 08 minutes 00 seconds West a measured distance of 225.29 feet (224.65 feet by deed) to the West line of said Northwest Quarter; thence North 00 degrees 00 minutes 10 seconds East along said West line a measured distance of 262.47 feet (262.39 feet by deed) to the point of beginning and containing 14.207 acres measured, (14.020 acres by deed).

ALSO Excepting therefrom the following land taken for Right of Way purposes as described and recorded in Deed Record Book 216, pages 144 through 148 in the Office of the Hamilton County Recorder, said right of way being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence North 89 degrees 39 minutes 00 seconds East (bearing have been rotated from the datum used in the original deed to agree with the Indiana State Plane Coordinate System data referenced above) along the North line of said Northwest Quarter a distance of 265.40 feet; thence South 00 degrees 21 minutes 00 seconds East 16.50 feet to the South boundary of 126th Street and being the POINT OF BEGINNING; thence North 89 degrees 39 minutes 00 seconds East 468.04 feet; thence Southwesterly 261.06 feet along an arc to the right and having a radius of 1190.92 feet and subtended by a long chord having a bearing of South 83 degrees 22 minutes 12 seconds West and a length of 260.54 feet; thence South 89 degrees 39 minutes 00 seconds West and a 184.06 feet; thence North 41 degrees 36 minutes 25 seconds West 37.91 feet to the point of beginning and containing 0.242 acres more or less.

The above described tract of land being the same as or contained entirely within that property described by Warranty Deed recorded in Deed Record 130 page 244 in the Office of the Hamilton County Recorder and also by Quit Claim Deed recorded as Inst. No. 9215126 in the Office of the Hamilton County Recorder. The net acreage contained within this tract of land is 145.104 acres more or less.

And to all adjacent existing Rights of Way.

Deac8/9833
RFP/vlv

Exhibit "A" cont'd

LAND DESCRIPTION
VAN RIPPER PARCEL

A part of the Southwest quarter of Section 33, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana and being more particularly described as follows:

Beginning at a point on the East line of the Southwest quarter of Section 33, Township 18 North, Range 5 East, said point being S 00°27'28" W a distance of 791.00 feet from the Northeast corner thereof, thence S 00°27'28" W on said East line a distance of 1864.86 feet to the Southeast corner of said quarter, thence S 89°52'13" West over and along the South line of said quarter a distance of 1976.74 feet to the Southwest corner of the East half of the Southwest quarter of the Southwest quarter of said Section 33, thence N 00°29'13" W on and along the East line of said half quarter a distance of 1239.77 feet to the Northwest corner of said half quarter a distance 80° 55' 24" W over and along the North line of the West half of the Southwest quarter of the Southwest quarter of said Section 33, thence S to a point, said point also being 594.00 feet East of the Northwest corner of the West half of the Southwest quarter of the Southwest quarter of said Section 33, thence N 00°29'02" W and parallel to the West line of said Southwest quarter a distance of 1182.33 feet to a point, said point also being a distance of 147.50 feet South of the North line of said Southwest quarter, thence North 89° 58'38" East and parallel to said North line a distance of 726.00 feet, thence N 00°29'02" W and parallel to the West line of said Southwest quarter a distance of 147.50 feet to a point on the North line of said Southwest quarter, thence N 89°58'38" E over and along said North line a distance of 1024.68 feet to a point, said point also being 290.40 feet West of the northeast corner of said Southwest Quarter, thence S 00°27'28" W and parallel to the East line of said Southwest Quarter, thence S 00°27'28" W and a point, thence N 89°58'35" E and parallel to the North line of said Southwest quarter a distance of 290.40 feet to a point, said point being the place of Beginning and containing 114.839 acres.

EXCEPTING A part of the South Half of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point being on the South line of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, said point being North 89°45'31" East 679.13 feet from the Southwest corner of said Southwest Quarter, thence North 00°22'23" East 1330.21 feet to a point on the North line of the South half of said Southwest Quarter; thence north 89°49'30" East along said North line 262.03 feet; thence South 00°22'23" West 1329.91 feet to a point on the South line of said Quarter; thence South 89°45'31" West along said South line 262.03 feet to the Point of Beginning and containing 8.00 acres, more or less, subject to all Legal Easements and Rights of Way of Record.

ALSO EXCEPTING a part of the South Half of the Southwest Quarter of Section 33, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of the West Half of the Southwest Quarter

Exhibit "A" cont'd

of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, said point being North 89°45'31" East 659.13 feet from the Southwest corner of the Southwest Quarter of Section 33; thence North 00°22'23" East along the East line of said Half-Quarter-Quarter 1330.23 feet to the Northeast corner of said half-Quarter-Quarter; thence North 89°49'30" East 20.00 feet; thence South 00°22'23" West 1330.21 feet to a point on the South line of the Southwest Quarter of said Section 33; thence South 89°45'31" West 20.00 feet to the Point of beginning, containing 0.611 acres, more or less, subject to all Legal Easements and Rights of Way of Record.

ALSO EXCEPTING a part of the South Half of the Southwest Quarter of Section 33, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, said point being North 89°45'31" East 941.16 feet from the Southwest corner of said Southwest Quarter; thence North 00°22'23" East 1329.91 feet to a point on the North line of the South half of said southwest Quarter; thence North 89°49'30" East along said South line 294.00 feet; thence South 00°22'23" West 1329.57 feet to a point on the South line of said Quarter; thence South 89°45'31" West along said south line 294.00 feet to the Point of Beginning.

ALSO EXCEPTING a part of the Southwest Quarter of Section 33, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the East line of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, said point being South 00°21'34" W 791.00 feet from the Northeast corner of said Quarter, thence S00°21'34" W along said East line 160.00 feet; thence S89°53'29" W parallel with the North line of said Quarter 290.40 feet; thence N 00°21'34" E parallel with the North line of said quarter 160.00 feet; thence N 89°53'29" E parallel with the North line of said Quarter 290.40 feet to the point of beginning.

And to all adjacent existing Rights of Way.

Deed/9833V enRipor

EXHIBIT "A"

A part of the South Half of the Southwest Quarter of Section 33, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 33, Township 18 North, Range 5 East, said point being North 89 degrees 45 minutes 31 seconds East 941.16 feet from the Southwest corner of said Southwest Quarter; thence North 00 degrees 22 minutes 23 seconds East 1179.91 feet to a point on the North line of the South half of said Southwest Quarter; thence North 89 degrees 49 minutes 30 seconds East along said North line 294.00 feet; thence South 00 degrees 22 minutes 23 seconds West 1329.57 feet to a point on the South line of said Quarter; thence South 89 degrees 45 minutes 31 seconds West along said South line 294.00 feet to the point of Beginning and containing 8.975 acres, more or less, subject to all Legal Easements and Rights of Way of Record.

And to all existing adjacent rights-of-way.

EXHIBIT "A"

Part of the South Half of the Southeast Quarter and part of the Southeast Quarter of the Southwest Quarter of Section 28, Township 18 North, Range 5 East in Hamilton County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of said Southeast Quarter Quarter Section said corner also being the intersecting center lines of East 126th Street and Promise Road (Klepper School Road); thence North 00 degrees 13 minutes 09 seconds West (assumed bearing) along the centerline of said Promise Road (Klepper School Road) and the West line of said Southeast Quarter Quarter Section 376.05 feet to the POINT OF BEGINNING of this description; thence continuing North 00 degrees 13 minutes 09 seconds West along said West line and said centerline 300.32 feet; thence North 89 degrees 39 minutes 21 seconds East parallel with the North line of said Southeast Quarter Quarter Section, 1070.00 feet; thence North 00 degrees 13 minutes 09 seconds West parallel with said West line 325.00 feet; thence North 89 degrees 39 minutes 21 seconds West parallel with said West 244.55 feet to a point on the West line of said South Half Quarter Section; thence North line 15 minutes 38 seconds West along said West line 330.00 feet to the Northwest corner of said South Half Quarter Section; thence North 89 degrees 31 minutes 17 seconds East along the North line of said Half Quarter Section 1478.61 feet to a point on the North right-of-way of Interstate 69; thence North 58 degrees 21 minutes 04 seconds West along said right-of-way 1980.31 feet to a point on the North right-of-way line of East 126th Street bypass; thence following 7 courses are along said bypass North right-of-way line; 1) North 69 degrees 03 minutes 19 seconds West 159.14 feet; 2) North 78 degrees 14 minutes 04 seconds West 269.12 feet; 3) North 85 degrees 17 minutes 54 seconds West 210.30 feet; 4) South 85 degrees 31 minutes 45 seconds West 104.23 feet to the point of curvature of a curve concave southeasterly, the radius point of said curve being South 04 degrees 13 minutes 26 seconds East 1190.92 feet from said point; 5) southwesterly along said curve 332.57 feet to a point on said curve, the radius point of said curve being South 20 degrees 13 minutes 26 seconds East 1190.92 feet from said point; 6) North 56 degrees 55 minutes 13 seconds West 43.79 feet; 7) South 89 degrees 46 minutes 51 seconds West 16.50 feet to the place of beginning of this description, containing 25.710 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

ALSO:

Part of the Southeast Quarter of the Southwest Quarter of Section Twenty-eight (28), Township Eighteen (18) North, Range Five (5) East located in Fall Creek Township, Hamilton County, Indiana being more specifically described as follows:

BEGINNING at a point 625 feet South of the northwest corner of the Southeast Quarter Quarter of Section 28, Township 18 North, Range 5 East; thence East parallel with the north line of said Quarter Quarter Section 705.0 feet; thence North parallel to the west line of said Quarter 295.0 feet; thence East parallel with the north line of said Quarter Quarter Section 365.0 feet; thence South parallel with the west line of said Quarter Quarter Section 325.0 feet; thence West parallel with Quarter Quarter Section line a distance of 1,070.0 feet to the west line of said Quarter Quarter Section; thence North along said line a distance of 30.0 feet to the place of beginning. Containing 3.21 acres, more or less.

EXHIBIT "A"

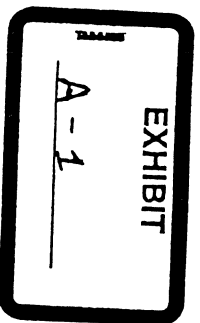
LEGAL DESCRIPTION
CALKINS PROPERTY

A part of the Northwest Quarter of Section 33, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana, described as follows:

Begin at the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 33;
thence North twenty (20) rods;
thence West eight (8) rods;
thence South twenty (20) rods;
thence East eight (8) rods to the place of beginning and containing 1 acre.

A new and composite description of the above described tract of land being as follows:

Beginning at a Railroad spike found per Hamilton County Surveyor references at the Northwest corner of the Northwest Quarter of said Section 33;
thence North 89 degrees 39 minutes 00 seconds East (an astronomic bearing based on the Indiana State Plane Coordinate System, East Zone (NAD 1983)) along the North line of said Northwest Quarter a distance of 2631.38 feet to a 1 inch Iron Pipe found at the Northeast corner of said Northwest Quarter;
thence South 00 degrees 05 minutes 14 seconds East along the East line of said Northwest Quarter a distance of 394.46 feet to the Northeast corner of the above described 1 acre tract of land, said tract having been conveyed to Robert and Caryn Calkins by Warranty Deed recorded in Deed Book 327 page 413 in the Office of the Hamilton County Recorder, the following three (3) calls being along the northerly, westerly and southerly sides of said Calkin tract;
thence South 89 degrees 30 minutes 09 seconds West 132.00 feet (8 rods);
thence South 00 degrees 05 minutes 14 seconds East 330.00 feet (20 rods);
thence North 89 degrees 30 minutes 09 seconds East 132.00 feet (8) rods to the Southeast corner of the Northeast Quarter of said Northwest Quarter;
thence South 00 degrees 05 minutes 14 seconds East along said East line 1324.47 feet to a railroad spike found per Hamilton County Surveyor references marking the Southeast corner of said Northwest Quarter;
thence South 89 degrees 21 minutes 20 seconds West along the South line of said Northwest Quarter a distance of 2635.66 feet to a stone with a cut "X" found per Hamilton County Surveyor references marking the Southwest corner of said Northwest Quarter;
thence North 00 degrees 00 minutes 10 seconds East along the West line of said Northwest Quarter a distance of 2662.51 feet to the point of beginning.



LEGAL DESCRIPTION

LAND DESCRIPTION

A part of the Northwest Quarter of Section 33, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana, being more particularly described as follows:

BEGINNING at a railroad spike found in Hamilton County, Indiana; your references at the Northwest corner of the Northwest Quarter of said Section 33, thence North 89 degrees 39 minutes 00 seconds East (an astronomic bearing based on the Indiana State Plane Coordinate System, East Zone (NAD 1983)) along the North line of said Northwest Quarter a distance of 1914.62 feet to a point on the westerly Right-Of-Way line of Interstate Highway Number 69 per Deed Record Book 216, Pages 147 and 148 in the Office of the Recorder of Hamilton County, Indiana; thence South 58 degrees 21 minutes 00 seconds West along said westerly Right-Of-Way line (the following two described courses being along said westerly Right-Of-Way line) a distance of 637.72 feet; thence Southwesterly 1267.33 feet along an arc to the right and having a radius of 3053.10 feet and being subtended by a long chord having a bearing of South 70 degrees 14 minutes 30 seconds West and a length of 1258.25 feet; thence South 82 degrees 08 minutes 00 seconds West, tangent to the last described curve a distance of 189.35 feet to a point on the West line of said Northwest Quarter; thence North 00 degrees 00 minutes 10 seconds East along said West line a distance of 774.21 feet to the Point of Beginning.

EXCEPTING THEREFROM:

The following described land taken for Right-Of-Way purposes as described and recorded in Deed Record Book 216, Pages 144 - 148 in the Office of the Recorder of Hamilton County, Indiana, said Right-Of-Way being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence North 89 degrees 39 minutes 00 seconds East (bearings have been rotated from datum used in the original deed to agree with the Indiana State Plane Coordinate System, East Zone (NAD 1983)) along the North line of said Northwest Quarter a distance of 265.40 feet; thence South 00 degrees 21 minutes 00 seconds East 16.50 feet to the South boundary of 126th Street and being the POINT OF BEGINNING; thence North 89 degrees 39 minutes 00 seconds East a distance of 468.04 feet; thence Southwesterly 261.06 feet along an arc to the right and having a radius of 1190.92 feet and subtended by a long chord having a bearing of South 83 degrees 22 minutes 12 seconds West and a length of 260.54 feet; thence South 89 degrees 39 minutes 00 seconds West a distance of 184.06 feet; thence North 41 degrees 36 minutes 25 seconds West a distance of 37.91 feet to the Point of Beginning.

Containing, less said exception, 21.057 acres (917,255 square feet) more or less.

ZONING COMMITMENTS

STEINMETZ - VAN RIPPER PROPERTY

The Petitioner formally puts forth the following zoning commitments of record in regard to the re-zoning application # _____ for the Steinmetz-VanRipper Deal property, located in the Town of Fishers, Fall Creek Township, Hamilton County, Indiana.

1. Along the west property line of the Steinmetz property north of 121st Street, the Petitioner agrees to create a seventy (70) foot wide common area/tree preservation area. This area's purpose will be to provide buffering to the homes to the west, along Chateau Court. This area may also include an existing driveway easement and a ponded area, as long as it does not remove any of the trees along the property line area.
2. The square footage of homes along the west property line which are adjacent to the area mentioned in Item no. 1, above, shall meet the following minimum standards: one thousand four hundred (1,400) square foot minimum for a ranch, and one thousand eight hundred (1,800) square foot minimum for a two-story. This requirement shall also apply to lots along 121st Street, from the west property line, for the first four hundred (400) feet.
3. The Petitioner also agrees to construct a six (6) to eight (8) foot tall mound on the property of John and Christy Hennessey and Mark and Sue LeGault. The mound shall wrap around the LeGault property on 121st Street. Construction of such mound shall be subject to Petitioner receiving written approval from the parties above. The mound will be shaped by the Petitioner as approved by the parties above. It will also contain plantings of Austrian and Norway pines, no farther apart than fifteen (15) feet on center. These pine trees shall be a minimum height of seven (7) to eight (8) feet tall.
4. Along the west property line of the Deal property, from 116th Street north a distance of eight hundred (800) feet, the Petitioner agrees to create a twenty-five (25) foot wide buffer containing a four (4) foot high mound, with a combination of deciduous hardwood trees and evergreen trees spaced fifteen (15) to twenty (20) feet apart.
5. In the wooded area along the west property line of the Deal property, located from eight hundred (800) feet north of 116th Street to the northwest corner of the Deal property, a fifty (50) foot tree and vegetation buffer shall remain in a natural state. No removal or cutting of trees or vegetation shall be allowed by Petitioner, builder or homeowners without written consent from David P. or Agnes Wolverton, the adjacent property owner to the west of the buffer.
6. The Petitioner agrees to minimize filling of building pads adjacent to the west property line of the Deal property, and to construct a drainage swale from 116th Street north a distance of eight hundred (800) feet to intercept surface run-off and route said run-off through a stormwater management system.

7. The Petitioner agrees to construct a drainage swale in the wooded area on Petitioner's property, along the north property line of the Wolverton property, to intercept surface run-off and route said run-off through a stormwater management system.
8. The Petitioner agrees to create a buffer along the west property line of the six (6) lots in Hilly Acre Subdivision located on Hoosier Road. The buffer shall contain a two (2) foot high mound, with a six (6) foot high board fence, for a total height of eight (8) feet.
9. The Petitioner agrees to construct a drainage swale on Petitioner's property along the west property line of the six (6) lots in Hilly Acre Subdivision, located on Hoosier Road, to intercept surface run-off and route said run-off through a stormwater management system. The shallow ravine west of the Witt property, 12025 Hoosier Road, is hereby acknowledged as an area of specific concern.
10. The Petitioner acknowledges consensus among the six (6) property owners in Hilly Acres Subdivision to have the ability to connect to a sanitary sewer system and to a water distribution system. The Petitioner agrees to provide capacity and the ability for Hilly Acres Subdivision to connect to the sanitary sewer system and water distribution system, subject to approval by Hamilton Southeastern Utilities and Indianapolis Water Company.

**COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE**

CROSSMANN COMMUNITIES PARTNERSHIP, (hereafter, "Owner"), the Contract Purchaser of the real estate located in Hamilton County, Indiana, and described in Exhibit "A" hereto (hereafter, "Real Estate"), makes the following Commitments to the Fishers Advisory Plan Commission (hereafter, "Commission").

1. *Description of Real Estate:*
 - A. See Exhibit "A" ("Legal Description")
 - B. See Exhibit "B" ("Pictorial Description")
2. *Docket No. 21-1Z-98.*
3. *Statement of Commitments:*
 - A. The Owner shall dedicate and convey to the Town of Fishers, Indiana, without compensation or credit against the Park Impact Fee, the parts of the Real Estate described in Exhibit "B" as *Community Park* (17± acres) and *Community Recreation Area* - (29 ± acres)
4. *Binding on Successors and Assigns.* 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 Commission made at a public hearing after notice as provided by the rules of the Commission.
5. *Effective Date.* The Commitments contained herein shall be effective upon the adoption of an ordinance by the Town Council of Fishers, Indiana, assigning the PUD-R Classification to the Real Estate ("Ordinance"), and the approval of a Primary Plat by the Commission providing for the development of the Real Estate as a residential subdivision pursuant to the Ordinance.
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, following the Effective Date.
7. *Enforcement.* These commitments may be enforced by the Commission and the Town Council of Fishers, Indiana.

Executed this 29th day of January, 1999.

**CROSSMANN COMMUNITIES PARTNERSHIP
An Indiana General Partnership,**

**By: DELUXE HOMES, INC.
An Indiana Corporation, General Partner**

By: Richard H. Crosser, President

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

BEFORE ME, a Notary Public in and for said County and State, personally appeared Richard Crosser, the President of Deluxe Homes, Inc., a general partner of Crossmann Communities Partnership, who acknowledged the execution of the foregoing Commitments.

WITNESS my hand and Notarial Seal this 29th day of January, 1999.

Notary Public, State of Indiana

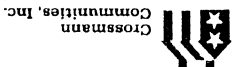
Printed: Shirley J. White

My Commission Expires 5/21/01

Residing in Hendricks County

This Instrument Prepared By:

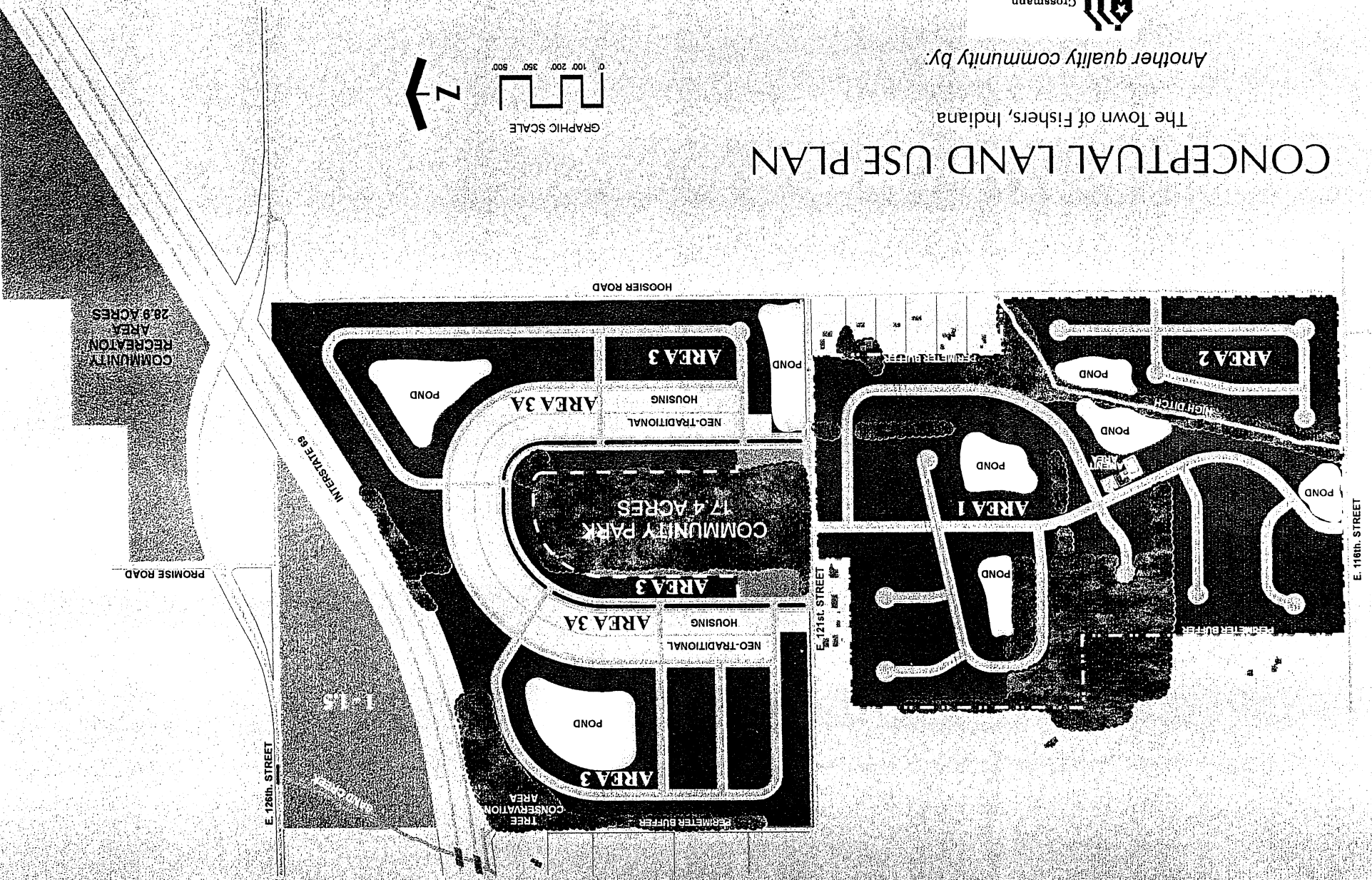
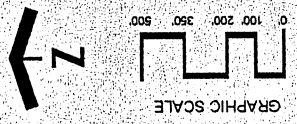
James J. Nelson
Charles D. Frankenberger
NELSON & FRANKENBERGER
3021 East 98th Street
Suite 220
Indianapolis, Indiana 46280



Another quality community by:

The Town of Fishers, Indiana

CONCEPTUAL LAND USE PLAN



COMMUNITY RECREATION AREA
28.9 ACRES

E. 126th STREET

1115

MEADOW

TREE
CONSERVATION
AREA

AREA 3

AREA 3A

NEO-TRADITIONAL
HOUSING

AREA 3

COMMUNITY PARK
17.4 ACRES

NEO-TRADITIONAL
HOUSING

AREA 3A

POND

POND

E. 121st STREET

AREA 1

POND

POND

POND

POND

AREA 2

POND

E. 118th STREET

PERIMETER BUFFER

HIGH DITCH

PERIMETER BUFFER

PROMISE ROAD

**MINUTES FROM MEETING BETWEEN
CROSSMANN COMMUNITIES AND HILLY ACRE PROPERTY OWNERS**

FEBRUARY 16, 1997

1. Question: How far from lot line will the dirt and fence be located?
Answer: Five feet.
2. Question: Who will take care of the fence?
Answer: The Homeowners Association.
3. Question: Will the fence be finished on two sides?
Answer: Yes.
4. Question: Will the dirt, buffer and fence be in place before building starts?
Answer: Yes.
5. Question: Will developer stub in lines for water and sewer up to five feet into property?
Answer: Yes.
6. Question: Will the existing homeowners be hooked into the water and sewer lines "when and if" they choose?
Answer: This is the decision of the utility companies.



Memo

To: Town Council Members and Clerk-Treasurer
From: Cathy Heyrne Tracey
CC:
Date: 03/12/99
Re: Attached Information Regarding the Steinmetz Property

Enclosed is information that has been requested to be forwarded to each of you regarding ordinances **0203399B** and **0203399C** on the March 17 Town Council agenda.



From: Bradley P. Cash
12350 Hoosier Road
Fishers, Indiana 46038

Telephone (317) 784-2276
Fax (317) 784-1856

To: Kathy Hyney-Tracy
Fishers Town Council
4 Municipal Drive
Fishers, Indiana 46038

Telephone (317)
Fax (317) 595-3110

*Please distribute to all town council members.

Bradley P. Cash
12350 Hoosier Road
Fishers, Indiana 46038

March 12, 1999

Town of Fishers
Fishers Town Council
4 Municipal Drive
Fishers, Indiana 46038

Dear Sir or Madam:

I am writing this letter to your organization to voice my opinion on the proposed development of the R.N. Thompson property located adjacent to my home at 12350 Hoosier Road. In 1992 my wife Belinda and I purchased this home after several years of scrimping & saving for a sizeable down payment. We found this area to be appealing due to its rural setting, as well as its proximity to our places of employment.

On February 15, 1999 my wife attended a neighborhood meeting where some of the details of the proposed development were discussed. At that time, it was noted that a future meeting between the developer, builder and homeowners would be scheduled.

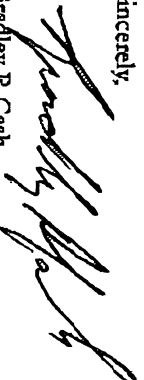
That scheduled meeting which I attended occurred on March 3, 1999. The consensus of the homeowners in attendance was that we do not suffer a loss of property value due to the development of this property. We are not opposed to the development of this property as long as it is not at our expense.

Earlier this week I attended the Fishers Planning Commission meeting at which the proposed zoning changes were approved. The changes which were voted on and approved are not even close to the R3 or R3C density standards.

Although I was not personally involved with the opposition to the PEDCOR development it is my understanding that many of the promises made by Crossmann Communities were broken. It is now my concern that Crossmann will again make promises that will not be kept.

Both my wife and I have worked very hard to have a nice home on Hoosier Road in Fishers, Indiana. Please re-evaluate this proposed development prior to taking the final vote on this project as I feel it will not benefit the community or those of us who have made this area our home.

Sincerely,


Bradley P. Cash

March 5, 1999

Fishers Advisory Plan Commission and Town Council Members
One Municipal Drive
Fishers, IN 46038

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van
Reiper, Deal, Calkins and Statzer

Dear Commission and Council:

Attached is a Petition our neighborhood circulated regarding the above referenced request for initial zoning. This Petition represents adjacent and abutting neighbors to the proposed development.

Thank you.



Cindy Garzon
10681 E. 121st Street
Fishers, IN 46038
317/577-1615

















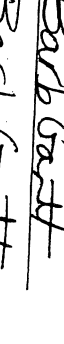




To: Fishers advisory Plan Commission and Fishers Town Council

RE: Case # 21-IZ-98 and to be changed to 1-IZ-99

Request: Initial Zoning of approx. 259 acres PUD-R Steinnetz, Van Reiper, Deal, Calkins and Statzer.


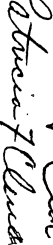
The Following members of the community own property adjacent and abutting to the proposed referenced zoning of 21-IZ-98/1-IZ-99. Let it be known that the following are against this proposed PUD-R and ask that an unfavorable recommendation be forwarded to Council and that Council deny said Petition.

Thank you.

<u>PRINTED NAMED</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. Kenneth Allen	12400 Hoosier Rd	
2. Suzanne H Kopp	12488 Hoosier Rd	
3. Susan J. Legault	12164 Gateau Ct.	
4. Marc Legault	12164 CHAMBER ST	
5. Jan Stanley	12520 Hoosier Rd	
6. KESS STANLEY	12520 HOOSIER RD	
7. Mike Busbacher	12202 Hoosier Rd	
8. Cate Curington	12202 Hoosier Rd	
9. Michael Clayton	10765 E. 121 st	
10. Brad Lash	12350 Hoosier Rd	
11. Belinda Lash	12350 Hoosier Rd	
12. Steven Gaud	12354 Hoosier Rd	
13. Kim Gaud	12354 Hoosier Rd	
14. Sherie Johnson	12102 Hoosier Rd	
15. Ann Rockhill	11022 E 116 th St	
16. MARV ROCKHILL	11022 E 116 th ST.	
18. Legna Welterin	11020 E 116	
19. Leir Hansen	12102 Hoosier	
20. Barb Gantt	12192 N. Hoosier	
21. Greg Gantt	12192 N. Hoosier	
22. Day Schweinroeder	12302 CHATEAU CT	

Dennis F Cleveland
Patricia F Cleveland

10825 E 121st St
10825 E 121st St.

March 5, 1999

Fishers Advisory Plan Commission and Town Council Members
One Municipal Drive
Fishers, IN 46038

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van
Reiper, Deal, Calkins and Statzer

Dear Commission and Council:

Attached is a Petition our neighborhood circulated regarding the above referenced request for initial zoning. This Petition represents all neighbors who own property on streets surrounding the proposed development.

Thank you.



Cindy Garzon
10681 E. 121st Street
Fishers, IN 46038
317/577-1615










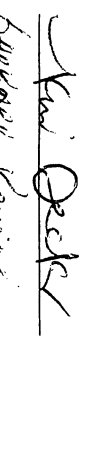




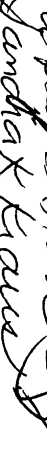
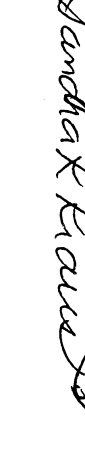
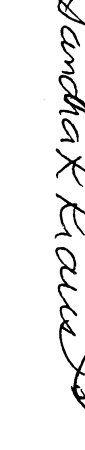
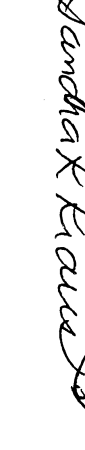
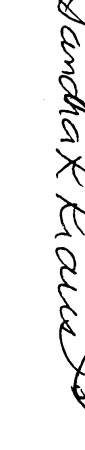
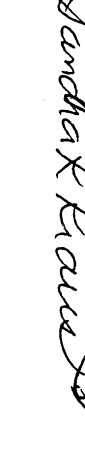
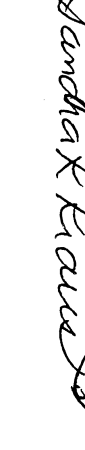
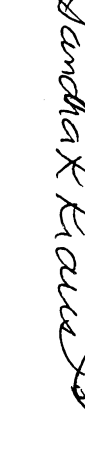
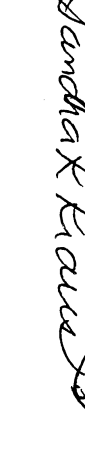
To: Fishers advisory Plan Commission and Fishers Town Council

RE: Case # 21-IZ-98 and to be changed to 1-IZ-99

Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van Reiper, Deal, Calkins and Statzer.

The following Fall Creek Township residents reside on 116th, 121st, 126th, Hoosier Rd, and Chateau Ct. Let it be known that the following are against this proposed PUD-R and ask that an unfavorable recommendation be forwarded to Council and that Council deny said Petition.

Thank you.

<u>PRINTED NAMED</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. Deb Riskel-Neuman	11800 E. 126th St.	
2. Roger A. Newman	11800 E. 126th St	
3. JAY KRAUS	10101 E 121	
4. JEFF KEYES	12229 Chateau Court	
5. Pamela Lash	12350 Hoosier Rd	
6. Carol Shultz	10211 E 121st.	
7. 11911	11	
8. Sharon Parker	11527 E 126th	
9. Kerl Havel	12102 Hoosier Rd	
10. Daniel Beverly	10611 E. 121 st St.	
11. Kenneth Allen	Hoosier Rd	
12. SUZANNE H. KOPP	12488 HOOSIER RD	
13. Michael Deaton	10765 E. 121 st	
14. Chuck Decker	11741 E 126th	
15. Kim Decker	11741 E. 126th	
16. Melissa Korman	12650 121 st St	
18. Paul Korman	2145 E 121 st St	
19. Keith Shade	10711 E 121 st St	
20. Jane	10031 E 121 st St	
21. Cindy Barzan	10681 E 121 st	
22. Iva Stanley	12500 Hoosier	
23. LES STANLEY	12500 HOOSIER RD	
24. Sandra X Kraus	10101 E 121 st St	

To: Fishers advisory Plan Commission and Fishers Town Council

RE: Case # 21-IZ-98 and to be changed to 1-IZ-99

Request: Initial Zoning of approx. 259 acres PUD-R Steinnetz, Van Reiper, Deal, Calkins and Stutzer.

The following Fall Creek Township residents reside on 116th, 121st, 126th, Hoosier Rd, and Chateau Ct. Let it be known that the following are against this proposed PUD-R and ask that an unfavorable recommendation be forwarded to Council and that Council deny said Petition.

Thank you.

<u>PRINTED NAMED</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. JAMES E COFFEY	11732 E 126 th	James E Coffey
2. JANICE M. BROOKS	12020 EAST 126 th ST.	Janice M Brooks
3. JAMES A. BROOKS	12020 E 126 th ST.	James A Brooks
4. MATTHEW T AVERY	12020 E 126 th ST	Matthew T Avery
5. DANIEL D AVERY	12020 E 126 th ST	Daniel D Avery
6. DANIEL C. WILLIAMS	12163 Chateau Ct	Daniel Williams
7. JOHN BEYART	11527 E 121 st	John Beyart
8. JOHN KRAUS	10101 E 121	John Kraus
9. KIM GOUGH	12354 Hoosier	Kim Gough
10. STEVEN GOUGH	12354 Hoosier	Steven Gough
11. KEVIN J HANSEN	12102 Hoosier	Kevin J Hansen
12. BAUCS L HALL	10445 E 121 st	Baucs L Hall
13. BECKY HALL	10145 E 121 st	Becky Hall
14. STEWART HALL	10445 E 121 st	Stewart Hall
15. WILIAM D ROCKE	16105 E. 121 st	William D Rocke
16. ROBERT H TRINSLEY	10075 E 121 st	Robert H Trinsley
18. BETT TRINSLEY	10075 E 121 st	Bett Trinsley
19. JEFF REYES	12229 Chateau Ct	Jeffrey Reyes
20. JO ANNE WILLIAMS	12163 CHATEAU CT	Jo Anne Williams
21. DANIEL BEYART	12611 E 121 st ST	Daniel Beyart
22. CHARI BEYER	10611 E. 121 st ST.	Chari Beyer

* Duplca

March 5, 1999

Fishers Advisory Plan Commission and Town Council Members
One Municipal Drive
Fishers, IN 46038

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van
Reiper, Deal, Calkins and Statzer

Dear Commission and Council:

Attached is a Petition our neighborhood circulated regarding the above-referenced request for initial zoning. This favorable Petition represents neighbors' support of the above property to be zoned R3, R2, R1 or RR.

Thank you.



Cindy Garzon
10681 E. 121st Street
Fishers, IN 46038
317/577-1615

*Please note addresses are surrounding & very close to
developments across.
We are with Mr. Kelly that R3 or less be the rule!*

TO: Fishers Advisory Plan Commission and Fishers Town Council
 RE: Case #21-IZ-98 and to be changed to 1-IZ-99
 Request: Initial zoning of approx. 259 acres PUD-R Steimetz, Van Reiper, Deal, Callins and Statzer

The following names would like the Commission and the Council to know that they would be supportive of zoning the above referenced Case # for a development that would have R3, R2, R1 or RR Residential District Requirements. Thank you.


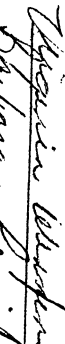

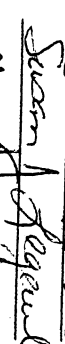








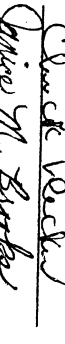

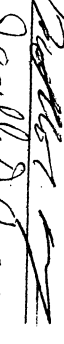
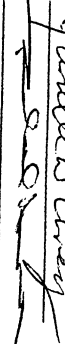
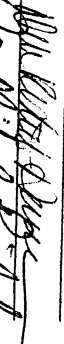







PRINTED NAME	ADDRESS	SIGNATURE
1. Daniel C. Williams	12163 Octava Ct	
2. Brad Lash	12350 Hoosier Rd	
3. Brandon Lash	12350 Hoosier Rd	
4. STEPH GARD	12354 HOOSIER RD	
5. KIM EPOUS	12354 HOOSIER RD	
6. DAVID HANSON	12102 HOOSIER RD	
7. JOHN KRANS	10101 E 121ST	
8. Fawn Rockhill	11022 E 116th St	
9. Kym Rockhill	11022 E 116th St	
10. David W. Johnson	11020 E 116 St	
11. MARV ROCKHILL	11022 E 116th St.	
12. Ron Allen	Hoosier Rd	
13. NIEFF DREYES	12229 Chateau Ct.	
14. Steve Hanson	12102 Hoosier	
15. b ABUE WILLIAMS	12163 CHATEAU CT	
16. Barb Gantz	12192 N. Hoosier	
17. Greg Gantz	12192 N. Hoosier	
18. RAY SCHWETZGERE	12362 CHATEAU CT	
19. Dennis F. Cleveland	10285 E. 121st St	
20. Patricia F. Cleveland	10285 E 121st St	
21. Bruce L. Hart	10145 E 121st	
22. Brady Bell	10145 E 121st	
23. Brady Bell	10145 E 121st	
24. William DePalo	10145 E 121st	
25. KIMBELT & TINSLEY	10075 E 121st	
ATY TINSLEY	10075 E 121st	
Lauren Keyes	12229 Chateau	
Daniel DePal	10211 E 121st	
CHARI BEYLER	10611 E 121st	

TO: Fishers Advisory Plan Commission and Fishers Town Council

RE: Case #21-1Z-98 and to be changed to 1-1Z-99

Request: Initial zoning of approx. 259 acres PUD-R Steimetz, Van Reiper, Deal, Calkins and Stalzer

The following names would like the Commission and the Council to know that they would be supportive of zoning the above referenced Case # for a development that would have R3, R2, R1 or RR Residential District Requirements. Thank you.

PRINTED NAME	ADDRESS	SIGNATURE
1. Victor W. Jennings	20770 1/2 121 St	
2. Virginia Wray	10701 E 121 St	
3. Barbara Romm	10115 E 121 St	
4. Paul Romm	10115 E 121 St	
5. Susan J. Logan	12164 Chataqua Ct.	
6. Marc Legans	12164 Chataqua Ct.	
7. Carol Shadle	10711 E 121 St	
8. Keith Shadle	10711 E 121 St	
9. Kevin Shadle	10711 E 121 St	
10. John Garzo	10651 E 121 St	
11. Cindy Garzo	10681 E 121 St	
12. Suzanne H. Kopp	12488 Hoosier Rd.	
13. James H. Kopp	12520 Hoosier Rd.	
14. ASSISTANT	12520 Hoosier Rd.	
15. JAMES E. COFFEY	11232 E 126 St	
16. Kim Decker	11741 E. 126th St	
17. Chuck Decker	11741 E. 126th St	
18. JANICE M. BRACKS	12020 East 126th Street	
19. James H. Bracks	12020 E 126TH ST	
20. MAZZARUZZI AVERY	12020 E RC 74 ST	
21. Janelle D Avery	12020 E 126th St	
22. ROBERT A. NEUMAN	11900 E. 126th St.	
23. Doug Rishel-Neuman	11900 E. 126th St.	
24. JON MICHAEL RINDOLCHER	12302 Hoosier Rd	
25. CAROL CAPRENGER	12202 Hoosier Rd	
Wanda Kravut	10101 E 121 St	

March 5, 1999

Fishers Advisory Plan Commission and Town Council Members
One Municipal Drive
Fishers, IN 46038

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van
Reiper, Deal, Calkins and Starzer

Dear Commission and Council:

Attached is a Petition our neighborhood circulated regarding the above-referenced request for initial zoning. This Petition represents residents of the HSE area.

Thank you.



Cindy Garzon
10681 E. 121st Street
Fishers, IN 46038
317/577-1615

To: Fishers advisory Plan Commission and Fishers Town Council

RE: Case # 21-IZ-98 and to be changed to 1-IZ-99

Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van Reiper, Deal, Calkins and Statzer.

The following names are Hamilton Southeastern residents. Let it be known that the we are against this proposed PUD-R and ask that an unfavorable recommendation be forwarded to Council and that Council deny said Petition.

Thank you.

<u>PRINTED NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. <u>Jeanmie Summers</u>	<u>10090 Sugarleaf Pl.</u>	<u>Jeanmie Summers</u>
2. <u>Cheryl Statzer</u>	<u>403 Oakview Dr.</u>	<u>Cheryl Statzer</u>
3. <u>Louanna Holman</u>	<u>7655 Creech Rd</u>	<u>Louanna Holman</u>
4. <u>Holly Shivel</u>	<u>7684 Wilson Ridge</u>	<u>Holly Shivel</u>
5. <u>Mike Binsbacher</u>	<u>12202 Hoosier Rd</u>	<u>Mike Binsbacher</u>
6. <u>Cate Covington</u>	<u>12202 Hoosier Rd</u>	<u>Cate Covington</u>
7. <u>Beth Duffly</u>	<u>12988 Sinclair Pl.</u>	<u>Beth Duffly</u>
8. <u>Brian Wedge</u> <small>Born 7/4/94</small>	<u>12940 Fountains</u>	<u>Brian Wedge</u>
9. <u>Jerry Ligon</u>	<u>10030 Sugarleaf Pl.</u>	<u>Jerry Ligon</u>
10. <u>Sharon Shreck</u>	<u>10371 McIntosh Ln</u>	<u>Sharon Shreck</u>
11. <u>Sarah Shelton</u>	<u>11043 Fairway Rd Ln</u>	<u>Sarah D. Shelton</u>
12. <u>Amya Chulaya</u>	<u>10284 Seagrave Dr.</u>	<u>Amya Chulaya</u>
13. <u>Jametta Kinney</u>	<u>10254 Valley Ridge</u>	<u>Jametta Kinney</u>
14. <u>[Signature]</u>	<u>10284 Seagrave Dr</u>	<u>David A. Cheslyn</u>
15. <u>Jeanine Fomer</u>	<u>7963 Dextery Pl.</u>	<u>Jeanine Fomer</u>
16. <u>Sally Pecken</u>	<u>11274 Cumberland</u>	<u>Sally Pecken</u>
18. <u>Jane Treacy</u>	<u>8574 Laurel Ct.</u>	<u>Jane Treacy</u>
19. <u>Denise Hawkins</u>	<u>12540 Wolford Dr</u>	<u>Denise Hawkins</u>
20. <u>STEVEN GOWD</u>	<u>12334 Hoosier</u>	<u>[Signature]</u>
21. <u>KIM GOWD</u>	<u>12334 Hoosier</u>	<u>[Signature]</u>
22. <u>Peter Hansen</u>	<u>12102 Hoosier Rd</u>	<u>[Signature]</u>

Duplicate on adjacent petition

To: Fishers advisory Plan Commission and Fishers Town Council

RE: Case # 21-IZ-98 and to be changed to 1-IZ-99

Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van Reiper,
Deal, Calkins and Statzer.

The following names are Hamilton Southeastern residents. Let it be known that the we
are against this proposed PUD-R and ask that an unfavorable recommendation be
forwarded to Council and that Council deny said Petition.

Thank you.

<u>PRINTED NAMED</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. Jeff Ligon Jeff Ligon	10030 Sugarloaf Pl.	Jeff Ligon
2. JEFF KIMLEY	10254 Valley Ridge Cir	Jeffrey Kimley
3. SARA LORRE	9994 White Nest Dr	Sara Lorrey
4. Susan Ward	10984 Windhammer Dr	Susan M. Ward
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
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21. _____	_____	_____
22. _____	_____	_____

March 5, 1999

Fishers Advisory Plan Commission and Town Council Members
One Municipal Drive
Fishers, IN 46038

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial Zoning of approx. 259 acres PUD-R Steinmetz, Van
Reiper, Deal, Calkins and Statzer

Dear Commission and Council:

Attached is a Petition our neighborhood circulated regarding the above-referenced request for initial zoning. This Petition represents neighbors' who support Section 1 and 2 as presented with homes in Section 1 in the range of \$200,000 to \$350,000.

Thank you.



Cindy Garzon
10681 E. 121st Street
Fishers, IN 46038
317/577-1615

TO: Fishers Advisory Plan Commission and Fishers Town Council

RE: Case #21-IZ-98 and to be changed to 1-IZ-99
Request: Initial zoning of approx. 259 acres PUD-R Steinmetz, Van Reiper, Deal, Calkins and Statzer

The following signatures and addresses are of those who are supportive of Sections 1 and 2, but are not supportive of Sections 3 and 3a in the above-referenced PUD-R petition. Thank you.

PRINTED NAME	ADDRESS	SIGNATURE
1. DELORIS WITT	12025 HOOSIER RD	Deloris Witt
2. HERBERT WITT	11 " "	Herbert Witt
3. Kathy Barron	11989 Hoosier Rd	Kathy Barron
4. Barb Grant	12192 N. Hoosier Rd	Barb Grant
5. Greg Grant	12192 N. Hoosier	Greg Grant
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
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16. _____	_____	_____
17. _____	_____	_____
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23. _____	_____	_____
24. _____	_____	_____
25. _____	_____	_____

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



MEMORANDUM

DATE: March 12, 1999
TO: Cathy Heyne Tracey
FROM: KEN ELLIS
Associate Planner
ellisk@fishers.in.us
RE: See Attached Steve & Kim Gould's Fax

Because the attached fax was addressed to me and the Town Council, I hereby authorize the fax addressed with my name be included in the Town Councilors' March 17 meeting packets.

Thank you,

A handwritten signature in black ink, appearing to read "Ken Ellis", is written over the printed name.

Ken Ellis



Steve L Gould

03/04/99 08:39:05 AM

To: TOFDEV@INDYNET.COM
cc: CMHCHRISTY@AOL.COM
Subject: Crossman Development Proposal between
116th & 126th Street, West of Hoosier Road

Steven & Kim Gould
12354 Hoosier Road
Fishers, In. 46038
317-595-1082

Ken Ellis & Members of the Town Council (City of Fishers)

We recently had the opportunity to attend a neighborhood meeting relative to the above proposed development, and were so shocked by what we heard and learned that I felt compelled to write this letter.

Certainly I am no expert in construction development or zoning topics, but I came away with the following understanding of the issues, which obviously causes me great concern:

- Crossman proposes to build over 700 homes in the track in question, with over 400 of them (they refused to say exactly how many) immediately west of, and adjacent to my property.
- The 400 + homes would be their least expensive, (and least quality) product, which would immediately and negatively impact property values of the current residents in the area.
- Crossman has earned the reputation with the neighbors for building a very poor quality product, creating massive drainage problems, falling to keep their promises on construction agreements, and generally ruining the existing environment. I saw some photographs of their work relative to the stripping of the land of some beautiful vegetation, as well as some pictures of their completed products.....without front doors.
- Crossman proposes to put the higher priced homes in the southern portion of the development, and the cheap (clustered) homes in my neighborhood.....because they can sell the homes further away from the interstate for more.

Ladies & Gentlemen, I could go on, but I'm sure that you see my point. Many of us in the neighborhood have worked our whole lives to build a quiet country lifestyle, only to see that work threatened by what would appear to be senseless profiteering. I have no objection to progress, nor to the right of anyone to develop their own property. I do, however object to having my values and environment decimated by what conceived, purely profit motivated projects.

The neighborhood, which appears to be composed of a number of thoughtful people, understands and accepts the need for progress, and development..... Intelligent development! My understanding is that they would support further development if the zoning is set at minimum R3 (not R3C) standards, and if developers / builders who have reputations for fair play and quality construction are responsible for the project.

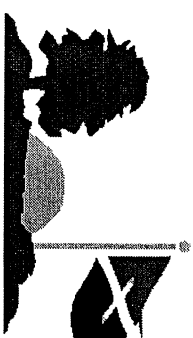
I know that a number of them plan on appearing at your meeting relative to the above next Wednesday evening, and if it were not for an unavoidable out of state meeting, I would do likewise. In the meantime I can only urge you to seriously consider the intelligent thoughts and feelings of those who have so much at stake here, your neighbors and constituents, and to invest whatever time and energy necessary to arrive at the appropriate conclusion to this dilemma.

Let's continue to work together to keep Fishers a truly nice place to live, work and raise our families
Respectfully,

Steve Gould
March 12, 1999

TOWN OF FISHERS

DEPARTMENT OF DEVELOPMENT



MEMORANDUM

DATE: March 12, 1999

TO: Cathey Heyne Tracey

FROM: JONATHAN ISAACS, AICP
Planning/Zoning Administrator
isaacsj@fishers.in.us

RE: Letter to the planning commission regarding Steinmetz initial zoning

Attached are copies of all the letters we received in regards to the Steinmetz zoning. Earlier I sent up copies of the 5 petitions that we received.

To Whom It may Concern:

Re: Neighborhood Advisory 12/15/24,
Hessien Rd x 126th St

My husband, Johan Bryant and I, Sharon Bryant, live at 11527 E. 126th and are very concerned about the possibility of Crossman building four hundred 1400 and 1800 sq ft homes in the area mentioned above. Besides the density of approximately three homes per acre, we feel the increase traffic and watershed is a real and present danger to the homes and always surrounding such a development

We live on a poor acre lote that already takes drainage from the driveway 1-126th and Hwy 69.

After a hard rain each member of the Council should drive 126th Street East from Hwy 37 to Brooksedale Rd to see the water standing in the yards and streams when the asphalt concrete, roofs and gutters come, where will the water go?

I am a licensed Realtor with
Coldwell Banker Advantage Real Estate
and I know first hand the problems
associated with this equation - high
density - water shed - these 4 five acre
plots plots - mixed with new construction
14 acre lots - low quality housing -
and parcel sizes I same.

Please don't take this letter as a no
note in progress, remember I make
my living selling homes - even Crossman
homes. But I would like to
make several suggestions.

Please create a fast finding team to
find out how Chicago and
Washington DC has attacked this
problem. I can see you I some of
their answers. In tight construction they
have constructed high environmentally and
ethically friendly concrete walls and
built \$300,000 - \$500,000 homes in
acre lots behind the walls. This
accomplished several things. First
almost eliminated traffic noise.

Second, added plumbing to the homes.
Third, was able to construct high
quality homes within fifteen to
twenty miles of downtown and
fourth, relieved a lot of the
utility density and water shed
problem and fire, kept a lot
of the professional and home values
in closer to the city.

We suggest that more upscale homes
with larger lots be situated in
the northern most section of this
property/project.

With some of these ideas maybe all can
live in harmony in the same neighborhood.
We need quality - not quantity.

Thank you for your time and if you
would like to have any of my professional
input please feel free to contact me
at Colburn Banker & Associates 844-0441 or
home 842-6269.

William A. Banker

John Bryant

11507 E 121st St

Town of Fishers
Council Meeting
of 3-10-29

Grossman
PUD

I support Mr. Wolf + Kelly's
statement... "R-3 will be the rule"

I've been a resident 19 yrs.

I will support a builder for
the 121st & Hoosier Road
property if these items are
addressed:

#1 R-3 set back, lot size
& density reached

#2 Density does NOT include
property known as "Stutzer"

#3 Positively NO CLUSTERS.

Michael L. Clayton 842-1847
10765 E. 121st Fishers Ind

March 5, 1999

Fishers Advisory Plan Commission
and Fishers Town Council
Fishers, IN 46038

To Whom it May Concern:

We support the right of anyone to develop their land. In the proposed development plan as submitted by Crossmann, we have the following concerns:

1. We question the suitability and effectiveness of using the parcel of land north of I-69 as part of the open space for the project not contiguous to it south of I-69. Indeed, we question the very legality of transferring the land rights of the Stratzer's property (north side of 126th & Promise Rd.) to the south property for the land use density calculations.
2. We support the stated objectives of the Town Council, specifically Walter Kelly's statements both in the 1998 and 1999 state-of-the-town addresses and comments of Jim Roederer whereby the Town of Fishers specifically stated the desire to encourage R3 style developments in the Fallcreek Township and to avoid the creation of a high-density housing quarter as Fallcreek Township is developed.
3. We do not support the proposed high-density development that would occur if the PUD is granted to the Crossmann Company as it is currently proposed to the Planning Commission. We do not believe that encouraging attractive and affordable housing at such high density is in the best long-term interest for members of our community.

Crossmann's plan does not create the type of development that is in line with Fishers' plan, as stated by the Town Council.

In closing, we strongly encourage the Planning Commission to send an unfavorable recommendation to the Town Council concerning the above stated proposed plan.

Respectfully,

Dawn A. Chau Beyler

Mar. 4, 1999

John W. Kraus
10101 E. 121 Street
Fishers, IN. 46038

Dear Board Members,

This letter is in reference to the proposed Crossman development at Hoosier Road and 121 Street. My wife and I are opposed to the proposed development as it now stands. We find the density of homes being proposed to be excessive and not in keeping with the towns stated position of smooth transitions of type and densities. We would be in favor of a straight RR, R1, R2, or R3 development. We think that any of the lower density developments would be appropriate for that location. We also would like to see a minimum of 12,000sq. ft. lots on both the north and south side of 121 Street. We believe that the mentioned development standards would be in balance with what already exists in that area. There are no existing homes in that area with lots smaller than 1 acre and feel anything less than 12,000 sq ft (.277 acre) would not be in keeping with the existing homes and lots.

We have already seen what the proposed PUD and cluster zoning will look like in the Cumberland Woods Crossman development. It is a disgrace to the area and its residents. If you have not seen it, we urge you to drive through this development and see for yourself what you have previously approved looks like. We do not believe that what is there now is what you had in mind when you approved that Crossman development. Please do not allow another of these to be built. And please don't fall for the claim that larger homes on larger lots cannot be sold next to the interstate. This is an out and out fallacy as the Chateau Court development on the west and the homes on the SE quadrant of Hoosier Road and 126th street prove. Maybe Crossman cannot sell homes there, but someone else surely can and has.

Please also keep in mind that your actions affect not only the development of this property, but also the infrastructure of the Town as well as the county. We seriously doubt the 400 plus homes proposed for the north side of 121 Street will help the HSE school system with its overcrowding problems, nor will Hoosier Road and 121 Street benefit from these added homes.

We would also like to address the lecture we received from Mr. Holland at the last zoning board meeting. Contrary to what Mr. Holland chastized us for, we do in fact realize that Fishers is developing and will continue to do so. We also realize that there are many high density projects approved by Fishers and Noblesville. The point we were trying to make was that just because they have been approved in other locations, does not mean that this project has to follow suit. And where in the towns development standards does it say that just because a developer wishes a certain density, that approval of the zoning and plan commissions is a foregone conclusion? Mr. Holland would have us believe we are unaware of what is happening to Fishers. I assure you we are fully aware of the pressures on the town. It is in your power to curtail this high density or nothing attitude. Fishers will only be what you allow it to be. Please do the town and its residents a favor and insist on straight R3 12,000 sq. ft. lots. Build something Fishers can be proud of.

Sincerely,

John W. Kraus
Sandra K. Kraus





Fax Coversheet

Date: Friday, March 12, 1999

Time: 12:08 PM

To: Cathy H

Company Town of Fishers

Fax Phone #: 13175953110

From: Cindy Garzon

Subject: Council Letter

Total # of Pages (including cover): 3

Memo: I'm attempting to send this as an attachment.

If all pages were not received, please call back immediately:

March 17, 1999

Fishers Town Council
Fishers, IN 46038

RE: Steinmetz and VanRiper Property
R.N. Thompson Development

Dear Councilors:

We would like the Council to deny the PUD-R for this development for the following reasons:

1. The Residential District Requirements of R3 is appropriate zoning for this land.
2. The ordinance is not consistent with Mr. Kelly's 1998 or 1999 State of the Town Address regarding R3 being the "Rule" for future housing developments for Fishers.
3. Mr. Roederers' suggestions at the time of their annexation encouraged lower densities and discouraged the rural areas from having 4 homes per acre.
4. An average lot size of 8,500 sq. ft. computes to clustered acreage being developed at 5 homes an acre.
5. With a cluster average, this property could have 7 - 6,000 sq. ft. lots within one acre.
6. The ordinances' front yard and rear yard set backs are R5C standards.
7. The side yard separation between homes is R5C standards.
8. The Noblesville Master Plan called for low density residential and when neighbors purchased their properties it gave us an indication of the zoning that would follow. Just because a developer purchases this land, it does not warrant a right to change its zoning.

The existing and established low-density residential home sites in this area should set precedence to the development and transition of zoning districts juxtaposed. And for that reason to protect the existing developed area from being encroached upon by incompatible types of development. A low-density developed area such as our surrounding neighboring properties is deemed to have more restrictions. Going from zoning of low density to a development that has standards of an R5C is inappropriate and according to district sequencing, their differing characters require special treatment to ameliorate incompatibilities. R5C standards are not transitional development standards and are not complimentary land uses.

Clustering is more profitable for the developer. They can get more lots per foot of infrastructure. The narrower the lot the less cost to them. The required open space for the density of clustering they want to create is not available right within the land they are developing and so they searched for and found the Stratzer property. From an aesthetic view of the entire development, it is preferred that their open space be visible and located within their development for which the clustering will be present. If they weren't

clustering, this land would have private yards that would contribute to an overall beauty of open space and would not become a tax burden to the taxpayers of Fishers.

When you look at the Petitioners' development by itself, there is not anything wrong with it. But when you look at the big picture and the rural countryside parcels that are here, the development is not consistent or transitional.

Lastly, we question the lack of support from some of the staff, Commissioners and Councilors to President Kelly's State of the Town Address for which he said "Although it might slow growth, we don't need any more high density. From now on R3 will be the rule". Mr. Kelly, the neighbors are in concert with your statement and feel it especially applies to the countryside neighborhood we have established.

We urge Council to deny this petition based on inappropriate zoning and development standards. Thank you.

John and Cindy Garzon
10681 E. 121st Street
577-1615

12488 Hoover Rd.
Fishers, IN 46038
Mar. 11, 1999

Fishers Town Council
One Municipal Dr.
Fishers, IN 46038

Dear Councilmen:

Please study the proposed PUD-R Planned Unit Development Residential request of Case # 1-12-99 (formerly 21-12-98) ^{commonly known as Steinmetz, Van Raiper, Neal, Calbert and Stager by petitioners Jim Nelson for Crossman Committee}. Does this case allow for section 3 of said development to become equivalent to a Fishers R5-E zoning?

Dr. Howard, H.S.E. School Superintendent, provided information that our school system is considering purchasing land along Hoover Rd. for a grade school at the March 10, 1999 Board of Education meeting. Mr. Nelson with questions as to what would happen to section 2 of the proposed Crossman Committee

development of 116th St. and Hoover Rd.
were showing for the school right. Mr.
Pulson said that section 2 would then
be moved to the corner of 121st St and
Hoover Rd. Is that because the choice
what will happen to the 80+ homes
currently planned on those 20 approxi-
mate acres of section 3? Will this
allow for an even greater density in
section 3? Approving the zoning
request of each case without zoning
interim review of the planned develop-
ment could result in a number of
zoning ordinances.

Mr. Walt Kelly has said since February
1998 ^{with} Hoover has provided a variety
of housing and that R-3 RULES from Snow
on. I'm suggesting that you vote in agreement
with Mr. Kelly and along the PD-2 request of
this petition and about nothing less than a
Hoover R-3 zoning ordinance.

I thank you for your (personal) attention
and anticipated co-operation.

Sincerely,
Duganne M. Kelly

The Fishers Town Council
One Municipal Drive
Fishers, IN 46038

March 11, 1999

RE: The Proposed Crossmann Section 3 development north of 121st street at Hoosier Rd.

Dear Fishers Town Council:

In the words of Jim Nelson at the March 10, 1999 Plan Commission Meeting, **"We need the PUD-R so we can have R5C standards for the R3C section."** That is reasoning enough to turn down the PUD-R zoning. It is my understanding that a PUD-R is not to be allowed for the purpose of increasing densities. Section 3 is zoned R3C. With the R5C development standards, that does not flow with the existing development. With the exception of 169, the surrounding properties on all sides average out to be greater than 5 acres per residence. With the R5C development standards, that translates to 25 homes on the same 5 acres in which each of us resides. There is no transition from one density to another.

We 121st and Hoosier Road residents all respect each other's different opinions on how the land should be developed. From a transitional and esthetics standpoint, minimum 1-acre lots would be desired by all. Understanding the cost of the developed lots would be quite high, we have **come to agree that the land should be of no greater density than R3 (not R3C).** While a much greater density than what exists, R3 would keep the property zoned as is, with Noblesville's current R1 classification.

At a community meeting in my home with Chuck Shuman and Dave Compton with R.N. Thompson, we collectively informed them that we oppose any development with higher densities than R3. Mr. Shuman said, "Then we'll have to cut down all the trees." A quality developer would preserve those wooded areas as prime lots upon which to build. A reputable developer can also remedy the inherent drainage problems that can ensue with a wooded lot. To my knowledge, Crossmann doesn't build homes with basements...so why worry about the drainage problems? Hickory Woods and Timber Springs were once solid woods. What resulted were lovely developments with new homes appearing to be in older established neighborhoods. Hickory Woods' homes are currently within the average Fisher's home price at \$165,000-\$220,000. Only a couple of the homes exceed that. Most of the homes also have basements.

Who would live in those homes, has **never** been an issue. Crossmann has made it appear as such. What I am speaking of is the tremendous intensity of the density of this project. This developer is also at the low end of the pole as far as their reputation as a builder is.

I am strongly in favor of Section 1 and 2. As proposed, Section 3 is unacceptable and must not be approved. As shown in the two attached articles, Mr. Kelly proclaimed 1998 to be the year that R3 will be the rule. While I saw no developments approved with a density less than R4 in 1998, I have hopes for 1999. When I attended this year's State of the Town Address, I heard Mr. Kelly state that the council intends to be more successful this year, at keeping the densities low. It is also the opening paragraph of Lisa Blair's attached article. There is no reason to approve of section 3, thus denying the entire proposal. Crossmann can go back to the drawing board as other developers have done, until they get it right. They can then come back with their R3 proposal.

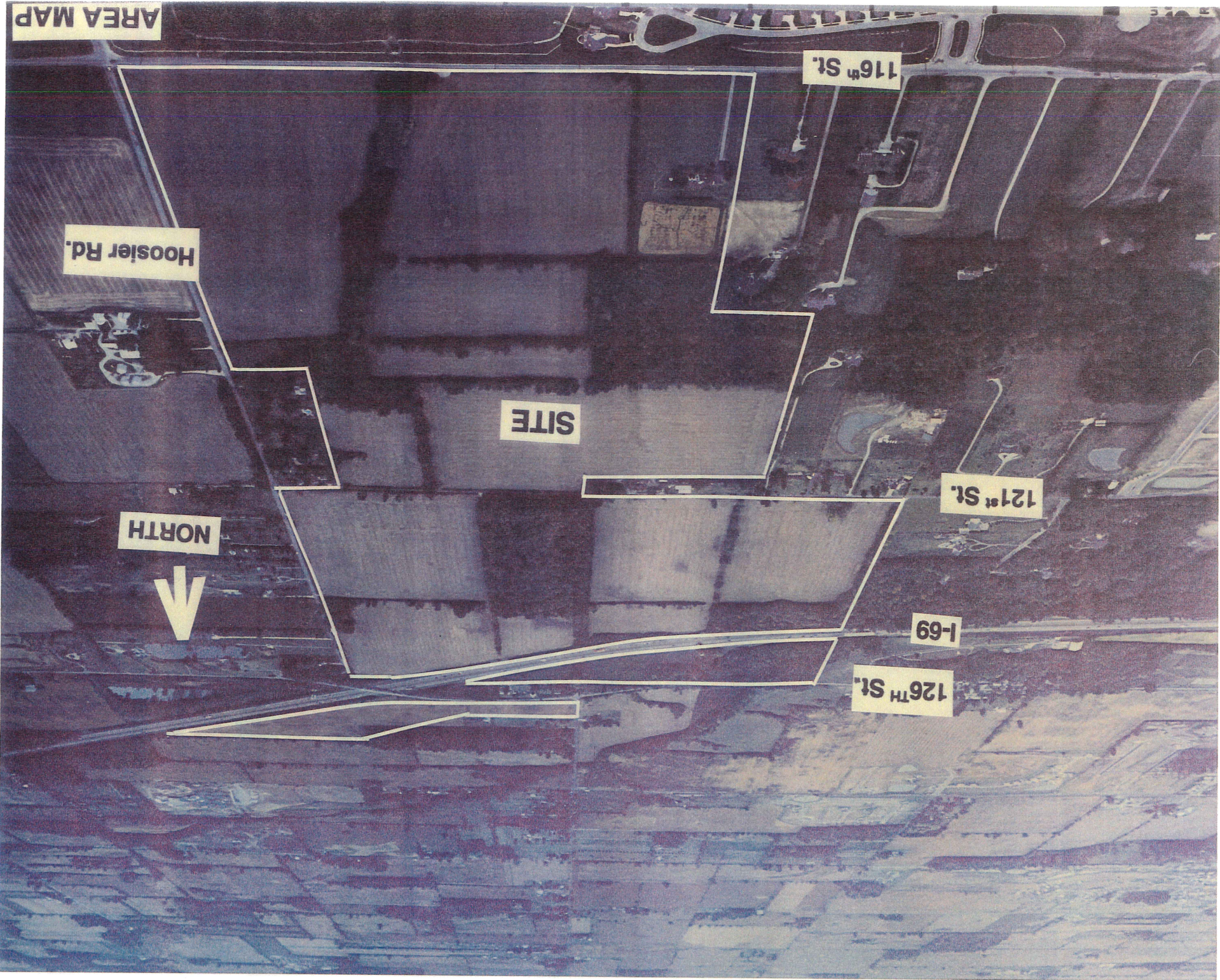
Thank you for your consideration,

Christy Hennessey
12230 Chateau Ct.

Flower Heads



AREA MAP



Hoosier Rd.

116th St.

SITE

121st St.

NORTH



I-69

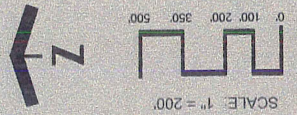
126th St.



Another quality community by:

The Town of Fishers, Indiana

CONCEPTUAL LAND USE PLAN



TREE PRESERVATION AREA
Trees in this area are to be retained and protected from construction activities.

TREE CONSERVATION AREA
Construction activity will occur in these areas however, care will be taken to conserve existing trees.



I-15

E. 126th. STREET

SAND CREEK

FUTURE TRAIL CONNECTION

PEDESTRIAN TRAIL

AREA 3

AREA 3

COMMUNITY PARK
17.4 ACRES

AREA 3

HOOSIER ROAD

30' Perimeter Buffer

E. 121st. STREET

30' Perimeter Buffer

AREA 1

PERIMETER BUFFER

30' Perimeter Buffer

E. 116th. STREET

Perimeter Buffer

HIGH DITCH

AREA 2

REGULATION YOUTH
SOCCER FIELDS (2)

REGULATION ADULT
SOCCER FIELDS (2)

4 REGULATION LITTLE LEAGUE
BASEBALL FIELDS

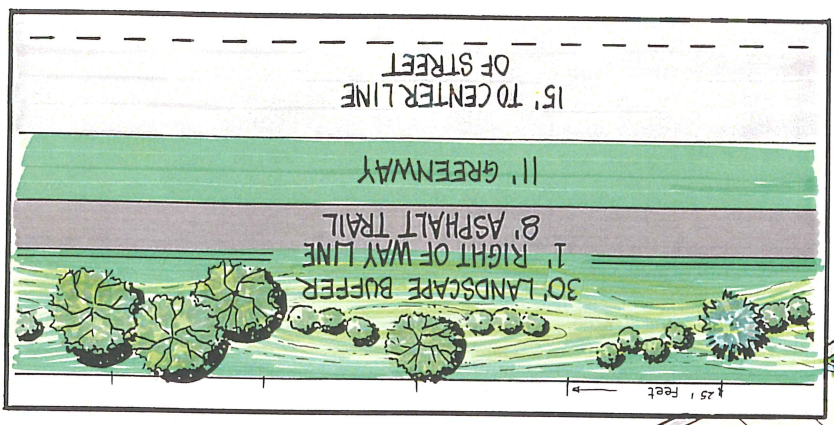
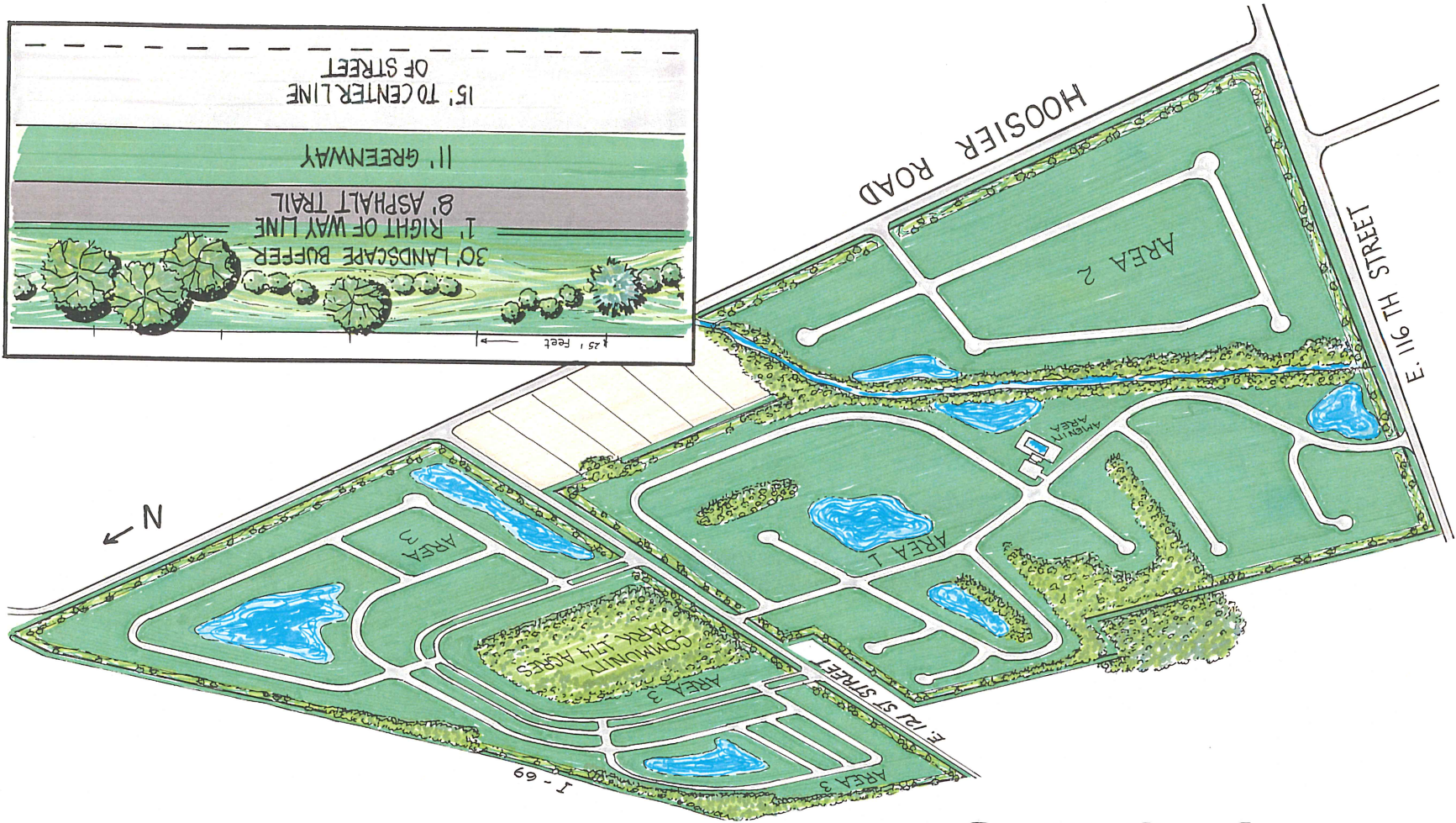
COMMUNITY
RECREATION
AREA
28.9 ACRES

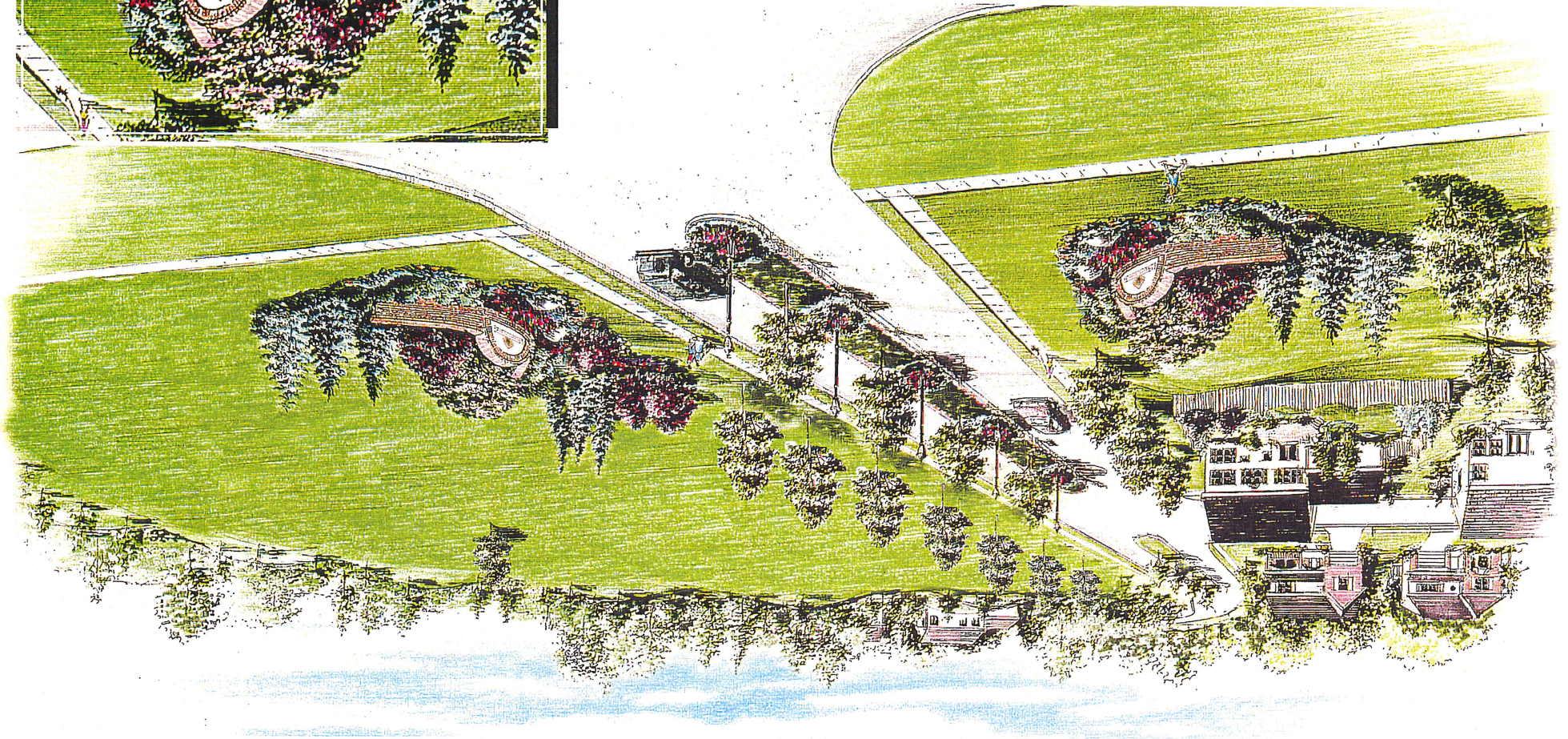
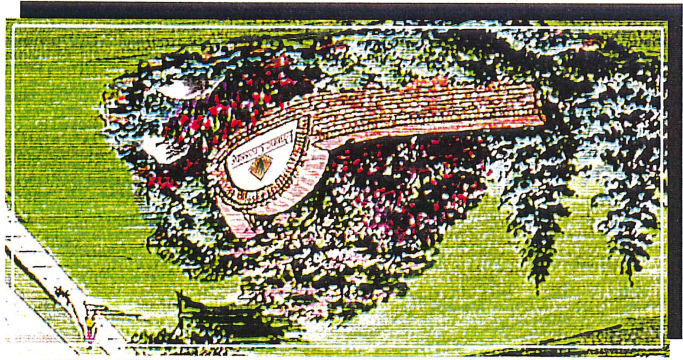
100 CAR PARKING

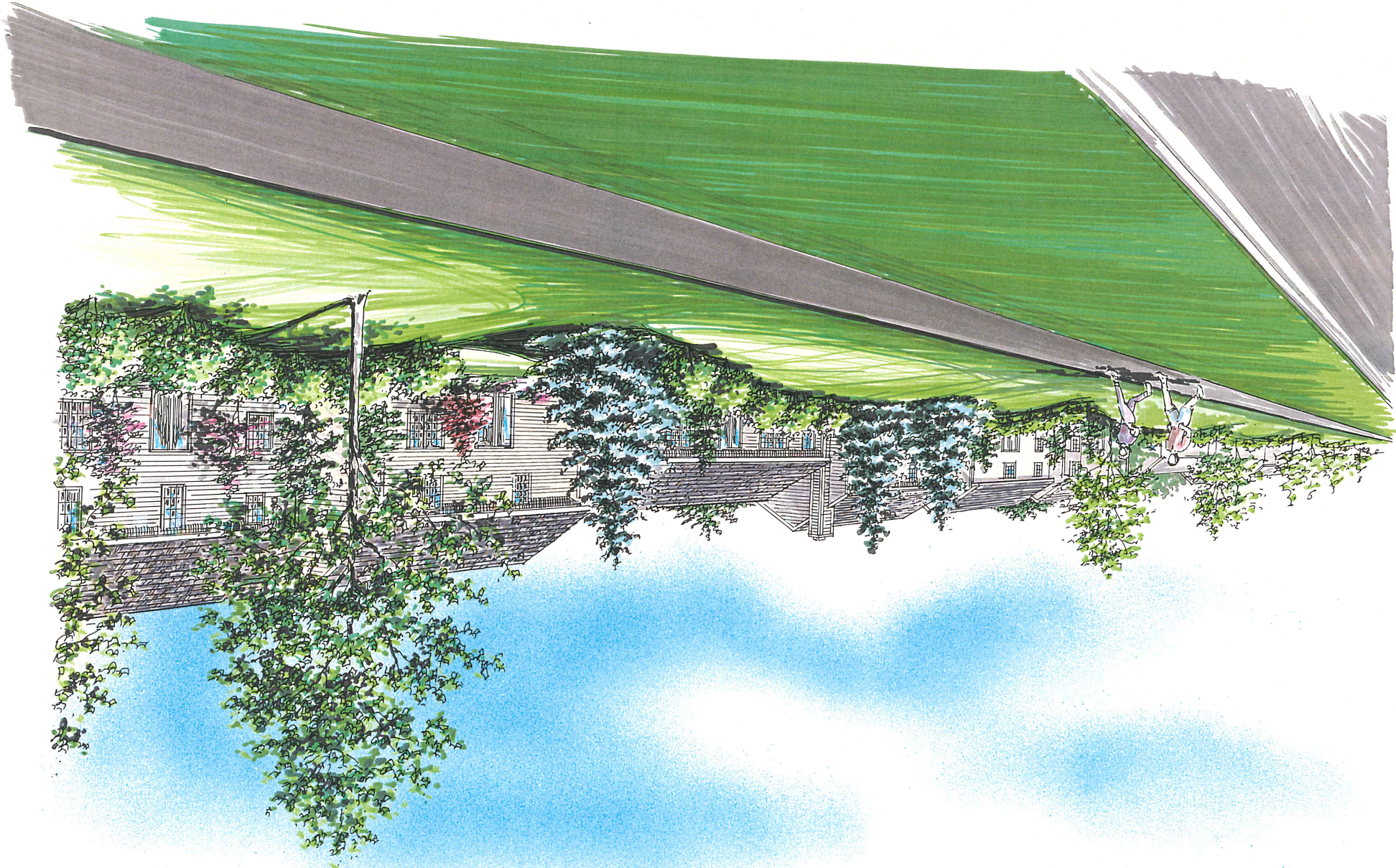
PROMISE ROAD

Entries
&
Ammenties

HOOISER WOODS









Avea I

Examples of Trinity Executive
Series Homes Proposed For Area #1



Examples of Trinity Executive
Series Homes Proposed For Area #1

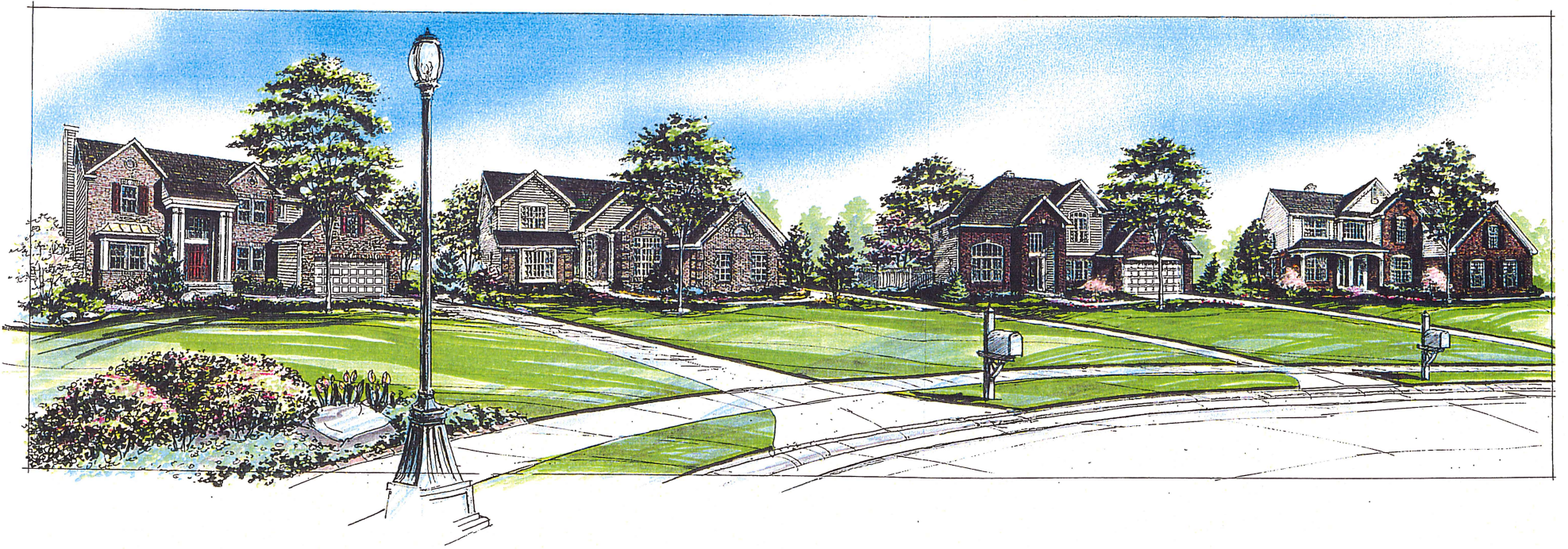


Examples of Trinity Executive
Series Homes Proposed For Area #1



Examples of Trinity Executive
Series Homes Proposed For Area #1





Area 2

Examples of Trinity Patio
Homes Proposed For Area #2



Examples of Trinity Patio
Homes Proposed For Area #2



Examples of Trinity Patio
Homes Proposed For Area #2



Examples of Trinity Patio
Homes Proposed For Area #2



Area 3



Examples of Trimark Homes
Proposed For Area #3



Examples of Trimark Homes
Proposed For Area #3



Examples of Trimark Homes
Proposed For Area #3



Examples of Trimark Homes
Proposed For Area #3





