

EXHIBIT "A"

200200037525
Filed for Record in
HENDRICKS COUNTY IN
THERESA D LYNCH
11-04-2002 At 11:31 AM.
MISCELLANEO 32.00
OR Book 369 Page 2881 - 2892

NOTE: The Town of Plainfield Zoning Ordinance, requires the use of this form in recording commitments made with respect to Development Plan Approvals, Zone Map Changes or Planned Unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE TOWN OF PLAINFIELD ZONING ORDINANCE

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

See Attached Exhibit "B"

STATEMENT OF COMMITMENTS:

1. See Attached Exhibit "C"
- 2.
- 3.
- 4.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Town of Plainfield Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition #PUD-02-001 pursuant to the Town of Plainfield Zoning Ordinance, and shall continue in effect until modified or terminated by the Town of Plainfield Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of Plainfield Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval, however; and
3. _____

The undersigned hereby authorizes the Secretary of the Town of Plainfield Plan Commission to record this Commitment in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition # PUD-02-001.

IN WITNESS WHEREOF, Owner has executed this instrument this 18th day of July, 2002.

(Individual Owner)

Signature _____ (Seal) Signature _____ (Seal)
 Printed _____ Printed _____

(Organization Owner)

Precedent Residential Development, LLC. Adams & Marshall Homes, Inc.

By <u><i>[Signature]</i></u>	By <u><i>[Signature]</i></u> <u>President</u>
Printed <u>LLOYD R. HORNE</u>	Printed <u>C. WILLIS ADAMS III</u>
Title <u>SECRETARY</u>	Title <u>President</u>

(Individual Acknowledgment)

STATE OF Indiana)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared Lloyd R. Howe, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of July, 2002

Signature Janet L. Howell
Printed Janet L. Howell

County of Residence Hamilton

My Commission expires: May 7, 2009

(Organization Acknowledgment)

STATE OF Indiana)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared C. Willis Adams, III, the President of Adams & Marshall Homes, Inc., a(n) Indiana Corporation, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of July, 2002.

Signature Kendall D. Erickson
Printed KENDALL D. ERICKSON

County of Residence Marion

My Commission expires: 9.11.08

This instrument was prepared by _____



(Individual Acknowledgment)

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF Indiana)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared LLOYD R. HOWE, the SECRETARY of Precedent Residential Development LLC a(n) Indiana LLC, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of July, 2002

Signature Janet L. Howell

Printed Janet L. Howell



County of Residence Hamilton

My Commission expires: May 7, 2009

This instrument was prepared by C. Willis Adams III.

EXHIBIT "B"

MEADOWLARK - PLAINFIELD, IN.

Part of the East two-thirds of the Northeast Quarter of Section 17, Township 15 North, Range 2 East of the Second Principal Meridian, Washington Township, Hendricks County, State of Indiana, being more particularly described as follows:

Beginning at a railroad spike on the East line of said Quarter Section South 00 degrees 02 minutes 48 seconds West 1,179.67 feet from an iron pin in a steel box marking the Northeast corner of said Quarter Section; thence South 00 degrees 02 minutes 46 seconds West along said East line 1,482.58 feet to an iron pin in a steel box marking the Southeast corner of said Quarter Section; thence North 89 degrees 57 minutes 47 seconds along the South line of said Quarter Section 1,768.90 feet to a capped rebar on the West line of the East two-thirds of said Quarter Section; thence North 00 degrees 01 minutes 27 seconds West along said West line 1,172.70 feet to a capped rebar; thence North 89 degrees 58 minutes 05 seconds East 274.79 feet to a capped rebar; thence North 78 degrees 15 minutes 01 seconds East 67.74 feet to a capped rebar; thence North 60 degrees 57 minutes 22 seconds East 41.80 feet to a capped rebar; thence North 54 degrees 19 minutes 19 seconds East 349.65 feet to a capped rebar; thence North 54 degrees 30 minutes 30 seconds East 321.15 feet to a capped rebar; thence North 04 degrees 57 minutes 40 seconds East 27.83 feet to a capped rebar; thence North 11 degrees 28 minutes 55 seconds West 141.75 feet to a capped rebar; thence North 82 degrees 39 minutes 44 seconds East 376.48 feet to a capped rebar to the West line of Lot 1 of Minor Plat 790 recorded as Instrument Number 98029151; thence South 00 degrees 02 minutes 46 seconds West 98.87 feet to a capped rebar at the Southwest corner of said Lot 1; thence South 62 degrees 44 minutes 56 seconds East 505.97 feet to a capped rebar at the Southeast corner of said Lot 1; thence South 89 degrees 57 minutes 14 seconds East 50.00 feet to the point of beginning, containing 60.27 acres, more or less. Subject to all highways, rights of way and easements.

EXHIBIT "C"

DETAILED DEVELOPMENT STANDARDS FOR *HUNTWICK ZONING PLAN

OWNER
Precedent Development
9365 Counselors Row, Suite 120
Indianapolis, IN 46240
317-574-5911

April 13, 2000
Revised August 4, 2000
Revised August 18, 2000
Revised September 27, 2000
Revised April 5, 2001
Revised April 29, 2002
Revised June 5, 2002

1. Introduction:

Meadowlark (the name has changed because Huntwick has been used) is a part of a larger Planned Unit Development (PUD) previously approved by the Hendricks County Commissioners. The existing zoning documents and specified uses have been submitted to Plainfield to annex the real estate and because of the petition and an Inter Local Agreement between the Hendricks County Commissioners and The Plainfield Town Council, Plainfield has jurisdiction over zoning issues.

The PUD as approved by the Hendricks County Commissioners has a mixed use for the development of the real estate. Thirty-five acres at the Northwest corner was approved as a residential community with a density of 3.5 homes per acre. The project is currently being developed. The real estate at the Northeast corner (12.36 acres) was approved for a retail use. However, a church has purchased the real estate and is in the planning process and is expected to start construction in the year 2000. The balance of the real estate (60.27 acres) is subject to this petition to change the use from industrial and commercial to single family and two family residential. Some existing uses as defined in the PUD zoning as approved in 1998 include manufacturing, wholesale storage, and a retirement community, which allows for apartments and residential uses.

Since the PUD was approved in 1998, several changes have occurred in the area. Most dramatically, a zoning change was made for the real estate directly East of Meadowlark from an industrial and commercial use to a residential use. The new community called Salem Creek has a variety of lot sizes ranging from 40-foot wide lots to 70-foot wide lots. Immediately to the East of Meadowlark is the highest density consisting of 40-foot wide lots.

Since the subject real estate as a PUD, the petitioner has requested an amendment to the PUD to change the use to a residential community. This request is in compliance with the Plainfield Zoning ordinance as illustrated below:

- a. The development concept is innovative and creative because it provides for substantial green space with most lots having direct access to the green space.**
- b. Ponds are provided at the entryway to the community so the entire community can appreciate the views.**
- c. The natural topography has been utilized to locate the ponds which will reduce excessive earthwork.**
- d. The community facilitates the use of the sanitary sewer lift station recently designed along Raceway Road which will help pay for the up front costs.**

- e. Common walkways and footpaths throughout the green space common area are a consideration however; it is preferable to maintain grassy areas so the entire common area can be enjoyed while walking.
- f. The community has a traffic pattern that connects to the adjoining real estate.
- g. There is an extensive landscape buffer area surrounding the community.

2. **Area Analysis:** A study was performed to determine the use and density of the surrounding areas. (See map attached and marked Area Analysis) The following information summarizes the density of area projects:

Loaction	Lots	Acres	Density
Area 1	125	35	3.57
Area 2	350	88	3.97
Area 3	453	145	3.12
Area 4	420	100	4.2 Not Developed
Area 5	92	25	3.68
Total/Average	1440	393	3.66

The proposed zoning amendment provides for a maximum of 210 homes on 60.27 acres with a density of 3.48 homes per acre.

- 3. **Traffic Study:** Traffic Engineering consultants prepared a traffic study. (The study was provided under separate cover) The summary showed that the proposed entrance off of Raceway Road would include a northbound left turn lane, which will be complied with in the design stage. A 50 foot Right-of-way has been provided which is in compliance with the thoroughfare plan and consistent with adjacent right-of-way dedication.
- 4. **School Impact Study** provided under separate cover.
- 5. **Landscape Package:** Extensive landscaping is provided along Raceway Road and the buffer area along the South and West boundary. Plans are included under separate cover. Additional comments are as follows:
 - a. The landscape design theme for Meadowlark would be a traditional streetscape with natural "parklike" groupings in the community common areas. The plant palette shall consist of shade trees such as Maple, Ash, Honeylocus, Linden, and Sweetgum, Ornamental flowering trees, Pines, and Shrubs. The landscape plans for the south, west, and east buffer areas will comply with the Town's ordinance having an average minimum Level 2 buffering. Plantings will be used in combination with gently rolling earth berms, which will range in height of 3 to 5 feet.

- b. **The entrance will have Masonry walls with signage on each side of the boulevard entrance. A masonry column is located in the tree-lined island of the boulevard entryway off of Raceway Road. See plans under separate cover for masonry walls and column details. Gently rolling,**

sculptured earth berms, with landscape plantings, will span each side of the entrance.

- 6. **Development Standards: The community will be developed as two separate communities. They are Meadowlark Lakes (Phase A) and Meadowlark Villas (Phase B). The following minimum home specifications and standards are herein established for the communities.**

Phase A: Meadowlark Lakes + or - 32.65 acres

- a. **The community shall be developed with attached two family homes.**
- b. **Minimum lot area: 10,810 Square Feet**
- c. **Minimum lot width: 94 Feet**
- d. **Minimum lot street frontage: 40 Feet**
- e. **Maximum lot coverage: 50 percent**
- f. **Minimum front setback: 25 Feet**
- g. **Minimum Rear Yard: 20 feet to rear lot line or 40 feet between dwellings if developed under the Horizontal Property Regime.**
- h. **Minimum side yard: 6 feet to side lot line or 12 feet between dwellings if developed under the Horizontal Property Regime.**
- i. **Maximum building height: 35 Feet**
- j. **Minimum floor area excluding garage, carport, deck, and open porches.**
 - (1) **One story home: 1100 square feet. Additionally, one bonus room, may be constructed on a second floor and not be considered a two-story home. The restrictive covenants shall reflect the bonus room specifications.**
 - (2) **There will be no two-story homes.**
- k. **Minimum off street parking: Two spaces per home in addition to an attached two car garage except that 20% of the homes may have one space per home in addition to an attached one car garage.**
- l. **All homes shall have 85% brick, exclusive of doors and windows, on the first floor level of the fronts of all houses within the development.**
- m. **The lots if platted will be divided into an approximate half and deeded separately.**
- n. **Any standard not covered herein will comply with the R-5 district standard in the Plainfield Zoning Ordinance.**

- o. Basements are not permitted.**
- p. Half Baths shall be permitted in bonus rooms**
- q. The following will be permitted within the 6' side yard setbacks up to 24" into that setback: any construction as allowed in the current Plainfield Zoning Ordinance. Additionally, basement window wells with a maximum of 36" clear openings will be permitted, but only one window well per side or per rear of the dwelling, and no window well will be closer than 20' from any window well on an adjoining lot. Any plot plan showing a window well shall show the location of any window well on any adjoining lot or state that there are NONE.**

Phase B: Meadowlark Villas + or - 27.61 acres

- a. The community shall be developed with single-family homes.**
- b. Minimum lot area: 6,842 Square Feet**
- c. Minimum lot width: 57 Feet**
- d. Minimum lot street frontage: 25 Feet**
- e. Maximum lot coverage: 40 percent**
- f. Minimum front setback: 25 Feet**
- g. Minimum Rear Yard: 20 feet to rear to lot line or 40 feet between dwellings if developed under the Horizontal Property Regime.**
- h. Minimum side yard: 6 feet to side lot line or 12 feet between dwellings if developed under the Horizontal Property Regime.**
- i. Maximum building height: 35 Feet**
- j. Minimum floor area excluding garage, carport, deck, and open porches.**
 - (1) One story home: 1100 square feet. Additionally, one bonus room, may be constructed on a second floor and not be considered a two-story home. The restrictive covenants shall reflect the bonus room specifications.**
 - (2) There will be no two-story homes.**
- k. Minimum off Street Parking: Two spaces per home in addition to an attached two-car garage.**
- l. All homes shall have 85% brick, exclusive of doors and windows, on the first floor level of the fronts of all houses within the development.**
- m. Any standard not covered herein will comply with the R-5 district standard in the Plainfield Zoning Ordinance.**
- n. Basements are permitted.**
- o. Half Baths shall be permitted in basements or bonus rooms, but not in both in the same home.**
- p. The following will be permitted within the 6' side yard setbacks up to 24" into that setback: any construction as allowed in the current Plainfield Zoning Ordinance. Additionally, basement window wells with a maximum of 36" clear openings will be permitted, but only one window well per side or per rear of the dwelling, and no window well will be closer than 20' from any window well on an adjoining lot. Any plot**

plan showing a window well shall show the location of any window well on any adjoining lot or state that there are NONE.

7. **Additional commitments:**

- a. All dwellings shall have a landscape package at the time of original construction to include at a minimum: (i) grading and seeding of the yards; (ii) two 2-inch caliper trees.
- b. All dwellings shall have a hard surfaced drive.
- c. No outside storage of unlicensed vehicles, RV's, trailers, boats, or boat trailers shall be permitted.
- d. No above ground pools shall be permitted.
- e. Fences shall not be allowed except immediately adjacent to the home to create small private areas and only when approved by the homeowners association.
- f. Outbuildings shall not be allowed.
- g. All streets shall comply with the Plainfield Subdivision Control Ordinance.
- h. The common projected open area shall be a minimum of 8 acres. There will be approximately 4 additional acres of ponds as amenity and storm water retention. The total common areas are approximately 18.5 acres.
- i. The size and location of retention ponds will vary based on engineering design practices.
- j. The set back line for all structures along Raceway Road shall be a minimum of 50 feet and the set back for all structures along the North, South and West boundaries shall be a minimum of 20 feet.
- k. A Homeowners Association shall be established for the management of the common areas, collect fees, and other common features of an association.
- l. The common areas established throughout the community are defined as follows:
 - (1) **Common Area (CA):** These areas are available to all residents and their guests for walking and other activities under the rules and regulations of the homeowners association.
 - (2) **Landscape and Restrictive Common Areas (LRCA):** These areas are set aside for landscaping and restricted area and are not for activities.
 - (3) **Limited Common Areas (LCA):** These areas are set aside for the exclusive use of a specific homeowner and are part of a lot. The homeowners association may use the LCA for landscaping or other type of easement for the benefit of the homeowners association. No structure including dwellings, patios, fence, porch, etc. shall encroach in the Limited Common Area. The homeowners association shall maintain the LCA along Raceway Road and may maintain the LCA along the North, West, and South property lines.

8. **Platting Process:** The real estate may be platted as a subdivision or developed as a condominium in accordance with the Horizontal Act under the State of Indiana or as a subdivision.

Summary: The proposed PUD amendment makes sense for the community. Meadowlark blends in with the surrounding residential areas and is a buffer to the industrial/commercial area to the South and West. The existing zoning could be a detriment to the community because of some of the industrial uses allowed under the existing zoning. The extensive buffer areas surrounding the proposed development will be very attractive to the area residents. The large interior common areas accessible to all homes and the unique layout of homes will create a prestige community to live in.

This report was prepared by:

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