

Walnut Ridge Estates Zoning Commitment Amendment #1

ORDINANCE NO. _____

**An ordinance amending the written commitments of Ordinance 06-50
of the City of Westfield, Indiana**

Updated February 17, 2011

ORDINANCE NO. _____

An Ordinance of the City of Westfield, Indiana, Amending the written commitments of Walnut Ridge Estates in Ordinance 06-50

This Zoning Commitment Amendment (the “Amendment”) amends the written commitments of Ordinance 06-50 for Walnut Ridge Estates (attached as Exhibit “A”) in the City of Westfield and Washington Township, Hamilton County, Indiana (the “Walnut Ridge Estates Zoning Approval”), as amended, enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WITNESSETH:

WHEREAS, the Advisory Plan Commission of the City of Westfield and Washington Township (the “Commission”) has conducted a public hearing as required by law in regard to the application for an amendment of written commitment filed by the Estridge Development Company, Inc. for the real estate containing approximately 40.5 acres more or less, legally described on Exhibit “B” hereto, and located in the City of Westfield, Hamilton County, Indiana (the “Real Estate”);

WHEREAS, the Commission has sent to the Common Council of the City of Westfield, Indiana (the “Common council”) its recommendation adopted on the _____ day of _____, 2011;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, THAT:

Section 1. Subsection B of Section 3 of the *Commitments Concerning the Use and Development of Real Estate* for Walnut Ridge Estates is hereby amended as follows (changes shown in legislative edit format for clarity):

- B. Square footage requirement (exclusive of basements, porches, garages, or patios):
 - a. One-story homes – ~~2,600~~ 2,350 square feet of finished space
 - b. Two-story homes – ~~3,200~~ 2,800 square feet of finished space
 - i. Ground-floor minimum – ~~1,500~~ 1,400 square feet

Section 2. Subsection D of Section 3 of the *Commitments Concerning the Use and Development of Real Estate* for Walnut Ridge Estates is hereby amended as follows (changes shown in legislative edit format for clarity):

- D. Exterior materials:
 - c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g. Victorian, Country, French, Colonial, Cape Cod or other styles (collectively "Styles") that lend themselves to the use of less brick, stone or stucco material). In all cases without exception there will be a requirement of all sides of the primary structure to have a Masonry water table.
 - d. All external chimney chases shall be brick, stone or EIFS.

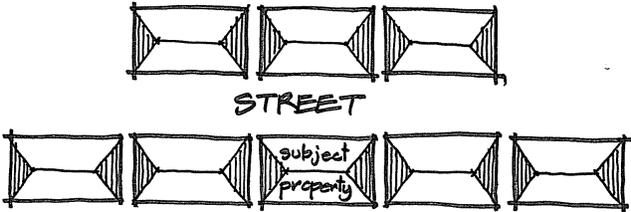
Section 3. Subsection J of Section 3 of the *Commitments Concerning the Use and Development of Real Estate* for Walnut Ridge Estates is hereby amended as follows (changes shown in legislative edit format for clarity):

- J. Rear of homes abutting the Tree Conservation Easement shall be two-story homes *and shall contain at least three (3) of the following enhancements:*
 - 1. *Finished space "pop out"*
 - 2. *Bay window*
 - 3. *Decorative trim molding at gutter height*
 - 4. *Decorative shaped window*
 - 5. *Dormer*
 - 6. *Varied building planes*
 - 7. *Accent siding*
 - 8. *Extended rakes*
 - 9. *Chimney chase*
 - 10. *Shutters or window trim on all operating windows*
 - 11. *Shadow line roof shingles*
 - 12. *Wood deck*
 - 13. *Screened-in porch or covered porch*
 - 14. *Brick wrap or brick water table*

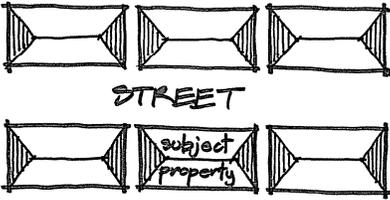
Section 4. Section 3 of the *Commitments Concerning the Use and Development of Real Estate* for Walnut Ridge Estates is hereby amended with the following new language as follows:

- O. All homes constructed on the Real Estate shall be substantially similar to those depicted in Exhibit C.

P. The front elevation and the color scheme as a combination, selected for the subject home, shall not be the same combination on any other home within a three (3) home "snapshot" on the same side of the street or immediately across the street from the subject home (the center home of the three (3) home "snapshot"). Further, in addition to the foregoing, each home on each side of the subject home or directly across the street from the subject home shall not contain the same front elevation as the subject home. The foregoing restrictions are depicted on the rendering below.



No home within the distance shown in this diagram should have the same elevation and color scheme as a combination.



No home within the distance shown in this diagram should have the same elevation.

- Q. The Developer shall improve the Real Estate with landscaping similar to the concept shown on Exhibit D.
- R. The total number of single story homes in the neighborhood shall not exceed 20% of the total number of homes in the neighborhood.

Section 5. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Westfield, Indiana, this _____ day of _____, 2011.

COMMON COUNCIL OF THE CITY OF WESTFIELD

Aye

Nay

_____	_____	_____
	John Dippel	
_____	_____	_____
	Steve Hoover	
_____	_____	_____
	Robert L. Horkay	
_____	_____	_____
	Ken Kingshill	
_____	_____	_____
	Bob Smith	
_____	_____	_____
	Tom Smith	
_____	_____	_____
	Rob Stokes	

APPROVED and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this _____ day of _____, 2011.

J. Andrew Cook, Mayor
City of Westfield, Indiana

ATTEST:

Cindy Gossard, Clerk Treasurer
City of Westfield, Indiana

EXHIBIT A

ORDINANCE 06-50

**WALNUT RIDGE ESTATES ZONING APPROVAL
AND WRITTEN COMMITMENTS**

ORDINANCE NO. 06-50

**AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT
TO TITLE 16 – LAND USE CONTROLS**

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission (“Commission”) considered a petition (docket 0608-REZ-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with no recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on September 26, 2006; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL
THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS
FOLLOWS:**

SECTION 1. WC-16-04 Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate located at 16715 Carey Road from AG-SF-1 to SF-2. See attached Maps and zoning commitments described in the attached booklet identified as Exhibit A entitled “Walnut Ridge Estates”.

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Walnut Ridge Estates, LLC (the "Owner") makes the following commitments to the Westfield Town Council (the "Council") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See attached Exhibit "A".

Section 2. Petition: 0608-REZ-06

Section 3. Statement of Commitments:

These commitments shall run with land, be binding on the Owner of the Real Estate, subsequent owners of the Real Estate and other persons acquiring an interest therein.

- A. There shall be no more than forty (40) residential lots. ~~The number of homes on the Real Estate shall not exceed 40 unless otherwise permitted herein.~~
- B. Square footage requirement (~~does not include basement~~) (exclusive of basements, porches, garages, or patios):
 - a. One-story homes – 2,600 square feet of finished space
 - b. Two-story homes – 3,200 square feet of finished space
 - i. Ground-floor minimum – 1,500 square feet
- C. Driveways:
 - a. Shall be concrete, asphalt, or other solid surface
 - b. Gravel shall be prohibited
- D. Exterior Materials:
 - a. All homes shall have 100% first floor wrap consisting of brick, stone, cultured stone or other masonry materials (collectively "Masonry"), not including doors, windows and other openings.
 - b. In addition to Masonry, other permissible siding materials include cement fiber board and wood. No vinyl or aluminum siding shall be allowed.
 - c. The foregoing requirements may be modified by the neighborhood's architectural committee on a case-by-case basis (e.g., Victorian,

- J. Homes abutting the Tree Conservation Easement shall be two-story homes.
- K. Above-ground pools shall be prohibited.
- L. Mini-barns and storage sheds shall be prohibited.
- M. All residential lots and buffer yards shall not be within, or contain any portion of the Carey Road and 169th Street right-of-way.
- N. All residential lots shall not be within, or contain any portion of a required buffer yard.

Section 4. Binding on Successors and Assigns

After the Effective Date, these Commitments are binding upon the Owner, each subsequent owner of the Real Estate, each other person acquiring an interest in the Real Estate, and each person or entity building a residence upon the Real Estate, unless modified or terminated by the Westfield Town Council.

Section 5. Modification of Commitments

These commitments may be modified or terminated only by a decision made at a public hearing after notice has been given in accordance with the Town's Rules of Procedures.

Section 6. Effective Date

The commitments contained herein shall be effective upon the approval of Petition 0608-REZ-06 and shall continue in effect until modified or terminated by the Westfield Town Council.

Section 7. Recording

The undersigned hereby authorizes the Secretary of the Council to record these commitments in the Office of the Recorder of Hamilton County, Indiana, upon approval of Petition 0608-REZ-06.

Section 8. Enforcement

These commitments may be enforced by the Town Council of the Town of Westfield, Hamilton County, Indiana.

IN WITNESS WHEREOF, the "Owner," has caused these commitments to be executed as of the _____ day of _____, 2006.

Walnut Ridge Estates, LLC

By: _____
Its: _____ (Title)

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this _____ day of _____, 2006.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

Prepared by: Steven D. Hardin, Attorney at Law, Baker & Daniels, LLP
970 Logan Street, Noblesville, Indiana 46060, (317) 569-9600.

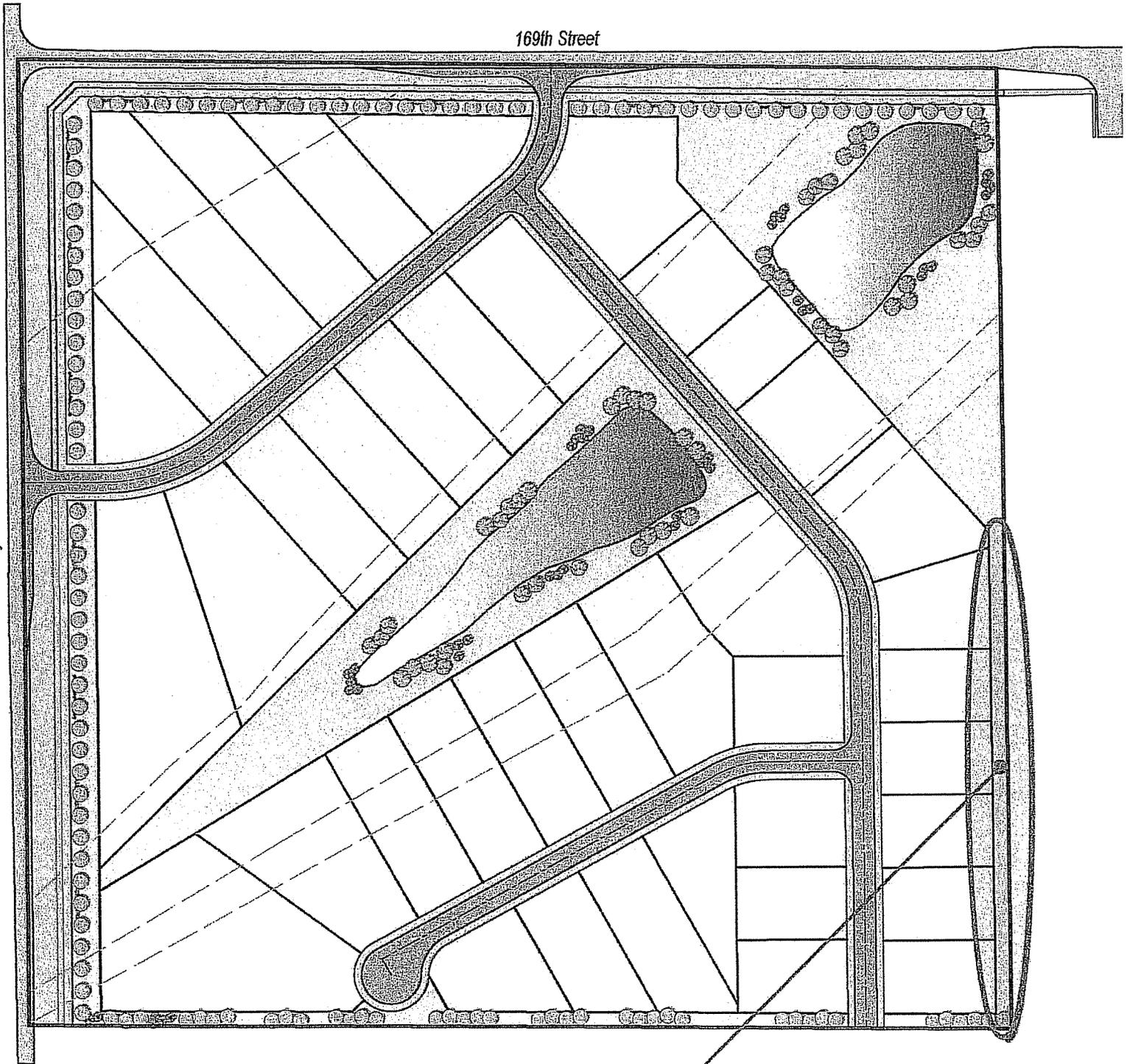
Exhibit A

Description of Real Estate

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows: Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearing) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence North 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.

Walnut Ridge Estates

TREE CONSERVATION EXHIBIT



Tree Conservation
Easement Location

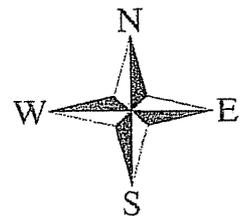


EXHIBIT B
LEGAL DESCRIPTION

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearings) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence North 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.

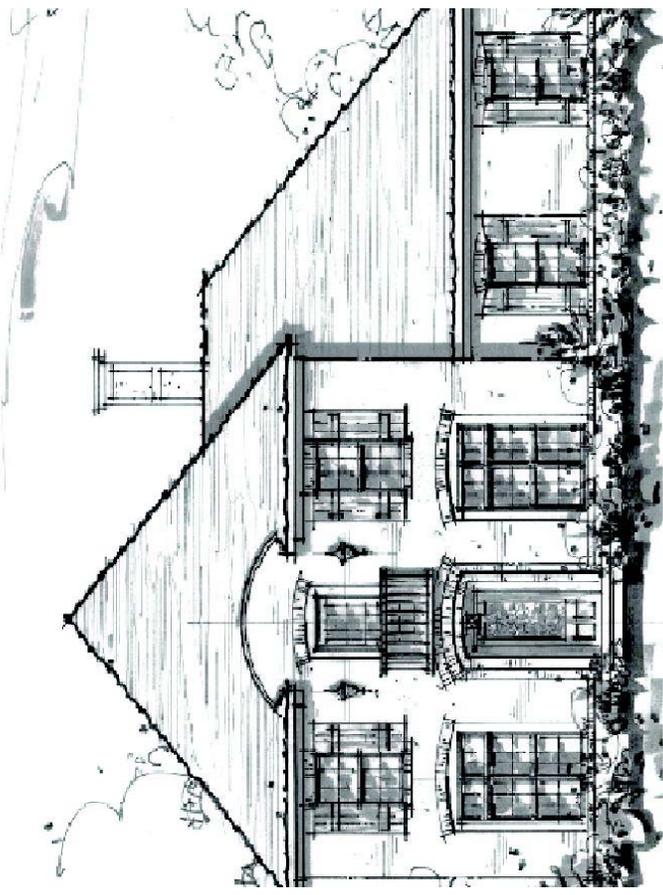
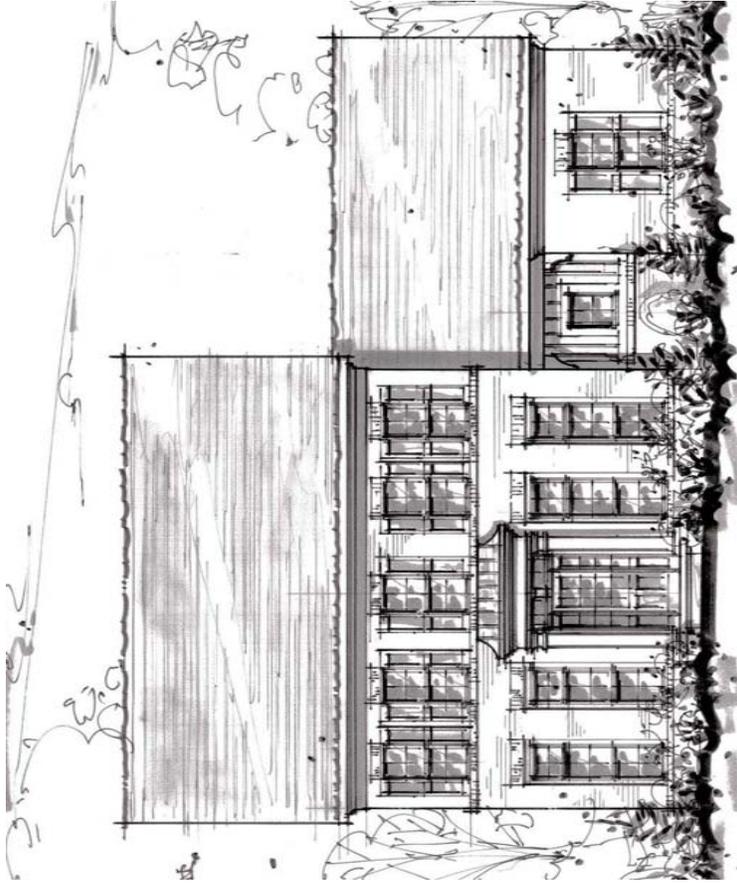
Except that portion of the above Real Estate deceded to the Town of Westfield and further described as follows:

A part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East 41.78 feet along the north line of said half-quarter section; thence South 1 degree 01 minute 43 seconds West 16.50 feet to the south boundary of 169th Street; thence South 45 degrees 32 minutes 56 seconds West 35.06 feet to the east boundary of Carey Road; thence North 89 degrees 55 minutes 51 seconds West 16.50 feet to the west line of the said half-quarter section; thence North 0 degrees 04 minutes 09 seconds East 41.78 feet along said west line to the point of beginning and containing 0.032 acres, more or less, inclusive of the presently existing right-of-way which contains 0.025 acres, more or less, for a net additional taking of .007 acres, more or less.

EXHIBIT C
HOME ELEVATIONS

Meridian Collection



4720 Home Plan Design



Meridian Collection



C657 Home Plan Design



Meridian Collection



3900 Home Plan Design



Meridian Collection



4000 Home Plan Design



Meridian Collection



4400 Home Plan Design



Meridian Collection



4500 Home Plan Design



Meridian Collection



4600 Home Plan Design



Meridian Collection



760 Home Plan Design



Meridian Collection



4700 Home Plan Design



EXHIBIT D
CONCEPTUAL LANDSCAPE PLAN

New Commitments - Landscape Improvements

