

# FRAMPTON ESTATES

## Modification of Commitments

Property on the east side of Ditch Road, between 161st and 166th Streets



PRESENTED BY  
STEVEN D. HARDIN, ESQ.  
**FAEGRE BAKER  
DANIELS**

WESTFIELD PLAN COMMISSION  
July 7, 2014

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**EXECUTIVE SUMMARY**

**Frampton Estates**



Fischer Homes is pleased to announce its newest proposed Westfield single family residential development, "Frampton Estates." Frampton Estates is located on 55+/- acres at the north east corner of 161st Street and Ditch Road. Please see the aerial location map at Tab 2. The development will feature 82 single family homes ranging in size from 2,000 to 3,700 square feet (not including the basement area). Illustrative home elevations are attached at Tab 4. Homes within Frampton Estates will include single story and two story homes featuring masonry and/or Hardie plank siding. Home prices are expected to range between \$350,000 and \$450,000.

The Westfield Town Council originally approved the zoning for Frampton Estates in 2006. At that time, Centex Homes was the proposed builder and the illustrative home elevations were similar to the one attached at Tab 5. Centex also agreed to certain Commitments at the time of the original zoning.

Fischer Homes now proposes to develop the site, and, as part of the development plan, proposes to upgrade substantially the proposed development and update the original Commitments. The two specific updates that Fischer Homes requests are:

1. Permit 11 instead of 9 homesites south of the legal drain (the overall number of lots will not change).
2. Modify the 100' wide lot requirement along Ditch Road.

After meeting with the neighbors and discussing the development with the City, Fischer Homes now also has agreed to incorporate into the Commitments a number of additional features that are not required under the current Commitments:

1. Vinyl siding prohibited.
2. Exterior materials shall include brick, stone and/or fiber cement board.
3. All homes shall be substantially similar in quality and character as Fischer Homes's elevations attached to the Commitments.
4. Increased home sizes:

|                 | Current SF-3<br><u>Minimum Requirement</u> | Updated<br><u>Minimum Requirement</u> |
|-----------------|--|---------------------------------------|
| One-story home: | 1200 square feet                           | 2000 square feet                      |
| Two-story home: | 800 SF (on ground level)                   | 2400 square feet of total home        |
5. Enhanced rear architecture for dwellings on lots backing up to either 161st Street or Ditch Road.
6. Enhanced perimeter landscape buffer where residential lots abut Ditch Road or 161st Street and the rear elevations of the home will face Ditch Road or 161st Street.

The Commitments, with the proposed updates marked, are attached at Tab 3. Thank you for the opportunity to present Frampton Estates, Fischer Homes' newest community in Westfield.

# AERIAL LOCATION EXHIBIT

## Frampton Estates



## COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

~~Centex Homes~~ Grand Communities, Ltd. (the "Owner") makes the following commitments to the Westfield ~~Town~~ City 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 the legal description, attached hereto and incorporated herein at Exhibit "A".

### **Section 2.**    ~~Petition~~**Resolution: 14-117**

### **Section 3.**    **Statement of Modification of Previous Commitments.**

In 2006, Commitments Concerning the Use and Development of Real Estate were made to the Westfield Town Council conditioned upon approval of Ordinance No. 06-38 regarding the use and development of the Real Estate and were recorded in the Office of the Recorder of Hamilton County, Indiana, as part of Instrument No. 200600049310 (the "Previous Commitments"). On \_\_\_\_\_, 2014, the Council approved Resolution 14-117, which repealed in its entirety the Previous Commitments and replaced them with the Commitments set forth herein.

### **Section 4.**    **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. The number of homes on the Real Estate shall not exceed 73 unless otherwise permitted herein.
- B. At the time the Owner records its secondary plat for Frampton Estates, Owner shall also record an easement against and dedicate approximately nine (9) acres of land along the southern portion of the Real Estate to the ~~Town~~ City of Westfield for use as a public park (the "Park"). If the ~~Town~~ City elects, in the future, not to use the Park as a public park facility, then the Park shall revert back to the Owner.
- C. In the event that the ~~Town~~ City of Westfield does not desire to receive the Park dedication or in the event the Park reverts back to the Owner, Owner reserves the right to develop such property into ~~nine (9)~~ eleven (11) additional single-family home lots with minimum lot widths of 90' at

building line. In such case, the number of homes on the Real Estate shall not exceed 82.

- D. At least twenty-five percent (25%) of the Real Estate, including the Park, shall be set aside as Open Space. If the Park is dedicated to the ~~Town~~City, then at least twelve (12%) of the remainder of the Real Estate shall be set aside as Open Space.
- E. No two-family attached homes shall be permitted on the Real Estate.
- F. ~~Lots along Ditch Road as shown on the Concept Plan, attached hereto as Exhibit "B", shall be a minimum of one hundred feet (100') in width.~~
- G. The existing trees along the Real Estate's northern and southern property lines, as identified on the attached Concept Plan, [attached hereto and incorporated herein at Exhibit "B,"](#) shall be preserved within a tree conservation easement ("Easement"), which shall be recorded [on Lots 13 through 25 as illustrated on the Concept Plan](#). Within the Easement, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased or dead, or required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed, except as permitted to be removed as listed above, then the developer, builder or homeowner (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement.
- H. Owner agrees to install, at Owner's expense, "No Trespassing" signs along the Real Estate's southern property line, as shown on the attached Concept Plan.
- I. Lots along the Real Estate's northern property line shall have a minimum rear yard setback of fifty (50'), as measured from the property line.
- J. **Architecture:**
  - a. Vinyl siding shall be prohibited. Exterior materials shall include brick, stone and/or fiber cement board.
  - b. All homes shall be substantially similar in quality and character as the elevations attached hereto as Exhibit "C."
  - c. If a dwelling both: (i) is on a lot adjacent to either 161<sup>st</sup> Street or Ditch Road; and (ii) has a rear elevation facing either 161<sup>st</sup> Street or Ditch Road, then that dwelling shall include: (a) a minimum thirty-six inch (36") brick or stone plinth with water table on all sides; and (b) a rear façade that incorporates one (1) or more of the following features:

first-floor masonry, rear sun room, rear screened porch, or other rear façade modulation, or a breakfast nook.

d. Minimum living area:

- i. One-story home: 2000 square feet
- ii. Two-story home: 2400 square feet

K. Perimeter Landscaping

- a. The landscaping along Ditch Road and 161<sup>st</sup> Street shall incorporate berms, plantings and trees substantially consistent with the landscaping shown on the Concept Plan and the Conceptual Landscape Plan, attached hereto and incorporated herein at Exhibit “D.”

**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~~ City's Rules of Procedures.

**Section 6.      Effective Date**

The commitments contained herein shall be effective upon the approval of ~~Petition~~ Resolution 14-117 and shall continue in effect until modified or terminated by the Westfield ~~Town~~ City 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~~ Resolution 14-117.

**Section 7.    Enforcement**

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

IN WITNESS WHEREOF, ~~Centex Homes~~, Owner has caused this commitment to be executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 200614.

\_\_\_\_\_  
~~Centex~~Grand Communities, Ltd  
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 \_\_\_\_\_, 200614.

My Commission Expires: \_\_\_\_\_  
Notary Public  
Printed \_\_\_\_\_  
Residing in \_\_\_\_\_ County

Prepared by: I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Faegre Baker Daniels, LLP, 600 East 96<sup>th</sup> Street, Suite 600, Indianapolis, Indiana 46240, (317) 569-9600

## EXHIBIT A

### Legal Description

A part of the Northwest and Southwest Quarter of the Northwest Quarter of Section 10, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of said Section 10; thence North 88 degrees 57 minutes 01 seconds East along the North line of said Quarter Quarter Section a distance of 1,303.82 feet to the Northeast corner thereof; thence South 00 degrees 03 minutes 50 seconds West along the East line of said Quarter Quarter Section a distance of 1,317.92 feet to the Southeast corner thereof; thence South 89 degrees 12 minutes 17 seconds West along the South line of said Quarter Quarter Section a distance of 808.21 feet to the East line of the West fifteen (15) acres of the Southwest Quarter of the Northwest Quarter of said Section 10; thence South 00 degrees 09 minutes 20 seconds West along said East line a distance of 1,314.37 feet to the South line of said Quarter Quarter Section; thence South 89 degrees 27 minutes 31 seconds West along the South line of said Quarter Quarter Section a distance of 497.58 feet to the Southwest corner thereof; thence North 00 degrees 09 minutes 20 seconds East along the West line of said Quarter Quarter Section a distance of 704.71 feet to the Southwest corner of real estate described in Instrument Number 2000-9029 in the Office of the Recorder, Hamilton County, Indiana; thence along the East line of said real estate the following eight (8) calls: (1) South 89 degrees 50 minutes 40 seconds East 16.50 feet; (2) North 25 degrees 43 minutes 10 seconds East 55.62 feet; (3) North 00 degrees 09 minutes 20 seconds East 100.22 feet; (4) North 11 degrees 29 minutes 49 seconds East 50.85 feet; (5) North 00 degrees 09 minutes 20 seconds East 100.00 feet; (6) North 03 degrees 39 minutes 37 seconds West 150.26 feet; (7) North 25 degrees 33 minutes 42 seconds West 55.31 feet; (8) North 89 degrees 50 minutes 40 seconds West 16.50 feet to a point on the West line of said Quarter Quarter Section; thence North 00 degrees 09 minutes 20 seconds East along said West line 1419.61 feet to the place of beginning, containing 53.902 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.



**EXHIBIT C – ARCHITECTURAL ELEVATIONS**



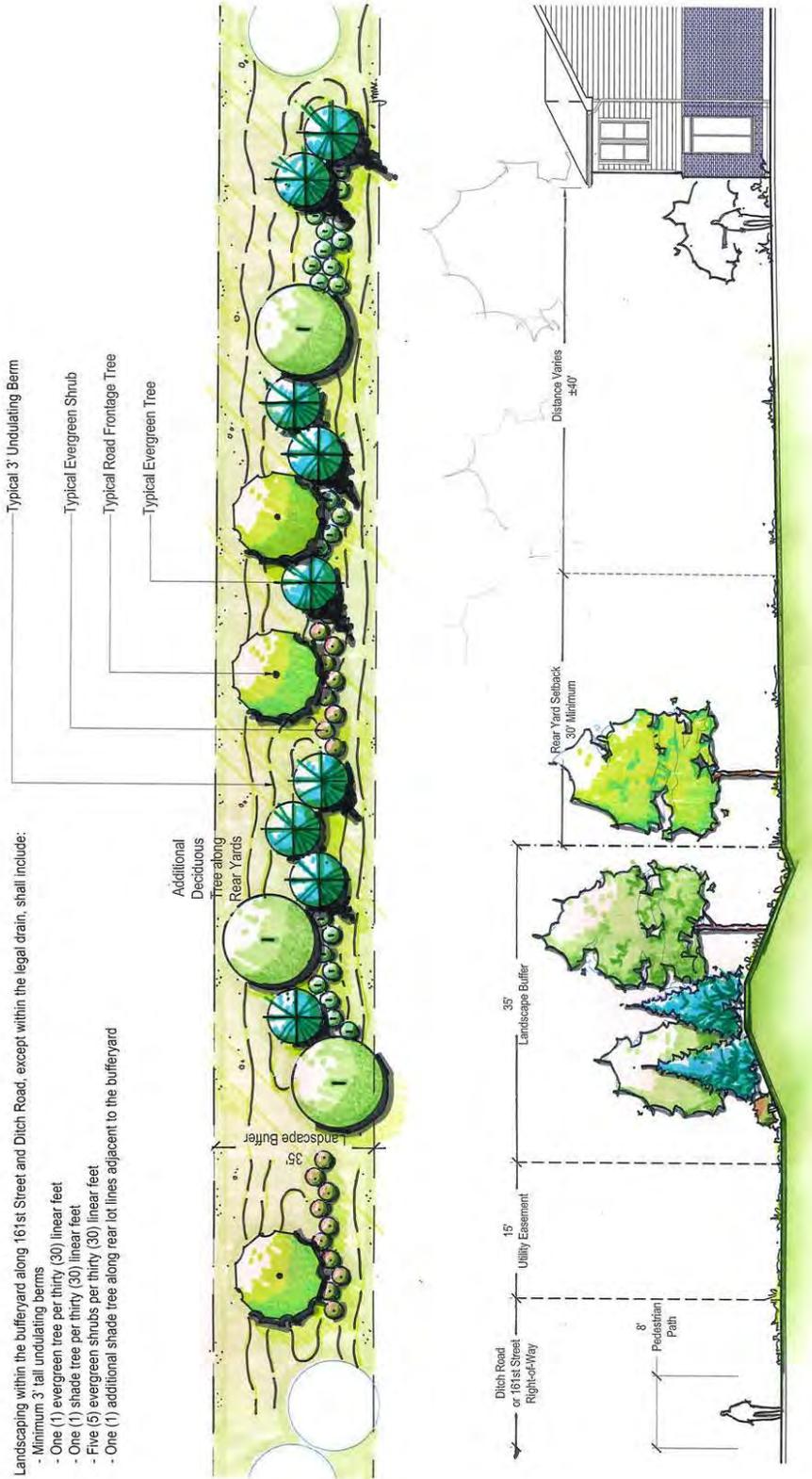
MASTERPIECE COLLECTION



MASTERPIECE COLLECTION

# EXHIBIT D – CONCEPTUAL LANDSCAPE PLAN

- Landscaping within the bufferyard along 161st Street and Ditch Road, except within the legal drain, shall include:
- Minimum 3' tall undulating berm
  - One (1) evergreen tree per thirty (30) linear feet
  - One (1) shade tree per thirty (30) linear feet
  - Five (5) evergreen shrubs per thirty (30) linear feet
  - One (1) additional shade tree along rear lot lines adjacent to the bufferyard



Grand Communities, Ltd.

**Frampton Estates** Westfield, Indiana

Conceptual Landscape Buffer -- Ditch Road and 161st Street Typical Plan and Cross-Section

RTS

June 30, 2014



**MASTERPIECE COLLECTION**



**MASTERPIECE COLLECTION**



# DOUGLAS

Masterpiece Collection

welcome home.

Approximately 2598 sq ft and Up



**CASA BELLA**  
(WITH ALTERNATE SECOND FLOOR)

designed by: *FH*



**AMERICAN CLASSIC**  
(WITH ALTERNATE SECOND FLOOR,  
OPTIONAL PORCH & DORMERS)

designed by: *FH*



**WESTERN CRAFTSMAN**  
(WITH ALTERNATE SECOND FLOOR &  
OPTIONAL PORCH RAILING)

designed by: *FH*



**COASTAL CLASSIC**  
(WITH ALTERNATE SECOND FLOOR)

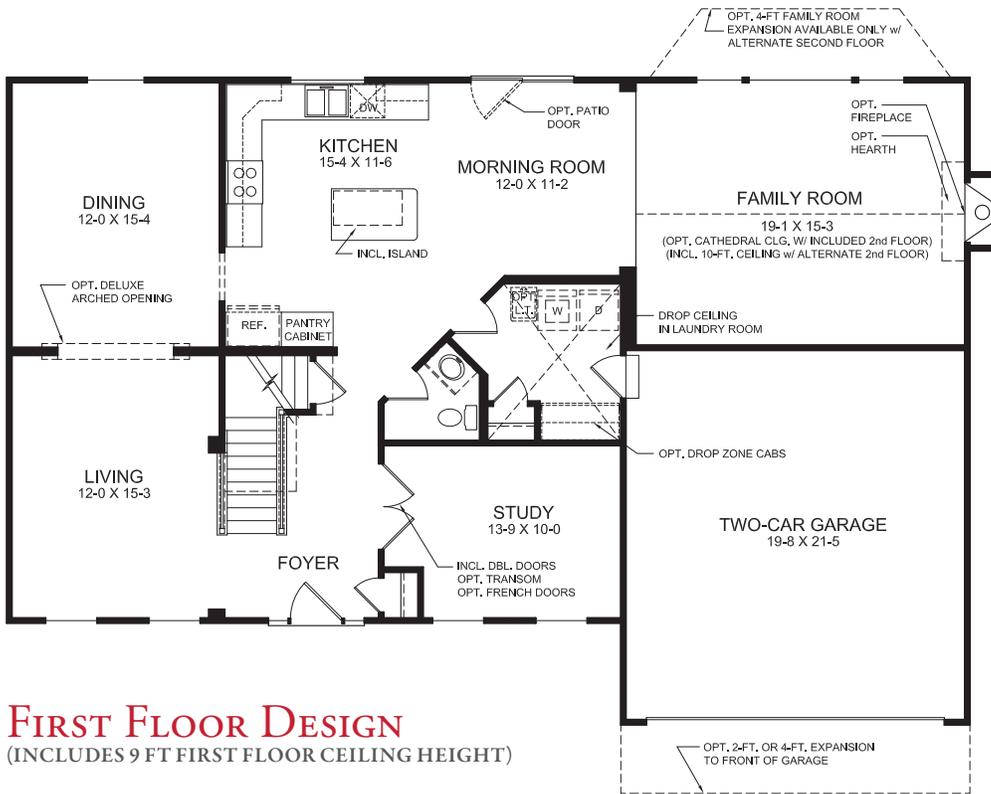
designed by: *DM*

Images & Options Available at [fischerhomes.com](http://fischerhomes.com)

Our Plans Include You

welcome home.

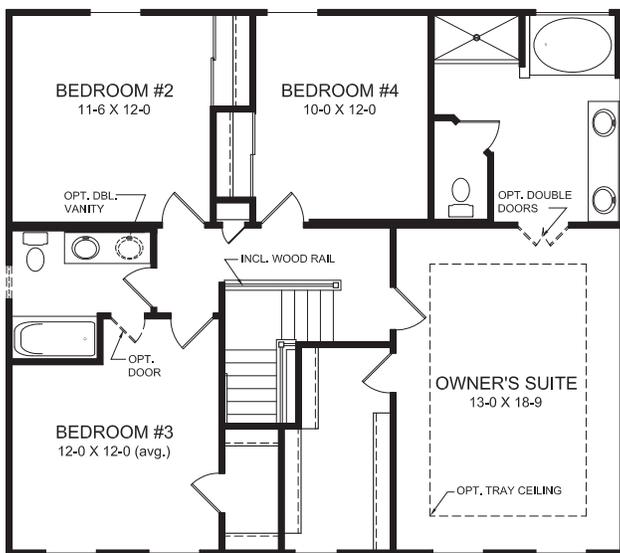
Approximately 2598 sq ft and Up



**FIRST FLOOR DESIGN**  
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)

### FIRST FLOOR FEATURES

- Formal Living Room and Dining Room
- First Floor Study
- Open Kitchen/Morning Room with Included Island
- Optional Furniture Island
- Spacious Family Room with Optional 4 ft Expansion
- Optional Fireplace
- Optional Bay Window
- Alternate First Floor Design Includes Study, Living/Dining Flex Space and Oversized Laundry/Hobby Room
- Optional Family Foyer
- Optional Hearth Room



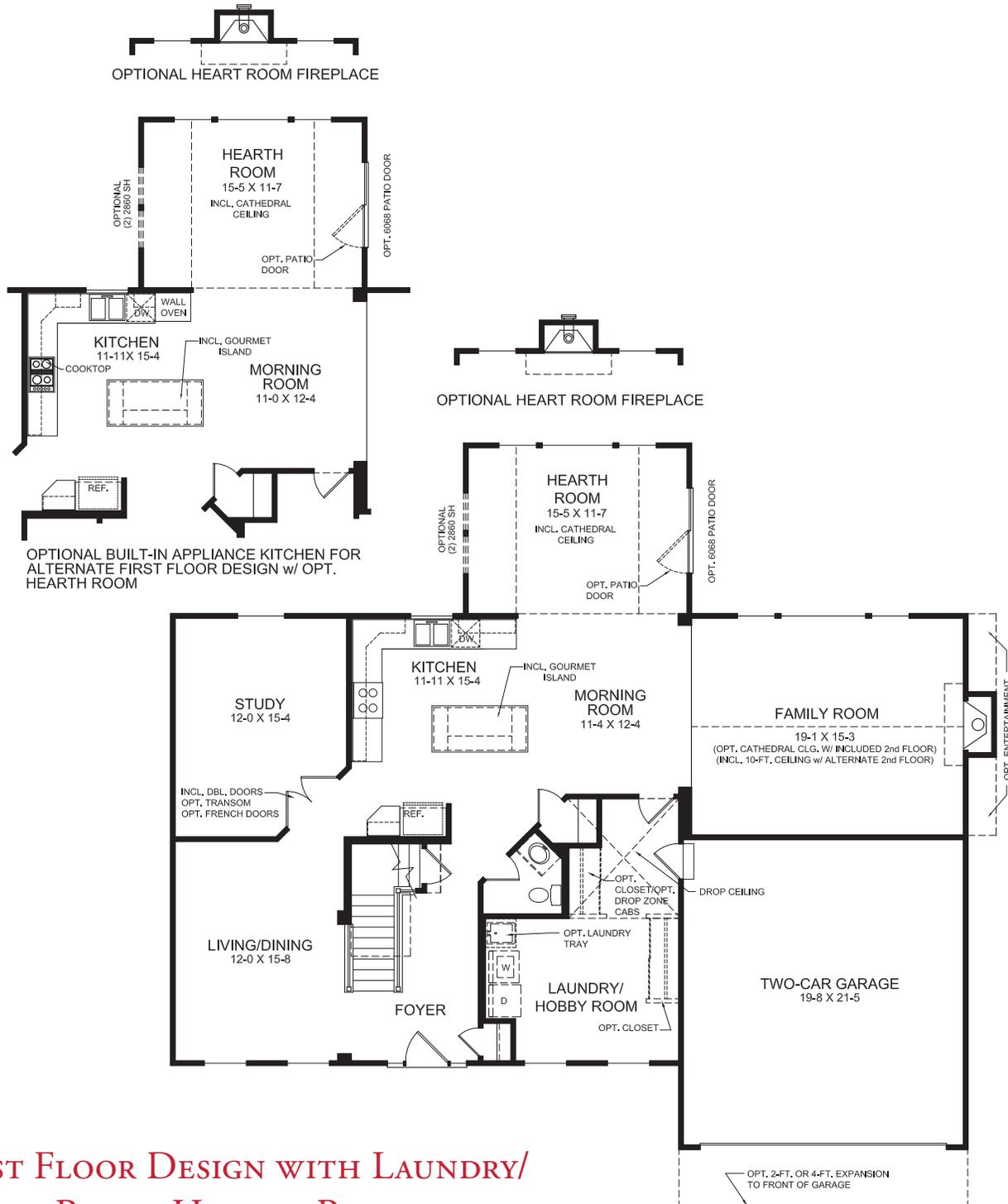
**SECOND FLOOR DESIGN**

### SECOND FLOOR FEATURES

- Included Shower and Garden Tub
- Four Bedrooms
- Optional Deluxe Garden Bath with Ceramic Tile Shower
- Optional Designer Bath with Ceramic Tile Shower & Platform Tub
- Alternate Second Floor Design with Expansive Owner's Suite and Included Loft
- Alternate Second Floor Offers Optional Third Full Bath and Optional Second Floor Laundry

welcome home.

Approximately 2598 sq ft and Up



**FIRST FLOOR DESIGN WITH LAUNDRY/  
HOBBY ROOM, HEARTH ROOM &  
INCLUDED GOURMET ISLAND**  
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



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IM 08/12

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# KELLER

Masterpiece Collection

welcome home.

Approximately 3467 sq ft and Up



## CASA BELLA

(WITH OPTIONAL METAL ROOF & SECOND FLOOR BONUS ROOM)

designed by: *FH*



## AMERICAN CLASSIC

(WITH OPTIONAL SECOND FLOOR BONUS ROOM)

designed by: *FH*



## PACIFIC CRAFTSMAN

(WITH OPTIONAL METAL ROOF & SECOND FLOOR BONUS ROOM)

designed by: *FH*



## BELLA VISTA

(WITH OPTIONAL SECOND FLOOR BONUS ROOM)

designed by: *FH*

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# KELLER

Masterpiece Collection

welcome home.

Approximately 3467 sq ft and Up



**NANTUCKET RETREAT**  
(WITH OPTIONAL SECOND FLOOR BONUS ROOM)

designed by: *FH*



**VILLA TOSCANO**  
(WITH OPTIONAL STONE VENEER & 2ND FLR BONUS ROOM)

designed by: *FH*

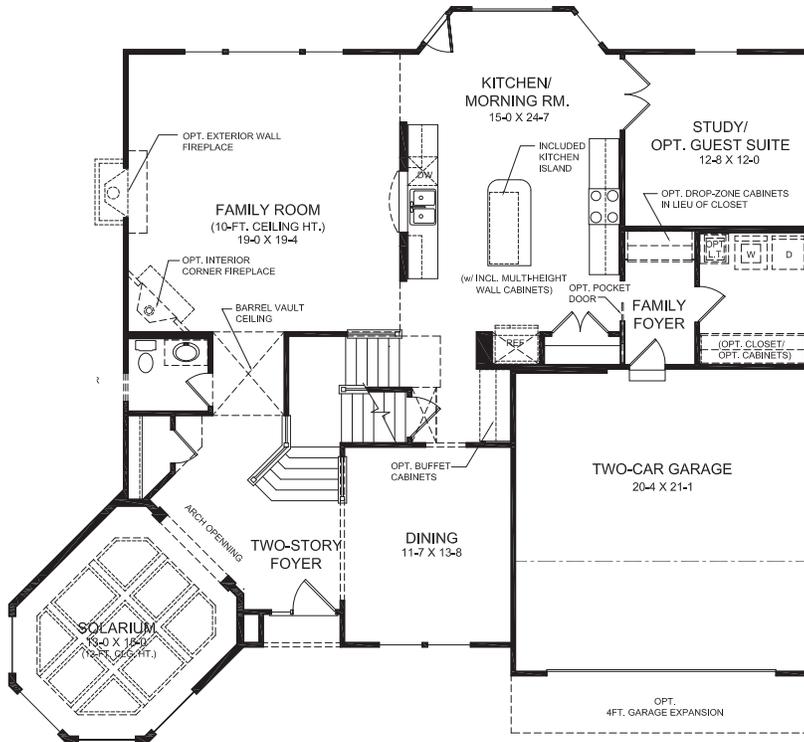
Our Plans Include You

welcome home.

Approximately 3467 sq ft and Up

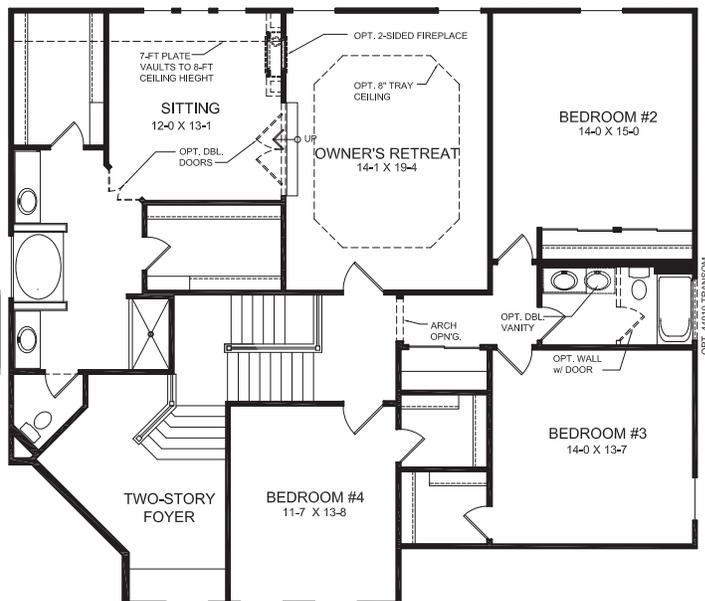
## FIRST FLOOR FEATURES

- Two-Story Entry Foyer
- Unique, Light-Filled Solarium with Optional Coffered Ceiling
- Formal Dining Room
- Spacious Family Room with 10 ft Ceiling Height
- Optional Fireplace
- Optional Buffet Cabinets
- Kitchen Features Multi-Height Cabinets, Included Island and Pantry
- Optional Expanded Morning Room
- Private Rear Study/Optional Guest Suite
- Large First Floor Laundry
- Included Family Foyer



## FIRST FLOOR DESIGN

(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



## SECOND FLOOR DESIGN

## SECOND FLOOR FEATURES

- Expansive Owner's Retreat with Included Sitting Room
- Owner's Bath Features Included Separate Shower/Garden Tub, Double Vanity and Dual Walk-In Closets
- Three Spacious Secondary Bedrooms
- Optional Bonus Room
- Optional Divided Hall Bath
- Optional Deluxe Garden Bath with Ceramic Tile Shower
- Optional Designer Bath with Ceramic Tile Shower & Platform Tub

welcome home.

Approximately 3276 sq ft and Up



ENGLISH ELEGANCE

designed by: 



AMERICAN CLASSIC  
 (WITH OPTIONAL DORMERS)

designed by: 



WESTERN CRAFTSMAN

designed by: 



GRANDE VISTA  
 (WITH OPTIONAL DORMER)

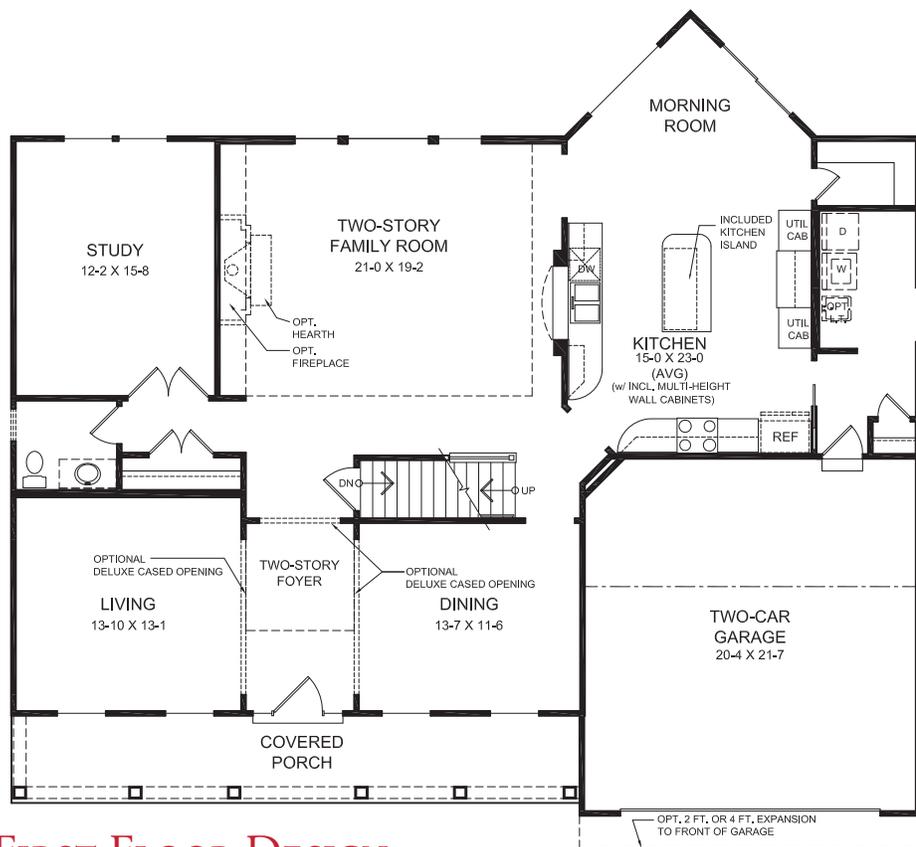
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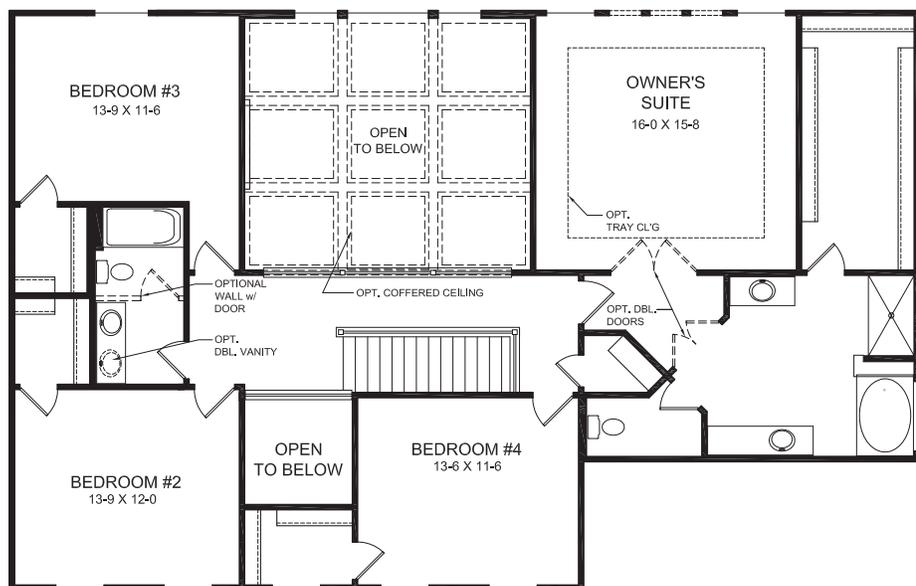
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welcome home.

Approximately 3276 sq ft and Up



**FIRST FLOOR DESIGN**  
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)



**SECOND FLOOR DESIGN**

### FIRST FLOOR FEATURES

- Soaring Two-Story Entry Foyer & Family Room
- Formal Dining and Living Rooms
- Private First Floor Study
- Spacious Kitchen with Walk-In Pantry and Light Filled Morning Room
- Convenient First Floor Laundry
- Optional Coffered Ceiling in Family Room
- Optional Guest Suite
- Optional Fireplace

### SECOND FLOOR FEATURES

- Generously Proportioned Owner's Suite with Oversized Walk-In Closet and Optional Light Filled Sitting Area
- Spacious Owner's Bath with Separate Shower, Garden Tub and Split Vanities
- 4 Bedrooms Each with Large Walk-In Closets
- Dynamic Views into Family Room and Foyer from Second Floor Balconies
- Optional Third Full Bath
- Optional Divided Hall Bath
- Optional Deluxe Garden Bath with Ceramic Tile Shower
- Optional Designer Bath with Ceramic Tile Shower & Platform Tub



Images & Options Available at [fischerhomes.com](http://fischerhomes.com)

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# HAYDEN

Masterpiece Collection

welcome home.

Approximately 2406 sq ft and Up



GRANDE VISTA

designed by: *FH*



CAMBRIDGE COTTAGE  
(WITH OPTIONAL DORMER)

designed by: *FH*



WESTERN CRAFTSMAN

designed by: *FH*



AMERICAN CLASSIC

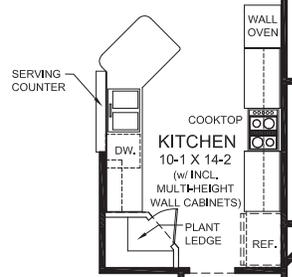
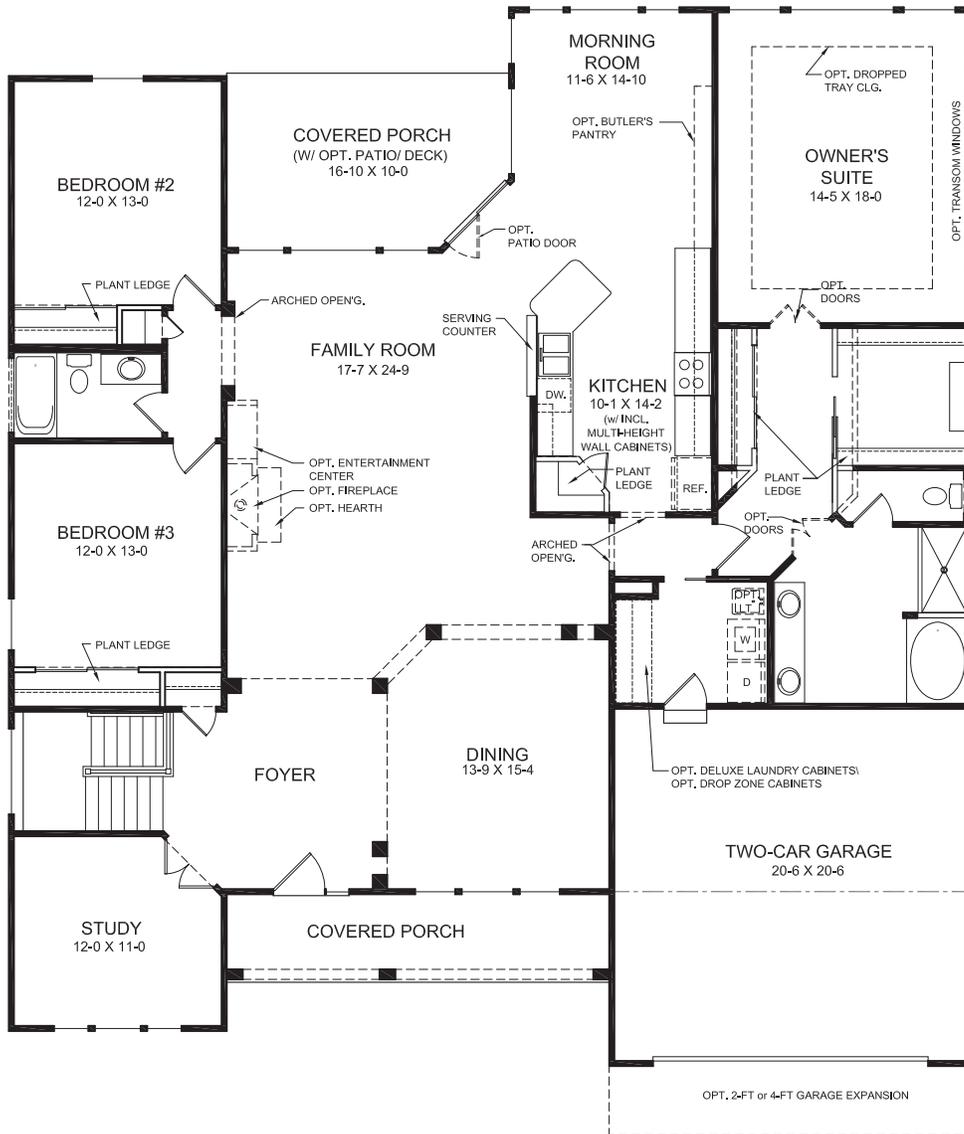
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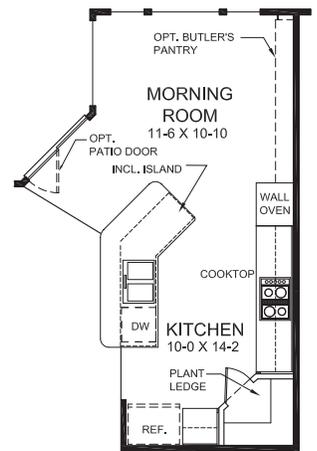
Our Plans Include You

welcome home.

Approximately 2406 sq ft and Up



OPTIONAL BUILT-IN APPLIANCE KITCHEN



OPTIONAL OPEN KITCHEN DESIGN (SHOWN W/ OPTIONAL BUILT-IN APPLIANCES)

KITCHEN OPTIONS

**ALTERNATE FIRST FLOOR DESIGN  
 WITH 4 FT. MORNING ROOM AND  
 OWNER'S SUITE EXPANSION**  
 (INCLUDES 10 FT FIRST FLOOR CEILING HEIGHT)

Images & Options Available at [fischerhomes.com](http://fischerhomes.com)



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WWW.BAKERANDDANIELS.COM

PRESENTED BY: STEVEN D. HARDIN, ESQ.

## **FRAMPTON ESTATES**

**CENTEX HOMES**

54 acres +/-

East side of Ditch Road, North of 161t Street



**FRAMPTON ESTATES**

**REQUEST FOR CHANGE OF ZONING**  
*Submitted for August 14, 2006 Town Council*