

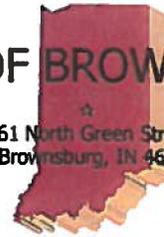
# Commitment Amendment Application

FOUNDED 1848

## TOWN OF BROWNSBURG

61 North Green Street  
Brownsburg, IN 46112

Phone: 317.852.1128  
Fax: 317.852.1135



### BROWNSBURG ADVISORY PLAN COMMISSION

Project Name: West Wynne Farms PUD Received: 11.15.10  
Docket Number: PCCA-11-10-1056 Fee: \$250.00  
Original Project Docket Number: ZA-366/06 (LN)

1. Applicant's Name(s): Paul F. Rioux 2. Phone: (317) 863-2053

3. Applicant's Email: prioux@platinum-properties.com

4. Applicant's Address: 9757 Westpoint Drive  
Suite 600

5. Owner's Name(s): Stephanie A. Marcum 6. Phone: (317) 695-3486

Noble E. Taylor, Jr.

7. Owner's Address: \_\_\_\_\_  
\_\_\_\_\_

8. Representative: \_\_\_\_\_ 9. Phone: \_\_\_\_\_

10. Representative's email: \_\_\_\_\_

11. Representative's Address: \_\_\_\_\_  
\_\_\_\_\_

12. Applicant(s) is Circle One:  Sole owner  Joint owner  Tenant  Agent  
 Other (specify) Contract Purchaser

13. Legal Description: See Exhibit-A (Legal Description) and Exhibit-B (Area Map)

14. Parcel Number(s) 32-07-26-100-003.000-016

# **Commitment Amendment Application** *continued*

15. Present Zoning: PUD

16. Describe the proposed project: \_\_\_\_\_

Due to the slumping market for alley-fed units (see Exhibit-D for supporting imagery), we are seeking the following "text amendments" to ZA-366/06 (LN) under Section 2, Residential Development Standards, Parcel-O (pages 15 & 16):

Article 2.05.A.7 (Minimum Front Yard Setback). 1) Change "10 feet from the R.O.W. on subdivision streets" to "10 feet from the R.O.W. for units with alley-fed garages" and 2) Add "20 feet from R.O.W. for units with street-fed garages."

Article 2.05.B (Alley Access). Change "...shall be utilized to access residences..." to "...may be utilized to access residences...."

17. Notarization: The above information and attached exhibits, to my knowledge and belief, are true and correct, and in compliance with the Zoning Ordinance and/or the Subdivision Control Ordinance of the Town of Brownsburg, Indiana.

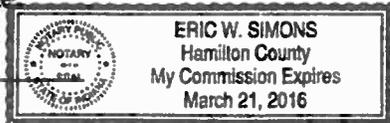
Paul Rioux 11.12.10  
Signature of Applicant Date

Paul F. Rioux 11.12.10  
Print Name Date

STATE OF INDIANA )  
COUNTY OF Hamilton ) SS:

Subscribed and sworn to before me this 12th day of Nov., 2010

County of Residence: \_\_\_\_\_



Eric W. Simons  
Signature of Notary Public

# **AFFIDAVIT & CONSENT OF PROPERTY OWNER**

I (we) Stephanie A. Marcum and Noble E. Taylor, Jr.  
After being first duly sworn, depose and say:

1. The I/we am/are the owner(s) of the real estate located at \_\_\_\_\_  
See Exhibit-A

Parcel Number(s): 32-07-26-100-003.000-016

Project Name: West Wynne Farms PUD

2. That I/we have read and examined the Application for Commitment Amendment approval, and am/are familiar with its contents.
3. That I/we have no objection to, and consent to such request as set forth in the application.
4. That such request being made by the Applicant is/is not a condition to the sale or lease of the above-referenced property.

See Exhibit-C

\_\_\_\_\_  
Signature of Affiant Date

\_\_\_\_\_  
Print Name Date

STATE OF INDIANA )  
COUNTY OF \_\_\_\_\_ ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Notary Public

County of Residence: \_\_\_\_\_  
\_\_\_\_\_  
Printed Name of Notary Public

Exhibit-A

# PROPERTY DESCRIPTION

("Parcel-O" of West Wynne Farms PUD)

**Instrument Number 2003-55163.** Part of the Northwest quarter of the Northwest quarter of Section 26 Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said quarter quarter section; thence South 89 degrees 12 minutes 36 seconds West (assumed bearing) on and along the North line of said quarter quarter section 450.00 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter section 817.78 feet; thence South 89 degrees 12 minutes 36 seconds West parallel to the aforesaid North line of said quarter quarter section 527.70 feet; thence South 00 degrees 05 minutes 03 seconds East parallel to the East line of said quarter quarter\* section 1850.46 feet to a point on the South line of said quarter quarter\* section; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the Southeast corner of said quarter quarter\* section; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said quarter quarter section 2670.42 feet to the point of beginning, containing 50.00 acres, more or less and subject to all legal highways, rights of way and easements of record.

\*There are call in the record deed description to "said quarter quarter" that appear to be incorrect. The two references in the fourth course of the legal description should be to "said quarter" (referring to the Northwest Quarter instead of the quarter quarter. The references in the fifth and sixth courses should be to the west half of the Northwest Quarter. The errors have been underlined in the legal description above.

**Instrument Number 2007-07410.** Except, part of the Southwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East of the Second Principal Meridian in Lincoln Township, Hendricks County, Indiana, and also a part of a parcel of land conveyed to Noble E. Taylor, Jr. and Stephanie A. Marcum described in Instrument Number 200300055163 in the Office of the Recorder, Hendricks County, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of said Quarter-Quarter Section, also being the Southeast corner of said Taylor/Marcum parcel; thence North 00 degrees 05 minutes 03 seconds West on and along the East line of said Quarter-Quarter Section and the East line of said parcel 668.35 feet; thence South 89 degrees 20 minutes 16 seconds West parallel with the South line of said Quarter-Quarter Section and the South line of said parcel 977.68 feet to a point on the West line of said parcel; thence South 00 degrees 05 minutes 03 seconds East on and along said West line and parallel with the East line of said Quarter-Quarter Section 668.35 feet to a point on the south line of said Quarter-Quarter Section, said point also being the southwest corner of said parcel; thence North 89 degrees 20 minutes 16 seconds East on and along said South line 977.68 feet to the POINT OF BEGINNING of this description, containing 15.00 acres, more or less.

Exhibit-B  
**AREA MAP**

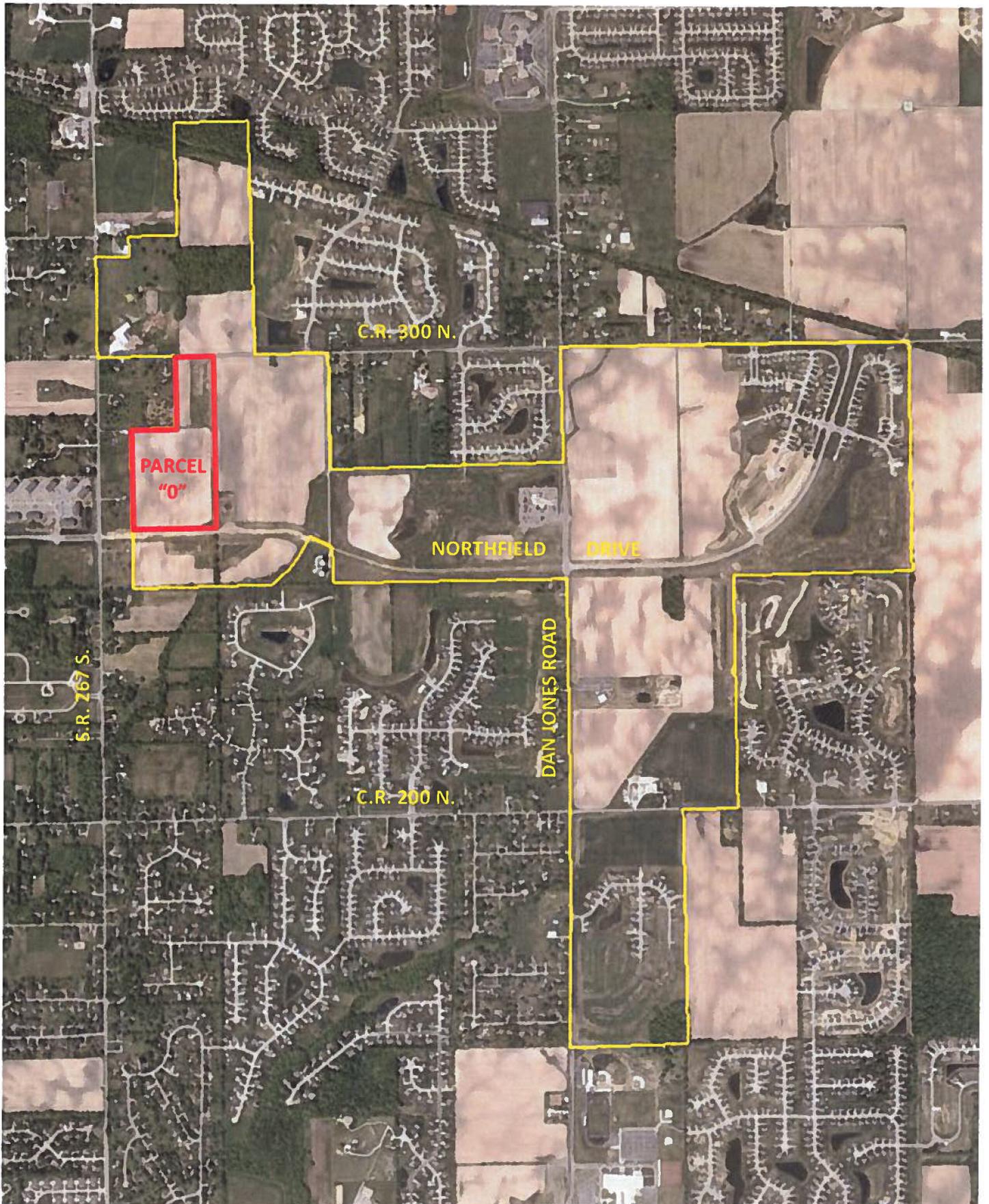


Exhibit-C

OWNERS CONSENT AND JOINDER AGREEMENT IN PETITIONS

The undersigned, being the owners of the real estate described in what is attached hereto and incorporated herein by reference as "Exhibit A" (the Real Estate) hereby authorizes and directs Platinum Properties, LLC, an Indiana limited liability company ("Platinum"), along with its employees, and designated engineers, attorneys and agents, as follows:

1. To file, for and on the behalf of the undersigned, any and all applications and petitions to obtain all approvals deemed necessary by Platinum with respect to the Real Estate including without limitation, (i) a Petition for Annexation to the town of Brownsburg, Indiana, (ii) all primary and secondary approvals, without limitation, detailed development plan approvals, final development plan approvals and all other approvals and permits required by the Brownsburg Town Council and/or Brownsburg Town Ordinances deemed necessary by Platinum to further develop the Real Estate as currently zoned("Approvals") and;
2. To represent the undersigned in a connection with the Approvals before the Brownsburg Plan Commission, Brownsburg Town Council, Brownsburg Economic Development Commission and other necessary municipal and state agencies.

Further to this Owner's Consent and Joinder Agreement in Petitions, the undersigned joins in and ratifies all applications and petitions, if any, already filed by Platinum with Hendricks County and the Town of Brownsburg in connections with the Approvals and acknowledges that this Owners Consent and Joinder Agreement in Petitions shall constitute the execution by the undersigned of all such petitions and applications filed by Platinum, now or in the future, in the furtherance of the Approvals.

Date: 8/4/08

Owners: STEPHANIE A. MARCUM and NOBLE E. TAYLOR, JR.

Stephanie A. Marcum  
Noble E. Taylor, Jr.

Exhibit-D (Page 1)  
Anson in Zionsville (Started 2005)



Exhibit-D (Page 2)  
Lockhaven in Noblesville (Started 2004)



Exhibit-D (Page 3)  
Sonoma in Westfield (Started 2005)



Front-Load  
Units  
Sold Out.

Alley-Fed  
Units  
Not Selling.

©2010 Google

Google

Imagery Date: May 6, 2010

40°02'02.16" N 86°10'34.45" W elev 925 ft

Eye alt 2152 ft

Exhibit-D (Page 4)  
Turner Trace in Avon (Started 2005)



# ***Commitment Amendment Application Packet***

FOUNDED 1848

TOWN OF BROWNSBURG

TOWN OF BROWNSBURG  
PLANNING & BUILDING

61 North Green Street  
Brownsburg, IN 46112

Phone: 317.852.1128  
Fax: 317.852.1135

NOV 15 2010.



## **BROWNSBURG ADVISORY PLAN COMMISSION**

The Brownsburg Advisory Plan Commission Meets on the 4<sup>th</sup> Monday of every Month.

Applications ***MUST BE FILED*** with the Planning & Building Department no later than the 15<sup>th</sup> day the month prior to the month in which the petition will be heard.

**The meetings start at 7:00 PM in the  
Brownsburg Town Hall,  
61 North Green Street Brownsburg, IN 46112.**

Petitions are heard in the order in which they are filed.

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### **THE FOLLOWING INFORMATION, DOCUMENTS AND FEES ARE REQUIRED WHEN FILING A PETITION FOR COMMITMENT AMENDMENT TO BE HEARD BY THE BROWNSBURG ADVISORY PLAN COMMISSION:**

1.  Completed Application: [Uses Form: *APC-305*]
2.  Application fee: \$250.00:
3.  Property Owners Consent: [Uses Form: *APC-001*]
4.  Detailed Statement of Reasons: (14 copies)
5.  Area Map: (14 copies) *outlining the area included in the petition*
6.  Legal Description: (14 copies)

Petitioner must place a LEGAL AD in the Weekend Flyer one time at least ten (10) days prior to the advertised public hearing. [Uses Forms: *APC-007*] Contact The Flyer Group for their publication deadlines to ensure your add will appear ten (10) days prior to the Plan Commission Meeting. A proof of publication affidavit from the newspaper must be filed at least 3 days prior to the public hearing.

*(Legal advertisements must comply with I.C. 5-3-1, et. seq.)*

The Flyer Group  
8109 Kingston Suite 500  
Avon, IN 46123

Phone 317.272.5800  
Fax: 317.272.5887  
[www.flyergroup.com](http://www.flyergroup.com)

7. Forthcoming *Be certain to obtain a "proof-of-publication" affidavit for your advertisement. This affidavit must be filed with your application in the Planning & Building Department.*

NOTICE must be completed in compliance with Rule 5.3 of the Rules Of The Brownsburg, Indiana Advisory Plan Commission.

8.  [Uses Forms: *APC-002 / APC-003 / APC-004 / APC-005 / APC-006 / APC-007*]

## **Commitment Amendment Application Packet** *(continued)*

9. Forthcoming via Amy Pickett Preliminary Approval from Hendricks County Drainage Board (If the project is within a watershed of a legal drain)

10. N/A Approvals from the Indiana Department of Transportation (If the project proposes an impact on a thoroughfare under their jurisdiction)

Assistance can be sought in preparation of the application from the Planning & Building Department; however, the major execution rests with the applicant. Applicants may choose to have an attorney or their consultant prepare the application and represent them at the hearing, though this is not a requirement.

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Advisory Plan Commission  
Meets the 4<sup>th</sup> Monday of every Month

Board of Zoning Appeals  
Meets the 2<sup>nd</sup> Monday of every Month

Town Council  
Meets the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of every Month

Hendricks County Drainage Board  
Contact:  
The Surveyor's Office  
355 S. Washington Street #214  
Danville, IN 46122

Phone: 317.745.9237

Web: [www.co.hendricks.in.us/GovernmentCenter/SurveyorsOffice/tabid/92/Default.aspx](http://www.co.hendricks.in.us/GovernmentCenter/SurveyorsOffice/tabid/92/Default.aspx)

Drainage Board Meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month in the Commissioners Room (1<sup>st</sup> level) of the Hendricks County Government Center

Indiana Department of Transportation  
Contact:  
Letha Coffing  
INDOT, Crawfordsville District  
41 W. 300 N.  
P.O. Box 667  
Crawfordsville, IN 47933

Phone: 765.361.5252

Web: [www.in.gov/dot](http://www.in.gov/dot)

*All forms are available at [www.brownsburg.org](http://www.brownsburg.org)*