



**CERTIFICATION TO
THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

September 20, 2021

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on September 20, 2021, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave a **Favorable Recommendation** to proposal 2021-31-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal 2021-31-Z Goodwin Properties recommends that 68.69 ± acres be rezoned from the Rural (R1) Low Density Single Family Residential Zoning District to a Rural (R2) Low Density Single Family and Two-Family Residential Zoning District

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2021-31-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, ("Exhibit B")), to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION**



David L. Franz, President

Attest: 

Wayne DeLong, AICP, CPM
Director of Community and Economic Development
Secretary, Town of Zionsville Advisory Plan Commission

EXHIBIT A
PROPERTY DESCRIPTION

The Land referred to in this Commitment is described as follows:

PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 18 NORTH, RANGE 2 EAST, EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 400 SOUTH AND THE SECTION LINE, SOUTH 88 DEGREES 41 MINUTES 48 SECONDS WEST (ASSUMED BEARING) 1020.34 FEET; THENCE ALONG THE EAST DESCRIBED LINE OF THE DARRIN A. GOODWIN AND MARTINA MARTENS GOODWIN PROPERTY RECORDED AS INSTRUMENT #9711860, BOONE COUNTY RECORDER'S OFFICE, NORTH 00 DEGREES 23 MINUTES 02 SECONDS WEST 1321.27 FEET; THENCE ALONG PART OF THE SOUTH DESCRIBED LINE THE CARTER PROPERTIES, INC. PROPERTY RECORDED AS INSTRUMENT #0409181 AND PART OF THE SOUTH DESCRIBED LINE OF THE J. CHRIS SHEPARD PROPERTY RECORDED AS INSTRUMENT #9603193 AND THE QUARTER QUARTER SECTION LINE, NORTH 88 DEGREES 42 MINUTES 06 SECONDS EAST 1014.29 FEET; THENCE CONTINUE ALONG SAID SHEPARD PROPERTY AND THE QUARTER QUARTER SECTION LINE, NORTH 88 DEGREES 37 MINUTES 19 SECONDS EAST 1346.36 FEET; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 875 EAST AND THE QUARTER QUARTER SECTION LINE SOUTH 00 DEGREES 35 MINUTES 53 SECONDS EAST 1322.00 FEET; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 400 SOUTH AND THE SECTION LINE, SOUTH 88 DEGREES 39 MINUTES 35 SECONDS WEST 1345.24 FEET TO THE POINT OF BEGINNING, CONTAINING 71.678 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THE FOLLOWING:

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 88 DEGREES 55 MINUTES 50 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER SECTION A DISTANCE OF 1020.23 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 9711860 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA; THENCE NORTH 00 DEGREES 04 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID TRACT A DISTANCE OF 55.01 FEET TO A POINT FIFTY-FIVE (55) FEET NORTH BY PERPENDICULAR MEASURE FROM THE SOUTH LINE OF SAID SOUTHWEST QUARTER SECTION; THENCE NORTH 88 DEGREES 55 MINUTES 50 SECONDS EAST PARALLEL WITH SAID SOUTH LINE OF DISTANCE OF 1019.32 FEET; THENCE NORTH 89 DEGREES 00 MINUTES 43 SECONDS EAST PARALLEL WITH AND FIFTY-FIVE (55) FEET NORTH BY PERPENDICULAR MEASURE FROM THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION A DISTANCE OF 1345.85 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 22 MINUTES 31 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 55.00 FEET TO THE SOUTHEAST CORNER SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 00 MINUTES 43 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION A DISTANCE OF 1345.22 FEET TO THE POINT OF BEGINNING, CONTAINING 2.987 ACRES, MORE OR LESS.

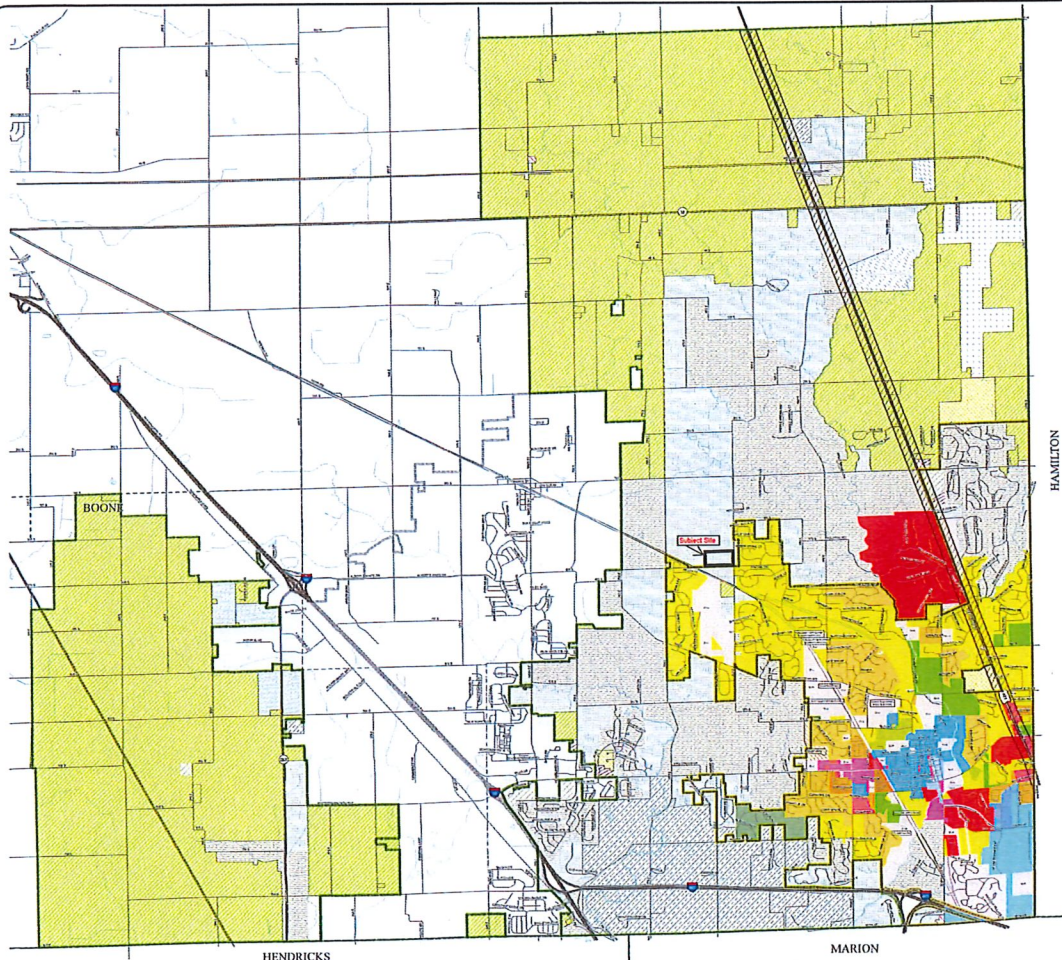
TOWN OF ZIONSVILLE ZONING MAP JANUARY 1, 2015



ZIONSVILLE
FOR ALL THE RIGHT REASONS



Urban Zoning Districts	Rural Zoning Districts
- U-1 - U-2 - U-3 - U-4 - U-5 - U-6 - U-7 - U-8 - U-9 - U-10 - U-11 - U-12 - U-13 - U-14 - U-15 - U-16 - U-17 - U-18 - U-19 - U-20 - U-21 - U-22 - U-23 - U-24 - U-25 - U-26 - U-27 - U-28 - U-29 - U-30 - U-31 - U-32 - U-33 - U-34 - U-35 - U-36 - U-37 - U-38 - U-39 - U-40 - U-41 - U-42 - U-43 - U-44 - U-45 - U-46 - U-47 - U-48 - U-49 - U-50 - U-51 - U-52 - U-53 - U-54 - U-55 - U-56 - U-57 - U-58 - U-59 - U-60 - U-61 - U-62 - U-63 - U-64 - U-65 - U-66 - U-67 - U-68 - U-69 - U-70 - U-71 - U-72 - U-73 - U-74 - U-75 - U-76 - U-77 - U-78 - U-79 - U-80 - U-81 - U-82 - U-83 - U-84 - U-85 - U-86 - U-87 - U-88 - U-89 - U-90 - U-91 - U-92 - U-93 - U-94 - U-95 - U-96 - U-97 - U-98 - U-99 - U-100	- R-1 - R-2 - R-3 - R-4 - R-5 - R-6 - R-7 - R-8 - R-9 - R-10 - R-11 - R-12 - R-13 - R-14 - R-15 - R-16 - R-17 - R-18 - R-19 - R-20 - R-21 - R-22 - R-23 - R-24 - R-25 - R-26 - R-27 - R-28 - R-29 - R-30 - R-31 - R-32 - R-33 - R-34 - R-35 - R-36 - R-37 - R-38 - R-39 - R-40 - R-41 - R-42 - R-43 - R-44 - R-45 - R-46 - R-47 - R-48 - R-49 - R-50 - R-51 - R-52 - R-53 - R-54 - R-55 - R-56 - R-57 - R-58 - R-59 - R-60 - R-61 - R-62 - R-63 - R-64 - R-65 - R-66 - R-67 - R-68 - R-69 - R-70 - R-71 - R-72 - R-73 - R-74 - R-75 - R-76 - R-77 - R-78 - R-79 - R-80 - R-81 - R-82 - R-83 - R-84 - R-85 - R-86 - R-87 - R-88 - R-89 - R-90 - R-91 - R-92 - R-93 - R-94 - R-95 - R-96 - R-97 - R-98 - R-99 - R-100



RECOMMENDED BY THE PLANNING COMMISSION, AND APPROVED BY THE BOARD OF ZONING OFFICIALS, THE ZONING MAP OF THE TOWN OF ZIONSVILLE, INDIANA, IS HEREBY ADOPTED AND PUT INTO EFFECT. THE ZONING MAP OF THE TOWN OF ZIONSVILLE, INDIANA, IS HEREBY ADOPTED AND PUT INTO EFFECT. THE ZONING MAP OF THE TOWN OF ZIONSVILLE, INDIANA, IS HEREBY ADOPTED AND PUT INTO EFFECT.



Exhibit B



ORDINANCE NO. 10
OF THE TOWN OF
ZIONSVILLE, INDIANA

AN ORDINANCE TO AMEND THE
TOWN OF ZIONSVILLE
ZONING ORDINANCE FOR
THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

AND FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT

Plan Commission Petition No.
2021-31-Z

WHEREAS, LC. § 36-7-4, et seq. empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana; and

WHEREAS, in accordance with LC. 36-7-4-600 et seq. the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on September 20, 2021 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance") filed as petition 2021-31-Z (the "Petition"); and

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a unanimous favorable recommendation on September 20, 2021 (Exhibit 1); and

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Petition to amend the Ordinance at its regular meeting on October 4, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4-600 et. seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

Section 1. The Zoning Ordinance for the Town of Zionsville Boone County, Indiana, is amended as follows:

- A. 68.69 +/- acres described in the Petition is rezoned from the Rural (R-1) Low Density Single Family Residential Zoning District to the Rural (R-2) Low Density Single Family and Two Family Residential Zoning District.
- B. The Zoning Administrator shall cause the Town's Zoning Base Map to be amended to reflect this change in zoning.

Section 2. Conditions and Commitments. The Petition and this rezoning is subject to the listed conditions and commitments attached hereto as Exhibit B.

Section 3. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

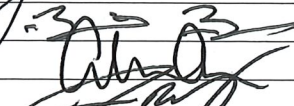
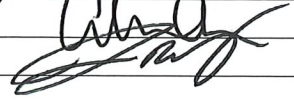
Section 5. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 6. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 7. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

DULY PASSED AND ADOPTED this 4th day of October 2021, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL OF THE TOWN
OF ZIONSVILLE, BOONE COUNTY, INDIANA
(Signatures of Council Members)**

	YEA	NAY
Josh Garrett, President		
Jason Plunkett, Vice-President		
Brad Burk		
Alex Choi		
Joe Culp		
Craig Melton		
Bryan Traylor		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor Emily Styron on the 5 day of October 2021 at 1:00 A.M./P.M.

ATTEST: 
Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**



Emily Styron, Mayor

10/8/2021

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

EXHIBIT A

Commitments and Conditions to Petition 2021-31-Z

A. Zoning Commitments.

The petitioner shall record a zoning commitment stating that:

1. No more than 106 single-family homes shall be included in any plat or development plan for the property; and
2. Any development plan for the project shall substantially comply with the Site Plan submitted in connection with the Petition with regard to the landscaping depicted along the CR 875E frontage and the CR 400S frontage with respect to density, quantity, species and location; and
3. Prior to recording of said zoning commitment, the petitioner shall submit the commitment in draft form to the Town of Zionsville for review and approval, including review and approval by counsel for the Zionsville Plan Commission.

B. Private Commitments.

The petitioner submitted certain private commitments made to property owners along CR 875E, which commitments were set forth in correspondence made a part of the record for the public hearing. This correspondence consists of three emails as follows: (i) An email dated September 19, 2021 to Brent and Becky Inman (respecting landscaping); (ii) an email dated September 17, 2021 to Margaret Yde (respecting screening); and (iii) an email dated September 17, 2021 to Jae Donathen (respecting future drainage analysis).

The rezoning is subject to these private commitments placed of record with the Town of Zionsville.

C. Conditions.

The petitioner is to use good faith best efforts to request signage from Boone County advising travelers along CR 400S that cross traffic (moving north/south along CR 875E) does not stop.

EXHIBIT B

Emails. Private commitments made to property owners along CR 875E

Robyn Crawford

From: David Compton
Sent: Sunday, September 19, 2021 9:47 AM
To: B Inman
Cc: MPrice@bgdlegal.com; Robyn Crawford; David Compton
Subject: RE: Goodwin - Follow up from meeting on 9-13-21 at your home and related commitments - UPDATED 9-19-21

Brent:

Thanks for the note. I have updated the commitment below to add language about the crab apple tree. Please advise if you have any additional questions or comments.

Best always

David Compton



DAVID COMPTON

VP Land Acquisition :: Indianapolis
11590 N. Meridian Street Ste 530
Carmel IN 46032
direct (317) 249.1128 : Cell (317) 281.4177
pultegroup.com

Dear Brent and Becky:

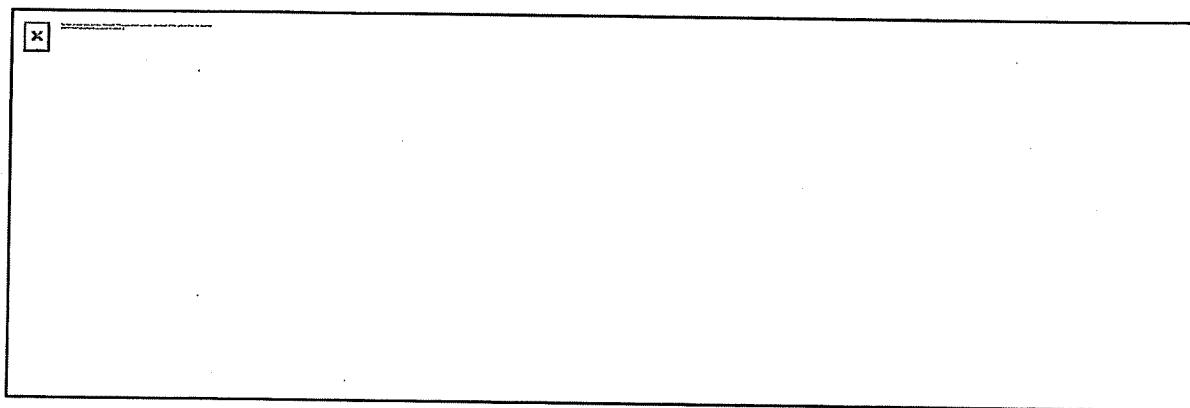
Thank you for taking time to meet with Robyn and I earlier this week about our proposed development on the Goodwin property. We appreciated the opportunity to meet with you and discuss how we may work together. During our meeting you expressed a concern about car lights coming out of the community shining on the front of your home. We understand your concern and as discussed, Pulte would propose to install 4 to 5 aborvitae trees (the same species as the existing trees in your front yard area). The trees would be a minimum of six feet at planting. Subject to making sure that Pulte does not block the drainage on adjoining properties, Pulte would install a 2' to 3' mound on your property on which to place the trees. Pulte would also move the existing crab apple tree on the effected area to another location on your property. If this was not possible, Pulte would replace the impacted tree with a 2.5" caliper crab apple native to Indiana. We would provide you with at least three species of crab apple tree to choose from. All the above commitments would be paid for by Pulte and would be installed not later than the planting season after the paving of the roads adjacent to CR875E.

The above commitment is subject to Pulte Homes closing on the Goodwin farm.

Thank you again for your time and agreeing to meet with us. Please reach out to me with any questions or comments.

Best always

David Compton



CONFIDENTIALITY NOTICE: This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this communication in error, please notify the sender immediately by email and delete the message and any file attachments from your computer. Thank you.

Robyn Crawford

From: David Compton
Sent: Friday, September 17, 2021 2:42 PM
To: myde2004@aol.com
Cc: Robyn Crawford; MPrice@bgdlegal.com; David Compton
Subject: Goodwin - Follow up from meeting on 9-13-21 at your home and related commitments
Attachments: Goodwin Adjoiner Property Exhibit B UPDATED 9-15-21.pdf; Goodwin - Margaret YDE buffer 9-17-21.pdf; Corner fencing option 9-17-21.PNG

Dear Margaret:

Thank you for taking time to meet with Robyn and I earlier this week about our proposed development on the Goodwin property. We appreciated the opportunity to meet with you and discuss how we may work together. During our meeting you expressed a concern about car lights coming out of the community shining on the front of your home. The day after the meeting you reached out to me and advised me that the overlay that had been done by our engineers did not accurately reflect your property line location. I called our engineer and he dug into our question. The original depiction was for reference purposes and was not at scale. As a result of your inquiry, we looked at the deeds that we pulled when we did the Land Title Survey on the Goodwin property and determined that your north property line need to be adjusted three feet to the north. In addition, we determined that the entire overlay needed to be shifted five feet to the south. This resulted in an eight foot change from the original depiction. I have attached the updated exhibit that shows this change as well as the location of your driveway which we found when we did the land title survey for the Goodwin Property.

We understand your concern and as discussed, Pulte would propose to install a wooden front yard privacy fence not to exceed 12 feet in length in the NW corner of your property. If you would like to have a "mirror" copy installed at the SW corner of your property at the same time at your expense. Pulte will assist in the coordination of it. All the above commitments would be paid for by Pulte and would be installed not later than the planting season after the paving of the roads adjacent to CR875E.

The above commitment is subject to Pulte Homes closing on the Goodwin farm.

Thank you again for your time and agreeing to meet with us. Please reach out to me with any questions or comments.

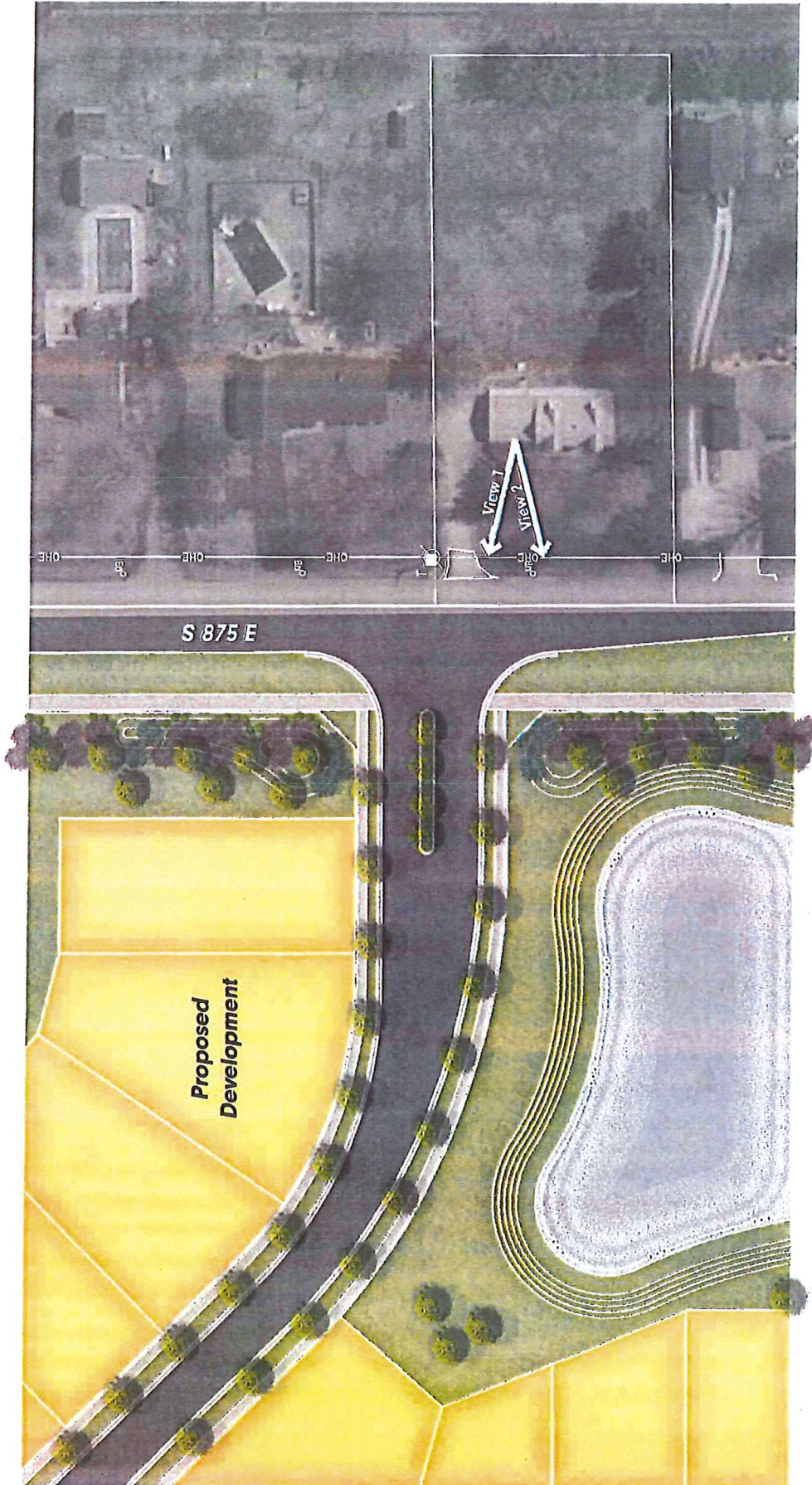
Best always

David Compton



DAVID COMPTON

VP Land Acquisition :: Indianapolis
11590 N. Meridian Street Ste 530
Carmel IN 46032
direct (317) 249.1129 :: Cell (317) 281.4177
pultegroup.com



GOODWIN PROPERTY

CR875 East Entry Enlargement Plan

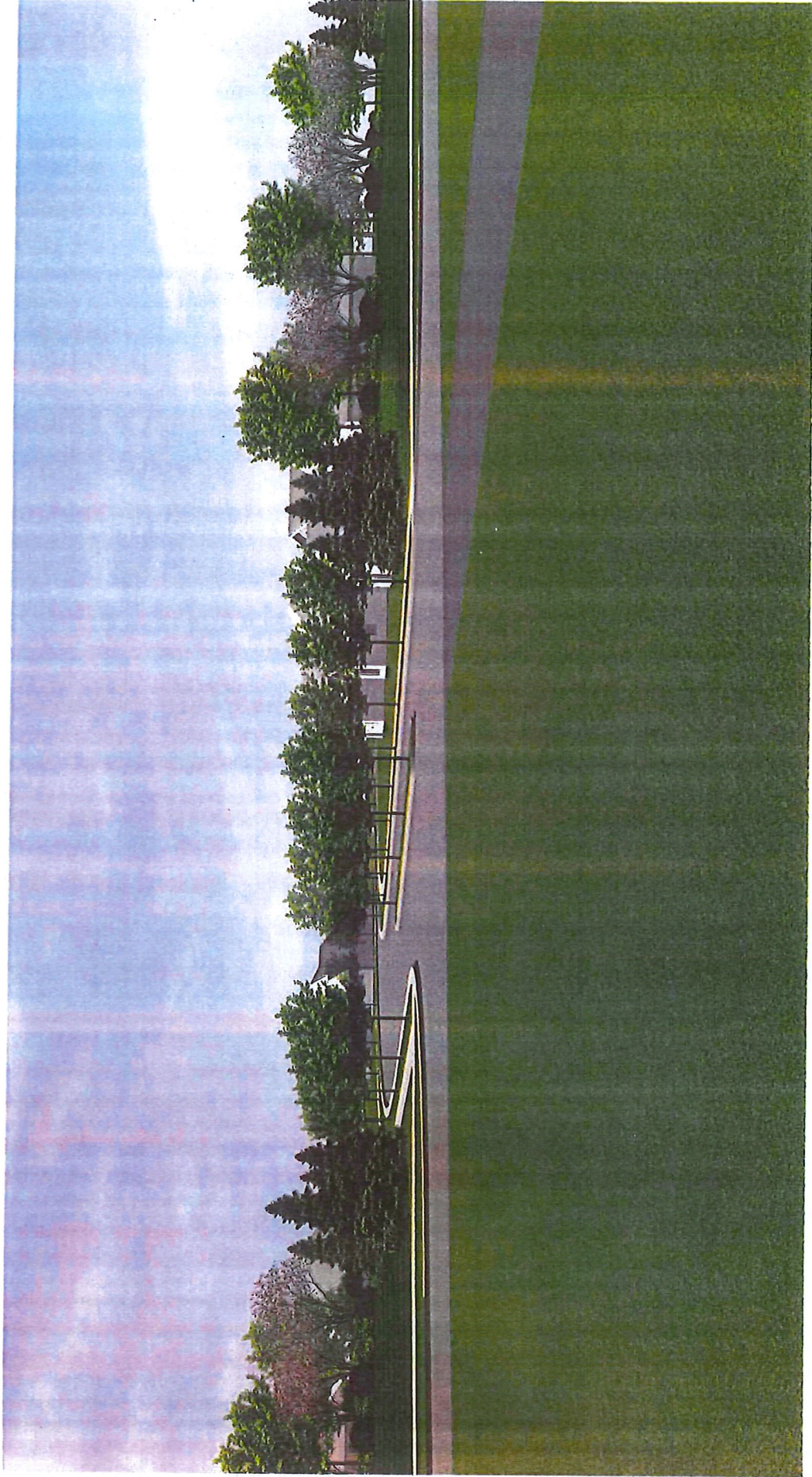
ZIONSVILLE, INDIANA

SCALE: 1"=50'
0 25' 50' 100'



SEPTEMBER 16, 2021





GOODWIN PROPERTY

View 1 Looking Northwest

ZIONSVILLE, INDIANA

SEPTEMBER 16, 2021





GOODWIN PROPERTY

View 2 Looking Southwest

ZIONSVILLE, INDIANA

SEPTEMBER 14, 2021



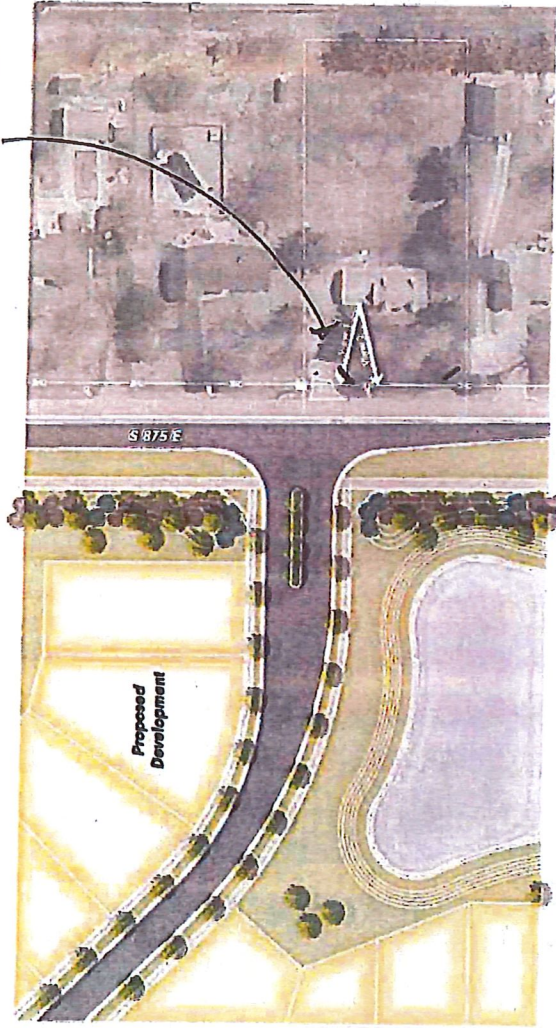
Exhibit B

11 of 1
9/11/12
9/11/12

EXHIBIT A

Goodwin Bypass - YDE

APPROXIMATE
FENCE LOCATION



COOK COUNTY
CR875 East Entry Enhancement Plan
JANUARY 2011



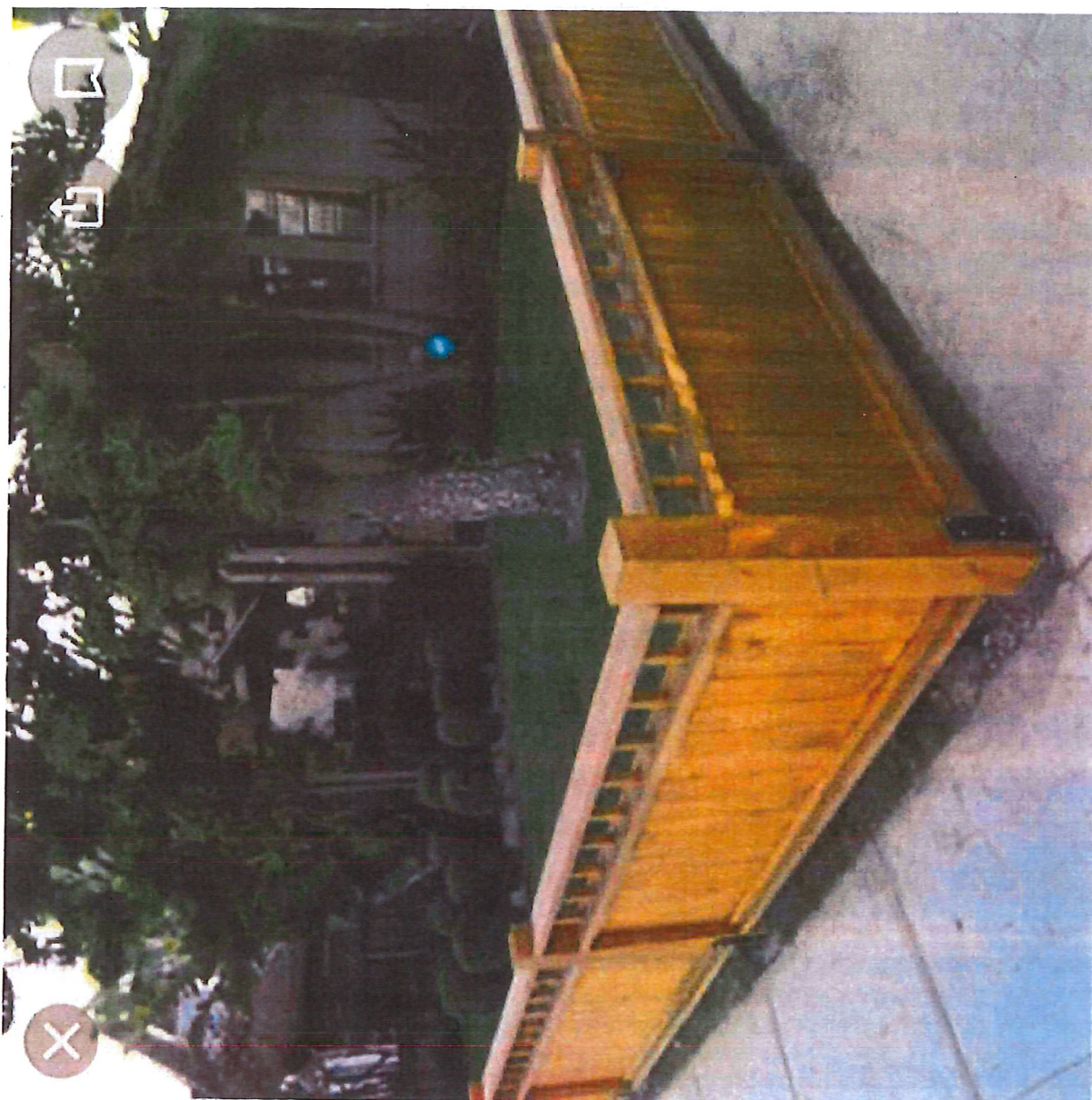


Exhibit B

Robyn Crawford

From: David Compton
Sent: Friday, September 17, 2021 2:59 PM
To: jdonathen@zcs.k12.in.us
Cc: Robyn Crawford; MPrice@bgdlegal.com; David Compton
Subject: Goodwin Development and Drainage - along legal drain to the south of your home - 9-17-21 update

Dear Jae:

Thank you for taking time to meet with Robyn Crawford and myself this past Thursday to discuss drainage south of your home. We appreciated the opportunity to more fully understand what you are dealing with. As committed, we forwarded the photos that we have took onto our project engineer, Brandon Burke with HWC Engineering. Brandon has reached out to the Boone County Surveyor's office and advised them of your concerns and has asked for copies of the construction plans for the most recent legal drain improvements done by Beazer.

As we discussed Tuesday evening, as a result of Pulte's development of the Goodwin property during a big storm event less rainwater will flow off of the Goodwin development at any one give time then currently flows off of the undeveloped farmland today during such a rainfall event. The series of lakes that will be installed as part of the Goodwin development , will serve to hold back severe rain storms and release the water in a predictable manner in the days following the storm.

Right now we are in the zoning phase of the development process. Our next step after zoning is to prepare the detailed development plan and primary plat for the development. The preparation of these plans will involve a very rigorous review of the drainage from our development and how it impacts the legal drain. Pulte will be working with both the Town of Zionsville and the Boone County Surveyor in this process. There will be extensive reviews by both parties and their consultants. This will culminate in a public hearing which Pulte will provide you notice for.

We endeavor to keep you posted through the process. We will most likely be scheduling a meeting with the Boone County Surveyors office out on the site. If we do so, we will invite you too. I will be forwarding this email to our engineer to loop him in our on discussions.

Thank you for your time on Tuesday evening. We look forward to building a great community and being part of the solution not the problem. If you have any additional questions or comments, please do not hesitate to reach out to Robyn Crawford or myself.

Best regards always

David Compton



DAVID COMPTON

VP Land Acquisition :: Indianapolis
11590 N. Meridian Street Ste 530
Carmel IN 46032
direct (317) 249.1128 :: Cell (317) 281.4177
pultegroup.com