

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-094  
**Address:** 6729 Westfield Boulevard (*Approximate Address*)  
**Location:** Washington Township, Council District #2  
**Petitioner:** J.C. Hart Company, Inc., Chase Development, Inc. and Evergreen, LLC, by Michael Rabinowitch  
**Requests:** Rezoning of 21.44 acres from the SU-34 (FF) and D-P (FF) district to the D-P (FF) district to provide for a multi-family and townhome development.  
  
Modification of Commitments, related to 2003-ZON-100, to allow development in accordance the DP Statement, Site Plan, Landscape Plan, Elevations and Renderings filed with this petition.

The Metropolitan Development Commission acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the November 15, 2023 hearing, to the December 20, 2023 hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of this request, subject to the D-P Statement, site plan, landscaping plan, sign program, pedestrian plan, green infrastructure plan, elevations, TIS recommendations and proposed commitments.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 21.44-acre site, zoned SU-34 (FF) and D-P (FF), is developed with an event center and associated parking lots. It is surrounded by an entrance drive to the north, zoned D-P (FF); single-family dwellings to the south, zoned D-P (FF); multi-family dwellings to the east, zoned D-P (FF); and townhomes to the west, across Westfield Boulevard, zoned D-6 (FF).
- ◇ Petition 2021-ZON-149 requested rezoning from the SU-34 (FF) and D-P(FF) Districts to the D-P classification to provide for multi-family and townhome development. This petition was withdrawn.

(Continued)

## **STAFF REPORT 2023-ZON-094 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from the SU-34 (FF) and D-P (FF) Districts to the D-P classification to provide for multi-family and townhome development.
- ◇ The established purpose of the D-P District follows:
  1. To encourage a more creative approach in land and building site planning.
  2. To encourage and efficient, aesthetic, and desirable use of open space.
  3. To encourage variety in physical development pattern.
  4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
  5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
  6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
  7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
  8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
  9. To accommodate new site treatments not contemplated in other kinds of districts.
- ◇ “Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.
- ◇ Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

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## **STAFF REPORT 2023-ZON-094 (Continued)**

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ The entire site is located within the 100-year floodplain of the White River.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### *Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

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## **STAFF REPORT 2023-ZON-094 (Continued)**

### *Attached Housing*

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

### *Multi-family Housing*

- Should be located along arterial or collector streets, parks, or greenways.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

### **Floodway Fringe**

- ◇ This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-P in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ The site and surrounding properties are all within the floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.

### **Stream Protection Corridor**

- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

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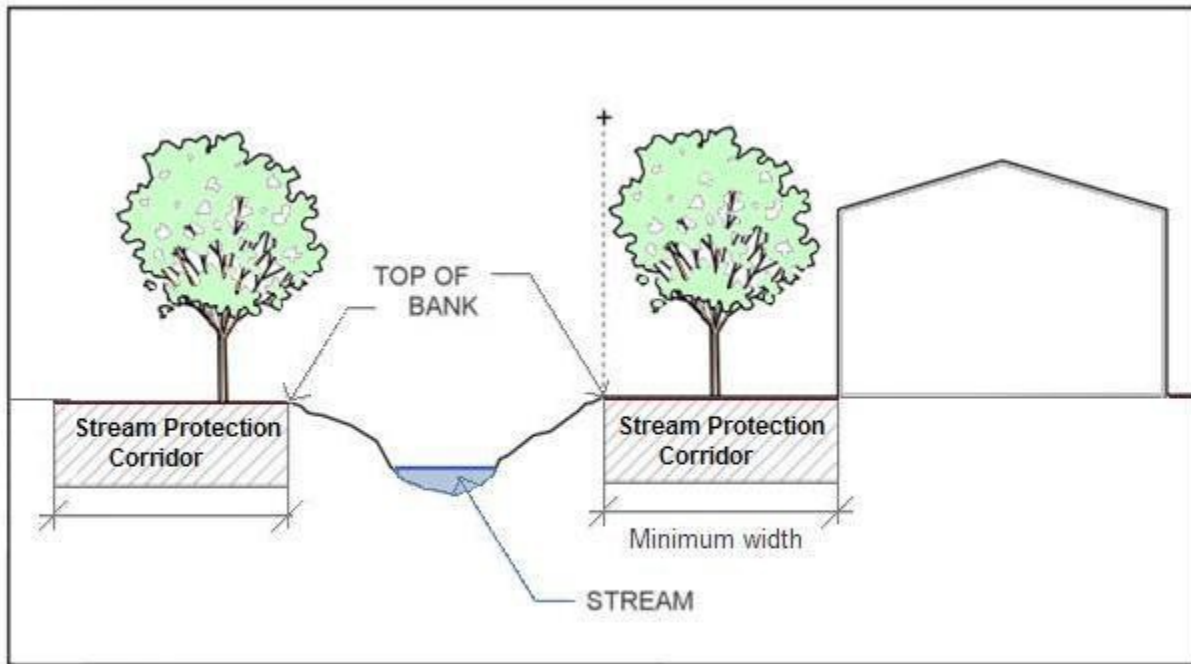
## **STAFF REPORT 2023-ZON-094 (Continued)**

- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. White River is listed as a Category One Stream, which is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”
- ◇ Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 32 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ As a Category One Stream within the Compact Context Area, White River is required to have a 60-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.

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## **STAFF REPORT 2023-ZON-094 (Continued)**



**Stream Protection Corridor**

- ◇ The site property boundary that is adjacent to the Stream Protection Corridor is approximately 55 feet from the required 60-foot Corridor, with the nearest proposed buildings approximately 64 feet from the Corridor. Consequently, the proposed development would not affect or negatively impact the Stream Protection Corridor.

### **Environmental Assessment**

- ◇ The petitioner engaged the services of consultant to conduct an environmental assessment of the impact of the proposed development on management of stormwater runoff. See Exhibit A.
- ◇ The study concluded that reduction of the impervious surface footprint would increase stormwater infiltration, provide additional green space, and improve water quality of stormwater runoff. The planned green infrastructure (bioswales / vegetative stormwater filters) would provide passive water quality treatment of runoff, along with selectively placed mechanical separators would improve water quality. Additionally, removal of invasive ornamental pear trees and use of deep-rooted native landscaping would further reduce stormwater runoff and improve stormwater quality entering the lake.
- ◇ “The proposed development will vastly improve the current ability of this site to manage and treat stormwater runoff. As a result, redevelopment will benefit to the overall health and quality of the lake and ultimately the White River.”

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## **STAFF REPORT 2023-ZON-094 (Continued)**

### **Traffic Impact Study (TIS) - Updated**

- ◇ A TIS was prepared for petition (2021-ZON-149) and concluded that the proposed development would not have a significant negative effect on vehicular traffic, with certain improvements to include ingress and egress lanes at each of the site access drives and trim vegetation along the western side of Westfield Boulevard, south of the proposed development to provide adequate sight distance looking left from the proposed site driveway. See Exhibit B.
- ◇ An updated TIS, file-dated September 8, 2023, that “redevelopment of the existing Willows Event Center will have a negligible impact on the adjacent intersections” and would not require the installation of traffic signal controls or the construction of a northbound lane at the intersection of Westfield Boulevard and the existing Willows Event Center.
- ◇ The TIS, however, recommends the following:
  - Trim the existing vegetation within the right-of-way on the western side of Westfield Boulevard, south of the proposed Willows redevelopment driveway, in order to provide adequate sight distance looking left from the proposed site driveway.
  - Construct the proposed site driveway to Westfield Boulevard to provide one (1) lane for ingress traffic and one (1) lane for egress traffic only. The site egress should be controlled by a Stop sign.

### **D-P Statement**

- ◇ The D-P Statement, file-dated September 8, 2023, describes the project as an apartment community offering 192 residential units in four buildings and “for sale” townhomes consisting of eight buildings with two residential units per building for a total of 16 units.
- ◇ The two different housing types would have a similar material palette to include earth tone siding in dark blues and greens, combined with brick and wood tones.
- ◇ The Statement also addresses development standards / setback, drainage / storm water management, signage, and landscaping.
- ◇ Amenities would include a wildflower garden, outdoor gathering spaces, pool, fitness center and a walking path around the perimeter of the lake.
- ◇ Parking would consist of 124 garage parking spaces and 140 surface parking spaces for the multi-family portion of the site. Each townhome would have a two-car garage, with two additional parking spaces on the drive for a total of 32 parking spaces. Additionally, 30 bicycles parking spaces, 18 of which would be located within the garage, would be provided.
- ◇ A pedestrian plan supporting connectivity would include internal sidewalks and installation of sidewalks along Westfield Boulevard right-of-way that would provide crosswalks and ultimately connectivity to the Monon Trail to the west.
- ◇ Site access would be provided via one entrance along Westfield Boulevard and an emergency barrier-controlled access at the southern end of the site.

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## **STAFF REPORT 2023-ZON-094 (Continued)**

### **MODIFICATION**

- ◇ This request would modify commitments related to 2003-ZON-100, to allow development in accordance with the D-P Statement, Site Plan, Landscape Plan, Elevations and Renderings. See Exhibit C.
- ◇ The 2003 commitments also included petitions 2000-ZON-001 / 2000-DP-001 that rezoned the Spirit Lake site (east of this site) to the D-P district to provide for condominium development.
- ◇ Staff supports the modification because the commitments are no longer applicable since the condominium community has been constructed and occupied for nearly 20 years.
- ◇ This modification would permit redevelopment of this site for residential development.

### **Planning Analysis**

- ◇ The previous petition (2021-ZON-149) initially proposed 238 apartment units within three multi-family buildings consisting of three and four stories over a floor of parking. Eight, three- and four-story buildings provided for 18 townhomes, resulting in a total of 256 dwelling units. Ultimately, plans were amended that reduced the total number of dwelling units to 225, consisting of 209 apartments and 16 townhomes, thereby reducing the overall density.
- ◇ Following withdrawal of the 2021 petition, this petition was filed to provide for 192 apartment units and 16 townhomes for a total of 208 dwelling units. Four buildings consisting of four stories over a level of parking would be provided for the apartments. Eight two-family dwellings would provide for sixteen townhomes.
- ◇ Housing density on the site would be 9.7 units per acre. If the eight-acre lake would be removed from the equation, the density would be 13.48 units per acre. This compares to six units per acre for the multi-family structures to the east and four units per acre for the townhomes to the west. Staff would note that the Ordinance provides that “densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission.”
- ◇ As proposed, 328 parking spaces would be available, consisting of 124 garage parking spaces and 140 surface parking spaces for the apartments. The townhomes would have 32 garage parking spaces and 32 surface parking spaces. The Ordinance requires 0.75 parking space per dwelling unit if the building is over three stories and one parking space per townhome for a total of 160 minimum required parking spaces.
- ◇ The request would be generally consistent with the Comprehensive Plan recommendation of suburban neighborhood typology and comply with the guidelines outlined in the Pattern Book including but not limited to a mixture of housing types, permitted uses, compatible design character (building height / massing / footprint) with adjacent land uses, located along an arterial street, located near the Monon Trail (publicly accessible greenway) and pedestrian connectivity (both internal to the site and off-site connections to nearby amenities).

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## **STAFF REPORT 2023-ZON-094 (Continued)**

- ◇ As previously noted, the proposed redevelopment of the site would be more consistent with the Comprehensive Plan recommendation than the current use as an event center. Event centers are more intense and considered to be a community regional use that serves a wide area, generates significant traffic peaks, and creates noise and activity.
- ◇ The updated TIS concludes that the proposed development would not have a significant negative impact on adjacent intersections.
- ◇ The Environmental Assessment concludes that the proposed development would vastly improve the current ability of the site to manage and treat stormwater runoff.
- ◇ For all these reasons, staff supports the rezoning request, subject to the D-P Statement, site plan, landscaping plan, sign program, pedestrian plan, green infrastructure plan, elevations, TIS recommendations and proposed commitments.

## **GENERAL INFORMATION**

### **EXISTING ZONING AND LAND USE**

SU-34(FF)      Event Center  
/ D-P (FF)

### **SURROUNDING ZONING AND LAND USE**

North -	D-P	Entrance drive to multi-family dwellings
South -	D-P	Single-family dwellings
East -	D-P	Multi-family dwelling
West -	D-6	Multi-family dwellings (Townhomes)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology. Marion County Land Use Pattern Book (2019).
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THOROUGHFARE PLAN	This portion of Westfield Boulevard is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 65-257-foot right-of-way and a proposed 56-foot right-of-way.
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CONTEXT AREA	This site is located within the compact context area.
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OVERLAY	This site is located within an environmentally sensitive area (100-year floodplain).
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D-P STATEMENT	File-dated September 8, 2023
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SITE PLAN	File-dated September 8, 2023
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ELEVATIONS / RENDERINGS	File-dated September 8, 2023
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## **STAFF REPORT 2023-ZON-094 (Continued)**

### **ZONING HISTORY**

**2021-ZON-149; 6729 Westfield Boulevard**, requested Rezoning of 21.44 acres from the SU-34 (FF) and DP (FF) districts to the DP (FF) district to provide for a multifamily and townhome development, **withdrawn**.

**2003-ZON-100; 6720 Spirit Lake Drive**, requested the rezoning of 29.7 acres from the D-P district to the D-P district to provide for a single-family dwelling and for condominium development, **approved**.

**2000-ZON-001 / 2000-DP-001; 6759 Westfield Boulevard**, requested the rezoning of 26.28 acres from the SU-34 and D-P districts to the D-P district to provide for condominium development, **approved**.

**88-Z-196; 6591 Westfield Boulevard**, requested the rezoning of 20.8 acres from the SU-34, SU-3 and SU-16 districts to the SU-34 district, **approved**.

**87-Z-113; 6801 Westfield Boulevard**, requested the rezoning of 26.2 acres from the SU-34, D-2, SU-3, and SU-15 districts to the D-9 district, **withdrawn**.

**60-Z-112; 6400-6600 Westfield Boulevard**, requested the rezoning of 41.7 acres from the R-3 district to the SU-16 and SU-3 districts to provide for a recreation and amusement park, **approved**.

**60-Z-111; 6600 Westfield Boulevard**, requested the rezoning of 3.3 acres from the R-3 district to the B-2 district to provide for a restaurant, **approved**.

### **VICINITY**

**2003-ZON-818 / 2003-DP-10; 6720 Spirit Lake Drive north of site**, requested the rezoning of 1.17 acre from the D-P district to the D-P district to provide for a single-family dwelling, **approved**.

**2002-ZON-823; 6720 Spirit Lake Drive (north of site)**, requested the rezoning of 29.7 acres from the D-P district to the D-P district to provide for condominium development, **approved**.

**91-Z-52, DP-6; 6709 Westfield Boulevard (south of site)**, requested the rezoning of 70 acres from the D-5 and D-A districts to the D-P district to provide for single-family dwellings, **approved**.

**88-Z-195; 6891 Westfield Boulevard (north of site)**, requested the rezoning of three acres from the SU-34 district to the D-4 district, **approved**.

**87-UV1-53; 6801 Westfield Boulevard (north of site)**, requested a variance of use to provide for a residential garage in a SU-34 district, **approved**.

**86-UV3-76; 6702 Westfield Boulevard (west of site)**, requested a variance of use to provide for a residential accessory structure larger than the primary residential structure, **approved**.

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**STAFF REPORT 2023-ZON-094 (Continued)**

**85-Z-90; 6701 Westfield Boulevard (south of site)**, requested the rezoning of 40 acres from the C-3, D-S, A-2, SU-3 and SU-16 districts to the D-2 district, **approved**.

**60-Z-110; 6600 Westfield Boulevard (west of site)**, requested the rezoning of 2.1 acres from the R-3 district to the B-5 district to provide for lawnmower repair, **approved**.

**60-Z-109; 6600 Westfield Boulevard (west of site)**, requested the rezoning of 20.8 acres from the R-3 district to the SU-34 district to provide for a private fishing club, **approved**.

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# **Development Statement**

## **DEVELOPMENT STATEMENT** **6729 WESTFIELD BLVD.**

### **SITE CHARACTERISTICS**

The property is located at 6729 Westfield Blvd. (the "Property"). The approximately 21.44 acre Property includes a 13 acre lake and 8 acres of land to be developed. Since 1988, the Property has been operated as an event center, most recently known as "The Willows." The Willows has two buildings: an approximately 25,000 sq. ft. Event Center located at the access from Westfield Blvd. and an approximately 13,000 sq. ft. Lodge located at the southern end of the Property. Both buildings will be demolished in connection with the project.

The Property is located west of the White River but is over 100 feet from the river bank at its nearest point at the southeastern end of the Property. The proposed development falls outside of the Stream Protection Corridor (as defined in the Marion County Zoning Ordinance) by in excess of 40 feet. No development shall be allowed within the Stream Protection Corridor. Other developments surrounding or adjacent to the Property include the Oxbow neighborhood to the south, the Island Woods Condominiums and the Reserve at Broad Ripple to the west, Spirit Lake Condominiums and Shore Acres of Broad Ripple Apartments to the east, and single family residential development to the north.

### **PROJECT DESCRIPTION**

J.C. Hart Company proposes to redevelop the Property as an apartment community which will offer 192 residential living units in four buildings with parking located on the first level and along Westfield Blvd. as depicted in the filed site plan and as shown on the elevations. The Marion County Land Use Plan Pattern Book (the "Pattern Book") states that multifamily housing should be part of the housing mix in a suburban neighborhood and should be located along arterial or collector streets, parks or greenways.

The townhome section of the project, which units will be "for-sale," will be developed by Chase Development at the southern end of the Property. In accordance with the Pattern Book, this area is designed to create a transition in scale between the apartments and the Oxbow Estates residential neighborhood. The townhomes shall consist of eight (8) separate buildings with two (2) units per building, for a total of sixteen (16) townhomes. The townhomes shall be three and four stories with a two-car garage and parking for two additional vehicles in each unit's driveway. A similar material palette to the apartments is used to create a cohesive development.

The multifamily section of the development separates the apartment units into four buildings. Each building complies with the Pattern Book recommendations that: (1) multifamily buildings have a footprint no greater than twice the size of existing residential structures; and (2) the height of each building be no more than one and a half times the height of existing residential structures. Moreover, the Pattern Book recommends that "[d]ensity intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks." Pattern Book, p. 27.

Buildings are configured to maximize the amount of available green space and to provide residents with the best views of the lake and surrounding forested area. Aesthetically, the exterior design uses modern vocabulary and takes cues from the natural, park-like setting. The development name “Elements” is derived from this idea. Earth tone siding colors in dark blues and greens are used in combination with brick and wood tones to reinforce the *elements* concept. Large balconies encourage residents to extend their living spaces outdoors and enjoy the views.

The project will add additional green space to the Property. Landscape improvements seek to enhance the natural features of the site using prairie grasses, drought-tolerant native plants, a wildflower garden, and a green roof over the 3,000sf Leasing Office and Fitness Center. Other site amenities include an outdoor pool and covered outdoor gathering spaces. The lake is the other key amenity and residents will be able to view the water via a walking path around the water. There shall be no motorized boats allowed on the lake, except for electric trolling motors.

Each building has a clear sense of entry from Westfield Blvd. The garage level sits approximately 6.5’ below Westfield Blvd which limits visibility of cars coming in and out of the garage. Additionally, decorative screens, retaining walls, and plantings are used at the parking level to limit the visibility of cars in the garage. Earthtone porous pavers are used at the site entry to assist with storm-water runoff and reduce the visual impact of asphalt.

The development will be constructed in substantial compliance with the approved site plan and elevations.

#### **PERMITTED USES**

Permitted use of the Property shall be limited to multifamily dwellings and single family attached dwellings as depicted on the approved site plan and elevations.

#### **DEVELOPMENT STANDARDS/SETBACKS**

Building and other structures constructed on the Property shall be located as depicted on the approved site plan, including building locations and setbacks shown thereon.

#### **UTILITIES DRAINAGE**

All utilities are available to the site. Storm drainage will be professionally engineered to meet the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality. Storm water run-off from the project will flow through a filtration system that will capture the vast majority of particulate matter before release.

#### **SIGNAGE**

Project and building identification signage shall be located in substantial conformity with the approved sign plan and subject to final approval by the Administrator. No off-premises outdoor advertising signs shall be permitted.

### **LANDSCAPING**

Landscaping shall be located in substantial compliance with the approved landscape plan. Native, non-invasive and drought tolerant trees and shrubs will be used throughout the landscape design.

### **SIDEWALKS/CONNECTIVITY**

Improving connectivity, both within the development, and in the surrounding area shall be an important aspect of the development. Pedestrian walkways and sidewalks shall be constructed within the development and along public right-of-ways as depicted on the approved site plan. The developer shall work with the Department of Public Works to bring necessary improvements along Westfield Blvd. for pedestrian access and cross-walks ultimately providing connectivity to the Monon Trail.

### **ACCESS AND PARKING**

Primary access to the apartments and townhomes shall be via the existing access point off of Westfield Blvd., with only emergency ingress/egress permitted through a barrier controlled access point at the southern end of the Property to Westfield Road.

The project shall be fully self-parked and meet all municipal parking ratio requirements. Parking for the multifamily building shall consist of 124 parking spaces in the garage and 140 parking spaces at surface level as shown on the site plan for a total of 264 parking spaces. Also, there shall be 30 bicycle parking spaces, with 18 located in the garage. Each townhome unit shall be constructed with a dedicated two car garage for a total of 32 parking spaces and can accommodate two additional parking spaces within each townhome driveway for a total of 64 parking spaces for the 16 townhomes.



# Architectural Site Plan



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Aug 1, 2023

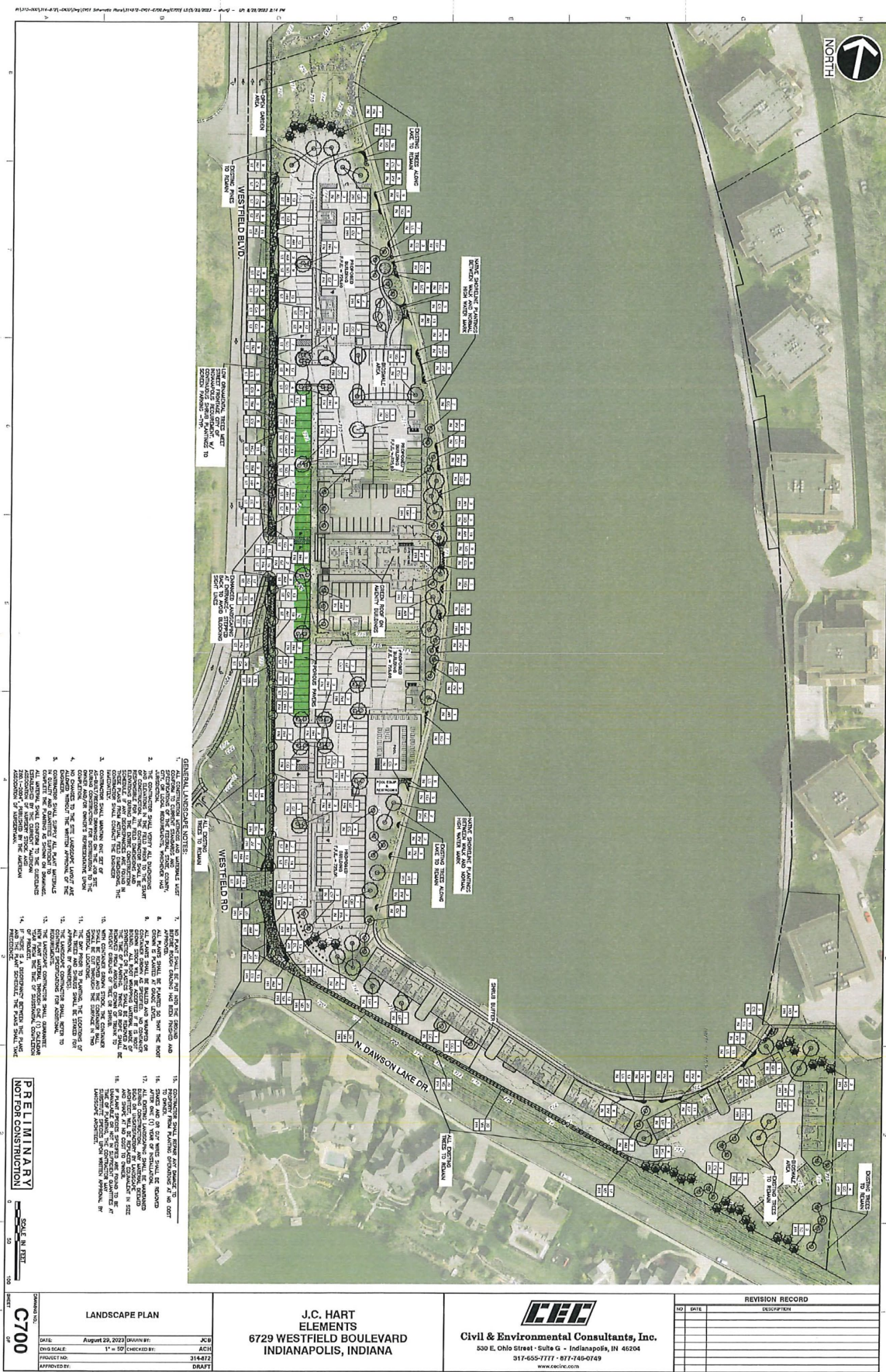
Architectural Site Plan

Elements  
Broadripple Apartments  
on the Water  
Indianapolis, Indiana

JC HART

STUDIO M  
ARCHITECTURE & PLANNING



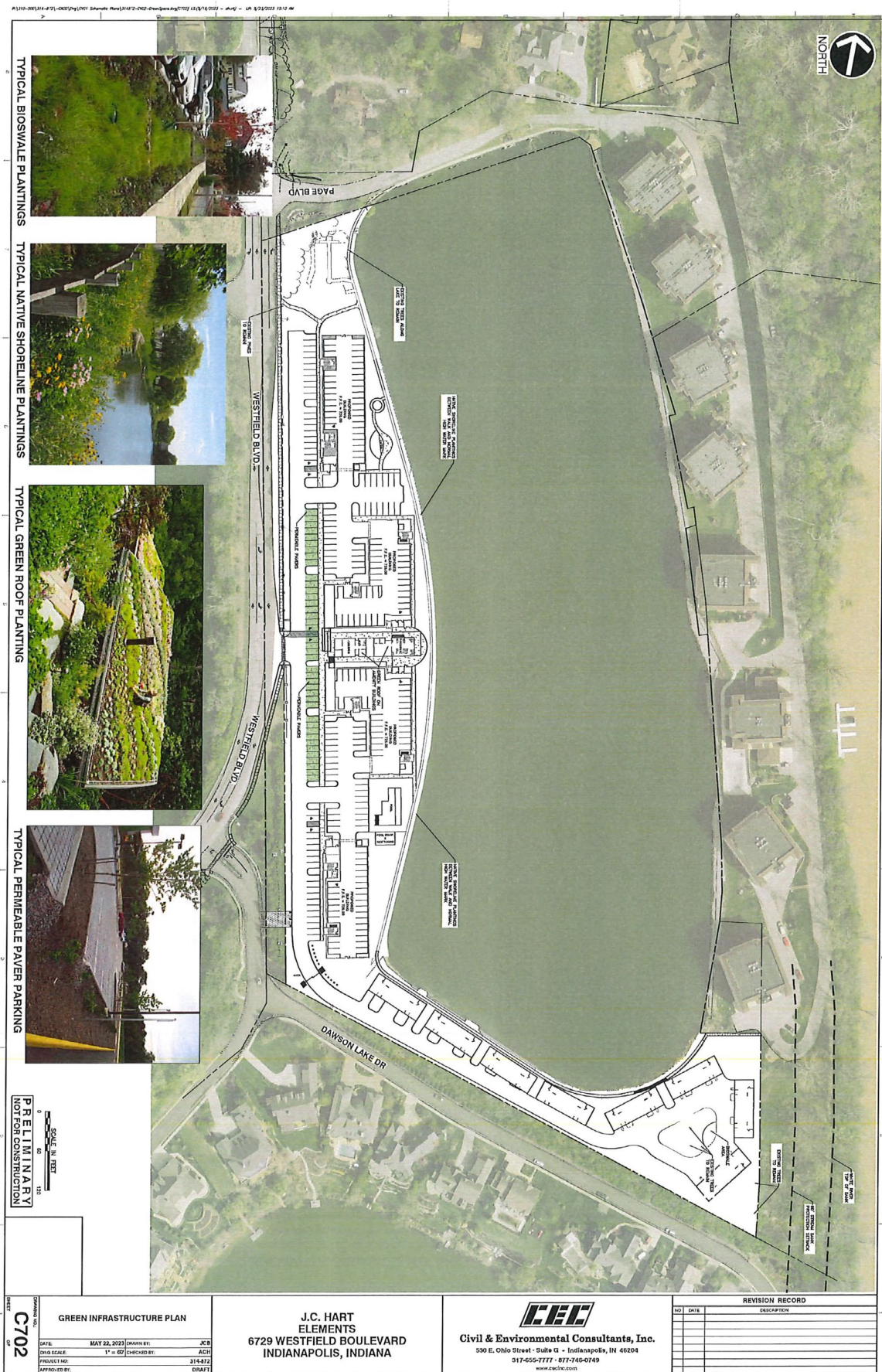
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DRAWING NO. <b>C700</b> SHEET 04	<h1>LANDSCAPE PLAN</h1>	
	DATE: August 29, 2023	DRAWN BY: JCB
	GRAPH SCALE: 1" = 50'	CHECKED BY: ACH
	PROJECT NO:	314-872
	APPROVED BY:	DRAFT

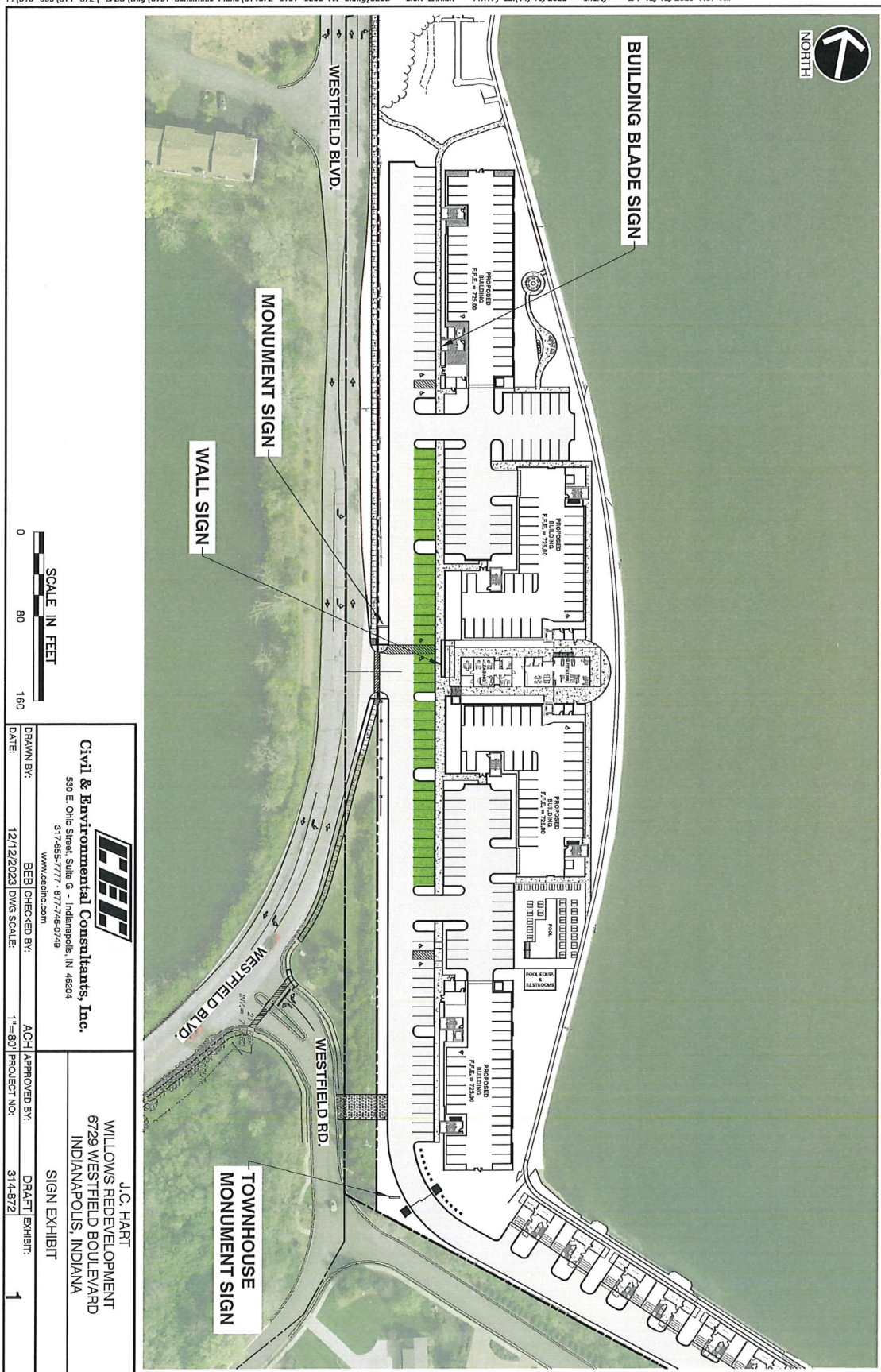
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## Proposed Commitments

### **LIST OF COMMITMENTS** **6729 WESTFIELD BLVD.**

1. **Site Development.** Development of the site shall be in substantial conformity with the Development Statement, Site Plan, Building Elevations, landscape plan, Green Infrastructure Plan, and renderings approved by the Metropolitan Development Commission ("Project").
2. **Access.** Access to the Project shall be via the existing access drive and curb cut off of Westfield Blvd. Emergency access only shall be permitted via the "Emergency Access" area via Westfield Road in substantially the same location as the existing Westfield Road access to the property, provided such access can be improved in a manner that complies with all applicable codes, ordinances, and with the approval of pertinent City agencies. In the alternative, such Westfield Road access shall be as shown on the approved site plan. Wherever sited, the Westfield Road access shall be used only as an emergency access. Non-emergency vehicles are strictly prohibited from accessing the site via Westfield Road and a gate or barrier operable by emergency service providers will be installed at Westfield Road emergency access point.
3. **Environmental.** The Project shall include the following environmental protections:
  - a. Developer shall obtain all applicable permits and approvals in connection with the development of the Project relating to the environment, including all appropriate internal reviews by City agencies.
  - b. There shall be no development or land disturbance in connection with the development of the Project inside of or within 60 feet of the Stream Protection Corridor, as that term is defined in the Marion County Zoning Ordinance.
  - c. An onsite stormwater drainage filtration system, including bioswales as shown on the approved Green Infrastructure Plan ("Filtration System") shall be installed in connection with the development of the Project and shall be subject to review and approval by the Department of Public Works ("DPW") based upon its design standards at the date of approval of these Commitments by the Metropolitan Development Commission ("Commission").
  - d. The existing bank of the pond shall not be disturbed during development of the Project, except as necessary to install the Filtration System or to maintain damaged or eroded sea wall areas adjacent to the Project improvements.
  - e. Developer shall utilize natural-fiber erosion control blankets, coir fiber logs, and other materials during construction.

- f. There shall be no motorized boats allowed on the pond, except for boats with electric trolling or similar sized motors.
- g. The landscaping plan for the Project, which shall be subject to approval by the Administrator of the Department of the Department of Metropolitan Development Department ("Administrator"), shall include species that are native to or thrive in Indiana and are not invasive. The approved Landscape Plan shall include a native prairie buffer between any water feature which captures stormwater runoff and any lawn or structure.
- h. In connection with the approved landscape plan, Developer shall remove existing invasive plant species, including but not limited to Callery/Bradford Pear and cultivars (*Pyrus calleryana*) and Bush Honeysuckle (*Lonicera S.*). Erosion control grasses shall be exempt from this requirement.
- i. Developer shall maintain a lake maintenance plan which shall include use of eco-friendly fertilizer as a mechanism to ensure clarity of water in Spirit Lake, understanding that other adjacent property owners' use of chemicals in the area around Spirit Lake also impacts water quality. Developer shall restrict use of pesticides and herbicides to only those approved for use in wetland areas.

4. **Parking.** The Project shall include and continue to maintain a maximum of 264 onsite parking spaces for the apartment units and each townhome shall have a dedicated two car garage. Bicycle parking shall be provided for the apartment units as shown on the approved site plan.

5. **Connectivity.** As shown on the Pedestrian Area Plan file dated August 30, 2023 ("Sidewalk Plan"), the following improvements ("Sidewalk Improvements") shall be installed before any dwelling units on the subject property are occupied by residents, or, in the event installation of the Sidewalk Improvements is delayed by reason of Force Majeure, as soon thereafter as reasonably possible:

- a. A sidewalk meeting the standards of DPW shall be installed in the right-of-way of Westfield Boulevard along:
  - i. the frontage of the subject property;
  - ii. to the south of the subject property along Westfield Boulevard that is currently without a sidewalk; and
- b. Crosswalk striping shall be installed on Westfield Road at the intersection of Westfield Boulevard.
- c. Two (2) crosswalk with RRFs (rectangular rapid flashing beacons) shall be installed per the Sidewalk Plan or in other nearby locations along Westfield Boulevard designated by DPW.

- d. ADA curb ramps, continental markings and pedestrian protection shall be installed to DPW standards.
  - e. The Sidewalk Improvements shall, as installed, be the property of DPW and developer shall execute any reasonable documents of dedication as requested by DPW. Future maintenance, repair or replacement of the Sidewalk Improvements shall be the responsibility of DPW and not the developer.
6. **Signage.** Project and building identification signage shall be located in substantial conformity with the approved sign plan and subject to final approval by the Administrator.

**REVISED TRAFFIC IMPACT STUDY  
FOR THE PROPOSED  
WILLOWS REDEVELOPMENT  
City of Indianapolis, Marion County, Indiana  
EXECUTIVE SUMMARY**

**General Overview of the Development**

- The approved TIS which was dated November 15, 2021 has been updated to reflect a change in the number of units, the removal of a site driveway on Westfield Road, and a projected opening year of 2025. This revised TIS reflects the results of the updated analyses.
- Development to occur on the eastern side of Westfield Boulevard, on the site of the existing Willows Event Center, in the City of Indianapolis, Marion County, Indiana.
- Development to consist of the razing of the existing Willows Event Center and the construction of the following:
  - 192 apartment units; and
  - 16 residential townhouse units.
- Access to the development is proposed via one (1) site driveway;
  - the reconstruction of the existing driveway to Westfield Boulevard serving the existing Willows Event Center, the centerline of which is located approximately 315 feet north of the centerline of Westfield Road; and

**Study Intersections**

- Westfield Boulevard with 75<sup>th</sup> Street (existing signalized);
- Westfield Boulevard with the Willows Event Center driveway/site driveway (existing unsignalized/proposed);
- Westfield Boulevard with Westfield Road (existing unsignalized);
- Westfield Boulevard with 64<sup>th</sup> Street (existing unsignalized); and
- Winthrop Avenue with Broad Ripple Avenue (existing signalized).

**Trip Generation and Distribution**

- Trip generation of the proposed development was determined using rates and equations contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Tenth Edition, 2017. The tenth edition was utilized to remain consistent with the approved study.
  - Land Use Code 221, *Multifamily Housing (Mid-Rise)*, was used to determine the trip generation of the proposed 192 apartment units; and

- Land Use Code 220, *Multifamily Housing (Low-Rise)*, was used to determine the trip generation of the proposed 16 townhouse units.
- Estimated Trip Generation of the proposed development:
  - A.M. Peak Hour: 19 Entering/54 Exiting/73 Total
  - P.M. Peak Hour: 59 Entering/36 Exiting/95 Total
- Primary trip distribution based on an average of the existing peak hour traffic distributions in the following locations
  - Westfield Boulevard – north of 75<sup>th</sup> Street;
  - 75<sup>th</sup> Street – west of Westfield Boulevard;
  - 64<sup>th</sup> Street – west of Westfield Boulevard;
  - Winthrop Avenue – south of Broad Ripple Avenue;
  - Broad Ripple Avenue – east of Winthrop Avenue; and
  - Broad Ripple Avenue – west of Winthrop Avenue.
- Primary trip distribution also compared to the distribution of traffic into and out from Westfield Road at its intersection with Westfield Boulevard.

#### **Capacity Calculations**

- No decreases in overall intersection Level of Service are anticipated at any of the existing study intersections following the redevelopment of the existing Willows Event Center.
- The proposed site driveway intersection with Westfield Boulevard can be anticipated to operate at an overall intersection Level of Service A during both the weekday A.M. and weekday P.M. peak hours, with all movements into and out from the proposed site driveway anticipated to operate at a Level of Service C or better during each of the peak periods analyzed.

#### **Traffic Signal Installation Warrants**

- Warrants for the installation of traffic signal control are not anticipated to be satisfied at the intersection of Westfield Boulevard with the proposed site driveway.
- Warrants for the installation of traffic signal control are not anticipated to be satisfied at the intersection of Westfield Boulevard with Westfield Road.

#### **Auxiliary Turn Lane Installation Guidelines**

- Guidelines for the construction of a northbound right turn lane on Westfield Boulevard at its intersection with the proposed site driveway are not anticipated to be satisfied.

### **Mitigation Measures to be Constructed Concurrent with Development**

- Trim the existing vegetation within the right-of-way on the western side of Westfield Boulevard, south of the proposed Willows redevelopment driveway, in order to provide adequate sight distance looking left from the proposed site driveway.
- Construct the proposed site driveway to Westfield Boulevard to provide one (1) lane for ingress traffic and one (1) lane for egress traffic only. The site egress should be controlled by a Stop sign.

## CONCLUSIONS/RECOMMENDATIONS

The study concluded that the redevelopment of the existing Willows Event Center will have a negligible impact on the adjacent intersections.

Warrants for the installation of traffic signal control are not anticipated to be satisfied at any of the existing unsignalized study intersections following the redevelopment of the existing Willows Event Center.

Warrants for the construction of a northbound right turn lane on Westfield Boulevard are not anticipated to be satisfied at the intersection Westfield Boulevard with the Willows redevelopment driveway following the redevelopment of the existing Willows Event Center.

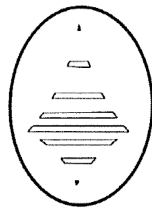
Therefore, based on the results of these analyses, CEC recommends the following:

- Trim the existing vegetation within the right-of-way on the western side of Westfield Boulevard, south of the proposed Willows redevelopment driveway, in order to provide adequate sight distance looking left from the proposed site driveway.
- Construct the proposed site driveway to Westfield Boulevard to provide one (1) lane for ingress traffic and one (1) lane for egress traffic only. The site egress should be controlled by a Stop sign.

This concludes CEC's Revised Traffic Impact Study for the redevelopment of the existing Willows Event Center, which is located on the eastern side of Westfield Boulevard, north of Westfield Road, in the City of Indianapolis, Marion County, Indiana.

Included with this report is a Technical Appendix containing all counts, analyses and calculations.

## EXHIBIT A



**Earth-Source Inc**

*Committed to Excellence in Land Stewardship & Design for over 30 years*

### **ENVIRONMENTAL ASSESSMENT REPORT: WILLOWS REDEVELOPMENT**

6729 Westfield Boulevard  
Indianapolis, IN 46220

Site Investigation: November 16, 2022

Initial Report: January 9, 2023

Final Report: October 5, 2023

#### Prepared for:

Dinsmore & Shohl, LLP

211 North Pennsylvania Street, Suite 1800

Indianapolis, IN 46204

### **Summary and Conclusions**

- The proposed development will vastly improve the current ability of this site to manage and treat stormwater runoff. As a result, redevelopment will benefit to the overall health and quality of the lake and ultimately the White River.

### **Site History**

- The site known as Spirit Lake began as a gravel quarry, which was in active operation between 1930 and 1950.
- Between 1960 and 1990 the site was utilized for limited recreation, single dwellings and boat dock.
- In 1990 the site began its current use as an event center.
- In 2002, development of condominiums began on the eastern portion of the site.

### **Existing Site Conditions and Observations**

#### Spirit Lake

- The shoreline is primarily either hard armored with stone or concrete seawall.
- Existing greenspace or wildlife/aquatic habitat is extremely limited.
- Stormwater runoff from the condominiums and/or nearby home occurs via pipe discharge to the lake.
- Stormwater runoff from the event center is comprised largely of sheet flow from paved parking areas which runs through a narrow greenspace lawn around the lake.
- Current conditions provide limited stormwater treatment prior to discharge to the lake.

Earth Source, Inc.

14921 Hand Road, Fort Wayne, IN 46818

Page 1 of 3; (10/5/2023)

PH: (260) 489-8511 FAX: (260) 489-8607

landscape architecture • land planning • wetland science & ecological services  
native seed nursery • installation • management



**WILLOWS REDEVELOPMENT  
ENVIRONMENTAL ASSESSMENT REPORT**

**Event Center**

- Stormwater runoff sheet drains from the parking lot with limited greenspace treatment.
- Impervious surfaces, including roof areas, parking and other pavements totals approximately 3.0 acres, excluding existing development on the south side of the lake. The proposed development includes approximately 2.6 acres of impervious surface.
- Under current ownership for over 30 years.
- Stable seawall shoreline. No evidence of erosion or bank failure.
- Ornamental Pear trees line the current shoreline. These invasive trees offer little to no water quality benefit. Removal and replacement with deep-rooted native species would benefit habitat and further enhance water quality.
- Downspouts from roof surfaces directly discharge into the lake.
- Native herbaceous plantings do exist in a few limited locations along walkways and the shoreline, providing some stormwater quality benefit.

**Condominiums**

- Constructed approximately 20 years ago, after the Event Center was already in place.
- Shoreline in front of condominiums is hard armored with riprap and shotcrete. Erosion is evident beneath these armored areas, resulting in soil loss and deposition into the lake.
- No water quality buffering of runoff from hard surface areas is provided.
- No edge or shoreline habitat.
- Downspouts from roof surfaces directly discharge into the lake.

**Response to Ecosystems Connections Institute letter dated 3.7.2022**

- Characterization as “historic gravel excavation” and “unique natural system” is oxymoronic. The site is a gravel pit located within an urban landscape and has been surrounded by commercial and residential development for 30 years.
- The statement, “it is easy to over develop a lake basin”, implies the gravel pit is a natural system with associated ecosystems to provide water treatment, flow abatement and infiltration such as wetlands, green space and riparian buffers.
- Cultural Eutrophication, human caused export of nutrients to an aquatic system, is a factor in Indiana lakes typically attributed to watershed agricultural practices, fertilizer runoff, livestock and septic effluent. The Spirit Lake basin or watershed is nearly entirely developed with hard surfaces. The proposed development actually reduces impervious surface areas, provides active and passive water quality treatment and green infrastructure and will not use phosphorus based fertilizer, thereby improving water quality and the environmental footprint.
- The planned redevelopment of the Willows site does not contemplate activities within the lake or White River. Section 404 permits are not required for land-based activities.

**WILLOWS REDEVELOPMENT  
ENVIRONMENTAL ASSESSMENT REPORT**

- Population density regarding the perceived “sense of place” is not the issue, nor is it one to be regulated or controlled in this instance, outside of the current zoning regulations. Green space will actually increase with the proposed development, thereby effectively decreasing, not increasing the ecological footprint.

### **Conclusion - Proposed Site Development**

Based upon current plans, the proposed site development effectively reduces the impervious surface footprint by approximately 0.4 acres. This reduction results in an effective increase in stormwater infiltration when compared to the existing site. The additional green space, resulting from this decrease in pavement, provides opportunities for increased water quality and thermal treatment of stormwater runoff. In conjunction, the planned Green Infrastructure including Bioswales and Vegetative Stormwater Filters provides passive water quality treatment of this runoff. In addition, the ability to pre-treat point source discharges utilizing selectively placed Mechanical Separator(s) will further improve water quality. Removal of invasive ornamental pear trees and the overall use of deep-rooted native landscaping, as well as the potential incorporation of green roof system(s) further reduces stormwater runoff and improves stormwater quality entering the lake.

In summary, the proposed development will vastly improve the current ability of this site to manage and treat stormwater runoff. As a result, redevelopment will benefit to the overall health and quality of the lake and ultimately the White River.

Site investigation and report prepared by:

**Earth Source Inc**

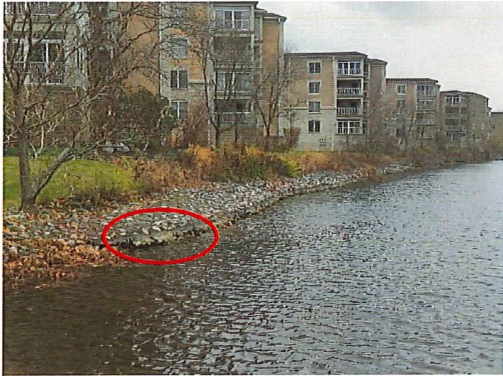


Eric P. Ellingson, C.P.G., S.P.W.S.  
President



Daniel L. Ernst, PLA, ASLA  
Vice President

WILLOWS REDEVELOPMENT  
ENVIRONMENTAL ASSESSMENT REPORT



1. Riprap extends along entire shoreline at Condominiums.



3. Turf at shoreline allows easy lake access for geese.



2. Concrete seawall along Event Center is stable.



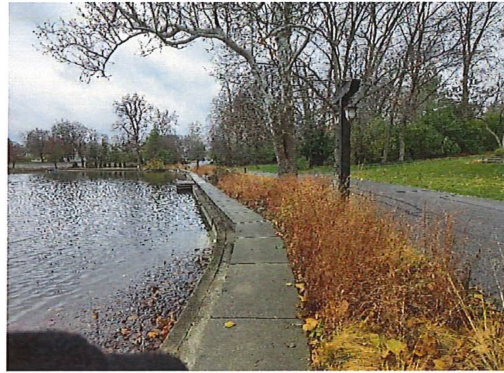
4. Event Center parking lot stormwater runoff into lake.



WILLOWS REDEVELOPMENT  
ENVIRONMENTAL ASSESSMENT REPORT



5. Minimal existing natural shoreline.



7. Native plantings providing some stormwater treatment.



6. Roadside drain inlet draining to White River.



8. Stone at toe of bank on adjacent White River.

**EXHIBIT B**  
**(12.20.2021)**

**TRAFFIC IMPACT STUDY  
FOR THE PROPOSED  
WILLOWS REDEVELOPMENT**  
City of Indianapolis, Marion County, Indiana

**EXECUTIVE SUMMARY**

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**General Overview of the Development**

- Development to occur on the eastern side of Westfield Boulevard, on the site of the existing Willows Event Center, in the City of Indianapolis, Marion County, Indiana.
- Development to consist of the razing of the existing Willows Event Center and the construction of the following:
  - 243 apartment units; and
  - 16 residential townhouse units.
- Access to the development is proposed via two (2) site driveways;
  - the reconstruction of the existing driveway to Westfield Boulevard serving the existing Willows Event Center, the centerline of which is located approximately 315 feet north of the centerline of Westfield Road; and
  - the construction of a new site driveway to Westfield Road, the centerline of which will be located approximately 180 feet east of the centerline of Westfield Boulevard. This driveway will provide access to the proposed 16 residential townhouse units and will be controlled by a card reader to provide access to the driveway.

**Study Intersections**

- Westfield Boulevard with 75<sup>th</sup> Street (existing signalized);
- Westfield Boulevard with the Willows Event Center driveway/site driveway (existing unsignalized/proposed);
- Westfield Boulevard with Westfield Road (existing unsignalized);
- Westfield Boulevard with 64<sup>th</sup> Street (existing unsignalized); and
- Winthrop Avenue with Broad Ripple Avenue (existing signalized).

**Trip Generation and Distribution**

- Trip generation of the proposed development was determined using rates and equations contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Tenth Edition, 2017:
  - Land Use Code 221, *Multifamily Housing (Mid-Rise)*, was used to determine the trip generation of the proposed 243 apartment units; and

- Land Use Code 220, *Multifamily Housing (Low-Rise)*, was used to determine the trip generation of the proposed 16 townhouse units.
- Estimated Trip Generation of the proposed development:
  - A.M. Peak Hour: 23 Entering/67 Exiting/90 Total
  - P.M. Peak Hour: 71 Entering/45 Exiting/116 Total
- Primary trip distribution based on an average of the existing peak hour traffic distributions in the following locations
  - Westfield Boulevard – north of 75<sup>th</sup> Street;
  - 75<sup>th</sup> Street – west of Westfield Boulevard;
  - 64<sup>th</sup> Street – west of Westfield Boulevard;
  - Winthrop Avenue – south of Broad Ripple Avenue;
  - Broad Ripple Avenue – east of Winthrop Avenue; and
  - Broad Ripple Avenue – west of Winthrop Avenue.
- Primary trip distribution also compared to the distribution of traffic into and out from Westfield Road at its intersection with Westfield Boulevard.

### **Capacity Calculations**

- No decreases in overall intersection Level of Service are anticipated at any of the existing study intersections following the redevelopment of the existing Willows Event Center.
- The proposed site driveway intersection with Westfield Boulevard can be anticipated to operate at an overall intersection Level of Service A during both the weekday A.M. and weekday P.M. peak hours, with all movements into and out from the proposed site driveway anticipated to operate at a Level of Service C or better during each of the peak periods analyzed.
- The intersection of Westfield Boulevard with Westfield Road, which currently operates at an overall intersection Level of Service A during both the weekday A.M. and weekday P.M. peak hours, can be anticipated to continue operate at an overall intersection Level of Service A during both the weekday A.M. and weekday P.M. peak hours, with all movements into and out from Westfield Road anticipated to operate at a Level of Service B or better during each of the peak periods analyzed.

### **Traffic Signal Installation Warrants**

- Warrants for the installation of traffic signal control are not anticipated to be satisfied at the intersection of Westfield Boulevard with the proposed site driveway.
- Warrants for the installation of traffic signal control are not anticipated to be satisfied at the intersection of Westfield Boulevard with Westfield Road.

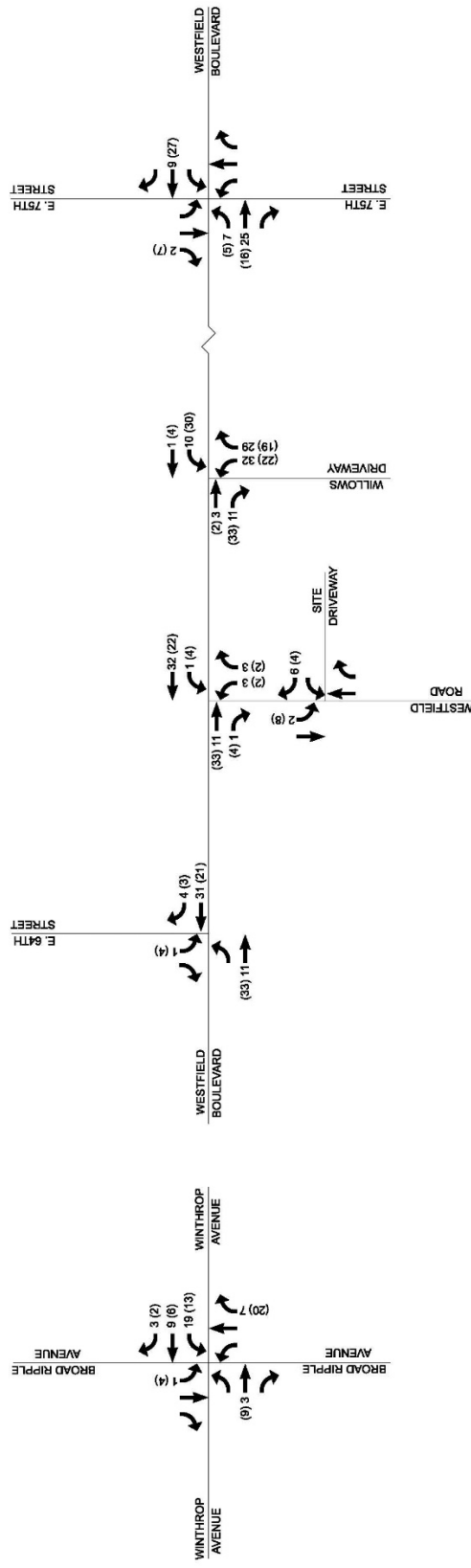



### **Auxiliary Turn Lane Installation Guidelines**

- Guidelines for the construction of a northbound right turn lane on Westfield Boulevard at its intersection with the proposed site driveway are not anticipated to be satisfied.
- Guidelines for the construction of a northbound right turn lane on Westfield Boulevard at its intersection with Westfield Road are not anticipated to be satisfied.

### **Mitigation Measures to be Constructed Concurrent with Development**

- Trim the existing vegetation within the right-of-way on the western side of Westfield Boulevard, south of the proposed Willows redevelopment driveway, in order to provide adequate sight distance looking left from the proposed site driveway.
- Construct the proposed site driveway to Westfield Boulevard to provide one (1) lane for ingress traffic and one (1) lane for egress traffic only. The site egress should be controlled by a Stop sign.
- Construct the proposed site driveway to Westfield Road to provide one (1) lane for ingress traffic and one (1) lane for egress traffic only. The site egress should be controlled by a Stop sign.





**Civil & Environmental Consultants, Inc.**  
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J.C. HART - WILLOWS REDEVELOPMENT  
TRAFFIC IMPACT STUDY  
CITY OF INDIANAPOLIS  
MARION COUNTY, INDIANA

LEGEND

123 AM PEAK HOUR TRAFFIC VOLUMES

(123) PM PEAK HOUR TRAFFIC VOLUMES

DATE: NOVEMBER 2021

DRAWN BY: ANL

CHECKED BY: JMD

PROJECT NUMBER: 314-872

FIGURE NO.: 15



EXHIBIT C

P.A.

STATEMENT OF COMMITMENTS

2003-0212590  
2003-20N-100

*NOTE: Article VIII, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-605. Resolution No. 85-R-69, 1985 and Article III, Section 4 of the rules of the Metropolitan Development Commission require the owner to make Commitment #1.*

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-605, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:**

**ATTACHED HERETO**

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated by reference as Attachment "A".
2. **Density:** The proposed density shall include no more than 60 units on 30.98 acres, thus creating a maximum gross density of 1.94 units per acre.
3. **Structure Height:** The proposed structures shall not exceed forty-five (45) feet above the existing grade of the Boardman Levee.
4. **Landscape and Tree Preservation:** A landscape plan and tree preservation plan has been approved by the Department of Metropolitan Development and is on file for reference. The landscape materials and plantings shall be maintained at all times thereafter.
5. **Access:** The proposed development shall gain access from the north entrance of the site and shall not utilize the Oxbow entrance as a primary means of ingress and egress.
6. **Drainage:** Drainage plans have been approved by the Department of Capital Asset Management (DCAM) and is on file for reference.
7. **Architectural Design:** The final architectural design and structural plans have been filed with the Department of Metropolitan Development and is on file for reference.

8. **Environmental:** The landscape design and planting materials around the lake, structures and common areas shall be designed and selected in a manner to compliment the existing vegetation and tree species along the White River and surrounding wooded areas. Natural wooded areas along the White River shall be limited to passive recreational use only.
9. **Development Standards:** The minimum livable floor area shall be 2,300 square feet; Perimeter yards shall be a minimum of 85 feet to the nearest northern property line (adjacent to Jaffe property); 90 feet to river's edge, except for 45 feet for the clubhouse building; 10 feet to the west (lake's east waterline); and, 285 feet to the southern property line. There shall be a minimum of 50 feet between buildings. Buildings shall be no higher than forty-five (45) feet above the existing level of the levee.
10. **Lake:** There shall be no motorized boats allowed on the lake, except for electric trolling motors.
11. **Dedication of Right-Of-Way:** A 60 foot half-right-of-way shall be dedicated along Westfield Boulevard, as per the request of the Department of Capital Asset Management, Transportation Section, (DCAM). Additional easements shall not be dedicated to third parties within the area to be dedicated as public right-of-way, prior to acceptance of all grants of right-of-way by the DCAM. The DCAM has request that the right-of-way be dedicated within 60 days of approval.
12. The developer shall participate in the dedication of reasonable rights-of-way to the DCAM for the improvement of the entrance to the Oxbow Estates subdivision. The developer shall participate any meeting that required the taking of the developer's property for said improvements, prior to agreeing to the actual dedication.
13. **INTENTIONALLY OMITTED**
14. **INTENTIONALLY OMITTED**
15. No condominiums will be constructed north of the access road and east of the property currently known as 6813 Westfield Boulevard (Jaffe property).
16. None of the trees south of the Jaffe property and north of the lake will be removed unless required by a public safety agency.
17. **INTENTIONALLY OMITTED**
18. A maximum of one (1) foot candle of light will be generated from exterior lighting to extend beyond the subject real estate. No floodlights, spotlights, pole lights or lights that will adversely affect navigation of watercraft on the river will be permitted. Both lights shall be no taller than three (3) feet, except for entrance along Spirit Lake Drive.

**These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and**

other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other persons acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A", which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the adoption of rezoning petition #2000-ZON-001, 2000-CP-001, 2003-ZON-100, and 2003-DP-014 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a D-P zoning classification and shall continue in effect for as long as the above described parcel of real estate remains zoned to the D-P zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) 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 the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records at the office of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);
4. Nora Northside Community Council; and
5. Ox Box Homeowner's Association.

The undersigned hereby authorizes the Neighborhood and Development Services Division of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2000-ZON-001, 2000-DP-001, 2003-ZON-100, and 2003-DP-014.

IN WITNESS WHEREOF, owner has executed this instrument this 17<sup>th</sup> day of August, 2003.  
SPIRIT LAKE, LLC

BY: Signature [Signature] (Seal)

Signature \_\_\_\_\_ (Seal)

Printed: Paul J. Foy

Printed \_\_\_\_\_

## **ATTACHMENT "A"**

### **OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1.) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2.) any building, structure, or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3.) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale rental or other disposition of real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

### **EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a

housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

STATE OF )  
 )SS: ACKNOWLEDGMENT  
COUNTY OF )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 14 day of Aug., 2003.

My Commission Expires:

11/15/07

Signature

Printed

Resident of

Mary A. Maddux  
Mary A. Maddux  
IN County, Marion



AG

ECOC  
Aug 1, 2022

Looking North-East From  
Westfield Blvd

Elements  
Broad Ripple Apartments  
on the Water  
Indianapolis, Indiana

JC HART

STUDIO M  
ARCHITECTURE & PLANNING





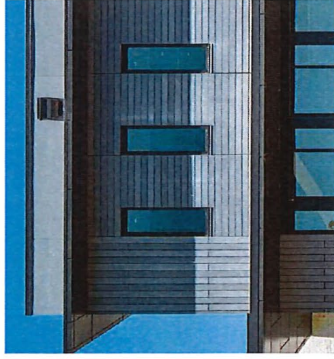




Model Views



Top: Aerial Looking South West  
Bot Right: Elevation Detail Bldg 1  
Bot Left: Fiber Cement Detail from American  
Fiber Cement Co.





EA

Aug 1, 2023

Model Views



Above: Looking South-East at Bldg 1  
Right: Materials Detail Bldg 1



Elements  
on the Water  
Broad Ripple Apartments  
Indianapolis, Indiana

JC HART

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Model Views



Elements  
on the Water  
Indianapolis, Indiana



Top: Looking North-East along Westfield Blvd  
Bot Left: Looking East at Leasing Office  
Bot Right: Planted Screen Wall in Parking Lot





Top: Schematic Pool Area  
Bot: View from Covered Shelter



Model Views

Aug 1, 2023

A11

Elements  
on the Water  
Broad Ripple Apartments  
Indianapolis, Indiana

JC HART

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Model Views

Elements  
on the Water  
Broad Ripple Apartments  
Indianapolis, Indiana



Top: Looking West over the Lake  
Bottom: View of the Clubhouse from the Lake



Townhome Model Views



Elements  
on the Water  
Broad Ripple Apartments  
Indianapolis, Indiana



Top: Looking South at 3 and 4 Story Townhomes from the Lake  
Bot Left: 4 Story Townhome, Garage Side  
Bot Right: 3 Story Townhome, Garage Side





View looking south along Westfield Boulevard



View looking north along Westfield Boulevard





View of site looking south



View of site looking east





View of site looking northeast



View of site looking north





View from site looking west across Westfield Boulevard