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Via Hand Delivery

December 4, 2024

Town of Cicero
Attn: Frank Zawadzki, Planning Director

**RE: Clark Farms Rezone and PUD Ordinance
PC-1023-10-AG and PC-1023-11-AG
Lennar Homes of Indiana, LLC
Response to Plan Commission and Public Comments – November 15th Plan Commission**

Frank,

For the Lennar Homes Clark Farms PD Ordinance rezone request, enclosed please find fifteen (15) copies of the following for distribution to Plan Commission members in advance of the December 13th Plan Commission Meeting (we have also enclosed a flash drive containing the same):

1. Response to Staff and Plan Commission Comments including:
 - Red line version of Clark Farms PUD illustrating changes made in response to Staff and Plan Commission comments.
 - Auburn Estates – Clark Farms zoning comparison
2. Response to Public Comments including:

We would request (i) to present a summary of the attached responses at the meeting on December 13, (ii) receive additional public comment, and (iii) request additional feedback/direction from the Plan Commission, if any, as it relates to the proposed PUD rezone request for Clark Farms.

We appreciate your assistance in this matter and please contact us should you have any questions.

Thank you,

Jim Shinaver and Jon Dobosiewicz

November 29, 2023

Frank Zawadzki, Plan Director
Town of Cicero/Jackson Township
331 East Jackson Street
Cicero, IN 46034

RE: Docket #'s PC-10-1023 & PC- 11-1023 Response to Comments

Dear Mr. Zawadzki,

We are in receipt of the comments provided by you and the Plan Commission members regarding the above referenced case numbers for our proposed Clark Farms rezone. The following are the comments, and our actions and responses to those comments:

Comments about specific PUD Sections:

- Comment on Sec. 6.E.i: "I noticed in many Lennar neighborhoods; the mailboxes and fire hydrants are on opposite sides of the road. These should be designed to be on the same side of the road since it will be designated as no parking and will allow 24/7 access by the FD. Assuming the interior roads are built to standard, there should also be blue reflective devices in the road for easy FD finding of fire hydrants."
 - *We have revised the last sentence in Sec 6.E.i of the PUD to state: "The developer shall work with the utility provider and the USPS to place mailboxes on the same side of the street as the fire hydrants and shall install blue reflective markers in the roadways at fire hydrants per town standards."*
- Sec. 6.E.iii: Would prefer PK-01 standards to apply, specifically paved drives.
 - *We have revised Sec 6.E.iii of the PUD to state: "All homes shall comply with Article 7.13 A (PK-01) and have concrete driveways as required in Article 7.15.C. of the Town's Zoning Ordinance."*
- Sec. 6.G. Fences: Would prefer to say FN-01 standards to apply, specifically no taller than 6' on side or rear.
 - *We have revised Sec 6.G of the PUD to add a reference to FN-01 of the Town's Zoning Ordinance which limits side and rear yard fencing to no greater than six (6) feet.*

- Sec. 6.K.: "Monument signs need to follow the Town standards."
 - *Section 6.K of the PUD modifies the Zoning Ordinance to allow for two (2) monument signs at each subdivision entrance. The Town's Zoning Ordinance only allows one (1) sign at each entrance. Lennar desires to provide monuments on each side of the entrance, all other provisions of the Town's Zoning Ordinance apply to the monument signage.*
- Sec. 7. & 7.B: "I would encourage Lennar follow Cicero/Jackson township ordinance AR-01 12 eaves and 7:12 (roof pitch). This appears to be what they have built the "comparable" neighborhood to in Westfield."
 - *Most of our homes are built with a 6/12 roof pitch on the main roof, and when overhangs are provided, they are framed at 12 inches, however they measure 11 inches after trim and siding are installed on the home. These standards are consistent to other neighborhoods in Westfield and the Indianapolis region.*
- Sec. 7.C. "Would prefer language to ensure brick where there is space for it, any road facing frontage shall have at least the minimum amount of masonry up to the lowest window height."
 - *We have revised Sec 7.C of the PUD to require brick wainscot on the front and all four (4) sides of a home on a corner lot and have removed "Modifications of the masonry requirement can be reduced based on the architectural style of homes as represented in the Character Exhibits attached as Exhibit C and Exhibit D of this ordinance."*
- Sec. 7.C. "The masonry height is dependent on the height of the window which is left undefined. I would like to specify that a certain % of the front façade is masonry of some type. I would suggest 50% and that the requirement can only be increased not decreased."
 - *In our experience, requirements for specific percentage of brick can lead to unintended consequences that places bricks in odd locations on the home. As an example, it may lead to the brick being installed to the halfway point on a window which does not look good. We believe the best approach is to have the brick installed to a common and consistent architectural feature such as the lowest first floor window. This design standard is consistent with our neighborhoods in Westfield and throughout the Indianapolis region.*
- Sec. 7.D. "The materials specified are a wide range and have a heavy impact on costs and aesthetics. Please specify primary and secondary building materials for consideration."
 - *The rising cost of home construction and interest rates are a concern for our sale prices. Providing flexibility in the materials is needed to make sure home prices can meet the market demand while still providing a high-quality home.*

- *The overall design of the homes does not change based on the siding material so there is no impact to the aesthetics. That is specified in Sec. 7.D. "All siding in the District shall be either Wood, Fiber Cement Board or vinyl with a minimum thickness of .044". Vinyl siding shall have textured surface to have an appearance of wood or similar architectural detail."*
- Sec. 8.A.: Remove the "in lieu of" statement. We require a maintenance agreement that states trees that don't survive shall be replaced with a similar kind. (deciduous or evergreen, whichever applies)
 - *We have revised Sec 8.A of the PUD adding "Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of the property ownership" which is the requirement in the Town's Zoning Ordinance.*
 - *The PUD requires each home to have two (2) trees located within the front yard in addition to eight (8) shrubs. Trees shall be a minimum of 2.5-inch caliper and shrubs shall be 18" tall. This standard exceeds the requirements in the Town's Zoning Ordinance which requires one deciduous tree 1.5 inch in caliper, one needled evergreen 5' in height and one 12" tall shrub per 20' of home perimeter.*
- Sec. 8.B. "I would consider adding additional shrubs/plants on corner lots as well."
 - *We have revised Sec 8.B of the PUD to state: "For corner lots, the side yard abutting a public street shall have two (2) trees of 2 ½" caliper, and six (6) shrubs at least 12" tall."*
- Sec. 8.C. "I would consider adding that lots facing a public road i.e. Anthony, 241, etc. would have the entire lots sodded."
 - *We have revised Sec 8.C of the PUD to state: "All Front yards shall be sodded, and side and rear yards shall be seeded. Side yards of homes on corner lots adjacent to street shall be sodded. Lots directly adjacent to Anthony Road, 241st Street, and 246th Street, shall be fully sodded."*
- Sec. 8.D. "I would like for them to consider revising this to align with neighborhoods in Westfield. What has been proposed will provide little to no buffer and take years to establish. Typically, buffers are multiple tree rows with plantings offset a recommended by the manufacturer."
 - *The proposed buffer yard standards between the adjacent properties complies with Sec. 7.8 (BY) of the Town's Zoning Ordinance. In addition, the proposed standards are comparable to other developments Lennar has built in Westfield and the Indianapolis region.*

- Sec. 8.E. "see comments above." (referring to Sec.8.D. comment)
 - *The Clark Farms rezone applies to the east and west side of Anthony Road. However, there are two (2) different design principles for each side of the road. The PUD provides landscaping standards that we believe is the best for the overall streetscape. On the west side of Anthony Road, we are proposing alley loaded homes and townhomes along the perimeter street. Those homes will have trees and shrubs in their front yard, and we are providing a better streetscape where no garages face Anthony Road. On the west side of Anthony Road, we have made our amenities the focal point of the community entrance and we have tried to limit the number of rear facades facing the perimeter streets. For the homes that do have rear facades visible along the perimeter roads, we have required rear enhancements in the PUD to ensure that each home provides a better aesthetic view than a typical subdivision. If we were to increase the landscaping, would want to only modify the areas where the rear of the homes may be visible, otherwise additional landscaping will negatively impact the streetscape view on the west side of Anthony Road.*
 - *We have added Sec 8.E.iii. of the PUD to state: "The perimeter streets of the District shall be landscaped with a minimum of four (4) evergreen and two (2) ornamental trees for each 100 linear feet of perimeter road frontage along 246th Street, Anthony Road, and 241st Street. If the rear façade of the home is visible along a perimeter street, two (2) additional ornamental trees per 100 feet shall be added to the total number of trees required along the east side of Anthony Road, 241st Street, and 246th Street. Dead or dying trees and underbrush along the perimeter road frontage shall be removed during the initial development. Article 7.8 of the Zoning Ordinance shall not apply.*

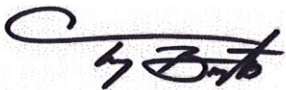
General Comments Received by the Plan Commission either in writing or during the November meeting:

- "How will water in retention/detention ponds be circulated. Fountains/aeration machines?"
 - *We have revised Sec 6 of the PUD to state "All retention/detention ponds shall contain pond aerators and/or fountains."*
- "PUD shall specify landscaping maintenance and replacement per standards in the case a plant dies."
 - *We have added Sec 8.F "Common Area Landscaping Maintenance" to the PUD adding "Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of the property ownership" which is the requirement in the Town's Zoning Ordinance.*

- "Irrigation of common areas?"
 - *Given the significant amount of common area throughout Clark Farms not all common areas will be irrigated. The entry areas will be irrigated along with the areas surrounding the amenities.*
- "Antennas/satellites shall not face public roads such as Anthony, 241st, ect. similar to how these would not face roads internal to the PUD."
 - *The CCR's restrict the placement of a satellite dish so it is not visible from the front elevation street view. Adding a provision that it also cannot be visible from a perimeter roadway would effectively prohibit a home backing to a perimeter road from having a satellite dish as there would not be a location on the lot that would not be visible from the front street or the perimeter roadway.*
- "Fence materials should be specified, it is very vague."
 - *The PUD requires fencing on individual lots to comply with the Town's Zoning Ordinance. The CCR's allow for wooden, aluminum wrought iron or PVC fencing and prohibits chain link and stockade style fences.*
- "Page 3 of section one, paragraph 2 note, "if a landscape mound cannot be installed". The landscape mounds should be clear on the plans for recommendation and there should not be an if."
 - *Sec 8.E.iii in the PUD establishes requirements for mounding along 246th Street, Anthony Road and 241st Street. There are occasions when the construction of a mound is not allowed/possible due to utility conflict, wetlands, county legal drain, etc. so we have included a provision which requires rear home treatment if the construction of a mound is not possible.*
- "I would strongly encourage the petitioner to consider the lot sizes and how this planned development relates to Auburn estates. The two PUDs are similar except for the lot sizes."
 - *Please see the attached zoning comparison between Auburn Estates and Clark Farms.*
 - *Although many of the standards are similar, Auburn Estates and Clark Farms are substantially different subdivisions. Auburn Estates is a one (1) product community with standard amenities. Clark Farms is a master planned community that is meant to be multi-generational with a variety of home types. By providing a variety of home types, we can provide a variety of price options that will attract Millennials and young families as described in the Population Recommendation (page 30) of the Cicero and Jackson Township Comprehensive Plan. If we provide larger lots like Auburn Estates, we will lose density that will result in higher priced homes which will reduce our ability to sell home to multiple generation households.*

- *In addition, our vision for this community is to provide a significant amount of amenities like no other subdivision in Hamilton County. Only golf course communities will have higher quality amenities than Clark Farms. If we provide larger lots like Auburn Estates, we will lose density that will result in a reduction in amenities because the HOA fees to cover the expense of them will be greatly increased. Without our amenities, our vision of Clark Farms will be negatively impacted, and we will need to evaluate the feasibility of the proposed community.*
- "There are conflicts between the PUD and CC&Rs."
 - *It is common for conflicts between a zoning ordinance and CCR's to exist as developers typically increase standards above those found in a municipal zoning code by including provisions in CCR's. An example is a municipal zoning code typically does not limit fencing materials however, developers typically prohibit chain link fencing. Zoning codes typically do not prohibit sheds, but developer typically prohibits sheds and outbuildings in the CCR's. Many municipalities prefer this method as it places the enforcement obligation upon the HOA and not the municipality. As we continue to work with the town on Clark Farms, we are happy to craft the documents as the town desires.*
- "What is the timing of trail installation and sidewalk improvements?"
 - *Trail and sidewalk installation will occur with each phase of development. Trails and common area sidewalks will be installed by the developer during the land development of each specific phase of the overall development and sidewalks on the lots will be installed with construction of each home.*
- Architectural standards don't address the fact that corner homes have two (2) fronts and does not specify the material requirements.
 - *We have revised Sec 7.C of the PUD to clarify the front façade is the façade containing the front door of the residence. We have also revised Sec 7 of the PUD to require brick wainscot wrap on all four (4) sides of a home on a corner lot.*
- Rear Homes facing 246th Street and 241st Street need to be addressed. Possibly more windows?
 - *Sec 7.I of the PUD has been revised to require rear elevation enhancements along Anthony Road, 241st Street and 246th Street.*

Sincerely,



Tony Bagato, Entitlement Manager
Lennar Homes of Indiana

ORDINANCE NUMBER __ - __

**AN ORDINANCE OF THE TOWN OF CICERO AND JACKSON TOWNSHIP,
HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE**

This is a Planned Development District Ordinance (to be known as the "Clark Farms") to amend the Zoning Ordinance of the Town of Cicero and Jackson Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the Town of Cicero pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the Town of Cicero, Indiana (the "Town") and the Township of Jackson, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Cicero/Jackson Township Advisory Plan Commission (the "Commission") considered a petition (**Petition No.** _____), requesting an amendment to the Zoning Ordinance and the Zoning Map for real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No.** _____ to the Town Council of the Town of Cicero, Hamilton County, Indiana (the "Town Council") with a _____ recommendation (-) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2023;

WHEREAS, the Town Council is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cicero, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "Clark Farms Planned Development District" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance (the "Clark Farms Ordinance") and its exhibits, and (ii) the provisions of the Zoning Ordinance, as amended and applicable to the R4 Underlying Zoning District or a Planned Development District, except as modified, revised, supplemented, or expressly made inapplicable by this Clark

Farms Ordinance.

- 1.3 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Clark Farms Ordinance shall hereafter refer to the section as specified and referenced in the Zoning Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Clark Farms Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Clark Farms Ordinance.

Section 2. **Preliminary Development Plan.** The Preliminary Development Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 8, Planned Development Districts; PD District Ordinance Requirements; Concept Plan.

- 2.1 The Concept Plan shall include three (3) “Areas” identified on the concept plan as “Area A”, “Area B” and “Area C”. The three (3) Areas are established for the designation of locations on the Real Estate where Single-family, Two-Family and Townhome uses are permitted per the terms of Section 4.1 Permitted Uses of this Clark Farms Ordinance.
- 2.2 The purpose of the Areas designated on the Concept Plan is to provide flexibility in the development of the land over time promoting a harmonious variety of uses (all residential) and foster the creation of attractive, efficient and stable environment for the Real Estate. Providing development Areas will encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type and design of the proposed mix in residential product types. This will encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community. Examples of this include the preservation of the existing legal drain corridor, trees or wetlands, and the inclusion of recreation areas within new subdivisions.
- 2.3 The Final Development Plan(s) and Primary Plat(s) may be amended in the future with the approval of the Plan Commission at a Public Hearing. An amendment shall be required to permit a change to the designated home product type identified on the Final Development Plan / Primary Plat. The Plan Commission shall approve, amend, or disapprove an amended Final Development Plan / Primary Plat upon an affirmative finding that the amended Final Development Plan / Primary Plat is in compliance with the standards of this Clark Farms Ordinance.

Section 3. **Underlying Zoning District(s).** The Underlying Zoning District shall be the R4: Single Family Residential District for Residential purposes.

Section 4. **Permitted Uses.** The permitted uses shall be as set forth below.

- 4.1 All uses permitted in the Underlying Zoning District.

- 4.2 The following uses shall be permitted within each area of the Areas:
- A. Dwelling, Single-Family shall be permitted in Area A, Area B and Area C.
 - B. Dwelling, Two-Family shall only be permitted in Area C.
 - C. Dwelling, Multifamily (limited to Townhomes only – a building including a maximum of eight (8) dwellings, aligned horizontally, per building) shall only be permitted in Area B.
- 4.3 Maximum Dwellings. The total number of Dwellings permitted in the District shall not exceed seven hundred and twenty (720).

Section 5. **General Regulations.** The standards of Article 3.10: R4 Zoning Districts, as applicable to the Underlying Zoning District, and Article 8.1 PD Miscellaneous Standards shall apply to the development of the District, except as otherwise modified below.

- 5.1 District Standards based on Dwelling type shall be as follows:

Standard - Dwelling, Single Family - Front Loaded	
*Minimum Lot Area:	6,000 SF
Minimum Lot Width:	50'
Maximum Lot Depth:	Not Applicable
Minimum Lot Frontage:	30'
Minimum Front Yard:	25'
**Minimum Side Yard:	8'
Rear Yard:	25'
Minimum Living Area:	
One-Story	1,600 SF
Two-Story 1st Floor	650 SF
Two-Story Total Floor Area	1,800 SF
Maximum Lot Coverage:	60%
Maximum Building Height:	35'
<i>* A Minimum Lot Area (per dwelling Unit) of 15,000 square feet shall apply to the overall Real Estate.</i>	
<i>** One (1) foot encroachment shall be permitted for eaves and masonry/brick wainscot on the façade.</i>	

Standard - Dwelling, Single Family - Alley Loaded	
*Minimum Lot Area:	5,000 SF
Minimum Lot Width:	50'
Maximum Lot Depth:	Not Applicable
Minimum Lot Frontage:	30'
Minimum Front Yard:	15'
**Minimum Side Yard:	8'
Minimum Rear Yard:	15'
Garage Setback (From Pavement):	20'
Minimum Living Area:	
One-Story:	1,400 SF
Two-Story 1st Floor Area	650 SF
Two-Story Total Floor Area	1,600 SF
Maximum Lot Coverage:	Not Applicable
Maximum Building Height:	35'
<i>* A Minimum Lot Area (per dwelling Unit) of 15,000 square feet shall apply to the overall Real Estate.</i>	
<i>** One (1) foot encroachment shall be permitted for eaves and masonry/brick wainscot on the façade.</i>	

Standard - Dwelling, Two-Family Attached	
*Minimum Lot Area:	3,000 SF
Minimum Lot Width:	30'
Maximum Lot Depth:	Not Applicable
Minimum Lot Frontage:	25'
Minimum Front Yard	20'
**Minimum Street Side Yard Setback:	8'
**Minimum Distance Between Buildings:	15'
Minimum Rear Yard:	15'
Minimum Living Area (Per Unit):	
One-Story	1,200 SF
Two-Story 1st Floor Area	650 SF
Two-Story Total Floor Area	1,400 SF
Maximum Lot Coverage:	70%
Maximum Building Height:	35'
<i>* A Minimum Lot Area (per dwelling Unit) of 15,000 square feet shall apply to the overall Real Estate.</i>	
<i>** One (1) foot encroachment shall be permitted for eaves and masonry/brick wainscot on the façade.</i>	

Standard - Dwelling, Townhome Attached	
*Minimum Lot Area:	2,000 SF
Minimum Lot Width:	20'
Maximum Lot Depth	Not Applicable
Minimum Lot Frontage:	15'
Minimum Front Yard	15'
**Minimum Street Side Yard Setback:	8'
**Minimum Distance Between Buildings	15'
Minimum Rear Yard	15'
Garage Setback (From Pavement)	20'
Minimum Living Area:	
Two-Story 1st Floor	600 SF
Two-Story Total Floor Area	1,400 SF
Maximum Lot Coverage:	75%
Maximum Building Height:	35'
<i>* A Minimum Lot Area (per dwelling Unit) of 15,000 square feet shall apply to the overall Real Estate.</i>	
<i>** One (1) foot encroachment shall be permitted for eaves and masonry/brick wainscot on the façade.</i>	

5.2 Water and Sewer utilities shall be required for all Dwellings.

Section 6. Development Standards (Additional Standards that Apply per Section 3.10 “R4” District). The District’s infrastructure shall comply with the Town of Cicero and Jackson Township Subdivision Control Ordinance, (the “Subdivision Ordinance”), and the Hamilton County Highway Department Construction Standards (the “Construction Standards”), except as modified below or unless otherwise approved by the Plan Commission or Engineer of jurisdiction in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent on the District. Where conflicts exist between the Subdivision Ordinance and Construction Standards, development of the real estate shall comply with the terms of the Hamilton County Highway Department Construction Standards.

- A. All streets within the Real Estate shall have 5-foot-wide sidewalks on both sides of the street.
- B. Perimeter Streets including 246th Street, 241st Street, and Anthony Road shall include an eight (8) foot wide pedestrian path along the side of the subject street/road in the public right-of-way adjacent to the Real Estate.
- C. Additional asphalt pedestrian trails with a minimum width of eight (8) feet

shall be provided as generally located on the last page of **Exhibit E**.

D. Lighting: All site lighting shall comply with Article 7.12 of the Zoning Ordinance.

E. Parking and Driveways:

i. Parking shall be permitted and restricted to one side of all streets internal to the subdivision including signage where parking is not permitted. ~~Unless otherwise required by~~ The Developer shall work with the utility provide and the United States Postal Service, ~~developer shall install all~~ (the "USPS") to place mailboxes on the ~~opposite~~ same side of the street, as the fire hydrants and shall install blue reflective markers in the roadways at fire hydrant locations per Town of Cicero standards. However, final placement of mailboxes shall be subject to USPS approval.

ii. Article 7.13 of the Zoning Ordinance as applicable to the Underlying Zoning District shall apply.

~~iii. Article 7.15 shall not apply to individual residential driveways.~~

iii. All homes shall comply with Article 7.13 A (PK-01) and have concrete driveways as required in Article 7.15.C. of the Town's Zoning Ordinance.

F. Home Occupations: Home Occupations shall be permitted per the terms of Article 7.19 of the Zoning Ordinance.

G. Fences: Fences on individual residential lots shall comply with Article 7.21 of the Zoning Ordinance and FN-01 of the Town's Zoning Ordinance which limits side and rear yard fencing to no greater than six (6) feet in height.

H. Open Space: The Concept Plan is hereby incorporated to illustrate conceptually the anticipated open space design on the Real Estate. The final open space design may vary from the Concept Plan.

I. Ponds: All retention/detention ponds shall contain pond aerators and/or fountains.

~~I.~~J. Amenities: Amenities shall be provided in the general location as illustrated on the Concept Plan attached hereto as **Exhibit B**.

i. The Amenities shall be consistent with the quality and character of those shown in **Exhibit E**, attached hereto.

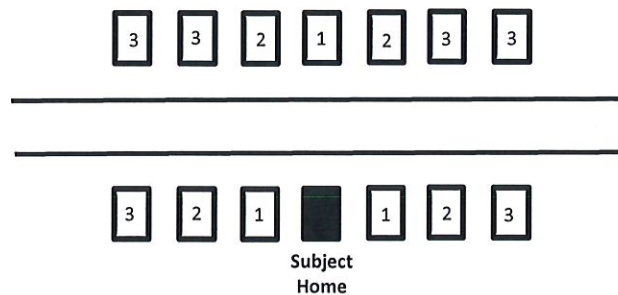
- ii. Amenities shall include the following, at a minimum:
 - Community Center building with a minimum of 5,000 square feet.
 - Perimeter trails including connections to internal sidewalks.
 - Aquatic Center that shall include at a minimum: Family Pool, Lap Pool and Kiddie Pool.
 - Sports courts that shall include four (4) courts that may include Basketball, Tennis and/or Pickle Ball.
 - Village Green that may include, Bocce Ball, Putting Green, Picnic Shelter, and a Playground.
 - iii. The construction of the amenity building, sports courts and aquatic facility shall be under construction prior to the issuance of the three hundred and fifty (350) building permit.
- ~~J.K.~~ Dwelling Orientation: All dwellings on lots on the west side of Anthony Road with front yards oriented toward the street shall include garages that face internal to the Real Estate and not toward Anthony Road. This will result in the front of dwelling facing Anthony Road.
- ~~K.L.~~ Two (2) entry monument signs will be allowed at each entrance of the subdivision.

Section 7. **Architectural Standards:** Residential Design Standards of Article 7.22 of the Zoning Ordinance shall be required unless otherwise specified below:

- A. The primary roof overhang or eaves shall be a minimum of eleven (11) inches, as measured prior to the installation of Masonry Materials.
- B. The main roof pitch of 6:12 is required. The minimum roof pitch for a secondary roof is 5:12.
- C. Minimum of a masonry (brick or stone) wainscot up to the sill of the lowest first floor window on a minimum of 90% of the front façade ~~length (less doors —garage and entry). Modifications of the masonry requirement can be reduced based on the architectural style of homes as represented in the Character Exhibits attached as Exhibit C and Exhibit D of this ordinance~~ shall be provided excluding doors and windows. This standard shall apply to all four (4) sides of a dwelling on a corner lot.
- D. All siding in the District shall be either Wood, Fiber Cement Board or vinyl with a minimum thickness of .044". Vinyl siding shall have textured surface to have an appearance of wood or similar architectural detail.
- E. All homes shall have photo-cell dusk to dawn light on either side of the garage door.

- F. Gutters and downspouts are required.
- G. Exterior chimney chase shall be framed and enclosed by either the primary siding material of the residence or masonry. No exposed metal chimney chase conduit shall be permitted. Furnace and vent stacks through the roof are permitted.
- H. The Character Exhibits, attached hereto as **Exhibit C** and **Exhibit D**, are hereby incorporated as a compilation of images intended to represent the architecture of dwellings that could be constructed in the District. It is not the intent to limit the architecture shown in the Character Exhibits, but to encourage a diversity in architecture within the District.
- I. Rear Elevation Enhancements: Any home with a rear facing elevation along Anthony Road, 241st Street and 246th Street shall contain at least one (1) of the following: (i) four-sided masonry wainscot up to the sill of the lowest first floor window, (ii) screened-in porch, (iii) three seasons room, (iv) morning room, or (v) rear covered porch.
- J. Single-Family Detached Dwellings of the same elevation and color scheme shall not be permitted next to or directly across the street from each other. Additionally, home color scheme may not be repeated for two (2) homes on either side of the subject home and also the (3) homes directly across the street.

The exhibit below provides an illustration of this requirement.



- 1** Homes shall not be of the same elevation and color scheme as the Subject home.
- 2** Homes may have same elevation, but shall not have same color scheme as the Subject home.
- 3** Homes may have the same elevation and color scheme as the Subject home.

- K. All homes shall include dimensional grade shingles.
- L. Approval of Dwelling Elevations. The Developer or builder shall submit to the PUD Committee detailed elevations of the proposed Dwelling including material specifications, and a spreadsheet indicating compliance with Design Standards set forth in Section 7 of this Clark Farms Ordinance as well as the

applicable Design Standards set forth in 3.8 of the Zoning Ordinance (collectively, the elevations, specifications and spreadsheet are the “Plan Submitted Documents”). The Committee shall consist of the following three (3) people: 1. The Plan Commission President; 2. A Town Council Member; and 3. The Planning Director. The PUD Committee shall have five (5) business days in which to review the Plan Submitted Documents, and either approve or reject same. If the PUD Committee rejects the Plan Submitted Documents, it shall provide the Developer of builder with specific reasons for such denial. The Developer/builder may then make changes to the Plan Submitted Documents and resubmit same to the PUD Committee. If the Developer/builder disagrees with the PUD Committee’s denial of the Plan Submitted Documents, it may appeal such denial to the Cicero/Jackson Township Plan Commission, whose decision shall be final. The basis for approval or denial of Plan Submitted Documents pursuant to this Section shall be whether or not said Plan Submitted Documents meet the requirements of Section 7 of this Clark Farms Ordinance, as the case may be, and applicable requirements of Section 3.8 of the Zoning Ordinance.

Section 8. Landscaping Requirements:

- A. Lot Landscaping: ~~In lieu of the landscaping standards set forth in Article 7.7 of the Zoning Ordinance, each~~ Each dwelling shall have two (2) trees located within the front yard in addition to eight (8) shrubs. Trees shall be a minimum of 2.5 inch caliper and shrubs shall be 18” tall. Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of the property ownership” which is the requirement in the Town’s Zoning Ordinance.
- B. Corner Lots: ~~Each~~ For corner lots, the side yard abutting a public street shall have two (2) trees of 2 ½” caliper ~~—, and six (6) shrubs at least 12” tall.~~
- C. All Front yards shall be sodded, and side and rear yards shall be seeded. Side yards of homes on corner lots adjacent to street shall be sodded. Lots directly adjacent to Anthony Road, 241st Street, and 246th Street, shall be fully sodded.
- D. Perimeter Common Area Landscaping: There shall be a minimum twenty (20) foot wide Common Area provided along the shared property line along the non-street frontage perimeter of the Real Estate. Existing trees along fence rows within this area shall remain and be avoided. Drainage infrastructure, right-of-way dedication and utility installation may require removal of trees and shall supersede this standard. Six (6) trees shall be provided per 100’ (2 shade and 4 evergreen planted within 5’ of the property line) in areas where lots are within 100’ of the perimeter of the Real Estate.

E. Perimeter Street Landscaping:

- i. The perimeter streets of the District shall be landscaped with a minimum of four (4) evergreen and two (2) ornamental trees for each 100 linear feet of perimeter road frontage along 246th Street, Anthony Road, and 241st Street. Dead or dying trees and underbrush along the perimeter road frontage shall be removed during the initial development. Article 7.8 of the Zoning Ordinance shall not apply.
- ii. A 3'-4' tall landscape mound shall be installed in the common area along the perimeter road frontage along 246th Street, Anthony Road, and 241st Street where lots are within one hundred (100) feet of the perimeter roadway. If a landscape mound cannot be installed in this area, the rear elevations of the homes on lots adjacent to the perimeter street with either the side or rear lot line less than 45 degrees from parallel to the perimeter street shall have either a sun room, recessed patio or covered patio. This Standard shall not apply where the front yard of a lot is adjacent to the west side of Anthony Road.
- iii. The perimeter streets of the District shall be landscaped with a minimum of four (4) evergreen and two (2) ornamental trees for each 100 linear feet of perimeter road frontage along 246th Street, Anthony Road, and 241st Street. If the rear façade of the home is visible along a perimeter street, two (2) additional ornamental trees per 100 feet shall be added to the total number of trees required along the east side of Anthony Road, 241st Street, and 246th Street. Dead or dying trees and underbrush along the perimeter road frontage shall be removed during the initial development. Article 7.8 of the Zoning Ordinance shall not apply.

- F. Common Area Landscaping Maintenance to the PUD adding “Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of the property ownership” which is the requirement in the Town’s Zoning Ordinance

Section 9. Open Space. The District shall be required twenty (20) percent open space, based on the gross area of the Real Estate. Such open space may be aggregated anywhere within the District. Open space calculation is inclusive of ponds and perimeter common areas. Street rights-of-way and area on private lots shall not qualify as open space.

Section 10. Miscellaneous Standards. The standards of Article 7.23 of the Zoning Ordinance

shall apply except for Article MS05.

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ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF _____, 2023.

CICERO TOWN COUNCIL

Voting For

Voting Against

Abstain

ATTEST: _____

Rhonda Gray, Clerk Treasurer

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Clark Farms PUD 7 090823

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C Single Family Dwelling Character Exhibit
- Exhibit D Townhome Character Exhibit
- Exhibit E Amenity Character Exhibit

EXHIBIT A
REAL ESTATE

PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 32 AND PART OF THE NORTHEAST QUARTER OF SECTION 31 BOTH IN TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER NORTH 88 DEGREES 54 MINUTES 59 SECONDS EAST (BASIS OF BEARINGS) 1395.85 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE ALONG THE EAST LINE OF SAID WEST HALF SOUTH 00 DEGREES 40 MINUTES 51 SECONDS WEST 1881.53 FEET TO THE NORTH LINE OF THE LAND DESCRIBED IN DEED BOOK 308, PAGE 223 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA; THENCE ALONG SAID NORTH LINE NORTH 88 DEGREES 39 MINUTES 10 SECONDS EAST 1386.48 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG SAID EAST LINE SOUTH 00 DEGREES 58 MINUTES 24 SECONDS WEST 787.19 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32 SOUTH 00 DEGREES 58 MINUTES 24 SECONDS WEST 1191.57 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 03 SECONDS WEST 2724.02 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 59 MINUTES 38 SECONDS WEST 711.82 FEET TO THE SOUTHWEST CORNER OF THE LAND OF HAMILTON COUNTY COMMISSIONERS AS DESCRIBED IN INSTRUMENT NO. 2013016324 IN SAID RECORDER'S OFFICE; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE PERIMETER OF SAID INSTRUMENT NO. 2013016324; (1) NORTH 89 DEGREES 04 MINUTES 20 SECONDS EAST 39.30 FEET TO A REBAR WITH "MILLER" CAP; (2) NORTH 00 DEGREES 49 MINUTES 31 SECONDS WEST 50.00 FEET TO A REBAR WITH "MILLER" CAP; (3) SOUTH 89 DEGREES 04 MINUTES 20 SECONDS WEST 39.44 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 59 MINUTES 38 SECONDS WEST 394.02 FEET TO A HARRISON MONUMENT AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31 SOUTH 88 DEGREES 51 MINUTES 51 SECONDS WEST 1313.78 FEET TO A HARRISON MONUMENT AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID EAST HALF NORTH 00 DEGREES 13 MINUTES 40 SECONDS EAST 1774.04 FEET TO A POINT 923.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID EAST HALF; THENCE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER NORTH 89 DEGREES 50 MINUTES 53 SECONDS EAST 793.24 FEET; THENCE PARALLEL WITH THE WEST LINE OF SAID EAST HALF NORTH 00 DEGREES 13 MINUTES 40 SECONDS EAST 923.00 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 50 MINUTES 53 SECONDS EAST 527.75 FEET TO THE POINT OF BEGINNING, CONTAINING 248.43 ACRES, MORE OR LESS.

EXHIBIT A
REAL ESTATE

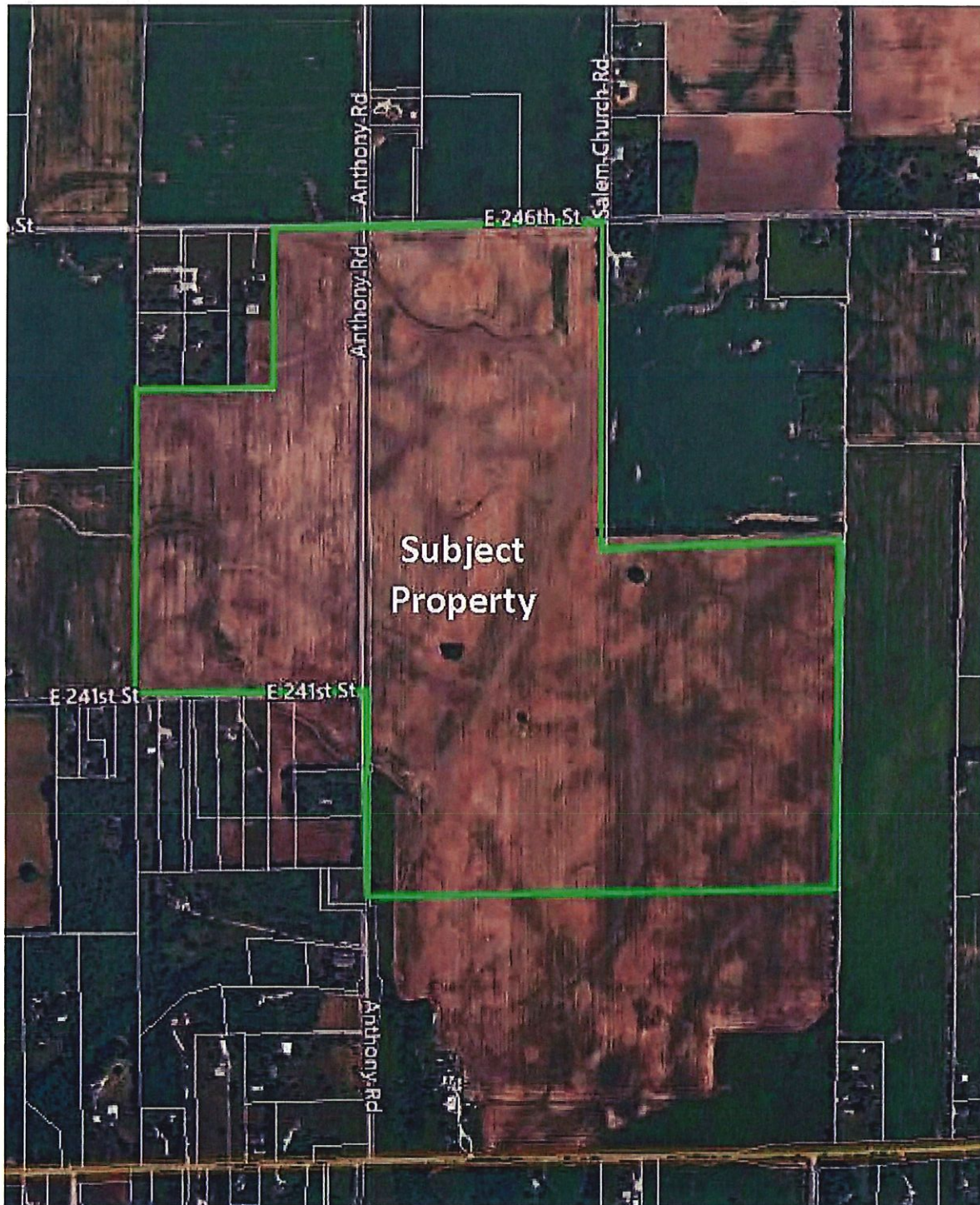


EXHIBIT B
PRELIMINARY DEVELOPMENT PLAN

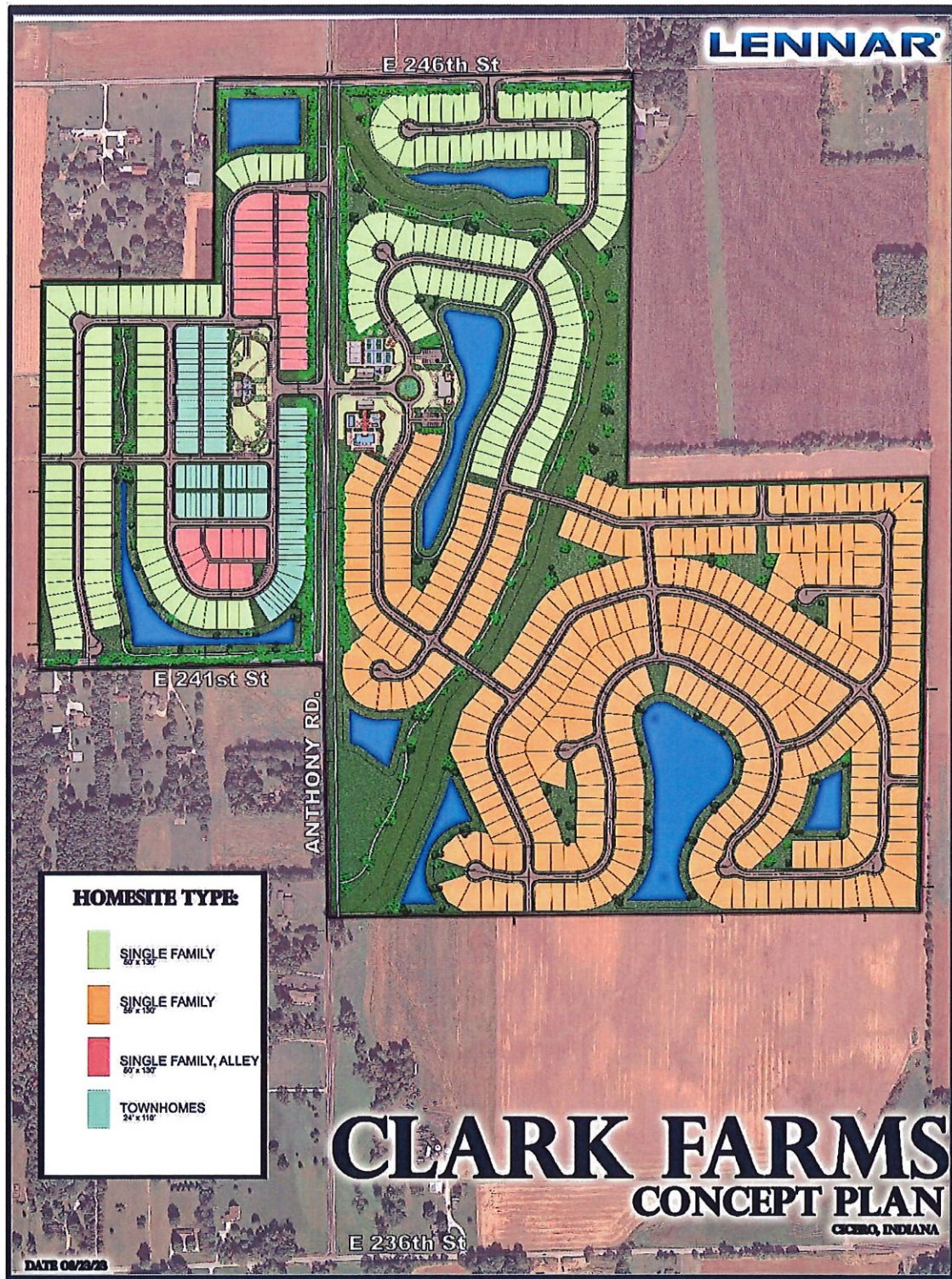
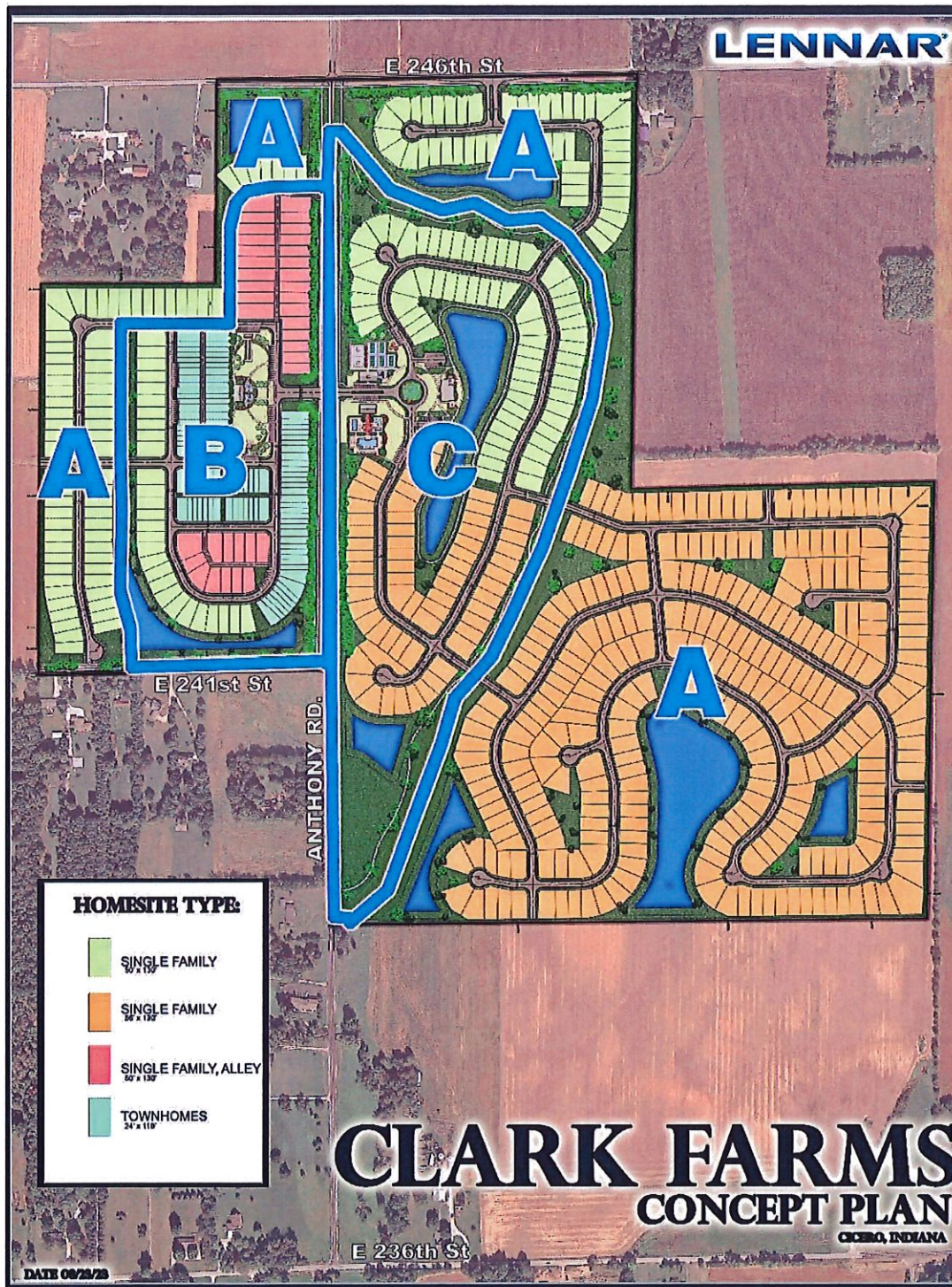


EXHIBIT B
PRELIMINARY DEVELOPMENT PLAN
AREA MAP



Auburn Estates and Clark Farms Comparison

Community Info / Standard	Auburn Estate	Clark Farms
Lot Width	70'	50' / 56' / 24' (townhomes)
Lot Area	9,000 sq. ft.	6,000 / 5,000 (alley homes) / 3,000 (duplexes) / 2,000 (townhomes)
Front Setback	25'	25'
Side Setback	8'	8'
Rear Setback	25'	25'
Min. Home Area	1,600 (1-story) / 1,800 (2-story)	1,600 (one-story) / 1,800 (two-story)
Acres	85	248
Density	1.99 per acre	2.9 per acre
Open Space	30%	29%
Cost of Amenities	\$40,000	\$5,000,000
Building Materials	Wood, fiber cement board or vinyl with masonry wainscot	Wood, fiber cement board or vinyl with masonry wainscot
Amenities	Playground	Sports Courts, 3 Pools, Community Center, Village Park, Picnic Areas, 2 Playgrounds
Corner Façade Enhancements	None	Four-sided brick wrap
Rear Façade Enhancement	None	Four-sided brick, screened-in porch, three seasons room, morning room, or covered porch required along Anthony Road
Roof Pitch	6/12 Main roof	6/12 Main roof
Overhangs	11"	11"
Buffer (non-frontage)	None	20' with 6 tree pers 100'
Frontage Landscaping	6 tree per 100' / 3'-4' tall mound where homes are adjacent to the ROW	6 tree per 100' / 3'-4' tall mound where homes are adjacent to the ROW. No mound in front of Alley Homes facing Anthony Road
Monument Signs	2 per entrance	2 per entrance

December 1, 2023

Dan Strong, Plan Commission President
Town of Cicero/Jackson Township Plan Commission

RE: Docket #'s PC-10-1023 & PC- 11-1023 Response to Public Comments

Dear Mr. Strong,

As you are aware, the public hearing held on November 15, 2023, regarding the above referenced case numbers for the Clark Farms rezone request by Lennar Homes of Indiana. Given the number of comments received during the meeting, we are providing a written response to the key points raised to the Plan Commission in writing ahead of the December 13, 2023, meeting. Our goal is to provide these responses in writing so that we can address all the comments briefly instead of addressing every point at the Plan Commission Meeting.

Cicero / Jackson Township Comprehensive Plan (Adopted 2015)

Executive Summary

- "The only way to get the Millennial Generation and the young families that the school desires is to aggressively market and give them what they want: a walkable, active community with many types of housing, and an entrepreneurial spirit. Regarding housing, in addition to new townhouses and low-density multi-family, accommodation will also need to be made for the aging population, including more senior housing and accessory apartments that enable people to stay in their homes longer with assistance.

II. Planning Background

- "Population growth in Cicero and Jackson Township bucks a national trend. Many small towns are losing population as Millennials move away in search of other opportunities and lifestyles. Cicero's population stability and future growth are largely linked to its location in Hamilton County and the Indianapolis Region. The amount of future growth will depend on how well the community responds to the Millennial Generation's desires for housing, transportation, culture, and lifestyle." (page 7)
- "The Hamilton County Community Profile concludes that to capture Cicero's share of future housing development in the county, **the Town will need to create 2084 new housing units by the year 2035, in addition to the 2934 that already exist.** ...If the housing report is correct, the town will need to manage permitting over 100 new dwelling units per year." (page 28) **(CP's bolding)**
- "Housing Recommendations: To remain a healthy and viable community, Cicero and Jackson Township must provide a whole continuum of housing options. Low-income housing and elderly housing options must be provided, including accessory apartments and townhouses. These

housing options will also be attractive to the Millennial Generation. Low-quality, aging mobile homes should be replaced with higher quality permanent low-cost housing, which will provide better housing value over time. New housing development should acknowledge that mixed-use housing and walkability are important tools to attract Millennials and retiring Baby Boomers. Single-family homes will continue to be the primary housing type, but new single-family development in rural areas should be in the form of conservation subdivisions.”

- “Population Recommendation: ... To achieve the level and type of residential and population growth decided by the school corporation, the community will need to aggressively market to Millennials and young families. To be successful, Cicero/Jackson Township will need to be able to offer the quality-of-life factors that they value, including walkable communities, mixed uses and local self-employment options. If the community is not aggressively marketed, growth will stay at the low-end of the forecasts and will not include more young families.” (page 30)

VII. Development

- “Ensure that any “greenfield” residential development is concentrated, in the form of conservation subdivisions with their own community sewers or large mixed-use developments. (page 71)

Action Plan

- “Market Cicero and Jackson Township to Millennials” (Third Priority section) (page 103)

Lennar Response/Conclusion to Comprehensive Plan:

A Comprehensive Plan is a document designed to guide the future actions of a planning jurisdiction and provide a vision for the future with long-range goals and objectives. Based on the reoccurring themes and action items outlined throughout the Cicero / Jackson Township Comprehensive Plan, it is imperative that the jurisdiction attract younger generations to live, work, and play in the community to ensure long-term success. The importance of establishing a mix of housing types that are suitable for all ages is also noted, with the desire of providing the opportunity for residents to “age in place” within the community. The development of well-designed, attractive, and various housing types is vital to achieving these goals.

While the Comprehensive Plan recommends residential development occur within Cicero, the availability of sewer and water utilities at the Clark Farms site offers an opportunity for a master-planned community that will offer multi-generational living.

Comments & Concerns from Letters Provided to the Plan Commission

The following sections of the Town of Cicero & Jackson Township Zoning Ordinance were referenced and questioned:

- Section 2.3 states, “The provisions of this ordinance allow the R2, R3, R4, R6, OC, HC, C1, C2, and C3 districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.”
 - *Plan Commission President, Dan Strong, confirmed at the Public Hearing on 11/15/2023 that the petition is following the appropriate process for rezoning the property from AG to R4 and concurrently considering the PD-R4.*
- Section 3.1 AG District Standards: “Cicero/Jackson Township’s Plan Commission and Board of Zoning Appeals should strive to protect this district from “spot zoning,” conflicting land uses, and any use that may inflict significant environmental impacts.”
 - *The Clark Farms real estate is currently zoned AG and is surrounded by other properties that are also zoned AG including individual home sites and other parcels used for agricultural purposes. The proposed master-planned residential community consists of approximately 248 acres that will provide a well-designed, harmonious residential community with a variety of housing types and architectural designs, ample open space, and significant neighborhood amenities. Rezoning the real estate from the AG district is the only effective way to allow growth and thoughtful design to occur in the area.*
 - *With the future utilities being provided in this area, growth is inevitable and the first request for a rezone is going to be considered spot zoning whether it is our rezone or another proposal by a different builder.*
- Section 8.1 “PD” District Intent and Permitted Uses: “All land uses proposed in a PD must be non-conflicting and in the spirit of the previous Zoning District and surround land uses and Zoning Districts.”
 - *The Clark Farms community will exclusively consist of residential uses and community amenities that will reflect the spirit of the R2 and R4 districts. As future residential development occurs in Jackson Township, the Clark Farms community will be set a “high bar” standard with high quality architectural standards and amenity package.*
 - *Per Section 8.1: “Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type, design and layout of sites and buildings. Also, Planned Development projects should also encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new subdivisions.” The Clark Farms PD takes this into consideration to ensure an efficient design that is appropriate for the surrounding landscape.*

- Questions and Concerns Regarding Taxpayer Burdens and Safety:
 - *The Hamilton County Commissioners are providing a utility district in northern Hamilton County. The utility district will provide sanitary sewer and water service to territory along the US 31 corridor and will allow a connection to the Clark Farms community. A Fiscal Impact Report was provided with the rezone filing, and it shows an annual benefit of \$2.3 million to the taxing entities and \$475,000 to Jackson Township.*
- Lennar does not work with the customer (buyer) on customized options for home.
 - *Lennar is a single-family home builder that provides new homes to the housing market based on market demands. Our products include high quality interior and exterior enhancements that increases our base home by \$30,000 to \$50,000 and are only available from other builders as additional upgrades not included in the base home. Our customers work with our New Home Consultants to choose the product that best fits their needs, based on the floor plans/elevations that are offered in the community.*
- The development standards are substantially less than the R-2, R-3, and R-4 standards of the Cicero/Jackson Township UDO.
 - *The development standards of the Clark Farms PD reflect the appropriate lot size and setbacks for the products in the community. The market demands for new single-family homes have shown that potential buyers are attracted to lot sizes that are attainable and that do not require a lot of maintenance. The Clark Farms amenity package also provides extensive community space for the residents to enjoy and take part in.*

Response to The Preservation of Northern Hamilton County Document provided to the Plan Commission

Project Overview - Statement Key Points & Responses

- Research shows that there are current plans for 450 units of workforce housing west of U.S. 31. This housing is typically geared for lower income and/or transient workforce population.
 - *To our knowledge no such project has been filed with any zoning authority nor has such a project been approved. Any project will require a public process similar to the one being held for Clark Farms.*
- Lennar is a builder that was approached by the County during early planning of the Hamilton County Regional Utility District.
 - *This statement is not true as confirmed through the statement read by CJ Taylor representing the Hamilton County Commissioners. Lennar became aware of the County's initiatives to create a new utility district in the area by attending a public meeting in which it was discussed. Thereafter, we began our process of contacting landowners in proximity of*

the future utility lines to provide opportunities to serve the housing market that is in high demand.

Lennar Overview – Statement of Key Points & Responses

- Lennar is one of the biggest residential builders in the Country, and Lennar operates one (1) of the largest build-to-rent platforms. In a build to rent program, homes are not just sold to residents, but also corporate buyers and investors.
 - *Lennar does not operate a build-for-rent platform. We are a for sale single-family home builder that provides new homes to the housing market that is available for the general population to buy a new home over a resale home. A new home built by Lennar, just as a resale home sold by an individual, may be purchased by an individual or corporation to be used as an investment property.*
 - *As stated above, Lennar provides new homes to the housing market. Overall, single-family homes for rent have long been a part of the US housing stock. According to Joint Center for Housing Studies of Harvard University (<https://www.jchs.harvard.edu/blog/8-facts-about-investor-activity-single-family-rental-market>), there were 10.9 million renters living in single-family homes in 2001, which is just under 30% of all renters. During the Great Recession of the mid-2000s, the number of single-family rentals grew to 15.2 million in 2016. By 2021, that number declined to 14.3 million single-family renter households, totaling 33% of all renters. As the second largest home builder in the Nation, Lennar builds and sells more homes than most builders. As a result, more investment homes are purchased from Lennar due to the fact that we produce a higher number of homes than most builders.*
- The size and scope of Lennar's build to rent platform is staggering. As builders, their aim is counter to residential community drivers. They build, sell, and move on. They do not have a personal stake in the community.
 - *Lennar is a for sale single-family home builder that provides homes to support the housing market, which includes single-family for rent that is purchased by individual investors or corporate investors. As mentioned previously, we do not operate a build-to-rent platform, and we "aim" to provide the best communities that each city or town would be proud of, and we strive to make our future homeowners very happy.*
 - *Although Lennar is one of the largest National home builders, our office has been in the Indianapolis region since the 1970's. As a result of corporate mergers, we have operated in the Indianapolis market as Ryland Homes, CalAtlantic Homes and currently operate as Lennar. All the homes Lennar builds in the Indianapolis area are designed locally by our in-house product development team. As a local builder, we provide thousands of jobs in the Indianapolis region, and are active in giving back to the community. Culture is very important to Lennar with one facet being Lennar's Focused Acts of Caring that all Divisions and Associates are encouraged to participate in. Locally our Division supports Gleaners Food Bank of Indiana which touches, in a great way, all communities in which we operate. Our Division raises tens of thousands of dollars a year for Gleaners and provides many volunteer hours at their facility.*

- Cost Segregation and Depreciation and Potential Economic Impact due to investors using provisions of the tax code that allows for depreciation of building components. Cost Segregation is done using an engineering study and investors can sell a home at a 50% loss and “break even”. Marilyn Ridge in Noblesville and Brooks Chase in Fishers are used as example subdivisions that have a lower resale value than other homes in those cities.
 - *Cost Segregation is a tax planning strategy that could be used by investors to accelerate depreciation of a rental property. We do not agree that an investor can sell a home at a 50% loss after cost segregation and break even. If an investor pays \$400,000 for a home and depreciated it over time to \$200,000 and then sold it for \$200,000, they would break even from a taxable standpoint as they would not have to pay taxes on any gain on the sale but they would lose money on the sale. The investor would lose \$200,000 on the sale less any tax savings they realized over time by depreciating the property. Assuming an effective tax rate of 28% the investor would have reduced their tax obligation over time by \$56,000. This would result in a net loss on the sale of \$144,000 (\$400,000 purchase price less \$200,000 sales proceeds equates to a \$200,000 loss on the sale that is partially offset by \$56,000 of tax savings over time). We don't believe any investor would find this transaction to be a successful transaction that they would execute.*
 - *Lennar was not involved and did not build homes in Marilyn Ridge in Noblesville and Brooks Chase in Fisher. There is no reference to the number of rentals being sold at a 50% loss by investors in Marilyn Ridge or Brooks Chase to support the claim that Cost Segregation leads to a negative economic impact. In fact, there is no data provided to show if Cost Segregation, a complex tax planning strategy an investor could use, is being utilized by any investors in either of those communities. There are investment homes in many different subdivisions throughout Noblesville and Fishers where there are sales at a higher price point. If investment homes were being sold at a 50% loss, we could assume that there would be a drop in home values throughout each City, not just two (2) specific subdivisions.*
- Reviewed ownership information of Lennar Westgate community in Westfield and concluded that 50% of the home sales in that community are rental (a speaker during the public hearing stated that 50% of the townhomes were sold as rentals).
 - *According to our sales records in Westgate, we have had a total of 449 sales to date. Of the 449 homes/townhomes sold, there are a total of 30 homes/townhomes that we can determine are most likely investment homes which equates to roughly 6%. More specifically, of the 30 purchased as potential investment properties, 20 are townhomes. To date, 128 townhomes have been sold equating to roughly 16% of the townhomes purchased may be used as investment properties.*
- Large Concentration of Lennar Homes and Speculative Building:
 - *Lennar builds homes for the overall housing stock, and we provide market ready homes so future buyers may choose to buy a brand-new home over a resale home. The number of homes we build is based on the market demand. The housing demand in Hamilton County, as well as the Indianapolis region, is very high due to a shortage of homes that were not*

built after the Great Recession of the mid-2000s. New home sales versus resale homes are at an all-time high.

Project Density - Statement of Key Points & Responses

- Lennar is seeking a variance for higher density subdivision. This would include smaller yards and narrow widths between homes.
 - *We are not seeking a variance; we are seeking a rezone to accommodate the proposed community. The proposed base zoning is R4 to allow for townhomes since they are not allowed in lesser residential districts. However, our density is less than three (3) units per acre, which is within the intended density range for the R3 district.*
 - *The proposed yard standards allow us to maximize our open space areas for recreation, amenities, drainage, and preservation of natural areas. In addition, today's home buyers are interested in smaller yards for less maintenance in communities with shared amenities that are maintained by the HOA.*
- The zoning ordinances need to address the growing build-to-rent trends to create a balance of housing in Northern Hamilton County.
 - *Trying to restrict rental housing in a zoning ordinance may cause legal issues for the Town. We would look to the Town Attorney to provide additional feedback into this issue for consideration by the Plan Commission and Town Council as it relates to Federal Fair Housing Laws and potential impacts on FHA and VA lending.*

Potential Tax and Socio-Economic Costs - Statement of Key Points & Responses

- Schools: Based on their research, for schools alone, they anticipate an increases in taxes of up to \$80/month (at a minimum) per household.
 - *This statement is hypothetical and founded on various assumptions including the assumption that there will be school referendums put in place. The approval of a rezone of Clark Farms does not give the schools unilateral rights to impose a referendum. Any referendum must be approved by a majority of voters at the time of an election. It is not a forgone conclusion that a referendum would be needed to accommodate future school growth.*
 - *We have supplied a Fiscal Impact Report prepared by Krohn & Associates as part of the Clark Farms rezone submittal to assist the town in their review of the Clark Farms petition. According to the Fiscal Impact Report, the Hamilton Heights School Corporation is anticipated to receive nearly \$1.4 million per year in incremental property tax revenue from Clark Farms at build-out. Overhead costs and additional debt service requirements are estimated to increase by approximately \$1 million resulting in a positive fiscal impact to the schools.*

- Cicero Water: It is the opinion of this organization that there will likely be a tax increase to resolve the towns municipal water issues.
 - *We agree it is in the best interest for the Town to develop and implement a plan to resolve the water supply issues within the Town of Cicero. The proposed Clark Farms development will not impact the water supply within the Town of Cicero as Clark Farms will be served by Indiana American Water from a water supply west of US31.*
- Budget Issues: As outlined in the comprehensive plan, they recommend a full analysis be conducted on the economic impact of Clark Farms.
 - *As noted above in the School discussion, Lennar commissioned a Fiscal Impact Report which was provided to the Town. The Fiscal Impact Report concludes the proposed Clark Farms will have a positive impact on the taxing agencies. At buildout, Clark Farms is anticipated to generate the follow:*
 - *General Property Taxes: \$2,735,199*
 - *Local Income Taxes (LIT) Certified Shares: \$478,080*
 - *Emergency Medical Receipts: \$23,003*
 - *Vehicle/Aircraft Excise Tax Distribution: \$18,000*
 - *Total Revenues Collected: \$2,735,199*
 - *Total Increased Costs (Police/Fire/County Overhead): \$344,159*
 - ***Fiscal Impact Per Year (after build-out): \$2,391,000***
 - *Cumulative Benefit (during 10-year construction) \$13,922,986.*
- Infrastructure Costs: Based on their initial interviews, and the rural nature of responses (communities responding to other community emergencies), they anticipate a significant drain on current resources to provide support (Police/Fire) to the proposed development.
 - *Based on the Fiscal Impact Report, and as described above, there will be a net positive impact for emergency services after Clark Farms is built-out.*
- Traffic Flow: Careful consideration be given to traffic flows in the area and across Hamilton County.
 - *A traffic study will be prepared before construction begins. The U.S. 31 Interchange just opened and it will be a few months before modified traffic patterns in the area are established by commuters. Based on discussions with the Hamilton County Highway Department, subject to review of a future traffic study, we anticipate making road widening improvements along the Clark Farms frontage and possibly left turn lanes into the community. Other improvements may be identified when the traffic study is complete.*

Lennar's Conclusion

As a local builder, we care greatly about each community we build and about our future homeowners. We strive to build a high-quality home with included interior and exterior enhancements that will provide \$30,000 to \$50,000 worth of upgrades that other home builders don't provide unless chosen as an option.



The construction of our homes provides thousands of jobs locally, and we invest our time and money to help address the food poverty issues in the Indianapolis region.

We are a for sale single-family home builder that provides new homes to the housing market. Our homes provide an opportunity for someone to buy a new home rather than a resale home. We build our homes based on the housing market demand. Currently, there is a housing shortage in the Indianapolis Region, and the number of resale homes are lower than previous years. Based on the current demand and low inventory of resale homes, new homes are in high demand.

As discussed previously, we do not operate a build-to-rent platform. Single-family rental homes are part of the general housing stock throughout the County. Given that single-family rentals are part of the general housing stock, some homes (sold by Lennar or other builders as well as existing resale homes) are purchased by individuals or corporations as investment properties.

As for the financial implications of Clark Farm, Lennar will construct the necessary infrastructure and improvements to serve Clark Farms and there will be no fiscal impacts to the existing residents for construction of Clark Farms. The Fiscal Impact Report prepared for Clark Farms concludes a positive impact on the taxing agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Bagato".

Tony Bagato, Entitlement Manager
Lennar Homes of Indiana