



## Plan Commission (PC)

### INITIAL Petition Filings

**Docket # :** 2020-44-DP

**Petitioner:** Harris FLP - Appaloosa Crossing - Signage

**Public Hearing Date:** 11/16/2020

Staff Reports and Petition Packets will be posted with the public meeting agenda at the following location <http://www.zionsville-in.gov/AgendaCenter>



Office Use Only
Petition No.:
Hearing Date:
Recommendation:

Town of Zionsville
Petition for Plan Commission Approval

1. SITE INFORMATION:

Address of Property: 3295 S. US 421, ZIONSVILLE.
Existing Use of Property: Ag/Commercial
Proposed Use of Property: Commercial
Current Zoning: G3 Area in acres: 56.95

2. PETITIONER/PROPERTY OWNER

Petitioner: Name: Harris FLP, Address: PO Box 37, Zionsville, IN 46077, Phone: 317-710-1817
Owner (If different from Petitioner): Name: , Address: , Phone: , Fax: , E-Mail:

3. PETITIONER'S ATTORNEY/CONTACT PERSON AND PROJECT ENGINEER (IF ANY):

Attorney / Contact Person: Name: Matt Prill, Address: 2700 MARKET TOWER, 10 WEST MARKET ST, ZIONSVILLE, IN 46077, Phone: 317-606-5225
Project Engineer / Architect: Name: , Address: , Phone: , Fax: , E-Mail:

4. DETAILED DESCRIPTION OF REQUEST (Check all that apply)

(Describe reason(s) for request / attach additional pages if necessary):

- Development Plan, Modification of Development Plan, Waiver of Development Requirement(s), Termination of Development Plan, Modification of Commitments, Termination of Commitments

OUTLOT MONUMENT & CENTER SIGNS, EXCEPT OUTLOT "I"

5. ATTACHMENTS:

- Legal description of property, Owner's Authorization, Statement of Proposed Modification or Termination Of Commitments, Proposed Findings, Road Impact Calculation Form, Proof of Ownership, Copies of the Site Plan, Proposed Development Plan / Proposed Modification of Development Plan / Statement of Termination of Development Plan

The undersigned, having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes. Further, the applicant understands that this project may be assigned Engineering review fees, which are payable upon invoicing. Road Impact Fees are payable upon Improvement Location Permit release.

Signature of Owner or Attorney for Owner: \_\_\_\_\_

*Robert H. Davis*

Date: October 8th, 2020

State of IN <sup>x</sup>

County of Boone ) ss:

Subscribed and sworn to before me this, day of October 8th, 2020.

*Natalie Kruger*  
Notary Public Signature

Natalie Kruger  
Notary Public Printed

My commission expires October 19th, 2023

My county of residence is Boone County.

My Commission No. is 674409

**PROCEDURES AND REQUIREMENTS:**

- 1. A complete Petition for Plan Commission Approval ("petition") must be submitted by **3:00 PM** a minimum of **31 days** prior to the initial hearing before the Plan Commission.
- 2. **Only complete Petitions will be placed on the agenda for the next Plan Commission meeting.** If a Petition is incomplete 31 days prior to the next Plan Commission meeting, the Petition will not be placed on an agenda until the Petitioner submits a complete Petition.
- 3. **Fifteen sets** of the following information must be submitted, with the notarized Petition, for internal staff review:
  - Legal description of property (Metes and bounds description must include a perimeter survey, drawn to scale – or – recorded subdivision legal description must include lot number, section number, subdivision name, either the plat book number of the recorded instrument number and a copy of the plat map.)
  - Proof of Ownership (copy of deed)
  - Owner's Authorization (if Petitioner is not the owner)
  - Site Plan (if applicable)
  - Proposed findings (if a Development Plan)
  - Statement of Modification or Termination of Commitments (if proposed)
  - Proposed Development Plan / Proposed Modification of Development Plan (if proposed)
  - Draft of Proposed Legal Notice
  - Application Fee: \$ \_\_\_\_\_ (Checks should be payable to *Town of Zionsville*)

**PUBLIC HEARING NOTIFICATION:**

Notice of Public Hearing for Plan Commission Approval is to be completed as set forth in the Zoning Ordinance and Rules of Procedure for the Plan Commission. The procedures relating to notification of public hearings that are contained in this Packet are provided for convenience purposes only.

**OWNER'S AUTHORIZATION**

The undersigned, Robert Harris, being the owner of the property commonly known as Appalosa Crossing, hereby authorize(s) Mad Price to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other ) for the aforementioned property.

\_\_\_\_\_  
(company name)

Robert Harris  
(owner signature)

By: \_\_\_\_\_  
(authorized signature)

- or - Robert L. Harris  
(print owner name)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(title)

State of IN  
County of Boone ) SS:

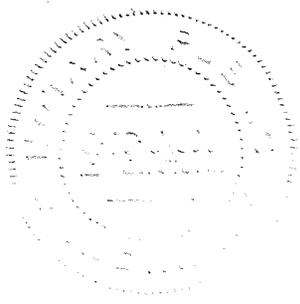
Subscribed and sworn to before me this October 8th, 2020.

Natalie Kruger, Natalie Kruger  
Notary Public Signature Notary Public Printed

My commission expires October 19th, 2023

My county of residence is Boone County.

My Commission No. is 674409



2019012972  
Electronic Filing  
From: Dominion Title  
Thru: Simplifile

2019012972 DEED \$25.00  
12/16/2019 09:46:02AM 3 PGS  
Nicole K. (Nikki) Baldwin  
Boone County Recorder IN  
Recorded as Presented



## WARRANTY DEED

**THIS INDENTURE WITNESSETH**, That **Lynda Sue Chambers** (Grantor), **CONVEYS(S) and WARRANT(S)** to **Harris FLP** (Grantee), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in **Boone County, State of Indiana**:

**SEE EXHIBIT "A" ATTACHED HERETO**

Subject to Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 3401 S US 421, Zionsville, IN 46077. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Grantor certifies that Joe Lee Chambers and Lynda Sue Chambers took title to the Real Estate as husband and wife and remained husband and wife continuously until the death of Joe Lee Chambers on April 17, 2018.

**IN WITNESS WHEREOF**, Grantors have executed this deed this 11th day of December, 2019.

  
Lynda Sue Chambers

DULY ENTERED  
SUBJECT TO FINAL ACCEPTANCE  
**AUDITOR**  
BOONE COUNTY, INDIANA  
*Heather R. Myers*  
HEATHER R. MYERS  
Dec 16 2019 - SL

ACKNOWLEDGMENT

State of Indiana

ss:

County of Hamilton

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

Witness my hand and Notarial Seal this 11th day of December, 2019.

My commission expires: 7-14-27

Kristin Peterson  
Kristin Peterson

Notary Public  
Residing in Hamilton



Grantees Address and Send Tax Bills To: 65 E CEDAR Street, Unit A, Zionsville, IN 46077

This instrument was prepared by Robert R. Thomas, Attorney at Law, Landquest Title Services, LLC  
DBA Dominion Title Services  
4600 NW Plaza West Drive, Suite  
C, Zionsville, IN 46077

File No. 20190688

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Matthew J. Kaminski  
Printed name

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East, Eagle Township, Boone County, Indiana, more fully described as follows: Commencing at the Northeast corner of the Northeast Quarter of said Section 18; thence along the Section line, South 00 degrees 00 minutes 34 seconds East 2276.31 feet; thence South 89 degrees 59 minutes 26 seconds West 85.21 feet to a concrete monument found; thence along the West line of Lot 3 in Bridlewood Subdivision, the plat of which is recorded in Plat Book 6, Pages 105-107, Boone County Recorder's Office; North 12 degrees 38 minutes 31 seconds West 140.00 feet to the Point of Beginning; thence South 75 degrees 02 minutes 06 seconds West 140.22 feet; thence South 66 degrees 44 minutes 21 seconds West 236.73 feet to a point in the centerline of U.S. Highway 421 (Michigan Road); thence along said center line, North 20 degrees 12 minutes 47 seconds West 190.26 feet; thence North 78 degrees 51 minutes 58 seconds East 397.99 feet; thence along a West described line of Harris FLP Property recorded as Instrument #9801155 and part of the West line of said Lot 3, South 12 degrees 38 minutes 31 seconds East 128.82 feet to the Point of Beginning, containing 1.3545 acres, more or less.

③ F: Andrew, Harrell, Mann, etc  
1/98

Send taxes to  
grantee's address:  
9750 Barth Drive  
Zionsville, Indiana 46077

**CORRECTIVE WARRANTY DEED**

THIS INDENTURE WITNESSETH, That Oscar Thomas Harris and Barbara Jo Harris, husband and wife ("Grantors"), of Boone County, in the State of Indiana, CONVEY AND WARRANT to Harris FLP ("Grantee"), of Boone County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Boone County, in the State of Indiana, to-wit:

See Exhibit "A" attached hereto and made a part hereof. This deed corrects a scrivener's error in the deed executed on December 22, 1997 and recorded on December 30, 1997\*

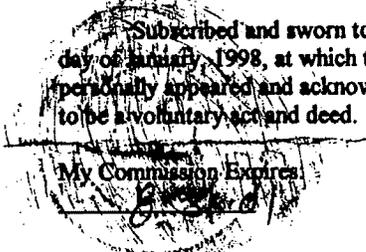
In Witness Whereof, Grantor has executed this Corrective Warranty Deed this 21st day of January, 1998.

Oscar Thomas Harris  
Oscar Thomas Harris

Barbara Jo Harris  
Barbara Jo Harris

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MONROE )

Subscribed and sworn to before me, a Notary Public in and for said county and state, this 21st day of January, 1998, at which time Oscar Thomas Harris and Barbara Jo Harris, husband and wife, personally appeared and acknowledged the execution of the above and foregoing WARRANTY DEED to be a voluntary act and deed.



Harold A. Harrell  
Harold A. Harrell, Notary Public  
A resident of Monroe County

This Instrument Prepared By Harold A. Harrell, Attorney at Law, ANDREWS, HARRELL, MANN, CHAPMAN & COYNE, P.C., 1720 N. Kinser Pike, P.O. Box 2639, Bloomington, Indiana 47402-2639, Telephone: (812) 332-4200

\* INSTRUMENT NO. 9712074 (cross-reference)

DULY ENTERED FOR TAXATION  
2-4-98  
Connie Kaman  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

**EXHIBIT "A"**

The west half of the northwest quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian, containing 80 acres, more or less, except the following real estate, to-wit: Commencing at the northeast corner of said half quarter section and run thence south 31.81 chains, thence west 15.72 chains, thence north 31.81 chains, thence east 15.72 chains to the place of beginning, containing 50 acres, more or less, leaving after said exception 30 acres, more or less.

A part of the southeast quarter of the northeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian described as follows: Commencing at the southeast corner of said quarter quarter section and running thence north 62 rods 9 links, thence west 42 rods 18 links to a point in the center line of the Michigan Road, thence south 19 degrees east along said center line 65 rods 15 links to a point in the south line of said quarter quarter section, thence east along said south line 20 rods to the place of beginning.

A part of the northeast quarter of the southeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian and a part of the north half of the southwest quarter of Section 24, Township and Range aforesaid, described as follows: Commencing at the northwest corner of the north half of the southwest quarter of said Section 24, and run thence east 80.5 rods, thence south 12 $\frac{1}{4}$  rods, thence west 94.5 rods to a point in the center line of the Michigan Road, thence north 19 degrees west along said center line 13.6 poles to a point in the north line of the northeast quarter of the southeast quarter of said Section 23, thence east along said north line 20 rods to the place of beginning.

Containing in the last two described tracts 20 acres, more or less, and containing in all herein described 50 acres, more or less, but subject to legal highways, rights of way and easements. Located in Eagle Township, Boone County, Indiana.

ALSO: Commencing at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the North line of said Northeast Quarter 1395.91 feet to the centerline of U.S. Highway #421, said point being the place of beginning of this tract; thence continuing North 90 degrees 00 minutes 00 seconds East on and along aforesaid North line 1298.21 feet to the Northeast corner thereof; thence South 01 degree 01 minutes 00 seconds West on and along the East line of said Northeast Quarter 1614.36 feet; thence North 89 degrees 43 minutes 45 seconds West 704.88 feet (705.46 feet measured) to the centerline of U.S. Highway #421, thence North 19 degrees 14 minutes 15 seconds West on and along said centerline 404.90 feet; thence North 18 degrees 19 minutes 15 seconds West on and along said centerline 1301.80 feet to the place of beginning, containing 37.07 acres, more or less.

Excepting from the above-described property the real estate conveyed to Stanley D. Feezle and Lori St. Dennis Feezle, Husband and Wife, more particularly described as follows:

Part of the West half of Section 24 and part of the East Half of Section 23, both in Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at the Northwest corner of said Section 24; thence North 88 degrees 59 minutes 28 seconds East (assumed bearing) along the north line of said west half section, 1327.70 feet to the Northeast corner of the west half of the Northwest Quarter of said Section 24; thence South 0 degrees 00 minutes 43 seconds East along the East line of the West half of said Northwest Quarter Section, 2099.46 feet to the point of beginning; thence continue South 0 degrees 00 minutes 43 seconds East, 751.89 feet; thence South 88 degrees 59 minutes 06 seconds West, parallel with the South line of the West Half of the Northwest Quarter of Section 24, 1580.15 feet to the point on the centerline of U.S. 421 (Michigan Road), said point being in the east half of said Section 23; thence North 20 degrees 11 minutes 36 seconds West along said centerline 509.17 feet; thence North 73 degrees 25 minutes 07 seconds East 357.58 feet; thence North 12 degrees 40 minutes 05 seconds West, 178.75 feet; thence North 88 degrees 59 minutes 28 seconds East parallel with the North line of said west half section, 1452.22 feet to the point of beginning and containing 22.916 acres, more or less, in Section 24 and 4.744 acres, more or less, in Section 23, with 27.660 acres, more or less, total. Subject to right of way for U.S. 421 (Michigan Road) off the entire Westerly side thereof and all other legal easements and rights of way of record.

Also excepting from the above-described property the real estate conveyed to Joe Lee Chambers and Lynda Sue Chambers, Husband and Wife, more particularly described as follows:

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at a point on the East line of said quarter section being South 0 degrees 00 minutes 00 seconds West (assumed bearing) 2776.05 feet from the Northeast corner thereof; thence South 90 degrees 00 minutes 00 seconds West 84.87 feet to the point of beginning; thence South 73 degrees 25 minutes 07 seconds West 357.58 feet to the centerline of U.S. 421 (Michigan Road); thence North 20 degrees 11 minutes 36 seconds West along said centerline, 306.42 feet; thence North 78 degrees 51 minutes 22 seconds East 397.02 feet; thence South 12 degrees 40 minutes 05 seconds East 268.82 feet to the point of beginning and containing 2.480 acres, more or less. Subject to right of way for Michigan Road off the entire Westerly side thereof and all other legal easements and rights of way of record.



**EXHIBIT "A"**

**Tract I:**

The west half of the northwest quarter of Section 24, Township 18 North, Range 2 East of the Second Principal Meridian, containing 80 acres, more or less, except the following real estate, to-wit: Commencing at the northeast corner of said half quarter section and run thence south 31.81 chains, thence west 15.72 chains, thence north 31.81 chains, thence east 15.72 chains to the place of beginning, containing 50 acres, more or less, leaving after said exception 30 acres, more or less.

A part of the southeast quarter of the northeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian described as follows: Commencing at the southeast corner of said quarter quarter section and running thence north 62 rods 9 links, thence west 42 rods 18 links to a point in the center line of the Michigan Road, thence south 19 degrees east along said center line 65 rods 15 links to a point in the south line of said quarter quarter section, thence east along said south line 20 rods to the place of beginning.

A part of the northeast quarter of the southeast quarter of Section 23, Township 18 North, Range 2 East of the Second Principal Meridian and a part of the north half of the southwest quarter of Section 24, Township and Range aforesaid, described as follows: Commencing at the northwest corner of the north half of the southwest quarter of said Section 24, and run thence east 80.5 rods, thence south 12 $\frac{3}{4}$  rods, thence west 94.5 rods to a point in the center line of the Michigan Road, thence north 19 degrees west along said center line 13.6 poles to a point in the north line of the northeast quarter of the southeast quarter of said Section 23, thence east along said north line 20 rods to the place of beginning.

Containing in the last two described tracts 20 acres, more or less, and containing in all herein described 50 acres, more or less, but subject to legal highways, rights of way and easements. Located in Eagle Township, Boone County, Indiana.

**Tract II:**

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East in Boone County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence South 00 degrees 51 minutes 30 seconds West (assumed bearing) on and along the West line of said Northeast Quarter 2435.10 feet; thence South 89 degrees 41 minutes 15 seconds East on and along an existing

DULY ENTERED FOR TAXATION  
12-30-97  
C. M. H. H. H. H. H.  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

fence line 786.22 feet; thence North 00 degrees 18 minutes 45 seconds East 345.24 feet; thence South 89 degrees 41 minutes 15 seconds East 1379.65 feet to the centerline of U.S. Highway #421; thence North 19 degrees 14 minutes 15 seconds West on and along said centerline of U.S. Highway #421, 924.55 feet; thence North 19 degrees 19 minutes 15 seconds West on and along the centerline of U.S. Highway #421, 1301.80 feet to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on and along aforesaid North line 1395.91 feet to the place of beginning, containing 91.83 acres, more or less.

ALSO: Commencing at the Northwest corner of the Northeast Quarter of Section 23, Township 18 North, Range 2 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the North line of said Northeast Quarter 1395.91 feet to the centerline of U.S. Highway #421, said point being the place of beginning of this tract; thence continuing North 90 degrees 00 minutes 00 seconds East on and along aforesaid North line 1298.21 feet to the Northeast corner thereof; thence South 01 degree 01 minutes 00 seconds West on and along the East line of said Northeast Quarter 1614.36 feet; thence North 89 degrees 43 minutes 45 seconds West 704.88 feet (705.46 feet measured) to the centerline of U.S. Highway #421, thence North 19 degrees 14 minutes 15 seconds West on and along said centerline 404.90 feet; thence North 18 degrees 19 minutes 15 seconds West on and along said centerline 1301.80 feet to the place of beginning, containing 37.07 acres, more or less.

Containing in all 128.90 acres, more or less, and subject to all legal easements and rights of way.

Excepting from the above-described property the real estate conveyed to Stanley D. Feezle and Lori St. Dennis Feezle, Husband and Wife, more particularly described as follows:

Part of the West half of Section 24 and part of the East Half of Section 23, both in Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at the Northwest corner of said Section 24; thence North 88 degrees 59 minutes 28 seconds East (assumed bearing) along the north line of said west half section, 1327.70 feet to the Northeast corner of the west half of the Northwest Quarter of said Section 24; thence South 0 degrees 00 minutes 43 seconds East along the East line of the West half of said Northwest Quarter Section, 2099.46 feet to the point of beginning; thence continue South 0 degrees 00 minutes 43 seconds East, 751.89 feet; thence South 88 degrees 59 minutes 06 seconds West, parallel with the South line of the West Half of the Northwest Quarter of Section 24, 1580.15 feet to the point on the centerline of U.S. 421 (Michigan Road), said point being in the east half of said Section 23; thence North 20 degrees 11 minutes 36 seconds West along said centerline 509.17 feet; thence North 73 degrees 25 minutes 07 seconds East 357.58 feet; thence North 12 degrees 40 minutes 05 seconds West, 178.75 feet; thence North 88 degrees 59 minutes 28 seconds East parallel with the North line of said west half section, 1452.22 feet to the point of beginning and containing 22.916 acres, more or less, in Section 24 and 4.744 acres, more or less, in Section 23,

with 27.660 acres, more or less, total. Subject to right of way for U.S. 421 (Michigan Road) off the entire Westerly side thereof and all other legal easements and rights of way of record.

Also excepting from the above-described property the real estate conveyed to Joe Lee Chambers and Lynda Sue Chambers, Husband and Wife, more particularly described as follows:

Part of the Northeast Quarter of Section 23, Township 18 North, Range 2 East, Boone County, Indiana, and being more particularly described as follows: Commencing at a point on the East line of said quarter section being South 0 degrees 00 minutes 00 seconds West (assumed bearing) 2776.05 feet from the Northeast corner thereof; thence South 90 degrees 00 minutes 00 seconds West 84.87 feet to the point of beginning; thence South 73 degrees 25 minutes 07 seconds West 357.58 feet to the centerline of U.S. 421 (Michigan Road); thence North 20 degrees 11 minutes 36 seconds West along said centerline, 306.42 feet; thence North 78 degrees 51 minutes 22 seconds East 397.02 feet; thence South 12 degrees 40 minutes 05 seconds East 268.82 feet to the point of beginning and containing 2.480 acres, more or less. Subject to right of way for Michigan Road off the entire Westerly side thereof and all other legal easements and rights of way of record.

⑪  
25.00  
Matthew Price

2019013490 MISC \$25.00  
12/30/2019 08:06:58A 11 PGS  
Nicole K. (Nikki) Baldwin  
Boone County Recorder IN  
Recorded as Presented



**Cross Reference:** Zoning Commitments recorded with the Boone County, Indiana, Recorder on November 21, 2008, as Instrument No. 2008-00010861.

**Cross Reference:** Amended Zoning Commitments recorded with the Boone County, Indiana, Recorder on January 17, 2017, as Instrument No. 2017-00000546.

**ZIONSVILLE PLAN COMMISSION  
FILE: 2019-44-CA**

**AMENDED AND RESTATED COMMITMENTS CONCERNING THE  
USE OR DEVELOPMENT OF REAL ESTATE**

In accordance with I.C. 36-7-4-1015, Harris FLP, an Indiana limited partnership (“Initial Owner”), seeks to amend and restate certain zoning commitments originally approved by adoption of Ordinance No. 2008-13 by the Board of Commissioners of Boone County, Indiana, on November 3, 2008, in connection with a zone map change for approximately 57.53 acres commonly known as 10901, 10985 East County Road 300 South (a/k/a 146<sup>th</sup> Street) and 3201 South U.S. Highway 421 (a/k/a Michigan Road) and more particularly described on Exhibit A attached hereto (the “Real Estate”). Said Real Estate being previously located in the planning and zoning jurisdiction of Boone County, Indiana. Said Initial Owner and subsequent owners of the Real Estate are referred to herein, as “Owners,” and “Owner” shall refer to (i) Initial Owner during Initial Owner’s period of ownership of the Real Estate and (ii) each subsequent owner of the Real Estate during such subsequent owner’s period of ownership of the Real Estate.

Additionally, said commitments were amended by adoption of File No. 2016-45-CA by the Town Council of the Town of Zionsville on November 7, 2016, to allow a service station/fuel station.

Owner represents and warrants that the Real Estate is within the Town of Zionsville, Indiana, and that as the owner of said Real Estate, the Owner has authority to and hereby does voluntarily make the following Amended and Restated Commitments concerning the use and development of the Real Estate (collectively, the “Amended and Restated Commitments”).

**STATEMENT OF AMENDED AND RESTATED COMMITMENTS**

Owner, upon approval of Docket Number 2019-44-CA by the Town Council of the Town of Zionsville, Indiana (the “Zoning Approval”), voluntarily agrees and commits to the following Amended and Restated Commitments:

1. Exhibit B, attached hereto and made a part hereof, sets forth the Amended and Restated Commitments.
2. Exhibit C, attached hereto and made a part hereof, includes a Concept Plan for the Real Estate and shall be used in comparison of future development plans.

These Amended and Restated Commitments shall be executed and recorded by Initial Owner in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the Real Estate.

If Initial Owner fails to cause the Amended and Restated Commitments to be recorded in accordance with the terms of the preceding paragraph, and a subsequent owner fails to perform and/or comply with these Amended and Restated Commitments, the Town of Zionsville shall be entitled to receive from Initial Owner, jointly and/or severally, any and all damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliance herewith.

These Amended and Restated Commitments may be modified or terminated by the agreement of the then-applicable Owner and a decision of the Town of Zionsville Plan Commission made after a public hearing for which proper notice is given, including hearings for other land use or zoning approvals involving the Real Estate or any portion thereof.

These Amended and Restated Commitments shall be effective upon approval of the relief requested in Plan Commission Docket Number 2019-44-CA by the Town Council for the Town of Zionsville, Indiana, and shall continue in effect until modified or terminated as specified above and /or as prescribed by statute.

These Amended and Restated Commitments may be enforced either individually or collectively by the Town of Zionsville Plan Commission, the Director of Planning for the Town of Zionsville, the Town and/or owners of any parcel of ground adjoining the Real Estate. Owner shall indemnify the Town of Zionsville Plan Commission, the Town (including a successor city or municipality), and hold the Town of Zionsville Plan Commission and the Town and their respective authorized representatives, including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform the terms and conditions of these Amended and Restated Commitments. Throughout these Amended and Restated Commitments and reference to "Town" or "Town of Zionsville" shall also include any successor city, municipality, or other governmental body having land use, planning, and zoning jurisdiction over the Real Estate.

In the event it becomes necessary to enforce these Amended and Restated Commitments in a court of competent jurisdiction and Owner is found to be in violation of these Amended and Restated Commitments, such violators shall pay all reasonable costs and expenses the Town and the Town's Plan Commission and other authorized representative(s) incur in the enforcement of

these Amended and Restated Commitments, including reasonable attorney fees, expert witness fees, and court costs.

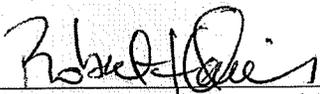
Initial Owner shall be responsible, at its expense, for recording this Statements of Amended Commitments in the Office of the Recorder of Boone County, Indiana, and shall promptly provide the Planning Department of the Town of Zionsville with a copy if such recording as a condition precedent to commencing upon the Real Estate.

By executing these Amended and Restated Commitments, Initial Owner represents and warrants that at the time of such execution, (i) Initial Owner is the sole owner of all the Real Estate, (ii) that execution of these Amended and Restated Commitments shall be binding upon Initial Owner as to all the particulars herein, and (iii) Initial Owner agrees that these Amended and Restated Commitments shall be considered a covenant running with the Real Estate, including any portion thereof. By the signature affixed below to these Amended and Restated Commitments, Harris FLP further represents and warrants that the undersigned has full limited partnership authority to execute these Amended and Restated Commitments on behalf of said limited partnership and bind Initial Owner hereto.

If at any time the Real Estate is owned by more than one party, those parties shall jointly and severally constitute an "Owner" during their period of joint ownership of the Real Estate.

IN WITNESS WHEREOF, Owner has executed this instrument this 14 day of December, 2019.

"INITIAL OWNER"  
Harris FLP, an Indiana limited partnership

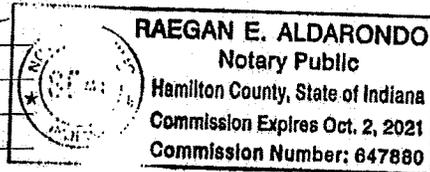
By:   
Robert L. Harris, General Partner

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

Before me, a Notary Public in and for said County and State, personally appeared Robert L. Harris, a General Partner of Harris FLP, an Indiana limited partnership, who acknowledged the execution of the foregoing instrument in such capacity for an on behalf of such limited partnership, and who, having been duly sworn, stated that any and all representations therein contained are true.

Witness my hand and Notarial Seal this 16<sup>th</sup> day of December, 2019.

Signature: Regan E. Aldarondo  
Printed: \_\_\_\_\_  
County of Residence: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



I affirm, under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Matthew M. Price, Attorney at Law

This instrument was prepared by:  
Matthew M. Price, Attorney at Law  
Bingham Greenebaum Doll LLP.  
10 W. Market St., Suite 2700  
Indianapolis, IN 46204  
Telephone: 317-635-8900

**EXHIBIT A  
LEGAL DESCRIPTION**

A part of the northeast quarter of Section 23 and a part of the northwest quarter of Section 24, both in Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, described as follows:

Beginning at the northwest corner of the northwest quarter of Section 24, Township 18 North, Range 2 East; thence South 89 degrees 56 minutes 41 seconds East (all bearing recited in this description are referenced to the north line of the northwest quarter of Section 24, Township 18 North, Range 2 East, the bearing of which is assumed to be South 89 degrees 56 minutes 41 seconds East) along the north line of said northwest quarter section 289.95 feet; thence South 01 degrees 02 minutes 43 seconds West 1,358.82 feet; thence South 89 degrees 56 minutes 41 seconds West 261.30 feet; thence South 70 degrees 42 minutes 11 seconds West 782.00 feet to the centerline of U.S. Highway 421 (Michigan Road); thence North 19 degrees 11 minutes 47 seconds West along said centerline 1,715.14 feet to a 1 inch diameter iron rod in a monument box in the north line of the northeast quarter of Section 23, Township 18 North, Range 2 East; thence South 89 degrees 53 minutes 13 seconds East along said north line 1,298.64 feet to the point of beginning, containing 1,927,261 square feet or 44.25 acres, more or less.

And

A part of the northeast quarter of Section 23 and a part of the northwest quarter of Section 24, both in Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, described as follows:

Beginning at the northwest corner of the northwest quarter of Section 24, Township 18 North, Range 2 East; thence South 89 degrees 56 minutes 41 seconds East (all bearing recited in this description are referenced to the north line of the northwest quarter of Section 24, Township 18 North, Range 2 East, the bearing of which is assumed to be South 89 degrees 56 minutes 41 seconds East) along the north line of said northwest quarter section 289.95 feet; thence South 01 degrees 02 minutes 43 seconds West 1,358.82 feet to the point of beginning; thence continuing South 01 degrees 02 minutes 43 seconds West 741.92 feet to the north line of Bridlewood Subdivision (Plat Book 6, pages 105-107, Office of the Recorder, Boone County, Indiana); thence South 89 degrees 59 minutes 55 seconds West along said north line 415.11 feet to a 4 inch b 4 inch concrete monument at the northwest corner of said Bridlewood Subdivision also being in the eastern line of the land of Joe Lee and Lynda Sue Chambers; thence North 11 degrees 32 minutes 25 seconds West along said eastern line 91.15 feet to the northeast corner thereof; thence South 79 degrees 58 minutes 04 seconds West along the northern line of said Chambers 397.69 feet to the centerline of U.S. Highway 421 (Michigan Road); thence North 19 degrees 11 minutes 47 seconds West along said centerline 490.53 feet; thence North 70 degrees 42 minutes 11 seconds East 782.00 feet; thence North 89 degrees 56 minutes 41 seconds East 261.30 feet to the point of beginning, containing 578,479 square feet or 13.28 acres, more or less.

Total of 57.53 acres, more or less.

**EXHIBIT B**

**AMENDED AND RESTATED COMMITMENTS**

- I. Notwithstanding the uses permitted as a matter of right or by way of Special Exception in the GB-General Business Zoning Classification, the following uses shall be prohibited on the Real Estate; to-wit:

**Non-Industrial Farm, Agricultural, Animal Related Uses**

- Animal Day Care
- Commercial Greenhouse
- Kennel (Small, Large and/or Unlimited)
- Roadside Produce Stand
- Sale Barn for Livestock
- Farm
- Hay, Grain, Feed Stores

**Government**

- Penal or Correctional Institutions
- Industrial Uses
- Auction Sales Yard
- Mineral Extraction
- Warehouse (General)
- Warehouse (Grain Storage)
- Wholesale Produce Terminal
- Farm Product Processing
- Food Processing
- Linen Supply

**Recreation, Amusement, Tourism**

- Hotel or Motel
- Outdoor Theatre
- Billiard and Pool Establishment
- Public Stable
- Outdoor Shooting Range
- Public or Private Camp Ground or Recreational Vehicle Park

Residential

- Minor Residential Subdivision
- Mobile Home Park
- Customary Home Occupation
- Multi-Family Dwelling
- Two-Family Dwelling
- Farm Seasonal Worker Housing
- Fraternity, Sorority or Student Housing
- Group Residential Facility
- Temporary Mobile Home

Retail, Trade, Food Stores

- Night Club

Retail, Trade, General Merchandise

- Monument Sales
- Tobacco Stores (a Cigar Shop with the majority of its inventory geared towards cigars would be excluded from this restriction)

General Services

- Coin Operated Laundry
- Commercial Testing Laboratories

Vehicle Dealers, Repair and Services

- Self-Service Automatic Car Wash (the intent is to exclude open bayed self-car wash)
- Automobile or Motorcycle Sales
- Mobile Home, Travel Trailer, Camper Sales & Service
- Passenger Car Rental

Industrial

- Anhydrous Ammonia
- Commercial Facility for Breeding Non-Farm Fowl & Animals
- Confined Feeding
- Contractors Storage
- General Industrial
- Mineral Extraction
- Truck Freight Terminal

- II. Notwithstanding the uses permitted as a matter of right or by way of Special Exception in the PB-Professional Business Zoning Classification, the following uses shall be prohibited on the Real Estate; to-wit:

Residential

- Minor Residential Subdivision
- Customary Home Occupation
- Multi-Family Dwelling
- Two-Family Dwelling
- Temporary Mobile Home

Utilities, Transportation and Communication

- Airport or Heliport

- III. The Petitioners agree to further site development Commitments and Limitations as follows:

- Only one (1) service station/fuel station shall be permitted on the Real Estate
- Square Footage  
In the GB-General Business classification, the maximum square footage for any one user will be 150,000 square feet with no other building exceeding 75,000 square feet.
- Buffer along East and South Property  
That the east and south ponds depicted on the conceptual plan will be installed for protection of Willow Glen and Bridlewood Subdivision.
- Minimum Distance for South Property Line  
That the building set-back line on the south property line will be a minimum of 150 feet which is depicted on the concept plan; provided, however, the building set-back line on the south property line of the southernmost outlot may be reduced to 30 feet which is depicted on the concept plan.
- Water features on the property  
That a minimum of one (1) sizeable water feature be placed along U.S. 421 as depicted in the concept plan.
- Public Road Commitment on the Major Access point on U.S. 421  
That the access drive extending east off the major access point on U.S. 421 will be built to Boone County Highway Standards and may be connected to the pre-established access cut in Willow Glen, subject to Development Plan approval and dedication as a public street.

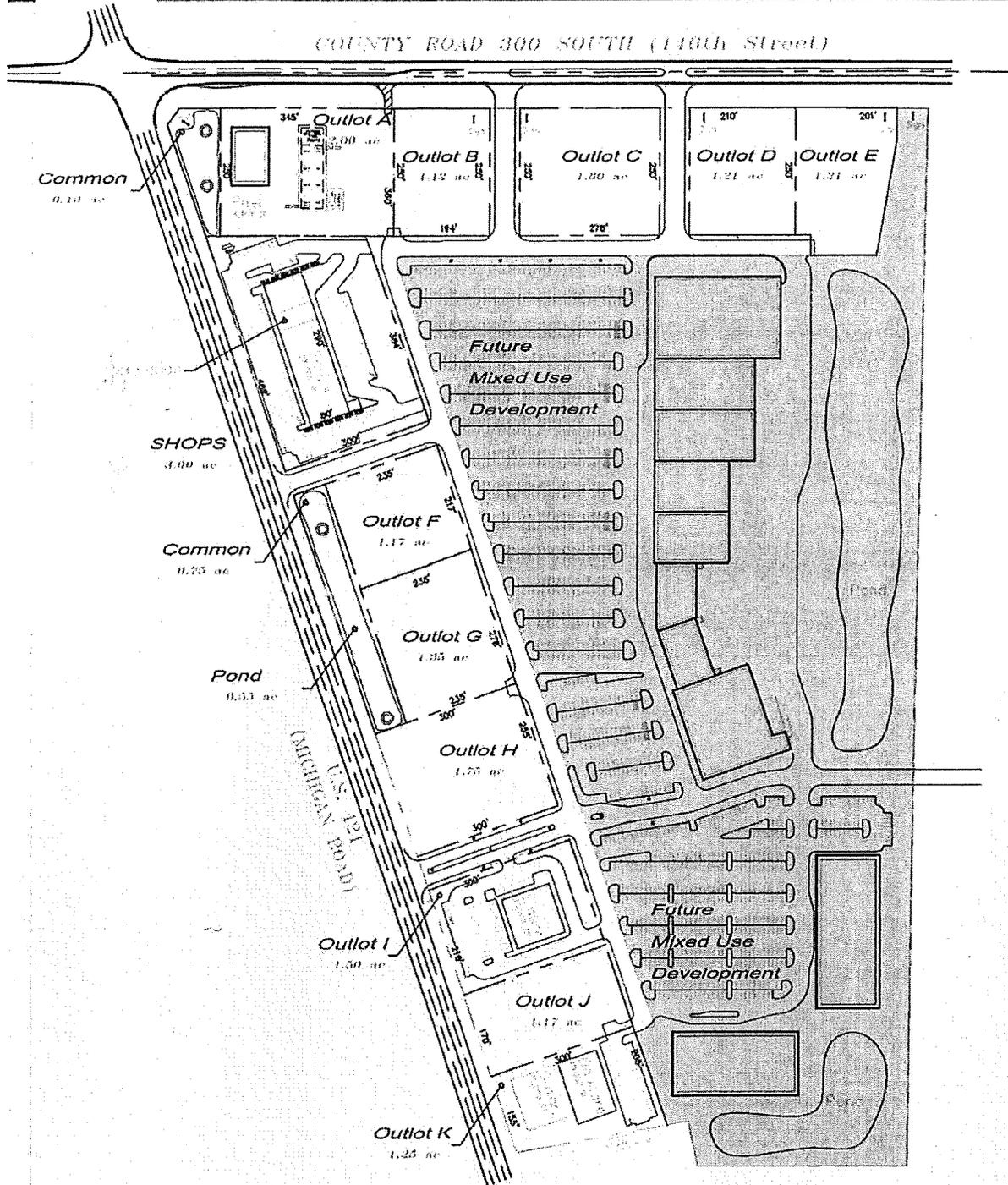
- Number of Outlots on U.S. 421  
That Outlots on U.S. 421 be limited to a total of eight (8) outlots. All outlots will be a minimum of one (1) acre in size.
- Number of Outlots on County Road 300 South  
That Outlots be limited to a total of five (5) outlots. All outlots will be a minimum of one (1) acre in size.
- Multiple Tenants  
That no more than three (3) outlots out of the total thirteen (13) commercial outlots would be allowed to have more than two (2) tenants.
- Signage  
The signage for the development will comply with the U.S. 421 Overlay District and as depicted in the Signage and Concept Plans. Further, the applicant commits to not more than eleven (11) freestanding tenant signs and not more than one (1) multi-user/identification sign along CR 300 South and not more than two (2) multi-user/identification signs along U.S. 421, one in the GB and one in the PB Zoning Classifications. No pole signs shall be allowed in either district.
- Dark Skies  
The applicant commits to dark sky lighting technologies.
- Building Height  
The office building on the South and West part of the PB-Professional Business classification shall be a maximum of two stories in height. The office building on the North and East part of the PB-Professional Building classification shall be a maximum of three (3) stories in height.
- Architecture and Landscaping  
The architecture and landscaping plans shall substantially comply with the renderings submitted and presented with the concept plan.
- Road Cuts  
Petitioner will be limited to three (3) access cuts onto 300 South as follows:
  1. The main entrance (full access) from CR 300 South will line up with the future development of the Greenhouse property on the North side of CR 300 South (the location of the full access point shall be determined by the first property to develop of the Greenhouse property or the Real Estate);
  2. A right-in/right-out access point to be located to the east of the main entrance; and
  3. A right-in only may be provided west of the main entrance.

Petitioner will be limited to two (2) access cuts onto U.S. 421 as follows:

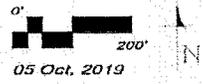
  1. Right-in/right-out; and
  2. The main entrance from U.S. 421.

# EXHIBIT C

## SITE PLAN

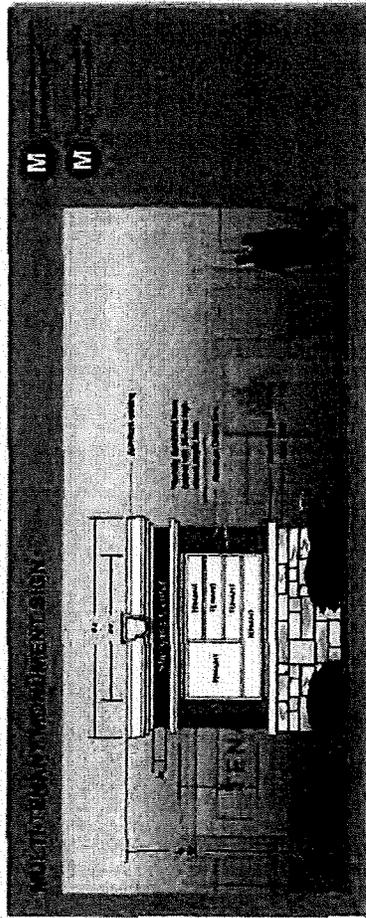


V HARRIS-IND-N  
7h SITE

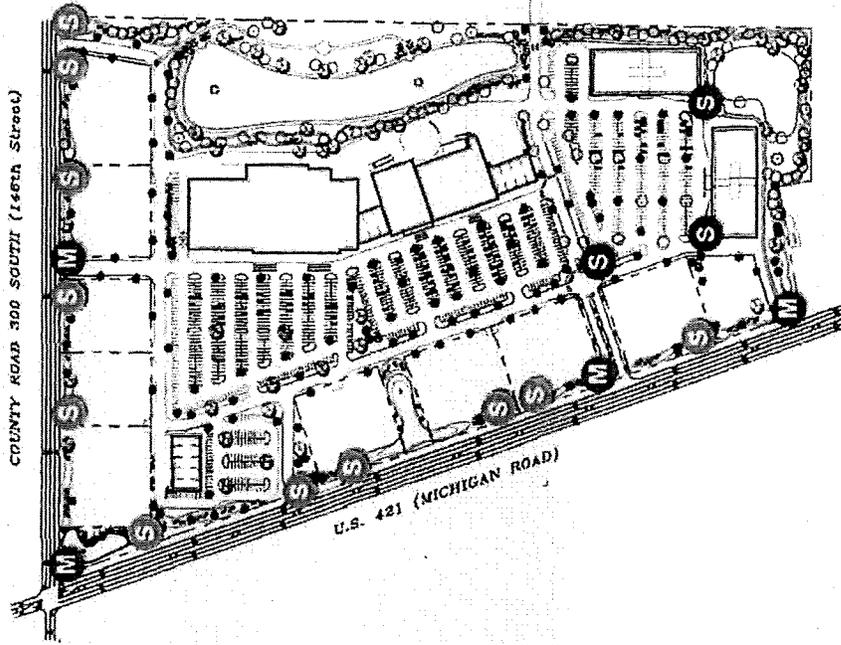
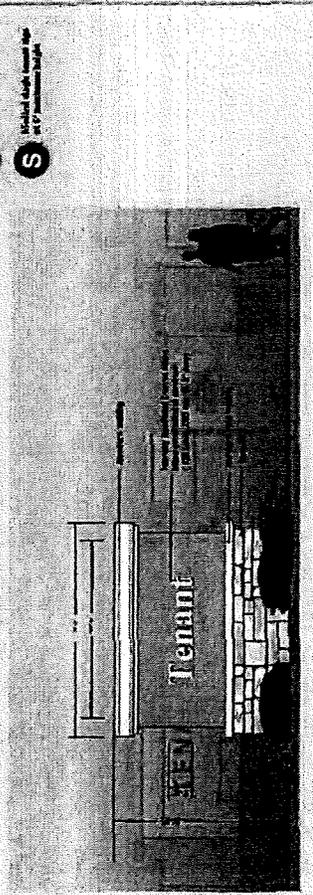




### CONCEPTUAL SIGN PLAN



OUTLOT/SINGLE TENANT MONUMENT SIGN



COUNTY ROAD 300 SOUTH (146th Street)

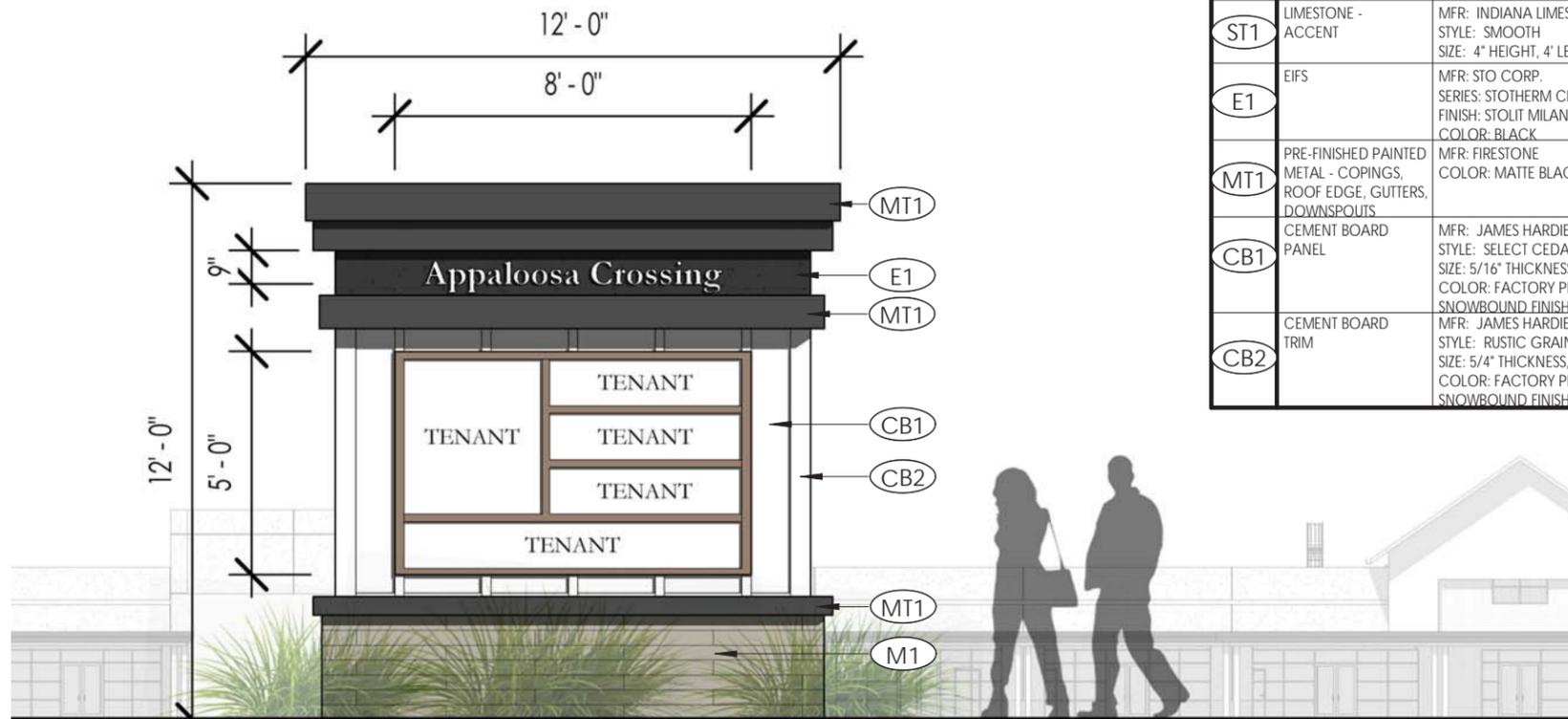
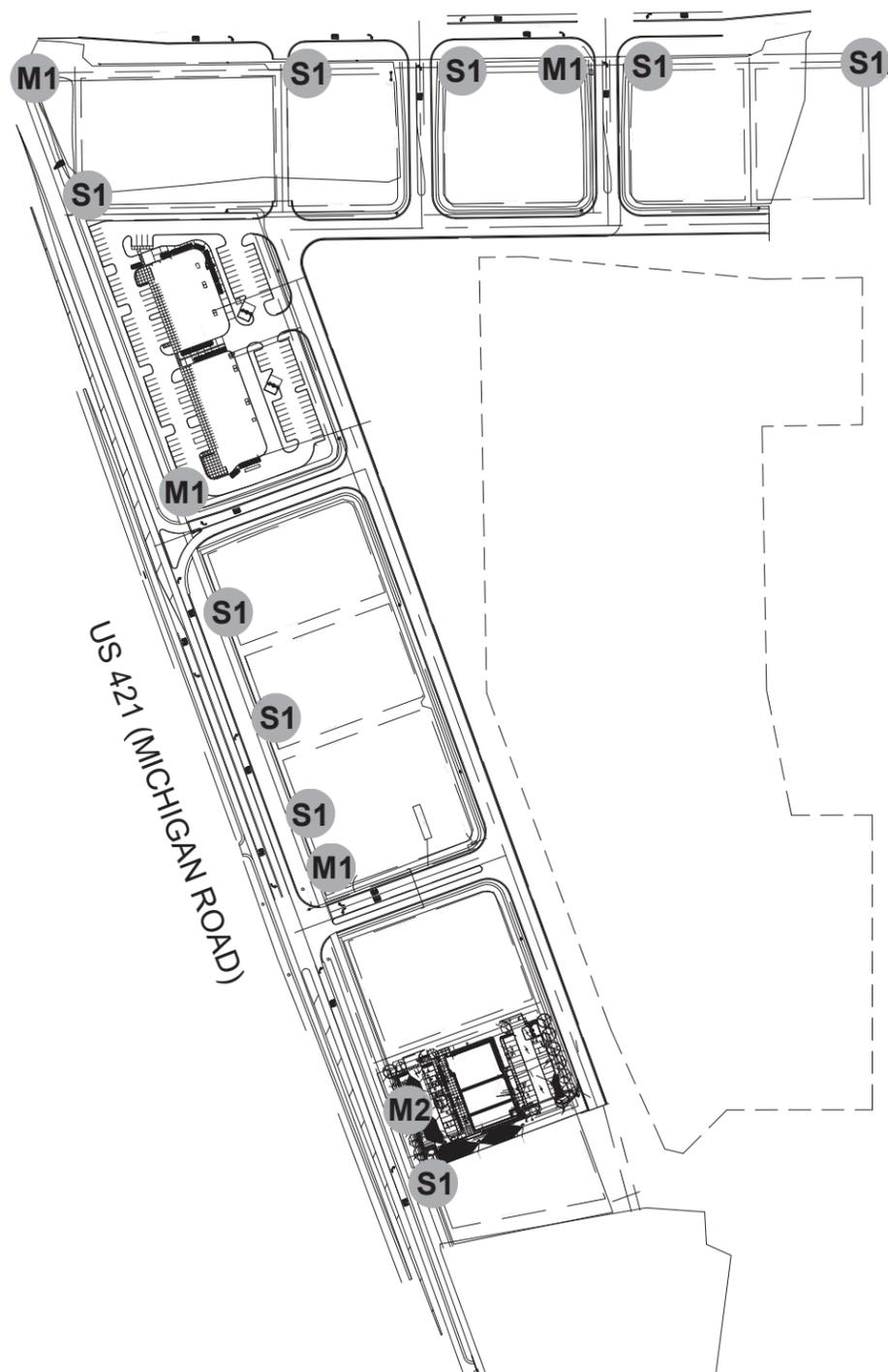
U.S. 421 (MICHIGAN ROAD)

JDD Perfection, LLC  
1815 St. Paul, MN 55106  
612.384.4492

146th & US HWY 421 - Zionsville, Indiana

Monument Signage may be located on either side of main entrance off Michigan road

COUNTY ROAD 300 SOUTH (146TH STREET)

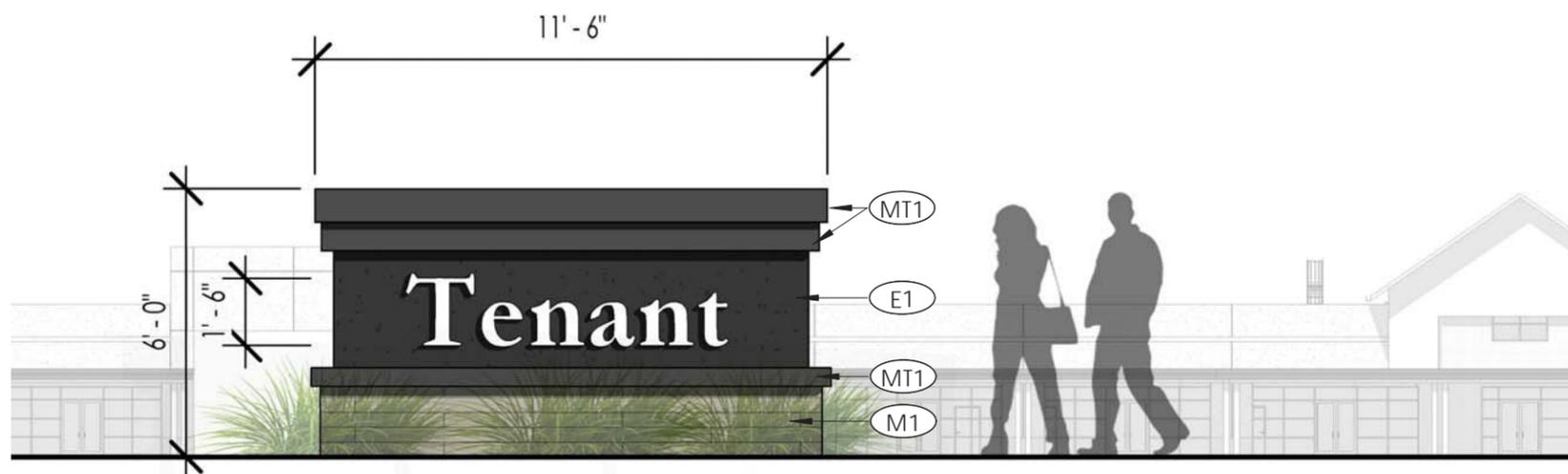


MULTI-TENANT MONUMENT SIGN

**M1** RETAIL MULTI-TENANT SIGN AT 12' MAXIMUM HEIGHT

**M2** MEDICAL MULTI-TENANT SIGN AT 12' MAXIMUM HEIGHT

EXTERIOR MATERIALS LEGEND		
TYPE	PRODUCT	DESCRIPTION
(M1)	LIMESTONE MASONRY - FIELD	MFR: INDIANA LIMESTONE STYLE: STACKED ASHLAR, SMOOTH SIZE: 4" HIGH, RANDOM LENGTH
(ST1)	LIMESTONE - ACCENT	MFR: INDIANA LIMESTONE STYLE: SMOOTH SIZE: 4" HEIGHT, 4' LENGTH INCRIMENTS, TYPICAL
(E1)	EIFS	MFR: STO CORP. SERIES: STOTHERM CI XPS FINISH: STOLIT MILANO SMOOTH TEXTURE COLOR: BLACK
(MT1)	PRE-FINISHED PAINTED METAL - COPINGS, ROOF EDGE, GUTTERS, DOWNSPOUTS	MFR: FIRESTONE COLOR: MATTE BLACK
(CB1)	CEMENT BOARD PANEL	MFR: JAMES HARDIE STYLE: SELECT CEDARMILL PANEL SIZE: 5/16" THICKNESS, 4'-0" X 10'-0" PANEL COLOR: FACTORY PRIMED, SHERWIN WILLIAMS SW7004 SNOWBOUND FINISH
(CB2)	CEMENT BOARD TRIM	MFR: JAMES HARDIE STYLE: RUSTIC GRAIN BATEN BOARDS SIZE: 5/4" THICKNESS, WIDTHS VARY. COLOR: FACTORY PRIMED, SHERWIN WILLIAMS SW7004 SNOWBOUND FINISH



OUTLOT/SINGLE TENANT MONUMENT SIGN

**S1** RETAIL SINGLE-TENANT SIGN AT 6' MAXIMUM HEIGHT

**S2** MEDICAL SINGLE-TENANT SIGN AT 6' MAXIMUM HEIGHT

