

## Exhibit "D"

### Statement of Intent, Project Description and Comprehensive Plan Statement for the Westbranch PD Ordinance - 2023 Amendment

The applicant, Onyx and East, LLC ("Onyx"), is seeking text amendment approval to the Westbranch Planned Development Ordinance, Ordinance #2022-14, which was adopted by the Brownsburg Town Council on August 25, 2022 (the "Westbranch PD"). The Westbranch PD is a mixed-use Planned Development District that consists of approximately 44 acres, which parcels are generally located at the southwest intersection of West Northfield Drive and E. US Highway 136 (collectively, the "Real Estate").

The purpose of the text amendment request (the "Westbranch Amendment Ordinance") is to add additional lot development standards that were not included in the Westbranch PD Ordinance in order to allow for the platting of individual lots in the TR-1 and TR-2 District Areas, as well as providing additional home design options for consideration.

The "Westbranch Amendment Ordinance" will meet or exceed all the requirements of *IC 36-7-4-1500 et seq.* which sets forth the State of Indiana requirements for the consideration and adoption of Planned Unit Developments, and amendments thereto, by local jurisdictions. To this end the plan for the Real Estate is predominately consistent with the Goals and Objectives of the Brownsburg Comprehensive Plan and compatible with surrounding land uses and adjacent zoning districts. In this regard, The Town of Brownsburg's Comprehensive Plan Map classifies the subject Real Estate as "Single Family Detached" residential and "Neighborhood Commercial. Surrounding the Real Estate to the immediate south is the Arbor Springs residential neighborhood; (ii) to the immediate north is the US Hwy 136 and further to the north is a future industrial development; (iii) to the immediate west is N Country Road 550 E, also to the west is the Lincoln Park and estate residences; and, (iv) to the immediate east are single family residences. The Westbranch Amendment Ordinance provides a context sensitive transition residential adjacent to the surrounding residential uses and neighborhood commercial at the corner.

The Westbranch Amendment Ordinance meets the intent of the Brownsburg Zoning Ordinance, and specifically Article 4 Planned Development District in that the Westbranch Amendment Ordinance is intended to provide development standards for a mixed-use development which will include both residential and commercial uses in three (4) distinct use areas – (i) an NC District Area for neighborhood commercial uses; (ii) an RE District Area for estate lots; (iii) a TR-1 District Area; and, (iv) a TR-2 District Areas and these two (2) TR Areas will include two (2) different types of residential home offerings (single-family front load homes and single-family rear load homes).

The proposed NC District Area and RE District Area of the Westbranch Amendment Ordinance have development standards that are essentially consistent with the development standards and intent in the respective underlying zoning classifications of the Unified Development Ordinance ("UDO").

The Westbranch Amendment Ordinance for the proposed TR-1 and TR-2 District Areas adds additional lot development standards that were not included in the Westbranch PD Ordinance in order to allow for the platting of individual lots in the TR-1 and TR-2 District Areas, as well as providing additional home design options for consideration, as the development standards in the underlying TR zoning classification of the UDO do not easily comply with the development standards necessary to achieve the design intent for the TR-1 District Area (front load homes) and the TR-2 District Area (rear load homes). For the two (2) TR District Areas of the Westbranch Amendment Ordinance, the proposed development standards are limited to and only seek relief and flexibility from TR development standards of the UDO in order to produce the desired development for these two (2) TR District areas within the community.

The Westbranch Amendment Ordinance includes a mix and diversity of uses and residential home offerings. The NC District Area is intended for neighborhood commercial types of uses, the RE District Area is intended for estate lots and the TR-1 and TR-2 District Areas are intended for residential uses that offer different home offerings. The mix of uses offered within the community should benefit the immediate vicinity surrounding the Real Estate, as well as benefit the Town as a whole in providing a unique mixed-use development along an important corridor and roadway of the Town.

The NC District Area of the Westbranch Amendment Ordinance adopts the architectural standards and requirements of the UDO Section 5.18 AR-04 Commercial Architectural Standards, as those standards and requirements are more appropriate to apply to the proposed commercial buildings in the NC District Area of the Westbranch Amendment Ordinance. The RE District Area adopts the architectural standards and requirements of the UDO. For the TR-1 and TR-2 District Areas, the Westbranch Amendment Ordinance includes specific design and architectural standards (see Exhibit E and Exhibit H of the Westbranch TA Ordinance) – that, as applied, will be sensitive to the character of the surrounding area and uses and which will provide amenities for future residents.

The Westbranch TA Ordinance meets district intent and prerequisites of Article 4.1 in the following ways:

1. The Real Estate consists of two (2) parcels of that when combined are uniquely shaped with existing natural features, including the western portion of the Real Estate that includes mature tree areas, gently rolling terrain and features that deserve sensitivity. The eastern portion of the Real Estate is located at the southwest intersection of US Hwy 136 and Northfield Drive/N CR 600 E and the western portion is located south of and adjacent to US Hwy 136, and east of N. CR 550 E. The Westbranch Amendment Ordinance seeks to combine these parcels into a coherent development that is not disjointed and the subject of individual zoning requests on the various parcels that may not be part of an overall plan to effectively and appropriately develop the Real Estate.
2. The Westbranch Amendment Ordinance will provide for a mixed-use development that shall include both residential and commercial uses within in four (4) distinct use areas – NC District Area, RE District Area and the TR-1 and TR-2 District Areas for the two (2) different residential home offerings (single-family front load homes and single-family rear load homes). The two (2) TR District Areas are unique in that these areas are master-

planned and include a mixed-use lifestyle living experience in a premium residential community that shall be managed by a professional management company.

3. Because the eastern portion of the Real Estate is located in a prominent corridor of the southwest intersection of US Hwy 136 and Northfield Drive/N CR 600 E, this area is proposed to be the NC District use area which is intended per the Comprehensive Plan for neighborhood commercial types of uses area. The area just south of the NC District Use, will be the two (2) TR District Areas which will provide for a residential uses in the form of front load homes and rear load homes that will benefit the immediate vicinity area surrounding the Real Estate and the Town as a whole by providing another housing option.
4. By utilizing the unique location of the Real Estate, its unique size and taking into consideration the natural features of the Real Estate when developing a sensitive and thoughtful land plan, the Westbranch Amendment Ordinance seeks to avoid a disjointed development of the various parcels through separate rezone requests, and instead seeks to develop the parcels in a coherent and unified manner so that they live and feel more like a “micro-community” and not separate and unrelated developments.
5. Another aspect of utilizing the natural features of the site and seeking to have a connected and vibrant community, the Westbranch proposals includes a path system that allows residents in the estate section to utilize a path that will meander through some of the mature tree areas that will be preserved over to the commercial area and other residential area. Pathways such as this have the effect of creating community connection and engagement between the residents of the different areas of the development.
6. The sidewalk system within and around the community and the common areas and park areas provide the residents and public alike an opportunity to enjoy the natural features of the overall site, including the trees that will be preserved and the many new trees, shrubs and plants that will be installed upon development.
7. The original rezone to the Westbranch PD, as a “Planned Development”, was desired in order to allow for the development of the Real Estate into a community that was planned with thought and the idea of connecting its residents to each other within the development and providing convenient and nearby appropriate neighborhood commercial types of uses for their enjoyment. If “straight rezone” were pursued for the development of the individual parcels to achieve the proposed Westbranch development, it would require separate rezone filings, various Board of Zoning Appeals (“BZA”) approvals on various development standards from the Unified Development Ordinance for any underlying zoning district that was sought. Additionally, the platting standards would present various additional variances and waivers that would be required. Further, while rezones would require approval by the Council, the BZA is the

body that approves development standards variance requests. Further, a petitioner cannot file for a BZA variance until after the Council approves a rezone. This results in the BZA making the final land use decision/policy decision on the development of the land when that jurisdiction or role seems to rest more appropriately with the Council.

8. The Applicant chose a Planned Development rezone in order to present the Westbranch PD Ordinance and proposal as a comprehensive, master planned proposal for the Council's consideration, which proposal the Council adopted. The Applicant is now presenting the Council with a text amendment to the original Westbranch PD for the same purpose and to add additional lot development standards that were not included in the Westbranch PD Ordinance in order to allow for the platting of individual lots in the TR-1 and TR-2 District Areas, as well as providing additional home design options for consideration.
9. The Westbranch Amendment Ordinance includes a mix and diversity of uses (commercial and residential) and the proposal's intent is to provide a unique and innovative development design by providing a mix of uses in a coherent and complimentary overall design, while being sensitive to other surroundings uses, buffers and transitions.
10. Finally, the subject Real Estate meets the ownership, minimum site area and underlying zoning district prerequisites as set forth in Article 4 of the UDO and the Westbranch Amendment Ordinance is predominantly in-line with the permitted uses in the original zoning district and the Comprehensive Plan and is compatible with the land uses and adjacent zoning districts.