



COMMITMENT MODIFICATION APPLICATION

OFFICE USE ONLY

DOCKET #: \_\_\_\_\_ FILING DATE: \_\_\_\_\_

FILING FEE: \$ \_\_\_\_\_ FEE PLUS \$ \_\_\_\_\_ PER ACRE (@ \_\_\_\_\_ ACRES) = \$ \_\_\_\_\_

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: \_\_\_\_\_ (STAFF NAME) DATE: \_\_\_\_\_

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

APPLICANT INFORMATION

APPLICANT'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PROPERTY OWNER'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

REPRESENTATIVE'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PROPERTY AND PROJECT INFORMATION

PROJECT KNOWN AS: \_\_\_\_\_

ADDRESS OR PROPERTY LOCATION: \_\_\_\_\_

ACREAGE: \_\_\_\_\_ (ATTACH LEGAL DESCRIPTION) PROPOSED LAND USE: \_\_\_\_\_

COUNTY PARCEL ID #(S): \_\_\_\_\_

EXISTING ZONING DISTRICT(S): \_\_\_\_\_ EXISTING LAND USE(S): \_\_\_\_\_

COMMITMENT MODIFICATION

ORDINANCE OR DOCKET # OF COMMITMENTS BEING MODIFIED: \_\_\_\_\_

INSTRUMENT # OF RECORDED COMMITMENTS: \_\_\_\_\_

DETAILED DESCRIPTION OF THE MODIFICATION OF COMMITMENTS: \_\_\_\_\_

Multiple horizontal lines for detailed description of the modification of commitments.



**APPLICANT AFFIDAVIT**

*IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.*

\_\_\_\_\_  
Applicant/Representative (signature)

\_\_\_\_\_  
Applicant/Representative (printed)

*Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.*

*Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.*

State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

**PROPERTY OWNER AFFIDAVIT**

*IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.*

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
Property Owner (printed)

*Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.*

*Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.*

State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

*\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

## COMMITMENT MODIFICATION

**GENERAL INSTRUCTIONS**

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the “Department”) to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- |   |  |
|---|--|
| <input type="checkbox"/> Completed Application        | <input type="checkbox"/> Legal Description   |
| <input type="checkbox"/> Draft Public Notice          | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input type="checkbox"/> Property Owner Consent       | <input type="checkbox"/> Narrative Statement (describing nature of development)    |
| <input type="checkbox"/> Copy of Original Commitments | <input type="checkbox"/> Copy of Proposed Commitment Modification Instrument       |
| <input type="checkbox"/> Copy of Property Deed        |  |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to “City of Westfield”) within two (2) weeks of filing.
- D. **Council Introduction:** Applications for modifications to commitments that were originally made in connection with a change of zoning petition are presented to the Council for introduction, prior to the Plan Commission public hearing. The Council will hear an introductory presentation of the application and supporting information by the Department and the Applicant.
- E. **Public Hearing and Notice:** All commitment modifications require a public hearing by the Plan Commission or the Board of Zoning Appeals, depending on which body approved the original commitments. The hearing is held in accordance with the Plan Commission’s or Board of Zoning Appeal’s Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Plan Commission’s or Board of Zoning Appeal’s Rules of Procedure:
- Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter. The Department will handle the newspaper publication requirement.
  - Mailed Public Notice:** The applicant is responsible to send public notice by first class mail to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
  - Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
  - Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Plan Commission:** Following the hearing by the Plan Commission, the applicant will have an opportunity to make revisions to the petition as a result of staff comments and public hearing comments. Revisions must be submitted electronically (PDF format) to the Department pursuant to the Schedule of Meeting and Filing Dates (see “Revised Plans Submittal Deadline”). Following the public hearing and submittal of revised plans (typically at the second Plan Commission meeting of the month), the Plan Commission may either approve or deny the petition.
- G. **Board of Zoning Appeals:** Following the hearing by the Board, the Board may either approve or deny the petition.
- H. **Recording of Modification:** Any modification or termination of commitments shall not be effective until: (i) reduced in writing in a form approved by the City; (ii) approved by the Plan Commission or Board of Zoning Appeals, as the case may be; (iii) executed and notarized by the current property owner of the real estate; and, (iv) recorded in the Office of the Recorder of Hamilton County, Indiana.
- I. **Resource:** Please see the Plan Commission’s [Rules of Procedure](#) for more detailed procedural information. Please see the Board’s [Rules of Procedure](#) for more detailed procedural information.