

# NELSON & FRANKENBERGER

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JANE B. MERRILL,  
Of Counsel

JON C. DOBOSIEWICZ,  
Land Use Professional

**Date:** May 3, 2013  
**To:** Westfield City Council Members  
**From:** Jon Dobosiewicz, Nelson & Frankenger  
**RE:** Text Amendments to the Springmill Trails PUD (Ordinance 11-19)  
MI Homes – Waters Edge at Springmill Trails

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Andrew P. Murray dated May 3, 2013,
2. A Petition for Text Amendment,
3. A copy of the proposed Ordinance and exhibits thereto illustrating the text amendment.
4. An aerial map illustrating the area within the Springmill Trials PUD that is the subject of the text amendment.

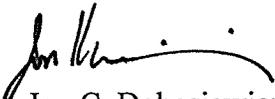
The applicant, MI Homes, LP has filed the text amendment to amend vinyl siding and garage door provisions as well as add addition standards within the Waters Edge at Springmill Trails portion of the Springmill Trails PUD as noted in Exhibit "A" to the proposed Ordinance.

We are filing at this time in order to be heard for introduction by the City Council on May 13<sup>th</sup> and the Plan Commission on May 20<sup>th</sup> and June 3<sup>rd</sup>. We anticipate then returning to the City Council for adoption consideration.

If you have any questions or need any additional information please contact me at 317-428-8393.

Very truly yours,

NELSON & FRANKENBERGER, P.C.

  
Jon C. Dobosiewicz

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May 3, 2013

Andrew P. Murray  
City of Westfield  
2706 East 171<sup>st</sup> Street  
Westfield, IN 46074

**RE: Springmill Trails PUD - Text Amendment for Waters Edge at Springmill Trails**

Dear Andrew,

Please find enclosed the necessary application for a Text Amendment for the Springmill Trails PUD (Ordinance 11-19). We are filing at this time in order to be heard for introduction by the City Council on May 13<sup>th</sup>, and the Plan Commission on May 20<sup>th</sup> and June 3<sup>rd</sup> with an anticipated return to the City Council after that based on the review process.

Please find the following information enclosed:

1. Completed and signed Petition for Text Amendment with legal description,
2. Copy of the proposed Text Amendment ordinance, and
3. Site Location Exhibit / Aerial Photograph

I will provide a check in the amount of the filing fee, and draft public notice next week after the docket number is assigned.

If you have any questions or need any additional information please contact me at 317-844-0106.

Very truly yours,

NELSON & FRANKENBERGER, P.C.



Jon C. Dobosiewicz

Date: \_\_\_\_\_

**PETITION FOR TEXT AMENDMENT TO PUD ORDINANCE NO. 11-19**  
**THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT DISTRICT**

Name of Applicant: MI Homes of Indiana, LP  
Address: 8500 Keystone Crossing, Indianapolis, IN 46240  
Phone No.: (317) 475-3601

Name of Representative: James E. Shinaver and Jon C. Dobosiewicz  
Address: 3105 East 98<sup>th</sup> Street, Ste 170, Indianapolis, IN 46280  
Phone No.: (317) 844-0106

Name of Property Owner: MI Homes of Indiana, LP

Premises Affected: The Real Estate which is the subject of this application is commonly known as Waters Edge at Springmill Trails and is located on the west side of Casey Road between State Road 32 and 186<sup>th</sup> Street. The subject Real Estate is identified in the attached Exhibit "A".

Metes and Bounds Description: See Exhibit "A"

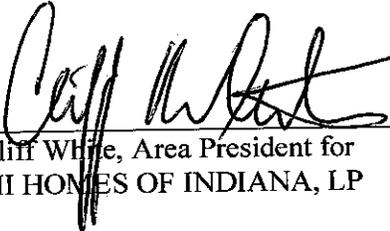
Plot Size: 36.74 acres, more or less

Fronting On: Casey Road

Nature and Size of Improvement Now Existing on Plot: Individual lots and common areas within the Waters Edge at Springmill Trails subdivision.

Present Zoning: Springmill Trails PUD, Ordinance 11-19

Explanation of Text Amendment: The Text Amendment will amend Section 2.3.F.1(c) and Section 2.3.F.9(a) of the Springmill Trails PUD by revising the vinyl siding and garage door design standards applicable to the Real Estate. See Exhibit "A" of the proposed Ordinance.

  
\_\_\_\_\_  
Cliff White, Area President for  
MI HOMES OF INDIANA, LP

## ORDINANCE 13-15

### AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 11-19 AND TITLE 16 - LAND USE CONTROLS

**WHEREAS**, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 13\_\_-PUD-\_\_), filed with the Commission requesting an amendment to Ordinance 11-19, enacted by the Town Council on September 12, 2011 (the “Springmill Trails PUD Ordinance”)

**WHEREAS**, on \_\_\_\_\_, 2013 the Commission took action to forward Docket Number 13\_\_-PUD-\_\_ to the Westfield City Council with a \_\_\_\_\_ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

**WHEREAS**, on \_\_\_\_\_, 2013 the Secretary of the Commission certified the action of the Commission to the City Council; and,

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE SPRINGMILL TRAILS PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**SECTION 1.** The Springmill Trails PUD Ordinance is hereby amended so that the standards established in what is attached hereto and incorporated herein by reference as Exhibit “A” are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “B” (the “Real Estate”). In all other respects, the Springmill Trails PUD Ordinance shall remain in effect and unchanged.

**SECTION 2.** Upon motion duly made and seconded, this Ordinance 13-15 was fully passed by members of the Council this \_\_ day of \_\_\_\_\_, 2013. Further, this Ordinance 13-15 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance 13-15 are hereby amended. To the extent that this Ordinance 13-15 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-15 shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

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: Jon C. Dobosiewicz

I hereby certify that ORDINANCE No. 13-15 was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-15

This \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-15

this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger  
3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

MI PUD AMEND - Ordinance 050313

## **EXHIBIT “A”**

- I. Vinyl Siding. Section 2.3.F.1(c) of the Springmill Trails PUD shall be deleted and replaced with the following:
  - A. Surface area of all remaining elevations shall have masonry, natural materials or vinyl siding (0.46 mil thickness or greater) as the exterior building material subject to any exception permitted in this Article. This change will allow switching from a limited color selection to a more vibrant color choice assisting with the reduction in what would otherwise be a more monotonous streetscape.
  
- II. Garage Doors. Section 2.3.F.9(a) of the Springmill Trails PUD regarding garage door design elements shall be amended as follows:
  - A. A minimum of four (4) garage designs shall be used throughout the Real Estate.
  - B. Examples of four (4) garage door styles are identified in Exhibit “D”. These include doors with and without windows and with and without decorative hardware.
  - C. A maximum of two of the same garage door style shall be located on adjacent lots on the same side of the street.
  
- III. Additional Standards.
  - A. The construction of all single family detached homes on the Real Estate shall include the following:
    - 1. White will be the color of all (i) window trim, (ii) fascia and (iii) corner board areas,
    - 2. The use of Oriented strand board (OSB), not Styrofoam, as sheathing on exterior walls in order to prevent waviness in the siding material, and
    - 3. The use of 2 x 6 inch studs for the framing of exterior walls which reduces waviness in siding material.
  - B. Pond Common Area C, as identified on the plat of Section 1 of Waters Edge at Springmill Trails shall include the construction and/or maintenance of the following:
    - 1. A fishing pier extended into the pond,
    - 2. Stocking the pond with sunfish, minnows, catfish and large-mouth bass, and
    - 3. The planting of plugs of wetland materials to provide a more natural appearance around the perimeter of the pond.

**EXHIBIT "B"**

**(Legal Description)**

**Tract 1**

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 207.38 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 89 DEGREES 23 MINUTES 53 SECONDS WEST 1323.24 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST 207.38 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST 1323.29 FEET TO THE POINT OF BEGINNING, CONTAINING 6.30 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED REAL ESTATE:

**Tract 2**

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 207.38 FEET TO A MAG NAIL AT THE SOUTHEAST CORNER OF A 6.30 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 2004-00048213 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 652.99 FEET TO A MAG NAIL AT THE NORTHEAST CORNER OF A 3.0 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 1991-01973; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 435.60 FEET TO A 5/8 INCH STEEL REBAR WITH RED CAP AT THE NORTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 3.0 ACRE TRACT, 53.54 FEET; THENCE SOUTH 00

DEGREES 11 MINUTES 34 SECONDS WEST 10.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 159.61 FEET TO A CAPPED REBAR ON THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 19 MINUTES 04 SECONDS WEST, 955.87 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST, ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION, 1118.84 FEET TO A 5/8 INCH STEEL REBAR WITH A YELLOW CAP "MILLER SURVEY S0083" AT THE SOUTHWEST CORNER OF A 6.30 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 2004-00048213; THENCE ON THE SOUTH LINE OF SAID 6.30 ACRE TRACT NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST 1323.24 FEET TO THE POINT OF BEGINNING, CONTAINING 29.543 ACERS, MORE OR LESS.

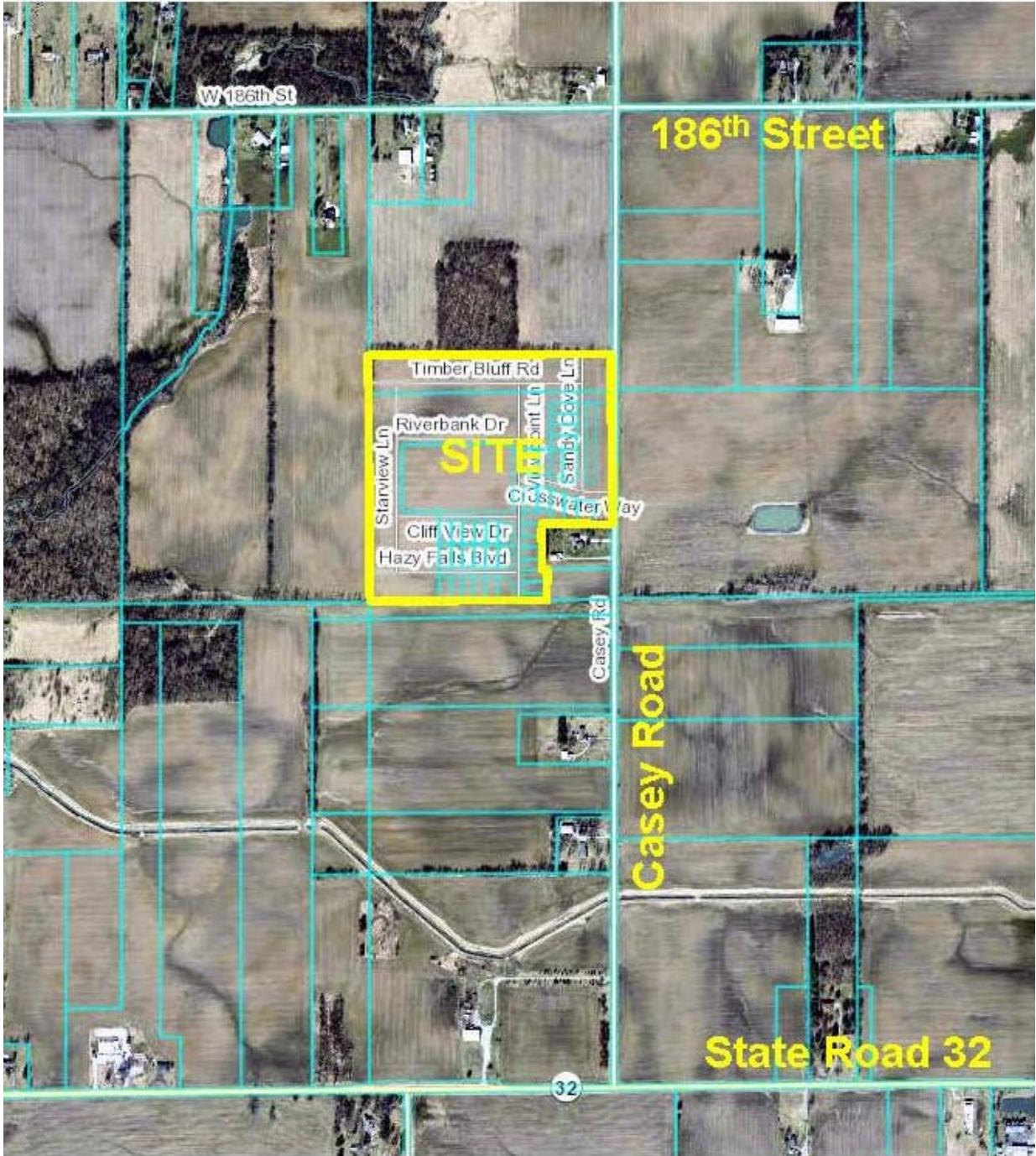
TOGETHER WITH THE FOLLOWING DESCRIBED REAL ESTATE:

**Tract 3**

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (ASSUMED BEARING) 860.37 FEET TO THE NORTHEAST CORNER OF A 3.0 ACRE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 1991-01973 AND THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST, ALONG SAID EAST LINE, 60.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 367.06 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 2.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 238.00 FEET TO THE SOUTH LINE OF SAID 3.0 ACRE TRACT; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 53.54 FEET TO THE SOUTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 300.00 FEET TO THE NORTHWEST CORNER OF SAID 3.0 ACRE TRACT; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 435.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.896 ACRES, MORE OR LESS.

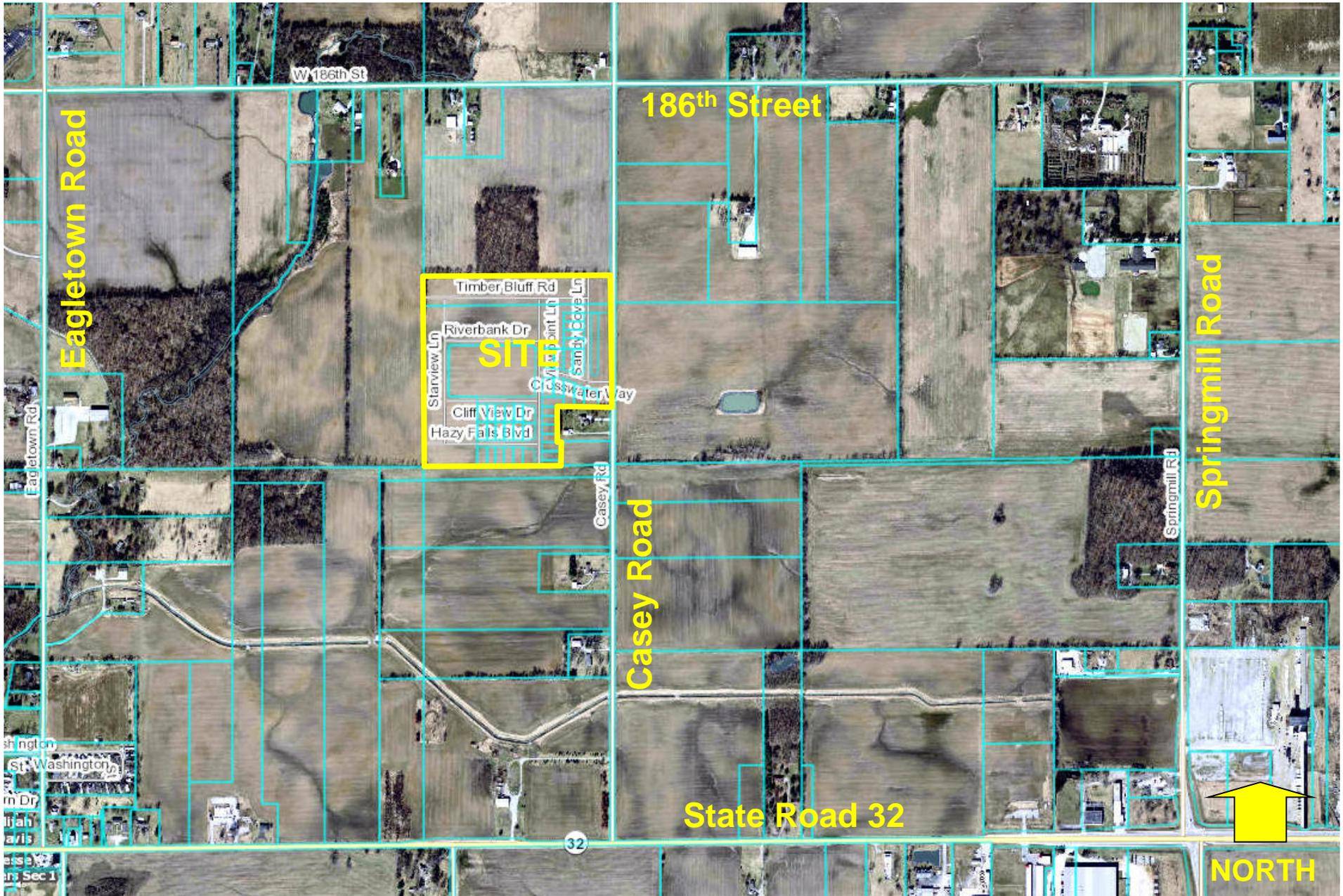
**Exhibit "B"**  
**(Location Map)**



**EXHIBIT "C"**  
**(Garage Door Styles)**







**MI Homes – Waters Edge at Springmill Trails  
Site Location Map / Aerial Photograph**