



Petition Number: 1311-PUD-11

Subject Site Address: Generally located between the intersection of 199th Street and the future Monon Trail and the intersection of SR 38 and US 31; including property located west of Horton Road and 206th.

Petitioner: Chatham Oaks, LLP

Request: Petitioner requests a change in zoning from the AG-SF1 District to the Chatham Hills Planned Unit Development (PUD) District.

Current Zoning: AG-SF1 (Agriculture-Single Family Rural) District

Current Land Use: Residential / Agricultural

Approximate Acreage: 746 acres +/-

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Conceptual Plan
4. PUD District Ordinance (clean)
5. Neighbor Meeting Summary
6. Public Comments
7. PUD District Ordinance (redline)

Staff Reviewer: Jesse M. Pohlman, Senior Planner

PETITION HISTORY

This petition was introduced at the October 14, 2013, City Council meeting. The proposal received a public hearing at the November 4, 2013, Advisory Plan Commission (the "APC") meeting. The petition was continued from the November 18, 2013, and December 2, 2013, APC meetings to allow the Petitioner an opportunity to address comments received from the Department and interested parties at and following the public hearing.

PROCEDURAL

- Changes in zoning are required to be considered at a public hearing by the APC. The public hearing for this petition was held on November 4, 2013, at the APC meeting. Notice of the public hearing was provided in accordance with the APC Rules of Procedure.
 - The Petitioner hosted a meeting for adjoining property owners on October 29, 2013, as required by WC 16.04.190(E)(2) for proposed PUD Districts. The Petitioner has provided a summary of that meeting, which is included at **Exhibit 5**.
 - The petition is eligible for a recommendation by the APC at its December 16, 2013, meeting.
-

PROJECT OVERVIEW

Location: This subject property (collectively, the "Property") is approximately seven hundred and forty-six (746) acres and includes property located on the west side of Horton Road and 206th Street, and then property located generally between the intersection of 199th Street and the Monon Trail and the intersection of U.S. Highway 31 and State Road 38 (see Exhibit 2). The Property is currently zoned AG-SF1 (Agriculture-Single Family Rural) District and consists of residential and agricultural uses.

Project Description: The Petitioner is requesting a change of zoning to a Planned Unit Development (PUD) District to be known as "Chatham Hills", that would allow for a mixed-use golf course development. The PUD Ordinance establishes two (2) districts for the development of the Property, as generally illustrated on the Conceptual Plan at Exhibit 3:

District I: Residential and Golf Course Areas: This area makes up the majority of the proposed development and allows for detached single-family residential uses, golf course uses (an 18-hole golf course and par-3 executive course are illustrated on the Conceptual Plan), development amenity areas, and a potential "farmstead" concept.

District II: Mixed-Use Areas: This area is located at the northeast corner of the Property along SR 38 and US 31 and allows a mix of potential uses including those uses permitted in District I, but then also allows commercial, multi-family residential, and attached residential uses.

Default Standards: The PUD Ordinance defaults to the following underlying zoning districts (collectively, "Underlying Zoning Districts"): (i) the SF-4 (Single Family) District for single family and golf course uses; (ii) MF2 (Multi-family) District for multi-family uses; and (iii) the GB (General Business) District for non-residential uses.

Development Standards: As proposed, the PUD Ordinance establishes enhanced design standards and alternative development standards from the Underlying Zoning Districts. These modifications are intended to accommodate the unique environmental characteristics of the Property and the Petitioner's vision of a mixed-use, active golf course development consisting of residential neighborhoods, recreational corridors, and commercial areas. The development standards of note are briefly highlighted below:

Bulk and Density Standards: The PUD Ordinance establishes a maximum of 1,500 dwelling units within District I, which would generally be developed around and intertwined throughout the golf course. The single family areas of District I would be permitted to be developed a variety of subareas with each subarea having its own set of development standards. The subareas allow lots that range from 60' wide (7,500 sq. ft.) to 150' wide (20,000 sq. ft.). Each subarea includes a maximum number of units that may be developed pursuant to those standards, but in no case may the total number exceed 1,500 dwelling units in District I.

The PUD Ordinance allows for District II to be developed for a variety of land uses; however, it establishes the following permitted maximums in District II: (i) 350 units for multi-family uses; (ii) 500 units for the following, collectively: detached single-family, attached single-family, mixed-use residential, and bed and breakfast rooms; and (iii) no maximum intensity for commercial uses (would otherwise be restricted by the applicable development standards).

Architectural and Design Standards: The PUD Ordinance establishes basic architectural and design standards; however, it also incorporates graphic depictions to more accurately establish a benchmark for the quality and character of the permitted buildings and streetscape.

Open Space Standards: The PUD Ordinance establishes a minimum of twenty percent (20%) of the Property shall be open space, which is roughly 150 acres of the 746-acre development. The Conceptual Plan illustrates the majority of the open space would include the golf course uses; however, the conceptual plan and PUD Ordinance also contemplate that the open space will consist of a network of trail corridors, perimeter buffer yards, and smaller park areas that would be integrated and connected throughout the development.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the Property as primarily "New Suburban", with the areas of District II along US 31 and SR 38 identified as "Regional Commercial" and "Employment Corridor". The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions; however, as proposed, Chatham Hills is consistent with the goals and objectives of the Comprehensive Plan as generally summarized below.

The development policies for "New Suburban" include: (i) design developments such that backyards are not adjacent to collector or arterial streets unless uniform attractive screening is provided; (ii) prevent monotony of design and color that applies to the collective impact of an entire development; (iii) encourage compatible and high quality "life span" housing; (iv) ensure proper land use transitions between dissimilar types of residential development; (v) ensure appropriate transitions of businesses located along US31 and SR38 and from adjoining large subdivisions; (vi) preserve existing older structures where possible; (vii) promote flexible design that maximizes open space preservation by regulating density rather than lot size; (viii) encourage development of bicycle and pedestrian facilities; (ix) encourage attractive streetscapes that minimizes front-loading garages, provides garage setbacks from front facades of homes, and minimizes design and material repetition; and (x) locate roadways and house lots to respect natural features and to maximize exposure of lots to open space.

The development policies for "Regional Commercial" include: (i) reserve exclusively for regional commercial development; (ii) permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) require the size, materials, color, and design of

buildings to be unique to Westfield. “Franchise” architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable.

The development policies for “Employment Corridor” (or Highway Corridor) include: (i) prohibit outdoor storage and operations; (ii) promote large-scale employment-generating office uses and related supporting service uses; (iii) permit retail or residential development in designated village locations, strip commercial development is not desired; (iv) encourage building materials and colors that are appropriate to setting and that are enhanced with stone or brick; (v) locate loading to sides and rears of building and screen to hide unattractive views; (vi) maintain attractive and appealing corridor through landscaping, setbacks and building design; and (vii) require parking areas to have interior landscaping and landscaping along street frontages with large asphalt expanses discouraged.

The development policies for “residential design standards” include: (i) encourage neighborhoods that do not have the appearance of “production” housing; (ii) evaluate new residential development on the basis of overall density and the relationship that density to effective and usable open space preservation, rather than on lot sizes; and (iii) encourage variety and diversity in housing while maintaining a distinct style or character and avoiding the appearance of “cookie cutter” subdivisions.

The development policies for “open space and recreation” include: (i) design open space to form an interconnected network, with provisions or linkages to existing or potential open space; (ii) maintain and preserve stream corridors, woodlands, hedge rows, or other valuable natural and historic resources; (iii) provide parks and recreational facilities in new development to accommodate the needs of the community as it grows; and (iv) recognize that in addition to the amount of open space, that the location and configuration of open space is of importance and should not be an afterthought based on a determination of unusable land.

Thoroughfare Plan: The Council recently adopted an amendment to the City’s [Thoroughfare Plan](#) at its October 14, 2013, meeting. The Thoroughfare Plan adopted was as recommended unanimously by the APC at its September 15, 2013, meeting. The PUD Ordinance incorporates language that requires the dedication of right-of-way pursuant to the Thoroughfare Plan. The following corridors are impacted by the development of the Property: (i) Local Road: 203rd Street; (ii) Collector Roads: 199th Street, 206th Street, Oak Ridge Road and Tomlinson Road; (iii) Secondary Arterial: US31 frontage road (Lindley Farm Road); (iv) Primary Arterial: Horton Road; and (v) Alternative Transportation Plan: includes the Monon Trail corridor, perimeter pathways along perimeter streets and sidewalks along internal streets.

PUBLIC HEARING COMMENTS

Written comments that have been received by the public are incorporated at [Exhibit 6](#) and the comments that were presented at the public hearing are summarized in the APC's [November 4, 2013, meeting minutes](#). Additional comments following the public hearing were also provided by Plan Commission members, Council member Spoljaric, and the Department. Those comments and responses to those comments are summarized below. The Petitioner has modified the proposed ordinance in response to these comments and those modifications are redlined in [Exhibit 7](#) (a clean version of the PUD Ordinance can be found at [Exhibit 4](#)). The comments and responses below are organized pursuant to the structure of the revised PUD Ordinance.

Section 2: District Intent

1. **Comment:** There is no mention of business uses in the district intent narrative.

Response: *The ordinance has been revised accordingly.*

Section 3: Definitions

2. **Comment:** There appear to be provisions in the definitions, which the City doesn't typically want.

Response: *The Department has reviewed the definitions and is okay with them as written. There don't appear to be standards in the definitions, but rather provisions that are being used to further define the term or concept being expressed in the definition.*

3. **Comment: Section 3.4 (Character Exhibits definition):** How will the Department review and determine what constitutes compliance?

Response: *The PUD Ordinance sets forth that the Character Exhibits are used to set a visual benchmark for the quality of the buildings being proposed. These exhibits would be in addition to the textual standards within the PUD Ordinance (which have been further expanded by the Petitioner in response to other comments herein). As a result, the Department (and Plan Commission, as the case may be) will review any proposed building against the various architectural elements and massing features of the exhibits, as well as the textual standards, to determine whether a proposed building is consistent with the represented quality and character. The Department believes the Character Exhibits allow flexibility, while ensuring a minimum level of quality, without requiring a specific architectural style or element that may otherwise result in unnecessary text amendments in the future (e.g., roof pitches vary based on architectural styles). The PUD Ordinance also provides that if a determination is made that an applicant disagrees with, then the applicant may appeal their proposed design to the Plan Commission.*

4. **Comment: Section 3.23 (Open Space definition):** Should cart paths, security houses, farmstead buildings, clubhouse, etc. qualify as open space?

Response: *The Department is okay with these being included as the City wants to encourage neighborhood investment in commonly maintained development amenities. In addition, these are examples of improvements that would be located in common area, so because they would be commonly enjoyed and maintained by the residents of the District, the Department believes these should qualify as open space. This definition, however, has been refined to qualify that if Farmstead Uses are not maintained for the neighborhood as an amenity (e.g., developed as a*

commercial enterprise), then it would not qualify as open space to meet the minimum open space requirements of the PUD Ordinance.

5. **Comment: Section 3.27 (Trails definition):** Does the second part of the definition (e.g., trail type, etc.) belong in the definition section?

Response: *Yes, this language further defines the qualifying characteristics of a trail. Specific trail location and design standards are set forth elsewhere by ordinance.*

Section 5: Concept Plan:

6. **Comment:** The Concept Plan does not reflect the US31 Frontage Road pursuant to the Thoroughfare Plan, as recently amended.

Response: *Exhibit B (Concept Plan) of the PUD Ordinance has been revised accordingly to show the US31 Frontage Road (Lindley Farm Road extension) pursuant to the Thoroughfare Plan.*

7. **Comment:** The Petitioner makes note of a "park" on a parcel viewable from US 31, but nothing in the PUD Ordinance appears to make mention of it.

Response: *The referenced park is reflected on the Concept Plan. The Concept Plan is noted to illustratively depict the layout of the development. There is no specific standard to require the park other than the PUD Ordinance does require a minimum amount of open space. In this particular case, the referenced parcel is likely undevelopable for structures due to floodplain constraints, and pursuant to the updated Concept Plan, the US31 Frontage Road bisects this particular parcel.*

Section 6: Underlying Zoning Districts

8. **Comment: Section 6.1(A) (District I):** You could have GB (General Business) uses right next to residential uses with no transition or buffer requirement.

Response: *This particular section of the PUD Ordinance addresses the existing dairy farm on the west side of Horton Road, which is identified as a "Farmstead Use" (see also Concept Plan). The Petitioner has expressed the Farmstead could be developed either as: (i) a common area amenity for residences of the development (e.g., garden plots, open space); or (ii) a commercial enterprise that would be open to the general public (e.g., creamery, restaurant). Within District I, GB uses are not permitted; rather, "Farmstead Uses" are defined and permitted. As result, this section provides that if the Farmstead is used as a commercial enterprise, then the GB standards (not uses) would apply, because otherwise applying the underlying residential development standards is not appropriate. In response to this comment, the PUD Ordinance has been revised to clarify that it is the GB standards, and not the uses, that apply.*

9. **Comment: Section 6.2:** Could do both non-residential and residential uses within District II – what provisions apply?

Response: *Correct. District II is specifically intended to allow for a mix of uses. District II is designated by the Comprehensive Plan as the community's more intense land use areas (employment corridor and regional commercial). As a result, the Department believes the proposed mix of uses is consistent with the Comprehensive Plan. To accommodate this mix of uses, the PUD Ordinance structure is designed to apply development and design standards to the use, rather than a specific geographic area. The standards that apply will depend on the use (e.g., if commercial, then GB standards would apply, as modified by the PUD Ordinance; if single family residential, then SF4 standards would apply, as modified by the PUD Ordinance, etc.). In addition, as noted in the comments below, the Petitioner has revised the PUD Ordinance to require a 20-foot wide buffer yard between GB uses and residential uses in District II.*

Section 7: Permitted Uses

10. Comment: Section 7.1 (District II - General Business (GB) District Uses): The following uses should be prohibited: auto sales, new or used, service and repair; car wash; department/discount stores over 10,000 sq. ft. (maybe 20,000 maximum); exterminators; motorcycle sales, service, repair, outdoor display; self-service car wash; semi-auto car wash; tire and auto service center.

Response: *The Petitioner has revised the PUD Ordinance to exclude the uses noted above with the exception of allowing one (1) auto service/gas station (e.g., automobile repair, tire and auto service center or car washes). Maximum square footage limitations for a single retail tenant are addressed later in these comments.*

11. Comment: Section 7.2(E): Temporary, "but permanent", what does that mean?

Response: *The Petitioner has revised this section to further clarify the intent, which is that there are some temporary uses and events that the City's Zoning Ordinance may ordinarily require a temporary use permit (with certain limits to the number and length of those events); however, due to the unique nature of the Golf Course and Farmstead Uses, these types of semi-temporary activities are expected to occur frequently. As a result, this section would allow those to occur without requiring a permit every time, except in the event when the Director determines a permit is required due to the nature or scale of an event (e.g., its general impact on the surrounding properties). The Department does not have concerns with this standard.*

12. Comment: Section 7.3(E): Will boat and trailer sales and service for non-motorized watercrafts have outdoor storage and display?

Response: *No. The PUD Ordinance has been revised to allow only without outdoor displays. The Petitioner has expressed the intent is to allow small, non-motorized watercraft (e.g., kayaks, paddle boats, etc.) in the event a lake or water-type use was incorporated within the District.*

13. Comment: Section 7.3(G): Please prohibit kennel with outdoor runs, not appropriate.

Response: *The Petitioner has indicated they believe this use is consistent with the character and their vision for the District. As a result, the PUD Ordinance has been revised to only allow as a Special Exception, which would be reviewed and considered by the Board of Zoning Appeals. If a kennel is proposed in the future, then the Board of Zoning Appeals would have the ability to review the use on a site-specific level and impose conditions, as appropriate, to ensure the use is compatible with the surrounding properties.*

14. Comment: Section 7.3(I) (automobile service station): Pump location, buffer, lighting, no outdoor display, gas pumps should have special provisions (behind front façade)?

Response: *The PUD Ordinance, as revised per the comments herein, addresses buffers, lighting and outdoor displays (prohibited for this use) that would apply to all commercial properties. To address the gas pump location comment (noting that only one automobile service station is permitted within the District), the Petitioner has revised the PUD Ordinance to require that fuel pumps and their canopies be located at least ten (10) feet behind the front façade of the primary building.*

15. Comment: Section 7.4(A): Outdoor storage is prohibited, but so should outdoor display.

Response: *The Petitioner has revised the PUD Ordinance to prohibit outdoor displays, except as otherwise specifically permitted for sidewalk displays, Farmstead Uses and Golf Course and Clubhouse Uses.*

Section 9: Residential Bulk and Density Standards

16. Comment: Section 9.1: Do the detached residential standards apply to both District I and II?

Response: *Yes. This section specifically states the standards apply to "all single-family residential uses in the District" (District defined as the entire PUD District).*

17. Comment: Section 9.5: If you remove non-buildable land, what is the permitted residential density?

Response: *The permitted residential density set forth in the PUD Ordinance does not change based on the non-buildable land or land dedicated for right-of-way; rather, it is written to allow a maximum number of dwelling units (versus a maximum number of dwelling units per acre). The Petitioner has indicated that a wetland and floodplain study as well as the golf course design are currently being conducted; however, they estimate the golf course and wetland areas (outside of the golf course) will consist of approximately 200 acres of the 750-acres.*

Section 9: Non-Residential Bulk and Density Standards:

18. Comment: Maximum square footage limitations (per tenant, building or overall) should be considered for commercial uses in District II (big-boxes should be prohibited and note village-scaled retail buildings are provided in the presentations and character exhibits).

Response: *The Petitioner has revised the PUD Ordinance to provide a restriction for a maximum of 30,000 square feet for a single retail tenant (see Section 9.3(B) of the PUD Ordinance). The Petitioner has indicated this would still allow desirable tenants that fit the intended character of the District (e.g., Fresh Market, Ace Hardware, Earth Fare, etc.).*

19. Comment: Section 9.3(F)(i): US31 Frontage Road setback from US 31 as 30 feet is too close.

Response: *This standard has been revised to specify this setback is for buildings from the US31 Frontage Road. The US31 Frontage Road would be located between the US31 right-of-way and any lot; as a result, a building's setback from US31 would be greater than 30 feet (would likely be in excess of 150 feet with the US31 Frontage Road right-of-way width). In addition, this setback will better allow parking to be located in the side and rear yards because a greater front yard setback typically results in more parking being located in the front yard. Furthermore, this setback would be more consistent with the existing structures on the property (e.g., Lindley House) along that frontage.*

20. Comment: Section 9.3(F): Building setbacks should vary for non-residential buildings based on the adjacent land uses.

Response: *The PUD Ordinance has been revised to require a twenty-foot wide buffer yard for general business uses that may abut residential uses, rather than no minimum buffer yard as originally proposed. Recently adopted PUD Ordinances have traditionally not required buffering between areas internal to a PUD District; rather, the developer and market have dictated what buffering is necessary to maximize land values; however, for comparison, the Zoning Ordinance would require a forty-foot wide buffer yard if otherwise applied between the GB and SF4 Districts.*

21. Comment: Section 9.3(H): Why 100% maximum impervious surface?

Response: *The Petitioner has revised the PUD Ordinance to reduce the maximum impervious surface for non-residential uses down from 100% to 90%. The rationale is that the majority of "green space" for the overall District will be provided throughout the entire development for the enjoyment of the residents and patrons of the District, rather than being provided on individual commercial lots.*

Section 10: Off-Street Loading and Parking

22. Comment (general): Should bicycle parking be required?

Response: *The District's pedestrian and bicycle connectivity intent (Section 15) emphasizes pedestrian and bicycle access and connectivity throughout the District. As a result, the Petitioner agrees that providing bicycle parking is appropriate. As a result, in coordination with the Department, the Petitioner has revised the PUD Ordinance to incorporate bicycle parking standards.*

23. Comment (general): Gas pumps should have special provisions (behind front facades)?

Response: *The Petitioner has revised the PUD Ordinance to require that fuel pumps and their canopies be located at least ten (10) feet behind the front façade of the primary building. As a point of reference, the Zoning Ordinance's SR32 Overlay District requires a setback of the canopy from the primary structure of thirty (30) feet.*

24. Comment: Section 10.3: Parking can all be in front of building for mixed-used buildings.

Response: *The PUD Ordinance requires that off-street parking areas be located in rear or side yards; however, an exception is provided that parking may be located in front yards to prevent any parking from being visible from the Golf Course. The Petitioner has revised the PUD Ordinance to require that if parking is located within the established front yard, then the Zoning Ordinance's perimeter parking lot landscaping shall be provided (which would otherwise not be required if parking in the front yard was at least twenty feet from the right-of-way line).*

25. Comment: Section 10.4: What if drive-through facilities are visible from adjacent residential uses?

Response: *The PUD Ordinance has been revised to require that if a lot with a drive-through facility is located adjacent to residential uses, then the Zoning Ordinance's perimeter parking lot landscaping shall be required. In addition, the Petitioner has revised the PUD Ordinance to require a twenty-foot wide buffer yard for GB uses abutting residential properties.*

Section 11: Landscaping and Screening

26. Comment: Section 11.4: Where would there be any buffer yards?

Response: *The PUD Ordinance requires buffer yards around the perimeter of the District in accordance with the Zoning Ordinance's buffer yard requirement (except where abutting a public roadway where the Zoning Ordinance's road frontage standards would otherwise apply). Recently adopted PUD Ordinances have traditionally not required buffering between areas internal to a PUD District, but rather have allowed the developer and market to dictate what buffering is necessary to maximize land values; however, in response to the comments herein, the Petitioner has revised the PUD Ordinance to require a 20-foot wide buffer yard where a commercial (GB) use abuts a residential use.*

Section 12: Open Space and Amenity Standards

27. Comment: Section 12.2: How much of the 750 acres+/- will consist of the golf course?

Response: *The Petitioner estimates the golf course and wetland areas (outside of the golf course) will consist of 200 acres+/- of the 750-acres and notes that many amenities, landscaping and other features will be incorporated into the golf course for the enjoyment of the residents (e.g., trails, lakes, woods, etc.).*

28. Comment: Section 12.3(C): Should multi-family development have access to all shared amenities?

Response: *The Petitioner has made minor revisions to this section; however, in general, the developer and market typically dictate the limitations of how various residential areas of a mixed-use development have access and share for maintenance costs of the various amenities.*

Based on discussions and input from neighbors and a developer regarding a recent mixed-use development, as well as the complicated nature of the rental versus owner-occupied structure (e.g., structure of homeowners' dues, social fees, lease agreements, etc.) for mixed-use developments, the Department believes the Developer and market should have the discretion to make this determination and regulate accordingly pursuant to its covenants and restrictions and/or lease agreements.

Section 13: Sign Standards

29. Comment: Section 13.1(D)(Red Barn signs): Will these have to meet standards and is there a size restriction?

Response: *Yes. The applicable standards are set forth in Section 13.5(B) of the PUD Ordinance.*

30. Comment: Section 13.1(F)(banners): Please remove ornamental banners, pennants or flags, could be problematic.

Response: *The Petitioner has revised the PUD Ordinance to delete accordingly.*

31. Comment: Section 13.1(G)(sign lighting): Lighting of signs too vague, need to meeting lighting standards.

Response: *The Petitioner has revised the PUD Ordinance to specify sign lighting shall comply with the lighting standards.*

32. Comment: Section 13.5(A) (District Identification Monument Signs): Size, lighting etc.?

Response: *The Petitioner has revised the PUD Ordinance to adopt the standards from the Zoning Ordinance that are applicable to residential subdivision entrance signs.*

Section 14: Lighting Standards

33. Comment: Sections 14.1 and 14.2 (architectural lighting): Architectural lighting of golf course building and Red Barn/Lindley House?

Response: *The Petitioner has revised the PUD Ordinance to specify that lighting shall otherwise comply with the Zoning Ordinance's lighting standards.*

Section 15: Pedestrian and Bicycle Connectivity

34. Comment: Section 15.3: Motorized vehicles (golf carts) are not permitted on the Monon Trail.

Response: *The PUD Ordinance has been revised to note that golf carts in public right-of-way will also be subject to the requirements and policies of the Department of Parks and Recreation, in addition to the requirements and policies of the Department of Public Works.*

Section 16: Single-Family Architectural Standards

35. Comment (general): There are no anti-monotony provisions.

Response: *The Petitioner has revised the PUD Ordinance to incorporate substantial standards to ensure a variety in the streetscape (Section 16.6 of the PUD Ordinance). The Petitioner anticipates various sections of the District will be developed for empty-nester/active adult enclaves (e.g., Long Cove at the Bridgewater Club) where a uniform architectural theme is desired. As a result, this new section also contemplates that a developer may request a variation or waiver of these proposed façade variety standards to allow such a development (similar to how the Plan Commission currently handles development plan review standard waivers) and that any assurances needed to ensure the quality and character of that subdivision section (note the new Exhibit I that includes examples) will be made part of that waiver approval.*

- 36. Comment (general):** "Snub-nose", front loading garages could be 100% and still comply.
Response: *The Petitioner has incorporated Character Exhibits that show a variety of garage types within the District. The Petitioner believes it is important to maintain flexibility in the garage door orientations to address current and future market trends that currently emphasize a demand for smaller homes, on smaller lots, which makes it difficult to eliminate front loading garages. The Petitioner believes the Character Exhibits and enhanced architectural standards of the PUD Ordinance establish the expectations that show the Petitioner's commitment to ensuring quality.*
- 37. Comment (general):** The architectural standards (written) are basic and vague. The Character Exhibits are broad in what they illustrate without identifying what is specifically supposed to be represented (e.g., a lot of white trim, "snub nose" garages). What would be considered compliant? Concern that the lowest common denominator and lots of it could be built.
Response: *Please note Comment #3 response. The Character Exhibits set a benchmark for the quality of the buildings being proposed as a holistic representation, without identifying a specific architectural feature requirement that alone, would not result in a quality home or that may prohibit a desirable design or result in monotony. The exhibits would be in addition to the textual architectural standards (which have been further expanded by the Petitioner in response to the other comments herein). As a result, the various architectural elements and massing features of the exhibits, in addition to the textual standards of the PUD Ordinance, will be reviewed and compared to determine whether a proposed building meets the holistic vision adopted by the Character Exhibits and the textual standards.*
- 38. Comment: Section 16.1 (last version of PUD Ordinance):** What would be a house that wasn't in compliance with street number standard?
Response: *The Petitioner has revised the PUD Ordinance, at the Department's recommendation, to delete the mailbox and street number standards as the Department believes these will be more effectively regulated by the development's covenants and restrictions, and would otherwise be required to comply with public safety and post office regulations anyway.*
- 39. Comment: Section 16.1 (current version of PUD Ordinance):** Design elements include "may" be incorporated.
Response: *The Petitioner has revised the PUD Ordinance to "shall".*
- 40. Comment: Section 16.4(B):** No minimum masonry is required. A combination of exterior materials is "encouraged", not required.
Response: *The Petitioner has revised the PUD Ordinance to "shall" require a combination, which in addition to the incorporated façade variety standard requirement (as noted in the other comments herein), requires combinations and variations in patterns, textures and material styles. Aluminum and vinyl siding are prohibited by the PUD Ordinance.*
- 41. Comment: Section 16.5:** How many windows are required? Should there be a minimum window size requirement to meet this requirement?
Response: *The PUD Ordinance requires windows on at least three (3) sides of a home. The Petitioner has revised the PUD Ordinance to require windows meeting this standard shall be a minimum of fifteen square feet (or collectively be fifteen square feet if multiple windows are provided).*
- 42. Comment: Section 16.7:** Townhomes could have side facades facing street with no windows.
Response: *The Petitioner has revised the PUD Ordinance to require all dwellings (includes detached and attached single family) with a façade adjacent to a right-of-way shall have windows.*

Section 17: Multi-Family Architectural Standards

- 43. Comment: Section 17.1 (last version of PUD Ordinance):** Window decal for street number?
Response: *The Petitioner has revised the PUD Ordinance, as the Department's recommendation, to delete the mailbox and street number standards as the Department believes these will be more effectively regulated by the development's covenants and restrictions, and would otherwise be required to comply with public safety and post office regulations anyway.*
- 44. Comment: Section 17.1 (current version of PUD Ordinance):** How will it be determined if building architectural elements, etc. are similar to exhibits (note at least two of the exhibits don't depict visible buildings and are overcome by landscaping)?
Response: *In addition to expanding the architectural textual standards (as noted below), the Petitioner has updated Exhibit F (Multi-family Character Exhibit) to incorporate additional examples. Please note responses to Comment #3 and #38 regarding application of the standards.*
- 45. Comment: Section 17.3(B):** No minimum masonry is required; could be all stucco?
Response: *The Petitioner has revised the PUD Ordinance to require a minimum ten percent (10%) masonry of each building façade and require a minimum of two (2) exterior building materials.*
- 46. Comment: Section 17.4:** Require, not encourage, architectural breaks and offsets.
Response: *The Petitioner has revised the PUD Ordinance to "shall" require architectural breaks consistent with the design elements otherwise required by the PUD Ordinance.*
- 47. Comment: Section 17.5:** Where can detached garages be located?
Response: *The Petitioner has revised the PUD Ordinance to prohibit detached garages in the front yard or side/rear yards that abut single-family residential properties. In addition, the Petitioner has incorporated additional architectural requirements, if detached garages are proposed for a multi-family development.*
- 48. Comment: Section 17.6:** Increase anti-monotony standard.
Response: *The Petitioner has revised the PUD Ordinance to reflect a standard recently adopted that requires variety in style, massing, and use of materials and detailing of elements if buildings within the development have similar floor plans.*
- 49. Comment: Section 17.7:** What about roof vents visible from residential areas and rights-of-way?
Response: *The Petitioner has revised the PUD Ordinance to also restrict as visible from residential properties and rights-of-way.*

Section 18: Non-Residential Architectural Standards

- 50. Comment: Section 18.6(A)(building materials):** No minimum masonry is required. A combination of exterior materials is "encouraged", not required.
Response: *The Petitioner has shared their original intent was to provide flexibility for changing design trends (e.g., New England style architecture of shake shingle, etc.) as generally reflected the Character Exhibit (Exhibit H). However, in response to the comment, the Petitioner has revised the PUD Ordinance to require a minimum of 20% masonry on buildings and expanded the architectural standards by incorporating most of the Zoning Ordinance's SR32 Overlay District architectural standards. The revisions further provide, however, that this may be modified if the Director or Plan Commission determines a building's architectural style, quality and character are similar to those buildings in the Character Exhibit.*

51. Comment: Section 18.5(B)(architectural breaks): Require, not encourage, architectural breaks and offsets.

Response: *As noted above, the Petitioner has revised the PUD Ordinance by expanding the architectural standards by incorporating most of the Zoning Ordinance's SR32 Overlay District architectural standards into the PUD Ordinance. This includes the addition of a new standard that "building facades which are ninety (90) feet or greater in length shall be designed with aggregate offsets (projecting or recessed) of not less than ten (10) percent of the building length. Offsets shall be constructed at intervals of not greater than sixty (60) feet."*

52. Comment: Section 18.6(A): Should not allow metal and aluminum siding permitted for maintenance facilities or complimentary Farmstead Uses.

Response: *The Petitioner has indicated these materials are currently being used on the existing structures and the Petitioner desires to keep the overall look (e.g., silos on the existing dairy farm) consistent and authentic, as well as utilize materials which are considered "industry standard" for those types of uses (e.g., the use of metal siding on a creamery building would allow it to blend into the surrounding barns or silos in that area).*

53. Comment: Section 18.11(B): What if ancillary building faces residential use or right-of-way?

Response: *The Petitioner has revised the PUD Ordinance to clarify this exemption is only for Golf Course Uses and Development Amenity buildings. This would not apply to commercial uses.*

54. Comment: Section 18.13(D)(outdoor displays): Sidewalk displays should be omitted. Ensuring removal at end of day burdensome – what about businesses that do not close or are 24-hours?

Response: *The Petitioner believes that sidewalk displays are important for their vision of the intended character of the commercial areas. The Petitioner has revised the PUD Ordinance to elaborate on outdoor display parameters for Golf Course and Clubhouse Uses and Farmstead Uses, as well as include greater specificity regarding the time of day that sidewalk and outdoor displays are permitted.*

Section 19: Fence Standards

55. Comment: Section 19: What are fence materials, and what about side and rear yards? Heights? Which districts?

Response: *This set of standards was originally added because the Zoning Ordinance already regulates fences for residential uses, but does not necessarily address other uses. As a result, this section has been revised to simplify the standards and clarify that the standards apply and default to the Zoning Ordinance for both residential and non-residential uses, except as modified in the PUD Ordinance for golf practice areas and buffer yard fencing.*

56. Comment: Section 19 (buffer fencing): Wood privacy fencing may be placed in buffer yards "adjacent to residential areas outside of the District..." What does this mean?

Response: *As noted above, buffer yards would be required around the perimeter of the District not abutting a public roadway. "Adjacent to residential areas outside of the District" references adjacent properties not within the PUD District that are required to be buffered. This provision allows for a privacy fence in these areas up to 8' tall (whereas the Zoning Ordinance would restrict the fence height to 6' tall). This section has been relocated to Section 19 (Fence Standards) of the PUD Ordinance.*

Section 20: Infrastructure Standards

57. Comment: Section 20: Are perimeter trails and access required?

Response: *Section 15 and 20.2 of the PUD Ordinance both address that the pedestrian network shall comply with the Zoning Ordinance and Thoroughfare Plan, which requires and dictates the placement of multi-use paths and sidewalks along rights-of-way, and the dedication of those rights-of-way. As a result, perimeter trails will be provided in accordance with those applicable standards.*

58. Comment: Section 20: Will the Petitioner agree to dedicate additional right-of-way along the north side of 199th Street, west of Tomlinson Road?

Response: *Yes, the Petitioner has revised the PUD Ordinance accordingly.*

59. Comment: Section 20.2: Is dedication of right-of-way for the Monon Trail required?

Response: *Yes, the PUD Ordinance has been revised to clarify that the dedication of right-of-way also includes the alternative transportation trail corridors (e.g., Monon Trail) of the Thoroughfare Plan.*

In addition to the revisions to the PUD Ordinance and responses to comments noted above, the Petitioner responded to several of the other questions and comments at the public hearing; however, the Petitioner will be prepared to further respond to any additional questions or comments at the December 16, 2013, meeting. In addition, the Staff will be prepared to present an updated response with regard to 199th Street.

STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

STAFF COMMENTS

If the Plan Commission is satisfied with the proposed PUD District Ordinance, then Staff recommends forwarding Petition No. 1311-PUD-11 to the City Council with a favorable recommendation.

If any Plan Commission member has questions prior to the meeting, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.