



Westfield City Council Report

Ordinance Number:	14-34
APC Petition Number:	1409-PUD-14
Petitioner:	M/I Homes of Indiana LP
Requested Action:	An amendment to the Springmill Trails PUD Ordinance, affecting specified Lots within the Water's Edge Subdivision
Current Zoning:	Springmill Trails PUD District
Current Land Use:	Residential
Exhibits:	<ol style="list-style-type: none">1. Staff Report2. Location Map3. PUD District Amendment4. Map of Affected Lots5. Character Exhibits6. Neighbor's Meeting Summary7. Packet of Public Comment8. APC Certification
Prepared by:	Jeffrey M. Lauer, Associate Planner

PETITION HISTORY

This petition was introduced at the August 11, 2014, City Council (the "Council") meeting. The petition received a public hearing at the August 18, 2014 and December 15, 2014, Advisory Plan Commission (the "APC") meetings. The APC forwarded this petition with a unanimous favorable recommendation at its December 15, 2014, meeting. This petition is eligible for adoption consideration at the January 12, 2015, Council meeting.

PROCEDURAL

Public Hearing: Changes in zoning are required to be considered at a public hearing by the APC. The public hearing for this petition was held on August 18, 2014 and December 15, 2014, at the APC meeting. Notice of the public hearing was provided in accordance with Indiana law and the APC's Rules of Procedure.

Neighbors' Meeting: The Petitioner hosted two (2) meetings for adjoining property owners on August 27, 2014 and October 15, 2014, as required by Article 10.9(C)(1)(f) of the UDO for proposed Planned Unit

Development (“PUD”) Districts. The Petitioner has provided a summary of those meetings, which is included at **Exhibit 6**.

Statutory Considerations:

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes 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.

PROJECT OVERVIEW

Project Location: The subject property (the “Property”) is approximately thirty-six (36) acres located north of State Road 32, on the west side of Casey Road (see **Exhibit 2**). The Property is currently zoned Springmill Trails PUD District.

Project Description: The Petitioner is requesting an amendment to the Springmill Trails PUD District Ordinance that would modify the existing front and side yard building setback lines.

Default Standards: The underlying zoning district of Residential District 2 is **SF2: Single-Family Low Density**. The proposed PUD District Amendment (the “PUD Amendment”) (see **Exhibit 4**), otherwise defaults to the Springmill Trails PUD District Ordinance and Westfield-Washington Township Zoning Ordinance.

Permitted Uses: The PUD Amendment does not modify permitted uses.

Development Standards: As proposed, the PUD Ordinance establishes enhanced or alternative development standards from the Underlying Zoning District (Chapter 6 of the UDO). These modifications are intended to accommodate the unique environmental characteristics of the Property and the Petitioner’s vision for the development. The development standards of note are briefly highlighted below:

1. Side Yard Setback: The PUD Text Amendment modifies the six (6) foot side yard setback required by the Springmill Trails PUD to five (5) feet for those Lots identified in red at **Exhibit 4**.
2. Front Yard Setback: The PUD Text Amendment modifies the twenty (20) foot front yard setback required by the Springmill Trails PUD to nineteen (19) feet for those Lots identified in blue at **Exhibit 4**.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as “Suburban Residential”. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions; however, below is a general summary of the goals and objectives of the Comprehensive Plan for this Property:

The development policies for “Suburban Residential” include: (i) promote the protection of the existing suburban character of the area; (ii) ensure that new development adjacent to existing suburban is properly buffered; (iii) ensure development occurs in a way that is contiguous with existing development; (iv) design developments such that back yards are not adjacent to collector or arterial streets unless uniform attractive screening is provided; (v) prevent monotony of design and color that applies to the collective impact of an entire development; (vi) emphasize

connectivity between subdivisions, and avoid creating isolated islands of development; (vii) encourage quality and useable open space; (viii) encourage development of bicycle and pedestrian facilities in new development to improve connectivity; and (ix) land that is characterized by steep slopes or other natural limitations should be left natural or developed at rural, rather than suburban densities.

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.

PUBLIC HEARING COMMENTS

Public comment, attached hereto as **Exhibit 7**, was submitted in writing prior to the August 18, 2014 public hearing. The public comments presented at the public hearing, both on August 18, 2014 and December 15, 2014, are summarized in the APC’s minutes of the August 18, 2014 ([linked here](#)) and December 15, 2014, meeting ([linked here](#)). No public comment was submitted in writing prior to the December 15, 2014 meeting. The Petitioner’s summary of their revisions in response to those comments received from the Department, the Plan Commission, and neighbors is included in the Petitioner’s Update, attached hereto as **Exhibit 6**.

RECOMMENDATIONS / ACTIONS

APC Recommendation

At its December 15, 2014, meeting, the APC forwarded a unanimous favorable recommendation of this petition to the Council (Vote of: 7 in favor, 0 opposed) (see **Exhibit 8**).

City Council

Introduction: August 11, 2014

Eligible for Adoption: January 12, 2015

Submitted by: Jeffrey M. Lauer, Associate Planner
Economic and Community Development Department

Aerial Map 1409-PUD-14 Springmill Trails PUD Amendment

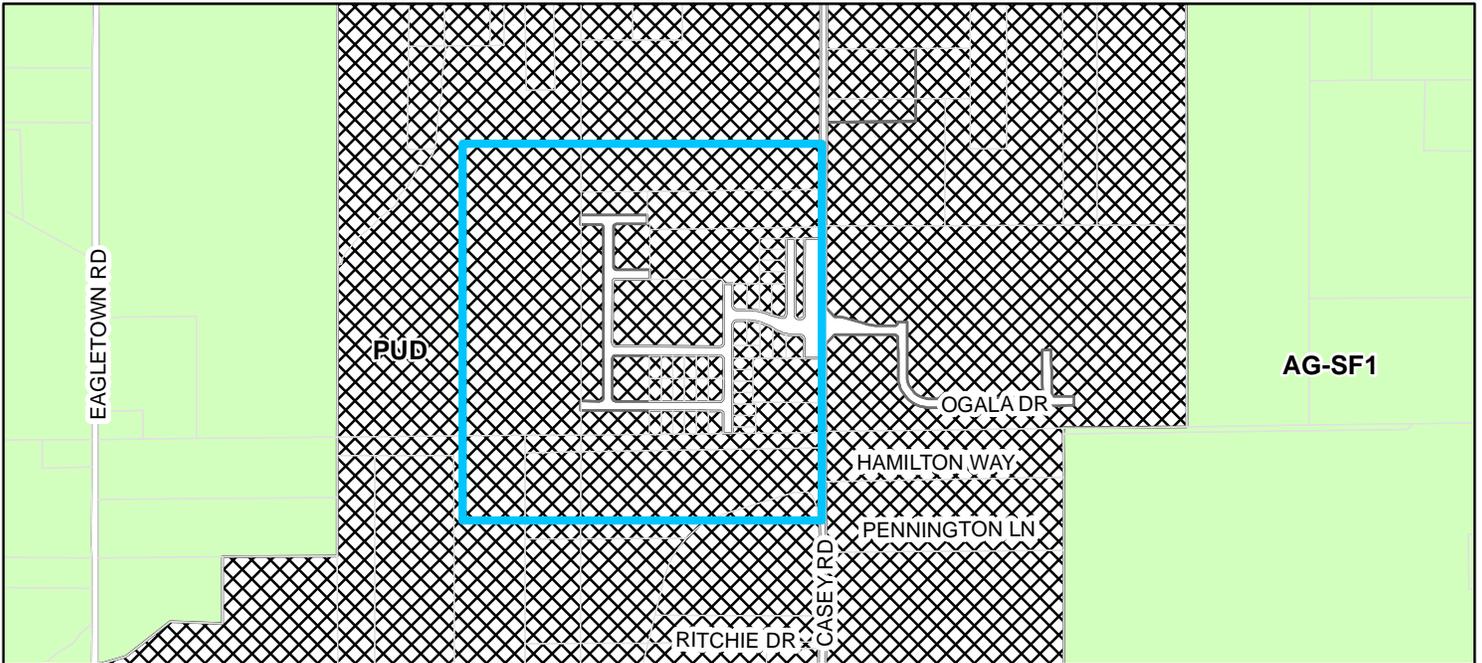


Aerial Location Map

 Site



Zoning Map



Zoning

-  AG-SF1 (Agriculture - Single Family - 1)
-  PUD (Planned Unite Development)

ORDINANCE 14-34

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 Unified Development Ordinance (the “UDO”); and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1409-PUD-14), filed with the Commission requesting an amendment to Ordinance 11-19, enacted by the Council on September 12, 2011 (the “Springmill Trails PUD Ordinance”)

WHEREAS, on December 15, 2014 the Commission took action to forward Docket Number 1408-PUD-12 to the Westfield City Council with a **favorable recommendation (8-0)** in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on January ___, 2015 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 UNIFIED DEVELOPMENT ORDINANCE BE AMENDED AS FOLLOWS:

Section 1. Applicability of Ordinance

- 1.1 The Springmill Trails PUD Ordinance is hereby amended in accordance with the standards established in the attached **Exhibit B**.
- 1.2 This ordinance shall hereafter be referred to as The Springmill Trails PUD Amendment Ordinance (this “Ordinance”).
- 1.3 This Ordinance applies to the subject real estate, generally described in **Exhibit A**, attached hereto and incorporated herein (the “Real Estate”).
- 1.4 All other provisions of The Springmill Trails PUD shall remain in effect with the adoption of this Ordinance.
- 1.5 All provisions and representations of the UDO or The Springmill Trails PUD as amended, that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 201_.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Chuck Lehman

Chuck Lehman

Chuck Lehman

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

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: Tammy K. Haney

I hereby certify that ORDINANCE No. 14-34 was delivered to the Mayor of Westfield
on the _____ day of _____, 201_, at _____.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-34

This _____ day of _____, 201_.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-34

This _____ day of _____, 201_.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

Prepared by: Tammy K. Haney, Keller Macaluso LLC, 760 3rd Avenue SW, Suite 210,
Carmel, IN 46032

EXHIBIT A
Legal Description

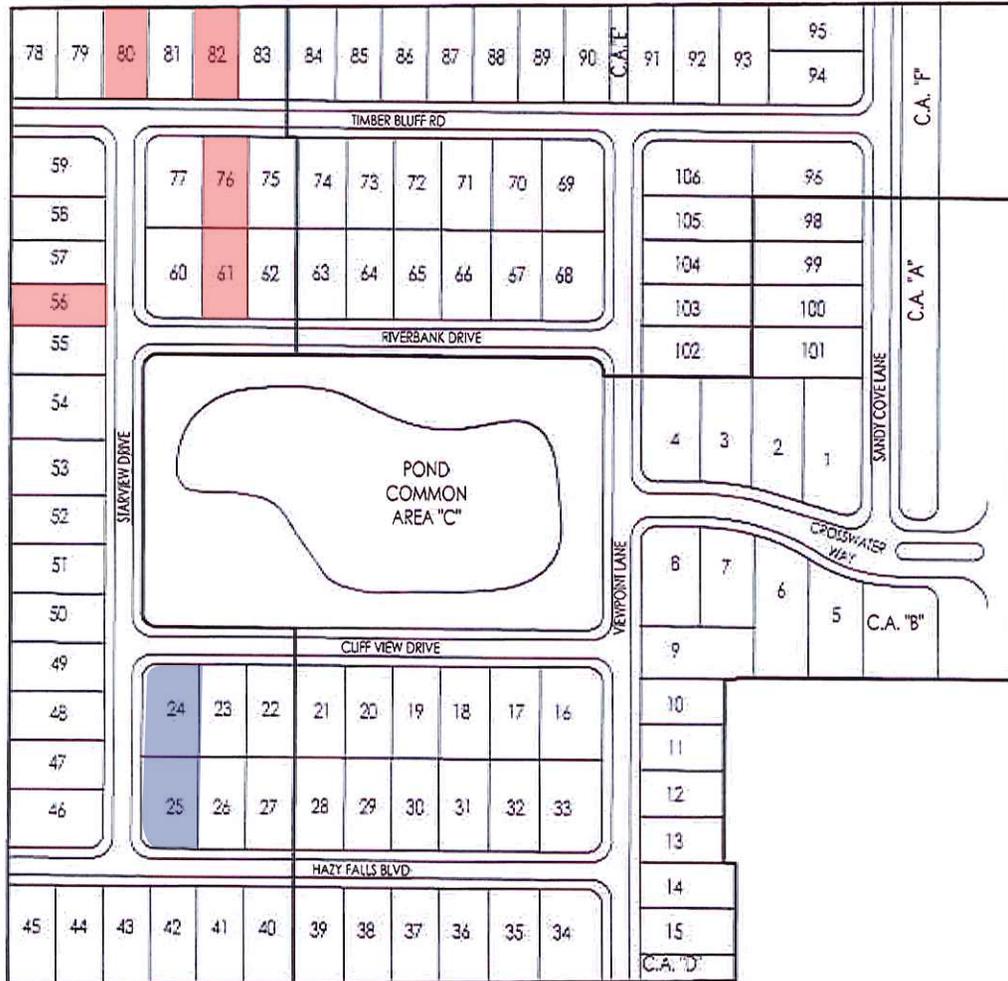
Lots 24, 25, 56, 61, 76, 80 and 82 in Waters Edge at Springmill Trails Section Two as per plat thereafter recorded on November 12, 2013 as Instrument No. 2013068442.

EXHIBIT B

I. Minimum Setback Lines.

- a) Section 2.3.D.1(d) of the Springmill Trails PUD shall be deleted and replaced with the following:
 - i. 60' front load lots – Twenty (20) feet; except nineteen (19) feet front yard setbacks are permitted on the following Lots on the Real Estate:
 - A. Lot Numbers 24 and 25; provided further that homes and driveways constructed on Lots 24 and 25 will not face nor be accessed by Starview Drive.

- b) Section 2.3.D.2(d) of the Springmill Trails PUD shall be deleted and replaced with the following:
 - i. 60' front load lots – Six (6) feet; except five (5) feet side yard setbacks are permitted on the following Lots on the Real Estate:
 - A. Lot Numbers 56, 61, 76, 80 and 82; provided further that the minimum building separation between dwellings on these lots and dwellings on adjacent Lots shall be twelve (12) feet.



- Side Yard Modification
- Front Yard Modification



The Ainsley



Elevation B shown with optional brick and stone.



Elevation C



Elevation D shown with opt. brick & stone.



Elevation E

The Nicholas



Elevation B



Elevation C



Elevation D shown with optional brick and stone.



Elevation E shown with optional brick and stone.



Elevation F shown with optional stone.



Elevation G

The Clayton



Elevation E shown w/Opt Stone



Elevation B



Elevation C shown w/Opt Brick Returns



Elevation F

Waters Edge at Springmill Trails

PUD Text Amendment Request – Side Yard and Building Set Back

Timeline of Events

By M/I Homes of Indiana, LLP

Docket No. 1409-PUD-14

- July 3, 2014 – M/I Homes of Indiana, LP filed a PUD Text Amendment requesting the side yard setback requirement be reduced from 6' to 5' in Sections 1, 2 and future 3. This would affect approximately 30 lots.
- August 18, 2014 - M/I appeared before the APC. Several homeowners from Waters Edge remonstrated against the Petition stating they did not want homes in Waters Edge to be closer together. M/I agreed to host a private meeting with the homeowners to discuss their concerns in further detail.
- August 27, 2014 – M/I Homes hosted an informational meeting for Waters Edge homeowners at the model home. 20 homeowners and Kevin Todd, Senior Planner, City of Westfield were present. Jerrod Klein, Vice President, and Mark Conner, Vice President of Land Acquisition, both with M/I Home, led the discussion regarding M/I's request to reduce the side yard setback requirement from 6' to 5'. Jerrod advised that since the real estate market has improved over the past 12 months, the market demand at Waters Edge has changed from 40' wide to 50' wide homes. The homeowners present did not want to see homes closer together in Waters Edge and did not support the petition.

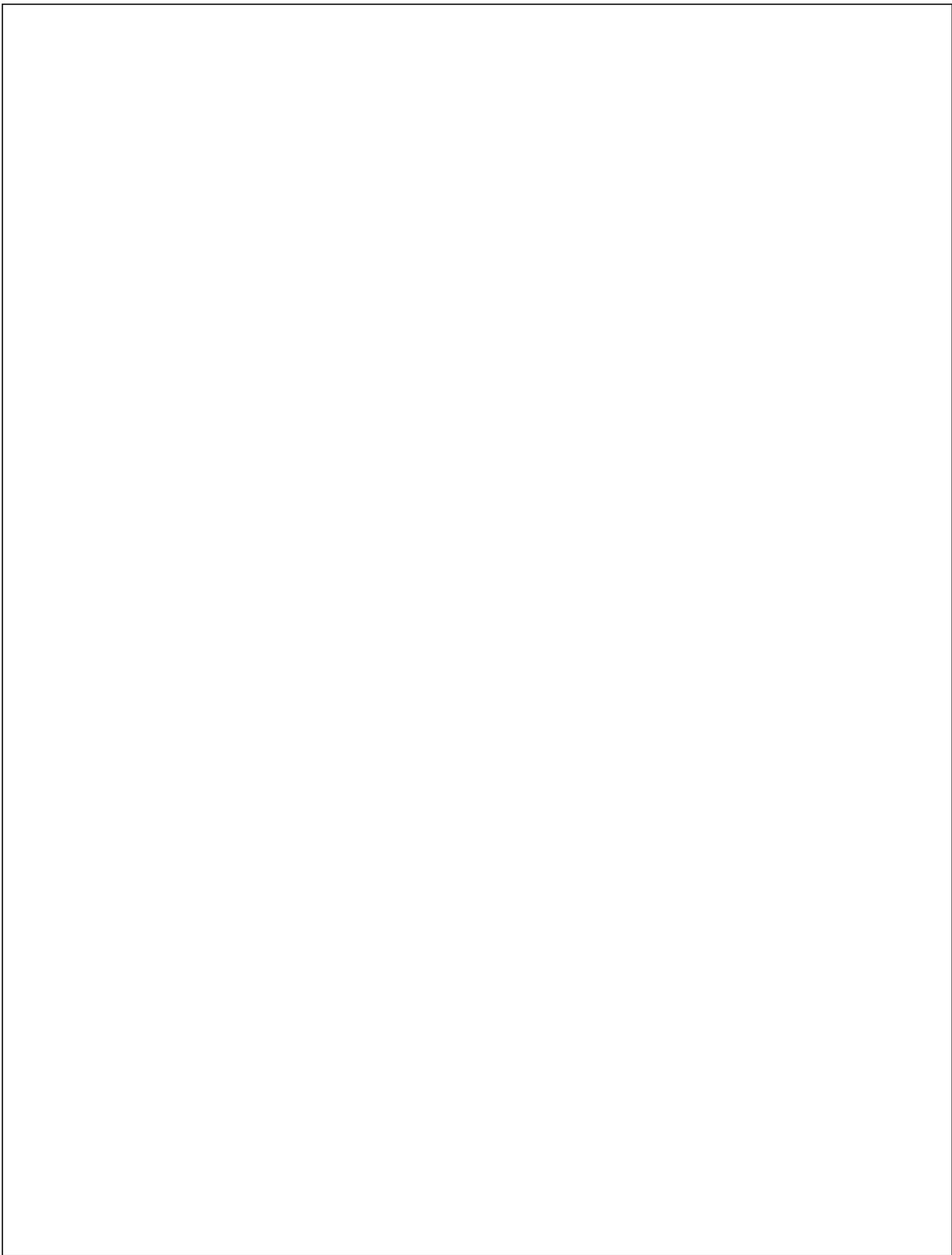
Jerrod advised M/I would revisit the number of lots requested and schedule a second meeting with the homeowners.

- October 15, 2014 – M/I Homes hosted a second informational meeting at Monon Trail Elementary. 18 homeowners were present. Jeffrey Lauer, Associate Planner, City of Westfield, and Town Council members Cindy Spoljaric and Bob Smith were also present. Jerrod Klein and Ann Walker Kloc, Land Acquisition Coordinator, both with MI Homes, presented. M/I modified the petition to reduce the number of lots affected. All lots in future Section 3 were removed. M/I requested lots 56, 61, 76, 80 and 82 be included in the petition to reduce the side yard request from 6' to 5'. In addition, M/I requested a 19' front yard setback in lieu of the required 20' on lots 24, 25 and 77. The homeowner's biggest concern was the amount of space between homes. M/I committed to a 12' aggregate between homes on these lots, which is the current standard in the neighborhood.

Final Request

Lots 56, 61, 76, 80, 82 - 5' side yard setback in lieu of the required 6'. 12' aggregate requirement between homes remains in place.

Lots 24, 25 (M/I is removing lot 77) – 19' front yard setback in lieu of the 20' requirement. Homes will face or have driveway access from Starview Drive. 12' aggregate requirement between homes remains in place.



PACKET OF PUBLIC COMMENT

1409-PUD-14

Water's Edge PUD Amendment

Hello,

I live in waters edge and agree we should not reduce the side yard setback from 6" to 5".
Thank you for listening.

Dawn Ambler

Hi

I'm a current resident at the Waters Edge At Spring Mill Trails I would like to place my **OBJECTION** to Petition 1409-PUD-14 by M/I Homes to reduce the Sideyard Setback from 6' to 5'. Please let me know if you need any further information from me. My contact information is provided below. I would like a response to know my email has been read.

Camilo Andrades
1282 Hazy Falls Blvd (I live on Lot 29)
Westfield IN 46074
Home # 317-399-6800
Email: CJ040508@gmail.com

Mr. Klein,

Thanks for providing the information and changes in the MI Proposal. I am in favor of the revised proposal. I think it addressed most of the concerns I had and those of my neighbors. It seems to me that the revisions give MI more flexibility and yet very few lots will be negatively impacted.

I realize that this PUD is over 5 years old and the housing market has improved/strengthened in the past 2 years, so the revision is necessary. I am pleased with the overall progress in the development, but hope that more attention will be given the ongoing maintenance of the development during the continued construction.

We will not be able to attend the Sept. 15th meeting because we will be out of town.

Good Luck,

Mike & Kathy Duff

Members,

I attended the Public hearing on the M/I Homes petition. I was disappointed by the lack of information presented by the M/I Homes representative and his lack of preparedness.

I want to express my objection and opposition to the petition as proposed. We moved into our home a year ago and have been very happy with our home and neighborhood and I fear that reducing the side setbacks will hurt the overall open feel that the current design of the neighborhood.

The only other suggestion I would consider as a compromise position would be to allow the 5' setback on every other lot on the northern most street of the property. This would impact about 6 lots and also guarantee a mix of homes on that street.

Thank you,

Mike and Kathy Duff
1251 Cliff View Dr.
Westfield, IN

M/i's newest proposal is good for us. We will write the council and let them know.

Thank you.

Kate Ellis

Greetings, my name is Wid Maylleur Gedeon and I am a homeowner at Wateredge community: 1306 Hazy Falls blvd in Westfield. The purpose of my email is to inform you that I strongly object to petition 1409-PUD-14 by M/I Homes to reduce the side yard setback in waters edge from the existing 6' down to 5'.

Greetings Mr. Smith and Ms. Spoljaric,

It has come to my attention that M/I Homes of Indiana, LP request has a request to reduce the side easement requirement from 6' to 5'.

Others have stated the various reasons more eloquently than I, however the sentiment is the same. I wish to state my position of opposition to the petition as there are other more suitable options rather than allowing the houses to be 1 foot closer to each other which is almost a 17% reduction in comparison.

Please do not allow the petition to pass. Just a simple drive through the neighborhood will show exactly how close 12 feet is, let alone 10 feet between the houses.

Thank you for your consideration.

Have a good day,

Devon

Devon Johnson

Lot #53

18176 Starview Dr. (Pending close on August 15th)

Westfield, IN 46074

Water's Edge at Springmill Trails

317-501-8574

dcj3boys@gmail.com

RE: Petition 1409-PUD-14 of M/I Homes of Indiana, L.P.

We....the attached signed residents of Water's Edge at Springmill Trails Subdivision....

object to this petition by M/I Homes to reduce the side yard setback standard from the current 6' down to 5' for ANY section of our subdivision, sections 1, 2 or 3.

We feel that 6' is close enough, is the standard as set and was accepted by M/I Homes as well as the homeowners. Reducing the side yard setback standard and thus allowing homes to have only 10' between them instead of 12' is not in the best interest of we existing homeowners or those who will purchase and build ongoing. While we realize not all homes will be 10' between them, it would allow for that and is Not in any way a good plan or something we wish to have.

The lots that M/I Homes wishes to change for their reason of building larger or wider homes is not in anyone's best interest excepting perhaps M/I homes. This subdivision was developed with the total number and size of lots with full understanding that M/I Homes has numerous home plans that will fit and can be built on these lots and maintain the existing 6' side yard setback standard. It seems they have chosen to not build or pursue offering those particular home plans. M/I Homes has options that do not require changing the standards at this time.

We built in Water's Edge in part due to the diversity of home plans and of homeowners. We also wish that this continues so our subdivision maintains as it began and every party accepted and believed would happen. There is no compelling reason to change this at all.

We respectfully ask that this petition be denied.

Homeowner Name Douglas C. Robinson
Signed [Signature]
Homeowner Name Maurice P. Robinson
Signed Maurice P. Robinson
Address 18216 SANDY COVE LN.
Lot # 98

RE: Petition 1409-PUD-14 of M/I Homes of Indiana, L.P.

We....the attached signed residents of Water's Edge at Springmill Trails Subdivision....

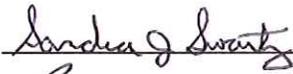
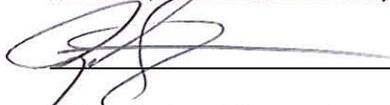
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We built in Water's Edge in part due to the diversity of home plans and of homeowners. We also wish that this continues so our subdivision maintains as it began and every party accepted and believed would happen. There is no compelling reason to change this at all.

We respectfully ask that this petition be denied.

Homeowner Name	<u>Sandra J. Swartz</u>
Signed	<u></u>
Homeowner Name	<u>RANDY B. SWARTZ</u>
Signed	<u></u>
Address	<u>18144 Starview Dr.</u>
Lot #	<u>50</u>

City of Westfield
Economic and Community Development Department
2728 East 171st Street
Westfield, Indiana 46074
317-804-3170
www.westfield.in.us

I wish to adamantly oppose and object to the petition 1409-PUD-14 by M/I Homes of Indiana, LP.

M/I Homes developed this PUD, and specifically Water's Edge at Springmill Trails section 1, 2, and 3, knowing exactly the sizes of lots that they could fit in and what house plans could be built on those different lots. And the standards of 6' setback on side yards was established which is really what the minimum should be. Personally in a subdivision such as this, 8' or 10' setback with a few less lots would have matched better for the area. That said, we built here knowing and accepting the 6' side yard setback.

Now after the fact M/I Homes wishes to change the rules so they can make more money and build larger homes on some lots which were originally meant for smaller homes and again, which M/I Homes designed as such in the first place. With that petition they prove they have no regard at all for the existing homeowners, which of course are the people who purchased in good faith and knowledge of the rules for the subdivision and with a trust that they would not be compromised after the fact. Shame on M/I Homes.

Any lots within Water's Edge at Springmill Trails sections 1, 2, and 3 that are as yet unsold or do not have any homes built on can, as the 6' side yard setback rule exists, can still have homes built on them. M/I Homes has many house plans and they knew when establishing this subdivision that building homes on all the lots would not be a problem, and it is not.

A better plan was, and should be moving forward, is to remove one lot per street, make all the other lots a bit larger and thus can build all of them with 3 car garages, larger homes, or really any of their home plans and have a bit more room between homes. Changing the standards is not in the best interest of Westfield, existing homeowners, or even new homeowners for that matter, and it also is for sure bad to consider changing it after the fact in already established subdivisions.

There is NO reason to allow this petition to be considered and thus disregard for all the existing homeowners and I respectfully request that petition 1409-PUD-14 be denied.

Dennis Wallace
1291 Cliff View Dr
Lot 21
Water's Edge at Springmill Trails



I attended the meeting with M/I and a few City Reps. I know that they stated there was no reason for them to move forward because they received their answer. However, we wanted to go ahead and have my appeal in writing. I do not agree with the request for many reasons and we do oppose their request for the 5" setback.

Thanks,
David and Jen Russell

Dear Members of the City Council and APC,

After attending Wednesday's meeting, August 27, with MI representatives in Water's Edge, my husband, Joe Ryan and myself are still opposed now and anytime in the future for our neighborhood community to alter the side setbacks to 5 feet.

We appreciate your time and consideration in this matter. Thank you for facilitating and your presence at this meeting. Your presence indicated your concern for the citizens of this community and we the citizens of Westfield as a whole. Thank you!

Respectfully,

Joe and Carla Ryan
1267 Cliff View Dr.
Westfield, Indiana
46074

Joeryan85@hotmail.com

Csryan52@hotmail.com

Thank you for considering and listening to our concerns regarding 1409-PUD-14. We especially want to thank and appreciate Mr. Hoover's and Cindy Spoljaric's time for comments. We acknowledge the solution from Mr. Hoover to consider that may appease both parties concerning the change in setbacks. We know there is a viable solution n when we work together for the common good. We look forward to our meeting with MI in the near future. Perhaps the meeting could take place at the model after closing one evening. If I may be of some assistance in this meeting please let me know, Carla Ryan @ csryan52@hotmail.com. Thank you!

Respectfully,

Joe and Carla Ryan
Water's Edge lot 18
1267 Cliff View Dr.
Westfield, IN
46074
Joeryan85@hotmail.com

Dear Cindy;

My wife Carla Ryan, contacted you after the last Westfield City Council meeting in regards to the request of MI Homes to reduce the offset from 6 to 5 feet between homes.

I too am against this request, as there are already 35 homes being built or under construction in our neighborhood. My home specifically would be impacted as there is a vacant lot on my west side. It makes no sense to reduce the footprint of new larger homes, when MI should have sold larger lots to go with the "top 3 popular homes" being sold in our neighborhood. When we bought our lot and home, we did so in good faith knowing our neighbor could be as close as 12 away. To request the reduction in offset between homes after already building homes, has broken my trust and faith in MI as a planner of urban development (PUD).

It is my belief that this request should be denied, as all property owners here will be negatively impacted by over crowding. This request will ultimately result in lower property values.

Thank you for listening to me on this subject.

Sincerely,

Joe Ryan
1267 Cliff View Dr
Westfield, In 46074
7655-524-6195

To all Members.....

After Receiving an email from MI wanting to compromise I still OPPOSE. At this time I am so disgusted with MI if I could I would move. Our whole atmosphere in the community has changed since MI has dumped on us and I could not be more disappointed with them. It seems to be a scare tactic now with them on the current homeowners. If they get away with changes again I will know for certain our system is just plain broken.

Jill Simonis
Lot 21
1291 Cliff View Dr

Good Morning;

After meeting with 2 people from MI at the Waters Edge sub-division model last night I am even more so OPPOSED to this setback.

MI has proved once more this is about **Greed** and greed only. They have the ability to take a lot or 2 out in section 3 and make their lots bigger to hold the houses they "want" in there. The lots still available in section 1 and 2 have homes that **will** fit on those lots.

MI has shown they do not have the homeowners best interest but just the best interest for MI Homes, putting a "spin" on home values increasing.....if they stuff more homes in...NO.

This is OUR home and community, we have the best neighbors, and would like to keep Water's Edge looking upscale !

Thank you

Jill Simonis Lot #21, 1291 Cliff View Dr.

I would like to express my opinion on this Water's Edge matter. I live at Lot #21, 1291 Cliff View Dr. and I OPPOSE this.

When we were looking to build we chose this subdivision for a couple reasons, but one was that the houses were not going to be on top of each other. By letting this pass would be an injustice to those of us who already live there. MI seems to want to keep changing as they go along to benefit themselves and not the homeowners. As I see it right now is it simply "greed" by MI to make more money. The rest of the houses will look very cookie cutter and out of uniform from the rest of the subdivision, so for Section 1, 2 and 3, I OPPOSE this.

There are 35 houses built in this subdivision and only 15 have 3 stall garages. One of our neighbors is on a 82 foot lot and was still told he could not have a 3 stall garage. MI knew going in their lot sizes and all the floor plans, and out of 14 house plans only 7 of those are built in here. They also have lots in the front section of #1 they are not selling, by choice, that would hold 3 stall garages. There are other floor plans they have that will fit on these lots, and if that does not work for MI then I would suggest they eliminate a lot and make the other lots bigger. We have been burned by MI "changing" rules since day 1. MI is not the Homeowner out here and when they are done building we the homeowners are going to be left, not MI.

Thank you
Jill Simonis

Dear Westfield Planning Commission Member,

I am writing to express my opposition to Petition 1409-PUD-14 by M/I Homes to reduce the side yard setback in Water's Edge from the existing 6' down to 5'. My husband and I feel very strongly that this will adversely change the dynamic of our neighborhood. We purchased our home with the understanding that all homes would have a 6' setback. We are disappointed that M/I Homes is trying to make this change now particularly because M/I Homes had the home plans in place when the lot sizes were determined. If M/I Homes wanted to accommodate more homes with 3-car garages then the number of lots should have been reduced to accommodate a larger lot and adhere to 6' setback. We are also not buying the argument put forth by M/I Homes that additional homes with a 3-car garage will improve the value of our home. Please do NOT approve reducing the setback to 5'.

Sincerely,

Brian and Mary Sommervold
1266 Hazy Falls Blvd
Westfield, IN 46074
LOT 31

ALCON,

Resident 1259 Cliff View Dr. I feel that the FIVE P'S where not used by M/I homes. Proper Planning prevents poor performance. The home owner should not have to submit a portion of their land for loss. Because leadership at M/I homes failed to figure out Land portioning prior to the building process. I strongly believe M/I homes is going back on their word. I look forward to getting feedback in regards to my statement and respectfully wait.

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Greetings All

We own a home and reside full-time in Water's Edge. We were very excited throughout the building process literally visiting the site daily until moving day! Our home is truly a blessing and we, for the most part, love our home. We are aware that try as we all might, few things in life turn out perfectly as planned and adjustments need to be made and we all must learn to adapt.

What should be a happy time as residents move into their new homes and make new friends has been overshadowed with drama if you will. New neighborhoods are full of energy. This energy is different than when moving into an existing neighborhood. Everyone shares a common experience. We wait with excitement as each new house is built and a new family moves into our growing community.

We are disappointed our joy has been diminished somewhat by poor planning on M/I's part. Instead of planning a Fall Neighborhood Cookout, the energy in our new community is now fully focused on a battle with M/I and options are sadly dividing residents.

Emotions are raw, as was evident at the meetings. I cannot help but feel the concern over the proposed change to the setback has been intensified by the dis-satisfaction of many with the lack of resolution regarding outstanding issues with their own homes and the neighborhood in general.

We cannot always make others behave as they should. That being said, when we chose a neighborhood and a builder, we did so in good faith. Confident we would be satisfied with the result. There is an expectation for our neighborhood based on the reputation of the builder. Sadly, as many expressed at the meetings our builder has fallen short of these expectations. Leaving many disappointed and frustrated.

The resolution of these issues should not be a bargaining chip for gaining the approval of the community for the change in variance. Routine housekeeping of common areas and unsold lots is expected and has not been satisfactorily effectuated up to this point. M/I has come to us and asked us to help them make the remaining lots more marketable. They admitted they made an error in planning when plotting the lots and only now are they working to correct what should have been done all along because there is currently no accountability.

The big question is what do we want for our neighborhood? We personally do not wish to see lots sitting empty a year or more from now. We also do not want homes too close together. Nor, do we want to see another builder buying up lots and building possibly, inferior homes. So, where is the compromise? You cannot un-milk a cow. There is a problem and it needs to be resolved. So, there needs to be a new plan. The original one is not working.

Some are concerned there are going to be too many of the same homes built if we agree to the setback. The other side is if we do not agree then won't there be an equal amount of the smaller products built on the remaining lots. So won't there be too many smaller homes built all in a row instead?

Taking a step back and looking at the situation without the emotion in the mix we cannot help but think of the old saying "Can't we all just play nice"? Is it possible for both sides to step higher?

A 50 ft. home on a 60 ft. lot is not going to accommodate a three-car garage or even a 4 ft. extension. Therefore, the concern that we are going to be overwhelmed with three-car garage homes is not even valid. Correct?

We desire that our neighborhood be completed and we believe M/I finishing the build as well as completing it sooner rather than later (so all of the homes are approximately the same age) is in the best interest of everyone's resale values. If someone is looking for a bit larger yard then our homes will be more desirable not less.

M/I must also step higher. I'm not suggesting that stepping higher is simply taking care of what they are expected to take care of...my daddy didn't pat me on the head because I brushed my teeth and made my bed...I was expected to do these things. He would however scold me if I did not! The problem is there is no accountability and the homeowners are powerless to force M/I to comply with the standard expected which has fostered ill-will.

M/I is expected to maintain the common areas and neighborhood until such time the homeowners take control of the HOA. Doing so makes the community more desirable to potential buyers and creates a community where current homeowners are proud to live.

In conclusion, we have given this situation a lot of thought. We have gone back and forth and have concluded that we all make mistakes, in our personal and professional lives. M/I has admitted they have made an error in judgment in our community in regard to the plotting of lots. They have also admitted they have fallen short maintaining the community.

While the resolution may not be exactly what everyone thought we were buying in to when we signed our contracts and the rules are changing a bit and yes, perhaps if we had the benefit of the proposed changes we, ourselves, would have made different choices. We feel the same grace we desire when we make a mistake should be given to others. Yes, M/I is a large company. Companies however, are made up of people. People who go to work every day and sometimes make mistakes. M/I is working to correct issues and create a plan that works for all concerned.

- The latest proposal received from M/I is reasonable and acceptable to us and has our support.
- We challenge the city to find a way to hold all builders in the community accountable, giving residents reassurance their communities will be maintained while both the HOA funds and control are out of their hands.

We are hopeful both sides will identify more on a human level and in the end both sides will put forth the effort to work towards the common goal of creating a beautiful community. A completely built, well maintained, beautiful community with happy residents! Then and only then, don't we all win?

Thank you for your thoughtful consideration of this matter.

Jim & Jeanette Tritz
18184 Starview Drive
Westfield, IN 46074

Petition 1409-PUD-14 by M/I Homes of Indiana, LP. It was introduced at City Council as Ordinance 14-34.

I wish to again state my opposition and objection to this petition in total for all sections and lots of the Water's Edge Subdivision without variations or changes from the existing 6' side yard setback standard.

I did attend the APC public hearing on August 18. With due respect, I do not see a compelling reason that M/I Homes actually needs this change. It would be no benefit to existing homeowners, City of Westfield, or in reality any new home buyers if all homes were to become large 3 car garage homes. Larger homes would not necessarily increase the property values since some of the 2 car garage ranch homes in Water's Edge actually are worth more and appraise higher than some of the larger 3 car garage homes.

I like the diversity of Water's Edge with different sizes and styles of homes with the mix of families, young couples, empty nesters and single homeowners. I feel M/I Homes is pushing just their larger and so called more popular homes and not building some spec homes of the smaller type to attract other buyers. I feel certain that if they were to build some of their 15 homes plans that will fit these lots as spec homes that they would sell very quickly. Every single spec home they have built in Water's Edge, including smaller with 2 car garages have sold quickly. That again is attracting the diversity of home buyers.

They have some unsold lots available that will accept homes with a three car garages in Section 1. Those lots are not being offered for sale as they say they are too close to the model home which would distract from people finding the model. They have lots to sell that people want but they will not sell them. Seems to go against what they say they need, larger lots when they have some. They also are in the process of soon opening section 3 which has more lots that would accommodate larger homes.

We built in Water's Edge because of how it was proposed and has been developing with the diversity of homes and homeowners. To change and possibly allow basically the same home plan on lot after lot will bring this subdivision to more of a cookie cutter look which is not what any homeowner wishes for where they live. M/I Homes will sell out and complete this subdivision, including section 3 which is not yet open, and then move on to someplace else. Who will be left in Water's Edge will be the homeowners to take care of each of our homes and our HOA, at that point overseen by we homeowners, to maintain this subdivision, hopefully as it was proposed to be developed and as we built accepting and in good faith thinking it would continue to be completed.

I appreciate the opportunity to express my concerns and feeling and the fact that the councils are willing to listen and try to understand the homeowners who in reality are who the subdivision really is. It is not just the homes and landscape and roads, but we homeowners that live and maintain it.

Thank you very much.

Dennis Wallace
1291 Cliff View Dr
Lot 21 Water's Edge at Springmill Trails
317-399-6178
dwalaska1@gmail.com

Good Day Again.....

Following the meeting between M/I Homes and homeowners at Water's Edge on Wednesday August 27, we received a sort of new plan by M/I Homes to still ask for a change in some side yard setbacks, now some only on the street side, and maybe leaving a few lots as it, but several others that even have homes already built on the lot next to those.

This still is not only not necessary but would even more so mismatch and mess up the diversity of this subdivision.

As was developed by M/I Homes, all the unsold lots have many home plan options that will fit, can be built, and will sell on these lots. They may want to sell homes with a 3 car garage, however as has been proven by the homes already built, not everyone wants a 3 car garage.

The standard was set, accepted by all parties, has been working and can continue to work and there is no compelling reason to change it. M/I wishes to build the 'product' they want but we the homeowners do not see a product, we see homes, our homes and our subdivision homes.

I must continue to adamantly oppose and object to any change in the original petition by M/I Homes or any change or compromise they propose. Leave the standards as they are.

Respectfully,

Dennis Wallace
1291 Cliff View Dr
Lot 21
317-399-6178
dwalaska1@gmail.com

I want to thank all of you that was able to attend the meeting between M/I Homes and the homeowners at Water's Edge.

I believe everyone got a clear understanding of the displeasure we all have with this petition to change the side yard setback standards. 6' is certainly close enough and reducing it is not at all in our best interests and we expressed that very clearly.

M/I Homes does have home plans to fit the unsold lots in this subdivision. They can also add even more home plans that will fit these lots as they do have them in their building portfolio.

For section 3, and it was mentioned several times, M/I Homes can remove a few lots there making the others larger to accept the particular homes that they say they want to build. That becomes the best for the current homeowners and a very easy thing for M/I Homes to do and in the end, all parties are fine.

For myself, I still adamantly oppose changing the side yard setback standards from 6' to 5' for ANY lots within the Water's Edge subdivision, section 1, 2, or 3.

Thanks for listening and reading our letters and emails.

Dennis Wallace
1291 Cliff View Dr
Lot 21 Water's Edge
317-399-6178
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I have attached a letter stating my concerns for any change to the existing standards for Water's Edge at Springmill Trails. I feel that 6' is still very close and wish it were more, but now, after the fact, to reduce it to 5' is not the right thing.

I appreciated the public hearing on this matter and the willingness of the council to listen to the homeowners. We built here accepting the standards and knowing the diversity of what it would become as it is developed and to change that up now is not in the best interest of our community. We homeowners are this community.

I know other homeowners have the same concerns and feelings and I thank you for reading our emails, letters, and taking your time for us to express these.

Dennis Wallace
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It was suggested that I perhaps drop you an email as well. I have sent emails and objection letters to: Economic and Community Development Department Jeffrey Lauer and two of the City Council members.

Those emails and this one as well pertain to the petition by M/I Homes of Indiana 1409-PUD-14 which was introduced to the City Council on August 11 as Ordinance 14-34.

I am totally against this for many reasons, the main one perhaps is that it is just plain wrong and no reason is in place for it to move forward.

The side yard setback was set as standard 6'. This should be minimum in most any subdivision. It was established by City of Westfield and accepted by the developer, M/I Homes. It was also accepted by all of the homeowners who have built here, and over half of sections 1 and 2 already have homes.

I was told M/I Homes has not remaining lots that will allow a home with a 3 car garage. That is not totally true. They have I believe 8 lots in section 1 near the model home and at least some of those possibly could accept a 3 car garage, but M/I Homes are not selling those lots. You will have to ask them why.

Also, section 3 is not yet open and could be yet this year. That section has lots that will accept a 3 car garage and since it is not open, they could even remove some lot making the others larger and put all 3 car garages there.

They could easily build spec homes on the lots they say they cannot sell, ones that will fit. And they have sold every single spec home in Water's Edge that they have built except the three current under construction. There are people like empty nesters, first time home buyers, young couples, that might love a smaller home with a 2 car garage but they have none here to look at because M/I Homes only wants to build larger more expensive homes.

Bottom line, to reduce the side yard setback from the Standard 6' as established and accepted to 5' will diminish the quality of Water's Edge at Springmill Trails, set a very bad precedence by the City of Westfield that other developers might think they could force a change as well.

Plus, it is a slap in the face of the existing homeowners who also built here and accepted the standard 6' side yard setback with good faith that they would not be encroached upon by a major change in the rules, so to speak.

I respectfully request this petition/ordinance be denied.
Thank you.

Dennis Wallace
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Jeffrey,

I attended last night's council meeting. Sorry I did not get a chance to meet you.

Weird that no one from M/I/ Homes was available to answer questions. I can answer one that was asked, I believe by Cindy Spoljaric. If this does not pass, can M/I Homes still build homes with 3 car garages. That answer is Yes. They have many lots in this subdivision that can accommodate 3 car garages. And for those lots that cannot, they also have numerous home plans that can be built on them.

M/I Homes was very short sighted when they developed this subdivision and put as many lots in it as they could. They knew then that some would not be able to accommodate their larger home plans, but they have many home plans that will work. If they had platted with a few less lots and all being a bit larger, they could build any of their home plans on any lot. I am sure all this was known when it went thru the planning phases and they agreed to the rules and standards and this should not be changed after the fact. I am sure you know that this subdivision is about half sold out and built on already and any change of standards from what we existing homeowners accepted would be a total disregard for us as tax paying citizens who accepted the standards. M/I Homes accepted those standards as well and should not be allowed to change.

I did send a letter my council member and to the City of Westfield Economic and Community Development Department and have attached a copy with this email.

Not sure you part in all of this, but I doubt you or any member of the council can look at the standard of 6' side yard setback and say that is too much room so let's reduce it. That in my opinion should be the very minimum and personally feel even that is too close.

Respectfully,

Dennis Wallace
1291 Cliff View Dr
Lot 21

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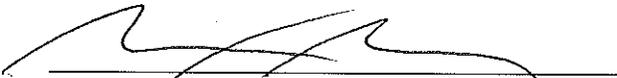
**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY
PLAN COMMISSION CERTIFICATION**

The Westfield-Washington Township Advisory Plan Commission held a public hearing on Monday, December 15, 2014, to consider an amendment to the Zoning Map and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Advisory Plan Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The petition is as follows:

Docket No.	1409-PUD-14
Ordinance No.	14-34
Petitioner	M/I Homes of Indiana, LP
Description	M/I Homes of Indiana, LP requests an amendment to the Springmill Trails PUD Ordinance, affecting specified Lots within the Water's Edge Subdivision of the Springmill Trails PUD District.

On December 15, 2014, a motion was made and passed to send a unanimous favorable recommendation to the City Council regarding this petition (Vote: 7 in favor, 0 opposed).

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.



Matthew S. Skelton, Secretary

December 16, 2014

Date