The Westfield-Washington Township Advisory Plan Commission met at 7:00 p.m. on Monday, November 26, 2007 at Westfield Town Hall. Members present were Jim Carey, Gloria Del Greco, Bob Horkay, Ginny Kelleher, Ken Kingshill, Joe Plankis, Bill Sanders, and Cindy Spoljaric. Also present were Greg Anderson, Al Salzman, Jennifer Miller, Kevin Todd, Jeremy Miller, and Attorney Brian Zaiger.

Not Present: Carolyn Sue Stevenson

OPENING OF MEETING

Spoljaric would like more detail regarding the committee support on 0706-PUD-03.

Kingshill stated that on page two, second paragraph, second sentence, should be "expressed concern about north portion, above SR 32."

Kingshill moved to approve the October 22, 2007 minutes as amended.

Spoljaric seconded, and the motion passed 8-0.

Miller reviewed the Public Hearing Rules and Procedures.

Salzman reviewed continued items and waiver requests.

Mr. Charlie Frankenberger, Nelson & Frankenberger, representing the Bridgewater Club, requested a waiver request regarding the mailing aspect of the notice requirement, which pertains to the 14.5 acres of the Bridgewater Club on northeast corner of 161st Street and Carey Road. He further explained that the Text Amendment request is to eliminate the side yard requirement but to keep intact the 10-foot building separation, so after the revision, the homes will be just as far apart, but the homes will be better located on the lot.

Frankenberger then stated that in the interim, the petitioner is requesting some relief from the mailing aspect of the notice requirements. He stated that the Zoning Ordinance requires notification by certified mail everybody within 660 feet or two deep of the subject parcel, whichever is less, and that the Zoning Ordinance also requires notification of everyone around the nearby parcels in which the developer or applicant has direct or indirect financial interest. He further stated the problem this presents with the Bridgewater Club is that there is a lot of land still in the Bridgewater Club and some land west of Carey Road in which the applicants clearly do have a direct interest and arguably have a direct or indirect interest. Therefore, in order to avoid sending out notice to everyone around the Bridgewater Club and everybody around some of the land to the west of Carey Road, down into Carmel, and east into Noblesville, the petitioner is requesting permission to notify everyone within 660 feet or two deep within the subject parcel by certified mail, per the auditor's records, and in addition will notify everyone by regular mail internal to the Bridgewater Club, everyone who is an owner per the Bridgewater Club's records.. In addition, everyone notified by letter, whether regular or certified mail, will receive an invitation by regular mail to a neighborhood meeting where the text amendment will be discussed.

Kelleher stated this seems like a reasonable request.

Plankis moved to approve the request for waiver as stated by the Petitioner.

Horkay seconded, and the motion passed 8-0.

Kelleher stated that there are three items under old business, which have all had Public hearings in the past, but because of going to committee or being delayed for some other reason, will allow public comment this evening, but will limit it to one person opposed and one person pro the development.

OLD BUSINESS

0707-REZ-02 16201 Spring Mill Road Zinkan & Barker requests a change in zoning for approximately 16.79 acres from the AG-SF-1 and SF-3 Districts to the GB District.

Salzman briefly recapped the petition history.

Horkay reviewed committee discussion, stating there was generally very little interest in pursuing this, and that one of the opinions forthcoming which is still valid is that a special study of this area has been authorized, which will not be completed for some time to come. The Committee requested delaying any decision until the study was completed, but to no avail.

Del Greco stated this request is inconsistent with the recommendation of the Comprehensive Plan. She also stated that under Architectural Commitments, it states, "Franchise architectural elements should be discouraged," but rather it should say it should be consistent with existing development.

Mr. Kevin Shebott, representing Crossroads Church, spoke in support of the rezoning of the 1.7 acres

Del Greco still believes waiting until the 161st Street Study is done before making any decision would be better.

Horkay proposed tabling this petition until January.

Mr. Bob Barker of Zinkan & Barker Development, present in the audience, requested the matter be heard this evening.

Horkay moved to send 0707-REZ-02 to the Town Council with a negative recommendation.

Del Greco seconded, and the motion passed 6-1-1 (Carey) (Sanders).

0710-PUD-04 704 East State Road 32, Wilfong & Kreutz Land Development, LLC requests a change in zoning for approximately 22.3 acres in from the EI zoning district to the Oak Ridge Pointe Planned Unit Development zoning district.

Miller reviewed the staff report and petition history.

Mr. Jon Dobosiewicz, Wilfong & Kreutz Land Development, introduced Beau Wilfong, Jose Kreutz, Ephraim Wilfong; Charlie Frankenberger, Nelson & Frankenberger; Matt Brown, A & F Engineering and presented details of the petition and reviewed the history of the petition.

Del Greco reviewed the committee discussion which was positive and addressed the public's concerns.

Spoljaric asked what will insure that the commercial districts do not all wind up as retail and services and no office.

Dobosiewicz responded there was a limitation on the amount of retail, and there are only certain uses under service uses.

Spoljaric referred to the table of permitted uses and asked why discount stores are allowed, but not department stores.

Dobosiewicz stated it was not the intention to include department stores at this location, but stated their willingness to include this if the Commission so chose.

Sanders moved to send 0707-REZ-02 to the Town Council with a positive recommendation.

Kingshill seconded, and the motion passed 8-0.

0710-REZ-05 161st Street & Union & US 31, Pine Tree Acquisitions, LLC requests change in zoning of approximately 63.92 acres from SF-2 and GB to GB-PD.

Salzman reviewed the staff report and petition history, stating this petition has been to subcommittee. He stated the petitioner has slightly modified the site plan as well as the commitments.

Spoljaric stated that part of this project is in a designated wellhead protection area.

Mr. Barry Herring, Pine Tree Acquisitions, presented changes to the project and commitments, including reintroducing small shop retail buildings located at 161st Street and US 31 rather than the big box users. He also discussed the work to 161st Street, which includes two full left turn lanes, a through lane, and a right turn lane. He further stated the agreement to share in the expense of widening the bridge on 161st Street which will widen the bridge from two lanes to four lanes. Herring further discussed significant changes to the northern boarder including adding a 60-foot tree preservation area, additional 46 feet which includes sidewalk, retaining wall, and landscape buffer; to the south from the frontage road, more landscaping and sidewalk. He further stated a roundabout has been added to the intersection on Union Street. He also discussed the new trail plan and bike- and pedestrian-friendly walkways.

Mr. Steve Hoover expressed concern about the size of the total project, single use square footage, the site plan, building height, external facade, access, truck access, landscaping, and the lack of commitments.

Mr. Steven Holloway believes Westfield needs projects like this in order to bring the residential tax base down and spoke in favor of Lantern Commons.

Horkay commented on the subcommittee discussion which included concerns of the design of the center. He further stated there was a 4-0 decision that the project does not meet the intent of the Comp Plan and a 3-1 vote to send a negative recommendation versus no recommendation.

Spoljaric expressed concern about the lack of information at this time and all the changes that have been made.

Del Greco expressed concern about the amount of changes each time a presentation is made.

Sanders expressed concern about the roundabout and truck traffic, drainage, landscaping, retaining wall, change in building height, and recommended this petition go back to subcommittee for further review.

Kingshill expressed concern about the commitments and the number of changes

Plankis stated this is a vast improvement but with all the changes, are the commitments firmed up. He also asked if this is the final site plan.

Plankis asked about the time line for the project.

Herring responded they hope to break ground in late December.

Herring responded to the comments of the Commission as well as the public.

Horkay stated the parking adjacent to the two building on the corner is all north and east and asked if the intent is to have something to look attractive, what is the plan to have those buildings functioning.

Mr. Doug Nance, Greenburg-Farrow Architects responded that they envisioned four-sided architecture; all sides of the building would have that type of flavor of architecture. He further stated they also envision the facades facing 161st Street would have pedestrian flair which could mean window displays, entrances to the shops, etc. Nance also stated the main facade would be facing the parking lot because that is more convenient for customers.

Mr. Matt Price, Attorney, representing Pine Tree Acquisitions, stated the petitioner has been up front about the timing needs of this project. He further pointed out that the petitioner is not in disagreement over the substance of the commitments but rather the wording or phraseology of the commitments.

Kelleher pointed out that Westfield does promote business and quality development such as this; however, the Commission is also trying to buffer new development inconsistent with existing development to make sure the buffering is appropriate for the residential areas. She further stated there are site design comments based on the information received previously, but that the important things are the elements in this design that impact neighbors on the other side and whether these are adequately designed. We understand the petitioner has deadlines and timetables, but there are issues with this, such as taking the commitments and making them fit what has been shown to us.

Herring proposed the Commission send a positive recommendation contingent upon adequate commitments being drafted and agreed upon prior to the December 10 Town Council Meeting.

Kelleher stated she was uncomfortable with this proposal.

Spoljaric stated she would like to see a commitment in terms of environmental preservation of certain features of this site beyond the tree preservation buffer.

Kelleher stated she is not sure the staff report supported the five statutory consideration points absolutely and concretely. She further stated staff was very reasonable in saying this area is open to discussion and somewhat subjective.

Spoljaric moved to send 0710-REZ-05 to the Town Council with no recommendation.

Sanders seconded, and the motion passed 5-3 (Plankis, Del Greco, Kelleher).

The Commission took a ten-minute break.

NEW BUSINESS

0710-ZOA-03 Section WC 16.08.010, (I), A revision to the language of the Westfield-Washington Township Zoning Ordinance to provide for signage for second-floor tenants in multi-tenant commercial structures, proposed by Thompson-Thrift Development.

Todd presented the details of the Zoning Ordinance revision, which is to address a current void in the sign ordinance regarding tenant signage for tenants above the first floor of a multi tenant structure. He stated this revision was worked through with staff, the petitioner, and the Standards Committee. He stated that at the final meeting, the Committee agreed to send this petition to the full Plan Commission with a positive recommendation. He discussed a couple of new exhibits being presented, two specifically at the request of the Committee and one demonstrating the difference between a 35% ratio in trying to determine second floor signage area vs. 65% and stated it was agreed that the 35% was acceptable. He continued stating the second item was definitions of the new terminology generated by this text amendment; these will be added to the definition section of the ordinance as an amendment and not to the sign ordinance. Lastly, he reviewed the amendments which have been proposed to the sign ordinance as a whole.

Todd reviewed the changes to the Ordinance per Kelleher's request.

Horkay asked, regarding Section E, General Sign Recommendations, 14B, regarding individual mounted letters. He questioned that if we are going to start allowing additional signage, especially on the fronts of buildings, why are we not requiring individual mounting of the letters?

Todd agreed this is certainly something to consider, but this is a general provision; we were not necessarily requiring a certain type of lettering.

Kelleher asked if the definitions are to be included tonight.

Zaiger responded there would be no vote taken tonight.

Del Greco asked under non-residential districts, applications for temporary sign permits, what constituted the need for temporary sign permits....i.e. 4-H, church activities, etc.

Todd responded, that is not part of this amendment, but yes, permits are necessary for those types of signs.

Kingshill asked about the costumed individuals advertising outside of businesses and in rights-of-way.

Salzman stated they could make the argument that the sign ordinance does not allow them; there is no explicit prohibition in our ordinance.

A Public Hearing opened at 9:41 p.m.

No one spoke, and the Public Hearing closed at 9:42 p.m.

Spoljaric stated she was not on board with this project, but thanked the petitioner for their input.

Kelleher stated this would change the lighting ordinance as well due to the section on page 4, Signs Comprised of Individual Letters..., but it does not say which floor, whether this is only the second floor; it is not under a category identifying anything in particular.

Todd responded, this is correct, when the reverse channel letter provision was put into the requirements, it opened it up to anybody, if you are going to use it, these are the standards; same vein for the lighting, if you are going to use these letters, these are the standards you must follow.

Plankis moved to approve the Ordinance as presented.

Sanders seconded, and the motion passed 7-1.

Amendment Town of Westfield Road Impact Fee rate structure.

Mr. Kurt Wanninger, Westfield Public Works, introduced Matt Miller, HNTB, and presented the details of the Road Impact Fee Rate Structure. He stated the main reason for this ordinance is that the Westfield Public Works Department reassesses the needs of the community every two years to determine what the level of service is on the roads and to determine what supporting road impact fees will support the construction and development of those roads.

Miller gave a brief overview of the study to update the impact fee.

A Public Hearing opened at 10:00 p.m.

Ms. Angie Gidley, B.A.G.I., expressed concern regarding the west side of US 31 and the economic development impact and asked whether developers are able to do credits in lieu of impact fees.

The Public Hearing closed at 10:02 p.m.

Kingshill moved to forward the amended Road Impact Fee Rate Structure to the Town Council with a positive recommendation not to exceed the amount proposed in the study.

Del Greco seconded, and the motion passed 7-0-1 (Kelleher).

Amendment Town of Westfield Park Impact Fee rate structure.

Mr. Curt Cooley, Westfield Parks Director, presented the details of the annual review of the Park Impact Fee Rate Structure. He stated annually the deficiencies and needs of the community and reviewed and compared to the five year plan done in 2004. Presently, the fee for a single family housing unit is $875. Study looks at a recommended increase to $930.00. He stated future projects included development of Armstrong and Osborn Parks, Freedom Trails Parks improvements, and Woods at the Maples.

Spoljaric asked about the amounts in the surrounding communities.

Cooley responded Noblesville has two different fees, $1,200 and $1,300; Carmel's fee is $1,100; Cicero is about the same as Westfield.

Plankis asked to see figures at the Town Council meeting in December on what values other communities use to determine their fees.

A Public Hearing opened at 10:15 p.m.

Ms. Melody Sweat asked where in the budget are park impact fees accounted for, are they their own line item, and are they used for improvements of undeveloped land for new parks.

Zaiger responded that the Park Impact Fees are collected through the permitting process and given their own account number and fund. He further stated they are not required to be used for the acquisition of park area; they are used to raise the level of services of the Parks Department, infrastructure, land acquisition, etc.

The Public Hearing closed at 10:17 p.m.

Plankis moved to send the Park Impact Fee Structure Ordinance to the Town Council.....Brian was mumbling.

Horkay seconded, and the motion passed 7-0. (Kelleher absent from vote)

WCD REPORT Springmill & 161st Special Study Update

Salzman stated an HOA meeting with Crosswind Commons and Mulberry Farms is pending. He further stated staff will begin working on our design gallery next week as well as the survey tool.

MISCELLANEOUS

Spoljaric asked for details on the Administrative Determination on 0711-DP-17 and 0711-SIT-14.

Salzman responded the Oak Manor North PUD overall site plan was previously approved and they are proposing a slight modification of one of the outlots. He further stated that the terms of development plan review provide for staff to administratively approve reductions on previously approved site plans.

Salzman introduced Community Development's newest staff member, Jeremy Miller.

The meeting adjourned at 10:24 p.m.

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President Secretary