

Received 1/3/12

To the APC, City Council and Staff of Westfield

My name is Ginny Kelleher and I live at 3920 West 166th Street in Westfield.

The following are my comments for the public hearing on the Trail Overlay being presented before the Westfield APC on 1-3-2012.

I have reviewed the proposed ordinance, cross referenced existing Westfield ordinances, looked at the current land uses and topography and Westfield's latest comprehensive plan, I have the following comments:

Page 1

Applicability

As written, it appears that the overlay applies to a 100 foot depth of all properties touching the trial ROW (after it has been acquired by Westfield).

I believe that the committee did not mean to include any existing residential land uses in this overlay. However, the DPR in it's current form would require that any current residential land owner would fall under this overlay if they did any kind of construction or modification – added a garden shed, put in a fence or added an addition to their home. (See DPR 16.04.165 B.2.).

Current residential land uses should be exceptions.

Page 2

Trail Districts

The Urban sections are to be land uses that are more commercial in nature, but in reality, many of these sections are currently residential (Village Farms, Viking Meadows). You may wish to consider residential infill in some of the future areas of the trails and modify the ordinance to accommodate that.

The Natural sections are less intense and I believe would be best preserved with residential development. The area along Little Eagle Creek is currently large lot single family residential and small farms with horses, sheep, etc. The Comprehensive Plan for that area calls for this type of development (artisan farms) or conservation subdivisions. These would preserve the land along Little Eagle Creek in a natural setting.

Pages 4-12

Architectural Design Requirements

As written, these requirements apply to all development (commercial and residential). However, they are almost entirely commercial in nature (as are the pictures included). I don't believe that these design standards should be applied to

residential (would create a very unattractive subdivision). You might consider using the current residential DPR standards or writing a set of design requirements that would apply to residential separate from the commercial.

Page 12

Walls and Fencing

This section specifically prohibits fencing for animals (horses, etc.). The area along Little Eagle Creek is home to many farms with horses and other farm animals. We who live out here, and the Westfield Comprehensive Plan, anticipated more development like this – low density residential development with a natural theme. This ordinance would not allow farm fencing within 100 feet of the trail ROW and would effectively take away the landowners use of their land for pasture. Westfield would also lose an opportunity to have the natural open space (pasture) that they are looking for along the creek.

It was very nice to see the areal photos of the urban sections of the trails in the ordinance. Adding those of the natural sections as well would be helpful in your planning.

WC 16.04.076 Trail Overlay Zone.

1) Purpose and Intent.

- a) The purposes of the Trail Overlay Zone are: (1) to preserve and enhance the aesthetic qualities of the trail corridors referenced in this ordinance by providing thoughtful and consistent treatment for property along the trails; and (2) to preserve and enhance the transportation and recreation functionality and safety referenced in this ordinance.
- b) Several figures are referenced within the Trail Overlay Zone ordinance. Such figures are intended to illustrate the specific subjects of the paragraphs in which they are referenced. Not every figure included in the Trail Overlay Zone ordinance is intended to illustrate a structure that fully complies with all standards of this ordinance.

✓2) Applicability. The provisions of this ordinance shall apply in the following instances:

- a) The trails to which the Trail Overlay Zone applies shall be defined as any property conveyed to the City of Westfield, by title or easement, for purposes of establishment of the Monon Trail, Midland Trace Trail, Monon/Midland Loop Trail, Cool Creek Trail, Natalie Wheeler Trail, Anna Kendall Trail, Grand Junction Trail and the Little Eagle Creek Trail (the "Trails"), as identified in Figure 16.04.076.A. *does this mean that if we have not acquired the property, this does not apply?*

REVIEW OF
OPR SUGGESTS
EXISTING USES (RESID)
COULD FALL
UNDER OVERLAY
OR ADDING A
SIMPLE GARDEN SHED
6.04.165
B.2.

- b) The Trail Overlay Zone standards apply to the following: any petition, application, development or improvements within the Trail Overlay Zone that proceed as a change in zoning, variance of use, development plan review or subdivision platting.
- c) The Trail Overlay Zone is hereby established as the land area within one hundred (100) feet of the Trail right-of-way line or the edge of Trail pavement, whichever results in a greater distance from the Trail centerline (the "Trail Overlay Zone").
- d) If any building, structure or improvement is only partially located within the Trail Overlay Zone, the provisions of this Section shall apply to all of such building, structure or improvement.

- e) To the extent the provisions enacted prior to the Trail Overlay Zone conflict to any previously established provisions elsewhere within the Westfield-Washington Township Zoning Ordinance, the provisions of this Trail Overlay Zone shall supersede and apply. *setback, now less, (no more street?)*

3) Exceptions. This Trail Overlay Zone ordinance shall not apply to the following:

- a) Real estate adjacent to the Trails that is owned by the City of Westfield or within the boundaries of Cool Creek Park owned by Hamilton County.

Why not City - if they believe these plots are so good?

b) Real estate separated from the Trails by a public vehicular Right-of-way.

c) ALL CURRENT RESID. LANDS USES UNTIL THEY FALL UNDER 2.b.

4) Trail Districts. The Trails are divided into two categories for the purpose of this ordinance, as described below:

a) Urban Section. The urban sections of the Trails are those sections identified as "Urban" in Figure 16.04.076.B (the "Urban Sections"). The Urban Sections typically run adjacent to land uses that are more commercial in nature. The Urban Sections are contemplated as providing a trail experience that includes a more man-made environment, manicured landscaping, amenities and a greater number of trail access points along the corridor.

DO NOT AGREE - THEY ARE OF HIGHER DENSITY - BUT SOME ARE RESID. USE - WE MAY WANT TO ENCOURAGE TRAIL WITH RESIDENTIAL IN SOME OF THESE.

b) Natural Section. The natural sections of the Trails are those sections identified as "Natural" in Figure 16.04.076.B (the "Natural Sections"). The Natural Sections typically run adjacent to land uses that are less intense than those adjacent to the Urban Sections. The Natural Sections are contemplated as providing a more significant tree canopy and a denser understory of vegetation, providing a greater buffer along the trail corridor. The Natural Sections are contemplated as areas where existing tree lines and vegetation are to be preserved in a relatively natural form to the extent possible.

MOST OF THESE AREAS ARE RESIDENTIAL (OR AREAS WE WOULD LIKE TO BECOME RESIDENTIAL RATHER THAN COMM

5) Permitted Uses. All uses permitted in the underlying zoning districts within the Trail Overlay Zone shall be permitted unless otherwise excluded herein.

6) Access Control Requirements.

a) Trail access points from existing private and public property shall not be permitted unless appropriate authorization is obtained from the Westfield Parks and Recreation Department prior to installation (see Westfield Parks and Recreation Department Trails Access, Rules, Procedures and Forms). *Cost?*

\$2000? in agreement for acquiring or should be access

b) Residential or commercial developments abutting the Trail are encouraged to provide a centralized trail access point. *at what cost?*

7) Setback Requirements. - *for commercial (includes MF) ? but not for residential subd. ?*

a) Minimum Trail Setback (the "Minimum Trail Setback").

existing or indiv. lot not in a subd.

i) Urban Section. The building elevations of all primary structures within the Trail Overlay Zone shall be setback from the Trails in accordance with the following paragraphs:

(1) In cases where the trail corridor right-of-way is defined as a separate parcel or where the width of the trail corridor real estate is defined on a development plan, the setback

1° st. 20' trail ROW

current setback
SF 1 100/20/30 G0 60/20
2 100/20/30 G0 60/60
3 20/10/30 E1 -/20
OE -/20

of the building elevation for all primary structures shall be at least twenty (20) feet from the trail right-of-way line.

- (2) In cases where the real estate of the trail corridor is not defined as a separate parcel and where the width of the trail corridor is not identified on a development plan, the setback of the building elevation for all primary structures shall be at least fifty (50) feet from the centerline of the existing or proposed trail. *(if trail = 33' for 1/2, then this adds 17' setback)*

ii) Natural Section. The building elevations of all primary structures within the Trail Overlay Zone shall be setback from the Trails in accordance with the following paragraphs: *adding 17' to setback from trail ROW*

- (1) In cases where the trail corridor right-of-way is defined as a separate parcel or where the width of the trail corridor real estate is defined on a development plan, the setback of the building elevation for all primary structures shall be at least fifty (50) feet from the trail right-of-way line. *50' from*

- (2) In cases where the real estate of the trail corridor is not defined as a separate parcel and where the width of the trail corridor is not identified on a development plan, the setback of the building elevation for all primary structures shall be at least eighty (80) feet from the centerline of the existing or proposed trail. *33' = 47' from ROW*

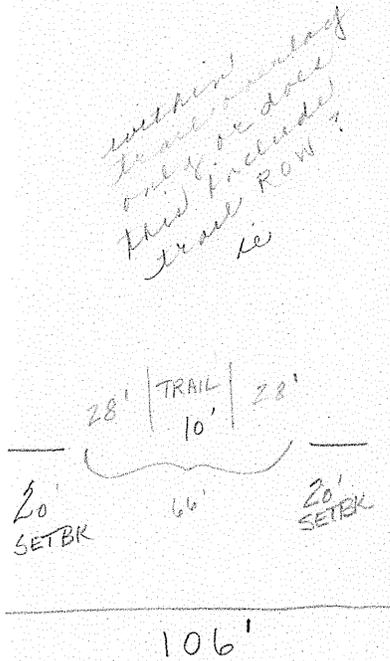
- (3) The minimum required setbacks for the Natural Section may be reduced by ten (10) feet increments based upon the density of vegetation within the Trail Overlay Zone. The Director shall determine the density of vegetation according to the following standards:

(a) #1 – No Screening. No visual screening provided; adjacent property is open fields or new development. No reduction in setbacks shall be provided (see Figure 16.04.076.C).

(b) #2 – Minimum screening. Some mature shade trees and seasonal understory; provides filtered visual screen through summer months only. The required setback shall be reduced by ten (10) feet (see Figure 16.04.076.D). *(handicap) w/ if add 10' of screen then 40'*

(c) #3 – Partial Screening. Dense tree canopy and understory mixed with evergreen trees and shrubs; provides consistent visual screen throughout the year. The required setback shall be reduced by twenty (20) feet (see Figure 16.04.076.E).

(d) #4 – Total Screening. Total visual screen provided with dense tree canopy and understory where trail sets at least seven (7) feet below grade or a seven (7) feet high landscaped earthen mound separates trail from adjacent property. The required setback shall be reduced by thirty (30) feet (see Figure 16.04.076.F).



b) Maximum Trail Setback. There shall be no maximum setback.

c) Accessory Structures.

- defined (No. acc. bldg) for 1 def. can be fence for 23 def

- i) No accessory structures shall be erected or placed within the Minimum Trail Setback, except as provided in the paragraphs in this section below. *ie resid. 50' setback in Natl. for house then no place for*
- ii) If provided for public use, the following items shall be permitted within the Minimum Trail Setback: gazebos, picnic shelters, permanent public restrooms, bike rack shelters and bike lockers, decorative walls and fences and hardscape amenities. *this encourages blders. to put any amenities in setback*
- iii) Although the following items are regarded as accessory structures in the Westfield-Washington Comprehensive Zoning Ordinance, they shall be permitted within the Minimum Trail Setback in the following instances: *in a subd.*

Confusing. Not by city. Would want further help.

- (1) Port-o-lets shall be permitted for special events associated with the Trails.
- (2) Monument signs – Monument signs shall be permitted in accordance with WC 16.04.076, Section 11.

8) Architectural Design Requirements. The following standards shall apply to improvements located within the Trail Overlay Zone:

these are more for commercial exempt residential or create another set of stds.

a) Design Theme – General Standards.

- i) Architectural variation is encouraged within the Trail Overlay Zone. The architectural requirements included in these Trail Overlay Zone standards are intended to provide consistent architectural quality among buildings and other improvements within the Trail Overlay Zone. *not in residential - we want diversity*
- ii) All structures within the Trail Overlay Zone shall be thoughtfully designed in a manner that visually and functionally complements existing topography of the building site and Trail.

b) Building Elevations. *- Commercial & Resid.*

- i) All building elevations shall be encouraged to have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice. (See Figure 16.04.076.G)
- ii) Building elevations 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 elevation length. Offsets shall be constructed at intervals of not greater than sixty (60) feet. (See Figure 16.04.076.H)
- iii) All buildings shall be constructed with the same quality of building materials and the same level of architectural detail on all elevations of such buildings.

same/ag?!

iv) Openings.

Spec.

- (1) Design elements of the building elevations shall be organized such that openings (including, but not limited to, windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) line up horizontally and vertically with other openings. (See Figure 16.04.076.I) *not residential*
- (2) Openings in a façade shall be arranged in a balanced, relatively uniform fashion. (See Figure 16.04.076.J)
- (3) Exceptions to these standards may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location and building site.
- v) Gutters and downspouts shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials used.

c) Roofs.

Resid

i) Pitched Roofs.

- (1) Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. (See Figure 16.04.076.K)
- (2) Pitched roofs shall be clad in wood shingles, slate, composition shingles, clay tiles or standing seam panels.
- (3) If asphalt composition shingles are used:
 - (a) They shall be gray, black, dark blue, dark green, barn red or dark brown.
 - (b) They shall be of the dimensional asphalt shingle grade. *- Resid doesn't require it*
 - (c) They shall be made of a non-reflective material.
- (4) If standing seam panels are used:
 - (a) They shall be gray, black, dark blue, dark green, barn red or dark brown.
 - (b) They shall be made of a non-reflective material.

ii) Flat Roofs.

Frank Lloyd Wright

Commercial

(1) Flat roofs are permitted if edged by architectural moulding, an articulated cornice feature or a decorative parapet wall. (See Figure 16.04.076.L)

(2) Parapets shall be fully integrated into the architectural design of buildings to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include roof-mounted equipment screening).

iii) Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings. (See Figure 16.04.076.M)

iv) Dormers shall be designed with appropriate details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs. (See Figure 16.04.076.N)

Specify

v) All visible vents, attic ventilators, turbines, flues and other visible roof penetrations:

(1) Shall be painted to match the color of the roof or flat black; and

(2) Shall be oriented to minimize their visibility from adjacent parcels and thoroughfares.

d) Main Entrances.

Specify

i) All buildings shall be designed with a main entrance and at least two (2) window openings associated with the main entrance. (See Figure 16.04.076.O)

ii) Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole. (See Figure 16.04.076.P)

iii) The location, orientation, proportion and style of doors shall complement the style of the building.

e) Secondary Entrances.

Specify

i) If the main entrance is not located on the elevation fronting the Trail, elevations fronting the Trail are encouraged to have a secondary entrance that complements the style of the building.

ii) All secondary entrances shall have at least one (1) window opening.

back door must have windows

iii) Secondary entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns and other design elements appropriate to the architectural style and detail of the building as a whole.

f) Windows.

- i) All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number of window panes, the number of window openings, window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be consistent with and complementary to the architectural style of the building. (See Figure 16.04.076.Q)
- ii) Window trim and other architectural design elements designed to accent the windows (e.g., shutters, keystones, ledges, etc.) shall be required for all windows unless, by determination of the Director, such trim or design elements would detract from the design objectives of the Trail Overlay Zone.

g) Awnings.

- i) Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors and details. (See Figure 16.04.076.R)
- ii) Awnings shall be made of a non-reflective material.
- iii) All awnings shall be kept in good repair.
- iv) Awnings used to comply with the architectural design requirements of the Trail Overlay Zone shall not be removed from a building elevation unless the building elevation would comply with such architectural design requirements without such awnings.

h) Drive-thrus and Fueling Stations. On parcels adjacent to the Trail right-of-way line (and also including parcels where the parcel line may not be immediately adjacent to the Trail right-of-way line, but such parcel line is located in such a manner that no significant structures can reasonably be constructed between the parcel and the Trail right-of-way line) the following standards shall apply:

- i) Drive-thru windows and lanes shall not be permitted between the Trail right-of-way line and the elevation of the primary structure that is nearest to said Trail right-of-way.
- ii) Vehicular fuel pumps and canopies shall be located at least thirty (30) feet farther away from the Trail right-of-way line than the elevation of the primary structure, to which the fuel pumps or canopies are appurtenant or associated, that is nearest to said right-of-way line. (See Figure 16.04.076.S)

i) Building Materials.

- i) Brick and other masonry materials (as defined in WC 16.04.165.D.4.f.) shall be the preferred exterior building materials within the Trail Overlay Zone.

DPR

No hardy plank!

*discouraging
resid development
along trails
and making
it monotonous*

- ii) The installation of brick or other masonry materials to create a wainscot or brick-wrap effect around buildings shall be encouraged.
- iii) A minimum of sixty percent (60%) of each building elevation shall be covered with brick or other masonry materials, exclusive of windows (including faux windows and glazing), doors and loading berths. For the purposes of meeting the 60% masonry requirement in the paragraph, E.I.F.S shall not constitute a brick or masonry material.
- iv) No more than twenty-five percent (25%) of each building elevation may be covered with metal or vinyl exterior building materials, exclusive of windows (including faux windows and glazing), doors and loading berths.
- v) Increased and enhanced use of brick or other masonry materials and other architectural ornamentation shall be required around building entrances and on building elevations visible from the Trail in order to create an aesthetically pleasing appearance and to create an appearance of high-quality, visually interesting architecture.
- j) **Accessory Structures.** All detached accessory structures shall be architecturally compatible with the primary building(s) with which they are associated.

9) Landscaping and Tree Preservation.

- a) **Purpose.** The purpose of the following provisions is to provide an enhanced vegetative appearance on both sides of the Trail through proper landscaping and preservation requirements throughout the entire Trail Overlay Zone. All landscaping shall comply with Section WC 16.06.010 of the Westfield-Washington Township Zoning Ordinance unless otherwise stated herein.
- b) **Planting Requirements.** The following plantings shall be installed within the Trail Overlay Zone:
 - i) **Urban Section.** Planting requirements shall only apply if the Director determines the density of vegetation to be a #1 or #2, in accordance with WC 16.04.176.7.ii.3.
 - (1) The primary landscaping materials used in the Urban Section shall be shade trees, ornamental trees, shrubs, ground cover and grass.
 - (2) A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Trail. All trees shall be at least two and one half (2.5) inches in caliper at the time of planting.
 - (3) Shade trees planted along the Trail shall be spaced at least fifteen (15) feet apart and no more than forty (40) feet apart.

(4) Landscaping required under this ordinance shall be counted toward meeting the planting requirements established in WC 16.06.

*if term
then ↓
landscaping
↓ setback?*

(5) The construction of intermittent, undulating mounds or berms along the Trail shall be encouraged, but not required. If mounds or berms are installed, they should be designed in a manner that complements other improvements in the vicinity and in no event shall such mounds or berms be installed in a manner that unsafely inhibits vehicular line of sight or use of the Trail.

ii) Natural Section. Planting requirements shall only apply if the Director determined the density of vegetation to be a #1 or #2, in accordance with WC 16.04.176.6.ii.3.

*same as
WC 16.06
16.06.050
mounds in
→ & trail
↓*

(1) The primary landscaping materials used in the Urban Section shall be shade trees, ornamental trees, shrubs, ground cover and grass.

(2) A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Trail. All trees shall be at least two and one half (2.5) inches in caliper at the time of planting.

(3) Shade trees planted along the Trail shall be spaced at least fifteen (15) feet apart and no more than forty (40) feet apart.

(4) Landscaping required under this ordinance shall be counted toward meeting the planting requirements established in WC 16.06.050.

(5) Trees should be planted in clusters in order to create a natural appearance along the Trail.

c) To the extent the provisions of this section conflict with the provisions established elsewhere within the Westfield-Washington Township Zoning Ordinance, the provisions of this ordinance shall supersede and apply.

10) Lighting. All lighting within the Trail Overlay Zone shall comply with the standards established in Section WC 16.07.010 of the Westfield-Washington Township Zoning Ordinance.

11) Signage. In addition to signage provided in accordance with the standards established in Section WC 16.08.010 of the Westfield-Washington Township Zoning Ordinance, uses directly abutting the Trail with a legally established Trail access point shall be permitted one (1) Monument Sign within the Minimum Trail Setback. The Monument Sign shall have a maximum Sign Area of twenty (20) square feet. The Monument Sign shall not count against the Sign Area Allocation established in WC 16.08.010.

12) Parking.

- low of way* — *2 bky spaces/home in rear*
- a) Vehicle Parking. Parking shall be provided in accordance with the standards established in Section WC 16.04.120 of the Westfield-Washington Township Zoning Ordinance, unless otherwise stated herein.
- b) Bicycle Parking. Any petition, application, development or improvement that requires off-street vehicular parking spaces shall provide bicycle parking in accordance with regulations set forth hereinafter:
- i) Location. Bicycle parking must be provided within one hundred (100) feet of paved Trail surface.
- ii) Required Spaces.
- (1) Required bicycle parking spaces shall include spaces in bicycle racks and/or bicycle lockers.
- (2) The following number of bicycle parking spaces shall be required at a prorated amount (any calculations resulting in partial spaces shall be rounded up to the nearest space):
- (a) Multi-Family Uses – Minimum of one (1) bicycle parking space for every three (3) dwelling units.
- (b) Other Residential Uses – No bicycle parking required.
- (c) Retail Uses and Developments – A minimum of five (5) bicycle parking spaces per one hundred (100) vehicular parking spaces shall be provided.
- (d) Educational Institutions – A minimum of two (2) bicycle parking space per classroom.
- (e) All Other Nonresidential Uses – A minimum of one (1) bicycle parking space for every one hundred (100) vehicular parking spaces.

13) Miscellaneous Requirements.

- a) Boundary Markers. Prior to development plan approval a staked survey must be completed and submitted to the Community Development Department to define the Trail boundaries. Prior to commencing and throughout the duration of construction, boundary markers shall be installed at the edge of the Trail right-of way. Boundary markers shall consist of concrete monuments, at least twenty-four inches (24") in height and placed at the property corners abutting the Trail. In addition, a temporary construction fence shall be placed along the Trail boundary prior to site work commencing and throughout the duration of construction.

b) Loading Berths.

- i) Loading berths shall be oriented in a manner that minimizes their visibility from the Trail.
- ii) The use of loading berth enclosures shall be utilized to accomplish this design objective as established in paragraphs (i) above.
- iii) Loading berths shall comply with the following standards:

- (1) All loading berths shall be adjacent to the primary structure and shall be located entirely within the side or rear yards of lots.
- (2) Loading berths shall be screened, to the extent reasonably necessary to accomplish the design objectives stated herein, by installing solid, opaque walls or fences. Special attention shall be given to minimize the visibility of loading berths from adjacent properties or Trails.
- (3) A chain link fence or a variation of a chain link fence shall not constitute an acceptable screen.
- (4) Loading berth walls or fences shall be softened by installing the following landscaping materials adjacent to such screens, except no landscaping shall be required where access/delivery doors or gates are present:

- (i) 1 ornamental or evergreen tree every 30 feet;
- (ii) 5 shrubs every 30 feet.

- iv) The use of mounds or berms shall also be an acceptable method for screening loading berths. Such berms may also be utilized in combination with a wall or fence enclosure to accomplish the screening objectives set forth in this ordinance.

c) Dumpsters.

- i) Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities shall be completely and permanently screened from the Trail and adjoining properties.
- ii) Screening methods for dumpsters shall include a solid wall or fence enclosure of a material that matches or complements the primary structure to which it is associated. (See Figure 16.04.076.T)
- iii) Dumpster enclosures which are structurally connected to the primary use on a given parcel shall be encouraged, but not required.

As now, berms must screen from front and back.

Special screen trash can

- iv) Man-doors which do not include swinging, moveable doors shall be encouraged in order to provide daily access to dumpsters for waste disposal. (See Figure 16.04.076.U)
- v) Dumpster enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.
- vi) Direct access to dumpster enclosures from within primary structures shall be encouraged.

d) Mechanical Equipment.

Screened

- i) Mechanical equipment shall be visually screened from the Trails when reasonably possible. In the event it is not reasonably possible to screen such equipment from view as described above, it shall be painted in a manner that blends with and/or complements the structure to which it is appurtenant.
- ii) When attached to the ground, screening methods shall include mounding/berming or an opaque wall or fence enclosure of a material that matches or complements the primary structure to which it is appurtenant.
- iii) When roof mounted, screening methods shall include parapet walls, enclosures or other similar architectural treatment that matches or complements the primary structure to which it is appurtenant.

e) Walls and Fencing.

**** →

*Screened?
fence?
AGSF?*

- i) The following wall and fence types are permitted within the Trail Overlay Zone: masonry, decorative metal (wrought iron, or wrought iron in appearance) or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile is recommended. Razor/concertina/barbed wire shall only be permitted with the express written approval of the Director and may not be permitted based on the visibility of the fence.
- ii) The following wall and fence types are prohibited in areas visible from outside the parcel on which such walls or fences are installed: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences and razor/concertina/barbed wire.

horses

→ fence

(supercedes zoning ord)

- f) Line of Sight. No obstructions to site lines between three (3) and twelve (12) feet above a Street shall be placed or permitted to remain within twenty (20) feet of the intersection of the Trail and any Street.

would not be good along ag prop (LEC) or encourage that type of devel

Trail Talk-Dec 5, 2011

PAGE 1

Introduce – Address – We have lived here for 85 years and are Landowners on the East Edge of Wash. Twp.

I am here to express my concern about Ord 11-32.

Some of you have said this has no impact on current owners of land unless the land is sold. Lets look at this ord. And it's impact on me, other landowners, and on the total Westfield community...And see if I can convince you just how wrong this thinking is;

Lets strip away all of the verbage and propaganda and explanations given for this document and get straight to the guts of this ord. The city wants to take a 50' strip of land all along this ~~39~~³² mile web of trails with no payment to the Landowners. And to add to the unfairness of this land grab, the city will let you buy your land back in 10' increments up to 30'. Each increment gets more costly.

This ord. has an immediate impact on me the day it is approved. Our property is on the east edge of the Twp. It borders on St Rd. 32-to the North. .on the Gray Rd-to the East... and includes a 20' strip of the Midland RR, R/W on the south. Approx. 10 Acres of this property is now on the market for sale. This ord. Takes a 120' slice or 18% of this property out of my control and out of the control of any party that might purchase it. Now, this is prime development property that is increasing in value as the 31 Interstate moves thru completion. This Ord takes 18% of this property, with payment for 3%. I call this an impact..wouln't you.

Now lets look at the impact on others. Have any of you really looked up and down the Midland RR. Have any of you really driven or walked along Little Eagle or Cool Creek? I have.... Unless development is already in place, or pipelines rule, most these corridors have heavy undergrowth, with bushes and Trees left as placed there by the Good Lord. Where development has already occurred, a significant portion has homes on both sides with back yards adjacent to the creek. A 200' strip of this complex ord. would get into the kitchens of some of these homes. *** Look at this map actual and proposed trails. Do you really want to add 200' of pure complications to each and every one of the lines you see here?**

Another major concern I have is on our tax base and on future commercial and retail development. The Westfield community continues to struggle to attract the commercial and business growth we so desperately need. Must we continue shooting ourselves in the foot by another layer of complex regulations that affects the salability of property and the tax dollars it gives us? Overlays on top of overlays.... More red tape is exactly what developers do not need.

This ord. Also raises these questions:

*What is it about city property that exempts it from trail protection?

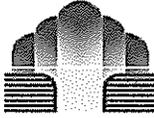
* Why is there nothing in your folders where staff has advised you of the protection that trails now have? What bad situation is this complex 39-page document is intended to solve.

Come on, lets use a little common sense. We do want and need trails for recreation and to connect with parks, entertainment centers, shopping venues, etc. But we do not need to make a park 240' wide and ~~39~~^{3.2} miles long for a 12' strip of asphalt to do this. Lets just build our trails in a sensible manner and not get wild with the overkill verbage in ord. 11-32.

We ask for your governmental leadership that represents the people in the Westfield Community and those in this room tonight. Just send this back to the Council as rejected with the knowledge that our trails already have ample protection. Thanks for your time.

PAGE 2

Bob Whitmoyer
1/3/12



To: amurray@westfield.in.gov,
Cc:
Bcc: "Kevin M. Todd, AICP" <ktodd@westfield.in.gov>,
Subject: Public input for Ord 11-32

*Please Submit
all to Committee.
Linda*

Andrew, I'm going to bring these by your office this afternoon:

Thanks for posting the info I submitted by email. Would you please add these 8 pages I handed you Monday night with copies of the emails.. Maybe you are still working on it? If so, ignore this reminder.

the 2-pages I spoke from
the page on Title 16 Land Use Controls X. Rail Corridors
the page on Title 16 Land Use Controls O. Farms Exempt
Pages 1 and 2 of the DPR Ordinance 16.04.165 with Page 2 #2 circled
Definitions taken from WC 16.04.210 Pertinent to this Ordinance

I am also submitting the reference materials I mentioned that I used.

Excel 3 page on Setback Impacts
Excel 1 page form on Setbacks taken from Zoning Ordinances
Excel 1 page on Trails and Miles

I and others truly appreciate the time and attention you are giving this ordinance and input.

Thanks,
Linda

January 3, 2012

Westfield Advisory Plan Commission Meeting

Trail Overlay Ordinance 11-32

Alan & Linda Naas – 1122 East 161st Street, Westfield, IN

This ordinance is understandably written from the perspective of the City but with not nearly enough consideration of existing landowners abutting these existing and trails. The fact that a lot of this ordinance was "cut & pasted" from the SR32 Overlay Ordinance sets it up to be hard to apply to trails and abutting properties.

This ordinance was introduced with "in most cases existing property owners will not be affected". However, even residential properties are triggered on Page 1 and taking usable/buildable land and putting restrictions on property affects landowners the day this would pass not some far date in the future based on land value.

There are thousands of acres of land abutting approximately 32 acres of trails affected and restricted by this ordinance – roughly 950 Acres to build 16-foot trails on 61 Acres.

It is our experience that most of the public and trail users think that the trail is just a 16-foot piece of property acquired for the trail. (Maybe they come from Carmel.) Many are surprised at exactly how much property is actually lost to the abutting landowner and affected by the presence of a trail. If this ordinance is approved, the total land affected for those of us on the Monon is 133 feet on each side - 83 feet no longer buildable or available for our use of property and another 50 feet restricted and more costly to build upon. That is a total width of 266 feet. A corridor of 166 feet in which nothing can be built except a 16-foot trail and trail amenities (Page 4) suggested to be built on private property by landowners for public use.

This is not a conversation about trails or not, it is about building smart using financial wisdom and respectfully and fairly treating our abutting property owners in the acquisition and impacts upon their properties. Taking another 20-foot width of their property or more with the setbacks proposed in this ordinance is an immediate reduction in the value of their property, their net worth, their borrowing power their use of their properties. Adding building restrictions reduces those further.

As built and existing now, the Monon Trail has 25 feet more than needed for the trail on each side of the trail which provides a considerable buffer that should be sufficient to meet the purposes of this ordinance:

- (1) to preserve and enhance the aesthetic qualities of the trail corridors referenced in this ordinance by providing thoughtful and consistent treatment for property along the trails;
- (2) to preserve and enhance the transportation and recreation functionality and safety referenced in this ordinance.

Where is the preservation and enhancement and safety for abutting properties?

Because there are underlying zoning setbacks for all properties abutting the Monon, that increases the buffer space by another 20 feet for many zonings, 30 feet for most residential zonings, up to 40 or 60 feet for GO/LB zonings. It is hard to be consistent when so many types of zoning and properties exist along these 8 trails.

So, existing ordinances already allow for 45 feet to 85 feet from the edge of the 16-foot trail on each side. But this ordinance is written to create of 100-foot trail corridor in Urban Sections and a 160-foot trail corridor in Natural Sections.

The fact that this ordinance increases setbacks from trail ROW's and centerlines greater than the setbacks required by underlying zoning shows that this ordinance is definitely to enhance trails but at the expense of private property and rights. Setbacks are widths of properties in which a landowner cannot build. The land acquisition for trail construction results in loss of buildable ground.

Go to printouts (emailed earlier to Andrew Murray).

Suggestions:

1. Do not change setbacks for existing property owners
2. Exempt AG and residential properties from this ordinance
3. Send this ordinance to a committee with public input to be revised to keep only necessary sections.
4. Consider and assure abutting property owners costs are comparable to their fellow property owners
5. Review each trail and the pertinent requirements and consideration for that area and those properties. Cool Creek Trail and Little Eagle Creek trail are not like the Monon Trail, for example.

Lastly – this ordinance was not posted until after 2:30 PM last Thursday – not 2 days prior to this meeting, especially short notice as Westfield offices were closed Friday and Monday.

Title 16 - Land Use Controls

Zoning Ordinance

Ordinance Number 1977-202 As Amended

Pages 6 & 7 Rail Corridors

X. Rail Corridors - The following regulations affecting the Alternative Transportation Plan (trails) shall apply to all property that abuts a railroad property line, current or former:

1. The railroad property lines used for platting purposes shall be those boundaries in place as of January 2001 according to Hamilton County mapping records.

2. The Westfield Community Development Department will work with owners of property that is adjacent to a rail line should any question of development arise. Any new development proposal that is adjacent to a rail line and requires an Improvement Location Permit or Development Plan Review shall be brought to the attention of the Director, who will address this section of the ordinance with the developer. The Director shall then inform the Town Manager of said development.

3. For any activity that would require an Improvement Location Permit, the Westfield Community Development Department shall work together with owners of property that is adjacent to a rail line regarding set back, landscaping and any other development standards deemed appropriate for the future development of the alternative transportation system and for the property owner. For new development proposals that are adjacent to a rail line and require an Improvement Location Permit or Development Plan Review, the Director will work with the developer to determine how the rail line will be used regarding set back, landscaping and any other development standards deemed appropriate by the Westfield Community Development Department.

4. The Town will work with any rail line property owner that can show best title as determined by a court of law with the intent of protecting the rail line right-of-way for the use as presented in the Alternative Transportation Plan in a way that is beneficial to all.

5. Any agreement must be approved by the Council and incorporated into the Town's plan approval process.

Date: As of 12/5/11

From: WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE 16.04.010

Linda Naas

1/3/12

Title 16 - Land Use Controls

Zoning Ordinance

Ordinance Number 1977-202 As Amended

Page 4

O. Farms Exempt - Farm structures constructed in the normal course of agricultural business for the support of individual farms shall not be subject to securing an improvement location permit except if any structure requires major plumbing, heating, sewage or electrical installations such structure will be subject to the permit fees contained in the chapter. If any farm structure, located in a district other than an area zoned GB, EI or OI, is used as an ancillary business such as greenhouses, wholesale or retail, or a feed mixing or grinding operation for a handling or service fee then a special exception must be authorized by the board prior to beginning construction or operating the ancillary business.

WC § 16.04.165 Development Plan Review.

Purpose: A Development Plan Review process is hereby established for the Town of Westfield and Washington Township, Hamilton County, Indiana. The purpose of the Development Plan Review process is to: (i) promote innovation and creativity in the design of the built environment; and, (ii) assure the compatibility of new development or major additions to existing development with the surrounding community. The Development Plan Review Process shall be applicable to all zoning districts. The Development Plan Review Process shall be applicable to any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to WC 16.08 et seq., located within the planning and zoning jurisdiction of the Westfield-Washington Township Plan Commission. The approval or disapproval of a Development Plan is hereby delegated to the Plan Commission, or, in certain limited situations as set forth below, to the Community Development Community Development Director.

A. Districts Designated for Development Plan Review.

The approval of a Development Plan shall be a prerequisite for any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to WC 16.08 et seq., in all zoning districts contained in this Ordinance.

B. Development Plan Authority.

1. Development Plan Authority Delegated to the Plan Commission.

The authority to approve or disapprove a Development Plan for the following developments is hereby delegated to the Plan Commission:

- a. any development for a use *other than* a Single Family Residential Use in a Residential District (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5);
- b. any proposed development in any Multi-Family District (MF-1, MF-2);
- c. any proposed development in any Business District (GO, GO-PD, LB, LB-H, LB-PD, GB, GB-PD, SB, SB-PD);
- d. any proposed development in any Industrial District (EI, EI-PD, OI, OI-PD);
- e. any proposed development of a Single Family Subdivision (AG-SF1, AG-SF-I, SF1, SF-A, SF2, SF3, SF4, SF5); and,
- f. any proposed permanent signs, in any district, that require a permit pursuant to WC 16.08 et seq.

2. Development Plan Authority Delegated to the Community Development Director.

The authority to approve or disapprove a Development Plan for any proposed development of or addition to a single family dwelling or accessory residential structure on *an individual lot* within a Residential District is hereby delegated to the Community Development Director.

C. Development Requirements ~~General~~

Each Development Plan shall demonstrate compliance with the Development Requirements specific to each District as well as the following Development Requirements:

1. Compliance with all applicable development standards of the zoning district in which the real estate is located;
2. Compliance with all applicable provisions of any Overlay District in which the real estate is located;
3. Compliance with all applicable provisions of the Subdivision Control Ordinance (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
4. Compliance with all applicable provisions of this Chapter WC16.04.165 (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver grant shall be required);
5. The proposed development shall be appropriate to the site and its surroundings based upon the recommendations contained in the Westfield-Washington Township Comprehensive Plan;
6. The design and location of proposed street and highway access points shall minimize safety hazards and congestion;
7. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development;
8. The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development; and,
9. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

3. Accessory Building - A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use and is under the same ownership. Accessory buildings must be subordinate in height, width, length and bulk to principal building. Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings but are not subject to improvement location permits.

22. Buffer Yard – A buffer yard is a unit of yard together with the planting thereon. They should physically separate and visually screen different zoning districts from one another without precluding connectivity between uses.

23. Buffering – The use of landscaping, berms, walls, or decorative fences to at least partially screen views of structures from streets or neighboring properties. Buffering is typically required to screen vehicular use areas, parking lots, and other visually obtrusive features of development from view.

82. Easement - Land which has been designated by lawful agreement between the owner or owners of land and a person or persons for a specified use only by such person or persons.

85. Evergreen Screen – A plant or plants growing to a specified height that retains foliage throughout the year, which is planted to provide a dense vegetative screen for purposes of visual obstruction (see *Vegetative Screen*).

110. Improvements – Any building, structure, parking facility, fence, gate, wall, work of art, underground utility service, land disturbing activity, or other object constituting a physical alteration of real property, or any part of such alteration (see *Land Disturbing Activity*).

118. Land Disturbing Activity – Any man-made change of land surface area, including clearing, cutting, excavating, filling, grading, or any other activity that alters land topography or vegetative cover. This does not include agricultural land uses such as planting, growing, cultivating, harvesting, or gardening.

120. Landscaping – The improvement of a lot, parcel, or tract of land with a combination of living plants such as grasses, shrubs, trees, and/or other plant materials and nonliving materials such as rocks, mulch, walls, fences, and/or ornamental objects designed and arranged to produce an aesthetically pleasing effect.

128. Livestock - Animals and especially farm animals, raised for use, profit or enjoyment including horses, ponies, cattle, sheep, goats and other similar domesticated animals.

154. Natural Areas – An area possessing one or more of the following environmental characteristics: steep slopes; flood plain; soils classified as having high water tables; soils that are subject to erosion; land incapable of meeting percolation requirements; riparian corridors; mature stands of native vegetation; aquifer recharge and discharge areas; wetlands and wetland transition areas; and significant wildlife habitats (see *Riparian Corridor; Vegetation, Native; Wildlife Habitat, Significant*).

174. Person - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

201. Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution.

252. Structure - Anything constructed or erected which requires location on the ground or attachment of something having location on the ground.

278. Vegetative Screen – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view (see *Screen*).

282. Wildlife Habitat, Significant – A geographic area which provides food, shelter, nesting sites, territory, and protection for important animal, insect, and/or plant species.

SETBACKS: IMPACTS ON ACREAGES IN WESTFIELD & WASHINGTON TOWNSHIP BY THE PROPOSED ORDINANCE 11-32

* These acreages do not include the balance of properties to which setbacks and overlays are applied. Adding those acres of residual property would increase these numbers to thousands of acres, perhaps over 10,000 Acres.

* The Committee should do their homework and figure these numbers and impacts as part of the consideration of such an overlay and present that information to the Public, APC and Council for their consideration before any recommendations or votes for approval to allow for an informed decision.

* New ordinances or ordinance revisions should impartially study impacts and make a fiscal plan to enforce/enact. This is the same as should be done on the overall Trail Plan.

8 TRAILS	Urban Sections	Natural Sections	Total	Source:
Miles of Trails	6	25.5		Westfield Community Deveopment Dept
Feet of Trails	31,680	134,640		Conversion computation
Feet of Setback (from center of trail), conservatively, nothing to be built in this area	100	160		Page 3 Ord. 11-32 (proposed, both sides of trails)
Total square feet of Setback	3,168,000	21,542,400		
TOTAL ACRES TAKEN UP BY SETBACKS	72.73	494.55	567.27 Acres	

Compare this 567.27 Acres for linear trail parks to the acreage in other Westfield parks, singularly or in total. Compare it to the Grand Park.

The City of Westfield should understand that the cost of land alone would be comparable per Acre.

Linear parks impact multiple landowners and, therefore, there are far less land donations to be expected as compared to a single landowner.

To date there are no land donations for the Grand Park acreage.

Do the Grand Park and other Westfield parks have their own setback/buffer areas to what they will build next to an abutting property?

Are there setbacks or buffers defined for Trails?

Should there be an ordinance defining trail and park setbacks and buffers to abutting properties?

Abutting property owners should be assured that parks can't build to their property lines and that they will be buffered and even fenced off.

There will be Trail Corridors throughout Westfield and Washington Township of 100-foot width for 6 miles and 160+-foot width for 25.5 miles in which nothing can be built except Trail amenities as defined by this Ordinance. Page 4

To accomplish this, the use of many acres of land will change through City acquisition or setback increases.

8 TRAILS	Urban Sections	Natural Sections	Total	Source:
Additional Overlay beyond the Setback, 100 feet total (50 feet each side) - building and design restrictions	100	100	Total	NOTE: Would be more considering principal buildings partially within become totally subject to overlay. Page 1 2)d)
Total square feet of add'l 50' overlay	3,168,000	13,464,000		
Total Acres of Additional Overlay	72.73	309.09		
Total Acres of Trail and Overlay	145.45	803.64	949.09 Acres	Conservative - see prior notes. Add totals from table above.
Total Acres of Trail Construction - 16-foot trail times 31.5 miles			61.09 Acres	Acreeage needed for 16-foot paved trail - no buffers.

INFORMATION FOR CONSIDERATION IN EVALUATING INCREASES IN SETBACK CHANGES FROM UNDERLYING ZONING: NATURAL SECTIONS

Acres taken by a 20' increase in setback times 25.5 miles	123.64 Acres	Res & AG/SF1 have 30 -foot setbacks by underlying zoning.
Acres taken by a 30' increase in setback times 25.5 miles	185.45 Acres	Where there is existing GO/LB/GB/EI zoning, the setbacks are 20 feet and it would result in an even larger taking of 30 feet.

Most of the land on these trails in the Natural Section are AG/SF1 and residential with an existing underlying zoning setback of 30 feet. Therefore, land lost to existing property owners, value of land lost by just the setback change is more than 123.64 Acres of land considering some underlying zoning setbacks in bus/commercial areas is 20 feet.

City of Westfield Views:

- cost of more than 123.64 Acres of land defined by increased setbacks
- abutting properties aren't affected until they develop
- creating trail corridors through ordinance rather than acquisition
- bring deals for acquisition of trail properties upfront instead of having to deal with developers

Abutting Landowners Views:

- loss of value of over 123.64 Acres of land immediately when this ordinance is passed
- taking of 20 to 30 feet of their current land they have the right to use under their property rights
- Westfield taking private property by ordinance
- Loss of control of 100 feet of their properties affected by this ordinance overlay
- Important: keep in mind 100 feet is linear but overlay is affecting area measured in Acres Ordinance 11-32

appraised land value affects net worth, borrowing power which are important to landowners
Westfield protecting trails at cost to abutting property owners
Westfield putting cost to cure of properties onto the abutting property owners by ordinance
Westfield requiring abutting property owners to supply buffers and screening at their cost
Westfield expecting abutting property owners to build trail amenities in their 50-foot setback
Amenities section says Westfield is expecting trail users to enter onto private property
Appraisal values will lower the day this ordinance would be passed based on setbacks and restrictions of the
100 feet.
Westfield has not sufficiently studied the impacts of their proposal.
No other neighbor moving in requires increased setbacks or restrictions on abutting properties.
Other parks do not require increased setbacks or restrictions on abutting properties.
Westfield has not put any consideration into protecting abutting property owners from trails.
No park has a trail or paving on an abutting property line; there are assumed setbacks for parks.
Drop this ordinance

Setbacks per underlying zoning - Westfield Washington Township Zoning Ordinance

District	Front	Side	Back	Min Lot	Min Lot Frontage	Bldg Lot Line	Reference:	Urban	Natural
AG-SF1	100 - 80	30	30	3 acres	250	100	from ROW	20	50
Height 35	100 - 80	40	30	3 acres	250	100	undefined	50	80
AG-SF1-1	50	12	30	20K sf	100	85	each side		
Height 35	50	22	30	20K sf	100	85			
SF-1	100-80-50	20	30	30K sf	100	100			
Height 35	100-80-50	30	30	30K sf	100	100			
SF-A									
SF 2	50-250	12-30	30	15K sf/3A	100-80-30	100			
Height 35		22-40							
SF 3	20	10	30	12K sf/15K	50	80-90			
SF 4	25	8	25	9K sf	40	50			
SF 5	20	8	20	7K sf	40	40			
MF 1	20	20	20						
MF 2	30	12	20						
GO	60	20-60	20-60						
GO-PD	100	20-60	20-60						
LB	60	60-40-15	60-40-20						
LB-H	60	60-20	20						
GB	60	60-20	20						
GB-PD	60-30		15	20					
EI	100-40	20-40	20						
EI-PD	100-40	100-40	40						
OI	100-40	20-40	40						
OI-PD	100-40	100-40	100-40						
FPPD									
LB-PD	60-30	15	20						

If any of these are inaccurate, please notify me, Linda Naas 317-867-0584

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Applicability - Ord 11-32
Attachments: 16.04.165 DPR.pdf

Andrew Murray | *Associate Planner*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 2:57 PM
To: Andrew Murray
Subject: RE: Applicability - Ord 11-32

Andrew,

Thank you for your call this morning and thank you for this timely email response.

What I've been referring to is on page 2 #2 in this DPR ordinance. I may bring this up at the meeting this evening as there seems to be confusion on whether there is a trigger for residential.

Thanks again,
Linda
317-867-0584

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 01/03/2012 10:57 AM
Subject: RE: Applicability - Ord 11-32

Linda:

Please find attached the Development Plan Review chapter of the Zoning Ordinance. Please reference Section B1a in how the Trail Overlay would not apply to a single family residential use. Let me know if you have any questions.

Thanks,
Andrew

Andrew Murray | *Planner I*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [<mailto:lnaas@logickey.com>]

Sent: Tuesday, January 03, 2012 1:34 AM

To: Andrew Murray

Subject: Applicability - Ord 11-32

Andrew,

Can you send me a list of all things requiring development plan review or subdivision platting, especially everything residential like adding sunrooms, roofed decks, etc.

I don't think residential including AG-SF1 should be covered by this Ord 11-32. Most part of this ordinance are not conducive to residential/AG uses.

Thanks,
Linda Naas
317-867-0584

This message contains confidential information and is intended only for the recipients. If you are not a recipient you should not disseminate, distribute or copy this e-mail. Please notify amurray@westfield.in.gov immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Andrew Murray therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: 8 Trails mileage - Trail Overlay Ordinance
Attachments: ATT00001.jpg

Andrew Murray | *Associate Planner*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:49 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

Thank you for the info.

Are there specific plans for where the trails are going to be for the Cool Creek and Little Eagle Creek trail areas?
Are they planned in the drainage easement areas?
Is the County willing to allow that?

These creek trails appear to be troublesome.

Hard to build trails where water flows. We've already had washouts on the Monon and there will be more to follow, I'm sure.

200 feet plus the trail ROW in many cases affect one property owner per parcel. These trails don't edge a property. Over-reaching to have a 160-foot corridor in which these landowners cannot build.

Trail through property adds two setbacks that do not now exist.

Fencing in animals after trail construction. Fencing on page 12 is not appropriate for these properties. They will need to fence animals or be allowed to.

Owner access to his property on other side of trail.

Did these meet the Township Parks Plan 12/10?

These areas will still have residential and AG properties many years from now - see Comp Plan.

Applicability adversely affects these properties.

County may not allow "screening" on legal drains; therefore, that part is not applicable from page 3.

Linda Naas
317-867-0584

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 12/09/2011 02:39 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Linda:
Please find my responses below. If you have further questions, please call or email.

Thanks,
Andrew

How many total miles of trails (including all 8 trails but excluding those miles in Cool Creek Park) are covered by this Trail Overlay Ordinance 11-32?

Approximately 32 miles

How many miles in Urban Section?

Urban Proposed: Appx. 3 miles

Urban Existing: Appx. 3 miles

How many miles in Natural Sections?

Natural Proposed: Appx. 20 miles

Natural Existing: Appx. 5.5 miles

If broken down by Trail Name, please list the mileage per each.

TRAIL_NAME	EXIST_PROP	CLASS	MILES
Anna Kendall	Existing	Natural	0.5027
Anna Kendall	Proposed	Natural	1.3926
Anna Kendall	Proposed	Urban	0.2246
Asa Bales Park Trail	Existing	Natural	0.6415
Asa Bales Park Trail	Existing	Urban	0.0253
Asa Bales Park Trail	Proposed	Urban	0.0503
Cool Creek Trails	Existing	Urban	0.7948
Cool Creek Trails	Proposed	Natural	6.6429
GRAND JUNCTION	Existing	Urban	0.3592
Little Eagle Creek Trail	Proposed	Natural	8.4802
Midland Trace Trail	Existing	Natural	1.8175
Midland Trace Trail	Proposed	Natural	6.2863
Midland Trail Extension	Existing	Natural	0.2534
Monon Trail	Existing	Natural	2.4646
Monon Trail	Proposed	Natural	4.0007
Monon Trail	Proposed	Urban	1.5092
Monon/Midland Loop	Existing	Urban	0.2672
Monon/Midland Loop	Proposed	Natural	0.1789
Monon/Midland Loop	Proposed	Urban	1.1835
Natalie Wheeler Trail	Existing	Urban	1.5308
			38.6062

How many miles have exempted properties due to "3. b) Real estate separated from the Trails by a public vehicular Right-of-way"? Where are they currently located?

Existing: Appx. 3 miles

Proposed: Appx. 3 miles

Andrew Murray | *Planner I*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov

From: Linda Naas [<mailto:lnaas@logickey.com>]
Sent: Friday, December 02, 2011 5:01 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Thank you. Have a good weekend!

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 12/02/2011 04:03 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Linda:
It will be posted at least 10 days prior to the meeting.

Thanks,

Andrew Murray | *Planner I*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [<mailto:lnaas@logickey.com>]
Sent: Friday, December 02, 2011 3:45 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

Thank you.

When should I see the 1/3/12 public hearing notice posted?

Linda Naas

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Cc: Matt Skelton <mskelton@westfield.in.gov>
Date: 12/02/2011 01:59 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Ms. Naas:

I appreciate your questions regarding Ord. 11-32. I will research your questions and respond to you in a timely manner.

Also, I would like to inform you that we are going to continue this item's public hearing to January 3, 2012. The Noblesville Times failed to publish our notice properly, as a result, we are going to reserve notice for January 3, 2012.

Please let me know if you have any comments or questions.

Andrew Murray | *Planner I*

(Office) 317.804.3170 | (Direct) 317.379.9080

amurray@westfield.in.gov

City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [<mailto:lnaas@logickey.com>]

Sent: Friday, December 02, 2011 1:08 PM

To: Andrew Murray

Subject: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

How many total miles of trails (including all 8 trails but excluding those miles in Cool Creek Park) are covered by this Trail Overlay Ordinance 11-32?

How many miles in Urban Section?

How many miles in Natural Sections?

If broken down by Trail Name, please list the mileage per each.

How many miles have exempted properties due to "3. b) Real estate separated from the Trails by a public vehicular Right-of-way"? Where are they currently located?

Linda Naas

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Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Secondary Entrances/Fencing Ord 11-32

Andrew Murray | *Associate Planner*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:53 PM
To: Andrew Murray
Subject: Secondary Entrances/Fencing Ord 11-32

Secondary Entrances - Ord 11-32
Page 6.

There are security issues to be considered if City requires entrances and window openings on trail side of business. Examples are businesses in South Park along Monon. Not all businesses want open entrances to trail even if they might like trail access within their development.

Fencing Ordinance
Page 13.

This cannot be what we really want. As long as there are animals/livestock living along trails (and they will be for many years to come), barbed wire, woven wire, four-board fencing, etc will be required. Especially along creek properties, we expect to see large lots and AG-SF1 for years to come and AG-type fencing would be appropriate.

If Westfield puts a trail on a creek through someone's property, who is going to pay for the fencing on both sides. How will landowner access property on "other" side of trail? If the City puts a trail through there must be consideration for how to protect the landowner's property and livestock from the trail users. This is a requirement of liability insurance. There will be costs involved.

This fencing part of the ordinance does not fit all trail properties. Fence types must fit with property uses.

Linda Naas
317-867-0584

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Screening - Ordinance 11-32 Page 3

Andrew Murray | *Associate Planner*

(Office) 317.804.3170 | (Direct) 317.379.9080

amurray@westfield.in.gov

City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:58 PM
To: Andrew Murray
Subject: Screening - Ordinance 11-32 Page 3

To clarify after our conversation Thursday--from the ordinance:

Page 3 which is Section 7 a) ii) (3)

"The minimum required setbacks for the Natural Section may be reduced by ten (10) feet increments based upon the density of vegetation within the Trail Overlay Zone. The Director shall determine the density of vegetation according to the following standards:"

The Trail Overlay Zone is defined on Page 1 2) b) as:

"The Trail Overlay Zone is hereby established as the land area within one hundred (100) feet of the Trail right-of-way line or the edge of Trail pavement, whichever results in a greater distance from the Trail centerline (the "Trail Overlay Zone")."

1. Per the wording of this ordinance, the reductions to setback are not based on any vegetation within the trail right-of-way as the Trail Overlay Zone is outside the trail ROW. It is misleading/confusing to show photos (pages 24-27) for screening that are of vegetation and berms within the trail ROW. The abutting landowner would have no right to increase screening within the trail ROW. Therefore, as I pointed out in our phone conversation, as written, anything to produce "screening" for reductions would be on the abutting landowner's property and therefore, at the landowner's cost. Those costs are prohibitive to reduce setbacks to the underlying zoning. Unrealistic in many areas based on the ability to successfully plant trees and vegetation with shade from tree canopies, drainage, etc. Therefore, my point stands that landowner's are losing land with these increased setbacks. Screening outside the Trail ROW is not a solution.
- 2.
2. How does this fulfill the "consistent" part of Page 1 Purpose and Intent?
- 3.
3. Screen per zoning ordinance definition: *"201. Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution."* Are you sure "Screen" is appropriate to reduce setbacks for residential properties - are residential properties aesthetically unpleasing to the trail? That is what this implies. The trail ROW has a 25-foot buffer per side along much of the Monon Trail. I believe that is more than sufficient. Is this an attempt for the City to require abutting property owners to supply screen buffers where there are none existing in the trail ROW? According to

the definition above, abutting property owners should be asking the City to supply "Screen" for their properties from the Trails - they are nothing if not noisy.

4.

4. If the purpose is to screen new commercial, industrial development, the wording is all wrong. But even for them the extra screening requirement is at extra cost to them. The cost to build is a primary consideration for land buyers and developers. Does the City really want development to stay 50 feet away from the trail ROW or build a vegetation/berm screen between them and trail? How is that consistent with the architectural standards which require doors and windows on the trail side?

5.

5. I don't think this part of the ordinance is "thoughtful" per Page 1 Purpose and Intent. More thought is needed here. It is too confusing, too inconsistent, expecting too much of landowners. It is like you are talking about 2 different things, (1) existing screening within right of way and (2) screening landowners/developers could "install" to reduce setbacks.

6.

6. This ordinance wording doesn't make sense and is unclear for screening within 100' to affect a setback which is within 50'. The landowner's property is taken from existing underlying zoning setbacks of 8' to 40' to a new 50' setback. Most of these trails are constructed or proposed in AG-SF1 land with a setback of 30 feet for side and rear yards and this ordinance increases that to 50 feet. That results in a loss of 20 feet of usable/buildable land for landowners which affects land value, net worth and borrowing power immediately.

7.

7. If you consider the properties on which the trails go through the property (creek properties), 2 additional setbacks on each side of the trail are added to the existing rear/side/front setbacks already set by underlying zoning. These properties receive the full effect of the full trail and overlays - 260 feet - they don't share with a neighbor. In a few cases it could cross to a neighbor's property, too. Loss of property use.

8.

Linda Naas
317-867-0584

Andrew, I'm sending this email on one topic - Screening. More may follow per topic or be submitted at the Tuesday night meeting

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Setbacks: 16-foot Trail affects 266 feet of private property

Andrew Murray | *Associate Planner*
(Office) 317.804.3170 | (Direct) 317.379.9080
amurray@westfield.in.gov
City of Westfield | Westfield Community Development Department | www.westfield.in.gov

From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:58 PM
To: Andrew Murray
Subject: Setbacks: 16-foot Trail affects 266 feet of private property

Andrew, we discussed this again this morning. Please refer to these examples.

NO NEED TO INCREASE SETBACKS ALONG NATURAL SECTION TRAILS:

Under Proposed Trail Overlay Ordinance:

Natural Sections:

Example: Monon Trail

1. Monon Trail in most parts is 66 feet wide.
2. Add overlays of 100 feet on each side plus full principal structures that partially fall within the 100-foot overlay. #2. c) and d)
3. To construct a 16-foot trail, 266+ feet of of private property is affected by acquisition, setback and/or restrictions.
4. This is more than 16.6 times the trail width.
5. The general public and most trail users see these trails as not very invasive or not greatly affecting abutting properties. The facts do not bear this out now and even less so if this ordinance passes.

SUGGESTION:

1. Shouldn't 66 feet encompass enough buffer for a 16-foot trail?
2. That is a 25-foot buffer on each side of the Trail pavement which is the average underlying zoning setback in these areas.
3. Consider that there already exists an underlying zoning setback of 20-30 foot average for the abutting private properties on each side.

4. Add 3 & 4 together and there is a buffer/setback area from the edge of the Trail pavement to the building setback of the abutting property measuring 45 to 55 feet on each side of the Trail.
5. That establishes a corridor width of 106 to 126 feet for the Monon Trail in which no principal structures can be built WITHOUT ANY CHANGES IN SETBACKS.

The ordinance could still allow construction of trail amenities (page 4 accessory structures) within the underlying zoning setback. Forever there will be residences along trails and they will need accessory structures to be allowed within setbacks unless you wish trails to be lined with unsightly items that should be stored in these. This meets the "consistent" part of 1. Purpose and Intent. Throughout our existing zoning ordinances, setbacks vary and increase for specific reasons.

The setbacks from the trails on SR 32 in the SR32 Overlay are 30 feet. The trail ROW is 30 feet with an 8' trail. That makes the trail corridor from the center including adjoining property setback 45 feet. Compared to the Monon Trail above which is 53 to 63 feet from centerline through abutting property setback. If the goal is to make the trail corridor for the Natural Section Trails wider than any other, it is accomplished without increasing setbacks. It is over-reaching to further widen the trail corridor by taking private property rights from abutting landowners.

If we need to look at the Midland or other proposed trails one by one we need to make sure we do not widen these trail corridors more than this existing Monon Trail. The Midland with a 40' pre-existing rail corridor and 30' setbacks on each side would constitute a 100-foot corridor.

Carmel was unable to acquire the full 66 feet of the Monon Trail. And Westfield may not be able to acquire the full railroad corridors or trail widths they desire, however, there are other means of establishing a trail corridor as long as it is not over-reaching or too expansive and considerate of the property rights of landowners.

The overlay ordinance is written to affect over 949 Acres of land for trail corridors through acquisition, setbacks and restrictions which is unrealistic to construct only 61 acres of actual paved trails. If the trail corridors were an average 100 feet wide, 382 acres of land would be involved, more than the Grand Park. It should be recognized that the acquisition of this land would cost an equivalent amount to the Grand Park acre to acre. The more of these corridors comprised of abutting properties' setbacks, it will be much less costly for Westfield. This is still troublesome for creek trails within a property where there are no setbacks existing. The special considerations for constructing trails along creeks that would cross through one landowner's property are not addressed in this Ord 11-32. Washington Township has a parks plan that should be consulted and considered in reference to trails.

Increasing setbacks for abutting properties would be a "taking" as it would reduce the use of 20 to 30 feet of private land. This is unacceptable.

Linda Naas
317-867-0584

Andrew Murray

From: Jennifer Miller
Sent: Wednesday, January 04, 2012 8:35 AM
To: Andrew Murray
Subject: FW: Trail Overlay Zone Comments
Attachments: image001.png

This came into the department's general email address yesterday. I have it filtered, so I missed it until I was going through everything this morning. You may want to add it to the other public comments received.

Sincerely,
Jennifer M. Miller, AICP
City of Westfield | Economic and Community Development | Assistant Director

T: 317.804.3170 | DL: 317.223.6420 | F: 317.804.3181



Please consider the environment before printing this email. Thank you.

From: Nels Ackerson [mailto:nels@ackersonlaw.com]
Sent: Tuesday, January 03, 2012 3:56 PM
To: community
Cc: Council Members
Subject: Trail Overlay Zone Comments

Westfield and Washington Township Advisory Plan Commission

Re: Public Meeting Consideration of Trail Overlay Zone Ordinance

Dear Advisory Plan Commission Members:

I am writing with comments on the Trail Overlay Zone that you will be considering at your public meeting this evening. I regret that I will be unable to attend the meeting due to a family medical concern that arose last week. Thankfully recovery appears to be well along, but not well enough for me to leave just yet. Thank you for considering these written comments.

As some Commission members may know, the land that was once used as a railroad right of way for the old Midland Railroad (also known as the "Central Indiana Railroad") extends about three fourths of a mile across our family farm, which is now zoned for future development as the Ackerson Farm PUD. That long-abandoned railroad right of way is part of the City of Westfield's proposed Midland Trace Trail.

I do not know what, if any, effect the proposed Trail Overlay Zone ordinance is intended to have or will have on the land uses for which the Ackerson Farm PUD has been approved. Perhaps none, but from information available at this time the effect on the Ackerson Farm PUD and the land that it covers is not yet known.

Some Commission members may also know that as an attorney I have been involved in land use issues involving abandoned railroad rights of way across Indiana and some 40 other states over the past three decades. I have represented homeowners, businesses, farmers, cities, towns, counties and other landowners in individual land use issues and in class actions that have clarified the respective legal rights, land uses, and property values as they affect adjacent and underlying landowners when trails have been proposed.

Indeed, the proposed Midland Trace Trail, if completed, will be on land the legal rights to which were established by the Indiana Supreme Court and the Indiana Court of Appeals in the cases of *Firestone v. Penn Central* and *Lewellen v. Conrail*. And the proposed Monon Trail through Westfield and Washington Township, if completed, will be on land the legal rights to which were established by the Indiana Court of Appeals in the case of *Clark v. CSX* and by the U. S. District Court for the Southern District of Indiana in *Hinshaw v. AT&T*. I was lead counsel for the homeowners, businesses, landowners, cities, towns, counties and other landowners in those cases.

I have represented both landowners who have supported trails on or adjacent to their land and other landowners who have opposed trails on or next to their property. I have represented and advised cities, counties and towns both as trail proponents in some circumstances and as opponents in other circumstances. I have also been invited to testify before state legislative committees and congressional committees on these subjects.

My reason for writing at this time is to encourage Commission members to be respectful of the legal rights and also respectful of the policy considerations that will affect all parties, including the owners of adjacent and underlying land, taxpayers, prospective trail users and the public in general. I am confident that the City of Westfield has access to excellent counsel to advise the Commission and the City Council of the legal issues that must be considered, as well as policy and financial considerations. Those issues must be given careful attention in order to ensure fairness, fiscal responsibility and sound planning as well as compliance with legal and constitutional requirements.

Experience elsewhere has shown that there are right ways and wrong ways to deal with competing interests involving proposed trails. Contiguous parcels of land that connect end-point destinations have value for their connectivity, whether as trails, utility lines, fiber optic lines, pipelines, etc. Those same parcels have value to underlying and adjacent landowners which may be inconsistent with trail or utility uses. For some landowners, they may enhance value, but for many others the newly proposed uses may diminish the value of the land used for a trail (or other connectivity purposes). Importantly, there may also be substantial negative effects on the value and uses of adjacent land. The breadth of the proposed Trail Overlay, if maintained, is likely to have especially sizable impacts on all of these consequences, and the proposal is also likely to have a substantial effect on the ultimate cost to the City as well as to landowners and taxpayers.

Commission members and all affected parties should be concerned about legitimate policy concerns, as well as legal concerns. Issues that should be considered thoughtfully include privacy, security, cleanliness and maintenance of the proposed trail properties and their immediate surroundings. Attention to those issues will involve long-term policy and personnel commitments, in addition to both short term and long term financial commitments. All of us, including underlying and adjacent landowners should understand the public benefit that proponents of the Trail Overlay Zone ordinance seek to achieve. And all parties also should realize that taking land for a new purpose has consequences that must be acknowledged and must be considered in the context of alternatives courses of action as well as cost.

I trust that the Commission members and the Westfield City Council will keep all of the above issues in mind and proceed carefully and cautiously after giving ample opportunities for all issues to be raised and

addressed fully. I respectfully suggest that all parties, especially public office holders, should commit to avoid unnecessary costs, hardships, conflicts or litigation. I also respectfully suggest that you further commit to spend public resources wisely, with a commitment to pay fully and fairly for all property rights that will be taken or will be adversely affected.

Thank you for your consideration of these issues. I will appreciate being kept informed of all future developments.

Sincerely yours,

Nels Ackerson

Ackerson • Kauffman • Fex, PC

1701 K Street, NW Suite 1050

Washington, DC 20006

www.ackersonlaw.com

Phone: [202.833.8833](tel:202.833.8833) | **Fax:** [202.833.8831](tel:202.833.8831) | **E-Mail:** nels@ackersonlaw.com

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Andrew Murray

From: Kevin M. Todd, AICP
Sent: Wednesday, January 04, 2012 10:23 PM
To: Andrew Murray; Matt Skelton
Subject: Fwd: Little Eagle Creek proposed trail

FYI

Kevin M. Todd, AICP
Senior Planner

City of Westfield | Community Development
317.379.6467 | www.westfield.in.gov

Sent from my iPhone

Begin forwarded message:

From: <longlane@frontier.com>
Date: January 4, 2012 10:04:57 PM EST
To: <apc@westfield.in.gov>
Subject: Little Eagle Creek proposed trail

Dear Commission Members:

I attended the APC meeting last night, and was pleased to hear the spirited comments from the variety of residents regarding trails. I appreciate your willingness to listen, and to allow future public comment as well. I have posted a notice on my FB page, asking any other Westfield residents to repost, requesting any additional comments or questions be sent to you as soon as possible. I wish there were a more efficient way to get word out about meetings and decisions. But I'm trying to do my part.

I did notice that all the comments were anti-trail. I know that there was a big study done and Westfield residents wanted more parks and trails. I don't know how much detail is known about who voted this way, but I would venture to guess that the majority of folks who want trails are suburban people, who live on little bitty yards, with only neighborhood streets to play on.

I understand that parks are an important part of any city, and add greatly to citizen satisfaction. And I understand the logic of turning old railroads into trails. But with regard to the Little Eagle Creek (LEC) proposed trail; my guess would be that no one living along Little Eagle Creek requested a trail. It is not a useful land area...lots of flood plain--for a good reason, that floods frequently. But more importantly to me, it opens our rural area to lots of folks who would otherwise not be here. And that is not a positive in my mind.

Most rural (or "large lot") owners move out of town because they want to be "out of town". They are not interested in the town coming out to meet them, or look at them, or tell them how and what to plant where. I don't see any reason why folks need to be wandering from the Grand Park all the way to 146th St. and back. There's nothing out here but private property

and folks who like their privacy.

I feel like rural residents usually get the short end of the stick in response to demands from vocal suburban masses. We pay as much or more in property tax and deserve the consideration, and right to privacy and domestic tranquility, and protection from our City, just as much as they do.

A trail along Little Eagle Creek is not a logical plan. There is no destination, no prepared location (like a railbed); and will either require a HUGE investment to make it viable, due to flooding and maintenance requirements, thus changing the landscape dramatically with a major impact to downstream residents, or it will be unsafe and unuseable a lot of the time.

I also noticed that there is very little, if any trail planned for the more population-dense eastern side of the City. Why is that? If we're going to have trails, it seems they should be readily available to the largest numbers of people, in my opinion. In which case, the larger east-side of Westfield is very underserved. There are a lot of nice neighborhoods over there, probably full of people looking for venues to enjoy the outdoors.

I think the gentleman's question last night regarding who on the Commission lives on a trail was a very viable one. I think the Commission member's suggestion that residents who will be impacted be included in this process was even better.

Thank you,

Tom and Tracy Pielemeier
16101 Little Eagle Creek Ave.
867.2096

Andrew Murray

From: BP2736@aol.com
Sent: Wednesday, January 04, 2012 8:02 AM
To: Andrew Murray
Subject: Trail overlay - Comments & Concerns

As time was limited to homeowners at the Monday meeting, we would like to express our views and ask that they be given to all members of the planning team or whoever is responsible for putting this idea into being.

If it had not been for a neighbor, we would not have known about the trail coming along Little Eagle Creek. Isn't it a requirement that property owners be notified in writing of the intentions?

1. The reason most people moved to our rural area was to have a more quiet and peaceful surroundings. Trails with people in cities are fine, but we feel the City is infringing on our rights as property owners and taxpayers in the county. The trail will definitely devalue our property when we want to sell.

2. Has the people putting together this overlay plan ACTUALLY PHYSICALLY observed the actual terrain along the creek and what impact this would have on property owners along the creek. When we have the heavy rains, the creek gets out of its banks very quickly. It looks like a raging river sometimes, pushing limbs, debris, and LOTS of mud into the grass on either side. The farm fields, especially south of 166th, look like lakes. The City puts out high water signs at several locations on Little Eagle Creek Avenue after the creek sends water clear up and sometimes over the roads. Who will take care of removing all the mud and debris from the trails after this happens? It would certainly limit bike riding and walking without dodging limbs, etc.

3. Has a SURVEY been made for your feasibility study? Who is paying for construction of the trail? What is the estimated cost per mile? What percentage of people do you estimate would use the trail? Not everyone walks on trails or are sports fans or plays ball.

4. Where will the trail end going south? I heard that people will not be compensated from the City for taking the property for the trail. Is that TRUE?

5. Will security for the trail be provided by Westfield police?

Looking forward for a prompt answer from you. We would APPRECIATE knowing when the next meeting will take place.

Thank you.

Waneta Reiss

Andrew Murray

From: John Gibson <jgibson@namic.org>
Sent: Thursday, January 05, 2012 11:06 AM
To: Andrew Murray
Subject: Trail Overlay Zone

Mr. Murray,

I am trying to get up to speed on this agenda item, as I just recently (Monday) found out about it.

It is my understanding that the City of Westfield is planning a trail along Little Eagle Creek, and this agenda item is to set up rules to govern the use of adjacent property to the trail.

Here are a few of my immediate questions.

1. Which person on the APC directly represents me and my neighbors? It appears that this is a City committee and we live outside of city limits.
2. Is the City actually planning to put a public use trail through our private property? Little Eagle Creek runs through my property. I own land on both sides.
3. What if I wanted to build my kids a play house out there, or a duck blind, or a deer blind? People could be walking through my property while I am hunting?
4. How will this impact my horse pasture? It seems that bisecting property with a public trail presents some serious challenges.
5. Why would the city want to build a trail in an area that floods at least once a year? Wouldn't the flood damage and repair be cost prohibitive?

I appreciate any information that you can give to me on this matter.

Thanks.

John T. Gibson

John T. Gibson

Senior Accountant

jgibson@namic.org

NAMIC Insurance Company (NAMICO)

Phone: (317) 875-5250, ext. 1106

Andrew Murray

From: Kevin M. Todd, AICP
Sent: Saturday, January 07, 2012 1:27 PM
To: Andrew Murray
Subject: Fwd: Proposed Little Eagle Creek Trail

Kevin M. Todd, AICP
Senior Planner

City of Westfield | Community Development
317.379.6467 | www.westfield.in.gov

Sent from my iPhone

Begin forwarded message:

From: <longlane@frontier.com>
Date: January 7, 2012 10:01:31 AM EST
To: <apc@westfield.in.gov>
Subject: Proposed Little Eagle Creek Trail

I have one thing to add, regarding the proposed Little Eagle Creek Trail.

I think it is absolutely crucial, that this committee take a field trip through the area of the planned trail. I think it would be ludicrous to develop plans and regulations regarding an area you have not even seen.

Mr. Reiss, on Little Eagle Creek, offered to show you everything you need to know about the area.

Thanks,

Tracy Pielemeier