

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

JAMES J. NELSON
CHARLES D. FRANKENBERGER
JAMES E. SHINAVER
LAWRENCE J. KEMPER
JOHN B. FLATT
FREDRIC LAWRENCE
JAMES A. NICKLOY
CHRISTOPHER A. FERGUSON

3105 EAST 98TH STREET, SUITE 170
INDIANAPOLIS, INDIANA 46280
PHONE: 317-844-0106
FACSIMILE: 317-846-8782

JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

Date: May 28, 2010
To: Westfield City Council Members
From: Jon Dobosiewicz, Nelson & Frankenger
RE: Proposed Maples at Springmill PUD

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Kevin Todd dated May 28, 2010,
2. An application for the zoning change to PUD for a part of the Maples at Springmill,
3. An informational brochure outlining the proposed zoning change.

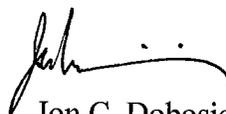
The applicant, WLB Associates, Inc., is proposing minor development standard changes to a portion of the Maples at Springmill identified under Tab 2 of the attached informational booklet. Approval will allow the construction of single family detached homes in the subject area.

This area was originally zoned and laid out for duplex, tri-plex and quad buildings. As indicated there remain 30 homes yet to be constructed in the rezone area and 58 overall in Section 2 of the Maples at Springmill. WLB Associates proposes the same number homes as illustrated under the requested configuration. The proposed lot configuration can be viewed under Tab 3 of this booklet.

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

Very truly yours,

NELSON & FRANKENBERGER, P.C.



Jon C. Dobosiewicz

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

JAMES J. NELSON
CHARLES D. FRANKENBERGER
JAMES E. SHINAVER
LAWRENCE J. KEMPER
JOHN B. FLATT
FREDRIC LAWRENCE
JAMES A. NICKLOY
CHRISTOPHER A. FERGUSON

3105 EAST 98TH STREET, SUITE 170
INDIANAPOLIS, INDIANA 46280
PHONE: 317-844-0106
FACSIMILE: 317-846-8782

JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

May 28, 2010

Kevin M. Todd, AICP
Town of Westfield
2706 East 171st Street
Westfield, IN 46074

RE: PUD Application for a portion of the Maples at Springmill

Dear Kevin:

Please find enclosed the necessary PUD (Change of Zoning) application for a portion of the Maples at Springmill. We are filing at this time in order to be heard for introduction by the City Council on June 14th, TAC on June 22nd, and Plan Commission on July 6th and 19th. We anticipate then returning to the City Council for adoption consideration. It is my understanding that these dates may change due to items being continued or tabled from time to time. Please find the following information enclosed:

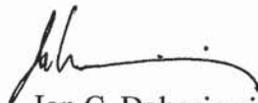
1. Completed and signed PUD application with legal description,
2. Table including the existing and proposed standards,
3. An information brochure including a site location exhibit and proposed home concept plans.

I will provide adjainer list for both the Neighborhood meeting and Public Hearing, check in the amount of the filing fee, draft public notice, and information packets for use by the Plan Commission after we meet to determine specifics of the above items.

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

Very truly yours,

NELSON & FRANKENBERGER, P.C.


Jon C. Dobosiewicz

**The Maples at Springmill PUD -
Standards for Detached Single Family Residential
(part of the maples at Spring Mill - area illustrated in Exhibit A-2)**

<u>Standard</u>	<u>Current</u>	<u>Proposed</u>
Detached Single Family dwellings	n/a	permitted use
Distance Between Structures	25'	8' (detached dwellings only)
Garage door off set from road	thirty (30) degrees	n/a for 35% of detached dwellings

May 28, 2010

PETITION TO CHANGE ZONING

Plan Commission Docket No.: _____

Name of Applicant: WLB Associates, Inc.
Wayne Beverage, President

Address: 16656 Brownstone Ct.
Westfield, IN 46074

Phone No.: (317) 431-1659

Name of Representative: Jon C. Dobosiewicz
Land Use Professional
Address: Nelson & Frankenberger
3105 East 96th Street, Suite 170
Indianapolis, IN 46280
Phone No.: (317) 844-0106
(317) 428-8393 mobile

Name of Property Owner: WLB Associates, Inc.

Premises Affected:

A proposed PUD will be applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit A-1 and Exhibit A-2, comprising approximately 7.09 acres, located generally west of Springmill Road, north of Spring Lake Drive and Maple View Drive. The area is a portion of Section 2 of the Maples at Springmill.

Metes and Bounds Description: See Exhibit A-1 attached

Plot Size: See "Premises Affected" above.

Fronting On: Spring Lake Drive and Maple View Drive

Nature and Size of Improvement Now Existing on Plot: Vacant platted lots.

Nature of Proposed Improvements: Single-family detached dwellings.

Present Zoning: SF-A: Single Family - Attached

Requested Zoning: Maples at Springmill PUD

WLB Associated, Inc.

By: *Wayne Beverage*
Wayne Beverage, President

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Wayne Beverage, President of WLB Associated, Inc., who acknowledged execution of this Petition to Change Zoning.

Witness my hand and Notarial Seal this 27th day of May, 2010.

My Commission Expires:
April 24, 2016

Becky J. Turner
Becky J. Turner, Notary Public

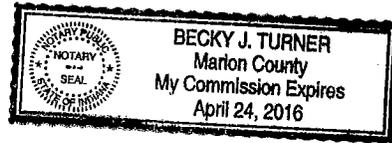


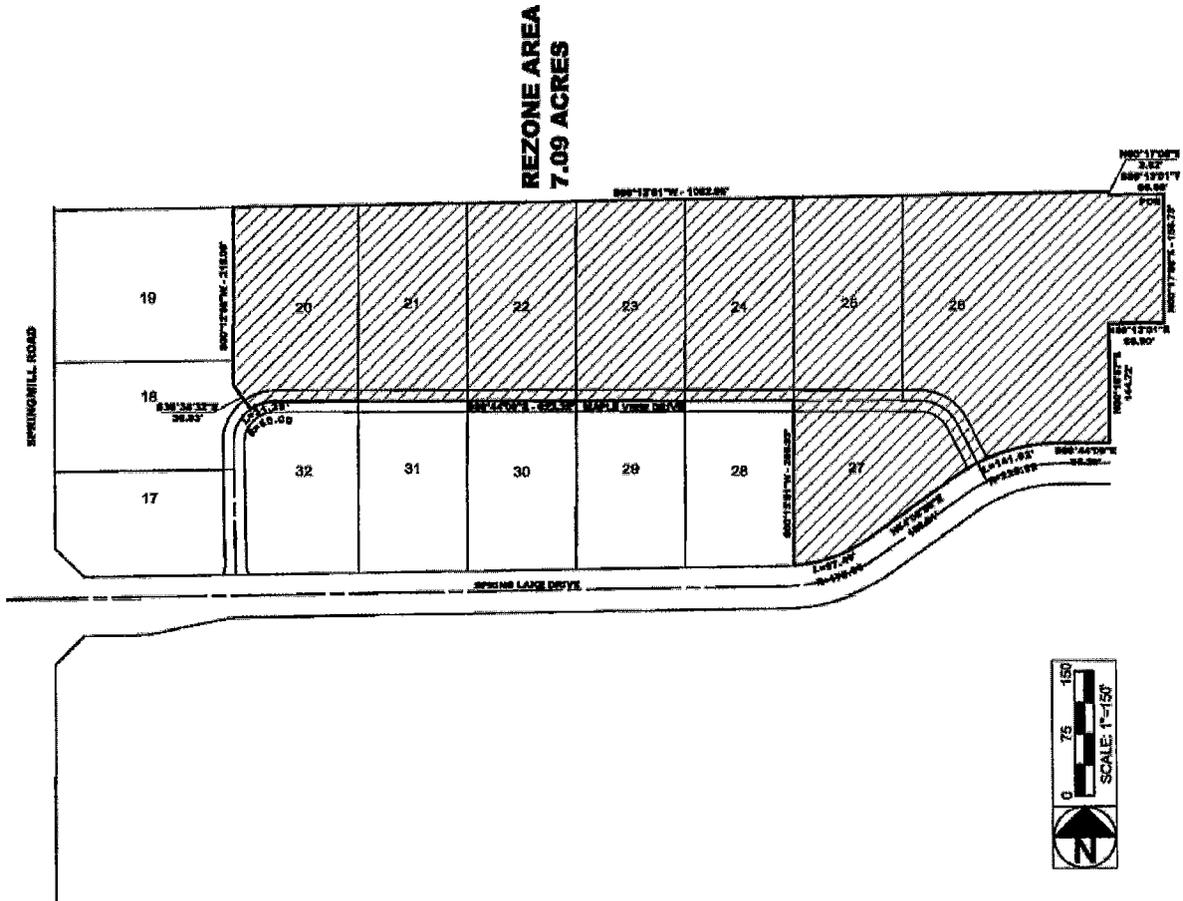
Exhibit A-1
(Legal Description)

Being Blocks 20, 21, 22, 23, 24, 25, 26, and 27, all being in the Final Plat of Maples of Springmill, Section Two, as recorded in Plat Cabinet 4, Slide 460, in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Block 26, also being the Northeast corner of Maples of Springmill, Section Two; thence along the North line of Block 26, South 89 degrees 13 minutes 01 seconds West, for a distance of 66.00 feet; thence continuing along said North line, North 00 degrees 17 minutes 06 seconds East, for a distance of 3.62 feet; thence along the North line of Blocks 26, 25, 24, 23, 22, 21, and 20, South 89 degrees 13 minutes 01 seconds West, for a distance of 1052.95 feet to the Northwest corner of Block 20; thence along the west line of Block 20, South 00 degrees 12 minutes 08 seconds West, for a distance of 215.00 feet; thence continuing along said West line, South 35 degrees 35 minutes 32 seconds East, for a distance of 35.53 feet to the Southwest corner of Block 20; thence along the South line of Block 20, also being a curve to the right having a radius of 50.00 feet, and an arc length of 31.29 feet, and being subtended by a chord bearing North 72 degrees 20 minutes 09 seconds East, for a distance of 30.78 feet; thence along the South lines of Blocks 20, 21, 22, 23, and 24, South 89 degrees 44 minutes 09 seconds East, for a distance of 623.32 feet to the Southeast corner of Block 24, also being a common corner with Blocks 25, 27, and 28; thence along the West line of Block 27, South 00 degrees 15 minutes 51 seconds West, for a distance of 200.93 feet to the Southwest corner of Block 27; thence along the South line of Block 27, also being a curve to the left having a radius of 175.00 feet, an arc length of 97.49 feet, and being subtended by a chord bearing North 70 degrees 06 minutes 32 seconds East, for a distance of 96.23 feet; thence continuing along said South line, North 54 degrees 08 minutes 58 seconds East, for a distance of 123.81 feet; thence along the South line of Blocks 27 and 26, also being a curve to the right having a radius of 225.00 feet, an arc length of 141.82 feet, and being subtended by a chord bearing North 72 degrees 12 minutes 24 seconds East, for a distance of 139.49 feet; thence along the South line of Block 26, South 89 degrees 44 minutes 09 seconds East, for a distance of 56.28 feet; thence along the East line of Block 26 and said Section two the following three calls, 1) North 00 degrees 10 minutes 57 seconds East, for a distance of 144.72 feet; 2) North 89 degrees 13 minutes 01 seconds East, for a distance of 66.00 feet; 3) North 00 degrees 17 minutes 06 seconds East, for a distance of 156.75 feet to the Point of Beginning. Containing 7.09 acres, more or less.

Exhibit A-2

(The real estate described in Exhibit A-1 may be graphically illustrated as follows)



Maples at Springmill PUD

CITY OF WESTFIELD, INDIANA

**June 14, 2010
Westfield City Council**

Applicant: WLB Associates, Inc.

Attorneys – Nelson & Frankenberger, P.C.

Attn: James E. Shinaver, Attorney

844-0106

Attn: Jon C. Dobosiewicz,

Professional Land Planner

844-0106

TABLE OF CONTENTS

1. Explanation of Request
2. Site Location Exhibits
3. Proposed Site Layout / Lot Configuration
4. Proposed Home Concept Plans
5. SF – A: Single Family Attached Zoning Ordinance

TAB 1

EXPLANATION OF REZONE REQUEST

The applicant, WLB Associates, Inc., is proposing a rezone request to accommodate minor changes to the development standards within a small area of Section 2 of the Maples at Springmill community. The Maples at Springmill community is currently zoned SF-A (Single Family Attached) and its location is identified under Tab 2 of this booklet. The area that is the subject of the requested change is identified in orange on the same exhibit. If approved, the rezone request will permit the construction of single family detached homes in the area identified in orange.

The area that is the subject of this request was originally zoned and designed for duplex, tri-plex and quad buildings. There are 58 total homes in Section 2; however, this request only applies to 30 of these homes. The rezone request does not change the overall number of homes in Section 2. Tab 3 of this booklet shows the proposed site layout of the homes to be constructed in Section 2.

This rezone request arises from an increase in the overall market demand for single family detached dwellings, new complexities in financing for attached dwellings and the desire to provide flexibility and variety in housing product types within the Maples at Springmill community. In addition to seeking permission to construct detached homes in Section 2, WLB Associates, Inc. is also seeking two (2) adjustments to the SF - A (Single family attached) development specifications regarding: (i) distance between dwellings; and, (ii) garage door offsets (see detail on following page). These requested development changes are designed in an effort to maintain the current platted street layout and site design, as well as the current building massing and open space configuration.

Aside from the requested changes, Epcon will remain the home product line offered for sale within the Maples at Springmill. The standards and design of which can be reviewed under Tab 4 of this booklet.

We look forward to presenting this request to the City Council on June 14, 2010.

Respectfully submitted,



James E. Shinaver

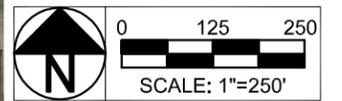


Jon C Dobosiewicz

**The Maples at Springmill PUD -
Standards for Detached Single Family Residential
(part of the Maples at Spring Mill, Section 2 - area illustrated in Exhibit A-2)**

<u>Standard</u>	<u>Current</u>	<u>Proposed</u>
Detached Single Family dwellings	n/a	permitted use
Distance Between Structures	25'	8' (detached dwellings only)
Garage door off set from road	thirty (30) degrees	n/a for 35% of detached dwellings

TAB 2



EMHT
 Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 7400 North Shadeland Avenue
 Suite 150, Indianapolis, IN 46250
 Phone: 317.913.6530 Fax: 317.913.6528
 Columbus • Cincinnati • Indianapolis • Charlotte

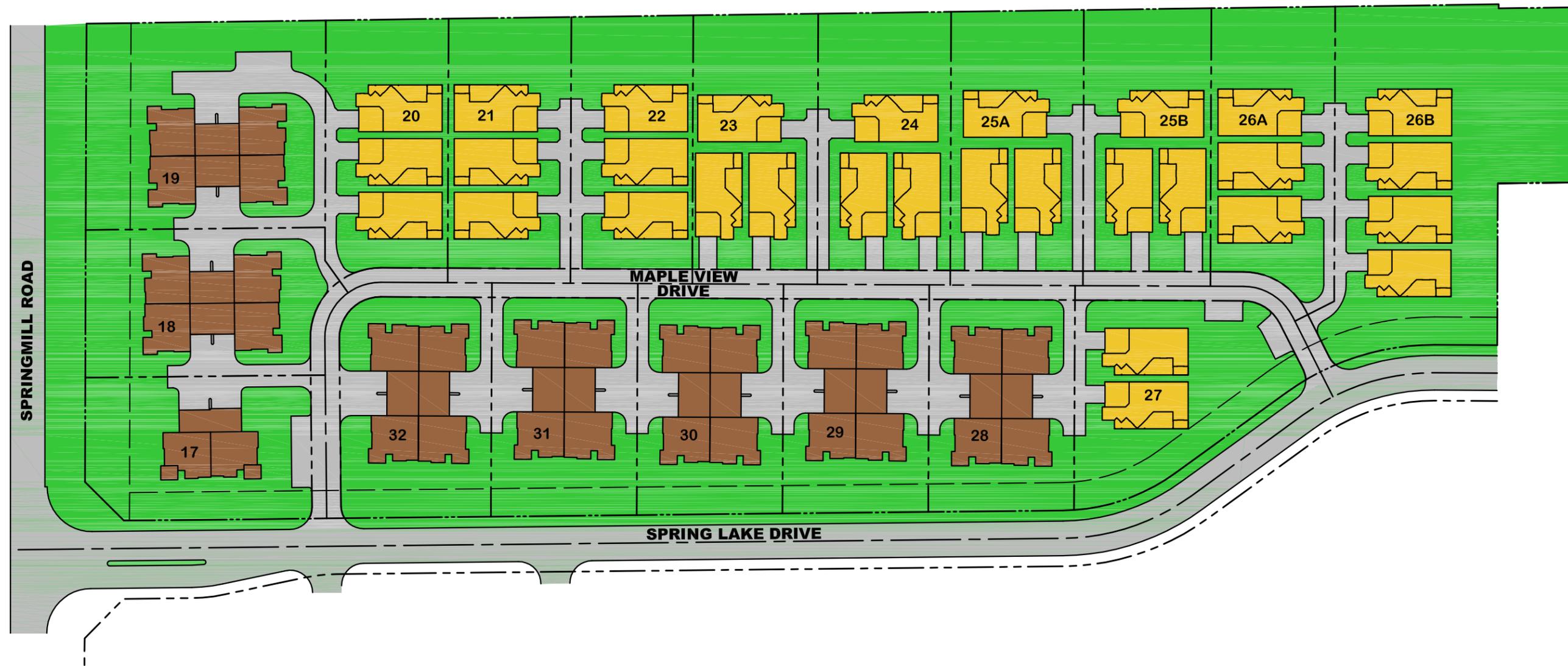
PROJECT:
 MAPLES AT SPRINGMILL
 THE MAPLES AT SPRINGMILL, LLC
 WESTFIELD, INDIANA

TITLE:
SITE LOCATION PLAN

SCALE:
 1" = 250'
 Date:
 05-28-10
 SHEET No. **1**

May 27, 2010 - 4:12pm - C:\Project_L_2009\Projects\20090124\Drawings\Exhibits\PUID Rezoning EX-15\SiteLayoutPlan.dwg
 Proj. No.: 2009-0124

TAB 3



UNIT MIX

- DETACHED HOMES - 30
- ATTACHED HOMES - 30

60 UNITS TOTAL

SCALE: 1"=100'

EMHT
 Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 7400 North Shadeland Avenue
 Suite 150, Indianapolis, IN 46250
 Phone: 317.913.6930 Fax: 317.913.6928
 Columbus • Cincinnati • Indianapolis • Charlotte
 M C M X X Y

PROJECT:
 MAPLES AT SPRINGMILL
 THE MAPLES AT SPRINGMILL, LLC
 WESTFIELD, INDIANA

TITLE:
SITE PLAN

SCALE:
 1" = 100'
 Date:
 05-28-10
 SHEET No. **1**

TAB 4



© Epcor Communities Franchising, Inc. 2008



EPCON'S CLASSIC
COURTYARD
COLLECTION



EPCON'S CLASSIC
COURTYARD
 COLLECTION

Palazzo



Portico

© Epcon Communities Franchising, Inc. 2008



EPCON'S CLASSIC
COURTYARD
COLLECTION



EPCON'S CLASSIC
COURTYARD
 COLLECTION

Portico



Promenade

© Epcon Communities Franchising, Inc. 2008



EPCON'S CLASSIC
COURTYARD
COLLECTION



EPCON'S CLASSIC
COURTYARD
 COLLECTION

Promenade

TAB 5

6. Minimum Setback for Single Family -

Front yard - 20 feet or the average of the setback of other homes in the block

Side yard - 8 feet except on corner lots when 20 feet shall apply to the side of lots fronting a road or street

Rear yard - 20 feet

Minimum lot width at building line - 40 feet

7. Maximum Building Height - Not to exceed 25 feet

8. Minimum ground level square footage required, excluding porches, terraces and garages - Single Family -

Single story - 800 Square feet

Two-story - 650 square

Tri-level - 650 square feet (basement & 1st level)

Story and one-half - 650 square feet

9. Parking - Off-street parking shall be provided in accordance with the provisions of this ordinance

H. **SF-A (Single-Family – Attached)** - This district is established for attached single-family communities of four or less units per building with mandatory public water and sanitary sewer service. If public water and sanitary sewer service is not available, the developer will install with the development. This district is contemplated to provide an exceptional project where the project leads the zoning while providing owner occupied dwelling opportunities for individuals who desire to live in maintenance-free communities (i.e., where grass mowing, property maintenance, snow removal, etc. are commonly maintained and owned by a property owners association). Such communities may or may not include private streets. The new classification is a bridge between all the single family classifications and the multi-family classification.

1. **Permitted Uses** –

1) Two-unit single family attached dwellings

2) Three-unit single family attached dwellings

3) Four-unit single family attached dwellings

4) Accessory Structures as related to the Single Family Attached (SF-A) and owned by the Home Owners Association

(i) Clubhouse

(ii) Swimming Pool

(iii) Common Meeting Facility

2. Special Exceptions –
 - (a) None

3. Permitted Home Occupations – Business that does not have a visual, audible, olfactory, or physical impact on the site by conducting business on the premises.

Permitted home occupations shall not include the employment of a person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except where such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum Lot Area – N/A

5. Minimum Lot Frontage on Roads – N/A

6. Maximum Dwelling Density per Acre – Up to four (4) dwelling units per acre

7. Mandatory public water and sewer service

8. Maximum Number of Acres per SF-A District: Thirty acres (30)

9. Minimum Green Space Area –
 - a. Will be 35 % of total acreage

 - b. All green space is owned and maintained by the Home Owners Association

 - c. Ten percent (10%) may be in an amenity package, including but not limited to: trails, picnic areas and recreational areas.

 - d. A maximum of fifty percent (50%) credit toward the required green space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land.

10. Minimum Building Setback Lines –
 - a. Front yard (from pavement if private street, from right-of-way (ROW) if public street)
 - i) Expressways 50 Feet
 - ii) Primary Arterials 35 Feet
 - iii) Secondary Arterials 25 Feet
 - iv) Collectors 20 Feet
 - v) Local and Private streets 20 Feet

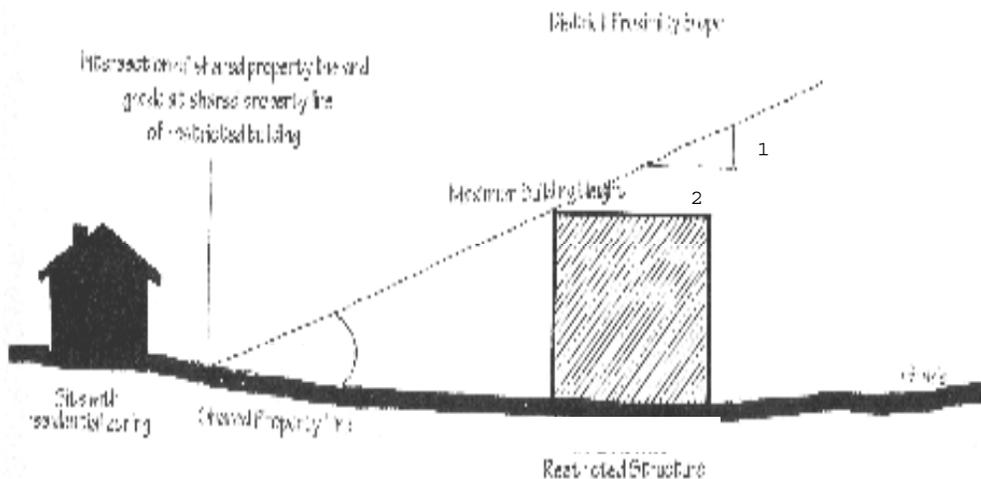
- vi) Buildings with more than one unit that are adjacent will stagger the front envelope for each unit by at least four (4) feet

11. **Distance Between Structures** –

- a. 25 Feet for one- and two-story structures with no vinyl exterior siding on the structure(s).
- b. 30 Feet for one- and two-story structures with any vinyl exterior siding on the structure(s).

12. **Project Perimeter Setback** – Will be at a 1:2 ratio as defined by Proximity Slope (one vertical to two horizontal)

Proximity Slope – A plane projected upward and outward from the property line or right of way line, whichever is closest to the building. The angle or slope is projected from the line formed by the intersection of the vertical plane extending up from the shared property line and the grade at the shared property line of the restricted building or structure (see Figure below). No SF-A structure shall be erected above the projected 1:2 proximity slope line.



13. **Maximum Building Height** – 35 feet structures

14. **All garage door openings will be off set from the road (which the structure is addressed from), which the unit fronts on by at least thirty (30) degrees.**

15. **Minimum Square Footage Per Dwelling Unit (exclusive of porches, basements, terraces and garages) (with a minimum of seventy-five percent (75%) of the residential units being 1,500 square feet or greater)**

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

- | | |
|---|-------------------|
| 1) Single story - | 1,300 Square Feet |
| 2) Story and one-half - (lower and main levels) | 1,600 Square Feet |
| 3) Two story - (lower and main levels) | 1,800 Square Feet |
16. All residential structures will have a two (2) car garage with matching driveway.
 17. Building Materials – Building materials will be governed by the terms of the Development Plan Review procedure set forth in this ordinance.
 18. Landscaping standards as required in WC 16.06. Landscaping
 19. Lighting standards as required in WC 16.07, Lighting