

**APC Review Comments and Petitioner Responses on Symphony PUD**  
**September 20, 2010 APC Meeting**  
**Community Development Department | City of Westfield**

**GENERAL PUD COMMENTS:**

1. These comments are provided by the Community Development Department in response to the revised PUD proposal received on May 26, 2010. We have attempted to be as thorough as possible. These comments also incorporate any comments received from plan commission members prior to the time of this report. These comments do not incorporate the various comments received from the public. Those have been provided separately.
2. Westfield’s corporate counsel will need to sign off on the WHEREAS language included in the beginning of the proposal and other components of the document before adoption.
3. The City will need a revised legal description reflecting the removal of any portions of the PUD since the May PUD submission. Additionally, it would be helpful if the petitioner would provide a graphic exhibit that illustrates the boundaries of the various geographic areas included in the PUD’s legal description. This should probably be included as an exhibit to the PUD ordinance.

**Response: Done. Additional revisions for clarification may be requested prior to adoption.**

4. All exhibits will need to be revised to accurately depict the parcels included in the Symphony PUD proposal.

**Response: Done.**

5. **All Exhibits need to be properly referenced in the PUD ordinance if not already completed.**

**PUD COMMENTS BY SECTION:**

**1.2.B.i.** It would appear that this standard limits the number of “primary dwelling units” on all the property located within the area defined by the legal description in Exhibit A. It may make sense to clarify this definition. There is no accompanying development-wide limitation on the number of “accessory dwelling units.” Should there be?

**Response: This section has been revised to adequately address this comment.**

**1.2.B.ii.** It may make sense to delete the text “including lodging, office, retail, civic, civic support, education and agriculture use gross floor area” from this standard to avoid possible conflicts. The way the remaining standards are set forth would seem to address all possible non-residential uses. “Retail” is a defined term so it should be italicized here. To the extent that the PUD Ordinance is unclear on what is and what is not a retail use, the Director will make the determination. The APC should determine if the extent of what is being proposed in the way of non-residential uses is compliant with the recommendations of the comprehensive plan. If the APC determines that the extent of non-

residential components of the proposal is consistent with the comprehensive plan, then there is no issue to discuss. If the APC determines that the extent of non-residential components of the proposal is not consistent with the comprehensive plan, then the APC should discuss whether adequate information has been provided to the APC to support a departure from the comprehensive plan.

**Response: The recommended text changes have been made. The comprehensive plan issue is probably worthy of further discussion by the APC.**

**1.2.C.** This section of the PUD sets forth a maximum for the amount of open space to be provided. A more meaningful standard would probably involve establishing a minimum amount of open space to be provided. Also, the way the petitioner has defined “open space” significantly modifies the way the term is defined in the Zoning Ordinance (see definition of “Open/Green Space”).

**Response:**

- (1) The developer had intended to delete this paragraph from the PUD ordinance and replace it with provisions added in Section 3.3.C.vii. However, this paragraph still remains in the September 3, 2010 draft. It should probably be deleted.**
- (2) The definition of “open/green space” issue identified above is still an issue. Please note the petitioner’s modified definition of “open space.” The petitioner’s definition includes improvements that have not traditionally been contemplated as open space in Westfield, such as: privately owned property (the Zoning Ordinance contemplates open space as being commonly owned), swimming pools, tennis courts, golf courses, active recreational facilities, developer or HOA offices, community buildings (public or private), assembly halls, outdoor auditoriums, sports fields and “other community amenities.” This item may be worthy of additional discussion among APC members.**
- (3) The petitioner has removed “Sports Stadium” from the definition of “Community Recreational Facilities.” “Community Recreational Facilities” are considered “Open Space” in the proposed PUD ordinance.**
- (4) The petitioner has increased the minimum total number of green belt space acres to be provided throughout Symphony from 153 acres to 355 acres (see Section 1.2.B.iv.).**

**1.3.** This section refers to an Exhibit 9 that is not included in the May 26<sup>th</sup> PUD submission packet. The petitioner should provide this exhibit. In addition, the City understands that PUD phasing plans are not generally used as hard standards to compel petitioners to act at scheduled times. However, some best estimate as to the order and timeline of development that will occur on the property is required (see the City’s PUD Ordinance – requires petitioner to provide phases in which project will be built, including area, density, use, public facilities, and open space to be developed in each phase; each phase to be described and mapped; projected dates for beginning and completion of each phase).

**Response: Done. See Exhibit 4 in revised PUD ordinance.**

**1.4.B.i.** This section would appear fine as written. However, the term “Zoning Ordinance” is defined in a way that freezes the underlying zoning standards in place at the time the Symphony PUD is adopted.

Assuming that this project will take 15 years or more to develop and that the City is likely to learn a few things about zoning regulation over that time which may precipitate important zoning ordinance changes that should govern future sections of this project, it is suggested that the term “Zoning Ordinance” should simply be defined as “The Comprehensive Zoning Ordinance of Westfield-Washington Township, 1977 as amended from time to time” (or something to that effect).

**Response:** Staff was under the impression after talking to the petitioner that the petitioner had intended to modify the “Zoning Ordinance” definition included in the proposed PUD ordinance to comply with the recommendation above. This has not been done and should be addressed.

**1.4.C.i** This section refers to the defined term “Subdivision Regulations”. As defined, the term does not include WC 16.04.210. Unless there is a good reason to omit this part of the Zoning Ordinance, it should probably be included. Also, the subdivision regulations are frozen in the same manner as mentioned in the previous paragraph due to the reference to the term “Zoning Ordinance” as defined by the petitioner.

**Response:** This is now Section 1.4.C.ii.

**(1) The definition for “Subdivision Regulations” now includes WC 16.04.210. Done.**

**(2) The definition of “Zoning Ordinance” still needs to be changed to address the “frozen regulations” issue identified above.**

**1.4.C.iii.** The term “Director” should be a defined term, such as: “The Director of the City of Westfield’s Community Development Department.”

**Response:** This is now Section 1.4.C.iv.

**(1) The term “Director” needs to be italicized?**

**(2) A definition for “Director” has been appropriately added to the revised PUD ordinance. Done.**

**1.5.A.** Exhibit 3 should be revised to exclude any property that has been removed from the Symphony proposal. The accompanying acreage calculations for the various Districts should also be revised to reflect any changes.

**Response:** Done.

**1.5.B.** Just so everything is clear when administering this PUD ordinance, the 15% flexibility set forth in this section should be measured from the acreage numbers set forth in section 1.5.A. A sentence acknowledging this concept should be added. Section 1.5.A. sets forth approximate acreages. It is difficult if not impossible to know if you are increasing or decreasing more than 15% from an “approximate” number.

**Response:** Done.

**1.7** The development plan review process is a ministerial review process. In other words, all that should be involved is an administrative review of whether a proposal complies with the standards applicable to the development or not. In concept, the Community Development staff supports the idea of allowing this function to happen at the department level. This would significantly increase department efficiencies by eliminating the unnecessary time, energy and expense associated with preparing such petitions for plan commission meetings. The same review and compliance is still required even though such petitions would not appear at an APC meeting. Additionally, the APC hearing process for development plans probably creates some expectation on behalf of affected parties that they will have some meaningful opportunity to be heard. In the case of the City's development plan review process, this is probably not the case. Plans either comply with the applicable standards or they do not. This staff-level review concept is one that the Community Development Department would also support addressing globally, not just for the Symphony proposal.

**Response:** The staff is fine with leaving this section as written. However, the City's legal counsel needs to be engaged to discuss the second sentence in Section 1.7.B. Eliminating the public hearing requirement for a development plan approval may involve more than the simple statement made in this sentence. Staff will make every attempt to resolve this item prior to the next APC meeting.

**2.1.D.** The petitioner has been asked to remove the "and at the discretion or option of the Master Developer" text from the ordinance. This provision should apply to whomever the owner or developer ends up being, not just the Master Developer.

**Response:** Done.

**2.2** The Community Development Department has identified several suggested changes related to the definitions section of this PUD. Those suggested changes are discussed throughout this report as they are referred to in the various sections of the PUD document.

**Response:** This item is addressed throughout the comments included in this report.

**3.1.A.ii.** The text in this section should be cleaned up. None of the terms that appear in italics are defined. It would appear that the petitioner is attempting to refer to the following defined terms: "attached single-family dwellings," "detached single-family dwellings" and "multi-family housing." This should be confirmed and revised accordingly. Additionally, the term "primary building" is referenced or referenced by a reference within these definitions. This definition probably needs a little work. It appears to be a little vague due to the use of the word "main" in the definition.

**Response:**

- (1) This section has been revised by the petitioner; however, the paragraph is still missing the word "dwelling" after "attached and detached single-family."**
- (2) The somewhat vague term "main" is still being used twice in the proposed definition for "primary building." This is not an incredibly important point, but there should be a simple drafting solution to this issue. The City's own definition for "principal building" includes**

**the term “main.” This word choice has created confusion in the past. It would be helpful to appropriately address this issue now for the Symphony PUD.**

**3.1.C.i.** Section 3.4 as referenced in this section is titled “Permitted Uses”, not “Permitted Use Table.” This should be appropriately corrected. The APC should feel free to discuss the proposed permitted uses in the Residential District. This District permits “community recreational facilities.” As defined, this use may include an all-sports stadium and other sports-related improvements. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may wish to obtain more details from the petitioner in order to determine the propriety of this land use at the proposed location. This District also permits “sustainable energy facilities” and various types of schools and other non-residential uses. For these uses, the development standards set forth in section 3.2.G. apply. These standards include few restrictions. This regulatory approach is uncommon in Westfield and worthy of further discussion.

**Response:**

- (1) The label of the permitted use table has been appropriately changed. Done.**
- (2) “Community Recreational Facilities” are still included in the permitted use list for this district.**
- (3) “Sports Stadium” is no longer included in the definition of “Community Recreational Facilities.” “Sports Stadium” has instead been established as a permitted use in the Mixed Use District as set for in Table 3-2: Permitted Uses. This item is no longer a concern in the Residential District.**
- (4) The petitioner has explained that the sports facilities in Symphony (as permitted in the definition for “Community Recreational Facilities”) will be constructed at a scale to serve the local community. Staff would recommend including safeguards within the PUD to ensure this and would welcome suggestions from the petitioner.**
- (5) All of the non-residential uses that are permitted within the Residential District are now “conditional uses.” Special standards for these conditional uses are now included in Section 3.5. These standards are currently under review by staff. Supplemental comments regarding these items will be provided on or before the next APC meeting.**

**3.1.C.ii.** The last sentence of this section is confusing. This sentence should be clarified and revised to avoid any confusion. Additionally, it would seem at that this section would prohibit live-work type of units from being created in the Residential District. If you dig into the definitions of the terms used in this section, this may not be the actual result. However, there is probably a clearer way to state this so as to avoid possible misinterpretation.

**Response: Appropriate changes have been made to this Section to eliminate the concerns mentioned above. Done.**

**3.1.C.iv.** If the term “garages” is appropriately added to the definition of “gross floor area,” the text “exclusive of open porches, terraces and garages” can be removed from this section. The APC may

wish to discuss the petitioner's minimum square footage proposed in this section. The 600 SF minimum is somewhat unconventional in Westfield.

**Response:**

- (1) The way the petitioner has defined "gross floor area" is acceptable. In some cases, there may not be any ground level square footage as contemplated in the Zoning Ordinance definition of "Gross Ground Floor Area." Done.**
- (2) The petitioner has committed to the following gross floor areas for homes on the various lot types: Cottage Lots – 600 SF; Narrow Lots – 1000 SF; Small Lots – 1400 SF; House Lots 1800 SF; and Estate Lots – 2400 SF (see Table 3-1). The APC may wish to discuss these standards further with the petitioner. For reference, the City's traditional ground level square footage requirements in the various residential zoning districts are: SF5 – 800 SF (one story), 650 SF (two story); SF4 - 1000 SF (one story), 750 SF (two story); SF3 - 1200 SF (one story), 800 SF (two story); SF2 - 1200 SF (one story), 800 SF (two story); SF1 - 2000 SF (one story), 1200 SF (two story).**

**3.1.C.v.** If the term "garages" is appropriately added to the definition of "gross floor area," the text "exclusive of open porches, terraces and garages" can be removed from this section. The APC may wish to discuss the petitioner's minimum square footage proposed in this section. The 350 SF minimum is somewhat unconventional in Westfield. Additionally, the concept of accessory dwelling units is also somewhat unconventional and may be worthy of further discussion.

**Response:**

- (1) The way the petitioner has defined "gross floor area" is acceptable. In some cases, there may not be any ground level square footage as contemplated in the Zoning Ordinance definition of "Gross Ground Floor Area." Done.**
- (2) Many of the accessory dwellings contemplated by the petitioner would be located over 2-car garages. The typical footprint of a 2-car garage is over 400 SF and probably less than 550 SF. The 350 SF requirement would permit this type of dwelling. The APC may wish to discuss this standard further with the petitioner.**

**3.1.E.i.** The term "additional" probably means "in addition to the occupations already permitted in the Zoning Ordinance." This should be confirmed and clarified in the PUD ordinance.

**Response: Appropriate changes have been made to this Section to eliminate the issue mentioned above. Done.**

**3.1.E.iv.** The APC may wish to discuss with the petitioner the 30% rule in this section. The Zoning Ordinance does not govern such uses in this manner today. The APC may wish to discuss this approach in further detail with the petitioner.

**Response: This Section has been deleted. Done.**

**3.1.F.i.** The APC may wish to discuss the development standards referenced in this section (Table 3-1). Some of the standards are significantly lower requirements than those traditionally approved in Westfield. The petitioner does not identify specifically where in the project these various lot standards would apply. As written today, the developer of any portion of the Residential District would appear to be able to unilaterally determine what lot standards apply to the given portion of the project by simply identifying the lot type at the time of filing (up to the maximum number of lots per lot type set forth in the table). This regulatory approach provides a great deal of flexibility for the developer and less predictability for the City and the surrounding community than traditional methods of regulating lot standards. This is an item that the APC may wish to discuss in more detail with the petitioner.

**Response:** The petitioner has added several new limitations for the various Lot Types, such as: Minimum Home Size, Minimum Aggregate Quantity Required; Maximum Aggregate Quantity Permitted; and Maximum Quantity Permitted in a Single Village (see Table 3-1). This does add more detail, but still allows the petitioner to unilaterally determine what lot standards apply to a given lot as described above. This is an item that the APC may wish to discuss in more detail with the petitioner.

**3.1.F.ii.** Same comments as the previous section.

**Response:** See comments regarding Table 3-1 above (see 3.1.F.i.).

**3.1.F.iii.** Same comments as the previous section. Additionally, this section includes the defined term “open space.” Although the APC may find it acceptable for lots to front on public or private open spaces if they are alley-accessed lots (as currently proposed), keep in mind that the petitioner has modified the City’s definition of “open space” in the PUD. The petitioner’s definition may include improvements that have not traditionally been contemplated as open space in Westfield (see Zoning Ordinance definition), such as: potentially privately owned property (the Zoning Ordinance contemplates open space as being commonly owned), swimming pools, tennis courts, golf courses, active recreational facilities, developer or HOA offices, community buildings (public or private), assembly halls, outdoor auditoriums, sports fields, sports stadiums and “other community amenities.” This item may be worthy of additional discussion.

**Response:**

**(1)** See comments regarding Table 3-1 above (see 3.1.F.i.).

**(2)** The concept of allowing lots to front on public or private open spaces is acceptable as long as the APC is comfortable with the possible scenarios identified above.

**(3)** “Sports Stadium” is no longer permitted in the Residential District. The other public and private uses would still constitute “open space.”

**3.1.F.iv.** Same comments about the developer being able to unilaterally select standards. Additionally, this section establishes front setbacks for the various lot types. These standards permit front yard setbacks that are much lower than traditional requirements in the Zoning Ordinance. Although these standards may be acceptable to the APC, it would be wise to confirm that such reduced standards do

not create a problem for the various infrastructure agencies that serve this location. These reduced setbacks restrict the amount of “wiggle room” available for infrastructure improvements. This section also permits encroachments into the required front yard setbacks. Rather than establishing a setback requirement and then permitting encroachments within that area, an alternative approach would be to establish a hard front setback line and then (if the developer chooses to further restrict how close structures, balconies, porches and stoops can be constructed to that setback line) this objective can be accomplished through the private covenants of the subdivision or neighborhood. The APC may wish to discuss this item in further detail.

**Response:**

- (1) See comments regarding Table 3-1 above (see 3.1.F.i.).**
- (2) For the most part, the way the petitioner has modified this Section addresses the setback encroachment issue identified above. The only remaining staff concerns related to this issue are the proposed front setbacks for “Townhomes” and “Flats.” The proposed minimum setback is zero feet. Prior to the next APC meeting, staff will speak with the petitioner to better understand the need for this flexibility and speak with other City departments to make sure we understand any possible complications this zero-setback may cause.**

**3.1.F.v.** Same comments about the developer being able to unilaterally select standards.

**Response: See comments regarding Table 3-1 above (see 3.1.F.i.).**

**3.1.F.vi.** Same comments about the developer being able to unilaterally select standards.

**Response: See comments regarding Table 3-1 above (see 3.1.F.i.).**

**3.1.F.vii.** Same comments about the developer being able to unilaterally select standards. Additionally, the City does not prefer to regulate building height by limiting the number of stories in a building. Instead a simple measurement in feet based on the way “building height” is defined in the Zoning Ordinance is preferred. If the developer wishes to regulate building height in this manner through its private covenants, it is free to do so (as long as the height does not exceed the maximum number of feet permitted in the PUD).

**Response:**

- (1) See comments regarding Table 3-1 above (see 3.1.F.i.).**
- (2) The PUD ordinance has been revised to adequately address the building height measurement issue identified above. Done.**

**3.1.F.viii.** Please note the petitioner’s modified definition of “open space.” The petitioner’s definition may include improvements that have not traditionally been contemplated as open space in Westfield (see Zoning Ordinance definition), such as: potentially privately owned property (the Zoning Ordinance contemplates open space as being commonly owned), swimming pools, tennis courts, golf courses, active recreational facilities, developer or HOA offices, community buildings (public or private),

assembly halls, outdoor auditoriums, sports fields, sports stadiums and “other community amenities.” This item may be worthy of additional discussion.

**Response:**

- (1) The definition of “open space” issue identified above is still an issue that the APC may wish to discuss. Please note the petitioner’s modified definition of “open space.” The petitioner’s definition includes improvements that have not traditionally been contemplated as open space in Westfield, such as: privately owned property (the Zoning Ordinance contemplates open space as being commonly owned), swimming pools, tennis courts, golf courses, active recreational facilities, developer or HOA offices, community buildings (public or private), assembly halls, outdoor auditoriums, sports fields and “other community amenities.”
- (2) The petitioner has removed “Sports Stadium” from the definition of “Community Recreational Facilities.” “Community Recreational Facilities” are considered “Open Space” in the proposed PUD ordinance.
- (3) The petitioner has increased the minimum total number of green belt space acres to be provided throughout Symphony from 153 acres to 355 acres (see Section 1.2.B.iv.).

**3.1.G.** There are very few non-residential development standard restrictions applicable to this district. This item is worthy of further discussion. The petitioner was asked to supply more development standard and architectural standard details as part of its revised submission for the APC’s consideration.

**Response:**

- (1) The petitioner has added several new limitations for the various Lot Types, such as: Minimum Home Size, Minimum Aggregate Quantity Required; Maximum Aggregate Quantity Permitted; and Maximum Quantity Permitted in a Single Village (see Table 3-1). This does add more detail, but still allows the petitioner to unilaterally determine what lot standards apply to a given lot as described above. This is an item that the APC may wish to discuss in more detail with the petitioner.
- (2) All of the non-residential uses that are permitted within the Residential District are now “conditional uses.” Special standards for these conditional uses are now included in Section 3.5. These standards are currently under review by staff. Supplemental comments regarding these items will be provided on or before the next APC meeting.
- (3) The petitioner has added a significant amount of material in the PUD ordinance pertaining to building architecture. See Section 3.7. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear that many or most of the provisions included in Section 3.7 would be difficult to enforce. Additional staff comments on this Section will be forthcoming.

**3.2.C.i.** It would appear that the petitioner intended to reference Section 3.4, not Section 3.2. This should be corrected. Please review the proposed permitted uses for discussion among the APC members. This District permits a wide variety of uses. Among them, the term “community recreational facilities” is included. As defined, this use may include an all-sports stadium and other sports-related improvements. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may wish to obtain more details from the petitioner in order to determine the propriety of this land use at the proposed location. The non-residential development standards set forth in section 3.2.G. apply to the non-residential uses. These standards are not very significant. This regulatory approach is uncommon in Westfield and worthy of further discussion.

**Response:**

- (1) The reference to Section 3.4. has been corrected. Done.**
- (2) “Community Recreational Facilities” appear in the permitted use list for this district.**
- (3) “Sports Stadium” is no longer included in the definition of “Community Recreational Facilities.” “Sports Stadium” has instead been established as a permitted use in the Mixed Use District as set for in Table 3-2: Permitted Uses.**
- (4) The petitioner has explained that the sports facilities in Symphony (as permitted in the definition for “Community Recreational Facilities”) will be constructed at a scale to serve the local community. Staff would recommend including safeguards within the PUD to ensure this and would welcome suggestions from the petitioner.**
- (5) Additional discussion among APC members about the propriety of a “Sports Stadium” at the proposed location may be helpful. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may wish to obtain more details from the petitioner in order to determine the propriety of this land use at the proposed location.**
- (6) The non-residential development standards set forth in section 3.2.G. have not been significantly changed. These standards are pretty flexible. This regulatory approach is probably worthy of further discussion.**
- (7) The petitioner has added a significant amount of additional material in the PUD ordinance pertaining to building architecture. See Section 3.7. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear that many or most of the provisions included in Section 3.7 would be difficult to enforce. Additional staff comments on this Section will be forthcoming.**

**3.2.C.ii.** The last sentence of this section is confusing. This sentence should be clarified and revised to avoid any confusion. Additionally, it would seem that this section would prohibit live-work type of units. If you dig into the definitions of the terms used in this section, this may not be the actual result. However, there is probably a clearer way to state this so as avoid possible misinterpretation.

Additionally, it would appear that the petitioner intended to refer to Section 3.2.E. in this paragraph instead of Section 3.3.E. This should be corrected.

**Response:**

- (1) The last sentence is still confusing. This sentence to be modified to conform with the text of the second sentence in Section 3.1.C.ii.**
- (2) The definition of “Live-Work Unit” has been removed from the definition section of the proposed PUD ordinance (see Article 2). The “live-work” reference has been removed from this section, so the issue identified above should be adequately addressed. The “live-work” opportunity is being accommodated as a Mixed Use Building.**
- (3) Additionally, if the “Live-Work Unit” definition/concept is intended to have been removed, care should be taken to ensure that all such references are removed from the revised PUD ordinance. For example, “Live-Work Units” still appears as a defined term on Section 3.2.C.iii. There may be others throughout the revised PUD.**
- (4) The reference to Section 3.2.E. has been corrected. Done.**

**3.2.C.iv.** If the term “garages” is appropriately added to the definition of “gross floor area,” the text “exclusive of open porches, terraces and garages” can be removed from this section. The APC may wish to discuss the petitioner’s minimum square footage proposed in this section. The 600 SF minimum is somewhat unconventional in Westfield.

**Response: See comments set forth in Section 3.1.C.iv.**

**3.2.C.v.** If the term “garages” is appropriately added to the definition of “gross floor area,” the text “exclusive of open porches, terraces and garages” can be removed from this section. The APC may wish to discuss the petitioner’s minimum square footage proposed in this section. The 350 SF minimum is somewhat unconventional in Westfield. Additionally, the concept of accessory dwelling units is also somewhat unconventional and may be worthy of further discussion.

**Response: See comments set forth in Section 3.1.C.v.**

**3.2.E.i.** This section is a little confusing because “live-work unit” is identified as a land use in the permitted use table. It would seem that a “live-work unit” is more like a type of structure than a type of land use. It is unclear what type of work (or land use) is permitted in a live-work unit. This should be clarified and appropriate changes to the PUD should be made.

**Response:**

- (1) This paragraph has been deleted. Done.**
- (2) The definition of “Live-Work Unit” has been removed from the definition section of the proposed PUD ordinance (see Article 2). The “live-work” reference has been removed from this section, so the issue identified above should be adequately addressed. The “live-work” opportunity is being accommodated as a Mixed Use Building.**

**3.2.E.ii.** The term “additional” means “in addition to the occupations already permitted in the Zoning Ordinance.” This should be confirmed and clarified in the PUD ordinance.

**Response:** This Section is now Section 3.2.E.i. Appropriate changes have been made to this Section to eliminate the issue mentioned above. Done.

**3.2.E.v.** The APC may wish to discuss with the petitioner the 30% rule established in this section. The Zoning Ordinance does not govern such uses in this manner today. Further discussion may be desired.

**Response:** This Section has been deleted. Done.

**3.2.F.** The roman number “i” can be deleted (there is no following roman number “ii”). Please see all previous comments above pertaining to Section 3.1.F.

**Response:**

**(1) The roman number “i” has been removed. Done.**

**(2) See residential development standard comments pertaining to the revised PUD proposal throughout Section 3.1.F above.**

**3.2.G.** Generally, this entire section provides very few development standard restrictions in the Mixed Use District. The APC may support this approach, but this is not a common practice in Westfield. This item is worthy of further discussion. The petitioner was asked to supply more development standard and architectural standard details as part of its revised submission for the APC’s consideration.

**Response:**

**(1) The non-residential development standards set forth in section 3.2.G. have not been significantly changed. These standards are pretty flexible. This regulatory approach is probably worthy of further discussion.**

**(2) The petitioner has added a significant amount of additional material in the PUD ordinance pertaining to building architecture. See Section 3.7. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear that many or most of the provisions included in Section 3.7 would be difficult to enforce. Additional staff comments on this Section will be forthcoming.**

**3.2.G.iv.b.** This paragraph should be deleted. If the Public Works Department wishes to issue an encroachment permit, it can do so. This is not a zoning matter.

**Response:** This Section has been adequately revised to address the encroachment issue identified above. Done.

**3.2.G.vii.** The City does not prefer to regulate building height by limiting the number of stories in a building. Instead a simple measurement in feet based on the way “building height” is defined in the Zoning Ordinance is preferred. If the developer wishes to regulate building height in this manner

through its private covenants, it is free to do so (as long as the height does not exceed the maximum number of feet permitted).

**Response: The PUD ordinance has been revised to adequately address the building height measurement issue identified above. Done.**

**3.3.A.** It is probably a good idea to remove the word “public” from paragraphs “i” and “ii”. Although this word is likely meant to describe a golf course that is open to the public, this may create some confusion. To some, a public golf course may indicate that it is owned by the public.

**Response: This change has not yet been made.**

**3.3.C.i.** Please review the proposed permitted uses for discussion among the APC members. This District permits some uses that may need further discussion. Among them, the term “community recreational facilities” is included. As defined, this use may include an all-sports stadium and other sports-related improvements. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may wish to obtain more details from the petitioner in order to determine the propriety of this land use at the proposed location. The petitioner was asked to supply a map exhibit clearly identifying the area within the Nature and Recreation District that permits the commercial uses identified in this paragraph.

**Response:**

- (1) “Community Recreational Facilities” appear in the permitted use list for this district.**
- (2) “Sports Stadium” is no longer included in the definition of “Community Recreational Facilities.” “Sports Stadium” has instead been established as a permitted use in the Mixed Use District as set for in Table 3-2: Permitted Uses.**
- (3) The petitioner has explained that the sports facilities in Symphony (as permitted in the definition for “Community Recreational Facilities”) will be constructed at a scale to serve the local community. Staff would recommend including safeguards within the PUD to ensure this and would welcome suggestions from the petitioner.**
- (4) Additional discussion among APC members about the propriety of a “Sports Stadium” at the proposed location may be helpful. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may wish to obtain more details from the petitioner in order to determine the propriety of this land use at the proposed location.**
- (5) The non-residential development standards set forth in section 3.2.G. have not been significantly changed. These standards are pretty flexible. This regulatory approach is probably worthy of further discussion.**
- (6) The petitioner has added a significant amount of additional material in the PUD ordinance pertaining to building architecture. See Section 3.7. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear**

**that many or most of the provisions included in Section 3.7 would be difficult to enforce. Additional staff comments on this Section will be forthcoming.**

**(7) The petitioner has added adequate detail to eliminate confusion about where the commercial nodes mentioned above will be located. See Section 3.5.B. Done.**

**3.3.C.ii.** The last sentence of this section is confusing. This sentence should be clarified and revised to avoid any confusion.

**Response: The last sentence is still confusing. This sentence to be modified to conform with the text of the second sentence in Section 3.1.C.ii.**

**3.3.C.iii.** This paragraph contemplates live-work units, but live-work units are not included as a permitted use in the permitted use table. The petitioner was asked to conform this item (i.e., fix this paragraph or fix the permitted use table).

**Response: The definition of "Live-Work Unit" has been removed from the definition section of the proposed PUD ordinance (see Article 2). The "live-work" reference has been removed from this section, so the issue identified above should be adequately addressed. The "live-work" opportunity is being accommodated as a Mixed Use Building.**

**3.3.C.iv.** If the term "garages" is appropriately added to the definition of "gross floor area," the text "exclusive of open porches, terraces and garages" can be removed from this section. The APC may wish to discuss the petitioner's minimum square footage proposed in this section. The 600 SF minimum is somewhat unconventional in Westfield.

**Response: See comments set forth in Section 3.1.C.iv.**

**3.3.C.v.** If the term "garages" is appropriately added to the definition of "gross floor area," the text "exclusive of open porches, terraces and garages" can be removed from this section. The APC may wish to discuss the petitioner's minimum square footage proposed in this section. The 350 SF minimum is somewhat unconventional in Westfield. Additionally, the concept of accessory dwelling units is also somewhat unconventional and may be worthy of further discussion.

**Response: See comments set forth in Section 3.1.C.v.**

**3.3.C.viii.** This is a new Section added to the proposed PUD. The standards included here may seem a little strange (i.e., establishing minimum units, maximum open space, restriction on PUD amendments by the Master Developer). The City would typically be more interested in establishing maximum dwelling units, minimum open space and the City does not generally (and may not have the power to) restrict entities from seeking legislative modifications to PUDs. These provisions have been inserted to appease the owners of the subject property identified in this Section. Items "a" and "b" are almost counter to the APC's interest (although maybe acceptable in this scenario) and item "c" is unlikely to be enforced by the City, possibly impossible to enforce, and generally an unwise provision to include in the PUD. Staff will confer with the City's legal counsel prior to the next APC meeting regarding this item.

**3.3.E.i.** This paragraph contemplates live-work units, but live-work units are not included as a permitted use in the permitted use table. The petitioner was asked to conform this item (i.e., fix this paragraph or fix the permitted use table). If live-work units are to be permitted in this District, then this section is a little confusing because “live-work unit” is identified as a land use in the permitted use table. It would seem that a “live-work unit” is more like a type of structure than a type of land use. It is unclear what type of work (or land use) is permitted in a live-work unit. This should be clarified and appropriate changes to the PUD should be made.

**Response:**

**(3) This paragraph has been deleted. Done.**

**(4) The definition of “Live-Work Unit” has been removed from the definition section of the proposed PUD ordinance (see Article 2). The “live-work” reference has been removed from this section, so the issue identified above should be adequately addressed. The “live-work” opportunity is being accommodated as a Mixed Use Building.**

**3.3.E.ii.** The term “additional” means “in addition to the occupations already permitted in the Zoning Ordinance.” This should be confirmed and clarified in the PUD ordinance.

**Response:**

**(1) This Section is now Section 3.3.E.i.**

**(2) Appropriate changes have been made to this Section to eliminate the issue mentioned above.**

**(3) All defined terms in this paragraph need to be italicized (the same is true for all defined terms within the entire PUD as well).**

**3.3.E.v.** The APC may wish to discuss with the petitioner the 30% rule established in this section. The Zoning Ordinance does not govern such uses in this manner today. Further discussion may be desired.

**Response: This Section has been deleted. Done.**

**3.3.F.** Please see all previous comments above pertaining to Section 3.1.F.

**Response: See residential development standard comments pertaining to the revised PUD proposal throughout Section 3.1.F above.**

**3.3.G.** Generally, this entire section provides very few development standard restrictions in the Mixed Use District. The APC may support this approach, but this is not a common practice in Westfield. This item is worthy of further discussion. The petitioner was asked to supply more development standard and architectural standard details as part of its revised submission for the APC’s consideration.

**Response:**

- (1) The non-residential development standards set forth in section 3.2.G. have not been significantly changed. These standards are pretty flexible. This regulatory approach is probably worthy of further discussion.
- (2) The petitioner has added a significant amount of additional material in the PUD ordinance pertaining to building architecture. See Section 3.7. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear that many or most of the provisions included in Section 3.7 would be difficult to enforce. Additional staff comments on this Section will be forthcoming.

3.4. The petitioner was asked to include a paragraph “D” within this section titled “Uses Not Permitted” in order to address certain undesirable uses, such as sexually oriented businesses, etc.

**Response:** A new Section 3.4.D. has been added to the PUD ordinance. The list of prohibited uses appears to be acceptable. However, none of the listed uses are defined in the revised PUD or the existing Zoning Ordinance definitions. These terms need to be defined.

**Table 3-2: Permitted Uses.** The petitioner was asked to remove “Home Occupation” as a permitted use because such uses are inherently accessory to a residence and they are governed elsewhere in the PUD Ordinance. The petitioner was asked to eliminate “live-work unit” as a permitted use because this is more of a form of building, not a land use. The type of use that would constitute the “work” part of “live-work” should be independently permitted in the use table. The petitioner was asked to consider adding “Bed & Breakfast” as a permitted use in the Nature & Recreation District. The petitioner was asked to conform the use name “Multi-Use Building, Office” to the defined term “Mixed-Use Building, Office.” The petitioner was asked to eliminate the use “Liquor Selling Establishment” because this is a use normally contemplated in the retail use category. The petitioner was asked to consider removing “Temporary Seasonal Sales” as a permitted use in the Mixed Use District because the City already has a temporary sales ordinance that provides standards for such uses. The petitioner’s vision may be a little different than that accommodated in the City’s temporary sales use ordinance. This item will need further review after the petitioner responds. The use “Shopping Center” is inconsistent with the defined term “Shopping Mall.” The petitioner was asked to make these items consistent. Additionally, the term “Shopping Mall,” as defined, would seem to contemplate a closed-in shopping mall, not an open-air environment which would seem to be more consistent with the vision for Symphony as described by the petitioner. “Community Recreation Facilities,” as defined, include an all-sports stadium. Although an all-sports stadium is beyond the scope of the initial plans for the Family Sports Capital of America initiative, this item is probably worthy of further discussion by the APC. Westfield currently does not have any uses quite like the all-sports stadium that the petitioner is proposing. The APC may need more information in order to determine the propriety of this land use at the proposed location. The petitioner was asked to strike “Convention Center” from the permitted use table. Indiana only has one convention center and it is located in downtown Indianapolis. Nothing of that scale has been contemplated at the petitioner’s proposed location. The petitioner was asked to eliminate the term “Parking Structure” from the permitted use table. This is more of a structure type than a use type. The

petitioner was asked to more clearly define and restrict the term “Sustainable Energy Facility”. As defined, the term is fairly open ended.

**Response:**

- (1) “Dwelling-Over-Commercial” was removed from Table 3-2. It is more of a building type than a land use. It will be permitted as a Mixed Use Building, Retail.
- (2) “Home Occupation” is addressed within the standards for the various Districts. For this reason, it was eliminated as an independent land use in Table 3-2.
- (3) “Live-Work Unit” was removed from Table 3-2. It is more of a building type than a land use. It will be permitted as a Mixed Use Building.
- (4) “Bed & Breakfast” was added as a permitted use in the Nature & Recreation District.
- (5) “Multi-Use Building, Office” has been changed to “Mixed-Use Building, Office.”
- (6) “Liquor Selling Establishment” has been removed as an independent use in Table 3-2.
- (7) “Temporary Seasonal Sales” has been removed from Table 3-2. The petitioner will be defaulting to the City’s recently approved Temporary Uses and Events standards.
- (8) “Shopping Center” has been defined. The definition for “Shopping Mall” has been deleted.
- (9) “Community Recreation Facilities” has been modified to not include “Sports Stadium.” Instead, “Sports Stadium” has been added as an independent land use in Table 3-2.
- (10) “Convention Center” has been deleted from Table 3-2.
- (11) “Parking Structure” is a type of “Commercial Parking Lot,” which is listed as a separate land use in Table 3-2. For this reason, it is unnecessary to list “Parking Structure” as a land use. This term has been deleted.
- (12) The definition of “Sustainable Energy Facility” has been supplemented to adequately address the concerns raised by staff.

**3.5.B.** The term “important neighborhood intersections” needs to be clarified. The petitioner was asked to provide a map exhibit clearly depicting the locations of the important neighborhood intersections. The petitioner was also asked to remove the portion of this paragraph that would permit the important neighborhood intersections to be designated at the Development Plan stage. It is recommended by staff that these intersections should be established as part of the zoning process. This paragraph may also need to be cleaned up to respond to the new exhibit that the petitioner was asked to incorporate on Section 3.3.C.i., showing the non-residential use area within the Nature and Recreation District.

**Response:** The petitioner has revised this Section to adequately address the issues raised above. The commercial nodes have been clearly identified. Done.

**3.5.C.** This paragraph should be modified to make clear the parking space “requirement for second story residential units” referenced.

**Response:** This item still needs to be addressed.

**3.5.E.** The last sentence in this paragraph should be deleted. Live-work units are not listed as permitted uses in the Nature and Recreation District.

**Response:** This paragraph has been deleted. Done.

**3.5.F.i.** The petitioner was asked to limit the height restriction in this paragraph to a number of feet rather than making a reference to the number of stories. The petitioner was asked to use total building square footage (as traditionally calculated by staff members) rather than “gross leasable area.” This will avoid administrative staff members having to calculate the portion of a building dedicated to leasable area for tenants in the future. This comment applies to all paragraphs in this Section where the term “gross leasable area” is used.

**Response:**

**(1) The building height measurement issue has been adequately addressed in Section 3.5.F.vii. in the revised PUD ordinance. Done.**

**(2) The petitioner has revised the ordinance to use the recommended “gross floor area” measurement. Done.**

**3.5.G.i.** The petitioner was asked to limit the height restriction in this paragraph to a number of feet rather than making a reference to the number of stories.

**Response:** This issue has been adequately addressed throughout the revised Section 3.5.G.

**3.5.H.i.** The petitioner was asked to limit the height restriction in this paragraph to a number of feet rather than making a reference to the number of stories.

**Response:** This issue has been adequately addressed throughout the revised Section 3.5.G.

**3.6.A.i.** This paragraph refers to “all districts,” but the referenced Table 3-3, as labeled, would seem to only govern parking requirements in the Residential District. This inconsistency needs to be fixed.

**Response:**

**(1) The petitioner has defaulted to the City’s parking standards established in the Zoning Ordinance.**

**(2) The term “Zoning Ordinance” needs to be italicized in Section 3.6.A.**

**(3) Additional flexibility is built into Section 3.6.B. to allow parking space reductions where appropriate.**

**3.6.A.ii.** The petitioner was asked to eliminate the text “of one half or less may be disregarded and any fraction in excess of one half.” This will simplify parking calculations and remove the permissive language in the eliminated text.

**Response:** The petitioner has defaulted to the City’s parking standards established in the Zoning Ordinance. Done.

**3.6.B.** The petitioner was encouraged to review carefully the City’s existing parking space requirements. What is in place today works pretty well and is rarely the source of conflict. If at all possible, the petitioner was asked to default to the City’s existing standards. If the petitioner does so, Section 3.6.B. can probably be eliminated.

**Response:** The petitioner has defaulted to the City’s parking standards established in the Zoning Ordinance. Done.

**3.6.C.** The standard included in this paragraph appears to be administratively cumbersome. The petitioner was asked to give this item some thought in order to help develop an easy-to-administer method for tracking the use of on-street parking spaces with each development plan submission.

**Response:** After discussing this item with the petitioner, it has been determined that the tracking of on-street parking spaces can occur at the primary platting stage. As contemplated in the revised PUD, each village identified in Exhibit 2 will be platted as a whole. This is an acceptable approach.

**3.6.D.i.** This paragraph can probably be eliminated. It no longer serves a purpose if the petitioner agrees to limit building heights based on feet instead of number of stories.

**Response:** This provision has been deleted. Done.

**3.6.D.ii.** This paragraph needs to be reworked: (1) as written, the sentence is confusing, and (2) the petitioner needs to define what it means to have a façade that is “architecturally treated.”

**Response:**

**(1) These items are now relevant to Section 3.6.D. in the revised PUD ordinance.**

**(2) This Section is still a little confusing. It can probably be stated more clearly.**

**(3) The exemption language that has been inserted is new. This text would seem logical, but APC discussion on this item may be worthwhile.**

**3.6.E.i.** The petitioner was asked to modify this paragraph to read: “All parking spaces shall be a minimum of 9 feet in width and 18 feet in length.” Staff is supportive of the reduced parking stall sizes. This will result in less impervious surface area and therefore less storm water runoff. Also, less land area will be consumed by asphalt which allows more to be used for green areas or improvements which create more assessed value. The remainder of this paragraph may be deleted. The City’s existing parking standards are workable for parking structures.

**Response:** See new Section 3.6.E. This paragraph is acceptable as resubmitted. Done.

**3.6.E.ii.** This paragraph may be deleted. The City’s existing parking standards are workable for parking structures.

**Response:** This Section has been deleted. Done.

**3.6.F.i.** This paragraph should be deleted. This is not a standard that can be enforced.

**Response:** This is not a big issue, but this paragraph is still included in the revised PUD ordinance.

**3.6.F.ii.** The word “then” should be “than,” in the first sentence.

**Response:** This correction has not been made.

**3.6.G.** This paragraph should be deleted. What the petitioner is proposing in this paragraph is already permitted under the City’s existing applicable regulations.

**Response:** This paragraph has been deleted. Done.

**3.6.H.i.** The word “may” should be changed to “shall.”

**Response:**

**3.6.H.ii.** This paragraph should be deleted. This standard will not be enforced by the City. The City’s existing parking lot lighting standards adequately govern this activity.

**Response:**

**(1) This comment now applies to Section 3.6.G.i. in the revised PUD ordinance.**

**(2) The suggested change has been made. Done.**

**3.6.H.iii.** There would appear to be some confusion about the use of the term “decorative period lighting.” This term would seem to include historic looking light fixtures placed in public areas to create an aesthetic effect. However, as defined, the term means something more like Christmas lights. This issue was brought to the attention of the petitioner and will be addressed.

**Response:** The petitioner has reviewed this item and is comfortable with the way “decorative period lighting” is defined in the PUD ordinance. The APC may wish to consider some kind of limitation on light intensity.

**3.6.I.** The petitioner was asked to default to the City’s existing parking lot landscaping standards.

**Response:**

**(1) The petitioner has mostly defaulted to the City’s existing parking lot landscaping standards as requested.**

**(2) The petitioner has included some alternative parking lot island landscaping standards. The options stated in this section are actually possible today under the terms of the**

**Zoning Ordinance, but not without performing some mental gymnastics. Staff is supportive of this alternative language which will accommodate tree wells and bioswales.**

**(3) APC members should review this Section to make sure they are comfortable with the “streetscreen”-in-lieu-of-perimeter-parking-lot-landscaping concept. Discussion with the petitioner may be helpful.**

**3.6.J.** The petitioner was asked to consider defaulting to the City’s existing loading berth standards; however, this is a minor point. If the petitioner feels the proposed standards are more workable for the proposed project, then the proposed standards are probably adequate.

**Response: The alternative standards originally submitted by the petitioner still remain. Staff members are comfortable with these alternative standards.**

**3.7.** The architectural standards included in this section are minimal. The petitioner was asked to totally rework this section and incorporate more details, measurable standards and graphic examples to provide explanation.

**Response: The petitioner has added a significant amount of additional material in this Section pertaining to building architecture. This Section has not been thoroughly reviewed at the time this report was prepared. Staff intends to complete such review prior to the next APC meeting. Upon a quick cursory review, however, it would appear that many or most of the provisions in this Section would be difficult to enforce. Additional staff comments on this Section will be forthcoming.**

**4.** The petitioner was asked to rework this Article. Section 4.1. should be reworked to include language similar to the following: “The applicable standards for streetscape improvements, street improvements and cross-sections, alleys and other vehicular or pedestrian ways, and any other infrastructure-related standards shall be permitted as approved by the Westfield Department of Public Works Director. The Public Works Director is hereby authorized to (but not required to) alter, change, exclude, delete or modify any normally applicable rules or regulations within his/her jurisdiction applicable to this PUD in order to accomplish the environmental and design objectives of the Developer.” This will eliminate the possibility of inadvertently approving variances from the City’s underlying infrastructure standards without first seeing a detailed project proposal. The other Sections of this Article are very illustrative of the petitioner’s vision for the build-out of the project. It probably makes sense to leave this information in the PUD, as long as it is made clear that such materials are simply illustrative and that they in no way bind the City into alternative infrastructure standards unless specifically approved in writing by the Department of Public Works.

**Response: As revised, the new Article 4 is acceptable to the staff. The included standards are merely illustrative of the petitioner’s vision and in no way bind the City. The Public Works Director is provided with the authority to alter standards if appropriate.**

**5.1.A.** The petitioner was asked to default to the City’s buffer yard requirements if at all possible. With a project of this scale, it should be possible to comply.

**Response:** At the time of this report, this item had not been thoroughly reviewed. Staff comments on this item will be forthcoming.

**5.1.B.** The provisions included in this Section are already applicable in the City’s buffer yard planting requirements. These two paragraphs can be deleted.

**Response:** At the time of this report, this item had not been thoroughly reviewed. Staff comments on this item will be forthcoming.

**5.2.** The petitioner was asked to comply with the City’s existing parking area landscaping requirements. The standards in place today are fairly accommodating. This Section can probably be deleted.

**Response:** At the time of this report, this item had not been thoroughly reviewed. Staff comments on this item will be forthcoming.

**6.** The petitioner was asked to default to the City’s existing lighting standards if at all possible. The existing standards are seldom the subject of conflict and should accommodate the proposed development. This Article can probably be eliminated.

**Response:** At the time of this report, this item had not been thoroughly reviewed. Staff comments on this item will be forthcoming.

**7.** The petitioner was asked to rework as many of the proposed signage standards as possible in order to simplify the proposal and to default more to the regulatory scheme and standards included in the City’s existing lighting standards.

**Response:** At the time of this report, this item had not been thoroughly reviewed. Staff comments on this item will be forthcoming.

**Exhibit 1.** This exhibit is not a necessary component of the proposed PUD ordinance and should be removed from the document.

**Response:** Removed. Done.

**Exhibit 2.** This exhibit is not a necessary component of the proposed PUD ordinance and should be removed from the document.

**Response:** Removed. Done.

**Exhibit 3.** This exhibit should be titled “Exhibit 3: District Plan.” This exhibit should be updated with the latest district boundaries and accurate project boundary.

**Response:** This has been completed as requested. This is now Exhibit 1. Done.

**Exhibit 4.** The petitioner was asked to include some additional street labels on this exhibit.

**Response:** This has been completed as requested. This is now Exhibit 2. Done.

**Exhibit 5.** This exhibit is not referenced in the PUD document and is not a necessary component of the proposed PUD ordinance. It should be removed from the document.

**Response: Removed. Done.**

**Exhibit 6.** This exhibit is not referenced in the PUD document and is not a necessary component of the proposed PUD ordinance. It should be removed from the document.

**Response: Removed. Done.**

**Exhibit 7 (multiple sheets).** This is one of the illustrative exhibits referred to in Article 4. It probably makes sense to leave this exhibit in the PUD, as long as it is made clear that such exhibit is simply illustrative and that it is in no way intended to bind the City into alternative infrastructure standards unless specifically approved in writing by the Department of Public Works.

**Response: Requested changes have been made. This exhibit is now Exhibit 5. Done.**

**Exhibit 8.** This exhibit is not referenced in the PUD document and is not a necessary component of the proposed PUD ordinance. It should be removed from the document.

**Response: Removed. Done.**

**Attachment 1.** This attachment should be incorporated into the PUD ordinance as an illustrative concept plan exhibit. The petitioner was asked to consider adding a legend which identifies land uses as colored on the exhibit. It might also be appropriate to identify the “important neighborhood intersections” on this exhibit.

**Response: This exhibit has been revised. As revised, it is acceptable to staff. This exhibit is now Exhibit 3. A new phasing plan has also been added as Exhibit 4.**

**Attachment 2.** This attachment should be incorporated into the PUD ordinance as an illustrative architectural character exhibit. The petitioner was asked to supplement this exhibit with additional illustrative samples showing style, character and quality of the proposed housing types.

**Response: This exhibit is now Attachment 1. The petitioner has not supplemented this exhibit with additional illustrative samples. The APC should make sure it is comfortable with what has been provided.**

**Attachment 3.** This attachment should be incorporated into the PUD ordinance as an illustrative architectural character exhibit. The petitioner was asked to supplement this exhibit with additional illustrative samples showing style, character and quality of the proposed building architecture.

**Response: This exhibit is now Attachment 2. The petitioner has not supplemented this exhibit with additional illustrative samples. The APC should make sure it is comfortable with what has been provided.**