

Updated Symphony PUD Public Comment Summary

October 4, 2010 APC Meeting

Community Development Department | City of Westfield

A. Project-Related Public Comment Issues – this is a summary of outstanding public comments received during the June 21, 2010 public hearing, in addition to all written comments received to-date. The APC may wish to ask the petitioner how these issues have been addressed in the PUD.

1. Is the commercial component of Symphony commercially viable?
2. Elements of the Symphony proposal will produce light pollution.
3. Elements of the Symphony proposal will produce noise pollution.
4. How does Symphony modify projects that have already been approved on the Symphony property (i.e., Carriger & Caito, Centennial North)?
5. The Symphony proposal does not include enough requirements pertaining to building materials and building architecture.
6. The Symphony proposal does not include enough requirements pertaining to development standards.
7. Will Symphony permit multiple communication service providers?
8. Will the alignment of Towne Road be changed in order to accommodate existing homes across from the golf course?
9. Symphony should include standards for internal transitions between land uses.
10. Symphony should include standards for perimeter buffers.
11. Symphony will cause neighboring property values to decline.
12. Symphony will significantly impact the Westfield-Washington School system.
13. The non-residential development at 146th Street & Ditch Road will adversely impact adjacent properties to the east and north.
14. The proposed YMCA location will adversely impact adjacent properties to the east.
15. The Symphony proposal should include more details regarding homes to be constructed within the development.
16. The Symphony proposal will significantly increase traffic volumes in the vicinity.

B. Laufter Comments – *as prepared by the Laufter's attorney, Zeff Wise (Ice Miller); August 12, 2010.*
The APC may wish to ask the petitioner how these proposed commitments have been addressed in the PUD.

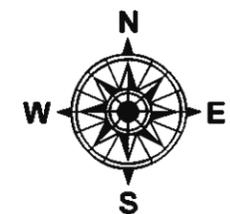
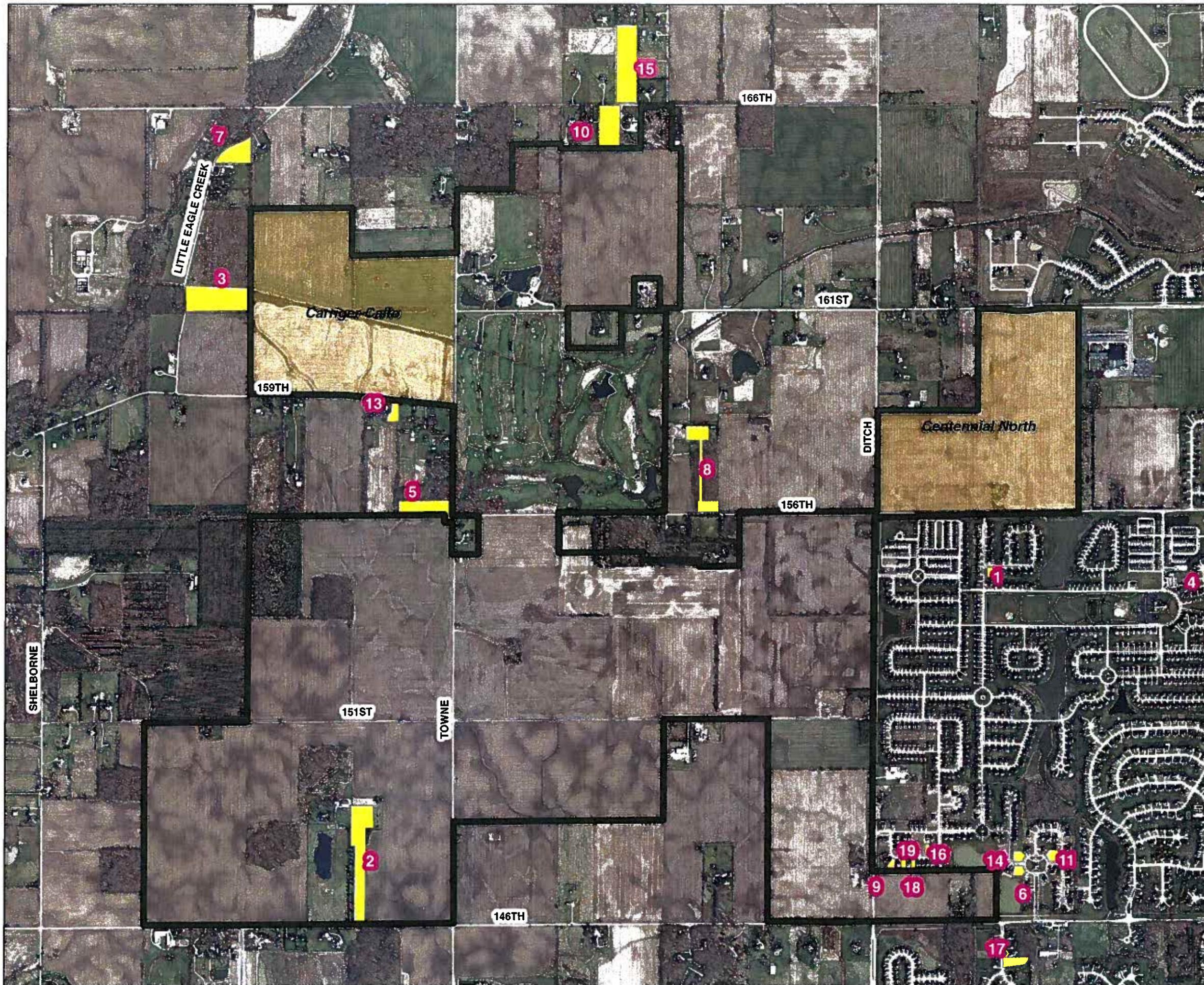
- Proposed Commitments:
 - i. Uses
 - ii. Trash Pickup
 - iii. Deliveries
 - iv. Buffering
 - v. Providing Sewer

Symphony Public Comment Issue List

City of Westfield
July 15, 2010

Legend

-  Proposed Symphony PUD
-  Origin of Public Comment
-  Approved Projects



| <u>ID</u> | <u>Deeded Owner</u> | <u>Address</u> | <u>City</u> | <u>ZIP Code</u> | <u>Subdivision</u> | <u>PIN</u> |
|-----------|--|------------------------------|-------------|-----------------|--------------------|------------------------|
| 1 | Gabriel, Tamara L Overcrowded Amenities in Centennial Viability of Commercial Areas | 1081 WATERTOWN DR | Westfield | 46074 | CENTENNIAL | 08-09-15-00-16-001.000 |
| 2 | Laufter, Ross J & Christina Ownership and Control Light Pollution Noise | 2702 W 146TH ST | Westfield | 46074 | | 08-09-17-00-00-008.102 |
| 3 | Pielemeier, Thomas F & Tracy A Consistency with Approved Projects Building Materials & Architecture Detailed Standards Needed | 16101 LITTLE CREEK AVE | Westfield | 46074 | | 08-09-08-00-00-009.000 |
| 4 | Michelstetter, Chris E & Heather H Communication Service Provider Choice | 15409 KILBURN CT | Westfield | 46074 | CENTENNIAL | 08-09-15-02-01-020.000 |
| 5 | Kingshill, Erin A & Kenneth P Towne Road Alignment Internal Transitions Building Materials & Architecture Perimeter Buffers | 15606 TOWNE RD | Westfield | 46074 | | 08-09-08-00-00-021.000 |
| 6 | Noonan, Michael Brent & Jessica Leigh Ann Neighboring Property Values | 14752 PARKHURST DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-042.000 |
| 7 | Gillim, Sarah Ellen Perimeter Buffers Light Pollution Lighting Types Public Cost New Schools Wastewater Treatment Plant Upgrade | 16505 LITTLE EAGLE CREEK AVE | Westfield | 46074 | | 08-09-08-00-00-003.000 |
| 8 | VanNatta, Bruce W & Alison K Proximity of Proposed Development to Residence | 1812 W 156TH ST | Westfield | 46074 | | 08-09-09-00-00-011.001 |
| 9 | Watson, Bruce A & Barbara A Non-Residential Development at 146th Street & Ditch Road Internal Road Network Configuration YMCA Location | 1355 TRECOTT DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-137.000 |

| <u>ID</u> | <u>Deeded Owner</u> | <u>Address</u> | <u>City</u> | <u>ZIP Code</u> | <u>Subdivision</u> | <u>PIN</u> |
|-----------|--|--------------------|-------------|-----------------|--------------------|------------------------|
| 10 | Thomas, Jack D & Yvonne M Perimeter Buffers Drainage | 2045 W 166TH ST | Westfield | 46074 | | 08-09-09-00-00-006.001 |
| 11 | Walpole, Mark A & Shari L Viability of Commercial Areas | 14801 PARKHURST DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-033.000 |
| 12 | Kelleher, David & Virginia Perimeter Buffers Detailed Standards Needed | 3920 W 166TH ST | Westfield | 46074 | | 08-09-06-00-00-030.000 |
| 13 | Paschke, Kevin G & Retha L Home Types Lift Station's Future Towne Road Alignment Water Table Effects | 2527 W 159TH ST | Westfield | 46074 | | 08-09-08-00-00-023.000 |
| 14 | Goers, John W & Kimberly A Non-Residential Development at 146th Street & Ditch Road Proximity of Proposed Development to Residence Trash | 1002 PALOMAR DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-036.000 |
| 15 | Kartes, James J & Tammy S Neighboring Property Values Construction Debris & Dump Lots | 2002 W 166TH ST | Westfield | 46074 | | 08-09-04-00-00-014.011 |
| 16 | Rowe, Samuel G & Stephanie Boarman Rowe Family Trust Non-Residential Development at 146th Street & Ditch Road Inclusion in Centennial HOA YMCA Location | 1314 TRESMOTT DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-122.000 |
| 17 | Zeh, Lisa Non-Residential Development at 146th Street & Ditch Road | 14559 STONEGATE CT | Carmel | 46074 | WESTCHASE | 17-09-22-01-02-010.000 |
| 18 | Andrews, Michael E & Susan M Non-Residential Development at 146th Street & Ditch Road Neighboring Property Values Lower Quality of Life Light Pollution Noise Increased Traffic | 1343 TRESMOTT DR | Westfield | 46074 | CENTENNIAL SOUTH | 08-09-15-00-20-139.000 |

| <u>ID</u> | <u>Deeded Owner</u> | <u>Address</u> | <u>City</u> | <u>ZIP Code</u> | <u>Subdivision</u> | <u>PIN</u> |
|-----------|---|------------------|-------------|-----------------|--------------------|------------------------|
| 19 | Foley, Michelle A Trust Neighboring Property Values Non-Residential Development at 146th Street & Ditch Road | 1331 TRESPOTT DR | Westfield | 46074 | CENTENNIAL SOUTH | |
| 20 | Williams, Sharon J Outside of the Map Area | 807 W SR 32 | Westfield | 46074 | | 08-09-01-01-01-004.000 |
| 21 | Wood, James Craig Trustee of James Craig Wood Revocable Trust Outside of the Map Area | 0 191ST ST E | Westfield | 46074 | | 08-05-26-00-00-009.002 |

WRITTEN PUBLIC COMMENTS

Kevin M. Todd, AICP

From: J Noonan [jessica@gotown.net]
Sent: Wednesday, June 16, 2010 6:10 PM
To: Kevin M. Todd, AICP
Cc: Andy Cook
Subject: Re-Zoning at 1148 146th Street

Dear Mr. Todd,

My name is Jessica Noonan and I am writing to object the proposed zoning change to the property at 1148 146th Street in Westfield. I live in Centennial South and my home backs up to this property. When I purchased my home from Estridge in 2006, I was told that that property was zoned for residential development. Estridge charged a \$30,000 lot premium for the lot my home is built on because of the proximity to the pond and the unobstructed view behind my home. When Estridge purchased 1148 146th Street a year and a half ago, they led incoming home buyers to believe that they were going to develop the land for residential use. Now that Estridge has come forward with this proposal, we as homeowners are angry because we feel that we have been deceived. We trusted Estridge to do what they said they were going to do, and now we are being slapped in the face with this unfavorable assisted living facility plan. I understand that the housing market is dry right now and Estridge needs to re-evaluate their business plan. But they are doing it at the expense of the very people who patronized their business to begin with. This is a prime example of the Big Corporate Bully victimizing the Helpless Little Homeowners because they need to make some money. Please do not allow this to happen to the residents of Westfield.

We chose to buy a home in Centennial – we did not sign-up to buy a home in Symphony. Therefore, it is unfair and unreasonable to weave Symphony in the middle of Centennial. When we decided to buy in Centennial, it was because it is a master-planned community and there would not be any commercial properties to encroach on our neighborhood. If this proposal gets passed and this facility gets approved, the property values of the surrounding homes will plummet. There are currently 15 homes that back up to or face this property that are valued at \$300,000 and above; there are currently 10 homes that back up to or face this property that are valued at \$400,000 and above; and there are currently 10 homes on the south side of 146th Street in a neighboring community, that are valued at \$650,000 and above. Building a multi-unit facility on this property will bring down the value of these homes, likely yanking out the equity many of these homeowners have worked so hard to put into them. Of all the land that Estridge has available to them to develop this facility – ***this is not the piece of land to do it on.***

Nor does it make *sense* to build this facility on this piece of land. This is a 10-acre property flanked by higher-end homes in planned communities. Not only will this de-value the properties, but it will turn these neighborhoods into undesirable places to live for potential residents of Westfield. Westfield already has to compete with Carmel and Zionsville for preferred properties. If this assisted living facility is tossed into the middle of a group of single-family homes, you diminish that desirability and push Westfield even further off of the map for future residents. It would cause people to think that the City of Westfield is poorly planned and could scare off potential residents. Estridge has 1,448 acres of land to build on – they do not need to defile our community by using this 10-acre property for their business opportunity.

Mr. Todd – my question to you is this – if it were *your* home being threatened by this, what would you do? What would you want to see happen? All I am asking of you is to protect the home values of the residents of our city by declaring the 10 acres at 1148 146th Street untouchable for a multi-unit facility. The Symphony map is covered with plans for residential development – please designate *this* property for residential development. It will not only protect the value of 80-plus surrounding homes, but it will carry on the notion

that Westfield is a great place to live and that people can be confident that their quality of life won't be overrun by uninvited businesses.

Thank you for your time and consideration on this matter.

Sincerely,
Jessica Noonan

Kevin M. Todd, AICP

From: Sam Rowe [asatcat57@yahoo.com]
Sent: Thursday, June 17, 2010 9:20 PM
To: Kevin M. Todd, AICP
Subject: Zoning Proposal

Mr Todd: As a resident and new home owner in the Centennial South neighborhood I am wrining to firmly oppose the zoning of the property located at 1148 146th street as a commercial development. My wife and I bought our home and were lead to beleive that the Estridge group had plans to develop this property in the future as additional single family homes. That it would look much like ours and hundreds of others in the many similar developements that surround this property. We were specifically told by the sales and development staff that no commercial or high traffic developoments were considered! We along with ALLl of our neighbors plan to stand firm on this and in no way see this as a welcome addition to our neighborhoods or way of life we ALL moved her for. Thank you for your time and considerations,

Samuel and Stephanie Rowe
1314 Trescott Dr
Westfield, IN 46074
317-669-7151.

Kevin M. Todd, AICP

From: Lisa Zeh [lzeh@indy.rr.com]
Sent: Sunday, June 20, 2010 10:49 PM
To: Kevin M. Todd, AICP
Subject: Estridge

Hi Mr. Todd,

This e-mail is regarding the Estridge Company's expansion plans, specifically the corner of 146th Street and Ditch Road. From what I understand, this area was to be used for homes and is now being considered for retail. My family and I live in the Westchase neighborhood near this area and would be extremely disappointed to see this company put in anything but homes.

While I understand the need for this type of growth in Westfield, it's sad to add more retail (and new homes, for that matter) when there is so much vacant mall space available throughout Carmel and Westfield. I have zero interest in having anything like this near our home. With so much land purchased by Estridge, they can consider moving the non-residential development elsewhere.

Lisa Zeh

Kevin M. Todd, AICP

From: Susan Andrews [andrewsm@gotown.net]
Sent: Monday, June 21, 2010 1:13 PM
To: Kevin M. Todd, AICP; estridgepauljr@estridge.net
Subject: Symphony

Dear Mr. Todd:

As residents of Trescott Drive in the Irvington section of Paul Estridge, Jr.'s subdivision Centennial, we felt it important to let you know our feelings about some of the plans for the new "Symphony" development.

We were residents of Mr. Estridge's first neighborhood, Copperfield. Our good experience there was a key reason we looked at Centennial when we decided to move, and we have again been very happy with our home and the neighborhood.

Because our lot backs directly onto the property to be developed on the northeast corner of 146th St. and Ditch Road, we are obviously very interested in how this property is to be developed.

Please understand, we knew and assumed when we moved here that the property would be developed; in fact, there was a "for sale" sign on the field for months. Although we had hoped for single-story residential development, we have no problem with a retirement facility on that land, as long as any multi-story building(s) are set near 146th street and not on the north side of the land. I'm sure you can understand our concern with having any multi-story facility behind us where people could look directly into our back yards and houses.

The land nearby is cultural and residential - well-maintained and in places almost pastoral - with many people who live in it or close by having substantial investments in their homes and property. We truly feel it would be a huge detriment to the entire area - much less to those of us bordering on the land in question - to change the feel of the area by adding any form of office or retail development, especially at the northeast corner of 146th and Ditch. It would not only lower the value of homes in this area, it would lower our quality of life. When we sit on our (south-facing) deck, we already hear noise from 146th Street and Ditch Road. That's okay. But we ask you to consider the impact the lights, traffic and noise of an office or retail development so close would have on us.

In addition, as plans for Symphony are completed, we're sure you'll want to consider that the development will have a huge impact on being able to sell homes in the areas planned for homes, as well as on current homes which go on the market.

Again, we know the land must and will be developed. But on this one small section of land, we respectfully ask that you and other members of the Planning and Zoning Commission remember the people who have invested in this area first and use all due discretion as to how it will be developed.

Many thanks for your consideration,

Mike and Susan Andrews
1343 Trescott Drive
848-5061

City of Westfield
Planning Commission

June 29, 2010

Re: Proposed Symphony Development

Dear Planning Commissioners,

Subsequent to the public meeting on Monday, June 21, 2010, the residents of Centennial South, including the Irvington Subdivision would like to make the following request of the Planning Commission relative to the Symphony development being proposed by The Estridge Companies.

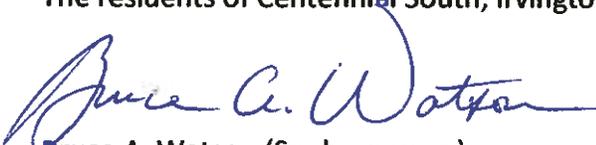
We believe that it would be in the best interest of our community, and for the protection of our property values, if the plot of land on which the Continuous Care Retirement Center was proposed, and now the YMCA and sports fields are being proposed, at 146th Street and Ditch Road, would be separated from the rest of the PUD request and zoned separately as single family residential; SF3 or SF4. We are very concerned that if this plot becomes part of the PUD for the rest of the Symphony development, the PUD zoning designation leaves the area open to any number of development options, like some of those proposed, which would be very detrimental to our property values.

We suggest that the now-proposed YMCA be located in the commercial area near the proposed sites for the Sports Complex or the Ballpark. In this area, the traffic and night lighting of parking lots would not have a negative impact on residential property values, which it most certainly would in its' currently proposed location.

We believe that this make good planning sense, since this plot is not part of the main body of the proposed Symphony development, and is surrounded by single family residences. The natural use for this land would be the continuation of the Centennial South residential development.

We would greatly appreciate your consideration of this request.

The residents of Centennial South, Irvington subdivision.



Bruce A. Watson (Spokesperson)
1355 Trescott Dr.
Westfield, In 46074
317-443-3101

Kevin M. Todd, AICP

From: Ryan Schafer
Sent: Tuesday, June 29, 2010 2:48 PM
To: Kevin M. Todd, AICP
Subject: FW: June 21, 2010 Meeting Followup (Symphony)
Attachments: 43677 ORDER OPENING INVESTIGATION.pdf; image001.jpg; image002.jpg; image003.jpg

Ryan A. Schafer
Planner

City of Westfield | Community Development Department
2728 East 171st Street | Westfield, IN 46074
direct: 317.219.8876 general: 317.804.3170
www.westfield.in.gov

From: Michelstetter, Chris [mailto:Chris.Michelstetter@CNOinc.com]
Sent: Monday, June 28, 2010 2:12 PM
To: Ryan Schafer
Subject: RE: June 21, 2010 Meeting Followup

Ryan:

I was finally able to download the order opening the investigation. Please find it attached to this email.

Thanks,

Chris Michelstetter
FSA CERA MAAA

From: Michelstetter, Chris
Sent: Monday, June 28, 2010 11:38 AM
To: 'rschafer@westfield.in.gov'
Subject: June 21, 2010 Meeting Followup

Ryan:

Thank you for taking the time to talk with me about the June 21st meeting and Estridge's proposal for the Symphony neighborhood.

As I indicated in our phone conversation, my understanding and I believe there is some dispute over this, is FirstMile became the sole facilities based provider of telecommunications, video and internet in Centennial by The Estridge Companies holding the streets private and allowing access to other providers only by charging a fee to access a private easement during the development stage. Later after the streets and sidewalks were poured Estridge turned over the streets and rights of way to the town of Westfield. Therefore, no other providers wanted entry into the neighborhood due to the costs of boring and/or trenching. Although several residents and I are working for change through the Indiana Utility Regulatory Commission (IURC) in Centennial, my concern with the planning commission at this time is that the situation not be allowed to be repeated in the proposed Symphony Development.

I am having trouble getting a copy of the IURC's order opening the investigation into FirstMile Technologies. Their electronic document system seems to be down right now. I will try and send it to you as soon as I can. However, you may find further information on the IURC's dealings with E.Com Technologies LLC D/B/A FirstMile under the following three case numbers: 43677 (Current Investigation-still pending), 41462 (Original Grant of Certificate of Territorial Authority), and 42197 (Prior Commission Investigation). The order opening the investigation for case number 43677 recaps the history of events pretty well in the background section.

To access this

1. Go to the following website: <http://www.in.gov/iurc/>
2. Click on the Electronic Document System on the Right Hand Side of the screen:

IURC: Home - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites

Address <http://www.in.gov/iurc/>

IN.gov SEARCH

About Indiana Agriculture & Environment Business & Employment Education & Training Family & Health Law & Justice Public Safety Taxes & Finance

Utility Regulatory Commission

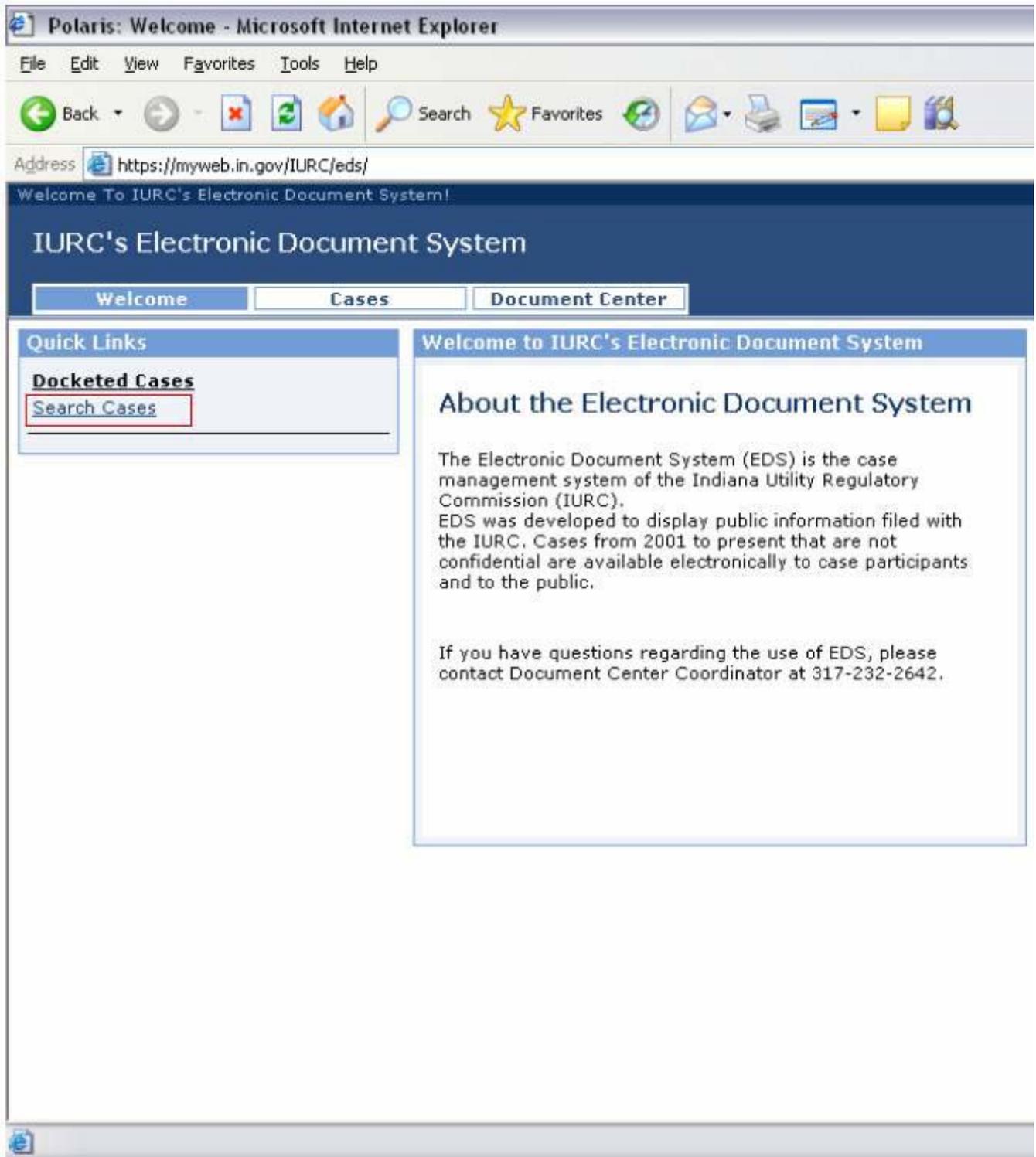
811

Know what's below. Call before you dig.

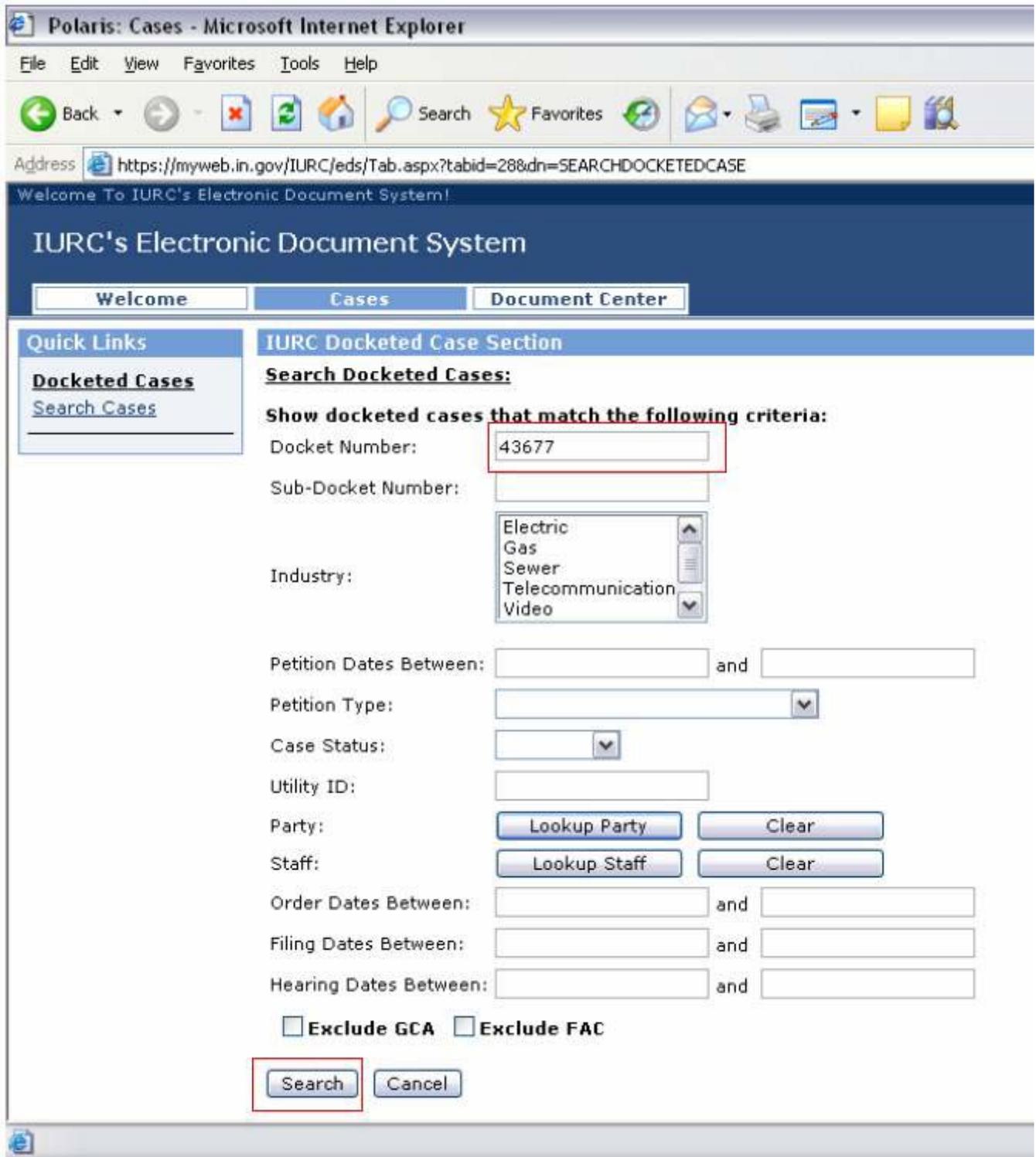
Welcome to the Indiana Regulatory Commission

The Indiana Utility Regulatory Commission is a fact-finding body that hears and makes decisions based on evidence in cases filed before it and makes decisions based on that evidence. An advocate of neither the public nor the utilities, the IURC is required by state statute to make decisions that balance the interests of all parties to ensure the utilities provide adequate and reasonable prices. To view the IURC's brochure, "A Consumer's Guide to Utility Regulation" please [click here](#)

3. Click on Search Cases



4. Type the appropriate case number in the Docket Number and click Search at the bottom



5. Finally click on Filings/Docket Entries to see case dockets and Orders to see the orders issued (including the order opening case number 43677).

Please let me know if you have any questions or concerns. You have my email address and my home phone number is 317-669-8173.

Thanks,

Chris Michelstetter
FSA CERA MAAA

July 2, 2010

WRITER'S DIRECT NUMBER: (317) 236-2319
DIRECT FAX: (317) 592-4788
INTERNET: Zeff.Weiss@icemiller.com

City of Westfield
Department of Community Services
Attn: Mr. Matt Skelton
120 Penn Street
Westfield, IN 46074

VIA E-MAIL: mskelton@westfield.in.gov

RE: Estridge Companies – Symphony PUD
Docket No. 1001-PUD-01/146th Street at Town Road

Dear Mr. Skelton:

We are counsel to Tina and Ross Laufter, whose property is located at 2702 West 14th Street, Westfield, Indiana, generally just west of Town Road. Their family home is situated on approximately 8.6 acres. The Laufters' property is situated within the confines of the above-referenced proposed Symphony PUD that has been submitted by Estridge Companies. However, Mr. and Mrs. Laufter have never consented to their property being included in this PUD and, as I'm sure you realize, under the applicable Westfield PUD Zoning Ordinance, it is not permissible to include property in a proposed PUD which is not under the ownership or control of the applicant. For these reasons, we respectfully request that the Estridge Companies proposed Symphony PUD be rejected as it does not qualify for consideration under the Westfield PUD Zoning Ordinance.

Moreover, even if the proposed Symphony PUD Ordinance were to be amended to exclude the Laufter property, it would still be inappropriate to rezone the property which adjoins the Laufter property as it would leave the Laufter property as a residential use surrounded by yet undefined but intense permitted commercial uses. Any such use for commercial purposes is inconsistent with the existing uses and generally out of line with the overall character of the intersection of 146th Street and Town Road. For purposes of clarity, if the Symphony PUD proceeds forward, we believe that all of the retail/commercial that is proposed for the irregular shaped parcel west of Town and north of 146th, as it angles along the apparent gas line easement, should be changed from commercial to residential in order to protect the existing residential uses.

Thank you for your time and consideration of this matter.

Very truly yours,

ICE MILLER LLP

Zeff A. Weiss

Zeff A. Weiss

ZAW:sd

cc: Ross and Tina Laufter (via e-mail)
Joseph Calderon, Esq. (via e-mail)

Kevin M. Todd, AICP

From: Rowe, Samuel G. [Samuel.G.Rowe@rolls-royce.com]
Sent: Tuesday, July 06, 2010 8:57 AM
To: Kevin M. Todd, AICP
Cc: Sam Rowe
Subject: Zoning Proposal

Mr. Todd: Thank you for responding to our previous concerns regarding the Estridge group's request for rezoning of the property and 146th and Ditch.

We were out of town and unable to attend your last public meeting on this but do plan on attending tonight. We (the Centennial residents) attended a meeting and were presented with a revised plan by Paul Estridge last week . As a result of this meeting a letter was drafted and sent to Paul reinforcing our objections to all proposals so far for the planned developments at 146th and Ditch.

My wife and I fully support the neighborhood in these objections and hope to state this tonight at the commission meeting.

We do feel that the development of this 146th street corridor is a good project and will support it if it looked more like the commissions proposal. That being the area near the Towne Rd and Ditch as the proposed commercial area. We simply DO NOT support anything other than single family home development at the 146th and Ditch location. We specifically would like to see the 146th and Ditch (East and North of the intersection) location be separated from the PUD that Estridge is proposing.

Of concern is a statement by Paul Estridge that all of the Symphony development (including our area of concern) would be separate from the current Centennial HOA jurisdiction.

We feel strongly the ALL of the Centennial communities (including any future developments) East of Ditch and North of 146th st be in the same HOA.

We fell strongly the the Estridge design could easily find a less invasive location for the YMCA and all of the more public retail interests. We feel this plan is not in the best interest of the current homeowners and is being pushed into the first phase of development as a short term fix for the investors and developers current economic hard times. We are sympathetic to these conditions but feel that we can only support the Symphony concept if the developers agree to honor their promise to the current homeowners in the area and preserve the 146th and Ditch property as single family home sites.

I appreciate the opportunity to speak to these matters and we thank you for taking the time to listen. I hope that a compromise can be reached and that we can all get behind and support a true community development effort that is the best for all parties concerned and that we don't "hurry up and mess up"!

Thank you,
Sam and Stephanie Rowe
1314 Trescott Dr.
Westfield, IN 46074

Sam Rowe

Data Acquisition
Engineering Support
Phone : 317-230-6709
Cell: 317-640-1984
Fax : 317-230-6152
e-mail Samuel.G.Rowe@rolls-royce.com

JIM AKE
PAST PRESIDENT CENTENNIAL HOA

543 Potomac Court
Westfield IN. 46074
317-569-2861
jmake1812@yahoo.com

September 10, 2010

Mr. Mayor
City Council Members
City Plan Commissioners
Westfield IN. 46074

Ladies and Gentlemen:

At last week's Plan Commission hearing on the Symphony PUD some concerns were raised. Most of the concerns expressed about the project were genuine. All of these concerns I feel can be addressed through the PUD process and in meetings with the effected landowners surrounding the project and The Estridge Companies.

The overwhelming concerns were buffering, road improvements, property value retention, infrastructure expenses, school impacts, tax payer costs, secure financing, and commercial enterprise development i.e. location, size, scope, and density impacts to Westfield. While this list seems lengthy and complicated, The Estridge Companies work hard to get things right and mitigate these impacts by adjusting their plans to accommodate their neighbors. As Plan Commissioners you will have the responsibility to write these protections into the PUD as it moves forward. Your task will be laborious, no doubt. You did a great job with The Bridgewater PUD. Mr. Sander's remarks about involving Dr. Kelleher in this process is a great suggestion given the fact that she was involved in writing the Bridgewater PUD and that her property will be impacted by this project. I strongly recommend involving Dr. Kelleher.

I am for moving forward with this PUD project for the following reasons:

1. The integrity of The Estridge Companies is a good reason to work with them on a project of this magnitude. I have first-hand knowledge of their product, community building concept, and sense of commitments to their projects. I have lived in my Estridge built home for 10 years. I served on the transition Board with Paul Estridge for 7 years and was elected to the Homeowners Association as a Board Member and their first HOA President. I served in this capacity for three consecutive years. I will be happy to address the Plan Commission regarding my experiences in dealing with Mr. Estridge and his Company.
2. Mr. Estridge has a vested interest in this community because he lives here. He as been an asset to our community which means he will see this through with the results he promises. Centennial is an example of his creative talent and ability to create new and vibrant communities.
3. This land will develop. A rezone will be necessary anyway as the natural result of the county's road plan. With the expansion of the 146th Street corridor as shown on the thoroughfare plan, it is inevitable commercial development will occur along this highway. It is better to rezone it now. One large, integrated, well-planned community development with your well written PUD will be much better than a bunch of helter-skelter projects across this quadrant. Bear in mind, this project has a 15 year span and will benefit the community from the start.

4. This is a community design that is highly desirable. It is cutting edge. It will bring people to Westfield and attract economic activity which will broaden our tax base, helping everyone.

5. Coupled with the Grand Junction redevelopment of downtown, Symphony will be another catalyst for our local economy. The synergy created by adding Symphony propels Westfield into a premier place to locate new business. Symphony is a great piece to add to our Westfield story as we look to diversify our economy and tax base. It will also provide a revenue stream to keep our utility rates and taxes low.

6. Development has slowed in Westfield. User and impact fees are below projected levels. Our EDU's are behind resulting in short falls in revenue for our utility. The Symphony project couldn't come at a better time for Westfield. We need added AV and a billion dollar investment in our community means sustained, controlled, and well planned growth over time. This is good news for Westfield's tax payers.

In summary, I think the objections to this project can be mitigated through a carefully written PUD. I feel the benefits to our City and our residents will be immediate and positive. It is an important part of our future; let's not miss this "Grand" opportunity.

Respectfully,

Jim Ake

Kevin M. Todd, AICP

From: longlane@verizon.net
Sent: Wednesday, July 14, 2010 6:40 PM
To: APC
Subject: Symphony comments
Attachments: WestfieldLogo_2.jpg

Commission members:

Here again, are the comments I made at your last meeting. Thanks for allowing public comment again.

Here are my questions for the Plan Commission:

Is it the “normal” course of business for a city to give sweeping control of such a large percentage of its area to one developer? This seems akin to asking the fox to help my layout the henhouse...I am a capitalist, but putting such a massive amount of trust/responsibility in the hands of one single individual, who stands to benefit in every single turn, seems to be somewhat naïve.

What is the number of incomplete or unsold properties in the existing developments currently in the City of Westfield? Are we actually in a positive-growth position in this city, to be ready to develop 3500 homes? Where are these buyers coming from? Will this negatively impact the developments already committed to, that are in process?

What controls would the city have regarding the development process in Symphony—Is there a phase plan—with specific requirements or would there be start-ups located all over the place or would one “village” be completed before another is begun? Who decides that and when? What authority does the city have?

What if it doesn't do well? If it's not selling at all, what does Estridge do then? Do we shop for another developer? Will the city have laid out a fortune to assist this undertaking? This seems like such a tenuous economic time to be green-lighting something so huge...

I read that this land is called the most valuable real estate in Indiana—if indeed that is the case, it would seem to be smart business to not fall for the first suitor who comes calling.

According to FC Tucker, May home sales dropped off a cliff, 32% down in Indiana.

And to specifically address the land adjoining my property at 159th and Towne Rd.—Symphony has designated this the Nature and Recreation zone, but wants density that includes multi-family housing up to quadplex with no restrictions on building materials—which will certainly have an impact on the biggest investment I own—and not the impact I am working towards.

I am not opposed to all development, I understand that we need to have some growth and development to make revenue to continue to enjoy the amenities we are all used to having. But I am nervous about allowing one developer to have sweeping control over such a large portion of our city. I would certainly like to see some phase controls and very site- specific zoning.

I continue to have grave concerns over Mr. Estridge's long-standing issues with multiple developments. The standard answer in each of these cases is that there isn't any money to complete or correct whatever the problems are...Seems like whomever is getting control over the largest development in the history of the state of

Indiana should have an A++++ rating on all fronts. I wouldn't hire a doctor or a lawyer who had a following of dissatisfied customers...

Just a thought.

Tracy Pielemeier



This message contains confidential information and is intended only for apc@westfield.in.gov. If you are not apc@westfield.in.gov you should not disseminate, distribute or copy this e-mail. Please notify longlane@verizon.net 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. 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: Matt Skelton
Sent: Thursday, July 15, 2010 10:43 AM
To: Kevin M. Todd, AICP
Subject: FW: Proposed Symphony Development
Attachments: Westfield Planning Commission Ltr..docx

MATTHEW S. SKELTON, Esq.
DIRECTOR | COMMUNITY DEVELOPMENT
T: 317.508.6288 | F: 317.804.3181

CITY OF WESTFIELD
2728 E. 171ST STREET | WESTFIELD, IN 46074
WWW.WESTFIELD.IN.GOV

From: Bruce A. Watson [mailto:bruce@bwatson.us]
Sent: Wednesday, July 07, 2010 12:20 PM
To: Matt Skelton
Subject: Proposed Symphony Development

Matt,

Good morning.

My name is Bruce Watson, and I am a resident of the Irvington section of Centennial South, with its' main entrance off Ditch Rd., at Summerville Dr. You should have seen my letter to the Planning Commission by now. If you did not receive a copy, I have attached it for your reference. I wrote this as a result of the private meeting with Paul Estridge and the Centennial residents held at the Centennial Bible Church on June 28.

I spoke at the June 21 Planning Commission meeting on behalf of the residents in the Irvington section of Centennial South. At that time I raised several concerns regarding the proposed Continuous Care Retirement Community (CCRC) at 146th St. and Ditch Road, which backs up to many of our properties. I also raised a concern regarding the proposed location of the YMCA.

We were surprised by the Estridge response to our concerns, of their replacing the CCRC with the YMCA in our back yards. As I indicated in the attached letter, the residents in our area object to this proposal. We find Paul Estridge's attitude about having listened to the Centennial South residents' concerns, and having addressed them with this change, cavalier and self serving. Surely he does not have the best interests of the residents in mind by proposing a large well lit parking lot and a very busy and heavily trafficked facility right in our back yards. It is our understanding that Estridge has a commitment from the YMCA, and he wants to include this facility in the proposed first phase of the development, rather than locating it closer to the other proposed sports facilities near 146th St. and Town Road, which would not be developed until later.

The point that needs to be considered here, is that when we purchased our homes from the Estridge Companies, no-one in this area was ever told that the property at 146th and Ditch Roads may someday be commercially developed. In fact those of us with properties adjoining this property paid premiums for our lots because of their location. A further point that we ask you and the commission to consider, is that if the YMCA was to be located in or near the proposed commercial area further west on 146th St., new residents purchasing homes in that area would be choosing to live near that facility, as opposed to it being forced on the existing residents of Centennial South as it is now being proposed.

At the June 28 meeting, when asked why this area couldn't be developed residentially as a continuation of Centennial South, Paul Estridge's rather cavalier response was that it was not economically viable, and that "Who would buy a home on such a busy thoroughfare?". Throughout Hamilton County there are numerous instances of developments with homes that back up to busy roadways. Therefore in our minds, this argument does not hold water. Those developments have minimized the traffic noise by building well landscaped berms and fencing to make those properties attractive. There is no reason that this could not be done in this location as well.

My note to you regarding this issue is to advise you that while Paul Estridge publically espouses that his company has listened to and acted upon the wishes of the Centennial South residents, that is just not the case. His decisions are purely self-serving without any consideration for the existing residents of this area.

Thank you for including this issue in your vetting process for the Symphony project.

Bruce A. Watson (Spokesperson; Irvington Section Centennial South)
1355 Trescott Dr.
Westfield, IN 46074
317-443-3101

June 21, 2010

Dear Commissioners,

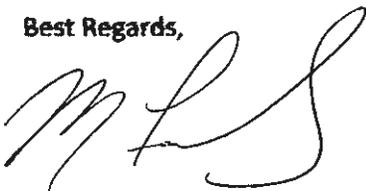
My name is Michelle Foley and I live at 1331 Trescott Drive in Centennial South. My property abuts the area designated as "mixed use" in the new Symphony plan. I bought my home in October, 2008 for \$314,000. I had my home assessed this Spring while attempting to refinance my mortgage only to be informed that the current value is \$246,000 and I couldn't refinance into a better mortgage. Can you imagine what my home will lose in value if the view out of my living room/bedroom windows is the back of a "mixed use" building? When I purchased my home I specifically asked the Estridge sales rep about the farmer's field behind the house. I was told, "Estridge has first right of refusal and when the farmer sells we'll build more single story homes like yours". I believe the Symphony plan should include this area as single story homes to finish out the Centennial plan.

Myself and many of my neighbors bought homes here because we were sold the Centennial "vision". We planned to live in these homes well into retirement. Many of my neighbors spent a significant amount of money on their homes and deserve to have their property values maintained.

Please consider our concerns. You are our only hope that we can maintain our current property values and hope over a number of years to regain the losses we have incurred.

I appreciate your interest in our concerns.

Best Regards,

A handwritten signature in black ink, appearing to read 'M L S', written in a cursive style.

Michelle Foley

Kevin M. Todd, AICP

From: Michelstetter, Chris [Chris.Michelstetter@CNOinc.com]
Sent: Tuesday, August 03, 2010 1:34 PM
To: APC
Cc: Kevin M. Todd, AICP; Ryan Schafer
Subject: 1001-PUD-01

Dear Westfield Advisory Plan Commission Members:

I have recently spoken at two monthly meetings and have been in attendance at all other subsequent meetings concerning Estridge's Symphony development. My submitted comments were out of concern that the situation for facilities based telecommunications, video and data services in Centennial and Centennial @146th would be repeated in Symphony. In particular the only facilities based provider that is able to server Centennial and Centennial @146th is First Mile, an Estridge company subsidiary.

While the causes of the Centennial situation may be in dispute, my understanding is that Centennial Access Properties, an Estridge subsidiary as well, would charge other providers to access the joint trench to lay their facilities in Centennial and Centennial 146th. As I indicated in my testimony this and other practices of First Mile and by affiliation the Estridge companies are under investigation by the Indiana Utility Regulatory Commission (IURC).

My concern with the Advisory Plan Commission is NOT to change the situation in Centennial. My concern is merely that the situation should not be repeated in Symphony should the development go forward. As such, I have witnessed this commission negotiate several changes in the PUD with Estridge over the past several meetings. Therefore, I was interested if the commission could negotiate in the PUD that the Estridge companies provide free and open access to any easements or other areas where the facilities of phone, video and data are installed. Also, in addition to the standard TAC list notifications the Estridge companies provide a clearly written letter to the engineers of the other providers on the TAC list when the open trenches are available and that the access to those trenches will be provided free of charge.

I am not a professional in this field, so I am not sure if what I am asking for is clear. However, I would be happy to answer any and all questions I could regarding this matter.

Thanks,

Chris Michelstetter
FSA CERA MAAA

Kevin M. Todd, AICP

From: Matt Skelton
Sent: Tuesday, August 17, 2010 7:55 AM
To: Bill Sanders; Bob Spraetz; Cindy Spoljaric; Dan Degnan; Danielle Tolan; Kevin M. Todd, AICP; Pete Emigh; Robert Horkay; Robert Smith, APC; Steve Hoover
Cc: Andy Cook; Bob Smith; Brian Zaiger2; John Dippel; Ken Kingshill; Rob Stokes; Robert Horkay; Steve Hoover; Tom Smith
Subject: FW: Symphony Rezoning Request

Team:

I just received this correspondence yesterday regarding the Symphony project. Just thought I would pass it along. These comments will be incorporated into the staff's analysis and review.

Matt

MATTHEW S. SKELTON, Esq.
DIRECTOR | COMMUNITY DEVELOPMENT
T: 317.508.6288 | F: 317.804.3181

CITY OF WESTFIELD
2728 E. 171ST STREET | WESTFIELD, IN 46074
WWW.WESTFIELD.IN.GOV

From: Bruce A. Watson [mailto:bruce@bwatson.us]
Sent: Monday, August 16, 2010 9:08 PM
To: Matt Skelton
Subject: Symphony Rezoning Request

Dear Matt, Planning Dept. Staff & Planning Commissioners,

At the July 6 Planning Commission meeting, the Estridge Companies presented a change from their original proposal. That change was to repurpose the plot of land bordered by 146th St., Ditch Rd., and the properties on Trescott Dr. and the south end of Montclair Dr. in the Centennial South subdivision, from a Continuous Care Retirement Center (CCRC) to a YMCA complex and a complex of commercial buildings at the corner of 146th & Ditch. In his proposal and at an earlier Centennial community meeting, Paul Estridge announced in a cavalier manner and with a great deal of enthusiasm, that his company had listened to all of the concerns of the people in Centennial South, and they were moving the YMCA to this site as their response to satisfying all of the residents' concerns relative to this plot of land.

His proposal could not be farther from satisfying the concerns of the Centennial South residents. In the original petition made by the residents of the Irvington section of Centennial South to the Estridge companies, it was stated that we were not in opposition to the CCRC, just to the placement of multi-story apartment style buildings directly behind the Trescott Dr. and So. Montclair Dr. properties. In that document we requested that consideration be given by Estridge to develop the site with the single story Independent Living units to the north side of the property and move the taller buildings closer to 146th St. Never did I hear anyone from the Estridge Companies mention that the CCRC development company with whom Estridge was partnering, pulled out, creating a void in the Symphony plan; a void that Estridge was quick to fill with the placement of the YMCA on this site.

As I stated in my July 7 e-mail, ***the residents in the Irvington section of Centennial South are in opposition to the proposal of a YMCA in our back yards.*** At the June 21 Planning Commission meeting I publically stated our opposition to the proposed YMCA location directly across from the Somerville Dr. entrance to our community. Increased traffic volume, noise, and light pollution were our concerns. If the Estridge Companies understood these to be our concerns in that location, why would they think that these same concerns would not exist in the currently proposed location? ***We***

object to this plot of land being used for anything other than residential. The YMCA could be located near the commercial areas proposed at 146th St. and Towne Rd. People purchasing homes adjacent to a YMCA in that area would be making a choice to live there, knowing that the YMCA was there. Placing a YMCA where it is currently proposed amounts to forcing this on residents who believed , when we purchased our properties, that the area would someday be developed with single family residences.

We understand that Estridge is requesting a blanket PUD for the entire Symphony development, and understand the reasons why. **However, we believe that the plot of land in question here should be excluded from the overall PUD and zoned Residential.** We believe that it is with the prevue of the Planning Commission to make this change to the proposed PUD. There is plenty of land to the west of Ditch Rd. in the Symphony Proposal in which to locate the YMCA. Additionally the extra amount of traffic this will create at the intersection of 146th St. and Ditch Rd. will be substantial. This traffic added to the traffic generated by the development to the north and west of Ditch Rd. at times, will create an overload at the proposed roundabout at 146th and Ditch, and at the smaller roundabout just north of 146th St. This has safety implications as well as noise and environmental implications.

Paul Estridge rejected out-of-hand the idea of purposing this plot of land for the continuation of Centennial South residences, stating that no one would purchase property backing up to 146th St. As I have stated before this argument doesn't hold water. There are examples of housing developments backing right up to 146th St. from the Centennial South entrance all the way east to Noblesville, as well as along other busy thoroughfares throughout Hamilton County. This section of 146th St. will be no more busy than those areas. Properly bermed, fenced and landscaped, these properties could be made to be attractive and very saleable.

The residents of Centennial South request that these issues and concerns be taken into consideration during the final preparation of your report and recommendations to the Planning Commissioners for the September 7 meeting.

We thank you for your consideration.

Bruce A. Watson
Community Representative
1355 Trescott Dr.
Westfield, IN 46074
(317) 443-3101

**PUBLIC COMMENTS RECEIVED SINCE THE
SEPTEMBER 20, 2010 APC MEETING**

September 20, 2010

City of Westfield
Advisory Plan Commission
130 Penn Street
Westfield, IN 46074-9544

Re: Symphony Proposed Development **1001-PUD-01**

Ladies and Gentlemen:

I will be speaking this evening, however I would like this filed as a permanent part of the exhibits for the above PUD file.

My name is Tammie Gabriel. I am a Westfield resident in the subdivision of Centennial. I am the Event Chairperson and am very active in my neighborhood. I am here tonight to make a plea to the Advisory Plan Commission; that you **really listen** to the Westfield residents and what their concerns are with this proposed development.

I have expressed my concerns about this development, and yet when I read the minutes, part of my concerns weren't even listed. They were somehow deleted. The fact that there is a monopoly in Centennial that was approved by the IURC is one thing, but the fact that there is a telecom monopoly in Centennial South that was NOT approved by the IURC, is a red flag in itself that tells the residents that the city has allowed Mr. Estridge to do things just because he has the proper inside contacts with the appropriate city personnel.

I want to help protect the people of Symphony and ask the planning commission to keep a watchful eye so that this does NOT repeat in this proposed development. To be sure that every Telecom company is on the TAC list and notified properly and that a monopoly of the Estridge Company, E.Com /First Mile is not allowed.

I'd like to know **exactly where** the city intends to get the \$70M that Mr. Estridge is asking for.

I'd like to know **why** the city would consider giving this money to a developer who has current financial problems, who is currently under investigation by the IURC, (Cause 43677), who is being sued by the Bank of Indiana for \$1MM, (IBJ 09.16.10), who has outstanding debt to vendors in the Centennial Development, who sold homes to residents with promises of retail space, advanced technologies, etc, but has failed to follow through with those promises.

I'd like to know **why** you think that 4000 new homes will sell, and retail space will be filled when there are currently so many vacancies all around Westfield. How can you say there is a demand for this?

I'd like to know **how** you think that there won't be any new schools necessary when Westfield currently only has one middle school, one intermediate school and one high school. Where do you intend to put all these kids? Especially since we have a referendum at stake right now saying that class sizes will increase and teachers will be let go? What math were you using Mr. Estridge? The national average is 2.5 kids per home, and yet your figures show less than 1 child per home. Are we to believe that all 4000 homes will be sold to retired people?

If you are serious about wanting to hear what Westfield residents have to say, then don't just have them speak and then turn a deaf ear. Take their words into consideration before you make your decision. If you approve of this new development without addressing **each and every one of the issues** put forth by every resident, than not only have you done a huge disservice to all of us here in Westfield, but you have proved my point of Mr. Estridge being able to do what he wants just by knowing the right people.

Your position comes with a responsibility. I hope you take that very seriously. Don't let Westfield become a duplicate of our Government.

Thank you for your time.

Respectfully,

Tammie Gabriel
Westfield Resident

Kevin M. Todd, AICP

From: longlane@verizon.net
Sent: Tuesday, September 21, 2010 7:11 AM
To: APC
Subject: Symphony

I am attaching the complete text of my comments from the meeting last night, although I was not allowed to complete them. I must say how completely disappointed and frustrated I am after being denied the opportunity to speak for the time allowed. I worked very hard to get my comments down to the 5 minutes allowed, as I was representing several of my neighbors, and I sat through several hours of Mr. Estridge being allowed to expound at length.

I could understand cutting folks off if there were 700 of us in attendance, signed up to speak. And I understand that "the rules are written to allow public comment at the beginning"--but it would have cost the Commission about 5 minutes more TOTAL, to allow me to complete my comments (which were not a rehash) and to allow the lady before me to continue her comment. If she was presenting matters of public record regarding Mr. Estridge's character, she should have been permitted to speak--his character is completely germane to this dialogue. This is America after all. We don't deny people the right to express their opinions, no matter how uncomfortable they may make us.

It was embarrassing and degrading to be denied my 5 measly minutes, as a taxpayer, on a topic that I will be paying for and living with long after your appointments are over. In fact, as it was laid out last night, I will be attending APC meetings for the next 15 years, because each village will have its own process. I'll need to bring my own chair, and some coffee!

Here are my comments:

I am Tracy Pielemeier and I reside at 16101 Little Eagle Creek Ave. I am speaking on behalf of my family and my neighbors Denny and Jane Smith, and Larry and Dee Combs. I have spoken here twice before regarding Symphony, pleading for the zoning standards already in place to be retained and not degraded for the convenience of a developer. I was alarmed about multi-density housing and losing our precious wide open spaces, and the phrase "what the market will bear". In the current PUD the land behind me, at 159th and Towne (the "nature and rec district") is now shown as SF2, not SF1 as originally changed, AND multi-plex housing is absolutely on the menu.

I saw beautiful pictures in the PUD, but the largest "Estate lots" are less than a quarter acre, some residences will be 900 sq. ft. and there can be 6' between homes. It does stipulate that "materials shall be of durable quality". I'm sorry but, straw, mud and plastic bags could be called durable.

It seems clear that my earlier pleas have had no impact on the PUD. There are no standards in here. This is practically no zoning. This is blatantly irresponsible. People buy in subdivisions because they know what the standards are going to be...Can we not afford high standards any more? We shouldn't write the PUD for Paul Estridge, because we like him or for his company because we recognize it. The PUD can be sold. It should be written so well that we get what we want no matter who builds it.

This current city council ran on the platform that they were going to raise standards and keep them high. It isn't about Paul Estridge or what he has done in the past, it's about zoning and planning a community. If what's written is good, it's good for the community. It's not about trusting Paul. Nothing in the PUD says he has to build it. It's not about trust at all.

But that is not why I am here tonight. I have learned several things recently which alarm and anger me, and motivated me to come and ask for the complete denial of the Symphony PUD. Instead, we should be encouraging development where we have already invested in the infrastructure for it. Like Eagle Station and Ackerson Farms, Westgate and Aurora. Wouldn't that be more responsible city management?? By approving a new development, you would be undermining the developments that have been improved already at a cost to Westfield citizens! The only way that investment is repaid is by developing those properties, not moving on to something else.

I learned that the City of Westfield is paying in the neighborhood of \$600,000 per year in interest on bonds for the infrastructure put in place for the Ackerson Farms, Eagletown, Westgate and Aurora developments—none of which have even been started. This is an investment by the citizens of Westfield. Why would we encourage more urban sprawl by approving something new? There is enough land already zoned and ready, to start ANYTHING!

The Plan Commission thought Ackerson Farms, Eagletown and Aurora and were all good developments. In fact, they spent millions to prepare for those developments. What makes you think Symphony would fare any better?? We have zoned, we have approved, we have run infrastructure. The complete combination of commercial, residential and industrial is already ready to go. Why don't we encourage Mr. Estridge or anybody else, to go up there and get started?

I also learned that Viking Meadows was repossessed and is now owned by the financing bank. And that Pulte Homes is petitioning the City to reduce those zoning standards, so they can build their level of homes. Once any zoning standards are dropped, there's no going back.

I learned that August 2010 set a new record of home foreclosures and that experts expect that trend to continue throughout the entire year of 2011. You have been appointed to this council to act with wisdom, as "trustees" of the public purse strings. More than half a million per year, of our money is now going out the door, annually, for nothing. Every single one of us knows of empty homes in every neighborhood that are not selling. And every strip mall in Westfield has vacancies.

I learned that the Secretary of State's Securities Division investigated and reprimanded First Source Capital, owned by Mr. Estridge, for violating the Indiana Loan Broker Act. I learned that Mr. Estridge asked the City to buy Woodwind golf course. And I learned that the Estridge Companies are being sued for fraud, by the Bank of Indiana.

There is only one course of action that seems prudent. Stop now.

Westfield doesn't need more development. It needs high-quality, completed, successful development.

If this body does not choose to stop this PUD, then I respectfully demand that you obtain a Dun & Bradstreet financial rating report on the Estridge Companies. If you have not yet pulled this report, then I trust that it is something you have already planned on doing in order to research the creditworthiness of this developer to whom and in whom you are entrusting quite possibly the future of Westfield. If you have pulled this report, and if we are still this far along in the process of possible acceptance of this PUD, then I question the ability of this committee to act on behalf of the citizens who elected you to office. Pulling a report of this kind is a common, sound financial practice that should be done.

It would be incredibly imprudent to move forward, with another developer, to another location requiring investment by the City. We've done that several times, and will continue to bear those burdens even if the developments NEVER happen. But it would be especially foolish if the developer is burdened with multiple unfinished developments in other places.

Stop this PUD. Stop this development. Do not be reckless with our money, our land and our future. Three wheels on this bus are flat, the economy, our existing financial commitments and the financial stability of the developer doing the asking. Do the wise thing and stop this now.

In light of our current federal budget problems, I would ask that this body take a different tack and act in the direction of wisdom and restraint rather than gambling and largesse. Let Westfield become known as a small city that makes wise choices with the money from its citizens. Do not allow sprawl and do not gamble, just because you can.

As a wise friend of mine once said, "Just because someone asks you to a dance, doesn't mean that you should go with them."

Sincerely,

Tracy A. Pielemeier

Matt Skelton

From: Russell Cameron [horizonms@sbcglobal.net]
Sent: Sunday, September 26, 2010 2:55 AM
To: Matt Skelton
Subject: RE: Symphony

Mr. Skelton,

I have attended the APC meetings regarding Symphony and have listened to some of the APC members ask for a subcommittee. I would suggest each member is asked if they support a subcommittee during the next APC meeting.

As for the legal issue, I completely disagree with your analysis. Again, the APC members should address this issue during the next APC meeting that deals with Symphony. Each APC member should be asked to provide their analysis.

On the matter of the APC minutes usually being thorough, I have found they do not always reflect the comments that are perceived as negative or against a petition. I know we can do better in this area.

I ask that you forward this thread of e-mails to all APC members.

Thanks,
Russell

From: Matt Skelton [mailto:mskelton@westfield.in.gov]
Sent: Friday, September 24, 2010 12:01 PM
To: 'Russell Cameron'
Subject: RE: Symphony

Mr. Cameron:

I believe the subcommittee item has already been addressed by the APC. The APC has chosen not to use subcommittees.

The conflict item you raised has been taken into consideration. It really isn't an item to be addressed in the substantive content of the proposed PUD ordinance.

Thanks and have a great day.

Matt

MATTHEW S. SKELTON, Esq.
DIRECTOR | COMMUNITY DEVELOPMENT
T: 317.508.6288 | F: 317.804.3181

CITY OF WESTFIELD
2728 E. 171ST STREET | WESTFIELD, IN 46074
WWW.WESTFIELD.IN.GOV

From: Russell Cameron [mailto:horizonms@sbcglobal.net]
Sent: Friday, September 24, 2010 11:47 AM
To: Matt Skelton
Subject: RE: Symphony

I offered my support of the sub-committee and also ask if the APC should investigate the potential for a conflict of interest as to the legal representation in this matter.

From: Matt Skelton [mailto:mskelton@westfield.in.gov]
Sent: Friday, September 24, 2010 11:43 AM
To: 'Russell Cameron'
Subject: RE: Symphony

The minutes are usually pretty thorough. The APC is the body that approves them, as you know.

I only heard the one issue that had to do with the project proposal itself....the school impact issue. If there are any other project-related items, let me know. We will be finalizing notes for the APC early next week.

Thanks.

Matt

MATTHEW S. SKELTON, Esq.
DIRECTOR | COMMUNITY DEVELOPMENT
T: 317.508.6288 | F: 317.804.3181

CITY OF WESTFIELD
2728 E. 171ST STREET | WESTFIELD, IN 46074
WWW.WESTFIELD.IN.GOV

From: Russell Cameron [mailto:horizonms@sbcglobal.net]
Sent: Friday, September 24, 2010 11:32 AM
To: Matt Skelton
Subject: RE: Symphony

Dear Mr. Skelton,

Please just include the three items I raised during Monday's APC meeting. I hope the taking of minutes during the meeting will accurately reflect the issues I raised. As for the other items on my list, they had already been discussed so I wanted to respect President Smith's direction not to repeat items already discussed.

Regards,
Russell Cameron

From: Matt Skelton [mailto:mskelton@westfield.in.gov]
Sent: Thursday, September 23, 2010 7:51 AM
To: Russell Cameron (horizonms@sbcglobal.net)
Subject: Symphony

Mr. Cameron:

If you would like the issues you had intended to raise at the APC meeting incorporated into the record, please let me know as soon as you can. The only item pertaining to the project that you raised at the meeting is school impact. That's on the list of outstanding items to be addressed. I know you had indicated that you have several other items. If there is anything else, please let me know.

Thank you for your interest in this process.

Matt

MATTHEW S. SKELTON, Esq.
DIRECTOR | COMMUNITY DEVELOPMENT
T: 317.508.6288 | F: 317.804.3181

CITY OF WESTFIELD
2728 E. 171ST STREET | WESTFIELD, IN 46074
WWW.WESTFIELD.IN.GOV



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 mskelton@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. Matt Skelton 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.

LAFTER COMMENTS

August 12, 2010

WRITER'S DIRECT NUMBER: (317) 236-2319
DIRECT FAX: (317) 592-4788
INTERNET: Zeff.Weiss@icemiller.com

VIA E-MAIL: mskelton@westfield.in.gov

Matthew S. Skelton, Esq.
Director/Community Development
City of Westfield
2728 E. 171st Street
Westfield, IN 46074

RE: Estridge Companies – Symphony PUD
Docket No. 1001-PUD-01/146th Street at Town Road

Dear Matt:

Attached please find a draft of proposed Commitments that we would like the City of Westfield to impose upon Estridge Companies if it is successful in respect of its Symphony PUD. We are providing a copy of this document simultaneously to Joe Calderon for his review and comment. We believe that these Commitments are very reasonable under the circumstances. As you know, our belief is that if the City of Westfield is going to permit the northwest corner of Town Road and West 146th Street to be utilized for commercial purposes, any such zoning should be limited to an area which is east of the Laufter Property and that such development should provide an adequate buffer and use/development restrictions for the reasonable protection of the Laufter Property. This document will need legal descriptions and a buffer drawing. We will work with Joe Calderon in this regard. Nonetheless, we wanted to get this proposed set of Commitments to you well in advance of the next meeting so that they may be introduced to the Plan Commission.

We thank you in advance for your time and attention to this matter. Please do not hesitate to call if you have any comments or questions.

Very truly yours,

ICE MILLER LLP

Zeff A. Weiss

Zeff A. Weiss

ZAW:sd

Attachment

cc: Tina Laufter (via e-mail)
Ross Laufter (via e-mail)
Joe Calderon, Esq. (via e-mail)

SYMPHONY, A PLANNED UNIT DEVELOPMENT

CITY OF WESTFIELD, HAMILTON COUNTY

DOCKET NO. 1001-PUD-01

146TH STREET AT TOWN ROAD

**COMMITMENTS
CONCERNING USE AND DEVELOPMENT OF REAL ESTATE**

Symphony, LLC, an Indiana limited liability company, ("Symphony") and _____ ("_____"), and _____ ("_____"), collectively make the following commitments (the "Commitments") to the Plan Commission (the "Plan Commission") of the City of Westfield, Indiana (the "City"):

Section 1. Cross Reference. These Commitments are made in connection with the approval by the Plan Commission of "Symphony PUD", under Docket No. 1001-PUD-01 (the "Approval") with respect to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "A" (the "Property").

Section 2. Definitions. The following definitions shall apply throughout these Commitments.

- A. "B-Shops" shall mean retail shops of less than 2500 gross square feet in area.
- B. "Buffer Drawing" shall mean the drawing attached hereto and incorporated herein by reference as Exhibit "B".
- C. "Delivery Trucks" shall mean all types of trucks (semis, box trucks, panel vans) that deliver food, inventory or goods to the Loading Docks or to any building located upon the Property.
- D. "Lautfer Property" shall mean the real estate depicted in what is attached hereto and incorporated herein by reference as Exhibit "C".
- E. "FFE" shall mean the finished floor elevation of any building to be built on the Property.
- F. "Fuel Center" shall mean in the area in which fuel pumps are situated.
- G. "Landscape Plans" shall mean the final Landscape Plans approved as part of the Approvals.
- H. "Lighting Plan" shall mean the final lighting plan approved in connection with the Approvals.
- I. "Loading Docks" shall mean all Loading Docks on the Property.
- J. "Mound(s)" shall mean the mound(s) identified on the Buffer Drawing and other final plans approved as part of the Approval.
- K. "Outdoor Sales Area" shall mean any area identified on the Site Plan as permitting outdoor sales.
- L. "Outlots" shall mean the "Outlots" identified on the final Site Plan.

- M. "Pharmacy" shall mean any pharmacy, with or without drive-through service, to be located on the Property.
- N. "Retail Sales" shall mean "sales, general retail" as defined by the City's Zoning Ordinance in existence on the date of the Approval.
- O. "Site Plan" shall mean the site plan attached hereto and incorporated herein by reference as Exhibit "D".
- P. "Wall" shall mean the wall illustrated on what is attached hereto and incorporated herein by reference as Exhibit "D".

Section 3. Commitment Concerning Use. Only the following uses, individually or in any combination, are permitted uses upon the Real Estate.

- A. Clinic or Medical Health Center;
- B. General Office;
- C. Professional Office;
- D. School, Trade or Business;
- E. Day Nursery/Day Care;
- F. Kindergarten/Preschool;
- G. Retail Sales (including, without limitation, grocery store and pharmacy - with or without drive-thru service);
- H. General Service;
- I. Automobile Fuel Station;
- J. Dry Cleaning Establishment (only without on-site plant);
- K. Financial Institution;
- L. Automated Teller Machine (ATM);
- M. Art gallery;
- N. Restaurant (only without drive thru service);
- O. Printing/Publishing Establishment;
- P. Accessory Outdoor Sales in area designated on the Site Plan; and
- Q. All uses accessory to the foregoing permitted uses as long as the same are conducted indoors.

Section 4. Commitment Concerning Trash Pick-Up. Trash pick-up shall not occur between the hours of 7:00 p.m. and 8:00 a.m.

Section 5. Commitment Concerning Deliveries. Delivery of food, inventory and goods by Delivery Trucks shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

- A. Delivery Trucks shall neither enter the Property after 9:00 p.m. nor exit the Property before 7:00 a.m.
- B. Between 9:00 p.m. and 7:00 a.m. the parking of Delivery Trucks or trailers shall not be permitted in areas of the Property other than the Loading Docks.
- C. Delivery Trucks shall not idle on the Property between 9:00 p.m. and 7:00 a.m.
- D. Refrigeration units inside tractor trailers shall not run between 9:00 p.m. and 7:00 a.m.

Section 6. Commitment Concerning Buffering. Landscape buffering, including the Mound and Wall, shall be installed per the Buffer Drawing and Landscape Plans.

- A. As graphically illustrated by a hatched line on the Buffer Drawing, a Mound and Wall shall be installed along the entire western property line of the Property to a point adjacent to the northeast corner of the property currently owned by Ross Laufter and Tina Laufter, husband and wife (the "Laufter Property"), and continuing northerly therefrom until such line intersects with the south boundary line of the existing underground pipeline easement area located to the north thereof, at which point the Wall and Mound shall turn northeasterly along said south line of the pipeline easement until the same intersects with Town Road. The Mound and Wall along the south and east boundary lines of the Property together shall have a collective height of approximately 18 feet above the FFE of _____ feet. The Mound and Wall along the north boundary line of the Property together shall have a collective elevation of approximately _____ feet. The slope of the Mound shall not be less than 3:1.
- B. The installation of this Mound and Wall shall be completed prior to a Certificate of Occupancy being granted for any building constructed upon the Real Estate. Each owner of any portion of the Real Estate shall be responsible for the maintenance of that segment of Mound and Wall system existing on the portion of the Property owned by such owner.
- C. In connection with the construction of the Mound, Wall and the development of the Property, nothing shall be done to impair the pre-development drainage of this Property.
- D. The Mound shall consist of clean fill dirt, which shall be compacted, in accordance with generally accepted engineering and construction standards, to 95% compaction of Standard Proctor and shall be seeded and or covered with appropriate ground cover to prevent erosion.
- E. All evergreen trees planted per the Landscape Plan shall be a minimum height of 8 feet when planted. If an evergreen tree dies, it shall be replaced with an evergreen tree that, at planting, is the lesser of (i) the height of the replaced tree or (ii) 12 feet in height. All landscaping shall be maintained and replaced by the Owner as needed to keep the same in a first class manner.
- F. The plant materials within the buffers adjacent to and contiguous with residential uses shall be placed strategically after consultation with (i) the owner of the Western Real Estate.
- G. Building set-backs and buffers shall not be reduced below those identified on the Site Plan, the Landscape Plan and any other final plans approved in connection with Approvals. **Provided, however,** under no circumstances shall any improvements be situated closer than 100 feet to the common property line between the Laufter Property and the Property.

Section 7. Miscellaneous Commitments.

- A. There shall be no light poles, located east of the western facade of any building situated on the Property.
- B. All wall mounted lighting, per the Lighting Plans, shall be set no higher than 10 feet above finished grade.
- C. No outdoor live entertainment is permitted.
- D. The use of any Pharmacy drive-up/pick-up window shall limited to the hours of 7:00 a.m. to 9:00 p.m., any Pharmacy drive-up/pick-up window shall be screened between the hours of 9:00 p.m. and 7:00 a.m. and the Pharmacy shall not be replaced by a fast food restaurant with drive-through service.
- E. The use of the B-Shops drive-up/pick-up windows shall be limited to the hours of 7:00 a.m. to 12:00 midnight.
- F. The drive-up/pick-up windows on the B Shops shall be limited to dry cleaners, pizza parlors, sub shops, financial institutions, coffee shops, or similar uses, but shall not be used for any fast food restaurants, such as but not limited to a McDonalds, Wendy's, Burger King, Taco-Bell, or Hardees.
- G. All sound from intercom communication systems, utilized for drive-up/pick-up windows for the Pharmacy, B-Shops and the Outlots, shall be limited such that they are below the level detectable by a human being at a point more than 100 feet from the drive-up/pick-up windows.
- H. The intercom communication system and the outdoor speaker system used in connection with the Fuel Center shall be limited such that they are below the level detectable by a human being at a point more than 100 feet from the perimeter of the Fuel Center.
- I. All roof-top equipment shall be screened by a parapet wall that is greater in height than the roof-top equipment. Additionally, the height of any equipment emitting any food odors shall be 2 feet below the height of the parapet walls.
- J. No outside storage shall be permitted on the Property.
- K. A sidewalk providing a direct connection between the Property and the Laufter Property shall not be provided unless required by the City's Planning Department.
- L. The sidewalk contiguous with the Property and adjacent to Town Road and 146th Street shall be intact, open for use and free of construction debris at all times other than when under construction.

Section 8. Commitment Concerning Sanitary Sewer. The developer shall provide on the Property a sanitary sewer easement allowing the Laufter Property to connect to the sanitary sewer main to be located on the Property. The developer shall extend a Sanitary Lateral, per the Sanitary Lateral Plans to the Laufter Property line, subject to final approval of the Sanitary Lateral by the Clay Township Regional Waste District.

Section 9. Recording of Commitments. The undersigned shall record these Commitments with the Recorder of Hamilton County, Indiana.

Section 10. Enforcement and Effective Date. These Commitments may be enforced by the City and/or any adjacent land owner. These Commitments shall not be effective or enforceable until the commencement of the construction and development of the Real Estate in accordance with the Approval.

Section 11. Binding on Successors. These Commitments are binding upon each owner of the Property with respect to the portion of the Property owned by such owner and during the time of such owner's ownership and (ii) upon each owner's successor, assign and grantee with respect to the portion of the Property owned by such successor, assign and grantee and during such successor's, assign's and grantee's ownership.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

IN WITNESS WHEREOF, the undersigned have caused these Commitments to be executed as of the date identified on the Notary below.

SYMPHONY, LLC

By: _____
Signature

Its: _____
Printed Name and Title

STATE OF INDIANA)
) SS:
COUNTY OF)

Before me, the undersigned, Notary Public in and for the said County and State, personally appeared _____, the _____ of Symphony _____, as general partner of the _____, the managing member of Symphony, LLC, who acknowledged execution of the foregoing Commitments and on behalf of such entity.

Witness my hand and Notarial Seal this ____ day of _____, 2010.

My Commission Expires: _____
_____, Notary Public

_____, LLC, an Indiana limited liability company

By: _____
Signature

Its: _____
Printed Name and Title

STATE OF INDIANA)
) SS:
COUNTY OF)

Before me, the undersigned, Notary Public in and for the said County and State, personally appeared _____, the _____ of _____, LLC, who acknowledged execution of the foregoing Commitments and on behalf of such entity.

Witness my hand and Notarial Seal this ___ day of _____, 2010.

My Commission Expires: _____
_____, Notary Public

_____, LLC, an Indiana limited liability company

By: _____
Signature

Its: _____
Printed Name and Title

STATE OF INDIANA)
) SS:
COUNTY OF)

Before me, the undersigned, Notary Public in and for the said County and State, personally appeared _____, the _____ of _____, LLC, who acknowledged execution of the foregoing Commitments and on behalf of such entity.

Witness my hand and Notarial Seal this ___ day of _____, 2010.

My Commission Expires: _____
_____, Notary Public

This instrument was prepared by Zeff A. Weiss, Ice Miller LLP, One American Square, Suite 2900, Indianapolis, Indiana 46282; 317-236-2319. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Zeff A. Weiss, Esq.

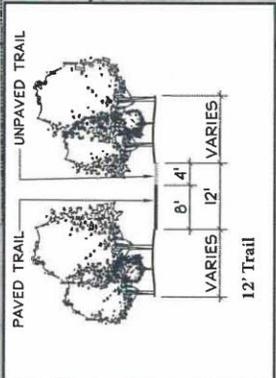
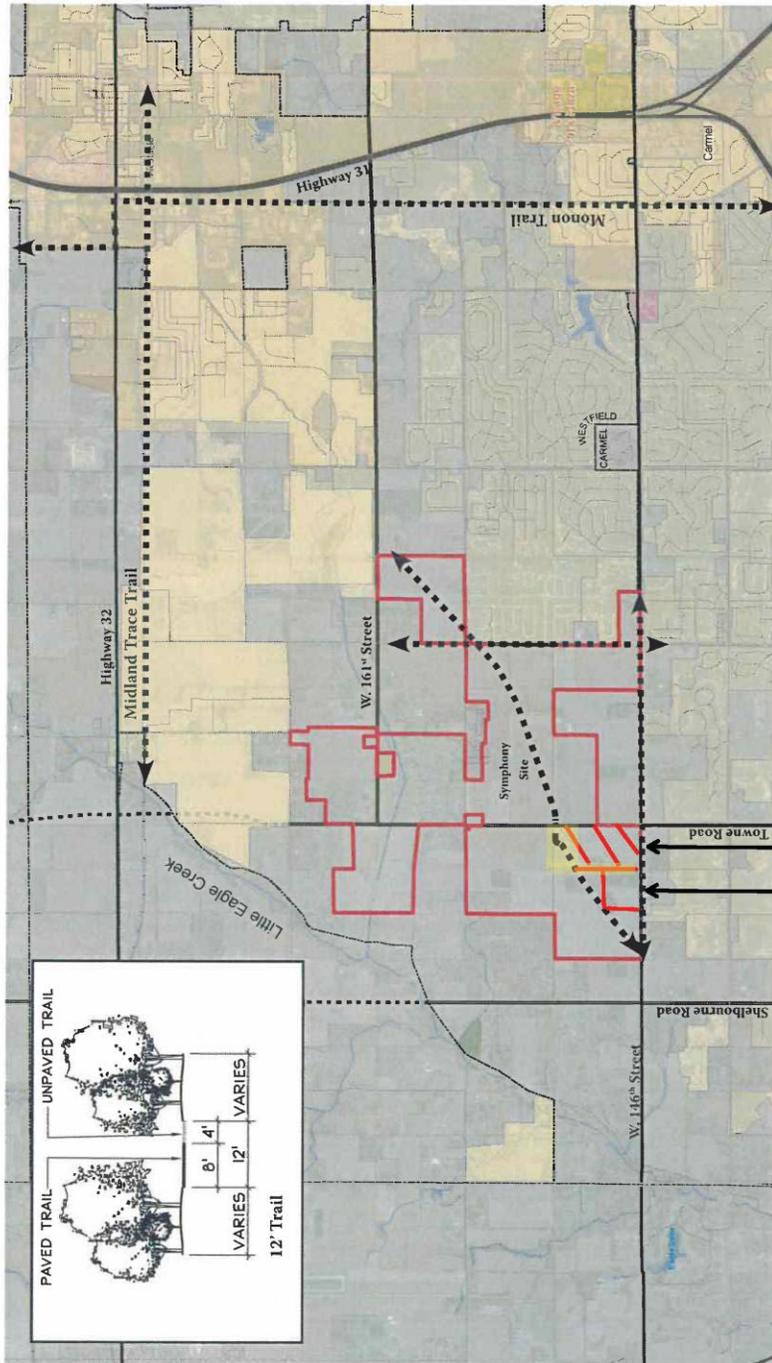
EXHIBIT "A"

Legal Description of Estridge Property

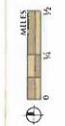
(southwest corner of Town Road and 146th Street to be used for commercial purposes)

EXHIBIT "B"

"Buffer Drawing"



CON ASSOCIATES
 300 Westmoreland Avenue, Suite 200
 Carmel, Indiana 46032
 February 29, 2018
 C.A. No. 2018001



SYMPHONY
 WESTFIELD, INDIANA

- ← Estridge
- ← Laufer Property
- ← Mound & Wall

EXHIBIT 6: TRAIL PLAN AND SECTION

EXHIBIT "C"

"Lauter Property"

EXHIBIT "D"

Site Plan

EXHIBIT "E"

Wall

