

Sarah Reed

From: The Henrys <ctigersplace4@frontier.com>
Sent: Monday, August 05, 2013 11:51 AM
To: Sarah Reed
Cc: Steve Hoover; Anne Cotham; Andy Cook
Subject: Viking Meadows PUD

This purpose of this e-mail is to express my opposition to any changes in the Vikings Meadows PUD (Ordinance No. 04-22). This PUD will solve a problem for Pulte Homes that was of their own making. The PUD was previously amended to allow denser housing in Viking Meadows, thus creating greater demand on some amenities. Pulte Homes should be held to their obligation and add whatever amenities that are needed for the current residents and any planned development.

As a side note, I would like to express my opposition to high density housing in the Viking Meadows E and F parcels. As a resident of the Farr Hills subdivision, this development will literally be in my back yard. It will bring light pollution, additional loss of privacy, additional noise, traffic problems and general degradation of the quality of life in our neighborhood. It is my hope that as you consider future plans for parcels E and F that you will take in to consideration the impact on long time residents of the area.

Thank you for your time and consideration.

Sincerely,

Craig Henry

TO: City of Westfield APC
Westfield City Council
Westfield Community Development, Planning and Zoning
Sarah Reed, Planner
Mayor Andy Cook
FROM: 161st Street Neighbors
Linda Naas, contact, 317-867-0584, email: lnaas@logickey.com
DATE: August 5, 2013
RE: Public Hearing 1308-PUD-09

We realize this is lengthy. Please understand it is a compilation of concerns by many residents. Understand that many have strong feelings about the original PUD, subsequent amendments and the new 1305-PUD-04 The Enclave & Springs at Viking Meadows PUD. There was a significant involvement of residents with the original PUD and their interest continues as they do not want this PUD to become unrecognizable. There were compromises made on behalf of the residents with the original and we would now like to have input and negotiations on any amendments. With the confusion and apparent connection between 1305-PUD-04 and 1308-PUD-09, we believe the City should allow future input from residents and even continued public hearings, for which there is precedence. We ask that you carefully read through our concerns and questions, ask questions or for clarifications and have a dialogue with us. Thank you for your consideration.

- First, we object to the change in procedure. We ask that this Amendment follow the normal process of receiving a reading/introduction at a Council meeting and only then go to the APC if the Council decides.
- Since this Amendment hasn't been before Council, we ask that you have a continuation of the public hearing at the APC meeting after the Council introduction when this will appear on the agenda again. There is precedence for a continued or second public hearing. At the next public hearing you allow only comments on 1308-PUD-09, any and all parts thereof.
- The Viking Meadows Covenants, Conditions and Restrictions (CCRs) is **not** a binding document upon the City of Westfield but rather an internal document between Declarant and Residents. We ask that this document have no influence within our Community Development Department, City Council, APC and any other part of Westfield governance. (Matt Skelton and staff put this document out as justification for this Amendment saying Pulte was going to use it as their legal argument – not correct in light of the type of document.) This means that Pulte may not use any part of this document in presentation of this Amendment, any other, or any zoning change(s) before the City of Westfield.
- This Amendment is separate from 1305-PUD-04 and should remain so during the process of its consideration. Comments from that proposed new PUD **should not be part of** this Amendment consideration including but not limited to: Comments in Staff Report, Exhibit 4, any inclusion of information or exhibits referencing Enclave/Springs in the presentation by Petitioner. **We ask you to strike these and keep discussions and presentation focused on the Amendment under consideration.** (Our comments at 8/5/13 public hearing including CCR's and Enclave/Springs were only made because Pulte and Westfield staff brought them into the discussion.)

- We ask that you apply City of Westfield Ordinances regarding PUD Ordinances and the Amendment thereof. When an amendment comes forth, any other changes may be submitted for consideration from Planning, Petitioner, or residents, following are some suggestions.
- We oppose this Amendment as written and all changes as proposed.
- Monon Trail access is already detailed in original PUD under Section 18: *“The Developer shall have the right to cross the Monon Trail, within Parcel E and Parcel F, with streets connecting Parcel E and Parcel F, and shall have the right to connect to the Monon Trail the trail system installed and internal to the Real Estate.”*

We don’t believe this can be defined as an amenity and counted as one. Access to a trail is not listed in any zoning as an amenity and we do not want to see that changed.

- We suggest amending Sections 5.5.A. and 5.6.A. to remove LB-Local Business from Parcels E and F, including the following sections that refer to business and any others we may have omitted from this listing in VM Original PUD and any corresponding references in Ord. Amend. 10-30:
 1. 5.5.(i) Delete
 2. 5.5.A. Delete
 3. 5.6. (i) Delete
 4. 5.6.A. Delete
 5. 7.3 Delete
 6. 7.5 Delete
 7. 8.2. (ii) Delete
 8. 8.2. (iv) Delete
 9. 9.7 Delete
 10. 9.9 Delete
 11. 10.1. (iii) Delete
 12. 10.3 Delete
 13. 10.4 Delete
 14. Exhibit 12 Delete All References to & listings of Public, Semipublic, & Office Facilities
 15. Exhibit 12 Delete All References to & listings of Business & Personal Services
 16. Exhibit 12 Delete pages 4-23 except at bottom of page 23 “NOTE—Free-standing, fast food, drive-in restaurants are prohibited in all Parcels A, B, C, D, E AND F.
 17. Delete any other references in any other Sections such as “Signs” that reference a LB-Local Business or commercial use.
- We suggest amending to lower the density in Sections 5.5 and 5.6 for MF2, listed on Exhibit 12 Table 16.04.040-1 Number of Units in Development to **61-90**, none of the amenities being “access to the Monon Trail”, but continue to allow them access to all amenities of Viking Meadows, Section 16.6. Exhibit 12 MF2 says “medium density”. (FYI: Parcel E = 8.4 Acres + Parcel F = 5.12 Acres totals 13.52 acres)
- We want anyone within the Westfield community including neighbors of Viking Meadows to have input equal and balanced with that of Viking Meadows residents.

- We oppose adding any additional property other than outlined in the Original PUD 04-22 to be added to the Viking Meadows PUD. (Section 17)
- Changes to a PUD should not negatively affect property values of existing residents who made their home purchase in good faith for the make-up of the entire neighborhood. This proposed amendment is absolutely 100% to the advantage of the developer. Will the City provide for fair administration of its Zoning laws to protect its citizens or will it cave in to developer pressure?
- Now VM residents are telling City and Pulte that they would prefer single-family homes. We would support only single family homes on **all** parcels of Viking Meadows, A, B, C, D, E and F.
- Amendment doesn't reference Section 5.6.B. which details Parcel F.
- **Rental vs Owner Properties:** Where is the certainty of high-scale townhomes for Parcels E and F? Where is the certainty of owner properties and not rentals? We approved proposed owner properties in other areas of Westfield that are in fact rental properties on first occupancies. What Dave Compton described is not in the wording of the PUD or any Amendments to date. This needs to be addressed. MF2 zoning is for "medium density" provide for "rental housing units" per Westfield Ordinance in Exhibit 12 of this PUD. We want to keep "medium density" and change to "owner units".
- Dave Compton, Pulte, represented that they would add no more land to this PUD however, the PUD ordinance and Westfield ordinances do not support that. Westfield has an Ordinance defining the process of PUD amendment. Rely on the Ordinances not what Dave Compton or anyone else says in a meeting.
- We understand it costs money to maintain your properties, but Pulte has the same responsibility as any of us private owners to maintain our properties for the community and our values. We do not accept Dave Compton's bemoaning the cost of amenities and maintenance. We also hope that Pulte understood this PUD and made a business plan that didn't hinge upon making it unrecognizable. Inherent in this PUD were financial requirements, Pulte made the argument that they understood that as long as Westfield would agree to their original amendment changes in Amendment 10-30.
- We believe MONEY saving proposals for Pulte cost the existing residents and neighbors in the devaluation of their homes and lifestyles in their community and decreases the attractiveness of Westfield as a community.
- This area is not of a downtown density or accessibility. This area is a choice for those not wanting to live in a Grand Junction or downtown Carmel but still be close to shopping, groceries and restaurants without living next to them. The people live out here for the openness, trees and lesser density, and quite honestly many enjoy having the horse farms spotted throughout their area. Our comp plan describes this repeatedly. We suggest some of Dave Compton/Pulte's suggested products are not for this area. We do not want this area to become less attractive as it presents Westfield to all those who enter on 161st Street, which will be many, even more visible than the beautiful homes on 156th Street and internal to VM. Do we really want to downgrade the views on 161st Street or the living quality for the last to move into Viking Meadows or their neighbors? No.

It is simple, reject this Amendment.

All we will say on the Enclave/Springs PUD which is a separate PUD is vote to reject for having no amenities. The wrong decisions could send us down a slippery slope; one acceptance of deviation or waiver, invites more. We ask you to review all amendments to the original Viking Meadows PUD and determine whether the overall PUD and community are enhanced or degraded. What have been the benefits for Pulte versus the benefits for VM residents and neighbors?

Seems not all Viking Meadows residents agree with Pulte or want to vote in a block. We would ask that you accept their comments as individual residents of Westfield; better yet, seek them out.

August 8, 2013

Westfield-Washington Advisory Plan Commission
130 Penn Street
Westfield, IN 46074

Dear Members of the Westfield-Washington Advisory Plan Commission:

My name is Jim Grose and I am a resident of the Viking Meadows subdivision. I spoke at the public hearing on June 3, 2013, and submitted additional follow-up comments via e-mail on June 21, 2013, regarding Docket No. 1305-PUD-04 The Enclave and Springs at Viking Meadows PUD. On July 27, 2013, I received legal notice of the public hearing for Docket No. 1308-PUD-09 Viking Meadows PUD Amendment: Parcels E and F, regarding a petition submitted by Pulte Homes of Indiana, LLC, requesting to amend Ordinance 04-22, as amended, hereafter referred to as the "Viking Meadows PUD." The proposed amendment would remove Parcels E and F from the list of Parcels with access to the Viking Meadows amenity areas and establish the number of amenities to be provided within Parcels E and F when they are developed.

I called attention to the topic of amenities in Parcels E and F during a meeting with David Compton of Pulte Homes and residents of Viking Meadows on July 18, 2013. The reason I brought up the issue is because although residents of Parcels E and F would not be allowed to use Viking Meadows' amenities under the proposed amendment, I believe there are several reasons they may still attempt to use them. First, there may be confusion due to the fact that the other Parcels that would have access to the amenities and Parcels E and F are all zoned under the Viking Meadows PUD. Second, there is a possibility of "Viking Meadows" being used in the name of the development completed in Parcels E and F. Mr. Compton said at the neighborhood meetings he would consider not using it in the name, but there has not been any further comment since. Third, the close proximity of Parcels E and F to the existing amenities may encourage unauthorized usage. Obviously non-Viking Meadows Homeowners Association (hereafter "Viking Meadows HOA") members would not be able to use the clubhouse and pool because they have secured access points, but the playground, basketball court, and tennis court do not. I believe if amenities are provided for Parcels E and F, as they would have been required by the underlying Multi-Family Two (MF2) zoning provisions, residents of those Parcels would be far less likely to use the existing amenities because they would have their own. With that being said, I am not sure that reducing the required number of amenities from five (5) to three (3) and allowing access to the Monon Trail to count as one of the amenities would adequately accomplish that without knowing what other amenities would be included.

I e-mailed a letter to Mr. Compton on July 23, 2013, the date the petition was filed, and suggested changes I feel should be made to the Viking Meadows PUD if Parcels E and F are removed, but I later found out I sent my letter after the petition for this Docket was already filed. I would like to share the suggestions I sent to Mr. Compton as well as an additional thought after reading the proposed amendments under this Docket.

Section 16 of the Viking Meadows PUD identifies items the Developer, now Pulte Homes, shall install within a common area and thereafter refers to them as Improvements. Section 16.6 currently states "Landscaping to provide shade around seeding areas, playgrounds, and parking lots, and to define

pedestrian ways. Such landscaping shall include, but shall not be limited to, a combination of deciduous trees, evergreens, and ornamental flowering species. The Improvements shall be available for use by all residents in all Parcels A, B, C, D, E and F, and shall be credited toward any amenity requirements applicable to Parcel E and Parcel F." I suggest that Section 16.6 should be amended to delete the last sentence because the balance of the Section primarily addresses landscaping. A new Section 16.7 should be created stating "The Improvements shall be available for use by all residents in Parcels A, B, C and D." The new Section 16.7 would be clear it applies to all of Section 16, not just Section 16.6, the Improvements are not available for use by residents in Parcel E and Parcel F, and the Improvements do not count toward the amenity requirements set forth by the underlying MF2 zoning provisions. Please also see my additional comments regarding Section 16 later in this letter.

One of the proposed amendments under this Docket is to delete Table 16.04.040-1 of Exhibit 12, as referenced in Section 5.5(B) of the Viking Meadows PUD, and replace it with "A minimum of three (3) amenities shall be provided to the combined Parcels E and F. Accessibility to the Monon Trail shall be counted as one (1) of the required three (3) amenities." I do not understand why it is being proposed to amend the included underlying MF2 zoning provisions exhibit when Sections 5.5(B)(ii) and 5.6 state the underlying MF2 zoning provisions apply to the Parcels except as modified by the Viking Meadows PUD. I suggest creating a new Section 16.8 in the Viking Meadows PUD stating the proposed amendment. This would keep the Viking Meadows PUD more organized because the amendment would be to the amenities section and not a referenced exhibit of the underlying zoning section.

I would now like to comment regarding Exhibit 4 of the Docket. Exhibit 4 is a summary of the meetings with Mr. Compton and residents of Viking Meadows about Pulte Homes' proposal to address residents' concerns regarding the addition of The Enclave and Springs to the Viking Meadows HOA. I understand several aspects of the proposal are related to the Declaration of Covenants, Restrictions, and By-laws for Viking Meadows (hereafter referred to as "Declaration") that neither the Advisory Plan Commission nor Westfield City Council has control over, but I feel it is important to discuss the proposal since it is related to the Docket and included as an exhibit. Two aspects of the proposal are to "annex the remaining unannexed portions of land currently zoned within the Viking Meadows PUD Ordinance, except for Parcels E and F," and "agree to terminate the Declarant's right to annex any other areas within the To Be Annexed Land."

I interpreted the intent of the proposal as being for Pulte Homes, as the Declarant of the Declaration, to immediately annex the unannexed land it owns to the Viking Meadows HOA. There are two areas of Real Estate zoned and/or mentioned in the Viking Meadows PUD, however, that Pulte Homes does not own and therefore cannot annex without consent of the owners. One area is in Parcel D and is owned by Timothy and Karen Peterson and the other area, Parcel 0809130000004.000, or more commonly known as Fox Hollow Farm, is referenced in Section 17 as being eligible to be annexed under the Developer's discretion once acquired by the Developer. For the purpose of Pulte Homes' proposal, does Fox Hollow Farm being identified as being eligible to be annexed into the Viking Meadows PUD deem it zoned under the PUD?

I believe the primary concern of existing Viking Meadows residents regarding The Enclave and Springs of Viking Meadows PUD is the potential to overcrowd the Viking Meadows HOA amenities. The basis of Pulte Homes' proposal is to establish the total number of homes that will be part of the Viking Meadows HOA and therefore have access to the amenities. There are three areas of the Viking Meadows PUD, however, that conflict or may conflict with Pulte Homes' ability to establish the total number. The first area is the language in Section 16 that is proposed to be amended under this Docket. I do not know

what the original intent was for the language "The Improvements shall be available for use by all residents in Parcels ...," but it could be interpreted to supersede the Declaration and allow all residents of the Parcels access to the Viking Meadow HOA amenities even if they are not members of the Viking Meadows HOA. I hope that was not the intent of the original author and do not believe it was because if development of Viking Meadows by their company did not fail this would most likely be a moot issue.

The second area is Section 17 regarding annexation of Fox Hollow Farm. As stated above, Section 17 allows the Developer to annex Fox Hollow Farm into the Viking Meadows PUD once acquired by the Developer. It appears that as written the option to annex Fox Hollow Farm into the Viking Meadows PUD will exist forever. Does Section 17 ever expire? If not, should it? Eventually the Real Estate zoned under the PUD will be built out and Pulte Homes, as the Developer, will have moved on, so who would have the authority to annex it to the PUD at that point? I think this section should be clarified or removed since to the best of my knowledge Pulte Homes does not intend to attempt to purchase Fox Hollow Farm.

The third area is the architectural standards exhibits for Parcel B (would apply to Fox Hollow Farm if it is annexed into the PUD) and Parcel D (applies to the Peterson property). They both state under Section 15(A) "A not for profit Viking Meadows Homeowners Association shall be incorporated and related Covenants, Restrictions and By-Laws shall be created prior to platting any sections of Viking Meadows." Does this Section require the Real Estate to be subjected to the Declaration? If it does, then if Fox Hollow Farm is annexed into the PUD and/or the Peterson's develop their property under the provisions of the Viking Meadows PUD, any lots would have to be annexed into the Viking Meadows HOA.

In conclusion, I appreciate and respect the willingness of Pulte Homes to respond to concerns of existing Viking Meadow residents, including seeking the proposed amendments under this Docket. With that being said, the proposed amendments should be evaluated to determine if they address the concerns of the existing Viking Meadows residents. There are also three areas of the Viking Meadows PUD that may limit Pulte Homes' ability to respond to the residents' primary concern of overcrowding of the Viking Meadows HOA amenities. The three areas should be clarified and/or amended if possible to allow Pulte Homes to establish the total number of homes that will be part of the Viking Meadows HOA and therefore have access to the amenities. I believe the Enclave and Springs of Viking Meadows PUD is a much better use of the land than what is currently zoned, or other projects that could be presented in the future, and would love to see the land successfully developed. I do not, however, want the successful development to come at the expense of current and future residents of the existing Viking Meadows. I am confident Pulte Homes and residents of the existing Viking Meadows will come to an agreement and look forward to their continued cooperation.

Sincerely,

Jim Grose

cc: David Compton, Pulte Homes
Steve Hardin, Faegre Baker Daniels

August 20, 2013

Plan Commission members,

This is the follow-up to my comments from the Public Hearing for petition1308-PUD-09 Viking Meadows Amendment. I didn't have anything in written form at the Public Hearing so this may not be an exact duplicate of my comments at that time though I will cover the same subject matter. A couple Plan Commission members personally asked me to send this in because they thought these points were important.

Please understand, an oral presentation of 5 minutes equates to a more lengthy written presentation. I have tried to condense this as much as possible but it still seems long due to making the points I feel need to be make.

Thank you for your patience, in advance.

Ron Thomas

ronthomaswf@comcast.net

Westfield Town Council 2004 – 2007

Westfield Plan Commission - past President

Summary

For sake of time I offer this summary at the beginning of this letter. If you desire to read the remaining portion for details, please do.

Petition 1308-PUD-09 not only violates the underlying PUD Ordinance but the intent of the Ordinance as well. Considering that an Ordinance is another word for law, I believe it would be very detrimental to our community if the law was knowingly violated. This petitioner wants to ignore the law that states they must provide 5 amenities for the Multi-Family section of their development for no other reason than to hopefully be allowed to build another development and use the existing amenities in place of having to provide more for that project. This comes down to a financial issue the petitioner must remedy within their company and not by asking the community of Westfield to allow its laws to be ignored.

Details:

Westfield's PUD Ordinance

As we all know, the adopted Westfield PUD Ordinance is the basis for this petition. Within this Ordinance there are specific statements that I believe the Plan Commission, Council, and staff, should pay close attention to and not deviate from. These quotes are directly from the Westfield PUD Ordinance:

1. In Section A, the paragraph below letters a – g it states, "The Town **shall*** discourage the use of the planned unit development district as a means of circumventing the rezoning/subdivision process or to avoid the standards and requirements of this ordinance or the Subdivision Control Ordinance."
2. In Section 5, "The PUD **must*** comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.
3. In Section 6, "The PUD **must*** include a statement of recreational amenities and how they benefit the PUD residents. The PUD **must*** also designate and convey active and/or passive recreational areas in accordance with the following:
 - a. In the case of mixed uses, recreational amenities **shall*** be allocated to the property in proportion to the uses assigned to the PUD and shall be located within reasonable walking distance to those uses.
 - b. If the Concept Plan provides for the PUD to be constructed in stages, recreational amenities **must*** be provided for each stage of the PUD in proportion to that stage, unless otherwise indicated and approved through concept plan approval."

Clearly, these passages, with the “shall” and “must”, were written to ensure that any PUD proposal, as a minimum, meets the basic requirements defined by the entirety of the Zoning Ordinance. As we need to recognize, “shall” and “must” leave no room for compromise in lowering the requirements (*see footnote at end of letter). It’s additionally clear that the intent is to realize higher standards and requirements for a PUD than the base requirements for individual type districts. In other words, the PUD Ordinance should more appropriately be considered as a method to allow the basic requirements of multiple zoning districts to be integrated into one cohesive development and, as a whole, exceed the basic requirements if each area were to be developed individually.

In this petition, the petitioner desires to ignore the basic requirements, in fact significantly lowering them, and therefore the PC, Council, and staff, “shall discourage the use of the planned unit development ... as a means... to avoid the standards and requirements of this ordinance or the Subdivision Control Ordinance.” If this is allowed to be approved, then you’ve moved the foundation of the city onto a slippery slope in which any developer can now cite this precedent as reason to further erode Westfield’s Zoning Ordinances.

Original Viking Meadows PUD Ordinance

If you read Section 16 of the currently approved Viking Meadows PUD it is clear the original developer sought to comply with the requirements surrounding the basic requirements for the amenities and their quantities for ALL areas within Viking Meadows. This petition seeks to do nothing more than violate the underlying Ordinances, as well as, the compliance of the original development.

Multi-Family Districts

Within Westfield’s WC16.04.040 Multi-Family Districts Ordinance we find the requirements for the MF2 amenities, Section B, 13, b thru 14. These state that “amenities **must** be provided in quantities defined within Table 16.04.040-1.” Since the number of dwellings permissible within the Viking Meadows PUD is within the highest quantity then the amenities must be set at 5. In this same area of the PUD Ordinance examples of permissible types of amenities for the MF2 district which DO NOT include publicly funded infrastructure. Now in this petition, the petitioner seeks to ignore the required number of amenities available to the residents within the MF2 district. This is un-acceptable in that it violates the language and intent of the PUD Ordinance (see #1 - #3 above), as well as, deny residents of a MF District amenities meant to improve the quality of life within the project. Again, the slippery slope rears its head.

Petitioner’s proposal 1308-PUD-09 Viking Meadows Amendment

As we’ve read in this proposed amendment, the petitioner is seeking to reduce the number of amenities from 5 to 2 for the MF zoned area within the Viking Meadows PUD. No other amenity has been offered or mentioned (aside from publicly funded infrastructure) as a substitution for those they want to deny the MF area. And since there are only two additional amenities mentioned in the original Viking Meadows Ordinance then the petitioner seems to only want to build a picnic area and a playground for Parcels E & F.

Furthermore, the petitioner wants to have “access to the Monon Trail” listed as an amenity. If this were to be accepted by the city it would set a very bad precedent in that the amenities required and described in the Zoning Ordinance are ones in which the developer must offer within the proposed development, the amenities are not supposed to be part of the existing or proposed publicly funded infrastructure. Including the Monon access as an amenity would be equivalent to allowing the Splash Park, the Skate Park, Cool Creek Park, or the trails within Countryside to be accepted as part of the underlying requirements. This again, isn’t within the language or intent of the PUD Ordinance.

Neighborhood Meeting Notes

In this I just want to point out that, based on the neighborhood meeting notes, in my opinion the petitioner hasn’t been completely open or forthcoming with the residents of Viking Meadows concerning the questions the petitioner has been asked. It’s my opinion that some of the petitioner’s responses are meant to create confusion within this process of the multiple proposed petitions, as well as, induce a sense of uncertainty within the current residents of Viking

Meadows. The petitioner mentions “certainty” in one response as though someone else has control of what changes occur within Viking Meadows when in reality; the petitioner is the only one who holds the key to what will be certain.

Public Hearing – Process of this petition

I don’t want to dwell on this but after the petition presentation and Public Hearing, when the Plan Commissioners had the opportunity to ask questions or discuss the petition and public comments, very little was discussed. What garnered the vast amount of discussion was the process this petition went through, not going appearing at the Council before the Plan Commission. It disturbed me because it seemed as though the petition was the last thing anyone wanted to deal with. I, and other residents, came to a public meeting to voice our concerns and walked away wondering if anyone heard or understood us. The question asked by someone outside was, “Was this just another waste of our time?” I don’t believe it was but your vote on this petition will be telling.

Additionally, one Plan Commission member was adamant that “rules are rules and should be followed”. I believe almost everyone agreed with this premise though what wasn’t brought up is this petition doesn’t follow the LAW (Ordinance) as I’ve shown through the quoting of the PUD Ordinance. If “rules” are important, shouldn’t a law be more important and adhered to more steadfastly?

Conclusion

In conclusion, if you agree that “rules should be followed” then you MUST vote NO on this petition. This petition VIOLATES the law, not just a simple rule. Voting anything but NO places our community in a position of having to allow any developer to present any petition and fully expect an approval because the precedent will have been set that our Ordinances (laws) will have been ignored by the city government. That is the slippery slope this petition presents and I, for the sake of the community, ask that you try to put this community back on a firm foundation by voting NO.

Again, Thank you
Ron Thomas

*From Merriam Webster

Shall:

2b —used in laws, regulations, or directives to express what is **mandatory** <it *shall* be unlawful to carry firearms>

Must

3b : be **required** by law, custom, or moral conscience to <we *must* obey the rules>