



Maples at Springmill

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No.: 10-14

Adoption Date: August 9, 2010

Instrument No.: 2010037159





671.00
29
1,000.00 NC

ORDINANCE 10-14

AN ORDINANCE OF THE CITY OF WESTFIELD ESTABLISHING THE MAPLES AT SPRINGMILL PLANNED UNIT DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance (the “Zoning Ordinance”); and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1007-PUD-07), the Maples at Springmill Planned Unit Development (the “Maples at Springmill PUD”), filed with the Commission, requesting a change in zoning,

WHEREAS, the Commission did take action to forward the said Docket 1007-PUD-07 to the City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on July ___, 2010; and,

WHEREAS, the City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Council, meeting in regular session, that the Zoning Ordinance and Zone Map are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the property identified in Exhibit A-1 and Exhibit A-2 (The “Real Estate”), (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values through out the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the City Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of uses;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. SIZE OF DISTRICT. The legal description and location, which is attached hereto and labeled as Exhibit A-1 and Exhibit A-2 respectively, identifies the Real Estate included in the Maples at Springmill PUD.

SECTION 3. DEVELOPMENT STANDARDS. It is the intention of this Ordinance 10-14 that the SF-A (Single Family Attached) District standards of the Zoning Ordinance, as modified by the revisions specified in the Exhibit B which follows, shall govern the use and development of the Real Estate.

SECTION 4. EFFECT. This Ordinance 10-14 shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance 10-14, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance 10-14 shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance. To the extent that this Ordinance 10-14 conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance 10-14 shall prevail.

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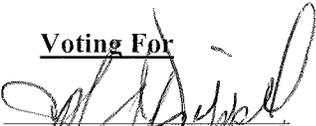
ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS 9 DAY OF Aug, 2010.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

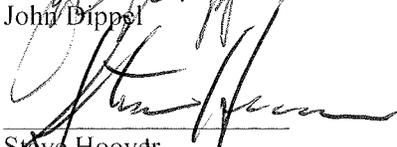
Voting For

Voting Against

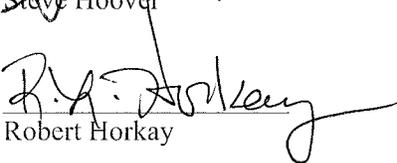
Abstain



John Dippel



Steve Hoover



Robert Horkay

John Dippel

Steve Hoover

Robert Horkay

John Dippel

Steve Hoover

Robert Horkay

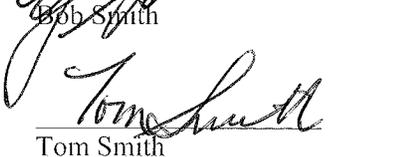
Kenneth Kingshill

Kenneth Kingshill

Kenneth Kingshill



Bob Smith



Tom Smith

Bob Smith

Tom Smith

Bob Smith

Tom Smith



Rob Stokes

Rob Stokes

Rob Stokes

ATTEST:


Cindy Gossard, Clerk-Treasurer

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: Jon C. Dobosiewicz

Prepared by: Jim Shinaver and Jon C. Dobosiewicz, Nelson and Frankenberger, PC
3150 East 98th Street, Suite 170, Indianapolis, IN 46280, (317) 844-0106.

Signed

I hereby certify that ORDINANCE 10-14 was delivered to the Mayor of Westfield

On the 10 day of Aug, 2010, at 5:00pm.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-14

This 10 day of August, 2010.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-14

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

"I affirm, under the penalties of perjury,
that I have taken reasonable care to insert
each Social Security Number in this
document, unless required by law"

C. Gossard
Signed

Exhibit A-1
(Legal Description)

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

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

EXHIBIT B

With respect to dwellings constructed on the Real Estate depicted on Exhibits “A-1” and “A-2”, which are attached hereto, all of the development standards of the SF-A (Single Family Attached) district of the Westfield-Washington Township Zoning Ordinance shall apply, subject *only* to the following changes:

- 1 – Single family detached dwellings shall be a permitted use;
- 2 – The minimum distance between detached dwellings shall be eight feet (8’); and,
- 3 – A minimum thirty (30) degree offset from the road shall not be required for the garage door openings of thirty-five percent (35%) of the total number of dwellings on the Real Estate.
- 4 – The homes to be constructed on the Real Estate will be compatible and complimentary in building materials and exterior finishes as the building materials and exterior finishes used on the homes that have been constructed in Phase 1 of the Maples at Springmill as outlined below:
 - A. The homes to be constructed on the Real Estate shall have the same type of stone facing on the exterior as used in the homes in Phase 1.
 - B. The roofing material to be used on the homes constructed on the Real Estate shall be identical to the roofing material used for the homes in Phase 1.
 - C. The homes to be constructed on the Real Estate shall consist of hardiplank, or similar cementitious siding material for the exterior walls as used on the homes in Phase 1.
 - D. Smart Trim will be used for all exterior trimming needs of the homes to be constructed on the Real Estate as was used for the homes in Phase 1.
 - E. Paint color combinations will be the same for the homes to be constructed on the Real Estate as were used on the homes in Phase 1
 - F. An outdoor up lighting package will be provide for each home to be constructed on the Real Estate, similar to the outdoor up lighting package used for the homes in Phase 1
 - G. A landscaping package similar in quality and quantity will be used for each home to be constructed on the Real Estate as was used on the homes in Phase 1.



Westfield City Council Report

Ordinance Number:	10-14
APC Petition Number:	1007-PUD-07
Approximate Location:	Northeast Corner of Springmill Road and Spring Lakes Drive
Petitioner:	WLB Associates, Inc.
Representative:	Jon Dobosiewicz, Nelson & Frankenberger, PC
Requested Action:	Change in zoning of approximately 7 acres
Current Zoning Dist:	SF-A
Requested Zoning Dist:	Maples at Springmill PUD
Filing Date:	May 28, 2010
Referral Date to APC:	June 14, 2010
APC Public Hearing:	July 6, 2010
APC Recommendation:	July 19, 2010
Eligible for Adoption:	August 9, 2010
Associated Ordinances:	Ord. 05-35, Original Rezone of Maples at Springmill from SF-2 to SF-A
Exhibits:	<ol style="list-style-type: none">1. Staff Report2. Aerial Location Map3. Proposed Site Layout4. Proposed Home Concept Plans
Prepared By:	Kevin M. Todd, AICP, <i>Senior Planner</i>

PETITION HISTORY

This petition for a change in zoning to a new Planned Unit Development District was filed on May 28, 2010. The petition received a public hearing at the July 6, 2010 Advisory Plan Commission Meeting and received a positive recommendation for approval at the July 19, 2010 Advisory Plan Commission Meeting.

PROCEDURAL

- Requests for a change in zoning to a PUD district are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505.
- The Advisory Plan Commission (the "APC") held a public hearing on July 6, 2010 and issued a positive recommendation (6-0) to the City Council in support of the proposed PUD amendments on July 19, 2010.
- Notification of July 6, 2010 public hearing was provided in accordance with the APC Rules of Procedure.
- The City Council may take action on this item at the August 9, 2010 meeting.

PROJECT OVERVIEW

Project Description

The proposed Planned Unit Development (“PUD”) would allow up to 30 single family detached dwelling units along Maple View Drive within Section 2 of the Maples at Springmill subdivision (the “Property”). The detached dwellings are low-maintenance units. Prospective owners would own the dwelling unit and the ground under it; everything outside of the walls of the structure would be commonly owned. The Property is currently approved for 30 single-family attached dwellings.

The PUD Ordinance would modify three standards in the underlying SF-A District:

1. Permit the use of Detached Single Family dwellings on the Property.
2. Allow for structures to be placed at least 8 feet from each other. (Note: The Community Development and Westfield Fire Departments support the proposed building separation of eight (8) feet.)
3. Allow for up to 35% of the detached single-family dwelling garage doors to not be offset from the roadway at an angle of 30 degrees (see WC 16.04.030.H.14.

The PUD Ordinance also proposes standards for exterior building materials and finishes that are compatible with the dwellings constructed in Phase 1 of the Maples at Springmill subdivision.

Comprehensive Plan (Feb 2007, as amended)

The Westfield-Washington Township Comprehensive Plan identifies the Property as being located within the “Suburban Residential” land use classification. This classification recommends single family detached and attached residential dwellings in this area.

Thoroughfare Plan (Feb 2007, as amended)

The Westfield-Washington Township Thoroughfare Plan (the “Thoroughfare Plan”) identifies Spring Lake Drive as “Local Roadway” which requires 50 feet of Right-of-Way. Springmill Road is identified as a “Secondary Arterial” which requires 120 feet of Right-of-Way.

Annexation

The Property is within the corporate boundaries of the City of Westfield.

Well Head Protection-Ord. 05-31

The Property is not within a wellhead protection area.

INDIANA CODE

Ind. Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Westfield-Washington Township Comprehensive Plan identifies the Property as being located within the “Suburban Residential” land use classification. This classification recommends single family detached and attached residential dwellings in this area.

2. Current conditions and the character of current structures and uses.

The property is currently vacant. Maple View Drive has been constructed and traverses the property from east to west.

3. The most desirable use for which the land is adapted.

The Comprehensive Plan established that residential development is appropriate for the area.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the proposed project will have a positive or neutral impact on surrounding property values.

5. Responsible growth and development.

The Property is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the Property and are adequate to serve the proposed development.

RECOMMENDATIONS / ACTIONS

- Community Development Department [July 19, 2010]
The Westfield Community Development Staff, under their final report to the APC, made a positive recommendation for this petition.
- Advisory Plan Commission [July 19, 2010]
The Westfield-Washington Advisory Plan Commission has forwarded a positive recommendation for this petition (Vote of: 6-0).
- City Council
 - Introduction: [June 14, 2010]
 - Eligible for Adoption: [August 9, 2010]

Submitted by: Kevin M. Todd, AICP, *Senior Planner*

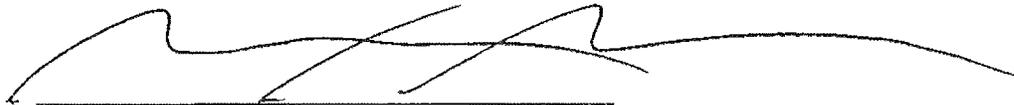
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Tuesday, July 6, 2010, to consider a requested change in zoning of approximately 7 acres from the SF-A District to the Maples at Springmill PUD District. Notice of the public hearing was advertised and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is described as follows:

Case No.	1007-PUD-07
Petitioner	WLB Associates, Inc.
Description	Northeast Corner of Springmill Road and Spring Lakes Drive; Petitioner requests a change in zoning of approximately 7 acres from the SF-A District to the Maples at Springmill PUD District.

On July 19, 2010, a motion was made and passed to send a positive recommendation (6-0) to the City Council to approve the request for 1007-PUD-07.

I, Matthew S. Skelton, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the attached minutes are a true and accurate record of the meetings of the Westfield-Washington Advisory Plan Commission held on July 6, 2010 and July 19, 2010.



Matthew S. Skelton, AICP, Secretary

July 20, 2010

Date

The Westfield-Washington Advisory Plan Commission held a meeting on Tuesday, July 6, 2010 scheduled for 7:00 PM at the Westfield City Hall.

Opening of Meeting: 7:00 PM

Roll Call: Note Presence of a Quorum

Commission Members Present: Dan Degan (left 7:30), Cindy Spoljaric, Bob Horkay (7:15), Bob Spraetz, Robert Smith, Danielle Tolan, and Steve Hoover.

City Staff Present: Matthew Skelton, Director; Kevin Todd, Senior Planner; Ryan Schafer, Planner; and Brian Zaiger, City Attorney

Approval of the Minutes:

Motion to approve minutes of May 17, 2010 as presented.

Motion: Spoljaric; Second: Spraetz; Vote: Pass by Voice Vote

Todd reviewed the public hearing rules and rules of procedure.

Todd discussed the final replat of a section Countryside stating that during research and preparation for signatures, it was discovered that the final plat was not delegated to staff, which is highly unusual. Therefore, staff is requesting that these be delegated to staff for approval.

Motion to delegate final plat approval for Countryside to staff.

Motion: Hoover; Second: Spraetz; Vote: 6-0

OLD BUSINESS

Case No.	1001-PUD-01
Petitioner	Estridge Development Company
Description	146 th Street and Towne Road; Petitioner requests a change in zoning on approximately 1,409 acres from the AG-SF1, SF-2 and Centennial North PUD districts to the Symphony PUD District.

Skelton reviewed the project thus far as far as public hearing comments and presentation summary from the Estridge team. He also stated that it was the Commission's decision to reopen the public hearing. He further stated there would be additional discussion as to whether a subcommittee was established to review this project.

Estridge continued his presentation on the Symphony project discussing previous public hearing comments. He also discussed commitments and proposed changes to the project including the change in location to the YMCA, minimizing traffic shortcuts through Centennial, and buffers and berms and fence lines. He discussed diversity of life style, schools and projected number of children, amenities, neighborhood shops and restaurants, and commercial/retail plans and possibilities.

Hoover requested a copy of the presentation to review and refer to.

Smith opened the floor to the public for further comment.

Mr. Andrew Smith spoke of his concern for home sales, foreclosures, and jobs; stating that there is currently a 10 to 12 year inventory of new homes on the market nationally.

Ms. Tracy Pielemeier stated that there are already very acceptable zoning rules in place and is opposed to the whittling away at such rules. Additionally, she asked if it is the normal strategy for a City to give such sweeping control of a large percentage of its area to one developer. She also asked about the number of existing incomplete and or unsold properties in the City of Westfield and is the City in a positive growth position to develop these additional homes. She also asked what controls will the City have regarding the development process of Symphony. She added, regarding the property specifically adjoining her property at 159th and Towne Road, this has been designed as the nature and recreation zone but the petitioner wants density that includes multifamily housing up to quad plex with no restrictions on building materials.

Mr. Bob Patterson expressed concern regarding the budget asking if the City has reserves to fund the infrastructure that has been discussed. He also asked about cash flow in order to sustain this required infrastructure and what affect on property tax rates initially and over five years.

Mr. Zeff Weiss, representing Tina and Ross Lofter, spoke of concern for the location of the retail building; their property is not owned or controlled by Estridge and according to rules of procedures, not permitted to be part of this ordinance and believes it will be released or removed so it is not part of the proposed ordinance. He also stated the Westfield Comprehensive Plan does show this as a commercial area and the proposal from Estridge is the reason for the intensity is because it is an 8-lane road; it would be wider than Interstate 465. He further asked the Commission when considering the PUD and the details of the PUD, that the Commission protects the Lofter family from the retail and commercial proposed around them including limits from light pollution and appropriate setbacks.

Mr. Chris Michelsetter spoke of First Mile and the investigation stating the streets and rights of way were held private until more recently and the other providers would have had to pay to run their lines in a private easement and did not want to pay for this access because they did not want to subsidize their competitor. He encouraged the Commission

to investigate the history of Centennial so this is not repeated in another subdivision being planned.

Mr. John Kimple spoke in support of growth and thanked the Estridge Company for their consideration of their previous public comments and concerns. He further stated his concern now is regarding accountability from here on out and if this is a PUD, how that is zoned exactly. He also expressed concern regarding Three Mile park and the fact that there is a gas pipe line there right now and what happens to that park if maintenance has to be done on that gas line. He also asked whether the water treatment plant will be able to handle the growth in the community.

Estridge responded to public comments including demand for homes, the Lofters, property taxes, rules and regulations regarding the pipelines under the proposed park, and water treatment facility capacity.

He stated that they are still negotiating with the Lofters but will take that property out if that is the rule.

He stated that Estridge would never propose that the City put up \$70 million in infrastructure; they are proposing that over the 15 years of build out that the City would say: we will do this if you, the developer, can prove the capacity and funding.

Mr. John Goers stated that currently the homes with the most value within Centennial are in Centennial South and that while the changes made are appreciated, would like the natural barrier of very mature trees left in place and the possibility of the engineer for the village to expand two ponds to be one large pond, which will create a natural barrier for people to only walk in the Centennial South subdivision from certain routes which will protect the value and privacy of the homes of Centennial South. He also expressed concern that regarding his existing property they have been promised trees be replaced for well over a year now, and there are yards that were supposed to be put in that have still not been put in.

Skelton stated that staff is identifying "Big Picture Discussion Items" in the staff report. He further stated staff is trying to respond as promptly as possible; staff is reviewing the consent issues, which have been brought to their attention and additionally, as issues, questions, and discussion items reveal themselves, that these too will be included in the staff report.

Spoljaric stated in light of new information presented tonight, the Commission would need to review the project further.

Horkay stated he is encouraged by what has been presented, but would need further time to review and is interested in what staff discovers regarding parcel inclusions which may change the dynamic of this project.

Smith also expressed concern about the level of predictability over a fifteen year project; things change so much in terms of needs and demands, market fluctuation, and economy that it will be a remarkable piece of work in a PUD that is designed to have fifteen years of flexibility and how much control we can hand over.

Skelton responded to Smith's comments on predictability of a project of this scale; that there are still predictability issues, and a level of conform needs to be established concerning this project.

Hoover stated that there was discussion about a subcommittee and wondered what the Commission's thoughts were on that. He stated he understands that our process was established to avoid subcommittees, but this is a very complex PUD and if a subcommittee is considered, it would be a way to speed up the process, not a way to delay it or make it more difficult.

Skelton stated that staff is already meeting with the petitioner and would rather not, at this point, establish a new subcommittee, which would change the whole staffing strategy.

Smith stated that there does not appear to be a delay at this time in how the project is being managed and that Commission members are free to give daily input or weekly input if they wish; therefore, unless there is a breakdown in the process, he is not in favor of a subcommittee. He further suggested waiting two weeks and find out if progress is being made and staff is managing the enormity of the project and refining and coming to the Commission and posting changes and suggestions, as long as we follow that, he would tend to be in favor of letting staff continue processing.

Skelton stated that staff will get a progress report to the Commission on what is being worked on, reviewed, and accomplished.

Smith encouraged the Commission to get their comments and input to staff in a timely manner.

NEW BUSINESS

Case No.	1007-PUD-07
Petitioner	WLB Associates, Inc.
Description	150-334 Maple View Drive; Petitioner requests a change in zoning from the SF-A District to the Maples at Springmill PUD District to allow single family detached homes.

Schafer introduced the petition, which was presented to the City Council on June 14, and is a proposed change to the PUD. He further stated that after publishing the staff report, the petitioner did update information and staff is in the process of reviewing the updates and will have updated information available at the next meeting.

A Public Hearing opened at 7:30 p.m.

Mr. Don Collins stated he has visited a similar community as proposed and believes these homes are attractive and blend well with other homes.

Mr. Craig Eckart expressed concern about tree preservation and wondered about the spacing between the single family units, stating they look pretty close.

The Public Hearing closed at 7:33 p.m.

Mr. Jim Shinaver, Nelson & Frankenberger, representing the petitioner, responded to public hearing comments stating the large trees are not on the site being proposed. As for the space between homes, he stated the petitioner is seeking eight feet between the detached single family units; primarily due to the fact that the existing roadway has already been constructed and utilization of existing site plan.

Mr. Wayne Beverage explained the layout of shared driveways.

Spoljaric expressed concern about the side yards and rear yards and the units being so close together with virtually no yard.

Shinaver stated there is a market demand for this type of housing and there have been some complexities in financing.

Spoljaric asked about building materials.

Beverage responded stone, hardiplank, and smart trim.

ADJOURNMENT (8:55 p.m.)

Approved (date)

President, Robert Smith, Esq.

Vice President, Cindy Spoljaric

Secretary, Matthew S. Skelton, Esq., AICP

The Westfield-Washington Advisory Plan Commission held a meeting on Tuesday, July 19, 2010 scheduled for 7:00 PM at the Westfield City Hall.

Opening of Meeting: 7:00 PM

Roll Call: Note Presence of a Quorum

Commission Members Present: Dan Degnan, Pete Emigh, Cindy Spoljaric, Bob Spraetz, Robert Smith, and Steve Hoover.

City Staff Present: Matthew Skelton, Director; Jennifer Miller, Senior Planner; Ryan Schafer, Planner; and Brian Zaiger, City Attorney

Approval of the Minutes:

Motion to approve minutes of June 21, 2010 and July 6, 2010 as presented.

Motion: Spoljaric; Second: Spraetz; Vote: Pass by Voice Vote

Miller reviewed the public hearing rules and rules of procedure.

OLD BUSINESS

Case No.	1006-PUD-06
Petitioner	Westfield Enterprises, LLC
Description	2432 East South Street; Petitioner requests a change in zoning of approximately 9.5 acres from AG-SF1 to the Kalorama Park PUD.

Skelton discussed the project and stated that staff proposed several modifications and worked through them with the developer to reach mutual solutions. He stated that staff is recommending approval of the proposal as modified.

Spoljaric stated that it is difficult to envision how this project will all fit with 50% open space and up to 40 units, which is 8 units per acre, with 25-foot lot widths and a 1,500 square foot minimum floor plan.

Skelton referred to the Phase I plan and stated that the intent is not to build 25-foot wide lots, but because of the orientation around open space, there will be some exceptions and that this is more about the concept overall.

Spoljaric asked if there will be fencing on individual lots.

Mr. Jim Anderson responded that each house will be separated from courtyard space in the cottage clusters by a fence.

Spoljaric asked about the timing of the amenity phasing.

Skelton stated that the amenities will be required at the time of each phase construction.

Anderson stated that generally speaking, all the amenities will be constructed at the beginning of the project.

Motion to send 1006-PUD-06 to the City Council with a positive recommendation.

Motion: Hoover; Second: Emigh; Vote: 6-0

Case No.	1007-PUD-07
Petitioner	WLB Associates, Inc.
Description	Northeast Corner of Springmill Road and Spring Lake Drive; Petitioner requests a change in zoning from the SF-A District to the Maples at Springmill PUD District to allow single family detached homes.

Skelton discussed the petition, stating that staff has reviewed the ordinance in detail. He also mentioned the addition of architectural standards. He further stated that the developer has agreed to the proposed changes and staff recommends approval.

Spoljaric asked for clarification regarding the courtyards being included as common space.

Mr. Jon Dobosiewicz stated that the patios and fences on exterior in Phase I are all within common area – the resident only owns the footprint underneath the unit. He further stated that courtyards and exterior improvements would be approved by the association.

Hoover asked if the porches would be located in common area or part of the footprint.

Mr. Wayne Beverage responded that generally speaking when they measure the footprint, they measure only the enclosed space. So, anything outside the footprint is in common area.

Hoovers confirmed that the porch then is also common area under that definition.

Beverage responded that Hoover is correct.

Motion to send 1007-PUD-07 to the City Council with a positive recommendation.

Motion: Degnan; Second: Spruetz; Vote: 6-0

Case No. 1001-PUD-01
Petitioner Estridge Development Company
Description 146th Street and Towne Road; Petitioner requests a change in zoning on approximately 1,409 acres from the AG-SF1, SF-2 and Centennial North PUD districts to the Symphony PUD District.

Skelton presented the staff action plan stating that discussion tonight would include the master plan, the consent issues, and public input summary. He further stated that later in the meeting, the petitioner will share the concept for village development.

Degnan suggested that all public comments be kept in one place. He also expressed concern about the date expectations on the action plan.

Hoover stated that he is getting close to completing a first review, and that he has a lot of questions.

Mr. Paul Estridge, Jr. addressed the timeline, stating that the petition was filed December 7, 2009 and this is the fourth draft and offered one or two working meetings to begin the process and answer questions.

Smith asked for agreement from the Commission of the guideline given.

Skelton discussed the consent item, stating that the petitioner is going to withdraw the Laufter property from the proposal. He stated that he believes the other outstanding consent issues can be resolved.

Spoljaric asked if the Commission is allowed to review a PUD that is not under single ownership or control.

Mr. Joe Calderon stated that the Laufter property has been formally withdrawn from the proposal. He further stated that there is a similar situation with 129 acres owned by Carriger & Caito, who authorized the petitioner to proceed until such time that business issues can or cannot be resolved. Calderon stated that last Friday, Carriger & Caito formally requested that Estridge make a formal proposal for the property. He further stated that this property does not need to be withdrawn at this time and hopefully by the next meeting, the petitioner will have formal consent.

Skelton discussed the public input summary stating that the consistency of comments received were in regards to: the Ditch Road and 146th Street commercial area; the impact on property values, including light, noise, aesthetics, and buffering/transitions; holding true to terms in zoning conditions or commitments; the alignment of Towne Road; how the exception piece will be buffered (Laufter property), if the market will support this project; what will happen to our market; and is this viable in the marketplace.

Estridge responded to the public input issues stating that the YMCA has been moved to the corner of Ditch Road and 146th Street. He further stated that the pond(s) in that area of Symphony and the pond in Centennial South will be connected to create one large pond. He further added that the tree line will be preserved between residents and the YMCA soccer/baseball fields. He stated that at the next meeting, the petitioner will have a detailed design of exact types of buffers. Regard to lighting, he stated that the City's standards are being met with a few requested exceptions. He further stated that lighting has been eliminated on the golf/driving range. Estridge addressed the viability of proposed commercial areas, stating that one of the reasons they believe the commercial is very viable is because of what 146th Street will become in the future. He also discussed traffic counts.

Estridge further addressed some miscellaneous items. He stated that the amenities will not be combined with Centennial but there will be two separate HOA's. He further stated, with regard to service provider choices, that all service providers will be asked to provide higher levels of technology, including fiber to the home, noting that this will be open to anyone who wants to meet the technological standards.

Estridge stated that the proposed interceptor sewer will eliminate the lift station at 156th Street and Towne Road. He stated that the Towne Road realignment will need more discussion. He addressed the cost to the public stating that the cost to the community will zero because Symphony pays for the cost of infrastructure from fees (i.e. developer fees, builder fees, etc). He also stated that no new schools will be required based on conversations with the school corporation. He added that they are meeting the City's standards regarding drainage.

He addressed village platting, stating that the petitioner is proposing a different platting process whereby each section of each village would be platted on a village by village basis.

Hoover asked if the petitioner's summary could be forwarded to the Commission members.

Spoljaric stated that moving forward, it would be helpful to have information ahead of time in order to be prepared.

Skelton encouraged the Commission to get their questions to staff as they come up so that staff can have plenty of time to research and address them.

BZA LIAISON COMMENTS

Degnan discussed a recent BZA case where a gun shop placed next to a school was allowable, although the variance of use request for an indoor range was denied by the Board. This item raised his awareness of what the zoning ordinance might allow, and he felt this may be something that may need to be addressed in the future.

COMMISSIONER COMMENTS

Spoljaric asked for update on Grand Junction Zoning Ordinance.

Skelton responded that staff met with the consultant last week and is putting finishing touches on it. He further stated that it will probably be presented to the Grand Junction Task Group first, then brought forward to Plan Commission later.

ADJOURNMENT (8:30 p.m.)

Approved (date)

President, Robert Smith, Esq.

Vice President, Cindy Spoljaric

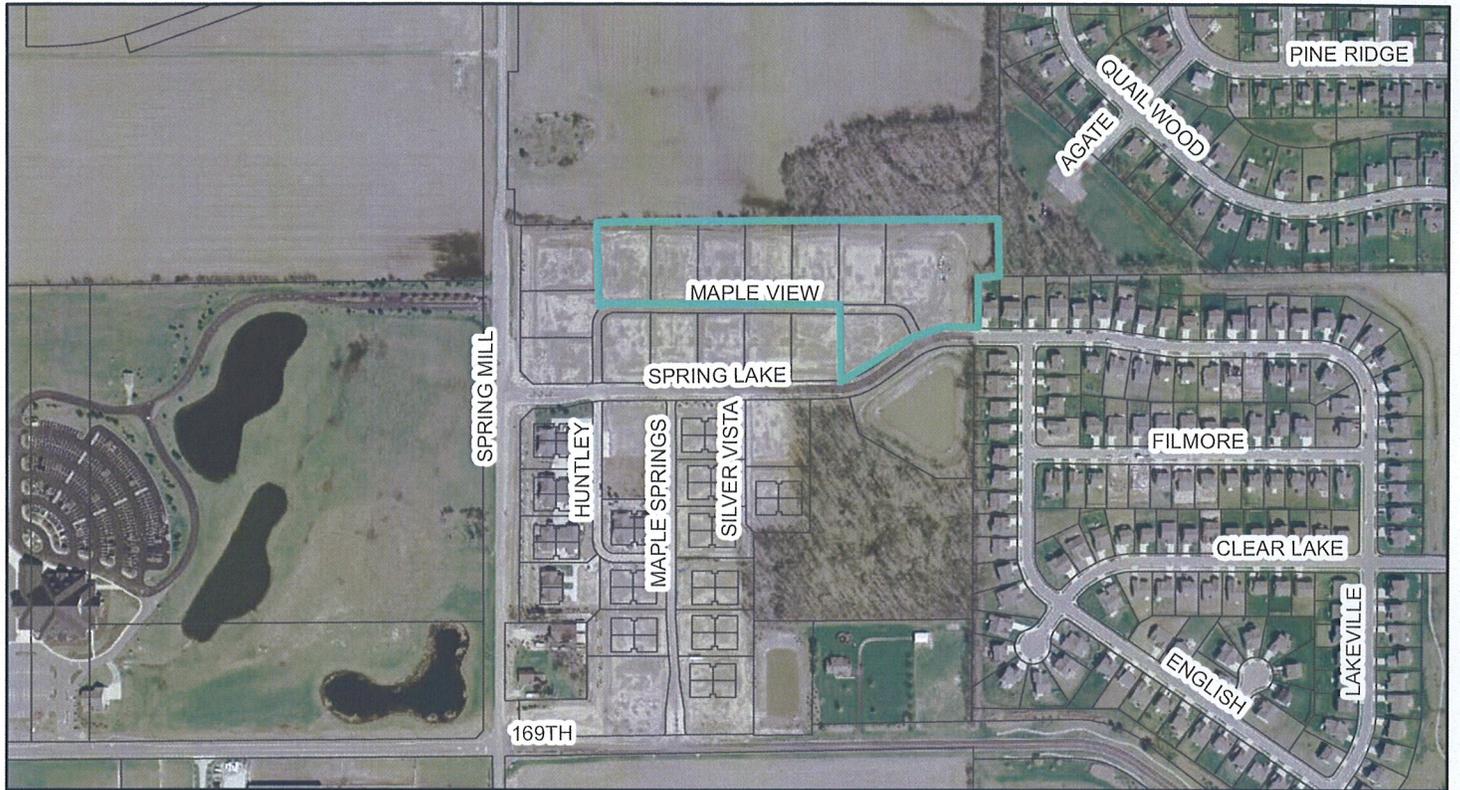
Secretary, Matthew S. Skelton, Esq., AICP



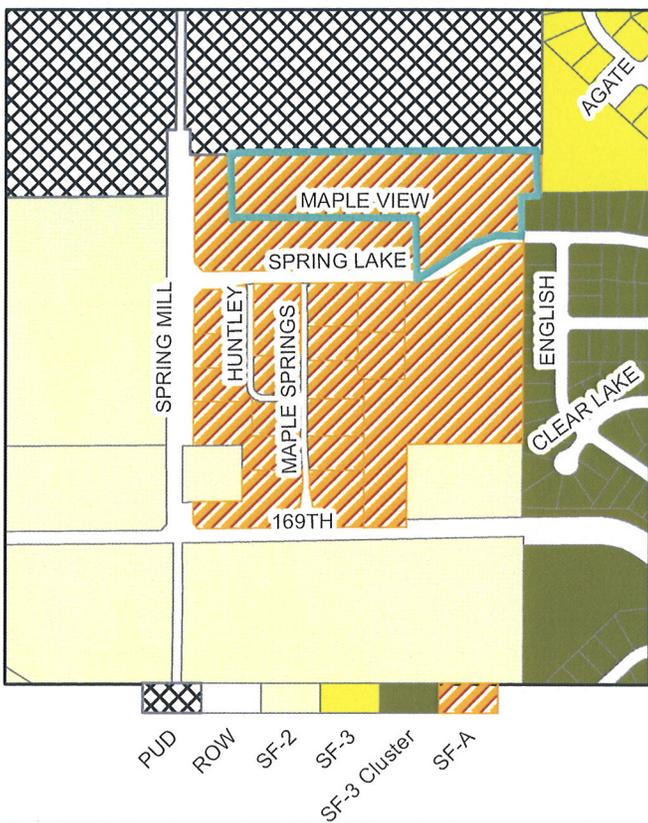
1007-PUD-07 The Maples at Springmill PUD Exhibit 2



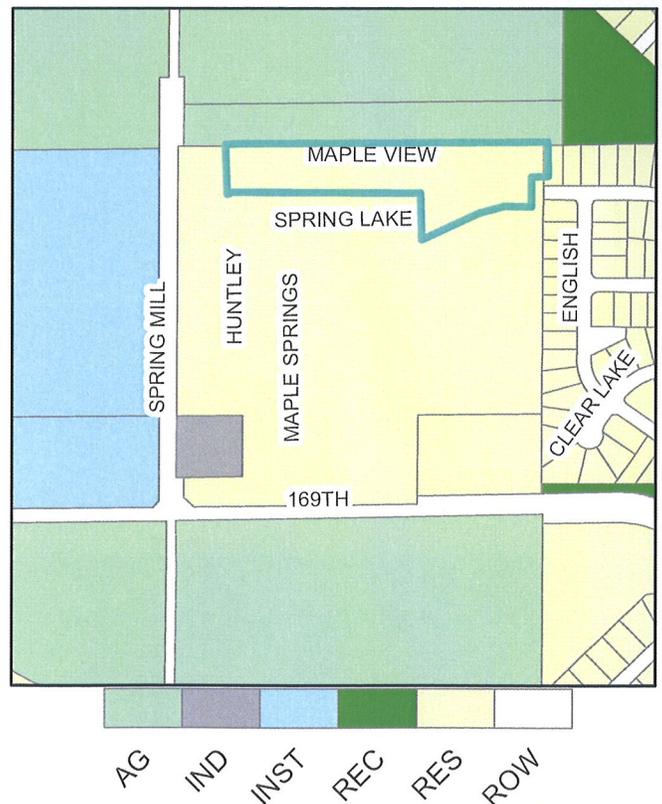
Aerial Location Map

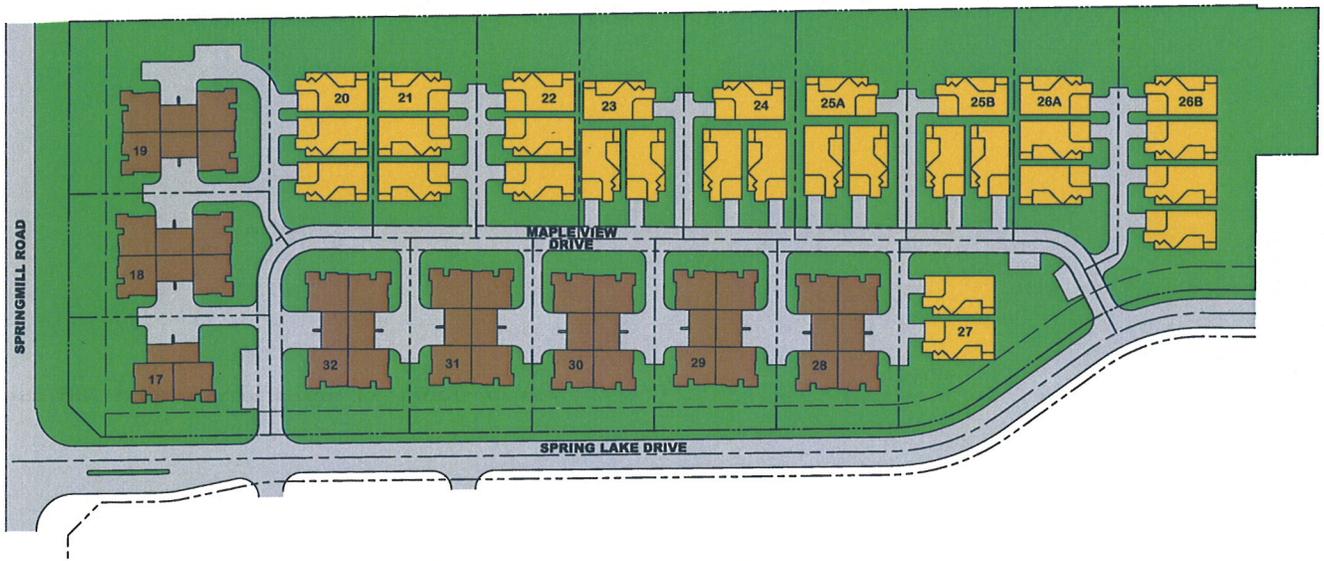


Zoning Map

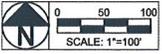


Existing Land Use Map





UNIT MIX	
	DETACHED HOMES - 30
	ATTACHED HOMES - 30
<i>60 UNITS TOTAL</i>	



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

TITLE:
SITE PLAN

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



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