



Petition Number: 1506-PUD-09

Petitioner: M/I Homes of Indiana, LP by Nelson & Frankenberger, also by Weihe Engineers

Request: A change of zoning from the SF2: Single-family Low Density District to the **Tamarack Planned Unit Development (PUD) District** to accommodate fifty (50) single-family residential Lots.

Current Zoning: SF2: Single-Family Low Density District

Current Land Use: Residential / Agricultural

Approximate Acreage: 34.4-acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Concept Plan
4. Concept Plan Comparison
5. Tamarack PUD District Ordinance (Redline)
6. Character Exhibits
7. Packet of Public Comments
8. Neighbor Meeting Summaries
9. APC Meeting Minutes (June 1, 2015)
10. Traffic Impact Study

Staff Reviewer: Jeffrey M. Lauer, Associate Planner

PETITION HISTORY

This petition was introduced at the May 11, 2015, City Council meeting. This item received a public hearing at the June 1, 2015, Advisory Plan Commission (the "APC") meeting. The Petitioner hosted a meeting for adjoining property owners on May 21, 2015, as required by Article 10.9(C)(1)(f) of the UDO for proposed PUD Districts.

PROCEDURAL

Public Hearing: Changes in zoning are required to be considered at a public hearing by the APC. The public hearing for this petition was held during the June 1, 2015, APC meeting. Notice of the June 1, 2015, public hearing was provided in accordance with Indiana law and the APC's Rules of Procedure.

Neighbor's Meeting: The Petitioner hosted a meeting for adjoining property owners on May 21, 2015, as required by Article 10.9(C)(1)(f) of the Westfield-Washington Township Unified Development Ordinance (the "UDO") for proposed PUD Districts. Following the public hearing and comments submitted (see **Exhibit 7**), the petitioner hosted additional meetings with members of the Oak Manor Home Owners Association ("HOA") board (hosted on June 17, 2015), Oak Park HOA board and the Washington Township



Neighborhood-SE (“WTNT”) group (hosted on June 24, 2015). The Petitioner has provided summaries of those meetings, which are included collectively in **Exhibit 8**.

PROJECT OVERVIEW

Project Location: The subject parcels (collectively, the “Property”) is approximately thirty-four (34) acres located at the northeast corner of Oak Road and 161st Street (see **Exhibit 2**). The Property is currently zoned SF2: Single-Family Low Density District.

Project Description: The Petitioner is requesting a change of zoning from the SF2: Single-Family Low Density District to the Tamarack PUD District (the “District”), that would allow for a single-family residential neighborhood, as illustrated on the Concept Plan (see **Exhibit 3**), consisting of fifty (50) single-family residential Lots.

Default Standards: The Tamarack PUD District Ordinance (the “Ordinance”) (see **Exhibit 5**) defaults to the UDO, with the **SF4: Single-Family High Density District** as the Underlying Zoning District.

Permitted Uses: The Ordinance permits those uses permitted by the Underlying Zoning District (*Article 4.8(B)*).

Development Standards: As proposed, the Ordinance modifies development standards from the Underlying Zoning District (*Chapter 6*). These modifications are intended to accommodate the unique environmental characteristics of the Property (i.e., the Pipeline Easements) and the Petitioner’s vision for the development. The development standard modifications of note are briefly highlighted below:

1. **Architectural Standards** (*Article 6.3*): The Ordinance incorporates enhanced architectural standards, including the incorporation of character exhibits to establish the benchmark for the quality and character of the development.
 - a. **Minimum Living Area:** The Ordinance increases the minimum living area square footage of the SF4 District from 1,000 square feet to 1,900 square feet.
 - b. **Exterior Material:** The Ordinance prohibits vinyl siding and requires at least seventy-five (75) percent masonry on the front façade and a minimum thirty-six (36) inch masonry wainscot around the entire dwelling. A maximum of five (5) homes may have less than seventy-five (75) percent masonry on the front façade (see **Exhibit 5**).
 - c. **Garage Door Variety:** The Ordinance incorporates Character Exhibits to establish a benchmark for the quality and character of garage doors throughout the neighborhood (see **Exhibit 5**).
 - d. **Roof Pitch:** The Ordinance requires a minimum 8/12 roof pitch.
 - e. **Window Trim:** The Ordinance requires a minimum five and one half (5 ½) inch wide trim surrounding all windows around the entire dwelling
 - f. **Façade Variety Standards:** The Ordinance incorporates enhanced standards for façade variety (anti-monotony), which prohibits the same floorplan, front elevation and color package (including brick, primary siding, and front door) on adjacent lots and immediately across the street (within a “snap shot” of the subject property) (see **Exhibit 5**).



2. Landscaping Standards (Article 6.8): The Ordinance: modifies the required number of per Lot landscaping and addresses planting restrictions of the pipeline easement where it conflicts with perimeter External Street Frontage Landscaping and Buffer Yard Landscaping and, where that landscaping conflicts with the pipeline easement, provides that landscaping elsewhere on the Property.
 - a. Minimum Lot Landscaping Standards: The Ordinance modifies the minimum lot landscaping standards to three (3) shade trees, one (1) ornamental/evergreen trees and ten (10) shrubs.
 - b. Additional Screening: The Ordinance requires: (a) minimum three (3) foot undulating mound abutting Common Area A and Lots 3 and 4, which shall be landscaped with evergreen trees at one (1) evergreen tree per every fifteen (15) feet; (b) minimum three (3) foot undulating mound along the east perimeter of the Property abutting Common Area E and F, which shall be landscaped at a rate of one (1) evergreen tree every fifteen (15) feet; (c) landscaping planted along the rear of Lots 20 through 27 at a rate of one (1) tree per fifteen (15) feet of lot width.
 - c. Tree Preservation Easement: The Ordinance requires a tree preservation easement along the east perimeter of the Property.
3. Sign Standards (Article 6.17): The Ordinance modifies the Residential Sign standards by a provision adding brick columns a maximum of eight (8) feet high with a maximum Sign Area of four (4) square feet at the subdivision entrances.

Design Standards: The Ordinance establishes enhanced or alternative design standards from the Underlying Zoning District (*Chapter 8*). These modifications are intended to accommodate the unique environmental characteristics of the Property and the Petitioner's vision for the development. The design standards of note are briefly highlighted below:

1. Street and Right-of-Way Standards (Article 8.9): Due to the constraints of the pipeline easements, the Ordinance allows the Plan Commission or Director the authority to modify infrastructure standards in consideration of the Pipeline Easements (i.e., locations of roads, trails and other infrastructure).
2. Street Lighting: The Ordinance prohibits street lights at the end of the cul-de-sacs.
3. Open Space (Article 8.6): The Ordinance increases the minimum required amount of open space from fifteen (15) percent (for SF2 Districts) to thirty-five (35) percent. The Petitioner has provided pedestrian facilities and connectivity throughout the proposed Open Space. The Property does not include the parcels at the corner of Oak Road and 161st Street (see **Exhibit 2**), so the Ordinance provides internal pedestrian connectivity from Oak Road to 161st Street perimeter paths.
4. Amenities: The Ordinance has incorporated character exhibits to establish a benchmark for the quality of amenities required within the District.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the Property as "Suburban Residential". Below is a general summary of the goals and objectives of the Comprehensive Plan for this Property:



The development policies for “Suburban Residential” include: (i) promote the protection of the existing suburban character of the area; (ii) ensure that new development adjacent to existing suburban is properly buffered; (iii) ensure development occurs in a way that is contiguous with existing development; (iv) design developments such that back yards are not adjacent to collector or arterial streets unless uniform attractive screening is provided; (v) prevent monotony of design and color that applies to the collective impact of an entire development; (vi) emphasize connectivity between subdivisions, and avoid creating isolated islands of development; (vii) encourage quality and useable open space; (viii) encourage development of bicycle and pedestrian facilities in new development to improve connectivity; and (ix) land that is characterized by steep slopes or other natural limitations should be left natural or developed at rural, rather than suburban densities.

The development policies for “residential design standards” include: (i) encourage neighborhoods that do not have the appearance of “production” housing; (ii) evaluate new residential development on the basis of overall density and the relationship that density to effective and usable open space preservation, rather than on lot sizes; and (iii) encourage variety and diversity in housing while maintaining a distinct style or character and avoiding the appearance of “cookie cutter” subdivisions.

The development policies for “open space and recreation” include: (i) design open space to form an interconnected network, with provisions or linkages to existing or potential open space; (ii) maintain and preserve stream corridors, woodlands, hedge rows, or other valuable natural and historic resources; (iii) provide parks and recreational facilities in new development to accommodate the needs of the community as it grows; and (iv) recognize that in addition to the amount of open space, that the location and configuration of open space is of importance and should not be an afterthought based on a determination of unusable land.

PUBLIC HEARING COMMENTS

Written comments that have been received by the public are incorporated at **Exhibit 7** and the comments that were presented at the public hearing are summarized in the APC’s June 1, 2015, meeting minutes (see **Exhibit 9**). Those comments and responses to those comments are summarized below. The Petitioner has modified the proposed ordinance in response to these comments and those modifications are redlined in **Exhibit 5**. The comments and responses below are organized pursuant to the structure of the revised PUD Ordinance:

General Comments:

1. **Comment:** Will the proposed development increase traffic on Oak Road and 161st Street?
Response: *The Petitioner has conducted and submitted a traffic impact study with the revised materials (see **Exhibit 9**).*
2. **Comment:** Will the Property drain without increasing existing issues?
Response: *Drainage is reviewed once construction and development plans are prepared as part of the Primary Plat and Development Plan review process, which would occur after a rezoning request is approved.*



3. **Comment:** Why is the Petitioner proposing a price point of home inconsistent with surrounding subdivisions?

Response: *The Petitioner provided a response during the neighbor's meeting, held on May 21, 2015 (see **Exhibit 8**), and at the Public Hearing, held on June 1, 2015 (see **Exhibit 9**). The Petitioner's response generally characterized the surrounding developments that include a diversity of home prices and development standards, which are consistent with the proposed Ordinance.*

Section 3. Concept Plan

4. **Comment:** Are the Pipelines a safety concern?

Response: *The Petitioner responded to this comment during the Public Hearing held on June 1, 2015 (see **Exhibit 9**). The Petitioner's response outlined that all applicable standards for safety while developing and residing near pipelines will be followed. The Petitioner has decided not to plat lots within the pipeline easement, creating a greater separation between dwelling units and the pipeline.*

Section 4. Underlying Zoning District

5. **Comment:** Why are the proposed lot sizes smaller than the surrounding subdivisions?

Response: *The Petitioner responded to this comment at both the neighbor's meeting, held on May 21, 2015 (see **Exhibit 8**), and Public Hearing, held on June 1, 2015 (see **Exhibit 9**). The Petitioner's response generally characterized the development standards of surrounding zoning districts as consistent with the proposed Ordinance.*

Section 6. General Regulations

6. **Comment:** Why is the proposed minimum living area square footage inconsistent with surrounding subdivisions?

Response: *The Petitioner has increased the minimum living area square footage from 1,400 square feet to 1,900 square feet (see **Exhibit 5**).*

Section 7. Development Standards

Section 7.1(A): Character Exhibits

7. **Comment:** Why do the character exhibits attached as part of the ordinance (see **Exhibit 6**) not show side and rear elevations?

Response: *The Petitioner has included additional exhibits that show revised typical side and rear elevations.*

Section 7.1(C): Building Materials

8. **Comment:** Will architecture be consistent with surrounding subdivisions?

Response: *The Petitioner has incorporated a provision in the PUD that requires at least seventy-five (75) percent masonry on the front façade and a minimum thirty-six (36) inch*



*masonry wainscot around the entire dwelling. The Ordinance permits five (5) homes to have less masonry on the front façade (see **Exhibit 5**).*

Section 7.1(D): Garages

9. **Comment:** Will this development offer side load garages?

Response: *The Petitioner responded to this comment during the Public Hearing on June 1, 2015 (see **Exhibit 9**) and at subsequent meetings with neighbors (see **Exhibit 8**). Offering side load garages will be home and lot specific, but the Petitioner will offer a home product within the District that could fit on every lot with a side load garage*

Section 7.1(H): Architectural Diversity

10. **Comment:** Will the proposed development be consistent with the architectural diversity of surrounding neighborhoods?

Response: *The Petitioner has included an anti-monotony exhibit that prohibits homes of the same floorplan, elevation or color (brick, siding or front door) on adjacent lots or immediately across the street (see Exhibit G of the ordinance).*

Section 7.2(C)

11. **Comment:** How does the Petitioner propose to screen the rears of homes that abut the pipeline easement?

Response: *The Petitioner has revised the Ordinance to require that shade and evergreen trees are planted in the common area between the pipelines (northwest of lots 20-27) at one (1) tree per fifteen (15) feet of lot frontage.*

Section 7.2(D)

12. **Comment:** How does the Petitioner propose to buffer/screen the north perimeter of the Property?

Response: *The Petitioner has revised the Ordinance to require a minimum three (3) foot undulating berm along Common Area A, Lot 3 and Lot 4 (see Concept Plan) and landscaped with evergreen trees at a rate of one (1) evergreen tree per fifteen (15) feet.*

Section 7.2(E)

13. **Comment:** How does the Petitioner propose to buffer/screen the east perimeter of the Property?

Response: *The Petitioner has revised the Ordinance to require a minimum three (3) foot undulating berm along Common Area E and Common Area F, that lay outside the pipeline easement (see Concept Plan), with evergreen trees at a rate of one (1) evergreen tree per fifteen (15) feet.*



Section 7.2(F)

14. **Comment:** Is there a tree preservation plan for the Property?

Response: *The Petitioner has revised the Ordinance to require a fifteen (15) wide tree preservation easement along the east perimeter of the real estate.*

Section 8. Infrastructure Standards

15. **Comment:** Are street lights required to be installed at the ends of the cul-de-sacs?

Response: *The Petitioner has revised the Ordinance to prohibit street lights from being installed at the end of cul-de-sacs.*

STATUTORY CONSIDERATIONS

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

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

REQUIRED ACTION

Subject to comments and further deliberation by the Commission, this item is eligible for a recommendation to the City Council.

DEPARTMENT RECOMMENDATION

The Petitioner has satisfactorily addressed the Department's comments and incorporated the Department's recommendations into the proposed ordinance and Concept Plan.

If the Commission is otherwise satisfied with the revisions to the proposed Tamarack PUD District Ordinance, then Department recommends forwarding this petition to the City Council with a favorable recommendation.

If any APC member has questions prior to the meeting, then please contact Jeffrey M. Lauer at (317) 910.2927 or jlauer@westfield.in.gov.