

PACKET OF PUBLIC COMMENT ADDENDUM

Advisory Plan Commission

July 6, 2015

PUBLIC COMMENT #35

Subject: Letter from the Oak Manor HOA

June 9, 2015

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

RE: 1506-PUD-09 (“Tamarack PUD”)

Dear Commission Members:

On behalf of the Oak Manor Home Owners Association Board of Directors, I write to provide comments following the June 1 Advisory Plan Commission (“APC”) public hearing. Thank you again for providing us with a venue to discuss issues regarding the Tamarack PUD.

First and foremost, it is our sincere hope that the developer, M/I Homes, work directly with the adjacent neighborhoods to address and mitigate concerns raised at the June 1 APC hearing as well as the May 21 community meeting. We respectfully request that the APC directs M/I Homes to engage in open and meaningful communications with representatives of the adjacent neighborhoods no later than June 22 to review and discuss all items outlined in this letter. Given M/I’s communicated openness about wanting to address concerns with all impacted neighbors, we feel this approach is the best way to ensure that a structured feedback and discussion session is held prior to the July APC meeting.

Additionally, we respectfully submit the following concerns and recommendations, and request that each be addressed and/or agreed to by M/I Homes.

- 1. Square Footage (Ord. 15-14, Sec. 6.5).** We appreciate that M/I agreed to increase the minimum home square footage to 1,950. We do not believe that is sufficient; as such, we request that M/I limit the number of homes with this minimum square footage to no more than fifteen percent (15%) of home sites.
- 2. Side-load Garages.** To address the numerous concerns raised by many affected homeowners, we request that no less than seventy-five percent (75%) of the Tamarack homes have side-load garages. This will ensure consistent “character” with the surrounding neighborhoods as well as address safety concerns related to density.
- 3. Variation in Elevations/Models and Rear and Side Elevation Concerns.** We request that M/I provide potential buyers with additional model/elevation options of the same quality to the options currently proposed. Moreover, we are concerned about the rear and side elevations. We request that M/I provide renderings (i.e., similar to the color documents of front elevations) showing the proposed rear and side elevations.

4. **Drainage.** We are concerned about storm water runoff and request assurances from M/I Homes and the city that runoff will be collected and handled within the Tamarack development.

5. **Buffer.** With regards to the 30 foot buffer between the Oak Manor fence line and the Tamarack development, we request that 1) it be an elevated berm, 2) there are more evergreen trees planted instead of shade trees, 3) those evergreens are 8' instead of the proposed 6', and 4) the shade trees are 3" instead of the proposed 2".

6. **Traffic.** As evidenced in the written comments as well as the oral comments relayed at the June 1 meeting, there exist significant concerns related to increased traffic as a result of the Tamarack development. We request the opportunity to discuss these concerns with the APC and city staff.

Additionally, there were other concerns presented by Oak Manor residents related to the end of the cul-de-sac with entrance off of Oak Road (i.e., headlights shining in to homes) and the physical location of Tamarack homes along the northern border of the property. We hope those concerns will be addressed directly with the homeowners who raised them.

We also concur with the concerns raised in a letter sent earlier this week by Michael Miller on behalf of the Oak Park Home Owners Association, and appreciate the APC providing all due consideration to those concerns.

Given the myriad public comments submitted in opposition to the Tamarack PUD as currently proposed, we respectfully request a second APC public hearing. We look forward to your prompt and personal attention to these requests. Thank you for your service to the residents of Oak Manor and the city of Westfield.

Sincerely,



Jonathan Dilley

President

Oak Manor Home Owners Association

cc: City Council Members, City of Westfield, Indiana

Oak Manor Home Owners Association Board of Directors

Jeffrey Lauer, Associate Planner, City of Westfield, Indiana

Jon C. Dobosiewicz, Land Use Professional, Nelson & Frankenberger, PC

PUBLIC COMMENT #36

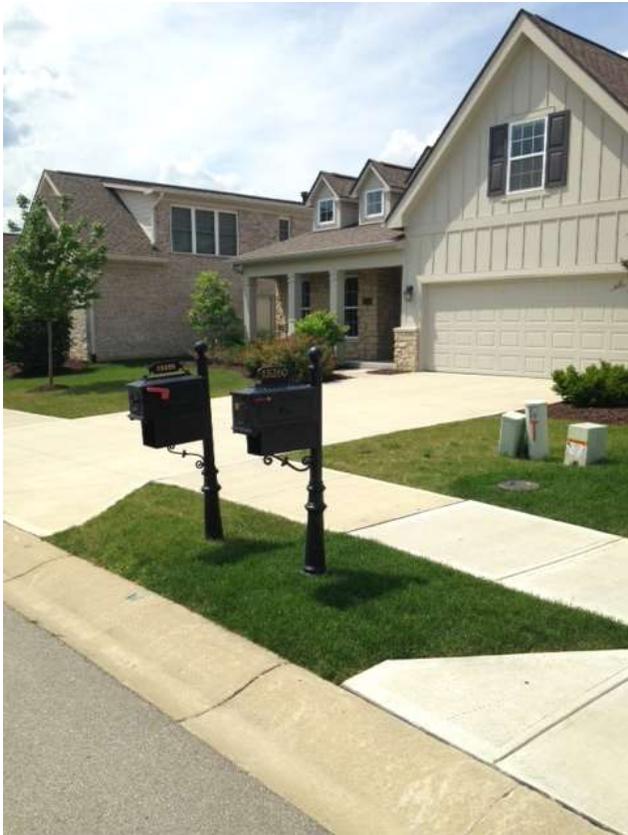
Subject: RE: Tamarack PUD

Mr. Hoover and other council and commission members. I have received the latest proposal from the petitioner regarding the Tamarack PUD. I appreciate the latest added provisions prohibiting out buildings and a minimum of 25% basements. However, the petitioner stopped short of addressing one of our other basic concerns. The requirement for side load garages. During the last proposal the petitioner compared their development with the Bridgewater empty nest communities. I took some photographs the other day of the Bridgewater empty nester community off of 151st and Gray Rd. It appears they were able to achieve a 2/3 side load garage community without sacrificing the spacing of the structures on the lots. Please see the attached photographs and please enter this into the record.

Thank you.

Al Nelson
Senior Staff Product Engineer
Delta Faucet Company
317-848-0754





PUBLIC COMMENT #37

Subject: Tamarack Planned Unit Development (PUD) District

July 7, 2015

Patrick A. DeHeer, DPM and Erika Jagger DeHeer
2830 Oak Park Circle
Westfield, IN 46074

Dear Members of the APC, City Councilors, and Mr. Lauer,

I am again writing regarding the proposed Tamarack PUD rezoning for the parcel at 161st and Oak Road. I have read and reviewed the attached summary from Mr. Lauer and note the recommendation of the department to forward the PUD to the Council with a favorable recommendation. I appreciate Mr. Lauer's work on this project and his availability throughout the public comment period. Unfortunately, I do not believe his summary represents the petitioner's unwillingness to compromise with surrounding neighbors nor accurately reflects the shortcomings of the current plan in relation to both the comprehensive plan and the Unified Development Ordinance. I am not opposed to MI developing this land, but the current proposal as modified continues to be grossly out of character with all surrounding existing developments. Many of these concerns can be addressed by the developer, but they have approached such requests from a position of "no," and as such I must continue to voice both my opposition and the overwhelming opposition of my neighbors in Oak Park whom I represent as a board member.

In its current state, the PUD proposal fails to meet nearly every aspect of "Existing Suburban Development Policies" as described in the Westfield Comprehensive Plan (p.38). These are point by point as follows:

- 1) "Promote the protection of the existing suburban character of the area." –**PUD proposal is completely out of character with the three large-lot custom home neighborhoods surrounding three sides of the proposed development and the 2-estate sized wooded lots to the East.**
- 2) "Encourage only compatible infill development on vacant parcels in existing neighborhoods as a means of avoiding sprawl." – **For all practical purposes this is an "infill development" of three large-lot custom home neighborhoods. For years there were signs on 161st St advertising this land as estate sized lots as part of Oak Manor. The proposed PUD with housing clustered 37.5% closer than minimum SF4 & SF5 standards is not compatible with any of the surrounding subdivisions in this neighborhood.**
- 3) "New development should be permitted only upon a demonstration that it will not alter the character of the area, and will not generate negative land use impacts."—**As above, the proposed minimal side yard setbacks are grossly out of character with all surrounding neighborhoods. The current proposal allows repetition of the exact same floor plan, elevation, building material and color combination every 4th house on one side of the street and again every 4th house offset by 2 lots on the opposite side of the street, allowing up to ¼ of the 50 proposed homes to be identical. This is completely out of character with the surrounding custom home neighborhoods. This could be addressed by prohibiting repetition of the same floor plan – elevation – masonry material combination within the development, but the petitioner has declined to consider this request.**

The 25 foot rear yard setbacks on top of the 25 foot easement provides the absolute minimum allowable distance from a pipeline to a structure by industry standards. This is 300% less than the minimum recommended setback by multiple pipeline risk mitigation experts, and 1000% less than the ordinance passed in Pennsylvania forwarded to you last week by Stacy Miller. Again, this development is proposed within a transmission pipeline corridor, with multiple structures clustered densely together between multiple individual pipelines. The side yard setbacks pose a safety hazard for house to house fire spread that is easily ameliorated by setting the minimum structure to structure distance at the 30 feet presently exhibited in the neighborhoods surrounding the development on all sides. At present, the petitioner has refused to consider requiring even minimum **SF4 & SF5** aggregate spacing of 16 feet between structures. This will fundamentally alter the character of the area, and from the perspective of surrounding neighbors represents a negative land use.

- 4) “Ensure that infill development is compatible in mass, scale, density, materials, and architectural style to existing development.— As above. Of the existing developments surrounding this PUD proposal, the density is comparable only with Oak Manor, and the clustering of mass is grossly different than anything in its immediate vicinity. While the revisions from the original proposal show some improvement in addressing minimum size of homes and building materials, the allowed repetition of these production homes and limited shown side and rear elevations remains grossly incompatible to the style of the surrounding development.

For all practical purposes, this development is an infill development, surrounded on 3 sides by custom homes which are spaced widely apart, and should meet infill development requirements. Even if the APC chooses to not apply infill standards from the comprehensive plan and instead considers this a free standing development, the proposal still falls grossly short of meeting the standard of preserving the surrounding suburban character. The current PUD request continues to limit side yard setbacks to 5 feet, allowing structures 10 feet apart. This is 37.5% less than minimum SF4 and SF5 requirements and 58.3% less than currently zoned SF2 requirements. I am aware that the Oak Manor PUD allows side yard setbacks as little as 8 feet, but a satellite view of the area clearly shows there are no structures as close as 16 feet apart anywhere near the proposed development. The closest structures in any of the 3 surrounding developments are at least 30 feet apart. When asked at the second community meeting with the Oak Park Board whether the developer would consider at least expanding the minimum aggregate structure separation to 15 feet (less than SF4, SF5 and Oak Manor requirements), the developer replied they would not, nor did they have any intention of considering such a request. I believe 15 feet is a tremendous compromise on the part of the neighboring developments, as a request for 30 feet aggregate setbacks would be much more in line with maintaining surrounding character, property values and existing suburban feel of the community in line with the UDO and comprehensive plan.

The proposed anti-monotony provisions fall grossly short of the three surrounding custom home developments. I recognize that this is a production home development, and as such will not have the diversity of the surrounding custom home developments, but the current exhibit G allows for every 4th house on a linear street to be the same floor plan and elevation combination with the same color and type of masonry. The same floor plan, elevation and building materials could exist across the street offset by 2 lots for every 4th house, allowing up to ¼ of the houses to be identical. I recognize it is extremely unlikely that this would occur to this extent, but such developments invariably have one or two “most popular” floor plan/elevation combinations that appear disproportionately throughout the

neighborhood. This leaves a tremendous amount of potential for development of “cookie cutter” appearance within the development. A commitment to have no duplication of a given floorplan – elevation - building material – color combination in the development and at most one floor plan – elevation- building material combination repetition would go a tremendous way toward approaching the custom feel of the surrounding development.

Although the developer insists they have at least one floor plan that could fit on every lot with a side load garage, and that side load garages are not prohibited, this PUD proposal discourages them. This is in conflict with the comprehensive plan, which encourages side and rear load garages in new development (p.43). This discouragement stems from the narrow lots and densely packed structures with minimum 5 foot setbacks. This leaves very limited space to allow residents to have turnarounds in their driveways, making maneuvering into and out of side load garages considerably more challenging. Spacing the dwellings further apart would go a very long way to addressing this limitation and encourage development more consistent with the comprehensive plan.

I have previously outlined the increased public safety hazard of densely spaced structures in regards to fire spread risk, and the fact that this development will be scattered between the individual interstate transmission pipelines of the Eastern Panhandle Pipeline corridor. The Indiana Fire Code provides fire marshals with essentially no authority over residential development, and as such I am unable to request Westfield’s fire marshal to weigh in professionally on this proposal. In speaking with Mr. Harling, however, he confirmed the soundness of the physics presented to you in my previous letter, and the increased hazard of losing an entire subdivision to even routine fires with 5 foot setbacks compared to greater spacing. I encourage each of you to speak to him personally about such safety considerations before rendering a decision on this proposal. The development will meet minimum industry required setbacks of structures from the actual pipelines, but those minimum setbacks are 300% less than the minimum setbacks recommended by hazard mitigation experts. The current requirements for this land with SF2 zoning make the entire community safer than allowing changes as proposed in this PUD. As such, the PUD fails to meet the purpose of the UDO as specified in section 2.3.C 1-3.

In contrast to Mr. Lauer’s recommendation to approve the PUD, I believe the current proposal needs substantial revision before being considered for approval. It fails the statutory requirements of Indiana Code 36-7-4-603. If reasonable regard is in fact paid to the Comprehensive Plan, the current conditions (i.e., 4 interstate natural gas transmission pipelines operating at 600-900 PSI), the conservation of property values throughout the jurisdiction, and responsible growth and development, then the current PUD proposal fails on all counts. I urge you to send this on to the council with a unanimously negative recommendation unless the petitioner is willing to substantially revise the plan to bring it more into character with the surrounding community and address the safety concerns posed by the reduced requirements their proposal seeks compared to current zoning.

Sincerely,
Patrick A. DeHeer, DPM
Erika Jagger DeHeer
Oak Park Neighborhood

PUBLIC COMMENT #38

Subject: Tamarack

July 5, 2015
Lisa Woerner
3160 Joshua Circle
Oak Park

Dear Members of the APC, City Councilors, and Mr. Lauer,

I am again writing regarding the proposed Tamarack PUD rezoning for the parcel at 161st and Oak Road. I have read and reviewed the attached summary from Mr. Lauer and note the recommendation of the department to forward the PUD to the Council with a favorable recommendation. I appreciate Mr. Lauer's work on this project and his availability throughout the public comment period. Unfortunately, I do not believe his summary represents the petitioner's unwillingness to compromise with surrounding neighbors nor accurately reflects the shortcomings of the current plan in relation to both the comprehensive plan and the Unified Development Ordinance. I am not opposed to MI developing this land, but the current proposal as modified continues to be grossly out of character with all surrounding existing developments. Many of these concerns can be addressed by the developer, but they have approached such requests from a position of "no," and as such I must continue to voice both my opposition and the overwhelming opposition of my neighbors in Oak Park whom I represent as a board member.

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- 3) "New development should be permitted only upon a demonstration that it will not alter the character of the area, and will not generate negative land use impacts."—As above, the proposed minimal side yard setbacks are grossly out of character with all surrounding neighborhoods. The current proposal allows repetition of the exact same floor plan, elevation, building material and color combination every 4th house on one side of the street and again every 4th house offset by 2 lots on the opposite side of the street, allowing up to ¼ of the 50 proposed homes to be identical. This is completely out of character with the surrounding custom home neighborhoods. This could be addressed by prohibiting repetition of the same floor plan – elevation – masonry material combination within the development, but the petitioner has declined to consider this request. The 25 foot rear yard setbacks on top of the 25 foot easement provides the absolute minimum allowable distance from a pipeline to a structure by industry standards. This is 300% less than the minimum recommended setback by multiple pipeline risk mitigation experts, and 1000% less than the ordinance passed in Pennsylvania forwarded to you last week by Stacy Miller. Again, this development is proposed within a transmission pipeline corridor, with multiple structures clustered densely together between multiple individual pipelines. The side yard setbacks pose a safety

hazard for house to house fire spread that is easily ameliorated by setting the minimum structure to structure distance at the 30 feet presently exhibited in the neighborhoods surrounding the development on all sides. At present, the petitioner has refused to consider requiring even minimum **SF4 & SF5** aggregate spacing of 16 feet between structures. This will fundamentally alter the character of the area, and from the perspective of surrounding neighbors represents a negative land use.

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Sincerely,
Lisa Woerner
Oak Park

PUBLIC COMMENT #39

Subject: Tamarack PUD District

Dear Westfield APC--

We support smart development but are shocked to read the summary status of the Tamarack Development in the APC summary. Despite minimal revisions to their original proposal (some for the worse)—we find it difficult to understand how this proposal summary does not properly describe the vehement dissatisfaction expressed by our many neighbors at the last APC meeting.

Major concerns still exist:

1. The quality reputation of this production builder is in question. They are not a custom home builder, some of their homes have been poorly produced in the past, their reputation has been tarnished AND their product is not up to the existing home standards of our area.
2. Additional traffic and safety concerns along 161st St. have not been addressed.
3. The change of the entrance along 161st St (moved eastward) is a negative and will likely create headlight concerns for the peace and enjoyment of Oak Park residents living along 161st St.

The bottom line is this: this proposal is grossly out of character with the surrounding custom home subdivisions with widely spaced homes. We firmly believe the property values of the three surrounding custom home subdivisions will be damaged by this development and strongly urge the APC to reject a request for rezoning. Please be mindful of the fact that this real estate is located in the middle of custom home developments. If anything—this real estate should be viewed as "infill" development –and recognized as such to protect the underlying character and value of the property.

Westfield can and should do better than this. Please help us to allow a better plan to surface.

Respectfully,

Vic and Rhonda Isbell

2728 Oak Park Circle

PUBLIC COMMENT #40

Subject: RE: Tamarack PUD District

Agreed.. to what is said below [referring to Vic and Rhonda Isbell's comments included above].

Keith A. Kohlmann

PUBLIC COMMENT #41

Subject: Tamarack PUD District

Hello Jeffrey,

Thanks for the reminder of the meeting on July 6th. Will there be any disclosure of M/I Homes final plan presented before the meeting. There were changes presented at the 2nd meeting with neighbors at their Model Home, and after the discussion, there were still 2 primary objections to their plan:

1. A "possible" minimum spacing between adjacent homes of as little as 10'. I commented that M/I had the power to "now allow" that minimum spacing, and they didn't respond.

2. The other primary objection was that originally ALL homes had front-facing garages. John made the comment that M/I had homes in the offering with a "side-loaded" garage, however that option would ONLY be available on wider lots that had the space. IF M/I offers the side-load garages in their presentation next Monday night for wider lots, I think that would help offset the "monotony factor" that their Production Homes would have.

John Boyer

PUBLIC COMMENT #42

Subject: Tamarack

Hello Commissioners. Tamarack is on your agenda tonight and I would ask that you not approve this project as submitted. While the petitioner has addressed some concerns, there are still a number of items that I believe are not up to par. The fact is that this area is surrounded by custom homes and larger lots. Very plainly, steps taken by petitioner to try to address the production home appearance are not enough. Front-load garages, similar-looking elevations, minimal side yards, etc. will not blend into this area. I worry that with the sizable gas line easements, much of the appearance cannot be hidden. Again, while petitioner has offered some assistance with that, it just is not enough. The minimum home sizes, although not varying too much from surrounding zoning, do not reflect what has actually been constructed in surrounding development. Petitioner has stated it is geared more toward empty nester, hence the smaller size and minimal amenities. The closest smaller-lot development is within the Bridgewater Club and is fenced, gated, mounded, and with greater architectural variety and interest. As you may know, Walnut Ridge was a similar piece of land -169th and Carey-with several pipelines and in between custom neighborhoods, on an arterial, but with production across the street. In that project, while not perfect, a development that was acceptable to neighbors was completed by a production developer, and with an overall density of 1unit/acre. It is mostly sold. We can get better than what is being offered at this time. I respectfully request you pass this on to Council with an unfavorable recommendation tonight.

Please let me know if you have questions, comments. Thank you all so much for your efforts and consideration.

Cindy Spoljaric
Westfield City Council
695-6673

Cspoljaric@westfield.in.gov