

Author: Stacy Miller
Date: November 17th, 2015
Subject: Please vote NO to the proposed rezoning for the Tamarack PUD

Letter:

Dear APC members,

Please stand with the community, be our voice, and vote no to an even worse proposal than the proposal you previously gave a negative recommendation to for the rezoning and development of the Tamarack PUD.

Thank you,
Stacy Miller

Author: David Mueller
Date: November 25th, 2015
Subject: Tamarack SF-4 PUD Project revisited

Letter:

Dear Westfield APC:

On December 7th the APC (Plan Commission) of Westfield will meet to discuss the new revised Tamarack. This will be the second public hearing on this M/I Homes SF-4 PUD project at 161st and Oak Road.

Tamarack was introduced in April, 2015 and we saw it go before the plan commission with a 5-2 negative vote (opposed). Now it comes back before the plan commission with very few changes:

1. 3 more houses
2. A potential half-acre larger
3. A promise by the developer to put money in a fund to help build the round about at 161st and Oak

My wife Mary Beth and I are opposed to this second reintroduction of Tamarack 4 SF PUD Project. There were many letters sent to the Mayor, City Council, and Plan Commission opposing this project in May. There were also 15 people speaking against this project at the packed public hearing in May. After your 5-2 vote in opposition to this project you heard a spontaneous cheer from the many in attendance from Westfield. I understand this is not allowed but it was not planned and the people were excited to see that most of you agreed that this project is not a good fit for our community. Thank you for your consideration.

Now things are changing. The developer has offered to pay money into a fund to help defray costs on the potential round about at 161st and Oak road. This seems to me like a bad idea to openly tell this to the public at the recent City Council introduction. We are people that have worked hard to oppose this project. Is it true in Westfield that if you pay a fee into a fund you can have your project accepted?

I noticed that a berm was offered by the petitioner for by some Oak Manor homeowners to prevent the headlights from shining into their homes. With the eastern exit being moved, I find that our neighbors and I are in the same position. Any car coming out of the proposed project would shine their lights into my living room and bedroom. This is especially true when there are no leaves on the trees. A 5 foot berm with 4-5 caliber evergreens would help stop this from occurring in Oak Park.

Finally, The Mayor asked the audience at the State of the City Address this month the question: **Should Westfield grow to 100,000 or to 60,000 citizens?** I believe Westfield should be the 60,000 city.

We can fill every empty land parcel with \$150,000 to \$275,000 homes or we can be selective and place homes where they provide a masterplan that fits the surrounding neighborhoods and schools?

If this is true, your job is very important, maybe more important than any other position in the city.

We ask you to provide Westfield with good quality homes with an appropriate fit.

Dave Mueller President, Oak Park HOA

Author: Michael Miller
Date: November 25th, 2015
Subject: Benefits? Changes? –RE: Tamarack PUD

Letter:

Dear APC members,

Truly appreciate the opportunity to have my voice heard on the proposal of the Tamarack PUD.

I would like to ask the question: How does this rezone benefit the community?

From what I can see, the only benefit for the community is a promise of monies for infrastructure. I realize this agreement would be an implied contract to avoid the appearance of violating the reserved doctrine powers or other reasons that might bring public accountability into question. Also, I understand that direct dealing with an entity can be beneficial for the city when considering the cost/savings of the future round-about at 161st and Oak Road.

However, I do not see how adding 53 homes within 50 feet of where four Interstate Natural Gas Transmission Pipelines narrow into this 34+ acre sight benefits the community. I believe the characteristics of this land should not be overlooked. Please consider there would be a minimum of 25 homes that could have desperate safety issues if damage to the Eastern most, still functioning 30" pipeline were to occur. Please take aother look at MI's new proposed concept plan and note lots 12-30 and 31-36; each of the residents would have a street that must cross over that pipeline to get to their home. Again, even if minimal repairs to the pipeline need to be made this could hugely impact 39 of these future homesites as well as those who would reside within. There are 34 homes that directly abut one of the four working pipelines within this development site. Another aspect I would ask you to take into consideration is the possibility of these pipelines needing repair and how that could come into

play for future residents. My opinion is that these issues stand with any future build on this property. Once again I plead, as I have pleaded with both your council and the city council, to please take the character of the land and what lies under it seriously.

I ask you to consider the differences in this proposal from the last proposal. Are any of the changes in this "new" proposal an improvement for the community?

The prior proposal was sent to the city council with a negative recommendation from your council. I believe the members of your council listened to the public concerns and acted upon our interests with this vote.

Before the proposal had a chance to be voted MI withdrew it in hopes of repositioning itself. I would argue, that it is a less desirable proposal and hope that you would give this proposal a negative recommendation once again.

Sincerely,

Stacy Miller

15936 Oak Park Court

Westfield, IN 46074

Author: David Mueller
Date: December 1st, 2015
Subject: Tamarack, SF-4 PUD Public Hearing, Monday,
December 7

Letter:

Dear APC members,

Some of you may subscribe to the **Indianapolis Business Journal**. There is good article on page one of this week's Journal that speaks to what is happening in Westfield with new home development. If you can grab a copy, I believe you would find it informing.

It is titled: ***A new test for housing projects***. I thought about M/I Homes' Tamarack project at Oak and 161st Street that five of you opposed last summer when I read it.

The subtitle says: *"Hamilton County officials want to make sure tax bills will offset cost of city services."*

The 1% tax cap has reduced the property taxes paid by homeowners and homes in the estimated \$250,000 to \$450,000 range may not be the break-even price anymore. Additionally I estimate 16 new students (ave. 18 per classroom n Westifeld) coming from Tamarack after build out. It really isn't an empty nester project but a lower income housing addition in the middle of customer homes two to three times the value of Tamarack. Commissioners, "it simple does not fit." With school bus costs, one classroom teacher and one aid and a building to house this new classroom, the cost for new low cost production homes in Westfield is worth noting.

Is Westfield going to soar to 100,000 people in the coming years, or are we going to control and manage our growth? With no significant changes in the developers proposal last evening, I oppose this project and hope you will too (again).

Dave Mueller

President of Oak Park HOA

Author: Jerry and Elizabeth Hollan
Date: December 1st, 2015
Subject: Proposed Tamarack Addition

Letter:

We are sending this email to the members of the APC regarding the proposed Tamarack Subdivision meeting on December 7th.

Basically it is the same as the planning committee rejected originally with the exception adding three lots and offering Bribe Money for the future Round About to be located at 161st Street and Oak Road.

As a land owner with property directly East of the project, I am asking that you reject this proposal again.

Jerry and Elizabeth Hollan
2902 East 161st Street
Westfield, In 46074

Author: John Boyer
Date: December 4th, 2015
Subject: FW: Tamarack, SF-4 PUD Public Hearing, Monday, December 7

Letter:

Hi Chris,

Thanks for attending our meeting last night. I had not met you before, but appreciate your forwarding your comments on the Tamarack PUD.

Our "WTNT" Homeowner's Association that I am the current President of, was established about 25 years ago by Dr. Terri Parkes-DVM (wife of Jay who attended our meeting last night) and Bill Bangs (now deceased). The initials represent "Washington Township Neighborhood Trustees-SE", which consists of approximately 65-70 member families in the SE Quadrant of Washington Township. Mick Mead is a former President, and Cindy, Rob Stokes, Dave Mueller, Andy Cook and virtually all of our immediate neighbors are all members. When Steve Hoover and his wife lived in the Woodside neighborhood (before he sold to escape the proposed shopping center) were also active members.

As was mentioned in the meeting last night, before Jim Langston came forward with the Oak Manor proposal of high quality custom homes, years ago, WTNT helped prevent a developer from putting a SF-2 development with literally hundreds of "ticky-tack" homes on tiny lots on the east side of Oak Rd where the original Oak Manor is now developed. The goal of our neighbors is NOT to be ELITIST, as was mentioned that some of our city councilors, but to maintain "continuity" for developing properties with surrounding areas so there is no ultimate degradation of the quality of our community.

The neighborhood my wife and I reside in is an area of 7 homes distributed along Oak Woods Lane, which lies north and west of the corner of 161st and Oak Rd. It was developed in the former 40 acre estate of a Noblesville jeweler named Bardock. The original ranch home at the end of the lane, in which Paul and Kandi Thompson reside, was built in 1940, and has the most acreage. There is also a

small caretaker's cottage along the lane, but the other 5 homes were built about 35 years ago, and average about 3 acres each.

Matt and Shannon Fritch, who live in the ranch home just north of the entrance to Oak Woods Lane, just sold their home last week before Tamarack could be returned to the City Council for a decision. Their home was built in the 1950's, and is adjacent to Randy and Suzie Tatum, who sat in the back row behind me yesterday evening.

When Jim Langston built Oak Manor (and will be building the new development on Rick Baxter's farm across from Acorn Farm, Mic Mead's home), our neighborhood was HAPPY that we'd be getting fine homes that would maintain the quality of our neighborhood. Paul Estridge's Oak Park development was also well-received, as was the extension he's now adding as he expands into the horse pasture behind his home and his parents horse farm.

The 35 M/I "production homes" that are proposed to be assembled in the tiny lots averaging 9,000 sq. ft in Tamarack are NOT CONSISTENT with homes in ANY DIRECTION in our neighborhood.

Years ago, I helped as a committee member to construct the Westfield Comprehensive Plan, holding meetings with neighbors throughout the other rural quadrants of Washington Township. The bottom line that came out in ALL the community meetings I helped coordinate, was to MAINTAIN CONTINUITY as a primary objective when considering adding housing into an area. (The new neighborhoods recently added in ALL DIRECTIONS of 161st and Oak Rd have SO FAR met this standard.)

Tamarack DOES NOT.

Respectfully,

John Boyer

WTNT President

Author: Stacy Miller
Date: December 4th, 2015
Subject: FW: Tamarack, SF-4 PUD Public Hearing, Monday, December 7

Letter:

Good Friday afternoon APC members,

I write to request a negative recommendation be given, for the second time, to the Tamarack PUD proposal coming before you on Monday, December 7th.

The plan has not changed for the better, as the three homes that were removed from the proposal you gave a negative recommendation to have been placed back into this "new" proposal. I can see no other justification for this zoning request than that of a promise of funds from MI homes to the city. The requirements of the zoning approval should not include an implied contract. Further, I believe a mistake within the scope of power would be made by using the claim that roundabout at 161st & Oak Road is indeed for public welfare. Many oppose MI's development, I do not see many opposing a roundabout. It seems to me that if this proposal is approved, the process for equal footing and public transparency is illusionary.

50ft is not enough! Please note all prior emails concerning the Corridor of Interstate Transmission Natural Gas Pipelines that traverse the Tamarack PUD proposal and another letter directly sent by me to the all city officials requesting a safety plan. This property should be deemed with more stringent easement requirements. Our City Council is making a choice, that legally only they can make, of choosing not to make this distance safer for the Westfield inhabitants. Your vote to not allow this irresponsible build is needed.

In February of 2015 Westfield put in writing that we are officially a part of Resolution No. 15-111, The Hamilton County Pre-Disaster Multi-Hazard Mitigation Plan for the City. In this plan, each City and town has a responsibility to have a plan that correlates with the County. Specifically, I have not been able to locate any such policy that indicates that there is a display of readiness for "**primary responsibility for incident prevention**, preparedness, response, and recovery (Sec. II b, p. 90) **related to building in between the corridor of pipelines.**

The majority of the homes proposed will be in between corridor of pipelines and the only access roadway in to these homes is a loop that crosses, in two places, a 30" pipeline. This particular pipeline was built in the 1950s or 1960s and does not have the same casing protecting, nor modern materials carrying the substance within.

Will the entire construction will be monitored appropriately? Pan Handle Eastern has a vested interest, but will only be there when slated for direct digs with the pipeline. I expect the construction crews to communicate at the same level they do for any job, they will not be trained for working in the proximity

of a corridor, and my guess is they do not have experience working over a corridor of transmission pipelines.

These pipelines can gather added pressure from a dent. They are not designed to withstand external design pressures, of construction equipment or loads of soil. It seems there has been no efforts on behalf of MI home developers to address these concerns. Will they have to raise the roadway over the pipeline to maintain the 4 foot minimum depth cover? What does this do to the drainage of the property? The berms required will likely cause heavy rain waters to flood the land and/or 161st street as they do now. All natural gas pipelines are at risk in a flooding situation. Will the pond have to be a dry one to absorb the flood risk and what how does that make the "open spaces" more beautiful? Even if this location remains safe from damage to the pipelines during construction, there are numerous accounts of pipeline incidents that have been triggered 200+ miles down the pipeline. It's more than just Westfield that is at risk with this build.

This is a unique piece of property in that it is **the closest proximity that these 4 30"-36" transmission pipelines convene**. I have heard some state that it is up to the buyer to be aware of what and where they purchase. My question comes back to, were any of you aware of the proximity of the pipelines before letters were written by my husband and I with our concerns. When selling the homes, MI homes will gloss over the facts, Pan Handle will do their due diligence by sending the same flyers they do stating, you live "near" a pipeline. I have also heard it expressed that the more people you have near a pipeline the more likely you are to detect a leak. That is possible, but does the average citizen no that a hissing sound is a sign of a leak, bubbling liquid in the ground and dead spots are also a sign. Moreover, the **Interstate Natural Gas Transmission pipelines do not have odor added to them**, that only applies to the smaller lines. It is not necessary for these homes to be built in between the corridor of pipelines.

Third party construction is the number one cause of incidences in natural gas pipelines. From **5/1/2015** through **10/31/2015** there were **75 pipeline damages in Hamilton County, of which 15 were in Westfield**. This damage happens to frequently due to lack of location markings on the developing plans, miss markings at the site, innocent human error, etc... These numbers are of the little guys, not the high-pressure pipelines that traverses this land. You can help to see that the development of this land done appropriately and safely.

The people that would live in lots 12-30 of this proposal need your utmost consideration in this matter. Westfield is a safe place to live and its people make the city. I ask you to put people first and keep the city a bit safer in your decision Monday evening. Thank you.

Stacy Miller

15936 Oak Park Court

AUTHOR: Dennis & Diana Theurer
DATE: December 6, 2015
SUBJECT: TAMARACK 1512-PUD-25

LETTER:

Dear Westfield APC:

This letter is in regards to the December 7 meeting and the proposed Tamarack PUD. As land owners with property directly East of the proposed project, we are asking that you reject this proposal.

The prior proposal for this tract of land was sent to the City Council with a negative recommendation from your council. Now it comes back before the plan commission with very few changes.

1. 3 more houses
2. Potential half an acre larger
3. Promise by developer to put money in a fund to help build a round about at 161st and Oak Road

This project does not fit the character of this area (Oak Park, Oak Manor and other existing homes surrounding the proposed development) as was stated previously by Ken Kingshill in the prior proposal. MI Homes are production homes and there is a need for them in the Westfield area, but this is not the correct location for them as Mr. Kingshill said. The property values of homes will be severely damaged by this development. A subdivision of custom built homes would better enhance this area of Westfield. The project also does not meet the recommendations of the comprehensive plan for this area of Westfield.

Your council listened to the public concerns before and acted upon our interests with a negative vote, please do so again.

Thank you for your consideration.

Sincerely,
Dennis and Diana Theurer
16200 Carey Road
Westfield, IN 46074

AUTHOR: John Ekdahl
DATE: December 7th, 2015
SUBJECT: Opposed to rezoning - Lot @ 161st & Oak Road

LETTER:

Sunday December 6, 2015

My name is John Ekdahl, I reside in Oak Manor on 2628 Daylily Court, Westfield.

Under NO circumstances do I want the property adjacent to me to be rezoned to permit smaller homes.

I am referring to the property at the corner of Oak and 161st Street. I called the phone number posted on the property and researched all the letters of opposition already received. I fully concur with all my neighbors opposing the currently proposed development.

I am traveling on business so I cannot attend the meeting where this will be considered. Please do accept this as my voice in opposition to any modification to the current zoning.

John Ekdahl
317 629 1450

AUTHOR: Jonathan Dilley
DATE: December 7th, 2015
SUBJECT: Tamarack - Letter from the Dilley Family

LETTER:

December 6, 2015

Dear Advisory Plan Commission members,

In response to the requests for public comments on Ordinance 15-43, the Dilley Household (16421 Oak Manor Drive) respectfully submit the following for your consideration.

First and foremost, we commend the members of the Advisory Plan Commission (“APC”), who, earlier this year, thoughtfully listened to and rightfully acted on the concerns expressed by myself, residents of the Oak Manor subdivision, and residents of the surrounding neighborhoods. The APC took appropriate action when they sent the Tamarack proposal to the City Council with a 5-2 negative (opposed) vote.

Unfortunately, the same proposal sits before you today. We are disappointed that nothing—or, very little—has changed. As I have been informed by M/I Homes, the only changes consist of the addition of three more houses, the pending acquisition of a half-acre parcel of land, and a promise, though certainly not a guarantee, of a \$250,000 investment to assist the city with road improvements, although not necessarily related to the property development.

My wife and I want to be very clear – we are not opposed to development on this property. However, we are opposed to the Tamarack development. It is simply not the appropriate development for this parcel of land.

Instead of working against each other, let’s work with each other. **Let’s find common ground – together, let’s work toward a mutually agreeable solution.** A solution that works for M/I Homes, the city, and, most importantly, the residents of Westfield.

We respectfully bring two major concerns to your attention. These are similar to the concerns we raised in letters sent to the Mayor, City Council, and APC dated May 27, June 9, and July 8, 2015.

Character

We are in favor of smart development; development that is consistent with the surrounding neighborhoods. While we appreciate the efforts that M/I Homes took in the early stages to address concerns raised by dozens of residents, it was simply not enough to overcome the underlying and significant issue of the proposed M/I “production” homes surrounded by custom home neighborhoods. The “new” proposal is no different. Simply stated, the M/I product, as currently proposed, is grossly out of character with the neighboring existing developments. One simple compromise would be adding a requirement for side-load garages. This change will ensure consistent character with the surrounding neighborhoods.

Let us be clear – this is about character and fit with the surrounding developments. It is not about the quality. **It is about home size and lot size.** We believe there are other M/I models that would be appropriate for this community, including, but not necessarily limited to:

- Monterey – <http://www.mihomes.com/FindYourHome/PlanDetails.aspx?Listing=56848>
- Watson – <http://www.mihomes.com/FindYourHome/PlanDetails.aspx?Listing=52918>
- Hudson – <http://www.mihomes.com/FindYourHome/PlanDetails.aspx?Listing=61669>

Over-development for Similar Target Populations

Look no further than the nearby neighborhoods of Lantern Park (2,000 sq ft homes; 161st and Union; http://www.westfield.in.gov/egov/documents/1434983161_48848.pdf) and Viking Enclave (1,600+ sq ft, starting at \$206k).

In fact, let's examine the proposed Tamarack development to Lantern Park. These developments would be on the same street and less than a half mile away from each other. In comparing these two developments, they are nearly identical. Lantern Park has a minimum living space of 2,000 sq ft (one story) and 2,300 sq ft (story and one-half), whereas Tamarack is less at 1,900 sq ft (one story) and 1,900 sq ft (story and one-half). The minimum setbacks are nearly identical or exactly the same (e.g., 5 feet side-yard setback).

It is critical that we protect the city against future blight. Unfortunately, it's already a short drive to under-developed or completely vacant developments. We must be smart about development. During his State of the City address, the Mayor rightfully asked "...how big do you want this city to be?" To help address this question, as you consider the proposed Tamarack development, my family respectfully requests that you consider the following questions:

1. Should we not first understand market demand from the Lantern development prior to approving a similar development less than a half mile away?
2. Should the city not first complete a comprehensive housing inventory to understand market availability and demand?
3. Is this the type of growth we want for the city? In a letter to the APC, the Mayor, and the City Council this past summer, my wife and I respectfully requested that you clearly state your philosophies on Westfield residential, commercial, and industrial development. We have a right to understand – it's our community too.

Thank you for your consideration of our concerns, and thank you for your service to the citizens of Westfield.

Please confirm receipt of this correspondence.

Regards,

Jonathan & Kiersten Dilley

cc: The Honorable Andy Cook

City Council Members

AUTHOR: Matt Howard
DATE: December 7th, 2015
SUBJECT: Ordinance 15-43

LETTER:

December 6, 2015

Dear Advisory Plan Commission members, in response to the requests for public comments on Ordinance 15-43, the Howard Household (16402 Chalet Circle) respectfully submit the following for your consideration as you make important decisions for our community. Just a few short months ago, the members of the Advisory Plan Commission ("APC"), who thoughtfully listened to and rightfully acted on the concerns expressed by myself, residents of the Oak Manor subdivision, and residents of the surrounding neighborhoods, as they rejected the Tamarack proposal to the City Council with a 5- 2 negative (opposed) vote. The question I put forth today is a simple one: what has changed? The development largely remains the same, and the builder has all but ignored the requests of the surrounding community. The development remains materially the same, and it remains the wrong decision for this area of Westfield. It is my desire for this land to be developed, in a prudent way that would continue to compliment the upward trajectory of the area. These houses are not conducive to complimenting the surrounding area. Please remain steadfast in your previous decision and please send this ordinance with a negative recommendation. I appreciate your service and diligence in this matter.

Sincerely,
Matthew & Katrina Howard

AUTHOR: Michael Miller
DATE: December 7th, 2015
SUBJECT: Tamarack Round 2 - B

LETTER:

Attached please find and consider my correspondences regarding the Tamarack PUD request from April through August 2015. As the current rezoning request is essentially unchanged, nearly all objections continue to apply and further show the developers unwillingness to work with the surrounding community to achieve a mutually acceptable proposal.

Sincerely,

Michael Miller

AUTHOR: Michael Miller
DATE: May 31st, 2015
SUBJECT: Opposed to rezoning - Lot @ 161st & Oak Road

May 31, 2015

Michael Miller
15936 Oak Park Ct
Westfield, IN 46074
Lot # 3 Oak Park (since July 2007)
Oak Park HOA Board Member
Westfield Resident since October 2001

Re: Ordinance 15-14, proposal for rezoning land at 161st St and Oak Rd from SF2 to PUD, known as Tamarack PUD District

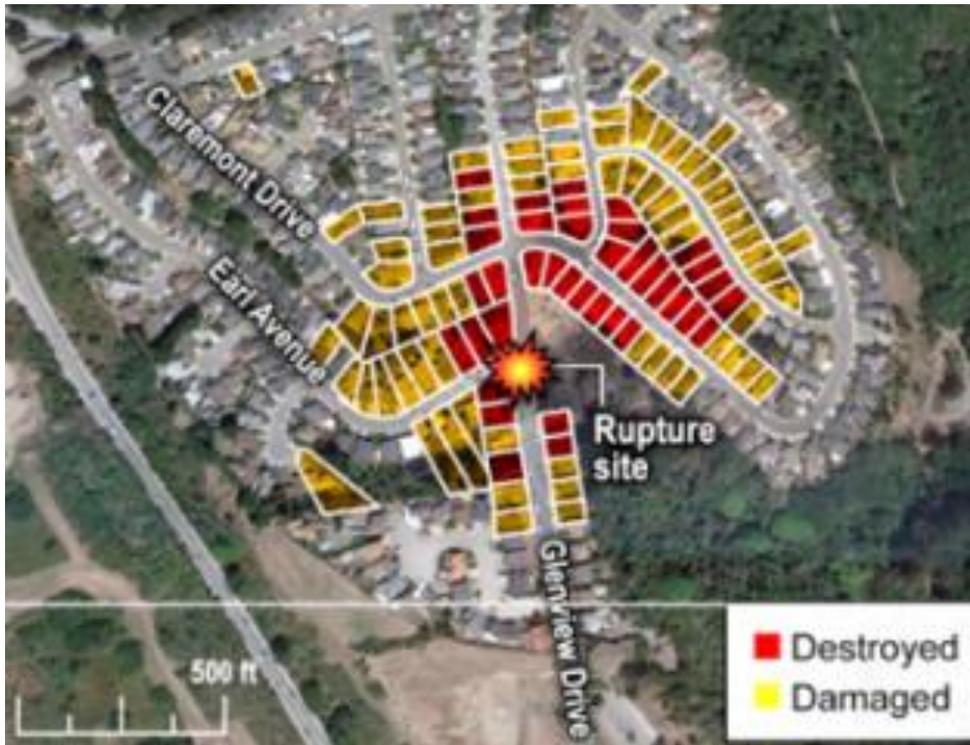
Dear Council Members and APC members,

I thank you for your time, attention and service to our community. I am writing to voice my overwhelming opposition to the proposed PUD as described. In my work as an anesthesiologist, one of my primary duties is to assess a given patient, their condition, the requirements of the surgery, the positioning requirements as well as the needs of the OR setting. I then devise a unique plan for that patient to preempt and prevent likely and unlikely safety risks from occurring, ensuring a safe journey through the operative and recovery period. If I am unable to create a safe environment for the patient, the surgery is cancelled if it is not an emergency. You are presented with a request to approve rezoning the land in question from SF2 to a PUD. I request you apply this same approach to look at this land not only as it is now, but as it will be 10 to 20 years from now if this PUD and development is approved as proposed. I ask the APC to vote to oppose this proposal and the council members to vote against it. In my opinion, a vote to approve the proposal as presented would at best be extremely short sighted and at worst negligent.

I am aware of a significant number of letters you have received voicing concerns regarding aesthetics, impact on home values of surrounding properties, traffic congestion and safety, drainage, impact on tax base vs. demand generated for services and questioning the need for cramming such a dense housing addition in the heart of a community with large lots and open spaces. I share all of these very important concerns, but I believe many of them will be addressed if the current plan is rejected and a new plan specifically addressing the minimum setbacks requested is devised.

A large reason this property has not already been developed is the presence of 4 gas pipelines traversing the property. The developer's plan is quite creative in trying to make these spaces a benefit to the development as open greenspace, but in a move to maximize profits and pack as many units as possible into the space, they are seeking to limit side yard setback requirements to a mere 5 feet (10 feet between buildings). In seeking these minimal commitments (less than the 8 feet minimum side yard setbacks required of SF4), the developer is placing the entire community at unnecessary and unwarranted risk. At the informational meeting held by MI homes on Thursday, May 21, 2015, the land developer repeatedly referred to what is "normal," "usual", and "customary" when asked why things such as entrances, traffic requirements and drainage requirements couldn't be different than what is proposed. I believe it is incumbent upon both the APC and the Council Members to recognize the presence of these pipelines makes the property in question anything but "usual, customary and normal." As such, any modification to the existing 12-foot building to side yard set-back requirements of the current SF-2 designation should only be considered if they **INCREASE** the required setback minimums, while any plan decreasing them should be rejected.

I would like to think that gas line leaks, fires and explosions are exceedingly rare events. A visit to the site "<http://www.naturalgaswatch.org/>" and review of their monthly reporting will unfortunately reveal as many as 1-3 gas line leaks, fires or explosions occurring per month across the United States. According to the Pipeline Hazardous Materials Safety Administration (PHMSA, a division of the Department of Transportation of the U.S Government), in 2012 alone there were more than 80 major distribution Natural Gas Pipeline fires and explosions (resulting in 7 injuries, 0 fatalities and \$44M in damages) and an additional 71 fires or explosions amongst the lower pressure, smaller distribution pipelines (causing 9 fatalities and 21 injuries). Most of these events are never reported on national news, as they occur in uninhabited areas or involve a single structure. Occasionally, however, such a disaster occurs in an area of dense housing similar to what MI is proposing for this site, with tragic results. On September 9, 2010 a 30-inch gas pipeline exploded in San Bruno, CA. Note the close proximity of the structures in the pre-explosion picture with approximately 5-foot side yard setbacks. According to published reports, the initial blast damaged/destroyed 12 homes, but the intense fire rapidly spread from structure to structure due to the close proximity of the dwellings. By the time the fire was contained the next day, which required the use of four air tankers, two air attack planes, and one helicopter dropping fire retardant (a resource much more readily available in a California community prepped to fight wildfires than in central Indiana), 38 homes were destroyed and 53 more were damaged. Although many survivors suffered significant burns and injuries, it is truly amazing that only 8 people perished in this disaster.

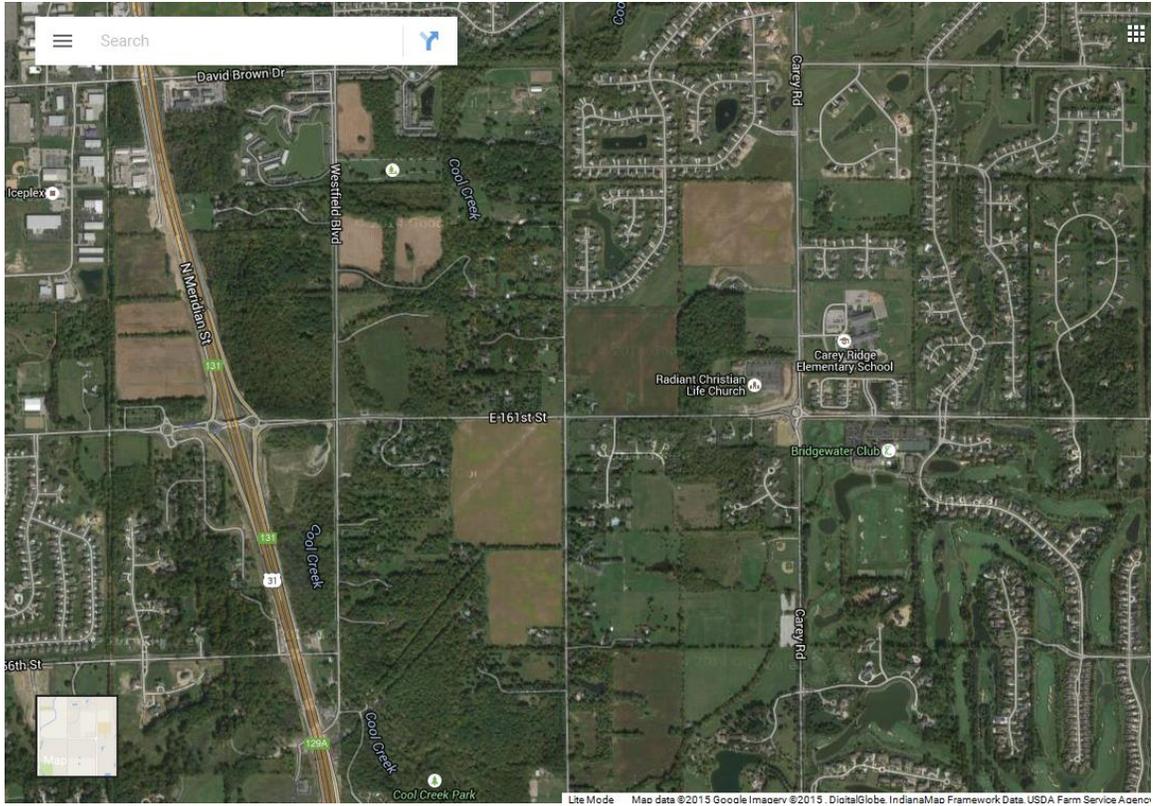




In searching for information regarding the concerns I am voicing, I have come across several publications on fire spread and fire safety. The overwhelming recommendation of these publications to prevent disaster is to 1) limit the number of structures in the concerned area and 2) increase the distance between structures. One of the main determinants of fire spread between structures is distance between the structures. Intensity of heat dissipates according to the inverse square law in physics, such that a doubling of the distance between 2 objects results in $\frac{1}{4}$ of the intensity at the second object, while a quadrupling of the distance results in $\frac{1}{16^{\text{th}}}$ of the intensity and a quintupling of the distance results in $\frac{1}{25^{\text{th}}}$ of the heat intensity measured at the second site. Further, transfer of radiant heat between 2 objects is proportional to the difference of the absolute temperature of each object to the 4th power, so decreasing the heat intensity at the site of the second object to $\frac{1}{16^{\text{th}}}$ of what it would be adjacent to the first object results in a further exponential decrease in heat transfer to (and combustion of) the second object. The same pipeline explosion would have been markedly less devastating if the area where it occurred were less densely built. The initial blast would have damaged and destroyed fewer homes and the rate and probability of fire spreading to adjacent structures would have decreased exponentially.

Applying the above principles, keeping the minimum 12-foot side yard setbacks required of the current SF-2 zoning compared to the 5-foot setbacks will result in minimum 24-foot separation between structures vs 10 as requested. This reduces the heat intensity at the second structure to ~17% of what it would be with 10-foot spacing with heat transfer proportional to <1% of what it would otherwise be. If the council and developer could be visionary enough to commit to minimum 20-foot setbacks (40 feet between structures), these numbers could be reduced to 6.25% and <0.01%, tremendously reducing the risk of fire spread between structures whether due to a pipeline disaster or much more “usual and customary” causes of house fires.

As mentioned at the start of this letter, I believe it is imperative to consider the land in question as exceptional, requiring exceptional care in planning and use well beyond minimal and usual standards. Even if one were to consider this property in the absence of the pipeline, I would still fundamentally oppose the development as planned. MI seeks to create and develop this ultra-dense PUD in the heart of one of the most open districts in Westfield. An aerial view of the area in question shows that one must travel more than a mile in any direction before encountering housing even as dense as SF3 standards, let alone the less than SF4 standards the developer seeks.



Dense housing is grossly out of character with the surrounding community. The small lot widths and depths will lead to short driveways and greatly increased street parking. This is not only aesthetically displeasing compared to the surrounding neighborhoods, but having vehicles routinely parked on both sides of the street limits access and maneuverability of emergency vehicles (especially dangerous due to the exceptional nature of this property), trash collection and snow removal. The above images in San Bruno reveal multiple burned out vehicles parked on both sides of the street, but this street was at least wide enough to accommodate 2-sided street parking plus 2-lane traffic (effectively 4-lanes wide). The developer's concept plan does not show widened streets to allow free flow of 2 lanes of traffic between parked cars, yet they have to know similar developments invariably result in high levels of street parking. At the informational meeting MI espoused that the covenants could not prohibit street parking as they will be public streets. They can, however increase the sizes of the lots and side yards while requiring side or rear load garages (maintaining the requirements of surrounding neighborhoods), which would result in longer driveways and more off-street parking availability. Similarly they can develop the land with wider than minimum standard streets to allow safe maneuvering of emergency vehicles in this development. At the very least the covenants need to have binding prohibitions on non-garaged parking of motorcycles, boats, trailers, large trucks, RVs or other non-typical small passenger vehicles.

The builder's desire to maximize profits by jamming as many units as possible into the limited developable space results in increased numbers of units and therefore increased numbers of vehicles. As proposed, 42 of the 53 lots will have their sole ingress and egress via a road to be built across from Oak Park Ct on 161st St, likely resulting in 60-100 additional vehicles per day needing to access 161st St. I ask you not to envision the effect of this access on the community as it is today, but rather where it is likely to be in 10 to 15 years. With the designation of 161st St as a "major arterial" by the City of Westfield, there is a high probability that it will be developed into a 4-lane wide road with R & L turn lanes making it effectively 6-lanes wide at this new intersection. The concept plan allows for additional green-space south of lot 12 to keep the setback for the proposed lot 12 equal to the setback for the house on lot 1 across the street in Oak Park. They do not, however, do the same for proposed lots 33 and 53. Once 161st St is fully widened, the backs of these homes will be very closely abutting a now very busy road.

In their concept plan, the developer shows what it represents as "typical" landscaping for the lots proposed. It is important to note that the lot they chose to represent a "typical" lot is lot #1, which appears to be one of the 4 largest lots in the proposed development, and as such is hardly "typical." Even so, the number of trees and shrubs proposed seems to crowd the house and make the lot feel even tighter than it is. Furthermore, throughout the development the concept plan shows planting of 2" diameter shade trees between the sidewalk and street. 10-15 years later these trees will have either died or grown to the point that their roots are likely causing buckling of the sidewalk or roads, potentially invading into storm sewers, utilities and other common infrastructure and creating safety and liability issues for the homeowner, community and city. They will also decrease visibility as motorists enter and leave their driveways creating safety risks. Any approved plan needs to clearly specify what species of trees will be used, what types of root containment barriers and grating will be used to minimize the chance of overgrowth and surface-seeking roots and limiting the height expectations of the trees selected to not overwhelm these dense homes.

The developer is using the term "empty nester" community to justify the proposal they are making. They also recognize this term implies development that will add to the tax base without adding demands on the school system. What they really seem to be proposing, however, is very densely packed homes modest in size compared to surrounding subdivisions, with no community amenities other than the "green space" of the pipeline easements. In order to maintain the open feel they claim to achieve from the pipeline easements, it is imperative that the plan prohibit fencing of any kind within the development, as fencing will emphasize the small sizes of the lots and destroy the open sight lines they claim to achieve. It is important to note that even the ~1500 sq. foot floor plans included with the PUD plan show optional 3rd bedrooms. Many of the plans could easily have a 4th bedroom created out of a den or bonus room. Three and four bedroom houses hardly seem consistent with an "empty nest" community. The only technique the builder intends to use to favor childless families is having covenant restrictions limiting a homeowner's ability to have a playset or basketball goal while providing no community amenities. The developer has indicated they will not be placing any age or family size restrictions on the community, so the "empty nest" label is disingenuous and misleading. Families

moving into this community will likely use the Westfield trail system to bike or walk to the community amenities in Oak Park, Oak Manor and the Bridgewater. Despite posting of signs indicating the amenities are solely for the use and enjoyment of the residents in the community providing them, enforcement of these restrictions is extremely difficult and problematic. Furthermore, their use by non-residents increases the liability of the respective HOAs.

I believe the APC and council members are fully aware of the problematic water management of the property in question. Currently, the field sits significantly higher than the property it abuts in Oak Manor, and routinely floods across 161st St and overflows the ditch along the south side of 161st after moderate rainstorms. While it is recognized that any such development is required to handle all of the water/runoff from the site of development without spilling it onto adjacent property, in this case it would seem prudent to require a detailed plan of how the water will be managed PRIOR to approving the PUD creation and rezoning.

Ten to Fifteen years from now, after MI has maximized their profits and moved on, the community will still have this new PUD community. The houses will no longer be as bright, shiny and new as they were. The trees will be overgrowing the homes. There will be increasing homeowner turnover. MI has indicated that all buyers will have to sign an acknowledgement regarding the presence of the gas pipelines at the time of signing a purchase agreement. They indicated this should prevent homeowner's from deciding after they move in that the easements are too restrictive or the environment too dangerous and thereby ameliorate the risk of a homeowner "walking away" from a home. This was in response to a concern raised regarding distressed or foreclosed property. Their disclosure does not address the same concern at resale, however. When I bought my home on lot 3 in Oak Park in 2007, it was never disclosed to me (nor is it in any of the disclosures, forms or lending documents provided when I purchased my home) that one of these 4 gas pipelines actually traverses my back yard. I did not even know there were 4 separate gas pipelines in the area until the informational meeting on May 21, 2015. We requested a copy of the plat record, but were informed the homeowner did not have one. The home had bountiful established landscaping and the possibility of a pipeline easement angling through the back yard never occurred to me. In the nervousness and excitement of our first real home purchase, making an offer and dealing with counter offers, it did not occur to us to make an offer contingent upon seeing the plat map. I did not obtain an official map until going to the courthouse several years later. With my own experience as a guide, it is not difficult for me to imagine that these disclosures may not occur during resale of the homes in the future, leaving the potential of distressed property a true concern. Such dense housing also has a tendency to evolve into rental properties over time trending toward less well maintained properties.

In proposing this development and at the informational meeting on May 21st, the developer has provided no information on how this community will benefit the citizens of Westfield who reside in the neighborhoods surrounding the proposed development. In contrast, they seem to suggest we should support their PUD request because the current SF2 standards would allow them to build smaller, less desirable homes than what they are proposing. I fully agree that minimum standard SF2 homes would

be highly undesirable and also out of character with the surrounding homes, but at the very least there would be far fewer of them creating less of a safety risk to future homebuyers and neighboring residents, less traffic constraints and less congestion.

I am certain that the developer will counter many of my concerns by indicating they have worked with the respective pipelines and their plan exceeds the minimum requirements and regulations to build in the vicinity of such easements. I again ask the APC and Council Members to consider this property a unique and exceptional property that demands planning and development well in excess of the minimum standards and requirements. Picture this community 10-25 years in the future, once MI has achieved their profits and is out of the picture. They do not deserve to maximize their profits at the expense of the safety, enjoyment and property values of the citizens residing in the vicinity. You have the opportunity to ensure that development of this land occurs in a thoughtful, deliberate manner consistent with the surrounding community and minimizing additional safety risks to present and future residents. Westfield can do better and deserves better. ***The PUD request is contrary to the Purpose of the Westfield Washington Township Unified Development Ordinance 2.3.C.1-3 as it endangers the safety of the citizens, increases the risk of rather than provide safety from fire or other dangers; risks and reduces rather than promotes the public health, safety, convenience and general welfare of the community; fails to provide increased health or recreational facilities for family life and jeopardizes public funds in potential fire spread and disaster response.*** I implore you to reject the current PUD proposal and direct the landowner to work with the APC and council to devise a plan that increases minimum setbacks, maximizes the safety of any development in this area, and to work in conjunction with the surrounding community to devise a plan that will be acceptable to all parties.

Sincerely,

Michael Miller, MD

AUTHOR: Michael Miller

DATE: July 5th, 2015

SUBJECT:

Dear Councilmembers,

As the Tamarack PUD ordinance comes before you for consideration and possible adoption this coming Monday, I ask you to give due weight to the exceptionally unusual NEGATIVE recommendation forwarded to you by the Advisory Plan Commission. The commission considered the overwhelming opposition of the surrounding community, reviewed the proposal and came to the very reasonable and appropriate conclusion that this project is not appropriate in this location.

The main concern I have heard from some council members as to why they feel they should support this development is that current zoning allows far smaller, less desirable homes to be built in this area, while the proposed PUD would ensure higher standards. While this is true, I believe it is exceptionally unlikely that minimum standard SF2 development will occur. The current zoning requirements almost guarantee any development on this property will result in a higher value product more in character with the surrounding communities than what MI is requesting. The setback requirements and technical restrictions on infrastructure and drainage imposed by the multiple pipeline right-of-ways impose significant restrictions as to where and how this land can be subdivided. Maintaining the SF2 standards of minimum 100 foot lot widths, 12 yard side yard setbacks and 30 foot front and rear yard setbacks will significantly reduce the number of lots available for development from the fifty requested by MI in this rezoning request. This will require any developer to build a home with a higher profit margin to overcome the increased costs and safety considerations of developing around the pipeline easements, and will certainly not be a minimum standard SF2 home.

I would like to say I would support the current development proposal with some modifications, but unfortunately MI has been completely unwilling to work with the neighbors to modify their proposal into anything remotely mutually acceptable. All meetings with MI have been from a perspective of them telling the neighbors what they are doing and without incorporation of

If any of you are considering voting yes to this PUD, I would greatly appreciate the opportunity to speak with you and attempt to gain understanding of your reasoning before Monday's meeting. Approving the PUD represents settling on an inferior product out of character with the surrounding neighborhoods. It will eliminate any opportunity to receive a better, more acceptable

July 5, 2015

AUTHOR: Michael Miller

DATE:

SUBJECT:

Michael Miller
15936 Oak Park Ct
Lot 3, 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.

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 exiting 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,

Michael Miller

Oak Park Board Member

AUTHOR: Michael Miller

DATE: June 7th, 2015

SUBJECT:

June 7, 2015

Michael Miller
15936 Oak Park Ct

Dear APC members, Council members, Mayor Cook and Mr. Lauer,

I would like to follow up on comments and concerns raised at Monday June 1st's public hearing in reference to Ordinance 15-14, Tamarack PUD district. I appreciate the consideration of the public's comments as this matter is evaluated. The concerns I raised in my comments and the letter I sent dated May 31, 2015 (public comment # 27) affect the entire Westfield community and are much larger than this particular rezoning and development request. I am asking the APC to not recommend and the council not to approve any rezoning or development requests in the calculated hazard area of any of the pipelines traversing Westfield until the City Council has the opportunity to develop, review and codify a city-wide plan on how we as community approach current and future development along these pipeline corridors. This plan needs to include emergency response, evacuation, and disaster preparedness plans. I have found no evidence of such a plan in reading the Unified Development Plan.

I have attached the January 2015 publication from FEMA and the Pipeline Hazardous Materials Safety Administration (PHMSA, division of Department of Transportation (DOT)) titled "Hazard Mitigation Planning: Practices for Land Use Planning and Development near Pipelines." Throughout this letter if I refer to "FEMA p#" it will refer to this document. A review of this publication as well as other publications from the Pipeline Informed Planning Alliance (PIPA) and PHMSA make it clear that regulators and the pipeline industry have taken a "least restrictive" approach to regulations regarding development around pipelines. They acknowledge that different communities have vastly differing needs and land availability, so there is no one-size-fits-all approach. They also acknowledge that as land becomes increasingly scarce in a community, risk tolerance of a given community may change over time. The importance of this is that FEMA, PHMSA and PIPA all leave decisions on how permissive or restrictive a community wishes to be in allowing development in the hazard areas of pipelines to the discretion of the local government. Almost all pipelines were built in

predominantly rural, agricultural and wilderness areas. Progressive development over the ensuing decades has caused increasing risk and hazard areas as property and human habitation are brought in close proximity to the pipelines. This is clearly true of Westfield. Our rapid growth requires that we take this opportunity now to plan how we want to allow or restrict growth around these pipelines while there is still sufficient land to make informed decisions about alternative location options for development and alternative use potentials for the pipeline corridors. This is the essence of risk mitigation. It cannot be eliminated, but we can avoid creating multiple "high consequence areas" unnecessarily. I quote from the attached regarding power of local governments to impact decisions protecting future health and safety of their communities through zoning/permits and planning **"very few State or local governments use their land use and planning authorities to specifically address development encroachment on pipelines or to focus on health and safety concerns for populations located near pipelines. Use of land management tools to regulate development provides an increasingly important method for addressing these concerns, especially in areas with rapidly expanding urban footprints that have existing transmission pipeline infrastructure."** (FEMA p. 11)

Mr. Dobosiewicz's use of the term "fear mongering" in his response to public comments was inappropriate and self-serving. There is a significant distinction between "deliberately arousing fear to influence the opinions and actions of others" and raising awareness about a potential hazard to which few in our community have previously given thought. I found the same picture used in the public comment presentation of the blast in San Bruno, CA as the leading picture on the website at the Department of Transportation - Pipeline Hazardous Materials Safety Administration website for government officials and city planners (http://primis.phmsa.dot.gov/comm/pipa/pipa_audience_local_government.htm?nocache=4591). It is also illustrated as a case example in the attached document (FEMA pp. 36-37). This is precisely because this is the most appropriate illustration of what can happen when an incident occurs in densely populated and constructed areas.

I will readily stipulate that underground transmission pipelines are far and away the safest means we have to transport hazardous substances such as natural gas and hazardous chemicals. These are substances on which our economy and way of life depend. Pipeline incidents are somewhat similar to commercial aircraft incidents – they are far more rare than ground transportation incidents but potentially much larger and more devastating. However unlike the airline industry, which is able to maintain relatively tight control of the human interaction with their industry, the pipeline distribution system is exposed to millions of people per day. The potential interactions of people with varying degrees of awareness and education about pipeline safety can impact hundreds locally in terms of direct risk of injury, fatality and property damage, thousands regionally in terms of regional disruptions to transportation

routes and use of facilities, and millions nationally from disruption of downstream supply of the chemicals transported by the pipeline.

Despite the overall safety, however, the number of "serious" and "significant" incidents per year has been steadily trending upward for large diameter, high pressure distribution pipelines for the past 25 years. (source DOT-PHMSA publication "Building Safe Communities: Pipeline Risk and its Application to Local Development Decisions", Office of Pipeline Safety, October, 2010). By DOT published information, with ~244,000 miles of major gas distribution pipelines in the US, and an average of ~80 significant incidents per year in the last 3 years, this translates to one incident per 3050 miles of pipeline per year (with the trend in number of incidents per year increasing). Multiply this by the number of miles of transmission pipeline traversing Westfield and 30 years, and we arrive at a calculated risk of a significant event in Westfield of >5% over the next 30 years! This risk once again cannot be eliminated, but can be mitigated through thoughtful planning implemented now.

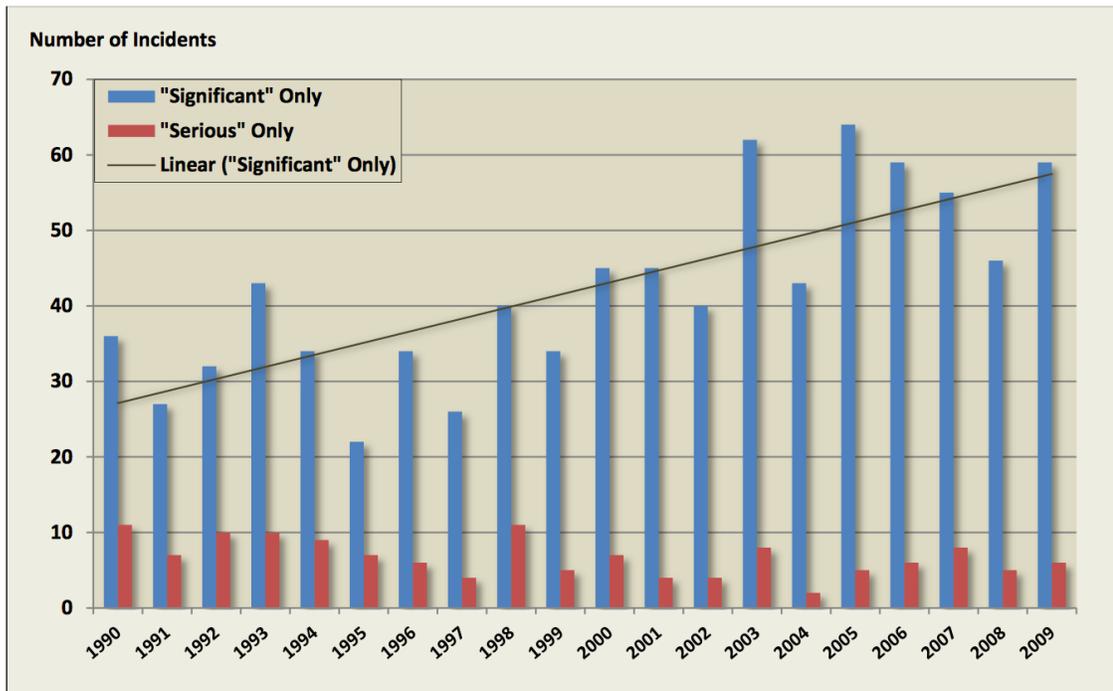


Figure 6: Trends in Natural Gas Transmission Onshore Incidents: 1990-2009

Mr. Dobosiewicz's use of illustrations of development that have already occurred to support his client's proposal is irrelevant to my request. Decisions made prior to awareness being raised do not justify continuing with the same permissiveness after knowledge is gained. I quote from the attached document **"Although past developments cannot be changed, they can serve as good examples to inform future decisions. Local governments are encouraged to review existing land use and development next to transmission pipelines to identify scenarios where better design decisions could have reduced risks. Emergency evacuation procedures and assembly area locations should be reviewed to include consideration of potential threats from pipeline failures."** (FEMA p.62)

Different localities within Central Indiana clearly have different levels of permissiveness for development in and around pipeline corridors. I encourage each of you to look at a satellite image on Google Maps and trace the Panhandle Pipeline (the corridor in question traversing Oak Rd and 161st St) back through Carmel. Unlike what has already occurred in Westfield and what is being proposed for the Tamarack PUD, there is no development in Carmel within the pipeline corridor between the individual pipelines. Overwhelmingly, the building-to-building distances in the developments that abut the corridor are significantly greater than the 10-foot minimum being proposed in this PUD. These past decisions in Carmel do not eliminate risks from a pipeline event, but they do significantly reduce the scope of the impact – demonstrating risk mitigation as recommended by the Federal Government and the pipeline industry.

The triggering of awareness raised by the current proposal presents Westfield with an important opportunity that should not be squandered. We live here because we think it is a wonderful place to live. Let us take this opportunity to create a deliberative and thoughtful plan to envision how we want to see the community grow to ensure health, safety, appropriate use and prosperity for our community not just now, but for the foreseeable future. Decisions made now will impact the likelihood of whether in the future Westfield will represent yet another example of how careful planning could have reduced risk and impact of a serious event, or rather is held up as an example of a community proactive in their planning and risk mitigation, such as Lenexa, KS (FEMA pp. 53-68). Emergency responders need to know what is transmitted in the various pipelines, where they run through the city, with whom to coordinate in the event of an incident, any special precautions, concerns and evacuation needs and routes created by the chemicals in question without having to research the same once a tragedy has occurred. Property owners need education about the responsibilities of living near pipelines. Our current rapid growth is a direct threat to the principals of future risk mitigation, and will remain so until a comprehensive risk assessment, mitigation, response and evacuation plan is

developed. We can continue a least restrictive development pattern, or can take the lead in considering these corridors as unique opportunities and threats to the health and well being of our community for generations to come.

I welcome the opportunity to meet with any and all of you to discuss these concerns in person.

Sincerely,

Michael Miller

AUTHOR: Michael Miller
DATE: December 6th, 2015
SUBJECT:

December 6, 2015

Dear Mr. Hoover,

First, I sincerely want to voice I respect and appreciate the service and time you provide to our City. I recognize that you thoughtfully consider the decisions that come before the council and APC. I also recognize from the tenor of your emails and our prior discussions, as well as your previous voting on the Tamarack PUD when it came before the APC in July, that you view this ordinance through a very different lens than do I. While I feel my chances of swaying your opinion at this point are remote, I feel passionately enough about this issue that I would be remiss not to try. I feel I have been very vocal and clear regarding my objections to this ordinance, but I have only recently seen your emails to Dave Mueller and John Boyer which shed some light on the reasoning behind your position. I would like to take this opportunity to address the points you raised.

First, I whole heartedly agree with you that we should not seek to ban any future housing in Westfield costing under \$200-250k. I too see how if the development actually materialized as a true "empty nester" community that it could provide a favorable tax base vs city expenditure ratio. I am very skeptical that these 3 and 4 bedroom homes will ultimately be majority empty nester dwellings, however. Even if the initial build out attracts a primarily "empty nester" demographic, it is no stretch to imagine many of these "empty nests" filling back up with adult children and school aged grandchildren should the economy take another downturn given the stresses on America's middle class.

I do not believe the proposed location is remotely appropriate for the proposed development. The location is ultimately the problem. It is problematic because of the presence of the 4 large diameter high pressure interstate natural gas transmission pipelines and because it sits in the heart of 3 sizeable, established, large-lot custom home neighborhoods. The proposed PUD's compactly clustered spacing with 10 feet inter-structure distances, almost exclusively front-load garages with subsequently short driveway, limited off street parking, 70 foot lot widths, and allowing up to 20% of the 53 proposed homes to be identical is completely out of character with anything in this area. The community's concerns and its failure to meet

infill standards for the surrounding subdivisions as stipulated in the Unified Development Ordinance does not imply Westfield is banning all future housing under \$250k. Rather, it says if it is to be built, it should be located elsewhere in Westfield because it does not fit in this location.

I have sent you several documents describing industry and government proposed best practices for land use and development near natural gas transmission pipelines. While some of the recommended practices are addressed in this proposal, the primary failing is the planned placement of 53 single family dwellings directly in the calculated hazard areas of all 4 pipelines unnecessarily. Westfield is not yet so land locked that this is the only remaining parcel available for a development such as this. The proposed development with a loop road as sole ingress and egress for the 42 homes off of 161st St has the potential to block any paved evacuation route for 23 of the homes if there are any issues or improvements performed on one of the 30 inch pipelines that bisects the loop. If approved, this will definitely be yet another example in Westfield where risk could have been mitigated by more careful planning and land use decisions. Once awareness has been raised, it is unacceptable to ignore risk mitigation practices surrounding these pipelines simply because it is inconvenient. We are provided only one chance to get such allowances wrong, and I strongly feel changing the zoning to this PUD request will ignore everything I have sent you regarding risk mitigation. Leaving the zoning as is provides much stronger protection for current and future residents.

I read with considerable puzzlement the portion of your email where you described the proposal as having "great amenities." I have looked at the details of the proposed PUD several times and fail to see any amenities you reference. In fact, it is the very absence of community amenities which the developer claims will attract a greater "empty nest" demographic compared to families with young children. If the open spaces are what you refer to as amenities, then clearly leaving the land in its current agricultural or undeveloped state provides much greater amenities to all citizens of Westfield, leaving nice open spaces. The only proposed amenity I can find in the PUD proposal is a loop trail (which may or may not be paved) with 3 benches along its path. Hardly an improvement to the community or something that cannot be found ubiquitously throughout the community already.

As far as your point of current zoning allowing smaller dwellings and lower standards than the proposed PUD standards, that is obviously factual. As I have explained in multiple prior correspondences, however, I believe you are fundamentally wrong in your assertion that this represents a greater threat to surrounding neighbors' property values. It is the very nature of the unique location and considerations of the property in question making this proposed PUD such a poor fit which also provides the greatest protection from minimum standard SF2

structures being developed here. While I will acknowledge such a development is not 100% impossible, you must also acknowledge that approving the current rezoning PUD request will ensure that a more compatible, less out of character development with greater risk mitigation will become 100% impossible.

I appreciated your comments to Ms. Kloc at the July APC meeting pushing for a commitment for no parking on one side of the street or restrictions on overnight parking. I was shocked at that meeting when she said there would be no such restrictions. That was completely opposite of what she and Mr. Dobosiewicz had both directly told me at a meeting with the Oak Park board 10 days prior when I asked about parking restrictions. They provided no notification that they had changed their position and would no longer be restricting parking on one side of the street. I note in the revised proposal that they commit to addressing parking restrictions in the HOA covenants. I find this commitment meaningless and unenforceable, especially in light of their previous last minute change in position. I assert this, because while it will undoubtedly be in the initial HOA covenants, covenants can be amended and changed by a super majority vote of property owners. During the build and development stage, MI will afford themselves multiple votes per lot as is customary in such neighborhoods. As such, if they feel the restriction is impeding their ability to market and sell homes they will be able to unilaterally remove the restriction from the covenants and the city will have no further enforcement capabilities to limit street parking. Even after MI has sold off the majority of lots, the homeowners themselves could elect to make the same amendment and remove the restrictions. Finally, such internal covenant restrictions are very difficult for HOAs to enforce, as most lack the enforcement capabilities. Many times such breaches irritate and annoy neighbors, but the same neighbors don't pursue what enforcement actions the HOA does have to avoid confrontation. The commitment limiting street parking needs to be part of the ordinance itself, and thus preserve city powers of policing and enforcement for repeat offenders. This is especially true if this project is to proceed amongst these 4 gas transmission pipelines where emergency vehicle access and maneuverability could become critical.

Again, I have the sense you made up your mind about this ordinance months ago, possibly as early as the original council introduction in April. I am skeptical I will sway your position, but as I feel your voice carries significant weight both at the APC and City Council I hope you will consider these points with an open mind. I feel you will best serve the entire community if you give an unfavorable recommendation to this rezoning request. Instead I encourage you to suggest the developer consider a similar proposal elsewhere in Westfield where it is not out of character with established communities and not nestled between transmission pipelines. I would still prefer to see greater than 10 foot minimum inter-structure distances no matter where it is developed, but would be much less vocal with this objection should it be pursued remote from such transmission pipelines.

Thank you for your time, attention and service,

Sincerely,

Michael Miller

AUTHOR: Michael Miller
DATE: December 6th, 2015
SUBJECT:

Dear APC members, Council members, Mayor Cook and Mr. Lauer,

As we yet again revisit this proposal, I request you consider my attached letter, the attached land use primer regarding development around pipelines and my previous correspondences about this essentially unchanged project. I also request they all be included in the public record of comment on this Ordinance. Nearly every one of my previously voiced objections remains unaddressed in this "new" proposal. While it may eventually be found to be "legal," the separate escrow fund associated with this re-submission creates the appearance of impropriety which should be avoided at all costs. I welcome the opportunity to further discuss my concerns with each of you and hope the APC will unanimously forward the request with an unfavorable recommendation and the Council will vote no to the ordinance if it comes before them.

Thank you for your time and service to the PEOPLE of Westfield.

Sincerely,

Michael Miller

AUTHOR: Michael Miller
DATE: December 6th, 2015
SUBJECT:

December 6, 2015
15936 Oak Park Ct
Westfield, IN 46074

Dear APC members, City Councilors, Mayor Cook and Mr. Lauer,

It feels like we have done this before.

As the Tamarack PUD request yet again comes before the APC tomorrow, and presumably before the City Council at the first meeting in January, I ask you to step back and look at the safety of Westfield now and going forward, the needs and desires of the community weighed against the need and greed of a developer, and consider the disgrace approving this ordinance would be upon our city government. The revised proposal is nearly identical to the proposal brought before the council and APC from April through August 2015 before the petitioner withdrew the application after receiving an historic “unfavorable recommendation” from the APC. The only significant changes are the addition of ~1/2 acre of real estate (thus both enabling and requiring a new round of consideration) with 3 additional homes compactly clustered into the development. That and an openly made promise to place \$250,000 into an escrow account from which the City may or may not ever receive benefit. The petitioner’s attempt to address concerns raised about street parking are completely meaningless and usurp the City’s right and obligation of policing power. The petitioner continues to refuse to consider multiple other requests from the community and insists on forcing this proposal which is completely out of character with any of the surrounding neighborhoods into the heart of 3 subdivisions. As I repeatedly spelled out in my correspondences over the summer, it continues to fail to meet the requirements of the Unified

Development Ordinance and the Comprehensive Plan. Should it be favorably recommended and passed as ordinance I fear it could face costly and unpleasant legal challenges.

Under separate email I am attaching the correspondences I sent when this essentially unchanged ordinance was open to discussion earlier in the year. I request that they be included in the record of the public comment for this ordinance. With only minimal exceptions all of the concerns and objections I raised continue to apply. The physics of increased risk of fire spread with compactly clustered houses have not changed. The petitioner continues to seek minimum side yard setbacks 37% less than SF4/SF5 and 58% less than currently zoned SF2 requirements. Although they claim the minimum allowed setbacks would only rarely be encountered, they refuse to consider a commitment to greater aggregate inter-building distances to ensure they are never encountered.

I am greatly disappointed that the City Council did not take the opportunity this summer to address a City wide plan for approving future developments amongst and around these interstate natural gas transmission pipelines. Among the attached documents is yet again the 85 page document published this year (2015) by the US Department of Transportation Pipeline and Hazardous Materials Safety Administration and the Federal Emergency Management Administration titled "Hazard Mitigation Planning: Practices for Land Use and Development near Pipelines." Since I strongly suspect few on the APC or Council found the time or desire to read this document in its entirety, I will again quote some key aspects demonstrating that municipal governments have not only the right but the responsibility to their communities to influence development around these large diameter, high pressure interstate natural gas transmission pipelines.

"Very few State or local governments use their land use and planning authorities to specifically address development encroachment on pipelines or to focus on health and safety concerns for populations located near pipelines. Use of land management tools to regulate development provides an increasingly important method for addressing these concerns, especially in areas with rapidly expanding

urban footprints that have existing transmission pipeline infrastructure.” (FEMA p. 11)

“pipeline accidents do occur, and the impacts to the community can be devastating” (FEMA p.15).

“Although past developments cannot be changed, they can serve as good examples to inform future decisions. Local governments are encouraged to review existing land use and development next to transmission pipelines to identify scenarios where better design decisions could have reduced risks.” (FEMA p.62)

Through the summer I had discussions with several Councilors regarding the original PUD request and my concerns about these interstate transmission pipelines running through the heart of our once rural but now rapidly expanding City. I repeatedly heard “We’ve never had a problem” and “I just don’t think the risk is that great.” Unfortunately this is illogical naivety and represents magical thinking. San Bruno, CA had “never had a problem” with their pipelines until the 2010 explosion in a 30 inch transmission line destroyed 38 homes (mostly due to house to house spread of fire), damaged 53 more and killed 8 people. In my opinion, the most frightening part about the San Bruno experience is that the final cause of the explosion was determined to be a defective weld from a repair job performed in 1960. It was a full 50 years later before the explosion occurred. The risk of such an explosion cannot be controlled by the City or ever fully eliminated. The significance of the consequences of such an explosion can be mitigated however, by not cramming compactly spaced residences in between multiple such pipelines so that each house is exposed to the hazard area of multiple pipelines! Clearly, leaving the land undeveloped poses the least risk to current and future citizens as it has fewer people sleeping a mere 50 feet from the pipelines. More importantly for the council and APC to consider, however, is that you can protect the current and future citizens by giving the current proposal an

unfavorable recommendation and voting no to the ordinance as it comes before the City Council. The current zoning precludes this abysmal plan to place structures 50 feet from all 4 pipelines and 10 feet apart from one another.

Representatives from MI and some City Councilors and APC members have voiced that the current petition has higher construction and home size standards than the current minimum SF2 requirements, and thus should be embraced. As I expressed in a previous correspondence, I find this approach of “it could be worse” to be both insulting and unrealistic. I firmly believe the restrictions of the 4 pipeline right of ways and the costs associated with developing on and around the easements make the chance that minimum standard SF2 homes will ever be built on these parcels exceptionally miniscule. Even if the land were free, the combination of SF2 lot size restrictions with easement restrictions as the pipelines angle through the property significantly limit the number and location of possible home sites, making it substantially more likely that a developer will seek alterations requiring APC and council review and approval, or will necessitate a higher price point of dwelling to recoup costs of development. If the zoning is kept SF2, we as a community will have a much greater chance of eventually obtaining a proposal that will be more compatible with infill requirements of the UDO, less offensive to the community and put fewer citizens directly in harm’s way.

The most disturbing part of this process of revisiting this proposal with an attempt to gain a favorable recommendation is the ***appearance of impropriety*** of MI asking for a “redo” in exchange for placing \$250,000 in an escrow fund for potential city use toward land acquisition or roundabout construction. If the APC changes the recommendation from unfavorable to favorable at this point, regardless of any other underlying justifications or reasons, the message the action will send is one of two equally disgusting and unacceptable options. It will either

- 1) tell all future developers that the approval of the city is for sale, and that if one gets an unfavorable recommendation there is now precedent to

resubmit the application with some money in a separate proposal for the city to use as it chooses and you can buy your approval

- 2) Or, it will send a message to developers that Westfield has decided it is acceptable to coerce and extort payments for other projects in order to develop in Westfield.

There may be legal question as to whether the City could even ever demand payment to this escrow fund, as the proposed contract clearly ties the payment to approval of zoning changes and permit issuances. As such, it smells of running afoul of the Nolan-Dolan test as an “unlawful taking” by the City, especially since it was not included in the original proposal which received an unfavorable recommendation from the APC and was withdrawn before consideration by the Council. As such, I implore you to keep the integrity of our city intact for future interactions with developers and again advance the proposal with a now unanimously unfavorable recommendation and for the Council to vote no on the ordinance if it reaches them.

As before, I thank each of you for your time and service to our community. I welcome the chance to speak to each and any of you regarding further concerns outlined in the multiple other correspondences I am sending under separate email. I respectfully remind you that you have no obligation to grant such a rezone request to a developer, but do have an obligation to the community. The decisions you make now will affect our community for decades to centuries, and I trust you will give your choices the weight they are due.

Sincerely and respectfully,

Michael D Miller

AUTHOR: Paul Thompson
DATE: December 7th, 2015
SUBJECT: Proposed MI Homes development at 161st and Oak Rd

Hello,

My name is Paul Thompson. My family has lived at 2110 Oak Woods Lane for almost 20 years. Our children graduated from Westfield High School and I have a small business here in town, located in the old lumberyard complex across US 31 from the high school. I am writing regarding the development that MI Homes is proposing at the corner of 161st Street and Oak Road, which sits at the entrance to our small neighborhood.

We have a modest 80 year old home on 4 acres. We are not wealthy and our house is not large or impressive. We live in a neighborhood of 8 to 10 homes, depending on which homes are included in the count. We moved here because of the peaceful setting and have always enjoyed the rural feel of the area, but we have realized that sooner or later the woods and farmland surrounding us would be developed in some manner.

Earlier this year when the property directly west of us at 161st and Union was approved for development, we were disappointed but did not complain or protest because we were told some of the character of the property, beautiful wooded and rolling land along Cool Creek, would be preserved. I walked the property with the developer and he told me that a good share of the large trees along the creek would be spared. Over the past few weeks the property has been almost entirely stripped of trees nearly to the creek's bank and the land itself has been changed in ways that would make a strip-miner blush. We have been told that the houses in the new neighborhood will be for empty-nesters, a demographic that won't add more students to our school system. But when I asked the developer to define what an empty-nester neighborhood is, his description sounds pretty similar to a description of small starter homes. It just sounds better when you're trying to get zoning approval. Target home values are only estimates, and the actual selling price for these homes will be determined by the market, not by the developer's marketing staff.

So we already have 60 small homes being built directly west of our neighborhood. Now MI wants to add another similar development a block away in the middle of neighborhoods that seem unanimous in their disapproval of the development. When we moved to Westfield I was discouraged at the lack of any cohesive plan for development, and it seemed there was no consideration for the homeowners who already lived in an area when contemplating development of a new tract of land. Since Westfield has become a city there has been a change from those disjointed decisions, and the embarrassment of having western areas of the town threaten to request annexation by Carmel has been largely forgotten.

Why does it seem that we are headed back to our former ways after several years of progress and rational decisions?

I understand the need for additional tax dollars, but the council is smart enough not to be taken in by the claim that these homes will be occupied by 60 new empty nester couples in addition to the other 60 empty nester couples moving in just down the road. After a few years, many of these homes will become starter homes and rentals, adding more costs to our schools that the taxes on those home will not cover.

This is a piece of property that is hard to develop because of the pipelines running through it. But it seems that shoehorning a development that no ones wants into this property just because a developer is willing to snap it up makes no sense especially in light of the fact that a similar project is blossoming just down the street. Won't this new development prove to be a competitor to the existing Pulte development, which will drive down prices in the short term and drive down tax dollars in the long term?

Please consider the desires of surrounding homeowners as you decide the future of this property. There will always be more development proposals, but once you move forward with one, we're committed to the direction you have chosen.

Thank you for taking the time to consider this matter. I appreciate the hard work you do, often with little thanks. Our growing city is blessed with good and faithful leaders.

Sincerely,

--

Paul Thompson

2110 Oak Woods Lane

Creative Solutions / Duralok

pthompson@duralok.com

Cell: 317-443-6169

Office: 317-867-0990

AUTHOR: Susie and Randy Tatum
DATE: December 7th, 2015
SUBJECT: Tamarack

Dear Town Council, APC members, and Mayor Cook,

We have left several meetings regarding the proposed Tamarack subdivision, feeling completely unheard. We are extremely opposed for the following reasons:

This is a beautiful road in an area known for open spaces, trees, horse farms, and unique homes – some small and rustic along with custom homes. Residents truly care for and have fought hard to keep our community thoughtfully planned. While we understand that this land will be developed, we are opposed to a production housing project with 53 cookie cutter homes, sitting on tiny lots, with only 10-15 feet between them. Anyone driving down Oak Road or 161st Street, will see the non-landscaped, rear views of look-alike houses built on either side of three gas pipe lines. It will be an eye-sore to residents who truly care for our beautiful community on Oak Road. Tamarack doesn't fit with any of the surrounding neighborhoods – north, south, east or west. Although this is called an empty nester sub division, it could just as easily be low income starter homes with additional students to add to our already burgeoning school system.

With 53 proposed new homes across the street, we will have at least 106 additional cars traveling Oak Road and 161st Street. Traffic is already very busy, making it difficult and sometimes dangerous to pull out of our driveway onto Oak Road. With three additional new developments in the surrounding area that are not yet completed, we are looking at a very congested scenario.

These homes are proposed to sell for **\$300K or less** and will surely bring surrounding property values down. We have a glut of new home construction in the \$250K - \$300K range in Westfield. With a 1% tax on homes, Westfield cannot support our infrastructure if we continue to build homes in this range. I understand from numerous sources that we need more new homes in excess of \$450K to support our schools, roads, and employees. Custom homes of a higher value would be an asset and would be supported by the Tatum family and our neighbors.

We can do better than what MI has to offer. We understand that this land will be developed, but don't understand why there is no compromise. Other than MI Homes and certain Westfield officials, there are NO residents, that we know of, who support this development. We would like to see larger lots and higher value, quality homes that will enhance this area, not devalue it. We want to be supportive of what is built across the street. We will have to look at it every day and

want a high quality neighborhood that will enhance everyone's property value and be an asset to our community.

Tamarack will have a negative impact on OUR neighborhood. We are the people who elected you to your positions. Please listen to us, your constituents and reject Tamarack.

Thank you.

Susie and Randy Tatum

16250 Oak Road

Westfield, In.

AUTHOR: Roy Maynard
DATE: December 7th, 2015
SUBJECT: Re: Tamarack Community Impact Concerns - Ord. 15-14

Dear Jeffrey, APC:

I am sure you have received much feedback from the surrounding neighborhoods against the proposed Tamarack Community. Rather than recount the litany of issues with the project, I feel Ken Kinghill summarized the situation beautifully when motioning to forward this ordinance to you with a negative recommendation. The builder has done a lot to pretty up the homes and provide a good product but it is a product that does not fit the surrounding areas. As a realtor/broker, his opinion should be considered dutifully.

While there is nothing wrong with these homes, shoehorning them into a neighborhood currently zoned for lower density housing (SF-2) is not the correct action here. Westfield has spent much time in creating a comprehensive plan. Abandoning that plan for every 50 unit subdivision proposed will open the town to a hodgepodge arrangement with no cohesive flow to the town. The Tamarack proposal isn't really the type of neighborhood that lot should have with all the pipeline restrictions, and surrounding large and acreage lot homes. I have no doubt that a lower density neighborhood will be proposed in the near future. Both Langston and Estridge have similarly sized projects currently underway in the same area which would be much more suited for this lot location and all its unique constraints.

The community is looking for a solution and is willing to work with MI to find a compromise if possible. For example, I feel the neighborhood would accept units that look similar to the houses MI is building where they introduced the proposal to the community. Those homes are on larger lots with side load garages (same models).

Sincerely,

Roy Maynard & Family

Oak Manor

Author: Alfred Nelson
Date: December 7th, 2015
Subject: Tamarack PUD

Letter:

Dear Plan Commission and Council Members, I am writing today to inform you that after reading the revised proposal for this PUD my position, similar to the proposal, has not changed. All of my previous correspondence, objections and comments remain. There are portions of Westfield that need to remain as they were intended. Oak road is one of those areas. Please preserve the character of this area today and in years to come.

It is an insult to the city and its residents that this developer would come back to you with the same rejected proposal and expect a different outcome with only a promise for \$250,000 in road improvements as incentive. If this developer would like to get serious about a development that fits the surrounding area and preserves the Oak Road Corridor, I am certain the residents would support it. Please do your best to make that happen.

Thank you.

Al Nelson
Oak Manor
317-848-0754

Author: Guy Markusfeld
Date: December 7th, 2015
Subject: Tamarack development

Letter:

Dear Westfield City Council, Planning Commission and Mayor Cook,

I am surprised that this proposal is being considered again, with no changes to address the communities concerns.

My greatest concerns are: The small lot size, min. 9000 sq ft or 70' X 128'. The number of lots crammed into the build-able spaces. This also does not allow for a buffer mound the size of Oak Manors that would create continuity or privacy along oak road and 161st St. If houses could be built as little as 10' apart, it would not be conducive to this area.

The lot size must be a point of embarrassment for M/I Homes. In the meeting with Jon Dobosiewicz and the representatives from M/I homes, on three different occasions they would not answer the question of lot size in the public forum. After the meeting I asked Ann Kloc (M/I representative) the size of the lots. She said the "average size was approximately 10000 sq ft" but did not mention the minimum. I asked Jon Dobosiewicz in an email to clarify this information. Below is his response.

"The smallest lot size permitted is 9,000 square feet. Lot sizes will be between 9,000 and approximately 24,000 square feet in size. The lots served off of the oak road entrance are generally larger. We do not have an average to provide."

Admittedly 10,000 sq ft is between 9,000 and 24,000 sq ft but a bit misleading. I am going to guess there will be a lot more 9,000 sq ft lots then 24,000 sq ft lots. They will not state these dimensions in acres, so let me.

9,000 sq ft = \approx 20 acres

The average plot size between 171st St. to 151st St. and Carey Rd. to Union St. is 1.8 acres.

1.8 acres divided by \approx 20 acres = 9 Tamarack lots fit into the average plot size in this area.

These numbers include Pines of Westfield and Oak Manor.

I believe this illustrates just how out of character Tamarack lots sizes are in comparison with the surrounding area.

Thank you, respectfully.

Guy Markusfeld

Author: Jay and Teresa Park
Date: December 7th, 2015
Subject: Tamarack PUD petition @ Oak Road and 161st St.

Letter:

December 7, 2015 12:08 PM

Westfield Washington Plan Commission and Mayor Andy Cook:
Tamarack subdivision proposal (M/I Homes SF-4 PUD project at 161st and Oak Road) does not fit the Comprehensive Plan that was a long and expensive process of insuring that the development that we all knew would happen would occur with a logical intent rather than random petitions. It certainly does not fit the density of the surrounding developed areas. It is the responsibility of the governing bodies to protect the property values of citizens that have already invested in a community and not be bribed by an individual developer. We thank you for turning down this proposal knowing that something much better will come along in the near future as demand for quality residency in Westfield continues to increase.

**Drs. Jay and Teresa Park
15525 Oak Road**

Author: John Boyer
Date: December 7th, 2015
Subject: RE: Tamarack PUD Project-Updated Revision

Letter:

City of Westfield Administration,

Tonight the Tamarack PUD is coming back before the APC for "public comment". As you are aware, the APC gave it a resounding REJECTION vote by a 5-2 margin the last time it came forward. As far as we understand, the proposal tonight is the same with a change of adding 3 additional lots with the addition of obtaining one small parcel along the southern perimeter on 161st. Street. From the perspective of the "value" of this change to our community, it only makes it LESS PALITABLE, in that M/I Homes is offering MORE of what the APC of Westfield DOESN'T WANT.

But like they say in late night telemarketing of food processors, etc, "BUT WAIT, THERE's MORE. The "MORE" is a \$250,000.00 "Sweetener" to the city of Westfield to overlook the product the APC has already said they DON'T WANT. To the APC, that shouldn't make any difference, because a Quarter of a Million Dollar "BONUS" shouldn't have any impact on the parameters of the project that the APC should be considering.

But for the City Council, it's a DIFFERENT STORY. Here's a \$250k "windfall" to "sweeten up the project". After all, they're responsible for the "bottom line" in the city, and a project that brings in another \$250k might not be so bad after all. Getting \$250k into the city coffers just to make the highest-quality neighborhood in Westfield have to accept a subdivision of lower-standard manufactured homes sounds like a pretty easy pill to swallow. I guess the answer to that could be "That's NOT MY NEIGHBORHOOD, so I'll take the \$250k, THANK YOU VERY MUCH.

This property is part of the farm land east of Oak Road that developers have watche for the last 20 years with the hopes of adding a "mega-subdivision". Our homeowner's association, Washington Township Neighborhood Trustees-SE (WTNT) was in fact formed 25 years ago to try to help fight such a "mega-subdivision", given that virtually all of the existing residential area consisted of AGSF-1 properties consisting of 3-5 acres each. We were able to help defeat such a development that had over 300 homes that were "substandard" to the quality of homes already existing.

When Westfield was still a "town", city planners had the foresight to propose the establishment of a "Comprehensive Plan" to establish "continuity" between newly-proposed developments and existing neighborhoods. This prevents a "hodge-podge" of mixed-quality neighborhoods that hurt property values of existing homeowners. Thanks to the Comprehensive Plan, high quality neighborhoods such as Brookside, Bridgewater, Oak Park, Oak Manor are all clustered in our SE Quadrant of Washington Township, and ALL were well-received by our neighborhood when their proposals came forward before the Planning Commission and Town council. Langson's Oak Manor was built in the "usable" portion of the property on the east side of Oak Road, and the area now proposed for Tamarack was not included because of the high percentage of "exclusion zones" required for the pipelines.

Other from our neighborhood speaking before you tonight are addressing many of the other undesirable qualities of this proposal, so I will end with this statement.

"It was objectionable to the APC before, and now it should be even MORE objectionable, and the \$250k "sweetener" added should NOT affect the appropriateness of this dense subdivision of manufactured houses in an area surrounded by the highest quality neighborhoods in Westfield.

John Boyer
WTNT President

Author: Ron and Tammy Loera
Date: December 7th, 2015
Subject: Tamarack Development Proposal

Letter:

Dear Advisory Plan Commission Members,

My Wife and I are residents of Oak Manor and we respectfully request that you again reject the Tamarack Development Proposal for 161st and Oak Road.

This proposal, including the latest revision, fails to meet the most fundamental guidelines of the Comprehensive Plan.

- The design standards of the proposed development are not consistent with the surrounding neighborhoods.
- This proposed development continues to be an abrupt change in housing scale, mass, and material.
- This proposed development does not compliment the existing adjacent neighborhoods.
- There continues to be monotony issues. The side and rear exposures seem to be very similar in nature to each other.
- All of these noted issues would negatively effect the character of the existing neighborhoods.

If M/I Homes does not want to make meaningful changes to address these concerns, our community should wait for another proposal that would be a better fit. This is a unique property that may have some challenges but that should not force us to hastily choose a less than acceptable proposal. Given the popularity of our growing community, it would seem likely that other proposals would be forthcoming.

Thank you for your consideration.

Respectfully:

Ron and Tammy Loera
16405 Oak Manor Drive
Westfield, IN

Jennifer Miller

From: Alexander, Todd <talexander@fdbhealth.com>
Sent: Monday, December 7, 2015 5:02 PM
To: APC; Council Members; Andy Cook
Cc: kyda@aol.com
Subject: Current Residents Ask You To Deny M/I Home's "Tamarack Planned Unit Development (PUD) District" Proposal

December 7, 2015

Dear Advisory Plan Commission Members, City Council Members, and Mayor Andy Cook of Westfield:

My wife and I (Todd and Kyle Alexander) respectfully ask you to deny M/I Home's zoning request proposed as the "Tamarack Planned Unit Development (PUD) District", leaving the current zoning as planned "SF2: Single-family Low Density District".

Our primary reasons for this request include:

- (1) Potential loss of property values with the proximity of lesser valued homes and the increased population density in general,
- (2) potential loss of the rural setting and enjoyment we obtain from the beauty of our current view,
- (3) and the loss of peace-of-mind with an increased risk of property damage or personal injury due to construction and homes built so close to a large natural gas transmission pipeline.

Item (1) is a common concern that has been expressed by several in the community, including ourselves.

Item (2) is more personal. Kyle and I both were raised in open, rural areas. After living in Westfield for 8 years, we carefully planned and selected our current lot because of the setting it provided and have enjoyed it for over 12 years. However, we completely understood that development would occur in the area under discussion, but believed the area would contain a smaller number of homes—because of the zoning (plan) and regulations that limited development due to safety concerns regarding the natural gas pipeline.

Of course, all of these concerns are motivated by our own self-interest and preservation of what the two of us value; however, item (3) extends beyond the view from our back yard—it encompasses the duty of ensuring the safety and just treatment of others—those who move into the proposed development.

Kyle and I weighed the risks of building so close to the transmission line—making sure we had enough separation—and for years have not given it much thought.

Until the San Bruno pipeline explosion. Even though it was more than 2000 miles away, it hit home with many of us here in Westfield and nearby communities. Until recently, the corporate headquarters of my employer of 25 years was located in San Bruno, CA. While no one in the organization was injured in the explosion, we all felt the impact—some literally. All of us were affected in some way or another.

We gave it more thought more recently. We attended the developer's session last Monday evening and were surprised by the answers we heard from the land use professional. He (nor anyone else on the development team) could answer the basic questions of:

"Who operates the pipeline?"

"What is the diameter of the large main line?"

"How deeply is it buried?"

Further questions such as “What is the pressure?” or “Has the odorant been added to any of the lines?” were not posed as it appeared the representatives would not know. However, he did assure us that the minimal distance between the homes and the line met the necessary standard. (Was this Panhandle’s right-of-way minimum?)

It was not clear what the standard was, who the authority was that set the standard, and whether all guidelines and regulations have been met.

Our concern for our own safety would peak during construction; however, we would remain on “heightened alert” indefinitely as several families move in.

Our home all brick and is more than 250 feet from the line. It appears that the plans have several homes between 50-75 feet from the transmission line. Should a rupture occur, how safe will the residents be? Do they understand the risk? Do they and the developer recognize the fact the closer you are to the pipeline, the more noise you hear? (We did explain this at the meeting last Monday. It’s similar to the sound a tractor engine makes—not a hissing or flowing sound you might expect.) Will this go undisclosed until the residents move in?

Please give these issues serious attention as you make your planning decisions—they will impact several current residents as well as all residents of the future.

Sincerely,

Todd and Kyle Alexander

16437 Oak Manor Drive
Westfield, IN