

Exhibit No. 2019-09-04-PC1

Presentation on East Gate R2- PUD Proposal - September 4, 2019

I am NOT opposed to annexation of the subject property NOR am I opposed to sensible and managed town growth and development.

The vision as proposed by many Concerned citizens about town growth is that the town should adhere to its own ordinances in building size and setbacks, to provide open spaces, to maintain the town character dated back to its founding in 1837 - or as it says on our town web site - "St John is a well planned community".

Listed are questions and concerns I have regarding proposed rezoning for Gates - East, none as far as I know have been answered. Why after 18 months of discussions, is it now an urgency to both approve this re-zoning and to pre-approve and post date an annexation agreement? A few thoughts that crossed my mind:

1. is there a Federal, State or Local Government issue here such as available grant funding, affirmative action or inequality issues or the like?
2. Is there a financial reason or as of yet another undefined reason for the town to grow quickly, for the town to bypass its time proven zoning and annexing processes that has not be brought to light such as a inclusion in a different state classification or category benefiting St John or its leadership?
3. Is the developer facing some sort of compromising issue of funding, of a legal time line to meet, of partnership agreements that mandate quick resolution?
4. Is the developer simply concerned that as this Plan Commission and Town Council end their term at the end of the year, incoming commissions and councils will not be so supportive and unquestioning of their proposals and be less responsive than current leadership.
5. Is someone benefiting personally as a result of this action? Or perhaps, unfortunately, something nefarious or despicable?

The Town Comprehensive plan shows the town growth south in two phases. There is now reason to revise the comprehensive plan and grow East, BUT the suddenness of this raises so many questions. Has the Plan Commission taken the time to update the Comprehensive plan with such sizable growth to the East, not only just East of Kline, but also further East where many hundreds of other new homes have been approved. These homes and the many hundreds of new citizens they bring will have considerable impact on the town. This should be studied in a comprehensive way and shared with the citizens.

The incorrect hook up of a sewer line for which the Town Council values at \$3.3 million dollars was under advisement for months. Did the Plan Commission have any role in that? Was this inept action the results of a town employee or a hired bonded and licensed subcontractor? Has the Plan Commission assisted in determining legal actions and preventing future such easy to avoid mistakes?

Whatever the reason for the fast track what is known with certainty is that rushing a project of over 600 homes on both town land and non-annexed land by asking the town to waive critical ordinances and create the obvious overcrowding of this neighborhood is not a positive thing for the town. To short cut

and fast track zoning and ordinances is froth with danger, of overlooking serious deficiencies, of missing shortcomings and obtaining incomplete analysis resulting from re-zoning. The Plan Commission has an obligation to fully review the project in total, not in pieces, of exercising its responsibility for "zoning ordinances; preparation and consideration of proposals (IC 36-7-4-603).

Item 2 of the agreement between the developer and the town implies that the town will make best efforts to implement the annexation and zoning changes, and item 6 states clearly the Plan Commission "will take all reasonable, lawful steps pertaining to the rezoning" further implying that the Plan Commission is expected to vote in favor of the developer.

Sure, it was confirmed at the Town Council meeting and the last Plan Commission Study session that Council members and Commission members are not under any obligation to vote in favor of the proposed R2-PUD, but any of us living in the real world understand the bias of and personal pressure created by the words of the agreement and possible impact this has on someone's decision making and their perception of the consequences regardless how they vote.

I respect this developer as a keen businessman driven to maximize his profits and understand him as he pushes the ordinances to mold growth in our town to his own advantage. It would be more difficult to respect the Town Council or the Plan Commission if they appear to compromise their responsibility to enforce our established zoning and ordinances. They would be forfeiting their leadership and management obligations if they let a single developer in an attempt to change the characteristics of the town push the envelope of our town ordinances, waiving the long established building and zoning code limitations supported in overwhelming numbers by the town citizens.

it is important to restate sec 24-423 (c) of ordinance 1483 - **"The PUD standards are intended to strengthen public control over development while providing the necessary latitude for the owner and developer to make creative and efficient use of their property"**. I ask that each Plan Committee member remember this definition especially the part about "**strengthen public control over development**". Approving 3.26 unit density, no green spaces, no offer of road improvements, request to waive 2 major building ordinances are not an examples of strong public control, rather they are classic examples of developers run wild. Leadership comes forth from responsibility, not from the whims and wishes of a single profit driven developer.

In Conclusion, an R2-PUD classification is not in and of itself bad or destructive. As evidenced by this and prior Plan Commissions, St John has many successful R2-PUD developments with the winding streets, open and green spaces, homes which meet or exceed the Town's minimum square footage and setback ordinances, those characteristics which have become hallmarks of the desirability of our town and reflect thoughtful, well planned growth and managed development. My family moved to St John because of these qualities and we selected an R2-PUD for ourselves which have these values.

Unfortunately an R2-PUD zone classification can also become a caustic environment for any community if left to the whims, wishes and benefits for a single business entity. If the Plan Commission and town let individual developers decide what is best for the town, if the Plan Commission does not do its due

diligence in upholding and supporting its own ordinances on building size and setback requirements, but rather grant IMMEDIATE and ALL ENCOMPASING waivers to these and other items they relinquish their leadership and administrative responsibilities to the developer who then is seen as "making the rules" that govern the town. Instead of the open spaces and consistent ordinances we see now, there is a real possibility this proposed R2-PUD with its already compromised specifics will lead, not to the St John we now know, but create areas that look more like row houses and tenements.

I ask that this Plan Commission tonight REJECT the R2-PUD as presented because:

1. its housing density per acre is significantly higher than most everywhere in town and uses the R2-PUD zone in the worst possible way to cram maximum units into minimum space - an outcome clearly contrary to the letter and intention of the comprehensive plan and a serious deviation from all that is St John. This plan calls for maximum home density and no or absolute minimum open spaces that is so contrary to all that is St John.
2. The developer is poised to make windfall profits of almost \$2 million dollars on JUST THE additional 104 homes increase between a more typical R2-PUD development with per unit density of 2.3 and this option for an increased density of 3.26. Yet his attorney boldly stated that there are no plans to address the new traffic in the area, no commitment for parks, minimal to no new open space.
3. it allows waivers on all side lot setbacks from 10 to 6 feet, perhaps providing the precedent for future developments to also have sub-ordinance side lot setbacks.
4. It permits 100% of its homes to be built smaller than our minimum square footage ordinance, perhaps providing the precedent for future developments to also have sub-ordinance size homes.
5. This Plan Commission has called other developers to task - a few come to mind like the proposed car wash on 92th, the Shops of 96, Three Springs among others where the Plan commission showed it could review, analysis and debate specifics, request return visits to clarify issues, to make changes to plans to provide the town a better development within established codes.
6. This project has been under study for at least 18 months per the Plan Commission. Why now is there such urgency that this property be rezoned NOW. Is there some Federal, state, or local reasons not shared with us?
7. There is an implied responsibility to look at zoning in a comprehensive way. The Plan commission has many examples of rezoning parts of a development into phases and to address each phase as a separate re-zone request. YET IN EACH CASE TO DATE, THE ENTIRE SCOPE OF THE PROJECT IS WITHIN THE TOWN AND THE TOWN HAS FULL JURISDICTION on the subject property. In this case, it would not only be imprudent, but wrong to make a zoning change to town land only to find out later proposed complementary annexation does not happen as expected.

I strongly encourage and REQUEST this Plan Commission do not approve this R2-PUD as it now stands and to **defer any decision on rezoning these parcels of land until the entire 218 acres in question are fully annexed.** At that time the entirety of this PUD request, its full impact on the community, its precedent setting waivers, its ultimate benefit to the community can be accurately evaluated. Anything less such as approval of just 1/2 the proposed finished project as offered tonight without the second 1/2 being land not annexed nor controlled by town at this time. How could the Plan Commission in good

conscience approve just part of a project not having the authority to act or pass judgment on land beyond its jurisdiction?

I do support controlled and managed growth, I do not support a controversial partially baked, drastic concession burdened proposal, financially biased project like this one which will benefit a single developer at the expense of every town resident.