



# Meeting Minutes

*Whitestown Plan Commission*

**Date:** May 12, 2014

**Time:** 6:30pm

**Location:** Boone Meadow Elementary School, 5555 S Main St, Whitestown, IN 46075

## Call to Order

6:38pm

## Pledge of Allegiance

## Roll Call

- Mark Worthley, President
- Clinton Bohm, Vice Pres
- Dennis Anderson (absent)
- Jason Lawson (absent)
- Mike Roberts
- Greg Semmler
- Josh Westrich
- Staff:
  - o Deborah Luzier, Town Planner, GRW
  - o John Molitor, WPC/WBZA Attorney

## Approve Agenda

1. May 12, 2014

*Motion to approve agenda by Worthley. Second by Bohm. Motion passes unanimously.*

## Minutes

2. April 14, 2014

*Motion to approve minutes by Bohm. Second by Worthley. Motion passes unanimously.*

## Old Business – Public Hearing

3. **Docket PC14-010-CA - Transportation Plan Amendment.** The Commission to consider an amendment to the Transportation Plan that removes the proposed extension of 500S between S Main Street and 800E.
  - a. Staff Recommendation – Luzier.
  - b. Public Discussion –
    - i. Andrew Mehlop, 6790 E 525 S – I am opposed to removing the 500S extension from the Transportation Plan. The town needs to look carefully at their plans as they apply to the area. If we continue to increase the population, then it doesn't make sense to remove roads. 500S isn't a logical east/west corridor. I suggest that 550 S be extended as an

- alternative. 500S is a boundary road between Zionsville and Whitestown. With regards to 525S, I propose that the intersection with 525S be closed when S Main St is extended. 525S is not in a condition to act as an east/west corridor.
- ii. David Compton, Pulte Homes – I am in favor of removing the 500S extension from the Transportation Plan. There are better alternatives. The most recent 2013 Transportation Plan has upgraded many roads in the area. The 500 S extensions is not part of the long-term Transportation Plan. 550 S would be a better east/west corridor.
  - iii. Brad Kallmyer, 5053 S Main St – I agree with comments by Compton and Mehlop. The Transportation Plan shows 500S erroneously as an existing road. With the upgrades to S Main St, it doesn't make sense to keep it. The extension is also tied in to the Harvest Park development, which would have to dedicate half the right-of-way if it's left in. We can't leave area residents in the dark about the town's intents.
- c. WPC Discussion
- i. Bohm – Can Staff elaborate on the recommendation? And are there traffic counts for this area?
  - ii. Luzier – the road was erroneously listed as “existing” in the plan, the Harvest Park development would provide the connection in this area, and other roads are outside the jurisdiction of Whitestown. Traffic counts are being done as part of the impact fee study, but I don't know that they've been singled out for this area per se.
  - iii. Semmler – have we gotten feedback from Zionsville?
  - iv. Dax Norton – Per Councilman Tom Schuller, 500S is not in Zionsville's plan. We have discussed a 550S extension with them as well. We have been thinking of this for a long time.

*Motion to approve the amendment by Worthley. Second by Bohm. Motion passes unanimously.*

## **New Business - Public Hearing**

4. **Docket PC14-016-ZA - Zoning Amendment - Wrecks property I2 to R3.** The petitioner is requesting approval of a Zoning Amendment from I2 - General Industry to R3 - Medium-density Single-family and Two-family Residential for the purposes of a 232 unit subdivision to be known as Timberstone. The subject property contains 95 acres and is located at 7238 S Indianapolis Rd, on the west side of Indianapolis Rd, north of 750 S. The property is classified as Medium Intensity Residential (1-2 units/acre) in the Comprehensive Plan. The petitioner is Westport Homes and the owner is Wrecks, Inc.
  - a. Presentation – Mike Andreoli, attorney for petitioner. Distributes letter of support from Traders Point Church as well as an updated concept plan. The staff report is thorough, so I am only going to hit on the main points. We are requesting R3 zoning for 1.75-3.0 dwelling units/acre. The jurisdiction change from Boone County to Whitestown causes some discrepancies between the Comp Plan land uses. This is not part of the original Wrecks junkyard site, which is to the north. We have options on the property to the north, though. The site has access to 750S and Indianapolis Rd. The Transportation Plan calls for 600E to extend to Indianapolis Rd. We are willing to dedicate 40' half right-of-way for this extension of 600E. The Staff Report discusses surrounding zoning and land uses. Eagles Nest subdivision is to the south. The concept plan filed shows 232 home sites on the 95 acres. There are easements and drainage issues on the current site. The revised concept plan shows 212 lots. We are willing to commit to no more than 220 lots on this parcel. This is a 2.31 units/acre (212 lots is 2.23 units/acre). We've proposed entranceways off of Indianapolis Rd and 750S. We will also have a stub road to the north as requested by Staff. We have shown a 40' right-of-way and a 60' setback along the western boundary. One of the Staff Report conditions was that we construct 600E – we cannot afford to do this. We have adequate

access off of Indianapolis Rd and 650S. We are fine with the other conditions proposed by Staff. We may request a waiver from the bufferyard requirement to the north. We have aligned our entrance on 750S with that of Eagles Nest. This is win/win for the community. There may still be some environmental issues with the property to the north, but we're not aware of any issues with the subject site. I think that residential uses are more favorable than heavy industrial uses for this area.

b. Staff Recommendation – Luzier.

c. Public Discussion

i. Mike Farrell, industrial property owner to east/southeast – There is some misconceptions that I want to clarify. Property to the east is zoned industrial. I have made improvements to the property in anticipation of industrial development in the future. This corridor has been set aside for industrial use and I haven't seen any new houses go in. The proximity to the interstate makes it unviable for residential development. Increased traffic in this area will cause problems. There's a legal drain through the subject property that has not been addressed. There are wetlands on the site and very poor drainage in the area. A 60' buffer should be shown on the east side of the site like the other sides. Residents should recognize that there is business and industrial zoning adjacent to the east side of the development. I have summarized the letter that I submitted to the file.

ii. Kallmyer – there are some environmental issues that may be relative to the development of the site. I am a chemist and have a background in heavy metals analysis for the EPA. I also have training in environmental medicine. With this background, I can relay some of my concerns. The Wrecks junkyard site was cited for environmental issues and remediation was required back in 2007. The issue was created by cars sitting on the site for many years. Leaded gasoline, radiators, batteries, etc have leaked on the site. Lead is a heavy metal that can persist in water and soil for years. Where does the run-off go from the Wrecks site? I think that some testing should be done on the subject site before residential development is approved for the site.

iii. Worthley – what would a report for this site need to contain?

iv. Kallmyer – I think you would want both surface and subsurface sampling for the subject site. ATC, an environmental consulting group, looked at the Wrecks site back in the mid 2000's. I spoke with Greg Inman at the BCHD and there is info on the Wrecks site, but not necessarily on the surrounding properties.

v. Kevin Russell, 6123 Golden Eagle Dr, Whitestown Councilman – Any environmental issues on this site need to be addressed and resolved. As soon as the county permitted Eagles Nest to go in, the potential for industrial development in this area ceased. The nature of the area changed significantly.

d. Rebuttal

i. Andreoli – we have looked into the environmental concerns per the IDEM reports. IDEM has jurisdiction on this issue. We are working with them to ensure that any environmental concerns on the subject site are not an issue. Someone could come in tomorrow and put in a heavy industrial project without any other approvals – and they would also face the environmental issues. Drainage goes to the north, but some comes to the south. Drainage will be addressed in the platting stage and drainage in the area will ultimately improve. Solving drainage issues will be our focus during the next step in the process. Your ordinances have gotten stricter over the years in order to improve development. We provided a concept plan to show you that the site can indeed be developed. We have a lot of work to do before we come back to you with a plat. Farrell owns property that is in Zionsville's jurisdiction with "urban business" classification. This is a good transitional use

between the development and Indianapolis Rd. We are proposing a retention pond to further buffer the residential use from his business site.

e. WPC Discussion

- i. Bohm – can the Town Manager address the transportation concerns for this area?
- ii. Norton – transportation issues have been brought up quite a bit. We are currently doing research for road impact fees as well. There is potential funding available for intersection improvements to Whitestown Pky and Indianapolis Rd. INDOT controls the interstate and the interchange. INDOT indicated that due to the growth, the I-65 overpass will be examined for potential improvements. These improvements will have a significant impact on traffic in the area. We are moving forward with funding improvements to 600E (south of Eagles Nest to 750S) as well as repaving 750S from 600E to Indianapolis Rd. This will not be a reconstruction, but basic improvements. These roads aren't county roads any more.
- iii. Worthley – Andreoli, why do you believe that the WPC should not be worried about the environmental issues that may be associated with the property?
- iv. Andreoli – we've looked at the site and do not feel that there are environmental concerns with the subject 95 acres before you tonight. IDEM has been involved in the Wrecks site for many years. Remediation has been occurring on the Wrecks site since 2007.
- v. Worthley – has any testing been done on this site?
- vi. Jim VanNess, Westport Homes – we commissioned an environmental assessment as well as supplemental testing. We are in the process of getting the IDEM report results on this site.
- vii. Andreoli – we've been given verbal assurances of no significant impact, but we are seeking a written report.
- viii. VanNess – satisfactory environmental reports are a condition of purchasing the property.
- ix. Steve Daum, Summit Realty Group – Tom O'Gara is attorney for Wrecks and he should be consulted for the environmental information.
- x. Worthley – what is the significance of the dead end road on the north?
- xi. Andreoli – Staff had recommended that a stub road be installed to provide for future connectivity. Sit may not be in this exact location, but it will go to the north. We have a purchase agreement for the property to the north, but we do not own it.
- xii. VanNess – we have no interest in the Wrecks site. The Staff Report addresses the requirement for the stub street to the north.
- xiii. Worthley – what about access to 650E?
- xiv. Andreoli – our preference is not to have that connection. We have adequate access on Indianapolis Rd and 750S.
- xv. VanNess – you would want to limit points of access on 600E, a major collector.
- xvi. Worthley – if 600E is to connect to Indianapolis Rd, I would think that residents would want to have access to 600E.
- xvii. Andreoli – if that's what is recommended at the time of platting, that's fine. We are already planning for the half right-of-way dedication.
- xviii. Worthley – what if it was required that Westport construct 600E from 750S to the north property line?
- xix. Andreoli – we could not do that. We can dedicate right-of-way without a problem as well as providing for adequate buffering. We already have two access points on existing roads. Staff recommended that at a minimum, right-of-way should be dedicated.
- xx. Roberts – from a public safety standpoint, should connection to 600E be required?
- xxi. Westrich – not necessarily. We want at least two points of access, which is provided.
- xxii. VanNess – we have met with the Boone County Surveyor to coordinate the drainage plans.
- xxiii. Worthley – what is your price point?
- xxiv. Matt Dunn, Westport Homes – price point is around \$200k-\$280k.
- xxv. Worthley – and square footage?
- xxvi. Dunn – we'd meet the requirements for R3. Average home size would be 2,400-2,500sqft.
- xxvii. Andreoli – regardless, we will meet the requirements of the ordinance.

- xxviii. Semmler – we have received a lot of information tonight. I have concerns about how the development would compare in context to Eagles Nest. I'd like to see more detail on the concept plan that shows greenspace. I realize that it won't be final. More product detail would be helpful as well.
- xxix. Roberts – I'd like to see some information on drainage, landscaping, home samples, etc.
- xxx. VanNess – reference the new concept plan. It shows the openspace for the pipeline and power line easements. We have preserved the wetlands and provided adequate retention. We will meet the open space requirements per the ordinance. A bufferyard will be required along the north property line. We are looking at an undulating mound and a fence along the northern property line and are coordinating design with the northern property line. When development occurs to the north, you can require additional buffering from them.
- xxxi. Worthley – I would think that you want to adequately protect yourself from the contaminated property to the north, regardless.
- xxxii. Semmler – Staff, can you have them provide us with more conceptual information?
- xxxiii. Luzier – yes.
- xxxiv. Bohm – can you clarify the “comfort letter” about the environmental issues? Will we receive a copy of that?
- xxxv. VanNess – yes, we will provide that.
- xxxvi. Andreoli – is there anything else you want from us that we can provide next month?
- xxxvii. Worthley – my vote would be contingent on the developer agreeing to contribute half of the cost to construct the roadway.
- xxxviii. Andreoli – I don't think that we can take this kind of a financial hit for a development of this size. We would have to discuss this before committing. When would the road be constructed? When will the final connection to Indianapolis Rd occur? These are questions that will be asked for this type of commitment.
- xxxix. Worthley – I think that 600E is going to be an essential road in the near future and this neighborhood is contributing to the necessity of this road. I could not support this project without the commitment.
  - xl. VanNess – you're looking at almost \$500,000 for the road portion.
  - xli. Andreoli – even if the property to the north were to develop, you could not require them to construct the road because they already have access to Indianapolis Rd. We already have access to two roads. We will grant right-of-way, but we are not going to construct the 600E extension.
  - xlii. VanNess – sewer and water fees are significant too. All of these fees have an impact on whether or not we can develop. The town indicated that they wanted residential zoning on this site and that is what we are proposing.
  - xliii. Molitor – do you want to call for a recess or perhaps a continuance?
  - xliv. Semmler – I would suggest a continuance.
  - xlv. Worthley – with a recess, you could have a one-on-one conversation.

*Motion to continue the petition to the next meeting, June 9, 2014 by Bohm. Second by Roberts.*

- xlvi. Semmler – Staff, please place this at the end of the agenda if it is continued.
- xlvii. Bohm – I'd like to see more information on the project, the environmental information, home samples, etc. We can then review that and have a better grasp on the development.
- xlviii. Worthley – can you get some sort of report prior to the next hearing?
- xliv. Andreoli – I think I understand what you're looking for.
  - l. Worthley – also, some more buffering information to the north.
  - li. VanNess – closing is contingent upon rezoning and environmental reports.
  - lii. Molitor – the WPC can make these things part of the recommendation in order to protect the buyer/seller. The petitioner is in control of their proposal and can withdrawal if they don't agree with the commitments.

*Motion passes unanimously.*

5. **Docket PC14-017-PP - Primary Plat - Whitestown Crossing III.** The petitioner is requesting approval of a Primary Plat to be known as Whitestown Crossing III. The subject property contains 26 acres and is located at the northeast corner of Indianapolis Rd and SR267. The property is zoned GB - General Business and is within the I-65 Corridor Overlay District. The Technical Advisory Committee (TAC) reviewed the plans on 4/15/2014. The petitioner and owner is Whitestown Crossing LLC and the project engineer is Innovative Engineering.
- a. Presentation – Jerry Kittle, Innovative Engineering. This is the third and last phase of the Whitestown Crossing development. This is a primary plat and we have a conceptual layout of what we anticipate in this area. The master drainage plan is completed.
  - b. Staff Recommendation – Luzier.
  - c. Public Discussion – none.
  - d. WPC Discussion
    - i. Worthley – what type of tenants do you anticipate?
    - ii. Kittle – perhaps restaurants, hotels, or office uses. We don't have any users yet, so we're just laying the groundwork for developing the site ahead of time.
    - iii. Worthley – what is the status of phase 2?
    - iv. Kittle – we have installed the road that re-routes Indianapolis Rd as well as the utilities.

*Motion to approve the primary plat with conditions by Worthley. Second by Bohm. Motion passes unanimously.*

**CONDITION:**

1. *The remaining two TAC items be addressed.*

## **New Business – Public Meeting**

6. **Docket PC14-012-DP - Development Plan - Villages at Anson outlot.** The petitioner is requesting approval of a Development Plan for a multi-tenant commercial project. The subject property contains 1 acre and is located at approximately 6618 Whitestown Pky, on the north side of Whitestown Pky, east of S Main St, in Anson Marketplace. The property is zoned PUD - Anson Planned Unit Development. The Technical Advisory Committee (TAC) reviewed the plans on 3/18/2014. The petitioner and owner is Villages at Anson, LLC, and the project engineer is HWC.
- a. Presentation – Sean Downy, HWC. We are proposing a single-story, 7,000sqft commercial building. We agree with completing the remaining TAC comments. We are extending the median on the entrance drive off of Whitestown Pky per Staff's comments.
  - b. Staff Recommendation – Luzier.
  - c. Public Discussion
    - i. Craig Anderson, Anson Development – this developer also did the self-storage facility that you approve and was constructed northeast of this site. This would provide additional retail and food service opportunities for this area. They meet the standards that Anson has established for the area. They could support up to five different tenants here.
  - d. WPC Discussion
    - i. Semmler – I think that we need space for smaller shops and restaurants in this area. I appreciate you addressing the right-in/right-out issues that the site faced.

*Motion to approve the development plan by Worthley. Second by Bohm. Motion passes unanimously.*

**CONDITIONS:**

1. *The remaining three TAC items be addressed.*

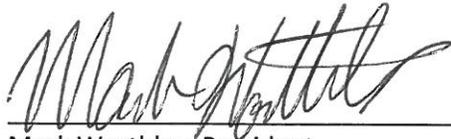
## Announcements

### 7. Comprehensive Plan Update.

- a. Bohm – We have begun expanding the Steering Committee to add citizens. Our next meeting will be June 22 and we'll review demographics as well as plans from surrounding communities. We are still in schedule to bring a final draft to the WPC in December of this year. We have signed a contract not to exceed \$45,000 with GRW and TSW. We will have a separate contract with another consultant for the economic development portion of the plan in coordination with the RDC.

## Adjourn

8:40pm



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Mark Worthley, President



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Deborah Luzier, Secretary

# Whiteston PC BZA Meeting

Date: 5.12.14

Meeting Attendance Sign-in Sheet (please print)

	Name	Address	Notify if judicial review is filed? ✓
1	JIM VAN NISS Timberstone Indy Polt	9210 N. Meridian St Indpls 46260	
2	MIKE FARZELL MSA PROP.	767 E 300 S WHITESTOWN	
3	JERRY KITTLE IKKI	755 W. CARMEL DRIVE CARMEL, IN	
4	SEAN DOWNEY HWC	151. N. DELAWARE ST. INDIANAPOLIS, IN	
5	Andrew MehShop	6790 E. 525 SOUTH WHITESTOWN IN 46075	
6	SCOTT DOMPKE	GRW	
7	M. L. Anderson	1353 W. GAF ST Zbi - city west pt H.	
8	Steve Dunn	9210 N. MERIDIAN ST INDIANAPOLIS IN 46260	
9	MATT DUNN	" "	
10	Stephen Dunn	241 N. Penn Indianapolis IN 46204	

# Whiteston PC BZA Meeting

Date: 5-12-14

Meeting Attendance Sign-in Sheet (please print)

			Notify if judicial review is filed? ✓
	Name	Address	
1	Brad+Penny Kallmyr	5053 S. Main St	
2	Steve Kesler	6796 E 525 S	
3	Cynthia Williams	4990 S. 700 E whiteston	
4			
5			
6			
7			
8			
9			
10			

# WHITESTOWN



INDIANA

## WPC MEETING - PUBLIC COMMENT/REQUEST TO SPEAK

The Whitestown WPC welcomes your comments. Please complete this form and **hand it to the secretary**. The WPC Chairman will call on you to speak during all public hearings appearing on the agenda.

When speaking, please approach the microphone at the podium and state your name, address, and city/town in which you reside. Address your comments to the WPC as a whole.

*Note: This form is subject to public disclosure and provides necessary information for preparation of the permanent record of the meeting. If a follow-up is requested, and address is necessary for the purpose of receiving communication from the Town.*

Name: ANDREW MEHLHOF	Date: 5/12/14
Address (optional): 6790 E. 525 SOUTH	City: Whitestown
Agenda Item: 500 S Extension removal	
Comments: Opposed, unless viable alternative is provided.	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#3

# WHITESTOWN



INDIANA

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Name: Dario Cojten	Date: 5/12/14
Address (optional):	City:
Agenda Item: 500 S - TRANSPORTATION PLAN Amendment	
Comments: Support Removal of 500 S Plan Plan.	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#3

# WHITESTOWN



INDIANA

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Name: Brad Kallmyer, MD JD	Date: 5/12/14
Address (optional):	City:
Agenda Item: 500 S. Extension	
Comments: Agrees w/ David + Andy In favor of removal. Believes 500 S was an error.	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#3

# WHITESTOWN



INDIANA

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Name: <i>MIKE FAARULL</i>	Date: <i>5-12-14</i>
Address (optional):	City:
Agenda Item: <i>WESTPARK HOMES</i>	
Comments: <i>PER EMAIL</i> <i>Thinks land's best use is industrial.</i>	<ol style="list-style-type: none"><li>1. Legal Drain ?</li><li>2. Loss of Wetland → where will the water go?</li><li>3. Buffer</li><li>4. Great spot for biz development.</li></ol>
<input checked="" type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#4

# WHITESTOWN



INDIANA

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Name: <i>Brad Kallmyer</i>	Date: <i>5/12/14</i>
Address (optional):	City:
Agenda Item: <i>Wrecks Zoning</i>	
Comments: <i>1. Heavy metal disbursement from water runoff</i> <i>2. Wrecks was auto-salvage dating back to 1950s</i> <i>3. Cars sat on the property for years (leaded gas, lead from batteries)</i> <i>4. Where does runoff go from Wreck's ???</i> <i>5. Environmental Report: surface + subsurface sampling</i>	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#4

# WHITESTOWN



INDIANA

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Name: Jim Van Ness	Date: 5/12/18
Address (optional): 9210 N. Meridian	City: Lap 15 46260
Agenda Item: Wrecks - Timberline	
Comments: Phase I+II Environmental Testing Water testing Water wells "Comfort Level"	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#4

# WHITESTOWN



INDIANA

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Name: KEVIN RUSSELL	Date:
Address (optional): 6123 GOLDEN EAGLE	City: ZIONVILLE
Agenda Item: WEBTORY	
Comments: Environmental!	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#4

# WHITESTOWN



INDIANA

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Name: <i>Craig Anderson</i>	Date: <i>5-12-14</i>
Address (optional): <i>Duke Realty</i>	City: <i>Indpls 46240</i>
Agenda Item: <i>Village @ Avon</i>	
Comments: <i>on behalf of Petitioner</i>	
<input type="checkbox"/> Check if you want to be notified if a judicial review is filed.	

#6