



July 7, 2025

Eric Berg
Senior Planner
206 West Main Street
Plainfield, Indiana 46168

Re: PUD-25-015, PP-25-015 (Westlyn)-Objection to Request for Continuance (the “Continuance Request”) filed by Lucas Karr and Others (“Remonstrators”)

Dear Eric,

As we discussed, Pulte objects to the above-referenced Continuance Request. It is not in compliance with state law or the Plainfield Rules of Procedure.

As an overview, Ind. Code § 36-7-4-608(b) provides in pertinent part with regard to a zone map change:

On receiving...[a] proposal [to change the zone maps], the commission **shall**, within sixty (60) days, hold a public hearing...

(emphasis added). The language is mandatory. The public hearing on a petition to change a zone map must be held within sixty (60) days. *Boone County Area Planning Commission v. Shelburne*, 754 N.E.2d 576, 580-81 (Ind. App. 2001) (public hearing must be held within 60 days of filing but need not be completed within that time period).

The current application was filed on March 14, 2025. Thus, the time period specified by statute for granting a public hearing expired on May 13, 2025. While Petitioner has been amenable to extending the time to allow the petition to work through the technical review processes in Plainfield, Petitioner objects to further delay as in violation of Ind. Code § 36-7-4-608(b).

The Plan Commission Rules of Procedure cannot trump the mandatory requirements of Ind. Code § 36-7-4-608(b), but in any event, Remonstrators have not satisfied the requirements of the Rules of Procedure. Section F.4.c requires that Remonstrators demonstrate “good cause” for the continuance and Pulte will “not suffer a significant hardship because of the grant of a continuance”. Per the rules of procedure, this is their burden of proof. Remonstrators have advanced 3 arguments for continuance—none of which rises to the level of “good cause”—which will be addressed seriatim below. They have not made any effort to satisfy the second prong of the analysis—that Pulte will not suffer hardship.

Pulte will indeed suffer hardship. First, the requested continuance extends the time period within which Pulte is statutorily entitled to a public hearing. Moreover, Pulte still needs to secure other approvals after zoning and plat approval but before construction can occur. Furthermore, further delays in the approval of this development risk Pulte missing the remainder of the 2025 construction season. This can exponentially delay a project overall (it is not merely a day-for-day or month-for-month delay) if Pulte cannot hit certain construction milestones before weather conditions prohibit such work or asphalt plants close for the season.

Remonstrators have also failed to demonstrate “good cause” for the continuance. First, most of the relevant plan documents have been available on the Town’s website since the matter was docketed for consideration by the Design Review Committee on April 29, 2025, which again is well within the statutory 60-day period for consideration of zoning applications. Moreover, the relevant plan documents have been available by request from the Town longer than that—since at least March 14, 2025. In addition, Pulte sent out notices for a



neighbor's meeting on June 2, 2025, so information has been available by request from Pulte for over a month. Specifically, Mr. Karr contacted Pulte via email in advance of the neighbor meeting as he was unable to attend. While Pulte offered to sit down and talk with the Karrs one-on-one, Mr. Karr has resorted to email correspondence in seeking information about this project.

The number of acres of a project does not establish "good cause". Neither does traffic impact, school bus services, local school attendance, wildlife, trails, or drainage. These are normal parts of the development process, and Pulte has engaged with all affected stakeholders over an extended period of time. Pulte has submitted a traffic impact study which has been extensively reviewed by Staff. This traffic study has been available for review on the Town's website since at least April 29. Pulte has met with INDOT and engaged in discussions about designs on US-40. It has also met with the Superintendent of the Plainfield Community School Corporation about impacts on transportation and enrollment, and the Superintendent expressed no particular concerns. It has secured all relevant impact studies and will engage with state and federal regulators about any wildlife issues to the extent there are any. Pulte is continuing to engage with the Town of Plainfield regarding the trail system, but in any event, has extended the trails to the full extent of its property limits and will pay Park Impact Fees amounting to \$1,170,246 (462 single-family dwelling units x \$2,533 per unit) which will be available to extend trails throughout the jurisdiction. Drainage is always an item that is customarily handled with construction plans, but in any event, drainage inevitably improves when the property is brought into compliance with modern drainage standards, as opposed to an undeveloped, unrestricted sheet flow status.

In sum, Remonstrators' request in this regard is merely a delay tactic and a fishing expedition. They do not suggest what impact these matters may have that the Town Staff, INDOT, the School Corporation, and state and federal regulators would not be in a position to assess. Moreover, they don't actually suggest that they have commissioned alternate expert opinions. They don't suggest how their arguments will be any different two months from now than they are today. They have not shown "good cause" for the continuance request.

In addition, the Remonstrators have had over six years to prepare for this request. As the letter submitted by Mr. Karr's wife notes, there was a zoning request submitted by another developer in 2018 comprising much of the same, and they submitted letters of remonstrance at that time as well. While Pulte submits that the traffic issues have improved as a result of incorporating some additional land into this proposal, none of the other issues cited by Remonstrators have likely changed very much. There is no "good cause" for further delay.

Pulte has indeed been working with Staff over an extended period of time to refine this plan. There was no point in engaging the neighbors on draft items which were changing frequently as a result of professional comments. As soon as Pulte had a plan that was close to what it intended to present to the Plan Commission, in early June, it sent out notices for a neighbors' meeting. Pulte answered questions and provided information at that meeting. Scott Singleton also attended that meeting and answered some questions relating to traffic and road design issues on behalf of the Town. Pulte would note that only five of the people (representing 3 parcels) signing the request for continuance (and not the Karrs) actually availed themselves of the opportunity to attend the neighbor's meeting and ask questions of Pulte or Mr. Singleton.

Pulte would note that there is no ordinance provision requiring it to submit "wildlife" reports in connection with an application for a zone map change, nor is this a customary item in a zoning case. Indeed, such issues are regulated by state and federal regulators, and local regulation is arguably pre-empted by state and federal law. Thus, regardless of whether this matter is continued, no such reports will be available for Remonstrators "to review." A delay to allow "review" of "wildlife reports" which are not required to be submitted by any Plainfield Ordinance and will not be submitted does not constitute "good cause" for a continuance.



In summary, this matter is well past the time that Ind. Code § 36-7-4-608(b) established for a public hearing, and Remonstrators have not met their burden of proof to show “good cause” for a continuance and that Pulte will not suffer hardship.

Pulte would respectfully request that the Plan Commission hold the public hearing this evening, and following a public hearing, Pulte is willing to agree to leave the public hearing open for thirty (30) days to continue to work with Staff and the neighbors.

Thank you for your attention to this matter.

Best,

Melissa R. Garrard

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cc: Kevin Whaley