ORDINANCE No. 12-

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 - LAND USE CONTROLS.

This is a planned unit development ordinance (the "CrossRoads Church PUD Ordinance") to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code Section 36-7-4 *et seq.*, as amended.

WHEREAS, the City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket No. _____1202-PUD-01), filed with the Commission, requesting an amendment to the Zoning Ordinance; and,

WHEREAS, the Commission did take action to forward the said Docket No. _____1202-PUD-01 to the Westfield City Council (the "Council") with a _____recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and,

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____, 2012; and,

WHEREAS, the Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. APPLICABILITY OF ORDINANCE.

1.1 This CrossRoads Church PUD Ordinance (the "Ordinance") applies to the subject real estate more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference (the "Real Estate").

1.2 The underlying zoning district shall be the GB – General Business District (the "GB District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GB District shall apply.

1.3 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

SECTION 2. PERMITTED USES.

2.1 The uses for the Real Estate shall be limited to the following: Banks and Savings and Loan Associations, Credit Union Offices, Offices for a Real Estate Agent, Insurance Agent, Dentist, Doctor, Lawyer or similar professional occupations.

SECTION 3. DEVELOPMENT STANDARDS.

3.1 Drive-thru: Any drive-thru windows on the Real Estate shall be located on the east side of the primary structure.

3.2 Building Materials: The building materials and general design of the primary structure on the Real Estate shall be constructed in a similar style to the illustrative building photographs attached hereto and incorporated herein by reference as Exhibits "B-1", "B-2" and "B-3". Primary building materials shall be brick and/or stone with residential characteristics encouraged as a transition between commercial buildings to the south and east of the Real Estate and residential structures to the north and ~~south.~~west. Final building plans shall be submitted to the Plan Commission as part of the Development Plan Application for review and approval.

3.3 Site Access ~~to the Real Estate shall be provided via (i) a driveway access cut on to Springmill Road as generally depicted in Exhibit "C-1" or (ii) access to the east and south of the Real Estate as depicted in Exhibit "C-2". Access shall be at the election of the owner of the Real Estate and shall not be permitted to both Springmill Road and any other adjacent property except for emergency access if requested by the Westfield Public Works Department. Emergency access would be designed with grass pavers and breakaway bollards to allow only emergency use.~~:

A. One (1) access cut onto Springmill Road shall be permitted by the City of Westfield (the "City") at the north end of the Real Estate as generally depicted in Exhibit C-1 (the "Springmill Access"). Emergency access, if requested by the City, shall be provided at a mutually agreeable location and shall be designed with grass pavers and breakaway bollards unless otherwise agreed by the City.

B. Center Access shall refer to and be defined as construction and completion of either one or both access drives as generally depicted in Exhibit C-2, including all appropriate recorded easements providing comparable access rights (the "Center Access").

C. The City may eliminate the Springmill Access, but not until (i) the City, in its sole discretion, deems such elimination necessary or desirable and (ii) Center Access is provided and (iii) Springmill Access, if in place, is replaced with the prescribed path and requisite landscaping.

D. Provided that the City complies with all provisions set forth in (C) above, the owners of the Real Estate, and the owner's successors and assigns shall not be entitled to damages or payment, under condemnation laws or otherwise, as a result of the elimination of the Springmill Access by the City.

3.4 Improvements Within The Right-of-Way:

A. If a driveway access cut on to Springmill Road as generally depicted in Exhibit "C-1" is constructed the following improvements shall be made:
   i. The access drive shall consist of one (1) entering lane and two (2) exiting lanes,
   ii. The northbound approach shall consist of a through lane and a right-turn lane with a storage length of 100 feet and a taper length of 100 feet,
   iii. The southbound approach shall consist of a left-turn lane with a storage length of 100 feet and a taper length of 100 feet and a through lane, and
   iv. The existing southbound left-turn lane at the center drive shall be extended to the proposed drive providing a continuous southbound left-turn lane between the access drive and the center drive.

B. If a driveway access cut on to Springmill Road is not constructed and access to the east and/or south of the Real Estate is constructed as generally depicted in Exhibit "C-2" the following improvements shall be made:
   i. The access drive(s) shall consist of at least one (1) entering lane and one (1) exiting lane, and
   ii. The existing southbound left-turn lane at the existing center drive on Springmill Road shall be extended to include 100 feet of storage and a 100 foot taper.

C. Adjustments to the length of storage lanes and tapers noted above in Section 3.4.A and 3.4.B may be made by the owner if an improved engineering design is provided subject to the review and approval of the Westfield Public Works Department.

D. All improvements specified under this Section 3.4 will be constructed at the owner's expense.

~~3.4~~3.5 Landscaping: The landscaping on the Real Estate shall be designed in compliance with the City of Westfield Landscaping Standards for property zoned "GB" as determined ~~by the Commission~~ at the Development Plan approval stage. Furthermore, landscaping located along or near the northeast corner of the Real Estate shall be planned and planted with such species and height so as to provide an effective screening for the residential property located to the north of the Real Estate from the headlights of vehicles using any drive-thru area that may be located on the Real Estate. Said screening may include but is not limited to a combination of a landscape berm 2-3 feet in height and evergreen shrubs.

3.6 Maximum Building Area: The gross building area on the Real Estate shall not exceed ten thousand (10,000) square feet.

3.7 Maximum Number of Tenants: The maximum number of tenants in a building shall be four (4).

3.8 Sidewalks and Walkways:

A. A sidewalk (striped walkway in the area crossing any parking area), a minimum 5' in width, shall be constructed between the building entrance and the multi-use path along the east side of Springmill Road.

B. A sidewalk (striped walkway in the area crossing any parking area), a minimum 5' in width, shall be constructed between a parking area and/or building entrance and the walkway east of and adjacent to the Real Estate which runs along the east side the Real Estate. Said sidewalk shall be constructed only if the owner of the adjacent parcel on which the adjacent walkway is located obtains all necessary approvals to permit the sidewalk connection on its parcel.

C. An 8' multi-use path shall be constructed, along Springmill Road, in compliance with the City of Westfield Department of Public Works Utility and Infrastructure Construction Standards and Specifications

3.9 Dedication of Right-of-Way: Dedication of a 60' half right-of-way along the Springmill Road frontage of the Real Estate shall be made to the City of Westfield by the owner of the Real Estate at the earlier of (i) commencement of development of the real estate or (ii) within ninety (90) days of written notice by the City of Westfield of a pending road widening improvement across the frontage of the Real Estate.

SECTION 4. APPROVAL.

4.1 Upon motion duly made and seconded, this Ordinance was fully passed by members of the Council this _____ day of _____, 2012. Further, this Ordinance shall be in full force and effect, in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2012.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For **Voting Against** **Abstain**

~~John Dippel~~ ~~John Dippel~~ ~~John Dippel~~

~~Steve Hoover~~ ~~Steve Hoover~~ ~~Steve Hoover~~

~~Robert Horkay~~ ~~Robert Horkay~~ ~~Robert Horkay~~

Jim Ake Jim Ake Jim Ake

~~Bob~~

John Dippel John Dippel John Dippel

Steven Hoover Steven Hoover Steven Hoover

Robert L. Horkay Robert L. Horkay Robert L. Horkay

Robert J. Smith ~~Bob~~ Robert J. Smith ~~Bob~~ Robert J. Smith

_____ _____ _____
_____ _____

Cindy L. Spoljaric _____ Cindy L. Spoljaric _____ _____
Cindy L. Spoljaric

_____ _____ _____
_____ _____

~~Rob~~Robert W. Stokes _____ ~~Rob~~ Robert W. Stokes _____
_____ ~~Rob~~ Robert W. Stokes

ATTEST:

_____
Cindy Gossard, Clerk-Treasurer

~~I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: James E. Shinaver~~

~~Prepared by: Jon Dobosiewicz and James Shinaver, Nelson & Frankenberger~~
~~3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106.~~

_____ _____
_____ ~~Signed~~

I hereby certify that ORDINANCE No. ~~_____~~12-_____ was delivered to the Mayor of Westfield

~~On~~on the _____ day of _____, 2012, at ~~_____~~ _____m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. ~~____~~12-___ I hereby VETO ORDINANCE No. 12-___

This _____ day of _____, 2012. this _____ day of _____, 2012.

_____ _____
J. Andrew Cook, Mayor J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

_____

Signed

Prepared by: Jon Dobosiewicz and James Shinaver, Nelson & Frankenberger
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106.

Exhibit A
(Legal Description)

Part of the Norwest Quarter of Section 11, Township 18 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the above mentioned Quarter, North 00 degrees, 00 minutes East (assumed bearing) along the West line of said Quarter Section 361.38 feet to the place of beginning to this description, thence continuing along said line 249.52 feet to a point; thence North 90 degrees, 00 minutes East 312.00 feet to a point; thence South 00 degrees, 00 minutes East 249.52 feet to a point; thence South 90 degrees, 00 minutes West 312.00 feet to a point which is the beginning point of this description, containing 1.78 acres, more or less.

Exhibit B-1
(Illustrative Building Photograph)

Exhibit B-2
(Illustrative Building Photograph)

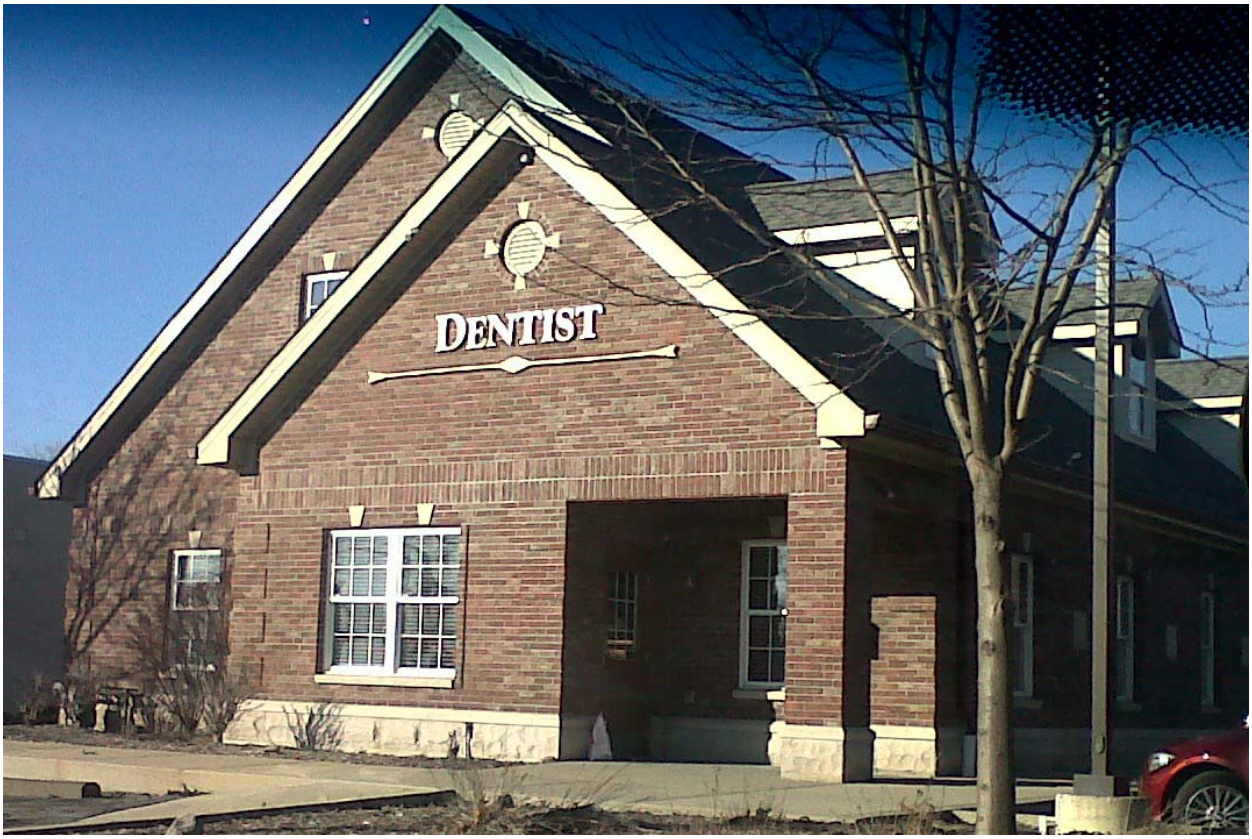

Exhibit B-3
(Illustrative Building Photograph)

~~**Additional Photographs to be added prior to Plan Commission Consideration**~~

Exhibit C-1
(Conceptual Site Plan)

Exhibit C-2
(Conceptual Site Plan)