



Westfield City Council Report

Ordinance Number:	12-11
APC Petition Number:	1204-PUD-04
Petitioner:	WLP Associates, INC.
Requested Action:	An amendment to the Maples at Springmill PUD Ordinance to expand the size of the PUD area from approximately 7 acres to 12 acres and to modify the building materials requirement.
Referral Date to APC:	March 12, 2012
APC Public Hearing:	March 19, 2012
APC Recommendation:	April 02, 2012
Adoption Consideration:	April 09, 2012
Exhibits:	Exhibit 1 – Staff Report Exhibit 2 – Aerial Location Exhibit 3 – Maples at Springmill PUD (Ord. 10-14) Exhibit 4 – PUD Site Map
Prepared By:	Ryan P. Clark, Associate Planner

Petition History

This petition was introduced at the March 12, 2012 City Council meeting and appeared before the Technical Advisory Committee on March 20, 2012. It received a public hearing at the March 19, 2012 Advisory Plan Commission (the "APC") meeting and received a unanimous favorable recommendation for approval at the April 02, 2012 APC meeting.

Procedural

- Requests for amendments to a PUD ordinance are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505. The public hearing for this petition was held on March 19, 2012 at the Advisory Plan Commission meeting.
- Notification of the March 19, 2012 public hearing was provided in accordance with the Advisory Plan Commission Rules of Procedure.
- A favorable (7-0) recommendation from the Advisory Plan Commission to the City Council was made at the April 02, 2012 meeting in regard to the amended PUD.
- The Westfield City Council may take action on this item at the April 09, 2012 meeting.

Project Overview

Project Location

The property ("Property") is located on approximately 5 acres to the northeast of Springmill Road and Silver Lake Drive.

Project Description

The proposed Planned Unit Development ("PUD") expansion would allow up to twenty four (24) single family detached units along Spring Lake Drive and Maple View Drive within Section 2 of the Maples at Springmill Subdivision. The entire property was originally zoned Single-Family Attached ("SF-A") and permitted the Maples at Springmill Subdivision one-hundred and twenty (120) single-family attached dwelling units in 2006. In 2010, seven (7) acres of the development, as referenced in Exhibit A-2, was rezoned from SF-A to the Maples at Springmill PUD ("Original PUD"). The Original PUD defaults to the underlying SF-A zoning and modifies it to permit single family detached dwellings. The Original PUD also establishes standards for minimum distance between dwellings, garage door offset, and building materials similar to Phase 1 of the Maples at Springmill subdivision.

The PUD expansion would reduce four (4) units from the approved development plan for the Maples at Springmill Subdivision in 2006 (0602-DP-01). Exhibit 4 illustrates the proposed PUD expansion within Phase 2 of the Maples at Springmill Subdivision. The Property is currently approved for thirty (30) single-family attached dwellings. One two (2) unit single-family attached dwelling has already been constructed.

The PUD amendment also proposes to modify the building materials requirement to allow wood as an acceptable building material. Wood is a permitted building material in the SF-A District and other residential districts in the City of Westfield.

Public Policy

Westfield Comprehensive Plan (2007, as amended)

The Comprehensive Plan identifies the Property as being located within the “Suburban Residential” land use classification. This classification recommends single family detached and attached residential dwellings in this area.

Westfield Thoroughfare Plan (2007, as amended)

The Westfield-Washington Township Thoroughfare Plan identifies Spring Lake Drive as a “Local Roadway” which requires 50 feet of right-of-way. Springmill Road is identified as a “Secondary Arterial” which requires a 120 feet of Right-of-Way

Water & Sewer System

The Westfield Water Master Plan map depicts the subject site as having water service available along the right-of-way for Maple View Drive. The Westfield Sewer Master Plan depicts the subject site as having sewer service available along the right-of-way for Maple View Drive.

Annexation

The subject property is within the corporate boundary of the City of Westfield.

Well Head Protection – Ord. 05-31

The Property is not within a wellhead protection area.

Statutory Considerations

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

See above, “Public Policy, Westfield Comprehensive Plan (2007, as amended)” for discussion.

2. Current conditions and the character of current structures and uses.

Several detached homes have recently been built on the eastern portion of the Property, however, most of the land remains vacant.

3. The most desirable use for which the land is adapted.

The Comprehensive Plan establishes that continuing residential development is appropriate and desirable in this area of the city.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the proposed project will have a positive or neutral impact on surrounding property values.

5. Responsible growth and development.

The Property is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the Property and are adequate to serve the proposed development.

Recommendations/Actions

- Community Development Department [April 02, 2012]

The Westfield Community Development Staff, in its report to the APC, made a recommendation that the APC forward a favorable recommendation to the City Council if the APC was satisfied with the proposal.

- Advisory Plan Commission [April 02, 2012]

The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation to the City Council (7-0).

- City Council

- Introduction: [March 12, 2012]

- Adoption Consideration: [April 09, 2012]

Submitted by: Ryan P. Clark, *Associate Planner*



Springmill Road

Spring Lake Drive

W. 169th Street

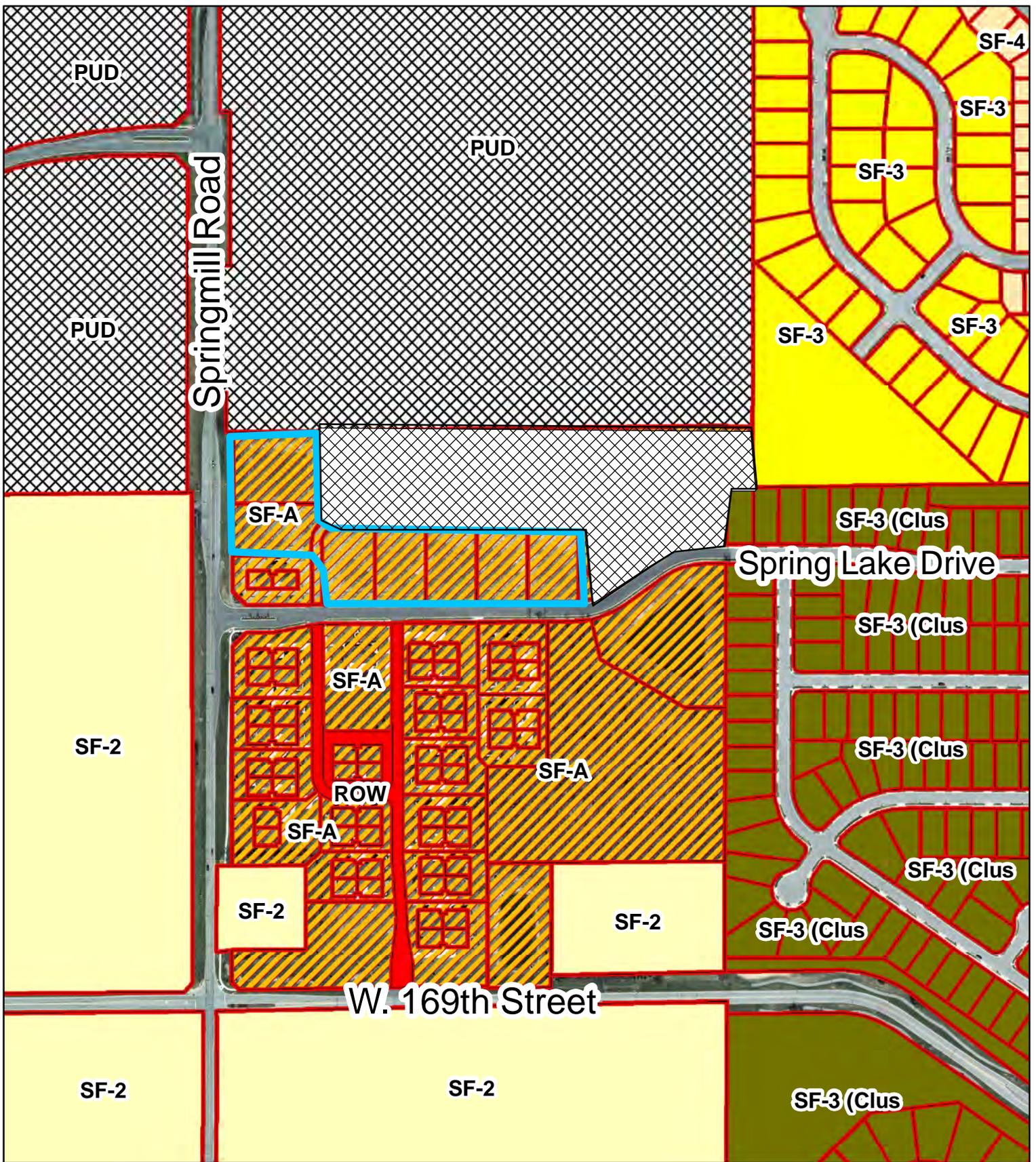


Site

1 in = 333 feet

Aerial Location Map
Northeast corner of Springmill Road
and Spring Lake Drive
Exhibit 2





Zoning Map

Northeast corner of Springmill Road
and Spring Lake Drive



Site

1 in = 333 feet



671.00
29
1,000,000 NC

Exhibit 3

2010037159 ORDINANCE \$68.00
08/12/2010 11:45:28A 29 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented



ORDINANCE 10-14

AN ORDINANCE OF THE CITY OF WESTFIELD ESTABLISHING THE MAPLES AT SPRINGMILL PLANNED UNIT DEVELOPMENT ORDINANCE

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 (the “Zoning Ordinance”); and

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1007-PUD-07), the Maples at Springmill Planned Unit Development (the “Maples at Springmill PUD”), filed with the Commission, requesting a change in zoning,

WHEREAS, the Commission did take action to forward the said Docket 1007-PUD-07 to the City Council with a favorable 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 City Council on July ____, 2010; and,

WHEREAS, the City 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 Westfield City Council, meeting in regular session, that the Zoning Ordinance and Zone Map are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the property identified in Exhibit A-1 and Exhibit A-2 (The “Real Estate”), (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the City of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the City Council in adopting, to:

- A. Encourage flexibility in the development of land in order to promote its most appropriate use;
- B. Improve the design, character and quality of new development;
- C. Encourage a harmonious and appropriate mixture of uses;
- D. Facilitate the adequate and economic provisions of streets, utilities, and municipal services;

- E. Preserve the natural environmental and scenic features of the Real Estate;
- F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and
- G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. SIZE OF DISTRICT. The legal description and location, which is attached hereto and labeled as Exhibit A-1 and Exhibit A-2 respectively, identifies the Real Estate included in the Maples at Springmill PUD.

SECTION 3. DEVELOPMENT STANDARDS. It is the intention of this Ordinance 10-14 that the SF-A (Single Family Attached) District standards of the Zoning Ordinance, as modified by the revisions specified in the Exhibit B which follows, shall govern the use and development of the Real Estate.

SECTION 4. EFFECT. This Ordinance 10-14 shall be in full force and effect in accordance with the laws of the State of Indiana. Unless specifically stated in the terms of this Ordinance 10-14, all terms of the Zoning Ordinance shall apply. Nothing in this Ordinance 10-14 shall be interpreted to alter, change, exclude, delete or modify any rules or regulations beyond those contained in the Zoning Ordinance. To the extent that this Ordinance 10-14 conflicts with the terms of the Zoning Ordinance, the terms of this Ordinance 10-14 shall prevail.

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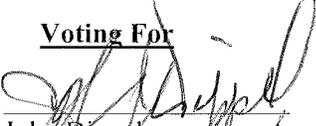
ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS 9 DAY OF Aug, 2010.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

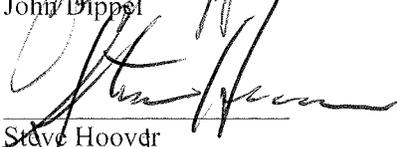
Voting For

Voting Against

Abstain



John Dippel



Steve Hoover



Robert Horkay

John Dippel

Steve Hoover

Robert Horkay

John Dippel

Steve Hoover

Robert Horkay

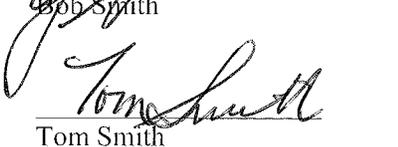
Kenneth Kingshill

Kenneth Kingshill

Kenneth Kingshill



Bob Smith



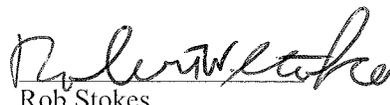
Tom Smith

Bob Smith

Tom Smith

Bob Smith

Tom Smith



Rob Stokes

Rob Stokes

Rob 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: Jon C. Dobosiewicz

Prepared by: Jim Shinaver and Jon C. Dobosiewicz, Nelson and Frankenberger, PC
3150 East 98th Street, Suite 170, Indianapolis, IN 46280, (317) 844-0106.

Signed

I hereby certify that ORDINANCE 10-14 was delivered to the Mayor of Westfield

On the 10 day of Aug, 2010, at 5:00p.m.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-14

This 10 day of August, 2010.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-14

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

"I affirm, under the penalties of perjury,
that I have taken reasonable care to check
each Social Security Number in this
document, unless required by law"

C. Gossard
Signed

Exhibit A-1
(Legal Description)

Being Blocks 20, 21, 22, 23, 24, 25, 26, and 27, all being in the Final Plat of Maples of Springmill, Section Two, as recorded in Plat Cabinet 4, Slide 460, in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Block 26, also being the Northeast corner of Maples of Springmill, Section Two; thence along the North line of Block 26, South 89 degrees 13 minutes 01 seconds West, for a distance of 66.00 feet; thence continuing along said North line, North 00 degrees 17 minutes 06 seconds East, for a distance of 3.62 feet; thence along the North line of Blocks 26, 25, 24, 23, 22, 21, and 20, South 89 degrees 13 minutes 01 seconds West, for a distance of 1052.95 feet to the Northwest corner of Block 20; thence along the west line of Block 20, South 00 degrees 12 minutes 08 seconds West, for a distance of 215.00 feet; thence continuing along said West line, South 35 degrees 35 minutes 32 seconds East, for a distance of 35.53 feet to the Southwest corner of Block 20; thence along the South line of Block 20, also being a curve to the right having a radius of 50.00 feet, and an arc length of 31.29 feet, and being subtended by a chord bearing North 72 degrees 20 minutes 09 seconds East, for a distance of 30.78 feet; thence along the South lines of Blocks 20, 21, 22, 23, and 24, South 89 degrees 44 minutes 09 seconds East, for a distance of 623.32 feet to the Southeast corner of Block 24, also being a common corner with Blocks 25, 27, and 28; thence along the West line of Block 27, South 00 degrees 15 minutes 51 seconds West, for a distance of 200.93 feet to the Southwest corner of Block 27; thence along the South line of Block 27, also being a curve to the left having a radius of 175.00 feet, an arc length of 97.49 feet, and being subtended by a chord bearing North 70 degrees 06 minutes 32 seconds East, for a distance of 96.23 feet; thence continuing along said South line, North 54 degrees 08 minutes 58 seconds East, for a distance of 123.81 feet; thence along the South line of Blocks 27 and 26, also being a curve to the right having a radius of 225.00 feet, an arc length of 141.82 feet, and being subtended by a chord bearing North 72 degrees 12 minutes 24 seconds East, for a distance of 139.49 feet; thence along the South line of Block 26, South 89 degrees 44 minutes 09 seconds East, for a distance of 56.28 feet; thence along the East line of Block 26 and said Section two the following three calls, 1) North 00 degrees 10 minutes 57 seconds East, for a distance of 144.72 feet; 2) North 89 degrees 13 minutes 01 seconds East, for a distance of 66.00 feet; 3) North 00 degrees 17 minutes 06 seconds East, for a distance of 156.75 feet to the Point of Beginning. Containing 7.09 acres, more or less.

Exhibit A-2

(The real estate described in Exhibit A-1 may be graphically illustrated as follows)

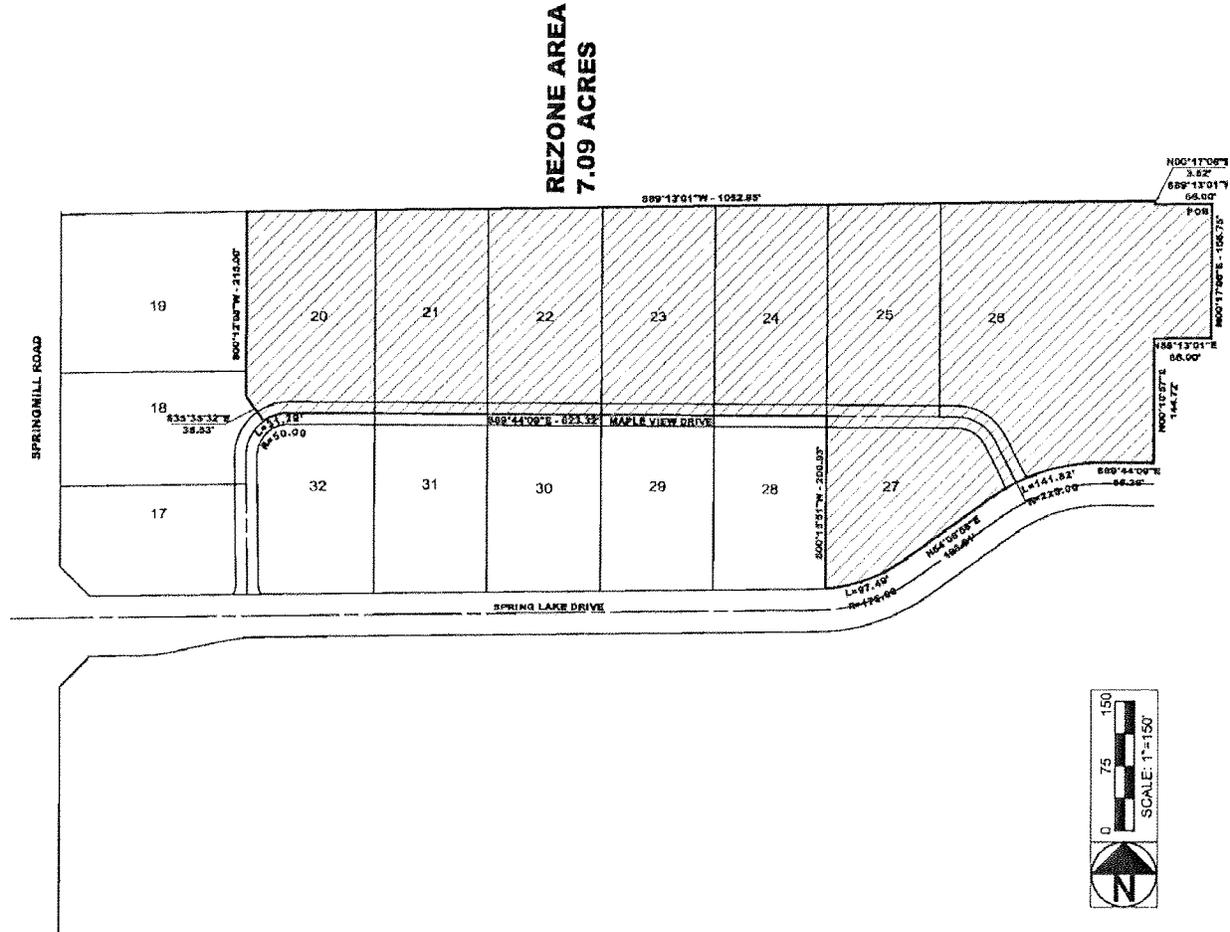
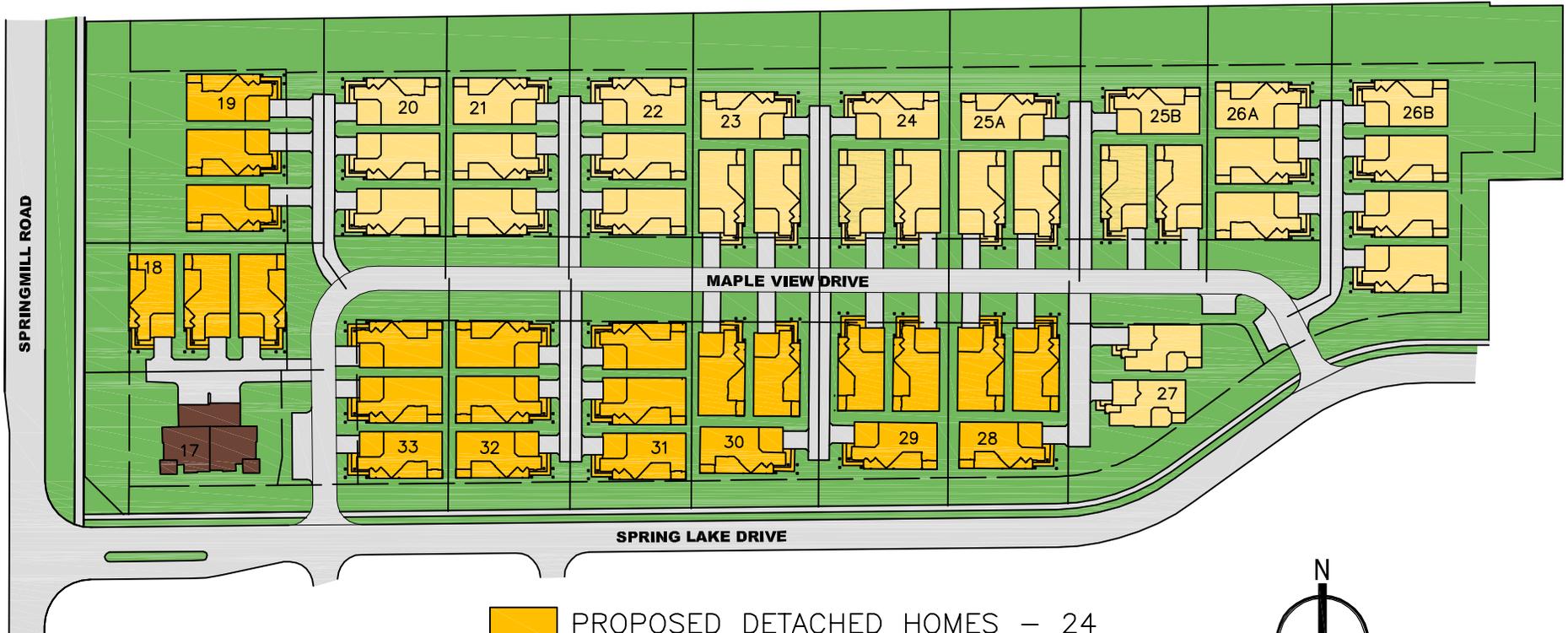


EXHIBIT B

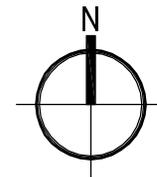
With respect to dwellings constructed on the Real Estate depicted on Exhibits “A-1” and “A-2”, which are attached hereto, all of the development standards of the SF-A (Single Family Attached) district of the Westfield-Washington Township Zoning Ordinance shall apply, subject *only* to the following changes:

- 1 – Single family detached dwellings shall be a permitted use;
- 2 – The minimum distance between detached dwellings shall be eight feet (8’); and,
- 3 – A minimum thirty (30) degree offset from the road shall not be required for the garage door openings of thirty-five percent (35%) of the total number of dwellings on the Real Estate.
- 4 – The homes to be constructed on the Real Estate will be compatible and complimentary in building materials and exterior finishes as the building materials and exterior finishes used on the homes that have been constructed in Phase 1 of the Maples at Springmill as outlined below:
 - A. The homes to be constructed on the Real Estate shall have the same type of stone facing on the exterior as used in the homes in Phase 1.
 - B. The roofing material to be used on the homes constructed on the Real Estate shall be identical to the roofing material used for the homes in Phase 1.
 - C. The homes to be constructed on the Real Estate shall consist of hardiplank, or similar cementitious siding material for the exterior walls as used on the homes in Phase 1.
 - D. Smart Trim will be used for all exterior trimming needs of the homes to be constructed on the Real Estate as was used for the homes in Phase 1.
 - E. Paint color combinations will be the same for the homes to be constructed on the Real Estate as were used on the homes in Phase 1
 - F. An outdoor up lighting package will be provide for each home to be constructed on the Real Estate, similar to the outdoor up lighting package used for the homes in Phase 1
 - G. A landscaping package similar in quality and quantity will be used for each home to be constructed on the Real Estate as was used on the homes in Phase 1.

Exhibit 4



-  PROPOSED DETACHED HOMES – 24
-  APPROVED DETACHED HOMES – 30
-  EXISTING ATTACHED HOMES – 2



56 UNITS TOTAL

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Monday, April 2, 2012, to consider an amendment to the Maples at Springmill PUD. Notice of the public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposal is as follows:

Case No.	1204-PUD-04
Petitioner	WLB Associates, INC.
Description	An amendment to the Maples at Springmill PUD Ordinance to expand the size of the PUD area from approximately 7 to 12 acres and to modify the building materials requirement.

On April 2, 2012, a motion was made and passed to send a favorable recommendation (7-0) to the City Council to approve 1204-PUD-04.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.



Matthew S. Skelton, Secretary

April 3, 2012

Date