

SPRINGMILL CORNER

SOUTHEAST CORNER OF 161ST STREET AND SPRING MILL ROAD



COOPERSTOWN
PARTNERS, LLC

PRESENTED BY
J. MURRAY CLARK, ESQ.
**FAEGRE BAKER
DANIELS**

REQUEST FOR A CHANGE OF ZONING
AUGUST 13, 2012 COMMON COUNCIL INTRODUCTION

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SPRINGMILL CORNER



Petitioner

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Cooperstown Partners, LLC (“Cooperstown”) respectfully submits its request for a change of zoning for its proposed \$6.5 million neighborhood center to be known as “Springmill Corner”. The six and a half (6.5) acre site is located on the southeast corner of 161st Street and Springmill Road (see aerial location map at Tab 2). Cooperstown believes that its proposed redevelopment of the site provides an appropriate use at the intersection and that the high quality architecture proposed compliments and is compatible with the surrounding commercial and residential areas (see concept plan at Tab 3 and illustrative exhibits at Tab 4).

Below are highlights of the community’s planning principles that support this development as well as a highlight of the development’s economic benefit to the community.

Comprehensive Plan

The Comprehensive Plan includes over one hundred pages of policies and objectives that are both community wide and use specific. In general, the Comprehensive Plan states “[i]t is the desire of the community to see a diverse balance of land uses that proceed with in an efficient and well connected pattern with good land use transitions. The land use patterns should be fiscally sustainable, high quality, and should be accompanied by substantial and permanent open space of one form or another.” (Comprehensive Plan, p. 9)

Although the Comprehensive Plan’s Land Use Concept Map is not parcel specific, it does provide a broad indication of the types of land uses that may be appropriate for various areas within the community. The map generally identifies “Local Commercial” and “Suburban Residential” near the intersection of 161st Street and Spring Mill Road.

The site’s size (6.5 acres +/-), the context of surrounding uses that already define the character of the intersection (e.g., church, commercial, landing strip) and market demand greatly dictate and restrict the types of land uses that would be viable at this site. As such, “Suburban Residential” uses are not a viable land use for the property when taking these factors into consideration. Alternatively, the Comprehensive Plan contemplates “Local Commercial” at this intersection. As proposed, Springmill Corner holistically embrace the goals and objectives of the Comprehensive Plan with its neighborhood scale and limited local business uses. The goals and objectives include, but are not limited to:

- Encouraging infill development contiguous to existing development and promotes the efficient expansion of development relative to infrastructure;
- Encouraging the development of underutilized properties to provide services to residential areas without creating a “hopscotch” pattern of development



elsewhere, avoiding the inefficiencies of sprawl to otherwise provide the services;

- Utilizing properties appropriate for commercial uses by focusing on a key node/intersection that compliments the community's arterials without encroaching into residential areas;
- Reducing automobile miles of residents to frequent local businesses that provide goods and services to residents on a day-to-day basis (e.g., banks, drug stores);
- Enhancing safety and vitality of the community by providing for improvements to adjacent roads, creating new jobs and offering goods and services that creates and contributes to a sustainable community;
- Improving the fiscal benefits to the community and
- Encouraging high quality and desirable architectural design.

Highlight of Key Economic Benefits to the Community¹:

- \$6.5 million investment (estimated benefit of \$442,000 annually in property taxes);
- \$724,000 generated annually in direct and indirect sales and income tax revenues (estimated \$44,000 generated annually in local income tax revenues);
- Generation of new fees (e.g., water, sewer, and road);
- Creation of immediate construction jobs (\$5.3 million is the total estimated construction impact of the development, including the creation of 50 jobs); and
- Creation of permanent jobs (estimated to directly create 90 jobs with a payroll of \$4.5 million - which would result in a total direct or indirect personal income generated by the development of \$6.2 million, creating the potential for local expenditures by employees and their families).

If approved, then Cooperstown intends to begin construction in the next year. Thank you for your consideration.

¹ As estimated by an Economic and Revenue Impacts analysis prepared by Applied Economics.

AERIAL LOCATION EXHIBIT

SPRINGMILL CORNER



CONCEPT PLAN EXHIBIT

SPRINGMILL CORNER





FRONT ELEVATIONS

0' 6' 12' 24'
SCALE = 1/8" = 1'-0"

PROPOSED DEVELOPMENT
SPRINGMILL CORNER

161st & SPRINGMILL ROAD
WESTFIELD, INDIANA

JUNE 20, 2012



COMMERCIAL REAL ESTATE SERVICES
836 E. 64th Street
Indianapolis, Indiana 46220
Ph. (317) 253-3447 Fx. (317) 205-9597

Lamson & Condon
ARCHITECTURE
INTERIOR DESIGN

OPTION 2

ORDINANCE NUMBER 12-XX

**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 District 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 § 36-7-4 *et seq.*, as amended.

WHEREAS, the City of Westfield, Indiana (the “City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (**Docket** _____), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map;

WHEREAS, the Commission forwarded **Docket** _____ to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”) and shall hereafter be referred to as the "Springmill Corner PUD".
- 1.2 Development of the Real Estate shall be governed by the provisions of the Zoning Ordinance unless specifically modified by the terms of this Ordinance. 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.

- 1.3 The underlying zoning district shall be the **LB – Local and Neighborhood Business District** (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District shall apply.
- 1.4 Section ("WC §") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.

- 2.1 **Concept Plan:** The plan attached hereto and incorporated herein by reference as **Exhibit B.** Exhibit B is a general plan for the development of the Real Estate.
- 2.2 **Illustrative Character Exhibit.** A general representation of the intended architecture and character for the proposed development of the Real Estate attached hereto as **Exhibit C.**

Section 3. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted; in addition, a Health, Fitness, and Exercise Center shall also be permitted.

Section 4. **Development Standards.**

- 4.1 **General Regulations.** The regulations of *WC § 16.04.050 Business Districts* applicable to the Underlying Zoning District shall apply except as modified herein:
 - A. **Use of Required Yards.** Required front, side and rear yards may include driveways and parking areas, as depicted on the Concept Plan, provided that (i) no portion of the parking area may be located closer than ten (10) feet to any right-of-way line or the Real Estate's perimeter property line; and (ii) the remainder of said required yard shall be maintained as green space free from buildings or structures.
- 4.2 **Off-Street Loading and Parking.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.04.120*).
- 4.3 **Landscaping and Screening.** Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06*); however, the Real Estate's minimum buffer yards shall be as follows:
 - A. **161st Street and Spring Mill Road.** The Real Estate's north and west property line buffer shall comply with the street frontage landscaping requirements of the Zoning Ordinance (*WC § 16.06.050*).

- B. East Property Line. The Real Estate's east property line shall consist of a minimum thirty (30) foot wide buffer yard. The buffer yard plantings shall consist of those required pursuant to the Zoning Ordinance (*WC § 16.06.060*).
 - C. South Property Line. The Real Estate's south property line shall consist of a minimum ten (10) foot wide buffer yard. The buffer yard plantings shall consist of those required pursuant to the Zoning Ordinance (*WC § 16.06.060*).
 - D. Perimeter parking lot landscaping may occupy the same space as required buffer yard areas; provided, however, that in such instances, the required number of plantings for both perimeter parking lot and buffer yard areas shall be provided.
- 4.4 Sign Standards. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.08*).
 - 4.5 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.07.010*).

Section 5. **Architectural and Design Standards.** The regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply except for those sections modified and/or enhanced by this Ordinance.

- 5.1 Special Requirements. Buildings shall also comply with *WC § 16.04.065(8) Architectural Design Requirements* of the State Highway 32 Overlay Zone (the "Overlay Zone"). Standards in the Overlay Zone that apply to the "State Highway 32 right-of-way line" shall be applied to the Spring Mill Road and 161st Street right-of-way lines adjacent to the Real Estate, with the exception that *WC § 16.04.065(8)(g)(i) Drive-thrus* shall only apply adjacent to the Spring Mill Road right-of-way line.
- 5.2 Illustrative Character Exhibit. The Illustrative Character Exhibit is hereby incorporated to conceptually illustrate the elements and anticipated character of the development and to establish a benchmark for the architecture and design of the Real Estate's buildings. The final building design may vary from the Illustrative Character Exhibit; however, buildings shall be similar in quality to the building(s) shown in the Illustrative Character Exhibit.

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

**WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Bob Smith

Bob Smith

Bob Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

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: Jesse M. Pohlman.

This Instrument prepared by: J. Murray Clark, Esq., Attorney at Law, and Jesse M. Pohlman, Land Use Consultant, Faegre Baker Daniels, LLP. 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240.

I hereby certify **ORDINANCE 12-XX** was delivered to the Mayor of Westfield on the ____ day of _____, 2012.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 12-XX
this ____ day of _____, 2012.

I hereby VETO ORDINANCE 12-XX
this ____ day of _____, 2012.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A
REAL ESTATE

That portion of the Southwest Quarter of Section 11, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, described as follows:

Considering the east line of said Southwest Quarter as South 00 degrees 24 minutes 21 seconds West (assumed bearing) and all bearing contained within being relative thereto.

Commencing at a mag nail with “BANNING ENG FIRM #0060” tag set (herein referred to as “mag nail”) marking the northwest corner of said Quarter Section; thence South 00 degrees 24 minutes 21 seconds West along the west line thereof 241.12 feet to a mag nail set at the POINT OF BEGINNING, said point being the southwest corner of the land of the Board of Commissioners of Hamilton County as described in Instrument Number 9418999 in the Office of the Recorder of said county; thence continue South 00 degrees 24 minutes 21 seconds West along said west line 300.00 feet to a mag nail set; thence North 89 degrees 11 minutes 53 seconds East parallel with the north line of said Southwest Quarter 588.65 feet to a 5/8 inch rebar with “BANNING ENG FIRM #0060” cap (herein referred to as “rebar”) set; thence North 00 degrees 08 minutes 33 seconds East 501.07 feet to a rebar set at the southeast corner of the land of the Board of Commissioners of Hamilton County as described in Instrument Number 9419001 in said county records; thence along the south line thereof and the south line of said Board per Instrument Numbers 9419000 and 9418999 in said county records and parallel with said north line of the Quarter Section South 89 degrees 11 minutes 54 seconds West 506.34 feet to a rebar set; (the remaining courses are along the south and east lines of said land of the Board per Instrument Number 9418999); thence South 44 degrees 48 minutes 18 seconds West 50.01 feet to a rebar set; thence South 00 degrees 24 minutes 21 seconds West 166.12 feet; thence South 89 degrees 11 minutes 54 seconds West 45.00 feet to the POINT OF BEGINNING, containing 6.535 acres, more or less.

EXHIBIT B CONCEPT PLAN



EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBITS

