

ORDINANCE NUMBER XXXX-PUD-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 be known as the “161st and Springfield Northeast Quadrant PUD District”) 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 (**Petition No. XXXX-PUD-XX**), requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”);

WHEREAS, the Commission forwarded **Petition No. XXXX-PUD-XX** 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 _____, 2014;

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; and

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 The Zoning Ordinance is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "161st and Springmill Northeast Quadrant PUD District" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance as set forth herein, unless specifically modified by the terms of this Ordinance.
- 1.3 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this 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 **Character Exhibit(s).** The illustrative exhibits attached hereto and incorporated by reference as **Exhibit B.** The exhibits are conceptual in nature and provided to illustrate the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
- 2.2 **Conceptual Plan:** The plan attached hereto and incorporated herein by reference as **Exhibit C.**
- 2.3 **Developer:** Any individual, corporation, partnership or entity engaged in the improvement of a parcel of land or construction of a building within the District.
- 2.4 **Underlying Zoning District:** The Zoning District of the Zoning Ordinance that shall govern the development of the District and its various subareas, as set forth in this Ordinance.

Section 3. Conceptual Plan. The Conceptual Plan provides a general vision for the development of the District which illustrates one possible layout of internal drives, uses, green space, thoroughfares, and buildings that are permitted by this Ordinance. The Conceptual Plan is only conceptual. The final layouts and sites plans shall be subject to the terms and conditions of this Ordinance and may vary from the Conceptual Plan.

Section 4. Underlying Zoning Districts. The Underlying Zoning District shall be the GB-General Business 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, as set forth above, shall apply.

Section 5. Permitted Uses. The uses permitted in the District shall be the same as the Underlying Zoning District.

Section 6. General Regulations. The regulations of the Underlying Zoning District shall apply to the development of the District.

Section 7. Setbacks. Setbacks shall be as follows:

- A. Front Yard along 161st shall be 50 feet.
- B. Side and Rear yard that abuts existing residential shall be 60 feet minimum.

Section 8. Parking. The parking and loading standards of the Zoning Ordinance (*WC § 16.04.120*) shall apply.

Section 9. Landscaping and Screening. The District's landscaping and screening shall comply with the Zoning Ordinance (*WC § 16.06*).

Section 10. Sign Standards. The District's signs shall comply with the Zoning Ordinance (*WC § 16.08.010*).

Section 11. Lighting Standards. The District's lighting shall comply with the Zoning Ordinance (*WC § 16.07.010*).

Section 12. Architectural and Streetscape Design Standards. The procedures and regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply.

- 12.1 **Character Exhibit.** Character illustrations indicating conceptually the intended architecture, quality, exterior building materials, and appearance of buildings within the District are provided in the Character Exhibit, attached hereto as **Exhibit B**.

Section 13. Infrastructure Standards.

- 13.1 The District's infrastructure shall comply with the Zoning Ordinance and the City's Construction Standards, unless otherwise approved by the Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF _____, 2014.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE XXXX-PUD-XX** was delivered to the Mayor of Westfield

on the _____ day of _____, 2014, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE XXXX-PUD-XX**

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE XXXX-PUD-XX**

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

This document prepared by: Paula J. Gartner, PE

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate
 Legal Description

- Exhibit B Character Exhibits

- Exhibit C Conceptual Plan

EXHIBIT A
Real Estate
Legal Description



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 7400 N. Shadeland Ave., Ste. 150, Indianapolis, IN 46250
 Phone: 317.913.6930 Toll Free: 888.775.3648

emht.com

TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT "A"

FOR

KROGER J970

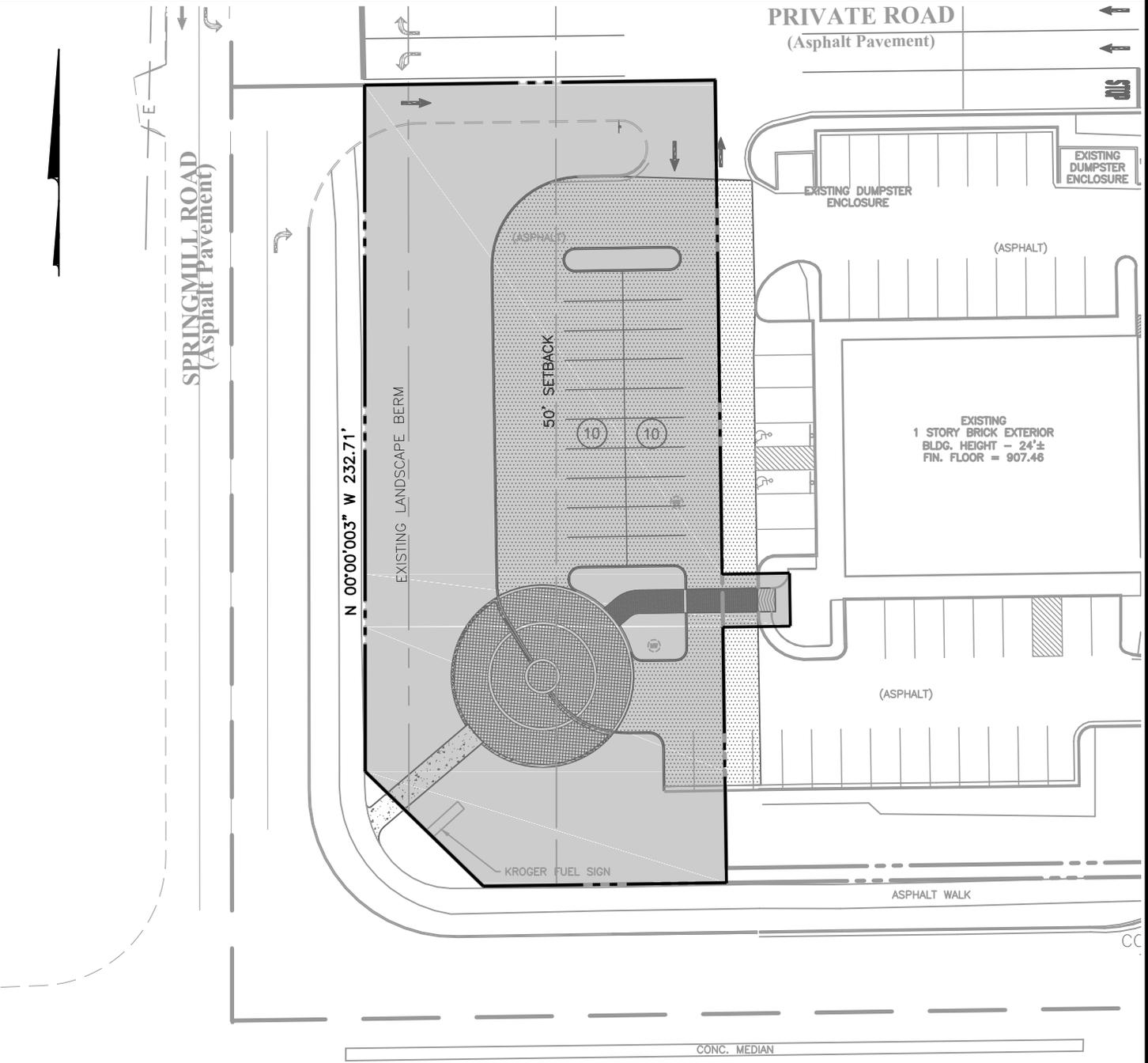
IMPROVEMENT AREAS

LEGAL DESCRIPTION

DATE: July 08, 2014

JOB NO. 20130351

SCALE: None



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TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT "A"

FOR

KROGER J970

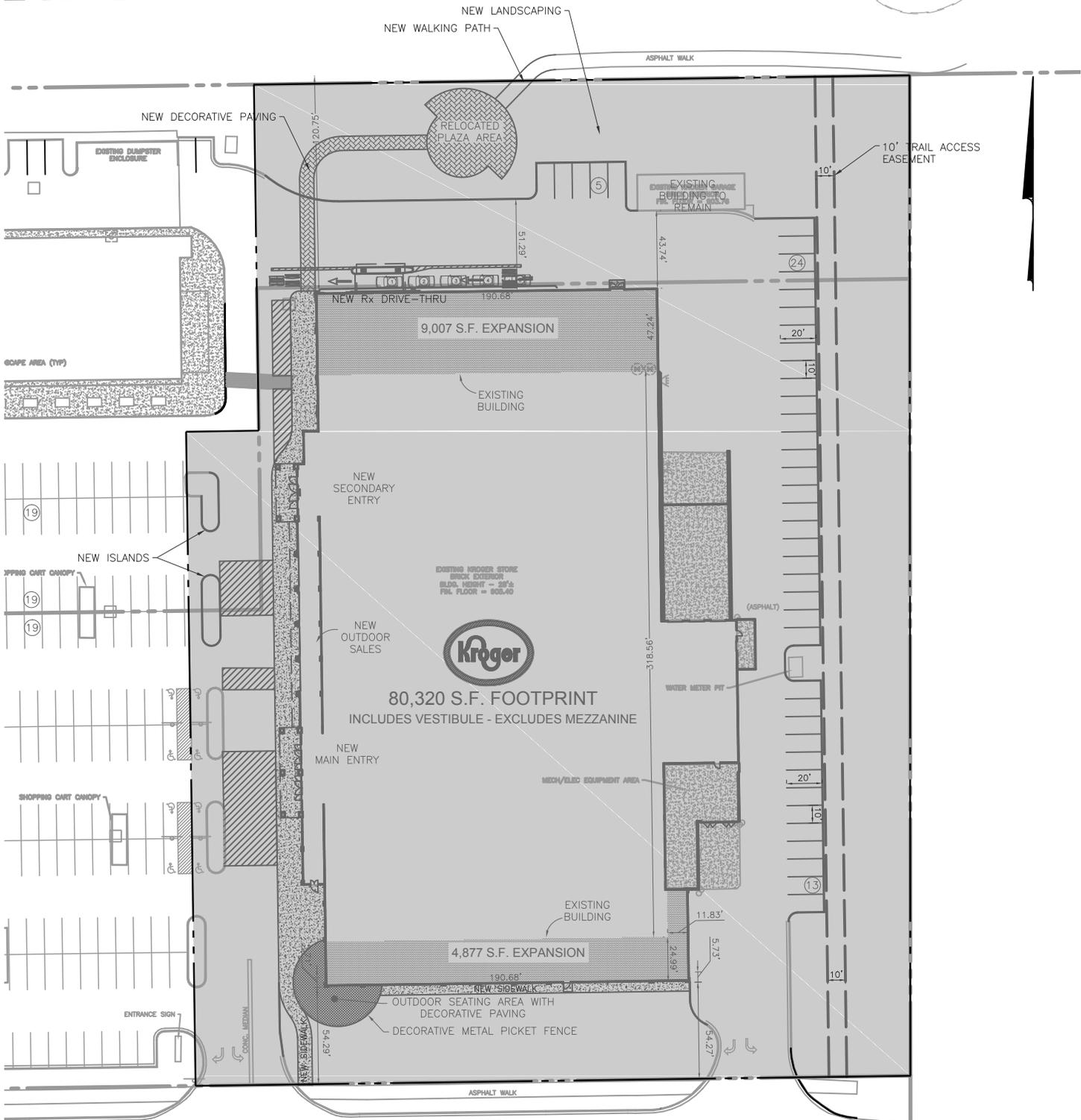
IMPROVEMENT AREAS

LEGAL DESCRIPTION

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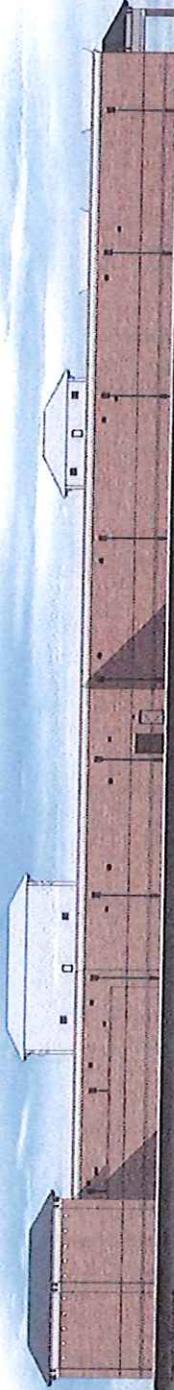
EXHIBIT B
Character Exhibits



FRONT ELEVATION - WEST



SIDE ELEVATION - NORTH



REAR ELEVATION - EAST



SIDE ELEVATION - SOUTH

ALL MATERIALS TO BE USED ON EXPANSIONS AND REMODELED AREAS ARE TO MATCH EXISTING



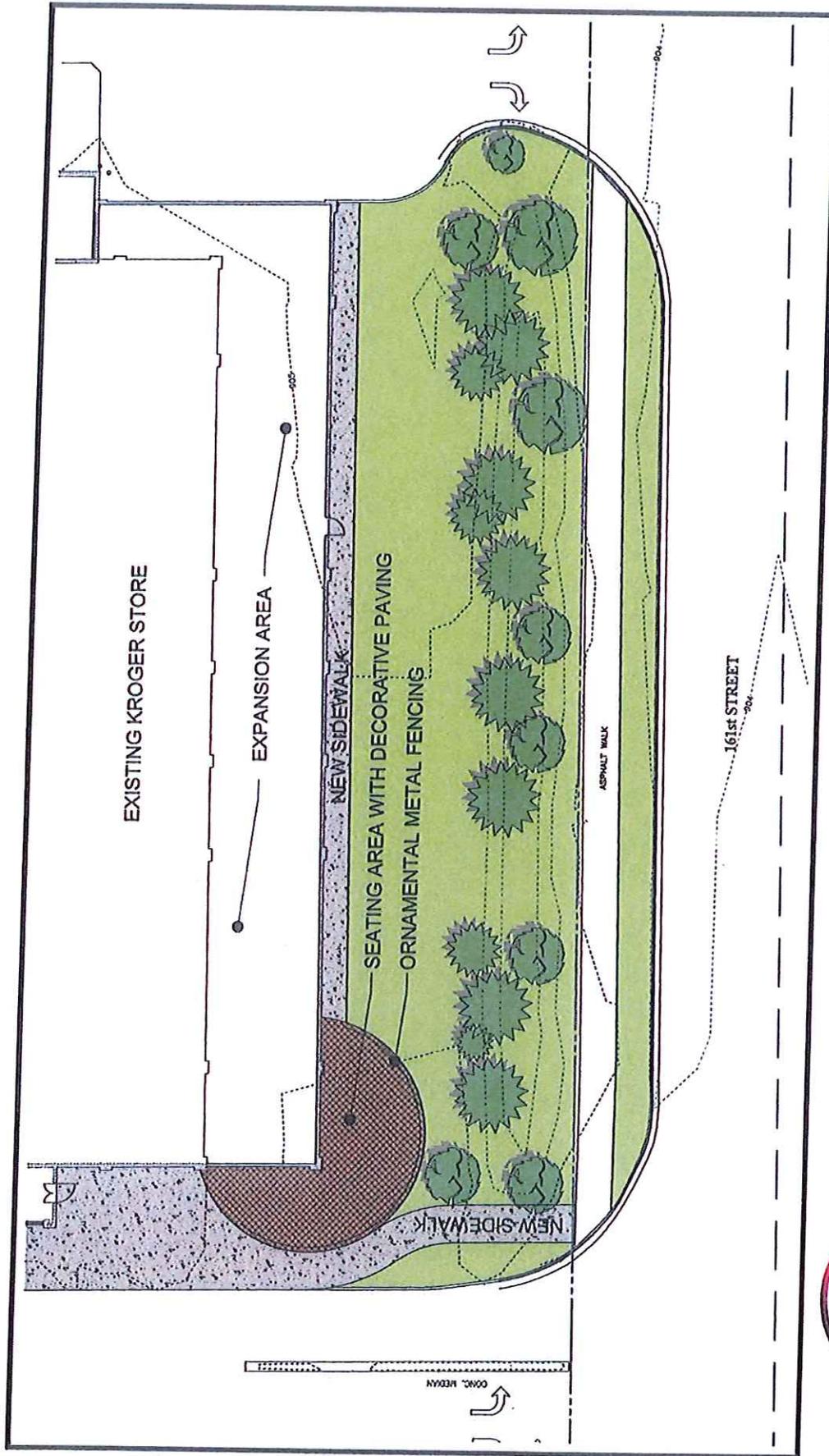
Kroger J970

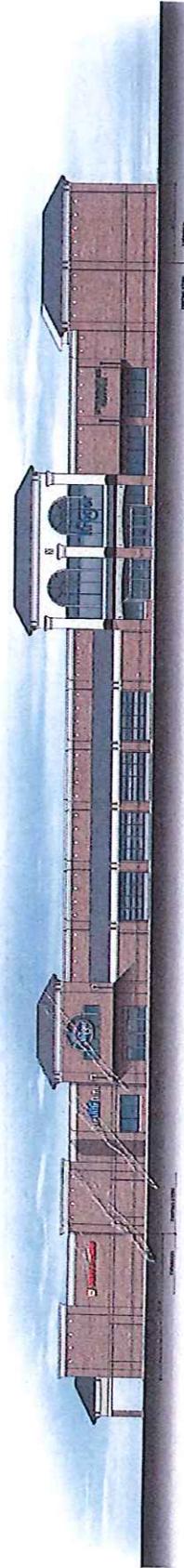
June 10, 2014

Westfield, IN
51311

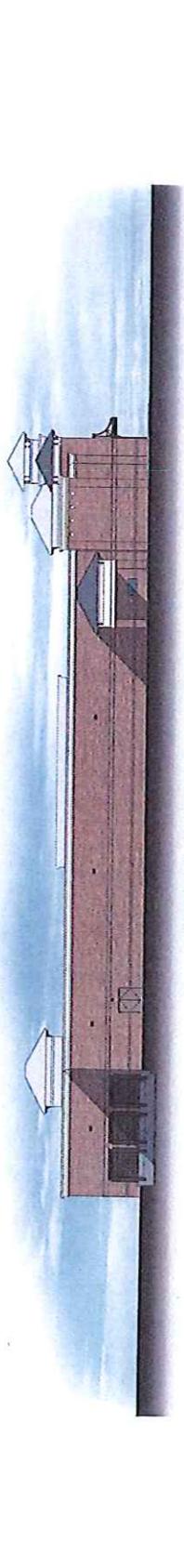


EXHIBIT C
Conceptual Plans

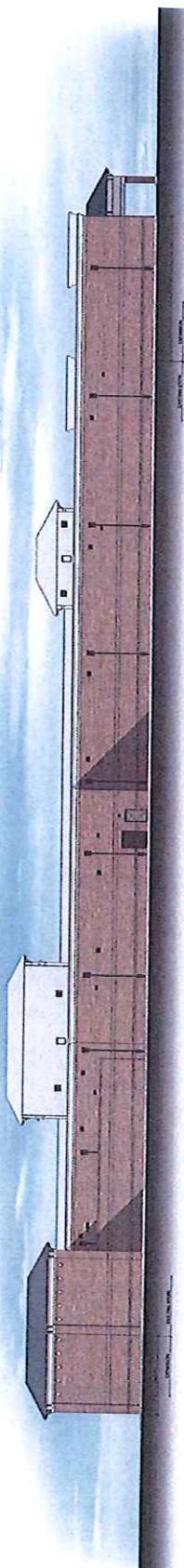




FRONT ELEVATION - WEST



SIDE ELEVATION - NORTH



REAR ELEVATION - EAST



SIDE ELEVATION - SOUTH

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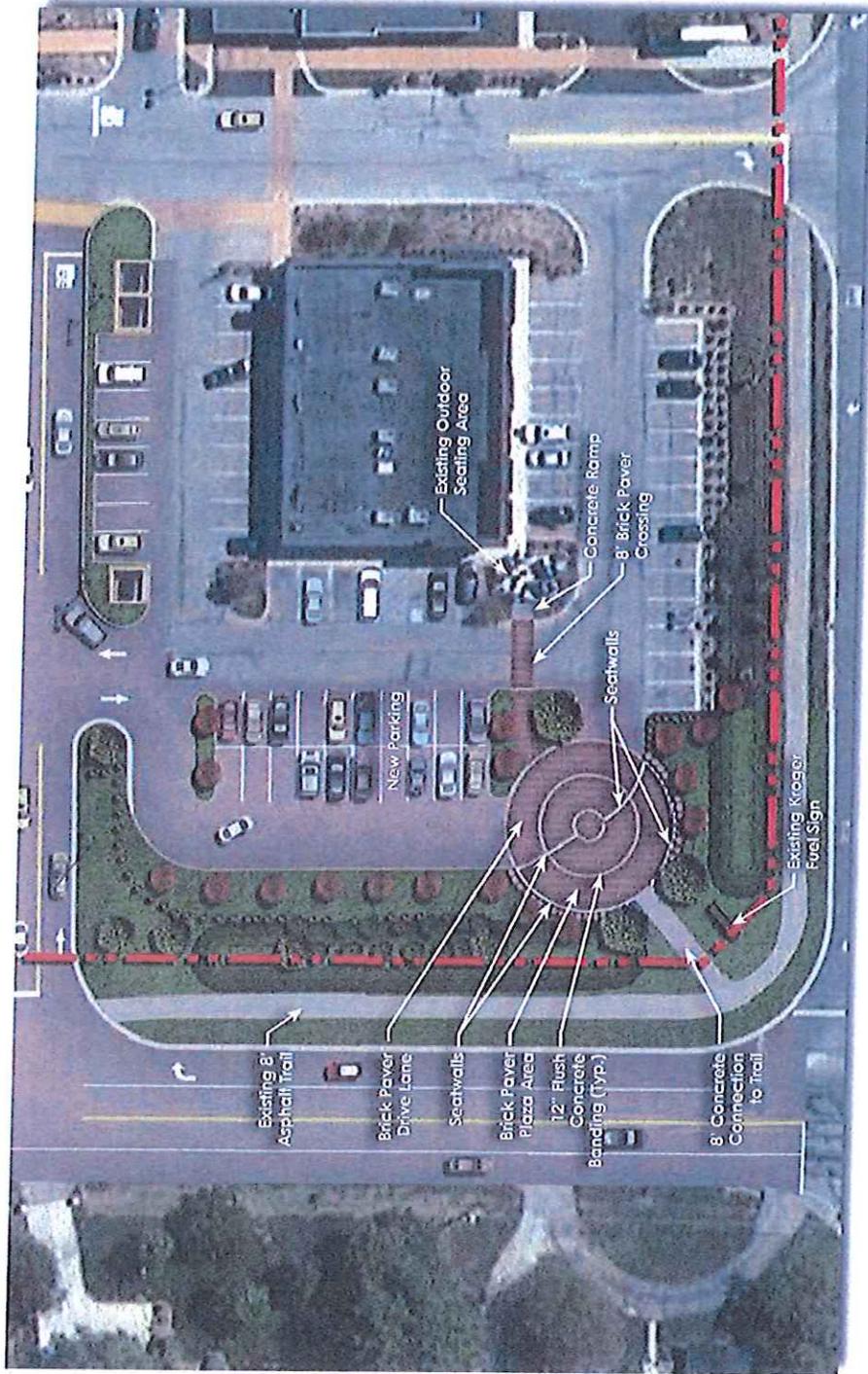


Kroger J970

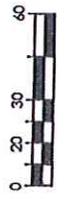
June 10, 2014

Westfield, IN
513111





North



EMH&T
 Engineers, Scientists, Program Managers, Planners
 20000 N. 15th Ave., Suite 100
 Phoenix, AZ 85022

Exhibit C: Old Fuel Center Area Redevelopment

Westfield, IN Kroger

July 3, 2014





Engineers, Surveyors, Planners, Scientists

July 3, 2014

Ryan Clark
Associate Planner
2728 East 171st Street
Westfield, IN 46074

Re: Narrative of Kroger J970 Building Expansion

The proposed project consists of a building expansion to the existing Kroger store and the demolition of an existing fuel center and redevelopment of the existing parking near the existing B-shops. All of which is in the City of Westfield and part of the Spring Mill Station Comprehensive Plan. The total area of construction will include approximately 2.99 acres, 13,884 square feet of which will be additional building. Other items included with this project will include all new utilities which will incorporate stormwater quality, landscaping, relocated plaza area and the addition of a new outdoor seating area with decorative paving to the southwest corner of the new addition.

A legacy of experience. A reputation for excellence.

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TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT

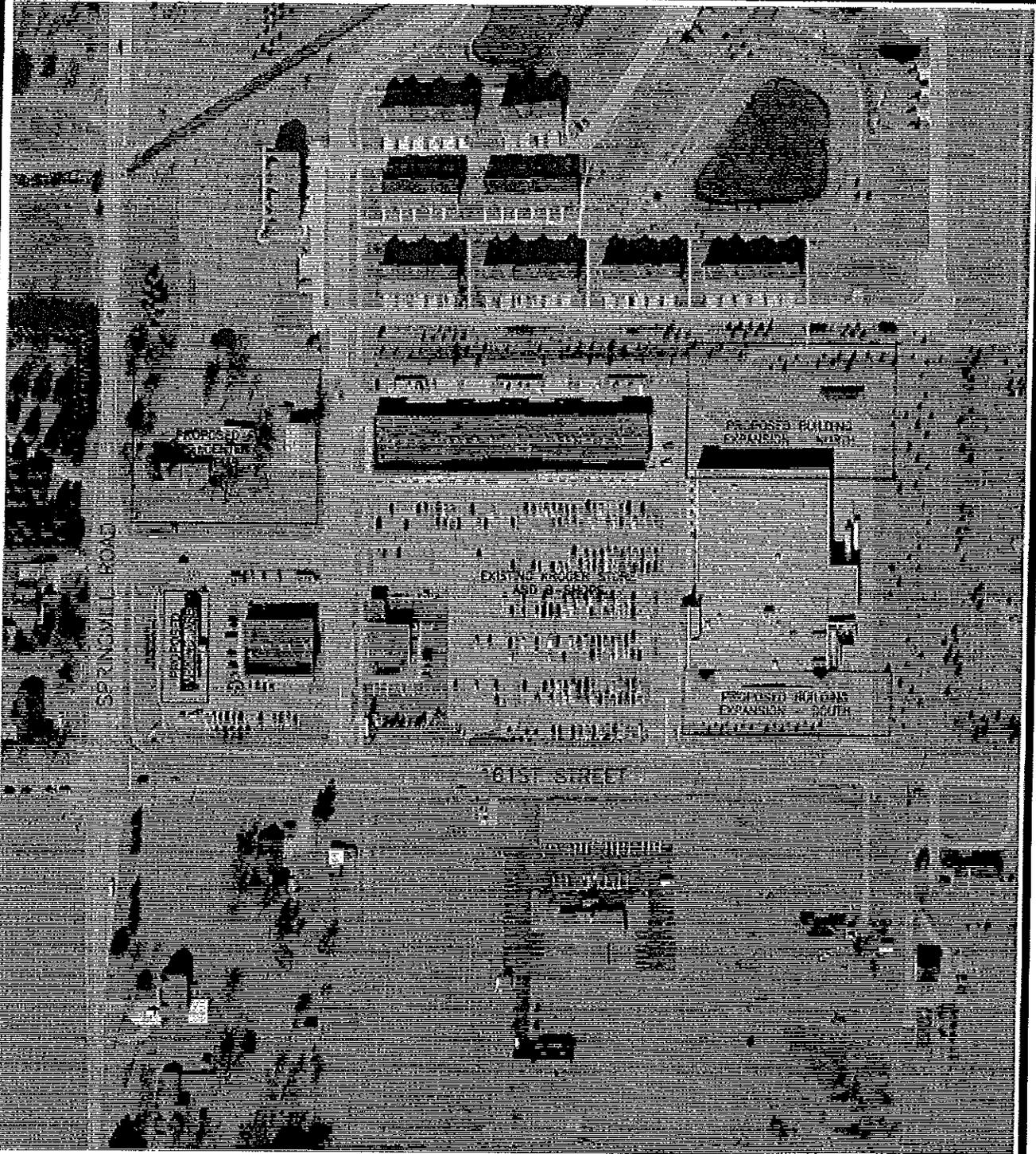
FOR

**KROGER J970
 BUILDING EXPANSION
 VICINITY MAP**

DATE: July 03, 2014

JOB NO. 20130351

SCALE: None



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TOWN OF WESTFIELD, HAMILTON, INDIANA

EXHIBIT

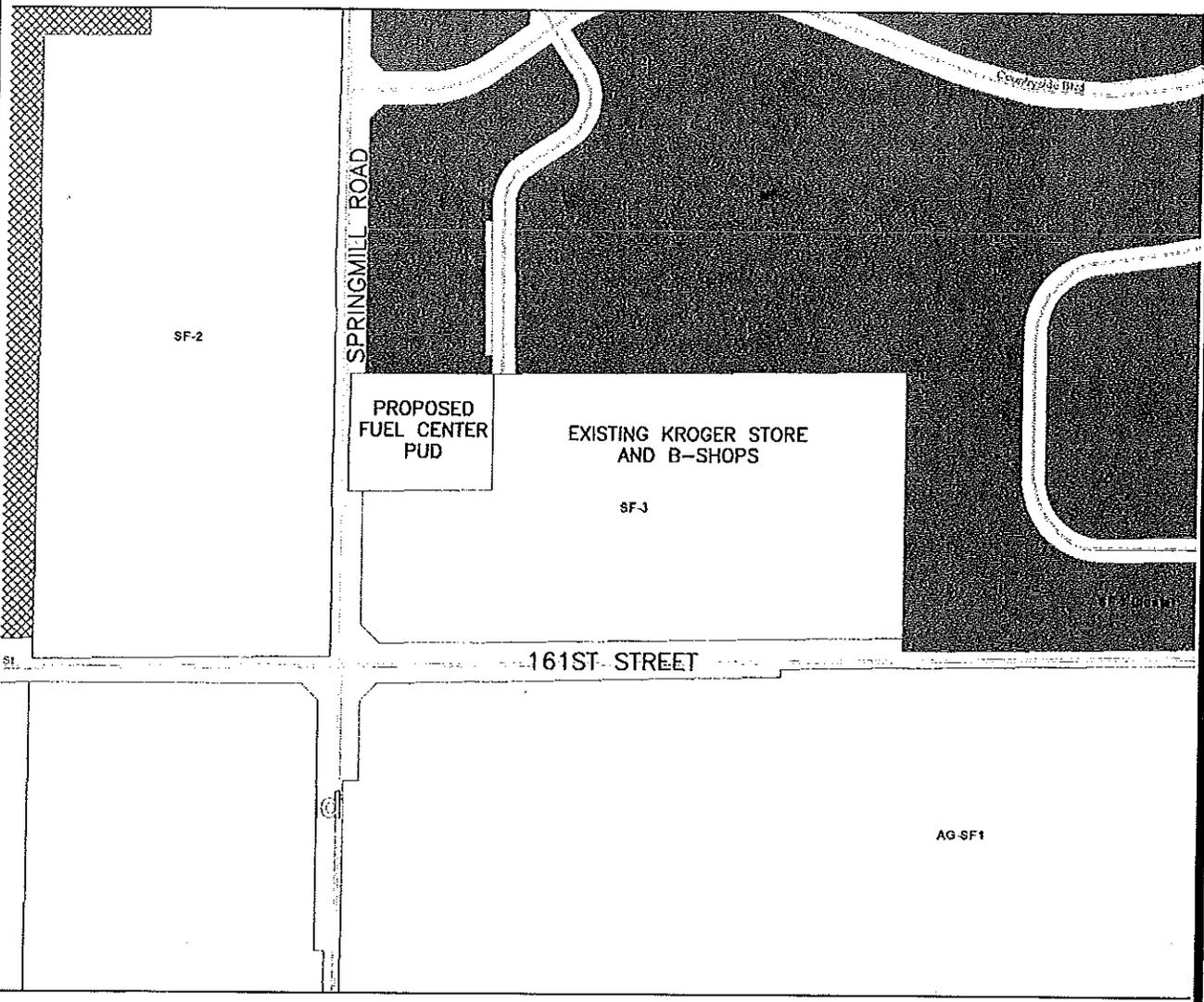
FOR

**KROGER J970
 BUILDING EXPANSION
 ZONING MAP**

DATE: July 03, 2014

JOB NO. 20130351

SCALE: None



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