



Petition Number: 1410-SPP-20 and 1410-DP-32
Subject Property: Southeast Quadrant of Oak Road and 161st Street
Petitioner: Pedcor Investments, LLC
by Stoepelwerth & Associates, Inc.
Request: Petitioner requests **Primary Plat** and **Development Plan** review for Oak Park, Section 2, consisting of 28 single-family residential lots on 34.924 acres+/-
Current Zoning: Single-Family 1 (SF-1) District (Ord. No. 14-15, with Commitments)
Current Land Use: Undeveloped / Agriculture
Approximate Acreage: 34.924 acres+/-
Exhibits:

1. Staff Report
2. Location Map
3. Primary Plat
4. Overall Development and Landscape Plan
5. Recorded Commitments

Zoning History: 1402-REZ-01 SF1 District (Ordinance 14-15) (07/14/14)
Staff Reviewer: Jesse M. Pohlman, Senior Planner

PROCEDURAL

Approval of a Primary Plat and Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT OVERVIEW

The 34.9-acre site is located in the southeast quadrant of 161st Street and Oak Road and is planned as a new section to the existing Oak Park subdivision (see **Exhibit 2**). The request is for Primary Plat (see **Exhibit 3**) and Overall Development Plan (see **Exhibit 4**) approval of 28 single-family lots.

The petition was reviewed by the Technical Advisory Committee at its September 23, 2014, meeting. This petition received a public hearing at the Plan Commission's October 6, 2014, meeting.



The Property is zoned the Single-Family 1 (SF-1) District, pursuant to Ordinance No. 14-15, which was adopted by the Council on July 14, 2014, with Commitments (recorded as Instrument No. 2014030813, in the Hamilton County Recorder's Office on July 18, 2014) (see **Exhibit 5**).

DEVELOPMENT PLAN REVIEW COMMENTS

Development Plan Review (WC 16.04.165)

1) **District Standards** (WC 16.04.165.C.1):

1. **SF-1 District Standards** (WC 16.04.030.C1)(standards of the SF1 District which are less restrictive than those set forth in the Commitments (as noted herein) are not listed below):

Comment: Development Plan complies, except as otherwise noted below.

A. **Minimum Lot Frontage on Road:** 100 feet (60 feet for cul-de-sacs)

B. **Minimum Setback Requirements:**

(1) **Front Yard:** 50 feet

(2) **Rear Yard:** 30 feet*

C. **Maximum Building Height:** 35 feet or 2.5 stories, whichever is lower*

***These standards will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.**

2. **Landscaping Standards:** (WC 16.06.010)

Comment: Development Plan complies, except as otherwise noted below.

A. **General Landscape Design Standards:** (WC 16.06.040):

(1) **Standard:** Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds. Such landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant material.

Comment: Development Plan complies.

B. **On-Site and Road Frontage Requirements:** (WC 16.06.050):

(1) **On-Site Standard:** Single family detached residential shall have four (4) shade trees, two (2) evergreen or ornamental trees and four (4) shrubs per dwelling unit.

Comment: Development Plan complies.

(2) **Road Frontage Standard (Residential):** In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Shade trees shall be located outside drainage and utility easements, shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.

Comment: Development Plan complies.



C. Buffer Yard Requirements:

(1) Standard: (WC 16.06.060) Buffer sizes shall be determined by adjacent zoning districts and/or land uses in accordance with Table 16.06.060-01 of the Zoning Ordinance.

Comment: Development Plan complies.

- 2) Overlay District Standards: (WC 16.04.165.C.2): **This property is not subject to an Overlay District.**
- 3) Subdivision Control Ordinance: (WC 16.04.165.C.3): **Please see Primary Plat comments herein.**
- 4) Development Plan Review Standards: (WC 16.04.165.C.4 and WC 16.04.165.D.5):

1. Site Access and Circulation:

Comment: Development Plan complies.

A. Standard: All proposed site access locations shall comply with the requirements of the Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and any amendments thereto, which is hereby incorporated into and made a part of this Ordinance by this reference.

B. Standard: All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development.

C. Standard: Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the project. All sidewalk or pathway systems shall be designed so as to connect to an existing or proposed sidewalk or pathway network.

D. Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths (WC 16.04.240(G)):

Comment: Development Plan complies. See also note Commitment comments #46 and #47 herein.

(1) Standard: The Plan Commission shall require sidewalks to be installed on each side of the street in all subdivisions.

Comment: Development Plan complies. Please also note Commitment comment #12 herein.

(2) Standard: Where a proposed subdivision abuts an existing street right-of-way, the Plan Commission shall require the developer to construct sidewalks parallel to the existing street.

(3) Standard: The Plan Commission may require developers to construct off-site sidewalks adjacent to the developers' project to respond to infrastructure demands created by said project.

(4) Standard: When a proposed subdivision lies between or adjacent to existing subdivisions which have been provided with sidewalks, the Plan Commission shall require connecting sidewalks (which are extensions of the existing sidewalks) to be constructed.



- (5) Standard: If a sidewalk, pedestrian path, jogging path and/or bicycle way is to be installed, then a plan shall be submitted to the Plan Commission with the Primary Plat and Secondary Plat drawings.
 - (6) Standard: Curb ramps for handicapped accessibility shall be provided at all intersections of streets, alleys, and drives.
 - (7) Standard: When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a street intersection within or adjacent to a subdivision (where one of the streets is a primary arterial a secondary arterial), necessary safety devices, such as painted crosswalks, signs, or other traffic control devices shall be installed at the developer's expense.
 - (8) Standard: When sidewalks, pedestrian paths, jogging paths, and/or bicycle ways are to be installed, they shall be constructed in accordance with the Hamilton County Alternative Transportation Plan and the Construction Standards for the City of Westfield, which have both been adopted by the City of Westfield.
2. Lighting Standards: (WC 16.07 et seq.): **Development Plan complies.**
 3. Sign Standards: (WC 16.08 et seq.):
Comment: Any proposed sign(s) will require a sign permit and will be reviewed by the Department for compliance at that time.
 4. Building Orientation:
 - A. Standard: In order to create variation and interest in the built environment, all new single family subdivisions shall utilize appropriate techniques (e.g., plat restrictions, building setback lines, or other method as approved by the Plan Commission) to accomplish the design objectives as set forth below:
 - (1) At least one (1) of the following two (2) design objectives:
Comment: The proposed subdivision layout only results in two (2) lots abutting a perimeter street. As a result, subsection (b) below applies to those two lots and will be reviewed by the Department for compliance at the time of the building permit review for each individual home.
 - (a) Development of single family subdivisions in which single family lots are so laid out that dwellings are located with the front of the dwelling oriented toward the perimeter street of the subdivision. This design objective may be accomplished through the utilization of frontage road in those instances where the classification of the perimeter street would prohibit individual lots from gaining direct access to the perimeter street; or,
 - (b) Single family dwellings located on lots adjacent to a perimeter street of a subdivision and located so as to have a rear or side façade oriented to said perimeter street shall utilize multiple textures (e.g., rough, smooth, striated, etc.) or multiple architectural elements (e.g., quoins, pilasters, soldier courses, lintels,



friezes, cornices, dentils, architraves, etc.) on each façade visible from the perimeter street.

- (2) At least two (2) of the following three (3) design objectives:

Comment: Development Plan complies.

- (a) Development of single family subdivisions in which the front façade of an attached or detached front load garages are stepped back from the front building line by at least one-half of the depth of the single family dwelling on the lot;

Comment: Development Plan complies as required by the Commitments (see Commitment comment #25 herein), which will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- (b) Development of single family subdivisions in which the building setback line varies within each block face to eliminate monotonous building placement; or,

Comment: Development Plan complies. The proposed street layout accomplishes the intent of this standard.

- (c) Development of single-family subdivisions in which no two single family dwellings may be located on side to side adjacent lots with the same combination or proportion of roofing or siding materials on each façade visible from a public street. This design objective may be accomplished through the use of different combinations or proportions of roofing or siding materials on each front façade, like-oriented façade and facing façade of single-family dwellings located on adjacent lots and visible from a public street. Simple variation in color scheme shall not be deemed sufficient.

Comment: Development Plan complies as required by the Commitments (see Commitment comment #24 herein), which will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

5. **Building Materials: Not applicable as the Commitments are more restrictive (see Commitment comments #18 - #21 herein).**

- 5) **Comprehensive Master Plan: (WC 16.04.165.C.5):** The proposed development shall be appropriate to the site and its surroundings based upon the recommendations contained in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan").

Comment: The Future Land Use Plan in the Comprehensive Plan identifies the property as "Suburban Residential", which is intended to include a variety of housing types at a variety of densities. The proposed development meets many of Comprehensive Plan's development policies for this area, including, but not limited to: (i) Promote the protection of the existing suburban character of the area; (ii) Ensure that development is compatible in mass, scale, density, materials and architectural style to existing development; and (iii) Ensure that new development adjacent to existing suburban is properly buffered.



- 6) **Street and Highway Access:** (WC 16.04.165.C.6): The design and location of proposed street and highway access points shall minimize safety and hazards and congestion.
Comment: Development Plan complies.
 - 7) **Street and Highway Capacity:** (WC 16.04.165.C.7): The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
Comment: Development Plan complies.
 - 8) **Utility Capacity:** (WC 16.04.165.C.8): The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.
Comment: Development Plan complies.
 - 9) **Traffic Circulation Compatibility:** (WC 16.04.165.C.9): The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
Comment: Development Plan complies.
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PRIMARY PLAT REVIEW COMMENTS

Primary Plat Standards (WC 16.04.220)

The following basic information shall be shown [on the Primary Plat] (WC 16.04.220):
These comments identify outstanding items that need addressed prior to approval:

- 10) Location map showing:
Comment: Development Plan complies, unless otherwise noted.
 1. Subdivision name and location
 2. Any street related to the subdivision
 3. Existing elementary and high schools, parks and playgrounds, available for serving the area proposed to be subdivided, and other community facilities
 4. Title, scale, north point and date
 5. Land use adjacent to proposed subdivision and owners names
- 11) A primary plat prepared by a land surveyor or land planner showing:
Comment: Development Plan complies, unless otherwise noted.
 1. Proposed name of the subdivision
 2. Names and addresses of the owner, owners, land surveyor or land planner
 3. Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.
 4. Easements (locations, widths and purposes).



5. Statement concerning the location and approximate size or capacity of utilities to be installed.
6. Layout of lots, showing dimensions and numbers and square footage.
7. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
8. Contours at vertical intervals of two (2) feet if the general slope of the site is less than 10% and at vertical intervals of five (5) feet if the general slope is greater than 10%.
9. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
10. Building setback lines.
11. Legend and notes.
12. Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.

Comment: Development Plan complies. See also Commitment comment #1 herein.

13. Other features or conditions which would affect the subdivision favorable or adversely.
14. Scale, north point and date: Primary Plat shall be drawn to a scale of 50' to 1", or 100' to 1"; provided, however, that if the resulting drawing would be over 36" in shortest dimension, a scale as recommended by the commission may be used.
15. A national cooperative soil survey showing the soil limitations based upon the intended usage of the development land.
16. A statement from the County and State Highway Departments or Westfield Department of Public Works concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.
17. If legal drain is involved, then a statement from the County Drainage Board concerning easements, right-of-way, permits, etc.
18. If floodplain is involved, then a statement from the Indiana Department of Natural Resources concerning construction in floodway (floodplain high water marks, etc.)

Principals and Standards of Design (WC 16.04.230), and Standards of Improvement (WC 16.04.240)

12) Street Standards

Comment: Development Plan complies.

1. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
2. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
3. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.



4. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
5. Widths of streets shall conform to the standards specified in the Hamilton County Thoroughfare Plan and the Westfield Thoroughfare Plan.
6. The maximum length of cul-de-sacs shall be six hundred (600) feet measured along the centerline from the intersection at origin to the center of the circle. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of one hundred (100) feet for streets abutting single family residential districts and one hundred twenty (120) feet for streets abutting all other districts.
7. All streets should intersect at ninety (90) degree angles for a minimum distance of one hundred (100) feet measured from the intersection of right-of-way lines. In no instance shall they intersect at less than eighty (80) degree angles onto Expressways, Primary Arterials, Secondary Arterials, or Collectors; or less than seventy (70) degree angles onto Local Roads or Streets.
8. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs. If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.
9. Intersections of more than two streets at one point shall not be permitted.
10. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
11. Where parkways or special types of streets are involved the Plan Commission may apply special standards to be followed in their design.
12. When subdividing land, consideration shall be given to all natural features, such as existing stands of trees, streams and creeks, historic locations, or similar conditions which, if preserved, will add attractiveness and value to the community.
13. Only one street, driveway or point of vehicle access shall be permitted from a subdivision onto a primary arterial, secondary arterial, or collector. Two or more streets, driveways, or points of vehicle access may be permitted by the Plan Commission only if they are definitely needed to improve the safety and traffic circulation in the area, or are required because of the large size of a subdivision. Subdivisions shall not be designed to permit direct access by a driveway to any primary arterial, secondary arterial, or collector.
14. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.



15. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
 - A. Arterials 500 feet
 - B. Collectors 300 feet
 - C. Local 150 feet
 16. Curvature measured along the center line shall have a minimum radius as follows:
 - A. Arterials 500 feet
 - B. Collectors 300 feet
 - C. Local 150 feet
 17. Between reversed curves on primary arterials and secondary arterials there shall be a tangent of not less than 100'; on collectors and local roads such tangent shall be not less than 40'.
 18. Maximum grades for streets shall be as follows:
 - A. Arterials; not greater than six percent (6%).
 - B. Collectors and local roads; not greater than ten percent (10%).
 19. The minimum grade of any street gutter shall not be less than three-tenths percent (0.3%).
 20. No fence, wall, hedge, tree, or shrub planting which obstructs sight lines and elevation between 3' and 12' above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the right-of-way lines and a line connecting points:
 - A. 40' from intersections of Collectors or Local Roads
 - B. 75' from intersections of Expressways or Arterials
 - C. 10' from intersections of driveways or alleys.
 21. No driveway shall be located within 75' of the intersection of two street lines.
 22. Acceleration lanes, deceleration lanes, passing blisters, or left turn lanes may be required to be constructed at the intersection of any proposed local road with an expressway, arterial, or collector.
- Block Standards: Development Plan complies, unless otherwise noted.**
23. Blocks not to exceed 1250' in length.
 24. Blocks shall be of sufficient width to permit two tiers of appropriate depth, except where an interior street parallels an expressway, primary arterial, or secondary arterial.
- 13) **Lot Standards: Development Plan complies, unless otherwise noted.**
1. All lots shall abut on a street.
 2. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets, some variation from this rule is permissible, but pointed or very irregular lots should be avoided.
 3. Corner residential lots shall be of sufficient width to permit appropriate setbacks from both streets.
- 14) **Easement Standards: Easements for utilities shall be provided. Such easements shall have a minimum width of 20', and where located along lot lines, one-half of the width shall be taken from**



each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing and the installation of such services.

Comment: Development Plan complies.

15) **Green Belt Space: Development Plan complies, unless otherwise noted below.**

1. All subdivisions of more than five (5) acres shall set aside a minimum gross area for the purpose of development into green belt space (5% of gross area for SF1 subdivisions).
2. A public way, crosswalk or easement not less than 15' in width shall be provided for access to the required green belt space.
3. Green belt space, where applicable, shall be placed adjacent to or connected to existing or proposed green belt space located on adjoining property.

COMPLIANCE WITH COMMITMENTS

On July 14, 2014, the Council approved the change of zoning for the property to the SF1 District, subject to the following Commitments (recorded as Instrument No. 2014030813, in the Hamilton County Recorder's Office on July 18, 2014):

Site Development Commitments:

- 1) All drainage from new development shall be engineered to flow south to the pond and not onto any lots located in the existing Oak Park Section 1 Lots 1-18 (plat recorded as Instrument Number 9447716 on November 18, 1994) (hereafter "Oak Park Section 1") or any lots located in the existing Oak Park Section 1 Replat of Lots 19-32 (plat recorded as Instrument Number 9909917815 on March 24, 1999) (hereafter "Oak Park Replat"), nor onto any existing drainage facilities in Oak Park Section 1 or Oak Park Replat (together "Oak Park") except for the portion of the Real Estate within the Tree Preservation Area (as defined in Commitment #13 below) which will continue its current drainage pattern.

Comment: Development Plan complies. The Petitioner will continue to coordinate with the Public Works Department through the construction plan approval stage.

- 2) The minimum lot area for all lots on the Real Estate shall be 30,000 square feet (approximately 0.7 acres). The average lot area for all lots in the Real Estate shall be at least 39,200 square feet (approximately 0.9 acres).

Comment: Development Plan complies.

- 3) The minimum Lot Width (as defined in the Zoning Ordinance) shall be one hundred thirty (130) feet.
Comment: Development Plan complies.
- 4) The minimum Side Yard (as defined in the Zoning Ordinance) setback shall be twenty (20) feet with an aggregate Side Yard setback of forty (40) feet. The minimum Side Yard setback for Lot 28 where it abuts Oak Park Section 1 shall be thirty-five (35) feet. The minimum distance between Principal Buildings (as defined in the Zoning Ordinance) shall be forty (40) feet.



Comment: Will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.

- 5) As shown on Exhibit B, there shall be no more than three (3) lots on the Real Estate abutting Lots 7, 8, and 9 of Oak Park Section 1.

Comment: Development Plan complies.

- 6) The Rear Yard (as defined in the Zoning Ordinance) setback for lots abutting Lots 8 and 9 of Oak Park Section 1 shall be at least fifty (50) feet.

Comment: Will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.

- 7) As shown on Exhibit B, there shall be no more than five (5) lots on the Real Estate abutting Lots 13, 14, and 15 of Oak Park Section 1 and Lots 26, 27 and 28 of Oak Park Section 1 Replat.

Comment: Development Plan complies.

- 8) Up to three (3) homes on Lots 1 - 26 of the Real Estate may be one-story homes. The homes on Lots 27 and 28 of the Real Estate shall be two-story homes.

Comment: Will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.

- 9) A white split rail fence theme consistent with existing white split rail fences in Oak Park shall be continued at the entry focal points to the Real Estate on Lots 1 and 27 and shall be installed on the East boundary of Lots 4 and 5 of the Real Estate, as shown on Exhibit C. The existing white split rail fence may be removed on the north and northeast portions of Lots 27 and 28 of the Real Estate.

Comment: Development Plan complies.

- 10) Prior to construction of any home on the Real Estate, red maple trees (3-4" caliper) shall be planted forty (40) feet apart along the eastern perimeter of the Real Estate (on Lots 4 and 5) and along the western perimeter of the Real Estate (on Lots 25, 26 and 28), excluding that part of the perimeter abutting the Tree Preservation Area (as defined in Commitment #12 below). Existing mature red maple trees along the north and northeast perimeter of Lots 27 and 28 shall be maintained throughout construction in compliance with all requirements of Section WC 16.06.020 of the Zoning Ordinance.

Comment: Development Plan complies.

- 11) The perimeter landscape buffer provided along the eastern boundary of the Real Estate (on Lots 4 and 5) and along the western boundary of the Real Estate (on Lots 25, 26, and 28) shall be substantially similar to that shown on Exhibit D. In addition to the red maples noted in Commitment #10 above, the landscape buffer shall be planted with a minimum of two (2) evergreen trees per thirty (30) linear feet, five (5) evergreen shrubs per thirty (30) linear feet, and five (5) deciduous shrubs per thirty (30) linear feet.

Comment: Development Plan complies.

- 12) Sidewalks on the Real Estate shall be constructed on both sides of the street within the public right-of-way per City of Westfield standards.



Comment: Development Plan complies.

- 13) There shall be a Tree Preservation Area on the plat of that part of the Real Estate that abuts Lots 13 and 14 of Oak Park Section 1 as shown on Exhibit B. The Tree Preservation Area shall be platted as a tree conservation easement. Within the tree conservation easement no trees with a diameter at breast height (DBH) in excess of six inches (6") shall be removed unless the tree is damaged, diseased, dead as determined by an arborist certified by the International Society of Arboriculture or landscape architect licensed in the State of Indiana, or is required to be removed in order to comply with safety requirements of any governmental agency. If such a tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall replace the removed tree within one hundred eighty (180) days with a tree or trees of combined equal or greater DBH at or in the same general location of the removed tree subject to the availability of space for their healthy growth in the easement. The replacement tree(s) shall be of equal or similar species to the removed tree. Certain areas of the Tree Preservation Area may be required to be designated on the plat as drainage and/or utility easements by the City of Westfield or Hamilton County. Such drainage and utility easements supersede the tree conservation easement. The Tree Preservation Area shall comply with all requirements of Section WC 16.06.020 B of the Zoning Ordinance.

Comment: Development Plan complies.

- 14) The average finish grade at the base of the homes located on Lots 25, 26, and 28 of the Real Estate shall be at or below the average finish grade at the base of the existing homes of the abutting lots in Oak Park Section 1.

Comment: Will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.

- 15) As part of the secondary plat which includes Lot 22 of the Real Estate, Owner shall include a minimum fifteen (15) foot wide common area from the nearest point of the interior road of the proposed development to the southeast corner of the existing Recreation Area abutting Lot 22 (the "Recreation Access Common Area") as depicted on Exhibit B.

Comment: Development Plan complies.

Lot Construction Commitments:

Comment: The "Lot Construction" commitments will be further reviewed by the Department for compliance at the time of the building permit review for each individual lot.

- 16) The design and material of each home shall be consistent with the existing homes in Oak Park. Homes constructed on the Real Estate shall be of similar character to those depicted in Exhibit E. "Log cabin" type homes are prohibited.
- 17) Homes shall be at least 4,000 square feet above grade, exclusive of garages, porches, basements, walkouts, decks and sunrooms.



- 18) Permissible exterior materials include brick, stone, cultured stone, stucco, fiber cement siding, and wood. Brick, stone, and cultured stone material shall be installed unit by unit and set in mortar, and not panelized brick or stone veneer.
- 19) Vinyl or aluminum siding shall not be permitted.
- 20) All interior chimney chases (those which protrude only from the roof line on all four sides) shall be finished in brick, stone or fiber cement siding material. Exterior chimney chases (those extending below the roof line on at least one side) shall be finished in brick or stone only.
- 21) All window casings shall be vinyl clad or aluminum clad type material.
- 22) Roof overhangs shall be required and shall be a minimum of eight (8) inches. Elements such as porches, bays, walkways, etc. may be covered with fewer inches of overhang.
- 23) Roof vents shall be located to the rear of the dwelling. All vents shall be positioned to be minimally visible from the street.
- 24) Each front elevation of a home shall be substantially different from the other homes within the development.
- 25) All garages shall comply with the garage standards in Exhibit F.
- 26) All homes shall have a minimum three (3) car attached garage.
- 27) Driveways shall be concrete, asphalt, or other solid surface. Gravel shall be prohibited. On Lot 28 of the Real Estate the driveway shall be located on the east side of the dwelling.
- 28) A minimum of three (3) of the trees required by the on-site landscape requirements in Section WC 16.06.050 A 2 of the Zoning Ordinance shall be planted in the front yard.
- 29) Contemporaneously with the issuance of a Certificate of Occupancy/Certificate of Compliance (or as soon thereafter as weather permits), the Front Yard and Side Yards to the rear corner of the house shall be sodded, and rear yards shall be hydroseeded.
- 30) Above ground pools shall be prohibited.
- 31) Mini-barns and storage sheds shall be prohibited.

Miscellaneous Commitments:

Comment: Commitments that apply at this stage in the review process are noted with comments below; otherwise, commitments will be reviewed or monitored for compliance at a later date, as appropriate.

- 32) No construction trailers shall be permitted on the Real Estate.
- 33) Hours of construction on the exterior of homes shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
- 34) No exterior construction shall be permitted on Sundays.
- 35) During the construction period of a home on a lot, dumpsters, trash bins and/or portable toilets that may be set on the lot shall be placed near the driveway of homes under construction, as near to the home as is reasonably practical. Portable toilets shall be placed near the driveway of homes under



construction as near to the home as is reasonably practical and shall have the entrance to the toilets facing away from the street and other homes. Any dumpsters, trash bins, and/or portable toilets placed on a lot shall be removed prior to the City of Westfield issuing a final Certificate of Occupancy/Certificate of Compliance for the home.

- 36) There shall be no model homes with daily sales staff in the development. Spec homes may be open and staffed for sales operations on weekends between the hours of 7:00a.m. to 7:00p.m. and by appointment.
- 37) One (1) Construction Sign (as defined in Section WC 16.08.010 C 10 of the Zoning Ordinance) shall be permitted for the development of the Real Estate and shall be located within the common area at the entry to Oak Park in Block B (east side of the entrance) as identified on the recorded plat for Oak Park Section 1. The Construction Sign may be moved to the Oak Road entrance upon completion of the permanent roadway off of Oak Road.
- 38) One (1) On Site Builder/Developer Direction Sign (as defined in Section WC 16.08.010 K 6 of the Zoning Ordinance) shall be permitted within the common area at the intersection of Oak Park Court and Oak Park Circle in Block D as identified on the recorded plat for Oak Park Section 1. The sign shall be permitted to remain until Lots 1-19 and 23-28 are sold. All signage shall comply with Westfield sign regulations.
- 39) The concrete wash-out for the development shall not be connected to the existing storm sewer in Oak Park. The concrete washouts for the development shall not be located on any lot abutting a residential lot in Oak Park.
- 40) Construction of a home shall begin within twelve (12) months after the building permit is issued for construction of the home and must be completed within eighteen (18) months after the building permit is issued.
- 41) Upon the requisite vote of the members of the Oak Park Homeowners Association, Inc. as required by the governing documents of the Association, the Real Estate shall be incorporated into the Association and shall be subject to the Declaration of Covenants, Conditions and Restrictions for Oak Park, Instrument Number 9447715 recorded November 18, 1994, as amended, except as they may conflict with these COMMITMENTS, in which case these COMMITMENTS shall control. Upon inclusion of the Real Estate in the Association, the owner(s) of "one lot" in the Real Estate shall become "one member" of the Oak Park Homeowners Association, Inc. In no case shall any single owner of multiple lots located in the Real Estate (including the Owner) have more than ten (10) member votes.
- 42) The developer (including its successors and assigns) shall pay to the Oak Park Homeowners Association, Inc. a sum equal to \$5,000 for each residential lot shown on the approved preliminary plat on the Real Estate. For example, if the preliminary plat(s) contain 28 residential lots, then the sum payable shall be \$140,000. If the Real Estate is developed in more than one preliminary plat, then the sum due from the developer shall be due for each residential lot approved on each



preliminary plat. Said sum shall be due on a per lot basis and payable at the time a building permit is issued for said lot.

- 43) An Architectural Review Committee shall be established to review the designs of the homes to be constructed on the Real Estate for compliance with the standards of these COMMITMENTS. The Architectural Review Committee shall be comprised of three members: one representative selected by Oak Park Homeowners Association, Inc., one (1) representative selected by the Owner and one (1) licensed independent architect. The initial Association and Owner representatives shall agree upon and create a list of no less than four (4) acceptable independent architects and one such architect shall be selected from time to time to serve as the third committee member until his or her successor is selected from the then-current list of architects. The cost of retaining the independent architect shall be paid by the Owner. The Architectural Review Committee shall approve, modify or disapprove in writing all building plans submitted within fourteen (14) days of submittal. Submittals shall include elevation plans for all sides of the proposed dwelling. In the event the Architectural Review Committee fails to approve, modify, or disapprove in writing any duly filed building plans within fourteen (14) days, said plans shall be deemed approved.

- 44) The number of lots, design and layout of the lots on the Real Estate shall be substantially similar to Exhibit B, the Conceptual Land Plan.

Comment: Development Plan complies.

- 45) Neighborhood access to the Recreation Access Common Area and the common area located in the southeast section of the proposed development as illustrated in Exhibit B (the "Southeast Common Area") shall be allowed upon secondary plat approval for Lots 11 through 22. Upon the sale of twenty-five (25) of the lots in the proposed development from the home builder to the home buyer, the Owner shall transfer the Southeast Common Area, the Recreation Access Common Area and all other common areas located within the Real Estate to Oak Park Homeowner's Association, Inc. and the obligation for ongoing maintenance and the payment of real estate taxes due and payable after such date shall transfer to the Association as of the date of transfer.

- 46) A second permanent entrance finished and landscaped to a standard consistent with and not less than the standard of the existing 161st Street entrance to Oak Park as pictured in Exhibit G shall connect the proposed development to Oak Road. The street network within the development shall allow for circulation from the Oak Road entrance to the existing street stub at the end of Oak Park Circle as depicted in Exhibit B. The permanent entrance and roadway shall be curbed and paved from Oak Road to Oak Park Circle within one hundred eighty (180) days following the sale of fourteen (14) of the lots in the proposed development from the home builder to the home buyer, or as soon thereafter as weather permits. Permanent entrance monuments and landscaping shall be completed within ninety (90) days of completion of curbing and paving, or as soon thereafter as weather permits.

Comment: Development Plan complies.



- 47) Prior to any land disturbing activity on the Real Estate, Owner shall establish and maintain a construction entrance off of Oak Road to provide access to the Real Estate. Prior to the construction of the permanent entrance and roadway connecting the proposed development to Oak Road, and prior to the commencement of any home construction on the Real Estate, Owner shall establish and maintain a construction road off of Oak Road to provide access to the Real Estate. All construction traffic for the proposed development shall be required to utilize the Oak Road construction entrance or, when completed, the Oak Road permanent entrance.
- 48) Within thirty (30) days of secondary plat approval for any portion of the proposed development, Owner shall reimburse the Oak Park Homeowners Association, Inc. for any property taxes previously paid by the Association for properties not owned by the Association and located within the Real Estate or in the original Oak Park development, along with payment of eight percent (8%) interest thereon through the date of payment.
- (Commitments 15, 41, 42, 43 and 45 shall not be valid and enforceable until the Real Estate is incorporated into the Oak Park Homeowners Association, Inc.)

STAFF COMMENTS

- 1) The submitted Primary Plat and Overall Development Plan comply with the applicable zoning ordinances and commitments. Staff recommends approving the petition as presented.
- 2) If any Plan Commission member has questions prior to the public hearing, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.