



## *Westfield City Council Report*

<b>Ordinance Number:</b>	15-19
<b>APC Petition Number:</b>	1507-PUD-13
<b>Petitioner:</b>	Langston Residential Development, LLC
<b>Requested Action:</b>	A text amendment to modify the setback standards applicable to the Lakes of Westfield subdivision of the Andover Planned Unit Development (PUD) District.
<b>Current Zoning:</b>	Andover PUD District (Ordinance 03-40)
<b>Current Land Use:</b>	Residential / Agricultural
<b>Exhibits:</b>	<ol style="list-style-type: none"><li>1. Location Exhibit</li><li>2. Concept Plan</li><li>3. Andover PUD District Ordinance</li><li>4. Amendment Ordinance</li><li>5. APC Certification</li></ol>
<b>Prepared by:</b>	Jeffrey M. Lauer, Associate Planner

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### **PETITION HISTORY**

This petition was introduced at the June 8, 2015, City Council meeting. The petition received a public hearing at the June 15, 2015, Advisory Plan Commission (the "APC") meeting. The APC forwarded this petition with a unanimous favorable recommendation at its June 15, 2015, meeting. This petition is eligible for adoption consideration at the June 22, 2015, Council meeting.

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### **PROCEDURAL**

**Public Hearing:** Amendments to a Planned Unit Development (PUD) District are required to be considered at a public hearing by the APC. The public hearing for this petition was held at the June 15, 2015, APC meeting. Notice of the public hearing was provided in accordance with Indiana law and the APC's Rules of Procedure.

**Statutory Considerations:**

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.

3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

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## **PROJECT OVERVIEW**

**Project Location:** The Petitioner is requesting an amendment to the Andover Planned Unit Development (PUD) District Ordinance No. 03-40 (the “PUD Ordinance”) for the Lakes of Westfield subdivision within the Andover PUD District, which is located along the east side of Grassy Branch Road, but south of the future 186<sup>th</sup> Street extension (collectively, the “Property”) (see **Exhibit 1**).

**Property History:** The Property was zoned the Andover PUD District in December 2003, and encompasses “Parcels” A, B, C, D, H, I and J of the PUD Ordinance (collectively, the “PUD Parcels”), as identified on the PUD Ordinance’s Concept Plan. The original PUD Ordinance was approved to allow the PUD Parcels to be developed for detached single-family residential with minimum lot widths of 65’ (60 lots), 80’ (50 lots), 90’ (50 lots) and 100’ (40 lots).

In March 2004, the Property received approval of a primary plat and development plan for 200 single family lots (1.58 du/acre). The 200 single family lots were platted with a mix of lot sizes ranging from 65’-wide to 100’-wide lots.

In April 2014, the Plan Commission approved a new primary plat and development plan for the property with a lower overall density of 199 single-family family lots (1.48 du/acre) and larger lots of 90’-wide (125 lots) and 100’-wide (74 lots) than were proposed in 2004 (see **Exhibit 3**). This property is being subdivided as the “Lakes of Grassy Branch” and the “Lakes of Shady Nook” (collectively, the “Lakes of Westfield”).

**Amendment Request:** The Petitioner is requesting an amendment (see **Exhibit 4**) to the side yard setback standards for detached single-family dwellings with side load garages in the Lakes of Westfield.

**Existing Standard:** The PUD Ordinance currently requires a minimum side yard setback of eight (8) feet<sup>1</sup>.

**Proposed Standard:** The amendment only applies to homes with a side load garage and provides for a minimum side yard setback of five (5) feet, with an aggregate side yard setback of sixteen (16) feet for the lot and a minimum ten (10) foot building separation.

In November 2014, the Council approved a similar amendment to the Unified Development Ordinance<sup>2</sup> (the “UDO”) that allowed for homes with a side load garage to have a minimum side yard setback of five (5) feet to encourage and better accommodate side load garages; however, the Andover PUD Ordinance “locks-in” the zoning ordinance standards as they were in effect at the time

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<sup>1</sup> *Exhibit 7: Development Standards Matrix of the PUD Ordinance.*

<sup>2</sup> Article 6.16(H) of the UDO reads “Side-Load Garages: The minimum Setback Line for a Side Yard in a Major Subdivision in a Single-Family District may be reduced to five (5) feet for Dwellings with a side or courtyard loading garage; however, the Lot’s aggregate Building Setback Lines for the combined Side Yards shall be a minimum of the District’s Minimum Building Setback Line for a Side Yard multiplied by two (2).”

the Andover PUD Ordinance was enacted (2003). As a result, without an amendment to the Andover PUD Ordinance, the UDO standard cannot be applied to this development.

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**RECOMMENDATIONS / ACTIONS**

APC Recommendation

At its June 15, 2015, meeting, the APC forwarded a unanimous favorable recommendation of this petition to the Council (Vote of: 9 in favor, 0 opposed) (see **Exhibit 6**).

City Council

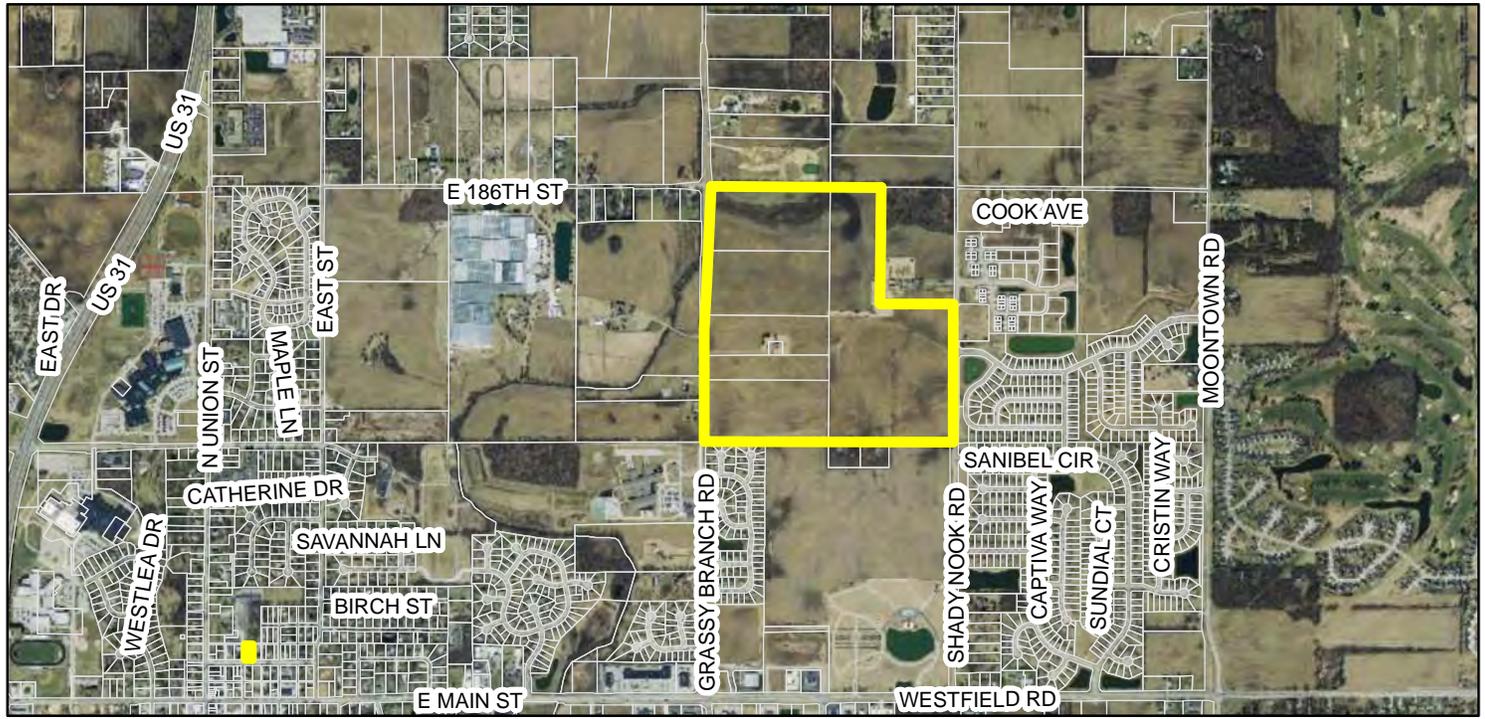
Introduction: June 8, 2014

Eligible for Adoption: June 22, 2015

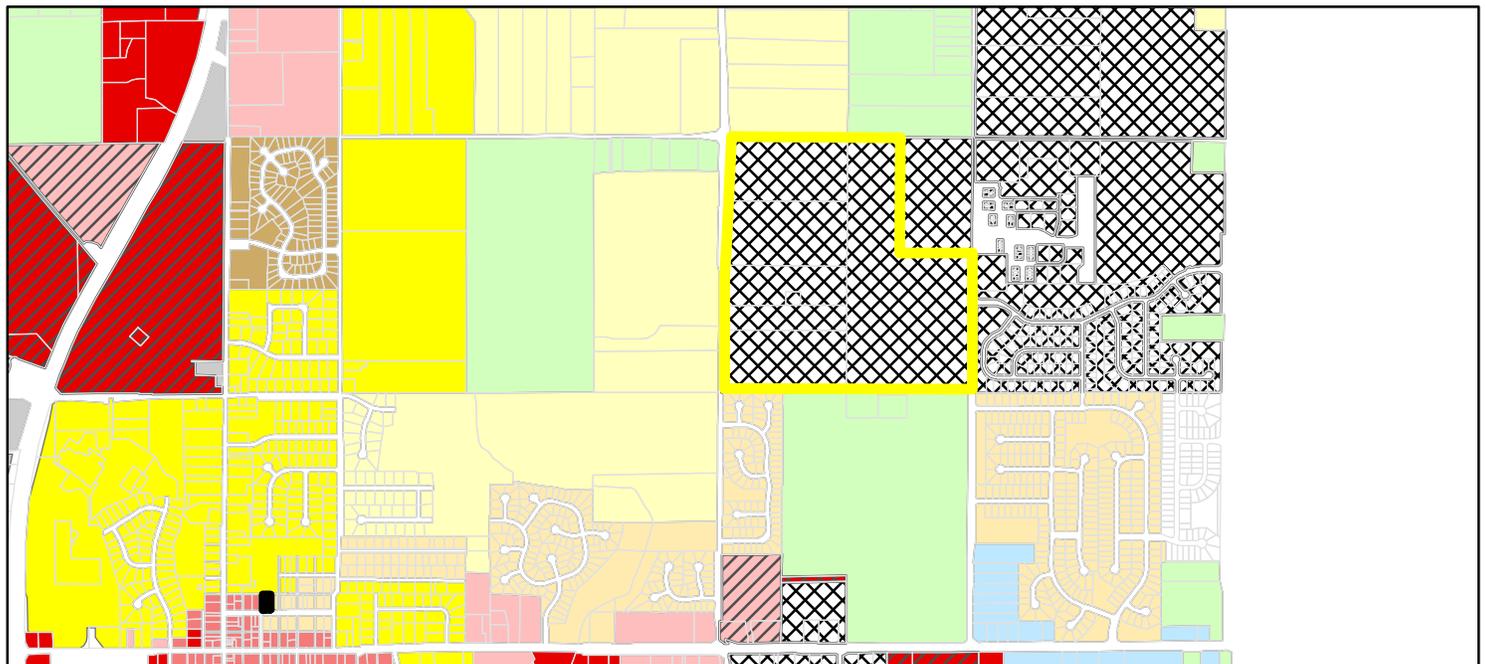
Submitted by: Jeffrey M. Lauer, Associate Planner  
Economic and Community Development Department

### Aerial Location Map

Site



### Zoning Map



Zoning		
 AG-SF1 (Agriculture - Single Family - 1)	 GB-PD (General Business - Planned Development)	 MF-2 (Multiple Family - 2)
 AG-SF1I (Agriculture - Single Family - 1 In-town)	 GO (General Office)	 MF-1 (Multiple Family - 1)
 EI (Enclosed Industrial)	 GO-PD (General Office - Planned Development)	 OI (Open Industrial)
 EI-PD (Enclosed Industrial - Planned Development)	 LB (Local Business)	 OI-PD (Open Industrial - Planned Development)
 GB (General Business)	 LB-H (Local Business - Historical)	 PUD (Planned Unit Development)
	 LB-PD (Local Business - Planned Development)	 SB-PD (Special Business - Planned Development)
	 MF-1 (Multiple Family - 1)	 SF-2 (Single Family - 2)
		 SF-3 (Single Family - 3)
		 SF-3 (Cluster (Single Family - 3 Cluster))
		 SF-4 (Single Family - 4)
		 SF-4 Pre-1994 (Single Family - 4 Pre-1994)
		 SF-5 (Single Family - 5)
		 SF-A (Single Family - Attached)

# THE LAKES OF WESTFIELD



**THE LAKES**  
AT GRASSY BRANCH



  
**THE LAKES**  
*at Shady Nook*

**EXHIBIT 7  
DEVELOPMENT STANDARDS MATRIX**

Parcel	Land Use Type	Underlying Zoning Classification	Acreage	Dwelling Units (Max.)	Max. Density	Square Feet Per Residential Unit (Min.) (sq. ft.)	Min. Lot Width <sup>1</sup> (ft.)	Min. Lot Depth (ft.)	Min. Lot Area (sq. ft.)	Max. Lot Coverage (%)	Min. Front Setback (ft.)	Min. Rear Setback (ft.)	Min. Side Setback (ft.)	Minimum Building Separation (ft.)	Max. Bldg. Height <sup>2,3</sup> (ft.)
A	Single-family detached	SF-2	18.6	40	2.15	2200 single story; 2400 multi-story (1000 ground floor)	100	140	14,000	30	25	25	8	16	35
B	Single-family detached	SF-2	30.8	50	1.62	2200 single story; 2400 multi-story (1000 ground floor)	90	140	12,600	30	25	25	8	16	35
C	Single-family detached	SF-2	23.6	50	2.12	1800 single story; 2000 multi-story (1000 ground floor)	80	130	10,400	35	25	25	7.5	15	35
D	Single-family detached	SF-2	22.2	60	2.70	1400 single story; 1800 multi-story (800 ground floor)	65	130	8,450	40	25	25	5	12	35
E	Single-family detached	SF-2	39.4	80	2.03	1400 single story; 1600 multi-story (800 ground floor)	80	130	10,400	35	25	25	7.5	15	35
F	Single-family detached	SF-2	67.7	180	2.66	1200 single story; 1400 multi-story (800 ground floor)	60	120	7,200 <sup>4</sup>	40	25	25	5	12	35
G	Single-family attached (For Sale)	SF-2	31.6	180	5.70	1000 single story; 1200 multi-story	N/A	N/A	N/A	40	20	20	20	15	35
H	Open Space	N/A	34.7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I	Daycare	LB	2.8	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
J	Assisted Living	LB	8.0	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
Total			279.4							25	N/A	N/A	N/A	N/A	45
Residential Only			268.6	640	2.38										

1. Lot Width shall refer to minimum lot width at building line. All lots shall be a minimum of 35 feet wide at the street.

2. Building height shall be measured from the average ground level at the foundation of the residence facing the street to the mean height between the eaves and ridges for gable, hip, and gambrel roofs. Chimneys and other similar structures shall not be included in calculating building heights.

3. Maximum building height for Amenity Center(s) shall be forty-five (45) feet.

4. Lots along the southern border of Parcel F shall have a minimum lot area of 9,000 square feet.

## ORDINANCE NUMBER 15-19

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE ANDOVER PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 Unified Development Ordinance;

**WHEREAS**, the Council enacted Ordinance No. 03-40, the Andover Planned Unit Development District (the "Andover PUD Ordinance"), on December 8, 2003, as amended by Ordinance No. 06-24 and Ordinance No. 12-37;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1507-PUD-13**), requesting an amendment to the Andover PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1507-PUD-13** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable recommendation** (9-0) 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 June 16, 2015;

**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 Andover PUD Ordinance and the Unified Development Ordinance are hereby amended as follows:

**Section 1.**    **Applicability of Ordinance.**

- 1.1    This Ordinance shall amend the Andover PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by the Andover PUD Ordinance, as amended by this Ordinance and its exhibits.
- 1.2    All other provisions of the Andover PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3    All provisions and representations of the Unified Development 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 the Andover PUD Ordinance, as amended.

**Section 2.**    **Setback Standards.** The standards of *Exhibit 7: Development Standards Matrix* of the Andover PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below:

- 2.1    Side-Load Garages: The minimum side yard building setback line for a single-family detached dwelling on the Real Estate may be reduced to five (5) feet for dwellings with a side or courtyard loading garage; however, the lot's aggregate building setback lines shall be sixteen (16) feet and the minimum building separation shall be ten (10) feet.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Charles Lehman

\_\_\_\_\_  
Charles Lehman

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Charles Lehman

\_\_\_\_\_  
Jim Ake

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Jim Ake

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Jim Ake

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

This document prepared by:  
Jeffrey M. Lauer  
2728 E. 171<sup>st</sup> Street  
Westfield, IN 46074

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: Jeffrey M. Lauer

I hereby certify that **ORDINANCE 15-19** was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-19**

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-19**

this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
J. Andrew Cook, Mayor

**EXHIBIT A**  
**Real Estate (Legal Description)**

A part of the Northwest Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the Southeast corner of said Quarter Section; thence North 89 degrees 53 minutes 46 seconds West along the South line of said Quarter Section 2,647.32 feet to the Southwest corner of said Quarter Section; thence North 00 degrees 19 minutes 20 seconds East along the West line of said Quarter Section 2,681.38 feet to the Northwest corner of said Quarter Section; thence South 89 degrees 40 minutes 39 seconds East along the north line thereof a distance of 1832.88 feet to the Northeast corner of the Northwest quarter of said Quarter Section; thence South 00 degrees 19 minutes 21 seconds West along the east line of thereof a distance of 1226.26 feet; thence South 89 degrees 39 minutes 38 seconds East 814.87 feet to the East line of said Quarter Section; thence South 00 degrees 20 minutes 22 seconds West along said East line 1,444.78 feet to the POINT OF BEGINNING of this description containing 139.728 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY  
PLAN COMMISSION CERTIFICATION**

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The Westfield-Washington Township Advisory Plan Commission held a public hearing on Monday, June 15, 2015, to consider an amendment to the Andover Planned Unit Development District and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Advisory Plan Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The petition is as follows:

Docket No.	1507-PUD-13
Ordinance No.	15-19
Petitioner	Langston Residential Development, LLC
Description	Langston Residential Development, LLC requests a text amendment to modify the setback standards applicable to the Lakes of Westfield subdivision in the Andover Planned Unit Development (PUD) District.

On June 15, 2015, a motion was made and passed to send a unanimous favorable recommendation to the City Council regarding this petition (Vote: 9 in favor, 0 opposed).

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



Matthew S. Skelton, Secretary

June 17, 2015

Date