

## ORDINANCE NUMBER 16-12

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

This is an 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 Common Council enacted Ordinance No. 12-14, The Harmony Planned Unit Development District (the "Harmony PUD Ordinance") on January 14, 2013;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1606-PUD-07**), requesting an amendment to the Harmony 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. 1606-PUD-07** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a [redacted] 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 [redacted], 2016;

**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 Harmony PUD Ordinance and Unified Development Ordinance (the "UDO") are hereby amended as follows:

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

- 1.1 This Ordinance shall amend the Harmony PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Harmony PUD Ordinance; and (iii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as

modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Harmony PUD Ordinance, as amended.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.3 All provisions and representations of (i) the UDO or (ii) The Harmony PUD 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 or The Harmony PUD Ordinance shall have the meanings ascribed to them in the UDO.

- 2.1 Illustrative Character Exhibit - GetGo: The architectural building elevations, attached hereto as **Exhibit C.**
- 2.2 Illustrative Character Exhibit - CVS: The architectural building elevations, attached hereto as **Exhibit D.**
- 2.3 Concept Plan, Area C (GetGo): The plan for the development of Area C of the Mixed Use District of the Harmony PUD Ordinance, including but not limited to landscaping, sidewalks and amenities to enhance pedestrian comfort, attached hereto as **Exhibit B.**

**Section 3.** **Concept Plan.** The Area C (GetGo) Concept Plan is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan with respect to Area C of the Mixed Use District of the Harmony PUD Ordinance. If developed for a Gasoline Service Station, then Area C shall be developed in substantial compliance with the Area C (GetGo) Concept Plan.

**Section 4.** **Development Standards.** The standards applicable to the Mixed Use District of the Harmony PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 4.1 Permitted Uses: Section 2.2 of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.
  - A. Fast Food Restaurants shall be prohibited on the Real Estate.
  - B. The provisions of Section 2.2.B of the Harmony PUD Ordinance shall be deleted. ~~No restaurant with drive-through facility shall be permitted in Area C.~~
  - ~~C. One (1) Gasoline Service Station shall be permitted within Area C.~~

- C. One (1) Gasoline Service Station shall be permitted within Area C. Said Gasoline Service Station shall only be open and operating between the hours of 5:00 A.M. and twelve midnight. In the event a Gasoline Service Station is in operation on the property zone under Ordinance 12-24 (the “Town West Station”) with hours between twelve midnight and 5:00 A.M. the limitation of hours in this Section 4.1(C) shall be reduced and operation shall be permitted at the same hours as the hours permitted for the Towne West Station.

4.2 Minimum Building Setback Lines: Section 2.3(B)(3) of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.

- A. Front Yard:
  - i. Mixed Use District Interior Streets: 20 feet (10 feet setback from ~~access—easement~~ Private Street connecting Ditch Road and Waterleaf Drive)
  - ii. Area C South Property Line: 10 feet
- B. Side and Rear Yards (Interior to Mixed Use District): 0 feet

**Section 5.** Landscaping Standards. Article 5 (Landscaping Standards) of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.

- A. The Mixed-Use District shall comply with the UDO’s External Street Frontage Landscaping Requirements (Article 6.8(M)(2)) along Ditch Road and 146<sup>th</sup> Street (old and new), which shall replace and supersede the Landscape Buffer A and Landscape Buffer B requirements of the Harmony PUD Ordinance.
  - i. Sidewalks and drive aisles may encroach into External Street Frontage Landscaping in Area C and landscape materials may be provided within the adjacent right-of-way **subject to approval by the County Highway Department**, provided the site is developed in substantial compliance with the Area C (GetGo) Concept Plan and the required plantings are otherwise provided.
  - ii. **The screen wall adjacent to the drive aisle, as illustrated on the Area C (GetGo) Concept Plan, shall meet the applicable Street Frontage Plantings required across the segment of the screen wall adjacent to the drive aisle.**
- B. Amendments to a landscape plan approved as part of an Overall Development Plan for the Real Estate may be approved as part of a Lot or

Block's Detailed Development Plan.

**Section 6.** **Sign Standards.** The standards of the Harmony PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- A. **Gasoline Service Station Use:** A Gasoline Service Station shall be permitted signs in accordance with the UDO for an Individual Non-Residential Use.
- B. **Wall Signs:** All wall signs in Area B shall only be externally lit with decorative lighting (e.g., gooseneck style fixtures).

**Section 7.** **Architectural Design Standards.** Section 2.3-(A)-(1) of the Harmony PUD Ordinance shall apply to the development of the Real Estate, ~~except.~~ **In addition, Buildings shall utilize a “Village Design Theme”, as ~~otherwise modified below.~~ follows:**

~~7.1 **Medium Intensity Retail Use – Pharmacy:** A pharmacy (drug store) building, if constructed within Area B, shall be constructed in substantial compliance with the elevations and materials illustrated on the Illustrative Character Exhibit – CVS, which shall replace and supersede the otherwise applicable architectural standards.~~

7.1 **Gasoline Service Station:** A Gasoline Service Station shall be constructed in substantial compliance with the elevations and materials illustrated on the ~~Illustrative~~ **Defined Architectural Design:** A Village Design Theme shall be consistent with a Defined Architectural Design applicable to the single family homes within the Harmony PUD District, as set forth in Section 3.4(3) Architectural Standards; Defined Architectural Designs. The Defined Architectural Designs include Adam (Colonial), Georgian, Italianate, Shingle, Folk Victorian, Colonial Revival, Tudor, Craftsman. Significant architectural elements to determine consistency with a Defined Architectural Design include:

- A. Window design (e.g., enhanced trim, pane size and type) and alignment/location;
- B. Building massing (pedestrian scaled with façade projections and recessions);
- C. Roof type and pitch (inclusion of shed roofs, dormers with faux windows and/or decorative gables when architecturally appropriate);
- D. Large roof overhangs that are primarily pitched and not flat;
- E. Enhanced cornice treatment;
- F. Enhanced and inviting entryways with pedestrian cover and “porch like”

treatment (e.g., inclusion of columns with masonry bases);

- G. Variety of building materials, patterns and colors;
- H. Emphasized trim at corner breaks, around windows and within gables; and
- I. Enhanced foundation plantings and planters to soften building facades.

7.2 Established Benchmark Exhibits: The Character Exhibit – CVS and Character Exhibit – GetGo, ~~which shall replace and supersede the otherwise applicable~~ comply with and hereby establish benchmark examples of the Village Design Theme.

~~7.27.3~~ Conflicting Standards: It is hereby acknowledged that design elements that embody a Village Design Theme may be in conflict with the architectural standards— set forth in Section 2.3(A)(1) of the Harmony PUD Ordinance. If a proposed building elevation embodies a Defined Architectural Design, as set forth above, and is an architectural style that complements the Established Benchmark Exhibits, then the Plan Commission has the authority to approve a building elevation that doesn't comply with Section 2.3(A)(1) of the Harmony PUD Ordinance.

~~7.3~~ All other buildings within Area B and Area C: ~~All buildings in Area B and Area C not including the buildings identified in Section 7.1 and Section 7.2 above in shall be constructed utilizing elements of the Defined Architectural Designs identified in Section 3.4 of the Harmony PUD in order to further the “Village Design Theme” and provide a complimentary architectural theme for Area B and Area C of the Mixed Use District as established by the buildings identified in Section 7.1 and Section 7.2 above. The Plan Commission may approve building architecture which conflict with all applicable architectural standards provided the buildings are found to (i) utilize elements of the Defined Architectural Designs included in Section 3.4 and (ii) provide a complimentary architectural theme for Area B and Area C of the Mixed Use District as established by the buildings identified in Section 7.1 and Section 7.2 above, which said building architecture shall replace and supersede the otherwise applicable architectural standards.~~

*[Remainder of page intentionally left blank, signature page follows]*

ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_ DAY OF \_\_\_\_\_, 2016.

**WESTFIELD CITY COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

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

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

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

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James J. Edwards

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James J. Edwards

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James J. Edwards

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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 L. Horkay

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Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Cindy L. Spoljaric

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Cindy L. Spoljaric

\_\_\_\_\_  
Cindy L. Spoljaric

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

I hereby certify that **ORDINANCE 16-█** was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ m.

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

I hereby APPROVE **ORDINANCE 16-█**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

I hereby VETO **ORDINANCE 16-█**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenger  
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

**SCHEDULE OF EXHIBITS**

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan – Area C (GetGo)
- Exhibit C Illustrative Character Exhibit – GetGo
- Exhibit D Illustrative Character Exhibit - CVS

**EXHIBIT A**  
**REAL ESTATE**  
(Page 1 of 2)

A part of the Southeast Quarter and Southeast Quarter of Section 16, Township 18 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

TRACT 1:

Commencing at the southeast Corner of said Southeast Quarter; thence South 89 degrees 25 minutes 04 seconds West (basis of bearing = ALTA/ACSM land title survey by The Schneider Corporation, Job No. 4934.001, dated March 10, 2004) along the South line of said Southeast Quarter a distance of 1,352.44 feet to the southwest corner of said Quarter Quarter Section; thence North 00 degrees 18 minutes 09 seconds West along the West line of said Quarter Quarter a distance of 179.67 feet to the POINT OF BEGINNING, said point also being the northwest corner of Parcel 1 as described in Instrument No. 2013064140 in the Office of the Recorder of Hamilton County, Indiana, (the following eight (8) courses being along the northerly and westerly lines of said Parcel 1); (1) North 89 degrees 25 minutes 36 seconds East 78.48 feet to a point on a tangent curve to the left having a radius of 925.00 feet, the radius point of which bears North 00 degrees 34 minutes 24 seconds West; (2) easterly along said curve an arc distance of 300.26 feet to a point which bears South 19 degrees 10 minutes 18 seconds East from said radius point; (3) North 70 degrees 49 minutes 42 seconds East 299.12 feet to a point on a tangent curve to the right having a radius of 1,075.00 feet, the radius point of which bears South 19 degrees 10 minutes 18 seconds East; (4) easterly along said curve an arc distance of 340.96 feet to a point which bears North 00 degrees 59 minutes 58 seconds West from said radius point; (5) North 89 degrees 00 minutes 02 seconds East 134.39 feet; (6) North 60 degrees 22 minutes 18 seconds East 175.44 feet; (7) North 00 degrees 12 minutes 08 seconds West 615.00 feet; (8) North 89 degrees 47 minutes 52 seconds East 75.00 feet to the East line of said Southeast Quarter; thence North 00 degrees 12 minutes 08 seconds West a distance of 238.05 feet to the northeast corner of said Quarter Quarter Section; Quarter Section; thence South 89 degrees 21 minutes 22 seconds West along the North line of said Quarter Quarter a distance of 1,354.74 feet to the northwest corner of said Quarter Quarter; thence South 00 degrees 18 minutes 09 seconds East along the West line of said Quarter Quarter a distance of 1,136.91 feet to the POINT OF BEGINNING, containing 30.21 acres of land, more or Quarter a distance of 1,136.91 feet to the POINT OF BEGINNING, containing 30.21 acres of land, more or less.

TRACT 2:

Commencing at the southeast corner of said Southeast Quarter; thence South 89 degrees 25 minutes 04 seconds West (basis of bearing = ALTA/ACSM land title survey by The Schneider Corporation, Job No. 4934.001, dated March 10, 2004) along the South line of said Southeast Quarter a distance of 1,109.75 feet to the POINT OF BEGINNING, said point also being on the southwest corner of Parcel 1A as described in Instrument No. 2013064140 in the Office of the Recorder of Hamilton County, Indiana; thence continuing South 89 degrees 25 minutes 04 seconds West along said South line a distance of 242.69 feet to the southwest corner of said Quarter Quarter Section; thence North 00 degrees 18 minutes 09 seconds West Quarter Section; thence North 00 degrees 18 minutes 09 seconds West along the West line of said Quarter Quarter a distance of 29.67 feet to the southwest corner of Parcel 1 as described in Quarter a distance of 29.67 feet to the southwest corner of Parcel 1 as described in said Instrument No. 2013064140, (the following five (5) courses being along the southerly lines of said Parcel 1); (1) North 89 degrees 25 minutes 36 seconds East 79.18 feet to a point on a tangent curve to the left having a radius of 1,075.00 feet, the radius point of which bears North 00 degrees 34 minutes 24 seconds West; (2) easterly along said curve an arc distance of 348.95 feet to a point which bears South 19 degrees 10 minutes 18 seconds East from said radius point; (3) North 70 degrees 49 minutes 42 seconds East 299.12 feet to a point on a tangent curve to the right having a radius of 925.00 feet, the radius point of which bears South 19 degrees 10 minutes 18 seconds East; (4) easterly along said curve an arc distance of 293.38 feet to a point which bears North 00 degrees 59 minutes 58 seconds West from said radius point; (5) North 89 degrees 00 minutes 02 seconds East 132.11 feet to the westerly line of said Parcel 1A, (the following four (4) courses being along the westerly and northerly lines of said Parcel 1A); (1) South 21 degrees 01 minute 23 seconds West 128.61 feet; (2) South 12 degrees 10 minutes 30 seconds East 77.30 feet; (3) South 89 degrees 25 minutes 04 seconds West 729.61 feet; (4) South 73 degrees 23 minutes 28 seconds West 126.77 feet to the Point of Beginning, containing 2.61 acres of land, more or less.



**EXHIBIT A**  
**REAL ESTATE**  
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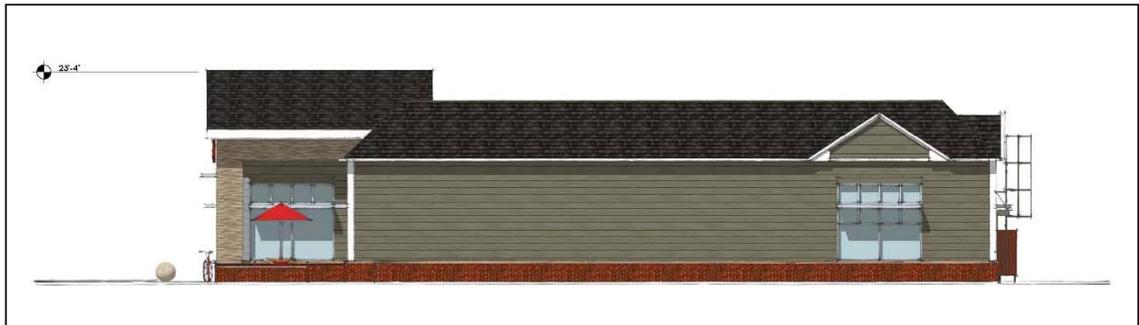
**EXHIBIT C**

**ILLUSTRATIVE CHARACTER EXHIBIT - GETGO**

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ELEVATIONS





NORTH ELEVATION

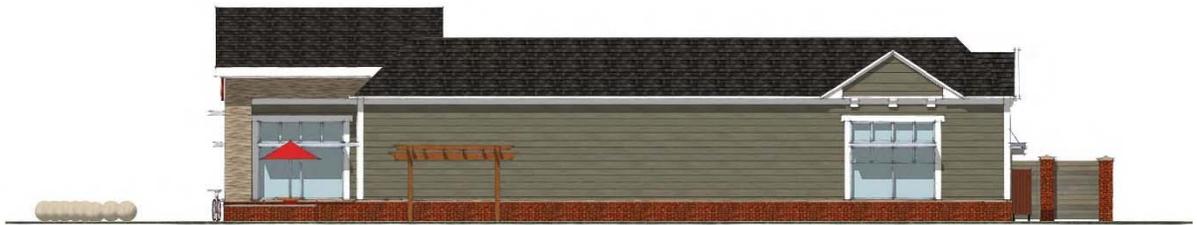


SOUTH ELEVATION



Giant Eagle GetGo - Harmony, IN

25 August, 2016



WEST ELEVATION



EAST ELEVATION



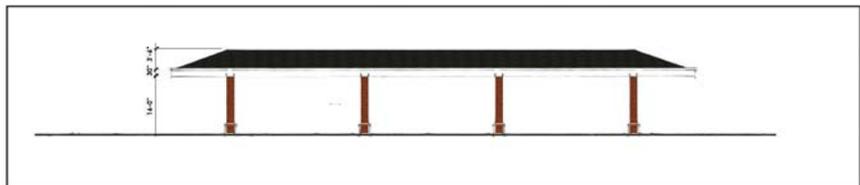
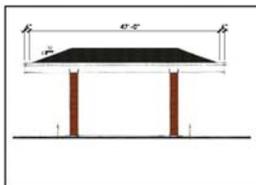
Giant Eagle GetGo - Harmony, IN

25 August, 2016

**EXHIBIT C**  
**ILLUSTRATIVE CHARACTER EXHIBIT - GETGO**  
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ENTRY



FUEL CANOPY VIEW + ELEVATIONS



PERSPECTIVE 1



Giant Eagle GetGo - Harmony, IN

25 August, 2016



PERSPECTIVE 2



Giant Eagle GetGo - Harmony, IN

25 August, 2016

**EXHIBIT C**  
**ILLUSTRATIVE CHARACTER EXHIBIT - GETGO**  
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Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 3

25 August, 2016



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 4

25 August, 2016



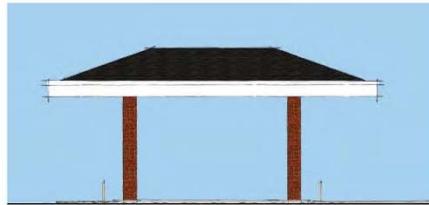
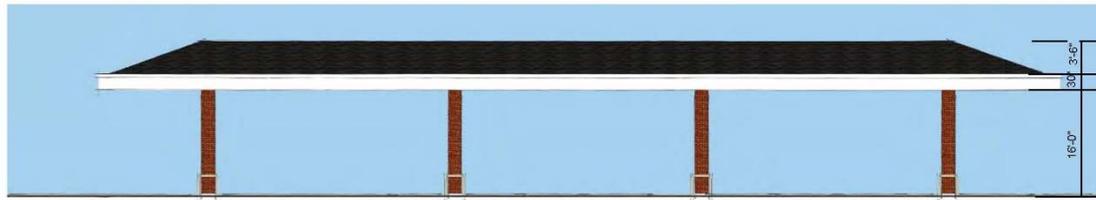
**EXHIBIT C**  
**ILLUSTRATIVE CHARACTER EXHIBIT - GETGO**  
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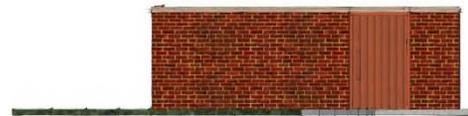
Giant Eagle GetGo - Harmony, IN

**PERSPECTIVE 5**

25 August, 2016



FUEL CANOPY ELEVATIONS



TRASH ENCLOSURE ELEVATIONS



Giant Eagle GetGo - Harmony, IN

25 August, 2016





FRONT ELEVATION (STREET FRONTAGE)  
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION (STREET FRONTAGE)  
SCALE: 1/8" = 1'-0"



REAR ELEVATION (BACK)  
SCALE: 1/8" = 1'-0"



LEFT ELEVATION (3RD SIDE ARCHITECTURE)  
SCALE: 1/8" = 1'-0"

**EXHIBIT D**  
**ILLUSTRATIVE CHARACTER EXHIBIT - CVS**  
(Page 2 of 3)





BUILDING PERSPECTIVE  
VIEW FROM NORTH EAST CORNER OF SITE, LOOKING SOUTH WEST

**EXHIBIT D**  
**ILLUSTRATIVE CHARACTER EXHIBIT - CVS**  
(Page 3 of 3)



BUILDING PERSPECTIVE  
VIEW FROM INTERSECTION OF DITCH RD & 146TH STREET

CVS # 10983 - 12,900 TYPE A - SIDE DRIVE - HRU - 146TH ST. & DITCH RD. WESTFIELD IN.



07/21/2016



BUILDING PERSPECTIVE  
VIEW FROM INTERSECTION OF DITCH RD. & 146TH ST.