ORDINANCE NUMBER 16-26

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE TRAILS 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 Common Council enacted Ordinance No. 15-27, The Trails Planned Unit Development District on November 9, 2015, recorded as Instrument No. 2015059892 in the Office of the Recorder of Hamilton County, Indiana (the "Original PUD Ordinance");

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1608-PUD-13**), requesting an amendment to the Unified Development Ordinance, the Original PUD 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**. **1608-PUD-13** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable** recommendation (5-0) 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 October 18, 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 Original PUD Ordinance, the Unified Development Ordinance, and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 This Ordinance hereby repeals and supersedes in its entirety the Original PUD Ordinance.

1.2 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known

as "**The Trails PUD District** " (the "District").

1.3 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, 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.

1.4 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.5 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 this Ordinance.

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

2.1 Family Entertainment Center: A retail/entertainment establishment which may include any combination of the following activities: bowling, laser tag, arcade, full-service restaurant and bar, outdoor seating, outdoor entertainment, and other similar activities.

Section 3. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. **District Areas.** The Real Estate is hereby divided into three (3) areas as illustrated on the District Area Exhibit, attached hereto as **Exhibit C**, as follows: Lot A, Lot B, and Lot C ("District Area"). Development of each District Area shall be regulated as set forth in this Ordinance.

Section 5. **Underlying Zoning District(s).** The Underlying Zoning District (the "Underlying Zoning District") of each District Area shall be as follows:

5.1 Lot A: MF2: Multi-Family Medium Density District

5.2 Lot B: GB: General Business District

5.3 Lot C: GB: General Business District

Section 6. **Permitted Land Uses.** All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

6.1 Additional Uses: In addition to uses permitted in the Underlying Zoning District, the following uses shall also permitted on Lot B and Lot C:

A. Family Entertainment Center

B. Mixed-Use Commercial, including office and/or retail space

C. Car Washes

6.2 Prohibited Uses: The following uses shall be prohibited on Lot B and Lot C:

A. Auction rooms

B. Garden and Lawn Center

C. Mortuary

D. Retail, High Intensity

E. Club, Private

F. Tavern (or Nightclub)

G. Data processing / call centers

H. Nursery

I. Heliport

J. All Special Exception uses listed in Article 13.2 for the General Business District shall also be prohibited.

Section 7. General Regulations. The standards of Chapter 4 Zoning Districts as applicable to the Underlying Zoning District shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Lot A: Article 4.11 MF2: Multi-Family Medium Density District shall not apply; rather, the following shall apply:

A. Maximum Density: Thirty (30) Dwelling Units per acre.

B. Maximum Dwelling Units per Structure: Three Hundred (300)

C. Maximum Number of Dwelling Units: Three Hundred (300)

D. Minimum Living Area: 650 square feet

E. Minimum Building Height:

(1) All Buildings: Three (3) stories

(2) At least twenty-five percent (25%) of the final total unit count shall be in a building (or buildings) that are at least four (4) stories in height.

F. Maximum Building Height: Eighty (80) feet

G. Minimum Building Setback Lines:

(1) Front Yard: 0 feet

(2) Side Yard: 5 feet

(3) Rear Yard: 10 feet

H. Minimum Distance Between Buildings: Fifteen (15) feet

Section 8. **State Highway 32 Overlay District**. The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District (the "SR 32 Overlay") shall apply to the development of Lot C. Any modifications or enhancements to the regulations of the SR 32 Overlay by this Ordinance shall not apply to Lot C.

The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District shall apply to the development of Lot A and Lot B, except as otherwise modified or enhanced by this Ordinance.

8.1 Illustrative Character Exhibit. Buildings constructed on Lot A and Lot B shall be substantially similar in quality and character with the Illustrative Character Exhibit: Multi-Family, Illustrative Character Exhibit: Drive-Thru, and Illustrative Character Exhibit: Car Wash, attached hereto as **Exhibit D**, **Exhibit E, and Exhibit F**, respectively (collectively, "Character Exhibits"), as applicable to the use. These Character Exhibits are hereby incorporated as a compilation of images designed to capture 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.

8.2 Building Size Requirements. A maximum of one (1) building within Lot B may have a Minimum Gross Floor Area of less than five thousand (5,000) square feet (the "Smaller Building"), if the following requirements are met:

A. The Smaller Building shall not have a Gross Floor Area of less than two thousand five hundred (2,500) square feet;

B. If the Smaller Building is used for a restaurant and/or serves food and/or beverages, then it shall have a minimum of six hundred (600) square feet of outdoor seating space;

C. The Smaller Building shall be connected to the next adjacent building by an architecturally-compatible canopy, as conceptually depicted in **Exhibit B**. The design and massing of the canopy shall be architecturally consistent with and compatible with the adjoining buildings and shall be substantially similar in quality and character with the Canopy Character Exhibit attached hereto as **Exhibit E**.

D. The Smaller Building, the adjacent building, and the canopy, as conceptually depicted in **Exhibit B** shall all be constructed at the same time.

8.3 Lot B:

A. Article 5.3(K) Architectural Design Requirements: Shall apply, except as otherwise modified by the Character Exhibits.

B. Article 5.3(K)(2)(k)(iii) Building Materials; Masonry Materials: Shall be modified to require that a minimum of sixty percent (60%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.

C. Article 5.3(K)(2)(k)(iv) Building Materials; Other Materials: Shall be modified to permit no more than forty percent (40%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with another single building material (exclusive of Masonry Materials).

Section 9. Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

9.1 Article 6.1(H) Screening of Receptacles and Loading Areas: Shall apply, except as modified below.

A. For the purpose of this standard only, any Lot Line in Lot B or Lot C along the frontage road labeled as "Future Road" on **Exhibit B**, shall not be considered a Front Lot Line, but rather a Side Lot Line or Rear Lot Line, as would otherwise be applicable if the Lot Line were not also a street or road.

9.2 Article 6.3 Architectural Standards: Shall apply, except as modified below.

A. Article 6.3(E)(2) Masonry Materials: Shall be modified to require that a minimum sixty percent (60%) of each Building Façade in Lot A, excluding windows and doors, shall be Masonry Materials.

9.3 Article 6.8 Landscaping Standards: Shall apply. In addition, the existing trees and other vegetation along the Midland Trace Trail corridor shall be preserved and maintained.

9.4 Article 6.14 Parking and Loading Standards: Shall apply to the Real Estate, except as otherwise modified below.

A. Article 6.14(G)(11)(c) Off-street Parking; Required Spaces; Multi-family Dwellings: Shall be modified to require 1.5 spaces per Dwelling Unit.

Section 10. Infrastructure Standards. The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7 Subdivision Regulations), unless otherwise approved by the Plan Commission or 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.

Section 11. Design Standards. The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate, except as otherwise modified below.

11.1 Article 8.6 Open Space and Amenity Standards: Shall apply, except as otherwise modified below.

A. Article 8.6(B)(1) Minimum Open Space: Shall be modified to require fifteen percent (15%).

B. Lot A: Article 8.6(H)(1) Multi-Family Districts; Minimum Number of Amenities: Shall be modified as follows: The following amenities shall be required in Lot A:

(i) Clubhouse (The clubhouse shall be architecturally consistent and compatible with the principal building(s) in Lot A).

(ii) Fitness Center in Clubhouse

(iii) Pool at Clubhouse

(iv) Business Center in Clubhouse

(v) Dog Park

(vi) Bicycle Storage Units

(vii) Electric car charging station

(1) The following amenity shall be optional in Lot A:

(i) Grilling Cabana at Clubhouse

11.2 Trail Access: The regulations for the trail access shall apply to the development of the Real Estate, except as otherwise modified below.

A. Midland Trace Trail: The Real Estate's access to the Midland Trace Trail shall be limited to the intersection of the trail with perimeter path along Oak Ridge Road, unless otherwise requested or required by the City.

B. Monon Trail: Lot A shall include direct access to the Monon Trail.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
James J. Edwards	James J. Edwards	James J. Edwards
_____	_____	_____
Steven Hoover	Steven Hoover	Steven Hoover
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
Mark F. Keen	Mark F. Keen	Mark F. Keen
_____	_____	_____
Charles Lehman	Charles Lehman	Charles Lehman
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric

ATTEST:

_____
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 16-26** was delivered to the Mayor of Westfield on the _____ day of _____, 2016, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-26** this _____ day of _____, 2016.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-26** this _____ day of _____, 2016.

_____
J. Andrew Cook, Mayor

This document prepared by: Adam Horkay
EdgeRock Development, LLC
733 E. State Road 32, Westfield, IN 46074

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C District Map

Exhibit D Illustrative Character Exhibit: Multi-Family

Exhibit E Illustrative Character Exhibit: Drive-Thru

Exhibit F Illustrative Character Exhibit: Car Wash

EXHIBIT A
REAL ESTATE

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, and more particularly described as follows:

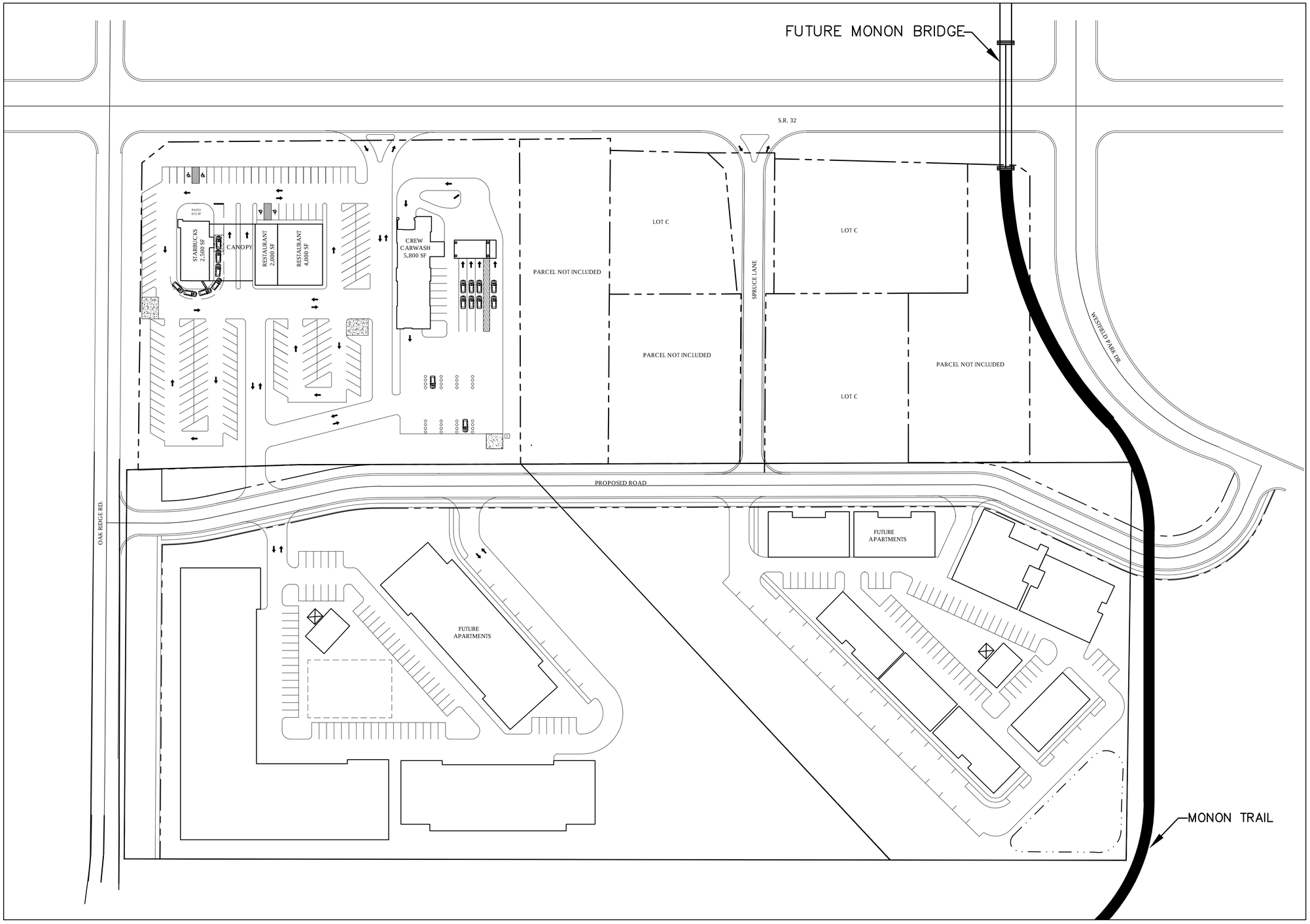
Commencing at the northwest corner of said Northwest Quarter of Section 1, Township 18 North, Range 3 East; thence South 00 degrees 23 minutes 47 seconds West 415.29 feet along the west line of said Northwest Quarter to the Point of Beginning, said point being the northwest corner of the tract of land described in Instrument Number 2012031431 in the Office of the Recorder of Hamilton County; thence South 89 degrees 36 minutes 13 seconds East 32.52 feet along the north line of said tract of land described in Instrument Number 2012031431 to the southeast corner of Oak Ridge Road right-of-way as described in Instrument Number 2007040158 in said Office of the Recorder; thence North 00 degrees 23 minutes 47 seconds East 269.11 feet along said Oak Ridge Road right-of-way line to a point on said Oak Ridge Road right-of-way as described in Instrument Number 2007061283 in said Office of the Recorder; thence continuing North 00 degrees 23 minutes 47 seconds East 102.49 feet along said Oak Ridge Road right-of-way to a southeastern right-of-way line for said Oak Ridge Road and State Road 32 intersection as described in said Instrument Number 2007061283; thence North 51 degrees 29 minutes 42 seconds East 30.63 feet along said southeastern right-of-way line to the south right-of-way line of said State Road 32; thence North 89 degrees 50 minutes 23 seconds East 432.49 feet along said south right-of-way line to the west line of the tract of land described in Deed Book 197, page 324 in said Office of the Recorder, with the following three (3) courses being along the boundary of said tract of land; (1) thence South 00 degrees 23 minutes 47 seconds West 385.00 feet; (2) thence North 89 degrees 50 minutes 23 seconds East 110.00 feet; (3) thence North 00 degrees 23 minutes 47 seconds East 379.09 feet to the

south right-of-way line of said State Road 32, said right-of-way line being described in Instrument Number 200702958 in said Office of the Recorder; thence South 88 degrees 30 minutes 14 seconds East 117.58 feet along said south right-of-way line to the southwestern right-of-way line of said State Road 32 and Spruce Street intersection as described in said Instrument Number 200702958, with the following six (6) courses being along the right-of-way of said Spruce Street as described in Instrument Numbers 200702958, 2007024274, 2007040771, and 2007040161 in said Office of the Recorder; (1) thence South 46 degrees 53 minutes 22 seconds East 29.89 feet; (2) thence South 5 degrees 24 minutes 56 seconds East 195.88 feet: (3) thence South 89 degrees 37 minutes 45 seconds East 30.00 feet; (4) thence North 00 degrees 23 minutes 47 seconds East 45.14 feet; (5) North 89 degrees 50 minutes 23 seconds East 9.70 feet; (6) thence North 00 degrees 22 minutes 42 seconds East 163.26 feet to the south right-of-way line of said State Road 32, with the following two (2) courses being along said south right-of-way line as described in said Instrument Number 2007040161 and Instrument Number 2007043638 in said Office of the Recorder; (1) thence South 88 degrees 30 minutes 14 seconds East 293.04 feet; (2) thence South 56 degrees 44 minutes 15 seconds East 18.99 feet to the east line of the tract of land described in Instrument Number 9809854749 in said Office of the Recorder; thence South 00 degrees 23 minutes 47 seconds West 144.33 feet along said east line to the northeast corner of the tract of land described in Instrument Number 9234839 in said Office of the Recorder; thence continuing South 00 degrees 23 minutes 47 seconds West 205.00 feet along the east line of said tract of land described in Instrument Number 9234839 to the north line of the tract of land described in Instrument Number 9105488 in said Office of the Recorder, with the following two (2) courses being along the boundary of said tract of land; (1) thence North 89 degrees 50 minutes 23 seconds East 125.80 feet; (2) thence South 00 degrees 50 minutes 48 seconds West 481.50 feet to the southeast corner of said tract of land and the north line of the tract of land described in Instrument Number 2014036364 in said Office of the

Recorder; thence North 89 degrees 41 minutes 21 seconds West 1,002.77 feet along said north line to the east line of said tract of land described in Instrument Number 2012031431, with the following two (2) courses being along the boundary of said tract of land; (1) thence South 00 degrees 28 minutes 50 seconds West 3.67 feet; (2) thence North 89 degrees 53 minutes 55 seconds West 226.00 feet (said line also being the former north right-of-way line of the Central Indiana Railroad) to the west line of said Northwest Quarter; thence North 00 degrees 23 minutes 47 seconds East 470.55 feet along said west line to the Point of Beginning, containing 21.558 acres, more or less, subject to rights of way and easements of record.

EXHIBIT B

CONCEPT PLAN



PREPARED BY:

TERRA
SITE DEVELOPMENT

PREPARED FOR:

EDGE
ROCK
DEVELOPMENT

MASTER-PUD

S.R. 32 AND OAK RIDGE RD.
WESTFIELD, INDIANA
SEPTEMBER 22, 2016

N

0 60' 120'
SCALE: 1" = 60'

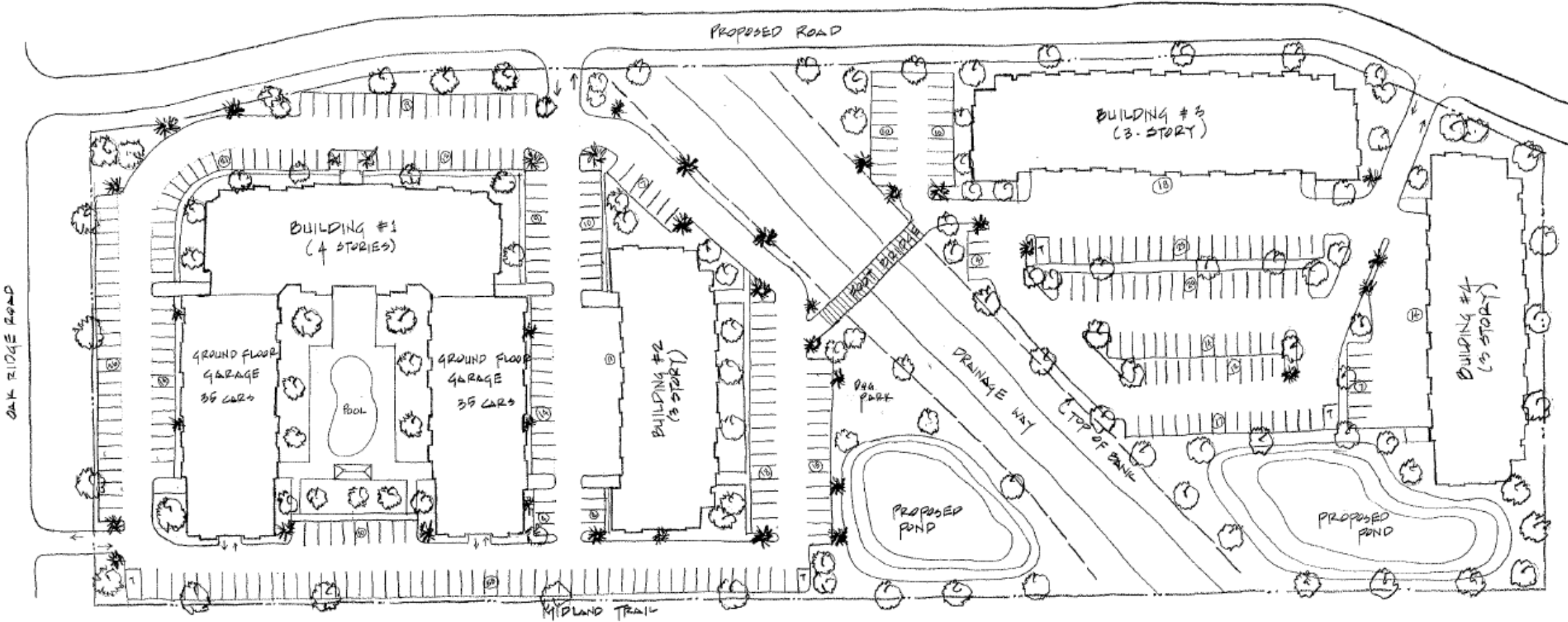

PROPOSED ROAD
OAK RIDGE ROAD
BUILDING #1
(4 STORIES)
GROUND FLOOR
GARAGE
35 CARS
POOL
GROUND FLOOR
GARAGE
35 CARS
BUILDING #2
(3 STORY)
FOOT BRIDGE
DOG PARK
DRAINAGE WAY
TOP OF BANK
PROPOSED
POND
BUILDING #3
(3-STORY)
PROPOSED
POND
BUILDING #4
(3 STORY)
MIDLAND TRAIL

EXHIBIT C

DISTRICT MAP

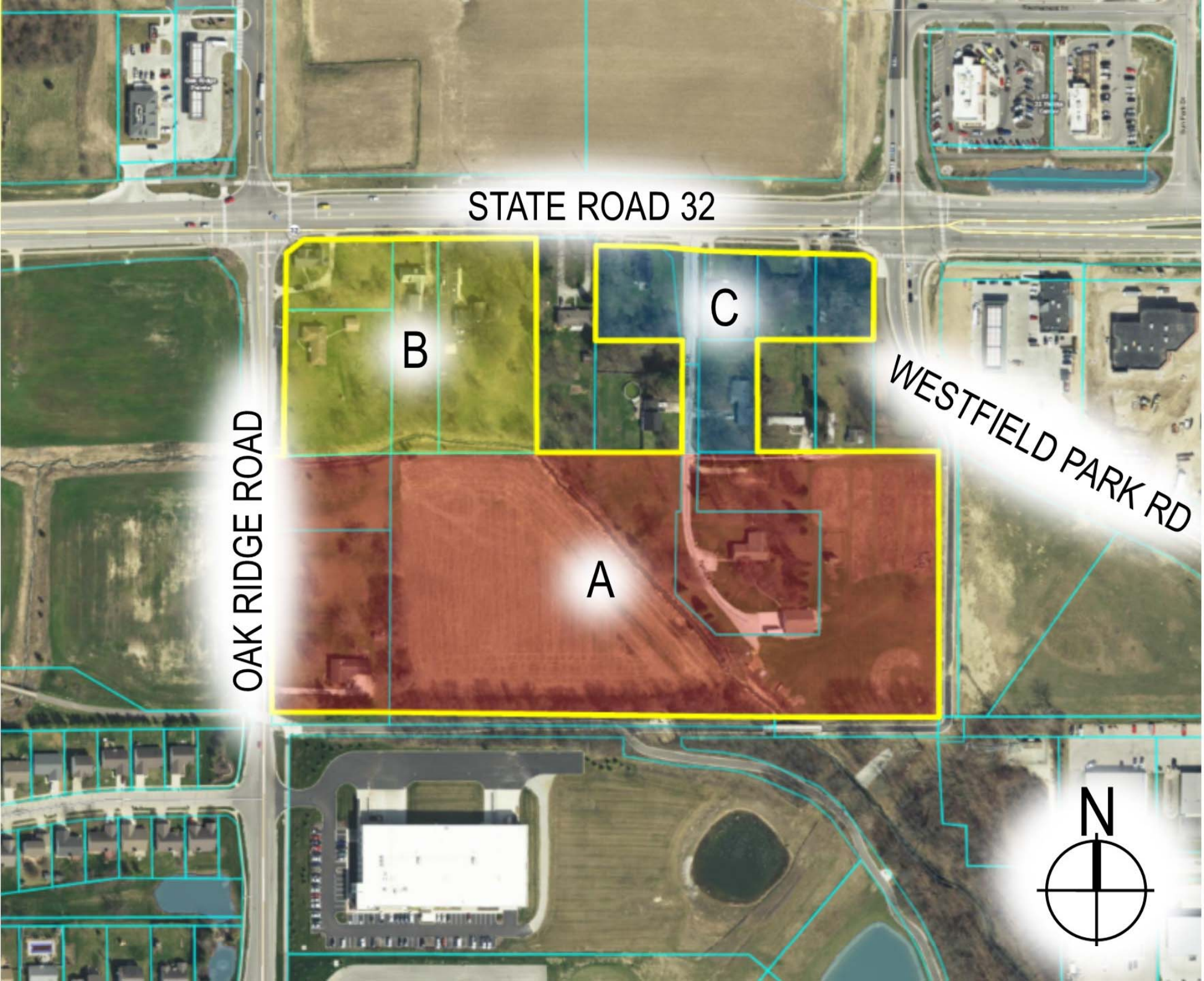


Exhibit C

EXHIBIT D

ILLUSTRATIVE CHARACTER EXHIBIT: MULTI-FAMILY

ECHELON
ON 99

EXHIBIT E

ILLUSTRATIVE CHARACTER EXHIBIT: DRIVE-THRU

62% MASONRY
(EXCLUDING WINDOWS)

1 CE2 North Elevation
SCALE: 1/8" = 1'-0"

72% MASONRY
(EXCLUDING WINDOWS)

2 CE2 West Elevation
SCALE: 1/8" = 1'-0"

73% MASONRY
(EXCLUDING WINDOWS)

3 CE2 East Elevation
SCALE: 1/8" = 1'-0"

73% MASONRY
(EXCLUDING WINDOWS)

4 CE2 South Elevation
SCALE: 1/8" = 1'-0"

TABBERSON
architects

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1005 S. 120th St. Unit 101
Lafayette, CO 80026
phone: 303.419.0795

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The Trails PUD

EdgeRock Development
Oak Ridge Rd & St Rd 32
Westfield, IN 46074

William Tabberson, AIA
NCARB Certification No. 46418

COPYRIGHT PROTECTION NOTICE:

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REVISIONS:

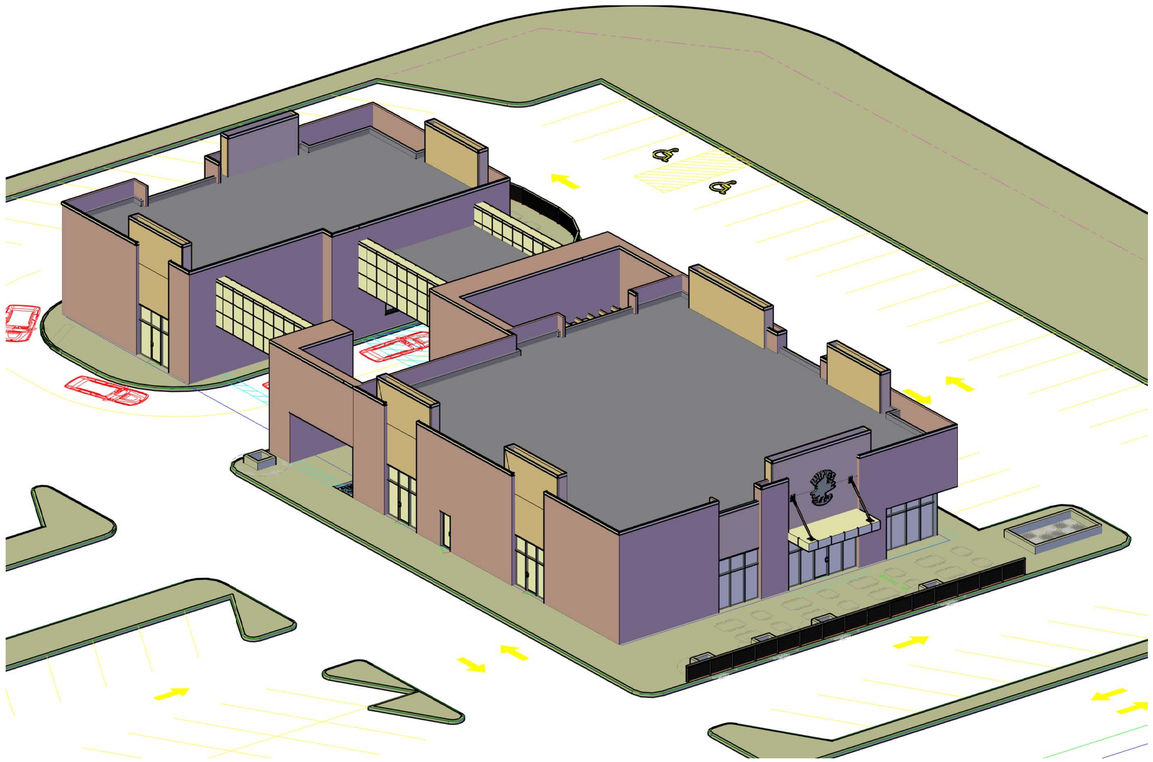
SITE
ELEVATION

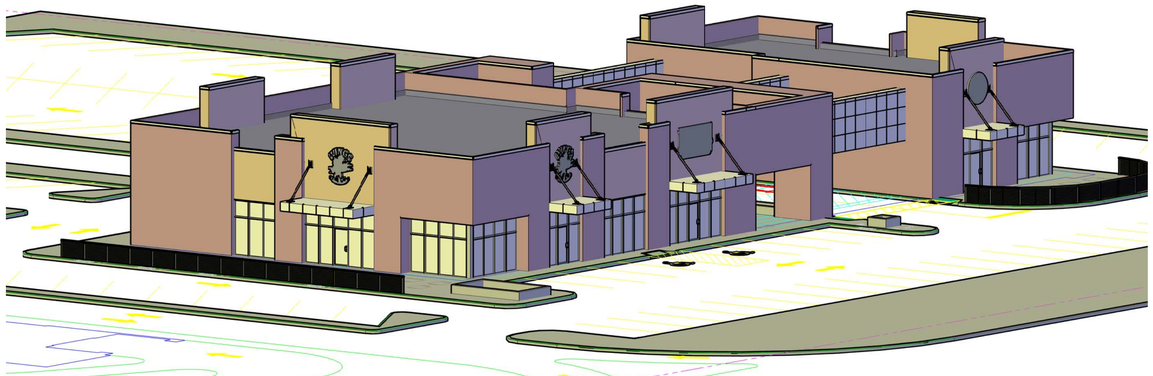
CE2

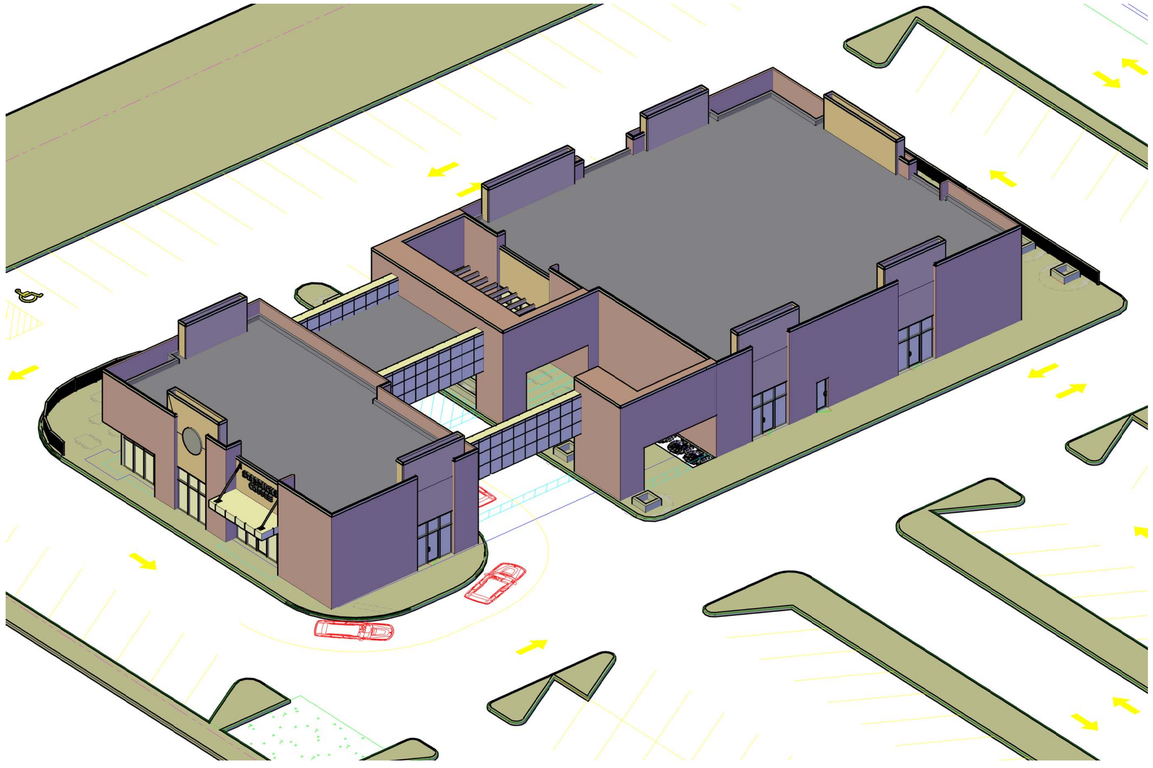
DRAWING NUMBER:

NOVEMBER 03, 2016
DRAWING ISSUE DATE:

16.577 TRAILS PUD
PROJECT FILE NUMBER:







1/A 3D Model

SCALE: N.T.S.

TABBERSON architects

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phone: 317.371.3692

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The Trails PUD

Oak Ridge Road &
State Road 32
Westfield, IN 46074

William Tabberson, AIA
NCARB Certification No. 48418

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REVISIONS:

3D MODEL

A

DRAWING NUMBER:

NOVEMBER 2, 2016
DRAWING ISSUE DATE:

16.577 TRAILS PUD
PROJECT FILE NUMBER:

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DESIGN & RENDERING

TABBERSON
architects

©opyright 2016

DESIGN & RENDERING

TABBERSON

architects

1 / CE1 Site Plan

SCALE: 1/8" = 1'-0"

NORTH

TABBERSON architects

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The Trails PUD

EdgeRock Development
Oak Ridge Rd & St Rd 32
Westfield, IN 46074

William Tabberson, AIA
NCARB Certification No. 48418

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REVISIONS:

SITE
PLAN

CE1

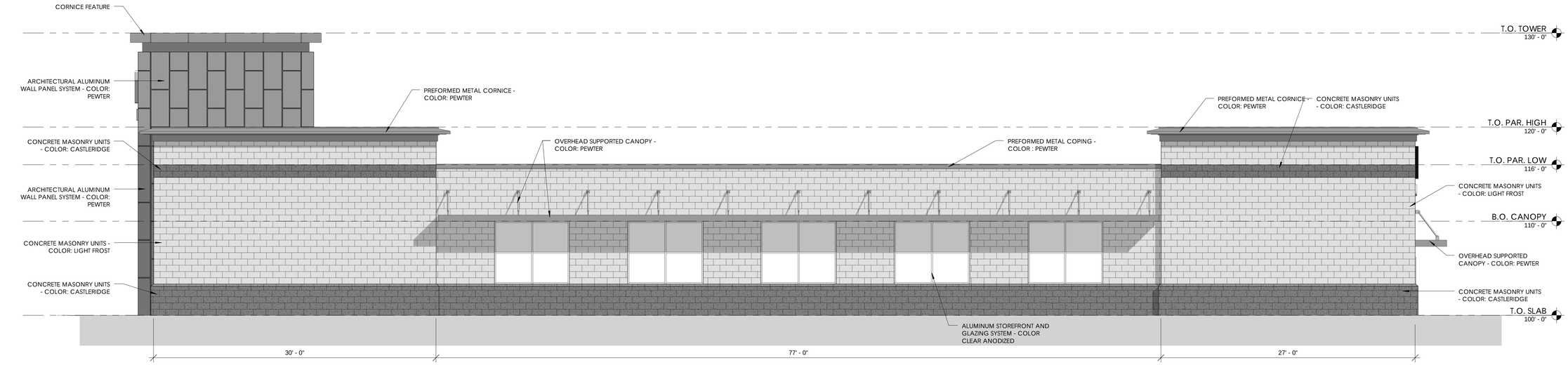
DRAWING NUMBER:

NOVEMBER 03, 2016
DRAWING ISSUE DATE:

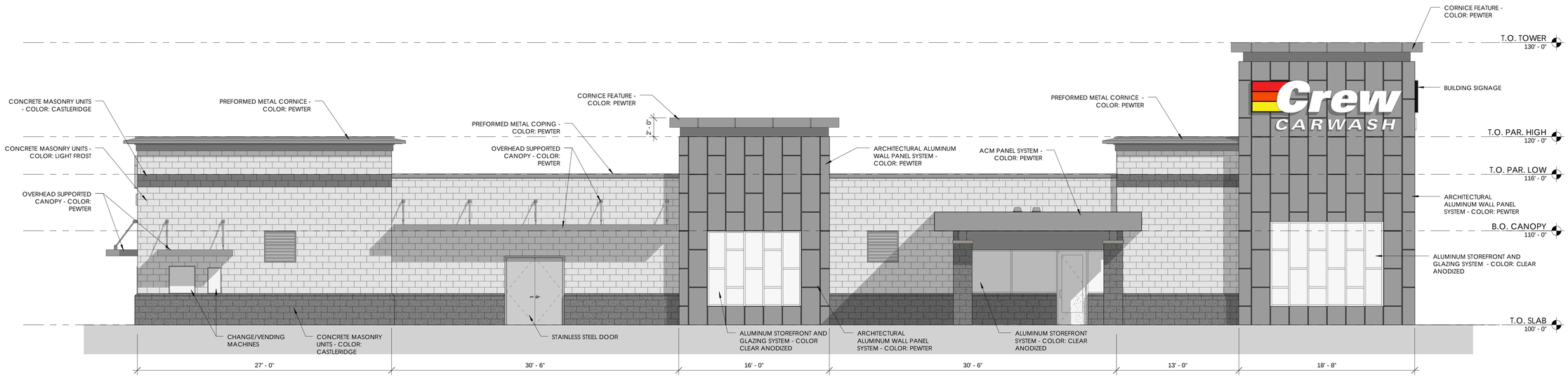
16.577 TRAILS PUD
PROJECT FILE NUMBER:

EXHIBIT F

ILLUSTRATIVE CHARACTER EXHIBIT: CAR WASH



ELEVATION - NORTH



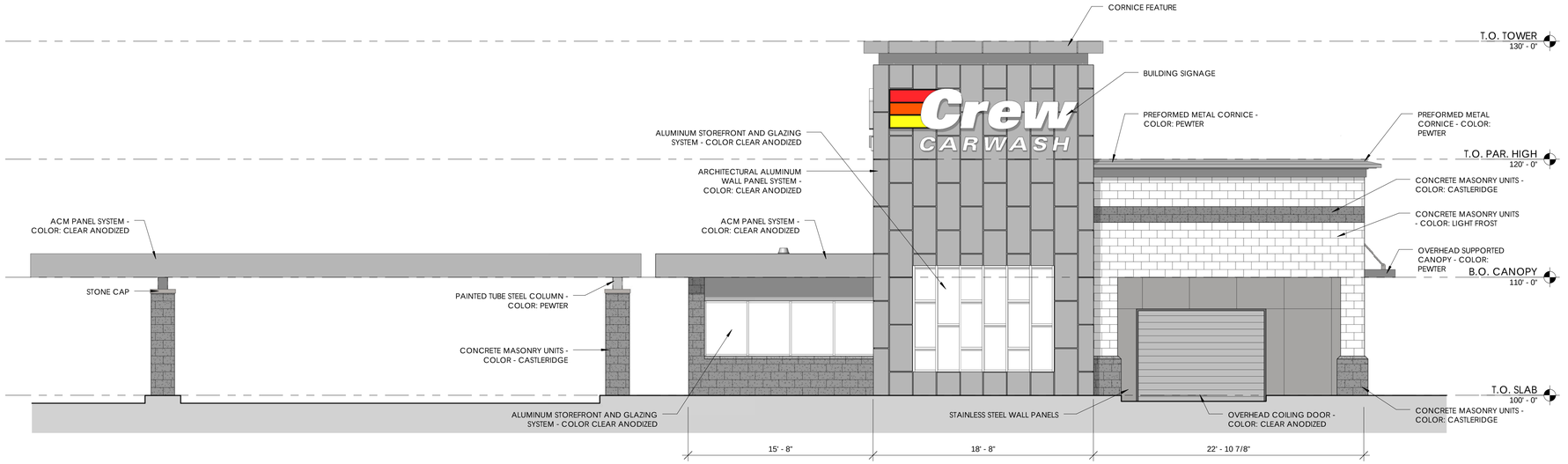
ELEVATION - SOUTH

NEW CARWASH FACILITY # 44

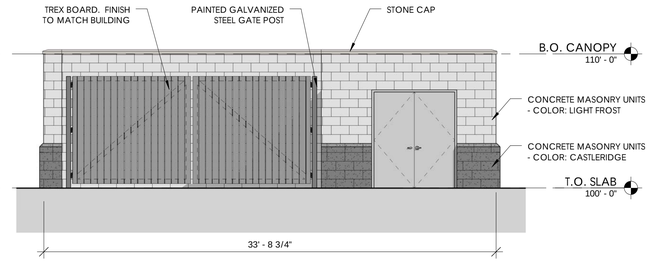
CREW CARWASH, INC.
10251 HAGUE ROAD
INDIANAPOLIS, IN 46256

12/15/14
120428-10000
3/16" = 1'-0"

Cripe
Solutions by Design Since 1937



ELEVATION - EAST



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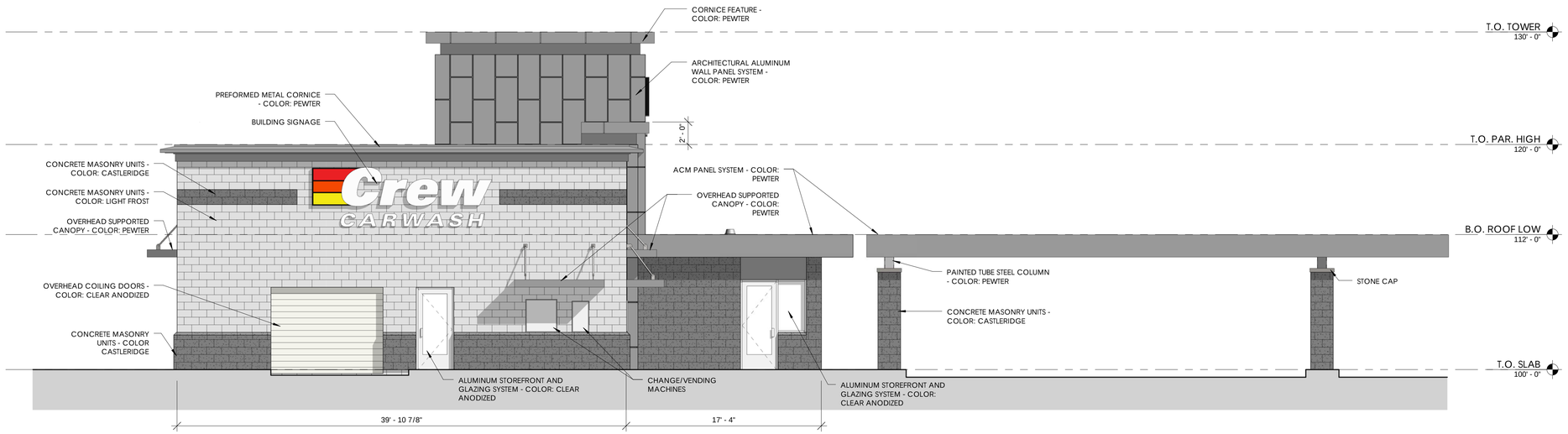
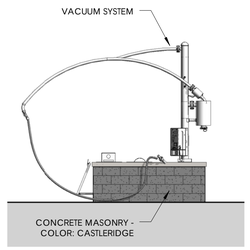


ELEVATION - WEST



ELEVATION - VACUUM ISLAND

NEW CARWASH FACILITY # 44

CREW CARWASH, INC.
10251 HAGUE ROAD
INDIANAPOLIS, IN 46256

12/15/14

120428-10000

3/16" = 1'-0"

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Solutions by Design Since 1937