

ORDINANCE NO. 09-05

**An Ordinance of the City of Westfield, Indiana Amending the Brookie Planned Unit Development Ordinance**

This PUD Ordinance Amendment (the "Amendment") amends the Brookie Property Planned Unit Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Brookie PUD"), enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

**WITNESSETH:**

**WHEREAS**, the Area Plan Commission of the City of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by the Estridge Development Company, Inc. for the real estate containing approximately 76.202 acres more or less, legally described on Exhibit "A" hereto, and located in the City of Westfield, Hamilton County, Indiana (the "Real Estate");

**WHEREAS**, the Commission has sent to the Common Council of the City of Westfield, Indiana (the "Common council") its recommendation adopted on the 9 day of Nov, 2009;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, THAT:**

Section 1. The zoning classification of the Real Estate is reclassified on the Zone Map to the Planned Unit Development District classification – Brookie Property PUD, the underlying zoning classification of which shall be the SF-3 District of the Zoning Ordinance in force at the time of the enactment of this Brookie Property PUD. Permitted uses shall be restricted to single family dwellings.

Section 2. Exhibit A – Legal Description of the Brookie PUD Ordinance is hereby amended with Exhibit A attached hereto.

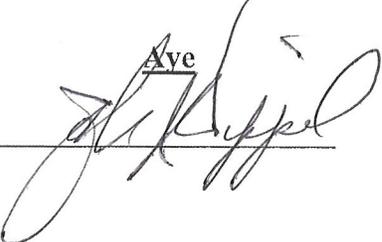
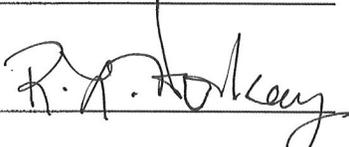
Section 3. Exhibit H – Concept Plan of the Brookie PUD Ordinance is hereby amended with Exhibit H attached hereto.

Section 4. This ordinance shall be in full force and effect from and after its passage.

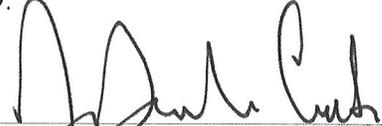
**COPY**

ALL OF WHICH IS ORDAINED by the Common Council of the City of Westfield, Indiana,  
this 9 day of Mar, 2009.

**COMMON COUNCIL OF THE CITY OF WESTFIELD**

<u>Aye</u>		<u>Nay</u>
	_____ John Dippel	_____
_____	_____ Steve Hoover	_____
	_____ Robert L. Horkay	_____
	_____ Ken Kingshill	_____
	_____ Bob Smith	_____
	_____ Tom Smith	_____
	_____ Rob Stokes	_____

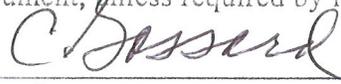
APPROVED and signed by the Mayor of the City of Westfield, Hamilton County,  
Indiana, this 10 day of Mar, 2009.

  
\_\_\_\_\_  
J. Andrew Cook, Mayor  
City of Westfield, Indiana

ATTEST:

  
\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer  
City of Westfield, Indiana

"I affirm, under the penalties of perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

  
\_\_\_\_\_  
Signed

I hereby certify that ORDINANCE 09-05 was delivered to the Mayor of Westfield

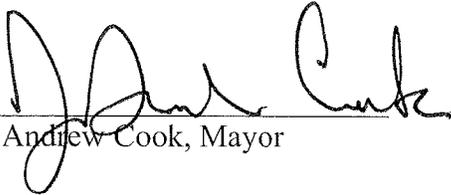
on the 10 day of Mar, 2008, at 2:00p m.



Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 09-05

this 10 day of Mar, 2008.



J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 09-05

this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

J. Andrew Cook, Mayor

**EXHIBIT A**  
**LEGAL DESCRIPTION**

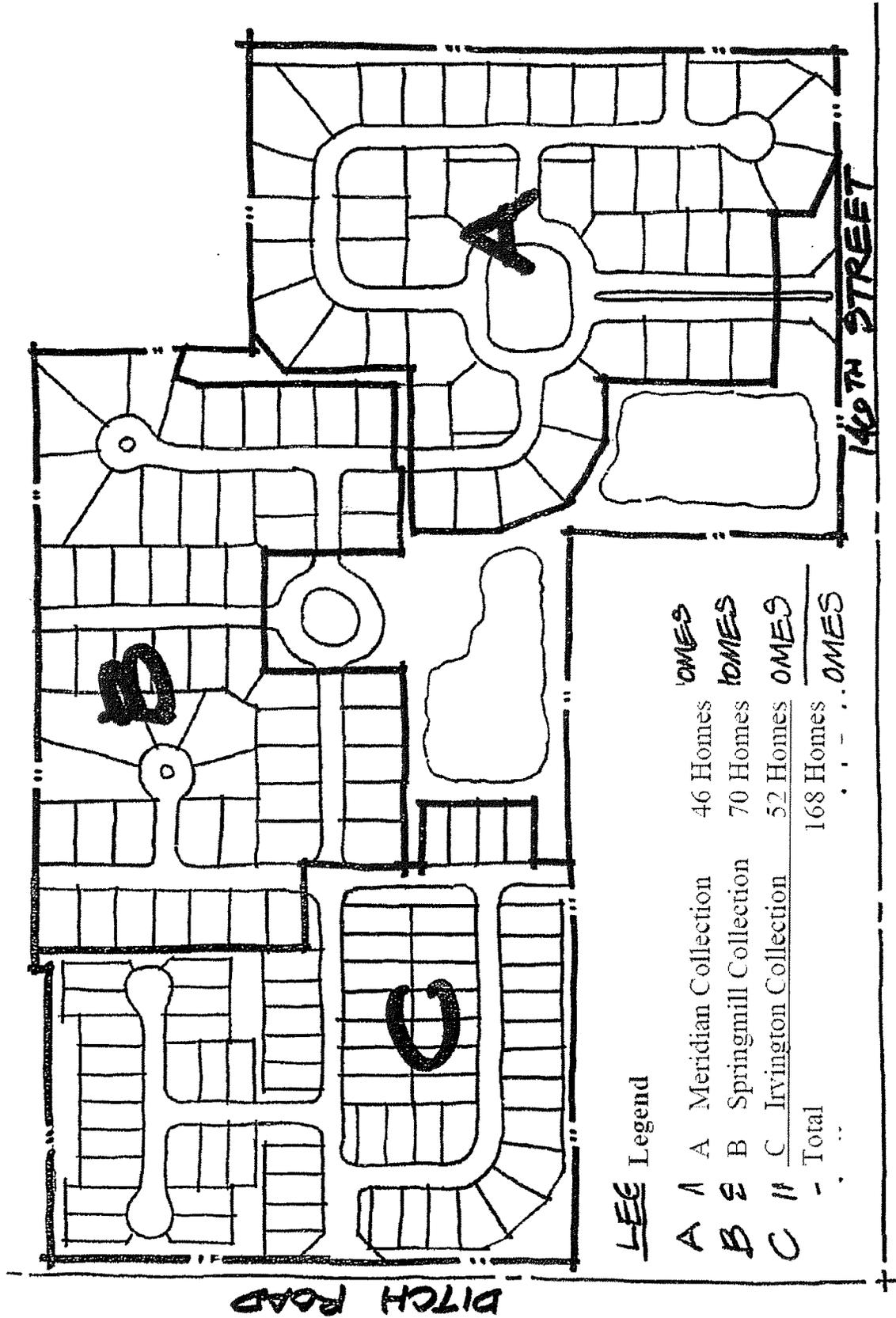
A part of the Southwest Quarter of Section 15, Township 18 North, Range 3 East in Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Quarter Section; thence North 00 degrees 11 minutes 49 seconds West (assumed bearing) along the West Line thereof a distance of 657.00 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 11 minutes 49 seconds West along said West Line a distance of 655.93 feet; thence North 88 degrees 52 minutes 53 seconds East a distance of 656.60 feet to the West Line of the East Half of the West Half of said Southwest Quarter Section; thence North 00 degrees 10 minutes 45 seconds West along the said West Line a distance of 475.32 feet to the South Line of Centennial Section 6, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 200200005677 in the office of the recorder of Hamilton County, Indiana; thence North 89 degrees 03 minutes 49 seconds East along said South Line and the South Line of Centennial Section 4, a subdivision in Hamilton County, Indiana, the plat of which is recorded as instrument Number 200100000470 in said recorder's office and along the South Line of Centennial Section 2B, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 200000034016 in said recorder's office a distance of 1313.44 feet (the next two (2) described courses being along the Westerly and Southerly Lines of said Centennial Section 2B); thence South 00 degrees 08 minutes 36 seconds East a distance of 462.52 feet; thence North 89 degrees 00 minutes 29 seconds East a distance of 656.58 feet to the West Line of Merrimac Section 4, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 9809860236 in said recorder's office; thence South 00 degrees 07 minutes 31 seconds East along the West Line of said Merrimac Section 4 and along the East Line of the said Southwest Quarter Section a distance of 1317.92 feet to the Southeast Corner of the said Southwest Quarter Section; thence South 88 degrees 50 minutes 00 seconds West along the South Line of said Southwest Quarter Section a distance of 1033.81 feet; thence North 00 degrees 11 minutes 49 seconds West, parallel with the West Line of the said Southwest Quarter Section, a distance of 657.00 feet; thence South 88 degrees 50 minutes 00 seconds West, parallel with the said South Line, a distance of 1591.00 feet to the POINT OF BEGINNING, containing 69.452 acres, more or less.

**AND**

A part of the Southwest Quarter of Section 15, Township 18 North, Range 3 East, described as follows: Begin at a point which is 874.1 feet South of the Northwest corner of the Southwest Quarter of Section 15, Township 18 North, Range 3 East, run thence South along this Quarter Section line 447.9 feet to a point, thence Easterly 655.0 feet to an iron stake, thence Northerly 451.0 feet, this point being 871.0 South of the North line of this Quarter, to an iron stake, thence Westerly 655.0 feet to the place of beginning. Containing 6.75 acres, more or less, in Hamilton County, Indiana.

# Exhibit H - Concept Plan



**LEG** Legend

A	Meridian Collection	46 Homes	OMES
B	Springmill Collection	70 Homes	OMES
C	Irvington Collection	52 Homes	OMES
-	Total	168 Homes	OMES

**EXHIBIT F**

**DEVELOPMENT STANDARDS**

	Area A	Area B	Area C
<b>Home Collection</b>	<b>Meridian Collection</b>	<b>Springmill Collection</b>	<b>Irvington Collection</b>
Minimum lot width at building line at which building is actually built	90'	80'	60'
Minimum lot depth	130'	130'	130'
Minimum lot frontage on street	50'	50'	50'
Minimum lot area	11,700 s.f.	10,400 s.f.	7,800 s.f.
Minimum front yard setback	25'	25'	20'
Minimum side yard setback	7'	10'	5'
Minimum rear yard setback	25'	25'	15'
Maximum building height* for all residences	35'	35'	35'

\* 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.

**DEVELOPMENT STANDARDS THAT RELATE TO THE OVERALL PROJECT**

Area size	76.52 acres
Maximum density	2.2 du/acre
Common area open space	21% minimum

1. The developer shall not be required to install street lights as required by WC 16.04.240(D). Dusk to dawn lights on the homes shall be used in place of the street lights.
2. The Estridge Companies shall be the only Builder allowed to construct homes within the community.



## *Westfield City Council Report*

<b>Petition Number:</b>	0902-PUD-02
<b>Approximate Address:</b>	1010 West 146 <sup>th</sup> Street
<b>Petitioner:</b>	Estridge Development Company, Inc.
<b>Representative:</b>	Bryan Stumpf, <i>Estridge Development Company, Inc</i>
<b>Requested Action:</b>	A change in zoning to include the subject property in the Brookie Property PUD (Centennial South)
<b>Current Zoning Dist:</b>	AG-SF1
<b>Requested Zoning Dist:</b>	Brookie Property PUD (Centennial South)
<b>Approximate Acreage</b>	6.75
<b>Filing Date</b>	January 7, 2009
<b>Referral Date to APC:</b>	Not Required, Amendment to existing PUD
<b>APC Public Hearing:</b>	February 2, 2009 (Workshop) February 17, 2009 (Public Hearing)
<b>APC Determination:</b>	February 17, 2009
<b>Associated Cases:</b>	0407-PUD-05
<b>Associated Ordinances:</b>	Ord. 04-42 (Brookie Property PUD)
<b>First Reading</b>	March 9, 2009
<b>Public Hearing</b>	Not Required by the City Council
<b>Second Reading</b>	April 13, 2009, if applicable (favorable from APC)
<b>Eligible for Adoption</b>	March 9 <sup>th</sup> or April 13 <sup>th</sup> , if applicable (favorable from APC)
<b>Exhibits:</b>	Petitioner's Exhibits
<b>Staff Planner Assigned:</b>	Kevin M. Todd, AICP

### **PETITION HISTORY**

The petition for change in zoning was filed by the Petitioner/Representative on January 7, 2009. The petition appeared before the Technical Advisory Committee (TAC) on January 20, 2009. The petition appeared before the APC Workshop on February 2, 2009 and presented testimony at the scheduled public hearing on February 17, 2009 before the APC.

### **PROCEDURAL**

- Requests for changes in zoning and amendments to an existing PUD District are required to undergo a public hearing by State Code and City Ordinance.
- Notification of the February 2, 2009 Workshop Meeting and the February 17, 2009 public hearing was provided in accordance with the APC Rules of Procedure.

- On February 17, 2009, the APC issued a recommendation to the City Council in regard to the proposed changes in zoning in accordance with IC 36-7-4-602.

### **INTRODUCTION/ SUMMARY**

The requested change in zoning would add approximately 6.75 acres to the current Brookie Property PUD (Centennial South) (Ord. 04-42). The proposed amendment would modify the concept plan by including the new acreage into Area C of the PUD. The existing development and architectural standards for Area C would not be altered under this proposed amendment.

### **PLANNED UNIT DEVELOPMENT (PUD) STANDARDS** (WC 16.04.190, C1)

*A planned unit development shall:*

**1. Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan.**

The 2007 Comprehensive Plan identifies the subject area as “Existing Suburban Residential” (p. 23). The subject property is currently agricultural in nature. Development policies for the Existing Suburban area recommend compatible infill on vacant parcels, proper buffering, and consistency in mass, scale, density, materials, and architectural style (p. 38). Single-family detached dwellings are identified as an acceptable use in the Existing Suburban area.

**2. Use design to provide compatibility between areas of different land uses and development intensities within the PUD.**

The additional acreage would be developed in a manner consistent with the abutting portion of the PUD.

**3. Buffer different types of land uses and development intensities outside of the PUD from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development.**

The existing, approved buffering standards of the Brookie Property PUD would apply to the additional acreage.

**4. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.**

The approved Brookie Property PUD includes areas of green space. The proposed amendment would not impact or reduce those areas.

**5. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.**

The additional acreage is generally flat and without distinguishing natural features or constraints.

**6. Promote architecture that complements the surroundings.**

Architectural requirements would not differ from the approved architectural standards contained in the original Brookie Property PUD.

**7. Counteract urban monotony and congestion on streets.**

The proposed streets within the additional acreage would be coordinated and integrated into the approved design of Centennial South.

**8. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments.**

Proof of ownership and consent has been provided for the petition file.

**9. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.**

The proposed amended concept plan identifies the location of all proposed uses.

**10. The PUD concept plan map shall show the general location of all improvements.**

The proposed amended concept plan identifies the general location of all proposed improvements.

**11. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.**

Construction of the infrastructure to serve the additional acreage would be consistent with that of any other new construction and would be required to follow all standards and regulations for such, unless otherwise modified at the request of WPWD.

**12. The PUD must include a statement of recreational amenities and how they benefit the PUD residents.**

The proposed amendment would not modify the approved statement of recreational amenities included in the approved Brookie Property PUD.

### **PUBLIC POLICIES**

#### Comprehensive Plan-Feb 2007

See above, “PUD STANDARDS, Item 1” for discussion.

#### Thoroughfare Plan-Feb 2007

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies Ditch Road as a “Secondary Arterial,” and recommends a minimum dedication of a sixty (60) foot half right-of-way. The Thoroughfare Plan further recommends the provision of an eight (8)-foot asphalt path within the right-of-way of Ditch Road.

#### Parks & Recreation Master Plan-Dec 2007

The Westfield Parks & Recreation Master Plan makes no specific recommendation for the subject site.

#### Water & Sewer System-Aug 2005

Water and sewer service for the subject site would be provided through infrastructure installed as part of the Centennial South PUD.

#### Annexation

The subject property is within the corporate boundaries of the City of Westfield.

#### Well Head Protection-Ord. 05-31

The subject property is not within a wellhead protection area.

### **INDIANA CODE**

IC 36-7-4-603 states that reasonable regard shall be paid to:

#### 1. The Comprehensive Plan.

See above, “PUD STANDARDS, Item 1” for discussion.

#### 2. Current conditions and the character of current structures and uses.

The subject property is currently improved with a single-family detached dwelling and agricultural outbuilding. Neighboring properties to the east and south are undergoing development with single-family detached dwellings in a subdivision. Property to the west is used agriculturally, and property to the north is used in a light industrial manner.

#### 3. The most desirable use for which the land is adapted.

The Comprehensive Plan established that continuing suburban residential development in this area of the township is desirable. The subject property is currently improved with a single-family detached dwelling and agricultural outbuilding. Neighboring properties to the east and south are undergoing development with single-family detached dwellings in

a subdivision. Property to the west is used agriculturally, and property to the north is used in a light industrial manner.

4. The conservation of property values throughout the jurisdiction.

This proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction. The project would provide a single-family detached residential neighborhood among similar neighborhoods in the area.

5. Responsible growth and development.

The site is contiguous to other developments, and the development of the subject site would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the subject property.

**APPLICABLE COMMITMENTS**

- None have been submitted as of the date of this report.

**RECOMMENDATIONS / ACTIONS**

- City Administrative Staff [January 20, 2009]  
The Westfield City Staff under their final report to the Westfield-Washington Advisory Plan Commission made a positive recommendation for this petition to amend the Brookie Property PUD (Centennial South) in accordance with the attached documentation.
- Advisory Plan Commission [January 20, 2009]  
The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation (Vote of: 6-0) regarding this petition to amend the Brookie Property PUD (Centennial South) in accordance with the attached documentation.
- Board of Zoning Appeals [N/R]
- City Council
  - First Reading: [March 9, 2009]
  - Public Hearing: [N/R]
  - Second Reading: [April 13, 2009, if applicable]
  - Eligible for Adoption: [March 9, 2009 or April 13, 2009]

Hereby submitted this 2<sup>nd</sup> day of March, 2009.

**Robert Smith, APC President**

**Cindy Spoljaric, APC Vice-President**

**Kevin M. Todd, AICP, Interim APC Secretary**

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION  
CERTIFICATION**

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The Westfield-Washington Advisory Plan Commission met on Tuesday, February 17, 2009, to consider a text amendment to the Centennial South PUD. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed PUD is as follows:

0902-PUD-02 1010 West 146<sup>th</sup> Street  
Estridge Development Company requests a text amendment to the Brookie Property  
(Centennial South) PUD District, approximately 7 acres.

A motion was made and passed to send a positive recommendation to the City Council to approve 0902-PUD-02.

I, Kevin M. Todd, being the Interim Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on February 17, 2009.



\_\_\_\_\_  
Kevin M. Todd, Interim Secretary

February 19, 2009

Date

1 Case No. 0902-PUD-02  
2 Petitioner Estridge Development Company  
3 Description 1010 West 146<sup>th</sup> Street; Requests a text amendment to the Brookie  
4 Property (Centennial South) PUD District, approximately 7 acres.  
5

6 Todd discussed the petition which is proposing an additional 6.75 acres to the existing  
7 planned unit development. He stated the additional acreage will be governed by  
8 standards for Area C of the Centennial South PUD. The concept plan and a table in  
9 Exhibit F are the only modifications which have been made to the text of the document  
10 simply to reflect the new acreage to bring the document up to date. Todd added that no  
11 changes to any of the standards have been proposed at this time and that staff  
12 recommends that the Commission send this petition to the City Council with a positive  
13 recommendation.  
14

15 Discussion followed regarding:

- 16 • Changes to Exhibit F reflecting the change in acreage
- 17

18 Mr. Bryan Stumpf, Estridge Development Company, briefly discussed the petition.  
19

20 Discussion followed regarding:

- 21 • Issue with turning radius, length of streets, and no parking on one side
- 22 • Landscape Plan- areas where it states, "existing trees to remain if possible;" if  
23 those are taken out or altered in any way, does that necessitate a revision in the  
24 landscape plan for final plat or how is that handled. Todd responded it depends  
25 on what point of the process that occurs, but either way staff would prefer a  
26 revised landscape plan for the file. He further stated the trees in question were not  
27 used in the calculations; therefore, from a zoning ordinance perspective they are  
28 extra and not required.  
29

30 A Public Hearing opened at 7:33 p.m.  
31

32 No one spoke, and the Public Hearing closed at 7:34 p.m.  
33

34 Motion: To send 0902-PUD-02 to the City Council with a positive recommendation.  
35

36 Motion by: Smith; Second by: Horkay; Vote: 6-0  
37