

146TH STREET COMMERCE CENTRE PUD DISTRICT



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PROPERTIES, INC.

Petitioner

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REQUEST FOR A CHANGE OF ZONING
MAY 17, 2010
WESTFIELD PLAN COMMISSION

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146TH STREET COMMERCE CENTRE



Petitioner

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Herman & Kittle Properties, Inc. (“H&K”) respectfully submits its request for a change of zoning for its proposed \$4 million mixed-use redevelopment project (the “Centre”). The 6.7-acre proposed site currently includes an old vacant house and is bound by Setters Run to the west, a Duke Energy substation and retail uses to the east, planned multi-family uses to the north and 146th Street to the south. The Centre’s plan includes two office buildings along the 146th Street frontage and storage facilities behind the office buildings. The office buildings will be marketed to local businesses, and the storage units will serve both the local business community and nearby residents.

H&K believes that its proposed redevelopment of this challenging site will offer uses well-received in the marketplace and provide a sound transition and buffer between Setters Run and the adjacent utility and commercial land uses.

RECENT HIGHLIGHTS

Since the March 1st Plan Commission hearing, the development team has: (1) met with the Setters Run HOA Board and adjacent property owners to answer questions and discuss the residents’ issues; (2) engaged Vine & Branch, Inc. to conduct a tree inventory of the buffer area and to assist in developing a tree preservation plan; and (3) met again with representatives of the HOA Board and neighbors for an on-site meeting to discuss in detail the proposed buffer area and any remaining outstanding issues.

As a result, H&K has agreed to make several changes to the Centre. These changes are highlighted in the attached PUD Ordinance and include the following:

- A revised site plan that: (1) moves the entrance to the property’s east side (away from Setters Run); (2) redesigns the vehicular flow to avoid potential bottlenecks; and (3) moves the office building to the property’s west side to screen the parking and drive aisle;
- A detailed tree preservation plan that includes: (1) a defined 1.27-acre tree preservation area; (2) identification of and preservation protocols for trees within the area; (3) protective measures during construction; and (4) post-construction natural-state maintenance;
- A supplemental plantings program to fill breaks in the existing tree area;
- An increased building setback adjacent to Setters Run (from 40’ to 45’);
- A redesigned storage building facade that includes: (1) a flat roof; (2) a brick and masonry column parapet wall; (3) enhanced brick color; and (4) a neutral-colored solid vinyl fence between the buildings along the buffer area;
- A redesigned office building roof design that includes neutral-colored dimensional shingles; and
- A veterinarian office prohibition has been added.

If approved, H&K plans to begin construction this year. Thank you for your consideration.

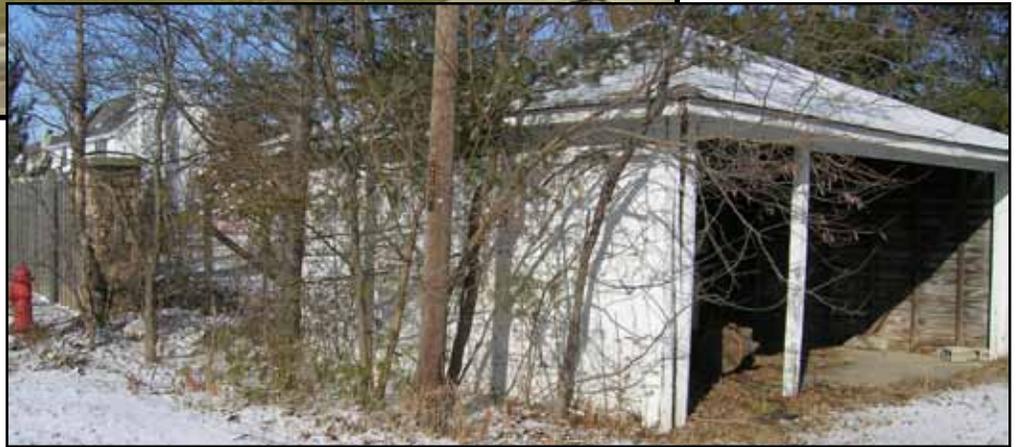
AERIAL LOCATION EXHIBIT

146TH STREET COMMERCE CENTRE

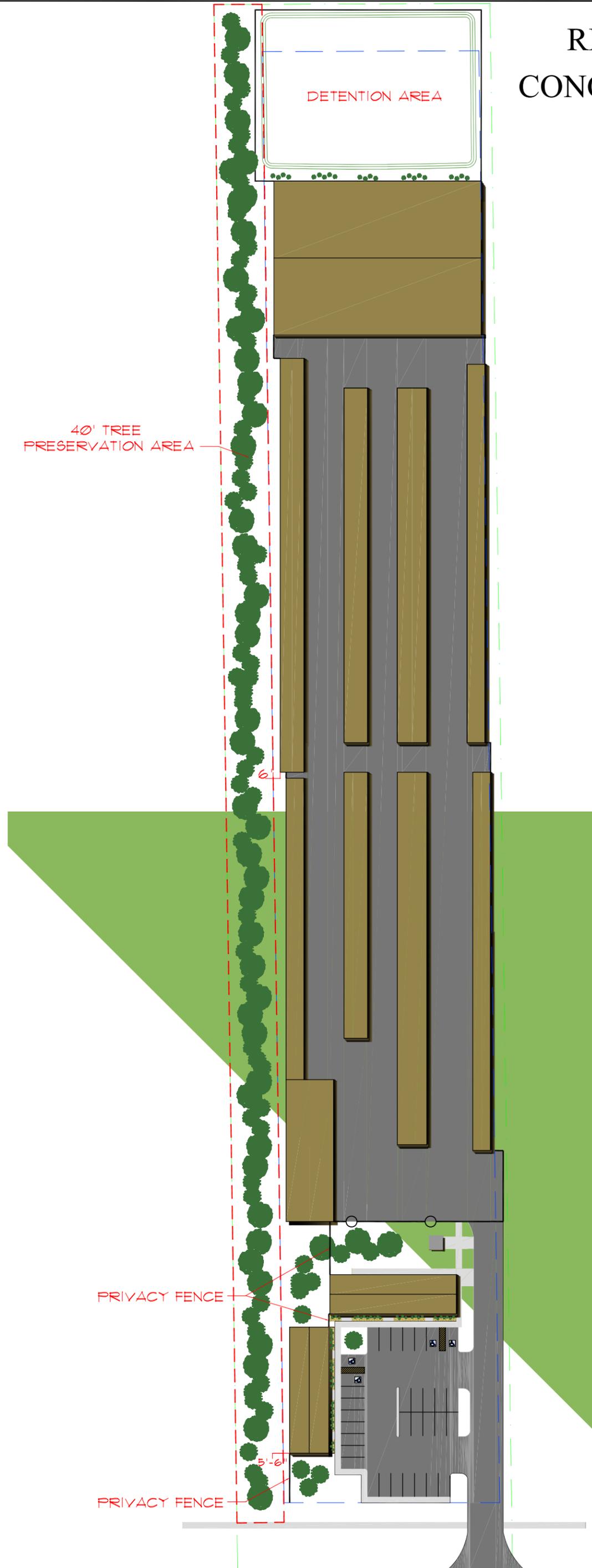


EXISTING BUILDINGS

146TH STREET COMMERCE CENTRE



REVISED CONCEPT PLAN



NOTE:
ALL DIMENSIONS MUST BE VERIFIED
BY CERTIFIED CIVIL ENGINEER

PRL-3

JOB #:

LU-09-K-1345-R



THE RABCO CORPORATION

1041 CROWN PARK CIRCLE • WINTER GARDEN, FL 34787
800/989-0220 • CB C047783 • FAX: 407/877-9065

HKP INC.
INFINITE SELF STORAGE
WESTFIELD, IN

DRAWN BY:

DATE

TM

5-6-10



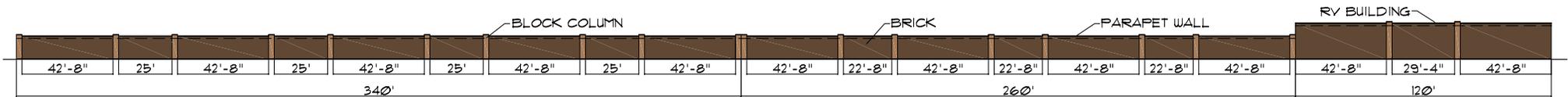
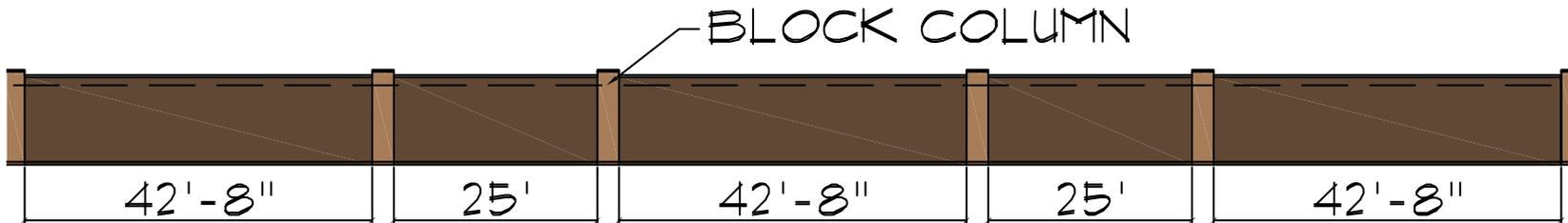
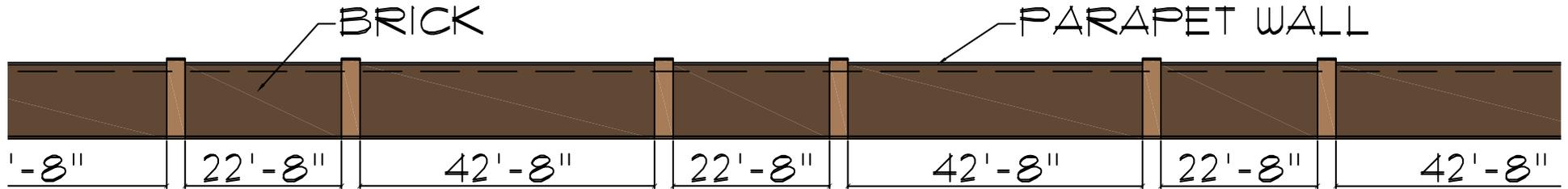
ILLUSTRATIVE OFFICE BUILDING



This exhibit illustrates the design and style of the proposed office buildings; however, please note that (1) the office building roofs shall be dimensional shingles with a neutral color (e.g., black, gray); and (2) the brick color shall be substantially similar to the brick color illustrated on the brick color exhibit.



PARAPET WALL BRICK PATTERN



1 BUILDING ELEVATION - 95% BRICK
PRL-3 SCALE: NOT TO SCALE

ILLUSTRATIVE CHARACTER EXHIBIT

146TH STREET COMMERCE CENTRE



REQUIRED BRICK COLOR EXHIBIT



146TH STREET COMMERCE CENTRE
PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the Westfield-Washington Township Zoning Ordinance (the "Zoning Ordinance") and the Westfield-Washington Township Zoning Map (the "Zoning Map") of the Town of Westfield, Washington Township, Hamilton County, Indiana, previously enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") has conducted a public hearing, as required by law, in regard to the application filed by Herman & Kittle Properties, Inc. (the "Developer") for a change of zone district;

WHEREAS, under Docket Number 1003-PUD-03, on the Seventeenth day of May, 2010, the Plan Commission sent a _____ recommendation to the City of Westfield Common Council (the "Council") by a vote of _____ (_____) in favor and _____ (_____) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate").
- 1.2 The underlying zoning district shall be the **GO - General Office District** (the "GO District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GO District shall apply.
- 1.3 Section ("WC §") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied 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 Zoning Ordinance in effect on the date of the enactment of this Ordinance.

2.1 Buffer Yard Illustration. An illustrative summary of the Real Estate's required minimum buffer yards, attached hereto as Exhibit I.

~~2.12.2~~ Concept Plan. A general plan for the development of the Real Estate attached hereto as Exhibit B.

~~2.22.3~~ Director. The person delegated the responsibility for the administration of the Zoning Ordinance's regulations, including the Director of Community Development's designees.

~~2.32.4~~ Façade, Primary. A perimeter facade that is located generally as shown on the exhibit attached hereto as Exhibit DF.

~~2.42.5~~ Façade, Secondary. Any building facade not defined as a Primary Façade.

~~2.52.6~~ Illustrative Character Exhibit. A general representation of the intended architecture and character for the proposed development of the Real Estate attached hereto as Exhibit C.

2.7 Self-Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. Facility shall include related accessory uses including, without limitation, any one or a combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes; and (iv) any other facilities approved by the Director that compliment and are intended to serve such a facility.

2.8 Supplemental Planting Exhibit. A graphic representation, attached hereto as Exhibit H, of plantings intended to fill significant breaks within the Preservation Buffer, as defined below in Section 4.3(A)(i), in order to maintain a visual screen that is consistent with the existing vegetation in the Preservation Buffer and consistent with best management practices for new landscaping located within existing stands of trees.

~~2.62.9~~ Tree Inventory. An inventory of trees greater than four inches (4") in diameter at breast height located within the Preservation Buffer. A copy of the inventory, performed by Vine & Branch, Inc. on March 24, 2010, is attached hereto as Exhibit G.

Section 3. Permitted Uses. The following uses shall be permitted:

- 3.1 All uses permitted in the GO-General Office Zoning District; however, the following uses of the GO District shall be expressly prohibited:
 - A. Multi-family housing (3-units or more with MF1 standards)
 - B. Agriculture
 - ~~B-C.~~ Veterinarian Offices
- 3.2 Self-Storage Facility.
- 3.3 Accessory buildings and uses customarily incidental to any of the permitted uses.

Section 4. Development Standards.

- 4.1 General Regulations. The regulations of *WC § 16.04.050 Business Districts* applicable to the GO District shall apply except as modified herein:
 - A. Minimum Lot Area. One (1) acre.
 - B. Minimum Lot Frontage. Two hundred and thirty feet (230').
 - C. Minimum Setback Lines.
 - (i) South Property Line of Real Estate: 60'
 - (ii) West Property Line of Real Estate: ~~40'~~45'
 - (iii) East Property Line of Real Estate: ~~10'~~5'
 - (iv) North Property Line of Real Estate: 60'
 - D. Ground Level Square Footage. No minimum and no maximum.
- 4.2 Off-Street Loading and Parking. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.04.120*).
- 4.3 Landscaping and Screening. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06.010*); however, the Real Estate's minimum buffer yards shall be as follows, which are illustratively summarized on the Buffer Yard Illustration, ~~attached hereto as Exhibit E:~~
 - A. West Property Line.
 - (i) The Real Estate's west property line shall consist of a forty-foot (40') wide buffer yard from 146th Street to the Real Estate's north

property line, as generally shown on the Buffer Yard Illustration (the "Preservation Buffer"), ~~that consists of the existing trees,~~ which shall be preserved in accordance with ~~WC § 16.06.020~~Section 4.4 of this Ordinance (the "Tree Preservation Buffer Standards").

~~(ii)~~ In addition, the buffer shall incorporate supplemental plantings as generally shown on the Supplemental Planting Exhibit. In accordance with WC § 16.06.020, a tree preservation plan shall be prepared and approved as part of the Real Estate's development plan. The tree preservation plan also shall include a supplemental planting plan that will describe appropriate species, locations and quantities of supplemental plantings to fill any significant breaks within the Preservation Buffer in order to maintain a visual screen that is consistent with existing vegetation in the Preservation Buffer and consistent with best management practices for new landscaping located within existing stands of trees.

~~(ii)~~(iii) In order to maximize the preservation of the existing trees within the Preservation Buffer, no building foundation plantings shall be required along those buildings abutting the Preservation Buffer.

~~(iii)~~(iv) The entrance into the Real Estate along 146th Street may encroach into the Preservation Buffer up to ten feet (10') subject to final engineering and design at the time of site plan approval. The Preservation Buffer shall satisfy any preservation requirements of the Zoning Ordinance for the Real Estate.

~~(iv)~~(v) A minimum ~~six~~eight-foot (6'8') tall ~~wooden shadow box~~solid vinyl or composite fence (wood not permitted)(the "Fence") shall be installed in any gaps between buildings abutting the Preservation Buffer, as shown on the Buffer Yard Illustration. In addition, a Fence shall be installed from the southwestern corner of the southernmost building extending towards 146th Street, as shown on the Buffer Yard Illustration, to further along the eastern edge of the Preservation Buffer from 146th Street north to the first building, as shown on the Buffer Yard Illustration, to screen the driveway and parking areas adjacent to the Preservation Buffer. The Fence shall be a subtle color that compliments the color of the buildings. A white fence shall not be permitted. Gates in the Fence shall be installed as required by the Fire Department at the time of site development plan approval; however, gates shall be locked at all times and used for emergency access only.

B. North Property Line.

(i) The Real Estate's north property line shall consist of a sixty-foot (60') wide buffer yard with plantings in accordance with WC § 16.06.060. This buffer yard may include storm water detention areas.

(v)(ii) In addition to the plantings required per Section 4.3(B)(i) above, one (1) evergreen tree per thirty (30) lineal feet of building shall be planted along the north foundation of the northern most building (in satisfaction of WC § 16.06.040(K)).

B-C. East Property Line. One (1) evergreen tree per thirty (30) lineal feet of building shall only be required along the east foundation of the Real Estate's northern most building. No additional buffering shall be required. The Real Estate's east property line shall consist of a ten-foot (10') wide buffer yard extending from 146th Street to the Real Estate's north property line. Plantings shall be installed within this buffer yard, in accordance with WC § 16.06.060, between the Real Estate's north property line and a point approximately four hundred and seventy feet (470') north of 146th Street (where the existing row of trees begin on the adjacent property).

C-D. South Property Line. The Real Estate's south property line buffer shall comply with the street frontage landscaping requirements of the Zoning Ordinance (WC § 16.06.050).

4.4 Tree Preservation Standards. Prior to the issuance of an Improvement Location Permit, a tree preservation plan (the "Tree Preservation Plan") shall be submitted for the Preservation Buffer. The Tree Preservation Plan shall include a site plan that details the locations, sizes, and common names of the Protected Trees as listed on the Tree Inventory; areas of dense tree or shrub concentrations, and other natural features which are to be preserved. These tree preservation standards shall replace and supersede WC § 16.06.020.

A. In order to maintain the natural appearance, no clear cutting of the understory within the Preservation Buffer shall be permitted; rather, the Preservation Buffer shall be maintained in a natural condition.

B. No disturbance shall be permitted within the Preservation Buffer. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.

C. If any Protected Tree dies within five (5) years of project completion, then the property owner shall replace such tree with a tree (or trees) of equal

tree preservation value (as provided by WC 16.06.020(F)) within one hundred and eighty (180) days.

C. Barriers shall be used to protect the Preservation Buffer during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the Preservation Buffer perimeter. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. Signs identifying the Preservation Buffer shall be posted during construction; however, no notices or other objects shall be nailed or stapled to trees within the Preservation Buffer.

4.5 Sign Standards. Shall be provided in accordance with the provisions of the Zoning Ordinance (WC § 16.08.010).

4.6 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (WC § 16.07.010).

4.7 Architectural Standards. The regulations of WC § 16.04.165 *Development Plan Review* applicable to the GO District shall apply except for those sections modified and/or enhanced by this Ordinance.

A. All buildings shall be designed with respect to the general character of the Real Estate, and particularly, with consideration to the buildings located on lots that abut the Real Estate. The Illustrative Character Exhibit provides a general representation of the intended architecture and character for the Real Estate.

B. Any building materials not specifically listed herein shall be prohibited, unless otherwise approved by the Director upon determination that the building materials are appropriate and compatible in quality and character as those materials otherwise permitted.

C. Building Orientation.

(i) No loading spaces or loading docks shall be permitted to face a public street or adjoining Residential District.

(ii) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

(iii) Heating, ventilation, and air conditioning (HVAC) equipment shall not be permitted to be located on the western side of a building facing the Real Estate's western property line.

D. Primary Façade Building Materials.

(i) All Primary Facades on new buildings or building additions for the Real Estate shall use brick as the primary exterior building material as shown by the Illustrative Character Exhibit. The brick colors shall be substantially similar to the brick colors shown on the attached Exhibit E.

~~(i)~~(ii) Storage buildings' Primary Facades shall be parapet walls with a brick pattern substantially similar to the pattern shown on Exhibit D.

~~(ii)~~(iii) The use of accent and trim elements (e.g., accent panels, banding, cornices, canopies, awnings) for building trim shall be incorporated to add visual interest and break down the scale of façades.

~~(iii)~~(iv) Permitted building trim and secondary exterior building materials may include: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems. ~~In addition, steel shall be permitted but limited to roof gables only.~~

~~(iv)~~(v) Primary Facades shall incorporate multiple colors and multiple textures (e.g., rough, smooth, striated), as illustrated on Exhibits D and E.

~~(v)~~(vi) Colors used on Primary Facades must be complementary. Natural, muted colors should serve as the primary color, with brighter colors used as limited accents.

E. Secondary Façade Building Materials.

(i) The following materials shall be permitted for Secondary Facades: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems, steel and/or aluminum curtain wall systems.

(ii) Colors used on Secondary Facades must be complementary to those used on the Primary Façade. Natural, muted colors should serve as the primary color, with brighter colors used as limited accents.

F. Roof Design.

(i) Roofing materials for non-storage buildings with pitched roofs (e.g., office buildings) shall consist of a dimensional shingle and shall be a neutral color (e.g., gray, black).

(ii) Storage buildings with Primary Facades (e.g., storage buildings with parapet walls abutting residential) shall have flat roofs.

(iii) Roofing materials for storage buildings shall be either standing seam metal or shingle. The roof material color shall be a non-primary color (e.g., green not permitted).

(iv) All roofs must incorporate appropriately pitched roofs, tall parapets or screen walls to architecturally conceal any roof-mounted equipment.

(v) Rooftop equipment screens and rooftop penetrations (vents) shall be of a color compatible with the overall building or roof color (not an accent color).

G. Dumpsters. Dumpsters shall not be located in the established front yard. Dumpsters shall be located within an enclosure that is constructed with materials that: (i) match the architecture and materials of the building which the dumpster is serving; and (ii) measure six feet (6') in height or two feet (2') above the height of the dumpster, whichever is greater.

H. Overhead Doors.

(i) No overhead doors shall be oriented towards the public right-of-way or towards the perimeter of the Real Estate unless screened by another building.

(ii) All overhead doors on buildings located on the perimeter of the Real Estate shall be oriented towards the interior of the Real Estate.

(iii) Overhead doors shall be prohibited on Primary Facades.

4.8 Perimeter Path. An eight-foot (8') wide multi-use path shall be installed within the 146th Street right-of-way adjacent to the Real Estate, subject to approval by Hamilton County at the time of development plan approval. The path shall be constructed in accordance with the Hamilton County Alternative Transportation Plan.

Section 5. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this _____ day of June, Two Thousand and Ten.

COMMON COUNCIL OF THE CITY OF WESTFIELD

AYE

NAY

_____	Tom Smith, President	_____
_____	John Dippel, Vice President	_____
_____	Steve Hoover	_____
_____	Robert Horkay	_____
_____	Ken Kingshill	_____
_____	Bob Smith	_____
_____	Rob Stokes	_____

Approved and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this _____ day of _____, 2010.

Andy Cook, Mayor
City of Westfield, IN

ATTEST

Cindy Gossard, Clerk Treasurer

This Instrument prepared by: Steven D. Hardin, Esq., Baker & Daniels, LLP
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240 | (317) 569-9600

SCHEDULE OF EXHIBITS

Exhibit A Legal Description

Exhibit B Concept Plan Exhibit

Exhibit C Illustrative Character Exhibit

Exhibit D Parapet Wall Brick Pattern Exhibit

Exhibit E Brick Color Exhibit

Exhibit F Primary Façade Exhibit

Exhibit G Tree Inventory of Preservation Buffer

Exhibit H Supplemental Planting Exhibit

Exhibit I Buffer Yard Illustration Exhibit