

## **ORDINANCE 10-19**

### **AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08 AND TITLE 16 – LAND USE CONTROLS**

**WHEREAS**, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and,

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1004-PUD-05), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006, and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008; (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; and (v) Ordinance 10-08, enacted by the City Council on May 24, 2010;

**WHEREAS**, on August 16, 2010, the Commission took action to forward Docket 1008-PUD-10 to the Westfield City Council with a unanimous positive recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

**WHEREAS**, on August 17, 2010, the Secretary of the Commission certified the action of the Commission to the City Council; and,

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

**SECTION 1.** The document as referenced by Ordinance 06-49 described as “The Bridgewater Club Restated and Consolidated Planned Unit Development District”, as amended by Ordinance 08-05, Ordinance 09-17, Ordinance 10-01, Ordinance 10-05 and Ordinance 10-08 (collectively, the “Bridgewater PUD Ordinance”) is hereby amended, (i) but only with respect to the development standards applicable to sign standards on the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “A”, and (ii) only to the extent set forth in what is attached hereto and incorporated herein by reference as Exhibit “B”.

In all other respects, the Bridgewater PUD Ordinance shall remain unchanged.

**SECTION 2.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
_____ Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
_____ Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Tom Smith	_____ Tom Smith	_____ Tom Smith
_____ Rob Stokes	_____ Rob Stokes	_____ Rob Stokes

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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield  
2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify that ORDINANCE 10-19 was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ m.

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

I hereby APPROVE ORDINANCE 10-19

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

I hereby VETO ORDINANCE 10-19

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

**EXHIBIT A**  
**Bridgewater Marketplace Shops**

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 17; thence South 00 degrees 46 minutes 18 seconds East (assumed bearing) along the East line of said Southeast Quarter 1834.32 feet to the Northeast corner of land described in Instrument No. 200600005931, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 11 minutes 04 seconds West along the North line of said described land 45.00 feet to the West line of land dedicated to the Town of Westfield as described in Instrument No. 2007038726, recorded in said Recorder's Office; thence South 00 degrees 46 minutes 18 seconds East along said West line and parallel with the East line of said Southeast Quarter 417.96 feet to the North line of land described in Instrument No. 200600059203, recorded in said Recorder's Office; thence South 89 degrees 11 minutes 07 seconds West along said North line 294.73 feet to the Northwest corner thereof and the POINT OF BEGINNING; thence along the Western boundary of said described land, South 14 degrees 34 minutes 58 seconds West 102.52 feet; thence South 89 degrees 11 minutes 07 seconds West 52.89 feet to the Northeast corner of land described in Instrument No. 2008043004, recorded in said Recorder's Office; thence South 89 degrees 11 minutes 07 seconds West along the North line of said described land 242.35 feet to the West line of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 17; thence North 00 degrees 48 minutes 53 seconds West 570.24 feet to the Southwest corner of land described in Instrument No. 2009018447; thence along the south line of said described land North 89 degrees 11 minutes 07 seconds East 298.69 feet; thence South 00 degrees 48 minutes 53 seconds East 471.39 feet; thence North 89 degrees 11 minutes 07 seconds East 23.78 to the POINT OF BEGINNING, containing 3.933 acres, more or less.

**Exhibit B**  
**BRIDGEWATER PUD AMENDMENT**

**SECTION 14-C (1) (b)**

For External Street, the area of the signboard shall not exceed a maximum size of one (1) square foot for each two (2) lineal feet of building frontage, not to exceed a maximum of one hundred (100) square feet. For Internal Streets and parking areas, the area of the signboard shall be calculated using the same 1:2 ratio, provided that any business with less than fifty (50) feet of frontage shall be permitted up to twenty-five (25) square feet of signboard area. For Internal Streets and parking areas located within a portion of Tract M3 as described in Exhibit 23, the area of the signboard for any tenant greater than 3,000 square feet shall be calculated per the Sign Standards in the Westfield-Washington Township Zoning Ordinance Section WC 16.08.010.

**SECTION 14-C (1)(c)**

The height of the lettering, numbers, or graphics shall not exceed sixteen inches. This is provided with the exception of tenants located within a portion of Tract M3 as described in Exhibit 23 greater than 3000 square feet shall have no restrictions on the height of the lettering, numbers, or graphics.

**SECTION 14-C (1)(g)**

Applied letters may substitute for wall-mounted signs, if constructed of wood, metal or stone. Applied plastic letters shall not be permitted; however, translucent inserts may be used as an accent material. The height of the applied letters shall not exceed sixteen inches. This is provided with the exception of tenants located within a portion of Tract M3 as described in Exhibit 23 greater than 3,000 square feet shall have no restrictions on the height of applied letters.

**EXHIBIT 23**  
**Bridgewater Marketplace Shops**

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 17; thence South 00 degrees 46 minutes 18 seconds East (assumed bearing) along the East line of said Southeast Quarter 1834.32 feet to the Northeast corner of land described in Instrument No. 200600005931, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 11 minutes 04 seconds West along the North line of said described land 45.00 feet to the West line of land dedicated to the Town of Westfield as described in Instrument No. 2007038726, recorded in said Recorder's Office; thence South 00 degrees 46 minutes 18 seconds East along said West line and parallel with the East line of said Southeast Quarter 417.96 feet to the North line of land described in Instrument No. 200600059203, recorded in said Recorder's Office; thence South 89 degrees 11 minutes 07 seconds West along said North line 294.73 feet to the Northwest corner thereof and the POINT OF BEGINNING; thence along the Western boundary of said described land, South 14 degrees 34 minutes 58 seconds West 102.52 feet; thence South 89 degrees 11 minutes 07 seconds West 52.89 feet to the Northeast corner of land described in Instrument No. 2008043004, recorded in said Recorder's Office; thence South 89 degrees 11 minutes 07 seconds West along the North line of said described land 242.35 feet to the West line of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 17; thence North 00 degrees 48 minutes 53 seconds West 570.24 feet to the Southwest corner of land described in Instrument No. 2009018447; thence along the south line of said described land North 89 degrees 11 minutes 07 seconds East 298.69 feet; thence South 00 degrees 48 minutes 53 seconds East 471.39 feet; thence North 89 degrees 11 minutes 07 seconds East 23.78 to the POINT OF BEGINNING, containing 3.933 acres, more or less.



## *Westfield City Council Report*

**Ordinance Number:** 10-19  
**APC Petition Number:** 1008-PUD-10  
**Approximate Address:** 14600 North Gray Road  
**Petitioner:** KRG Bridgewater LLC  
**Representative:** Joy Skidmore, KRG Bridgewater LLC  
**Requested Action:** Amendment to Section 14 of The Bridgewater PUD; modifying standards regarding wall signage for the Bridgewater Marketplace.  
**Current Zoning Dist:** Bridgewater PUD  
**Requested Zoning Dist:** Bridgewater PUD  
**Filing Date:** July 2, 2010  
**Referral Date to APC:** July 12, 2010  
**APC Public Hearing:** August 2, 2010  
**APC Recommendation:** August 16, 2010  
**Eligible for Adoption:** September 13, 2010  
**Associated Ordinances:** Ord. 06-49, Ord. 08-05, 09-17, Ord. 10-01, Ord. 10-05 & Ord. 10-08  
**Exhibits:**

1. Staff Report
2. Aerial Location Map

**Prepared By:** Kevin M. Todd, AICP, *Senior Planner*

### **PETITION HISTORY**

This petition for an amendment to The Bridgewater Club Restated and Consolidated Planned Unit Development District (Ord. 06-49), as amended by Ord. 08-05, Ord. 09-17, Ord. 10-01, Ord. 10-05 and Ord. 10-08 (the “Bridgewater PUD”) was filed on July 2, 2010. The petition received a public hearing at the August 2, 2010 Advisory Plan Commission Meeting and received a positive recommendation for approval at the August 16, 2010 Advisory Plan Commission Meeting.

### **PROCEDURAL**

- Requests for a change in zoning to a PUD district are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505.
- The Advisory Plan Commission (the “APC”) held a public hearing on August 2, 2010 and issued a positive recommendation (9-0) to the City Council in support of the proposed PUD amendments on August 16, 2010.
- Notification of August 2, 2010 public hearing was provided in accordance with the APC Rules of Procedure.
- The City Council may take action on this item at the September 13, 2010 meeting.

## **PROJECT OVERVIEW**

### Project Description

The subject property is approximately eight (8) acres in size and is located at 14600 North Gray Road (the “Property”). The proposal would modify three subsections of Section 14-C of The Bridgewater Planned Unit Development ordinance (the “PUD”) in order to increase the amount of wall signage allowed for the multi-tenant building located on the Property. The proposed modifications are summarized as follows:

- Section 14-C (1) (b) – Language added to allow tenants with 3,000 or more square feet of building space the ability to have wall signs at a 1:1 ratio (one square foot of signage for each linear foot of building frontage). This is consistent with the City’s standards for Center In-Line Tenants (WC 16.08.010-I (5)).
- Section 14-C (1) (c) – Language added to allow tenants with 3,000 or more square feet of building space to have no limitation on the height of letters, numbers, or graphics.

Section 14-C (1) (g) - Language added to allow tenants with 3,000 or more square feet of building space to have no limitation on the height of applied letters.

### Comprehensive Plan-Feb 2007

The Future Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as Local Commercial. The existing use of the Property is consistent with the Comprehensive Plan.

### Thoroughfare Plan-Feb 2007

The Thoroughfare Plan roadway classification map identifies Gray Road as a “Secondary Arterial” and 146<sup>th</sup> Street as “Primary Arterial 2”. This proposal would not affect these abutting roadways.

### Parks & Recreation Master Plan-Dec 2007

The Westfield Parks & Recreation Master Plan focuses on the build-out and development of the community’s existing parks and trail systems. The Property is not within or adjacent to an existing park or trail. The proposed amendment will not affect any current trail paths or parks.

### Water & Sewer System-Aug 2005

The Property is currently served by water and sewer lines.

### Annexation

The Property is within the corporate boundaries of the City of Westfield.

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

The 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.**

The Future Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan identifies the Property as Local Commercial. The development of this site is in conformance with the recommendations set forth in the Comprehensive Plan.

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

The Property is being used for commercial purposes, a few of the commercial out-lots nearest Gray Road are undeveloped. The Property is located in the Bridgewater PUD and is zoned for commercial use.

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

The Comprehensive Plan established that Local Commercial development is appropriate for this area. The Bridgewater PUD allows for the existing commercial development.

### **4. The conservation of property values throughout the jurisdiction.**

It is anticipated that the proposed amendment will have no impact on surrounding property values.

### **5. Responsible growth and development.**

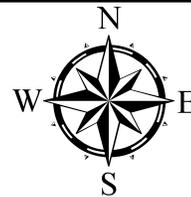
It is likely that proposed amendment will have a positive impact on the development of this commercial site. It is anticipated that the change in the sign area calculation will attract customers in the near-term and grow the development site in the long-term.

## **RECOMMENDATIONS / ACTIONS**

- Community Development Department [August 16, 2010]  
The Westfield Community Development Staff, under their final report to the APC, made a positive recommendation for this petition.
- Advisory Plan Commission [August 16, 2010]  
The Westfield-Washington Advisory Plan Commission has forwarded a positive recommendation for this petition (Vote of: 9-0).
- City Council
  - Introduction: [July 12, 2010]
  - Eligible for Adoption: [September 13, 2010]

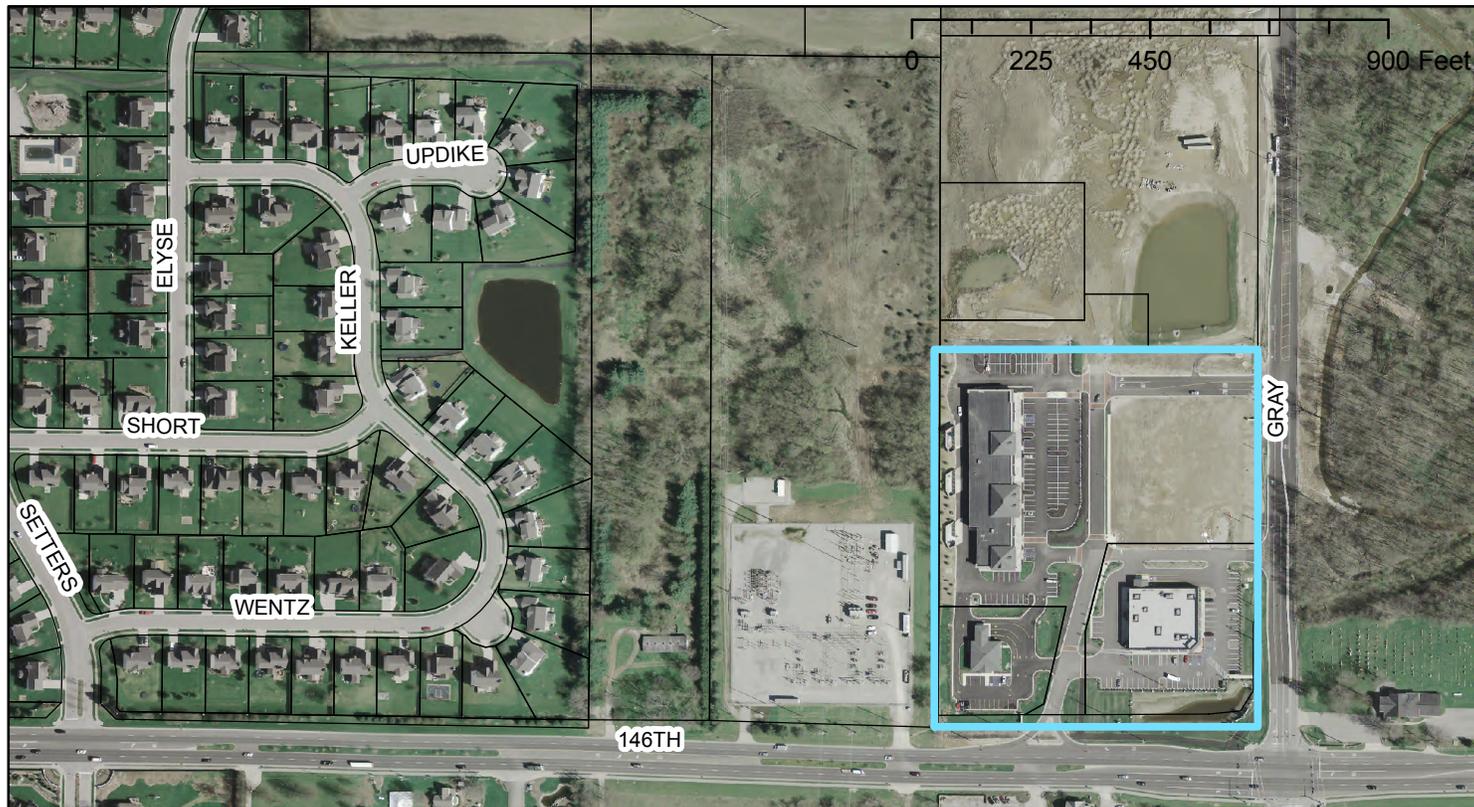
Submitted by: Kevin M. Todd, AICP, *Senior Planner*

1004-PUD-05  
 08-10-17-00-00-006.203  
 14600 North Gray Road  
 Exhibit 2

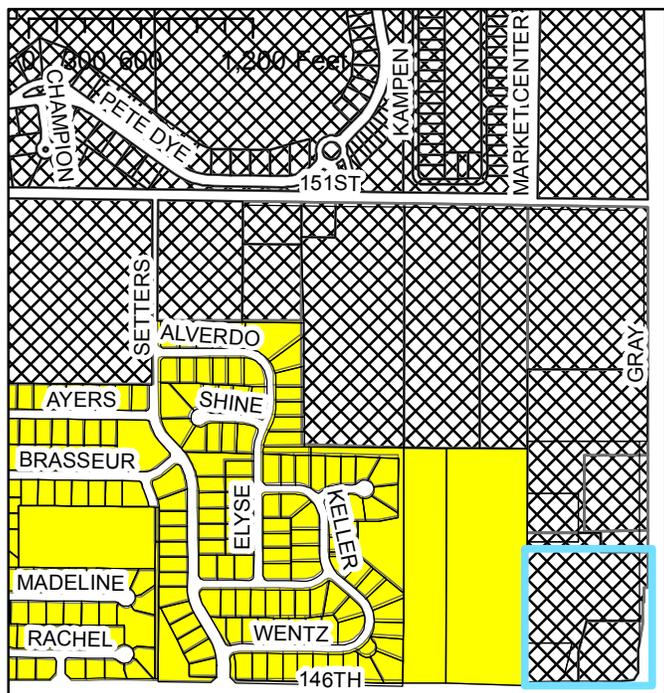


Aerial Location Map

Site

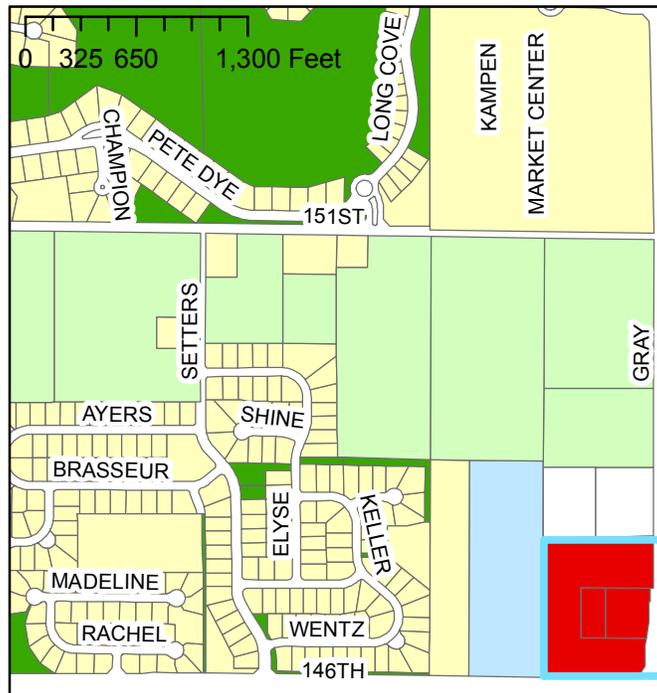


Zoning Map (Mar 2008)



 PUD  
 ROW  
 SF-3

Existing Land Use Map (2008)



 AG  
 COM  
 INST  
 REC  
 RES  
 ROW  
 VAC

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION  
CERTIFICATION**

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The Westfield-Washington Advisory Plan Commission held a public hearing on Monday, August 2, 2010, to consider an amendment to the wall signage standards in the Bridgewater PUD Ordinance. Notice of the public hearing was advertised 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 amendment is described as follows:

Case No.        1008-PUD-10  
Petitioner      KRG Bridgewater, LLC  
Description    Northwest Corner of 146th Street and Gray Road; Petitioner requests an amendment to Section 14 of The Bridgewater PUD; modifying standards regarding wall signage for the Bridgewater Marketplace.

On August 16, 2010, a motion was made and passed to send a positive recommendation (9-0) to the City Council to approve the request for 1008-PUD-10.

I, Matthew S. Skelton, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the attached minutes are a true and accurate record of the meetings of the Westfield-Washington Advisory Plan Commission held on August 2, 2010 and August 16, 2010.



Matthew S. Skelton, Secretary

August 17, 2010  
Date

The Westfield-Washington Advisory Plan Commission held a meeting on Monday, August 2, 2010 scheduled for 7:00 PM at the Westfield City Hall.

**Opening of Meeting:** 7:00 PM

**Roll Call:** Note Presence of a Quorum

**Commission Members Present:** Dan Degnan, Pete Emigh, William Sanders, Cindy Spoljaric, Bob Spraetz, Robert Horkay, Steve Hoover, Danielle Tolan.

**City Staff Present:** Matthew Skelton, Director; Kevin Todd, Senior Planner; Ryan Schafer, Planner; and Brian Zaiger, City Attorney

**Approval of the Minutes:**

Motion to approve minutes of July 19, 2010 as presented.

Motion: Emigh; Second: Hoover; Vote: Pass by Voice Vote

Todd reviewed the public hearing rules and rules of procedure.

### **MISCELLANEOUS BUSINESS**

Case No.	APC Order 10-01
Petitioner	City of Westfield
Description	Order of the Westfield-Washington Plan Commission determining that the Amended Declaratory Resolution of the Grand Junction Economic Development Area approved and adopted by the Westfield Redevelopment Commission conform to the Comprehensive Plan and approving that amended resolution.

Zaiger discussed the Order, stating that this is a minor text change and that the Commission needs to re-approve the plan previously approved last year.

Motion: To approve Order 10-01 as presented.

Motion: Horkay; Second: Degnan; Vote: 8-0

### **NEW BUSINESS**

Case No.	1008-DP-06 & 1008-SIT-06
Petitioner	Friedman Properties, LLC
Description	4011 SR 32 East; Petitioner requests a Development Plan and Site Plan

Review for a 7,000 square foot multi-tenant commercial building, located on approximately 1 acre in the GB District.

Todd introduced the petition stating that this item has been to TAC and a few issues are being reviewed and will be resolved before coming back to the Commission for approval.

Mr. Jon Dobosiewicz, Nelson & Frankenberger, discussed the petition further including site layout, architecture and building materials, landscaping, lighting and signage. He discussed modifications to the plan, including an 8-foot asphalt path which will traverse the site providing access to the Midland Trail further to the south. He also stated that the modified plan allowed three additional parking spaces on the site.

Spoljaric asked if this could be used as commercial and not just office.

Todd responded yes; the property is zoned General Business which allows for a wide range of businesses uses.

A Public Hearing opened at 7:22 p.m.

No one spoke, and the Public Hearing closed at 7:23 p.m.

Case No.	1008-DP-07 & 1008-SPP-01
Petitioner	J. C. Hart Company
Description	441 South Union Street; Petitioner requests a Development Plan and Preliminary Plat Review for 238 multi-family dwelling units, located on approximately 18.5 acres in the Union Street Flats PUD District.

Todd introduced the petition stating that staff is working with the petitioner on a few issues which will be addressed before this petition comes before the Commission for approval.

Dobosiewicz provided an overview of the project including site plan, layout, architecture, landscaping, lighting and signage. He discussed the trail system, building elevations, and clubhouse amenities.

A Public Hearing opened at 7:40 p.m.

Ms. Judith Shuck expressed concern about preserving Westfield's historical heritage.

The Public Hearing closed at 7:43 p.m.

Dobosiewicz responded to public hearing comments, stating that during the rezone process, the petitioner met with neighboring home owners to discuss relocation of historical homes, but there was not enough interest at the time to do so.

Case No. 1008-PUD-10  
Petitioner KRG Bridgewater, LLC  
Description Northwest Corner of 146th Street and Gray Road; Petitioner requests an amendment to Section 14 of The Bridgewater PUD; modifying standards regarding wall signage for the Bridgewater Marketplace.

Todd introduced the petition, which specifically addresses sign standards for the multi-tenant building in the Bridgewater Marketplace. Currently, the PUD Ordinance limits the amount of wall signage, and the request is to consider modifying the Bridgewater standards to match the City standards for similar signage.

A Public Hearing opened at 8:00 p.m.

No one spoke, and the Public Hearing closed at 8:01 p.m.

### **OLD BUSINESS**

Case No. 1001-PUD-01  
Petitioner Estridge Development Company  
Description 146<sup>th</sup> Street and Towne Road; Petitioner requests a change in zoning on approximately 1,409 acres from the AG-SF1, SF-2 and Centennial North PUD districts to the Symphony PUD District.

Skelton addressed previous discussion about ownership/control issues stating that the petitioner has addressed the requirements in order to be eligible for consideration as a PUD.

Hoover stated that the petitioner previously made a presentation and he is still waiting for a copy.

Skelton stated that he has received the presentation and will get it uploaded to the website.

Skelton reviewed the detailed comments received from APC members as well as staff. He stated that the petitioner is aware of items which need to be updated or revised so these will not be covered during the meeting.

Skelton began discussing the PUD Comments by Section:

Page 1: Item 12BI, this standard limits the overall number of units in the whole development. He noted that staff asked for a specific number so we know when we have crossed it. He mentioned that one thing it does not address is a limit on accessory

dwelling units, which is a new concept that Westfield has not seen before, and is an essential element to this proposal.

Spoljaric asked the petitioner to address this issue.

Hoover believes that there should be some limit or some expectation.

Mr. Paul Estridge, Jr. responded on the issue of accessory dwelling units. He stated that in this type of development, it is not uncommon to have detached garages or an apartment above the garage. He added that Estridge Companies understands there is a need for some type of boundaries; therefore he offered that no more than 35% of any one lot size category would be able to have an accessory dwelling unit. He said that he would have no issue to limiting the maximum number of dwelling units in the PUD. He suggested capping the total dwelling units to 4,112 units, as proposed in the PUD ordinance.

Skelton added that the proposed PUD ordinance has the limit Estridge mentioned of 4,112 unit maximum, but he believes that is for primary dwelling units, and that number can be modified to include the accessory dwelling units.

Estridge discussed the allowance for more single family detached homes rather than multi-family and offered the following restrictions to the PUD:

- Cottage Lot Category: minimum of 100 and maximum of 400 cottage lots at 600 sq. ft.
- Narrow Lot Category: range of 200 to 600 narrow lots; minimum sq. ft. of 1,000.
- Small Lot Category: minimum number of 600 but no maximum; minimum home 1,400. sq. ft.
- House Lot Category: minimum of 400 with no limit; 1800 sq. ft.
- Estate Lot Category: 200 with no limit; 2400 sq. ft.
- Maximum number of attached units is 1,440 units, and within that category of attached, maximum of 600 rentals, balance could be duplexes, triplexes, quads, townhomes or flats.

Spoljaric still questioned the number of cottage and narrow lots. She commented that she thinks that is a lot of homes on very small lots.

Estridge understands this concern and offered no more than a certain percentage of attached, cottage, and narrow lots throughout the entire development at any given time. He suggested that a discussion take place regarding how much attached and very small lots are appropriate for the entire development, in a gross number.

Spoljaric believes that it is very difficult to review without having defining land uses and more descriptive land uses per village area.

Degnan asked if it is possible to include timelines, instead of village by village, present it by time frame of village build outs, then over time the balance could be reached. He

further explained, instead of going village by village so that we do not get stuck with a certain percentage of types of lots, instead, by a certain time there would be a certain percentage of each type of lot, which gives flexibility but keeps the commitment.

Skelton stated that a detailed phasing plan is required by the PUD; however, it is not binding. He suggested that the petitioner may be able to tell the APC what housing product will be there rather than when.

Degnan further explained his idea stating that instead of going village by village so that we do not get stuck with a certain percentage of types of lots, instead, by a certain time there would be a certain percentage of each type of lot, which gives flexibility but keeps the commitment.

Estridge reviewed the current time line.

Hoover asked about accessory dwelling units, stating that the language sounds like a unit would be allowed to be owned either by the main property owner or it could be a separate owner.

Estridge responded that there would be one deed to the lot and same owner.

Estridge offered to exclude the accessory dwelling in the cottage lot single family dwelling. He further stated that the accessory dwelling units are only applicable to single family detached lots.

Spoljaric stated that this is not how the PUD reads.

Skelton said that this would be reviewed and clarified.

Estridge stated that the petitioner is not asking for any accessory dwelling units in the attached or live-work categories.

The Commission took a ten-minute break.

Degnan left at 8:55 p.m.

Skelton stated that during the break, he reviewed the accessory dwelling unit verbiage and confirmed that a prohibition of accessory units in attached and live-work scenario does not exist.

Horkay found related verbiage under Permitted Uses, C, page 21, which he suggested will need to be modified.

Skelton stated that the next item to be discussed is Item 1 II B at bottom of page one; he believes that this is the time for discussion regarding how this project relates to the comprehensive plan.

Spoljaric state that she would like to see the highest and best use of areas which can be maximized to help offset property taxes.

Estridge reviewed the maximums and limitations regarding the commercial use square footage. He also discussed possible types of commercial uses.

Estridge offered an analysis on the draw, the market area for the retail and viability for this amount of commercial. He added that he would be glad to provide that for the next meeting.

Discussion followed regarding what the Commission is looking for in analysis, and it was determined they are not so interested in what the market will bear as they are in real life examples of what something this size "feels like."

Estridge added that it is really roof tops and traffic, average trips per day, that really drive commercial development.

Hoover stated that the Commission needs to consider what the community wants in that location and what was envisioned in the Comprehensive Plan.

Hoover stated that he would like "big box retail" excluded. He would also like to see maximum square footage for a single retail use.

Skelton pointed out that there is quite a bit of flexibility built into the commercial development standards and encouraged the Commission to review this section.

Discussion followed regarding grocery stores, sizes, and the future needs or desires of the community.

Estridge stated that they will probably come back with a proposal in the neighborhood of 80,000 to 100,000 square feet for a grocery, which is the footprint large stores are using today.

Spoljaric believes that the open space is fragmented and not very high quality.

Estridge stated that the Three Mile Park is clearly the backbone of the intended open space.

Estridge believes that it might be a good idea to give more detail on a larger scale conceptually of what would be coming forward on the Village I plat.

Spoljaric stated that this may be potentially helpful, but depending on the mix in terms of kind of lots. She said that Symphony is going to need different degrees of amenities, and that she is not seeing the defining character in the proposal that accompanies amenities and open space. She asked what is being done with quality open space to make it a community.

Discussion followed regarding the progress on the project.

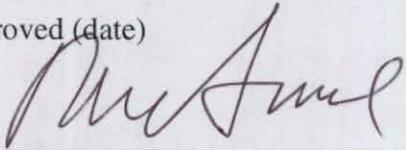
Skelton encouraged the Commission to get their comments to staff on the first half of the document as quickly as possible.

The Commission agreed to get comments to staff by the end of the week.

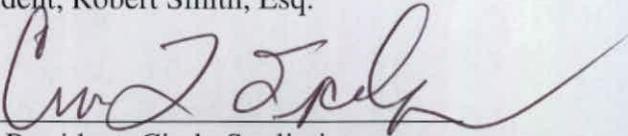
Todd reported to the Commission on upcoming projects, including: an apartment project adjacent to Maple Knoll Apartments; a request for zoning change north of Dulello's; and staff is anticipating Montessori School appearing before the APC after they appear before the BZA.

**ADJOURNMENT** (9.55 p.m.)

Approved (date)



\_\_\_\_\_  
President, Robert Smith, Esq.



\_\_\_\_\_  
Vice President, Cindy Spoljaric

  
\_\_\_\_\_  
Secretary, Matthew S. Skelton, Esq., AICP

Westfield-Washington Advisory Plan Commission held a meeting on Monday, August 16, 2010 scheduled for 7:00 PM at the Westfield City Hall.

**Opening of Meeting:** 7:00 PM

**Roll Call:** Note Presence of a Quorum

**Commission Members Present:** Robert Smith, Dan Degnan, Pete Emigh (7:08), William Sanders, Cindy Spoljaric, Bob Spraeetz, Robert Horkay, Steve Hoover, Danielle Tolan.

**City Staff Present:** Matthew Skelton, Director; Kevin Todd, Senior Planner; and Brian Zaiger, City Attorney

**Approval of the Minutes:**

Motion to approve minutes of August 2, 2010 as presented.

Motion: Hoover; Second: Spoljaric; Vote: Pass by Voice Vote

### **ITEMS OF BUSINESS**

Case No.	1008-DP-06 & 1008-SIT-06
Petitioner	Friedman Properties, LLC
Description	4011 SR 32 East; Petitioner requests a Development Plan and Site Plan Review for a 7,000 square foot multi-tenant commercial building, located on approximately one acre in the GB District.

Todd introduced the petition stating there have been a few minor adjustments made to the site plan as a result of Technical Advisory Committee comments in order to incorporate the eastern buffer yard which is required. He further stated they have also accommodated the bicycle parking. Todd discussed a few minor landscaping issues which have been brought to the petitioner's attention; staff is recommending final landscape plan approval be delegated to staff. Todd stated that during the final review, the commitments during the 2007 rezone of the property were reviewed, and one of those commitments involved the dedication of land and payment of monies for the Midland Trail construction; staff will be following up with the credit union to make sure this happens.

Motion: To approve 1008-DP-06 & 1008-SIT-06 with the following conditions:

1. Delegate approval of the Landscaping Plan to the Westfield Community Development Department Staff;
2. Prior commitments from the credit union as far as original site approval and concerning specifically dedication land for the trail be provided;

3. That all necessary approvals and permits be obtained from the Westfield Public Works Department and the Hamilton County Surveyor's Office prior to the issuance of a building permit.

Motion: Sanders; Second: Horkay; Vote: 9-0

Case No. 1008-PUD-10  
Petitioner KRG Bridgewater, LLC  
Description Northwest Corner of 146th Street and Gray Road; Petitioner requests an amendment to Section 14 of The Bridgewater PUD; modifying standards regarding wall signage for the Bridgewater Marketplace.

Todd stated this amendment would allow the tenants in the multi tenant building of 3,000 square feet or greater to have wall signage consistent with the City's standards for wall signs; currently they are allowed half of what the city would normally provide for wall signage for this type of use.

Motion to send 1008-PUD-10 to the Westfield City Council with positive recommendation.

Motion: Emigh; Second: Sanders Vote: 9-0

Case No. 1006-DP-05 & 1006-SIT-05  
Petitioner William Lyman  
Description 800 Sycamore Street; Petitioner requests a Development Plan and Site Plan Review for a proposed 1,200 square foot addition to the Montessori School, located in the LB District.

Todd stated this addition would be used for a library at the school. He stated this project was before the Technical Advisory Committee on May 25 where there were a few items identified at that time. He further stated the petitioner has obtained variances from the Board of Zoning Appeals to help bring the site into compliance. Todd also stated it has been determined at this time they do not need a second means of access. He explained that staff will still need to review the landscaping plan and that staff also has a few questions on parking since the ordinance does not specifically address schools and parking.

Hoover asked why the need to change the 40 feet to 30 feet on the western side.

Todd responded they have a canopy covering their drive which encroaches the 40 feet and the standards state there cannot be a structure within a buffer yard.

A Public Hearing opened at 7:19 p.m.

No one spoke, and the Public Hearing closed at 7:20 p.m.

The Commission will vote on this item at the first Advisory Plan Commission meeting in September.

Case No. 1001-PUD-01  
Petitioner Estridge Development Company  
Description 800 Sycamore Street; Petitioner requests a change in zoning on approximately 1,409 acres from the AG-SF1, SF-2 and Centennial North PUD districts to the Symphony PUD District.

Skelton stated he has met with the petitioner since the last meeting and spent a good deal of time working through comments from the last meeting. He further stated there are a couple more meetings scheduled before the next meeting.

Hoover clarified it is staff's intent before the next meeting to have a new PUD with all of the revisions, anything agreed to and we will have a new document to start working from.

Skelton responded yes, but encouraged the Commission that if there is anything important to a Commission member that is not in the document, to advise staff.

Hoover asked if the bullet points by paragraph reviewed previously would be addressed in writing in the new document in order for the Commission to see what the result of the comments were.

Skelton stated that the petitioner has already responded note by note, but staff will go through and verify that the way the petitioner described how they have responded is the way we would characterize it.

#### **CITY COUNCIL LIAISON**

Horkay reported that Maples at Spring Mill PUD and Kalarama Park have both been approved by Council.

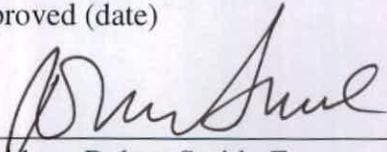
Skelton stated Delellos will be coming forward for a change in zoning in looking at another piece of property.

#### **BZA LIAISON**

Degnan discussed the administrative appeals which came forward at the BZA meeting in August.

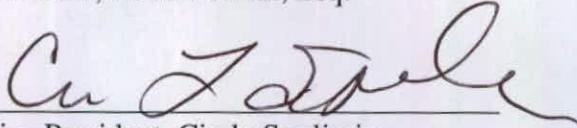
#### **ADJOURNMENT** (7:35 p.m.)

Approved (date)



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President, Robert Smith, Esq.



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Vice President, Cindy Spoljaric



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Secretary, Matthew S. Skelton, Esq., AICP