

ORDINANCE 10-20

Document Cross Reference No. _____

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO THE OAK MANOR PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 03-37 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, enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1007-PUD-08), filed with the Commission requesting an amendment to Ordinance 03-37, enacted by the Westfield Town Council on December 8, 2003;

WHEREAS, on September 20, 2010, the Commission took action to forward Docket 1007-PUD-08 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 September 21, 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 03-37 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as referenced by Ordinance 03-37 described as the “Oak Manor PUD” is hereby amended, (i) but only with respect to the standards applicable to 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 Oak Manor PUD 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.

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 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 10-20 was delivered to the Mayor of Westfield on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-20
this _____ day of _____, 2010.

I hereby VETO ORDINANCE 10-20
this _____ day of _____, 2010.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

EXHIBIT A

SURVEYOR'S CERTIFICATE
LAND DESCRIPTION

A part of the West Half of Section 5, Township 18 North, Range 4 East of the 2nd Principal Meridian, Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 5; thence South 00 degrees 03 minutes 28 seconds East (bearings based on previous survey by the Schneider Corporation job number 4134.001 on an assumed bearing) along the West line of said Northwest Quarter a distance of 917.53 feet to the northwest corner of the South Half of said Northwest Quarter; thence continuing South 00 degrees 03 minutes 28 seconds East along the West line of said Northwest Quarter a distance of 25.00 feet to the Point of Beginning; thence South 89 degrees 00 minutes 37 seconds East a distance of 425.38 feet; thence South 00 degrees 59 minutes 23 seconds West a distance of 73.84 feet; thence South 24 degrees 26 minutes 58 seconds East a distance of 97.79 feet; thence South 00 degrees 59 minutes 48 seconds East a distance of 67.05 feet; thence South 24 degrees 54 minutes 27 seconds West a distance of 109.23 feet; thence South 38 degrees 04 minutes 38 seconds West a distance of 93.97 feet; thence South 04 degrees 15 minutes 34 seconds West a distance of 83.74 feet; thence South 89 degrees 56 minutes 32 seconds West a distance of 170.00 feet; thence South 00 degrees 03 minutes 28 seconds East a distance of 33.25 feet; thence South 89 degrees 56 minutes 32 seconds West a distance of 185.00 feet to the West Line of said Northwest Quarter; thence North 00 degrees 03 minutes 28 seconds West along said West Line a distance of 527.40 feet to the Point of Beginning, containing 4.877 acres, more or less.

This subdivision consists of 20 lots numbered 82A through 91B, Master Common Areas "O" and "P" together with streets, easements and public ways as shown hereon.

The size of the lots together with the widths of streets and easements are shown in figures denoting feet and decimal parts thereof.

Cross-reference is hereby made to survey plat recorded as Instrument Number 200400081407 in the Office of the Recorder of Hamilton County, Indiana.

REDACTION STATEMENT

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. BRYAN F. CATLIN.

SURVEYOR'S CERTIFICATE

This is to certify that the above described property was surveyed by the Schneider Corporation under the direction of an Indiana Professional Land Surveyor and that the plat hereon drawn is a correct representation of said survey. All distances are shown in feet and decimals thereof.

Given my hand and seal at Indianapolis, Indiana this 20th day of December 2007.

By: Bryan F. Catlin
Bryan F. Catlin
Registered Land Surveyor
Indiana #910012



**SURVEYOR'S CERTIFICATE
LAND DESCRIPTION**

A part of the West Half of Section 5, Township 18 North, Range 4 East of the 2nd Principal Meridian, Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 5; thence South 00 degrees 03 minutes 28 seconds East (bearings based on previous survey by the Schneider Corporation job number 4134.001 on an assumed bearing) along the West line of said Northwest Quarter a distance of 917.53 feet to the northwest corner of the South Half of said Northwest Quarter; thence continuing South 00 degrees 03 minutes 28 seconds East along the West line of said Northwest Quarter a distance of 552.40 feet to the Point of Beginning; thence North 89 degrees 56 minutes 32 seconds East a distance of 185.00 feet; thence North 00 degrees 03 minutes 28 seconds West, parallel with said west line, a distance of 33.25 feet; thence North 89 degrees 56 minutes 32 seconds East a distance of 170.00 feet; thence South 00 degrees 03 minutes 28 seconds East, parallel with said west line, a distance of 80.62 feet; thence South 81 degrees 32 minutes 44 seconds East a distance of 120.19 feet; thence South 56 degrees 42 minutes 27 seconds East a distance of 130.37 feet; thence South 31 degrees 52 minutes 09 seconds East a distance of 104.57 feet; thence South 08 degrees 58 minutes 16 seconds East a distance of 133.50 feet to a point on the northerly line of Villages at Oak Manor Section 1, a subdivision in Hamilton County, Indiana, the Plat of which is recorded as Instrument Number 200600047128 in the Office of the Recorder of said Hamilton County, Indiana (the next eight (8) described courses being along said Northerly Line); thence South 81 degrees 01 minutes 44 seconds West a distance of 113.00 feet; thence North 08 degrees 58 minutes 16 seconds West a distance of 6.98 feet; thence South 81 degrees 01 minutes 44 seconds West a distance of 159.67 feet; thence North 32 degrees 50 minutes 15 seconds West a distance of 68.52 feet; thence South 88 degrees 29 minutes 29 seconds West a distance of 165.99 feet to a non-tangent curve to the left having a radius of 225.00 feet, the radius point of which bears North 88 degrees 29 minutes 29 seconds East; thence southerly along said curve an arc distance of 40.38 feet to a point which bears South 78 degrees 12 minutes 35 seconds West from said radius point; thence South 78 degrees 12 minutes 35 seconds West a distance of 127.36 feet; thence South 89 degrees 56 minutes 32 seconds West a distance of 65.00 feet to the West Line of said Northwest Quarter; thence North 00 degrees 03 minutes 28 seconds West along said West Line a distance of 405.47 feet to the Point of Beginning, containing 4.968 acres, more or less.

This subdivision consists of 24 lots numbered 76A through 81B and 92A through 97B, Master Common Area "N" together with streets, easements and public ways as shown hereon.

The size of the lots together with the widths of streets and easements are shown in figures denoting feet and decimal parts thereof.

Cross-reference is hereby made to survey plat recorded as Instrument Number 200400081407 in the Office of the Recorder of Hamilton County, Indiana.

REDACTION STATEMENT

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.

SURVEYOR'S CERTIFICATE

This is to certify that the above described property was surveyed by the Schneider Corporation under the direction of an Indiana Professional Land Surveyor and that the plat hereon drawn is a correct representation of said survey. All distances are shown in feet and decimals thereof.

Given my hand and seal at Indianapolis, Indiana this 20th day of December 2007.

By: Bryan F. Catlin
Bryan F. Catlin
Registered Land Surveyor
Indiana #910012



EXHIBIT B

The following 9 pages constitute Exhibit "B", as referenced in Section 1 of Ordinance 10-20.

EXHIBIT 13

AREA B DEVELOPMENT STANDARDS DETACHED RESIDENTIAL

| | Existing Parcel B-4 | Existing Parcel B-5 | <i>"Parcel B-2 Amended" *</i> |
|--|--|--|---|
| Minimum Lot Width at Building line (I) | 65' for all lots | 70' for all lots | 44' |
| Minimum Lot Frontage on Street (2) | 50' | 25' | 34' |
| Minimum Lot Area () | 7,800 SF | 8,400 SF | 5,400 SF |
| Minimum. Front Yard Setback | 15' | , | 25' |
| Minimum Side Yard Setback (4) | 5' | 5' | 5' |
| Minimum Rear Yard Setback | 20' | 20' | 20' |
| Maximum Building Height | 35' | 35' | 35' |
| Minimum Gross Floor Areas for Ground Levels: | 1 story: 1200 SF 2 Story: 800 SF 1 ½ Story: 800 SF | 1 story: 1200 SF 2 Story: 800 SF 1 ½ Story: 800 SF | 1 story: 1200 SF 2 Story: 800 SF 1 ½ Story: 800 SF |

Above requirements may be decreased a maximum of 10% on up to 10% of the residencies with the exception of lot width in which the minimum width shall not be less than 65 feet ***excluding "Parcel B-2 Amended"***.

Note: Only the development standards set forth above shall apply to the detached single family residences and, as such, provisions in the Zoning Ordinance pertaining to proximity slope shall be inapplicable to detached single family residences.

"SF" = square feet

- (1) Building Line widths on cul-de-sacs shall be exempt from this requirement, but shall be a minimum of fifty (50) feet ***except "Parcel B-2 Amended" which shall be forty (40) feet.***
- (2) Minimum lot width may be reduced to fifty (50) feet for residencies with rear load garages accessed via a lane or alley ***excluding "Parcel B-2 Amended"***.
- (3) Lot frontage may be located on Public Street or Private Drive.
- (4) Minimum lot area may be reduced to 6,000 square feet for residencies with rear load garages accessed via a lane or alley ***excluding "Parcel B-2 Amended"***.

(4) In circumstances where distance between two residential structures is less than 15 feet than the external materials on the portion of the structures located within 15 feet shall consist of fire-retardant materials.

**** "Parcel B-2 Amended" is Section 3D of the Oak Manor PUD as recorded at PC4, Slide 429, 2008006760 Plat and Section 3E as recorded at PC4, Slide 428, 2008006759 Plat.***

EXHIBIT 14

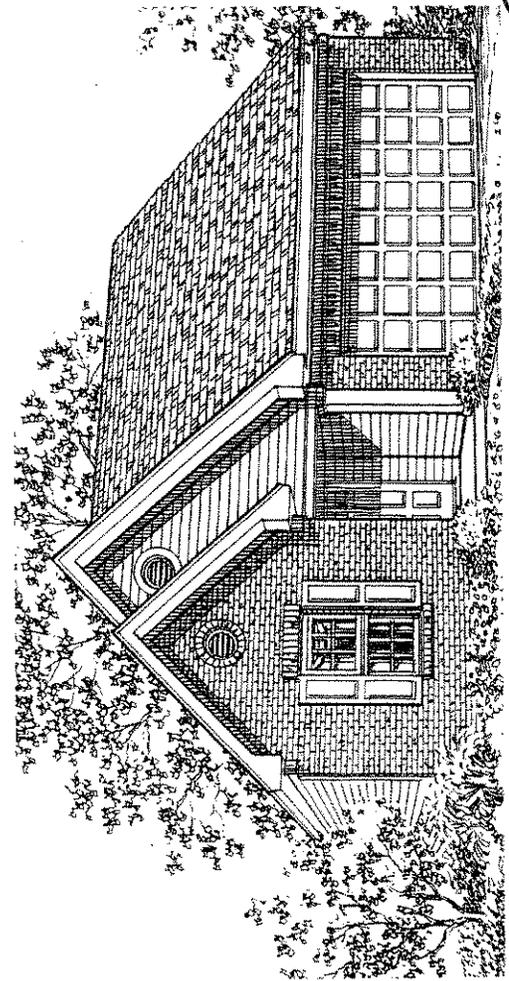
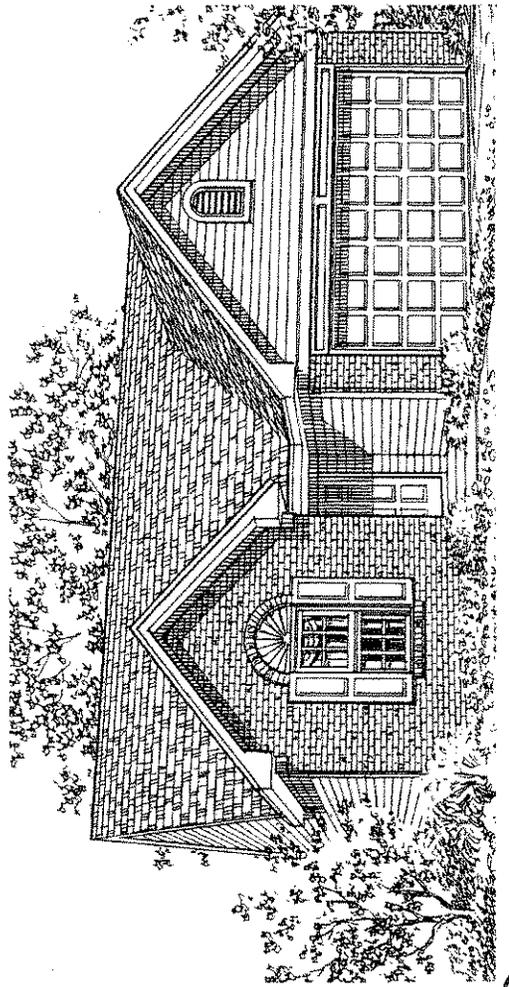
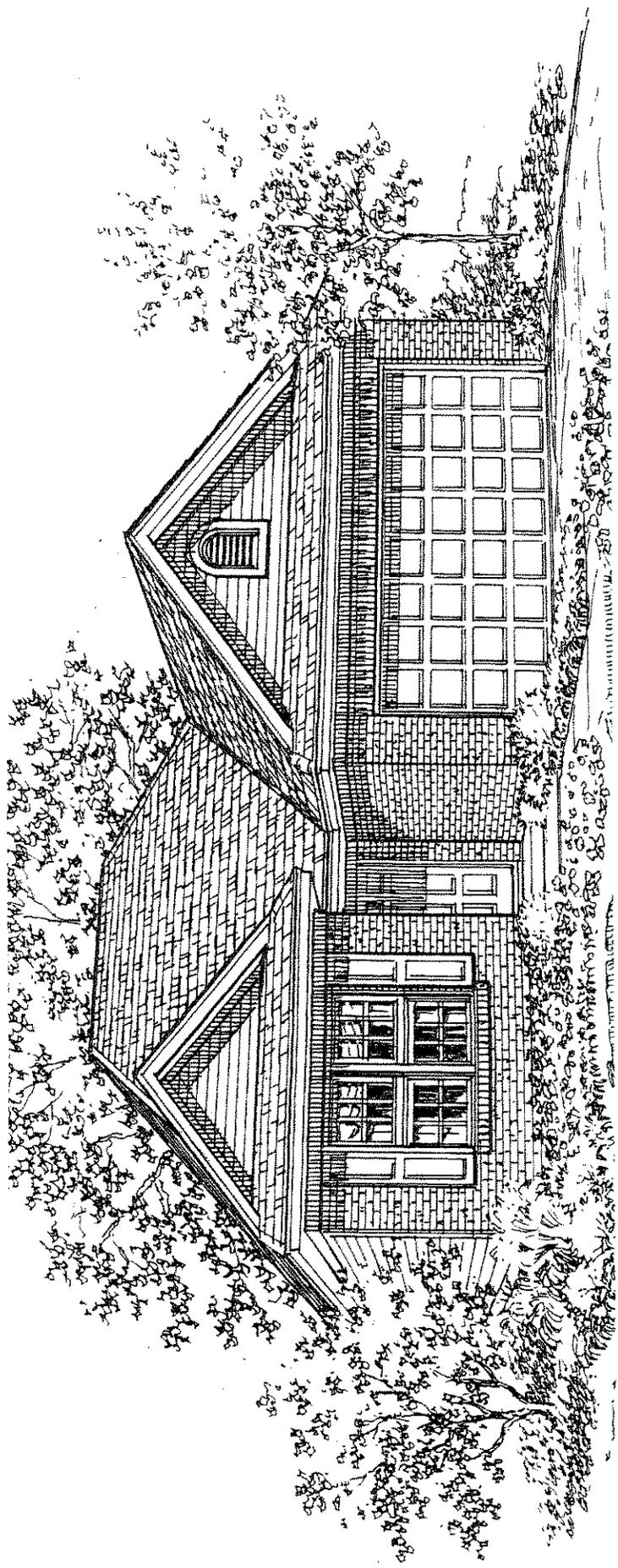
B. Architectural Guidelines (for “Parcel B-2 Amended” *)

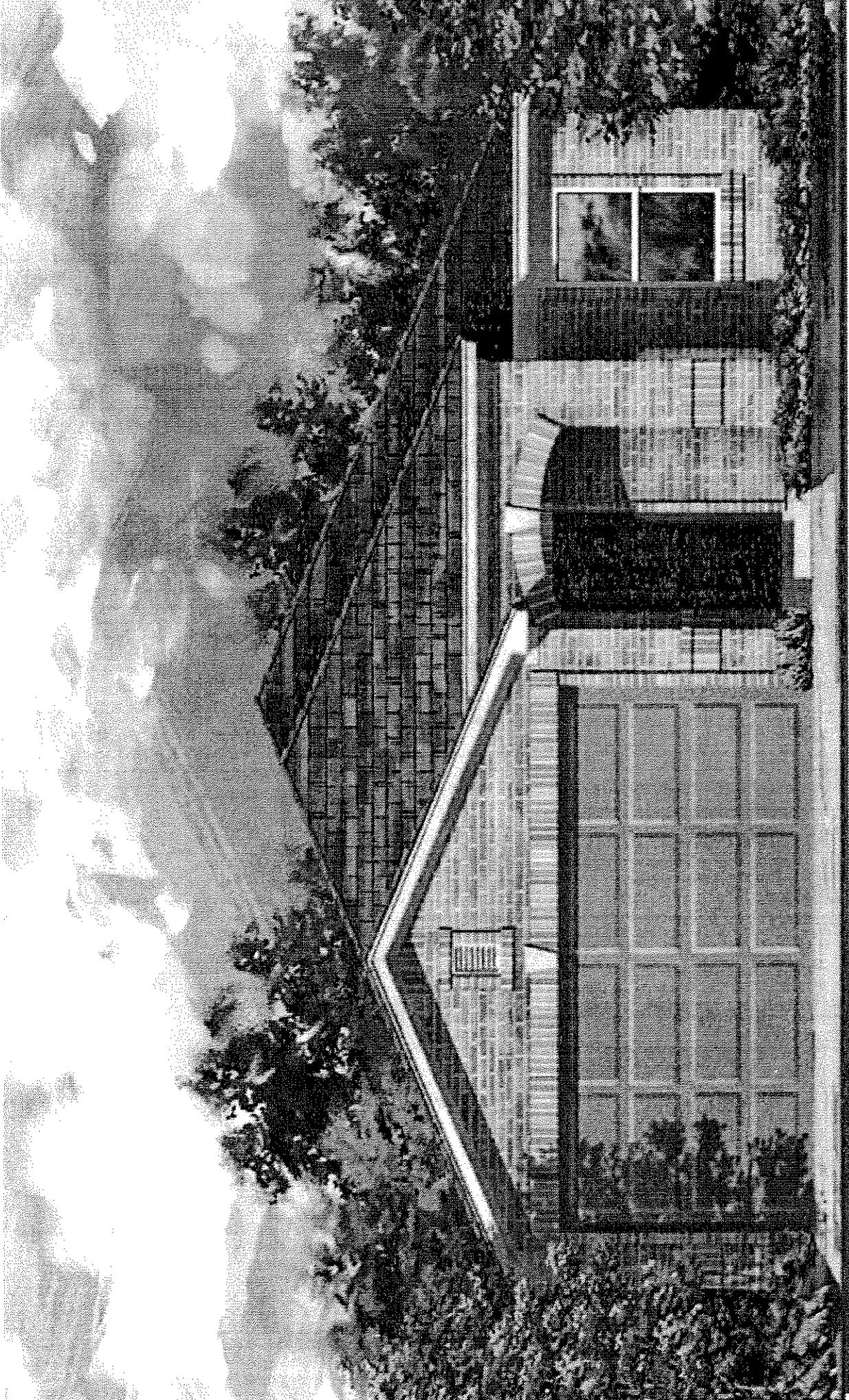
1. Design Objectives. Dwellings shall be required to meet the following:
 - A. No two dwellings located on side-to-side adjacent lots shall have substantially similar front elevations.
 - B. Dwellings with front load 2 car garages shall be designed such that the garage width is not greater than .66% of the total width of the dwelling.
2. Exterior Surfaces. Vinyl and aluminum siding are prohibited, but vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include, EIFS, stucco, masonry or equivalent, wood, and concrete fiber (Hardy-Plank or similar), or equivalent materials as determined by the Developer.
3. Building Elevations. Each dwelling shall be substantially similar in quality and character to the illustrative elevations attached hereto and incorporated herein by reference as Exhibit “24” (“Illustrative Elevations for B-2 Amended”).

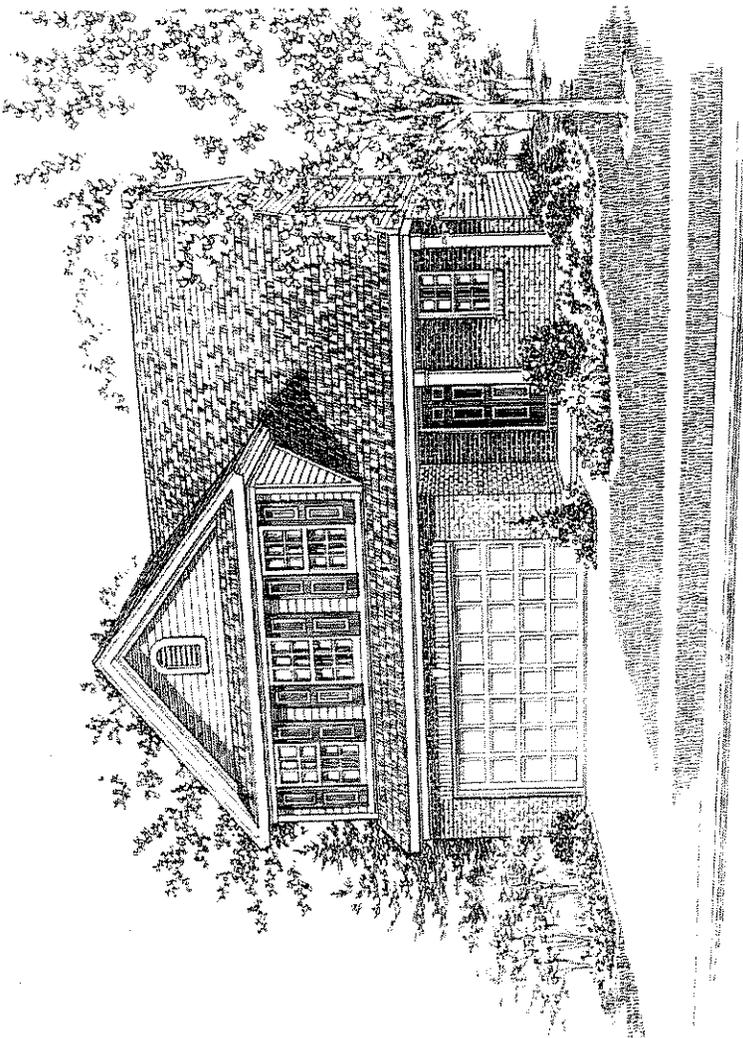
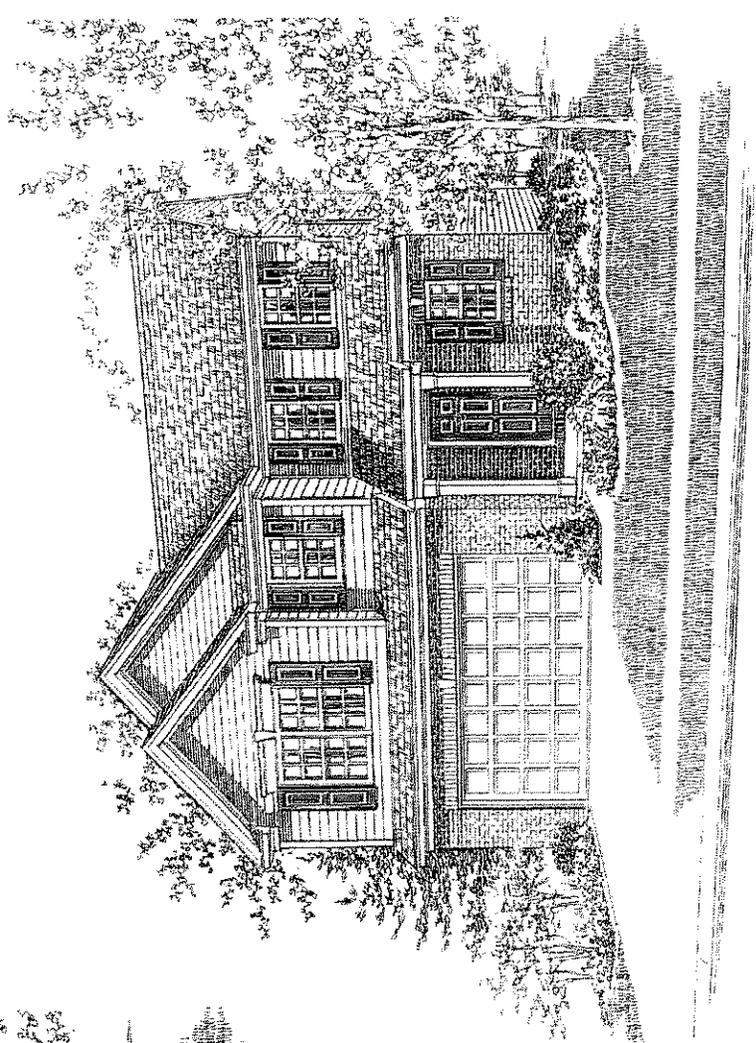
** “Parcel B-2 Amended” is Section 3D of the Oak Manor PUD as recorded at PC4, Slide 429, 2008006760 Plat and Section 3E as recorded at PC4, Slide 428, 2008006759 Plat.*

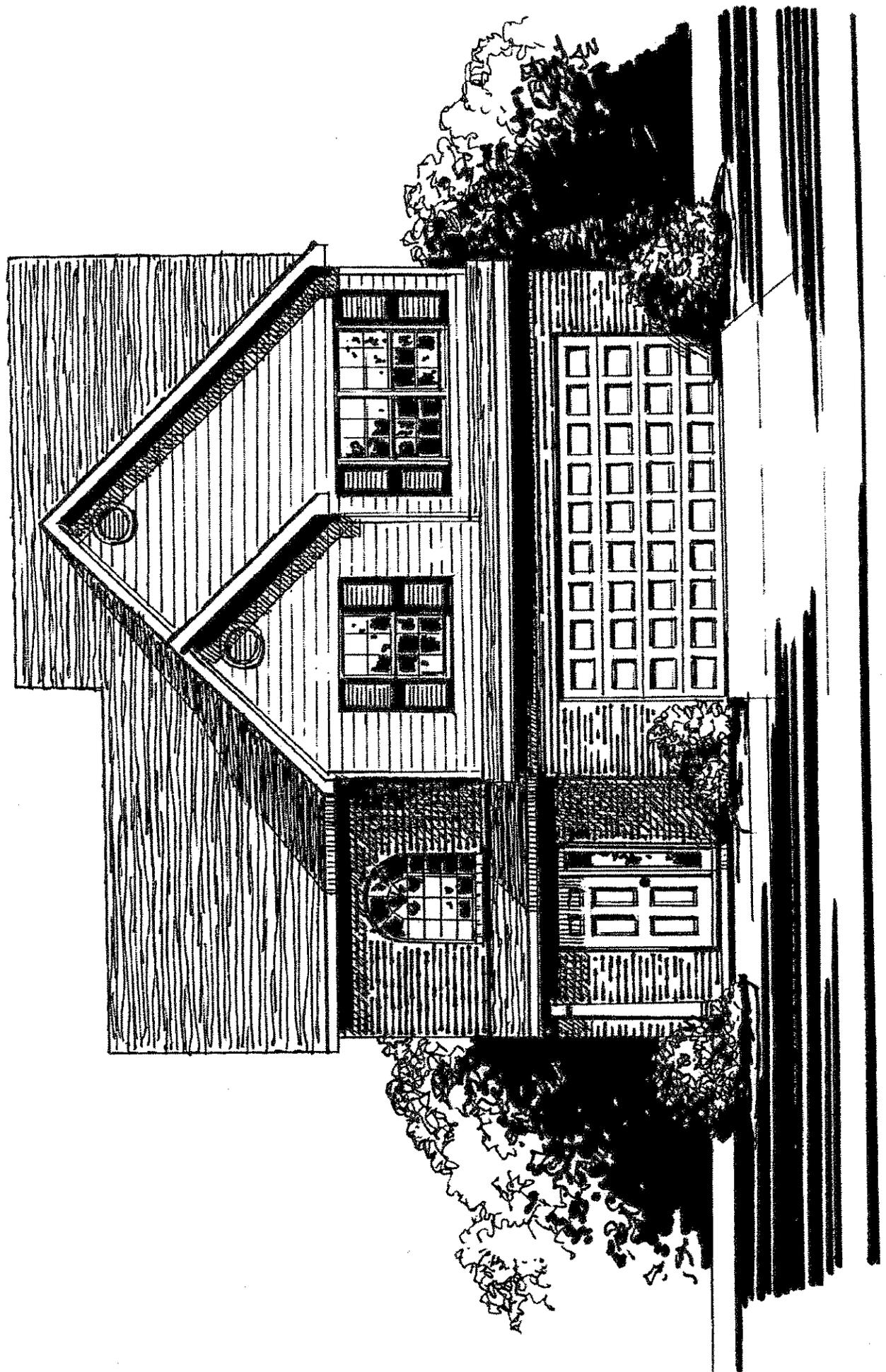
EXHIBIT 24

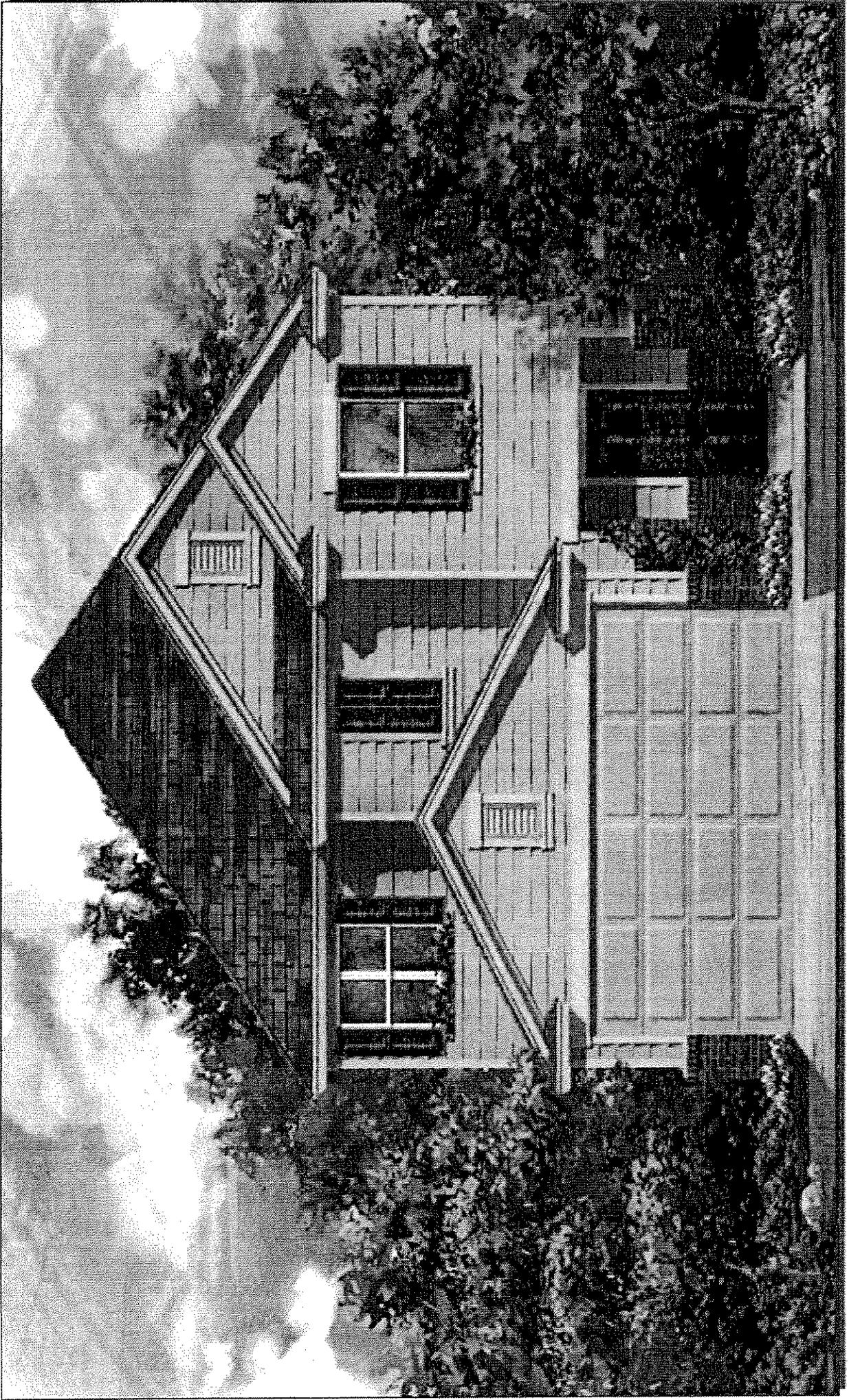
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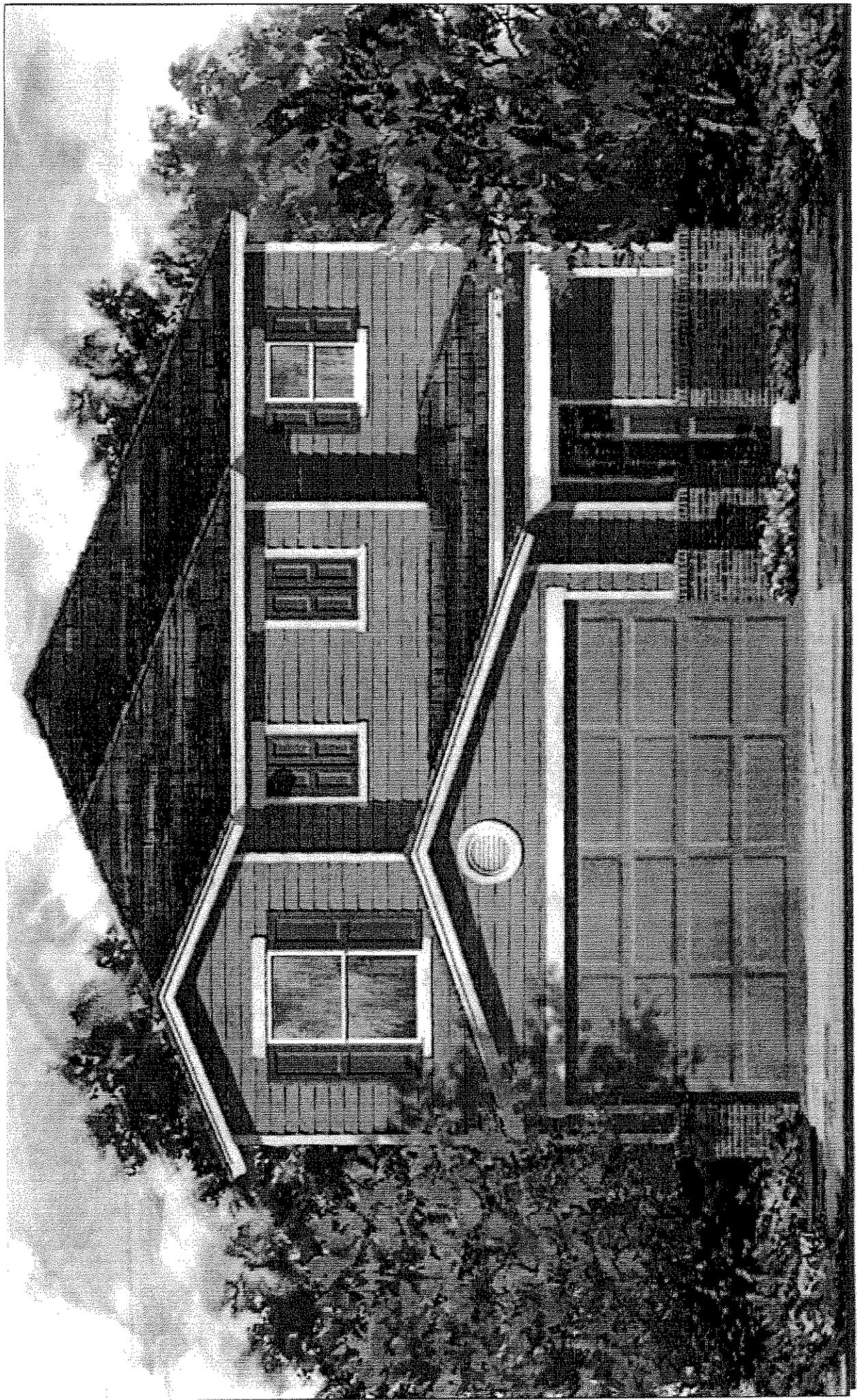














Westfield City Council Report

Ordinance Number: 10-20
APC Petition Number: 1007-PUD-08
Approximate Address: Section 3D and Section 3E
Petitioner: Hills Homes of Indiana, LLC
Representative: Glenn Brehm
Requested Action: An amendment to the Oak Manor PUD to allow single family detached homes on approximately 9.8 acres
Current Zoning Dist: Oak Manor PUD
Requested Zoning Dist: Oak Manor PUD
Filing Date: May 28, 2010
Referral Date to APC: June 14, 2010
APC Public Hearing: September 7, 2010
APC Recommendation: September 20, 2010
Eligible for Adoption: September 13, 2010
Associated Ordinances: Ord. 03-37
Prepared By: Kevin M. Todd, AICP, *Senior Planner*

PETITION HISTORY

This petition for an amendment to the Oak Manor Planned Unit Development District (Ord. 03-37) was filed on May 28, 2010. The petition received a public hearing at the September 7, 2010 Advisory Plan Commission Meeting and received a unanimous positive recommendation for approval at the September 20, 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 September 7, 2010 and issued a positive recommendation (8-0) to the City Council in support of the proposed PUD amendments on September 20, 2010.
- Notification of September 7, 2010 public hearing was provided in accordance with the APC Rules of Procedure.
- The City Council may take action on this item at the October 11, 2010 meeting.

PROJECT OVERVIEW

Project Description

The subject property is approximately ten (10) acres in size and is located at the southeast corner of Carey Road and the Midland Trace Trail. It is referenced as Parcel B-2 Amended within the proposed amendment (the “Property”). The Property is within Parcel B of the Oak Manor PUD. The proposal would modify sections of the Oak Manor PUD in order to allow single-family detached in an area that was previously planned for single-family attached (such as duplexes) (the “Proposal”). The Proposal requires a variety in front building elevations for neighboring units and it also requires the exterior building material to be either masonry, concrete fiber board (aka Hardy-Plank), EIFS, stucco, or wood. Vinyl and aluminum siding are not permitted. The Property has already been platted for duplex development. The Proposal would maintain the previously-approved layout and build detached homes on the platted lots.

Comprehensive Plan-Feb 2007

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

Thoroughfare Plan-Feb 2007

The Westfield-Washington Township Thoroughfare Plan (the “Thoroughfare Plan”) roadway classification map identifies the impacted segment of Carey 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. The remainder of the impacted roads are classified as “Local Roads”.

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 adjacent to the Midland Trace Trail (to the north), which is currently being planned by the City.

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.

STATUTORY CONSIDERATIONS

Ind. Code 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 Suburban Residential. Detached dwellings are appropriate in the Suburban Residential area.

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

The Property is currently vacant. It is platted for duplexes, but there are no structures currently on the Property. The abutting area to the south and southwest has been developed with duplex units and a clubhouse.

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

The Comprehensive Plan established that Suburban Residential development, including detached dwellings is appropriate for this area. The proposed amendment allows for this use.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that property values throughout all of Westfield-Washington Township will be impacted in either a neutral or positive manner as a result of this project.

5. Responsible growth and development.

The site is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the Property and are adequate to serve the proposed development.

RECOMMENDATIONS / ACTIONS

- Community Development Department [September 20, 2010]
The Westfield Community Development Staff, in their final report to the APC, made a positive recommendation for this petition.
- Advisory Plan Commission [September 20, 2010]
The Westfield-Washington Advisory Plan Commission has forwarded a positive recommendation for this petition (Vote of: 0-0).
- City Council
 - Introduction: [June 14, 2010]
 - Eligible for Adoption: [October 11, 2010]

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

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Tuesday, September 7, 2010, to consider an amendment to the Oak Manor 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 proposal is described as follows:

| | |
|-------------|--|
| Case No. | 1007-PUD-08 |
| Petitioner | Hills Homes of Indiana, LLC |
| Description | Petitioner requests an amendment to the Oak Manor PUD to allow single family detached homes on approximately 9.8 acres |

On September 20, 2010, a motion was made and passed to send a unanimous favorable recommendation (8-0) to the Westfield City Council to approve the request for 1007-PUD-08.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.



Matthew S. Skelton, Advisory Plan Commission Secretary

October 5, 2010
Date