

ORDINANCE 10-21

Document Cross Reference No. _____

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, KALORAMA PARK BEING THAT OF ORDINANCE 10-15 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 1010-PUD-12), filed with the Commission requesting an amendment to the Kalorama Park PUD District established by Ordinance 10-15, enacted by the City Council on August 9, 2010;

WHEREAS, the Commission did take action to forward Docket 1010-PUD-12 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, the Secretary of the Commission certified the action of the Commission to the City Council on October 5, 2010; and

WHEREAS, the Westfield City Council is subject to the provisions of the Ind. Code §§ 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 10-15 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The "Kalorama Park Planned Unit Development District", as established by Ordinance 10-15, is hereby amended to include the real estate identified by legal description in Exhibit 1, attached hereto and incorporated herein. In all other respects, the Kalorama Park 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.

**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: Andrew Murray, Planner 1, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 10-21 was delivered to the Mayor of Westfield on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-21
this _____ day of _____, 2010.

I hereby VETO ORDINANCE 10-21
this _____ day of _____, 2010.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor



Westfield City Council Report

Ordinance Number:	10-21
APC Petition Number:	1010-PUD-12
Approximate Address:	2432 East South Street
Petitioner:	City of Westfield
Representative:	Matt Skelton
Requested Action:	Amendment to the legal description of the Kalorama Park PUD.
Current Zoning District:	AG-SF1
Requested Zoning District:	Kalorama Park PUD
Filing Date:	September 3, 2010
Referral Date to APC:	September 13, 2010
APC Public Hearing:	October 4, 2010
APC Recommendation:	October 4, 2010
Eligible for Adoption:	October 11, 2010
Associated Ordinances:	Ord. 10-15
Exhibits:	1. Staff Report 2. Aerial Location Map
Prepared By:	Andrew Murray, <i>Planner I</i>

PETITION HISTORY

This petition for an amendment to the Kalorama Park Planned Unit Development District was filed on September 3, 2010. This petition received a public hearing and a unanimous positive recommendation for approval at the October 4, 2010 Advisory Plan Commission Meeting.

PROCEDURAL

- Requests for a change in zoning are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505.
- The Advisory Plan Commission held a public hearing on October 4, 2010 and issued a unanimous positive recommendation (9-0) to the City Council in support of the proposed PUD amendment.
- Notification of the October 4, 2010 public hearing was provided in accordance with the Advisory Plan Commission Rules of Procedure.
- The Westfield City Council may take action on this item at the October 11, 2010 meeting.

PROJECT OVERVIEW

Project Description

The subject property (the “Property”) consists of approximately 0.12 acres and is located along the northern boundary of the Kalorama Park PUD District, which was recently approved by the City Council. The Property is currently zoned as AG-SF1. The City of Westfield is petitioning to have the Property rezoned to the Kalorama Park PUD District. The same standards that apply to the existing Kalorama Park PUD would apply to this new acreage. As part of the Kalorama Park PUD proposal, the developer agreed to dedicate the 30’ wide strip of land on which the Midland Trace Trail has been constructed across the Kalorama Park property to the City if the City incorporates the Property into Kalorama Park.

Comprehensive Plan (Feb 2007, as amended)

The Westfield-Washington Township Comprehensive Plan identifies the Property as being located within the “Downtown” land use classification. This classification recommends a diversity of land uses, including residential development.

Thoroughfare Plan (Feb 2007, as amended)

The Property follows in accordance to the Bicycle and Pedestrian System, referred in the Westfield Thoroughfare Plan, in continuing the development of the Midland Trace Trail (Westfield Thoroughfare Plan, p. 2-12). Multi- use paths are recommended in Westfield to link urban and rural areas, as well as increasing the walkability throughout Westfield (p. 4-12). The Midland Trace Trail is essential in establishing the interconnectivity of Westfield’s Grand Junction Area and will serve east-west travel through Washington Township (p. 4-12).

Annexation

A petition for the annexation of Kalorama Park PUD District has been filed, and is in the process of being reviewed by the City.

Well Head Protection-Ord. 05-31

The Property is not within a wellhead protection area.

STATUTORY CONSIDERATIONS

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

1. The Comprehensive Plan.

The Westfield-Washington Township Comprehensive Plan identifies the Property as being located within the “Downtown” land use classification. This classification recommends a diversity of land uses, including residential development.

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

The Property is all wooded.

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

The Comprehensive Plan established that residential development is appropriate for the area.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the proposed project will have a positive or neutral impact on surrounding property values.

5. Responsible growth and development.

The Property 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 Property.

RECOMMENDATIONS / ACTIONS

- Community Development Department [October 4, 2010]
The Westfield Community Development Staff, in their report to the Advisory Plan Commission, made a positive recommendation for this petition.

- Advisory Plan Commission [October 4, 2010]
The Westfield-Washington Advisory Plan Commission has forwarded a unanimous positive recommendation for this petition (Vote of: 9-0).

- City Council
 - Introduction: [September 13, 2010]
 - Eligible for Adoption: [October 11, 2010]

Submitted by: Andrew Murray, *Planner I*

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Monday, October 4, 2010, to consider an amendment to the Kalorama Park 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.	1010-PUD-12
Petitioner	City of Westfield
Description	Petitioner requests a change in zoning of approximately 0.12 acres from AG-SF1 to the Kalorama Park PUD District.

On October 4, 2010, a motion was made and passed to send a unanimous favorable recommendation (9-0) to the Westfield City Council to approve the request for 1010-PUD-12.

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



Matthew S. Skelton, Secretary

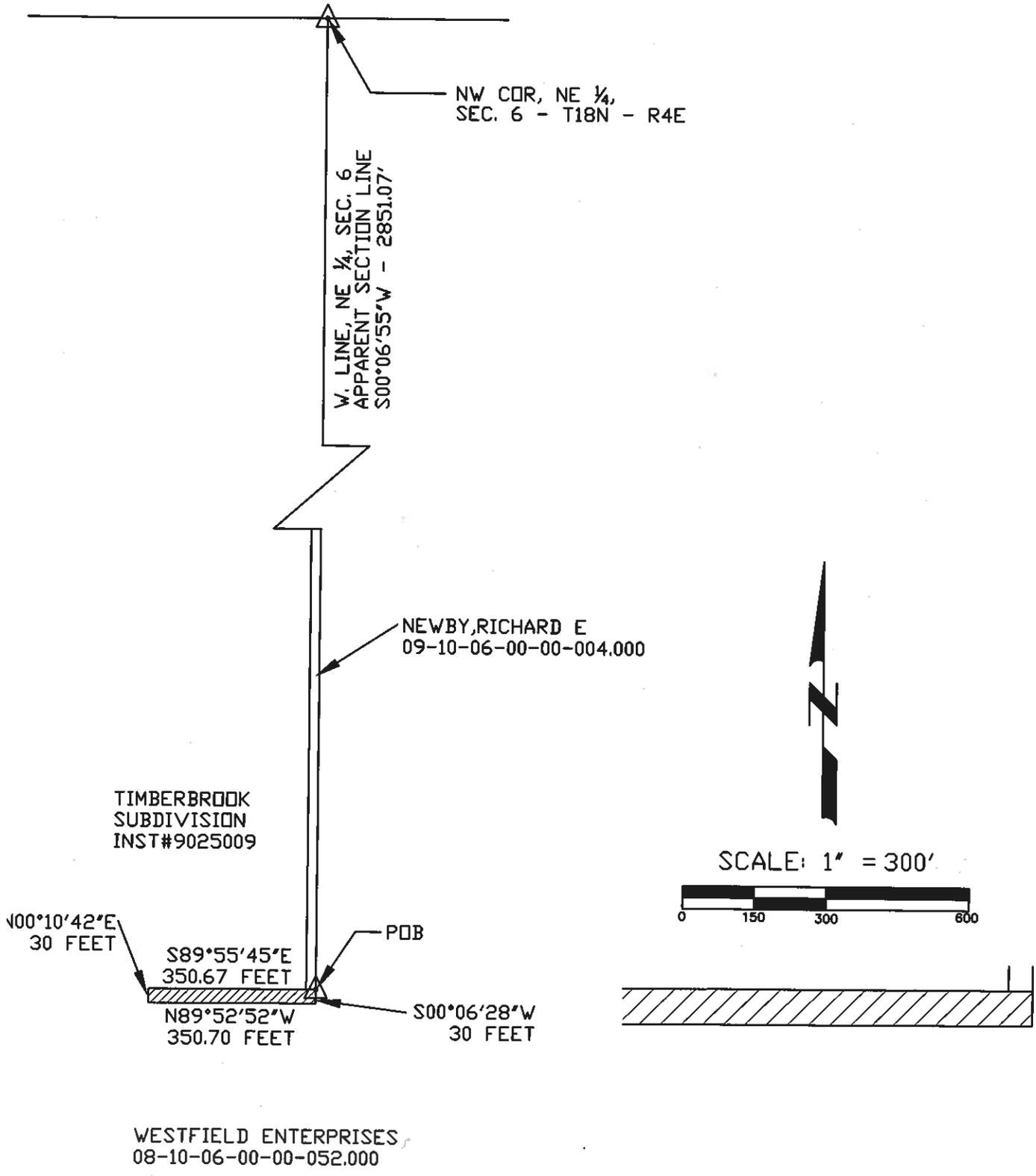
October 5, 2010
Date

Exhibit 1

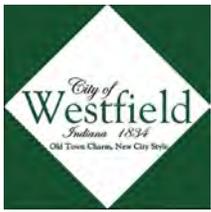
A part of the Northeast Quarter of Section 6, Township 18 North, Range 4 East, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said section 6; thence South 00 degrees 06 minutes 55 seconds West 2,851.07 to the POINT OF BEGINNING of this description, said point also being on the North right-of-way line of the Central Indiana Railway; thence continuing South 00 degrees 06 minutes 55 seconds West 30.00 feet; thence North 89 degrees 52 minutes 52 seconds West 350.70 feet; thence North 00 degrees 10 minutes 42 seconds East 30.00 feet to a point on the aforesaid right-of-way; thence South 89 degrees 55 minutes 45 seconds East along said right-of-way 350.67 feet to the place of beginning.

Containing .25 acres more or less.



CITY OF WESTFIELD, INDIANA
MIDLAND TRAIL RIGHT-OF-WAY
ANDERSON PROPERTY

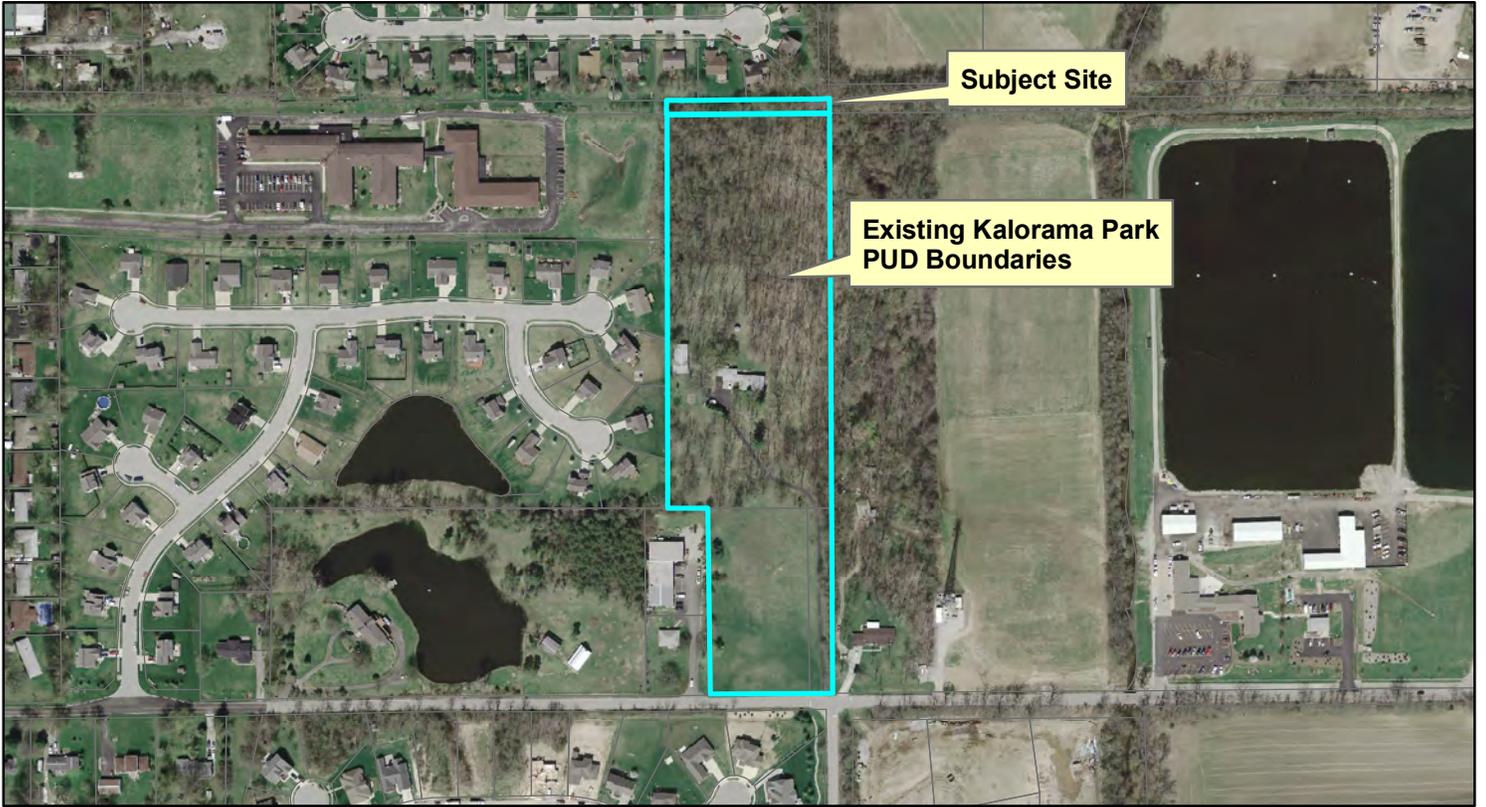


1006-PUD-06
08-10-06-00-00-052.000
08-10-06-00-00-050.001
08-10-06-00-00-051.000
2432 171st/South Street
Exhibit 2

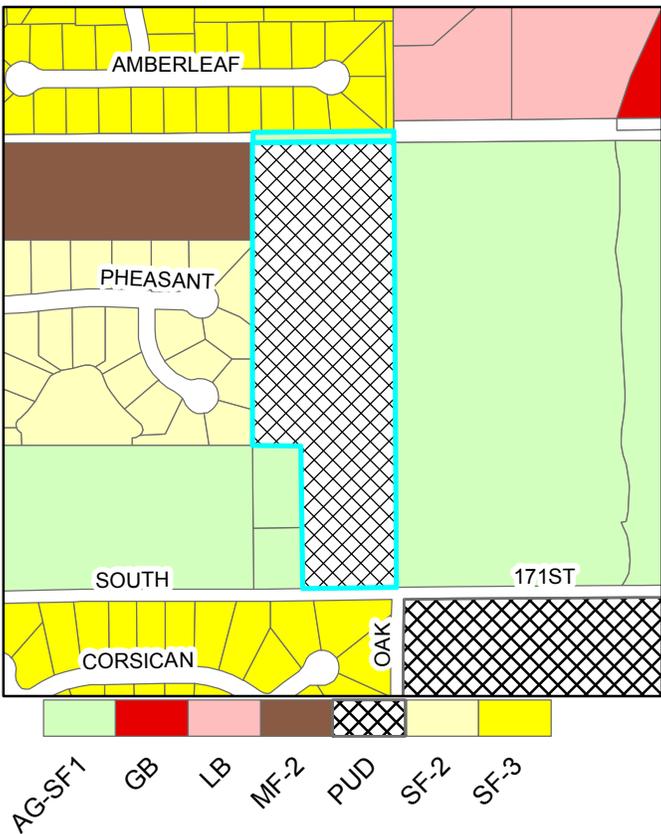


Aerial Location Map

 Site



Zoning Map



Existing Land Use Map

