

ORDINANCE NUMBER 11-05

Document Cross Reference No. 200300101984

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE CUSTOM COMMERCE PARK PLANNED UNIT DEVELOPMENT ORDINANCE 03-29 AND TITLE 16 – LAND USE CONTROLS

WHEREAS, the City of Westfield, Indiana (“City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1101-PUD-03), filed with the Commission requesting an amendment to the Custom Commerce Park Planned Unit Development District, established by Ordinance 03-29, enacted by the Westfield Town Council on September 18, 2003;

WHEREAS, the Commission forwarded Docket 1101-PUD-03 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 March 1, 2011;

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

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL
THAT ORDINANCE 03-29 AND TITLE 16 OF THE WESTFIELD CODE OF
ORDINANCES BE AMENDED AS FOLLOWS:**

SECTION 1. The document as referenced by Ordinance 03-29 described as “Custom Commerce Park PUD Ordinance” is hereby amended as follows:

- (i) The uses and standards established in what is attached hereto and incorporated herein by reference as Exhibit “A” are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “B”.

In all other respects, the Custom Commerce Park PUD Ordinance shall remain in effect and unchanged.

SECTION 2. The 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 the 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 _____, 2011.**

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
_____ Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
_____ Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Thomas Smith	_____ Thomas Smith	_____ Thomas Smith
_____ Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

ATTEST:

Cindy J. 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: Andrew P. Murray

Prepared by: Andrew P. Murray, Planner I, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 11-05 was delivered to the Mayor of Westfield on the _____ day of _____, 2011, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-05
this _____ day of _____, 2011.

I hereby VETO ORDINANCE 11-05
this _____ day of _____, 2011.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A

Section 1. **Description of Real Estate:** See Exhibit “B” of Ordinance 11-05

Section 2. **Permitted Uses:**

The following uses shall be permitted on the real estate described in Exhibit “B” of Ordinance 11-05 (the “Real Estate”):

- All uses that are highlighted as established by Section 4 of the Custom Commerce Park PUD, Ord. 03-29 (the “Original Ordinance”)
- Assembly Operations of Pre-Manufactured Parts, Components

Section 3. **Development Standards and Architectural Design Commitments:**

The following standards shall apply to the Real Estate. Unless modified herein, the provisions of the Original Ordinance shall be applicable. Where there is conflict between the terms of the Original Ordinance and the terms of this Ordinance, the standards of this ordinance shall supersede the Original Ordinance.

A storage yard is defined as a yard for outside storage between the principal building and the side or rear lot line. Uses on the Real Estate shall be permitted to have storage yards. Storage yards shall comply with the following standards:

1. Storage yards shall be adjacent to the primary structure and shall be located entirely within the side or rear yards of lots.
2. All storage yards shall provide a solid, opaque wall or fence (the “screen”) to screen the view from any adjacent property or right-of-way.
3. A chain link fence or a variation of a chain link fence shall not constitute an acceptable screen.
4. Screens shall be softened by installing the following landscaping materials adjacent to such screens, except no landscaping shall be required where access/delivery doors or gates are present.
 - a. 1 ornament or evergreen tree every 30 feet
 - b. 5 shrubs every 30 feet
5. Materials stored behind any screen shall be stacked no higher than one (1) foot below the top of the screen. Equipment, vehicles, trailers and mobile machinery shall be stored at their lowest state.

6. Business equipment or vehicles used to perform business activities on the Real Estate (“Business Equipment”) shall be stored within a structure or within a storage yard. Service vehicles used to perform business activities outside of the Real Estate shall not constitute Business Equipment.

7. Travel lanes providing access to loading docks and to storage yards must be hard surfaced with asphalt or poured concrete.

8. Dumpsters must be fully enclosed in accordance with Section 16.06 of the Westfield-Washington Zoning Ordinance if not located inside the storage yard.

EXHIBIT B – Legal Description

Parts of Lot 3 and Common Area “A” in the Custom Commerce Park Secondary Plat described as Instrument Number 2008014611 and recorded in the office of the Recorder of Hamilton County located in the Northwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian, Hamilton County, Indiana described as follows:

Beginning at the Northwest Corner of said Lot 3; thence South 89 degrees 54 minutes 16 seconds East 685.12 feet along the North Line of Lot 3 and Common Area “A” to the West Line of the 0.30-acre tract of land described within Instrument Number 2009046378 of said recorder’s office, the following seven (7) courses are along said West Line; 1) thence South 00 degrees 05 minutes 44 seconds West 6.76 feet to a curve to the left having a radius of 45.00 feet, the radius point which bears South 89 degrees 54 minutes 45 seconds East; 2) thence Southeasterly along said curve an arc distance of 67.07 feet to a point which bears South 04 degrees 41 minutes 30 seconds West from said radius point; 3) thence South 85 degrees 18 minutes 30 seconds East 63.21 feet to a non-tangent curve to the right having a radius of 235.00 feet, the radius point which bears South 04 degrees 35 minutes 45 seconds West; 4) thence Southeasterly along said curve an arc distance of 80.49 feet to a point which bears North 24 degrees 13 minutes 14 seconds East from said radius point; 5) thence South 66 degrees 05 minutes 38 seconds East 91.85 feet; 6) thence South 48 degrees 51 minutes 07 seconds East 50.96 feet; 7) thence South 35 degrees 23 minutes 12 seconds East 93.40 feet to the Southeast Line of said Common Area “A”; thence South 39 degrees 35 minutes 10 seconds West 265.76 feet along said Southeast Line to the East Line of said Lot 3; thence North 50 degrees 24 minutes 48 seconds West 44.31 feet along said East Line; thence North 89 degrees 54 minutes 18 seconds West 842.76 feet to the West Line of said Lot 3; thence North 00 degrees 24 minutes 18 seconds East 400.00 feet along said West Line to the Point of Beginning , containing 8.557 acres, more or less.



Westfield City Council Report

Ordinance Number: 11-05
APC Petition Number: 1101-PUD-03
Approximate Address: 17421 Foundation Parkway
Petitioner: City of Westfield
Representative: Andrew Murray
Requested Action: Amendments to the uses and development standards of the Custom Commerce Park PUD, to allow “assembly operation of pre-manufactured parts and components” as a permitted use for lots that abut Oak Ridge Road and to establish outside storage standards as they apply to the property.

Current Zoning District: Custom Commerce Park PUD
Requested Zoning District: Custom Commerce Park PUD
Filing Date: December 7, 2010
Referral Date to APC: December 27, 2010
APC Public Hearing: January 18, 2011
APC Recommendation: February 22, 2011
Eligible for Adoption: March 14, 2011
Associated Ordinances: Ord. 03-29 (Custom Commerce Park PUD)
Exhibits:
1. Staff Report
2. Aerial Location Map

Prepared By: Andrew Murray, *Planner I*

PETITION HISTORY

This petition for an amendment to the Custom Commerce Park Planned Unit Development District was filed on December 7, 2010. This petition received a public hearing and a unanimous positive recommendation for approval at the February 22, 2011 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 January 18, 2011 and issued a unanimous positive recommendation (9-0) to the City Council in support of the proposed PUD amendment.
- Notification of the January 18, 2011 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 March 14, 2011 meeting.

PROJECT OVERVIEW

Project Description

The subject property is located at the northwest corner of Custom Commerce Park PUD (the “PUD”) and is approximately 8.5 acres in size (the “Property”). Custom Commerce Park, owned by the Carr family, is approximately fifty-five (55) acres in size and is located on the east side of Oak Ridge Road, between State Road 32 and 169th Street. The City’s economic development team has been working diligently with the Carr family and Automatic Pool Covers, Inc. (the “Business”) to find a new home for the Business. This proposed PUD amendment is one of the steps necessary to accommodate the new Business. This proposal seeks to modify permitted uses and outside storage standards that would be applicable to the Property to accommodate the relocation of the Business to Custom Commerce Park.

The proposed modifications include the following:

1. The addition of “Assembly Operations of Pre-Manufactured Parts and Components” as a permitted use on the Property.
2. The modification of the outside storage standards of the PUD, which would allow business equipment and materials to be stored inside an outdoor storage yard.

Storage yard standards have been reviewed by the Business and compliance will be met.

Public Policy

Comprehensive Plan (Feb 2007, as amended)

The Future Land Use Map of the Westfield-Washington Comprehensive Plan (the “Comprehensive Plan”) identifies this area as “Business Park”. Business Parks, as outlined in the Comprehensive Plan, should accommodate manufacturing, research and development, processing activities and office uses to help provide a diverse tax base throughout the City. The Comprehensive Plan highlights the community’s demand for pedestrian facilities. According to the Thoroughfare Plan, the Property would be located adjacent to two major trail systems, the Monon Trail and the Midland Trace Trail, and provide the opportunity for pedestrians to walk to desired places throughout the City.

Thoroughfare Plan (Feb 2007, as amended)

The Westfield Thoroughfare Plan (the “Thoroughfare Plan”) identifies the Midland Trace Trail and the Monon Trail as abutting the Property (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 Thoroughfare Plan identifies Oak Ridge Road as a Secondary Arterial.

Parks & Recreation Master Plan – Dec. 2007

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

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

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

1. The Comprehensive Plan.

See above, “Public Policy, Item 1” for discussion.

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

The Property is currently vacant. It is located in the Custom Commerce Park PUD and is zoned for industrial use.

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

The Comprehensive Plan established that industrial development is appropriate for business parks.

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.

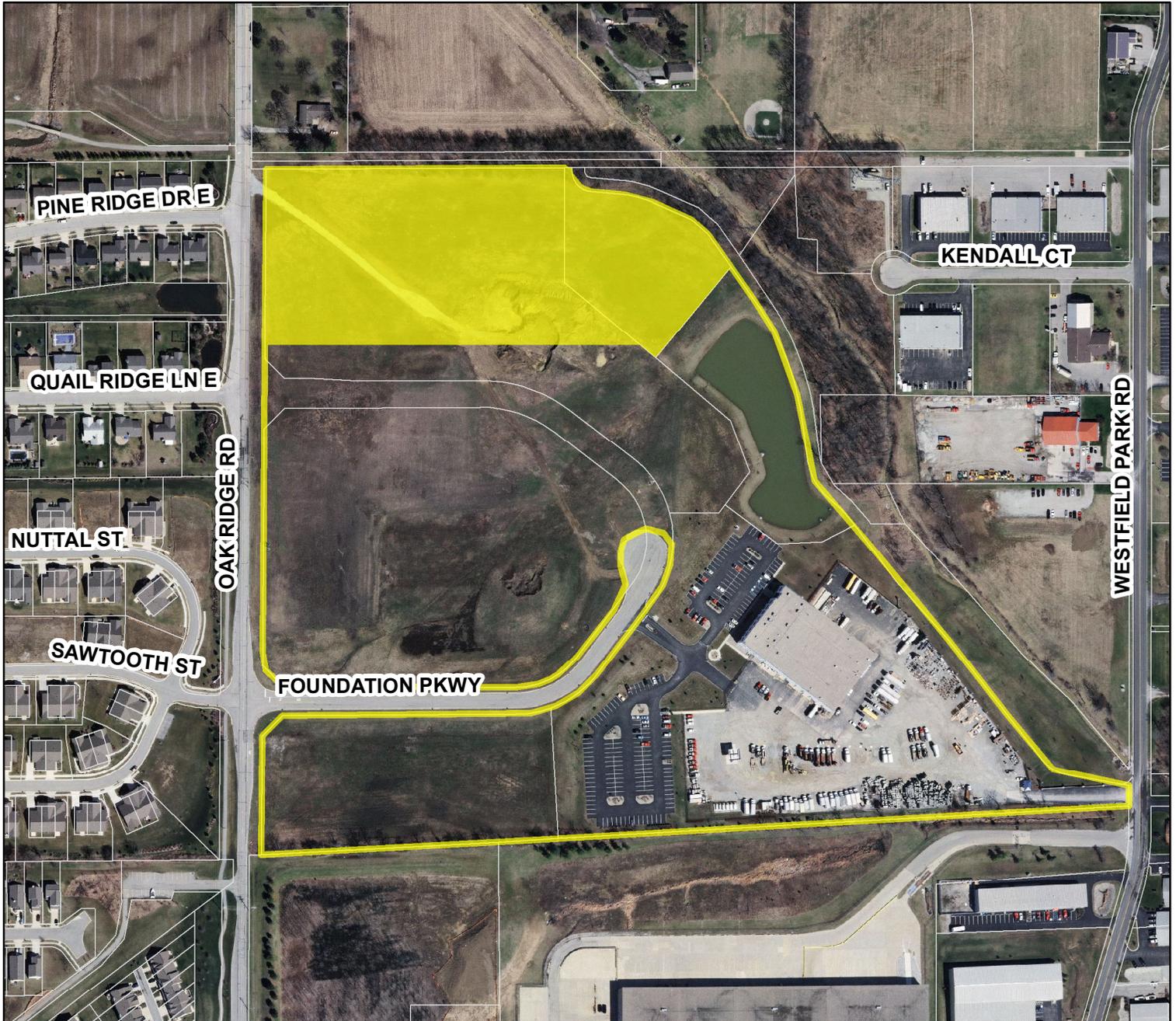
RECOMMENDATIONS / ACTIONS

- Community Development Department [February 22, 2011]
The Westfield Community Development Staff, in their report to the Advisory Plan Commission, made a positive recommendation for this petition.

- Advisory Plan Commission [February 22, 2011]
The Westfield-Washington Advisory Plan Commission has forwarded a unanimous positive recommendation for this petition (Vote of: 9-0).

- City Council
 - Introduction: [December 27, 2010]
 - Eligible for Adoption: [March 14, 2011]

Submitted by: Andrew Murray, *Planner I*



Legend

ED Layer

Label

-  Custom Commerce Park PUD
-  Proposed Real Estate
-  Parcels

