3500

(14)

200600008441
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
02-21-2006 At 02:11 pm.
ORDINANCE 35.00

ORDINANCE NO. 06-09

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, The Town 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 Township Plan Commission ("Commission") considered a petition (docket 0601-PUD-02) filed with the Commission to provide a text amendment to the Centennial North PUD ordinance; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on January 23, 2006, and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 1. WC-16-04.

The Zoning Ordinance is hereby amended as described in the attached "Proposed Text Amendment to Correct the Development Standards Table for the Centennial North PUD Ordinance"

BEST POSSIBLE IMAGE
ALL PAGES

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 13 DAY OF FEB, 2006.

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Teresa Otis Skelton	Teresa Otis Skelton	Teresa Otis Skelton
Jack Hart	Jack Hart	Jack Hart
David Mikesell	David Mikesell	David Mikesell
Bob Smith	Bob Smith	Bob Smith
Ron Thomas	Ron Thomas	Ron Thomas

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION

The Westfield-Washington Township Advisory Plan Commission met on Monday, January 23, 2006, to consider proposed text amendment to correct errors, 0601-PUD-02, Centennial North. Notice of public hearing advertised and noticed was 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 text amendment is as follows:

0601-PUD-02, 1150 East 151st Street.
Proposed text amendment to the Centennial North
PUD Ordinance 05-10 to correct errors in
Section A of the Development Standards table,
requested by Estridge Development Company, Inc.

Scribner's error realized during fine tuning of a typo in the living square footage for the Village Collection Homes; in the PUD Ordinance for Centennial North, the Village Collection Homes living space is a minimum of 1,750, square feet for a one story, and 2,180 square feet for a two story, which was the square footage for building permits rather than total square footage. The change is 1,340 square feet for a one story and 1,760 for a two story.

A motion was made and passed to recommend to the Town Council approval of the changes to the PUD in 0601-PUD-02 (8-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on January 23, 2006.

Kevin G. Buchheit

Kevin G. Buchheit, AICP, Secretary

January 23, 2006
Date

0601-PUD-02 1150 East 151st Street. Proposed text amendment to the Centennial North PUD ordinance to correct errors in Section A of the Development Standards table, requested by Estridge Development Company, Inc.

Mr. Bryan Stumpf, Estridge Companies, presented the details of the text amendment, stating this was a Scribner's error and that during fine tuning of the primary plat and development plan, Section 1, it was realized there was a typo in the living square footage for the Village Collection Homes. He stated that in the PUD Ordinance for Centennial North, the Village Collection Homes living space is a minimum of 1,750, square feet for a one story, and 2,180 square feet for a two story, which was the square footage for building permits rather than total square footage. Therefore, Stumpf stated that the change is 1,340 square feet for a one story and 1,760 for a two story and requested that the Commission suspend the rules in terms of going to subcommittee since this is relatively straight forward.

A Public Hearing opened at 7:35 p.m.

No one spoke, and the Public Hearing closed at 7:36 p.m.

Kelleher moved to suspend the rules on 0601-PUD-02 to not send the petition to subcommittee.

Stevenson seconded, and the motion passed by voice vote.

Kelleher moved to recommend to Town Council approval of the changes to the PUD in 0601-PUD-02.

Skelton seconded, and the motion passed unanimously.

DRAFT

0601-PUD-02 **1150 West 151st Street Proposed text amendment to the Centennial North PUD ordinance to correct errors in Section A of the Development Standards table, requested by Estridge Development Company, Inc.**

EXHIBITS
1. Staff report, 01/23/05
2. Petitioner's information packet, received 12/12/05.

PROCEDURAL ISSUE
Requests for changes in zoning, after initial hearing by the Advisory Plan Commission, are required to be considered at least once by the Comprehensive Plan subcommittee of the APC. At the January 23, 2006 APC hearing, the petitioner will be requesting the APC to suspend the rules of procedure to forego this requirement, allowing the APC to vote on a recommendation at the initial hearing on this request.

PETITION HISTORY
On May 9, 2005, the Centennial North PUD was adopted.
On August 22, 2005, the Development Plan and Preliminary Plat were approved.

This petition underwent first consideration before the Westfield Town Council at the January 9, 2006 hearing. The council chose to send this petition forward with no further consideration. Comments received from the council were supportive of this petition.

PROPOSED TEXT AMENDMENT
The terms of the original Centennial North PUD included development and architectural standards for single-family dwellings within Area A, the portion of the development proposed to contain the Village Collection dwellings. These development and architectural standards addressed lot frontage along public streets, minimum width, minimum depth, minimum lot area, minimum front, rear, and side setbacks, minimum building separation, and maximum building height. The development and architectural standards also provided standards for exterior materials and colors, facades, roof styles and materials, and exterior mechanical equipment. In addition to these standards, the Centennial North PUD also required one-story single-family dwellings within Area A to be constructed with a minimum of 1,750 square feet of living area and required two-story single-family dwellings to be constructed with a minimum of 2,180 square feet of living area.

The requested text amendment would modify the provision of the original Centennial North PUD that required a minimum lot first-floor area of 1,750 square feet for single-story dwellings and 2,180 square feet for two-story dwellings. The proposed text amendment would allow for single-story single-family dwellings in Area A to be

constructed with 1,340 square feet of living area, and would allow for two story dwellings to be constructed with a minimum of 1,760 square feet.

The petitioner has indicated that the requested change in development standards results from an error in the creation of the original ordinance. The petitioner has stated that the square footage devoted to attached garages was inadvertently included in the standards table associated with the original Centennial North PUD ordinance, and resulted in the minimum living space requirements for Area A being disproportionately large. The statements made by the petitioner are consistent with the recollection of staff in regard to discussion held during the process of adopting the Centennial North PUD, and are supported by notes from Advisory Plan Commission Comprehensive Plan subcommittee meetings.

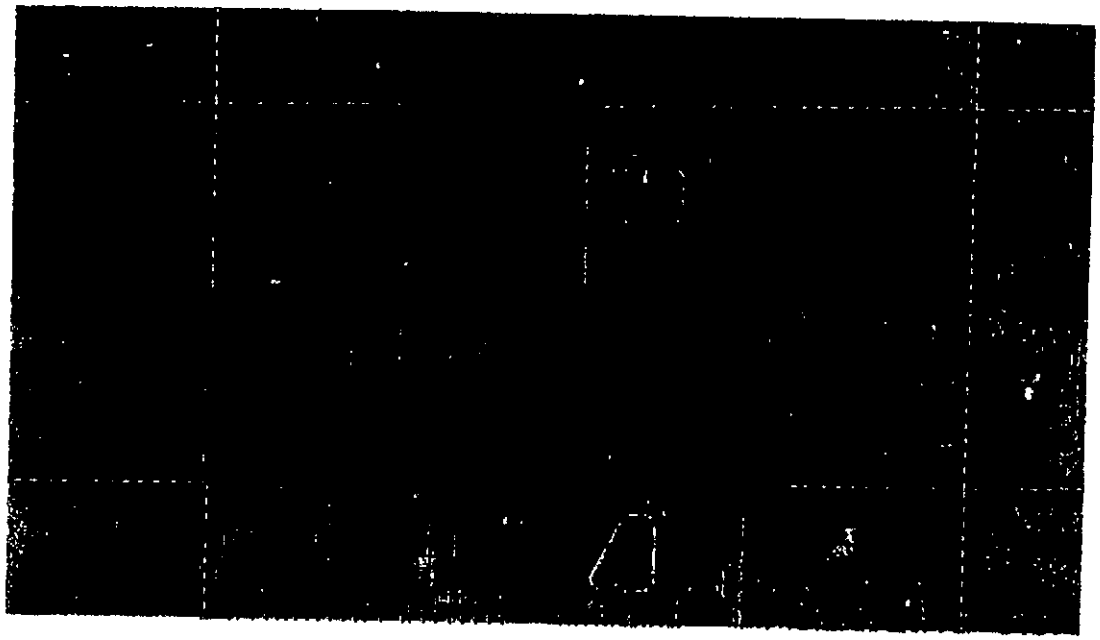
The proposed text amendment would not affect the majority of the development and architectural standards currently in place within the Centennial North PUD. The proposed text amendment would affect only the lots within Area A, which would be approximately 71 lots (depending on secondary platting).

RECOMMENDED MOTIONS

Suspend the rules (Article XI: Committees, 4. c. iv.) and consider action on this petition at this meeting.

Recommend **approval** of the proposed text amendment to the Westfield Town Council.

Proposed Text Amendment to Correct the Development Standards Table of the Centennial North PUD Ordinance



December 12, 2005

Submitted by:

Estridge Development Company, Inc.
1041 West Main Street
Carmel, IN 46032

Introduction

The Centennial North community is located at the northeast corner of 156th Street and Ditch Road. Estridge Development Company, Inc. is proceeding forward with the community as approved by the town earlier this year. As we have been working on the detailed engineering for the site, we discovered an error on development standards table of the approved PUD ordinance. The garage square footage was inadvertently included in the minimum living space requirements for the Village Collection homes. There are no changes proposed to the in the type of home, architectural design standards, price point, or other features of the Village Collection homes. We are building the same homes that were represented to Plan Commission and Town Council during the previous approvals for the project. This request details the minor changes to the minimum living space requirements to remove the garage area from the living space computation.

Project History

Centennial North was submitted to the town in the autumn of 2004. Ordinance 05-10, the Centennial North PUD Ordinance, was unanimously approved by the Westfield Town Council at their meeting on May 9, 2005. The Westfield-Washington Township Plan Commission approved the Development Plan (0507-DP-29) and Preliminary Plat (0507-SPP-08) for the community with unanimous votes at their August 22, 2005, meeting.

Current Status

Since the Plan Commission's approval in August, Estridge has been working on the detailed engineering drawings for the first section of the community. It was through this work that the error on the Development Standards table was discovered. The error only affects the Village Collection homes which are located in Area A on the Conceptual Land Use Plan (see Exhibit A.) On the development standards table of the approved PUD ordinance the garage square footage of the homes was inadvertently included in the minimum living space requirements. These standards are noted on the table and in note #3 of Exhibit B (see attachment.) When the development standards table was created during the drafting and refinement of the PUD ordinance with the Comprehensive Plan Committee, the wrong column on a data table was used. Exhibit C shows this data table that contains the dimensions for the Village Collection homes. As you can see from comparing the data table with the development standards, the figures from the total square footage column were used instead of the figures from the living square footage column. The difference in area between the two columns is the square footage of the garage.

Proposed Correction

To correct this error, the Estridge Development Company is seeking to revise the development standards table based on the data from the living square footage column of the data table. The proposed changes to the table are shown in legislative edit on Exhibit D. No other changes to the PUD ordinance are proposed. There have been no changes in the Village Collection homes that will be built in Area A. The homes are the same homes that were communicated to the Plan Commission and Town Council at previous approvals for Centennial North.

Procedural Requests

Due to the simple nature of this correction, the Estridge Development Company is requesting that the Town Council suspend their normal rules of procedure and forward this text amendment to the Plan Commission after the first public hearing with the council. Furthermore, the Estridge Development Company requests that the Plan Commission suspend their normal process of sending PUD requests to the Comprehensive Plan Committee and that the commission takes action on the proposal directly.

We thank you for your consideration of this correction.

Estridge Development Company, Inc.

Attachments:

Exhibit A	Conceptual Land Plan	05/09/05
Exhibit B	Approved PUD Table	05/09/05
Exhibit C	Dimensions for Village Collection Homes	03/02/05
Exhibit D	Revised Development Standards Table	12/12/05

Exhibit A - Conceptual Land Plan

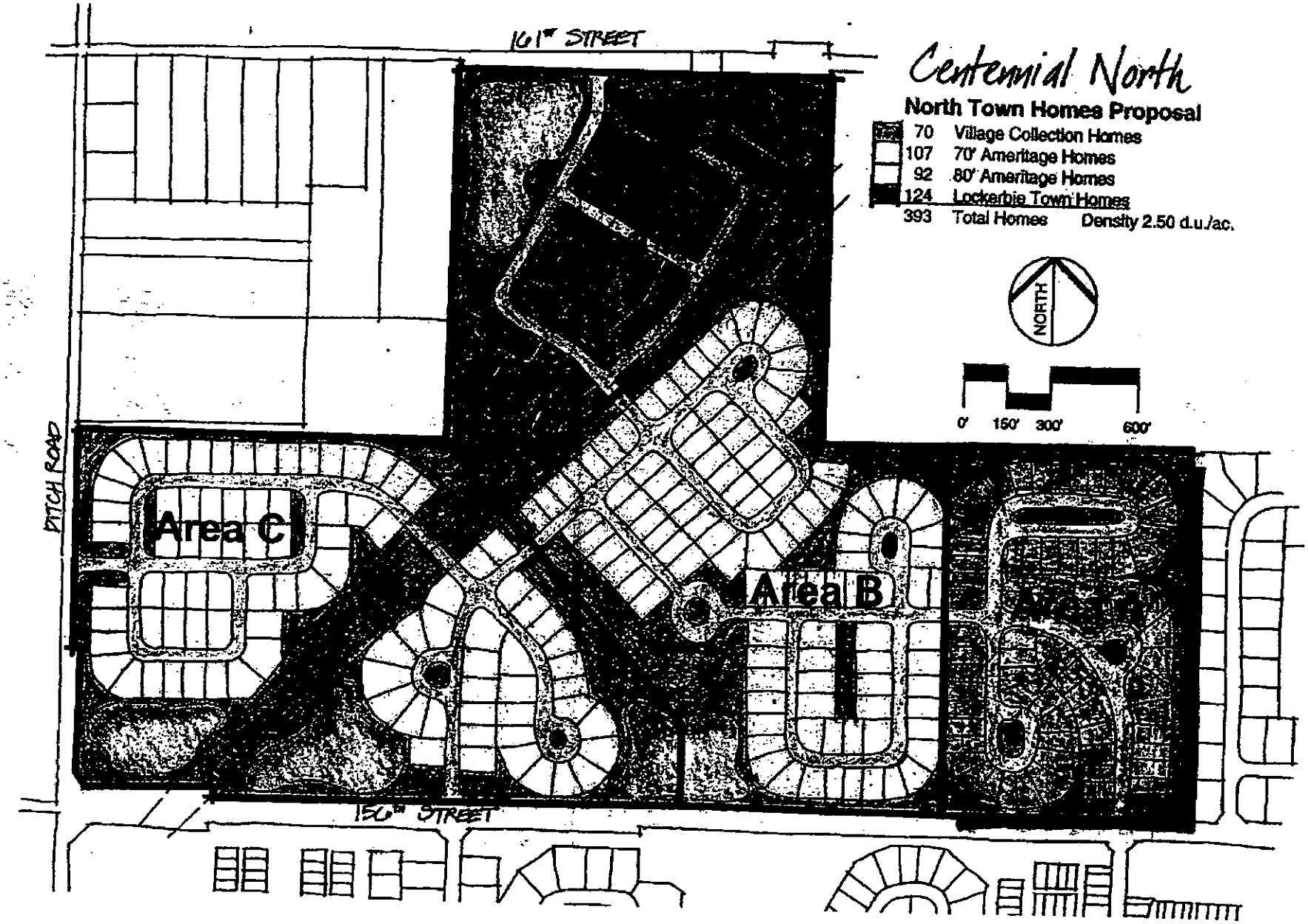


EXHIBIT B- APPROVED PUD TABLE

EXHIBIT E

DEVELOPMENT STANDARDS

Development Standard	Area A	Area B	Area C	Area D
Home Type	Village Collection	Ameritage Homes	Ameritage Homes	Lockerbie Town Homes
Minimum Lot Width at Building Line	60'	70'	80'	30' (1)
Minimum Lot Depth	125'	125'	125'	80'
Minimum Lot Frontage on Street	45'	50'	50'	25'
Minimum Lot Area	7,500 s.f	8,750 s.f.	10,000 s.f.	2,400 s.f. (2)
Minimum Front Yard Setback	20'	20'	20'	15'
Minimum Side Yard Setback	5'	5'	5'	0'
Minimum Rear Yard Setback	20'	20'	20'	15'
Maximum Building Height	35'	35'	35'	40'
Minimum Separation between Buildings	12'	12'	12'	20'
Minimum Living Space for One Story Homes	1,750 s.f.	1,600 s.f.	1,600 s.f.	n/a
Minimum Living Space for Two Story Homes	2,180 s.f. (3)	2,000 s.f.	2,000 s.f.	1,700 s.f. (4)

Notes:

(1) Exception: up to 25% of the town homes in Area D may have a minimum lot width of 25 feet.

(2) Exception: up to 25% of the town homes in Area D may have a minimum lot area of 2,000 s.f.

(3) Exception: up to 25% of the two-story homes in Area A may have a minimum living space of 2,050 s.f.

(4) Exception: up to 25% of the town homes in Area D may have a minimum living space of 1,475 s.f.

Exhibit C - Dimensions for Village Collection Homes

Date Revised 03/02/05

PLAN	1ST FLR	2ND FLR	SQUARE FEET FOR PERMITS LIVING S. F.	GARAGE	BSMT	TOTAL	BACK PATIO / DECK	TOP OF RIDGE (LF)	TOP OF CHASE (LF)	BONUS ROOM	PLAN WIDTH	PLAN DEPTH
410R	1346	0	1346	420	0	1766	124	24	18	347	43'-0"	55'-5"
420R	714	858	1572	498	0	2070					47'-8"	35'-9"
430R	1675	0	1675	429	0	2104	111	26	18	350	42'-1"	61'-4"
440R	1019	748	1767	414	0	2181					44'-2"	44'-4"
444R (440 4 bedroom)	1019	1154	2173	414	0	2587						

Exhibit D – Revised Development Standards Table

EXHIBIT E (REVISED)

DEVELOPMENT STANDARDS

Development Standard	Area A	Area B	Area C	Area D
Home Type	Village Collection	Ameritage Homes	Ameritage Homes	Lockerbie Town Homes
Minimum Lot Width at Building Line	60'	70'	80'	30' (1)
Minimum Lot Depth	125'	125'	125'	80'
Minimum Lot Frontage on Street	45'	50'	50'	25'
Minimum Lot Area	7,500 s.f	8,750 s.f.	10,000 s.f.	2,400 s.f. (2)
Minimum Front Yard Setback	20'	20'	20'	15'
Minimum Side Yard Setback	5'	5'	5'	0'
Minimum Rear Yard Setback	20'	20'	20'	15'
Maximum Building Height	35'	35'	35'	40'
Minimum Separation between Buildings	12'	12'	12'	20'
Minimum Living Space for One Story Homes	~~1,750 s.f.~~ 1,340 s.f.	1,600 s.f.	1,600 s.f.	n/a
Minimum Living Space for Two Story Homes	~~2,180 s.f.~~ 1,760 s.f. (3)	2,000 s.f.	2,000 s.f.	1,700 s.f. (4)

Notes:

(1) Exception: up to 25% of the town homes in Area D may have a minimum lot width of 25 feet.

(2) Exception: up to 25% of the town homes in Area D may have a minimum lot area of 2,000 s.f.

(3) Exception: up to 25% of the two-story homes in Area A may have a minimum living space of ~~2,050~~ 1,570 s.f.

(4) Exception: up to 25% of the town homes in Area D may have a minimum living space of 1,475 s.f.

Prescribed by the
State Board of Accounts
(2005)

County Form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;

2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.

Cindy J. Bossard

Signature of Declarant

CINDY J. BOSSARD

Printed Name of Declarant