



146th Street Commerce Centre

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No: 10-09

Adoption Date: June 14, 2010

Instrument No.: 2010028293



146TH STREET COMMERCE CENTRE
PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE NO. 10-09

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the Westfield-Washington Township Zoning Ordinance (the "Zoning Ordinance") and the Westfield-Washington Township Zoning Map (the "Zoning Map") of the Town of Westfield, Washington Township, Hamilton County, Indiana, previously enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") has conducted a public hearing, as required by law, in regard to the application filed by Herman & Kittle Properties, Inc. (the "Developer") for a change of zone district;

WHEREAS, under Docket Number 1003-PUD-03, on the Seventeenth day of May, 2010, the Plan Commission sent a favorable recommendation to the City of Westfield Common Council (the "Council") by a vote of seven (7) in favor and one (1) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate").
- 1.2 The underlying zoning district shall be the GO - General Office District (the "GO District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the GO District shall apply.
- 1.3 Section ("WC §") cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

14300
67
1001600

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance in effect on the date of the enactment of this Ordinance.

- 2.1 Buffer Yard Illustration. An illustrative summary of the Real Estate's required minimum buffer yards, attached hereto as Exhibit I.
- 2.2 Concept Plan. A general plan for the development of the Real Estate attached hereto as Exhibit B.
- 2.3 Director. The person delegated the responsibility for the administration of the Zoning Ordinance's regulations, including the Director of Community Development's designees.
- 2.4 Façade, Primary. A perimeter facade that is located generally as shown on the exhibit attached hereto as Exhibit F.
- 2.5 Façade, Secondary. Any building facade not defined as a Primary Façade.
- 2.6 Illustrative Character Exhibit. A general representation of the intended architecture and character for the proposed development of the Real Estate attached hereto as Exhibit C.
- 2.7 Self-Storage Facility. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property. Facility shall include related accessory uses including, without limitation, any one or a combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes; and (iv) any other facilities approved by the Director that compliment and are intended to serve such a facility.
- 2.8 Supplemental Planting Exhibit. A graphic representation, attached hereto as Exhibit H, of plantings intended to fill significant breaks within the Preservation Buffer, as defined below in Section 4.3(A)(i), in order to maintain a visual screen that is consistent with the existing vegetation in the Preservation Buffer and consistent with best management practices for new landscaping located within existing stands of trees.
- 2.9 Tree Inventory. An inventory of trees greater than four inches (4") in diameter at breast height located within the Preservation Buffer. A copy of the inventory, performed by Vine & Branch, Inc. on March 24, 2010, is attached hereto as Exhibit G.

Section 3. Permitted Uses. The following uses shall be permitted:

- 3.1 All uses permitted in the GO-General Office Zoning District; however, the following uses of the GO District shall be expressly prohibited:
 - A. Multi-family housing (3-units or more with MF1 standards)
 - B. Agriculture
 - C. Veterinarian Offices
- 3.2 Self-Storage Facility.
- 3.3 Accessory buildings and uses customarily incidental to any of the permitted uses.

Section 4. Development Standards.

- 4.1 General Regulations. The regulations of *WC § 16.04.050 Business Districts* applicable to the GO District shall apply except as modified herein:
 - A. Minimum Lot Area. One (1) acre.
 - B. Minimum Lot Frontage. Two hundred and thirty feet (230').
 - C. Minimum Setback Lines.
 - (i) South Property Line of Real Estate: 60'
 - (ii) West Property Line of Real Estate: 45'
 - (iii) East Property Line of Real Estate: 5'
 - (iv) North Property Line of Real Estate: 60'
 - D. Ground Level Square Footage. No minimum and no maximum.
- 4.2 Off-Street Loading and Parking. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.04.120*).
- 4.3 Landscaping and Screening. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.06.010*); however, the Real Estate's minimum buffer yards shall be as follows, which are illustratively summarized on the Buffer Yard Illustration:
 - A. West Property Line.
 - (i) The Real Estate's west property line shall consist of a forty-foot (40') wide buffer yard from 146th Street to the Real Estate's north property line, as generally shown on the Buffer Yard Illustration

(the "Preservation Buffer"), which shall be preserved in accordance with Section 4.4 of this Ordinance (the "Tree Preservation Standards").

- (ii) In addition, the buffer shall incorporate supplemental plantings as generally shown on the Supplemental Planting Exhibit.
- (iii) In order to maximize the preservation of the existing trees within the Preservation Buffer, no building foundation plantings shall be required along those buildings abutting the Preservation Buffer.
- (iv) A minimum eight-foot (8') tall solid vinyl or composite fence (wood not permitted) (the "Fence") shall be installed in any gaps between buildings abutting the Preservation Buffer, as shown on the Buffer Yard Illustration. In addition, a Fence shall be installed from the southwestern corner of the southernmost building extending towards 146th Street, as shown on the Buffer Yard Illustration, to further screen parking areas. The Fence shall be a subtle color that compliments the color of the buildings. A white fence shall not be permitted. Gates in the Fence shall be installed as required by the Fire Department at the time of site development plan approval; however, gates shall be locked at all times and used for emergency access only.

B. North Property Line.

- (i) The Real Estate's north property line shall consist of a sixty-foot (60') wide buffer yard with plantings in accordance with *WC § 16.06.060*. As permitted by *WC § 16.06.060*, evergreen trees shall be substituted in lieu of shrubbery on a 1:3 basis (tree: shrub) for sixty percent (60%) of the required shrubbery. This buffer yard may include storm water detention areas.
- (ii) In addition to the plantings required per Section 4.3(B)(i) above, one (1) evergreen tree per eighteen (18) lineal feet of building shall be planted along the north foundation of the northern most building (in satisfaction of *WC § 16.06.040(K)*).
- (iii) The evergreen trees required in Section 4.3(B)(i) and Section 4.3(B)(ii) above shall be Norway spruces and shall be planted in two staggered rows along the north foundation of the northern most building.

- C. East Property Line. One (1) evergreen tree per thirty (30) lineal feet of building shall only be required along the east foundation of the Real Estate's northern most building. No additional buffering shall be required.
 - D. South Property Line. The Real Estate's south property line buffer shall comply with the street frontage landscaping requirements of the Zoning Ordinance (*WC § 16.06.050*).
- 4.4 Tree Preservation Standards. Prior to the issuance of an Improvement Location Permit, a tree preservation plan (the "Tree Preservation Plan") shall be submitted for the Preservation Buffer. The Tree Preservation Plan shall include a site plan that details the locations, sizes, and common names of the Protected Trees as listed on the Tree Inventory, areas of dense tree or shrub concentrations, and other natural features which are to be preserved. This section shall replace and supersede *WC § 16.06.020*.
- A. In order to maintain the natural appearance, no clear cutting of the understory within the Preservation Buffer shall be permitted; rather, the Preservation Buffer shall be maintained in a natural condition.
 - B. No disturbance shall be permitted within the Preservation Buffer. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
 - C. If any Protected Tree dies within five (5) years of project completion, then the property owner shall replace such tree with a tree (or trees) of equal tree preservation value (as provided by *WC 16.06.020(F)*) within one hundred and eighty (180) days.
 - D. Barriers shall be used to protect the Preservation Buffer during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the Preservation Buffer perimeter. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. Signs identifying the Preservation Buffer shall be posted during construction; however, no notices or other objects shall be nailed or stapled to trees within the Preservation Buffer.
- 4.5 Sign Standards. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.08.010*).
- 4.6 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.07.010*).

4.7 Architectural Standards. The regulations of *WC § 16.04.165 Development Plan Review* applicable to the GO District shall apply except for those sections modified and/or enhanced by this Ordinance.

- A. All buildings shall be designed with respect to the general character of the Real Estate, and particularly, with consideration to the buildings located on lots that abut the Real Estate. The Illustrative Character Exhibit provides a general representation of the intended architecture and character for the Real Estate.
- B. Any building materials not specifically listed herein shall be prohibited, unless otherwise approved by the Director upon determination that the building materials are appropriate and compatible in quality and character as those materials otherwise permitted.
- C. Building Orientation.
 - (i) No loading spaces or loading docks shall be permitted to face a public street or adjoining Residential District.
 - (ii) All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.
 - (iii) Heating, ventilation, and air conditioning (HVAC) equipment shall not be permitted to be located on the western side of a building facing the Real Estate's western property line.
- D. Primary Façade Building Materials.
 - (i) All Primary Facades on new buildings or building additions for the Real Estate shall use brick as the primary exterior building material as shown by the Illustrative Character Exhibit. The brick colors shall be substantially similar to the brick colors shown on the attached Exhibit E.
 - (ii) Storage buildings' Primary Facades shall be parapet walls with a brick pattern substantially similar to the pattern shown on Exhibit D.
 - (iii) The use of accent and trim elements (e.g., accent panels, banding, cornices, canopies, awnings) for building trim shall be incorporated to add visual interest and break down the scale of façades.

- (iv) Permitted building trim and secondary exterior building materials may include: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems.
- (v) Primary Facades shall incorporate multiple colors and multiple textures (e.g., rough, smooth, striated), as illustrated on Exhibits D and E.
- (vi) Colors used on Primary Facades must be complementary. Natural, muted colors should serve as the primary color, with brighter colors used as limited accents.

E. Secondary Façade Building Materials.

- (i) The following materials shall be permitted for Secondary Facades: Brick (clay), natural stone, simulated cut stone, finished (textured and painted) concrete, finished (textured) pre-cast concrete panels, tile (ceramic or porcelain), architectural block (textured) and EIFS (Dryvit) wall systems, steel and/or aluminum curtain wall systems.
- (ii) Colors used on Secondary Facades must be complementary to those used on the Primary Façade. Natural, muted colors should serve as the primary color, with brighter colors used as limited accents.

F. Roof Design.

- (i) Roofing materials for non-storage buildings with pitched roofs (e.g., office buildings) shall consist of a dimensional shingle and shall be a neutral color (e.g., gray, black).
- (ii) Storage buildings with Primary Facades (e.g., storage buildings with parapet walls abutting residential) shall have flat roofs.
- (iii) Roofing materials for storage buildings shall be either standing seam metal or shingle. The roof material color shall be a non-primary color (e.g., green not permitted).
- (iv) All roofs must incorporate appropriately pitched roofs, tall parapets or screen walls to architecturally conceal any roof-mounted equipment.
- (v) Rooftop equipment screens and rooftop penetrations (vents) shall be of a color compatible with the overall building or roof color (not an accent color).

G. Dumpsters. Dumpsters shall not be located in the established front yard. Dumpsters shall be located within an enclosure that is constructed with materials that: (i) match the architecture and materials of the building which the dumpster is serving; and (ii) measure six feet (6') in height or two feet (2') above the height of the dumpster, whichever is greater.

H. Overhead Doors.

(i) No overhead doors shall be oriented towards the public right-of-way or towards the perimeter of the Real Estate unless screened by another building.

(ii) All overhead doors on buildings located on the perimeter of the Real Estate shall be oriented towards the interior of the Real Estate.

(iii) Overhead doors shall be prohibited on Primary Facades.

4.8 Perimeter Path. An eight-foot (8') wide multi-use path shall be installed within the 146th Street right-of-way adjacent to the Real Estate, subject to approval by Hamilton County at the time of development plan approval. The path shall be constructed in accordance with the Hamilton County Alternative Transportation Plan.

Section 5. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 14 day of June, Two Thousand and Ten.

COMMON COUNCIL OF THE CITY OF WESTFIELD

AYE

NAY

<u>Tom Smith</u>	Tom Smith, President	_____
<u>John Dippel</u>	John Dippel, Vice President	_____
<u>Steve Hoover</u>	Steve Hoover	_____
<u>Robert Horkay</u>	Robert Horkay	_____
<u>Ken Kingshill</u>	Ken Kingshill	_____
_____	Bob Smith	_____
_____	Rob Stokes	_____

Approved and signed by the Mayor of the City of Westfield, Hamilton County, Indiana, this 14 day of June, 2010.

Andy Cook
Andy Cook, Mayor
City of Westfield, IN

Cindy Gossard
Cindy Gossard, Clerk Treasurer



"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

C. Gossard
Signed

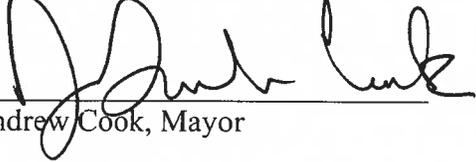
This Instrument prepared by: Steven D. Hardin, Esq., Baker & Daniels, LLP
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240 | (317) 569-9600

I hereby certify that ORDINANCE NO. 10-09 was delivered to the Mayor of Westfield on the 15 day of June, 2010, at 2:00 p. m.



Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance No. 10-09
this 15 day of June, 2010.



J. Andrew Cook, Mayor

I hereby VETO Ordinance No. 10-09
this _____ day of _____, 2010.

J. Andrew Cook, Mayor

SCHEDULE OF EXHIBITS

Exhibit A	Legal Description
Exhibit B	Concept Plan Exhibit
Exhibit C	Illustrative Character Exhibit
Exhibit D	Parapet Wall Brick Pattern Exhibit
Exhibit E	Brick Color Exhibit
Exhibit F	Primary Façade Exhibit
Exhibit G	Tree Inventory of Preservation Buffer
Exhibit H	Supplemental Planting Exhibit
Exhibit I	Buffer Yard Illustration Exhibit

EXHIBIT A

REAL ESTATE

Legal Description
4420 East 146th Street

A part of the West Half of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East; thence northerly on the West line of said Quarter-Quarter a distance of 1320 feet, more or less to the Northwest corner of said Quarter-Quarter; thence easterly on the North line of said Quarter-Quarter a distance of 230 feet, more or less, to the Northwest corner of the real estate described in the Deed Book 329, Page 695 (Carmel 146th Street Substation) in the Office of the Recorder of Hamilton County, Indiana; thence southerly on the West line of said real estate a distance of 1320 feet, more or less, to the Southwest corner of said real estate, said point also being on the South line of said Quarter-Quarter; thence westerly on said South line a distance of 230 feet, more or less, to the point of beginning, containing 7 acres, more or less.

EXCEPT:

A part of the Southeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way line depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "A" in Instrument recorded as Instrument Number 2000-024018, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of said Quarter-Quarter Section; thence North 00 degrees 08 minutes 41 seconds East 16.501 meters (54.14 feet) along the West line of said Quarter-Quarter Section to point "401" designated on plat recorded as Instrument Number 2000-024081, in the Office of the Recorder of Hamilton County, Indiana; thence parallel to the South line of said Quarter-Quarter Section South 89 degrees 22 minutes 12 seconds East 70.964 meters (231.94 feet) to point "402" designated on plat recorded as Instrument Number 2000-024081, in the Office of the Recorder of Hamilton County, Indiana and the East line of the grantor's land; thence South 00 degrees 09 minutes 37 seconds West 16.501 meters (54.14 feet) along said East line to the South line of said Quarter-Quarter Section; thence North 89 degrees 22 minutes 12 seconds West 70.690 meters (231.92 feet) to the point of beginning and containing 0.1166 hectares (0.288 acres), more or less, inclusive of the presently existing right-of-way which contains 0.0355 hectares (0.088 acres), more or less.

EXHIBIT B CONCEPT PLAN

40' TREE
PRESERVATION AREA

DETENTION AREA

STORAGE BUILDINGS

OFFICE BUILDINGS



PRL-3	JOB #:	 THE RABCO CORPORATION <small>8115 CHAMBERLAIN PARK DRIVE, WESTON, FL 33412 (813) 839-4123 • FAX (813) 839-4122 • WWW.RABCO.COM</small>	HKP INC. INFINITE SELF STORAGE WESTFIELD, IN	DRAWN BY:	DATE
	LU-09-K-1345-B			TM	5-17-10

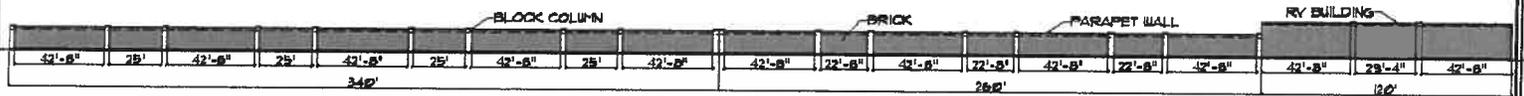
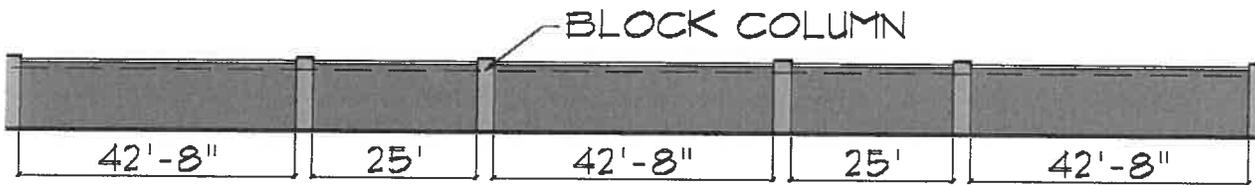
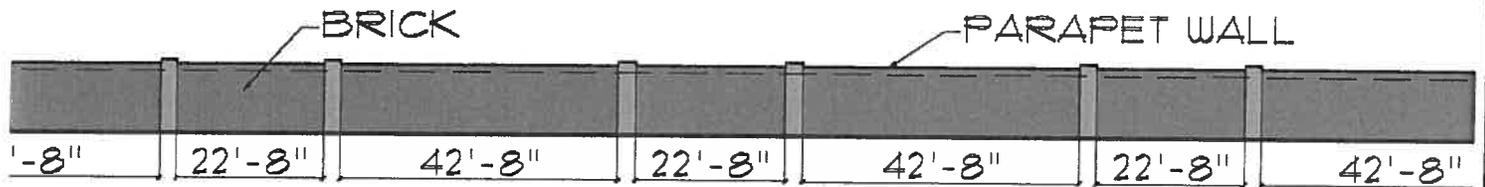
EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT

ILLUSTRATIVE OFFICE BUILDING



This exhibit illustrates the design and style of the proposed office buildings; however, please note that (1) the office building roofs shall be dimensional shingles with a neutral color (e.g., black, gray); and (2) the brick color shall be substantially similar to the brick color illustrated on Exhibit E.

EXHIBIT D
PARAPET WALL BRICK PATTERN EXHIBIT



1 BUILDING ELEVATION - 95% BRICK
 PRL-3 SCALE: NOT TO SCALE

EXHIBIT E
BRICK COLORS EXHIBIT



EXHIBIT F
PRIMARY FACADES EXHIBIT

 PRIMARY FACADES

40' TREE
PRESERVATION AREA

PRIVACY FENCE

PRIVACY FENCE

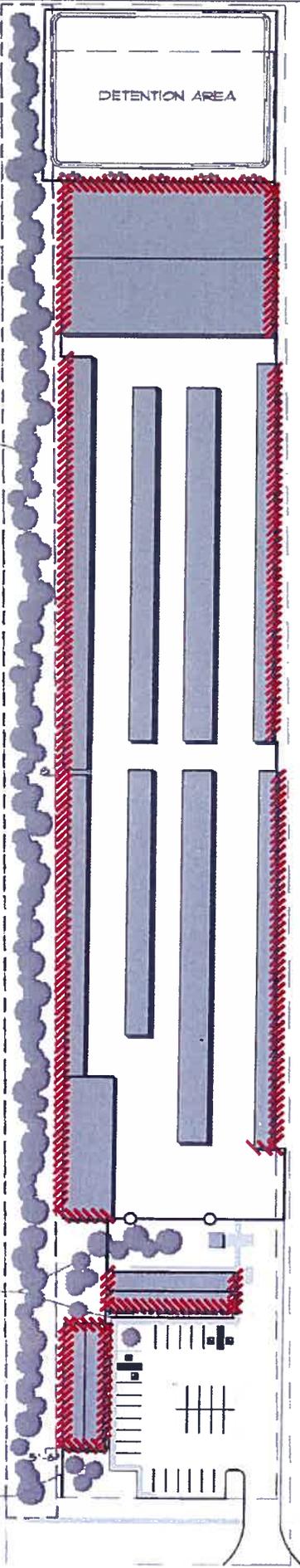


EXHIBIT G

**Herman & Kittle Tree Inventory:
West Property Line Preservation Buffer**

For:
Erika E. Scott
Development Director
Herman & Kittle Properties, Inc.
500 East 96th Street, Suite 300
Indianapolis, IN 46240



By: Judson R. Scott
Registered Consulting Arborist #392
American Society of Consulting Arborists
and
Amanda Thalhammer
ISA Certified Arborist, IN-3321A
Indiana Accredited Horticulturist
B.S. Wildlife Science, Purdue University

March 25, 2010

March 25, 2010

Erika E. Scott
Development Director
Herman & Kittle Properties, Inc.
500 East 96th Street, Suite 300
Indianapolis, IN 46240

Re: Tree Inventory of West Property Line Preservation Buffer

We have recently completed the requested tree inventory for the west property line preservation buffer that backs up to Setters Run neighborhood. Field work was conducted March 24, 2010. The procedures and limitations for this work has been provided in the following report.

The inventoried area contains a total of 200 trees greater than 4" in diameter. Mature white pine trees make up the majority of this buffer area, comprising nearly 60% of all the identified trees. Other common species include black locust, mulberry, hackberry, and red oak.

A spread sheet of the inventoried trees has been provided, along with a list of general comments about the site. Photographs of the site have also been included to provide a visual overview of the area.

If you have any questions or concerns about the inventory, feel free to contact us via e-mail at treeconsultant@aol.com or call our office at 317-845-3778.



Judson R. Scott
President, Vine & Branch Inc.
Registered Consulting Arborist #392
American Society of Consulting Arborists



Amanda Thalhammer
Indiana Accredited Horticulturist
ISA Certified Arborist, IN-3321
B.S. Wildlife Science

EXHIBIT G

Location

A tree inventory was performed for the 40-foot west property line preservation buffer along the area of proposed development. This area is located north of 146th street, directly east of Setters Run subdivision. The total inventoried area was approximately 55,500 square feet.



EXHIBIT G

Procedures and Limitations

The buffer area was inspected and inventoried on foot. The exact location of the buffer was determined by measuring 40 feet out from the west property line. The west property line was assumed to be a wire fence that ran along the majority of the site (photo below left). At intervals where the fence was absent, judgment calls were used to determine the property line. Each tree in the buffer greater than 4 inches in diameter was identified and measured at standard height (4.5 feet). Each tree was numbered and marked with blue flagging and a yellow tag (photo below right). The numbers on these tags correspond to the numbered trees on the Tree Inventory Sheet provided at the end of this report. General observations about the site were also noted and the condition of each tree was recorded using the following scale:

- 1- Excellent tree
- 2- Good-healthy; only minor problems
- 3- Fair-moderate problems
- 4- Poor-serious problems
- 5- Dead or structurally unsound

Although the conditions of these trees were recorded, it should be noted that no trees were individually assessed to determine their hazard risk potential. This is something that should be considered before the commencement of any construction activities.



Wire fence used to determine property line



Blue flagging and yellow tags used to identify the inventoried trees

EXHIBIT G

We certify that all the statements of fact in this report are true, complete and correct to the best of our knowledge and belief, and that they are made in good faith.



Judson R. Scott
President, Vine & Branch Inc.
Registered Consulting Arborist #392
American Society of Consulting Arborists



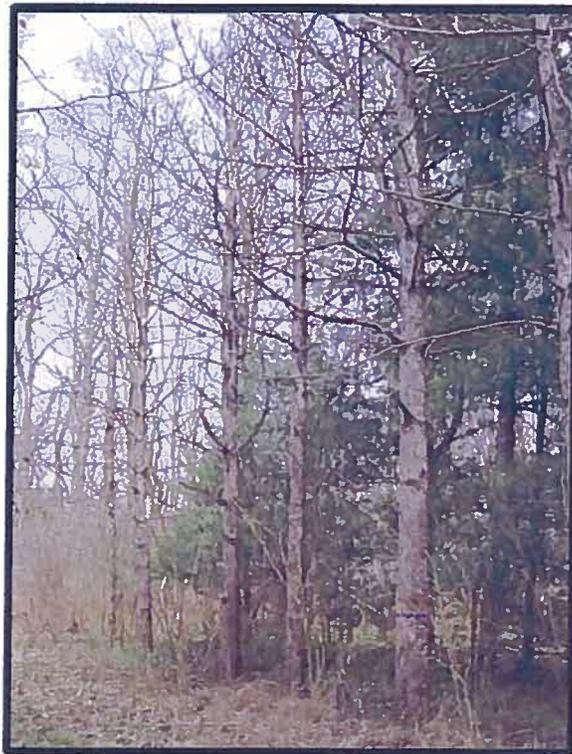
Amanda Thalhammer
Indiana Accredited Horticulturist
ISA Certified Arborist, IN-3321
B.S. Wildlife Science, Purdue University

EXHIBIT G

Inventory Photographs



Brush pile at the southern portion of the buffer area



Dead pine trees in southern portion of buffer

EXHIBIT G

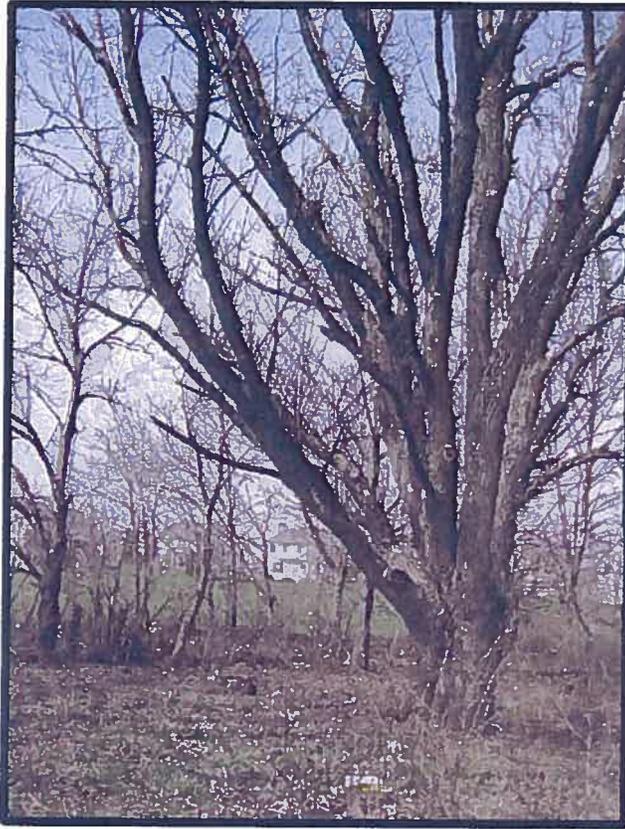


Open area in the middle portion of the buffer



Dense area behind pines on the northern portion of the buffer

EXHIBIT G



Large open-grown ash in the middle of the buffer



Row of red oaks

EXHIBIT G



Northern rows of white pine trees



Ax damage on trunk

EXHIBIT G



Client: Herman & Kittle Properties

Inspector: Amanda Thalhammer

Date: March 24, 2010

Tree Inventory Summary Sheet

Total Number of Trees: 200
Number of Species Identified: 16
Total diameter inches: 2,178

Species:	# of Trees	% of Total
White pine (<i>Pinus strobus</i>)	116	58.0
Black locust (<i>Robinia pseudoacacia</i>)	21	10.5
Hackberry (<i>Celtis occidentalis</i>)	15	7.5
Mulberry (<i>Morus sp.</i>)	15	7.5
Red oak (<i>Quercus rubra</i>)	12	6.0
Black cherry (<i>Prunus serotina</i>)	8	4.0
Boxelder (<i>Acer negundo</i>)	2	1.0
Pear (<i>Pyrus sp.</i>)	2	1.0
Sweetgum (<i>Liquidambar styraciflua</i>)	2	1.0
Ash (<i>Fraxinus sp.</i>)	1	0.5
Northern white cedar (<i>Thuja occidentalis</i>)	1	0.5
Red maple (<i>Acer rubrum</i>)	1	0.5
Redbud (<i>Cercis canadensis</i>)	1	0.5
Silver maple (<i>Acer saccharinum</i>)	1	0.5
Tuliptree (<i>Liriodendron tulipifera</i>)	1	0.5
White oak (<i>Quercus alba</i>)	1	0.5

TOTAL: 200

EXHIBIT G



Client: Herman & Kittle Properties

Inspector: Amanda Thalhammer

Date: March 24, 2010

Protected Trees

#	Species	Scientific Name	Size*	Cond.	Observations
2	Black cherry	<i>Prunus serotina</i>	4	3	
4	Hackberry	<i>Celtis occidentalis</i>	28	2	
5	White pine	<i>Pinus strobus</i>	6	2	
6	White pine	<i>Pinus strobus</i>	8	2	
7	Hackberry	<i>Celtis occidentalis</i>	19	3	
8	Hackberry	<i>Celtis occidentalis</i>	14	3	fence growing in trunk
9	Red oak	<i>Quercus rubra</i>	14	2	codominant
10	White pine	<i>Pinus strobus</i>	8	3	
11	White pine	<i>Pinus strobus</i>	10	3	
12	Hackberry	<i>Celtis occidentalis</i>	4	3	
13	Hackberry	<i>Celtis occidentalis</i>	4/6	3	codominant
14	White pine	<i>Pinus strobus</i>	7	3	
15	White pine	<i>Pinus strobus</i>	18	2	
16	White pine	<i>Pinus strobus</i>	16	2	
17	White pine	<i>Pinus strobus</i>	14	2	
18	White pine	<i>Pinus strobus</i>	13	3	
19	White pine	<i>Pinus strobus</i>	13	2	
20	White pine	<i>Pinus strobus</i>	13	2	
21	White pine	<i>Pinus strobus</i>	13	2	
22	White pine	<i>Pinus strobus</i>	12	2	
23	White pine	<i>Pinus strobus</i>	11	2	
24	White pine	<i>Pinus strobus</i>	16	2	
28	White pine	<i>Pinus strobus</i>	11	3	
29	Hackberry	<i>Celtis occidentalis</i>	7	3	
30	White pine	<i>Pinus strobus</i>	15	3	
31	White pine	<i>Pinus strobus</i>	17	2	
32	White pine	<i>Pinus strobus</i>	19	2	
33	White pine	<i>Pinus strobus</i>	5	2	
34	Red maple	<i>Acer rubrum</i>	10	2	
35	Sweetgum	<i>Liquidambar styraciflua</i>	8	2	
42	Hackberry	<i>Celtis occidentalis</i>	4	3	
43	Hackberry	<i>Celtis occidentalis</i>	4	3	
64	NO TAG	n/a	n/a	n/a	
72	NO TAG	n/a	n/a	n/a	
73	Black locust	<i>Robinia Pseudoacacia</i>	14	3	

EXHIBIT G

78	Mulberry	<i>Morus sp.</i>	5/3	3	codominant
80	Black locust	<i>Robinia Pseudoacacia</i>	8	3	
81	Black locust	<i>Robinia Pseudoacacia</i>	7	3	
82	Red oak	<i>Quercus rubra</i>	11	1	
83	Red oak	<i>Quercus rubra</i>	11	3	
84	Hackberry	<i>Celtis occidentalis</i>	16	2	
85	Sweetgum	<i>Liquidambar styraciflua</i>	5	2	
86	Black cherry	<i>Prunus serotina</i>	8/4	3	codominant
87	Red oak	<i>Quercus rubra</i>	8	2	
88	Hackberry	<i>Celtis occidentalis</i>	12	2	
89	White pine	<i>Pinus strobus</i>	10	3	
90	White pine	<i>Pinus strobus</i>	6	3	
91	White pine	<i>Pinus strobus</i>	7	3	
95	White pine	<i>Pinus strobus</i>	11	3	
96	White pine	<i>Pinus strobus</i>	10	3	
97	White pine	<i>Pinus strobus</i>	10	3	
98	White pine	<i>Pinus strobus</i>	10	3	
100	White pine	<i>Pinus strobus</i>	8	3	
101	White pine	<i>Pinus strobus</i>	12	3	
107	Black cherry	<i>Prunus serotina</i>	5	3	
108	Silver maple	<i>Acer saccharinum</i>	50	2	
110	Black locust	<i>Robinia Pseudoacacia</i>	5	1	nails in trunk
111	Black locust	<i>Robinia Pseudoacacia</i>	12	2	
112	Black locust	<i>Robinia Pseudoacacia</i>	10	3	
116	Black locust	<i>Robinia Pseudoacacia</i>	7	3	
120	Red oak	<i>Quercus rubra</i>	14	1	
121	Red oak	<i>Quercus rubra</i>	14	1	
122	Red oak	<i>Quercus rubra</i>	15	1	
123	Red oak	<i>Quercus rubra</i>	5/4	3	codominant
124	Red oak	<i>Quercus rubra</i>	12	1	
125	Red oak	<i>Quercus rubra</i>	14	1	
126	Red oak	<i>Quercus rubra</i>	14	2	leaning
128	Hackberry	<i>Celtis occidentalis</i>	6	3	
129	Mulberry	<i>Morus sp.</i>	6	2	
130	White pine	<i>Pinus strobus</i>	8	2	
131	White pine	<i>Pinus strobus</i>	10/10	3	codominant
132	White pine	<i>Pinus strobus</i>	14	2	
133	White pine	<i>Pinus strobus</i>	10	2	
134	White pine	<i>Pinus strobus</i>	15	1	
135	White pine	<i>Pinus strobus</i>	14	2	
136	White pine	<i>Pinus strobus</i>	14	2	
137	White pine	<i>Pinus strobus</i>	10	1	
140	White pine	<i>Pinus strobus</i>	18	2	

EXHIBIT G

141	White pine	<i>Pinus strobus</i>	11	1	
142	White pine	<i>Pinus strobus</i>	12	1	
143	White pine	<i>Pinus strobus</i>	11	1	
144	White pine	<i>Pinus strobus</i>	4	3	
145	White pine	<i>Pinus strobus</i>	12	1	
146	White pine	<i>Pinus strobus</i>	15	1	
147	White pine	<i>Pinus strobus</i>	4	1	
148	White pine	<i>Pinus strobus</i>	12	1	
149	White pine	<i>Pinus strobus</i>	8	3	
150	Black cherry	<i>Prunus serotina</i>	10	3	
151	White pine	<i>Pinus strobus</i>	10	1	
152	White pine	<i>Pinus strobus</i>	16	1	
153	White pine	<i>Pinus strobus</i>	10	2	
154	White pine	<i>Pinus strobus</i>	6	2	
155	White pine	<i>Pinus strobus</i>	5	2	
156	White pine	<i>Pinus strobus</i>	4	3	
157	White pine	<i>Pinus strobus</i>	16	1	
158	White pine	<i>Pinus strobus</i>	10	1	
159	White pine	<i>Pinus strobus</i>	13	3	
160	White pine	<i>Pinus strobus</i>	8	2	
161	White pine	<i>Pinus strobus</i>	14	2	
162	White pine	<i>Pinus strobus</i>	6	3	
163	White pine	<i>Pinus strobus</i>	8	2	
164	White pine	<i>Pinus strobus</i>	12	2	
165	White pine	<i>Pinus strobus</i>	12	1	
166	White pine	<i>Pinus strobus</i>	13	1	
167	White pine	<i>Pinus strobus</i>	10	2	
168	White pine	<i>Pinus strobus</i>	11	2	
169	White pine	<i>Pinus strobus</i>	17	2	
170	White pine	<i>Pinus strobus</i>	9	2	
171	White pine	<i>Pinus strobus</i>	13	3	
172	Black cherry	<i>Prunus serotina</i>	18	3	codominant
173	Black cherry	<i>Prunus serotina</i>	16	3	
174	Black cherry	<i>Prunus serotina</i>	22	2	codominant
175	Tuliptree	<i>Liriodendron tulipifera</i>	7	3	
176	White pine	<i>Pinus strobus</i>	6	2	
177	White pine	<i>Pinus strobus</i>	15	2	
178	White pine	<i>Pinus strobus</i>	10	2	
180	White pine	<i>Pinus strobus</i>	6	2	
181	White pine	<i>Pinus strobus</i>	12	3	
182	White pine	<i>Pinus strobus</i>	7	3	
183	White pine	<i>Pinus strobus</i>	14	2	
184	White pine	<i>Pinus strobus</i>	7	3	

EXHIBIT G

185	White pine	<i>Pinus strobus</i>	17	2	
193	Hackberry	<i>Celtis occidentalis</i>	5/4	3	codominant
197	Mulberry	<i>Morus sp.</i>	17	3	
199	Mulberry	<i>Morus sp.</i>	17	3	
202	White pine	<i>Pinus strobus</i>	6	3	

Total Number of Trees: 124
Number of Species Identified: 10
Total diameter Inches: 1401

Species:	# of Trees	% of Total
White pine (<i>Pinus strobus</i>)	78	39.0
Black locust (<i>Robinia pseudoacacia</i>)	7	3.5
Hackberry (<i>Celtis occidentalis</i>)	12	6.0
Mulberry (<i>Morus sp.</i>)	4	2.0
Red oak (<i>Quercus rubra</i>)	11	5.5
Black cherry (<i>Prunus serotina</i>)	7	3.5
Boxelder (<i>Acer negundo</i>)	0	0.0
Pear (<i>Pyrus sp.</i>)	0	0.0
Sweetgum (<i>Liquidambar styraciflua</i>)	2	1.0
Ash (<i>Fraxinus sp.</i>)	0	0.0
Northern white cedar (<i>Thuja occidentalis</i>)	0	0.0
Red maple (<i>Acer rubrum</i>)	1	0.5
Redbud (<i>Cercis canadensis</i>)	0	0.0
Silver maple (<i>Acer saccharinum</i>)	1	0.5
Tuliptree (<i>Liriodendron tulipifera</i>)	1	0.5
White oak (<i>Quercus alba</i>)	0	0.0

Potentially Impacted Trees

#	Species	Scientific Name	Size*	Cond.	Observations
26	Mulberry	<i>Morus sp.</i>	5	3	
36	Mulberry	<i>Morus sp.</i>	4	3	
38	Mulberry	<i>Morus sp.</i>	5	3	
39	Mulberry	<i>Morus sp.</i>	4	3	
41	Hackberry	<i>Celtis occidentalis</i>	13	3	codominant
44	White pine	<i>Pinus strobus</i>	12	3	
45	White pine	<i>Pinus strobus</i>	4	3	
46	Hackberry	<i>Celtis occidentalis</i>	8	3	
47	White pine	<i>Pinus strobus</i>	7	3	
48	White pine	<i>Pinus strobus</i>	5	3	
49	White pine	<i>Pinus strobus</i>	13	3	
50	White pine	<i>Pinus strobus</i>	5	2	
51	White pine	<i>Pinus strobus</i>	9	3	
52	White pine	<i>Pinus strobus</i>	9	3	

EXHIBIT G

53	White pine	<i>Pinus strobus</i>	10	3	
55	White pine	<i>Pinus strobus</i>	14	2	
56	White pine	<i>Pinus strobus</i>	12	2	
57	White pine	<i>Pinus strobus</i>	8	3	
58	White pine	<i>Pinus strobus</i>	6	3	
59	White pine	<i>Pinus strobus</i>	9	3	
60	White pine	<i>Pinus strobus</i>	11	2	
61	Black locust	<i>Robinia Pseudoacacia</i>	5	3	
62	White pine	<i>Pinus strobus</i>	12	2	
63	White pine	<i>Pinus strobus</i>	9	3	
65	White pine	<i>Pinus strobus</i>	8	3	
66	White pine	<i>Pinus strobus</i>	6	3	
67	Black locust	<i>Robinia Pseudoacacia</i>	10	3	
68	Black locust	<i>Robinia Pseudoacacia</i>	11	3	
69	Black locust	<i>Robinia Pseudoacacia</i>	10	3	
70	Black locust	<i>Robinia Pseudoacacia</i>	14	3	
106	Black locust	<i>Robinia Pseudoacacia</i>	11	3	
109	White oak	<i>Quercus alba</i>	6	2	
115	Black locust	<i>Robinia Pseudoacacia</i>	7/9	3	codominant, fence growing in trunk
119	Ash	<i>Fraxinus sp.</i>	40	3	open grown
127	White pine	<i>Pinus strobus</i>	10	2	
138	Pear	<i>Pyrus sp.</i>	5	2	
139	Boxelder	<i>Acer negundo</i>	6	2	
186	White pine	<i>Pinus strobus</i>	15	2	
187	White pine	<i>Pinus strobus</i>	12	2	
188	White pine	<i>Pinus strobus</i>	7	2	
189	White pine	<i>Pinus strobus</i>	17	2	
190	White pine	<i>Pinus strobus</i>	11	3	
191	Redbud	<i>Cercis canadensis</i>	5/5/4/3	3	multi-stemmed
192	Mulberry	<i>Morus sp.</i>	4	3	

Total Number of Trees: 44

Number of Species Identified: 9

Total diameter Inches: 435

Species:	# of Trees	% of Total
White pine (<i>Pinus strobus</i>)	25	12.5
Black locust (<i>Robinia pseudoacacia</i>)	7	3.5
Hackberry (<i>Celtis occidentalis</i>)	2	1.0
Mulberry (<i>Morus sp.</i>)	5	2.5
Red oak (<i>Quercus rubra</i>)	0	0.0
Black cherry (<i>Prunus serotina</i>)	0	0.0
Boxelder (<i>Acer negundo</i>)	1	0.5
Pear (<i>Pyrus sp.</i>)	1	0.5

EXHIBIT G

Sweetgum (<i>Liquidambar styraciflua</i>)	0	0.0
Ash (<i>Fraxinus sp.</i>)	1	0.5
Northern white cedar (<i>Thuja occidentalis</i>)	0	0.0
Red maple (<i>Acer rubrum</i>)	0	0.0
Redbud (<i>Cercis canadensis</i>)	1	0.5
Silver maple (<i>Acer saccharinum</i>)	0	0.0
Tuliptree (<i>Liriodendron tulipifera</i>)	0	0.0
White oak (<i>Quercus alba</i>)	1	0.5

Trees in poor condition

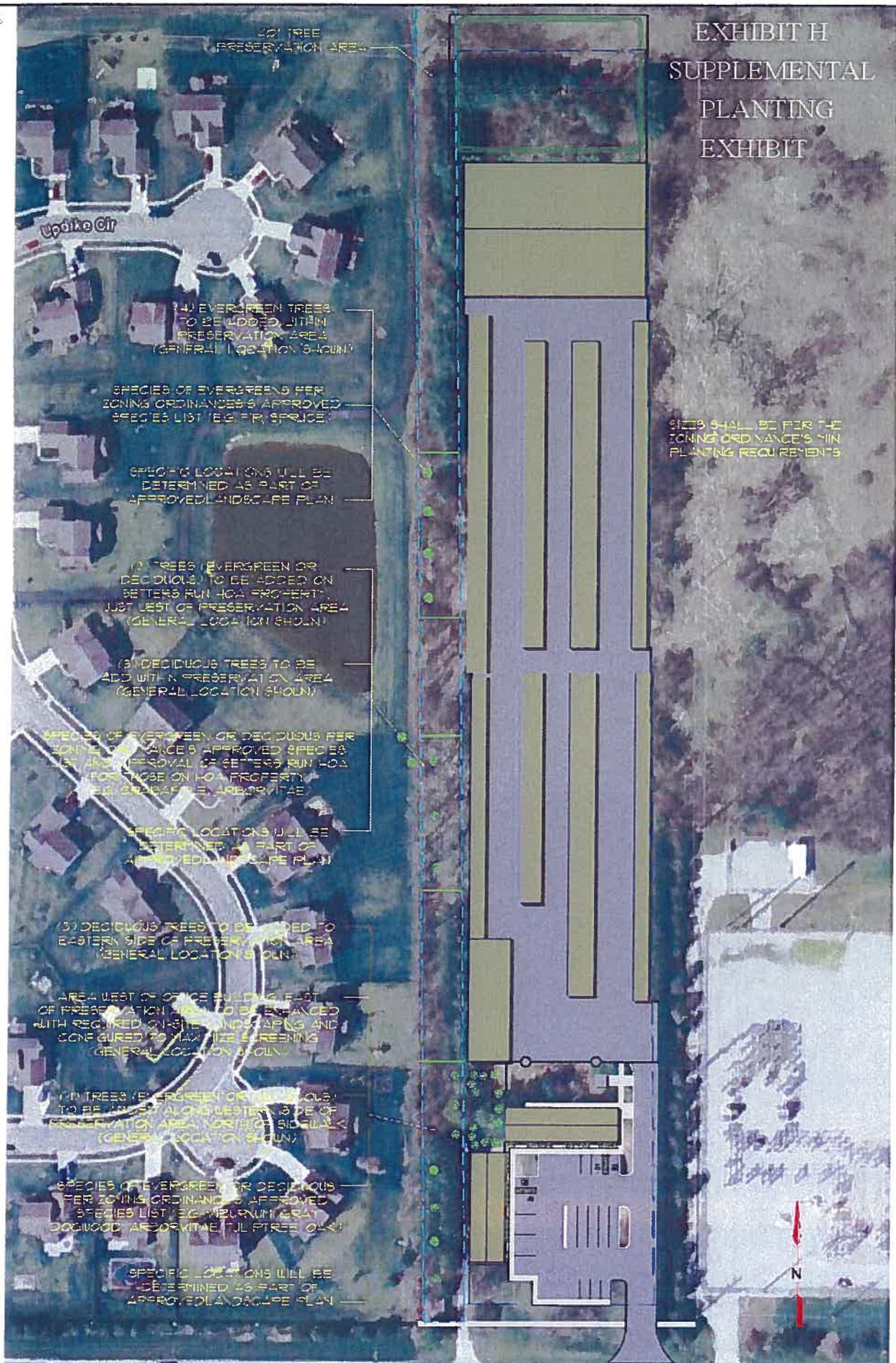
#	Species	Scientific Name	Size*	Cond.	Observations
1	White pine	<i>Pinus strobus</i>	7	4	tree topped; utility lines above
3	Hackberry	<i>Celtis occidentalis</i>	7	4	pushing against barn, fence growing in trunk
25	Mulberry	<i>Morus sp.</i>	5	4	
27	Northern white ce	<i>Thuja occidentalis</i>	17	4	cracked trunk
37	White pine	<i>Pinus strobus</i>	10	5	dead
40	White pine	<i>Pinus strobus</i>	14	5	dead
54	White pine	<i>Pinus strobus</i>	8	5	dead
71	Black locust	<i>Robinia Pseudoacacia</i>	7	4	
74	Black locust	<i>Robinia Pseudoacacia</i>	6	5	dead
75	Black locust	<i>Robinia Pseudoacacia</i>	12/7	4	codominant
76	Black locust	<i>Robinia Pseudoacacia</i>	24	4	
77	Black locust	<i>Robinia Pseudoacacia</i>	9	5	dead
79	Black locust	<i>Robinia Pseudoacacia</i>	8/8	4	codominant
92	White pine	<i>Pinus strobus</i>	5	5	dead
93	White pine	<i>Pinus strobus</i>	8	4	
94	White pine	<i>Pinus strobus</i>	8	5	dead
99	White pine	<i>Pinus strobus</i>	10	5	dead
102	White pine	<i>Pinus strobus</i>	9	5	dead
103	White pine	<i>Pinus strobus</i>	12	5	dead
104	White pine	<i>Pinus strobus</i>	12	5	dead
105	White pine	<i>Pinus strobus</i>	11	5	dead
113	Black locust	<i>Robinia Pseudoacacia</i>	5/10/6	4	multi-stemmed
114	Boxelder	<i>Acer negundo</i>	8	4	epicormic sprouts; dead leader
117	Black cherry	<i>Prunus serotina</i>	8	5	dead
118	Mulberry	<i>Morus sp.</i>	28	4	
179	White pine	<i>Pinus strobus</i>	4	5	dead
194	Mulberry	<i>Morus sp.</i>	9	5	trunk has been girdled with ax
195	Red oak	<i>Quercus rubra</i>	6	5	trunk has been girdled with ax
196	Mulberry	<i>Morus sp.</i>	3/3/3	5	multi-stemmed, dead
198	Mulberry	<i>Morus sp.</i>	6	4	
200	Pear	<i>Pyrus sp.</i>	5	5	trunk has been girdled with ax
201	Mulberry	<i>Morus sp.</i>	4	5	trunk has been girdled with ax

EXHIBIT G

Total Number of Trees: 32
Number of Species Identified: 9
Total diameter Inches: 332

Species:	# of Trees	% of Total
White pine (<i>Pinus strobus</i>)	13	6.5
Black locust (<i>Robinia pseudoacacia</i>)	7	3.5
Hackberry (<i>Celtis occidentalis</i>)	1	0.5
Mulberry (<i>Morus sp.</i>)	6	3.0
Red oak (<i>Quercus rubra</i>)	1	0.5
Black cherry (<i>Prunus serotina</i>)	1	0.5
Boxelder (<i>Acer negundo</i>)	1	0.5
Pear (<i>Pyrus sp.</i>)	1	0.5
Sweetgum (<i>Liquidambar styraciflua</i>)	0	0.0
Ash (<i>Fraxinus sp.</i>)	0	0.0
Northern white cedar (<i>Thuja occidentalis</i>)	1	0.5
Red maple (<i>Acer rubrum</i>)	0	0.0
Redbud (<i>Cercis canadensis</i>)	0	0.0
Silver maple (<i>Acer saccharinum</i>)	0	0.0
Tuliptree (<i>Liriodendron tulipifera</i>)	0	0.0
White oak (<i>Quercus alba</i>)	0	0.0

EXHIBIT H
SUPPLEMENTAL
PLANTING
EXHIBIT



20' TREE PRESERVATION AREA

Uptake Cir

(4) EVERGREEN TREES TO BE ADDED WITHIN PRESERVATION AREA (GENERAL LOCATION SHOWN)

SPECIES OF EVERGREENS PER ZONING ORDINANCE'S APPROVED SPECIES LIST (E.G. FIR, SPRUCE)

SPECIFIC LOCATIONS WILL BE DETERMINED AS PART OF APPROVED LANDSCAPE PLAN

(2) TREES (EVERGREEN OR DECIDUOUS) TO BE ADDED ON BETTERS RUN HOA PROPERTY, JUST WEST OF PRESERVATION AREA (GENERAL LOCATION SHOWN)

(3) DECIDUOUS TREES TO BE ADDED WITHIN PRESERVATION AREA (GENERAL LOCATION SHOWN)

SPECIES OF EVERGREEN OR DECIDUOUS PER ZONING ORDINANCE'S APPROVED SPECIES LIST AND APPROVAL OF BETTERS RUN HOA (FOR THOSE ON HOA PROPERTY, SEE ORDINANCE ARBORICULTURE)

SPECIFIC LOCATIONS WILL BE DETERMINED AS PART OF APPROVED LANDSCAPE PLAN

(5) DECIDUOUS TREES TO BE ADDED TO EASTERN SIDE OF PRESERVATION AREA (GENERAL LOCATION SHOWN)

AREA WEST OF OFFICE BUILDING EAST OF PRESERVATION AREA TO BE ENHANCED WITH REQUIRED ON-SITE LANDSCAPING AND CONFIGURED TO MAXIMIZE SCREENING (GENERAL LOCATION SHOWN)

(1) TREES (EVERGREEN OR DECIDUOUS) TO BE ADDED ALONG WESTERN SIDE OF PRESERVATION AREA, NORTH OF BICYCLE (GENERAL LOCATION SHOWN)

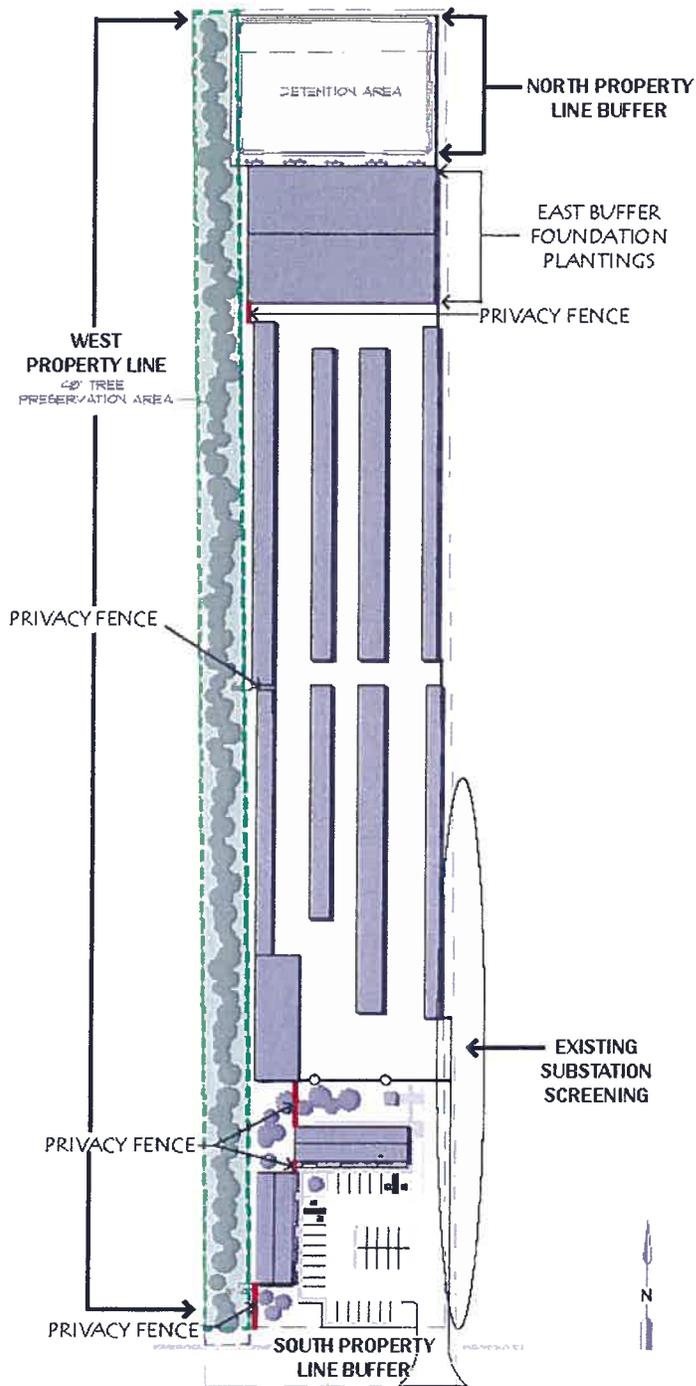
SPECIES OF EVERGREEN OR DECIDUOUS PER ZONING ORDINANCE'S APPROVED SPECIES LIST (E.G. NYLONUM GRAY DOGWOOD, ARBORVITAE, JULI TREE, OAK)

SPECIFIC LOCATIONS WILL BE DETERMINED AS PART OF APPROVED LANDSCAPE PLAN

SIZES SHALL BE PER THE ZONING ORDINANCE'S MIN PLANTING REQUIREMENTS



EXHIBIT I BUFFER YARD ILLUSTRATION



NORTH PROPERTY LINE

(abutting Bridgewater multi-family area)

- Minimum 60'-wide buffer
- Detention area
- 1 Norway spruce and 1 evergreen shrub per 15'
- Plus foundation plantings along north facade of building of 1 Norway Spruce per 18'
- Plantings will be located in two staggered rows along the north foundation of the northern most building's brick wall

SOUTH PROPERTY LINE

(abutting 146th Street)

- Tree plantings along street frontage per City's Zoning Ordinance (1 shade tree per 40')
- Installation of multi-use path

EAST PROPERTY LINE

(abutting Duke Energy substation)

- 1 evergreen tree per 30' of building is required along the east foundation of the northern most building
- No additional buffer required abutting the Duke Energy substation property. A substantial buffer (as shown below) currently exists on the substation property.

WEST PROPERTY LINE

(abutting Setters Run subdivision)

- 40'-wide preservation buffer extending from 146th Street to north property line
- Consisting of existing trees
- Supplemental plantings provided to fill any significant breaks within the preservation buffer (see Exhibit H)
- 8' tall vinyl or composite fence (no wood) required in gaps between the buildings and extending from the office building towards 146th Street

existing substation screening



example fence (white prohibited)

