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Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NUMBER 14-46

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

This is a Planned Unit Development District Ordinance to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 *et seq.*, as amended.

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

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1209-PUD-11), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map;

WHEREAS, the Commission forwarded Docket 1209-PUD-11 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a 9-0 recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on October 6, 2014; and,

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

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 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") and shall hereafter be referred to as the "Spring Mill Station SEC PUD".

1.2 Development of the Real Estate shall be governed by the provisions of the Zoning Ordinance unless specifically modified by the terms of this Ordinance. 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provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

1.3 The underlying zoning district shall be the **LB – Local and Neighborhood Business District** (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District shall apply.

1.4 Section (*"WC §"*) cross-references of this Ordinance shall hereafter refer to the Section as specified and referenced in the Zoning Ordinance.

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

2.1 Concept Plan: The plan attached hereto and incorporated herein by reference as **Exhibit B**. Exhibit B is a general plan for the development of the Real Estate.

2.2 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**.

Section 3. **Permitted Uses.**

3.1 All uses permitted in the Underlying Zoning District shall be permitted; in addition, a Health, Fitness, and Exercise Center shall also be permitted.

3.2 Prohibited Uses. The following uses shall specifically be prohibited (these uses would otherwise be permitted by the Underlying Zoning District): amphitheater, car wash, public commercial parking lots and structures, gasoline service station, post offices, radio and TV service, semi-automatic car wash, boarding and lodging houses, fraternities, lodges, private clubs, Trade Schools (Family Schools shall be permitted), retail sales of firearms or ammunition related to firearms use, payday loan or cash loan establishments, used precious metal stores, charitable or thrift retail establishments, pick-up centers for non-profit entities (i.e. Goodwill or Salvation Army), laundromats, self dry-cleaning, grocery stores in excess of 25,000 square feet, or pawn shops.

3.3 Service Hours. Trash removal, compaction, service vehicles, deliveries, etc. (with the exception of snow removal and vehicles related to emergency situations) shall not be permitted between the hours of 11:00 p.m. and 5:00 a.m.

3.4 Hours of Operation. Any permitted restaurant, tavern/bar, or retail use (excluding drug store) on the Real Estate are prohibited from operating from the hours of 1:00 – 5:00am.

Section 4. **Development Standards.**

4.1 General Regulations. While the regulations of *WC § 16.04.050 Business Districts* applicable to the Underlying Zoning District shall apply except as modified herein below, the Real Estate shall be developed in substantial compliance with the Site Design & Architecture recommendations of the Spring Mill Station Plan. The

owner of the Real Estate commits to construct or install the amenities generally depicted on the Concept Plan attached hereto as **Exhibit B**. Said amenity improvements, and other amenities required as a part of the initial development on the Real Estate, shall be completed and/or installed on or before that date being two (2) years subsequent to the issuance of a Certificate of Occupancy for the building proposed for the northwest corner of the property. Notwithstanding the foregoing, amenity improvements associated with perimeter walkways along Spring Mill and 161st Street as identified on the Conceptual Site Plan associated herewith shall be completed on or before issuance of the aforementioned Certificate of Occupancy. Additionally, the said owner of the subject site asserts the general support for the connectivity recommended and espoused in the Spring Mill Station Plan with respect to future commercial development to the east and south. These amenities shall substantially comply with the amenities depicted on Character **Exhibit D** attached hereto.

The owner of the Real Estate agrees to collaborate with those associated with future commercial development to the east and/or south of the Real Estate to effectuate connectivity as recommended in the Spring Mill Station Plan referenced in the Westfield-Washington Township Comprehensive.

At such time as said future commercial development occurs, such development shall be able to access the internal drive system developed within this Real Estate and the Spring Mill Station SEC PUD. At the time of detailed plan approval / primary platting of the Spring Mill Station SEC PUD real estate, an access easement shall be provided over: (i) the main internal drive system of the Spring Mill Station SEC PUD; and (ii) at two (2) locations from the main internal drive system to the property line of the Real Estate to provide access to said future commercial development to the east and/or south , with one access easement oriented to the east and one access easement oriented to the south. At the time of construction of said future commercial developments, the owner / developer of such future commercial development shall be responsible for all costs associated with the design, approval and construction of such drives from the main internal drive system to the property line. Further, the owner / developer of the adjoining parcels shall be required to enter into a cross-easement agreement with the owner of the Real Estate said agreement including, in addition to cross-easement rights, a provision related to maintenance and the pro rata sharing of the maintenance expenses of the Spring Mill Station SEC PUD internal drive system. The owner of the Real Estate agrees to negotiate all terms associated with said cross-easement agreement in a good faith and that the terms and provisions thereof shall be commercially reasonable manner. However, notwithstanding the foregoing, no access fee, or other fee or assessment of a similar nature, shall be charged or assessed by the owner of the Real Estate solely for the right of the owner / developer of an adjoining parcel to connect to the Real Estate.

The Owner of the Real Estate shall dedicate to the City of Westfield at no cost the portions of the Real Estate for additional right of way along 161st Street and Spring Mill as illustrated on the site plan, provided that any impact fees assessed

with respect to and because of development of the Real Estate shall be offset by the reasonable value of the portions of the Real Estate dedicated as additional right of way. Notwithstanding the foregoing, the impact fee schedule applicable to original or initial commercial development upon the Real Estate shall be the schedule for calendar year 2014, and the maximum amount of the aforedescribed offset or credit shall be One Hundred Fifty Thousand Dollars ($150,000.00).

A. Use of Required Yards. Required front, side and rear yards may include driveways and parking areas, as depicted on the Concept Plan, provided that (i) no portion of the parking area may be located closer than four (4) feet to any right-of-way line or the Real Estate's perimeter property line; and (ii) the remainder of said required yard shall be maintained as green space free from buildings or structures.

B. Maximum Building Height. The maximum height of any building or structure shall be forty-five (45) feet above grade.

C. Pedestrian Accessibility. The following shall be required in order to encourage pedestrian connectivity with surrounding developments and enhance pedestrian connectivity internal to the Real Estate:

(i) In accordance with *WC § 16.04.050(D)(15(a), WC § 16.04.240(G)*, and the City's Thoroughfare Plan, an eight (8) foot wide path shall be provided along the Real Estate's 161st Street and Spring Mill Road frontages.

(ii) Continuous pedestrian walkways, a minimum of five (5) feet wide, shall be provided from the 161st Street and Spring Mill Road paths to the primary customer entrances of all structures on the Real Estate. These pedestrian paths along 161st Street and Spring Mill Road shall have a railroad track print pressed onto the hard surface thereof on a regular intervals basis.

(iii) All walkways internal to the Real Estate that cross vehicular ways (e.g., drive lanes, parking lots) shall be delineated and distinguished from driving surfaces through the use of durable, low maintenance surface materials such as integrated concrete pavers, scored or textured concrete, or brick. Notwithstanding the foregoing, there shall be at least four (4) raised speed table crosswalks, as depicted on the Concept Plan attached hereto as Exhibit B, designed to calm traffic and highlight pedestrian crossing areas. Unless otherwise approved by the Commission, said speed tables shall be situated as depicted on the attached Concept Plan, and also generally adjacent to the commercial building located along Spring Mill and south of the corner building.

(iv) Sidewalks, no less than six (6) feet wide, shall be provided along the full length of a building façade featuring a customer entrance, and along any façade abutting a public parking area.

(v) A pedestrian walkway shall be provided from the 161st Street and Spring Mill Road paths to the caboose / gathering space. Such walkway shall be at least eight feet (8') in width and may encroach into the south and/or east property line buffer yards described in Sections 4.3, B., and C., below.

(vi) Bike parking shall be provided for each building. The bike parking shall be functional and architecturally consistent with the bike parking facilities located at the time of enactment of this ordinance on the Kroger development on the northeast corner of 161st Street and Spring Mill. The details of said bike parking shall be subject to approval of the Commission at the time of Final Plan Approval of each building on the Real Estate. Additionally, bike parking, common area benches, and similar amenities shall be generally uniform throughout the Real Estate to provide a cohesive and consistent theme. These amenities shall substantially comply with the amenities depicted on Character **Exhibit E** attached hereto. The common area benches within the interior of the Real Estate shall be consistent with the common area benches located at the time of enactment of this ordinance on the Kroger development on the northeast corner of 161st Street and Spring Mill.

D. Trash Enclosures. Trash containers shall: (i) be screened on all sides with enclosures constructed of masonry material that substantially matches and/or complements the building located on the northeast corner of the Real Estate (as depicted on the illustrative character exhibits attached hereto as Exhibit C), not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line; and, (iii) not be located in any required yard. Additionally, dumpster enclosures shall not be oriented towards residential properties or rights-of-way where reasonably possible.

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*) and the design shall substantially adhere and be guided by the Transitions and Buffering recommendations of the Spring Mill Station Plan. A final landscaping plan containing details concerning buffer area materials and treatment, tree retention and removal, landscaping elements proposed, specific location of perimeter walkways and ponds, etc., shall accompany Final Plan Approval related to the first building proposed for the Real Estate (likely the building at the northeast corner of the Real Estate) and the overall Site Development Plan. Notwithstanding the foregoing however, the Real Estate's minimum buffer yards shall be as follows:

A. 161st Street and Spring Mill Road. The Real Estate's north and west property line buffer shall comply with the street frontage landscaping requirements of the Zoning Ordinance *(WC § 16.06.050)* and require no buffer yard. Notwithstanding the foregoing, a variable combination of masonry, fencing and landscaping with the intent of providing diversified continuous screening of parking areas shall be installed along the frontage of 161st Street and Spring Mill Road, in substantial compliance with the landscaping depicted on Character **Exhibit F** attached hereto

B. East Property Line. The Real Estate's east property line shall consist of a minimum ten (10) foot wide buffer yard. The buffer yard plantings shall consist of those required pursuant to the Zoning Ordinance *(WC § 16.06.060)*.

C. South Property Line. The Real Estate's south property line shall consist of a minimum ten (10) foot wide buffer yard. The buffer yard plantings shall consist of those required pursuant to the Zoning Ordinance *(WC § 16.06.060)*. Existing vegetation within the buffer yard shall be preserved where possible and credited towards required buffer yard plantings pursuant to the Zoning Ordinance *(WC § 16.06.020)*. Notwithstanding the foregoing, these amenities shall substantially comply with the amenities depicted on Character **Exhibit F** attached hereto.

D. Perimeter parking lot landscaping may occupy the same space as required buffer yard areas; provided, however, that in such instances, the required number of plantings for both perimeter parking lot and buffer yard areas shall be provided.

4.4 Sign Standards. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.08*). Additionally, signage shall be generally uniform throughout the Real Estate to provide a cohesive and consistent theme. The following additional restrictions shall apply:

A. All signs shall be either (i) reverse channel letter, in accordance with *WC § 16.08.010(E)(13)*; or (ii) externally lit with gooseneck light fixtures.

B. Ground identification signs shall be architecturally compatible with the architecture of the Real Estate's buildings.

4.5 Lighting. Shall be provided in accordance with the provisions of the Zoning Ordinance (*WC § 16.07.010*) and substantially adhere to and be guided by the recommendations of the Spring Mill Station Plan. Additionally, lighting shall be generally uniform throughout the Real Estate to provide a cohesive and consistent theme. The following additional restrictions shall apply:

A. Uniformity. All lighting fixtures and poles shall be consistent in style, color, size, height and design and shall be compatible with the architecture of the overall Spring Mill Station Plan.

B. Decorative Fixtures. Decorative light fixtures shall be provided along the Real Estate's entrance drives, public rights-of-way, building and pedestrian walkways as part of the site's overall architectural design.

C. Full Cut-Off Fixtures. With the exception of low intensity architectural lighting and internally-illuminated signage, all exterior wall mounted lights and pole mounted lights shall utilize full cut-off fixtures that direct light downward.

D. Light Levels. No wall or pole mounted lights shall cause light levels along the south property line to exceed 0.1 foot candles. Additionally, the parking lot lights at the Real Estate that directly face and impact residential areas south shall be dimmed after 11:00pm to a level no greater than 65% of the maximum lighting levels.

E. Light Poles. In order to enhance the Real Estate's pedestrian-scale design emphasis, pole mounted lights shall not exceed twenty (20) feet in height, including the base.

F. Neon Lights. Neon lighting shall not be permitted

Section 5. **Architectural and Design Standards.** The regulations of *WC § 16.04.165 Development Plan Review* applicable to the Underlying Zoning District shall apply except for those sections modified and/or enhanced below by this Ordinance.

5.1 Drive-Thru Regulations. Drive-thru facilities shall only be permitted as follows and for the following uses:

A. a Drug Store associated with the structure labeled on the Concept Plan attached as **Exhibit B** as a "Proposed CVS Pharmacy" and as generally depicted on said the Concept Plan; or

B. a Bank associated with future structures on the Real Estate other than the structure labeled on said Concept Plan as a "Proposed CVS Pharmacy" provided

that if Bank drive-thru facilities are proposed, there shall be no more than one (1) drive through banking facility and one (1) drive-thru or walk-up ATM facility. Additionally, any drive-thru facility associated with a Bank use proposed for the Real Estate shall necessitate the filing of an amendment to this Ordinance including an amended site or concept plan and the specific location and specifications of the proposed Bank and its drive-thru.

Notwithstanding the foregoing, a building at the Real Estate may have a patient or customer pickup area as depicted generally on the Concept Plan attached hereto as **Exhibit B**.

5.2 Illustrative Conceptual Rendering Exhibit. The Illustrative Conceptual Rendering Exhibit under Tab 4 is hereby incorporated to demonstrate the character of the corner building, and the final design of the corner building shall substantially comply with the building and façade treatment depicted on the Illustrative Conceptual Rendering Exhibit as reasonably determined by the Director or Staff. Development of additional buildings on the Real Estate shall be guided by the Railroad Theme Architecture recommendations of the Spring Mill Station Plan. Additional building embellishments may be proposed by the developer which may include windows, faux windows, murals or other decorative design features as presented to and approved by the Plan Commission during the detailed plan approval process, provided they are thematically consistent with the Character Exhibit included as **Exhibit C** and as reasonably determined by the Director.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 13 DAY OF October, 2014.

WESTFIELD COMMON COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Chuck Lehman	Chuck Lehman	Chuck Lehman
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

WESTFIELD CORPORATION SEAL WESTFIELD INDIANA

"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."

Signed

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: Eugene Valanzano.

This Instrument prepared by: J. Murray Clark, Esq., Attorney at Law, and Eugene Valanzano, Sr. Land Use Consultant, Faegre Baker Daniels, LLP. 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240.

I hereby certify **ORDINANCE** 14 - 46 was delivered to the Mayor of Westfield on the 14 day of October, 2014.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 14 - 46 this 14 day of Oct., 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 14 - 46 this _____ day of _____, 2014.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A
REAL ESTATE

That portion of the Southwest Quarter of Section 11, Township 18 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, described as follows:

Considering the east line of said Southwest Quarter as South 00 degrees 24 minutes 21 seconds West (assumed bearing) and all bearing contained within being relative thereto.

Commencing at a mag nail with "BANNING ENG FIRM #0060" tag set (herein referred to as "mag nail") marking the northwest corner of said Quarter Section; thence South 00 degrees 24 minutes 21 seconds West along the west line thereof 241.12 feet to the POINT OF BEGINNING, said point being the southwest corner of the land of the Board of Commissioners of Hamilton County as described in Instrument Number 9418999 in the Office of the Recorder of said county; thence continue South 00 degrees 24 minutes 21 seconds West along said west line 450.00 feet; thence North 89 degrees 11 minutes 54 seconds East parallel with the north line of said Southwest Quarter 325.00 feet; thence North 00 degrees 24 minutes 21 seconds East parallel with said west line 150.00 feet; thence North 89 degrees 11 minutes 54 seconds East parallel with said north line 263.65 feet; thence North 00 degrees 08 minutes 33 seconds East 501.07 feet to the southeast corner of the land of the Board of Commissioners of Hamilton County as described in Instrument Number 9419001 in said county records; thence along the south line thereof and the south line of said Board per Instrument Numbers 9419000 and 9418999 in said county records, being parallel with said north line of the Quarter Section South 89 degrees 11 minutes 54 seconds West 506.34 feet (the remaining courses are along the south and east lines of said land of the Board per Instrument Number 9418999); thence South 44 degrees 48 minutes 18 seconds West 50.01 feet; thence South 00 degrees 24 minutes 21 seconds West parallel with said west line 166.12 feet; thence South 89 degrees 11 minutes 54 seconds West parallel with said north line 45.00 feet to the POINT OF BEGINNING, containing 7.654 acres, more or less.

EXHIBIT B
CONCEPT PLAN

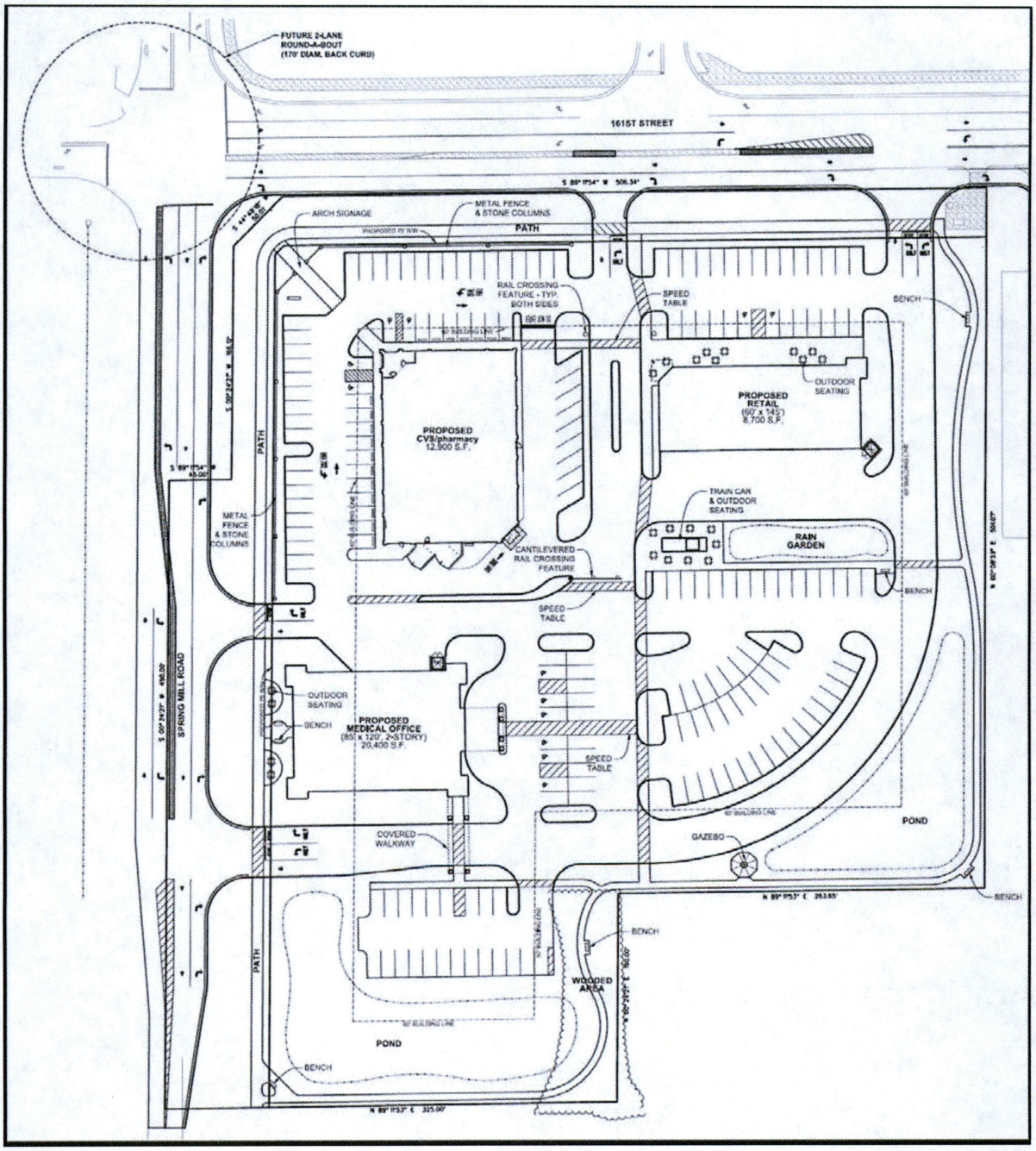


EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBITS

SPRING MILL STREET - WEST ELEVATION

EAST ELEVATION

161TH STREET - NORTH ELEVATION

SOUTH ELEVATION

EXHIBIT D

SPRING MILL STATION SEC PUD: Site Development Amenities

1. Gazebo on perimeter path
2. Rail car feature (adjacent to rain garden)
3. Rail crossing/cantilever signal element
4. Main corner entrance arch element (CVS)
5. Center drive entrance elements (off 161st)
6. Center drive landscaped median
7. Perimeter path with benches
8. Interior walkways and cross walks (4 as speed tables)
9. Multi use paths along 161st & Spring Mill
10. Variable (mixed) wall & landscape screening to shield the parking lots along 161st & Spring Mill (not including the medical building or areas south)
11. Bike parking adjacent to buildings (locations TBD)

GAZEBO EXAMPLES

RAIL CAR FEATURE EXAMPLES

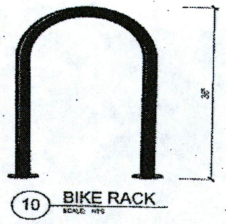
RAIL CROSSING & CANTILEVER EXAMPLE

CENTER DRIVE 161st ENTRANCE EXAMPLE (PILLARS)

CENTER DRIVE LANDSCAPE MEDIAN EXAMPLES

INTERIOR CROSS WALK EXAMPLES

BIKE RACK & LIGHT POLE EXAMPLE



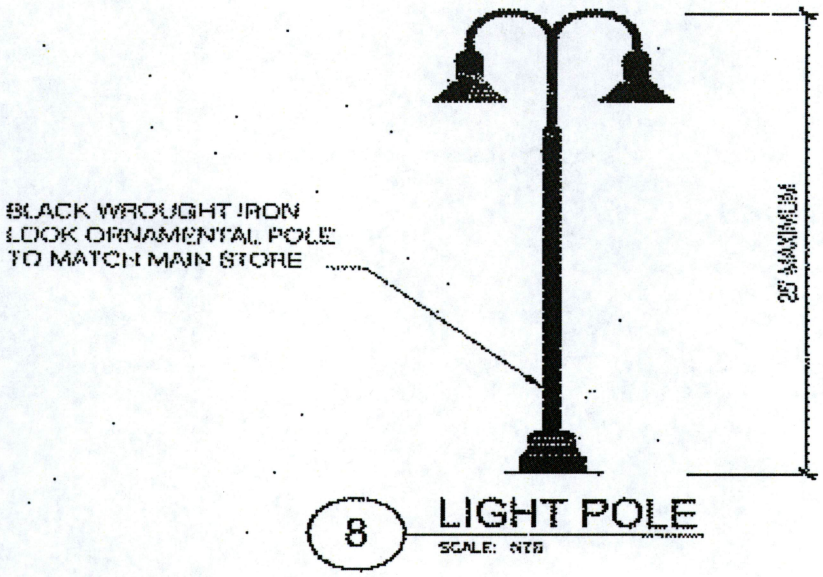


EXHIBIT E
BIKE PARKING AMENITY

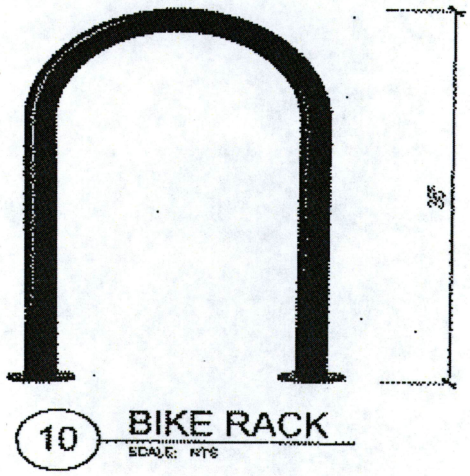
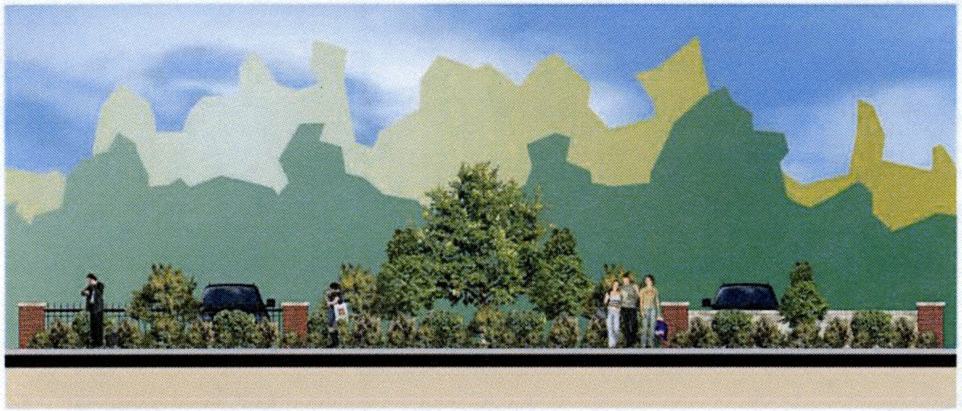


EXHIBIT F



BUFFER WALL PARTIAL ELEVATION

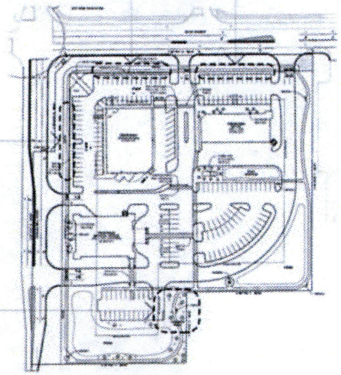
LANDSCAPING AS SHOWN IS CONCEPTUAL.
ALL PLANTS TO BE VERIFIED AND DESIGNED.

0' 5' 10' 20'

SEE BUFFER WALL PARTIAL ELEVATION

SEE BUFFER WALL PARTIAL ELEVATION

SEE POND AREA PARTIAL ELEVATION



ARCHITECTURAL SITE KEY PLAN

NO SCALE

POND AREA PARTIAL ELEVATION

LANDSCAPING AS SHOWN IS CONCEPTUAL AS A BLEND OF EXISTING AND NEW. ALL PLANTS TO BE VERIFIED AND DESIGNED.

PROPOSED DEVELOPMENT
SPRINGMILL CORNER
161st & SPRINGMILL ROAD
WESTFIELD, INDIANA
SEPTEMBER 22, 2014

Peacock Companies
COMMERCIAL REAL ESTATE SERVICES
836 E. 64th Street
Indianapolis, Indiana 46220
Ph. (317) 253-3447 Fx. (317) 205-0507

Lamson & Condon
ARCHITECTURE
INTERIOR DESIGN