



## *Westfield City Council Report*

<b>Ordinance Number:</b>	15-24
<b>APC Petition Number:</b>	1508-PUD-15
<b>Petitioner:</b>	Paula Gartner, EMH&T on behalf of Kroger Limited Partnership
<b>Requested Action:</b>	An amendment to add an additional 0.529 acres+/- to the Spring Mill Station NE Quadrant PUD. The amendment includes adding Curbside Pickup as a permitted use, adding associated development standards, and modifying the sign standards.
<b>Current Zoning:</b>	Spring Mill Station NE Quadrant PUD and SF2
<b>Exhibits:</b>	1. Staff Report 2. Spring Mill Station NE Quadrant PUD Ordinance, Ord. 15-24
<b>Prepared By:</b>	Pam Howard, Associate Planner

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### **PETITION HISTORY**

This petition was introduced at the July 2, 2015, City Council meeting. The petition received a public hearing at the August 3, 2015 and September 8, 2015 Advisory Plan Commission (the "APC") meetings. The APC forwarded this petition with a favorable recommendation (Vote: 8-0) at its September 8, 2015, meeting. This petition is eligible for adoption consideration at the September 14, 2015, Council meeting.

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### **PROCEDURAL**

**Public Hearing:** Changes in zoning are required to be considered at a public hearing by the APC. Public hearings for this petition were held at the August 3, 2015 and September 8, 2015 meeting. Notice of the public hearings were provided in accordance with Indiana law and the APC's Rules of Procedure.

**Statutory Considerations:**

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.

5. Responsible growth and development.

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**PROJECT OVERVIEW**

**Project Location:** The Petitioner is requesting an amendment to the Spring Mill Station NE Quadrant PUD (the “PUD Ordinance”), which is located at the northeast corner of 161<sup>st</sup> Street and Springmill Road (see **Exhibit 2**).

**Amendment Request:** The Petitioner is requesting an amendment to incorporate additional land, as well as modify the permitted uses, development standards, and sign standards, as further described below.

1. **Changes to the Real Estate:** The proposed amendment incorporates an additional 0.529 acres+/- directly north of the current store into the PUD District as “Area A.4” (the “Property”) (see **Exhibit 2**).
2. **Definitions:** The proposed amendment defines “Curb Side Pickup Station” as “Dedicated parking spaces with covering canopy, appurtenances and wayfinding/identification signage where merchandise is picked up.” The proposed amendments also defines “Anchor Store” as “The existing Kroger building located in Area A.1, as generally depicted in Exhibit B.1 of the PUD Ordinance.
3. **Permitted Uses:** The proposed amendment permits a Curb Side Pickup Station on Area A.4 the Property. Additionally, the proposed amendment allows the curb side delivery service to be provided using existing parking spaces in Area A.1 until construction of the Canopy is completed, also requiring that the use be discontinued in Area A.1 by January 2, 2016 unless otherwise approved by the Director.
4. **Setbacks:** The existing PUD Ordinance requires side and rear setbacks of sixty (60) feet when abutting a residential district. The amendment proposes a setback of forty (40) feet along the north property line. Additionally, the amendment proposes the separation between the Curb Side Pickup Station and existing grocery store be at least thirty (30) feet.
5. **Parking:** The PUD Ordinance defaults to the Zoning Ordinance (UDO). The proposed amendment eliminates the requirement for stacking spaces and a by-pass lane for a Curb Side Pickup Station.
6. **Landscaping and Screening:** The PUD Ordinance defaults to the Zoning Ordinance (UDO). The proposed amendment incorporates a landscaping exhibit for the Property specific to the Curb Side Pickup Station use, and requires that the landscaping be in substantial compliance with the exhibit. As a result, the UDO standards would not apply to this area of the PUD.
7. **Sign Standards:** The PUD Ordinance defaults to the Zoning Ordinance (UDO). The proposed amendment allows one hundred (100) square feet of signage for the Curb Side Pickup Station, and five hundred (500) square feet of signage for the Anchor Store. Additionally, the proposed amendment requires that all signs be either reverse channel letter or externally lit with gooseneck light fixtures. The proposed amendment also requires that ground identification signs be architecturally compatible with the building architecture, and incorporates exhibits portraying the signage to be used in the development. The signage portrayed for the Anchor Store does not comply with the lighting requirements listed above. The proposed amendment allow them to install the nonconforming signs, but requires them to be removed by January 2, 2016, or when conforming signs area installed, whichever occurs first.
8. **Architectural and Streetscape Design Standards:** The proposed amendment incorporates Character Exhibits for the Curb Side Pickup Station to establish the applicable architectural character. As a result, the UDO’s architectural standards would not apply to this area of the PUD.

Comprehensive Plan: The area surrounding the intersection of 161<sup>st</sup> Street and Spring Mill Road was included in the Spring Mill Station Addendum (the “Addendum”) to the Comprehensive Plan. The area is envisioned to develop as a “neighborhood hub” with a mix of uses that will generate both auto and pedestrian trips from a close proximity. The northeast corner, where this parcel is located, was used commercially before the Addendum was created. It was included in the Addendum to ensure that any future development of the site be cohesive with the vision of the Addendum.

The petitioner has worked with the Spring Mill Station Task Group to ensure that the proposed development meets the vision of the Addendum. This vision includes the style of architecture, layout of the site, buffering, and connectivity to surrounding developments.

**MODIFICATIONS SINCE THE FIRST PUBLIC HEARING**

Since the first public hearing, changes have been proposed that require the petition to be heard again. Those changes and their reasoning are outlined in the table below.

Change	Reason
Allowing for increased sign area for Anchor Store to 500sf	Kroger is consider an outlot per the UDO, sign area determined by street frontage (204’ on 161 <sup>st</sup> )
Allow the currently pending sign permits to be approved, requiring the noncompliant signs to be replaced by January 2, 2016	Signs already constructed, new signs will take ~90 days once ordered. Grand Opening is in Sept.
Temporarily allow the Curbside Pickup use in the existing Grocery Store parking lot, until the Canopy is constructed, but no later than 180 days after the adoption of the ordinance, unless otherwise approved by the Director.	Would like to begin offering the service at the grand opening

Additionally, some changes were requested by the APC at the first public hearing. In response to those requests, the petitioner has modified the sign standards to require that all signs be either reverse channel letter or externally lit with gooseneck light fixtures. Sign exhibits have also been incorporated into the ordinance. Additionally, the petitioner will install directional striping to the area between the pickup canopy and building to discourage vehicles from entering the Curb Side Pickup Station from the west (front of the building) instead of from the east (rear of the building).

## **RECOMMENDATIONS / ACTIONS**

### **APC Recommendation**

At its September 8, 2015, meeting, the APC forwarded a favorable recommendation of this petition to the Council (Vote of: 8 in favor, 0 opposed) with the following condition:

1. That the following language be added to the end of Section 7, F of the PUD Ordinance:  
“Extensions may be granted by the Director, as deemed necessary or desirable.”

### **City Council**

Introduction: July 2, 2015

Eligible for Adoption: September 14, 2015

Submitted by: Pam Howard, Associate Planner  
Economic and Community Development Department

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY  
PLAN COMMISSION CERTIFICATION**

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The Westfield-Washington Township Advisory Plan Commission held public hearings on Monday, August 3, 2015 and Tuesday, September 8, 2015 to consider an amendment to the Zoning Map and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearings were advertised and noticed in accordance with Indiana law and the Advisory Plan Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The petition is as follows:

Docket No.	1508-PUD-15
Ordinance No.	15-24
Petitioner	Kroger Limited Partnership
Description	Petitioner requests an amendment to allow a curb-side pick-up use, to establish development standards for the curb-side pick-up use, to establish sign standards for the PUD District, and to incorporate an additional 0.589 acre +/- into the Spring Mill Station Northeast Quadrant PUD District.

On September 8, 2015, a motion was made and passed to send a favorable recommendation to the City Council regarding this petition (Vote: 8 in favor, 0 opposed) with the following condition:

1. That the following language be added to the end of Section 7, F of the PUD Ordinance:

"Extensions may be granted by the Director, as deemed necessary or desirable."

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

  
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Matthew S. Skelton, Secretary

September 9, 2015  
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Date