ORDINANCE NUMBER 15-##

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "**CULVER'S SUN PARK PUD DISTRICT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development 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 Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 15##-PUD-##**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 15##-PUD-##** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ 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 _____, 2015;

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; and

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

Section 1. **Applicability of Ordinance.**

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the " **CULVER'S SUN PARK PUD District**" (the "District").

1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

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

2.1 Underlying Zoning District: The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

Section 3. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the GB: General Business District. The US Highway 31 Overlay District (Article 5.2) shall not apply to the Real Estate. The State Highway 32 Overlay District (Article 5.3) shall apply to the development of the Real Estate, except as otherwise modified herein.

Section 5. **Permitted Uses.** All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13, shall be permitted.

Section 6. **General Regulations.** The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified herein or superseded by the State Highway 32 Overlay District.

Section 7. **State Highway 32 Overlay District.** The standards of Article 5.3: State Highway 32 Overlay District (the "SR32 Overlay District") shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Article 5.3(J) Building Size Requirements: Shall apply; however, a minimum seven hundred (700) square foot outdoor seating area, as depicted in the Concept Plan, shall be credited toward this requirement.

7.2 Article 5.3(K) Architectural Design Requirements: Shall apply. In addition, the following shall apply:

A. Character Exhibit. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision.

Section 8. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District, except as otherwise modified below.

8.1 Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified below:

A. Landscape Plan: The Landscaping Plan, attached hereto as **Exhibit D**, is hereby incorporated as the intended planting plan for the Real Estate.

B. Article 6.8(O)(1) Interior Parking Area Landscaping: Shall apply; however, the minimum Interior Parking Area Landscaping for the Real Estate shall be nine hundred (900) square feet, which shall be landscaped with a minimum aggregate of five (5) trees and twenty (20) shrubs.

C. Article 6.8(O)((2) Perimeter Parking Area Landscaping: Shall apply; however, the perimeter parking lot landscaping required along the north property line shall not be required until the Tournament Trail extension is constructed. At that time, the Property Owner shall install perimeter parking area landscaping in coordination with the City.

Section 9. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see *Chapter 7: Subdivision Regulations*), unless otherwise approved by the Plan

Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 10. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF _____, 2015.

WESTFIELD CITY COUNCIL

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
_____	_____	_____
Charles Lehman	Charles Lehman	Charles 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 Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 15-##** was delivered to the Mayor of Westfield

on the _____ day of _____, 2015, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-##**

this _____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-##**

this _____ day of _____, 2015.

_____
J. Andrew Cook, Mayor

This document prepared by:

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibit

Exhibit D Landscaping Plan

EXHIBIT A
Legal Description of the Culver's Sun Park PUD District Real Estate

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE ALONG THE SOUTH LINE THEREOF NORTH 89 DEGREES 42 MINUTES 22 SECONDS WEST 576.00 FEET; THENCE PARALLEL WITH THE EAST LINE OF SAID QUARTER QUARTER SECTION NORTH 00 DEGREES 46 MINUTES 41 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER QUARTER SECTION NORTH 89 DEGREES 42 MINUTES 22 SECONDS WEST 180.01 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AN ACCESS ROAD; THENCE ALONG SAID EASTERLY LINE NORTH 44 DEGREES 27 MINUTES 51 SECONDS WEST 28.16 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 41 SECONDS EAST 295.01 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 22 SECONDS EAST 200.01 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 41 SECONDS WEST 315.01 FEET TO THE PLACE OF BEGINNING.

EXCEPT:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88 DEGREES 48 MINUTES 00 SECONDS WEST 576.00 FEET ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 00 DEGREES 42 MINUTES 57 SECONDS WEST 30.00 FEET TO THE NORTH BOUNDARY OF S.R. 32 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 88 DEGREES 48 MINUTES 00 SECONDS WEST 180.01 FEET ALONG THE BOUNDARY OF SAID S.R. 32; THENCE NORTH 45 DEGREES 57 MINUTES 29 SECONDS WEST 14.08 FEET ALONG SAID BOUNDARY; THENCE NORTH 88 DEGREES 48 MINUTES 00 SECONDS EAST 190.01 FEET TO THE EAST LINE OF THE OWNERS' LAND; THENCE SOUTH 00 DEGREES 42 MINUTES 57 SECONDS EAST 10.00 FEET ALONG SAID EAST LINE OF THE OWNERS' LAND TO THE BOUNDARY OF S.R. 32 AND THE POINT OF BEGINNING AND CONTAINING 0.042 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN INSTRUMENT NUMBER 8919077.

ALSO EXCEPT THAT PART CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED JULY, 17, 2007 AS INSTRUMENT NO. 2007040165, DESCRIBED AS FOLLOWS:
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 50 MINUTES 43 SECONDS WEST 576.07 FEET ALONG THE SOUTH LINE

OF SAID SECTION TO THE PROLONGED EAST LINE OF THE GRANTOR'S LAND; THENCE NORTH 00 DEGREES 38 MINUTES 07 SECONDS EAST 40.00 FEET ALONG SAID EAST LINE PROLONGED TO THE NORTH BOUNDARY OF S.R. 32 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 50 MINUTES 43 SECONDS WEST 189.81 FEET (190.01) FEET BY INSTRUMENT NUMBER 9327322) ALONG THE BOUNDARY OF SAID S.R. 32 TO THE NORTHEASTERN BOUNDARY OF THE INTERSECTION OF SAID S.R. 32 AND SUNPARK DRIVE; THENCE NORTH 44 DEGREES 00 MINUTES 56 SECONDS WEST 14.22 FEET ALONG THE BOUNDARY OF THE INTERSECTION OF SAID S.R. 32 AND SAID SUNPARK DRIVE TO THE EAST BOUNDARY OF SAID SUNPARK DRIVE; THENCE NORTH 00 DEGREES 38 MINUTES 07 SECONDS EAST 249.58 FEET ALONG THE BOUNDARY OF SAID SUNPARK DRIVE; THENCE SOUTH 89 DEGREES 21 MINUTES 40 SECONDS EAST 14.13 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 20 SECONDS WEST 194.80 FEET; THENCE SOUTH 47 DEGREES 31 MINUTES 04 SECONDS EAST 27.80 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 164.98 FEET TO THE EAST LINE OF GRANTOR'S LAND; THENCE SOUTH 00 DEGREES 38 MINUTES 07 SECONDS WEST 46.59 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.285 ACRES, MORE OR LESS.

EXHIBIT B
CONCEPT PLAN

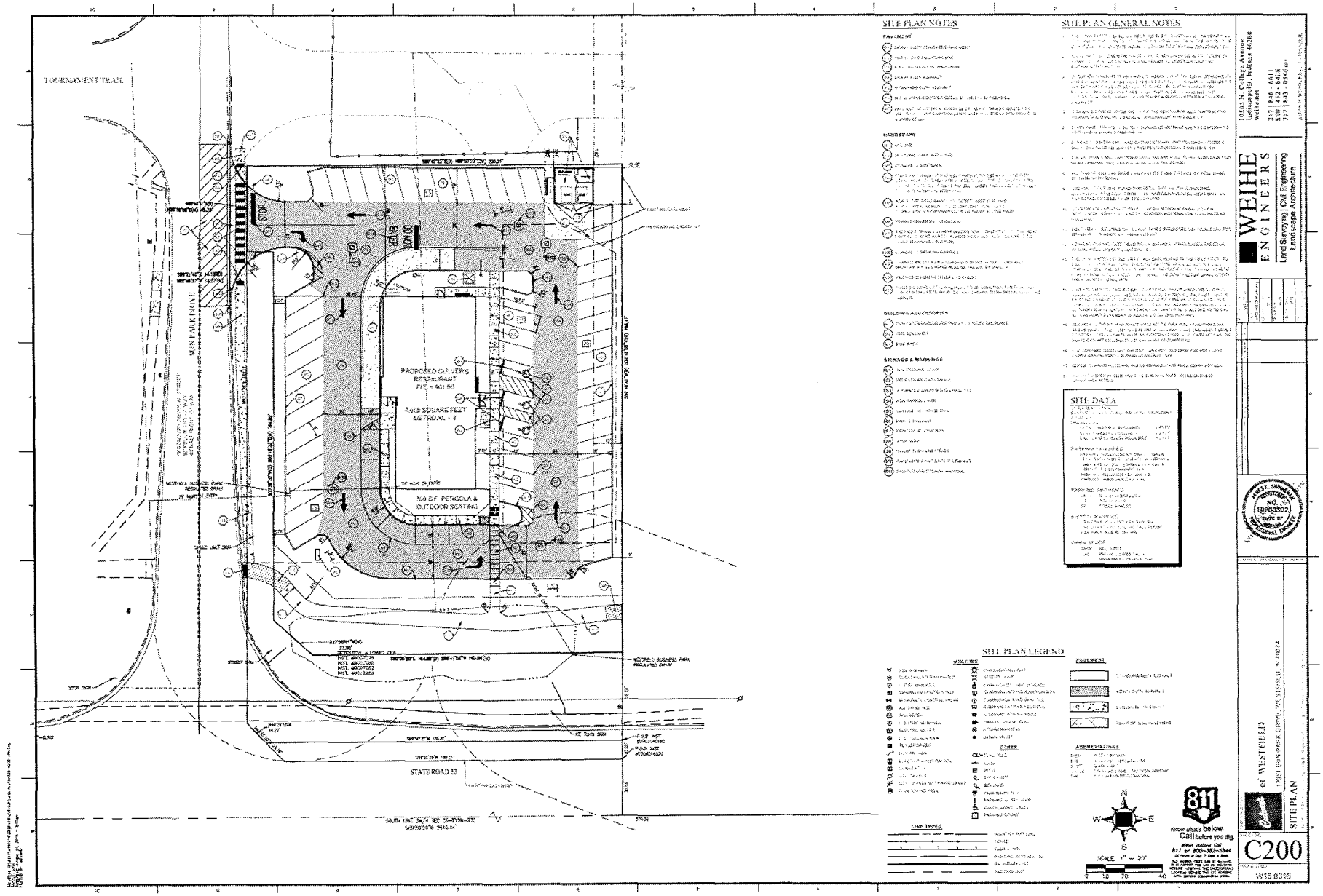

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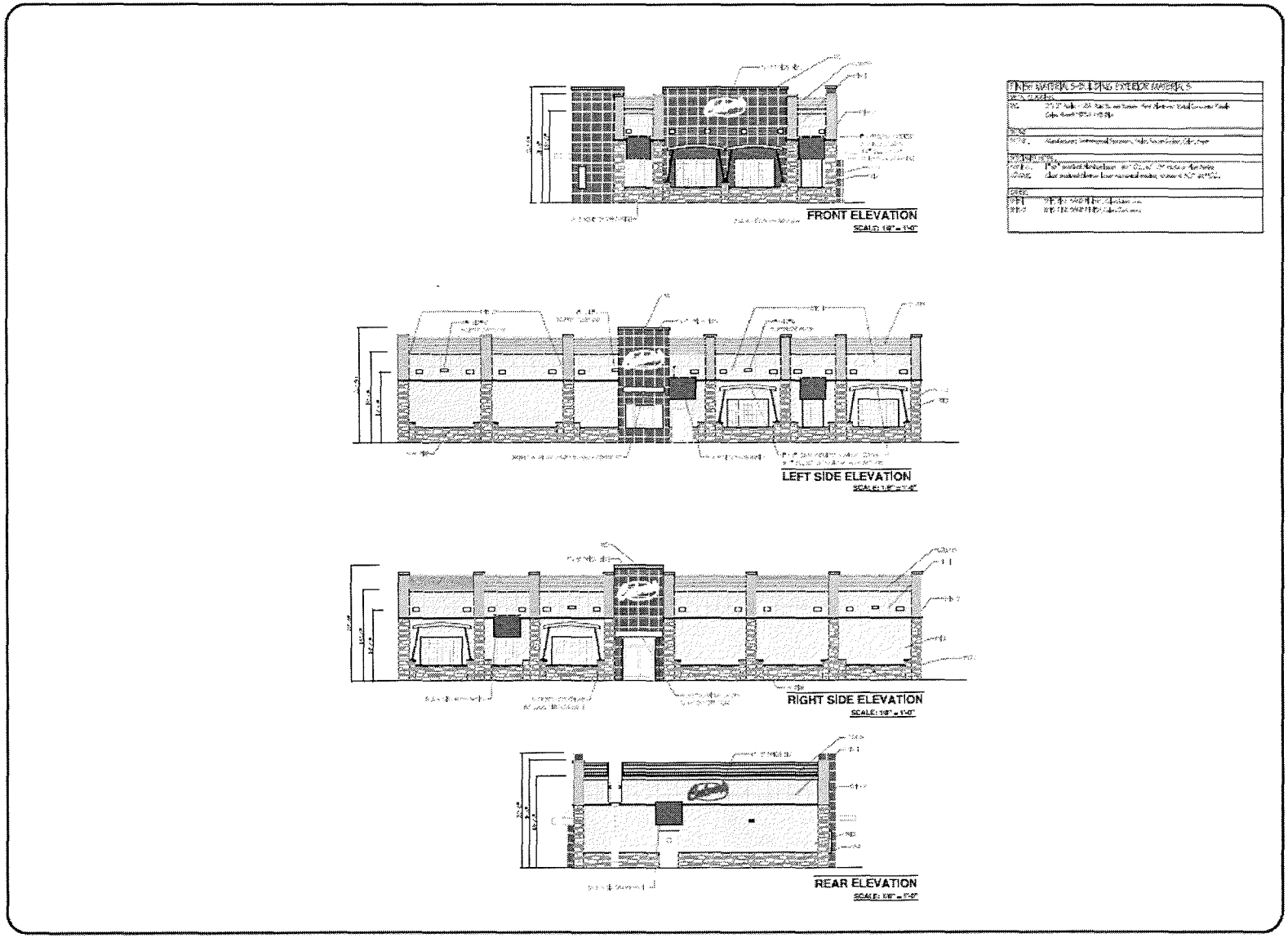
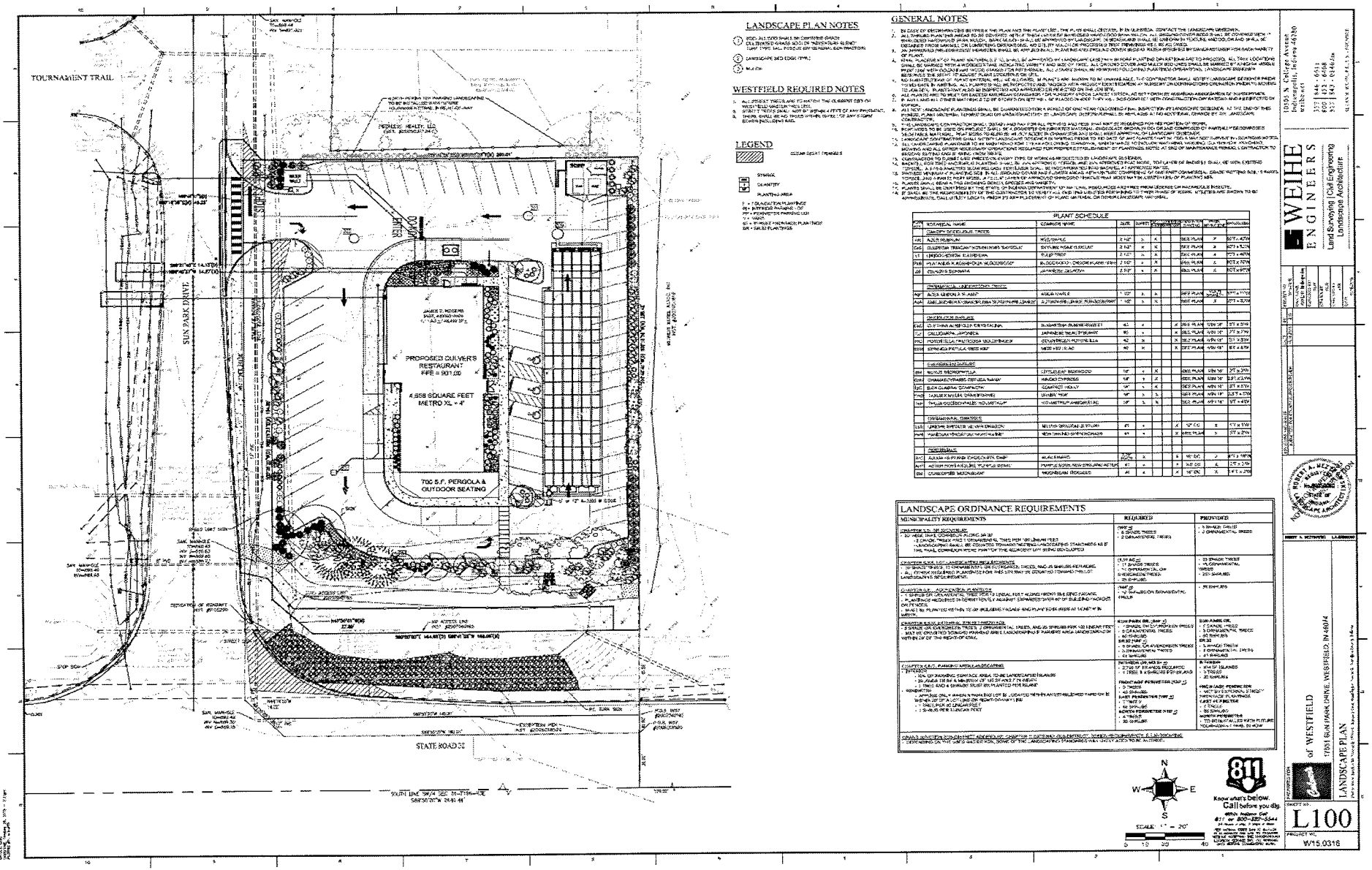
EXHIBIT C
CHARACTER EXHIBIT



2854773_2

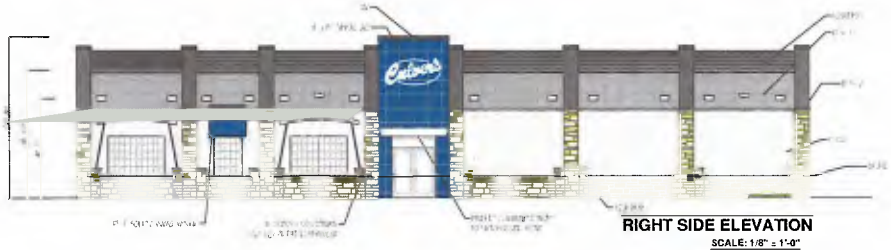
EXHIBIT D
LANDSCAPING PLAN



2854773_2

FRONT ELEVATION
SCALE: 1/8" = 1'-0"

LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

REAR ELEVATION
SCALE: 1/8" = 1'-0"

FINISH MATERIALS-BUILDING EXTERIOR MATERIALS	
METAL CLADDING	
[illegible]	2" x 2" Apple [illegible] Rain Screen System, [illegible] Aluminum/ Metal Composite Panels [illegible]
STONE	
STONE:	Manufacturer: [illegible] Sandwich, Suite, Tucan Ledge Color: [illegible]
SPECIALITY METAL	
AWNING	[illegible] Aluminum [illegible]
LOUVER	[illegible]
OTHER:	
EFS-1	EFS, FINE SAND FINISH, Color: [illegible]
EFS-2	EFS, FINE SAND FINISH, Color: [illegible]

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Date	Revision	By

Culver Franchising System, Inc.
1240 Water Street
Prairie du Sac, WI 53578
608-643-7988

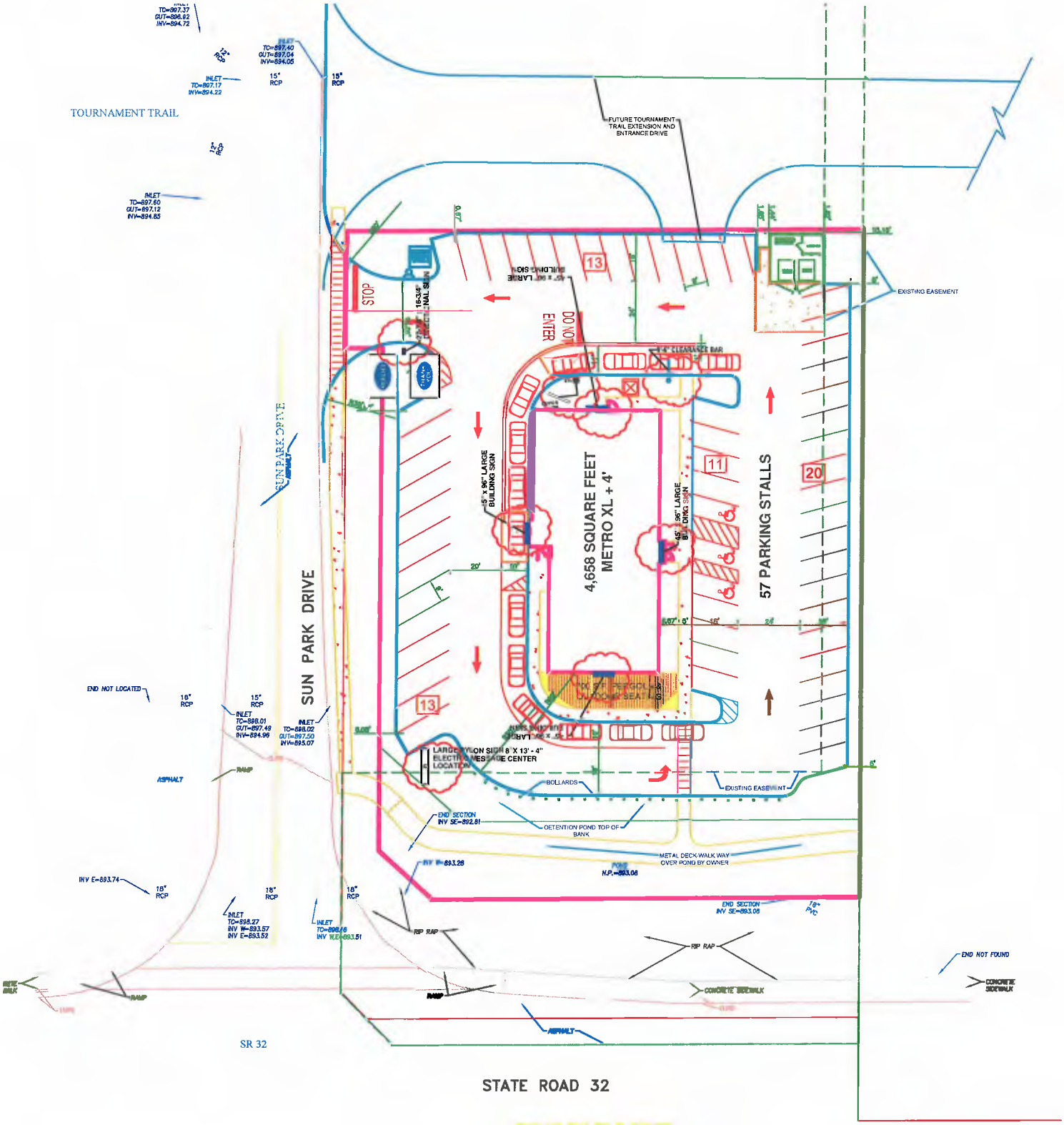
CULVER FRANCHISING SYSTEM, INC.
333 W 4th STREET, MARION, IN 46952

NEW CULVER'S
0 SUN PARK DRIVE, WESTFIELD, IN 46952

Sheet Contents:
EXT. ELEV'S

Project No. Metro XL - 2014
Drawn By S. Dedke
Date Oct. 29, 2015

Sheet
A-3



PROPOSED CULVER'S RESTAURANT
WESTFIELD, IN. PLAN MIRRORED METRO L SHOWN

LOT AREA APPROX. 48,499 SQ. FT. OPTION 5 BY CIVIL

RAME SWAN
SPH 09/23/15

0 10' 20' 30' 50' 100'