

ORDINANCE NUMBER 15-41

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE JUNCTION PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an Ordinance 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 Common Council enacted Ordinance No. 14-22, The Junction Planned Unit Development District (the "The Junction PUD Ordinance") on July 14, 2014;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1512-PUD-26**), requesting an amendment to The Junction PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1512-PUD-26** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable** 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 December 8, 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 Junction PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend The Junction PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) The Junction PUD Ordinance; and (iii) 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 or The Junction PUD Ordinance, as amended.

- 1.2 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.
- 1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) The Junction PUD 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 or the Junction PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 **Illustrative Character Exhibit:** The Illustrative Character Exhibit, as set forth in The Junction PUD Ordinance, shall be supplemented by the Illustrative Character Exhibit, attached hereto as **Exhibit C.**
- 2.2 **Net Floor Area:** The Gross Floor Area deducting for interior walls and common areas not directly devoted to the use (i.e. hallways, restrooms, elevators, stairs, closets, storage, waiting rooms, and maintenance areas).
- 2.3 **Pedestrian & Vehicular Accessibility Plan:** The Pedestrian Accessibility Plan and Vehicular Accessibility Plan, as set forth in The Junction PUD Ordinance, shall be replaced and superseded with the Concept Plan.
- 2.4 **Site Concept Design Plan (the “Concept Plan”):** The Site Concept Design Plan, as set forth in The Junction PUD Ordinance, shall be replaced and superseded with the Concept Plan, attached hereto as **Exhibit B.**

Section 3. **Development Standards.** The standards of The Junction PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 3.1 **Building Height:** Section 4.1(B) of The Junction PUD Ordinance shall be replaced and superseded by the following:
 - A. One (1) building on the Real Estate shall have a minimum Building Height of five (5) stories (the “Primary Building”). Ancillary extensions of the Primary Building, as generally depicted on the Illustrative Character Exhibit attached hereto as **Exhibit C.** shall have a minimum Building Height of two (2) stories.
 - B. All other buildings on the Real Estate shall have a minimum Building Height of eighteen (18) feet.
- 3.2 **Off-Street Loading and Parking:** Article 6.14 Parking and Loading Standards of the

UDO (as referenced by Section 4.2 of The Junction PUD Ordinance) shall apply to the Real Estate, except as otherwise modified below.

A. Maximum Number of Off-street Parking Spaces: The maximum number of Parking Spaces for the Real Estate shall not exceed four (4) Parking Spaces per one thousand (1,000) square feet of Net Floor Area for the aggregate of all Buildings on the Real Estate. Shared parking shall be provided for the Real Estate.

3.3 Landscaping Standards: Article 6.8 Landscaping Standards of the UDO, as referenced and modified by Section 4.3 of The Junction PUD Ordinance, shall apply to the Real Estate, except as otherwise modified below.

A. Article 6.8(I)(1) Detention Area Natural Appearance: Shall not apply. A wall and hardscape areas are planned as illustrated on the Concept Plan and plantings shall be provided around the wet perimeter of ponds where adjacent to lawn areas. Subject to review and approval by the Public Works Department as part of a Detailed Development Plan, side slopes shall not exceed 3:1 above normal pool and may be 2:1 below the safety shelf to provide more depth in the pond.

B. Article 6.8.L(4) Foundation Plantings: Shall apply, except that planting beds of less than eight (8) feet in width shall be permitted where equivalent planting area is provided around the building perimeter.

C. Article 6.8.M(3) Easements: shall apply, however if easements restrict the placement of plantings, then the required number of plantings may be relocated elsewhere on the Real Estate. If the relocation of plantings results in planting congestion or is otherwise contrary to landscaping best management practices, then the Director or Plan Commission may approve a landscape plan with fewer plantings than otherwise required.

Section 4. Architectural and Design Standards. The standards of The Junction PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

4.1 Concept Plan: The Concept Plan 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.

4.2 Illustrative Character Exhibit: The Illustrative Character Exhibit is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate.

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 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: Jon C. Dobosiewicz

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: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

The Junction PUD - 2015 Text Amendment 113015

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C Illustrative Character Exhibit

EXHIBIT A
REAL ESTATE
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PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST (ASSUMED BEARING) 856.74 FEET TO THE WEST LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 200400013188; THENCE ON SAID WEST LINE THE FOLLOWING 3 COURSES: 1) NORTH 00 DEGREES 24 MINUTES 03 SECONDS WEST 36.10 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" TO THE POINT OF BEGINNING OF THIS DESCRIPTION; 2) NORTH 00 DEGREES 24 MINUTES 03 SECONDS WEST 166.90 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 3) THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST 245.24 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE EAST RIGHT OF WAY LINE OF STATE ROAD No. 31; THENCE ON SAID EAST RIGHT OF WAY LINE NORTH 60 DEGREES 12 MINUTES 13 SECONDS WEST 26.57 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE ON SAID EAST RIGHT OF WAY LINE NORTH 01 DEGREES 17 MINUTES 53 SECONDS WEST 348.84 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE ON SAID RIGHT OF WAY LINE NORTH 20 DEGREES 11 MINUTES 31 SECONDS WEST 50.65 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 87 DEGREES 00 MINUTES 13 SECONDS EAST 55.72 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 00 DEGREES 49 MINUTES 59 SECONDS WEST 38.62 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 88 DEGREES 18 MINUTES 37 SECONDS EAST 91.54 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 00 DEGREES 03 MINUTES 54 SECONDS EAST 53.90 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE NORTH 89 DEGREES 53 MINUTES 15 SECONDS EAST 526.08 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 17 MINUTES 53 SECONDS WEST 455.93 FEET TO A MAG NAIL; THENCE NORTH 89 DEGREES 58 MINUTES 28 SECONDS WEST 25.80 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE SOUTH 00 DEGREES 33 MINUTES 48 SECONDS EAST 99.00 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE SOUTH 06 DEGREES 04 MINUTES 09 SECONDS WEST 43.29 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE SOUTH 26 DEGREES 56 MINUTES 55 SECONDS WEST 54.12 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE SOUTH 58 DEGREES 28 MINUTES 22 SECONDS WEST 46.65 FEET TO A 5/8 STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST 373.99 FEET TO THE POINT OF BEGINNING, CONTAINING 8.63 ACRES MORE OR LESS. EXCEPTING THEREFORM EXISTING AND PROPOSED RIGHT-OF-WAY FOR MAIN STREET AND SHAMROCK BOULEVARD FOR A NET ACREAGE OF 8.49 ACRES MORE OR LESS.

EXHIBIT A
REAL ESTATE
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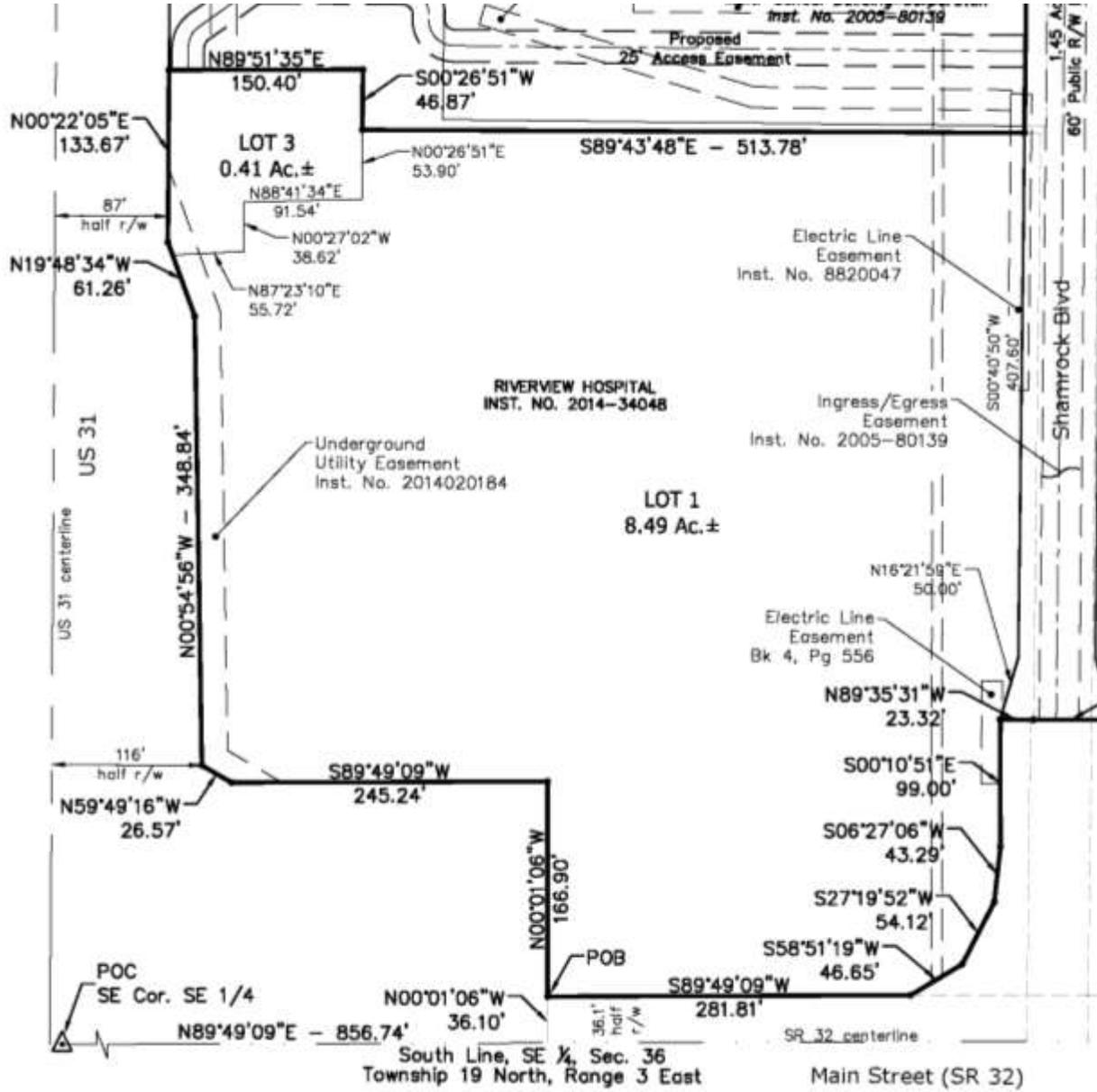


EXHIBIT B
CONCEPT PLAN
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EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT
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ILLUSTRATIVE CHARACTER EXHIBIT
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ILLUSTRATIVE CHARACTER EXHIBIT
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