



WESTFIELD-WASHINGTON  
ADVISORY PLAN COMMISSION

February 1, 2016  
1512-PUD-28  
Exhibit 1

**Petition Number:** 1512-PUD-28

**Subject Site Address:** *Northeast corner of S.R. 32 and Sun Park Drive*

**Petitioner:** Custard Kings, Inc. by Bose McKinney & Evans LLP

**Request:** Petitioner requests a change of zoning of approximately 1.11 acres+/- from the EI: Enclosed Industrial District to the Culver's Sun Park PUD District.

**Current Zoning:** EI: Enclosed Industrial District;  
State Road 32 Overlay District; and,  
U.S. 31 Overlay District

**Current Land Use:** Vacant

**Approximate Acreage:** 1.11 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plans
4. Building Character Exhibit
5. Landscaping Plan
6. Conceptual Future Site Plan
7. Culver's Sun Park PUD Ordinance, Ord. 15-44 (Current Version)
8. Culver's Sun Park PUD Ordinance, Ord. 15-44 (Redline Version)
9. Gateway Sub-District Comprehensive Plan Addendum

**Staff Reviewer:** Kevin M. Todd, AICP

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**PROCEDURAL**

City Council: The PUD Amendment Ordinance was introduced to the City Council at the November 9, 2015, meeting.

Public Hearing: Public hearings by the APC are required for Planned Unit Developments. The petition received a public hearing at the December 7, 2015 Advisory Plan Commission (the "APC") meeting. Notice of the December 7, 2015, public hearing was provided for in accordance with the APC Rules of Procedure.

Action: The APC may forward a recommendation for approval to the City Council at its February 1, 2016 meeting.

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## **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**

Location: This subject property (the “Property”) is approximately 1.11 acres +/- in size and is located at the northeast corner of State Road 32 and Sun Park Drive (see Exhibit 2). The Property is currently zoned EI: Enclosed Industrial District and it falls within the State Highway 32 Overlay District and the U.S. 31 Overlay District.

Project Overview: The Petitioner is requesting a change of zoning to a commercial Planned Unit Development (PUD) District to be known as “Culver’s Sun Park PUD” (the “Proposal”). The Proposal defaults to the City’s GB: General Business District standards and the State Road 32 Overlay District standards, with a few modifications. The U.S. 31 Overlay standards would not apply to the Property. The Proposal includes a provision that allows at least 700 square feet of outdoor seating area to count towards meeting the State Highway 32 Overlay District’s minimum building square footage requirement of 5,000 square feet. The Proposal also includes modifications to interior parking lot and perimeter parking lot landscaping requirements.

The PUD Ordinance includes a building character exhibit which demonstrates a minimum quality and appearance of structures within the project.

Comprehensive Plan: The 2015 Grand Junction Sub-District Addendum to the Westfield-Washington Township Comprehensive Plan (the “Gateway Sub-District Plan”) establishes a detailed vision and recommendations for the Gateway area of the community (the four corners of the intersection of U.S. 31 and State Road 32). The general vision is to develop each of the four corners with substantial building height and massing, so as to create a new skyline and dynamic “front door” for the City of Westfield. The Gateway Sub-District Plan encourages each quadrant be planned in its entirety to better ensure the overall vision is realized – however, it is acknowledged that planning/developing in this manner may not always be possible. The Culver’s Sun Park PUD proposal is for a small portion of the larger Northwest Quadrant of the Gateway Sub-District. The remainder of the Northwest Quadrant is under the ownership of multiple entities, and incorporating those properties into the Culver’s plan was not feasible at the time of filing. The proposed development of the Property, together with the future extension of Tournament Trail to

the east, would not prevent the remainder of the Northwest Quadrant from developing in a manner that is consistent with the Gateway Sub-District Plan.

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#### **MODIFICATIONS SINCE THE PUBLIC HEARING**

The subject property is a small piece of the larger northwest quadrant of the Gateway Sub-District. The Gateway Sub-District Plan envisions developing (or at least planning for) the entire quadrant at once. The Culver's Sun Park PUD project is the first new project in this quadrant, and is ready to develop prior to plans being developed for the rest of the quadrant. Therefore, in an effort to protect the vision of the Gateway Sub-District, the Department has worked with the petitioner to consider how the Culver's site fits into the larger vision for the quadrant, and planned for future cross-access with the adjacent property to the east. As a result, the Culver's Sun Park PUD Ordinance has been modified to include a number of different requirements and criteria that when executed and constructed, would result in the site looking and feeling like it has been a part of the overall development of the quadrant all along.

The modified language in the PUD Ordinance includes triggers for certain site access improvements, and it allows for the exclusion of certain landscaping requirements so that the ultimate build-out and site connections can be achieved in the future. The modifications also include a conceptual future site plan, depicting how the adjacent property could possibly develop in the future and fit together with the Culver's site. Please note that only the Culver's site is the subject of this petition, and the inclusion of adjacent property on a concept plan does not entitle the adjacent property. This plan was merely used as an aid in considering and describing the need for future cross-access and shared parking opportunities.

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#### **DEPARTMENT COMMENTS**

If the Plan Commission is satisfied with the proposal and the revisions made since the public hearing, then the Department recommends forwarding this petition to the City Council with a favorable recommendation.

If any APC member has questions prior to the public hearing, then please contact Kevin Todd at 317.379.6467 or [ktodd@westfield.in.gov](mailto:ktodd@westfield.in.gov).