



## *Westfield City Council Report*

<b>Ordinance Number:</b>	15-44
<b>APC Petition Number:</b>	1512-PUD-28
<b>Subject Site Address:</b>	<i>Northeast corner of S.R. 32 and Sun Park Drive</i>
<b>Petitioner:</b>	Custard Kings, Inc. by Bose McKinney & Evans LLP
<b>Requested Action:</b>	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.
<b>Current Zoning</b>	EI: Enclosed Industrial District; State Road 32 Overlay District; and, U.S. 31 Overlay District
<b>Current Land Use:</b>	Vacant
<b>Approximate Acreage:</b>	1.11 acres+/-
<b>Exhibits:</b>	1. Staff Report 2. Location Map 3. Site Plans 4. Building Character Exhibit 5. Landscaping Plan 6. Conceptual Future Site Plan 5. Culver's Sun Park PUD Ordinance, Ord. 15-44
<b>Prepared By:</b>	Kevin M. Todd, AICP

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### **PETITION HISTORY**

This petition was introduced at the November 9, 2015 City Council meeting. The petition received a public hearing at the December 7, 2015 Advisory Plan Commission (the "APC") meeting. The APC forwarded this petition with a favorable recommendation (Vote: 8-0) at its February 1, 2016 meeting. This petition is eligible for adoption consideration at the February 8, 2016 Council meeting.

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## **PROCEDURAL**

**Public Hearing:** Changes in zoning are required to be considered at a public hearing by the APC. The public hearing for this petition was held at the December 7, 2015 meeting. Notice of the public hearing was 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**

**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 landscaping, perimeter parking lot landscaping, and buffer yard 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 COUNCIL INTRODUCTION**

1. Building Architecture. As a result of APC feedback, the architectural features were enhanced on the building and applied to all four (4) facades of the building.
2. Outdoor Seating. As a result of APC feedback, the outdoor seating area includes an architecturally-consistent half-wall around the perimeter of the seating area. The originally-proposed pergola has been removed from the project due to architectural compatibility concerns.
3. Site Access. 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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**RECOMMENDATIONS / ACTIONS**

APC Recommendation

At its February 1, 2016, meeting, the APC forwarded a favorable recommendation of this change in zoning request, with written commitments, to the Council (Vote of: 8 in favor, 0 opposed).

City Council

Introduction: November 9, 2015

Eligible for Adoption: February 8, 2016

Submitted by: Kevin M. Todd, Senior Planner  
Economic and Community Development Department

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

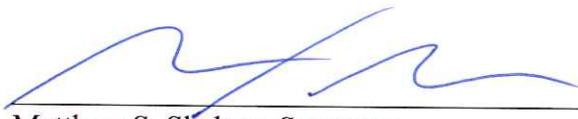
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The Westfield-Washington Township Advisory Plan Commission held a public hearing on Monday, December 7, 2015 to consider an amendment to the Zoning Map and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was 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.	1512-PUD-28
Ordinance No.	15-44
Petitioner	Custard Kings, Inc.
Site Address	Northeast corner of S.R. 32 and Sun Park Drive
Description	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.

On February 1, 2016, a motion was made and passed to send a favorable recommendation of the change in zoning request, with written commitments, to the City Council (Vote: 8 in favor, 0 opposed).

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



Matthew S. Skelton, Secretary

February 2, 2016

Date