Petition Number:	1603-SPP-05, 1603-ODP-05 & 1603-DDP-06
Subject Site Address:	17651 Sun Park Drive
Petitioner:	Custard Kings by Weihe Engineers, Inc.
Request:	Primary Plat, Overall Development Plan and Detailed Development Plan review for a 4,658 square-foot +/- restaurant.
Current Zoning:	Culver's Sun Park PUD District
Current Land Use:	Undeveloped
Approximate Acreage:	0.99 acre +/-
Property History:	Culver's Sun Park PUD, Ordinance 15-44
Exhibits:	1. Staff Report 2. Location Map 3. Primary Plat 4. Development Plan 5. Site Plan 6. Landscaping Plan 7. Building Elevations
Staff Reviewer:	Kevin M. Todd, AICP

PROCEDURAL:

Approval of a Development Plan must be granted if the submitted plan demonstrates compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

This petition is scheduled to receive a public hearing at the March 7, 2016, Advisory Plan Commission (the "APC") meeting. Notice of the March 7, 2016 APC meeting was provided in accordance with Indiana law and the APC's Rules of Procedure.

PROJECT DESCRIPTION:

The applicable zoning district is the Culver's Sun Park PUD District (Ord. 15-44). The project is for the construction of a new 4,658 square-foot restaurant building and associated outdoor seating and parking. The proposal also includes the primary platting of the subject property for the creation of the State Highway 32 Trail Corridor.

PRIMARY PLAT REVIEW (1603-SPP-05):

Primary Plat Standards (Article 10.12(J) of UDO)

The plans comply except for those items identified as outstanding below:

1) Proposed name of subdivision.
2) Names and addresses of the owner, owners, land surveyor or land planner.
3) Title, scale, north arrow and date.
4) Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.

   Comment: Please label right-of-way dimensions for Sun Park Drive and for State Road 32.

   Comment: Confirm with WPWD, but the Sun Park Drive right-of-way will need to be squared-off at the northwest corner of the subject site.
5) Easements (locations, widths and purposes). (Article 8.3)
6) Statement concerning the location and approximate size or capacity of utilities to be installed.
7) Layout of Lots (showing dimensions, numbers and square footage). (Article 4.5)

   Comment: Please include the word "Lot" when labeling Lot 1.

   Comment: Please label "Common Area A" as "Block A".
8) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
9) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
10) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.

    Comment: Please label the point of beginning of the legal description on the plat drawing.
11) Building setback lines. (Article 5.16 (E) of UDO)

    Comment: Setback from the west property line is required to be 60' (front yard).
12) Legend and notes.

13) Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.

    Comment: Please coordinate with the WPWD and the Hamilton County Surveyor's Office ("HCSO").

14) Other features or conditions which would affect the subdivision favorable or adversely.

15) A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.

16) A statement from County departments, State highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.

    Comment: Please coordinate with WPWD and HCSO. Also, see Item 9 above.

17) If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.

18) If legal drain is involved, then a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc.

    Comment: Please coordinate with HCSO.

19) If floodplain is involved, then a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

District Standards (Article 4.16 of UDO)

The plans comply with Article 4.16 (GB District)**, except for those items identified as outstanding below:**

20) Permitted Uses (Chapter 13 of UDO)

21) Minimum Lot Area: No minimum

22) Minimum Lot Frontage: 80 feet

23) Minimum Building Setback Lines

    a) Front Yard: 60 feet

    Comment: Please modify west setback line so that it is 60'.

    b) Side Yard: 20 feet

    c) Rear Yard: 20 feet

24) Minimum Lot Width: No minimum

25) Maximum Building Height: 60 feet

26) Minimum Building Size: No minimum

State Highway 32 Overlay Standards (Article 5.3 of UDO)

The plans comply except for those items identified as outstanding below:

27) Access Control Requirements (Article 5.3 (F))

28) Setback Requirements (Article 5.3 (G))

    Comment: See Item 28 above.

29) Trail Corridor Requirements (Article 5.3 (L))

Development Standards (Chapter 6 of UDO)

The plans comply except for those items identified as outstanding below:

30) Lot Standards (Article 6.10)

31) Setback Standards (Article 6.16)

    Comment: See Item 28 above.

32) Vision Clearance Standards (Article 6.19)

    Comment: Triangle depicted on Landscape Plan (Sheet L100) does not match up with property/right-of-way lines. Please move the triangle.

33) Yard Standards (Article 6.21)

Design Standards (Chapter 8 of UDO)

The plans comply except for those items identified as outstanding below:

34) Block Standards (Article 8.1)

35) Easement Standards (Article 8.3)

    Comment: Please coordinate with WPWD and utility providers.

36) Monument and Marker Standards (Article 8.5)

    Comment: Please add markers at the corners between Lot 1 and Block A.

37) Pedestrian Network Standards (Article 8.7)

    Comment: Please label width of sidewalk along Sun Park Drive.

38) Storm Water Standards (Article 8.8)

Comment: Please coordinate with WPWD.

39) Street and Right-of-Way Standards (Article 8.9)

Comment: Please coordinate with WPWD. See Item 9 above.

40) Street Light Standards (Article 8.10)

41) Street Sign Standards (Article 8.11)

Comment: Please coordinate with WPWD.

42) Surety Standards (Article 8.12)

Comment: Please coordinate with WPWD.

43) Utility Standards (Article 8.13)

Comment: Please coordinate with WPWD and utility providers.

OVERALL AND DETAILED DEVELOPMENT PLAN REVIEW (1603-ODP-05 & 1603-DDP-06):

Development Plan Review Criteria (Article 10.7(E) of the UDO):

Development Plans shall comply with and be reviewed by the Plan Commission upon finding that the Development Plan is in compliance with the following requirements:

44) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.

Comment: Please see Development Standards, District Standards, and PUD Standards comments herein.

45) Compliance with all applicable provisions of any Overlay District in which the real estate is located.

Comment: Please see State Highway 32 Overlay comments herein.

46) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:

    a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.

    b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

    c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

47) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

    Comment: Please coordinate with utility providers.

Development Plan Documentation (Article 10.7 (G) of UDO)

The plans comply except for those items identified as outstanding below:

48) Title, scale, north arrow and date.

    Comment: Please add "Overall Development Plan and Detailed Development Plan" to the main title of the plans on Sheet C001.

49) Proposed name of the development.

50) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.

51) Address and legal description of the property.

52) Boundary lines of the property including all dimensions.

53) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.

    Comment: Please show centerlines of State Road 32 and Sun Park Drive on the site plan.

54) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.

55) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.

Comment: Please show proposed Sun Park Drive bus parking area on the site plan.

56) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.

Comment: Please coordinate with utility providers.

57) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.

Comment: Please see Item 42 above.

58) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.

Comment: Please label Lot 1 and Block A.

59) Location and dimensions of all existing structures and paved areas.

60) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).

61) Location of all Floodplain areas within the boundaries of the property.

62) Names of legal ditches and streams on or adjacent to the site.

Comment: Please coordinate with the WPWD and HCSO.

63) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.

Comment: Please coordinate with the WPWD and utility providers.

64) Identify buildings proposed for demolition.

65) Areas of the property reserved for Development Amenities, Open Space and other similar uses.

66) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).

District Standards (Article 4.16 of UDO)

Comment: See "District Standards" section under "Primary Plat Review" above (Page 3).

State Highway 32 Overlay Standards (Article 5.3 of UDO)

The plans comply except for those items identified as outstanding below:

67) Permitted Uses: All uses permitted in the underlying Zoning District shall be permitted except as otherwise excluded and prohibited in the Use Table for the SR32 Overlay
68) Access and Control:
    a) The purpose of this section is to make the closing of all private curb cuts along State Highway 32 possible by establishing a common access road to provide access to and through Lots abutting State Highway 32
    b) New curb cuts shall not be permitted unless specifically approved by the Council and the Indiana Department of Transportation prior to installation
    c) Access roads in substantial compliance with the design plan included in FIGURE 5.3(2) with the design plan included in FIGURE 5.3(2) ACCESS ROADS shall be provided for Lots along State Highway 32 unless the Council approves the development of a Lot without providing the normally required access road, and shall be dedicated as Right-of-way.
    d) Approval of an illustrative concept plan showing vehicular drive cuts as part of zoning petition shall not constitute approval of curb cuts by the Council
    e) In those cases where tracts can be accessed via a connection to an Arterial, Collector, Frontage Road or an adjoining Parking Area, new curb cuts shall not be permitted on State Highway 32
    f) All developments shall provide for vehicular and pedestrian interconnectivity between neighboring uses, Parking Areas and developments in order to encourage and facilitate east/west vehicular movements without directly accessing State Highway 32. Cross access easements shall be provided to ensure continued access and connectivity between and through uses along the State Highway 32 corridor.
    g) Any existing curb cuts along State Highway 32 shall be vacated and eliminated as a condition of any discretionary approval for use or development of land on which such curb cuts are present, if an alternative vehicular access is available
69) Setback Requirements: The following setback requirements regulating the distance from State Highway 32 that buildings may be constructed shall supersede all other setback standards of this Ordinance
    a) Maximum Setback: The Established Front Yard on Lots abutting State Highway 32 or the Trail Corridor, as defined herein, shall be a maximum of one hundred and twenty (120) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.
    b) Minimum Setback: The Established Front Yard on Lots abutting State Highway 32 or the Trail Corridor, as defined herein, shall be a minimum of thirty (30) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State

Highway 32 centerline. Signs shall be located a minimum of thirty (30) feet from the State Highway 32 right-of-way line.

70) Accessory Buildings: No Accessory Building shall be erected in the Established Front Yard. For the purposes of this Article only, an Accessory Building shall not include the following: (i) if provided for public use and enjoyment: fountains, gazebos, picnic shelters, benches, public rest rooms, drinking fountains, utility installations, bike racks, decorative walls and fences (not to exceed an average height of four (4) feet), hard scape amenities, landscaping, pavement, curbs and other similar improvements; or (ii) Monument Signs.
Comment: Superseded by PUD Ordinance (Ord. 15-44). Compliant.

71) Building Height Requirements:
a) Maximum Building Height: No Minimum
b) Minimum Building Height: Eighteen (18) feet
c) Multiple Stories: Multiple stories encourage, not required
Comment: Staff is working with petitioner to ensure compliance.

72) Building Size Requirement: The Gross Floor Area requirements set forth below are intended to create a certain massing for buildings located within the corridor. Although it is contemplated some buildings may be acceptable with square footages below the minimum set forth herein, decisions to lower the requirement shall be considered on a case-by-case basis. In instances where the requirement set forth herein is lowered, enhanced architectural or site features (e.g., pergolas, outdoor seating, landscaped amenities) may be required.
a) Minimum Gross Floor Area: Five Thousands (5,000) square feet
b) Maximum Gross Floor Area: No maximum
Comment: Superseded by PUD Ordinance (Ord. 15-44). Compliant.

Architectural Design Requirements:

73) General Design Theme Standards: Architectural variation is encouraged. These architectural requirements are intended to provide consistent architectural quality among buildings and other improvements within the corridor. All structures shall be thoughtfully designed in a manner that visually and functionally complements the existing topography.

74) Building Elevations:
a) All Building Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, three-dimensional cornice as illustrated in FIGURE 5.3(3): BUILDING MODULATION.
Comment: Staff is working with petitioner to ensure compliance.

b) Building Facades, which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Buildings less than ten thousand (10,000) square feet in Gross Floor Area shall be designed with offsets at interval of not greater than forty (40) feet. Offsets shall extend the entire vertical plane of the Building Facade and shall be a minimum depth of four (4) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Facade. The offset may be met with setbacks of the Building Facade and/or with architectural elements (i.e. arcades, columns, ribs, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.
Comment: The east side of the building does not appear to meet the 4-foot offset depth requirement. It also does not appear to meet the 20% minimum aggregate length of offset(s).

Comment: The west side of the building does not appear to meet the 20% minimum aggregate length of offset(s).

c) Buildings shall be constructed with the same building material quality and level of architectural detail on all Building Facades (e.g., 360 degree architecture).
Comment: Staff is working with petitioner to ensure compliance.

75) Openings:
(1) Design elements of the Building Facade shall be organized such that openings (including windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) line up horizontally and vertically with other openings as illustrated in FIGURE 5.3(5): DESIGN BALANCE.
(2) Openings in a Building Facade shall be arranged in a balanced, relatively uniform fashion (see FIGURE 5.3(6): BALANCE OF OPENINGS).
(3) Exceptions may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location and site.
Comment: Staff is working with petitioner to ensure compliance.

76) Gutters and Downspouts: Shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials.
Comment: Staff is working with petitioner to ensure compliance.

Roofs:
77) Pitched Roofs:
(a) Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12 (see FIGURE 5.3(7): ROOF PITCHES).
(b) If standing seam panels are used then they shall be: (1) gray, black, dark blue, dark green, barn red or dark brown; and (2) made of a non-reflective material.

(c) Modulation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings, as illustrated in FIGURE 5.3(8): PITCHED ROOF - ROOF LINE MODULATION.

Comment: Staff is working with petitioner to ensure compliance.

78) Flat Roofs:

(a) Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice as illustrated in FIGURE 5.3(9): ARTICULATED CORNICE.

(b) Parapet walls shall be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include screening elements for roof-mounted equipment).

(c) Modulation or variation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings. Buildings shall comply with at least one of the following:

(i) A building with a flat roof shall have varying roof height sections, as illustrated in FIGURE 5.3(10): FLAT ROOF VARIATION. A varied roof section shall have a minimum roof height difference of five (5) feet from an adjacent roof section. The maximum horizontal roof line length without variation shall be sixty percent (60%) of the total length of the Building Facade's roof line.

(ii) A roof line modulation shall include a vertical change in the visible roof line of at least four (4) feet, with a minimum aggregate modulation length of forty percent (40%) of each Building Facade, as illustrated in FIGURE 5.3(11): FLAT ROOF - ROOF LINE MODULATION. The maximum horizontal roof line length without modulation shall be sixty (60) feet, or forty (40) feet for Buildings with a Gross Floor Area less than ten thousand (10,000) square feet.

(iii) Dormers and cupolas shall be designed with appropriate details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs (see FIGURE 5.3(12): DORMERS AND CUPOLAS).

(iv) All visible vents, attic ventilators, turbines, flues and other visible roof penetrations shall be: (a) painted to match the color of the roof or flat black; and (b) oriented to minimize their visibility from adjacent Lots and Streets.

Comment: Staff is working with petitioner to ensure compliance.

79) Main Entrances:

(1) All buildings shall be designed with a main entrance and at least two (2) window openings associated with the main entrance.

(2) Building entrances shall be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos and other design elements appropriate to the architectural style and details of the building as a whole.

(3) The location, orientation, proportion and style of doors shall complement the style of the building.

Comment: Staff is working with petitioner to ensure compliance.

80) Windows:
   (1) All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number of window panes, the number of window openings, window trim and other architectural design elements designed to accent the windows shall be consistent with and complementary to the architectural style of the building (see FIGURE 5.3(14): WINDOW DESIGNS).
   (2) Window trim and other architectural design elements designed to accent the windows shall be required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, as illustrated in FIGURE 5.3(15): WINDOW ACCENTS, or other such trim or design elements as approved by the Plan Commission or Director (see FIGURE 5.3(15): WINDOW ACCENT

   Comment: Staff is working with petitioner to ensure compliance.

81) Awnings:
   (1) Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors and details, as illustrated in FIGURE 5.3(16): AWNINGS.
   (2) Awnings shall be made of a non-reflective material.
   (3) All awnings shall be kept in good repair.
   (4) Awnings used to comply with the architectural design requirements of this Article shall not be removed unless the Building Facade would otherwise comply with such architectural design requirements without such awnings.

   Comment: Staff is working with petitioner to ensure compliance.

82) Drive-thrus and Fueling Stations: This section shall apply to: (i) Lots adjacent to the State Highway 32 right-of-way line or the Trail Corridor, as defined herein; and (ii) Lots where the Lot Line may not abut the State Highway 32 right-of-way line or Trail Corridor, but where the Lot is located in a manner that no significant structures can reasonably be constructed between the Lot and the State Highway 32 right-of-way line or Trail Corridor.
   (1) Drive-thru windows and lanes shall not be permitted in between the State Highway 32 right-of-way line or the Trail Corridor and the Building Facade nearest to said right-of-way line (e.g., Established Front Yard) or Trail Corridor.
   (2) Vehicular fuel pumps and canopies shall be setback a minimum of thirty (30) feet farther from the State Highway 32 right-of-way line than the Established Front Yard of the Principal Building to which the fuel pumps or canopies are appurtenant or associated as illustrated in FIGURE 5.3(17): FUEL PUMP/CANOPY LOCATION.

83) Building Materials:
   (1) Masonry Materials shall be the preferred and primary exterior building material used on buildings within the corridor.
   (2) Masonry Materials shall be used to create a wainscot or brick wrap-effect around buildings.
   (3) A minimum of sixty percent (60%) of each Building Facade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.

(4) No more than twenty-five percent (25%) of each Building Facade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, Fiber Cement Siding, Polymeric Cladding, E.I.F.S., stucco, or vinyl exterior building materials.
(5) In order to create an aesthetically pleasing appearance and to create an appearance of high-quality, visually interesting architecture, increased and enhanced use of Masonry Material and other architectural ornamentation shall be required around building entrances and on Building Facades visible from State Highway 32.

Comment: Staff is working with petitioner to ensure compliance.

84) Accessory Buildings: All Accessory Buildings shall be architecturally compatible with the Principal Building(s) with which they are associated.

Comment: Staff is working with petitioner to ensure compliance.

85) Trail Corridor Requirement:
a) Purpose: The purpose of this section is to establish an alternative transportation corridor along both sides of State Highway 32 by requiring an alternative transportation trail and various other amenities to be installed along State Highway 32 on all Lots abutting State Highway 32.
b) Requirement: A linear green space (the "Trail Corridor") along each side of State Highway 32 that contains the alternative transportation trail mentioned herein shall be provided. The following improvements shall be prohibited within the Trail Corridor, unless otherwise approved by the City: Detention Areas, Retention Areas and Monument Signs.
c) Public Property: It is the policy of the City that the Trail Corridor (as defined herein) and the improvements therein will be owned and maintained by the City. It is the policy of the City to have the real estate within the Trail Corridor acquired, pledged, contracted or granted prior to the development of adjacent Lots.
d) Trail Corridor Design Standards:
i) Trail Corridor Width: The Trail Corridor shall be a minimum width of thirty (30) feet parallel and immediately abutting the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.
ii) Alternative Transportation Trail Design: The trail improvements shall be installed in substantial compliance with FIGURE 5.3(18): TRAIL CORRIDOR DESIGN and shall be a minimum of eight (8) feet in width and constructed of asphalt material in compliance with the City's Construction Standards (see also *Article 7.3 Principles and Standards of Design*). Construction of the trail with a meandering design is encouraged.

Comment: What is the status of the pathway/boardwalk? The City has communicated options for either a maintenance agreement scenario with the boardwalk concept (the City does not want to maintain the boardwalk element) or shifting the walk to the north and extending the Trail Corridor width. Please coordinate with WPWD.

iii) Inter-connectivity: All developments along State Highway 32 shall provide for alternative transportation inter-connectivity between neighboring uses, developments and the Trail Corridor in order to encourage and facilitate alternative transportation movements without directly accessing State Highway 32. Cross access easements and connections to the alternative transportation trail referenced above shall be appropriately provided to ensure

continued alternative transportation access and connectivity between and through uses along the Trail Corridor (see also *Article 8.3 Easement Standards*).

iv) Trail Corridor Plantings: The primary landscaping materials used within the Trail Corridor shall be shade trees, ornamental trees, shrubs, Groundcover and grass.
   (1) A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Trail Corridor along State Highway 32. Installation of plantings on both sides of the alternative transportation trail referenced above is encouraged. All trees shall be a minimum of two and one half (2.5) inches in Caliper at the time of planting.

200'	**Required**	**Depicted**	**+/-**
Shade Trees	6	7	**+1**
Ornamental Trees	2	5	**+3**

<u>Comment:</u> These plantings only count towards meeting the Trail Corridor Planting requirement if they are actually within the dedicated trail corridor. Either the plants need to move or the trail corridor needs to expand to the north by approximately 10 feet to include these plants.

   (2) Shade trees planted within the Trail Corridor shall be spaced a minimum of fifteen (15) feet and no more than forty (40) feet apart.
   (3) Landscaping required within the Trail Corridor shall be counted toward meeting the requirements of *Article 6.8 Landscaping Standards*, as if the Trail Corridor were a part of the adjacent Lot being developed.

v) Trail Corridor Mounds/Berms: The construction of intermittent, undulating mounds or berms within the Trail Corridor is encouraged, but not required. If mounds or berms are installed, then they should be designed in a manner that complements other improvements in the vicinity and in no event shall such mounds or berms be installed in a manner that unsafely inhibits vehicular line of sight (see also *Article 6.19 Vision Clearance Standards*) or use of the alternative transportation trail.

<u>Miscellaneous Requirements:</u>

86) Loading Berths:
   i) Loading berths shall be oriented in a manner so they are not visible from State Highway 32 and in a manner that minimizes their visibility from all other Rights-of-way and adjacent properties.
   ii) The use of loading berth enclosures shall be utilized where appropriate in order to accomplish the design objectives of this subsection.
   iii) All loading berths shall be adjacent to the Principal Building and located entirely within the Side or Rear Yard.
   iv) Loading berths shall be screened to the extent reasonably necessary by installing solid, opaque walls or fences (chain link fences or a variation thereof shall not be permitted). Mounds or berms may also be utilized, or utilized in combination with walls or fence enclosures, to provide screening. Special attention shall be given to accomplish the design objectives herein for visibility of loading berths from adjacent properties and Rights-of-way.

v) Loading berth walls and fences shall be softened by installing the following adjacent to such screens, except no landscaping shall be required adjacent to access and delivery doors or gates:
   (1) One (1) ornamental or evergreen tree every thirty (30) feet.
   (2) Five (5) shrubs every thirty (30) feet.

87) Mechanical Equipment:
   i) Screening of mechanical equipment, satellite dishes and other similar improvements shall be completely and permanently screened from view of Rights-of-way and adjoining properties.
   ii) When attached to the ground, screening methods shall include a mound/berm or an opaque wall or fence enclosure of a material that matches or complements the Principal Building to which it is appurtenant.
   iii) When roof mounted, screening methods shall include parapet walls, enclosures or other similar architectural treatment that matches or complements the Principal Building to which it is appurtenant.

   Comment: Please provide more information regarding the location of mechanical equipment, (roof-mounted or ground-mounted) and how they are screened.

88) Walls and Fencing:
   i) The following wall and fence types are permitted within the 32 Overlay Zone: Masonry Material, decorative metal (wrought iron, or wrought iron in appearance) or finished wood (stained or painted). In areas requiring security, decorative metal fencing with a spiked or curved top profile or razor/concertina/barbed wire mounted inside a solid fence or wall is recommended. This type of fence shall only be permitted with the express written approval of the Director and may not be permitted in all cases based on the visibility of the fence.
   ii) The following wall and fence types are prohibited in areas visible from outside the Lot on which such walls or fences are installed: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences and razor/ concertina/barbed wire.
   iii) Walls and fencing shall not be located in an Established Front Yard.
   Comment: Superseded by PUD Ordinance (Ord. 15-44). Compliant.

   iv) If walls or fencing consists of the same building materials as used on the Principal Building to which they are appurtenant, then they shall be permitted to extend into a Side Yard in a manner that is flush with the Front Building Facade of the Principal Building.

   If walls or fencing do not consist of the same building materials as used on the Principal Building to which they are appurtenant, then they shall not be permitted to extend into a Side Yard in a manner that is flush with the Front Building Facade of the Principal Building. Instead such walls or fencing shall be setback a minimum of an additional eight (8) feet from the Established Front Yard.

   Comment: Staff is working with petitioner to ensure compliance.

Development Standards (Chapter 6 of UDO)

The plans comply, as applicable to an Overall Development Plan and Detailed Development Plan, except for those items identified as outstanding below:

Accessory Use and Building Standards – Dumpster Enclosures (Article 6.1 (H))

89) Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities shall be completely and permanently screened from view of Rights-of-way and where possible, adjoining properties.

90) Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard.
Comment: Superseded by PUD Ordinance (Ord. 15-44). Compliant.

91) Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building.
Comment: Staff is working with petitioner to ensure compliance.

92) Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES.
Comment: Staff is working with petitioner to ensure compliance.

93) Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible.
Comment: Staff is working with petitioner to ensure compliance.

94) Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpsters for waste disposal. Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS.

95) Enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.

96) Landscaping shall be provided around enclosures in accordance with *Article 6.8 Landscaping Standards*.
Comment: Staff is working with petitioner to ensure compliance.

97) Architectural Standards (Article 6.3)

Comment: Staff is working with petitioner to ensure compliance.

98) Building Standards (Article 6.4)

99) Height Standards (Article 6.6)

Comment: Staff is working with petitioner to ensure compliance.

100) Landscaping Standards (Article 6.8)

Minimum Lot Landscaping

Business Use (1 ac.)	**Required**	**Depicted**	**+/-**
Shade Trees	10	7	**-3**
Ornamental/Evergreen Trees	10	7	**-3**
Shrubs	25	214	Compliant

Foundation Plantings

West façade (100')	**Required**	**Depicted**	**+/-**
Shrub/Ornamental Tree	9	0	**-9**

East façade (100')	**Required**	**Depicted**	**+/-**
Shrub/Ornamental Tree	9	4	**-5**

External Street Frontage Landscaping

State Road 32 (200')	**Required**	**Depicted**	**+/-**
Shade/Evergreen Trees	6	7	Compliant
Ornamental Trees	4	5	Compliant
Shrubs	50	61	Compliant

Parking Area Landscaping

West (108')	**Required**	**Depicted**	**+/-**
Trees	4	1	**-3**
Shrubs	36	45	Compliant

Interior Parking Area Landscaping

Min. Aggregate Req.	**Required**	**Depicted**	**+/-**
Trees	5	5	Compliant
Shrubs	20	22	Compliant
Square Footage	900 SF	725 SF	**-175 SF**

Comment: Planting and size requirement modified by PUD Ordinance.

101) Lighting Standards (Article 6.9)

Comment: Staff is working with petitioner to ensure compliance.

102) Lot Standards (Article 6.10)

103) Outside Storage and Display (Article 6.12)

Outdoor Eating Areas (Article 6.13)

104) Lighting. Shall comply with Article 6.9 Lighting Standards. Festoon lighting shall not be permitted.

105) Audio. Music and other audio devices shall be maintained at a level: (i) not audible from forty (40) feet from the source; or (ii) ninety (90) decibels or less when measured six (6) feet from the source on a dB(A) meter.

Pedestrian Ways. Shall not impede pedestrian traffic or force pedestrians into vehicular travel lanes in accordance with the following:

A five (5) foot pedestrian access area on the perimeter of the outdoor café and eating area shall be maintained at all times. The pedestrian access area on the sidewalk shall not be interrupted with building, infrastructure, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.

106) Permanent Areas. Outdoor cafes and eating areas that are utilized or set aside for use for a period longer than seven (7) days in a calendar year shall be deemed permanent in nature. Permanent outdoor cafes and eating areas shall require Development approval, in accordance with Article

10.7 Development Plan Review, to ensure compliance with this Ordinance and that its use and design is compatible with the surrounding area and Zoning District.

Parking and Loading Standards (Article 6.14)

Stacking Requirements for Drive-Through Facilities (Article 6.14 (E))

107) General Requirements: a. Drive-through lanes and required stacking spaces shall not interfere with parking space maneuvering aisles, parking drive aisles, loading spaces, internal site circulation, designated fire lanes or points of ingress and egress.
   a) Drive-through lanes and stacking spaces shall be designed to prevent vehicles from stacking in the Right-of-way.
   b) No stacking space may occupy any portion of a Right-of-way.
   c) A stacking space does not constitute a Parking Space.
   d) All drive-through and stacking lanes shall be delineated with pavement markings or otherwise distinctly delineated, as approved by the Department.

108) Minimum Size: A stacking space shall be a minimum of eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility.

109) By-Pass Lane: A minimum eight (8) foot wide lane parallel to a drive-through lane shall be provided around the drive-through facility to allow vehicles to exit the drive-through lane and circumvent the stacking lane. This lane may be part of the site's overall circulation plan.

110) Minimum Number of Spaces: The minimum number of required stacking spaces shall be as follows, which shall exclude the position at the service window but may include spaces between the service window and any ordering position:
   a) Fast Food Restaurant: 7 stacking spaces
   b) Financial institutions, pharmacies, Takeout and Deli-style Restaurant with drive-through: 3 stacking spaces per service window
   c) All other facilities: 2 stacking spaces per service window

111) Reduction in Number of Spaces: If an Applicant demonstrates that strict compliance with the minimum number of stacking spaces is impracticable or would result in a less desirable site design, then the Department may approve a reduction of the stacking requirement. If determined by the Director, then demonstration by a qualified traffic engineer that a reduction in the stacking requirements is appropriate for the proposed use given the use's proposed intensity or the site's context may be required.

112) Off-Street Parking (Article 6.14 (G))

113) Bicycle Parking (Article 6.14 (H))

114) Setback Standards (Article 6.16)

Comment: See Item 28 above.

115) Sign Standards (Article 6.17)

Comment: Any signs shown on the Detailed Development Plan will not be reviewed for compliance. Approval of the Detailed Development Plan does not constitute approval of any depicted signage. Signage will be reviewed and approved through a separate sign permit process.

116) Vision Clearance Standards (Article 6.19)

Comment: See Item 37 above.

117) Yard Standards (Article 6.21)

Design Standards (Chapter 8 of UDO)

Comment: See "Design Standards" section under "Primary Plat Review" above (Page 4).

Wellhead Protection (Article 5.7 of UDO)

Comment: The property falls within Zone 2 (5 year time of travel) of the City's Wellhead Protection District. Please review this ordinance for compliance.

Culver's Sun Park PUD Standards (Ord. 15-44):

118) Section 3: Temporary Concept Plan: In the event the adjacent segment of Tournament Trail is not available at the time of developing the Real Estate, the Temporary Concept Plan, attached hereto and incorporated as **Exhibit C**, may be used in lieu of the Concept Plan found in **Exhibit B**. However, at the time the adjacent segment of Tournament Trail segment is constructed and the parcel adjacent to and east of the Real Estate is substantially developed, as determined by the Director, the site layout, including but not limited to site access, shall be reconstructed/improved in a manner that is in substantial compliance with **Exhibit B**. All expenses associated with making these improvements shall be borne by the Property Owner. These improvements shall be installed at the same time as Tournament Trail construction, or if subsequent to construction, within six (6) months of formal notice by the Economic and Community Development Department.

119) Section 3: East Cross-Access: Vehicular cross-access easement(s) to the east ("East Cross-Access") shall be provided. Such easement(s) shall be provided in accordance with the commitment agreement found in **Exhibit F** of this Ordinance and shall be developed in substantial compliance with Exhibit "2" of **Exhibit F**, as determined by the Director.

The East Cross-Access easements shall be provided in accordance with *Article 6.14, G9*. All expenses associated with making these improvements shall be borne by the Property Owner, unless otherwise agreed by the parties. These improvements shall be installed at the same time as the adjacent parking lot construction, or if subsequent to construction, within six (6) months of formal notice by the Economic and Community Development Department.

Comment: Note that the Secondary Plat will need to be amended in the future to add this cross-access easement, when triggered by the PUD.

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.

120) 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.

121) 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 D**, 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.

Comment: Cannot determine compliance. Please submit building elevations.

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

122) Article 6.1, H. Dumpster Enclosure: Shall apply, except that the dumpster may be located within an Established Front Yard, Side Yard, or Rear Yard, as depicted in **Exhibit B** and **Exhibit C.**

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

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

124) Article 6.8 (N) Buffer Yard Requirements: Shall not apply to the north, west or east property lines.

125) 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.

Comment: Square footage is not compliant. Please share how you calculated the island space.

126) Article 6.8(O)((2) Perimeter Parking Area Landscaping: Shall apply, except as otherwise modified below:

a) In the event Tournament Trail is not available for the initial development of the site and **Exhibit C** is used, 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 the south unimproved right of way of Tournament Trail, in coordination with the City.

Comment: If it is the intention to count these plants towards meeting certain requirements, then they need to be identified, labeled, and added to the plant schedule.

b) Perimeter Parking Area Landscaping shall not apply to a parking lot(s) located within five (5) feet of the Real Estate's eastern lot line.

127) 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.

Comment: Please coordinate with WPWD.

Section 10. Design Standards. The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below:

A. Easements: Cross-access across the Real Estate to the eastern property line shall be established at the time of Secondary Plat approval, as set forth in the Rezoning Commitments attached hereto as **Exhibit F** and Section 3 above.

DEPARTMENT COMMENTS

1. Hold a public hearing at the March 7, 2016, APC meeting.

2. Prior to final disposition, the Petitioner will make any necessary revisions to the proposal based on APC comments, public comments and any additional staff comments.

3. 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.