



Westfield City Council Report

Ordinance Number:	16-12
APC Petition Number:	1606-PUD-07
Petitioner:	TMC Developers, LLC by Nelson & Frankenberger
Requested Action:	An amendment to the Mixed Use District (Commercial Area) of the Harmony Planned Unit Development (PUD) District.
Current Zoning:	The Harmony PUD District (Ord. 12-14 , as amended by 15-18, 16-24)
Current Land Use:	Vacant / Undeveloped
Exhibits:	<ol style="list-style-type: none">1. Location Map2. Concept Plan and Elevations3. Proposed Amendment Ord. 16-124. APC Certification5. Letters to Neighbors
Prepared by:	Jesse M. Pohlman, Senior Planner

PETITION HISTORY

This petition was introduced at the May 9, 2016, City Council meeting. The petition received a public hearing at the June 6, 2016, Advisory Plan Commission (the "Plan Commission") meeting.

Since the public hearing, the petitioners have chosen to split the petition as it relates to Area A (the "Apartment Area") and Area B and C (the "Commercial Area") (see Project Overview below). As such, this petition (1606-PUD-07) is now only applicable to the Commercial Area.

The petitioner submitted a revised ordinance for the August 1, 2016, Plan Commission meeting that removed the Apartment Area and incorporated changes in response to the public hearing comments. The Plan Commission opened their meeting on August 1, 2016, to allow additional public comment in response to the petitioner's submitted revisions.

The written comments that were submitted in response to the petition as presented at the June 6, 2016, public hearing, are included with the August 1, 2016, Plan Commission meeting agenda ([link here](#)). The public comments presented at the public hearing are summarized in the Plan Commission's minutes of the June 6, 2016, meeting ([link here](#)).

The written comments that were submitted in response to those revisions presented at the August 1, 2016, Plan Commission meeting are also included with the August 1, 2016, Plan Commission meeting agenda ([link here](#)).

In response to the additional public comments, the petitioner submitted a response to the comments and issues ([link here](#)), as well as a revised ordinance for the September 6, 2016, Plan Commission meeting. At its September 6, 2016, meeting, the Plan Commission forwarded a favorable recommendation of this petition to the Council (Vote: 7 in favor, 2 opposed (N. Day, T. Smith)) (see **Exhibit 5**), subject to the following:

1. Signage shall be prohibited on the Gasoline Service Station canopy.
2. Outdoor audio for the Gasoline Service Station shall be restricted to communication between the attendee and patrons at the pump, and emergency situations.
3. The Illustrative Character Exhibit – GetGo (Exhibit C of the Amendment Ordinance) shall be revised to incorporate decorative gooseneck lighting of wall signs, decorative wood beam gable elements and stone as a building material to the base of all structures, to complement the Illustrative Character Exhibit – CVS (Exhibit D of the Amendment Ordinance).
4. The existing trees in the right-of-way along the south property line of Area C (as set forth in Exhibit B of Ordinance 12-14), shall not be disturbed by this development, except as otherwise required by a government agency, utility agency or to accommodate ingress/egress into the site.
5. The petitioner shall offer to provide additional screening on the two properties immediately south of Area C (as set forth in Exhibit B of Ordinance 12-14) on the south side of old 146th Street.

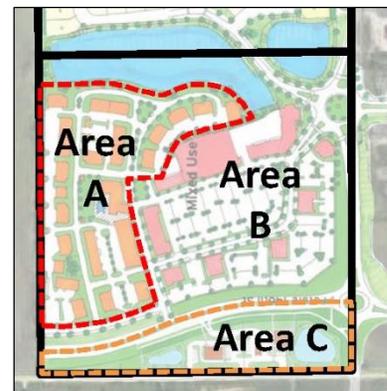
The ordinance and corresponding exhibits have been revised to incorporate #1 through #4 accordingly (see **Exhibit 3**). The petitioner has indicated they've sent the attached letters (see **Exhibit 5**) to the property owners to the south of Area C, in accordance with #5.

PROJECT OVERVIEW

Project Location: The petitioner is requesting an amendment to the Harmony Planned Unit Development (PUD) District for the thirty-three (33) acres+/- located on the northwest corner of 146th Street and Ditch Road (see **Exhibit 2**).

The subject property encompasses “Areas” B and C of the PUD District (collectively, the “Commercial Area”). The PUD Ordinance establishes the LB: Local and Neighborhood Business District as the underlying zoning district.

Property History: The property is zoned the Harmony PUD District ([Ord. 12-14](#)) (the “PUD Ordinance”). The PUD Ordinance was adopted in 2013, and includes 278 acres. Since then, the detached single-family areas of the PUD District have been under development.



In March 2016, the petitioner filed a primary plat ([1605-SPP-06](#)) and overall development plan ([1605-ODP-06](#)) that included the Commercial Area, which were approved by the Plan Commission on June 6, 2016.

In April 2016, the petitioner filed a secondary plat (1606-SFP-16) for the Mixed Use District, and a detailed development plan ([1606-DDP-20](#)) for a CVS directly on the northwest corner of 146th Street and Ditch Road. The detailed development plan for CVS received its public hearing at the June 6, 2016, Plan Commission meeting, and is currently pending.

AMENDMENT REQUEST

The petitioner requests this amendment to address the following:

Permitted Uses: The PUD Ordinance currently defaults to the LB District for permitted uses. In addition, within Area C, the PUD Ordinance currently permits, but then limits restaurants with drive through facilities to: Snack Restaurants¹, Sandwich Restaurants², Pizza/Pasta Restaurants³, Mexican Restaurants⁴, Chicken Restaurants⁵, and Asian Restaurants⁶. The PUD Ordinance specifically prohibits Burger Restaurants⁷ and Seafood Restaurants⁸. The definitions for the above restaurant uses, as defined by the PUD Ordinance, are noted. In addition, the PUD Ordinance defines a “Quick Service Restaurant” as “an establishment primarily engaged in providing food services where patrons order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer’s location.”

The proposed amendment, as revised:

1. Prohibits Fast Food Restaurants⁹ (including the previously permitted restaurants, as summarized above).

¹ PUD Ordinance defines “Restaurant, Snack” as “a Quick Service Restaurant specializing in (1) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, doughnuts, bagels, cookies, or popcorn or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, coffee makers) but primarily promote and sell a unique snack or nonalcoholic beverage.”

² PUD Ordinance defines “Restaurant, Sandwich” as “a Quick Service Restaurant specializing in sandwiches as the primary menu feature.”

³ PUD Ordinance defines “Restaurant, Pizza/Pasta” as “a Quick Service Restaurant specializing in pizza and pasta as the primary menu feature.”

⁴ PUD Ordinance defines “Restaurant, Mexican” as “a Quick Service Restaurant specializing in Mexican cuisine.”

⁵ PUD Ordinance defines “Restaurant, Chicken” as “a Quick Service Restaurant specializing in chicken as the primary menu feature.”

⁶ PUD Ordinance defines “Restaurant, Asian” as “a Quick Service Restaurant specializing in cuisine from the Asian region.”

⁷ PUD Ordinance defines “Restaurant, Burger” as “a Quick Service Restaurant specializing in hamburgers as the primary menu feature.”

⁸ PUD Ordinance defines “Restaurant, Seafood” as “a Quick Service Restaurant specializing in seafood as the primary menu feature.”

⁹ Chapter 12 of the Unified Development Ordinance defines “Restaurant, Fast Food” as “[a]n establishment whose primary business is the sale of food prepared and available before an order is placed and typically includes most of the following characteristics: (i) the meal is paid for prior to consumption; (ii) patrons often order from a menu

- Permits one (1) Gasoline Service Station¹⁰ within Area C. The proposed ordinance restricts the hours of operation between 5:00 a.m. and midnight with an exception. The Towne West Planned Unit Development (PUD) District (northeast corner of 146th Street and Towne Road) currently permits a Gasoline Service Station. The proposed ordinance provides that if that Gasoline Service Station operates between the hours of 5:00 a.m. and midnight, then this Gasoline Service Station would be permitted to do so as well.

A Gasoline Service Station is a Special Exception¹¹ use in the underlying LB District; however, the use is not currently permitted because the use is not specifically a Permitted Use in the LB District¹².

Minimum Building Setbacks: The proposed amendment modifies three minimum building setback standards as follows:

- Reduces the front yard setback along internal streets from 60 feet (as set forth by the LB District) to 20 feet (10 feet along the private street north of the proposed CVS building). Twenty (20) feet is the same standard the PUD Ordinance establishes for the front yard setback along 146th Street and Ditch Road.
- Reduces the side and rear yard setbacks from 15 feet and 20 feet, respectively, to zero (0) feet interior to the Mixed Use District.
- Reduces the front yard setback along old 146th Street (south line of Area C for the proposed Gasoline Service Station) from twenty (20) feet to ten (10) feet.

Landscape Buffer Yards: With respect to the Commercial Area, the PUD Ordinance defaults to the UDO’s landscaping standards with the exception of the External Street Frontage Landscaping Requirements.

The External Street Frontage Landscaping Requirements, which were adopted as part of the UDO after the Harmony PUD Ordinance was adopted, are superseded by the PUD Ordinance’s “Landscape Buffer A” and “Landscape Buffer B” as



board, are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or may be taken to a table or counter to be consumed; (iii) includes a high-volume drive-through facility. Example businesses include drive-in food and beverage establishments and restaurants or cafeterias having less than fifty percent (50%) of gross sales derived from food sales excluding drive-through.”

¹⁰ Chapter 12 of the Unified Development Ordinance defines “Gasoline Service Station” as “[a]ny building or land used for the retail sale of automobile fuels and lubricants and which typically includes fuel pumps and underground storage tanks.

¹¹ Chapter 12 of the Unified Development Ordinance defines “Special Exception” as “[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted.”

¹² Section 2.2. of the Harmony PUD Ordinance provides that uses permitted in the LB District are permitted. Article 13.1(B) of the UDO provides uses are either permitted, not permitted or a Special Exception. As a Special Exception use in the LB District, a Gasoline Service Station is determined to not be a permitted use.

they apply to those areas shown on the graphic.

The proposed amendment now defaults to the UDO’s External Street Frontage Landscaping Requirements as noted below.

1. External Frontage Landscaping / Landscape Buffer:

	PUD Ordinance Buffer A	PUD Ordinance Buffer B	Amendment Defaults to UDO’s External Street Frontage Landscaping ¹³
Minimum Width	20 feet	10 feet	10 feet
Evergreen Trees	1.5 per 30 feet	1 per 30 feet	3 per 100 feet
Shade Trees	-	-	
Ornamental Trees	-	-	2 per 100 feet
Shrubs	5 evergreen per 30 feet	5 evergreen per 30 feet	25 per 100 feet

2. Area C (Gasoline Service Station): In addition to the above, the amendment proposes to modify the south property line of Area C (along old 146th Street) as follows:

	PUD Ordinance Buffer A	Amendment Defaults to UDO’s External Street Frontage Landscaping ¹⁴
Minimum Width	20 feet	10 feet*
Evergreen Trees	1.5 per 30 feet	3 per 100 feet**
Shade Trees	-	
Ornamental Trees	-	2 per 100 feet**
Shrubs	5 evergreen per 30 feet	25 per 100 feet**
Screen Wall	-	proposed in lieu of otherwise applicable plantings

*Amendment allows the width to be reduced by permitting sidewalks and drive aisles to encroach into the landscaping area.

**Amendment allows plantings to be located within the adjacent right-of-way. The adjacent right-of-way is the jurisdiction of Hamilton County. As a result, the Department recommends language be added that plantings are permitted within the adjacent right-of-way “subject to approval by the County”.

Sign Standards: The PUD Ordinance defaults to the UDO for the applicable sign standards. The proposed amendment addresses the Gasoline Service Station proposed within Area C, which by definition, would qualify as an Outlot¹⁵ thus would not be permitted to have individual ground signs. Due to the non-contiguous nature of Area C from the remainder of the Nonresidential

¹³ Article 6.8(M)(2) of the UDO provides that this requirement may be credited when perimeter parking area landscaping requirements overlap external street frontage landscaping (located within 20 feet of the right-of-way).

¹⁴ Article 6.8(M)(2) of the UDO provides that this requirement may be credited when perimeter parking area landscaping requirements overlap external street frontage landscaping (located within 20 feet of the right-of-way).

¹⁵ Chapter 12 of the UDO defines “Outlot” as “[a] Lot within a Nonresidential Center that typically abuts a Street on one Lot Line and either a Street or other vehicular access (i.e. Private Street) shared with other Lots within the Nonresidential Center on another Lot Line.”

Center¹⁶, the proposed amendment specifies that signage for Area C would be permitted and regulated as an Individual Nonresidential Use¹⁷.

In addition, to complement the “village design theme”, the proposed ordinance restricts wall signs within Area B to only be externally lit with decorative lighting. This restriction would not apply to Area C (Get Go).

Architectural Standards: The PUD Ordinance adopts the UDO’s Architectural Design Requirements of the State Highway 32 Overlay District to apply to the commercial uses of the Mixed Use District. The proposed amendment originally incorporated the CVS and GetGo franchised designs to replace and supersede the otherwise applicable architectural standards.

Since the public hearing, the petitioner has submitted revised CVS and GetGO elevations in response to the public hearing comments that spoke in regard to residents wanting to see a more “village” architectural theme for buildings within the Commercial Area.

The proposed amendment provides that the CVS and GetGo buildings “shall be constructed in substantial compliance with the elevations and materials illustrated on the Illustrative Character Exhibit”, as revised.

Illustrative Character Exhibit – CVS: The detailed development plan (1606-DDP-20) for the proposed CVS has been reviewed in accordance with the currently applicable architectural standards (see corresponding Department Report for 1606-DDP-20). The Illustrative Character Exhibit does not comply with, and would generally modify the standards for: building materials (Masonry Materials); building façade offsets.

Illustrative Character Exhibit – GetGo: The Illustrative Character Exhibit does not comply with, and appears to generally modify the standards for: building façade offsets; four-sided architecture (specifically the proposed right and rear elevations). The original Illustrative Character Exhibit depicts outdoor storage/display items; however, these would be subject to Article 6.12(C) Outside Storage and Display of the UDO, which requires screening.

Village Design Theme: In response to public hearing comments, the revised ordinance proposes that all other buildings within the Commercial Area be required to be of a “village design theme”. In coordination with the Department, the petitioner’s proposed ordinance incorporates a reference to the Defined Architectural Styles that apply to Harmony’s single-family homes to establish the “village design theme” applicable to the Commercial Area.

¹⁶ Chapter 12 of the UDO defines “Nonresidential Center” as “[a] building or combination of buildings containing three (3) or more tenants, stores, service establishments, offices or other permitted uses which are planned, platted, organized, or managed to function as a unified whole and shares one or more of the following: (1) vehicular access; (2) Parking Areas; (3) signage; (4) landscaping; or (5) design theme; and/or is platted as part of a Subdivision or coordinated shopping center, which may include Outlots for lease or for sale.”

¹⁷ Chapter 12 of the UDO defines “Nonresidential Use, Individual” as “[a]ny building or combination of buildings with a single tenant, store, service establishment, office or other permitted nonresidential use and not part of a Nonresidential Center.”

Comprehensive Plan: As summarized in the original zoning of the PUD District, the Future Land Use Map in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the property as “New Suburban”.

PROCEDURAL

Public Hearing: Amendments to a Planned Unit Development (PUD) District are required to be considered at a public hearing by the Plan Commission. The public hearing for this amendment was held on June 6, 2016, with additional public comment at the August 1, 2016, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission’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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RECOMMENDATIONS / ACTIONS

Plan Commission Recommendation

At its September 6, 2016, meeting, the Plan Commission forwarded a favorable recommendation of this petition to the Council (Vote: 7 in favor, 2 opposed (N. Day, T. Smith) (see **Exhibit 5**).

City Council

Introduction: May 9, 2016

Eligible for Adoption: October 10, 2016

Submitted by: Jesse M. Pohlman, Senior Planner
Economic and Community Development Department

Aerial Location Map

Site



Zoning Map



Parcel
 Zoning
 PUD (Planned Unit Development)
 SF-2 (Single Family - 2)
 AG-SF1 (Agriculture - Single Family - 1)

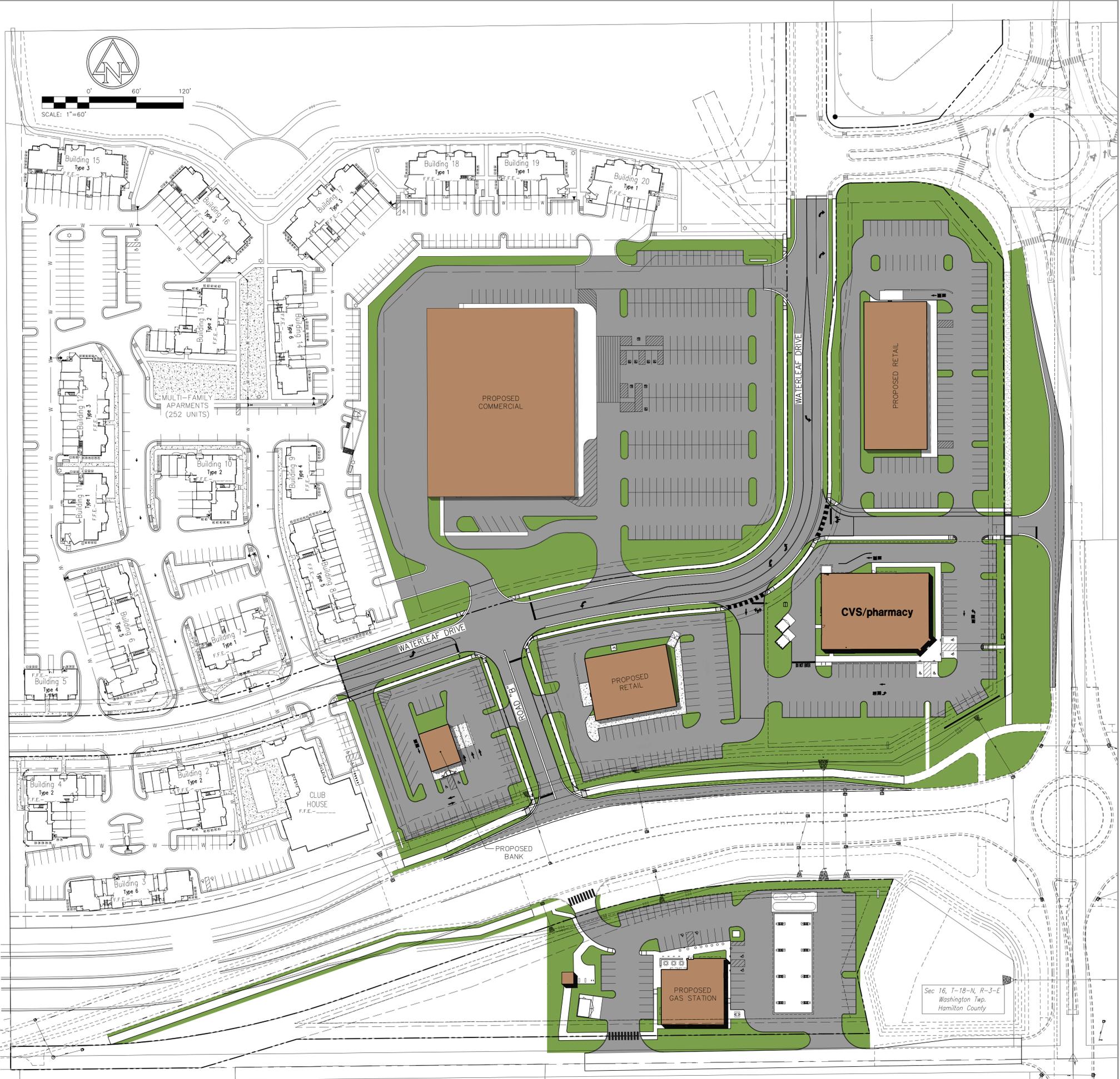
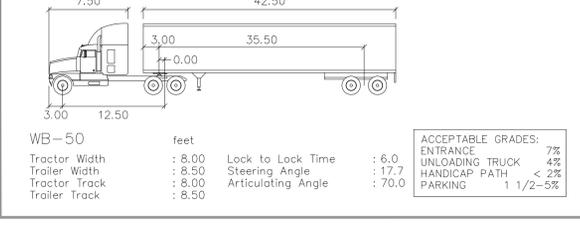
CRITERIA CHECKLIST	
PROJECT DATA	
PARKING PROVIDED	68 SPACES
PARKING REQUIRED	1 SPACE PER 300 SF, 43 TOTAL REQUIRED SPACES
LOADING AREA PROVIDED	2 LOADING ZONE PROVIDED
LOADING AREA REQUIRED	2 LOADING ZONE REQUIRED
LAND INFORMATION	
LAND LOT / DISTRICT	WILL BE PROVIDED BY OVERALL DEVELOPER
PARCEL NUMBERS	N/A
BOUNDARY SURVEY	A BOUNDARY SURVEY WILL NEED TO BE PROVIDED
TOPOGRAPHICAL SURVEY	A TOPOGRAPHICAL SURVEY WILL NEED TO BE PROVIDED
ENVIRONMENTAL REPORT (PHASE 1)	WILL BE COMPLETED BY DEVELOPER
GEOTECHNICAL REPORT	WILL BE PROVIDED BY DEVELOPER
RETENTION EVALUATION	PROVIDED BY OVERALL DEVELOPMENT
CUT / FILL EVALUATION (APPROX)	MINIMAL CUT / FILL QUANTITIES ARE ANTICIPATED
OFF SITE IMPROVEMENTS	N/A
EASEMENTS	INVESTIGATION OF EXISTING DRAINAGE EASEMENT IS REQUIRED TO UNDERSTAND IF VACATION OR RELOCATION IS AN OPTION
ZONING INFORMATION	
EXISTING ZONING	PUD
ADJACENT ZONING	PUD
CONDITIONS OF REZONING	UNKNOWN
BUILDING HEIGHT LIMIT	UNKNOWN
OPERATIONS INFORMATION	
DRIVE THRU ALLOWED	PERMITTED
24 - HOUR SERVICE ALLOWED	PERMITTED
BEER / WINE SALES ALLOWED	PERMITTED
MINUTE CLINIC ALLOWED AND PERMITTED USE	PERMITTED
SIGNAGE LOCATION & REQUIREMENTS	COORDINATED WITH SIGN VENDOR
LANDSCAPE INFORMATION	
EXTERNAL REQUIREMENTS	EXTERNAL LANDSCAPING WILL NEED TO BE PROVIDED
INTERNAL REQUIREMENTS	INTERNAL LANDSCAPING WILL NEED TO BE PROVIDED
EXISTING TREES	NONE
PROPOSED TREES	PUD REQ'D = 1 EVERGREEN PER 30' ALONG 146TH STREET AND DITCH ROAD PUD PROVIDED: (530' LF) 18 EVERGREEN TREES INTERIOR REQ'D = 10 SHADE, 10 ORNAMENTAL/EVERGREEN PER ACRE OF GREEN SPACE INTERIOR PROVIDED: (0.60± ACRE GREEN SPACE) 6 SHADE, 6 ORNAMENTALS FOUNDATION PLANTS REQ'D: 1 ORNAMENTAL OR SHRUB PER 12' LF OF BLDG FOUNDATION PROVIDED: (475' LF BLDG) 20 ORNAMENTALS, 20 SHRUBS
ACCESS INFORMATION	
CURB CUT EVALUATION	TWO FULL ACCESS DRIVEWAYS WILL BE PROVIDED ON WATERLEAF DRIVE. ONE RIGHT IN AND RIGHT OUT ACCESS WILL BE PROVIDED ON DITCH ROAD. ONE RIGHT IN AND RIGHT OUT ACCESS WILL BE PROVIDED ON 146TH STREET.
DECELERATION LANES	ACCEL TAPERS AND DECEL TAPERS ARE ANTICIPATED AT BOTH RIGHT IN / RIGHT OUT ENTRANCES.
UNOBSTRUCTED	
MAJOR ROAD JURISDICTION	DITCH ROAD
MINOR ROAD JURISDICTION	146TH STREET
STORM AND UTILITY INFORMATION	
STORM AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
ELECTRIC AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
TELEPHONE AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
CABLE AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
WATER AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
SEWER AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT
GAS AVAILABILITY	AVAILABLE BY OVERALL DEVELOPMENT

SITE DATA		SITE QUANTITIES	
SITE AREA	1.92 ACRES ± (83,598 S.F.)	HEAVY DUTY ASPHALT	4,017 S.Y. ±
PERVIOUS AREA	0.60 ACRES ± (26,136 S.F.)	LIGHT DUTY ASPHALT	1,280 S.Y. ±
IMPERVIOUS AREA	1.32 ACRES ± (57,462 S.F.)	CURB	2,589 LF ±
MAXIMUM IMPERVIOUS AREA	N/A	SIDEWALK	765 LF ±
BUILDING AREA	12,900 S.F.	CUT / FILL QUANTITIES	\$1,500 C.Y. IMPORT
BUILDING DENSITY	12,900 S.F. (BLDG)	ASPHALT PATH	435 S.Y. ±
	83,598 S.F. (LOT)	CURB AND CUTTER	1,065 LF ±
		RIGHT OF WAY ASPHALT	1,153 S.Y. ±
MAXIMUM BUILDING DENSITY	N/A		

PROPOSED SITE LEGEND	
	DIRECTIONAL ARROWS, PAINTED WHITE
	WORDS "DRIVE THRU" & "ONE WAY", PAINTED WHITE
	ADA ACCESSIBLE PARKING SPACE
	CONCRETE TRANSFORMER PAD
	ORNAMENTAL TREE
	EVERGREEN TREE
	HEAVY DUTY ASPHALT PAVEMENT
	RIGHT-OF-WAY ASPHALT PAVEMENT
	CONCRETE PAVEMENT / SIDEWALK
	SHADE TREE

- RISK ASSESSMENT:**
- SITE INFORMATION WAS PROVIDED FROM DEVELOPMENT PLAN DRAWING.
 - PROPERTY LINES, BUILDING SETBACKS, AND EASEMENTS TAKEN FROM A DEVELOPMENT PLAN DRAWING AND WILL NEED TO BE VERIFIED WITH CURRENT TOPOGRAPHIC AND BOUNDARY SURVEY.
 - BASED UPON SITE GEOMETRY A WB-50 IS THE LARGEST VEHICLE THAT CAN BE UTILIZED.
 - PERMANENT DRAINAGE EASEMENT WILL NEED TO BE RELOCATED TO AVOID BUILDING.
 - SITE MUST COMPLY WITH HARMONY PUD. BUILDING MUST COMPLY WITH HARMONY PUD AND SR32 OVERLAY DISTRICT ARCHITECTURAL STANDARDS.
 - RIGHT IN AND RIGHT OUT ACCESS ON TO DITCH ROAD WILL NEED TO BE APPROVED BY THE CITY OF WESTFIELD.
 - RIGHT IN / RIGHT OUT ACCESS @ 146TH STREET WILL NEED TO BE APPROVED BY THE HAMILTON COUNTY COMMISSIONERS AND HIGHWAY DEPARTMENT.

- GENERAL SITE NOTES:**
- ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, WHERE APPLICABLE.
 - ALL DIMENSIONS ARE TO OUTSIDE OF BRICK OR FACING MATERIAL WHERE APPLICABLE.
 - CVS MUST DELIVER IN TRUCKS NOT LONGER THAN 50'-0" DUE TO SITE GEOMETRY.
 - ALL ELEVATIONS SHOWN AT INTERSECTION AND ENTRANCES ARE ASSUMED TO BE AT THE SAME ELEVATION. SINCE INTERIOR ACCESS ROAD IS NOT DESIGNED AND THE INTERSECTION OF 146TH STREET AND DITCH ROAD IS UNDER CONSTRUCTION.



12,900 TYPE-A-RIGHT CHAMFER DRIVE-THRU
STORE NUMBER: XXXXX
 146TH STREET AND DITCH ROAD
 WESTFIELD, INDIANA
 PROJECT TYPE:
 DEAL TYPE:
 CS PROJECT NUMBER: 89946

ARCHITECT OF RECORD



CONSULTANT:
 AMERICAN STRUCTUREPOINT INC.
 7260 SHADELAND STATION
 INDIANAPOLIS, INDIANA 46256
 p:(317) 547-5580 f:(317) 543-0270
 www.structurepoint.com

DEVELOPER:
 TMC Indiana 2, LLC
 501 Pennsylvania Parkway, Ste. 160
 Indianapolis, Indiana 46280
 Phone (317) 574-7333
 Fax (317) 574-7336
 Contact: Craig Forgye

SEAL:

REVISIONS:

PLANNING MGR: ART
 DRAWING BY: RCB\PED
 DATE: 07/21/2016
 JOB NUMBER: 2015.01305
 TITLE: SCHEMATIC SITE PLAN

SHEET NUMBER:

SK-2

COMMENTS:
 NOT RELEASED FOR CONSTRUCTION

PLOT SCALE: 1"=60'
 EOT DATE: 07/21/16 09:43:58 (GMT-04:00) BY: S:\0000_DWG_PLOT\15.01305\01305.DWG (A:\0000_DWG_Plot\15.01305\01305.DWG) OVERALL CONCEPT PLAN BY: RCB/REC/ENG



FRONT ELEVATION (STREET FRONTAGE)
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION (STREET FRONTAGE)
SCALE: 1/8" = 1'-0"



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



LEFT ELEVATION (3RD SIDE ARCHITECTURE)
SCALE: 1/8" = 1'-0"

CVS 10983 146TH ST. & DITCH RD. WESTFIELD, IN





BUILDING PERSPECTIVE
VIEW FROM NORTH EAST CORNER OF SITE. LOOKING SOUTH WEST

CVS 10983 146TH ST. & DITCH RD. WESTFIELD, IN





BUILDING PERSPECTIVE
VIEW FROM INTERSECTION OF DITCH RD. & 146TH ST.

CVS 10983 146TH ST. & DITCH RD. WESTFIELD, IN







 AMERICAN
STRUCTUREPOINT
 INC.
 7260 Shadeland Station | Indianapolis, Indiana 46256
 TEL 317.547.5580 | FAX 317.543.0270
 www.structurepoint.com



context
 DESIGN
 12 S Main St, Ste 200 | Fortville, IN 46040
 317-485-6900 | www.context-design.com

**GETGO
 HARMONY**



 ALYSSA P. PRAZAU
 REGISTERED
 No.
 2002-132
 STATE OF
 INDIANA
 LANDSCAPE ARCHITECT
Alyssa P. Prazau
 CERTIFIED BY

ORDINANCE CHART

Zoning: PUD Harmony_Mixed Use District

Per PUD requirements

BUFFERS

Requirement:

East: No Buffers required
 West: No Buffers required
 North: Landscape Buffer B; 10' width;
 1 evergreen tree + 5 evergreen shrubs/ 30 lf
 South: Landscape Buffer A; 20' width;
 1.5 evergreen trees + 5 evergreen shrubs/ 30 lf

Required:

North: 461 lf.; 15 evergreen trees + 77 evergreen shrubs
 South: 525 lf.; 21 evergreen trees + 69 evergreen shrubs

Provided:

North: 15 evergreen trees + 77 evergreen shrubs
 South: 150 lf. of screen wall + 14 evergreen trees + 58 evergreen shrubs

PER UDO REQUIREMENTS

GENERAL SCREENING

Heating and Cooling: Completely screened from view
 Dumpster and Loading Areas: 6' high opaque wall.

STREET TREES: By Overall Development

MINIMUM LOT LANDSCAPING REQUIREMENTS: 2.61 acres
 Requirement: 10 Shade Trees + 10 Ornamental or Evergreen + 25 Shrubs/acre
 Required: 27 Shade Trees + 27 Ornamental/Evergreen Trees + 66 Shrubs
 Provided: 27 Shade Trees + 38 Ornamental/Evergreen Trees + 324 Shrubs

FOUNDATION PLANTINGS

Requirement:

Front Facades: 1 shrub or ornamental tree/12 lf.
 Side and Rear: Break up walls with plantings every 40 lf.

Required:

Front Facades: 80 lf.; 7 ornamental trees or shrubs
 Side and Rear: 234 lf.; 5 areas of plantings

Provided:

Front Facades: 12 shrubs
 Side and Rear: West and South Facade broken with plantings

MONUMENT SIGNS

Requirements: s.f. of planting bed equal to one (1) side of the Monument Sign
 Required: Unknown at this time.
 Provided: 220 s.f. of planting bed

INTERIOR PARKING = 64 spaces/30,346 sf

Requirement: 10% in islands; 1 Tree + 4 Shrubs per island.
 Required: 3,035 s.f. of islands.
 Provided: 3,054 s.f. in 12 islands; 11 trees (2 trees provided elsewhere on site to accommodate Utilities) + 57 shrubs

PERIMETER PARKING: 363 lf.

Requirement: 1 Tree/30 lf + 1 Shrub/3 lf parking area

Required:

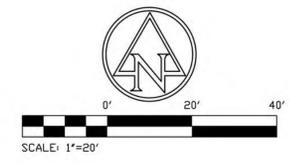
East: 16 spaces @ 9 width = 144 lf.; 5 trees + 48 shrubs
 North: 16 spaces @ 9 width = 146 lf.; 5 trees + 48 shrubs
 West: 5 spaces @ 9 width = 45 lf.; 2 trees + 15 shrubs

Provided:

East: 16 spaces @ 9 width = 144 lf.; 5 trees + 48 shrubs
 North: 16 spaces @ 9 width = 144 lf.; 5 trees + 48 shrubs
 West: 5 spaces @ 9 width = 45 lf.; 2 trees + 15 shrubs

GENERAL LANDSCAPE & PLANTING NOTES

- Plant material to be installed and maintained by a qualified and experienced landscape installer.
- All materials are subject to the approval of the Landscape Architect and Owner at any time. Landscape Architect to inspect all plant locations and plant bed conditions prior to installation. Stake all plant locations for review and approval by the Landscape Architect before planting. On-site adjustments may be required. Plants are to be freshly dug. Transporting of plants shall be done in a manner as to not destroy the natural shape, compromise the health, or alter the characteristics of plant materials.
- Rootballs shall meet or exceed size standards as set forth in 'American Standards for Nursery Stock'. MAIN LEADERS OF ALL TREES SHALL REMAIN INTACT. Remove from the site any plant material that turns brown or defoliates within five (5) days after planting. Replace immediately with approved, specified material.
- Plant counts indicated on drawings are for Landscape Architect's use only. Contractor shall make own plant quantity takeoffs using drawings, specifications, and plant schedule requirements (i.e., spacing), unless otherwise directed by Landscape Architect. Contractor to verify bed measurements and install appropriate quantities as governed by plant spacing per schedule.
- All plant beds shall receive 3" minimum of genuine shredded hardwood bark mulch (unless otherwise noted). Apply pre-emergent herbicide as directed by the manufacturer prior to installing mulch. Seed all areas disturbed by construction activities that are not otherwise noted to receive pavement, planting bed, or other treatment.
- The Contractor shall install and/or amend topsoil in all proposed bed areas to meet ASTM D5268 standards. Landscaper shall verify depth and quality of topsoil prior to plant installation. A minimum of 4" of topsoil is required for lawn areas; 12" for plant beds. Topsoil sources shall include the reuse of surface soil stockpiled on site, clean of roots, plants, sod, stones, clay lumps, and other extraneous or foreign materials larger than 1". Supplement with imported topsoil from off-site sources when quantities are insufficient. Do not obtain supplemental topsoil from agricultural land, bogs, or marshes. Inorganic amendments, organic amendments, and fertilizers shall be used to amend topsoil as needed for long-term plant health.
- Verify all utility locations in the field prior to beginning work. Repair all damaged utilities to satisfaction of the Owner and Operating Authority at no additional cost.
- Install all plant material in accordance with all local codes and ordinances. Coordinate with the Owner to obtain any required permits necessary to complete work. All workmanship and materials shall be guaranteed by the Contractor for a period of one (1) calendar year after Final Acceptance.
- Maintain all plant material for a three (3) month period from date of Substantial Completion. Maintenance shall include pruning, cultivating, watering, weeding, fertilizing, restoring plant saucers, spraying for disease and insects, and replacing tree wrappings. Recommended long-term maintenance procedures shall be provided to the Owner before expiration of this period.
- Satisfactory Seeded Lawn: At end of maintenance period, a healthy, uniform, close stand of grass has been established, free of weeds and surface irregularities, with coverage exceeding 90 percent over any 10 sq. ft. (0.92 sq. m) and bare spots not exceeding 3 by 3 inches. Reestablish lawns that do not comply with requirements and continue maintenance until lawns are fully satisfactory to the Owner.



HATCH LEGEND



ISSUANCE INDEX

DATE:	07-21-2016
PROJECT PHASE:	---

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2015.01305

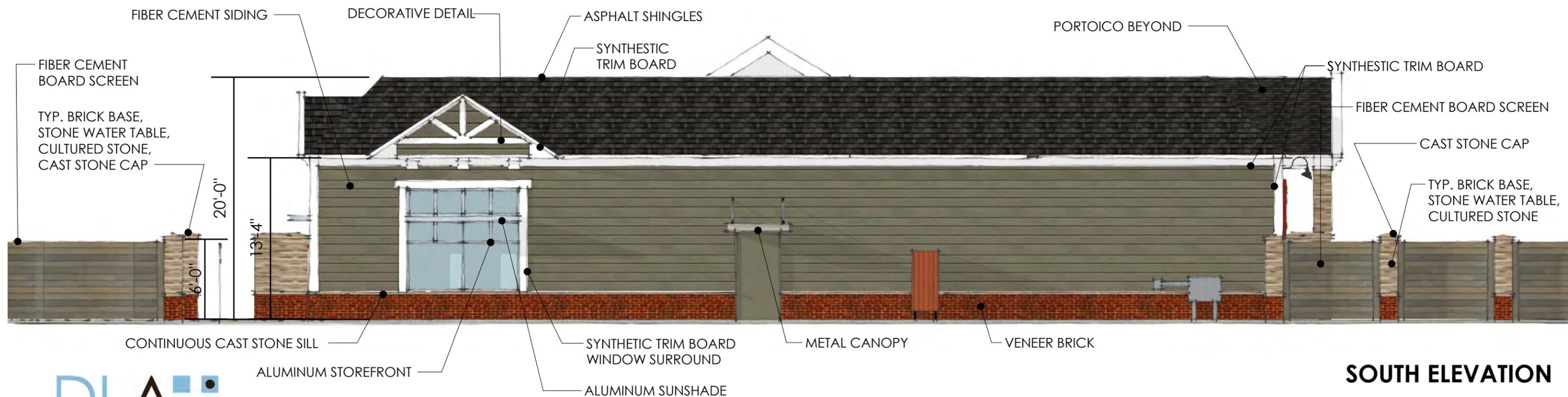
PLANTING PLAN

C700

PLOT DATE: 8/26/2016 11:28 AM
 PLOT SCALE: 1/32
 DRAWING FILE: J:\15-880-Gol-Harmony\Drawn-LRB-888.dwg
 EDITED BY: JBR/AIN
 EDIT DATE: 8/26/2016



NORTH ELEVATION



SOUTH ELEVATION





WEST ELEVATION



EAST ELEVATION

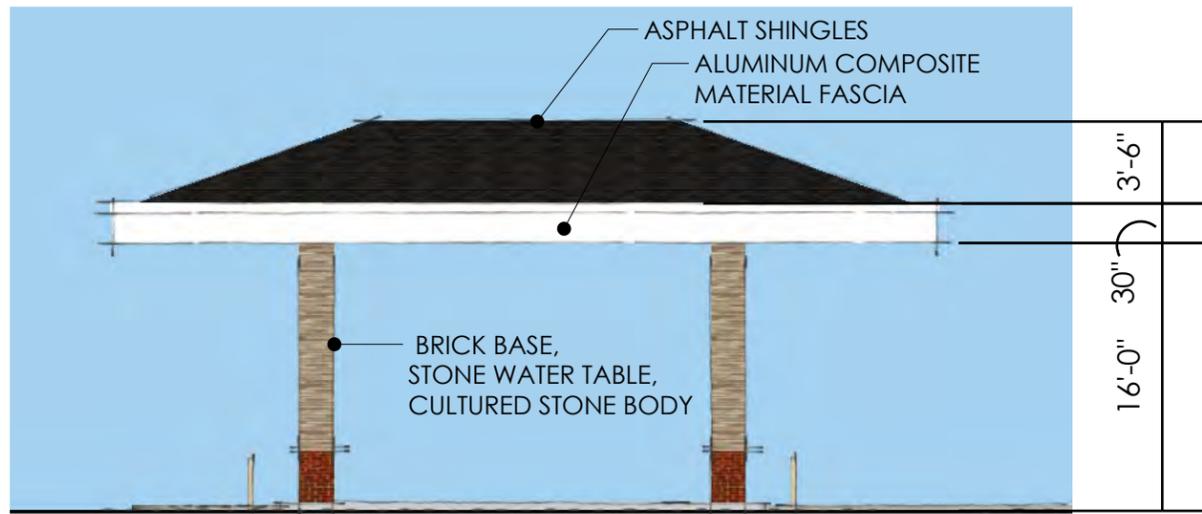
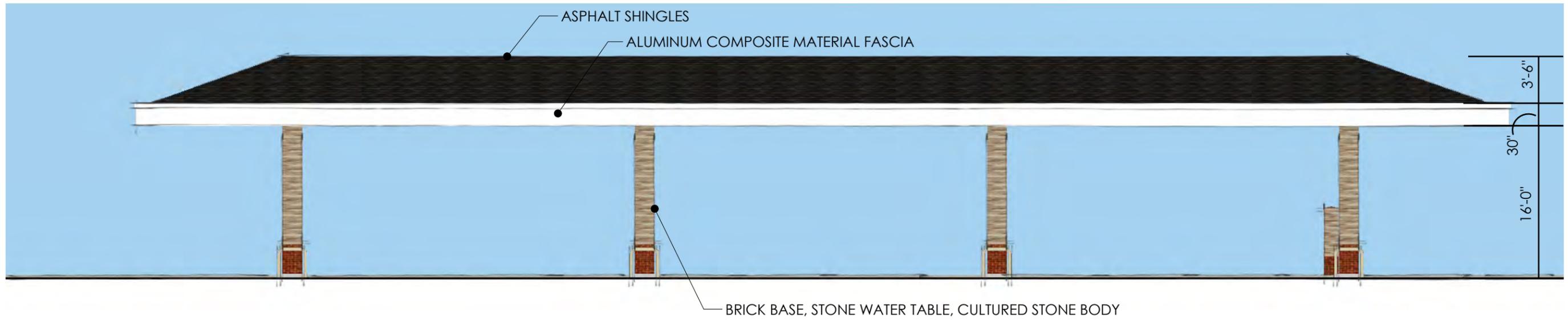




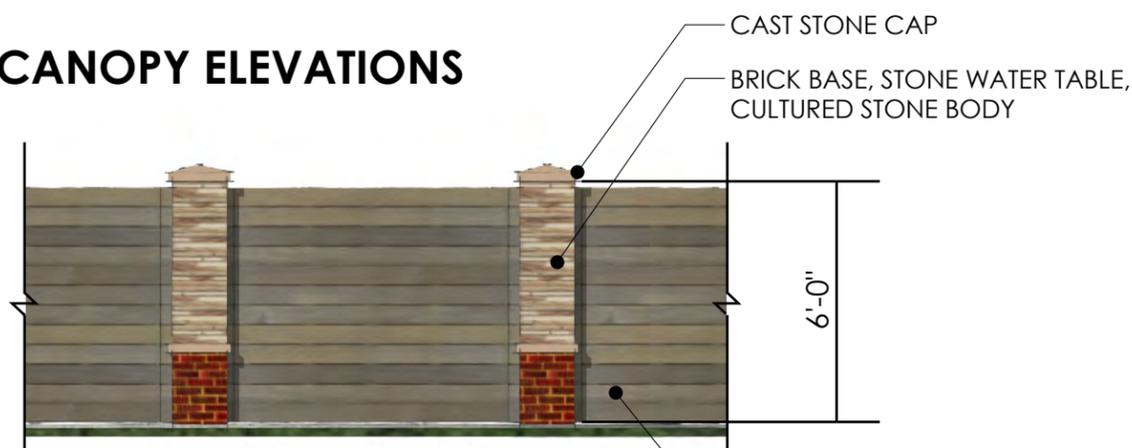








FUEL CANOPY ELEVATIONS



TYPICAL SCREEN WALL ELEVATION



TRASH ENCLOSURE ELEVATIONS

ORDINANCE NUMBER 16-12

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENTS TO THE HARMONY 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. 12-14, The Harmony Planned Unit Development District (the "Harmony PUD Ordinance") on January 14, 2013;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1606-PUD-07**), requesting an amendment to the Harmony 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. 1606-PUD-07** 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 September 14, 2016;

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 Harmony PUD Ordinance and Unified Development Ordinance (the "UDO") are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the Harmony 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 Harmony PUD Ordinance; and (iii) the provisions of the UDO, 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 Harmony 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 UDO.
- 1.3 All provisions and representations of (i) the UDO or (ii) The Harmony 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 Harmony PUD Ordinance shall have the meanings ascribed to them in the UDO.

- 2.1 Illustrative Character Exhibit - GetGo: The architectural building elevations, attached hereto as **Exhibit C.**
- 2.2 Illustrative Character Exhibit - CVS: The architectural building elevations, attached hereto as **Exhibit D.**
- 2.3 Concept Plan, Area C (GetGo): The plan for the development of Area C of the Mixed Use District of the Harmony PUD Ordinance, including but not limited to landscaping, sidewalks and amenities to enhance pedestrian comfort, attached hereto as **Exhibit B.**

Section 3. **Concept Plan.** The Area C (GetGo) Concept Plan is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan with respect to Area C of the Mixed Use District of the Harmony PUD Ordinance. If developed for a Gasoline Service Station, then Area C shall be developed in substantial compliance with the Area C (GetGo) Concept Plan.

Section 4. **Development Standards.** The standards applicable to the Mixed Use District of the Harmony PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

- 4.1 Permitted Uses: Section 2.2 of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.
 - A. Fast Food Restaurants shall be prohibited on the Real Estate.
 - B. The provisions of Section 2.2.B of the Harmony PUD Ordinance shall be deleted.
 - C. One (1) Gasoline Service Station shall be permitted within Area C. Said Gasoline Service Station shall only be open and operating between the hours of 5:00 A.M. and twelve midnight. In the event a Gasoline Service Station is in operation on the property zone under Ordinance 12-24 (the “Town

West Station”) with hours between twelve midnight and 5:00 A.M. the limitation of hours in this Section 4.1(C) shall be reduced and operation shall be permitted at the same hours as the hours permitted for the Towne West Station.

4.2 **Minimum Building Setback Lines:** Section 2.3(B)(3) of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.

A. Front Yard:

- i. Mixed Use District Interior Streets: 20 feet (10 feet setback from Private Street connecting Ditch Road and Waterleaf Drive)
- ii. Area C South Property Line: 10 feet

B. Side and Rear Yards (Interior to Mixed Use District): 0 feet

Section 5. Landscaping Standards. Article 5 (Landscaping Standards) of the Harmony PUD Ordinance shall apply to the Real Estate, except as otherwise modified below.

A. The Mixed-Use District shall comply with the UDO’s External Street Frontage Landscaping Requirements (Article 6.8(M)(2)) along Ditch Road and 146th Street (old and new), which shall replace and supersede the Landscape Buffer A and Landscape Buffer B requirements of the Harmony PUD Ordinance.

- i. Sidewalks and drive aisles may encroach into External Street Frontage Landscaping in Area C and landscape materials may be provided within the adjacent right-of-way subject to approval by the County Highway Department, provided the site is developed in substantial compliance with the Area C (GetGo) Concept Plan and the required plantings are otherwise provided.
- ii. The screen wall adjacent to the drive aisle, as illustrated on the Area C (GetGo) Concept Plan, shall meet the applicable Street Frontage Plantings required across the segment of the screen wall adjacent to the drive aisle.

B. Amendments to a landscape plan approved as part of an Overall Development Plan for the Real Estate may be approved as part of a Lot or Block’s Detailed Development Plan.

Section 6. Sign Standards. The standards of the Harmony PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below.

A. **Gasoline Service Station Use:**

- i. A Gasoline Service Station shall be permitted signs in

accordance with the UDO for an Individual Non-Residential Use.

- ii. Signage shall be prohibited on the Gasoline Service Station canopy.

- B. Wall Signs: All wall signs shall only be externally lit with decorative lighting (e.g., gooseneck style fixtures).

Section 7. Architectural Design Standards. Section 2.3(A)(1) of the Harmony PUD Ordinance shall apply to the development of the Real Estate. In addition, Buildings shall utilize a “Village Design Theme”, as follows:

- 7.1 Defined Architectural Design: A Village Design Theme shall be consistent with a Defined Architectural Design applicable to the single family homes within the Harmony PUD District, as set forth in Section 3.4(3) Architectural Standards; Defined Architectural Designs. The Defined Architectural Designs include Adam (Colonial), Georgian, Italianate, Shingle, Folk Victorian, Colonial Revival, Tudor, Craftsman. Significant architectural elements to determine consistency with a Defined Architectural Design include:

- A. Window design (e.g., enhanced trim, pane size and type) and alignment/location;
- B. Building massing (pedestrian scaled with façade projections and recessions);
- C. Roof type and pitch (inclusion of shed roofs, dormers with faux windows and/or decorative gables when architecturally appropriate);
- D. Large roof overhangs that are primarily pitched and not flat;
- E. Enhanced cornice treatment;
- F. Enhanced and inviting entryways with pedestrian cover and “porch like” treatment (e.g., inclusion of columns with masonry bases);
- G. Variety of building materials, patterns and colors;
- H. Emphasized trim at corner breaks, around windows and within gables; and
- I. Enhanced foundation plantings and planters to soften building facades.

- 7.2 Established Benchmark Exhibits: The Character Exhibit – CVS and Character Exhibit – GetGo comply with and hereby establish benchmark examples of the Village Design Theme.

- 7.3 Conflicting Standards: It is hereby acknowledged that design elements that embody a Village Design Theme may be in conflict with the architectural standards set forth

in Section 2.3(A)(1) of the Harmony PUD Ordinance. If a proposed building elevation embodies a Defined Architectural Design, as set forth above, and is an architectural style that complements the Established Benchmark Exhibits, then the Plan Commission has the authority to approve a building elevation that doesn't comply with Section 2.3(A)(1) of the Harmony PUD Ordinance.

Section 8. **Additional Standards.** The following additional standards shall apply to Area C.

- 8.1 **Right-of-Way Tree Preservation:** The existing trees in the right-of-way abutting the south property line of Area C, located west of the building, shall not be disturbed by the development of Area C, except as otherwise required by a government agency, utility agency or to accommodate ingress/egress into Area C. The following shall apply to meet this standard:
- A. **Tree Inventory:** A tree inventory and tree preservation plan shall be required and approved as part of the Detailed Development Plan for Area C, in accordance with Article 6.8(E) Landscaping Standards; Preservation and Replacement of Trees of the UDO.
 - B. **Tree Protection:** During the site development of Area C, tree protection in accordance with Article 6.8(E)(7) Landscaping Standards; Preservation and Replacement of Trees; Tree Protection of the UDO shall be required.
 - C. **Replacement:** If any tree designated on the tree inventory dies as a result of the site development, then the property owner shall replace such tree with a tree(s) of equal tree preservation value within one hundred and eighty (180) days, and subject to approval by the Hamilton County Highway Department.
- 8.2 **Outdoor Audio Systems:** An outdoor audio system for a Gasoline Service Station shall be restricted to communication between the attendee and patrons at the pump, and emergency situations.

[Remainder of page intentionally left blank, signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

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 16-12** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-12**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-12**
this _____ day of _____, 2016.

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

Harmony PUD - 2016 Mixed Use District TA 7 092916

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan – Area C (GetGo)
- Exhibit C Illustrative Character Exhibit – GetGo
- Exhibit D Illustrative Character Exhibit - CVS

EXHIBIT A
REAL ESTATE
(Page 1 of 2)

A part of the Southeast Quarter and Southeast Quarter of Section 16, Township 18 North, Range 3 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

TRACT 1:

Commencing at the southeast Corner of said Southeast Quarter; thence South 89 degrees 25 minutes 04 seconds West (basis of bearing = ALTA/ACSM land title survey by The Schneider Corporation, Job No. 4934.001, dated March 10, 2004) along the South line of said Southeast Quarter a distance of 1,352.44 feet to the southwest corner of said Quarter Quarter Section; thence North 00 degrees 18 minutes 09 seconds West along the West line of said Quarter Quarter a distance of 179.67 feet to the POINT OF BEGINNING, said point also being the northwest corner of Parcel 1 as described in Instrument No. 2013064140 in the Office of the Recorder of Hamilton County, Indiana, (the following eight (8) courses being along the northerly and westerly lines of said Parcel 1); (1) North 89 degrees 25 minutes 36 seconds East 78.48 feet to a point on a tangent curve to the left having a radius of 925.00 feet, the radius point of which bears North 00 degrees 34 minutes 24 seconds West; (2) easterly along said curve an arc distance of 300.26 feet to a point which bears South 19 degrees 10 minutes 18 seconds East from said radius point; (3) North 70 degrees 49 minutes 42 seconds East 299.12 feet to a point on a tangent curve to the right having a radius of 1,075.00 feet, the radius point of which bears South 19 degrees 10 minutes 18 seconds East; (4) easterly along said curve an arc distance of 340.96 feet to a point which bears North 00 degrees 59 minutes 58 seconds West from said radius point; (5) North 89 degrees 00 minutes 02 seconds East 134.39 feet; (6) North 60 degrees 22 minutes 18 seconds East 175.44 feet; (7) North 00 degrees 12 minutes 08 seconds West 615.00 feet; (8) North 89 degrees 47 minutes 52 seconds East 75.00 feet to the East line of said Southeast Quarter; thence North 00 degrees 12 minutes 08 seconds West a distance of 238.05 feet to the northeast corner of said Quarter Quarter Section; Quarter Section; thence South 89 degrees 21 minutes 22 seconds West along the North line of said Quarter Quarter a distance of 1,354.74 feet to the northwest corner of said Quarter Quarter; thence South 00 degrees 18 minutes 09 seconds East along the West line of said Quarter Quarter a distance of 1,136.91 feet to the POINT OF BEGINNING, containing 30.21 acres of land, more or Quarter a distance of 1,136.91 feet to the POINT OF BEGINNING, containing 30.21 acres of land, more or less.

TRACT 2:

Commencing at the southeast corner of said Southeast Quarter; thence South 89 degrees 25 minutes 04 seconds West (basis of bearing = ALTA/ACSM land title survey by The Schneider Corporation, Job No. 4934.001, dated March 10, 2004) along the South line of said Southeast Quarter a distance of 1,109.75 feet to the POINT OF BEGINNING, said point also being on the southwest corner of Parcel 1A as described in Instrument No. 2013064140 in the Office of the Recorder of Hamilton County, Indiana; thence continuing South 89 degrees 25 minutes 04 seconds West along said South line a distance of 242.69 feet to the southwest corner of said Quarter Quarter Section; thence North 00 degrees 18 minutes 09 seconds West Quarter Section; thence North 00 degrees 18 minutes 09 seconds West along the West line of said Quarter Quarter a distance of 29.67 feet to the southwest corner of Parcel 1 as described in Quarter a distance of 29.67 feet to the southwest corner of Parcel 1 as described in said Instrument No. 2013064140, (the following five (5) courses being along the southerly lines of said Parcel 1); (1) North 89 degrees 25 minutes 36 seconds East 79.18 feet to a point on a tangent curve to the left having a radius of 1,075.00 feet, the radius point of which bears North 00 degrees 34 minutes 24 seconds West; (2) easterly along said curve an arc distance of 348.95 feet to a point which bears South 19 degrees 10 minutes 18 seconds East from said radius point; (3) North 70 degrees 49 minutes 42 seconds East 299.12 feet to a point on a tangent curve to the right having a radius of 925.00 feet, the radius point of which bears South 19 degrees 10 minutes 18 seconds East; (4) easterly along said curve an arc distance of 293.38 feet to a point which bears North 00 degrees 59 minutes 58 seconds West from said radius point; (5) North 89 degrees 00 minutes 02 seconds East 132.11 feet to the westerly line of said Parcel 1A, (the following four (4) courses being along the westerly and northerly lines of said Parcel 1A); (1) South 21 degrees 01 minute 23 seconds West 128.61 feet; (2) South 12 degrees 10 minutes 30 seconds East 77.30 feet; (3) South 89 degrees 25 minutes 04 seconds West 729.61 feet; (4) South 73 degrees 23 minutes 28 seconds West 126.77 feet to the Point of Beginning, containing 2.61 acres of land, more or less.

EXHIBIT A
REAL ESTATE
(Page 2 of 2)



EXHIBIT B
CONCEPT PLAN – AREA C (GETGO)
(Page 1 of 1)



EXHIBIT C

ILLUSTRATIVE CHARACTER EXHIBIT - GETGO

(Page 1 of 4)



NORTH ELEVATION



SOUTH ELEVATION



Giant Eagle GetGo - Harmony, IN

27 September, 2016



WEST ELEVATION



EAST ELEVATION



Giant Eagle GetGo - Harmony, IN

27 September, 2016

EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT - GETGO
(Page 2 of 4)



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 1

27 September, 2016



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 2

27 September, 2016

EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT - GETGO
(Page 3 of 4)



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 3

27 September, 2016



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 4

27 September, 2016

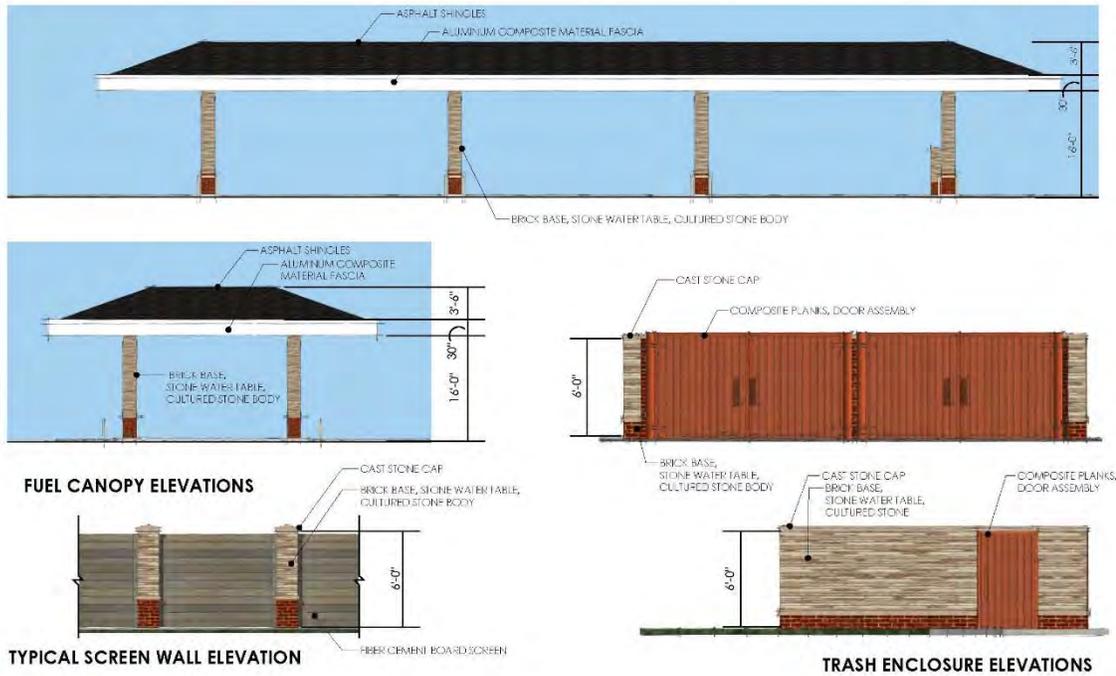
EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT - GETGO
(Page 4 of 4)



Giant Eagle GetGo - Harmony, IN

PERSPECTIVE 5

27 September, 2016



Giant Eagle GetGo - Harmony, IN

27 September, 2016

EXHIBIT D
ILLUSTRATIVE CHARACTER EXHIBIT - CVS
(Page 1 of 3)



FRONT ELEVATION (STREET FRONTAGE)
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION (STREET FRONTAGE)
SCALE: 1/8" = 1'-0"



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



LEFT ELEVATION (3RD SIDE ARCHITECTURE)
SCALE: 1/8" = 1'-0"

EXHIBIT D
ILLUSTRATIVE CHARACTER EXHIBIT - CVS
(Page 2 of 3)



BUILDING PERSPECTIVE
VIEW FROM NORTH EAST CORNER OF SITE. LOOKING SOUTH WEST

EXHIBIT D
ILLUSTRATIVE CHARACTER EXHIBIT - CVS
(Page 3 of 3)



BUILDING PERSPECTIVE
VIEW FROM INTERSECTION OF DITCH RD. & 146TH ST.

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

The Westfield-Washington Township Advisory Plan Commission held a public hearing on Monday, June 6, 2016, to consider an amendment to the Harmony Planned Unit Development District and Westfield-Washington Township Unified Development Ordinance. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the 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.	1606-PUD-07
Ordinance No.	16-12 (the "Amendment Ordinance")
Petitioner	TMC Developers, LLC by Nelson & Frankenberger
Description	The petitioner requests an amendment to the Mixed Use District (Commercial Area) of the Harmony Planned Unit Development (PUD) District.

On September 6, 2016, a motion was made and passed to send a favorable recommendation to the City Council regarding this petition (Vote: 7 in favor, 2 opposed (N. Day, T. Smith)), subject to the following:

1. Signage shall be prohibited on the Gasoline Service Station canopy.
2. Outdoor audio for the Gasoline Service Station shall be restricted to communication between the attendee and patrons at the pump, and emergency situations.
3. The Illustrative Character Exhibit – GetGo (Exhibit C of the Amendment Ordinance) shall be revised to incorporate decorative gooseneck lighting of wall signs, decorative wood beam gable elements and stone as a building material to the base of all structures, to complement the Illustrative Character Exhibit – CVS (Exhibit D of the Amendment Ordinance).
4. The existing trees in the right-of-way along the south property line of Area C (as set forth in Exhibit B of Ordinance 12-14), shall not be disturbed by this development, except as otherwise required by a government agency, utility agency or to accommodate ingress/egress into the site.
5. The petitioner shall offer to provide additional screening on the two properties immediately south of Area C (as set forth in Exhibit B of Ordinance 12-14) on the south side of old 146th Street.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified this 14th day of September, 2016.


Matthew S. Skelton, Secretary



Giant Eagle, Inc.

101 Kappa Drive • Pittsburgh, PA 15238 • GiantEagle.com

September 30, 2016

Atul and Reeta Bhargava
14588 Ditch Road
Carmel, Indiana 46074

Subject: GetGo Café + Market at Harmony
Landscape screen plantings
Westfield, Indiana

Mr. & Mrs. Bhargava,

I am writing on behalf of Giant Eagle, Inc. It is my understanding that you have had discussions with Mr. Rob Antrim of the TM Crowley Company regarding the proposed Harmony Development amendment and the proposed GetGo facility, and specifically, the proposal to add certain landscape screening on your property and certain plantings within the proposed Development.

While we understand that you are opposed to our requested zoning approval for a GetGo facility at the Harmony Development, in the event our zoning approvals are granted, we want to offer you, at your option, and at our cost, the installation of certain landscaping screening on your property, that would generally consist of nine (9) blue spruce trees, planted fifteen feet on center in a staggered planter along a three to four foot high berm. These trees would be approximately six feet in height at time of planting.

Enclosed with this letter is a general Landscape Exhibit plan that depicts the general location of the aforementioned trees. The final location and landscaping plan will be finalized at a later date in the event we receive the necessary zoning approval for the GetGo facility. Of course, if you prefer an alternative configuration we are happy to try to accommodate where you would like the trees, subject to topographic and property constraints.

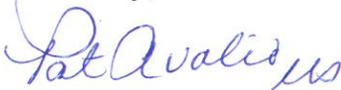
You should understand we are not requesting your support of our zoning requests and you should feel comfortable in continuing to oppose our request. We are simply making this offer in the event that our requested zoning, development and building permit approvals are granted to provide you additional landscape screening on your property in addition to what will be planted within the Harmony Development.

If you would like the landscaping screening and plantings to be completed on your property, please sign this letter below and return a copy to my attention via email at

pat.avolio@gianteagle.com at your earliest convenience, but not later than the issuance of a Certificate of Occupancy for the GetGo facility. Upon receipt of the signed letter, and in the event we obtain the necessary approvals for the GetGo facility, we will contact you to finalize the details for the landscaping screening on your property.

Note that the any and all trees for the landscaping screening on your property will be planted on or before forty-five (45) days after issuance of a Certificate of Occupancy for the GetGo facility, and we will warrant the plantings for a period of 6 months after installation.

Sincerely,



Giant Eagle, Inc.

By: Pasquale D. Avolio, Director of Real Estate Development

Accepted by: _____

Accepted by: _____

Printed Name: Atul Bhargava

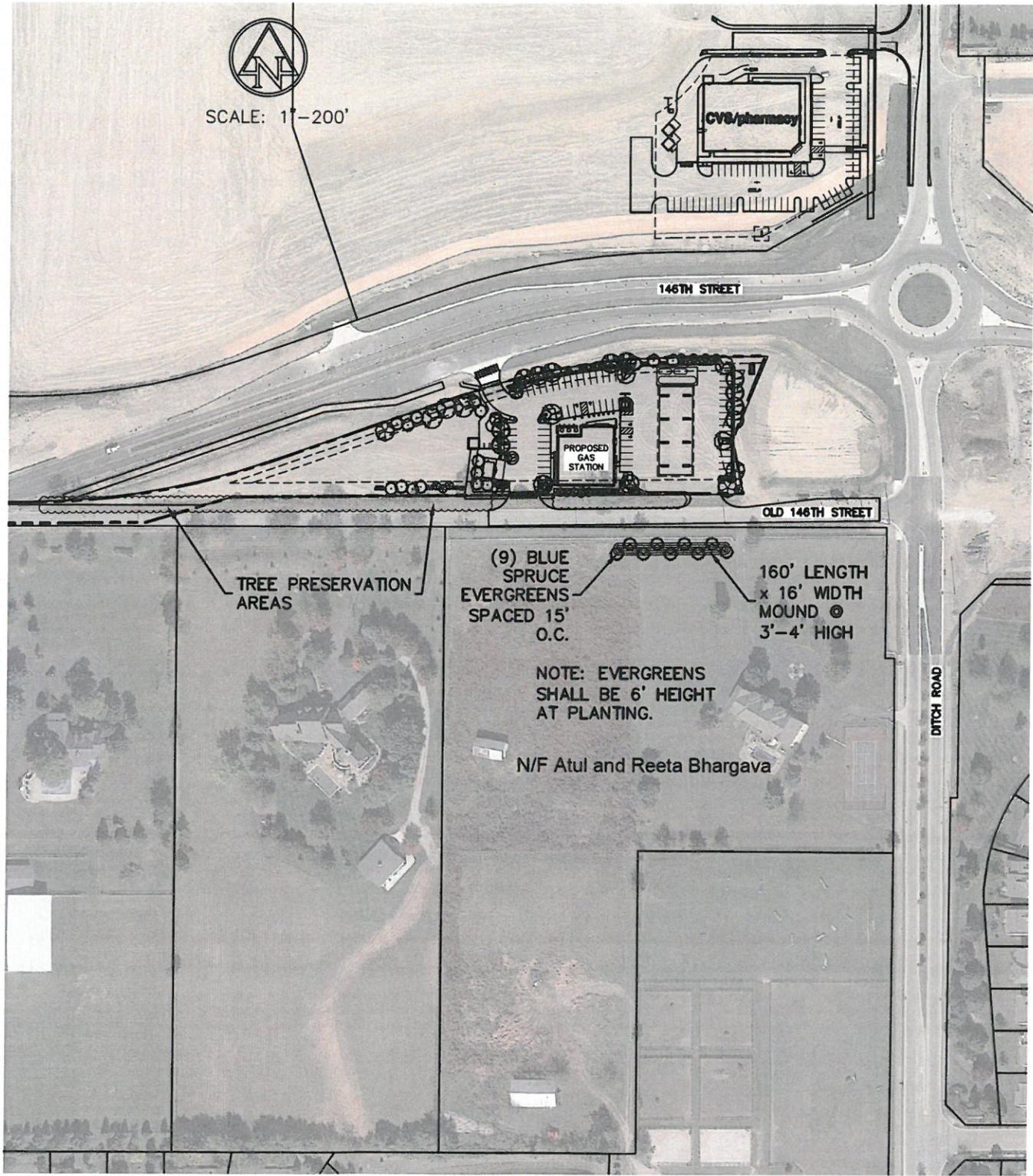
Printed Name: Reeta Bhargava

Date: _____

Date: _____



SCALE: 1" = 200'



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EXHIBIT: CVS_Aerial Exhibit.dwg
EDIT DATE: 09/23/2016
EDITED BY: BRUNGER



**AMERICAN
STRUCTUREPOINT
INC.**

7260 Shadeland Station | Indianapolis, Indiana 46256
TEL 317.647.6680 | FAX 317.643.0270
www.structurepoint.com

**146th STREET
& DITCH ROAD**

Scale:	1" = 200'
Drawn By:	PED
Checked By:	ART
Date:	09/23/2016
Job No.:	2015.01305

**LANDSCAPE
EXHIBIT**

2



Giant Eagle, Inc.

101 Kappa Drive • Pittsburgh, PA 15238 • GiantEagle.com

September 30, 2016

Mark A. and Gina D. Sell
1611 146th Street West
Carmel, Indiana 46074

Subject: GetGo Café + Market at Harmony
Landscape screen plantings
Westfield, Indiana

Mr. and Mrs. Sell,

I am writing on behalf of Giant Eagle, Inc. It is my understanding that you have had discussions with Mr. Rob Antrim of the TM Crowley Company regarding the proposed Harmony Development amendment and the proposed GetGo facility, and specifically, the proposal to add certain landscape screening on your property and certain plantings within the proposed Development.

While we understand that you are opposed to our requested zoning approval for a GetGo facility at the Harmony Development, in the event our zoning approvals are granted, we want to offer you, at your option, and at our cost, the installation of certain landscaping screening on your property, that would generally consist of nine (9) blue spruce trees, planted fifteen feet on center in a staggered planter along a three to four foot high berm. These trees would be approximately six feet in height at time of planting.

Enclosed with this letter is a general Landscape Exhibit plan that depicts the general location of the aforementioned trees. The final location and landscaping plan will be finalized at a later date in the event we receive the necessary zoning approval for the GetGo facility. Of course, if you prefer an alternative configuration we are happy to try to accommodate where you would like the trees, subject to topographic and property constraints.

You should understand we are not requesting your support of our zoning requests and you should feel comfortable in continuing to oppose our request. We are simply making this offer in the event that our requested zoning, development and building permit approvals are granted to provide you additional landscape screening on your property in addition to what will be planted within the Harmony Development.

If you would like the landscaping screening and plantings to be completed on your property, please sign this letter below and return a copy to my attention via email at pat.avolio@gianteagle.com at your earliest convenience, but not later than the issuance of a Certificate of Occupancy for the GetGo facility. Upon receipt of the signed letter, and in the event we obtain the necessary approvals for the GetGo facility, we will contact you to finalize the details for the landscaping screening on your property.

Note that the any and all trees for the landscaping screening on your property will be planted on or before forty-five (45) days after issuance of a Certificate of Occupancy for the GetGo facility, and we will warrant the plantings for a period of 6 months after installation.

Sincerely,



Giant Eagle, Inc.

By: Pasquale D. Avolio, Director of Real Estate Development

Accepted by: _____

Accepted by: _____

Printed Name: Mark A. Sell

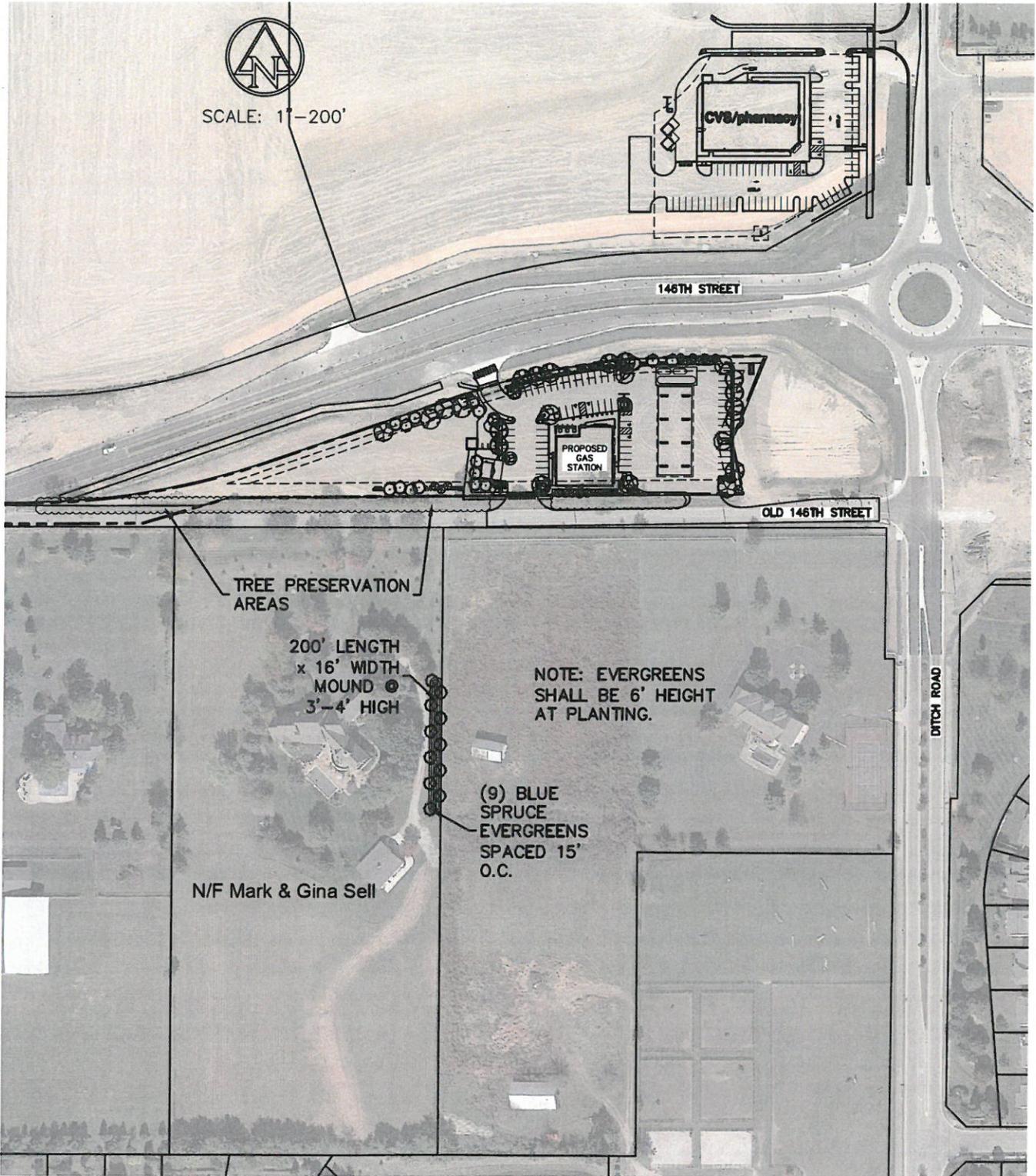
Printed Name: Gina D. Sell

Date: _____

Date: _____



SCALE: 1" = 200'



PLOT DATE: 02/23/2016 11:50 AM
PLOT SCALE: 1" = 200'
DRAWING FILE: 2015.01305.DWG
DRAWING DATE: 09/23/2016
DRAWING BY: BREIDGER
EDIT DATE: 02/02/2016



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146th STREET & DITCH ROAD

Scale:	1" = 200'
Drawn By:	PED
Checked By:	ART
Date:	09/23/2016
Job No.:	2015.01305

LANDSCAPE EXHIBIT

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