

ORDINANCE NUMBER 16-19

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
THE UNIFIED DEVELOPMENT ORDINANCE**

This is a Planned Unit Development District Ordinance (to be known as the “**BIG HOFFA’S RESTAURANT IN THE JUNCTION PUD DISTRICT**”) 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 Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1607-PUD-10**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1607-PUD-10** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ 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 _____, 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 Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Big Hoffa's Restaurant in the Junction**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development 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 shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Big Hoffa Parcel: The portion of the Real Estate that includes the "Big Hoffa's Barbeque" use (e.g., building, Smoker, parking) as labeled and depicted on the Concept Plan.
- 2.2 Remainder Parcel: The Real Estate except the Big Hoffa Parcel.
- 2.3 Smoker: Equipment used by a barbecue restaurant to slow-cook meats at low temperatures.
- 2.4 Sub-District Addendum: The Grand Junction Implementation Plan 2013 (Resolution 13-112) and the Grand Junction Addendum: Sub-Districts of the Grand Junction (Resolution 15-119, as amended by Resolution 16-106), as amended.

Section 3. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in a manner substantially consistent with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the GB: General Business District (the "Underlying Zoning District").

Section 5. Land Uses. All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

- 5.1 Prohibited Uses: A Gasoline Service Station and other automobile-dominated uses with a drive-through or pick-up window (e.g., restaurant, pharmacy, and financial institution).

Section 6. General Regulations. The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of

the Real Estate, except as otherwise modified below.

6.1 Minimum Building Setback Lines:

- A. Front Yard: 0 feet
- B. Side Yard: 20 feet
- C. Rear Yard: 20 feet

6.2 Maximum Building Setback Lines:

- A. Front Yard: 50 feet

Section 7. **State Highway 32 Overlay District.** The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District (the “SR32 Overlay”) shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Article 5.3(F)(3) Access Control Requirements requiring an access road parallel to State Highway 32 shall not apply. As part of the development of the Real Estate, right-of-way shall be dedicated to accommodate a round-about at the intersection of State Highway 32 and East Street, in the location and size as generally depicted on the Concept Plan.

7.2 Article 5.3(G) Setback Requirements: Shall not apply.

7.3 Article 5.3(K) Architectural Design Requirements: Shall apply, except as otherwise modified below by the Illustrative Character Exhibit.

A. Illustrative Character Exhibit. Buildings constructed on the Real Estate shall be substantially similar in quality and character with the Illustrative Character Exhibit, attached hereto as **Exhibit C.**

B. Article 5.3(K)(2)(f) Roofs: Shall apply. In addition, shed roofs, which comply with the pitched roof material and modulation standards applicable to the SR32 Overlay standards for a pitched roof, shall be permitted and may form the top of a building façade, as depicted in the Illustrative Character Exhibit.

C. Article 5.3(K)(2)(k)(iii) Building Materials; Masonry Materials: Shall be modified to require that a minimum of forty percent (40%) of each building façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.

D. Article 5.3(K)(2)(k)(iv) Building Materials; Other Materials: Shall be modified to permit no more than forty percent (40%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with another single building material (exclusive of Masonry Materials).

7.4 Article 5.3(L) Trail Corridor Requirement: Shall not apply.

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

below.

- 8.1 Article 6.1 Accessory Use and Building Standards: A Smoker shall be permitted in the Established Front Yard, as illustrated on the Concept Plan, and shall comply with the standards of Article 6.1 Accessory Use and Building Standards, as otherwise modified herein. Smoker shall be located within an open (no walls) Accessory Building that matches the architecture design and theme (e.g., building materials, roof design, color) of the Principal Building.
- 8.2 Article 6.3 Architectural Standards: Article 6.3 shall not apply, with the exception of Article 6.3(F)(1) Mechanical Screening which shall apply. Rather, the architectural standards of the SR32 Overlay, as modified herein, shall apply.
- A. Franchise and Prototype Architecture: Buildings that are stylized in an attempt to use the building itself as advertising or is contractually required as a standardized or prototype building by a use as a formula from or for another location shall be prohibited, particularly where the proposed architecture is the result of corporate or franchise architecture.
- 8.3 Article 6.8 Landscaping Standards: The Minimum Lot Landscaping Requirements (Article 6.8(K)), Foundation Plantings (Article 6.8(L)), External Street Frontage Landscaping Requirements (Article 6.8(M)), Buffer Yard Requirements (Article 6.8(N)), and Parking Area Landscaping (Article 6.8(O)) shall not apply; rather, the following shall apply.
- A. Big Hoffa Parcel: Landscaping shall be required and installed in substantial compliance with the Landscape Plan, attached hereto as **Exhibit D**.
- B. Remainder Parcel: When future development is being proposed for the Remainder Parcel a landscaping plan shall be required and applied in a similar manner to the landscaping required for the Big Hoffa Parcel.
- C. Landscape Plan Modifications: The Landscape Plan implements the recommendations of the Sub-District Addendum; however, it is contemplated that alternatives that accomplish the design intent of the Sub-District Addendum and intended character of the Main Street corridor may be appropriate. As a result, modifications to the landscaping standards may be approved as part of a Detailed Development Plan if the Plan Commission or Department find that the modifications further the objectives of the Sub-District Addendum.
- 8.4 Article 6.9 Lighting Standards: Shall apply, except as otherwise modified below.
- A. Lighting shall be designed so that light is not directed off the Real Estate and the light source is shielded from direct offsite viewing.
- B. Exterior lighting may overflow to adjacent properties and rights-of-way; however, for any use abutting a Single-family District or existing single-family uses, illumination levels should not exceed 0.5 foot candles at the Lot Line. The minimum amount of light possible for lighting sidewalks shall be used to not wash out Building Facades but still maintain a safe

environment.

- C. Exterior lighting shall be decorative (e.g., gooseneck) and fixtures shall be architecturally integrated with the building style, material and color. Fixtures shall not obscure any building ornamentation. Rooftop lighting is prohibited.
- D. All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.

Section 9. **Design Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (Chapter 7 Subdivision Regulations and Chapter 8 Design Standards), 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.

- 9.1 **Intersection Right-of-way:** Additional right-of-way at the intersection of East Street and State Highway 32 shall be dedicated to accommodate the improvement of the intersection and adjacent rights-of-way in accordance with the Thoroughfare Plan, as further defined by the Sub-District Addendum. The right-of-way to be dedicated shall be as generally depicted on the Concept Plan.

[Remainder of this page intentionally left blank;
signature pages follow.]

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 hereby certify that **ORDINANCE 16-19** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-19**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-19**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: Adam Horkay
EdgeRock Development, LLC
733 E. State Road 32, Westfield, IN 46074

SCHEDULE OF EXHIBITS

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

EXHIBIT A
REAL ESTATE

A part of the South Half of the Southwest Quarter of Section 32, Township 19 North, Range 4 East in Hamilton County, Indiana, Described as follows:

Commencing at the Southwest Corner of said Half Quarter Section: thence N 89 degrees 42 minutes 33 seconds E (Grid Bearing) along the South line of said Half Quarter section, 1145.00 feet to the center of East Street and the Point of Beginning; thence N 00 degrees 25 minutes 50 seconds East, along the center of East Street, 372.00 feet; thence N 89 degrees 42 minutes 33 seconds E, parallel with said South line, 274.33 feet to the West monumental line of Roberts Revised Rolling Acres, recorded in Plat Book 2, pages 40—41 in the Office of the Recorder of Hamilton County, Indiana; thence S 00 degrees 02 minutes 22 seconds W, along said West Line, 140.89 feet to the Northwest corner of Lot 2 in said Roberts Revised Rolling Acres; thence East 150.00 feet, along the North line of said lot, to the Northeast corner of said lot; thence South 173.4 feet, along the East lines of Lots 2 and 1, to the Southeast corner of said Lot 1; thence West 150.00 feet to the Southwest corner of said Lot 1; thence S 00 degrees 02 minutes 22 seconds W 53.7 feet to the South line of said Half Quarter Section; thence N 89 degrees 42 minutes 33 seconds W 80.00 feet along said South line; thence N 00 degrees 25 minutes 50 seconds E 191.75 feet, parallel with the centerline of East Street; thence S 89 degrees 42 minutes 33 seconds W, parallel with said South line, 65.58 feet; thence S 00 degrees 25 minutes 50 second W 191.75 feet, parallel with said centerline, to said South line; thence S 89 degrees 42 minutes 33 seconds W, along said South line, 130.00 feet to the Point of Beginning and containing 2.66 acres, more or less.

Subject to all legal easements, rights of way, and restrictions of record.

EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT

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EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT

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EXHIBIT C
ILLUSTRATIVE CHARACTER EXHIBIT

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