



Petition Number: 2008-ODP-12 & 2008-SPP-12
Project Name: SEP
Subject Site Address: Southeast Corner of 161st Street and US 31 (the “Property”)
Petitioner: Pure Development, Inc.
Representative: American Structurepoint
Request: Overall Development Plan & Primary Plat review of 1 lot on 21.85 acres +/- in the LB: Local and Neighborhood Business District.
Current Zoning: LB District
Current Land Use: Vacant
Approximate Acreage: 21.85 acres +/-
Property History: Detailed Development Plan (2008-DDP-20, *pending*)
Secondary Plat (2008-SFP-48, *pending*)
Variance of Development Standard (2007-VS-16, 07/14/20)
Staff Reviewer: Caleb Ernest, Associate Planner

BACKGROUND

The Property is currently zoned the LB District.

A Detailed Development Plan (2008-DDP-20) and Secondary Plat (2008-SFP-48) are currently *pending* approval. A Variance of Development Standard (2007-VS-16) was submitted in June of 2020 and was approved by the Board of Zoning Appeals at its July 14, 2020, meeting.

The comments contained herein are in review of the filed Overall Development Plan and Primary Plat scheduled for the July 21, 2020, Technical Advisory Committee meeting.

PROCEDURAL

Approval of an Overall Development Plan and Primary Plat must be granted if the submitted plans demonstrate 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.



The petition was reviewed by the Technical Advisory Committee at its July 21, 2020, meeting. This petition has been properly noticed for a public hearing at the Plan Commission's August 3, 2020, meeting.

REVIEW COMMENTS

- 1) Please provide copies or copy this Department on any correspondence you receive from Technical Advisory Committee members and your correspondence to them.
- 2) Additional comments may be forthcoming following review by the Technical Advisory Committee and after the revised secondary plat has been submitted and reviewed.
- 3) The comments contained herein identify those items that are determined by this Department to be outstanding that need addressed prior to approval of the Primary Plat and Overall Development Plan. **Please note some of the standards noted herein are reviewed by the Public Works Department.** The Public Works Department may identify outstanding items accordingly that need addressed prior to approval.
- 4) Abbreviations:
 - a) WPWD: Westfield Public Works Department
 - b) HCSO: Hamilton County Surveyor's Office

PRIMARY PLAT STANDARDS (Article 10.12(J) of UDO)

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

- 5) Proposed name of subdivision.
- 6) Names and addresses of the owner, owners, land surveyor or land planner.
- 7) Title, scale, north arrow and date.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 8) 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.



9) Easements (locations, widths and purposes). (Article 8.3)

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

Comment: The Petitioner is coordinating with WPWD to address outstanding issues.

10) Statement concerning the location and approximate size or capacity of utilities to be installed.

11) Layout of Lots (showing dimensions, numbers and square footage). (Article 4.5)

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

12) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.

13) 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%).

14) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.

15) Building setback lines. (Article 4.14)

Comment: Please see District Standards.

16) Legend and notes.

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

Comment: The Petitioner is coordinating with WPWD and HCSO to address outstanding issues.

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

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



Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 20) 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.
- 21) If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.
- 22) 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: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 23) 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.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 24) Misc.

OVERALL DEVELOPMENT PLAN (Article 10.7 of the UDO)

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

- 25) Title, scale, north arrow and date.
- 26) Proposed name of the development.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 27) 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.



Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

28) Address and legal description of the property.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

29) Boundary lines of the property including all dimensions.

30) 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: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

31) 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.

32) 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: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

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

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

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

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

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



Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

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

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- 38) Location of all Floodplain areas within the boundaries of the property.
- 39) Names of legal ditches and streams on or adjacent to the site.
- 40) 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.
- 41) Identify buildings proposed for demolition.
- 42) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 43) 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

The plans comply with Article 4.14 (LB District), except for those items identified as outstanding below.

- 44) Minimum Lot Area: No minimum
- 45) Minimum Lot Frontage: 50 feet
- 46) Minimum Building Setback Line:

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.



- a) Front Yard: 60 feet
- b) Side Yard: 15 feet
- c) Rear Yard: 20 feet
- 47) Maximum Building Height: 45 feet

Comment: Will be reviewed during Detailed Development plan review.

- 48) Project Perimeter Setback: No structure shall be erected above the projected 1:3 Proximity Slope Line.

49) Building Size Requirements:

- a) Minimum Business Size: 800 square feet
- b) Maximum Business Size: 30,000 square feet*

Comment*: Variance of Development Standard (2007-VS-16) permits Maximum Business Size of no greater than 75,000 SF. Compliant.

- c) Maximum Aggregate of all
Buildings (within a single development): 90,000 square feet

DEVELOPMENT PLAN REVIEW (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:

- 50) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 51) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
 - a) US Highway 31 Overlay District:
 - i) Minimum Lot Size: Except as otherwise provided, 217,800 square feet.



1. If a Lot was recorded prior to November 1, 1989, and said Lot does not contain the minimum area required by this Ordinance for Lots in the US31 Overlay, the, notwithstanding the minimum Lot Size requirements for Lots in the US31 Overlay, said Lot ("Undersize Lot") may be used for any use permitted in the US31 Overlay provided:
 - (a) At the time of recordation of the Undersized Lot or on the record date, the Undersize Lot met the requirements for minimum Lot Size then in effect for a Lot in the underlying Zoning District.
 - (b) The Property Owner of the Undersize Lot does not own any adjoining vacant Lot (not separated by a Street, Right-of-way or easement) which, if combined with the Undersized Lot, would create a Lot which conforms to the minimum Lot Size requirements of this Article.
 - (c) All other applicable regulations of the US31 Overlay can be met.
- ii) Height and Area Requirements:
 1. Maximum Building Height: The maximum height shall not exceed fifty percent (50%) of the depth of the Front Yard. For purposes of this computation, where access to the Lot is by a Frontage Road or which is between the Lot and U.S. 31, the width of such Frontage Road shall be added to the depth of the Front Yard.
 2. Minimum Building Height: 14 feet, to the highest point of the roof for a building with a flat roof; 23 feet to the lowest eaves for a building with a gable, hip or gambrel roof.
 3. Minimum Front Yard:
 - (a) US Highway 31: 90 feet

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.
 - (b) All others: 60 feet
 - (c) Determination of Front Yard: For purposes of applying the requirements of this Article, the front yard of each Lot in the US31 Overlay, including any Corner Lot, shall be deemed to be any Lot Line of the Lot which abuts the Right-of-way of US Highway 31 or any other Street or highway. Private Parking Areas



may be located in the Front Yard so long as the nearest curb of any such Parking Area is not less than twenty (25) feet distant from the Principal Building(s).

4. Minimum Side Yard: 45 feet

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

5. Minimum Rear Yard: 45 feet
6. Minimum Aggregate of Side Yard: 90 feet
7. Minimum Lot Width: Shall be equal to or exceed one-half (0.5) the depth of the Lot.
 - (a) If a Lot was recorded prior to November 1, 1989, and said Lot does not meet the minimum Lot Width requirement for Lots in the US31 Overlay, then, notwithstanding the minimum Lot Width requirements for Lots in the US31 Overlay, said Lot may be used for any use permitted in the US31 Overlay provided:
 - (i) At the time of recordation of said Lot or the record date, said Lot met the requirements for minimum Lot Width then in effect for the underlying Zoning Districts.
 - (ii) The Property Owner of said Lot does not own any adjoining vacant Lot (not separated by a Street, Right-of-way or interfering easement) which, if combined with said Lot, would create a Lot which conforms to the minimum Lot Width requirements of this Article.
 - (iii) All other applicable regulations of the US31 Overlay can be met.
8. Minimum Aggregate Gross Floor Area: Multi-family, Commercial/ Business and Industrial uses: 15,000 square feet (excluding Basement).
9. Lot Coverage:
 - (a) If all buildings on the Lot contain an aggregate Gross Floor Area of less than 25,000 square feet, then thirty-five percent (35%) of the Lot.



- (b) If all buildings on the Lot contain an aggregate Gross Floor Area of between 25,000 square feet and 74,999 square feet, then forty-five percent (45%) of the Lot.
 - (c) If all buildings on the Lot contain an aggregate Gross Floor Area of between 75,000 square feet and 150,000 square feet, then fifty-five percent (55%) of the Lot.
 - (d) If all buildings on the Lot contain an aggregate Gross Floor Area in excess of 150,000 square feet, sixty-five percent (65%) of the Lot.
- iii) Loading Berth Requirements: Shall be as specified in the underlying Zoning District, except that no loading or unloading berth or bay may be visible from US Highway 31; elsewhere in the development, such bays shall be completely screened by landscaping or other screening.
 - iv) Landscaping: That portion of the Front Yard between the Front Lot Line and a line which is thirty (30) feet ("Greenbelt Distance") from and parallel to the Front Lot Line shall be landscaped in accordance with Article 6.8 Landscaping Standards and shall be unoccupied except by steps, walks, terraces, access driveways, lamp posts, signs and other similar structures (excluding a private Parking Area) permitted by this Ordinance to be placed in a Front Yard. Where access to the Lot is by way of a Frontage Road which is between the Lot and the US Highway 31, then the Greenbelt Distance shall be reduced by one-half (0.5) of the width of such Frontage Road; provided, however, that the Greenbelt Distance shall in no event be less than fifteen (15) feet. Inclusive of this landscaped portion of the Front Yard, a minimum of twenty percent (20%) of the Lot surface area shall be landscaped.
 - v) Outside Storage of Refuse: No outside, unenclosed storage of refuse shall be permitted on any Lot. All refuse shall be contained in completely enclosed facilities; no refuse containers or enclosures shall be visible from US Highway 31.
 - vi) Utility Screening: All heating, ventilating, communication and like equipment for any facility shall be completely screened from view in a manner that is homogenous with the balance of the building.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- vii) Architecture: In addition to any provisions that apply to the underlying Zoning District, the architectural plan of any building proposed to be built in the US31 Overlay must exhibit pleasing scale and proportion and demonstrate compatibility with other buildings and structures in the same and adjacent developments. A minimum of three



(3) materials shall be used for building exteriors, and must include stone or brick. Buildings shall be designed with a minimum of eight (8) external corners to eliminate box buildings. Sloped roofs of one hundred (100) feet or more must include a gable, dormer or other change in roof plane.

Comment: Variance of Development Standard (2007-VS-16) modifies building materials, offsets and roof design to substantially comply with Exhibit A. Compliant.

- 52) 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.
- 53) 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.

DEVELOPMENT STANDARDS (Chapter 6 of UDO)

The plans comply, as applicable to a Primary Plat and Overall Development Plan, except for those items identified as outstanding below, that need addressed prior to approval:

54) Architectural Standards (Article 6.3)

Comment: Will be reviewed during Detailed Development Plan review.

55) Building Standards (Article 6.4)

56) Fence Standards (Article 6.5)

57) Height Standards (Article 6.6)



Comment: Please see District Standards.

58) Landscaping Standards (Article 6.8)

a) Preservation and Replacement of Trees:

- i) Tree Inventory: Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees in accordance with this Article. Tree inventories shall be required for those trees that are required by an ordinance or commitments to be preserved or that are to otherwise be credited pursuant to this Chapter. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

- ii) Tree Preservation Plans: Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the Critical Root Zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
- iii) Tree Preservation Easement: A tree preservation easement (see Article 8.3 Easement Standards) shall be required for trees identified for preservation and that are not otherwise protected by a landscape easement.

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

b) Street Trees:

Comment: Not required for Business Uses.

c) Minimum Lot Landscaping Requirements:

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

d) Foundation Plantings:



Comment: Will be reviewed during Detailed Development Plan review.

e) External Street Frontage Landscaping Requirements:

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

f) Buffer Yard Requirements:

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

g) Parking Area Landscaping:

Comment: Will be reviewed during Detailed Development Plan review.

59) Lighting Standards (Article 6.9)

Comment: Will be reviewed during Detailed Development Plan review.

60) Lot Standards (Article 6.10)

Comment: Please see District Standards.

61) Outside Storage and Display (Article 6.12)

Comment: Will be reviewed during Detailed Development Plan review.

62) Outdoor Café and Eating Areas (Article 6.13)

Comment: Will be reviewed during Detailed Development Plan review.

63) Parking and Loading Standards (Article 6.14)

Comment: Will be reviewed during Detailed Development Plan review.

64) Setback Standards (Article 6.16)

Comment: Please see District Standards.

65) Sign Standards (Article 6.17)



Comment: Will be reviewed when a sign permit has been submitted.

66) Vision Clearance Standards (Article 6.19)

67) Yard Standards (Article 6.21)

DESIGN STANDARDS (Chapter 8 of UDO)

The plans comply except for those items identified as outstanding below, that need addressed prior to approval:

68) Block Standards (Article 8.1)

69) Easement Standards (Article 8.3)

- a) Tree Preservation Easement: When a Secondary Plat is being recorded and an easement is required or proposed for tree preservation, then an Applicant shall record an easement, or an Applicant may forego a separate easement instrument in favor of bringing an easement certificate on the plat, of which shall include:
 - i) Tree Preservation Easement Certificate: There are shown on this instrument an area(s) designated as 'Tree Preservation Easements' or abbreviated as 'T.P.E.'. Such easement(s) shall be regulated and maintained in accordance with the following:
 - ii) Permitted Activities: The following activities shall be permitted: (a) Removal of invasive species (e.g., bush honeysuckle), where appropriate, including the use of professionals to apply herbicides or identify and remove such invasive species; (b) Removal of an overabundance of combustible material (e.g., dead, fallen trees, and leaves); (c) Removal of vines growing on and up a tree; (d) Removal of hazardous, exotic and invasive species and/or dead, hazardous and at risk trees; (e) Planting of native trees; (f) Removal of trees directed to be removed by municipal, County, State or federal agencies or departments or by a public utility; (g) Installation of minor improvements such as identification signs; provided such are designed and installed in a manner that does not remove or damage any trees to the greatest extent possible; and (h) Installation, mowing, and maintenance of access easements, paved or unpaved trails, or utility and drainage improvements; provided, however, that any such



improvements and easements shall be as narrow or small as reasonably possible with no blanket easements.

- iii) Prohibited Activities: The following activities shall be prohibited: (a) Mowing any portion of existing, naturally vegetated areas; (b) Dumping of leaves or other debris; (c) Seeding, including grass seed, prairie mix seed, sod or the planting of any type of vegetable garden; (d) The construction of permanent structural improvements including, but not limited to: pools, sheds, garages, fences, playground equipment, tree houses, fire pits, and other permanent or semi-permanent structures; and (e) Active recreational activities that adversely impact the natural characteristics of the preservation area, including, but not limited to the placement of playground equipment, paving for basketball or tennis courts or swimming pools.
- iv) Required Activities: The following shall be required: (a) All maintenance activity shall be completed in accordance with industry standards using the latest ANSI Z133.1 and A-300 approved practices and methods; (b) Signs identifying a "Tree Preservation Area" shall be posted every one-thousand (1,000) feet near the perimeter of all Tree Preservation Easements. Such signs shall state "Natural Preservation Area. No mowing or spraying. Restricted Area."; and (c) Any person or entity causing damage or destruction or that violates the provisions of this easement shall be responsible to replace removed or damaged trees with trees (a minimum of three (3) inches in caliper) of an equivalent caliper to the removed or damaged vegetation, and to return the damaged areas of the easement to its original natural state.

70) Monument and Marker Standards (Article 8.5)

Comment: Will be reviewed on Secondary Plat.

71) Open Space and Amenity Standards (Article 8.6)

Comment: Not required for Business Uses.

72) Pedestrian Network Standards (Article 8.7)

Comment: Items identified as outstanding, staff will confirm compliance prior to this item being docketed for final APC consideration.

73) Storm Water Standards (Article 8.8)

Comment: The Petitioner is coordinating with WPWD and applicable utilities to address outstanding issues.



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

Comment: The Petitioner is coordinating with WPWD to address outstanding issues.

75) Street Light Standards (Article 8.10)

Comment: The Petitioner is coordinating with WPWD and applicable utilities to address outstanding issues.

76) Street Sign Standards (Article 8.11)

Comment: The Petitioner is coordinating with WPWD to address outstanding issues.

77) Surety Standards (Article 8.12)

Comment: The Petitioner is coordinating with WPWD and applicable utilities to address outstanding issues.

78) Utility Standards (Article 8.13)

Comment: Please coordinate with WPWD and applicable utilities.

DEPARTMENT COMMENTS

- 1) **Action: Hold a public hearing at the August 3, 2020, Plan Commission meeting.**
- 2) The Petitioner will make any necessary revisions to the plans, as noted in this report as outstanding. The Community Development Department will confirm compliance prior to this item being placed on the next Plan Commission agenda.
- 3) If any Plan Commission member has questions prior to the public hearings, then please contact Caleb Ernest at 317-519-8630 or cernest@westfield.in.gov.