CITY OF WESTFIELD, IN

AdvisoryPlanningComminssion_Meeting_Agenda_09_19_2022

Monday, September 19, 2022 at 07:00 PM

BOARD OR COMMISSION: **Advisory Plan Commission (APC)**

MEETING DATE: **Monday, September 19, 2022 at 07:00 PM**

MEETING PLACE: **Westfield City Services Center- Main Level Confere**

Westfield City Services Center
Main Level Meeting Room
2728 East 171st Street, Westfield, IN 46074

Live stream unavailable, will be posted 9/20/22
Documents: Meeting video (Available on 9/20/22)

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION

OPENING OF MEETING

Note the Presence of a Quorum

Approval of Minutes
September 6, 2022 APC Minutes
Documents: September 6, 2022 APC Minutes

Review APC Rules & Procedures

CONSENT AGENDA

No Consent Agenda Items

WORKSHOP ITEMS

2205-PUD-09
iBeach31 at Grand Park PUD [WORKSHOP]
724 East 181st Street
iBeach31, LLC by Church Church Hittle + Antrim request a change in zoning for 3 acres +/- from OI-PD: Open Industrial / Planned Development District to the iBeach 31 at Grand Park Planned Unit Development (PUD) District.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Proposed Ord. 22-16 | Exhibit 4: Proposed Ord. 22-16 REDLINE | Exhibit 5: Concept Plan | Exhibit 6: Elevations

2208-PUD-16 [WORKSHOP]
Westfield Yard PUD
West Side of Gray Road, 200 feet south of State Road 32
Grand Communities, LLC by Nelson & Frankenberger, LLC requests a change in zoning for 10.8 acres +/- from the AG-SF1: Agriculture/Single-Family Rural District to the Westfield Yard Planned Unit Development (PUD) District.
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: Exhibit 1: Issue List Response | Exhibit 2: Proposed Ord. 22-32 | Exhibit 3: Redlined Ord. 22-32 | Exhibit 4: Revised Concept Plan | Exhibit 5: Petitioner Presentation

ITEMS CONTINUED TO A FUTURE MEETING

2108-PUD-21 [CONTINUED]
Grand Millennium Center PUD Amendment I
North of David Brown Drive, East and West of Westfield Blvd
31/32 Investors by Edgerock Development, LLC requests an Amendment to the Permitted Uses and General Regulations of the Grand Millennium Center PUD District.
(Presenting Planner: Pam Howard - phoward@westfield.in.gov)

2111-PUD-27 [CONTINUED]
TowneRun PUD
Northwest corner of Towne Road & West 146th Street
LOR Corporation by Church Church Hittle + Antrim requests a change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun Planned Unit Development (PUD) District.
(Planner: Kevin Todd - ktodd@westfield.in.gov)

2206-PUD-11-06 [CONTINUED]
Towne Road Crossing PUD Amendment I
South of SR 32, west of Little Eagle Creek Avenue
H&H Stables, LLC by Nelson & Frankenberger, LLC requests an amendment to the Towne Road Crossing PUD to permit an Equestrian Facility and a maximum of thirty (30) residential Lots on 69 acres +/- in the Towne Road Crossing PUD District.
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

2207-PUD-13 [CONTINUED]
Woods Robinson Briggs PUD Amendment II
Generally at 904 East 191st Street
PUD to add 4.54 acres +/- of additional real estate, modify the General Regulations of the proposed District 1 water feature, and modify the proposed Park/Trail Head District

standards.
(Planner: Weston Rogers - wrogers@westfield.in.gov)

2209-ZOA-03 [CONTINUED]
Unified Development Ordinance Amendment (Floodplain)
The City of Westfield requests approval of an ordinance to amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.
(Planner: (Planner: Pam Howard - phoward@westfield.in.gov))

REPORTS/COMMENTS

Plan Commission Members

Downtown Update

City Council Liaison

Board of Zoning Appeals Liaison

Plat Committee Liaison

Community Development Department

ADJOURNMENT

Westfield-Washington Township Advisory Plan Commission (APC)

Minutes of the September 6, 2022 APC Meeting

Presented for approval: September 9, 2022

Westfield-Washington Township Advisory Plan Commission
met at 7:00 p.m. on Tuesday, September 6, 2022 at Westfield City Hall.

Active links for this meeting:

September 6, 2022 APC Agenda & Exhibits **September 6, 2022 YouTube Video**

OPENING OF MEETING

You Tube Time: 0:22

Roll Call

Commissioners Members Present In-Person: Kristen Burkman, Matt Deck, Robert Horkay, Andre Maue, Victor McCarty, and Cindy Spoljaric.

Commissioners Present Virtually: Dave Schmitz.

Commissioners Absent: Ginny Kelleher and Mike Johns.

City Staff Present In-Person: Kevin Todd, Director; Pam Howard, Assistant Director; Daine Crabtree, Senior Planner; Caleb Ernest, Senior Planner; Ryan Collingwood, Associate Planner; and Weston Rogers, Associate Planner.

City Staff Present Virtually: None.

Legal Counsel Present Virtually: Ashley Ulbricht with Taft Stettinius & Hollister LLP.

APPROVAL OF AMENDED RULES OF PROCEDURE

Maue motioned to approve the Amended Rules of Procedure.
Deck seconded. Motion passed. Vote 7-0.

APPROVAL OF MINUTES

Deck motioned to approve the August 15, 2022 APC Minutes.
Burkman seconded. Motion passed. Vote 7-0.

REVIEW RULES AND PROCEDURES

Howard reviewed APC rules and procedures.

CONSENT AGENDA ITEMS

YouTube Time: 4:15

2205-DDP-13
Guidepost Montessori Daycare
17313 Spring Mill Road

NVS Properties 16 LLC by Murphy Real Estate Services requests Detailed Development Plan approval for a 11,275 SF daycare facility on 1.23 acres +/- in the Maple Knoll PUD District.
(Planner: Weston Rogers - wrogers@westfield.in.gov)

2208-DDP-25
Market District (Wheeler Landing)
Northeast corner of Grand Park Boulevard and Tournament Trail

Giant Eagle, Inc. by Kimley-Horn and Associates, Inc. requests Detailed Development Plan review of a 49,600 square foot grocery store on 6.02 acres +/- in the Wheeler Landing PUD District.
(Planner: Caleb Ernest - cernest@westfield.in.gov)

Deck motioned to approve the Consent Agenda as presented.
Maue seconded. Motion passed. Vote 7-0.

ITEMS OF BUSINESS

2205-PUD-09 *YouTube Time: 8:59*

iBeach31 at Grand Park PUD

724 East 181st Street

iBeach31, LLC by Church Church Hittle + Antrim request a change in zoning for 3 acres +/- from OI-PD: Open Industrial / Planned Development District to the iBeach 31 at Grand Park PUD District.
(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments / Petitioner responses

After a comprehensive discussion, Petition 2205-PUD-09 was continued to the next APC meeting.

2208-ZOA-02 *YouTube Time: 1:12:56*

Unified Development Ordinance Amendment (Landscape Bonds)

The City of Westfield requests approval of an ordinance to amend Articles 6.8 & 10 of the Westfield-Washington Township Unified Development Ordinance.
(Planner: Caleb Ernest - cernest@westfield.in.gov)

Staff presentation

McCarty motioned to forward 2208-ZOA-02 to the City Council with a favorable recommendation.
Deck seconded. Motion passed. Vote 7-0.

PUBLIC HEARING ITEMS

2209-PUD-18 [PUBLIC HEARING] *YouTube Time: 1:16:05*

Austrian Pine PUD Amendment I

Lot 3 of the Austrian Pine PUD

OI Land Ventures II, LLC by Krieg DeVault, LLP requests an amendment to the Austrian Pine PUD to modify landscape requirements as well as the number of buildings required to exceed the Maximum Setback of the State Highway 32 Overlay District.

(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments.

Public Hearing for 2209-PUD-18 opened at 8:23 p.m.

- No public comments.

Public Hearing for 2209-PUD-18 closed at 8:25 p.m.

Petitioner responses / APC comments.

McCarty motioned to waive the workshop meeting requirement for 2209-PUD-18.
Maue seconded. Motion passed. Vote 7-0.

Deck motioned to forward 2209-PUD-18 to the City Council with a positive recommendation.
Burkman seconded. Motion passed. Vote 7-0.

2209-ZOA-03 [PUBLIC HEARING] *YouTube Time: 1:31:55*

Unified Development Ordinance Amendment (Floodplain)

The City of Westfield requests approval of an ordinance to amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.
(Planner: Pam Howard - phoward@westfield.in.gov)

Staff presentation

Public Hearing for 2209-ZOA-03 opened at 8:33 p.m.

- No public comments.

Public Hearing for 2209-ZOA-03 closed at 8:35 p.m.

APC comments / Staff Reponses.

ITEMS CONTINUED TO A FUTURE MEETING

2108-PUD-21 [CONTINUED]
Grand Millennium Center PUD Amendment I
North of David Brown Drive, East and West of Westfield Blvd

31/32 Investors by Edgerock Development, LLC requests an Amendment to the Permitted Uses and General Regulations of the Grand Millennium Center PUD District.
(Planner: Pam Howard - *phoward@westfield.in.gov*)

2111-PUD-27
TowneRun PUD [CONTINUED]
Northwest corner of Towne Road and West 146th Street

LOR Corporation by Church Church Hittle + Antrim requests a change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun PUD District.
(Planner: Kevin Todd - ktodd@westfield.in.gov)

2206-PUD-11 [CONTINUED]
Towne Road Crossing PUD Amendment I
South of SR 32, west of Little Eagle Creek Avenue

H&H Stables, LLC by Nelson & Frankenberger, LLC requests an amendment to the Towne Road Crossing PUD to permit an Equestrian Facility and a maximum of thirty (30) residential Lots on 69 acres +/- in the Towne Road Crossing PUD District.
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

2207-PUD-13 [CONTINUED]
Woods Robinson Briggs PUD Amendment II
Generally at 904 East 191st Street

191st Land Acquisition, LLC requests an amendment to the Woods-Robinson-Briggs PUD to add 4.54 acres +/- of additional real estate, modify the General Regulations of the proposed District 1 water feature, and modify the proposed Park/Trail Head District standards.
(Planner: Weston Rogers - wrogers@westfield.in.gov)

2207-PUD-13 [CONTINUED]
Westfield Yard PUD
West Side of Gray Road, 200 feet south of State Road 32

Grand Communities, LLC by Nelson & Frankenberger, LLC requests a change in zoning for 10.8 acres +/- from the AG-SF1: Agriculture/Single-Family Rural District to the Westfield Yard Planned Unit Development (PUD) District.
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

ADMINISTRATIVELY DISMISSED

2112-ODP-26 [DISMISSED]
Southpark Industrial
16465 Southpark Drive

CTC02, LLC by Total Engineering Solutions Co. requests Overall Development Plan review of one Lot on 3.69 acres +/- in the Southoak PUD District.
(Planner: Caleb Ernest - *cernest@westfield.in.gov*)

REPORTS/COMMENTS: *YouTube Time: 1:39:28*

- Plan Commission Comments
- Downtown Update
- City Council Liaison
- Board of Zoning Appeals Liaison
- Community Development Department

ADJOURNMENT

Spoljaric motioned to adjourn the meeting. McCarty seconded. Motion passed. Vote 7-0. The meeting adjourned at 8:55 p.m.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Signature Page for APC Minutes for September 6, 2022

_____
Robert Horkay, President

_____
Ginny Kelleher, Vice President

_____
Kevin M. Todd, Secretary

Ord. 22-32 – Westfield Yard PUD – Issue List Response

1) Comprehensive Plan states this area as Local Commercial. **This product is a transition of use between the southern single family residential and the northern commercial along State Road 32. It is consistent with a recently approved project including a transitional residential use to the west. However this proposal does not include any residential along the SR 32 frontage.**

2) Duke substation proposal – How could this affect the site? **There are several proposals, it seems to be the least preferred plan based on recent publications. The development of the site would not be financially feasible with a 70ft buffer along the Midland Trail.**
   a. Add additional landscaping if buffer to south is lessened?

3) Two-story abutting Midland Trail like 161st/Spring Mill possible instead of three-story?? Wall-like effect – **The buildings have been adjusted to provide smaller building groupings. Additionally 4-sided architecture has been added to the buildings. A tree buffer will remain in place as a screen both on site and within the area owner by the City of Westfield.**

4) More gable/pitch roof elements than "modern" look? "Disjointed" architecture
   a. McCarty likes modern look **We have adjusted our roofline elevations to be more consistent. See updated elevations.**

5) Add building material %s to elevations **Percentages are included on the building elevations. The minimum will include first floor masonry on <u>all</u> sides with additional masonry on the front elevations.**

6) Add language for minimum windows, minimum offsets, wainscot height, etc. **– Each side elevation will have a minimum of 4 window, offsets are provided on the front elevation, and brick wrap (first floor at a minimum) is provided.**

7) Clarification for anti-monotony language/exhibits
   a. Remove dominant exterior material/exterior material definitions **Removed as requested.**

8) Rear elevations bland **Additional brick wrap and rear decking or patio has been added.**

9) Comparison to Union Square re: setbacks/landscaping – **Union Square dwellings front the trail generally at grade with lesser setbacks to the trail. The subject site included grade changes along the trail and the dwellings face to the north and maintain significant plantings along the Midland.**

10) Lack of amenities/unclear language on what is required – **Amenity language text and exhibits have been updated for clarity.**

11) South perimeter has "only 20 foot minimum setback line"

Answer provided by Westfield City Staff: MF-1 and MF-2 rear yard setbacks per the UDO are 20 feet. There is an additional 10 feet +/- from the southern lot line to the edge of pavement for the Midland Trace Trail. So, the actual setback from the trail itself would be closer to 30 feet.

12) Covenants/rentals addressed outside of PUD **yes – Will provide staff example language**

13) Landscape qualifier for ponds should apply – **Text Amended.**

PUD Standards Notes:

Variation: A townhome unit immediately adjacent to (in the same building) and immediately across the street from the subject townhome unit shall be a ~~different color~~ ~~**package**~~ **different façade** than the subject townhome unit. ~~The subject townhome unit's dominant exterior material (the material that occupies the most surface area on the front façade of the dwelling, exclusive of doors, windows and garage doors shall quality as the color package of the dwelling.~~ (this sentence is being removed, because the majority of this is brick) ~~The color shall be at least two (2) shades different to be a different color package. Color shades shall be identified according to the "Sherwin Williams Color Prime System" or its successor system consistent with the "Munsell Color Theory."~~

Square footage:

Rear Loaded - 2000

Front - 2300

ORDINANCE NUMBER 22-32

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

"Westfield Yard"

This is a Planned Unit Development District Ordinance (to be known as the "**Westfield Yard PUD**") 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. 2208-PUD-16**), requesting an amendment to the Unified Development Ordinance and 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**. **22-08-PUD-16** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (_-_ vote) 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 _____ __, 2022; and

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.

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 "**Westfield Yard PUD District**" (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 UDO.

2.1 **"Underlying Zoning Districts"** For the purposes of this Ordinance only, shall mean the Zoning Districts of the UDO that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

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.

3.1 The Real Estate shall be developed in substantial compliance with the Concept Plan. The Buildings illustrated in the concept plan may be repositioned as final engineering of the District is completed, however, the street network and general design of the townhome community shall be in substantial compliance with the Concept Plan.

Section 4. **Underlying Zoning District.** The Underlying Zoning District shall be SFA: Single-Family Attached District.

Section 5. **Permitted Uses.** The permitted uses shall be as set forth below:

5.1 All uses permitted in the Underlying Zoning Districts, as set for in Chapter 4 and Chapter 13 of the UDO, shall be prohibited unless otherwise provided in this Ordinance.

5.2 Townhouse Dwellings in substantial compliance with the compliance with **Exhibit C** ("Townhome Elevations – Front Load") and **Exhibit D** ("Townhome Elevations – Alley Load") shall be permitted. All other dwellings types shall be prohibited.

5.3 The maximum number of dwellings shall not exceed seventy-five (75).

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 District, except as otherwise modified below with the following table which replaces and supersedes the Section 4.9 (A-L) of the UDO:

Standard	
Minimum Lot Area	No Minimum
Minimum Lot Frontage	No Minimum
Maximum Density	See Section 5.2
Maximum Dwelling Units Per Building	Six (6)
Maximum Project Size	See Real Estate
Minimum Building Setback Lines from perimeter of Real Estate	
Setback from Gray Road	20’
Setback form north, west & south perimeter of Real Estate	20’
Minimum Driveway Length	20’
Minimum Internal Building Setbacks	
Minimum Distance Between Structures	20’
Maximum Lot Coverage	Not Applicable
Project Perimeter Setback	Not Applicable
Minimum Lot Width	No Minimum
Maximum Building Height	3 Stories
Minimum Living Area (Total) Per Dwelling Unit	
Alley Load Dwelling Units	2,000sqft
Front Load Dwelling Units	2,300sqft

Section 7. **State Highway 32 Overlay District.** The standards of the State Highway 32 Overlay Zone shall not apply to the District unless specified in this Ordinance.

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

8.1 Article 6.3 Architectural Standards: Article 6.3 shall not apply, rather, the following shall apply:

A. Townhome Elevations: The Townhouse Dwellings shall be constructed in substantial compliance with **Exhibit C** (“Townhome Elevations – Front Load”) and **Exhibit D** (“Townhome Elevations – Alley Load”) (collectively, the “Townhome Elevations”). To the extent the applicable architectural standards of the UDO conflict with the Townhome Elevations, the Townhome Elevations shall prevail.

B. Building Materials:

1. Vinyl siding shall be prohibited.

2. Masonry shall be provided on all building elevations (front, side and rear) as illustrated on the Townhome Elevations included under **Exhibit C** and **Exhibit D**.

C. Garages: All Dwellings shall have a minimum two (2) car attached garage.

D. Windows:

1. A minimum of four (4) windows shall be provided on all side elevations.

2. A one by 4-inch nominal window trim board shall be provided on all windows unless the window is wrapped in masonry.

E. Variation: A townhome unit immediately adjacent to (in the same building) and immediately across the street from the subject townhome unit shall be a different facade than the subject townhome unit.

8.2. Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified or enhanced below.

A. Street Trees: Article 6.8(J) Street Trees shall apply, however, a maximum spacing requirement of eighty (80) feet and a minimum spacing requirement of twenty feet (20') shall apply to void conflict driveway and utility conflicts.

B. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified and enhanced below:

1. At a minimum, all Established Front Yards shall be sodded and the remainder of the Lot shall be seeded.

2. A minimum of: one (l) Shade Tree and four (4) Shrubs shall be required per Townhouse Dwelling. End dwelling units on each building shall require one (l) additional shade Tree and four (4) additional Shrubs at the side of the dwelling.

3. Foundation Plantings: Article 6.8(L) shall not apply, rather the following shall apply: Each Townhouse Building shall be landscaped in compliance with the landscaping shown in **Exhibit E**, attached hereto and incorporated herein. If the landscaping shown in **Exhibit E** is prevented from being installed as shown, then alternative locations for such landscaping shall be approved by the

Director.

C. Buffer Yards and External Street Frontage Landscaping: Article 6.8(N) shall apply except as modified and enhanced below:

i. Buffer Yard and External Street Frontage landscaping shall be provided as generally depicted in Exhibit B.

ii. Buffer Yard Type A plantings within a 20' width shall be provided (i) along the north (where adjacent to an AG-SF1 District) perimeter f the Real Estate and (ii) along south perimeter of the Real Estate adjacent to the Midland Trail parcel.

iii. Relocation of plant materials within the Buffer Yards and External Street Frontage area shall be permitted as part of the Development Plan approval.

D. Trailside Tree Preservation: Any trees within ten (10) feet of the Midland Trace Trail (on the Real Estate) , that are in good health and not otherwise required to be removed for environmental reasons, shall be preserved in accordance with Article 6.8, Landscaping Standards of the UDO. Existing trees in this area shall not be disturbed unless required by the City, or for drainage/utility installation.

E. Parking Area Landscaping: Article 8.6 (O)(3) shall not apply as parking is provided in driveways and not freestanding parking areas.

8.2 Bike Parking: Article 6.14(H) Parking and Loading Standards – Bicycle Parking shall not apply.

8.3 Residential Signs: Article 6.17(G)(1) Monument Signs shall apply and include landscaping at the entrances to the District.

Section 9. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations) except as modified below, 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.

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

10.1 Minimum Open Space: Open Space (green space area on lots, common areas and the area of ponds) shall be a minimum of twenty-five (25) percent and as generally

shown on the Concept Plan. Ponds shall be included in the Open Space calculation.

10.2 Amenities: Article 8.6(H) Multi-family Districts: Shall not apply, rather site amenities shall include Open space including; trails, benches or swings, sidewalk pathways and/or dog walking areas, in substantial compliance with the Concept Plan attached hereto as Exhibit B and incorporated herein shall be provided. The Amenities shall be consistent with the quality and character of those shown in Exhibit F, attached hereto. If the designated dog area is prevented from being installed in the location as shown, then an alternative location shall be provided.

10.3 Midland Trace Trail Access: Access points, including landscape plantings shall be provided to permit pedestrian access to the Midland Trace Trail as generally depicted as the "Trail Connections," on the Concept Plan attached hereto as Exhibit B and incorporated herein. The final locations of the trail access points and improvements are subject to City approvals and final engineering. If the trail connections shown in the Concept Plan are prevented from being installed as generally shown, then an alternative location providing comparable trail access to the Midland Trace Trail shall be approved by the Director.

10.4 Mail Delivery. Mail delivery is intended to occur through cluster box units (CBU's). CBU's shall be located in appropriate areas throughout the PUD, as determined by the Secondary Plat. All CBU's shall have a uniform and consistent design, to give a decorative appearance within the PUD.

Section 11. **Maintenance Standards:** The following shall be included in the Covenants, Conditions and Restrictions of the Owner's Association for the Real Estate.

11.1. All lots shall be subject to a required landscape maintenance program including seasonal mulching, hard edging, fertilization, mowing and trimming, weeding of landscape beds, pruning and fall clean up.

11.2 All lots shall be subject to a required snow removal program for driveways and sidewalks.

11.3 The above provisions shall be included in the initial Covenants, Conditions and Restrictions of the Owner's Association and all future administration and enforcement of the provisions shall be solely and exclusively the responsibility of the Owner's Association.

Section 12. **Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the District within forty-eight (48) months shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the AG-SF1 District.

Section 13. **Annexation**. The Real Estate, or parts thereof that may be the subject of a secondary plat approval shall be annexed into the corporate limits of the City of Westfield prior to the recording of a secondary plat for the Real Estate.

Section 14. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
James J. Edwards	James J. Edwards	James J. Edwards
_____	_____	_____
Scott Frei	Scott Frei	Scott Frei
_____	_____	_____
Jake Gilbert	Jake Gilbert	Jake Gilbert
_____	_____	_____
Mike Johns	Mike Johns	Mike Johns
_____	_____	_____
Troy Patton	Troy Patton	Troy Patton
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Scott Willis	Scott Willis	Scott Willis

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 22-__** was delivered to the Mayor of Westfield

on the _____ day of _____, 2022, at _____ ____ m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 22-__

this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO Ordinance 22-__

this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

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

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz; Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Townhome Perspectives and Elevations – Front Load
Exhibit D	Townhome Perspectives and Elevations – Alley Load
Exhibit E	Foundation Planting Exhibit
Exhibit F	Amenity Exhibits

EXHIBIT A
REAL ESTATE
(Page 1 of 3)

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SECTION LINE, SAID POINT BEING 270.4 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 29 MINUTES 22 SECONDS WEST 689.6 FEET; THENCE SOUTH 693.74 FEET TO THE RAILROAD RIGHT-OF-WAY; THENCE SOUTH 87 DEGREES 01 MINUTES 36 SECONDS EAST 690.5 FEET TO THE SECTION LINE; THENCE NORTH 735.7 FEET TO THE POINT OF BEGINNING, CONTAINING 11.31 ACRES.

EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA BY WARRANTY DEED RECORDED MAY 20, 2004, AS INSTRUMENT NUMBER 200400034300, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND TYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT “B", DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION 270.40 FEET SOUTH (BEARING AND DISTANCE QUOTED FROM INSTRUMENT NUMBER 9909942078) OF THE NORTHEAST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT “6" ON SAID PARCEL PLAT, WHICH POINT OF BEGINNING IS THE NORTHEAST CORNER OF THE GRANTORS' LAND; THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST 230.337 METERS (755.70 FEET) ALONG THE EAST LINE OF SAID QUARTER SECTION AND THE EAST LINE OF THE GRANTORS' LAND TO THE SOUTHEAST CORNER OF THE GRANTORS' LAND; THENCE NORTH 87 DEGREES 12 MINUTES 38 SECONDS WEST 5.037 METERS (16.53 FEET) ALONG THE SOUTHERN LINE OF THE GRANTORS' LAND TO THE WEST BOUNDARY OF GRAY ROAD; THENCE NORTH 0 DEGREES 25 MINUTES 26 SECONDS WEST 101.742 METERS (333.80 FEET) ALONG SAID WEST BOUNDARY TO THE POINT DESIGNATED “32” ON SAID PARCEL PLAT; THENCE NORTH 12 DEGREES 01 MINUTE 51 SECONDS WEST 5.303 METERS (17.40 FEET) TO THE POINT DESIGNATED “163” ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 25 MINUTES 26 SECONDS WEST 123.090 METERS (403.84 FEET) PARALLEL WITH SAID WEST BOUNDARY TO THE NORTH LINE OF THE GRANTORS' LAND; THENCE NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST 6.096 METERS (20.00 FEET) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.1292 HECTARES (0.319 ACRES), MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.1158 HECTARES (0.286 ACRES), MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.0134 HECTARES (0.033 ACRES), MORE OR LESS.

FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA BY WARRANTY DEED RECORDED JULY 15, 2003, AS INSTRUMENT NUMBER 200300068648, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT “B", DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT “6” ON SAID PARCEL PLAT: THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST (BASIS OF BEARINGS IS THE CENTERLINE OF S.R. 32 AS SHOWN ON A CERTAIN LOCATION CONTROL ROUTE SURVEY PLAT RECORDED IN INSTRUMENT NUMBER 200100063561 IN THE OFFICE OF THE RECORDER OF THE COUNTY AND STATE AFORESAID) 82.418 METERS (270.40 FEET) ALONG THE EAST LINE OF SAID

EXHIBIT A
REAL ESTATE
(Page 2 of 4)

QUARTER SECTION TO THE NORTH LINE OF THE GRANTORS' LAND; THENCE SOUTH 89 DEGREES 18 MINUTES 23 SECONDS WEST 6.096 METERS (20.00 FEET) ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF GRAY ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST 123.090 METERS (403.84 FEET) ALONG SAID WEST BOUNDARY TO THE POINT DESIGNATED “163" ON SAID PARCEL PLAT, THENCE NORTH 12 DEGREES 01 MINUTE 51 SECONDS WEST 76.497 METERS (250.97 FEET) TO THE POINT DESIGNATED “136” ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 40 MINUTES 50 SECONDS WEST 39.991 METERS (131.20 FEET) TO THE POINT DESIGNATED “135” ON SAID PARCEL PLAT; THENCE NORTH 8 DEGREES 23 MINUTES 25 SECONDS EAST 8.195 METERS (26.89 FEET) TO THE NORTH LINE OF SAID GRANTORS' LAND; THENCE NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST 14.315 METERS (46.97 FEET) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.1317 HECTARES (0.325 ACRES), MORE OR LESS.
FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO THE CITY OF WESTFIELD BY QUITCLAIM DEED RECORDED NOVEMBER 07, 2014, AS INSTRUMENT NUMBER 2014050331, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION, SAID NORTHEAST CORNER BEING DESIGNATED AS POINT “7” ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 08 MINUTES 24 SECONDS EAST 1,024.21 FEET ALONG THE EAST LINE OF SAID SECTION TO THE CENTER LINE OF THE FORMER CENTRAL INDIANA RAILROAD AND WHITE RIVER, WESTFIELD AND NOBLESVILLE RAILROAD; THENCE NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST 16.50 FEET ALONG SAID CENTER LINE TO THE WEST BOUNDARY OF GRAY ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE CONTINUING NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST 673.10 FEET ALONG SAID CENTERLINE TO THE SOUTHWEST CORNER OF THE GRANTORS' LAND; THENCE NORTH 0 DEGREES 08 MINUTES 24 SECONDS WEST 20.00 FEET ALONG THE WEST LINE OF THE GRANTORS' LAND TO THE NORTH LINE OF SAID RAILROAD; THENCE SOUTH 89 DEGREES 33 MINUTES 17 SECONDS EAST 673.10 FEET ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF SAID GRAY ROAD SAID POINT BEING DESIGNATED AS “405” ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 08 MINUTES 24 SECONDS EAST 20.00 FEET ALONG THE BOUNDARY OF SAID GRAY ROAD TO THE POINT OF BEGINNING AND CONTAINING 0.309 ACRES, MORE OR LESS.

FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO ALLCARE HOLDINGS, LLC, AN INDIANA LIMITED LIABILITY COMPANY BY WARRANTY DEED RECORDED JUNE 08, 2017, AS INSTRUMENT NUMBER 2017026477, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

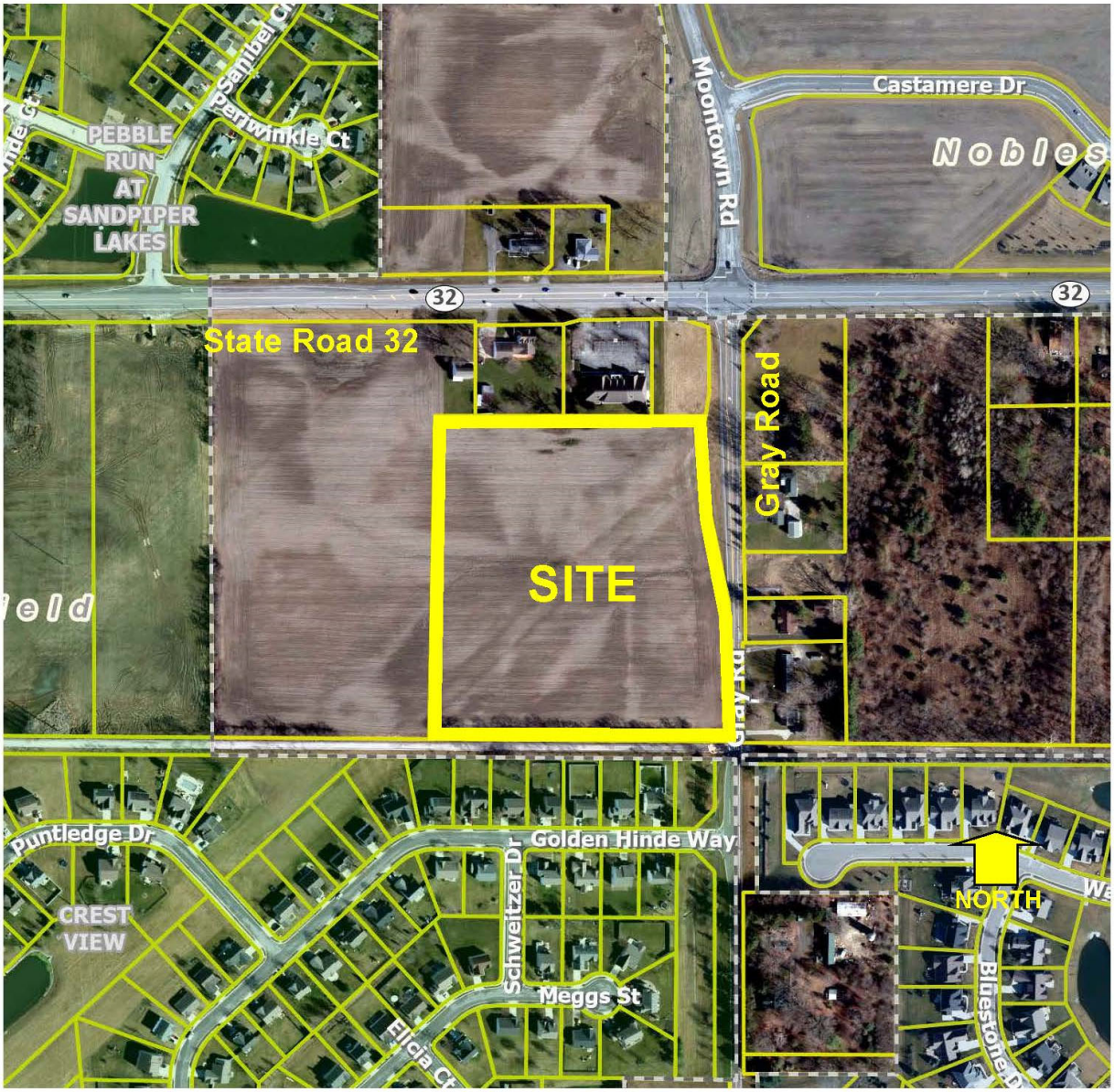
PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION A

EXHIBIT A
REAL ESTATE
(Page 3 of 4)

DISTANCE OF 383.50 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791; THENCE SOUTH 00 DEGREES 33 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID INSTRUMENT NO. 9809825791 A DISTANCE OF 270.40 FEET TO THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791, SAID CORNER IS ALSO ON THE NORTH LINE OF THE LAND DESCRIBED IN INSTRUMENT NO. 9909942078 AND IS THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 46 MINUTES 36 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE 198.50 FEET TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791; THENCE SOUTH 00 DEGREES 13 MINUTES 24 SECONDS WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS WEST PARALLEL WITH SAID NORTH LINE A DISTANCE OF 198.50 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 24 SECONDS EAST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,978 SQUARE FEET MORE OR LESS.

<u>EXHIBIT A</u>
REAL ESTATE
(Page 4 of 4)



<u>EXHIBIT B</u>
CONCEPT PLAN
(Page 1 of 1)

Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 2208-PUD-16.

<u>EXHIBIT C</u>
Townhome Perspectives and Elevations – Front Load
(See Following 5 Pages)

BROOKLINE FRONT ELEVATION AMERICAN MODERN EXTERIOR DESIGN
4-HOME BUILDING
FRONT ELEVATION 55% MASONRY

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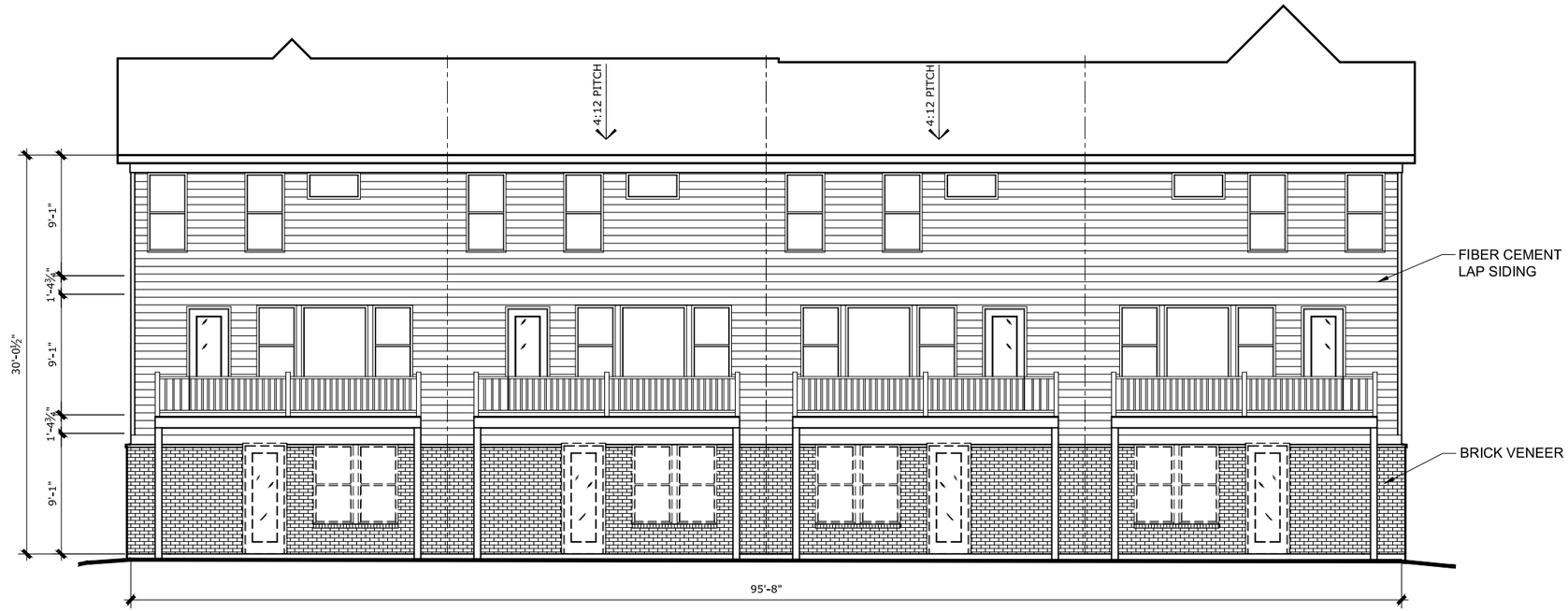
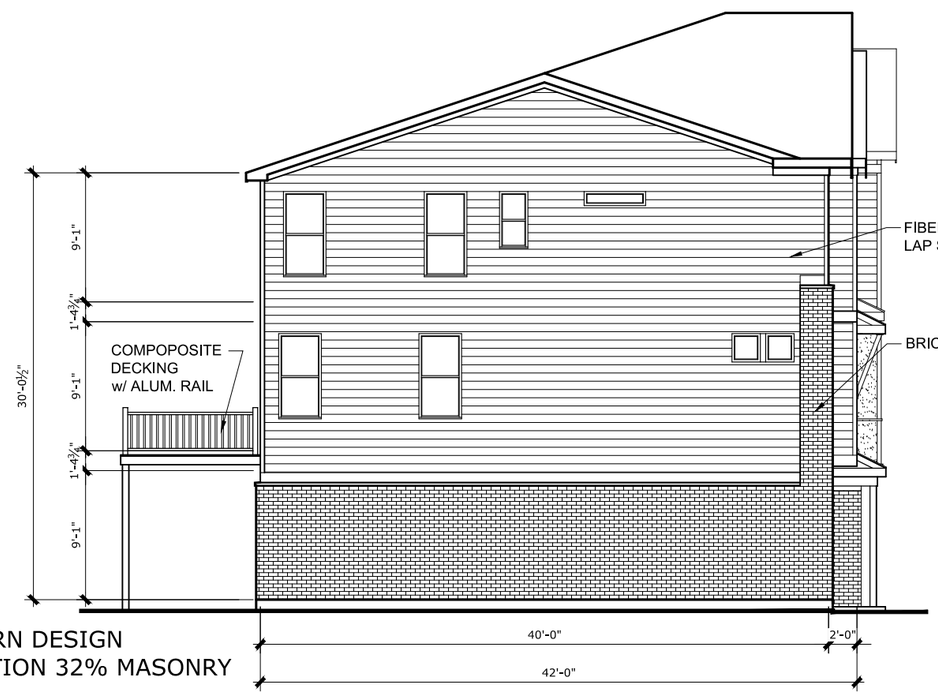
BROOKLINE 4-UNIT - VILLAGE NORTH

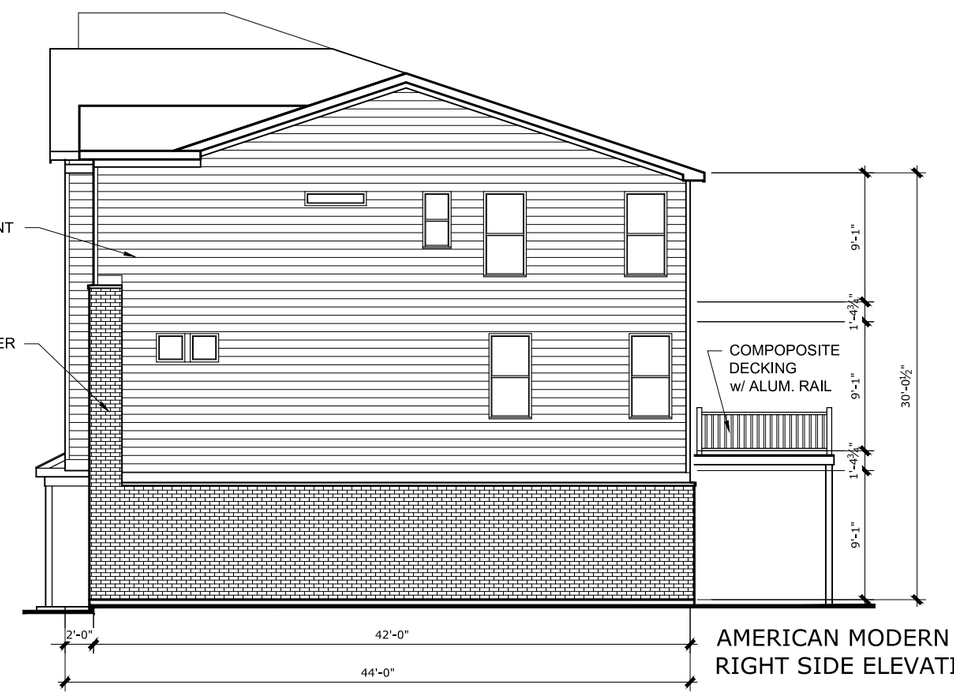
NOT FOR CONSTRUCTION



AMERICAN MODERN DESIGN REAR ELEVATION
4-UNIT BUILDING
REAR ELEVATION 30% MASONRY



AMERICAN MODERN DESIGN
LEFT SIDE ELEVATION 32% MASONRY



AMERICAN MODERN DESIGN
RIGHT SIDE ELEVATION 32% MASONRY

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BROOKLINE 4-UNIT - VILLAGE NORTH

NOT FOR CONSTRUCTION

BROOKLINE FRONT ELEVATION AMERICAN MODERN EXTERIOR DESIGN
6-HOME BUILDING
FRONT ELEVATION 58% MASONRY

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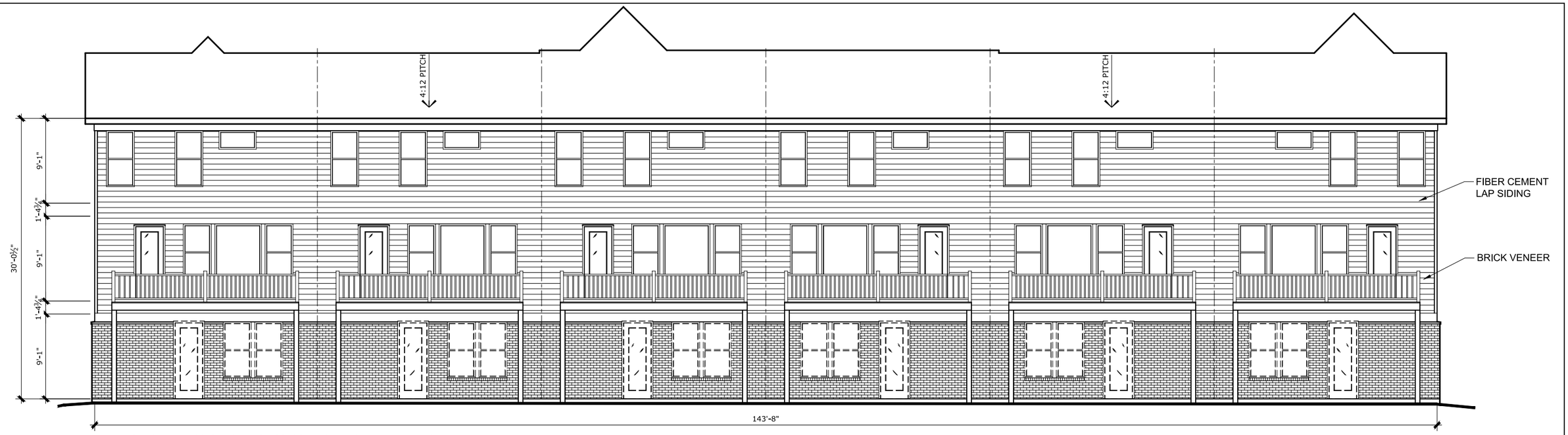
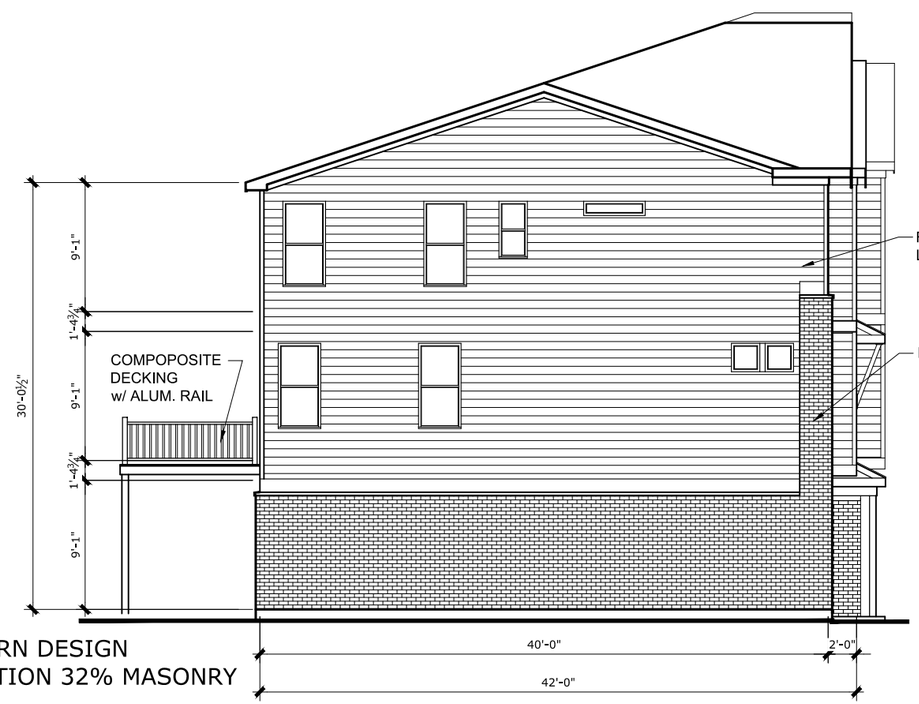
BROOKLINE 6-UNIT - WESTFIELD YARD

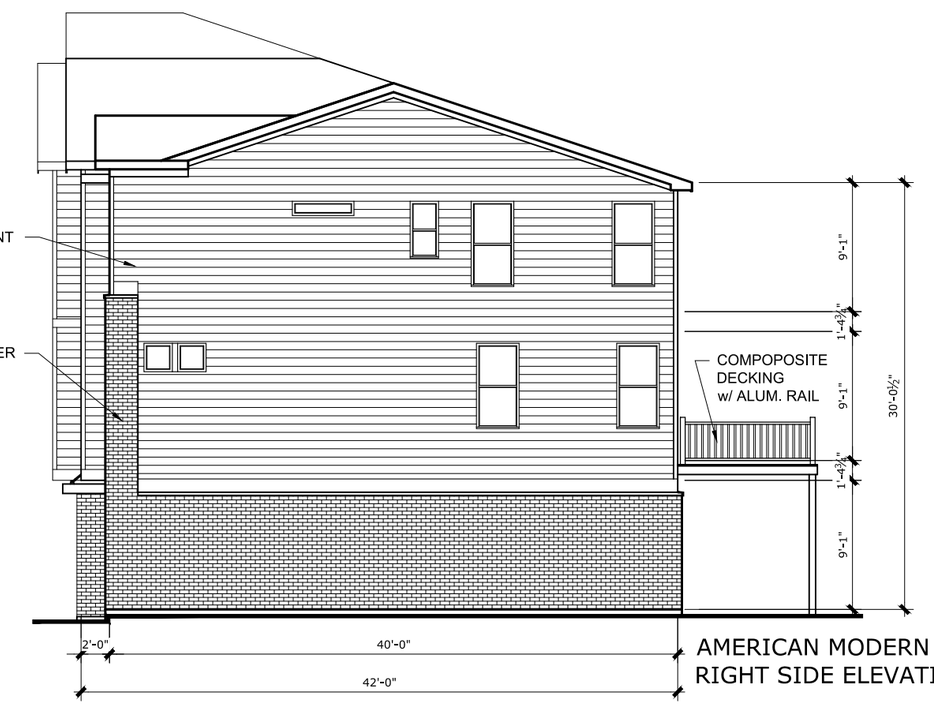
NOT FOR CONSTRUCTION



AMERICAN MODERN DESIGN REAR ELEVATION
6-UNIT BUILDING
REAR ELEVATION 30% MASONRY



AMERICAN MODERN DESIGN
LEFT SIDE ELEVATION 32% MASONRY



AMERICAN MODERN DESIGN
RIGHT SIDE ELEVATION 32% MASONRY

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BROOKLINE 6-UNIT - WESTFIELD YARD

NOT FOR CONSTRUCTION

<u>EXHIBIT D</u>
Townhome Perspectives and Elevations – Alley Load
(See Following 7 Pages)

TUSTIN FRONT ELEVATION AMERICAN MODERN EXTERIOR DESIGN
4-HOME BUILDING
FRONT ELEVATION 60% MASONRY

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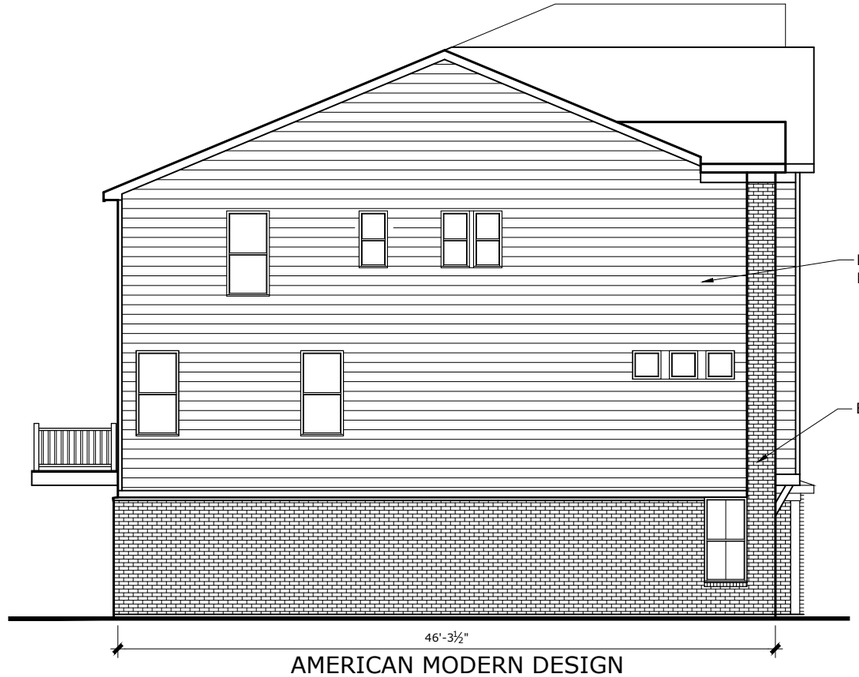
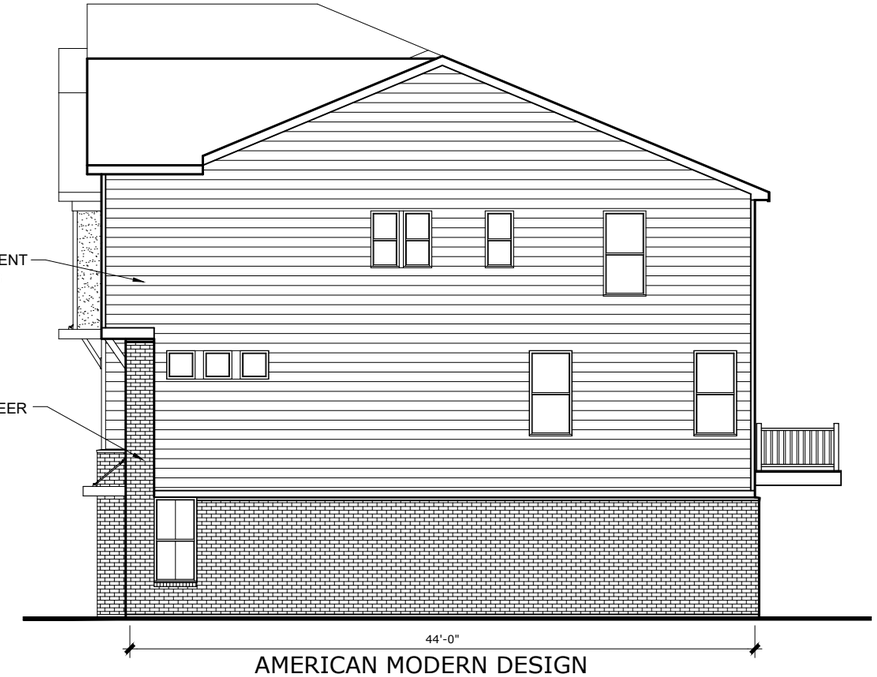
TUSTIN 4-UNIT - VILLAGE NORTH

NOT FOR CONSTRUCTION

AMERICAN MODERN DESIGN REAR ELEVATION
4-HOME BUILDING
REAR ELEVATION 25% MASONRY



AMERICAN MODERN DESIGN
LEFT SIDE ELEVATION 28% MASONRY



AMERICAN MODERN DESIGN
RIGHT SIDE ELEVATION 28% MASONRY

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TUSTIN 4-UNIT - VILLAGE NORTH

NOT FOR CONSTRUCTION

TUSTIN FRONT ELEVATION AMERICAN MODERN EXTERIOR DESIGN
5-HOME BUILDING
FRONT ELEVATION 58% MASONRY

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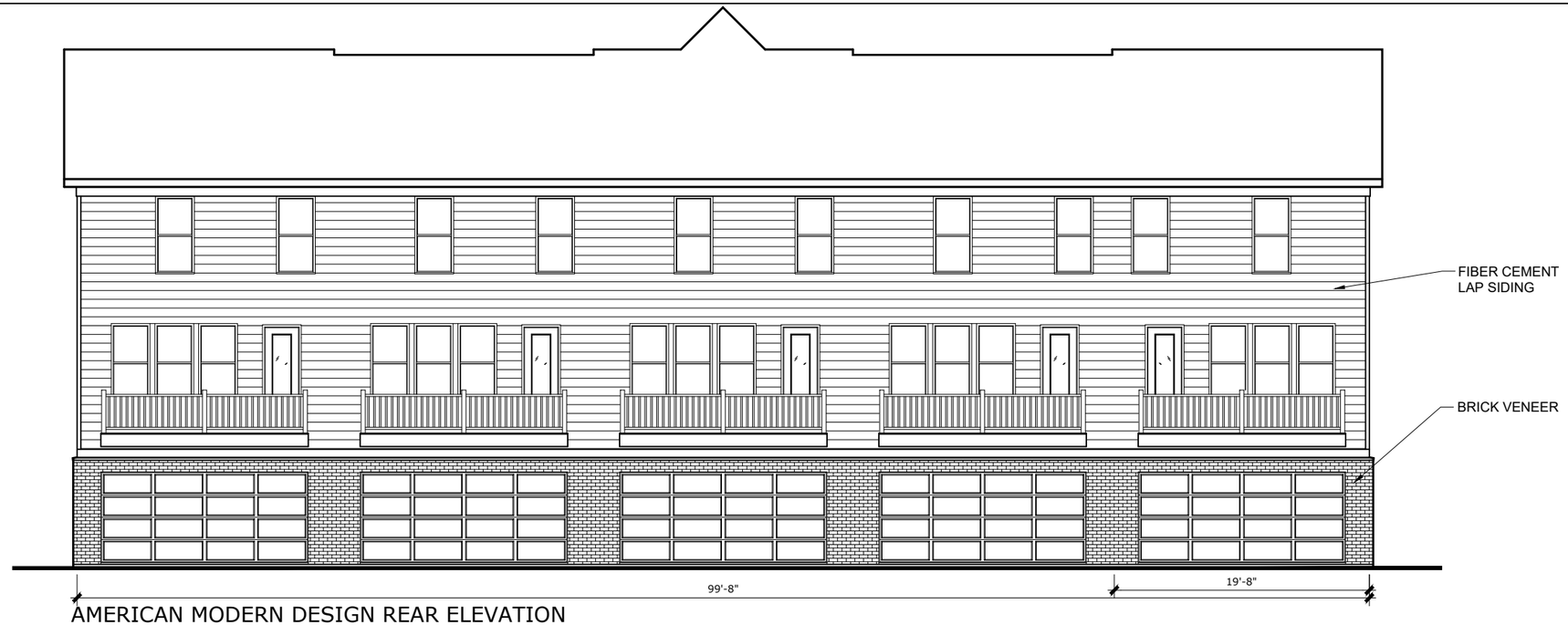
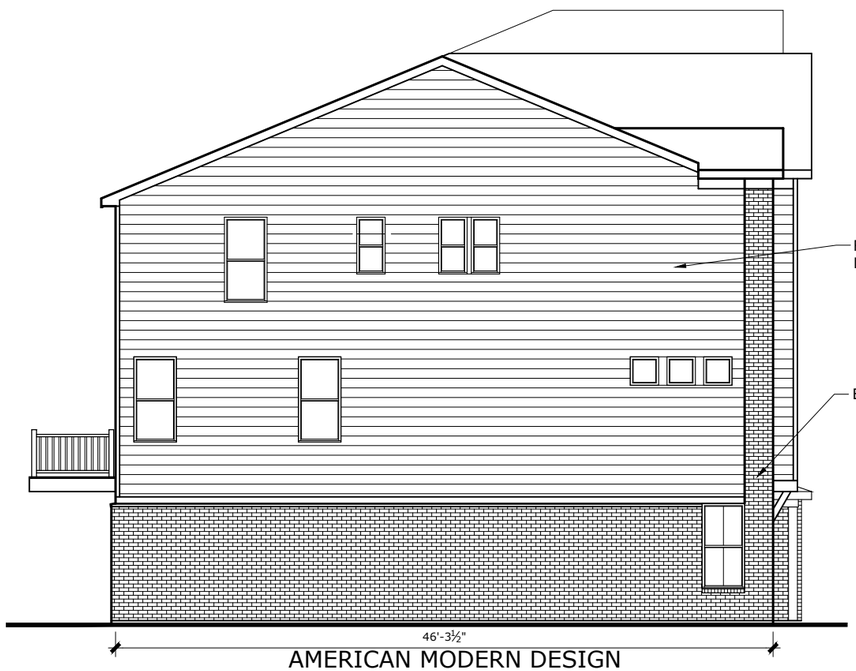
TUSTIN 5-UNIT - VILLAGE NORTH

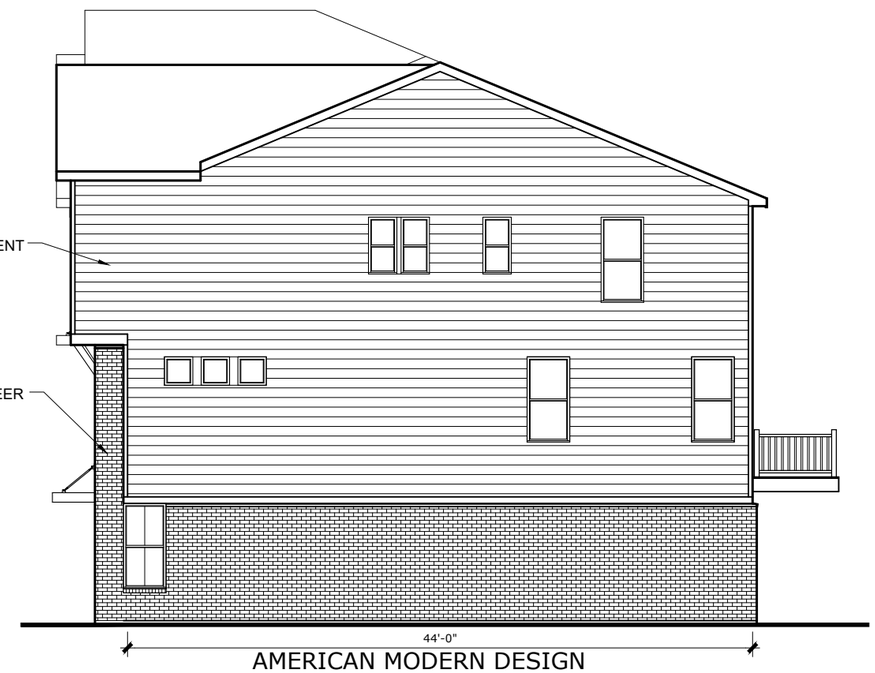
NOT FOR CONSTRUCTION



AMERICAN MODERN DESIGN REAR ELEVATION
5-HOME BUILDING
REAR ELEVATION 25% MASONRY



AMERICAN MODERN DESIGN
LEFT SIDE ELEVATION 28% MASONRY



AMERICAN MODERN DESIGN
RIGHT SIDE ELEVATION 28% MASONRY

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TUSTIN 5-UNIT - VILLAGE NORTH

NOT FOR CONSTRUCTION

TUSTIN FRONT ELEVATION AMERICAN MODERN EXTERIOR DESIGN
6-HOME BUILDING
FRONT ELEVATION 56% MASONRY

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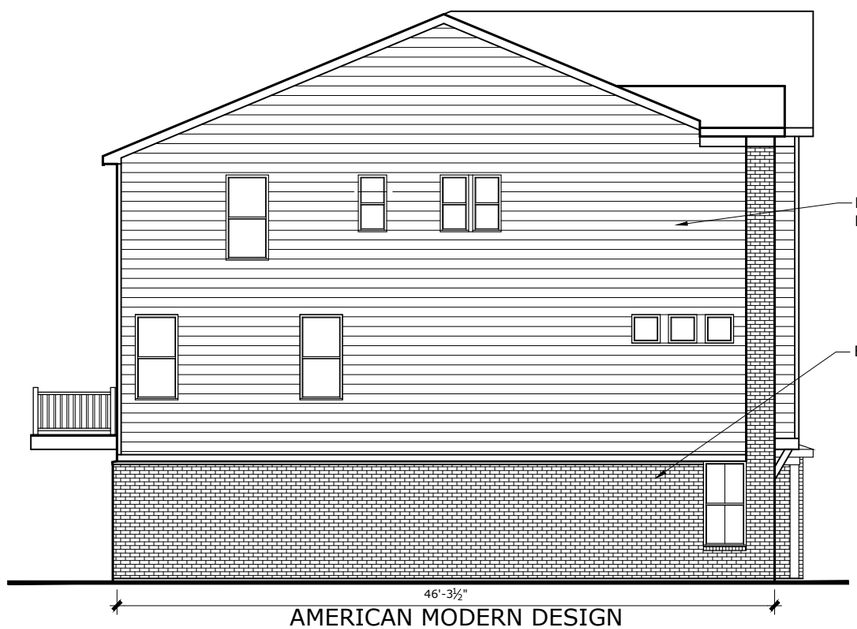
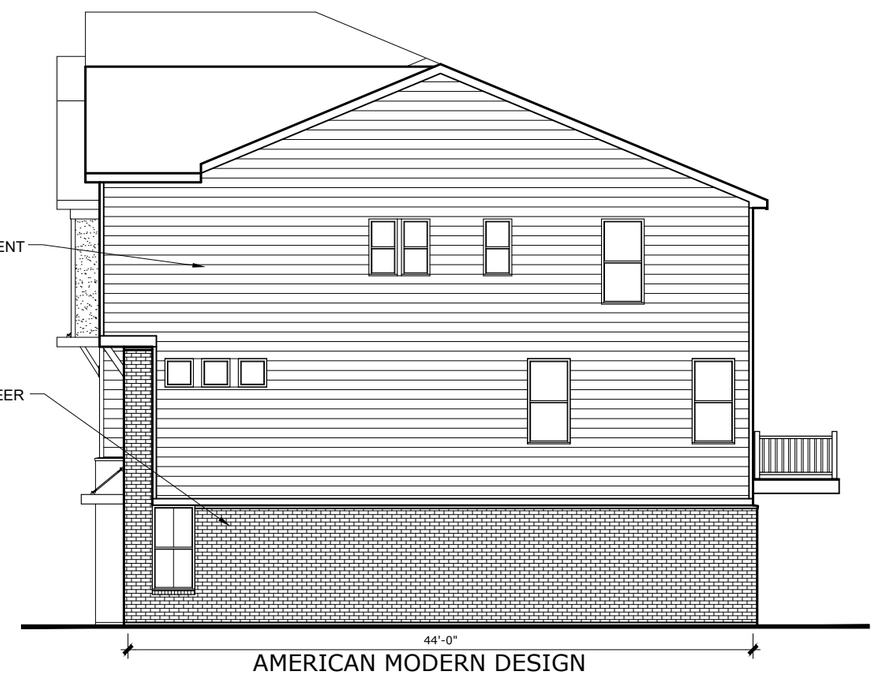
TUSTIN 6-UNIT - WESTFIELD YARD

NOT FOR CONSTRUCTION

AMERICAN MODERN DESIGN REAR ELEVATION
6-HOME BUILDING
REAR ELEVATION 25% MASONRY



AMERICAN MODERN DESIGN
LEFT SIDE ELEVATION 28% MASONRY



AMERICAN MODERN DESIGN
RIGHT SIDE ELEVATION 28% MASONRY

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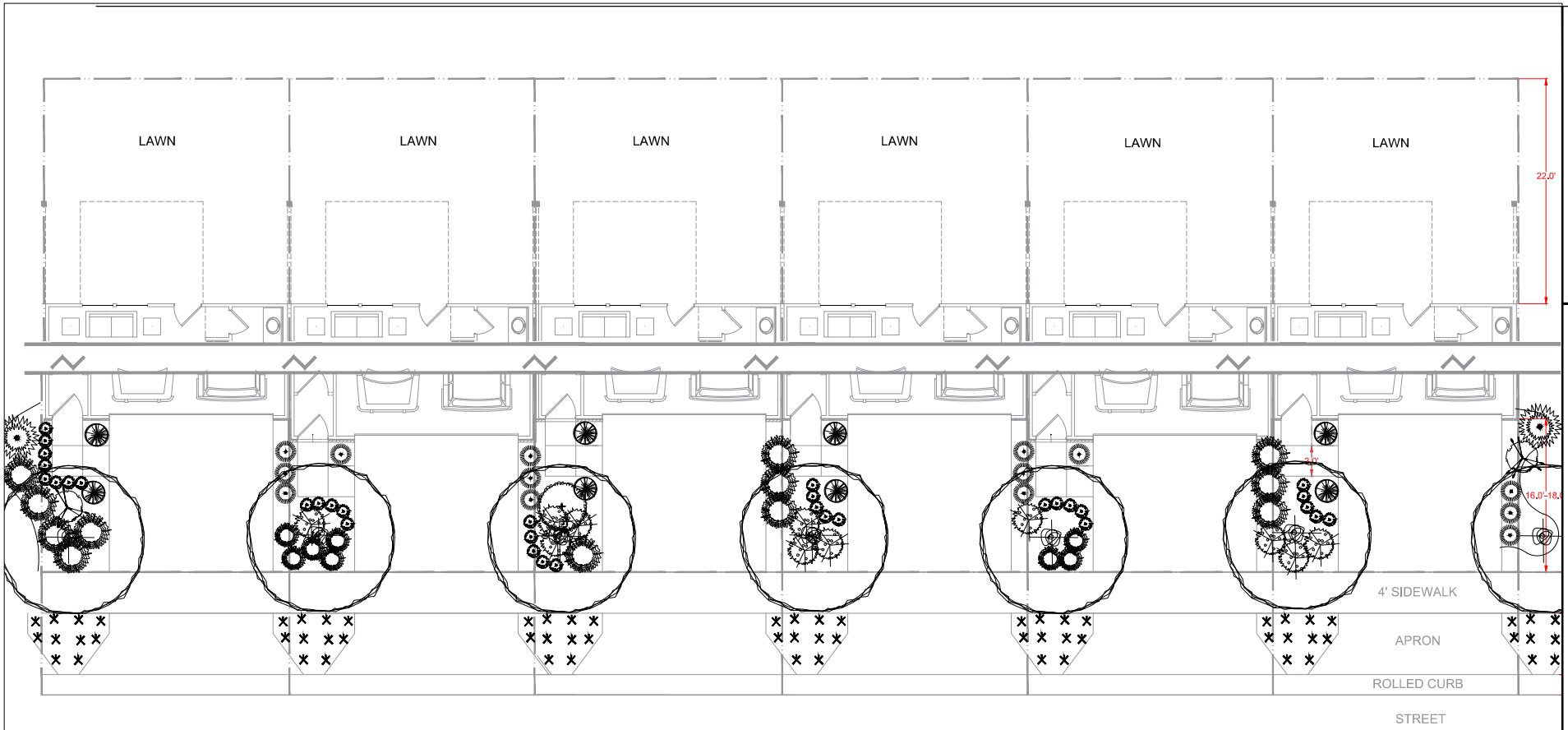
TUSTIN 6-UNIT - WESTFIELD YARD

NOT FOR CONSTRUCTION

<u>EXHIBIT E</u>
Foundation Planting Exhibit
(See following 2 pages)



DECIDUOUS TREE

ORNAMENTAL TREE

DWARF STANDARD ORNAMENTAL TREE

MEDIUM DECIDUOUS SHRUB

DWARF DECIDUOUS SHRUB

UPRIGHT EVERGREEN

BROADLEAF EVERGREEN

MEDIUM EVERGREEN SHRUB

ORNAMENTAL GRASS

DWARF ORNAMENTAL GRASS

PERENNIAL

BIG BLUE LIRIOPE

Notes:

1. Trees, minimum 2" caliper
2. Cannot repeat plant selection on adjacent units. E.g., if boxwood is used for broadleaf evergreen on one unit, boxwood may not be used as the broadleaf evergreen on adjacent units.

0 5 10 20

DATE: September 17, 2020

REVISED: January 20, 2022

DRAWN BY: GAF

SCALE: 1"=10'

UI_Landscape 6 of 23

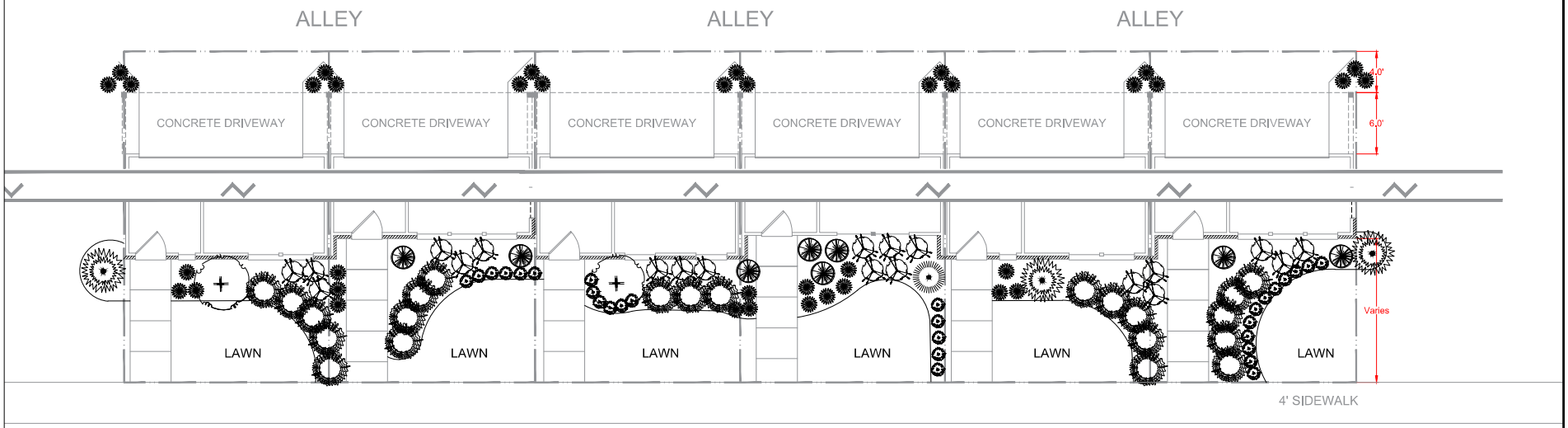
TEM_UI_Front Single Family Attached_Landscape_Typical_6UNIT

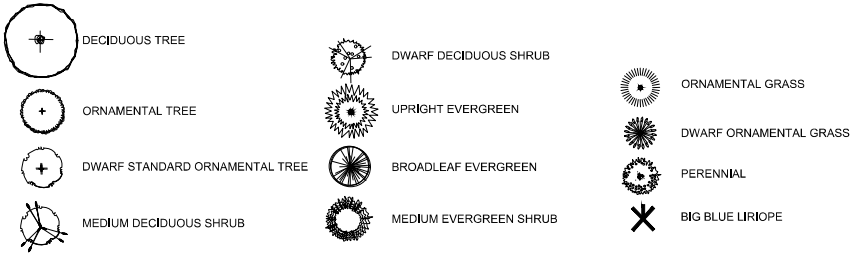
The information is not for public distribution without the written consent of The Fischer Group. All information is deemed reliable at time of print, but is subject to revisions at the discretion of The Fischer Group.

FISCHER HOMES

Notes:

1. Trees, minimum 2" caliper
2. Cannot repeat plant selection on adjacent units. E.g., if boxwood is used for broadleaf evergreen on one unit, boxwood may not be used as the broadleaf evergreen on adjacent units
3. No turf area to be smaller than 24" - Mulch area if less than 24"
4. Add additional plantings <=30" high (to maintain vision from vehicle when backing out) in the alley of the RSFA (Midtown-Tustin) as space allows and does not interfere with placement and access to utilities.
5. Utilize stone instead of mulch in planting area of the alley





DATE: September 17, 2020
REVISED: January 20, 2022
DRAWN BY: GAF
SCALE: 1"=10'
UI_Landscape 15 of 23

TEM_UI_Rear Single Family
Attached_Landscape_Typical_6UNIT

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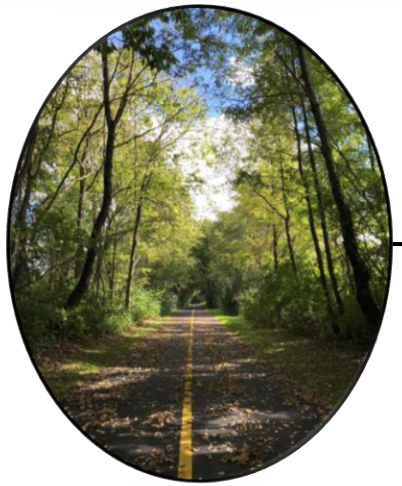
FISCHER HOMES

EXHIBIT F
AMENITY CHARACTER EXHIBITS
(See following 3 pages)

AMENITIES

Designated Dog Area



Midland Trace Trail Connection

WESTFIELD YARD

Homesite Types	Total Homesites	Legend
Tustin (alley loaded)	29 homesites	40%
Brookline (front loaded)	46 homesites	60%
Total Homesites	75 homesites	100%

Product Offering

Brookline - Front Entry
46 homesites

Tustin - Rear Entry
29 homesites

Pathways and Seating Areas

Sidewalks throughout Community

IMAGERY - AMENITIES

IMAGERY - AMENITIES

ORDINANCE NUMBER 22~~__~~-32

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

"Westfield Yard"

This is a Planned Unit Development District Ordinance (to be known as the "**Westfield Yard PUD**") 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. ~~22__~~2208-PUD~~__~~-16**), requesting an amendment to the Unified Development Ordinance and 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. 22~~__~~-08-PUD~~__~~-16** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (_-_vote) 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 _____ __, 2022; and

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.

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 "**Westfield Yard PUD District**" (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 UDO.

~~2.1 **"Different Color Package"** The Subject Townhome Unit's Dominant Exterior Material color shall be at least two (2) shades different to be a Different Color Package. Color shades shall be identified according to the "Sherwin Williams Color Prime System" or its successor system consistent with the "Munsell Color Theory."~~

~~2.2 **"Dominant Exterior Material"** The Exterior Material that occupies the most surface area (compared to other Exterior Materials) of a front dwelling unit facade, exclusive of doors, windows and garage doors. The Dominant Exterior Material shall be identified on the elevations filed as part of an application for an improvement location permit.~~

~~2.3 **"Exterior Material"** The separate architectural siding materials and patterns on a front dwelling unit facade such as Masonry Materials, horizontal siding, shake siding, vertical siding, and board & batten siding (each of the foregoing are examples of separate Exterior Materials).~~

~~2.4 **"Subject Townhome Unit"** A unit included within a townhouse building that is the subject of an application for an improvement location permit.~~

~~2.5~~2.1 **"Underlying Zoning Districts"** For the purposes of this Ordinance only, shall mean the Zoning Districts of the UDO that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

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.

3.1 The Real Estate shall be developed in substantial compliance with the Concept Plan. The Buildings illustrated in the concept plan may be repositioned as final engineering of the District is completed, however, the street network and general design of the townhome community shall be in substantial compliance

with the Concept Plan.

Section 4. **Underlying Zoning District.** The Underlying Zoning District shall be SFA: Single-Family Attached District.

Section 5. **Permitted Uses.** The permitted uses shall be as set forth below:

5.1 All uses permitted in the Underlying Zoning Districts, as set for in Chapter 4 and Chapter 13 of the UDO, shall be ~~permitted~~prohibited unless otherwise provided in this Ordinance.

5.2 Townhouse Dwellings in substantial compliance with the compliance with **Exhibit C** ("Townhome Elevations – Front Load") and **Exhibit D** ("Townhome Elevations – Alley Load") shall be permitted. ~~The Townhouse Dwellings~~All other dwellings types shall ~~consist of a~~be prohibited.

~~5.2~~5.3 The maximum ~~of~~number of dwellings shall not exceed seventy-five (75~~) three-story Townhouse Dwellings.~~).

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 District, except as otherwise modified below with the following table which replaces and supersedes the Section 4.9 (A-L) of the UDO:

Standard	
Minimum Lot Area	No Minimum
Minimum Lot Frontage	No Minimum
Maximum Density	See Section 5.2
Maximum Dwelling Units Per Building	~~8~~Six (6)
Maximum Project Size	See Real Estate
Minimum Building Setback Lines from perimeter of Real Estate	
Setback from Gray Road	20'
Setback form north, west & south perimeter of Real Estate	20'
Minimum Driveway Length	20'
Minimum Internal Building Setbacks	
Minimum Distance Between Structures	20'
Maximum Lot Coverage	Not Applicable
Project Perimeter Setback	Not Applicable

Minimum Lot Width	No Minimum
Maximum Building Height	3 Stories
Minimum Living Area (Total) Per Dwelling Unit	~~1,500sqft~~
Alley Load Dwelling Units	2,000sqft
Front Load Dwelling Units	2,300sqft

Deleted Cells

Section 7. **State Highway 32 Overlay District.** The standards of the State Highway 32 Overlay Zone shall not apply to the District unless specified in this Ordinance.

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

8.1 Article 6.3 Architectural Standards: Article 6.3 shall not apply, rather, the following shall apply:

A. Townhome Elevations: The Townhouse Dwellings shall be constructed in substantial compliance with **Exhibit C** ("Townhome ~~Perspectives and~~ Elevations – Front Load") and **Exhibit D** ("Townhome ~~Perspectives and~~ Elevations – Alley Load") (collectively, the "Townhome Elevations"). To the extent the applicable architectural standards of the UDO conflict with the Townhome Elevations, the Townhome Elevations shall prevail.

B. Building Materials: ~~Vinyl siding shall be prohibited.~~

1. Vinyl siding shall be prohibited.

2. Masonry shall be provided on all building elevations (front, side and rear) as illustrated on the Townhome Elevations included under **Exhibit C** and **Exhibit D**.

C. Garages: All Dwellings shall have a minimum two (2) car attached garage.

D. Windows:

1. A minimum of four (4) windows shall be provided on all side elevations.

2. A one by 4-inch nominal window trim board shall be provided on all windows unless the window is wrapped in masonry.

~~D.~~E. Variation: ~~Townhome Units~~A townhome unit immediately adjacent to (in the same building) and immediately across the street from the ~~Subject Townhome Unit~~subject townhome unit shall be a ~~Different Color Package~~different facade than the ~~Subject Townhome Unit~~subject townhome unit.

8.2. Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified or enhanced below.

A. Street Trees: Article 6.8(J) Street Trees shall apply, however, a maximum spacing requirement of eighty (80) feet and a minimum spacing requirement of twenty feet (20') shall apply to void conflict driveway and utility conflicts.

B. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified and enhanced below:

1. At a minimum, all Established Front Yards shall be sodded and the remainder of the Lot shall be seeded.

2. A minimum of: one (l) Shade Tree and four (4) Shrubs shall be required per Townhouse Dwelling. End dwelling units on each building shall require one (l) additional shade Tree and four (4) additional Shrubs at the side of the dwelling.

3. Foundation Plantings: Article 6.8(L) shall not apply, rather the following shall apply: Each Townhouse Building shall be landscaped in compliance with the landscaping shown in **Exhibit E**, attached hereto and incorporated herein. If the landscaping shown in **Exhibit E** is prevented from being installed as shown, then

alternative locations for such landscaping ~~within the District may~~shall be approved by the Director.

C. Buffer Yards and External Street Frontage Landscaping: Article 6.8 (N) shall apply except as modified and enhanced below:

i. Buffer Yard and External Street Frontage landscaping shall be provided as generally depicted in Exhibit B.

ii. Buffer Yard Type A plantings within a 20' width shall be provided (i) along the north (where adjacent to an AG-SF1 District) perimeter f the Real Estate and (ii) along south perimeter of the Real Estate~~.~~ adjacent to the Midland Trail parcel.

iii. Relocation of plant materials within the Buffer Yards and External Street Frontage area shall be permitted as part of the Development Plan approval.

D. Trailside Tree Preservation: Any trees within ten (10) feet of the Midland Trace Trail (on the Real Estate) , that are in good health and not otherwise required to be removed for environmental reasons, shall be preserved in accordance with Article 6.8, Landscaping Standards of the UDO. Existing trees in this area shall not be disturbed ~~by the Developer~~ unless required by the City, or for drainage/utility installation.

~~E. Entrance Improvements: An "Entrance Sign" and "Entrance Landscaping" shall be constructed at the entrance to the District so long as it is in accordance with the Standards of the UDO.~~

~~F.~~E. Parking Area Landscaping: Article 8.6 (O)(3) shall not apply as parking is provided in driveways and not freestanding parking areas.

~~8.3~~8.2 Bike Parking: Article 6.14(H) Parking and Loading Standards – Bicycle Parking shall not apply.

8.3 Residential Signs: Article 6.17(G)(1) Monument Signs shall apply and include landscaping at the entrances to the District.

Section 9. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations) except as modified below, 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.

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

10.1 Minimum Open Space: Open Space (green space area on lots, common areas and the area of ponds) shall be a minimum of twenty-five (25) percent and as generally shown on the Concept Plan. ~~The Landscape qualifier for ponds~~Ponds shall ~~not apply~~be included in the Open Space calculation.

10.2 Amenities: Article 8.6(H) Multi-family Districts: Shall not apply, rather site amenities shall include Open space including~~ trails shall be provided for passive recreation opportunities, including but not limited to~~; trails, benches or swings, sidewalk pathways and/or dog walking areas, in substantial compliance with the Concept Plan attached hereto as Exhibit B and incorporated herein~~.~~ shall be provided. The Amenities shall be consistent with the quality and character of those shown in Exhibit F, attached hereto. If the ~~Amenities are~~designated dog area is prevented from being installed in the location as shown, then an alternative ~~locations for such landscaping within the District may~~location shall be ~~approved by the Director~~provided.

10.3 Midland Trace Trail Access: Access points, including landscape plantings shall be provided to permit pedestrian access to the Midland Trace Trail as generally depicted as the "Trail Connections," on the Concept Plan attached hereto as Exhibit B and incorporated herein. The final locations of the trail access points and improvements are subject to City approvals and final engineering. If the trail connections shown in the ~~Trail Connections~~Concept Plan are prevented from being installed as generally shown, then an alternative ~~locations~~location providing comparable trail access to the Midland Trace Trail ~~may~~shall be approved by the Director.

10.4 Mail Delivery. Mail delivery is intended to occur through cluster box units (CBU's). CBU's shall be located in appropriate areas throughout the PUD, as determined by the Secondary Plat. All CBU's shall have a uniform and consistent design, to give a decorative appearance within the PUD.

Section 11. **Maintenance Standards:** The following shall be included in the Covenants, Conditions and Restrictions of the Owner's Association for the Real Estate.

11.1. All lots shall be subject to a required landscape maintenance program including seasonal mulching, hard edging, fertilization, mowing and trimming, weeding of landscape beds, pruning and fall clean up.

11.2 All lots shall be subject to a required snow removal program for driveways and sidewalks.

11.3 The above provisions shall be included in the initial Covenants, Conditions and Restrictions of the Owner's Association and all future administration and

enforcement of the provisions shall be solely and exclusively the responsibility of the Owner's Association.

Section 12. **Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the District within forty-eight (48) months shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the AG-SF1 District.

Section 13. **Annexation**. The Real Estate, or parts thereof that may be the subject of a secondary plat approval shall be annexed into the corporate limits of the City of Westfield prior to the recording of a secondary plat for the Real Estate.

Section 14. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
James J. Edwards	James J. Edwards	James J. Edwards
_____	_____	_____
Scott Frei	Scott Frei	Scott Frei
_____	_____	_____
Jake Gilbert	Jake Gilbert	Jake Gilbert
_____	_____	_____
Mike Johns	Mike Johns	Mike Johns
_____	_____	_____
Troy Patton	Troy Patton	Troy Patton
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
_____	_____	_____
Scott Willis	Scott Willis	Scott Willis

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 22-__** was delivered to the Mayor of Westfield

on the _____ day of _____, 2022, at _____ ____ m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 22-__

this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO Ordinance 22-__

this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

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

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz; Nelson & Frankenberger
550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Townhome Perspectives and Elevations – Front Load
Exhibit D	Townhome Perspectives and Elevations – Alley Load
Exhibit E	Foundation Planting Exhibit
Exhibit F	Amenity Exhibits

EXHIBIT A
REAL ESTATE
(Page 1 of 3)

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SECTION LINE, SAID POINT BEING 270.4 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 29 MINUTES 22 SECONDS WEST 689.6 FEET; THENCE SOUTH 693.74 FEET TO THE RAILROAD RIGHT-OF-WAY; THENCE SOUTH 87 DEGREES 01 MINUTES 36 SECONDS EAST 690.5 FEET TO THE SECTION LINE; THENCE NORTH 735.7 FEET TO THE POINT OF BEGINNING, CONTAINING 11.31 ACRES.

EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA BY WARRANTY DEED RECORDED MAY 20, 2004, AS INSTRUMENT NUMBER 200400034300, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND TYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT “B", DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION 270.40 FEET SOUTH (BEARING AND DISTANCE QUOTED FROM INSTRUMENT NUMBER 9909942078) OF THE NORTHEAST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT “6" ON SAID PARCEL PLAT, WHICH POINT OF BEGINNING IS THE NORTHEAST CORNER OF THE GRANTORS' LAND; THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST 230.337 METERS (755.70 FEET) ALONG THE EAST LINE OF SAID QUARTER SECTION AND THE EAST LINE OF THE GRANTORS' LAND TO THE SOUTHEAST CORNER OF THE GRANTORS' LAND; THENCE NORTH 87 DEGREES 12 MINUTES 38 SECONDS WEST 5.037 METERS (16.53 FEET) ALONG THE SOUTHERN LINE OF THE GRANTORS' LAND TO THE WEST BOUNDARY OF GRAY ROAD; THENCE NORTH 0 DEGREES 25 MINUTES 26 SECONDS WEST 101.742 METERS (333.80 FEET) ALONG SAID WEST BOUNDARY TO THE POINT DESIGNATED “32” ON SAID PARCEL PLAT; THENCE NORTH 12 DEGREES 01 MINUTE 51 SECONDS WEST 5.303 METERS (17.40 FEET) TO THE POINT DESIGNATED “163” ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 25 MINUTES 26 SECONDS WEST 123.090 METERS (403.84 FEET) PARALLEL WITH SAID WEST BOUNDARY TO THE NORTH LINE OF THE GRANTORS' LAND; THENCE NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST 6.096 METERS (20.00 FEET) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.1292 HECTARES (0.319 ACRES), MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT-OF-WAY WHICH CONTAINS 0.1158 HECTARES (0.286 ACRES), MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.0134 HECTARES (0.033 ACRES), MORE OR LESS.

FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO STATE OF INDIANA BY WARRANTY DEED RECORDED JULY 15, 2003, AS INSTRUMENT NUMBER 200300068648, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT “B", DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT “6” ON SAID PARCEL PLAT: THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST (BASIS OF BEARINGS IS THE CENTERLINE OF S.R. 32 AS SHOWN ON A CERTAIN LOCATION CONTROL ROUTE SURVEY PLAT RECORDED IN INSTRUMENT NUMBER 200100063561 IN THE OFFICE OF THE RECORDER OF THE COUNTY AND STATE AFORESAID) 82.418 METERS (270.40 FEET) ALONG THE EAST LINE OF SAID

EXHIBIT A
REAL ESTATE
(Page 2 of 4)

QUARTER SECTION TO THE NORTH LINE OF THE GRANTORS' LAND; THENCE SOUTH 89 DEGREES 18 MINUTES 23 SECONDS WEST 6.096 METERS (20.00 FEET) ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF GRAY ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0 DEGREES 25 MINUTES 26 SECONDS EAST 123.090 METERS (403.84 FEET) ALONG SAID WEST BOUNDARY TO THE POINT DESIGNATED "163" ON SAID PARCEL PLAT, THENCE NORTH 12 DEGREES 01 MINUTE 51 SECONDS WEST 76.497 METERS (250.97 FEET) TO THE POINT DESIGNATED "136" ON SAID PARCEL PLAT; THENCE NORTH 0 DEGREES 40 MINUTES 50 SECONDS WEST 39.991 METERS (131.20 FEET) TO THE POINT DESIGNATED "135" ON SAID PARCEL PLAT; THENCE NORTH 8 DEGREES 23 MINUTES 25 SECONDS EAST 8.195 METERS (26.89 FEET) TO THE NORTH LINE OF SAID GRANTORS' LAND; THENCE NORTH 89 DEGREES 18 MINUTES 23 SECONDS EAST 14.315 METERS (46.97 FEET) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.1317 HECTARES (0.325 ACRES), MORE OR LESS.
FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO THE CITY OF WESTFIELD BY QUITCLAIM DEED RECORDED NOVEMBER 07, 2014, AS INSTRUMENT NUMBER 2014050331, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION, SAID NORTHEAST CORNER BEING DESIGNATED AS POINT "7" ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 08 MINUTES 24 SECONDS EAST 1,024.21 FEET ALONG THE EAST LINE OF SAID SECTION TO THE CENTER LINE OF THE FORMER CENTRAL INDIANA RAILROAD AND WHITE RIVER, WESTFIELD AND NOBLESVILLE RAILROAD; THENCE NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST 16.50 FEET ALONG SAID CENTER LINE TO THE WEST BOUNDARY OF GRAY ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE CONTINUING NORTH 89 DEGREES 33 MINUTES 17 SECONDS WEST 673.10 FEET ALONG SAID CENTERLINE TO THE SOUTHWEST CORNER OF THE GRANTORS' LAND; THENCE NORTH 0 DEGREES 08 MINUTES 24 SECONDS WEST 20.00 FEET ALONG THE WEST LINE OF THE GRANTORS' LAND TO THE NORTH LINE OF SAID RAILROAD; THENCE SOUTH 89 DEGREES 33 MINUTES 17 SECONDS EAST 673.10 FEET ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF SAID GRAY ROAD SAID POINT BEING DESIGNATED AS "405" ON SAID PARCEL PLAT; THENCE SOUTH 0 DEGREES 08 MINUTES 24 SECONDS EAST 20.00 FEET ALONG THE BOUNDARY OF SAID GRAY ROAD TO THE POINT OF BEGINNING AND CONTAINING 0.309 ACRES, MORE OR LESS.

FURTHER EXCEPTING THEREFROM:

THAT PART OF THE ABOVE-DESCRIBED PROPERTY CONVEYED TO ALLCARE HOLDINGS, LLC, AN INDIANA LIMITED LIABILITY COMPANY BY WARRANTY DEED RECORDED JUNE 08, 2017, AS INSTRUMENT NUMBER 2017026477, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION A

EXHIBIT A
REAL ESTATE
(Page 3 of 4)

DISTANCE OF 383.50 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791; THENCE SOUTH 00 DEGREES 33 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID INSTRUMENT NO. 9809825791 A DISTANCE OF 270.40 FEET TO THE SOUTHWEST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791, SAID CORNER IS ALSO ON THE NORTH LINE OF THE LAND DESCRIBED IN INSTRUMENT NO. 9909942078 AND IS THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 46 MINUTES 36 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE 198.50 FEET TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 9809825791; THENCE SOUTH 00 DEGREES 13 MINUTES 24 SECONDS WEST A DISTANCE OF 15.00 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS WEST PARALLEL WITH SAID NORTH LINE A DISTANCE OF 198.50 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 24 SECONDS EAST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,978 SQUARE FEET MORE OR LESS.

EXHIBIT A
REAL ESTATE
(Page 4 of 4)

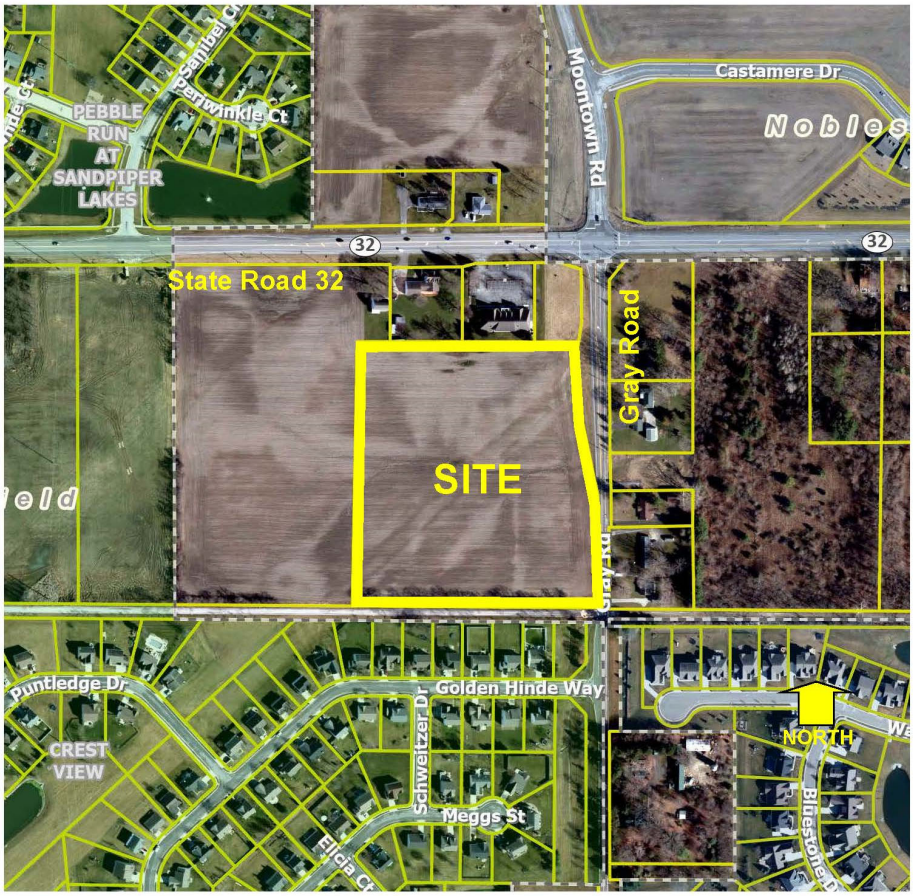


EXHIBIT B
CONCEPT PLAN
(Page 1 of 1)

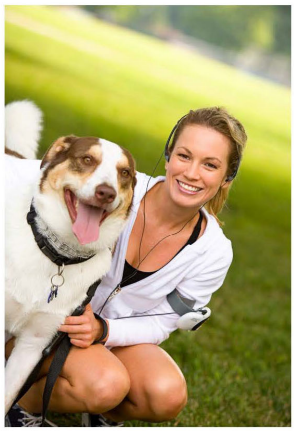
Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number ~~22~~ ~~-~~2208-PUD~~-~~.-16.

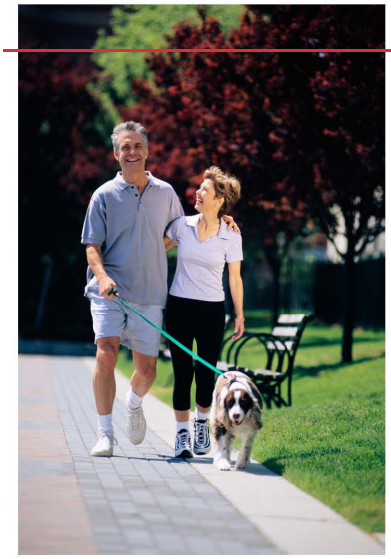
EXHIBIT C
Townhome Perspectives and Elevations – Front Load
(See Following 5 Pages)

EXHIBIT D
Townhome Perspectives and Elevations – Alley Load
(See Following 47 Pages)

EXHIBIT E
Foundation Planting Exhibit
(See following 2 pages)

EXHIBIT F
AMENITY CHARACTER EXHIBITS
~~(Page 1 of 1)~~





- Sidewalks throughout community
- Pathways and seating areas
- Midland Trace Trail Connections
- Low-Maintenance Living
- Designated Dog Area

(See following 3 pages)

Westfield Yard
Conceptual Plan

Product Offering

Brookline - Front Entry
46 homesites

Tustin - Rear Entry
29 homesites

WESTFIELD YARD

Westfield, Indiana

Theming Discussion

08.25.2022

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LOGO

WESTFIELD
YARD

IMAGERY - AMENITIES

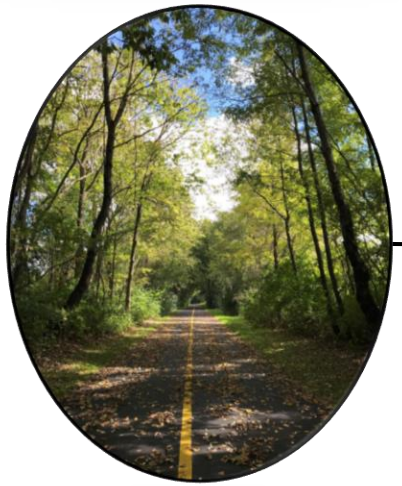
IMAGERY - AMENITIES

AMENITIES

Amenities
Sidewalks throughout Community
Pathways and Seating Areas
Midland Trace Trail Connections
Low-Maintenance Living
Designated Dog Area

AMENITIES

Designated Dog Area



Midland Trace Trail Connection

WESTFIELD YARD

Homesite Types	Total Homesites	Legend
Tustin (alley loaded)	29 homesites	40%
Brookline (front loaded)	46 homesites	60%
Total Homesites	75 homesites	100%

Product Offering

Brookline - Front Entry
46 homesites

Tustin - Rear Entry
29 homesites

Pathways and Seating Areas

Sidewalks throughout Community

Property Location Map
iBeach 31 at Grand Park PUD
724 E. 181st Street
2205-PUD-09

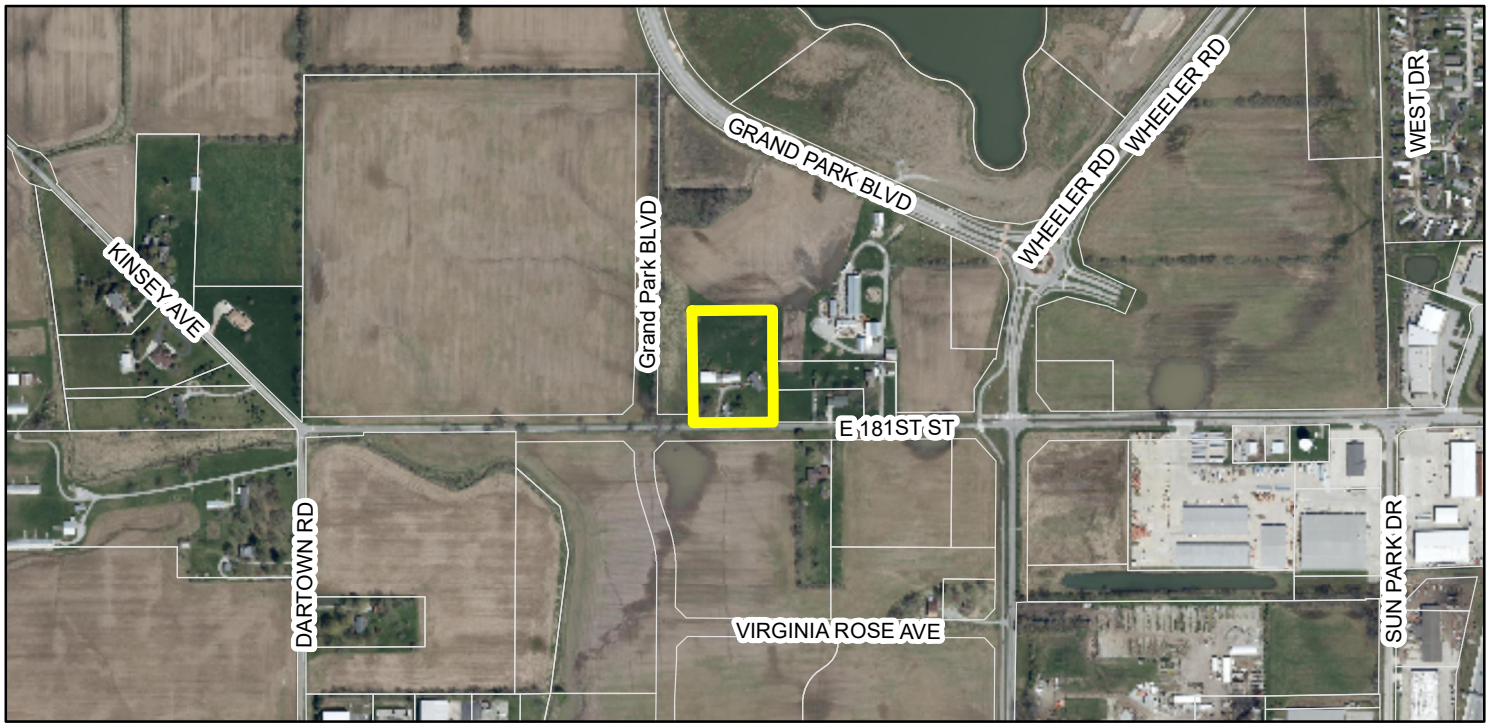
CITY OF Westfield INDIANA

N W E S

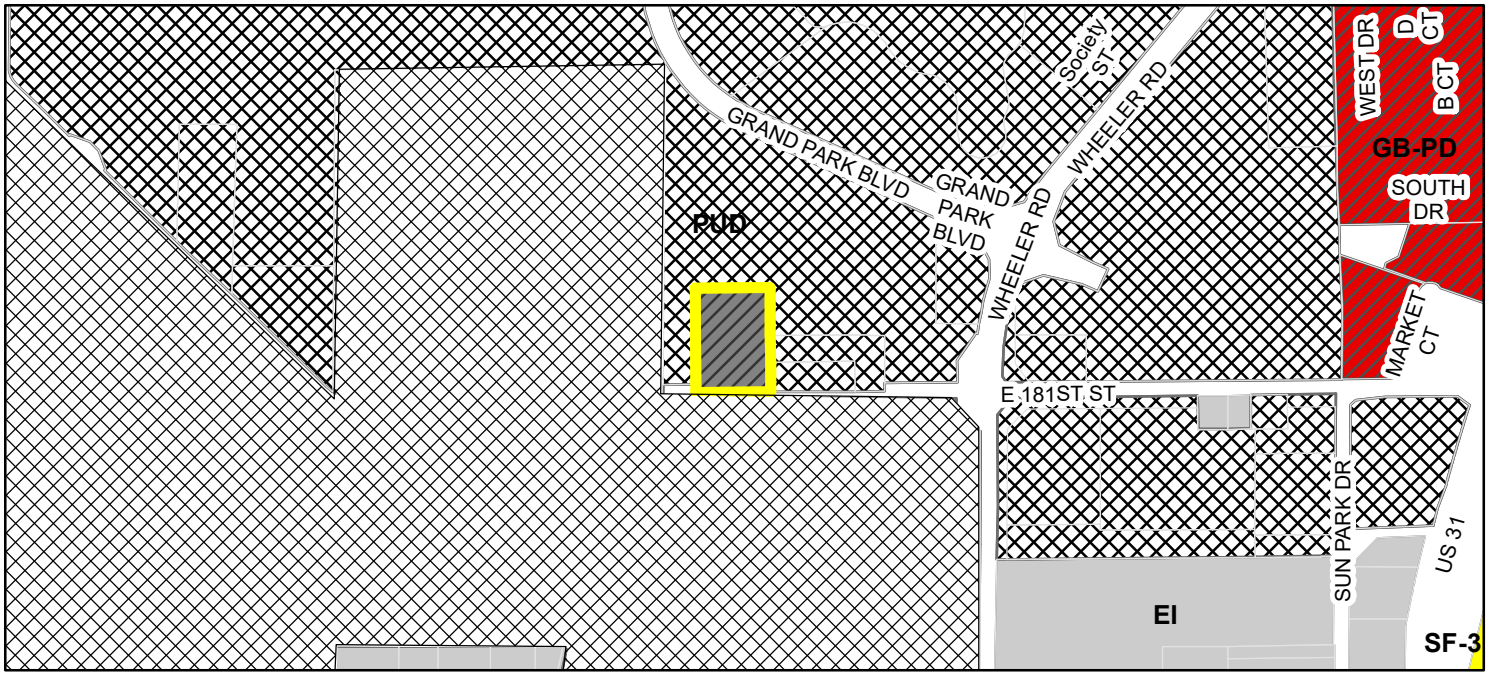
Not To Scale

Aerial Location Map

Site



Zoning Map



Site

Parcel

Zoning

- EI (Enclosed Industrial)
- GB-PD (General Business - Planned Development)
- SF-3 (Single Family - 3)
- OI-PD (Open Industrial - Planned Development)
- PUD (Planned Unit Development)

Petition Number:	2205-PUD-09 / Ord. 22-16
Project Name:	iBeach31 at Grand Park
Subject Site Address:	724 E. 181st Street (the "Property")
Petitioner:	iBeach31, LLC
Representative:	Church Church Hittle + Antrim
Request:	A change in zoning for 3 acres +/- from OI-PD: Open Industrial / Planned Development to the iBeach31 at Grand Park Planned Unit Development (PUD) District.
Current Zoning:	OI-PD: Open Industrial / Planned Development
Current Land Use:	Agriculture/Residential
Approximate Acreage:	3 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Proposed Ordinance 22-16 4. Proposed Ordinance 22-16 (redline) 5. Concept Plan 6. Elevations
Staff Reviewer:	Ryan Collingwood, Associate Planner

PETITION HISTORY

The petition was introduced at the April 11, 2022, City Council meeting. The discussion for this petition can be viewed here. The petitioner hosted a virtual neighbor meeting on Wednesday, April 27, 2022. A summary of that meeting has been provided by the petitioner and can be viewed here. The petition received a public hearing at the May 4, 2022, Advisory Plan Commission (the "Plan Commission") meeting, and the discussion from the public hearing can be viewed here. The petition had a Discussion update meeting at the July 18, 2022, Plan Commission meeting, which can be viewed here. The petition appeared before the APC on September 6, 2022 for a Recommendation, but was continued to a future meeting. That meeting can be viewed here. The petition is slated for a Recommendation to the City Council at the September 19, 2022 Advisory Plan Commission Workshop meeting.

PROJECT OVERVIEW

Location: The Property is located at 724 E. 181st Street, generally North of 181st Street and East of the future Grand Park Boulevard extension (**Exhibit 2**). The property is currently zoned as OI-PD: Open Industrial / Planned Development.

Project History: This Petitioner previously began the PUD process for a site located at 360 E 186th St in 2019 (1904-PUD-05). That petition was withdrawn after public hearing. The business is currently located at 17341 Westfield Park Rd.

Concept Plan: The proposed ordinance incorporates a Concept Plan (**Exhibit 5**). The development of the District will be in substantial compliance from the Concept Plan, but the precise location of the major components (parking, courts, landscaping) shall be generally located as shown.

Underlying Zoning District: The PUD Ordinance proposes an underlying zoning of GB: General Business.

Permitted Uses: Only the following uses would be permitted by the proposed ordinance:

- Indoor/Outdoor Multi-Sport Athletic Facility – A use that includes, but is not limited to the following primary activities: beach volleyball and other similar sports that occur either in a building or an enclosed outdoor area. Additionally, ancillary activities that are related to the primary activities may include but are not limited to: offices; retail sales; Restaurant; bar; health fitness & exercise center; athletic and recreational uses (strength conditioning services and equipment); rehabilitation and recovery services; and other associated temporary or permanent activities or uses that are similar.

- The permitted uses are now defined in Section 2.1: Definitions.

General Regulations: The table below outlines the proposed lot standards as compared to the UDO's requirements for General Business district lots (the proposed underlying zoning).

Standard	PUD	UDO (GB)
Minimum Front Yard Setback	20 ft	60 feet; however, in established areas shall be the average setback of established buildings within the same Block and within three hundred (300) feet in either direction of the proposed building.
Minimum Side Yard Setback	10 ft	20 feet; however, in established areas where it is customary that businesses abut one another, the Side Yard Building Setback Lines may be reduced.
Minimum Rear Yard Setback	10 ft	20 ft

Development Standards: The ordinance proposes the following modifications to Development Standards:

Architectural Standards: Article 6.3 shall apply, with the following exceptions:

- Article 6.3(F) shall not apply.
- Building(s) shall otherwise be in substantial compliance with the Illustrative Character Exhibit, attached hereto as Exhibit C (attached in PUD ordinance exhibit).
    - Fiber cement paneling and vertical metal siding shall be a permitted building material.
    - All building facades shall be constructed with the same building material quality and level of architectural detail, however the number of garage doors may vary from the Illustrative Character Exhibit.
    - Generic sports murals, as depicted in the Illustrative Character Exhibit, shall not be considered as signs.
    - A PVC membrane, high strength roof shall be a permitted roofing material.

Landscape Standards:

- Minimum Lot Requirements: Shall not apply; per one (1) acre: ten (10) shade trees, five (5) ornamental trees, and twenty-five (25) shrubs.
- Foundation Plantings: Foundation Planting Requirements shall apply as described in the UDO, with the following modifications:
    - 5ft planting beds would be required, instead of the 8ft planting beds required by the UDO (Article 6.8(L)(4))
    - Primary planting types would be shrubs and ornamental grasses; the UDO also includes ornamental trees as a primary planting type, in addition to shrubs and ornamental grasses (Article 6.8(L)(3))
    - 4 shrubs or grasses would be provided per 12 lineal feet of building façade, as opposed to 1 shrub or tree required every 12 lineal feet per the UDO (Article 6.8(L)(2)).
- External Street Frontage: External Street Frontage requirements would apply, with the exception of the shrub requirement. The UDO would require 25 shrubs per 100 lineal feet.
- Buffer Yards: The UDO's Buffer Yard standards shall not apply. The underlying zoning in the proposed PUD is GB: General Business. It is surrounded on all sides by the Grand Park Village PUD District, which also has an underlying zoning of GB: General Business. Per the UDO, buffer yards would not be required here.
- Parking Area Landscaping: Parking area landscaping would apply with the following changes:
    - Interior Parking Area Landscaping: 1 island would be required per 20 parking spaces. The UDO requires the parking space to island ratio listed below:

Chart: Percentage of Parking Area Landscaping

Number of Parking Spaces	% of Parking Area to be Islands
0 to 4	0%
5 to 24	5%
25 to 49	7.5%
50 or more	10%

    - Perimeter Parking Area Landscaping: Required plantings in Perimeter Parking Area Landscaping would be 1 tree and 10 shrubs per 60 lineal feet. The UDO (Article

6.8(O)(2)(b) requires 1 tree per 30 feet, and 1 shrub per 3 feet (or 10 shrubs per 30 feet). Clustering is permitted by both the proposed PUD and UDO.

- A minimum of 30% of required trees shall be located within the 20-foot front building setback line, as depicted in the Concept Plan (**Exhibit 5**). Nothing in this Subsection shall modify the number of trees required in planting islands.

Infrastructure Standards: As proposed, the PUD Ordinance defaults to the City's Construction Standards and the UDO, unless otherwise approved by the Public Works Department.

CHANGES SINCE PUBLIC HEARING & PREVIOUS MEETINGS

Since the public hearing at the May 4, 2022 Plan Commission meeting, there have been numerous changes to the proposed iBeach project. There has been inclusion of a complete landscape plan, which complies with all applicable PUD and UDO standards. This Exhibit also seconds as the current rendition of the site Concept Plan. The Issue List has been added as an available exhibit, as well as the Petitioner's response to each listed issue. The Petitioner has also provided a response to specific roofing concerns brought up by members of the Plan Commission at the public hearing. The Roofing Concern Response highlights specific issues brought up about the proposed roof and corresponding responses to the issues addressed. There has been a submittal of Elevations and Exterior Renderings, highlighting the visual representation of the proposed building. There were also two additional exhibits which provide more detail on the roofing material as well as building materials. There have been numerous changes to the proposed ordinance, including additional architectural language to tie the Character Exhibits to substantial compliance, and additional landscaping standards. In addition, revised PUD language inserting a definition of the permitted uses and additional language clarifying substantial compliance within the District. The tree preservation and street tree language were removed from the PUD, as they do not apply.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies this site as part of the Business Park area. Manufacturing, subordinate office, retail, and services, research and development and warehousing uses are contemplated as appropriate uses within the Business Park area.

The Property also falls within the Grand Park Sports Campus. In addition to the sports-related uses within the Sports Campus, it is anticipated that other related and supporting land uses will be located within, adjacent to and nearby the Sports Campus. Such land uses will likely include hotels, restaurants, healthcare and sports medicine facilities, professional offices, retail uses, higher density residential uses and other supporting commercial uses.

Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zone map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

PROCEDURAL

Council Introduction: The petition was introduced at the April 11, 2022, City Council meeting.

Public Hearing: A change of zoning request is required to be considered at a public hearing by the Plan Commission. The public hearing for this petition was conducted at the May 4, 2022, 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.

DEPARTMENT COMMENTS

1. **Action:** Forward a recommendation to the City Council at the September 19, 2022, Advisory Plan Commission Workshop meeting.
2. If any Plan Commission member has questions, then please contact Ryan Collingwood at (317) 741-8857 or rcollingwood@westfield.in.gov.

ORDINANCE NUMBER 22-16

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

"iBeach31 at Grand Park PUD"

This is a Planned Unit Development District Ordinance, to be known as the iBEACH31 AT GRAND PARK PLANNED UNIT DEVELOPMENT (the "**Ordinance**"), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "**UDO**"), 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. 2205-PUD-09), 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. 2205-PUD-09 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "**Council**") with a favorable recommendation (Vote: _____ in favor, _____ opposed) in accordance with Indiana Code § 36-7-4-608, as required by IndianaCode§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____ ___, 2022;

WHEREAS, the 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 Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "iBeach31 at Grand Park Planned Unit Development District" (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 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.

1.3 Chapter ("**Chapter**") and Article ("**Article**") cross-references of this Ordinance shallhereafter refer to the section as specified and referenced in the UDO.

1.4 All provisions and representations of the UDO 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.

2.1 Indoor/Outdoor Multi-Sport Athletic Facility – A use that includes, but is not limited to the following primary activities: beach volleyball and other similar sports that occur either in a building or an enclosed outdoor area. Additionally, ancillary activites that are related to the primary activities may include but are not limited to: offices; retail sales; Restaurant; bar; health fitness & exercise center; athletic and recreational uses (strength conditioning services and equipment); rehabilitation and recovery services; and other associated temporary or permanent activities or uses that are similar.

Section 3. Concept Plan. The concept plan, attached hereto as Exhibit B (the "**Concept Plan**"), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

3.1 The District shall be developed in substantial compliance with the Concept Plan. The final dimensions of the building may vary from what is depicted on the Concept Plan, however, the overall size of the building shall not exceed what is depicted on the Concept Plan. While final engineering of the site plan may warrant minor modifications to the final site layout, all major components of the Concept Plan, including the building, the outdoor sand courts, the parking lot(s), and landscaping shall be generally located as depicted on 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. Permitted Uses. Indoor/Outdoor Multi-Sport Athletic Facility shall be the only permitted use in the District (the "Permitted Uses").

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

the RealEstate, except as otherwise modified below.

6.1 Minimum Front Yard Setbacks: 20 feet.
6.2 Minimum Side Yard Setbacks: 10 feet.
6.3 Minimum Rear Yard Setbacks: 10 feet.

Section 7. Development Standards. The standards of Chapter 6 Development Standards of the UDO shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Article 6.3 Architectural Standards:

A. Article 6.3(F) shall not apply.

B. Building(s) shall be in substantial compliance with the Illustrative Character Exhibit, attached hereto as Exhibit C, including but not limited to:

1. Fiber cement paneling and vertical metal siding shall be a permitted building material.
2. All building facades shall be constructed with the same building material quality and level of architectural detail, however the number of garage doors may vary from the Illustrative Character Exhibit.
3. Generic sports murals, as depicted in the Illustrative Character Exhibit, shall not be considered as signs.
4. A PVC membrane, high strength roof shall be a permitted roofing material.

7.2 Article 6.8 Landscaping Standards: Shall apply, except as modified below:

A. Article 6.8(K) Minimum Lot Landscaping Requirements: Shall not apply; rather, the following minimum plant materials shall be required per one (1) acre: ten (10) shade trees; five (5) ornamental or evergreen trees; and twenty-five (25) shrubs.

B. Article 6.8 (L)(4) Requirements shall apply in accordance with the UDO except Foundation Planting bed width shall be 5 feet minimum. The primary plant material used shall be shrubs and ornamental grasses planted at a rate of 4 shrubs/grasses per 12 LF of building façade.

C. Article 6.8(M)(2) Street Frontage Landscaping - All requirements shall adhere to the UDO except that shrub requirements will not apply.

D. Article 6.8(N) Buffer Yard Requirements: Shall not apply.

E. Article 6.8(O) Parking Area Landscaping: Shall apply with the following modifications:

1. Interior Parking Area Landscaping: A minimum of one (1) interior parking area island shall be required per twenty (20) parking spaces.
2. Perimeter Parking Area Landscaping: If perimeter parking area landscaping is required, then the minimum number of plantings

shall be one (1) tree and ten (10) shrubs per sixty (60) linear feet of parking area length. Plantings may be clustered in an aesthetically pleasing manner.

H. A minimum of 30% of required trees shall be located within the 20-foot front building setback line, as depicted in the Concept Plan. Nothing in this Subsection shall modify the number of trees required in planting islands.

Section 8. Infrastructure Standards. The District's infrastructure shall comply with the UDO and the City's Construction Standards (see Chapter 7 Subdivision Regulations) unless otherwise approved by the Department of Public Works.

Section 9. Duration. Failure to obtain a Secondary Plat / Construction Plan approval in the District by January 1, 2027 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the OI-PD Open Industrial-Planned Development District.

Section 10. Annexation. The Real Estate, or parts thereof that may be the subject of an Improvement Location Permit shall be annexed into the corporate limits of the City of Westfield prior to the approval and release of an Improvement Location Permit for the Real Estate.

Section 11. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ___ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____ James Edwards	_____ James Edwards	_____ James Edwards
_____ Scott Frei	_____ Scott Frei	_____ Scott Frei
_____ Jake Gilbert	_____ Jake Gilbert	_____ Jake Gilbert
_____ Mike Johns	_____ Mike Johns	_____ Mike Johns
_____ Troy Patton	_____ Troy Patton	_____ Troy Patton
_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric
_____ Scott Willis	_____ Scott Willis	_____ Scott Willis

ATTEST:

_____
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-##** was delivered to the Mayor of Westfield

on the____ day of _____, 2022, at ___m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-##**

this_____day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 22-##**

this_____day of _____, 2022.

_____
J. Andrew Cook, Mayor

This document prepared by: Eric M. Douthit, Church Church Hittle + Antrim, Two NorthNinth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each SocialSecurity Number in this document, unless required by law: Eric M. Douthit.

EXHIBIT A

Legal Description

The Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principal Meridian in Hamilton County Indiana being described as follows:

Considering the south line of the Northwest Quarter as bearing North 90°00'00" East with all other bearings herein contained relative thereto; Beginning at a found PK Nail at the Southwest Corner of the Northwest Quarter of Section 36; thence on and along the South line of said Quarter North 90°00'00" East 132.79 feet to a set PK nail at the true place of beginning; thence North 0°00'00" East 436.0 feet to a set rebar; thence North 90°00'00" East 300.00 feet to a set rebar; thence South 0°00'00" West 436.00 feet to a set PK Nail on the South line of the Northwest Quarter of Section 36; thence on and along said South line South 90°00'00" West 300.00 feet to the true place of beginning, containing 3.00 acres and being subject to all easements of record and rights of ways.

EXHIBIT B

Concept Plan

EXHIBIT C

Illustrative Character Exhibit

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ORDINANCE NUMBER 22-16

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

"iBeach31 at Grand Park PUD"

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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. 2205~~####~~-PUD-09~~##~~), 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. 2205~~####~~-PUD-09~~##~~ to the Common Council of the City of Westfield, Hamilton County, Indiana (the "**Council**") with a favorable recommendation(Vote: _____ in favor, _____ opposed) in accordance with Indiana Code § 36-7-4-608, as required by IndianaCode§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____ ___, 2022;

WHEREAS, the 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 Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "iBeach31 at Grand Park Planned Unit Development District" (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 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.

1.3 Chapter ("**Chapter**") and Article ("**Article**") cross-references of this Ordinance shallhereafter refer to the section as specified and referenced in the UDO.

1.4 All provisions and representations of the UDO 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 UDO.~~

2.1 Indoor/Outdoor Multi-Sport Athletic Facility – A use that includes, but is not limited to the following primary activities: beach volleyball and other similar sports that occur either in a building or an enclosed outdoor area. Additionally, ancillary activites that are related to the primary activities may include but are not limited to: offices; retail sales; Restaurant; bar; health fitness & exercise center; athletic and recreational uses (strength conditioning services and equipment); rehabilitation and recovery services; and other associated temporary or permanent activities or uses that are similar.

Section 3. Concept Plan. The concept plan, attached hereto as Exhibit B (the "**Concept Plan**"), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

~~3.1~~ The District shall be developed in substantial compliance with the Concept Plan. ~~The final layout and site plan shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.~~ The final dimensions of the building may vary from what is depicted on the Concept Plan, however, the overall size of the building shall not exceed what is depicted on the Concept Plan. While final engineering of the site plan may warrant minor modifications to the final site layout, all major components of the Concept Plan, including the building, the outdoor sand courts, the parking lot(s), and landscaping shall be generally located as depicted on the Concept Plan.

3.1

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. Permitted Uses. Indoor/Outdoor Multi-Sport Athletic Facility shall be the only

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permitted use in the District (the "Permitted Uses"). ~~The uses identified in this Section (the "**Permitted Uses**"), shall be the only uses permitted in the Areas.~~

~~5.1 Indoor multi-sport athletic facility including but not limited to Beach Volleyball and additional beach sports, offices, retail sales, athletic and recreational uses (strength conditioning services and equipment), locker rooms, rehabilitation and recovery services, and other temporary or permanent similar and associated uses as may be determined by the City of Westfield Director of Community Development (the **"Director"**).~~

~~5.2 Outdoor multi-sport sand courts specifically for but not limited to sand volleyball.~~

~~5.3 Restaurant & Bar, Office, Health Fitness & Exercise Center.~~

Section 6. General Regulations. The standards of Chapter 4 Zoning Districts, as applicable to the respective Underlying Zoning Districts, shall apply to the development of the RealEstate, except as otherwise modified below.

6.1 Minimum Front Yard Setbacks: 20 feet.
6.2 Minimum Side Yard Setbacks: 10 feet.
6.3 Minimum Rear Yard Setbacks: 10 feet.

Section 7. Development Standards. The standards of Chapter 6 Development Standards of the UDO shall apply to the development of the Real Estate, except as otherwise modified b~~b~~elow~~w~~.

7.1 Article 6.3 Architectural Standards:

~~A.~~ Article 6.3~~(7)~~(F)~~(ii)~~ shall not apply.

~~B.~~A. ~~A PVC membrane, high strength roof shall be a permitted roofing material under 6.3(7)(F)(iii).~~

B. Building(s) shall ~~otherwise~~ be in substantial compliance with the Illustrative Character Exhibit, attached hereto as Exhibit C, including but not limited to:~~.~~

1. Fiber cement paneling and vertical metal siding shall be a permitted building material.
2. All building facades shall be constructed with the same building material quality and level of architectural detail, however the number of garage doors may vary from the Illustrative Character Exhibit.
3. Generic sports murals, as depicted in the Illustrative Character Exhibit, shall not be considered as signs.

~~C.~~4. A PVC membrane, high strength roof shall be a permitted roofing material. ~~Although the Illustrative Character Exhibit does not necessarily represent the final design, it does hereby establish a benchmark for the quality and appearance of the structures permitted to be constructed and that contribute to the intent and vision for~~

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~~the district. The Director shall determine whether a structure is consistent with the established benchmark and complies with the standards of this ordinance.~~

7.2 Article 6.8 Landscaping Standards: Shall apply, except as modified below:

~~A. Article 6.8(E) Preservation and Replacement of Trees shall not apply.~~

~~B. Article 6.8 (J) Street Trees shall not apply.~~

~~C.~~A. Article 6.8(K) Minimum Lot Landscaping Requirements: Shall not apply; rather, the following minimum plant materials shall be required per one (1) acre: ten (10) shade trees; five (5) ornamental or evergreen trees; and twenty-five (25) shrubs.

~~D.~~B. Article 6.8 (L)(4) Requirements shall apply in accordance with the UDO except Foundation Planting bed width shall be 5 feet minimum. The primary plant material used shall be shrubs and ornamental grasses planted at a rate of 4 shrubs/grasses per 12 LF of building façade.

~~E.~~C. Article 6.8(M)(2) Street Frontage Landscaping - All requirements shall adhere to the UDO except that shrub requirements will not apply.

~~F.~~D. Article 6.8(N) Buffer Yard Requirements: Shall not apply.

~~G.~~E. Article 6.8(O) Parking Area Landscaping: Shall apply with the following modifications:

1. Interior Parking Area Landscaping: A minimum of one (1) interior parking area island shall be required per twenty (20) parking spaces.
2. Perimeter Parking Area Landscaping: If perimeter parking area landscaping is required, then the minimum number of plantings shall be one (1) tree and ten (10) shrubs per sixty (60) linear feet of parking area length. Plantings may be clustered in an aesthetically pleasing manner.

~~2.~~H. A minimum of 30% of required trees shall be located within the 20-foot front building setback line, as depicted in the Concept Plan. Nothing in this Subsection shall modify the number of trees required in planting islands.

Section 8. Infrastructure Standards. The District's infrastructure shall comply with the UDO and the City's Construction Standards (see Chapter 7 Subdivision Regulations) unless otherwise approved by the Department of Public Works.

Section 9. Duration. Failure to obtain a Secondary Plat / Construction Plan approval in the District by January 1, 2027 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the OI-PD Open Industrial-Planned Development -District.

Section 10. Annexation. The Real Estate, or parts thereof that may be the subject of an

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Improvement Location Permit shall be annexed into the corporate limits of the City of Westfield prior to the approval and release of an Improvement Location Permit for the Real Estate.

Section 11~~0~~. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ___ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____ James Edwards	_____ James Edwards	_____ James Edwards
_____ Scott Frei	_____ Scott Frei	_____ Scott Frei
_____ Jake Gilbert	_____ Jake Gilbert	_____ Jake Gilbert
_____ Mike Johns	_____ Mike Johns	_____ Mike Johns
_____ Troy Patton	_____ Troy Patton	_____ Troy Patton
_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric
_____ Scott Willis	_____ Scott Willis	_____ Scott Willis

ATTEST:

_____
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-##** was delivered to the Mayor of Westfield

on the____ day of _____, 2022, at ___m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-##**

this_____day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 22-##**

this_____day of _____, 2022.

_____
J. Andrew Cook, Mayor

This document prepared by: Eric M. Douthit, Church Church Hittle + Antrim, Two NorthNinth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each SocialSecurity Number in this document, unless required by law: Eric M. Douthit.

EXHIBIT A

Legal Description

The Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principal Meridian in Hamilton County Indiana being described as follows:

Considering the south line of the Northwest Quarter as bearing North 90°00'00"
East with all other bearings herein contained relative thereto; Beginning at a found PK Nail at the Southwest Corner of the Northwest Quarter of Section 36; thence on and along the South line of said Quarter North 90°00'00" East 132.79 feet to a set PK nail at the true place of beginning; thence North 0°00'00" East 436.0 feet to a set rebar; thence North 90°00'00" East 300.00 feet to a set rebar; thence South 0°00'00" West 436.00 feet to a set PK Nail on the South line of the Northwest Quarter of Section 36; thence on and along said South line South 90°00'00" West 300.00 feet to the true place of beginning, containing 3.00 acres and being subject to all easements of record and rights of ways.

EXHIBIT B

Concept Plan

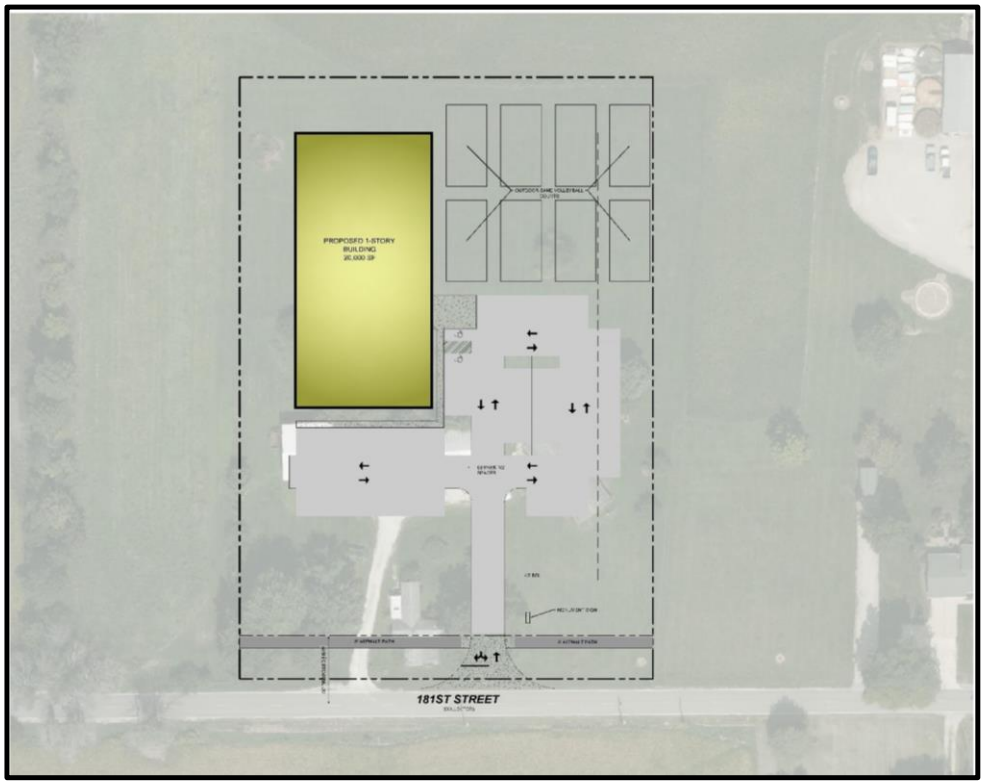

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EXHIBIT C

Illustrative Character Exhibit

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