



CITY OF WESTFIELD, IN
Advisory Planning Commission Meeting Agenda_09_06_2022

Tuesday, September 06, 2022 at 07:00 PM

BOARD OR COMMISSION: Advisory Plan Commission (APC)

MEETING DATE: Tuesday, September 06, 2022 at 07:00 PM

MEETING PLACE: Westfield City Hall, 130 Penn Street, Westfield, IN 46074

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

Public input can be submitted in 1 of 2 ways:

- Email to planners@westfield.in.gov
- Show up at Westfield City Hall for an opportunity to participate in this public hearing. Staff will be present to help direct traffic inside the room.

OPENING OF MEETING

Documents: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the Presence of a Quorum

Approval of Amended Rules of Procedure

Documents: [Exhibit 1: Department Report](#) | [Exhibit 2: 2022 Proposed Amended Rules \(clean\)](#) | [Exhibit 3: 2022 Proposed Amended Rules \(8/1/22 - 9/6/22 redline\)](#) | [Exhibit 4: APC Rules 2013 with 2020 Amendment](#)

Approval of Minutes

August 15, 2022 APC Minutes

Documents: [August 15, 2022 APC Minutes](#)

Review APC Rules & Procedures

CONSENT AGENDA

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 an 11,275 SF daycare facility on 1.23 acres +/- in the Maple Knoll PUD District.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Landscape Plan](#) | [Exhibit 5: Building Elevations](#) | [Exhibit 6: Public Comment Exhibit](#) | [Exhibit 7: Traffic Statement](#)

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Landscape Plan](#) | [Exhibit 5: Elevations](#)

ITEMS OF BUSINESS

2205-PUD-09

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 Planned Unit Development (PUD) District.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Ordinance 22-16](#) | [Exhibit 4: Elevations](#) | [Exhibit 5: Exterior Renderings](#) | [Exhibit 6: Concept & Landscape Plan](#) | [Exhibit 7: Neighborhood Meeting Summary](#) | [Exhibit 8: Roof Material Exhibit](#) | [Exhibit 9: Wall Panel Exhibit](#) | [Exhibit 10: Issue List & Response](#) | [Exhibit 11: Roof Concern Response](#)

2208-ZOA-02

Unified Development Ordinance Amendment (Landscape Bonds)

The City of Westfield requests approval of an ordinance to amend Article 6.8 & 10 of the Westfield-Washington Township Unified Development Ordinance.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Documents: [Exhibit 1: Department Report](#) | [Exhibit 2: Ord. 22-31 \(Clean\)](#) | [Exhibit 3: Ord. 22-31 \(Redline\)](#)

PUBLIC HEARING ITEMS

2209-PUD-18 [PUBLIC HEARING]

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Project Narrative](#) | [Exhibit 4: Proposed Ord. 22-34](#) | [Exhibit 5: OrthoIndy Expansion Site Plan](#) | [Exhibit 6: OrthoIndy Expansion Renderings](#) | [Petitioner's Presentation](#)

2209-ZOA-03 [PUBLIC HEARING]

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))

Documents: [Exhibit 1: Department Report](#) | [Exhibit 2: Proposed Ord. 22-35](#) | [Exhibit 3: Proposed Article 3.5 Floodplain Administrator](#) | [Exhibit 4: Proposed Article 5.5 Floodplain Overlay District](#)

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)

2208-PUD-16 [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

Plan Commission Members

Downtown Update

City Council Liaison

Board of Zoning Appeals Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

September 6, 2022
2205-PUD-09
Exhibit 1

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. Elevations
5. Exterior Renderings
6. Concept & Landscape Plan
7. Neighborhood Meeting Summary
8. Roof Material Exhibit
9. Wall Panel Exhibit
10. Issue List & Response
11. Roof Concern Response

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 (**Exhibit 7**). 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 is slated for a Recommendation at the September 6, 2022 Advisory Plan Commission 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 6**). The development of the Property may vary from the Concept Plan.

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 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**”).
- Outdoor multi-sport sand courts specifically for but not limited to sand volleyball.
- Restaurant & Bar, Office, Health Fitness & Exercise Center.

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).
 - o Fiber cement paneling and vertical metal siding shall be a permitted building material.
 - o 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.
 - o Generic sports murals, as depicted in the Illustrative Character Exhibit, shall not be considered as signs.
 - o A PVC membrane, high strength roof shall be a permitted roofing material.

Landscape Standards:

- Tree Preservation: Tree Preservation standards would not apply per the proposed ordinance.
- Street Trees: Street Tree standards would not apply per the proposed ordinance.
- Foundation Plantings: Foundation Planting Requirements shall apply as described in the UDO, with the following modifications:
 - o 5ft planting beds would be required, instead of the 8ft planting beds required by the UDO (Article 6.8(L)(4))
 - o 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))
 - o 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:
 - o 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%

- o 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 6](#)). 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

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 ([Exhibit 6](#)). This Exhibit also seconds as the current rendition of the site Concept Plan (also [Exhibit 6](#)). The Issue List ([Exhibit 10](#)) 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 ([Exhibit 11](#)) highlights specific issues brought up about the proposed roof and corresponding responses to the issues addressed. There has been a submittal of Elevations ([Exhibit 4](#)) and Exterior Renderings ([Exhibit 5](#)), 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 ([Exhibit 8](#), [Exhibit 9](#)). 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.

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

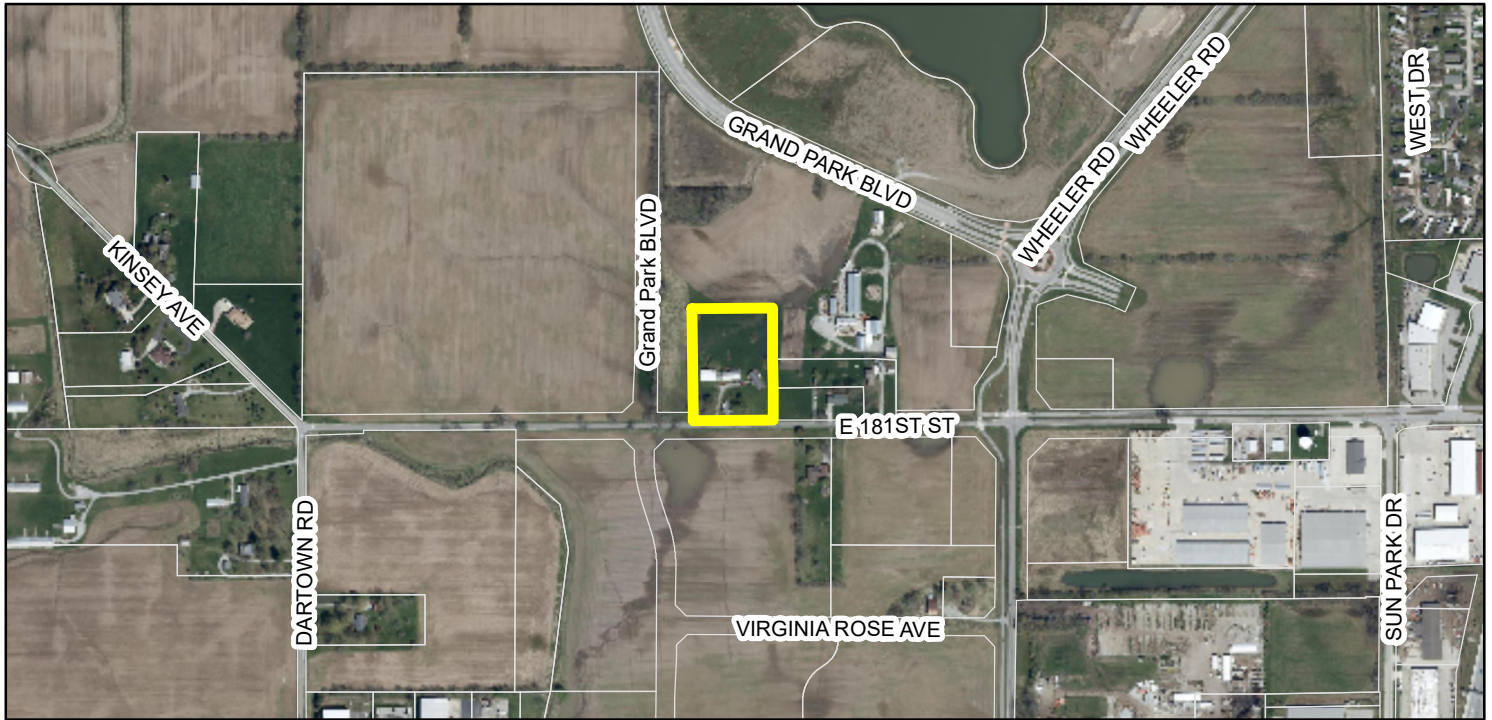
1. **Action:** Forward a recommendation to the City Council at the September 6, 2022, Advisory Plan Commission meeting.
2. If any Plan Commission member has questions, then please contact Ryan Collingwood at (317) 741-8857 or rcollingwood@westfield.in.gov.



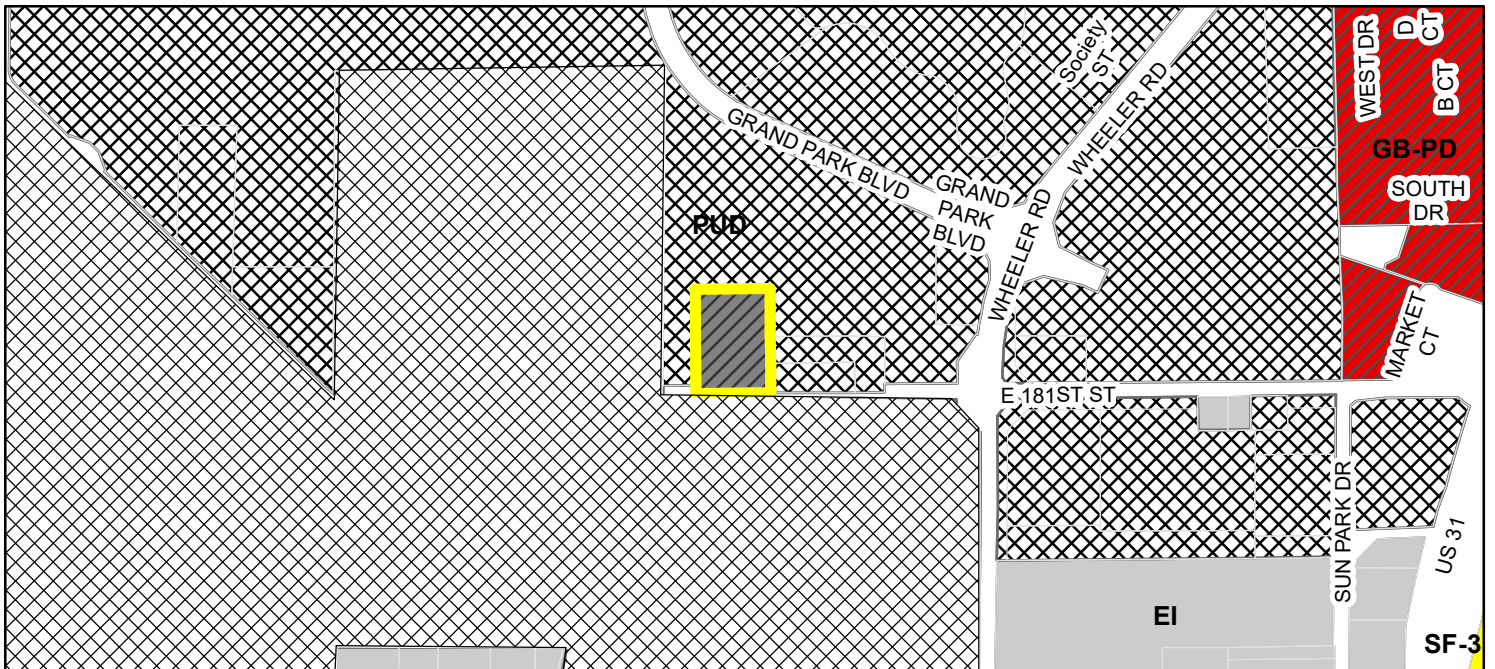
Property Location Map
iBeach 31 at Grand Park PUD
724 E. 181st Street
2205-PUD-09



Aerial Location Map



Zoning Map



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

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 shall hereafter 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.

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.

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. 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 modifiedbelow.

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(E) Preservation and Replacement of Trees shall not apply.

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

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

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

G. 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.

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

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

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

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: 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



Page 1 of 8



EXHIBIT C

Illustrative Character Exhibit

Page 2 of 8

South Elevation



EXHIBIT C

Illustrative Character Exhibit

Page 3 of 8

East Elevation



EXHIBIT C

Illustrative Character Exhibit

Page 4 of 8

West Elevation



EXHIBIT C

Illustrative Character Exhibit

Page 5 of 8

North Elevation



EXHIBIT C

Illustrative Character Exhibit

Page 6 of 8

Southeast Perspective



EXHIBIT C

Illustrative Character Exhibit

Page 7 of 8

Northwest Perspective



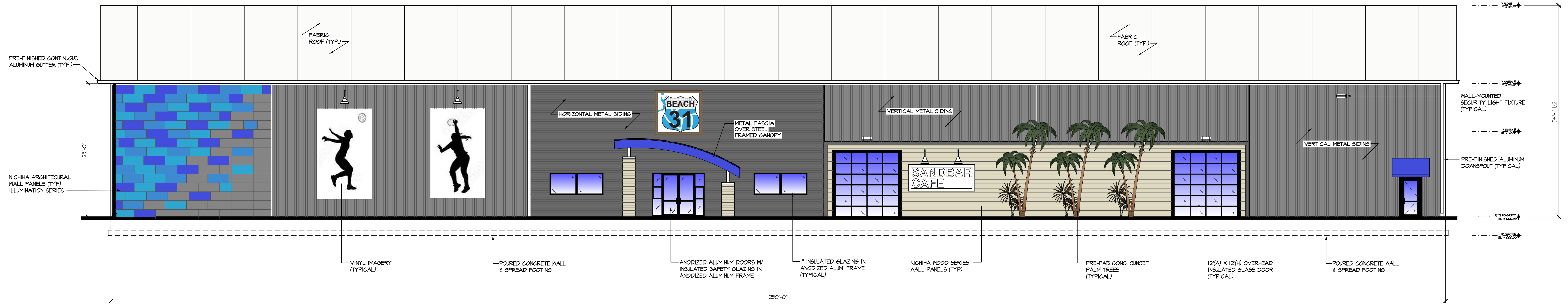
EXHIBIT C

Illustrative Character Exhibit

Page 8 of 8

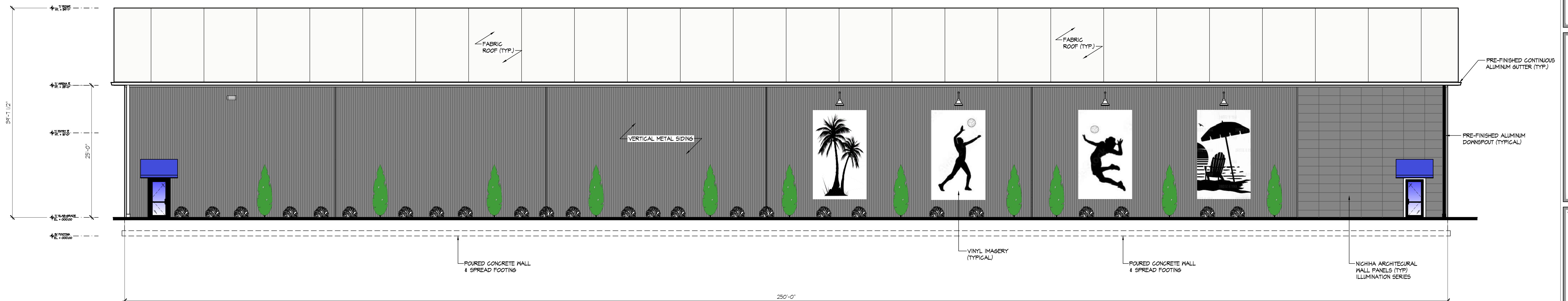
Northeast Perspective





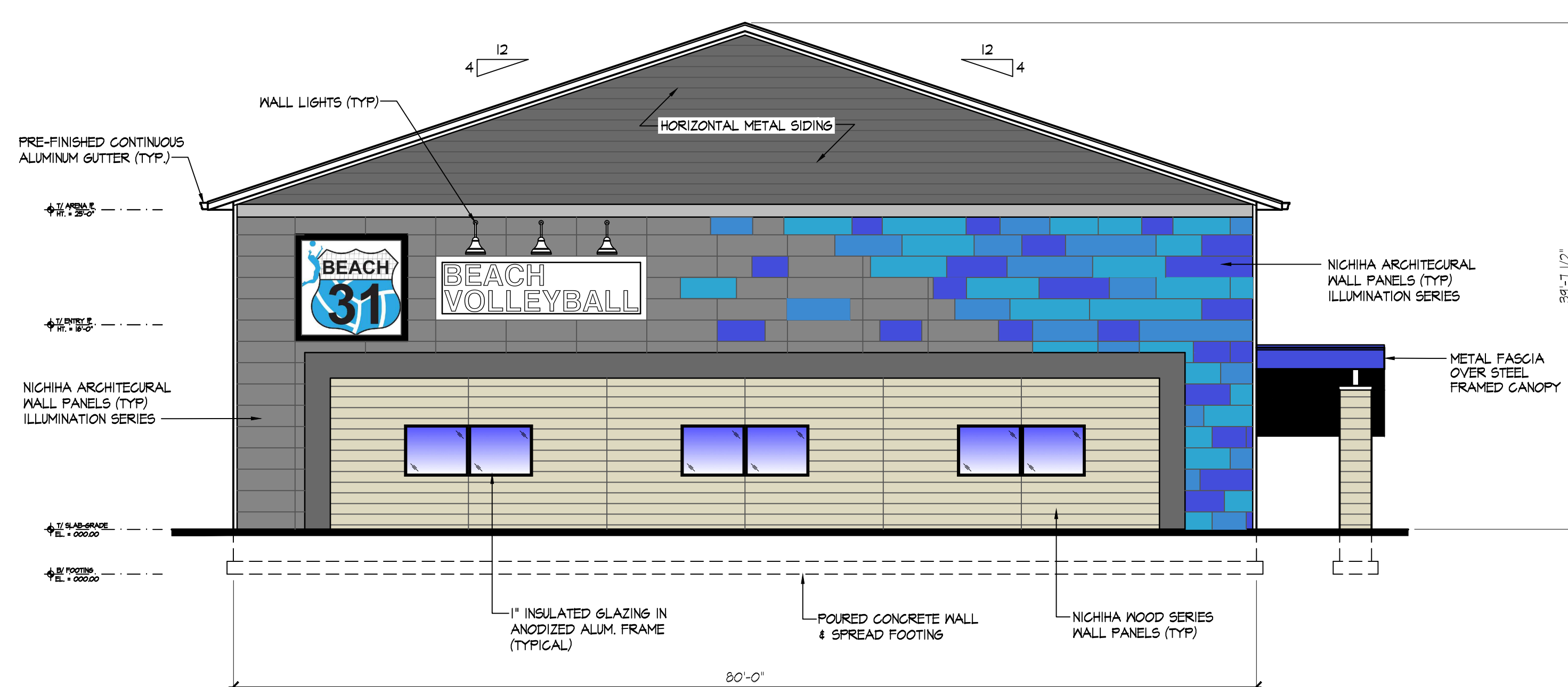
EAST ELEVATION - (PARKING LOT SIDE)

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION - (216th STREET SIDE)

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"

iBEACH 31

WESTFIELD, INDIANA
46074

JOSHUA PARLOS
Tel: 313.888.9786
jparlos@icadinc.com

DESIGN INC.
INTELLIGENT ARCHITECTURE

WESTFIELD, IN 46074

PRELIMINARY
NOT FOR CONSTRUCTION
REVISIONS REQUIRED

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ISSUE FOR:

7/4/22	DESIGN
7/15/22	DESIGN REVIEW
8/6/22	CONCEPTUAL
8/9/22	REVIEW
8/9/22	DESIGN REVIEW

EXTERIOR
ELEVATIONS

SCALE: AS NOTED

A1



NICHHA ARCHITECTURAL
WALL PANELS (TYP)
ILLUMINATION SERIES



NICHHA ARCHITECTURAL
WALL PANELS (TYP)
ILLUMINATION SERIES

NICHHA WOOD SERIES
WALL PANELS (TYP)



VERTICAL METAL SIDING
WEST FORK WHISKEY CO.
WESTFIELD, INDIANA



HORIZONTAL METAL SIDING
WRIGHT'S MOVEMENT ACADEMY
WESTFIELD, INDIANA



VERTICAL METAL SIDING
WRIGHT'S MOVEMENT ACADEMY
WESTFIELD, INDIANA



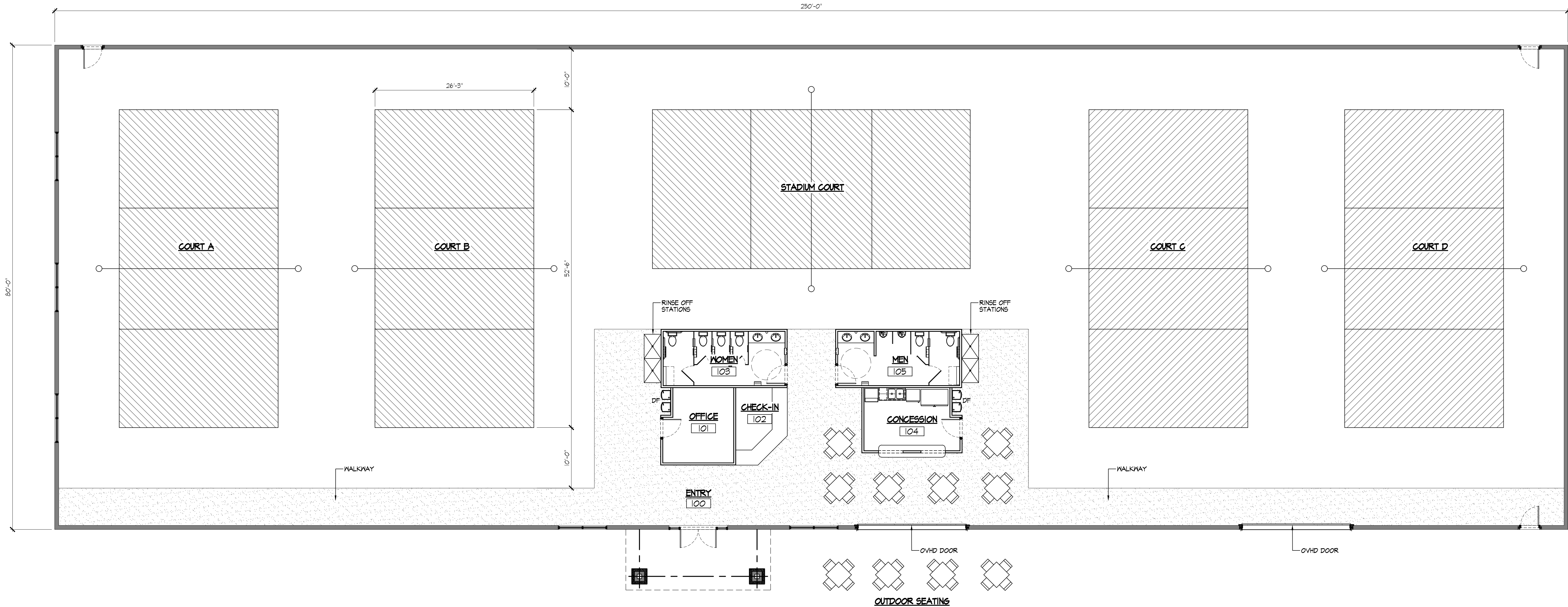
SHELTER-RITE ARCHITECTURAL
FABRIC ROOF



PRE-FAB SUNSET
PALM TREES

EXTERIOR SAMPLES

SCALE: N.T.S.



FLOOR PLAN

SCALE: 1/8" = 1'-0"

iBEACH 31

WESTFIELD, INDIANA
46074

JOSHUA PARLOS
josh@icad.com

josh@icad.com

iCAD

DESIGN INC.

WESTFIELD, IN 46074

PRELIMINARY
NOT FOR CONSTRUCTION
REVISIONS REQUIRED

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ISSUE FOR:

DATE	DESIGN
7/9/22	DESIGN
7/11/22	DESIGN REVIEW
7/13/22	CONCEPTUAL
8/6/22	REVIEW
8/9/22	DESIGN REVIEW

FLOOR
PLAN

SCALE: AS NOTED

A2





BEACH
VOLLEYBALL















PRELIMINARY
NOT FOR
CONSTRUCTION

[illegible]

GENERAL NOTES / LEGEND:



Know what's below.
Call before you dig.
WORKING DAYS BEFORE YOU DIG

PROJECT:

iBEACH 31
WESTFIELD

PROJECT LOCATION:

724 E 181ST ST
WESTFIELD, INDIANA 46074
HAMILTON COUNTY

SECTION, TOWNSHIP, RANGE:
NW $\frac{1}{4}$, S36, T19N, R3E

CLIENT:



IBEACH 31

41 WESTFIELD PARK ROAD
WESTFIELD, INDIANA 46074

PLAN DATE:

6/13/2022

DESIGN:

1	CHECK
---	-------

AWN

PROJECT NO.

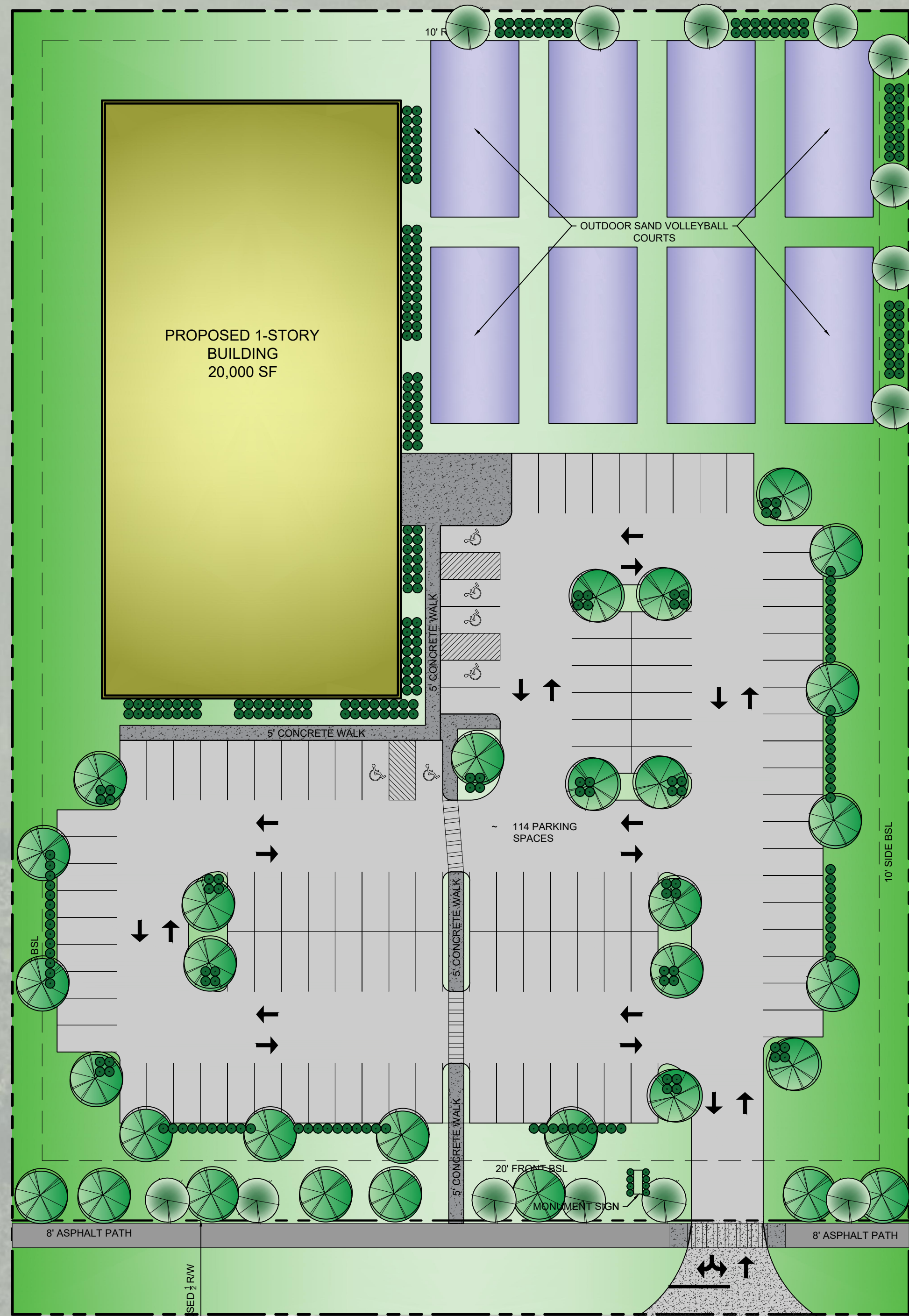
2201004

SHEET NAME

LANDSCAPE PLAN

SHEET N

L101



181ST STREET
(COLLECTOR)

PRINTED BY: Ashton Fritz
DATE: 6/13/2022 9:20 AM
SHEET SIZE: ANSI FULL BLEED (34.00 X 22.00 INCHES), 1:1
FILE NAME: 512022/2024004 - BEACH 3102 CAMBER ANSEL 101 PM22 ABOUT: 1101

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Memorandum

Date: April 28, 2022

To: Rachel Riemenschneider, Associate Planner
Economic and Community Development Department

From: Andrew Wert
Church Church Hittle + Antrim
116 N. Union Street, Westfield, IN 46074

Re: iBeach31at Grand Park PUD amendment (2205-PUD-09)
Summary of Neighborhood Meeting

In accordance with Article 10.9(C)(1)(f) Planned Unit Development Districts; PUD District Ordinance; Application Procedures; Neighbor Meeting, Church Church Hittle + Antrim hosted a Neighborhood Meeting on Wednesday, April 27, 2022 on behalf of their client, iBeach31, LLC. Invitations were extended to all property owners listed on the Adjoiner List for public hearing as well as Westfield Planning staff and Westfield Council persons. Below is a brief written report of the meeting.

The Neighborhood Meeting was held virtually via Microsoft Teams. It began at 6:30 p.m. Petitioner representatives included petitioner Katie Conner, and attorney Eric Douthit and Andrew Wert of Church Church Hittle + Antrim.

Attendees included Rachel Reimenschnieder of the Westfield planning staff. A summary of the meeting follows.

Mr. Douthit gave a brief summary of the proposed project. Ms. Conner stated that there will be eight (8) outdoor courts and five to six (5-6) indoor courts. Ms. Riemenschneider asks if the courts will be fenced. Ms. Conner replies that the eight outdoor courts will be fenced, one perimeter fence around all eight. There will be three fence sections and the building will serve as the fourth side. Ms. Riemenschneider advises that the Westfield foundation landscaping standards require plantings along the fence.

Mr. Douthit stated that he has reached out to the developer of Wheeler Landing to the south. Wheeler Landing, in an email communication, had a question about the architectural standards and parking spots for the building. Mr. Douthit advised that the petitioner intends to meet the architectural standards set forth in the Westfield Unified Development Ordinance. The building will have between 150-180 parking spots.

There being no further questions or comments from attendees, the meeting concluded around 6:40 p.m.



Fabrics for Architectural Structures

Shelter-Rite®
ARCHITECTURAL FABRICS
BY SEAMAN CORPORATION



MADE IN THE
USA

Seaman Corporation

1000 VENTURE BLVD. WOOSTER, OHIO 44691 USA. www.ArchitecturalFabrics.com
Phone 330.262.1111, Fax 330.263.6950 U.S. Toll-Free: Phone 800.927.8578, Fax 800.649.2737

Seaman Corporation

World Leader in the Manufacturing of Industrial Coated Fabrics since 1949

Seaman Corporation, manufactures Shelter-Rite® Architectural Fabrics. A vertically integrated company, Seaman Corporation develops proprietary formulations, knits, weaves, and coats fabric in two U.S.-based plants.

Seaman Corporation's leadership in the Architectural Fabrics Market dates back to the mid-1950s. Shelter-Rite® Architectural Fabrics have been the material of choice of architects, designers, and fabricators for commercial and military projects in the United States and throughout the world.

In addition to Shelter-Rite® Architectural Fabrics, Seaman Corporation also produces high performance FiberTite® Roof Systems, XR® Geomembrane Liners, Shelter-Rite® Truck Tarps, Shelter-Rite® Dock Seals, and military fabrics used for flexible fuel and water tanks, and military tents.



Seaman is awarded patent for its Portomod Tension Fabric Structure
Image: original US Patent, 1972

The company is founded in Canal Fulton, Ohio by Norman Seaman

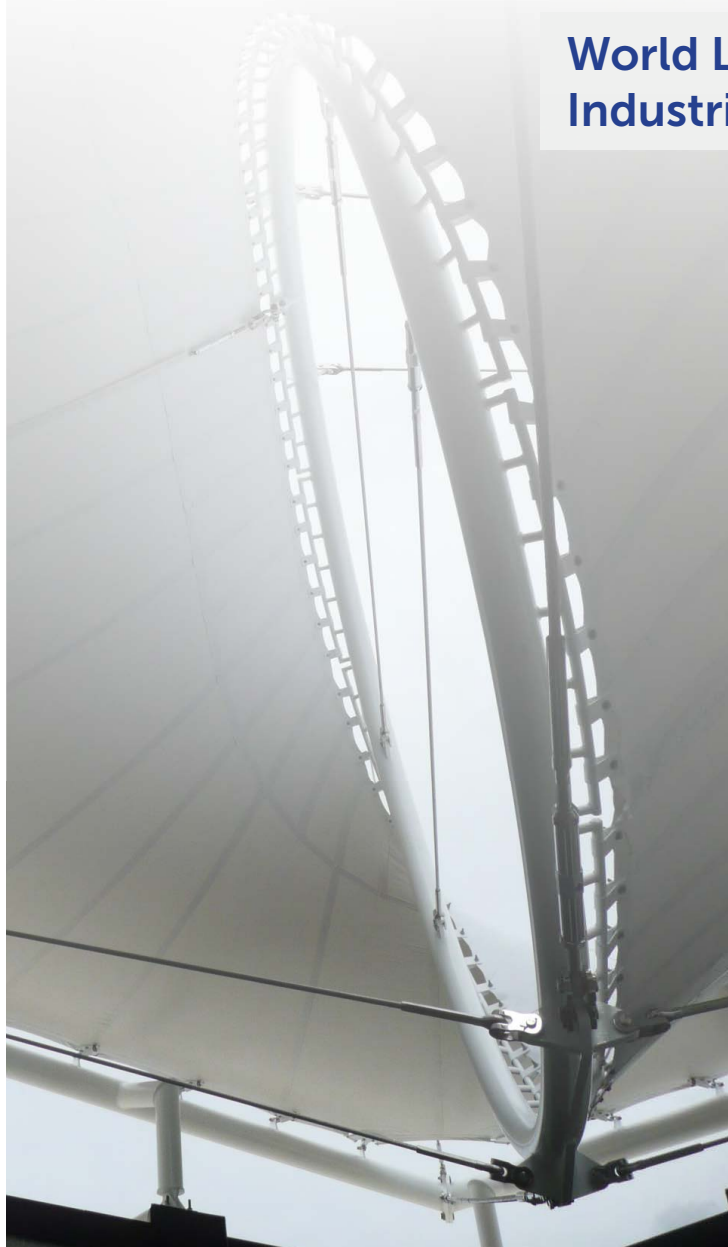
Seaman opens its Building System Division to fabricate structures in 1966

1949 • 1955 • 1960 • 1965 • 1970 • 1975 • 1980 • 1985

Production of Shelter-Rite® Architectural Fabrics begins
Pictured: Holmesville, Ohio weaving mill

The first Tedlar® coated Architectural Fabric is produced by Seaman Corporation in 1970

In 1986, a new corporate headquarters and manufacturing plant is opened in Wooster, Ohio
Pictured: Seaman Corporations corporate headquarters, circa 1986



Where Our Fabrics Are Used



Air-Supported Structures

Buildings that are created by using an exterior architectural membrane which is supported by interior air pressure. The architectural membrane is attached at the perimeter (usually at ground level) and the building is inflated with the use of air blowers; there are no frames used. Air structures require high strength materials.

Shelter-Rite styles 8028 and 9032 are typically used.



Pre-Engineered Frame Structures

Fabric buildings that start with either a steel or aluminum frame that is then covered with an architectural membrane. The metal frames are either arches or trusses that are engineered to be a certain length and designed to be spaced a certain distance from one another. Depending on how these Pre-Engineered buildings are designed the strength requirements for the architectural membrane can vary.

Shelter-Rite styles 8520, 8324, and 8028 are typically used.



Custom Designed Tension Structures

High profile fabric structures that start with an Architect's concept and ends up as custom, one-of-a-kind buildings. Examples of Custom Designed Tension Structures include stadiums, amphitheaters, and canopies. Because of the wide range in building sizes, the Architectural Membrane used on these buildings can range from low strength to very high strength.

Shelter-Rite 8324, 8028, and 9032 are typically used, almost always with Tedlar PVF film

Fabrics for Architectural Structures



Seaman Corporation celebrates 50 years of business in 1999

Seaman Corporation introduces Kynar® coated Architectural Fabrics in 2011



1990 • 1995 • 2000 • 2005 • 2010 • 2015 • 2020 • 2025 •



Seaman begins selling Tedlar® coated Architectural Fabrics into China in 2008
Pictured: Sun Park tennis domes, Beijing, China



Seaman broadens its product line in 2015 with Shelter-Rite Tent fabric
Pictured: Clearspan for Azimut Yachts, Fort Lauderdale Boat Show



Fabric Strength Considerations

Seaman Corporation Offers a Range of High-Performance Architectural Fabric Materials

Fabric tensile strength is the first consideration when selecting an architectural fabric. A structural engineer will determine the maximum loads (wind, snow, dead loads) on the building and then apply the appropriate safety factor to determine the minimum tensile strength needed.

Seaman Corporation offers a wide range of fabric tensile strengths, ideal for varying applications.

	Type I	Type II	Type III
	style 8520	style 8028	style 9032
Weight <i>ASTM D751</i>	20 oz/yd ² (680 g/m ²)	28 oz/yd ² (950 g/m ²)	32 oz/yd ² (1085 g/m ²)
Strip Tensile <i>ASTM D751</i>	325 lb_f/in 2580 N/5 cm	515 lb_f/in 4500 N/5 cm	650 lb_f/in 5700 N/5 cm
Trap Tear <i>ASTM D751</i>	50 lb _f (220 N)	85 lb _f (380 N)	100 lb _f (445 N)
Adhesion <i>ASTM D751 Dielectric Weld</i>	10 lb _f /in (90 N/5 cm)	10 lb _f /in (90 N/5 cm)	10 lb _f /in (90 N/5 cm)
Low Temperature <i>ASTM D2136 1/8" mandrel, 4 hr</i>	LTC LTA Pass -40° F (-40° C) not offered	Pass -40° F (-40° C) Pass -67° F (-55° C)	Pass -40° F (-40° C) Pass -67° F (-55° C)
Flame Resistance <i>ASTM E84 Class A</i>	Pass	Pass	
<i>California Fire Marshall</i>	Pass	Pass	Pass
<i>NFPA 701</i>	Pass	Pass	Pass
<i>EN 13501-1</i>		B-s2, d0	B-s2, d0

Sample specifications shown.
Ask our representatives for details on our full range of fabrics.

Light Transmission & Color Options

White Shelter-Rite Fabric Can be Produced at Different Light Transmission Levels

The standard products can be made to have high light transmission (6% to 10%); low light transmission (3% to 5%); or completely opaque.

If heat gain inside the building is a concern then opaque white fabric is the best option.

	style 8520	style 8028	style 9032
DC184 Translucent White/BW Tedlar	not offered	10%	10%
DC6 White	4%	4%	4%
DC6/OP/DCS White/Opaque/White	0%	0%	0%

Percent light transmission is measured using a MacBeth Colorimeter and is approximate in the 400nm to 700nm visible light range. Seaman Corporation Technical Department should be consulted for product applications.

Available in Standard or Custom Color Options

Colors are produced with an opaque layer and either a white interior or matching interior color.

Standard Colors, 20-year warranty

DC-6 White
DC-4 Gray
DC-113 Beige
DC-128 Sandstone
DC-146 Eggshell



Standard Colors, 10-year warranty

DC-24 Green
DC-46 Royal Blue
DC-42 Yellow
DC-174 Vermillion Red
DC-260 Forrest Green



Note: color charts are approximations only and are not recommended for accurate color matching. Due to limitations of digital color reproduction and printing conditions, colors shown here may vary from actual membrane colors.

Shelter Rite Architectural fabrics can also be produced in a wide variety of custom colors to meet specific architectural requirements.

Submit a color sample or specify a color chip to receive a color match.

ArchitecturalFabrics.com/contact-us

Aesthetics & Top Finishes

Long-term Aesthetics of Fabric Structures Depend on the Top Finish System

All structures will look great when new, but the long-term aesthetics of a fabric building will be greatly affected by dirt pick-up and any color fading. Dirt pick up is controlled by the quality of the top finish system that is applied to the material. Color fading depends on the pigment selection in the PVC compound combined with the level of protection the top finish system can provide.



Shelter-Rite Architectural Fabric Top Coating Systems

Tedlar®: Brite-White Tedlar or colored Tedlar films provide the greatest resistance to dirt pick-up and are basically self-cleaning. The Shelter-Rite Tedlar products are extremely colorfast and are the only product backed by a 20 year warranty that covers dirt resistance and colorfastness.

Kynar®: Kynar top coating system is another fluoropolymer finish with great dirt resistance and colorfastness. The unique property with Kynar top coating system is that it can be made in any custom color.

PVDF and Acrylic Top Finish: Solution applied PVDF or Acrylic top finish provide a basic level of dirt resistance. Both finishes have a reasonable life expectancy.

	Acrylic	PVDF	Kynar®	Tedlar®
Retention of Color	●●●	●●●	●●●●	●●●●●
Retention of Gloss	●●●	●●●●	●●●●	●●●●
Stain Resistance	●●	●●●	●●●●●	●●●●●
Dirt Pick-up	●●●	●●●	●●●●	●●●●●
Mildew Resistance	●●●	●●●	●●●●●	●●●●●
Resistance to Environmental Pollutants	●	●●	●●●●●	●●●●●
Cleanability	●●●	●●●	●●●●●	●●●●●
Overall Life Expectancy *based on field performance	●●●	●●●	●●●●●	●●●●●

Scale: Good ●●●●● Best

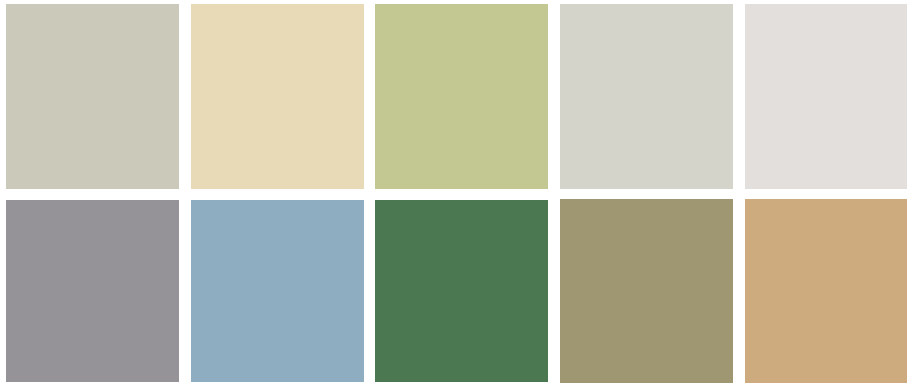
Top Finish Options



Tedlar®

The use of Brite-White or colored Tedlar films provide the greatest resistance to dirt pick-up; the longest colorfastness; and best UV protection for any architectural fabric. The Brite-White Tedlar can be applied to translucent or opaque materials.

Colored Tedlar is available in the following 10 colors:



Seaman Corporation offers the only line of 10 DuPont™ Tedlar® (PVF) film color for the entire line of Shelter-Rite Architectural Products.

(top row, left to right):

Granite Gray, Sand Stone, Spruce Green, Misty Gray, Dawn Gray

(bottom row, left to right):

Salem Blue, High Sky, Highway Green, Bayberry, & Desert Sand.



Kynar®

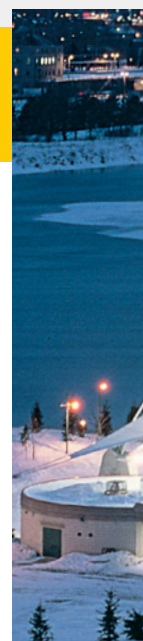
The Kynar top coating is a fluoropolymer finish, similar to Tedlar, except with the ability to be made in any custom color. Kynar coatings have excellent dirt resistance and generally great colorfastness; dependent on color selected.



PVDF and Acrylic Top Finish

PVDF or acrylic finishes offer aesthetic protection while maintaining the weldability of the material. PVDF and acrylic top finishes are transparent so they can be applied to any color of PVC coated fabric.

Want to see a sample? Contact us at
ArchitecturalFabrics.com/contact-us



Top Row:

Boston Logan Airport Hangar

2001 by Rubb Building Systems, Inc.

Roberta Bondar Park, Sault Ste Marie, Ontario

1992 by Birdair, Inc.

Westin Bear Mountain Resort, Victoria, British Columbia

2018 by The Farley Group

Center Row:

Verizon Wireless Amphitheatre at Encore Park

2008 by KKE Architects, Minneapolis

Martensville Athletic Pavilion, Martensville, Saskatchewan 2013 by Sprung Structures

The Nautica Stage in Cleveland, Ohio 2004 by Fabrtitec LLC, Tensys Consultants, LTD.,

& Sundance Awnings (Sundance Architectural Products)

Bottom Row:

Roanoke City Schools, Preston Park Elementary 2012 by Sprung Structures

Arizona Cardinals Practice Dome, Tempe, Arizona 2013 by Yeadon Fabric Structures

Van Wezel Performing Arts Center Awning 2019 by Lightweight Manufacturing & Signature Structures



Every architectural project is unique.

No matter the scope or application, Seaman has a fabric solution.

Browse some of our past projects at:

ArchitecturalFabrics.com/gallery





Shelter-Rite®
ARCHITECTURAL FABRICS
BY SEAMAN CORPORATION

www.ArchitecturalFabrics.com



a product of **Seaman Corporation**

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Tedlar® is the trademark property of DuPont™ Corporation.
Kynar® is the trademark property of Arkema, Inc.

STRNA0001_01



ARCHITECTURAL WALL PANELS

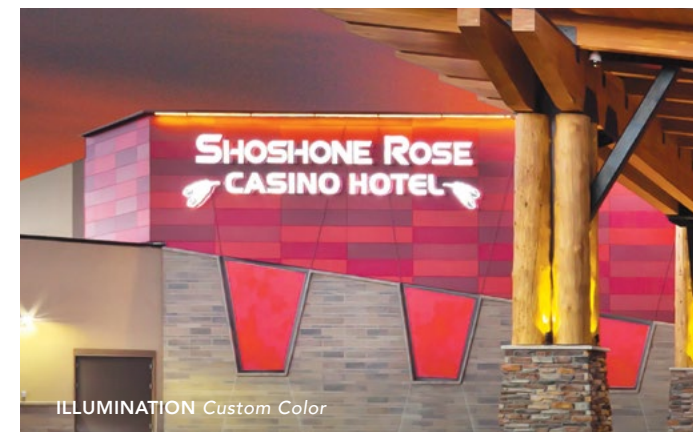
Commercial Full Line Catalog



ILLUMINATION Custom Color | VINTAGEWOOD Cedar | INDUSTRIALBLOCK

OWN YOUR NICHE WITH NICHHA.

At Nichiha, we're all about building better. Whether you're looking for an industrial or a modern style, or the aesthetics of traditional wood, our all-weather, high-performance lines offer uncompromising durability. That's why you'll see us in every type of construction—from education and hospitality to multifamily buildings and custom homes—and in every type of climate.



ILLUMINATION Custom Color



VINTAGEWOOD Cedar | ILLUMINATION Custom Color

8 | DESIGNER SERIES

14 | DIMENSION SERIES

18 | MODERN SERIES

20 | WOOD SERIES

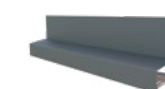
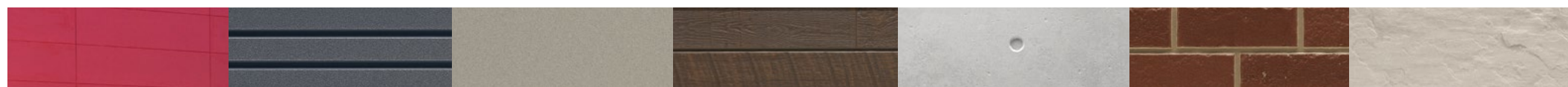
24 | CONCRETE SERIES

26 | BRICK SERIES

28 | MASONRY SERIES

30 | ESSENTIAL
FLASHING

32 | INSTALLATION
HARDWARE & TRIM





MULTIPLE LOOKS. ONE SOURCE.

Less time managing, more time imagining.

Why settle for one look when you can get multiple textures and finishes from a single manufacturer? With Nichiha Architectural Wall Panels, you can mix and match cladding styles to achieve the varied look you've been searching for. Whether you're looking for metal, stone, wood, concrete or brick, we have it all. Plus, all of our panel styles operate on the same clip installation system — saying goodbye to multiple contractors. You'll be able to move from conception to completion with ease, all while saving time and money.



USEFUL TIP

Add the finishing touches to your next project with our Essential Flashing on page 30.



COLOR XPRESSIONS

Open your project
up to a nearly
limitless world of
color possibilities.



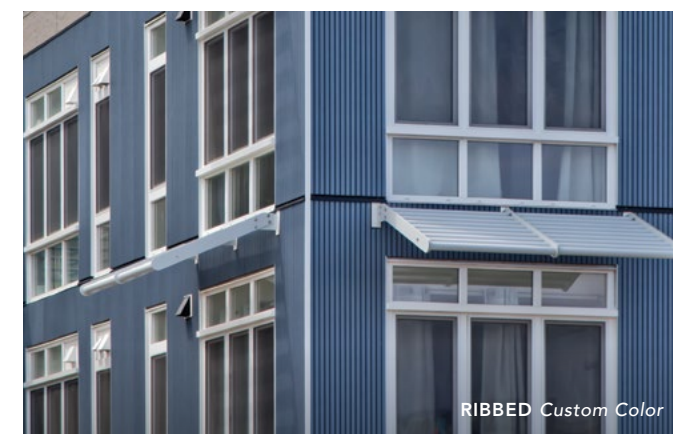
ILLUMINATION Custom Color

Nichiha's Color Xpressions system provides a degree of design freedom that most cladding products don't offer. It delivers the strength of fiber cement in virtually any color, making it easier than ever to match your brand's color seamlessly. The three-step process is simple:

- ① Choose the exact color you want
- ② Connect with a Nichiha representative who will coordinate the delivery of swatches
- ③ Sign off on your color selection

This premium feature is available for Illumination, Ribbed, Latura V-Groove and TuffBlock panels and has no minimum order required. In addition to offering matching trim pieces, Color Xpressions is backed by a 15-year limited factory-applied finish warranty.

*See Nichiha warranties for detailed information on terms, conditions and limitations.



RIBBED Custom Color



ILLUMINATION Custom Color



LOOK FOR THIS ICON

You'll see this icon next to the products available in Color Xpressions:
Illumination, Ribbed, Latura V-Groove and TuffBlock.



Polished sophistication in color.

Elevated, contemporary style with Nichiha’s superior performance to match—that’s the hallmark of our Designer Series featuring Illumination and Miraia.

With a sleek satin finish, the easy-to-install Illumination wall panels are perfect for your next modern project. And with our revolutionary Color Xpressions system, the design possibilities are endless.

Schools | Multifamily | Mixed-use | Office Building | Healthcare

ILLUMINATION™ SPECS	AWP 1818	AWP 3030
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)	17-7/8" H x 119-5/16" L (455MM H x 3030MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	35.2	57.2
WEIGHT (LBS. PER SQ. FT.)	3.9	3.8
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.	14.81 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]	2 [29.62 SQ. FT.]
CUSTOM HUES MEET MODERN DESIGN With Color Xpressions, Illumination panels are available in an array of custom colors.		
AWP 1818 CAN ONLY BE INSTALLED HORIZONTALLY. AWP 3030 CAN BE INSTALLED HORIZONTALLY OR VERTICALLY.		

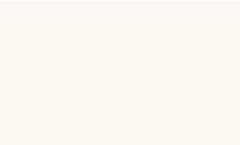




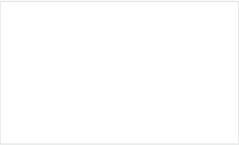
Long-lasting color with shorter lead times.

Our Illumination architectural wall panels add dimension and visual interest to any project, but its 10-week lead time can sometimes be a deterrent. To better serve our customers we introduced a Stock Illumination program, which offers a selection of our most popular colors with the standard 5-day lead time. All our stocked Illumination products include matching trim pieces to add the finishing touches to your projects.

STOCK ILLUMINATION™



WARM WHITE
ED680F-WARM WHITE



COTTON
ED680F-COTTON



FOG
ED680F-FOG



NICKEL
ED680F-NICKEL



GRAPHITE
ED680F-GRAPHITE



BAY BLUE
ED680F-BAY BLUE



LAVA
ED680F-LAVA



SCARLET
ED680F-SCARLET



RUSSET
ED680F-RUSSET



RAVEN
ED680F-RAVEN

STOCK ILLUMINATION SPECS

DIMENSIONS (ACTUAL MM)

THICKNESS (ACTUAL MM)

WEIGHT (LBS. PER PANEL)

WEIGHT (LBS. PER SQ. FT.)

EXPOSED COVERAGE (SQ. FT. PER PANEL)

PACKAGING (PIECES PER PACK)

AWP 1818

17-7/8" H x 71-9/16" L
(455MM H x 1818MM L)

5/8" (16MM)

35.2

3.9

8.88 SQ. FT.

2 [17.76 SQ. FT.]

 AWP 1818 CAN ONLY BE
INSTALLED HORIZONTALLY.



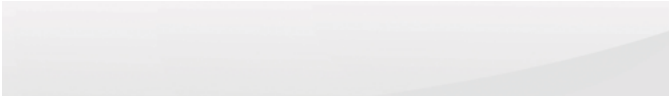
**Create a similar look using Stock Illumination*



Showstopping exteriors with Miraia.

High-design projects require luxe, head-turning cladding like Miraia. The only product of its kind in the fiber cement market, Miraia offers a reflective, high-gloss finish, perfect for design accents or an affordable alternative to metal. Miraia is available in three stunning colors—Snow, Glacier and Onyx.

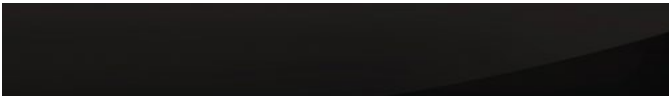
MIRAIA



SNOW



GLACIER



ONYX

NOTE: Miraia panels are only available with metal trim corner options. Prefinished corners are not available. See page 33 for more information.

MIRAIA SPECS

	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	37.9
WEIGHT (LBS. PER SQ. FT.)	4.19
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]





RIBBED Ivory | VINTAGEWOOD Cedar

THE DIMENSION SERIES

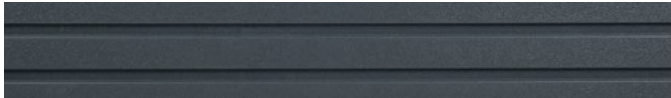
Color. Texture. Depth. It’s design complexity made simple.

Don’t settle for a single, flat look when the Dimension Series lets you add depth, texture and color to your designs. Our multi-dimensional Ribbed,™ Latura V-Groove and Novenary panels bring visual interest to smooth surfaces, like glass or metal, with recessed reveals and striking shadow lines. An additional element, like color, is the perfect way to add another layer of depth and intrigue. The Dimension Series gives you the design flexibility you desire to bring walls to life.

RIBBED



IVORY



INDIGO



CUSTOM HUES MEET MODERN DESIGN

With Color Xpressions, Ribbed panels are available in an array of custom colors. Learn more on page 6.



Custom color and texture are often used to create depth to make small spaces seem larger. However, even large areas can benefit from these techniques to give flat designs more visual interest.

RIBBED SPECS

	AWP 3030
DIMENSIONS (ACTUAL MM)	17-7/8" H x 119-5/16" L (455MM H x 3030MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	57.3
WEIGHT (LBS. PER SQ. FT.)	3.8
EXPOSED COVERAGE (SQ. FT. PER PANEL)	14.81 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [29.62 SQ. FT.]

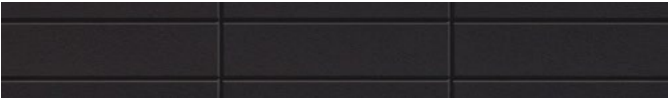


AWP 3030 CAN BE INSTALLED HORIZONTALLY OR VERTICALLY.

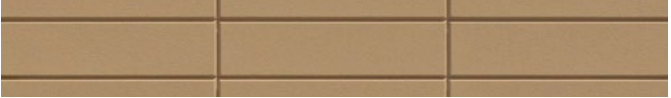
NOVENARY



OPAL



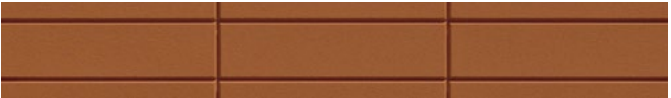
SLATE



SAND



OCHRE



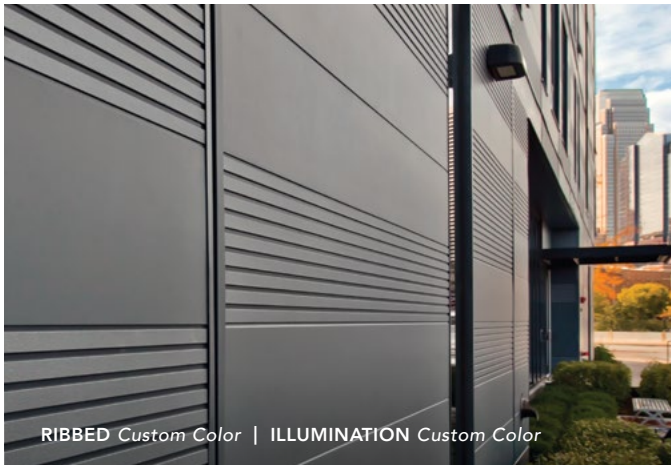
CLAY

NOVENARY SPECS

	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	7/8" (21MM)
TILE SIZE	5-3/8" H x 23-1/4" L
WEIGHT (LBS. PER PANEL)	47.84
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]



AWP 1818 CAN ONLY BE INSTALLED HORIZONTALLY.



RIBBED Custom Color | ILLUMINATION Custom Color



NOVENARY Opal



LATURA V-GROOVE *White + Custom Color* | STOCK ILLUMINATION *Cotton* | MODERNBRICK

Pushing the boundaries of lap siding.

Latura V-Groove gives you the classic look of lap siding with the modern performance of our Architectural Wall Panels. The ultra-durable fiber cement panels are resistant to fire, wind, pests and rot, easy to maintain, and have an integrated rainscreen system that offers protection from water intrusion and moisture damage. Latura V-Groove features a sophisticated look with deep shadow lines that are perfect for custom homes or multifamily projects alike.

LATURA V-GROOVE  - COMING SUMMER 2022



WHITE



GRAY



CUSTOM HUES MEET MODERN DESIGN

With Color Xpressions, Latura V-Groove panels are available in an array of custom colors. Learn more on page 6.

LATURA V-GROOVE SPECS

	AWP 1818	AWP 3030
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)	17-7/8" H x 119-5/16" L (455MM H x 3030MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	40.35	65.25
WEIGHT (LBS. PER SQ. FT.)	4.54	4.41
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.	14.81 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]	2 [29.62 SQ. FT.]



AWP 1818 CAN ONLY BE
INSTALLED HORIZONTALLY.



AWP 3030 CAN BE INSTALLED
HORIZONTALLY OR VERTICALLY.



LATURA V-GROOVE *Custom Color*



LATURA V-GROOVE *White + Custom Color*



THE MODERN SERIES

ARCHITECTURALBLOCK Gray

Take modern to the next level with distinct textures and tones.

The clean, modular look of the Nichiha Modern Series is a versatile choice for commercial and residential projects alike. The stylish tones and subtle seams are the perfect partner for gleaming glass and stainless steel. If you’re looking for a modern contrast, the cool hues glow when paired with the warmth of wood. This series offers two distinct textures to ensure you find the perfect fit. ArchitecturalBlock™ is a handsome, durable and cost-effective solution. The ease of installation and wide variety of corner options make it as popular with contractors as it is with clients.

Its partner product, TuffBlock,™ offers many of the same features as ArchitecturalBlock, but takes urban to the next level with a tough, textured finish. TuffBlock is built to last with strong construction that stands up to everyday wear and tear, making it the perfect panel for high-traffic areas.

ARCHITECTURALBLOCK



MOCHA



GRAY



TUSCAN

TUFFBLOCK



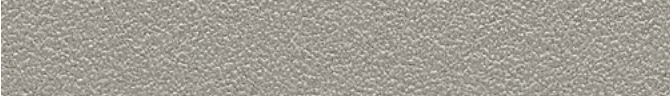
STEEL



BAMBOO



WALNUT



PEWTER

ARCHITECTURALBLOCK SPECS

AWP 1818

DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	35.2
WEIGHT (LBS. PER SQ. FT.)	3.9
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]

TUFFBLOCK SPECS

AWP 1818

DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	35.2
WEIGHT (LBS. PER SQ. FT.)	3.9
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]



CUSTOM HUES MEET MODERN DESIGN

With Color Xpressions, TuffBlock is now available in an array of custom colors. Learn more on page 6.



ARCHITECTURALBLOCK Gray



TUFFBLOCK Steel | ILLUMINATION Custom Color



Get the natural look of wood with unmatched durability.

With 10 varieties of style and color, the Wood Series is our largest and most popular product line. Built to last, our VintageWood,™ RoughSawn,™ and RiftSawn™ panels offer the rich textures of wood while providing color stability and withstanding extreme weather elements.

VintageWood exudes modern refinement and works well in both modern and vintage designs. Available in five colors — Bark, Cedar, Redwood, Ash and Spruce — VintageWood continues to be a best seller in the hospitality and healthcare markets. It pairs perfectly with glass, metal and block panels, adding a touch of warmth to the coolness of these materials. And because VintageWood can be installed vertically or horizontally, it offers a wide range of design options.

VINTAGEWOOD



BARK



CEDAR



REDWOOD



ASH



SPRUCE



DESIGN TIP
Achieve the organic staggered look you love with our VintageWood 1818 panels, measuring nearly 6 feet in length.

VINTAGEWOOD SPECS

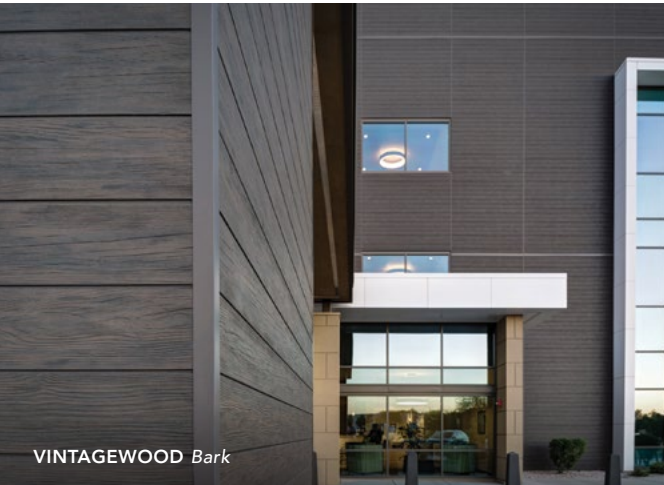
AWP 1818

AWP 3030

DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)	17-7/8" H x 119-5/16" L (455MM H x 3030MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	34.8	57.3
WEIGHT (LBS. PER SQ. FT.)	3.9	3.8
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.	14.81 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]	2 [29.62 SQ. FT.]

 AWP 1818 CAN ONLY BE INSTALLED HORIZONTALLY.

 AWP 3030 CAN BE INSTALLED HORIZONTALLY OR VERTICALLY.





VINTAGEWOOD Cedar | ROUGHSAWN Tobacco

Add rustic sophistication with RoughSawn and RiftSawn.

Nichiha’s Wood Series provides the look of wood without the drawbacks of natural wood cladding. With its earthy appeal and rich texture, RiftSawn and RoughSawn™ add a rustic quality to all types of projects. They showcase the ridges, grooves and textures of natural wood while maintaining a consistent length that is easy to work with. RiftSawn is unique in the Wood Series with its full panel design, which incorporates a darker edge to create the look of a reveal. This provides the appearance of an open joint system with the added performance of a closed joint system.

Like VintageWood, these products also pair well with glass, metal, and block panels. And when it comes to installation, hidden fasteners provide a clean and beautiful look that works for exterior and interior applications. Nichiha gives you the perfect match — the beauty of wood backed by the brawn of fiber cement.

ROUGHSAWN



ESPRESSO



TOBACCO



SMOKE

ROUGHSAWN SPECS	AWP 3030
DIMENSIONS (ACTUAL MM)	17-7/8" H x 119-5/16" L (455MM H x 3030MM L)
THICKNESS (ACTUAL MM)	5/8" (16MM)
WEIGHT (LBS. PER PANEL)	57.3
WEIGHT (LBS. PER SQ. FT.)	3.8
EXPOSED COVERAGE (SQ. FT. PER PANEL)	14.81 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [29.62 SQ. FT.]

 AWP 3030 CAN BE INSTALLED HORIZONTALLY OR VERTICALLY.



ROUGHSAWN Tobacco

RIFTSAWN



PECAN



CHESTNUT

RIFTSAWN SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	3/4" (18MM)
WEIGHT (LBS. PER PANEL)	41.6
WEIGHT (LBS. PER SQ. FT.)	4.7
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]

 AWP 1818 CAN ONLY BE INSTALLED HORIZONTALLY.



RIFTSAWN Pecan | TUFFBLOCK Steel



THE CONCRETE SERIES

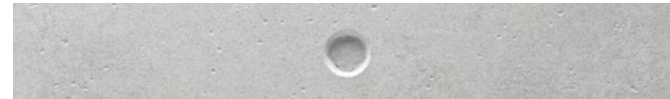
Taking concrete to unexpected places.

Designed to mimic the natural textures of concrete, our light-weight panels offer distinct facades to fit your creative vision, without the curing time, cracking or color inconsistency associated with real concrete.

IndustrialBlock offers a distressed look, while EmpireBlock features a unique dimple that ups the industrial chic, and Corbosa evokes the look of wet concrete.

Our AWP3030 panels — IndustrialBlock and EmpireBlock — can be installed vertically and horizontally, covering approximately 15 square feet per panel, and have the durability you’ve come to expect from Nichiha. Corbosa can only be installed horizontally.

EMPIREBLOCK



EMPIREBLOCK SPECS & INDUSTRIALBLOCK SPECS

DIMENSIONS (ACTUAL MM)

THICKNESS (ACTUAL MM)

WEIGHT (LBS. PER PANEL)

WEIGHT (LBS. PER SQ. FT.)

EXPOSED COVERAGE (SQ. FT. PER PANEL)

PACKAGING (PIECES PER PACK)

INDUSTRIALBLOCK



AWP 3030

17-7/8" H x 119-5/16" L
(455MM H x 3030MM L)

5/8" (16MM)

57.3

3.8

14.81 SQ. FT.

2 [29.62 SQ. FT.]

 AWP 3030 CAN BE INSTALLED HORIZONTALLY OR VERTICALLY.

CORBOSA - AVAILABLE SPRING 2022



MOONDUST



SHADOW

CORBOSA SPECS

AWP 1818

DIMENSIONS (ACTUAL MM)

17-7/8" H x 71-9/16" L
(455MM H x 1818MM L)

THICKNESS (ACTUAL MM)

5/8" (16MM)

WEIGHT (LBS. PER PANEL)

40

WEIGHT (LBS. PER SQ. FT.)

4.5

EXPOSED COVERAGE (SQ. FT. PER PANEL)

8.88 SQ. FT.

PACKAGING (PIECES PER PACK)

2 [17.76 SQ. FT.]

 AWP 1818 CAN ONLY BE INSTALLED HORIZONTALLY.



EMPIREBLOCK



INDUSTRIALBLOCK | ILLUMINATION Custom Color

THE BRICK SERIES

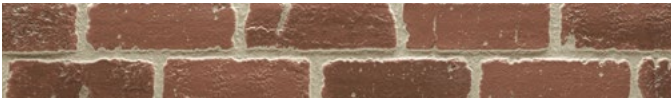


PLYMOUTHBRICK | ARCHITECTURALBLOCK Gray

Get a timeless brick finish without the traditional hassle.

The slight variations in color, the stately good looks, the grout lines — it’s all there in the Nichiha Brick Series. Thanks to a proprietary multi-layered coating process, the beauty of brick is built to last in these fiber cement panels. With five finishes, you have the freedom to create the brick building of your choice without the extra cost or hassle.

VINTAGEBRICK™



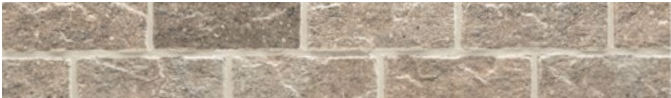
ALEXANDRIA BUFF



WHITE WASH

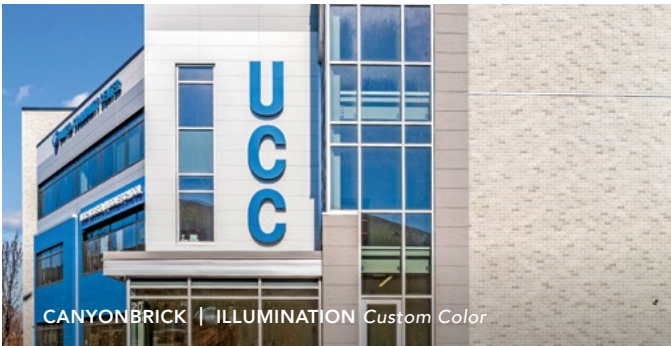
VINTAGEBRICK SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455 MM H x 1818 MM L)
THICKNESS (ACTUAL MM)	3/4" (18 MM)
WEIGHT (LBS. PER PANEL)	39.6
WEIGHT (LBS. PER SQ. FT.)	4.4
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]

CANYONBRICK™



SHALE BROWN

CANYONBRICK SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455 MM H x 1818 MM L)
THICKNESS (ACTUAL MM)	5/8" (16 MM)
WEIGHT (LBS. PER PANEL)	35.2
WEIGHT (LBS. PER SQ. FT.)	3.9
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]



CANYONBRICK | ILLUMINATION Custom Color

PLYMOUTHBRICK™



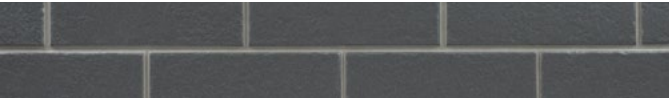
CRIMSON



Get the classic look of kiln-fired brick with the modern strength of PlymouthBrick panels.

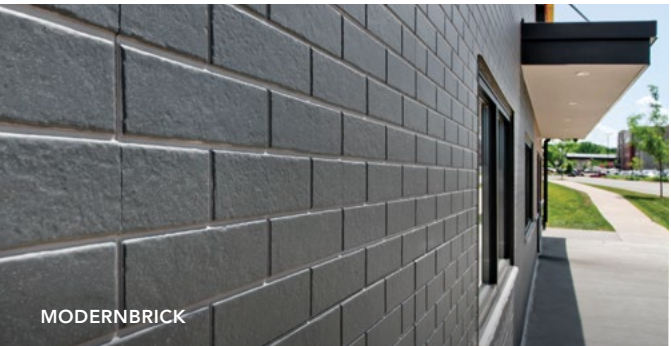
PLYMOUTHBRICK SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455 MM H x 1818 MM L)
THICKNESS (ACTUAL MM)	5/8" (16 MM)
WEIGHT (LBS. PER PANEL)	35.2
WEIGHT (LBS. PER SQ. FT.)	3.9
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]

MODERNBRICK™



MIDNIGHT

MODERNBRICK SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455 MM H x 1818 MM L)
THICKNESS (ACTUAL MM)	5/8" (16 MM)
WEIGHT (LBS. PER PANEL)	36.6
WEIGHT (LBS. PER SQ. FT.)	4.1
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]



MODERNBRICK



SANDSTONE Desert Beige

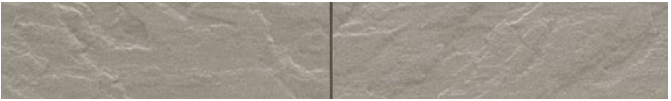
THE MASONRY SERIES

Get the beauty of stone for a fraction of the price.

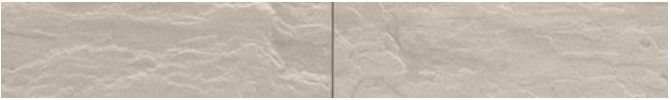
Nichiha's Masonry Series makes grandeur attainable for every situation. Offering a distinct finish, this series of stone panels is as elegant as it is affordable.

With its subtle color and deep texture, our SandStone™ captures the look of limestone and adds a traditional design aesthetic to any commercial building. Covering approximately 9 square feet per panel, this finish goes up in a fraction of the time required by a crew of masonry contractors. Plus, with three color options, you have even more possibilities for customization — all backed by the power of fiber cement.

SANDSTONE



AUTUMN BROWN



DESERT BEIGE



GENTLE GRAY

SANDSTONE SPECS	AWP 1818
DIMENSIONS (ACTUAL MM)	17-7/8" H x 71-9/16" L (455MM H x 1818MM L)
THICKNESS (ACTUAL MM)	3/4" (18MM)
WEIGHT (LBS. PER PANEL)	39.68
WEIGHT (LBS. PER SQ. FT.)	4.41
EXPOSED COVERAGE (SQ. FT. PER PANEL)	8.88 SQ. FT.
PACKAGING (PIECES PER PACK)	2 [17.76 SQ. FT.]

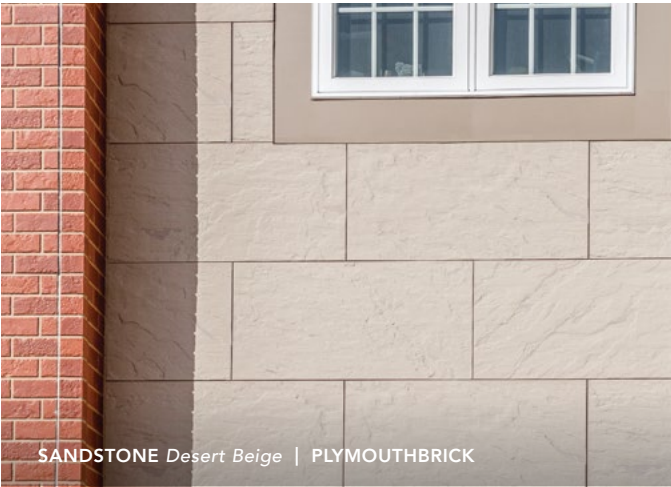


NO MORTAR, NO MESS

Prefinished panels eliminate the need for messy mortar or costly masonry-skilled labor, while still providing a textured finish and enduring design aesthetic.



SANDSTONE Gentle Gray



SANDSTONE Desert Beige | PLYMOUTHBRICK

ESSENTIAL FLASHING

Create a clean, polished look for your building with the highest level of precision.

COMPRESSION JOINT FLASHING (10')

Used in conjunction with Ultimate Horizontal/Vertical Starter Tracks at floor joists in buildings that require compression joints. Can be painted or powder coated to match panels.

THICKNESS	10MM
PACKAGING (LN. FT. PER TUBE)	50

OVERHANG FLASHING (10') - JOH7288

Used at the base of overhangs, bump-outs or porte-cochères.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	40

OVERHANG FLASHING INSIDE CORNER - JOH7288D

Used in conjunction with Overhang Flashing at inside corners.

THICKNESS	10MM
PACKAGING (PCS PER PACK)	2

OVERHANG FLASHING OUTSIDE CORNER - JOH7288B

Used in conjunction with Overhang Flashing at outside corners.

THICKNESS	10MM
PACKAGING (PCS PER PACK)	2

OVERHANG FLASHING CLIP - JOH7288S

Placed at seams where Overhang Flashing and corners meet.

THICKNESS	10MM
PACKAGING (PCS PER PACK)	1

STARTER FLASHING (10') - FTD4788

Used in conjunction with the Ultimate Horizontal/Vertical Starter Tracks at the bottom of a building.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	50

STARTER FLASHING OUTSIDE CORNER - FTD4788B

Used in conjunction with Starter Flashing at outside corners.

THICKNESS	10MM
PACKAGING (PCS PER PACK)	4

STARTER FLASHING INSIDE CORNER - FTD4788D

Used in conjunction with Starter Flashing at inside corners.

THICKNESS	10MM
PACKAGING (PCS PER PACK)	4

NOTES: EACH COMPONENT OF ESSENTIAL FLASHING IS SOLD SEPARATELY; STARTER AND OVERHANG FLASHING IS AVAILABLE IN BLACK ONLY.

Nichiha takes accessory protection to the next level with a **removable film layer**. Once installed, simply peel off the film to reveal blemish-free fixtures.

Our starter flashing serves a dual role — ensuring your project is polished to perfection and operating as a bug screen to keep annoying pests away.

INSTALLATION HARDWARE

Easily take your vision from the drawing board to reality.



ULTIMATE CLIP II WITH JOINT TAB ATTACHMENT - JEL778* & JEL788**

Creates a hidden fastening system that all but eliminates face fastening. The joint tab helps support panel lateral stability.

THICKNESS	10MM
PACKAGING (PCS PER BOX)	30



ULTIMATE HORIZONTAL STARTER TRACK (10') - FA700

Ensures a fast, level installation. Its patented drainage channel directs water out and away from the base of the wall.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	100



ULTIMATE VERTICAL STARTER TRACK (10') - FA710T

Ensures a fast, level installation with 3030 panels. Its patented drainage channel directs water out and away from the base of the wall.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	100



SINGLE FLANGE SEALANT BACKER (6.5') - FHK1015R

Used for vertical jambs at doors and windows and at inside corners of the building.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	65



DOUBLE FLANGE SEALANT BACKER (10') - FH1015R

Used for vertical expansion joints. Placed at the end of each 3030 panel, and every 30' with 1818 panels and with the preformed outside corner.

THICKNESS	10MM
PACKAGING (LN. FT. PER BOX)	100



CORRUGATED SHIM (4') - FS1005 & FS1010

Used for face fastening where required (top of building, doors, windows, etc.)

THICKNESS (FS1005)	5MM
THICKNESS (FS1010)	10MM
PACKAGING (LN. FT. PER BOX)	200



CORNER CLIP - JE777C* & JE787C**

Corner clip for the preformed Nichiha fiber cement corners.

THICKNESS	10MM
PACKAGING (PCS PER BOX)	6



CORNERS

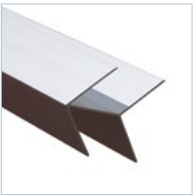
Prefinished corners are used in conjunction with horizontal panel installation.

17 7/8"H x 3-1/2" [face]
1818MM H x 88.9MM [face]

*JEL778 and JE777C are compatible with all panels except SandStone and VintageBrick.
**JEL788 and JE787C are compatible with SandStone and VintageBrick only.

METAL TRIM

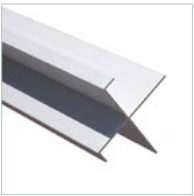
With our customized metal trim, your project practically finishes itself.



CORNER KEY

Extrusion used at outside corners instead of a preformed corner. A vertical expansion joint is required 2' to 10' from the corner when using this corner.

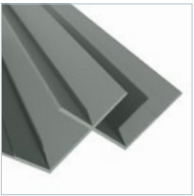
DIMENSIONS (NOM. FT. ~ ACTUAL MM)	3" x 10' (76.2MM x 3030MM)
PACKAGING (LN. FT. PER TUBE)	50



OPEN OUTSIDE CORNER

Extrusion used at outside corners instead of a preformed corner. A vertical expansion joint is required 2' to 12' from the corner when using this corner.

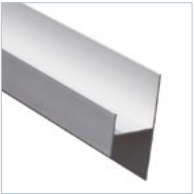
DIMENSIONS (NOM. FT. ~ ACTUAL MM)	2.96" x 10' (75MM x 3030MM)
PACKAGING (LN. FT. PER TUBE)	50



INSIDE CORNER

Used where two Nichiha panels meets in an inside corner; alternative to Single Flange Sealant backer with sealant.

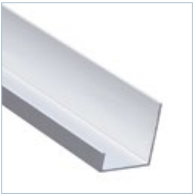
DIMENSIONS (NOM. FT. ~ ACTUAL MM)	3.4" x 10' (86.4MM x 3030MM)
PACKAGING (LN. FT. PER TUBE)	50



H-MOLD

Can be used at the end of 3030 panels instead of the Double Flange Sealant Backer, but not at the preformed outside corners.

DIMENSIONS (NOM. FT. ~ ACTUAL MM)	2" x 10' (50.8MM x 3030MM)
PACKAGING (LN. FT. PER TUBE)	50



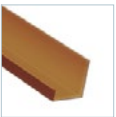
J-MOLD

Can be used instead of Single Flange Sealant Backer at vertical jambs for doors and windows, but not at the inside corners of the building.

DIMENSIONS (NOM. FT. ~ ACTUAL MM)	0.375" x 10' (9.5MM x 3030MM)
PACKAGING (LN. FT. PER TUBE)	50

Our trim gives you options

All of our metal trim is available in four finishes: primed, clear anodized, powder coated, or custom color. For pricing and lead times, view our Price Catalog at nichiha.com/price-catalog.



For popular panels like VintageWood, we've made ordering easier by color matching all of our trim profiles to have in stock for fast delivery.



Thanks to our Color Xpressions system, Nichiha can customize trim to match any color you use on custom color panels.



Behind our Architectural Wall Panels is SOME SERIOUS TECHNOLOGY.

EASY INSTALLATION

Time-saving clip installation system that reduces construction time and minimizes mistakes.

NO MORTAR, NO MESS

Prefinished panels eliminate the need for messy mortar or costly masonry-skilled labor.

ANY WEATHER PRODUCT

Products can be installed year round in any climate across the country. No geographical restrictions means more possibilities.

LOW MAINTENANCE

No-fuss products. Little ongoing cleaning or regular maintenance needed. Bring your vision to life and ensure it looks great for years to come.

ENGINEERED FOR PERFORMANCE

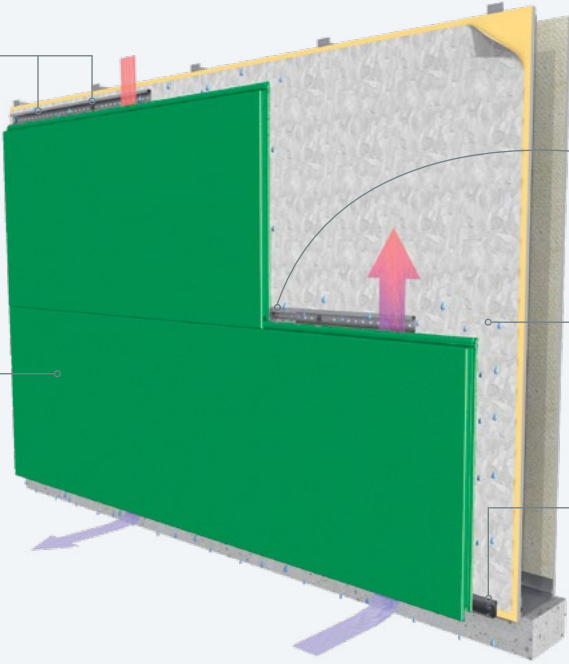
Go beyond our durable panels and discover a meticulously engineered moisture management system that provides a vertical drainage point for air and moisture to exit.

THE ULTIMATE CLIP

creates a hidden fastening system that all but eliminates face fastening. Installation is quick and easy and never requires specialty subcontractors.

NICHIHA ARCHITECTURAL WALL PANELS

are lightweight, easy to handle and available in a virtually endless color palette and a diverse offering of textural finishes.



NICHIHA'S JOINT TAB ATTACHMENT is designed to support panel lateral stability, helping vertical joints stay tightly closed. The tab fits in place easily and is fastened to the Ultimate Clip with provided screw.

DRAINED AND BACK-VENTILATED RAINSCREEN design allows water to escape and air to circulate, reducing the risk of mold and water damage inside the building.

THE ULTIMATE STARTER TRACK pulls double-duty. It ensures a fast, level installation, and its patented drainage channel directs water out and away from the base of the wall.

Never underestimate the power of REALLY GOOD TOOLS.

Whether you are an architect, contractor, installer or builder, Nichiha ensures that you have all the information you need to make your project go as smoothly as possible. The way we see it, we are partners. Our website offers a comprehensive collection of technical information, installation videos, architectural details, in-depth specifications and everything you'll ever need to know about installing Nichiha products.



DESIGN REVIEW GUIDE

Download our quick reference guide to get an overview on our Architectural Wall Panels.
nichiha.com/docs/nichiha-design-review-guide.pdf



INSTALL DOCUMENTATION

Take an even deeper dive and download our in-depth installation guides.
nichiha.com/resource-center/install-support



INSTALL VIDEOS

Watch our installation instructions come to life — check out our installation videos today!
nichiha.com/resource-center/install-support



SUPPORT

Our in-house technical team is here to assist. If you have questions, comments or concerns, call or email us.

1.866.424.4421 or technicalservices@nichiha.com

THE POWER OF POSSIBILITIES

At Nichiha USA we value genuine relationships, bold ideas and a willingness to evolve into a better version of ourselves as we create better spaces for all to enjoy. Our visually stunning, high-performing building materials and incomparable service to our partners may set us apart, but we are proud to be a part of a global, vibrant building community.

Nichiha USA is a subsidiary of Nichiha Corporation. Founded in Japan in 1956, Nichiha now has over 2800 employees in 13 locations worldwide. As we continue to grow, we keep our overarching goal in mind: Building a Better Human Environment. Learn more about our global presence at: nichiha.co.jp/global.

NICHIHA WARRANTIES

- ARCHITECTURAL WALL PANELS
15-year limited warranty* on panels
15-year limited warranty* on finish
- METAL TRIM
TAMLYN warrants defective-free products for a period of 10 years for the original purchaser. Please visit tamlyn.com for detailed information on terms, conditions and limitations.

*See Nichiha warranties for detailed information on terms, conditions and limitations. Visit nichiha.com for easy downloadable warranties or call toll-free 1.866.424.4421 for a copy.

Nichiha MSDS is available at nichiha.com, at your local Nichiha dealer or call Nichiha direct, toll-free 1.866.424.4421.

CERTIFICATION & TESTING



CCRR-0299



Report
No. EC-58



Canada CCMC
14366-R



Report
No. FL12875
No. FL12812



NOA 21-0312.11



WUI 8140-2029



RR 26081



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ARCHITECTURALBLOCK, CANYONBRICK, EMPIREBLOCK, ILLUMINATION, INDUSTRIALBLOCK, KURASTONE, PLYMOUTHBRICK, MIRAI, RIBBED, ROUGHSAWN, SANDSTONE, TUFFBLOCK, THE POWER OF POSSIBILITIES, VINTAGEBRICK and VINTAGEWOOD are trademarks of Nichiha USA, Inc.

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ISSUES RAISED REGARDING THE iBEACH31 AT GRAND PARK PUD PROPOSAL

The list below includes issues that were raised during the May 4, 2022, Plan Commission public hearing and in written comments submitted prior to and since the public hearing, as compiled by the Community Development Department. Duplicate or similar issues have been consolidated and simplified for purposes of this list.

1. How can the illustrative plan be revised to better represent the actual conditions of the proposed site plan, including landscaping, architecture, and number of parking spaces?

New landscape plan has been submitted incorporating required parking spaces

2. What additional details can be provided in regards to the intended architecture of the building? What materials will be used on the building facades?

Our team is working on preparation of building elevations and anticipate having those for review at the July 5th meeting of the Advisory Plan Commission

3. How is the proposed roof the appropriate choice for this use?
 - a. How energy efficient is the proposed roofing material?
 - b. What information can be provided regarding the maintenance of the roof, including cleaning?

See separate attached response letter

4. Why were the specific landscaping modifications made? How can landscaping be more concentrated at 181st Street?

New landscape plan submitted.

Beach 31 Project

Response to Questions from Mr. Maue

Good afternoon, thank you for circling back on this.

I had expressed concern that the white roof may not stay as clean as the manufacturer claims, based on roof I've seen and discussed with architects. This include the Indianapolis Airport, though last I heard the manufacturer blames that on jet fuel. Since it's a pitched roof and will be visible, they probably should take this into consideration when selecting the color.

Response. Two factors that are typical to the appearance in membrane applications include the specification characteristics of the product used, and to a lesser degree, the surrounding environmental conditions. Where an architectural membrane is in place (like what is being proposed for Beach 31), a top coat (acrylic, pvdf) provides the surface layer for any dirt sits, and is washed away by mother nature.

To the comment on the Indy airport. There are dozens of such structures at most major airports, including long term examples in Boston, Atlanta, Los Angeles, and Dallas, who have similar air quality and contaminants. Interestingly, none of those building use a white membrane for the tension structure category.

On the tensile category, including Denver, Atlanta, and Indy, white is the primary choice. With tensile, aesthetics with the architectural flare encompassing node points, patterning, and radius of curvature, the probability of a build up of dirt is increased.

The concern over the roof color choice is certainly reasonable, and in the case of the Beach 31 project, we recommend a PVC membrane color choice that could be tan, a light grey, or other, more responsive to the long term performance.

In considering the life cycle of a structure, and the maintenance. A small number of owners report a power wash to the building, every 5 years. In most cases, the vertical sides of the building, not the roof. A small number, also say they have never power washed the exterior.

Also, I commented that I don't know how they can pass the energy code, even for a semi-conditioned space. A 'fabric' can be good with respect to reflectance and relatively tight seal, but there are also code requirements for R-value.

Response. The Beach 31 project includes certified insulation coverage for the roof, sidewalls, and gables, per code. It involves a separate application not related to the

exterior pvc membrane, and is installed within the cavity between the upper and lower truss steel frame. To the tension structure category, it has similar performance to the industry know systems that include simple saver, pro liner, etc.

I'm warming to the possibility of allowing a fabric roof for this particular use/structure/location. But it was unclear whether the intent was to use that same material on the gable ends. This material would not be acceptable on the vertical surfaces in my opinion. (This also seemed to be the general consensus among the rest of the APC.)

Response. The PVC application is for the roof only. All of the verticals, sidewalls, and gable ends can utilize steel sidewalls, dense wall sheathing, and other architectural applications. To date, we have focused on the primary entrance side of the structure for such upgrades, while staying budget friendly.

That's what I recall from this particular discussion.

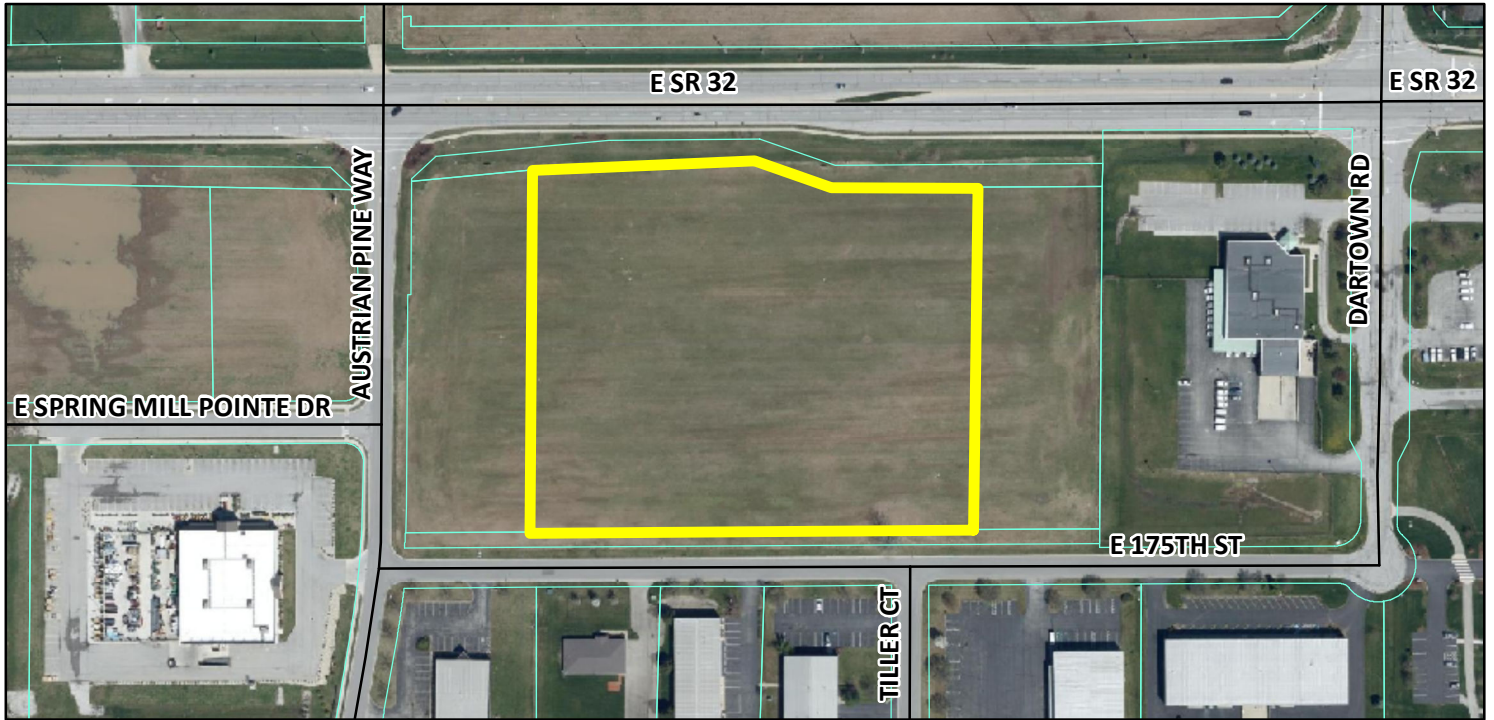
Have a GREAT weekend!

Andre Maue
K9EAT
(317)696-4703

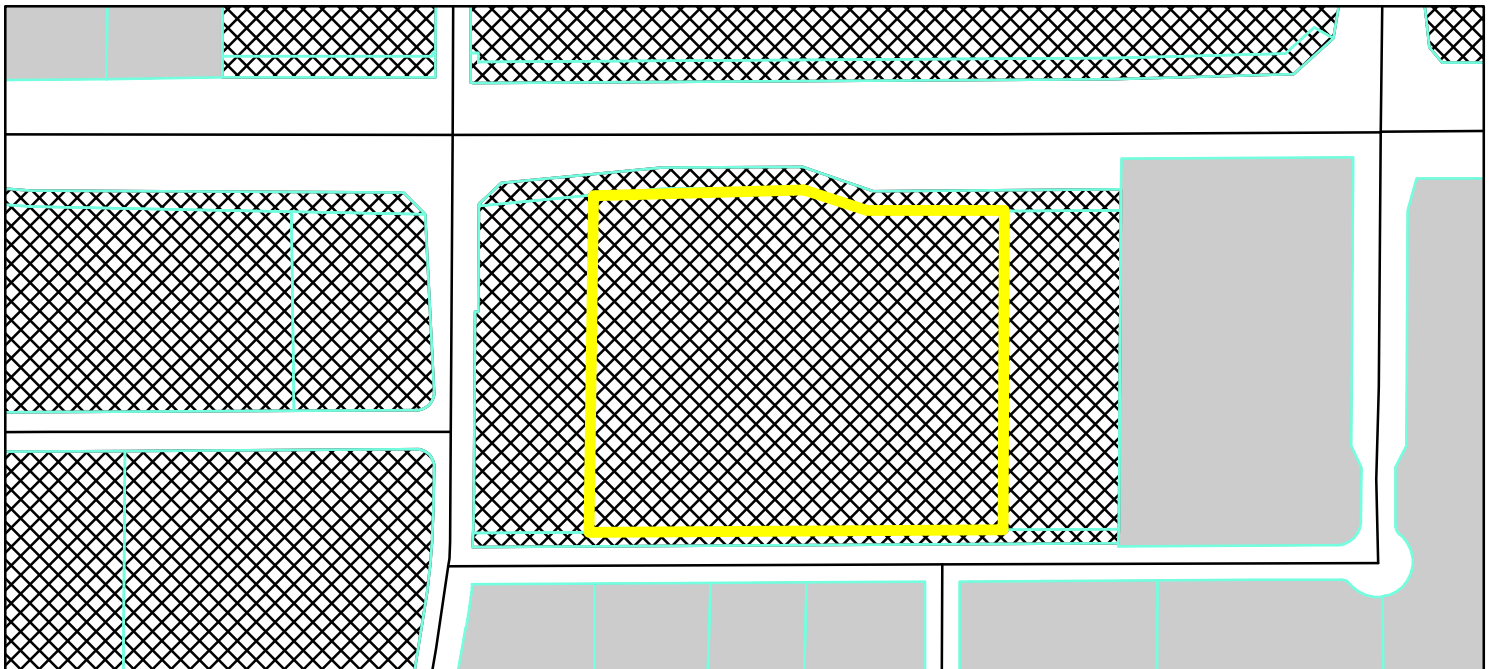
Lot 3, Austrian Pine PUD

Aerial Location Map

 Site



Zoning Map



 GIS.DBO.PW_Streets
 Parcel
 Parcel
Zoning - All
 EI (Enclosed Industrial)
 PUD (Planned Unit Development)

0 0.025 0.05
Miles



NARRATIVE
Austrian Pine PUD Ordinance Text Amendment

OrthoIndy is developing several buildings on a 6.38-acre parcel, Lot 3 in Austrian Pine PUD, with addresses of 222, 246 and 288 East 175th Street. The initial phase is an orthopedic clinic (east building), and the second phase is an orthopedic surgery center (middle building). A third phase will be a medical office building (west building).

A setback requirement in Section 9.2 of the PUD is that a minimum of 2 buildings...shall exceed the Maximum Setback (120 feet as per UDO Article 5.3(G)) to provide for staggered building setbacks. At this time, three of five buildings have been constructed in the PUD. Section 9.2 would require that the final two buildings (the surgical center and the medical office building) be setback more than 120 feet from SR 32. This is problematic for the practical, cohesive and aesthetic development of OrthoIndy's trio of buildings. The clinic and the surgery center will function independently from a patient's perspective yet interdependently for the doctors as they necessarily and seamlessly move between the clinic and the surgery center. It is important that these two phases align more than a 120-foot setback will allow if the surgery center is required to meet that setback. Requiring the last two buildings to setback more than 120 feet from SR 32 would result in a less-aesthetic gap-tooth appearance to passersby on SR 32. Another factor that must be considered is that, as the PUD buildings/sites have developed, all of the storm water basins have been located along the south edge of the parcel making site design a challenge under the 120-foot setback requirement.

The goal of the PUD setback requirement in Section 9.2 is "to provide for staggered building setbacks". When the PUD was adopted, Westfield did not want to see a soldier row of building facades along the SR 32 corridor, hence the reason for the current language. As the PUD is developing, the staggering of buildings fronting on SR 32 is happening naturally, being impacted by the consistent location of the storm water basins along the south line and a north line that, itself, is not straight. OrthoIndy would like to revise the PUD language of Section 9.2 in order to remove the mandate that at least two buildings exceed the 120-foot maximum setback, while retaining the stated goal of staggering the buildings. This is the question for consideration.

ORDINANCE NUMBER 22-34

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

This is a Planned Unit Development District Ordinance (to be known as the "AUSTRIAN PINE PUD DISTRICT AMENDMENT 1") to amend the Unified Development Ordinance of the City of Westfield and the Township of Washington, 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, Indiana Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance 19-12, Austrian Pine Planned Unit Development Ordinance on June 10, 2019;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 2209-PUD-18**), requesting an amendment to the Unified Development Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission did take action to forward **Petition No. 2209-PUD-18** to the Common Council with a _____ recommendation (___ Aye, ___ Nay ___ Abstain) in accordance with Indiana Code§ 36-7-4-607, 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 _____;

WHEREAS, the Common Council is subject to the provisions of Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance is hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1** All provisions and representations of the Unified Development Ordinance and Austrian Pine PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the provisions of the Austrian Pine PUD Ordinance and its Exhibits, and (iii) the provisions of the Unified Development Ordinance (the "UDO"), as amended by the Austrian Pine PUD Ordinance, except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance or the Austrian Pine PUD Ordinance, as amended.
- 1.3 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. **Overlay Districts.** The Overlay District Regulations, Section 9.2 of the Austrian Pine PUD Ordinance shall be deleted and replaced in its entirety by the following:

- 2.1 Article 5.3(G) Setback Requirements: Shall apply except as modified below:
- A. A Maximum of two (2) buildings may exceed the Maximum Setback.
 - B. No two adjacent buildings shall be constructed at the same distance from the centerline of SR 32 in order to provide for staggered building setbacks.

Section 3. **Development Standards.** The Development Standards, Section 10.3 of the Austrian Pine PUD Ordinance, shall be amended by the addition of a new subsection "E" as follows:

- 3.1 Utility and Building Expansion Areas. Landscaping is restricted within drainage and utility courses (whether within or without an easement) that are required the City's Department of Public Works to service all building operations. As a result, if plantings required by this Ordinance are not permitted by the City along or within such Easements, utility service line routes, or building expansion areas, then the required plantings shall be relocated and installed elsewhere on the Real Estate. If the relocation of plantings results in planting congestion or is otherwise contrary to landscaping best management practices, then the Director or Plan Commission may approve a landscape plan with fewer plantings than otherwise required.

[Remainder of page intentionally left blank. Signature page follows.]

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

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Joe Edwards

Joe Edwards

Joe 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

Troy Patton

Troy Patton

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin Buchheit.

I hereby certify that ORDINANCE _____ was delivered to the Mayor of
Westfield on the _____ day of _____, 2022, at _____ M.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance _____
this ____ day of _____, 2022.

I hereby VETO Ordinance _____
this ____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This instrument prepared by:
Kevin Buchheit, Krieg DeVault LLP, 12800 North Meridian Street, Suite 300, Carmel, Indiana 46032. (317) 808-5820.

EXHIBIT "A"
Legal Description

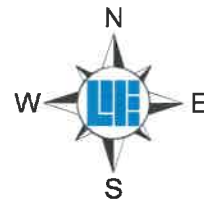
LOT 3 IN THE REPLAT OF LOT 3 IN THE REPLAT OF BLOCK A IN AUSTRIAN PINE PUD SECONDARY PLAT, AS PER PLAT THEREOF, RECORDED OCTOBER 6, 2021 IN PLAT CABINET 6, SLIDE 1168, INSTRUMENT NO. 2021072663 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

LOCATION: H:\2022\W220366\Engineering\design\exhibits\W220366 conceptual layout.dwg
DATE/TIME: June 28, 2022 - 3:55pm
PLOTED BY: wagner



10505 N. College Avenue
Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611

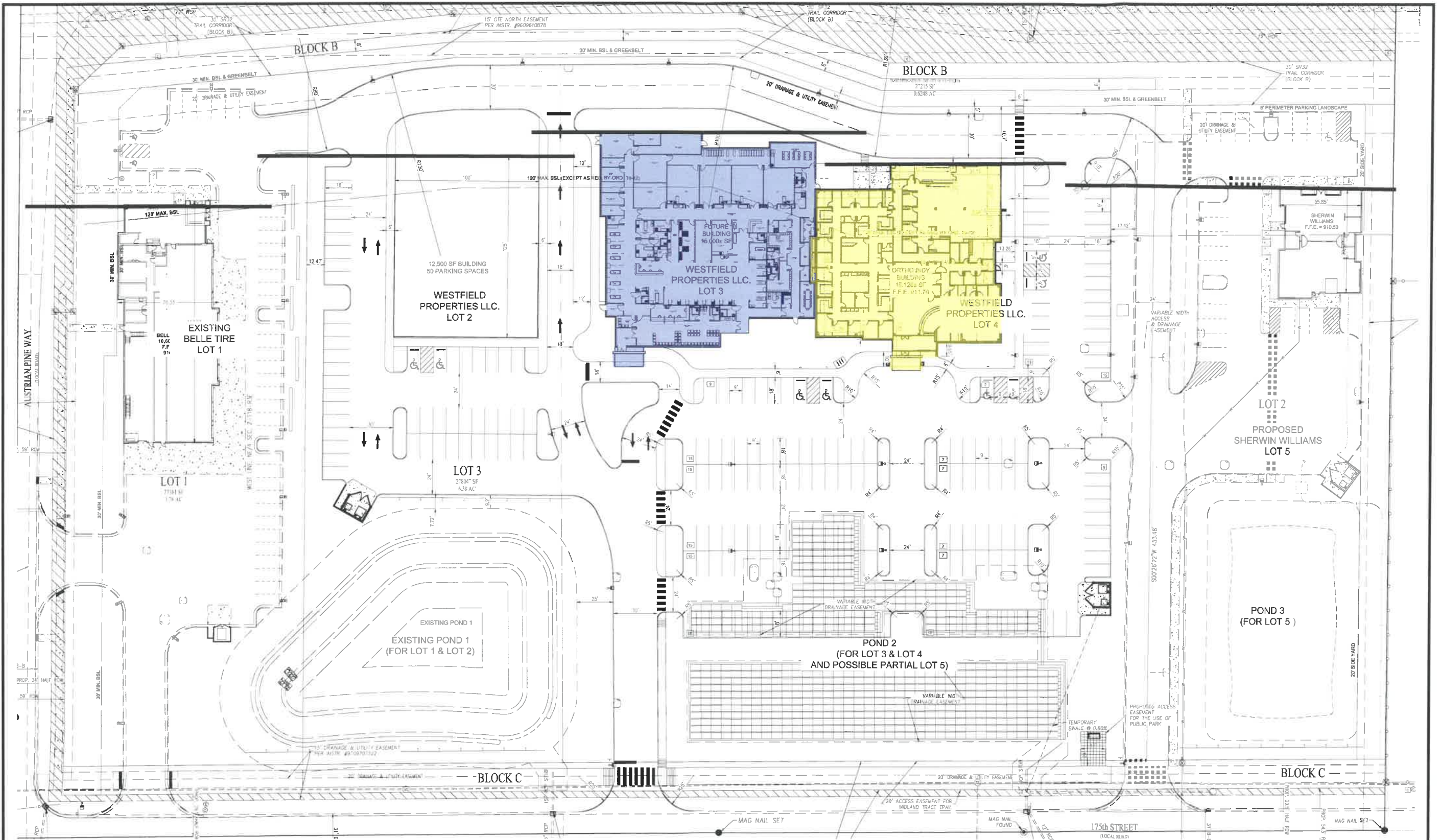
SCALE: 1" = 30'
0 15 30 60



Page 1 of 1

WESTFIELD PROPERTIES LLC. LOT 5 CONCEPT PLAN

Date: 06/28/2022



DRAFT

ORTHOINDY
BONE · JOINT · SPINE · MUSCLE

SCHEMATIC DESIGN

PROJECT
ORTHO INDY / CORNERSTONE
WESTFIELD ASC

LOCATION
WESTFIELD, IN

TEAM
arcDESIGN

DATE
JULY 18, 2022

WESTFIELD ASC EXTERIOR DESIGN REVIEW

DRAFT



EXTERIOR DESIGN VIEW NO. 1 Northwest corner looking southeast.

WESTIFELD MEDICAL OFFICE BUILDING | ORTHOINDY + CORNERSTONE | aD # 22137 | 07/07/2022

arcDESIGN
architecture + interiors

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EXTERIOR DESIGN VIEW NO. 2

Southwest corner looking northeast.

WESTIFELD MEDICAL OFFICE BUILDING | ORTHOINDY + CORNERSTONE | aD # 22137 | 07/07/2022

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EXTERIOR DESIGN VIEW NO. 3

Southeast corner looking northwest.

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EXTERIOR DESIGN VIEW NO. 4

North side looking south.

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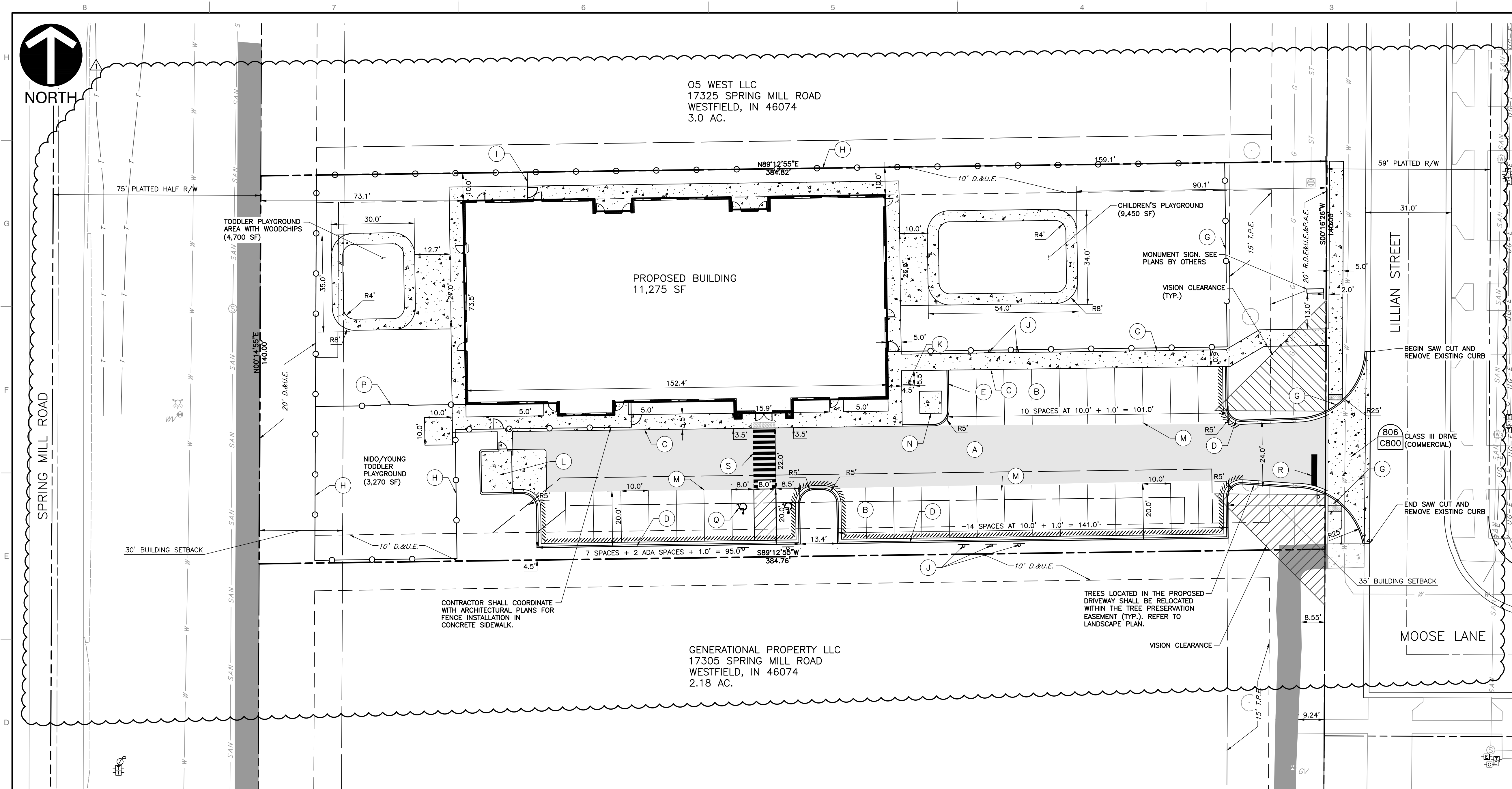
EXTERIOR DESIGN VIEW NO. 5

Northeast corner looking southwest.

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A:\200-2001\2001-4781-C200\DWG\CD04-Final Engineering\320478-C04-C200.dwg(C200) LS/8/1/2022 - mchessner - LP: 8/3/2022 10:32 AM



SITE INFORMATION:

LOT SIZE: 53,870 SQ.FT. (1.24± AC)
IMPERVIOUS SURFACE AREA: 29,200 SQ.FT. (0.67 AC.)
PERVIOUS SURFACE AREA: 24,670 SQ.FT. (0.57 AC.)

BUILDING SIZE: 11,275 SQ.FT.

PARKING SUMMARY:

PEAK DROP OFF/PICK UP: 16% OF STUDENT POPULATION
STUDENT POPULATION: 110 STUDENTS
PEAK VEHICLES AT DROP OFF/PICK UP: 18 VEHICLES
NUMBER OF EMPLOYEES: 12 EMPLOYEES/STAFF

REQUIRED PARKING FOR BUSINESS: 30 SPACES

PROPOSED PARKING: 31 SPACES
ACCESSIBLE PARKING SPACES: 2 SPACES
TOTAL PARKING SPACES: 33 SPACES

REQUIRED BICYCLE PARKING: 1 SPACE PER 15 VEHICLE SPACES
PROVIDED BICYCLE PARKING: 3 SPACES

VEHICULAR AREA: 12,450 SQ. FT.
MIN. 7.5% LANDSCAPE AREA: 934 SQ. FT.
LANDSCAPE AREA PROVIDED: 2,000 SQ. FT.

ZONING: MAPLE KNOLL PUD MIXED USE DISTRICT WITH UNDERLYING ZONING CLASSIFICATION OF SPECIAL BUSINESS (SB) DISTRICT.

SETBACK SUMMARY:

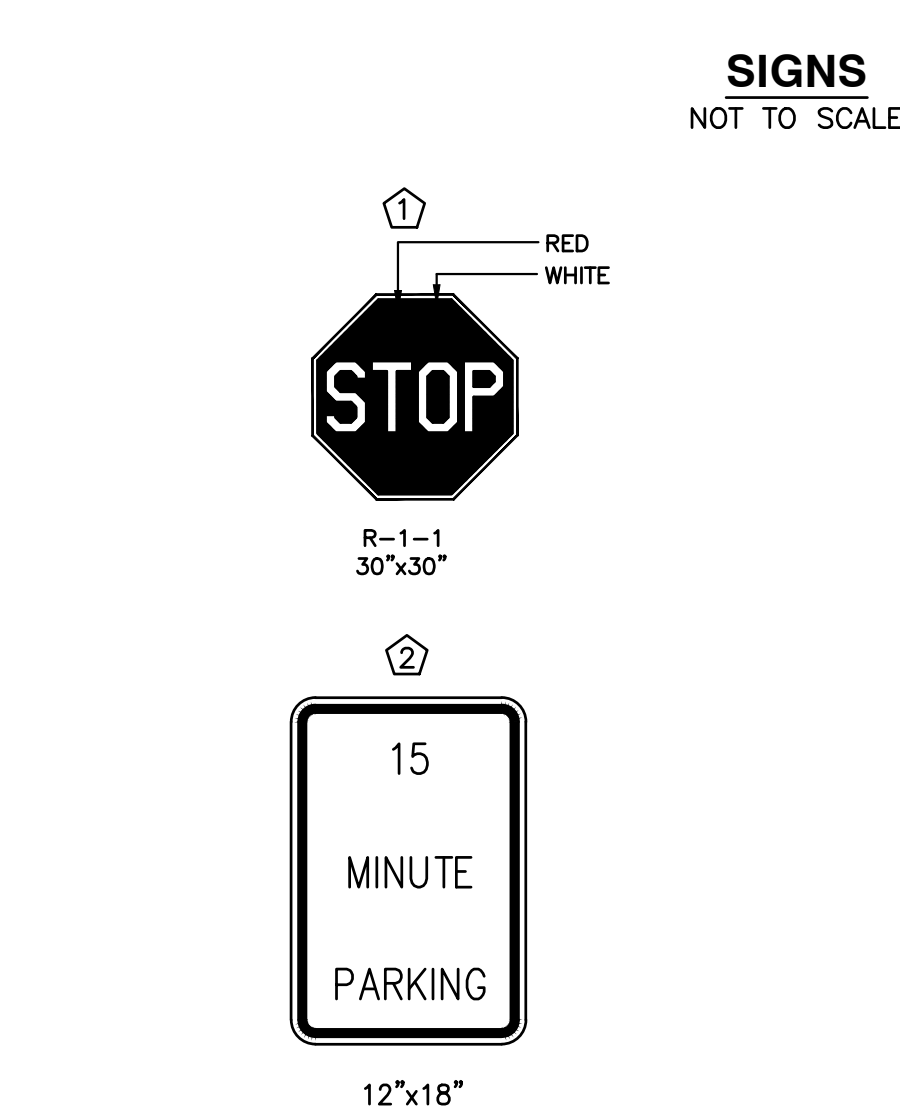
FRONT: 0-80 FEET
REAR: 0 FEET
SIDE: 0 FEET

FEMA FLOODPLAIN

NO FEMA FLOODPLAIN BOUNDARIES EXIST WITHIN 500+ OF THE SITE.

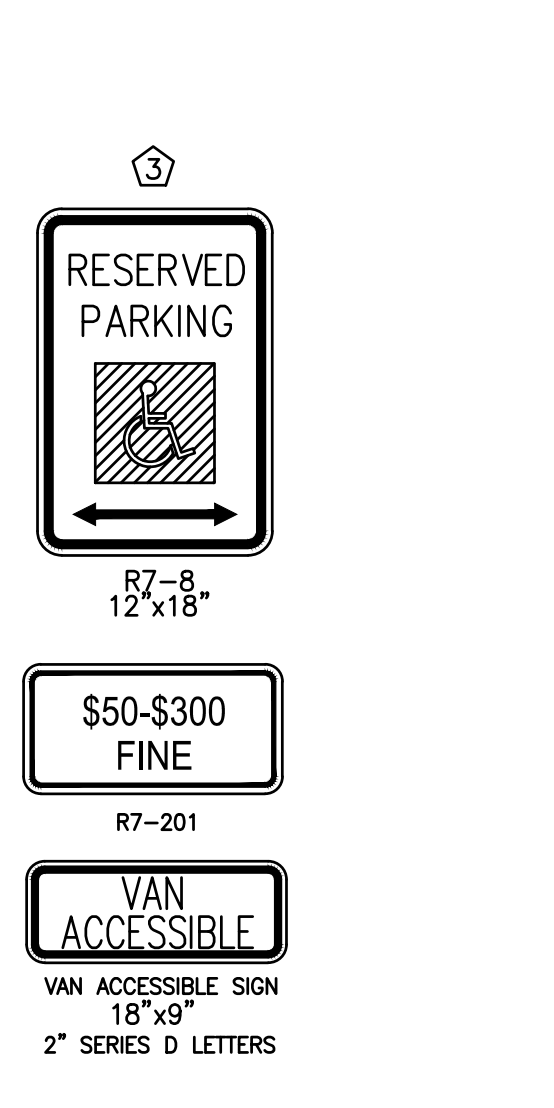
REFERENCES

- EXISTING BOUNDARY AND TOPOGRAPHIC CONDITIONS PREPARED BY STOEPPPELWERTH & ASSOCIATES, INC. AND PROVIDED BY GLOBAL POWER & CONSTRUCTION, FILE NAMES "101053MRE-ALTA-TOPO-TO OTHERS.DWG" AND "102303-ALTA-TOPO-TO OTHERS.DWG", DRAWING RECEIVED ON MAY 25, 2022.
- PROPOSED BUILDING FOOTPRINT PROVIDED BY FITZGERALD ARCHITECTURE PLANNING DESIGN, FILE NAME "22100.00_20220621_XARCH_OUT.DWG" DATED JUNE 23, 2022.



NOTES:

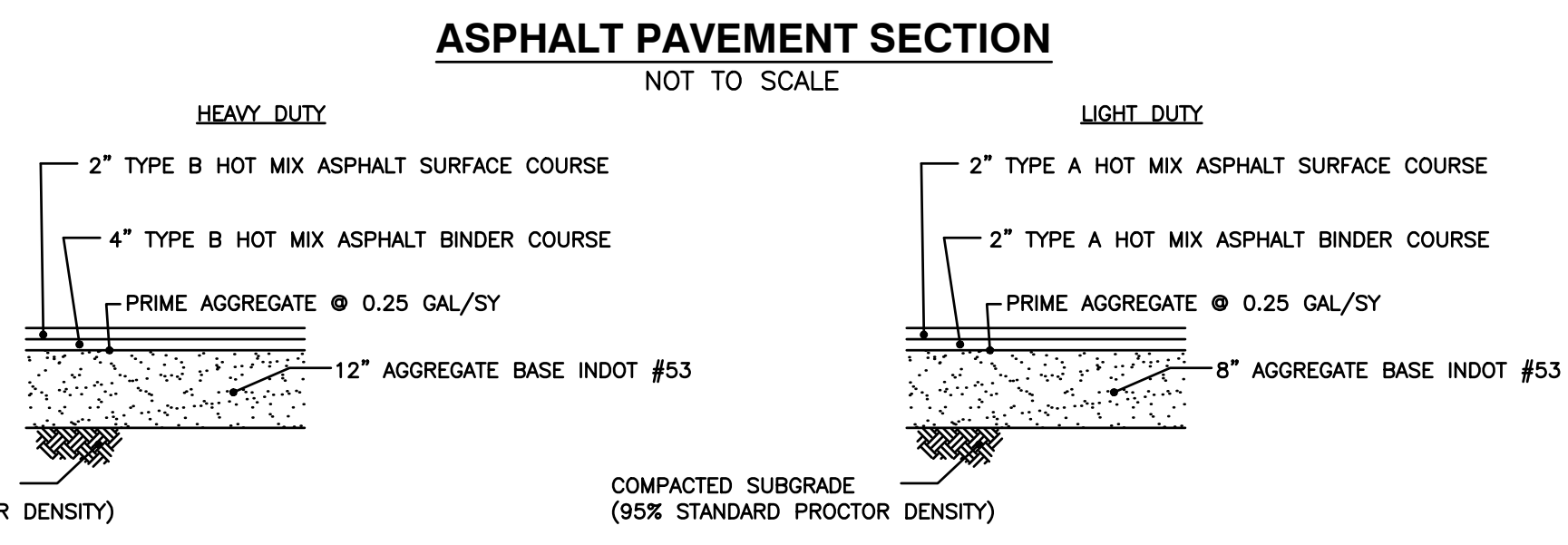
- SET POSTS IN CONCRETE TO A MINIMUM DEPTH OF 36". SIGN PANELS SHALL BE 0.100 ALUMINUM WITH RAISED OR SILKSCREEN COPY.
- FOR POST MOUNTING, USE NON-CORROSIVE 3/8" 2. MACHINE BOLTS W/ WASHERS, 2 PER SIGN; OR IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
- FOR WALL MOUNTING, USE NON-CORROSIVE 3/8" LAG BOLTS W/ LEAD EXPANSION SHIELD, 4 PER SIGN.
- ALL TRAFFIC CONTROL SIGNS, SIGN POSTS, AND SIGN HARDWARE SHALL SATISFY THE REQUIREMENTS OF INDOT.
- FINE AMOUNT SHALL BE DISPLAYED IN ACCORDANCE WITH LOCAL LAW. THE AMOUNT SHOWN HEREON IS REPRESENTATIVE ONLY. COORDINATE POSTING OF FINE AMOUNT WITH LOCAL LAW ENFORCEMENT AGENCY.



CONCRETE PAVEMENT
NOT TO SCALE

PROPOSED SITE KEY NOTES

(A) HEAVY DUTY ASPHALT PAVEMENT; SEE THIS SHEET.
(B) LIGHT DUTY ASPHALT PAVEMENT; SEE THIS SHEET.
(C) MONOLITHIC SIDEWALK; SEE DETAIL 803 ON SHEET C800.
(D) CONCRETE CURB & GUTTER - 18" REVERSE; SEE DETAIL 801 ON SHEET C800.
(E) CONCRETE BARRIER CURB; SEE DETAIL 802 ON SHEET C800.
(F) CURB RAMP WITH DETECTABLE WARNING SURFACE; SEE DETAILS 811, 812, AND 813 ON SHEET C800.
(G) 6" ALUMINUM FENCE. REFER TO ARCHITECTURAL PLANS.
(H) 4" PVC FENCE. REFER TO ARCHITECTURAL PLANS.
(I) 15 MINUTE PARKING ONLY SIGN.
(J) BIKE RACK; SEE DETAIL 810 ON SHEET C800.
(K) DUMPSTER ENCLOSURE. REFER TO ARCHITECTURAL PLANS.
(L) 4" WIDE PAINTED PARKING SPACE STRIPE, COLOR WHITE.
(M) TRANSFORMER PAD. SEE SHEET C500 FOR MORE INFORMATION.
(N) 10' WIDE SLIDING GATE. REFER TO ARCHITECTURAL PLANS.
(O) ADA PARKING SPACE AND SIGN. SEE DETAILS 814, 815, AND 816 ON SHEET C801
(P) STOP BAR. SEE DETAIL 808 ON SHEET C800.
(Q) CROSSWALK AND PAVEMENT STRIPING. SEE DETAIL 809 ON SHEET C800.

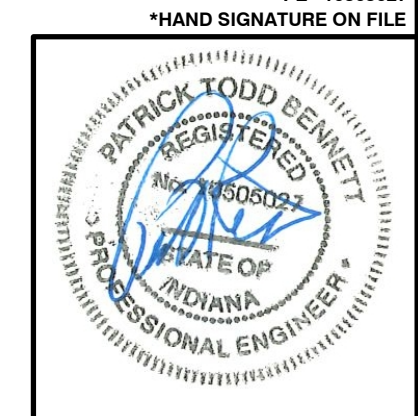
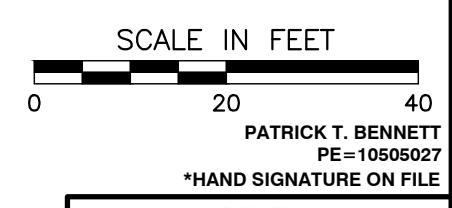
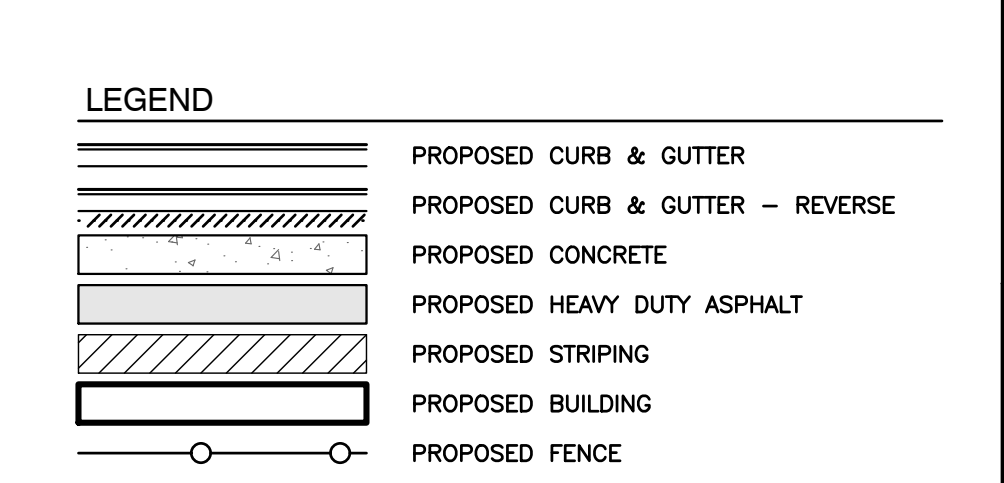


GENERAL SITE NOTES:

- EXISTING CONDITIONS AS DEPICTED ON THESE PLANS ARE GENERAL AND ILLUSTRATIVE IN NATURE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO EXAMINE THE SITE AND BE FAMILIAR WITH EXISTING CONDITIONS PRIOR TO BIDDING ON THIS PROJECT. IF CONDITIONS ENCOUNTERED DURING EXAMINATION ARE SIGNIFICANTLY DIFFERENT THAN THOSE SHOWN, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
- THE CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR COMPLYING WITH APPLICABLE FEDERAL, STATE AND LOCAL REQUIREMENTS, TOGETHER WITH EXERCISING PRECAUTIONS AT ALL TIMES FOR THE PROTECTION OF PERSONS (INCLUDING EMPLOYEES) AND PROPERTY. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTORS TO INITIATE, MAINTAIN AND SUPERVISE ALL SAFETY REQUIREMENTS, PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
- THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE OWNER AND OWNER'S REPRESENTATIVE FOR ANY AND ALL INJURIES AND/OR DAMAGES TO PERSONNEL, EQUIPMENT AND/OR EXISTING FACILITIES OCCURRING IN THE COURSE OF THE DEMOLITION AND CONSTRUCTION DESCRIBED IN THE PLANS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL CODES, OBTAIN ALL APPLICABLE PERMITS, AND PAY ALL REQUIRED FEES PRIOR TO BEGINNING WORK.
- ALL WORK PERFORMED BY THE CONTRACTOR SHALL CONFORM TO THE LATEST REGULATIONS OF THE AMERICANS WITH DISABILITIES ACT.
- CONTRACTOR SHALL REFER TO OTHER PLANS WITHIN THIS CONSTRUCTION SET FOR OTHER PERTINENT INFORMATION. IT IS NOT THE ENGINEER'S INTENT THAT ANY SINGLE PLAN SHEET IN THIS SET OF DOCUMENTS FULLY DEPICT ALL WORK ASSOCIATED WITH THE PROJECT.

GENERAL SITE LAYOUT NOTES:

- THE CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
- THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES, INCLUDING IRRIGATION LINES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. RELOCATE EXISTING UTILITIES AS INDICATED, OR AS NECESSARY FOR CONSTRUCTION.
- PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. INSTALL ALL UTILITIES, INCLUDING IRRIGATION SLEEVING, PRIOR TO INSTALLATION OF PAVED SURFACES.
- SITE WORK CONCRETE WALKS AND PADS SHALL HAVE A BROOM FINISH TO ALL SURFACES. SITE WORK CONCRETE SHALL BE CLASS A (4,000 PSI @ 28 DAYS) UNLESS OTHERWISE NOTED.
- ALL DAMAGE TO EXISTING PAVEMENT TO REMAIN WHICH RESULTS FROM THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED WITH LIKE MATERIALS AT THE CONTRACTOR'S EXPENSE.
- SITE DIMENSIONS SHOWN ARE FROM THE BACK OF CURB TO BACK OF CURB UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ONE SET OF AS-BUILT / RECORD DRAWINGS ON THE JOB SITE DURING CONSTRUCTION FOR DISTRIBUTION TO THE OWNER AND/OR OWNER'S REPRESENTATIVE UPON COMPLETION.
- REFER TO THE ARCHITECTURAL DRAWINGS FOR EXACT DIMENSIONS AND LOCATIONS OF UTILITY SERVICE ENTRY LOCATIONS AND PRECISE BUILDING DIMENSIONS.
- THIS SITE LAYOUT IS SPECIFIC TO THE APPROVALS NECESSARY FOR THE CONSTRUCTION IN ACCORDANCE WITH THE CITY OF WESTFIELD. NO CHANGES TO THE SITE LAYOUT ARE ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER. CHANGES MADE TO THE SITE LAYOUT WITHOUT APPROVAL IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR. CHANGES INCLUDE BUT ARE NOT LIMITED TO, INCREASED IMPERVIOUS PAVEMENT, ADDITION / DELETION OF PARKING SPACES, MOVEMENT OF CURB LINES, CHANGES TO DRAINAGE STRUCTURES AND PATTERNS, LANDSCAPING, ETC.



REVISION RECORD

NO.	DATE	DESCRIPTION
1	08/03/2022	REVISIONS BASED ON CITY OF WESTFIELD AND IAC REVIEW COMMENTS DATED 07/20/2022 & 07/25/2022

Civil & Environmental Consultants, Inc.
1230 East Diehl Road, Suite 200 - Naperville, IL 60563
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www.cecinc.com

HIGHER GROUND EDUCATION WESTFIELD #1
17313 SPRING MILL ROAD
WESTFIELD, INDIANA 46074

SITE LAYOUT

DRAWING NO: **C200**
SHEET 3 OF 11

DATE: 07/12/2022 **DRAWN BY:** MMS **MMIS**
DWG SCALE: 1" = 20' **CHECKED BY:** ARG **ARG**
PROJECT NO: 320-478-001 **PTB***
APPROVED BY:



Petition Number: 2208-DDP-25
Project Name: Market District (Wheeler Landing)
Subject Site Address: Northeast corner of Grand Park Boulevard and Tournament Trail
Petitioner: Giant Eagle, Inc.
Representative: Kimley-Horn and Associates, Inc.
Request: Detailed Development Plan review of a 49,600 square foot grocery store on 6.02 acres +/- in the Wheeler Landing Planned Unit Development (PUD) District.
Current Zoning: Wheeler Landing PUD
Current Land Use: Vacant
Approximate Acreage: 6.02 +/-
Property History: Wheeler Landing PUD District (Ord. 18-04, 09/25/18)
Overall Development Plan & Primary Plat (1909-ODP-16 & 1909-SPP-16, 09/16/19)

Staff Reviewer: Caleb Ernest, Senior Planner

PROCEDURAL

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

REVIEW COMMENTS

- 1) Please provide copies or copy this Department on any correspondence you receive from Technical Advisory Committee members and your correspondence to them.
- 2) Additional comments may be forthcoming following review by the Technical Advisory Committee and after the revised primary plat and overall development plan have been submitted and reviewed.
- 3) The comments contained herein identify those items that are determined by this Department to be outstanding that need addressed prior to approval of the Primary Plat and Overall

Development Plan. **Please note some of the standards noted herein are reviewed by the Public Works Department.** The Public Works Department may identify outstanding items accordingly that need addressed prior to approval.

- 4) ***The Unified Development Ordinance, as amended (Ord. 17-10), no longer requires a public hearing for Development Plan review approval. Once plans have been determined to be in compliance with the applicable ordinances, the petition will be placed on the next scheduled Plan Commission meeting agenda.***
- 5) Abbreviations:
 - a) WPWD: Westfield Public Works Department
 - b) HCSO: Hamilton County Surveyor's Office

DEVELOPMENT PLAN (Article 10.7(G) of the UDO):

The plans comply.

- 6) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.
- 7) Address and legal description of the property.
- 8) Boundary lines of the property including all dimensions.
- 9) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.
- 10) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 11) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 12) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.

- 13) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.
- 14) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.
- 15) Location and dimensions of all existing structures and paved areas.
- 16) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 17) Location of all Floodplain areas within the boundaries of the property.
- 18) Names of legal ditches and streams on or adjacent to the site.
- 19) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 20) Identify buildings proposed for demolition.
- 21) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 22) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).
- 23) Misc.

DEVELOPMENT PLAN REVIEW (Article 10.7(E) of the UDO):

The plans comply.

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

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

- 25) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 26) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
- a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 27) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

DISTRICT STANDARDS

The plans comply with Article 4.16 (GB District) and Wheeler Landing PUD District (Ord. 18-04).

28) Area III:

- a) Minimum Front Yard Setback: 25 Feet
- b) Minimum Side Yard Setback (internal to District): 0 Feet
- c) Minimum Side Yard Setback (abutting District perimeter): 20 Feet
- d) Maximum Building Height: 75 Feet
- e) Minimum Distance Between Buildings: 15 Feet

29) GB: General Business District:

- a) Minimum Lot Area: No Minimum

- | | |
|-------------------------------|------------|
| b) Minimum Lot Frontage: | 80 Feet |
| c) Minimum Rear Yard Setback: | 20 Feet |
| d) Minimum Lot Width: | No Minimum |

OVERLAY DISTRICT:

The plans comply with Article 5 of the UDO and Wheeler Landing PUD (Ord. 18-04) except for those items identified as outstanding below:

30) State Highway 32 Overlay District (Sec. 7, Ord. 18-04):

- a) Shall not apply to the development of Areas I, III, and IV.

DEVELOPMENT STANDARDS (Chapter 6 of UDO)

The plans comply, as applicable to a Detailed Development Plan.

31) Accessory use and Building Standards (Article 6.1):

- a) Screening of Receptacles and Loading Areas:
 - i) Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities shall be completely and permanently screened from view of Rights-of-way and where possible, adjoining properties.
 - ii) Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard.
 - iii) Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building.
 - iv) Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES.

- v) Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible.
- vi) Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpsters for waste disposal. Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS.
- vii) Enclosures, which include swinging, moveable doors, shall be kept closed at all times when said doors are not in active use.
- viii) Landscaping shall be provided around enclosures in accordance with *Article 6.8 Landscaping Standards*.

32) Architectural Standards (Article 6.3)

a) Architectural Standards (Sec. 8, Ord. 18-04):

- i) The Architectural Design Requirements of the 32 Overlay shall apply to all other uses in the District. Architectural character examples are attached hereto as Exhibit C and are intended to generally and conceptually illustrate an application of the development requirements and elements of the anticipated character of the District. Architectural character examples are general and preliminary in nature and are not intended to delineate exactly what will be built and developed. The architectural character examples establish a benchmark for the architecture and design of the buildings.

ii) Architectural Design Requirements of the 32 Overlay:

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

(2) Building Elevation:

- (a) All Building Façades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, three-dimensional cornice as illustrated in FIGURE 5.3(3): BUILDING MODULATION.
- (b) Building Façades, which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Buildings less than ten thousand (10,000) square feet in Gross Floor Area shall be designed with offsets at interval of not greater than forty

(40) feet. Offsets shall extend the entire vertical plane of the Building Façade and shall be a minimum depth of four (4) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Façade. The offset may be met with setbacks of the Building Façade and/or with architectural elements (i.e., arcades, columns, ribs, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.

(c) Buildings shall be constructed with the same building material quality and level of architectural detail on all Building Façades (e.g., 360 degree architecture).

(3) Openings:

(a) Design elements of the Building Façade shall be organized such that openings (including windows, doors, loading berths, faux windows and architectural or painted elements resembling openings) line up horizontally and vertically with other openings, as illustrated in FIGURE 5.3(5): DESIGN BALANCE.

(b) Openings in a Building Façade shall be arranged in a balanced, relatively uniform fashion (see FIGURE 5.3(6): BALANCE OF OPENINGS).

(c) Exceptions may be permitted if openings are organized in an aesthetically pleasing manner and constitute an essential artistic design element appropriate for the building type, scale, orientation, location and site.

(4) Gutters and Downspouts: Shall be visually integrated with the architectural style of the structure. The color of gutters and downspouts shall be selected to complement or to be consistent with the building materials.

(5) Roof:

(a) Pitched Roofs:

(i) Pitched roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12 (see FIGURE 5.3(7): ROOF PITCHES).

(ii) If standing seam panels are used then they shall be: (1) gray, black, dark blue, dark green, barn red or dark brown; and (2) made of a nonreflective material.

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

(b) Flat Roofs:

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

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

(iii) Modulation or variation of the roofs and/or roof lines shall be required in order to eliminate the appearance of box-shaped buildings. Buildings shall comply with at least one (1) of the following:

1. A building with a flat roof shall have varying roof height sections, as illustrated in FIGURE 5.3(10): FLAT ROOF VARIATION. A varied roof section shall have a minimum roof height difference of five (5) feet from an adjacent roof section. The maximum horizontal roof line length without variation shall be sixty percent (60%) of the total length of the Building Façade's roof line.
2. A roof line modulation shall include a vertical change in the visible roof line of at least four (4) feet, with a minimum aggregate modulation length of forty percent (40%) of each Building Façade, as illustrated in FIGURE 5.3(11): FLAT ROOF - ROOF LINE MODULATION. The maximum horizontal roof line length without modulation shall be sixty (60) feet, or forty (40) feet for Buildings with a Gross Floor Area less than ten thousand (10,000) square feet.

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

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

(6) Main Entrances:

- (a) All buildings shall be designed with a main entrance and at least two (2) window openings associated with the main entrance.
- (b) Building entrances shall be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos and other design elements appropriate to the architectural style and details of the building as a whole.
- (c) The location, orientation, proportion and style of doors shall complement the style of the building.

(7) Windows:

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

(8) Awnings:

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

- (9) Drive-thrus and Fueling Stations: This section shall apply to: (i) Lots adjacent to the State Highway 32 Right-of-way line or the Trail Corridor, as defined herein; and (ii) Lots where the Lot Line may not abut the State Highway 32 Right-of-way line or Trail Corridor, but where the Lot is located in a manner that no significant structures can reasonably be constructed between the Lot and the State Highway 32 Right-of-way line or Trail Corridor.
- (a) Drive-thru windows and lanes shall not be permitted in between the State Highway 32 Right-of-way line or the Trail Corridor and the Building Façade nearest to said Right-of-way line (e.g., Established Front Yard) or Trail Corridor.
- (b) Vehicular fuel pumps and canopies shall be setback a minimum of thirty (30) feet farther from the State Highway 32 Right-of-way line than the Established Front Yard of the Principal Building to which fuel pumps or canopies are appurtenant or associated as illustrated in FIGURE 5.3(17): FUEL PUMP/CANOPY LOCATION.
- (10) Building Materials:
- (a) Masonry Materials shall be the preferred and primary exterior building material used on buildings within the corridor.
- (b) Masonry Materials shall be used to create a wainscot or brickwrap effect around buildings.
- (c) A minimum of sixty percent (60%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.
- (d) No more than twenty-five percent (25%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, Fiber Cement Siding, Polymeric Cladding, E.I.F.S., stucco, or vinyl exterior building materials.
- (e) In order to create an aesthetically pleasing appearance and to create an appearance of high-quality, visually interesting architecture, increased and enhanced use of Masonry Material and other architectural ornamentation shall be required around building entrances and on Building Façades visible from State Highway 32.

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

33) Building Standards (Article 6.4)

34) Fence Standards (Article 6.5)

35) Height Standards (Article 6.6)

36) Home Business Standards (Article 6.7)

37) Landscaping Standards (Article 6.8)

a) General Landscaping Design Standards:

i) Placement:

(1) Minimum Distance from Sidewalk and Curb: Trees shall be planted a minimum distance of four (4) feet from the edge of a Street curb or pedestrian pathway or sidewalk.

b) Minimum Lot Landscaping Requirements:

Min. Lot Landscaping (6 acres)			
Business Uses (per acre)	Required	Provided	Remaining
10 Shade Trees	60	81	0
10 Ornamental or Evergreen Trees	60	62	0
25 Shrubs	150	624	0

c) Foundation Plantings:

i) Plant materials shall be required intermittently (approximately every forty (40) feet) against long expanses (over eighty (80) feet) of Building Facades, fences, and other barriers to create a softening effect.

ii) Plant materials shall also be required along the Front Building Façade of all Buildings at a minimum ratio of one (1) shrub or ornamental tree per twelve (12) lineal feet (Single-family Dwelling and Duplex Dwelling buildings are exempt from this requirement).

Foundation Plantings (South Façade - est. 248 LF)			
per 12 lineal feet	Required	Provided	Remaining
1 Shrub or Ornamental Tree	20	24	0

iii) Plantings shall be located within fifteen (15) feet of the Building Façade, fence or other barrier being softened, and shall occur within planting beds at least eight (8) feet in width.

d) External Street Frontage Landscaping Requirements:

i) A landscaping area with a minimum depth of ten (10) feet shall be required abutting an External Street along any non-residential development. The landscaping area shall include a minimum of three (3) shade or evergreen trees, two (2) ornamental and twenty-five (25) shrubs per one hundred (100) lineal feet. This requirement may be credited toward required Parking Area Landscaping requirements if the required Parking Area Landscaping is located within twenty (20) feet of the Right-of-way.

Grand Park Blvd. (est. 481.42 LF)			
per 100 lineal feet	Required	Provided	Remaining
3 Shade or Evergreen Trees	15	15	0
2 Ornamental Trees	10	10	0
25 Shrubs	121	269	0

e) Buffer Yard Requirements:

f) Parking Area Landscaping:

i) Interior Parking Area Landscaping:

(1) Minimum Area Required: A minimum landscape area of Parking Areas shall be set aside for Parking Area islands in accordance with the following:

(2) Interior Parking Area Islands:

(a) Plantings: Parking Area islands shall include at least one (1) tree and four (4) shrubs per island. One hundred (100) percent of every island shall be covered with permitted Groundcover material to achieve complete coverage.

ii) Perimeter Parking Area Landscaping:

- (1) If adjacent Lots have vehicular cross-access and/or shared parking, in accordance with Article 6.14(G)(1), then the shared Lot Line shall not require Perimeter Parking Area Landscaping (Article 6.8(O)(2)). (Sec. 8, Ord. 18-04)
- (2) Design: Perimeter Parking Area landscaping shall be a minimum of five (5) feet wide and shall extend along the perimeter of Parking Areas and include:
 - (a) A minimum of one (1) tree per thirty (30) linear feet of Parking Area length. Trees may be clustered in an aesthetically pleasing manner.
 - (b) A minimum of one (1) shrub per three (3) feet of Parking Area length. Shrubs may be clustered in an aesthetically pleasing manner.

Parking Area A - est. 45 LF			
per 30 feet	Required	Provided	Remaining
1 tree	2	4	0
per 3 feet	-	-	-
1 shrub	15	32	0

Parking Area B - est. 117 LF			
per 30 feet	Required	Provided	Remaining
1 tree	4	6	0
per 3 feet	-	-	-
1 shrub	39	46	0

Parking Area C - est. 45 LF			
per 30 feet	Required	Provided	Remaining
1 tree	2	5	0
per 3 feet	-	-	-
1 shrub	15	20	0

Parking Area D - est. 144 LF			
per 30 feet	Required	Provided	Remaining
1 tree	5	7	0
per 3 feet	-	-	-
1 shrub	48	58	0

Parking Area E - est. 333 LF			
per 30 feet	Required	Provided	Remaining
1 tree	12	15	0
per 3 feet	-	-	-
1 shrub	111	114	0

Parking Area F - est. 117 LF			
per 30 feet	Required	Provided	Remaining
1 tree	4	5	0
per 3 feet	-	-	-
1 shrub	39	46	0

Parking Area G - est. 63 LF			
per 30 feet	Required	Provided	Remaining
1 tree	3	4	0
per 3 feet	-	-	-
1 shrub	21	32	0

(c) Grass or other permitted Groundcover for areas not planted with trees or shrubs.

38) Lighting Standards (Article 6.9)

- a) Light meter readings shall not exceed: (i) one-half (0.5) foot-candles at a single-family or multi-family residential Lot Line; or (ii) one (1.0) foot-candle at all other Lot Lines. [It should be understood that, with all of these measurements, light will still be visible at or beyond Lot Lines.]

39) Lot Standards (Article 6.10)

40) Outside Storage and Display (Article 6.12)

- a) Business Districts:
 - i) Outside Storage: Outside Storage shall only be permitted if delineated on an approved Development Plan and in accordance with the following:
 - (1) Size: A Lot's Outside Storage area shall not exceed fifty percent (50%) of the Lot's Principal Buildings' gross floor area.

- (2) Location: Outside Storage areas:
 - (a) Shall be located immediately adjacent to the Principal Building.
 - (b) Shall not encroach into any required Rear or Side Yard.
 - (c) Shall be prohibited in an Established Front Yard.
 - (d) Shall be delineated on an approved Development Plan.
 - (3) Screening: Outside Storage areas shall be incorporated into the building's design as part of the Principal Building as follows:
 - (a) Outside Storage areas shall be completely screened from view from any adjacent property or Right-of-way.
 - (b) Outside Storage areas shall be screened on all sides with a solid wall, not less than seven (7) feet in height, consisting of Masonry Materials that complement the Principal Building.
 - (c) Perimeter access into Outside Storage areas shall not be oriented toward a Front Yard. Gates shall be required for such access and shall be opaque and architecturally compatible with the materials used on the Principal Building. A chain link fence or a variation of a chain link fence combination shall not constitute an acceptable gate material.
 - (4) Storage Restrictions: All materials, product or merchandise stored in an Outside Storage area shall be stacked no higher than one (1) foot below the top of the wall.
- ii) Outside Sales Display:
- (1) Permitted Use: Outside Sales Displays, including vending machines, kiosks, and outdoor point of sale items (e.g., flowers, propane, salt, firewood), shall be prohibited, except for the following:
 - (a) Automobile dealerships, and other similar Uses as determined by the Director or Plan Commission.
 - (b) Outside Sales Displays that otherwise comply with the Outside Storage standards set forth in this Article.

(c) Merchandise associated with a temporary Use or event conducted pursuant to Article 6.18 Temporary Uses and Events.

(2) Approval: Any proposed Outside Sales Display shall be delineated on an approved Development Plan and subject to approval by the Plan Commission, except as otherwise permitted by Article 6.18 Temporary Uses and Events, and subject to the following:

(a) The Development Plan shall include the types of merchandise and/or finished products, location, landscaping and other improvement of the Outside Sales Display area.

(b) Pedestrian circulation areas shall not be obstructed and enhancements may be required by the Director or Plan Commission to ensure safe pedestrian movements.

(c) The Director or Plan Commission may require enhanced site design features to ensure that Outside Sales Display areas are delineated and that such areas are compatible with the design of the building and site context.

(d) In addition to the standards of the Zoning District, the Plan Commission or Director may require enhanced screening or landscaping to ensure the compatibility of the proposed Use with adjoining areas.

(e) Once approved, the Outside Sales Display area shall not be materially or substantially changed or altered without the approval of an amendment to a Development Plan.

41) Outdoor Café and Eating Areas (Article 6.13)

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

42) Parking and Loading Standards (Article 6.14)

a) Loading Berths:

i) Off-street loading berths shall be subject to the requirements as set out by the Director in accordance with the following guidelines. Exceptions may be granted by the Director upon presentation of justification for a lesser number of loading berths. Additional

berths may also be required to serve the needs of the proposed business or industry. Loading and unloading berths shall not be required for business Uses which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.

(1) Other Local and General Business Uses:

(a) 5,000 sq. ft. to 10,000 sq. ft.: 1 loading berth

(b) 10,001 sq. ft. to 25,000 sq. ft.: 2 loading berths

(c) Over 25,000 sq. ft.: 1 additional berth for each 25,000 sq. ft. or fraction thereof.

b) Stacking Requirements for Drive-Through Facilities:

i) General Requirements:

(1) Drive-through lanes and required stacking spaces shall not interfere with parking space maneuvering aisles, parking drive aisles, loading spaces, internal site circulation, designated fire lanes or points of ingress and egress.

(2) Drive-through lanes and stacking spaces shall be designed to prevent vehicles from stacking in the Right-of-way.

(3) No stacking space may occupy any portion of a Right-of-way.

(4) A stacking space does not constitute a Parking Space.

(5) All drive-through and stacking lanes shall be delineated with pavement markings or otherwise distinctly delineated, as approved by the Department.

ii) Minimum Size:

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

iii) By-Pass Lane:

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

iv) Minimum Number of Spaces: The minimum number of required stacking spaces shall be as follows, which shall exclude the position at the service window but may include spaces between the service window and any ordering position:

(1) All other facilities: 2 stacking spaces per service window.

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

c) Off-Street Parking:

i) Other Uses: Parking Space requirements for other Uses shall be determined by the Director based upon data supplied by the Applicant in response to traffic and parking data requested to be furnished with the application for an Improvement Location Permit.

d) Bicycle Parking:

i) Number of Spaces:

(1) A minimum of one (1) bicycle parking space (or parking position) shall be provided per thirty (30) vehicular parking spaces. No more than fifteen (15) bicycle parking spaces shall be required for any Principal Building.

43) Performance Standards (Article 6.15)

44) Setback Standards (Article 6.16)

45) Sign Standards (Article 6.17)

46) Vision Clearance Standards (Article 6.19)

a) No Sign, fence, wall, landscaping, Public Utility Installation or other Improvement which obstructs sight lines between three (3) and nine (9) feet above a Street shall be permitted on a Corner Lot, unless otherwise approved in writing by the Public Works Department, within the triangular area formed by the Right-of-way line and a line connecting points:

i) Forty (40) feet from intersections of Collectors or Local Streets.

ii) Ten (10) feet from intersections of Driveways or Alleys.

iii) Twenty-five (25) feet from intersections of Private Streets.

47) Yard Standards (Article 6.21)

48) Public Art (Sec. 8, Ord. 18-04):

- a) Public Art: Public Art shall be permitted and may be included as part of a Development Plan. Public Art shall be displayed in a location that is visually accessible to the public and shall not be a sign as regulated under the Ordinance or the Unified Development Ordinance. Any Development Plan encompassing an area larger than ten (10) acres is required to have a public art component. Public Art components may be murals, mosaics, sculptures, fountains or water features, or any other variety.

DESIGN STANDARDS (Chapter 8 of UDO)

The plans comply.

49) Block Standards (Article 8.1)

50) Easement Standards (Article 8.3)

51) Monument and Marker Standards (Article 8.5)

52) Open Space and Amenity Standards (Article 8.6)

53) Pedestrian Network Standards (Article 8.7)

a) Internal Pedestrian Network Standards:

- i) The minimum sidewalk width shall be as indicated in the Thoroughfare Plan or five (5) feet (six (6) feet if immediately abutting the curb), whichever is greater.
- ii) Sidewalks shall be required on both sides on internal Streets and internal Private Streets in all developments.
- iii) When a proposed development lies between or adjacent to existing developments which have been provided with sidewalks, connecting sidewalks or pathways (which are extensions of the existing sidewalks) shall be constructed.

iv) Connector sidewalks shall be provided from the sidewalk or path adjacent to the Street to the front entrance of all nonresidential structures. Where the sidewalk intersects driving lanes or parking aisles within the Parking Area, then crosswalks and ramps shall be installed in accordance with ADA requirements and such areas shall be delineated (e.g., pavers, stamped, bricked), as determined by the Plan Commission or Director, to reinforce pedestrian safety.

b) Perimeter/External Pedestrian Network Standards:

i) Where a proposed Development Plan or Subdivision abuts an existing Right-of-way, then pedestrian paths, jogging paths, and bicycle paths shall be provided along the perimeter Street(s) or Private Street(s) in accordance with the Thoroughfare Plan. The type of pedestrian facility required shall be as set forth in the Thoroughfare Plan. The County or Public Works Department, as applicable, may waive the requirement for a path along perimeter streets for a Minor Subdivision.

54) Storm Water Standards (Article 8.8)

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

56) Surety Standards (Article 8.12)

57) Utility Standards (Article 8.13)

DEPARTMENT COMMENTS

1) **Action:** Approve the Detailed Development Plan (2208-DDP-25) with the following condition:

a) All necessary approvals be obtained from the Westfield Public Works Department and Hamilton County Surveyor's Office prior to the issuance of an Improvement Location Permit.

2) If any Plan Commission member has questions prior to the meeting, then please contact Caleb Ernest at 317-519-8630 or cernest@westfield.in.gov.



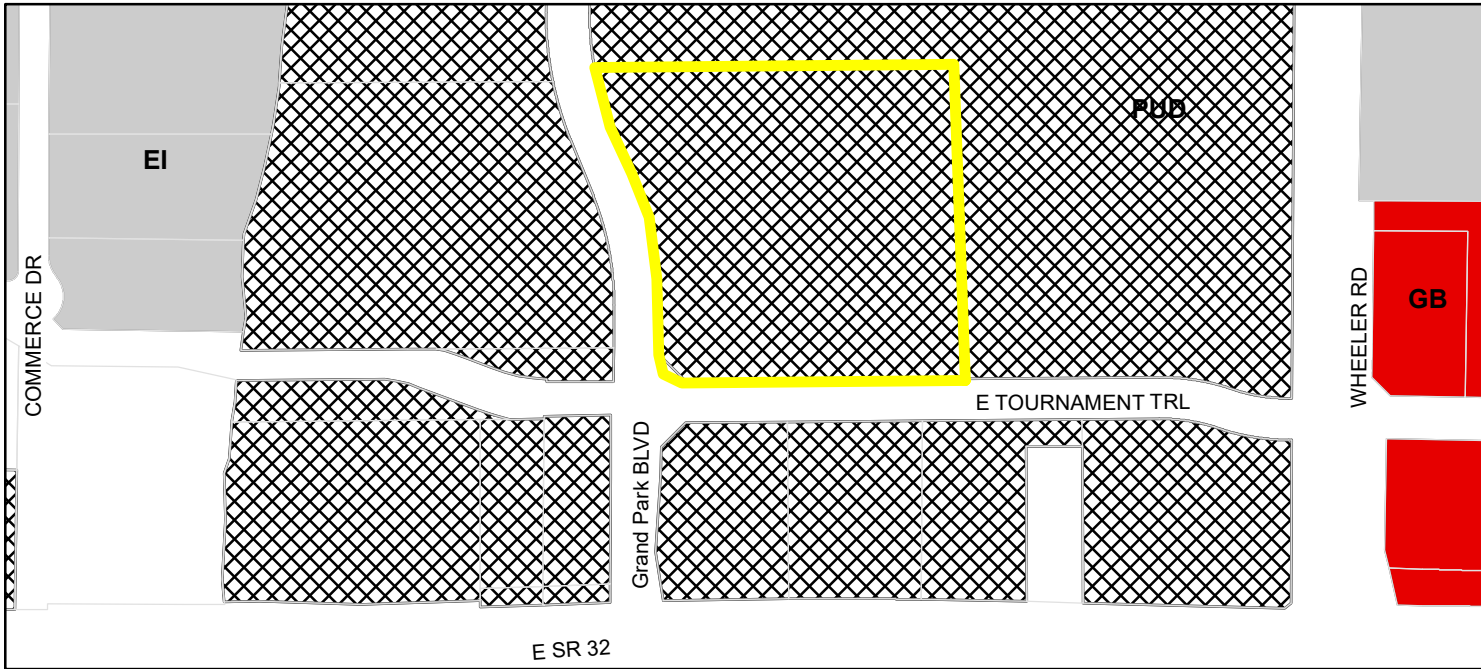
Property Location Map
Northeast corner of Grand Park Blvd and Tournament Trail
Detailed Development Plan
2208-DDP-25



Aerial Location Map



Zoning Map



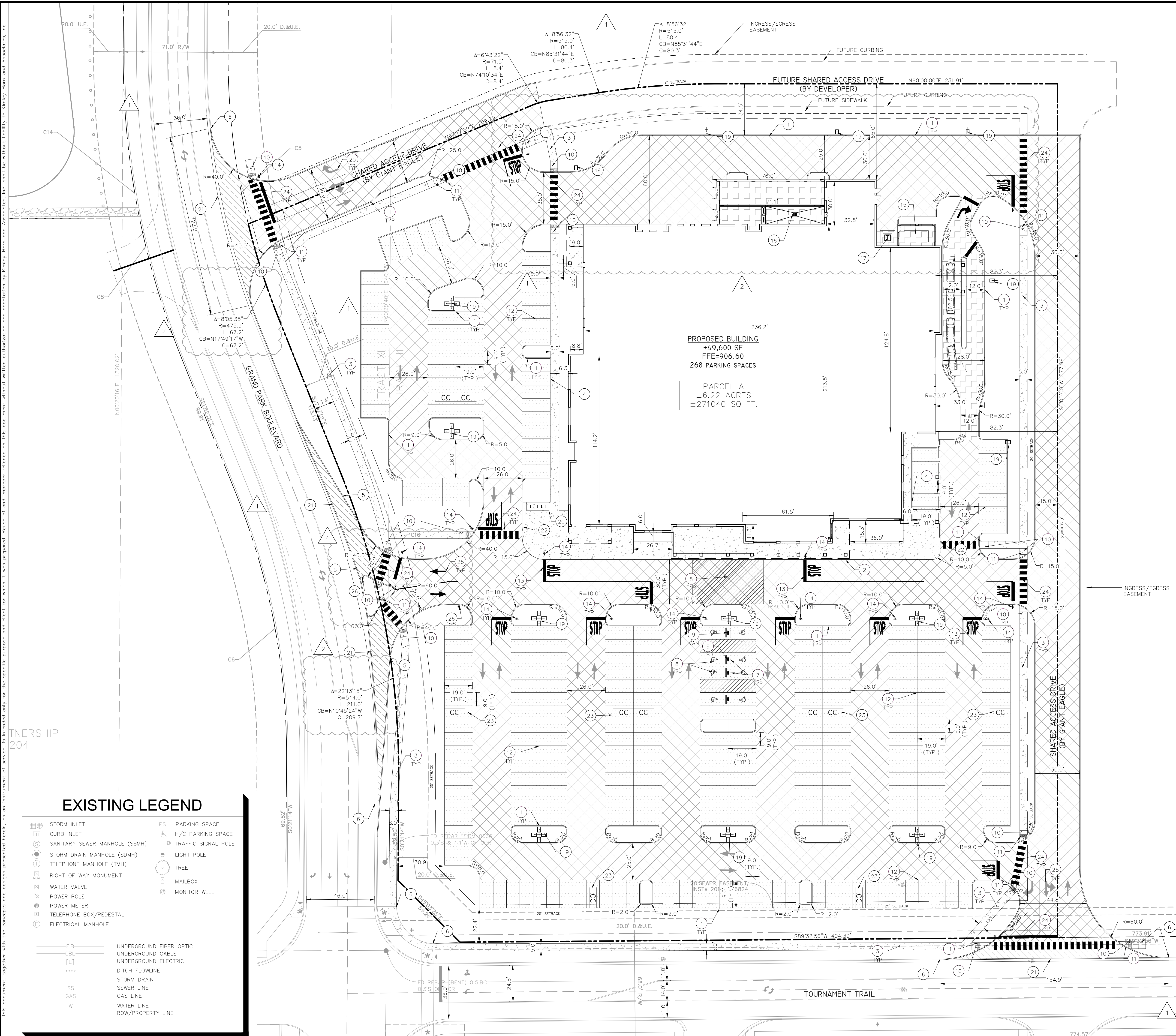
Parcel

Zoning

EI (Enclosed Industrial)

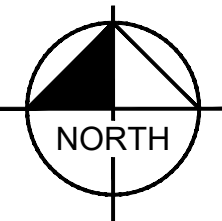
GB (General Business)

PUD (Planned Unit Development)



Indiana Utilities Protection Service

Call 811 
before you dig



GRAPHIC SCALE IN FEET



A horizontal scale bar with tick marks at 0, 15, 30, and 60 feet. The bar is divided into alternating black and white segments, with each segment representing 15 feet.

PAVING LEGEND

	STANDARD DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	HEAVY DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	RIGHT OF WAY PAVEMENT INDOT CLASS III PAVEMENT. SEE DETAIL FOR PAVEMENT SECTION
	CONCRETE SIDEWALK SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	HEAVY DUTY CONCRETE PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

SITE SUMMARY

SITE ZONING	=	PUD	
SITE ACREAGE	=	6.22	AC.±
BUILDING AREA	=	49,600	SF
BUILDING HEIGHT	=	32	FT
PARKING SPACES (STANDARD) PROVIDED	=	260	SPACES
PARKING SPACES (ACCESSIBLE) PROVIDED	=	8	SPACES
TOTAL PARKING SPACES PROVIDED	=	268	SPACES
PARKING RATIO	=	5.4	
CART CORRALS PROVIDED	=	10	
BIKE PARKING	=	10	SPACES

KEY NOTES

1. CONCRETE CURB, TYP. (SEE DETAILS)
2. DEPRESSED CURB, TYP. (SEE DETAILS)
3. CONCRETE SIDEWALK, TYP. (SEE DETAILS)
4. CONCRETE CURB AND WALK (SEE DETAIL)
5. CONCRETE CURB AND GUTTER (SEE DETAILS)
6. CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
7. CONCRETE PARKING BUMPER TYP. (SEE DETAILS)
8. ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
9. ACCESSIBLE PARKING SIGN, TYP. (SEE PLAN FOR VAN LOCATION)
(MUTCD R7-8, SEE DETAILS)
10. ACCESSIBLE RAMP (SEE DETAILS)
11. 2' WDE TACTILE WARNING STRIP
12. 4" WDE PAVEMENT MARKING, WHITE SOLID LINE, TYP.
13. 24" WDE STOP BAR, TYP. (SEE DETAILS)
14. STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)
15. GENERATOR PAD AND ENCLOSURE
(SEE ARCHITECTURAL PLANS FOR DETAILS)
16. TRASH COMPACTOR
(SEE ARCHITECTURAL PLANS FOR DETAILS)
17. TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
18. MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
19. LIGHT POLES SHOWN FOR COORDINATION ONLY
(SEE SITE LIGHTING PLAN)
20. BIKE RACK (SEE LANDSCAPE PLAN FOR DETAILS)
21. LIP CURB AND GUTTER (SEE DETAILS)
22. 6-FT TRANSITION CURB
23. CART CORRAL, TYP.
24. THERMO STRIPING IN THE R/W, TYP.
25. DIRECTIONAL ARROWS, TYP. (SEE DETAILS)
26. DO NOT ENTER SIGN

BENCHMARKS

SITE BENCHMARKS:
(LOCATIONS SHOWN ON SURVEY)
HORIZONTAL DATUM: NAD83/2011 (INDIANA EAST)
VERTICAL DATUM: NAVD88

SBM #1 CUT "X", W BOLT OF FH, SW CORNER OF SR 32 & WHEELER RD
ELEVATION=901.09

SBM #2 CUT "X", W BOLT OF TSP, SE CORNER OF SR 32 & GRAND PARK BLVD
ELEVATION=899.69

GENERAL PLAN NOTES

REFER TO GENERAL NOTES SHEET FOR MORE INFORMATION INCLUDING THE FOLLOWING: (EXISTING LEGEND, BENCHMARK INFORMATION, AND SPECIFIC GENERAL PLAN NOTES.)

NOTE: ALL STRIPING WITHIN THE RIGHT-OF-WAY IS TO BE THERMOPLASTIC

SITE PLAN

MARKET DISTRICT AT
WHEELER LANDING
802 E. TOURNAMENT TRAIL,
WESTFIELD, IN 46074

ORIGINAL ISSUE:

KHA PROJECT NO

SHEET NUMBER

C3.0

TNERSHIP
204

Drawing name: K:\IND_LEVE\170126004_Gen1_Eagle_Wheeler_Market_District_Westfield_IN\2_Design\CADD\PlantSheet\L1.0-LANDSCAPE PLANTING L1.1 Aug 30, 2022 2:53pm by Mike Timko
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

LANDSCAPE NOTES

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING MATERIALS AND PLANTS SHOWN ON THE LANDSCAPE PLAN. THE CONTRACTOR IS RESPONSIBLE FOR THE COST TO REPAIR UTILITIES, ADJACENT LANDSCAPE, PUBLIC AND PRIVATE PROPERTY THAT IS DAMAGED BY THE CONTRACTOR OR THEIR SUBCONTRACTOR'S OPERATIONS DURING INSTALLATION OR DURING THE SPECIFIED MAINTENANCE PERIOD. CALL FOR UTILITY LOCATIONS PRIOR TO ANY EXCAVATION AND PLANTING.

2. THE CONTRACTOR SHALL REPORT ANY DISCREPANCY IN PLAN VS. FIELD CONDITIONS IMMEDIATELY TO THE LANDSCAPE ARCHITECT, PRIOR TO CONTINUING WITH THAT PORTION OF WORK.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY OF THEIR TRENCHES OR EXCAVATIONS THAT SETTLE.

4. ALL NURSERY STOCK SHALL BE WELL BRANCHED, HEALTHY, FULL, PRE-INOCULATED AND FERTILIZED. DECIDUOUS TREES SHALL BE FREE OF FRESH SCARS. TRUNKS WILL BE WRAPPED IF NECESSARY TO PREVENT SUN SCALD AND INSECT DAMAGE. THE LANDSCAPE CONTRACTOR SHALL REMOVE THE WRAP AT THE PROPER TIME AS A PART OF THIS CONTRACT.

5. ALL NURSERY STOCK SHALL BE GUARANTEED, BY THE CONTRACTOR, FOR ONE YEAR FROM DATE OF FINAL INSPECTION.

6. PLANTING AREA SOIL SHALL BE TOPSOIL FOR ALL TREE, SHRUB, ORNAMENTAL GRASS, PERENNIAL, AND ANNUAL BEDS. AMENDED SOIL SHALL BE PROVIDED AND GRADED BY THE GENERAL CONTRACTOR UP TO A 6" DEPTH BELOW FINISHED GRADE IN TURF AREAS AND A 12" DEPTH IN PLANTING AREAS.

7. PLANTING AREA TOPSOIL SHALL BE AMENDED WITH 25% SPHAGNUM PEATMOSS, 5% HUMUS AND 65% PULVERIZED SOIL. AMENDED TURF AREA SOIL SHALL BE STANDARD TOPSOIL. TOPSOIL SHALL CONFORM TO TECHNICAL SPECIFICATIONS FREE OF HEAVY CLAY, ROCKS, AND DIRT CLOUDS OVER 1 INCH IN DIAMETER, AS WELL AS CONTAIN 3%-5% OF ORGANIC MATTER.

8. SEED/SOD LIMIT LINES ARE APPROXIMATE. CONTRACTOR SHALL SEED/SOD ALL AREAS WHICH ARE DISTURBED BY GRADING WITH THE SPECIFIED SEED/SOD MIXES.
9. CONTRACTOR SHALL STAKE INDIVIDUAL TREE AND SHRUB LOCATIONS AND OUTLINE HERBACEOUS PLANTING AREAS, SHALL ADJUST LOCATIONS WHEN REQUESTED, AND SHALL OBTAIN PROJECT LANDSCAPE ARCHITECT'S ACCEPTANCE PRIOR TO PLANTING.

10. ALL PLANT ID TAGS SHALL BE REMOVED AFTER INSTALLATION.

11. CONTRACTOR SHALL INSTALL SHREDDED HARDWOOD MULCH AT A 3" DEPTH TO ALL TREES, SHRUB, PERENNIAL, AND GROUNDCOVER AREAS. TREES PLACED IN AREA COVERED BY TURF SHALL RECEIVE A 4 FT WIDE MAXIMUM TREE RING WITH 3" DEPTH SHREDDED HARDWOOD MULCH. A SPADED BED EDGE SHALL SEPARATE MULCH BEDS FROM TURF OR SEEDED AREAS. A SPADED EDGE IS NOT REQUIRED ALONG CURBED EDGES.

12. WEED FABRIC SHALL BE APPLIED UNDER MULCH.

13. MULCH SHALL NOT BE HELD IN PLACE BY PLASTIC NET, OR SPRAYING OF ANY BINDER MATERIAL OR ASPHALT EMULSION.

14. DO NOT DISTURB THE EXISTING PAVING, LIGHTING, OR LANDSCAPING THAT EXISTS ADJACENT TO THE SITE UNLESS OTHERWISE NOTED ON PLAN.

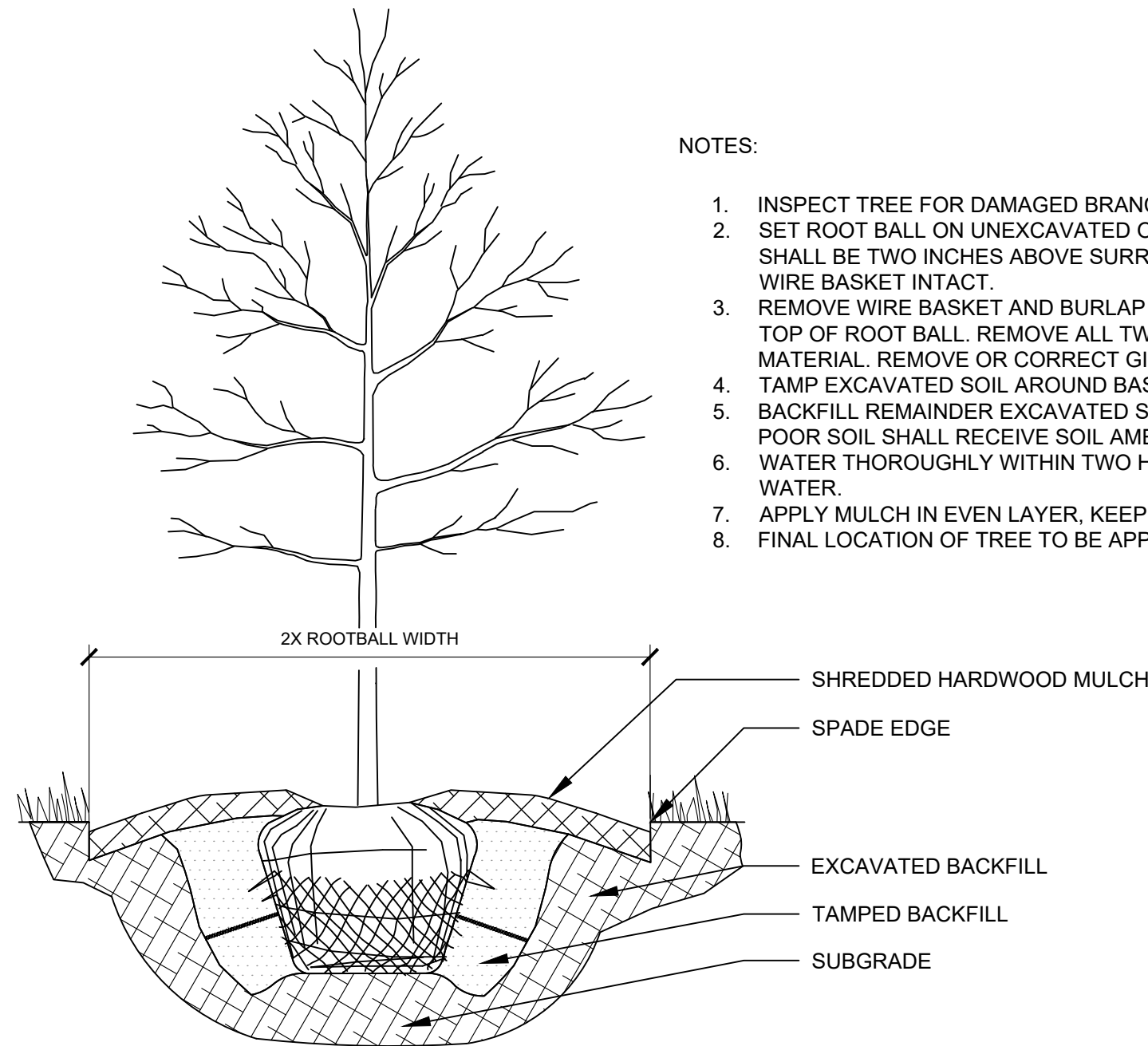
15. PLANT QUANTITIES SHOWN ARE FOR THE CONVENIENCE OF THE OWNER AND JURISDICTIONAL REVIEW AGENCIES. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL PLANT QUANTITIES AS DRAWN.

16. THE OWNER'S REPRESENTATIVE MAY REJECT ANY PLANT MATERIALS THAT ARE DISEASED, DEFORMED, OR OTHERWISE NOT EXHIBITING SUPERIOR QUALITY.

17. WEEDING, LANDSCAPE MAINTENANCE, AND WATERING TO BE THE CONTRACTOR'S RESPONSIBILITY DURING CONSTRUCTION. ALL PLANT MATERIALS REQUIRED BY THIS SECTION SHALL BE MAINTAINED AS LIVING VEGETATION AND SHALL BE PROMPTLY REPLACED BY LANDSCAPE CONTRACTOR DURING WARRANTY PERIOD IF THE PLANT MATERIAL HAS DIED PRIOR TO FINAL ACCEPTANCE. PLANTING AREAS SHALL BE KEPT FREE OF TRASH, LITTER, AND WEEDS AT ALL TIMES.

18. THE CONTINUED MAINTENANCE OF ALL REQUIRED LANDSCAPING AFTER WARRANTY PERIOD EXPIRES SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY ON WHICH SAID MATERIALS ARE REQUIRED.

Indiana Utilities Protection Service



NOTES:

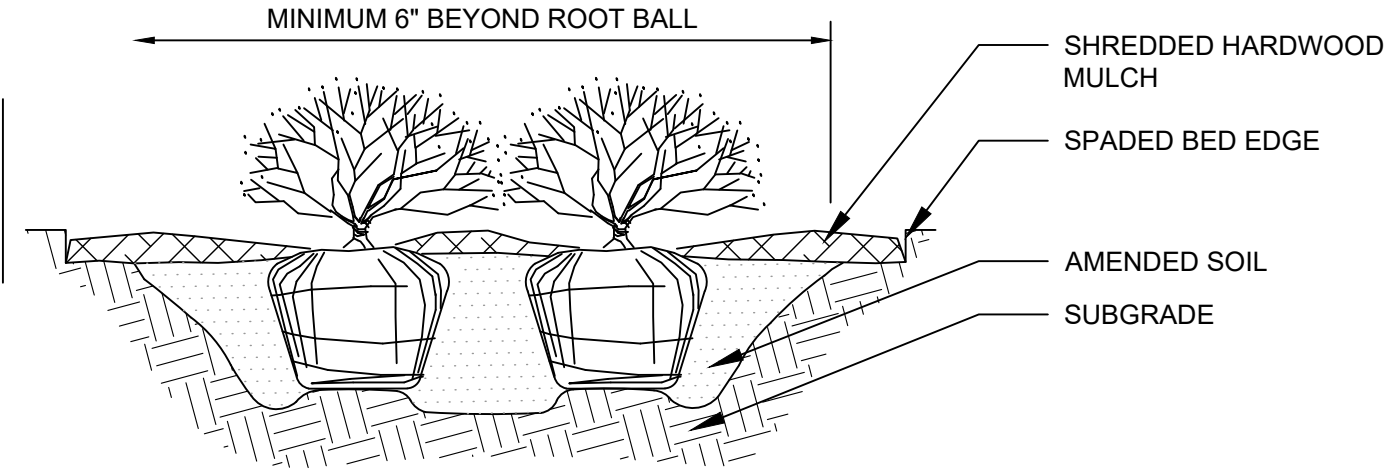
1. INSPECT TREE FOR DAMAGED BRANCHES, APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL SHALL BE TWO INCHES ABOVE SURROUNDING GRADE WITH BURLAP AND WIRE BASKET INTACT.
3. REMOVE WIRE BASKET AND BURLAP DOWN FOUR TO SIX INCHES BELOW TOP OF ROOT BALL. REMOVE ALL TWINE AND (IF USED), SYNTHETIC MATERIAL. REMOVE OR CORRECT GIRDLING ROOTS.
4. TAMP EXCAVATED SOIL AROUND BASE OF ROOTBALL.
5. BACKFILL REMAINDER EXCAVATED SOIL TAMPED LIGHTLY. HIGH CLAY OR POOR SOIL SHALL RECEIVE SOIL AMENDMENT PER LANDSCAPE NOTES.
6. WATER THOROUGHLY WITHIN TWO HOURS USING 10 TO 15 GALLONS OF WATER.
7. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE.
8. FINAL LOCATION OF TREE TO BE APPROVED BY OWNER.

1 TREE PLANTING

NTS

ORDINANCE CHART

ZONING: PUD		
REQUIREMENT	REQUIRED	PROVIDED
EXTERNAL STREET FRONTAGE		
• Minimum depth of 10 ft. • 3 shade or evergreen trees/100 LF • 2 ornamental trees/100 LF • 25 shrubs/100 LF	• Grand Park Boulevard: 419 LF 419/100 = 4 4 x 3 = 12 shade or evergreen trees 4 x 2 = 8 ornamental trees 4 x 25 = 100 shrubs • Tournament Trail: 398 LF 398/100 = 4 4 x 3 = 12 shade or evergreen trees 4 x 2 = 8 ornamental trees 4 x 25 = 100 shrubs	• Grand Park Boulevard: 12 shade trees, 8 ornamental trees, 100 shrubs * 3 shade trees, 8 ornamental trees, and 22 shrubs relocated on site for building visibility • Tournament Trail: 12 shade trees, 8 ornamental trees, 100 shrubs * 4 shade trees, 8 ornamental trees, and 33 shrubs relocated on site for building visibility
MINIMUM LOT LANDSCAPING		
• Business Uses: 10 shade trees + 10 ornamental or evergreen trees + 25 shrubs/acre	• 6 acres 6 x 10 = 60 shade trees 6 x 10 = 60 ornamental or evergreen trees 6 x 25 = 150 shrubs	• 60 shade trees, 60 ornamental trees, 150 shrubs minimum
PARKING INTERIOR		
• 10% of parking area to be landscaped • 1 tree + 4 shrubs/island	• 116,788 * 10% = 11,678 SF • 1 tree + 4 shrubs/island	• 11,760 SF = 10.1% • 1 tree + 4 shrubs/island
PARKING PERIMETER		
• 1 tree/30 LF • 1 shrub/3 LF	• South Parking: 595 LF 595/30 = 20 trees 334/3 = 198 shrubs • East Parking: 63 LF 63/30 = 2 trees 63/3 = 21 shrubs • West Parking: 207 LF 207/30 = 7 trees 207/3 = 69 shrubs	• South Parking: 20 trees, 198 shrubs • East Parking: 2 trees, 21 shrubs • West Parking: 7 trees, 69 shrubs
FOUNDATION PLANTINGS		
• Front Building Façade: 1 ornamental tree or shrub/12 LF of façade • Foundation plantings required approx. every 40 LF along long expanses (over 80 LF) of building façade	• Front Façade: 247 LF 247/12 = 21 ornamental trees or shrubs • Rear and Side Facades: 651 LF Foundation plantings required approx. every 40 LF	• Front Façade: 21 shrubs • Foundation plantings provided as feasible



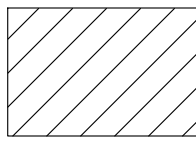
NOTES:

1. APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL OR CONTAINER ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL (CONTAINER) SHALL BE ONE INCH ABOVE SURROUNDING GRADE. FOR LARGER SHRUBS WITHIN PLANTING BED DIG A DEEPER PIT ONLY FOR THOSE SHRUBS.
3. REMOVE BURLAP FROM TOP HALF THE LENGTH OF ROOTBALL. TWINE AND (IF USED) SYNTHETIC MATERIAL SHALL BE REMOVED FROM PLANTING BED. FOR CONTAINER GROWN SHRUBS, REMOVE CONTAINER AND LOOSEN ROOTS PRIOR TO INSTALLATION.
4. REMOVE OR CORRECT GIRDLING ROOTS.
5. PLUMB AND BACKFILL WITH AMENDED SOIL PER LANDSCAPE NOTES. WATER THOROUGHLY WITHIN TWO HOURS.
6. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE. MULCH LIMITS FOR SHRUBS EXTEND TO ALL LIMITS OF PLANTING BED, SEE PLANS FOR BED LAYOUTS.

2 SHRUB PLANTING

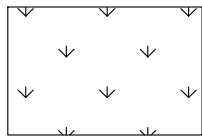
NTS

MULCHING LEGEND

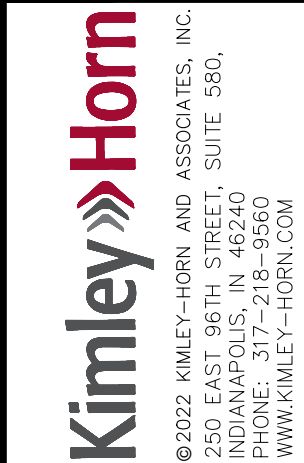


MULCH
HARDWOOD SHREDDED MULCH,
NATURAL BROWN COLOR

SEEDING LEGEND



PERMANENT SEEDING
AMERITURF FRONTRUNNER BLEND TALL
FESCUE; APPLY AT A RATE OF 350 LBS/ACRE
(8LBS/1000 SQFT)



SCALE: AS NOTED
DESIGNED BY: NUB
DRAWN BY: CPP
CHECKED BY: MJT



LANDSCAPE
DETAILS

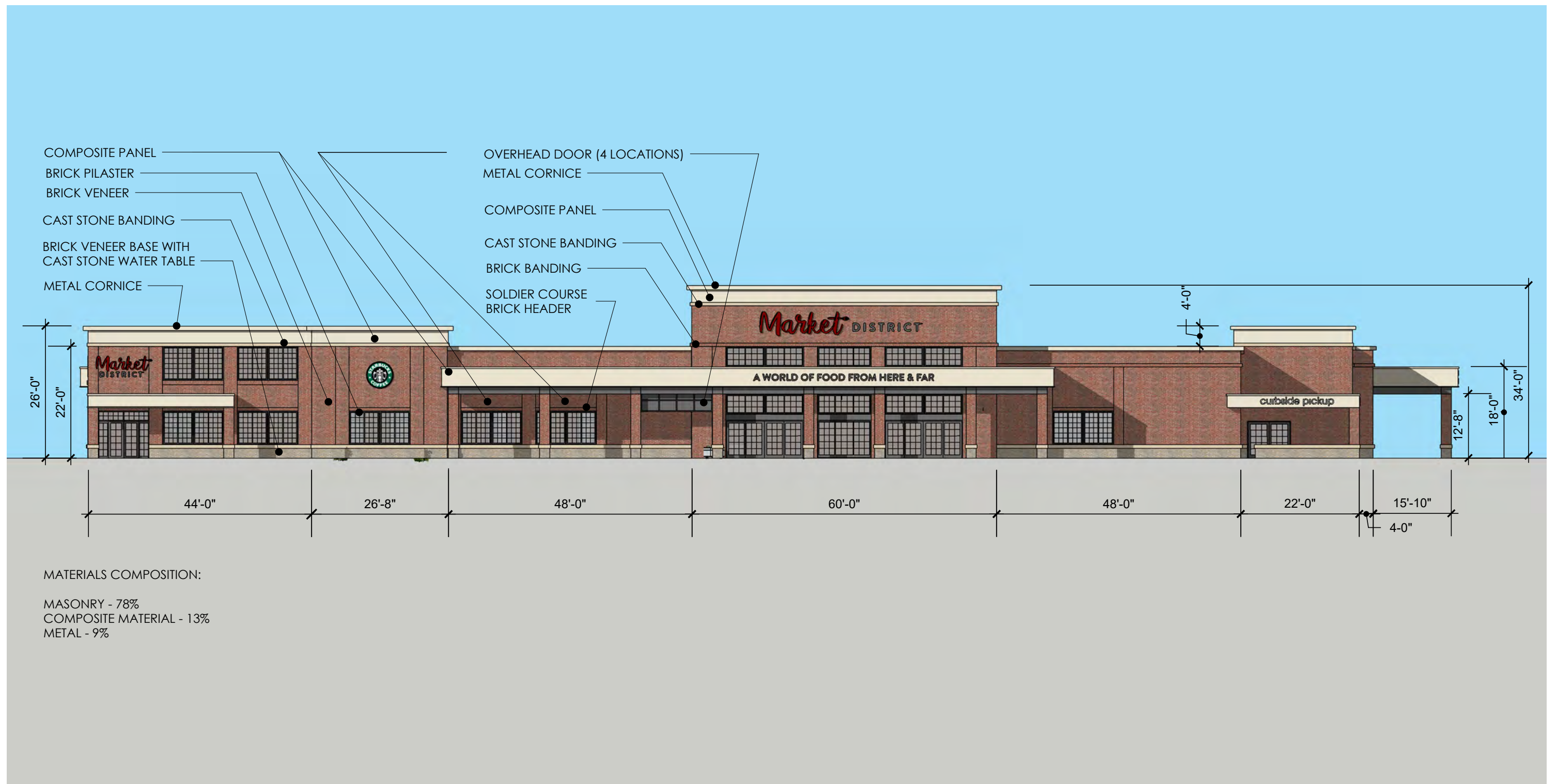
MARKET DISTRICT AT
WHEELER LANDING
802 E. TOURNAMENT TRAIL,
WESTFIELD, IN 46074

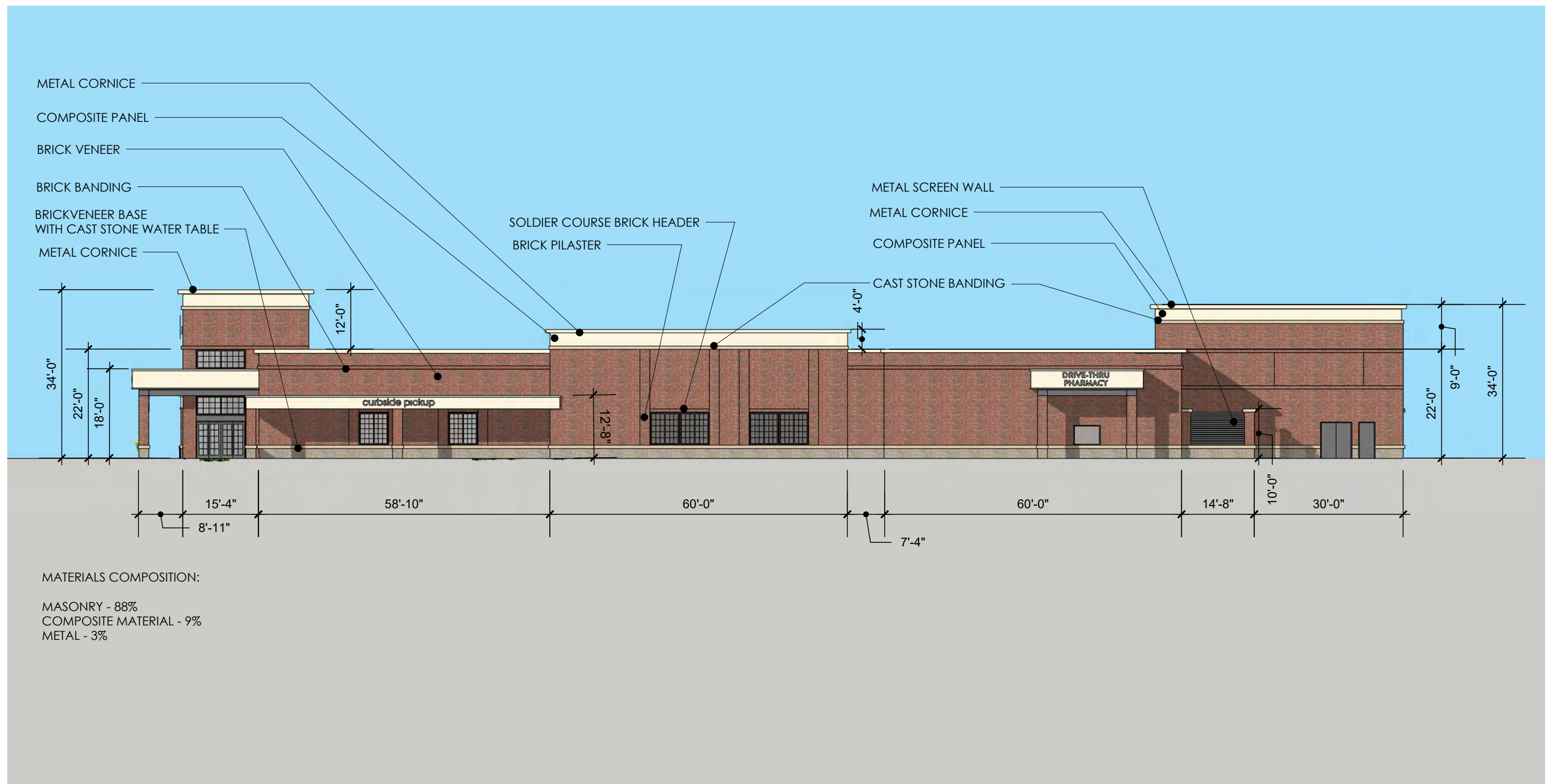
ORIGINAL ISSUE:
07/01/2022

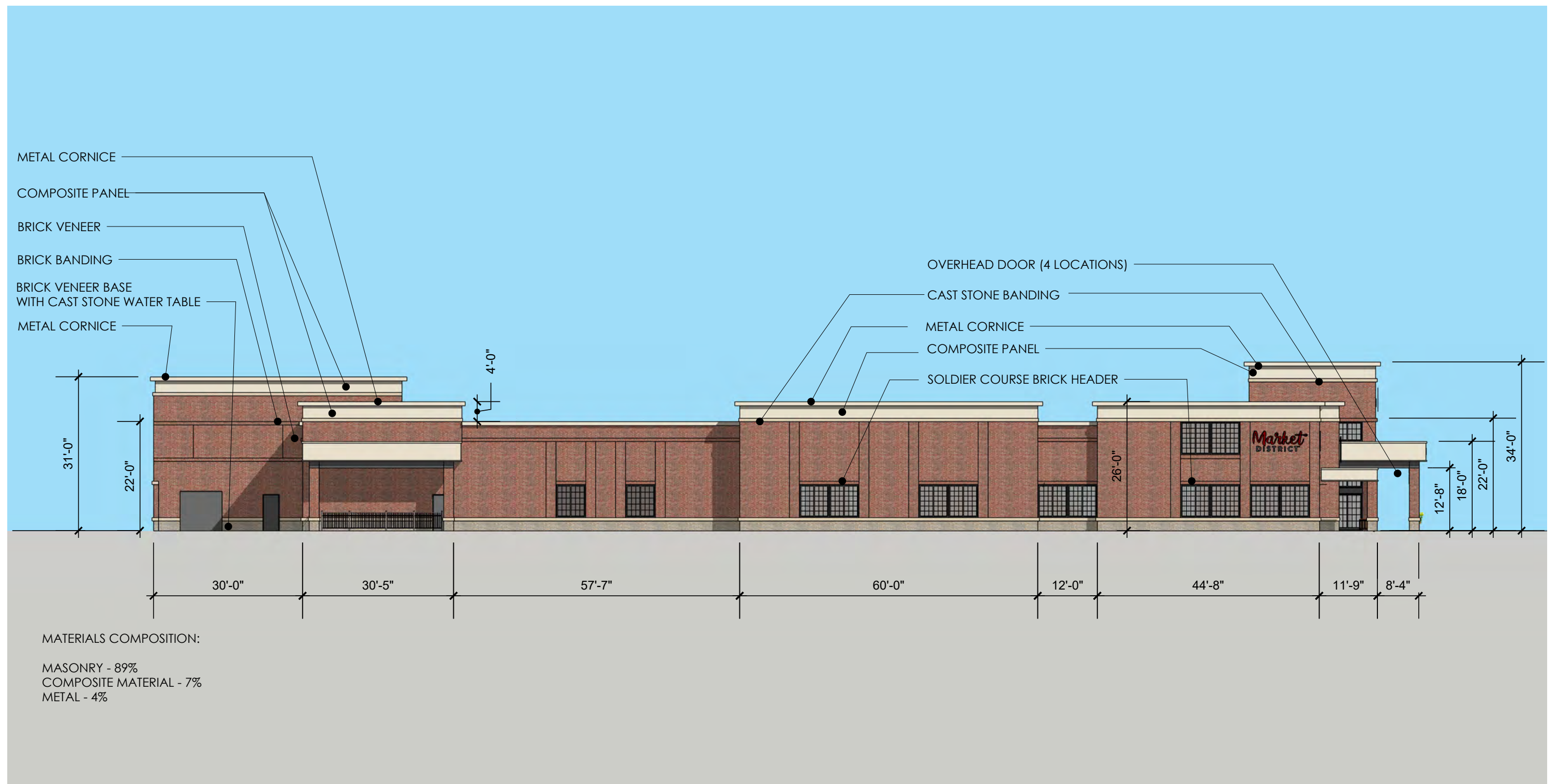
KHA PROJECT NO.
170126004

SHEET NUMBER

L1.1

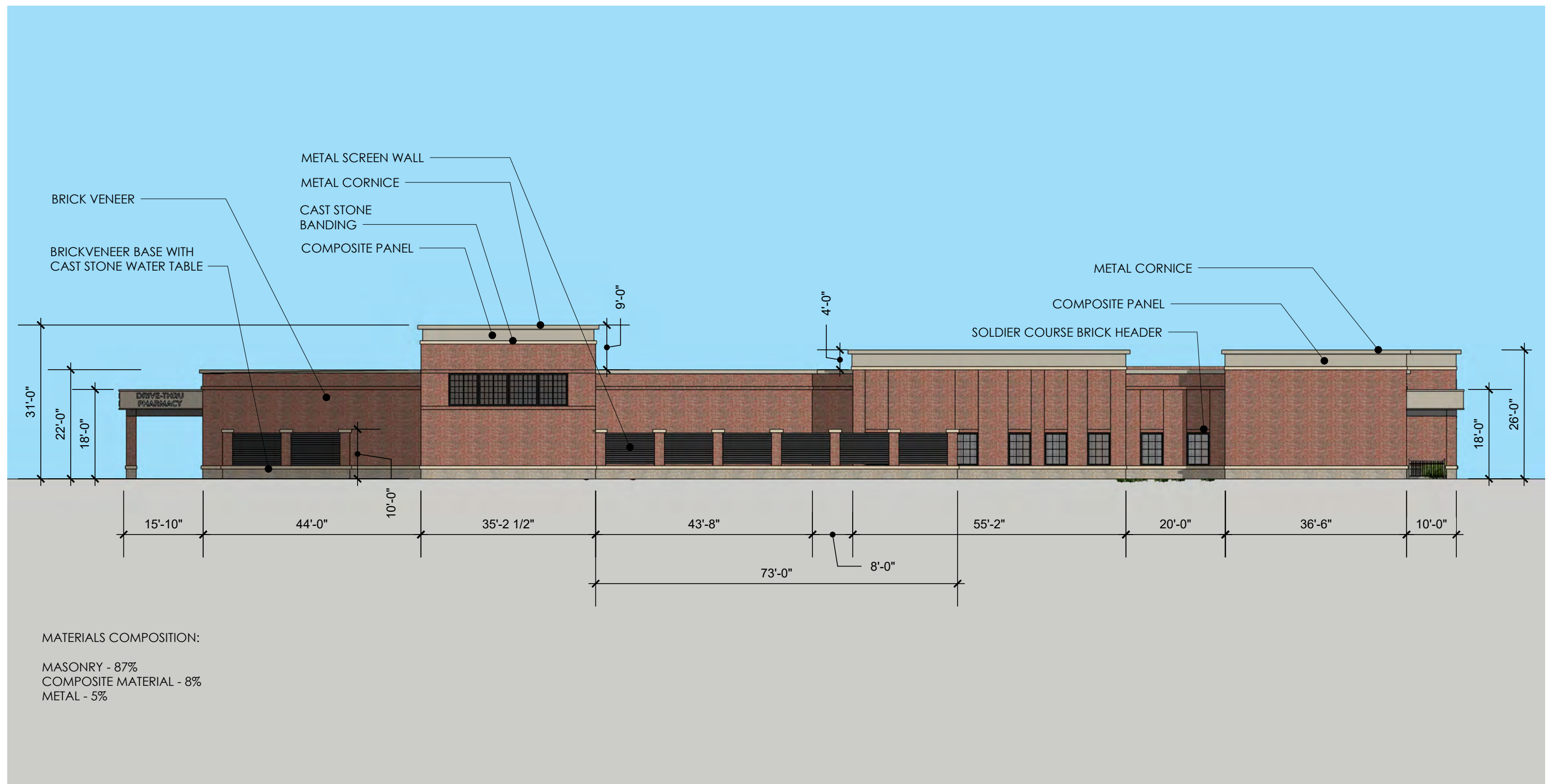






Left Elevation

Scale 1"=20'-0"





WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

September 6, 2022
2208-ZOA-02
Exhibit 1

Docket Number: 2208-ZOA-02 (Ordinance No. 22-31)
Petitioner: City of Westfield
Request: Approval of an Ordinance to amend Article 6.8 of the Westfield-Washington Township Unified Development Ordinance.
Exhibits:
1. Department Report
2. Ord. 22-31 (Clean)
3. Ord. 22-31 (Redline)
Staff Reviewer: Caleb Ernest, Senior Planner

PETITION HISTORY

This ordinance was introduced at the July 11, 2022, City Council meeting. This ordinance received a public hearing at the August 1, 2022, Advisory Plan Commission (the "Plan Commission") meeting. This ordinance is up for Plan Commission recommendation at the September 6, 2022, meeting.

OVERVIEW

The Westfield-Washington Township Unified Development Ordinance (the "UDO") was originally adopted in September 2014. Since then, seven amendment ordinances have been adopted (November 2014, May 2015, May 2017, April 2018, August 2019, September 2019 and May 2022). This amendment ordinance is proposed to address the following topic, which is further summarized herein.

Article 6.8 Landscaping Standards:

UDO Article 6.8(F)(3)(a)(ii) Selection, Installation, and Maintenance of Plant Materials; Installation; Timing and Permits; requires a landscape inspection for all Common Area landscaping within each Secondary Plat section once one of two thresholds has been met:

1. More than fifty percent (50%) of the Lots within the Secondary Plat section have been issued Building Permits; or
2. Twelve (12) months have passed since the issuance of the first Building Permit within the Secondary Plat section.

This process has created several issues when one of the above thresholds has been met:

- i) During off-season parts of the year where planting is not ideal (winter and peak summer months) plantings would be installed and later die or are not available for

- installation resulting in temporarily permitting otherwise compliant building permits. This prevents the homeowner from moving into their home due to seasonal delays in inspecting the required landscaping when the home itself is ready for a homeowner to move in.
- ii) Due to either supply chain issues, lack of irrigation systems installed or continued maintenance of the landscaping areas, once the City's landscaping inspection has occurred, the landscaping could die after the inspection has been passed when further construction of the remaining 50% of the section ensues.
 - iii) Construction of any given Secondary Plat section damages installed plantings at 50% build out of a section. Essentially, installed plantings per the City's above requirement are sometimes either destroyed due to its location for future construction of lots and infrastructure or damaged due to the location being too close in proximity to current construction.
 - iv) The City has a lack of sureties in place to guarantee the landscaping will be installed according to the landscape plan on file. Revised landscape plans created during the section's construction results in City records not being as updated as when the landscape plan was approved months prior to construction.

Due to the above concerns as well as other one-off occurrences, it is the City's recommendation to replace the current UDO standard with requiring a performance bond for Common Area landscaping within each residential Secondary Plat section.

A performance bond would create a surety with the City that landscaping will be installed either by the builder or the City if the bond is ever pulled. A performance bond would also grant the builder to complete installation of required landscaping at a time best appropriate for the builder. Once installation is then completed, a City inspection will occur to confirm the accurate landscaping has been installed; which will result in releasing the performance bond.

Similarly, if construction of the bonded section has not been completed within a twelve (12) month timeframe, the performance bond can be pulled per this proposed standard. A bond could be pulled any time with proof of incomplete installation of landscaping, however, the twelve (12) month language would provide another surety that prevents the builder from ignoring the performance bond and potentially never installing landscaping.

Lastly, requiring a performance bond will create a more efficient process alleviating staff time and tracking of every Secondary Plat section and one of the two thresholds aforementioned.

MODIFICATIONS SINCE AUGUST 1, 2022 PLAN COMMISSION MEETING

Since the August 1, 2022, meeting, the ordinance was revised to include a new section being added into Article 10 of the UDO. This new section, titled "Landscaping Bonds" will be located as the new Article 10.9. This section creates the standards describing the process, requirements, supplemental documents and other related requirements for the landscaping bond process. The edits to the proposed ordinance can be found in **Exhibit 3**.

STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states 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.

PROCEDURAL

Procedures to amend a zoning ordinance are established by Indiana Code (I.C. 36-7-4-600, et seq.). Amendments are required to be considered at a public hearing. The public hearing for this petition was held at the August 1, 2022, Plan Commission meeting.

DEPARTMENT COMMENTS

1. **Action: If Plan Commission is otherwise satisfied with the proposal, then forward a recommendation to the City Council for Docket No. 2208-ZOA-02.**
2. If any Plan Commission member has questions prior to the meeting, then please contact Caleb Ernest at (317) 519-8630 or cernest@westfield.in.gov.

ORDINANCE 22-31

AN ORDINANCE TO AMEND PROVISIONS IN THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township, Indiana as identified through the adoption of a Joinder Agreement; and,

WHEREAS, from time to time it is necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, on _____, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. _____ to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-607; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. **Article 6 Development Standards** shall be amended as follows:

A. **Article 6.8 Landscaping Standards** shall be amended as follows:

- A. **Article 6.8(F)(3)(a)(ii) Selection, Installation, and Maintenance of Plant Materials; Installation; Timing and Permits;** shall be replaced as follows:
- ~~B. Landscaping and related improvements (e.g., paths, Development Amenity improvements, mounds) for Open Space, Development Amenities, Common Areas, Buffer Yards or External Street Frontage Landscaping shall be installed prior to the issuance of a subsequent Building Permit for more than fifty percent (50%) of the Lots within the Secondary Plat section in which the required landscaping or improvements located, or within twelve (12) months from when the first Building Permit in the Secondary Plat section was issued, whichever occurs first.~~
- B. Landscaping located within all Common Areas (e.g., Buffer Yards, External Street Frontage Landscaping, Parking Area Landscaping,

Detention and Retention Areas) shall require a performance bond, filed and approved with the Department, prior to the release of each section of a Secondary Plat in which the landscaping is located, unless as otherwise waived by the Director and in accordance with Article 10.9 Landscaping Bonds.

Section 2. **Article 10 Processes and Permits** shall be amended as follows:

- A. **Article 10.9** shall be relocated to Article 10.10 and subsequent Articles shall be relocated and renumbered in numerical succession. A new Article, titled **Landscaping Bonds**, shall be added as Article 10.9 as follows:
- B. **“Applicability:** This Article shall apply to all residential Subdivision Secondary Plats.
- C. **General:** A performance bond (the “Bond”) acceptable to the City shall be required for Common Area Landscaping in residential Subdivision Secondary Plats and shall be executed prior to the recording of the Secondary Plat for each single section of a Subdivision.
 - a. **Requirements:** The Bond shall:
 - i. Be in an amount of one hundred and twenty five percent (125%) of the estimated costs determined by the City to be sufficient to complete the required Landscaping and installations in compliance with this Ordinance and any applicable Planned Unit Development (PUD) Ordinances or Zoning Commitments.
 - ii. Provide surety satisfactory to the City.
 - iii. Specify the time for the completion of the improvements and installations (see Article 10.9(F)(a)(iii)).
 - b. **Duration of Bond:** All Bonds shall be effective from approval of the Bond as formalized in a Bond approval letter sent to the Applicant confirming the Bond has been accepted by the Department. The Bond shall not be released until the Department has certified that it has inspected the required Common Area Landscaping after completion and that they have been installed in accordance with the intent of the approved Landscape Plan.
 - c. **Alternative Guarantees:** Nothing in this Article shall in any way limit the ability of the City to consider other alternative forms of insuring the proper completion of Subdivisions involving required Landscaping in Common Areas which is to be approved on a plat.
- D. **Application:** An Applicant shall submit a completed application to the Department on a form provided by the Department with supplemental information. Applications, estimates, warranties, the breakdown of Landscaping and the Landscape Plan filed by an Applicant for a Bond shall be checked by the Department.

- E. Supplemental Information: Any persons, who shall make application for a Bond, shall, at the time of making such application, furnish the below items:
- a. Estimate: Written estimate of total cost of materials, installation and any additional costs related to the Common Area landscaping.
 - i. Contractor quote(s): A quote or quotes from the contractor(s) supplying and/or installing the required Common Area Landscaping. Quotes so furnished shall become a permanent public record, shall be used in determining compliance with the submitted Bond.
 - ii. Miscellaneous costs associated with the Common Area Landscaping that are not included in the contractor quote(s).
 - b. Warranty: A warranty made between the Developer and the home owner's association, or property management group, which includes the duration of the warranty and what is covered under the written agreement of the warranty.
 - c. Breakdown of Landscaping Quantities: A detailed breakdown of the required Common Area Landscaping including the quantities of plantings and their associated costs. Plantings shall include, but are not limited to, shade, ornamental and evergreen trees, shade, ornamental and evergreen shrubs, all groundcover materials and/or plantings.
 - d. Landscape Plan: The Applicant shall provide the Landscape Plan accepted by the Public Works Department. If this Landscape Plan differs from the Landscape Plan approved by the Plan Commission, said plan shall be submitted to the Department, administratively reviewed and approved (unless as otherwise specified in Article 10.7 Development Plan Review).
- F. Acceptance of Bond: Once the Applicant's submitted application and other supplemental information has been reviewed and approved, the Bond shall be submitted to the Department for the approved amount.
- G. Release of Bond:
- a. Inspection: Inspections of the work completed as are necessary to ensure compliance with the provisions of this Ordinance and the terms of the Bond.
 - i. It shall be the Developer's responsibility to request an inspection and summary of noncompliant Landscaping upon completion of the required Common Area Landscaping.
 - ii. Re-inspections of work found to be incomplete or not ready for inspection may be subject to assessment of re-inspection fees as prescribed herein.
 - iii. If an inspection has not been requested and Common Area Landscaping has not been completed within twelve (12)

Unified Development Ordinance Amendment

months of the Secondary Plat's recording, the Department shall pull the Bond on file, unless modified by the Director.

1. Should a Bond be pulled, the Department shall not release any additional Improvement Location Permits for the Bonded section of the Secondary Plat until Landscape compliance is achieved.
- b. Certificate of Compliance: Once an inspection has been passed, a Certificate of Compliance shall be sent to the Applicant confirming the completion (see also Article 10.4 Certificate of Compliance).
- c. Release of Bond: No Bond shall be released until a Certificate of Compliance has been issued. Once the Certificate of Compliance has been issued, the Bond may be released upon request by the Applicant.
- d. Change of Bond: Should there be, at any time, either i) a re-submittal of the current Bond on file with the Department, or ii) a new Bond with the intent of replacing the current Bond on file with the Department, the new Bond shall be submitted, reviewed and approved by the Department prior to the release of the current Bond on file with the Department. The submittal, review and approval shall follow the same procedures as stated in this Ordinance.
- e. Substitutions: Should there be, at any time, substitutions for any Common Area Landscaping and as approved on the Landscape Plan, the Applicant shall either i) submit an updated Landscape Plan reflecting the substitutions, or ii) submit information that clearly identifies and describes Landscaping that is being substituted and receive Department's approval of the substituted Landscaping."

Section 3.

This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

[The remainder of this age intentionally left blank.]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2022.
WESTFIELD CITY COUNCIL

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_____
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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 22-31 was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 22-31

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-31

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

This document prepared by:

Caleb Ernest, Senior Planner

City of Westfield, Community Development Department

2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

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: Caleb D. Ernest.

ORDINANCE 22-31

AN ORDINANCE TO AMEND PROVISIONS IN THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township, Indiana as identified through the adoption of a Joinder Agreement; and,

WHEREAS, from time to time it is necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, on _____, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. _____ to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-607; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. **Article 6 Development Standards** shall be amended as follows:

A. **Article 6.8 Landscaping Standards** shall be amended as follows:

- A. **Article 6.8(F)(3)(a)(ii) Selection, Installation, and Maintenance of Plant Materials; Installation; Timing and Permits;** shall be replaced as follows:
- ~~B. Landscaping and related improvements (e.g., paths, Development Amenity improvements, mounds) for Open Space, Development Amenities, Common Areas, Buffer Yards or External Street Frontage Landscaping shall be installed prior to the issuance of a subsequent Building Permit for more than fifty percent (50%) of the Lots within the Secondary Plat section in which the required landscaping or improvements located, or within twelve (12) months from when the first Building Permit in the Secondary Plat section was issued, whichever occurs first.~~
- C. Landscaping located within all Common Areas (e.g., Buffer Yards, External Street Frontage Landscaping, Parking Area Landscaping,

Unified Development Ordinance Amendment

Detention and Retention Areas) shall require a performance bond, filed and approved with the Department, prior to the release of each section of a Secondary Plat in which the ~~required~~ landscaping is located, unless as otherwise waived by the Director and in accordance with Article 10.9 Landscaping Bonds. If construction of the bonded section has not been completed within twelve (12) months of the Department's approval, bonds will be pulled, unless as modified by the Director.

Section 2. **Article 10 Processes and Permits shall be amended as follows:**

- A. Article 10.9 shall be relocated to Article 10.10 and subsequent Articles shall be relocated and renumbered in numerical succession. A new Article, titled **Landscaping Bonds**, shall be added as Article 10.9 as follows:
- B. "Applicability: This Article shall apply to all residential Subdivision Secondary Plats.
- C. General: A performance bond (the "Bond") acceptable to the City shall be required for Common Area Landscaping in residential Subdivision Secondary Plats and shall be executed prior to the recording of the Secondary Plat for each single section of a Subdivision.
 - a. Requirements: The Bond shall:
 - i. Be in an amount of one hundred and twenty five percent (125%) of the estimated costs determined by the City to be sufficient to complete the required Landscaping and installations in compliance with this Ordinance and any applicable Planned Unit Development (PUD) Ordinances or Zoning Commitments.
 - ii. Provide surety satisfactory to the City.
 - iii. Specify the time for the completion of the improvements and installations (see Article 10.9(F)(a)(iii)).
 - b. Duration of Bond: All Bonds shall be effective from approval of the Bond as formalized in a Bond approval letter sent to the Applicant confirming the Bond has been accepted by the Department. The Bond shall not be released until the Department has certified that it has inspected the required Common Area Landscaping after completion and that they have been installed in accordance with the intent of the approved Landscape Plan.
 - c. Alternative Guarantees: Nothing in this Article shall in any way limit the ability of the City to consider other alternative forms of insuring the proper completion of Subdivisions involving required Landscaping in Common Areas which is to be approved on a plat.
- D. Application: An Applicant shall submit a completed application to the Department on a form provided by the Department with supplemental information. Applications, estimates, warranties, the breakdown of Landscaping and the Landscape Plan filed by an Applicant for a Bond shall be checked by the Department.

- E. Supplemental Information: Any persons, who shall make application for a Bond, shall, at the time of making such application, furnish the below items:
- a. Estimate: Written estimate of total cost of materials, installation and any additional costs related to the Common Area landscaping.
 - i. Contractor quote(s): A quote or quotes from the contractor(s) supplying and/or installing the required Common Area Landscaping. Quotes so furnished shall become a permanent public record, shall be used in determining compliance with the submitted Bond.
 - ii. Miscellaneous costs associated with the Common Area Landscaping that are not included in the contractor quote(s).
 - b. Warranty: A warranty made between the Developer and the home owner's association, or property management group, which includes the duration of the warranty and what is covered under the written agreement of the warranty.
 - c. Breakdown of Landscaping Quantities: A detailed breakdown of the required Common Area Landscaping including the quantities of plantings and their associated costs. Plantings shall include, but are not limited to, shade, ornamental and evergreen trees, shade, ornamental and evergreen shrubs, all groundcover materials and/or plantings.
 - d. Landscape Plan: The Applicant shall provide the Landscape Plan accepted by the Public Works Department. If this Landscape Plan differs from the Landscape Plan approved by the Plan Commission, said plan shall be submitted to the Department, administratively reviewed and approved (unless as otherwise specified in Article 10.7 Development Plan Review).
- F. Acceptance of Bond: Once the Applicant's submitted application and other supplemental information has been reviewed and approved, the Bond shall be submitted to the Department for the approved amount.
- G. Release of Bond:
- a. Inspection: Inspections of the work completed as are necessary to ensure compliance with the provisions of this Ordinance and the terms of the Bond.
 - i. It shall be the Developer's responsibility to request an inspection and summary of noncompliant Landscaping upon completion of the required Common Area Landscaping.
 - ii. Re-inspections of work found to be incomplete or not ready for inspection may be subject to assessment of re-inspection fees as prescribed herein.
 - iii. If an inspection has not been requested and Common Area Landscaping has not been completed within twelve (12) months of the Secondary Plat's recording, the Department shall pull the Bond on file, unless modified by the Director.
 - 1. Should a Bond be pulled, the Department shall not release any additional Improvement Location Permits

- for the Bonded section of the Secondary Plat until Landscape compliance is achieved.
- b. Certificate of Compliance: Once an inspection has been passed, a Certificate of Compliance shall be sent to the Applicant confirming the completion (see also Article 10.4 Certificate of Compliance).
 - c. Release of Bond: No Bond shall be released until a Certificate of Compliance has been issued. Once the Certificate of Compliance has been issued, the Bond may be released upon request by the Applicant.
 - d. Change of Bond: Should there be, at any time, either i) a re-submittal of the current Bond on file with the Department, or ii) a new Bond with the intent of replacing the current Bond on file with the Department, the new Bond shall be submitted, reviewed and approved by the Department prior to the release of the current Bond on file with the Department. The submittal, review and approval shall follow the same procedures as stated in this Ordinance.
 - e. Substitutions: Should there be, at any time, substitutions for any Common Area Landscaping and as approved on the Landscape Plan, the Applicant shall either i) submit an updated Landscape Plan reflecting the substitutions, or ii) submit information that clearly identifies and describes Landscaping that is being substituted and receive Department's approval of the substituted Landscaping."

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

[The remainder of this page intentionally left blank.]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2022.
WESTFIELD CITY COUNCIL

Voting For**Voting Against****Abstain**_____
James J. Edwards_____
James J. Edwards_____
James J. Edwards_____
Scott Frei_____
Scott Frei_____
Scott Frei_____
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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 22-31 was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 22-31

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-31

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

This document prepared by:

Caleb Ernest, Senior Planner

City of Westfield, Community Development Department

2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

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: Caleb D. Ernest.



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

September 6, 2021
2209-ZOA-03
Exhibit 1

Docket Number: 2209-ZOA-03 (Ordinance No. 22-19)

Petitioner: City of Westfield

Request: Approval of an Ordinance to Amend Articles 3.5 & 5.5 of the Westfield-Washington Township Unified Development Ordinance.

Exhibits:

1. Department Report
2. Proposed Ordinance 22-35 (without exhibits)
3. Proposed Article 3.5 Floodplain Administrator
4. Proposed Article 5.5 Floodplain Overlay District

Staff Reviewer: Pamela Howard, Assistant Director

PETITION HISTORY

This ordinance was introduced at the August 8, 2022, City Council meeting. The ordinance is scheduled for a public hearing at the September 9, 2022, Advisory Plan Commission (the "Plan Commission") meeting. Subject to the public hearing, and approval from the Indiana Department of Natural Resources (DNR), the petition should be ready for Plan Commission action on October 3, 2022, and the Council's adoption consideration on October 10, 2022.

OVERVIEW

The Westfield-Washington Township Unified Development Ordinance (the "UDO") was originally adopted in September 2014. Since then, six amendment ordinances have been adopted (November 2014, May 2015, May 2017, April 2018, August 2019, September 2019, and June 2022).

Floodplain management is handled by 3 levels of government: federal (FEMA), state (the Floodplain Management section of DNR's Division of Water), and local (in our case, the UDO). DNR has recently had a new model floodplain ordinance approved by FEMA, and they are asking that all communities update their local ordinance to comply.

This update affects 2 articles of the UDO: Article 3.5 Floodplain Administrator and Article 5.5 Floodplain Overlay District (FOD). A redline has not been provided as both articles are being replaced in their entirety, this involved a reorganization of Article 5.5 to match the new model ordinance. Following the organization of the model ordinance should make future updates to this Article.

Some of the more substantial changes include:

- More specifically outlining the Duties and Responsibilities of the Floodplain Administrator in Article 3.5.

- Incorporating all of the model’s definitions into the Definitions section of the FOD (Article 5.5(E). This results in some terms being defined in both the FOD and Article 12.1 Definitions. As these definitions differ, we have incorporated the below statement:
 - o *“Additionally, some words defined below are also defined in Article 12.1 Definitions, in these instances, the definitions provided in this section shall be applicable in Article 3.5 Floodplain Administrator and Article 5.5 Floodplain Overlay District (FOD) only.”*
- Requiring DNR’s Best Available Floodplain Layer to be used when determining the Base Flood Elevation for “A zones” and “AE Zones” not delineated on the Flood Insurance Rate Maps. This was already advised by DNR, but was not a requirement in the ordinance.
- Adding the requirements and process for permitting Development in the Floodplain (Article 5.5(G)(1)). Many of these standards mirror those in Article 10.8 Improvement Location Permit, but additional requirements are added that relate specifically to Development in the Floodplain.
- Outlining the map maintenance activities that the City is responsible for ensuring are completed (Article 5.5(G)(2). We were already held accountable for these items, they were just not specifically outlined in the ordinance.

STATUTORY CONSIDERATIONS

Indiana Code 36-7-4-603 states 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.

PROCEDURAL

Procedures to amend a zoning ordinance are established by Indiana Code (I.C. 36-7-4-600, et seq.). Amendments are required to be considered at a public hearing. The public hearing for this petition is scheduled for the September 6, 2022, Plan Commission meeting.

DEPARTMENT COMMENTS

1. **Action:** Hold a public hearing.
2. If any Plan Commission member has questions prior to the meeting, then please contact Pam Howard at (317) 531-3751 or phoward@westfield.in.gov.

ORDINANCE 22-35

AN ORDINANCE TO AMEND PROVISIONS IN THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township, Indiana as identified through the adoption of a Joinder Agreement; and,

WHEREAS, from time to time it is necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, on _____, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 2209-ZOA-03 to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-607; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. **Article 3.5 Floodplain Administrator** shall be replaced by Exhibit A.

Section 2. **Article 5.5 Floodplain Overlay District (FOD)** shall be replaced by Exhibit B.

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

[The remainder of this page intentionally left blank.]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2022.
WESTFIELD CITY COUNCIL

Voting For**Voting Against****Abstain**

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

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Troy Patton

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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 22-35 was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

Unified Development Ordinance Amendment

I hereby APPROVE ORDINANCE 22-35

I hereby VETO ORDINANCE 22-35

this _____ day of _____, 2022.

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by:

Pam Howard, Assistant Director

City of Westfield, Community Development Department

2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

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: Pamela L. Howard.



3.5 Floodplain Administrator

- A. **Floodplain Administrator:** The Director and/or designated staff of the Department, is hereby designated and known as the "Floodplain Administrator".
- B. **Authority:** The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.
- C. **Duties and Responsibilities:** The Floodplain Administer's duties shall include, but are not limited to:
1. Enforce the provisions of this ordinance;
 2. Evaluate application for permits to develop in Special Flood Hazard Areas (SFHAs) to assure that the permit requirements of this ordinance have been satisfied;
 3. Interpret Floodplain boundaries and provide Flood hazard and Flood protection elevation information;
 4. Issue permits to develop in SFHAs when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance;
 5. Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the Floodplain Development permit;
 6. Conduct Substantial Damage determinations to determine whether existing structures, damaged from any source and in SFHAs identified by FEMA, must meet the development standards of these regulations;
 7. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - a. Verify and document the market value of the pre-damaged or pre-improved structure;
 - b. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the National Flood Insurance Program (NFIP) and to avoid any conflict with future flood

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- insurance claims of policyholders within the community;
- c. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "Substantial Improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair Flood-related damage as specified in the definition of Substantial Damage; and
 - d. Notify the applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the applicable general and specific standards in [Article 5.5\(H\)](#) of this ordinance are required.
8. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a Watercourse and submit copies of such notifications to FEMA.
 9. Ensure that construction authorization has been granted by the Indiana DNR for all development projects subject to [Article 5.5\(H\)](#), [Section 5.5\(H\)\(1\)\(a\)](#), [Section 5.5\(H\)\(1\)\(c\)](#) and [Section 5.5\(H\)\(1\)\(d\)](#) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or Floodplain analysis/regulatory assessment).
 10. Verify the upstream drainage area of any proposed development site near any Watercourse not identified on a FEMA map to determine if [Article 3.5\(C\)\(9\)](#) is applicable.
 11. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the Flood-carrying capacity is not diminished.
 12. Verify and record the actual elevation of the Lowest Floor (including basement) of all new or substantially improved structures, in accordance with [Article 5.5\(G\)\(1\)\(a\)\(vi\)](#).
 13. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with [Article 5.5\(G\)\(1\)\(a\)\(vii\)](#).
 14. Make on-site inspections of projects in accordance with [Article 5.5\(G\)](#).
 15. Coordinate with insurance adjusters prior to permitting any proposed work to bring any Flood-damaged structure covered by a standard Flood insurance policy into compliance (either a substantially damaged structure or a Repetitive Loss structure) to ensure eligibility for ICC funds.
 16. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or nonresidential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
 17. Provide information, testimony, or other evidence as needed during

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Variance hearings.

18. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with [Article 5.5\(G\)\(2\)\(b\)](#).
19. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, Substantial Damage determinations, Regulatory flood data, SFHA maps, LOMC, copies of DNR permits, letters of authorization, and Floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and Floodproofing data for all Buildings constructed subject to this ordinance in accordance with [Article 5.5\(G\)\(2\)\(d\)](#).
20. Coordinate map maintenance activities and associated FEMA follow-up in accordance with [Article 5.5\(G\)\(3\)](#).
21. Utilize and enforce all LOMCs or PMRs issued by FEMA for the currently effective SFHA maps of the community.
22. Request any additional information which may be necessary to determination the disposition of a proposed development or Structure with respect to the requirements of this ordinance.

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5.5 Floodplain Overlay District (FOD)

A. **Applicability:**

1. This Article shall apply to all Special Flood Hazard Areas (SFHAs) and known Flood Prone Areas, as defined herein, within the Jurisdiction of the Plan Commission (the "FOD").
2. No Building shall hereafter be located, extended, converted or structurally altered within this Overlay without full compliance with the terms of this Article and other applicable regulations.
3. No land or stream within this Overlay shall hereafter be altered without full compliance with the terms of this Article and other applicable regulations.
4. The Indiana Legislature has in [IC 36-1-4-11](#) granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Westfield does hereby adopt the following Floodplain Management Regulations.

- B. **Findings of Fact:** The Flood Hazard Areas of the Jurisdiction of the Plan Commission are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, Structures that are inadequately elevated, floodproofed, or otherwise protected from Flood damage also contribute to the Flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

- C. **Statement of Purpose:** It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to Flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly Flood control projects;
3. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in Floodplain;
6. Help maintain a stable tax base by providing for the sound use and Development of Flood Prone Areas in such a manner as to minimize Flood blight area;
7. Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions;

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8. Minimize the impact of a Development on adjacent properties within and near Flood Prone Areas;
 9. Ensure that the Flood storage and conveyance functions of the Floodplain are maintained;
 10. Minimize the impact of a Development on the natural, beneficial values of the Floodplain;
 11. Prevent Floodplain uses that are either hazardous or environmentally incompatible; and
 12. Meet Community participation requirements of the National Flood Insurance Program.
- D. **Methods of Reducing Flood Loss:** In order to accomplish its purposes, these regulations include methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in Flood heights or velocities;
 2. Requiring that uses vulnerable to Floods, including facilities, which serve such uses, be protected against Flood damage at the time of initial construction;
 3. Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
 4. Controlling, filling, grading, dredging, excavating, and other Development which may increase Flood damage; and
 5. Preventing or regulating the construction of Flood barriers, which will unnaturally divert Flood, waters or which may increase Flood hazards in other areas.
- E. **Definitions:** Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application. Additionally, some words defined below are also defined in [Article 12.1 Definitions](#), in these instances, the definitions provided in this section shall be applicable in [Article 3.5 Floodplain Administrator](#) and [Article 5.5 Floodplain Overlay District \(FOD\)](#) only.
1. **Accessory Structure:** means a Structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal Structure and the use of which is incidental to the use of the principal Structure; an Accessory Structure specifically excludes Structures used for human habitation.
 - a. Accessory Structures are considered Walled and Roofed where the Structure includes at least two outside rigid walls and a fully secured roof.
 - b. Examples of Accessory Structures include but are not limited to two-

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- car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- c. The following may have uses that are incidental or accessory to the principal Structure on a parcel but are generally not considered to be Accessory Structures by the National Flood Insurance Program (NFIP):
 - i. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - ii. Structures used by the public, such as a place of employment or entertainment; and
 - iii. Development that does not meet the NFIP definition of a Structure for Floodplain Management purposes. Examples include, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).
 2. Addition: (to an existing Structure) means any Walled and Roofed expansion to the perimeter of a Structure in which the Addition is connected by a common load-bearing wall other than a firewall. Any Walled and Roofed Addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is New Construction.
 3. Alteration of a Watercourse: means a dam, impoundment, channel relocation, change in channelalignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the Base Flood.
 4. Appeal: means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance, a request for a Variance, or a challenge of a board decision.
 5. Area of Special Flood Hazard: is the land within a Community subject to a one-percent (1%) or greater chance of being flooded in any given year.
 6. Base Flood: means the Flood having a one percent chance of being equaled or exceeded in any given year. The Base Flood may also be referred to as the one percent (1%) annual chance Flood or one hundred (100) year Flood.
 7. Base Flood Elevation (BFE): means the water surface elevation of the Base Flood in relation to a specified datum, usually the North American Vertical Datum of 1988.
 8. Basement: means that portion of a Structure having its floor sub-grade (below ground level) on all sides.
 9. Best Available Flood Layer (BAFL): means Floodplain studies and any corresponding Floodplain maps prepared and/or approved by the

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Indiana Department of Natural Resources which provide BFE information, Floodplain limits, and/or Floodway delineations for Flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the Flood hazard is not identified on available Floodplain mapping.

10. Building: see "Structure."
11. Community: means a political entity that has the authority to adopt and enforce Floodplain ordinances for the areas within its jurisdiction.
12. Critical Facility: means a facility for which even a slight chance of Flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.
13. Development: means, for Floodplain Management purposes, any man-made change to improved or unimproved real estate including but not limited to:
 - a. Construction, reconstruction, or placement of a Structure or any Addition to a Structure;
 - b. Installing a Manufactured Home on a site, preparing a site for a Manufactured Home or installing a Recreational Vehicle on a site for more than 180 days;
 - c. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - d. Construction of Flood control Structures such as levees, dikes, dams, channel improvements, etc.;
 - e. Mining, dredging, filling, grading, excavation, or drilling operations;
 - f. Construction and/or reconstruction of boat lifts, docks, piers and seawalls;
 - g. Construction and/or reconstruction of, bridges or culverts;
 - h. Storage of materials; or
 - i. Any other activity that might change the direction, height, or velocity of Flood or surface waters.
 - j. "Development" does not include activities such as the maintenance of existing Structures and facilities such as painting; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent Structures.
14. Elevation Certificate: means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.
15. Enclosed Area: (enclosure) is an area of a Structure enclosed by walls on all sides.
16. Enclosure Below the Lowest Floor: see "Lowest Floor" and "Enclosed

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Area."

17. Existing Manufactured Home Park or Subdivision: means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Community's first Floodplain ordinance.
18. Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
19. FEMA: means the Federal Emergency Management Agency.
20. Fill: for Floodplain Management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the Natural Grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.
21. Flood or Flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source;
 - c. Mudslides (i.e., mudflows) which are proximately caused by Flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current;
 - d. Flood or Flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a Flood as defined above.
22. Flood Hazard Area: means areas subject to the one-percent (1%) annual chance Flood (see "Special Flood Hazard Area").
23. Flood Insurance Rate Map (FIRM): means an official map of a Community, on which FEMA has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the Community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
24. Flood Insurance Study (FIS): means the official hydraulic and hydrologic report provided by FEMA. The report contains Flood profiles, as well as the FIRM and the water surface elevation of the Base Flood.
25. Flood Prone Area: means any land acknowledged by a Community

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as being susceptible to inundation by water from any source (see "Floodplain").

26. Flood Protection Grade (FPG): is the BFE plus two (2) feet at any given location in the SFHA (see "Freeboard").
27. Floodplain or Flood Prone Area: means any land area susceptible to being inundated by water from any source (see "Flood").
28. Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing Flood damage and preserving and enhancing, where possible, natural resources in the Floodplain, including but not limited to emergency preparedness plans, Flood control works, Floodplain Management Regulations, and open space plans.
29. Floodplain Management Regulations: means zoning ordinances, subdivision regulations, Building codes, health regulations, special purpose ordinances (such as a Floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control Development in Flood Prone Areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of Flood damage prevention and reduction.
30. Floodproofing (Dry Floodproofing): is a method of protecting a Structure that ensures that the Structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic Flood forces, including the effects of buoyancy, and anticipated debris impact forces.
31. Floodproofing Certificate: is a form used to certify compliance for non-residential Structures as an alternative to elevating Structures to or above the FPG.
32. Floodway: is the channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulative increasing the water surface elevation more than a designated height.
33. Freeboard: means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of Floodplain Management. It is used to compensate for the many unknown factors that could contribute to Flood heights greater than those calculated for the Base Flood.
34. Fringe or Flood Fringe: is the portion of the Floodplain lying outside the Floodway.
35. Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship

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building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

36. Hardship: (as related to Variances of this ordinance) means the exceptional Hardship that would result from a failure to grant the requested Variance. The Westfield-Washington Township Board of Zoning Appeals requires that the Variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial Hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional Hardship. All of those problems can be resolved through other means without granting a Variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
37. Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to the Start of Construction, next to the proposed walls of a Structure.
38. Historic Structure: means any Structure that is:
- Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.
39. Hydrologic and Hydraulic Engineering Analysis: means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the Base Flood, other frequency Floods, Flood elevations, Floodway information and boundaries, and Flood profiles.
40. International Code Council-Evaluation Service (ICC-ES) Report: means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a

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product, and how the product should be identified, installed.

41. Letter of Final Determination (LFD): means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new Flood map and Flood study to the Community. The LFD initiates the six-month adoption period. The Community must adopt or amend its Floodplain Management Regulations during this six-month period unless the Community has previously incorporated an automatic adoption clause.
42. Letter of Map Change (LOMC): is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:
 - a. Conditional Letter of Map Revision (CLOMR): means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of Fill outside the existing Regulatory Floodway.
 - b. Conditional Letter of Map Revision Based on Fill (CLOMR-F): means a letter from FEMA stating that a proposed Structure that will be elevated by Fill would not be inundated by the Base Flood.
 - c. Letter of Map Amendment (LOMA): means an amendment by letter to the currently effective FEMA map that establishes that a Building or of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
 - d. Letter of Map Amendment Out as Shown (LOMA-OAS): means an official determination by FEMA that states the property or Building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory Flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
 - e. Letter of Map Revision (LOMR): means an official revision to the currently effective FEMA map. It is issued by FEMA and changes Flood zones, delineations, and elevations.
 - f. Letter of Map Revision Based on Fill (LOMR-F): means FEMA's modification of the SFHA shown on the FIRM based on the placement of Fill outside the existing Regulatory Floodway.
43. Lowest Adjacent Grade: means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or Basement entryway immediately next to the structure.
44. Lowest Floor: means, for Floodplain Management purposes, the lowest elevation described among the following:
 - a. The Lowest Floor of a Building;
 - b. The Basement floor;
 - c. The garage floor if the garage is connected to the Building;
 - d. The first floor of a Structure elevated on pilings or pillars;
 - e. The floor level of any enclosure, other than a Basement, below an

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elevated Structure where the walls of the enclosure provide any resistance to the flow of Floodwaters. Designs for meeting the Flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

- i. The walls are designed to automatically equalize the hydrostatic Flood forces on the walls by allowing for the entry and exit of floodwaters;
 - ii. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of Enclosed Area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings;
 - f. The first floor of a Building elevated on pilings or columns in a coastal high hazard area (as that term is defined in [44 CFR 59.1](#)), as long as it meets the requirements of [44 CFR 60.3](#).
45. Manufactured Home: means a Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
46. Manufactured Home Park or Subdivision: means a parcel (or contiguous parcels) of land divided into two (2) or more Manufactured Home Lots for rent or sale.
47. Mitigation: means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of Mitigation is twofold: to protect people and Structures, and to minimize the cost of disaster response and recovery.
48. National Flood Insurance Program (NFIP): the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.
49. Natural Grade: for Floodplain Management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the Flood hazard on a FEMA map is also considered Natural Grade.
50. New Construction: for Floodplain Management purposes means any Structure for which the "Start of Construction" commenced on or after the effective date of a Floodplain Management Regulations adopted by a Community and includes any subsequent improvements to such Structures.
51. New Manufactured Home Park or Subdivision: means a Manufactured

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Home Park or Subdivision for which the construction of facilities for servicing the Lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Community's first Floodplain ordinance.

52. North American Vertical Datum of 1988 (NAVD 88): as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the Floodplain.
53. Obstruction: includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, Building, wire, fence, rock, gravel, refuse, Fill, Structure, vegetation, or other material in, along, across or projecting into any Watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
54. One-percent (1%) Annual Chance Flood: is the Flood that has a one-percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".
55. Physical Map Revision (PMR): is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) Flood elevations, Floodplain boundary delineations, Regulatory Floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional Flood Hazard Areas, or correction to Base Flood Elevations (BFE) or SFHAs.
56. Prefabricated Building: is a Building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete Building.
57. Principally Above Ground: means that at least 51 percent of the actual cash value of the Structure, less land value, is above ground.
58. Recreational Vehicle: means a vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable by a light duty truck;
 - d. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.
59. Regulatory Flood: means the Flood having a one-percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the

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Indiana Department of Natural Resources and FEMA. The Regulatory Flood elevation at any location is as defined in [Article 5.5\(F\)\(2\)](#) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent (1%) Annual Chance Flood", and "100-Year Flood".

60. **Repetitive Loss:** means Flood-related damages sustained by a Structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such Flood event, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the Structure before the damage occurred.
61. **Riverine:** means relating to, formed by, or resembling a river (including tributaries), steam, brook, etc.
62. **Special Flood Hazard Area (SFHA), synonymous:** with "Areas of Special Flood Hazard" and Floodplain, means those lands within the Jurisdiction of the Plan Commission subject to a one-percent (1%) or greater chance of Flooding in any given year. SFHAs are designated by FEMA on FIRMs, Flood Insurance Studies (FIS), as Zones A, AE, AH, AO, A1-30, A99, or VE. The SFHA includes areas that are Flood prone and designated from other federal, state or local sources of data including but not limited to Best Available Flood Layer (BAFL) maps provided by or approved by the Indiana DNR, historical Flood information reflecting high water marks, previous Flood inundation areas, and Flood prone soils associated with a Watercourse.
63. **Solid Waste Disposal Facility:** means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.
64. **Start of Construction:** includes Substantial Improvement, and means the date the Building permit was issued, provided the actual Start of Construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a Basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

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65. **Structure:** means a Walled and Roofed Building, including a gas or liquid storage tank, which is Principally Above Ground. The term includes a Manufactured Home, as well as a Prefabricated Building. It also includes Recreational Vehicles installed on a site for more than 180 consecutive days.
66. **Substantial Damage:** means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.
67. **Substantial Improvement:** means any reconstruction, rehabilitation, Addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the "Start of Construction" of the improvement. This term includes Structures that have incurred "Repetitive Loss" or "Substantial Damage" regardless of the actual repair work performed. The term does not include improvements of Structures to correct existing Violations of state or local health, sanitary, or safety code requirements.
68. **Variance:** is a grant of relief from the requirements of this ordinance consistent with the Variance conditions herein.
69. **Violation:** means the failure of a Structure or other Development to be fully compliant with this ordinance.
70. **Walled and Roofed:** means a Building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.
71. **Watercourse:** means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial Flood damage may occur.

F. **General Provisions:**

1. **Lands to Which This Ordinance Applies:** This ordinance shall apply to all Areas of Special Flood Hazard within the Jurisdiction of the Plan Commission as identified in [Article 5.5\(F\)\(2\)](#), including any additional Areas of Special Flood Hazard annexed by the City of Westfield, Indiana.
2. **Basis for Establishing the Special Flood Hazard:**
 - a. The Regulatory Flood elevation, Floodway, and Fringe limits for the studied SFHAs within the Jurisdiction of the Plan Commission, delineated as an "AE Zone" on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map (FIRM) dated October 18, 2019 shall be determined from the One-percent (1%) Annual Chance Flood profiles in the Flood Insurance Study (FIS) of Hamilton County, Indiana and Incorporated Areas and the corresponding FIRMs dated October 18, 2019 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency

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- Management Agency (FEMA) with the most recent date. Should the Floodway limits not be delineated on the FIRM for a studied SFHA designated as an "AE Zone", the limits of the Floodway will be according to the Best Available Floodplain Layer (BAFL) as provided by the Indiana Department of Natural Resources (DNR).
- b. The Regulatory Flood elevation, Floodway, and Fringe limits for each of the SFHAs within the Jurisdiction of the Plan Commission, delineation as an "A Zone" on the Hamilton County, Indiana and Incorporated Areas FIRM, dated October 18, 2019, as well as any subsequent updates, amendments, or revisions, prepared by the FEMA with the most recent date, shall be according to the BAFL provided by the Indiana DNR, provided the upstream drainage area from the subject site is greater than one (1) square mile. Whenever a party disagrees with the BAFL data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana DNR for review and subsequently approved.
 - c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the Regulatory Flood elevation, Floodway, and Fringe limits of any Watercourse in the Community's known Flood Prone Areas shall be according to the BAFL as provided by the Indiana DNR, provided the upstream drainage area from the subject site is greater than one (1) square mile.
 - d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (Development) purposes, replacing all previously effective less restrictive Flood hazard data provided by FEMA.
3. Establishment of Floodplain Development Permit: A Floodplain Development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any Development activities in the Areas of Special Flood Hazard and in accordance with [Article 10.8 Improvement Location Permit](#).
 4. Compliance:
 - a. No Structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
 - b. Where an existing or proposed Structure or other Development is affected by multiple Flood zones, by multiple BFEs, or both, the Development activity must comply with the provisions of this ordinance applicable to the most restrictive Flood zone and the most conservative (highest) BFE affecting any part of the existing or proposed Structure; or for other Developments, affecting any part of the area of the Development.
 - c. No land or stream within the SFHA shall hereafter be altered without

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full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. Discrepancy between Mapped Floodplain and Actual Ground Elevations:
 - a. In cases where there is a discrepancy between the mapped Floodplain (SFHA) with BFEs provided (Riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
 - b. If the elevation of the site in question is below the BFE, that site shall be included in the SFHA and regulated accordingly.
 - c. If the Natural Grade elevation of the site in question is at or above the BFE and a LOMA or LOMR-FW is obtained, the Floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.
7. Interpretation: In the interpretation and application of this ordinance all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
8. Warning and Disclaimer of Liability: The degree of Flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger Floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Westfield, the Indiana DNR, or the State of Indiana, for any Flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.
9. Penalties for Violation: Failure to obtain a Floodplain Development permit in the SFHA or failure to comply with the requirements of a Floodplain Development permit or conditions of a Variance shall be deemed to be a Violation of this ordinance. All Violations shall be considered a common nuisance and be treated as such in accordance with the provisions of [Article 11 Enforcement and Permits](#) for the City of Westfield. All Violations shall be punishable by a fine in accordance with the Fee Schedule (see [Article 3.1 General Administration](#)).
 - a. A separate offense shall be deemed to occur for each day the Violation continues to exist.
 - b. The Jurisdiction of the Plan Commission shall inform the owner that any such Violation is considered a willful act to increase Flood damages and therefore may cause coverage by a standard Flood

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insurance policy to be suspended.

- c. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any Violations. All costs connected therewith shall accrue to the person or persons responsible.

G. Administration:

1. Floodplain Development Permit and Certification Requirements: An application for a Floodplain Development permit shall be made to the Floodplain Administrator, in accordance with [Article 10.8 Improvement Location Permit](#), for all Development activities located wholly within, partially within, or in contact with an identified SFHA. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed Structures, earthen Fill, storage of materials or equipment, drainage, facilities, and the location of the foregoing. Specifically, the following information is required:

a. Application Stage:

- i. A description of the proposed Development;
- ii. Location of the proposed Development sufficient to accurately locate property and Structure(s) in relation to existing roads and streams;
- iii. A legal description of the property site;
- iv. A site Development plan showing existing and proposed Development locations and existing and proposed land grades;
- v. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed Structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;
- vi. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- vii. Plans showing elevation of the top of the planned Lowest Floor (including Basement) of all proposed Structures in Zones A, AE. Elevation should be in NAVD 88;
- viii. Plans showing elevation (in NAVD 88) to which any nonresidential Structure will be floodproofed;
- ix. Plans showing materials to be used below the Flood Protection Grade (FPG) for any proposed Structure are Flood resistant;
- x. Plans showing location and specifications for flood openings for

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- any proposed structure with enclosed areas below the flood protection grade;
- xi. Plans showing how any proposed Structure will be anchored to resist flotation or collapse;
 - xii. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
 - xiii. Description of the extent to which any Watercourse will be altered or relocated as a result of proposed Development. A Hydrologic and Hydraulic Engineering Analysis is required, and any Watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision (CLOMR) must be obtained prior to construction. (See [Article 3.5\(C\)\(8\)](#) and [Article 5.5\(G\)\(3\)](#) for additional information.)
 - xiv. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed Development or Structure with respect to the requirements of this ordinance.
- b. Construction Stage: Upon establishment of the Lowest Floor of an elevated Structure or Structure constructed on Fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an Elevation Certificate for the Building under construction. The Floodplain Administrator shall review the Elevation Certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c. Finished Construction:
- i. Upon completion of construction of any Structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other application elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
 - ii. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
 - iii. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

2. Administrative Procedures:

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- a. Inspections of Work in Progress: As the work pursuant to a permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b. Stop Work Orders:
 - i. Upon notice from the Floodplain Administrator, work on any Building, Structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - ii. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- c. Revocation of Permits:
 - i. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the Structure for which the permit was issued is in Violation of, or not in conformity with, the provisions of this ordinance.
- d. Floodplain Management Records:
 - i. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, FIRMs; Letter of Map Change (LOMC); records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of Watercourses; assurances that the Flood carrying capacity of altered Watercourses will be maintained; documentation related to Appeals and Variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.
 - ii. These records shall be available for public inspection at the

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Westfield City Services Center located at 2728 East 171st Street, Westfield, IN 46074.

- e. Periodic Inspection: Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
3. Map Maintenance Activities: To meet National Flood Insurance Program (NFIP) minimum requirements to have Flood data reviewed and approved by FEMA, and to ensure that the Westfield-Washington Township's Flood maps, studies and other data identified in [Article 5.5\(F\)\(2\)](#) accurately represent Flooding conditions so appropriate Floodplain Management criteria are based on current data, the following map maintenance activities are identified:
 - a. Requirement to Submit New Technical Data:
 - i. For all Development proposals that impact Floodway delineations or BFEs, the Community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These Development proposals include:
 - (a). Floodway encroachments that increase or decrease BFEs or alter Floodway boundaries;
 - (b). Fill sites to be used for the placement of proposed Structures where the applicant desires to remove the site from the SFHA;
 - (c). Alteration of Watercourses that result in a relocation or elimination of the SFHA, including the placement of culverts; and Subdivision or large-scale Development proposals requiring the establishment of BFEs.
 - ii. It is the responsibility of the applicant to have required technical data for a CLOMR or Letter of Map Revision (LOMR) and submitted to FEMA. The Indiana DNR will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana DNR at the address provided on the FEMA form (MT-2) or submitted through the online LOMC website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - iii. The Floodplain Administrator shall require a CLOMR prior to the issuance of a Floodplain Development permit for proposed Floodway encroachments that increase the BFE.
 - iv. Floodplain Development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any Development proposal subject to this section.
 - b. Right to Submit New Technical Data: The Floodplain Administrator

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may request changes to any of the information shown on an effective map that does not impact Floodplain or Floodway delineations or BFEs, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Westfield and may be submitted to FEMA at any time.

- c. **Annexation / Detachment:** Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Westfield or the Jurisdiction of the Plan Commission have been modified by annexation or the Community has assumed authority over an area, or no longer has authority to adopt and enforce Floodplain Management Regulations for a particular area. In order that the Hamilton County, Indiana and Incorporate Areas Flood Insurance Rate Map (FIRM) accurately represent the City of Westfield boundaries and the Plan Commission's jurisdiction, include within such notification a copy of a map of the City of Westfield and the Plan Commission's jurisdiction suitable for reproduction, clearly showing the new corporate limits or the new area for which the Plan Commission has assumed or relinquished Floodplain Management regulatory authority.

4. **Variance Procedures:**

- a. The Board of Zoning Appeals (the "Board") as established by the Common Council of the City of Westfield shall hear and decide Appeals and requests for Variances from requirements of this ordinance.
- b. The Board shall hear and decide Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Board may Appeal such decision to the Hamilton County Superior or Circuit Courts.
- c. In considering such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- The danger to life and property due to Flooding or erosion damage;
 - The danger that materials may be swept onto other lands to the injury of others;
 - The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner;
 - The importance of the services provided by the proposed facility to the Community;
 - The necessity to the facility of a waterfront location, where applicable;
 - The compatibility of the proposed use with existing and

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- anticipated Development;
- vii. The availability of alternative locations for the proposed use which are not subject to Flooding or erosion damage;
 - viii. The safety of access to the property in times of Flood for ordinary and emergency vehicles;
 - xi. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and
 - x. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. A written report addressing each of the above factors shall be submitted with the application for a Variance.
 - e. Variances from the provisions of this ordinance shall only be granted when the Board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the Variance would result in exceptional Hardship as defined in [Article 5.5\(E\)](#),
 - iii. A determination that the granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - f. No Variance for a residential use within a Floodway subject to [Article 5.5\(H\)\(1\)\(a\)](#), [Article 5.5\(H\)\(1\)\(c\)](#) or [Article 5.5\(H\)\(1\)\(d\)](#) of this ordinance may be granted.
 - g. Any Variance granted in a Floodway subject to [Article 5.5\(H\)\(1\)\(a\)](#), [Article 5.5\(H\)\(1\)\(c\)](#) or [Article 5.5\(H\)\(1\)\(d\)](#) will require a permit from the Indiana DNR. Variances shall not be issued within any designated regulatory Floodway if any increase in Flood levels during the Base Flood discharge would result.
 - h. Variances to the Provisions for Flood Hazard Reduction of [Article 5.5\(H\)](#) may be granted only when a new Structure is to be located on a Lot of one-half (0.5) acre or less in size, contiguous to and surrounded by lots with existing Structures constructed below the FPG.
 - i. Variances may be issued for the repair or rehabilitation of "Historic Structures" upon a determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as an "Historic Structure" and the Variance is the minimum to preserve the historic character and design of the Structure.
 - j. Variances may be issued for New Construction, Substantial Improvements, and other Development necessary for the conduct of a Functionally Dependent Use.
 - k. Variances shall only be issued upon a determination that the Variance

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is the minimum necessary, considering the Flood hazard, to afford relief.

- l. Upon consideration of the factors listed above and the purposes of this ordinance, the Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this ordinance.
- m. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the FPG and the elevation to which the Lowest Floor is to be built and stating that the cost of the Flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.
- n. The Floodplain Administrator shall maintain the records of Appeal actions and report any Variances to FEMA or the Indiana DNR upon request.

H. **Provisions for Flood Hazard Reduction:**

1. **Floodplain Status Standards:**

- a. Floodways (Riverine): Located within SFHAs, established in [Article 5.5\(F\)\(2\)](#), are areas designated as Floodways. The Floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act ([IC 14-28-1](#)) a permit for construction in a Floodway from the Indiana DNR is required prior to the issuance of a local Building permit for any excavation, deposit, construction, or Obstruction activity located in the Floodway. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual Start of Construction of the Structure. General licenses and exemptions to the requirements of the Flood Control Act ([IC 14-28-1](#) and [312 IAC 10](#)) may apply to qualified Additions/improvements to existing lawful residential Structures, rural bridges, logjam removals, wetland restoration, utility line crossigs, outfall projects, creek rock removal, and prospecting.
 - i. If the site is in a Regulatory Floodway as established in [Article 5.5\(F\)\(2\)](#), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR and apply for approval for construction in a Floodway, provided the activity does not qualify for a general license or exemption ([IC 14-28-1](#) or [312 IAC 10](#)).
 - ii. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana DNR for construction in the Floodway, or evidence provided by an applicant that the Development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development permit shall meet the provisions contained in this article.
 - iii. The Floodplain Development permit cannot be less restrictive

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than an approval issued for construction in a Floodway issued by the Indiana DNR, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a Community's more restrictive regulations (if any) shall take precedence.

- iv. In Floodway areas identified on the FIRM, Development shall cause no increase in Flood levels during the occurrence of the Base Flood discharge without first obtaining a CLOMR and meeting requirements of [Article 5.5\(G\)\(3\)\(a\)](#). A CLOMR cannot be issued for Development that would cause an increase in Flood levels affecting a Structure and such Development should not be permitted.
- v. In Floodway areas identified by the Indiana DNR through detailed or approximate studies but not yet identified on the effective FIRM as Floodway areas, the total cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the Floodway. This adverse effect is defined as an increase in the elevation of the Regulatory Flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the Regulatory Flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- vi. For all projects involving channel modifications or Fill (including levees) the City shall submit the data and request that FEMA revise the Regulatory Flood data per mapping standard regulations found at [44 CFR § 65.12](#).
- b. Fringe (Riverine): If the site is in the Fringe (either identified on the FIRM or identified by the Indiana DNR through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development permit provided the provisions contained in this article have been met.
- c. SFHAs without Established Base Flood Elevation and/or Floodways/ Fringes (Riverine):
 - i. Drainage area upstream of the site is greater than one (1) square mile:
 - (a) If the site is in an identified Floodplain where the limits of the Floodway and Fringe have not yet been determined, and the drainage area upstream of the site is greater than one (1) square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR for review and comment.
 - (b) No action shall be taken by the Floodplain Administrator until written approval from the Indiana DNR (approval for construction in a Floodway, letter of authorization, or

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evidence of general license qualification) or a Floodplain analysis/regulatory assessment citing the One-percent (1%) Annual Chance Flood elevation and the recommended FPG has been received from the Indiana DNR.

- (c) Once the Floodplain Administrator has received the property written approval, evidence of general license qualification, of Floodplain analysis/regulatory assessment approving the proposed Development from the Indiana DNR, a Floodplain Development permit may be issued, provided the conditions of the Floodplain Development permit are not less restrictive than the conditions received from the Indiana DNR and the provisions contained in this section have been met.
- ii. Drainage area upstream of the site is less than one (1) square mile:
 - (a) If the site is in an identified Floodplain where the limits of the Floodway and Fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the Floodplain and One-percent (1%) Annual Chance Flood elevation for the site.
 - (b) Upon receipt, the Floodplain Administrator may issue the local Floodplain Development permit, provided the provisions contained in this article have been met.
- d. SFHAs not Identified on a Map:
 - i. If a proposed Development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR for review and comment.
 - ii. No action shall be taken by the Floodplain Administrator until written approval from the Indiana DNR (approval for construction in a Floodway, letter of authorization, or evidence of general license qualification) or a Floodplain analysis/regulatory assessment citing the One-percent (1%) Annual Chance Flood elevation and the recommended FPG has been received from the Indiana DNR.
 - iii. Once the Floodplain Administrator has received the property written approval, evidence of general license qualification, or Floodplain analysis/regulatory assessment approving the proposed Development from the Indiana DNR, a Floodplain Development permit may be issued, provided the conditions of the Floodplain Development permit are not less restrictive than the conditions received from the Indiana DNR and the provisions

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contained in this article have been met.

2. General Standards: In all Areas of Special Flood Hazard, the following provisions are required:
 - a. All New Construction, reconstruction or repairs made to a Repetitive Loss Structure, and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure;
 - b. New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage below the FPG;
 - c. New Construction and Substantial Improvements must incorporate methods and practices that minimize Flood damage;
 - d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential Structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for nonresidential Structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
 - e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system;
 - g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during Flooding;
 - h. Any alteration, repair, reconstruction, or improvements to a Structure that is in compliance with the provisions of this ordinance shall meet the requirements of "New Construction" as contained in this ordinance;
 - i. BFE data shall be provided for Subdivision proposals and other proposed Development (including Manufactured Home Parks and Subdivisions), which is greater than fifty (50) Lots or five (5) acres;
 - j. Where an existing or proposed Structure or other Development is affected by multiple Flood zones, by multiple BFEs, or both, the Development activity must comply with the provisions of this ordinance applicable to the most restrictive Flood zone and the highest BFE affecting any part of the existing or proposed Structure; or for other Developments, affecting any part of the area of the Development;
 - k. Fill projects that do not involve a Structure must be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
 - l. Non-conversion agreements shall be required for all new or

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substantially improved elevated Structures with an enclosure beneath the elevated floor, Accessory Structures, and open-sided shelters.

- m. Construction of new Solid Waste Disposal Facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Areas of Special Flood Hazard; and
- n. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized Fill or Structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one (1) to one (1)) due to the Fill or Structure.
 - i. The excavation shall take place in the same Floodplain on the same property on which the authorized Fill or structure is located, provided sufficient space exists. If sufficient space does not exist on the same property, the excavation shall take place in the same Floodplain no further than 1000' from the site of the authorized Fill or Structure, provided authorization/permission has been granted by the owners of any property where the excavation is proposed.
 - ii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the Floodplain provided that the excavated volume will be below the regulatory Flood elevation, will be in the same property in which the authorized Fill or Structure is located, will be accessible to the Regulatory Floodwater, will not be subject to ponding when not inundated by Floodwater, and that it shall not be refilled.
 - iii. The excavation shall provide for true storage of Floodwater but shall not be subject to ponding when not inundated by Floodwater.
 - iv. The excavation shall be sufficiently stabilized and compacted to remain firm and resist erosion.
 - v. A restrictive covenant which states the approved compensatory cut area (excavation) shall not be altered without approval from the Floodplain Administrator shall be executed and recorded in the Hamilton County Recorder's Office that runs with the property.
 - vi. The Fill or Structure shall not obstruct a drainage way leading to the Floodplain.
 - vii. The grading around the excavation shall be such that the excavated area is accessible to the Regulatory Floodwater.
 - viii. The Fill or Structure shall be of a material deemed stable enough to remain firm and in place during periods of Flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement. When a Structure is placed on Fill it shall follow additional

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requirements of [Article 5.5\(H\)\(3\)\(b\)\(iv\)](#) and [Article 5.5\(H\)\(3\)\(c\)\(iv\)](#).

- ix. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual Start of Construction or any site work; once site work is complete, but before the actual Start of Construction, the applicant shall provide to the Floodplain Administrator a certificate survey of the excavation and Fill sites demonstrating the Fill and excavation comply with this article.
3. **Specific Standards:** In all Areas of Special Flood Hazard where BFE data or Flood depths have been provided, as set forth in [Article 5.5\(F\)\(2\)](#), the following provisions are required:
- a. **Building Protection Requirement:** In addition to the general standards described in [Article 5.5\(H\)\(2\)](#), Structures to be located in the SFHA shall be protected from Flood damage below the FPG. This Building protection requirement applies to the following situations:
 - i. Construction or placement of a residential Structure;
 - ii. Construction or placement of a nonresidential Structure;
 - iii. Addition or improvement made to an existing Structure where the cost of the Addition or improvement equals or exceeds fifty percent (50%) of the value of the existing Structure (excluding the value of the land). An Addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
 - iv. Reconstruction or repairs made to a damaged Structure where the costs of restoring the Structure to its before damaged condition equals or exceeds fifty percent (50%) of the market value of the Structure (excluding the value of the land) before damage occurred (the costs of any proposed Additions or improvements beyond restoring the damaged Structure to its before damaged condition must be included in the cost);
 - v. Installing a travel trailer or Recreational Vehicle on a site for more than 180 days;
 - vi. Installing a Manufactured Home on a new site or a New Manufactured Home on an existing site.
 - vii. Reconstruction or repairs made to a Repetitive Loss Structure; and
 - viii. Addition or improvement made to any existing Structure with a previous repair, Addition or improvement constructed since the Community's first Floodplain ordinance.
 - b. **Residential Construction (excluding Manufactured Homes):**
 - i. New Construction of Substantial Improvement of any residential Structures shall meet provisions described in [Article 5.5\(H\)\(1\)](#), and applicable general standards described in [Article 5.5\(H\)\(2\)](#).
 - ii. In Zone A and Zone AE, New Construction or Substantial Improvement of any residential Structure shall have the Lowest Floor; including Basement, at or above the FPG. Should solid

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foundation perimeter walls be used to elevate a Structure, openings sufficient to facilitate the unimpeded movements of Floodwaters shall be provided in accordance with the standards of [Article 5.5\(H\)\(3\)\(b\)\(iii\)](#). Should Fill be used to elevate a Structure, the standards of [Article 5.5\(H\)\(3\)\(b\)\(iv\)](#) must be met.

iii. Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall meet the following requirement:

(a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of Floodwaters to equalize hydrostatic Flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report). Non-engineered openings must have a total net area of not less than one square inch for every one square foot of Enclosed Area. Both engineered and non-engineered Flood openings must meet the following installation criteria:

- (1) Provide a minimum of two openings on different sides of an enclosure. If there are multiple Enclosed Areas, each is required to meet the requirements for enclosures, including the requirement for Flood openings in exterior walls;
- (2) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
- (3) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE;
- (4) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
- (5) Doors and windows do not qualify as openings;
- (6) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of Floodwaters in both directions;
- (7) Openings are to be not less than three (3) inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

(b) The floor of such Enclosed Area must be at or above grade on at least one (1) side.

iv. A residential Structure may be constructed on a Fill in accordance with the following:

(a) Fill shall be placed in layers no greater than one (1) foot

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deep before compacting to ninety-five percent (95%) of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

- (b) Fill shall extend ten (10) feet beyond the foundation of the Structure before sloping below the BFE;
- (c) Fill shall be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
- (d) Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
- (e) Fill shall be composed of clean granular or earthen material.
- v. A residential Structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural Fill, concrete, or gravel that supports the floor slab. No Flood openings are required for this type of construction.
- c. Nonresidential Construction:
 - i. New Construction or Substantial Improvement of any non-residential Structures (excludes Accessory Structures) shall meet provisions described in [Article 5.5\(H\)\(1\)](#) and applicable general standards described in [Article 5.5\(H\)\(2\)](#).
 - ii. In Zone A and Zone AE, New Construction, or Substantial Improvement of any commercial, industrial, or nonresidential Structure (excludes Accessory Structure) shall either have the Lowest Floor, including Basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a Structure, openings sufficient to facilitate the unimpeded movements of Floodwaters shall be provided in accordance with the standards of [Article 5.5\(H\)\(3\)\(c\)\(iii\)](#). Should Fill be used to elevate a Structure, the standards of [Article 5.5\(H\)\(3\)\(c\)\(iv\)](#) must be met.
 - iii. Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall meet the following requirement:
 - (a) Designed to preclude finished living space and designed to allow for the automatic entry and exit of Floodwaters to equalize hydrostatic Flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered Flood openings:

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- (1) Provide a minimum of two openings on different sides of an enclosure. If more than one Enclosed Area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of Enclosed Area);
- (2) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
- (3) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
- (4) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
- (5) Doors and windows do not qualify as openings;
- (6) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of Floodwaters in both directions;
- (7) Openings are to be not less than three (3) inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- (b) The floor of such Enclosed Area must be at or above grade on at least one side.
- (c) The interior portion of such Enclosed Area shall not be partitioned or finished into separate rooms.
- iv. A nonresidential Structure may be constructed on a permanent land Fill in accordance with the following:
 - (a) Shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five percent (95%) of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - (b) Shall extend ten (10) feet beyond the foundation of the Structure before sloping below the BFE;
 - (c) Shall be protected against erosion and scour during Flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three foot (3') horizontal to one foot (1') vertical;
 - (d) Shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - (e) Shall be composed of clean granular or earthen material.
- v. A nonresidential Structure may be floodproofed in accordance with the following:
 - (a) A Registered Professional Engineer or Architect shall certify that the Structure has been designed so that below the FPG,

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the Structure and attendant utility facilities are watertight and capable of resisting the effects of the Regulatory Flood. The Structure design shall take into account Flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

- (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- vi. A nonresidential Structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural Fill, concrete, or gravel that supports the floor slab. No Flood openings are required for this type of construction.
- d. Manufactured Homes and Recreational Vehicles: Manufactured Homes and Recreational Vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
 - i. These requirements apply to all Manufactured Homes to be placed on a site in the SFHA;
 - (a) The Manufactured Home shall be elevated on a permanent foundation such that the Lowest Floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (b) Fully Enclosed Areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of Floodwaters to automatically equalize hydrostatic Flood forces on exterior walls as required for elevated Structures in [Article 5.5\(H\)\(3\)\(b\)\(iii\)](#).
 - (c) Flexible skirting and rigid skirting not attached to the frame or foundation of a Manufactured Home are not required to have openings.
 - ii. Recreational Vehicles placed on a site in the SFHA shall either:
 - (a) Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached Additions); or
 - (b) Meet the requirements for "Manufactured Homes" as stated earlier in this section.
- e. Accessory Structures: Within SFHAs, New Construction or placement of an Accessory Structure must meet the following standards:
 - i. Shall have a floor area of 400 square feet or less;
 - ii. Use shall be limited to parking of vehicles and limited storage;

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- iii. Shall not be used for human habitation;
 - iv. Shall be constructed of Flood resistant materials;
 - v. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of Floodwaters;
 - vi. Shall be firmly anchored to prevent flotation;
 - vii. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
 - viii. Shall be designed to allow for the entry and exit of Floodwaters to automatically equalize hydrostatic Flood forces on exterior walls as required for elevated Structures in [Article 5.5\(H\)\(3\)\(c\) \(iii\)](#) and,
 - ix. Shall not have subsequent Additions or improvements that would preclude the Structure from its continued designation as an Accessory Structure.
- f. Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development: Within SFHA's New Construction or placement of free-standing pavilions, gazebos, decks, carports, and similar Development must meet the following standards:
- i. Shall have open sides (having not more than one rigid wall);
 - ii. Shall be anchored to prevent flotation or lateral movement;
 - iii. Shall be constructed of Flood resistant materials below the FPG;
 - iv. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
 - v. Shall not have subsequent Additions or improvements that would preclude the Development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided Development.
- g. Above Ground Gas or Liquid Storage Tanks: Within SFHAs designated as Zones A or AE, on the Community's FIRM, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a nonresidential Structure as required in [Article 5.5\(H\)\(3\)\(c\)](#).
4. Standards for Subdivision and Other New Developments:
- a. All Subdivision proposals and all other proposed new Development shall be consistent with the need to minimize Flood damage.
 - b. All Subdivision proposals and all other proposed new Development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
 - c. All Subdivision proposals and all other proposed new Development shall have adequate drainage provided to reduce exposure to Flood hazards.
 - d. In all Areas of Special Flood Hazard where BFE data are not available, the applicant shall provide a Hydrologic and Hydraulic Engineering Analysis that generates BFEs for all Subdivision proposals and all other proposed new Development (including Manufactured Home Parks and Subdivisions), greater than fifty (50) Lots or five (5) acres.

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- e. All Subdivision proposals shall minimize Development in the SFHA and/or limit density of Development permitted in the SFHA.
 - f. All Subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
 - g. Streets, Blocks, Lots, Parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels.
5. Standards for Critical Facilities: Construction of new Critical Facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new Critical Facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical Facilities constructed within the SFHA shall have the Lowest Floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into Floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

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Westfield-Washington Township Advisory Plan Commission (APC)

Minutes of the August 15, 2022 APC Meeting

Presented for approval: September 6, 2022

Westfield-Washington Township Advisory Plan Commission
met at 7:00 p.m. on Monday, August 15, 2022 at Westfield City Hall.

Active links for this meeting:

[August 15, 2022 APC Agenda & Exhibits](#)

[August 15, 2022 YouTube Video](#)

OPENING OF MEETING

[You Tube Time: 0:07](#)

Roll Call

Commissioners Members Present In-Person: Kristen Burkman, Matt Deck, Ginny Kelleher, Mike Johns, Victor McCarty, Dave Schmitz, and Cindy Spoljaric.

Commissioners Present Virtually: None.

Commissioners Absent: Robert Horkay and Andre Maue.

City Staff Present In-Person: Kevin Todd, Director; Pam Howard, Assistant Director; Caleb Ernest, Senior Planner; and Lauren Gillingham, Senior Planner.

City Staff Present Virtually: None.

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

APPROVAL OF MINUTES

Deck motioned to approve the August 1, 2022 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](#)

2201-DDP-03

Union Square

South side of State Route 32, between Mill Street and Union Street

Old Town Companies by American Structurepoint request Detailed Development Plan approval of an 80,400 square foot mixed use building and parking garage on 4.10 acres +/- in the Union Square at Grand Junction Planned Unit Development District.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

McCarty motioned to approve the Consent Agenda as presented.

Johns seconded. Motion passed. Vote 7-0.

ITEMS OF BUSINESS

2203-PUD-05

[YouTube Time: 5:13](#)

Towns at Union PUD

East of and adjacent to Union Street and south of David Brown Drive

Pulte Homes of Indiana, LLC by Nelson & Frankenberger, LLC request a change of zoning of 12.85 acres +/- from the AG-SF1 District to the Towns at Union PUD District.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments

Schmitz motioned to forward 2203-PUD-05 to the City Council with a favorable recommendation subject to the three conditions stated in the motion.

Spoljaric seconded. Motion passed. Vote 7-0.

Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

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PUBLIC HEARING ITEMS

2208-PUD-09 [PUBLIC HEARING]

[YouTube Time: 22:49](#)

Northpoint II PUD

North side of SR 38 between Anthony Road and Hinkle Road

Northpoint Owners, LLC by Clark, Quinn, Moses, Scott & Grahn, LLP requests a change of zoning for 183.5 acres +/- from the AG-SF1: Agriculture/Single-family Rural District to the Northpoint II PUD District.

(Planner: Pam Howard - phoward@westfield.in.gov)

Staff presentation / Petitioner presentation.

Public Hearing for 2208-PUD-09 opened at 7:41 p.m.

- Sixteen (16) public comments.

Public Hearing for 2208-PUD-09 closed at 8:31 p.m.

Petitioner responses / APC comments.

Spoljaric motioned to forward a negative recommendation to the City Council for 2203-PUD-05.

Johns seconded. Motion passed. Vote 5-2 (McCarty and Deck).

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)

2112-ODP-26 [CONTINUED]

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)

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)

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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)

2208-ZOA-02 [CONTINUED]

Unified Development Ordinance Amendment (Landscape Bonds)

The City of Westfield requests approval of an ordinance to amend Article 6.8 of the Westfield-Washington Township Unified Development Ordinance.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

2205-PUD-09 [CONTINUED]

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 Planned Unit Development (PUD) District.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

REPORTS/COMMENTS:

[YouTube Time: 2:11:54](#)

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

ADJOURNMENT

Spoljaric motioned to adjourn the meeting. Burkman seconded. Motion passed. Vote 7-0.
The meeting adjourned at 9:22 p.m.

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Signature Page for APC Minutes for August 15, 2022

Agendas and minutes for all City meetings are updated and available at the City's website.

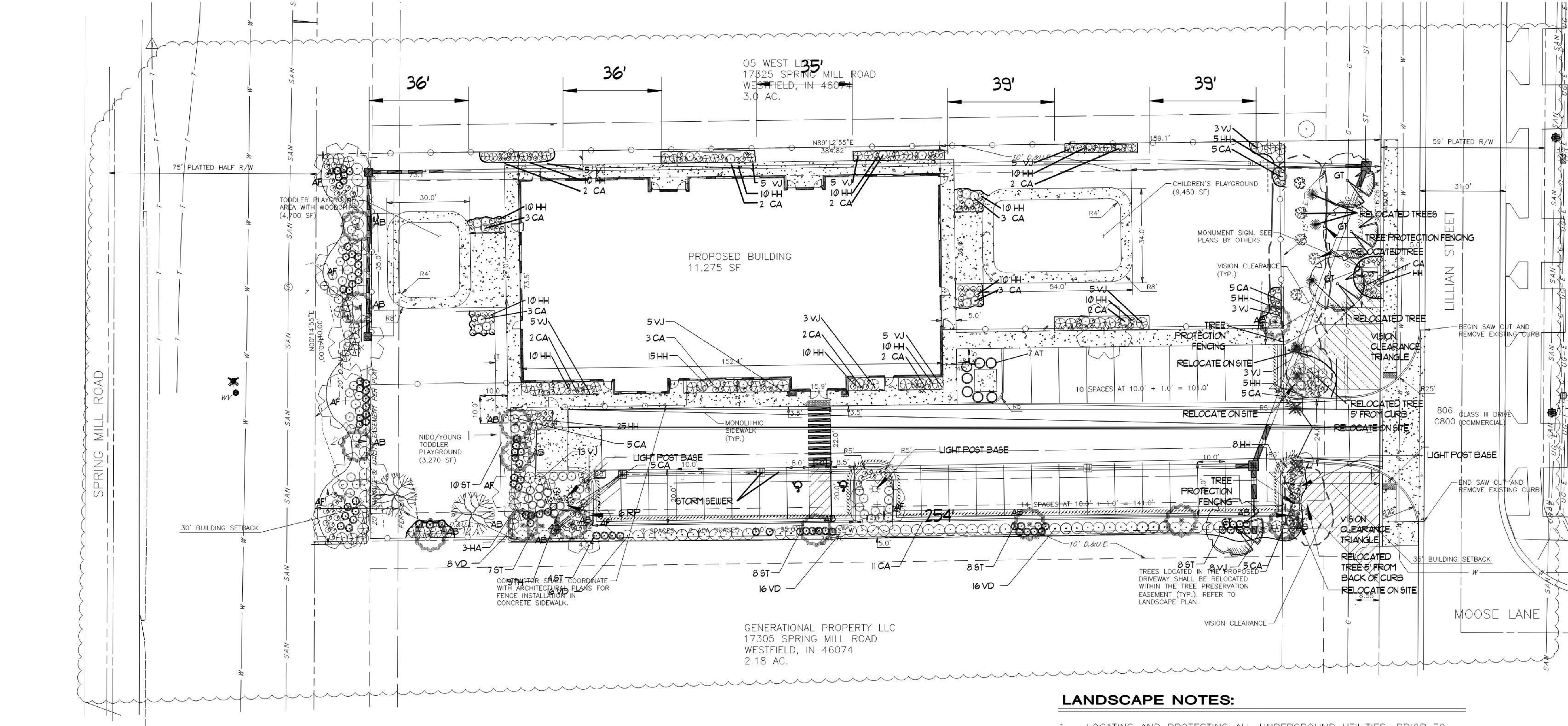
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Robert Horkay, President

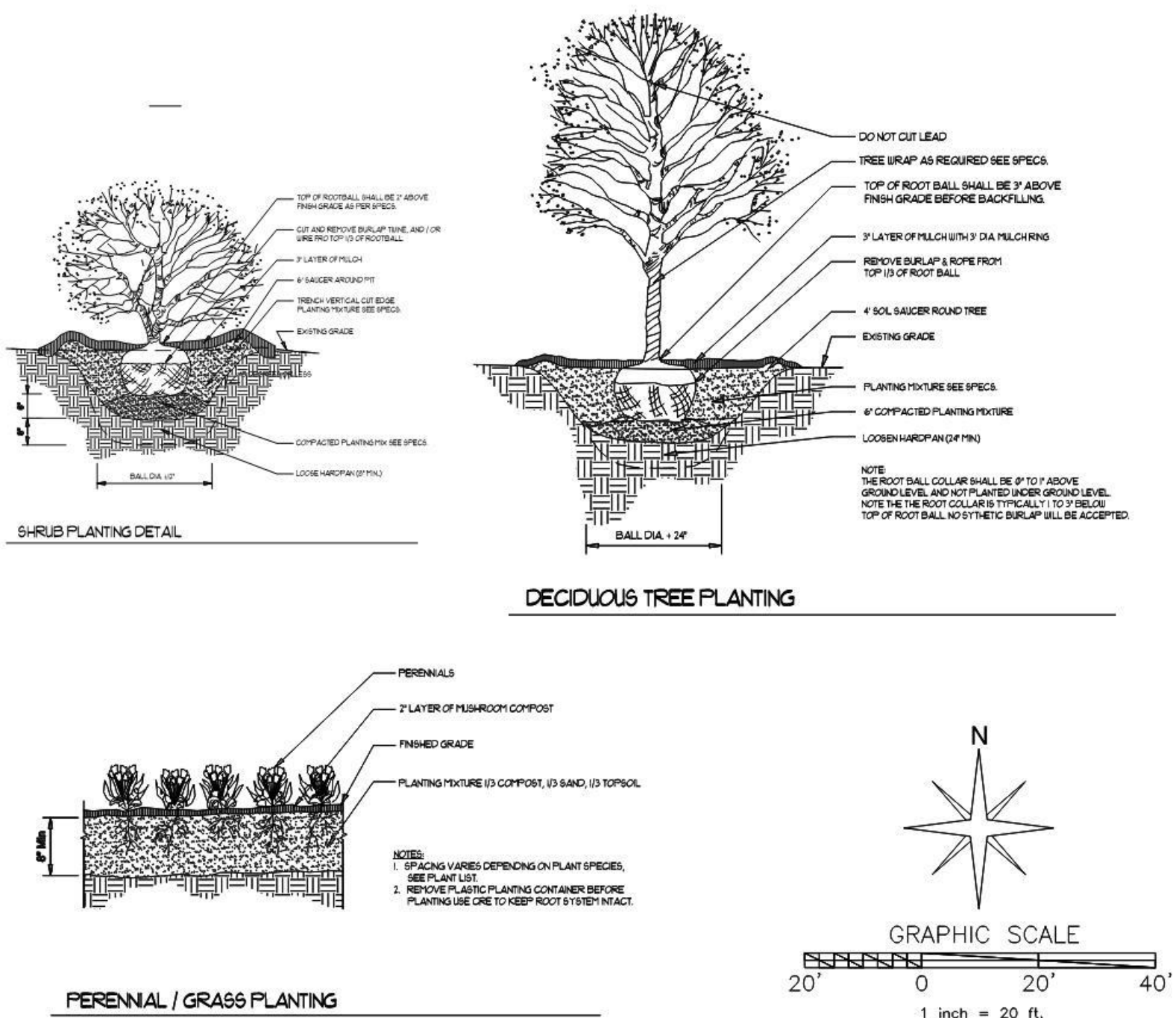
Ginny Kelleher, Vice President

Kevin M. Todd, Secretary



LANDSCAPE NOTES:

- LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES, PRIOR TO DIGGING, IS RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
- PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUB GRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS. WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR AND/OR CONSTRUCTION MANAGER.
- GENERAL AND LANDSCAPE CONTRACTOR ARE RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING CONSTRUCTION. GENERAL CONTRACTOR TO INSTALL TREE PROTECTION FENCING PRIOR TO ANY SITE WORK.
- ALL SHRUB AND GROUNDCOVER BEDS TO BE MULCHED WITH A MINIMUM OF 3 INCHES OF CLEAN SHREDDED HARDWOOD MULCH.
- PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. AMEND BACKFILL WITH TOPSOIL MIX. BACKFILL AND TAMP BOTTOM OF HOLE PRIOR TO PLANTING SO TOP OF ROOT BALL DOES NOT SETTLE BELOW SURROUNDING GRADE.
- TOPSOIL MIX TO BE 4 PARTS SCREENED TOPSOIL AND 1 PART ORGANIC MATERIAL.
- EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO PLANTING SHRUBS.
- SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS. LIME AND FERTILIZER TO BE DISTRIBUTED PRIOR TO LAYING SOD. ALL DISTURBED AREAS (INCLUDING RIGHT-OF-WAYS) NOT RECEIVING PLANTINGS TO RECEIVE 4 INCHES OF TOPSOIL AND SODDED. SOD TO BE DELIVERED FRESH (CUT LESS THAN 24 HOURS PRIOR TO ARRIVING ON SITE), LAID IMMEDIATELY, ROLLED AND WATERED THOROUGHLY WITHIN ONE HOUR OF INSTALLATION.
- ALL CHANGES TO DESIGN AND/OR PLANT SUBSTITUTIONS TO BE AUTHORIZED BY LANDSCAPE ARCHITECT.
- ALL PARKING ISLANDS TO BE BERMED UP 6"-10" WITH CLEAN FRIABLE TOPSOIL PRIOR TO PLANTING.
- ALL LANDSCAPING SHALL BE INSTALLED IN CONFORMANCE WITH ANSI Z60.1 THE AMERICAN STANDARD FOR NURSERY STOCK, AND THE ACCEPTED STANDARDS OF AMERICANHORT.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY THE OWNER. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD OR VANDALISM.
- ANY PLANT THAT IS DETERMINED DEAD, IN AN UNHEALTHY OR UNSIGHTLY CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR WITH THE COST OF THE REPLACEMENT INCLUDED IN THE BID OR PROPOSAL PRICE.
- WATER THOROUGHLY TWICE IN THE FIRST 24 HOURS AND APPLY MULCH IMMEDIATELY.



EXISTING TREE LEGEND:	
EXISTING TREES ON SITE BEFORE CONSTRUCTION	10
EXISTING TREES TO BE PRESERVED	8
EXISTING TREES TO BE RELOCATED ON SITE	2
EXISTING TREES TO BE REMOVED	0

Parking Calculations:	
Number of parking spaces	7.5 % of parking area to be islands
33 stalls / 3 island stalls required	3 parking island areas shown

Linear footage of parking lot at road side = 254'	82 shrubs required
1 shrub per 3' = 85 shrubs	208 shrubs provided

Number of Parking Length linear feet	1 tree required per 30 linear feet 9 trees required
254 linear feet	17 trees provided

Number of acres on this site	10 shade trees required per acre 10 ornamental or evergreen trees required per acre 25 shrubs required per acre
1.32 Acres	14 shade trees required - 14 shade trees provided 14 ornamental or evergreen trees required - 14 ornamental trees provided or evergreen trees provided 33 shrubs required - 208 shrubs provided

LEGEND			
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME
AF	9	ACER X FREEMANII 'JEFFERSRED'	AUTUMN BLAZE MAPLE
GT	4	GLEDTISIA TRIACANTHOS 'SKY COLE'	SKYLINE HONEYLOCUST
AB	14	AMELANCHIER X 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY
HA	3	DECIDUOUS SHRUB	
RD	6	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE HYDRANGEA
ST	73	ROSA RUGOSA 'PURPLE PAVEMENT'	PURPLE PAVEMENT ROSE
VD	80	SPIRAEA 'TOR'	BIRCHLEAF SPIREA
VJ	74	VIBURNUM DENTATUM 'BLUE MUFFIN'	BLUE MUFFIN VIBURNUM
		VIBURNUM DENTATUM 'AUTUMN JAZZ'	AUTUMN JAZZ VIBURNUM
TH	9	EVERGREEN SHRUB	
AT	7	TAXUS X MEDIA 'HICKSII'	HICKS YEW
CA	102	PERENNIAL & ORNAMENTAL GRASSES	
HH	106	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS
		HEMEROCALLIS 'HAPPY RETURNS'	HAPPY RETURNS DAYLILY

LEGEND			
PROPOSED INDEX CONTOUR	SAN	PROPOSED SANITARY SEWER	
PROPOSED INTERMEDIATE CONTOUR	●	PROPOSED SANITARY CLEANOUT	
PROPOSED STORM PIPE	W	PROPOSED WATER LINE	
PROPOSED UNDERDRAIN	E	PROPOSED ELECTRIC	
PROPOSED DRAIN BASIN	G	PROPOSED GAS LINE	
PROPOSED INLET/CATCH BASIN	●	PROPOSED HYDRANT	
PROPOSED STRUCTURE LABEL	●	PROPOSED WATER VALVE	

Revision #:

Date: 9/1/2022

Scale:

1" = 20'

Landscape Plan:

FOR: HIGHER GROUND
17305 SPRING MILL ROAD
WESTFIELD, INDIANA 46074
Murphy Development Group
227 MONROE, SUITE 5040, CHICAGO, IL

Landscape Design by:

Neil Campbell
Hanson Landscape
76882 CAMP DEAN ROAD, BIG ROCK, ILLINOIS 60511



HIGHER GROUND
MONTESSORI DAYCARE
NEW CONSTRUCTION
17313 SPRING MILL RD
WESTFIELD, IN 46074

THESE DRAWINGS ARE PROTECTED BY COPYRIGHT AND MAY
NOT BE USED WITHOUT THE EXPRESSED WRITTEN CONSENT OF
FITZGERALD ARCHITECTURE, PLANNING, DESIGN.

REV	DATE	ISSUED FOR:
	07/06/2022	BID & PERMIT

EXTERIOR ELEVATIONS

DRAWN BY: ZW REVIEWED BY: EW

PROJECT #: 22100.00

A2.0



- ARCHITECTURAL SHINGLES:
CERTAINTED LANDMARK
GEORGETOWN GRAY
- STONE 1:
LAFARGE FOX RIVER
DECORATIVE STONE
COUNTRY BLEND STONE
- HARDIESHINGLE SIDING:
SHAKE SIDING, TEXTURED
SEE HARDIE BOARD SHAKE
PAINT FOR COLOR
- HARDIE BOARD SHAKE PAINT:
SHERWIN WILLIAMS
CADET SW9143
- HARDIEPLANK LAP SIDING:
LAP SIDING, TEXTURED
SEE HARDIE LAP SIDING
PAINT FOR COLOR
- HARDIE LAP SIDING PAINT:
SHERWIN WILLIAMS
SAMOVAR SILVER SW6223
- BOARD AND BATTEN & TRIM PAINT:
SHERWIN WILLIAMS
EXTRA WHITE SW7006

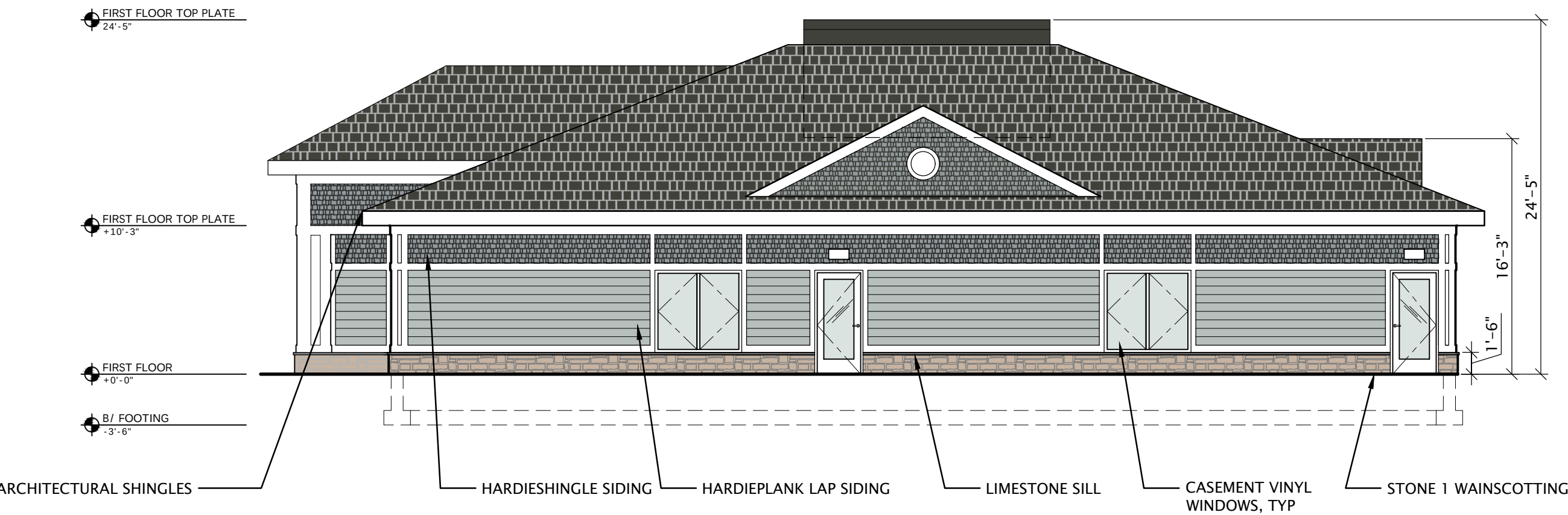
A SOUTH ELEVATION

1/8" = 1'-0"
0' 1' 2' 5' 10' 20'



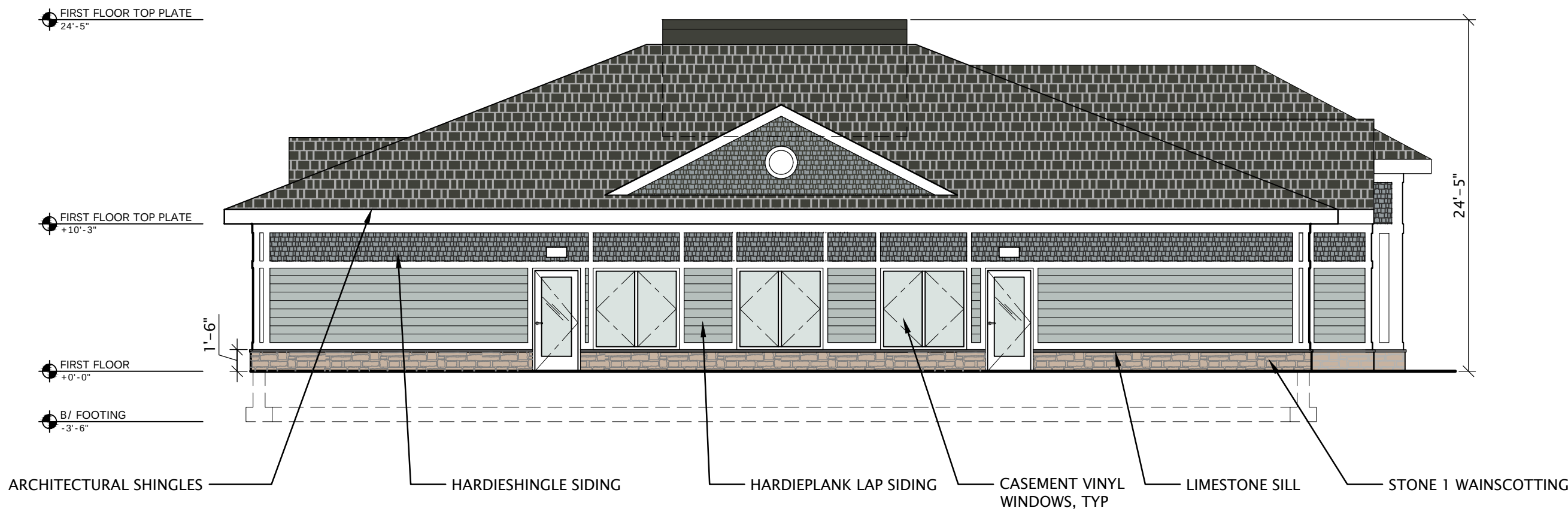
B NORTH ELEVATION

1/8" = 1'-0"
0' 1' 2' 5' 10' 20'



C EAST ELEVATION

1/8" = 1'-0"
0' 1' 2' 5' 10' 20'



D WEST ELEVATION

1/8" = 1'-0"
0' 1' 2' 5' 10' 20'



HIGHER GROUND
MONTESSORI DAYCARE
NEW CONSTRUCTION
17313 SPRING MILL RD
WESTFIELD, IN 46074

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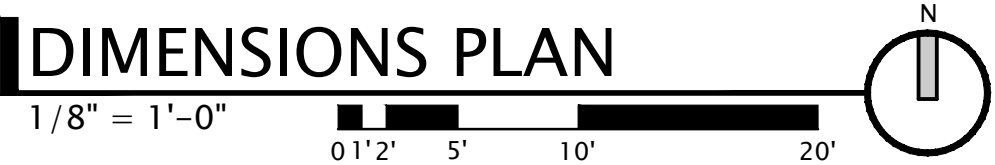
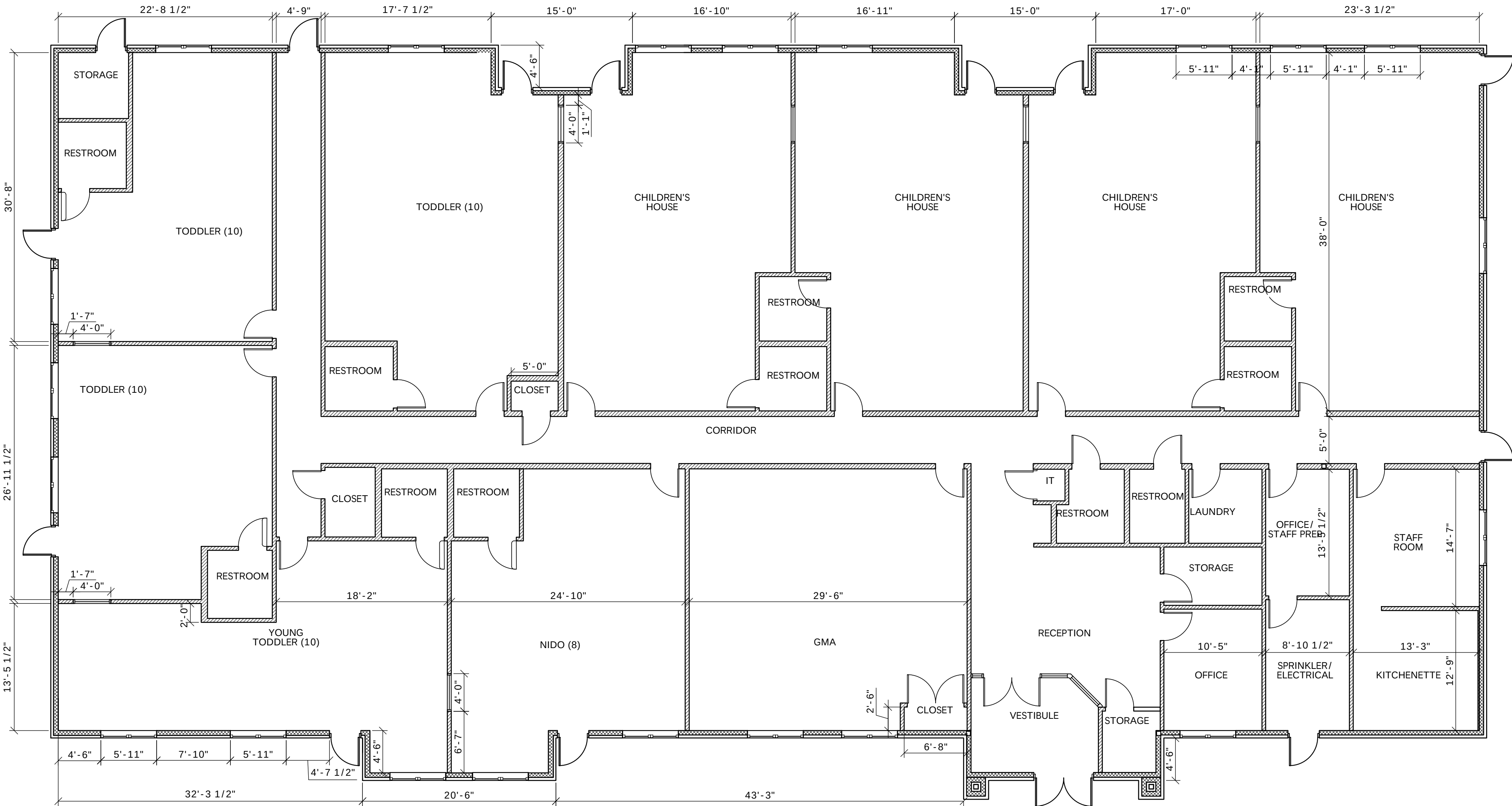
REV	DATE	ISSUED FOR:
	07/06/2022	BID & PERMIT

DIMENSIONS PLAN

DRAWN BY: ZW REVIEWED BY: EW

PROJECT #: 22100.00

A1.2





WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

September 6, 2022
Rules of Procedure Update
Exhibit 1

Petitioner: City of Westfield

Request: Approval of an amendment to the Westfield-Washington Township APC Rules of Procedure.

Exhibits:

1. Department Report
2. 2022 Amended Rules
3. Redline (8/1/22 – 9/6/22)
4. 2013 Approved Rules (complied with 2020 amendment)

Staff Reviewer: Pamela Howard, Assistant Director

HISTORY

The currently applicable Rules of Procedure document was adopted on March 18, 2013. An amendment related to the BZA appointment was adopted in 2020. On June 13, 2022, the City Council adopted an amendment to the Unified Development Ordinance related to the rezoning and subdivision processes, including the creation of a Plat Committee. These changes require an update to the Rules of Procedure.

SUMMARY OF CHANGES

As shown in the Comparison Document, several changes are being made to the current Rules of Procedure. Many of these are formatting changes, or changes to the order of the document. More substantial changes include:

1. Incorporation of rules relating to the Plat Committee, including membership and meetings.
2. Separating out the first and second APC meeting, designating the first for Public Hearings and Items of Business, and the second for Workshop Items. Consent Agenda Items can be approved at either meeting.
3. Removing the 6-month continuance rule and replacing it with administrative dismissal rules, as further outlined below.
 - a. Previous Rule (2013): Petitions that continue to appear on the Commission docket for a period of six (6) months beyond the originally noticed Commission meeting (the "Initial Period") shall be administratively dismissed and removed from the Commission docket, unless a continuation or postponement is granted by the Director for due cause. Petitioners aggrieved by the Director's determination to dismiss and remove a petition from the Commission docket may appeal such determination to the Commission, without notice, at the next regularly scheduled Commission meeting. In the event the Director administratively grants a continuation or postponement beyond the Initial Period (or in the event the Commission grants a continuation or postponement

beyond the Initial Period, in the event of a successful appeal), the Director may require additional public notice to be served if the Director determines such additional notice is warranted.

b. Proposed Rules:

i. Petitions that require a Public Hearing:

1. Petitions which have not received a public hearing will be administratively dismissed six (6) months after the date of filing unless the Commission or Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.
2. Petitions which have received a public hearing will be administratively dismissed six (6) months after the public hearing unless the Commission or Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.

ii. Petitions that do not require a Public Hearing: Petitions for which no action has been taken will be administratively dismissed one (1) year after the date of filing unless the Director approves an extension. Secondary Plats are exempt from this rule.

iii. All Petitions: Any Petition may also be dismissed by the Commission or Committee for lack of jurisdiction or for lack of representation by the Petition Representative at a meeting where the item appears on the agenda (as a non-continued item).

CHANGES SINCE AUGUST 1

As shown in the Redline (see Exhibit 3), several changes have been made since these were presented at the July 5 meeting. Substantive changes include:

- Removal of the ex-parte communication prohibition (p. 4-6 of redline), to allow for further discussion of the proposed rule. If acceptable language can be agreed upon, it will be incorporated into the rules via an amendment at a later date.
- Clarifying that any concerns regarding impartiality should be discussed with legal counsel (p. 12 of redline).
- Adding further detail to the Conduct of Hearings section (p. 17 of redline) to clarify the time limits for petitioner presentation and response, and to allow for clarifications to be requested prior to opening the public hearing.

PREVIOUS CHANGES

Several Changes were made between the July 5th and August 1st meetings, and have been carried over into the current version. The most substantial changes included:

1. Moving the Second Monthly Commission Meeting to the City Services Building.
2. Updating the mailed notice requirement to 2 property owners deep (removing the 660' option), and adding "unless otherwise reduced by the Director" to allow for some discretion when requested by the county.
3. Updating the Administrative Dismissal section to address the concerns regarding the 1-year rule. As described above, we are now proposing separate dismissal timelines prior to a public hearing, after a public hearing, and for items that don't require a hearing.

DEPARTMENT COMMENTS

1. **Action: Approve the amended Rules of Procedure.**
2. If any Plan Commission member has questions prior to the meeting, then please contact Pam Howard at (317) 531-3751 or phoward@westfield.in.gov.

RULES OF PROCEDURE

WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION

ARTICLE I: AUTHORITY & JURISDICTION

Section 1: Authority

The Westfield-Washington Township Advisory Plan Commission (the "Commission") exists as an Advisory Planning Commission under the authority of I.C. 36-7-4-401 and the Westfield-Washington Township Unified Development Ordinance (the "Unified Development Ordinance"), and any amendments thereto. The Commission shall appoint a Plat Committee (the "Committee") in accordance with I.C. 36-7-4-701. These rules are adopted in accordance with the requirements of I.C. 36-7-4-401.

Section 2: Jurisdiction

As set forth in Article 2.3 Authority and Purpose; Jurisdiction and defined in Article 12.1 Definitions of the Unified Development Ordinance, the jurisdiction of the Plan Commission and Committee is all land within Washington Township, Hamilton County, Indiana, and all land incorporate into the City of Westfield, Hamilton County, Indiana.

ARTICLE II: DUTIES & RESPONSIBILITIES

Section 1: Duties

Article 3.6 Administration; Plan Commission; Duties of the Unified Development Ordinance sets forth the duties and powers of the Commission, as defined by Indiana law (I.C. 36-7-4-400 *et seq.*) or as may otherwise be required by the Unified Development Ordinance, as generally described below:

- 1) The Commission shall be governed by the provisions of the Unified Development Ordinance, as adopted and amended by the City Council of the City of Westfield, Indiana (the "City Council") and the Rules and Procedures set forth herein, as adopted and amended by the Commission;
- 2) Any member of the Commission who has a conflict of interest in a matter before the Commission shall remove him/herself from hearing the matter and not vote thereon, as further described in Article IV, Section 5, Item 3;
- 3) Nothing herein shall be construed to give or grant to the Commission the power of authority to alter or change the Unified Development Ordinance, including all official zoning maps; this authority is reserved for and with the City Council;
- 4) The Commission attorney shall be consulted in all cases where the powers of the Commission are not clearly defined; and,

- 5) The office of the Commission shall be located in the offices of the City of Westfield, Community Development Department, Westfield, Indiana (the "Department").

Section 2: Responsibilities

The responsibilities of the Commission shall be to act in an advisory capacity to the City Council regarding the following:

- 1) The adoption of a Comprehensive Plan and amendments thereto in accordance with I.C. 36-7-4-500 *et seq.*;
- 2) The adoption of a Unified Development Ordinance and Zoning Map and amendments thereto in accordance with IC 36-7-4-600 *et seq.*;
- 3) Any other matter, within the responsibilities of the Commission, authorized by Indiana law or the Unified Development Ordinance.

Section 3: Final Decisions

The Commission shall render final decisions concerning the following matters, unless delegated to the Department or Committee; provided, that the Department has made evidentiary findings as to their compliance with the Unified Development Ordinance:

- 1) Plats or re-plats of Subdivisions (see Article 10.12 Subdivision of the Unified Development Ordinance);
- 2) Vacations of Subdivisions; and,
- 3) Development Plans and amendments to Development Plans (see Article 10.7 Development Plan Review of the Unified Development Ordinance).

ARTICLE III: MEMBERSHIP & OFFICERS

Section 1: Commission Membership

- 1) **Members:** The Commission shall consist of nine (9) voting members as follows:
 - a) Four (4) residents who reside within the corporate limits of the City and are not elected officials or employees of the City. These members shall be appointed by the City's executive officer (Mayor) and shall each serve a four (4) year term.
 - b) One (1) resident who resides within the corporate limits of the City and who is not an elected official or employee of the City. This member shall be appointed by the City Council and shall serve a four (4) year term.
 - c) Two (2) members of the City's legislative body (City Council), who may be appointed by the City Council for a one (1) year term.

- d) Two (2) residents of Washington Township who are not elected officials, or employees of the Township or City. These members shall be appointed by the Township's executive (Township Trustee) with the approval of the Township's legislative body and shall serve a four (4) year term.
- 2) Reappointment: Each Commission member appointed herein is eligible for reappointment.
- 3) Removal for cause: The appointing authority may remove a member pursuant to I.C. 36-7-4-218(f).
- a) In addition, if a member of the Commission has three (3) unexcused absences¹ in any calendar year from a meeting on the Commission's adopted schedule of meetings (see Article 3.1(B) of the Unified Development Ordinance) (the "Schedule of Meeting and Filing Dates"), then that member becomes disenfranchised at the sole discretion of the appointing authority and shall no longer be considered a viable member of the Plan Commission.
- b) In the event of removal by the appointing authority, the Plan Commission member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-218(f). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the appointing authority. The appointing authority may consider the appeal and hold a hearing to either uphold or overturn the removal of the member.
- 4) Vacancy:
- a) If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacancy or vacating member.
- b) The President, through the Director, shall inform the appropriate appointing authority as promptly as possible, when a member has three (3) unexcused absences, as outlined herein, for the purpose of considering the replacement of said member so that the appointing authority may appoint a replacement to fulfill the unexpired term. Other vacancies occurring in the Commission shall also be reported to the appropriate appointing authority for similar action.
- 5) Commission Communications: All Commission members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.

¹ An excused absence(s) shall be considered as a call, text, or email in to the Director of the Department or Commission President.

6) Appointment to the Board of Zoning Appeals:

- a) In accordance with I.C. 36-7-4-902, the Commission shall, from its membership, appoint one representative to serve on the Westfield-Washington Township Board of Zoning Appeals (the "Board of Zoning Appeals"). This appointee shall not hold elective office, other appointive office or be an employee of the City or Township.
- b) In accordance with I.C. 36-7-4-907, the Commission may, in the absence of its appointment under the above paragraph (a), appoint an alternate member to the Board of Zoning Appeals, as needed.
- c) In accordance with I.C. 36-7-4-903 this member shall be from the citizen membership appointed by the Township Executive and shall represent the unincorporated area.
- d) The term of the appointment shall be two (2) years.

7) Appointment to the Plat Committee: In accordance with I.C. 36-7-4-701, the Commission shall appoint members to the Plat Committee, in accordance with Section 2 of this Article.

Section 2: Plat Committee Membership

- 1) Members: The Plat Committee shall consist of five (5) voting members as follows:
 - a) At least one (1) member of the Commission.
 - b) At least one (1), but not more than two (2), City of Westfield staff members.
 - c) At least one (1) resident who resides within the Jurisdiction.
 - d) All members are appointed by the Commission.
 - e) All membership terms are for one (1) year.
- 2) Reappointment: Each Committee member appointed herein is eligible for reappointment.
- 3) Removal for cause: The Commission may remove a member pursuant to I.C. 36-7-4-701.
 - a) In addition, if a member of the Committee has three (3) unexcused absences² in any calendar year from a meeting on the Committee's adopted schedule of meetings (see Article 3.1(B) of the Unified Development Ordinance) (the "Schedule of Meeting and Filing Dates"), then that member becomes

² An excused absence(s) shall be considered as a call, text, or email in to the Director of the Department or Committee President.

disenfranchised at the sole discretion of the Commission and shall no longer be considered a viable member of the Committee.

- b) In the event of removal by the Commission, the Committee member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-701(e). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the appointing authority. The appointing authority may consider the appeal and hold a hearing to either uphold or overturn the removal of the member.
- 4) Vacancy: If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacancy or vacating member.
- 8) Committee Communications: All Committee members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.

Section 3: Officers

The Commission and Committee shall, at their first regular meeting each year, elect from its membership a President and Vice-president.

- 1) The President shall preside over all meetings of the Commission or Committee.
- 2) The Vice-president shall have the authority to act as President during the absence or disability of the President.
- 3) In the absence of both the President and Vice-president, the Secretary shall preside over the election of a President pro-tempore who shall have the authority to act as President for the specific meeting of the Commission or Committee at which they are elected.
- 4) Upon resignation or replacement of the President or Vice-president as a member of the Commission or Committee, the Commission or Committee shall elect a successor at its next regularly scheduled meeting.
- 5) In accordance with City of Westfield Ordinance 06-02, members of the City Council who are appointed to serve on the Commission shall not be eligible for the position of President, Vice-president, or Secretary of the Commission.
- 6) The Director of the Department ("Director") shall be permanently appointed as the Secretary of the Commission and Committee. In the event of a vacancy in the position of Director, the office of Secretary shall be transferred to the interim Director as appointed by the Mayor.
- 7) The Director shall be responsible for recording and transcribing all regular and special meeting minutes of the Commission or Committee.

Section 4: Training, Seminars, Continuing Education and/or Field Trips

- 1) Training
 - a) Within the first ninety (90) days of serving on the Commission, each new member shall be given an opportunity to attend an introductory training session conducted by the Department. This session will be offered at least twice during this time period and take place at a scheduled workshop meeting of the Commission.
 - b) If a member fails to attend the initial training requirements, or subsequent scheduled session, then that member and appointing authority shall be duly notified of failure to fulfill requirement.
- 2) Seminars / Conferences / Workshops
 - a) Each member of the Commission appointed to a four (4) year term, is encouraged to attend at least one (1) planning seminar / conference / workshop offered by the Department, other governmental offices, local builders association, American Planning Association or local universities regarding planning principals and how they affect local planning, during each term of service (this excludes the legislative body appointments).
 - b) The cost to participate in one event (per member, per term) shall be fully reimbursable if the event details are reviewed and approved by the Department prior to registration. The cost to participate in additional events may be reimbursable, at the Department's discretion.
- 3) Continuing Education
 - a) Each new member shall become a member of the American Planning Association (APA) and the Indiana Chapter (APA Indiana) through the Department. With this membership, you are encouraged to participate in programming offered by these organizations.

ARTICLE IV: MEETINGS**Section 1: Monthly Meetings**

- 1) Schedule of Meetings: The Commission shall adopt an annual Schedule of Meetings and Filing Dates of the regularly scheduled Commission and Committee meetings each year and deadlines for filing applications for placement on a meeting agenda (the "Schedule of Meeting and Filing Dates"). The Schedule of Meetings and Filing Dates shall be maintained by the Department (see Article 3.1(B) of the Unified Development Ordinance) and shall be approved by the Commission no later than their first December meeting of each year.
- 2) Commission Meeting Time, Date & Location: The meetings of the Commission shall be on the first and third Monday of each month at 7:00 p.m. If the date of the meeting

falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, then the meeting will be held on the following Tuesday. If that is unavailable, then the Director may administratively set an alternate date, time, or place for the meeting, or the meeting may be postponed with the unanimous consent of the members of the Commission, provided that the notice requirements of I.C. 5-14-1.5 are satisfied.

- a) First Monthly Commission Meeting: The meeting location shall be in the Council Chambers of the City of Westfield, City Hall, Westfield, Indiana.
- b) Second Monthly Commission Meeting: The meeting location shall be at the Westfield City Services Building, Westfield, Indiana.
- 3) Committee Meeting Time, Date & Location: The meetings of the Committee shall be on the second and fourth Monday of each month at 11:00 a.m. The meeting location shall be at the Westfield City Services Building, Westfield, Indiana. If the date of the meeting falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, then the meeting will be held on the following Tuesday. If that is unavailable, then the Director may administratively set an alternate date, time, or place for the meeting, or the meeting may be postponed with the unanimous consent of the members of the Committee, provided that the notice requirements of I.C. 5-14-1.5 are satisfied.
- 4) Special Meetings: Special meetings of the Commission or Committee may be called by the President or by two (2) members of the Commission or Committee upon written request to the Secretary (IC 36-7-4-307). The Secretary shall send to all members, at least five (5) calendar days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:
 - a) The date, time, and place of a Special Meeting are already fixed on the Schedule of Meeting and Filing Dates;
 - b) All members of the Commission or Committee are present at a meeting on the Schedule of Meetings and Filing Dates where the Special Meeting was called; and,
 - c) The Secretary complies with the notice requirements of I.C. 5-14-1.5.
- 5) Meeting Purpose & Intent:
 - a) First Commission Meeting of Month: The primary purpose of the first Commission meeting of the month is to hold public hearings and take action Items of Business and Consent Agenda Items.
 - b) Second Commission Meeting of Month: The primary purpose of the Second Commission Meeting is to hold workshops for Zoning Map Changes, including Rezone, PUD, and PUD Amendment petitions. The purpose of the workshop is to allow the commission to provide comments on changes that have been made

following the public hearing and to allow the petitioner to gain final comments prior to returning for a recommendation. Consent Agenda Items may be acted upon at this meeting.

- c) Committee Meetings: The purpose of Plat Committee meetings is to hold public hearings and take action on Primary Plat and Overall Development Plan petitions. This will typically occur at the same meeting, but it is possible that some items will need to attend more than one meeting.

Section 2: Order of Business (Agenda):

1) The order of business at **First Monthly Commission Meetings** shall be as follows:

- Call to Order
- Roll Call
- Determination of a Quorum
- Meeting Announcements:
 - o Changes to the Agenda
 - o Continuance Requests
 - o Withdrawal Requests
- Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items
 - o Items of Discussion
- Review Meeting Rules & Procedures
- Consent Agenda Items
- Items of Business
- Public Hearing Items
- Reports:
 - o Commission Members
 - o City Council Liaison
 - o Board of Zoning Appeals Liaison
 - o Plat Committee Liaison
 - o Department

- Adjournment

2) The order of business at **Second Monthly Commission Meetings** shall be as follows:

- Call to Order
- Roll Call
- Determination of a Quorum
- Meeting Announcements:
 - Changes to the Agenda
 - Continuance Requests
 - Withdrawal Requests
- Consideration / Approval
 - Minutes of Previous Meetings
 - Procedural Items
 - Items of Discussion
- Review Meeting Rules & Procedures
- Consent Agenda Items
- Workshop Items
- Reports:
 - Commission Members
 - City Council Liaison
 - Board of Zoning Appeals Liaison
 - Plat Committee Liaison
 - Department
- Adjournment

3) The order of business at **Committee Meetings** shall be as follows:

- Call to Order
- Roll Call
- Determination of a Quorum
- Meeting Announcements:
 - Changes to the Agenda
 - Continuance Requests

- o Withdrawal Requests
- Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items
 - o Items of Discussion
- Review Meeting Rules & Procedures
- Items of Business
- Public Hearing Items
- Reports:
 - o Committee Members
 - o Plan Commission Liaison
 - o Department
- Adjournment

Section 3: Quorum and Decisions

1) Quorum:

- a) Commission: A majority of five (5) of the Commission membership shall constitute a quorum. No action, however, is official unless authorized at a workshop, regular, or properly called special meetings by a majority of the Commission.

Committee: A majority of three (3) of the Committee membership shall constitute a quorum. No action, however, is official unless authorized at a regular or properly called special meetings by a majority of the Committee.

2) Voting:

- a) Except as otherwise provided below, decisions of the Commission or Committee shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the member's last names. Each successive roll call shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll call shall vote last. For example: 1st Roll Call = 1,2,3,4,5,6,7,8,9; 2nd Roll Call = 2,3,4,5,6,7,8,9,1; 3rd Roll Call = 3,4,5,6,7,8,9,1,2; and, etc.
- b) Approval of minutes and adjournment may be conducted by voice vote unless a roll call vote is requested by a member of the Commission or Committee, or any member is attending virtually.

3) Conflict:

- a) No member of the Commission or Committee shall participate in the hearing or in any decision on any zoning matter, other than the preparation and enactment of a comprehensive plan, in which the member has a direct or indirect financial interest in a petition or application that is being presented to the Commission or Committee for consideration.
- b) A member of the Commission or Committee is disqualified and may not participate in a hearing if the member is biased or prejudiced or otherwise unable to be impartial. Any concerns regarding impartiality should be discussed with legal counsel.
- c) In the event of a conflict, then the member shall describe the conflict immediately after the matter is introduced by the presiding officer and take no part in the discussion and/or decision-making process described herein.
- d) The presiding officer shall note the existence and description of the conflict and it shall be entered into the record.

Section 4: Minutes

- 1) The Commission and Committee shall keep minutes of its proceedings showing the vote of each member on each question presented, or indicating that the member is absent or not voting.
- 2) The Director, or their designee, shall keep a record of all proceedings (minutes) of the Commission and Committee which shall be presented to the Commission at the next regular succeeding meeting for review and acceptance into the record. Upon acceptance, the record shall be signed by the President and attested by the Secretary.

Section 5: Decisions

All members present shall vote on every question unless prevented by conflict or excused by the presiding officer.

Section 6: Adjournment

The Commission or Committee may adjourn so long as all business has been conducted in accordance with these Rules of Procedure. The Commission may, by a majority vote, continue any case(s) that have not been called onto the floor by 10:30 p.m. to allow for adjournment. Such cases shall be continued to a subsequent meeting.

ARTICLE V: DOCKET

Each petition that is to be publicly heard before the Commission or Committee shall be filed in proper form with the required data, shall be numbered serially and placed on the docket of the Commission (see Chapter 10: Processes and Permits of the Unified Development Ordinance). The docket numbers shall include the year and begin anew with the January filing deadline.

As soon as the petition receives a docket number, then it shall be placed on the docket of the Commission or Committee and a date set for hearing, in accordance with the Schedule of Meeting and Filing Dates. Petition items shall come before the Commission or Committee in the regular order of their consecutive docket numbers unless otherwise ordered by the Department or changed by the Commission or Committee at the beginning of a meeting.

ARTICLE VI: NOTICES

In the event that a public hearing is required, the following requirements for notice must be met:

Section 1: General Requirements

- 1) All public hearings shall be noticed using each of the following means of communication:
 - a) Letter mailed via First Class U.S. Mail to Interested Parties (as defined in Section 3 of this Article);
 - b) Yard Sign(s) posted on the subject property; AND
 - c) Newspaper Publication, per IC 5-3-1.
- 2) All three (3) forms of notice shall be postmarked/posted/published at least ten (10) calendar days before the scheduled public hearing.
- 3) For all Commission or Committee meetings other than public hearings, a 48-hour notice shall be made by posting the meeting time and location at the entrance of the building where the meeting will occur and at City Hall. No other notice shall be required.
- 4) The Department may cause notice to be posted on the official City of Westfield website.
- 5) Appearance at any hearing on an application or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- 6) In the event that a petition which has met all public notice requirements, as set forth herein, is postponed or continued for any reason prior to a public hearing being held,

no further public notice shall be necessary, so long as at the meeting for which the public hearing was noticed and scheduled, the President has announced the date, time and place of the new public hearing.

Section 2: Exemptions

- 1) A public hearing shall not be required for Secondary Plat approval, per I.C. 36-7-4-710.
- 2) A public hearing shall not be required for a Detailed Development Plan, per Article 10.7(G)(3) of the Unified Development Ordinance.
- 3) Applications to change, repeal, replace or amend all or portions of the Unified Development Ordinance or Comprehensive Plan (docketed as ZOA or CPA petitions) shall only be required to give notice of the hearing by newspaper publication, as set forth herein. Additionally, information regarding these petitions shall be made available on the City's Website.

Section 3: Public Notice by First Class Mail

- 1) Interested Parties: Public notice in accordance with this article and with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties. Interested parties shall be:
 - a) The owners of real property adjacent to the property subject of the petition to a depth of two (2) ownerships of no direct or indirect financial or other interest to the petitioner or property owner unless otherwise reduced by the Director.
 - b) Additional parties deemed advisable by the Director.

A list of the interested parties' last known address shall be obtained from the Hamilton County Auditor, Office of Transfers and Mapping. The list of interested parties should be obtained and dated no earlier than ninety (90) days prior to the postmarked date of the mailed public notice. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record.

- 2) The applicant shall provide notice to all Interested Parties. Such notice shall state:
 - a) The general location by address or other identifiable geographic description of the subject property or area.
 - b) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
 - c) Docket number of the petition or appeal.
 - d) The name of the applicant(s).
 - e) The time, date and place that the petition has been set for hearing.

- f) That the application and file may be examined in the office of the Department.
 - g) That written objections to the proposal may be filed in the office of the Department before the hearing will be considered.
 - h) That oral comments concerning the proposal will be heard at the public hearing.
 - i) That the hearing may be continued from time to time as may be found necessary.
- 3) The manner in which notice must be sent to Interested Parties shall be as follows:
- a) Required notices to Interested Parties shall be sent by First Class U.S. Mail (or an equivalent alternative accepted by the Director) and postmarked at least ten (10) calendar days before the public hearing. The Department will advise the Commission at the public hearing of any deficiencies in providing notice.
 - b) Proof that notice has been mailed shall consist of a verified affidavit by the applicant or the Petition Representative indicating compliance with the notice requirements (or an equivalent alternative accepted by the Director) and shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient. Said affidavit and a copy of the mailing list from the County Mapping and Transfers Office, must be filed in the office of the Department four (4) calendar days prior to the public hearing.
- 4) The applicant shall bear the cost of and responsibility for all mailed notice to Interested Parties.

Section 4: Public Notice by Yard Sign(s)

- 1) The applicant shall post a sign or signs on the subject property in a location clearly visible to passing traffic.
- 2) The sign(s) shall not obstruct vehicular line of site, in compliance with the City of Westfield's Construction Standards and Specifications.
- 3) The Department shall determine sign locations with not less than one (1) sign placed on the property per street frontage, per block.
- 4) Signs shall be available in the office of Department.
- 5) The Department shall bear the cost of the initial sign(s). The cost for any subsequent replacement signage shall be borne by the applicant. The responsibility of sign placement shall be borne by the applicant.

Section 5: Public Notice by Newspaper Publication

- 1) The Department shall cause a legal notice to be published in a newspaper(s) qualified to publish legal notices as established by Council, in accordance with I.C. 5-3-1. Such notice shall state:
 - a) The general location by address or other identifiable geographic description of the subject property or area.
 - b) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
 - c) Docket number of the petition or appeal.
 - d) The name of the applicant(s).
 - e) The time and place that the petition has been set for hearing.
 - f) That the application and file may be examined in the office of the Department.
 - g) That written objections to the proposal may be filed in the office of the Department before the hearing will be considered.
 - h) That oral comments concerning the proposal will be heard at the public hearing.
 - i) That the hearing may be continued from time to time as may be found necessary.
- 2) The applicant shall bear the costs of and responsibility for all newspaper notices.

Section 6: INDOT Notice

- 1) In accordance with City of Westfield Ordinance 07-09, all development proposals which are located within the area designated as the U.S. Highway 31 Overlay Zone, as defined in the Unified Development Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.
- 2) In accordance with City of Westfield Ordinance 07-15, all development proposals which are located within the area designated as the State Highway 32 Overlay Zone, as defined in the Unified Development Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.

ARTICLE VII: HEARINGS & CONDUCT OF HEARINGS

Section 1: Hearings

- 1) Public hearings shall be held on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of the Unified Development Ordinance or Zoning Map, vacation of Subdivisions and the approval of a Primary Plat, Overall Development Plan and other petitions as presented to or required by the Unified Development Ordinance or Indiana law.
- 2) A petitioner who seeks to amend the Unified Development Ordinance, Zoning Map, or the Comprehensive Plan or to gain approval of a Primary Plat, as may be required by the Unified Development Ordinance, shall file such petition with the Department on forms provided by the Department, with documentation and supporting information set forth in the Unified Development Ordinance, and in accordance with the Schedule of Meeting and Filing Dates. Upon the receipt of such petition, the Department shall prepare a notice in accordance with these Rules of Procedure.
- 3) In order for a petition to be heard, the Petition Representative, shall be in attendance to present the petition and answer questions about the petition. If no Petition Representative is present at the meeting, then the Commission or Committee may dispose of the petition in accordance with Section 3 of this Article.

Section 2: Conduct of Hearings

- 1) Public Hearings: Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment.
 - a) The President of the Commission or Committee will introduce the agenda item, followed by a report from the Department.
 - b) After being recognized by the President, the Petition Representative will step up to the podium, and state their name and address.
 - c) The Petition Representative shall present the facts and arguments in support of the case (15 minutes maximum, without interruption).
 - d) Commission or Committee members and Department staff may request clarification on items discussed in the presentation prior to the public hearing.
 - e) The official public hearing shall then be opened. Comments from organized groups, committees (5 minutes maximum, 1 member per group), and individuals, other than the petitioner, shall then follow (3 minutes maximum per speaker). Speakers should present new points and not repeat comments from previous speakers. The public hearing shall then be closed.

- f) The Petition Representative shall then respond to comments (10 minutes maximum, without interruption). Additional discussion may occur between Commission or Committee members and the Petition Representative.
 - g) To maintain orderly procedure, parties should proceed without interruption by other interested parties.
 - h) After the discussion of the petition has concluded:
 - i) The Commission may consider the petition; however, action will typically occur at a future meeting.
 - ii) The Committee will typically take action on a petition; however, petitions may be continued if it is determined to be noncompliant.
- 2) **Presentations:** In the presentation of a petition:
- a) The burden shall be upon the Petition Representative to supply all information, including charts, diagrams, and other exhibits necessary for a clear understanding of the petition.
 - b) Statements and/or discussions to the Commission or Committee made by the Petition Representative at the meeting regarding anticipated methods of operation, site design/layout, or other details relevant to the decision may be incorporated into a binding agreement between the applicant and Commission or Committee (see Article 10.6: Processes and Permits; Commitments of the Unified Development Ordinance), or they may be included as conditions to any Commission or Committee motion to approve. Such commitments or conditions shall be reflected in the minutes of that meeting.
- 3) **Conduct:** Every person appearing before the Commission or Committee shall abide by the orders and directions of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the President directs.

Section 3: Failure to Appear

Failure on behalf of an application or Petition Representative to appear during a public hearing shall be dealt with as follows:

- 1) The President may entertain a motion from the Commission or Committee to dismiss the case for failure to appear. In the absence of a motion by the Commission or Committee, the petition shall be continued to the subsequent meeting.
- 2) If a petition is dismissed for failure to appear, then the applicant will be furnished with a written notice by the Department.

- 3) The applicant shall have thirty (30) days from the date of the notice of dismissal to apply for reinstatement of the petition by submitting a written request with the Department for reinstatement. Reinstatement shall be at the discretion of the President for good cause shown, and upon payment of the appropriate fees by the applicant.
- 4) In all reinstated petitions, the petition will be treated as a new petition and shall be re-filed in proper form with the required data, numbered serially and placed on the docket of the Commission or Committee by the Department. The applicant shall be responsible for paying all associated fees with the new petition. Advertisement and public notifications as required herein shall be required as if the petition were a new application.

ARTICLE VIII: FINAL DISPOSITION OF CASES

- 1) After Commission or Committee consideration of any reports, testimony (written or verbal) and the recommendations of the Department, the final disposition of any petition shall be in the form of a decision or report, setting forth, when deemed appropriate, the recommendation (if any), findings and determinations of the Commission or Committee, together with any modifications, specifications or limitations which it makes.
- 2) The disposition of petitions requiring final approval from the Council shall be in the form of a recommendation to the Council.
- 3) A Petition Representative may not withdraw a petition after a roll call vote has been ordered by the President.
- 4) Petitions Withdrawn.
 - a) A petition which has been withdrawn shall not be placed on the docket again for consideration within a period of six (6) months after the date of withdrawal.
 - b) A new application involving the same property that was the subject of a petition which has been withdrawn shall not be placed on the docket for consideration within a period of three (3) months after the date of withdrawal.
- 5) Petitions Decided Upon.
 - a) A petition which has been decided adversely to the petitioner shall not be placed on the docket again for consideration until the legality of the Commission's or Committee's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of twelve (12) months following the date of the adverse decision previously rendered, whichever is later.
 - b) A new petition involving the same property that was the subject of a case which has been decided adversely to any petitioner shall not be placed on the docket for

consideration until the legality of the Commission's or Committee's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of six (6) months following the date of adverse decision previously rendered, whichever is later.

- 6) The Commission's recommendation is advisory in matters of Zoning Map changes and amendments to the Unified Development Ordinance or Comprehensive Plan. As a result, all such matters shall be certified to the Council for its consideration in accordance with Indiana law. The Commission's recommendation on any such matter may then be followed or overturned by the Council in accordance with Indiana law and the rules of the Council.

ARTICLE VIII: ADMINISTRATIVE DISMISSAL

- 1) Petitions that require a Public Hearing:
 - a) Petitions which have not received a public hearing will be administratively dismissed six (6) months after the date of filing unless the Commission or Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.
 - b) Petitions which have received a public hearing will be administratively dismissed six (6) months after the public hearing unless the Commission or Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.
- 2) Petitions that do not require a Public Hearing: Petitions for which no action has been taken will be administratively dismissed one (1) year after the date of filing unless the Director approves an extension. Secondary Plats are exempt from this rule.
- 3) All Petitions: Any Petition may also be dismissed by the Commission or Committee for lack of jurisdiction or for lack of representation by the Petition Representative at a meeting where the item appears on the agenda (as a non-continued item).

ARTICLE X: VIRTUAL MEETING POLICY

Plan Commission Resolution 21-01 (the "Virtual Meeting Policy") is hereby incorporated into these rules. If a provision of the Virtual Meeting Policy conflicts with these rules, then the Virtual Meeting Policy shall supersede.

ARTICLE XI: TRANSITION RULES

Petitions submitted prior to the adoption of these amended rules, will be subject to the previously approved rules (dated March 18, 2013).

ARTICLE XII: AMENDMENTS

Amendments to these Rules of Procedure may be made by the Commission at any meeting of the Commission with and upon the affirmative vote of a majority of the members of the Commission.

A suspension of any rule herein may be so ordered by the Commission or Committee at any meeting by a majority vote of the members present.

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ARTICLE XIII: ADOPTION

These Rules of Procedure are for and of the “Westfield-Washington Township Advisory Plan Commission”, Westfield, Indiana have been approved by the affirmative vote of the membership of said Commission () – () – () at a meeting of the Commission held on the ____ day of _____, _____. This approval repeals any prior Rules of Procedure.

President

Date

Vice-president

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Attested by:

Secretary,

Date

Director of the Community Development Department

Approved: 01/28/08;

Amended: 01/04/10; 01/18/11; 03/18/13, 09/06/22

RULES OF PROCEDURE

WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION

ARTICLE I: AUTHORITY & JURISDICTION

Section 1: Authority

The Westfield-Washington Township Advisory Plan Commission (the "Commission") exists as an Advisory Planning Commission under the authority of I.C. 36-7-4-401 and the Westfield-Washington Township Unified Development Ordinance (the "Unified Development Ordinance"), and any amendments thereto. The Commission shall appoint a Plat Committee (the "Committee") in accordance with I.C. 36-7-4-701. These rules are adopted in accordance with the requirements of I.C. 36-7-4-401.

Section 2: Jurisdiction

As set forth in Article 2.3 Authority and Purpose; Jurisdiction and defined in Article 12.1 Definitions of the Unified Development Ordinance, the jurisdiction of the Plan Commission and Committee is all land within Washington Township, Hamilton County, Indiana, and all land incorporate into the City of Westfield, Hamilton County, Indiana.

ARTICLE II: DUTIES & RESPONSIBILITIES

Section 1: Duties

Article 3.6 Administration; Plan Commission; Duties of the Unified Development Ordinance sets forth the duties and powers of the Commission, as defined by Indiana law (I.C. 36-7-4-400 *et seq.*) or as may otherwise be required by the Unified Development Ordinance, as generally described below:

- 1) The Commission shall be governed by the provisions of the Unified Development Ordinance, as adopted and amended by the City Council of the City of Westfield, Indiana (the "City Council") and the Rules and Procedures set forth herein, as adopted and amended by the Commission;
- 2) Any member of the Commission who has a conflict of interest in a matter before the Commission shall remove him-/herself from hearing the matter and not vote thereon, as further described in Article IV, Section 5, Item 3;
- 3) Nothing herein shall be construed to give or grant to the Commission the power of authority to alter or change the Unified Development Ordinance, including all official zoning maps; this authority is reserved for and with the City Council;
- 4) The Commission attorney shall be consulted in all cases where the powers of the Commission are not clearly defined; and,

- 5) The office of the Commission shall be located in the offices of the City of Westfield, Community Development Department, Westfield, Indiana (the "Department").

Section 2: Responsibilities

The responsibilities of the Commission shall be to act in an advisory capacity to the City Council regarding the following:

- 1) The adoption of a Comprehensive Plan and amendments thereto in accordance with I.C. 36-7-4-500 *et seq.*;
- 2) The adoption of a Unified Development Ordinance and Zoning Map and amendments thereto in accordance with IC 36-7-4-600 *et seq.*;
- 3) Any other matter, within the responsibilities of the Commission, authorized by Indiana law or the Unified Development Ordinance.

Section 3: Final Decisions

The Commission shall render final decisions concerning the following matters, unless delegated to the Department or Committee; provided, that the Department has made evidentiary findings as to their compliance with the Unified Development Ordinance:

- 1) Plats or re-plats of Subdivisions (see Article 10.12 Subdivision of the Unified Development Ordinance);
- 2) Vacations of Subdivisions; and,
- 3) Development Plans and amendments to Development Plans (see Article 10.7 Development Plan Review of the Unified Development Ordinance).

ARTICLE III: MEMBERSHIP & OFFICERS

Section 1: Commission Membership

- 1) Members: The Commission shall consist of nine (9) voting members (~~see I.C. 36-7-4-1210.5~~) as follows:
 - a) Four (4) residents who reside within the corporate limits of the City and are not elected officials or employees of the City. These members shall be appointed by the City's executive officer (Mayor) and shall each serve a four (4) year term.
 - b) One (1) resident who resides within the corporate limits of the City and who is not an elected official or employee of the City. This member shall be appointed by the City Council and shall serve a four (4) year term.

- c) Two (2) members of the City's legislative body (City Council), who may be appointed by the City Council for a one (1) year term.
 - d) Two (2) residents of Washington Township who are not elected officials, or employees of the Township or City. These members shall be appointed by the Township's executive (Township Trustee) with the approval of the Township's legislative body and shall serve a four (4) year term.
- 2) Reappointment: Each Commission member appointed herein ~~are~~is eligible for reappointment.
- 3) Removal for cause: The appointing authority may remove a member pursuant to I.C. 36-7-4-218(f).
- a) In addition, if a member of the Commission has three (3) unexcused absences¹ in any calendar year from a meeting on the Commission's adopted schedule of meetings (see Article 3.1(B) of the Unified Development Ordinance) (the "Schedule of Meeting and Filing Dates"), then that member becomes disenfranchised at the sole discretion of the appointing authority and shall no longer be considered a viable member of the Plan Commission.
 - b) In the event of removal by the appointing authority, the Plan Commission member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-218(f). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the appointing authority. The appointing authority may consider the appeal and hold a hearing to either uphold or overturn the removal of the member.
- 4) Vacancy:
- a) If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacancy or vacating member.
 - b) The President, through the Director, shall inform the appropriate appointing authority as promptly as possible, when a member has three (3) unexcused absences, as outlined herein, for the purpose of considering the replacement of said member so that the appointing authority may appoint a replacement to fulfill the unexpired term. Other vacancies occurring in the Commission shall also be reported to the appropriate appointing authority for similar action.

¹ An excused absence(s) shall be considered as a call, text, or email in to the Director of the Department or Commission President.

~~5) Commission Communications: All Commission members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.~~

~~a) Commission members are prohibited from discussing the details of any petition pending on the Commission's agenda outside of a public meeting, unless an exception is approved by the Director.~~

~~b) Verbal ex parte communications with the applicant, property owner, agent or representative for the applicant (the "Petition Representative") regarding a pending petition is prohibited, unless approved by the Director. Commission members may email Petition Representatives so long as the assigned planner is copied on the email. No other Commission member shall be included in the email chain. These emails will be provided by the Department to the full Commission and made available to the public as an exhibit for the related agenda item. This prohibition does not apply to Commission members who are also members of the City Council.~~

~~c) 5) All Commission members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.~~

6) Appointment to the Board of Zoning Appeals:

a) In accordance with I.C. 36-7-4-902, the Commission shall, from its membership, appoint one representative to serve on the Westfield-Washington Township Board of Zoning Appeals (the "Board of Zoning Appeals"). This appointee shall not hold elective office, other appointive office or be an employee of the City or Township.

b) In accordance with I.C. 36-7-4-907, the Commission may, in the absence of its appointment under the above paragraph (a), appoint an alternate member to the Board of Zoning Appeals, as needed.

c) In accordance with I.C. 36-7-4-903 this member shall be from the citizen membership appointed by the Township Executive and shall represent the unincorporated area.

d) The term of the appointment shall be two (2) years.

7) Appointment to the Plat Committee: In accordance with I.C. 36-7-4-701, the Commission shall appoint members to the Plat Committee, in accordance with Section 2 of this Article.

Section 2: Plat Committee Membership

1) Members: The Plat Committee shall consist of five (5) voting members ~~(see I.C. 36-7-4-701)~~ as follows:

a) At least one (1) member of the Commission.

- b) At least one (1), but not more than two (2), City of Westfield staff members.
 - c) At least one (1) Citizen member resident who resides within the Jurisdiction.
 - d) All members are appointed by the Commission.
 - e) All membership terms are for one (1) year.
- 2) Reappointment: Each Committee member appointed herein is eligible for reappointment.
- 3) Removal for cause: The Commission may remove a member pursuant to I.C. 36-7-4-701.
- a) In addition, if a member of the Committee has three (3) unexcused absences² in any calendar year from a meeting on the Committee's adopted schedule of meetings (see Article 3.1(B) of the Unified Development Ordinance) (the "Schedule of Meeting and Filing Dates"), then that member becomes disenfranchised at the sole discretion of the Commission and shall no longer be considered a viable member of the Committee.
 - b) In the event of removal by the Commission, the Committee member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-701(e). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the appointing authority. The appointing authority may consider the appeal and hold a hearing to either uphold or overturn the removal of the member.
- 4) Vacancy: If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacancy or vacating member.
- ~~8) Committee Communications: All Committee members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.~~
- ~~a) Committee members are prohibited from discussing the details of any petition pending on the Committee's agenda outside of a public meeting, unless an exception is approved by the Director.~~
 - ~~b) Verbal ex parte communications with the applicant, property owner, agent or representative for the applicant (the "Petition Representative") regarding a pending petition is prohibited, unless approved by the Director. Committee members may email Petition Representatives so long as the assigned planner is copied on the email. No other Committee member shall be included in the email chain. These emails will be provided by the Department to the full Committee and made available to the public as an exhibit for~~

² An excused absence(s) shall be considered as a call, text, or email in to the Director of the Department or Committee President.

~~the related agenda item. This prohibition does not apply to Committee members who are also members of the City Council.~~

~~c)8) All Committee members are encouraged to discuss any concerns that they may have with a particular petition or application with the Department or legal counsel.~~

Section 3: Officers

The Commission and Committee shall, at their first regular meeting ~~in~~ each year, elect from its membership a President and Vice-president.

- 1) The President shall preside over all meetings of the Commission or Committee.
- 2) The Vice-president shall have the authority to act as President during the absence or disability of the President.
- 3) In the absence of both the President and Vice-president, the Secretary shall preside over the election of a President pro-tempore who shall have the authority to act as President for the specific meeting of the Commission or Committee at which they are elected.
- 4) Upon resignation or replacement of the President or Vice-president as a member of the Commission or Committee, the Commission or Committee shall elect a successor at its next regularly scheduled meeting.
- 5) In accordance with City of Westfield Ordinance 06-02, members of the City Council who are appointed to serve on the Commission shall not be eligible for the position of President, Vice-president, or Secretary of the Commission.
- 6) The Director of the Department ("Director") shall be permanently appointed as the Secretary of the Commission and Committee. In the event of a vacancy in the position of Director, the office of Secretary shall be transferred to the interim Director as appointed by the Mayor.
- 7) The Director shall be responsible for recording and transcribing all regular and special meeting minutes of the Commission or Committee.

Section 4: Training, Seminars, Continuing Education and/or Field Trips

- 1) Training
 - a) Within the first ninety (90) days of serving on the Commission, each new member shall be given an opportunity to attend an introductory training session conducted by the Department. This session will be offered at least twice during this time period and take place at a scheduled workshop meeting of the Commission.

- b) If a member fails to attend the initial training requirements, or subsequent scheduled session, then that member and appointing authority shall be duly notified of failure to fulfill requirement.
- 2) Seminars / Conferences / Workshops
- a) Each member of the Commission appointed to a four (4) year term, is encouraged to attend at least one (1) planning seminar / conference / workshop offered by the Department, other governmental offices, local builders association, American Planning Association or local universities regarding planning principals and how they affect local planning, during each term of service (this excludes the legislative body appointments).
 - b) The cost to participate in one event (per member, per term) shall be fully reimbursable if the event details are reviewed and approved by the Department prior to registration. The cost to participate in additional events may be reimbursable, at the Department's discretion.
- 3) Continuing Education
- a) Each new member shall become a member of the American Planning Association (APA) and the Indiana Chapter (APA Indiana) through the Department. With this membership, you are encouraged to participate in programming offered by these organizations.

ARTICLE IV: MEETINGS

Section 1: Monthly Meetings

- 1) **Schedule of Meetings:** The Commission shall adopt an annual Schedule of Meetings and Filing Dates of the regularly scheduled Commission and Committee meetings each year and deadlines for filing applications for placement on a meeting agenda (the "Schedule of Meeting and Filing Dates"). The Schedule of Meetings and Filing Dates shall be maintained by the Department (see Article 3.1(B) of the Unified Development Ordinance) and shall be approved by the Commission no later than their first December meeting of each year.
- 2) **Commission Meeting Time, Date & Location:** The meetings of the Commission shall be on the first and third Monday of each month at 7:00 p.m. If the date of the meeting falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, then the meeting will be held on the following Tuesday. If that is unavailable, then the Director may administratively set an alternate date, time, or place for the meeting, or the meeting may be postponed with the unanimous consent of the members of the Commission, provided that the notice requirements of I.C. 5-14-1.5 are satisfied.

- a) First Monthly Commission Meeting: The meeting location shall be in the Council Chambers of the City of Westfield, City Hall, Westfield, Indiana.
- b) Second Monthly Commission Meeting: The meeting location shall be at the Westfield City Services Building, Westfield, Indiana.
- 3) Committee Meeting Time, Date & Location: The meetings of the Committee shall be on the second and fourth Monday of each month at 11:00 a.m. The meeting location shall be at the Westfield City Services Building, Westfield, Indiana. If the date of the meeting falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, then the meeting will be held on the following Tuesday. If that is unavailable, then the Director may administratively set an alternate date, time, or place for the meeting, or the meeting may be postponed with the unanimous consent of the members of the Committee, provided that the notice requirements of I.C. 5-14-1.5 are satisfied.
- 4) Special Meetings: Special meetings of the Commission or Committee may be called by the President or by two (2) members of the Commission or Committee upon written request to the Secretary (IC 36-7-4-307). The Secretary shall send to all members, at least five (5) calendar days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:
 - a) The date, time, and place of a Special Meeting are already fixed on the Schedule of Meeting and Filing Dates;
 - b) All members of the Commission or Committee are present at a meeting on the Schedule of Meetings and Filing Dates where the Special Meeting was called; and,
 - c) The Secretary complies with the notice requirements of I.C. 5-14-1.5.
- 5) Meeting Purpose & Intent:
 - a) First Commission Meeting of Month: The primary purpose of the first Commission meeting of the month is to hold public hearings and take action Items of Business and Consent Agenda Items.
 - b) Second Commission Meeting of Month: The primary purpose of the Second Commission Meeting is to hold workshops for Zoning Map Changes, including Rezone, PUD, and PUD Amendment petitions. The purpose of the workshop is to allow the commission to provide comments on changes that have been made following the public hearing, and to allow the petitioner to gain final comments prior to returning for a recommendation. Consent Agenda Items may be acted upon at this meeting.
 - c) Committee Meetings: The purpose of Plat Committee meetings is to hold public hearings and take action on Primary Plat and Overall Development Plan petitions.

This will typically occur at the same meeting, but it is possible that some items will need to attend more than one meeting.

Section 2: Order of Business (Agenda):

1) The order of business at **First Monthly Commission Meetings** shall be as follows:

- Call to Order
- Roll Call
- Determination of a Quorum
- Meeting Announcements:
 - o Changes to the Agenda
 - o Continuance Requests
 - o Withdrawal Requests
- Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items
 - o Items of Discussion
- Review Meeting Rules & Procedures
- Consent Agenda Items
- Items of Business
- Public Hearing Items
- Reports:
 - o Commission Members
 - o City Council Liaison
 - o Board of Zoning Appeals Liaison
 - o Plat Committee Liaison
 - o Department
- Adjournment

2) The order of business at **Second Monthly Commission Meetings** shall be as follows:

- Call to Order
- Roll Call

- Determination of a Quorum
- Meeting Announcements:
 - o Changes to the Agenda
 - o Continuance Requests
 - o Withdrawal Requests
- Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items
 - o Items of Discussion
- Review Meeting Rules & Procedures
- Consent Agenda Items
- Workshop Items
- Reports:
 - o Commission Members
 - o City Council Liaison
 - o Board of Zoning Appeals Liaison
 - o Plat Committee Liaison
 - o Department
- Adjournment

3) The order of business at **Committee Meetings** shall be as follows:

- Call to Order
- Roll Call
- Determination of a Quorum
- Meeting Announcements:
 - o Changes to the Agenda
 - o Continuance Requests
 - o Withdrawal Requests
- Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items

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- o Items of Discussion
- Review Meeting Rules & Procedures
- Items of Business
- Public Hearing Items
- Reports:
 - o Committee Members
 - o Plan Commission Liaison
 - o Department
- Adjournment

Section 3: Quorum and Decisions

1) Quorum:

- a) Commission: A majority of five (5) of the Commission membership shall constitute a quorum. No action, however, is official unless authorized at a workshop, regular, or properly called special meetings by a majority of the Commission.

Committee: A majority of three (3) of the Committee membership shall constitute a quorum. No action, however, is official unless authorized at a regular or properly called special meetings by a majority of the Committee.

2) Voting:

- a) Except as otherwise provided below, decisions of the Commission or Committee shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the ~~members'~~member's last names. Each successive roll call shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll call shall vote last. For example: 1st Roll Call = 1,2,3,4,5,6,7,8,9; 2nd Roll Call = 2,3,4,5,6,7,8,9,1; 3rd Roll Call = 3,4,5,6,7,8,9,1,2; and, etc.
- b) Approval of minutes and adjournment may be conducted by voice vote, unless a roll call vote is requested by a member of the Commission or Committee, or any member is attending virtually.

3) Conflict:

- a) No member of the Commission or Committee shall participate in the hearing or in any decision on any zoning matter, other than the preparation and enactment of a comprehensive plan, in which the member has a direct or indirect financial interest in a petition or application that is being presented to the Commission or Committee for consideration.

- b) A member of the Commission or Committee is disqualified and may not participate in a hearing if the member is biased or prejudiced or otherwise unable to be impartial. Any concerns regarding impartiality should be discussed with legal counsel.
- c) In the event of a conflict, then the member shall describe the conflict immediately after the matter is introduced by the presiding officer and take no part in the discussion and/or decision-making process described herein.
- d) The presiding officer shall note the existence and description of the conflict and it shall be entered into the record.

Section 4: Minutes

- 1) The Commission and Committee shall keep minutes of its proceedings showing the vote of each member on each question presented, or indicating that the member is absent or not voting.
- 2) The Director, or their designee, shall keep a record of all proceedings (minutes) of the Commission and Committee which shall be presented to the Commission at the next regular succeeding meeting for review and acceptance into the record. Upon acceptance, the record shall be signed by the President and attested by the Secretary.

Section 5: Decisions

All members present shall vote on every question unless prevented by conflict or excused by the presiding officer.

Section 6: Adjournment

The Commission or Committee may adjourn so long as all business has been conducted in accordance with these Rules of Procedure. The Commission may, by a majority vote, continue any case(s) that have not been called onto the floor by 10:30 p.m. to allow for adjournment. Such cases shall be continued to a subsequent meeting.

ARTICLE V: DOCKET

Each petition that is to be publicly heard before the Commission or Committee shall be filed in proper form with the required data, shall be numbered serially and placed on the docket of the Commission (see Chapter 10: Processes and Permits of the Unified Development Ordinance). The docket numbers shall include the year and begin anew with the January filing deadline.

As soon as the petition receives a docket number, then it shall be placed on the docket of the Commission or Committee and a date set for hearing, in accordance with the Schedule

of Meeting and Filing Dates. Petition items shall come before the Commission or Committee in the regular order of their consecutive docket numbers unless otherwise ordered by the Department or changed by the Commission or Committee at the beginning of a meeting.

ARTICLE VI: NOTICES

In the event that a public hearing is required, the following requirements for notice must be met:

Section 1: General Requirements

- 1) All public hearings shall be noticed using each of the following means of communication:
 - a) Letter mailed via First Class U.S. Mail to Interested Parties (as defined in Section 3 of this Article);
 - b) Yard Sign(s) posted on the subject property; AND
 - c) Newspaper Publication, per IC 5-3-1.
- 2) All three (3) forms of notice shall be postmarked/posted/published at least ten (10) calendar days before the scheduled public hearing.
- 3) For all Commission or Committee meetings other than public hearings, a 48-hour notice shall be made by posting the meeting time and location at the entrance of the building where the meeting will occur and at City Hall. No other notice shall be required.
- 4) The Department may cause notice to be posted on the official City of Westfield website.
- 5) Appearance at any hearing on an application or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- 6) In the event that a petition which has met all public notice requirements, as set forth herein, is postponed or continued for any reason prior to a public hearing being held, no further public notice shall be necessary, so long as at the meeting for which the public hearing was noticed and scheduled, the President has announced the date, time and place of the new public hearing.

Section 2: Exemptions

- 1) A public hearing shall not be required for Secondary Plat approval, per I.C. 36-7-4-710.
- 2) A public hearing shall not be required for a Detailed Development Plan, per Article 10.7(G)(3) of the Unified Development Ordinance.

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- 3) Applications to change, repeal, replace or amend all or portions of the Unified Development Ordinance or Comprehensive Plan (docketed as ZOA or CPA petitions) shall only be required to give notice of the hearing by newspaper publication, as set forth herein. Additionally, information regarding these petitions shall be made available on the City's Website.

Section 3: Public Notice by First Class Mail

- 1) Interested Parties: Public notice in accordance with this article and with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties. Interested parties shall be:
 - a) The owners of real property adjacent to the property subject of the petition to a depth of two (2) ownerships of no direct or indirect financial or other interest to the petitioner or property owner unless otherwise reduced by the Director.
 - b) Additional parties deemed advisable by the Director.

A list of the interested parties' last known address shall be obtained from the Hamilton County Auditor, Office of Transfers and Mapping. The list of interested parties should be obtained and dated no earlier than ninety (90) days prior to the postmarked date of the mailed public notice. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record.
- 2) The applicant shall provide notice to all Interested Parties. Such notice shall state:
 - a) The general location by address or other identifiable geographic description of the subject property or area.
 - b) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
 - c) Docket number of the petition or appeal.
 - d) The name of the applicant(s).
 - e) The time, date and place that the petition has been set for hearing.
 - f) That the application and file may be examined in the office of the Department.
 - g) That written objections to the proposal may be filed in the office of the Department before the hearing will be considered.
 - h) That oral comments concerning the proposal will be heard at the public hearing.
 - i) That the hearing may be continued from time to time as may be found necessary.
- 3) The manner in which notice must be sent to Interested Parties shall be as follows:

- a) Required notices to Interested Parties shall be sent by First Class U.S. Mail (or an equivalent alternative accepted by the Director) and postmarked at least ten (10) calendar days before the public hearing. The Department will advise the Commission at the public hearing of any deficiencies in providing notice.
 - b) Proof that notice has been mailed shall consist of a verified affidavit by the applicant or the Petition Representative indicating compliance with the notice requirements (or an equivalent alternative accepted by the Director) and shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient. Said affidavit and a copy of the mailing list from the County Mapping and Transfers Office, must be filed in the office of the Department four (4) calendar days prior to the public hearing.
- 4) The applicant shall bear the cost of and responsibility for all mailed notice to Interested Parties.

Section 4: Public Notice by Yard Sign(s)

- 1) The applicant shall post a sign or signs on the subject property in a location clearly visible to passing traffic.
- 2) The sign(s) shall not obstruct vehicular line of site, in compliance with the City of Westfield's Construction Standards and Specifications.
- 3) The Department shall determine sign locations with not less than one (1) sign placed on the property per street frontage, per block.
- 4) Signs shall be available in the office of Department.
- 5) The Department shall bear the cost of the initial sign(s). The cost for any subsequent replacement signage shall be borne by the applicant. The responsibility of sign placement shall be borne by the applicant.

Section 5: Public Notice by Newspaper Publication

- 1) The Department shall cause a legal notice to be published in a newspaper(s) qualified to publish legal notices as established by Council, in accordance with I.C. 5-3-1. Such notice shall state:
 - a) The general location by address or other identifiable geographic description of the subject property or area.
 - b) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
 - c) Docket number of the petition or appeal.

- d) The name of the applicant(s).
 - e) The time and place that the petition has been set for hearing.
 - f) That the application and file may be examined in the office of the Department.
 - g) That written objections to the proposal may be filed in the office of the Department before the hearing will be considered.
 - h) That oral comments concerning the proposal will be heard at the public hearing.
 - i) That the hearing may be continued from time to time as may be found necessary.
- 2) The applicant shall bear the costs of and responsibility for all newspaper notices.

Section 6: INDOT Notice

- 1) In accordance with City of Westfield Ordinance 07-09, all development proposals which are located within the area designated as the U.S. Highway 31 Overlay Zone, as defined in the Unified Development Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.
- 2) In accordance with City of Westfield Ordinance 07-15, all development proposals which are located within the area designated as the State Highway 32 Overlay Zone, as defined in the Unified Development Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.

ARTICLE VII: HEARINGS & CONDUCT OF HEARINGS

Section 1: Hearings

- 1) Public hearings shall be held on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of the Unified Development Ordinance or Zoning Map, vacation of Subdivisions and the approval of a Primary Plat, Overall Development Plan and other petitions as presented to or required by the Unified Development Ordinance or Indiana law.
- 2) A petitioner who seeks to amend the Unified Development Ordinance, Zoning Map, or the Comprehensive Plan or to gain approval of a Primary Plat, as may be required by the Unified Development Ordinance, shall file such petition with the Department on forms provided by the Department, with documentation and supporting information set forth in the Unified Development Ordinance, and in accordance with the Schedule of Meeting and Filing Dates. Upon the receipt of such petition, the Department shall prepare a notice in accordance with these Rules of Procedure.

- 3) In order for a petition to be heard, the Petition Representative, shall be in attendance to present the petition and answer questions about the petition. If no Petition Representative is present at the meeting, then the Commission or Committee may dispose of the petition in accordance with Section 3 of this Article.

Section 2: Conduct of Hearings

- 1) Public Hearings: Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment.
 - a) The President of the Commission or Committee will introduce the agenda item, followed by a report from the Department.
 - b) After being recognized by the President, the Petition Representative will step up to the podium, and state their name and address.
 - c) The Petition Representative shall present the facts and arguments in support of the case (15 minutes maximum, without interruption).
 - d) ~~Comments and questions from the~~ Commission or Committee members and Department ~~staff shall be held until the end of the initial presentation may request clarification on items discussed in the presentation prior to the public hearing.~~
 - e) The official public hearing shall then be opened. Comments from organized groups, committees (5 minutes maximum, 1 member per group), and individuals, other than the petitioner, shall then follow (3 minutes maximum per speaker). Speakers should present new points and not repeat comments from previous speakers. The public hearing shall then be closed.
 - f) The Petition Representative shall then respond to comments (10 minutes maximum, without interruption). Additional discussion may occur between Commission or Committee members and the Petition Representative.
 - g) To maintain orderly procedure, parties should proceed without interruption by other interested parties.
 - h) After the discussion of the petition has concluded:
 - i) The Commission may consider the petition; however, action will typically occur at a future meeting.
 - ii) The Committee will typically take action on a petition; however, petitions may be continued if it is determined to be noncompliant.
- 2) Presentations: In the presentation of a petition:
 - a) The burden shall be upon the Petition Representative to supply all information, including charts, diagrams, and other exhibits necessary for a clear understanding of the petition.

- b) Statements and/or discussions to the Commission or Committee made by the Petition Representative at the meeting regarding anticipated methods of operation, site design~~-/-~~layout, or other details relevant to the decision may be incorporated into a binding agreement between the applicant and Commission or Committee (see Article 10.6: Processes and Permits; Commitments of the Unified Development Ordinance), or they may be included as conditions to any Commission or Committee motion to approve. Such commitments or conditions shall be reflected in the minutes of that meeting.
- 3) Conduct: Every person appearing before the Commission or Committee shall abide by the orders and directions of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the President directs.

Section 3: Failure to Appear

Failure on behalf of an application or Petition Representative to appear during a public hearing shall be dealt with as follows:

- 1) The President may entertain a motion from the Commission or Committee to dismiss the case for failure to appear. In the absence of a motion by the Commission or Committee, the petition shall be continued to the subsequent meeting.
- 2) If a petition is dismissed for failure to appear, then the applicant will be furnished with a written notice by the Department.
- 3) The applicant shall have thirty (30) days from the date of the notice of dismissal to apply for reinstatement of the petition by submitting a written request with the Department for reinstatement. Reinstatement shall be at the discretion of the President for good cause shown, and upon payment of the appropriate fees by the applicant.
- 4) In all reinstated petitions, the petition will be treated as a new petition and shall be re-filed in proper form with the required data, numbered serially and placed on the docket of the Commission or Committee by the Department. The applicant shall be responsible for paying all associated fees with the new petition. Advertisement and public notifications as required herein shall be required as if the petition were a new application.

ARTICLE VIII: FINAL DISPOSITION OF CASES

- 1) After Commission or Committee consideration of any reports, testimony (written or verbal) and the recommendations of the Department, the final disposition of any petition shall be in the form of a decision or report, setting forth, when deemed

appropriate, the recommendation (if any), findings and determinations of the Commission or Committee, together with any modifications, specifications or limitations which it makes.

- 2) The disposition of petitions requiring final approval from the Council shall be in the form of a recommendation to the Council.
- 3) A Petition Representative may not withdraw a petition after a roll call vote has been ordered by the President.
- 4) Petitions Withdrawn.
 - a) A petition which has been withdrawn shall not be placed on the docket again for consideration within a period of six (6) months after the date of withdrawal.
 - b) A new application involving the same property that was the subject of a petition which has been withdrawn shall not be placed on the docket for consideration within a period of three (3) months after the date of withdrawal.
- 5) Petitions Decided Upon.
 - a) A petition which has been decided adversely to the petitioner shall not be placed on the docket again for consideration until the legality of the Commission's or Committee's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of twelve (12) months following the date of the adverse decision previously rendered, whichever is later.
 - b) A new petition involving the same property that was the subject of a case which has been decided adversely to any petitioner shall not be placed on the docket for consideration until the legality of the Commission's or Committee's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of six (6) months following the date of adverse decision previously rendered, whichever is later.
- 6) The Commission's recommendation is advisory in matters of Zoning Map changes and amendments to the Unified Development Ordinance or Comprehensive Plan. As a result, all such matters shall be certified to the Council for its consideration in accordance with Indiana law. The Commission's recommendation on any such matter may then be followed or overturned by the Council in accordance with Indiana law and the rules of the Council.

ARTICLE VIII: ADMINISTRATIVE DISMISSAL

- 1) Petitions that require a Public Hearing:
 - a) Petitions which have not received a public hearing will be administratively dismissed six (6) months after the date of filing unless the Commission or

Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.

- b) Petitions which have received a public hearing will be administratively dismissed six (6) months after the public hearing unless the Commission or Committee approves an extension. Requests for an extension shall be made in person by the Petition Representative at a Commission or Committee meeting prior to the dismissal date.
- 2) Petitions that do not require a Public Hearing: Petitions for which no action has been taken will be administratively dismissed one (1) year after the date of filing unless the Director approves an extension. Secondary Plats are exempt from this rule.
- 3) All Petitions: Any Petition may also be dismissed by the Commission or Committee for lack of jurisdiction or for lack of representation by the Petition Representative at a meeting where the item appears on the agenda (as a non-continued item).

ARTICLE X: VIRTUAL MEETING POLICY

Plan Commission Resolution 21-01 (the "Virtual Meeting Policy") is hereby incorporated into these rules. If a provision of the Virtual Meeting Policy conflicts with these rules, then the Virtual Meeting Policy shall supersede.

ARTICLE XI: TRANSITION RULES

Petitions submitted prior to the adoption of these amended rules, will be subject to the previously approved rules (dated March 18, 2013).

ARTICLE XII: AMENDMENTS

Amendments to these Rules of Procedure may be made by the Commission at any meeting of the Commission with and upon the affirmative vote of a majority of the members of the Commission.

A suspension of any rule herein may be so ordered by the Commission or Committee at any meeting by a majority vote of the members present.

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ARTICLE XIII: ADOPTION

These Rules of Procedure are for and of the “Westfield-Washington Township Advisory Plan Commission”, Westfield, Indiana have been approved by the affirmative vote of the membership of said Commission () – () – () at a meeting of the Commission held on the ____ day of _____, _____. This approval repeals any prior Rules of Procedure.

President

Date

Vice-president

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Commission member

Date

Attested by:

Secretary,

Date

Director of the Community Development Department

Approved: 01/28/08;

Amended: 01/04/10; 01/18/11; 03/18/13, ~~07/05/09~~ 06/22

Westfield / Washington Planning Commission

Rules of Procedure

ARTICLE I: AUTHORITY & DUTIES

Section 1 – Authority

The Westfield / Washington Planning Commission (hereinafter called “Commission”) exists as an Advisory Planning Commission under the authority of IC 36-7-4-401 and the Zoning Ordinance of the City of Westfield, Indiana, and any amendments thereto. These rules are adopted in accordance with the requirements of IC 36-7-4-401.

Section 2 – Duties

The duties of the Commission shall be those set forth in IC 36-7-4-400 *et seq.*, and such other responsibilities as may be required by State Statute or the Westfield City Code and as follows:

- 1) The Commission shall be governed by the provisions of the City of Westfield Zoning Ordinance, specifically, Chapter 16.04, as adopted and amended by the City Council and the Rules and Procedures set forth herein, as adopted and amended by the Commission;
- 2) Any member of the Commission who has a conflict of interest in a matter before the Commission shall remove him / herself from hearing the matter and not vote thereon, as further described in Article IV, Section 5, Item 3;
- 3) Nothing herein shall be construed to give or grant to the Commission the power of authority to alter or change the Zoning Ordinance, including all official zoning maps; this authority is reserved for and with the City Council of the City of Westfield;
- 4) The Westfield / Washington Advisory Planning Commission Attorney shall be consulted in all cases where the powers of the Commission are not clearly defined; and,
- 5) The office of the Commission shall be located in the offices of the City of Westfield, Community Development Department, , Westfield, Indiana, 46074.

Approved: 01/28/08;

Amended: 01/04/10; Amended: 01/18/11; Amended 03/18/13

ARTICLE II: JURISDICTION & RESPONSIBILITIES

Section 1 – Jurisdiction

The jurisdiction of the Commission shall be the whole of Washington Township, Hamilton County, Indiana, inclusive of the corporate City of Westfield, Indiana.

(Generally described and beginning as follows: The intersection of Hamilton-Boone Road and 216th Street (northwest corner of Washington Township) then extending east to and with the intersection of Hinkle Road (northeast corner of Washington Township) then extending south along Hinkle Road connecting to Moontown Road and then connecting to Gray Road to the intersection of Gray Road and 146th Street (southeast corner of Washington Township), then extending west along 146th Street to Hamilton-Boone Road (southwest corner of Washington Township), then extending north along Hamilton-Boone Road to the intersection with 216th Street, which is inclusive of approximately fifty-six (56) square miles and the corporate City of Westfield.)

Section 2 – Responsibilities

The responsibilities of the Commission shall be to act in an advisory capacity to the Westfield City Council (hereinafter called “Council”) regarding the following:

1. The adoption of a Comprehensive Plan and amendments thereto in accordance with IC 36-7-4-500 Series-Comprehensive Plan;
2. The adoption of a Zoning Ordinance and Zoning Map and amendments thereto in accordance with IC 36-7-4-600 Series-Zoning Ordinance;
3. Vacation of any Public Right-of-Way, as per IC 36-7-3 *et al*; and,
4. Any other matter, within the responsibilities of the Commission, authorized by the advisory planning law or City Code.

Section 3 – Final Decisions

The Commission shall render Final Decisions concerning the following applications / petitions, provided, that the Community Development Department / Planning Division has made evidentiary findings as to their compliance with the Westfield City Code of Ordinances and City of Westfield Zoning Ordinance:

- 1) Plats of Subdivision / Re-Plats of Subdivision (IC 36-7-4-700 Series-Subdivision Control); and,
- 2) Development Plan Review (IC 36-7-4-1400 Series-Development Plans).

ARTICLE III: MEMBERSHIP & OFFICERS

Section 1 – Membership

The Commission shall consist of nine (9) voting members (IC 36-7-4-1210.5) to begin as follows:

- 1) Four (4) city residents who are not elected officials or city employees, to be appointed by the City Executive Officer (Mayor) shall each serve a four (4) year term. Section 1, (5) herein then applies;
- 2) One (1) city resident who is not an elected official or city employee, to be appointed by the City Council shall serve a four (4) year term. Section 1, (5) herein then applies;
- 3) Two (2) members of the City legislative body (City Council), may be appointed by the City Council for a one (1) year term; and,
- 4) Two (2) township residents who are not elected officials, township employees or city employees, to be appointed by the Township Executive with the approval of the township legislative body shall serve a four (4) year term.
- 5) Each Commission member appointed herein are eligible for reappointment.
- 6) Vacancy: If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacancy or vacating member.
- 7) Removal for cause: The appointing authority may remove a member pursuant to IC 36-7-4-218(f).
 - a) In addition, if a member of the Commission has three (3) unexcused absences (i.e. workshop, regular or special meeting) of the Commission in any calendar year, that member becomes disenfranchised at the sole discretion of the appointing authority and shall no longer be considered a viable member of the Commission.
 - i) An excused absence(s) shall be considered as a call in to the Director of Community Development.
 - b) In the event of removal by the appointing authority, the Commission member shall receive a mailed notice in accordance with the terms of IC 36-7-4-218(f). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the appointing

Approved: 01/28/08;

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authority. The appointing authority may consider the appeal and hold a hearing to either uphold or overturn the removal of the member.

c) Commission Communications

All Commission members are encouraged to discuss any concerns that they may have with a particular petition or application with the Director of Community Development or Department Planning Staff.

8) Appointment to the Board of Zoning Appeals:

- a) In accordance with IC 36-7-4-902, the Commission shall, from its membership, appoint one representative to serve on the Board of Zoning Appeals. This appointee shall not hold elective office, other appointive office or be a City or Township employee.
- b) In accordance with IC 36-7-4-907, the Commission may, in the absence of its appointment under the above paragraph (8) (a), appoint an alternate member to the Board of Zoning Appeals as needed.
- c) In accordance with City of Westfield Ordinance 06-02, the President of the Commission shall not be eligible for membership on the Board of Zoning Appeals.
- d) In accordance with IC 36-7-4-903 this member shall not reside within the Corporate Limits of the City.

9) Training, Seminars, Continuing Education and/or Field Trips

a) Training

- i) Within the first ninety (90) days of the Commission each new member shall be given an opportunity to attend an introductory training session conducted by the Department of Community Development. This session will be offered at least twice during this time period and take place at a scheduled workshop meeting of the Commission.
- ii) Each new member(s) will receive a certificate stating the completion of the introductory course.
- iii) Should a member fail to attend the initial training requirements, or subsequent scheduled session, that member and appointing authority shall be duly notified of failure to fulfill requirement.

b) Seminars / Conferences / Workshops

- i) Each member of the APC appointed to a four (4) year term, shall be required to attend at least one (1) planning seminar / conference / workshop offered by the Department of Community Development, other Governmental Offices, Local Builders Association, American Planning Association or local universities regarding planning principals and how they affect local planning, during each term of service (This excludes the legislative body appointments under Article III, Section 1 – 3).
 - ii) These events shall be fully reimbursable (if a cost is involved) upon proof of completion by the member in attendance through the Department of Community Development.
- c) Continuing Education
 - i) Each new member shall become a member of the American Planning Association (APA) and Indiana Planning Association (IPA) through the Department of Community Development.
 - ii) With your membership you are encouraged to participate in Planning Commissioners Programs and Services with the American Planning Association online in the following areas: 1) Live Audio Conference Series; 2) Training Resource Center; 3) Chapter Workshops; 4) Planning and Land Use Law; and, 5) Ethics Training.
- d) Field Trips
 - i) These trips are not mandatory; however, the membership is strongly encouraged and advised to attend as Community Development Staff will be providing education and research into new development proposals. Staff will make available areas for each Commissioner to see first hand how other Indiana or out of State municipalities have been managing their growth.

Section 2 – Officers

The Commission shall, at its first regular meeting in each year, elect from its membership a President and Vice-President.

- 1) The President shall preside over all meetings of the Commission.
- 2) The Vice-president shall have the authority to act as President of the Commission during the absence or disability of the President.
- 3) In the absence of both the President and Vice-president, the Secretary shall preside over the election of a President pro-tempore who shall have the

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authority to act as President of the Commission for the specific meeting at which they are elected.

- 4) Upon resignation or replacement of the President or Vice-president as a member of the Commission, the Commission shall elect a successor at its next regularly scheduled meeting.
- 5) In accordance with City of Westfield Ordinance 06-02, members of the City Council who are appointed to serve on the Commission shall not be eligible for the position of President, Vice-president or Secretary of the Commission.
- 6) The Community Development Director ("Director") shall be permanently appointed as the Secretary of the Commission. In the event of a vacancy in the position of Director, the office of Secretary shall be transferred to the interim Director as appointed by City Council.
- 7) The Director shall be responsible for recording and transcribing of all regular and special meeting minutes of the Commission.

Section 3 – Vacancies

The President, through the Director of Community Development, shall inform the appropriate appointing authority as promptly as possible, when a member has three (3) unexcused absences, as outlined in Section 1 (7) (a) herein, for the purpose considering the replacement of said member so that the appointing authority may appoint a replacement to fulfill the unexpired term. Other vacancies occurring in the Commission shall also be reported to the appropriate appointing authority for similar action.

ARTICLE IV: MEETINGS

Section 1 – First Monthly Meeting

1) Meeting Time, Date & Location

The First Monthly Meeting (the “First Meeting”) of the Commission shall be the first Monday of each month at 7:00 p.m. The location of the First Meeting shall be in the Council Chambers of the City of Westfield, City Hall, Westfield, Indiana. If the date of the First Meeting falls on a legal holiday, or if it is impossible to conduct the First Meeting at that time or place, the meeting will be on the following Tuesday. If that is unavailable, the Community Development Director may administratively set an alternate date, time or place for the First Meeting, or the First Meeting may be postponed with the unanimous consent of the members of the Commission, provided that the notice requirements of IC 5-14-1.5 are satisfied.

2)_ Meeting Purpose & Intent

The primary purpose of the First Meeting is to hold public hearings, for the petitioner to comment on its petition, and for APC members to ask questions and identify issues the petitioner should address prior to the APC taking action on the petition. The APC may also take action on pending matters, including rezonings, ordinance amendments, and comprehensive plan amendments, at this meeting.

Section 2 – Second Monthly Meeting

1) Meeting Time, Date & Location

The Second Monthly Meeting (the “Second Meeting”) of the Commission shall be the third Monday of each month at 7:00 p.m. The location of the meeting shall be in the Council Chambers of the City of Westfield, City Hall, Westfield, Indiana. If the date of the Second Meeting falls on a legal holiday, or if it is impossible to conduct the meeting at that time or place, the meeting will be on the following Tuesday. If that is unavailable, the Community Development Director may administratively set an alternate date, time or place for the Second Meeting, or the meeting may be cancelled with the unanimous consent of the members of the Commission, provided that the notice requirements of IC 5-14-1.5 are satisfied.

2)_ Meeting Purpose & Intent

The primary purpose of the Second Meeting is to take action on matters that have received a public hearing at the previous APC meeting. However, in some instances the APC may hold a public hearing at this meeting as well. The APC may hear additional public comment at the APC President’s discretion, or by a majority of the APC members present.

Section 3 – Special Meetings

Special meetings of the Commission may be called by the President or by two (2) members of the Commission upon written request to the secretary (IC 36-7-4-307). The secretary shall send to all members, at least five (5) calendar days

before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:

- 1) The date, time, and place of a Special Meeting are fixed in a First Meeting or Second Meeting;
- 2) All members of the Commission are present at the First Meeting or Second Meeting where the Special Meeting was called; and,
- 3) The secretary complies with the notice requirements of IC 5-14-1.5.

Section 4 – Order of Business (Agenda)

1) The Order of Business at **First and Second Meetings** shall be as follows:

- o Call to Order
- o Roll Call
- o Determination of a Quorum
- o Meeting Announcements:
 - o Changes to the Agenda
 - o Continuance Requests
 - o Withdrawal Requests
- o Consideration / Approval
 - o Minutes of Previous Meetings
 - o Procedural Items
 - o Items of Discussion
- o Review Meeting Rules & Procedures
- o Consent Agenda Items
- o Old Business
 - o Petition Presentation
 - o Public Hearing (typically at First Meeting only)
 - o APC Action (typically at Second Meeting only)
- o New Business
 - o Petition Presentation
 - o Public Hearing (typically at First Meeting only)
 - o APC Action (typically at Second Meeting only)
- o Reports:
 - o Commission Members
 - o City Council Liaison
 - o BZA Liaison
 - o City Staff
- o Commission Membership Comments
- o Adjournment

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Section 5 – Quorum and Decisions

- 1) Quorum, a majority, five (5), of the membership of the Commission shall constitute a quorum. No action, however, is official unless authorized at a workshop, regular or properly called special meeting by a majority of the Commission.
- 2) Voting
 - a) Except as provided in Section 5, 2b below, decisions of the Commission shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll call shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll call shall vote last. For example: 1st Roll Call = 1,2,3,4,5,6,7,8,9; 2nd Roll Call = 2,3,4,5,6,7,8,9,1; 3rd Roll Call = 3,4,5,6,7,8,9,1,2; and, etc.
 - b) Approval of Minutes and Adjournment shall be conducted by voice vote, unless a roll call vote is requested by a member of the Commission
- 3) Conflict
 - a) No member of the Commission shall participate in the hearing or decision upon any zoning matter, other than the preparation and enactment of an overall or comprehensive plan, in which the member is directly or indirectly having or holding a financial interest in a petition or application that is being presented to the City for consideration.
 - b) In the event of a conflict, the member shall describe the conflict immediately after the matter is introduced by the presiding officer, leave the room, and take no part in the discussion and/or decision making process described herein.
 - c) The presiding officer shall note the existence and description of the conflict and it shall be entered into the record.
- 4) The Commission shall keep minutes of its proceedings showing the vote of each member on each question presented, or indicating that the member is absent or not voting.
- 5) The Director, or their designee, shall keep a record of all proceedings (minutes) of the Commission which shall be presented to the Commission at the next regular succeeding meeting for review and acceptance into the record. Upon acceptance, the record shall be signed by the President and attested by the Secretary.

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- 6) The Commission may continue any case(s) that have not been called onto the floor by 10:30 p.m. Such cases shall be continued to either the next First Meeting, Second Meeting or Special Meeting. The Commission shall adjourn the meeting no later than 10:30 p.m. This rule may be suspended by a simple majority vote of the Commissioners present.
- 7) Continuances may be granted at the discretion of the Commission in any case for good cause shown, and to any interested party who has entered their appearance as follows:
 - a) New cases appearing for the first time on the Agenda – continuances may be granted upon request.
 - b) Cases which have previously appeared on the agenda of the Commission constitute continued cases. A request for the further continuance of a case may be granted by the Planning Commission for any of the following reasons:
 - i) At the request of petitioner because they will be unable to proceed with their hearing and are requesting time to answer questions or modify petition.
 - ii) At the request of the Director of Community Development or Department Planning Staff to allow time for further modification of the Petition / Application.
 - c) The Commission at its discretion and on an affirmative vote of a majority of the Commission, may continue or postpone a public meeting or hearing of any case where, in its judgment, the petitioner has not provided sufficient evidence on which to make a final determination.
- 8) Adjournment. The Commission may adjourn so long as all business has been conducted in accordance with these Rules of Procedure.

ARTICLE V: DOCKET

Each case that is to be publicly heard before the Commission shall be filed in proper form with the required data, shall be numbered serially and placed on the docket of the Commission. The docket numbers shall include the year and begin anew on January 1 of each year.

As soon as the case receives a docket number it shall be placed on the docket of the Commission and a date set for hearing. Cases shall come before the Commission in the regular order of their consecutive numbers unless otherwise ordered by the Director or changed by the Commission at the beginning of a meeting.

ARTICLE VI: FILINGS

Petitions / Filings. The Community Development Director shall administratively establish petition filing deadlines for all First Meeting or Second Meeting of the Planning Commission. Those deadlines shall be approved by the APC no later than their first December meeting of each year.

ARTICLE VII: HEARINGS & CONDUCT OF HEARINGS

Section 1 - Hearings

- 1) Public hearings shall be held on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of a Zoning Ordinance (text or map), vacation of public rights-of-way and the approval of a preliminary subdivision plat and other petitions as presented to or required by Indiana Code or planning law.
- 2) A petitioner who seeks to amend the Zoning Ordinance or the Comprehensive Plan or to gain approval of a preliminary subdivision plat as may be required by the Zoning Ordinance shall file such petition with the Secretary (Director of Community Development). Upon the receipt of such petition, the Secretary shall prepare a notice in accordance with Article VIII Notices, contained herein.
- 3) In order for a petition to be heard, the petitioner, agent or representative for the petitioner ("Petition Representative"), shall be in attendance to present the petition and answer questions about the petition. If no one is present to represent the petition, then the Commission shall dispose of the petition in accordance with Section 3 of this Article.
- 4) Administrative rules and deadlines are established by the Secretary (Director of Community Development) for procedures such as filing petitions and are available in the Community Development Department.

Section 2 – Conduct of Hearings

- 1) Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment.
 - a) For any petition for which a public hearing is required, after a petition is introduced by the President, a staff report will be given.
 - b) After being recognized by the President, the Petition Representative will step up to the podium, and state their name and address.
 - c) The Petition Representative shall present the facts and arguments in support of the case (15 minutes maximum).
 - d) Comments and questions from the Commission and staff shall be held until the end of the initial presentation.
 - e) The official public hearing shall then be opened. Comments from organized groups, committees (5 minutes maximum), and individuals,

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other than the petitioner, shall then follow (3 minutes maximum per speaker). Speakers should present new points and not repeat comments from previous speakers. The public hearing shall then be closed.

- f) The petitioner shall then receive time for rebuttal. (5 minutes maximum) There shall be no time granted for a rebuttal to the rebuttal.
 - g) To maintain orderly procedure, each side should proceed without interruption by the other side.
 - h) After the discussion of the case has concluded, the commission may consider the petition; however, action on a petition will typically occur at the APC meeting following a public hearing.
- 2) In the presentation of a case:
- a) The burden shall be upon the Petition Representative to supply all information, including charts, diagrams and other exhibits necessary for a clear understanding of the case.
 - b) Statements and/or discussions to the Commission made by the Petition Representative at the meeting regarding anticipated methods of operation, site design / layout or other details relevant to the decision shall be incorporated into a binding agreement between the petitioner and Commission and shall become written commitments as per WC 16.04.010 W. (in the case of Development Plans and rezones) or if they are included as conditions to any motion to approve. Such commitments or conditions shall be reflected in the minutes of that meeting.
- 3) Every person appearing before the Commission shall abide by the orders and directions of the President. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the President directs.
- 4) Applicants shall be entitled to one postponement/continuance to another scheduled Commission meeting following the meeting advertised by public notice. Such postponement/continuance must be requested in writing by the petitioner / applicant, or their representative, at the scheduled meeting.
- 5) Subsequent postponements, continuances or requests for such action to a meeting beyond the meeting referred to in paragraph "4" above shall be made to the Commission in person by the petitioner / applicant, or by their representative.
- 6) Failure of the applicant, or Petition Representative, to appear in order to make the request referred to in paragraph "5" above shall result in the dismissal of the petition. If the applicant chooses to proceed with the petition, it will be treated as a new petition and shall be re-filed in proper form with the required

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data, numbered serially and placed on the docket of the Commission by City staff. Should the above occur the petitioner / applicant shall be responsible for paying all associated fees with the new petition / application.

- 7) Petitions that continue to appear on the Commission docket for a period of six (6) months beyond the originally noticed Commission meeting (the "Initial Period") shall be administratively dismissed and removed from the Commission docket, unless a continuation or postponement is granted by the Director for due cause. Petitioners aggrieved by the Director's determination to dismiss and remove a petition from the Commission docket may appeal such determination to the Commission, without notice, at the next regularly scheduled Commission meeting. In the event the Director administratively grants a continuation or postponement beyond the Initial Period (or in the event the Commission grants a continuation or postponement beyond the Initial Period, in the event of a successful appeal), the Director may require additional public notice to be served if the Director determines such additional notice is warranted.
- 8) All members present shall vote on every question unless prevented by conflict or excused by the presiding officer.

Section 3 – Failure to Appear

Failure on behalf of a petitioner to appear during a public hearing shall be dealt with as follows:

- 1) The President may entertain a motion from the Commission to dismiss the case for failure of the petitioner to appear. In the absence of a motion by the Commission, the Petition shall be continued to the next First Meeting or Second Meeting.
- 2) In cases which are dismissed for failure of the petitioner to appear, the petitioner will be furnished with a written notice by the Secretary of the Commission.
- 3) The petitioner shall have thirty (30) days from the date of the notice of dismissal to apply for reinstatement of the case. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the President for good cause shown, and upon payment of the appropriate fees by the petitioner.
- 4) In all cases reinstated in the above-described manner, the case will be docketed with new advertisement and public notifications as required by State Law and Westfield Code, as if this were a new case.

ARTICLE VIII: NOTICES

In the event that a public hearing is required, the following requirements for notice must be met:

1) General Requirements

- a) All public hearings shall be noticed using each of the following means of communication:
 - i) Letter mailed via First Class U.S. Mail to Interested Parties (as defined in the Zoning Ordinance, WC 16.04.210);
 - ii) Yard Sign(s) posted on the subject property; AND
 - iii) Newspaper Publication, per IC 5-3-1.
- b) All three (3) forms of notice shall be postmarked/posted/published at least ten (10) calendar days before the scheduled public hearing.
- c) For all Commission meetings other than public hearings, a 48-hour notice shall be made by posting the meeting time and location at the entrance of the building where the meeting will occur and at City Hall. No other notice shall be required.
- d) The Community Development Department may cause notice to be posted on the official City of Westfield website.
- e) Appearance at any hearing on an application or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

2) Exemptions

- a) A public hearing shall not be required for Final Plat approval, per IC 36-7-4-710.
- b) Applications to change, repeal, replace or amend all or portions of the zoning ordinance or comprehensive plan shall only be required to give notice of the hearing by Newspaper Publication.

3) Public Notice – First Class Mail

- a) The applicant shall provide notice to all Interested Parties. Such notice shall state:
 - i) The general location by address or other identifiable geographic description of the subject property or area.
 - ii) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.

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- iii) Case number of the petition or appeal.
 - iv) The name of the applicant(s).
 - v) The time and place that the petition has been set for hearing (including First Meeting and Second Meeting dates).
 - vi) That the application and file may be examined in the office of the Community Development Department.
 - vii) That written objections to the proposal may be filed in the office of the Community Development Department before the hearing will be considered.
 - viii) That oral comments concerning the proposal will be heard at the public hearing.
 - ix) That the hearing may be continued from time to time as may be found necessary.
- b) In order to determine the names and addresses of property owners to whom notice must be sent, the applicant or the applicant's agent shall consult with the County Mapping and Transfers Office, Hamilton County, Indiana, for a list of parties requiring notification per the zoning ordinance. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record.
- c) The manner in which notice must be sent to Interested Parties shall be as follows:
- i) Required notices to Interested Parties shall be sent by First Class U.S. Mail (or an equivalent alternative accepted by the Director of Community Development or designee) and postmarked at least 10 calendar days before the public hearing. City staff will advise the Commission at the public hearing of any deficiencies in providing notice.
 - ii) Proof that notice has been mailed shall consist of a verified affidavit by the applicant or the applicant's agent indicating compliance with the notice requirements (or an equivalent alternative accepted by the Director of Community Development or designee) and shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient. Said affidavit and a copy of the mailing list from the County Mapping and Transfers Office, must be filed in the

office of the Community Development Department four (4) calendar days prior to the public hearing.

- d) The applicant shall bear the cost of and responsibility for all mailed notice to Interested Parties.

4) Public Notice – Yard Signs

- a) The applicant shall post a sign or signs on the subject property in a location clearly visible to passing traffic.
- b) The sign(s) shall not obstruct vehicular line of site, in compliance with the City of Westfield's Construction Standards and Specifications.
- c) The City staff shall determine sign locations with not less than one sign placed on the property per street frontage, per block.
- d) Signs shall be available in the office of Community Development.
- e) The Community Development Department shall bear the cost of the initial sign(s). The cost for any subsequent replacement signage shall be borne by the applicant. The responsibility of sign placement shall be borne by the applicant.

5) Public Notice – Newspaper Publication

- a) The Community Development Department shall cause a legal notice to be published in a newspaper(s) qualified to publish legal notices as established by Council, in accordance with IC 5-3-1. Such notice shall state:
 - i) The general location by address or other identifiable geographic description of the subject property or area.
 - ii) A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
 - iii) Case number of the petition or appeal.
 - iv) The name of the applicant(s).
 - v) The time and place that the petition has been set for hearing.
 - vi) That the application and file may be examined in the office of the Community Development Department.

- vii) That written objections to the proposal may be filed in the office of the Community Development Department before the hearing will be considered.
 - viii) That oral comments concerning the proposal will be heard at the public hearing.
 - ix) That the hearing may be continued from time to time as may be found necessary.
- b) The applicant shall bear the costs of and responsibility for all newspaper notices.
- 6) In the event that a petition which has met all public notice requirements is postponed or continued for any reason prior to a public hearing being held, no further public notice shall be necessary, so long as at the meeting for which the public hearing was noticed and scheduled, the APC President has announced the date, time and place of the new public hearing.
- 7) In accordance with City of Westfield Ordinance 07-09, all development proposals which are located within the area designated as the U.S. Highway 31 Overlay Zone, as defined in the Westfield-Washington Township Zoning Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.
- 8) In accordance with City of Westfield Ordinance 07-15, all development proposals which are located within the area designated as the State Highway 32 Overlay Zone, as defined in the Westfield-Washington Township Zoning Ordinance, that require a public hearing or action by the Commission shall provide notice to the Indiana Department of Transportation in accordance with the requirements established on the INDOT Notice Form.

ARTICLE IX: FINAL DISPOSITION OF CASES

- 1) After Commission consideration of any reports, testimony (written or verbal) and the recommendations of the Department of Community Development, the final disposition of any case shall be in the form of a decision or report, setting forth, when deemed appropriate, the recommendation (if any), findings and determinations of the Commission, together with any modifications, specifications or limitations which it makes.
- 2) The disposition of cases requiring final approval from the Westfield City Council ("Council") shall be in the form of a recommendation to the Council.
- 3) The final disposition of cases requiring only Commission approval shall set forth the findings and determinations of the Commission, together with any modification, specification or limitation it makes.
 - a) In any case in which the Commission is required to make written findings along with a final decision, the Commission may adopt findings as submitted by the petitioner or by any interested party, with or without modifications, specifications or limitations, or the Commission may delegate to Staff and/or legal counsel the authority to prepare written findings.
 - b) When written findings are required, the Commission's findings shall be executed by the President and Secretary of the Commission and filed in the office of the Commission within forty-five (45) days after the date of the Commission's final decision.
- 4) The Commission may dismiss a case for lack of representation by the petitioner or lack of jurisdiction. If a petition is dismissed for lack of representation and a postponement/continuation in accordance with Article VIII has not been granted by the Commission, then the case may be dismissed and the petitioner may re-file in accordance with these rules.
- 5) A petitioner may not withdraw a case after a roll call vote has been ordered by the President.
- 6) Cases Withdrawn.
 - a) A case which has been withdrawn by the petitioner shall not be placed on the docket again for consideration within a period of six (6) months after the date of withdrawal.
 - b) A new case involving the same property that was the subject of a case which has been withdrawn by any petitioner shall not be placed on the

docket for consideration within a period of three (3) months after the date of withdrawal.

7) Cases Decided Upon.

a) A case which has been decided adversely to the petitioner shall not be placed on the docket again for consideration until the legality of the Commission's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of twelve (12) months following the date of the adverse decision previously rendered, whichever is later.

b) A new case involving the same property that was the subject of a case which has been decided adversely to any petitioner shall not be placed on the docket for consideration until the legality of the Commission's decision is finally determined pursuant to IC 36-7-4-1000 *et seq.*, or for a period of six (6) months following the date of adverse decision previously rendered, whichever is later.

8) Because the Commission's recommendation (if any) is advisory in matters of Rezones and Text Amendments to the Zoning Ordinance or Comprehensive Plan, all such matters shall be certified to the City Council for its consideration in accordance with State Statute. The Commission's recommendation (if any) on any such matter may then be followed or overturned by the City Council in accordance with State Statute and the rules of the Council.

ARTICLE X: AMENDMENTS

Amendments to these rules of procedure may be made by the Commission at a First Meeting, Second Meeting, or Special Meeting. With and upon the affirmative vote of a majority of the members of the Commission it shall be effective.

A suspension of any rule may be so ordered by the Commission at any meeting by a majority vote of the members present.

These Rules of Procedure are for and of the "Westfield / Washington Planning Commission", Westfield, Indiana have been approved by the affirmative vote of the membership of said Commission () – () – () at a meeting of the Commission held on the _____ day of _____, _____. This approval repeals any prior Rules of Procedure.

_____ President	_____ Date
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_____ Vice-President	_____ Date
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_____ Commissioner	_____ Date
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Attested by:

_____ Secretary/Director of Economic & Community Dev.	_____ Date
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Proposed Change to the BZA Appointment Requirements

Article III; Section 1(8)(d) shall be modified as follows: In accordance with IC 36-7-4-903 this member shall ~~not reside within the Corporate Limits of the City.~~ be from the citizen membership appointed by the Township Executive and shall represent the unincorporated area.

Article III; Section 1(8)(e) shall be added to state: The term of the appointment shall be two (2) years.



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

September 6, 2022
2209-PUD-18

MaluDocket Number: 2209-PUD-18 (Ord. 22-34) (the “Petition”)

Petitioner: OI Land Ventures II, LLC by Krieg DeVault, LLP (the “Petitioner”)

Subject Site Address: Lot 3 of the Austrian Pine Planned Unit Development (PUD) District

Request: The Petitioner 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

Current Zoning: [Austrian Pine PUD \(Ord. 19-12\)](#)

Current Land Use: Commercial

Approximate Acreage: 6.38 acres +/- (the “Property”)

Exhibits:

1. Staff Report
2. Location Map
3. Project Narrative
4. Proposed Ordinance 22-34
5. OrthoIndy Expansion Site Plan
6. OrthoIndy Expansion Renderings

Staff Reviewer: Daine Crabtree, Senior Planner

PETITION HISTORY

This petition was introduced at the [August 8, 2022, City Council meeting](#). The petition will receive a public hearing the September 6, 2022, Advisory Plan Commission (the “APC”) meeting.

PROJECT OVERVIEW

Location: The petitioner is requesting an amendment to the Austrian Pine PUD District (the “District”) specific to Lot 3 (approximately 6.38 acres +/- (the “Property”)), which is located at the southeast corner of State Road 32 & Austrian Pine Way approximately (see **Exhibit 2**).

The proposal seeks to modify language regarding landscape requirements and the maximum number of buildings required to exceed the State Highway 32 Overlay District for the future expansion of the OrthoIndy building, which is currently under construction.



ZONING REQUEST

Number of Buildings to Exceed the Maximum Setback

The current Austrian Pine PUD requires that a minimum of two (2) buildings shall exceed the Maximum Setback of the State Highway 32 Overlay District in order to provide for staggered building setbacks. The proposed PUD Amendment would revise this language to permit a maximum of two (2) buildings to exceed the Maximum Setback, but it would not require it (the word “shall” has been replaced by the word “may”).

The intent of the original language was to guarantee that in the event the District was developed with multiple buildings of a smaller footprint, the staggering of setbacks would provide visual relief. Because OrthoIndy’s building footprint post-addition is so large (30,000+ SF), this relief may no longer be necessary.

In addition, language currently in the adjacent [Springmill Pointe PUD \(Ord. 19-36\)](#) regarding landscaping conflicts with perimeter Drainage and Utility Easements has been proposed to be added to this Petition.

COMPREHENSIVE PLAN

The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as “Employment Corridor” (aka ‘Highway Corridor’). The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions. Appropriate land uses in Highway Corridors are office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses. The Property is also located within the 2010 Family Sports Capital Addendum II to the Westfield-Washington Township Comprehensive Plan.

PROCEDURAL

Public Hearing: Planned Unit Development (PUD) Districts are required to be considered at a public hearing by the Plan Commission. The public hearing for this petition is scheduled for the September 6, 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:



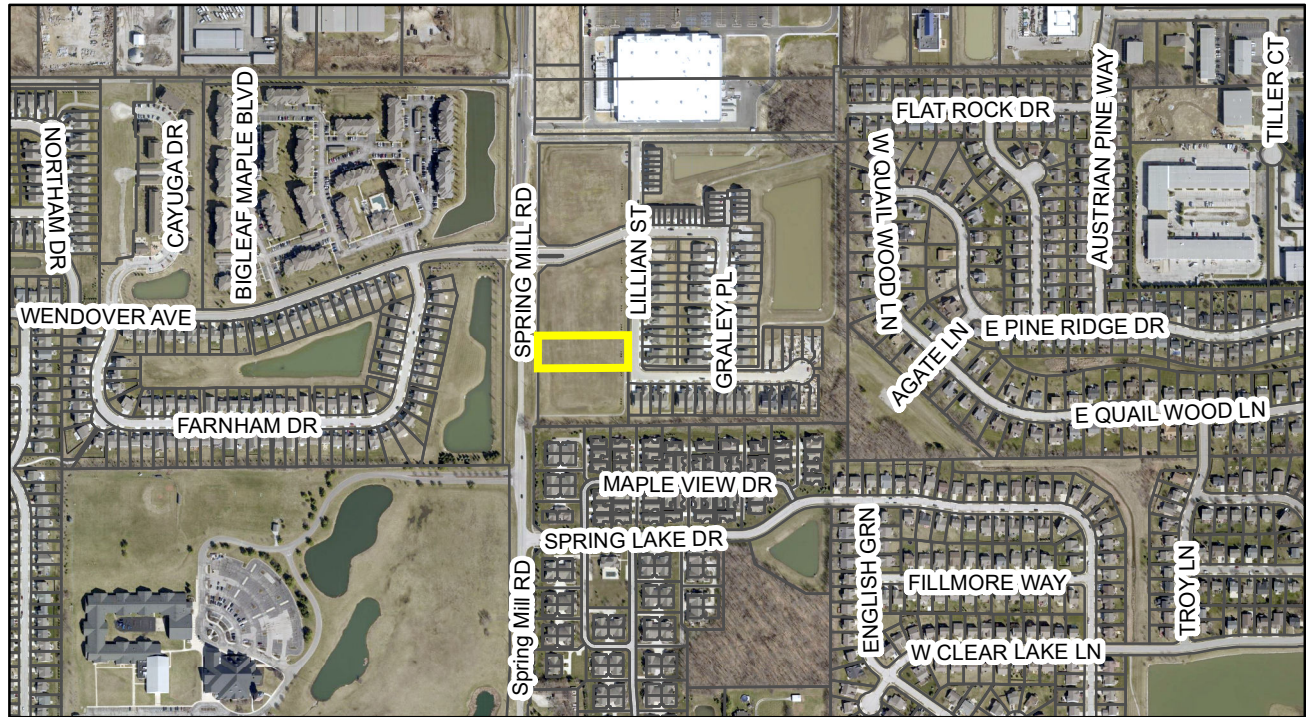
1. The Comprehensive Plan
2. Current conditions and the character of current structures and uses
3. The most desirable use for which the land is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible growth and development

DEPARTMENT COMMENTS

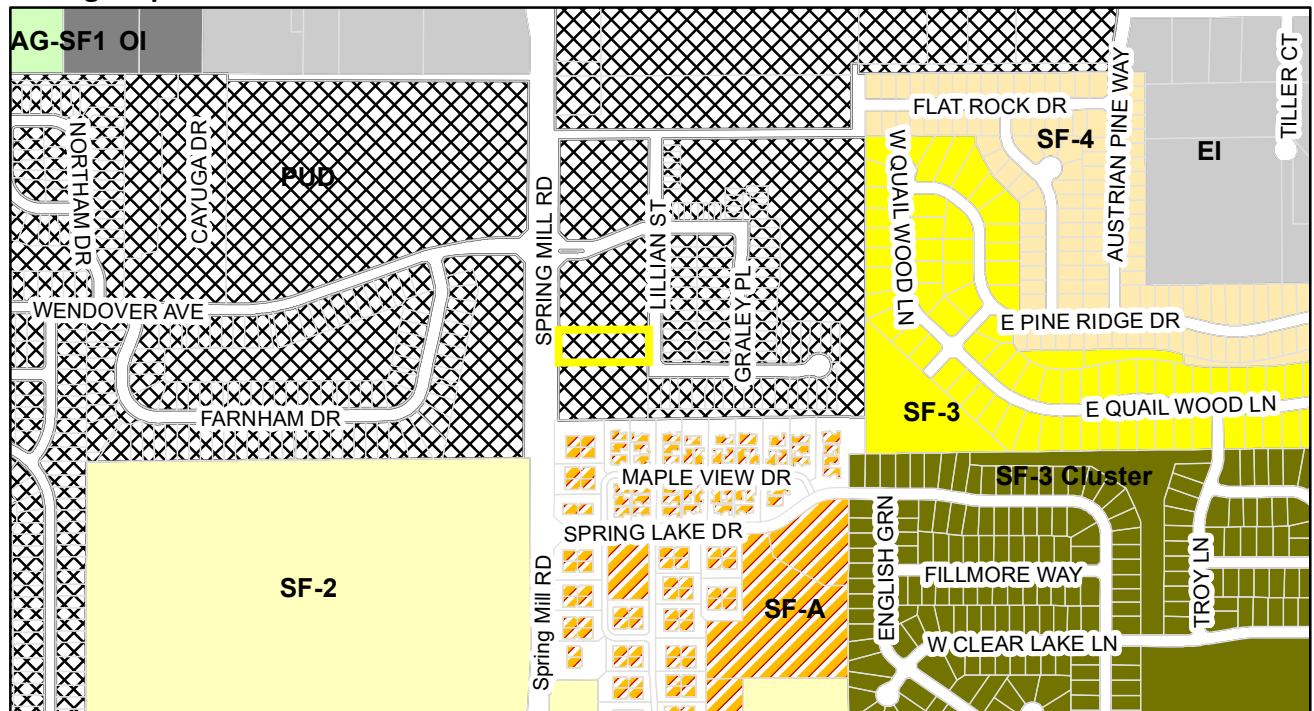
1. **Action: Hold a public hearing at the September 6, 2022, Plan Commission meeting.**
If the APC is satisfied with the proposal, the Petition may be voted upon to:
 - A. Not require a workshop meeting; and
 - B. Send a recommendation to the City Council
2. If any Plan Commission member has questions prior to the public hearing, then please contact Daine Crabtree at 317.416.2586 or dccrabtree@westfield.in.gov

Aerial Location Map

Site



Zoning Map



Parcel	PUD (Planned Unit Development)
Zoning - All	SF-2 (Single Family - 2)
Zoning	SF-3 (Single Family - 3)
AG-SF1 (Agriculture - Single Family - 1)	SF-3 Cluster
EI (Enclosed Industrial)	SF-4 (Single Family - 4)
OI (Open Industrial)	SF-A (Single Family - Attached)



Petition Number: 2205-DDP-13

Project Name: Guidepost Montessori Daycare

Subject Site Address: 17313 Spring Mill Road

Petitioner: NVS Properties 16 LLC

Representative: Murphy Real Estate Services

Request: Petitioner requests **Detailed Development Plan** review for a 11,275 SF daycare facility on 1.24 acres +/- in the Maple Knoll PUD District.

Current Zoning: Maple Knoll PUD – underlying zoning (SB) Special Business

Current Land Use: Vacant

Approximate Acreage: 1.24 acres +/-

Property History: Primary Plat Docket # 1803-SPP-04
Overall Development Plan Docket # 1803-ODP-04
Secondary Plat Docket # 2204-SFP-26

Staff Reviewer: Weston Rogers, Associate Planner

Exhibits: 1) Staff Report
2) Location Map
3) Site Plan
4) Landscape Plan
5) Building Elevations
6) Traffic Statement
7) Public Comment Exhibit

PROCEDURAL – Detail Development Plan

- TAC Meeting 04/19/2022
- APC Meeting 09/06/2022

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

BACKGROUND

The Property is currently located within the “Mixed-use District” of the Maple Knoll PUD. The underlying zoning of the property is “Special Business” (SB).

The Maple Knoll PUD ordinance 04-01 was originally approved in 2004. The subject property located within this PUD was previously included as part of Primary Plat 1803-SPP-04 and Overall Development Plan 1803-ODP-04 – both approved in 2018.

The subject parcel is currently under review for a Secondary Plat application (2204-SPP-26) which will establish the official lot for the proposed daycare facility.

The filed Detailed Development Plan 2205-DDP-13 proposes an 11,000 SF daycare building, playground facilities, surface parking, and other related improvements.

The comments contained herein are in review of the filed Detail Development Plan scheduled for the April 19, 2022 Technical Advisory Committee meeting.

REVIEW COMMENTS

- 1) Please provide copies or copy this Department on any correspondence you receive from Technical Advisory Committee members and your correspondence to them.
- 2) Additional comments may be forthcoming following review by the Technical Advisory Committee and after the revised overall development plan and detailed development plan have been submitted and reviewed.
- 3) The comments contained herein identify those items that are determined by this Department to be outstanding that need addressed prior to approval of the Detailed Development Plan. **Please note some of the standards noted herein are reviewed by the Public Works Department.** The Public Works Department may identify outstanding items accordingly that need addressed prior to approval.
- 4) Please note Article 10.12(F)(8) and Article 7.4(B) require the signature of the Board of Public Works and Safety (BPW) prior to recording for acceptance of public right-of-way. **BPW has delegated this authority to the Director of Public Works.**
- 5) ***The Unified Development Ordinance, as amended (Ord. 17-10), no longer requires a public hearing for Detailed Development Plan review approval. Once plans have been determined to be in compliance with the applicable ordinances, the petition will be placed on the next scheduled Plan Commission meeting agenda.***
- 6) Abbreviations:
 - a) WPWD: Westfield Public Works Department; HCSO: Hamilton County Surveyor’s Office

DEVELOPMENT PLAN – General Plan Requirements

Article 10.7(H)2 of the current Westfield UDO

The plans comply.

- 7) Title, scale, north arrow and date.
- 8) Proposed name of the development.
- 9) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.
- 10) Address and legal description of the property.
- 11) Boundary lines of the property including all dimensions.
- 12) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.
- 13) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 14) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 15) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.
- 16) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.
- 17) Layout, number, dimension and area (in square feet and acres) of all Lots and Out-lots with Building Setback Lines.
- 18) Location and dimensions of all existing structures and paved areas.
- 19) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 20) Location of all Floodplain areas within the boundaries of the property.
- 21) Names of legal ditches and streams on or adjacent to the site.



- 22) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 23) Identify buildings proposed for demolition.
- 24) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 25) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).
- 26) Label Building Separation and/or / Building Setback Lines in relation to Front, Rear and Side Lot Lines
- 27) Misc.

DEVELOPMENT PLAN – Review Criteria

Article 10.7(E) of the current Westfield UDO

The plans comply.

- 28) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 29) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 30) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 31) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

MAPLE KNOLL PUD STANDARDS

(PUD Ord. 04-02)

The plans comply.

32) Section 4 – Districts (Exhibit 3 of PUD Ordinance)

33) Section 5 – Underlying Zoning (Exhibit 8 of PUD Ordinance)

34) Section 11 – Permitted Uses (Exhibit 12 of PUD Ordinance)

35) Section 12 – Development and Architectural Standards (Exhibit 14 of PUD Ordinance)

Lots:

- All lots shall have frontage along a Public Street or a Private Street and may be accessed from the front, side, or rear yard.
- Minimum Lot Width at building line: 20 Feet.
- Minimum Lot Width at Street: 20 Feet.
- Minimum Lot Depth: 60 Feet.
- Minimum Lot Area: 1,000 Square Feet
- Front Setback: 0-80 Feet.
- Minimum Side Setback: 0 Feet; provided, however, that (i) the minimum separation between Buildings shall be ten (10) Feet and (ii) portions of any building may be owned by different owners either in fee simple or under Indiana laws governing condominiums.
- Minimum Rear Setback: 0 Feet.
- No building elevation shall be closer than thirty (30) feet to Spring Mill Road; provided, however, that any Building located upon that segment of the Mixed-use District abutting the Pine Ridge/Quail Ridge residential subdivisions shall be set back at least forty (40) feet from the boundary line of the Mixed-use District.

Non-Residential Buildings:

- Maximum Building Height: Thirty-Five (35) Feet.
- Minimum Building Separation: 0 Feet (attached) and 12 (detached).
- Exterior Materials and Colors:
 - The following shall replace and supersede the DPR Provisions pertaining to building materials:
 - The exterior of all buildings shall consist of a combination of masonry (e.g.: brick, stone, cut-faced block, stucco), glass, composite (e.g.: fiber cement, cultured stone, trim PVC), and wood products.

- Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, prefabricated steel panels, vinyl siding, and aluminum siding.
 - Exterior facade and trim colors shall be of low reflectance, and selected from a palette authorized by the Developer (or its successor).
- Facades:
 - Facades less than twelve (12) feet long, measured horizontally, shall not require any fenestration.
 - Facades greater than twelve (12) feet long, measured horizontally, shall require 20% fenestration. In addition, where large retail structures contain additional, separately owned or leased stores that occupy less than 25,000 SF of gross floor area and have separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) and eight (8) feet above the walkway grade for no less than 60% of the horizontal length of the building facade of such additional stores.
 - Facades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.
 - Facades shall include a repeating pattern that includes no less than three (3) of the following elements: color change, texture change, material change, fenestration change (windows, doors, openings, etc.), or profile change (turns & projections, etc.).
- Roofs:
 - Roof profiles shall be gabled, hip, or parapet.
 - Roofing materials shall be asphalt or fiberglass shingles, standing seam metal, composite, or trim PVC.
- Exterior Mechanical Equipment:
 - Shall be screened or hidden from all sides.
- In no case shall the rear of a non-residential building face Spring Mill Road.

36) Section 13 – Landscaping Standards (Exhibit 17 of PUD Ordinance)

Attached hereto and incorporated herein by reference as Exhibit 17 are landscape standards (the "Landscape Standards") included in the Zoning Ordinance in force at the time of the enactment of this Maple Knoll PUD. Except as modified below in this Section 13, the Landscape Standards shall apply to the Real Estate.

- Shrubs are not required to be planted within woodlands located within buffer yards.
- Trees which are in good condition and possessing a caliper of greater than 2" will be preserved along the fence row on the southern boundary of that portion of the Mixed-use District located west of Spring Mill Road.

- At the Developer's discretion, evergreen trees may be substituted in lieu of evergreen shrubbery on a 1:3 basis (tree : shrub).
- With respect to any wooded area greater than three (3) acres in size, any required tree inventory may be done on a sampling basis, by a certified arborist, based upon a representative sample of such woodland which representative sample is approved by the Department and is at least twenty percent (20%) of the size of the subject woodland.

WC 16.06.010 - General Landscaping Provisions – Exhibit 17 of PUD Ordinance

WC 16.06.020 - Preservation and Replacement of Trees – Exhibit 17 of PUD Ordinance

WC 16.06.030 - Selection, Installation, and Maintenance – Exhibit 17 of PUD Ordinance

WC 16.06.070 - Parking Area Landscaping – Exhibit 17 of PUD Ordinance

WC 16.06.080 - Recommended Plant Materials – Exhibit 17 of PUD Ordinance

37) Section 14 – Signage (Exhibit 18 of PUD Ordinance)

- Attached hereto and incorporated herein by reference as Exhibit 18 are signage standards (the "Signage Standards") which replace and supersede any signage provisions and/or standards set forth in the Zoning Ordinance.

38) Section 15 – Lighting (Exhibit 19 of PUD Ordinance)

- Attached hereto and incorporated herein by reference as Exhibit 19 are lighting standards (the "Lighting Standards") which replace and supersede any lighting provisions and/or standards set forth in the Zoning Ordinance.

39) Section 16 – Parking (Exhibit 20 of PUD Ordinance)

- Attached hereto and incorporated herein by reference as Exhibit 20 are parking standards (the "Parking Standards") which replace and supersede any parking provisions and/or standards set forth in the Zoning Ordinance.

DISTRICT STANDARDS

WC 16.04.050 Business Districts

The plans comply.

DEVELOPMENT STANDARDS

Associated articles within Chapter 6 of the current Westfield UDO

The plans comply.

6.1 Accessory Use and Building Standards



- 6.3 Architectural Standards*
- 6.5 Fence Standards*
- 6.6 Height Standards*
- 6.8 Landscaping Standards*
- 6.9 Lighting Standards*
- 6.10 Lot Standards*
- 6.14 Parking and Loading Standards*
- 6.15 Performance Standards*
- 6.16 Setback Standards*
- 6.17 Sign Standards*
- 6.19 Vision Clearance Standards*

DESIGN STANDARDS

Associated articles within Chapter 8 of the current Westfield UDO

The plans comply.

- 8.3 Easement Standards*
- 8.7 Pedestrian Network Standards*
- 8.8 Stormwater Standards*
- 8.9 Street and Right-of-Way Standards*
- 8.12 Surety Standards*
- 8.13 Utility Standards*

DEPARTMENT COMMENTS

- 1) **The plans as presented comply with the applicable zoning ordinances.**
- 2) **Action: Approve Detailed Development Plan 2205-DDP-13 with the following condition:**
 - **That all necessary approvals be obtained from the Westfield Public Works Department and the Hamilton County Surveyor's Office prior to any work beginning on the Property.**
- 3) **If any Plan Commission member has questions prior to the meeting, then please contact Weston Rogers at (317) 408-9895 or wrogers@westfield.in.gov.**

WRITTEN PUBLIC COMMENTS

Docket Number: 2205-DDP-13
Petitioner: Guidepost Montessori Daycare
Request: Petitioner request a Detailed Development Plan review for a 11,275 SF daycare facility on 1.24 acres +/- in the Maple Knoll PUD District.

Enclosed Attachments (as of 5:00pm., Tuesday, September 6, 2022):

September 6, 2022 Advisory Plan Commission Meeting

1. Stephanie Gordon	N/A	(09/04/22)
2. Matthew Gross	238 Tricia Ln	(09/04/22)
3. Stacy Routh	N/A	(09/06/22)
4. Robert Palmer	280 Tricia Ln	(09/06/22)
5. Charlene Aiduks	17325 Graley Place	(09/06/22)
6. Ron and Lisa Hirschhorn	271 Moose Ln	(09/06/22)
7. Jeff S.	N/A	(09/06/22)
8. Jeffery Obst	N/A	(09/06/22)
9. David Schmitt	17434 Lillian St	(09/06/22)
10. Louis Wilson	207 Moose Ct	(09/06/22)
11. Rick Betori	17303 Lillian St	(09/06/22)
12. Charlene Aiduks	N/A	(09/06/22)
13. Carol Fischer	N/A	(09/06/22)
14. Jillian Betori	17303 Lillian St	(09/06/22)
15. Mary Jo and Dave Pittman	196 Moose Ct	(09/06/22)
16. Carol Fischer	188 Moose Ct	(09/06/22)
17. Lisa Hirschhorn	271 Moose Ln	(09/06/22)
18. Anne Lins	175 Moose Ct	(09/06/22)
19. Jillian Betori	N/A	(09/06/22)
20. Rich and Cecil Corson	N/A	(09/06/22)
21. Larry Gist	247 Moose Ln	(09/06/22)
22. Jeffery Obst	N/A	(09/06/22)
23. Ron and Lisa Hirschhorn	271 Moose Ln	(09/06/22)
24. Larry Gist	247 Moose Ln	(09/06/22)
25. Dave and Lou Robisch	17307 Lillian St	(09/06/22)
26. Linda Kops	279 Moose Ln	(09/06/22)

Weston Rogers

From: Stephanie Gordon <stephaniegordon89@icloud.com>
Sent: Sunday, September 4, 2022 7:34 AM
To: planners
Subject: Springmill Villas and Towns

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
stephaniegordon89@icloud.com.**

Hi...I'm a resident in the Springmill Towns neighborhood. It's been brought to my attention that the city is planning on using a 'neighborhood' city street as access for commercial development. By bringing 100's of vehicles a day into our neighborhood you increase traffic, noise, safety for residents and safety for bus stops exponentially! Our entrance onto Springmill is already very busy!

I understand there is a possibility of many business coming in the area between our homes and Springmill road. Please come up with a new plan for that traffic to enter off of Springmill directly. Coming into and thru our neighborhood is not the best solution.

Regards,

Stephanie Gordon
Property Management Director
Rock Ridge Development
317-507-2699
stephaniegordon89@icloud.com

Sent from my iPhone

Weston Rogers

From: Matthew Gross <emjay144@gmail.com>
Sent: Sunday, September 4, 2022 3:28 PM
To: planners
Cc: info@svthoa.org
Subject: Lillian St. development plan

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
emjay144@gmail.com.**

Hello,

I am a resident of the Springmill Villas & Towns in Westfield. I am writing to express my opposition to the recently announced plans for development of a daycare center on Lillian Street.

Like many of my neighbors, I am concerned about the traffic, noise and safety impacts such development would have on our housing community.

Thank you

Matt Gross
238 Tricia Ln, Westfield, IN 46074
317-509-3130

Weston Rogers

From: Stacy Routh <srouth@me.com>
Sent: Monday, September 5, 2022 11:28 AM
To: planners
Subject: Daycare

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
srouth@me.com.**

I am a resident of the springmill villas and towns and highly oppose the daycare coming into the neighborhood . There will be no way for the traffic flow to get thru our streets without them having to travel all the way around our streets. Increased safety issues for kids both in the daycare and our neighborhood. Please reconsider.

Thank you

Weston Rogers

From: Robert Palmer <robertpalmerpianist@gmail.com>
Sent: Monday, September 5, 2022 1:14 PM
To: planners
Subject: Proposed day care at Springmill Villas and Towns

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
robertpalmerpianist@gmail.com.**

To Whom It may Concern,

As residents of Springmill Villas and Towns, we vigorously and vehemently oppose any entity that desires to use, as an entry/exit to their proposed establishment located on one of the outlots here, the usage of Tricia Ln, Lillian St. and Moose Ln. This is entirely unacceptable and goes against the principle of commercial-related traffic should never be allowed within a residential community.

There is only one entry/access road into Springmill Town and Villas. Obviously, this is a highly trafficked area. There have been numerous accidents at this intersection. The last thing our community needs is increased traffic there, which would certainly lead to major headaches with congestion, traffic, and accidents. Furthermore, should this be allowed to happen, these issues will only worsen as additional establishments are built, who would also desire to use our community roads as commercial avenues.

This cannot happen! The city of Westfield cannot support the dumping of commercial traffic into a residential area - the middle of our neighborhood.

Respectfully,

Robert Palmer and Sophia Kim
280 Tricia Ln
Springmill Villas and Towns

Weston Rogers

From: Charlene Aiduks <ckaiduks@gmail.com>
Sent: Tuesday, September 6, 2022 9:23 AM
To: planners
Subject: Daycare on Springmill

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
ckaiduks@gmail.com.**

My husband and I live in Springmill Villas, and my sister and nephew are also in A Villa here. This is a small neighborhood with one way in, one way out onto Springmill. We have a mix of elderly folks and also younger kids in here, with a schoolbus stop at the corner of Lillian and Tricia. Adding the daycare center on Springmill with entrance via Lillian will increase traffic in this small neighborhood and make it nearly impossible for our residents to get to Springmill in case of emergency or necessity. Traffic during their pick up/drop off times will back up through the entire neighborhood trying to get out on Springmill!

PLEASE DO NOT allow entrance from these frontage lots only by coming into our small neighborhood!!!

Jack and Charlene Aiduks
17325 Graley Place, Westfield

Sent from my iPhone

Weston Rogers

From: Ron & Lisa Hirschhorn <hircro@gmail.com>
Sent: Tuesday, September 6, 2022 9:57 AM
To: planners
Subject: daycare plans off Springmill Rd and Lillian St.

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
hircro@gmail.com.**

Dear Westfield Advisory Commission Planners,

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Ron and Lisa Hirschhorn
271 Moose Lane

Weston Rogers

From: Jeff S <1306jjs@gmail.com>
Sent: Tuesday, September 6, 2022 10:06 AM
To: Ron & Lisa Hirschhorn
Cc: planners
Subject: Re: daycare plans off Springmill Rd and Lillian St.

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
1306jjs@gmail.com.**

Thanks for sending this and addressing this issue. Of additional concern is the entire outlot will most likely be developed, with that come even more traffic should the city plan on using Lillian as the access road to those businesses. Hopefully the city planners realize that a service road accessible from Springhill is needed.

Thanks again.

On Tue, Sep 6, 2022, 9:57 AM Ron & Lisa Hirschhorn <hircro@gmail.com> wrote:

Dear Westfield Advisory Commission Planners,

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Ron and Lisa Hirschhorn
271 Moose Lane

Weston Rogers

From: Jeffery Obst <info@svthoa.org>
Sent: Tuesday, September 6, 2022 10:50 AM
To: Weston Rogers
Cc: planners; Z STEVE KOVATS; haley.trumpy@gmail.com
Subject: Petition: 2205-DDP-13 Guidepost Montessori Daycare

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This external email is from
info@svthoa.org.

Good morning, Weston,

The site address on the agenda regarding 2205-DDP-13 Guidepost Montessori Daycare for tonight's Advisory Plan Commission (APC) meeting:

CONSENT AGENDA

2205-DDP-13

Guidepost Montessori Daycare

17305 Spring Mill Road

NVS Properties 16 LLC by Murphy Real Estate Services requests Detailed Development Plan approval for an 11,275 SF daycare facility on 1.23 acres +/- in the Maple Knoll PUD District.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Landscape Plan](#) | [Exhibit 5: Building Elevations](#)

doesn't match the parcel:



This has caused much confusion for the residents of our neighborhood, and I'm sure many others.

I respectfully request this agenda item be postponed to the next APC meeting so the address can be corrected. Doing so will clarify where this site is and offer those citizens who might be interested in the 17313 Spring Mill site to receive proper public notice.

Thank you for your consideration.

Best,

Jeff

Jeffery Obst, PMP
Director
Springmill Villas & Towns Homeowners Association, Inc.



Weston Rogers

From: davidschmitt@att.net
Sent: Tuesday, September 6, 2022 11:04 AM
To: planners
Cc: 'Jeffery Obst'
Subject: Proposed Daycare center

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
davidschmitt@att.net.**

Dear Sirs,

We have become aware of a meeting of the Westfield Advisory Planning Commission tonight at 7 PM to discuss 2205-DDP-13 Guidepost Montessori Daycare proposed Development plan.

We are very concerned that the proposed entry access is onto Lillian street which is a residential area street. It would seem logical that the entry should be on to Spring Mill Road which is the address of the proposed development. The traffic count would be awful coming into the Spring Mill Villa's residential development as it currently is proposed. Lillian Street is not set up as a entry way to a commercial development! I am working out of town this week and unable to attend the meeting to voice my objection to this project due to the proposed access into my residential neighborhood street so I am sending you this mail.

If you have any questions or would like to discuss with me please give me a call at the number shown below.

Thanks for your consideration,

Dave

David P Schmitt
17343 Lillian Street
Westfield, IN 46074
317-753-7509

Weston Rogers

From: Louis Wilson <louiswil@sbcglobal.net>
Sent: Tuesday, September 6, 2022 11:17 AM
To: planners
Subject: Daycare plans off Springmill and Lillian St.

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
louiswil@sbcglobal.net.**

Dear Westfield Advisory Commission Planners,

The planned entry/exit for the new daycare planned on Springmill and Lillian will have a great impact on this small community. We have many dog walkers, children and retired owners that will be at jeopardy of being hurt by speeders and inattentive drivers. There is already increased traffic due to the new businesses popping up in Westfield.

Getting out of this community is already very difficult. Adding traffic from the daycare as well as other businesses that will be added will be a nightmare. You must come up with a better solution. The fact that the homeowners in this community were not notified about this is disturbing. It makes it seem like the Commission was hoping we would not notice. Let's hope that is not the case. Adding 100+ cars entering/ exiting daily will cause accidents and SAFETY should be your main concern.

Sincerely,
Joan Wilson
207 Moose Court
Sent from my iPad

Weston Rogers

From: Rick Betori <rickbetori@gmail.com>
Sent: Tuesday, September 6, 2022 11:21 AM
To: planners
Subject: Daycare Plans off of SpringMill Rd and Lillian St South of Rt 32

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
rickbetori@gmail.com.**

Dear Westfield Advisory Commission Planners,

I am writing to you in objection to the upcoming decision regarding a daycare construction on the land used between Springmill Rd and Lillian St just south of Rt 32 in front of the Springmill Villas and Towns residential neighborhood. The placement of an entrance to this and potentially other commercial developments from our residential community, as opposed to coming directly from Springmill, presents a considerable challenge regarding incoming and outgoing traffic and the safety of our residents. There are already challenges getting onto Springmill from our neighborhood due to the lack of a traffic light/roundabout in front of the neighborhood, and additional traffic due to the sole entrance to commercial areas will only exacerbate that problem. We have a small community and increased, highly unnecessary traffic volume is not welcome.

Moreover, it is disingenuous that no formal consultation or notification to the community was made regarding this entrance construction project, and the fact that this meeting was made directly after a holiday with the likely assumption that individuals would be travelling and unavailable to contest this commercial entrance construction through our residential neighborhood.

Consider another entrance for the daycare directly off of Springmill Rd as well as other commercial projects being developed in the land between Springmill Rd and the Springmill Villas and Towns residential community. We as a community should be consulted in future developments that directly impact our community.

Sincerely,

Rick Betori
Cell: 847-508-9103

Weston Rogers

From: Charlene Aiduks <ckaiduks@gmail.com>
Sent: Tuesday, September 6, 2022 11:33 AM
To: planners
Subject: Proposed Daycare off Springmill Road

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
ckaiduks@gmail.com.**

As a longtime Hoosier and only 2 years in Westfield, we moved here to Springmill Villas for this to most likely be our last home. We moved here for the quiet, security and closed off neighborhood (from thru traffic). I even moved my sister and nephew here so we could help care for them. Now to learn that Westfield wants to funnel all of the traffic with access only through use of our streets for the daycare and 5 other businesses in our front lots, is most concerning! Since Meijer went in, getting out of Springmill Villas has gotten increasingly difficult. If Westfield pours SO much more traffic into our little neighborhood which consists of a lot of older people and small children would be very threatening and we fear someone will get hurt. PLEASE do NOT throw all of this traffic into our small neighborhood and increase traffic and make it near impossible to get in and out of the neighborhood!! It will make it near impossible for emergency vehicles to get in and out when needed. There is a school bus stop at the corner of Lillian and Tricia. Increased traffic will endanger our kids accessing the bus.

Charlene Aiduks
17325 Graley Place
317-258-0984

Sent from my iPhone

Weston Rogers

From: Carol Fischer <cefischer2@gmail.com>
Sent: Tuesday, September 6, 2022 12:05 PM
To: planners
Subject: Proposed Daycare Springmill south of 32

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
cefischer2@gmail.com.**

We've been informed that the daycare will not have an entrance off of Springmill Road. Instead access will be by entering into our community then turning onto a residential side street (Lillian).

This is insane! As it is our neighborhood only has one road in and out. This will put a HUGE burden on working taxpayers trying to get out of our subdivision to go to work in the morning.

There is also weekly trash service on Lillian which will cause a complete mess with parents making drop offs.

A business should have access from a main road— not just from within a neighborhood residential street.

Please reconsider this plan.

Carol Fischer
188 Moose Court

Weston Rogers

From: Jillian Betori <j.ogden9999@gmail.com>
Sent: Tuesday, September 6, 2022 12:06 PM
To: planners
Subject: Development Plans at Springmill Rd/Lillian St

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
j.ogden9999@gmail.com.**

Good afternoon,

I am contacting the Westfield Advisory Commission Planners in objection to the development plans that will affect my neighborhood, Springmill Villas and Towns, just south of SR-32 and off of Springmill. My husband Rick and I live at 17303 Lillian Street, directly behind where the proposed entrance to the commercial businesses and daycare would be. I urge you to please rethink these plans and instead put an entrance off of Springmill Road, or at least Tricia Lane, so that the increased traffic will not disturb our neighborhood and its residents as much as it would with the current plans.

Increasing traffic through our neighborhood, specifically Lillian Street, will pose a significant traffic problem for those of us (myself and my husband included) who leave for and get home from work when parents would be dropping their kids off and picking them up. The daycare itself would bring in over 100 cars, plus what the other businesses would bring in. We already struggle to get onto Springmill in the morning due to lack of a traffic light or round-a-bout, but regardless of that, leading the additional traffic INTO our neighborhood will only aggravate the traffic problem and our residents.

I also urge you to consider the safety issues that increased traffic will bring up for those of us who walk our dogs and walk/run around the neighborhood. A higher volume of traffic will raise safety concerns on its own, but I expect that it would also increase the chances of inconsiderate drivers, whether it be consumers at the businesses or rushed parents trying to drop off and pick up children from the daycare. The safety issues that come to mind include speeding, no regard for traffic patterns with pedestrians, and others.

As a resident of Westfield, I am extremely surprised and disappointed in these plans. I have always thought that our city did a decent job of not creating issues like this, thus making it a very desirable place to live, but these thoughts have been challenged after hearing of these plans and especially because we were not made aware of them sooner. I hope that the Planners will please reconsider and try to understand where we are coming from. I know many others in our community are very upset, and I'm sure you would be too if this was your neighborhood being disrupted.

Thank you,

--

Jillian Betori
M: 317-989-2409
j.ogden9999@gmail.com

Weston Rogers

From: MJ Pitt-Mail <mjpittmail@gmail.com>
Sent: Tuesday, September 6, 2022 12:32 PM
To: planners
Subject: Daycare plans off Springmill Rd and Lillian St.

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
mjpittmail@gmail.com.**

Dear Westfield Advisory Commission Planners,

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Mary Jo & Dave Pittman
196 Moose Ct

Weston Rogers

From: Carol Fischer <cefischer2@gmail.com>
Sent: Tuesday, September 6, 2022 12:34 PM
To: Weston Rogers
Subject: Re: Proposed Daycare Springmill south of 32

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
cefischer2@gmail.com.**

My issue is not with the Daycare itself. My issue is with having the business traffic coming into a residential neighborhood as the only way to access it.

On Tue, Sep 6, 2022 at 12:29 PM Weston Rogers <wrogers@westfield.in.gov> wrote:

Thank you for your comment. It will be forwarded to the Advisory Plan Commission and included in the Public Comment Exhibit when this item appears on the Commissions' Consent Agenda this evening.

If a proposed Detailed Development Plan complies with the existing zoning regulations, as this proposed plan does, then the Plan Commission is legally required to approve.

Please be aware that the APC will not be holding a Public Hearing on this item, as that is not part of the meeting protocol for Detailed Development Plans.

The proposed Detailed Development Plan complies with the applicable zoning regulations of the Maple Knoll PUD zoning district, specifically the "Mixed Use" area of the Maple Knoll PUD which has been established since 2004. The "Mixed Use" area of the Maple Knoll PUD also includes the Spring Mill Villas neighborhood. A daycare facility is a permitted use and the established vehicular connectivity was previously reviewed and approved ([1803-SPP-04](#)) to serve both the residential area and out lots along Spring Mill Road.

Regards,

Weston Rogers | Associate Planner

Community Development | [2728 East 171st Street | Westfield, IN 46074](#)

wrogers@westfield.in.gov | 317-408-9895

[Need to send me a file over 25MB?](#)



From: Carol Fischer <cefischer2@gmail.com>

Sent: Tuesday, September 6, 2022 12:05 PM

To: planners <planners@westfield.in.gov>

Subject: Proposed Daycare Springmill south of 32

WARNING: This external email is from cefischer2@gmail.com.

We've been informed that the daycare will not have an entrance off of Springmill Road. Instead access will be by entering into our community then turning onto a residential side street (Lillian).

This is insane! As it is our neighborhood only has one road in and out. This will put a HUGE burden on working taxpayers trying to get out of our subdivision to go to work in the morning.

There is also weekly trash service on Lillian which will cause a complete mess with parents making drop offs.

A business should have access from a main road— not just from within a neighborhood residential street.

Please reconsider this plan.

Carol Fischer

188 Moose Court

Weston Rogers

From: Ron & Lisa Hirschhorn <hircro@gmail.com>
Sent: Tuesday, September 6, 2022 12:52 PM
To: Weston Rogers
Subject: Re: daycare plans off Springmill Rd and Lillian St.

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
hircro@gmail.com.**

Weston,

Thanks for the response.

However, our community is not objecting to the building of the daycare but to the fact that you are using our community for thru traffic.

How would you like it if your neighborhood was told that this was going to happen and you had NO say in the matter?

This is wrong not speaking with our HOA before planning to use our community for traffic from the daycare and possibly other businesses being built?

Have you even considered the implications here?

Respectfully,

Lisa Hirschhorn

On Tue, Sep 6, 2022 at 12:40 PM Weston Rogers <wrogers@westfield.in.gov> wrote:

Thank you for your comment. It will be forwarded to the Advisory Plan Commission and included in the Public Comment Exhibit when this item appears on the Commissions' Consent Agenda this evening.

If a proposed Detailed Development Plan complies with the existing zoning regulations, as this proposed plan does, then the Plan Commission is legally required to approve.

Please be aware that the APC will not be holding a Public Hearing on this item, as that is not part of the meeting protocol for Detailed Development Plans.

The proposed Detailed Development Plan complies with the applicable zoning regulations of the Maple Knoll PUD zoning district, specifically the "Mixed Use" area of the Maple Knoll PUD which has been established since 2004. The "Mixed Use" area of the Maple Knoll PUD also includes the Spring Mill Villas neighborhood. A daycare facility is a permitted use and the established vehicular connectivity was previously reviewed and approved ([1803-SPP-04](#)) to serve both the residential area and out lots along Spring Mill Road.

Regards,

Weston Rogers | Associate Planner

Community Development | 2728 East 171st Street | Westfield,
IN 46074

wrogers@westfield.in.gov | 317-408-9895

[Need to send me a file over 25MB?](#)



From: Ron & Lisa Hirschhorn <hircro@gmail.com>

Sent: Tuesday, September 6, 2022 9:57 AM

To: planners <planners@westfield.in.gov>

Subject: daycare plans off Springmill Rd and Lillian St.

WARNING: This external email is from
hircro@gmail.com.

Dear Westfield Advisory Commission Planners,

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Ron and Lisa Hirschhorn

271 Moose Lane

--
Ron & Lisa (Weinstein) Hirschhorn

Weston Rogers

From: Anne Lins <lins.anne3@gmail.com>
Sent: Tuesday, September 6, 2022 1:00 PM
To: planners
Subject: Traffic impact of proposed Day Care

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
lins.anne3@gmail.com.**

Advisory Plan Commission -

I live in Springmill Villas and Towns off of Spring Mill Rd, and I understand that a Day Care facility has been approved for the out lots just west of our community.

I have no objection to the Day Care facility, but I understand that the only entrance to it will be off Lillian Street in our community. This will significantly increase the traffic to our community during rush hour when it is already difficult to turn onto Spring Mill due to the volume of traffic on Spring Mill and coming from Wendover Drive directly across the street.

Please consider placing the entrance to the Day Care facility off Spring Mill Rd instead of Lillian Street.

Thank you for your consideration.
Anne Lins
175 Moose Court

Weston Rogers

From: Jillian Betori <j.ogden9999@gmail.com>
Sent: Tuesday, September 6, 2022 1:01 PM
To: Weston Rogers
Subject: Re: Development Plans at Springmill Rd/Lillian St

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
j.ogden9999@gmail.com.**

Hi Weston,

Thank you for your response. I didn't say this in my first email, but I completely understand that these areas need to be developed and I agree that it makes sense for Westfield to put these businesses in. I want our city to thrive and provide resources for the community, just like I know the daycare will. My only qualm is that the "vehicular connectivity" disrupts a residential area, thus making it feel not so residential. I do not feel that the entrance would "serve" our residential area, but rather disrupt it with the flow of traffic to and from the daycare. I kindly ask that you please include this with my previous email.

Thank you and I appreciate your time.

On Tue, Sep 6, 2022 at 12:43 PM Weston Rogers <wrogers@westfield.in.gov> wrote:

Thank you for your comment. It will be forwarded to the Advisory Plan Commission and included in the Public Comment Exhibit when this item appears on the Commissions' Consent Agenda this evening.

If a proposed Detailed Development Plan complies with the existing zoning regulations, as this proposed plan does, then the Plan Commission is legally required to approve.

Please be aware that the APC will not be holding a Public Hearing on this item, as that is not part of the meeting protocol for Detailed Development Plans.

The proposed Detailed Development Plan complies with the applicable zoning regulations of the Maple Knoll PUD zoning district, specifically the "Mixed Use" area of the Maple Knoll PUD which has been established since 2004. The "Mixed Use" area of the Maple Knoll PUD also includes the Spring Mill Villas neighborhood. A daycare facility is a permitted use and the established vehicular connectivity was previously reviewed and approved ([1803-SPP-04](#)) to serve both the residential area and out lots along Spring Mill Road.

Regards,

Weston Rogers | Associate Planner

Community Development | 2728 East 171st Street | Westfield,
IN 46074

wrogers@westfield.in.gov | 317-408-9895

[Need to send me a file over 25MB?](#)



From: Jillian Betori <j.ogden9999@gmail.com>

Sent: Tuesday, September 6, 2022 12:06 PM

To: planners <planners@westfield.in.gov>

Subject: Development Plans at Springmill Rd/Lillian St

**WARNING: This external email is from
j.ogden9999@gmail.com.**

Good afternoon,

I am contacting the Westfield Advisory Commission Planners in objection to the development plans that will affect my neighborhood, Springmill Villas and Towns, just south of SR-32 and off of Springmill. My husband Rick and I live at 17303 Lillian Street, directly behind where the proposed entrance to the commercial businesses and daycare would be. I urge you to please rethink these plans and instead put an entrance off of Springmill Road, or at least Tricia Lane, so that the increased traffic will not disturb our neighborhood and its residents as much as it would with the current plans.

Increasing traffic through our neighborhood, specifically Lillian Street, will pose a significant traffic problem for those of us (myself and my husband included) who leave for and get home from work when parents would be dropping their kids off and picking them up. The daycare itself would bring in over 100 cars, plus what the other businesses would bring in. We already struggle to get onto Springmill in the morning due to lack of a traffic light or round-a-bout, but regardless of that, leading the additional traffic INTO our neighborhood will only aggravate the traffic problem and our residents.

I also urge you to consider the safety issues that increased traffic will bring up for those of us who walk our dogs and walk/run around the neighborhood. A higher volume of traffic will raise safety concerns on its own, but I expect that it would also increase the chances of inconsiderate drivers, whether it be consumers at the businesses or rushed parents trying to drop off and pick up children from the daycare. The safety issues that come to mind include speeding, no regard for traffic patterns with pedestrians, and others.

As a resident of Westfield, I am extremely surprised and disappointed in these plans. I have always thought that our city did a decent job of not creating issues like this, thus making it a very desirable place to live, but these thoughts have been challenged after hearing of these plans and especially because we were not made aware of them sooner. I hope that the Planners will please reconsider and try to understand where we are coming from. I know many others in our community are very upset, and I'm sure you would be too if this was your neighborhood being disrupted.

Thank you,

--

Jillian Betori

M: 317-989-2409

j.ogden9999@gmail.com

--

Jillian Betori

M: 317-989-2409

j.ogden9999@gmail.com

Weston Rogers

From: Cecil Corson <corsoncecil@gmail.com>
Sent: Tuesday, September 6, 2022 1:51 PM
To: planners
Subject: Daycare center (Maple Knolls)

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
corsoncecil@gmail.com.**

This Daycare center is not really maple knolls. It is ACROSS SPRINGMILL IN FRONT OF OUR SMALL NEIGHBORHOOD CALLED SPRINGMILL VILLAS AND TOWNES. Actually, they can move it across the street and b in Maple Knolls. The plans include access from a road called moose lane in our neighborhood. This should not b an option. We are NOT a commercial development/property. We are a housing development. Commercial developments should use Springmill Road for access. We oppose the plan. Even using our Springmill road entrance is not an option. It is a very small entrance. Commercial and business development should never have road access Thru housing developments.

Rich and Cecil Corson

Weston Rogers

From: Larry Gist <larry.gist@icloud.com>
Sent: Tuesday, September 6, 2022 3:03 PM
To: planners
Cc: Jeffery Obst
Subject: New Child Care Center

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
larry.gist@icloud.com.**

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Larry Gist
247 Moose Lane

Weston Rogers

From: Jeffery Obst <info@svthoa.org>
Sent: Tuesday, September 6, 2022 3:06 PM
To: Weston Rogers
Cc: Z STEVE KOVATS; haley.trumpy@gmail.com
Subject: Re: Petition: 2205-DDP-13 Guidepost Montessori Daycare

Follow Up Flag: Follow up
Flag Status: Completed

WARNING: This external email is from
info@svthoa.org.

Thank you for this information.

Has this, or will it, come for public hearing?

Best,

Jeff



Jeffery Obst, PMP
Secretary-Treasurer
Springmill Villas & Towns Homeowners Association, Inc.
317-608-8734 - Cell/Text

From: Weston Rogers <wrogers@westfield.in.gov>
Sent: Tuesday, September 6, 2022 1:23 PM
To: Jeffery Obst <info@svthoa.org>
Cc: Z STEVE KOVATS <zkovats@aol.com>; haley.trumpy@gmail.com <haley.trumpy@gmail.com>
Subject: RE: Petition: 2205-DDP-13 Guidepost Montessori Daycare

Thank you for your comment. This scrivener's error has been updated on applicable documents. The location map accurately outlines in yellow the location of the proposed detailed development plan.

Your comment will be forwarded to the Advisory Plan Commission and included in the Public Comment Exhibit when this item appears on the Commissions' Consent Agenda this evening.

If a proposed Detailed Development Plan complies with the existing zoning regulations, as this proposed plan does, then the Plan Commission is legally required to approve.

Please be aware that the APC will not be holding a Public Hearing on this item, as that is not part of the meeting protocol for Detailed Development Plans.

The proposed Detailed Development Plan complies with the applicable zoning regulations of the Maple Knoll PUD zoning district, specifically the "Mixed Use" area of the Maple Knoll PUD which has been established since 2004. The "Mixed Use" area of the Maple Knoll PUD also includes the Spring Mill Villas neighborhood. A daycare facility is a permitted use and the established vehicular connectivity was previously reviewed and approved ([1803-SPP-04](#)) to serve both the residential area and out lots along Spring Mill Road.

Regards,

Weston Rogers | Associate Planner

Community Development | 2728 East 171st Street | Westfield,
IN 46074

wrogers@westfield.in.gov | 317-408-9895

[Need to send me a file over 25MB?](#)



From: Jeffery Obst <info@svthoa.org>

Sent: Tuesday, September 6, 2022 10:50 AM

To: Weston Rogers <wrogers@westfield.in.gov>

Cc: planners <planners@westfield.in.gov>; Z STEVE KOVATS <zkovats@aol.com>; haley.trumpy@gmail.com

Subject: Petition: 2205-DDP-13 Guidepost Montessori Daycare

WARNING: This external email is from
info@svthoa.org.

Good morning, Weston,

The site address on the agenda regarding 2205-DDP-13 Guidepost Montessori Daycare for tonight's Advisory Plan Commission (APC) meeting:

CONSENT AGENDA

2205-DDP-13

Guidepost Montessori Daycare

17305 Spring Mill Road

NVS Properties 16 LLC by Murphy Real Estate Services requests Detailed Development Plan approval for an 11,275 SF daycare facility on 1.23 acres +/- in the Maple Knoll PUD District.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Landscape Plan](#) | [Exhibit 5: Building Elevations](#)

doesn't match the parcel:



This has caused much confusion for the residents of our neighborhood, and I'm sure many others.

I respectfully request this agenda item be postponed to the next APC meeting so the address can be corrected. Doing so will clarify where this site is and offer those citizens who might be interested in the 17313 Spring Mill site to receive proper public notice.

Thank you for your consideration.

Best,

Jeff

Jeffery Obst, PMP
Director
Springmill Villas & Towns Homeowners Association, Inc.



Weston Rogers

From: Ron & Lisa Hirschhorn <hircro@gmail.com>
Sent: Tuesday, September 6, 2022 3:16 PM
To: Weston Rogers; Michael Pearce
Subject: Our community should have a voice

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
hircro@gmail.com.**

Weston and Michael,

I would implore that you allow the Springmill Villas and Towns neighborhood to speak to this decision. We have a right to give input since this directly affects our neighborhood.

Ron and Lisa Hirschhorn

Weston Rogers

From: Larry Gist <larry.gist@icloud.com>
Sent: Tuesday, September 6, 2022 3:18 PM
To: Weston Rogers
Subject: Re: New Child Care Center

Follow Up Flag: Follow up
Flag Status: Flagged

**WARNING: This external email is from
larry.gist@icloud.com.**

Let me ask you sir, how would YOU feel about having 100 extra cars in your neighborhood twice a day?

Sent from my awesome iPhone 13 Max Pro

On Sep 6, 2022, at 3:15 PM, Weston Rogers <wrogers@westfield.in.gov> wrote:

Thank you for your comment. It will be forwarded to the Advisory Plan Commission and included in the Public Comment Exhibit when this item appears on the Commissions' Consent Agenda this evening.

If a proposed Detailed Development Plan complies with the existing zoning regulations, as this proposed plan does, then the Plan Commission is legally required to approve.

Approval of a Detailed Development Plan does not require a public hearing to be held, as that is not part of the meeting protocol for Detailed Development Plans.

The proposed Detailed Development Plan complies with the applicable zoning regulations of the Maple Knoll PUD zoning district, specifically the "Mixed Use" area of the Maple Knoll PUD which has been established since 2004. The "Mixed Use" area of the Maple Knoll PUD also includes the Spring Mill Villas neighborhood. A daycare facility is a permitted use and the established vehicular connectivity was previously reviewed and approved ([1803-SPP-04](#)) to serve both the residential area and out lots along Spring Mill Road.

The Westfield Public Works Department is opposed adding multiple vehicle entry/exit ways along Spring Mill Road for each individual business. Lillian Street is a public right-of-way that was intended to serve this mixed-use district per the approved Overall Development Plan and Primary Plat mentioned above.

Regards,

Weston Rogers | Associate Planner

Community Development | 2728 East 171st Street | Westfield,
IN 46074
wrogers@westfield.in.gov | 317-408-9895
[Need to send me a file over 25MB?](#)



From: Larry Gist <larry.gist@icloud.com>
Sent: Tuesday, September 6, 2022 3:03 PM
To: planners <planners@westfield.in.gov>
Cc: Jeffery Obst <info@svthoa.org>
Subject: New Child Care Center

**WARNING: This external email is from
larry.gist@icloud.com.**

We are not sure why our little community in Westfield, IN, Springmill Villas and Towns was not consulted about how this daycare being developed using our neighborhood for entering and exiting the daycare would affect us.

We have a small community and an increased volume of traffic in the morning before work during morning rush hour and in the evening during rush hour will not be welcome here.

This area is already experiencing an increase in traffic due to home building all over Westfield, the newer Meijer on the corner of Rte. 32 and Springmill Rd and the continued building of fast food restaurants on Rte. 32 to accommodate Grand Park.

Getting in and out of our neighborhood has already become more difficult as we have no stoplight to get onto Springmill Rd when exiting or to turn into our community when entering our neighborhood from Springmill Rd.

Adding 100 plus cars entering and exiting our small community in a concentrated amount twice per day 5 days per week will only make it more difficult for those of us who live here and have to get to and from work in the morning and evening in a timely manner.

Furthermore, we already have a speeding problem here at Springmill Villas and Towns and with more people leaving and entering our community this will only make our neighborhood less safe for our many dog walkers and those who walk the neighborhood for exercise. We also have many Seniors who live here as well.

Please consider establishing another entrance and exit for the daycare directly off of Springmill Rd that does not involve our neighborhood. Furthermore, please include us in the discussion for future developments that directly affect our community.

Sincerely,

Larry Gist
247 Moose Lane

Weston Rogers

From: Dave Robisch <drobisch40@gmail.com>
Sent: Tuesday, September 6, 2022 3:29 PM
To: planners
Cc: info@SVRHOA.org
Subject: Proposed Day Care - Out Lot

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This external email is from drobisch40@gmail.com.

We live at 17307 Lillian Street which is right next to the corner of Lillian Street and Moose Lane where the proposed entrance/exit to the day care is going to be constructed.

We find it totally unacceptable to have this entrance in a residential neighborhood. Both residential and commercial traffic would increase substantially.

There certainly must be a better way to route the daycare traffic through the out lot area and keep traffic use in our Spring Mill Villas neighborhood to only residential use and regular deliveries that come into our neighborhood.

When we moved into our neighborhood we were completely unaware of any out lot traffic being directed into our neighborhood.

We hope for a good final solution to the concerns that we have.

Thank you.

Dave & Lou Robisch
17307 Lillian Street
Westfield, Indiana 46074

Sent from my iPhone

Weston Rogers

From: Linda Kops <lkops@serendipitylabs.com>
Sent: Tuesday, September 6, 2022 5:24 PM
To: planners
Cc: Jeffery Obst
Subject: Spring Mill Villas - Oppose Day Care Development

Importance: High

**WARNING: This external email is from
lkops@serendipitylabs.com.**

To the Planning Commission - City of Westfield,

I am a proud resident of the Spring Mill Villas and Townes community residing at 279 Moose Lane Westfield, IN. I am unable to attend the meeting tonight to oppose the Day Care development plans on Lillian St and Moose Lane.

It is my understanding the ingress/egress access points for this proposed Day Care is on the corner of Lillian St and Moose Lane. This is unacceptable, as I reside on Moose Lane. Spring Mill Villas and Townes is a small, no outlet neighborhood where the City of Westfield should not permit or allow an increase of traffic flow into this neighborhood with up to 100+ cars a day. This is not what nice, quiet neighborhoods in Westfield are intended for, nor was it a reason I bought my home there. This will certainly decrease my home value if approved, as well.

Also to note, I and several other neighbors who attempt to leave in the AM for work have a difficult time exiting onto Spring Mill Road. It's dangerous without a light or roundabout. Adding more traffic will significantly increase the chances of car accidents (possible fatal car accidents) with a decision to approve this Day Care planned proposal.

Thank you for your time. Please consider my proposal to oppose this development with high regard to the safety of our community.

Linda Kops

Linda Kops | Director of Sales | **Serendipity** Labs – Carmel Midtown
571 Monon Blvd Suite 200 | Carmel, Indiana 46032 | www.serendipitylabs.com | 317-954-0031
independently owned and operated franchise location.





Public Works

John Nail, Director
Travis Stetnish, Streets
Chris McConnell, Parks & Trails

Public Works Department

(317) 804-3100 office
(317) 804-3190 fax

2706 East 171st Street
Westfield, IN 46074
westfield.in.gov

September 6, 2022

TO: Kevin Todd, AICP
Community Development
2728 E 171st Street
Westfield, IN 46074

RE: 2205-DDP-13 – Guidepost Montessori Daycare
17313 Spring Mill Road
Westfield, Indiana 46074

It is the understanding of the Westfield Department of Public Works that several residents have reached out with concerns regarding the proposed Guidepost Montessori Daycare facility at 17313 Spring Mill Road. These concerns are primarily related to the increased traffic in Springmill Villas that will enter and exit the facility through the site access point on Lillian Street.

The Primary Plat and Overall Development Plan for the Springmill Villas subdivision, which delineates the public right-of-way, vehicular circulation, and blocks/lots was reviewed and approved in 2018. At that time, the possibility of commercial development in the parcels between Lillian Street and Spring Mill Road ("Block B" of the primary plat for Springmill Villas) was known.

The City of Westfield did not allow an additional curb cut along Spring Mill Road in order to eliminate an additional driveway along this primary arterial roadway. Per this design, traffic is intended to use the existing intersection of Tricia Lane to access the subdivision and potentially use Lillian Street to access the future lots of "Block B" of the primary plat for Springmill Villas.

Based on the information provided by the developer and documented in the construction plan set, the facility is expecting to have a total of maximum of 110 students and 12 employees. Pick up and drop off times will be staggered with an expected peak vehicle count at pick up/drop off being 18 vehicles. The site currently has a total of 33 parking spaces.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael Pearce".

Michael Pearce, PE
Assistant City Engineer
City of Westfield Public Works Department
2706 E 171st Street
Westfield, IN 46074

CURRENT PUD language:

9.2 Article 5.3(G) Setback Requirements: Shall apply except as modified below:

- A. A Minimum of two (2) buildings shall, and no more than two-thirds of the buildings (once three or more building are constructed), may exceed the Maximum Setback to provide for staggered building setbacks.

PROPOSED PUD language:

9.2 Article 5.3(G) Setback Requirements: Shall apply except as modified below:

- A. A Maximum of two (2) buildings may exceed the Maximum Setback.
- B. No two adjacent buildings shall be constructed at the same distance from the centerline of SR 32 in order to provide for staggered building setbacks.

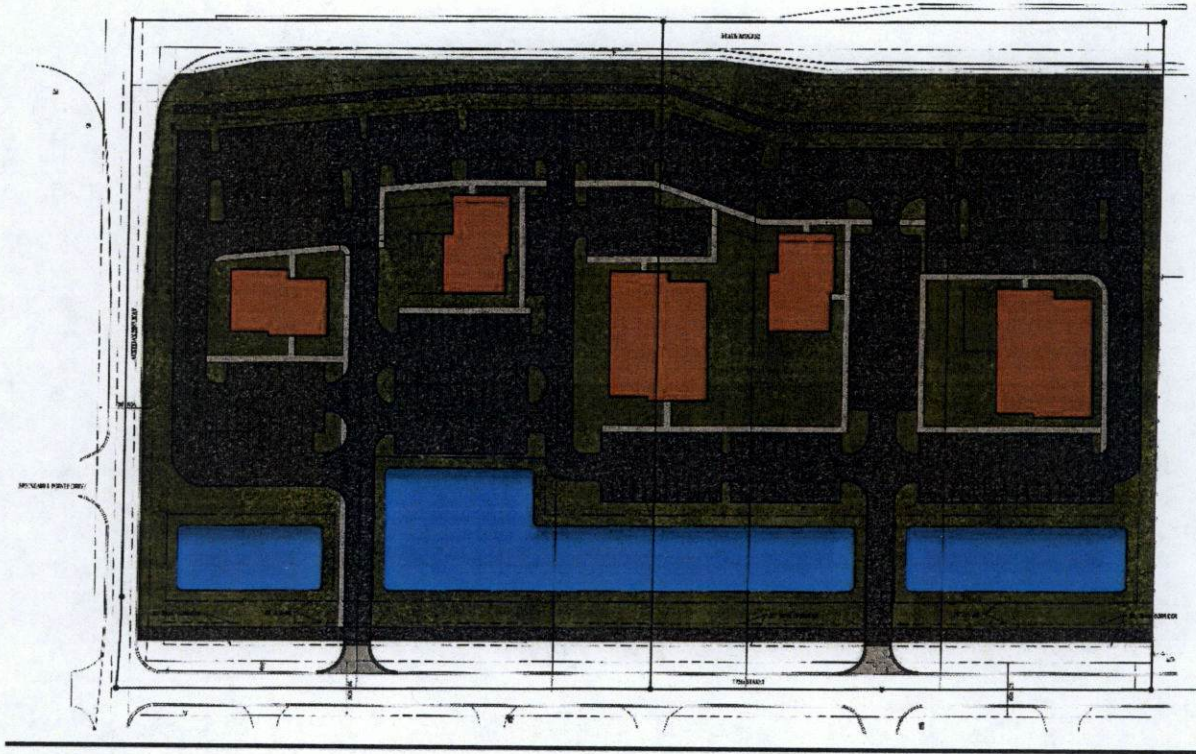
UDO language:

Article 5.3

G. **Setback Requirements:** The following setback requirements regulating the distance from State Highway 32 that buildings may be constructed shall supersede all other setback standards of this Ordinance.

1. **Maximum Setback:** The Established Front Yard on Lots abutting State Highway 32 or the Trail Corridor, as defined herein, shall be a maximum of one hundred and twenty (120) feet from the State Highway 32 right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline.
2. **Minimum Setback:** The Established Front Yard on Lots abutting State Highway 32 or the Trail Corridor, as defined herein, shall be a minimum of thirty (30) feet from the State Highway 32 Right-of-way line or the edge of pavement, whichever results in a greater distance from the State Highway 32 centerline. Signs shall be located a minimum of thirty (30) feet from the State Highway 32 Right-of-way line.

EXHIBIT C
Illustrative Layout
(Page 1 of 1)

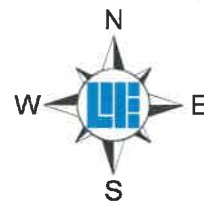


LOCATION: H:\2022\W220366\Engineering\design\exhibits\W220366 conceptual layout.dwg
DATE/TIME: June 28, 2022 - 3:55pm
PLOTED BY: wagner



10505 N. College Avenue
Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611

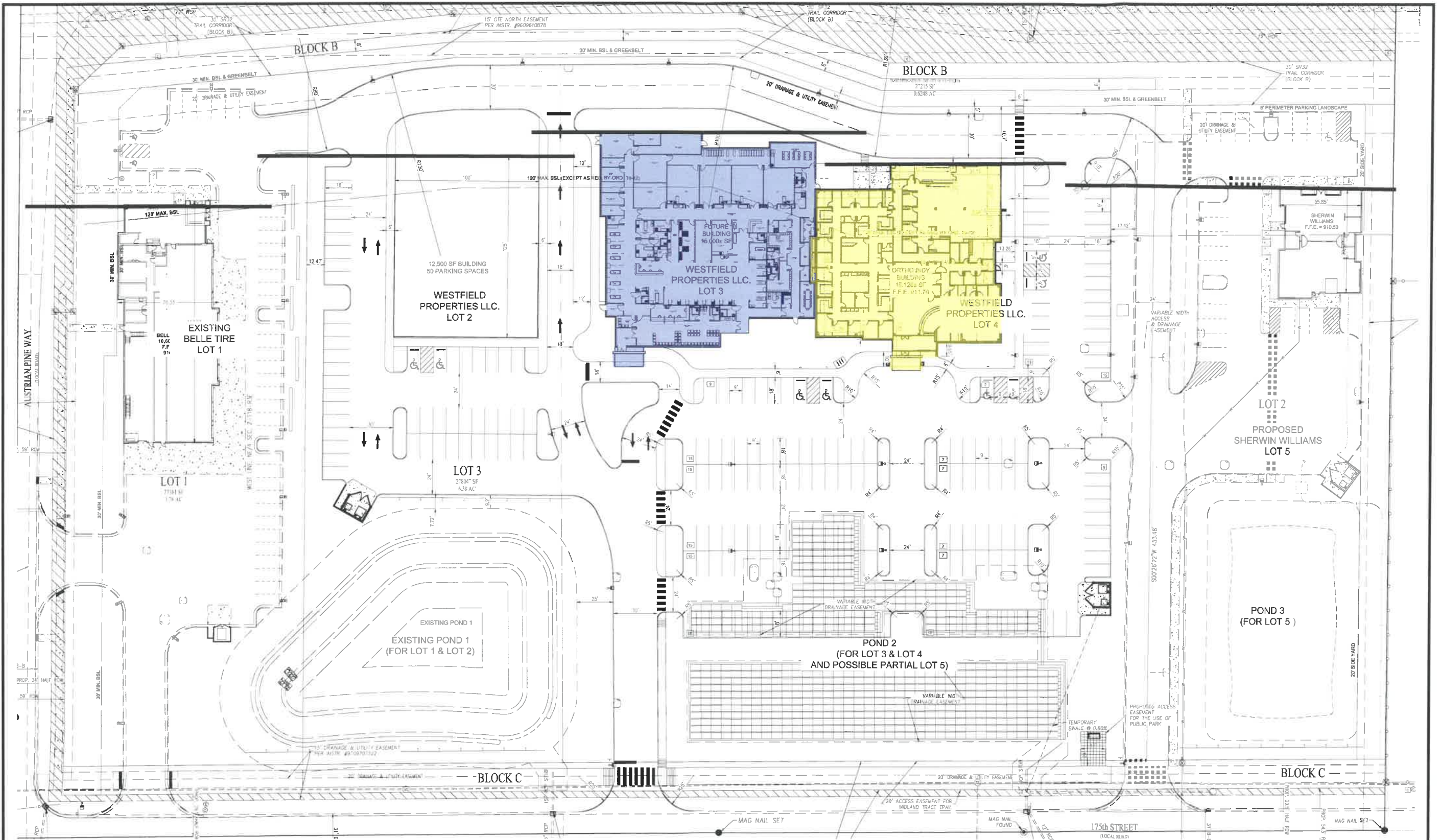
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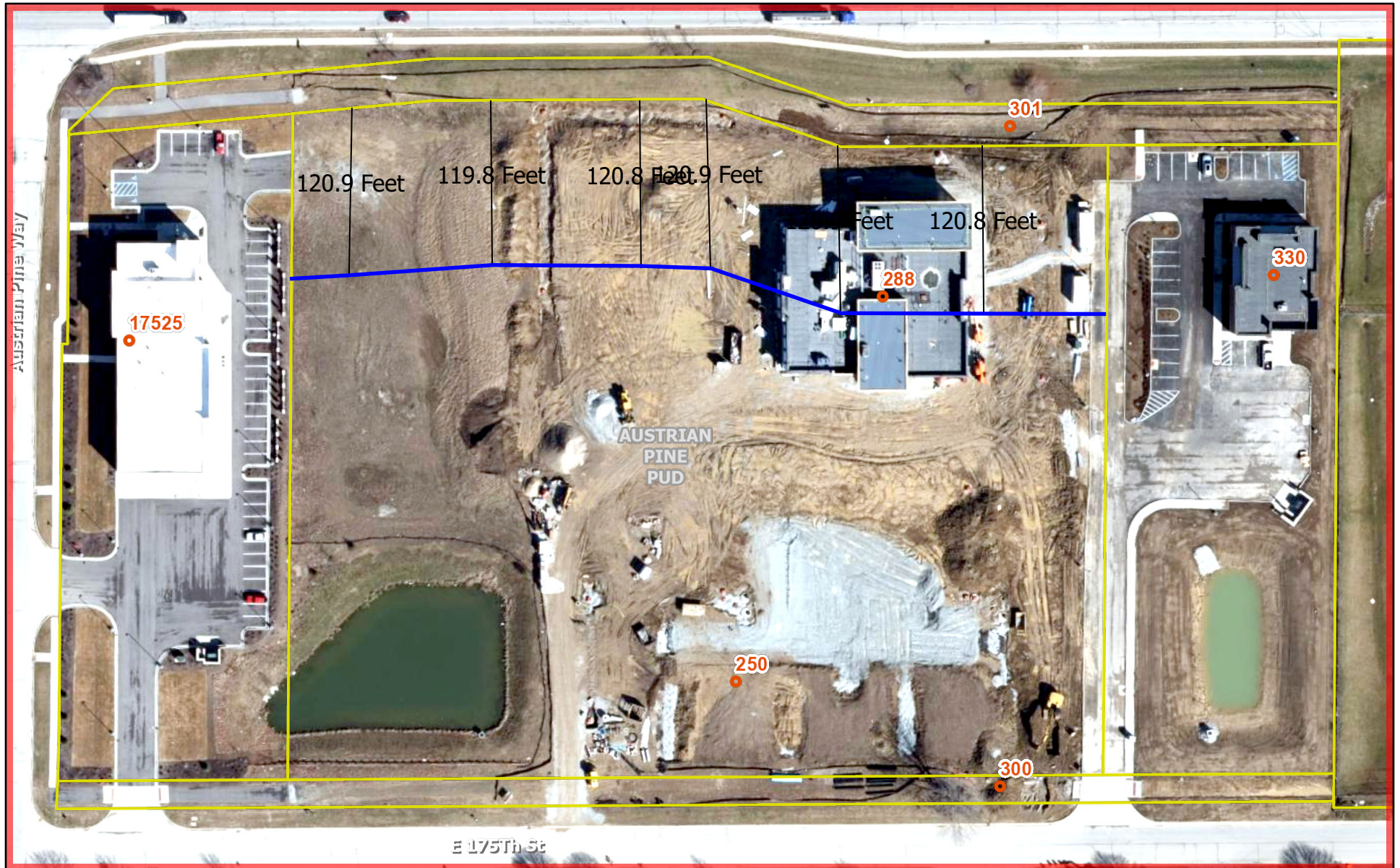
Page 1 of 1

WESTFIELD PROPERTIES LLC. LOT 5 CONCEPT PLAN

Date: 06/28/2022

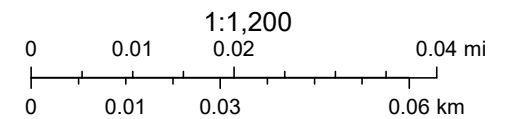


Austrian Pine PUD - Maximum Setback



May 23, 2022

- Address Points
- Major Roads
- Subdivisions
- Minor Roads
- State Highways
- Parcels



Author: Hamilton County

Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission.

Proposed Findings of Fact

The Comprehensive Plan:

The existing development of the Property under the adopted Austrian Pine PUD ordinance is presumed to be consistent with the Plan policies. The proposed PUD amending ordinance represents a continuation of the development quality envisioned in the Plan and espoused in the original PUD ordinance.

Current conditions and the character of current structures and uses in each district:

The area proximate to the Property includes similar, supportive, and compatible land use and tax-base development.

The most desirable use for which the land in each district is adapted:

The proposed PUD amendment will not affect permitted land uses but will affect certain development standards that will serve to enhance development of the Property.

The conservation of property values throughout the jurisdiction:

The proposed development of the Property represents a continuation of similar, supportive, and compatible land use and tax-base development as has been realized in the vicinity of the Property and should serve to conserve property values throughout the jurisdiction.

Responsible development and growth:

The proposed PUD amendment massages the language of the original Austrian Pine PUD ordinance in ways that will foster continued responsible development and growth in and along the SR 32 corridor and on this Property in particular.