



CITY OF WESTFIELD, IN
Advisory Planning Commission Meeting Agenda_05_16_2022

Monday, May 16, 2022 at 07:00 PM

BOARD OR COMMISSION: Advisory Plan Commission (APC)

MEETING DATE: Monday, May 16, 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 Minutes

May 4, 2022 APC Minutes

Documents: [May 4, 2022 APC Minutes](#)

Review APC Rules & Procedures

CONSENT AGENDA

No Consent Agenda Items

ITEMS OF BUSINESS

2111-PUD-27

TowneRun PUD

Northwest corner of Towne Rd & 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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Concept Plan](#) | [Exhibit 4: Ordinance 21-45](#) | [Exhibit 5: Mixed Use Character Exhibits](#) | [Exhibit 6: Townhome Character Exhibits](#) | [Exhibit 7: Paired Villa Character Exhibits](#) | [Exhibit 8: Updated Buffer Yard Exhibit](#) | [Exhibit 9: Typical Lot Landscaping](#) | [Exhibit 10: Amenity Plan](#) | [Exhibit 11: Narrative Statement](#) | [Exhibit 12: Issue List Response](#) | [Exhibit 13: Public Comment](#) | [Exhibit 14: Neighbor Meeting Summary](#) | [Exhibit 15: Ordinance 21-45 - REDLINE VERSION](#)

2204-PUD-07-PUD

Osborne Trails PUD Amendment V

West side of Horton Rd & North of 191st Street

Lennar Homes of Indiana, Inc by Nelson & Frankenberger, LLC requests an amendment to the Osborne Trails PUD to amend the permitted uses on 43.5 acres +/- of the Real Estate.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Ordinance 22-10](#) | [Exhibit 4: Redlined Ordinance 22-10](#) | [Exhibit 5: Concept Plan](#) | [Exhibit 6: Issue List](#) | [Exhibit 7: Petitioner Response to Issue List](#) | [Exhibit 8: Neighborhood Meeting Summary](#) | [Exhibit 9: Public Comments](#) | [Presentation Exhibits](#) | [Voluntary Commitments](#)

PUBLIC HEARING ITEMS

2205-ZOA-01 [PUBLIC HEARING]

Unified Development Ordinance Amendment (Spring 2022)

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Ordinance 22-19 Clean](#) | [Exhibit 3: Ordinance 22-19 Color-coded](#)

ITEMS CONTINUED TO A FUTURE MEETING

2008-PUD-09 [CONTINUED]

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)

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)**

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)

2203-PUD-05 [CONTINUED]

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)

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)

2205-PUD-10 [CONTINUED]

Chatham Hills PUD Amendment IX

859 Chatham Ridge Lane

Tracy L. Haddad Trust by Church, Church, Hittle & Antrim requests an amendment to the Architectural and Landscaping Standards for two (2) proposed residential estate-style lots in the Chatham Hills PUD District.

(Planner: Weston Rogers - wrogers@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

May 16, 2022
2111-PUD-27
Exhibit 1

Petition Number: 2111-PUD-27

Project Name: TowneRun PUD

Subject Site Address: Northwest corner of West 146th Street and Towne Road (the "Property")

Petitioner: LOR Corporation

Representative: Church Church Hittle + Antrim

Request: A change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun Planned Unit Development (PUD) District.

Current Zoning: AG-SF1: Agriculture / Single-family

Current Land Use: Agriculture

Approximate Acreage: 26.94 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Concept Plan & Hub Layout
4. [Proposed Ordinance 21-45](#)
5. Mixed Use Character Exhibits
6. Townhome Character Exhibits
7. Paired Villas Character Exhibits
8. [Updated Buffer Yard Exhibit](#)
9. Typical Lot Landscaping Exhibit
10. Amenity Plan
11. Narrative Statement
12. Issue List Response
13. Public Comment
14. Neighborhood Meeting Summary
15. [Ordinance 21-45 - Redline Version \(changes since May 4, 2022, Advisory Plan Commission Meeting\)](#)

Staff Reviewer: Rachel Riemenschneider, Associate Planner

[Modifications since May 4, 2022 in blue text, made by Kevin M. Todd, AICP, Director](#)

PETITION HISTORY

The petition was introduced at the October 11, 2021, City Council meeting. The petitioner hosted a neighbor meeting on Monday, October 25, 2021. A summary of that meeting has been provided by the petitioner and is included as **Exhibit 14**. The petition received a public hearing at the November 1, 2021, Advisory Plan Commission (the “Plan Commission”) meeting. The project was before the Plan Commission at the December 6, 2021, and the May 4, 2022, Advisory Plan Commission meetings, where they received additional feedback on the project.

PROJECT OVERVIEW

Location: The Property is located generally at the Northwest corner of West 146th Street and Towne Road (see **Exhibit 2**).

Concept Plan: The proposed ordinance incorporates a Concept Plan (see **Exhibit 3**) which divides the District into three areas. The boundary of the Mixed Use Hub is required to be in substantial compliance with the Concept Plan, but the layout of the Mixed Use Hub may vary from the plan. The Townhome Hub and Paired Villa Hub must be developed in substantial compliance with the Concept Plan.

Underlying Zoning District: The proposed PUD Ordinance contains three different areas, for which the underlying zoning is:

Area	Underlying Zoning
Mixed Use Hub	LB: Local and Neighborhood Business District
Townhome Hub	SFA: Single-family Attached District
Paired Villa Hub	SFA: Single-family Attached District

Permitted Uses: The proposed ordinance permits only the following uses:

Mixed Use Hub:

- A. Bed and Breakfast (B&B) *
- B. Childcare / daycare centers
- C. Health, fitness and exercise center
- D. Office, General Services
- E. Office, Medical
- F. Office, Professional
- G. Restaurant, Sit Down
- H. Restaurant, Specialty
- I. Restaurant, Takeout and Deli-style
- J. Retail, Low Intensity
- K. Retail, Medium Intensity (Maximum Tenant Space Size – 8,000 square feet)
- L. Development Amenities

* Not permitted in Local Business districts by UDO (13.2)

Townhome Hub: A maximum of 60 Townhouse Dwelling Units. The UDO permits Duplex Dwelling, triplex Dwelling, Quadraplex Dwelling, and Development Amenities in Single-family Attached districts (UDO 4.9(B)).

Paired Villa Hub: A maximum of 25 Duplex Dwelling buildings (or 50 Duplex Dwelling Units).

General Regulations for the Mixed Use Hub: UDO Article 4.14 shall apply to the district except as modified below. The table below outlines the proposed modified lot standards as compared to the UDO's requirements for Local Business district lots (the proposed underlying zoning).

Standard	Mixed Use Hub	UDO (LB)	
Minimum Building Setback	No setback requirements	Front	60 ft
		Side Adjacent to Residential District: 60 feet; however, if the Side Yard abuts an Alley, then the Side Yard setback shall be 40 feet from the Alley's edge of pavement of Right-of-way line, whichever is greater.	15 ft
		Rear	20 ft
Maximum Building Height	2 stories	45 ft	

General Regulations for the Townhome Hub: UDO Article 4.9 shall apply to the district except as modified below. The table below outlines the proposed modified lot standards as compared to the UDO's requirements for Single-family Attached district lots (the proposed underlying zoning).

Standard	Townhome Hub		UDO (SFA)	
Minimum Lot Area	No minimum		No minimum	
Minimum Lot Frontage	No minimum		No minimum	
Maximum Dwellings	Five (5) per building		Four (4) per building	
Minimum Building Setback Lines	Front Yard	0 ft	Front Yard (Collectors, Local and Private streets)	20 ft
	Side Yard	0 ft	Side Yard	No equivalent standard
	Rear Yard	0 ft	Rear Yard	No equivalent standard

Staggered Front Building Setback	Shall Not Apply	Buildings with more than one adjacent unit shall stagger the Front Building Setback Line for each unit by at least four (4) feet.	
Minimum Distance Between Structures	15 ft	Structures with no vinyl exterior siding	25 ft
Project Perimeter Setback	Shall Not Apply	No structure shall be erected above the projected 1:2 Proximity Slope line from the perimeter of the project.	
Maximum Lot Coverage	No maximum	No equivalent standard	
Minimum Lot Width	No minimum	No equivalent standard	
Maximum Building Height	3 stories	35 feet	
Minimum Living Area	1,500 sf	A minimum of seventy-five percent (75%) of the Dwelling Units within a project shall be 1,500 square feet or greater.	
		Single-story	1,300 sf
		Story and one-half	1,600 sf
		Two-story	1,800 sf

Each Townhouse Dwelling would have a 20 ft driveway. Additional parking for visitors, at least 16 spaces, shall be provided in addition to the driveways. [In addition, townhome buildings along Towne Road would be required to be setback a minimum of 10 feet from the right-of-way line.](#)

General Regulations for the Paired Villa Hub: UDO 4.9 shall apply to the district except as modified below. The table below outlines the proposed modified lot standards as compared to the UDO's requirements for Single-family Attached district lots (the proposed underlying zoning).

Standard	Paired Villa Hub		UDO (SFA)	
Minimum Lot Area	10,000 sq ft (per Duplex Dwelling building)		No minimum	
Minimum Lot Frontage	50' (per Duplex Dwelling building)		No minimum	
Minimum Building Setback Lines	Front Yard	20 ft	Front Yard (Collectors, Local and Private streets)	20 ft
	Side Yard	7.5 ft	Side Yard	No equivalent standard

	Rear Yard	15 ft**	Rear Yard	No equivalent standard
	**No Duplex Dwelling shall be constructed within 105' of the west property line.			
Staggered Front Building Setback	Shall Not Apply		Buildings with more than one adjacent unit shall stagger the Front Building Setback Line for each unit by at least four (4) feet.	
Minimum Distance Between Structures	15 ft		Structures with no vinyl exterior siding	25 ft
Minimum Lot Width	85' (per Duplex Dwelling building)		No equivalent standard	
Maximum Building Height	Story and one-half		35 feet	
Minimum Living Area	1,400 sf per dwelling unit, ground floor		A minimum of seventy-five percent (75%) of the Dwelling Units within a project shall be 1,500 square feet or greater.	
			Single-story	1,300 sf
			Story and one-half	1,600 sf
			Two-story	1,800 sf

Overlay Districts: Architectural standards that apply to properties in the State Highway 32 Overlay District (UDO 5.3) would also apply to the Mixed Use Hub, per the proposed ordinance. For the purposes of the proposed ordinance, any reference to State Highway 32 shall apply to 146th Street and Towne Road.

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

Accessory Buildings: Receptacles and Loading Areas would be permitted in Established Front Yards, except along 146th Street and Towne Road. The UDO (6.1(H)(2)) does not permit garbage enclosures in any Established Front Yard.

Architectural Standards:

- **Mixed Use Hub:** Article 6.3 Architectural Standards shall not apply. Instead, the architectural standards of the State Highway 32 Overlay District (UDO 5.3(K)) would apply to the Mixed Use Hub instead of UDO 6.3(F). The Mixed Use Hub character exhibit (**Exhibit 5**) illustrates the character and quality of the buildings. The State Highway 32 Overlay District makes several references to standards application as they relate to State Highway 32; the PUD specifies that these references will apply to both Towne Road and 146th Street.
- **Residential Areas:** Article 6.3 Architectural Standards shall not apply. Instead, the following standards shall apply:
 - **Townhome Hub:**
 - Townhome Dwellings would be constructed in substantial compliance with the Townhome Elevations (**Exhibit 6**).

- The PUD's permitted building materials would be brick, cast stone, stone, cultured stone, cement fiberboard, or engineered wood siding (e.g., LP SmartSide). The UDO (6.3(E)(2) permits these materials. The PUD also prohibits vinyl and aluminum siding.
- As proposed, the PUD requires masonry on the first floor front façade of each Building and a 24" masonry wainscot on all other facades. The UDO (6.3(E)(2) requires 75% of each building façade, excluding windows and doors, be Masonry Materials.
- Wood or vinyl soffits would be permitted. The UDO (6.3(E)) does not address soffit material.
- Vinyl windows would be permitted. The UDO (6.3(E)) does not address window material.
- The PUD proposes that the main roof would have a 6:12 pitch; secondary roof areas may have less than a 6:12 pitch. This is consistent with the UDO standards (6.3(E)(4)(a)).
- Per the PUD, windows would have a 4 inch trim around all four sides, unless surrounded by masonry. The UDO (6.3(E)(3) requires 3.5 inches of trim on windows that are not surrounded by masonry.
- Paired Villa Hub:
 - Paired Villas would be constructed in substantial compliance with the Paired Villa elevations (**Exhibits 7**).
 - The Paired Villas would be configured for one-story living with an optional loft area no larger than 50% of the main floor. This would be in compliance with the height limit of a story and one-half.
 - The PUD's permitted building materials would be brick, cast stone, stone, cultured stone, cement fiberboard, or engineered wood siding (e.g., LP SmartSide). The UDO (6.3(E)(2) permits these materials. The PUD also prohibits vinyl and aluminum siding.
 - As proposed, the PUD requires at least an 18" masonry wainscot on the front façade of each Building. The UDO (6.3(E)(2) requires 75% of each building façade, excluding windows and doors, be Masonry Materials.
 - Wood or vinyl soffits would be permitted. The UDO (6.3(E)) does not address soffit material.
 - Vinyl windows would be permitted. The UDO (6.3(E)) does not address window material.
 - The PUD proposes that the main roof would have a 6:12 pitch; secondary roof areas may have less than a 6:12 pitch. This is consistent with the UDO standards (6.3(E)(4)(a)).
 - Per the PUD, windows would have a 4 inch trim around all four sides, unless surrounded by masonry. The UDO (6.3(E)(3) requires 3.5 inches of trim on windows that are not surrounded by masonry.
 - The proposed ordinance requires a minimum 70 square foot rear covered patio area for each Dwelling Unit.
 - The side facades of each Building would be required at least 2 windows.

Landscape Standards:

- **Street Trees:** The PUD specifies that Street Trees would be required within the Townhome Hub and Paired Villa Hub, which are the only places that the UDO would require Street Trees (i.e., not in the Mixed Use Hub, UDO 6.8(J)(1)). The PUD provides clarification that Street Trees would not be required along Alleys. It also would permit street trees to be located outside of, but within ten feet of, the right-of-way. The UDO requires Street Trees to be placed within the right-of-way, but does give the Director discretion to allow Street Trees be placed on the adjacent Lot or Common Area within ten feet of the Right-of-way (6.8(J)(2)).
- **External Street Frontage:** External Street Frontage requirements would not apply, per the PUD. Instead, the PUD requires a 30 foot deep landscaped area along 146th Street in the Paired Villas Hub. This area would consist of a minimum of 4 evergreens, 3 shade trees, 3 ornamental trees, and 25 shrubs per 100 lineal feet, as well as a 3-foot undulating mound. The UDO (6.8(M)) would require:
 - Residential uses: A landscaped area at least 30 feet deep with a minimum of 4 evergreen trees, 3 shade trees, 3 ornamental trees, and 25 shrubs per 100 lineal feet.
 - Nonresidential uses: A landscaped area at least 10 feet deep with a minimum of 3 shade or evergreen trees, 2 ornamental trees, and 25 shrubs per 100 lineal feet.
- **Buffer Yards:** Buffer Yard standards would not apply. Instead, a buffer yard would be provided abutting existing AG-SF1 districts in substantial compliance with the Buffer Yard Exhibit (**Exhibit 8**), which provides a 90 foot buffer with a 6-8 ft mound and 4 shade trees, 4 evergreen trees, 2 ornamental trees, and 10 shrubs per 100 lineal feet. The UDO would require Buffer Yard B (40 feet wide with a 4 ft mound and 4 shade trees, 4 evergreen trees, 10 shrubs per 100 lineal feet) between AG-SF1 and the Paired Villa Hub (SFA: Single Family Attached).
- **Tree Preservation:** Viable trees within 10 feet of the west and north boundary, and within a larger area in northwest corner of the property (as identified in Exhibit F of the PUD Ordinance), shall be preserved in accordance with the tree preservation standards in UDO 6.8(E), which requires developers to “take reasonable measures to...minimize the destruction of significant tree specimens” and sets standards for preservation.
- **Minimum Lot Landscaping:** Minimum Lot Landscaping would not apply, but instead the following shall apply:
 - Front yards would be sodded, the remainder of the Lot shall be seeded.
 - The Townhome Hub would be landscaped in substantial compliance with the Townhome Typical Lot Landscaping exhibit (**Exhibit 9**); including at least 4 shrubs and 1 tree per Dwelling Unit. Corner Lot units shall have 1 additional Shade Tree adjacent to the Side Façade. The UDO (6.8(K)) would require 1 shade tree, 1 ornamental or evergreen tree, and 4 shrubs per dwelling unit in multi-family residential districts.
 - The Paired Villa Hub would be landscaped in substantial compliance with the Paired Villa Typical Lot Landscaping exhibit (**Exhibit 9**); including 8 shrubs and 1 tree per Dwelling Unit. Corner Lot units shall have 1 additional Shade Tree adjacent to the Side Façade. The UDO (6.8(K)) would require 2 Shade trees, 1 ornamental or evergreen tree, and 4 shrubs. Buildings abutting the pond would be required an additional 10 shrubs and 2 trees (shade, evergreen, or ornamental) to be planted between the Building and the pond.

Sign Standards:

- **Mixed Use Hub:**
 - o **Monument sign:** One monument sign would be permitted in compliance with the UDO (6.17(J)(2)(a)(ii).
 - o **Wall Signs:** Wall signs for all buildings would follow the Center In-Line Tenant sign standards of the UDO (6.17(J)(5). The PUD modifies the Center In-Line Tenant sign standards to say that a “Front Façade” can be either the façade with the primary entrance or the façade facing the External Street or frontage road. The UDO defines the “Front Façade” as the façade with the primary entrance. The UDO also includes standards for Outlot signage (6.17(J)(8), however those standards would not apply. **Wall Signs would be not be allowed to be internally illuminated. If they were to be illuminated, either gooseneck down lighting or reverse channel lighting would be required.**
- **Townhome Area Hub:** One monument sign would be permitted in compliance with the UDO (6.17(G)(1)). The UDO permits one monument sign per subdivision entrance.
- **Paired Villa Hub:** One monument sign would be permitted in compliance with the UDO (6.17(G)(1)). The UDO permits one monument sign per subdivision entrance.

Parking and Loading Standards: 20% of parking spaces would be reduced in size, from 9 feet by 18 feet per the UDO (6.14(G)(5) to 8 feet by 18 feet. The number of spaces would be determined by the Director based on data from the applicant, which is in accordance with the UDO’s Parking Space requirements for “other uses” (6.14(G)(11)(n).

Design Standards: The ordinance proposed the following modifications to Design Standards:

Open Space and Amenity Standards: Article 8.6 would not apply. Amenities and Open Space would be provided in substantial compliance with the Amenity Plan (**Exhibit 10**). Amenities would include passive recreation open space, two seating areas, bocce ball, pickleball, and a dog park.

The UDO would require 35% Open Space (8.6(B)(1)) and 5 Qualifying Amenities (8.6(H)(2)) for SFA: Single-family Attached Districts.

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 (PRESENTED AT MAY 4, 2022 APC MEETING)

Areas: When this item first received its public hearing, it consisted of three areas: the Mixed Use Hub, the Lifestyle Amenities Hub, and the Townhome Hub. After several revisions to the proposed hubs – including a draft presented at the December 6, 2021, Plan Commission Meeting which included two Single Family Hubs – the current draft of the ordinance includes the following hubs: The Mixed Use Hub, the Townhome Hub, and the Paired Villas Hub. This has resulted in significant changes to the concept plan.

Uses: The number of Townhouse Dwelling Units has also decreased from 130 Units to 60 Units, with the addition of 50 Paired Villa Units.

General Regulations: For the Mixed Use Hub, maximum building height has been reduced from 3 stories to 2 stories. In the Townhome Hub, the maximum dwelling units per building has been reduced from 6 units to 5 units. With the addition of the Paired Villa Hub, associated development standards have been added to the PUD.

Development Standards:

The petitioner has provided details regarding the Buffer Yard adjacent to AG-SF1 properties (**Exhibit 8**), and External Street frontage in the Paired Villas Hub. Initially Street Tree standards did not apply, but now these standards would apply with modifications. Lot Landscaping standards have also been refined in the most recent draft of the ordinance.

There is also further clarification on the number of monument signs.

Design Standards: In the previous ordinance, the Lifestyle and Amenities Hub shown on the concept plan counted toward the required Open Space. Now the Lifestyle and Amenities Hub has been eliminated, and instead Open Space and Amenities will be provided in substantial compliance with the Amenity Plan exhibit (**Exhibit 10**).

CHANGES SINCE THE MAY 4, 2022 APC MEETING

1. Section 5.1: The maximum size of each tenant space for a Medium Intensity Retail uses has been limited to 8,000 SF.
2. Section 6.2: A provision has been added that requires a minimum 10' Townhome setback from the Towne Road right-of-way.
3. Section 8.2(B)(1)(ii): A provision was added to require at least 2 windows on each side elevation of the paired villas.
4. Section 8.3(D): A provision was added to clarify that the trees located in the northwest area shown as cross-hatched area on Exhibit F will be preserved in addition to the 10' area along the same property lines.
5. Section 8.3(E): Increases in rear yard landscaping requirements have been added for the paired villa homes backing up to the pond area (10 shrubs and 2 trees per paired villa building).
6. Section 8.4(D): Provisions were incorporated to eliminate internally illuminated wall signs in the commercial area.
7. Both pages of Exhibit F have been revised: (i) to refer to a 4-board horse fence instead of a slit rail fence (corrections on both pages of the Exhibit); and (ii) to correct the listing of landscaping materials on page one of the Exhibit.

COMPREHENSIVE PLAN

The [Westfield-Washington Township Comprehensive Plan](#) (the “Comprehensive Plan”) identifies this Property within the “Local Commercial” land use classification. Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zoning map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

The land uses contemplated for “Local Commercial” are: Community and local retail, Office, Services, Institutional uses, and Attached residential dwellings.

Development Policies for “Local Commercial” include:

- (i) locate local commercial development only in planned centers and only on streets classified as arterials or on frontage roads as depicted on the Land Use Concept Map;
- (ii) require the size, materials, color, and design of buildings to be unique to Westfield;
- (iii) break up parking areas with landscaping or buildings;
- (iv) encourage signs that (a) are easy to locate and read and (b) are sized and designed in relation to the buildings and the traffic conditions in which they are viewed;
- (v) encourage pedestrian connections between local commercial areas and adjacent residential areas;
- (vi) use attached residential, offices, and similar uses as transitions between more intensive and less intensive uses;
- (vii) require buffering between commercial and residential uses; and
- (viii) utilize frontage roads to minimize traffic conflicts.

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 October 11, 2021, 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 occurred at the November 1, 2021, 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

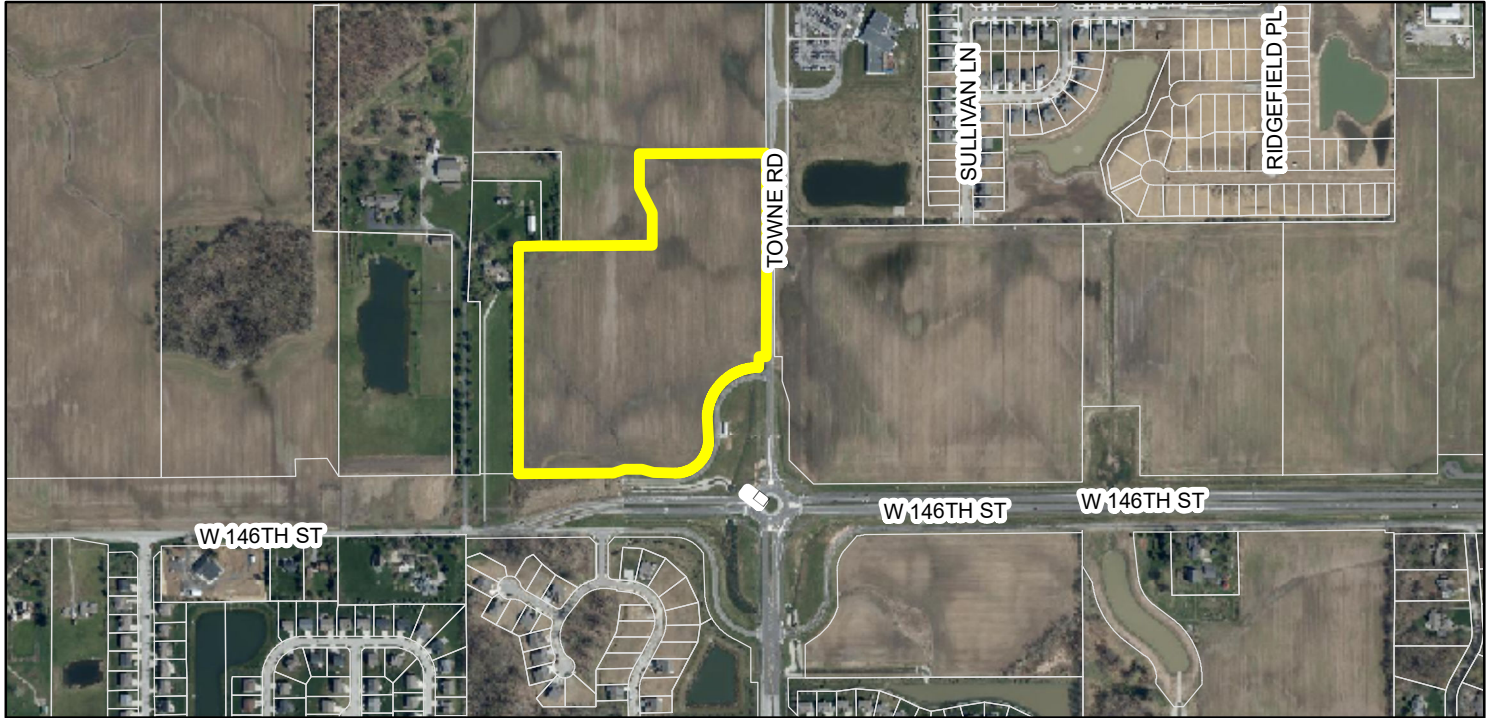
1. **Action:** Forward a recommendation to the City Council.
2. If any Plan Commission member has questions prior to the meeting, please contact Kevin Todd at 317.379.6467 or ktodd@westfield.in.gov.



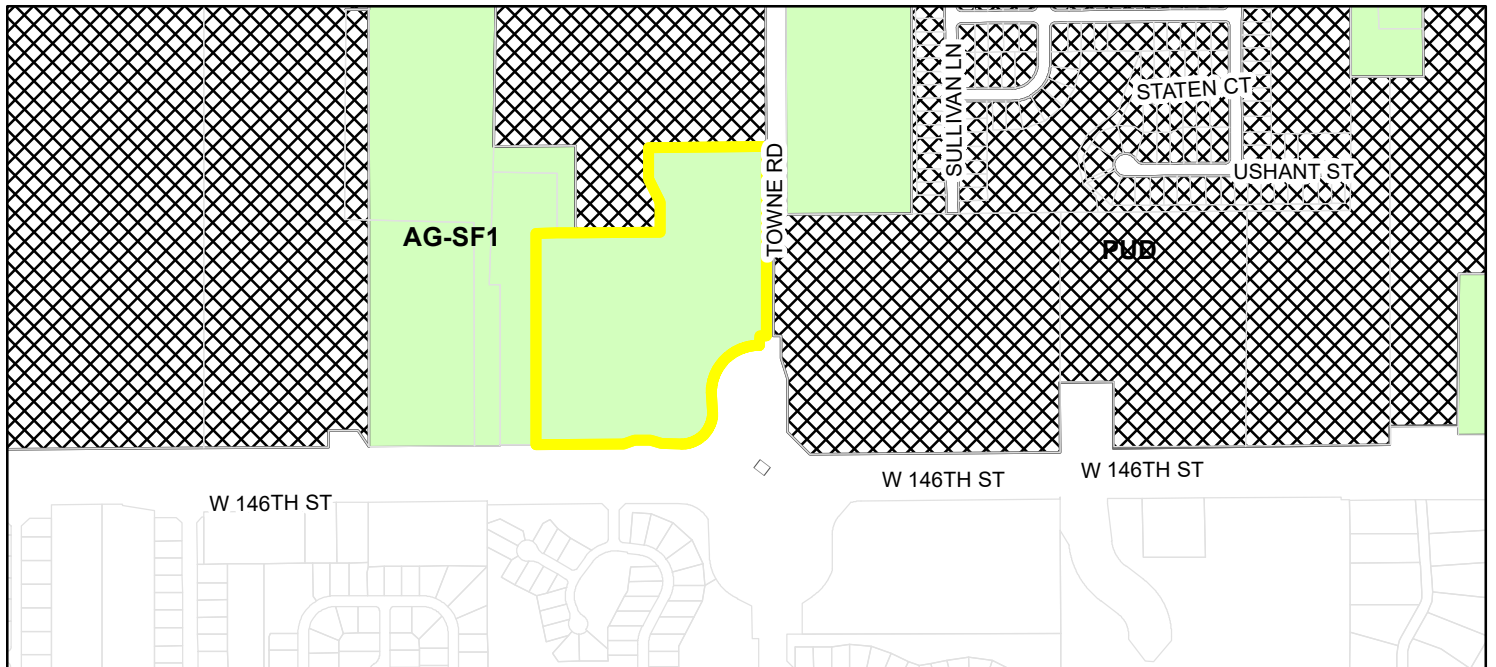
Property Location Map
TowneRun PUD
Northwest Corner of Towne Road and 146th Street
2111-PUD-27



Aerial Location Map

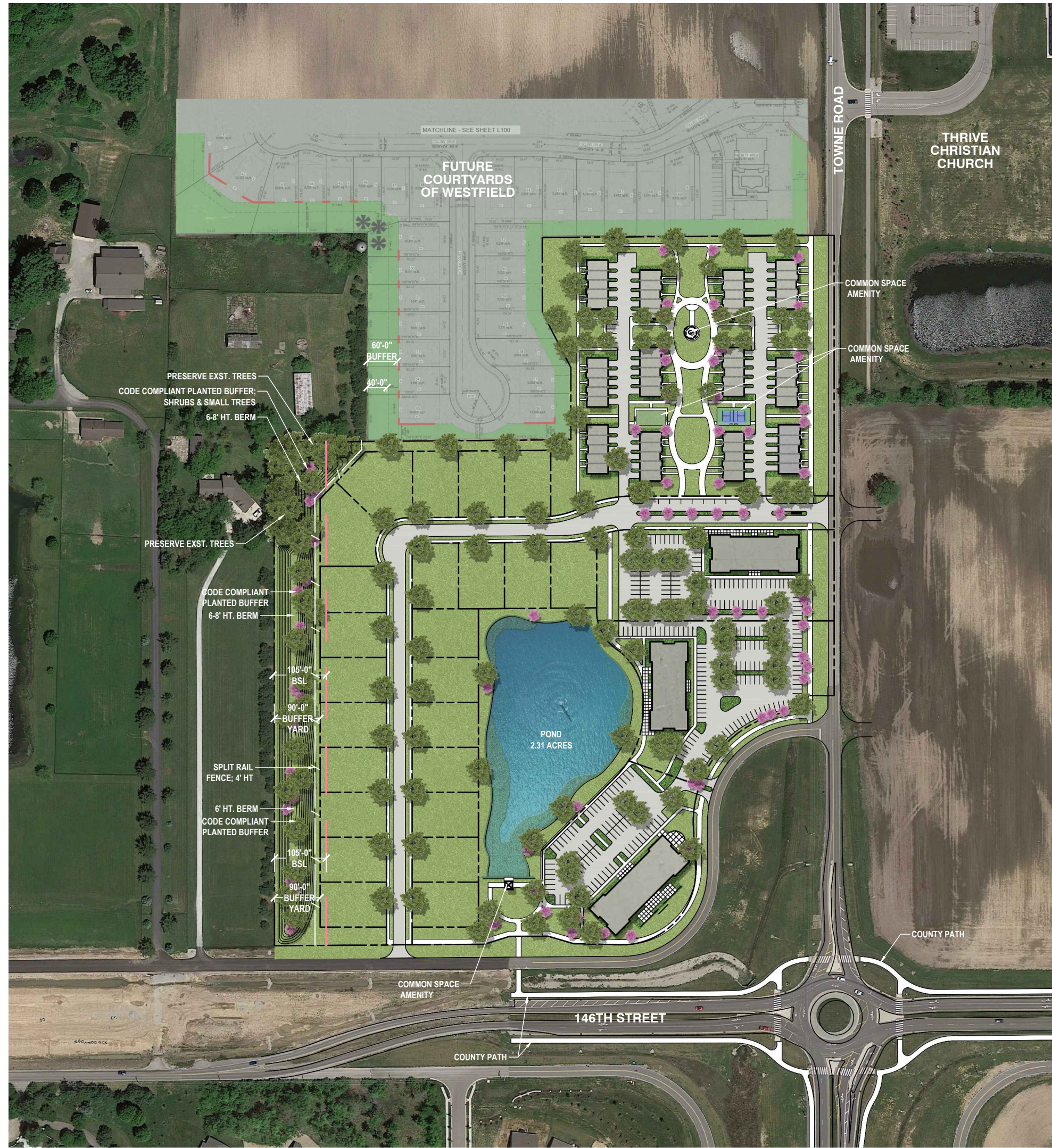


Zoning Map



Zoning

- AG-SF1 (Agriculture - Single Family - 1)
- PUD (Planned Unit Development)



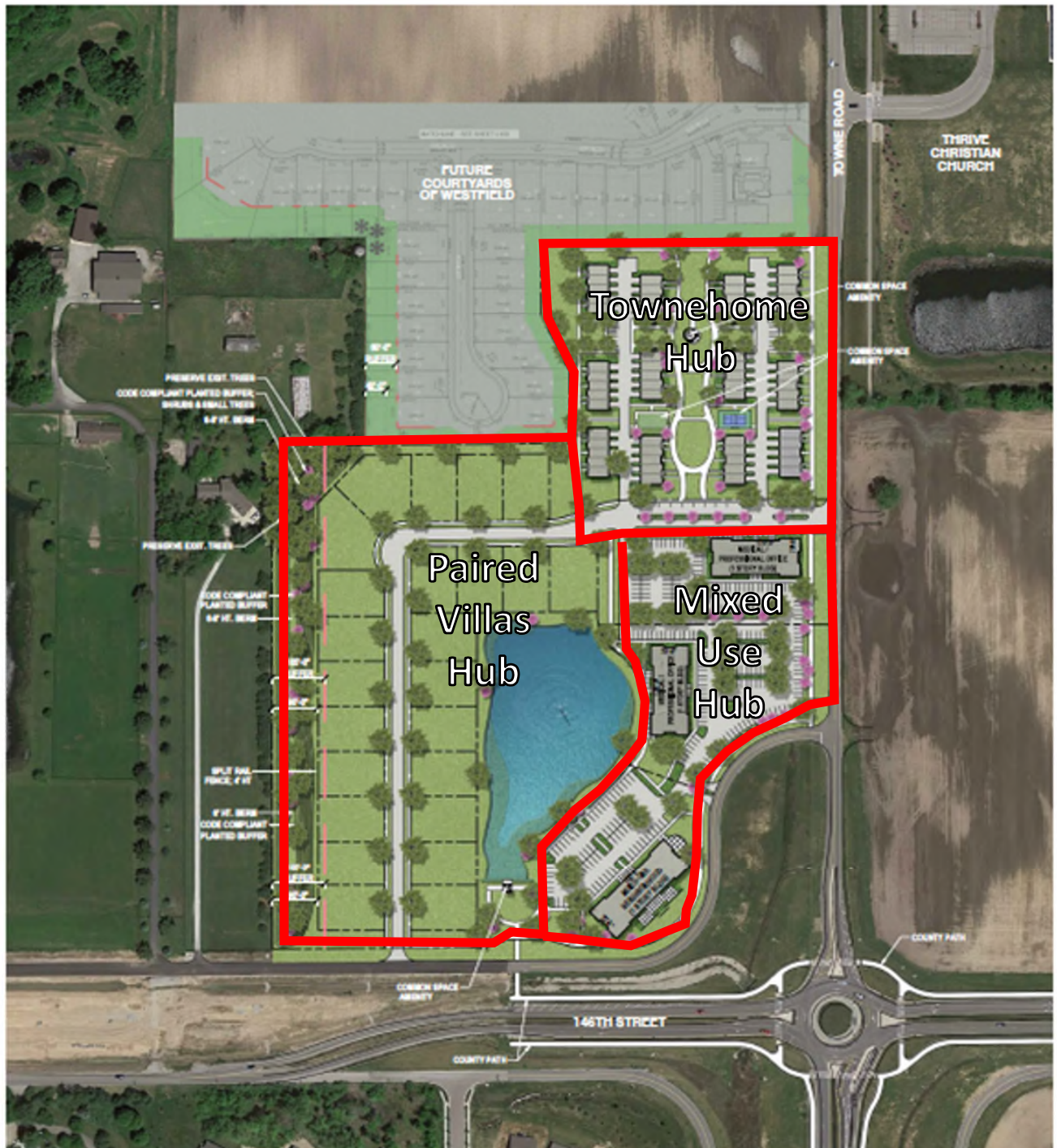


Civil & Environmental Consultants, Inc.
530 E. Ohio Street, Suite G - Indianapolis, IN 46204
317-655-7777 · 877-746-0749
www.cecinc.com

LOR Corporation
TowneRun
Mixed-Use Development
Westfield, Indiana

SCHEMATIC LAYOUT PLAN

DRAWN BY:	SGJ	CHECKED BY:	ACH	APPROVED BY:	ACH	FIGURE NO.:
DATE:	APRIL 26, 2022	DWG SCALE:	1"=200'	PROJECT NO:	316-844	EXHIBIT #1



SCALE IN FEET
0 200 400

 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 • 317-746-0749 www.cecinc.com		LOR Corporation TowneRun Mixed-Use Development Westfield, Indiana	
		SCHEMATIC LAYOUT PLAN - NO. 8	
DRAWN BY:	DGL	CHECKED BY:	ACH
DATE:	APRIL 12, 2022	DWG SCALE:	1"=200'
		PROJECT NO:	316-844
			FIGURE NO: EXHIBIT #1

ORDINANCE NUMBER 21-45

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

“TowneRun PUD”

This is a Planned Unit Development District Ordinance, to be known as the TOWNERUN 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. 2111-PUD-27), 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. 2111-PUD-27 to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Council**”) with a favorable recommendation (Vote: X in favor, X opposed) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on XXXX X, 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 “TowneRun 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 is hereby divided into three (3) areas, as depicted on the Concept Plan and labeled as “**Mixed Use Hub**,” “**Townhome Hub**,” and “**Paired Villas Hub**” (individually or collectively, the “**Area**” or “**Areas**”).
- 3.2 Development of each Area shall be regulated as set forth in this Ordinance.
- 3.3 The boundary of the Mixed Use Hub shall be developed in substantial compliance with the Concept Plan. The final layouts and site plans within the Mixed Use Hub shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.
- 3.4 The Paired Villa Hub and the Townhome Hub shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of the Townhome Hub and Paired Villas Hub shall be the SFA: Single-family Attached District, and the Mixed Use Hub shall be the LB: Local and Neighborhood Business District (the “**Underlying Zoning Districts**”).

Section 5. Permitted Uses. The uses identified in this Section (the “**Permitted Uses**”), shall be the only uses permitted in the Areas.

5.1 The following uses shall be permitted in Mixed Use Hub:

- A. Bed and Breakfast (B&B)
- B. Childcare / daycare centers
- C. Health, fitness and exercise center
- D. Office, General Services
- E. Office, Medical
- F. Office, Professional
- G. Restaurant, Sit Down
- H. Restaurant, Specialty
- I. Restaurant, Takeout and Deli-style
- J. Retail, Low Intensity
- K. Retail, Medium Intensity (Maximum Tenant Space Size – 8,000 square feet)
- L. Development Amenities

5.2 Townhome Hub: A maximum number of 60 Townhouse Dwelling Units shall be permitted.

5.3 Paired Villas Hub: A maximum of 25 Duplex Dwellings (50 Dwelling Units) shall be permitted.

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 Real Estate, except as otherwise modified below.

6.1 Mixed Use Hub Development Standards: The following development standards shall be applicable to any Building within the Mixed Use Hub:

- A. Article 4.14(E) shall not apply. There shall be no zoning setback requirements within the Mixed Use Hub Area.
- B. Article 4.14(F) shall not apply. Instead the following Maximum Building Height standards shall apply: Two (2) Stories.

6.2 Townhome Hub Development Standards: The following development standards shall be applicable to any Building constructed within the Townhome Hub Area:

Minimum Lot Area	No Minimum
Minimum Lot Frontage	No Minimum
Minimum Building Setback*	
Front Yard	0’
Side Yard	0’
Rear Yard	0’

Minimum Distance Between Buildings	20'
Maximum Lot Coverage	No Maximum
Minimum Lot Width	No Minimum
Maximum Dwelling Units Per Building	5
Maximum Building Height	3 Stories
Minimum Living Area (Total) Per Dwelling Unit	1,500 SF

*Each Townhouse Dwelling shall provide a driveway with a minimum length of twenty (20) feet as measured between the garage door and : (i) the Street right-of-way line, if the driveway is accessed from a Street; or (ii) the edge of pavement, if the driveway is accessed from an Alley. A minimum of sixteen (16) additional visitor parking spaces shall be provided in addition to the two (2) off-street spaces being provided in each driveway. Article 4.9(H)(2) Building Staggering Requirement shall not apply. Article 4.9(J) Project Perimeter Setback shall not apply. Townhome Buildings shall be setback at least ten (10') from the Towne Road right-of-way line.

- 6.3 Paired Villas Hub Development Standards: The following development standards shall be applicable to any Duplex Dwelling constructed within the Paired Villas Hub Area:

Minimum Lot Area (per Duplex Dwelling Building)	10,000 SF
Minimum Lot Frontage (per Duplex Dwelling Building)	50'
Minimum Building Setback Lines	
Front Yard	20'
Side Yard	7.5'
Rear Yard*	15'
Minimum Building Separation	15'
Minimum Lot Width (per Duplex Dwelling Building)	85'
Maximum Building Height	Story, and one-half
Minimum Living Area (Ground Floor) per Dwelling Unit	1400 SF

* No Duplex Dwelling shall be constructed within 105' of the west property line of the District. Article 4.9(H)(2) Building Staggering Requirement shall not apply.

Section 7. Overlay District. The Architectural Design Requirements of the State Highway 32 Overlay Zone, Article 5.3(K) of the UDO (the “**Overlay Architectural Standards**”), shall apply to the Mixed Use Hub. References of the Overlay Architectural Standards to the State Highway 32 Right-of-way line shall apply to the 146th Street and Towne Road Rights-of-way lines.

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

8.1 Article 6.1 Accessory Buildings: Shall apply; however, Article 6.1(H)(2) Screening of Receptacles and Loading Areas shall be modified to permit enclosures to be located within an Established Front Yard along a Street other than 146th Street and Towne Road.

8.2 Article 6.3 Architectural Standards:

A. Mixed Use Hub. Article 6.3 Architectural Standards shall not apply to the Mixed Use Hub. Instead, the Overlay Architectural Standards (incorporated in Section 7 of this Ordinance) shall be supplemented by the images attached hereto as Exhibit C, which are intended to conceptually illustrate the anticipated character and quality of the Buildings to be constructed within Mixed use Hub. References of the Overlay Architectural Standards to the State Highway 32 right-of-way line shall apply to the 146th Street and Towne Road right-of-way lines.

B. Townhome Hub and Paired Villas Hub. Article 6.3 Architectural Standards shall not apply. Instead, the following architectural standards shall apply in the Townhome Hub and Paired Villas Hub Areas:

1. Elevations and Architectural Requirements:

i. Townhome Hub.

1. The Townhouse Dwellings shall be constructed in substantial compliance with Exhibit D (the “**Townhome Elevations**”).
2. Building Materials: The Townhouse Dwellings shall be comprised of any mix, proportion and combination of the following exterior building materials: brick, cast stone, stone, cultured stone, cement fiberboard, or engineered wood siding (e.g., LP SmartSide).
3. Masonry shall be provided on the first floor of the front façade of each Building. Side and rear façades shall include at least a 24” masonry wainscot.
4. Wood or vinyl soffits shall be permitted.
5. Vinyl windows shall be permitted.
6. Vinyl and aluminum siding shall not be permitted.
7. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Townhome Elevations.
8. All windows not surrounded by masonry shall have a 1” x 4” trim board around all 4 sides of the window.

ii. Paired Villas Hub.

1. The Dwellings in the Paired Villas Hub Area shall be constructed in substantial compliance with Exhibit E (the **“Paired Villa Elevations”**).
2. The Dwellings shall be configured for one-story living with optional upstairs loft area no larger than 50% of the main floor.
3. Building Materials: The exterior building materials of the Dwellings shall be comprised of any mix, proportion and combination of the following materials: brick, cast stone, stone, cultured stone, cement fiberboard, engineered wood siding (e.g., LP SmartSide).
4. Front façades shall include at least an 18” masonry wainscot.
5. Wood or vinyl soffits shall be permitted.
6. Vinyl windows shall be permitted.
7. Vinyl and aluminum siding shall not be permitted.
8. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Paired Villa Elevations.
9. All windows not surrounded by masonry shall have a 1” x 4” trim board around all 4 sides of the window.
10. Each Dwelling Unit shall include at least seventy (70) square feet of rear covered patio area.
11. Each side façade shall include at least two (2) windows. For the purposes of meeting this requirement, a window must be at least fifteen (15) square feet to be counted as a window. Multiple windows can be added together to meet the minimum size of window area.

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

A. Street Trees: Article 6.8(J) Street Trees shall only apply within the Townhome Hub and Paired Villas Hub Areas, as modified below:

1. Street Trees shall not be required along Alleys.
2. Street trees shall be permitted to be located outside the public Right-of-way, but within ten (10) feet of the Right-of-way.

B. External Street Frontage: Article 6.8(M) External Street Frontage Landscaping Requirements shall not apply. The Paired Villas Hub shall include the following External Street Frontage landscaping: (i.) landscaping area with a minimum depth of thirty (30) feet along 146th Street frontage road; (ii) the landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet;

and (iii) a minimum three-foot (3') tall undulating mound unless there are drainage or utility conflicts that would prohibit such mounding.

- C. Buffer Yard Landscaping. Article 6.8(N) Buffer Yard Requirements shall not apply. Instead, Buffer Yard landscaping along the west and north boundaries of the District abutting the existing AG-SF1 zoning district shall be provided in substantial compliance with Exhibit F.
- D. Tree Preservation. Any trees within ten (10) feet of the west and north boundary of the District and any trees within the cross-hatched area identified as “Existing Vegetation to Remain” on Exhibit F, that are in good health and not otherwise required to be removed for environmental reasons, shall be preserved in accordance with Article 6.8, Landscaping Standards of the UDO. Existing trees in these areas shall not be disturbed by the Developer unless required by the City, or for drainage/utility installation.
- E. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall not apply. Instead the following standards shall apply:
 - 1. At a minimum, all Established Front Yards shall be sodded and the remainder of the Lot shall be seeded.
 - 2. Townhouse Dwelling Buildings shall be landscaped in compliance with Exhibit G of this Ordinance (including at least 4 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each Townhouse Dwelling on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Dwelling.
 - 3. Buildings in the Paired Villas Hub Area shall be landscaped in compliance with Exhibit H of this Ordinance (including at least 8 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each Building on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Building. Buildings abutting the pond area shall have an additional ten (10) shrubs and two (2) shade, evergreen or ornamental trees planted between the Building and the pond.

8.4 Sign Standards.

- A. One (1) Nonresidential Center Monument Sign, in compliance with the standards set for in Article 6.17(J)(2)(a)(ii), shall be permitted within the Mixed Use Hub Area.
- B. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance of the Townhome Hub Area.
- C. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance of the Paired Villas Hub Area.

- D. Wall Signs shall be permitted in accordance with Article 6.17(J)(5) of the UDO for Buildings in the Mixed Use Hub. For purposes of this Section, a Front Façade may be either a Building Façade possessing the primary entrance of a Building or a Building Façade facing an External Street (or frontage road thereto). Wall Signs shall not be internally illuminated. Any Wall Sign illumination shall consist of gooseneck down lighting or reverse channel letters (also known as halo-lit channel letters) with illumination behind their shape.

8.5 Parking and Loading Standards.

- A. Article 6.14(G)(5) is hereby modified to permit up to 20% of all parking spaces required in the District to be a minimum of 8’ wide and 18’ deep to accommodate compact cars.
- B. Parking Space requirements 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 a Detailed Development Plan.

Section 9. Open Space and Amenity Standards. Article 8.6 shall not apply. Instead, the amenities and open space shall be provided in substantial compliance with Exhibit I of this Ordinance (the “**Amenity Plan**”). The amenities shall include the following: passive recreation open space; two seating areas at locations indicated on the Concept Plan (including a shelter, gazebo or trellis structure), bocce ball court, pickleball court and dog park.

Section 10. 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 11. 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 AG-SF1 District.

Section 12. 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 XX DAY OF XXXX, 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 21-45** was delivered to the Mayor of Westfield on the XX day of XXXX, 2022, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby **APPROVE ORDINANCE 21-45**

this _____ day of XXXX, 2022.

I hereby **VETO ORDINANCE 21-45**

this _____ day of XXXX, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, 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: Matthew S. Skelton.

EXHIBIT A
Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 03 EAST, OF THE SECOND PRINCIPAL MERIDIAN, IN HAMILTON COUNTY, INDIANA, BEING THAT TRACT OF LAND SHOWN ON THE PLAT OF SURVEY CERTIFIED BY TERRY D. WRIGHT, INDIANA REGISTERED PROFESSIONAL LAND SURVEYOR LS#9700013 ON APRIL 23, 2021 BY HAMILTON DESIGNS, LLC PROJECT NUMBER 2021-0106 (ALL REFERENCES TO MONUMENTS AND COURSES HEREIN AS SHOWN ON SAID PLAT OF SURVEY) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST 750.00 FEET ON AND ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THE FOLLOWING 11 CALLS FOLLOW THE NORTH LINE OF THE RIGHT OF WAY GRANT DESCRIBED IN INSTRUMENT # 2016013973 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY;

- 1) THENCE SOUTH 89 DEGREES 56 MINUTES 47 SECONDS WEST 50.58 FEET;
- 2) THENCE SOUTH 00 DEGREES 03 MINUTES 13 SECONDS EAST 45.85 FEET;
- 3) THENCE SOUTH 89 DEGREES 48 MINUTES 55 SECONDS WEST 5.39 FEET;
- 4) THENCE IN A SOUTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 219.87 FEET, HAVING A CHORD BEARING OF SOUTH 44 DEGREES 56 MINUTES 18 SECONDS WEST AND A CHORD DISTANCE OF 311.07, HAVING A CENTRAL ANGLE OF 90 DEGREES 02 MINUTES 38 SECONDS AND AN ARC LENGTH OF 345.55;
- 5) THENCE SOUTH 03 DEGREES 06 MINUTES 12 SECONDS EAST 93.98 FEET;
- 6) THENCE IN A SOUTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 145.10 FEET, HAVING A CHORD BEARING OF SOUTH 44 DEGREES 46 MINUTES 18 SECONDS WEST AND A CHORD DISTANCE OF 204.44, HAVING A CENTRAL ANGLE OF 89 DEGREES 34 MINUTES 20 SECONDS AND AN ARC LENGTH OF 226.84;
- 7) THENCE NORTH 88 DEGREES 35 MINUTES 56 SECONDS WEST 95.30 FEET;
- 8) THENCE NORTH 73 DEGREES 42 MINUTES 13 SECONDS WEST 52.20 FEET;
- 9) THENCE SOUTH 89 DEGREES 35 MINUTES 50 SECONDS WEST 75.00 FEET;
- 10) THENCE SOUTH 72 DEGREES 53 MINUTES 53 SECONDS WEST 52.20 FEET;
- 11) THENCE SOUTH 89 DEGREES 35 MINUTES 50 SECONDS WEST 409.99 FEET TO THE EAST LINE OF INSTRUMENT #200100027371 IN SAID RECORDER'S OFFICE; THENCE NORTH 00 DEGREES 03 MINUTES 20 SECONDS WEST 985.64 FEET ALONG SAID EAST LINE; THENCE

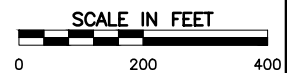
NORTH 89 DEGREES 30 MINUTES 46 SECONDS EAST 183.94 FEET TO THE SOUTHEAST CORNER OF INSTRUMENT #200200010702; THENCE NORTH 89 DEGREES 30 MINUTES 14 SECONDS EAST 396.72 FEET TO A SOUTHEASTERN CORNER OF INSTRUMENT #2021015916; THE FOLLOWING 4 CALLS FOLLOW AN EASTERN AND SOUTHERN LINE OF SAID INSTRUMENT;

- 1) THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST 141.35 FEET;
- 2) THENCE NORTH 27 DEGREES 18 MINUTES 29 SECONDS WEST 121.54 FEET;
- 3) THENCE NORTH 00 DEGREES 00 MINUTES 46 SECONDS WEST 146.55 FEET;
- 4) THENCE NORTH 89 DEGREES 33 MINUTES 30 SECONDS EAST 570.80 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST 884.07 FEET ON AND ALONG SAID SECTION LINE TO THE POINT OF BEGINNING; CONTAINING 26.94 ACRES MORE OR LESS.

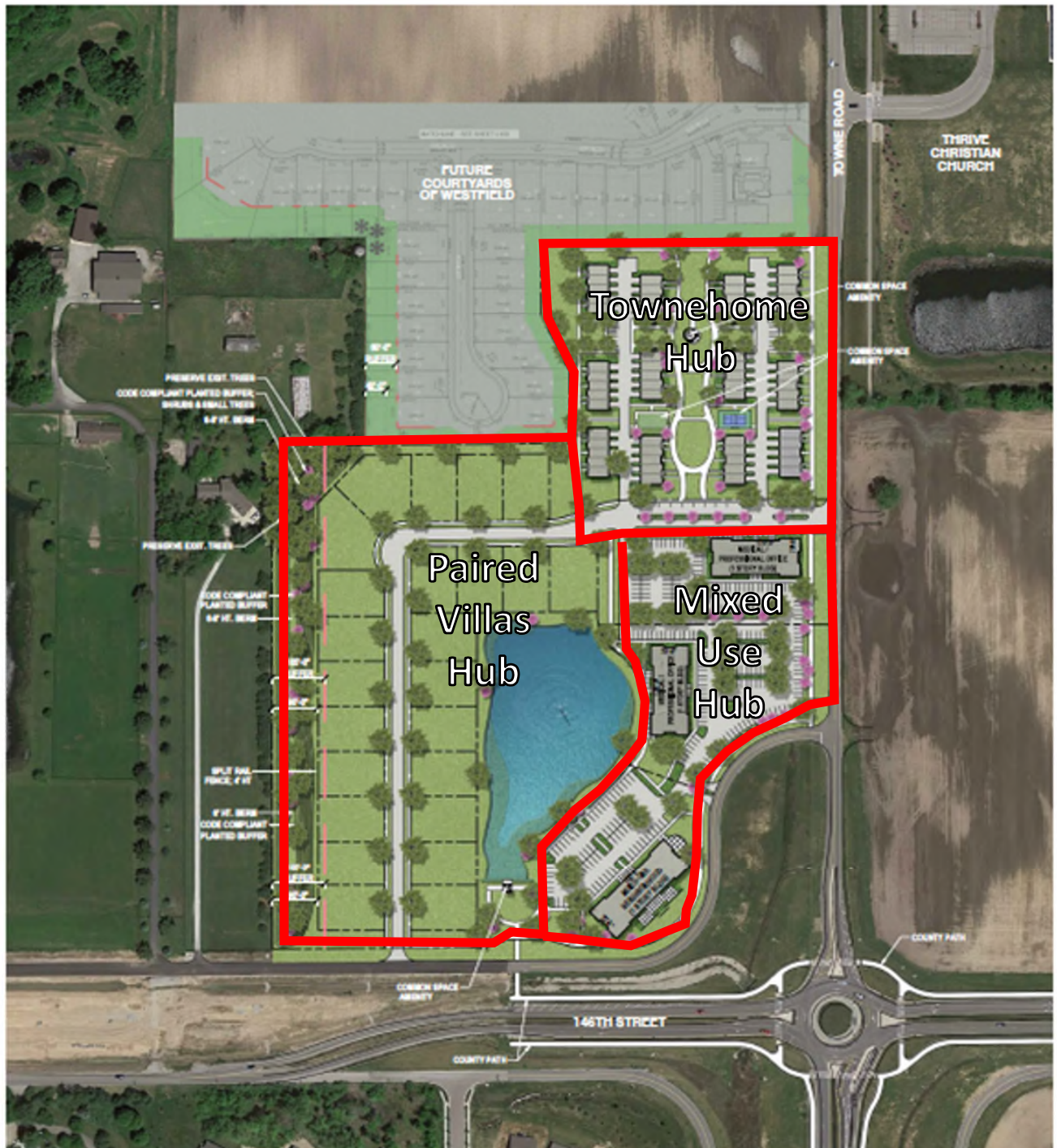
EXHIBIT B

Concept Plan

The “Concept Plan” appears on the following two (2) pages of this exhibit.



 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 · 877-746-0749 www.cecinc.com	LOR Corporation TowneRun Mixed-Use Development Westfield, Indiana		
	SCHEMATIC LAYOUT PLAN		
DRAWN BY: SGJ	CHECKED BY: ACH	APPROVED BY: ACH	FIGURE NO.: EXHIBIT #1
DATE: APRIL 26, 2022	DWG SCALE: 1"=200'	PROJECT NO: 316-844	



SCALE IN FEET
0 200 400

 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 • 317-746-0749 www.cecinc.com				LOR Corporation TowneRun Mixed-Use Development Westfield, Indiana			
				SCHEMATIC LAYOUT PLAN - NO. 8			
DRAWN BY: DGL		CHECKED BY: ACH		APPROVED BY: ACH		FIGURE NO:	
DATE: APRIL 12, 2022		DWG SCALE: 1"=200'		PROJECT NO: 316-844		EXHIBIT #1	

EXHIBIT C

Mixed Use Hub Illustrative Images (Page 1 of 3)



EXHIBIT C

Mixed Use Hub Illustrative Images (Page 2 of 3)



EXHIBIT C

Mixed Use Hub Illustrative Images (Page 3 of 3)



EXHIBIT D

Townhome Elevations

The “Townhome Elevations” appear on the following six (6) pages of this exhibit.



5 - UNIT
FRONT ELEVATION



M/I HOMES

M/I HOMES of INDIANAPOLIS
TOWNHOME CONCEPT

CōBŪ ARCHITECTURE STUDIO
111 North Avenue, Suite 207
Barrington, IL 60010
312-410-1260
August 2, 2021





5 - UNIT
REAR ELEVATION



5 - UNIT
SIDE ELEVATIONS

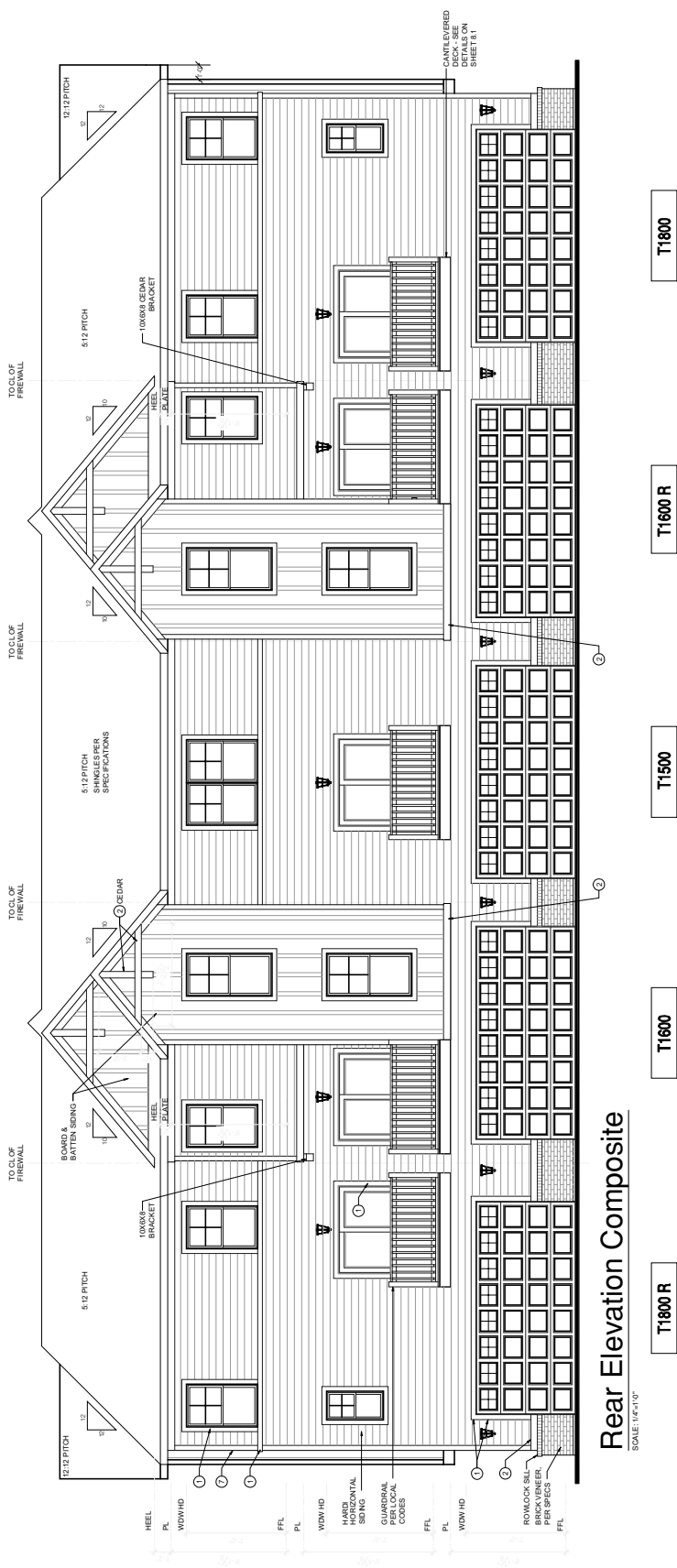


M/I HOMES of INDIANAPOLIS
TOWNHOME CONCEPT

M/I HOMES

CōBŪ ARCHITECTURE STUDIO
111 North Avenue, Suite 207
Barrington, IL 60010
312-410-1260
August 2, 2021





Rear Elevation Composite

SCALE: 1/4"=1'-0"

TYPICAL EXTERIOR TRIM FINISH

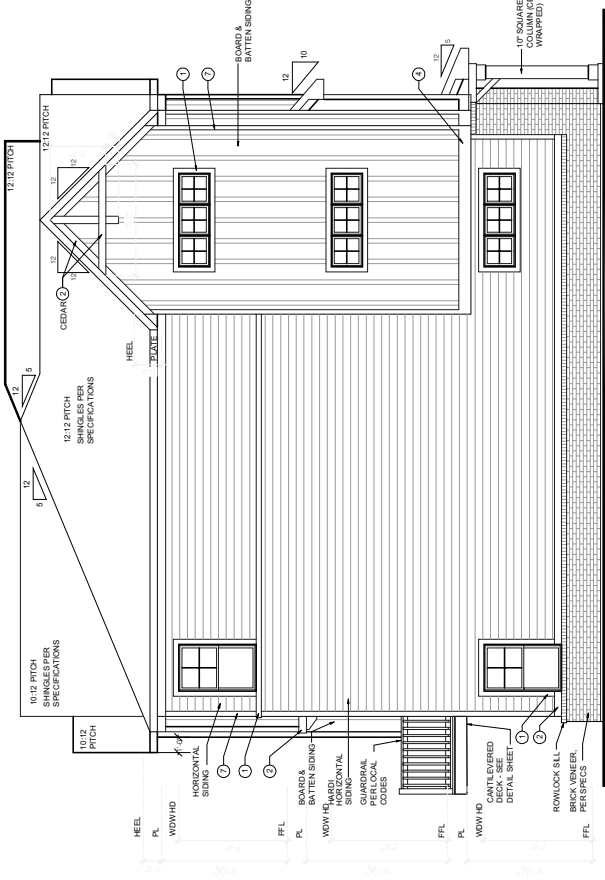
THE TRIM NOTED ON THE ELEVATIONS IS PROVIDED SOLELY FOR INFORMATION. THE FINISHES ARE NOT TO BE USED FOR ELEVATIONS IS NOMINAL. SEE SPECIFICATIONS FOR TRIM FINISH AND MATERIAL.

- 1 = 4" TRIM 1/4x 5/8x .3/4" VINYL LINEAU
- 2 = 6" TRIM 1/4x 5/8x .5" VINYL LINEAU
- 3 = 8" TRIM 1/4x 5/8x .7" VINYL LINEAU
- 4 = 10" TRIM
- 5 = 12" TRIM
- 6 FRONT CORNERS - 8" TRIM PER DIVISION - SEE SPECS
- 7 REAR CORNERS - 8" TRIM PER DIVISION - SEE SPECS

DIVISION NOTE:

IT IS THE RESPONSIBILITY OF EACH DIVISION TO DETERMINE THE TRIM FINISHES TO BE USED FOR EACH COMMUNITY SPEC LEVEL. THE DESIRED FINISH REQUIREMENTS OF SPECIFIC TRIM TYPES, WHETHER PAINTED, VINYL, OR ALUMINUM, WRAPPED.

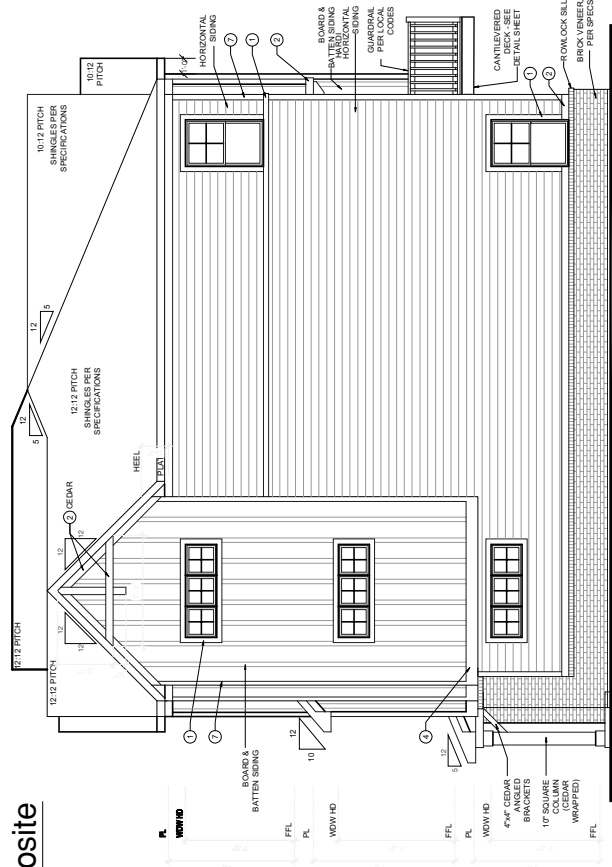
WINDOW GRID NOTE:
 - FRONT WINDOW GRIDS ARE STANDARD
 - SIDE AND REAR GRIDS ARE OPTIONAL PER DIVISION
***GRID PATTERNS TO MATCH FRONT ELEVATION**



Left Elevation Composite

SCALE: 1/4" = 1'-0"

T1800



Right Elevation Composite

SCALE: 1/4" = 1'-0"

T1800 R

TYPICAL EXTERIOR TRIM FINISH
THE TRIM NOTED ON THE ELEVATIONS IS PROVIDED SOLELY AS A GUIDE FOR TRIM SIZES. ALL TRIM NOTED ON THE ELEVATIONS IS TO BE INSTALLED IN ACCORDANCE WITH THE FINISH AND MATERIAL.

1	= 4" TRIM	(1x4, 5/4x4, 3/4" VINYL LINEAL)
2	= 6" TRIM	(1x6, 5/4x6, 5" VINYL LINEAL)
3	= 8" TRIM	(1x8, 5/4x8, 7" VINYL LINEAL)
4	= 10" TRIM	
5	= 12" TRIM	
6	FRONT CORNERS	= 9" TRIM PER DIVISION - SEE SPECS
7	REAR CORNERS	= 9" TRIM PER DIVISION - SEE SPECS

DIVISION NOTE:
IT IS THE RESPONSIBILITY OF THE ARCHITECT TO DETERMINE, AT A DIVISIONAL LEVEL, AS WELL AS COMMUNITY SPECIFIC LEVEL, THE DESIRED FINISH REQUIREMENTS OF SPECIFIC TRIM TYPES. WHETHER FINISHED WITH STAIN, GLAZE, OR PAINT.

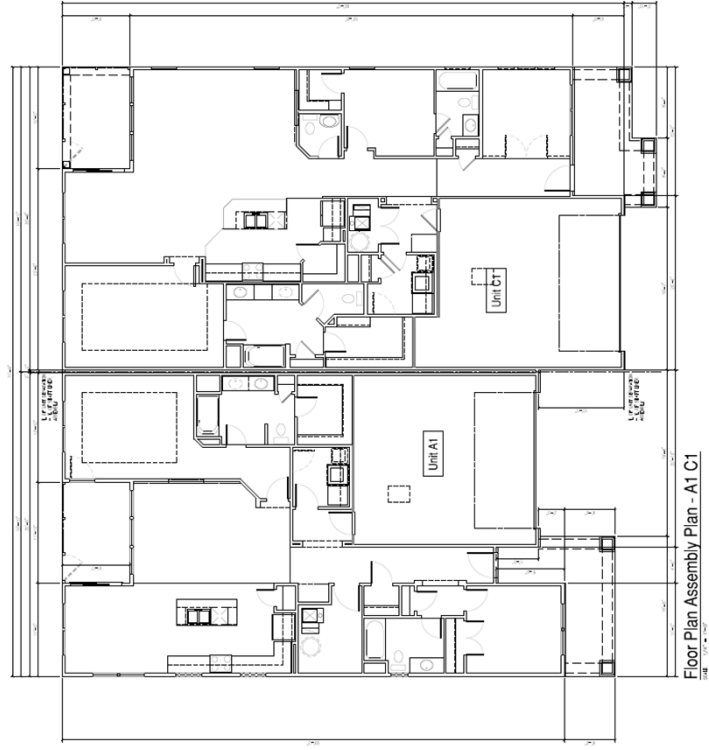
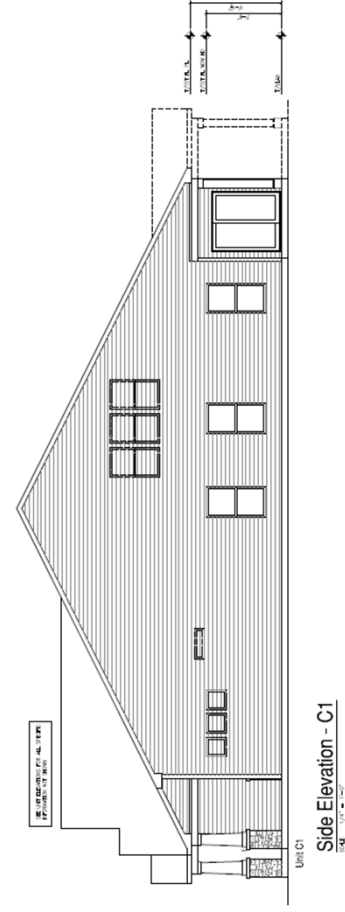
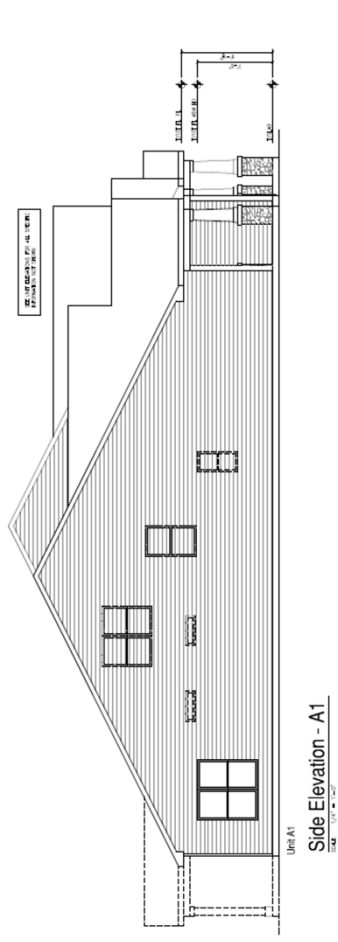
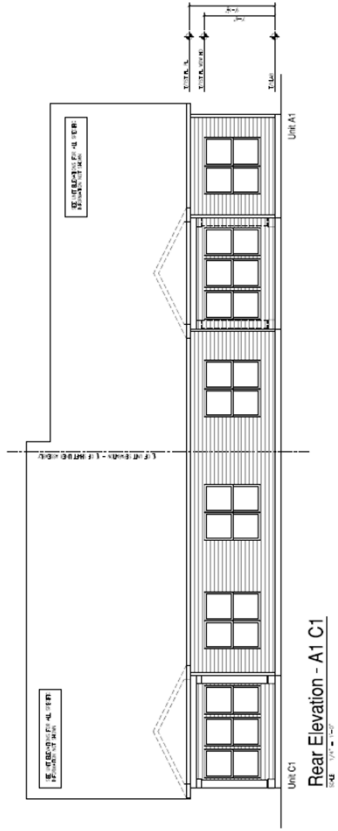
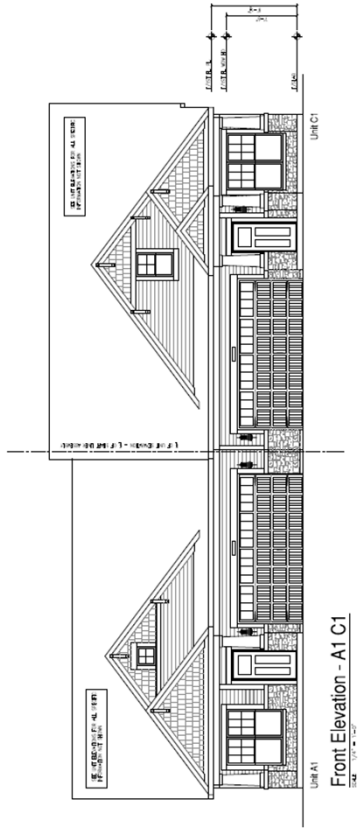
WINDOW GRID NOTE:
- FRONT WINDOW GRIDS ARE STANDARD
- SIDE AND REAR GRIDS ARE OPTIONAL PER DIVISION
*GRID PATTERNS TO MATCH FRONT ELEVATION

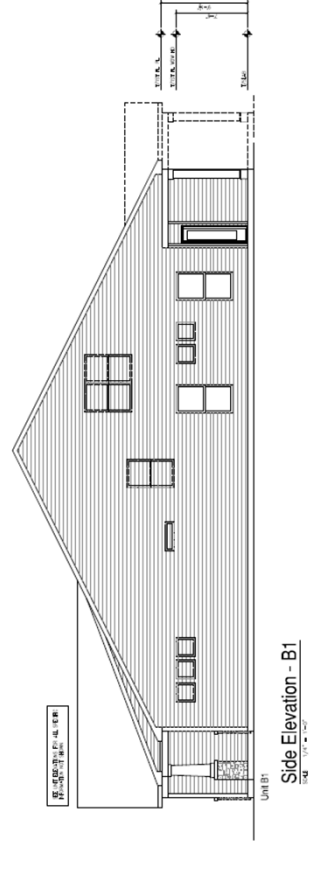
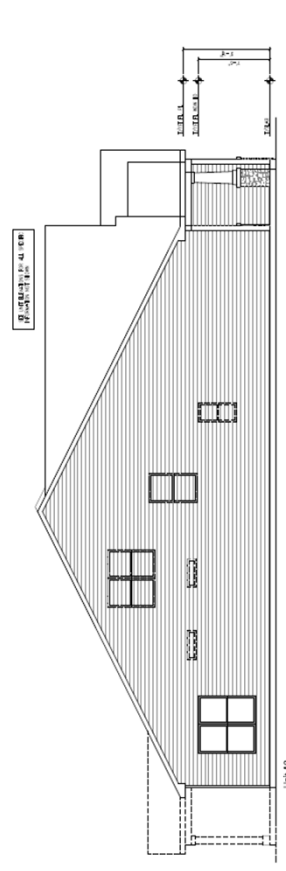
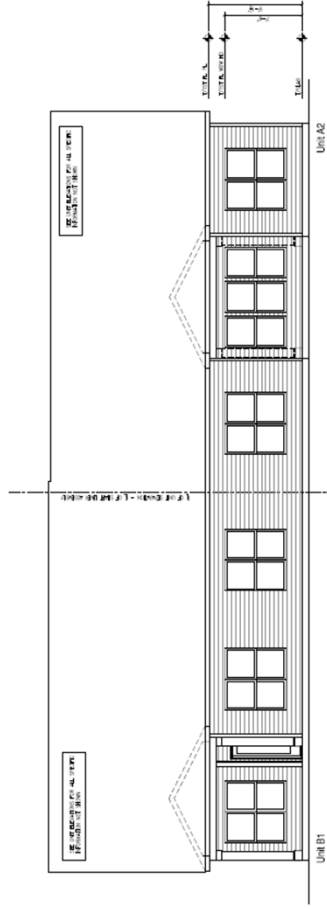
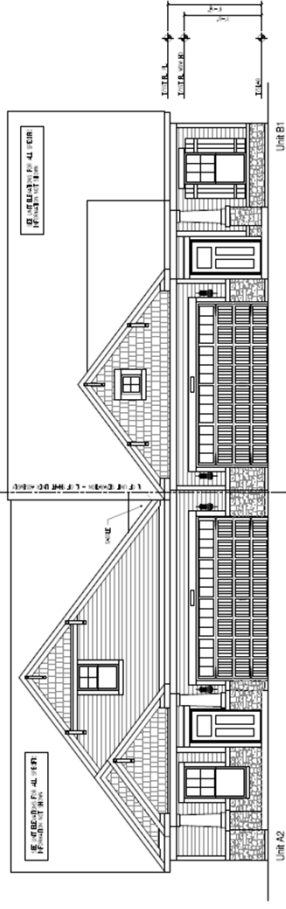
EXHIBIT E

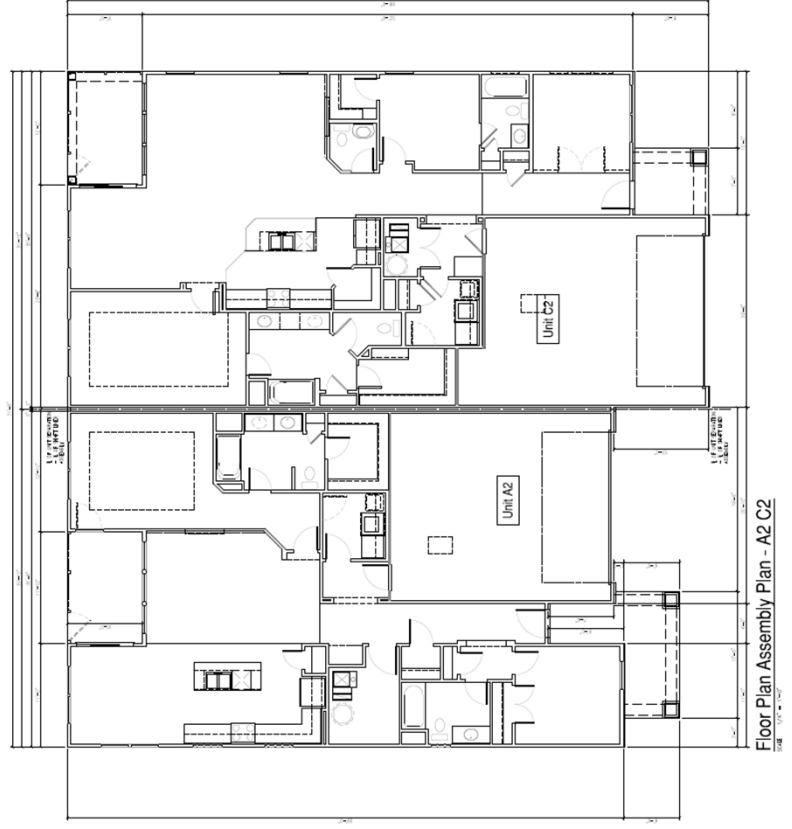
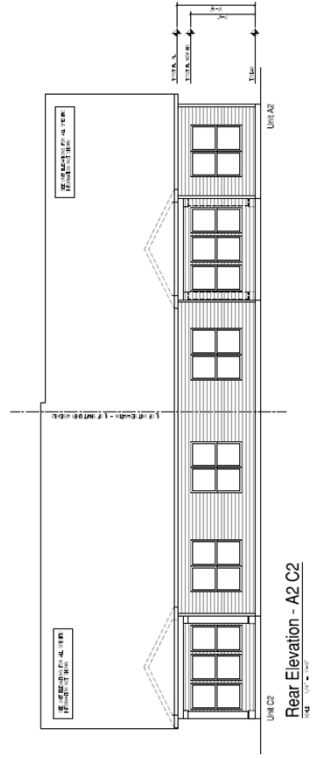
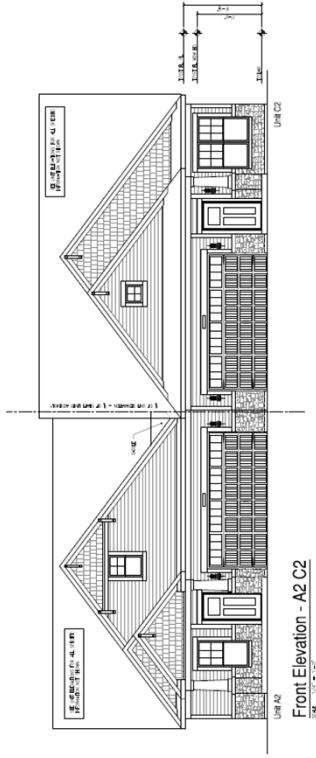
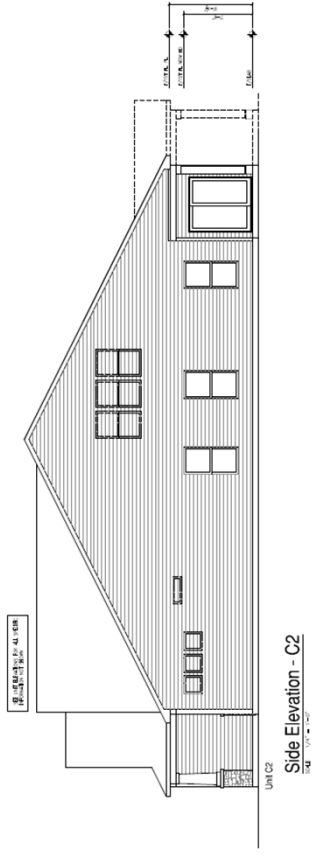
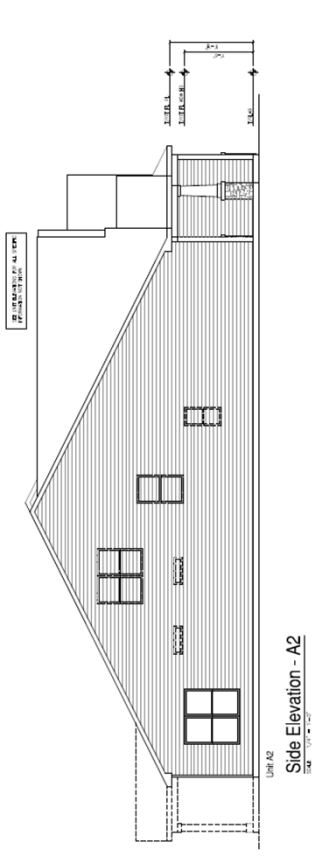
Paired Villa Elevations

The “Paired Villa Elevations” appear on the following five (5) pages of this exhibit.









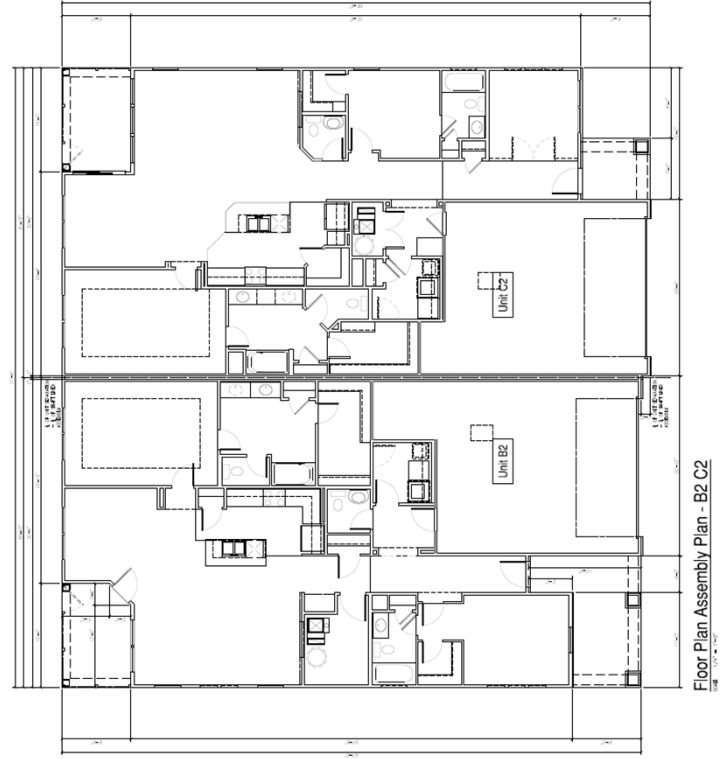
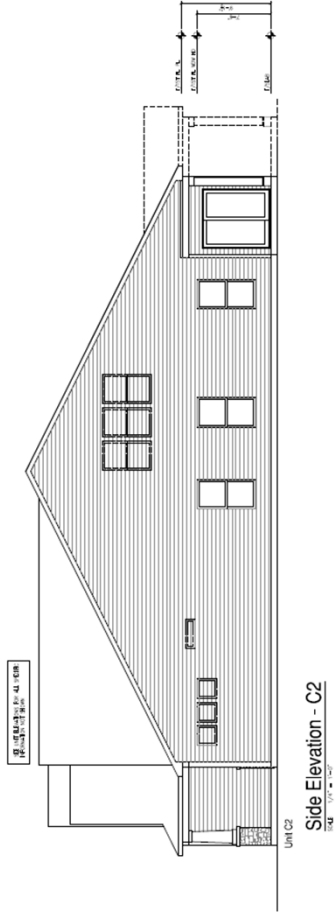
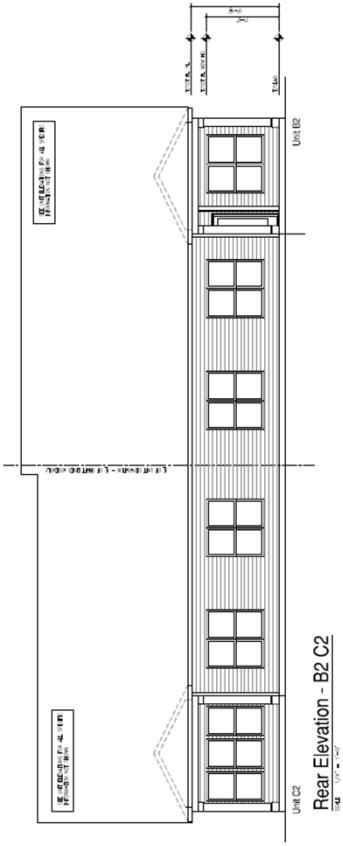
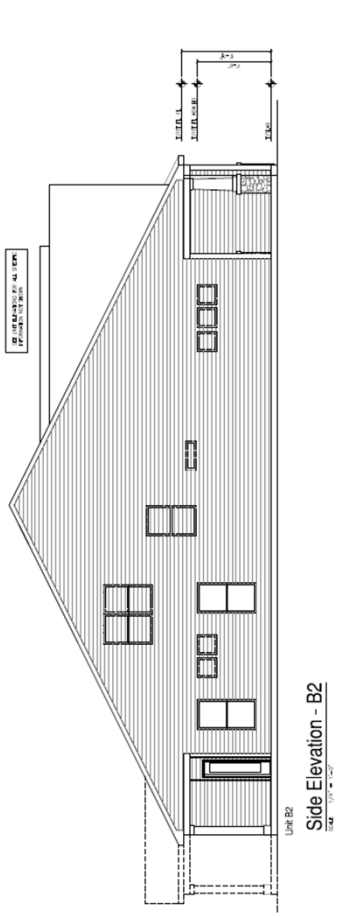
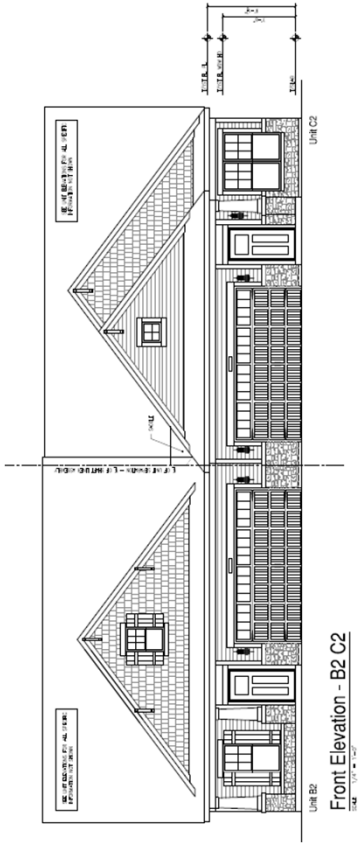
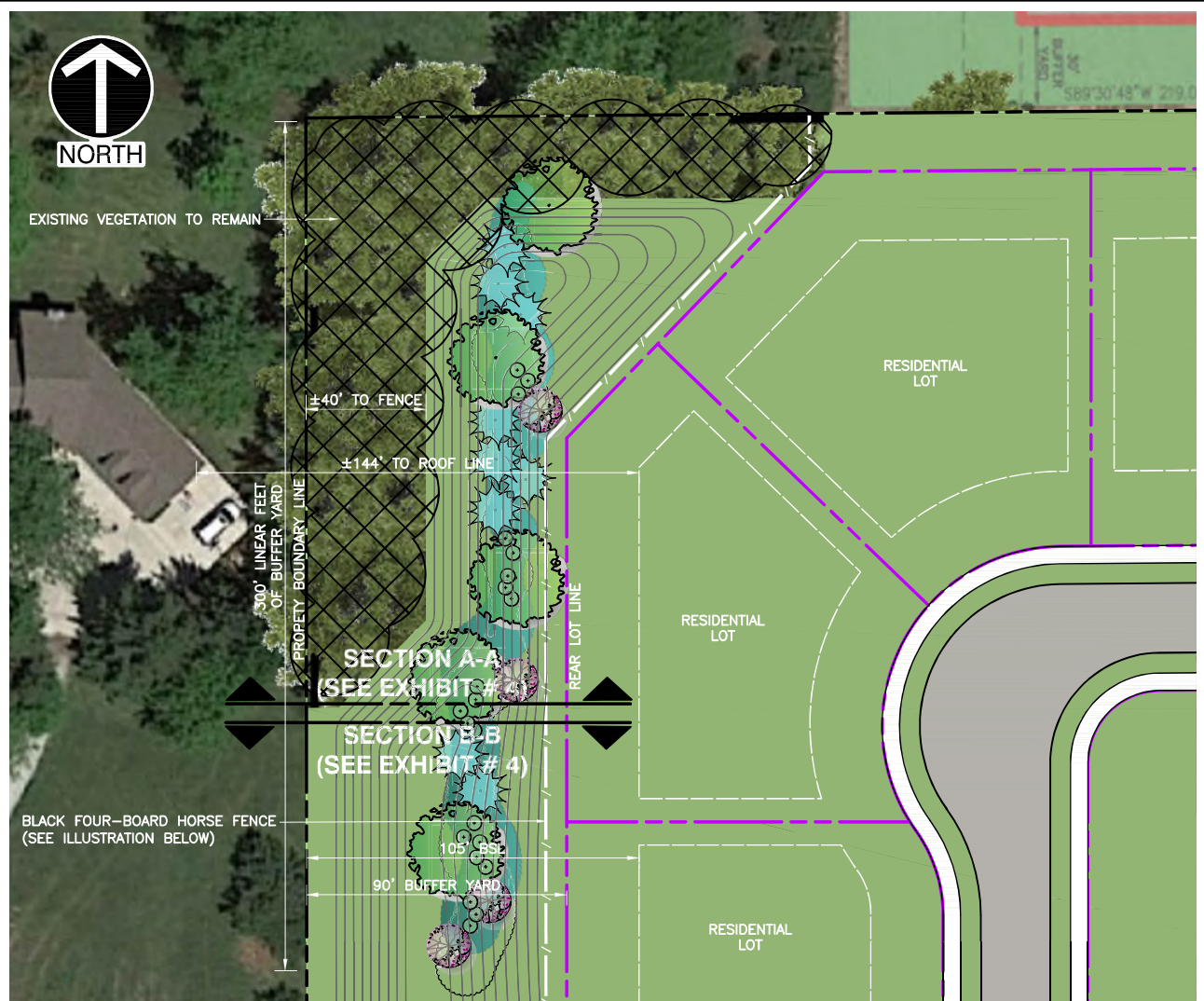


EXHIBIT F

Buffer Yard Landscaping

The Buffer Yard Landscaping details appear on the following two (2) pages of this exhibit.



BUFFER YARD - SCHEMATIC PLANTING PLAN

SCALE IN FEET
0 40 80

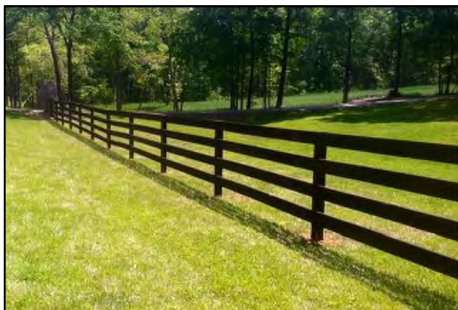


ILLUSTRATION - TYPICAL FOUR-BOARD HORSE FENCING

BUFFER YARD - TABULATIONS

DESCRIPTION:

SHADE TREES:	(4 TREES PER 100 LF OF BUFFER YARD)
EVERGREEN TREES:	(4 TREES PER 100 LF OF BUFFER YARD)
ORNAMENTAL TREES:	(2 TREES PER 100 LF OF BUFFER YARD)
SHRUBS:	(10 SHRUBS PER 100 LF OF BUFFER YARD)

SCHEMATIC PLANT LIST

NOTE: THE FOLLOWING PLANT LIST IS TO CONVEY DESIGN INTENT ONLY. FINAL LANDSCAPE PLANS MAY INCLUDE BUT ARE NOT LIMITED TO SPECIES LISTED BELOW. FINAL LANDSCAPE PLANS SHALL CONFORM TO THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE.

COMMON NAME / SCIENTIFIC NAME

CANOPY SHADE TREE > 20 FT SPREAD @ MATURITY

ELM, PRINCETON	ULMUS AMERICANA 'PRINCETON'
MAPLE, ARMSTRONG (COLUMNAR)	ACER RUBRUM, 'JEFFS RED'
MAPLE, RED	ACER RUBRUM
OAK, BEACON (COLUMNAR)	QUERCUS BICOLOR 'BONNIE & MIKE'
OAK, WHITE	QUERCUS BICOLOR

ORNAMENTAL SHADE TREE > 20 FT SPREAD @ MATURITY

HORNBEAM, AMERICAN	CARPINUS CAROLINIANA
MAGNOLIA, SWEETBAY	MAGNOLIA VIRGINIANA
REDBUD, EASTERN	CERCIS CANADENSIS
SERVICEBERRY	AMELANCHIER X GRANDIFLORA

EVERGREEN TREE > 20 FT SPREAD @ MATURITY

BLACK HILLS SPRUCE	PICEA PUNGENS VAR. DENSATA
SERBIAN SPRUCE	PICEA OMORICA
EASTERN HEMLOCK	TSUGA CANADENSIS

SHRUBS - DECIDUOUS

FOTHERGILLA, DWARF	FOTHERGILLA GARDENII 'MOUNT AIRY'
HYDRANGEA, OAKLEAF	QUERCUS VIRGINIANA
SUMMERSWEET	CLETHRA ALNIFOLIA 'RUBY SPICE'
LILAC, DWARF	SYRINGA PATULA 'MISS KIM'
VIBURNUM, CRANBERRY BUSH	VIBURNUM TRILOBUM
CHOKEBERRY, BLACK	ARONIA MELANOCARPA

PLANTING BEDS / TURF

MULCH - SHREDDED CYPRESS, PINE STRAW, OR FOREST FINES

TURF - RTF RHIZOMATOUS TALL FESCUE, & 'NO MOW' FESCUE

C&E
Civil & Environmental Consultants, Inc.
530 E. Ohio Street, Suite G - Indianapolis, IN 46204
317-655-7777 • 877-746-0749
www.ccecinc.com

LOR CORPORATION
146TH STREET & TOWNE ROAD
MIXED USE DEVELOPMENT
WESTFIELD, INDIANA

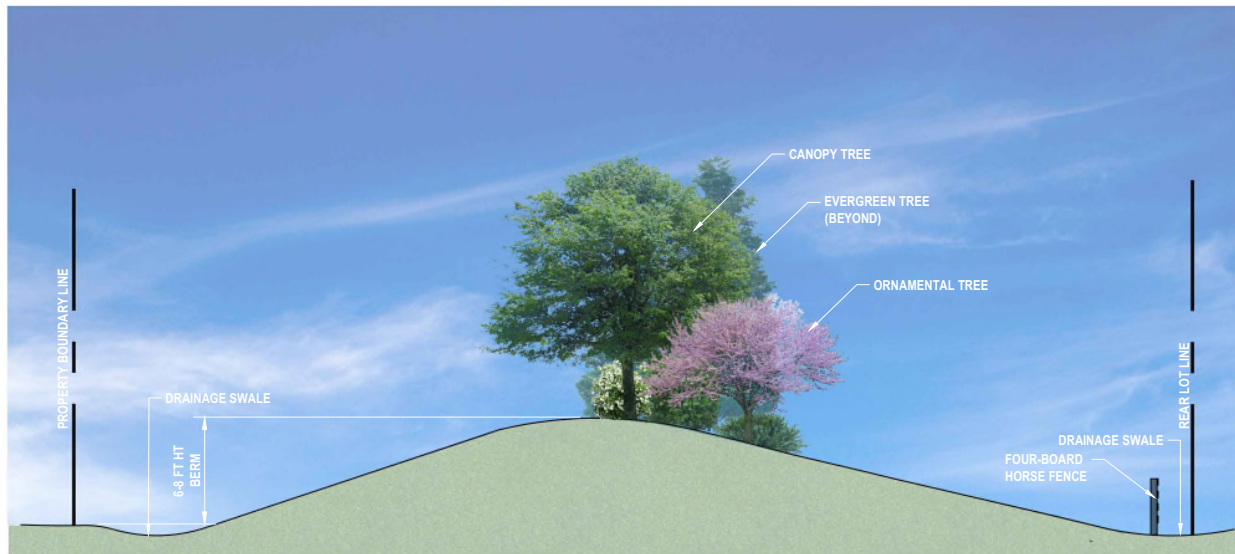
TYPICAL BUFFER - SCHEMATIC PLANTING PLAN

DRAWN BY: SGJ CHECKED BY: ACH APPROVED BY: ACH FIGURE NO.:
DATE: MAY 06, 2022 DWG SCALE: 1"=40' PROJECT NO: 316-844

EXHIBIT 3



BUFFER YARD - CROSS SECTION A-A



BUFFER YARD - CROSS SECTION B-B



 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 • 877-746-0749 www.cecinc.com		LOR CORPORATION 146TH STREET & TOWNE ROAD MIXED USE DEVELOPMENT WESTFIELD, INDIANA	
		BUFFER YARD CROSS SECTIONS	
DRAWN BY:	SGJ	CHECKED BY:	ACH
DATE:	MAY 06, 2022	DWG SCALE:	1"=10'
APPROVED BY:	ACH	FIGURE NO.:	EXHIBIT 4
PROJECT NO:	316-844		

EXHIBIT G

Townhome Hub – Typical Building Landscaping

The typical Building landscaping applicable the Townhome Hub Area appears on the following page of this exhibit.

Typical Lot Landscaping

Typical Townhome

Each building shall include at least 4 shrubs and 1 tree (shade, evergreen or ornamental) per unit

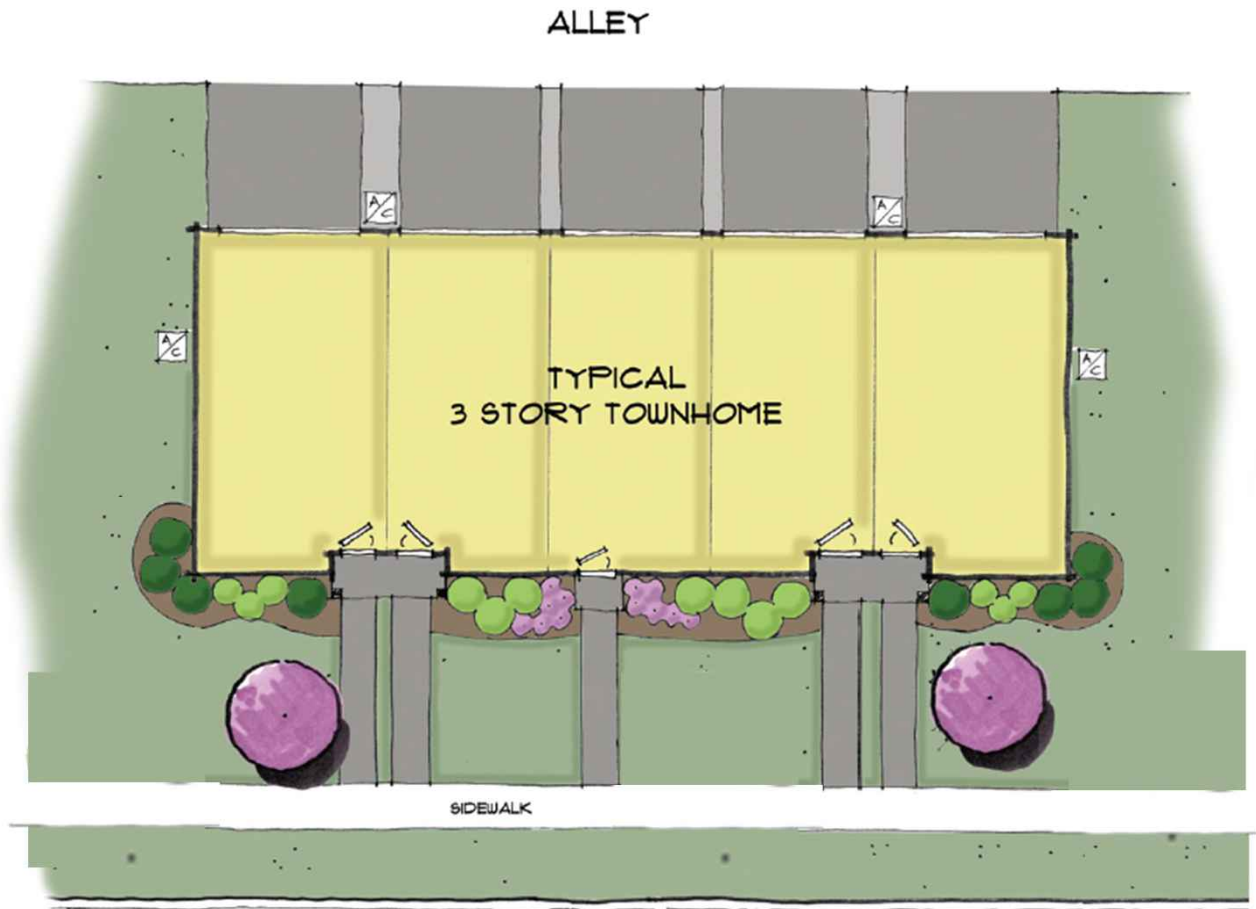


EXHIBIT H

Paired Villa Hub – Typical Lot Landscaping

The typical Lot landscaping applicable the Paired Villa Hub Area appears on the following page of this exhibit.

Typical Lot Landscaping

Typical Paired Villa

Each Building shall include at least 8 shrubs and 1 tree (shade, evergreen or ornamental) per Dwelling Unit

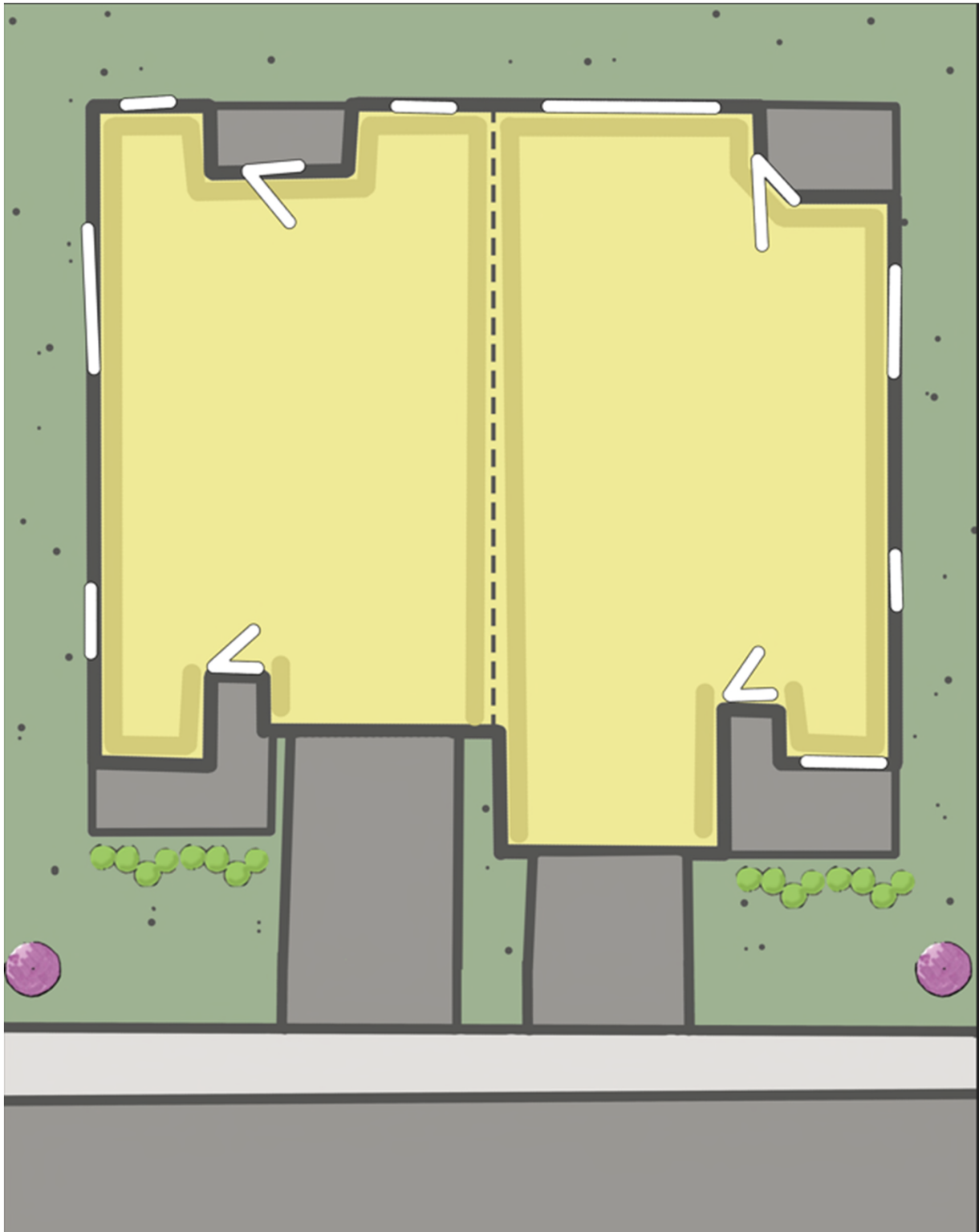


EXHIBIT I

Amenity Plan

The Amenity Plan applicable the District appears on the following page of this exhibit.



 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 • 877-746-0749 www.cecinc.com		LOR Corporation TowneRun Mixed-Use Development Westfield, Indiana	
DRAWN BY: SGJ		CHECKED BY: ACH	
DATE: JAN. 24, 2022		APPROVED BY: ACH	
DWG SCALE: 1"=200'		PROJECT NO: 316-844	
		FIGURE NO.: EXHIBIT #1	

EXHIBIT C

Mixed Use Hub Illustrative Images (Page 1 of 3)



EXHIBIT C

Mixed Use Hub Illustrative Images (Page 2 of 3)



EXHIBIT C

Mixed Use Hub Illustrative Images (Page 3 of 3)





**5 - UNIT
FRONT ELEVATION**



**5 - UNIT
REAR ELEVATION**



**5 - UNIT
SIDE ELEVATIONS**



Front Elevation Composite

SCALE: 1/4"=1'-0"

T1800

T1600 R

T1500

T1600

T1800 R

TYPICAL EXTERIOR TRIM FINISH

THE TRIM NOTED ON THE ELEVATIONS IS PROVIDED SOLELY AS A GUIDE FOR TRIM SIZES. ALL TRIM NOTED ON THE ELEVATIONS IS NOMINAL. SEE SPECIFICATIONS FOR TRIM FINISH AND MATERIAL.

①	= 4" TRIM	(1x4, 5/4x4, 3½" VINYL LINEAL)
②	= 6" TRIM	(1x6, 5/4x6, 5" VINYL LINEAL)
③	= 8" TRIM	(1x8, 5/4x8, 7" VINYL LINEAL)
④	= 10" TRIM	
⑤	= 12" TRIM	
⑥	FRONT CORNERS = 5" TRIM PER DIVISION - SEE SPECS	
⑦	REAR CORNERS = 3" TRIM PER DIVISION - SEE SPECS	

DIVISION NOTE:

IT IS THE RESPONSIBILITY OF EACH DIVISION TO DETERMINE, AT A DIVISIONAL LEVEL AS WELL AS COMMUNITY SPECIFIC LEVEL, THE DESIRED FINISH REQUIREMENTS OF SPECIFIC TRIM PIECES; WHETHER PAINTED, VINYL, OR ALUMINUM WRAPPED.

WINDOW GRID NOTE:

- FRONT WINDOW GRIDS ARE STANDARD
- SIDE AND REAR GRIDS ARE OPTIONAL PER DIVISION
- *GRID PATTERNS TO MATCH FRONT ELEVATION

11x17 PRINTS ARE ½ SCALE

TOWNHOMES

Construction Set

12/09/2021

Job #:

LSP Date:

LSP By:

LSP Rev:

Sheet Title :

Front Elevation

Sheet:

1.0

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Issued Date:

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M/I Homes Indianapolis Region

Architecture Department

8425 Woodfield Crossing Blvd.

Indianapolis, IN 46240

Ph 317.255.9900

M/I HOMES



Rear Elevation Composite

SCALE: 1/4"=1'-0"

T1800 R

T1600

T1500

T1600 R

T1800

TYPICAL EXTERIOR TRIM FINISH

THE TRIM NOTED ON THE ELEVATIONS IS PROVIDED SOLELY AS A GUIDE FOR TRIM SIZES. ALL TRIM NOTED ON THE ELEVATIONS IS NOMINAL. SEE SPECIFICATIONS FOR TRIM FINISH AND MATERIAL.

① = 4" TRIM (1x4, 5/4x4, 3 1/2" VINYL LINEAL)

② = 6" TRIM (1x6, 5/4x6, 5" VINYL LINEAL)

③ = 8" TRIM (1x8, 5/4x8, 7" VINYL LINEAL)

④ = 10" TRIM

⑤ = 12" TRIM

⑥ FRONT CORNERS = 5" TRIM PER DIVISION - SEE SPECS

⑦ REAR CORNERS = 3" TRIM PER DIVISION - SEE SPECS

DIVISION NOTE:

IT IS THE RESPONSIBILITY OF EACH DIVISION TO DETERMINE, AT A DIVISIONAL LEVEL AS WELL AS COMMUNITY SPECIFIC LEVEL, THE DESIRED FINISH REQUIREMENTS OF SPECIFIC TRIM PIECES; WHETHER PAINTED, VINYL, OR ALUMINUM WRAPPED.

WINDOW GRID NOTE:

- FRONT WINDOW GRIDS ARE STANDARD
- SIDE AND REAR GRIDS ARE OPTIONAL PER DIVISION
- *GRID PATTERNS TO MATCH FRONT ELEVATION

TOWNHOME SERIES

11x17 PRINTS ARE 1/2 SCALE

TOWNHOMES

Construction Set
12/09/2021

Job #:
LSP Date:
LSP By:
LSP Rev:
Sheet Title :
Rear Elevation

Sheet:

1.1

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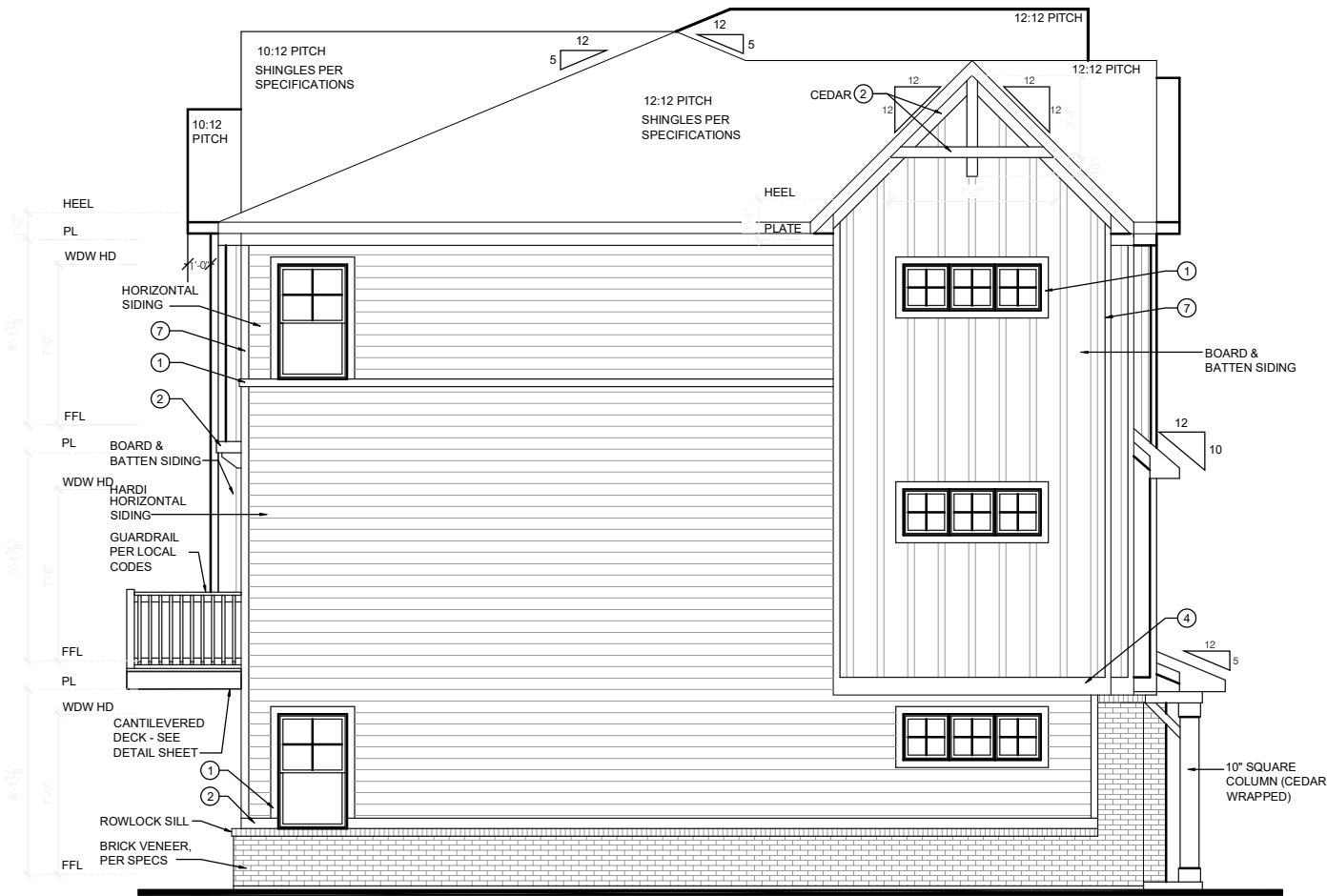


Issued Date:
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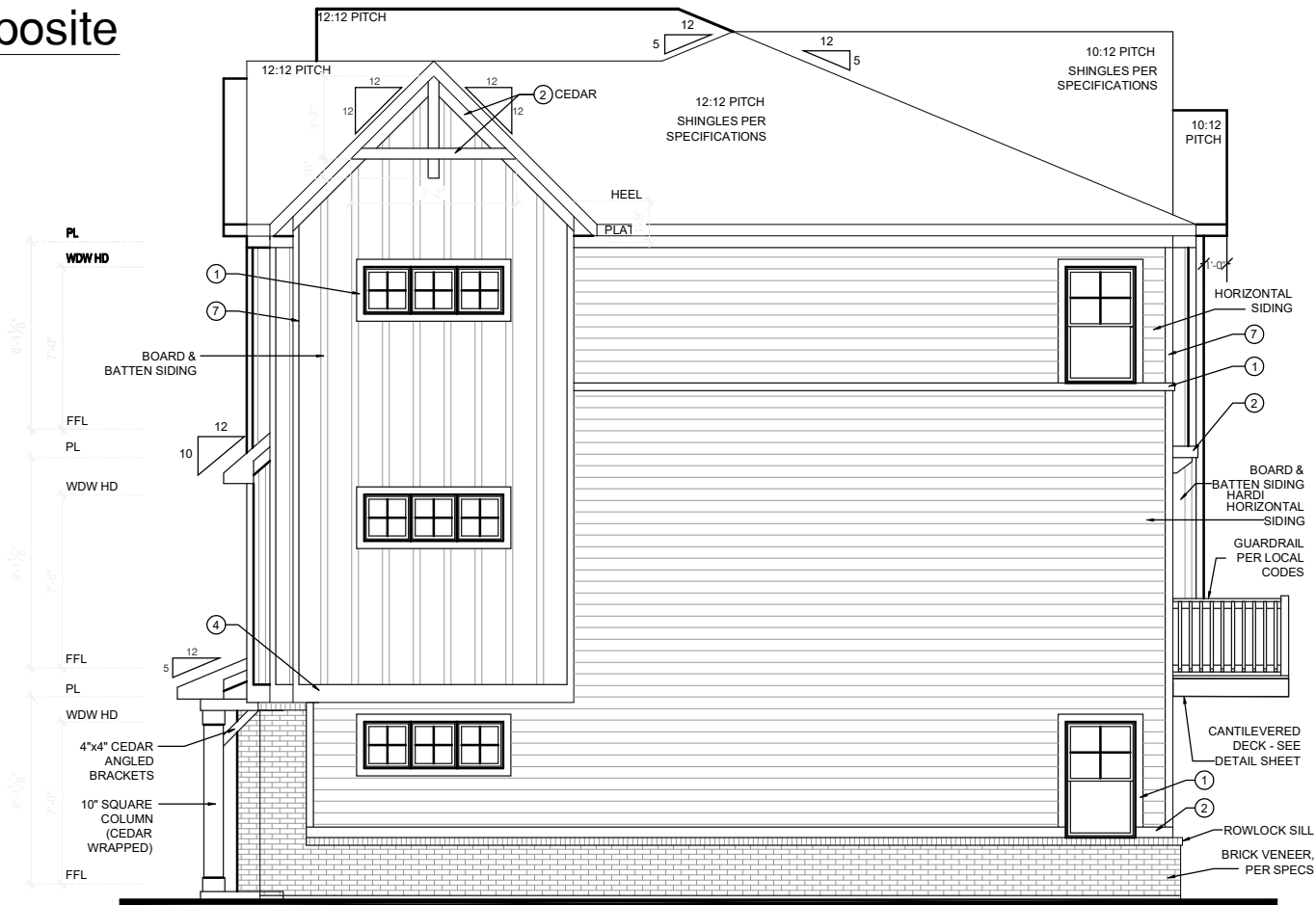




Left Elevation Composite

SCALE: 1/4"=1'-0"

T1800



Right Elevation Composite

SCALE: 1/4"=1'-0"

T1800 R

TYPICAL EXTERIOR TRIM FINISH
THE TRIM NOTED ON THE ELEVATIONS IS PROVIDED SOLELY AS A GUIDE FOR TRIM SIZES. ALL TRIM NOTED ON THE ELEVATIONS IS NOMINAL. SEE SPECIFICATIONS FOR TRIM FINISH AND MATERIAL.

1

= 4" TRIM (1x4, 5/4x4, 3½" VINYL LINEAL)

2

= 6" TRIM (1x6, 5/4x6, 5" VINYL LINEAL)

3

= 8" TRIM (1x8, 5/4x8, 7" VINYL LINEAL)

4

= 10" TRIM

5

= 12" TRIM

6

FRONT CORNERS = 5" TRIM PER DIVISION - SEE SPECS

7

REAR CORNERS = 3" TRIM PER DIVISION - SEE SPECS

DIVISION NOTE:
IT IS THE RESPONSIBILITY OF EACH DIVISION TO DETERMINE, AT A DIVISIONAL LEVEL AS WELL AS COMMUNITY SPECIFIC LEVEL, THE DESIRED FINISH REQUIREMENTS OF SPECIFIC TRIM PIECES; WHETHER PAINTED, VINYL, OR ALUMINUM WRAPPED.

WINDOW GRID NOTE:
- FRONT WINDOW GRIDS ARE STANDARD
- SIDE AND REAR GRIDS ARE OPTIONAL PER DIVISION
*GRID PATTERNS TO MATCH FRONT ELEVATION

TOWNHOME SERIES

11x17 PRINTS ARE 1/2 SCALE

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TOWNHOMES

Construction Set

12/09/2021

Job #:
LSP Date: ----
LSP By: ----
LSP Rev: ----
Sheet Title :
Side Elevations

Sheet:

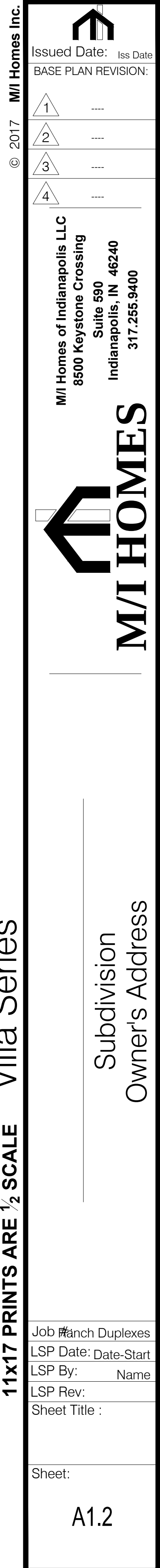
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Floor Plan Assembly Plan - A1 B2

SCALE: $1/4" = 1'-0"$

11x17 PRINTS ARE 1/2 SCALE Villa Series	 M/I HOMES Subdivision _____ Owner's Address _____		Job # _____ LSP Date: _____ LSP By: _____ LSP Rev: _____ Sheet Title : _____	Sheet: _____ A1.1	© 2017	M/I Homes Inc.							
	 M/I HOMES		M/I Homes of Indianapolis LLC 8500 Keystone Crossing Suite 590 Indianapolis, IN 46240 317.255.9400										
	Issued Date: _____ BASE PLAN REVISION:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">1</td> <td style="width: 80%; text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">----</td> </tr> </table>			1	----	2	----	3	----	4	----
	1	----											
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 M/I HOMES		M/I Homes of Indianapolis LLC 8500 Keystone Crossing Suite 590 Indianapolis, IN 46240 317.255.9400											
Issued Date: _____ BASE PLAN REVISION:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">1</td> <td style="width: 80%; text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">----</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">----</td> </tr> </table>			1	----	2	----	3	----	4	----	
1	----												
2	----												
3	----												
4	----												





Unit A1

Side Elevation - A1

SCALE: 1/4" = 1'-0"



Unit B2

Side Elevation - B2

SCALE: 1/4" = 1'-0"



Floor Plan Assembly Plan - A1 B2

SCALE: 1/4" = 1'-0"

11x17 PRINTS ARE 1/2 SCALE

Villa Series

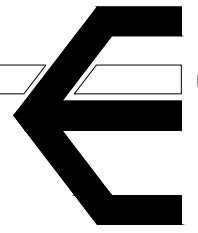
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Issued Date: Iss Date

BASE PLAN REVISION:

1	---
2	---
3	---
4	---

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Suite 590
Indianapolis, IN 46240
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M/I HOMES

Job # Branch Duplexes

LSP Date: Date-Start

LSP By: Name

LSP Rev:

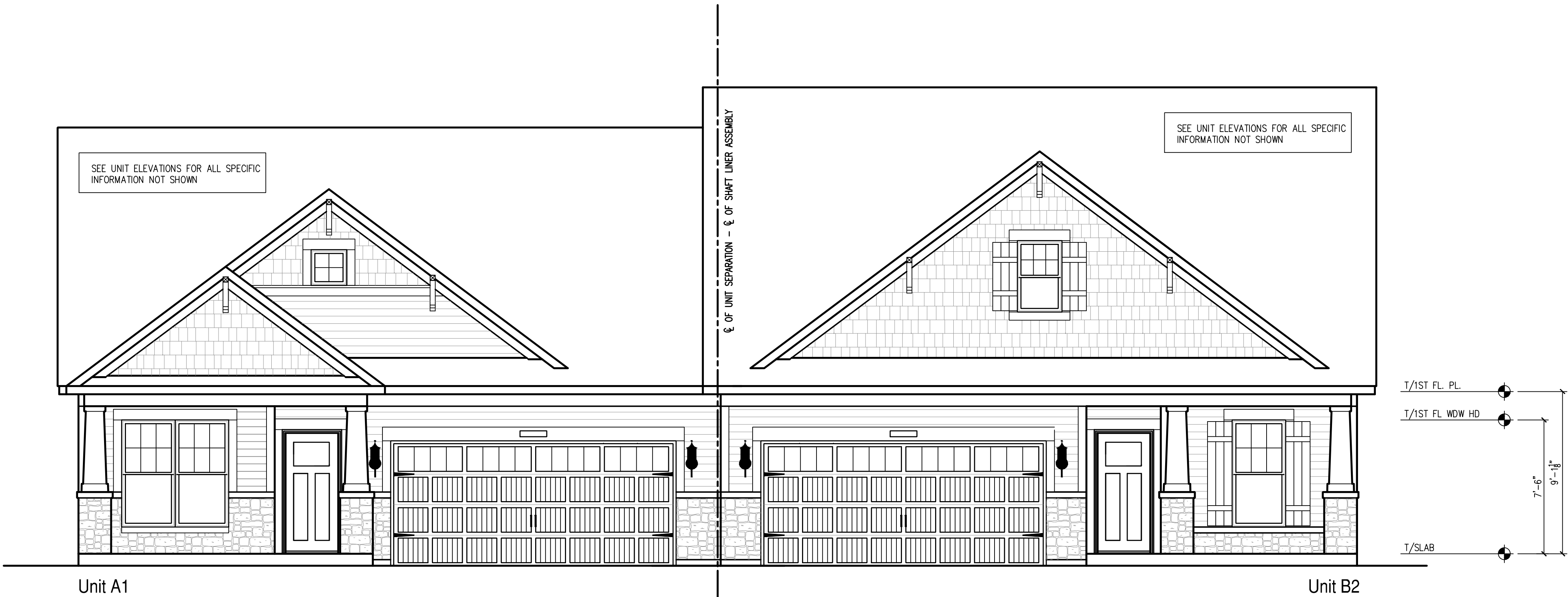
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Subdivision

Owner's Address

Sheet:

A1.1

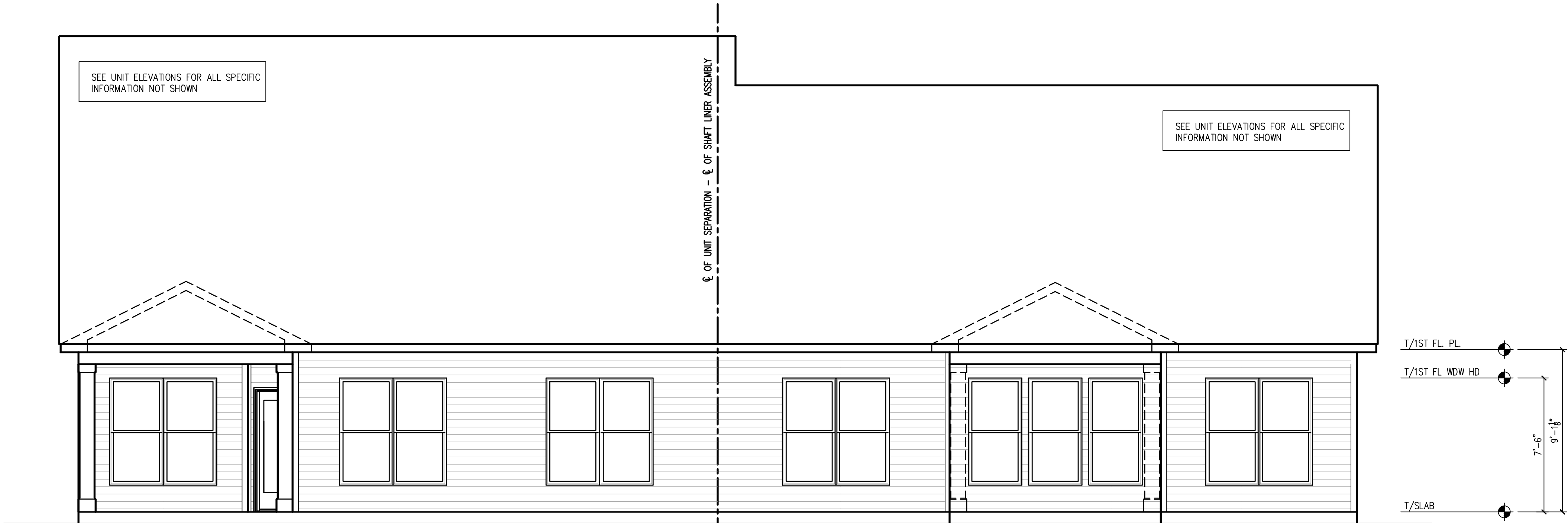


Unit A1

Unit B2

Front Elevation - A1 B2

SCALE: 1/4" = 1'-0"



Unit B2

Unit A1

Rear Elevation - A1 B2

SCALE: 1/4" = 1'-0"



Unit A1

Side Elevation - A1

SCALE: 1/4" = 1'-0"



Unit B2

Side Elevation - B2

SCALE: 1/4" = 1'-0"

Floor Plan Assembly Plan - A1 C1

SCALE: $1/4" = 1'-0"$

11x17 PRINTS ARE 1/2 SCALE

Villa Series

Subdivision _____

Owner's Address _____

Job # _____

LSP Date: _____

LSP By: _____

LSP Rev: _____

Sheet Title : _____

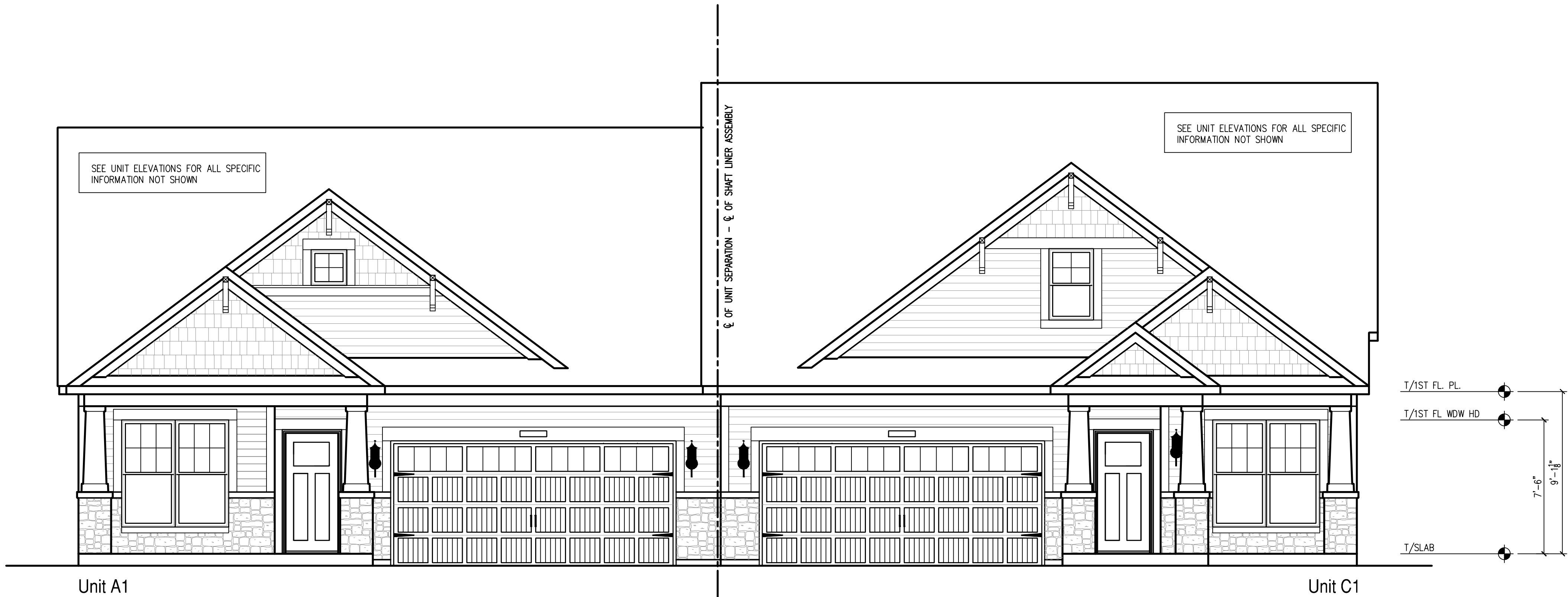
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Date-Start

Name

Sheet: _____

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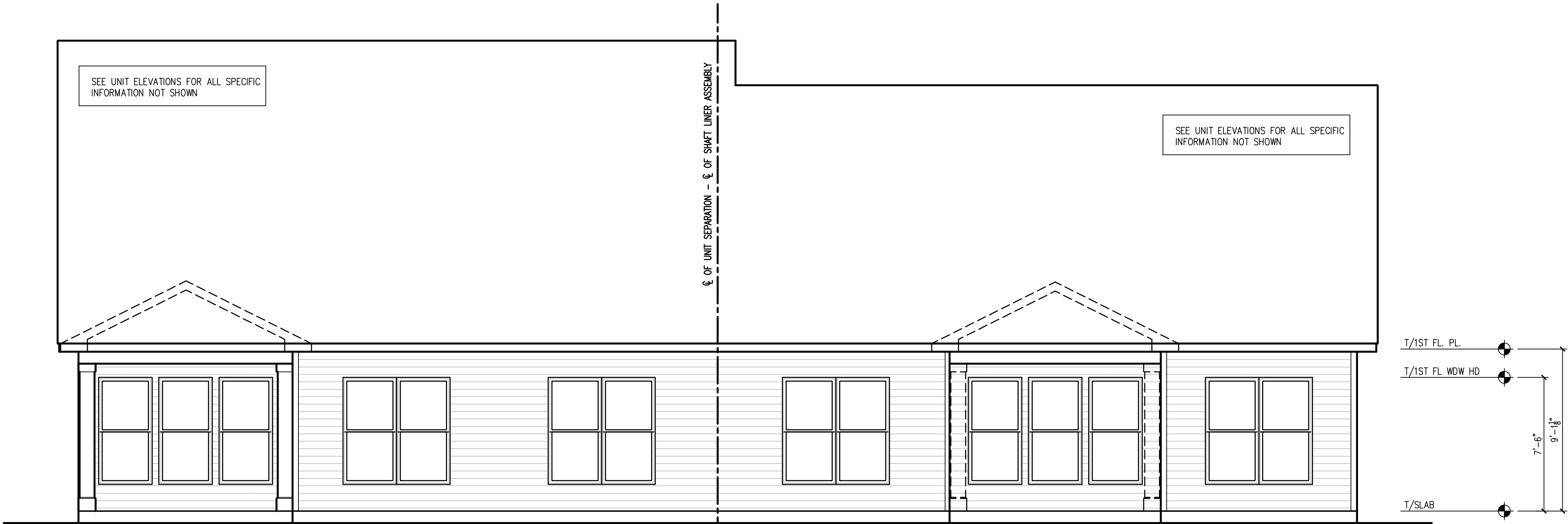


Unit A1

Unit C1

Front Elevation - A1 C1

SCALE: 1/4" = 1'-0"

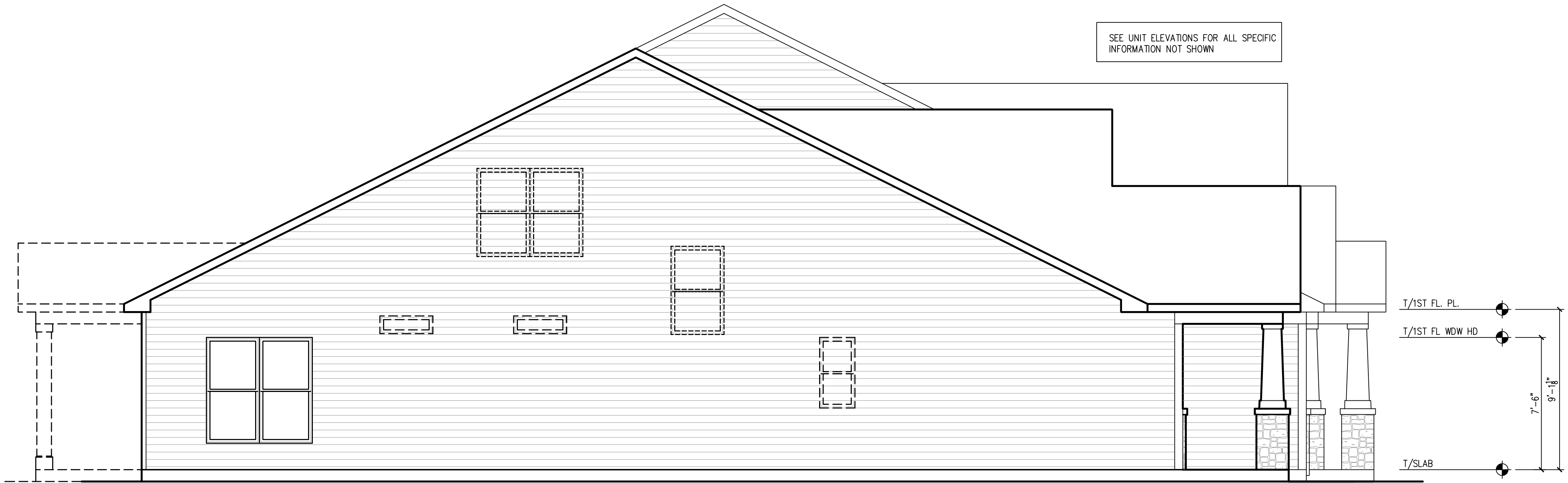


Unit C1

Unit A1

Rear Elevation - A1 C1

SCALE: 1/4" = 1'-0"



Unit A1

Side Elevation - A1

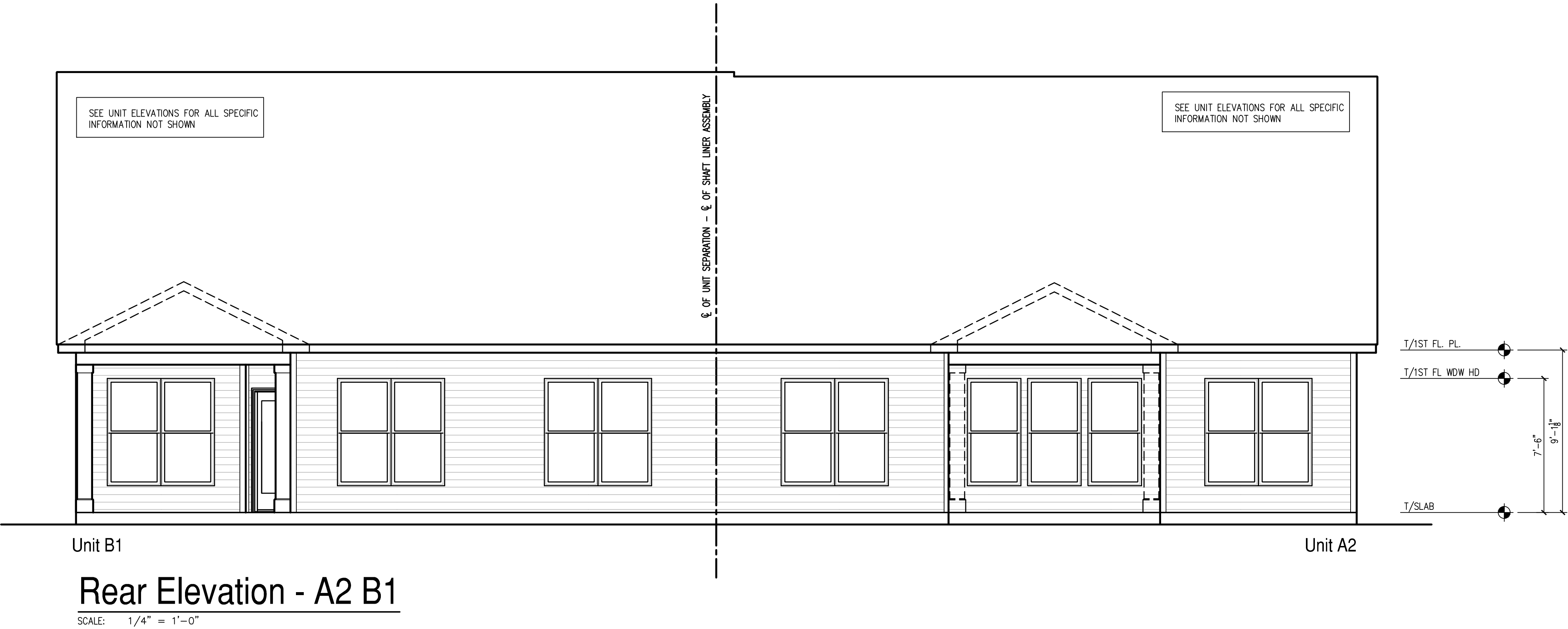
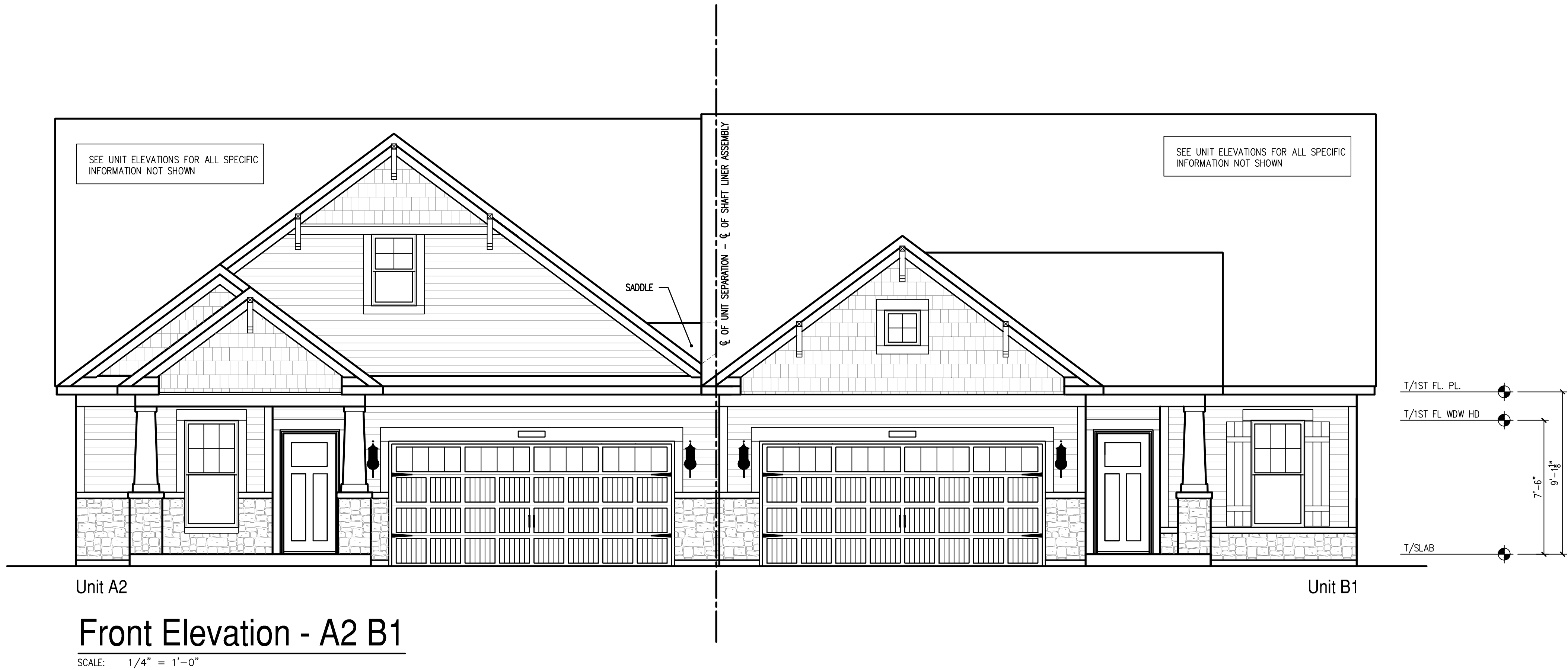
SCALE: 1/4" = 1'-0"



Unit C1

Side Elevation - C1

SCALE: 1/4" = 1'-0"

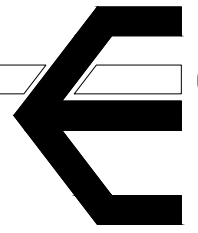


11x17 PRINTS ARE 1/2 SCALE

Villa Series

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M/I HOMES

Job # Branch Duplexes

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LSP By: Name

LSP Rev:

Sheet Title :

Issued Date: Iss Date

BASE PLAN REVISION:

1

2

3

4

Subdivision

Owner's Address

Sheet:

A1.12



Unit A2

Side Elevation - A2

SCALE: 1/4" = 1'-0"



Unit B1

Side Elevation - B1

SCALE: 1/4" = 1'-0"

11x17 PRINTS ARE 1/2 SCALE

Villa Series

Job #

Branch

Duplexes

LSP Date:

Date-Start

LSP By:

Name

LSP Rev:

Sheet Title :

Sheet:

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2

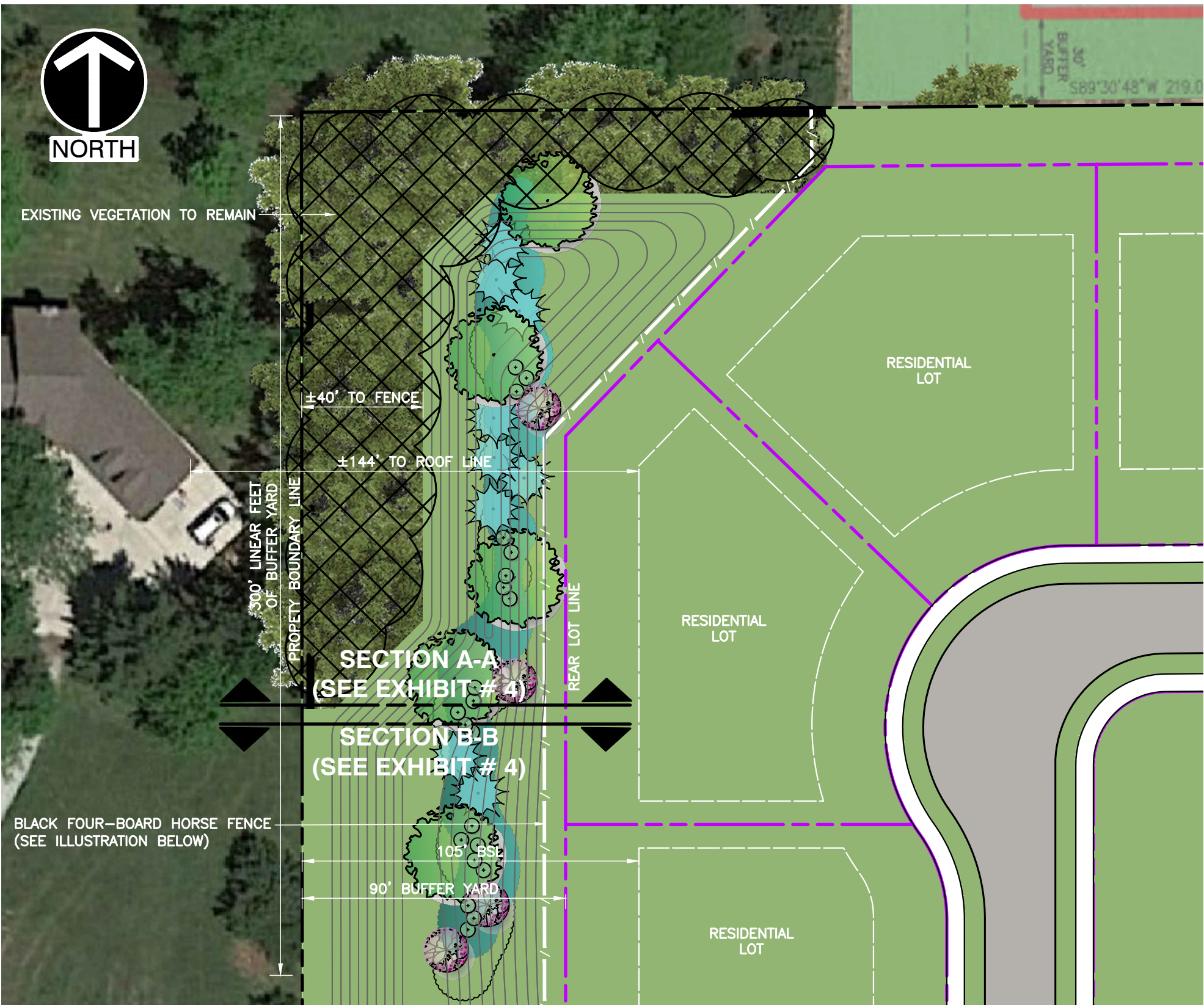
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4

M/I HOMES

Subdivision

Owner's Address



BUFFER YARD - SCHEMATIC PLANTING PLAN



ILLUSTRATION - TYPICAL FOUR-BOARD HORSE FENCING

BUFFER YARD - TABULATIONS

DESCRIPTION:

SHADE TREES:	(4 TREES PER 100 LF OF BUFFER YARD)
EVERGREEN TREES:	(4 TREES PER 100 LF OF BUFFER YARD)
ORNAMENTAL TREES:	(2 TREES PER 100 LF OF BUFFER YARD)
SHRUBS:	(10 SHRUBS PER 100 LF OF BUFFER YARD)

SCHEMATIC PLANT LIST

NOTE: THE FOLLOWING PLANT LIST IS TO CONVEY DESIGN INTENT ONLY. FINAL LANDSCAPE PLANS MAY INCLUDE BUT ARE NOT LIMITED TO SPECIES LISTED BELOW. FINAL LANDSCAPE PLANS SHALL COMFORM TO THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE.

COMMON NAME / SCIENTIFIC NAME	
CANOPY SHADE TREE > 20 FT SPREAD @ MATURITY	
ELM, PRINCETON	ULMUS AMERICANA 'PRINCETON'
MAPLE, ARMSTRONG (COLUMNAR)	ACER RUBRUM, 'JEFFS RED'
MAPLE, RED	ACRE RUBRUM
OAK, BEACON (COLUMNAR)	QUERCUS BICOLOR 'BONNIE & MIKE'
OAK, WHITE	QUERCUS BICOLOR
ORNAMENTAL SHADE TREE > 20 FT SPREAD @ MATURITY	
HORNBEAM, AMERICAN	CARPINUS CAROLINIANA
MAGNOLIA, SWEETBAY	MAGNOLIA VIRGINIANA
REDBUD, EASTERN	CERCIS CANADENSIS
SERVICEBERRY	AMELANCHIER X GRANDIFLORA
EVERGREEN TREE > 20 FT SPREAD @ MATURITY	
BLACK HILLS SPRUCE	PICEA PUNGENS VAR. DENSATA
SERBIAN SPRUCE	PICEA OMORIKA
EASTERN HEMLOCK	TSUGA CANADENSIS
SHRUBS - DECIDUOUS	
FOTHERGILLA, DWARF	FOTHERGILLA GARDENII 'MOUNT AIRY'
HYDRANGEA, OAKLEAF	QUERCUS VIRGINIANA
SUMMERSWEET	CLETHRA ALNIFOLIA 'RUBY SPICE'
LILAC, DWARF	SYRINGA PATULA 'MISS KIM'
VIBURNUM, CRANBERRY BUSH	VIBURNUM TRILOBUM
CHOKEBERRY, BLACK	ARONIA MELANOCARPA
PLANTING BEDS / TURF	
MULCH - SHREDDED CYPRESS, PINE STRAW, OR FOREST FINES	
TURF - RTF RHIZOMATOUS TALL FESCUE, & "NO MOW" FESCUE	

Civil & Environmental Consultants, Inc.
530 E. Ohio Street, Suite G - Indianapolis, IN 46204
317-655-7777 · 877-746-0749
www.cecinc.com

LOR CORPORATION
146TH STREET & TOWNE ROAD
MIXED USE DEVELOPMENT
WESTFIELD, INDIANA

DRAWN BY: SGJ

DATE: MAY 06, 2022

CHECKED BY: ACH

DWG SCALE: 1"=40'

APPROVED BY: ACH

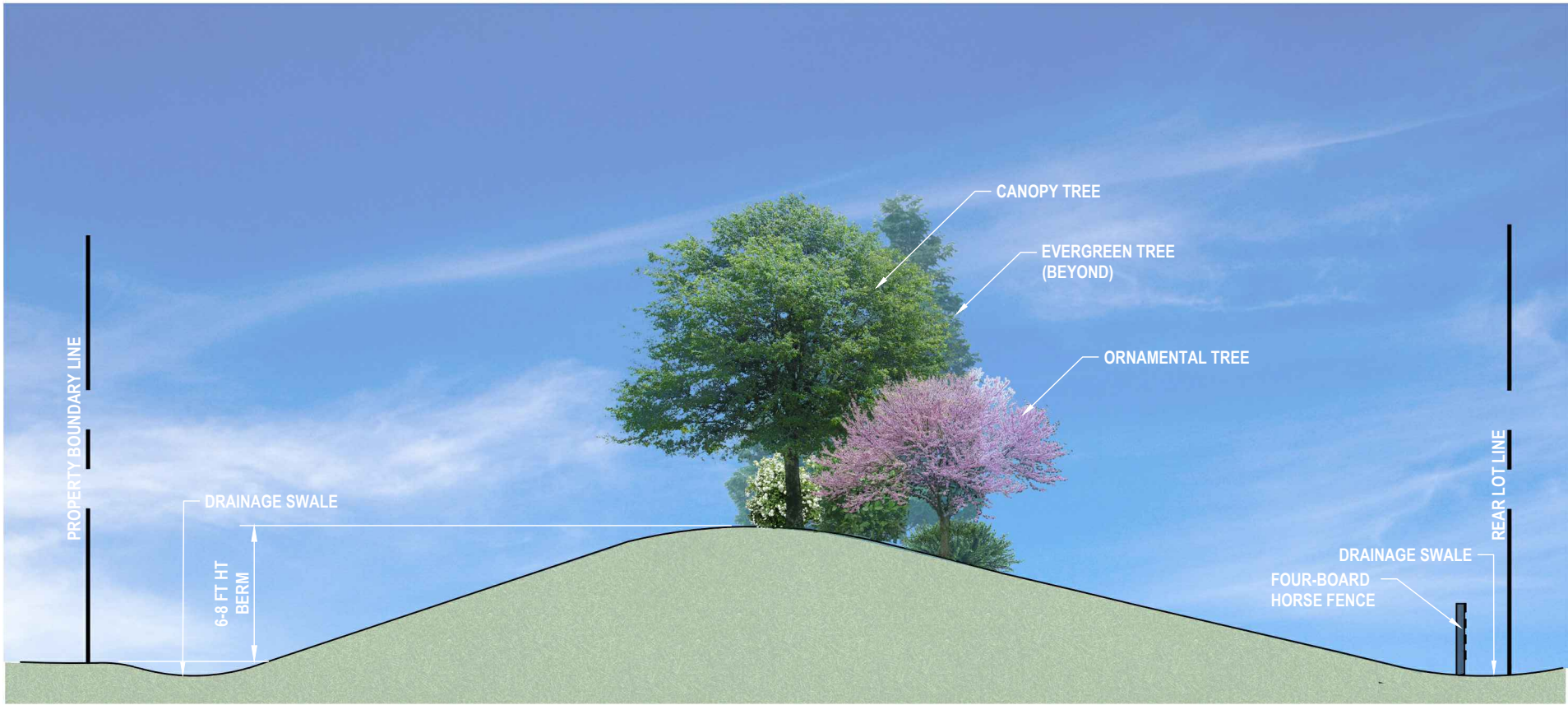
PROJECT NO: 316-844

FIGURE NO.:
EXHIBIT 3

TYPICAL BUFFER - SCHMATIC PLANTING PLAN



BUFFER YARD - CROSS SECTION A-A



BUFFER YARD - CROSS SECTION B-B

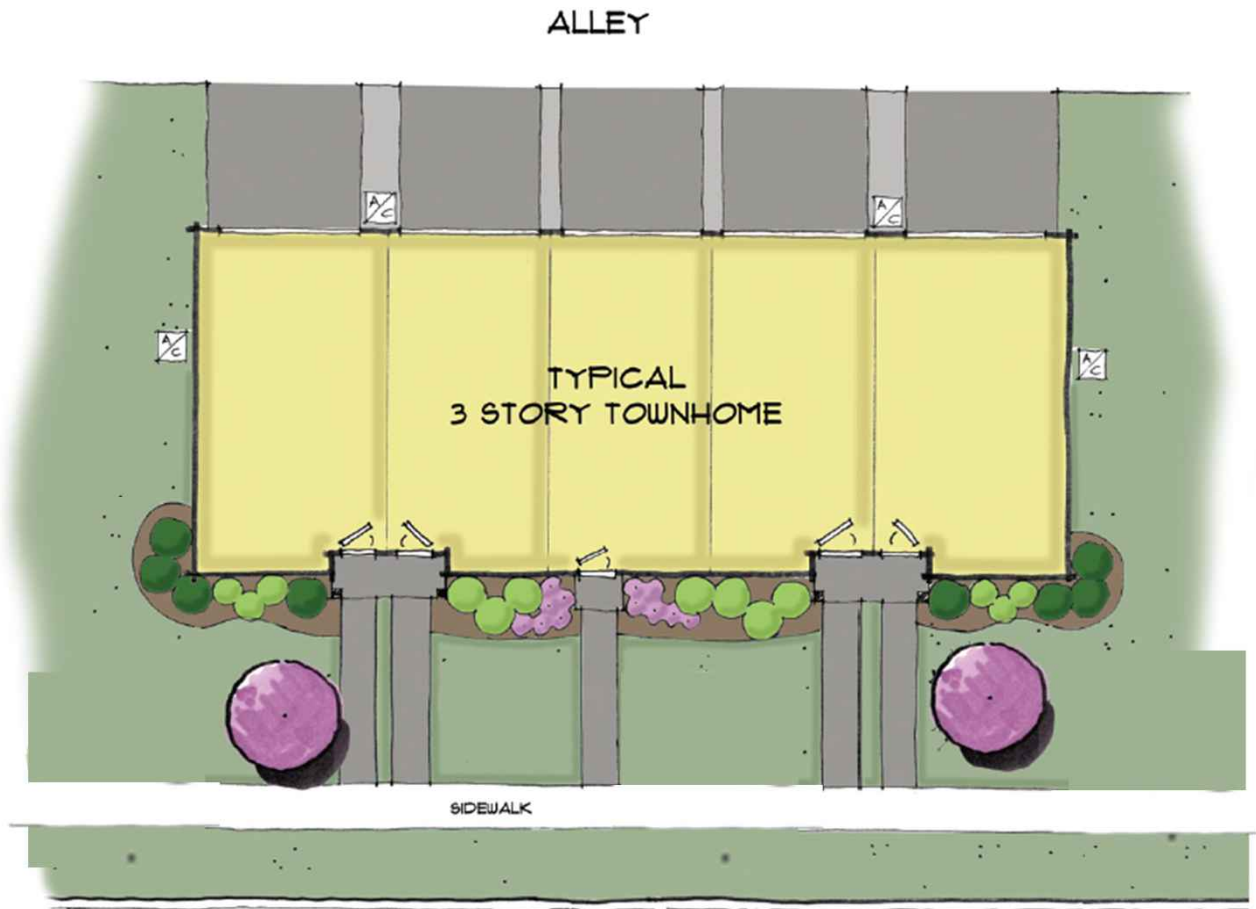


 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 · 877-746-0749 www.cecinc.com		LOR CORPORATION 146TH STREET & TOWNE ROAD MIXED USE DEVELOPMENT WESTFIELD, INDIANA				
		BUFFER YARD CROSS SECTIONS				
DRAWN BY:	SGJ	CHECKED BY:	ACH	APPROVED BY:	ACH	FIGURE NO.:
DATE:	MAY 06, 2022	DWG SCALE:	1" = 10'	PROJECT NO:	316-844	EXHIBIT 4

Typical Lot Landscaping

Typical Townhome

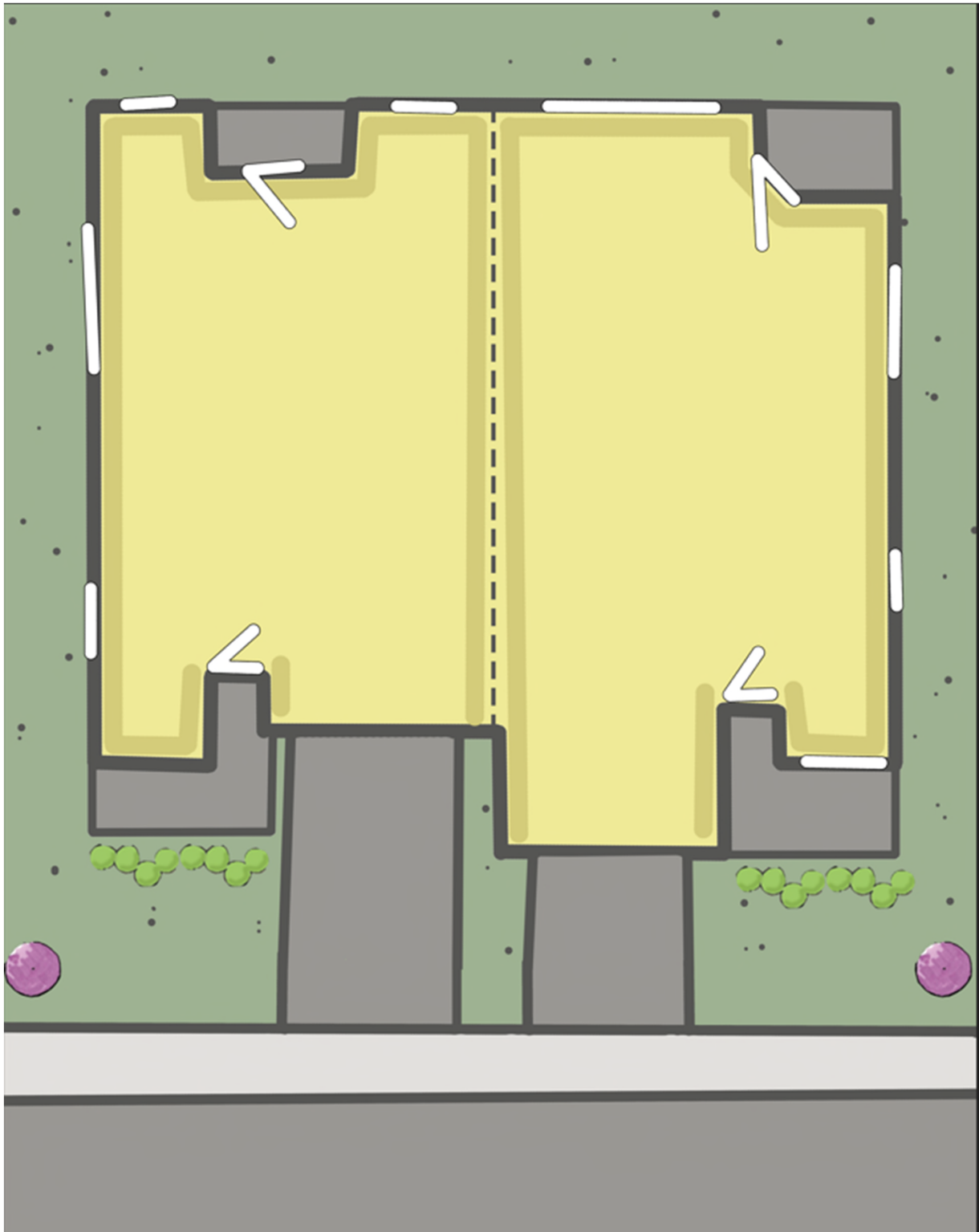
Each building shall include at least 4 shrubs and 1 tree (shade, evergreen or ornamental) per unit



Typical Lot Landscaping

Typical Paired Villa

Each Building shall include at least 8 shrubs and 1 tree (shade, evergreen or ornamental) per Dwelling Unit





 Civil & Environmental Consultants, Inc. 530 E. Ohio Street, Suite G - Indianapolis, IN 46204 317-655-7777 · 877-746-0749 www.cecinc.com	LOR Corporation TowneRun Mixed-Use Development Westfield, Indiana		
	SCHEMATIC LAYOUT PLAN		
DRAWN BY: SGJ	CHECKED BY: ACH	APPROVED BY: ACH	FIGURE NO.:
DATE: JAN. 24, 2022	DWG SCALE: 1"=200'	PROJECT NO: 316-844	EXHIBIT #1

Narrative Statement

TowneRun PUD

Northwest corner 146th Street and Towne Road

LOR Commercial Development is proud to introduce Towne Run, a proposed Planned Unit Development on 27 acres at the northwest corner of Towne Road and West 146th Street. Towne Run will feature a diverse mixture of local / neighborhood commercial, townhomes and single-family uses, containing amenities for the community, visitors, and residents.

The mixed-use hub will offer local / neighborhood commercial uses and restaurants with outdoor dining and may also include health, wellness, medical, and professional offices. The residential components will feature owner-occupied townhomes and paired villa homes. The Towne Run amenities will contain recreational open spaces; two seating areas (including a shelter, gazebo or trellis structure), a bocce ball court, a pickleball court and a dog park.

Towne Run will become an impressive part of Westfield's southwestern gateway. It is designed to complement surrounding uses and will offer much desired live-work opportunities while creating synergy, vibrancy, and promoting social interaction and long-term sustainability.

Updates since the December 6, 2021 APC meeting.

Since LOR's last appearance before the APC on December, 2021, the project team has worked extensively on refinements to the PUD proposal. The revised proposal is the result of a lot of hard work and effort on behalf of MI Homes and LOR. Significant changes have been incorporated into the PUD Ordinance and exhibits in response to the input received. Below is a summary of those changes:

1. Land Use Transition: The homes to be located along the west property line of the District will be paired villas, designed for main floor living with an optional loft area. This change results in a significantly enhanced land use transition to the site's single-family neighbors to the west, including a significant reduction building height.
2. Buffer Yard Enhancements: The buffer yard along the west property line of the District is the same as previously presented which was agreed upon with the abutting neighbors. As a refresher, the western buffer includes: (i) a 105' area between the west property line and the nearest villa (the normal UDO buffer requirement is 40'); (ii) a 6' to 8' mound has been incorporated into the buffer area; (iii) a split rail fence will be installed along the rear (western) property lines of the villas; and (iv) plantings within the buffer area will exceed the City's otherwise applicable buffer yard planting requirements. Details and cross-sections illustrating the buffer plantings, widths, mounding and fencing are included in the Concept Plan and additional Buffer Yard Landscaping exhibits included at Exhibit F of the PUD Ordinance.

3. Design: The Townhome Hub area has been significantly redesigned to provide open spaces, community amenities and an additional neighborhood commercial area. In doing so, the number of homes proposed in this area has been substantially reduced, from a maximum of 130 townhomes to 60.
4. Amenities. Significant enhancements to the number and types of amenities to be located in the District have been incorporated into the revised PUD Ordinance. These are provided for in the PUD Ordinance as well as Exhibit I.

MI Homes and LOR are excited to begin work on the site and would appreciate the APC's favorable consideration this proposal.

ISSUES RAISED REGARDING THE TOWNERUN PUD PROPOSAL

LOR COMMERCIAL DEVELOPMENT - RESPONSES

The list below includes issues that were raised during the November 1, 2021, 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 a larger, more effective buffer be incorporated to protect neighbors from light and sound? How can existing trees and vegetation be preserved to enhance the buffer area?

LOR is preserving the existing trees and vegetation in the northwest corner of the TowneRun property. Pictures of the existing trees that will be preserved appear below. LOR has revised the TowneRun Concept Plan to incorporate single-family homes, which will significantly assist in transitioning to the neighbors' property. Additionally, LOR has extensively redesigned the buffer area along the west property line to incorporate a 6-8' high berm and landscaping, as requested by the neighbors. The berm will look similar to the picture below, which was provided by the neighbors. The buffer width along the west property line has been widened – now, at least 105' wide.

Picture of existing trees along west property line (below). These trees will be preserved and an additional landscaping buffer, including a 6-8' high berm will be provided.



6-8' High Berm example, as provided by the neighbors (below).



2. Are townhomes an appropriate transition from single family to commercial? Would a less dense and/or 1-2 story product provide a smoother transition?

LOR has incorporated 2-story single-family homes and an expanded/enhanced buffer along the west property line of the site. The townhomes have been relocated along Towne Road, further east away from the neighbors.

3. How does the proposed ordinance address the goals of the Comprehensive Plan? Is there demand for additional commercial uses in this node?

The Comprehensive Plan calls out 8 goals for “Local Commercial.” TowneRun satisfies each of those 8 goals.

- i. locate local commercial development only in planned centers and only on streets classified as arterials or on frontage roads as depicted on the Land Use Concept Map;

LOR has reduced the number of commercial buildings from 6 to 2 buildings. The buildings front on arterial/frontage roads.

- ii. require the size, materials, color, and design of buildings to be unique to Westfield;

Below is a rendering of one of the commercial buildings.



- iii. break up parking areas with landscaping or buildings;

Because there are only 2 commercial buildings on the 27-acre parcel, there is not a significant portion of parking area. The parking areas that do exist are located behind the buildings and broken up by landscaping, walking paths, and the amenity area.

- iv. encourage signs that (a) are easy to locate and read and (b) are sized and designed in relation to the buildings and the traffic conditions in which they are viewed;

The centralized commercial sign will be oriented to be aesthetically pleasing and visible without impeding visibility.

- v. encourage pedestrian connections between local commercial areas and adjacent residential areas;

LOR is continuing the adjacent trail connections onto the subject site so that connectivity will be further enhanced to the surrounding parcels and beyond. The goal is to make TowneRun a walkable/livable community that further connects adjacent properties.

- vi. use attached residential, offices, and similar uses as transitions between more intensive and less intensive uses;

The Concept Plan has been significantly revised to incorporate single-family uses to transition to neighbors. These changes exceed the recommendations of the comprehensive plan.

- vii. require buffering between commercial and residential uses; and

The Lifestyle and Amenities Hub has been designed to buffer the single-family areas from the neighborhood commercial area. A significant landscape buffer area (including a 6' to 8' mound) and single-family uses have been designed to transition to the neighbor's property to the west.

viii. utilize frontage roads to minimize traffic conflicts.

There is an existing frontage road that will remain in place to minimize traffic conflicts.

4. How does orienting commercial along Towne Road only, and not along 146th Street, impact the function and viability of the site?

LOR has significantly reduced the number of neighborhood commercial buildings from 6 to 2. The commercial buildings will be at the southeast corner of the site. This is the furthest point away from neighbors/residential and best location for accessibility.

5. What measures will be taken to mitigate off-site consequences of the development, such as increased traffic, drainage, and other issues?

Reducing the number of commercial buildings within TowneRun from 6 to 2 buildings will significantly lessen the number of trips to and from the site. The drainage facilities within TowneRun will be installed in compliance with all City and County requirements which will ensure any drainage impacts are fully mitigated.

WRITTEN PUBLIC COMMENTS

Docket Number: 2111-PUD-27

Petitioner: LOR Corporation by Church Church Hittle + Antrim

Request: A change in zoning for 26.94 acres +/- from AG-SF1: Agriculture / Single-family Rural District to the TowneRun Planned Unit Development (PUD) District.

Enclosed Attachments:

May 4, 2022: APC Recommendation

- | | |
|---------------------------|------------|
| 1. Corcoran, James & Amy | 10/25/2021 |
| 2. Moore, John | 10/31/2021 |
| 3. Laufter, Ross & Tina | 11/01/2021 |
| 4. Compton, David (Pulte) | 11/30/2021 |
| 5. Laufter, Tina | 12/06/2021 |
| 6. Laufter, Ross | 12/06/2021 |
| 7. Laufter, Ross & Tina | 05/03/2022 |

Rachel Riemenschneider

From: amy corcoran <gingeramyc@yahoo.com>
Sent: Monday, October 25, 2021 4:30 PM
To: APC
Cc: Council Members
Subject: LOR development proposal for 146th and Towne

**WARNING: This external email is from
gingeramyc@yahoo.com.**

Hello,
I live in a development that will be greatly affected by what is being proposed for the northwest corner of 146th and Towne rd. I live in shadow Wood. We just built our house a year ago and recently went through the long road construction for 146th. Now we hear you may approve retail and three story townhomes within eyesight of us?! This is a residential area and we are against this proposed development. Now that 146th is a four lane road it's like a racetrack, add retail to the mix and it will be unbearable. This has always been a peaceful quiet area. Please do not allow this to happen.

Sincerely,
Lt. Col. and Mrs. James Corcoran
2606 Lacewood Ct

Sent from my iPhone

Rachel Riemenschneider

From: John Moore <jdmoore1618@gmail.com>
Sent: Sunday, October 31, 2021 8:18 PM
To: planners
Subject: TowneRun Pud Facade Concern

**WARNING: This external email is from
jdmoore1618@gmail.com.**

Hello,

I live at 156th and Ditch and I'm excited for the new commerical that this Pud brings to the area. However, I have a concern about the townhome exterior. From the rendering, the townhomes lack brick. I believe that with the addition of brick the development would fit in better and look more visually appealing.

Thank you for allowing me to voice my concern,

John Moore

Rachel Riemenschneider

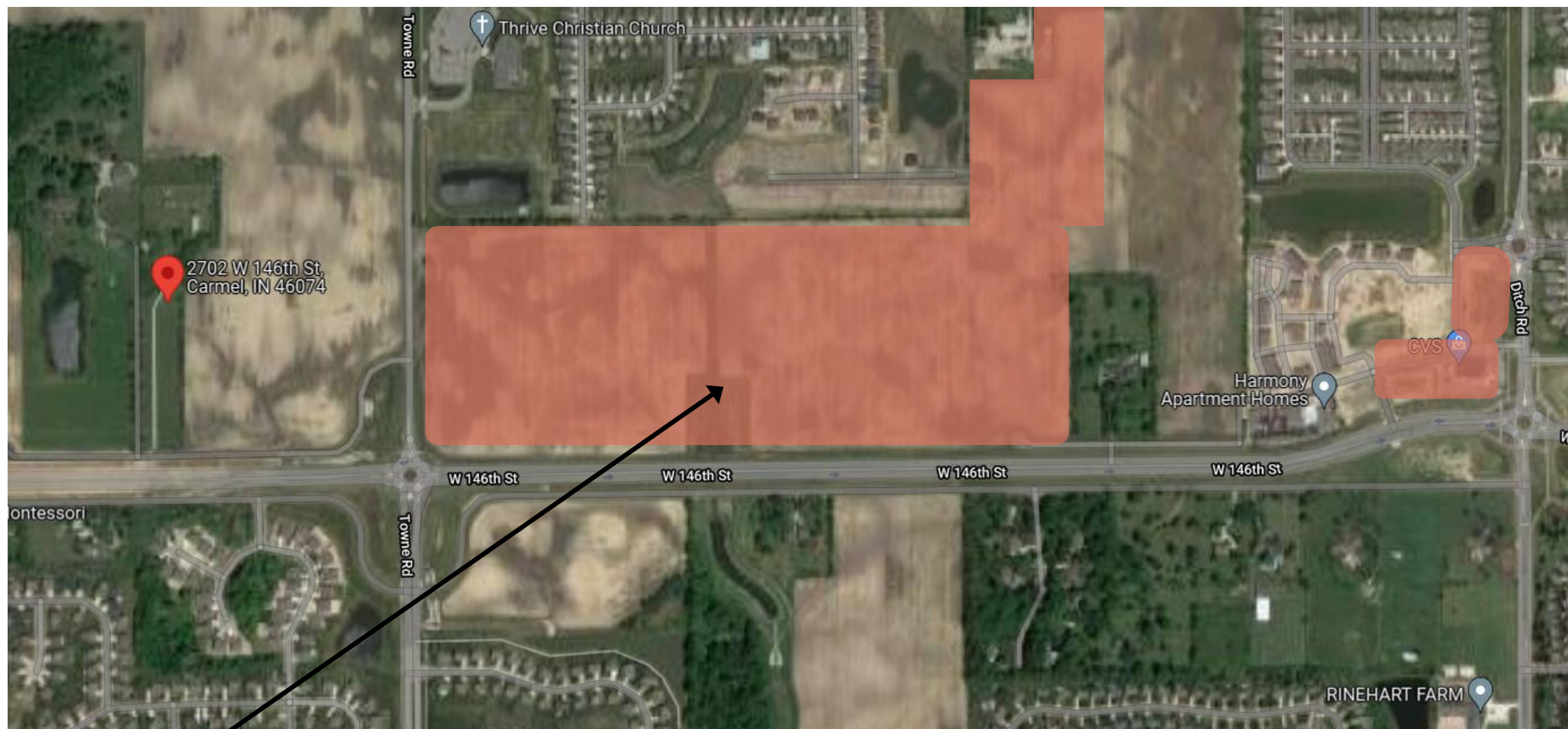
From: Ross Laufter <rosslauft@hotmail.com>
Sent: Monday, November 1, 2021 3:30 PM
To: APC; Pamela Howard; Tina Laufter; Council Members
Subject: Towne Run PUD
Attachments: Laufter presentation for APC 11.1.2021 (1).pdf

**WARNING: This external email is from
rosslauft@hotmail.com.**

Hello,

We plan to remonstrate the Towne Run PUD at tonight's APC meeting.
Attached to this email is the presentation we will speak to.

Thanks,
Ross and Tina Laufter



Actual and approved commercial development is **more than the comprehensive plan** in **size and scope**



NEC 146TH & TOWNE ROAD

- Exceeds Westfield Comprehensive Plan
- Area was only supposed to be local business
- Very large scale retail with big box and fast food
- Retention ponds border homes

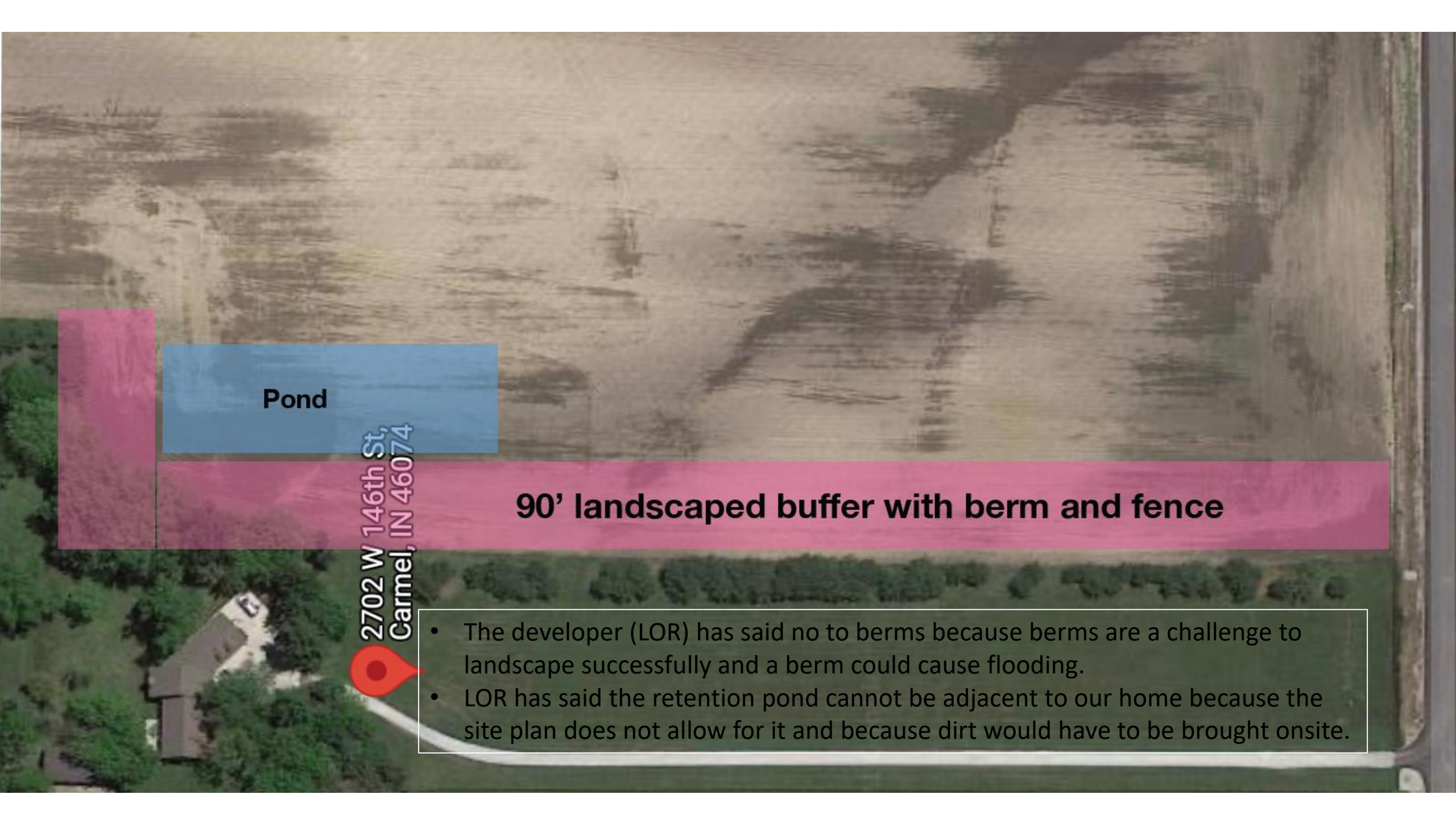




Keep this area residential



Keep commercial in this area

An aerial photograph of a property. A blue rectangular area is labeled 'Pond'. A pink rectangular area is labeled '90' landscaped buffer with berm and fence'. A red location pin is placed on a road, with the address '2702 W 146th St, Carmel, IN 46074' written vertically next to it. A house is visible in the bottom left corner.

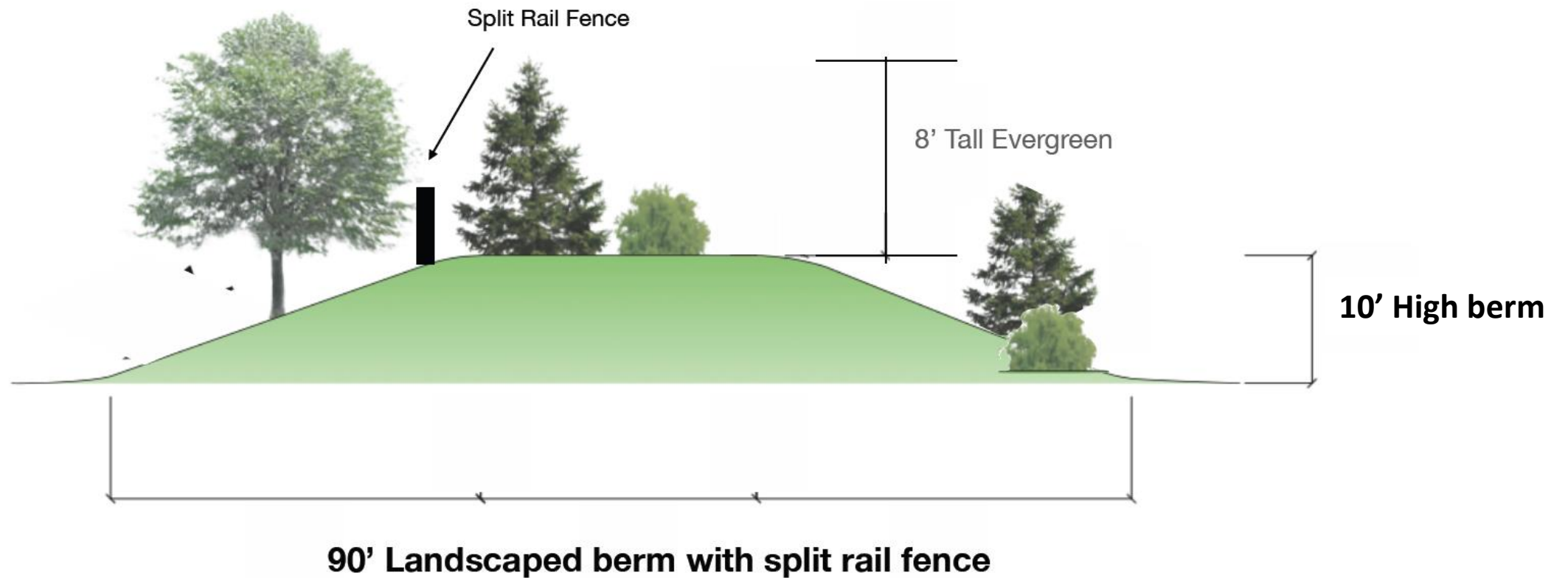
Pond

2702 W 146th St,
Carmel, IN 46074

90' landscaped buffer with berm and fence

- The developer (LOR) has said no to berms because berms are a challenge to landscape successfully and a berm could cause flooding.
- LOR has said the retention pond cannot be adjacent to our home because the site plan does not allow for it and because dirt would have to be brought onsite.

- Buffer transition helps reduce the impact to our home from commercial development
 - Helps with more greenspace, reduces light from development and vehicle headlights, deflects noise, softens transition, protects our property value, etc.





- 90' buffer along Laufter property line
- Amenity pond adjacent to buffer and Laufter residence

● 2 story condos

3 story condos less dense

Keep commercial on Towne Road

- Medical / professional offices with Monday to Friday 9-5 type business
- Carmel does not have commercial across 146th

Berms of Westfield



From: [Kevin M. Todd, AICP](#)
To: [Rachel Riemenschneider](#)
Subject: Fwd: Kimblewick South of 151st Street - Status
Date: Tuesday, November 30, 2021 10:41:19 AM
Attachments: [image001.png](#)

For Towne Run public comments.

Kevin M. Todd, AICP | Director

Community Development | 2728 East 171st Street | Westfield, IN 46074
ktodd@westfield.in.gov | 317-379-6467

[Need to send me a file over 25MB?](#)



Begin forwarded message:

From: David Compton <David.Compton@pultegroup.com>
Date: November 6, 2021 at 4:09:32 PM EDT
Subject: Kimblewick South of 151st Street - Status

**WARNING: This external email is
from**

David.Compton@PulteGroup.com!

Kevin:

Please forward this email onto Kristen Burkman. Pulte Homes is in the process of filing for the first phase of construction plans for the area South of 151st street. Our expectation is to break ground on this phase of development in the Spring of 2022. The Kimblewick by Del Webb project is on schedule and we are excited to start construction on the part of the development south of 151st street in the spring of 2022.

Please email me with any additional questions.

Best always

David Compton



David Compton

VP of Land Acquisition : : Indianapolis Division

Office (317) 814-2251 Mobile (317) 281-4177

David.Compton@Pultegroup.com

11590 N. Meridian Street #530

Carmel, IN 46032

Pultegroup.com



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From: [Tina Laufter](#)
To: [APC](#)
Cc: [Rachel Riemenschneider](#); [Council Members](#)
Subject: Towne Run PUD
Date: Monday, December 6, 2021 2:27:01 PM

**WARNING: This external email is from
Tinalaufter@sbcglobal.net.**

Hello,

My name is Tina Laufter and I live at 2702 West 146th Street. Our home is west of the proposed Towne Run development.

When Epcon proposed a development northeast of our home we were initially opposed. After reaching an agreement on the buffer and understanding the quality of the product we supported this development. I have learned from the sales team at Epcon that these homes have sold for \$650,000-&950,000. Similarly across the street on the south west corner of 146th and Towne road the Pulte development has homes in the 500,000-600,000 range.

I would think the city would want the homes built on this property to be more inline with those in the immediate area.

In an effort to protect our property value I am opposed to the MI product proposed at Town Run. I feel that the product and the price point would have a significant negative impact to our property value.

Thank you,
Tina Laufter

Sent from my iPhone

From: [Ross Laufter](#)
To: [APC](#); [Council Members](#); [Rachel Riemenschneider](#); [Tina Laufter](#)
Subject: Towne Run PUD
Date: Monday, December 6, 2021 2:59:21 PM

**WARNING: This external email is from
rosslauft@hotmail.com!**

Hello,

We are not in favor of this PUD.

Please do not undersell the value of this area.

The low price point of the homes will negatively impact our home's value. We'd like a premium product here.

The pricing of the Epcon homes next-door to Towne Run is \$650K to \$950K. How would you like to buy a premium Epcon home for \$950K and, surprise!, have a 3-story townhome pop-up in your back yard?

Please reduce the number of homes and townhomes in the PUD. Make the lot sizes larger along with larger yards.

Please add beauty and diversity with more green space.

On a separate topic, we have collaborated with MI Homes on the buffer area and have agreed upon on the buffer specs and dimensions. We would like to have the agreement memorialized and added to the PUD.

Best Regards,
Ross Laufter

From: [Ross Laufter](#)
To: [APC](#); [Council Members](#); [Rachel Riemenschneider](#); [Tina Laufter](#)
Subject: Townerun PUD - APC meeting 5.4.22
Date: Tuesday, May 3, 2022 12:35:20 PM
Attachments: [Townerun PUD - APC meeting 5.4.22.pdf](#)

**WARNING: This external email is from
rosslauft@hotmail.com.**

Hi,

Please do not approve the current PUD. Westfield and this affected area are worthy of much better.

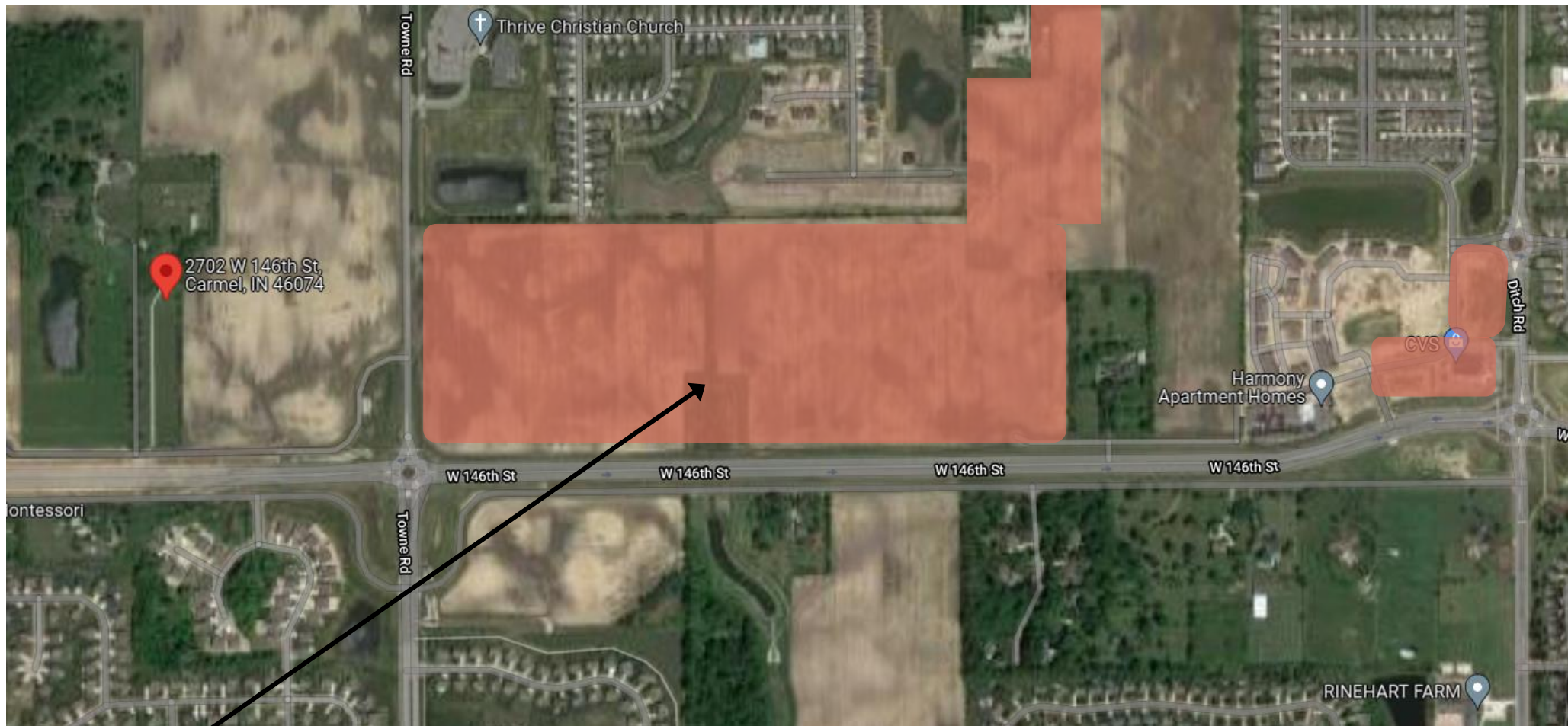
This plan is too dense and undersells the value of the area.
It will lower the neighboring property values.

Please change the homes back to single story - single family and do not allow paired villas (low price point) in the PUD. Please make the lot sizes bigger and add more greenspace.

This latest plan increases commercial development from the last update and exceeds the comprehensive plan for commercial development.

Please remove the commercial area from Townerun. Leave commercial development in the large Towne West commercial development on the east side of Towne road.

Best Regards,
Ross and Tina Laufter



Actual and approved commercial development is **more than the comprehensive plan in size and scope**





Keep this area residential



Keep commercial in this area

NEC 146TH & TOWNE ROAD

- Exceeds Westfield Comprehensive Plan
- Area was only supposed to be local business
- Very large scale retail with big box and fast food





SUMMARY

	SF	Parking Ratio	Parking Required
 Grocery Store	95 K	4/1K	380
 Retail/ Restaurants	69 K	5/1K	345
 Restaurants/ Service	18.2 K	5/1K	91
Total Parking Required:			816
Total Parking Provided:			823

 Outparcels (Restaurant/ Service)
Total Acres: 5.67

Memorandum

Date: October 26, 2021

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: TowneRun PUD amendment (2111-PUD-27)
Summary of Neighbor Meeting

In accordance with Article 10.9(C)(1)(f) Planned Unit Development Districts; PUD District Ordinance; Application Procedures; Neighbor Meeting, LOR Corporation hosted a Neighborhood Meeting on Monday, October 25, 2021. 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 began at 6:30 p.m. at Thrive Christian Church, 15091 Towne Road.

Petitioner representatives included Dale Pfeifer and Adam Hill of LOR Commercial Development, Jonathan Isaacs of M/I Homes, Matthew Skelton and Andrew Wert of CCH+A.

Attendees included Rachel Riemenschneider of the Westfield planning staff. Also, among the attendees were twelve interested neighbors.

A summary of the meeting follows.

Matt gave a brief summary of the proposed project. Adam, Dale, Matt, Jon and Andy then met with the neighbors and discussed various points of interest.

There was interest in the construction start date and duration of construction. It is estimated that construction would begin in April 2022. Site build-out will likely take place over 2-3 years.

Adam explained that his company will not construct buildings on speculation. He anticipates strong demand for the proposed commercial buildings.

One neighbor expressed an interest in having the proposed detention pond running north-south along the northwest portion of the property. It was explained that this is not possible due to the topography of the site and fixed location of drainage outlets. There were questions about site

lighting on the site. The project team explained the City's lighting standards and fixture requirements.

There were questions about the condominium units. Mr. Isaacs explained that there would be 153 units. Price points will be in the \$300Ks and \$400Ks.

Neighbors seemed generally pleased with the idea of fronting the commercial buildings along external roadways with parking situated to the rear. They also asked about a roadside sidewalks along Towne Road, which the developer is required to construct.

There being no further questions or comments from attendees, the meeting concluded around 7:30 p.m.

ORDINANCE NUMBER 21-45

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

“TowneRun PUD”

This is a Planned Unit Development District Ordinance, to be known as the TOWNERUN 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. 2111-PUD-27), 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. 2111-PUD-27 to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Council**”) with a favorable recommendation (Vote: X in favor, X opposed) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on XXXX X, 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 “TowneRun 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 is hereby divided into three (3) areas, as depicted on the Concept Plan and labeled as “**Mixed Use Hub**,” “**Townhome Hub**,” and “**Paired Villas Hub**” (individually or collectively, the “**Area**” or “**Areas**”).
- 3.2 Development of each Area shall be regulated as set forth in this Ordinance.
- 3.3 The boundary of the Mixed Use Hub shall be developed in substantial compliance with the Concept Plan. The final layouts and site plans within the Mixed Use Hub shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.
- 3.4 The Paired Villa Hub and the Townhome Hub shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of the Townhome Hub and Paired Villas Hub shall be the SFA: Single-family Attached District, and the Mixed Use Hub shall be the LB: Local and Neighborhood Business District (the “**Underlying Zoning Districts**”).

Section 5. Permitted Uses. The uses identified in this Section (the “**Permitted Uses**”), shall be the only uses permitted in the Areas.

5.1 The following uses shall be permitted in Mixed Use Hub:

- A. Bed and Breakfast (B&B)
- B. Childcare / daycare centers
- C. Health, fitness and exercise center
- D. Office, General Services
- E. Office, Medical
- F. Office, Professional
- G. Restaurant, Sit Down
- H. Restaurant, Specialty
- I. Restaurant, Takeout and Deli-style
- J. Retail, Low Intensity
- K. Retail, Medium Intensity (Maximum Tenant Space Size – 8,000 square feet)
- L. Development Amenities

5.2 Townhome Hub: A maximum number of 60 Townhouse Dwelling Units shall be permitted.

5.3 Paired Villas Hub: A maximum of 25 Duplex Dwellings (50 Dwelling Units) shall be permitted.

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 Real Estate, except as otherwise modified below.

6.1 Mixed Use Hub Development Standards: The following development standards shall be applicable to any Building within the Mixed Use Hub:

- A. Article 4.14(E) shall not apply. There shall be no zoning setback requirements within the Mixed Use Hub Area.
- B. Article 4.14(F) shall not apply. Instead the following Maximum Building Height standards shall apply: Two (2) Stories.

6.2 Townhome Hub Development Standards: The following development standards shall be applicable to any Building constructed within the Townhome Hub Area:

Minimum Lot Area	No Minimum
Minimum Lot Frontage	No Minimum
Minimum Building Setback*	
Front Yard	0’
Side Yard	0’
Rear Yard	0’

Minimum Distance Between Buildings	20'
Maximum Lot Coverage	No Maximum
Minimum Lot Width	No Minimum
Maximum Dwelling Units Per Building	5
Maximum Building Height	3 Stories
Minimum Living Area (Total) Per Dwelling Unit	1,500 SF

*Each Townhouse Dwelling shall provide a driveway with a minimum length of twenty (20) feet as measured between the garage door and : (i) the Street right-of-way line, if the driveway is accessed from a Street; or (ii) the edge of pavement, if the driveway is accessed from an Alley. A minimum of sixteen (16) additional visitor parking spaces shall be provided in addition to the two (2) off-street spaces being provided in each driveway. Article 4.9(H)(2) Building Staggering Requirement shall not apply. Article 4.9(J) Project Perimeter Setback shall not apply. Townhome Buildings shall be setback at least ten (10') from the Towne Road right-of-way line.

- 6.3 Paired Villas Hub Development Standards: The following development standards shall be applicable to any Duplex Dwelling constructed within the Paired Villas Hub Area:

Minimum Lot Area (per Duplex Dwelling Building)	10,000 SF
Minimum Lot Frontage (per Duplex Dwelling Building)	50'
Minimum Building Setback Lines	
Front Yard	20'
Side Yard	7.5'
Rear Yard*	15'
Minimum Building Separation	15'
Minimum Lot Width (per Duplex Dwelling Building)	85'
Maximum Building Height	Story, and one-half
Minimum Living Area (Ground Floor) per Dwelling Unit	1400 SF

* No Duplex Dwelling shall be constructed within 105' of the west property line of the District. Article 4.9(H)(2) Building Staggering Requirement shall not apply.

Section 7. Overlay District. The Architectural Design Requirements of the State Highway 32 Overlay Zone, Article 5.3(K) of the UDO (the “**Overlay Architectural Standards**”), shall apply to the Mixed Use Hub. References of the Overlay Architectural Standards to the State Highway 32 Right-of-way line shall apply to the 146th Street and Towne Road Rights-of-way lines.

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

8.1 Article 6.1 Accessory Buildings: Shall apply; however, Article 6.1(H)(2) Screening of Receptacles and Loading Areas shall be modified to permit enclosures to be located within an Established Front Yard along a Street other than 146th Street and Towne Road.

8.2 Article 6.3 Architectural Standards:

A. Mixed Use Hub. Article 6.3 Architectural Standards shall not apply to the Mixed Use Hub. Instead, the Overlay Architectural Standards (incorporated in Section 7 of this Ordinance) shall be supplemented by the images attached hereto as Exhibit C, which are intended to conceptually illustrate the anticipated character and quality of the Buildings to be constructed within Mixed use Hub. References of the Overlay Architectural Standards to the State Highway 32 right-of-way line shall apply to the 146th Street and Towne Road right-of-way lines.

B. Townhome Hub and Paired Villas Hub. Article 6.3 Architectural Standards shall not apply. Instead, the following architectural standards shall apply in the Townhome Hub and Paired Villas Hub Areas:

1. Elevations and Architectural Requirements:

i. Townhome Hub.

1. The Townhouse Dwellings shall be constructed in substantial compliance with Exhibit D (the “**Townhome Elevations**”).
2. Building Materials: The Townhouse Dwellings shall be comprised of any mix, proportion and combination of the following exterior building materials: brick, cast stone, stone, cultured stone, cement fiberboard, or engineered wood siding (e.g., LP SmartSide).
3. Masonry shall be provided on the first floor of the front façade of each Building. Side and rear façades shall include at least a 24” masonry wainscot.
4. Wood or vinyl soffits shall be permitted.
5. Vinyl windows shall be permitted.
6. Vinyl and aluminum siding shall not be permitted.
7. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Townhome Elevations.
8. All windows not surrounded by masonry shall have a 1” x 4” trim board around all 4 sides of the window.

ii. Paired Villas Hub.

1. The Dwellings in the Paired Villas Hub Area shall be constructed in substantial compliance with Exhibit E (the “**Paired Villa Elevations**”).
2. The Dwellings shall be configured for one-story living with optional upstairs loft area no larger than 50% of the main floor.
3. Building Materials: The exterior building materials of the Dwellings shall be comprised of any mix, proportion and combination of the following materials: brick, cast stone, stone, cultured stone, cement fiberboard, engineered wood siding (e.g., LP SmartSide).
4. Front façades shall include at least an 18” masonry wainscot.
5. Wood or vinyl soffits shall be permitted.
6. Vinyl windows shall be permitted.
7. Vinyl and aluminum siding shall not be permitted.
8. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Paired Villa Elevations.
9. All windows not surrounded by masonry shall have a 1” x 4” trim board around all 4 sides of the window.
10. Each Dwelling Unit shall include at least seventy (70) square feet of rear covered patio area.
- ~~10.~~11. Each side façade shall include at least two (2) windows. For the purposes of meeting this requirement, a window must be at least fifteen (15) square feet to be counted as a window. Multiple windows can be added together to meet the minimum size of window area.

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

- A. Street Trees: Article 6.8(J) Street Trees shall only apply within the Townhome Hub and Paired Villas Hub Areas, as modified below:
 1. Street Trees shall not be required along Alleys.
 2. Street trees shall be permitted to be located outside the public Right-of-way, but within ten (10) feet of the Right-of-way.
- B. External Street Frontage: Article 6.8(M) External Street Frontage Landscaping Requirements shall not apply. The Paired Villas Hub shall include the following External Street Frontage landscaping: (i.) landscaping area with a minimum depth of thirty (30) feet along 146th Street frontage road; (ii) the landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet;

and (iii) a minimum three-foot (3') tall undulating mound unless there are drainage or utility conflicts that would prohibit such mounding.

- C. Buffer Yard Landscaping. Article 6.8(N) Buffer Yard Requirements shall not apply. Instead, Buffer Yard landscaping along the west and north boundaries of the District abutting the existing AG-SF1 zoning district shall be provided in substantial compliance with Exhibit F.
- D. Tree Preservation. Any trees within ten (10) feet of the west and north boundary of the District and any trees within the cross-hatched area identified as “Existing Vegetation to Remain” on Exhibit F, that are in good health and not otherwise required to be removed for environmental reasons, shall be preserved in accordance with Article 6.8, Landscaping Standards of the UDO. Existing trees in ~~this~~ these areas shall not be disturbed by the Developer unless required by the City, or for drainage/utility installation.
- E. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall not apply. Instead the following standards shall apply:
 - 1. At a minimum, all Established Front Yards shall be sodded and the remainder of the Lot shall be seeded.
 - 2. Townhouse Dwelling Buildings shall be landscaped in compliance with Exhibit G of this Ordinance (including at least 4 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each Townhouse Dwelling on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Dwelling.
 - 3. Buildings in the Paired Villas Hub Area shall be landscaped in compliance with Exhibit H of this Ordinance (including at least 8 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each Building on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Building. Buildings abutting the pond area shall have an additional ten (10) shrubs and two (2) shade, evergreen or ornamental trees planted between the Building and the pond.

8.4 Sign Standards.

- A. One (1) Nonresidential Center Monument Sign, in compliance with the standards set for in Article 6.17(J)(2)(a)(ii), shall be permitted within the Mixed Use Hub Area.
- B. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance of the Townhome Hub Area.
- C. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance of the Paired Villas Hub Area.

- D. Wall Signs shall be permitted in accordance with Article 6.17(J)(5) of the UDO for Buildings in the Mixed Use Hub. For purposes of this Section, a Front Façade may be either a Building Façade possessing the primary entrance of a Building or a Building Façade facing an External Street (or frontage road thereto). Wall Signs shall not be internally illuminated. Any Wall Sign illumination shall consist of gooseneck down lighting or reverse channel letters (also known as halo-lit channel letters) with illumination behind their shape.

8.5 Parking and Loading Standards.

- A. Article 6.14(G)(5) is hereby modified to permit up to 20% of all parking spaces required in the District to be a minimum of 8’ wide and 18’ deep to accommodate compact cars.
- B. Parking Space requirements 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 a Detailed Development Plan.

Section 9. Open Space and Amenity Standards. Article 8.6 shall not apply. Instead, the amenities and open space shall be provided in substantial compliance with Exhibit I of this Ordinance (the “**Amenity Plan**”). The amenities shall include the following: passive recreation open space; two seating areas at locations indicated on the Concept Plan (including a shelter, gazebo or trellis structure), bocce ball court, pickleball court and dog park.

Section 10. 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 11. 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 AG-SF1 District.

Section 12. 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 XX DAY OF XXXX, 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 21-45** was delivered to the Mayor of Westfield on the XX day of XXXX, 2022, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 21-45**

this _____ day of XXXX, 2022.

I hereby VETO **ORDINANCE 21-45**

this _____ day of XXXX, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, 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: Matthew S. Skelton.



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 16, 2022
2204-PUD-07
Exhibit 1

Petition Number: 2204-PUD-07 (Ordinance No. 22-10)

Project Name: Osborne Trails PUD Amendment V

Subject Site Address: West side of Horton Rd and North of 191st (the "Property")

Petitioner: Lennar Homes of Indiana, Inc

Representative: Nelson & Frankenberger, LLC

Request: Requests an amendment to the Osborne Trails PUD to amend the permitted uses on 43.5 acres +/- of the Real Estate.

Current Zoning: Osborne Trails PUD

Current Land Use: Undeveloped / Agriculture

Approximate Acreage: 43.5 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Ordinance 22-10
4. Redlined Ordinance 22-10
5. Concept Plan
6. Issue List
7. Petitioner Response to Issue List
8. Neighborhood Meeting Summary
9. Public Comments

Staff Reviewer: Ryan Collingwood, Associate Planner

PETITION HISTORY

The petition was introduced at the [March 14, 2022](#) City Council meeting. The discussion for this petition can be viewed [here](#). The petitioner hosted a neighbor meeting on March 28, 2022. A summary of that meeting has been provided by the petitioner and is included as **Exhibit 8**. The petition received a public hearing at the [April 4, 2022](#) Advisory Plan Commission (the "Plan Commission") meeting. The public hearing discussion can be viewed [here](#). The petition is set for APC Recommendation at the May 16, 2022 Advisory Plan Commission meeting.

PROJECT OVERVIEW

Location: The Property is located generally at the west side of Horton Road and the north side of 191st Street (see **Exhibit 2**).

Zoning: The property is currently zoned as Osborne Trails PUD. The underlying zoning district shall be the SF4: Single-Family High Density District.

History: The Property was included in the original Osborne Trails PUD Ordinance as Area B, passed on February 27, 2017 (1610-PUD-17; [Ord. 16-44](#)).

Applicability: Per the proposed amendment, The Real Estate may be developed in conformance with the Osborne Trails PUD Amendment V or in compliance with the Osborne Trials PUD. All provisions and representations of this amendment that conflict with provisions and representations of the UDO shall be superseded by the terms of the Ordinance (**Exhibit 3**).

Permitted Uses: The total number of Dwellings permitted on the Real Estate shall not exceed one hundred and eight (108) Single-family Dwellings. The original Osborne Trails PUD Ordinance permitted up to 170 townhomes, since decreasing the density with the proposal of the Osborne Trails PUD Amendment V. The proposed Single-family Dwellings are tied with an age-restricted standard of age 55 or better, similarly to the recently approved Osborne Trails PUD – Phase II ([Ord. 21-23](#)) as well as the original Osborne Trails PUD Ordinance.

General Regulations:

	<u>PROPOSED PUD AMENDMENT</u> <i>SINGLE-FAMILY DWELLINGS</i> (2204-PUD-07; ORD. 22-10)	<u>UNDERLYING ZONING</u> <i>SF4: SINGLE-FAMILY HIGH DENSITY</i> (UDO CHAPTER 4.7)	<u>PERMITTED TODAY</u> <i>TOWNHOMES (UNDERLYING ZONING: SFA)</i> (1610-PUD-17; ORD. 16-44; UDO CHAPTER 4.9)
MIN LOT AREA	5,580 square feet	9,000 square feet	No Minimum
MIN LOT FRONTAGE	35 feet	40 feet	No Minimum
MIN BUILDING SETBACK (FRONT)	21 feet	25 feet	Primary Arterial: 35 feet Secondary Arterial: 25 feet
MIN BUILDING SETBACK (SIDE)	5 feet	8 feet	No Applicable Standard
MIN BUILDING SETBACK (REAR)	20 feet	25 feet	No Applicable Standard

MIN LOT WIDTH	45 feet	50 feet	No Applicable Standard
MAX BUILDING HEIGHT	2 ½ stories	25 feet	35 feet
MIN LIVING AREA (SINGLE-STORY)	1,200 square feet	1,000 square feet	1,300 square feet
MIN LIVING AREA (TWO-STORY)	1,800 square feet	750 square feet	1,800 square feet

DEVELOPMENT STANDARDS: As proposed, the PUD Ordinance establishes alternative development standards from the Underlying Zoning District. The development standards of note are briefly highlighted below.

Article 6.3 Architectural Standards:

Building Materials: Vinyl siding would be prohibited as an exterior siding material.

- The proposed PUD Ordinance further defines architectural requirements regarding permitted exterior trim materials, windows, minimum overhangs, roof pitches, and other architectural features.

Article 6.8 Landscaping Standards:

Buffer Yard Requirements: As proposed, the standards of Article 6.8(N) would not apply; due to adjacent underlying zoning being identical.

- The proposed PUD Ordinance further defines landscaping requirements regarding permitted minimum lot landscaping and external street frontage requirements.
- In a revised edition of the proposed PUD Ordinance, minimum mound height along external street frontage shall be increased from three (3) feet to six (6) feet and an inclusion of the minimum external street frontage landscape width shall be fifty (50) feet.
- Tree preservation language was also included in a revised edition of the PUD Ordinance, including a call-out of “Tree Preservation Area” on the Concept Plan (**Exhibit 5**).

DESIGN STANDARDS: As proposed, the PUD Ordinance establishes alternative design standards from the Underlying Zoning District. The design standards of note are briefly highlighted below.

Minimum Open Space: Open Space area would be a minimum of fifteen (15) percent and as generally shown on the Concept Plan.

Osborne Trails Amenities: Section 9(B)(ii) of the Osborne Trails PUD established requirements for Active Amenities (the “Osborne Trails Amenities”). The Real Estate would be subject to any

covenants and restrictions applicable to the Osborne Trails Amenities in order to ensure the enjoyment and shared maintenance costs of the Osborne Trails Amenities by the residents of the Real Estate.

Duration: Failure to obtain Secondary Plat / Construction Plan approval for the District by January 1, 2028 (unless otherwise extended by the Director) shall automatically void this Ordinance.

CHANGES SINCE PUBLIC HEARING

Since the public hearing at the April 4, 2022 Plan Commission meeting, there have been numerous changes to the proposed Osborne Trails PUD Amendment V Ordinance. There have been additions of multiple Landscaping Standards (Ord. 22-10, Sec. 6.2): The minimum mound height along Horton Road and the Osborne Trails Phase II parcel was increased from three (3) feet to six (6) feet, and the minimum external street frontage landscape width will be fifty (50) feet where up to fifteen (15) feet of the landscape area may include individual lot area and internal right-of-way given that the required landscaping is provided. In addition, tree preservation language has been provided, seen in the updated Concept Plan (**Exhibit 5**) as it now highlights the “Tree Preservation Area”. There has been modified age-restriction language to help provide clarity on details of an age-restricted community. There was also a shift in the pedestrian connectivity pathway on the south end of the site, now located more northwest than originally shown seen on the updated Concept Plan (**Exhibit 5**).

COMPREHENSIVE PLAN

The 2011 Family Sports Capital Addendum II to the Comprehensive Plan: Encourages an extended mix of uses including, but not limited to: restaurants, higher density residences, healthcare and sports medicine, hotels, and retail. The Addendum provides the following goals:

- Provide intergenerational health, recreation and sporting opportunities within the City and provide facilities for state, regional and national tournaments;
- Cooperate with the Hamilton County Convention and Visitor’s Bureau (the “HCCVB”) to make Westfield the “Family Sports Capital of America” – a regional and national destination for sporting events and tournaments for all ages; and
- Pursue economic development opportunities to capitalize on Westfield’s already-developing intergenerational sports niche. Examples include: multiple championship quality sports facilities; complementary health, recreation and technology related land uses; supporting entertainment, dining, lodging land uses; and, other uses which would support and compliment the Westfield intergenerational sports initiative.

Thoroughfare Plan: The following corridors are impacted by the development of the Property:

- (i) Primary Arterial 2: proposed realignment of 191st & 193rd Street;
- (ii) Primary Arterial 2: existing Horton Road and proposed realignment of Horton Road / Spring Mill Road;
- (iii) Alternative Transportation Plan: perimeter pathways along perimeter streets.

PROCEDURAL

Council Introduction: The petition was introduced at the March 14, 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 on the April 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:

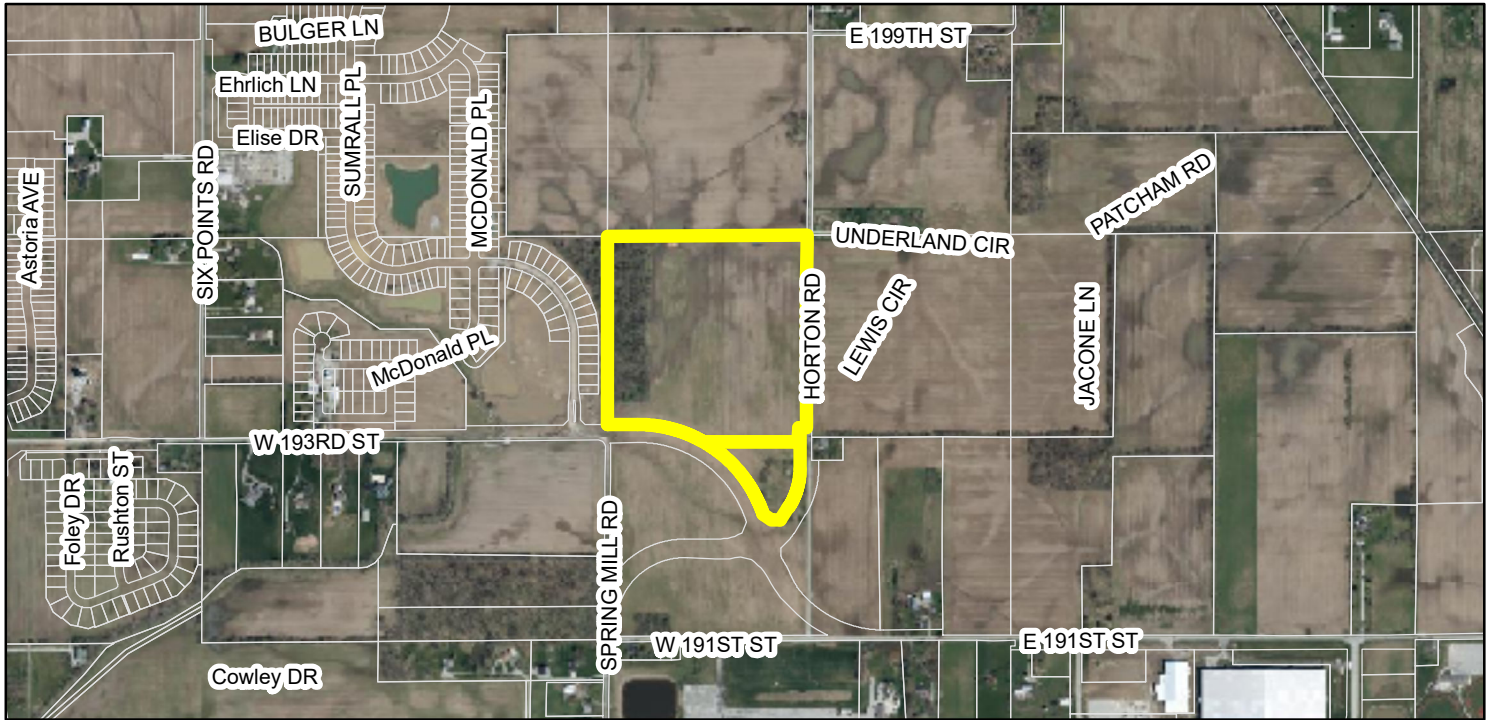
1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

DEPARTMENT COMMENTS

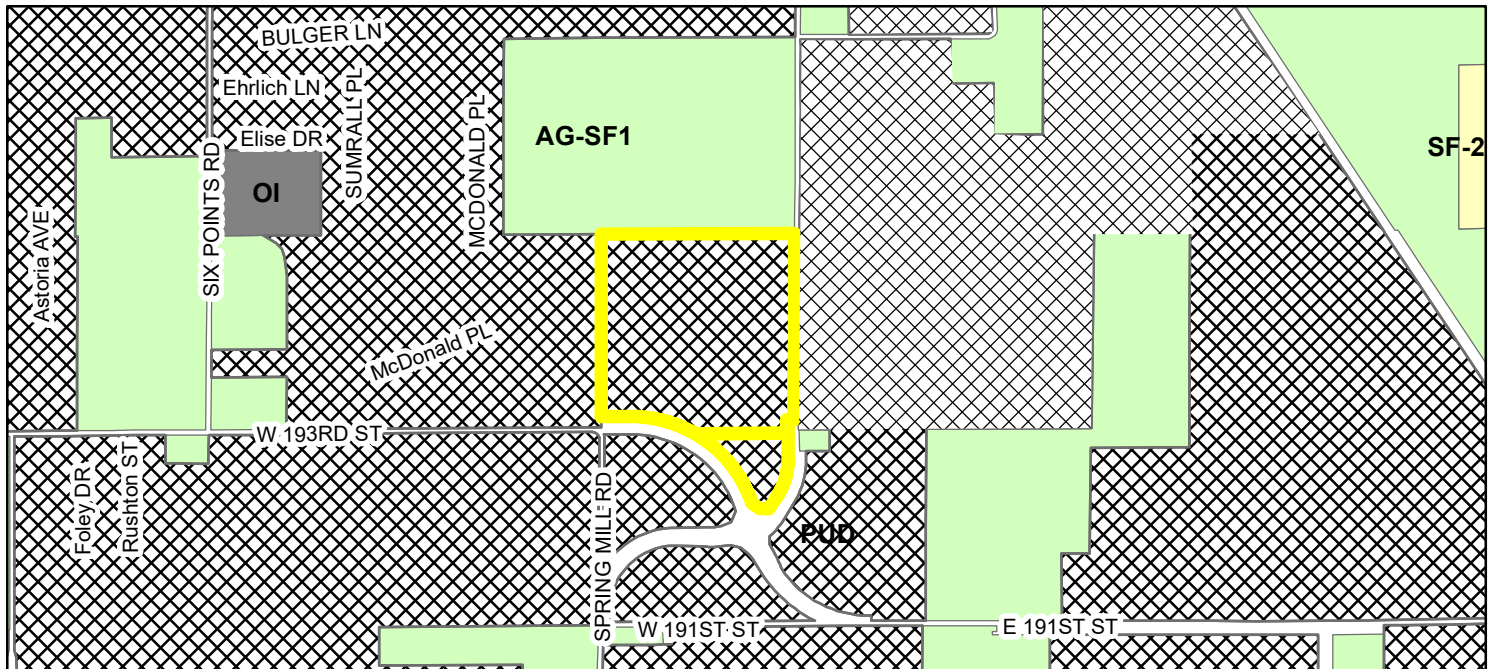
1. **Action:** Forward a recommendation to the City Council.
2. **The petitioner will make any necessary revisions to the proposal based on Plan Commission comments, public comments and any additional Department comments, prior to the Plan Commission's further consideration of this petition.**
3. If any Plan Commission member has questions prior to the public hearing, then please contact Ryan Collingwood at (317) 741-8857 or rcollingwood@westfield.in.gov.

Aerial Location Map

 Site



Zoning Map



 **SITE Zoning**

 AG-SF1 (Agriculture - Single Family - 1)  SF-2 (Single Family - 2)
 OI (Open Industrial)

 PUD (Planned Unit Development)

ORDINANCE NUMBER 22-__

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

“Osborne Trails PUD – Amendment V”

This is an Ordinance (to be known as the "**Osborne Trails PUD - Amendment V**") 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 UDO;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) enacted Ordinance No. 16-44 (the “Osborne Trails PUD Ordinance”), on February 27, 2017, and amended by (i) Ordinance 17-21, enacted by the City Council on August 14, 2017, and (ii) Ordinance 20-29, enacted by the City Council on October 12, 2020, and (iii) Ordinance 21-23, enacted by the City Council on May 24, 2021, and (iv) Ordinance 21-60, enacted by the City Council on January 24, 2022 (collectively, the “Osborne Trials PUD”);

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 2204-PUD-07**), requesting an amendment to the UDO and the Osborne Trails PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 2204-PUD-07** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ **recommendation** (_ _ vote) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

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

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate as identified in **Exhibit A** shall be governed, in the following order, by (i) the provisions of this Ordinance and its exhibits, and (ii) the Osborne Trails PUD, and (iii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Osborne Trails PUD.
- 1.2 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.3 All provisions and representations of 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.
- 1.4 Notwithstanding the above provisions of this Section, the Real Estate may be developed in conformance with this Osborne Trails PUD Amendment V or in compliance with the Osborne Trails PUD.

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

- 2.1 The Real Estate shall be developed in substantial compliance with the street network and open space configuration illustrated on the Concept Plan.

Section 3. Underlying Zoning District. The Underlying Zoning District shall be the SF4 Residential District.

Section 4. Permitted Uses. The permitted uses shall be all uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be as set forth below.

- 4.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.
- 4.2 Special Exceptions and Prohibited Uses of the Underlying Zoning District shall be prohibited.
- 4.3 The total number of Dwellings permitted on the Real Estate shall not exceed one-hundred and eight (108) Single-family Dwellings.
- 4.4 Developer shall comply with all requirements of 24 CFR part 100, subpart E and The Housing for Older Persons Act of 1995 (Pub.L. 104-76, 109 Stat. 787, approved December 28, 1995) (“HOPA”), as they may be amended, to qualify the Dwellings in the District as “housing intended and operated for occupancy by persons 55 years of age or older”, as such phrase is defined in Section 2 of HOPA,

in order to exempt Developer and future owners of the Dwellings from The Fair Housing Act's (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) (the "Act") prohibition against discrimination because of familial status.

- 4.5 The provisions of this Section 4.5 shall be enforced by the Association by an action in law or in equity, including, without limitation, an injunction requiring specific performance hereunder. The development of Single Family Dwellings in the District is intended to provide housing primarily for persons 55 years of age or older. The District shall be operated as an age restricted community in compliance with all applicable state and federal laws. No person under 19 years of age shall stay overnight in any Dwelling Unit for more than ninety (90) days in any consecutive twelve (12) month period. Each Dwelling Unit, if occupied, shall be occupied by at least one (1) individual 55 years of age or older; provided, however, that once a Dwelling Unit is occupied by an Age-Qualified Occupant, other Qualified Residents as the same is defined by HOPA of that Dwelling Unit may continue to occupy the Dwelling Unit, regardless of the termination of the Age-Qualified Occupant's occupancy, Notwithstanding the above, at all times, at least eighty percent (80%) of the Dwelling Units within the District shall be occupied by at least one (1) individual 55 years of age or older. An "Association" (established by the Owner(s) of the District) shall establish, and may amend or revise, policies and procedures, from time to time, as necessary to maintain its status as an age restricted community under state or federal law. For the purposes of applying this section the District shall include Area C of the Osborne Trails PUD and the real estate included in Ordinance 21-23.

Section 5. General Regulations. The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

- 5.1 Article 4.7 shall apply to the Real Estate except as modified below:

A.	Minimum Lot Area	5,850 square feet
B.	Minimum Lot Frontage	35'
C.	Minimum Building Setback Lines	
	i. Front Yard	21'
	ii. Side Yard	5'
	iii. Rear Yard	20'
D.	Minimum Lot Width	45'
E.	Maximum Building Height	2 ½ stories
F.	Minimum Living Area (total):	
	Single-story	1,200 square feet
	Two-story	1,800 square feet

Section 6. Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the District.

6.1 Article 6.3 Architectural Standards: Shall apply to all dwellings, except as modified below:

- A. Character Exhibit: The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended architecture of Dwellings. It is not the intent to limit the architecture shown in the Character Exhibit, but to encourage a diversity in architecture of Dwellings.
- B. Building Materials: Vinyl siding shall be prohibited as an exterior siding material.
- C. Exterior Trim Materials: Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window wraps, door wraps, and as a transitional material between two different exterior materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by Masonry Materials; and provided further, that if windows have shutters, then such windows shall not require a trim wrap. Required trim shall be a minimum of five and one-half inches (5-1/2”) wide.
- D. Windows: All homes shall have a minimum of one (1) window on all four (4) sides of the home, except the garage side of a ranch style home may have no windows provided the other three (3) elevations have a minimum of nine (9) windows total. For the purposes of this calculation, a twin window shall be counted as two (2) windows.
- E. Minimum Overhangs: All homes shall have a minimum of 8” roof overhangs.
- F. Roof Pitches: The minimum roof pitch for the main roof of a home shall be 6/12. Gable, dormer and porch roof pitches may vary to achieve various architectural styles.
- G. Shingles: All homes shall have dimensional or architectural grade shingles.
- H. Garages: All homes must have at least a 2-car attached garage and meet the following requirements:
 - i. For front loading garages, the garage door total width may not exceed fifty percent (50%) of the linear footage of the front elevation of the home.
 - ii. Two (2) dusk-to-dawn coach lights shall be provided on all garages.
 - iii. If a home has a third car garage, the third car bay shall be offset by a minimum of two (2) feet.

- iv. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements include the garage door, garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver. All homes shall have decorative garage doors with windows and be painted a color to match the dominant exterior material or a color to accent the dominant exterior material.

I. Side Building Facades with Gable: All Dwellings (i) on Corner Lots (side facing a street) or (ii) with a side lot line abutting a Common Area (side facing the common area) which have a gable end on the side Building Façade shall incorporate a minimum of one of the following elements on the side Building Façade. A variety of the following elements should be used and the incorporated element(s) should be consistent with elements on the front Building Façade:

- i. A masonry material a minimum of thirty-six (36) inches tall;
- ii. A change in the exterior color separated by trim;
- iii. A change in the Exterior Material pattern separated by trim;
- iv. A change in the Exterior Material separated by trim;
- v. A gable end architectural detail (e.g., brackets, louvers, pediment, corbel, decorative window detail created with shutters, etc.)
- vi. A minimum of ten (10) square foot gable window;
- vii. A gable peak with a change in Exterior Material; or
- viii. A projecting chimney running the full height of the side Building Façade constructed with Masonry Material.

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

A. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified below;

- i. A minimum of ten (10) shrubs will be provided at the foundation of the home in the front yard.
- ii. Front yards must be planted with sod and side and rear yards may be either seeded or sodded. For corner lots, sod must be planted in both “front” yards.

B. External Street Frontage Landscaping Requirements: Article 6.8(M) shall apply except as modified below:

- i. A black “4-board” fence shall be provided along a minimum of sixty-five percent (65%) of the Street Frontage Planting Area of

Horton Road and 191st/193rd Street.

- ii. The minimum mound height along the external street frontage shall be increased from three (3) feet to six (6) feet. Exceptions to the six (6) foot requirement are permitted subject to easement, utilities and final site engineering.
- iii. The minimum external street frontage landscape width shall be fifty (50) feet. Up to fifteen (15) feet of landscape area width may include individual lot area and internal right-of-way provided the required landscaping is provided.

C. Buffer Yard Requirements: Article 6.8(N) shall apply.

D. Tree Preservation: The existing vegetation and Natural Areas, labeled as "Tree Preservation Area" on the Concept Plan, where preserved shall be placed in a tree preservation easement. Within this tree preservation easement, no trees with a diameter at breast height ("DBH") of four inches (4") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with requirements of any governmental agency; or (2) to accommodate the installation of drainage, utilities, street connections or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the tree preservation area as determined by the Director. Additionally, all protected woodlands shall have proper signage to dictate preserved areas every one-hundred and fifty (150) feet.

Section 7. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

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

8.1 Open Space and Amenity Standards: Shall apply except as otherwise modified or enhanced below.

A. Minimum Open Space: Open Space area shall be a minimum of fifteen (15) percent and as generally shown on the Concept Plan.

- B. Amenities: The following amenities shall include, but shall not be limited to the following:
- i. Passive Amenities: Open space including trails shall be provided for passive recreation opportunities in substantial compliance with the trail locations illustrated on the Concept Plan. The final locations are subject to existing easements and final engineering. If trails are prevented from being installed as shown, then alternative trail locations may be approved by the Director that still provide comparable access and connectivity to the District’s Open Space.
 - ii. Osborne Trails Amenities: Section 9(B)(ii) of the Osborne Trials PUD established requirements for Active Amenities (the “Osborne Trails Amenities”). The Real Estate shall be subject to any covenants and restrictions applicable to the Osborne Trails Amenities in order to ensure the enjoyment and shared maintenance costs of the Osborne Trails Amenities by the residents of the Real Estate.

Section 9. Duration. Failure to obtain Secondary Plat / Construction Plan approval for the District by January 1, 2028 (unless otherwise extended by the Director) shall automatically void this Ordinance.

Section 10. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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

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

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

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

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

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 22-__

this ____ day of _____, 2022.

J. Andrew Cook, Mayor

I hereby VETO Ordinance 22-__

this ____ day of _____, 2022.

J. Andrew Cook, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Jon C. Dobosiewicz

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

Osborne Trails PUD - Amendment V 5 051222

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Single Family Dwelling Character Exhibit

EXHIBIT A
REAL ESTATE

(Page 1 of 2 – Legal Description)

Parcel 1:

Part of the West Half of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence North 89 degrees 43 minutes 52 seconds East (assumed bearing) 1,323.21 feet along the North line of the said Northwest Quarter to the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 10 minutes 08 seconds West 1,261.54 feet along the East line of said West Half; thence North 89 degrees 49 minutes 52 seconds West 69.25 feet; thence South 01 degrees 49 minutes 40 seconds West 89.90 feet; thence South 89 degrees 45 minutes 23 seconds West 901.59 feet; thence North 62 degrees 57 minutes 15 seconds West 227.55 feet; thence north 89 degrees 49 minutes 24 seconds West 146.95 feet; thence North 00 degrees 10 minutes 36 seconds East 1,244.89 feet along the West line of said Northwest Quarter to the Place of Beginning, containing 40.208 acres, more or less.

EXCEPTING OUT:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 00 degrees 10 minutes 36 seconds East (assumed bearing) a distance of 1,39.71 feet along the West line of said Northwest Quarter to the Northwest corner of the 40.011 acre parcel owned by Osborne Trails Developer, LLC as recorded Instrument No. 2017-025934 in the office of the Recorder of Hamilton County, Indiana and the POINT OF BEGINNING of this description; thence North 00 degrees 10 minutes 36 seconds East along said West line, a distance of 11.60 feet; thence North 89 degrees 37 minutes 54 seconds East a distance of 198.78 feet to the point of curvature of curve concave southerly, the radius point of said curve being South 00 degrees 22 minutes 06 seconds East a distance of 860.00 feet from said point; thence easterly along said curve 456.58 feet to the point on said curve, said point being North 30 degrees 03 minutes 02 seconds East a distance of 860.00 feet from the radius point of said curve and being on the North line of said 40.011 acre parcel; thence the next three (3) courses are along the boundary of said 40.011 acre parcel: (1) South 89 degrees 45 minutes 23 seconds West a distance of 285.39 feet; (2) North 62 degrees 57 minutes 15 seconds West a distance of 227.55 feet; (3) North 89 degrees 49 minutes 24 seconds West a distance of 146.95 feet to the West line of said Northwest Quarter and the place of beginning, containing 0.735 acres, more or less.

Parcel 2:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 89 degrees 46 minutes 30 seconds East (assumed bearing) 1,323.57 feet along the South line of said Northwest Quarter to the Southeast corner of the West Half of said Northwest Quarter; thence North 00 degrees 10 minutes 08 seconds East 1,382.07 feet along the East line of the West Half of said Northwest Quarter to the Northeast corner of the 40.011 acre parcel described in Instrument No. 2017-025934 as recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 49 minutes 52 seconds West 60.00 feet along the North line of said 40.011 acre parcel to the POINT OF BEGINNING of this description; thence South 00 degrees 10 minutes 08 seconds West 269.68 feet to the point of curvature of a curve concave Westerly, the radius point of said curve being North 89 degree 49 minutes 52 seconds West 450.00 feet from said point; thence Southerly along said curve 249.15 feet to the point of tangency of said curve, said point being South 58 degrees 06 minutes 32 seconds East 450.00 feet from the radius point of said curve; thence South 31 degrees 53 minutes 28 seconds West 20.07 feet; thence South 34 degrees 35 minutes 09 seconds West 93.94 feet; thence South 89 degrees 46 minutes 30 seconds West 58.43 feet; thence North 54 degrees 13 minutes 53 seconds West 65.05 feet to a point on a non-tangent curve concave Southwesterly, the radius point of said curve being South 71 degrees 24 minutes 32 seconds West 860.00 feet from said point; thence Northwesterly along said curve 620.78 feet to a point on said curve, said point being North 30 degrees 03 minutes 02 seconds East 860.00 feet from the radius point of said curve; thence North 89 degrees 45 minutes 23 seconds East 616.21 feet; thence North 01 degrees 49 minutes 40 seconds East 89.90 feet; thence South 89 degrees 49 minutes 52 seconds East 9.25 feet to the place of beginning, containing 4.076 acres, more or less.

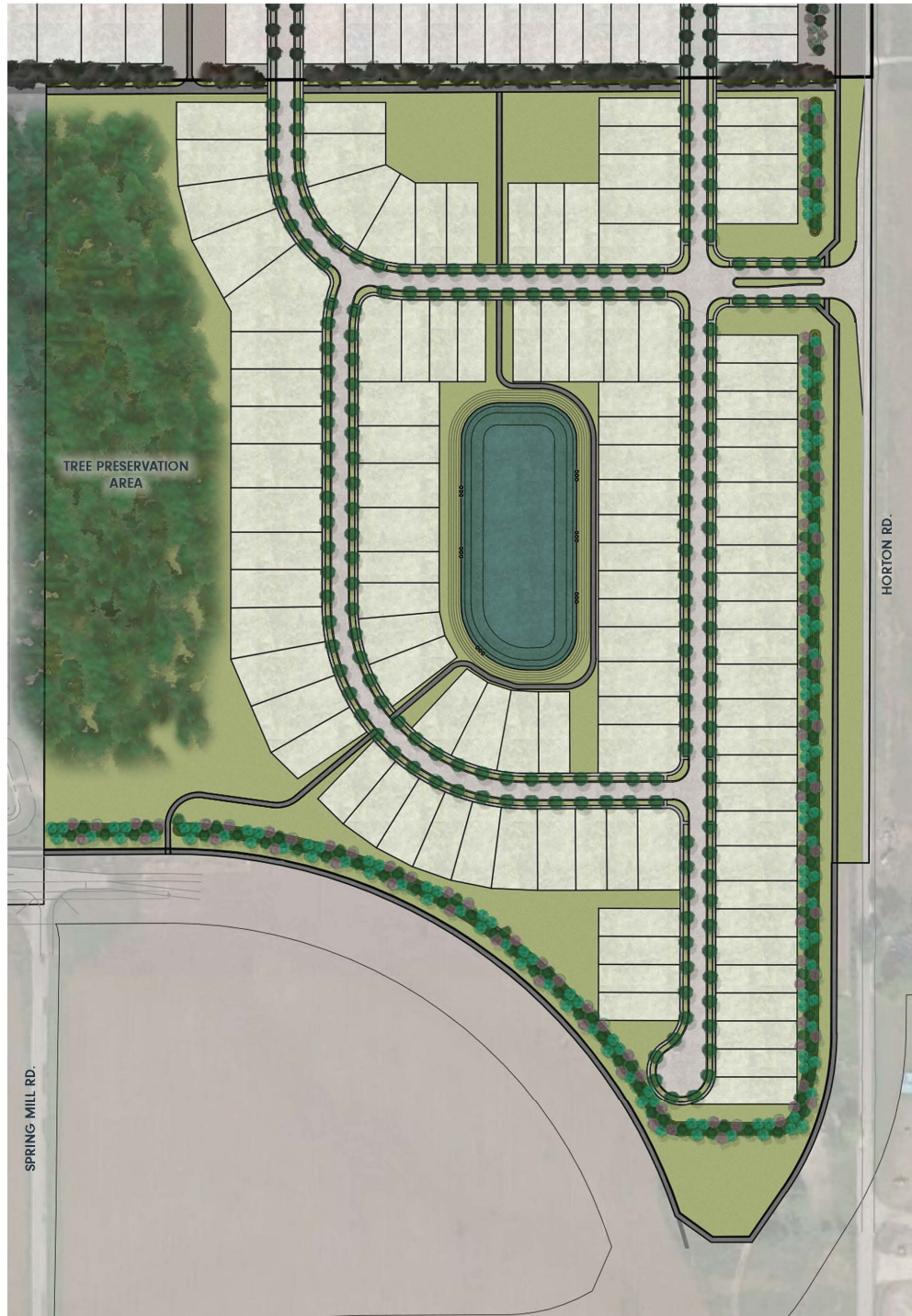
EXHIBIT A
REAL ESTATE

(Page 2 of 2 - Location Map)



EXHIBIT B

Concept Plan



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 2204-PUD-07.

EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT

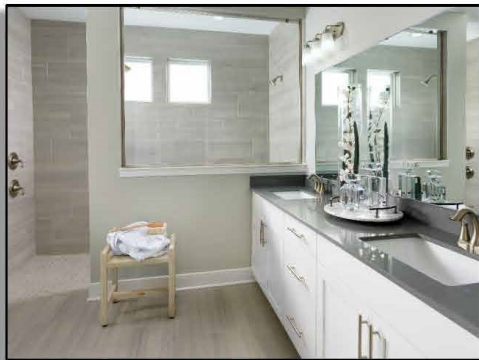


EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



Elevation C



Elevation A



Elevation B

ORDINANCE NUMBER 22-__

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

“Osborne Trails PUD – Amendment V”

This is an Ordinance (to be known as the "Osborne Trails PUD - Amendment V") 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 UDO;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) enacted Ordinance No. 16-44 (the “Osborne Trails PUD Ordinance”), on February 27, 2017, and amended by (i) Ordinance 17-21, enacted by the City Council on August 14, 2017, and (ii) Ordinance 20-29, enacted by the City Council on October 12, 2020, and (iii) Ordinance 21-23, enacted by the City Council on May 24, 2021, and (iv) Ordinance 21-60, enacted by the City Council on January 24, 2022 (collectively, the “Osborne Trials PUD”);

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. ~~22—2204-PUD—~~, 07**), requesting an amendment to the UDO and the Osborne Trails PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. ~~22—2204-PUD—~~, 07** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ **recommendation** (_ _ vote) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

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

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 Development of the Real Estate as identified in Exhibit A shall be governed, in the following order, by (i) the provisions of this Ordinance and its exhibits, and (ii) the Osborne Trials PUD, and (iii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Osborne Trails PUD.
- 1.2 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.3 All provisions and representations of 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.
- 1.4 Notwithstanding the above provisions of this Section, the Real Estate may be developed in conformance with this Osborne Trails PUD Amendment V or in compliance with the Osborne Trials PUD.

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

- 2.1 The Real Estate shall be developed in substantial compliance with the street network and open space configuration illustrated on the Concept Plan.

Section 3. Underlying Zoning District. The Underlying Zoning District shall be the SF4 Residential District.**Section 4. Permitted Uses.** The permitted uses shall be all uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be as set forth below.

- 4.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.
- 4.2 Special Exceptions and Prohibited Uses of the Underlying Zoning District shall be prohibited.
- 4.3 The total number of Dwellings permitted on the Real Estate shall not exceed one-hundred and ~~thirty (130)~~eight (108) Single-family Dwellings.
- 4.4 ~~The~~ Developer shall comply with all requirements of 24 CFR part 100, subpart E and The Housing for Older Persons Act of 1995 (Pub.L. 104-76, 109 Stat. 787, approved December 28, 1995) (~~“(“HOPA”);”~~), as they may be amended, to qualify the Dwellings in the District as ~~“housing intended and operated for occupancy by persons 55 years of age or older”;~~ as such phrase is defined in Section 2 of HOPA,

in order to exempt Developer and future owners of the Dwellings from The Fair Housing ~~Act's~~Act's (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) (the ~~"Act"~~) prohibition against discrimination- because of familial status.

4.5 ~~4.5 — The development of Single family Dwellings is intended to provide housing primarily for persons 55 years of age or older. The Real Estate shall be operated as an age restricted community in compliance with all applicable state and federal laws.~~ The provisions of this Section 4.5 shall be enforced by the Association by an action in law or in equity, including, without limitation, an injunction requiring specific performance hereunder. The development of Single Family Dwellings in the District is intended to provide housing primarily for persons 55 years of age or older. The District shall be operated as an age restricted community in compliance with all applicable state and federal laws. No person under 19 years of age shall stay overnight in any Dwelling Unit for more than ninety (90) days in any consecutive twelve (12) month period. Each Dwelling Unit, if occupied, shall be occupied by at least one (1) individual 55 years of age or older; provided, however, that once a Dwelling Unit is occupied by an Age-Qualified Occupant, other Qualified Residents as the same is defined by HOPA of that Dwelling Unit may continue to occupy the Dwelling Unit, regardless of the termination of the Age-Qualified ~~Occupant's~~Occupant's occupancy, Notwithstanding the above, at all times, at least eighty percent (80%) of the Dwelling Units within the ~~Real Estate~~District shall be occupied by at least one (~~1~~) individual 55 years of age or older.- An ~~"Association"~~ (established by the Owner(s) of the ~~Real Estate~~District) shall establish, and may amend or revise, policies and procedures, from time to time, as necessary to maintain its status as an age restricted community under state or federal law.- For the purposes of applying this section the District shall include Area C of the Osborne Trails PUD and the real estate included in Ordinance 21-23.

Section 5. **General Regulations.** The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.

5.1 Article 4.7 shall apply to the Real Estate except as modified below:

- | | | |
|----|--------------------------------|-------------------|
| A. | Minimum Lot Area | 5,850 square feet |
| B. | Minimum Lot Frontage | 35' |
| C. | Minimum Building Setback Lines | |
| | i. Front Yard | 21' |
| | ii. Side Yard | 5' |
| | iii. Rear Yard | 20' |
| D. | Minimum Lot Width | 45' |
| E. | Maximum Building Height | 2 ½ stories |
| F. | Minimum Living Area (total): | |
| | Single-story | 1,200 square feet |
| | Two-story | 1,800 square feet |

Section 6. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District.

6.1 Article 6.3 Architectural Standards: Shall apply to all dwellings, except as modified below:

- A. Character Exhibit: The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended architecture of Dwellings. It is not the intent to limit the architecture shown in the Character Exhibit, but to encourage a diversity in architecture of Dwellings.
- B. Building Materials: Vinyl siding shall be prohibited as an exterior siding material.
- C. Exterior Trim Materials: Wood, fiber cement or equivalent trim shall be used for corners, frieze boards, window wraps, door wraps, and as a transitional material between two different exterior materials, provided, however, trim shall not be required for windows, doors, corners, and the like that are surrounded by Masonry Materials; and provided further, that if windows have shutters, then such windows shall not require a trim wrap. Required trim shall be a minimum of five and one-half inches (5-1/2") wide.
- D. Windows: All homes shall have a minimum of one (1) window on all four (4) sides of the home, except the garage side of a ranch style home may have no windows provided the other three (3) elevations have a minimum of nine (9) windows total. For the purposes of this calculation, a twin window shall be counted as two (2) windows.
- E. Minimum Overhangs: All homes shall have a minimum of 8" roof overhangs.
- F. Roof Pitches: The minimum roof pitch for the main roof of a home shall be 6/12. Gable, dormer and porch roof pitches may vary to achieve various

architectural styles.

G. Shingles: All homes shall have dimensional or architectural grade shingles.

H. Garages: All homes must have at least a 2-car attached garage and meet the following requirements:

- i. For front loading garages, the garage door total width may not exceed fifty percent (50%) of the linear footage of the front elevation of the home.
- ii. Two (2) dusk-to-dawn coach lights shall be provided on all garages.
- iii. If a home has a third car garage, the third car bay shall be offset by a minimum of two (2) feet.
- iv. Garage elevations shall include a variety of design elements to vary the appearance of the garage façade. Design elements include the garage door, garage door windows and/or hardware, garage door header, roof gable brackets, multiple building materials, gable accent windows and gable decorative louver. All homes shall have decorative garage doors with windows and be painted a color to match the dominant exterior material or a color to accent the dominant exterior material.

I. Side Building Facades with Gable: All Dwellings (i) on Corner Lots (side facing a street) or (ii) with a side lot line abutting a Common Area (side facing the common area) which have a gable end on the side Building Façade shall incorporate a minimum of one of the following elements on the side Building Façade. A variety of the following elements should be used and the incorporated element(s) should be consistent with elements on the front Building Façade:

- i. A masonry material a minimum of thirty-six (36) inches tall;
- ii. A change in the exterior color separated by trim;
- iii. A change in the Exterior Material pattern separated by trim;
- iv. A change in the Exterior Material separated by trim;
- v. A gable end architectural detail (e.g., brackets, louvers, pediment, corbel, decorative window detail created with shutters, etc.)
- vi. A minimum of ten (10) square foot gable window;
- vii. A gable peak with a change in Exterior Material; or
- viii. A projecting chimney running the full height of the side Building Façade constructed with Masonry Material.

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

A. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements

shall apply except as modified below;

- i. A minimum of ten (10) shrubs will be provided at the foundation of the home in the front yard.
- ii. Front yards must be planted with sod and side and rear yards may be either seeded or sodded. For corner lots, sod must be planted in both “front” yards.

B. External Street Frontage Landscaping Requirements: Article 6.8(M) shall apply except as modified below:

- i. A black “4-board” fence shall be provided along a minimum of sixty-five percent (65%) of the Street Frontage Planting Area of Horton Road and 191st/193rd Street.
- ii. The minimum mound height along the external street frontage shall be increased from three (3) feet to six (6) feet. Exceptions to the six (6) foot requirement are permitted subject to easement, utilities and final site engineering.
- iii. The minimum external street frontage landscape width shall be fifty (50) feet. Up to fifteen (15) feet of landscape area width may include individual lot area and internal right-of-way provided the required landscaping is provided.

C. Buffer Yard Requirements: Article 6.8(N) shall apply.

D. Tree Preservation: The existing vegetation and Natural Areas, labeled as "Tree Preservation Area" on the Concept Plan, where preserved shall be placed in a tree preservation easement. Within this tree preservation easement, no trees with a diameter at breast height ("DBH") of four inches (4") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with requirements of any governmental agency; or (2) to accommodate the installation of drainage, utilities, street connections or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the tree preservation area as determined by the Director. Additionally, all protected woodlands shall have proper signage to dictate preserved areas every one-hundred and fifty (150) feet.

€.

Section 7. Infrastructure Standards. The District’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards (see

Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

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

8.1 **Open Space and Amenity Standards:** Shall apply except as otherwise modified or enhanced below.

A. **Minimum Open Space:** Open Space area shall be a minimum of fifteen (15) percent and as generally shown on the Concept Plan.

B. **Amenities:** The following amenities shall include, but shall not be limited to the following:

i. **Passive Amenities:** Open space including trails shall be provided for passive recreation opportunities in substantial compliance with the trail locations illustrated on the Concept Plan. The final locations are subject to existing easements and final engineering. If trails are prevented from being installed as shown, then alternative trail locations may be approved by the Director that still provide comparable access and connectivity to the District’s Open Space.

ii. **Osborne Trails Amenities:** Section 9(B)(ii) of the Osborne Trials PUD established requirements for Active Amenities (the “Osborne Trails Amenities”). The Real Estate shall be subject to any covenants and restrictions applicable to the Osborne Trails Amenities in order to ensure the enjoyment and shared maintenance costs of the Osborne Trails Amenities by the residents of the Real Estate.

Section 9. **Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the District by January 1, 2028 (unless otherwise extended by the Director) shall automatically void this Ordinance.

Section 10. **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

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

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

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

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Troy Patton

Troy Patton

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Cindy L. Spoljaric

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Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 22-**__ was delivered to the Mayor of Westfield
on the ____ day of _____, 2022, at ____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 22-__
this ____ day of _____, 2022.

I hereby VETO Ordinance 22-__
this ____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document,
unless required by law: Jon C. Dobosiewicz

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

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Single Family Dwelling Character Exhibit

EXHIBIT A
REAL ESTATE

(Page 1 of 2 – Legal Description)

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Beginning at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence North 89 degrees 43 minutes 52 seconds East (assumed bearing) 1,323.21 feet along the North line of the said Northwest Quarter to the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 10 minutes 08 seconds West 1,261.54 feet along the East line of said West Half; thence North 89 degrees 49 minutes 52 seconds West 69.25 feet; thence South 01 degrees 49 minutes 40 seconds West 89.90 feet; thence South 89 degrees 45 minutes 23 seconds West 901.59 feet; thence North 62 degrees 57 minutes 15 seconds West 227.55 feet; thence north 89 degrees 49 minutes 24 seconds West 146.95 feet; thence North 00 degrees 10 minutes 36 seconds East 1,244.89 feet along the West line of said Northwest Quarter to the Place of Beginning, containing 40.208 acres, more or less.

EXCEPTING OUT:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 00 degrees 10 minutes 36 seconds East (assumed bearing) a distance of 1,39.71 feet along the West line of said Northwest Quarter to the Northwest corner of the 40.011 acre parcel owned by Osborne Trails Developer, LLC as recorded Instrument No. 2017-025934 in the office of the Recorder of Hamilton County, Indiana and the POINT OF BEGINNING of this description; thence North 00 degrees 10 minutes 36 seconds East along said West line, a distance of 11.60 feet; thence North 89 degrees 37 minutes 54 seconds East a distance of 198.78 feet to the point of curvature of curve concave southerly, the radius point of said curve being South 00 degrees 22 minutes 06 seconds East a distance of 860.00 feet from said point; thence easterly along said curve 456.58 feet to the point on said curve, said point being North 30 degrees 03 minutes 02 seconds East a distance of 860.00 feet from the radius point of said curve and being on the North line of said 40.011 acre parcel; thence the next three (3) courses are along the boundary of said 40.011 acre parcel: (1) South 89 degrees 45 minutes 23 seconds West a distance of 285.39 feet; (2) North 62 degrees 57 minutes 15 seconds West a distance of 227.55 feet; (3) North 89 degrees 49 minutes 24 seconds West a distance of 146.95 feet to the West line of said Northwest Quarter and the place of beginning, containing 0.735 acres, more or less.

Parcel 2:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 89 degrees 46 minutes 30 seconds East (assumed bearing) 1,323.57 feet along the South line of said Northwest Quarter to the Southeast corner of the West Half of said Northwest Quarter; thence North 00 degrees 10 minutes 08 seconds East 1,382.07 feet along the East line of the West Half of said Northwest Quarter to the Northeast corner of the 40.011 acre parcel described in Instrument No. 2017-025934 as recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 49 minutes 52 seconds West 60.00 feet along the North line of said 40.011 acre parcel to the POINT OF BEGINNING of this description; thence South 00 degrees 10 minutes 08 seconds West 269.68 feet to the point of curvature of a curve concave Westerly, the radius point of said curve being North 89 degree 49 minutes 52 seconds West 450.00 feet from said point; thence Southerly along said curve 249.15 feet to the point of tangency of said curve, said point being South 58 degrees 06 minutes 32 seconds East 450.00 feet from the radius point of said curve; thence South 31 degrees 53 minutes 28 seconds West 20.07 feet; thence South 34 degrees 35 minutes 09 seconds West 93.94 feet; thence South 89 degrees 46 minutes 30 seconds West 58.43 feet; thence North 54 degrees 13 minutes 53 seconds West 65.05 feet to a point on a non-tangent curve concave Southwesterly, the radius point of said curve being South 71 degrees 24 minutes 32 seconds West 860.00 feet from said point; thence Northwesterly along said curve 620.78 feet to a point on said curve, said point being North 30 degrees 03 minutes 02 seconds East 860.00 feet from the radius point of said curve; thence North 89 degrees 45 minutes 23 seconds East 616.21 feet; thence North 01 degrees 49 minutes 40 seconds East 89.90 feet; thence South 89 degrees 49 minutes 52 seconds East 9.25 feet to the place of beginning, containing 4.076 acres, more or less.

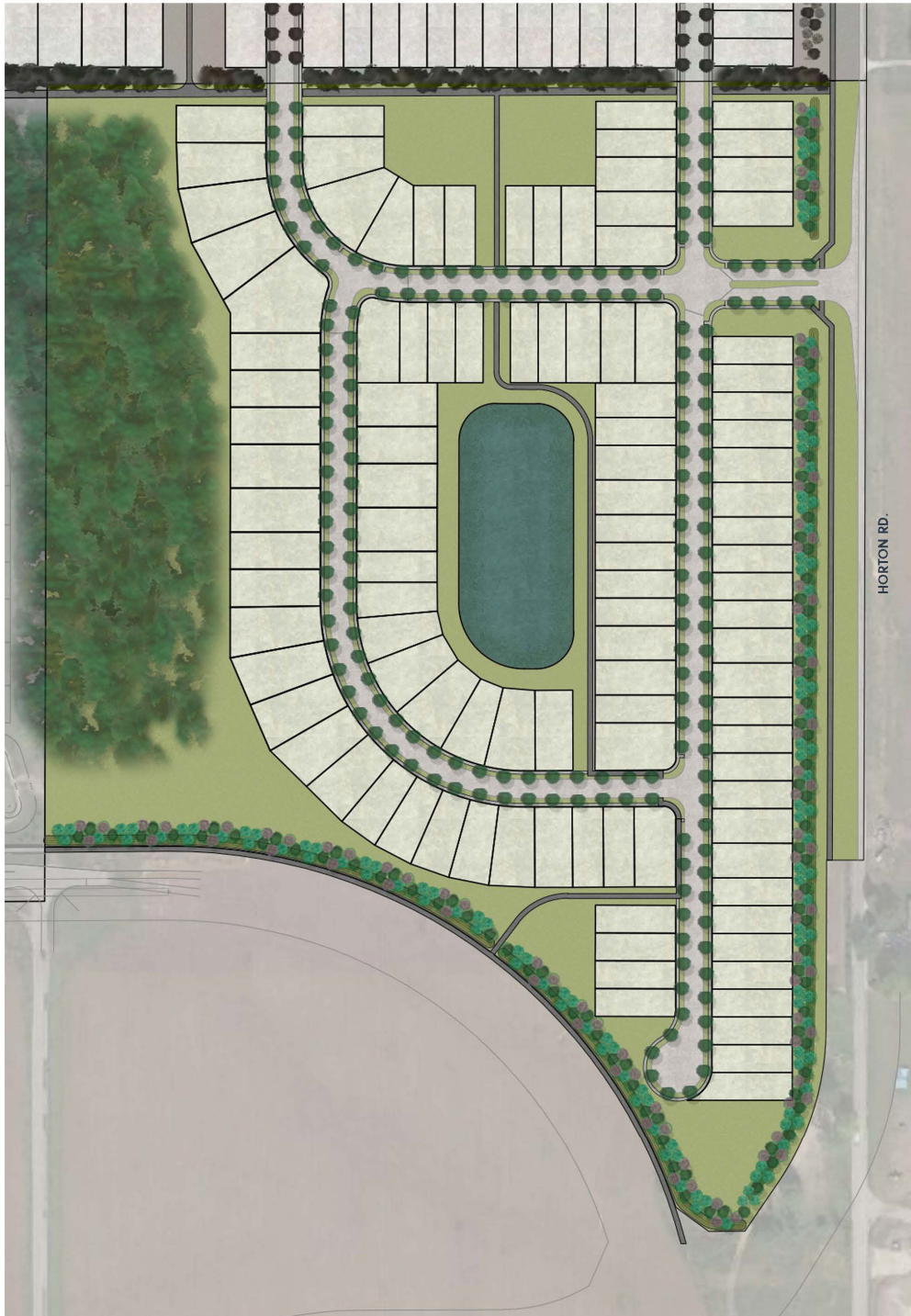
EXHIBIT A
REAL ESTATE

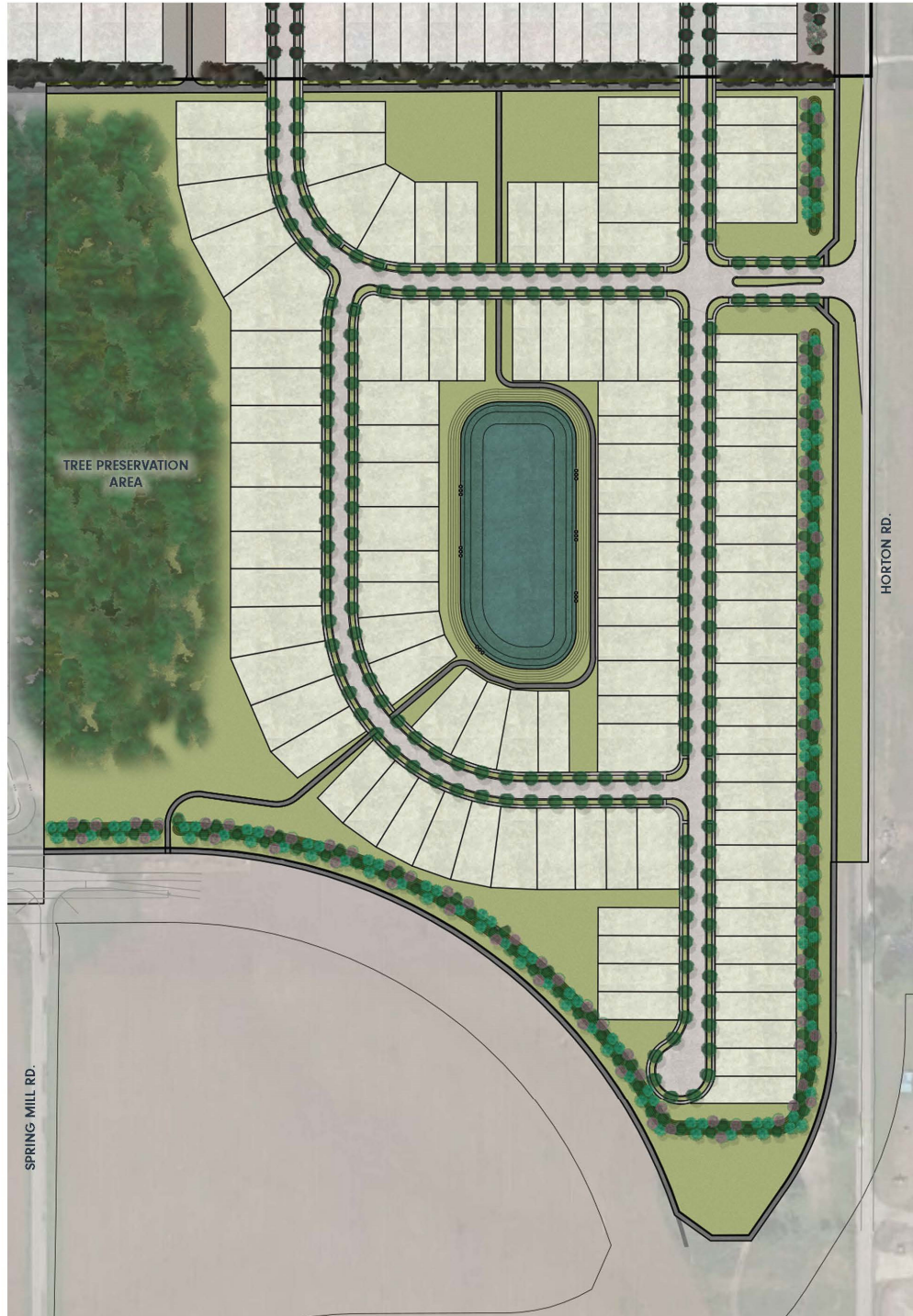
(Page 2 of 2 - Location Map)



EXHIBIT B

Concept Plan





Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number ~~22~~²²⁰⁴-PUD~~-07~~.

EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT

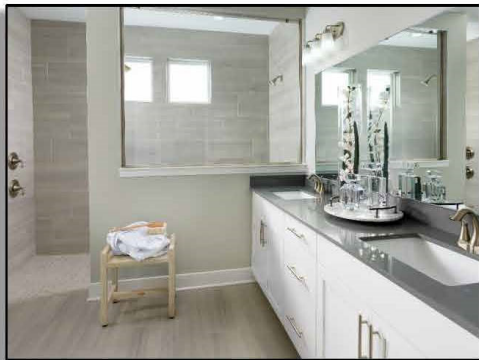


EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



EXHIBIT C

SINGLE FAMILY DWELLING CHARACTER EXHIBIT



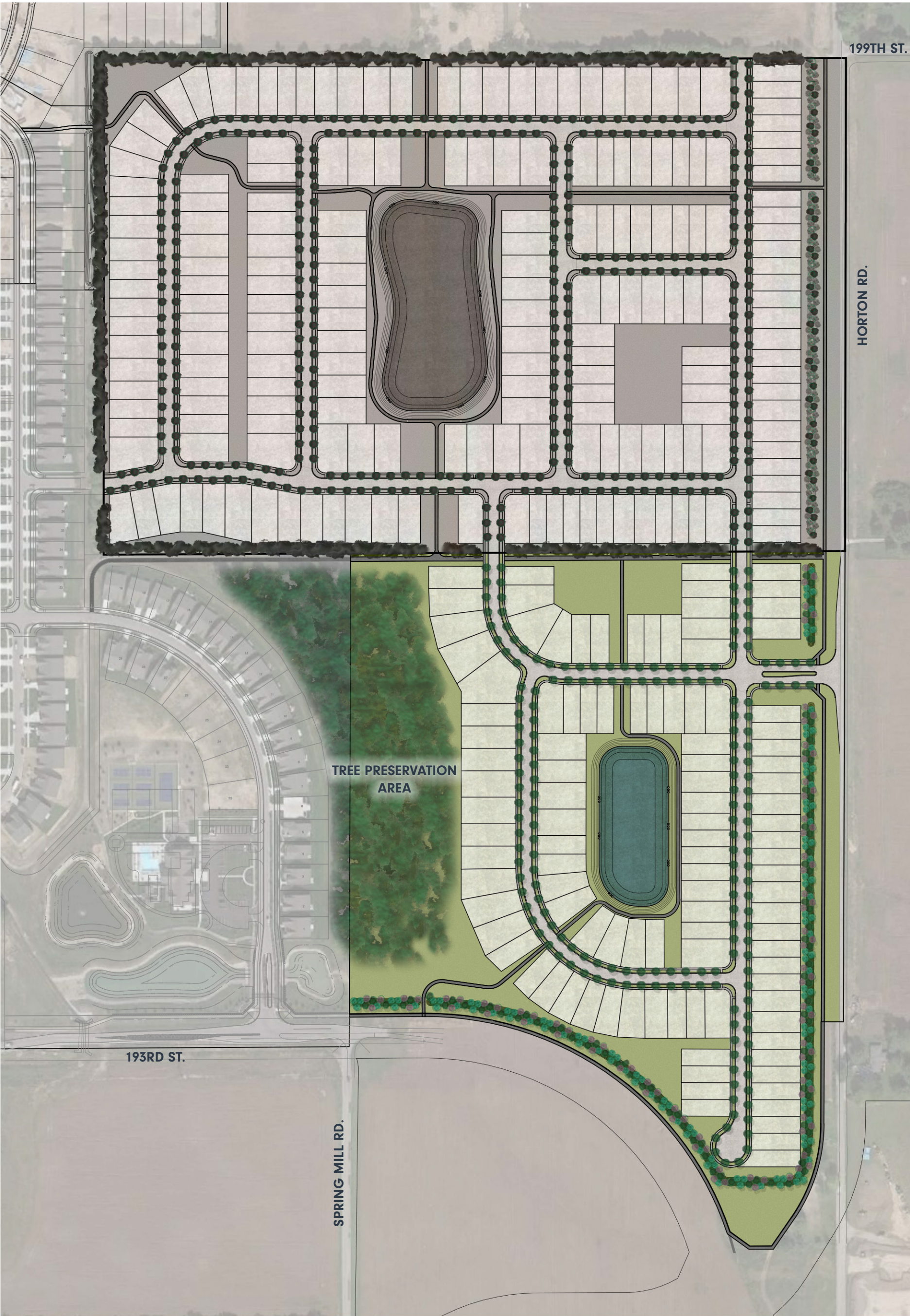
Elevation C



Elevation A

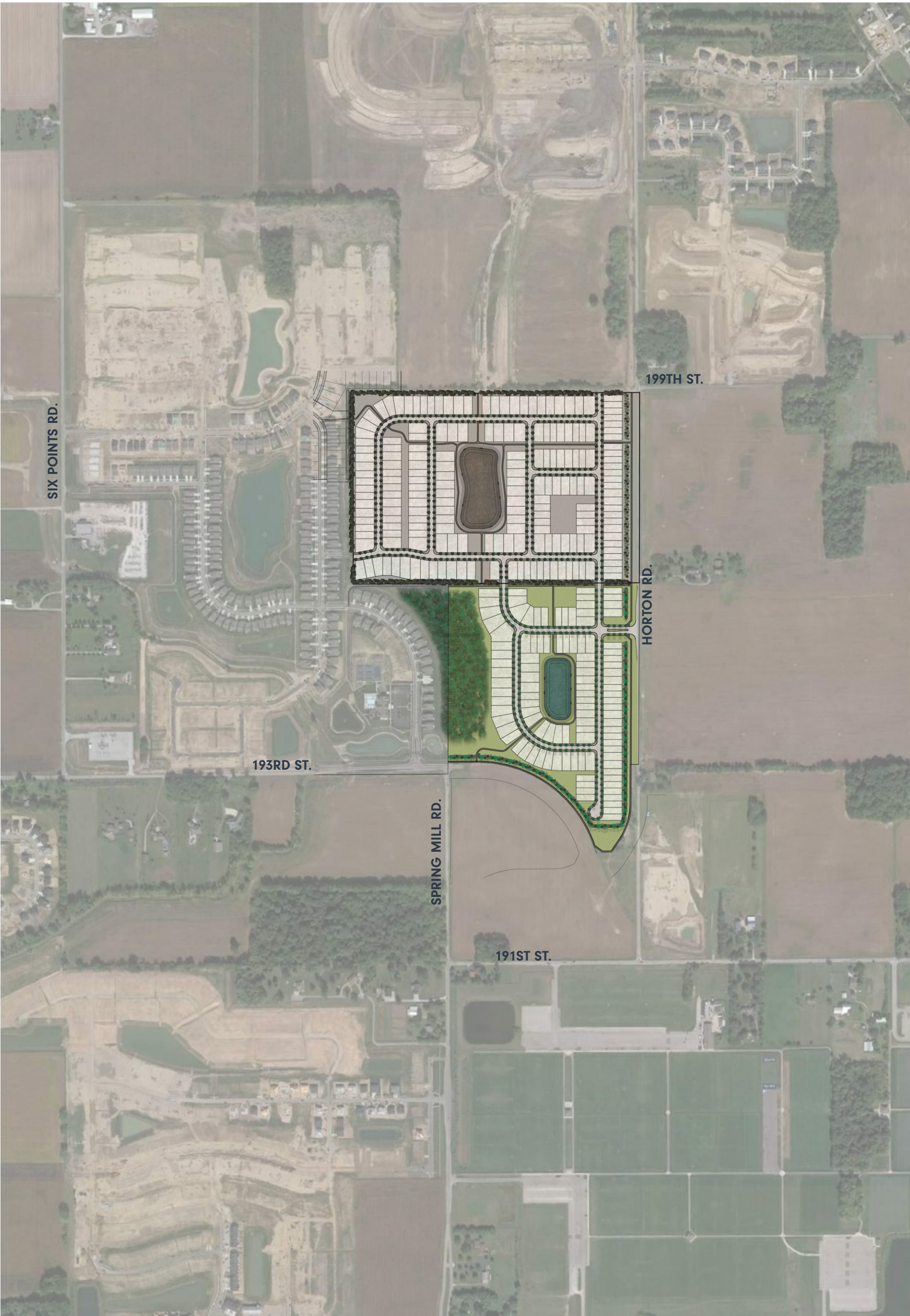


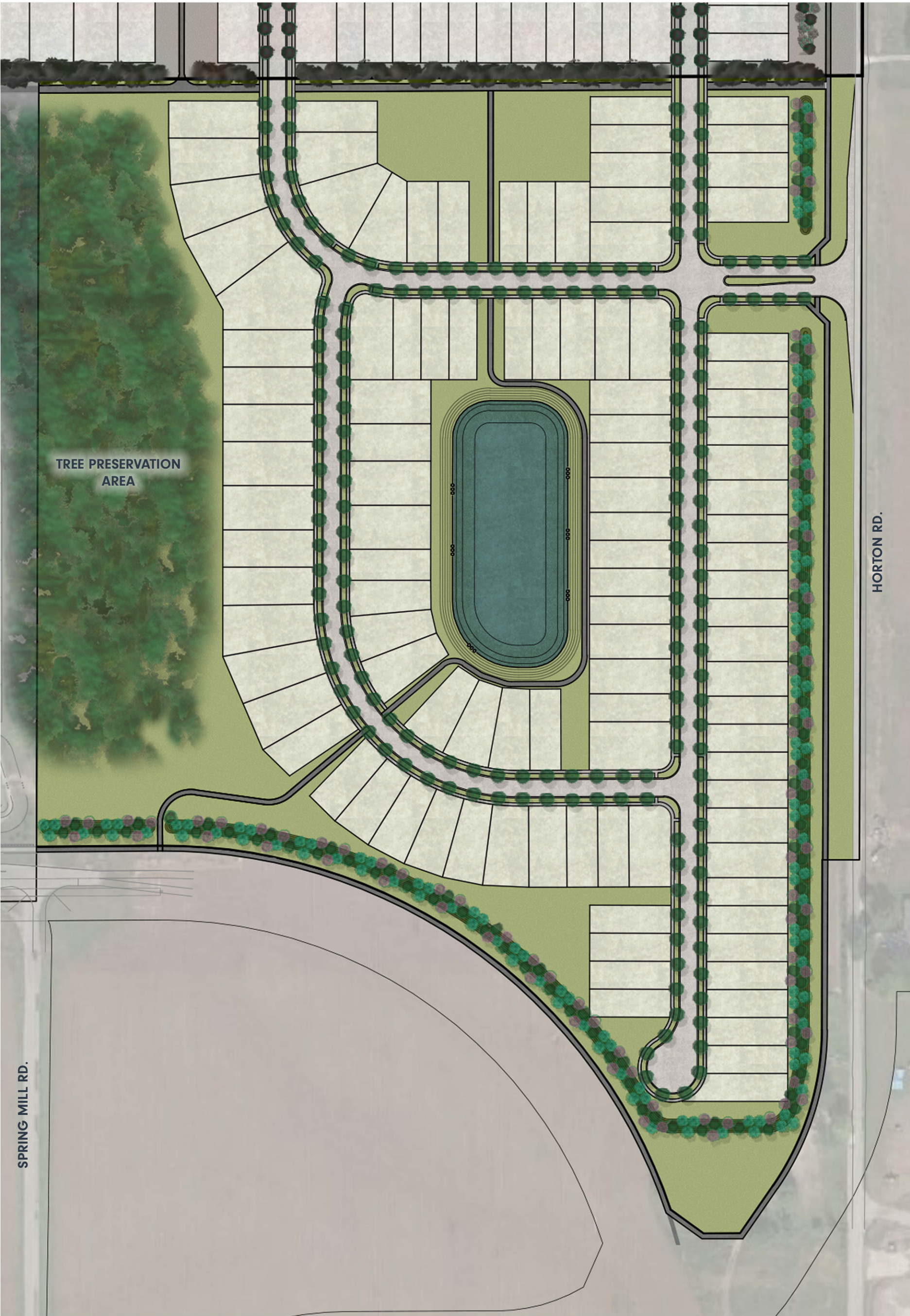
Elevation B



TOTAL = 107 LOTS







OSBORNE TRAILS

DEVELOPMENT PLAN

WESTFIELD, INDIANA

MAY 9, 2022

PREPARED FOR:
LENNAR

LENNAR



HWC
ENGINEERING

© 2022 HWC ENGINEERING

ISSUES RAISED REGARDING THE OSBORNE TRAILS PUD AMENDMENT V PROPOSAL

The list below includes issues that were raised during the April 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 text of the proposed ordinance be firmed up to ensure the end product matches what is being presented?
2. How can you address the following landscaping concerns:
 - a. Tree preservation on site;
 - b. Utilization of two small greenspaces at the north end of the Real Estate;
 - c. Southbound continuation of Osborne Trails Phase II eastern buffer?
3. How can you ensure that the age-restricted language is adequate to prevent people from abusing the built-in exemptions?
4. How can you address the following amenity concerns:
 - a. Distance of amenity locations, existing and proposed, to the location of new homes;
 - b. The ratio between amenity space size and growing number of people in the Osborne Trails community?
5. How can pedestrian connectivity be improved in the southwest corner of Real Estate to allow the new residents better access to the existing Osborne Trails amenities?
6. How can it be assured that only single-family dwellings can be located on the Real Estate?

ISSUES RAISED REGARDING THE OSBORNE TRAILS PUD AMENDMENT V PROPOSAL

The list below includes issues that were raised during the April 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 text of the proposed ordinance be firmed up to ensure the end product matches what is being presented? An additional exhibit was provided to match the text, reflective of the home product that is currently being built in the other two areas of Osborne Trails. Lennar would not prefer to change the architectural standards for this final section of Osborne Trails because it would not match the variety of homes that have been built in the current Osborne Trails and that will be constructed in Phase II.
2. How can you address the following landscaping concerns?
 - a. Tree preservation on site. Trees Preservation area added to the Concept Plan along with regulating text.
 - b. Utilization of two small greenspaces at the north end of the Real Estate. Active amenities are not desired in this area currently. Lenna believes the adjoining residents will prefer to have open area and quiet space between them vs. amenities in areas that doesn't provide a lot of space or buffering.
 - c. Southbound continuation of Osborne Trails Phase II eastern buffer? We have discussed with our engineer, and we are making the modifications needed to make sure there will be 6' mounding to match this PUD Amendment. This requirement has been added to a Zoning Commitment.
3. How can you ensure that the age-restricted language is adequate to prevent people from abusing the built-in exemptions? We have modified the language to provide a stronger understanding that the community is age restricted (see PUD Amendment text).
4. How can you address the following amenity concerns?
 - a. Distance of amenity locations, existing and proposed, to the location of new homes. Lennar has identified an area within the existing community for new amenities. This location was selected to provide spacing between the two common areas. Since the Real Estate in this PUD Amendment is close to the existing amenities facility, Lennar wanted to provide the additional amenities north of the existing amenities for future residents in the developing Real Estate. A circle diagram map is provided for reference of the spacing.
 - b. The ratio between amenity space size and growing number of people in the Osborne Trails community? A Zoning Commitment has been added to provide additional amenities with the Real Estate of the existing approval area for construction. The ratio of additional amenities is based upon the existing PUD requirements.
5. How can pedestrian connectivity be improved in the southwest corner of Real Estate to allow the new residents better access to the existing Osborne Trails amenities? A trail has been added between homesites 227 and 228 connecting path and sidewalk to the existing amenity area. This is reflected on the updated concept plan.
6. How can it be assured that only single-family dwellings can be located on the Real Estate? A Zoning Commitment for this PUD Amendment has been submitted that states the only permitted use is single-family detached dwellings.

Osborne Trails PUD Amendment Zoning Request

Neighborhood Meeting Summary

Project: Lennar Homes of Indiana, Inc.
Osborne Trails PUD Amendment V Zoning Request
Docket Number 2204-PUD-07

Date: March 28, 2022 at 6:30 pm

Location: Osborne Trails Community Clubhouse, 19360 Sumrall Place, Westfield, IN 46074

Presenters: Jon Dobosiewicz and Jim Shinaver – Nelson & Frankenberger
Keith Lash and Tony Bagato, Lennar Homes

Attendees: Staff – Ryan Collingwood
See Ex. A For Sign In Sheet

The Neighborhood Meeting began at 6:30 pm and Jon Dobosiewicz (JD) and Keith Lash (KL) provided an overview summary of the proposal.

Neighbor Comments and Questions:

1. What is the timeline for the development of the overall site?
 - a. Response: KL explained that it depends on market conditions, but it may be completed and built-out by 2028.
2. When will the “turnover” to the HOA occur?
 - a. Response: KL explained that it is difficult to predict with certainty when the “turnover” may occur, as it depends on financial considerations related to the HOA and the best and most appropriate time for a “turnover”.
3. Will there be another fitness center; will there be more pickle courts; will the existing clubhouse be expanded; will the existing pool be expanded; if new pickle ball courts are added, consider facing them in a north/south direction and other questions and comments related to amenities?
 - a. Response: KL explained that the current fitness center is designed to accommodate more fitness equipment and that Lennar is taking into account input received from residents and a Survey that Lennar provided to Osborne Trails residents regarding their preferences for potential additional amenities and discussed the current and possible future amenities for the community.

4. A question was asked about who owns the other parcels surrounding the subject site?
 - a. Response: KL and JD provided a general response.
5. Will there be any additional real estate added to the current Osborne Trails community?
 - a. Response: KL explained that it seems unlikely that any additional real estate will be added to the Osborne Trails community.
6. When did Lennar put the subject property under contract?
 - a. Response: KL explained that Lennar entered into a purchase agreement in February 2022.
7. Questions about possible road improvements in the general area, how many entrances will there be into the Osborne community, will there be a separate construction entrance and whether a new round-a-about will be constructed?
 - a. Response: JD and KL provided responses.
8. If the subject real estate were not developed for this proposal, but were developed as townhomes, would the townhome residents be permitted to use the Osborne Trails amenities and how much of the wooded area would be preserved?
 - a. Response: KL explained that the Osborne Trails amenities were only for the use of the Osborne Trails residents. KL explained that he did not know what tree preservation may entail if the subject site were developed as townhomes.
9. Additional questions and comments were made regarding the current Osborne Trails HOA and matters unrelated to the zoning request?
 - a. Response: KL responded to the non-zoning request questions and comments related to the Osborne Trails HOA and status of that current development.

The meeting ended at approximately 7:50 pm.

Neighborhood Meeting Sign In-Sheet

RE: Neighborhood Meeting
 Lennar Homes of Indiana, Inc.
 Osborne Trails PUD Amendment V Zoning Request
 Docket Number 2204-PUD-07

Location: March 28, 2022, at 6:30 p.m.
 Osborne Trails Community Clubhouse, 19360 Sumrall Place, Westfield, IN 46074

NAME	ADDRESS	PHONE	EMAIL
1. Sandy Carlson	19957 McDonald	630-835-6688	scarlson6571@comcast.net
2. CHIC RIEBEL	19755 BARN WY	252-862-6994	chicriebel@gmail.com
3. Alice White	725 Ehrlich Lane	260-637-9700	allwhite22@gmail.com
4. David White	725 Ehrlich Lane	260-402-2367	dvdwhite@gmail.com
5. Teri Gemmill	19429 Sumrall Pl	317-374-4557	GEMMILL441@gmail.com
6. Mike + Pam Lee	19413 Sumrall Pl	317-694-1742	PMLEE2ML@comcast.net
7. JOHN GEMMILL	19429 SUMRALL PL	317-374-4497	gemmill441@gmail.com
8. Gary + Kris JENHART	19421 SUMRALL PL	317-442-1152	gardenhart@att.net
9. Ken + Lynn Noe	19653 Sumrall PL	317-938-4623	Lano4@gmail.com
10. Steve + Andrea	19717 Sumrall Pl	765-438-3363	steve-andrea@latna.net
11. PHIL + GLORIA CORRON	19608 SUMRALL PL	317-797-9498	pg.CORRON@COMCAST.NET
12. DAVE + Bev Orlando	19621 Sumrall PL	317-371-9853	dorlando111@AOL.com
13. Joe + Julie Williams	19622 Sumrall PL	317-691-7895	juliawilliams6@comcast.net
14. TERRI SCOTT	19624 Sumrall Pl	317-847-5878	scott.teri@yahoo.com
15. Ron + Sharon felzke	19767 McDonald Pl	989-430-2585	RSfelzke@gmail.com
16. Ellen Leff	19548 Sumrall Pl	317-370-1995	ehnl@shcglobal.net
17. Debra Thompson	19405 Sumrall Pl	708-359-2113	debbytop@aol.com
18. George Thompson	19405 SUMRALL PL	708-359-2111	georgefop@att.com

NAME	ADDRESS	PHONE	EMAIL
19. Kim Jensen	19613 Sumrall Pl.	913-481-8940	Kjensen 8775 a gmail.com
20. MaryBeth Palmer	19629 Sumrall	330-612-6124	mbpalmer64@gmail.com
21. Joe Mann	19592 Sumrall	317-696-9202	mann1531@att.net
22. Charlene Samples	19806 McDonald	317-399-6225	charsamples@yahoo.com
23. Diane & Scott Munderick	19669 Sumrall	224-805-0057	smunderick@comcast.net
24. Dianne Clayton	19642 McDonald	765.426.9195	delayton13@comcast.net
25. G. & CLAYTON	19642 McDonald	765 426 9727	gclayton817@gmail.com
26. Christine Pauley	19724 McDonald Place	317 446 4649	chrispauley22@gmail.com
27. Kent & Sally DeVaney	19679 McDonald Pl	317-689-9186	Sals.etc@gmail.com
28. Linda & DREFFEIN	19389 Sumrall	773-852-7987	LDREFFEIN@ JSCGLOBAL.NET
29. Nancy Stevens & Tony Cain	714 Ehrlich LN	317-402-4453	hiconsulting18@ msn.com
30. DIANE & DAN PUGH	19612 Sumrall	574-276-7061	DANNYPUGH@comcast.net
31. Dennis & Pam Eury	19676 McDonald Pl	317-439-6144	pgmaire@gmail.com
32. DON & LINDA BECKER	821 EHRlich LANE	317-379-7736	DRECKER1026@comcast.net
33. Becky Hazel	19580 Sumrall Pl.	219-309-5563	bshazel@aol.com
34. Cindy Ziemba	19641 Sumrall Pl	317-225-9911	cziind@aol.com
35. Jon & JAO STERLING	19480 Sumrall Pl	443-540-5178	TSTERLING27@gmail.com
36. Cindy & STEVE HAAS	19570 McDonald Pl	317-710-6967	schaasile@yahoo.com
37. Diane & Greg Iott	19578 McDonald Pl	920-850-0567	gregiott@hotmail.com
38. Pamela Ethridge	19540 Sumrall Pl	815-980-0231	Packerspam@aol.com
39. Kelly Tidwell	19638 Sumrall Pl	574-514-8701	Kelly.tidwell@ alloyacorp.org
40. Dennis & Jacqui Lloyd	19573 Sumrall Pl	502-909-5852	dmlloyd53@gmail.com
41. DON & DEE SMITH	19798 McDonald	574-333-7926	
42. Jim & MARYJANE TREADWAY	748 Elise Dr.	574-361-2438	Concordhsbase bulley@ Concordhsbaseball@yahoo.com
43. DEE MOORMAN	736 ELISE DR	937-470-0906	

44. Mike Niles 29567 McDonald Pl, 574-376-2052 NilesMike@aol.com
45. Chris Hirsch 19626 Sumrall Pl. 317-908-9468 chirsch40@gmail.com
46. Loretta Hirsch 19626 Sumrall Pl 317-514-5360 lorettahirsch@me.com
47. Scott Armstrong 19437 Sumrall Pl. (260) 341-4615 sarmsstrongfw@gmail.com
48. Barbara Armstrong 19437 Sumrall Pl. 260-403-6974 armstrongz@aol.com
49. Renee Jensen 19559 McDonald Pl 317-345-1694 jensenda@aol.com
50. GERALD HUCHGESANG 19557 SUMRALL PLACE (317) 946-5008 HUCHGESANG.GERALD@YAHOO.COM
51. Polly Correll 19807 McDonald Pl (630) 853-9910 pollycorrell@aol.com
52. Steve Correll 19807 McDonald Pl (630) 460-2578 steveacorrell@gmail.com
53. Pamela Leverenz 19725 Sumrall Pl (317) 694-5980 pamlevenz@aol.com
54. J. Scott Leverenz 19725 Sumrall Pl (317) 694-1759 scottl13@aol.com
55. Jim Kingsolver 585 Ehrlich Lane 317-441-6351 jdk072862@aol.com
56. Diane Kingsolver 585 Ehrlich Lane 317-903-8973 diane.kingsolver@rochester.com
57. Starr Newell 596 Ehrlich Lane 502-541-5384 snewell@qwest.net
58. Karen Campbell 785 Ehrlich Lane 217-6537072 karell2001@hotmail.com
59. Pat Breitkreuz 797 Ehrlich Ln. 269-470-8373 pat.breitkreuz@gmail.com
60. GERALD R. DAVIS 19654 SUMRALL PL. 317 836 9953 NO FURTHER ADDRESS
61. JEFF VICK LEVINCEN 19458 Sumrall Pl 317 437-7206 JEFFLEVIN@aol.com
- 62 Douglas Zabonick 19397 Sumrall Place 317-695-2443 dzabonick@gmail.com
- 63 Jeanne Vana 634 Ehrlich Lane 808 389-6255 bigwavetomatoes@gmail.com
- 64 Bickelinda DREFFEN 19889 SUMRALL PL 312-504-8617 dreffein@sbcglobal.net
- 65 Colleen Charles Arva 19453 Sumrall Pl 317-413-3314 carvaiss@ATT.net
- 66 Tyrone Rogers 19485 Sumrall Pl (219) 576-8869 tyson.rogers55@yahoo.com
- 67 David Heacox 19626 McDonald Pl 317-315-4778 david-heacox@yahoo.com
- 68 Michele Perkins 19634 McDonald Pl 317-370-8326 mperkins@base1aw.com
- 69 Todd Logan 19610 McDonald Pl 267-251-9405 toddrlogan@gmail.com
- 70 David Puckett 19655 McDonald Pl 317-281-4179 dpucketteconcerts@yahoo.com
- 71 Kirk & Cindy Hobbs 19469 Sumrall 812-345-0693 KCHOBBS5094@ATT.NET
- 72 Joy & Gary Beaumont 19461 Sumrall 317-603-4383 kjoybeaumont@aol.com

WRITTEN PUBLIC COMMENTS

Docket Number: 2204-PUD-07

Petitioner: Lennar Homes of Indiana, Inc by Nelson & Frankenberger, LLC

Request: Lennar Homes of Indiana, Inc by Nelson & Frankenberger, LLC requests an amendment to the Osborne Trails PUD to amend the permitted uses on 43.5 acres +/- of the Real Estate.

Enclosed Attachments (as of 5:00pm., Monday, April 4):

April 4, 2022 Advisory Plan Commission Meeting

- | | | |
|---------------------|---------------------------------------|------------|
| 1. Eugene Kaminski | N/A | (03/21/22) |
| 2. Eugene Kaminski | N/A | (03/23/22) |
| 3. Charlene Samples | 19806 McDonald Pl, Westfield IN 46074 | (03/29/22) |

From: [EUGENE KAMINSKI](#)
To: [Craig Jensen](#); laura.givens@lennar.com; [King Doxsee](#)
Cc: [planners](#)
Subject: Osborne Trails Phase I + II + III
Date: Monday, March 21, 2022 3:39:52 PM

**WARNING: This external email is from
keugene871@aol.com.**

Craig, I just received the meeting notice for Monday evening March 28th regarding the Osborne Trails PUD Amendment V Zoning Request. In reviewing the developmental plans for all phases, I remain disappointed not seeing any dedicated space beyond home lots to accommodate any new community amenity structures. (No additional pools nor structural community meeting spaces to address increasing community homeowner numbers). I've now adjusted the homeowner numbers upward to 1550 using 10% for single households and two persons for the remaining. This number is adjusted for the additional 130 homes. Recently having visited several other 55+ communities since my last email I believe my recommendation of a pool to resident ratio of 500/pool is a sound recommendation. While traveling to Hilton Head Island I came across a community outdoor structure that could accommodate easily 500+ residents at a time and could be configured with garage/windowed overhead doors to create a closed or open air and heated environment. I've attached some pictures for your consideration. This structure could be adapted to include rest rooms, storage for various pool needs and well as storage for seasonal decorations, counter top with sink, electrical access for catered events, meetings, etc. For visual affect I've included a picture of myself at the podium where this idea went uncontested! With our growing community it's obvious to homeowners the current Retreat although beautiful in design and furnished is far too small to accommodate access and usefulness without having to restrict access to the pool in the future. This would not be a truthful selling point or a reality for home owners once they have settled in their new home. Thanking you in advance for your consideration. Gene









From: [EUGENE KAMINSKI](#)
To: [Ryan Collingwood](#)
Subject: Osborne Trails Amendment V Plat Plan
Date: Wednesday, March 23, 2022 11:54:38 AM

**WARNING: This external email is from
keugene871@aol.com.**

Ryan, just a heads up for you and your team. The Developmental plan submitted by Lennar calls for 130 homes in what I call Phase III. I've counted what the architectural rendering shows as only 107 home lots. Appears they are short 23 lots somewhere since their amendment calls for 130 lots. I believe the wooded area is protected marsh/woodland so that shouldn't be cannibalized. See attachment. Thanks for your review.



From: [charlene.samples](mailto:charlene.samples@planners)
To: planners
Subject: Change of Zoning Application Docket Number 2204-PUD-07
Date: Tuesday, March 29, 2022 4:05:29 PM

**WARNING: This external email is from
charsamples@yahoo.com.**

This zoning application change will be presented by Lennar Homes on Monday, April 4.

As a homeowner in Osborne Trails, I am writing to let you know I support this zoning change and hope that once your questions/concerns are answered, you will recommend implementing the change to City Council. My reasoning is as follows:

- Given the proximity this parcel has to the entrance to Osborne Trails (especially once new intersection/roundabout is built just east of Springmill and south of 193rd), it makes sense for the housing style and homeownership (age-restricted) to be consistent with Osborne Trails.
- Adding 110 homesites to Osborne Trails on this parcel will increase our HOA resources without adding significant HOA operation and maintenance expense.
- Lennar is more likely to move as quickly as possible to build on this parcel, reducing the likelihood that another builder will try to develop the parcel with residential units inconsistent with Osborne Trails.

Thank you for your consideration. I look forward to attending the meeting virtually on Monday to hear your concerns/questions, and learn what information and support other homeowners here in Osborne Trails provide.

Sincerely,

Charlene Samples
19806 McDonald Pl, Westfield IN 46074
charsamples@yahoo.com



Westfield-Washington Township Advisory Plan Commission (APC)

Minutes of the May 4, 2022 APC Meeting

Presented for approval: May 16, 2022

Westfield-Washington Township Advisory Plan Commission
met at 7:00 p.m. on Wednesday, May 04, 2022 at Westfield City Hall.

Active links for this meeting:

[May 04, 2022 APC Agenda & Exhibits](#)

[May 04, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:22](#)

Roll Call

Commissioners Members Present In-Person: Kristen Burkman, Ginny Kelleher, Robert Horkay, Andre Maue, Victor McCarty, Dave Schmitz, and Cindy Spoljaric.

Commissioners Present Virtually: None

Commissioners Absent: Matt Deck and Mike Johns.

City Staff Present In-Person: Kevin Todd, Director; Pam Howard, Assistant Director; Rachel Riemenschneider, Associate Planner; and Wes Rogers, Associate Planner.

City Staff Present Virtually: None.

Legal Counsel Present Virtually: Beth Copeland with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Schmitz motioned to approve the April 18, 2021 Minutes as presented.

Maue seconded. Motion passed. Vote 7-0.

REVIEW RULES AND PROCEDURES

Howard reviewed APC rules and procedures.

CONSENT AGENDA ITEMS

2205-DDP-14

[YouTube Time: 4:30](#)

Valvoline

3403 East State Road 32

Valvoline Instant Oil Change by Weihe Engineers requests Detailed Development Plan review for a 3,275 SF commercial building on 1.3 acres +/- in the Oak Manor PUD District.

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

Schmitz motioned to approve the Consent Agenda with Staff's recommended conditions.

Burkman seconded. Motion passed. Vote 7-0.

ITEMS OF BUSINESS

2111-PUD-27

[YouTube Time: 5:09](#)

TowneRun PUD

Northwest corner of Towne Rd & 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: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments / Petitioner responses.

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

APC Minutes for May 4, 2022 Page 1 of 5

Kelleher motioned to continue 2111-PUD-27 to a future APC meeting.
Schmitz seconded. Motion passed. Vote 7-0.

2203-ODP-03 & 2203-SPP-04

[YouTube Time: 1:17:01](#)

Harvest Trail

Generally, at 300 East 191st Street

CND-Wood Robinson, LLC by Weihe Engineers, Inc. requests Overall Development Plan and Primary Plat approval of 309 Single-family residential Lots and three (3) blocks on 157.53 acres +/- in the Woods-Robinson-Briggs PUD District.

(Planner: Daine Crabtree- dcrabtree@westfield.in.gov) (Presented by Kevin Todd- ktodd@westfield.in.gov)

Staff presentation / APC comments / Petitioner responses.

Kelleher motioned to approve 2203-ODP-03 & 2203-SPP-04 with Staff's recommended conditions.
McCarty seconded. Motion passed. Vote 7-0.

2203-ODP-04 & 2203-SPP-04

[YouTube Time: 1:23:51](#)

Lantern Commons

Northwest corner of east 161st Street and south Union Street

Front Street Partners, LLC by Church Church Hittle + Antrim requests Overall Development Plan and Primary Plat review of 5 Blocks on 57.48 acres +/- in the Lantern Commons PUD District.

(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)

Staff presentation / APC comments / Petitioner responses.

Schmitz motioned to approve *2203-ODP-04 & 2203-SPP-04 with Staff's recommended conditions.
Maue seconded. Motion passed. Vote 7-0.

**The numbers Schmitz read at the meeting were incorrect. The correct numbers are included in these minutes.*

2204-PUD-08

[YouTube Time: 1:28:43](#)

Grand Park Village PUD Amendment IV

North of Grand Park Boulevard and Wheeler Road

TWG Development, LLC by Nelson & Frankenberger, LLC requests an amendment to the Grand Park Village PUD to modify development standards on 12 acres+/-.

(Planner: Daine Crabtree- dcrabtree@westfield.in.gov) (Presented by Kevin Todd- ktodd@westfield.in.gov)

Staff presentation / Petitioner presentation / APC comments / Petitioner responses.

Maue motioned to forward 2204-PUD-08 to the City Council with a favorable recommendation subject to commitments discussed.

Schmitz seconded. Motion passed. Vote 6-1. (McCarty)

PUBLIC HEARING ITEMS

2205-PUD-09 [PUBLIC HEARING]

[YouTube Time: 2:07:21](#)

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: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)

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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Staff presentation / Petitioner presentation.

Public Hearing for 2205-PUD-09 opened at 9:13 p.m.

- No public comments.

Public Hearing for 2205-PUD-09 closed at 9:15 p.m.

APC comments / Petitioner responses.

2205-PUD-10 [PUBLIC HEARING]

[YouTube Time: 2:40:25](#)

Chatham Hills PUD Amendment IX

859 Chatham Ridge Lane

Tracy L. Haddad Trust by Church, Church, Hittle & Antrim requests an amendment to the Architectural and Landscaping Standards for two (2) proposed residential estate-style lots in the Chatham Hills PUD District.

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

Staff presentation / Petitioner presentation.

Public Hearing for 2205-PUD-10 opened at 9:43 p.m.

- No public comments.

Public Hearing for 2205-PUD-10 closed at 9:45 p.m.

APC comments.

ITEMS CONTINUED TO A FUTURE MEETING

2008-PUD-09 [CONTINUED]

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)

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)

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)

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

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2203-PUD-05 [CONTINUED]

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)

2204-PUD-07 [CONTINUED]

Osborne Trails PUD Amendment V

West side of Horton Rd & North of 191st Street

CND-Wood Robinson, LLC by Weihe Engineers, Inc. requests an amendment to the Woods-Robinson-Briggs PUD on 157.53 acres +/- to modify development standards.

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

REPORTS/COMMENTS:

[YouTube Time: 2:46:51](#)

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

ADJOURNMENT

Schmitz motioned to adjourn the meeting. Spoljaric seconded. Motion passed. Vote 7-0.
The meeting adjourned at 9:57 p.m.

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Signature Page for APC Minutes for May 04, 2022

Robert Horkay, President

Ginny Kelleher, Vice President

Kevin M. Todd, Secretary



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

May 16, 2021
2205-ZOA-01
Exhibit 1

Docket Number: 2205-ZOA-01 (Ordinance No. 22-19)
Petitioner: City of Westfield
Request: Approval of an Ordinance to Amend Various Provisions of the Westfield-Washington Township Unified Development Ordinance.
Exhibits:
1. Department Report
2. Ordinance 22-19 Clean
3. Ordinance 22-19 Color-coded
Staff Reviewer: Pamela Howard, Assistant Director

PETITION HISTORY

This ordinance was introduced at the May 9, 2022, City Council meeting. The ordinance is scheduled for a public hearing at the May 16, 2022, Advisory Plan Commission (the "Plan Commission") meeting. Subject to the public hearing, the petition should be ready for Plan Commission action as early as June 6, 2022, and the Council's adoption consideration on June 13, 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, and September 2019). This amendment ordinance is proposed to address the following topics, which are further summarized herein. The topics are also color-coded, with the corresponding standards color-coded in **Exhibit 3**.

1. Changes to the rezoning process to accommodate a workshop meeting between the public hearing and recommendation;
 2. Creation of a Plat Committee;
 3. Separation of the Overall Development Plan (ODP) and Detailed Development Plan (DDP) processes;
 4. Miscellaneous Items.
-

WORKSHOP MEETING

Late last year, it became clear that changes to our rezoning process were necessary due to frustrations with our current process expressed by Plan Commission members, petitioners, and staff. The main issue has been the inability to receive additional feedback on changes made following the public hearing. In practice, many recent zoning petitions have appeared at the plan commission for an “update meeting” prior to seeking a recommendation. This has sometimes been unintentional, as the petitioner had intended to request a recommendation, but held off because additional changes were requested. Requiring a workshop meeting between the public hearing and recommendation would allow the Plan Commission to provide feedback on changes made following the public hearing, prior to the item returning for a recommendation.

This would not add an extra monthly meeting to the calendar. Instead, the first monthly meeting would be reserved for public hearings and items of business, while the second meeting would be for workshop items only. This meeting will be a noticed public meeting. Members of the public will be welcome to attend, or view the meeting on the City’s YouTube Channel; however, no public hearings will occur so there will not be an opportunity for verbal public comments at these meetings.

This new process would apply to all zoning projects: straight rezones (to a zoning district established in the UDO), new Planned Unit Development (PUD) Districts, and PUD Amendments; unless exempted by the Plan Commission following the public hearing.

Changes required to the UDO to accommodate this new process are minimal and involve reorganizing some sections of Article 10.15 Processes and Permits; Zoning Map Change (Rezones), and adding a section discussing the workshop meeting. Changes will also be required to the Plan Commission’s Rules of Procedure, which would be presented for approval following the approval of this amendment.

PLAT COMMITTEE

The creation of a Plat Committee has been discussed internally for many years. The creation of this committee is a necessary step to accommodate the proposed changes to the rezoning process, by reducing the number of items on the Plan Commission’s agenda. Details of the proposed committee are outlined below.

Membership: The Plat Committee would contain three or five members, all appointed by the Plan Commission with at least one of them being a member of the Plan Commission. All appointments would be for a one-year term.

Meetings: These would be public meetings, and subject to the same notice requirements as the Plan Commission meetings. This meeting would occur once per month, with the day and time currently to be determined. The meeting would likely occur during business hours, similar to other city committees, but would be live-streamed on the City’s YouTube Channel. To provide comments on a petition, members of the public could attend the meeting to speak

in person or send written comments to the planners' email prior to or during the meeting, as they do for petitions being heard at the Plan Commission.

Authority: The Plat Committee would review and approve Primary Plats and ODPs. Unlike the current process, the goal would be to have the public hearing and approval occur at the same meeting. To accommodate this, we would not notice petitions until they are fully compliant and eligible for approval. The Plat Committee would be established in and operate under the Plan Commission's Rules of Procedure, which would be updated following the approval of this amendment.

Changes to accommodate this new process were required in four chapters of the UDO:

Chapter 3 Administration: Changes to this chapter include adding a reference to the Plat Committee Schedule of Meetings, specifying that the Plan Commission has the authority to create a plat committee, and relocating duties from Article 3.6: Plan Commission section to the newly created Article 3.7: Plat Committee.

Chapter 7 Subdivision Standards: One change and two additions were made to this chapter. The change reassigns the authority to approve Subdivision Control Waiver from the Plan Commission to the Plat Committee, as these are part of the Primary Plat approval process. The two additions were suggested by our legal team and include a Plat Committee Certificate that will be signed after the approval of each Primary Plat, and a Right to Appeal section in accordance with Indiana Code.

Chapter 10 Processes and Permits: The only changes in this chapter that are specifically related to the creation of the Plat Committee were changing references from "Plan Commission" to "Plat Committee", or adding "Plat Committee" where necessary as related to Primary Plat and ODP review and approval.

Chapter 12 Definitions: A definition of "Plat Committee" was added to this chapter.

DEVELOPMENT PLAN

As a Department, we have struggled with the purpose of the ODP for Commercial Subdivisions. This is due to the fact that almost all of the elements reviewed with the ODP are either already included on the Primary Plat, or contingent upon the layout of the individual lots and will be reviewed with the DDP for each lot. The only item that does not fit into either of these categories is Common Area landscaping, for the few commercial developments that include Common Area. Additionally, it was recently discovered at the UDO only exempts the DDP process for Single-family Dwellings, the current definition of which is detached homes only. In practice, we have not required a DDP review and approval for Single-Family Attached projects. Doing so would create many issues as the individual architecture is frequently chosen as the units are sold, as they are in detached communities.

To remedy these issues, we have decided to split the ODP and DDP processes. With this split, the ODP process would be required for Single-family developments (both attached and detached);

and the DDP process would be required for Multi-family and Commercial developments, as well as Common Areas that were not reviewed as part of an ODP.

Changes to accommodate the revised processes were required in two chapters of the UDO:

Chapter 10 Processes and Permits: The ODP and DDP review processes are outlined in Article 10.7 of the UDO. The necessary changes are outlined below:

Applicability: Changes to this section include removing the specific triggers and instead stating that a Development Plan review is required prior to Development in all Zoning Districts (except as exempted in Section 4.2(J)), and outlining which projects require ODP and which require DDP approval.

Approving Authority: The proposed amendment takes the existing Approvals Required section, which was essentially relocated to the above Applicability section, and renames it Approving Authority. The new section simply outlines that ODPs are approved by the Plat Committee and DDPs are approved by the Plan Commission.

Plan Commission Action: Currently, DDPs are required to be substantially compliant with the associated ODP. The proposed amendment removes this requirement as projects will no longer require both ODP and DDP approval.

Chapter 12 Definitions: The current UDO definition of “Single-family Dwelling” describes Detached Dwellings. For conciseness when drafting the proposed changes, we have renamed this definition “Single-family Detached Dwelling” and added a new definition, “Single-family Attached Dwelling”, which encompasses several existing Dwelling definitions.

MISCELLANEOUS STANDARDS

The proposed amendment includes additional changes that were not necessary to accommodate the new and revised processes, but have been included for a variety of reasons, as discussed below:

Article 3.4 Administration; Director of the Department; Duties: This change adds approval of secondary plats and replats as a duty of the Director. This has already occurred in practice and reconciles two UDO sections, as Secondary Plat approval is delegated to the Director in Article 10.12 Processes and Permits; Subdivision.

Article 10.7(H)(10) Application Documentation and Supporting Information; Traffic Impact Study: This change would remove the Director’s and the Plan Commission’s authority to request a Traffic Impact Study during the DDP process. The Director of Community Development and Director of Public Works would retain this authority. The reason for this change is that the onus for denying a DDP based on traffic impact alone would be very high, and the Director of Public Works would most qualified to determine if a traffic impact study would be useful.

Article 10.9 Processes and Permits; Planned Unit Development Districts: Changes made to this article reconcile the standards with our current practices and proposed process changes by acknowledging that not all projects in PUD Districts will require a DDP.

Article 10.12 Processes and Permits; Subdivision: Several changes were made to this article, as further explained below:

Minor Subdivision: The UDO permits subdivisions in Agricultural and Single-family Districts, which do not involve opening any new streets, to be processed as a Minor Subdivision. This allows the subdivision to skip the Primary Plat and have a Secondary Plat approved. Currently, this process is only permitted one time per parcel, and any subsequent subdivision requires the Major Subdivision process. This creates an issue, as Major Subdivisions are not permitted in the AG-SF1 District, so any further subdivision requires either a variance or rezoning. The proposed amendment would remove this standard, allowing the Minor Subdivision process to be used so long as the proposal complies with the Minor Subdivision definition and Zoning District standards.

Requirement for Development Plan Approval: The UDO currently requires an ODP to be approved prior to or contemporaneous with a Primary Plat, and a DDP to be approved prior to or contemporaneous with a Secondary Plat. In practice, the latter frequently does not occur as not all Secondary Plats are specifically related to a DDP. Additionally, the process changes discussed in the previous section would result in not all Primary Plats having an associated ODP. For these reasons, we are removing this standard.

Pre-filing Conference: The UDO currently requires a pre-filing conference for all Primary and Secondary Plats. The purpose of this meeting is for the petitioner to gain any preliminary feedback, and allow them the ability to ask questions of Public Works, Fire Department, and this Department. Over time, it became apparent that this is not necessary for later sections of subdivisions. For this reason, we stopped requiring the meeting for Secondary Plats of existing subdivisions. This amendment would formalize the change.

Secondary Plat Phasing: The UDO currently requires Secondary Plat to include the entire parent parcel being subdivided; however, allows the director to waive this same requirement for Primary Plats. This amendment would add the same language that exists for Primary Plats to this section. It is not expected that this standard will frequently be waived, but this would add consistency to the ordinance and accommodate the rare instances where it doesn't make sense to include the entire parent parcel.

Secondary Plat Timing: The UDO currently states that a Secondary Plat cannot be approved until 30 days after approval of the associated Primary Plat. Indiana Code requires an appeal period of five (5) days following Primary Plat approval. This amendment would remove the 30-day requirement, and default to Indiana Code.

Chapter 12 Definitions: The proposed amendment adds one (1) definition and modifies five (5) definitions that are not specifically related to the process changes discussed in previous sections, as further outlined below:

Dwelling: This currently appears as a stand-alone term (i.e. not Dwelling Unit, Single-family Dwelling, etc.) in several places in the UDO, but is not defined. The proposed definition aligns with its current usage.

Development Plan: This currently appears as a stand-alone term (i.e. not Overall Development Plan or Detailed Development Plan) in several places in the UDO, but is not defined. The proposed definition aligns with its current usage.

Major and Minor Amendment: These definitions currently only address Development Plans, but have been used for Primary Plats as well. This amendment would add Primary Plat to both definitions to formalize this interpretation.

Townhouse Dwelling: The current definition of Townhouse Dwelling has created issues with single-story apartments, such as the Redwood and Sander's Glen projects. We have researched common definitions of Townhouse or Townhome and most include the units having more than one story. We have used this information to determine that single-story projects are not Townhouse Dwellings but are apartments, which fall under the Multi-family Dwelling definition. This amendment would formalize the interpretation and align our definition with the more widely used definition.

Major and Minor Subdivision: These definitions currently include the widening of any Street as a distinguishing factor as to whether a Subdivision is considered major or minor. This could be interpreted to include the dedication of Right-of-Way for future widening, which is required for all Subdivisions. For this reason, we are specifying that only opening or extending a Street qualifies, and not the widening of an existing Street. Additionally, if any lots use an easement as their only access, the subdivision could be considered major. This has consistently been interpreted to apply only to Private Street Easements and not shared drives. This amendment would formalize that interpretation.

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 May 16, 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 poward@westfield.in.gov.

ORDINANCE 22-19

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 _____, 2022, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 2205-ZOA-01 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 Administration** shall be amended as follows:

A. **Article 3.1 General Administration** shall be amended as follows:

A. **Schedule of Meeting and Filing Dates:** The Department shall maintain an annual Schedule of Meeting and Filing Dates for the Technical Advisory Committee, Plan Commission, Plat Committee, and Board of Zoning Appeals. Modifications of filing dates are contemplated if determined reasonable by the Department. The existence of this calendar shall not be interpreted as prohibiting special meetings or changes of meeting dates by the Technical Advisory Committee, Plan Commission, Plat Committee, or Board of Zoning Appeals. The Schedule of Meeting and Filing Dates shall be made available in the office of the Department.

B. **Article 3.4(B)(9) Director of the Department; Duties** shall be relocated to 3.4(B)(10) and a new subsection shall be added as follows: “Approve or

deny Secondary Plats and amendments to Secondary Plats (see also Article 10.12 Subdivision)."

- C. **Article 3.6 Plan Commission** shall be amended as follows: "The powers and duties of the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") are defined by Indiana law and are generally described below. The Plan Commission may delegate its authority to the Department or a committee, including a plat committee, to perform ~~ministerial acts exempt where final action of the Plan Commission is necessary~~ in accordance with Indiana law.
- D. **Article 3.6(A)(7) Plan Commission; Duties** shall be deleted: "~~7. Approve or deny plats or replats of Subdivisions (see also Article 10.12 Subdivision).~~"
- E. **Article 3.6(A)(9) Plan Commission; Duties** shall be amended as follows:

"Approve or deny Detailed Development Plans and Major a Amendments to Detailed Development Plans (see also Article 10.7 Development Plan Review)."
- F. **Article 3.7 Technical Advisory Committee** shall be relocated to 3.8. A new Article, titled **Plat Committee**, shall be added as follows: "A Plat Committee shall be appointed and have all authority as outlined in I.C. § 36-7-4-701, et. al."
 - A. **Duties:** Duties should be interpreted as activities that are obligations and generally include:
 1. Approve or deny Primary Plats and Major Amendments to Primary Plats (see also Article 10.12 Subdivision).
 2. Approve or deny Overall Development Plans and Major Amendments to Overall Development Plans (see also Article 10.7 Development Plan Review).
 3. Other Duties as permitted by Indiana Law or that may be delegated by the Plan Commission.

Section 2. **Article 7.3(C) Subdivision Standards** shall be amended as follows:

- A. **Principles and Standards of Design; Subdivision Control Waivers** shall be amended as follows: "**Subdivision Control Waivers:** ~~The Plan Commission~~ Plat Committee, in its discretion, may grant a waiver from standards required by CHAPTER 8: DESIGN STANDARDS of this Ordinance. Such waiver shall be entered into the minutes of the ~~Plan Commission~~ Plat Committee together with the reasoning for the departure

Unified Development Ordinance Amendment

from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with Article 10.6 Commitments. A waiver may only be granted upon finding that:"

B. Article 7.4 (H) Plat Certificates and Deed of Dedication; Plat Committee Certificate shall be added as follows:

The Primary Plat complies with all applicable standards of the Unified Development Ordinance and any Planned Unit Development District Ordinance that applies to the real estate.

(Name), President

(Name), Secretary

C. Article 7.5 Chapter Amendment Log shall be relocated to Article 7.6. A new Article, titled **Right to Appeal**, shall be added as follows: "An applicant or other interested party may appeal to the plan commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the plat committee, in accordance with section Indiana Code § 36-7-4-708. "

Section 3. Article 10.7 Processes & Permits; Development Plan Review shall be amended as follows:

A. Article 10.7(A) Authority shall be amended as follows: "**Authority:** A Development Plan review process, as set forth herein, is hereby established to ensure adherence to the standards of this Ordinance. Development Plan applications shall be generally considered favorably by the Plan Commission, Plat Committee, and Department."

B. Article 10.7(C) Applicability shall be amended as follows:

C. Applicability: The Development Plan review process shall be required prior to Development in all Zoning Districts, except as exempted by Article 4.2(J), as set forth herein.~~be necessary prior to any: (i) new construction; (ii) building additions; (iii) new or expanded surface Parking Areas; (iv) new or expanded impervious surface areas; (iv) renovation or improvements to a previously approved development plan; (v) exterior building renovations; or, (vi) any other improvements that require an Improvement Location Permit.~~

1. ~~Exception: Individual Single family Dwellings shall not require Detailed Development Plan approval in accordance~~

Unified Development Ordinance Amendment

~~with this Article; rather, the Building Permit review process (see also Article 10.8 Improvement Location Permit) shall serve as the Detailed Development Plan.~~

1. Overall Development Plan: An Overall Development Plan is required for Single-family Attached and Single-family Detached Major Subdivisions. The purpose of the Overall Development Plan is to preliminarily divide property into Lots, Blocks, or Common Areas and to ensure compliance with the standards of this Ordinance with regard to Lots (e.g., size, access, general building envelopes), Common Areas (e.g., perimeter landscaping, amenities shared signage) and shared infrastructure (e.g., drives, streets, cross-access, utilities, drainage). An Overall Development Plan does not include the review of the site layout or building design of individual building Lots; rather, it is intended to generally review Lots, Common Areas, public spaces and shared infrastructure so that adequate consideration is given to ensure a coordinated Development prior to subdividing the property.
2. Detailed Development Plan: A Detailed Development Plan is required prior to Development of (i) Multi-family Dwellings; (ii) Nonresidential Uses; (iii) Common Areas that were not otherwise reviewed with an approved Overall Development Plan; and (iv) Development Amenities which include a Building. The purpose of the Detailed Development Plan is to clearly define all construction matters and special conditions such as construction techniques, specific building locations and design (e.g., architecture), and specific site design (e.g., landscaping, parking, signage, lighting) for an individual Lot or Block.
3. Transition Rules:
 - a. Previously Approved Development Plans: A development plan or site plan approved by the Plan Commission prior to the adoption of this Ordinance shall be deemed to be an approved Detailed Development Plan; except for development plans approved by the Plan Commission for single-family developments, which shall be deemed as approved Overall Development Plans.
 - b. Existing Lots without Approved Development Plans or Site Plans: New improvements or changes to existing improvements on a Lot which has lawfully developed, but did not receive approval of a

Unified Development Ordinance Amendment

development plan or site plan by the Plan Commission, shall require Detailed Development Plan approval, pursuant to this Article. Overall Development Plan approval shall only be required in this case if the proposed developments results in a Major Subdivision.

C. **Article 10.7(D) Approvals Required** shall be amended as follows:

D. **Approving Authority als Required:** ~~The approval of a Development Plan is a two-step process that includes the approval of an Overall Development Plan and the approval of a Detailed Development Plan, as set forth herein. The approval or disapproval of both an Overall Development Plan is hereby delegated to the Plat Committee. and The Approval or disapproval of a Detailed Development Plan is hereby delegated to the Plan Commission.~~

- ~~1. The purpose of the Overall Development Plan is to preliminarily divide property into Lots, Blocks or Common Area and to ensure compliance with the standards of this Ordinance with regard to Lots (e.g., size, access, general building envelopes), Common Areas (e.g., perimeter landscaping, shared signage) and shared infrastructure (e.g., drives, streets, cross access, utilities, drainage). An Overall Development Plan does not include the review of the site layout or building design of individual building Lots; rather, it is intended to generally review Lots, Common Areas, public spaces and shared infrastructure so that adequate consideration is given to ensure a coordinated development prior to subdividing the property.~~
- ~~2. The purpose of the Detailed Development Plan is to clearly define all construction matters and special conditions such as construction techniques, specific building locations and design (e.g., architecture), and specific site design (e.g., landscaping, parking, signage, lighting) for an individual Lot or Block.~~

D. **Article 10.7(E) Development Plan Review Criteria** shall be amended as follows: **Development Plan Review Criteria:** Development Plans shall comply with and be reviewed by the Plan Commission or Plat Committee upon finding that the Development Plan is in compliance with the following requirements:”

E. **Article 10.7(F) Overall Development Plan Approval Process** shall be amended as follows:

1. Application Procedures:

Unified Development Ordinance Amendment

- a. Pre-Filing Conference: A pre-filing conference with the Department is required prior to the filing of any Development Plan application. The Applicant is encouraged to incorporate the Department's comments into the design of the project prior to the filing the application.
 - b. Who May File: Applications may be filed by a petition signed by the Property Owners of the real estate involved in the petition, or the Property Owner's authorized agent. If an authorized agent, then a consent form signed by the Property Owner and notarized shall accompany the application.
 - c. Filing Deadline: Applications shall be filed in accordance with the Schedule of Meetings and Filing Deadlines. The Applicant shall be responsible for distributing a copy of the application and Development Plan to members of the Technical Advisory Committee.
 - d. Forms of Filing: An Applicant shall submit a completed application to the Department on forms provided by the Department with documentation and supporting information as set forth in this Article.
 - e. Specifying Waiver Request: All Overall Development Plans shall specify and detail any waivers requested pursuant to Article 7.3 Principles and Standards of Design. Any waiver of standard shall not be considered unless specifically requested and presented to the ~~Plan Commission~~ Plat Committee for its consideration, even if it is otherwise identified on the Development Plan.”
 - f. Docketing by Department: Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Department shall be numbered and docketed by the Department for an initial hearing by the ~~Plan Commission~~ Plat Committee.
2. Investigation of Petitions: The Technical Advisory Committee may review any Development Plan, at the Director's determination, prior to the ~~Plan Commission's~~ Plat Committee's consideration. The Department may submit a written report to the ~~Plan Commission~~ Plat Committee stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land

Unified Development Ordinance Amendment

use and public facilities available to service the area, or other pertinent facts. The report may also contain opinions of the Department concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Applicant and all remonstrators of record, if any.

3. Amendments Prior to Public Hearing: Amendments to a Development Plan to be considered at the public hearing must be received by the Department in accordance with the Schedule of Meeting and Filing Deadlines, to allow for the Department's written report to include comments and recommendations related to plans that may have been amended in response to comments provided by the Department or the Technical Advisory Committee. If the Director determines amendments made are beyond those necessary to comply with the recommendations of the Department or the Technical Advisory Committee, then the Director may continue the public hearing and require the amended plans to be reviewed again by the Department and/or the Technical Advisory Committee.
4. Public Hearing and Notice: A public hearing by the ~~Plan Commission~~ Plat Committee shall be required for any Overall Development Plan and notification for the scheduled public hearing shall be completed consistent with the requirements of the Rules of Procedure of the Plan Commission and the Schedule of Meeting and Filing Deadlines. Any Development Plan which has been delegated to the Director for approval may occur without public notice and without a public hearing.
5. Amendments Proposed at Public Hearing: An Applicant may make amendments to an Overall Development Plan pending determination by the ~~Plan Commission~~ Plat Committee at any time prior to a vote being called for by the ~~Plan Commission~~ Plat Committee. If, in the sole discretion of the ~~Plan Commission~~ Plat Committee, the proposed amendment is of such a nature that additional time is needed for review, then the ~~Plan Commission~~ Plat Committee may continue its consideration in accordance with the Rules of Procedure of the Plan Commission. If amendments are presented by the Applicant and agreed to by the ~~Plan Commission~~ Plat Committee at the public hearing, then revised plans indicating all amendments approved by the ~~Plan Commission~~ Plat Committee shall be filed with the Department prior to the application of a ~~Detailed Development Plan~~ Secondary Plat.

Unified Development Ordinance Amendment

6. ~~Plan Commission~~ Plat Committee Action: The ~~Plan Commission~~ Plat Committee will ~~then hold the public hearing and~~ review the application and required information and take action on the petition in accordance with this Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission.
7. Amendments to Approved Overall Development Plan: Changes to an Overall Development Plan which has already received approval by the ~~Plan Commission~~ Plat Committee shall be subject to this section.
 - a. Minor Amendments: If the Director determines a change to an approved Overall Development Plan is not a Major Amendment, then the change shall be deemed a Minor Amendment. Minor Amendments may be approved as ~~part of the Detailed Development Plan or Improvement Location Permit~~ administratively without a public hearing.
 - b. Major Amendments: If the Director determines a change to an approved Overall Development Plan is a Major Amendment, then the Applicant shall be required to file a new application of an amendment to the Overall Development Plan, which shall follow the procedures set forth in this Article for the initial approval of the Overall Development Plan.
8. Appeals of Determinations by Director: Any determination of the Director made under the authority of this Article may be appealed by any interested party to the Plan Commission. Such letter shall request a hearing on the matter by the Plan Commission at the Plan Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided. Further, appeals of the Plan Commission's determination may be made in accordance with Article 10.3 Appeals of Administrative Decisions.

- F. **Article 10.7(G)(3) Detailed Development Plan Approval; Plan Commission Action** shall be amended as follows: “Plan Commission Action: Following the Applicant's submittal of revised copies of the Detailed Development Plan, the Plan Commission shall review and take action on the petition in accordance with the Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission without a public hearing. If the Detailed Development Plan complies with this Ordinance ~~and is substantially consistent with the approved Overall Development Plan~~, then the Plan Commission shall approve the Detailed Development Plan. If the Detailed

Development Plan is disapproved, then the Director shall set forth the reasons accordingly in writing and provide the Applicant with a copy.

- G. **Article 10.7(H) Application Documentation and Supporting Information** shall be amended as follows: “**Application Documentation and Supporting Information**: All applications for Development Plan approval shall include the documentation and supporting information set forth herein. Other information as deemed necessary to support a thorough review of the project may be requested in writing by the Plan Commission, Plat Committee, or Director. The Director, in its sole discretion, may, in writing, waive or relax any of the documentation required which is not relevant or is deemed unnecessary for a thorough review of the development.”
- H. **Article 10.7(H)(1) Application Documentation and Supporting Information; Development Plan Scope** shall be amended as follows: “**Development Plan Scope**: An Overall Development Plan shall include those details applicable to the overall development, shared or Common Areas, shared infrastructure, and other areas deemed appropriate by the Director or ~~Plan Commission~~ Plat Committee in order that adequate consideration is given to ensure a coordinated development prior to subdividing the property. A Detailed Development Plan shall include all details specific to the individual Lot that is the subject of the application.”
- I. **Article 10.7(H)(4) Application Documentation and Supporting Information; Landscape Plan** shall be amended as follows: “**Landscape Plan**: A Landscape Plan in accordance with Article 6.8 Landscaping Standards, shall be required as part of any Development Plan. Landscape Plans for Overall Development Plans shall generally detail perimeter areas, Buffer Yards, Common Areas, entryways, Street Trees, and any other Open Space as deemed appropriate by the ~~Plan Commission~~ Plat Committee or Director. Landscape Plans for a Detailed Development Plan shall generally be site or Lot specific showing compliance with Parking Area areas, Buffer Yards, Street Trees, and on-site or foundation requirements.”
- J. **Article 10.7(H)(10) Application Documentation and Supporting Information; Traffic Impact Study** shall be amended as follows: “**Traffic Impact Study**: A Traffic Impact Study may be required to be conducted at the discretion of ~~the Director, the Department of Public Works Director, or the Plan Commission~~. If a Traffic Impact Study is required, then it shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an Applicant shall meet with the Department to determine the appropriate scope for the study.”

Section 4. **Article 10.9 Processes & Permits; Planned Unit Development Districts** shall be amended as follows:

- A. **Article 10.9(B) Required Approvals** shall be amended as follows:
“Required Approvals: A Planned Unit Development District requires the following approvals, unless otherwise exempted in this Ordinance:”
- B. **Article 10.9(D) Development Plan Approval** shall be amended as follows:
“Development Plan Approval: ~~Overall Development Plan and Detailed Development Plan Review~~ approval, as set forth in Article 10.7 Development Plan Review, shall be required for all PUD Districts. Development Plans shall conform to the approved PUD District Ordinance and this Ordinance.”
- C. **Article 10.9(E) Permits** shall be amended as follows: **“Permits:** No permit of any kind shall be issued for any purpose within a PUD District except in accordance with the approved ~~Detailed~~ Development Plan, and after acceptance by the City of all required guarantees for improvements pursuant to this Ordinance.”

Section 5. **Article 10.12 Processes & Permits; Subdivision** shall be amended as follows:

- A. **Article 10.12(A) Authority** shall be amended as follows: **“Authority:** This Article establishes the process for the subdivision of land in accordance with CHAPTER 7: SUBDIVISION REGULATIONS, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the ~~Plan Commission~~ Plat Committee and Department.”
- B. **Article 10.12(C)(1) Approval Process** shall be amended as follows:
 - 1. **Major Subdivision:** The approval of a Major Subdivision is a two-step process that includes the approval of a Primary Plat and the approval of a Secondary Plat, as set forth herein. The approval or disapproval of a Primary Plat is hereby delegated to the ~~Plan Commission~~ Plat Committee. After a Primary Plat has been approved, a property is eligible for Secondary Plat approval. The approval or disapproval of a Secondary Plat is hereby delegated to the Director.
 - 2. **Minor Subdivision:** The approval of a Minor Subdivision is a one-step process that includes the approval of a "Minor Subdivision Plat" depicting the details of a Secondary Plat, as set forth herein. The approval or disapproval of a Minor Subdivision is hereby delegated to the Director and shall follow the process and requirements set forth herein for a Secondary Plat. ~~This type of subdivision may be used one time for the~~

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~~subdividing of a parent parcel. Additional subdivisions of a parent parcel shall require approval as a Major Subdivision.~~

- C. **Article 10.12(D) Requirement for Development Plan Approval** shall be deleted: ~~“**Requirement for Development Plan Approval:** Approval shall not be granted to any Primary Plat unless an Overall Development Plan has been approved prior to or contemporaneous with the Primary Plat. Approval shall not be granted to any Secondary Plat unless a Detailed Development Plan has been approved prior to or contemporaneous with the Secondary Plat. See also Article 10.7 Development Plan Review.”~~
- D. **Article 10.12(E)(1) Application Procedures; Pre-Filing Conference** shall be amended as follows: “Pre-Filing Conference: A pre-filing conference with the Department is required prior to the filing of any Primary ~~or~~ and the first Secondary Plat application for a Subdivision. The Applicant is encouraged to incorporate the Department's comments into the design of the project prior to filing the application.”
- E. **Article 10.12(E)(5) Application Procedures; Specifying Waiver Request** shall be amended as follows: “Specifying Waiver Request: All Primary Plats shall specify and detail any waivers requested pursuant to Article 7.3 Principles and Standards of Design. Any waiver of standard shall not be considered unless specifically requested and presented to the ~~Plan Commission~~ Plat Committee for its consideration, even if it is otherwise identified on the Primary Plat.”
- F. **Article 10.12(F) Primary Plat Approval** shall be amended as follows:
1. Phasing: A Primary Plat may include all or only part of a larger overall development (e.g., Planned Unit Development, Nonresidential Center); however, a Primary Plat shall include, at a minimum, the entire parent tract being subdivided, unless otherwise deemed unnecessary by the Director or ~~Plan Commission~~ Plat Committee. The purpose of this requirement is to avoid the creation of a remainder parcel(s) that does not comply with this Ordinance or that does not allow for the orderly development of the remainder parcel.
 2. Docketing by Department: Each Primary Plat application filed in accordance with this Article shall be reviewed for completeness. All Primary Plat applications determined to be in proper form pursuant to the guidelines established by the Department shall be numbered and docketed by the Department for a public hearing by the ~~Plan Commission~~ Plat Committee.
 3. Investigation of Petitions:

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- a. The Technical Advisory Committee may review any Primary Plat prior to the ~~Plan Commission's~~ Plat Committee's consideration.
 - b. The Department may submit a written report to the ~~Plan Commission~~ Plat Committee stating any facts concerning the physical characteristics of the area involved in the Primary Plat, together with a recital of surrounding land Use and public facilities available to service the area, or other pertinent facts. The report may also contain opinions of the Department concerning the proposal contained in the Primary Plat and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Applicant and all remonstrators of record, if any.
4. Public Hearing: A public hearing by the ~~Plan Commission~~ Plat Committee, in accordance with the Schedule of Meeting and Filing Dates, shall be required for any Primary Plat and notification for the scheduled public hearing shall be completed consistent with the requirements of the Rules of Procedure of the Plan Commission.
 5. ~~Plan Commission~~ Plat Committee Action: The ~~Plan Commission~~ Plat Committee will then hold the public hearing and review the application and required information and take action on the petition in accordance with this Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission.
 6. Effect of Approval: Approval of a Primary Plat shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of a Secondary Plat, Detailed Development Plan, Improvement Location Permit, Building Permit and a Certificate of Occupancy.
- G. **Article 10.12(G)(2) Secondary Plat Approval; Phasing** shall be amended as follows: "Phasing: A Secondary Plat may include all or only a part of the Primary Plat which has received approval; however, a Secondary Plat shall include, at a minimum, the entire parent tract being subdivided, unless otherwise deemed unnecessary by the Director. The purpose of this requirement is to avoid the creation of a remainder parcel(s) that does not comply with this Ordinance or that does not allow for the orderly development of the remainder parcel."
- H. **Article 10.12(G)(2) Secondary Plat Approval; Time Limitation** shall be amended as follows: "Time Limitation: An Applicant may submit an

application for Secondary Plat approval within the time provided for appeal under I.C. 36-7-4-708; however, approval of a Secondary Plat shall not be granted until thirty (30) days after the approval of a Primary Plat said appeal period has lapsed."

Section 6. **Article 10.15 Processes & Permits; Zoning Map Changes (Rezones)** shall be amended as follows:

- A. **Article 10.15(F)(4)** shall be deleted: ~~"Possible Action: Following the public hearing, the Plan Commission may either forward the application to the Council with a favorable recommendation, an unfavorable recommendation, or no recommendation in accordance with Indiana Code; or continue the request to a subsequent Plan Commission meeting."~~
- B. **Article 10.15(G) Continuances:** shall be replaced as follows:
 - G. ~~"Continuances: The application may be continued by the Plan Commission based on a request by the Director, Applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to action being taken on the request. The continuing of all applications and any potential additional legal notice shall be consistent with the Rules and Procedures of the Plan Commission."~~
 - G. "Workshop: Following the Public Hearing, the application will appear as a workshop item at a subsequent Plan Commission meeting. This requirement can be waived by the Plan Commission by a majority vote following the Public Hearing."
- H. **Article 10.15(H) Certification, Article 10.15(I) Council Action, and Article 10.15(J) Decision Criteria** shall be relocated to 10.15(I), 10.15(J), and 10.15(K), respectively. A new section, titled **Plan Commission Action**, shall be added as follows: "H. Plan Commission Action: Following the public hearing, and workshop if not waived in accordance with Article 10.15(G), the Plan Commission may either forward the application to the Council with a favorable recommendation, an unfavorable recommendation, or no recommendation in accordance with Indiana Code.

Section 7. **Article 12.1 Definitions** shall be amended as follows:

- A. Add new definitions to read as follows:
 - 1. Dwelling: A Building containing one or more Dwelling Units, excluding hotels, motels, and boarding houses.

Unified Development Ordinance Amendment

2. Dwelling, Single-family Attached: A Duplex Dwelling, Triplex Dwelling, Quadraplex Dwelling, or Townhouse Dwelling as defined by this Ordinance.
3. Plat Committee: The Westfield-Washington Township Plat Committee.

B. Modify the following definitions as follows:

1. Amendment, Major: A proposed modification(s) to a previously approved development plan that is determined by the Director to adversely impact the purpose or intent of a previously approved Primary Plat or development plan. Example modifications may include: (i) an increase in the buildable area or number of Lots; (ii) an increase in impervious surface area or intensity of a Use; (iii) a reduction in the width of or number of plantings in a perimeter yard (e.g., buffer yard, external street frontage landscaping); or (iv) changes in standards or alignment of Streets or circulations, including additional driveways, Rights-of-way or access points.
2. Amendment, Minor: A proposed modification(s) to a previously approved Primary Plat or development plan that is not a Major Amendment.
3. Development Plan: An Overall Development Plan or Detailed Development Plan as defined by this Ordinance.
4. Dwelling, Single-family Detached: A building containing one (1) Dwelling Unit being a minimum of twenty-three (23) feet wide, which does not share a common wall with any other Dwelling Unit and is surrounded on all sides by outside areas located on the same Lot (e.g., detached building)."
5. Dwelling, Townhouse: A Dwelling Unit with a private entrance, which is part of a building with Dwelling Units attached in a linear arrangement, each having more than one story and ~~having a~~ totally exposed front and rear walls, used for access, light, and ventilation.
6. Subdivision, Major: Any Subdivision: (i) which results in two (2) or more smaller Lots or parcels, any of which front on or utilize a Private Street ~~or easement~~ for its only access; or, (ii) the Subdivision is for the purpose of Development (excluding cemeteries) and a new Street is to be dedicated, reserved, or otherwise platted.
7. Subdivision, Minor: A Subdivision within an Agricultural District or Single-family District along an existing Street, not involving the

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opening, ~~widening~~, or extension of any Street (public or private), which comply with the applicable Zoning District standards, after the original tract has been completely subdivided.

Section 8. 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_____
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 22-19 was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 22-19

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-19

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

This document prepared by:

Pamela L. 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.

ORDINANCE 22-19

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 _____, 2022, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 2205-ZOA-01 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 Administration** shall be amended as follows:

A. **Article 3.1 General Administration** shall be amended as follows:

A. **Schedule of Meeting and Filing Dates:** The Department shall maintain an annual Schedule of Meeting and Filing Dates for the Technical Advisory Committee, Plan Commission, Plat Committee, and Board of Zoning Appeals. Modifications of filing dates are contemplated if determined reasonable by the Department. The existence of this calendar shall not be interpreted as prohibiting special meetings or changes of meeting dates by the Technical Advisory Committee, Plan Commission, Plat Committee, or Board of Zoning Appeals. The Schedule of Meeting and Filing Dates shall be made available in the office of the Department.

B. **Article 3.4(B)(9) Director of the Department; Duties** shall be relocated to 3.4(B)(10) and a new subsection shall be added as follows: “Approve or

deny Secondary Plats and amendments to Secondary Plats (see also Article 10.12 Subdivision)."

- C. **Article 3.6 Plan Commission** shall be amended as follows: "The powers and duties of the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") are defined by Indiana law and are generally described below. The Plan Commission may delegate its authority to the Department or a committee, including a plat committee, to perform ~~ministerial acts exempt where final action of the Plan Commission is necessary~~ in accordance with Indiana law.
- D. **Article 3.6(A)(7) Plan Commission; Duties** shall be deleted: "~~7. Approve or deny plats or replats of Subdivisions (see also Article 10.12 Subdivision).~~"
- E. **Article 3.6(A)(9) Plan Commission; Duties** shall be amended as follows:

"Approve or deny Detailed Development Plans and Major a Amendments to Detailed Development Plans (see also Article 10.7 Development Plan Review)."
- F. **Article 3.7 Technical Advisory Committee** shall be relocated to 3.8. A new Article, titled **Plat Committee**, shall be added as follows: "A Plat Committee shall be appointed and have all authority as outlined in I.C. § 36-7-4-701, et. al."
 - A. **Duties:** Duties should be interpreted as activities that are obligations and generally include:
 1. Approve or deny Primary Plats and Major Amendments to Primary Plats (see also Article 10.12 Subdivision).
 2. Approve or deny Overall Development Plans and Major Amendments to Overall Development Plans (see also Article 10.7 Development Plan Review).
 3. Other Duties as permitted by Indiana Law or that may be delegated by the Plan Commission.

Section 2. **Article 7.3(C) Subdivision Standards** shall be amended as follows:

- A. **Principles and Standards of Design; Subdivision Control Waivers** shall be amended as follows: "Subdivision Control Waivers: The ~~Plan Commission~~ Plat Committee, in its discretion, may grant a waiver from standards required by CHAPTER 8: DESIGN STANDARDS of this Ordinance. Such waiver shall be entered into the minutes of the ~~Plan Commission~~ Plat Committee together with the reasoning for the departure

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from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with Article 10.6 Commitments. A waiver may only be granted upon finding that:”

B. Article 7.4 (H) Plat Certificates and Deed of Dedication; Plat Committee Certificate shall be added as follows:

The Primary Plat complies with all applicable standards of the Unified Development Ordinance and any Planned Unit Development District Ordinance that applies to the real estate.

(Name), President

(Name), Secretary

C. Article 7.5 Chapter Amendment Log shall be relocated to Article 7.6. A new Article, titled **Right to Appeal**, shall be added as follows: “An applicant or other interested party may appeal to the plan commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the plat committee, in accordance with section Indiana Code § 36-7-4-708.”

Section 3. Article 10.7 Processes & Permits; Development Plan Review shall be amended as follows:

A. Article 10.7(A) Authority shall be amended as follows: “**Authority:** A Development Plan review process, as set forth herein, is hereby established to ensure adherence to the standards of this Ordinance. Development Plan applications shall be generally considered favorably by the Plan Commission, Plat Committee, and Department.”

B. Article 10.7(C) Applicability shall be amended as follows:

C. Applicability: The Development Plan review process shall be required prior to Development in all Zoning Districts, except as exempted by Article 4.2(J), as set forth herein.~~be necessary prior to any: (i) new construction; (ii) building additions; (iii) new or expanded surface Parking Areas; (iv) new or expanded impervious surface areas; (iv) renovation or improvements to a previously approved development plan; (v) exterior building renovations; or, (vi) any other improvements that require an Improvement Location Permit.~~

1. ~~Exception: Individual Single family Dwellings shall not require Detailed Development Plan approval in accordance~~

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~~with this Article; rather, the Building Permit review process (see also Article 10.8 Improvement Location Permit) shall serve as the Detailed Development Plan.~~

1. Overall Development Plan: An Overall Development Plan is required for Single-family Attached and Single-family Detached Major Subdivisions. The purpose of the Overall Development Plan is to preliminarily divide property into Lots, Blocks, or Common Areas and to ensure compliance with the standards of this Ordinance with regard to Lots (e.g., size, access, general building envelopes), Common Areas (e.g., perimeter landscaping, amenities shared signage) and shared infrastructure (e.g., drives, streets, cross-access, utilities, drainage). An Overall Development Plan does not include the review of the site layout or building design of individual building Lots; rather, it is intended to generally review Lots, Common Areas, public spaces and shared infrastructure so that adequate consideration is given to ensure a coordinated Development prior to subdividing the property.
2. Detailed Development Plan: A Detailed Development Plan is required prior to Development of (i) Multi-family Dwellings; (ii) Nonresidential Uses; (iii) Common Areas that were not otherwise reviewed with an approved Overall Development Plan; and (iv) Development Amenities which include a Building. The purpose of the Detailed Development Plan is to clearly define all construction matters and special conditions such as construction techniques, specific building locations and design (e.g., architecture), and specific site design (e.g., landscaping, parking, signage, lighting) for an individual Lot or Block.
3. Transition Rules:
 - a. Previously Approved Development Plans: A development plan or site plan approved by the Plan Commission prior to the adoption of this Ordinance shall be deemed to be an approved Detailed Development Plan; except for development plans approved by the Plan Commission for single-family developments, which shall be deemed as approved Overall Development Plans.
 - b. Existing Lots without Approved Development Plans or Site Plans: New improvements or changes to existing improvements on a Lot which has lawfully developed, but did not receive approval of a

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development plan or site plan by the Plan Commission, shall require Detailed Development Plan approval, pursuant to this Article. Overall Development Plan approval shall only be required in this case if the proposed developments results in a Major Subdivision.

C. Article 10.7(D) Approvals Required shall be amended as follows:

D. Approving Authority als Required: ~~The approval of a Development Plan is a two-step process that includes the approval of an Overall Development Plan and the approval of a Detailed Development Plan, as set forth herein. The approval or disapproval of both an Overall Development Plan is hereby delegated to the Plat Committee. and The Approval or disapproval of a Detailed Development Plan is hereby delegated to the Plan Commission.~~

- ~~1. The purpose of the Overall Development Plan is to preliminarily divide property into Lots, Blocks or Common Area and to ensure compliance with the standards of this Ordinance with regard to Lots (e.g., size, access, general building envelopes), Common Areas (e.g., perimeter landscaping, shared signage) and shared infrastructure (e.g., drives, streets, cross access, utilities, drainage). An Overall Development Plan does not include the review of the site layout or building design of individual building Lots; rather, it is intended to generally review Lots, Common Areas, public spaces and shared infrastructure so that adequate consideration is given to ensure a coordinated development prior to subdividing the property.~~
- ~~2. The purpose of the Detailed Development Plan is to clearly define all construction matters and special conditions such as construction techniques, specific building locations and design (e.g., architecture), and specific site design (e.g., landscaping, parking, signage, lighting) for an individual Lot or Block.~~

D. Article 10.7(E) Development Plan Review Criteria shall be amended as follows: **Development Plan Review Criteria:** Development Plans shall comply with and be reviewed by the Plan Commission or Plat Committee upon finding that the Development Plan is in compliance with the following requirements:”

E. Article 10.7(F) Overall Development Plan Approval Process shall be amended as follows:

1. Application Procedures:

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- a. Pre-Filing Conference: A pre-filing conference with the Department is required prior to the filing of any Development Plan application. The Applicant is encouraged to incorporate the Department's comments into the design of the project prior to the filing the application.
 - b. Who May File: Applications may be filed by a petition signed by the Property Owners of the real estate involved in the petition, or the Property Owner's authorized agent. If an authorized agent, then a consent form signed by the Property Owner and notarized shall accompany the application.
 - c. Filing Deadline: Applications shall be filed in accordance with the Schedule of Meetings and Filing Deadlines. The Applicant shall be responsible for distributing a copy of the application and Development Plan to members of the Technical Advisory Committee.
 - d. Forms of Filing: An Applicant shall submit a completed application to the Department on forms provided by the Department with documentation and supporting information as set forth in this Article.
 - e. Specifying Waiver Request: All Overall Development Plans shall specify and detail any waivers requested pursuant to Article 7.3 Principles and Standards of Design. Any waiver of standard shall not be considered unless specifically requested and presented to the ~~Plan Commission~~ Plat Committee for its consideration, even if it is otherwise identified on the Development Plan.”
 - f. Docketing by Department: Each Development Plan filed shall be reviewed for completeness. All Development Plans which are determined to be in proper form pursuant to the guidelines established by the Department shall be numbered and docketed by the Department for an initial hearing by the ~~Plan Commission~~ Plat Committee.
2. Investigation of Petitions: The Technical Advisory Committee may review any Development Plan, at the Director's determination, prior to the ~~Plan Commission's~~ Plat Committee's consideration. The Department may submit a written report to the ~~Plan Commission~~ Plat Committee stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land

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use and public facilities available to service the area, or other pertinent facts. The report may also contain opinions of the Department concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Applicant and all remonstrators of record, if any.

3. Amendments Prior to Public Hearing: Amendments to a Development Plan to be considered at the public hearing must be received by the Department in accordance with the Schedule of Meeting and Filing Deadlines, to allow for the Department's written report to include comments and recommendations related to plans that may have been amended in response to comments provided by the Department or the Technical Advisory Committee. If the Director determines amendments made are beyond those necessary to comply with the recommendations of the Department or the Technical Advisory Committee, then the Director may continue the public hearing and require the amended plans to be reviewed again by the Department and/or the Technical Advisory Committee.
4. Public Hearing and Notice: A public hearing by the ~~Plan Commission~~ Plat Committee shall be required for any Overall Development Plan and notification for the scheduled public hearing shall be completed consistent with the requirements of the Rules of Procedure of the Plan Commission and the Schedule of Meeting and Filing Deadlines. Any Development Plan which has been delegated to the Director for approval may occur without public notice and without a public hearing.
5. Amendments Proposed at Public Hearing: An Applicant may make amendments to an Overall Development Plan pending determination by the ~~Plan Commission~~ Plat Committee at any time prior to a vote being called for by the ~~Plan Commission~~ Plat Committee. If, in the sole discretion of the ~~Plan Commission~~ Plat Committee, the proposed amendment is of such a nature that additional time is needed for review, then the ~~Plan Commission~~ Plat Committee may continue its consideration in accordance with the Rules of Procedure of the Plan Commission. If amendments are presented by the Applicant and agreed to by the ~~Plan Commission~~ Plat Committee at the public hearing, then revised plans indicating all amendments approved by the ~~Plan Commission~~ Plat Committee shall be filed with the Department prior to the application of a ~~Detailed Development Plan~~ Secondary Plat.

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6. Plan Commission Plat Committee Action: The Plan Commission Plat Committee will then hold the public hearing and review the application and required information and take action on the petition in accordance with this Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission.
7. Amendments to Approved Overall Development Plan: Changes to an Overall Development Plan which has already received approval by the Plan Commission Plat Committee shall be subject to this section.
 - a. Minor Amendments: If the Director determines a change to an approved Overall Development Plan is not a Major Amendment, then the change shall be deemed a Minor Amendment. Minor Amendments may be approved as part of the Detailed Development Plan or Improvement Location Permit administratively without a public hearing.
 - b. Major Amendments: If the Director determines a change to an approved Overall Development Plan is a Major Amendment, then the Applicant shall be required to file a new application of an amendment to the Overall Development Plan, which shall follow the procedures set forth in this Article for the initial approval of the Overall Development Plan.
8. Appeals of Determinations by Director: Any determination of the Director made under the authority of this Article may be appealed by any interested party to the Plan Commission. Such letter shall request a hearing on the matter by the Plan Commission at the Plan Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided. Further, appeals of the Plan Commission's determination may be made in accordance with Article 10.3 Appeals of Administrative Decisions.

F. **Article 10.7(G)(3) Detailed Development Plan Approval; Plan Commission Action** shall be amended as follows: “Plan Commission Action: Following the Applicant's submittal of revised copies of the Detailed Development Plan, the Plan Commission shall review and take action on the petition in accordance with the Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission without a public hearing. If the Detailed Development Plan complies with this Ordinance and is substantially consistent with the approved Overall Development Plan, then the Plan Commission shall approve the Detailed Development Plan. If the Detailed

Unified Development Ordinance Amendment

Development Plan is disapproved, then the Director shall set forth the reasons accordingly in writing and provide the Applicant with a copy.

- G. **Article 10.7(H) Application Documentation and Supporting Information** shall be amended as follows: “**Application Documentation and Supporting Information**: All applications for Development Plan approval shall include the documentation and supporting information set forth herein. Other information as deemed necessary to support a thorough review of the project may be requested in writing by the Plan Commission, Plat Committee, or Director. The Director, in its sole discretion, may, in writing, waive or relax any of the documentation required which is not relevant or is deemed unnecessary for a thorough review of the development.”
- H. **Article 10.7(H)(1) Application Documentation and Supporting Information; Development Plan Scope** shall be amended as follows: “**Development Plan Scope**: An Overall Development Plan shall include those details applicable to the overall development, shared or Common Areas, shared infrastructure, and other areas deemed appropriate by the Director or ~~Plan Commission~~ Plat Committee in order that adequate consideration is given to ensure a coordinated development prior to subdividing the property. A Detailed Development Plan shall include all details specific to the individual Lot that is the subject of the application.”
- I. **Article 10.7(H)(4) Application Documentation and Supporting Information; Landscape Plan** shall be amended as follows: “**Landscape Plan**: A Landscape Plan in accordance with Article 6.8 Landscaping Standards, shall be required as part of any Development Plan. Landscape Plans for Overall Development Plans shall generally detail perimeter areas, Buffer Yards, Common Areas, entryways, Street Trees, and any other Open Space as deemed appropriate by the ~~Plan Commission~~ Plat Committee or Director. Landscape Plans for a Detailed Development Plan shall generally be site or Lot specific showing compliance with Parking Area areas, Buffer Yards, Street Trees, and on-site or foundation requirements.”
- J. **Article 10.7(H)(10) Application Documentation and Supporting Information; Traffic Impact Study** shall be amended as follows: “**Traffic Impact Study**: A Traffic Impact Study may be required to be conducted at the discretion of ~~the Director, the Department of Public Works Director, or the Plan Commission~~. If a Traffic Impact Study is required, then it shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an Applicant shall meet with the Department to determine the appropriate scope for the study.”

Section 4. **Article 10.9 Processes & Permits; Planned Unit Development Districts** shall be amended as follows:

- A. **Article 10.9(B) Required Approvals** shall be amended as follows: **“Required Approvals:** A Planned Unit Development District requires the following approvals, unless otherwise exempted in this Ordinance:”
- B. **Article 10.9(D) Development Plan Approval** shall be amended as follows: **“Development Plan Approval:** ~~Overall Development Plan and Detailed Development Plan Review~~ approval, as set forth in Article 10.7 Development Plan Review, shall be required for all PUD Districts. Development Plans shall conform to the approved PUD District Ordinance and this Ordinance.”
- C. **Article 10.9(E) Permits** shall be amended as follows: **“Permits:** No permit of any kind shall be issued for any purpose within a PUD District except in accordance with the approved ~~Detailed~~ Development Plan, and after acceptance by the City of all required guarantees for improvements pursuant to this Ordinance.”

Section 5. **Article 10.12 Processes & Permits; Subdivision** shall be amended as follows:

- A. **Article 10.12(A) Authority** shall be amended as follows: **“Authority:** This Article establishes the process for the subdivision of land in accordance with CHAPTER 7: SUBDIVISION REGULATIONS, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the ~~Plan Commission~~ Plat Committee and Department.”
- B. **Article 10.12(C)(1) Approval Process** shall be amended as follows:
 - 1. **Major Subdivision:** The approval of a Major Subdivision is a two-step process that includes the approval of a Primary Plat and the approval of a Secondary Plat, as set forth herein. The approval or disapproval of a Primary Plat is hereby delegated to the ~~Plan Commission~~ Plat Committee. After a Primary Plat has been approved, a property is eligible for Secondary Plat approval. The approval or disapproval of a Secondary Plat is hereby delegated to the Director.
 - 2. **Minor Subdivision:** The approval of a Minor Subdivision is a one-step process that includes the approval of a "Minor Subdivision Plat" depicting the details of a Secondary Plat, as set forth herein. The approval or disapproval of a Minor Subdivision is hereby delegated to the Director and shall follow the process and requirements set forth herein for a Secondary Plat. ~~This type of subdivision may be used one time for the~~

Unified Development Ordinance Amendment

~~subdividing of a parent parcel. Additional subdivisions of a parent parcel shall require approval as a Major Subdivision.~~

- C. **Article 10.12(D) Requirement for Development Plan Approval** shall be deleted: ~~“**Requirement for Development Plan Approval:** Approval shall not be granted to any Primary Plat unless an Overall Development Plan has been approved prior to or contemporaneous with the Primary Plat. Approval shall not be granted to any Secondary Plat unless a Detailed Development Plan has been approved prior to or contemporaneous with the Secondary Plat. See also Article 10.7 Development Plan Review.”~~
- D. **Article 10.12(E)(1) Application Procedures; Pre-Filing Conference** shall be amended as follows: ~~“**Pre-Filing Conference:** A pre-filing conference with the Department is required prior to the filing of any Primary ~~or~~ and the first Secondary Plat application for a Subdivision. The Applicant is encouraged to incorporate the Department's comments into the design of the project prior to filing the application.”~~
- E. **Article 10.12(E)(5) Application Procedures; Specifying Waiver Request** shall be amended as follows: ~~“**Specifying Waiver Request:** All Primary Plats shall specify and detail any waivers requested pursuant to Article 7.3 Principles and Standards of Design. Any waiver of standard shall not be considered unless specifically requested and presented to the ~~Plan Commission~~ Plat Committee for its consideration, even if it is otherwise identified on the Primary Plat.”~~
- F. **Article 10.12(F) Primary Plat Approval** shall be amended as follows:
1. Phasing: A Primary Plat may include all or only part of a larger overall development (e.g., Planned Unit Development, Nonresidential Center); however, a Primary Plat shall include, at a minimum, the entire parent tract being subdivided, unless otherwise deemed unnecessary by the Director or ~~Plan Commission~~ Plat Committee. The purpose of this requirement is to avoid the creation of a remainder parcel(s) that does not comply with this Ordinance or that does not allow for the orderly development of the remainder parcel.
 2. Docketing by Department: Each Primary Plat application filed in accordance with this Article shall be reviewed for completeness. All Primary Plat applications determined to be in proper form pursuant to the guidelines established by the Department shall be numbered and docketed by the Department for a public hearing by the ~~Plan Commission~~ Plat Committee.
 3. Investigation of Petitions:

Unified Development Ordinance Amendment

- a. The Technical Advisory Committee may review any Primary Plat prior to the ~~Plan Commission's~~ Plat Committee's consideration.
 - b. The Department may submit a written report to the ~~Plan Commission~~ Plat Committee stating any facts concerning the physical characteristics of the area involved in the Primary Plat, together with a recital of surrounding land Use and public facilities available to service the area, or other pertinent facts. The report may also contain opinions of the Department concerning the proposal contained in the Primary Plat and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Applicant and all remonstrators of record, if any.
4. Public Hearing: A public hearing by the ~~Plan Commission~~ Plat Committee, in accordance with the Schedule of Meeting and Filing Dates, shall be required for any Primary Plat and notification for the scheduled public hearing shall be completed consistent with the requirements of the Rules of Procedure of the Plan Commission.
 5. Plan Commission Plat Committee Action: The ~~Plan Commission~~ Plat Committee will then hold the public hearing and review the application and required information and take action on the petition in accordance with this Ordinance, Indiana law, and the Rules of Procedure of the Plan Commission.
 6. Effect of Approval: Approval of a Primary Plat shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of a Secondary Plat, Detailed Development Plan, Improvement Location Permit, Building Permit and a Certificate of Occupancy.
- G. **Article 10.12(G)(2) Secondary Plat Approval; Phasing** shall be amended as follows: "Phasing: A Secondary Plat may include all or only a part of the Primary Plat which has received approval; however, a Secondary Plat shall include, at a minimum, the entire parent tract being subdivided, unless otherwise deemed unnecessary by the Director. The purpose of this requirement is to avoid the creation of a remainder parcel(s) that does not comply with this Ordinance or that does not allow for the orderly development of the remainder parcel."
- H. **Article 10.12(G)(2) Secondary Plat Approval; Time Limitation** shall be amended as follows: "Time Limitation: An Applicant may submit an

application for Secondary Plat approval within the time provided for appeal under I.C. 36-7-4-708; however, approval of a Secondary Plat shall not be granted until thirty (30) days after the approval of a Primary Plat said appeal period has lapsed."

Section 6. **Article 10.15 Processes & Permits; Zoning Map Changes (Rezones)** shall be amended as follows:

- A. **Article 10.15(F)(4)** shall be deleted: ~~"Possible Action: Following the public hearing, the Plan Commission may either forward the application to the Council with a favorable recommendation, an unfavorable recommendation, or no recommendation in accordance with Indiana Code; or continue the request to a subsequent Plan Commission meeting."~~
- B. **Article 10.15(G) Continuances:** shall be replaced as follows:
 - G. ~~"Continuances: The application may be continued by the Plan Commission based on a request by the Director, Applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to action being taken on the request. The continuing of all applications and any potential additional legal notice shall be consistent with the Rules and Procedures of the Plan Commission."~~
 - G. "Workshop: Following the Public Hearing, the application will appear as a workshop item at a subsequent Plan Commission meeting. This requirement can be waived by the Plan Commission by a majority vote following the Public Hearing."
- H. **Article 10.15(H) Certification, Article 10.15(I) Council Action, and Article 10.15(J) Decision Criteria** shall be relocated to 10.15(I), 10.15(J), and 10.15(K), respectively. A new section, titled **Plan Commission Action**, shall be added as follows: "H. Plan Commission Action: Following the public hearing, and workshop if not waived in accordance with Article 10.15(G), the Plan Commission may either forward the application to the Council with a favorable recommendation, an unfavorable recommendation, or no recommendation in accordance with Indiana Code.

Section 7. **Article 12.1 Definitions** shall be amended as follows:

- A. Add new definitions to read as follows:
 - 1. Dwelling: A Building containing one or more Dwelling Units, excluding hotels, motels, and boarding houses.

Unified Development Ordinance Amendment

2. Dwelling, Single-family Attached: A Duplex Dwelling, Triplex Dwelling, Quadraplex Dwelling, or Townhouse Dwelling as defined by this Ordinance.
3. Plat Committee: The Westfield-Washington Township Plat Committee.

B. Modify the following definitions as follows:

1. Amendment, Major: A proposed modification(s) to a previously approved development plan that is determined by the Director to adversely impact the purpose or intent of a previously approved Primary Plat or development plan. Example modifications may include: (i) an increase in the buildable area or number of Lots; (ii) an increase in impervious surface area or intensity of a Use; (iii) a reduction in the width of or number of plantings in a perimeter yard (e.g., buffer yard, external street frontage landscaping); or (iv) changes in standards or alignment of Streets or circulations, including additional driveways, Rights-of-way or access points.
2. Amendment, Minor: A proposed modification(s) to a previously approved Primary Plat or development plan that is not a Major Amendment.
3. Development Plan: An Overall Development Plan or Detailed Development Plan as defined by this Ordinance.
4. Dwelling, Single-family Detached: A building containing one (1) Dwelling Unit being a minimum of twenty-three (23) feet wide, which does not share a common wall with any other Dwelling Unit and is surrounded on all sides by outside areas located on the same Lot (e.g., detached building)."
5. Dwelling, Townhouse: A Dwelling Unit with a private entrance, which is part of a building with Dwelling Units attached in a linear arrangement, each having more than one story and ~~having a~~ totally exposed front and rear walls, used for access, light, and ventilation.
6. Subdivision, Major: Any Subdivision: (i) which results in two (2) or more smaller Lots or parcels, any of which front on or utilize a Private Street ~~or easement~~ for its only access; or, (ii) the Subdivision is for the purpose of Development (excluding cemeteries) and a new Street is to be dedicated, reserved, or otherwise platted.
7. Subdivision, Minor: A Subdivision within an Agricultural District or Single-family District along an existing Street, not involving the

Unified Development Ordinance Amendment

opening, ~~widening~~, or extension of any Street (public or private), which comply with the applicable Zoning District standards, after the original tract has been completely subdivided.

Section 8.

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_____
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 22-19 was delivered to the Mayor of Westfield

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

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 22-19

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-19

this _____ day of _____, 2022.

J. Andrew Cook, Mayor

This document prepared by:

Pamela L. Howard, Assistant Director
City of Westfield, Community Development Department
2728 East 171st Street, Westfield, Indiana 46074 | (317) 804-3170

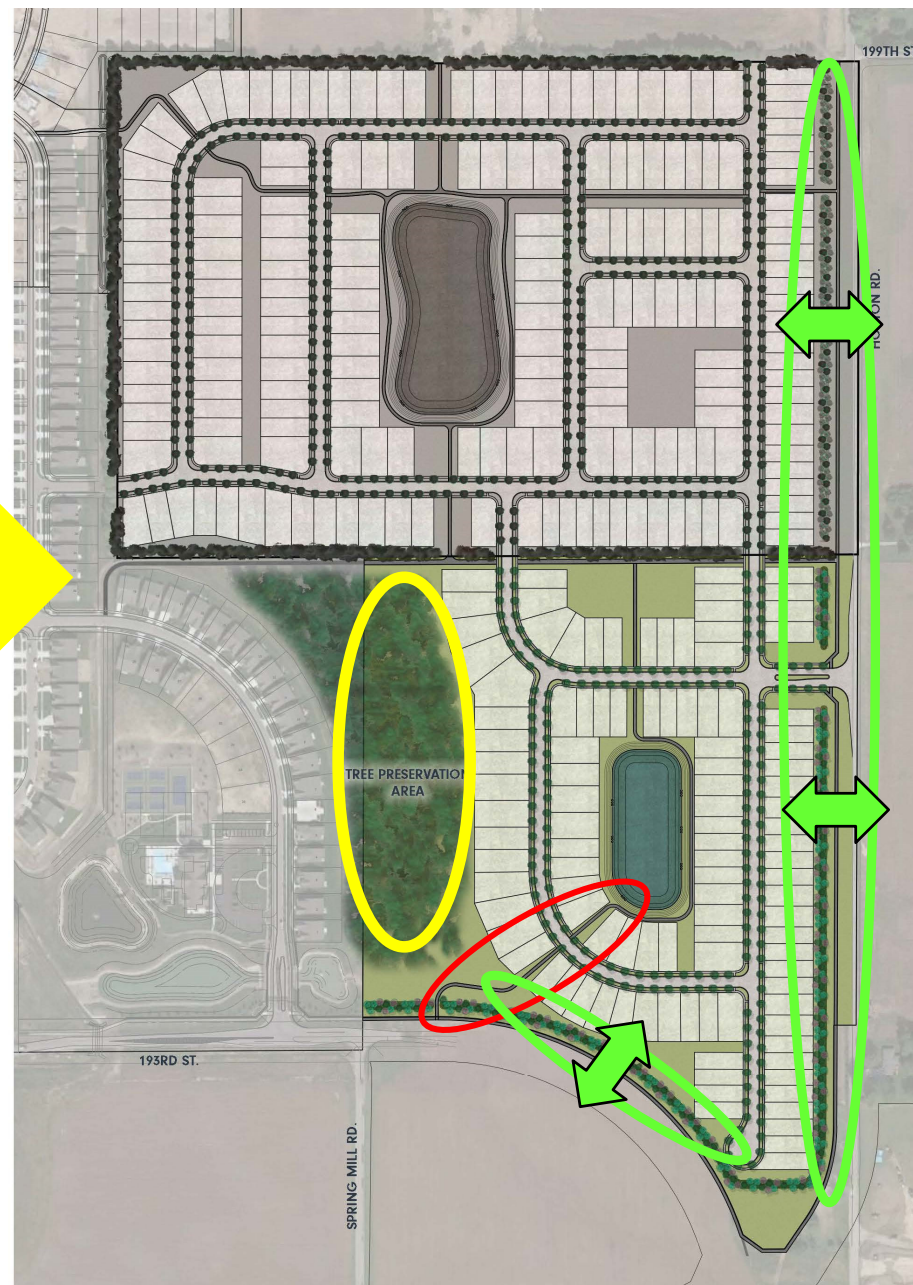
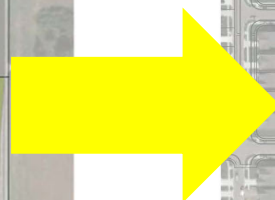
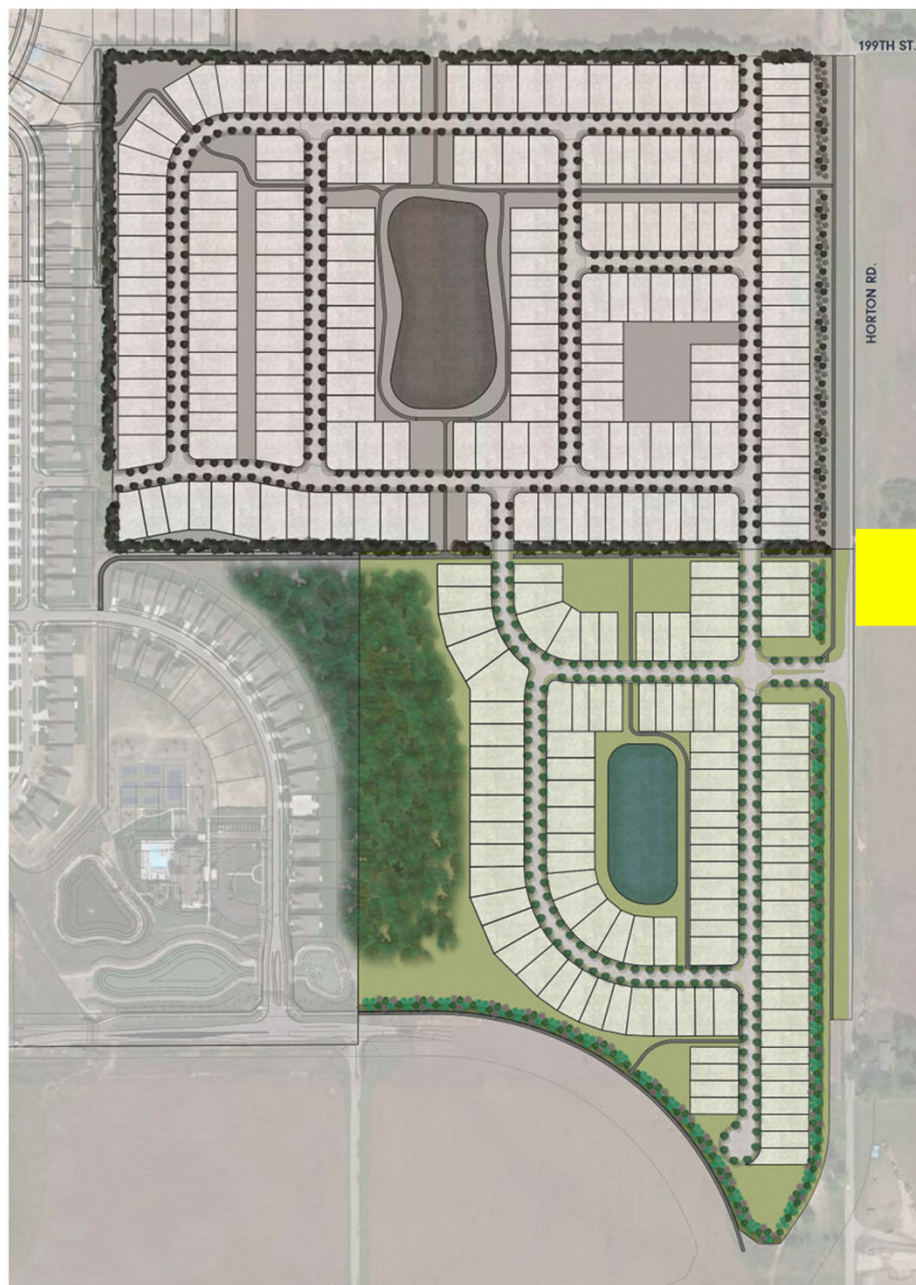
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Pamela L. Howard.

Osborne Trails PUD Amendment V Site Location Map



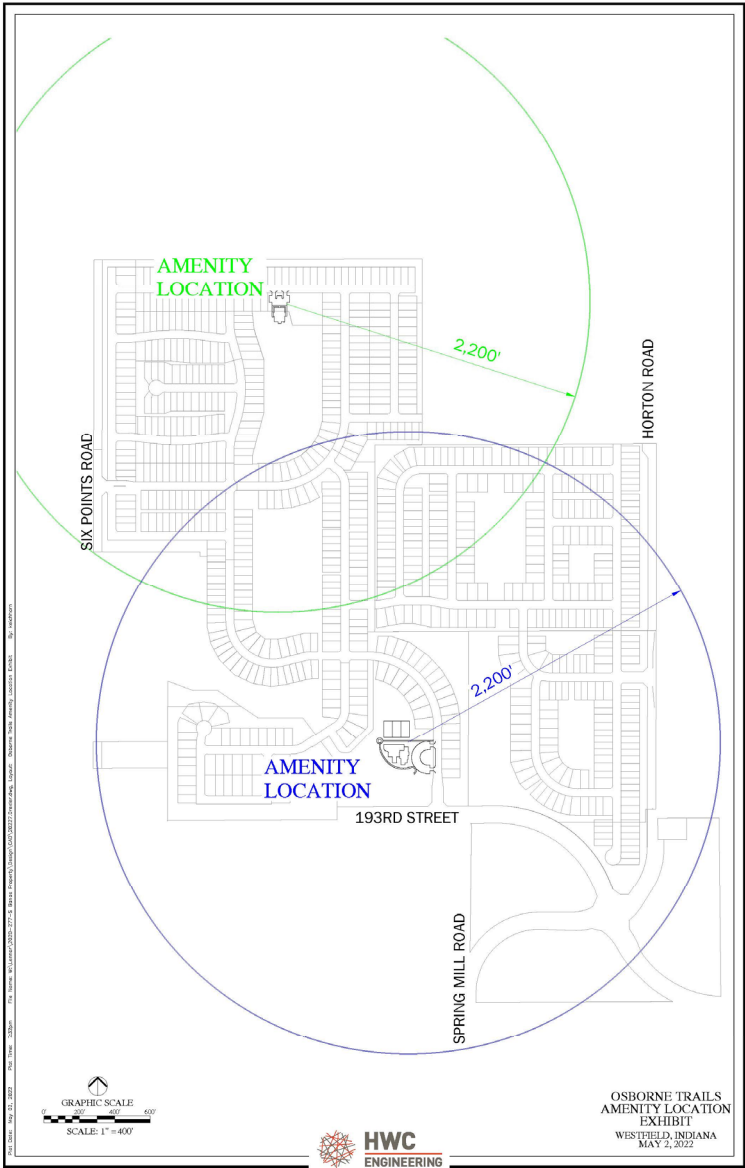
Osborne Trails PUD Amendment V

Original and Revised Plan



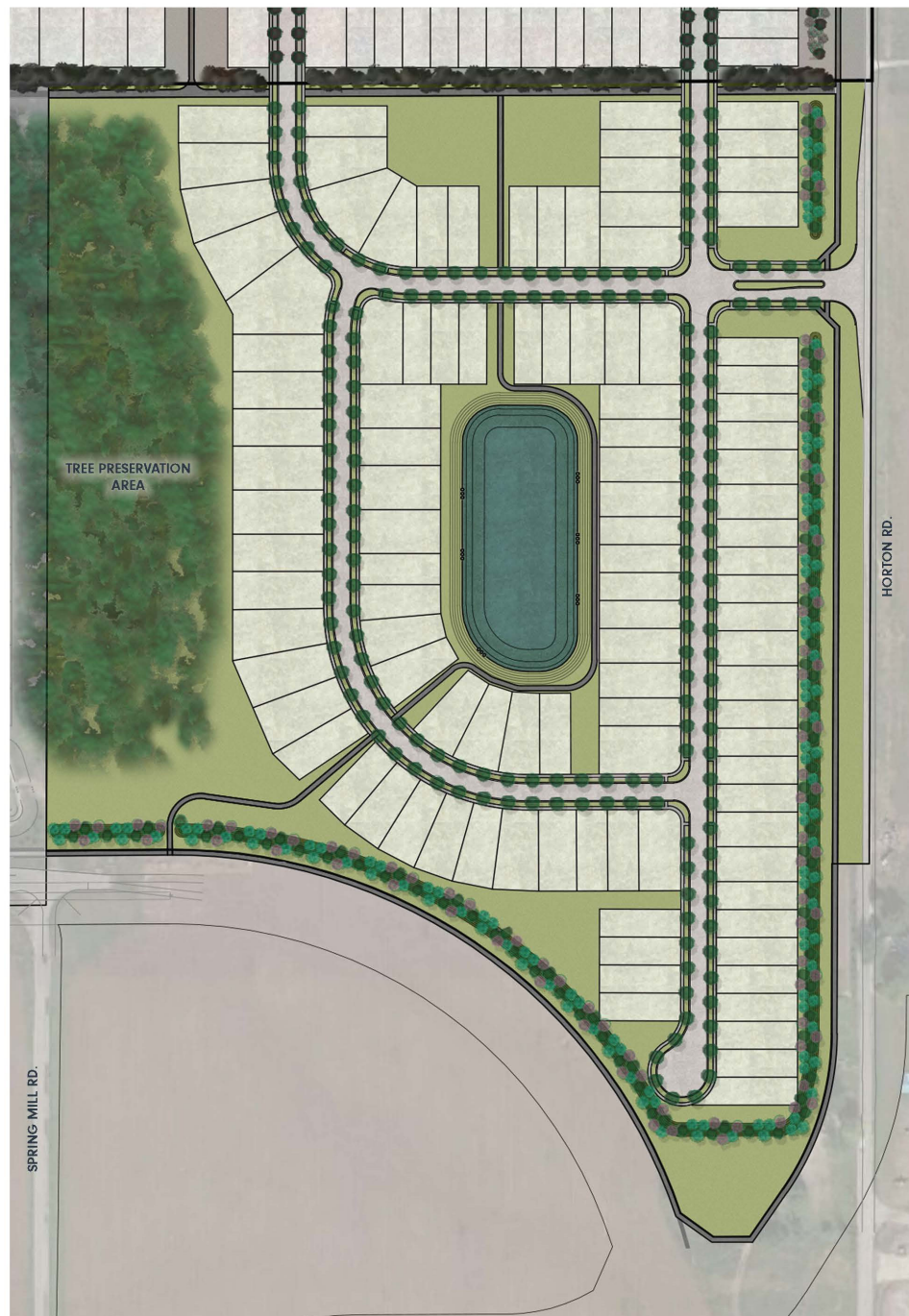
Osborne Trails PUD Amendment V

Amenities



Osborne Trails PUD Amendment V

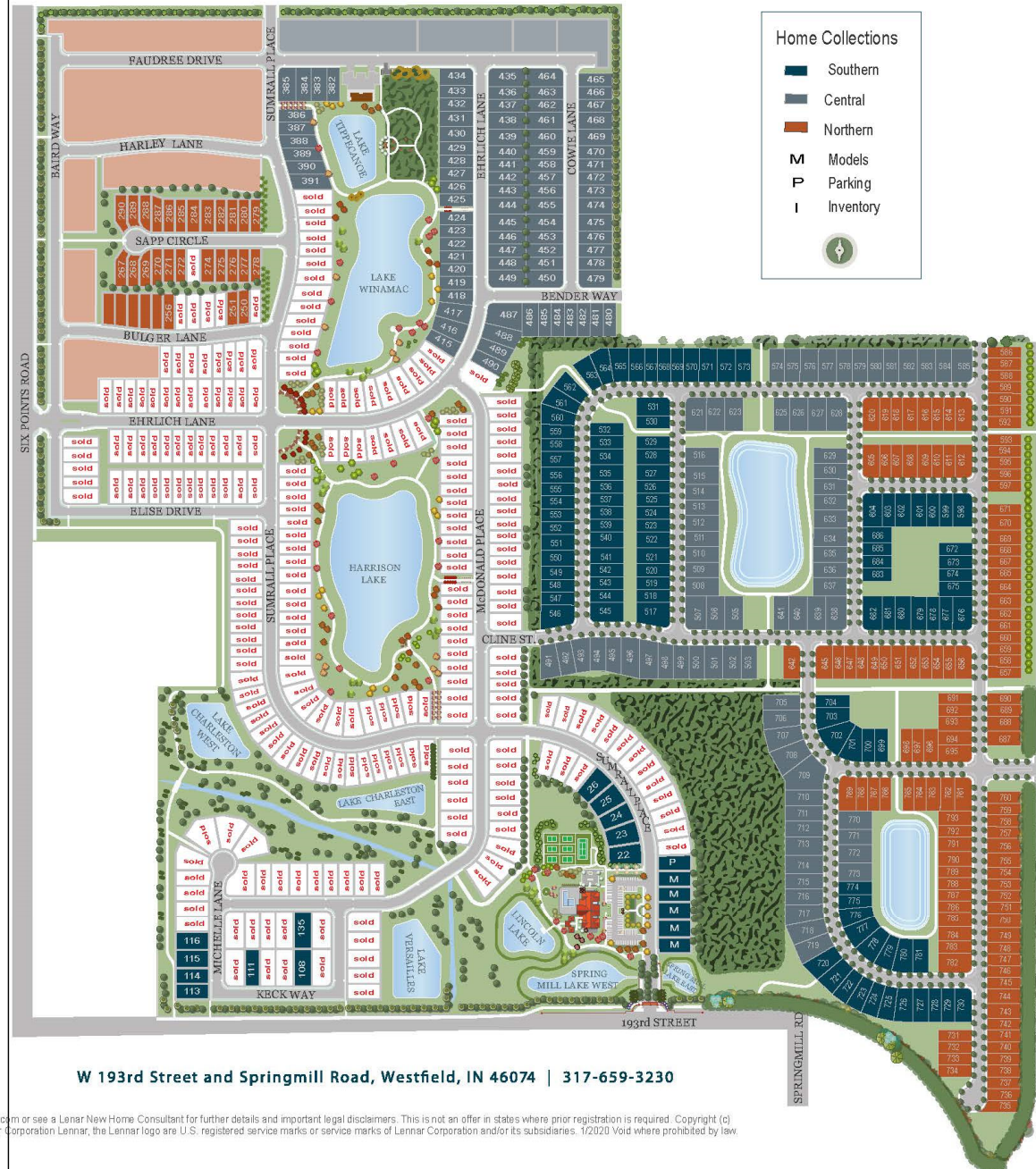
Updated Concept Plan





Osborne Trails PUD Amendment V

Overall Osborne Trials Site Plan



W 193rd Street and Springmill Road, Westfield, IN 46074 | 317-659-3230



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Osborne Trails PUD Amendment V

Home Product



Elevation C



Elevation A



Elevation B

COMMITMENTS CONCERNING USE AND DEVELOPMENT OF REAL ESTATE

Document Cross Reference: Instrument Number _____.

WHEREAS, the City of Westfield, Indiana (“City”) and Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Unified Development Ordinance (“UDO”).

WHEREAS, the owner of the below described real estate is Drexler Property LLC, a limited liability company (“Owner”) and the Owner consents to these Commitments as evidenced by its signature hereto.

WHEREAS, the developer, Lennar Homes of Indiana, LLC (“Developer”), filed a petition under Docket Number 2204-PUD-07 with the Plan Commission and City Council to amend the Osborne Trials PUD as it pertains to parcels of real estate as the same are legally described in **Exhibit A** which is attached hereto and incorporated herein by reference (collectively the “Real Estate”);

WHEREAS, the City Council approved the Osborne Trials PUD, ordinance Number 16-44 and amendments thereto, (collectively the “Osborne Trails PUD”) and specifically Section 9(B)(ii) of the Osborne Trials PUD established requirements for Active Amenities (the “Osborne Trails Amenities”).

WHEREAS, the Developer is requesting the City Council to consider approval of the Osborne Trials PUD Amendment V subject to the following commitments (“Commitments”);

NOW THEREFORE, the Developer makes the following Commitments to the City Council regarding the use and development of the Real Estate:

Section 1. **Commitments.** The Real Estate is subject to the following Commitments:

A. Area C of the Osborne Trials Amenities shall be enhanced to include the following:

1. The Clubhouse Space square footage of seven thousand (7,000) square feet required under Section 9(B)(ii)(a) of the Osborne Trials PUD shall be increased to a minimum of eleven thousand, three hundred (11,300) square feet, including a fitness center.

2. Parking lot.
3. Two (2) swimming pools (increased from only one (1)).
4. The minimum of three (3) amenities required under Section 9(B)(ii)(d) of the Osborne Trails PUD shall be increased to a minimum of five (5) of the following:
 - a. Bocce Ball Court
 - b. Pickle Ball Court
 - c. Tennis Court
 - d. Picnic Area
 - e. Fitness Trail
 - f. Dog Park
 - g. Community Gardens
 - h. Fishing Pier
 - i. Shuffle Board Court

B. Permitted Uses:

1. The only residential dwellings on the Real Estate shall be single-family dwellings.

C. External Street Frontage Landscaping Berm:

1. The minimum mound height along the Horton Road street frontage shall be increased from three (3) feet to six (6) feet across the Osborne Trails Phase II parcel (real estate included under Ordinance 21-23. Exceptions to the six (6) foot requirement are permitted subject to easement, utilities and final site engineering.

Section 2. Definitions.

- A. Owner. Drexler Property LLC, a limited liability company.
- B. Developer. Lennar Homes of Indiana, LLC
- C. Department. The Community Development Department of the City of Westfield.

Section 3. Modification of Commitments. These Commitments shall continue in effect until modified or terminated. These Commitments shall only be modified or terminated by: (i) the Council in accordance with the Section 10.6 (F) of the UDO.

Section 4. Effective Date. These Commitments shall be effective upon the Council's Approval of the Osborne Trails PUD Amendment V and the recording of Secondary Plat(s) for the development of the Real Estate pursuant to the standards of the Osborne Trials PUD Amendment V including the development of single-family homes.

Section 5. Recording. These Commitments shall be recorded with the Office of the Recorder of Hamilton County, Indiana by the Developer. After recording these Commitments, Developer shall provide to the Department a recorded copy of these Commitments.

Section 6. Enforcement. These Commitments may be enforced by the Department and/or the Westfield City Council.

Section 7. Binding on Successors. These Commitments are binding upon: (i) the Owner; (ii) the Developer; and (iii) the owner's successors, assigns and grantees with respect to the portion of the Real Estate owned by such successor, assign and grantee and during such successor's, assign's and grantee's ownership, unless modified or terminated by the City Council pursuant to the requirements herein. Notwithstanding the provisions of this Section 7, these Commitments shall terminate as to any part or parts of the Real Estate for which the zoning district or classification is later changed after the Effective Date.

IN WITNESS WHEREOF, Drexler Property, LLC, as the Owner of the Real Estate and Lennar Homes of Indiana, LLC, as the Developer, have caused these Commitments to be executed as of the dates identified below.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

“Owner”

Drexler Property, LLC

By: _____

Name: _____

Title: _____

Date: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____ (name), as _____ (title) of Drexler Property, LLC, as the Owner of the Real Estate, who acknowledged the execution and the foregoing Commitments Concerning Use and Development of Real Estate this _____ day of _____, 2022 for and on behalf of said entity.

My Commission Expires:

Notary Public

Residing in _____

County of _____

Printed Name

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

“Developer”

Lennar Homes of Indiana, LLC

By: _____

Name: _____

Title: _____

Date: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____ (name), as _____ (title) of Lennar Homes of Indiana, LLC, who acknowledged the execution and the foregoing Commitments Concerning Use and Development of Real Estate this _____ day of _____, 2022 for and on behalf of said entity.

My Commission Expires:

Notary Public

Residing in _____
County of _____

Printed Name

This instrument prepared by James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210, Carmel, IN 46032.

Return to: James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210,
Carmel, IN 46032.

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. James E. Shinaver.

EXHIBIT A

REAL ESTATE

(Page 1 of 3 – Legal Description)

Parcel 1:

Part of the West Half of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence North 89 degrees 43 minutes 52 seconds East (assumed bearing) 1,323.21 feet along the North line of the said Northwest Quarter to the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 10 minutes 08 seconds West 1,261.54 feet along the East line of said West Half; thence North 89 degrees 49 minutes 52 seconds West 69.25 feet; thence South 01 degrees 49 minutes 40 seconds West 89.90 feet; thence South 89 degrees 45 minutes 23 seconds West 901.59 feet; thence North 62 degrees 57 minutes 15 seconds West 227.55 feet; thence north 89 degrees 49 minutes 24 seconds West 146.95 feet; thence North 00 degrees 10 minutes 36 seconds East 1,244.89 feet along the West line of said Northwest Quarter to the Place of Beginning, containing 40.208 acres, more or less.

EXCEPTING OUT:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 00 degrees 10 minutes 36 seconds East (assumed bearing) a distance of 1,39.71 feet along the West line of said Northwest Quarter to the Northwest corner of the 40.011 acre parcel owned by Osborne Trails Developer, LLC as recorded Instrument No. 2017-025934 in the office of the Recorder of Hamilton County, Indiana and the POINT OF BEGINNING of this description; thence North 00 degrees 10 minutes 36 seconds East along said West line, a distance of 11.60 feet; thence North 89 degrees 37 minutes 54 seconds East a distance of 198.78 feet to the point of curvature of curve concave southerly, the radius point of said curve being South 00 degrees 22 minutes 06 seconds East a distance of 860.00 feet from said point; thence easterly along said curve 456.58 feet to the point on said curve, said point being North 30 degrees 03 minutes 02 seconds East a distance of 860.00 feet from the radius point of said curve and being on the North line of said 40.011 acre parcel; thence the next three (3) courses are along the boundary of said 40.011 acre parcel: (1) South 89 degrees 45 minutes 23 seconds West a distance of 285.39 feet; (2) North 62 degrees 57 minutes 15 seconds West a distance of 227.55 feet; (3) North 89 degrees 49 minutes 24 seconds West a distance of 146.95 feet to the West line of said Northwest Quarter and the place of beginning, containing 0.735 acres, more or less.

Parcel 2:

A part of the Northwest Quarter of Section 26, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 26; thence North 89 degrees 46 minutes 30 seconds East (assumed bearing) 1,323.57 feet along the South line of said Northwest Quarter to the Southeast corner of the West Half of said Northwest Quarter; thence North 00 degrees 10 minutes 08 seconds East 1,382.07 feet along the East line of the West Half of said Northwest Quarter to the Northeast corner of the 40.011 acre parcel described in Instrument No. 2017-025934 as recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 49 minutes 52 seconds West 60.00 feet along the North line of said 40.011 acre parcel to the POINT OF BEGINNING of this description; thence South 00 degrees 10 minutes 08 seconds West 269.68 feet to the point of curvature of a curve concave Westerly, the radius point of said curve being North 89 degree 49 minutes 52 seconds West 450.00 feet from said point; thence Southerly along said curve 249.15 feet to the point of tangency of said curve, said point being South 58 degrees 06 minutes 32 seconds East 450.00 feet from the radius point of said curve; thence South 31 degrees 53 minutes 28 seconds West 20.07 feet; thence South 34 degrees 35 minutes 09 seconds West 93.94 feet; thence South 89 degrees 46 minutes 30 seconds West 58.43 feet; thence North 54 degrees 13 minutes 53 seconds West 65.05 feet to a point on a non-tangent curve concave Southwesterly, the radius point of said curve being South 71 degrees 24 minutes 32 seconds West 860.00 feet from said point; thence Northwesterly along said curve 620.78 feet to a point on said curve, said point being North 30 degrees 03 minutes 02 seconds East 860.00 feet from the radius point of said curve; thence North 89 degrees 45 minutes 23 seconds East 616.21 feet; thence North 01 degrees 49 minutes 40 seconds East 89.90 feet; thence South 89 degrees 49 minutes 52 seconds East 9.25 feet to the place of beginning, containing 4.076 acres, more or less.

EXHIBIT A
REAL ESTATE

(Page 3 of 3 - Location Map)

