



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_11_01_2016

Tuesday, November 01, 2016 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, November 01, 2016 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE BOARD OF ZONING APPEALS

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - September 13, 2016

Documents: [September 13, 2016, Minutes](#)

Approval of 2017 Schedule of Meeting and Filing Dates

Documents: [2017 BZA Calendar \(draft\)](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1611-SE-03 [PUBLIC HEARING]

15859 Little Eagle Creek Avenue

Julie Case Scharnowske (Ultimate Canine)

The petitioner is requesting approval of a Special Exception to allow a home business that trains service, therapy and family dogs (Kennel) within the AG-SF1: Agriculture / Single-Family Rural District (Chapter 13).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Petitioner's Narrative](#) | [Exhibit 4: Site Plan Exhibit](#) | [Exhibit 5: Existing Conditions Exhibit](#)

1611-VS-15 [PUBLIC HEARING]

17001 Oak Ridge Road (Westfield Business Centre)

Jackson Development, LLC

The petitioner is requesting a modification of a condition of approval for previously granted Variances of Standard that modified Architectural Standards (1605-VS-08) in the OI: Open Industrial District.

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

[Exhibit 4: Landscape Plan](#) | [Exhibit 5: Elevations](#) | [Exhibit 6: Existing Conditions](#) | [Exhibit 7: Petitioners Application](#)

1611-VU-06 [PUBLIC HEARING]

201 Mill Street

The Downtown Westfield Association (DWA)

The petitioner is requesting approval of a Variance of Use to allow Low Intensity Retail (health and wellness) within the MF1: Multi-Family Low Density District (Chapter 13).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Conditions](#) | [Exhibit 4: Petitioner's Narrative](#)

1609-AA-01 [CONTINUED]

14939 Ditch Road

Indiana Structural Foundations, LLC

The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant to a previously approved Variance of Use (79-V-12).

Documents: [Continuance Letter](#)

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT

From: Calderon, Joe [<mailto:JCalderon@btlaw.com>]

Sent: Monday, October 24, 2016 1:42 PM

To: Matt Skelton <mskelton@westfield.in.gov>

Subject: Continuance Request-1604-AD-02

Importance: High

Hi Matt: Please consider this as a request to continue the above-referenced case from the November 1st meeting of the Westfield BZA to the December 13th meeting. The reason for the request is to coordinate a neighbor meeting, and try to establish some parameters for the current use of the property by agreement. Please note that I will be attending the ICSC law conference this Wednesday-Friday, and there is simply not enough time to accomplish what we have discussed in advance of next Monday night. Thank you for your consideration, Joe Calderon.

Joe Calderon | Partner

Barnes & Thornburg LLP

11 South Meridian Street, Indianapolis, IN 46204-3535

Direct: (317) 231-7787 | Mobile: (317) 294-0857 | Fax: (317) 231-7433



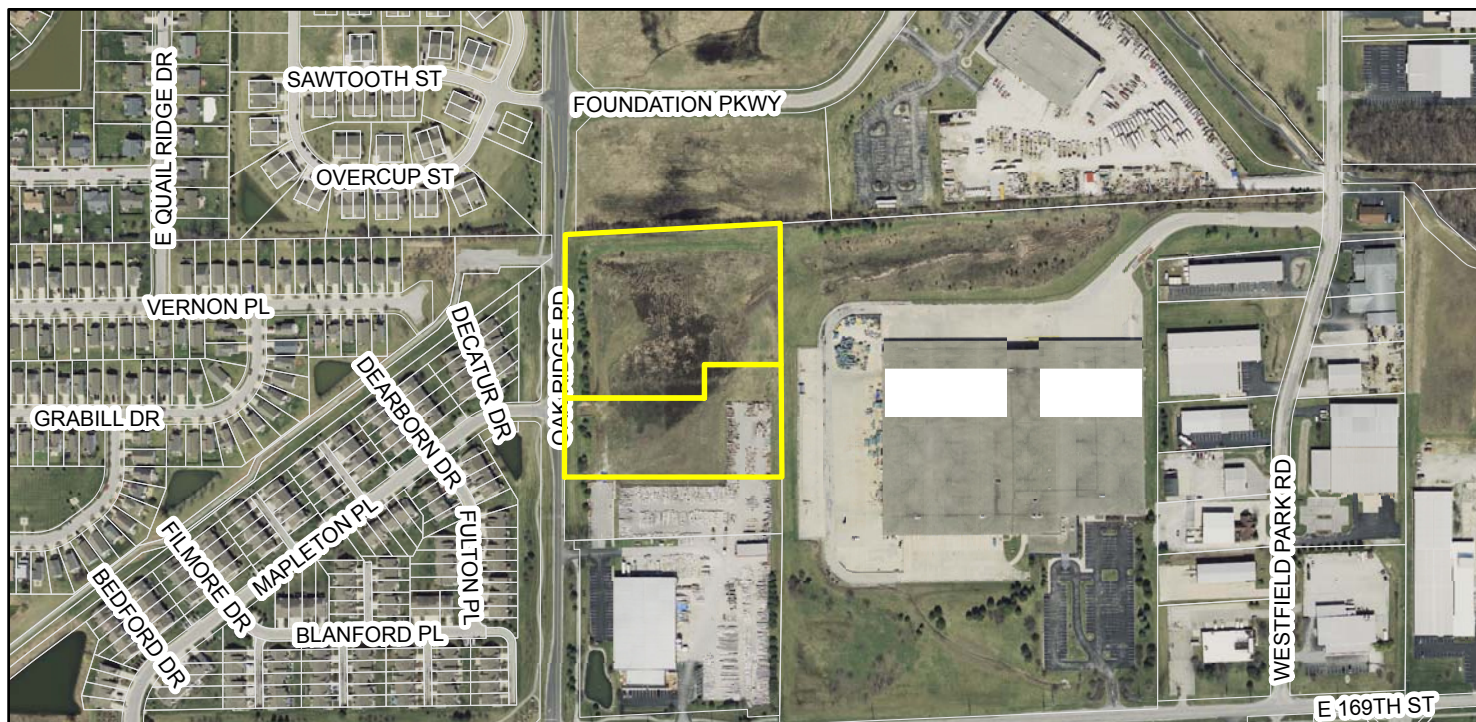
Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.



Property Location Map
1611-VS-15
Westfield Business Centre



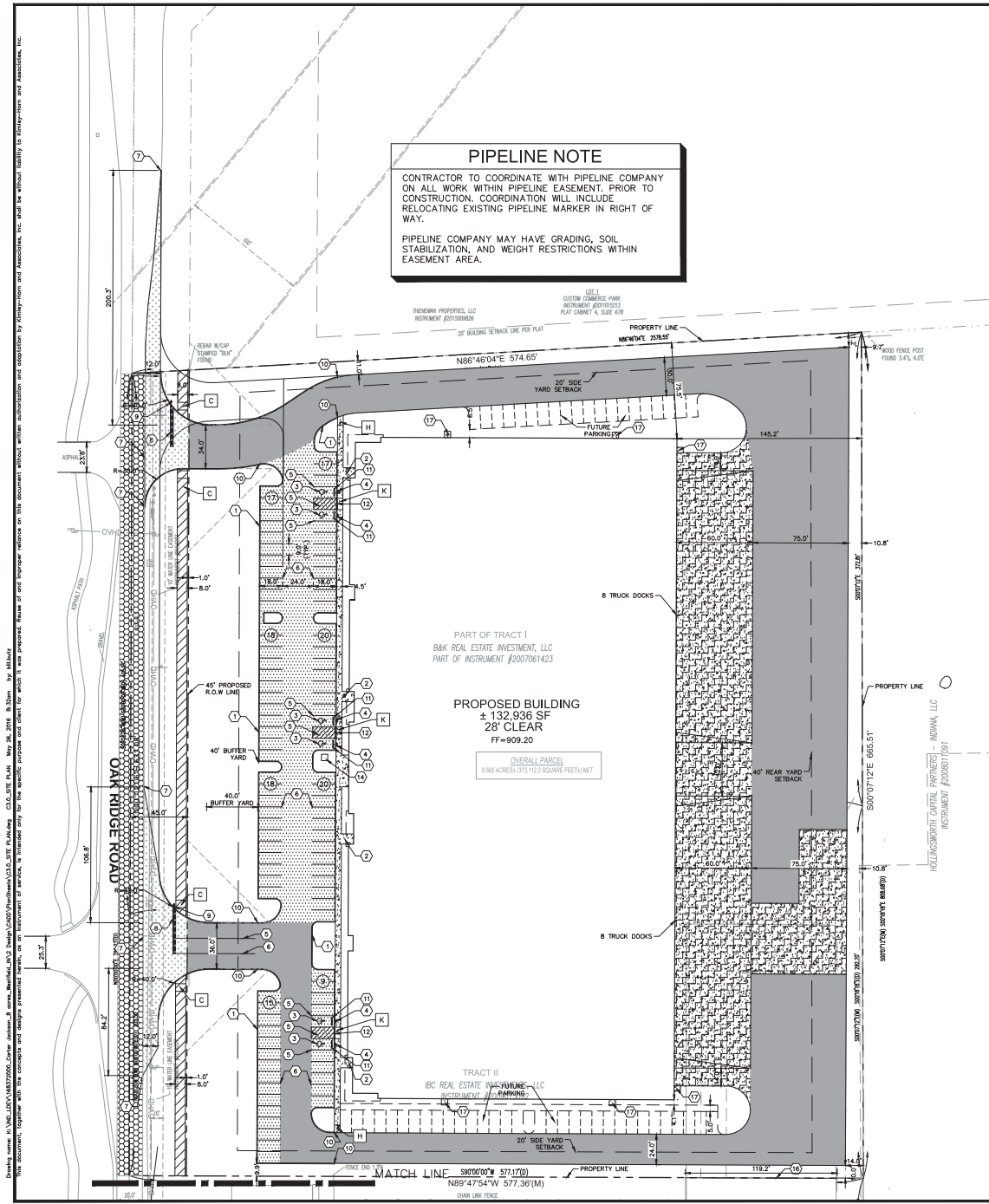
Aerial Location Map



Zoning Map



Parcel	Zoning - All	OI (Open Industrial)
Zoning		PUD (Planned Unit Development)
EI (Enclosed Industrial)	SF-3 (Single Family - 3)	
MF-2 (Multiple Family - 2)	SF-3 Cluster	
	SF-4 (Single Family - 4)	



PIPELINE NOTE

CONTRACTOR TO COORDINATE WITH PIPELINE COMPANY ON ALL WORK WITHIN PIPELINE EASEMENT. PRIOR TO CONSTRUCTION, COORDINATION WILL INCLUDE RELOCATING EXISTING PIPELINE MARKER IN RIGHT OF WAY.

PIPELINE COMPANY MAY HAVE GRADING, SOIL STABILIZATION, AND WEIGHT RESTRICTIONS WITHIN EASEMENT AREA.

PAVING AND CURB LEGEND	
	STANDARD DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	HEAVY DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	CONCRETE SIDEWALK SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN
	HEAVY DUTY CONCRETE PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN
	ASPHALT PATH SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	CITY PAVEMENT SECTION P-3 (WITHIN RIGHT OF WAY) SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	1.5 INCH MILL AND RESURFACE CONTRACTOR TO RE-STRIPE NEW PAVEMENT TO MATCH EXISTING ROAD STRIPING
	6-INCH CURB

GRAPHIC SCALE IN FEET
0 20 40 80

Indiana Utilities Protection Service

Call 811

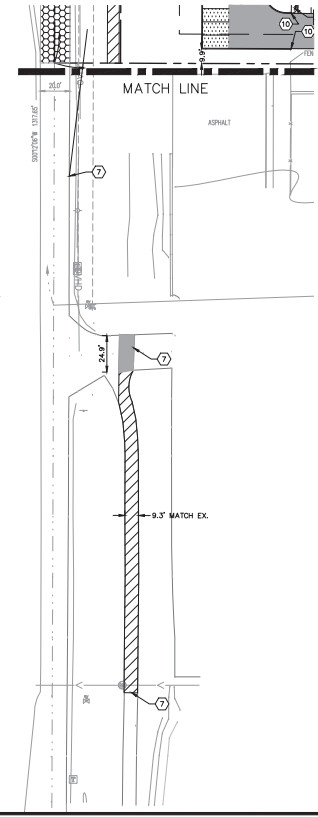
before you dig

- GENERAL NOTES**
- ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
 - REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
 - RASH ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5-FEET, TYPICAL.
 - REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
 - ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

- KEY NOTES**
- 4" CONCRETE BARRIER CURB (SEE DETAILS)
 - CONCRETE SIDEWALK, TYP. (SEE DETAILS)
 - ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
 - ACCESSIBLE PARKING SIGN, TYP. (MUTCD R7-8, SEE DETAILS)
 - 4" WIDE PAINTED WHITE SOLID LINE, TYP.
 - 4" WIDE PAINTED YELLOW SOLID LINE, TYP.
 - CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
 - 24" WIDE STOP BAR, TYP.
 - STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)
 - CURB TRANSITION FROM 6" TO 0" OVER 3 FEET
 - CONCRETE WHEEL STOP, TYP. (SEE DETAILS)
 - DEPRESSED CURB
 - TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
 - TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
 - MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
 - PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)
 - 5' X 5' CONCRETE SIDEWALK AT EXIT DOOR
 - ACCESSIBLE RAMP (INDOT TYPE BY LETTER)

PARKING SUMMARY

PARKING SPACES REQUIRED (CITY STANDARD)	N/A
PARKING SPACES PROVIDED (FUTURE SPACES)	93 SPACES (52 SPACES)
ACCESSIBLE PARKING SPACES PROVIDED	4 SPACES
TOTAL PARKING SPACES	97 SPACES



Kimley-Horn

1400 EAST WILSON STREET, SUITE 400
INDIANAPOLIS, IN 46202
PHONE: 317-376-9500
WWW.KIMLEY-HORN.COM

JACKSON DEVELOPMENT

11800 NORTH PENNSYLVANIA STREET
CARMEL, INDIANA 46032
PHONE: 317-991-1115

WESTFIELD BUSINESS CENTRE

17100 OAK RIDGE ROAD
WESTFIELD, INDIANA

ORIGINAL ISSUE:
03/03/2016
KHA PROJECT NO.
16857200
SHEET NUMBER
C3.0

SCALE: AS NOTED
DESIGNED BY: JAH
DRAWN BY: JUS
CHECKED BY: JAH

WESTFIELD BUSINESS CENTRE
17100 OAK RIDGE ROAD
WESTFIELD, INDIANA



1. Plant material to be installed and maintained by a qualified and experienced landscape installer.
2. All materials are subject to the approval of the Landscape Architect and Owner at any time. The Landscape Architect to inspect all plant locations and plant bed conditions prior to installation. Stake all plant locations for review and approval by the Landscape Architect before planting. On-site adjustments may be required. Plants are to be freshly dug. The growing of plants shall be done in a manner as to not destroy the natural shape, compromise the health, or alter the characteristics of plant materials.
3. Rootballs shall meet or exceed size standards as set forth in 'American Standards for Nursery Stock'. MAIN LEADERS OF ALL TREES SHALL REMAIN INTACT. Remove from the site any plant material that turns brown or defoliates within five (5) days after planting. Replace immediately with approved, specified material.
4. Plant counts indicated on drawings are for Landscape Architect's use only. Contractor shall make own plant quantity takeoffs using drawings, specifications, and plant schedule requirements (e.g., spacing), unless otherwise directed by Landscape Architect. Contractor to verify bed measurements and install appropriate quantities as governed by plant spacing per schedule.
5. All plant beds shall receive 3" minimum of genuine shredded hardwood bark mulch (unless otherwise noted). Apply pre-emergent herbicide as directed by the manufacturer prior to installing mulch. Seed all areas disturbed by construction activities that are not otherwise noted to receive pavement, planting bed, or other treatment.
6. The Contractor shall install and/or amend topsoil in all proposed bed areas to meet ASTM D5268 standards. Landscape shall verify depth and quality of topsoil prior to plant installation. A minimum of 4" of topsoil is required for lawn areas; 12" for plant beds. Topsoil sources shall include the reuse of surface soil stockpiled on site, clean of roots, plants, sod, stones, clay lumps, and other extraneous or foreign materials larger than 1". Supplement with imported topsoil from off-site sources when quantities are insufficient. Do not use any supplemental topsoil from agricultural land, bogs, or marshes. Inorganic amendments, organic amendments, and fertilizers shall be used to amend topsoil as needed for long-term plant health.
7. Verify all utility locations in the field prior to beginning work. Repair all damaged utilities to satisfaction of the Owner and Operating Authority at no additional cost.
8. Install all plant material in accordance with all local codes and ordinances. Coordinate with the Owner to obtain any required permits necessary to complete work. All workmanship and materials shall be guaranteed by the Contractor for a period of one (1) calendar year after Final Acceptance.
9. Maintain all plant material for a three (3) month period from date of Substantial Completion. Maintenance shall include pruning, cultivating, watering, weeding, fertilizing, restoring plant saucers, spraying for disease and insects, and replacing tree wrappings. Recommended long-term maintenance procedures shall be provided to the Owner before expiration of this period.
10. Satisfactory Seeded Lawn: At end of maintenance period, a healthy, uniform, close stand of grass has been established, free of weeds and surface irregularities, with coverage exceeding 90 percent over any 10 sq. ft. (0.92 sq. m) and bare spots not exceeding 3 by 3 inches. Reestablish lawns that do not comply with requirements and continue maintenance until lawns are fully satisfactory to the Owner.

ZONING: Industrial

MINIMUM SITE REQUIREMENTS: 8.5 ACRES

Requirement: 5 shade trees + 5 ornamental/evergreen trees + 20 shrubs/acre

Required: 43 shade trees + 43 ornamental/evergreen trees + 172 shrubs

Provided: 43 shade trees + 15 transplanted evergreen trees + 29 ornamental trees + 408 shrubs

FOUNDATION

Front Facade: 524 l.f.

Requirement: 1 ornamental tree or shrub/12 l.f.

Required: 44 ornamental trees or shrubs

Provided: 2 ornamental trees + 42 shrubs

Sides and Rear: 524 l.f. + (2) 259 l.f.

Requirement: Breakup lengths of building spans longer than 80 l.f.

Required: No stretch longer than 40 l.f.

Provided:

Side(s): 4 areas of plantings

Rear: 5 areas of plantings - These plantings are located further than 15' from the building due to the loading dock areas.

North: Industrial Zoning - no buffer required
East: Industrial Zoning - no buffer required
South: Industrial Zoning - no buffer required
West: Street Frontage @ 631 I.F.
(Requirement: 3 shade/evergreen trees + 2 ornamental trees + 25 shrubs/100 I.F.
Required: 19 shade/evergreen trees + 13 evergreen trees + 158 shrubs
Provided: 4 shade trees + 15 transplanted evergreen trees + 13 ornamental trees + 158
proposed shrubs
PARKING
Interior: 97 spaces + 52 future spaces
Requirement: 1 island/200 I.F.; 1 tree + 4 shrubs/island
Required: 8 islands (current parking) + 5 islands (future parking)
Provided:
10 islands; 10 trees + 40 shrubs (current parking)
4 islands (1 islands shared with current parking); 4 trees + 16 shrubs (future parking)

Perimeter: 97 spaces @ 9' width
Requirement: 1 tree + 10 shrubs/30 I.F.
Required: 15 trees + 147 shrubs
Provided: 15 trees + 3' berm/elevation change (existing)

[illegible]

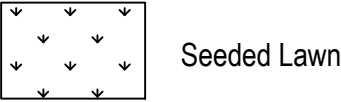
Drawing name: C:\Users\aprozeau\AppData\Local\Temp\VaPulalik_3544\168372000 - Landscape Plan.dwg C8.1 Sep 27, 2016 2:56pm by aprozeau
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	REMARKS
Ace-x	10	Acer rubrum `Armstrong`	Armstrong Red Maple	B & B	2"Cal	full, strong central leader, matched
Bet-n	2	Betula nigra	River Birch	B & B	2"Cal	full, strong central leader, matched
Gle-t	7	Gleditsia triacanthos inermis `Skycole`	Skyline Thornless Honeylocust	B & B	2"Cal	full, strong central leader, matched
Lir-t	3	Liriodendron tulipifera	Tulip Tree	B & B	2"Cal	full, strong central leader, matched
Ulm-a	9	Ulmus x americana `Princeton Elm`	Princeton Elm	B & B	2"Cal	full, strong central leader, matched
Ulm-f	4	Ulmus x americana `Princeton Elm`	Princeton Elm	B & B	2"Cal	future tree; full, strong central leader, matched
Zel-s	8	Zelkova serrata `Green Vase`	Green Vase Sawleaf Zelkova	B & B	2"Cal	full, strong central leader, matched

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	REMARKS
Ame-x	5	Amelanchier x grandiflora `Autumn Brilliance`	Autumn Brilliance Serviceberry	B & B	6` ht.	multi-trunk; matched
Cer-c	21	Cercis canadensis	Eastern Redbud	B & B	6` ht.	multi-trunk, matched
Syr-r	2	Syringa reticulata `Ivory Silk`	Ivory Silk Japanese Tree Lilac	B & B	2"Cal	full, strong central leader, matched

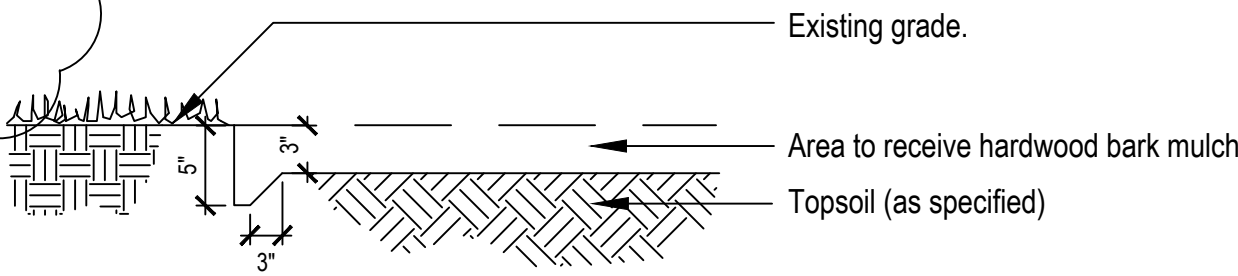
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	REMARKS
Aro-a	68	Aronia arbutifolia `Brilliantissima`	Brilliant Red Chokeberry	container	24"	space @ 3'-0" o.c.
Cor-c	40	Cornus sericea `Kelseyi`	Kelseyi Red Twig Dogwood	container	18" spread	space @ 3'-0" o.c.
Ile-m	24	Ilex x meserveae `Blue Princess`	Blue Princess Holly	container	24"	space @ 8'-0" o.c., allow to mass, provide 1 Blue Prince per 5 Blue Princesses
Ite-v	20	Itea virginica `Henry's Garnet`	Henry's Garnet Sweetspire	container	18"	space @ 3'-0" o.c.
Ite-f	5	Itea virginica `Henry's Garnet`	Henry's Garnet Sweetspire	container	18"	future shrub; space @ 3'-0" o.c.
Jun-c	22	Juniperus chinensis `Kallays Compact`	Kallay Compact Pfitzer Juniper	container	24"	space @ 5'-0" o.c., allow to mass
Jun-v	60	Juniperus virginiana `Grey Owl`	Grey Owl Juniper	container	18" spread	space @ 3'-0" o.c., allow to mass
Myr-p	12	Myrica pensylvanica	Northern Bayberry	container	24"	space @ 8'-0" o.c., allow to mass
Pan-n	26	Panicum virgatum `Northwind`	Northwind Switch Grass	pot	#2	space @ 2'-6" o.c.
Phy-o	34	Physocarpus opulifolius `Summer Wine`	Summer Wine Ninebark	container	24"	space @ 5'-0" o.c.
Rhu-a	12	Rhus aromatica `Gro-Low`	Gro-Low Fragrant Sumac	container	18" spread	space @ 4'-0" o.c., allow to mass
Rhu-f	8	Rhus aromatica `Gro-Low`	Gro-Low Fragrant Sumac	container	18" spread	future shrub; space @ 4'-0" o.c., allow to mass
Vib-d	77	Viburnum dentatum `Christom`	Blue Muffin Viburnum	container	18"	space @ 4'-0" o.c.



Seeded Lawn

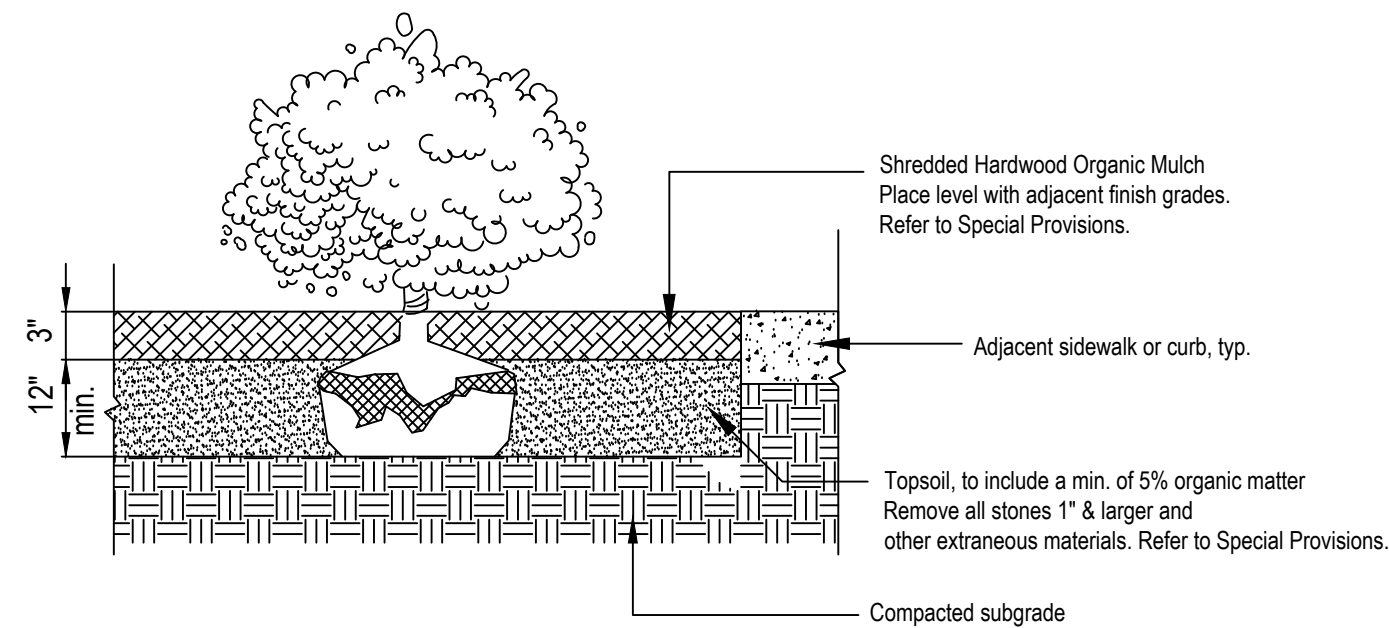
EXISTING TREE SURVEY - those to remain only

TREE #	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
1	Pinus strobus	White Pine	14' ht.	protect throughout construction
2	Picea pungens 'Glauca'	Colorado Blue Spruce	14' ht.	protect throughout construction
3	Picea pungens	Colorado Spruce	14' ht.	protect throughout construction
4	Picea pungens 'Glauca'	Colorado Blue Spruce	14' ht.	protect throughout construction
5	Picea pungens 'Glauca'	Colorado Blue Spruce	14' ht.	protect throughout construction
6	Picea pungens 'Glauca'	Colorado Blue Spruce	14' ht.	protect throughout construction
7	Picea pungens 'Glauca'	Colorado Blue Spruce	14' ht.	protect throughout construction
8	Pinus strobus	White Pine	14' ht.	protect throughout construction
9	Pinus strobus	White Pine	14' ht.	protect throughout construction
10	Pinus strobus	White Pine	14' ht.	protect throughout construction
11	Pinus strobus	White Pine	14' ht.	protect throughout construction
12	Pinus strobus	White Pine	14' ht.	protect throughout construction
13	Pinus strobus	White Pine	14' ht.	protect throughout construction
14	Pinus strobus	White Pine	14' ht.	protect throughout construction
15	Picea pungens 'Glauca'	Colorado Blue Spruce	8' ht.	protect throughout construction
16	Pinus strobus	White Pine	16' ht.	protect throughout construction
17	Pinus strobus	White Pine	16' ht.	protect throughout construction
18	Pinus nigra	Austrian Pine	18' ht.	protect throughout construction



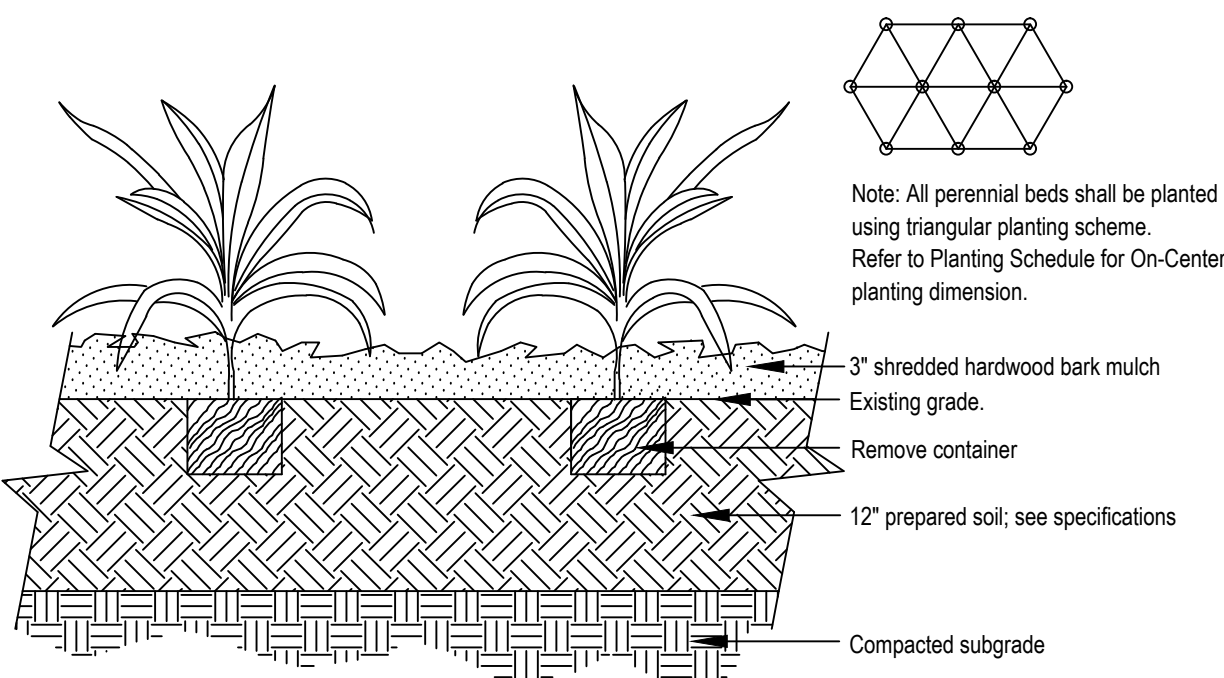
SPADE EDGE

Not to Scale



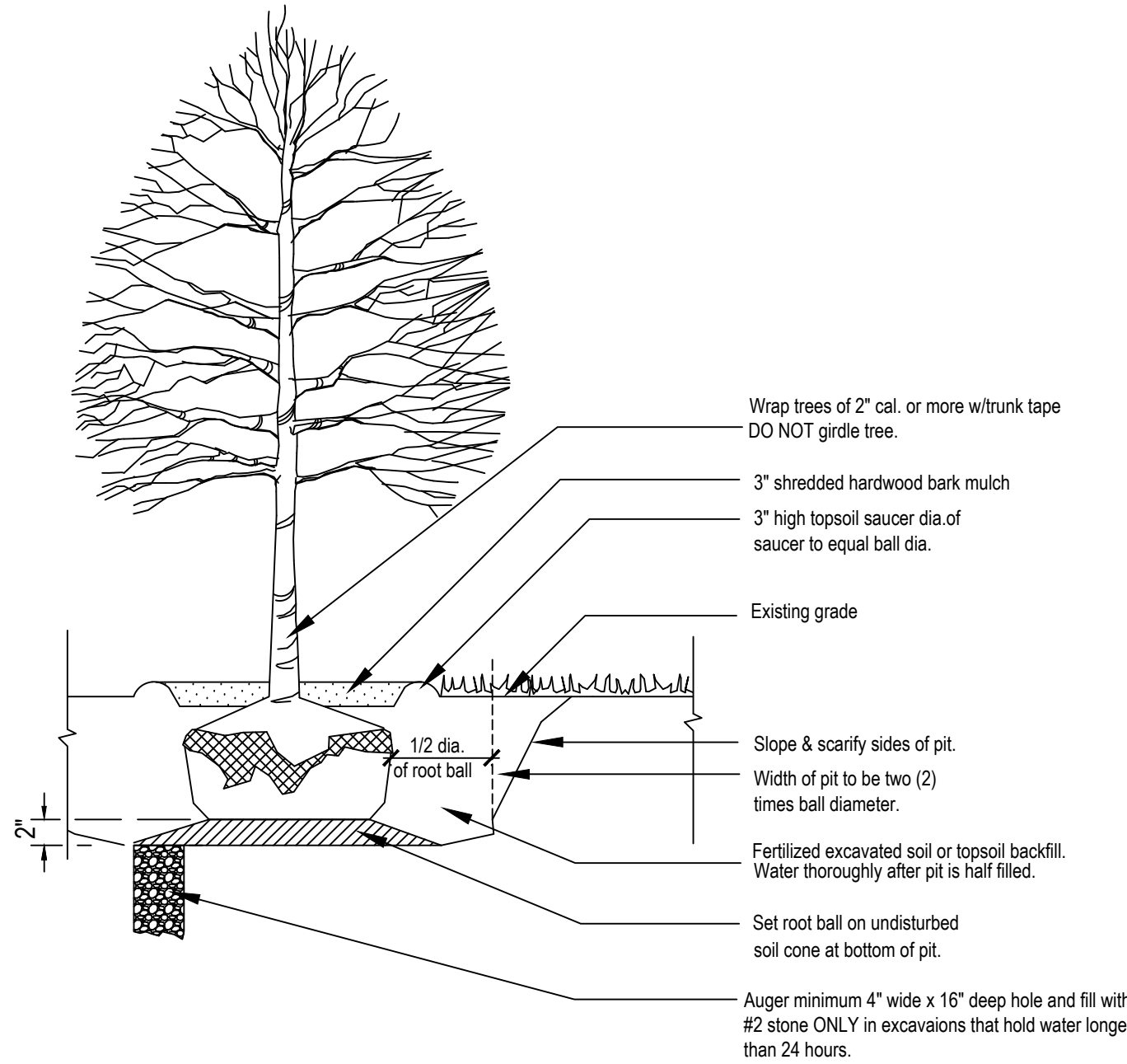
LANDSCAPE BED PREPARATION

Not to Scale



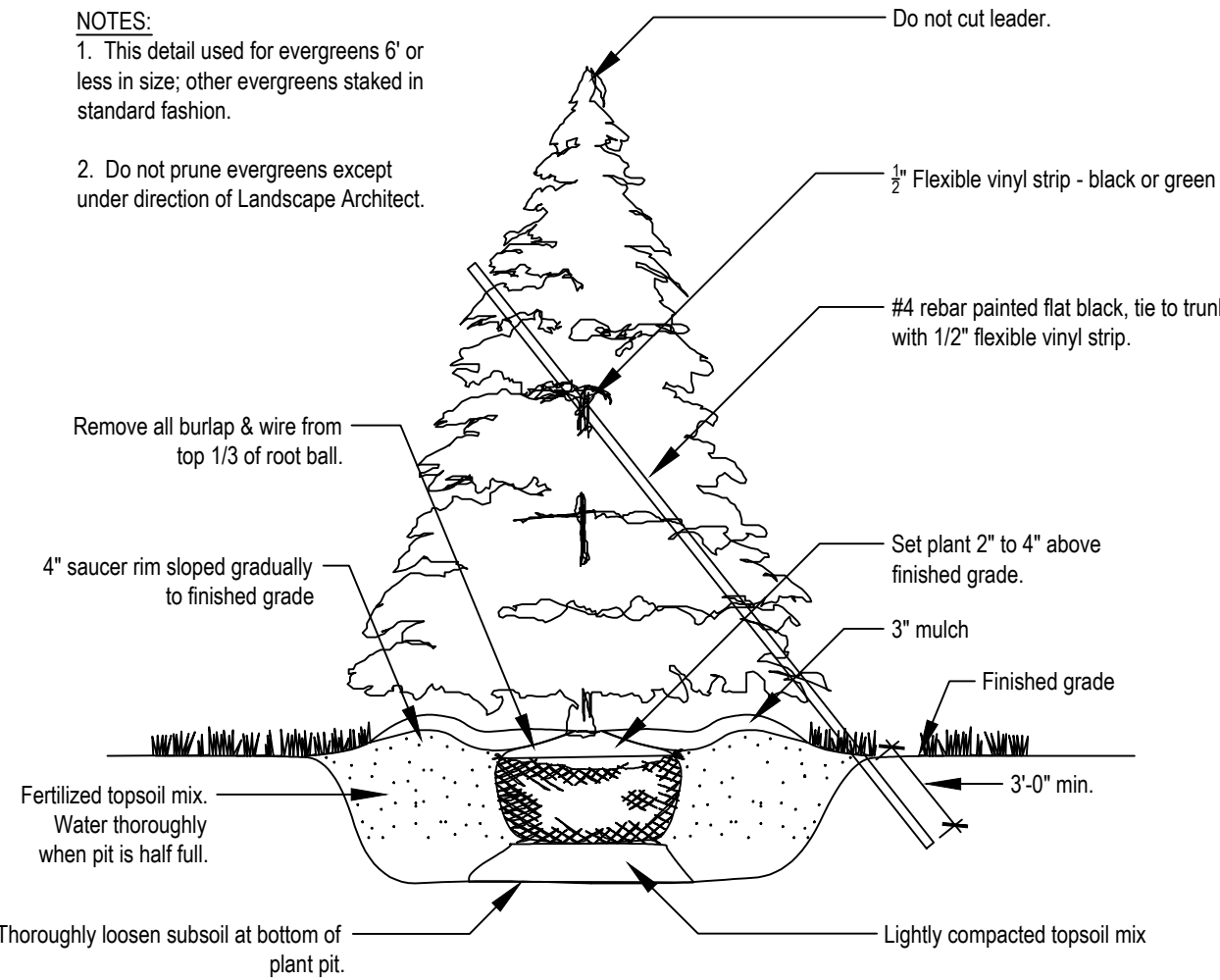
PERENNIAL PLANTING

Not to Scale



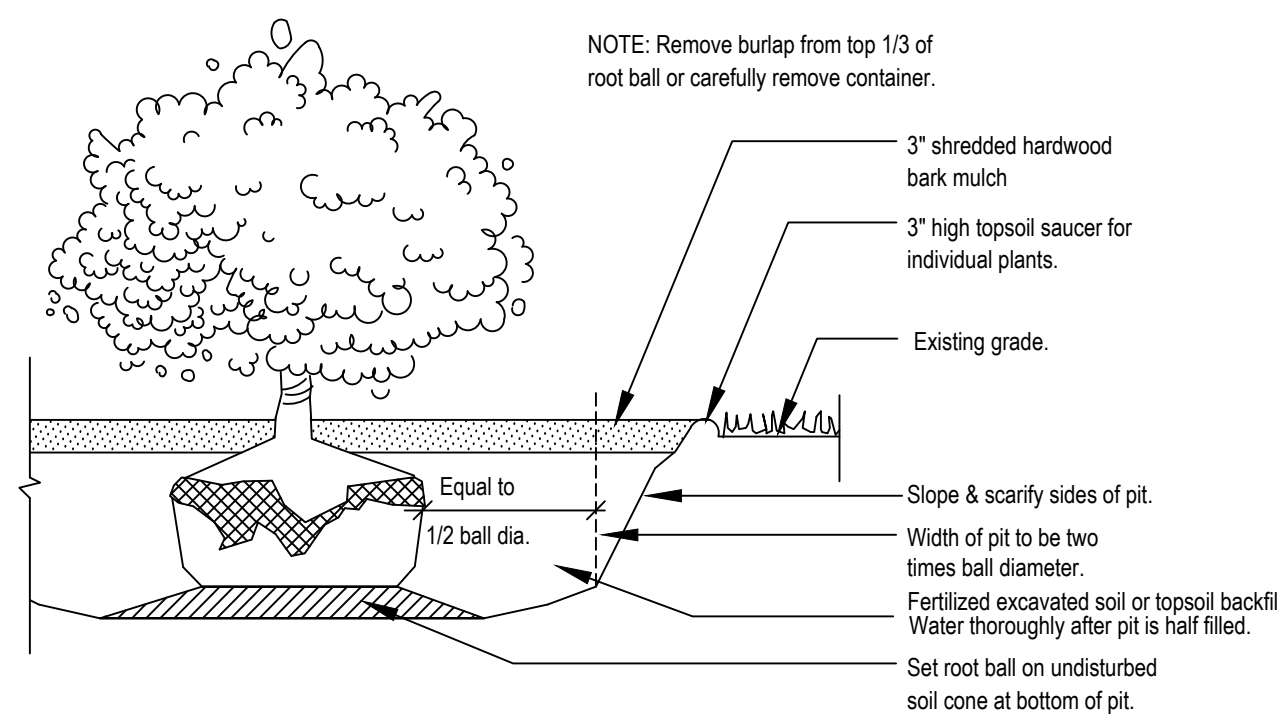
TREE PLANTING

Not to Scale



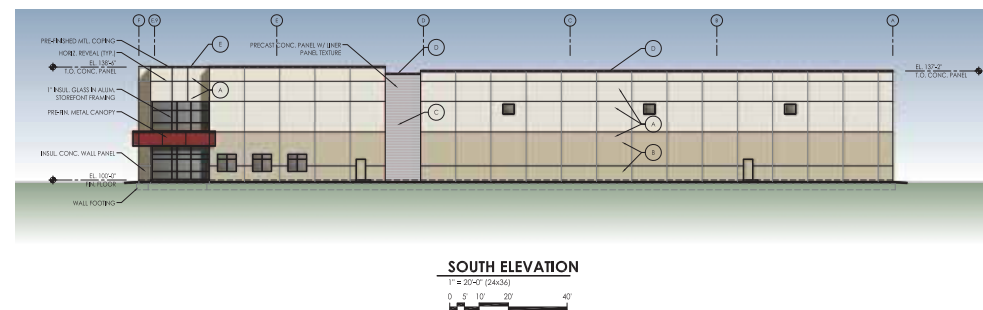
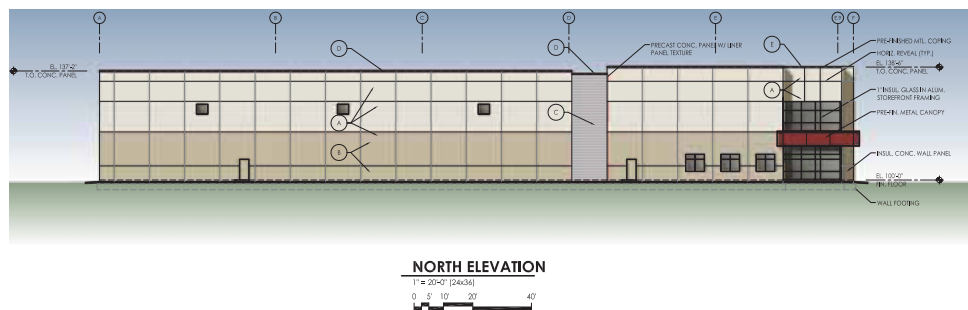
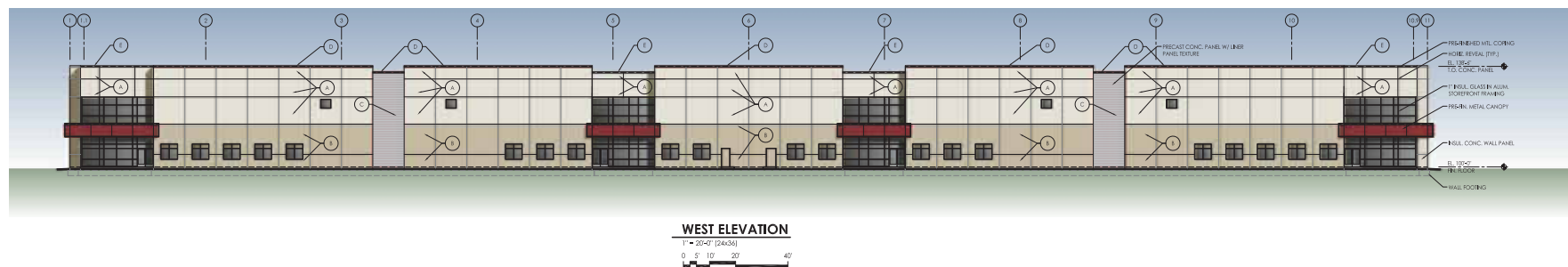
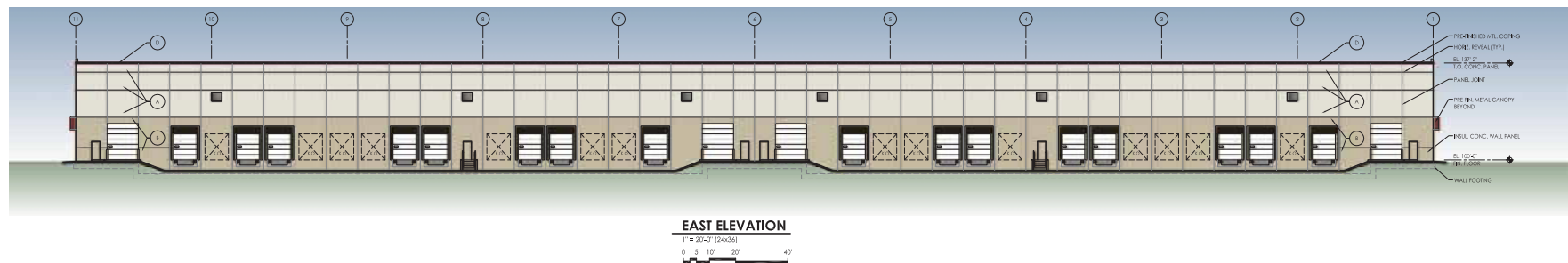
EVERGREEN TREE PLANTING

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SHRUB PLANTING

Not to Scale

[illegible]



JACKSON
DEVELOPMENT

Westfield Business Centre

05 FEBRUARY 2014

171ST STREET & OAK RIDGE ROAD - WESTFIELD, INDIANA

ARCHITECTURE®
7222 North Shadeland Avenue, #200
Indianapolis, Indiana 46255
317.814.1040
FAX: 317.814.1041
© 2014 JAC ARCHITECTURE #15326-Y

Existing Conditions Exhibit



Transmittal

Date: September 30, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Amanda Rubadue

2728 East 171st Street

Westfield, IN 46074

We are sending these by

☐ U.S. Mail

☐ FedEx

☒ Hand Deliver

☐ Other: _____

We are sending you

☐ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

☐ Other: _____

Copies	Date	No.	Description
1			Detailed Development Plan / TAC Application Package
4			Full Size 24"x36" Civil & Landscaping CDs
1			Drainage Report
1			Building Elevations
1			Compact Disc with Submittal Items
1			Variance Modification Application package

This application is being re-filed due to a requested change to the project. The only change being requested is to reduce the existing mound height along Oak Ridge Road down to an elevation that will meet the Unified Development Ordinance. A sign has also been added along Oak Ridge Road at the main entrance. The proposed monument sign location is also shown.

Copy to: _____ Signed Bill Butz

Transmittal

Date: September 30, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Westfield Fire – Garry Harling

17535 Dartown Road

Westfield, IN 46074

We are sending these by

☐ U.S. Mail

☐ FedEx

☐ Hand Deliver

☒ Other: Carrier

We are sending you

☐ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

☐ Other: _____

Copies	Date	No.	Description
1			Full Size 24"x36" Civil & Landscaping CDs

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Copy to: _____

Signed Bill Butz

Transmittal

Date: September 30, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Hamilton County Surveyor's Office – Greg Hoyes

One Hamilton County Square, Suite 188

Noblesville, IN 46060

We are sending these by

☐ U.S. Mail

☐ FedEx

☐ Hand Deliver

☒ Other: Carrier

We are sending you

☐ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

☐ Other: _____

Copies	Date	No.	Description
1			Full Size 24"x36" Civil & Landscaping CDs
1			Drainage Report
1			Outlet request – Previously Filed

This application is being re-filed due to a requested change to the project. The only change being requested is to reduce the existing mound height along Oak Ridge Road down to an elevation that will meet the Unified Development Ordinance. A sign has also been added along Oak Ridge Road at the main entrance. The proposed monument sign location is also shown.

Copy to: _____

Signed Bill Butz

Transmittal

Date: September 30, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Vectren – Resa Glover

16000 Allisonville Road

Noblesville, IN 46060-3817

We are sending these by

☐ U.S. Mail

☐ FedEx

☐ Hand Deliver

☒ Other: Carrier

We are sending you

☐ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

☐ Other: _____

<i>Copies</i>	<i>Date</i>	<i>No.</i>	<i>Description</i>
1			Full Size 24"x36" Civil & Landscaping CDs

This application is being re-filed due to a requested change to the project. The only change being requested is to reduce the existing mound height along Oak Ridge Road down to an elevation that will meet the Unified Development Ordinance. A sign has also been added along Oak Ridge Road at the main entrance. The proposed monument sign location is also shown.

Copy to: _____ Signed: Bill Butz

Transmittal

Date: September 30, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Westfield Pre-Construction

2706 E. 171st Street

Westfield, IN 46074

We are sending these by

☐ U.S. Mail

☐ FedEx

☐ Hand Deliver

☒ Other: Carrier

We are sending you

☐ Attached

☐ Under separate cover via _____ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

☐ Other: _____

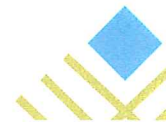
Copies	Date	No.	Description
1			Full Size 24"x36" Civil & Landscaping CDs

This application is being re-filed due to a requested change to the project. The only change being requested is to reduce the existing mound height along Oak Ridge Road down to an elevation that will meet the Unified Development Ordinance. A sign has also been added along Oak Ridge Road at the main entrance. The proposed monument sign location is also shown.

Copy to: _____ Signed Bill Butz

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

DEVELOPMENT PLAN APPLICATION



OFFICE
USE ONLY

DOCKET #: _____ FILING DATE: _____
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ACRE (@ _____ ACRES) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Andrew Murray (STAFF NAME) DATE: 2-8-2016

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: 1604-DDP-11
PRIMARY PLAT: _____ SECONDARY PLAT: 1604-SFP-08 VARIANCE(S): 1605-VS-08

APPLICANT INFORMATION

APPLICANT'S NAME: Jackson Development, LLC - Carter Jackson TELEPHONE: 317-797-1115
ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c
PROPERTY OWNER'S NAME: Oak Ridge Road LLC - Carter Jackson TELEPHONE: 317-797-1115
ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c
REPRESENTATIVE'S NAME: Bill Butz TELEPHONE: 317-218-9561
COMPANY: Kimley-Horn & Associates, Inc. EMAIL: bill.butz@kimley-horn.com
ADDRESS: 600 E. 96th Street, Suite 460, Indianapolis, IN 46240

PROPERTY AND PROJECT INFORMATION

PROJECT TO BE KNOWN AS: Westfield Business Centre
ADDRESS OR PROPERTY LOCATION: East of Oak Ridge Road, north of 169th Street
ACREAGE: 8.565 (ATTACH LEGAL DESCRIPTION) PROPOSED LAND USE: Industrial
COUNTY PARCEL ID #(S): 09-09-01-00-00-024.102, 09-09-01-00-00-024.202
EXISTING ZONING DISTRICT(S): OI - Open Industrial EXISTING LAND USE(S): Vacant
IS A WAIVER BEING REQUESTED? ☐ YES ☒ NO IF YES, DESCRIBE: _____

TYPE OF DEVELOPMENT PLAN: ☐ OVERALL (DP) (PRIMARY PLAT DOCKET #: _____ -SPP- _____)
NUMBER OF LOTS: _____ NEW PUBLIC WAYS PROPOSED? ☐ YES ☐ NO
AMOUNT OF OPEN SPACE: _____ ACRES
☒ DETAILED / INDIVIDUAL LOT (SIT) (SUBDIVISION: _____ LOT #: _____)
(OVERALL DP DOCKET #: _____ -DP- _____)
IMPERVIOUS AREA (SQ FT): _____ BUILDING SIZE (SQ FT): _____

**APPLICANT AFFIDAVIT**

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Charles C. Jackson
Applicant/Representative (signature)

Charles C. Jackson
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 27th day of September, 2016.

State of In, County of Hamilton, SS:

Joy Whalin
Notary Public Signature

Joy Whalin
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Charles C. Jackson
Property Owner (signature)*

Charles C. Jackson
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 27th day of September, 2016.

State of In, County of Hamilton, SS:

Joy Whalin
Notary Public Signature

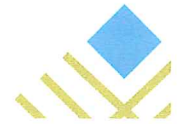
Joy Whalin
Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

DEVELOPMENT PLAN



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. An applicant should have a draft set of the proposed development plan for the pre-filing conference. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| ☐ Completed Application | ☐ Filing Fee Check (made out to "City of Westfield") |
| ☐ Legal Description | ☐ Copy of Property Deed |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ TAC Delivery Affidavit | ☐ Narrative Statement (describing nature of development) |
| ☐ Property Owner Consent | ☐ Vicinity Map (including property within 500 feet) |
| ☐ Materials Board (consisting of samples of the proposed exterior materials and colors) | |
| ☐ Development Plan (in accordance with the Zoning Ordinance) | |
- (one hardcopy and one digital copy (PDF format) is required for the Department)
- C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- D. **Public Hearing and Notice:** All development plan applications require a public hearing by the Plan Commission. The hearing is held at the first Plan Commission meeting of the month, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Plan Commission's [Rules of Procedure](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Revisions:** Following the hearing, the applicant will have an opportunity to make revisions to the petition as a result of the TAC review, staff comments and public hearing comments. Revisions must be submitted electronically (PDF format) to the Department pursuant to the Schedule of Meeting and Filing Dates (see "Revised Plans Submittal Deadline").
- F. **Plan Commission:** Following the public hearing and submittal of revised plans (typically at the second Plan Commission meeting of the month), the Plan Commission may either approve or deny the petition.
- G. **Resource:** Please see the Plan Commission's [Rules of Procedure](#) for more detailed procedural information.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE USE ONLY	DOCKET #: _____	FILING DATE: _____
	FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____	

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Andrew Murray (STAFF NAME) DATE: 2-8-2016

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: 1604-DDP-11

PRIMARY PLAT: _____ SECONDARY PLAT: 1604-SFP-08 VARIANCE(S): 1605-VS-08

APPLICANT INFORMATION

APPLICANT'S NAME: Jackson Development, LLC - Carter Jackson TELEPHONE: 317-797-1115

ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c

PROPERTY OWNER'S NAME: Oak Ridge Road LLC - Carter Jackson TELEPHONE: 317-797-1115

ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c

REPRESENTATIVE'S NAME: Bill Butz TELEPHONE: 317-218-9561

COMPANY: Kimley-Horn & Associates, Inc. EMAIL: bill.butz@kimley-horn.com

ADDRESS: 600 E. 96th Street, Suite 460 Indianapolis, IN 46240

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: East of Oak Ridge Road, north of 169th Street

COUNTY PARCEL ID #(S): 09-09-01-00-00-024.102, 09-09-01-00-00-024.202

EXISTING ZONING DISTRICT(S): I-2 EXISTING LAND USE(S): Vacant

VARIANCE REQUEST

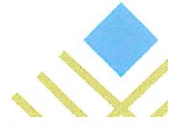
☐ VARIANCE OF LAND USE CODE CITATION: Article 6.3(G)(2)(a)(i)

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 6.3(G)(2)(a)(ii)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

We are requesting a modification of the current conditions of the variance granted as a part of 1605-VS-08. Our request is to reduce the height of the existing mound to a minimum 3-foot mound that would meet the ordinance as outlined in Article 6.8(M)(2). We will plant the proposed mound with the same number and species of plants that were previously proposed and approved in the prior request. The only change being sought is for the height of the mound.



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

[Signature]
Applicant/Representative (signature)

Charles C. Jackson
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 27th day of September, 2016.

State of In, County of Hamilton, SS:

[Signature]
Notary Public Signature
Joy Whalin
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

[Signature]
Property Owner (signature)*

Charles C. Jackson
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 27th day of September, 2016.

State of In, County of Hamilton, SS:



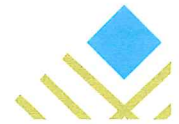
[Signature]
Notary Public Signature
Joy Whalin
Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

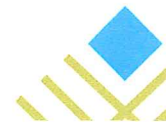
VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|---|
| ☐ Completed Application | ☐ Filing Fee Check (made out to "City of Westfield") |
| ☐ Legal Description | ☐ Copy of Property Deed |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Vicinity Map (including property within 500 feet) |
| ☐ Statement of Intent | ☐ Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- D. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's [Rules of Procedure](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- F. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)



APPLICANT: Jackson Development, LLC - Carter Jackson

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

The building is located in an industrial area and will resemble and in some cases be of higher quality than the other existing industrial buildings in the area. The UDO compliant mound and landscaping will also screen a portion of the building from view of the general public.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

The building is located in an industrial area and will resemble and in some cases be of higher quality than the other existing industrial buildings in the area. The UDO compliant mound and landscaping will also screen a portion of the building from view of the general public.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____

A brick and mortar building at this location would not be consistent with the adjacent industrial buildings in the area. The cost and scale to construct a large warehouse building out of brick and mortar is significant and may make constructing the building on the property difficult or infeasible.

The mound height modification is being sought because the feedback from potential tenants and the lender for the project is that the excessive mound height creates a highly unfavorable condition for the project.

OAK RIDGE ROAD LLC
11805 N PENNSYLVANIA ST.
CARMEL, IN 46032-4555

1014

20-1421/740

DATE Sept. 27, 2016

CHECK ARMOR

PAY
TO THE
ORDER OF

City of Westfield

\$ 700.00

Seven hundred & 00/100

DOLLARS

Security
Features
Details on
Back.

 **REGIONS**
FOR Variance Application

Charles C. Johnson

MP

⑈00001014⑈ ⑆074014213⑆ 0210156461⑈

OAK RIDGE ROAD LLC
11805 N PENNSYLVANIA ST.
CARMEL, IN 46032-4555

1013

20-1421/740

DATE Sept. 27, 2016

CHECK ARMOR

PAY
TO THE
ORDER OF

City of Westfield

\$ 550.00

Five hundred fifty & 00/100

DOLLARS

Security
Features
Details on
Back.

 **REGIONS**
FOR Development NonFee-Variance

Charles C. Johnson

MP

⑈00001013⑈ ⑆074014213⑆ 0210156461⑈

Statement of Intent

Westfield Business Centre Variance Request Modification

Oak Ridge Road, LLC is requesting to modify a previously granted variance for two of the building façade requirements noted in the Westfield Zoning Ordinance. The first request is related to the 60% Masonry Material requirement. The building is planned to be constructed with architectural pre-cast concrete walls which is a standard material for a warehouse style building. Through the use of multiple colors and textures, the building will resemble the 60% requirement. This variance request will bring this development in line with the adjacent PUD zoning districts and the buildings that both exist and will be constructed in the future.

The second variance request is to increase the allowable building façade length from 60-feet to 85-feet. The proposed building has four separate decorative curtain wall entries, windows, and vertical accents to break up the long face of the building. Through the use of color, glass, and multiple 4-foot offsets the building façade will be broken up and will have less façade length than other adjacent industrial buildings. This variance request will bring this development in line with the adjacent PUD zoning districts and the buildings that both exist and will be constructed in the future.

The modification requested is to reduce the mounding height along Oak Ridge Road from the existing mound height to a lower height that will still meet the required standards per the UDO. The landscaping will be the same as previously proposed.

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on **Tuesday, November 8, 2016, at 7:00 p.m.** at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition _____, filed by Kimley-horn on behalf of Oak Ridge Road, LLC. The request pertains to real estate comprising approximately 8.565 acres and generally located north of 169th Street along Oak Ridge Road, Washington Township, Westfield, Indiana.

The request is for a modification of a prior approval of a Development Standards Variance on the building materials and design to allow for the existing mound height to be reduced to an elevation that will still meet or exceed the ordinance requirement. The landscaping previously proposed and approved will not be changed.

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:
Oak Ridge Road, LLC
Carter Jackson
11805 Pennsylvania St., Ste. 108
Carmel, IN 46032
Telephone: (317) 797-1115

REPRESENTATIVE:
Kimley-Horn
Bill Butz
600 East 96th Street
Indianapolis, IN 46240
Telephone: (317) 218-9560

CITY OF WESTFIELD
Economic and Community Development Department
2728 East 171st Street
Westfield, IN 46074
Telephone: (317) 804-3170
www.westfield.in.us

Vicinity Map



March 3, 2016

Road Closures

— Closed

— Open

— Restricted

— Upcoming Closure

— Upcoming Restriction

Facilities

P Parking

⚓ Playground

♿ Restrooms

⚙ Irrigation Pump House

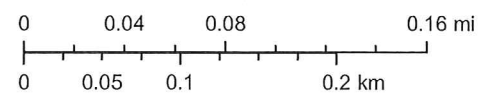
⚙ Maintenance Buildings

Addresses

⚙ Retention Ponds

Grand Park Labels

1:4,800



Basemap information here

DO NOT ENTER FOR TAXATION
Subject to final acceptance for transfer
13 day of October, 2015

3

Chicago Title - Downtown

File # 477653 KB

MC Dawn Coverdale Auditor of Hamilton County
Parcel # 09-09-01-00-00-024

LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH, that B & K Real Estate Investment, LLC, an Indiana limited liability company (the "Grantor"), conveys and warrants, as set forth below, to OAK RIDGE ROAD, LLC, an Indiana limited liability company (the "Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, its interest in the following described real estate located in Hamilton County, Indiana and legally described in what is attached hereto and incorporated herein by reference as Exhibit "A" (the "Real Estate") to have and to hold the Real Estate, together with all rights and appurtenances.

The conveyance is subject to all easements, agreements, restrictions and encumbrances of record.

Grantor warrants to Grantee, and the successors and assigns of Grantee, that it will forever defend title to its interest in the Real Estate (subject to the matters set forth above to which this conveyance is made subject) against those persons or entities, and only those persons or entities, who shall claim title to, or assert claims affecting the title to, the Real Estate, or any part thereof, under, by, or through, or based upon the acts of, Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed this 1st day of October, 2015.
Effective date: 10.8.2015

B&K Real Estate Investment, LLC

By: James Kent Grubaugh *MANAGING MEMBER*
James Kent Grubaugh, Managing Member

STATE OF INDIANA)
)SS:
COUNTY OF Hamilton)

Before me a Notary Public in and for said County and State, personally appeared James Kent Grubaugh, Managing Member of B&K Real Estate Investment, LLC, and acknowledged the execution of the foregoing Limited Warranty Deed for and on behalf of said entity.

WITNESS my hand and Notarial Seal this 14th day of October, 2015.

My Commission Expires: _____

Residing in _____ County

Angela J. Burklow
Notary Public

Printed Name: ANGELA J. BURKLOW
NOTARY PUBLIC STATE OF INDIANA
HAMILTON COUNTY
MY COMMISSION EXPIRES JUNE 6, 2017



This instrument prepared by Lawrence J. Kemper, Nelson & Frankenberger, Indianapolis, Indiana.

{00325695.1}

2015053672 WARR DEED \$22.00
10/13/2015 02:14:23P 3 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented



Return deed to: Faegre Baker Daniels LLP, 600 E. 96th Street | Suite 600 | Indianapolis, IN 46240

Send tax statements to: OAK RIDGE ROAD, LLC, 11805 N. PENNSYLVANIA STREET, 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. Lawrence J. Kemper.

EXHIBIT "A"

A part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, the West line of the Southwest Quarter bears South 00 degrees 00 minutes 00 seconds West (assumed bearing); thence North 86 degrees 34 minutes 58 seconds East, along the North line of the Southwest Quarter, 574.65 feet; thence South 00 degrees 18 minutes 18 seconds East, 372.70 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 199.61 feet; thence South 00 degrees 00 minutes 00 seconds West, parallel to the West line of the Southwest Quarter, 87.19 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 376.00 feet, to a point on the West line of the Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East, along the West line of the Southwest Quarter, 425.57 feet, to the POINT OF BEGINNING, containing 5.443 Acres more or less.

Chicago Title - Downtown

File # 477655 KB

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
13 day of October, 2015

Dawn Courdale Auditor of Hamilton County
MC Parcel # 09.09.01.00.00.024.102

LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH, that IBC Real Estate Investments, LLC an Indiana limited liability company (the "Grantor"), conveys and warrants, as set forth below, to OAK RIDGE ROAD, LLC, an Indiana limited liability company (the "Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, its interest in the following described real estate located in Hamilton County, Indiana and legally described in what is attached hereto and incorporated herein by reference as Exhibit "A" (the "Real Estate") to have and to hold the Real Estate, together with all rights and appurtenances.

The conveyance is subject to all easements, agreements, restrictions and encumbrances of record.

Grantor warrants to Grantee, and the successors and assigns of Grantee, that it will forever defend title to the Real Estate (subject to the matters set forth above to which this conveyance is made subject) against those persons or entities, and only those persons or entities, who shall claim title to, or assert claims affecting the title to, the Real Estate, or any part thereof, under, by, or through, or based upon the acts of, Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed this 7th day of October, 2015.

Effective date: 10-8-2015

IBC Real Estate Investments, LLC
an Indiana limited liability company

By: William Cochran, Managing Member
William Cochran, Managing Member

STATE OF INDIANA)
)SS:
COUNTY OF Hamilton)

Before me a Notary Public in and for said County and State, personally appeared William Cochran, Managing Member of IBC Real Estate Investments, LLC, and acknowledged the execution of the foregoing Limited Warranty Deed for and on behalf of said entity.

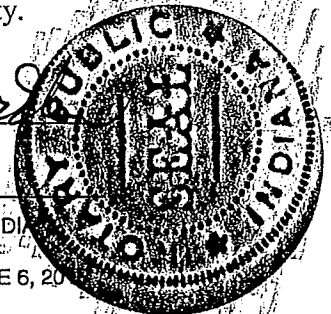
WITNESS my hand and Notarial Seal this 7th day of October, 2015.

My Commission Expires: _____

Residing in _____ County

Angela J. Burklow
Notary Public

Printed Name: ANGELA J. BURKLOW
NOTARY PUBLIC STATE OF INDIANA
HAMILTON COUNTY
MY COMMISSION EXPIRES JUNE 6, 2016



This instrument prepared by Lawrence J. Kemper, Nelson & Frankenberger, Indianapolis, Indiana.

{00325695.1}

2015053673 WARR DEED \$22.00
10/13/2015 02:14:23P 3 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

Return deed to: Faegre Baker Daniels LLP, 600 E. 96th Street | Suite 600 | Indianapolis, IN 46240

Send tax statements to: OAK RIDGE ROAD, LLC, 11805 N. PENNSYLVANIA STREET, 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. Lawrence J. Kemper.

EXHIBIT "A"

A part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of the Southwest Quarter, 425.57 feet to the POINT OF BEGINNING; thence North 90 degrees 00 minutes 00 seconds East, perpendicular to the West line of the Southwest Quarter, 376.00 feet; thence North 00 degrees 00 minutes 00 seconds East, parallel to the West line of the Southwest Quarter, 87.19 feet; thence North 90 degrees 00 minutes 00 seconds East, perpendicular to the West line of the Southwest Quarter, 199.61 feet; thence South 00 degrees 18 minutes 18 seconds East, 292.70 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 577.17 feet, to a point on the West line of the Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East, along the West line of the Southwest Quarter, 205.50 feet, to the POINT OF BEGINNING, containing 3.120 Acres more or less.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
2017 SCHEDULE OF MEETINGS AND FILING DATES
DRAFT FOR ADOPTION CONSIDERATION

MEETING MONTH	Filing DEADLINE	Technical Advisory Committee MEETING	Revised Materials DEADLINE	Public Notice DEADLINE	Board of Zoning Appeals MEETING
	Friday Noon	Tuesday 9:00 AM	Tuesday Noon	Friday	Tuesday 7:00 PM
FEBRUARY	12/29/16*	01/24/17	01/31/17	02/03/17	02/15/17*
MARCH	02/03/17	02/21/17	02/28/17	03/03/17	03/14/17
APRIL	03/03/17	03/21/17	03/28/17	03/31/17	04/11/17
MAY	03/31/17	04/18/17	04/25/17	04/28/17	05/09/17
JUNE	04/28/17	05/23/17	05/30/17	06/02/17	06/13/17
JULY	06/02/17	06/20/17	06/27/17	06/30/17	07/12/17*
AUGUST	06/30/17	07/25/17	07/25/17	07/28/17	08/08/17
SEPTEMBER	08/04/17	08/22/17	08/29/17	09/01/17	09/12/17
OCTOBER	09/01/17	09/19/17	09/26/17	09/29/17	10/10/17
NOVEMBER	09/29/17	10/24/17	10/31/17	11/03/17	11/14/17
DECEMBER	11/03/17	11/14/17*	11/28/17	12/01/17	12/12/17
JANUARY	12/01/17	12/12/17*	12/26/17	12/29/17	01/09/18

* Dates are scheduled for a different day due to a Holiday conflict.

A Pre-Filing Conference is required prior to filing. Please contact the Economic and Community Development Department at (317) 804.3170 at least one week in advance of your targeted filing to arrange this pre-filing conference.



Petition Number: 1611-SE-03

Subject Site Address: 15859 Little Eagle Creek Avenue (the “Property”)

Petitioner: Julie Case Scharnowske (Ultimate Canine LLC) (the “Petitioner”)

Request: The petitioner is requesting approval of a Special Exception to allow a business that trains service, therapy, and family dogs (Kennel) in the AG-SF1: Agriculture / Single-Family Rural District.

Current Zoning: AG-SF1: Agriculture / Single-Family Rural District

Current Land Use: Agriculture / Rural Residential

Approximate Acreage: 6.63 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Petitioner’s Narrative
4. Site Plan
5. Existing Conditions

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 6.63 acres +/- in size and located at 15859 Little Eagle Creek Avenue (see [Exhibit 2](#)). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District (the “AG-SF1 District”). The Property is currently residential. The surrounding properties include residential and agricultural uses.

Land Use: As summarized in [Exhibit 3](#) (the “Petitioner’s Narrative”) and depicted in [Exhibit 4](#) (the “Site Plan”), the Petitioner is requesting this Special Exception to allow the training of service, therapy, and detection dogs. No new structures are proposed for the requested use.

The proposed use is defined as a Kennel¹ by the Unified Development Ordinance (the “UDO”), which is permitted as a Special Exception within the AG-SF1 District. The UDO² provides that the purpose of the AG-SF1 District is to “accommodate agricultural land uses and large-lot Single-family Dwellings.” The AG-SF1 District currently permits uses such as: farms and farm buildings, churches, golf courses, nurseries and greenhouses, schools, stables and single family dwellings. In addition to kennels, other Special Exception uses contemplated in the AG-SF1

¹ Chapter 12 of the UDO defines “Kennel” as “Any use of land on which four (4) or more dogs, or small animals (e.g. cats, rabbits, chickens), at least four (4) months of age are kept.”

² Article 4.2(A): AG-SF1: Agriculture / Single-Family Rural District; Propose and Intent.



District include: agritourism uses, large animal hospitals, private clubs and lodges, schools with dormitories, stockyards, riding stables, and zoos.

SPECIAL EXCEPTIONS

Definition: Chapter 12 (Definitions) of the Unified Development Ordinance (the “UDO”) defines a “Special Exception” as “[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted.”

Use Table: Chapter 13 (Use Table) of the UDO provides that “[a] Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which it is permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with Article 10.11 Special Exceptions.”

Purpose: Article 10.11(B) (Processes and Permits; Special Exceptions; Purpose) of the UDO states “[a] Special Exception is a use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of this Ordinance and those standards as set forth in this Article; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.”

ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance³, as summarized herein.

Criteria #1: The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

³ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



Comment: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because the use as proposed is consistent with the character of the area.

Criteria #2: The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.

Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The property will continue to primarily be used in a residential manner, and the proposed Special Exception should not have a negative impact on surrounding properties because: (i) the operation and design of the use should not impact surrounding properties; (ii) the use is otherwise contemplated as appropriate in the AG-SF1 District; and (iii) the development and use of the site would otherwise comply with applicable regulations.

Criteria #3: The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

Comment: The Unified Development Ordinance contemplates the proposed use within the AG-SF1 District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue maintain its residential character and the proposed Special Exception would be compatible with other permitted uses of the AG-SF1 District and potential conflicts resulting from other future and adjacent uses should be diminutive.

Criteria #4: Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

Comment: The Special Exception will not require additional public facilities, services or infrastructure.

Criteria #5: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.



Comment: The Special Exception is proposed to operate by appointment only and would be secondary to the existing residential use. As a result, additional traffic generated by the Special Exception and the impact on Little Eagle Creek Avenue is expected to be diminutive.

Criteria #6: The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Rural Residential” land use classification. As summarized below, the Special Exception is generally consistent with the goals and objectives of the Comprehensive Plan.

Development policies of this land use classification include⁴: (i) Encourage artisan farms and equestrian uses to maintain the rural, country-like atmosphere; (ii) protect and enhance the Eagle Creek Trail as a recreational amenity; (iii) encourage open space through incentives (such as density bonuses); (iv) ensure that infill development is compatible in mass, scale, density, materials and architectural style to existing development; and (v) ensure that growth and development is compatible both from a use and density perspective with minimal impact on the natural and visual environment.

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) farmsteads; (ii) individual houses on large lots; (iii) equestrian uses; (iv) subdivisions with a rural feel; (v) artisan farms⁵; and (vi) considerable open space.

Criteria #7: The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and the Unified Development Ordinance, and as may be applicable to such use, will be met.

Comment: The Unified Development Ordinance contemplates the use within the AG-SF1 District. The use and property will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

⁴ Westfield-Washington Township Comprehensive Plan, pages 25-30.

⁵ Appendix A of the Westfield-Washington Township Comprehensive Plan defines “Artisan Farm” as “[a] small farm with owners living on site that produces goods or services for the local table market (not the commodity market). This term includes but is not limited to orchards, tree nurseries, hay, vegetables, and the raising of limited numbers of animals such as horses, llamas, alpacas, sheep, goats, and chickens.



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception. This petition is scheduled to receive its public hearing at the November 1, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁷:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to:
(i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

⁶ Article 10.11(I) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁷ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

DEPARTMENT COMMENTS

Approval: If the Board finds that adequate evidence is shown that the Special Exception meets the applicable review criteria, then the Department recommends approving the Special Exception, with the recommended conditions below, and adopting the written review criteria findings as summarized herein.

Recommended Conditions:

1. The Kennel shall be limited in scope and operated in substantial compliance to the Petitioner's Narrative (Exhibit 3) and Site Plan Exhibit (Exhibit 4). Any expansion or substantial alteration to the scope and operation of the use, as determined by the Director, shall require approval by the Board of Zoning Appeals.
2. The Kennel shall be limited to an accessory use incidental and secondary to the use of the property as a dwelling unit.
3. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the commencement of the Special Exception use.

Denial: If the Board is inclined to reject or deny the Special Exception, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



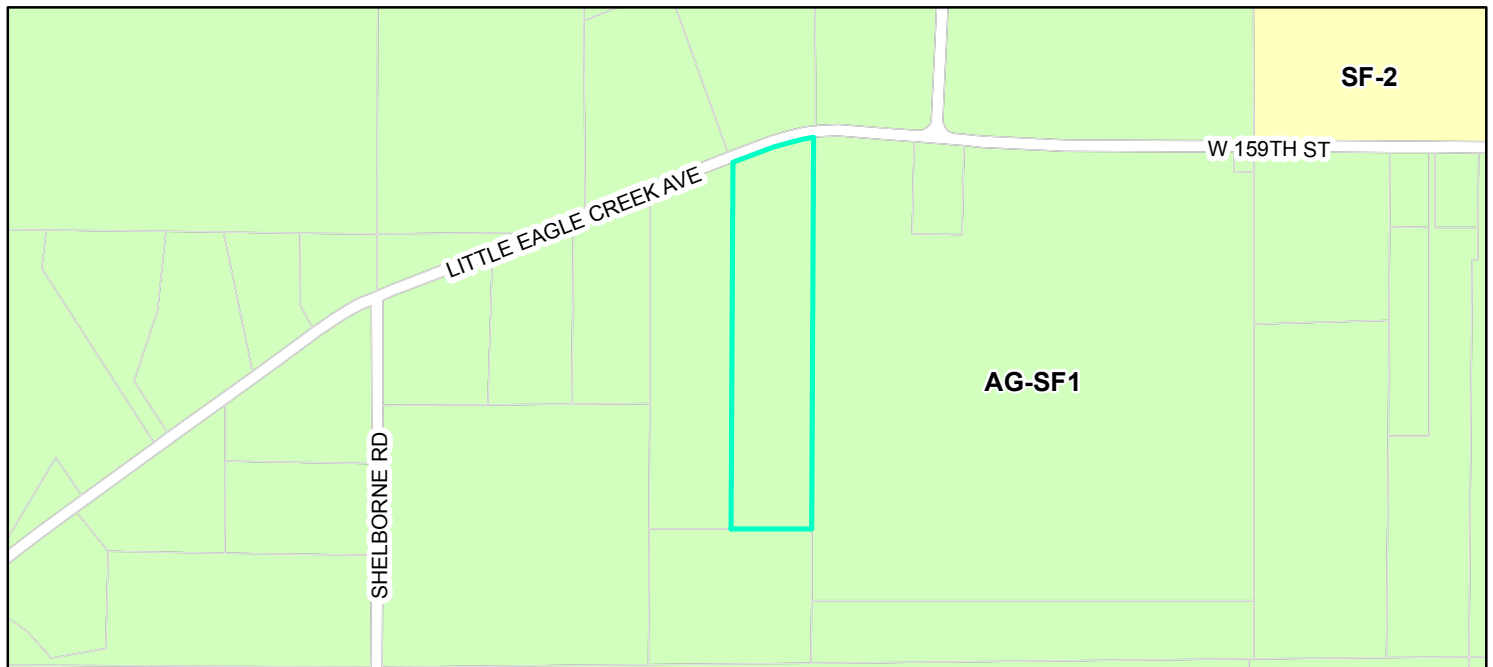
Location Map
15859 Little Eagle Creek Avenue
1611-SE-03



Aerial Location Map



Zoning Map



Parcel **Zoning** AG-SF1 (Agriculture - Single Family - 1) SF-2 (Single Family - 2)

Petitioner's Narrative

I, Julie Case Scharnowske, am the founder/owner/operator of Ultimate Canine, LLC. Since it was founded, our company has become world-known and award winning in our dog training of service dogs for children with disabilities, therapy dogs for Ronald McDonald Houses and Make-A-Wish foundation, detection dogs for law enforcement agencies, therapy dogs for hospitals, schools and families, including the family of the former Governor Mitch Daniels. These dogs possess great manners, reliable social temperaments, high level of socialization, and reliable obedience. They are very well behaved on leash and off leash, gentle and affectionate around children, people and other animals. Because of the advanced level of training, these dogs are very valuable (generally valued between \$12,000 to \$35,000 each). Our company is fully insured and licensed.

We plan for the property to maintain its residential character and be consistent with the residential and agricultural character of the surrounding property. The training use would generally be limited to the existing barn on the property and the yard surrounding the barn. Occasionally staff members or customers may be present on the property, but this would be by appointment only. A small area behind the existing pole barn is fenced with a 6' tall privacy fence and will serve as an outdoor training yard as needed. Six (6) small stalls inside the pole barn will provide an area for the dogs/puppies to rest during breaks. And the existing pole barn will serve as a training room.

I currently operate the office functions of my business, Ultimate Canine, LLC, from our home, which will remain our home. Although the majority of our training currently happens off-site (we have multiple facilities around the city), we do occasionally need to facilitate consultations and training at our home for the convenience of its location, which is why we are requesting the use approval.

Customer References:

Ronald McDonald House, St. Paul, MN. Paula Noonan. (612) 242-0417

Ronald McDonald House, Columbus, OH. Kathleen Turvi. (614) 266-6021

Ronald McDonald House, Salt Lake City, UT. Joe Vervaecke. (801) 608-4649

Ronald McDonald House, St. Louis, MO. Matt Lauer. (314) 973-2370

Ronald McDonald House, Nashville, TN. Melissa Anderson. (770) 710-3032

Make-A-Wish Foundation. St. Louis, MO. Brittany McConkey. (314) 737-1912

Make-A-Wish Foundation. Indianapolis, IN. Morgan James. (317) 870-1160

Hazelden Rehabilitation Center, Portland, OR. Kristen Cannavino (503) 680-0265

Clare Welch Thanksgiving Home. Cooperstown, NY. Laurie Blatt. (607) 735-1761

Funeral Homes of Needham-Storey-Wampner. Marion, IN. Mark Storey. (765) 661-5964

Taylor Middle School, Kokomo, IN. Caitlin Herr. (317) 557-5631

Noblesville Police Department. Noblesville, IN. Brad Purvis (317) 460-3067

Madison Co Sheriff. Justin Weber. (765) 749-7375

Henry Co Sheriff. New Castle, IN. Gary Wilson (765) 591-2432

Henry Co Sheriff. New Castle, IN. Derek Hall (317) 910-4513

Henry Co Sheriff. New Castle, IN. Jason Williams (765) 545-0312

Hancock Co Sheriff. Greenfield, IN. Brad Burkhalt (765) 545-0312

Humble PD/ Canine Detection Services Houston, TX. Daniel Lee. (281) 319-9753

Trafalgar PD. Trafalgar, IN. Doug Rather (317) 435-3306.

Hancock Co Sheriff. Interdiction Team. Greenfield, IN. Nick Ernstes (317) 498-6454

Kit Carson Co Sheriff. Burlington CO. Travis Belden. (785) 821-3069

K-9 Specialties. Louisville, KY. Sherman Dodson (502) 664-8102

Impact Canine Solutions. Los Angeles. CA. Al Hradecky (626)243-3 592

Smith Investigations and Smith K-9 Services. Los Angeles, CA. Jeff Smith (805) 796-0544

Weslaco Independent Schools K-9 Unit, Edinburg, TX. Jaime Gonzalez. (956) 457-0764

Montgomery County Sheriff, Independence, KS. Chad Dunham. (620) 205-8203

Lake County Sheriff. Leadville, CO. William Berry. (719) 629-6965

Marion Co Sheriff. Indianapolis, IN. Jimmy Barker (317) 549-5067

SITE PLAN EXHIBIT

Site Plan Notes for Special Exception Use:

1. Parking (occasional visitors or trainers).
2. Accessory Building (indoor training).
3. Outdoor Area (play area/dog potty/training area with 6'-tall wood "no climb" privacy fence and artificial turf).
4. Concrete Driveway (occasional walks).
5. Wooded Trail (occasional walks).
6. Zen Garden Area (occasionally used by visitor or trainers).
7. Lawn Area (3 acres +/-)(occasionally used to introduce a puppy to tracking or to practice recalls).
8. House (home office).

Parcel No: 08-09-08-00-00-033.000
Address: 15859 Little Eagle Creek Ave
City: Westfield
Zip: 46074
Deeded Owner: Scharnowske, Ryan
Property Class: 511
Property Use: Res-1-Family 0 - 9.99 acres
State Parcel No: 29-09-08-000-033.000-015
Tax District: Westfield
Deeded Acres: 6.63

SCHARNOWSKE RESIDENCE

15859 Little Creek Ave, Westfield, IN 46074

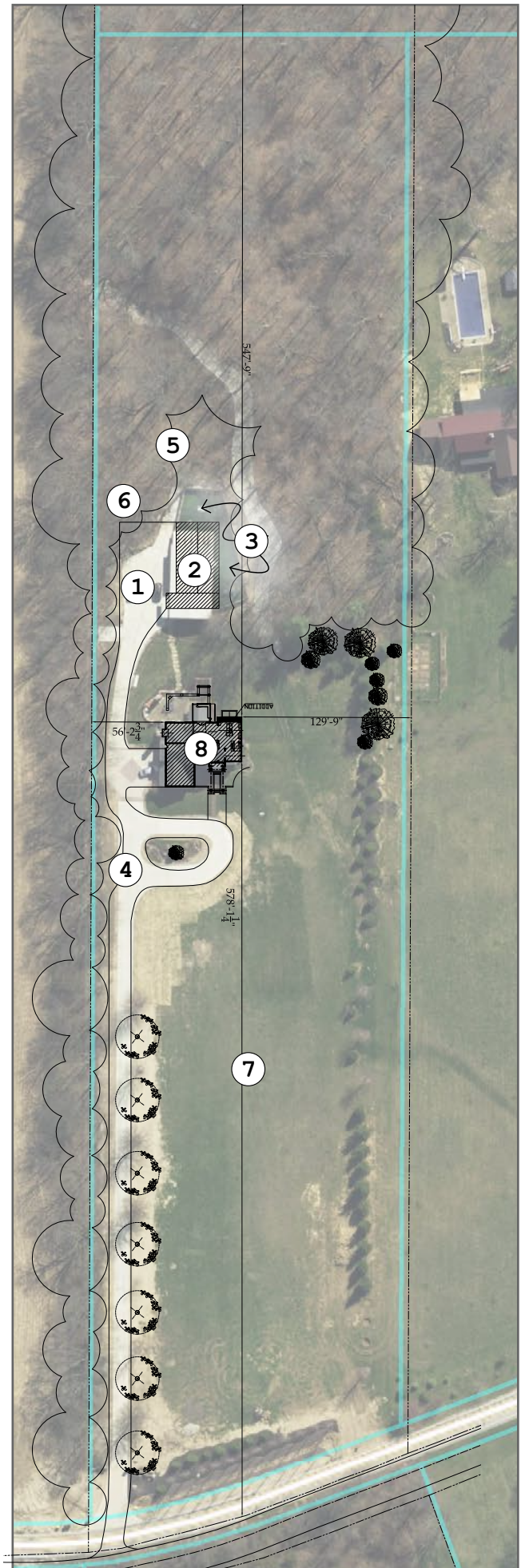


EXHIBIT 5: EXISTING CONDITIONS EXHIBIT

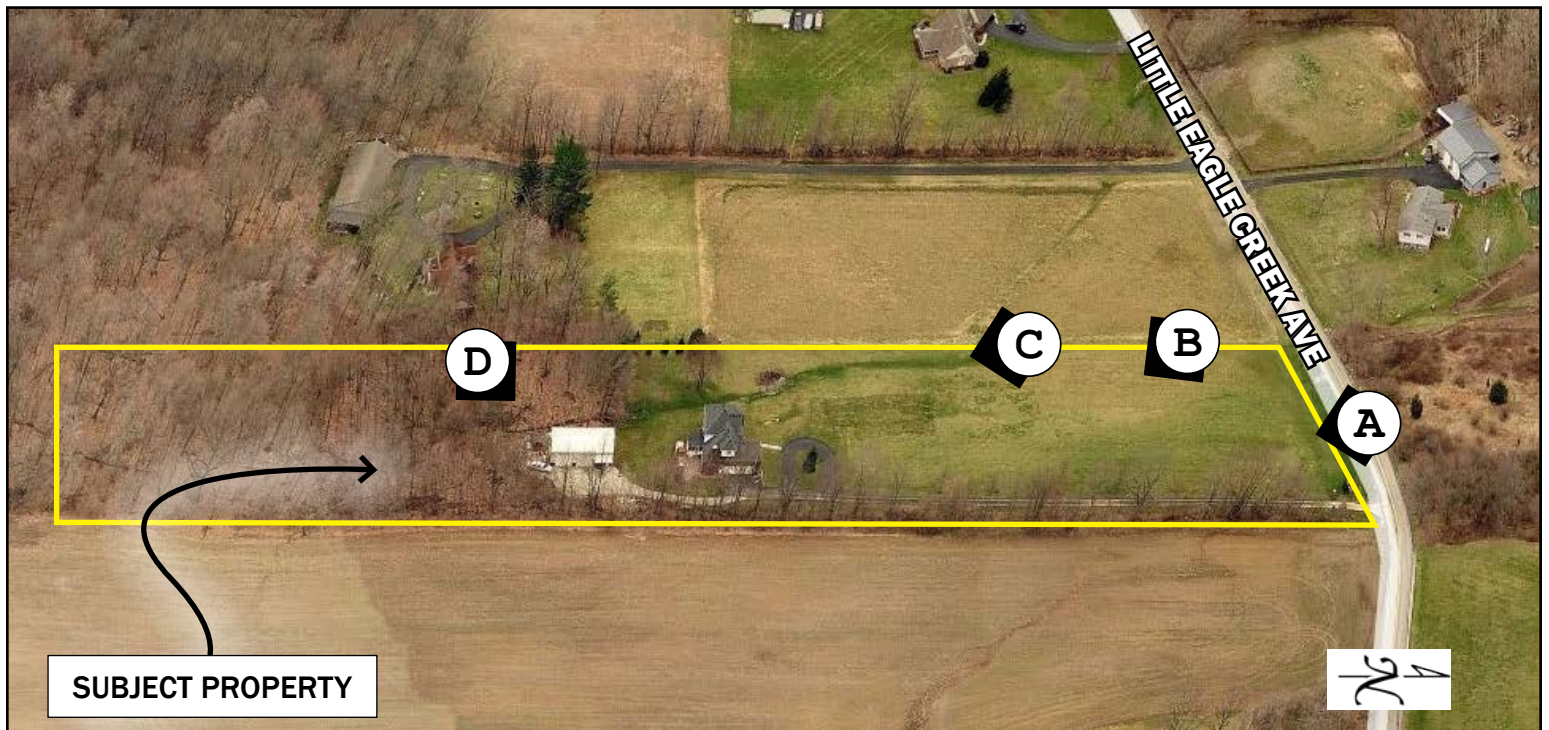
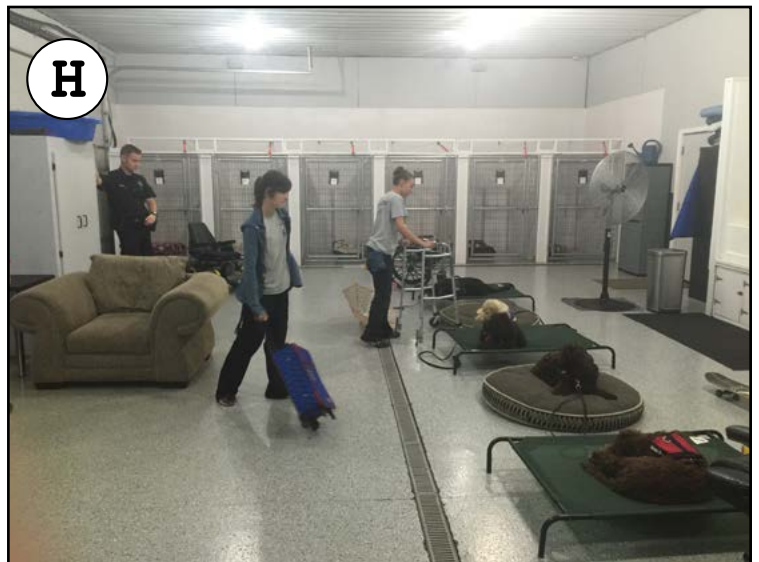


EXHIBIT 5: EXISTING CONDITIONS EXHIBIT





Petition Number: 1611-VU-06

Subject Site Address: 201 Mill Street

Petitioner: Downtown Westfield Association

Request: The Petitioner is requesting a Variance of Use to allow a Retail, Low Intensity use within an MF-1: Multi-Family Low Density District (Article 4.10).

Current Zoning: MF-1: Multi-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.20 acre +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions
4. Petitioner's Narrative

Staff Reviewer: Daine Crabtree, Associate Planner

PROPERTY INFORMATION

The subject property is 0.20 acre +/- in size and located at 201 Mill Street (the "Property") (see **Exhibit 2**). The Property is zoned MF-1: Multi-Family Low Density.

ANALYSIS

The Appellant is requesting a use variance to allow a Retail, Low Intensity use, specifically a health and wellness business, at 201 Mill Street, currently zoned MF-1: Multi-Family Low Density. The use classification "Retail, Low Intensity"¹ is not a permitted use within the MF-1 District.

The Property is located within an area that is identified in the Grand Junction Addendum (the "Addendum"), an addition to the Westfield-Washington Township Comprehensive Plan, as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

¹Chapter 12 of the UDO defines "Retail, Low Intensity" as "retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include but are not limited to: art gallery, banks and savings and loans, bakery with limited seating, barber and beauty shop, book store (small), camera store, convenience store (small), craft gallery (small), drug store (small), dry cleaning pick-up, flower shop, gift shop, jewelry store, laundromats and self-service dry cleaning, mail order stores, meat market, news dealer and stationary stores. Generally, a business under eight thousand (8,000) square feet qualifies as small for purposes of this definition."

The Addendum states that the Sub-Area should, “have a more urban form than the village or old town form of other sub-areas”. The Addendum also states that land uses within the Sub-Area, “are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area.”

The lot to the west of the Property (203 Jersey Street) was granted a variance (1509-VU-08) at the September 15, 2015 Board of Zoning Appeals (BZA) meeting, allowing a beauty and barbershop in a former residence.

This proposal has been reviewed by the Grand Junction Task Group and has received their support.

Details of the Variance Request:

Variance of Use: The Property is currently zoned MF-1: Multi-Family Low Density. Low Intensity Retail is not a permitted use in that zoning district (Article 13.2, Use Table).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the November 1, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefitted by variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than the Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgment shall be provided to the

²Article 10.14(I) Process and Permits; Variances; Conditions of the UDO

³Article 10.14(K) Process and Permits; Variances; Acknowledgment of Variance of the UDO



Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
5. The approval does not interfere substantially with the Comprehensive Plan.

DEPARTMENT COMMENTS

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness. For these reasons, the Department supports the proposed variance of use to permit a low-intensity retail use, specifically a health and wellness business, on the Property.

The Department recommends approval of 1611-VU-06 with the following condition and findings:

Recommended Conditions:

1. The use of the Property shall be limited in scope and operation to the Petitioner's Narrative, attached hereto and incorporated herein as Exhibit 4. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

Recommended Findings for Variance of Use (1611-VU-06):

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing a health and wellness business to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the request is consistent with the uses contemplated in the City's Comprehensive Plan. The Grand Junction Task Group has stated this proposal is a good interim use in the Grand Junction Plaza area until such time as the property is redeveloped, and a good business to generate visitors and excitement during the Plaza's transition period.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use will be utilizing only those improvements currently existing on the property which is consistent with the character of the surrounding area. Economic redevelopment activity is anticipated within the proximity of the Property, including the proposed Grand Junction Plaza, that will include more commercial operations.

- 3) *The need for the variance of use arises from some condition peculiar to the property involved.*

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

- 4) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense and related uses (childcare/daycare center, nursing home, assisted living facilities); however, would not permit the less intense, but albeit, commercial operation of a low-intensity health and wellness business.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 1, 2016

1611-VU-06

Exhibit 1

5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Westfield-Washington Comprehensive Plan (the “Comprehensive Plan”) includes this property in the area designated as “Downtown”. The Comprehensive Plan recommends that land uses in the Downtown area include commercial, offices, and retail as well as residential. The use of the Property as Retail, Low Intensity of a health and wellness nature would not interfere substantially with the Comprehensive Plan.

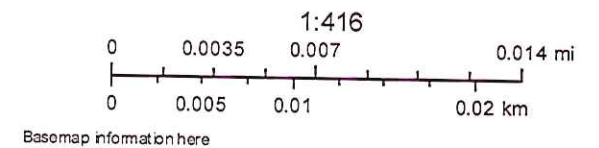
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board’s next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

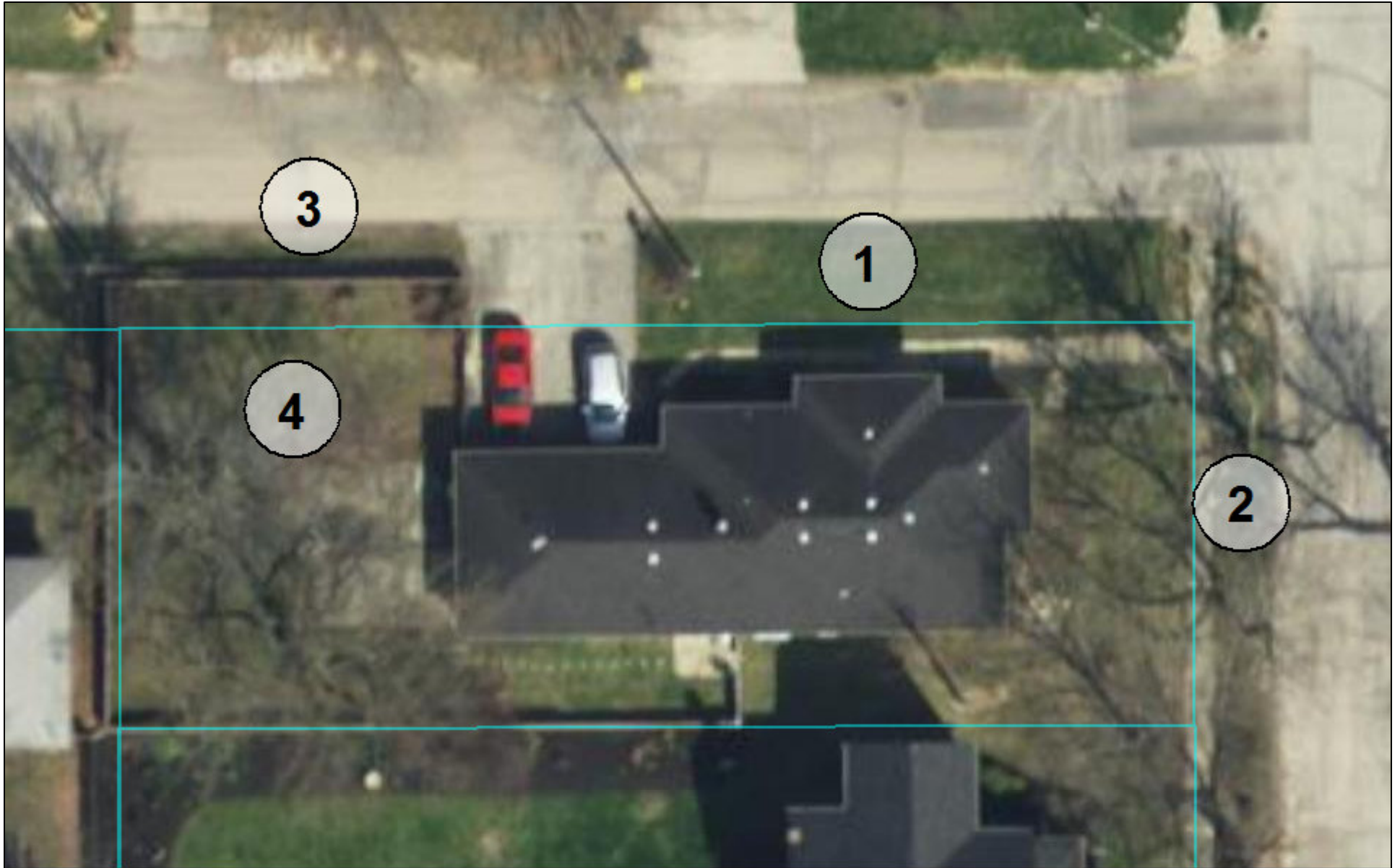
201 Mill Street



October 11, 2016

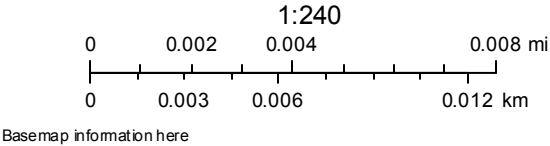
 Parcels





October 26, 2016

 Parcels



1



2



3



4



Petitioner's Narrative

My Father's Garden Health and Wellness ("the Business") is a natural health & wellness store currently located in Downtown Westfield, Indiana at 106 North Union Street. It is owned and operated by Betsy Rabold ND RN, CHNP, a Board Certified Naturopathic Doctor who has over 35 years of experience as a Registered Nurse and 15 years as a Natural Health Professional. It is Ms. Rabold's intention to relocate her business from the North Union location to 201 Mill Street as her business has outgrown its current space.

The City of Westfield, owner of 201 Mill Street ("the Property"), is allowing the Downtown Westfield Association (DWA) to use the existing structure on-site until such time as it is needed for redevelopment purposes. It is expected that this period of time would be three (3) to five (5) years. No expiration time period is proposed for this Variance of Use because the City is the owner. When/if the City needs possession of the property, it has the ability.

The property will maintain its current residential character and remain consistent with the character of the surrounding properties. Retail sales of essential oils, teas, vitamins, soaps, and other homeopathic items would be limited to the building as would any personal therapy session. The building also contains a kitchen and the offices of Ms. Rabold and staff. The outdoor courtyard area on the west side of the property would occasionally be used for group gatherings including yoga sessions.

A fence and landscaping currently exists between the subject property and the property immediately to the east, Grand Style Station, a boutique which also exists in a converted residence.

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, September 13, 2016, at Westfield City Hall. Members present included Ken Kingshill, Martin Raines, Bill Sanders, Dave Schmitz, and Robert Smith. Also present were Matt Skelton, Director; Kevin Todd, Senior Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Schmitz moved to approve the August 9, 2016, meeting minutes.

Raines seconded, and the motion passed 5-0.

ITEMS OF BUSINESS

1609-AA-01

14939 Ditch Road

Indiana Structural Foundations, LLC

The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant to a previously approved Variance of Use (79-V-12).

Zaiger presented an overview of the requested Administrative Appeal and the process for hearing this matter. He noted that the previous owners of the subject property were granted a variance in 1979 to allow a concrete business to operate on the property. He stated that the Director made an interpretation and determination regarding the limits of the 1979 variance approval. He added that the current property owner has appealed the Director's determination, and it is the Board's responsibility to hear the appeal. He stated that the petitioner will present their case, followed by the Director presenting his case. Zaiger said that the Board will then have a chance to ask questions and make a final determination.

Joseph Calderon, Barnes & Thornburg, LLP, representing Indiana Structural Foundations, presented the appeal, stating that they did not believe the 1979 variance limited outdoor activities related to a concrete business, citing the Letter of Grant that offered no conditions of approval that limited the terms of the business' operation. He argued that by that Board's failure to put any conditions on the approval of the variance in 1979, that outdoor activity was not automatically precluded from this use on this site. He added that common law would allow normal accessory use of the property along with the primary use. He argued that the administrator (Director) made an error in determining that no outdoor activities be conducted on the property simply because they do not appear on the plan that accompanied the 1979 variance case. Calderon argued that activities such as moving equipment, moving forms, staging materials for shipping, loading and unloading forms and other equipment, employee parking, etc. would all classify as accessory to the permitted concrete business use. He showed the Board a series of historic aerial photographs of the property over the past approximately 30 years, highlighting the apparent outdoor activity on the site. He said that this activity has occurred without enforcement by the City or complaint by neighbors. He argued that the site's historical use should be considered when determining the outcome of this appeal. Calderon went on to say that they believe they are not operating any more

intensely than the previous user operated on the site. He added that he has an affidavit from the previous owner/operator of a concrete business on the property affirming the historical outdoor activity without condition or enforcement has been occurring continuously for over 30 years.

The Board members asked questions of the petitioner, gaining clarification regarding the nature of the concrete business' operations and use of the property.

The Board discussed the difference between this use being considered legal non-conforming versus being permitted by the 1979 variance.

Calderon stated that the key issue in this appeal is allowing outdoor activity/storage versus requiring all activity to occur indoors.

Smith stated that he does not believe the 1979 variance places any restrictions on the operations of the business. He noted that it makes reference to constructing a new building in order to secure a place to store supplies and trucks pertaining to the concrete business.

Schmitz stated that he believes the variance did attempt to restrict the use by what was included in the application.

Calderon replied all the variance did was give the right to knock down a building put another one up and continue the existing business as it was at that time. He added that he believes because that existing business did have a level of outdoor activity at that time that it could continue in that manner. He stated that the application does not say that there won't be any more outdoor parking.

Skelton presented arguments defending the administrative determination that outdoor activities are not permitted on the subject property. He stated that any pre-existing non-conforming status was extinguished when the variance was granted in 1979. He stated that when evaluating the 1979 variance, the Department analyzed only what was in the record, which included an application, a site plan, and a letter of grant and made a determination that the variance could not be granted for anything beyond the plans that were filed. He acknowledged that the plan was not of great quality, but it did show the entire property, showed the building to be removed, and it showed 4 additional structures to be constructed. He said that nowhere on the plan is there any outdoor storage or parking lots indicated. He said that the variance is restricted by the plans that were submitted by the applicant, approved by the Board, and attached to the variance approval. Skelton added that non-enforcement over the years does not constitute entitlement.

The Board discussed the application, the site plan, and the letter of grant. They discussed the intent of the new storage building and the topic of outdoor activity and outdoor parking.

Smith asked Skelton if the petitioner put everything indoors, including parking, if it would be in compliance.

Skelton replied yes.

Smith stated that he believes that is an absurd interpretation.

Calderon believes that they have demonstrated that what is occurring today is what was occurring since the use began operating on the property.

Skelton told the Board that if they are inclined to allow outdoor activities, that the Department would need guidelines to enforce for this activity.

Raines said that he believes everything is to be stored indoors, according to the variance file and plan. He stated that he believes the reason for the new storage buildings was for aesthetic and safety reasons.

Smith responded that the letter states to tear the building down, but that it does not say anything about storing things inside.

Smith requested additional time to make a decision regarding indoor or outdoor parking, and requested the item to be continued and discussed at the next meeting.

Caldron agreed to the continuance and indicated a desire to work together to explore a possible solution outside of this appeal process.

Motion: Continue this item to the October 11, 2016 BZA Meeting.

Motion: Schmitz; Second: Raines; Vote: 5-0

REPORTS/COMMENTS

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department

Kingshill motioned to adjourn the meeting.

Schmitz seconded, and the motion passed.

The meeting adjourned at 8:27 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 1, 2016

1611-VS-15

Petition Number: 1611-VS-15

Subject Site Address: 17001 Oak Ridge Road

Petitioner: Jackson Development, LLC

Request: The Petitioner is requesting a modification of a condition of approval for previously granted Variances of Standard that modified Architectural Standards (1605-VS-08) in the OI: Open Industrial District.

Current Zoning: OI: Open Industrial District

Current Land Use: Vacant

Approximate Acreage: 8.6 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan Exhibit
4. Landscaping Plan
5. Building Elevations
6. Existing Conditions Exhibit
7. Petitioner's Application

Staff Reviewer: Amanda Rubadue, Associate Planner

PROPERTY INFORMATION

The subject property is 8.6 acres +/- in size and is located at 17001 Oak Ridge Road (see **Exhibit 2**). The property is currently vacant land.

The property is zoned OI: Open Industrial District. The surrounding properties include residential dwellings to the west in the Countryside subdivision and industrial uses surrounding the remainder of the property.

PETITION HISTORY

This petition will receive a public hearing at the November 1, 2016, Board of Zoning Appeals meeting.

Variance of Standard: On May 10, 2016, the Board of Zoning Appeals approved a Variance of Standard (1605-VS-08) with conditions, as further described herein, for a reduction in the Architectural Standards for Masonry Materials and an increase of the Building Façade offsets. The variance was granted on the condition that "existing trees and mound located along the western property line be preserved" (see **Exhibit 4**).

Development Plan: On June 6, 2016, the Plan Commission approved the development plan (1604-DDP-11) for the Property to allow for the construction of the proposed building. In addition to this request, the petitioner has also filed a Detailed Development Plan application requesting approval of an amended landscape plan, subject to the Board's consideration of this petition, which is scheduled for a public hearing at the Plan Commission's November 9, 2016, meeting.

VARIANCE REQUEST

The petitioner is requesting this modification of a condition of approval for a previously granted variance that allowed for a reduction in the Architectural Standards for Masonry Materials and an increase of the Building Façade offsets, as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**) and Building Elevations Exhibit (see **Exhibit 5**). The architectural variance was granted on the condition that "existing trees and mound located along the western property line be preserved" (see **Exhibit 4**).

The existing mound is ten feet (10') tall with several existing evergreen trees. The existing mound exceeds the height required by the otherwise applicable standards of the Unified Development Ordinance ("UDO"). The External Street Frontage Landscaping Requirements for Non-Residential Uses in Industrial Districts (Article 6.8(M)(2) of the UDO) require a minimum three foot (3') tall undulating mound along the entire External Street Frontage.

As a result, the petitioner is requesting to modify the condition of the previously granted Variance of Standard to continue to preserve the existing evergreen trees, but require a three foot (3') tall mound in accordance with the UDO instead of maintaining the existing ten foot (10') tall mound.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 1, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon

¹ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.

public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

The Department recommends approval of the request to modify its imposed condition of approval for the variance that modified Architectural Standards (1605-VS-08) in the OI: Open Industrial District.

Modified Condition: The existing evergreen trees along Oak Ridge Road, as depicted on the Landscape Plan, shall be preserved.

Approval: If the Board is inclined to approve the request, then the Department recommends the following findings:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the use and proposed improvements will otherwise comply with the applicable standards of the OI District.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the surrounding properties to the north, east and south are also industrial uses; (ii) the proposed landscaping plans will otherwise comply with the standards of the OI District; and (iv) the approval of the variance will allow for the improvement of the property in a manner substantially consistent with the quality and character of the surrounding area.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.

Denial: If the Board is inclined to reject or deny the request, then the Department recommends denying the request, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.