



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_06_13_2017

Tuesday, June 13, 2017 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, June 13, 2017 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 - May 9, 2017

Documents: [BZA Minutes - May 9, 2017](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

PUBLIC HEARINGS

1706-VS-10 [PUBLIC HEARING]

Northeast Corner of Dartown Road and Alpha Tau Drive, Parcel No. 09-05-35-00-00-017.010

Adam DeHart on behalf of Patrick Chittenden

The Petitioner is requesting Variances of Standard for building material and offset requirements in the EI: Enclosed Industrial District (Article 6.3(G)(2)(a)(i) and Article 6.3(G)(2)(a)(ii)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Existing Conditions](#) | [Exhibit 5: Elevations](#) | [Exhibit 6: Petitioner's Narrative](#) | [Exhibit 7: Petitioner's Findings](#) | [Exhibit 8: Alpha Tau Park Current Buildings](#)

1706-VS-11 [PUBLIC HEARING]

1821 East 151st Street (Circle K)

Courtney Signs and Lighting Service on behalf of Municipal Resolutions

The Petitioner is requesting a Variance of Standard to modify a condition of a previously approved Variance to permit a Monument Sign for an Outlot in the SB-PD: Special Business / Planned Development District.

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Application](#) | [Exhibit 4: Existing Sign Location Exhibit](#) | [Exhibit 5: Existing Sign Elevation Exhibit](#) | [Exhibit 6: Letter of Grant 83-SE-3](#) | [Exhibit 7: Acknowledgement of Variance 1604-VS-06](#) | [Exhibit 8: Acknowledgement of Variance 1702-VS-05](#)

CONTINUED

1609-AA-01 [CONTINUED]

14939 Ditch Road

Indiana Structural Foundations, LLCThe 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).

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT



Petition Number: 1706-VS-11

Subject Site Address: 1821 E 151st Street (the "Property")

Petitioner: Municipal Resolutions (the "Petitioner")

Request: The Petitioner is requesting a Variance of Standard to modify a condition of a previously approved Variance to permit a Monument Sign for an Outlot in the SB-PD: Special Business / Planned Development District.

Current Zoning: SB-PD: Special Business/Planned Development District

Current Land Use: Retail, Gasoline Service Station

Approximate Acreage: 1.545 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Sign Elevation Exhibit
4. Existing Sign Location Exhibit
5. Application
6. Letter of Grant 83-SE-3
7. Acknowledgement of Variance 1604-VS-06
8. Acknowledgement of Variance 1702-VS-05

Staff Reviewer: Pam Howard, Associate Planner

OVERVIEW

Location: The Property is approximately 1.545 acres +/- in size and located at 1821 E 151st Street, an Outlot within the Village Park Plaza shopping center (see Exhibit 2). The Property is zoned the SB-PD: Special Business / Planned Development ("SB-PD") District. Adjacent properties are zoned the SB-PD District or the LB-PD: Local Business/Planned Development District.

Property History: On February 21, 1983 the Board of Zoning Appeals granted a Special Exception to permit operation of a Gasoline Service Station on this site (see **Exhibit 6**).

On April 12, 2016 the Board of Zoning Appeals granted several Variances of Development Standard related to the redevelopment of the site. The approved variances and associated conditions are outlined in the Acknowledgement of Variance (see **Exhibit 7**).

On June 6, 2016 the Advisory Plan Commission approved a Detailed Development Plan for the site, and an Improvement Location Permit was issued on November 23, 2016.

On February 15, 2017, the Board of Zoning Appeals granted a Variance of Development Standard to allow a Monument Sign to be permitted for an Outlot. A condition was included that required



the sign to be constructed at the location shown of the exhibit provided at the meeting, as shown in the Acknowledgement of Variance (See Exhibit 8).

On April 21, 2017, a Zoning Inspection was conducted on the site and it was discovered that the Monument Sign was placed at an alternate location, as shown on the Existing Sign Location Exhibit (see Exhibit 4).

Variances: The Petitioner is requesting this variance to modify the condition of the previously granted variance to reflect the final location of the sign.

SUMMARY OF VARIANCE

The Petitioner is requesting this variance to legally establish the location of the installed Monument Sign. The Monument Sign was permitted per a Variance of Standard granted on February 15, 2017 (1702-VS-05), and required the Sign to be constructed on the east side of the 151st Street entrance, as shown in the Acknowledgement of Variance (see Exhibit 8). The Sign was instead constructed on the west side of said entrance, as shown on the Existing Sign Location Exhibit (see Exhibit 4).

COMPREHENSIVE PLAN

The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the properties as "Regional Commercial". The existing commercial center meets many of Comprehensive Plan's development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) required the size, materials, color, and design of buildings to be unique to Westfield. "Franchise" architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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 June 7, 2017, 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 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.

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

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



DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the request to modify its imposed condition of approval for the Property, then the Department recommends that Exhibit C of the Acknowledgement of Variance for 1702-VS-05 be replaced with the Existing Sign Location Exhibit (Exhibit 4) attached to this report.

In addition, the Department recommends the following written findings of fact related to the modified condition:

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the Sign has already be constructed in that location and complies with the required setbacks of the Unified Development Ordinance.

2. **Criteria:** 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 use of the property will not change, nor the scope of the business.

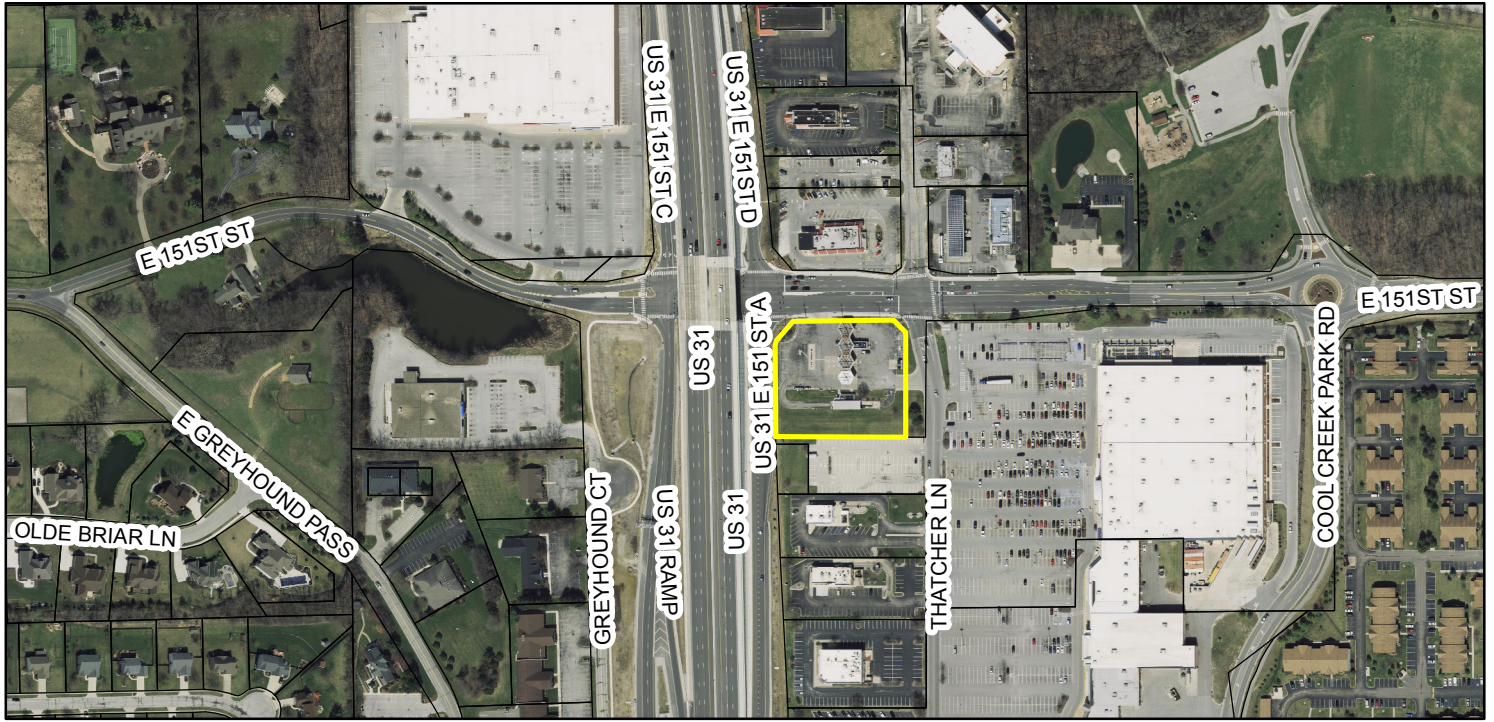
3. **Criteria:** The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

Finding: The zoning ordinance's sign standards do not necessarily recognize the unique function of an outdoor mall creating a practical difficulty in the safe signage and traffic flow of the development, particularly as a result of the upgrade of US 31. The variance should more practically accommodate these unique circumstances.

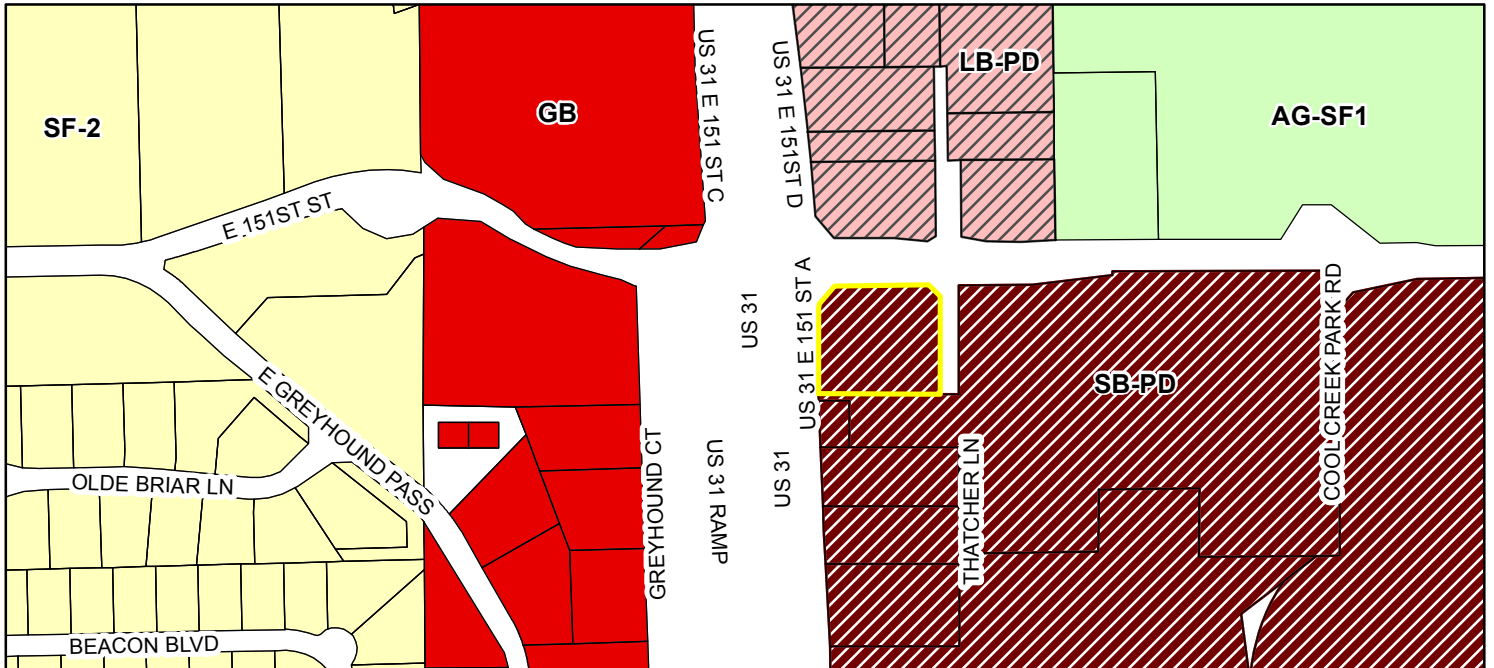
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

Site



Zoning Map



Zoning

- AG-SF1 (Agriculture - Single Family - 1)
- GB (General Business)

- LB-PD (Local Business - Planned Development)
- SB-PD (Special Business - Planned Development)
- SF-2 (Single Family - 2)

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: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Karen Dodge TELEPHONE: 630-978-4110
ADDRESS: 325 Sandpebble Ln, Aurora, IL, 60504 EMAIL: Karen.Dodge@municipalresolutions.com

PROPERTY OWNER'S NAME: Mac's Convenience Stores LLC (Circle K) TELEPHONE: 812-378-1772
ADDRESS: 4080 Jonathan Moore Pike, Columbus, IN 47201 EMAIL: _____

REPRESENTATIVE'S NAME: Ed Williams TELEPHONE: 317-532-4890
COMPANY: Courtney Signs and Lighting Service EMAIL: edwilliams@courtneysigns.com
ADDRESS: 2410 Enterprise St, Indianapolis, IN 46219

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1821 E 151st St

COUNTY PARCEL ID #(S): 09-10-18-00-00-015.001

EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): Gasoline Filling Station

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): The property owner would like to relocate the approved location to the corner.

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



APPLICANT: _____

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: _____
We will ensure it is setback 5 feet from the
property lines.
- 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 location is the same as the existing
pole sign.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The revised location will maximize visibility to
the motoring public.



PREPARATION FOR BODDING

MATERIALS

- 1. ALL MATERIALS TO BE USED IN THE CONSTRUCTION OF THE BODDING SHALL BE OF THE HIGHEST QUALITY AND SHALL BE SUBJECT TO INSPECTION BY THE CITY ENGINEER.
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BOD PREPARATION

- 1. ALL BODDING SHALL BE PREPARED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.
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- 5. ALL BODDING SHALL BE PREPARED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.

BOD INSTALLATION

- 1. ALL BODDING SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS.
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MAINTENANCE

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SYMBOL	ITEM	QUANTITY	PLANT SPECIES	PLANT SIZE	PLANT DATE	PLANTER
1	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
2	2.0000	2.0000	2.0000	2.0000	2.0000	2.0000
3	3.0000	3.0000	3.0000	3.0000	3.0000	3.0000
4	4.0000	4.0000	4.0000	4.0000	4.0000	4.0000
5	5.0000	5.0000	5.0000	5.0000	5.0000	5.0000
6	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000
7	7.0000	7.0000	7.0000	7.0000	7.0000	7.0000
8	8.0000	8.0000	8.0000	8.0000	8.0000	8.0000
9	9.0000	9.0000	9.0000	9.0000	9.0000	9.0000
10	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000

PLANTING DETAIL

- 1. ALL PLANTS TO BE PLANTED IN THE SPRING MONTHS OF APRIL, MAY, OR JUNE.
- 2. ALL PLANTS TO BE PLANTED IN THE SPRING MONTHS OF APRIL, MAY, OR JUNE.

BOD PREPARATION

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**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
Circle K
SITE NUMBER
2281

LOCATION
Westfield, IN
ACCOUNT REP
Ben DeHayes

DRAWN BY
MH
DATE
03/01/17

REVISION
12
SCALE
NTS

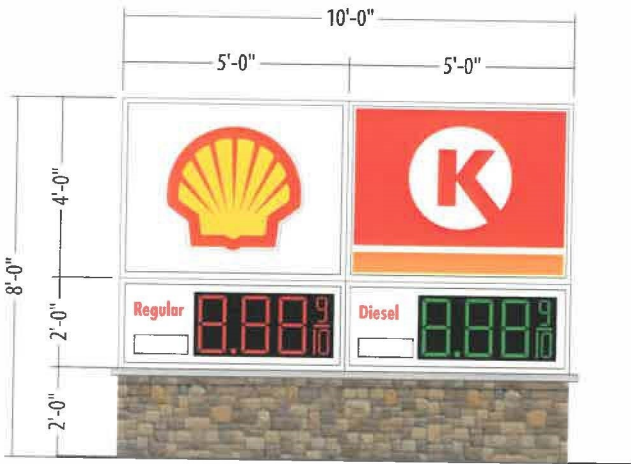
CORPORATE ID SOLUTIONS
5553 N Elston Ave.
Chicago, IL 60630
P: 773-753-9600 | F: 773-763-9606
www.CorporateIDSolutions.com

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SIGNATURE

DATE



60.0 SF

- Custom internally illuminated mounument sign
- Circle K and Shell logo upper cabinets per corporate art standards
- Shell RV1e LED fuel signs with 16" pricers
- Masonry base as required by code
- Toggles to be covered with decals



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
Circle K

SITE NUMBER
2281

LOCATION
Westfield, IN

ACCOUNT REP
Ben DeHayes

DRAWN BY
MH

DATE
02/09/17

REVISION
09

SCALE
NTS

CORPORATE ID SOLUTIONS
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Chicago, IL 60630
P: 773-763-9600 | F: 773-763-9606
www.CorporateIDSolutions.com

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SIGNATURE _____ DATE _____

Town of Westfield

130 PENN STREET
P.O. BOX 322
WESTFIELD, INDIANA 46074

February 22, 1983

Shell Oil Company
Attention: Mr. James L. Tuohy
1930 Indiana Tower
Indianapolis, IN 46204

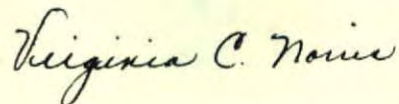
Re: Shell Oil Company Special Exception Application
#83-SE-3

Dear Mr. Tuohy:

On Monday, February 21, 1983, the Westfield-Washington Board of Zoning Appeals met to consider your application #83-SE-3 requesting a Special Exception to permit operation of a gasoline service station (and convenience food sales) and for signage as per plans filed for the property located at 1821 East 151st Street.

This letter is to inform you that the Board of Zoning Appeals, by a vote of four to zero, unanimously approved and granted the Special Exception.

Yours truly,



Virginia C. Norris
Secretary, Westfield-Washington
Board of Zoning Appeals

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 200600044140

Mayor
Andy Cook

City Council
Jim Ake
Steve Hoover
Robert L. Horkay
Chuck Lehman
Robert J. Smith
Cindy L. Spoljaric
Robert W. Stokes

Clerk Treasurer
Cindy J. Gossard

This ACKNOWLEDGEMENT, made this 19th day of April, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on February 21, 1983, the Board of Zoning Appeals (the "Board") heard Petition No. 83-SE-3 (the "Special Exception") filed by Shell Oil Company for a Special Exception to allow a gasoline service station for property commonly known as 1821 E. 151st Street (Parcel No. 09-10-18-00-00-015.001) and more particularly described in Exhibit A (the "Property");

WHEREAS, the Board voted to approve the Special Exception, as per plans filed; and

WHEREAS, on Tuesday, April 12, 2016, the Board held a public hearing on Petition No. 1604-VS-06 (the "Petition"), filed by MAC's Convenience Stores LLC (the "Petitioner") for the following Variances of Development Standard from the Westfield-Washington Township Unified Development Ordinance as they pertain to the Property:

1. Petitioner requests a Variance of Development Standard from Article 4.23(F) of the Unified Development Ordinance to reduce the Minimum Front Yard Setback along US Highway 31 from sixty (60) feet to twenty-eight (28) feet and reduce the Rear Yard Setback from twenty (20) feet to ten (10) feet.
2. Petitioner requests a Variance of Development Standard from Article 6.1(H)(2) and (5) of the Unified Development Ordinance to permit the accessory enclosure within an Established Front Yard and permit the enclosure's gates to be oriented towards a right-of-way.
3. The petitioner requests a Variance of Development Standard from Article 6.8 of the Unified Development Ordinance to:
 - a. Reduce the Minimum Lot Landscaping Requirements (Article 6.8(K)) from fifteen (15) shade trees to seven (7) shade trees.
 - b. Reduce the External Street Frontage Landscaping Requirements (Article 6.8(M)) as follows: (a) reduce the number of Shade/Evergreen trees from eight (8) to two (2) along the Lot's US Highway 31 frontage; (b) reduce the number of Shade/Evergreen trees from seven (7) to two (2) along the Lot's 151st Street frontage; (c) reduce the number of Shade/Evergreen trees from

**Economic and
Community Development**

(317) 804-3170 office
(317) 804-3181 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

- eight (8) to one (1) along the Lot's Thatcher Lane frontage; and (d) reduce the number of Shrubs from sixty-three (63) to thirty-five (35) along the Lot's Thatcher Lane frontage.
- c. Exempt the Lot from the Interior Parking Area Landscaping (Article 6.8(O)(1)) requirements.
4. Petitioner requests a Variance of Development Standard to exempt the Lot from Article 6.12(C)(1)(b)(iii) and Article 6.12(C)(1)(c)(iii) of the Unified Development Ordinance to permit an outside storage area to be permitted in an Established Front Yard and not require a gate access into the outside storage area.

WHEREAS, the Board voted to approve the Petition with the following conditions:

1. Landscaping shall be installed as shown on the presented landscape plan, attached hereto as **Exhibit B**.
2. Outdoor sales items shall not be visible from outside the enclosed display area.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the granted Variances of Development Standard approved by the Board on April 12, 2016. Unless otherwise modified herein, the Variances of Development Standard shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variances of Development Standard and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
"DIRECTOR"



MATTHEW S. SKELTON, DIRECTOR

Economic and Community Development Department, City of Westfield, IN

**Economic and
Community Development**

(317) 804-3170 office
(317) 804-3181 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

MAC's Convenience Stores LLC, the Property Owner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property as set forth herein.

IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the 9th day of May, 2016.

MAC's Convenience Stores LLC

Signature: [Signature]

Printed Name: Morten Jensen

Title: Authorized Representative

Date: 5/9/16

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

STATE OF Indiana)
COUNTY OF Bartholomew) SS:

Signed and acknowledged before me this 9th day of May, 2016.

(SEAL)

[Signature]
Signature of Notary Public

Printed name of Notary Public

My County of Residence:

My Commission Expires:



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

Prepared by:

Pamela L. Howard, Associate Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

**Economic and
Community Development**

(317) 804-3170 office
(317) 804-3181 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

EXHIBIT A

1821 E. 151st Street, Carmel, Indiana 46033

Parcel No: 09-10-18-00-00-015.001

LAND DESCRIPTION: (INSTRUMENT NUMBER 200600044140)

Part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Southwest corner of Section 18, Township 18 North, Range 4 East; thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) on the North line of said Southwest Quarter 418.79 feet; thence South 00 degrees 00 minutes 00 seconds 16.50 feet to the place of beginning of the real estate herein described, being on the existing County Road Southerly right-of-way line of 151st Street; thence South 00 degrees 00 minutes 00 seconds 287.99 feet; thence North 90 degrees 00 minutes 00 seconds West 306.14 feet to the Easterly limited access right-of-way line of U. S. Highway No. 31 as established by a Warranty Deed to the State of Indiana for a Limited Access facility as recorded in Deed Record 279, pages 612-614 in the Office of the Recorder of Hamilton County, Indiana; thence Northerly on said right-of-way line curving to the left an arc distance of 202.77 feet on a curve having a radius of 11,546.18 feet to a point which bears North 03 degrees 26 minutes 28 seconds West from the last described point, said point being the intersection of said Easterly right-of-way line and the Southeastern Limited Access Right-of-Way line of 151st Street; thence North 38 degrees 27 minutes 35 seconds East on said Southwestern right-of-way Limited Access Right-of-way line 89.82 feet to the terminus of said limited access right-of-way line on the Southern right-of-way of said 151st Street; thence North 89 degrees 19 minutes 05 seconds East on said Southern right-of-way line 150.00 feet as granted to the State of Indiana by a Right-of-way Grant for I.S.H.C. Project F-24(3) dated 1954 in Deed Record 139, page 364 in said Recorder's Office; thence North 00 degrees 40 minutes 56 seconds West 12.14 feet to the existing county road right-of-way line for 151st Street; thence North 89 degrees 19 minutes 32 seconds East on said right-of-way parallel with the North line of said Southwest Quarter 112.61 feet to the place of beginning.

TOGETHER with a non-exclusive easement for ingress and egress as set-out in Grant of Easement dated July 16, 1990 and recorded December 26, 1990 as Instrument Number 90-315-35 in the Office of the Recorder of Hamilton County, Indiana.

EXCEPT: (INSTRUMENT number 200300092005)

A part of the land of Shell Oil Company (as described in Instrument Number 83-3497, Office of the Hamilton County Recorder) being a part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of said Southwest Quarter Section; thence North 88 degrees 59 minutes 50 seconds East (all bearings in this description are referenced from the North line of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, the bearing of which being assumed as North 88 degrees 59 minutes 50 seconds East) along the north line of said Quarter-Section 418.32 feet; thence South 01 degrees 00 minutes 10 seconds East 40.00 feet to the Point of Beginning of this description, being on the South Right-of-Way of 151st Street; thence South 00 degrees 19 minutes 42 seconds West 264.49 feet; thence South 89 degrees 40 minutes 17 seconds West 32.79 feet; thence North 00 degrees 19 minutes 42 seconds West 228.66 feet; thence North 44 degrees 45 minutes 22 seconds West 30.69 feet; thence South 89 degrees 39 minutes 30 seconds West 225.82 feet; thence North 38 degrees 07 minutes 53 seconds East 13.75 feet to said South Right-of-Way; thence North 88 degrees 59 minutes 50 seconds East along said South Right-of-Way 271.56 feet to the Point of Beginning. Containing 11,847 square feet, or 0.272 acres, more or less.

EXCEPT: (INSTRUMENT NUMBER 2012030910)

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Tight of Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at the Northwest corner of said quarter section; thence North 89 degrees 38 minutes 20 seconds East 418.79 feet along the north line of said quarter section to the prolonged east line of said grantor's land; thence South 0 degrees 09 minutes 28 seconds West 304.49 feet along said line prolonged and along said line to the southeast corner of said grantor's land; thence North 89 degrees 50 minutes 32 seconds West 304.03 feet along the south line of said grantor's land to the point of beginning of this description, designated as point "19715" on said plat; thence continuing North 89 degrees 50 minutes 32 seconds West 1.73 feet along said line to the eastern boundary of U.S. 31; thence along said boundary Northerly 202.77 feet along an arc to the left having a radius of 11,546.16 feet and subtended by a long chord having a bearing of North 3 degrees 19 minutes 04 seconds West and a length of 202.77 feet to the southeastern boundary of the intersection of said U.S. 31 and 151st Street; thence North 38 degrees 37 minutes 03 seconds East 61.47 feet along said boundary to the south boundary of said 151st Street; thence South 89 degrees 51 minutes 20 seconds East 11.27 feet along said boundary to point "19712" on said plat; thence South 40 degrees 44 minutes 25 seconds West 54.72 feet to point "19713" on said plat; thence South 15 degrees 20 minutes 06 seconds West 10.59 feet to point "19714" on said plat; thence South 0 degree 40 minutes 39 seconds East 198.77 feet to the point of beginning and containing 0.039 acres more or less.

**Economic and
Community Development**

(317) 804-3170 office
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2728 East 171st Street
Westfield, IN 46074
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EXHIBIT B

Landscape Plan

[see following pages]

**Economic and
Community Development**

(317) 804-3170 office
(317) 804-3181 fax

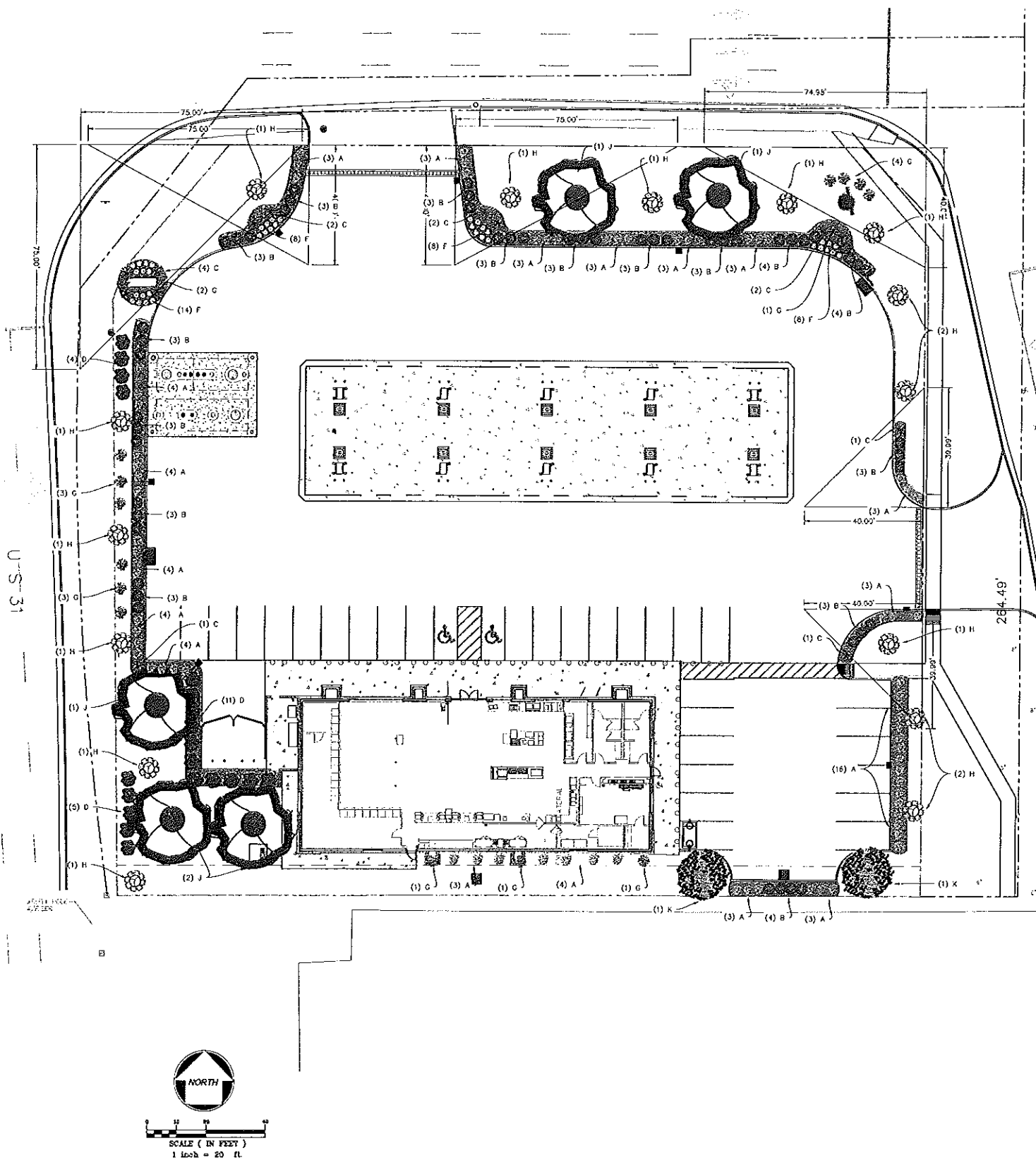
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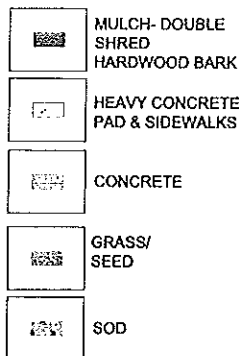
1. CONSULT PLANT LIST FOR PLANT SIZES AND SPECIFICATIONS.
2. CONTRACTOR RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES PRIOR TO INSTALLATION. NOTIFY OWNER OF FIELD CONDITIONS WARRANT ADJUSTMENT OF PLANT LOCATIONS.
3. CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS GROWN ON PLANTS. PLANT LIST QUANTITIES ARE FOR CONVENIENCE ONLY.
4. ALL SHRUB AND GRASS COVER BEDS (EXISTING AND NEW) TO BE MULCHED WITH A MINIMUM OF 2 INCHES OF COARSE SPREADED HARDWOOD MULCH. ALL MULCH AREAS TO HAVE A REED BARRIER INSTALLED.
5. CONTRACTOR TO PROVIDE A FULL 1 YEAR GUARANTEE ON ALL PLANT MATERIAL. PROVIDE COMPLETE MAINTENANCE ON ALL WORK DONE. BEGINNING ON THE DAY OF APPROVAL FROM OWNER'S REPRESENTATIVE AND CONTINUING FOR A THREE MONTH PERIOD AT WHICH TIME OWNER'S REPRESENTATIVE WILL RELEASE JOB PAYMENT.

6. EACH PLANTING TO BE FREE FROM DISEASE, INSEST INFESTATION AND MECHANICAL INJURES AND, IN ALL RESPECTS, BE READY FOR FIELD PLANTING.
7. ALL PLANTS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI-1581) IN REGARDS TO SIZE, GROWING AND BLEM SPECIFICATIONS.
8. PLANTING HOLES TO BE OF A MINIMUM OF TWICE THE WIDTH AND 6-8 INCHES DEEPER THAN THE SIZE OF THE ROOT BALL OF BOTH SHRUBS AND TREES, AND TO BE AMENDED WITH ORGANIC SOIL CONDITIONER (I.E. NATURES HELPERS OR FIBRO MIX).
9. IN AREAS WHERE BEDROCK OR HEAVILY COMPACTED SOIL FILL IS ENCOUNTERED, PLANTING HOLES ARE TO BE OF AT LEAST A MINIMUM OF THREE TIMES THE WIDTH AND ONE FOOT DEEPER THAN THE SIZE OF THE ROOT BALL. NOTIFY LANDSCAPE ARCHITECT OF FIELD CONDITIONS IMMEDIATE ADJUSTMENT OF PLANTING SPECIFICATIONS.

10. EXISTING GRASS TO BE REMOVED, IF PRESENT, AND TOPSOIL TO BE SPREAD SMOOTH AND HAND-RAKED TO REMOVE ALL ROCKS AND DEBRIS, LEAVING THAT 1 INCH IN DIAMETER PRIOR TO LAYING 550 OR LARGER.
11. ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED BY THE OWNER.
12. TOPSOIL WILL BE 3 PARTS SCREENED TOPSOIL AND 1 PART ORGANIC MATERIAL (E.G. NATURE'S HELPER OR PRO MIX).
13. MIN. 6" CLEAN TOPSOIL TO BE PLACED ON ALL LANDSCAPE AREAS AND SLOPES 2:1 (H:V) OR FLATTER.
14. ALL PARKING ISLANDS ARE TO MATCH EXISTING UNLESS OTHERWISE NOTED.
15. CONTRACTOR SHALL SUBMIT TO DRAIN EAGLE AN IRRIGATION SYSTEM DESIGN THAT COVERS ALL NEW PLANTINGS. SYSTEM SHALL BE DESIGNED FROM EXISTING PIPING.

16. THE CONTRACTOR SHALL REPLACE ANY AND ALL LANDSCAPING THAT IS DAMAGED AS THE RESULT OF CONSTRUCTION ACTIVITIES.
17. ALL MULCH BEDS SHALL HAVE A CHEMICAL BARRIER (SNAPSHOT), INSTALLED. START WITH WEED FREE SOIL.
18. INSTALL CLEAN, WASHED SOD WHERE INDICATED ON LANDSCAPING PLAN.





PLANT SCHEDULE						
SYMBOL	ITEM	COMMON NAME	TYPE	SCIENTIFIC NAME	START SIZE	MATURE SIZE
	A	GREEN BELL BERRYWOOD	E	ELAEAGNUS 'GREEN BELL'	3 GAL 1 1/2"	5' H
	B	ROYAL BURSAVY BASSWOOD	D	FRAXINUS 'ROYAL BURSAVY'	3 GAL 1 1/2"	5' H
	C	SHADBLOW GOLD PAPER	E	PAFLOS 'SHADBLOW GOLD'	3 GAL 1 1/2"	5' H
	D	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	E	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	F	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	G	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	H	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	I	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	J	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H
	K	DIARY BURNING BUSH	D	FRAXINUS 'DIARY BURNING BUSH'	3 GAL 1 1/2"	5' H

CIRCLE K STORES, INC.
4080 W. JONATHAN MOORE PIKE
COLUMBUS, IN 47201

Engineers • Planners • Surveyors
Water Corporation
5196 Beach Road • Modesto, Ohio 44268
T. 330.239.2693 • F. 330.232.0272

NO.	DATE	REVISION DESCRIPTION
1	2/15/18	SUBMITTED FOR ZONING PERMIT
2	3/22/18	REVISED PER CITY COMMENTS

SPECIFICATIONS FOR SODDING

MATERIALS

- SOD SHALL BE HARVESTED, DELIVERED AND INSTALLED WITHIN A PERIOD OF 48 HOURS. SOD NOT TRANSPLANTED WITHIN THIS PERIOD SHALL BE INSPECTED AND APPROVED PRIOR TO INSTALLATION.
- THE SOD SHALL BE KEPT MOIST AND COVERED DURING HAULING AND PREPARATION FOR PLACEMENT.
- SOD SHALL BE MACHINE CUT AT A UNIFORM SOD THICKNESS OF 0.75 INCHES, PLUS OR MINUS 0.25 INCHES, AT THE TIME OF CUTTING. MEASUREMENTS FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH.

SITE PREPARATION

- A SUBSOILER, PLOW OR OTHER IMPLEMENT SHALL BE USED TO REDUCE SOIL COMPACTION AND ALLOW MAXIMUM INFILTRATION. MAXIMIZING INFILTRATION WILL HELP CONTROL BOTH RUNOFF RATE AND WATER QUALITY. SUBSOILING SHALL NOT BE CONDUCTED ON SLIP-PRONE AREAS WHERE SOIL PREPARATION SHOULD BE LIMITED ONLY TO WHAT IS NECESSARY FOR ESTABLISHING VEGETATION.
- THE AREA SHALL BE GRADED AND TOPSOIL SPREAD WHERE NEEDED. (SEE TOPSOILING)
- SOIL AMENDMENTS:
 - LIME—AGRICULTURAL GROUND LIMESTONE SHALL BE APPLIED TO ACIDIC SOILS AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A SOIL TEST, LIME SHALL BE APPLIED AT THE RATE OF 100 LB./1,000 SQ. FT. OR 2 TONS/AC.
 - FERTILIZER—FERTILIZER SHALL BE APPLIED AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A SOIL TEST, FERTILIZER SHALL BE APPLIED AT A RATE OF 12 LB./1,000 SQ. FT. OR 500 LB./AC OF 13-10-10 OR 12-12-12 ANALYSIS.
 - THE LIME AND FERTILIZER SHALL BE WORKED INTO THE SOIL WITH A DISK HARROW, SPRING-TOOTH HARROW, OR OTHER SUITABLE FIELD IMPLEMENT TO A DEPTH OF 3 INCHES.
- BEFORE LAYING SOD, THE SURFACE SHALL BE UNIFORMLY GRADED AND CLEARED OF ALL DEBRIS, STONES AND CLODS LARGER THAN 3-IN. DIAMETER.

SOD INSTALLATION

- DURING PERIODS OF EXCESSIVELY HIGH TEMPERATURES, THE SOIL SHALL BE LIGHTLY IRRIGATED IMMEDIATELY BEFORE LAYING THE SOD.
- SOD SHALL NOT BE PLACED ON FROZEN SOIL.
- THE FIRST ROW OF SOD SHALL BE LAID IN A STRAIGHT LINE WITH SUBSEQUENT ROWS PLACED PARALLEL TO AND TIGHTLY WEDGED AGAINST EACH OTHER. LATERAL JOINTS SHALL BE STAGGERED IN A BROOKLINE PATTERN. ENSURE THAT SOD IS NOT STRETCHED OR OVERLAPPED AND THAT ALL JOINTS ARE BUTTED TIGHT IN ORDER TO PREVENT VOIDS THAT WOULD DRY THE ROOTS.
- ON SLOPING AREAS WHERE EROSION MAY BE A PROBLEM, SOD SHALL BE LAID WITH THE LONG EDGE PARALLEL TO THE CONTOUR AND WITH STAGGERED JOINTS. THE SOD SHALL BE SECURED WITH PEGS OR STAPLES.
- AS SODDING IS COMPLETED IN ANY ONE SECTION, THE ENTIRE AREA SHALL BE ROLLED OR TAMPED TO ENSURE SOLID CONTACT OF ROOTS WITH THE SOIL SURFACE. SOD SHALL BE WATERED IMMEDIATELY AFTER ROLLING OR TAMPING UNTIL THE SOD AND SOIL SURFACE BELOW THE SOD ARE THOROUGHLY WET. THE OPERATIONS OF LAYING, TAMPING AND IRRIGATING FOR ANY PIECE OF SOD SHALL BE COMPLETED WITHIN 8 HOURS.

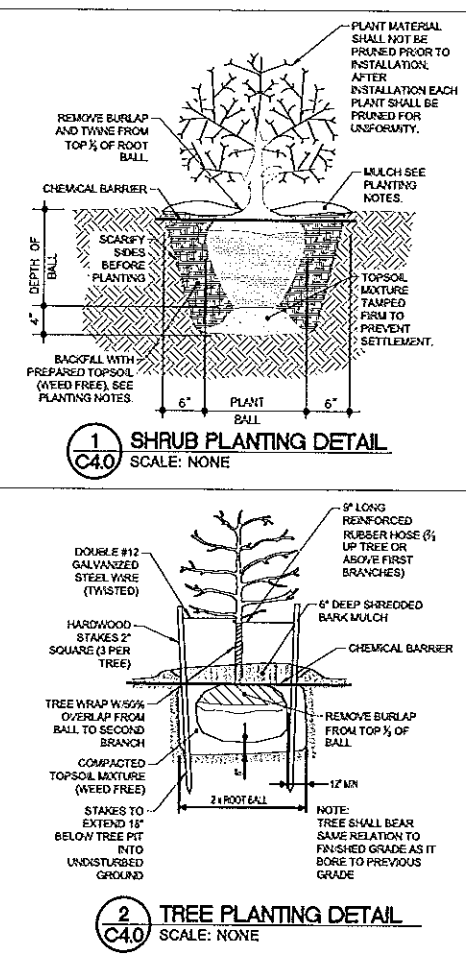
MAINTENANCE

- IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK WITH SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4-6 INCHES.
- AFTER THE FIRST WEEK, SOD SHALL BE WATERED AS NECESSARY TO MAINTAIN ADEQUATE MOISTURE AND ENSURE ESTABLISHMENT.
- THE FIRST MOWING SHALL NOT BE ATTEMPTED UNTIL SOD IS FIRMLY ROOTED.

GRASS SPECIFICATION:

- GRASS SEED SHALL BE FRESH, CLEAN, DRY NEW-CROP SEED COMPLYING WITH THE ASSOCIATION OF OFFICIAL SEED ANALYSTS "RULES FOR TESTING SEEDS" FOR PURITY AND GERMINATION TOLERANCES.
- A WEED BARRIER SHALL BE INSTALLED IN ALL MALDED ISLAND BEDS.
- ALL AREAS TO BE SEEDDED SHALL RECEIVE NO LESS THAN FIVE POUNDS OF SEED PER ONE THOUSAND SQUARE FEET. APPLY SEED AND PROTECT WITH STRAW MULCH AS REQUIRED FOR NEW LAWNS. GRASS SEED MIX SHALL CONSIST OF THE FOLLOWING:

PROPORTION	NAME	MIN. %	MAX. % PURE SEED	MAX. % WEED SEED
50%	Baton Bluegrass	80	85	0.50
35%	Parliament Fescue	85	99	0.50
15%	Manhattan II Perennial Ry	90	99	0.50



RAZE AND REBUILD
CIRCLE K
SITE #2281

1821 E. 151ST ST
WESTFIELD, IN 46033
HAMILTON COUNTY

SCALE: 1" = 20'
DATE: 02/15/2016
DESIGNED BY: BSW
DRAWN BY: BSW
CHECKED BY: RWN
FILE NAME: 150617-C4.swg
JOB NUMBER: 150617

LANDSCAPING PLAN

SHEET NO.

C4.0



2017010790 VARIANCE \$21.00
03/14/2017 10:55:06A 5 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 200600044140 & 2016024805

Mayor
Andy Cook

City Council
Jim Ake
Joe Edwards
Steve Hoover
Robert L. Horkay
Dr. Mark Keen
Chuck Lehman
Cindy L. Spoljaric

Clerk Treasurer
Cindy J. Gossard

This ACKNOWLEDGEMENT, made this 21st day of February, 2017, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on February 21, 1983, the Board of Zoning Appeals (the "Board") heard Petition No. 83-SE-3 (the "Special Exception") filed by Shell Oil Company for a Special Exception to allow a gasoline service station for property commonly known as 1821 E. 151st Street (Parcel No. 09-10-18-00-00-015.001) and more particularly described in Exhibit A (the "Property");

WHEREAS, the Board voted to approve the Special Exception, as per plans filed.

WHEREAS, on April 12, 2016, the Board granted certain Variances of Development Standard from the Westfield-Washington Township Unified Development Ordinance, as outlined in the Acknowledgement of Variance on file at the Hamilton County Recorder's Office as Instrument Number 2016024805.

WHEREAS, on Wednesday, February 15, 2017, the Board held a public hearing on Petition No. 1702-VS-05 (the "Petition"), filed by Municipal Resolutions (the "Petitioner") for a Variance of Development Standard to allow a Monument Sign to be permitted for an Outlot in the SB-PD: Special Business/Planned Development District (Article 6.17(J)(8)(b)).

WHEREAS, the Board voted to approve the Petition with the condition that the sign be constructed in substantial compliance with the Proposed Sign Elevation Exhibit at the location shown on the Revised Proposed Sign Location Exhibit provided at the meeting, attached hereto as Exhibit B and Exhibit C respectively.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the granted Variance of Development Standard approved by the Board on February 15, 2017. Unless otherwise modified herein, the Variances of Development Standard shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variances of Development Standard and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
"DIRECTOR"


MATTHEW S. SKELTON, DIRECTOR

Economic and Community Development Department, City of Westfield, IN

**Economic and
Community Development**

(317) 804-3170 office
(317) 804-3181 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

MAC's Convenience Stores LLC, the Property Owner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property as set forth herein.

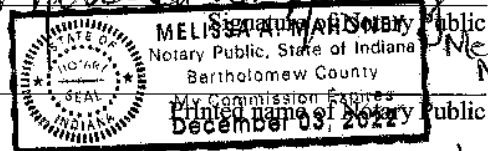
IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the 8th day of March, 2017.

MAC's Convenience Stores LLC
Signature: [Signature]
Printed Name: Morten Jensen
Title: Authorized Representative
Date: March 8, 2017

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

STATE OF Indiana)
COUNTY OF Bartholomew) SS:

Signed and acknowledged before me this 8th day of March, 2017.
(SEAL)



My County of Residence: Bartholomew
My Commission Expires: 12-3-2022

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

Prepared by: Pamela L. Howard, Associate Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

**Economic and
Community Development**

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(317) 804-3181 fax

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Westfield, IN 46074
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EXHIBIT A

1821 E. 151st Street, Carmel, Indiana 46033

Parcel No: 09-10-18-00-00-015.001

LAND DESCRIPTION: (INSTRUMENT NUMBER 200600044140)

Part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Southwest corner of Section 18, Township 18 North, Range 4 East; thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) on the North line of said Southwest Quarter 448.79 feet; thence South 00 degrees 00 minutes 00 seconds 16.50 feet to the place of beginning of the real estate herein described, being on the existing County Road Southerly right-of-way line of 151st Street; thence South 00 degrees 00 minutes 00 seconds 287.99 feet; thence North 90 degrees 00 minutes 00 seconds West 305.14 feet to the Easterly limited access right-of-way line of U. S. Highway No. 31 as established by a Warranty Deed to the State of Indiana for a Limited Access facility as recorded in Deed Record 279, pages 612-614 in the Office of the Recorder of Hamilton County, Indiana; thence Northerly on said right-of-way line curving to the left on an arc distance of 202.77 feet on a curve having a radius of 11,546.18 feet to a point which bears North 03 degrees 26 minutes 28 seconds West from the last described point, said point being the intersection of said Easterly right-of-way line and the Southeastern Limited Access Right-of-Way line of 151st Street; thence North 38 degrees 27 minutes 35 seconds East on said Southwestern right-of-way Limited Access Right-of-way line 89.82 feet to the terminus of said limited access right-of-way line on the Southern right-of-way of said 151st Street; thence North 89 degrees 19 minutes 05 seconds East on said Southern right-of-way line 150.00 feet as granted to the State of Indiana by a Right-of-way Grant for I.S.H.C. Project F-24(3) dated 1954 in Deed Record 139, page 364 in said Recorder's Office; thence North 00 degrees 40 minutes 56 seconds West 12.14 feet to the existing county road right-of-way line for 151st Street; thence North 89 degrees 19 minutes 32 seconds East on said right-of-way parallel with the North line of said Southwest Quarter 112.61 feet to the place of beginning.

TOGETHER with a non-exclusive easement for ingress and egress as set-out in Grant of Easement dated July 16, 1990 and recorded December 28, 1990 as instrument Number 90-315-35 in the Office of the Recorder of Hamilton County, Indiana.

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Commencing at the Northwest corner of said Southwest Quarter Section; thence North 88 degrees 59 minutes 50 seconds East (all bearings in this description are referenced from the North line of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, the bearing of which being assumed as North 88 degrees 59 minutes 50 seconds East) along the north line of said Quarter-Section 418.32 feet; thence South 01 degrees 00 minutes 10 seconds East 40.00 feet to the Point of Beginning of this description, being on the South Right-of-Way of 151st Street; thence South 00 degrees 19 minutes 42 seconds West 264.49 feet; thence South 89 degrees 40 minutes 17 seconds West 32.78 feet; thence North 00 degrees 19 minutes 42 seconds West 228.66 feet; thence North 44 degrees 45 minutes 22 seconds West 30.69 feet; thence South 89 degrees 39 minutes 30 seconds West 225.82 feet; thence North 38 degrees 07 minutes 53 seconds East 13.75 feet to said South Right-of-Way; thence North 88 degrees 59 minutes 50 seconds East along said South Right-of-Way 271.56 feet to the Point of Beginning. Containing 11,847 square feet, or 0.272 acres, more or less.

EXCEPT: (INSTRUMENT NUMBER 2012030910)

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit B, described as follows: Commencing at the Northwest corner of said quarter section; thence North 89 degrees 38 minutes 20 seconds East 418.79 feet along the north line of said quarter section to the prolonged east line of said grantor's land; thence South 0 degrees 09 minutes 28 seconds West 304.49 feet along said line prolonged and along said line to the southeast corner of said grantor's land; thence North 89 degrees 50 minutes 32 seconds West 304.03 feet along the south line of said grantor's land to the point of beginning of this description, designated as point "19715" on said plat; thence continuing North 89 degrees 50 minutes 32 seconds West 1.73 feet along said line to the eastern boundary of U.S. 31; thence along said boundary Northerly 202.77 feet along an arc to the left having a radius of 11,546.18 feet and subtended by a long chord having a bearing of North 3 degrees 19 minutes 04 seconds West and a length of 202.77 feet to the southeastern boundary of the intersection of said U.S. 31 and 151st Street; thence North 38 degrees 37 minutes 03 seconds East 61.47 feet along said boundary to the south boundary of said 151st Street; thence South 89 degrees 51 minutes 20 seconds East 11.27 feet along said boundary to point "19712" on said plat; thence South 40 degrees 44 minutes 25 seconds West 54.72 feet to point "19713" on said plat; thence South 15 degrees 20 minutes 06 seconds West 10.59 feet to point "19714" on said plat; thence South 0 degree 40 minutes 39 seconds East 198.77 feet to the point of beginning and containing 0.039 acres more or less.

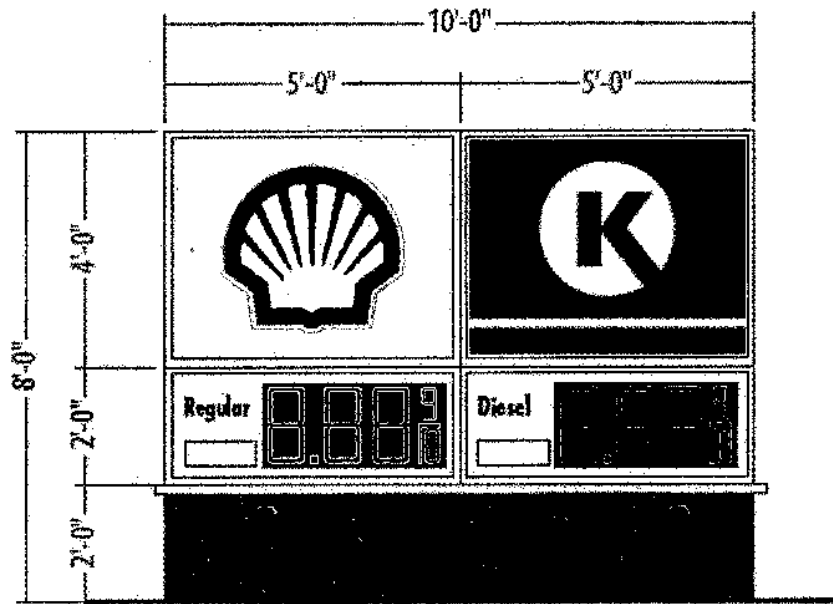
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EXHIBIT B

Proposed Sign Elevation Exhibit



PROPOSED SIGN

60.0 SF

- Custom internally illuminated monument sign
- Circle K and Shell logo upper cabinets per corporate art standards
- Shell RVle LED fuel signs with 16" pricers
- Masonry base as required by code
- Toggles to be covered with decals

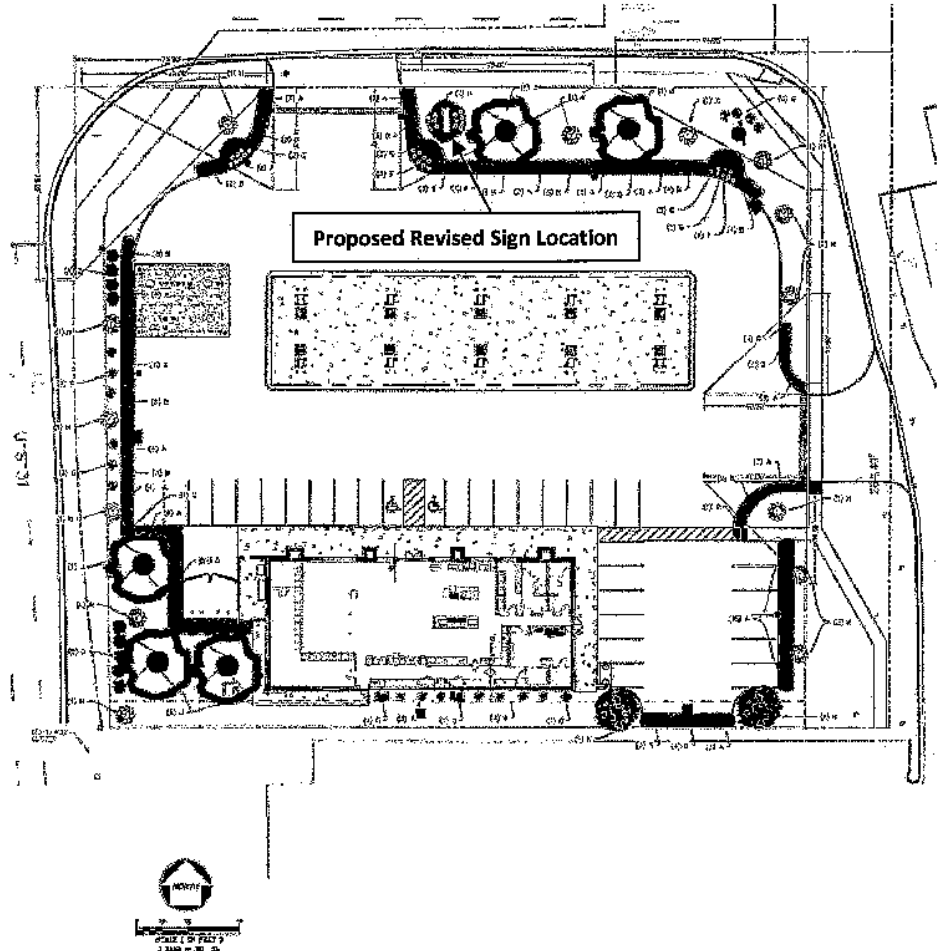
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EXHIBIT C

Revised Sign Location Exhibit



**Economic and
Community Development**

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The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, May 9, 2017, at Westfield City Hall. Members present included Jeannine Fortier, Martin Raines, Dave Schmitz, and Robert Smith. Also present were Pam Howard, Associate Planner; Amanda Rubadue, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Schmitz moved to approve the April 11, 2017, meeting minutes as presented.

Raines seconded, and the motion passed 4-0.

REVIEW OF RULES AND PROCEDURES

Howard reviewed BZA rules and procedures.

ITEMS OF BUSINESS

1705-VS-08 [PUBLIC HEARING]

1600 East 151st Street *Target Corporation by Ice Miller*

The Petitioner is requesting a Variance of Standard to modify the Maximum Sign Area permitted to allow for additional proposed signage in the GB: General Business District (Article 6.17(F)(5)).

Zaiger gave a short history of the origin of requested variance agreement between the City and Target Corporation.

Rubadue presented an overview and summary of the requested Variances of Standard, as summarized in the Department report and overviewed the petitioner's request to modify the Maximum Sign Area permitted to allow for additional proposed signage.

Jason McNeil, with Ice Miller on behalf of the petitioner overviewed the challenges presented to Target by the US 31 project and the City's extension of Westfield Boulevard.

Public Hearing opened at 7:11 p.m.

No public comment.

Public Hearing closed at 7:11 p.m.

Schmitz motioned to approve the 1705-VS-08.

Raines seconded and the Motion passed 4-0.

Raines moved to adopt the Department's recommended findings of facts.

Fortier seconded and the Motion passed 4-0.

1705-VS-09
[PUBLIC HEARING]

17600 Shamrock Blvd (Riverview Health)
Riverview Health

The Petitioner is requesting a Variance of Standard to permit a Banner as a Wall Sign in the Junction Planned Unit Development (PUD) District. (Article 6.17(E)(6) of UDO & Section 4.4 of Ordinance 14-22).

Howard addressed the noticing process and the need for a waiver prior to discussion about the request.

Zaiger stated that the state statutory notice was in compliance; however, the local standard was not met and requires a waiver.

Howard then presented an overview and summary of the requested Variances of Standard, to modify the Maximum Sign Area permitted to allow for additional proposed signage.

Scott Tripp, with Riverview Health, addressed the Board about the need of this banner. He stated that the banner would assist in informing the public of the nature of this project.

Public Hearing opened at 7:16 p.m.

No public comment.

Public Hearing closed at 7:17 p.m.

Schmitz motioned to waive the local notice requirement for 1705-VS-08.

Raines seconded and the Motion passed 4-0.

Schmitz inquired whether allowing this sign would cause an issue with other businesses in the area wanting to follow suit.

Howard responded that construction signs are permitted by the UDO; however, this is a request for a banner and that it exceeds the maximum size standards.

Raines motioned to approve the 1705-VS-09 with staff conditions that include substantial compliance with the location and time frame for the banner display.

Schmitz seconded and the Motion passed 4-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Raines seconded and the Motion passed 4-0.

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).

1612-VS-17
[WITHDRAWN]

18300 Block of Joliet Road (Parcel No. 08-05-31-00-00-004.000)
TNA Enterprises, LLC

The petitioner is requesting approval of a Variance of Standard to reduce the Minimum Lot Frontage in the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2(D)).

REPORTS/COMMENTS

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department: Howard reported that the TNA Enterprises Shrimp Farm has withdrawn its petition.

Raines motioned to adjourn the meeting.

Schmitz seconded, and the motion passed.

The meeting adjourned at 7:24 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



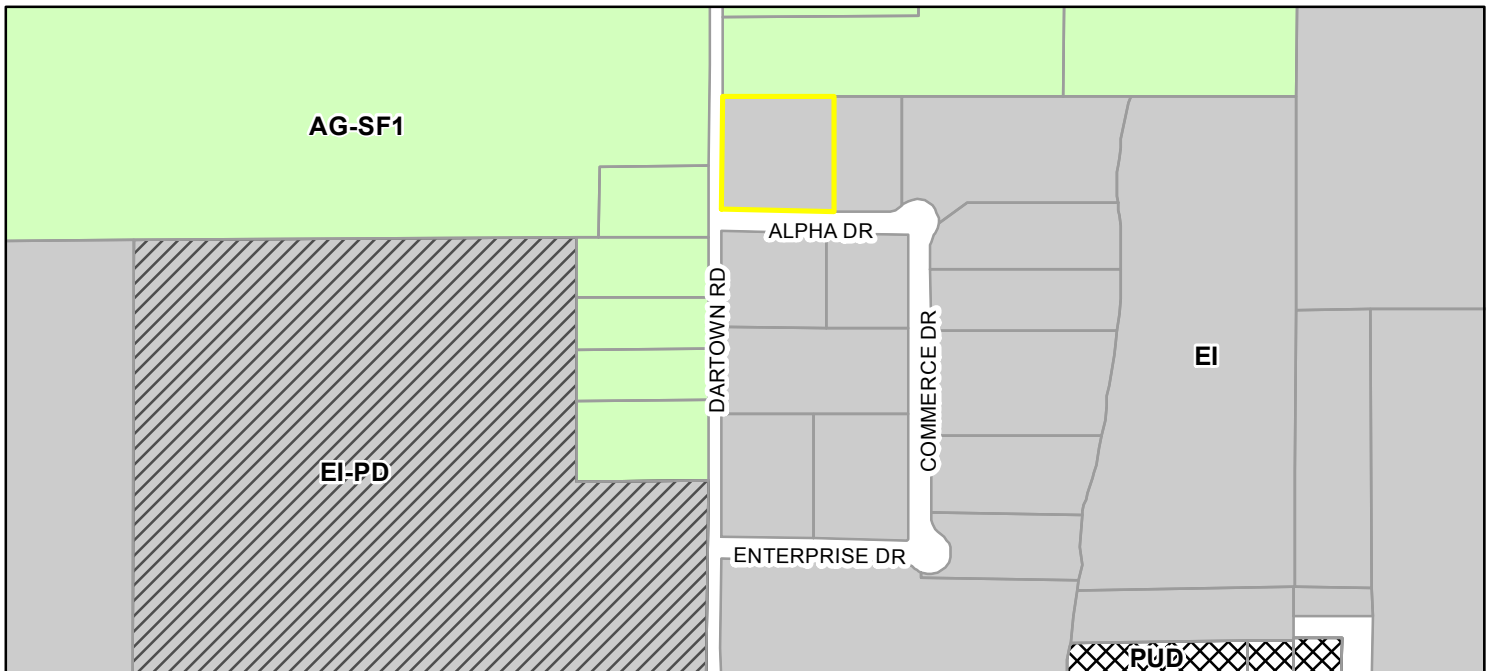
Location Map
Chittenden Property
Parcel No. 09-05-35-00-00-017.010
1706-VS-10



Aerial Location Map



Zoning Map





WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

June 13, 2017

1706-VS-10

Exhibit 1

Petition Number: 1706-VS-10

Subject Site Address: NE Corner of Dartown Road & Alpha Drive; Parcel No. 09-05-35-00-00-017.010 ("the Property")

Petitioner: Adam DeHart (Keeler-Webb Associates) on behalf of Patrick Chittenden ("the Petitioner")

Request: The petitioner requests Variances of Standard for building material and offset requirements.

Current Zoning: EI: Enclosed Industrial

Current Land Use: Vacant

Approximate Acreage: 1.85 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Existing Conditions
5. Building Elevations
6. Petitioner's Narrative
7. Petitioner's Findings
8. Alpha Tau Park Current Buildings Exhibit

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 1.85 acres +/- in size and located at the northeast corner of Dartown Road and Alpha Drive (**see Exhibit 2**). The Property is zoned EI: Enclosed Industrial. Adjacent properties are zoned EI: Enclosed Industrial and AG-SF1: Agriculture/Single Family Rural.

Property History: The Property is the last undeveloped lot in the Alpha Tau Business Park. The first building in the Alpha Tau Business Park was permitted on June 26, 1997 (97-IP-245). See **Exhibit 8** for images of existing buildings in Alpha Tau Business Park.

Requested Variances: The petitioner is requesting Variances of Standard to modify building material and offset requirements.



SUMMARY OF VARIANCE

The Property is currently subject to the EI: Enclosed Industrial¹ zoning set forth by the Westfield-Washington Township Unified Development Ordinance (the "UDO").

The petitioner is requesting two (2) Variances of Standard for building material and offset requirements, as generally illustrated on the Elevations (**see Exhibit 5**) and described in the Petitioner's Narrative (**see Exhibit 6**) and Petitioner's Findings (**see Exhibit 7**)

Chapter 6.3(G)(2)(a)(i) of the UDO requires that a minimum of sixty percent (60%) of the Building Façades considered "External Facades" (exclusive of window and doors) shall be Masonry Materials. The petitioner is requesting that this standard not apply, as they are planning on using Concrete Masonry Units (standard masonry blocks & split-face masonry blocks) in lieu of Masonry Materials.

Chapter 6.3(G)(2)(a)(ii) requires that Building Facades that are ninety (90) feet or greater in length shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. The petitioner is requesting that no offsets be required.

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 June 13, 2017, 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 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 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 UDO³ 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;

¹ Article 4.24: EI: Enclosed Industrial District

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

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

(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:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (1706-VS-10), then the Department recommends the following written findings of fact and condition:

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

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 existing use and proposed improvements will otherwise comply with the applicable standards of the EI: Enclosed Industrial District.

- 2) **Criteria:** 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 the use of the property will not change and the building elevations provided indicate that the building will fit the character of the existing, adjacent businesses.

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

June 13, 2017

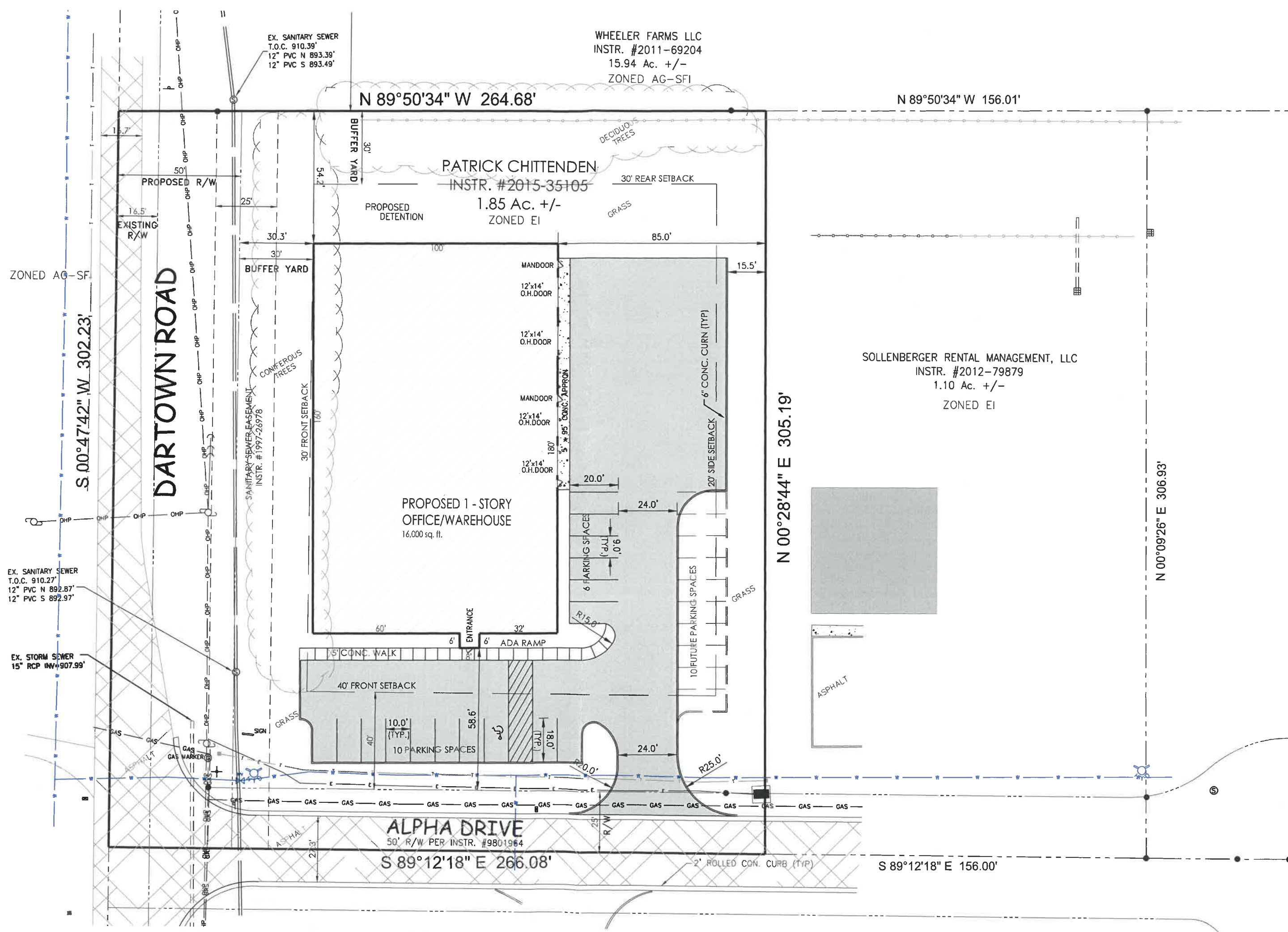
1706-VS-10

Exhibit 1

Finding: Regarding the required offsets, strict adherence to the zoning ordinance would result in the reduction/loss of usable industrial space. Regarding the required building materials, strict adherence to the zoning ordinance would result in building facades that are significantly different than those that currently exist in the Alpha Tau Business Park.

Recommended Condition: That the proposed building be designed in substantial compliance with the elevations depicted in **Exhibit 5**.

Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, 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.





Dartown Rd

Alpha Dr

Alpha

3

2

1

4

5



1

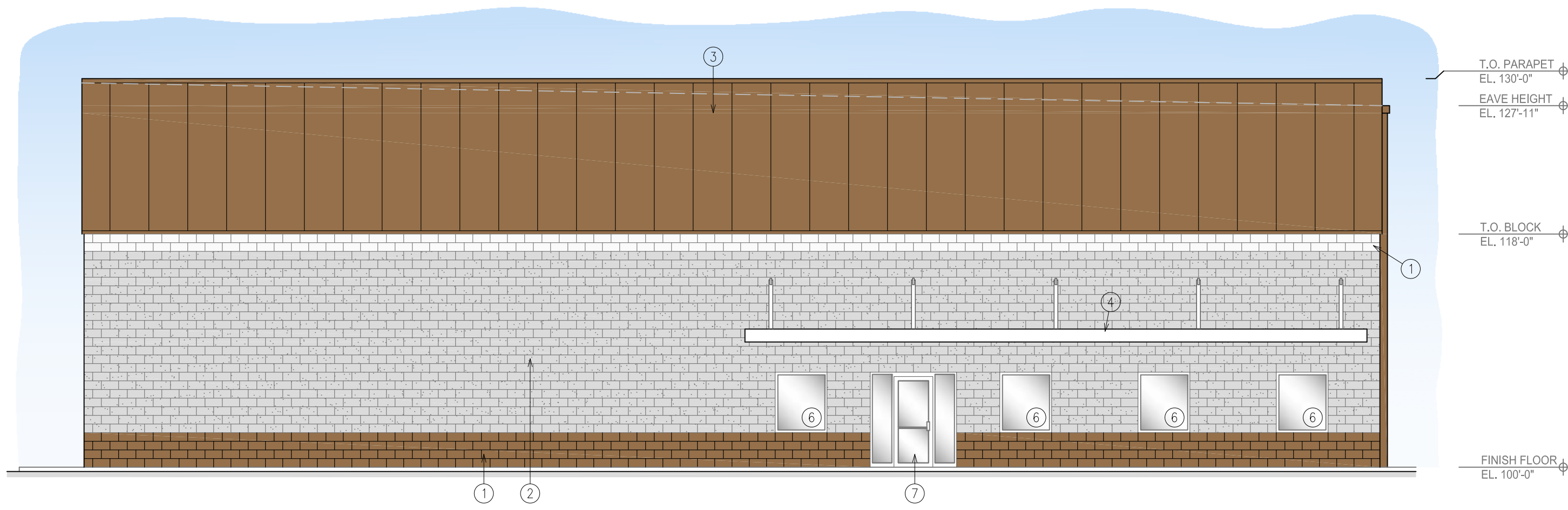


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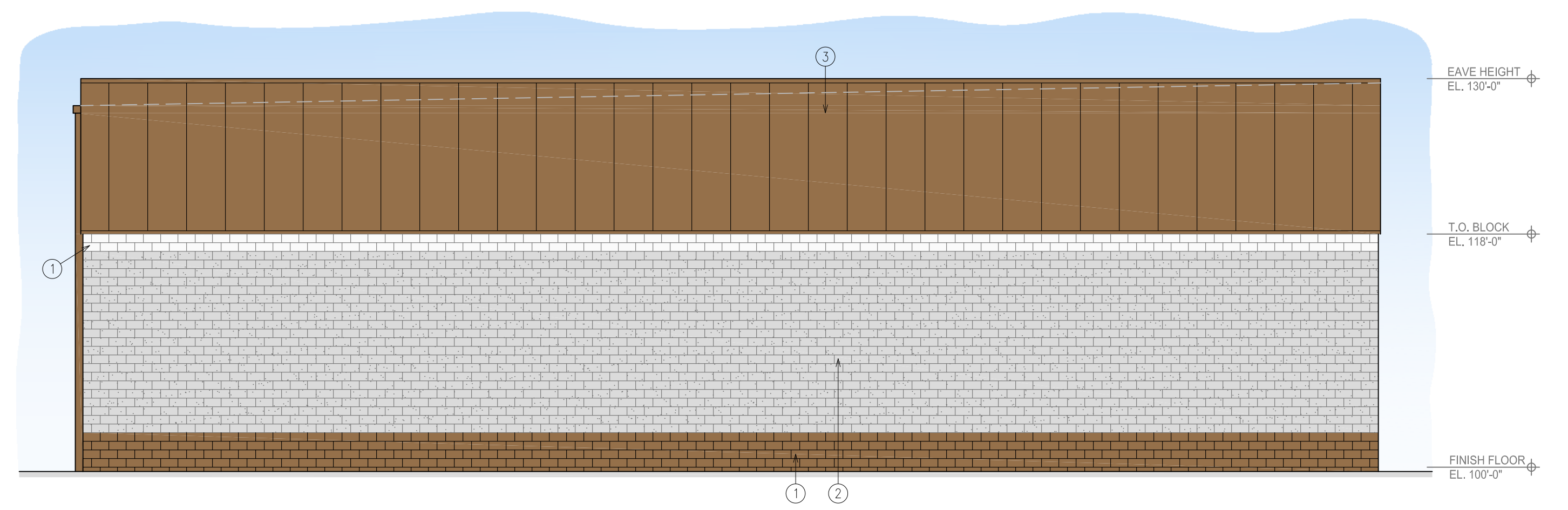




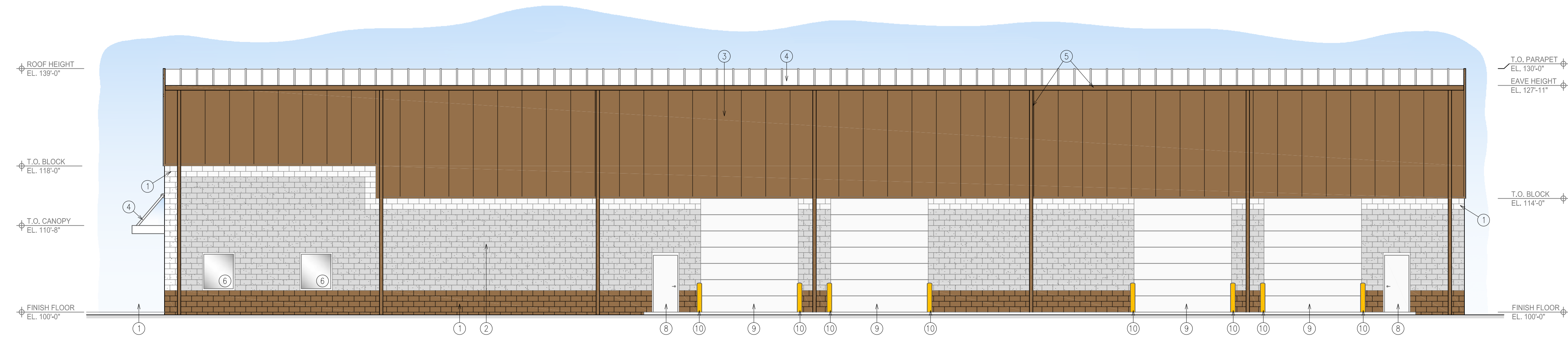




SOUTH ELEVATION

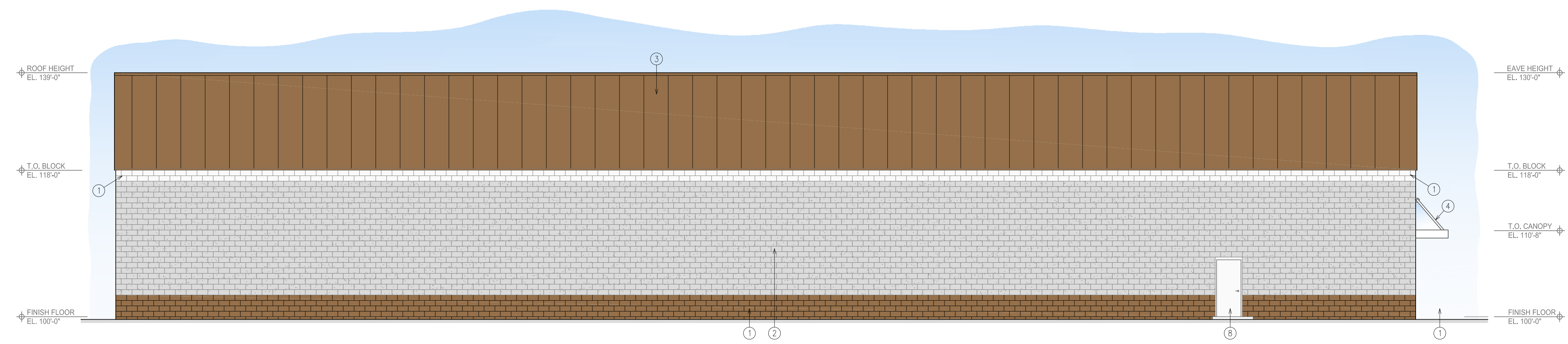


NORTH ELEVATION



EAST ELEVATION

- KEYED NOTES
- ① STANDARD MASONRY BLOCK
 - ② SPLIT-FACE MASONRY BLOCK
 - ③ METL-SPAN INSULATED PANEL
 - ④ 48' CANOPY, 48' LONG
 - ⑤ METAL GUTTER & DOWNSPOUT BY "VP"
 - ⑥ 48x56 WINDOW
 - ⑦ STOREFRONT ENTRY SYSTEM W/ SIDELIGHTS & TRANSOM
 - ⑧ 3' x 7' MANDOOK
 - ⑨ 12' x 14' DRIVE-IN OVERHEAD DOOR
 - ⑩ PIPE BOLLARD



WEST ELEVATION

KEELER-WEBB ASSOCIATES
486 GRADLE DRIVE
CARMEL, INDIANA 46032
PHONE (317) 574-0140
www.keelerwebb.com



PATRICK CHITTENDEN
PRELIMINARY DEVELOPMENT PLAN
Dartaorn Road / Alpha Drive
Westfield, Indiana

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors

TELEPHONE (317) 574-0140 www.keelerwebb.com

486 Gradle Drive
Carmel, Indiana 46032

April 27, 2017

Attn: Plan Reviewer
City of Westfield Board of Zoning Appeals
2728 East 171st Street
Westfield, IN 46074

Re.: Patrick Chittenden
Dartown Road, Alpha Drive, Westfield, IN
KWA Project No. 1704-016

PROJECT NARRATIVE

Keeler-Webb Associates is acting as agent surveyor/engineer for Mr. Patrick Chittenden who is the owner and developer of the above project. We are proposing to install a 16,000 sq.ft. Office Warehouse/Distribution building, on the existing 1.85 Acre site. The existing vacant site has all utilities available on the site or in adjacent right-of-way.

This project is petitioning for Development Standards variances with the BZA. This new project is redeveloping the entire property. Currently, the parcel is vacant and is the last lot to be developed in Alpha Tau Park.

Parking for employees and customers will be provided along the building frontage. All employees or customers will enter and exit via the proposed curb cut on Alpha Drive. Deliveries and loading areas have been provided at the east overhead doors. The building has been designed such that the perimeter facades and building facade materials mimic other Enclosed Industrial Buildings in the park. We are intending to maintain much of the existing coniferous tree line on the West side of the site, and the deciduous tree line on the north side of the site in the required buffer yards adjacent to current AG-SF1 zoning. All lighting will be on the building for entry or security lighting only.

Storm water will be collected via gutters and downspouts, sheet drain across the parking lot and conveyed by storm sewer to detention pond/infiltration trench in the rear yard. Storm sewer will convey stormwater after it has been treated on-site by a BMP and will outlet into the existing storm drainage system in the park. The overall disturbed area of this Industrial Building and improvements is 1.12 Ac.

The following is a list of the variances we are requesting. These two development standards variances are due to the changes in the Zoning Ordinance since the park was originally developed in the 1990's. Also, the nature of the business, increased proposed right-of-way, and the design of this facility, conflict with these architectural requirements.

WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

6.3 Architectural Standards

G. Industrial Districts: All new nonresidential buildings or building additions located within an Industrial District shall comply with the following:

2. Building Facades:

a. External Facades: Each Building Façade visible from a Street, oriented to an adjoining Residential District, or oriented to an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "External Façade"), shall comply with the following:

i. A minimum of sixty percent (60%) of the Building Façade (exclusive of window and doors) shall be Masonry Materials.

Masonry Material: *Brick, limestone, natural stone, manufactured stone (e.g., Cultured Stone®), or a combination of the same, bonded together with a mortar to form a wall, buttress, or similar mass. Fiber Cement Siding is not a Masonry Material for purposes of this Ordinance.*

Strict application of the ZO creates a hardship due to the elimination of concrete masonry units in the current definition of masonry materials. Our design provides for building façade materials which are similar to the surrounding Industrial Buildings.

ii. Building Facades, which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Offsets shall extend the entire vertical plane of the Building Façade and shall be a minimum depth of four (4) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Façade.

Strict application of the ZO creates a hardship due to the design the increased buffer yard requirements for the adjoining AG-SF1 zoned properties to the West and North and proposed right-of-way along Dartown Road. These restrictions have significantly reduced the buildable area on the site.

Construction is planned to begin immediately upon approval by all appropriate agencies with the intention of completing the building addition and parking improvements by the Spring of 2018. The design of the facility will meet requirements set in local and state building codes and will not be a fire hazard to the public.

There is sufficient capacity of all the utilities available to this site. No other off-site utility or road improvements will be necessary to construct or operate this facility. This project also will not change the level of service on Dartown Road. This facility will enhance the tax base for the local schools and will not be a burden to the system. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,
KEELER-WEBB ASSOCIATES



Adam DeHart, PS
Project Manager

CHITTENDEN-NARRATIVE-bza

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



APPLICANT: PATRICK CHITTENDEN DOCKET #: 1706-VS-10

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
variance request will allow the installation of a 16,000 sq. ft. Office/Warehouse with an architectural style matching the structures in the
surrounding Alpha Tau Park.
- 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 construction of the proposed building and site improvements will add value the the site and increase the tax base.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: the
proposed CMU masonry building materials are typically used in this type of industrial building and are an integral part of the structural design
of the building envelope. Building offsets along the sides or rear of the structure, coupled with increased proposed right-of-way, on-site stormwater
detention, and previously dedicated easements would substantially decrease the size of the building footprint.

Exhibit 8

Current Buildings in Alpha Tau Park









