

## ORDINANCE NUMBER 16-45

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE 181<sup>ST</sup> STREET PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is a Planned Unit Development District Ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

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

**WHEREAS**, the Council enacted Ordinance 14-03, the 181<sup>st</sup> Street Planned Unit Development Ordinance (the "181<sup>st</sup> Street PUD"), on January 27, 2014.

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1612-PUD-23**), requesting an amendment to the 181<sup>st</sup> Street PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1612-PUD-23** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable** recommendation (9-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on November 22, 2016;

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

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

**Section 1.**    **Applicability of Ordinance.**

- 1.1    This Ordinance shall amend the 181<sup>st</sup> Street PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the 181<sup>st</sup> Street PUD Ordinance, as amended by this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.2    All other provisions of the 181<sup>st</sup> Street PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3    Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4    All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2.**    **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3.**    **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 4.**    **Character Exhibit.** The Character Exhibit, attached hereto as **Exhibit C** is hereby incorporated as a compilation of images designed to capture the intended quality of the improvements made on the Real Estate. Site improvements shall be constructed substantially similar to those in the Character Exhibit.

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

- 5.1    All uses permitted in the 181<sup>st</sup> Street PUD District shall be permitted on the Real Estate, in addition to the following:
  - A.    Brewery Production Facility and Tasting Room
  - B.    Mobile Food Service Vendors

ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

WESTFIELD CITY COUNCIL

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
James J. Edwards

\_\_\_\_\_  
James J. Edwards

\_\_\_\_\_  
James J. Edwards

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

\_\_\_\_\_  
Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

\_\_\_\_\_  
Charles Lehman

\_\_\_\_\_  
Charles Lehman

\_\_\_\_\_  
Cindy L. Spoljaric

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Cindy L. Spoljaric

\_\_\_\_\_  
Cindy L. Spoljaric

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon Knight.

I hereby certify that **ORDINANCE 16-45** was delivered to the Mayor of Westfield

on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 16-45**

this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 16-45**

this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by: Jon Knight, 110 South Union Street, Westfield, IN 46074

**SCHEDULE OF EXHIBITS**

- Exhibit A     Real Estate (Legal Description)
- Exhibit B     Concept Plan
- Exhibit C     Character Exhibit

**EXHIBIT A**  
**REAL ESTATE**

A part of the southeast quarter of Section 36, Township 19 North, Range 3 East in Hamilton County, Indiana being more particularly described as follows:

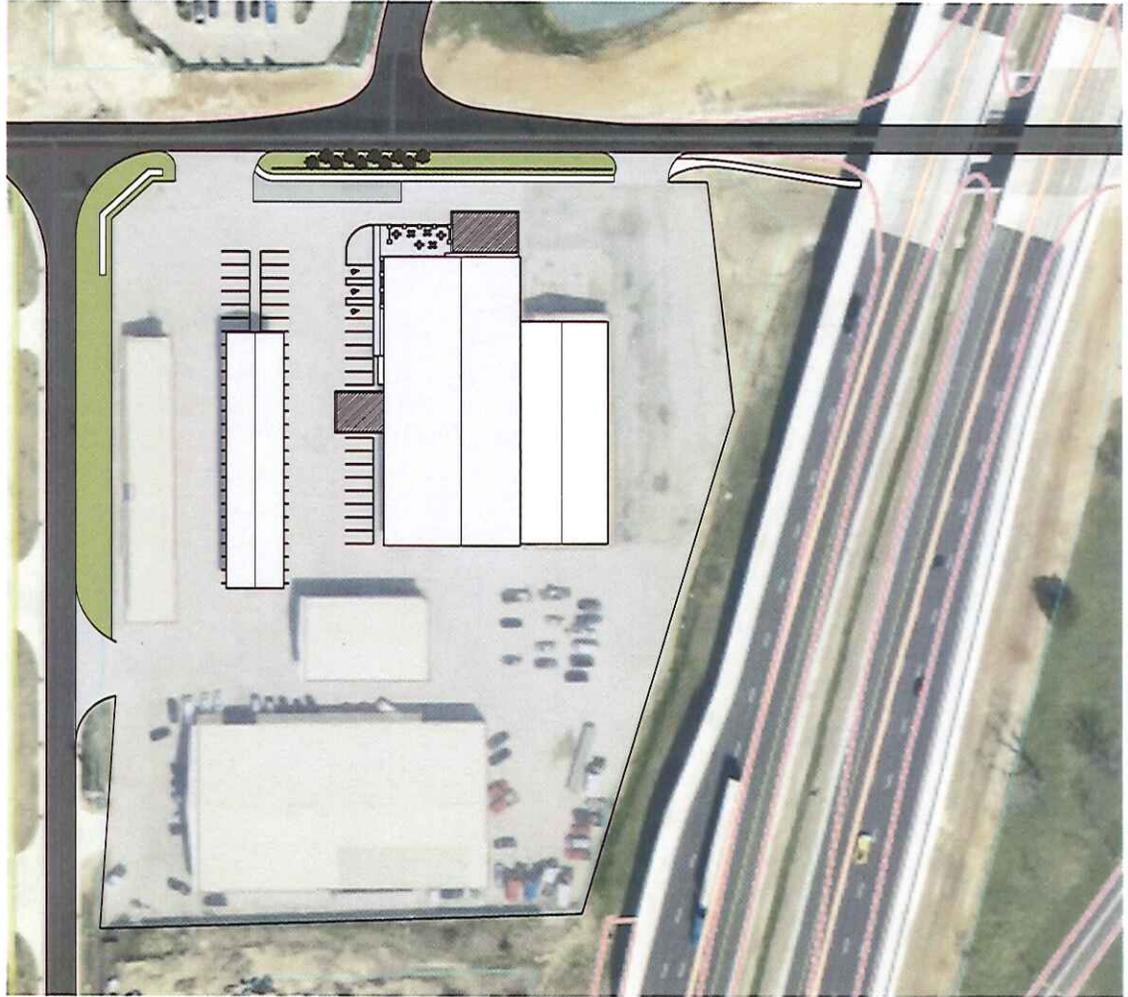
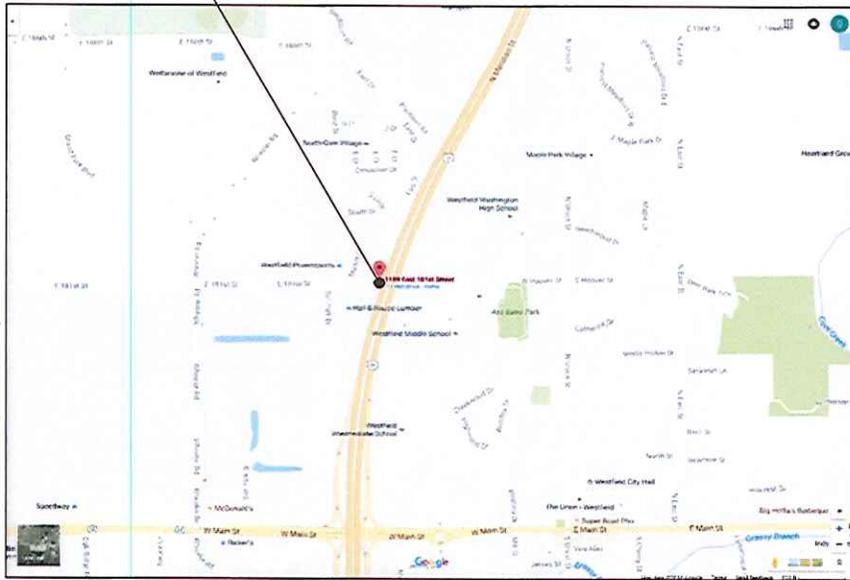
Commencing at the northeast corner of the Southwest Quarter of said section; thence North 89 degrees 53 minutes 12 seconds East along the north line of the southeast quarter of said Section 36, 114.54 feet to the Point of Beginning; thence continuing North 89 degrees 53 minutes 12 seconds East along said north line 403.73 feet to a point on the westerly right of way of line of U.S. Highway 31; the next five follow said right of way, 1) thence South 00 degrees 06 minutes 48 seconds East 16.50 feet; 2) thence South 56 degrees 22 minutes 20 seconds East 85.23 feet to a non-tangent curve to the left having a radius of 8120.00 feet and a length of 329.72 feet; 3) said curve being subtended by a chord bearing of South 16 degrees 57 minutes 32 seconds West and a chord length of 329.70 feet; 4) thence South 21 degrees 04 minutes 04 seconds West 101.93 feet; 5) thence South 14 degrees 49 minutes 00 seconds West 74.71 feet; thence South 88 degrees 40 minutes 42 seconds West 329.64 feet to a point on the easterly right of way of Sun Park Drive; thence North 00 degrees 41 minutes 36 seconds East 553.26 feet to the Point of Beginning, containing 5.12 acres more or less, subject to all highways, rights of way and easements of record.

**EXHIBIT B**  
CONCEPT PLAN

THE TENANT BUILD-OUT FOR

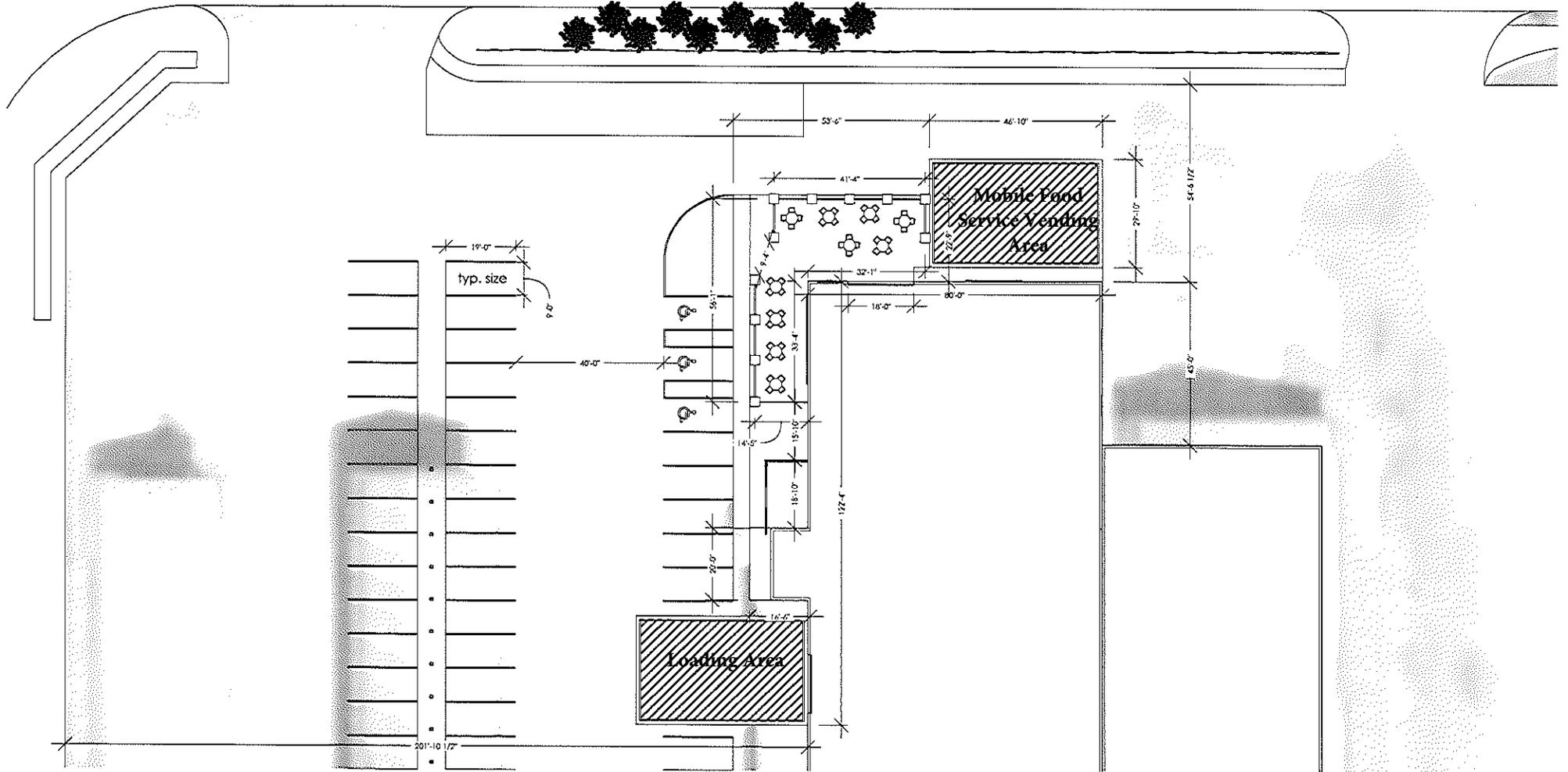
# GRAND JUNCTION BREWING CO.

PROJECT  
LOCATION



THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.



**EXHIBIT C**  
CHARACTER EXHIBIT

THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.



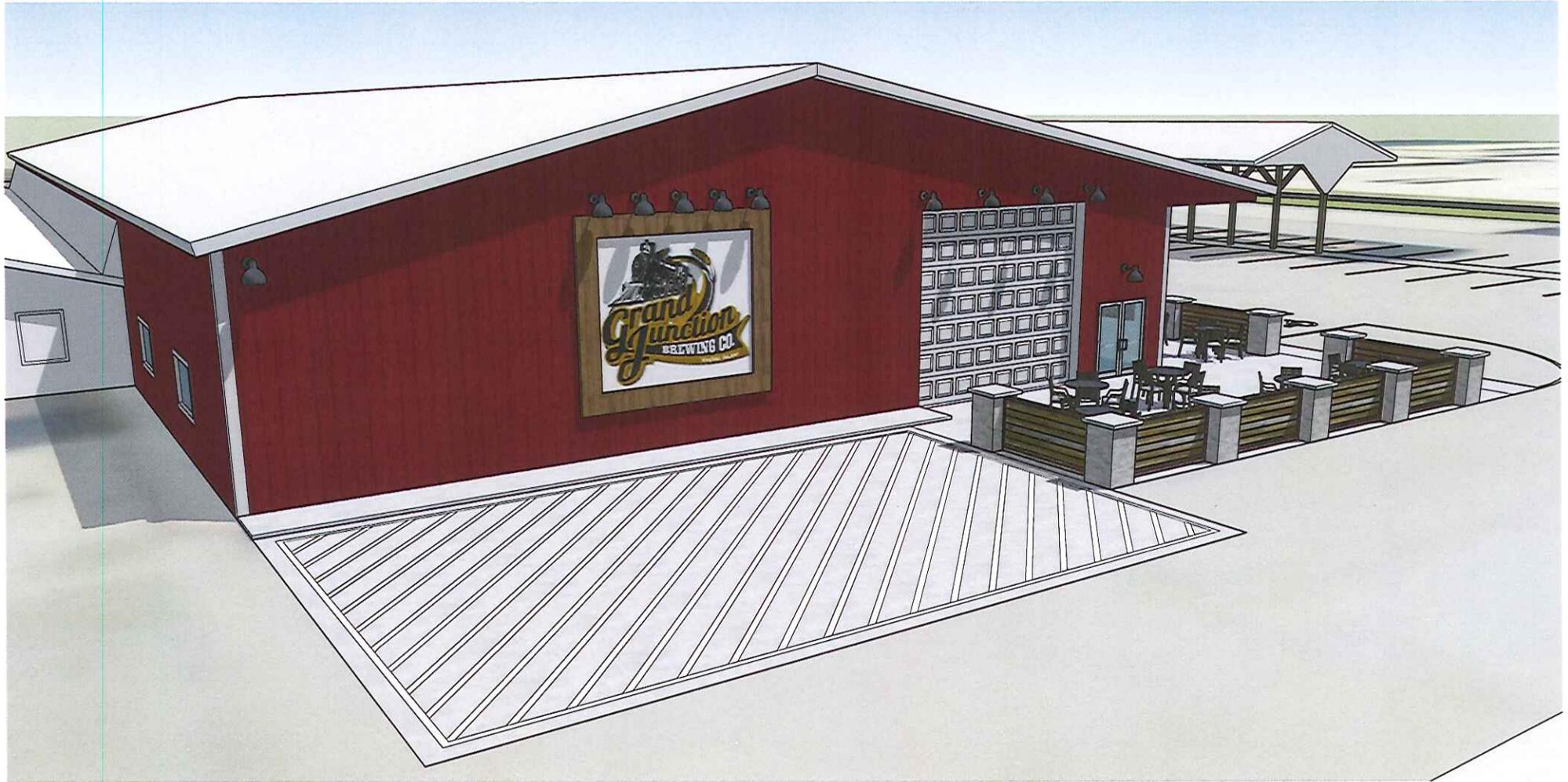
THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.



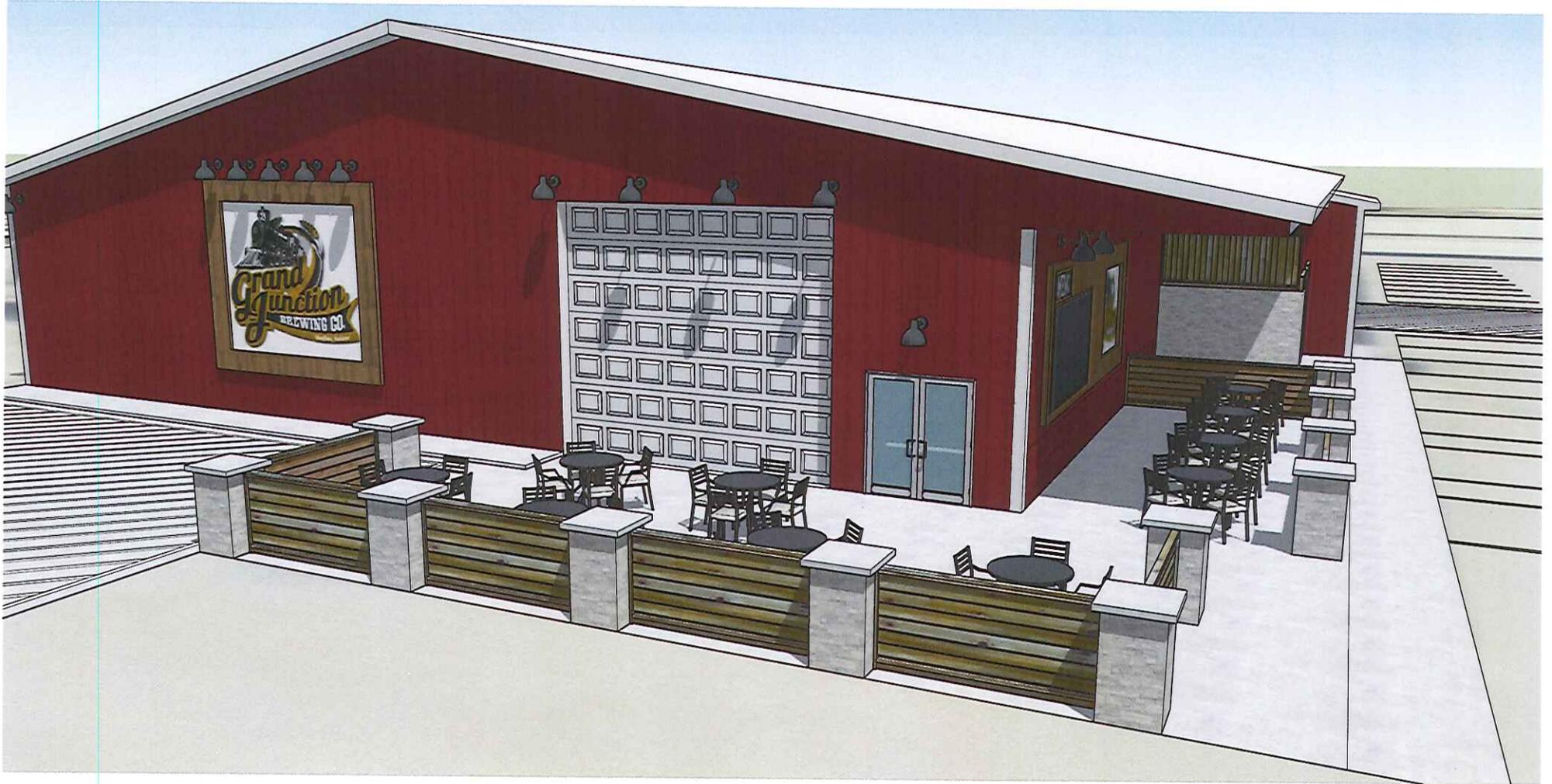
THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.



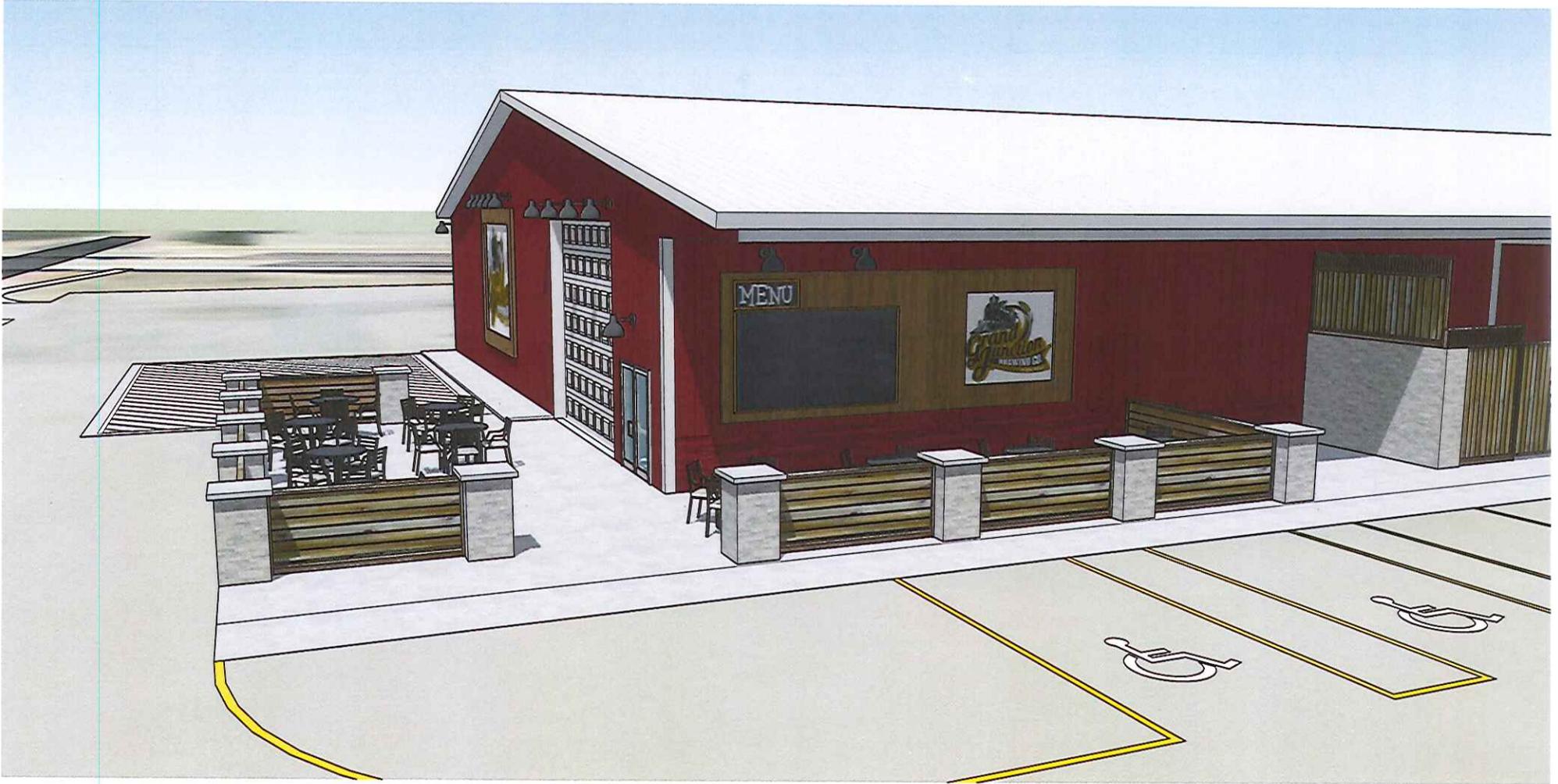
THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.



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THE TENANT BUILD-OUT FOR

# GRAND JUNCTION BREWING CO.

