

WESTFIELD TOWN COUNCIL

Petition Number	0707-REZ-02
Approximate Address	16201 Spring Mill Road
Petitioner	Commercial Development Properties, LLC
Request	Change in zoning from the AG-SF-1 and SF-3 Districts to the GB District
Current Zoning	AG-SF-1, EI, and Eagle Station PUD
Approximate Acreage	16.79 Acres
Site History	0605-DP-12 Chase Bank Development Plan Review 0508-DP-32 Springmill Commons DPR 0408-REZ-07 Town of Westfield change in zoning 0306-REZ-02 Springmill Commons change in zoning
Exhibits	1) WCD Staff Report, 07/09/07 2) Petitioner's Exhibits, 07/09/07

PETITION HISTORY - JULY 9, 2007

This petition is appearing before the Westfield Town Council for initial consideration at the July 9, 2007 Town Council meeting.

PROCEDURAL

- Change in zoning petitions are required to have a public hearing. Legal notice has been provided for the required public hearing for the July 23, 2007 Advisory Plan Commission meeting in accordance with all applicable statutes.
- The Westfield Town Council has the option of forwarding this petition to the scheduled hearing date, or asking the petitioner to revise the petition and re-appear before the Council at a later date. This would delay the scheduled public hearing.

REQUEST

The proposed change in zoning has two main components. The first component would legally establish an existing integrated commercial center, consisting of five commercial structures enclosing approximately 110,000 square feet. The second component would include an additional parcel, consisting of approximately 1.79 acres, in the GB District and enable the development of that parcel as a component of the existing integrated center.

INTRODUCTION

The request concerns an area of land generally located in the northeast corner of the intersection of Springmill Road and 161st Street. The subject site is comprised of four parcels, and consists of approximately 16.79 acres. Of the identified acreage,

approximately fifteen (15) acres are located within the SF-3 District, and approximately 1.79 acres are located in the AG-SF-1 District. The parcels within the SF-3 District are improved with an integrated commercial center, and are used commercially for a variety of retail and service uses. The parcels within the AG-SF-1 District are improved with a single-family dwelling and an agricultural out building, and are used for a religious use.

The subject site abuts the public rights-of-way of 161st Street to the south and Springmill Road to the west. Access to the subject site is currently provided from two vehicle drives on the north side of the 161st Street right-of-way and from one vehicle drive from the east side of the Springmill Road right-of-way. An additional vehicle access is provided from the residential development to the north of the subject site. Eight-foot wide asphalt paths are located within both abutting rights-of-way, and provide pedestrian access to the subject site. A site plan submitted in conjunction with this change in zoning request depicts an additional potential vehicle access point from the east side of the Springmill Road right-of-way, which would provide direct access to the additional 1.79 acre parcel.

Properties abutting the subject site to the north are within the MF-2 District, and are improved with townhomes. Properties abutting the subject site to the south and west are located in the AG-SF-1 District, and are improved with single-family dwellings, a religious institution, and agricultural uses. Properties abutting the subject site to the east are located within the SF-3 (Cluster) District, are in improved with single-family dwellings.

PUBLIC POLICIES

Comprehensive Plan

The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Plan identifies the existing portion of the Springmill Commons integrated center as located in a “Local Commercial” area (pg. 23). Local Commercial areas are intended to provide goods and services used on a day-to-day basis (pg. 46). The Springmill Commons integrated center is specifically identified as an example of a “Local Commercial” area in the Amended 2020 Plan (pg. 46.)

The Amended Westfield-Washington Township 2020 Plan identifies the additional 1.79 acre parcel proposed to be added to the Springmill Commons integrated center as located in an “Existing Suburban” area (pg. 23). The Comprehensive Plan states that “New retail uses should not be permitted in the Existing Suburban area...” (pg. 38), and further states that “...attempting to introduce retail uses into those areas will change the residential character of the area.” (pg. 38). The recommendations of Existing Suburban areas identify attached and detached dwellings, institutional uses, and recreational uses as appropriate for the subject site.

Thoroughfare Plan

The current Westfield Thoroughfare Plan roadway classification map (page 4-20, figure 4-7) identifies both 161st Street and Springmill Road as “Secondary Arterials,” and recommends a minimum dedication of a sixty (60) foot half right-of-way. Rights-of-way

for the portions of these roads abutting the existing integrated center have already been dedicated in accordance with the Thoroughfare Plan. Right-of-way along Springmill Road abutting the 1.79 acre parcel has not been dedicated, and should be required as a condition of any change in zoning.

The current Westfield Thoroughfare Plan identifies both 161st Street and Springmill Road as providing bicycle and pedestrian accommodation within the public right-of-way. An eight-foot wide asphalt path has been provided within the rights-of-way of both 161st Street and Springmill Road abutting the portion of the subject site currently improved with an integrated commercial center. The extension of the eight-foot wide asphalt path along the portion of the 1.79 acre parcel should be required as a condition of any change in zoning. The subject site, a fifty (50) foot half right-of-way is recommended for a collector street.

Water and Sewer

The Westfield Water Master Plan depicts the subject site as served by an existing water line on the south side of 161st Street. The Westfield Water Master Plan does not identify any proposed future water main expansion within or abutting the subject site.

The Westfield Sewer Master Plan depicts the subject site as served by an existing sewer line at the southwest corner of the intersection of 161st Street and Springmill Road. The Westfield Sewer Master Plan does not identify any proposed future sewer main expansions within or abutting the subject site.

Annexation

The subject site is within the corporate limits.

TECHNICAL REVIEW

This petition will undergo preliminary review by the Technical Advisory Committee at the August 1, 2007 TAC meeting. Comments received from agencies in attendance will be provided as a component of any future report.

RECOMMENDATION

Forward this petition to the Advisory Plan Commission for public hearing at the July 23, 2007 hearing.

DATE: June 29, 2007

PETITION TO CHANGE ZONING

Plan Commission Docket No.: _____

Name of Applicant: Commercial Development Properties, LLC
Address: 5332 North Temple Avenue, Indianapolis, IN 46220
Phone No.: (317) 396-1600

Name of Representative: Robert J. Barker
Address: 5332 North Temple Avenue, Indianapolis, IN 46220
Phone No.: (317) 396-1600

Name of Property Owner*: P1: Commercial Development Properties, LLC; P2: CDP Capital, LLC; P3: Kroger Limited Partnership I; P4: CrossRoads Church of Westfield, Inc.
Premises Affected: NEC 161st Street and Spring Mill Road

Metes and Bounds Description: See Exhibit A attached hereto and incorporated herein

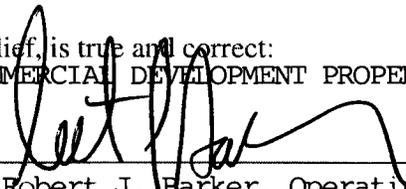
Plot Size: P1: 6.792 ac.; P2: 0.654 ac.; Fronting On: Approx. 1118' - 161st Street
P3: 5.967 ac.; P4: 1.79 ac. Approx. 611' - Spring Mill Road

Nature and Size of Improvement Now Existing on Plot: P1: 40,000 sf retail/office; P2: bank;
P3: 65,250 sf supermarket + refueling center; P4: House and barn

Present Zoning: P1, P2, P3 - SF3
P4 - AG-SF1

Requested Zoning: GB - General Business

The above information, to my knowledge and belief, is true and correct:
COMMERCIAL DEVELOPMENT PROPERTIES, LLC

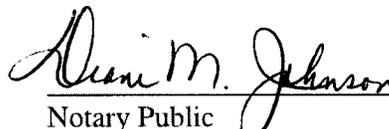
By: 
Robert J. Barker, Operating Manager

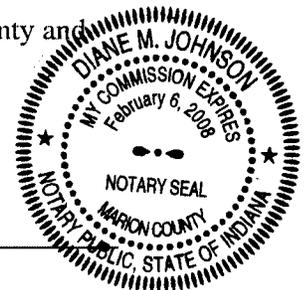
State of Indiana)
Marion) SS:
County of Hamilton)

Subscribed and Sworn to before me, a Notary Public in and for said County and
State, this 20th day of June, 2007.

My Commission Expires:

February 6, 2008


Notary Public
Diane M. Johnson



*If the petitioner is not the property owner, a letter of consent from the property owner must accompany this document

EXHIBIT A

Parcel 1 ("P1")

A part of the Northwest Quarter of Section 11, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter Section; thence North 00 degrees 00 minutes 03 seconds West (assumed bearing) along the West line of said Northwest Quarter Section a distance of 361.88 feet; thence North 89 degrees 59 minutes 57 seconds East a distance of 45.00 feet to the **Point of Beginning**; thence continuing North 89 degrees 59 minutes 57 seconds East a distance of 267.00 feet; thence North 00 degrees 00 minutes 03 seconds West parallel with the West line of said Quarter Section a distance of 249.52 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with the South line of said Quarter Section a distance of 891.22 feet; thence South 00 degrees 00 minutes 03 seconds East parallel with said West line a distance of 114.51 feet; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 366.75 feet; thence South 00 degrees 45 minutes 23 seconds East a distance of 180.74 feet; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 235.25 feet; thence South 00 degrees 45 minutes 23 seconds East a distance of 262.00 feet to a point 50.00 feet North of said South line; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 107.06 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 218.00 feet; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 130.69 feet; thence South 00 degrees 45 minutes 23 seconds East a distance of 218.00 feet; thence South 89 degrees 14 minutes 37 seconds West a distance of 202.00 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 267.17 feet; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 118.81 feet; thence North 00 degrees 00 minutes 03 seconds West parallel with said West line a distance of 44.09 feet to the **Point of Beginning**. Containing 6.792 acres, more or less.

Parcel 2 ("P2")

A part of the Northwest Quarter of Section 11, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter Section; thence North 89 degrees 14 minutes 37 seconds East (assumed bearing) along the South line of said Northwest Quarter Section a distance of 500.68 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 50.00 feet to the **Point of Beginning**; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 130.69 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 218.00 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with said South line a distance of 130.69 feet; thence South 00 degrees 45 minutes 23 seconds East a distance of 218.00 feet to the **Point of Beginning**. Containing 0.654 acres, more or less.

Parcel 3 ("P3")

A part of the Northwest Quarter of Section 11, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

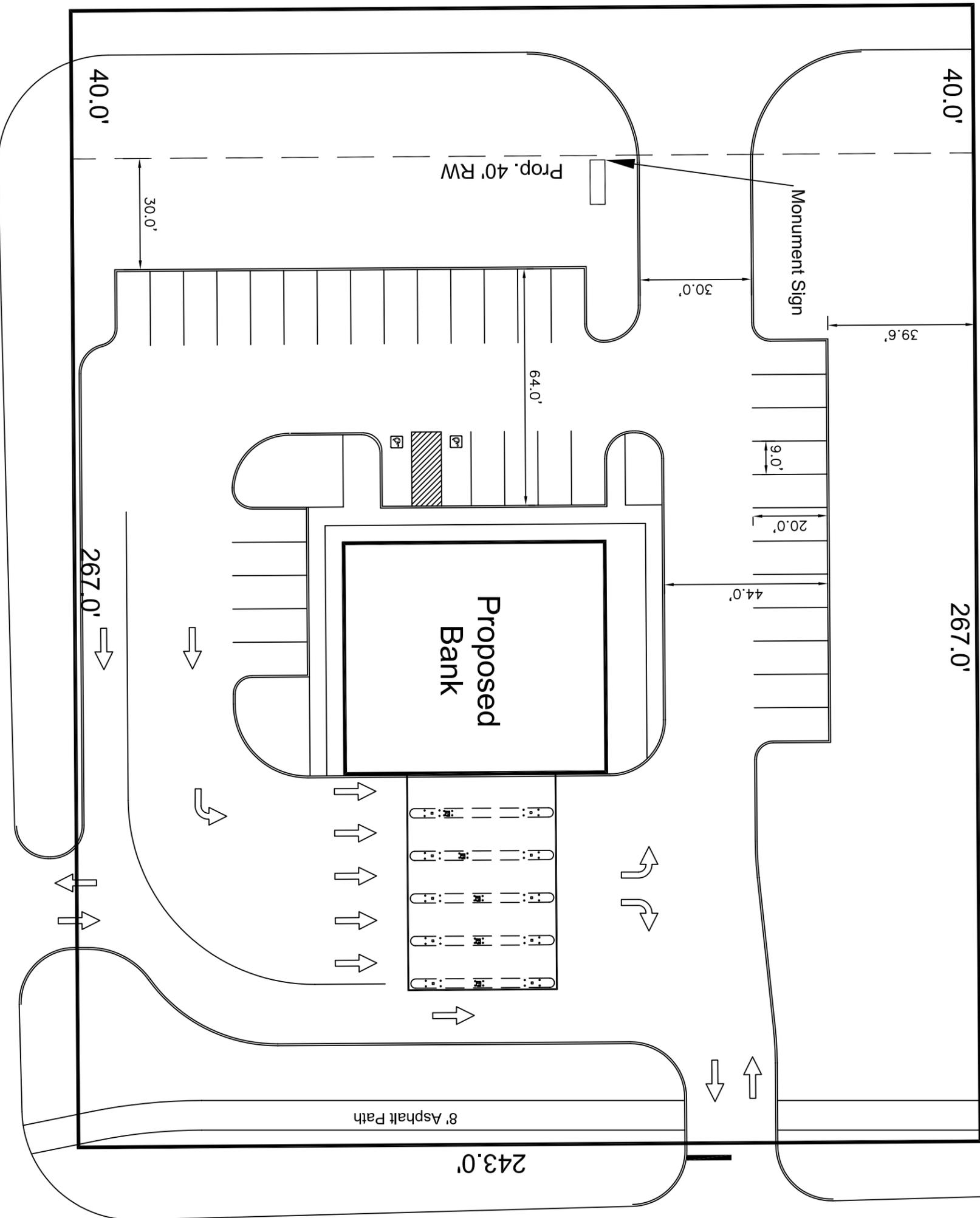
Commencing at the Southwest corner of said Northwest Quarter Section; thence North 00 degrees 00 minutes 03 seconds West (assumed bearing) along the West line of said Northwest Quarter Section a distance of 317.19 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with the South line of said Northwest Quarter Section a distance of 45.00 feet to the **Point of Beginning**; thence continuing North 89 degrees 14 minutes 37 seconds East parallel with said South line a distance of 118.81 feet; thence South 00 degrees 45 minutes 23 seconds East a distance of 267.17 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with said South line a distance of 439.75 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 262.00 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with said South line a distance of 235.25 feet; thence North 00 degrees 45 minutes 23 seconds West a distance of 180.74 feet; thence North 89 degrees 14 minutes 37 seconds East parallel with said South line a distance of 366.75 feet; thence South 00 degrees 00 minutes 03 seconds East parallel with the West line of said Northwest Quarter Section a distance of 447.77 feet to a point 45.00 feet North of said South line; thence South 89 degrees 14 minutes 37 seconds West parallel with said South line a distance of 1118.24 feet; thence North 45 degrees 45 minutes 23 seconds West a distance of 55.83 feet; thence North 00 degrees 00 minutes 03 seconds West parallel with said West line a distance of 232.71 feet to the **Point of Beginning**. Containing 5.967 acres, more or less.

Parcel 4 (P4")

Part of the Northwest Quarter Section 11, Township 18 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

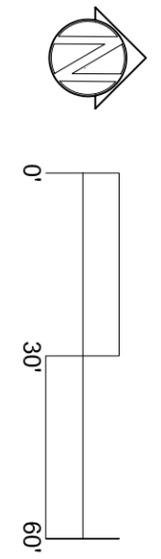
Commencing at the Southwest corner of the above-mentioned Quarter, North 00 degrees 00 minutes East (assumed bearing) along the West line of said Quarter section 361.38 feet to the place of beginning of this description, thence continuing along said line 249.52 feet to a point; thence North 90 degrees 00 minutes East 312.00 feet to a point; thence South 00 degrees 00 minutes East 249.52 feet to a point; thence South 90 degrees 00 minutes West 312.00 feet to a point which is the beginning point of this description.

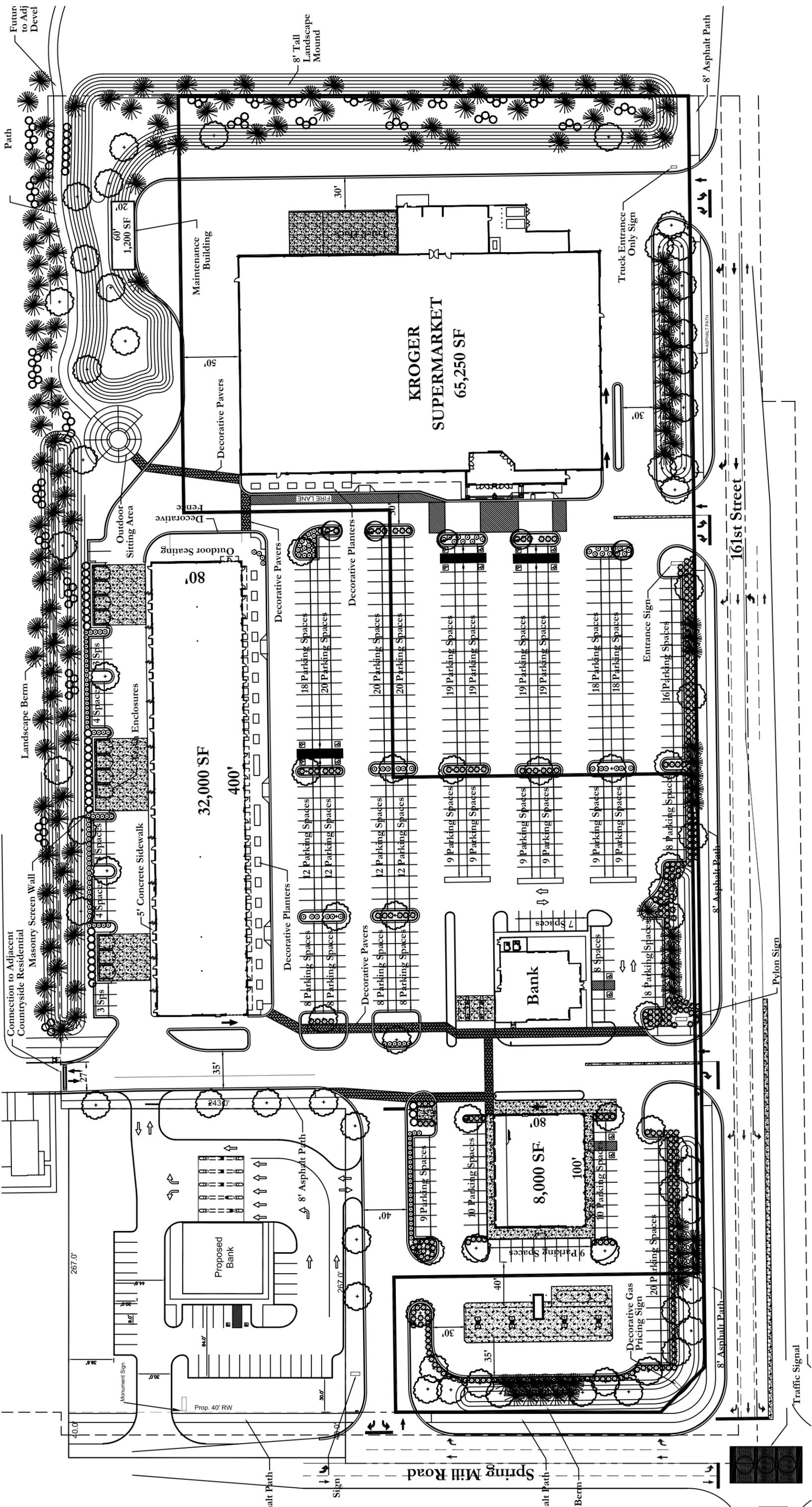
Springmill Road



PROJECT SUMMARY

Gross Area = 1.72 Acres
Net Area = 1.49 Acres
37 Parking Spaces
Building = 4400 SF





Future to Adj Devel Path

Connection to Adjacent Countryside Residential Masonry Screen Wall

3 Sps

4 Spacing

4 Spacing

3 Spacing

4 Spacing

4 Spacing

4 Spacing

4 Spacing

8' Tall Landscape Mound

60' 1,200 SF

Maintenance Building

Decorative Pavers

8' Asphalt Path

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Fiscal Impact Summary

Est. Real Estate Taxes	\$ 8,300.00	(Based on Banks @ WM)
Est. COIT	\$ 2,750.00	(Based on Banks @ WM)
Food/Beverage Tax	<u>N/A</u>	(Assume non-food use)
Annual Recurring Fiscal Impact	\$ 11,050.00	

One-Time Payments@currant rates:

Est. Road Impact Fees	\$ 65,000.00	(Based on Banks @ WM)
Est. Water/Sewer Fees	<u>\$ 11,460.00</u>	(Based on Banks @ WM)
Municipal Fees Generated	\$ 76,460.00	

Note 1: Property is presently owned by a not-for-profit entity and hence 100% of these dollars are incremental. Impact on Police and Fire services would be minimal and there would be no impact on the school system.

Note 2: All of the figures reflected above are based on actual "outlot" facilities at Westfield Marketplace and rates presently in effect.