

**WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION**

**Petition Number** 0608-DP-18  
**Approximate Address** 302 East Main Street  
**Petitioner** Pearson Investment  
**Request** Development Plan and Site Plan review  
**Current Zoning** LB-H  
**Approximate Acreage** 0.75

**Associated Petitions**

0608-SIT-12	Periwinkle Plaza SIT
0603-VS-010	Reduced minimum site acreage
0603-VS-011	Reduced front yard setback
0603-VS-012	Reduced side yard setback
0603-VS-013	Commercial use of yards
0603-VS-014	Trash enclosure in rear yard
0603-VS-017	No loading berth required
0603-VS-018	Reduced access drive width
0603-VS-019	Eliminate wheel stops (denied)
0603-VS-020	Reduced required on-site parking
0603-VS-021	Reduced size of sidewalks
0603-VS-022	Permit outdoor storage
0603-VS-023	Reduced buffer yard width
0603-VS-024	Reduced buffer yard width
0603-VS-025	Increased allowable signage (denied)
0603-VS-027	Permitted outdoor eatery
0603-VS-028	Reduced buffer yard plantings
0603-VS-029	Reduced perimeter plantings
0603-VS-030	Reduction of lot island plantings
0603-VU-003	Permitted mixed uses (residential)

**Exhibits**

- 1) WCD Staff Report, 07/23/07
- 2) WCD Finding of Fact, 07/23/07
- 3) E-mail, Westfield Public Works, 07/09/07
- 4) E-mail, Hamilton County Surveyor's office, 07/09/07
- 5) Petitioner's Exhibits, 07/09/07

**PROCEDURE**

- o Development Plan Review requires a Public Hearing.
- o Approval of a Development Plan Review must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district or applicable PUD, any Variances associated with the site, and any Commitments associated with the site.
- o The Advisory Plan Commission may approve, conditionally approve, continue, or

deny the requested approval. Any conditions must be determined through agreement of the APC and the petitioner. Any continuance should also be determined through agreement of the APC and the petitioner.

- Any denial must be justified in writing on the accompanying Finding of Fact sheet.
- No subdivision primary plat accompanies this request - the property in question is not seeking subdivision approval.

### **PETITION HISTORY - JULY 23, 2007:**

After multiple continuance requests on the part of the petitioner and staff, this petition appeared before the Advisory Plan Commission on February 26, 2007 to seek a waiver of Article VIII (8) of the Rules of Procedure. The APC granted the waiver of the rule and allowed this petition to remain on the agenda beyond the six-month time limit established by the Rules of Procedure, with the conditions that the petition appear before the APC in July of 2007, with new legal notice mailed to affected property owners.

The July 23, 2007 appearance of this petition before the Advisory Plan Commission represents the first appearance for this petition.

### **ANALYSIS**

This development plan review would provide for the development of an eight thousand, six hundred and eighty-three (8,683) square-foot multi-tenant structure. The subject site is comprised of two parcels, and consists of approximately three-fourths (0.75) of an acre.

The subject site is located in the LB-H (Local Business - Historic) Zoning District. Properties abutting the subject site to the south, east, and west are also located in the LB-H District. The property abutting the subject site to the north is located in the SF-4 District. Property abutting the subject site to the north is improved with single-story apartment dwellings. Properties abutting the subject site to the south are improved with single-family dwellings that have converted to commercial uses. The property abutting the subject site to the east is improved with a single-family dwelling and accessory structures. The property abutting the subject site to the west is improved with a vacant commercial structure.

The subject site abuts the public right-of-way of State Road 32 to the south, Cherry Street to the west, an improved public alley to the east, and right-of-way for an unimproved public alley to the north. Access to the subject site is currently provided via a pair of vehicle access points from the east side of the Cherry Street right-of-way and from the west side of the existing improved alley. No direct vehicle access is currently provided to State Road 32.

## **DEVELOPMENT PLAN REVIEW**

### **Development Requirements – General**

This development plan complies with the applicable LB-H zoning standards, or with the standards established by the applicable variances. No waiver requests are associated with this petition. The property in question is not located within any overlay zone. This portion of the subject site is not being subdivided, so the terms of the Subdivision Control Ordinance are not applicable.

The Westfield-Washington 2007 Comprehensive Plan identifies the subject site as located within the “Downtown” area. The Comprehensive Plan recommends mixed-use development, and makes general recommendations as to acceptable land uses and development patterns. These general recommendations call for adequate parking areas, and recommend structures be located closer to streets in an “urban” form (pgs 74 & 75). The 2007 Comprehensive Plan acknowledges that it contains general recommendations, and states that further detailed study of the Downtown area should occur.

The recommended detailed study of Downtown Westfield was conducted in early 2007 and completed in June of 2007. The resulting Master Plan for Downtown Westfield proposed three distinct land use maps. Two of the proposed land use maps identify the subject site as located in an area recommended for “Urban Multi-Use.” One of the land use maps identifies the subject site as located in a “Park/Greenspace” area. While the recommendation of the third map would not be consistent with the proposed use, the proposed use is permitted by right by the underlying zoning district and the by variances applicable to the subject site.

The proposed street access points have been designed and located so as to minimize safety hazards and congestion, and the capacity of adjacent streets is sufficient to safely and efficiently accept traffic generated by the new development. The applicable utilities have sufficient capacity to provide a satisfactory level of service to meet the needs of the proposed development, and the entrances, streets and internal traffic circulation facilities are compatible with existing and planned streets and adjacent development.

### **Development Requirements for Each District**

#### ***Site Access and Circulation***

The petitioner’s plans would provide for safe and efficient movement of vehicles into and within the site (WC 16.04.165, D4a). No direct access is proposed to State Road 32. Submitted plans depict a single access point from the east side of the Cherry Street right-of-way, as opposed to the two access points currently existing. Submitted plans also depict a single point of access from the north-south alley abutting the east property line of the subject site, as opposed to the continuous open access currently available. Submitted plans further depict improvements within the Cherry Street right-of-way in the form of a re-enforced, street-level concrete sidewalk, which would provide additional room for the maneuvering of emergency vehicles.

A concrete walk currently exists within the right-of-way of State Road 32. Submitted plans indicate the existing walk would remain, and that ADA-accessible curb connection would be required at the intersection of the walk and the pavement of both Cherry Street and the north-south alley at the east property line. The submitted plans also depict the addition of a concrete walk within the Cherry Street right-of-way. No sidewalk currently exists within the Cherry Street right-of-way.

The proposed site access and circulation was reviewed at the June 27, 2007 TAC meeting. The submitted plans reflect compliance with the comments issued by the attending agencies. Correspondence from the commenting agencies reflecting approval is attached (Exhibits 3 & 4).

***Landscaping***

Several variances of the development standards of the Landscaping Ordinance were granted for the subject site. The submitted landscaping plans depict compliance with the variances granted the subject site.

***Road Frontage***

The subject site abuts the public rights-of-way of State Road 32 to the south and Cherry Street to the west. The submitted landscaping plan depicts compliant Road Frontage plantings, as depicted in the table below.

<b><u>Road Frontage</u></b>	<b><u>Linear frontage</u></b>	<b><u>Req'd</u></b>	<b><u>Shown</u></b>	<b><u>+/-</u></b>
Cherry Street	+/- 160'	4	4	-
State Road 32	+/- 160'	4	4	-

***Buffer Yards***

The subject site was granted variances from the buffer yard setback requirements and the buffer yard planting requirements of the Landscape Ordinance. The subject site received relief from the buffer yard tree requirements at the north and east property lines, and received relief from the buffer yard shrub requirements at the east property line. The submitted landscaping plan depicts compliant buffer yard shrub plantings at the north property line.

Properties abutting the subject site to the south and west are located within the same zoning district and used commercially, and would not be subject to buffer yard standards.

<b><u>Buffer Yard</u></b>	<b><u>Linear frontage</u></b>	<b><u>Req'd</u></b>	<b><u>Shown</u></b>	<b><u>+/-</u></b>
Tree = 1/30'	+/- 160	0 per variance	0	-
Shrubs = 5/30'	+/-160'	27	29	+2

***On-Site Standards***

The subject site did not receive a variance from the on-site requirements of the Landscaping Ordinance. Within a commercial development, plantings located within a

required buffer yard are counted toward on-site totals (as per WC16.06.060 F). The submitted landscaping plan depicts compliant on-site plantings, as depicted in the table below.

<b><u>On-Site Stds</u></b>	<b><u>Acreage</u></b>	<b><u>Req'd</u></b>	<b><u>Shown</u></b>	<b><u>+/-</u></b>
Shade = 10/ac	+/-0.75	8	11	+3
Ornamental / evergreen = 10/ac	+/-0.75	8	11	+3
Shrubs = 25/ac	+/-0.75	19	67	+48

***Parking***

The requested 8,683 square foot structure would result in a requirement of approximately thirty-five (35) parking spaces. The variance granted the subject site permitted the development of the proposed structure with thirty-one (31) parking spaces. The submitted site plan depicts the required number of parking spaces.

The thirty-one (31) parking spaces required would result in an interior parking lot island area of approximately four hundred and sixty-five (465) square feet. The subject site was granted a variance of this standard as well. The submitted site plan depicts approximately three hundred (300) square feet of interior parking lot island area, which would comply with the terms of the variance.

***Lighting***

The filed development plans include a lighting plan that depicts compliant photometric foot-candle outputs, compliant fixtures, and compliant lighting pole heights.

***Signs***

The submitted site plan depicts the approximate location of a proposed monument sign, and elevations submitted with the petition depict renderings of the proposed monument sign. The location of the proposed sign appears to be generally compliant with the terms of the Sign Ordinance, but the submitted site plan does not include specific, scaleable dimensions for the proposed sign or sign location. Specific dimensions of the proposed sign location, as well as dimensions of the sign itself, will be verified when a sign permit is requested.

***Building Orientation***

As per WC 16.04.165, D, 3, e, loading docks or spaces are not permitted to face a public street or an adjoining residential district. Plans submitted by the petitioner do not depict any proposed loading docks or spaces.

No outside storage is permitted. Plans submitted show no outside storage areas.

Roof and ground-mounted mechanical equipment must be completely enclosed. The submitted site plans depict proposed mechanical equipment as located between the north wall of the proposed structure and the parking area, and depict these mechanical units as

located within a full masonry enclosure.

Each facade that is visible from a public street or oriented to an adjoining residential district must be a finished facade. The proposed structure would be required to provide a finished facade on the north, south, and west elevations. Submitted elevations depict all four sides of the proposed structure as finished.

***Building Materials***

As per WC 16.04.165, D, 3, f, finish materials shall be either all brick or comprised of two or more building materials, with the primary material being either brick or E.F.I.S. The submitted elevations depict brick, block and E.F.I.S finish materials supplemented with various textures, architectural elements, and colors on all sides. The submitted elevations depict the proposed structure as constructed predominantly of brick and masonry block, with EIFS and stone accents.

**PLAN DOCUMENTATION**

Pending compliance with any conditions, the petitioner will have provided the required documents.

<b><u>Required Plan</u></b>	<b><u>Original</u></b>	<b><u>Amended</u></b>	<b><u>Status</u></b>
Site Plan	7/19/06	7/3/07	Compliant
Demolition Plan	7/19/06	-	Compliant
Overall Plan	7/19/06	7/3/07	Compliant
Landscape Plan	7/19/06	7/3/07	Compliant
Lighting Plan	7/19/06	7/3/07	Compliant
Building Elevations	7/19/06	7/3/07	Compliant
Access & Circulation	7/19/06	7/3/07	Compliant

**PROCEDURES**

The petitioner has followed all required procedures.

<b><u>Required Procedure</u></b>	<b><u>Original</u></b>	<b><u>Status</u></b>
Pre-Filing Conference	7/10/06	Compliant
Fees	7/19/07	Paid
Legal Description	7/19/06	Compliant
Consent Form	7/19/06	Compliant
Contact Sheet	7/19/06	Compliant
TAC	6/27/07	Compliant
Notice - Sign on site	6/27/07	Compliant
Notice- Newspaper	7/2/07	Compliant
Notice -Mail	6/19/07	Compliant
Submit Revisions	7/3/07	Compliant

**FINDINGS OF FACT**

See attached.

**RECOMMENDED MOTION**

Approve 0608-DP-18 with the following conditions:

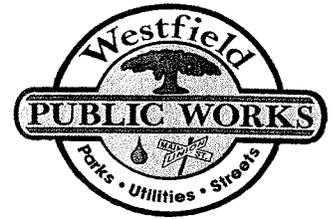
1. That the petitioner complies with any requirements from the Westfield Public Works Department;
2. That the petitioner complies with any requirements from the Hamilton County Surveyor's Office;
3. That these conditions be fulfilled prior to receiving a building permit for the proposed improvements.

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AFS



# WESTFIELD PUBLIC WORKS



DIRECTOR OF PUBLIC WORKS  
BRUCE A. HAUK

July 9, 2007

40<sup>th</sup> Parallel Surveying, LLC  
Attn: Mr. Wyatt Johnson, P.E.  
555 Market Road  
Tipton, IN 46072

TOWN COUNCIL  
ANDREW COOK  
JOHN DIPPEL  
JOHN B. HART  
ROBERT L. HORKAY  
JOSEPH PLANKIS  
ROBERT J. SMITH  
RONALD W. THOMAS

RE: Periwinkle Street Plaza (formerly Cherry Street Plaza) Development Plan Review

CLERK-TREASURER  
CINDY J. GOSSARD

Dear Mr. Wyatt:

The Westfield Public Works Department has reviewed the proposed construction plans for the above project and offers the following comments:

## General

1. I have attached the original plans with our comments. Please provide one (1) set of revised plans showing our comments and revisions **along with our original marked-up set. Please include a legal description of the property.**
2. The review checklist attached shows the deficient areas that need correction. Any item in green is acceptable. Any item in blue is not applicable. Any item in red/orange needs to be addressed.
3. **All details and specifications need to be updated. Please recognize that all infrastructures shall be installed in accordance with the Town of Westfield's Utility and Infrastructure Construction Standards which can be found at <http://www.westfield.in.gov/egov/docs/1111162413893.htm> under Development Construction. Details were included separately as 8.5 x 11 booklet, but specifications and details must be a part of the 24 x 36 construction plans.**
4. Please provide 110% performance bonds for all public infrastructures.
5. Please provide names of the contractors that will construct this project. List individually the contractor and the infrastructure they will be installing along with their foreman and contact information.
6. Please note additional comments may be warranted at a later date.

**Water**

1. Please show all utility profiles on one sheet.

**Storm Sewer**

1. In a previous TAC meeting it was requested to have a double gutter inlet frame with multiple grates or two regular inlets. One inlet will not adequately serve the parking lot.

**Streets**

1. Sidewalks and street crossings will meet the most current and up-to-date INDOT or ADA standards.
2. Please use and include on plans the "Local Street typical pavement section" Town detail for the concrete sidewalk/street combination.

**Erosion Control**

1. Please note that the erosion control plan must be executed before any construction commences.

*These review comments, submitted plans, and TAC meeting do not constitute approval for construction by the Westfield Public Works Department. You will be informed when the proposed construction plans are acceptable. At that time you will submit eight (8) sets of plans to be stamped as being accepted by WPWD. All construction plans must be stamped by this office before construction can commence. After plans have been approved, please call for a Pre Construction meeting.*

I thank you in advance for your cooperation and efforts to move this development along successfully. If you should have any questions or concerns regarding my comments or the above information, please call me at the below listed number.

Sincerely,

Donna Luley  
Plan Review Coordinator  
Development/Construction  
[dluley@westfield.in.gov](mailto:dluley@westfield.in.gov)

Cc: Al Salzman, Westfield Planning Department  
Garry Harling, Westfield Fire Department  
Greg Hoyes, HCSO

## Al Salzman

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**From:** Greg Hoyes [grh@co.hamilton.in.us]  
**Sent:** Monday, July 09, 2007 9:50 AM  
**To:** Al Salzman  
**Subject:** Re: Petitions proceeding to the Westfield APC on July 23, 2007

Al

We have no issues with the one proceeding to PC. We are still working with Maple Village 3, but being that is a subdivision, we are going to have to approve the plans before they start anyway, so that is not big issue. I know we still have some issues on the ones tabled by staff, but they will not be an issue until August anyway. If you have any questions, please let me know.

Greg Hoyes  
HCSO Plan Reviewer

>>> "Al Salzman" <asalzman@westfield.in.gov> 3:43 PM Friday, July 06,  
>>> 2007 >>>  
All-

WCD staff will be preparing reports for the upcoming Plan Commission meeting on July 23, 2007 next week. The items scheduled for consideration are listed on the attached agenda.

Please note that many of these items are already continued by staff due to incomplete information.

Please review the agenda and indicate to myself or Jennifer Miller whether your agency has unresolved concerns with any of the petitions still set for hearing.

If possible, please do so by the close of business on Monday, July 9.

Thanks for your continued assistance.

Al

BTW> Please note: There is a petition shown on this agenda that has not been presented to TAC yet, so your agency will not have seen plans. This petition is 0707-REZ-02, 16201 Springmill Road. This petition will be before TAC on 8-1-07 for comment.

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Al Salzman, AICP  
Senior Planner

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Community Development Department  
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