



PETITION NUMBER:	0811-PUD-03
SUBJECT SITE ADDRESS:	704 East State Road 32
PETITIONER:	FHM Family Limited Partnership
REPRESENTATIVE:	Jon Dobosiewicz, <i>Nelson & Frankenger</i>
REQUEST:	Change in zoning of approximately 1.593 acres from EI to the Oak Ridge Point PUD, and a text amendment to restate the Oak Ridge PUD (Ord. 07-34) to the Oak Ridge Point PUD, affecting the entire 23.893 acres.
CURRENT ZONING:	EI and Oak Ridge PUD
CURRENT LAND USE:	Agricultural and Single-Family Residential
APPROXIMATE ACREAGE:	23.893 (total)
ASSOCIATED PETITIONS:	None
EXHIBITS:	1. Staff Report
	2. Technical Advisory Committee Letters
	3. Petitioner's Exhibits
STAFF REVIEWER:	Kevin Todd

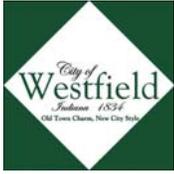
ZONING HISTORY	0710-PUD-04 Oak Ridge PUD, Ord. 07-34
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PETITION HISTORY

This petition was before the Advisory Plan Commission on October 20, 2008 to seek a waiver from the public notice requirement. This petition was before the City Council for introduction at the October 13, 2008 meeting. It was before the Technical Advisory Committee on October 21, 2008. The November 3, 2008 APC Workshop Meeting represents the first appearance of this petition before the APC in a Workshop Meeting.

PROCEDURAL

- o Requests for changes in zoning to PUD Districts are required to undergo public hearing. The public hearing for this petition is scheduled for the November 17, 2008 meeting of the APC.
- o The purpose of the workshop meeting is to allow the APC to direct comments and questions to the petitioner. No action will be taken on this petition at the November 3, 2008 Workshop Meeting.
- o Notification of the November 3, 2008 Workshop Meeting was provided to abutting property owners in accordance with the Rules of Procedure on October 24, 2008.
- o Notice of the November 3, 2008 Workshop Meeting was posted to the City website and at City Hall.



INTRODUCTION

The requested change in zoning would add approximately 1.6 acres of property to the original Oak Ridge PUD (Ord. 07-34, approved December 10, 2007). The additional acreage is located on the north side of the project, and would be added to the ORP Commercial 3 District. The additional acreage would modify the concept plan associated with the original Oak Ridge PUD. The request also amends the text of the Oak Ridge PUD to reflect the additional acreage.

The requested restatement of the PUD Ordinance would also amend the text of the original Oak Ridge PUD to reflect the new name of the project, the Oak Ridge Point PUD. The restatement also changes the term “Town” to “City,” when used. This amendment and restatement affects the entire 23.893-acre project.

The proposed amendment and restatement would make no further modification to the existing standards or requirements of the approved Oak Ridge PUD.

PUD STANDARDS

A planned unit development shall:

- 1. Address the policies included in the Comprehensive Plan specific to the neighborhood in which the PUD is to be located so as to encourage consistency with the community development vision as presented in the Comprehensive Plan.**

See discussion of Public Policies and Indiana Code sections, below.

- 2. Use design to provide compatibility between areas of different land uses and development intensities within the PUD.**

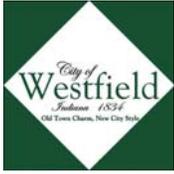
The additional acreage would be developed in a manner consistent with the abutting portion of the PUD.

- 3. Buffer different types of land uses and development intensities outside of the PUD from those within the PUD so as to minimize any adverse impact which new development may have on existing or zoned development.**

The existing, approved buffering standards of the Oak Ridge PUD would apply to the additional acreage.

- 4. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces.**

The approved Oak Ridge PUD includes areas of green space. The proposed amendment



would not impact or reduce those areas.

5. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.

The additional acreage is generally flat and without distinguishing natural features or constraints. The northern portion of the PUD is on the edge of a wellhead protection area. It is near a designated five-year time-of-travel (TOT) zone, meaning that groundwater within this area takes approximately five years to reach the public water supply well. The development of the northern portion of the PUD should consider and follow the City's Wellhead Protection Ordinance (Ord. 05-31).

6. Promote architecture that complements the surroundings.

Architectural requirements would not differ from the approved architectural standards contained in the Oak Ridge PUD.

7. Counteract urban monotony and congestion on streets.

The proposed concept plan amendment shows limited access to and from public rights-of-way. The subject property does not require new curb cuts or improvements to existing public rights-of-way. All access to the subject property is through an internal private drive. It is not anticipated that the traffic created from the additional 1.6 acres will create an increased level of congestion on adjacent public rights-of-way.

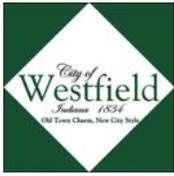
8. The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownerships may be accomplished through the use of enforceable commitments.

Proof of ownership and consent has been provided for the petition file.

9. The concept plan shall indicate the land uses, development standards, and other applicable specifications which shall govern the development of the PUD site in lieu of the regulations for the non-planned unit development district. If the concept plan is silent on a particular land use, development standard, or other applicable specification, then the standards of the non-planned unit development district or the applicable regulations shall apply.

The proposed amended concept plan identifies the location of all proposed uses.

10. The PUD concept plan map shall show the general location of all improvements.



The proposed amended concept plan identifies the general location of all proposed improvements.

11. The PUD must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Zoning Ordinance, other pertinent regulations, and adopted standards and policies, except where modification is specifically authorized through the provisions of this Section of the Ordinance.

Construction of the infrastructure to serve the Oak Ridge Point PUD would be consistent with that of any other new construction and would be required to follow all standards and regulations for such, unless otherwise modified at the request of WPWD.

12. The PUD must include a statement of recreational amenities and how they benefit the PUD residents.

The proposed amendment would not modify the approved statement of recreational amenities included in the approved Oak Ridge PUD.

PUBLIC POLICIES

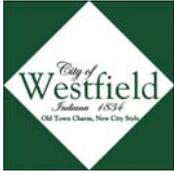
Comprehensive Plan-Feb 2007

The Land Use Concept map included in the Westfield-Washington Township Comprehensive Plan (pg. 23) shows that the site is located within the Employment Corridor along SR 32.

The Plan states that the Employment Corridor is to consist of office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses. The Employment Corridor recommendations (page 52) further anticipate reserving employment corridors for employment-generating uses and related supporting service uses, as well as limiting industrial uses that would be visible to those that would not have negative land use impacts. The Employment Corridors recommendations specifically recommend smaller-scale local office and service uses along State Road 32, and cautions against permitting business uses on the south side of State Road 32 unless it can be demonstrated that no negative impact will be felt by abutting neighborhoods or residential uses.

Thoroughfare Plan-Feb 2007

The Westfield Thoroughfare Plan roadway classification map identifies SR 32 as a “Primary Arterial 1,” and recommends a minimum dedication of a seventy-five (75) foot half right-of-way. The subject site abuts the public right-of-way of SR 32 on both the north and south side. A full one hundred and fifty (150) foot right of way will be reserved.



The adopted Westfield Thoroughfare Plan includes SR 32 in a Pedestrian Corridor as a component of the Bike and Pedestrian Plan section. This policy recommends pedestrian-scale structures and architecture, character, and amenities for the area abutting State Road 32.

The Westfield Thoroughfare Plan roadway classification map identifies Oak Ridge Road as a “Secondary Arterial,” and recommends a minimum dedication of a sixty (60) foot half right-of-way. South of SR 32 the subject site abuts the public right-of-way of Oak Ridge Road on the west side. A sixty (60) foot half right-of-way will be provided. North of SR 32 the subject site abuts the future extension of Oak Ridge Road.

Parks & Recreation Master Plan-Dec 2007

The Westfield Parks & Recreation Master Plan makes no specific recommendation for the subject site.

Water & Sewer System

The Westfield Water Master Plan depicts the subject site as having water service available along the right-of-way of State Road 32. The Westfield Sewer Master Plan depicts the subject site as having sewer service available along the right-of-way of Dartown Road.

Annexation

The portion of the PUD that is south of SR 32 is within the corporate limits. Of the portion of the PUD that is north of SR 32, the northern half is within the corporate limits and the southern half is part of a recent annexation effort by the City and is expected to be fully annexed by the end of 2008.

TECHNICAL REVIEW

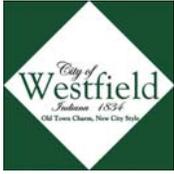
This petition underwent preliminary review by the Technical Advisory Committee at the October 21, 2008 TAC meeting. Agencies represented included the Westfield Fire Department, the Westfield Parks Department, the Westfield Public Works Department, the Hamilton County Surveyor’s Office, the Westfield-Washington School Corporation, Citizen’s Gas, and the Indiana Department of Transportation. As of the date of this report, a comment letter has been received from the Westfield Public Works Department and Hamilton County Surveyor’s Office (Exhibit 2). The other identified agencies have yet to issue comments.

INDIANA CODE

IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Westfield 2007 Comprehensive Plan recognizes the uses provided for in the Oak Ridge



Point PUD, and reflects these uses on the Land Use Concept map (pg. 23). The proposed land uses provided for by the terms of the Oak Ridge Point PUD would be generally consistent with the recommendations of the Plan.

2. Current conditions and the character of current structures and uses.

The subject site is improved with single-family dwellings and various single-family and agricultural outbuildings, and portions of the subject site are used agriculturally. Abutting properties are improved with single-family detached dwellings or are used agriculturally.

3. The most desirable use for which the land is adapted.

The proximity of portions of the subject site to existing major thoroughfares, the influence of other thoroughfare projects, and the major infrastructure improvements anticipated by the Water and Sewer Master Plan have the potential to make the land less-suitable for continued residential and agricultural use. Given these influential factors, the proposal may represent the most desirable use for the subject site.

4. The conservation of property values throughout the jurisdiction.

This proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction.

5. Responsible growth and development.

The site is contiguous to other developments, and the development of the subject site would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on the subject property.

APPLICABLE COMMITMENTS

None have been submitted as of the date of this report.

RECOMMENDATIONS

Forward this petition to the November 17, 2008 Advisory Plan Commission public hearing.

KMT