

PETITION NUMBER:	0903-PUD-03
SUBJECT SITE ADDRESS:	411 South Union Street
PETITIONER:	The J.C. Hart Company, Inc.
REPRESENTATIVE:	Jon Dobosiewicz, <i>Nelson & Frankenger</i>
REQUEST:	A change in zoning from the MF-1 and EI districts to the Union Street Flats PUD District
CURRENT ZONING:	MF-1 and EI
CURRENT LAND USE:	Agricultural and Single-Family Residential
APPROXIMATE ACREAGE:	19
EXHIBITS:	1. Staff Report
	2. Site Location Map
	3. TAC Letters
	4. Neighborhood Meeting Summary
	5. Petitioner's Plans
STAFF REVIEWER:	Kevin M. Todd, AICP

ZONING HISTORY: None

PETITION HISTORY

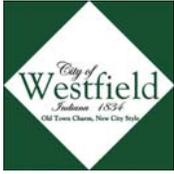
The March 16, 2009 APC meeting represents the first Public Hearing for this petition. This petition appeared before the APC for a Workshop Meeting on March 2, 2009. It was before the Technical Advisory Committee on February 17, 2009.

PROCEDURAL

- o PUD amendments require a Public Hearing.
- o Notification of the March 16, 2009 Public Hearing was provided to abutting property owners in accordance with the Rules of Procedure.
- o Notification of the March 16, 2009 Public Hearing was posted to the City website and at City Hall.
- o The Advisory Plan Commission issues a recommendation to the City Council in regard to proposed PUD amendment.

PROJECT DESCRIPTION

The requested change in zoning of the subject property would allow the development of up to 250 multi-family dwelling units, a clubhouse and swimming pool, and the associated accessory structures. The proposal includes a minimum of 25% open space, an integrated trail and sidewalk system, a constructed portion of the Monon-Midland Loop, and an extension of South Street which will ultimately serve as a frontage road to US 31 and connect to Lantern Commons



to the south. The proposal requires architectural features and materials that enhance the current Westfield standards.

PUD ORDINANCE EVALUATION

The Union Street Flats PUD follows the approach first seen in the Eagletown (formerly “Eagle Station”) PUD. This approach to the structure of the proposed ordinance revises all pertinent aspects of the applicable Zoning Ordinance text, letting the revised text dictate the development of the subject property instead of the provisions of the underlying district. As per the terms of the PUD ordinance, existing districts from the Westfield-Washington Township Zoning Ordinance are still to be adopted as underlying districts as a precaution. However, given the approach to the construction of the proposed ordinance, it is unlikely the terms of the underlying district will need to be consulted in the application of this PUD.

Development Standards

The proposed Union Street Flats PUD would be developed under a single multi-family residential district. The selected underlying zoning district for this project is the MF-2 District. The district would allow multi-family dwellings, a leasing office for property management, park land, temporary buildings, and amenity facilities. The PUD requires a minimum of twenty five percent (25%) open space, where twenty percent (20%) is required in the MF-2 District. The PUD ordinance includes modified bulk and density standards, increased architectural standards, and modified landscaping standards.

The PUD ordinance modifies the parking space size requirements from 10’x20’ to 9’x18’. The reduced space size is inconsistent with a nearby J.C. Hart development, Ashley Place Apartments. A site visit to Ashley Place confirmed that parking spaces are 10’x18’ for that development. The PUD enhances the overall vehicle parking situation by requiring bicycle parking at various locations within the site.

Infrastructure

The terms of the PUD ordinance would require the developer to provide a traffic impact study at the development plan phase of the project. Any necessary road network enhancements would be evaluated and required at that time.

The petition proposes new right-of-way for an extension of South Street. The applicant does not control all of the property necessary to create a complete corridor from Union Street westward, but is showing a new South Street extension on the portion of the property that is within the developer’s control. The gap in the right-of-way for South Street created concern for providing a secondary means of emergency access to the property. At the publishing of this report, the petitioner was in conversation with the affected property owner (Union Friends Church) to establish a temporary or permanent solution for providing an acceptable means of secondary access to the site.

The project includes a portion of the Monon-Midland Loop, as established by the Westfield



Thoroughfare Plan (Figure 4.5). The segment of trail that traverses this property would be constructed with the project.

The petition clearly establishes WPWD as the authority in terms of approval and acceptance of infrastructure.

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.

The Future Land Use Map in the 2007 Comprehensive Plan is a concept map that generally assigns areas of the community to a specific land use classification. The land use categories are not parcel-specific and those places where the “boundary lines” of differing classifications meet are intended to offer flexibility in planning. The Plan identifies the subject area as being on the fringe of the “Downtown” and “Employment Corridor” (p. 23). The Plan does not contemplate residential uses in the Employment Corridor (pp. 52-53). It does recommend high-density residential in the downtown area.

Further, a master plan for Downtown is currently being reviewed by the City as a possible amendment to the Comprehensive Plan. The draft plan, the Grand Junction Master Plan, includes the subject property in its entirety, and it considers high-density multi-family residential for the site.

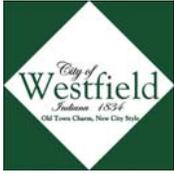
The proposal is generally consistent with the existing recommendations for downtown in the Comp Plan, and it is consistent with the recommendations in the draft Grand Junction Master Plan for Downtown Westfield.

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

The PUD proposal contemplates a single land use district, which primary use is multi-family residential. Secondary uses, accessory uses, and amenity uses would be subordinate to the primary use and would follow the same design standards that would be required for the primary use.

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 subject property abuts single-family residential, institutional, agricultural uses, and wooded



areas. The PUD requires buffering on all but the west perimeter of the property. The western portion of the property is within a floodplain and is separated from the developable portion of the project by a regulated drain and associated easement.

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

The concept plan identifies an area for possible storm water detention and an easement for the Ana Kendall Drain. The drain is protected and maintained by the Hamilton County Surveyor's Office (HCSO). The largest area of existing trees is within the regulated drain easement, and is maintained by the HCSO.

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 concept plan identifies the flood zone and an easement for the Ana Kendall Drain. A letter from the Hamilton County Surveyor's Office (dated February 19, 2009, Exhibit 2) unofficially indicates that a significant portion of the site is within the floodplain, and that variances from the Hamilton County Drainage Board would be necessary to construct within this area.

6. Promote architecture that complements the surroundings.

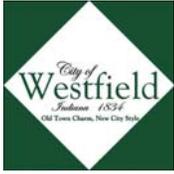
The proposal includes building elevations and architectural standards that are compatible with the surrounding area. The elevations depict two and three-story buildings with varying roof lines, balconies, multiple materials, and other architectural treatments. The neighboring residential structures are largely finished with siding and have varying roof lines and other architectural treatments. The neighboring institutional structures are largely finished with brick and other architectural treatments. The PUD restricts the buildings adjacent to Union Street to a maximum of two-stories in height.

7. Counteract urban monotony and congestion on streets.

The PUD proposes a portion of the South Street extension. If constructed, and linked to Union Street, a portion of the US 31 frontage road will be complete. The frontage road will ultimately connect to Lantern Commons, to the south. The continuation of the existing grid system and the extension of new roads will alleviate congestion and provide a more navigatable street network.

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 Union Street Flats 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 by the PUD or approved by the City.

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

The PUD includes a requirement for a clubhouse with a half-court basketball court, a swimming pool, and an integrated trail and sidewalk system for the project.

PUBLIC POLICIES

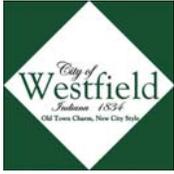
Comprehensive Plan-Feb 2007

See above, "PUD STANDARDS, Item 1" for discussion.

Thoroughfare Plan-Feb 2007

The current Westfield-Washington Township Thoroughfare Plan roadway classification map identifies the impacted segment of Union Street as a "Secondary Arterial (p. 4-20)," and recommends a minimum dedication of a sixty (60) foot half right-of-way (p. 5-3). The Thoroughfare Plan further recommends the provision of an eight (8) foot asphalt path within the right-of-way of Union Street (p. 5-3).

The Thoroughfare Plan identifies the future frontage road as a "Collector (p. 4-20)," and recommends a minimum dedication of a one hundred (100) foot full right-of-way (p. 5-3) . It



further recommends the provision of an eight (8) foot asphalt path within the right-of-way of the new frontage road (p. 5-3).

The Thoroughfare Plan defines the Monon-Midland Trace Loop as following the Anna Kendall Creek Trail (p. 4-14). A segment of that trail traverses the subject property and would be included in the project.

Parks & Recreation Master Plan-Dec 2007

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

Water & Sewer System-Aug 2005

Water and sewer service run within and nearby the subject property. At the time of development plan review, the developer will be required to provide a study of the water and sewer service to and from the site.

Annexation

The subject property is within the corporate boundaries of the City of Westfield.

Well Head Protection-Ord. 05-31

The subject property is not within a wellhead protection area.

INDIANA CODE

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

1. The Comprehensive Plan.

See above, "PUD STANDARDS, Item 1" for discussion.

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

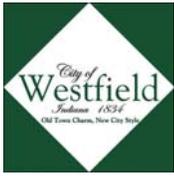
The subject property is currently improved with single-family detached dwellings and agricultural outbuildings. Neighboring properties are a mixture of single family residential, agricultural, wooded areas, and an institutional use (Union Friends Church).

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

The Comprehensive Plan established that multi-family residential is an appropriate use in the downtown area of Westfield. The draft Grand Junction Master Plan for Downtown Westfield further defines that vision and identified the subject area as appropriate for multi-family residential redevelopment. The recent planning efforts of the City have recommended the proposed use for the subject property.

4. The conservation of property values throughout the jurisdiction.

As Downtown Westfield redevelops, this proposed change is expected to have neutral or positive impacts on property values within the vicinity and jurisdiction. The project would provide a



higher density residential project which is important for downtown revitalization efforts.

5. Responsible growth and development.

The site is contiguous to other developments, and the redevelopment 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 or near the subject property.

APPLICABLE COMMITMENTS

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

<u>Required Submittals</u>	<u>Original</u>	<u>Amended</u>	<u>Status</u>
Application	02/03/09	-	Compliant
Fees	02/03/09	-	Compliant
Legal Description	02/03/09	-	Compliant
Consent Form	02/03/09	-	Compliant
PUD Ordinance	02/03/09	03/09/09	<i>Pending</i>
Traffic Impact Study	02/03/09	-	Compliant

<u>Required Procedure</u>	<u>Original</u>	<u>Status</u>
Pre-Filing Conference	01/27/09	Compliant
TAC	02/17/09	Compliant
Neighborhood Meeting	02/26/09	Compliant
Notice - Sign on site	03/06/09	Compliant
Notice- Newspaper	03/06/09	Compliant
Notice -Mail	03/06/09	Compliant

RECOMMENDATIONS

Forward this petition to the Westfield City Council with a positive recommendation with the following condition:

1. That the Development Agreement offered by the developer is submitted prior to Council consideration of the case and is acceptable to the City Council.

KMT