

<b>PETITION NUMBER:</b>	0709-REZ-04
<b>SUBJECT SITE ADDRESS:</b>	16024 Spring Mill Road
<b>PETITIONER:</b>	Douglas Realty Group, LLC
<b>REQUEST:</b>	Change in zoning to the LB District.
<b>CURRENT ZONING:</b>	AG-SF-1
<b>CURRENT LAND USE:</b>	Agricultural
<b>APPROXIMATE ACREAGE:</b>	20
<b>ASSOCIATED PETITIONS:</b>	None.
<b>EXHIBITS:</b>	1. Staff Report
	2. Technical Advisory Committee Letters
	3. Petitioner's Exhibits
<b>STAFF REVIEWER:</b>	Al Salzman

**PETITION HISTORY**

The July 21, 2008 meeting represents the first public hearing of this petition before the Advisory Plan Commission.

This petition was continued multiple times by the petitioner and WCD staff to allow time for the 161<sup>st</sup> Street & Spring Mill Road special study to be completed.

This petition appeared before the Advisory Plan Commission at the July 7, 2008 workshop meeting.

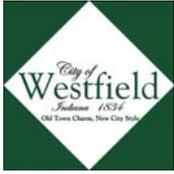
**PROCEDURAL**

- o Legal notice has been provided for the required public hearing for the July 21, 2008 Advisory Plan Commission meeting in accordance with all applicable statutes.
- o Notice of the July 21, 2008 Workshop Meeting was posted to the City web site and at City Hall.
- o Change in zoning petitions are required to have a public hearing.
- o The Advisory Plan Commission issues a recommendation to the Town Council in regard to proposed changes in zoning.

**PUBLIC POLICIES**

Comprehensive Plan-Feb 2007

The Land Use Concept Map of the Amended Westfield-Washington Township 2020 Plan identifies the subject site 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 uses for the subject site.

#### Thoroughfare Plan-Feb 2007

The current Westfield Thoroughfare Plan roadway classification map (page 4-20, figure 4-7) identifies both 161<sup>st</sup> Street and Springmill Road as “Secondary Arterials,” and recommends a minimum dedication of a sixty (60) foot half right-of-way. Dedication of right-of-way in accordance with the recommendations of the Thoroughfare Plan should be required should the requested change in zoning be approved.

The current Westfield Thoroughfare Plan identifies both 161<sup>st</sup> Street and Springmill Road as providing bicycle and pedestrian accommodation within the public right-of-way. Should the requested change in zoning be approved, an eight-foot wide asphalt path should be required within the rights-of-way of both 161<sup>st</sup> Street and Springmill Road.

#### Parks & Recreation Master Plan-Dec 2007

The Westfield Parks and Recreation Master Plan makes no recommendations for the subject site.

#### Water & Sewer System

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

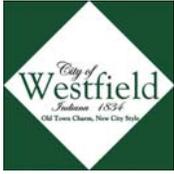
The Westfield Sewer Master Plan depicts the subject site as served by an existing sewer line at the southwest corner of the intersection of 161<sup>st</sup> Street and Spring Mill Road. The Westfield Sewer Master Plan does not identify any proposed future sewer main expansions within or abutting the 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 were minimal, and primarily served to inform the petitioner as to review requirements that would need to be satisfied prior to construction, should the requested change in zoning be approved.



### INDIANA CODE

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

1. The Comprehensive Plan.

The requested change in zoning would be inconsistent with the recommendations of the Comprehensive Plan.

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

The subject property is currently used agriculturally; there are no structures present on the subject site.

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

The subject site is located in an area that has rapidly developed with housing and commercial uses over the past two decades. Continued agricultural use of the subject site is unlikely. The requested change in zoning may represent a more desirable use of the land.

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 subject site is within the corporate limits of Westfield. It is contiguous to other development to the north and south, and further 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 at or adjacent to the subject property.

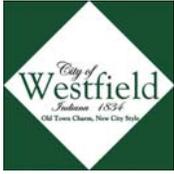
### APPLICABLE COMMITMENTS

The petitioner has submitted commitments that would voluntarily restrict the uses allowed at the subject site, require development consistent with the conceptual site plan, limit the allowable floor area of the proposed retail buildings, require property to be dedicated to the City for civic uses, require consistency with the submitted architectural elevations, require landscaping and pedestrian pathways, require the provision of road improvements, and restrict lighting.

### RECOMMENDATIONS

Forward this petition to the August 11, 2008 City Council meeting with a **negative recommendation**.

Should the Advisory Plan Commission see fit to forward a positive recommendation, staff recommends approval of the requested change in zoning be subject to the petitioner's proposed



commitments, dated July 13, 2007.

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***AFS***