

<b>PETITION NUMBER:</b>	0809-DP-12	
<b>SUBJECT SITE ADDRESS:</b>	17404 Carey Road	
<b>PETITIONER:</b>	Peacock Carey LLC	
<b>REQUEST:</b>	Development Plan Review and Site Plan Review of a proposed new 17,400 square-foot commercial structure.	
<b>CURRENT ZONING:</b>	LB	
<b>CURRENT LAND USE:</b>	Undeveloped Outlot	
<b>APPROXIMATE ACREAGE:</b>	1.62	
<b>ASSOCIATED PETITIONS:</b>	1. Staff Report	
<b>EXHIBITS:</b>	2. Technical Advisory Committee Letters	
	3. Petitioner's Exhibits	
<b>STAFF REVIEWER:</b>	Al Salzman	
<b>ZONING HISTORY</b>	0512-DP-38	Development Plan Review – Carey Shops
	0512-SIT-29	Site Plan – Carey Shops

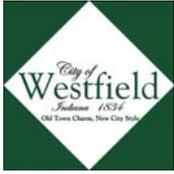
**PETITION HISTORY**

This petition was continued from the September 15, 2008 Advisory Plan Commission hearing to the October 20, 2008 APC hearing to allow the petitioner additional time to submit amended plans. The October 20, 2008 hearing represents the first public hearing for this petition.

This petition appeared before the Advisory Plan Commission for a workshop meeting on September 2, 2008.

**PROCEDURAL**

- Notification of the September 15, 2008 public hearing was provided to abutting property owners in accordance with the Rules of Procedure on September 5, 2008. As this petition was announced as continued at the September 15, 2008 APC meeting, that legal notice remains valid.
- Notice of the September 15, 2008 public hearing was posted to the City web site and at City Hall, and published in newspapers of general circulation in accordance with the Rules of Procedure.
- Development Plan review requires a Public Hearing.
- 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.
- 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.

- A written Finding of Fact accompanies a Development Plan Review application.

**DEVELOPMENT REQUIREMENTS**      **GENERAL**

**1. Zoning District Standards**

The proposed development would comply with the standards of the LB District.

**2. Overlay District Standards**

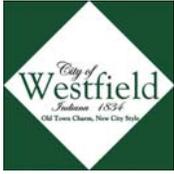
It was noted at the September 2, 2008 workshop meeting that this site is located in a Wellhead Protection overlay.

The provisions of the Wellhead Protection overlay include a mixture of construction standards, use prohibitions, and enforcement and monitoring provisions, which work together to allow the City of Westfield to prevent contaminants from infiltrating into ground water sources. As the proposed use (retail sales of household items) is not prohibited by the Wellhead Protection overlay, the only provisions of the Wellhead Protection overlay that would be applicable are the enforcement and monitoring provisions. These provisions allow the City to investigate the facility to determine if chemicals are being stored on-site in violation of the terms of the overlay, and further allow the City to initiate enforcement measures to compel the removal of chemicals from the site.

Application of these enforcement measures will be ongoing should the proposed facility be constructed, and is not a Development Plan Review consideration.

**3. Subdivision Control Ordinance**

The subject site is not being subdivided, so the terms of the Subdivision Control Ordinance are not applicable.



#### 4. Development Plan Ordinance

The proposal is compliant with all requirements of the Development Plan Review ordinance.

#### 5. Comprehensive Plan Compliance

See Public Policies section below.

#### 6. Street and Highway Access

The staff report submitted for the September 2, 2008 workshop meeting indicated that WPWD and WFD would evaluate whether acceleration and deceleration lanes would need to be provided for the southernmost entrance to the subject site. It was determined by WPWD that it would be necessary for the subject site to be improved with a deceleration lane for southbound traffic. The amended plans, submitted October 14, 2008, reflect this required improvement.

With the provision of the required deceleration lane, WPWD and WFD have indicated that their respective access concerns have been resolved.

#### 7. Street and Highway Capacity

Capacity of the abutting streets was evaluated during the review of the overall integrated center in petition 0512-DP-38, and found to be adequate. No additional development, construction, or improvements have occurred that would have affected the ability of the abutting streets to handle the vehicle traffic associated with this site since 0512-DP-38 was approved.

#### 8. Utility Capacity

The staff report submitted for the September 2, 2008 workshop meeting indicated that WPWD and WFD would evaluate the need for improvements to water service to the subject site. The petitioner was informed that to provide adequate emergency water service to the subject site, improvements to the water main system within the subject site would be necessary. The amended plans, submitted October 14, 2008, depict the required water main improvements.

With the provision of the required water main improvements, WPWD and WFD have indicated that their respective emergency water service concerns have been resolved.

#### 9. Traffic Circulation Compatibility

The staff report submitted for the September 2, 2008 workshop meeting indicated that WCD had identified potential internal traffic circulation issues related to the alignment of the west access drive. The amended plans, submitted October 14, 2008, include a revised street signage and lane striping plan. These amended plans would address the internal traffic circulation issues to the satisfaction of WCD.



**DEVELOPMENT REQUIREMENTS      FOR EACH DISTRICT**

a. Site Access and Circulation

1. WPWD has indicated that the revised submittal would comply with all applicable standards.
2. The additional pedestrian pavement markings requested by WCD are depicted on the amended plans. The amended plans would provide for acceptable pedestrian site access and circulation.
3. Overall site access and circulation safety will be achieved should the proposed development be constructed in accordance with the submitted plans.

b. Landscaping – WC 16.06 et al:

The amended landscaping plans, submitted October 14, 2008, depict compliance with all applicable on-site, road frontage, and buffer yard plantings. Interior parking lot islands and island plantings also depict compliance with all applicable standards, as indicated below.

On-Site Plantings 16.06.050

	<u>Required</u>	<u>Shown</u>	<u>+/-</u>
Shade	17	28	+11
Ornamental/Evergreen	17	8 / 9*	17*
Shrubs	41	78	+37

\*note – substitution provisions allow additional shade trees to count toward on-site ornamental tree requirements.

Road Frontage 16.06.050

<u>Linear feet</u>	<u>Required</u>	<u>Shown</u>	<u>+/-</u>
320'	8	8	-

Buffer Plantings 16.06.060

<u>Type</u>	<u>Req'd</u>	<u>Shown</u>	<u>+/-</u>
Evergreen Tree	8	8	-
Evergreen Shrub	40	41	+1

The amended landscaping plans do not depict a dumpster outside of the proposed structure. No requirement or standard within the Zoning Ordinance mandates the provision of a dumpster at this site. The petitioner has been informed that should the outlot tenant choose to install a dumpster at a later date, review of the required landscape or fence screening by WCD staff would be necessary.

Amended landscaping plans do not depict any ground-mounted HVAC equipment. Amended elevations, submitted October 14, 2008, depict the proposed HVAC



equipment as roof-mounted.

c. Lighting – WC 16.07 et al:

The amended plans include a compliant lighting plan.

d. Signs- WC 16.08 et al:

The overall Carey Shops integrated center has been issued permits for constructed compliant monument signage. Signs indicated in the submitted development plans will be evaluated for compliance when individual sign permits are requested.

e. Building Orientation

1. Amended building elevations label the proposed building materials. The proposed building materials comply with the terms of the Development Plan Review ordinance.
2. The proposed overhead loading door is oriented toward an existing building (Walgreens). The proposed orientation complies with the applicable standard.
3. No outdoor storage or sales areas are proposed.
4. The proposed locations of HVAC units for the facility are indicated on the amended plans, and are proposed to be roof-mounted. The submitted elevations depict the roof-mounted HVAC units as enclosed in screening panels of a material and color consistent with the main structure. The proposed method of screening the roof-mounted HCAV units would be considered acceptable.

f. Building Materials

The submitted building elevations do not label the proposed building materials. Elevations depicting compliant building materials will be submitted prior to this petition appearing before the APC for a public hearing.

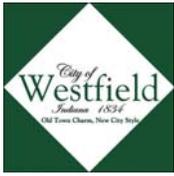
**PUBLIC POLICIES**

Comprehensive Plan-Feb 2007

The Amended Westfield-Washington Township 2020 Plan includes the portion of the subject site in an area identified as “Local Commercial.” Development policies for the Local Commercial area (page 46) recommend locating Local Commercial developments abutting arterial roads, focusing Local Commercial areas in key “nodes” and avoiding strip patterns, encouraging internal connectivity. Examples of appropriate land uses in Local Commercial areas include “Community and local retail,” “office,” “services,” and “institutional uses.” (Page 47). The Carey Shoppes development is listed as an example of Local Commercial land use by the Plan.

Thoroughfare Plan-Feb 2007

The staff report submitted for the September 2, 2008 workshop meeting indicated that WCD had identified a conflict between the right-of-way reserved in accordance with the previous Thoroughfare Plan during the previous Development Plan review and the recommendations of



the current Thoroughfare Plan. Because the reservation of right-of-way by the lots to the north of the subject site is consistent with the dedication of right-of-way to the south of the subject site, there is no need to impose the larger right-of-way reservation requirement of the current Thoroughfare Plan upon the subject site. The submitted plans, depicting the reservation of the proposed forty-five foot (45') half right-of-way, would be consistent with the applicable public policy.

Parks & Recreation Master Plan-Dec 2007

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

Water & Sewer System

Water and sewer service are available at the subject site.

Annexation

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

**FINDINGS OF FACT**

1) The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan:

**Staff finding:** The proposed use complies with the recommendations of the Comprehensive Plan.

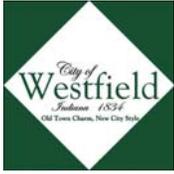
2) The proposed development satisfies the development requirements specified in this ordinance:

**Staff finding:** The submittal is compliant with the applicable development requirements.

Plan Documentation

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

<u>Required Plan</u>	<u>Original</u>	<u>Amended</u>	<u>Status</u>
Site Plan	08/08/08	10/14/08	Compliant
Demolition Plan	08/08/08	10/14/08	Compliant
Location Map	08/08/08	10/14/08	Compliant
Landscape Plan	08/08/08	10/14/08	Compliant
Lighting Plan	None	10/14/08	Compliant
Building Elevations	08/08/08	10/14/08	Compliant
Access & Circulation	08/08/08	10/14/08	Compliant



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<u>Required Procedure</u>	<u>Original</u>	<u>Status</u>
Pre-Filing Conference	07/10/08	Compliant
Fees	08/05/08	Compliant
Legal Description	08/05/08	Compliant
Consent Form	08/05/08	Compliant
Contact Sheet	08/05/08	Compliant
TAC	08/19/08	Compliant
Notice - Sign on site	09/05/08	Compliant
Notice- Newspaper	09/05/08	Compliant
Notice -Mail	09/05/08	Compliant
Submit Revisions	10/14/08	Compliant

**RECOMMENDATIONS**

Approve this petition, subject to the following condition:

1. That all necessary approvals and permits be obtained from the WPWD and the Hamilton County Surveyor's Office prior to the issuance of an ILP for the proposed building.

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***AFS***