



## *Westfield City Council Report*

**Petition Number:** 0906-REZ-01  
**Approximate Address:** 202 Penn Street  
**Petitioner:** The City of Westfield  
**Representative:** Thomas R. Smith  
**Requested Action:** A change in zoning from the SF-4 to the LB-H District  
**Current Zoning Dist:** SF-4  
**Requested Zoning Dist:** LB-H  
**Approximate Acreage:** 0.27  
**Filing Date:** April 30, 2009  
**Referral Date to APC:** May 11, 2009  
**APC Public Hearing:** June 1, 2009 (Workshop)  
June 22, 2009 (Public Hearing)  
**APC Determination:** June 22, 2009  
**Associated Cases:** NA  
**Associated Ordinances:** NA  
**First Reading:** July 13, 2009  
**Council Public Hearing:** Not Required by the City Council  
**Second Reading:** July 27, 2009, if applicable (favorable from APC)  
**Eligible for Adoption:** July 13, 2009 or July 27, 2009, if applicable  
**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner's Exhibits

**Staff Planner Assigned:** Kevin M. Todd, AICP

### **PETITION HISTORY**

The petition for change in zoning was filed by the Petitioner/Representative on April 30, 2009. The petition appeared before the Technical Advisory Committee (the "TAC") on May 19, 2009. The petition appeared before the Advisory Plan Commission (the "APC") Workshop on June 1, 2009 and the Grand Junction Task Group on June 5, 2009. The petition received a public hearing at a Special Meeting of the APC on June 22, 2009.

### **PROCEDURAL**

- Requests for changes in zoning and amendments to an existing PUD District are required to undergo a public hearing by State Code and City Ordinance.
- Notification of the June 1, 2009 APC Workshop Meeting and the June 22, 2009 public hearing was provided in accordance with the APC Rules of Procedure.

- On June 22, 2009, the APC issued a positive recommendation (5-1) to the City Council in regard to the proposed changes in zoning in accordance with Ind. Code 36-7-4-602.
- Because the recommendation from the APC was favorable, the City Council may take action on this item after the first reading.

### **INTRODUCTION/ SUMMARY**

The request is to change the zoning on the subject property (the “Property”) from the SF-4 District to the LB-H District, in order to allow for a health clinic (the “Project”). The Project would utilize the existing structure, access points, and parking on the Property.

### **PUBLIC POLICIES**

#### Comprehensive Plan-Feb 2007, as amended

The Property is within the downtown area of Westfield. The Grand Junction Addendum to the Comprehensive Plan calls for “a mix of specialty retail, dining, office, residential, institutional, cultural, and recreational uses” in Downtown Westfield (p. 5). The Project would provide a unique institutional use to the Downtown Westfield area.

#### Thoroughfare Plan-Feb 2007, as amended

The Westfield-Washington Township Thoroughfare Plan (the “Thoroughfare Plan”) classifies Penn Street and Walnut Street as a “Local Roadway” (p. 4-11 and 4-20). The Thoroughfare Plan references the City’s Construction Standards for rights-of-way widths and other design specifications for Local Roadways (p. 5-4). The current rights-of-way for Penn Street and Walnut Street are sufficient for the Project.

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

The Westfield Parks & Recreation Master Plan focuses on the build-out and development of the community’s existing parks and trail systems. The Property is not within or adjacent to an existing park or trail.

#### Water & Sewer System-Aug 2005

Water and sewer services run nearby the Property and would provide acceptable levels of service to the Project.

#### Annexation

The Property is within the corporate boundaries of the City of Westfield.

#### Well Head Protection-Ord. 05-31

The 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.

The Property is within the downtown area of Westfield. The Grand Junction Addendum to the Comprehensive Plan calls for “a mix of specialty retail, dining, office, residential,

institutional, cultural, and recreational uses” in Downtown Westfield (p. 5). The Project would provide a unique institutional use to the Downtown Westfield area.

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

The Property is currently improved with a structure that has been previously used as a single-family detached dwelling (the “Structure”) and a public parking lot. The Structure is currently vacant. The character and style of the Structure blends with the immediate surroundings.

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

The Grand Junction Addendum to the Comprehensive Plan established that a mix of specialty uses is appropriate and desirable for Downtown Westfield. The Project would provide a unique institutional use to the Downtown Westfield area.

4. The conservation of property values throughout the jurisdiction.

As Downtown Westfield is revitalized, 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 Property is contiguous to existing developments, and the redevelopment of the Property would be consistent with the principles of contiguous growth and revitalization. City services such as water, sewer, and emergency services already exist on or near the Property.

**RECOMMENDATIONS / ACTIONS**

- Community Development Department [June 22, 2009]  
The Westfield Community Development Staff under their final report to the Westfield-Washington Advisory Plan Commission made a positive recommendation for this petition in accordance with the attached documentation.
- Advisory Plan Commission [June 22, 2009]  
The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation (Vote of: 5-1) regarding this petition in accordance with the attached documentation.
- City Council
  - First Reading: [July 13, 2009]
  - Public Hearing: [N/R]
  - Second Reading: [July 27, 2009, if applicable]
  - Eligible for Adoption: [July 13, 2009 or July 27, 2009, if applicable]

Hereby submitted this 2<sup>nd</sup> day of July, 2009.

**Robert Smith, APC President**  
**Cindy Spoljaric, APC Vice-President**  
**Kevin M. Todd, AICP, Senior Planner**

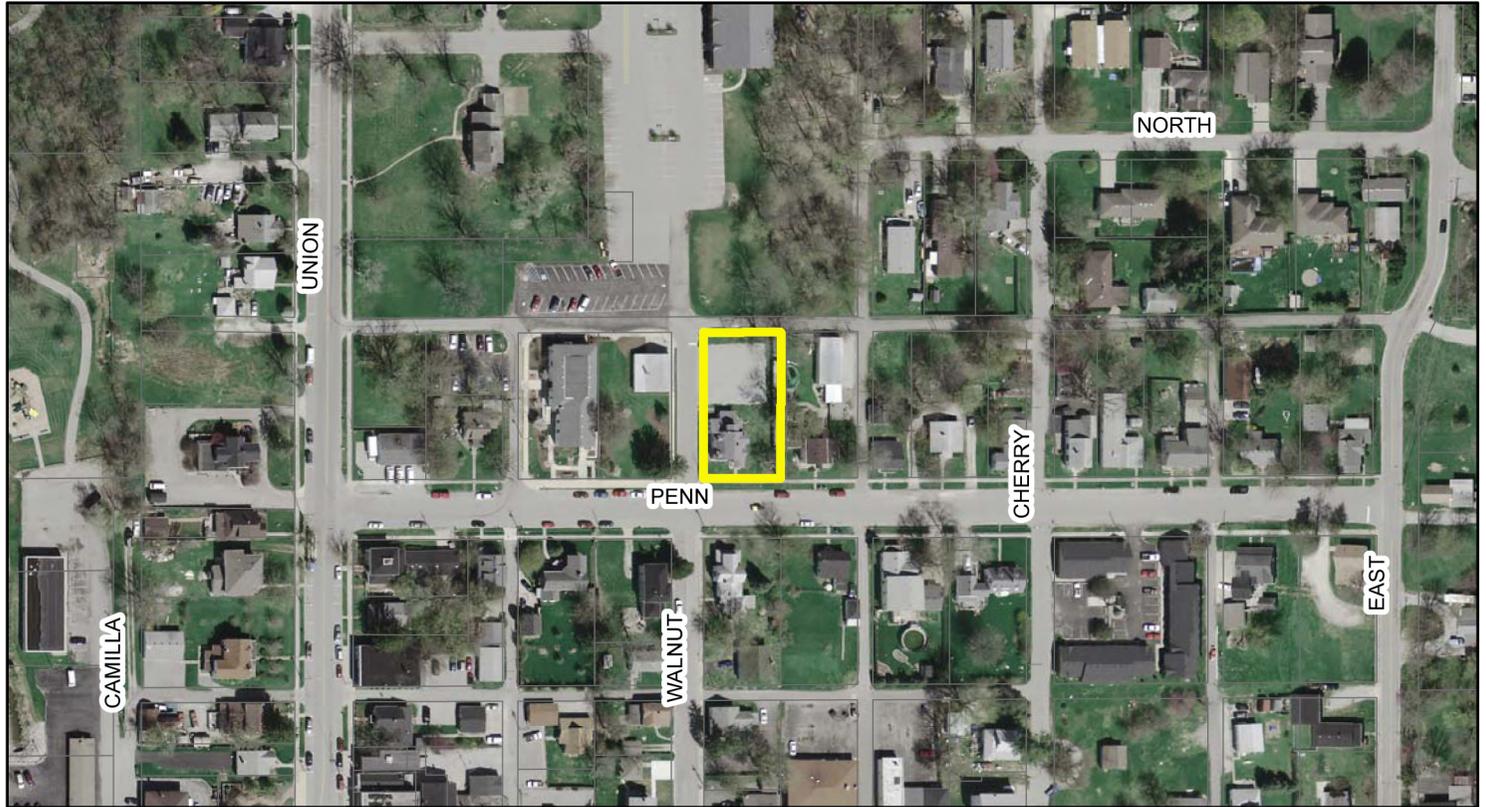


0906-REZ-01  
 09-06-31-03-03-035.000  
 202 Penn Street  
 Exhibit 2

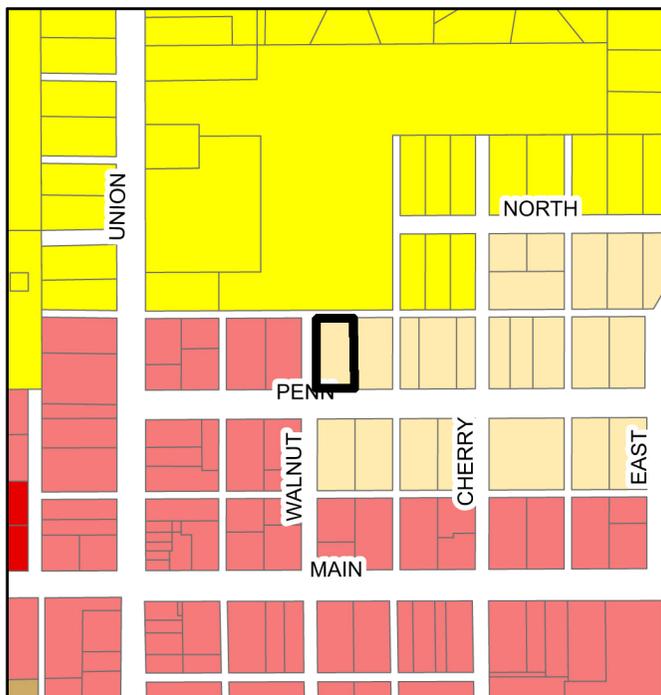


**Aerial Location Map**

Site

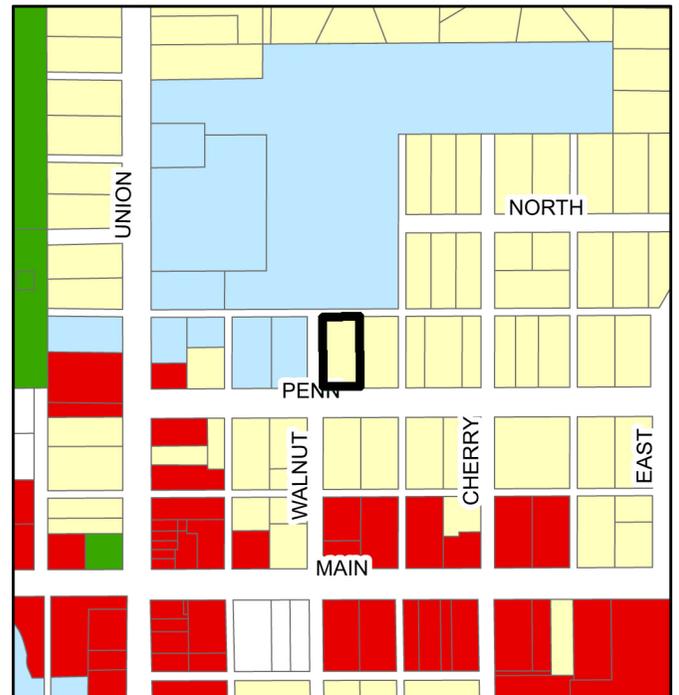


**Zoning Map**



Single Family 3	General Business
Single Family 4	Local Business Historic

**Existing Land Use Map**



Commercial	Residential
Institutional	Vacant
Recreational	

# *Heart and Soul Clinic*



Heart and Soul Clinic  
P.O. Box 478  
Westfield, IN 46074

April 30, 2009

We are all aware of the increasing number of lower income and uninsured and under-insured individuals in Hamilton County, Indiana. A group of medical professionals and other interested individuals are collaborating with the city of Westfield and other community leaders to provide community health and education services to those in need with a free health clinic in Westfield, Indiana. We will provide physical, emotional, and spiritual care for each of our patients and their families to which it serves. We will be providing free health care for uninsured and underinsured persons in Hamilton County, care they might not seek otherwise. We will also provide health screenings and education to help prevent some serious health problems not otherwise detected.

Our initial objectives are:

1. Conduct a free clinic one Saturday per month, offering acute care as well as counseling services.
2. Conduct one free wellness workshop per month including screening tests such as blood pressures and blood sugars.
3. Provide counseling services with an on-site professional counselor.

We would appreciate your support in this very worth-while endeavor.

Thank you,

Sandy Kirsch, President  
[Sandy.kirsch@comcast.net](mailto:Sandy.kirsch@comcast.net)  
317-374-5804  
Heart and Soul Clinic, Inc.  
202 Penn St.  
Westfield, In. 46074

EXHIBIT A

Legal Description of Real Estate

LOT NUMBER FIFTY-FIVE (55) IN THE ASA BALES FIRST ADDITION TO THE ORIGINAL PLAT OF WESTFIELD, AS PER PLAT THEREOF RECORDED IN DEED RECORDS, PAGE 1, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY. EXCEPT SIX (6) FEET OFF THE ENTIRE EAST SIDE THEREOF.

# Heart and Soul Clinic 202 Penn Street



PENN STREET



Image not to scale

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION  
CERTIFICATION**

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The Westfield-Washington Advisory Plan Commission met on Monday, June 22, 2009, to consider a requested change in zoning of approximately 0.27 acre from the SF-4 District to the LB-H District. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed rezone is as follows:

0906-REZ-06, 202 Penn Street, The City of Westfield requests a  
change in zoning from the SF-4 District to the LB-H District  
on approximately 0.27 acre.

A motion was made and passed to send a positive recommendation to the City Council to approve 0906-REZ-06.

I, Matthew S. Skelton, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on June 22, 2009.

  
\_\_\_\_\_  
Matthew S. Skelton, Secretary

June 23, 2009  
Date

1 Case No. 0906-REZ-01  
2 Petitioner City of Westfield  
3 Description 202 Penn Street; The City of Westfield requests a change in zoning from  
4 the SF-4 District to the LB-H District on approximately 0.27 acre.  
5

6 Todd reviewed the staff report and the zoning change request and stated there was  
7 previous discussion about limitation of land uses at the Workshop meeting.  
8

9 Discussion followed regarding the allowable uses in LB-H.

10  
11 A Public Hearing opened at 7:11 p.m.  
12

13 Todd presented a letter from Mr. Kenneth McCarty expressing concerns about the use of  
14 a clinic across the street from his home. Spoljaric read the letter out loud.  
15

16 Mr. Tom Smith spoke in favor of the project.  
17

18 The Public Hearing closed at 7:14 p.m.  
19

20 Degan spoke in support of the clinic.  
21

22 Smith stated he has no problem with the rezone at this time.  
23

24 Emigh encouraged the Commission to vote in favor of this petition.  
25

26 Spoljaric expressed concern if the City sells the property, the rezone would be perpetual  
27 and believes there should be a timing or sunset clause added.  
28

29 Motion: To send 0906-REZ-01 to the City Council with a positive recommendation.  
30

31 Motion by: Emigh; Second by: Smith; Vote: 5-1 (Spoljaric)  
32  
33