



WESTFIELD-WASHINGTON  
ADVISORY PLAN COMMITTEE MEETING

November 27, 2012  
1210-DP-12 / 1210-SIT-08 / 1210-SPP-06  
Waiver Request, Exhibit 1

**Petition Number:** 1210-DP-10 / 1210-SIT-08 / 1210-SPP-06

**Subject Site Address:** 19653 Six Points Road

**Petitioner:** Sundown Commercial Group

**Representative:** Scott Senefeld

**Request:** Sundown Gardens, Inc. requests a waiver to the installation of the multi-use pathway along Six Points Road. The petitioner commits to installing the pathway under the following conditions:

1. At the time a development plan review petition is filed to the Economic and Community Development Department for property adjacent to the subject site and with road frontage along Six Points Road; or
2. At the prompting of the Director of Economic and Community Development Department, which will likely occur when such pathway will extend and connect to an adjacent pathway.

**Current Zoning:** Open Industrial

**Current Land Use:** Vacant

**Approximate Acreage:** 10 acres

**Staff Reviewer:** Andrew P. Murray

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**The Plan Commission may approve a waiver of Development Requirements only upon finding that:**

1. The proposed development represents an innovative use of site design/site access design/site circulation design/ building orientation/building materials/landscaping which will enhance the use or value of area properties.

**PETITIONER'S RESPONSE:** Absolutely. The development of a Landscape Business on this site where zoning would permit a much more seemingly noncongruent use of the property, is a cohesive use with the rural agricultural setting of the community.



2. The proposed development will not be injurious to the public health, safety, morals or general welfare of Westfield-Washington Township.

**PETITIONER'S RESPONSE: Delayed construction of the Bike Path will not be injurious to the public health, safety, and morals as there currently exists no means for the public to access a bike path on this site. Neighboring properties to the North and South do not have such a path by which the public might traverse to and through this site.**

3. The strict application of the Development Requirements of the Westfield-Washington Township Zoning Ordinance will result in a development of the real estate which is undesirable when compared with the proposed development.

**PETITIONER'S RESPONSE: Strict application of the required development of this path prior to any adjacent properties having developed a similar path would result in an undesirable condition as the path would in essence be un-accessible or unusable. Development of the path on this site prior to any adjacent sites development would create an urban look in a rural setting.**

4. The proposed development is consistent with and compatible with other development located in the area.

**PETITIONER'S RESPONSE: The proposed development of a Bike Path on this site is Not consistent or compatible with other development or properties located in the area. At which time development adjacent to this site creates a path which connects to the property, then it would be consistent.**

5. The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan.

**PETITIONER'S RESPONSE: Delaying the construction of the Bike Path until such time as adjoining properties are developed would make sense. At which time adjoining property is developed the construction of a Bike Path on this site would be consistent with the Comprehensive plan to create public access along Six Points road.**