



**Petition Number:** 1612-PUD-25  
**Subject Site Address:** 1189 E. 181<sup>st</sup> Street  
**Petitioner:** NSpire Church, by Woolpert  
**Requests:** Petitioner requests an amendment to the 181st Street Planned Unit Development (PUD) District to allow a Religious Institution.  
**Current Zoning:** 181<sup>st</sup> Street PUD District  
**Current Land Use:** Vacant  
**Approximate Acreage:** 5.12 acre +/-  
**Property History:** 181<sup>st</sup> Street PUD, Ordinance 14-03  
181<sup>st</sup> Street PUD Amendment (Ord. 16-45) (Brewery Production and Mobile Food Vending, *Approved 11/28/16*).  
**Staff Reviewer:** Kevin M. Todd, AICP

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**PETITION HISTORY:**

This PUD amendment petition (1612-PUD-25) was introduced at the November 28, 2016, City Council meeting. The petition is scheduled to receive a public hearing at the December 5, 2016, Advisory Plan Commission (the "APC") meeting.

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**PROCEDURAL:**

Planned Unit Development (PUD) Districts are required to be considered at a public hearing by the Plan Commission. The public hearing for this petition is scheduled for the December 5, 2016 Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law and the Plan Commission's Rules of Procedure.

**Statutory Considerations:**

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.



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### PROJECT OVERVIEW:

Project Location: The 181<sup>st</sup> Street PUD is located on the south side of 181<sup>st</sup> Street, between U.S. 31 and Wheeler Road. The subject site is located within Parcel A of the 181<sup>st</sup> Street PUD, located at the southeast corner of 181<sup>st</sup> Street and Sun Park Drive.

Project History: The 181<sup>st</sup> Street PUD District ordinance (Ord. 14-03; APC Docket No. 1311-PUD-10) was approved by the City Council at its January 27, 2014 meeting. The 181<sup>st</sup> Street PUD District was designed to allow industrial uses for a limited time, but eventually convert to general business uses. The 181<sup>st</sup> Street PUD Ordinance does not allow industrial uses on the real estate after December 31, 2023. It also requires all buildings/building materials to be brought up to the standard at that time.

On November 28, 2016, the City Council approved Ordinance 16-45, which allows brewery production and mobile food service vending on the Parcel A of the 181<sup>st</sup> Street PUD District.

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### ZONING REQUEST:

The petitioner requests this modification to the 181<sup>st</sup> Street PUD Ordinance to allow a church/Religious Institution on the site. The property falls within the City's Economic Development District Overlay (the "EDD Overlay") (Article 5.4), which only allows tax-exempt uses that are located within the EDD Overlay to be permitted by Special Exception. One exception is that the EDD Overlay also allows tax-exempt uses to locate in the overlay district if the use is occupying (e.g. leasing from a third party) land or a building that is otherwise owned by a property owner that is not exempt from paying property taxes and the occupation of the tax exempt use does not cause the real estate to become exempt from paying property taxes.

The proposed church/Religious Institutional user (the petitioner, NSpire Church) has verbally stated that they will be leasing building space from the property owner and that the property owner will still pay property taxes on the real estate – which is a permitted exception to the EDD Overlay rules.

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### DEPARTMENT COMMENTS:

1. **Action:** Hold a public hearing at the December 5, 2016 Plan Commission meeting.
2. The petitioner will make any necessary revisions to the proposal based on Plan Commission comments, public comments and any additional Department comments, prior to the Plan Commission's further consideration of this petition.
3. If any Plan Commission member has questions prior to the public hearing, then please contact Kevin Todd at 317.379.6467 or [ktodd@westfield.in.gov](mailto:ktodd@westfield.in.gov).