

NELSON & FRANKENBERGER

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JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

Date: November 30, 2012
To: Westfield City Council Members
From: Jon Dobosiewicz, Nelson & Frankenger
RE: Text Amendment to The Bridgewater PUD (Ordinance 06-49) for
Bridgewater Marketplace – Christian Brothers

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Kevin Todd dated November 30, 2012,
2. An application for Text Amendment,
3. A copy of the proposed ordinance illustrating the text amendment under Exhibit A.
4. An aerial map illustrating the area within the Bridgewater that is the subject of the text amendment.

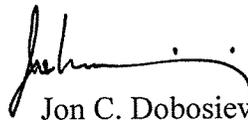
The applicant, KRG Bridgewater, LLC has filed the text amendment to permit an Automobile Service Center without fuel sales as defined in Exhibit "A" of the proposed ordinance.

We are filing at this time in order to be heard for introduction by the City Council on December 10th, TAC on December 18th, and Plan Commission on January 7th and 21th. We anticipate then returning to the City Council following that for adoption consideration.

If you have any questions or need any additional information please contact me at 317-428-8393.

Very truly yours,

NELSON & FRANKENBERGER, P.C.


Jon C. Dobosiewicz

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JON C. DOBOSIEWICZ,
Land Use Professional

November 30, 2012

Kevin M. Todd, AICP
City of Westfield
2706 East 171st Street
Westfield, IN 46074

RE: Bridgewater Marketplace / Christian Brothers - Text Amendment

Dear Kevin,

Please find enclosed the necessary application for a Text Amendment for the Bridgewater PUD (Ordinance 06-49). We are filing at this time in order to be heard for introduction by the City Council on December 10, TAC on December 18, and the Plan Commission on January 7 and 21 with an anticipated return to the City Council after that based on the review process.

Please find the following information enclosed:

1. Completed and signed Petition for Text Amendment with legal description,
2. Copy of the proposed Text Amendment ordinance, and
3. Site Location Exhibit / Aerial Photograph

I will provide a check in the amount of the filing fee, and draft public notice next week after we determine specifics of the above items.

If you have any questions or need any additional information please contact me at 317-844-0106.

Very truly yours,

NELSON & FRANKENBERGER, P.C.



Jon C. Dobosiewicz

Date: _____

PETITION FOR TEXT AMENDMENT
TO PUD ORDINANCE NO. 06-49
THE BRIDGEWATER CLUB RESTATED AND CONSOLIDATED
PLANNED UNIT DEVELOPMENT DISTRICT

Name of Applicant: KRG Bridgewater, LLC, Attn: Mark Jenkins
Address: 30 meridian Street South, Indianapolis, IN 46204
Phone No.: (317) 578-5152

Name of Representative: Charles D. Frankenberger and Jon C. Dobosiewicz
Address: 3105 East 98th Street, Ste 170, Indianapolis, IN 46280
Phone No.: (317) 844-0106

Name of Property Owner: KRG Bridgewater, LLC

Premises Affected: The Real Estate which is the subject of this application is generally west of Gray Road and north of 146th Street. The subject Real Estate is identified in the attached Exhibit "A".

Metes and Bounds Description: See Exhibit "A"

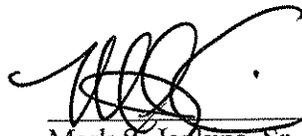
Plot Size: 0.83 acres, more or less

Fronting On: Gray Road

Nature and Size of Improvement Now Existing on Plot: Vacant parcel in Area M3 of the Bridgewater PUD (Ordinance # 06-49 as amended).

Present Zoning: Mixed Use PUD

Explanation of Text Amendment: The Text Amendment will (i) permit an Automotive Service Center without fuel sales on the Real Estate and (iii) preserve the Automotive Service Station use, including fuel sales, as a permitted use under Section 8.B (17) elsewhere within Area Y of the PUD (See Exhibit "A" of the proposed text amendment ordinance).



Mark S. Jenkins, Sr. Vice President of Kite Realty
Group Trust, authorized representative for KRG
Bridgewater, LLC

EXHIBIT "A"

Page 1 of 2

(Legal Description)

A part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

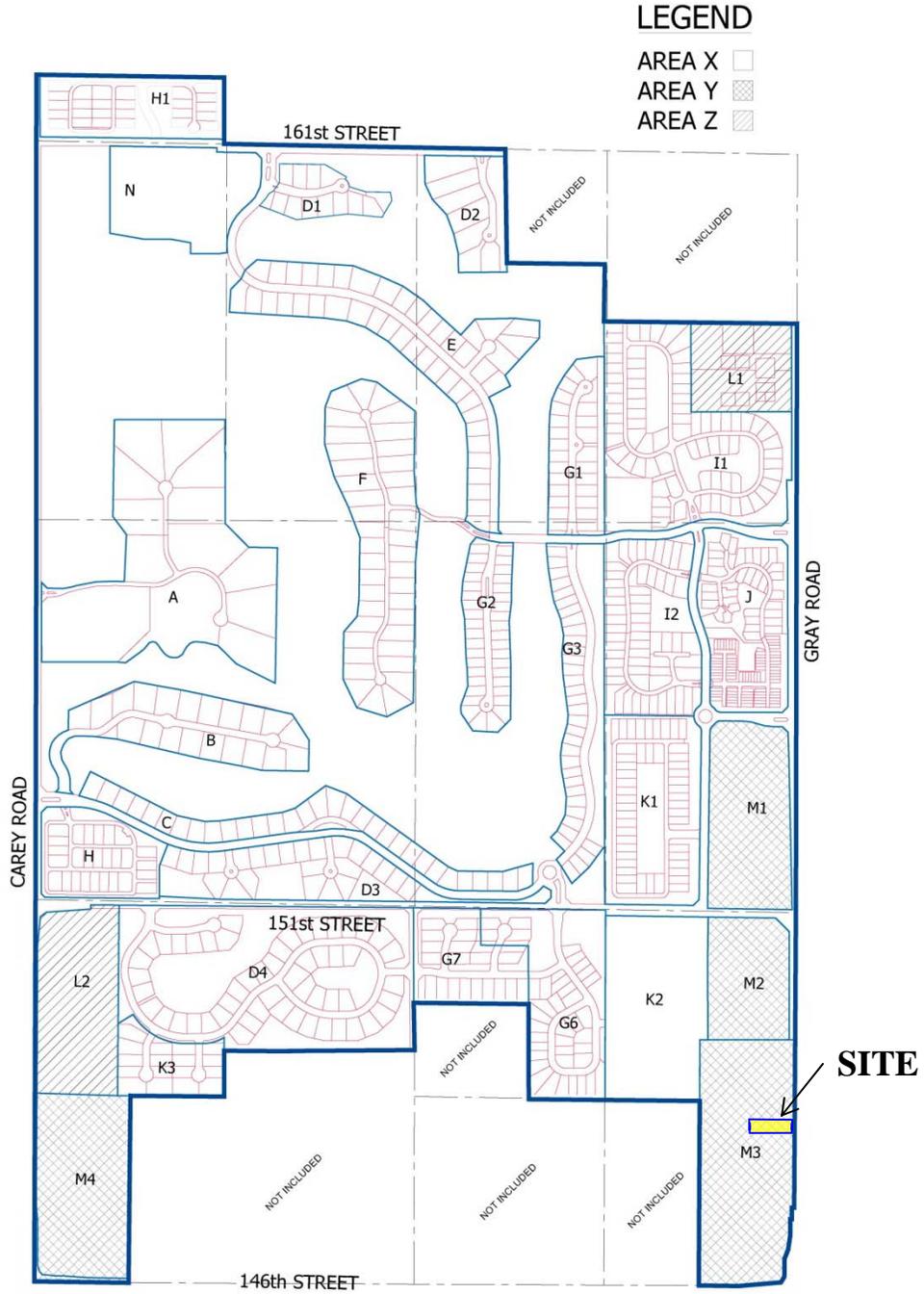
Commencing from the Southeast corner of said quarter section North 00 degrees 46 minutes 18 seconds West on and along the East Line of the said quarter section 1,080.58 feet; thence South 89 degrees 46 minutes 53 seconds West 45.00 feet to the West right-of-way line of Gray Road as recorded in a Grant of right-of-way, Instrument # 2007-038726 and marking the Point of Beginning of this described lot; thence continuing South 89 degrees 46 minutes 53 seconds West 343.96 feet; thence North 00 degrees 46 minutes 18 seconds West 105.35 feet; thence North 89 degrees 46 minutes 53 seconds East 344.04 feet to the said West right-of-way line of Gray Road; thence South 00 degrees 46 minutes 18 seconds East on and along said right-of-way 105.36 feet to the Point of Beginning, containing 0.83 acres more or less.

Subject to all pertinent commitments, easements, restrictions and right-of-ways.

EXHIBIT "A"

Page 2 of 2

(Legal Description)



ORDINANCE 13-03

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 12__-PUD-__), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006 , and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (vii) and Ordinance 12-10, enacted by the City Council on April 9, 2012 (collectively, the “Bridgewater PUD Ordinance”)

WHEREAS, on _____, 2013 the Commission took action to forward Docket Docket 12__-PUD-__ to the Westfield City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on _____, 2013 the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The Bridgewater PUD Ordinance is hereby amended so that the uses and standards established in what is attached hereto and incorporated herein by reference as Exhibit “A” are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit “B” (the “Real Estate”). In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance was fully passed by members of the Council this __ day of _____, 2013. Further, this Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinance or parts thereof that are in conflict herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

[Rest of page is intentionally left blank]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Charles D. Frankenberger

Signed

I hereby certify that ORDINANCE No. 13-03 was delivered to the Mayor of Westfield
on the _____ day of _____, 2013, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-03

This _____ day of _____, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-03

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

Prepared by: Charles D. Frankenberger and Jon C. Dobosiewicz, Nelson & Frankenberger
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

EXHIBIT "A"

- I. Additional Uses. Section 8.B. of the Bridgewater PUD Ordinance shall be amended to include the following use as permitted on the Real Estate, which shall hereafter collectively be referred to as the "Additional Permitted Use":

One (1) automobile service center, including the sale of automotive petroleum products and retail consumer goods including the following standards:

- A. Routine maintenance shall be permitted, including without limitation: minor repair of automobiles including repair and replacement of parts, and batteries; diagnostic services; minor motor services such as grease, oil, spark plugs and filter changing, tune-ups; replacement of starters, alternators, hoses, brake parts; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles;
- B. All service bays shall face interior parking;
- C. The sale of gasoline shall be prohibited;
- D. Outside storage of merchandise shall be prohibited;
- E. The outside storage of more than three (3) motor vehicles, for repair, shall be prohibited; and,
- F. Body work and major mechanical services shall be prohibited.

- II. Section 8.B (17) of the Bridgewater PUD (the text of which is highlighted on page attached hereto and incorporated by reference as Exhibit "C") shall remain unchanged and the permitted uses set forth in Section 8.B (17) of the Bridgewater PUD shall, in addition to the Additional Permitted Use, remain permitted elsewhere in Area Y of the Bridgewater PUD.

- III. Building Materials: The building materials and general design of the primary structure on the Real Estate shall be constructed in a similar style to the illustrative building design attached hereto and incorporated herein by reference as Exhibits "D". Primary building materials shall be brick and/or stone in compliance with the Architectural Standards of the Bridgewater PUD. Final building plans shall be included in a Development Plan application requiring approval by the Plan Commission.

EXHIBIT "B"

Page 1 of 2

(Legal Description)

A part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing from the Southeast corner of said quarter section North 00 degrees 46 minutes 18 seconds West on and along the East Line of the said quarter section 1,080.58 feet; thence South 89 degrees 46 minutes 53 seconds West 45.00 feet to the West right-of-way line of Gray Road as recorded in a Grant of right-of-way, Instrument # 2007-038726 and marking the Point of Beginning of this described lot; thence continuing South 89 degrees 46 minutes 53 seconds West 343.96 feet; thence North 00 degrees 46 minutes 18 seconds West 105.35 feet; thence North 89 degrees 46 minutes 53 seconds East 344.04 feet to the said West right-of-way line of Gray Road; thence South 00 degrees 46 minutes 18 seconds East on and along said right-of-way 105.36 feet to the Point of Beginning, containing 0.83 acres more or less.

Subject to all pertinent commitments, easements, restrictions and right-of-ways.

EXHIBIT "B"

Page 2 of 2

(Legal Description)

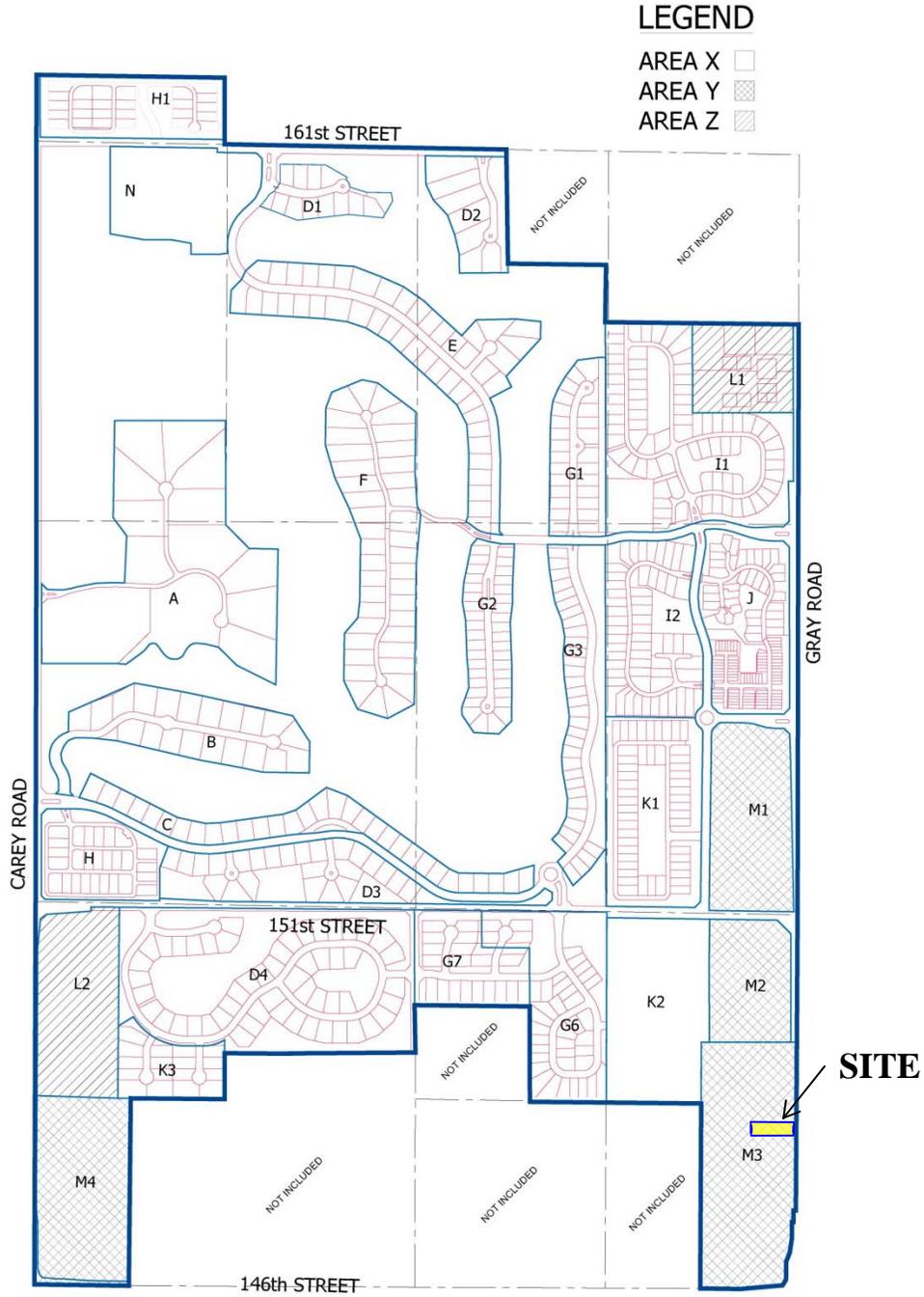


EXHIBIT "C"

- building may have up to two (2) lanes;
- (11) Financial institutions, including drive-through banking facilities and exterior ATMs (provided such are not located between the primary building and the nearest External Streets). All drive-through facilities shall be located on the side of a building or the rear of the building. Drive-through facilities for financial institutions may be up to four (4) lanes;
 - (12) General stores;
 - (13) Golf cart sales, rentals, and repair;
 - (14) Insurance companies;
 - (15) Liquor stores and sales;
 - (16) Medical, dental and emergency clinics and labs;
 - (17) One (1) automobile service station, including car wash, the sale of gasoline and other automotive petroleum products and retail consumer goods. Outside storage of merchandise shall be prohibited. The outside storage of more than three (3) motor vehicles, for repair, shall be prohibited. No gas pumps shall be located between the gas station and External Streets. Body work and major mechanical services are prohibited; however, routine maintenance shall be permitted. All service bays shall face interior parking;
 - (18) Pet cemeteries;
 - (19) Picture framing;
 - (20) Private and public schools without dorms;

EXHIBIT "D"





Christian Brothers
Site Location Map / Aerial Photograph