

Date: _____

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

Name of Applicant: Throgmartin-Henke Development, LLP
Address: 3535 East 161st Street, Noblesville, IN 46060
Phone No.: (317) 867-4653

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: Throgmartin-Henke Development, LLP

Premises Affected: The Real Estate which is the subject of this application at the northeast corner Carey Road and 146th Street. The subject Real Estate is identified in the attached Exhibit "A".

Metes and Bounds Description: See Exhibit "A"

Plot Size: 9.544 acres, more or less

Fronting On: Carey Road and 146th Street

Nature and Size of Improvement Now Existing on Plot: Vacant Parcel within the Bridgewater PUD.

Present Zoning: Mixed Use PUD

Explanation of Text Amendment: The Text Amendment will amend Section 11.H of the Bridgewater PUD by replacing the landscape buffer provisions applicable to the east perimeter of the Real Estate. See Exhibit "A" of the proposed Ordinance.



David Mennel, authorized representative for
THROGMARTIN-HENKE DEVELOPMENT, LLP

EXHIBIT "A"

Page 1 of 2

(Legal Description)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 543.02 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 191.98 feet to the southwest corner of a tract of land conveyed to KND Real Estate 17, L.L.C. in Document 2010009261 in the office of the Hamilton County Recorder, thence along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence continue along the boundary of said KND Real Estate 17 tract, South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence continue along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 410.19 feet to the southeast corner thereof and being a point on the west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of said Recorder, thence along the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 642.48 feet to a corner of a tract of land conveyed to the Board of Commissioners of Hamilton County in Document 200400076734 in the office of said Recorder, thence along the boundary of said Board of Commissioners tract the following nine (9) calls: South 89 degrees 41 minutes 33 seconds West 275.33 feet; thence North 87 degrees 26 minutes 42 seconds West 164.25 feet; thence South 89 degrees 41 minutes 33 seconds West 65.62 feet; thence North 89 degrees 12 minutes 19 seconds West 92.23 feet; thence North 40 degrees 29 minutes 55 seconds West 28.55 feet; thence North 18 degrees 00 minutes 45 seconds West 44.62 feet; thence North 00 degrees 54 minutes 35 seconds West 311.68 feet; thence North 06 degrees 25 minutes 52 seconds West 98.94 feet; thence South 89 degrees 05 minutes 17 seconds West 20.02 feet to the point of beginning and containing a gross area of 9.544 acres.

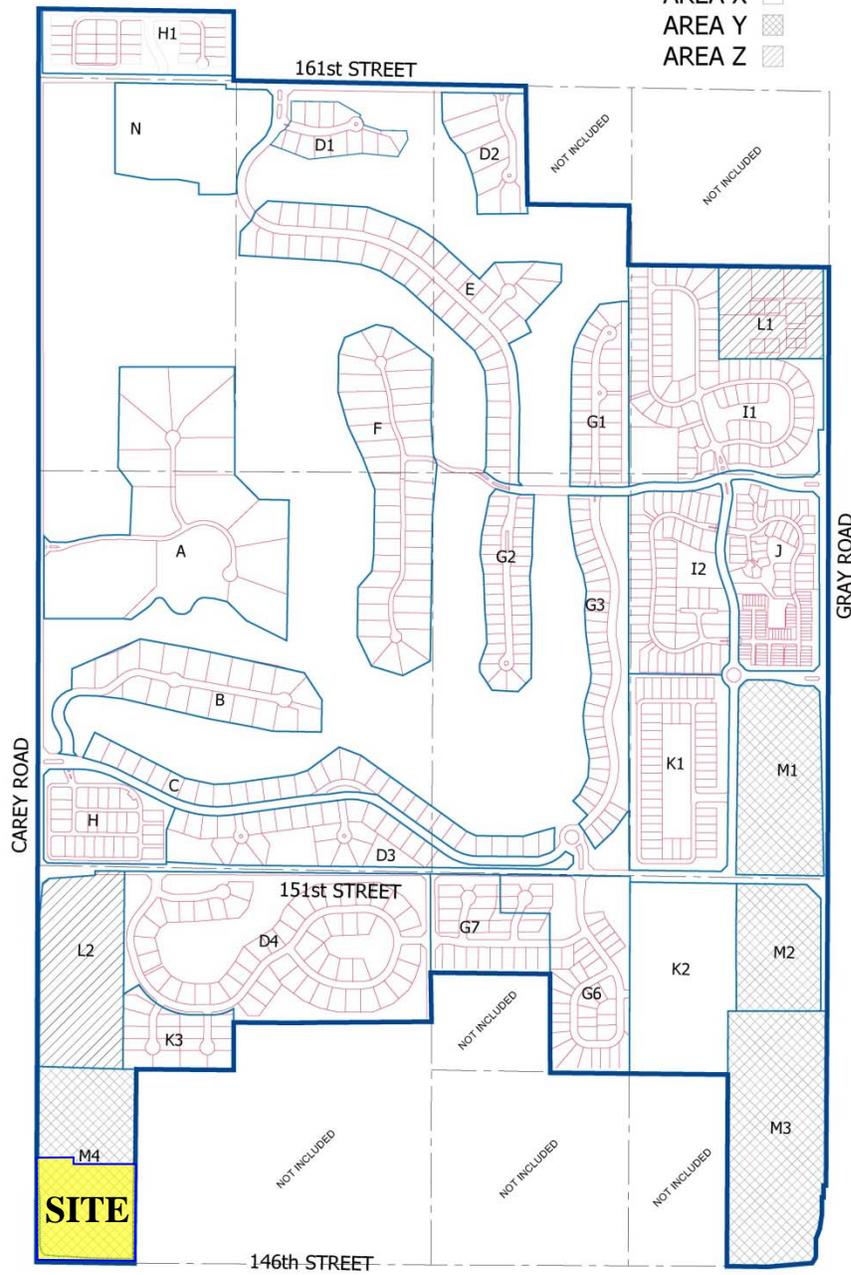
EXHIBIT "A"

Page 2 of 2

(Legal Description)

LEGEND

- AREA X 
- AREA Y 
- AREA Z 



ORDINANCE 13-__

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; (viii) Ordinance 12-10, enacted by the City Council on April 9, 2012; and (viii) Ordinance 13-03, enacted by the City Council on _____, 2013 (collectively, the “Bridgewater PUD Ordinance”)

WHEREAS, on _____, 2013 the Commission took action to forward Docket Number 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 THE BRIDGEWATER PUD ORDINANCE 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 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 13-__ was fully passed by members of the Council this __ day of _____, 2013. Further, this Ordinance 13-__ 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 ordinances or parts thereof that are in conflict with this Ordinance 13-__ are hereby amended. To the extent that this Ordinance 13-__ conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-__ 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: Jon C. Dobosiewicz

Signed

I hereby certify that ORDINANCE No. 13-__ 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-__

This _____ day of _____, 2013.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-__

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. Landscape Buffers. Section 11.H. of the Bridgewater PUD Ordinance shall be replaced and superseded by the following:

There shall be a landscape buffer along the eastern perimeter of the Real Estate, which landscape buffer shall be thirty (30) feet in width (the “Landscape Buffer”) and shall include the following, all of which are generally depicted in the Landscape Buffer illustrations attached hereto and incorporated herein by reference as Exhibit “C”: (i) a masonry wall that is a minimum of seven (7) feet in height and a minimum of twenty-three (23) feet west of the eastern boundary line of the Real Estate (ii) the preservation of existing trees within the Landscape Buffer, (iii) pine trees, which are a minimum of eight (8) in height at planting and are planted at a rate of five (5) per 100 linear feet of Landscape Buffer, and (iv) evergreen shrubs planted at a rate of five (5) per 100 linear feet of the Landscape Buffer.

EXHIBIT "B"

Page 1 of 2

(Legal Description)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 543.02 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 191.98 feet to the southwest corner of a tract of land conveyed to KND Real Estate 17, L.L.C. in Document 2010009261 in the office of the Hamilton County Recorder, thence along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence continue along the boundary of said KND Real Estate 17 tract, South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence continue along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 410.19 feet to the southeast corner thereof and being a point on the west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of said Recorder, thence along the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 642.48 feet to a corner of a tract of land conveyed to the Board of Commissioners of Hamilton County in Document 200400076734 in the office of said Recorder, thence along the boundary of said Board of Commissioners tract the following nine (9) calls: South 89 degrees 41 minutes 33 seconds West 275.33 feet; thence North 87 degrees 26 minutes 42 seconds West 164.25 feet; thence South 89 degrees 41 minutes 33 seconds West 65.62 feet; thence North 89 degrees 12 minutes 19 seconds West 92.23 feet; thence North 40 degrees 29 minutes 55 seconds West 28.55 feet; thence North 18 degrees 00 minutes 45 seconds West 44.62 feet; thence North 00 degrees 54 minutes 35 seconds West 311.68 feet; thence North 06 degrees 25 minutes 52 seconds West 98.94 feet; thence South 89 degrees 05 minutes 17 seconds West 20.02 feet to the point of beginning and containing a gross area of 9.544 acres.

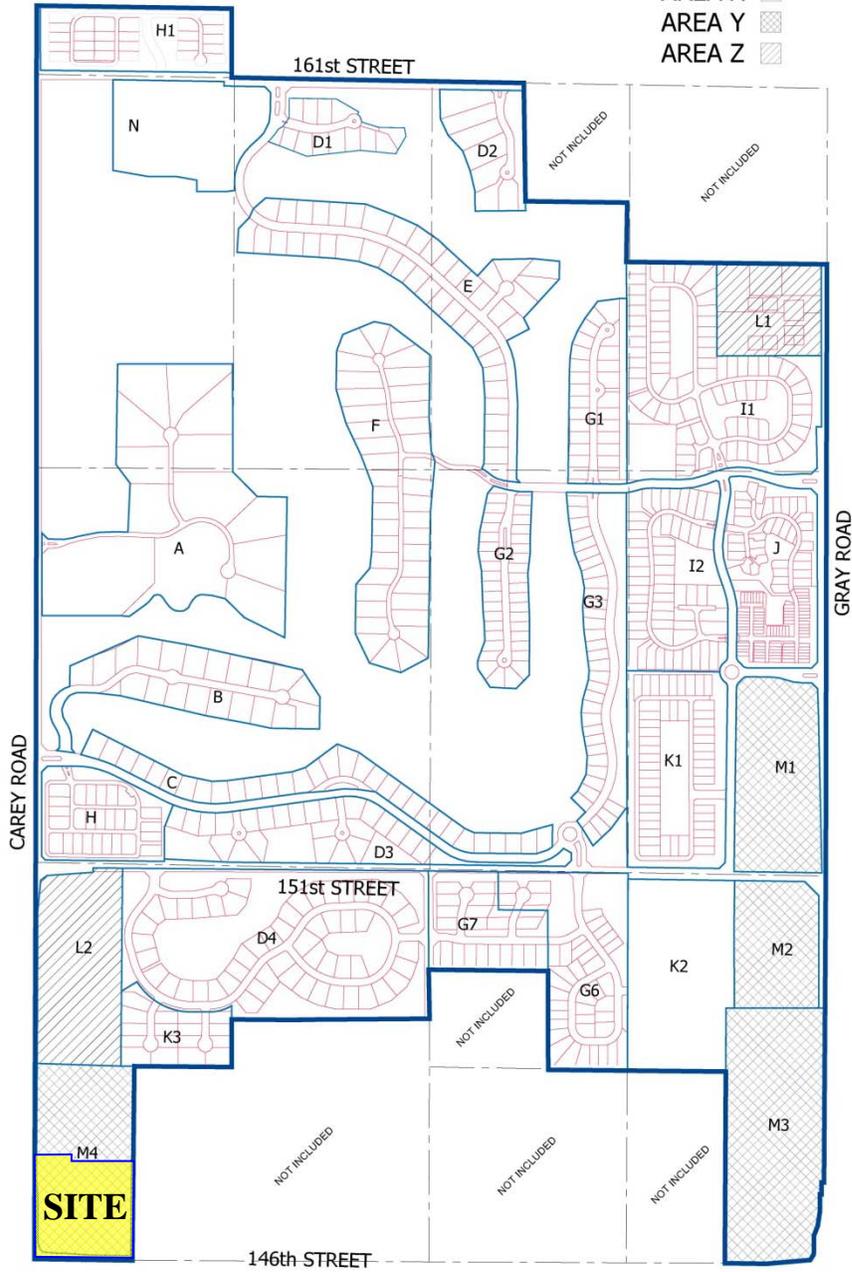
EXHIBIT "B"

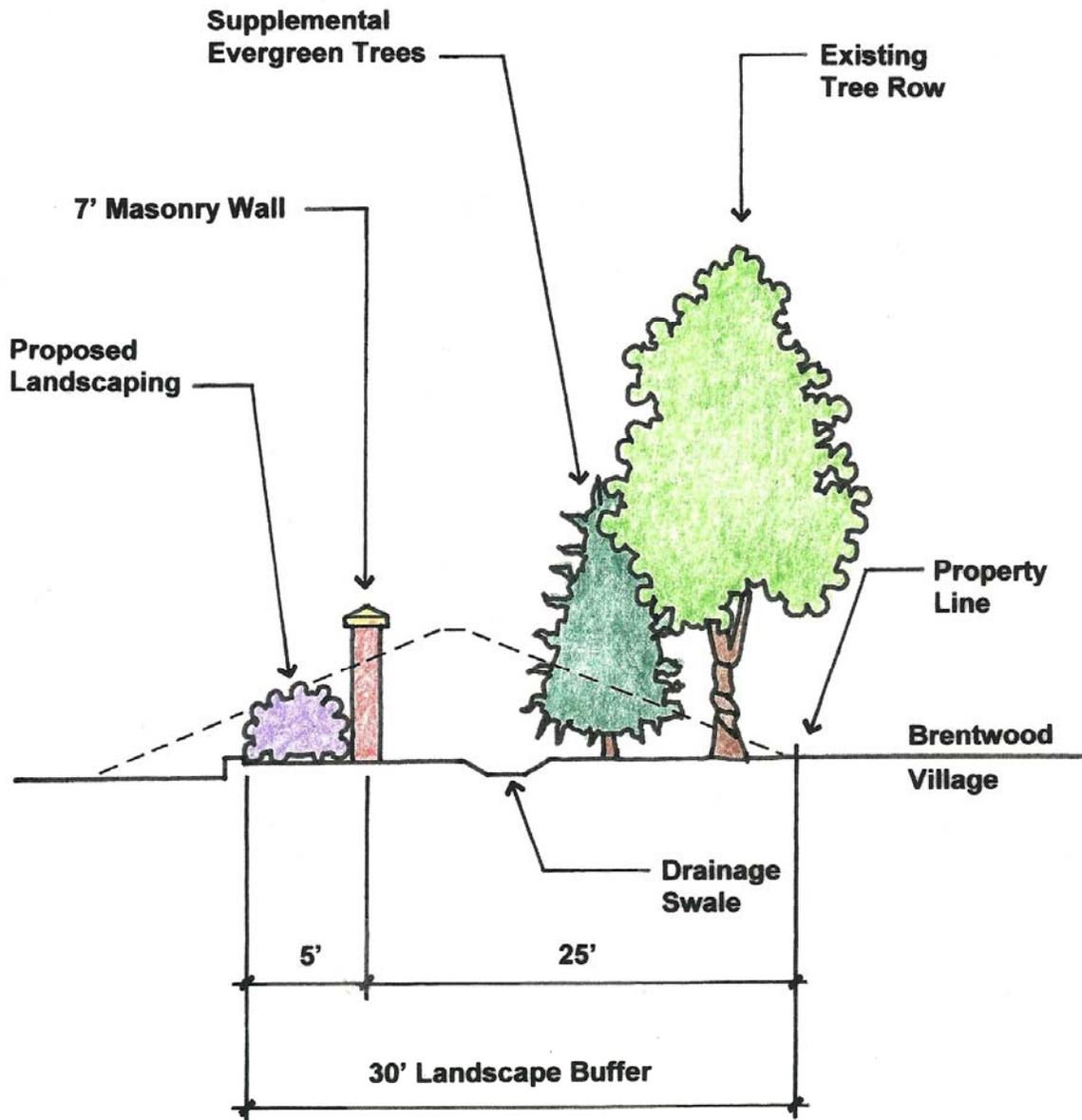
Page 2 of 2

(Legal Description)

LEGEND

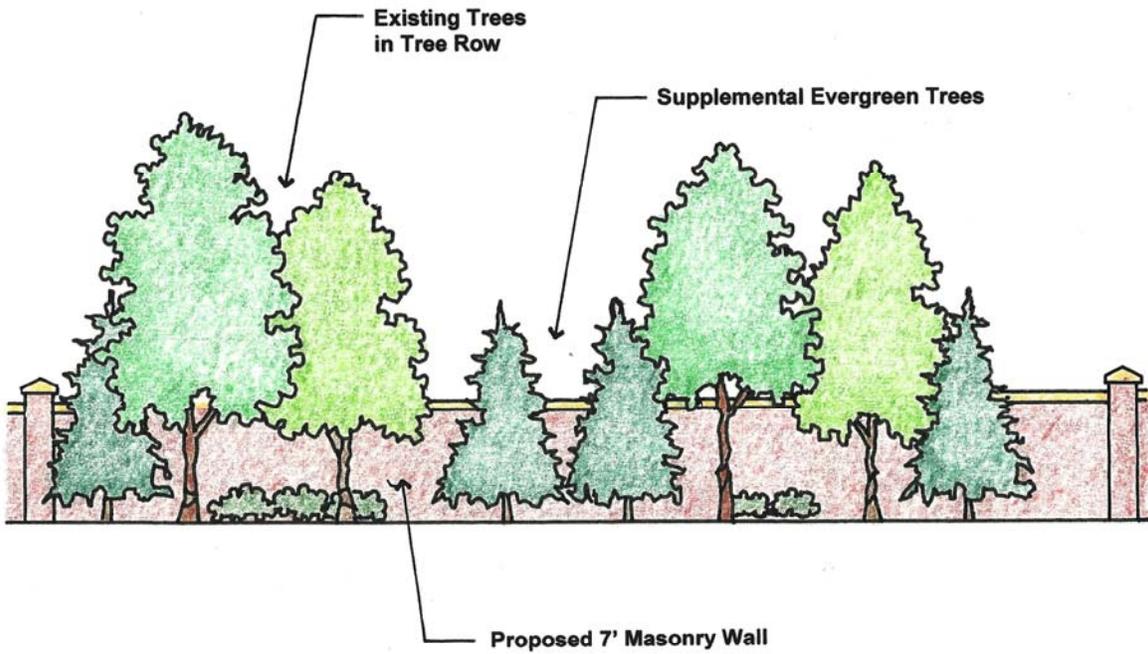
- AREA X 
- AREA Y 
- AREA Z 





Proposed Landscape Buffer
Section Looking North (not to scale)

EXHIBIT "C"
Page 2 of 2



Proposed Landscape Buffer
Elevation Looking West (not to scale)



Bridgewater Center
Site Location Map / Aerial Photograph