

# NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

JAMES J. NELSON  
CHARLES D. FRANKENBERGER  
JAMES E. SHINAVER  
LAWRENCE J. KEMPER  
JOHN B. FLATT  
FREDRIC LAWRENCE

3105 EAST 98TH STREET, SUITE 170  
INDIANAPOLIS, INDIANA 46280  
PHONE: 317-844-0106  
FACSIMILE: 317-846-8782

JANE B. MERRILL,  
Of Counsel

JON C. DOBOSIEWICZ,  
Land Use Professional

**Date:** February 1, 2013  
**To:** Westfield City Council Members  
**From:** Jon Dobosiewicz, Nelson & Frankenberger  
**RE:** Bridgewater Apartments (151<sup>st</sup> Street and Market Center Drive) –  
Text Amendment

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Kevin Todd dated February 1, 2013,
2. An application for Text Amendment,
3. A copy of the proposed Ordinance and exhibits thereto illustrating the standards of the text amendment,
4. An aerial map illustrating the area within the Bridgewater that is the subject of the text amendment, and
5. A narrative overview of the Bridgewater Apartments.

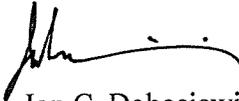
The applicant, Justus Companies, Inc. has filed the text amendment to amend and consolidate the provisions applicable to apartment development on the Real Estate as noted in Exhibit "A" to the proposed Ordinance.

We are filing at this time in order to be heard for introduction by the City Council on February 11<sup>th</sup>, TAC on February 19<sup>th</sup>, and the Plan Commission on March 4<sup>th</sup> and 18<sup>th</sup>. We anticipate then returning to the City Council 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

February 1, 2013

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

**RE: Bridgewater Apartments (151<sup>st</sup> Street and Market Center Drive) - 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 February 11<sup>th</sup>, TAC on February 19<sup>th</sup>, and the Plan Commission on March 4<sup>th</sup> and 18<sup>th</sup> with an anticipated return to the City Council after that based on the review process.

Please find the following information enclosed:

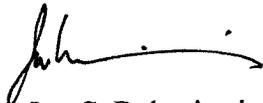
1. Completed and signed Petition for Text Amendment with legal description,
2. Copy of the proposed Text Amendment ordinance,
3. Site Location Exhibit / Aerial Photograph, and
4. A narrative overview of the Bridgewater Apartments.

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: Justus at Bridgewater, LLC  
Address: 1398 N. Shadeland Ave., Indianapolis, IN 46219  
Phone No.: (317) 353-8311

Name of Representative: James E. Shinaver and Jon C. Dobosiewicz  
Address: 3105 East 98<sup>th</sup> 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 is on the south side of 151<sup>st</sup> Street west of Gray Road. The subject Real Estate is identified in the attached legal description and site location exhibit.

Metes and Bounds Description: See Exhibit "A"

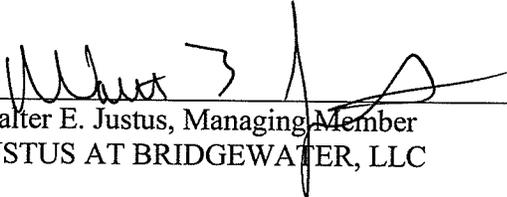
Plot Size: 23.06 acres, more or less

Fronting On: 151<sup>st</sup> Street

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

Present Zoning: Mixed Use PUD (Ordinance 06-49)

Explanation of Text Amendment: The Text Amendment will amend and consolidate the provisions applicable to apartment development on the Real Estate. See Exhibit "A" of the proposed Ordinance.

  
\_\_\_\_\_  
Walter E. Justus, Managing Member  
JUSTUS AT BRIDGEWATER, LLC

**EXHIBIT "A"**

Page 1 of 2

**(Legal Description)**

**Bridgewater Apartments**

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence South 00 degree 46 minutes 18 seconds East along the East line thereof 1,249.14 feet; thence South 89 degrees 46 minutes 53 seconds West parallel with the South line of said Quarter Quarter Section 662.99 feet; to the POINT OF BEGINNING of this description; thence South 89 degrees 46 minutes 53 seconds West 299.25 feet; thence South 00 degrees 48 minutes 53 seconds East 72.86 feet; thence South 89 degrees 46 minutes 53 seconds West 662.94 feet; thence North 00 degrees 51 minutes 28 seconds West 1,284.31 feet; thence North 89 degrees 52 minutes 56 seconds East 510.85 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 07 minutes 04 seconds East 140.00 feet from said point; thence southeasterly along said curve 219.91 feet to the point of tangency of said curve, said point being North 89 degrees 52 minutes 56 seconds East 140.00 feet from the radius point of said curve; thence South 00 degrees 07 minutes 04 seconds East 73.50 feet; thence North 89 degrees 52 minutes 56 seconds East 35.17 feet; thence South 00 degrees 02 minutes 55 seconds East 140.60 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 57 minutes 05 seconds East 500.00 feet from said point; thence southerly along said curve 334.97 feet to the point of tangency of said curve, said point being South 51 degrees 34 minutes 01 seconds West 500.00 feet from the radius point of said curve; thence South 38 degrees 25 minutes 59 seconds East 205.99 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 51 degrees 34 minutes 01 seconds West 250.00 feet from said point; thence southerly along said curve 164.15 feet to the point of tangency of said curve, said point being North 89 degrees 11 minutes 14 seconds East 250.00 feet from the radius point of said curve; thence South 00 degrees 48 minutes 45 seconds East 231.39 feet to the place of beginning, containing 23.0606 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

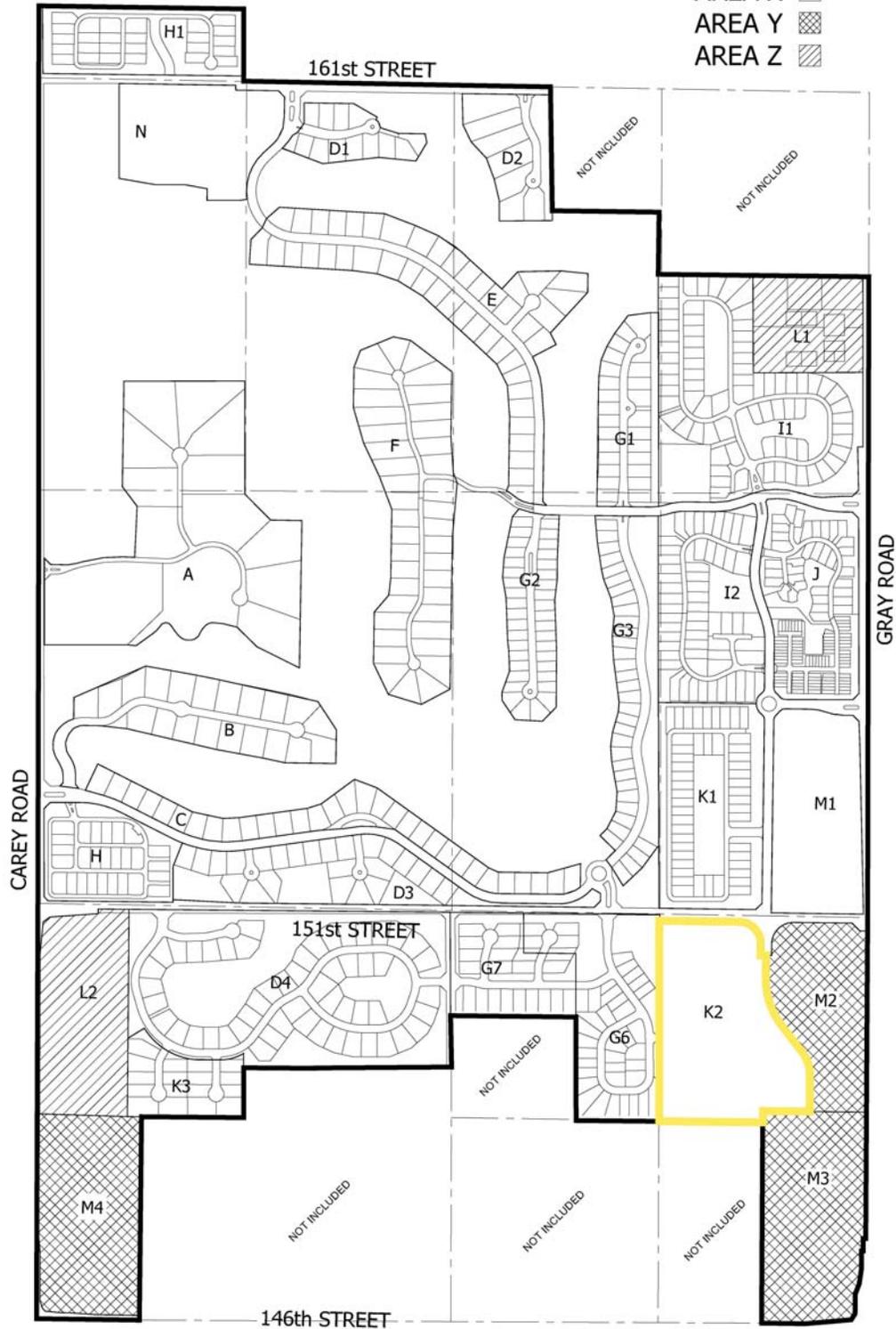
# EXHIBIT "A"

Page 2 of 2

## (Site Location Exhibit)

### 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, ORDINANCE 13-\_\_\_\_ 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 13\_\_-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 13\_\_-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

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Steven Hoover

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Steven Hoover

\_\_\_\_\_  
Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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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.

I hereby VETO ORDINANCE No. 13-\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

Prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger  
3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

## **EXHIBIT “A”**

DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL USES. The below terms, conditions, and provisions shall apply to the use and development apartment dwellings on Parcel K2 of the Bridgewater PUD (Ordinance 06-49 as amended).

- A. Minimum lot area: Not applicable.
- B. Minimum lot frontage on road: Not applicable.
- C. Maximum number of Apartments:
  - 1. Two-hundred and forty (240) dwellings.
- D. Minimum Open/Green Space Area: Twenty percent (20%).
- E. Minimum distance between buildings: Twenty (20) feet.
- F. Building Setbacks (minimum):
  - 1. Sixty (60) foot front yard along External Streets (151<sup>st</sup> Street).
  - 2. Five (5) foot front yard along Market Center Drive.
  - 3. Thirty (30) foot rear yard along the south perimeter of the Real Estate. The minimum setback shall be twenty (20) feet where the Parcel K2 abuts Area “Y”.
  - 4. Sixty (60) foot side yard along the west perimeter of the Real Estate.
- G. Maximum building height: Forty (40) feet.
- H. Minimum Square footage per dwelling unit: Seven Hundred (700) square feet.
- I. Architectural Standards and Building Materials:
  - 1. Building Elevations:
    - a. Building Elevations must generally conform with the exhibits contained in the architectural character illustrations are included in Exhibit “C” of this Ordinance.
    - b. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials.
    - c. Aluminum and vinyl siding are prohibited, but metal garage doors and vinyl clad windows and soffits shall be permitted. Permitted materials

include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber siding.

- d. Brick or stone shall be used on all elevations of each building as appropriate to the building architectural style.
  - e. All structures shall utilize a minimum of two (2) exterior building materials (excluding window, door, and roofing materials) per elevation. Examples of materials: Brick, stone, concrete fiber siding.
  - f. All structures shall utilize a minimum of three (3) exterior building material styles per elevation. Examples: Brick, stone and horizontal fiber cement siding, and/or shake style concrete fiber siding.
2. Windows: All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill at a minimum. For windows in a non-brick façade, the windows shall be trimmed to match the building style. The width of the architectural treatment shall be a minimum of 3½” reveal dimension of the base siding material.
  3. Roof Pitch: Roof form and pitch design will include, where appropriate, varied pitches and ridge levels.

J. Parking:

1. Two (2) parking spaces per dwelling are required. Tandem Parking Spaces adjacent to individual garages shall meet this requirement provided that both the garage and tandem space are dedicated to the same tenant.
2. All off-street parking shall be in rear or side yards.

K. Required Amenities: The following Amenities will be distributed throughout the Real Estate, for use by residents of the Real Estate:

1. Clubhouse including indoor resident amenities.
2. Swimming Pool.
3. Integrated trail and sidewalk system.
4. All amenities will be constructed as part of first phase of construction. The timing for the completion of the trails and sidewalks will be in phases as the development is completed.

L. Site Landscaping Requirements:

1. Trash Facilities: Trash dumpster or compactor locations shall be screened with a minimum six (6) foot opaque fence or wall constructed of the same permitted exterior materials permitted on buildings.
2. Detention/Retention Basins and Ponds: Basins and ponds shall be landscaped with shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant material at the election of the owner of the Real Estate.
3. On-Site Standards: The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs set forth in On-Site Table of Exhibit 18 shall not apply to the development of apartments on the Real Estate.
4. Building Base Landscaping Requirements:
  - a. A minimum of one-half (0.5) trees, and two (2) shrubs shall be planted around each building per the number of dwellings in each building.
  - b. The clubhouse shall require one (1) tree and five (5) shrubs for every thirty (30) feet not obstructed by walkways, patios, and/or pool deck area.
  - c. A mulched area a minimum of two (2) feet in width will be provided along 100% of the building façade where not obstructed by walkways, patios and/or driveways.
  - d. Perennial plants and ground cover may be planted in addition to the above noted required plantings.
5. Road Frontage/Street Trees:
  - a. External Streets: See Buffer Yards below.
  - b. Internal Streets (Market Center Drive): A minimum of one (1) shade tree per (30) linear feet of frontage.
6. Buffer Yards:
  - a. Buffer Yards shall be required in areas adjacent to (i) External Streets (151<sup>st</sup> Street), (ii) the south perimeter of the Real Estate, (iii) the west perimeter of the Real Estate, and (iv) is not required along internal streets (Market Center Drive).
  - b. Minimum width of Buffer Yards shall be as follows:
    - i. The External Street (151<sup>st</sup> Street) Buffer Yard shall be a minimum of fifty (50) feet.
    - ii. The south perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

iii. The west perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

c. The Buffer yard along 151<sup>st</sup> Street shall be landscaped using a combination of berms, landscaping, brick or stone masonry, and ornamental metal picket fencing. Berming shall be at least four (4) feet in height. At least seven (7) evergreen trees per one-hundred (100) linear feet and two (2) shade trees per (100) linear feet shall be planted. Ornamental trees may be substituted, one (1) for (1), for evergreen trees, provided at least sixty percent (60%) of the trees used are evergreen trees. Brick or stone masonry columns and ornamental metal picket fencing may also be used provided they do not exceed eight (8) feet in height.

d. Within the south and west Buffer Yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Shade Trees may be substituted for evergreen trees at a one-to-one (1:1) basis (shade:evergreen). Evergreen trees and shrubs may be substituted for one another on a one-to-three (1:3) basis (tree:shrub). Where there exist conflicts between Buffer Yards and overhead power transmission line easements the planting standard shall be five (5) shade or evergreen trees per one hundred (100) linear feet permitting a substitution as noted above for shrubs.

7. Interior Parking Lot Landscaping:

a. Area Required: A portion of vehicular use areas shall be maintained as landscaped area. The minimum amount of interior parking lot area that must be landscaped shall be five (5) percent.

b. Parking Lot Islands:

i. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.

ii. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.

8. Perimeter Parking Lot Landscaping:

a. Perimeter landscaping is only required for parking areas within twenty (20) feet of the perimeter of the Real Estate or within the block occupied by the clubhouse for those spaces that serve the clubhouse.

- b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.
- c. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
- d. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.

**EXHIBIT "B"**

Page 1 of 2

**(Legal Description)**

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence South 00 degree 46 minutes 18 seconds East along the East line thereof 1,249.14 feet; thence South 89 degrees 46 minutes 53 seconds West parallel with the South line of said Quarter Quarter Section 662.99 feet; to the POINT OF BEGINNING of this description; thence South 89 degrees 46 minutes 53 seconds West 299.25 feet; thence South 00 degrees 48 minutes 53 seconds East 72.86 feet; thence South 89 degrees 46 minutes 53 seconds West 662.94 feet; thence North 00 degrees 51 minutes 28 seconds West 1,284.31 feet; thence North 89 degrees 52 minutes 56 seconds East 510.85 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 07 minutes 04 seconds East 140.00 feet from said point; thence southeasterly along said curve 219.91 feet to the point of tangency of said curve, said point being North 89 degrees 52 minutes 56 seconds East 140.00 feet from the radius point of said curve; thence South 00 degrees 07 minutes 04 seconds East 73.50 feet; thence North 89 degrees 52 minutes 56 seconds East 35.17 feet; thence South 00 degrees 02 minutes 55 seconds East 140.60 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 57 minutes 05 seconds East 500.00 feet from said point; thence southerly along said curve 334.97 feet to the point of tangency of said curve, said point being South 51 degrees 34 minutes 01 seconds West 500.00 feet from the radius point of said curve; thence South 38 degrees 25 minutes 59 seconds East 205.99 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 51 degrees 34 minutes 01 seconds West 250.00 feet from said point; thence southerly along said curve 164.15 feet to the point of tangency of said curve, said point being North 89 degrees 11 minutes 14 seconds East 250.00 feet from the radius point of said curve; thence South 00 degrees 48 minutes 45 seconds East 231.39 feet to the place of beginning, containing 23.0606 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

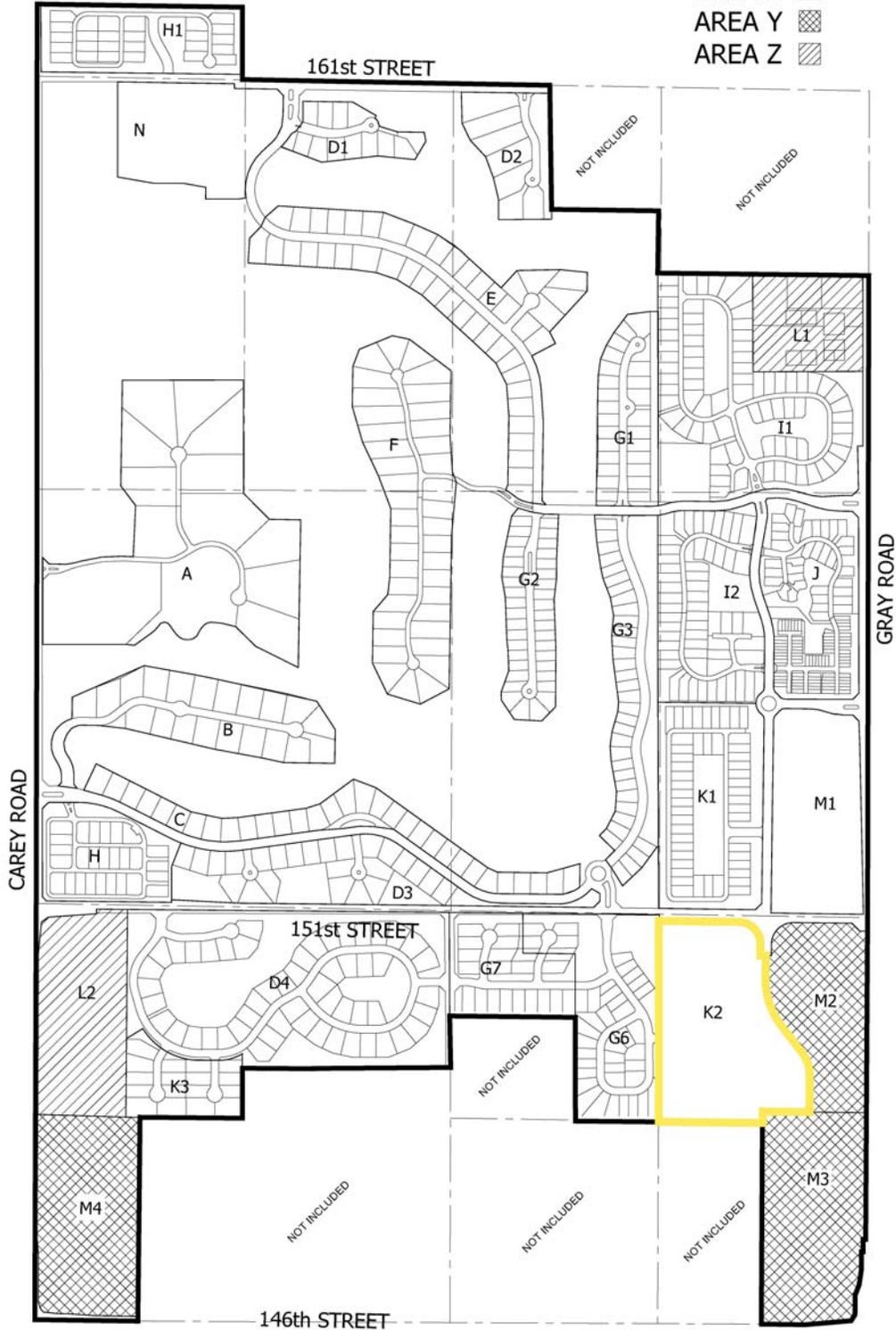
**EXHIBIT "B"**

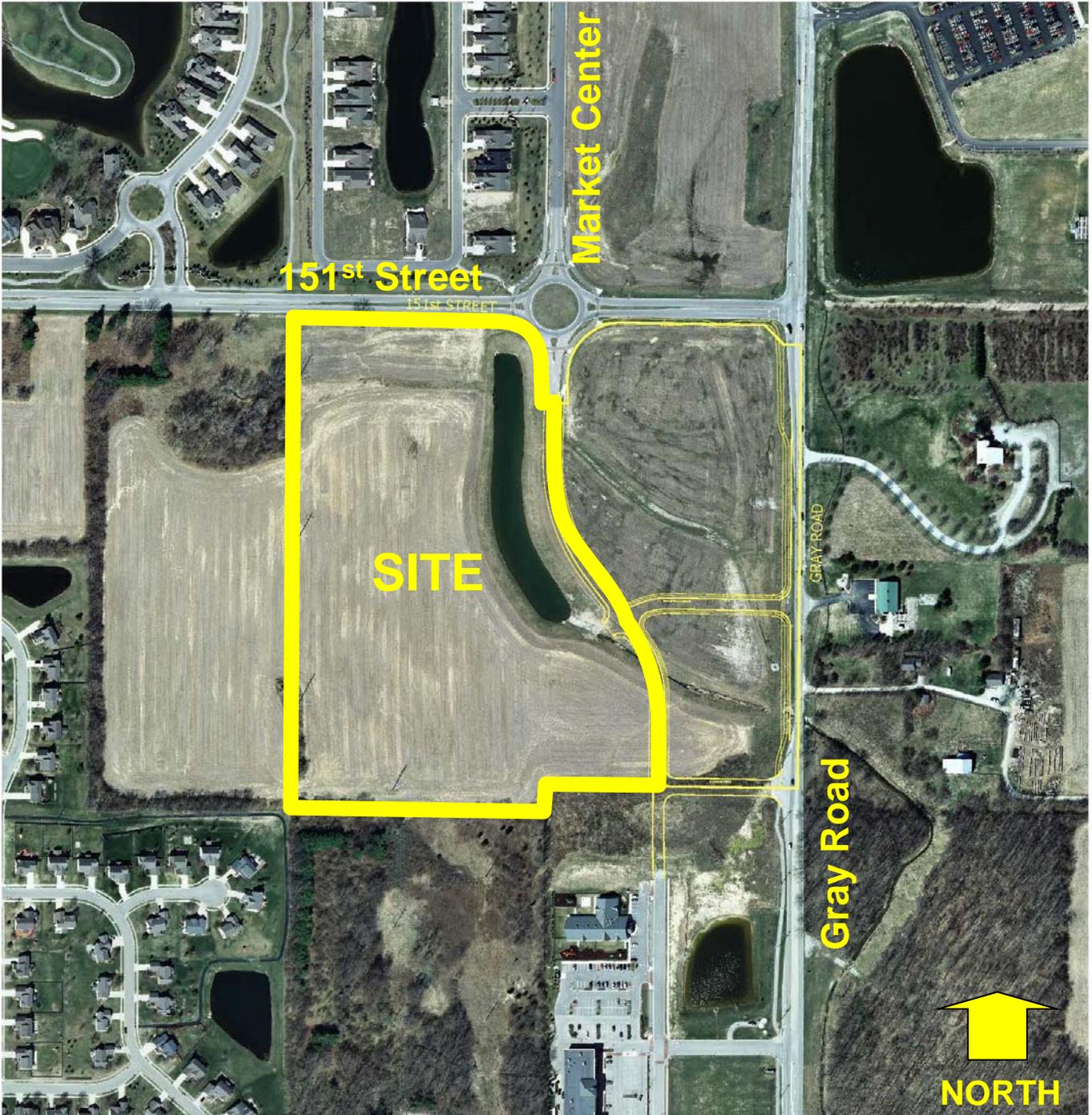
Page 2 of 2

**(Legal Description)**

**LEGEND**

- AREA X 
- AREA Y 
- AREA Z 





**Bridgewater Apartments**  
**Site Location Map / Aerial Photograph**

## **Bridgewater Apartments** *Narrative Overview*

The Justus Companies, Inc. is proud to announce plans for Bridgewater Apartments. This brand new “Class A” urban apartment community will be built on a 24 acre parcel located near 151<sup>st</sup> and Gray Road, in Westfield, Indiana. Developed in cooperation with the City of Westfield as part of the Bridgewater Club PUD (Planned Unit Development) multi-family phase, Bridgewater Apartments is being carefully designed to compliment the aesthetics of the surrounding residential and commercial properties.

The 240 luxury apartment homes at Bridgewater will be comprised of the following:

- 84 One Bedroom Homes, from 760 sq. ft. to 921 sq. ft.
- 136 Two Bedroom Homes, from 1109 sq. ft. to 1169 sq. ft.
- 20 Three Bedroom Homes at 1365 sq. ft.
- A selection of fully ADA accessible apartment homes

Just as Bridgewater’s luxury homes offer designer-planned features for beauty, ease and convenience; the apartment homes at Bridgewater will be well appointed with top of the line appliances, granite and granite-look countertops, luxurious soaking tubs, designer fixtures and high-end floor coverings. 124 of the apartment homes in Bridgewater will also include an attached or adjacent garage for the convenience of residents.

The trained management professionals of Justus Rental Properties, Inc. (JRPI) will be on hand to extend concierge-level services to Bridgewater Apartment residents, including 24 hour worry-free emergency residential maintenance.

Bridgewater Apartments will feature extensive walking paths, a golf cart path, and a beautifully designed central amenity centre conducive to optimum social engagement. The Bridgewater Apartment amenity centre (clubhouse) will offer the following:

- 5800 sq. ft. of social space
- Masterful landscaping with soothing water feature
- Welcoming lobby with timber-framed loft and stone fireplace
- Gathering areas, including expansive kitchen, entertainment space and conference center
- Health Club facility, offering 24/7 controlled access and state-of-the-art technology and exercise equipment
- 2000 sq. ft. pool with relaxation spa
- Stamped concrete deck, with outdoor kitchen and fireplace
- JRPI administrative offices and maintenance team office with controlled equipment storage

Because Bridgewater Apartments is being built by the Justus Companies, Inc., residents are assured they are getting the absolute best value, including exceptional features and amenities, an eco-friendly footprint, and a level of quality craftsmanship born from more than 100 years of experience in the construction and development industry.

Date: \_\_\_\_\_

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

Name of Applicant: Justus at Bridgewater, LLC  
Address: 1398 N. Shadeland Ave., Indianapolis, IN 46219  
Phone No.: (317) 353-8311

Name of Representative: James E. Shinaver and Jon C. Dobosiewicz  
Address: 3105 East 98<sup>th</sup> 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 is on the south side of 151<sup>st</sup> Street west of Gray Road. The subject Real Estate is identified in the attached legal description and site location exhibit.

Metes and Bounds Description: See Exhibit "A"

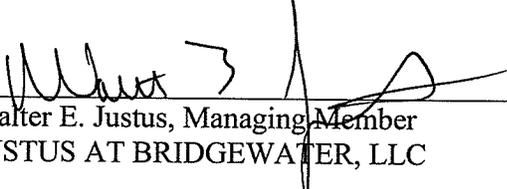
Plot Size: 23.06 acres, more or less

Fronting On: 151<sup>st</sup> Street

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

Present Zoning: Mixed Use PUD (Ordinance 06-49)

Explanation of Text Amendment: The Text Amendment will amend and consolidate the provisions applicable to apartment development on the Real Estate. See Exhibit "A" of the proposed Ordinance.

  
\_\_\_\_\_  
Walter E. Justus, Managing Member  
JUSTUS AT BRIDGEWATER, LLC

**EXHIBIT "A"**

Page 1 of 2

**(Legal Description)**

**Bridgewater Apartments**

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence South 00 degree 46 minutes 18 seconds East along the East line thereof 1,249.14 feet; thence South 89 degrees 46 minutes 53 seconds West parallel with the South line of said Quarter Quarter Section 662.99 feet; to the POINT OF BEGINNING of this description; thence South 89 degrees 46 minutes 53 seconds West 299.25 feet; thence South 00 degrees 48 minutes 53 seconds East 72.86 feet; thence South 89 degrees 46 minutes 53 seconds West 662.94 feet; thence North 00 degrees 51 minutes 28 seconds West 1,284.31 feet; thence North 89 degrees 52 minutes 56 seconds East 510.85 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 07 minutes 04 seconds East 140.00 feet from said point; thence southeasterly along said curve 219.91 feet to the point of tangency of said curve, said point being North 89 degrees 52 minutes 56 seconds East 140.00 feet from the radius point of said curve; thence South 00 degrees 07 minutes 04 seconds East 73.50 feet; thence North 89 degrees 52 minutes 56 seconds East 35.17 feet; thence South 00 degrees 02 minutes 55 seconds East 140.60 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 57 minutes 05 seconds East 500.00 feet from said point; thence southerly along said curve 334.97 feet to the point of tangency of said curve, said point being South 51 degrees 34 minutes 01 seconds West 500.00 feet from the radius point of said curve; thence South 38 degrees 25 minutes 59 seconds East 205.99 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 51 degrees 34 minutes 01 seconds West 250.00 feet from said point; thence southerly along said curve 164.15 feet to the point of tangency of said curve, said point being North 89 degrees 11 minutes 14 seconds East 250.00 feet from the radius point of said curve; thence South 00 degrees 48 minutes 45 seconds East 231.39 feet to the place of beginning, containing 23.0606 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

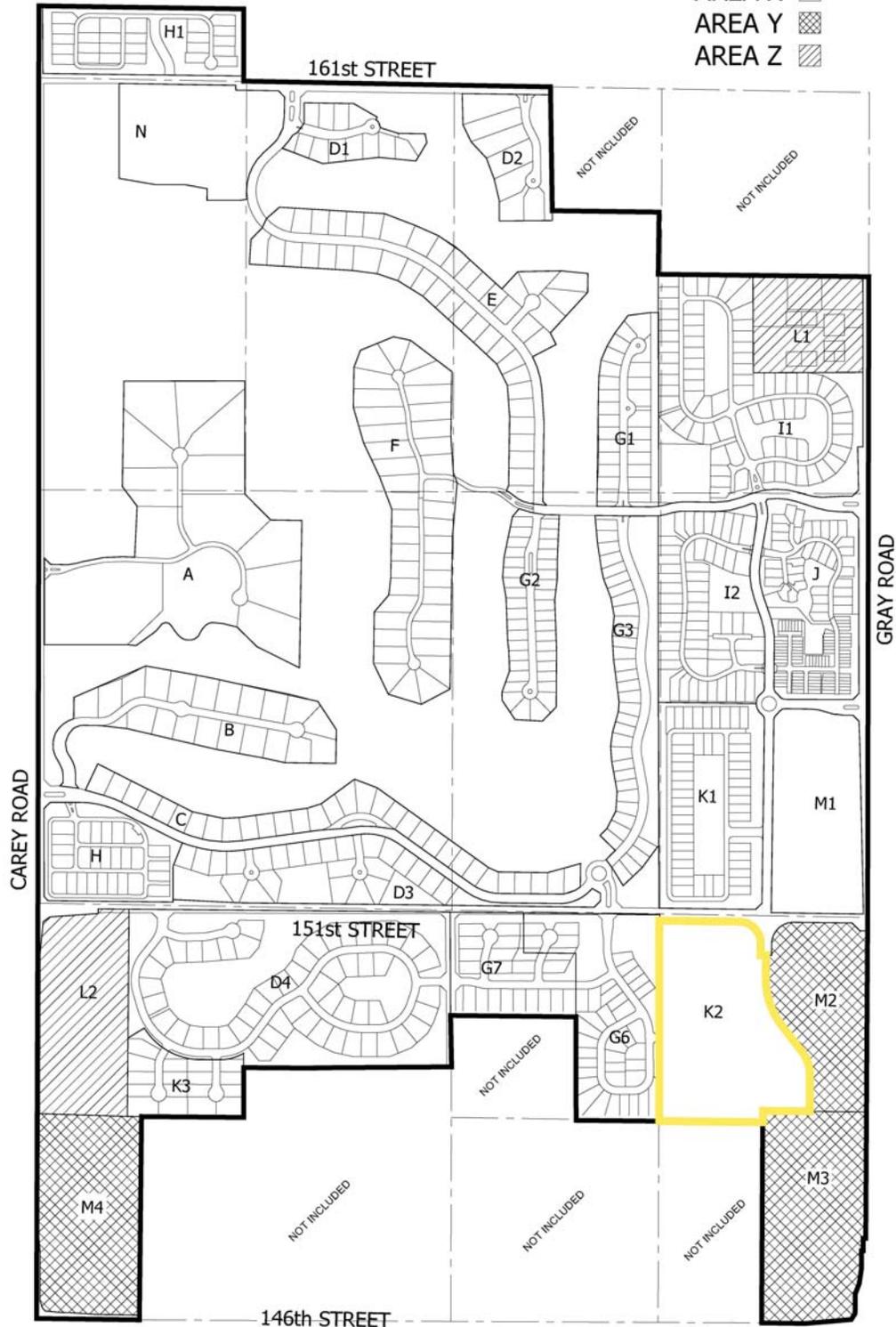
# EXHIBIT "A"

Page 2 of 2

## (Site Location Exhibit)

### 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, ORDINANCE 13-\_\_\_\_ 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 13\_\_-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 13\_\_-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

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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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: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger  
3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

## **EXHIBIT “A”**

DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL USES. The below terms, conditions, and provisions shall apply to the use and development apartment dwellings on Parcel K2 of the Bridgewater PUD (Ordinance 06-49 as amended).

- A. Minimum lot area: Not applicable.
- B. Minimum lot frontage on road: Not applicable.
- C. Maximum number of Apartments:
  - 1. Two-hundred and forty (240) dwellings.
- D. Minimum Open/Green Space Area: Twenty percent (20%).
- E. Minimum distance between buildings: Twenty (20) feet.
- F. Building Setbacks (minimum):
  - 1. Sixty (60) foot front yard along External Streets (151<sup>st</sup> Street).
  - 2. Five (5) foot front yard along Market Center Drive.
  - 3. Thirty (30) foot rear yard along the south perimeter of the Real Estate. The minimum setback shall be twenty (20) feet where the Parcel K2 abuts Area “Y”.
  - 4. Sixty (60) foot side yard along the west perimeter of the Real Estate.
- G. Maximum building height: Forty (40) feet.
- H. Minimum Square footage per dwelling unit: Seven Hundred (700) square feet.
- I. Architectural Standards and Building Materials:
  - 1. Building Elevations:
    - a. Building Elevations must generally conform with the exhibits contained in the architectural character illustrations are included in Exhibit “C” of this Ordinance.
    - b. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials.
    - c. Aluminum and vinyl siding are prohibited, but metal garage doors and vinyl clad windows and soffits shall be permitted. Permitted materials

include EIFS, synthetic stucco, cultured stone, brick, stone, wood, and concrete fiber siding.

- d. Brick or stone shall be used on all elevations of each building as appropriate to the building architectural style.
  - e. All structures shall utilize a minimum of two (2) exterior building materials (excluding window, door, and roofing materials) per elevation. Examples of materials: Brick, stone, concrete fiber siding.
  - f. All structures shall utilize a minimum of three (3) exterior building material styles per elevation. Examples: Brick, stone and horizontal fiber cement siding, and/or shake style concrete fiber siding.
2. Windows: All windows shall have either shutters and/or architectural treatment. For windows in brick façade, the treatment shall be of natural or masonry materials and be applied to the sill at a minimum. For windows in a non-brick façade, the windows shall be trimmed to match the building style. The width of the architectural treatment shall be a minimum of 3½” reveal dimension of the base siding material.
  3. Roof Pitch: Roof form and pitch design will include, where appropriate, varied pitches and ridge levels.

J. Parking:

1. Two (2) parking spaces per dwelling are required. Tandem Parking Spaces adjacent to individual garages shall meet this requirement provided that both the garage and tandem space are dedicated to the same tenant.
2. All off-street parking shall be in rear or side yards.

K. Required Amenities: The following Amenities will be distributed throughout the Real Estate, for use by residents of the Real Estate:

1. Clubhouse including indoor resident amenities.
2. Swimming Pool.
3. Integrated trail and sidewalk system.
4. All amenities will be constructed as part of first phase of construction. The timing for the completion of the trails and sidewalks will be in phases as the development is completed.

L. Site Landscaping Requirements:

1. Trash Facilities: Trash dumpster or compactor locations shall be screened with a minimum six (6) foot opaque fence or wall constructed of the same permitted exterior materials permitted on buildings.
2. Detention/Retention Basins and Ponds: Basins and ponds shall be landscaped with shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant material at the election of the owner of the Real Estate.
3. On-Site Standards: The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs set forth in On-Site Table of Exhibit 18 shall not apply to the development of apartments on the Real Estate.
4. Building Base Landscaping Requirements:
  - a. A minimum of one-half (0.5) trees, and two (2) shrubs shall be planted around each building per the number of dwellings in each building.
  - b. The clubhouse shall require one (1) tree and five (5) shrubs for every thirty (30) feet not obstructed by walkways, patios, and/or pool deck area.
  - c. A mulched area a minimum of two (2) feet in width will be provided along 100% of the building façade where not obstructed by walkways, patios and/or driveways.
  - d. Perennial plants and ground cover may be planted in addition to the above noted required plantings.
5. Road Frontage/Street Trees:
  - a. External Streets: See Buffer Yards below.
  - b. Internal Streets (Market Center Drive): A minimum of one (1) shade tree per (30) linear feet of frontage.
6. Buffer Yards:
  - a. Buffer Yards shall be required in areas adjacent to (i) External Streets (151<sup>st</sup> Street), (ii) the south perimeter of the Real Estate, (iii) the west perimeter of the Real Estate, and (iv) is not required along internal streets (Market Center Drive).
  - b. Minimum width of Buffer Yards shall be as follows:
    - i. The External Street (151<sup>st</sup> Street) Buffer Yard shall be a minimum of fifty (50) feet.
    - ii. The south perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

iii. The west perimeter Buffer Yard shall be a minimum of twenty (20) feet in width.

c. The Buffer yard along 151<sup>st</sup> Street shall be landscaped using a combination of berms, landscaping, brick or stone masonry, and ornamental metal picket fencing. Berming shall be at least four (4) feet in height. At least seven (7) evergreen trees per one-hundred (100) linear feet and two (2) shade trees per (100) linear feet shall be planted. Ornamental trees may be substituted, one (1) for (1), for evergreen trees, provided at least sixty percent (60%) of the trees used are evergreen trees. Brick or stone masonry columns and ornamental metal picket fencing may also be used provided they do not exceed eight (8) feet in height.

d. Within the south and west Buffer Yards, at least one (1) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet shall be planted. Shade Trees may be substituted for evergreen trees at a one-to-one (1:1) basis (shade:evergreen). Evergreen trees and shrubs may be substituted for one another on a one-to-three (1:3) basis (tree:shrub). Where there exist conflicts between Buffer Yards and overhead power transmission line easements the planting standard shall be five (5) shade or evergreen trees per one hundred (100) linear feet permitting a substitution as noted above for shrubs.

7. Interior Parking Lot Landscaping:

a. Area Required: A portion of vehicular use areas shall be maintained as landscaped area. The minimum amount of interior parking lot area that must be landscaped shall be five (5) percent.

b. Parking Lot Islands:

i. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.

ii. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with permitted groundcover material to achieve complete coverage.

8. Perimeter Parking Lot Landscaping:

a. Perimeter landscaping is only required for parking areas within twenty (20) feet of the perimeter of the Real Estate or within the block occupied by the clubhouse for those spaces that serve the clubhouse.

- b. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped in an aesthetically pleasing manner.
- c. There shall be one tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
- d. There shall be one shrub per three (3) feet of parking lot length. Shrubs may be clustered.

**EXHIBIT "B"**

Page 1 of 2

**(Legal Description)**

Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Commencing at the Northeast corner of said Quarter Quarter Section; thence South 00 degree 46 minutes 18 seconds East along the East line thereof 1,249.14 feet; thence South 89 degrees 46 minutes 53 seconds West parallel with the South line of said Quarter Quarter Section 662.99 feet; to the POINT OF BEGINNING of this description; thence South 89 degrees 46 minutes 53 seconds West 299.25 feet; thence South 00 degrees 48 minutes 53 seconds East 72.86 feet; thence South 89 degrees 46 minutes 53 seconds West 662.94 feet; thence North 00 degrees 51 minutes 28 seconds West 1,284.31 feet; thence North 89 degrees 52 minutes 56 seconds East 510.85 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 07 minutes 04 seconds East 140.00 feet from said point; thence southeasterly along said curve 219.91 feet to the point of tangency of said curve, said point being North 89 degrees 52 minutes 56 seconds East 140.00 feet from the radius point of said curve; thence South 00 degrees 07 minutes 04 seconds East 73.50 feet; thence North 89 degrees 52 minutes 56 seconds East 35.17 feet; thence South 00 degrees 02 minutes 55 seconds East 140.60 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 57 minutes 05 seconds East 500.00 feet from said point; thence southerly along said curve 334.97 feet to the point of tangency of said curve, said point being South 51 degrees 34 minutes 01 seconds West 500.00 feet from the radius point of said curve; thence South 38 degrees 25 minutes 59 seconds East 205.99 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 51 degrees 34 minutes 01 seconds West 250.00 feet from said point; thence southerly along said curve 164.15 feet to the point of tangency of said curve, said point being North 89 degrees 11 minutes 14 seconds East 250.00 feet from the radius point of said curve; thence South 00 degrees 48 minutes 45 seconds East 231.39 feet to the place of beginning, containing 23.0606 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

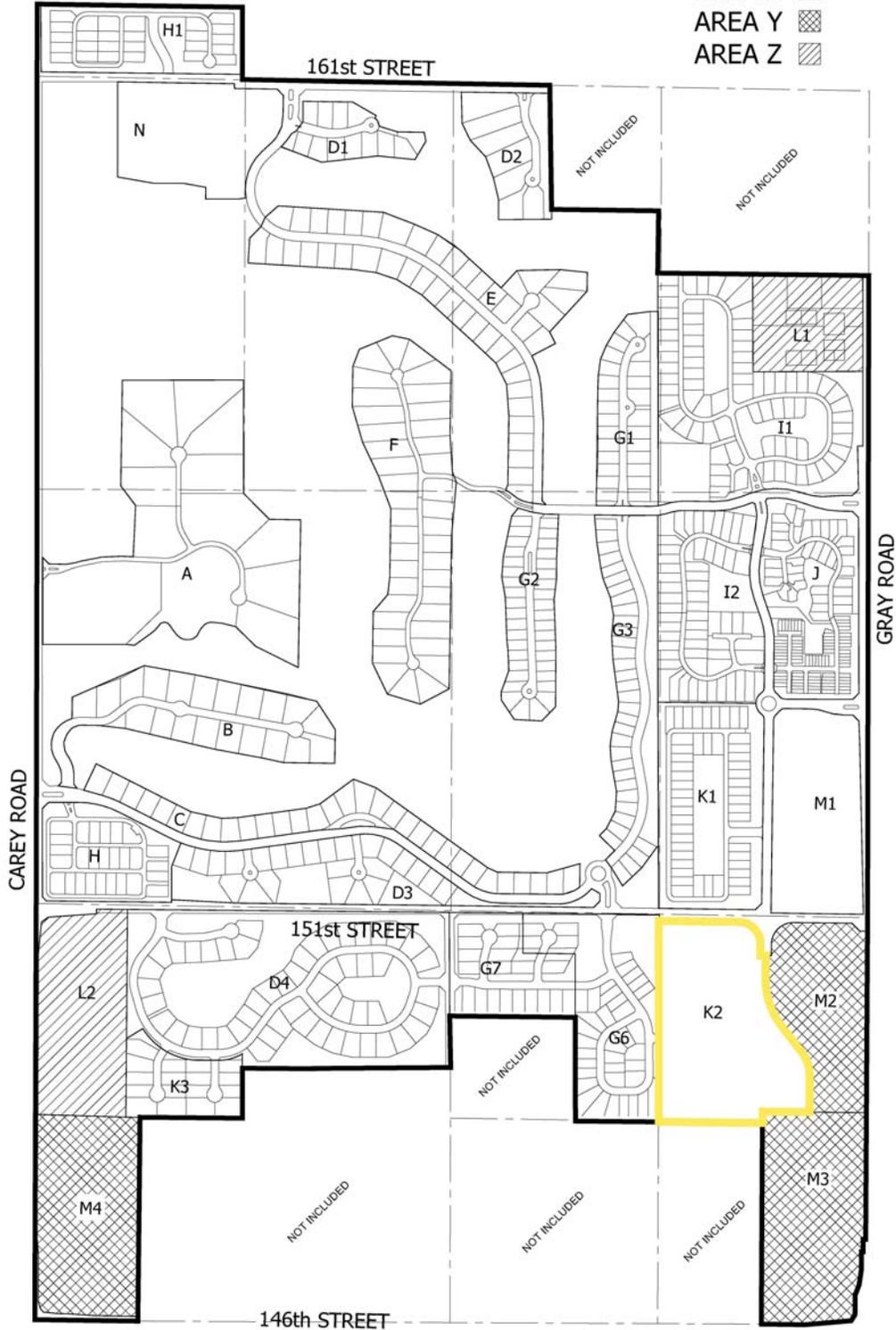
**EXHIBIT "B"**

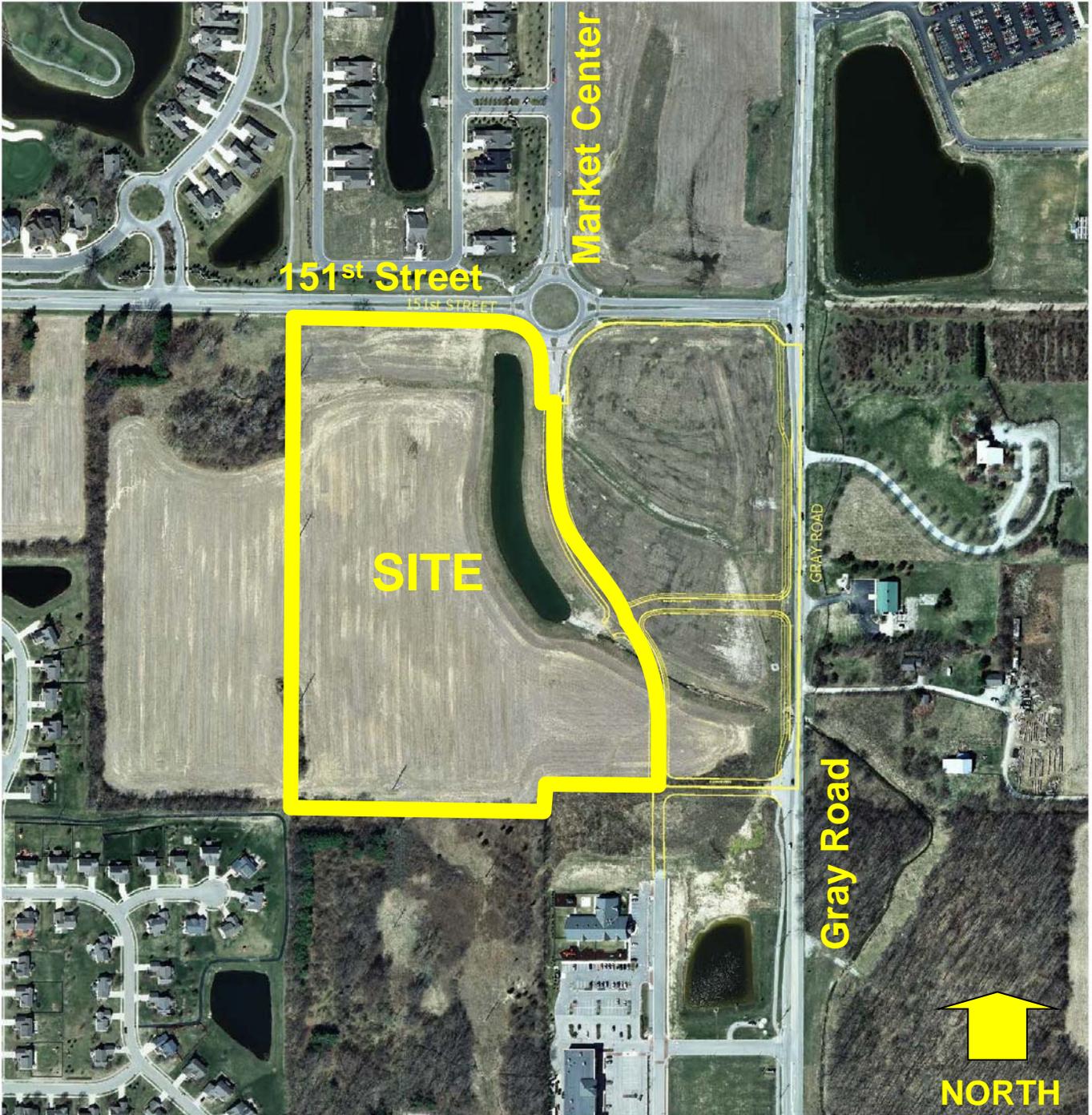
Page 2 of 2

**(Legal Description)**

**LEGEND**

- AREA X 
- AREA Y 
- AREA Z 





**Bridgewater Apartments**  
**Site Location Map / Aerial Photograph**

## **Bridgewater Apartments** *Narrative Overview*

The Justus Companies, Inc. is proud to announce plans for Bridgewater Apartments. This brand new “Class A” urban apartment community will be built on a 24 acre parcel located near 151<sup>st</sup> and Gray Road, in Westfield, Indiana. Developed in cooperation with the City of Westfield as part of the Bridgewater Club PUD (Planned Unit Development) multi-family phase, Bridgewater Apartments is being carefully designed to compliment the aesthetics of the surrounding residential and commercial properties.

The 240 luxury apartment homes at Bridgewater will be comprised of the following:

- 84 One Bedroom Homes, from 760 sq. ft. to 921 sq. ft.
- 136 Two Bedroom Homes, from 1109 sq. ft. to 1169 sq. ft.
- 20 Three Bedroom Homes at 1365 sq. ft.
- A selection of fully ADA accessible apartment homes

Just as Bridgewater’s luxury homes offer designer-planned features for beauty, ease and convenience; the apartment homes at Bridgewater will be well appointed with top of the line appliances, granite and granite-look countertops, luxurious soaking tubs, designer fixtures and high-end floor coverings. 124 of the apartment homes in Bridgewater will also include an attached or adjacent garage for the convenience of residents.

The trained management professionals of Justus Rental Properties, Inc. (JRPI) will be on hand to extend concierge-level services to Bridgewater Apartment residents, including 24 hour worry-free emergency residential maintenance.

Bridgewater Apartments will feature extensive walking paths, a golf cart path, and a beautifully designed central amenity centre conducive to optimum social engagement. The Bridgewater Apartment amenity centre (clubhouse) will offer the following:

- 5800 sq. ft. of social space
- Masterful landscaping with soothing water feature
- Welcoming lobby with timber-framed loft and stone fireplace
- Gathering areas, including expansive kitchen, entertainment space and conference center
- Health Club facility, offering 24/7 controlled access and state-of-the-art technology and exercise equipment
- 2000 sq. ft. pool with relaxation spa
- Stamped concrete deck, with outdoor kitchen and fireplace
- JRPI administrative offices and maintenance team office with controlled equipment storage

Because Bridgewater Apartments is being built by the Justus Companies, Inc., residents are assured they are getting the absolute best value, including exceptional features and amenities, an eco-friendly footprint, and a level of quality craftsmanship born from more than 100 years of experience in the construction and development industry.