

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
BRIAN K. TEKULVE

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: January 3, 2014
To: Westfield City Council Members
From: Jon Dobosiewicz, Nelson & Frankenberger
RE: Woodland Terrace of Westfield (151st Street and Gray Road) –
Bridgewater PUD Text Amendment

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Sarah L. Reed, AICP dated January 3, 2014,
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,
5. A narrative overview of Woodland Terrace of Westfield, and
6. An Overall Color Concept Plan.

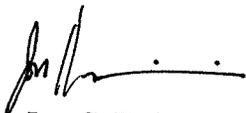
The applicant, Justus Home Builders, Inc. has filed the text amendment to amend the provisions applicable to the Real Estate as noted in Exhibit "A" to the proposed Ordinance.

We are filing at this time in order to be heard for introduction by the City Council on January 13th, TAC on January 21st, and the Plan Commission on February 3rd and 17th. 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

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
BRIAN K. TEKULVE

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

January 3, 2014

Sarah L Reed, AICP
City of Westfield
2706 East 171st Street
Westfield, IN 46074

**RE: Woodland Terrace of Westfield (151st Street and Gray Road)
Bridgewater PUD Text Amendment**

Dear Sarah,

Please find enclosed (i) the necessary application for a Text Amendment for the Bridgewater PUD (Ordinance 06-49 as amended) and (ii) Development Plan Application for Woodland Terrace of Westfield. We are filing at this time in order to be heard for introduction by the City Council on January 13th, TAC on January 21st, and the Plan Commission on February 3rd and 17th with an anticipated return to the City Council after that based on the review process.

Please find the following information enclosed:

1. Completed Petition for Text Amendment with legal description,
2. Owner's consent form,
3. Copy of the proposed Text Amendment ordinance,
4. Site Location Exhibit / Aerial Photograph,
5. A narrative overview of Woodland Terrace of Westfield,
6. Overall Color Concept Plan, and
7. Proposed Development Plan with application (including check).

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: 1-2-14

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

Name of Applicant: Justus Home Builders, Inc.
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 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 is on the south side of 151st Street west side 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: 12.03 acres, more or less

Fronting On: 151st Street and Gray Road

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 the provisions applicable to an assisted living facility development (see attached project explanation) on the Real Estate. See Exhibit "A" of the proposed Ordinance.



Walter E. Justus, President
JUSTUS HOME BUILDERS, INC.

EXHIBIT "A"

Page 1 of 2

(Legal Description)

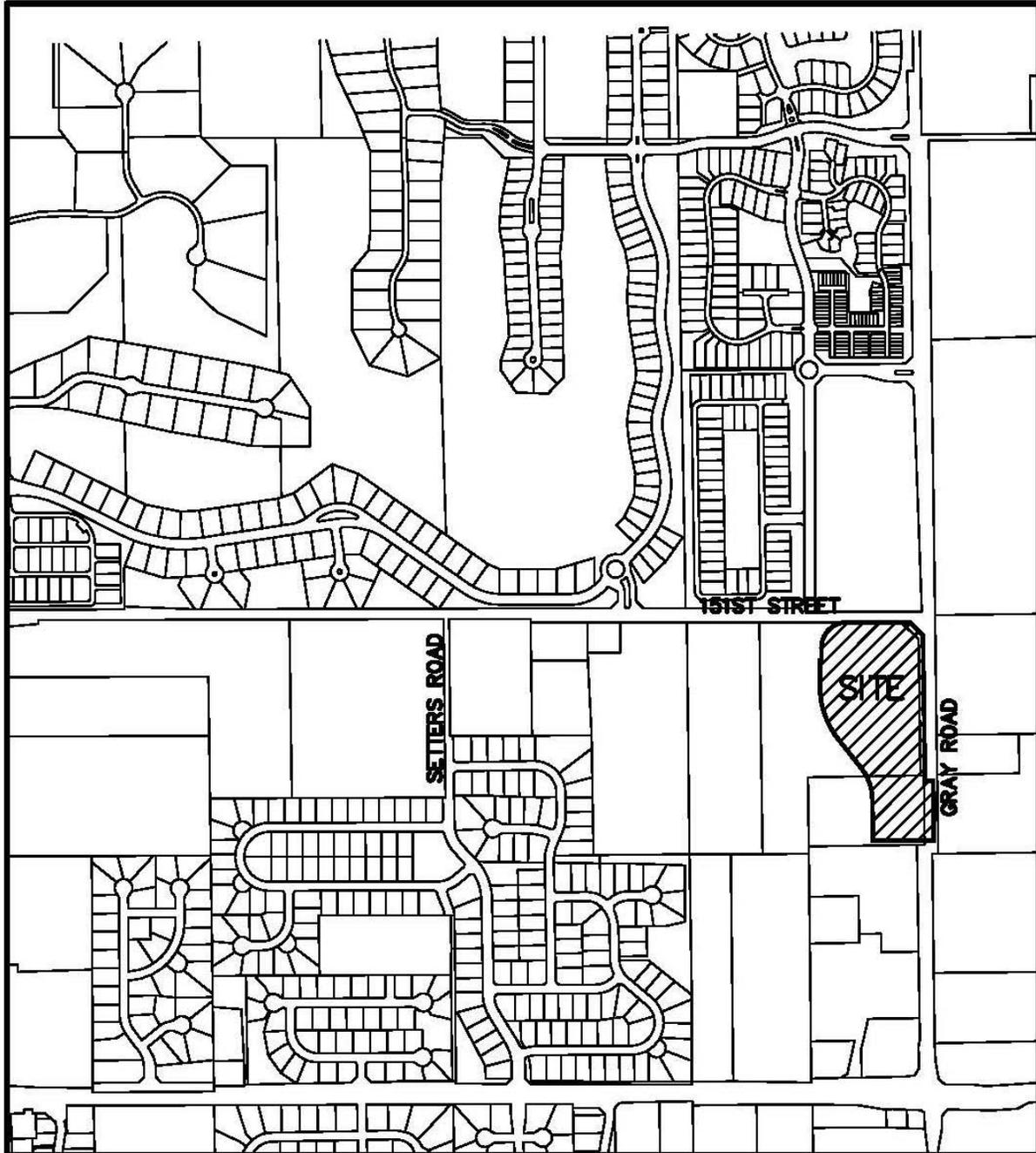
Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Lot 2 and Lot 3 of Bridgewater Marketplace, Section 3 Recorded as Instrument No. 2013-048576, Plat Cabinet 5, Slide 108 in the office of the Recorder of Hamilton County, Indiana.

EXHIBIT "A"

Page 2 of 2

(Site Location Exhibit)



LOCATION MAP
N.T.S.

ORDINANCE 14-__

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 13-03, ORDINANCE 13-06, ORDINANCE 13-08 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 14__-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; (ix) Ordinance 13-03, enacted by the City Council on February 11, 2013; (x) Ordinance 13-06, enacted by the City Council on March 11, 2013; and (xi) Ordinance 13-08, enacted by the City Council on March 25, 2013 (collectively, the “Bridgewater PUD Ordinance”)

WHEREAS, on _____, 2014 the Commission took action to forward Docket Number 14__-PUD-__ to the Westfield City Council with a _____ recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on _____, 2014 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, but only with respect to (i) the standards applicable to an Assisted Living Facility use constructed on the real estate established in what is attached hereto and incorporated herein by reference as Exhibit “A” and (ii) 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 14-__ was fully passed by members of the Council this __ day of _____, 2014. Further, this Ordinance 14-__ 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 14-__ are hereby amended. To the extent that this Ordinance 14-__ conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 14-__ 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 _____, 2014.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Chuck Lehman

Chuck Lehman

Chuck Lehman

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. 14-__ was delivered to the Mayor of Westfield
on the _____ day of _____, 2014, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-__

This _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-__

this _____ day of _____, 2014.

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

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

EXHIBIT “A”

The below terms, conditions, and provisions shall apply only to the use and development of the Real Estate as an Assisted Living Facility, all of the development standards for Area Y, as set forth in the Bridgewater PUD Ordinance shall apply, subject only to the following amendments:

- A. Area Y - Aggregate Maximum Square Footage and Parcel Coverage: The total building square footage of two-hundred and eighty-three thousand five hundred (283,500) and total building footprint of ninety-eight thousand (98,000) shall be added to the maximum building square footage and parcel coverage set forth in Section 10.G.(1) of the Bridgewater PUD Ordinance.
- B. Minimum Setback Lines from External Streets: The minimum building setback shall be (i) seventy (70) feet from 151st Street and (ii) thirty (30) feet from Gray Road.
- C. Tenant or Owner Occupied Space: In addition to the requirements of Section 10.G.(7) of the Bridgewater PUD Ordinance, one single tenant or owner occupied space in Area Y is permitted up to two-hundred and ninety thousand (290,000) square feet.
- D. Signage: A Residential Complex Sign meeting the standards of Section 14.D.(2)(a) of the Bridgewater PUD Ordinance may be placed at the northwest corner of Radrick Drive and Gray Road. This sign may include the names of the apartment use on Parcel K2 and the assisted living use on the Real Estate.
- E. Landscaping Requirements: The “Business Uses” land use type of the “Minimum On-Site Requirements” of Exhibit 18 – Landscaping Requirements of the Bridgewater PUD Ordinance shall apply.
- F. Development Plan: The Real Estate shall be developed in substantial compliance with the Concept Plan attached hereto and incorporated herein as Exhibit “C”.

EXHIBIT “B”

Page 1 of 2

(Legal Description)

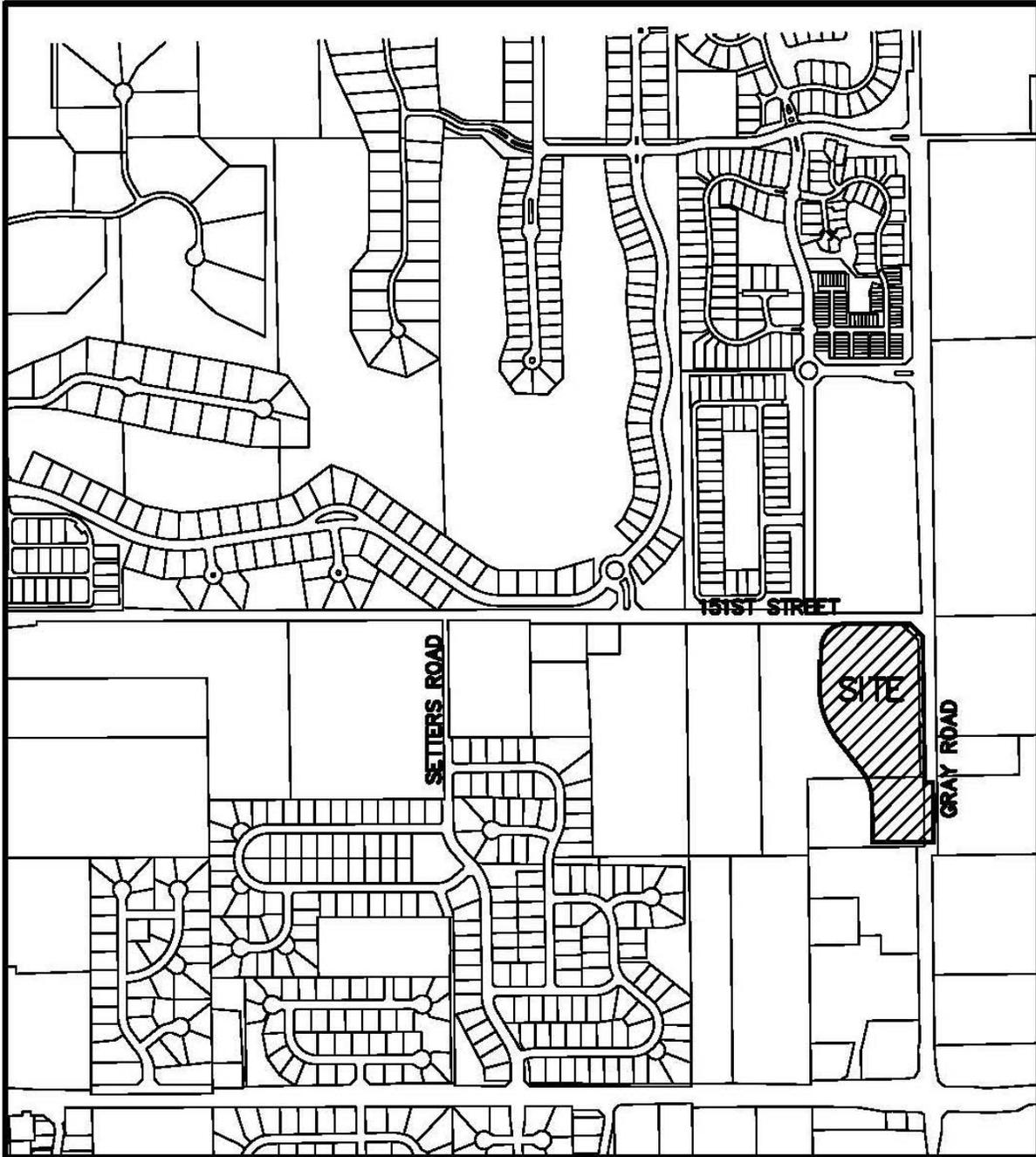
Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

Lot 2 and Lot 3 of Bridgewater Marketplace, Section 3 Recorded as Instrument No. 2013-048576, Plat Cabinet 5, Slide 108 in the office of the Recorder of Hamilton County, Indiana.

EXHIBIT "B"

Page 2 of 2

(Legal Description)

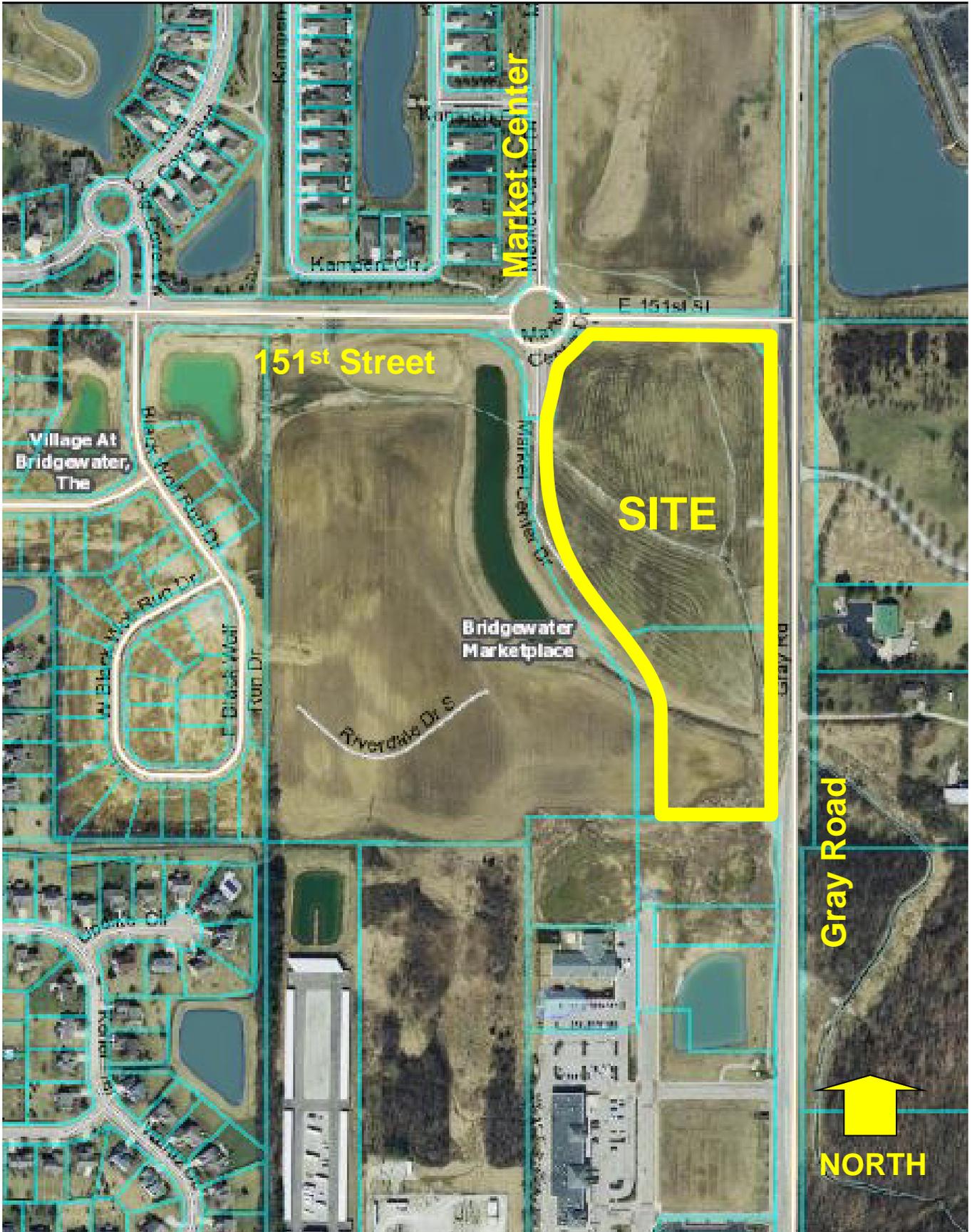


LOCATION MAP
N.T.S.

EXHIBIT "C"

(Concept Plan)





**Woodland Terrace of Westfield
Site Location Map / Aerial Photograph**

NARRATIVE OVERVIEW

Woodland Terrace of Westfield Senior Living

The Justus Companies is proposing to build their newest 165 unit senior living community, Woodland Terrace of Westfield, Senior Living, on approximately 13+/- acres located in the Bridgewater PUD near 151st and Gray Road, Westfield, Indiana. The estimated cost of said project will be \$18,000,000 to \$20,000,000, once completed, and will be constructed so all facets are compliant with the planning and architectural standards of the Bridgewater Community (PUD).

The company's closest Senior Community to the subject property is Crestwood Village North, a 300 unit senior community, located on the Monon Trail, near East 91st Street and College Avenue.

Woodland Terrace of Bridgewater, Senior Living Amenities

In order to carefully serve the diverse physical acuity of the aging resident population, Woodland Terrace of Westfield will offer state of the art services and luxury amenities.

Site and Design Amenities:

- 165 apartment homes, including one, two and three bedroom floor plans, and the project will be completed in one phase
- Exceptionally large apartment suites (841-1341 gross square feet) comparatively to the surrounding market
- Subject will be constructed as a "Class A" Community, offering many luxury finishes and amenities. This will include Granite Solid Surface Counter Tops, Custom Kitchens, including Raised Dishwashers, Built-In Microwaves and Wall Ovens combinations, and Universal Design and (free) Wireless Technological features. Master (Garden) bathrooms will include walk in showers and therapy bathtubs
- 55 over-sized attached garages
- Subject is located within the Bridgewater (PUD) Market Place area, as well as in immediate proximity to a multitude of medical providers, local business and retailers.
- The exterior will include a high % of brick and stone masonry construction, and private balconies and patios will be incorporated into every home
- Subject exceeds the green space requirements by 60%.
- On-Site amenities will include paved walking trails and golf cart paths, sitting areas, entrance water feature, and the plan will meet or exceed the landscape requirements as set forth by the local municipalities
- Off-Site Pedestrian Connectivity to the community walking trail system, leading to the Market Place Shopping District, as well as to the Bridgewater residential community walking trail connections
- The project will provide up to three lit water features (fountains'), placed within the adjoining pond
- Appropriately sized "exterior" amphitheater, gazebo, and resident sitting areas

throughout Subject will include all applicable American Disability Act design features, including ADA elevator access and appropriately located stairwells, as well as interior mail delivery and trash disposal

- Emergency (immediate) response systems, including resident wireless technology response, and hardwired system
- Advanced technology integrated into every apartment home, networking all facets of the community, including administrative offices, onsite maintenance, wellness and resident informational portal
- Subject will be a non-smoking community
- Resident Wellness (attach Fresh Connections literature): The Justus Company operates a Resident Care, and Holistic and Wellness based program within their senior living communities, aptly named "*Fresh Connections*". Fresh Connections is a consortium of three resident wellness components; Freedom Senior Services of Indiana, Freedom Home Health and Hospice of Indiana, and Health Crest. "Freedom Senior Services of Indiana, Inc." which offers a fully trained staff of Personal Services Agency (PSA) members, provides meals, daily bathing, housekeeping, transportation, laundry services and companionship. "Freedom Home Health and Hospice of Indiana, Inc." which is a Licensed (Medicare Certified) Home Health and Hospice Agency provides Physical Therapy, Occupational Therapy, Wound Care, Social Work and Nutritional Therapy. "Health Crest" is an "8 dimensional" resident wellness program consisting of physical, nutritional, spiritual, emotional, social, intellectual, environmental and community based programs. "Fresh Connections" have proven successful in allowing our residents to comfortably remain in their home by providing the support services mentioned, as an affordable option
- Dining: In addition to the "in home meal service" provided by the PSA, the community will offer an resident social hall, where meals will be provided on a scheduled basis
- Wellness: A "staffed" state of the art wellness facility will be provided offering a state of the art "Techno-Gym", as well as a water therapy component; pool and spa
- Social Hall: A designated social hall will be provided to facilitate an array of social gathering opportunities. This will include a library, internet café' and business center, dining space, and administrative offices for resident support
- Fitness Center, offering a state of the art "Techno-Gym" that includes an integrated approach combining technology and fitness for optimum restorative qualities
- Yoga Center, including the latest Audio and Video technology
- Outpatient Therapy Center, offering a Holistic environment of Physical and Occupational services, Rehabilitation and onsite Resident Wellness Programs
- Water Therapy Center, including an in-ground "Swim Spa" and resident Hot Therapy Spa
- Subject will be an enhancement to the city of Westfield and the community at large, and will not be a burden to the local school district, or other applicable public infrastructure

Woodland Terrace at Westfield Senior Living Assisted Living Analysis

If applicable, the proposed project will meet the state of Indiana's definition of Assisted Living, which reads as follows:

Residential Care and Housing with Services Establishments Definition and Explanation

- Two Indiana agencies have jurisdiction over the services generally described as assisted living. The Indiana Department of Health (ISDH), which regulates the licensure requirements for Residential Care Services, and the Indiana Family and Social Services Administration (FSSA), which through the Division of Aging, maintains a registry of establishments filing disclosures for Housing with Services Establishments.
- The Housing with Services Establishment Act also establishes certain requirements for contracts between Housing with Services establishments and residents. The act requires any ISDH- licensed and unlicensed Residential Care Facility to submit an annual disclosure and fees associated with the services they provide.
- The disclosure for Housing with Services Establishments requires specific contract leasing information between the establishment and the resident.
- Housing with Services establishments provide sleeping accommodations to at least five residents and offer or provide, for a fee, at least one regularly scheduled health related service, or at least two regularly scheduled supportive services, whether offered or provided directly by the establishment or by another person arranged for by the establishment.
- As related to Housing with Services Establishments, a health related service includes home health services as listed under IC 16-27-1-5(b) and IC 16-27-1-5(c), attendant and personal care services, professional nursing services, and the central storage and distribution of medication.
- A facility that provides services, such as room (living quarters), meals, laundry, activities, housekeeping, and limited assistance in activities of daily living, without providing administration of medication or residential nursing care is not required to be licensed.



Lot 2 - 8.78Ac.±
 Lot 3 - 3.25Ac.±
 12.03Ac.±
 Open Space - 6.97Ac.± (58%)

Total Parking - 199
 (excluding garages and drives)

* Resident Wellness Center
 leasing office / indoor pool
 fitness center / pub / model apartment



STOEPPELWERTH

of: 317.849.5935 7965 East 106th Street
 fax: 317.849.5942 Fishers, Indiana 46038-2505
 www.stoepfelwerth.com

