

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.

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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.

I hereby VETO ORDINANCE No. 14-__
this _____ day of _____, 2014.

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 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”

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(Legal Description)

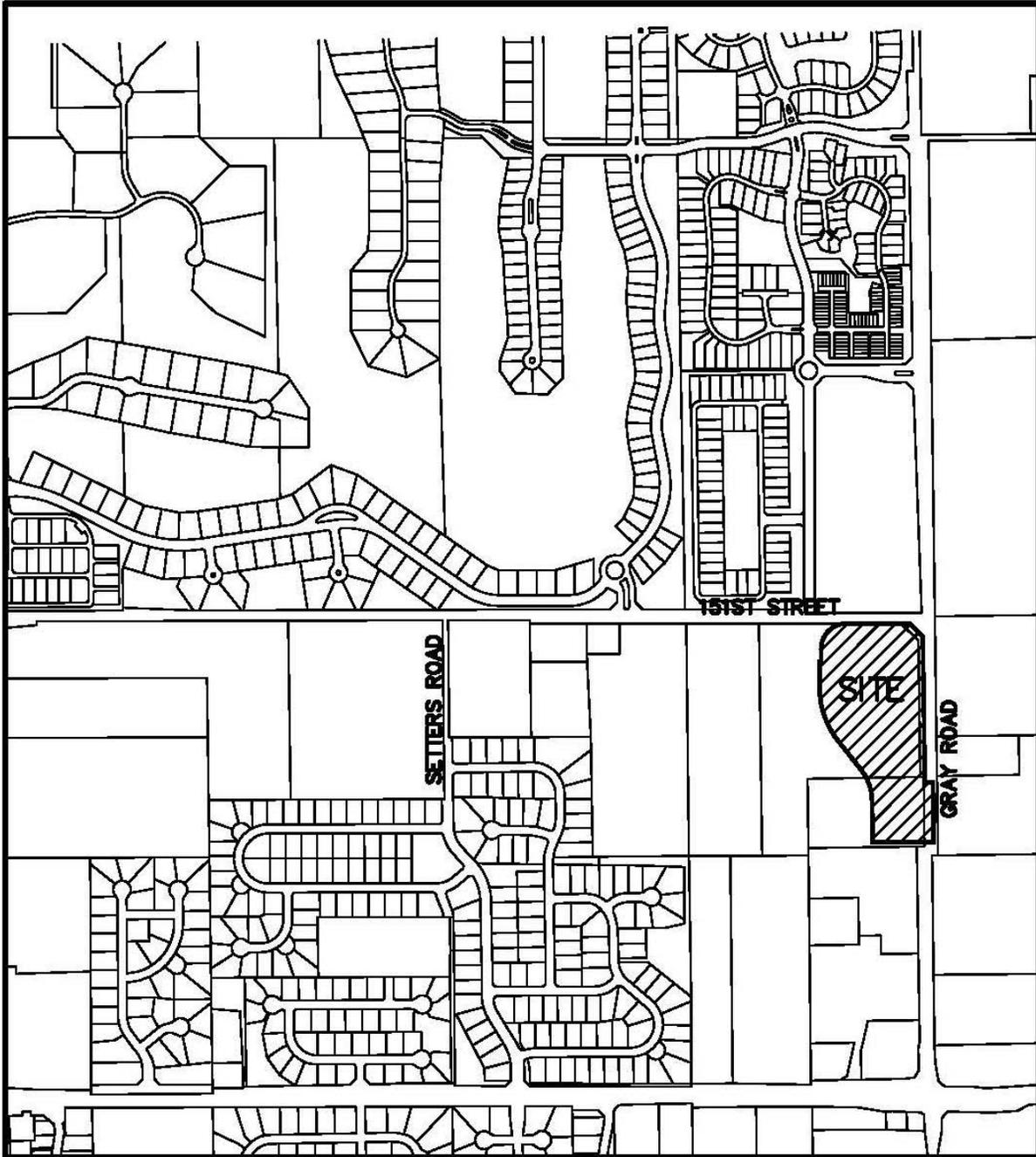
Part of the Northeast Quarter of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, said part being more particularly described as follows:

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"

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(Legal Description)



LOCATION MAP
N.T.S.

EXHIBIT "C"

(Concept Plan)

