

Kevin M. Todd, AICP

From: Pendergast, Tom <tom.pendergast@roche.com>
Sent: Friday, August 01, 2014 11:31 AM
To: Rob
Cc: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Buehler, Brad; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrello
Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

I would like to echo Mr. Ginder's comments and extend the feeling that it seems the surrounding homeowner's good faith and trust are being negotiated. The fact of the matter is that Rickers knew the contents of the PUD when they acquired the site, including the hour requirements. Are we thought to be naive or oblivious neighbors? Now we find the Rickers needs the "critical" hour between 5 am and 6 am or it will be detrimental to their business. I find this difficult to believe and wonder if there is an ulterior motive. I am extremely concerned about the 24/7 status that Rickers enjoys at all of their other locations and those hours being extended to that site.

It seems as if the supposed wants and needs of a business are being put ahead the good faith and trust of the surrounding neighborhoods and Westfield residents.

On Fri, Jul 25, 2014 at 11:07 PM, Rob <rob@ginders.com> wrote:

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). I was out of town on Monday July 21st and unable to attend the Westfield Advisory Plan Commission (WAPC) meeting. I see from the meeting agenda I found on City of Westfield web site that L & Q Realty, LLC by Faegre Baker & Daniels presented and requested modifications to the zoning commitments associated with Ordinance 06-49. This basically was to request that Rickers Gas Station be allowed to extend the canopy over all of the gas pumps and to allow them to open at 5am instead of 6am. Since I was not able to attend the meeting I would like to take this opportunity

to express my thoughts and concerns on the construction of Rickers and the requested PUD changes.

Construction of the Rickers Gas Station & Convenience store has already started on the development site at 146th and Carey Road. It would appear that what would be considered the front entrance of the store is facing east and that the gas pumps are being located on the east side of the structure which put them in clear view from 146th street. I had originally thought this violated the PUD restriction that "all gas pumps shall be located away from perimeter or external streets". I now realize that Rickers was allowed to use Carey Road as the determining road that the pumps were located away from and not 146th street. This was not the intent when Brentwood Village worked with Bridgewater to put this wording into the PUD. As I stated in the attached email the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith to try as best we could to come up with a win/win situation regarding what was being built on this site and how things were being built. Common sense would dictate that the busier of the two streets (146th and Carey Road) should have been used as the determining factor as the intent was to hide the gas pumps from general view. It appears that Rickers was allowed to use whichever road benefited them as the determining factor. Allowing them to use Carey Road as the determining street goes against what Brentwood Village and other neighborhoods negotiated. I am at a loss as to why Rickers was allowed to use the much less busy Carey Road for this interpretation. Who would have allowed and gave Rickers approval to use this interpretation?

Regarding the actual zoning change requests.

- I am in favor of extending the canopy over all of the pumps, especially considering the way the pumps are now facing. I would ask the WAPC to approve this. I think this will improve the appearance and hopefully prevent Brentwood Village property values from being adversely affected any more than the Gas Station & Convenience Store has already affected them. Had Rickers been required to use 146th street as the determining road as was originally intended then this amendment would not have been necessary. I would still ask who was the person that approved them to use Carey Road as the determining road to face the pumps away from and what the rationale was for allowing this.
- I am vehemently opposed to allowing Rickers to open at 5am instead of the PUD agreed on time of 6am and would ask the WAPC to deny this request. I will refer to my attached email for all the reasons that I oppose this.

Thank you for your time and consideration.

Rob Ginder

(317) 902-2818

rob@ginders.com

Sent from home email account

From: Rob [mailto:rob@ginders.com]
Sent: Thursday, July 10, 2014 11:19 PM
To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'
Cc: Barry Bobb (barrylbobb@aol.com); Donna Bobb (bobbdonna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net); Laurel Fulling (laurel-a@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrelo (davidmarrelo811@hotmail.com); Meghan Marello (mcmarello@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hechtden@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey_swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

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Due to a prior commitment I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were

being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

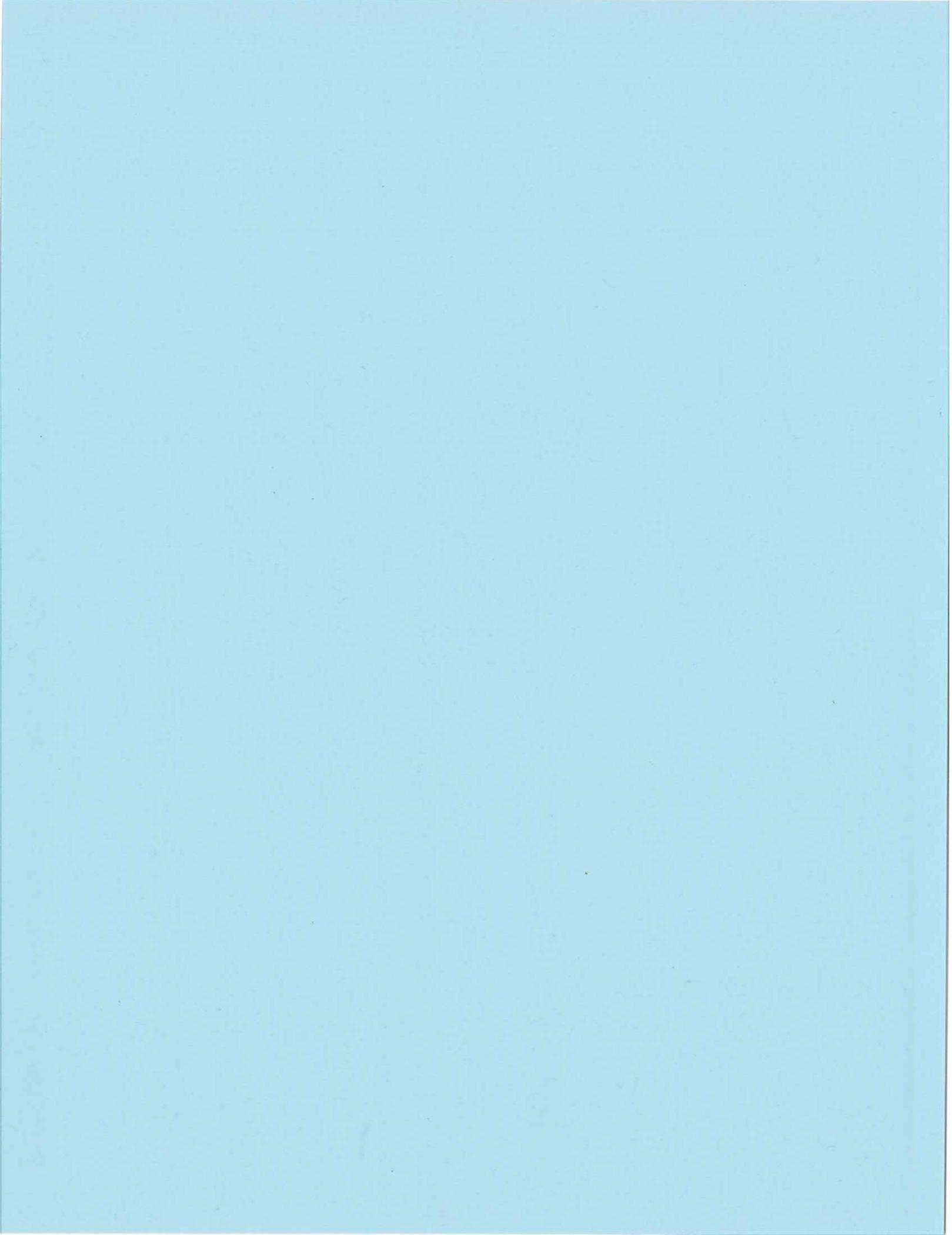
(317) 902-2818

Sent from home email account

Thomas C. Pendergast
IT Engineering Support Principal
Roche Diagnostics Corporation
9115 Hague Road
Indianapolis, IN 46256

Phone:317-521-1984
<mailto:tom.pendergast@roche.com>

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Kevin M. Todd, AICP

From: Kim Beatty <kim@beatty.me>
Sent: Friday, August 01, 2014 12:44 PM
To: Jim Ake
Cc: Rob; APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Andy Cook
Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

Dear Jim and the APC committee and Council-

I would like to add to the disapproval of the PUD changes next to Brentwood Village. As one of the original members of Brentwood HOA who was involved with the original zoning change to this parcel, I am disappointed at the continued attempt to push the envelope on any of the restrictions that we ALL agreed to from the beginning. The artistic rendering (from gas station in the Columbus Ohio area) of the proposed gas station always showed the gas pumps facing away from 146th. The idea of using Carey Road is clearly an attempt to design as Ricker's chooses and not as the intended design by Bridgewater and Brentwood Village when the gas station was added to the PUD. Many long hours and days were used in negotiating the hours of operations, what could be developed in this parcel and the GAS station was a very hard fought battle. NO ONE in our neighborhood wanted it. Steve Henke sat at our kitchen tables talking about being a good neighbor, developing this property and its buildings so it would be appealing to the surroundings. The designs had all brick, trees, walls... "you would only know a gas station was there if you lived around here". We compromised and now we are being asked to compromise again. I am disappointed with the APC and Council for not looking out for what is best for the neighbors surrounding this development and for not keeping with the original intent of the PUD as it was negotiated. I'd like to think we, the people of this community, actually have a voice. But sadly, I've learned that most items on the agenda at these meetings have already been agreed to prior to any public meeting. I vote NO to any changes to the hours of operation in this PUD and the pumps should be moved using 146th as point of reference NOT Carey Road. By the way, could the large RED liquor sign be any more offensive and obtrusive to the neighbors?

Disappointed in Westfield!

Kim Beatty
14702 Deerwood Dr.
Carmel, IN 46033

On Mon, Jul 28, 2014 at 9:28 AM, Jim Ake <jake@westfield.in.gov> wrote:

Dear Mr. Ginder,

Thank you for your email. Mr. Todd, Senior Planner with the City of Westfield is going to contact you in regards to this matter.

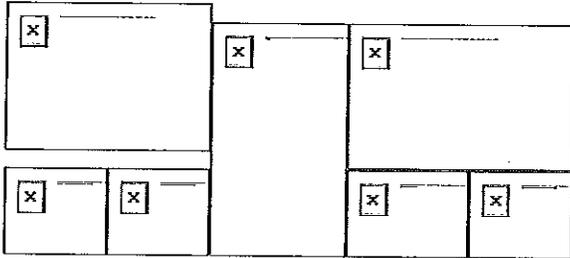
Regards,

Jim Ake

President Westfield City Council

317-730-4959

jake@westfield.in.gov



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Thank you for your time and consideration.

Rob Ginder

(317) 902-2818

rob@ginders.com

Sent from home email account

From: Rob [<mailto:rob@ginders.com>]

Sent: Thursday, July 10, 2014 11:19 PM

To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'

Cc: Barry Bobb (barrybobb@aol.com); Donna Bobb (bobbdonna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net); Laurel Fulling (laurel-a@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrelo (davidmarrelo811@hotmail.com); Meghan Marelo (mcmarelo@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hechtden@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rlschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey_swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)

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Thank you for your time and feel free to contact me with any questions.

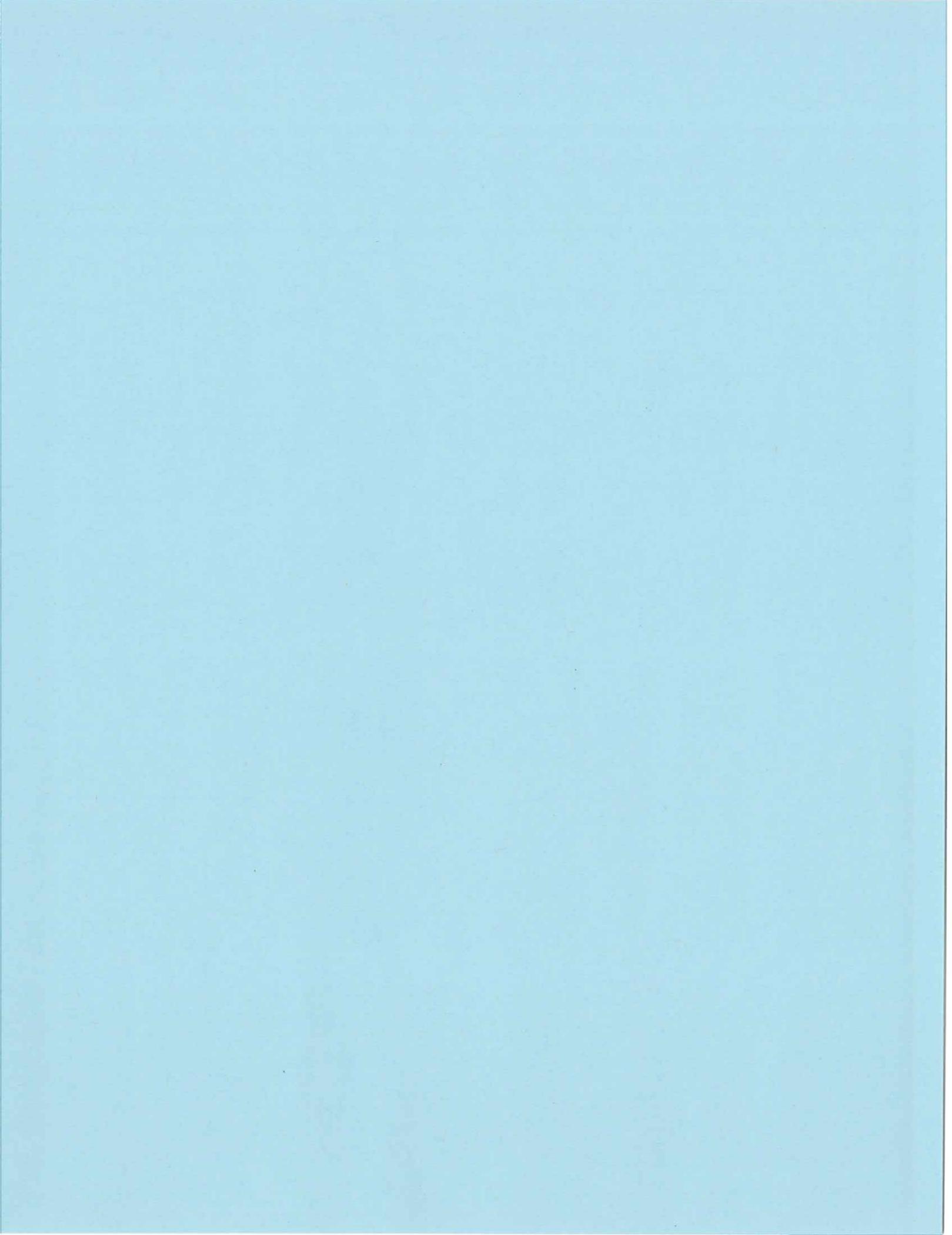
Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

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Sent from home email account



Kevin M. Todd, AICP

From: Buehler, Brad <bbuehler@Vertellus.com>
Sent: Friday, August 01, 2014 1:46 PM
To: Pendergast, Tom; Rob
Cc: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Bröse; Carol Brose; David Marrello; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrello
Subject: RE: Bridgewater PUD - Rickers Gas Station & Convenience Store

As a resident of Brentwood Village, the entire Ricker's development saga has been very concerning to me also. I'm a neighbor, but also an intelligent business man.

Some important points.

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We moved to Westfield 10 years ago precisely because it was quieter than development-crazed Carmel. Unfortunately, it seems that Westfield is so jealous of Carmel that we are welcoming their cast-offs; things like gas stations and other unwanted developments in a desperate bid to pay for the un-necessary Grand Park monstrosity.

Stop the madness. Deny Ricker's request.

Sincerely,
Brad Buehler
Brentwood Village Resident

From: Pendergast, Tom [mailto:tom.pendergast@roche.com]

Sent: Friday, August 01, 2014 11:31 AM

To: Rob

Cc: apc@westfield.in.gov; mskelton@westfield.in.gov; ktodd@westfield.in.gov; councilmembers@westfield.in.gov; jake@westfield.in.gov; shoover@westfield.in.gov; rhorkay@westfield.in.gov; clehman@westfield.in.gov; bsmith@westfield.in.gov; cspoljaric@westfield.in.gov; acotham@westfield.in; rstokes@westfield.in.gov; colson@westfield.in.gov; acook@westfield.in.gov; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Buehler, Brad; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrelo

Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

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It seems as if the supposed wants and needs of a business are being put ahead the good faith and trust of the surrounding neighborhoods and Westfield residents.

On Fri, Jul 25, 2014 at 11:07 PM, Rob <rob@ginders.com> wrote:

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

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Construction of the Rickers Gas Station & Convenience store has already started on the development site at 146th and Carey Road. It would appear that what would be considered the front entrance of the store is facing east and that the gas pumps are being located on the east side of the structure which put them in clear view from 146th street. I had originally thought this violated the PUD restriction that "all gas pumps shall be located away from perimeter or external streets". I now realize that

Rickers was allow to use Carey Road as the determining road that the pumps were located away from and not 146th street. This was not the intent when Brentwood Village worked with Bridgewater to put this wording into the PUD. As I stated in the attached email the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith to try as best we could to come up with a win/win situation regarding what was being built on this site and how things were being built. Common sense would dictate that the busier of the two streets (146th and Carey Road) should have been used as the determining factor as the intent was to hide the gas pumps from general view. It appears that Rickers was allowed to use whichever road benefited them as the determining factor. Allowing them to use Carey Road as the determining street goes against what Brentwood Village and other neighborhoods negotiated. I am at a loss as to why Rickers was allowed to use the much less busy Carey Road for this interpretation. Who would have allowed and gave Rickers approval to use this interpretation?

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Thank you for your time and consideration.

Rob Ginder

(317) 902-2818

rob@ginders.com

Sent from home email account

From: Rob [mailto:rob@ginders.com]
Sent: Thursday, July 10, 2014 11:19 PM
To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'

Cc: Barry Bobb (barrybobb@aol.com); Donna Bobb (bobbdonna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net); Laurel Fulling (laurel-a@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrelo (davidmarrelo811@hotmail.com); Meghan Marelo (mcmarelo@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hecht-den@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rlschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey_swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)

Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

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Due to a prior commitment I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because

this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.

- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the

Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

(317) 902-2818

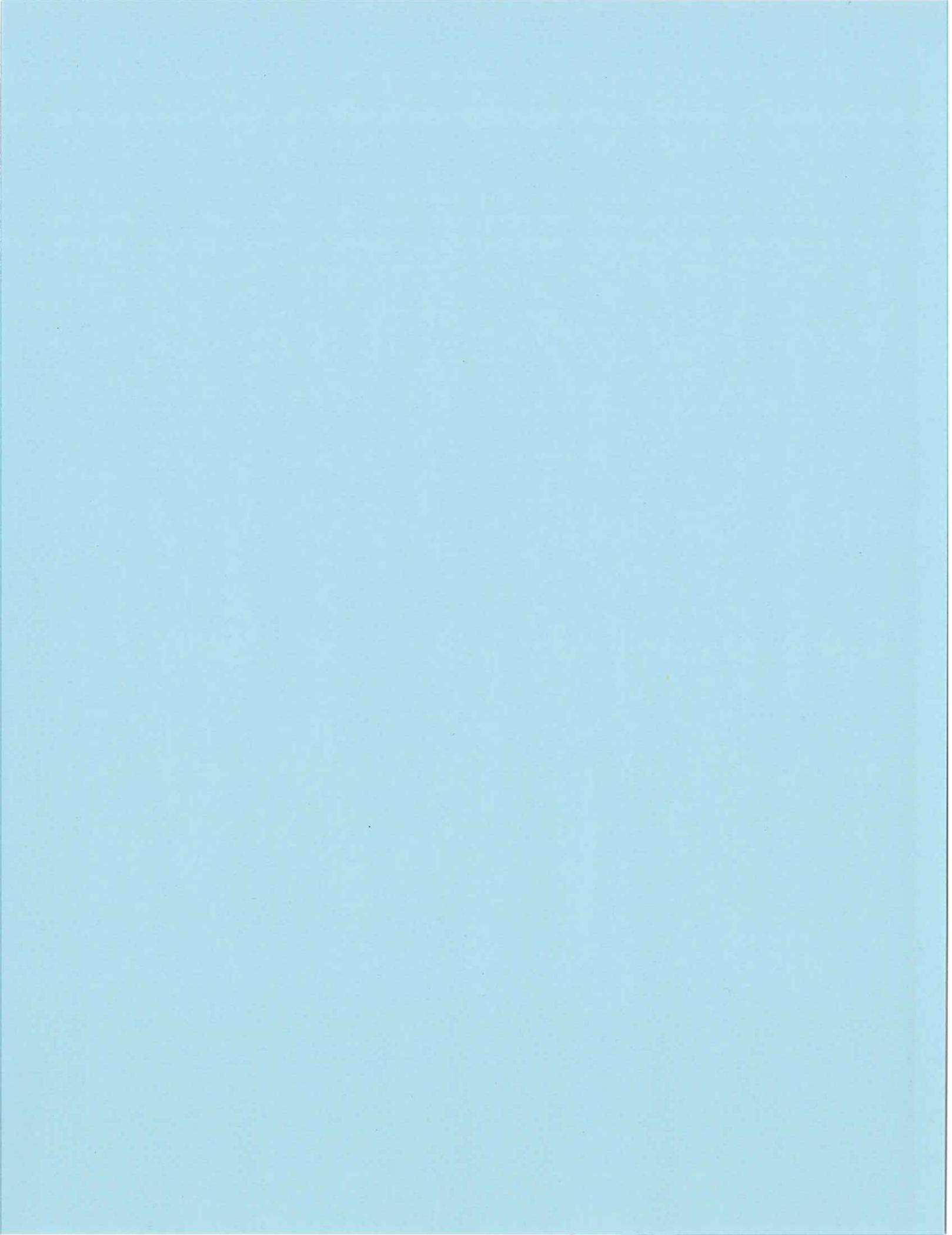
Sent from home email account

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Thomas C. Pendergast
IT Engineering Support Principal
Roche Diagnostics Corporation
9115 Hague Road
Indianapolis, IN 46256

Phone:317-521-1984
<mailto:tom.pendergast@roche.com>

Confidentiality Note: This message is intended for the use of the named recipient(s) only and may contain confidential and/or proprietary information. If you are not the intended recipient, please contact the sender and delete this message. Any unauthorized use of the information contained in this message is prohibited.



Kevin M. Todd, AICP

From: Heather Mullett <heathermullett@yahoo.com>
Sent: Friday, August 01, 2014 2:22 PM
To: Buehler, Brad
Cc: Pendergast, Tom; Rob; APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrelo
Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

I am also a resident of Brentwood Village and will be the closest property to the proposed Rickers. I am also in full agreement with the denial of Ricker's proposal. One hour earlier will not make or break their business, but will affect all those living in this neighborhood. We negotiated in good faith and now feel like we're being discounted. I vehemently oppose the proposal.

Regards,

Heather Mullett
14616 Deerwood Dr
Carmel, IN 46033

On Aug 1, 2014, at 1:45 PM, "Buehler, Brad" <bbuehler@Vertellus.com> wrote:

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- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being

worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.

- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

(317) 902-2818

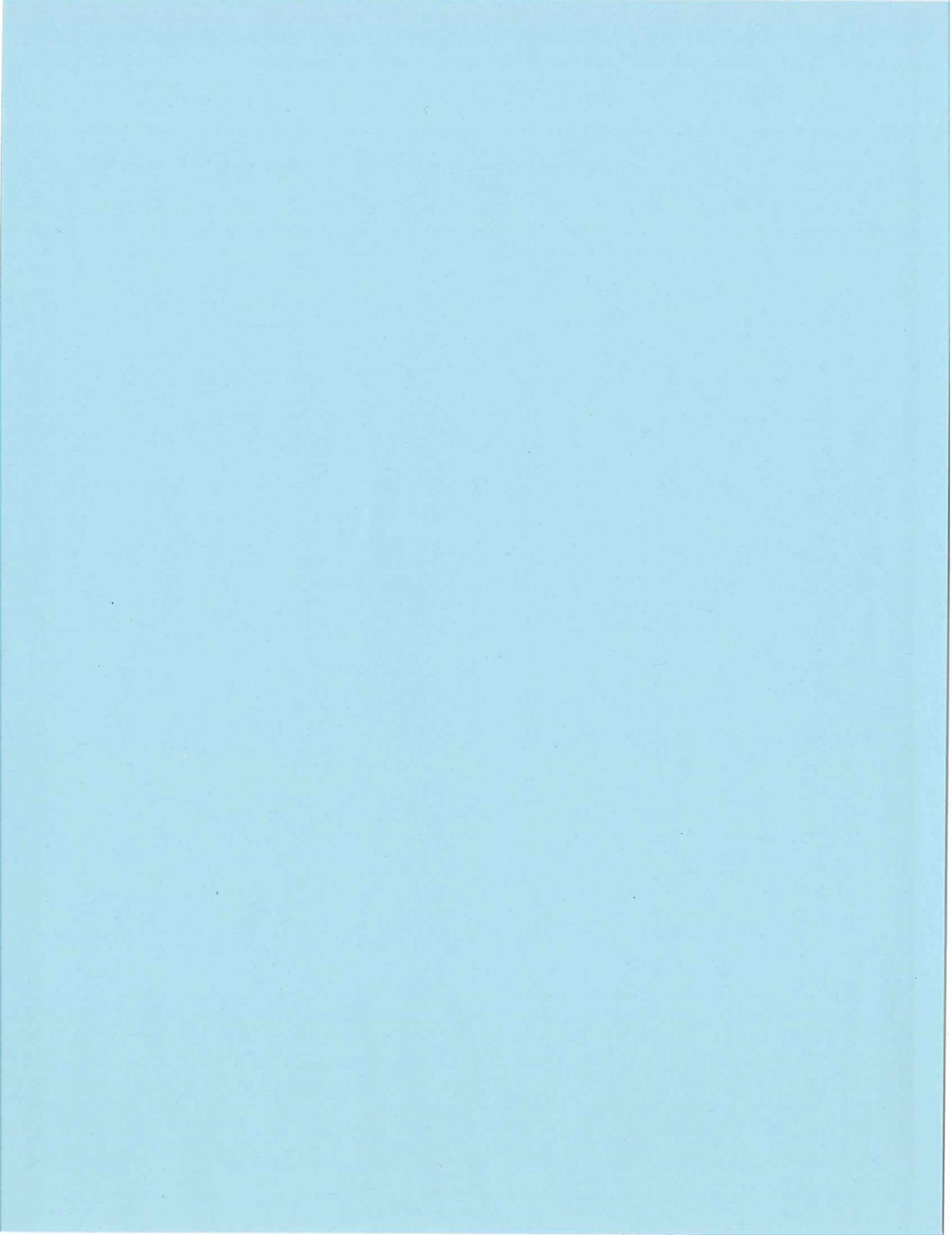
Sent from home email account

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Thomas C. Pendergast
IT Engineering Support Principal
Roche Diagnostics Corporation
9115 Hague Road
Indianapolis, IN 46256

Phone:317-521-1984
<mailto:tom.pendergast@roche.com>

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Kevin M. Todd, AICP

From: Sean Temoney <hoyle52ss@yahoo.com>
Sent: Friday, August 01, 2014 11:48 PM
To: APC
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

What would make Ricker's, and the board that is currently approving for that matter, think that if their initial 12-acre site that included a seven and one half acre natural preservation area to serve as a buffer between the store and neighboring housing developments went opposed this wasn't equally opposed. The circumstances are far worse and would suggest Ricker's act of "good faith" was not such at all.

Ricker's Listens To Community & Pulls Proposal For 146th Street Store
<http://rickersrewards.com/rickers-listens-to-community-pulls-proposal-for-146th-street-store/>

Not only the noise pollution, etc. the pollution, pollution studies have shown affect neighboring areas. I would think that with 2 health aid communities within close proximity this development would not have occurred. These residents with weaker immune systems will feel the effects of this as well as the neighboring communities. I'm strongly opposed to this development and certainly opposed to any amendments in attempt to accommodate this project when they knew exactly what they were getting into with the PUD as written.

Unhappy, impacted resident that lives in the neighboring neighborhood

Kevin M. Todd, AICP

From: Rob <rob@ginders.com>
Sent: Saturday, August 02, 2014 2:27 PM
To: Steve Hoover; 'Heather Mullett'; 'Buehler, Brad'; 'Pendergast, Tom'; 'Kim Beatty'
Cc: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook; 'Barry Bobb'; 'Donna Bobb'; 'Brad and Bethann Buehler'; 'Bill Denhardt'; 'Debbie Denhardt'; 'Chris Spohr'; 'Chris and Sara Spohr'; pbacker@cccarmel.org; 'Christine Backer'; 'Craig and Jennifer Lienhart'; dfulling@comcast.net; 'Laurel Fulling'; 'David Brose'; 'Carol Brose'; 'David Marrelo'; 'Greg Teague'; 'Dawn Teague'; 'Chet and Debbie Kos'; 'Dennis Hech'; 'Lindsey Hecht'; 'Don and Roxie Brown'; 'John Hudson - Work'; 'John & Kelly Hudson'; 'John McGrew'; 'Emily McGrew'; 'John Hill'; 'Pat Hill'; 'Jon Keller'; 'Joshua Reed'; 'Lauren Reed'; 'Tom Beatty'; 'Lane & Liene Tuttle'; 'Lane Tuttle'; 'Laura Pettygrove'; 'Dan and Lisa Terhune'; 'Manizha Ayoubi'; 'Manizha Ayoubi'; 'Marinelle Ford'; 'Joe Ford'; 'Michelle Robinson'; 'Pamela Cintas'; 'Brogan Baxter'; 'Rachel Baxter'; 'Randy Schneider'; 'Chris Legeay'; 'Sarah Legeay'; 'Sarah Muntel'; 'Mark Muntel'; 'Sean Temoney'; 'Stephe Blansette'; 'Stacey Blansette'; 'Stacey Swan'; 'Sue Web'; 'Steve and Tina Lakin'; 'Tom Pendergast'; 'Zakaria Joundi'; 'Lori Joundi'; 'David and Meghan Marrelo'
Subject: RE: Bridgewater PUD - Rickers Gas Station & Convenience Store

Steve, thanks to you and other APC members that responded. I appreciate all of you taking the time to read and understand our views and for responding to all of us.

I spoke with Kevin Todd on Monday evening 7/28. He was kind enough to take time out of his busy schedule to discuss these issues with me. We had a very constructive conversation in which he stated that the positioning of the pumps was an interpretation of the PUD that was approved by the APC. Kevin felt there that Rickets did meet with the residents regarding the building plan. He also explained to me that apparently the PUD was not specific as to which road "all gas pumps shall be located away from perimeter or external streets" was referencing. He said there was no reference to 146th street being listed as an external street. He also mentioned that there no APC members or other city related individuals that were in on the discussion were familiar with the Brentwood residents views and reasons for the clause when the PUD was established a few years ago. I was on some emails chains back in February regarding the Rickers but unable to attend a meeting they held in late February to discuss their site plan. It is very unfortunate that myself or any other Brentwood residents picked up on the pump positioning or we would have very strongly voice our disapproval and would have been able to let all APC members know that the intent was to use 146th street as the determining external street.

Regarding the extension of the canopy. Given that the pumps are now very visible from 146th street there are a number of residents (myself, Tom Pendergast, Stephe Blansette, and Chris Legeay) that are in favor of extending the canopy over all the pumps. We believe that this will enhance the looks and add benefit to what is now a bit of an eyesore. Therefore my request and those of many of the other residents is that you please vote to extend the canopy over all pumps.

Regarding the changing of the opening time from 5am to 6am. All residents of Brentwood Village are strongly opposed to changing these hours. I and many others have already outlined our views in other emails.

Thank you again for taking the time to respond and for listening to the voices of the Westfield residents, especially those located in Brentwood Village!

Thanks
Rob Ginder
Treasurer, Brentwood Village Property Owners Association
3614 Eaglewood Ct.
Carmel, IN 46033
(317) 902-2818
rob@ginders.com

Sent from home email account

From: Steve Hoover [<mailto:shoover@westfield.in.gov>]
Sent: Friday, August 01, 2014 4:36 PM
To: Heather Mullett; Buehler, Brad; Pendergast, Tom; Rob; Kim Beatty
Cc: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrelo
Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

Thanks to all of you in Brentwood Village for voicing your concerns with Ricker's requests. Based on your input, I will be voting "no" on the hours and canopy extension proposals. Unfortunately it is too late to get the pumps moved away from 146th St. That change was approved months ago along with the improved building architecture and the shortened pump canopy. Had I heard the same complaints from your neighborhood then that I am hearing now, I would not have supported that change either. Thanks again for your involvement.

Steve Hoover, Dist. 2 City Council

Sent from my iPad



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On Aug 1, 2014, at 2:20 PM, "Heather Mullett" <heathermullett@yahoo.com> wrote:

I am also a resident of Brentwood Village and will be the closest property to the proposed Rickers. I am also in full agreement with the denial of Ricker's proposal. One hour earlier will not make or break their business, but will affect all those living in this neighborhood. We negotiated in good faith and now feel like we're being discounted. I vehemently oppose the proposal.

Regards,

Heather Mullett
14616 Deerwood Dr
Carmel, IN 46033

On Aug 1, 2014, at 1:45 PM, "Buehler, Brad" <bbuehler@Vertellus.com> wrote:

As a resident of Brentwood Village, the entire Ricker's development saga has been very concerning to me also.

I'm a neighbor, but also an intelligent business man.

Some important points.

- 1) When Ricker's started their process they were aware of the PUD rules and restrictions. If the restrictions didn't work from a financial perspective then they should have looked elsewhere. They knew all this when they started. Coming in now at the 11th hour saying "woe is us we need the neighbors to give in", is unfair and un-necessary. If they can't make a profit during the hours, which are already too generous for a neighborhood, then Ricker's is free to go elsewhere. All investments are risky, they knew the risks when they started. Trying to change the rules this late in the game should be denied.
- 2) There remains plenty of gas available close by. We don't need another eyesore with pollution (including environmental, air, noise, and light).
- 3) Ricker's is already flaunting the PUD with the availability of "fast-food" on premises which remains a prohibition in the PUD. However, by playing semantic sleight-of-hand and labeling the food "convenience items" Ricker's enjoys the ability to break the PUD rules.

We moved to Westfield 10 years ago precisely because it was quieter than development-crazed Carmel.

Unfortunately, it seems that Westfield is so jealous of Carmel that we are welcoming their cast-offs; things like gas stations and other unwanted developments in a desperate bid to pay for the un-necessary Grand Park monstrosity.

Stop the madness. Deny Ricker's request.

Sincerely,
Brad Buehler
Brentwood Village Resident

From: Pendergast, Tom [<mailto:tom.pendergast@roche.com>]
Sent: Friday, August 01, 2014 11:31 AM
To: Rob

Cc: apc@westfield.in.gov; mskelton@westfield.in.gov; ktodd@westfield.in.gov; councilmembers@westfield.in.gov; jake@westfield.in.gov; shoover@westfield.in.gov; rhorkay@westfield.in.gov; clehman@westfield.in.gov; bsmith@westfield.in.gov; cspoljaric@westfield.in.gov; acotham@westfield.in; rstokes@westfield.in.gov; colson@westfield.in.gov; acook@westfield.in.gov; Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Buehler, Brad; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@ccccarmel.org; Christine Backer; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; Laura Pettygrove; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Zakaria Joundi; Lori Joundi; David and Meghan Marrelo

Subject: Re: Bridgewater PUD - Rickers Gas Station & Convenience Store

I would like to echo Mr. Ginder's comments and extend the feeling that it seems the surrounding homeowner's good faith and trust are being negotiated. The fact of the matter is that Rickers knew the contents of the PUD when they acquired the site, including the hour requirements. Are we thought to be naive or oblivious neighbors? Now we find the Rickers needs the "critical" hour between 5 am and 6 am or it will be detrimental to their business. I find this difficult to believe and wonder if there is an ulterior motive. I am extremely concerned about the 24/7 status that Rickers enjoys at all of their other locations and those hours being extended to that site.

It seems as if the supposed wants and needs of a business are being put ahead the good faith and trust of the surrounding neighborhoods and Westfield residents.

On Fri, Jul 25, 2014 at 11:07 PM, Rob <rob@ginders.com> wrote:

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). I was out of town on Monday July 21st and unable to attend the Westfield Advisory Plan Commission (WAPC) meeting. I see from the meeting agenda I found on City of Westfield web site that L & Q Realty, LLC by Faegre Baker & Daniels presented and requested modifications to the zoning commitments associated with Ordinance 06-49. This basically was to request that Rickers Gas Station be allowed to extend the canopy over all of the gas pumps and to allow them to open at 5am instead of 6am. Since I was not able to attend the meeting I would like to take this opportunity to express my thoughts and concerns on the construction of Rickers and the requested PUD changes.

Construction of the Rickers Gas Station & Convenience store has already started on the development site at 146th and Carey Road. It would appear that what would be considered the front entrance of the store is facing east and that the gas pumps are being located on the east side of the structure which put them in clear view from 146th street. I had originally thought this violated the PUD restriction that "all gas pumps shall be located away from perimeter or external streets". I now realize that Rickers was allowed to use Carey Road as the determining road that the pumps were located away from and not 146th street. This was not the intent when Brentwood Village worked with Bridgewater to put this wording into the PUD. As I stated in the attached email the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith to try as best we could to come up with a win/win situation regarding what was being built on this site and how things were being built. Common sense would dictate that the busier of the two streets (146th and Carey Road) should have been used as the determining factor as the intent was to hide the gas pumps from general view. It appears that Rickers was allowed to use whichever road benefited them as the determining factor. Allowing them to use Carey Road as the determining street goes against what Brentwood Village and other neighborhoods negotiated. I am at a loss as to why Rickers was allowed to use the much less busy Carey Road for this interpretation. Who would have allowed and gave Rickers approval to use this interpretation?

Regarding the actual zoning change requests.

- I am in favor of extending the canopy over all of the pumps, especially considering the way the pumps are now facing. I would ask the WAPC to approve this. I think this will improve the appearance and hopefully prevent Brentwood Village property values from being adversely affected any more than the Gas Station & Convenience Store has already affected them. Had Rickers been required to use 146th street as the determining road as was originally intended then this amendment would not have been necessary. I would still ask who was the person that approved them to use Carey Road as the determining road to face the pumps away from and what the rationale was for allowing this.
- I am vehemently opposed to allowing Rickers to open at 5am instead of the PUD agreed on time of 6am and would ask the WAPC to deny this request. I will refer to my attached email for all the reasons that I oppose this.

Thank you for your time and consideration.

Rob Ginder

(317) 902-2818

rob@ginders.com

Sent from home email account

From: Rob [mailto:rob@ginders.com]
Sent: Thursday, July 10, 2014 11:19 PM
To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'
Cc: Barry Bobb (barrybobb@aol.com); Donna Bobb (bobbdonna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net); Laurel Fulling (laurela@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrelo (davidmarrelo811@hotmail.com); Meghan Marelo (mcmarelo@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hechtden@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rlschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey_swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). Faegre Baker Daniels held an informational meeting on Monday June 25th to discuss with residents an application that L & Q Reality, LLC recently filed with the Westfield Plan Commission regarding the Rickers Gas Station & Convenience Store planned for the site. The application is requesting two items. The first is to allow the proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

Due to a prior commitment I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?

- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

(317) 902-2818

Sent from home email account

--

Thomas C. Pendergast
IT Engineering Support Principal
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9115 Hague Road
Indianapolis, IN 46256

Phone:317-521-1984

<mailto:tom.pendergast@roche.com>

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