

ORDINANCE NUMBER 15-##

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE TEXT OF THE BRIDGEWATER PLANNED UNIT DEVELOPMENT ORDINANCE, BEING THAT OF ORDINANCES 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10, ORDINANCE 13-06, ORDINANCE 13-08, AND ORDINANCE 14-02

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1402-PUD-03), 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, 2009; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (viii) Ordinance 13-03, enacted by the City Council on February 11, 2013; (ix) Ordinance 13-06, enacted by the City Council on March 11, 2013; (x) Ordinance 13-08, enacted by the City Council on March 25, 2013, and Ordinance 14-02, enacted by the City Council on February 24, 2014 (collectively, the "Bridgewater PUD Ordinance");

WHEREAS, on _____, 2015 the Commission forwarded **Petition No. 15##-PUD-##** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation (##) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2015;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Bridgewater PUD Ordinance and Title 16 of the Westfield Code of Ordinances are hereby amended as follows:

Section 1. **Addition of Permitted Use.** Section 8B, and Exhibit 10 of the Bridgewater PUD Ordinance is hereby further amended, but only with respect to adding the following as a permitted use: “Discount store in excess of 10,000 square feet of gross floor area, but not to exceed 20,000 square feet of gross floor area (hereinafter referred to as the “Large Discount Store”).

Section 2. **Location of the Discount Store.** The location of the Large Discount Store shall be located on a portion of Parcel M northwest of the intersection of 146th and Gray Road, which is legally described and depicted on Exhibit “A” attached hereto and incorporated by reference, and in substantial accordance with the site plan attached hereto and incorporated by reference as Exhibit “B”.

Section 3. **Development Standards.** The standards of Section 10 of the *Bridgewater PUD Ordinance: Development and Architectural Standards* shall apply to the development of the Large Discount Store, except as otherwise modified below.

3.1 In addition, the following shall also apply:

A. **Character Exhibit.** The Character Exhibit, attached hereto as **Exhibit C** is hereby incorporated as a compilation of images designed to capture the intended quality of the Large Discount Store to be constructed. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the Bridgewater PUD Ordinance’s intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of the Bridgewater PUD Ordinance, as amended. The Department’s decision may be appealed to the Plan Commission.

Section 4. Upon motion duly made and seconded, this Ordinance 15-__ was fully passed by members of the Council this __ day of _____, 2015. Further, this Ordinance 15-__ shall be in full force 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 portions of the Bridgewater PUD Ordinance that are in conflict with this Ordinance 15-__ are hereby amended. To the extent that this Ordinance 15-__ conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 15-__ shall prevail. In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ## DAY OF _____, 2015.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

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 hereby certify that **ORDINANCE 15-##** was delivered to the Mayor of Westfield
on the _____ day of _____, 2015, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-##**
this _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-##**
this _____ day of _____, 2015.

J. Andrew Cook, Mayor

This document prepared by:

SCHEDULE OF EXHIBITS

- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C Character Exhibit (Large Discount Store)

EXHIBIT A
REAL ESTATE

LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principle Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence South 00 degrees 46 minutes 18 seconds East (basis of bearings per Instrument Number 200600005931, on file in the Office of the Recorder of Hamilton County, Indiana) 1,249.15 feet along the east line of said Southeast Quarter to the northeast corner of the 8.000-acre parcel conveyed in Instrument Number 2006062411, on file in the Office of said Recorder; thence South 89 degrees 46 minutes 53 seconds West 45.00 feet along the north line of said 8.000-acre parcel to the west right-of-way line of Gray Road as described in Instrument Number 2007038726, on file in the Office of said Recorder; thence South 00 degrees 46 minutes 18 seconds East 585.64 feet along said west right-of-way line to the southeast corner of Lot 4 in Bridgewater Marketplace, per plat thereof, recorded as Instrument Number 2013032283 in the Office of said Recorder, being the POINT OF BEGINNING; thence continuing South 00 degrees 46 minutes 18 seconds East 417.96 feet along said west right-of-way line to the north line of the parcel conveyed to Gray Road Property LLC in Instrument Number 200600059203, on file in the Office of said Recorder, the following three (3) courses are along the north and west lines thereof; 1)thence South 89 degrees 11 minutes 07 seconds West 294.73 feet; 2)thence South 14 degrees 34 minutes 58 seconds West 172.26 feet; 3)thence South 00 degrees 48 minutes 53 seconds East 163.72 feet to the north right-of-way line of 146th Street as described in said Instrument Number 2007038726; thence South 89 degrees 40 minutes 59 seconds West 113.86 feet along said north right-of-way line to the southeast corner of the parcel conveyed to ACV Livermore, LLC in Instrument Number 2008043004, on file in the Office of said Recorder, the following four (4) courses are along the east and north liens thereof; 1)thence northeasterly 57.64 feet along a non-tangent curve to the left having a radius of 91.50 feet and subtended by a long chord having a bearing of North 32 degrees 37 minutes 55 seconds East and a length of 56.69 feet; 2)thence North 13 degrees 23 minutes 30 seconds East 96.21 feet; 3)thence North 14 degrees 34 minutes 58 seconds East 92.72 feet; 4)thence South 89 degrees 11 minutes 07 seconds West 242.35 feet to the west line of the parcel conveyed to KRG Bridgewater, LLC in Instrument Number 200600005931, on file in the Office of said Recorder; thence North 00 degrees 48 minutes 53 seconds West 570.24 feet along said west line to the southwest corner of the parcel conveyed to BD Schools Real Estate, LLC in Instrument Number 2009018447, the following two (2) courses are along the south and east lines thereof; 1)thence North 89 degrees 11 minutes 11 seconds East 273.77 feet; 2)thence North 00 degrees 48 minutes 53 seconds West 49.73 feet to a southwest corner of said Lot 4, the following three (3) courses are along the south and west lines thereof; 1)thence North 89 degrees 11 minutes 07 seconds East 129.74 feet; 2)thence South 00 degrees 48 minutes 53 seconds East 103.16 feet; 3)thence North 89 degrees 11 minutes 04 seconds East 214.00 feet to the POINT OF BEGINNING. Containing 7.63 acres, more or less.

AND

Lots 1, 2 and 4 of Bridgewater Marketplace, per plat thereof, recorded as Instrument Number 2013032283 in the Office of said Recorder.

Exhibit "A"
Pg 1 of 2

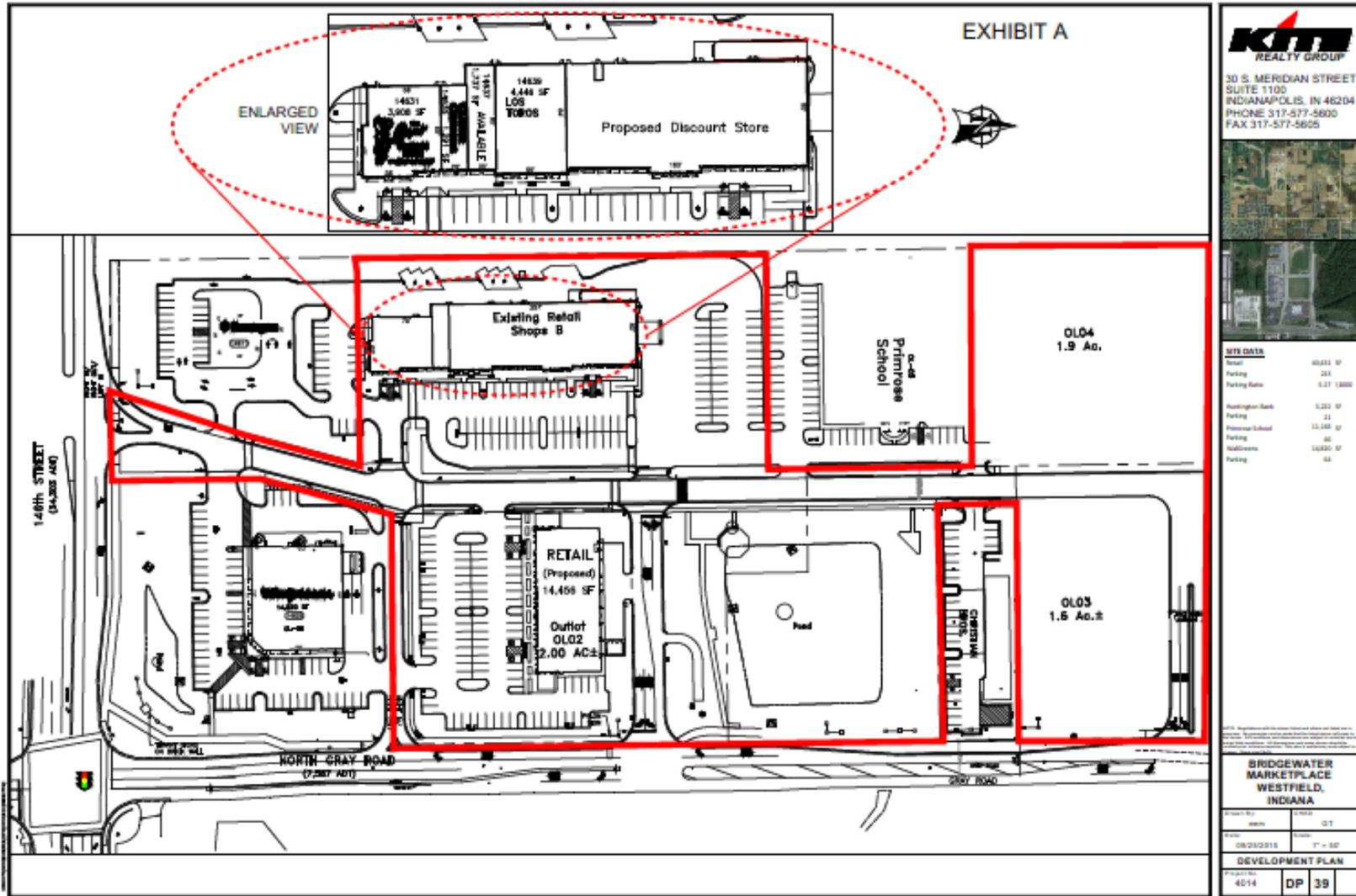


Exhibit "A"
Pg 2 of 2

EXHIBIT B CONCEPT PLAN

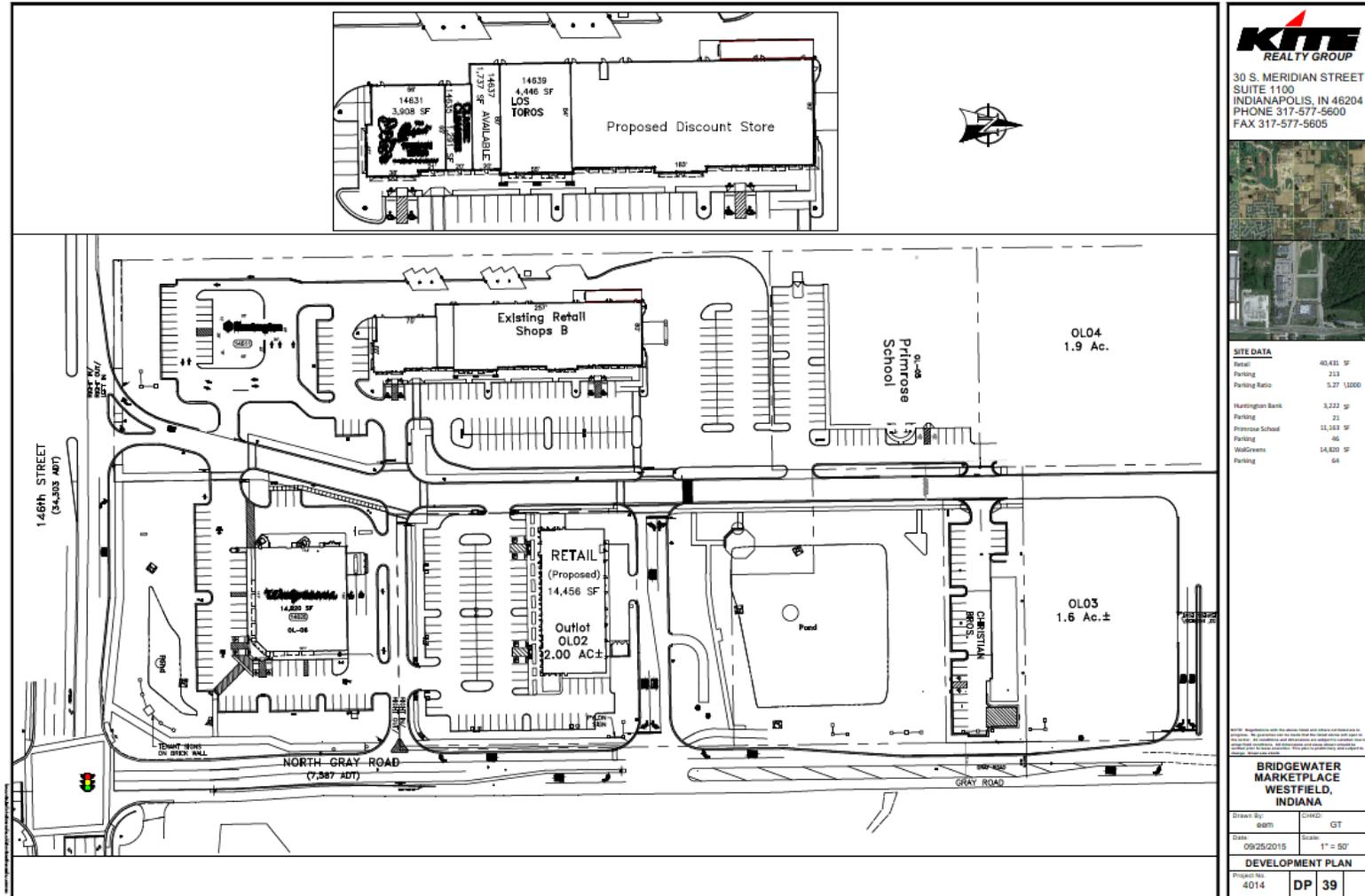


Exhibit B

EXHIBIT C

**CHARACTER EXHIBIT
(LARGE DISCOUNT STORE)**



Exhibit C