

ORDINANCE 10-01

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17 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 1001-PUD-02) filed with the Commission to grant various amendments to Ordinance 06-49, approved by the Town Council on October 9, 2006, and amended by Ordinance 08-05 by the City Council on February 11, 2008 and Ordinance 09-17 on September 14, 2009 that rezoned real estate, as described in Exhibit “A” attached hereto and incorporated herein, now commonly known as “The Bridgewater Club”; and

WHEREAS, the Commission did take action to forward the request to the Westfield City Council with a unanimous positive recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on January 20, 2010; 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 ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as referenced by Ordinance 06-49 described as “The Bridgewater Club Restated and Consolidated Planned Unit Development District”, Ordinance 08-05 and Ordinance 09-17 (collectively, the “Bridgewater PUD Ordinance”) are amended, as described in Exhibit “B” attached hereto and incorporated herein.

In all other respects, the Bridgewater PUD Ordinance shall remain unchanged.

SECTION 2. This Ordinance 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 herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2010.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

| <u>Voting For</u> | <u>Voting Against</u> | <u>Abstain</u> |
|----------------------------|----------------------------|----------------------------|
| _____ John Dippel | _____ John Dippel | _____ John Dippel |
| _____ Steve Hoover | _____ Steve Hoover | _____ Steve Hoover |
| _____ Robert Horkay | _____ Robert Horkay | _____ Robert Horkay |
| _____ Kenneth Kingshill | _____ Kenneth Kingshill | _____ Kenneth Kingshill |
| _____ Bob Smith | _____ Bob Smith | _____ Bob Smith |
| _____ Tom Smith | _____ Tom Smith | _____ Tom Smith |
| _____ Rob Stokes | _____ Rob Stokes | _____ Rob 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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify that ORDINANCE 10-01 was delivered to the Mayor of Westfield

on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-01

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-01

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

Exhibit A

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

Beginning at the Northwest corner of the Southwest Quarter of said Section 17; thence along the North line of said Southwest Quarter, North 89 degrees 46 minutes 23 seconds East 2645.42 feet to the Northeast corner of said Southwest Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line of said Southeast Quarter 469.00 feet to the Northwest corner of land described in Instrument No. 200300063205, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 56 minutes 37 seconds East along the West line of said described land 256.00 feet to the Southwest corner thereof; thence North 89 degrees 52 minutes 47 seconds East along the South line of said described land and the Easterly extension thereof 332.36 feet to the West line of 16 acres off the East side of the Northwest Quarter of the Southeast Quarter of said Section 17 as described in Instrument No. 200500073814, recorded in said Recorder's Office; thence South 00 degrees 51 minutes 28 seconds East along said West line 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run – Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the Point of Beginning, containing 101.255 acres, more or less.

Subject to all easements, rights of way and restrictions of record.

thence South 20 degrees 18 minutes 14 seconds West along said Western boundary, said Northeasterly extension, and the Western boundary of said Instrument No. 200000012364 a distance of 70.33 feet (the following four courses are along the Western boundary of said Instrument No. 200000012364); 1) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 124.67 feet; 2) thence South 31 degrees 07 minutes 37 seconds West 45.53 feet; 3) thence South 83 degrees 58 minutes 19 seconds West 296.75 feet; 4) thence South 89 degrees 40 minutes 57 seconds West parallel with the South line of said Southeast Quarter 276.74 feet to the West line of the East Half of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 48 minutes 53 seconds West along said West line 1287.07 feet to the Northwest corner of the East Half of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 46 minutes 53 seconds West along the North line of the South Half of said Southeast Quarter 1189.07 feet; thence North 00 degrees 51 minutes 28 seconds West parallel with the West line of the East Half of said Southeast Quarter 662.13 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run – Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the POINT OF BEGINNING, containing 788.349 acres, more or less.

The North Half of Section 17, part of the South Half of Section 17, part of the South Half of Section 8, and part of the Northwest Quarter of Section 8, all in Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 58 minutes 50 seconds West (assumed bearing) along the West line of said Northwest Quarter 2655.78 feet to the Southwest corner of the Southwest Quarter of said Section 8; thence North 01 degrees 06 minutes 34 seconds West along the West line of said Southwest Quarter Section 2644.77 feet to the Southwest corner of the Northwest Quarter of said Section 8; thence North 00 degrees 59 minutes 45 seconds West along the West line of said Northwest Quarter 478.67 feet to the North line of land described in Instrument No. 87-26248, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 51 minutes 13 seconds East along said North line 1328.34 feet to the East line of the West Half of said Northwest Quarter; thence South 00 degrees 56 minutes 12 seconds East along said East line 475.30 feet to the North line of the Southwest Quarter of said Section 8; thence South 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter 1327.79 feet to the Northwest corner of the Southeast Quarter of said Section 8; thence North 89 degrees 54 minutes 45 seconds East along the North line of said Southeast Quarter 634.93 feet to the Northwest corner of land described in Instrument No. 89-17726, recorded in said Recorder's Office; thence South 01 degrees 43 minutes 25 seconds East along the East line of said described land 810.63 feet to the North line of land described as Parcel 2 in Instrument No. 99-42295, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along said North line and parallel with the North line of said Southeast Quarter 680.00 feet to the West line of the East Half of the Southeast Quarter of said Section 8; thence South 00 degrees 58 minutes 30 seconds East along said West line 369.44 feet to the Northwest corner of land described in Instrument No. 96-26426, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along the North line of said described land and parallel with the North line of the Southeast Quarter of said Section 8 a distance of 1325.26 feet to the East line of said Southeast Quarter; thence South 00 degrees 57 minutes 45 seconds East along said East line 1462.26 feet to the Northeast corner of the Northeast Quarter of said Section 17; thence South 01 degrees 00 minutes 50 seconds East along the East line of said Northeast Quarter Section 2646.29 feet to the Southeast corner thereof; thence South 00 degrees 46 minutes 18 seconds East along the East line of the Southeast Quarter of said Section 17 a distance of 2056.39 feet to the Northeast corner of land described in Instrument No. 200000012365, recorded in the Office of the Recorder of Hamilton County, Indiana (the following 5 courses are along the North and Western boundary of said described land); 1) thence South 89 degrees 13 minutes 42 seconds West 16.50 feet; 2) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 79.10 feet; 3) thence South 89 degrees 14 minutes 50 seconds West 9.71 feet; 4) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 114.83 feet; 5) thence South 07 degrees 24 minutes 15 seconds West 99.43 feet to the Northeasterly extension of the Western boundary of land described in Instrument No. 200000012364, recorded in said Recorder's Office;

Exhibit B
BRIDGEWATER PUD AMENDMENT

The proposed amendments to the Bridgewater PUD below shall apply only to the real estate described in Exhibit 1 of this Ordinance (the “Real Estate”).

SECTION 10, G, 7, b

Existing Standard

One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4.

Amendment

1. One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4; and
2. In addition, one single tenant or owner of an occupied space, with an assisted living use, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

EXHIBIT 17, Parcel M4, E

Existing Standard

All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings.

Amendment

1. All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings; or
2. All trash dumpster shall have a brick exterior and a roof, and shall be screened from view on the eastern side by a landscaped berm.

Exhibit 1

Surveyed Boundary Description

(Area to be cut from a tract of land owned by Throgmartin-Henke Development, LLP recorded in Deed Document 200500085073)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 734.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 593.37 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, North 89 degrees 44 minutes 05 seconds East 663.06 feet to a point on the extended west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of the Recorder of Hamilton County, Indiana; thence along the extended west line and the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 632.91 feet; thence South 89 degrees 41 minutes 49 seconds West 410.19 feet; thence North 00 degrees 54 minutes 56 seconds West 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning and containing a gross area of 9.388 acres.

Also, rights to a 40-foot wide Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 694.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 40.00 feet; thence North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning.

Also, rights to an Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds

West 1397.07 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 58.37 feet; thence North 89 degrees 05 minutes 17 seconds East 16.50 feet to the beginning of a non-tangent curve to the left having a central angle of 53 degrees 03 minutes 26 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 46 minutes 28 seconds East 20.55 feet; thence along the arc of said curve 21.30 feet; thence North 89 degrees 41 minutes 49 seconds East 159.54 feet to the beginning of a curve to the right having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 72.00 feet and a chord dimension of South 45 degrees 29 minutes 00 seconds East 101.50 feet; thence along the arc of said curve 112.64 feet; thence South 00 degrees 39 minutes 48 seconds East 46.70 feet to a point on the North Line of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, South 89 degrees 44 minutes 05 seconds West 40.00 feet; thence North 00 degrees 39 minutes 48 seconds West 46.42 feet to the beginning of a curve to the left having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 32.00 feet and a chord dimension of North 45 degrees 29 minutes 00 seconds West 45.11 feet; thence along the arc of said curve 50.06 feet; thence South 89 degrees 41 minutes 49 seconds West 158.90 feet to the beginning of a curve to the left having a central angle of 53 degrees 06 minutes 40 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 08 minutes 29 seconds West 20.57 feet; thence along the arc of said curve 21.32 feet; thence South 89 degrees 05 minutes 17 seconds West 16.50 feet to the point of beginning.

The subject property and both easements are subject to the right-of-way for Carey Road along their west sides.

Also, subject to all other easements, rights-of-ways, restrictions and covenants of record.



Westfield City Council Report

Petition Number: 1001-PUD-02
Approximate Address: 14751 Carey Road
Petitioner: Ramsey Development Corp of Indiana
Representative: Tim Huber
Requested Action: Amendment to the development standards for an area of Parcel M4 of the Bridgewater PUD.
Current Zoning Dist: Bridgewater PUD
Requested Zoning Dist: Bridgewater PUD
Approximate Acreage: 9.4 acres
Filing Date: December 7, 2009
Referral Date to APC: December 14, 2009
APC Public Hearing: January 4, 2010 (Workshop)
January 19, 2010 (Public Hearing)
APC Recommendation: January 19, 2010
Associated Ordinances: Ord. 06-49 & Ord. 09-17
First Reading: February 8, 2010
Second Reading: March 8, 2010, if applicable
Eligible for Adoption: February 8, 2010
Exhibits:

1. Staff Report
2. Aerial Location Map
3. Dumpster/Berm Cross-Section
4. Proposed Amendment

Prepared By: Kevin M. Todd, AICP, *Senior Planner*

PETITION HISTORY

The petition for an amendment to The Bridgewater Club Restated and Consolidated Planned Unit Development District (Ord. 06-49), as amended by Ord. 09-17 (the "Bridgewater PUD") was filed on December 7, 2009. The petition appeared before the Advisory Plan Commission (the "APC") Workshop on January 4, 2010 and received a Public Hearing at the Regular Meeting of the APC on January 19, 2010.

PROCEDURAL

- Requests for amendments to an existing PUD District are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505.
- On January 19, 2010, the APC held its public hearing and issued a positive recommendation (9-0) to the City Council in support of the proposed PUD amendments.

- Notification of the January 19, 2010 public hearing was provided in accordance with the APC Rules of Procedure.
- The City Council may take action on this item at first reading.

PROJECT DESCRIPTION

The subject property is the 9 acres +/- located on the northern half of Parcel M4 in the Bridgewater PUD District (the “Property”). The proposed amendment would allow a proposed transitional health care facility to be built on the Property. The existing development standards for Parcel M4 were originally crafted for traditional commercial uses. They are appropriate for retail and office development, but do not accommodate a transitional health care facility on the Property.

The proposed amendment seeks to modify two standards, as they apply only to the Property, not all of Parcel M4. The first amendment would allow a single owner/tenant the ability to occupy up to sixty-five thousand (65,000) square feet of space within the Property. This is needed to accommodate the transitional health care structure. The second amendment would allow an option of locating a roofed, brick-enclosed dumpster either between buildings, connected to a building, or screened by a landscaped berm. See Exhibit 3 for a cross-section drawing of the dumpster and berm option.

NOTE – A commitment to collect trash only between the hours of 8:00 AM and 8:00 PM is already in place.

PUBLIC POLICIES

Comprehensive Plan-Feb 2007, as amended

The Future Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as Local Commercial (p. 23). The Comprehensive Plan identifies office uses, service uses, institutional uses, and attached residential dwellings as appropriate in the Local Commercial area (p. 47). The proposed use incorporates several of the contemplated uses for this area, as outlined in the Comprehensive Plan.

Thoroughfare Plan-Feb 2007, as amended

The current Westfield-Washington Township Thoroughfare Plan (the “Thoroughfare Plan”) roadway classification map identifies the impacted segment of Carey Road as a “Secondary Arterial” (p. 4-20), and recommends a minimum dedication of a sixty (60) foot half right-of-way (p. 5-3). The Thoroughfare Plan further recommends the provision of an eight (8) foot asphalt path within the right-of-way (p. 5-3).

Parks & Recreation Master Plan-Dec 2007

The Westfield Parks & Recreation Master Plan focuses on the build-out and development of the community’s existing parks and trail systems. The Property is not adjacent to an existing park or trail. When the adjacent property to the south develops, the multi-use path along Carey Road will connect the Property to a multi-use path that will run along 146th Street. Ultimately, a pedestrian/bicyclist on the Property will be able to use the

Carey Road and 146th Street multi-use paths and access the Cool Creek Trail and the Monon Trail, among other destinations.

Water & Sewer System-Aug 2005

Water and sewer services run nearby the Property and would provide acceptable levels of service to the Facility.

Annexation

The Property is within the corporate boundaries of the City of Westfield.

Well Head Protection-Ord. 05-31

The Property is not within a wellhead protection area.

INDIANA CODE

IC 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Future Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the Property as Local Commercial (p. 23). The Comprehensive Plan identifies office uses, service uses, institutional uses, and attached residential dwellings as appropriate in the Local Commercial area (p. 47). The proposed use incorporates several of the contemplated uses for this area, as outlined in the Comprehensive Plan.

2. Current conditions and the character of current structures and uses.

The Property is currently being used agriculturally. It is located in the Bridgewater PUD and is zoned for commercial use, including transitional health care uses.

3. The most desirable use for which the land is adapted.

The Comprehensive Plan established that commercial uses are appropriate for this area. The current plan for the Bridgewater PUD calls for retail-commercial to the south and attached residential to the north of the Property. The Bridgewater PUD allows for the proposed use.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the proposed use would have a neutral or positive impact on surrounding property values and throughout the jurisdiction.

5. Responsible growth and development.

The site is contiguous to other developments, and the development of the Property would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the Property and are adequate to serve the proposed development.

RECOMMENDATIONS / ACTIONS

○ Community Development Department [January 19, 2010]

The Westfield Community Development Staff, under their final report to the APC, made a positive recommendation for this petition, with the following amendment to the standard for Section 10, G, 7, b:

From:

2. In addition, one single tenant or owner of an occupied space, with any use permitted in Area Y, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

To:

2. In addition, one single tenant or owner of an occupied space, with an assisted living use, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

○ Advisory Plan Commission [January 19, 2010]

The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation (Vote of: 9-0) regarding this petition, with the following amendment to the standard for Section 10, G, 7, b:

From:

2. In addition, one single tenant or owner of an occupied space, with any use permitted in Area Y, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

To:

2. In addition, one single tenant or owner of an occupied space, with an assisted living use, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

○ City Council

- First Reading: [February 8, 2010]
- Second Reading: [March 8, 2010, if applicable]
- Eligible for Adoption: [February 8, 2010]

Hereby submitted this 2nd day of February, 2010.

Robert Smith, *APC President*

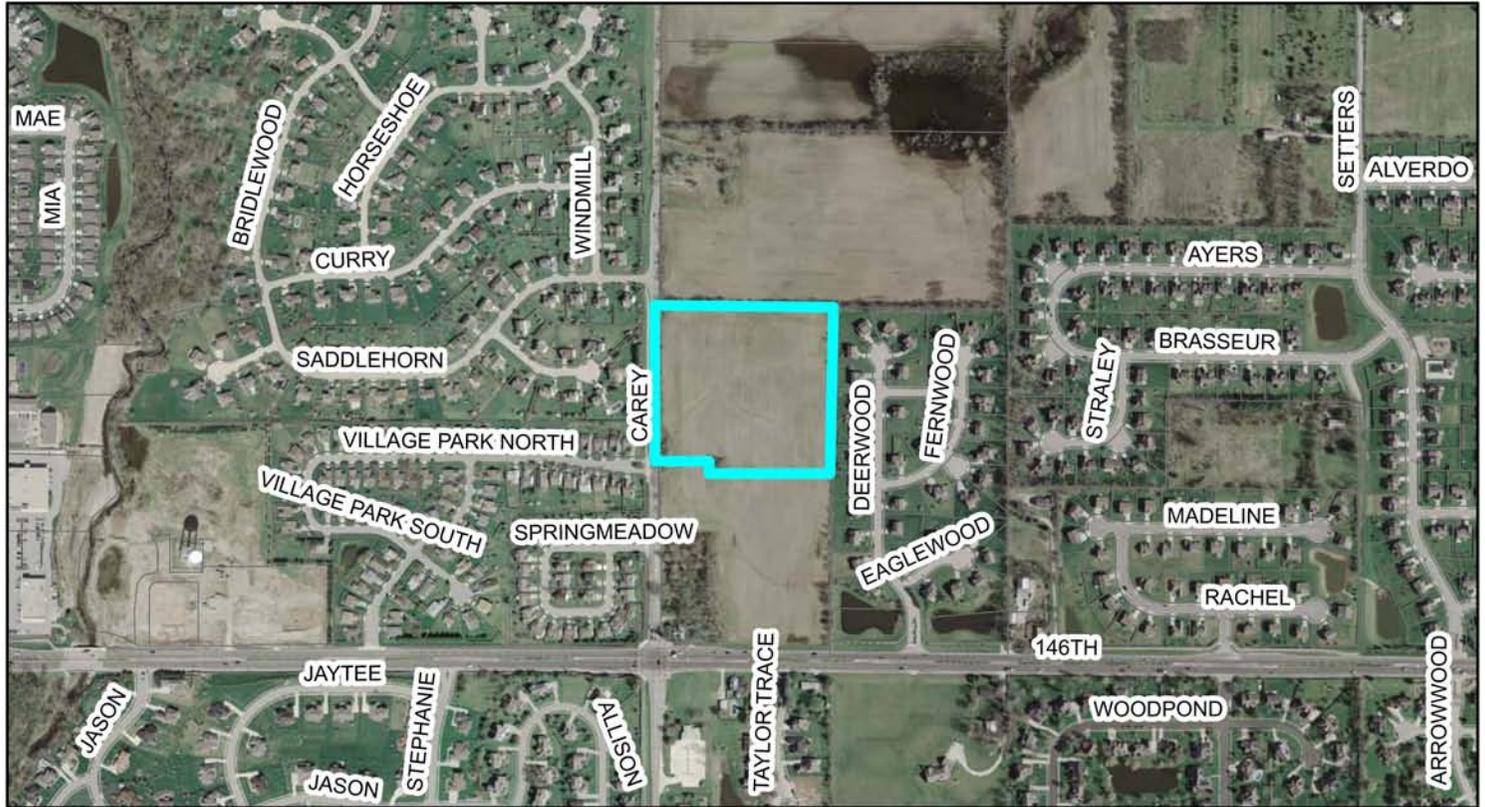
Cindy Spoljaric, *APC Vice-President*

Kevin M. Todd, *AICP, Senior Planner*

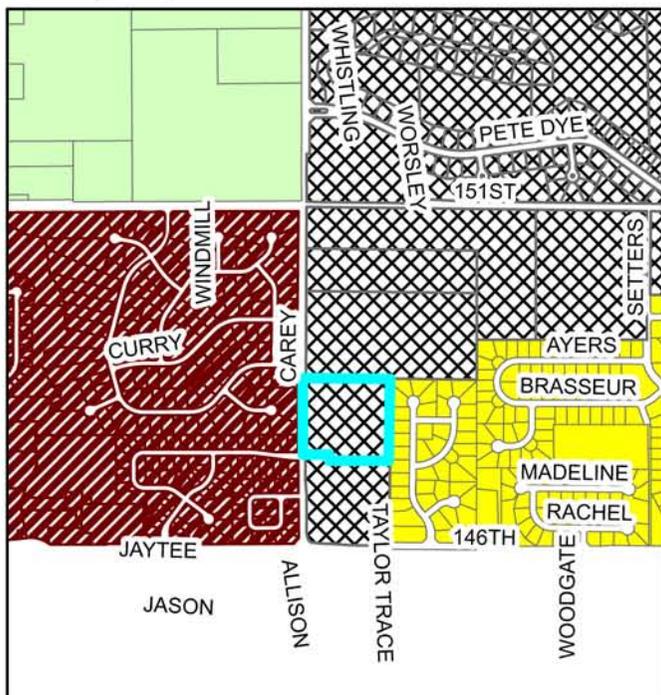


Aerial Location Map

Site

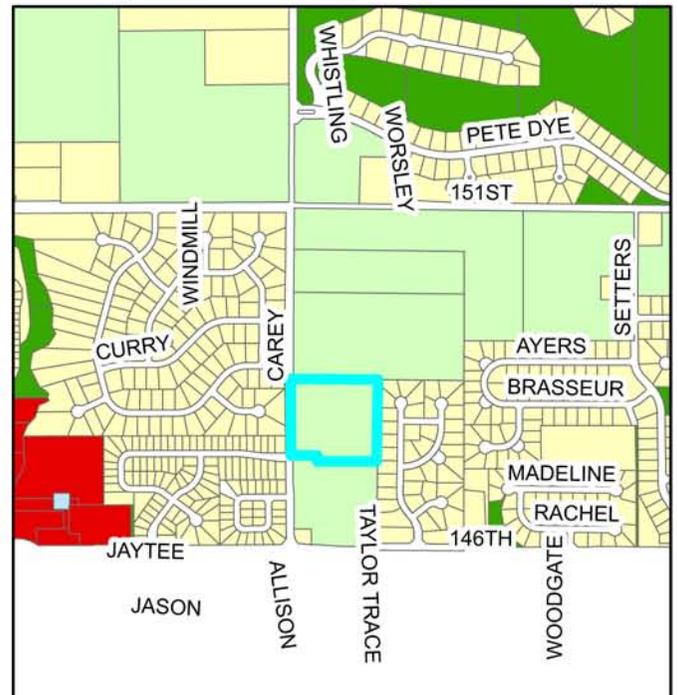


Zoning Map



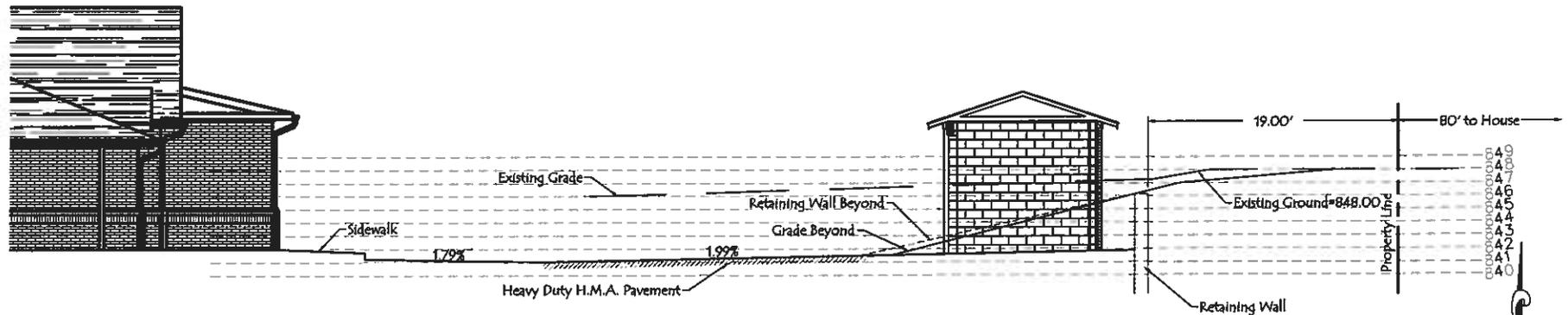
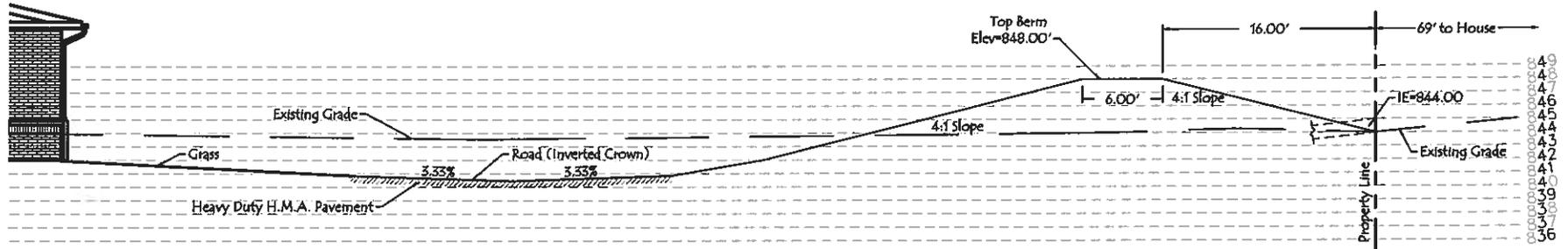
- Agricultural-Single Family 1
- Special Business-Planned Development
- Planned Unit Development
- Single Family 3

Existing Land Use Map



- Agricultural
- Commercial
- Institutional
- Recreational
- Residential
- Vacant

WESTFIELD HEALTH CAMPUS REAR YARD SECTION EXHIBIT



**CASH WAGNER
& ASSOCIATES, P.C.**

CONSULTING ENGINEERS • LAND SURVEYORS
PHONE: (812) 634-5015 FAX: (812) 634-5017



NORTH
N.T.S.
DEC. 11, 2009

Exhibit 4
BRIDGEWATER PUD AMENDMENT

The proposed amendments to the Bridgewater PUD below shall apply only to the real estate described in Exhibit A of this Ordinance (the “Real Estate”).

SECTION 10, G, 7, b

Existing Standard

One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4.

Amendment

1. One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4; and
2. In addition, one single tenant or owner of an occupied space, with an assisted living use, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

EXHIBIT 17, Parcel M4, E

Existing Standard

All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings.

Amendment

1. All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings; or
2. All trash dumpster shall have a brick exterior and a roof, and shall be screened from view on the eastern side by a landscaped berm.

Exhibit A

Surveyed Boundary Description

(Area to be cut from a tract of land owned by Throgmartin-Henke Development, LLP recorded in Deed Document 200500085073)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 734.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 593.37 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, North 89 degrees 44 minutes 05 seconds East 663.06 feet to a point on the extended west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of the Recorder of Hamilton County, Indiana; thence along the extended west line and the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 632.91 feet; thence South 89 degrees 41 minutes 49 seconds West 410.19 feet; thence North 00 degrees 54 minutes 56 seconds West 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning and containing a gross area of 9.388 acres.

Also, rights to a 40-foot wide Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 694.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 40.00 feet; thence North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning.

Also, rights to an Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds

West 1397.07 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 58.37 feet; thence North 89 degrees 05 minutes 17 seconds East 16.50 feet to the beginning of a non-tangent curve to the left having a central angle of 53 degrees 03 minutes 26 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 46 minutes 28 seconds East 20.55 feet; thence along the arc of said curve 21.30 feet; thence North 89 degrees 41 minutes 49 seconds East 159.54 feet to the beginning of a curve to the right having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 72.00 feet and a chord dimension of South 45 degrees 29 minutes 00 seconds East 101.50 feet; thence along the arc of said curve 112.64 feet; thence South 00 degrees 39 minutes 48 seconds East 46.70 feet to a point on the North Line of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, South 89 degrees 44 minutes 05 seconds West 40.00 feet; thence North 00 degrees 39 minutes 48 seconds West 46.42 feet to the beginning of a curve to the left having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 32.00 feet and a chord dimension of North 45 degrees 29 minutes 00 seconds West 45.11 feet; thence along the arc of said curve 50.06 feet; thence South 89 degrees 41 minutes 49 seconds West 158.90 feet to the beginning of a curve to the left having a central angle of 53 degrees 06 minutes 40 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 08 minutes 29 seconds West 20.57 feet; thence along the arc of said curve 21.32 feet; thence South 89 degrees 05 minutes 17 seconds West 16.50 feet to the point of beginning.

The subject property and both easements are subject to the right-of-way for Carey Road along their west sides.

Also, subject to all other easements, rights-of-ways, restrictions and covenants of record.

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Tuesday, January 19, 2010, to consider amendments to the Westfield-Washington Township Zoning Ordinance. Notice of the public hearing was advertised and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed amendment is described as follows:

Case No. 1001-PUD-02
Petitioner Ramsey Development Corporation
Description 14751 Carey Road; Petitioner requests amendments to the development standards for an area of Parcel M4 of the Bridgewater PUD.

A motion was made and passed to send a positive recommendation (9-0-0) to the City Council to approve the request for 1001-PUD-01, as amended in the attached minutes.

I, Matthew S. Skelton, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the attached minutes are a true and accurate record of the meeting of the Westfield-Washington Advisory Plan Commission held on January 19, 2010.


Matthew S. Skelton, AICP, Secretary

January 20, 2010
Date

1 The Westfield-Washington Advisory Plan Commission held a meeting on
2 Tuesday, January 19, 2009 scheduled for 7:00 PM at the Westfield City
3 Hall.

4
5 **Opening of Meeting:** 7:00 PM
6

7 **Roll Call:** Note Presence of a Quorum
8

9 **Commission Members Present:** Robert Smith, President; Cindy Spoljaric, Vice-
10 President; Pete Emigh, Robert Spraetz, Dan Degnan, Robert Horkay, William Sanders,
11 Tolan, and Steve Hoover.
12

13 **City Staff Present:** Jennifer Miller, Senior Planner; and Brian Zaiger, City Attorney
14

15 **Approval of the Minutes:**
16

17 Motion: To approve the November 16, 2009 Public Hearing Meeting Minutes as
18 presented.
19

20 Motion by: Spoljaric; Second by Horkay; Vote: Passed by voice vote
21

22 Miller reviewed the Public Hearing Rules and Procedures.
23

24 **NEW BUSINESS**
25

26 Case No. 1001-PUD-02
27 Petitioner Ramsey Development Corporation
28 Description 14751 Carey Road; Petitioner requests amendments to the development
29 standards for an area of Parcel M4 of the Bridgewater PUD.
30

31 Miller introduced the petition and stated the proposed square footage is for 65,000 square
32 feet. She further stated this petition was introduced at the January 4 Workshop meeting
33 and at that time the petitioner was seeking two amendments to the Bridgewater PUD in
34 order to move forward with the development plans. She presented staff's proposed
35 changes to the PUD language. She further stated staff is recommending sending this
36 petition to the City Council with a positive recommendation. Miller further stated there
37 were two letters submitted regarding this petition, which were given to President Smith.
38 She commented that one of the letters suggests a condition that the additional square
39 footage be conditioned to a healthcare nursing home facility; staff would support such a
40 condition.
41

42 A Public Hearing opened at 7:10 p.m.
43

44 Smith read the two letters received from the public regarding 1001-PUD-02; one letter in
45 support and one letter against.

1
2 Mr. Dick Cane expressed concern about any use that seems too broad. He also asked
3 about provisions made for traffic patterns.

4
5 The Public Hearing closed at 7:16 p.m.

6
7 Mr. Steve Henke, Throgmartin-Henke Development responded to public comment stating
8 petitioner has no problem specifying and limiting the use of the 65,000 square foot user
9 to assisted living for healthcare that is the intent and purpose. He further stated that
10 traffic studies were completed and traffic patterns were reviewed; curb cuts have also
11 been limited along Carey Road.

12
13 Spoljaric suggested the following verbiage, in number two, rather than, "...with any use
14 permitted area wide..." replace with, "a healthcare related use may be permitted."

15
16 Smith asked should the term used be "healthcare related" or "assisted living."

17
18 Henke stated that "assisted living" was approved in the PUD; however, a text amendment
19 was added to the assisted living to make it 24-hours so it refers to assisted living
20 specifically in the PUD.

21
22 Motion: To approve amended language to 1001-PUD-02.

23
24 Motion by: Emigh; Second by: Hoover; Vote: 9-0

25
26 Motion: To approve 1001-PUD-02 as amended.

27
28 Motion by: Emigh; Second by: Horkay; Vote: 9-0

29
30 Motion: To send 1001-PUD-02 to the City Council with a positive recommendation.

31
32 Motion by: Emigh; Second by: Horkay; Vote: 9-0

33
34 Case No. 1001-DP-01& 1001-SIT-01
35 Petitioner Hamilton County Parks & Recreation
36 Description 4528 State Road 38; Petitioner requests Development Plan and Site Plan
37 Review for a proposed parking lot in Bray Park.

38
39 Miller introduced the development plan stating this petition was before TAC in
40 December and presented at the January Workshop meeting as well.

41
42 A Public Hearing opened at 7:26 p.m.

43
44 Smith read a letter from the residents of Hinkle Creek Estates stating their concerns
45 regarding the construction of the proposed parking lot.

1
2 Mr. Sal Canatella asked several questions including what is the timeline for the project,
3 what factors drove this location site, what is the process after this point, and what
4 opportunities will there be for us to intercede and voice our objections.

5
6 The Public Hearing closed at 7:29 p.m.

7
8 Miller responded to public hearing comments regarding the timeline and the process.

9
10 Mr. Jeff Mader, Mader Design, representing Hamilton County Parks, discussed the
11 location, traffic, obstruction of view, landscaping, and additional trails. He stated the
12 intention is to reforest and add prairie throughout the entire park with additional trails.
13 He further stated the intent of the park is a passive park with the intention of people using
14 it for passive recreation purposes, including walking and running trails, wildlife visitation
15 and viewing. Therefore, the intention is to keep it as quiet and passive and improve on
16 the aesthetics rather than an active park.

17
18 Sanders noted that the entrance to the new parking lot is actually configured differently
19 than the entrance to the subdivision across the street.

20
21 Mader responded that is correct; it aligns with the southern most entrance drive into the
22 subdivision.

23
24 Discussion followed regarding the alignment of the drive.

25
26 Hoover asked if there are any existing trails on the property.

27
28 Mader responded no; as the budget allows, the plan is to add as many trails as possible.

29
30 Motion: To approve 1001-DP-01 and 1001-SIT-01 as presented.

31
32 Motion by: Horkay Second by: Tolan; Vote: 9-0

33
34 Case No. 0912-ZOA-03
35 Petitioner City of Westfield
36 Description The City requests amendments to the Westfield-Washington Zoning
37 Ordinance to include standards for Temporary Uses and Events (WC
38 16.04.095) and new Definitions (WC 16.04.210).

39
40 Miller reviewed the petition history and stated staff recommends this petition be sent to
41 the City Council with a positive recommendation.

42
43 Hoover stated in summary the reason this Ordinance was reviewed is because tent sales
44 were not addressed in previous ordinances, which meant they could not exist. He further
45 explained the City has businesses which have done tent sales in the past and would like to

1 continue to do so; therefore, the Council Subcommittee reviewed the ordinance and made
2 recommendations accordingly.

3
4 Spoljaric thought the time limit had been changed from fourteen days to sixteen days.

5
6 Miller stated the change was not made but can be a condition of the vote this evening.

7
8 A Public Hearing opened at 7:50 p.m.

9
10 Mr. Jim Godby, Godby Home Furnishings, expressed concern about the length of time
11 for the tent sales stating fourteen days is not long enough and that it takes that amount of
12 time just to prepare for a tent sale.

13
14 The Public Hearing closed at 7:54 p.m.

15
16 Smith asked if this item could be tabled.

17
18 Hoover stated the City needs to be sure it is not treating outsiders better than local
19 businesses. He further stated his belief that tent sales have value and that the City should
20 allow for that and extend the period for tent sales to 30 days up to two times in a year
21 period. He further stated the current tent sales for plants, etc., which are allowed 90 days,
22 should be limited to 60 days.

23
24 Smith called for a motion to table this item for 30 days and requested staff amend this
25 proposal to have provision for all retailers to include two 30-day segments which could
26 be consecutive.

27
28 Hoover suggested making the amendments part of the motion.

29
30 Hoover asked Miller if set up is addressed in the permitted time.

31
32 Miller responded that set up is included in the permitting time, but there are two
33 additional days at the conclusion of the event for removal from the premises.

34
35 Sanders asked about outdoor café or eating areas stating they are not defined in the
36 definition, and whether the ordinance would cover for example, fish fries in the churches
37 or Girl Scout Cookie sales.

38
39 Miller responded this would have to be brought back to the subcommittee to address how
40 the ordinance is crafted.

41
42 Sanders also asked, under Holiday Tree Sales, 4V, “Bag bulk items must be stored within
43 an adjacent permanent or temporary structure;” if this is for security reasons or fire
44 reasons.

45

1 Miller responded it is a combination of items such as the tent being fire-rated and also
2 prevents inventory being stacked in the parking lot.

3
4 Sanders asked if security needs to be addressed from a fire aspect or a protection aspect.

5
6 Miller stated the subcommittee discussed this issue and concluded it was the
7 responsibility of the property owner/tent owner and whatever was negotiated in the lease
8 agreement.

9
10 Motion: To send 0912-ZOA-03 to the City Council with a positive recommendation
11 amended as follows: on Section 2, XI, paragraph two, reads: “Tent events are permitted
12 per parcel for up to 30 days per permit with a 60-day total per calendar year maximum.
13 On paragraph four, VIII, paragraph two, amend to read permit for these sales shall be
14 valid for a maximum of 60 consecutive calendar days.

15
16 Motion by: Hoover; Second by: Emigh; Vote: 8-1 (Spoljaric)

17
18 **STAFF COMMENTS**

19
20 Miller announced the Purdue Land Use Team video seminar and strongly encouraged
21 new Commissioners attend.

22
23 **APC MEMBER COMMENTS**

24
25 Spoljaric commented on the 0912-ZOA-03 vote.

26
27 **ADJOURNMENT** (8:31)

28
29
30 Approved (date)

31
32
33 _____
34 President, Robert Smith, Esq.

35
36
37 _____
38 Vice President, Cindy Spoljaric

39
40
41 _____
42 Secretary, Matthew S. Skelton, Esq., AICP

43