

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
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JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

Date: March 4, 2011
To: Westfield City Council Members
From: Jon Dobosiewicz, Nelson & Frankenberger
RE: Text Amendments to the Oak Ridge Pointe PUD

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Kevin Todd dated February 25, 2011,
2. An application for Rezone (text Amendment to Oak Ridge Point PUD),
3. A copy of the proposed ordinance illustrating the text amendments under Exhibit B.
4. A copy of the existing PUD district map

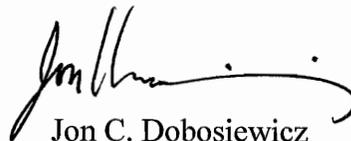
The applicant, Wilfong Land Companies, LLC, is proposing to amend the text of the Oak Ridge Pointe PUD to, (i) permit buildings with a minimum area of 2,500 square feet (presently 8,000 square feet) on the south side of State Road 32 in Commercial 1 District, (ii) require a fuel canopy setback of 30' further from State Road 32 than the primary building (presently the minimum setback requirement is the same distance as the primary building along State Road 32 and Oak Ridge Road, (iii) permit retail uses not to exceed 5,000 square feet (presently 3,600 square feet) in Commercial 2 District, and (iv) require a pedestrian path to be constructed within a 30' landscape buffer along State Road 32 (presently the path is required in the right-of-way and the landscape buffer is 20').

We are filing at this time in order to be heard for introduction by the City Council on March 14th, TAC on March 22nd, and Plan Commission after that. We anticipate then returning to the City Council following that for adoption consideration.

If you have any questions or need any additional information please contact me at 317-428-8393.

Very truly yours,

NELSON & FRANKENBERGER, P.C.



Jon C. Dobosiewicz

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Land Use Professional

February 25, 2011

Kevin M. Todd, AICP
Town of Westfield
2706 East 171st Street
Westfield, IN 46074

COPY

RE: Text Amendment to Oak Ridge Trails PUD

Dear Kevin,

Please find enclosed the necessary application for a text amendment to the Oak Ridge Point PUD. We are filing at this time in order to be heard for introduction by the City Council on March 14th, TAC on March 22nd, and Plan Commission after that based on discussions with your office.

Please find the following information enclosed:

1. Completed and signed Application with legal description, and
2. Copy of the proposed Ordinance.

I will provide a check in the amount of the filing fee, adjoiner list for the public hearing notice, and draft public notice next week after we determine specifics of the above items.

If you have any questions or need any additional information please contact me at 317-428-8393.

Very truly yours,

NELSON & FRANKENBERGER, P.C.


Jon C. Dobosiewicz

FEB 25 2011

February 25, 2011

PETITION TO AMEND THE TEXT OF THE OAK RIDGE POINT PUD

Plan Commission Docket No.: _____

COPY

Name of Applicant: Wilfong Land Companies, LLC
Address: C/O Ralph L. Wilfong, II
17830 Casey Road
Westfield, IN 46074
Phone No.: (317) 867-0033

Name of Representative: Jon C. Dobosiewicz
Land Use Professional
Address: Nelson & Frankenberger
3105 East 96th Street, Suite 170
Indianapolis, IN 46280
Phone No.: (317) 844-0106
(317) 428-8393 mobile

Name of Property Owner:

1. Ralph L. Wilfong Charitable Remainder Trust
2. FMH Family Limited Partnership
3. Westfield Investment Company, LP

Premises Affected:

A Text Amendment to the Oak Ridge Point PUD is requested for real estate described in what is attached hereto and incorporated herein by reference as Exhibit A, comprising approximately 23.9 acres and generally located generally north and south of State Road 32 west of and adjacent to Oak Ridge Road.

Metes and Bounds Description: See Exhibit A attached

Plot Size: See "Premises Affected" above.

Fronting On: Oak Ridge Road and State Road 32

Nature and Size of Improvement Now Existing on Plot: Primarily crop land on the south side of SR 32 and one single family home on the north side of SR 32.

Present Zoning: Oak Ridge Point PUD (Ordinance No. 08-48)

Requested Zoning: Oak Ridge Pointe PUD as amended

Westfield Investment Company, LP

By: Ralph L. Wilfong II
Ralph L. Wilfong, II

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Ralph L. Wilfong, II., authorized representative of Westfield Investment Company, LP, who acknowledged execution of the foregoing petition.

Witness my hand and Notarial Seal this 25th day of February, 2011.

My Commission Expires:

2/1/2013



SCOTT L SAUCEDO
SCOTT L SAUCEDO, Notary Public

Exhibit A
(Legal Description)

A part of the Northeast Quarter of Section 2, Township 18 North, Range 3 East, a part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and a part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, all in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East, Hamilton County, Indiana; thence South 00 degrees 34 minutes 25 seconds East (assumed bearing) on the east line of said Northeast Quarter 874.95 feet to a northeast corner of the real estate described in Instrument No. 2000-21652 in the Office of the Recorder of Hamilton County, Indiana; thence the following four calls on the perimeter of said real estate: 1.) South 88 degrees 13 minutes 58 seconds West 200.00 feet; 2.) North 62 degrees 08 minutes 02 seconds West 151.65 feet; 3.) South 88 degrees 13 minutes 58 seconds West 494.50 feet; 4.) North 00 degrees 34 minutes 25 seconds West 806.36 feet to a point on the north line of said Northeast Quarter; thence North 88 degrees 40 minutes 35 seconds East 138 feet, more or less, to the centerline of the Evan Kendall Ditch; thence North 00 degrees 17 minutes 45 seconds East along said centerline 512 feet, more or less, (bearing and distance provided for closure purposes); thence North 88 degrees 27 minutes 07 seconds East a distance of 507.86 feet, more or less, to the east line of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence North 88 degrees 39 minutes 07 seconds East a distance of 181.50 feet; thence South 00 degrees 50 minutes 25 seconds East 514.95 feet to a point on the south line of said Southwest Quarter; 4.) South 88 degrees 40 minutes 35 seconds West on said south line 9.90 feet to the Point of Beginning, containing 23.9 acres, more or less.

NOTE: This land description is not based upon a Retracement Survey and is to be used only for zoning purposes.

EXHIBIT A

The Oak Ridge Point PUD is amended and revised as follows and the Oak Ridge Pointe PUD, as amended and revised below, shall remain in full force and effect:

1. Section 3.3.I.2 of the oak Ridge Point PUD is hereby replaced and superseded by the following: The minimum building size shall be 2,500 square feet.
2. Section 3.4.B.3 of the oak Ridge Point PUD is hereby replaced and superseded by the following: Retail Uses shall not exceed 5,000 square feet of floor area within the district.
3. Section 3.4.J.1 of the oak Ridge Point PUD is hereby replaced and superseded by the following: The canopy constructed over fuel pump islands shall be setback 30' further from State Road 32 than the setback of the primary building.
4. Section 9.7.H of the oak Ridge Point PUD is hereby supplemented to include the following, but only with respect to the Oak Ridge Point – Office District, the Oak Ridge Point - Commercial 1 District and the Oak Ridge Point – Commercial 2 District: A pedestrian path shall be installed within the buffer yard along the State Road 32 right-of-way.
5. Section 10.6.A.1 of the oak Ridge Point PUD is hereby supplemented to include the following, but only with respect to the Oak Ridge Point – Office District, the Oak Ridge Point - Commercial 1 District and the Oak Ridge Point – Commercial 2 District: The buffer yard along State Road 32 shall have a minimum width of 30'.

ORDINANCE 11-

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE OAK RIDGE POINT PLANNED UNIT DEVELOPMENT ORDINANCE, BEING ORDINANCE 08-48

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 _____), filed with the commission, requesting an amendment to Ordinance 08-48, enacted by the City Council on December 8, 2008; and,

WHEREAS, the Commission did take action to forward the said Docket _____ to the City Council with a 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 _____, 2011; and,

WHEREAS, the 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 08-48 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS
FOLLOWS:**

SECTION 1. The document as referenced by Ordinance 08-48 (the “Oak Ridge Point PUD”) is hereby amended, but only to the extent set forth in what is attached hereto and incorporated herein by reference as Exhibit “A”.

SECTION 2. This Ordinance 11- ____ 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. To the extent that this Ordinance 11- ____ conflicts with the terms of any previously-enacted ordinance or part thereof, the terms of this Ordinance 11- ____ shall prevail.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2011.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

Voting For

Voting Against

Abstain

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: Jon C. Dobosiewicz

Prepared by: Charlie D. Frankenberger and Jon C. Dobosiewicz, Nelson and Frankenberger, PC
3150 East 98th Street, Suite 170, Indianapolis, IN 46280, (317) 844-0106.

Signed

I hereby certify that ORDINANCE 11-____ was delivered to the Mayor of Westfield on the _____ day of _____, 2011, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 11-____

This _____ day of _____, 2011.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 11-____

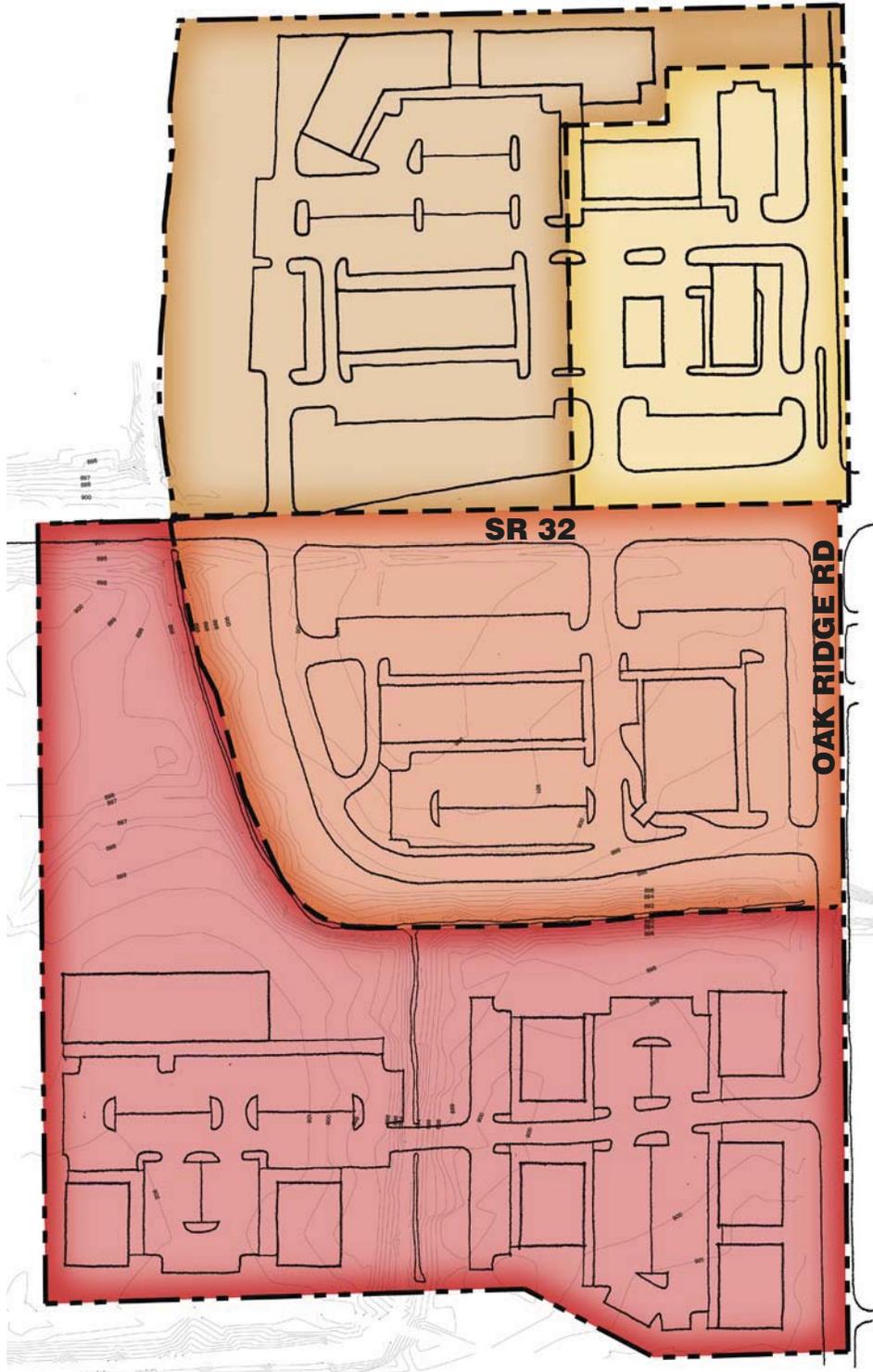
this _____ day of _____, 2011.

J. Andrew Cook, Mayor

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5. Section 10.6.A.1 of the oak Ridge Point PUD is hereby supplemented to include the following, but only with respect to the Oak Ridge Point – Office District, the Oak Ridge Point - Commercial 1 District and the Oak Ridge Point – Commercial 2 District: The buffer yard along State Road 32 shall have a minimum width of 30'.



LEGEND

-  OR- OFFICE 1
-  OR- COMMERCIAL 1
-  OR- COMMERCIAL 2
-  OR- COMMERCIAL 3



NOT TO SCALE

09.30.2008