



**Petition Number:** 1407-ZC-02

**Subject Site Address:** 3334 East 146<sup>th</sup> Street

**Petitioner:** L & Q Realty, LLC

**Representative:** Faegre Baker Daniels LLP

**Request:** Petitioner requests modifications to the zoning commitments associated with Ordinance 06-49.

**Current Zoning:** Bridgewater PUD (Ordinance 06-49)

**Approximate Acreage:** 1.17 acres +/-

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Bridgewater PUD Zoning Commitments (associated with Ord. 06-49)
4. Proposed Commitment Modifications

**Zoning History:** Ordinance 06-49 (with commitments) – Bridgewater PUD Ordinance  
1211-SPP-06 – Bridgewater Center at 146<sup>th</sup> Street Primary Plat  
1211-SFP-08 – Bridgewater Center at 146<sup>th</sup> Street Secondary Plat  
1403-DP-05 & 1403-SIT-03 – Ricker’s Development Plan & Site Plan

**Staff Reviewer:** Kevin M. Todd, AICP

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**PROCEDURAL**

- A public hearing for this petition is scheduled for the July 21, 2014 Advisory Plan Commission (the “APC”) meeting.
- Notice of the July 21, 2014 public hearing was provided in accordance with the APC Rules of Procedure.

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**PETITION HISTORY**

- This petition was introduced at the June 9, 2014 City Council meeting.



- The petitioner held a neighborhood meeting on June 25, 2014, and should be able to provide an update of that meeting at the July 21, 2014 APC meeting.

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## **PROJECT OVERVIEW**

When the subject area of the Bridgewater PUD was zoned in 2006, zoning commitments were made in addition to the terms of the PUD Ordinance. A sub-section of the zoning commitments established specific requirements for an automobile service station use. The Petitioner is requesting to amend two (2) of the zoning commitments that apply to an automobile service station use.

### **Fuel Canopy**

Current Commitment (Section 4.E.3): All gas pumps shall be located away from perimeter or external streets, as illustrated by the Drawing.

Proposed Commitment Modification: All gas pumps shall be located and covered with a canopy as depicted on the attached Site Plan.

On March 18, 2014, the Advisory Plan Commission approved a development plan and site plan (1403-DP-05 & 1403-SIT-03) for a new Ricker's gas station and convenience store on the subject property. The plan depicted a fuel canopy that was located on the east side of the convenience store building (interpreted to be "away from" Carey Road) and setback thirty (30) feet from the south façade of the convenience store building (interpreted to be "away from" 146<sup>th</sup> Street). As a result of setting the canopy back thirty (30) feet from the south façade of the building, the approved development plan does not include a canopy over the southern-most fuel pump.

The petitioner is requesting to modify the commitment which requires gas pumps to be located away from perimeter or external streets by referencing a site plan which shows a canopy over all pumps.

### **Hours of Operation**

Current Commitment (Section 4.E.5): Said automobile service stations shall be open and operating only between the hours of 6:00 A.M. and twelve midnight.

Proposed Commitment Modification: Said automobile service stations shall be open and operating only between the hours of 5:00 A.M. and twelve midnight.



As a part of the commitments that were made in 2006, the hours of operation for an automobile service station were established to be between 6:00 A.M. and 12:00 A.M. The petitioner is requesting to modify that commitment, to extend the hours to be between 5:00 A.M. and 12:00 A.M. The petitioner has stated that the additional hour in the morning is important to their business model.

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**STAFF COMMENTS**

1. Hold a public hearing at the July 21, 2014 APC meeting. No action is required at this time.
2. Prior to the final deposition, the petitioner will make any necessary revisions to the proposal based on APC and public comments.
3. If any APC member has questions prior to the public hearing, then please contact Kevin Todd at 317.379.6467 or [ktodd@westfield.in.gov](mailto:ktodd@westfield.in.gov).