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2008007452 ORDINANCE \$60.00
02/15/2008 09:45:33A 25 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE 08-05

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT OF ORDINANCE 06-49 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 (“Commission”) considered a petition (docket 0711-PUD-05) filed with the Commission to grant various text amendments to Ordinance 06-49 approved by the Town Council on October 9, 2006 that rezoned certain lands 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 under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on February 1, 2008; 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 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 is amended as follows:

The proposed text amendment would impact the existing development standards of Section H-1 of the approved Bridgewater PUD. The current standards of Section H-1 of the Bridgewater PUD would require a minimum four (4) foot setback from any side yard for any dwelling. The current standards would also provide for a ten (10) foot separation between any two structures on abutting lots. The proposed text amendment would provide for the elimination of the required four (4) foot setback while maintaining the required ten (10) foot separation, which would permit “zero lot line” development of the proposed development. The proposed text amendment would have no impact on the approved secondary plat, primary plat, or development plan – it would only impact the permitted

location of individual structures on individual lots within Section H-1 of the Bridgewater PUD, more commonly located at the Northeast corner of Carey Road and 161st Street and to be known as "The Preserve" at Bridgewater and, in all other respects, the Bridgewater PUD 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.

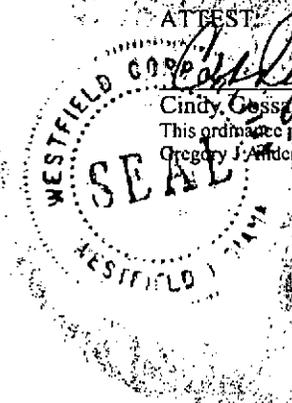
ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 11 DAY OF July 2008.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
<u>Kenneth Kingshill</u> Kenneth Kingshill	<u>Kenneth Kingshill</u> Kenneth Kingshill	<u>Kenneth Kingshill</u> Kenneth Kingshill
<u>Robert Horkay</u> Robert Horkay	<u>Robert Horkay</u> Robert Horkay	<u>Robert Horkay</u> Robert Horkay
<u>John Dippel</u> John Dippel	<u>John Dippel</u> John Dippel	<u>John Dippel</u> John Dippel
<u>Bob Smith</u> Bob Smith	<u>Bob Smith</u> Bob Smith	<u>Bob Smith</u> Bob Smith
<u>Tom Smith</u> Tom Smith	<u>Tom Smith</u> Tom Smith	<u>Tom Smith</u> Tom Smith
<u>Rob Stokes</u> Rob Stokes	<u>Rob Stokes</u> Rob Stokes	<u>Rob Stokes</u> Rob Stokes
<u>Melody Sweat</u> Melody Sweat	<u>Melody Sweat</u> Melody Sweat	<u>Melody Sweat</u> Melody Sweat

ATTEST

Cindy Gossard
Cindy Gossard, Clerk-Treasurer
This ordinance prepared by
Gregory J. Anderson, AICP, Director of Community Development



"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

C. Gossard
Signed

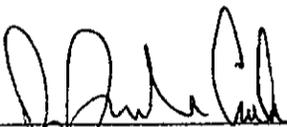
2/11/2008

Ordinance 08-05
PUD Amendment / The Bridgewater Club

I hereby certify that ORDINANCE 08-05 was delivered to the Mayor of Westfield
on the 15 day of Feb, 2008, at _____ m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-05 I hereby VETO ORDINANCE 08-05
this 11 day of February, 2008. this _____ day of _____, 2008.


J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

Ordinance 08-05

Exhibit "A"
Legal Description

A part of the Northeast Quarter of Section 31, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Quarter Section, said corner being marked by a railroad spike; thence North 00 degrees 05 minutes 12 seconds East along the East line of said Quarter Section a distance of 891.00 feet to a Mag Nail with washer stamped "Cripe" and the POINT OF BEGINNING of this description; thence South 89 degrees 43 minutes 59 seconds West parallel with the South line of said Quarter Section a distance of 874.50 feet; thence North 00 degrees 05 minutes 12 seconds East parallel with the East line of said Quarter Section a distance of 741.00 feet; thence North 89 degrees 43 minutes 59 seconds East parallel with the South line of said Quarter Section a distance of 852.10 feet to a rebar with cap stamped "Cripe" and the westerly right-of-way line of Shelborne Road as described in Instrument Number 2003-69146 in the Office of the Recorder, Hamilton County, Indiana; thence along said westerly right-of-way line of Shelborne Road as described in Instrument Numbers 2003-69146 and 2003-69147 by the next six (6) courses; 1) South 02 degrees 29 minutes 53 seconds West 119.08 feet to a rebar with cap stamped "Cripe"; 2) North 89 degrees 54 minutes 48 seconds West 17.59 feet to a rebar with cap stamped "Cripe"; 3) South 00 degrees 05 minutes 12 seconds West 505.40 feet to a rebar with cap stamped "Cripe"; 4) South 89 degrees 51 minutes 42 seconds East 23.57 feet to a rebar with cap stamped "Cripe"; 5) South 04 degrees 18 minutes 12 seconds East 69.14 feet to a rebar with cap stamped "Cripe"; 6) South 89 degrees 54 minutes 48 seconds East 16.14 feet to a Mag nail with washer stamped "S & A Firm #0008" and the East line of said Quarter Section; thence South 00 degrees 05 minutes 12 seconds West along said East line 47.52 feet to the place of beginning, containing 14.256 acres, more or less.

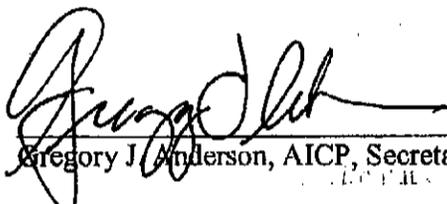
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, January 28, 2008, to consider an amendment to Section H1, "The Preserve," of the Bridgewater Planned Unit Development. Notice of public hearing was advertised and noticed 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 rezone is as follows:

0711-PUD-05 NE Corner of 161st Street and Carey Road,
Nelson and Frankenberger requests an amendment to
Section H1, "The Preserve," of the Bridgewater PUD.

A motion was made and passed to send a positive recommendation to the City Council to approve the amendment request for 0711-PUD-05.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on January 31, 2008.



Gregory J. Anderson, AICP, Secretary

January 31, 2008
Date

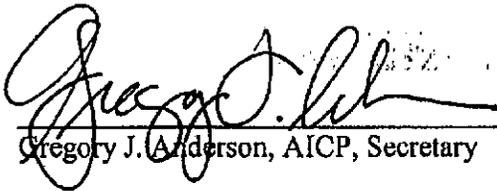
**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, January 28, 2008, to consider a revision to Section 16.04.165 Development Plan Review of the Westfield-Washington Township Zoning Ordinance. Notice of public hearing was advertised and noticed 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 rezone is as follows:

0801-ZOA-01 WC 16.04.165 Development Plan Review,
Revisions to Section 16.04.165 Development Plan Review of the
Westfield-Washington Township Zoning Ordinance to provide for changes to the
timing of mailed legal notice, proposed by Westfield Community Development.

A motion was made and passed to send a positive recommendation to the City Council to approve the revision request for 0801-ZOA-01.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Advisory Plan Commission held on January 28, 2008.



Gregory J. Anderson, AICP, Secretary

January 31, 2008
Date

**WESTFIELD, INDIANA
THE BRIDGEWATER CLUB**

Text Amendment to Section H1, "The Preserve"

**City Council
February 11, 2008**

**Throgmartin-Henke Development LLC
c/o Steve H. Henke
867-5553**

**Attorney – Charles D. Frankenberger
Nelson & Frankenberger
844-0106**

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2. Bridgewater Club Brochure
3. Aerial Photograph
4. Primary Plat
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EXHIBIT 1

Explanation

By way of general background, on April 9, 2002, the Westfield Council enacted the Bridgewater Club Planned Unit Development Ordinance, the blueprint for the vision of a master planned residential golf community. Since then, the vision has quickly materialized. As The Bridgewater Club emerged as a "National Model," the accentuation of details remains one of the highest priorities. The Bridgewater Club has evolved out of carefully planned ideas, as well as existing natural landscapes and cooperation between developers and the City of Westfield.

We have recently expanded the Bridgewater Club to include a 14.5 acre, rectangular parcel of real estate located on the northeast corner of 161st Street and Carey Road. This 14.5 acre parcel is cross-hatched on the aerial photograph included as Exhibit 3. The primary plat, a drawing of which is included as Exhibit 4, has already been approved, allowing an upscale, detached, single family residential neighborhood, to be known as the Preserve. By this amendment, we are desirous of no longer requiring minimum side yards within the Preserve; however, the minimum building separation of 10 feet will remain unchanged, ensuring that all homes will continue to be separated by at least 10 feet. This will enable us to (i) vary the location of the homes on the lots without decreasing the required separation between the homes, and (ii) establish a wider and more usable side yard.

The public hearing of this matter occurred on January 28, 2008, at which time we were referred by Plan Commission to City Council with a unanimous favorable recommendation. We look forward to the 1st Reading of this matter before the City Council on February 11, 2008.

Respectfully submitted,

THROGMARTIN-HENKE DEVELOPMENT, LLP

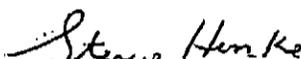

Steven H. Henke

EXHIBIT 2



*Welcome to
extraordinary
resort living.*

The
Bridgewater
CLUB

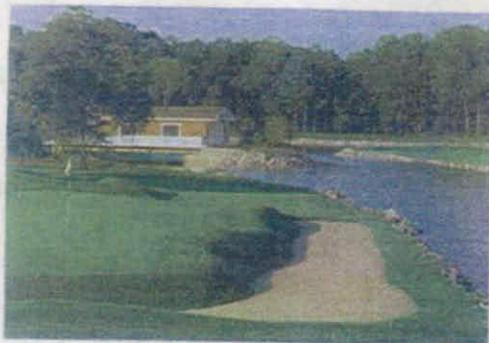
An Exclusive Residential & Golf Community

A one-of-a-kind lifestyle. A one-of-a-kind community.



*Welcome to
The Bridgewater
Club*





Enjoy a resort living community with extraordinary amenities. You can play the challenging Pete Dye Championship Course, or work on your game at one of the nation's premier practice facilities. But there's more to this lifestyle. Life at The Bridgewater Club brings you full access to our 70,000 square foot Clubhouse featuring:

- *Adult and Family Dining*
- *Indoor & Outdoor Swimming Pools*
- *15,000 square foot Fitness Center*
- *6 Tennis Courts*
- *Massage and Steam Rooms*
- *Exercise & Fitness Training*
- *Meeting/Party Rooms*
- *Child Care*

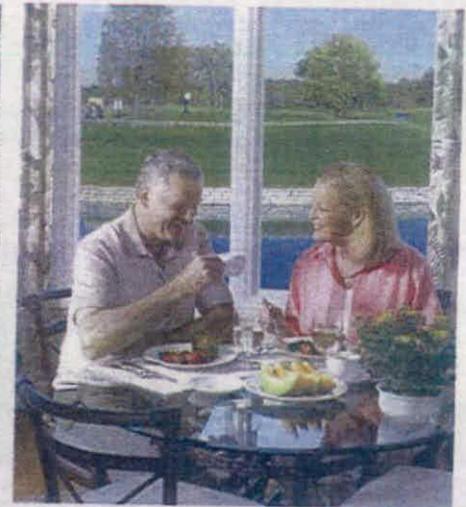




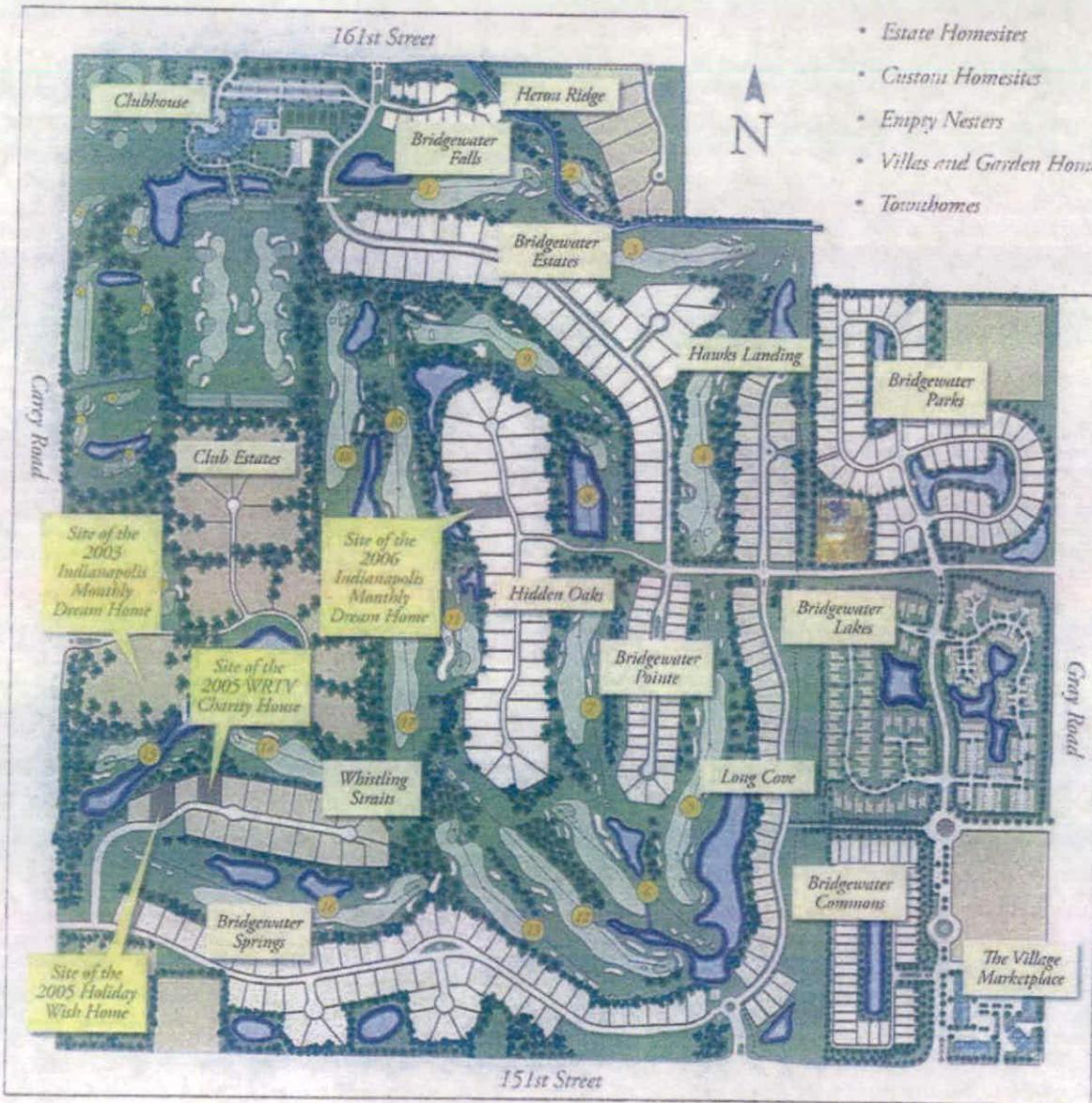


You can choose from a wide range of home styles, from custom country homes to elegant villas or condominiums. Our community is built on 750 acres of rolling, wooded countryside with 17 lakes and ponds. Leave your car at home and zip about in your golf cart, or surround yourself with nature on the five miles of walking and biking trails. Picnic at one of the community's nine parks, play tennis or go shopping at our future picturesque Village Marketplace. The Bridgewater Club is the ultimate resort living community.





*Choice custom homesites are available.
Come visit us. We know you'll want to stay. For good.*



- Estate Homesites
- Custom Homesites
- Empty Nesters
- Villas and Garden Homes
- Townhomes



Visit www.thebridgewaterclub.com for more information
and a hole-by-hole tour of our championship golf course.
Or call Doc O'Neal at 317.867.GOLF to schedule a personal tour.

The
Bridgewater
CLUB

An Exclusive Residential & Golf Community

Site of the
2003 Indianapolis Monthly
Dream Home

Site of the
2005 Holiday Wish Home
December 2-18, 2005

Site of the
2005 WRTV Charity House

Site of the
2006 Indianapolis Monthly
Dream Home
September 2-17, 2006

2004 AJGA PING Indianapolis Junior

2005 United States Mid-Amateur Qualifier

2005 PING Junior Solheim Cup

2005 hlgregg Indiana Golf Championship

3535 East 161st Street, Carmel, IN 46033 1 mile east of Meridian on 161st Street.

The
Bridgewater
CLUB

An Exclusive Residential & Golf Community

EXHIBIT 3

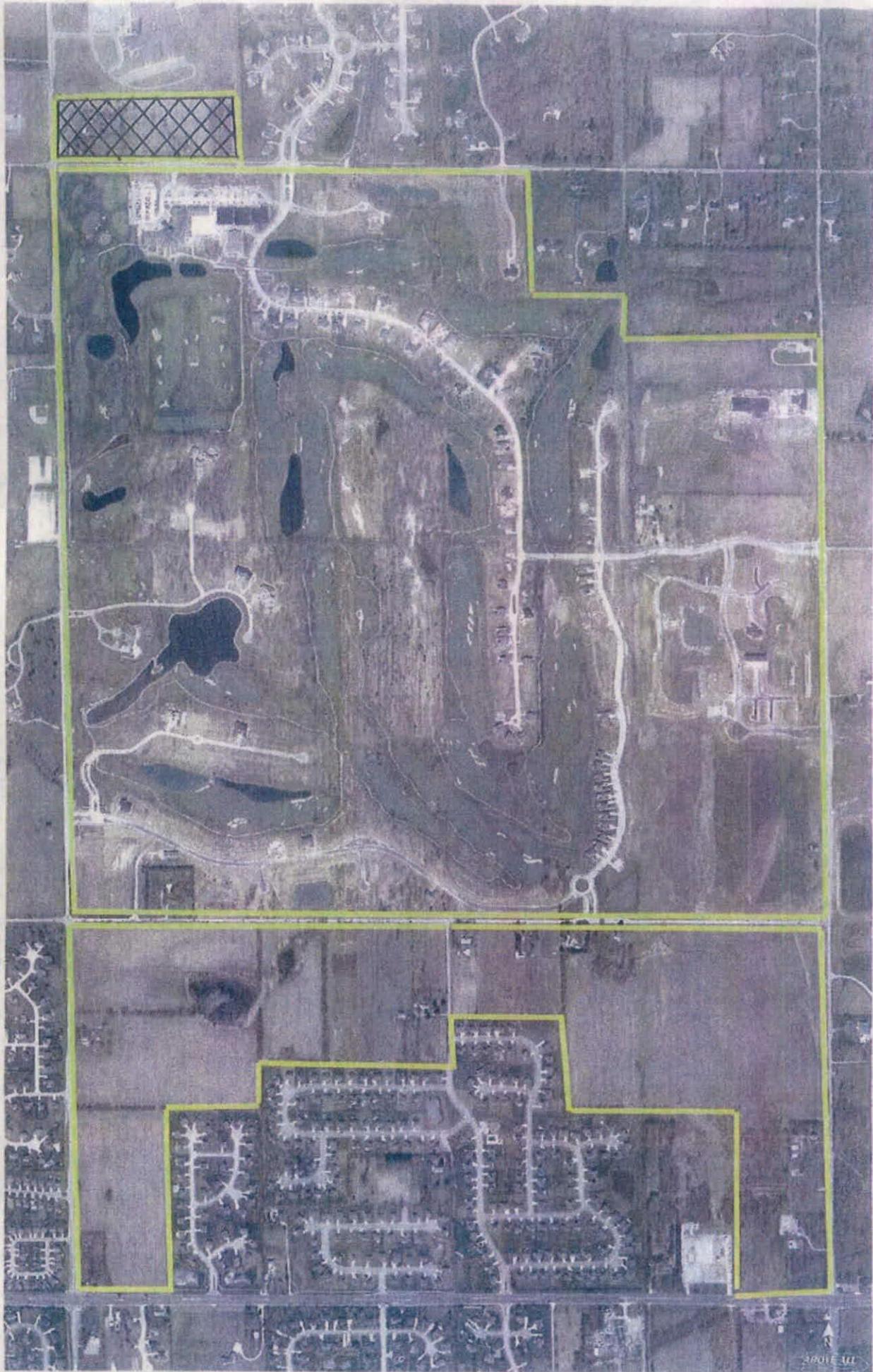
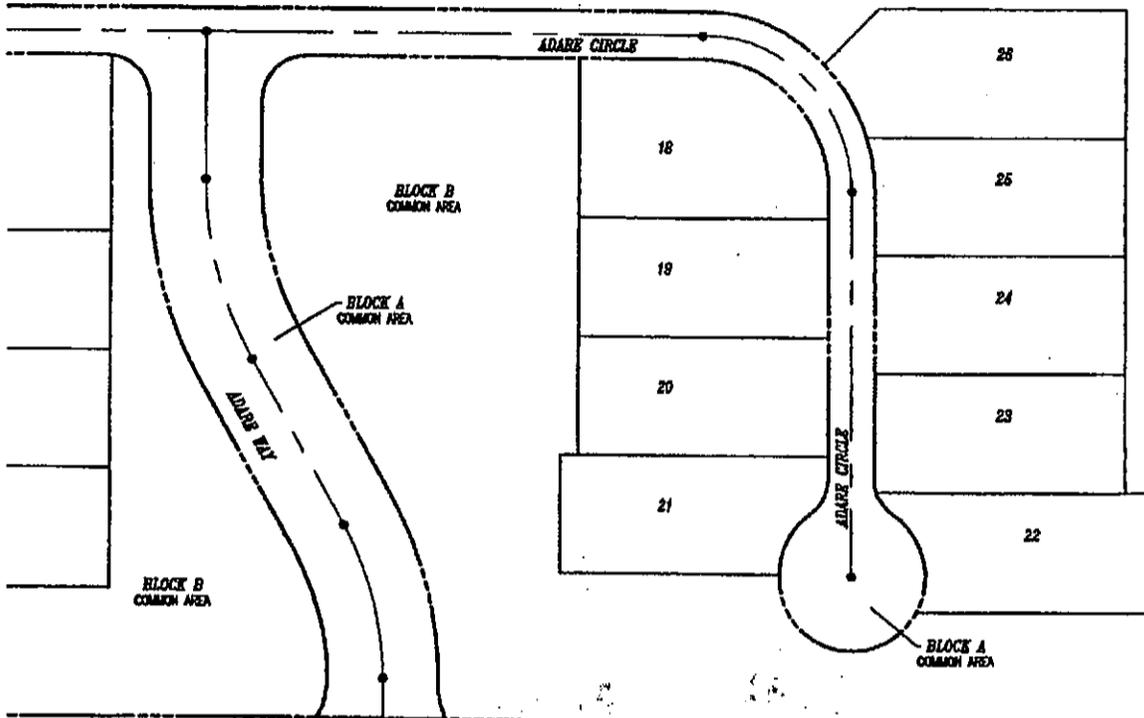


EXHIBIT 4

WESTFIELD ELEMENTARY SCHOOL
BUILDING CORPORATION
INST. NO. 9708720874

19°51'13" E 1328.34'

BLOCK B
COMMON AREA



EAST LINE, N. 1/2, N.W. 1/4, SEC. 8
S 00°56'12" E 475.30'

BACKSICRE SECTION ONE
INST. NO. 200100061005

161ST STREET

1°55' W 1327.79'

S 89°30'55" E 2655.50'
--SOUTH LINE, N.W. 1/4, SEC. 8

EXHIBIT 5



Legend:

- Existing Streets
- Proposed Streets
- Proposed Street
- Proposed Path

Original Site Data:

Zone	Land Use	Area	Volume
1	Office	100,000	1,000,000
2	Residential	200,000	2,000,000
3	Commercial	150,000	1,500,000
4	Industrial	100,000	1,000,000
5	Public	50,000	500,000
6	Green	300,000	3,000,000
7	Water	100,000	1,000,000
8	Other	50,000	500,000
Total		1,000,000	10,000,000

Revised Site Data:

Zone	Land Use	Area	Volume
1	Office	120,000	1,200,000
2	Residential	250,000	2,500,000
3	Commercial	180,000	1,800,000
4	Industrial	110,000	1,100,000
5	Public	60,000	600,000
6	Green	350,000	3,500,000
7	Water	110,000	1,100,000
8	Other	60,000	600,000
Total		1,200,000	12,000,000