

ORDINANCE 09-17

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 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 0908-PUD-04) filed with the Commission to grant various text 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 that rezoned real estate described in Exhibit "A" 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 September 2, 2009; 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 AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The commitment as outlined in Exhibit "B" attached hereto and incorporated by reference herein is hereby approved and adopted.

The document as referenced by Ordinance 06-49 described as "The Bridgewater Club Restated and Consolidated Planned Unit Development District" and Ordinance 08-05 (collectively, the "Bridgewater PUD Ordinance") are amended as follows:

This text amendment would modify the definition of "Assisted Living Facility", found in Exhibit 2 of "The Bridgewater Club Restated and Consolidated Planned Unit Development District", by removing the phrase "but not requiring 24-hour skilled medical care".

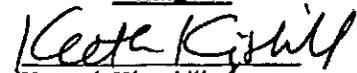
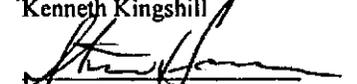
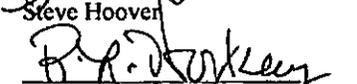
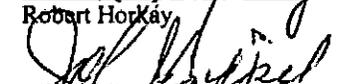
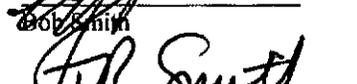
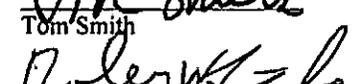
This text amendment would modify the table of permitted uses for Area Y, found in Exhibit 10 of "The Bridgewater Club Restated and Consolidated Planned Unit Development District", by adding the use "Nursing Home".

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.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 14 DAY OF Sept, 2009.

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
 Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
 Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
 John Dippel	_____ John Dippel	_____ John Dippel
 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 09-17 was delivered to the Mayor of Westfield

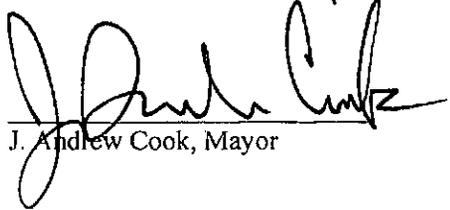
on the 14 day of Sept, 2009, at 1:30p m.



Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 09-17

this 16 day of Sept., 2009.



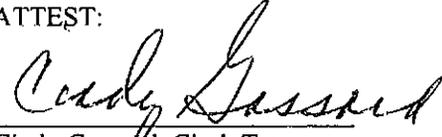
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 09-17

this _____ day of _____, 2009.

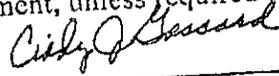
J. Andrew Cook, Mayor

ATTEST:



Cindy Gossard, Clerk Treasurer

"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"



Signed

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;

**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission met on Monday, August 17, 2009, to consider a text amendment to the Bridgewater PUD District. 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 PUD is as follows:

Case No.	0908-PUD-04
Petitioner	Ramsey Development Corp of Indiana
Description	3304 East 146 th Street; Ramsey Development Corporation of Indiana requests a text amendment to the Bridgewater PUD District to allow a transitional health care facility.

A motion was made and passed to send a positive recommendation to the City Council to approve 0908-PUD-04.

I, Matthew S. Skelton, 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 August 17, 2009.


Matthew S. Skelton, Secretary

September 2, 2009
Date

1 **The Westfield-Washington Advisory Plan Commission held a meeting on**
2 **Monday, August 17, 2009 scheduled for 7:00 PM at the Westfield City Hall.**

3
4 **Opening of Meeting: 7:00 PM**

5
6 **Roll Call: Note Presence of a Quorum**

7
8 **Commission Members Present:** Robert Smith, President; Cindy Spoljaric, Vice-
9 President; Dan Degnan, Robert Horkay, Pete Emigh, Russell Cameron, Bill Sanders, and
10 Bob Smith.

11
12 **Commission Members Not Present:** Robert Spraez

13
14 **City Staff Present:** Matthew Skelton, Director; Kevin Todd, Senior Planner; and Brian
15 Zaiger, City Attorney

16
17 **Approval of the Minutes:**

18
19 **Motion:** To approve the June 22, 2009 Public Hearing Meeting Minutes as presented.

20
21 **Motion by:** B. Smith; **Second by** Emigh; **Vote:** Passed by voice vote

22
23 **Motion:** To approve the July 20, 2009 Public Hearing Meeting Minutes as presented.

24
25 **Motion by:** Spoljaric; **Second by** Cameron; **Vote:** Passed by voice vote

26
27 Sanders arrived at 7:06 p.m.

28
29 Todd reviewed the Public Hearing Rules and Procedures.

30
31
32 **NEW BUSINESS**

33
34 **Case No.** 0908-PUD-04
35 **Petitioner** Ramsey Development Corp of Indiana
36 **Description** 3304 East 146th Street; Ramsey Development Corp of Indiana
37 requests a text amendment to the Bridgewater PUD District to allow a
38 transitional health care facility.

39
40 Todd summarized the details of the text amendment which is to allow a transitional
41 healthcare facility, offering nursing home care and assisted living care under the same
42 roof. He further stated the petitioner is looking at approximately nine (9) acres in the
43 Bridgewater PUD, specifically located in parcel M4 (east side of Carey Road just north of
44 146th Street). Todd stated when this PUD was originally adopted, this type of use was not
45 fully contemplated; therefore, in order to clarify the ordinance and eliminate any question

1 about the allowance of this use, the text amendment is being proposed. Todd explained
2 that specifically there are two modifications to the ordinance; first to modify the
3 definition of an assisted living facility which currently does not allow for 24-hours skilled
4 medical care; second, to add nursing homes as a use into the permitted use table found in
5 Exhibit 10 of the Bridgewater PUD. Todd stated staff does support this petition and
6 recommends the petition be forwarded to the City Council with a positive
7 recommendation.

8
9 Mr. Tim Huber, Ramsey Development Corporation, provided further details about the
10 Ramsey Corporation and the proposed facility.

11
12 Degnan asked Todd to explain the condition of approval.

13
14 Todd stated staff has spoken with the petitioner and they are agreeable to dedicate the 60-
15 foot half right-of-way for the segment of Carey Road abutting the property.

16
17 Huber stated they would like it to be less than 60 feet.

18
19 Zaiger stated that the 60 foot right-of-way is necessary pursuant to the adopted
20 thoroughfare plan, and that this condition would be required if there is a positive
21 recommendation. If this contingency isn't granted, then the recommendation could
22 change.

23
24 Discussion followed regarding the 60-foot right-of-way and the adopted thoroughfare
25 plan.

26
27 A Public Hearing opened at 7:24 p.m.

28
29 Ms. Annette Coolum spoke in support of the text amendment.

30
31 Mr. Michael Hall asked who he needed to speak with regarding the development of
32 Carey Road.

33
34 Mr. Steve Henke spoke in support of the text amendment.

35
36 Todd expressed the concerns of Bridlewood resident, Lisa Furry, regarding traffic impact
37 and possible negative impact on property values.

38
39 Ms. Lisa Furry reiterated concerns expressed by Todd regarding traffic impact and
40 property values.

41
42 The Public Hearing closed at 7:32 p.m.

43

1 R. Smith stated the Commission must uniformly follow the adopted thoroughfare plan
2 guidelines and therefore recommended the language of "up to 60 feet" be inserted into
3 the current plan.
4

5 Spoljaric stated her belief that this use would be good for this location and that this area
6 is capable of commercial development and that this would be a good transitional use.
7

8 B. Smith believes there is a need in the community for this type of use.
9

10 Motion: To send 0908-PUD-04 to the City Council with a positive recommendation with
11 the following condition:
12

- 13 • That prior to the issuance of a permit on the Property, right-of-way totaling up to
14 60 feet from the centerline of Carey Road be dedicated to the City of Westfield
15 for the segment of Carey Road adjacent to the Property.
16

17 Motion by: Emigh; Second by: Sanders; Vote: 8-0
18

19 **REPORTS**
20

21 Horkay stated the East Side Economic Development Area was approved by the City
22 Council and the Redevelopment Commission.
23

24 **ADJOURNMENT** (7:38)
25
26
27

28 Approved (date)
29
30
31

32 _____
33 President, Robert Smith, Esq.
34
35

36 _____
37 Vice President, Cindy Spoljaric
38
39

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



Westfield City Council Report

Petition Number: 0908-PUD-04
Approximate Address: 3304 East 146th Street
Petitioner: Ramsey Development Corp of Indiana
Representative: Tim Huber
Requested Action: Amendment to the text of the Bridgewater PUD District to allow a transitional health care facility on Parcel M4 of Area Y.

Current Zoning Dist: Bridgewater PUD
Requested Zoning Dist: Bridgewater PUD
Approximate Acreage: NA
Filing Date: July 8, 2009
Referral Date to APC: July 13, 2009
APC Public Hearing: August 3, 2009 (Workshop)
August 17, 2009 (Public Hearing)
APC Determination: August 17, 2009
Associated Cases: NA
Associated Ordinances: Ord. 06-49
First Reading: September 14, 2009
Council Public Hearing: Not Required by the City Council
Second Reading: September 28, 2009, if applicable
Eligible for Adoption: September 14, 2009 or September 28, 2009, if applicable
Exhibits:
1. Staff Report
2. Aerial Location Map
3. Petitioner's Exhibits

Staff Planner Assigned: Kevin M. Todd, AICP

PETITION HISTORY

The petition for a text amendment to The Bridgewater Club Restated and Consolidated Planned Unit Development District (Ord. 06-49) (the "Bridgewater PUD") was filed on July 8, 2009. The petition appeared before the Advisory Plan Commission (the "APC") Workshop on August 3, 2009 and received a Public Hearing at the Regular Meeting of the APC on August 17, 2009.

PROCEDURAL

- o 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.
- o Notification of the August 3, 2009 APC Workshop Meeting and the August 17, 2009 public hearing was provided in accordance with the APC Rules of Procedure.

- On August 17, 2009, the APC held its public hearing and issued a positive recommendation (8-0) to the City Council in support of the proposed PUD amendments.
- The City Council may take action on this item at first reading.

PROJECT DESCRIPTION

The proposed amendment would allow the development of a transitional health care facility (the "Facility") on the northern half of Parcel M4, which is within Area Y of the Bridgewater PUD (the "Property"). Area Y, called "Bridgewater Marketplace", allows commercial uses. Today, the Property is zoned for commercial retail and office uses. The proposed Facility would contain a mixture of nursing home and assisted living operations (the "Use"). The nature of the Use includes both short-term and longer-term specialized medical care being administered to its clients.

In order to accommodate the Use, two changes to the Bridgewater PUD ordinance are being requested. The first is to amend the definition of "Assisted Living Facility" (found in Exhibit 2 of the PUD ordinance, Ord. 06-49). The current definition does not contemplate 24-hour skilled medical care. The requested amendment would accommodate 24-hour skilled medical care in Assisted Living Facilities. Assisted Living Facilities are permitted in Area Y of the Bridgewater PUD.

The second change would incorporate "Nursing Homes" into the Area Y permitted use table (found in Exhibit 10 of the PUD ordinance, Ord. 06-49). Nursing Homes are not contemplated in Area Y of the Bridgewater PUD.

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 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 within or adjacent to an existing park or trail.

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 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.

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 Use would serve as an appropriate transitional use between the two differing uses.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the 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

o Community Development Department [August 17, 2009]

The Westfield Community Development Staff under their final report to the APC made a positive recommendation for this petition in accordance with the attached documentation, with the following condition:

- That prior to the issuance of a permit on the Property, right-of-way totaling 60' from the centerline of Carey Road be dedicated to the City of Westfield for the segment of Carey Road adjacent to the Property.

o Advisory Plan Commission [August 17, 2009]

The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation (Vote of: 8-0) regarding this petition in accordance with the attached documentation, with the following condition:

- That prior to the issuance of a permit on the Property, right-of-way totaling up to 60' from the centerline of Carey Road be dedicated to the City of Westfield for the segment of Carey Road adjacent to the Property.

o City Council

- First Reading: [September 14, 2009]
- Public Hearing: Not Required by the City Council
- Second Reading: [September 28, 2009, if applicable]
- Eligible for Adoption: [September 14, 2009 or September 28, 2009, if applicable]

Hereby submitted this 8th day of September, 2009.

Robert Smith, APC President

Cindy Spoljaric, APC Vice-President

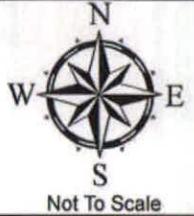
Kevin M. Todd, AICP, Senior Planner

EXHIBIT B
COMMITMENT
TO THE WESTFIELD CITY COUNCIL

That prior to the issuance of a permit on the Property, right-of-way totaling up to 60 feet from the centerline of Carey Road be dedicated to the City of Westfield for the segment of Carey Road adjacent to the Property.



0908-PUD-04
 08-10-17-00-00-023.000
 Exhibit 2

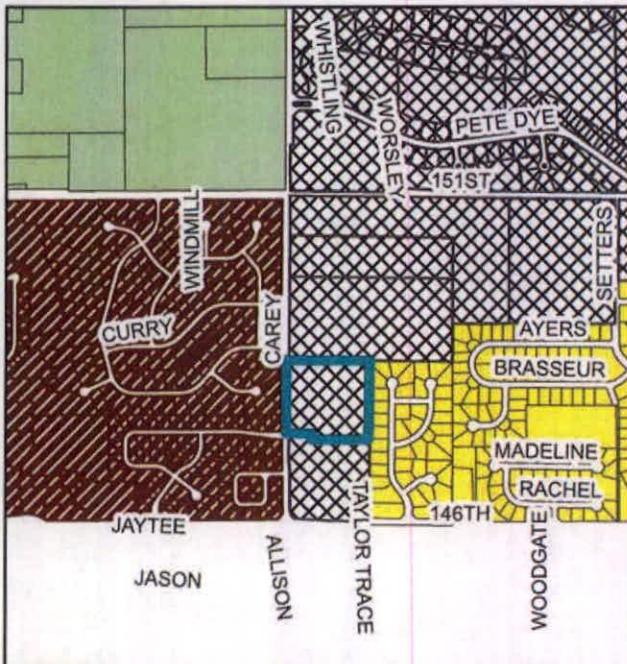


Not To Scale

Aerial Location Map

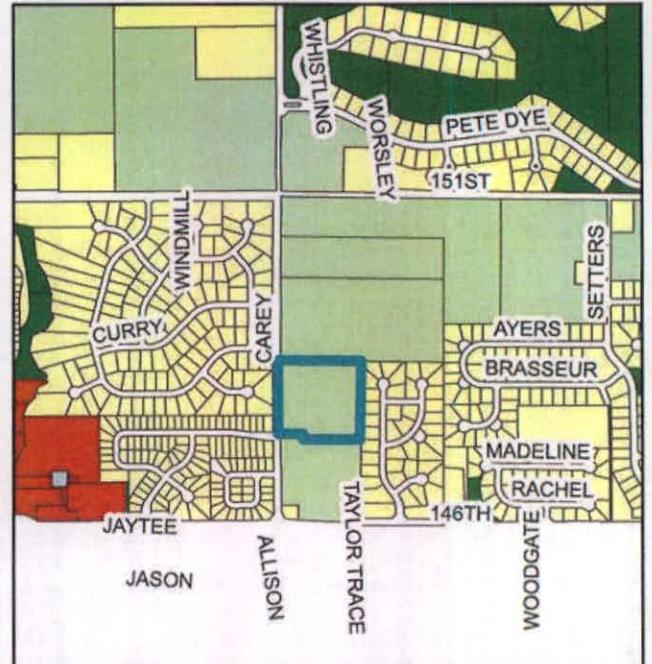


Zoning Map



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

Existing Land Use Map



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

Westfield City Council,

Exhibit Two of The Bridgewater PUD states that Assisted Living Facilities are allowed under certain conditions, and explicitly mentions “but not requiring 24 hour skilled medical care.” Ramsey Development Corp of Indiana Inc. respectfully requests that the Westfield City Council remove the words “but not requiring 24 hour skilled medical care” from Exhibit Two of The Bridgewater PUD.

Exhibit Ten of The Bridgewater PUD provides a list of businesses that are allowed to operate within the area. Nursing Homes have been stricken from the list of allowed facilities. Ramsey Development Corp of Indiana Inc. respectfully requests that the Westfield City Council will alter this restriction, and allow for the construction of a Nursing Home within The Bridgewater PUD.

**Ramsey Development Corp of Indiana Inc.
706 Jefferson St.
Tell City, IN 47586
812-547-8052**

EXHIBIT 2

DEFINITIONS

The following words and terms, not defined elsewhere in the Bridgewater PUD or its nineteen (19) Exhibits, shall have the following meanings:

1. Apartment. A dwelling intended primarily for rental.
2. Architectural Review Board. The Board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.
3. Area. Area X, Area Y and/or Area Z as identified in this Restated Bridgewater PUD.
4. Assisted Living Facility. A commercial facility for persons having such disabilities as to require assistance with daily living tasks. Such facilities contain four (4) or more dwelling units and/or rooming units, provide a combination of housing, support services, personalized assistance, and healthcare, and respond to the individual needs of persons requiring assistance with the activities of daily living ~~but not requiring 24-hour skilled medical care.~~
5. Bed and Breakfast. The renting of dwelling rooms or suites on a daily basis to tourists, vacationers, and business travelers where the only meal served is breakfast to guests.
6. Blank Wall. An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.
7. Building Height. Building height shall be measured (i) from the average ground level at the foundation of the residence facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.
8. Concept Plan. The Concept Plan is attached hereto and incorporated herein by reference as Exhibit 9, allocating the Real Estate into Parcels.
9. Cornice. The top part of an entablature, usually molded and projecting.
10. Cupola. A small roof tower, usually rising from the roof ridge.

Type of Business	Local Business	General Business	Enclosed Industrial	Open Industrial	AG - SF	Multi-Family
Livestock Auction Sale Barns					SP.EX. SF 1	
Lake Developments for Recreation					SP.EX. SF 1	
Large Animal Hospital		SP.EX.	X		SP.EX. SF 1	
Masseurs and Public Baths		SP.EX.				
Mobile Home Parks	SP.EX.	SP.EX.	SP.EX.			SP.EX.
Multi-Family Housing		SP.EX.				
Nursing Homes	X	X				MF 2
Office Buildings - General Purpose	X	X	X	X	SP.EX.	SP.EX.
Outdoor Theaters		SP.EX.			SP.EX. SF 1	
Private and Public Schools with Dorms	X	X			SP.EX. SF 1	SP.EX. MF 1,2
Private Clubs, Lodges	X	X	X		SP.EX. SF 1	
Public & Private Camps					SF 1	
Raising Small Animals for Biological Purposes		X	X		SP.EX. SF 1	
Raising Animals for Furs or Pets					SP.EX. SF 1	
Riding Academies	X	X			SP.EX. SF 1	
Riding Stables					SP.EX. SF 1	
Sanitariums	X	X				MF 2
Sanitary Landfill					SP.EX. SF 1	
Schools and Kindergartens	X	X	X		X	X
Tennis & Swim Clubs	X	X			SP.EX. SF 1-2	
Utilities-Regulated by Indiana Utility Regulatory Commission	Permitted All Areas					