



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Board of Zoning Appeals – Fishers

DATE: 1/22/2025 at 6:00 PM

DIRECTIONS: Fishers Municipal Center Theater, Nickel Plate Conference Room,
1 Municipal Drive, Fishers, IN 46038

Members of the public may [submit comments online](#) before 12pm on the day of the meeting.

In accordance with the Americans with Disabilities Act (ADA), the City of Fishers will, upon request, provide appropriate aid (i.e. interpreters) and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should [email Kelly Lewark](#), Office Manager, no later than 48 hours before the scheduled event or call at (317) 595-3487.

1. Call to order / Pledge of Allegiance

2. Roll Call

3. Approval of Previous Minutes

- a. 12-18-24 Minutes

4. Public Hearings

- a. **Bent Grass Marketplace CONTINUED**

Parcels: 15-11-19-00-67-001.000

Address: 13682 Bent Grass Ln

Case: VA-24-26

Request: Consideration of a Development Standard Variance from Section 5.4.8.D.2.b of the City's Unified Development Ordinance (UDO) to allow a drive-up window, exterior menu board, and speakers, associated with a restaurant or coffee house, within 400 feet of any building zoned or used for residential purposes.

Petitioner: Mark Leach (mark.leach@faegredrinker.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

b. NJS Gas Station Sign Variance

Parcels: 15-11-31-00-15-003.000

Address: 12571 Reynolds Dr

Case: VA-24-22

Request: Consideration of a Development Standards Variance from Section 6.17.6. E. Ground Signs Located on Lots with Non-Residential Uses to allow digital changeable copy on one (1) ground sign.

Petitioner: Brian Dyke (brian.dyke@gianteagle.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

c. Vermeer Gravel Lot Variance

Parcels: 15-11-30-00-00-001.008

Address: 13402 Britton Park Rd

Case: VA-24-27

Request: Consideration of a Development Standard Variance from Article 6.11.3.A.1 Parking Lot Design of the City's Unified Development Ordinance (UDO) to allow for a temporary gravel parking lot for equipment storage.

Petitioner: Eric Carter (cartere@weihe.net)

Planner: Christy Cashin (cashinc@fishers.in.us)

d. Walmart Fuel Station Sign Variance

Parcels: 15-11-30-00-41-006.000

Address: 9354 Ambleside Dr

Case: VA-24-28

Request: Consideration of a Development Standards Variance from Section 6.17.7.C. Wall Signs of the City of Fishers Unified Development Ordinance to allow five (5) wall signs, where three (3) wall signs are allowed. Signs will be placed on the primary frontage of the building and on the fuel canopy.

Petitioner: Lisa Collins (lisa.collins@brrarch.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

5. Old Business

6. New Business

7. Staff Communication

8. Board Signatures – Findings of Fact

9. Adjournment

**CITY OF FISHERS
BOARD OF ZONING APPEALS
MINUTES
FISHERS Municipal Center - Nickel Plate Conference Room
December 18, 2024**

The Board of Zoning Appeals convened at 6:00 p.m.

A roll call was taken. Members present: Jeffrey Silvey, Howard Stevenson, Steve Ferrucci. Tom Grinslade was not present. Greg Lannan was not available on the Teams call.

Others present: Ross Hilleary, Scott Frissell from Kreig DeVault, Kay Prange, Christy Cashin, Kevin Martin, Mark Leach, Mindy Westrick Brown, Hatem Mekky, Saimir Qalliu, Adel Mack, Shaker Pashid, Shineen Kanatr, Eric Gleissner, Matthew Branz, Eric Gleissner, Gary Warstler.

Mr. Ferrucci confirmed quorum and called the meeting to order.

Mr. Ferrucci asked for a Motion for the approval of the previous minutes. He abstained from the vote so the 11-20-24 Minutes will be carried over to the January 2025 BZA meeting.

Mr. Ferrucci explained to the Petitioners that there were only 3 Board members out of 5 at this meeting and as a result, any Board decision would need to be unanimous. The Petitioners were given the option to come back next month. All Petitioners chose to move forward at this meeting.

Public Hearings:

Macs Convenience Stores LLC Variance

Parcels: 15-10-35-00-00-017.001

Address: 11601 Allisonville Road

Case: VA-24-16

Request: Consideration of a Development Standards Variance from Section 6.17.6. E. Ground Signs Located on Lots with Non-Residential Uses. to allow digital changeable copy on two (2) monument signs and Section 6.17.7.E. Awning & Canopy Signs to allow digital changeable copy on the fuel station canopy. **CONTINUED FROM JULY, AUGUST, AND OCTOBER**

Petitioner: Karen Dodge (karen.dodge@municipalresolutions.com)

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Ross Hilleary presented the Staff Report. The Petitioner is not in the audience. This has been continued from July, August, and October. The Petitioner has asked for digital copy on the sign and canopy as a result of the land needed for the roundabout at 116th and Allisonville Road. Elevations were reviewed. We are in litigation for ROW improvements with the party that the Petitioner represents. Staff recommends DENIAL. Mr. Ferrucci added that in 6 months they can resubmit if substantially different.

Mr. Ferrucci opened the Public Hearing. Seeing no one available to speak about this topic, he closed the Public Hearing.

There was no Committee discussion. Mr. Ferrucci asked for a Motion. Mr. Silvey made a Motion to DENY, seconded by Mr. Stevenson. The Motion to DENY was approved, 3-0.

Eman School Variance

Parcels: 15-11-31-00-06-001.000

Address: 12115 Visionary Way

Case: VA-24-24

Request: Consideration of a Land Use Variance from Section 4.2.3 I-69-OL Interstate-69 Overlay District of the City's Unified Development Ordinance (UDO); to allow an Institutional Use within the overlay.

Petitioner: Andrew Horton (regulatory@schmidt-arch.com)

Planner: Kevin Martín (martinke@fishers.in.us)

Kevin Martín presented the Eman School Variance. The Eman School is operated by the Al-Huda Foundation. This is a land use variance. Their location is in the Tech Center within the I-69 Overlay District. School use (NFP) is not allowed in this TC Zoning. The variance seeks to establish institutional use within the I-69 Overlay District. There are phases of development. They have worked with Fishers Engineering on the traffic circulation plan. The Plan and the building footprint were presented and reviewed. Hatem Mekky, Director of Engineering, presented that as the phases increase, the stacking will increase on the North and East side. Traffic will be directed to minimize left turns. Staff recommends approval with all 7 conditions.

Mindy Westrick Brown and Mark Leach of Faegre Drinker have agreed to conditions 1-6 previously and to condition #7 today. (see below). The one-way traffic pattern communication to parents will be strong. School will start in August 2025.

Mr. Ferrucci opened the Public Hearing. Seeing not one from the Public to speak for the variance. He closed the Public Hearing.

In Committee discussion, Mr. Stevenson confirmed that Engineering is OK with the agreements made. Engineering is OK. Mr. Silvey agreed to minimize the left turns. Right turns are faster and safer.

Mr. Ferrucci asked if traffic needs to be tweaked, can conditions 4 and 7 be adjusted. Yes, they can be adjusted and Police Officers can be present.

Mr. Ferrucci asked for a Motion. Mr. Stevenson made a Motion to approve with the 7 conditions listed *, seconded by Mr. Silvey. The Motion was approved, 3-0.

*

1. **The Approval Letter and related documentation be recorded on the property with the Hamilton County Recorder's Office.**
2. **A minimum six (6) foot setback shall be maintained from the most western portion of the existing building for the future realignment of Visionary Way.**
3. **Any building expansion, architecture and site layout, shall require approval by the Nickel Plate Review Committee.**
4. **During Phase 1, Eman Schools may use Visionary Way as its ingress to use the existing entrance at the SW corner of the building for drop-offs and pick-ups. If at any point during Phase 1, traffic issues arise or a new development comes to the north of Eman Schools, the City shall provide Eman Schools a 30-day notice to completely self-contain drop-off to the eastern roadway and relocate the pick-up and drop-off to the north or eastern side of the building.**
5. **For Phase 1A and beyond, the eastern roadway shall serve the ingress and the egress of the school while Visionary Way, and its potential redesign, shall serve Launch Fishers along with the future development north of the school.**
6. **To avoid future conflicts with AM and PM rush hours, the school schedule shall be adjusted to start at 8:30 am and end at 3:30 pm.**
7. **All drop-off and pick-up traffic from Technology Way and Visionary Way shall be directed to turn right onto Technology Drive. Ingress traffic shall turn right onto the eastern portion of Technology Drive. All egress traffic shall turn right onto the western portion of Technology Drive. If traffic issues arise, the city shall require police officers during pick-up and drop-off hours, at the intersections of Visionary Way and Technology Drive and the intersection of the eastern drive and Technology Drive.**

Bent Grass Marketplace Variance

Parcels: 15-11-19-00-67-001.000

Address: 13682 Bent Grass Lane

Case: VA-24-26

Request: Consideration of a Development Standard Variance from Section 5.4.8.D.2.b of the City's Unified Development Ordinance (UDO) to allow a drive-up window, exterior menu board, and speakers, associated with a restaurant or coffee house, within 400 feet of any building zoned or used for residential purposes.

Petitioner: Mark Leach (mark.leach@faegredrinker.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

Mark Leach, along with Eric Gleissner and Gary Warstler presented the commercial development for approximately 8 tenants, which includes one drive-thru with menu board and speakers. The variance asks for 125 ft. distance from the neighbors, the UDO requires 400 feet. Plantings will be over and above the UDO requirements. Mindy Westrick Brown presented a study that she conducted in the field at a Panera Bread location that is similar. She could not hear the sound over the traffic noise. The balconies do not face it.

Sue Anthony Follmar, Regional Vice-President of Regency Windsor Management, sent a letter to the board opposing the close location of the speaker boxes. Steve Ferrucci noted receiving the letter and that the Board does not treat apartment residents any different than homeowners. Staff has no recommendation.

Mr. Ferrucci opened the Public Hearing.

Matthew Branz (9446 Ashlake Ln.) – agrees with the landlord. 400 feet vs 125 feet is adverse. The Argument belongs in front of City Council and Plan Commission to change the UDO. There are ways to develop that don't require drive through.

Seeing no other member of the Public to speak on this topic, Mr. Ferrucci closed the Public Hearing.

Mr. Ferrucci asked for a Motion. Mr. Silvey made a Motion to DENY the variance request, seconded by Mr. Stevenson. The Motion to DENY ended up with a 2-1 vote, resulting in an automatic continuance.

Adjournment As there was no other business, the meeting was adjourned at 6:40 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary

Bent Grass Marketplace

13682 Bent Grass Lane



3401 E 10 LLC



PRESENTED BY
MINDY WESTRICK BROWN



Board of Zoning Appeals - Fishers | January 22, 2025

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BENT GRASS MARKETPLACE



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Additional Information

3401 E 10 LLC:

Adeeb Alashmely, Member
Lotf Almulaiki, Member

Warstler Realty Group, LLC:

Robert B. Warstler, Principal /
Managing Partner
11650 Olivo Rd., Suite 1000 - 358
Fishers, IN 46037

Civil Site Group, Inc.:

Eric A. Gleissner, P.E., Principal
718 Adams St., Suite E
Carmel, IN 46032

Studio 3 Design, Inc.:

Timothy Cover, Vice President
10748 Sky Prairie St.
Fishers, IN 46038

McCrea Property Group, LLC:

Keith B. Fried, CRX, CLS,
Director of Leasing
301 Pennsylvania Pkwy., Suite 225
Indianapolis, IN 46280

Faegre Drinker Biddle & Reath LLP:

Mindy Westrick Brown, Counsel
Mark R. Leach, Land Use Planner
600 East 96th St., Suite 600,
Indianapolis, IN 46240
Telephone: (317) 569-9600

TAB 1

EXECUTIVE SUMMARY	
BENT GRASS MARKETPLACE	

Warstler Realty Group, LLC (the “Developer”), on behalf of 3401 E 10 LLC (the “Property Owner”), is pleased to propose Bent Grass Marketplace as part of Fishers Marketplace located on 2.19 +/- acres at 13682 Bent Grass Lane (the “Real Estate”) (please see the Aerial Location Maps at Tab 2).

About Warstler Realty Group

Warstler Realty Group is a developer of both retail and mixed-used developments throughout Indiana and Southwest Florida. They have developed seven shopping centers in Fishers and another four shopping centers and three 100 + acre mixed-use developments within Hamilton County, all of which are 100% leased and fully built out. Tenants within their properties include Starbucks, McDonalds, Ascension Health, Community Health, F.C. Tucker, Pappa Johns, Dunkin Donuts, Sherwin Williams, Prime Carwash, Get Go, Jiffy Lube, etc.

About 3401 E 10 LLC

3401 E 10 LLC is a new partnership group with a passion for high-quality commercial real estate with a focus on retail spaces. 3401 E 10 LLC aims to design and build vibrant retail environments that cater to the growing needs of the community and create thriving hubs for businesses and customers alike. Through meticulous planning and a passion for excellence, the company plans to contribute to the economic growth and appeal of Fishers.

About the Development

Bent Grass Marketplace is proposed to be a neighborhood shopping center featuring both local, regional, and national tenants. Warstler Realty Group has incorporated an architecturally pleasing design with an abundance of landscaping / plantings (please see the Architecture and Floor Plan at Tab 3, the Site Plans at Tab 4, and the Landscaping Plans at Tab 5).

The development is located on the west side of Bent Grass Lane just north of the intersection with East 135th Street. The parcel is bounded by State Road 37 to the west. The subject site is platted as Lot 2A of Fishers Marketplace and is currently a vacant outlot covered mainly with grass and weeds. A 15,039 square-foot multi-tenant commercial building is being proposed along with the associated parking, drainage, and utility infrastructure. The overall subject site is 2.19+/- acres in size; however, the proposed improvements will only be disturbing approximately 1.8+/- acres. The property is part of the master planned Fishers Marketplace development. Private roads for Ingress/egress along with utilities and stormwater infrastructure (including stormwater detention) have been provided and master planned for the subject site.

Total project costs will represent an investment of approximately \$4,500,000 in the Fishers’ community. If approved, site development activities are expected to begin in early 2025 with completion in late spring. Building construction is expected to be completed by mid-summer 2025, and building tenants are anticipated to open in late summer.

About the Development Standards Variance

To develop the project as proposed, a variance is needed from Section 5.4.8.D.2.b. of the UDO to allow drive-up windows, exterior menu boards, and speakers, associated with a restaurant or coffee house, a minimum of 120 feet from buildings that are zoned or used for residential purposes when 400 feet is required by the UDO (please see Tab 4). While easements prevent the construction of any type of screening wall, additional Pyramid Arborvitae shrubs and additional Andorra Juniper evergreen trees are proposed (over and above the UDO required landscaping) as screening plantings a minimum of six feet in height (please see Tab 5).

See next page for updated information.

EXECUTIVE SUMMARY

BENT GRASS MARKETPLACE



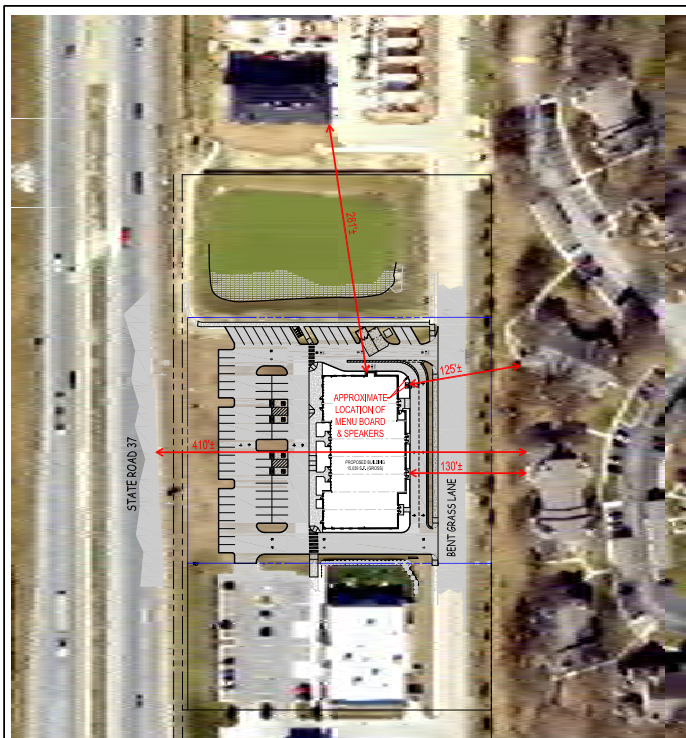
Updates Since December 18, 2024 BZA Public Hearing

Since the last BZA public hearing, the Developer and the Property Owner have worked with City staff to come up with a better solution for the location of the drive-up window, exterior menu board, and speakers.

With City staff agreement, the development plan has been flipped and pushed back so that the orientation of the building has rotated 180 degrees from the previous version. This end result of this reorientation is that the distance between the exterior menu board and speakers and the closest residential building has **increased 200 additional feet**, from 125 feet to 325 feet. Additionally, the distance between the drive-up window and the closest residential building has **increased 126 additional feet**, from 160 feet to 286 feet.

Further, the reorientation of the building means that the location of the drive-through lane, menu board, and speakers is now adjacent to State Road 37, and the building itself acts as a large barrier for the residential buildings. No noise from the speakers would reach the residential neighbors with this proposed flipped development plan.

Finally, the additional Blue Point Juniper evergreen trees that were proposed (over and above the UDO required landscaping) as screen plantings a minimum of six feet in height will still be provided east of Bent Grass Lane. These evergreen trees have been shifted to the south to better screen the new drive-up window location (please see Tab 5).



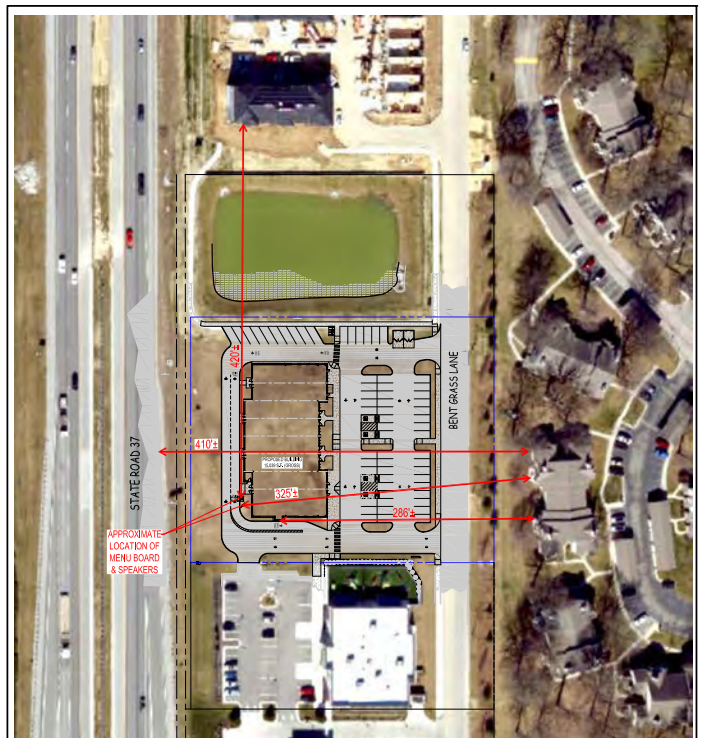
LOT 2A / FISHERS MARKETPLACE
13682 BENT GRASS LANE
FISHERS, IN 46038



CSG PROJECT NUMBER LAL.001	DATE: 12/13/24 DWN. BY: EAG CHKD. BY: EAG SCALE: 1" = 100'
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CIVIL SITE GROUP, INC.
718 ADAMS STREET, SUITE E
CARMEL, INDIANA 46032
(317) 810-1677

CivilSite
GROUP, INC.



LOT 2A / FISHERS MARKETPLACE
13682 BENT GRASS LANE
FISHERS, IN 46038



CSG PROJECT NUMBER LAL.001	DATE: 01/07/25 DWN. BY: EAG CHKD. BY: EAG SCALE: 1" = 100'
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CIVIL SITE GROUP, INC.
718 ADAMS STREET, SUITE E
CARMEL, INDIANA 46032
(317) 810-1677

CivilSite
GROUP, INC.

December 18, 2024

January 22, 2025

Thank you for your consideration.

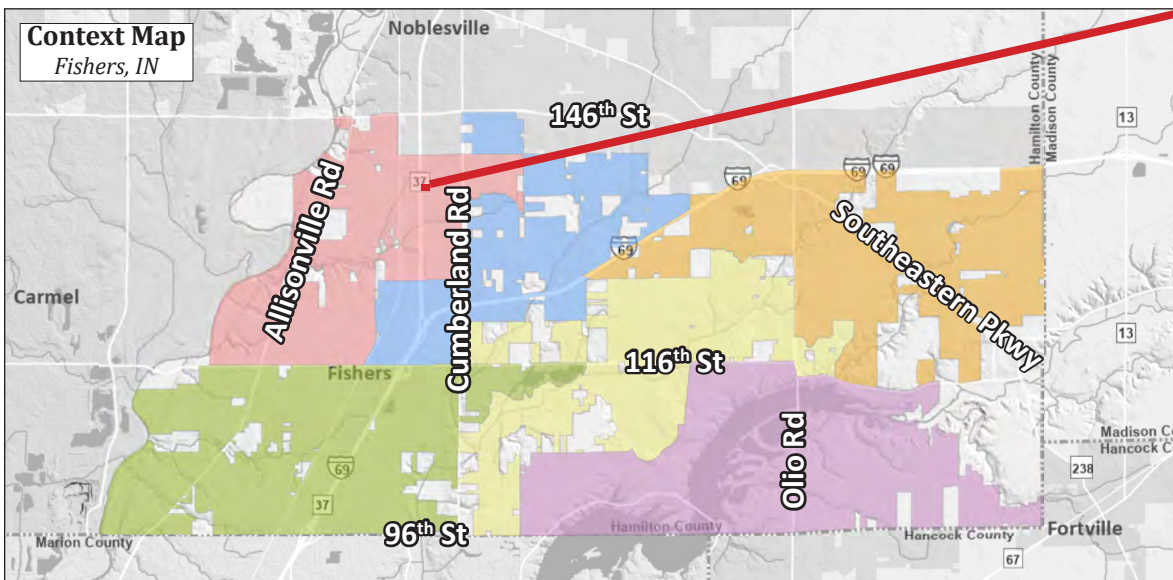
TAB 2

AERIAL LOCATION MAP (+/- 2.19 ACRES)

BENT GRASS MARKETPLACE



REAL ESTATE

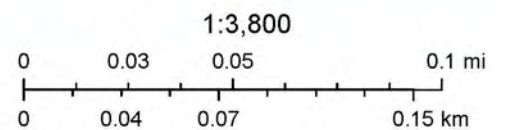


AERIAL LOCATION MAP (+/- 2.19 ACRES)

BENT GRASS MARKETPLACE



REAL ESTATE



TAB 3



SOUTHEAST VIEW



NORTHEAST VIEW

BENT GRASS MARKETPLACE

LOT 2A

01-15-2025



SOUTHWEST VIEW

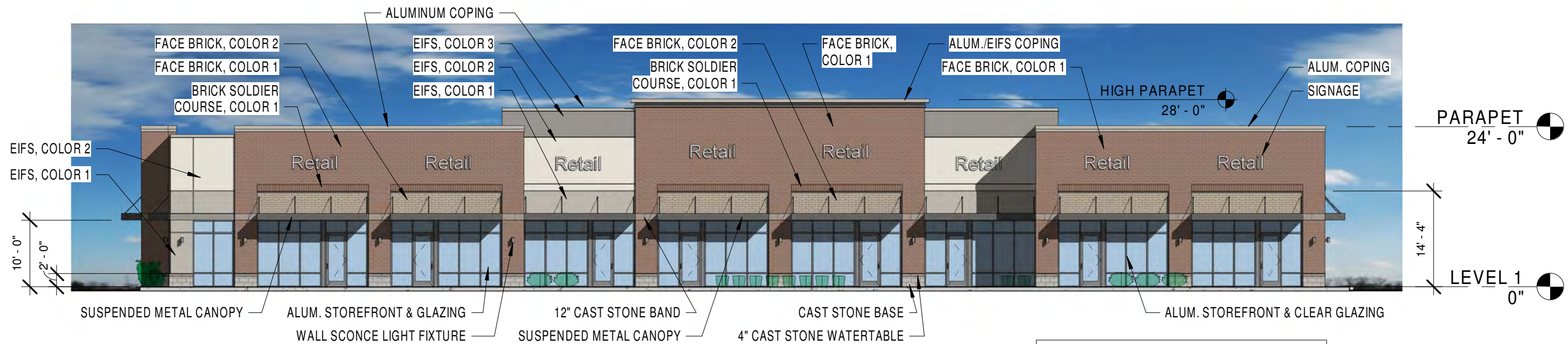


NORTHWEST VIEW

BENT GRASS MARKETPLACE

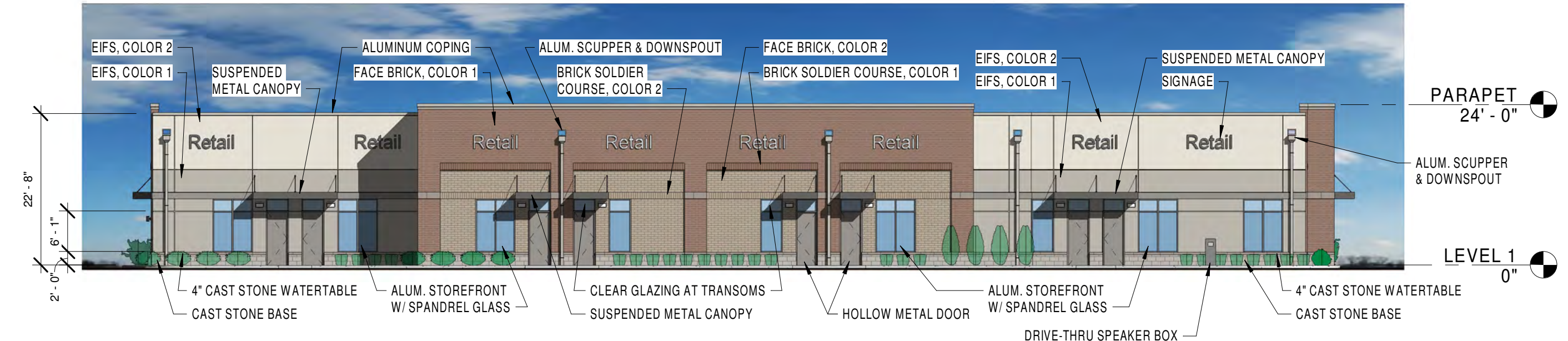
LOT 2A

01-15-2025



EAST ELEVATION

WEST ELEV.			
TOTAL SF	=	4,509 SF	
GLAZING	=	1,396 SF	= 80%
STONE & BRICK	=	2,215 SF	= 75%

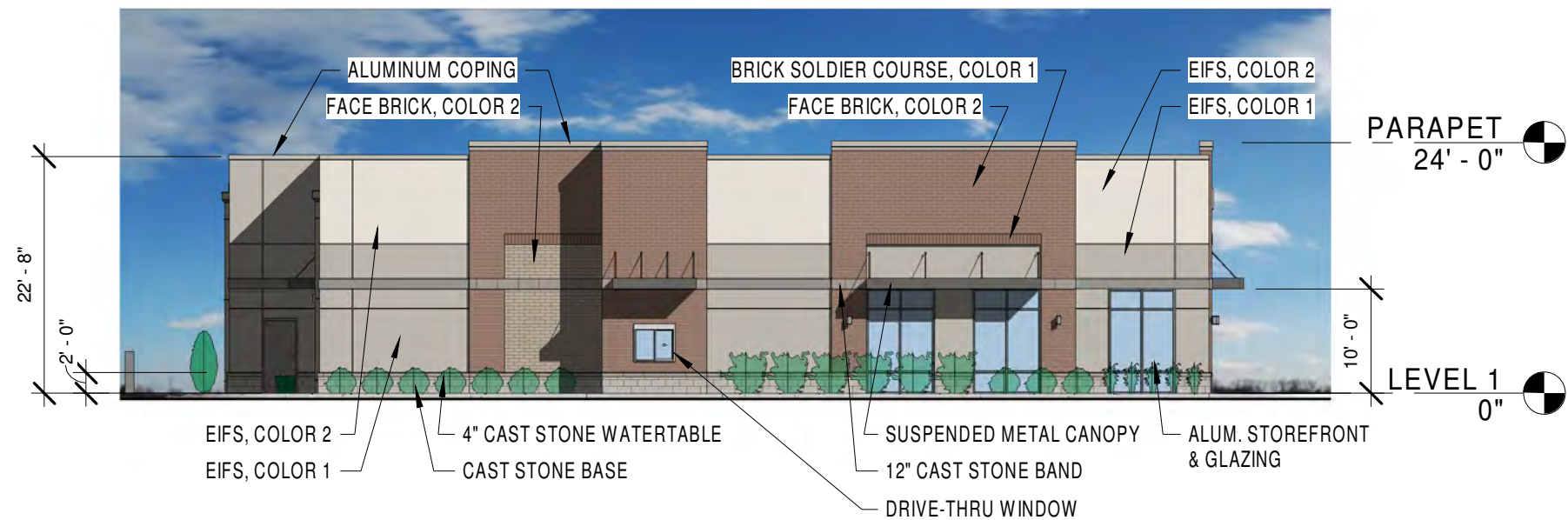


WEST ELEVATION

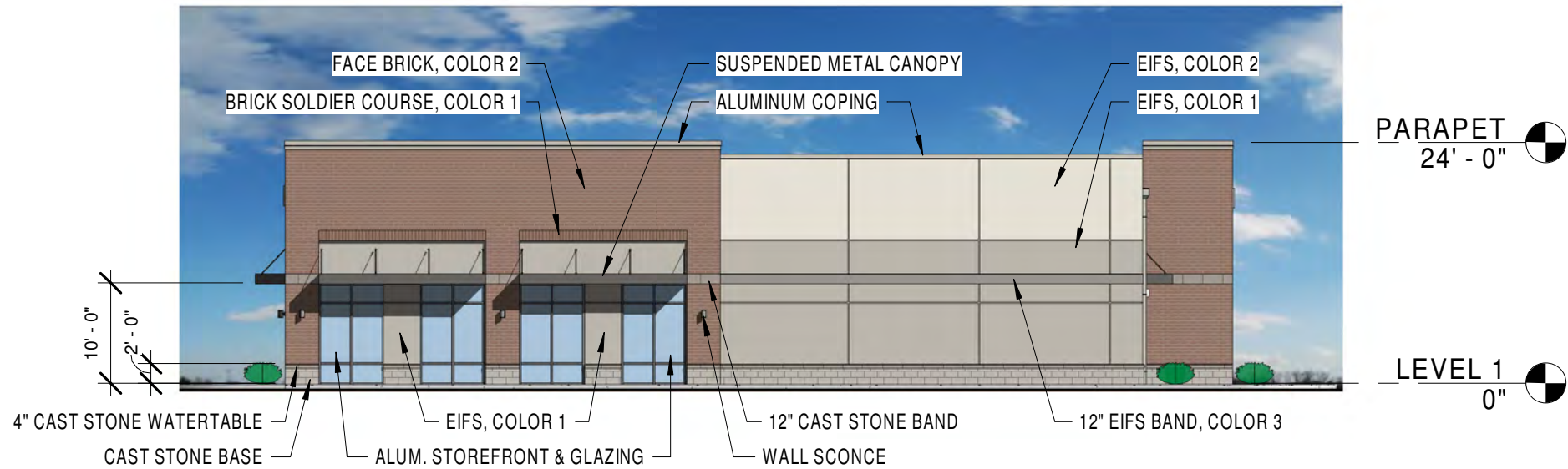
BENT GRASS MARKETPLACE

LOT 2A

01-15-2025



SOUTH ELEVATION

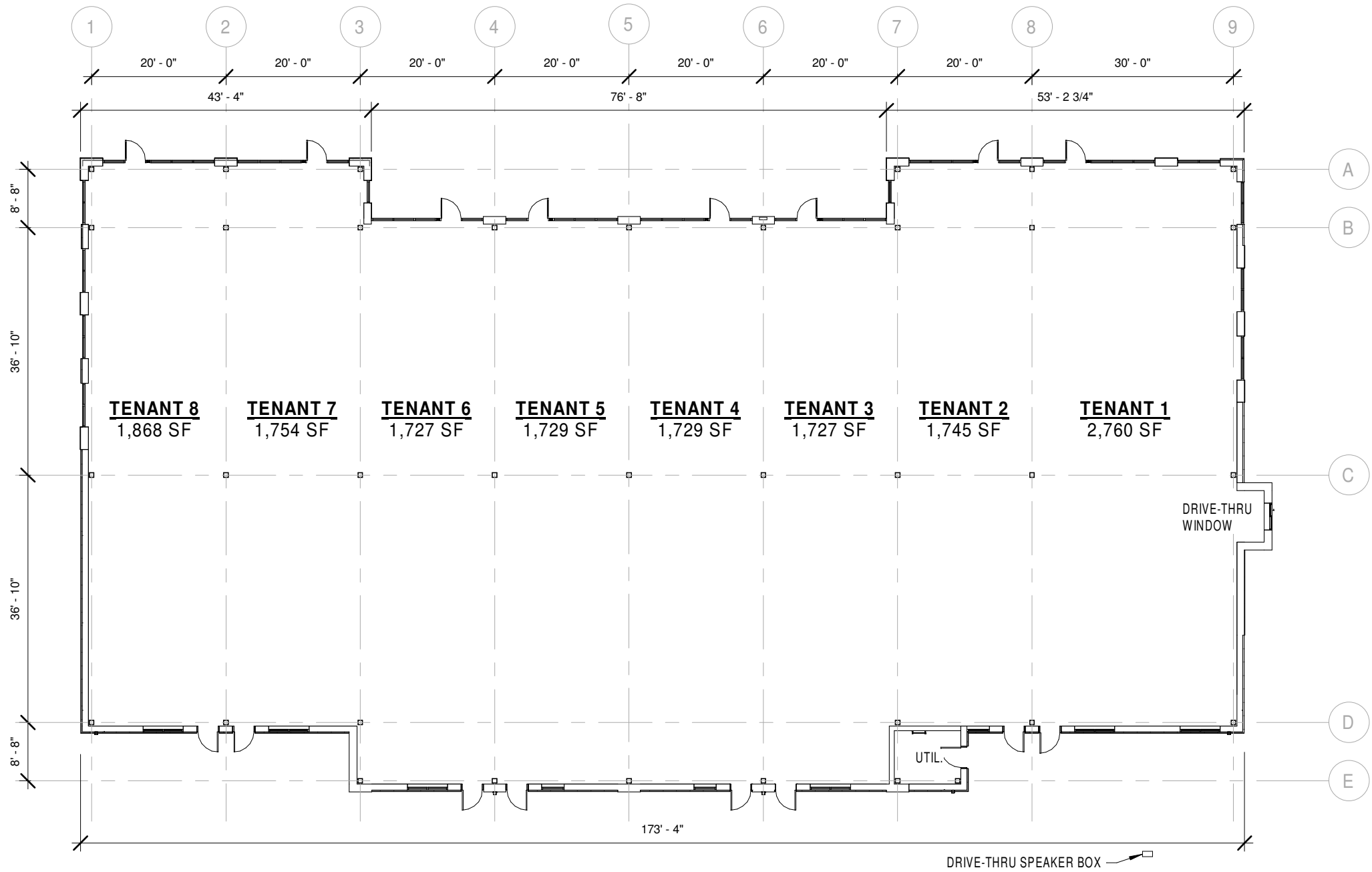


NORTH ELEVATION

BENT GRASS MARKETPLACE

LOT 2A

01-15-2025



PRELIMINARY FLOOR PLAN

1/16" = 1'-0"

OVERALL BLDG. = 15,039 SF

BENT GRASS MARKETPLACE

LOT 2A

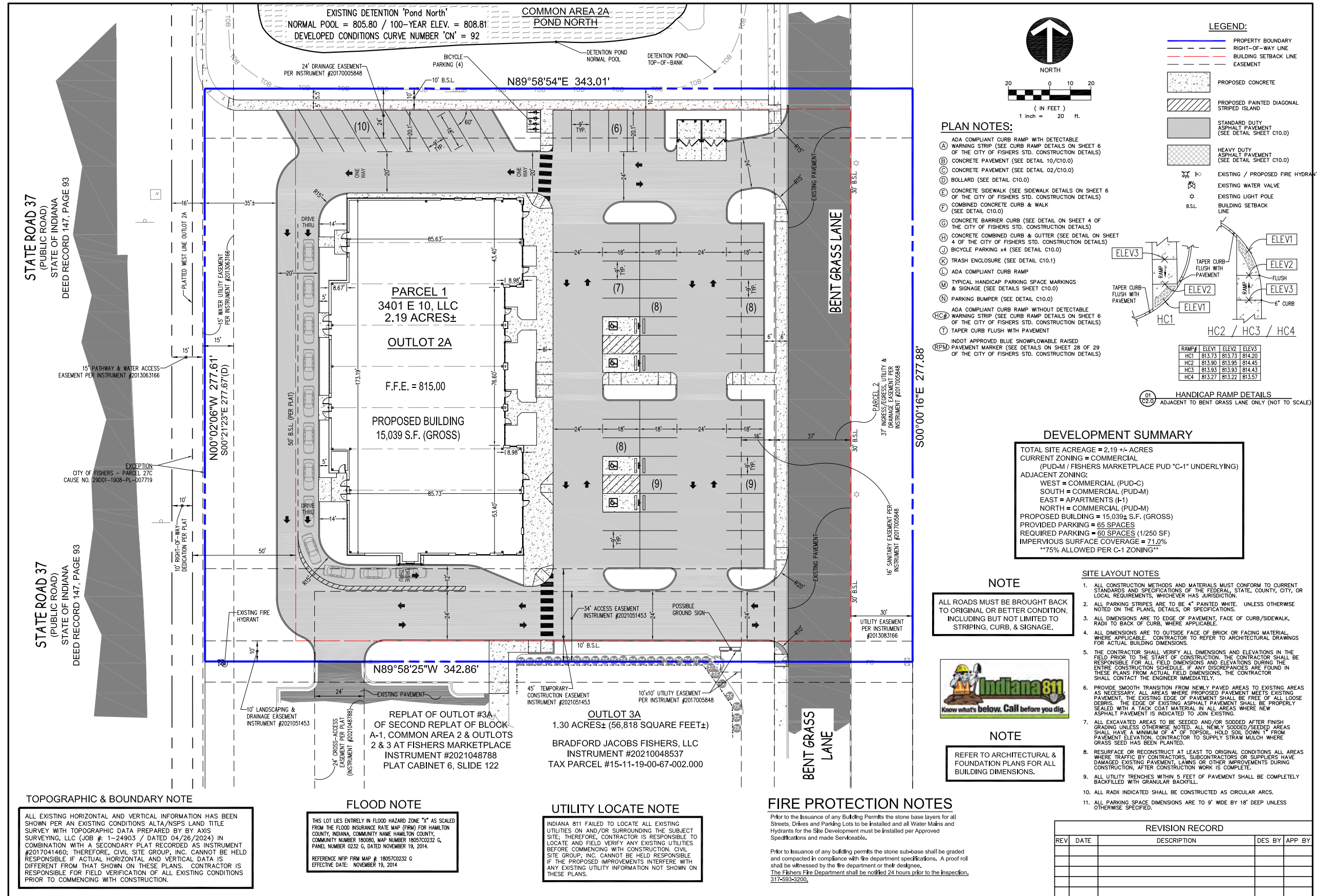
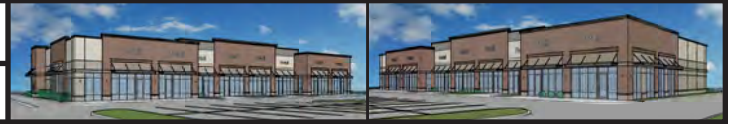
01-15-2025



10748 Sky Praire St.
Fishers, IN 46038
Phone: (317) 595.1000
Fax: (317) 572.1236

TAB 4

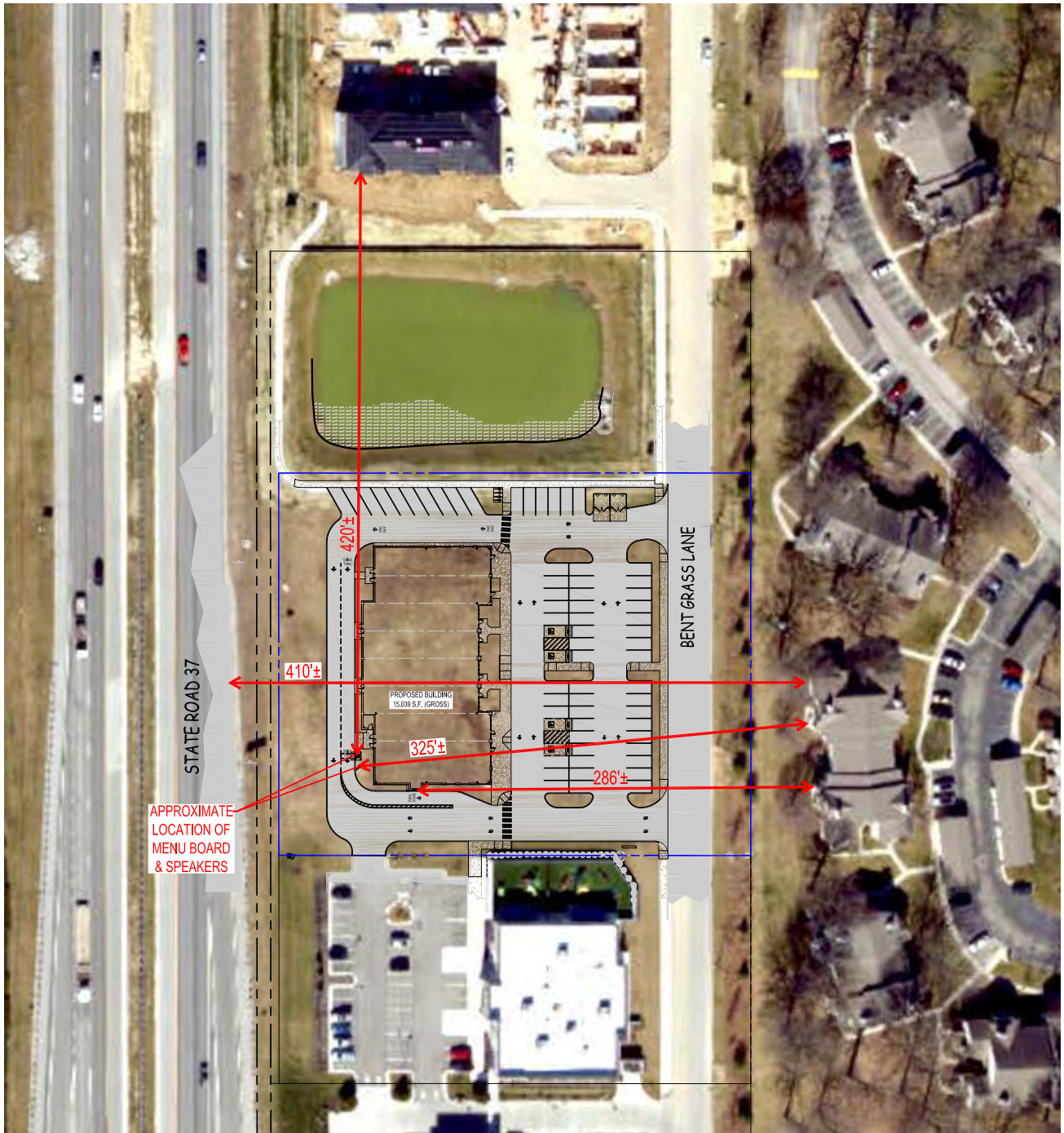
BENT GRASS MARKETPLACE



3401 E 10, LLC 5358 WEST 38th STREET INDIANAPOLIS, IN 46254 CIVIL SITE GROUP, INC. 716 Adams Street, Suite E Carmel, IN 46032 Ph: (317) 810-1677	
 <i>Eric A. Gleissner</i> DATE: 12/02/24	
DWN BY: EAG CHKD. BY: EAG SCALE: 1" = 20' DATE: 12/02/24	
BENT GRASS MARKETPLACE - LOT 2A 13682 BENT GRASS LANE (FISHERS MARKETPLACE) FISHERS, INDIANA 46038	SITE PLAN
PROJECT NUMBER LAL.001	
DRAWING NUMBER C2.0 SHEET 3 OF 28	

SITE PLANS

BENT GRASS MARKETPLACE



LOT 2A / FISHERS MARKETPLACE
13682 BENT GRASS LANE
FISHERS, IN 46038



CSG PROJECT NUMBER
LAL.001

DATE: 01/07/25
DWN. BY: EAG
CHKD. BY: EAG
SCALE: 1" = 100'

SHEET 1 OF 1

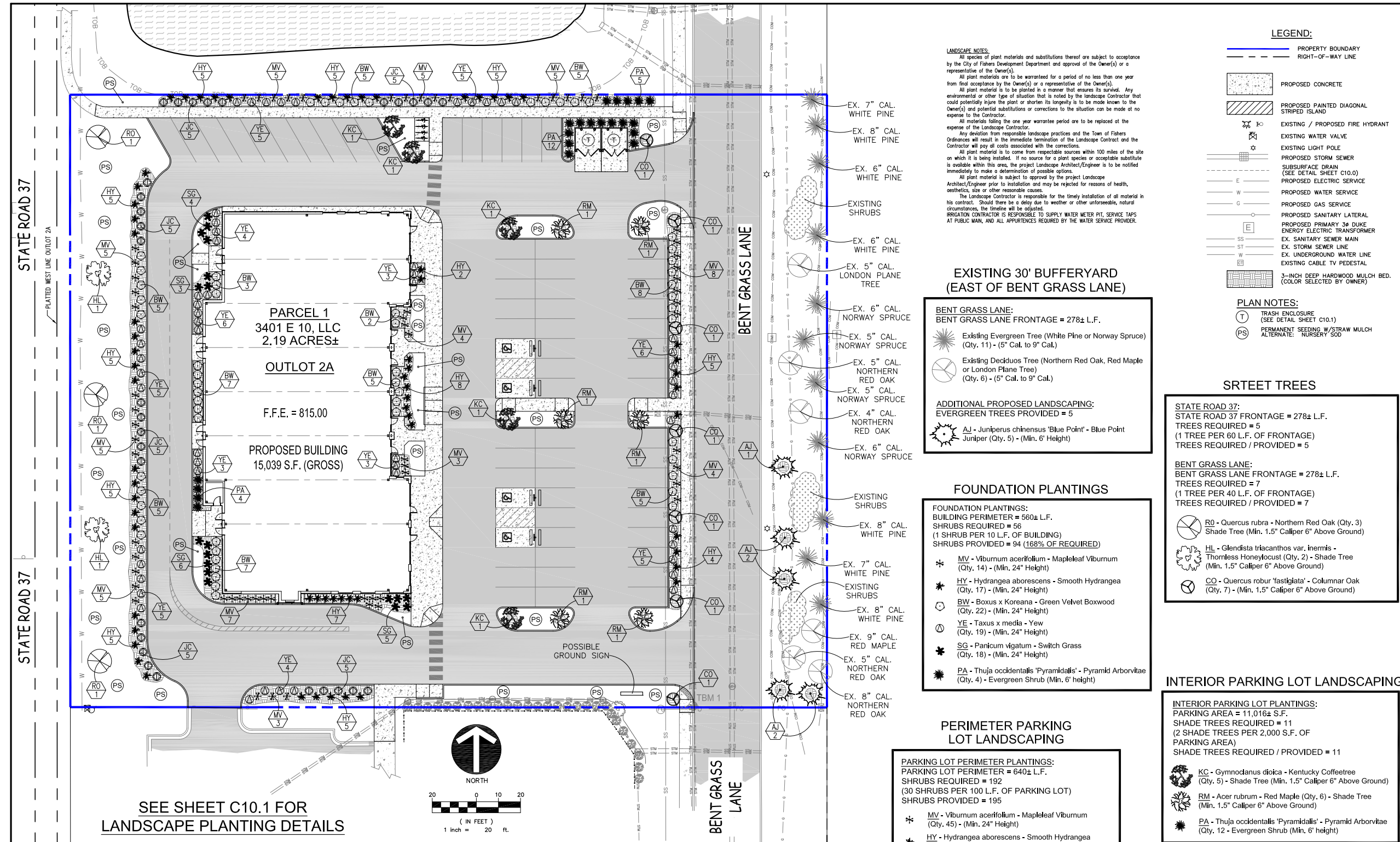
CIVIL SITE GROUP, INC.

718 ADAMS STREET, SUITE E
CARMEL, INDIANA 46032
(317) 810-1677

Civil Site
GROUP, INC.

TAB 5

BENT GRASS MARKETPLACE



LANDSCAPE NOTE

ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF FISHERS ZONING ORDINANCE. THE MINIMUM LANDSCAPING IMPROVEMENTS ARE SUBJECT TO FINAL INSPECTION.

SPECIES NOTE

THE SPECIES OF THE TREES AND SHRUBS SHOWN ON THIS LANDSCAPE PLAN ARE SUBJECT TO CHANGE BASED ON SEASONAL AVAILABILITY. ALL SUBSTITUTIONS WILL BE OF SPECIES APPROVED BY THE CITY OF FISHERS.

IRRIGATION NOTE

SITE IRRIGATION IS NOT SHOWN ON THESE PLANS. IF SITE IRRIGATION IS REQUIRED, CONTRACTOR SHALL WORK WITH THE LOCAL WATER UTILITY TO DETERMINE THE REQUIREMENTS & LOCATION FOR THE IRRIGATION METER & SITE IRRIGATION SYSTEM.

UTILITY LOCATE NOTE

INDIANA 811 FAILED TO LOCATE ALL EXISTING UTILITIES ON AND/OR SURROUNDING THE SUBJECT SITE; THEREFORE, CONTRACTOR IS RESPONSIBLE TO LOCATE AND FIELD VERIFY ANY EXISTING UTILITIES BEFORE COMMENCING WITH CONSTRUCTION. CIVIL SITE GROUP, INC. CANNOT BE HELD RESPONSIBLE IF THE PROPOSED IMPROVEMENTS INTERFERE WITH AN EXISTING UTILITY INFORMATION NOT SHOWN ON THESE PLANS.



LANDSCAPE NOTES:

All species of plant materials and substitutions shall be subject to acceptance by the City of Fishers Development Department and approval of the Owner(s) or a representative of the Owner(s).

All plant materials are to be warranted for a period of no less than one year from acceptance by the Owner(s) or a representative of the Owner(s).

All plant materials shall be warranted to be free from any disease, insect damage, environmental or other type of situation that is noticed by the Landscape Contractor that could potentially injure the plant or shorten its longevity to be made known to the Owner(s) and potential substitutions or corrections to the situation can be made at no expense to the Owner(s).

All materials falling the one year warranty period are to be replaced at the expense of the Landscape Contractor.

Any deviation from the landscape practices and the Town of Fishers Ordinances will result in the immediate termination of the Landscape Contractor and the Contractor will pay all costs associated with the corrections.

Any plant material located within one hundred (100) miles of the site on which it is being installed. If no source for a plant species or acceptable substitution is available within this area, the project Landscape Architect/Engineer is to be notified immediately so that it can come from a reputable source within 100 miles of the site.

All plant material is subject to approval by the project Landscape Architect/Engineer prior to installation and may be rejected for reasons of health, aesthetics or availability.

The Landscape Contractor is responsible for the timely installation of all material in his contract. Should there be a delay due to weather or other unforeseeable, natural situation, the Landscape Contractor shall be responsible for the delay.

IRRIGATION CONTRACTOR IS RESPONSIBLE TO SUPPLY WATER METER PIT, SERVICE TAPS AT PUBLIC MAIN, AND ALL APPURTEANCES REQUIRED BY THE WATER SERVICE PROVIDER.

EXISTING 30' BUFFERYARD
(EAST OF BENT GRASS LANE)

BENT GRASS LANE:
BENT GRASS LANE FRONTAGE = 278± L.F.

 Existing Evergreen Tree (White Pine or Norway Spruce)
 (Qty. 11) - (5" Cal. to 9" Cal.)

 Existing Deciduous Tree (Northern Red Oak, Red Maple or London Plane Tree)
 (Qty. 6) - (5" Cal. to 9" Cal.)

ADDITIONAL PROPOSED LANDSCAPING:
EVERGREEN TREES PROVIDED = 5

 A.J. - Juniperus chinensis 'Blue Point' - Blue Point
 Juniper (Qty. 5) - (Min. 6' Height)

FOUNDATION PLANTINGS

FOUNDATION PLANTINGS:
BUILDING PERIMETER = 560± L.F.
SHRUBS REQUIRED = 56
(1 SHRUB PER 10 L.F. OF BUILDING)
SHRUBS PROVIDED = 94 (168% OF REQUIRED)

	MV - <i>Viburnum acerifolium</i> - Mapleleaf Viburnum (Qty. 14) - (Min. 24" Height)
	HY - <i>Hydrangea aborescens</i> - Smooth Hydrangea (Qty. 17) - (Min. 24" Height)
	BW - <i>Boxus x Koreana</i> - Green Velvet Boxwood (Qty. 22) - (Min. 24" Height)
	YE - <i>Taxus x media</i> - Yew (Qty. 19) - (Min. 24" Height)
	SG - <i>Panicum vigatum</i> - Switch Grass (Qty. 18) - (Min. 24" Height)
	PA - <i>Thuja occidentalis</i> 'Pyramidalis' - Pyramid Arborvitae (Qty. 4) - Evergreen Shrub (Min. 6' height)

PERIMETER PARKING LOT LANDSCAPING

PARKING LOT PERIMETER PLANTINGS:
PARKING LOT PERIMETER = 640± L.F.
SHRUBS REQUIRED = 192
(30 SHRUBS PER 100 L.F. OF PARKING LOT)
SHRUBS PROVIDED = 195

- ✱ **MV - *Viburnum acerifolium* - Mapleleaf Viburnum**
 (Qty. 45) - (Min. 24" Height)
- ✱ **HY - *Hydrangea aborescens* - Smooth Hydrangea**
 (Qty. 49) - (Min. 24" Height)
- ⊙ **BW - *Boxus x Koreana* - Green Velvet Boxwood**
 (Qty. 33) - (Min. 24" Height)
- Ⓐ **YE - *Taxus x media* - Yew**
 (Qty. 33) - (Min. 24" Height)
- Ⓢ **JC - *Juniperus communis* - Common Juniper**
 (Qty. 30) - (Min. 24" Height)
- ☀ **PA - *Thuja occidentalis* 'Pyramidalis' - Pyramid Arborvitae**
 (Qty. 5 - Evergreen Shrub (Min. 6" height)

- ### LEGEND:
- | | |
|---|--|
|  | PROPERTY BOUNDARY |
|  | RIGHT-OF-WAY LINE |
|  | PROPOSED CONCRETE |
|  | PROPOSED PAINTED DIAGONAL STRIPED ISLAND |
|   | EXISTING / PROPOSED FIRE HYDRANT |
|  | EXISTING WATER VALVE |
|  | EXISTING LIGHT POLE |
|  | PROPOSED STORM SEWER |
|  | SUBSURFACE DRAIN
(SEE DETAIL SHEET C10.0) |
|  E | PROPOSED ELECTRIC SERVICE |
|  G | PROPOSED WATER SERVICE |
|  G | PROPOSED GAS SERVICE |
|  | PROPOSED SANITARY LATERAL |
|  E | PROPOSED 1-3/4" 36 DUKE ENERGY ELECTRIC TRANSFORMER |
|  SS | EX. SANITARY SEWER MAIN |
|  ST | EX. STORM SEWER LINE |
|  W | EX. UNDERGROUND WATER LINE |
|  E | EXISTING CABLE TV PEDESTAL |
|  | 3-INCH DEEP HARDWOOD MULCH BED.
(COLOR SELECTED BY OWNER) |

PLAN NOTES:

(T) TRASH ENCLOSURE
(SEE DETAIL SHEET C10.1)

(PS) PERMANENT SEEDING W/STRAW MULCH
ALTERNATE: NURSERY SOD

SRTEET TREES

STATE ROAD 37:
STATE ROAD 37 FRONTAGE = 278± L.F.
TREES REQUIRED = 5
(1 TREE PER 60 L.F. OF FRONTAGE)
TREES REQUIRED / PROVIDED = 5

BENT GRASS LANE:
BENT GRASS LANE FRONTAGE = 278± L.F.
TREES REQUIRED = 7
(1 TREE PER 40 L.F. OF FRONTAGE)
TREES REQUIRED / PROVIDED = 7

 **R0 - Quercus rubra - Northern Red Oak (Qty. 3)**
Shade Tree (Min. 1.5" Caliper 6" Above Ground)

 **H1L - Glendista triacanthos var. inermis -**
Thornless Honeylocust (Qty. 2) - Shade Tree
(Min. 1.5" Caliper 6" Above Ground)

 **CO - Quercus robur 'fastigiata' - Columnar Oak**
(Qty. 7) - (Min. 1.5" Caliper 6" Above Ground)

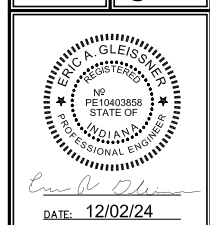
INTERIOR PARKING LOT LANDSCAPING

INTERIOR PARKING LOT PLANTINGS:
PARKING AREA = 11,016± S.F.
SHADE TREES REQUIRED = 11
(2 SHADE TREES PER 2,000 S.F. OF PARKING AREA)
SHADE TREES REQUIRED / PROVIDED = 11

	KC - Gymnocladia dioica - Kentucky Coffeetree (Qty. 5) - Shade Tree (Min. 1.5" Caliper 6" Above Ground)
	RM - Acer rubrum - Red Maple (Qty. 6) - Shade Tree (Min. 1.5" Caliper 6" Above Ground)
	PA - Thuja occidentalis 'Pyramidalis' - Pyramid Arborvitae (Qty. 12) - Evergreen Shrub (Min. 6' height)

REVISION RECORD				
REV	DATE	DESCRIPTION	DES BY	APP BY
1	01/14/25	REVISED TO REFLECT REORIENTATION OF BUILDING	EAG	EAG

3401 E 10, LLC
5358 WEST 38th STREET
INDIANAPOLIS, IN 46254



DWN BY:	EAG
CHKD. BY:	EAG
SCALE:	1" = 20'
DATE:	12/02/24

BENT GRASS MARKETPLACE - LOT 2A
13682 BENT GRASS LANE (FISHERS MARKETPLACE)
FISHERS, INDIANA 46038

LANDSCAPE PLAN
(SEE SHEET C10.1 FOR LANDSCAPE PLANTING DETAILS)

PROJECT NUMBER
LAL.001

DRAWING NUMBER
L1.0

SHEET 16 OF 28

LANDSCAPING PLANS

BENT GRASS MARKETPLACE



LEGEND:

- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- PROPOSED CONCRETE
- PROPOSED PAINTED DIAGONAL STRIPED ISLAND
- EXISTING / PROPOSED FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING LIGHT POLE
- PROPOSED STORM SEWER
- SUBSURFACE DRAIN (SEE DETAIL SHEET C10.0)
- PROPOSED ELECTRIC SERVICE
- PROPOSED WATER SERVICE
- PROPOSED GAS SERVICE
- PROPOSED SANITARY LATERAL
- PROPOSED PRIMARY 36 DUKE ENERGY ELECTRIC TRANSFORMER
- EX. SANITARY SEWER MAIN
- EX. STORM SEWER LINE
- EX. UNDERGROUND WATER LINE
- EXISTING CABLE TV PEDESTAL
- 3-INCH DEEP HARDWOOD MULCH BED. (COLOR SELECTED BY OWNER)

PLAN NOTES:

- T TRASH ENCLOSURE (SEE DETAIL SHEET C10.1)
- PS PERMANENT SEEDING W/STRAW MULCH ALTERNATE: NURSERY SOD

Indiana 811
Know what's below. Call before you dig.

North Arrow
NORTH

Scale
20 0 10 20
(IN FEET)
1 inch = 20 ft.

REVISION RECORD				
REV	DATE	DESCRIPTION	DES BY	APP BY
1	01/14/25	REVISED TO REFLECT REORIENTATION OF BUILDING	EAG	EAG

3401 E 10, LLC
5358 WEST 38th STREET
INDIANAPOLIS, IN 46254

CIVIL SITE GROUP, INC.
718 Adams Street, Suite E
Carmel, Indiana 46032
Ph: (317) 810-1677

ERIC A. GLEISNER
REGISTERED PROFESSIONAL ENGINEER
No. PE0403856
STATE OF INDIANA
DATE: 12/02/24

DWN BY: EAG
CHKD. BY: EAG
SCALE: 1" = 20'
DATE: 12/02/24

BENT GRASS MARKETPLACE - LOT 2A
13682 BENT GRASS LANE (FISHERS MARKETPLACE)
FISHERS, INDIANA 46038

LANDSCAPE EXHIBIT

PROJECT NUMBER
LAL.001

DRAWING NUMBER
Exhibit
SHEET 1 OF 1

TAB 6

ADDITIONAL INFORMATION

BENT GRASS MARKETPLACE



LAND DESCRIPTIONS

PARCEL 1
Part of Outlot 2A of the Second Re-Plat of Block A-1, Common Area 2 & Outlots 2 & 3 at Fishers Marketplace, per plat thereof, recorded as Instrument Number 2017041460 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:
BEGINNING at a 58-inch diameter rebar with a cap stamped "ASI FRM #0094" set flush (hereafter referred to as "set rebar") at the northeast corner of said Outlot 2A, the following two (2) courses are along the east and south lines thereof: 1) thence South 00 degrees 00 minutes 16 seconds East 277.88 feet to a rebar with a set rebar (basis of bearings per said Re-Plat); 2) thence North 89 degrees 58 minutes 25 seconds West 342.86 feet to a set rebar at the southwest corner of Parcel 27C as described in Cause No. 2001-1908-PL-07719 in the Hamilton Superior Court; thence North 00 degrees 00 minutes 05 seconds West 277.01 feet along the east line of said Parcel 27B to a set rebar on the north line of said Outlot 2A; thence North 89 degrees 58 minutes 54 seconds East 343.01 feet along said north line to the POINT OF BEGINNING. Containing 2.187 acres, more or less.

EXCEPTING THEREFROM:

That part of the above described property conveyed to City of Fishers, by Judgment in City of Fishers vs ONB Realty I, LLC et al., Cause No. 2001-1908-PL-07719, filed March 9, 2020, in the Hamilton Superior Court 1, Hamilton County, Indiana, described as follows:
A part of Outlot 2A in the Second Re-Plat of Block A-1, Common Area 2 & Outlots 2 & 3 at Fishers Marketplace, an Addition to Hamilton County, Indiana, the plat of which is recorded in Plat Cabinet 5, Slide 717 in the Office of the Recorder of Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Beginning at the northwest corner of said Outlot 2A, designated as point "617" on said plat; thence along the north line of said Outlot 2A North 89 degrees 40 minutes 17 seconds East 6.00 feet to point "618" designated on said plat; thence South 0 degrees 21 minutes 23 seconds East 277.87 feet to the south line of said Outlot 2A; thence along said south line South 89 degrees 43 minutes 11 seconds West 6.00 feet to the southwest corner of said Outlot 2A; thence along the west line of Outlot 2A North 0 degrees 21 minutes 23 seconds West 277.67 feet (277.61 feet per said Second Re-Plat) to the point of beginning and containing 0.038 acres, more or less.

PARCEL 2:

Non-Exclusive Easement for Ingress and Egress, Utility and Drainage for the benefit of Parcels 1, 2 and 3 as set out on the recorded plat of the Secondary Re-Plat of Block A-1, Common Area 2 & Outlots 2, 3 & 4, at Fishers Marketplace, recorded February 08, 2017, as Instrument No. 2017005848, in Plat Cabinet 5, Slide 641, in the Office of the Recorder of Hamilton County, Indiana.

NOTE: The above land descriptions describe one and the same tract of land noted in Exhibit A of First American Title Insurance Company Commitment Number 1007081 dated March 14, 2024, however, said descriptions contained in the commitment are not one and the same as noted in the record deeds and contain typographical errors. It is unknown where the descriptions noted herein originated. The above Parcel 1 and 2 were granted to Thomas A. Grant, Inc. per Special Warranty Deed recorded as Instrument #2020076954. The Exception tract was granted to the City of Fishers per Judgment in City of Fishers vs ONB Realty I, LLC et al., Cause No. 2001-1908-PL-07719, filed March 9, 2020, in the Hamilton Superior Court 1, Hamilton County, Indiana.

SURVEYOR'S REPORT

In accordance with Title 36S, Article 1, Chapter 12 of the Indiana Administrative Code ("Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("Relative Positional Accuracy"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.

There may be differences of deed dimensions versus measured dimensions along the boundary lines shown hereon and, likewise, there may be found survey markers near, but not precisely at, some boundary corners. In cases where the magnitude of these differences are less than the Relative Positional Accuracy stated below and less than the uncertainty identified for the reference monumentation (discussed below), the differences may be considered insignificant and are shown only for purposes of mathematical closure. Such differences that are greater than the Relative Positional Accuracy and the uncertainty in reference monumentation should be considered worthy of notice and are therefore further discussed below.

This survey and report are based in part upon opinions formed in accordance with an Indiana Land Surveyor's responsibility to conduct a survey in accordance with "law or a precedent" (86S IAC 1-12-11(5), Rules of the Indiana State Board of Registration for Land Surveyors). Since Indiana has no statutes addressing how to resolve boundary lines, a solution based on principles derived from common law precedent must be relied upon as the basis for a boundary resolution.

Unless otherwise noted or depicted hereon, there is no evidence of occupation along the perimeter lines of the subject tract.

Monuments were set or found flush with the surface, unless otherwise noted during the course of this survey. There may be 5/8" rebar with red plastic caps stamped "X" found on or near the subject real estate. These are working points and not to be confused as monuments marking the boundaries of the subject property. Monuments found at or near the deed corners, or along the deed lines of the subject real estate are indicated on the drawing. Monuments were not set in those cases where a found monument was not in exact agreement with this survey, but within the tolerances required for the survey, because the difference is either deemed insignificant or for reasons discussed herein. The difference may be shown on the survey to accurately the uncertainty of that corner. In those cases where the difference is greater than the relative positional accuracy or uncertainty in controlling monuments, caution should be exercised before making any improvements along the lines affected. Those uncertainties considered to be significant are discussed below.

The monuments at the corners of the subject real estate established this survey are within the acceptable relative positional accuracies for an Urban Survey, 0.07 feet (1 millimeters) plus 50 parts per million as defined in 86S IAC 1-12-7.

The purpose of this project was to perform and prepare a Retacement Survey on the real estate that has been described hereon under direction and instructions from the client.

The surveyed parcel of land is a part of Outlot 2A of the Second Re-Plat of Block A-1, Common Area 2 & Outlots 2 & 3 at Fishers Marketplace, per plat thereof, recorded as Instrument Number 2017041460 in the Office of the Recorder of Hamilton County, Indiana. Since the land was platted additional right-of-way was granted to the City of Fishers per Judgment in City of Fishers vs ONB Realty I, LLC et al., Cause No. 2001-1908-PL-07719, filed March 9, 2020, in the Hamilton Superior Court 1, Hamilton County, Indiana, and is shown hereon as an "EXCEPTION".

Within this report reference may be made to a "lot" or "lots" and it should be noted that this reference may be used interchangeably with the term "Outlot". For the record plat, monuments were set marking the corners of the platted lots. Several of these monuments were found in the field as noted and considered "original" monuments. The plat geometry was aligned to them. There is, in my opinion, a negligible amount of uncertainty associated with these monuments found and held as they are original monuments marking the location of the surveyed lot and other lots within the subdivision.

Lots within platted subdivisions are created simultaneously, therefore, typically there are usually no seniorjunior rights, therefore there are no deed gaps or overlaps with adjoining areas along the perimeter lines of the subject tract based on controlling calls contained in record land descriptions.

Basis of bearings shown is per the record plat for Fishers Marketplace and is not based upon Indiana State Plane Coordinates - East Zone.

Access to the site is obtained Bent Grass Lane. Said roadway is not public and lies within an access easement as shown.

Occupation means some observable improvement either man-made or a natural barrier manipulated by man to delineate the boundary line. It should be noted that not all fences are erected to define boundary lines and caution is warranted before accepting this type of barrier as such. One should also be aware that when these types of occupation are not in agreement with deed lines certain unwritten rights may exist over the land between them. Those parties relying on the survey should assume that the uncertainty of ownership of these areas where occupation lines and deed lines are not in concordance is, at least, equal to the magnitude of the difference. Unless otherwise noted or shown on the survey, there is no visible evidence of occupation (possession) along the deed lines of the subject real estate.

A concrete walk from the north adjoining lot crosses the north line onto the surveyed parcel and lies as much as 12.4 feet south of said line. The top of bank around the pond on said lot lies along the north line.
A fire hydrant and water valve lie 0.8 feet south of the south line. End of curb and asphalt lie on said line. End of a concrete walk lies on the line. A plastic fence lies 1.5 feet south of the line and a row of bushes lies north of the fence in a landscaped area. Storm manholes lie north of the landscaped area. Bent Grass Lane crosses through the property within the access easement. Underground utilities lie on both sides of the roadway as shown and east of the east line.

There is a negligible amount of uncertainty associated with the location of these lines of occupation. Those improvements which cross onto the surveyed parcel lie within dedicated easements.

The horizontal and vertical location data shown on this survey are based upon a positional solution derived from Global Positioning System (GPS) observations processed by National Geodetic Survey (NGS) utilizing their Online Positioning User Service (OPUS) software. The coordinate values shown are in the Indiana State Plane Coordinate System - West Zone reference to the 1983 North American Datum utilizing the Continuously Operating Reference Stations (CORS) adjustment as determined by NGS (NAD_83/2011) (EPSG:2010.0000).

Ownership information indicated hereon is as identified in County or Township records or on title work provided by others.

Per the Hamilton County GIS and City of Fishers GIS, the site does not lie within 75 feet of a regulated legal drain. The Krause & Klepper drain lies approximately 1600 feet south of the site.
FLOOD INFORMATION
The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The within described tract of land lies within Flood Hazard Zone X unshaded, an area of minimal flood hazard, as said tract plots by scale on Community Parcel Number 180623 0332 G, the Flood Insurance Rate Maps for the Town of Fishers, Hamilton County, Indiana (maps dated November 19, 2014).

UTILITY INFORMATION

The locations of utilities shown hereon are based on above ground structures and/or locations as marked by others. No excavations were made during the progress of this survey to locate buried utility structures. AXIS Surveying encourages the use of the Indiana Underground Plant Protection Services, UPPS, a.k.a. "Noddy Noddy". These services are available by telephone at 1-800-382-3544 or through the Internet at www.ippss.org. Indiana 811 was contacted on 4/10/2024, Ticket No. 2404103401.

The following utility members were notified:
STORM, SEWER, WATER - City of Fishers
SEWER - City of Noblesville
GAS - Centertown Energy (North)
WATER - Citizens Water
ELECTRIC - Duke Energy
COMMUNICATIONS - Windstream; AT&T Distribution; Everstream, LLC (South)
FIBER OPTIC - Metronet Fibernet, LLC; Level 3 now Lumen; Everstream, LLC (South)
CABLE TV - Comcast Cable (Indianapolis)

TITLE COMMITMENT NOTES

Evidence of source of title for the subject tract was provided in the form of First American Title Insurance Company Commitment Number 1007081, dated March 14, 2024. Some of the items disclosed in Schedule BII thereof may have been depicted on the survey and are identified by their recording data. Should any additional items need to be depicted on the survey please advise and provide the appropriate documents.

NOTE: The land description contained in Schedule A is not the same as shown hereon.

- Restrictive Covenant - Instrument #2014056219 - Blanket in nature. Note - Exhibit A notes "Block A-1" per the plat recorded as Instrument #201309488 as being part of the "Excluded Parcel". Said block did not exist until the Replat of Blocks A & D recorded as Instrument #2013063166.
- Declaration of Covenants and Easements - Instrument #2013068073 - Easement areas depicted within the exhibits appear to be one and the same as shown on the current plat. The easement areas are not defined within this document and include the access easement which is Bent Grass Lane, the drainage and utility easement which lies within the area of said access easement, a drainage easement which encompasses most of Common Area 2A and utility easements on each side of the access easement.
- Easements with Covenants and Restrictions Affecting Land - Instrument #2013045020 - The surveyed parcel lies within the "excluded parcel" noted within this document.
- First Amendment to Easements with Covenants and Restrictions Affecting Land - Instrument #2016000690 - Blanket in nature.
- Declaration of Sanitary Sewer Restrictions - Instrument #2008038900 - Blanket in nature. Restricts location of sanitary sewer lines and improvements near them.
- Declaration of Sanitary Sewer Restrictions - Instrument #2007047777 - Blanket in nature. Restricts location of sanitary sewer lines and improvements near them.
- Declaration of Easements, Covenants and Restrictions for Fishers Marketplace - Instrument #2006075312 - Describes the entire 103 acre development which is subject to this document. Blanket in nature.
- Amendment to Declaration of Easements, Covenants and Restrictions for Fishers Marketplace - Instrument #2013022897 - Deletes Lots 1, 2, 3, 4, 5 and 6 from the Declaration. Does not apply to the surveyed parcel.
- Second Amendment to Declaration of Easements, Covenants and Restrictions for Fishers Marketplace - Instrument #2015064856 - Deletes Outlot 5A from the Declaration. Does not apply to the surveyed parcel.
- Termination of Declaration of Easements, Covenants and Restrictions for Fishers Marketplace - Instrument #2016017321 - In this document, it is terminating said Declaration in regards to Blocks B and C, the "Resorts" real estate and making it subject to the FM North Parcel Declaration, Instrument #2013368073.
- Designation of Developer's Rights - Instrument #2013022896 - Blanket in nature. Surveyed parcel is a part of the overall development described.
- Release of Rights - Instrument #2013024704 - Releases Lot 4F. Does not apply to the surveyed parcel.
- Release of Rights - Instrument #2013062070 - Releases Lot 2. Does not apply to the surveyed parcel.
- Release of Rights - Instrument #2014027915 - Releases Lot 4A. Does not apply to the surveyed parcel.
- Commitments Concerning the use or Development of Real Estate made in Connection with a Development Plan Approval, Zone Map Change or Planned Unit Development Required by the Town of Fishers Zoning Ordinance - Instrument #20050021251 - Blanket in nature.
- Modification - Instrument #2000073522 - Blanket in nature.
- Modification - Instrument #2011034623 - Blanket in nature.
- Surveyed parcel is a part of the overall development described.
- Non-Enforcement Consent for Utility in Drainage Easement - Instrument #2011034623 - Location of the regulated drain does not lie near the surveyed parcel.
- Contract for Extension of Sewer Mains and Facilities - Instrument #2013022408 - Surveyed parcel lies within the area described in Exhibit A. The sanitary sewer described does not lie on or adjoin the surveyed parcel. Blanket in nature.
- Stormwater Operation and Maintenance Manual - Instrument #2013052544 - The surveyed parcel does not appear to lie near the area depicted. Said area is not specifically defined.
- Stormwater Operation and Maintenance Manual - Instrument #2013050245 - The pond lying north of the surveyed parcel is depicted within this document which may apply to that portion of the drainage easement which lies adjacent to Common Area 2A.
- Easement Agreement - Instrument #2021051453 - Shown on survey.
- Ordinance No. 033094C entitled An Ordinance Annexing Certain Territory to the Town of Fishers, Hamilton County, Indiana - Instrument #506267 - Surveyed parcel does not lie within the area described. Per reference in this document, surveyed property was likely annexed via Ordinance #1201635.
- Warranty Deed - Instrument #2008005323 - Area granted does not lie within or adjacent to the surveyed parcel.
- Secondary Re-Plat of Block A-1, Common Area 2 and Outlots 2, 3 and 4 at Fishers Marketplace - Instrument #2017005848, Plat Cabinet 5, Slide 641 - Easements and setbacks per this plat are shown hereon.
- 75' right of entry - 54S-M048-Krause & Klepper legal drain - Said drain lies approximately 1600 feet south of the surveyed parcel.

NOT INCLUDED

Cause No. 2001-1908-PL-07719 - Defines limits of limited access right-of-way along west line.

NOTE

Recording information for the easements shown refer to the following prior plats of the site:
Secondary Re-Plat of Block A-1, Common Area 2 & Outlots 2, 3 & 4 at Fishers Marketplace - Plat Cabinet 5, Slide 641, Instrument #2017005848
Secondary Re-Plat of Blocks A & D at Fishers Marketplace - Plat Cabinet 5, Slide 133 - Instrument #2013063166
Secondary Plat for Fishers Marketplace - Plat Cabinet 5, Slide 46 - Instrument #2013009488

"PER PLAT" noted hereon refers to the current record plat for the surveyed parcel - Instrument #2017041460

CERTIFICATE OF SURVEY

ALTANS/NSP LAND TITLE SURVEY
Tania M. Strug, an Indiana corporation
3401 E 10, LLC
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTANS/NSP Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 7(b)(1), 7(c), 6, 9 and 13 of Table A thereof. The fieldwork was completed on April 18, 2024.

To the best of my knowledge and belief the within plat also represents a survey made under my supervision in accordance with Title 86S, Article 1, Chapter 12 of the Indiana Administrative Code.

REDACTION STATEMENT

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. Tania M. Strug

This document was prepared by Tania M. Strug.



FISHERS MARKETPLACE

13682 BENT GRASS LANE
FISHERS, IN 46038

ALTANS/NSP LAND
TITLE SURVEY

PROJECT LOCATED IN:
OUTLOT 2A
FISHERS MARKETPLACE
SE 1/4 SECTION 19
TOWNSHIP 18 NORTH
RANGE 5 EAST

PREPARED FOR:
LOTF ALMULAKI

Complete Surveying Services for Commercial - Construction - Residential
(317) 841-1508 - www.AXISindy.com P.O. BOX 30936 - Indianapolis, IN 46250

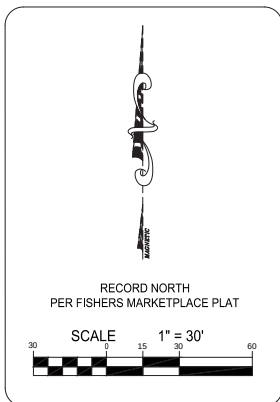
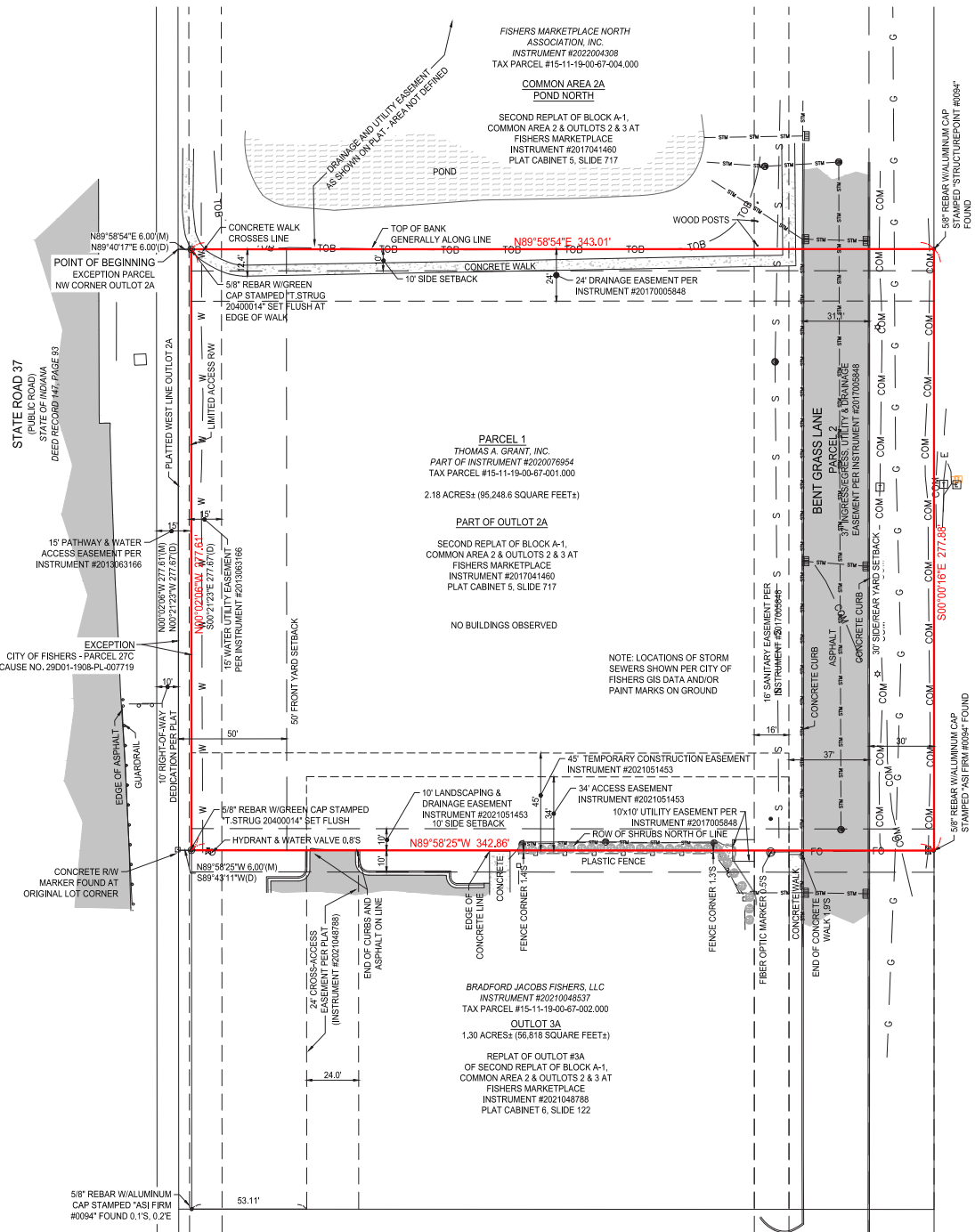


DRAWN BY: TMS
CHECKED BY: T. STRUG
ISSUE DATE: 4/26/2024

REV #	DATE	COMMENT

PROJECT NUMBER
1-24903

SHEET
1 OF 1



PARKING COUNT	
NONE	
LAND AREA	
2.18 ACRES± 95,248.6 SQUARE FEET±	
DRAWING LEGEND	
(D) DEED BEARING-DISTANCE	(M) 5/8\"/>
(W) MEASURED BEARING-DISTANCE	(P) PLATTED BEARING-DISTANCE
(R) RIGHT-OF-WAY LINE	(S) SANITARY SEWER LINE
(C) CONC. CONCRETE	(E) ELECTRIC LINE
(W) WATER METER	(G) GAS METER
(V) WATER VALVE	(V) GAS VALVE
(H) HANDICAPPED PARKING SPOT	(M) MONUMENT FOUND AS DESCRIBED
	(T) TRANSFORMER
	(C) CLEAN OUT
	(P) TELEPHONE PEDESTAL
	(M) ELECTRIC METER
	(U) UTILITY POLE
	(S) SIGN
	(M) MANHOLE
	(I) INLET
	(L) LOT LINE
	(B) BOUNDARY LINE
	(C) CENTER LINE
	(S) SETBACK LINE
	(E) EASEMENT LINE (AS NOTED)



ADDITIONAL INFORMATION

BENT GRASS MARKETPLACE



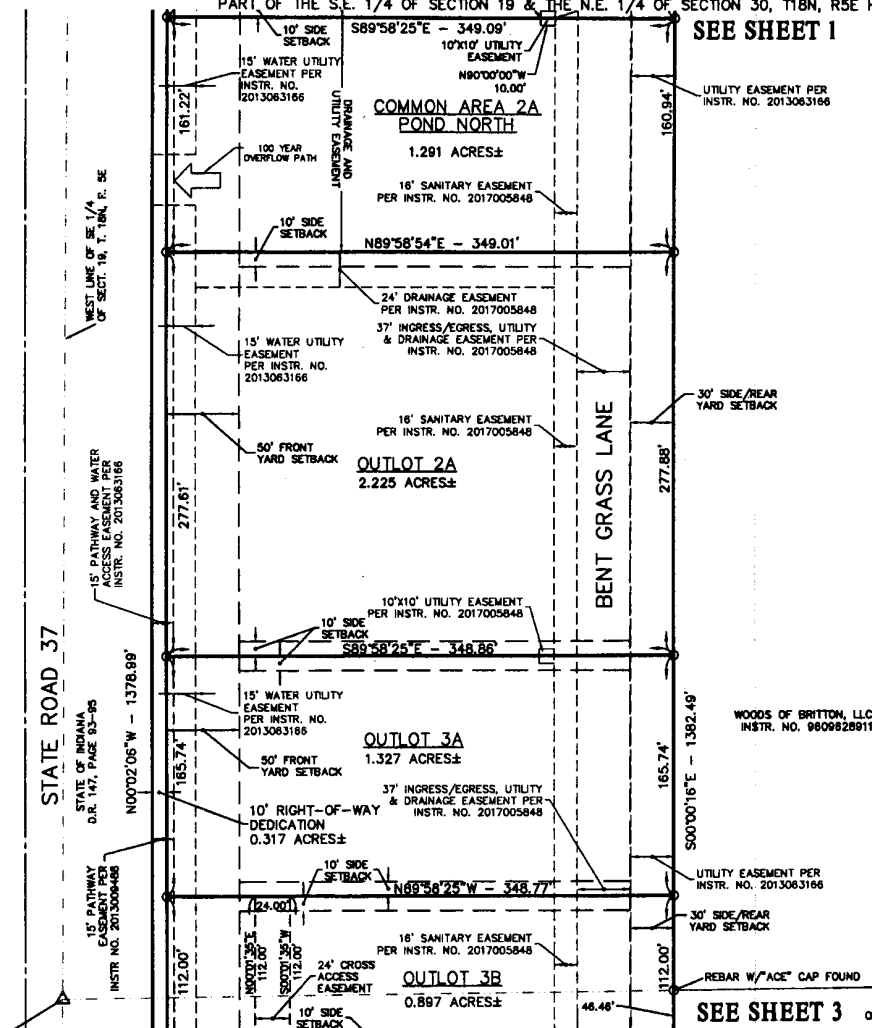
SECOND RE-PLAT OF BLOCK A-1, COMMON AREA 2 & OUTLOTS 2 & 3 AT FISHERS MARKETPLACE

PART OF THE S.E. 1/4 OF SECTION 19 & THE N.E. 1/4 OF SECTION 30, T18N, R5E HAMILTON COUNTY, INDIANA

SEE SHEET 1

PCS slide 717

2017041488 PLAT 848.00
08/24/2017 02:05:31P 4 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented



WOODS OF BRITTON, LLC
INSTR. NO. 9809828011



LEGEND:

- 3/4" DIAMETER REBAR W/CAP STAMPED "STRUCTUREPOINT - 0004" SET, UNLESS OTHERWISE NOTED

SEE SHEET 3 NORTH LINE OF NE 1/4 OF SECT. 30, T. 18N, R. 5E

OWNERS/SUBDIVIDERS:

OMB REALTY I, LLC
900 E 96TH ST.
SUITE 500
INDIANAPOLIS, IN 46240

LAND SURVEYOR:

Michael J. Smith
AMERICAN STRUCTUREPOINT, INC.
7280 SHADELAND STATION
INDIANAPOLIS, IN 46256
317-547-5580



AMERICAN
STRUCTUREPOINT
INC.

SHEET 2 of 4

7280 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com



Board of Zoning Appeals Staff Report

Meeting Date: January 22, 2025

DEPARTMENT CONTACT:

Christy Cashin (cashinc@fishers.in.us)

CASE NUMBER:

VA-24-26

PETITIONER:

Mark Leach (mark.leach@faegredrinker.com)

PROPERTY ADDRESS/LOCATION:

13682 Bent Grass Ln

REQUEST: Consideration of a Development Standard Variance from Section 5.4.8.D.2.b of the City's Unified Development Ordinance (UDO) to allow a drive-up window, exterior menu board, and speakers, associated with a restaurant or coffee house, within 400 feet of any building zoned or used for residential purposes. **CONTINUED FROM DECEMBER 2024**

APPLICABLE REGULATIONS:

Fishers Marketplace PUD

EXISTING ZONING:

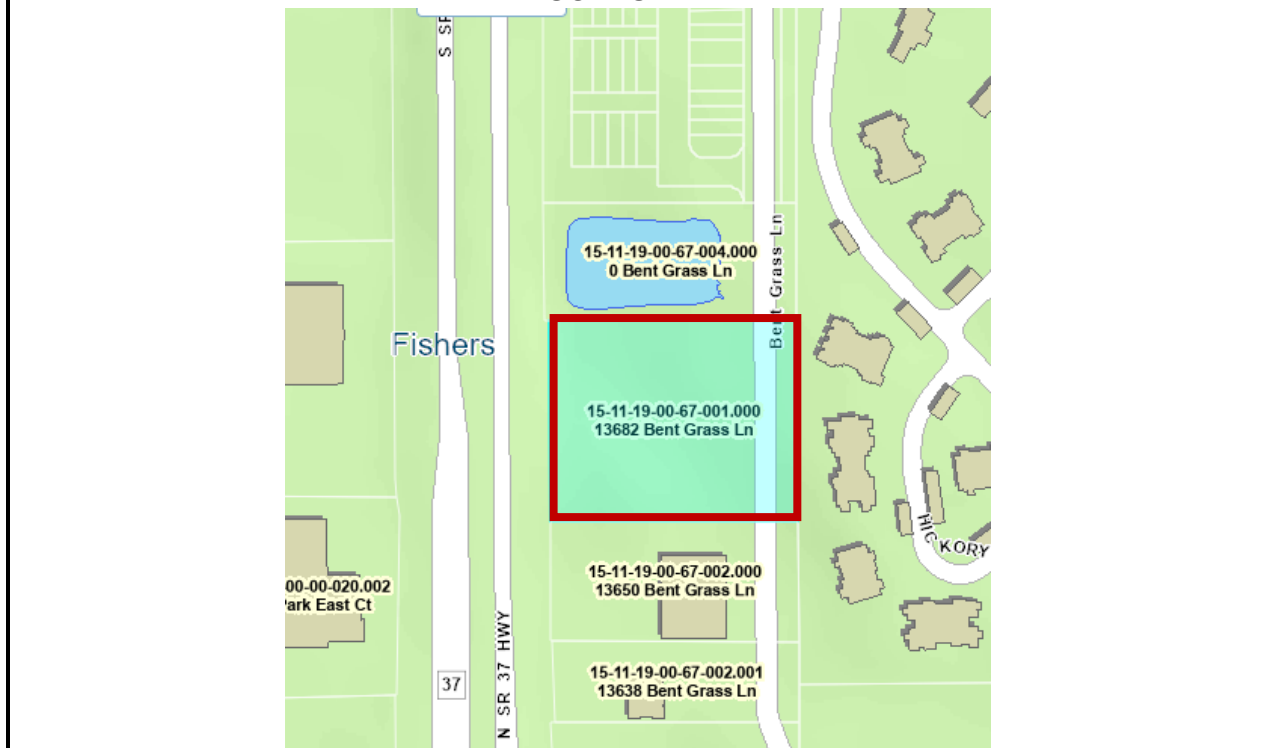
PUDM (Fishers Marketplace PUD)

FISHERS 2040:

Employment Node

LOT SIZE: 2.19 Acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve ☐ Continue ☐ Deny ☒ No Recommendation

ZONING HISTORY:

The property is currently zoned PUDM (Fishers Marketplace PUD, Ordinance No. 070506 and amendment Ordinance No. 081511A).

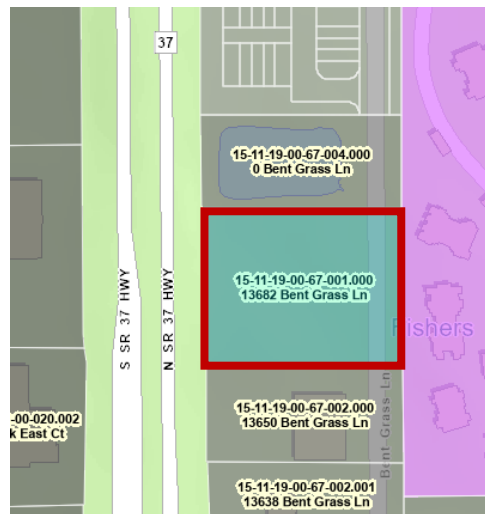
SURROUNDING ZONING & LAND USE:

North: PUDM – Marketplace Towns PUD (residential)

South: PUDM – Fishers Marketplace PUD (commercial use)

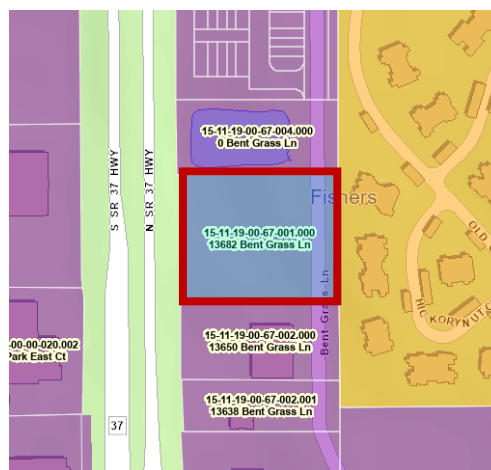
East: I1 – Industrial (multi-family residential)

West: PUDC – Fishers Trade Center PUD (commercial use)



FISHERS 2040 COMPREHENSIVE PLAN

The Fishers 2040 Plan identifies this area as Employment Node. The variance request aligns with this vision.



SUMMARY OF PUBLIC COMMENTS:

At the time of writing this staff report, no public comments were received.

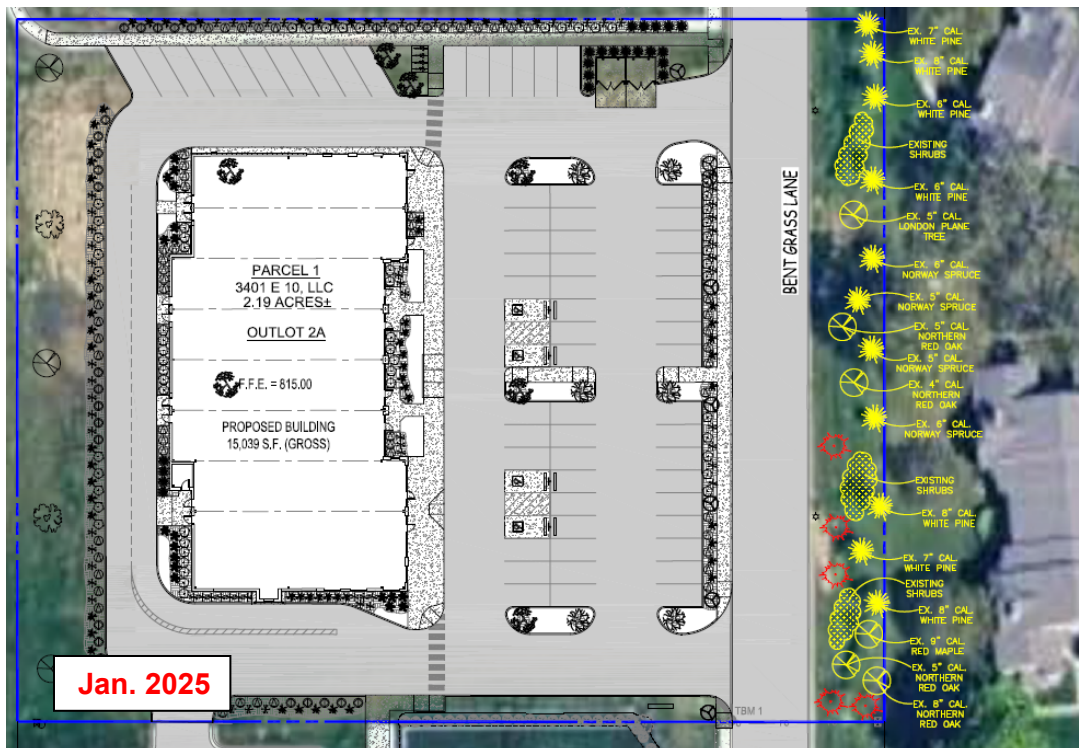
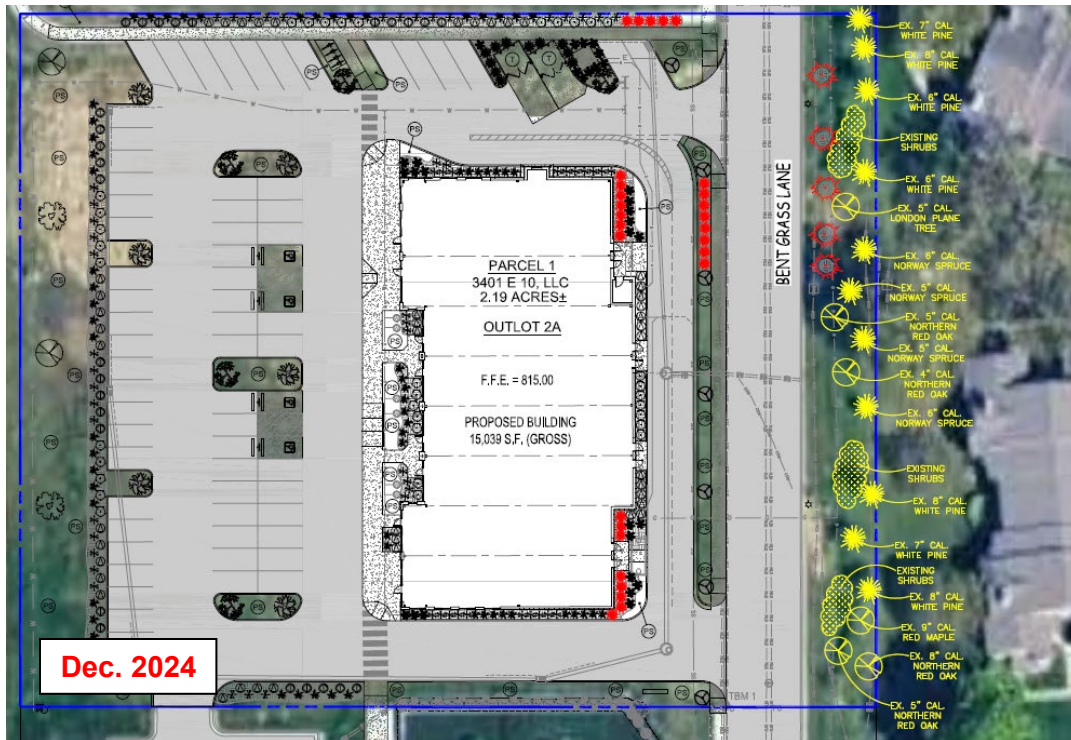
PETITION OVERVIEW:

The petitioner has rearranged their site plan, moving the building closer to the western property line, near State Rd. 37. New and previous measurements and other information are listed below. New and previous plans and elevations are also shown on the following pages.

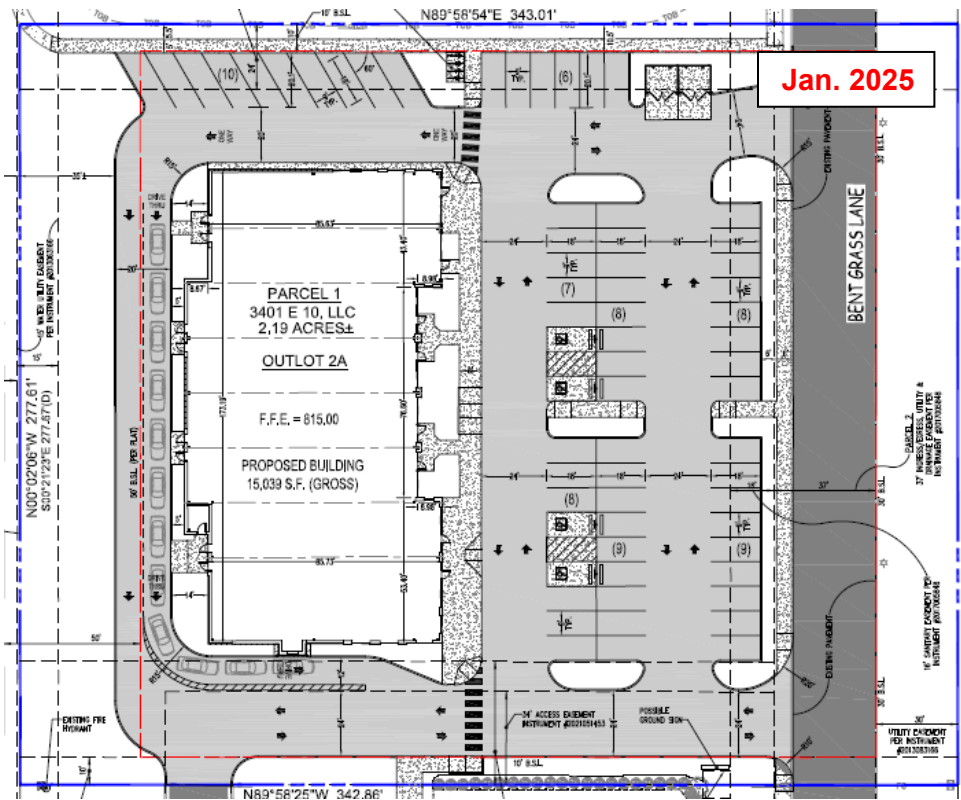
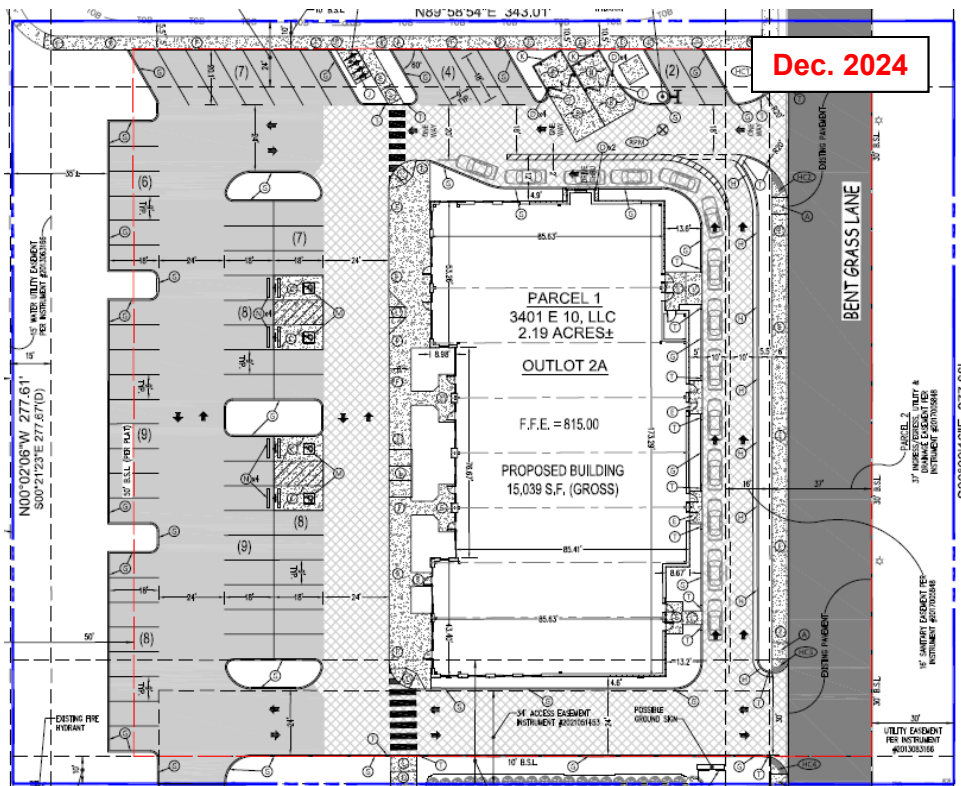
The petitioner is requesting a development standard variance to allow a drive-up window, exterior menu board, and/or speakers within less than 400 ft from residential. The proposed location of the menu board is **420 ft**, previously 308 ft, from the residential units to the *north* and **325 ft**, previously 125 ft, from the residential units to the *east* and the drive-up window is **445 ft**, previously 281 ft, from the residential units to the *north* and **286 ft**, previously 160 ft, from the residential units to the *east*.

Due to the rotation of the building on site, the petitioner plans to move extra landscaping along the east side of Bent Grass Lane further south to better screen the new location of the drive-up window. This landscaping will be five 6 ft tall Blue Point Juniper (mature height of 12 ft).

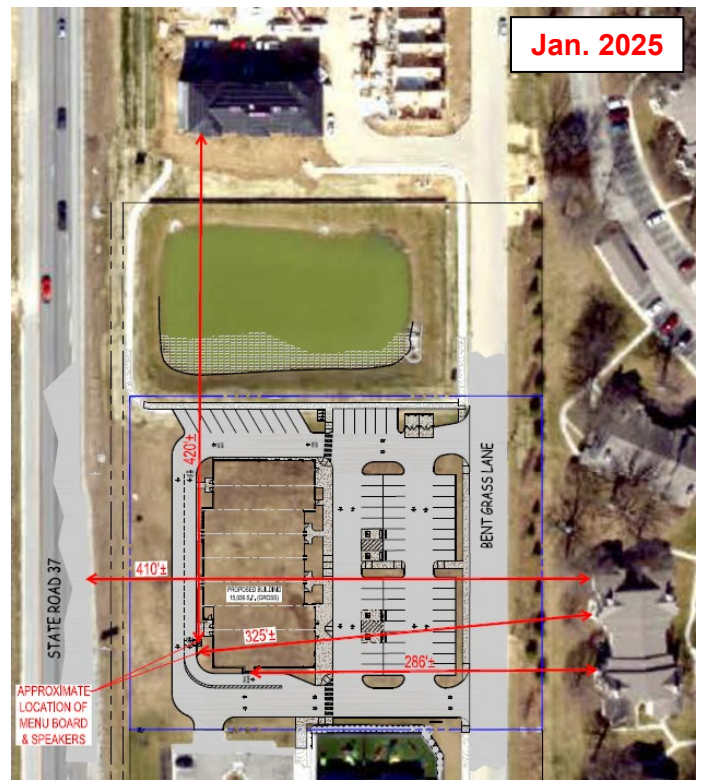
The petitioner no longer plans to screen the menu board with the addition of landscaping. The previous plan called for an added row of eight 6 ft tall Pyramid Arborvitae (mature height of 15-25 ft) directly east of the menu board and five 6 ft tall Pyramid Arborvitae north of the menu board.



Landscape plan, plants shown in **red** were added for drive-thru screening



Site plan, showing drive-thru location



Distance to residential from menu board and drive-up window

Dec. 2024



West elevation



East elevation

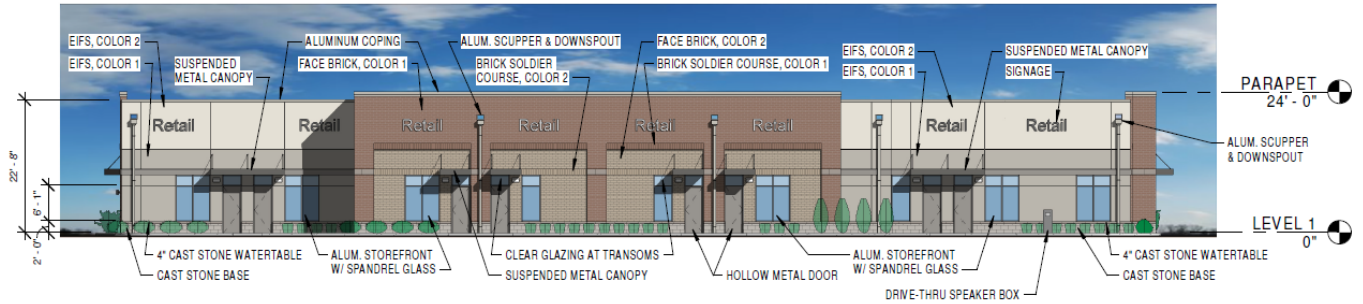


North elevation

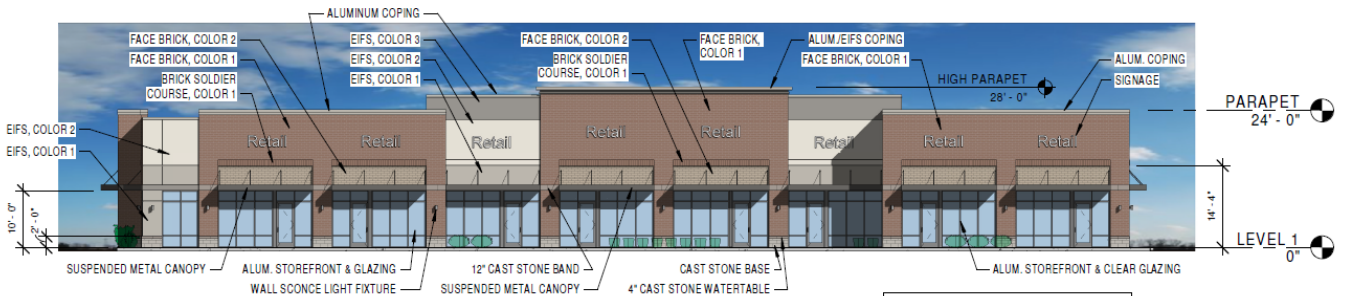


South elevation

Jan. 2025

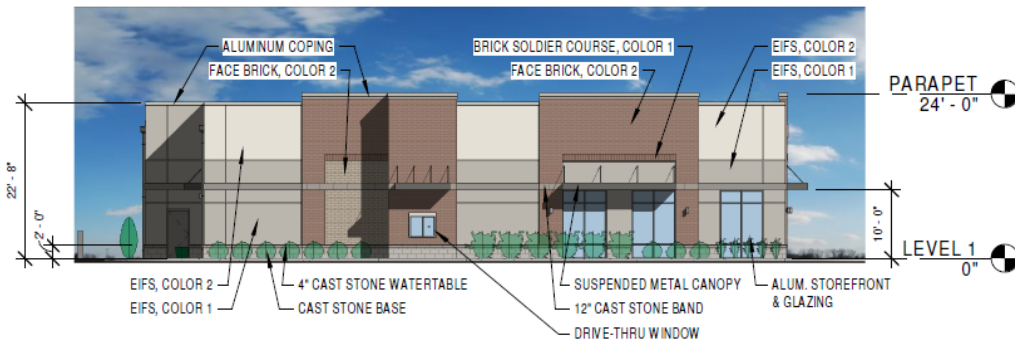


WEST ELEVATION

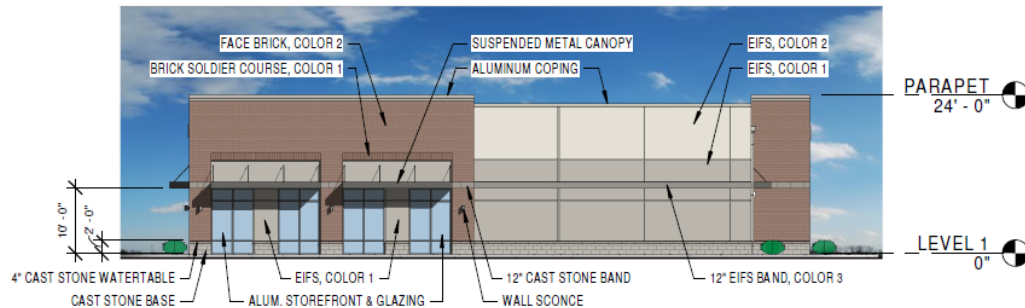


EAST ELEVATION

WEST ELEV.	
TOTAL SF	= 4,509 SF
GLAZING	= 1,396 SF = 80%
STONE & BRICK	= 2,215 SF = 75%



SOUTH ELEVATION



NORTH ELEVATION

STAFF RECOMMENDATION:

Staff recommends approval of this request. If the Board approves this variance staff requests the following condition:

1. The Approval Letter and related documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve

☐ Continue

☐ Deny

☒ No Recommendation



Board of Zoning Appeals Staff Report

Meeting Date: January 22, 2025

DEPARTMENT CONTACT: Christy Cashin (cashinc@fishers.in.us)	CASE NUMBER: VA-24-22
---	---------------------------------

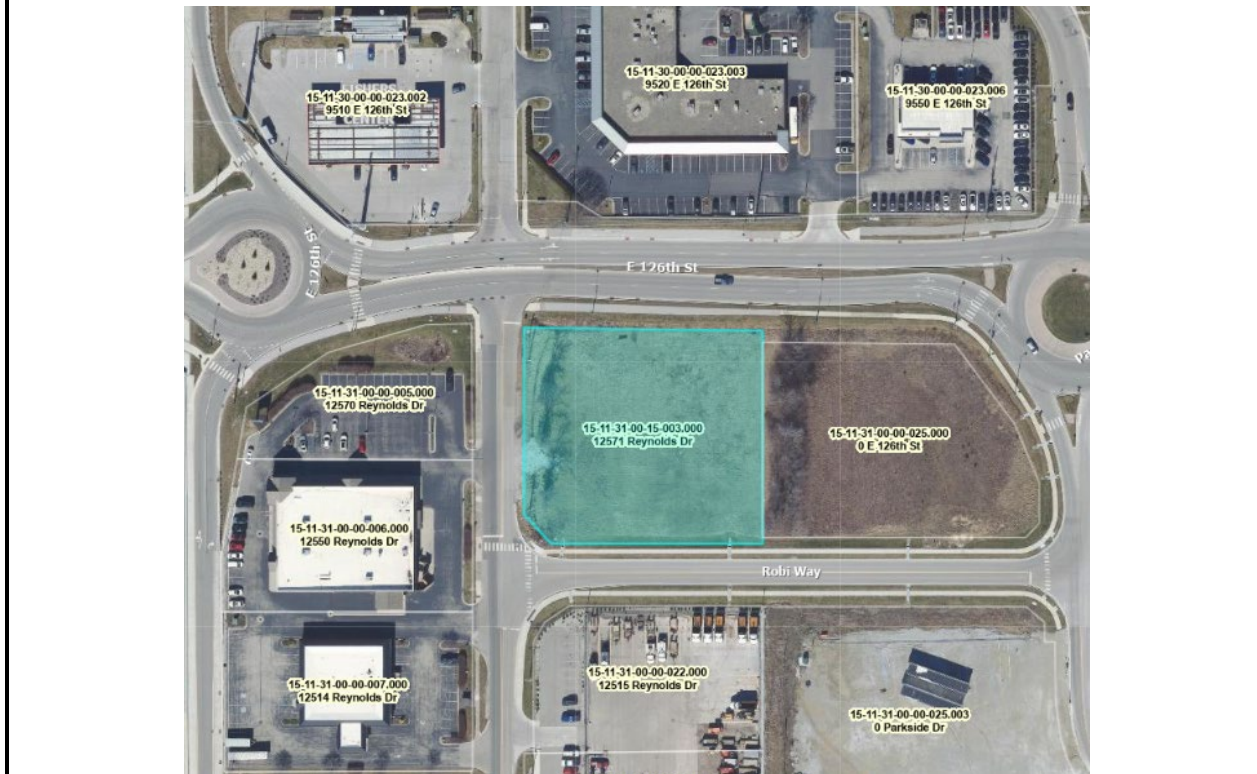
PETITIONER: Brian Dyke (brian.dyke@giant eagle.com)	PROPERTY ADDRESS/LOCATION: 12571 Reynolds Dr, Fishers, IN
---	---

REQUEST: Consideration of a Development Standards Variance from Section 6.17.6.E. Ground Signs Located on Lots with Non-Residential Uses to allow digital changeable copy on one (1) ground sign.

APPLICABLE REGULATIONS: Reynolds PUD & Unified Development Ordinance (UDO)	EXISTING ZONING: PUDC-Reynolds PUD & I-69 Overlay District	FISHERS 2040: Employment Node
--	--	---

LOT SIZE: 1.18 Acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve, with Condition
 ☐ Continue
 ☐ Deny
 ☒ No Recommendation

Meeting Date: January 22, 2025

Case Number: VA-24-22

ZONING HISTORY:

This property is zoned PUDC-Reynolds PUD (Ord. No. 072496) and is within the I-69 Overlay District under the City of Fishers Unified Development Ordinance.

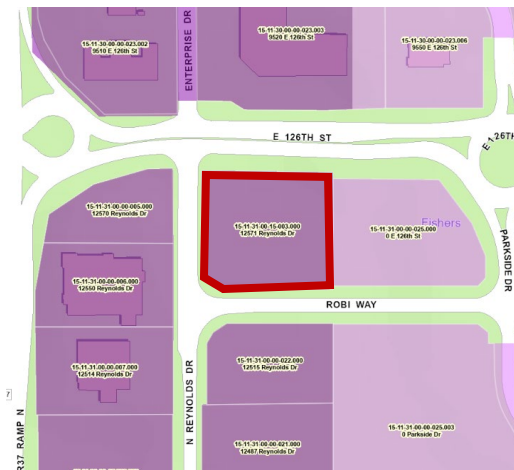
SURROUNDING LAND USE & ZONING:

North: PUDC – Parkside PUD (retail center)
East: PUDM – Exit 5/Sunbeam PUD & I-69 Overlay District (vacant)
South: PUDC – Reynolds PUD & I-69 Overlay District (industrial use)
West: PUDC – Reynolds PUD & I-69 Overlay District (retail/commercial)



FISHERS 2040 COMPREHENSIVE PLAN

The Fishers 2040 Plan identifies this area as Employment Node. The variance request aligns with this vision.

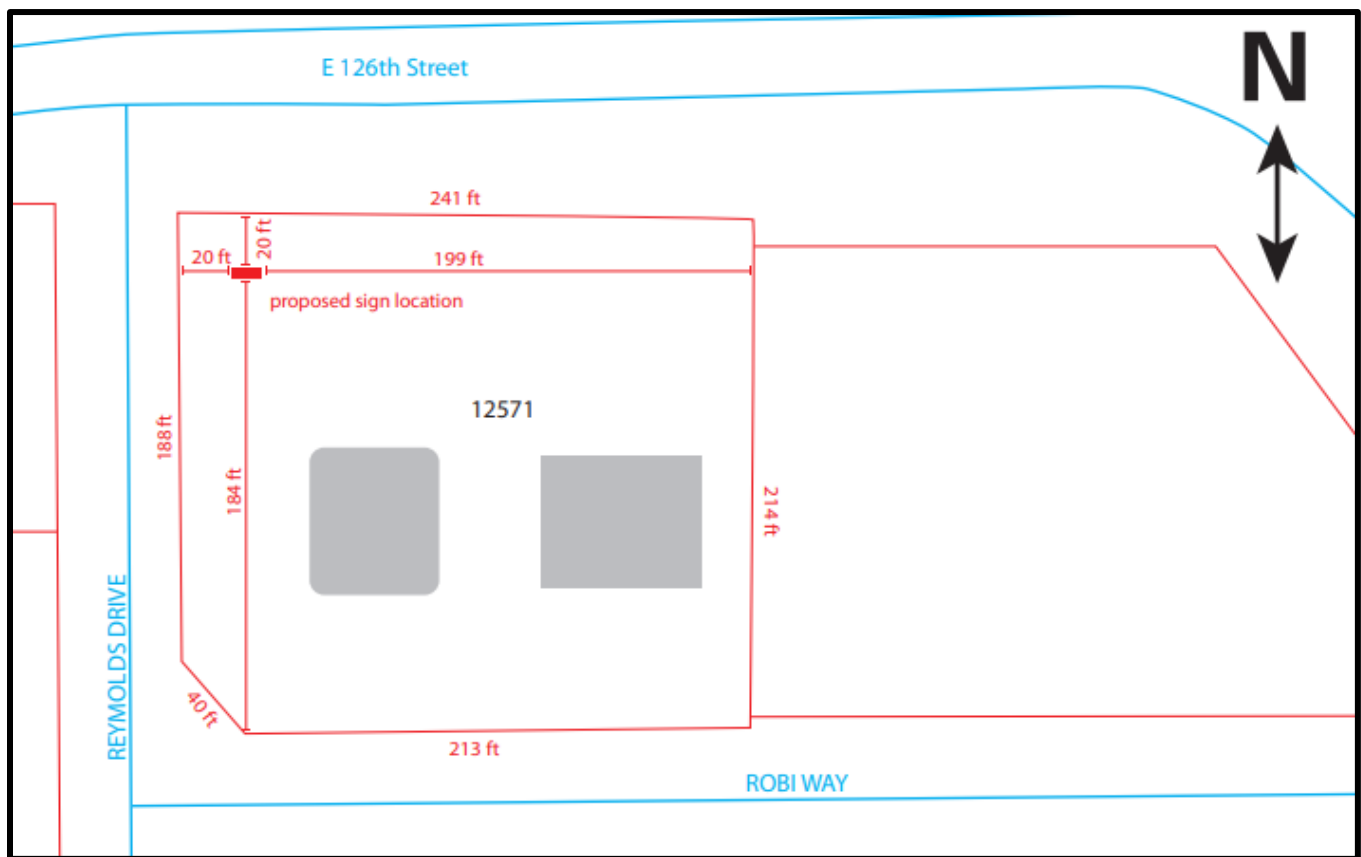


SUMMARY OF PUBLIC COMMENTS:

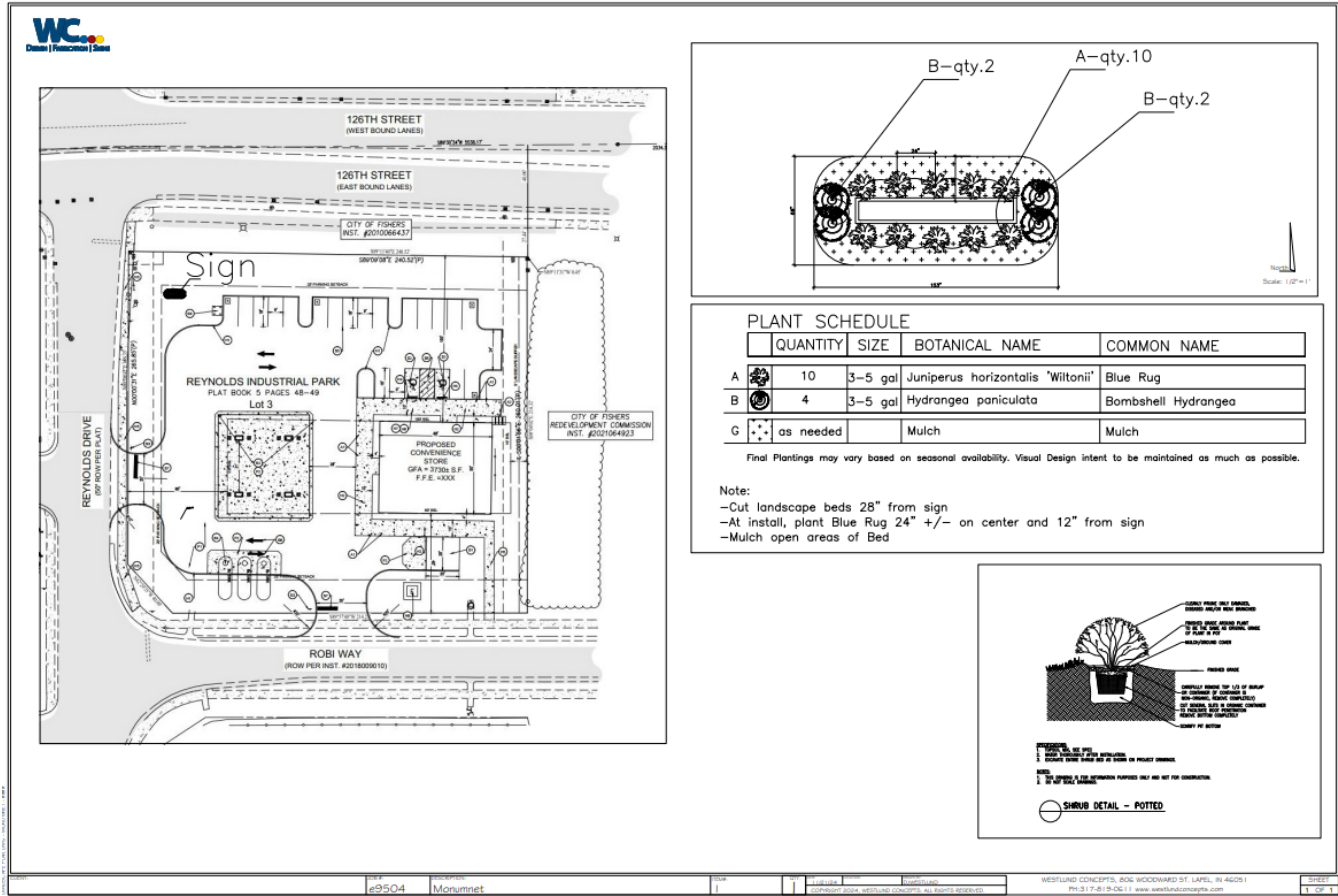
At the time of writing this Staff Report there has been no public comments.

PETITION OVERVIEW:

The petitioner is requesting a development standard variance to allow one (1) digital changeable copy ground sign on a lot with a non-residential use (fuel station). This property, per 6.17.6.E. Ground Signs Located on Lots with Non-Residential Use are allowed by right to up to two (2) ground mounted signs. Ground Signs may contain an area for changeable copy, which is typically changed by hand. The applicant is requesting to have digital changeable copy on both sides of one ground mounted sign. This sign is 49.3 sq. ft., 6 ft. tall, and has a masonry base with landscaping.



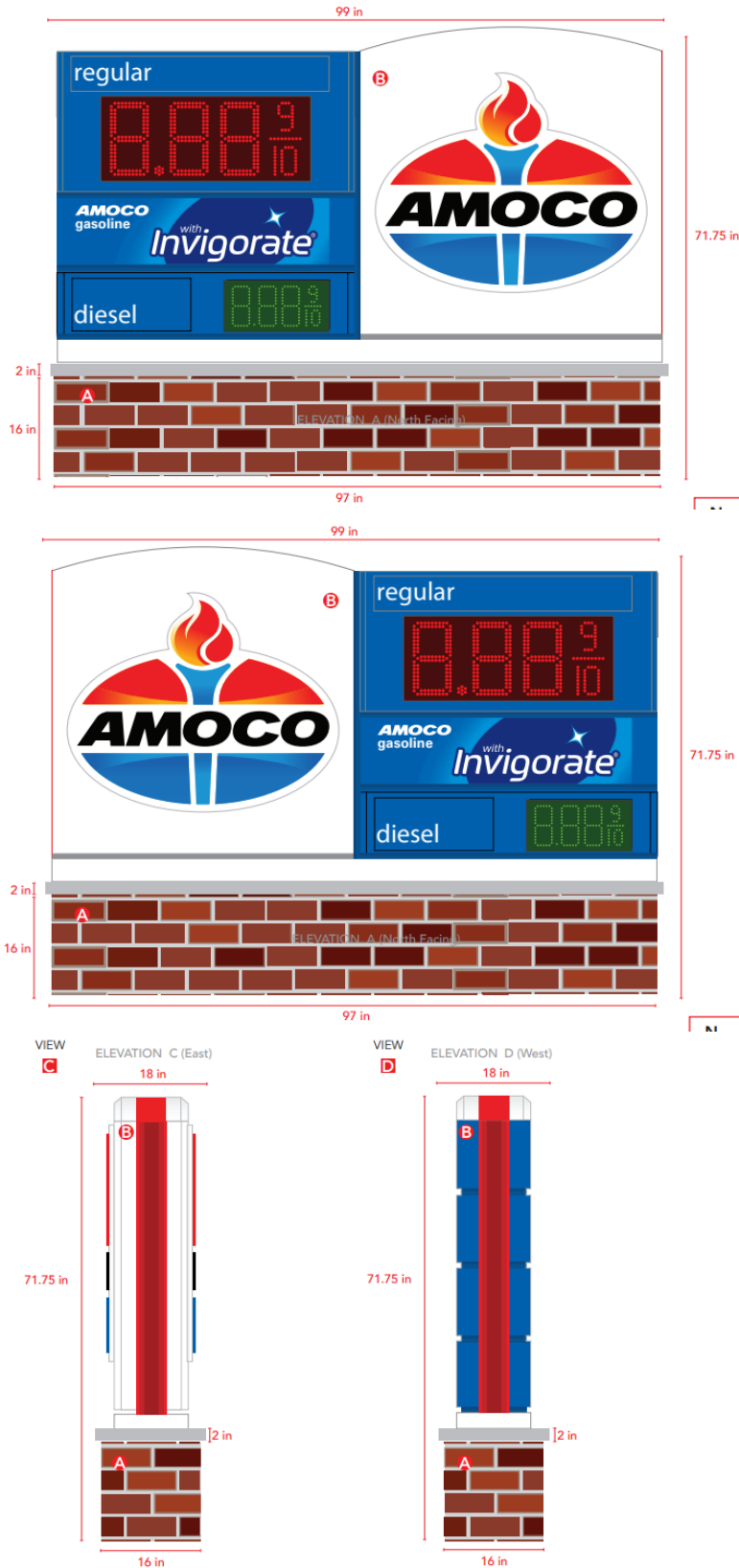
Site Plan



Landscape Plan

Meeting Date: January 22, 2025

Case Number: VA-24-22



Elevations

(317)595-3111

FishersIN.gov

facebook.com/Fishers.Indiana

@FishersIN

1 Municipal Drive
Fishers, Indiana 46038

STAFF RECOMMENDATION:

A variance from Chapter 6.17 Signage Standards may be approved by the Board upon the determination that the Findings demonstrate the following:

1. That the location and placement of the sign will not endanger or distract motorists or pedestrians; and,
2. That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance; and,
3. That the sign will not obstruct views of users of adjacent buildings; and,
4. That the sign will not interfere with the visual quality of public open space ; and,
5. That the sign is compatible with building heights of the existing skyline; and
6. That the sign does not impose a foreign element to an existing skyline; and,
7. That the sign's illumination, lighting or digital character will not distract motorists or pedestrians nor contribute to hazardous or unsafe driving conditions for motorists; and,
8. That the sign size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions are consistent with the time, place and manner conditions imposed by the Unified Development Ordinance.

Staff has a NO RECOMMENDATION of the variance request as proposed.

If the Board approves this Variance Request staff request the following condition, and any others sought by the Board:

1. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

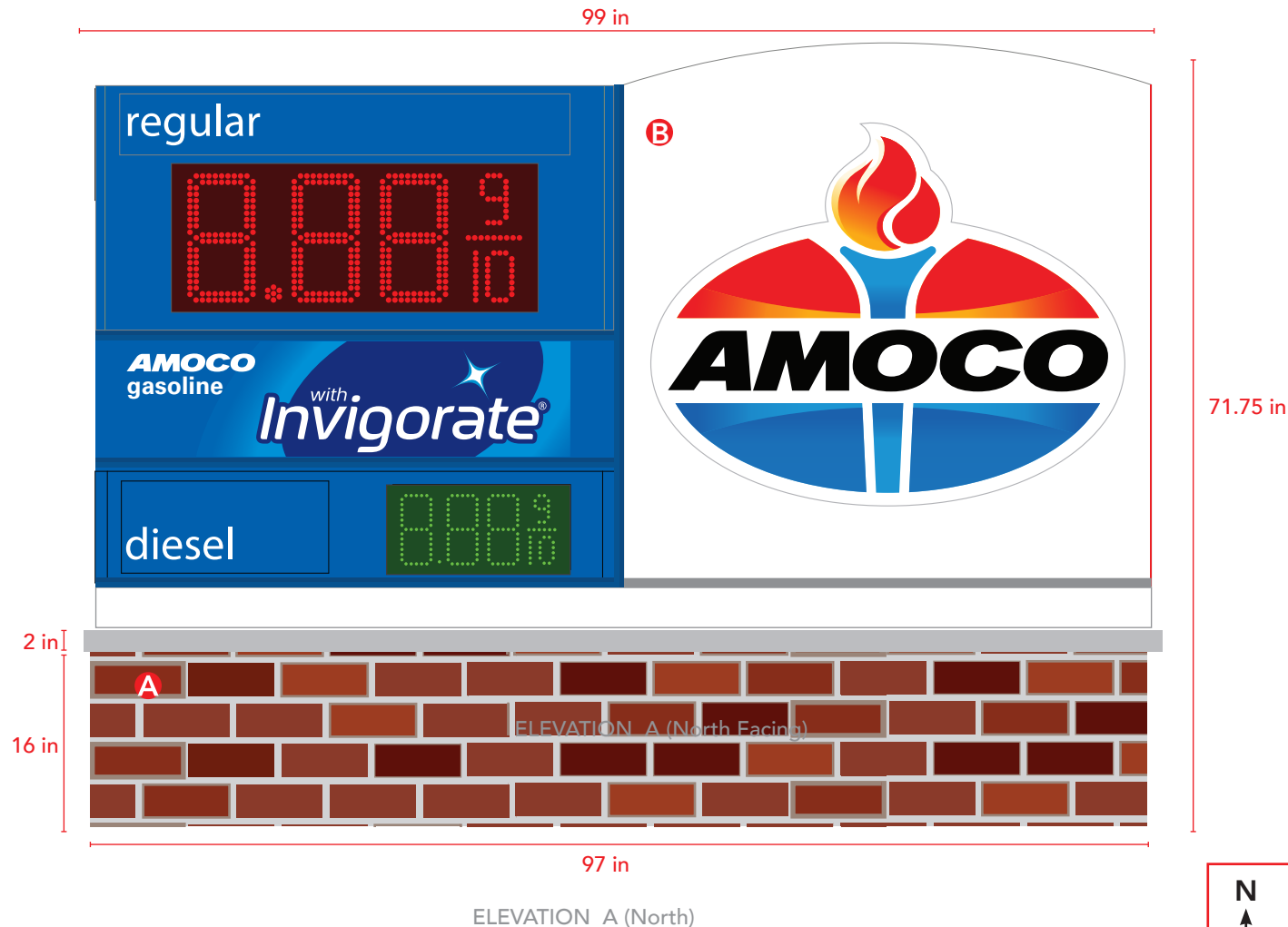
STAFF RECOMMENDATION

☐ Approve, with Condition ☐ Continue ☐ Deny ☒ No Recommendation

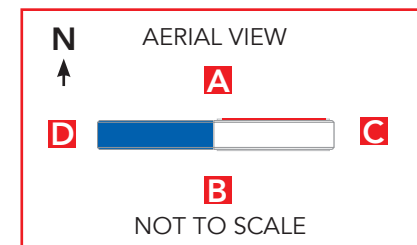
VIEW

A

Scale: 3/4"=1'-0"



- A:** Masonry - 97" x 16" x 16" Brick Base with 99" x 18" x 2" Concrete Cap. (1) - on concrete foundation
- B:** MID - Internal Illumination - Amoco Torch Logo • 12" Digital Numerals (Regular - Illuminated Red)
6" Digital Numerals (Diesel - Illuminated Green)



NOTES: e9504
12571 Reynolds Dr., Fishers, IN 46038 - Amoco NTI
Project Manger: CDR
Designer: JLC
Revision: 11/21/24 Version: 1.0

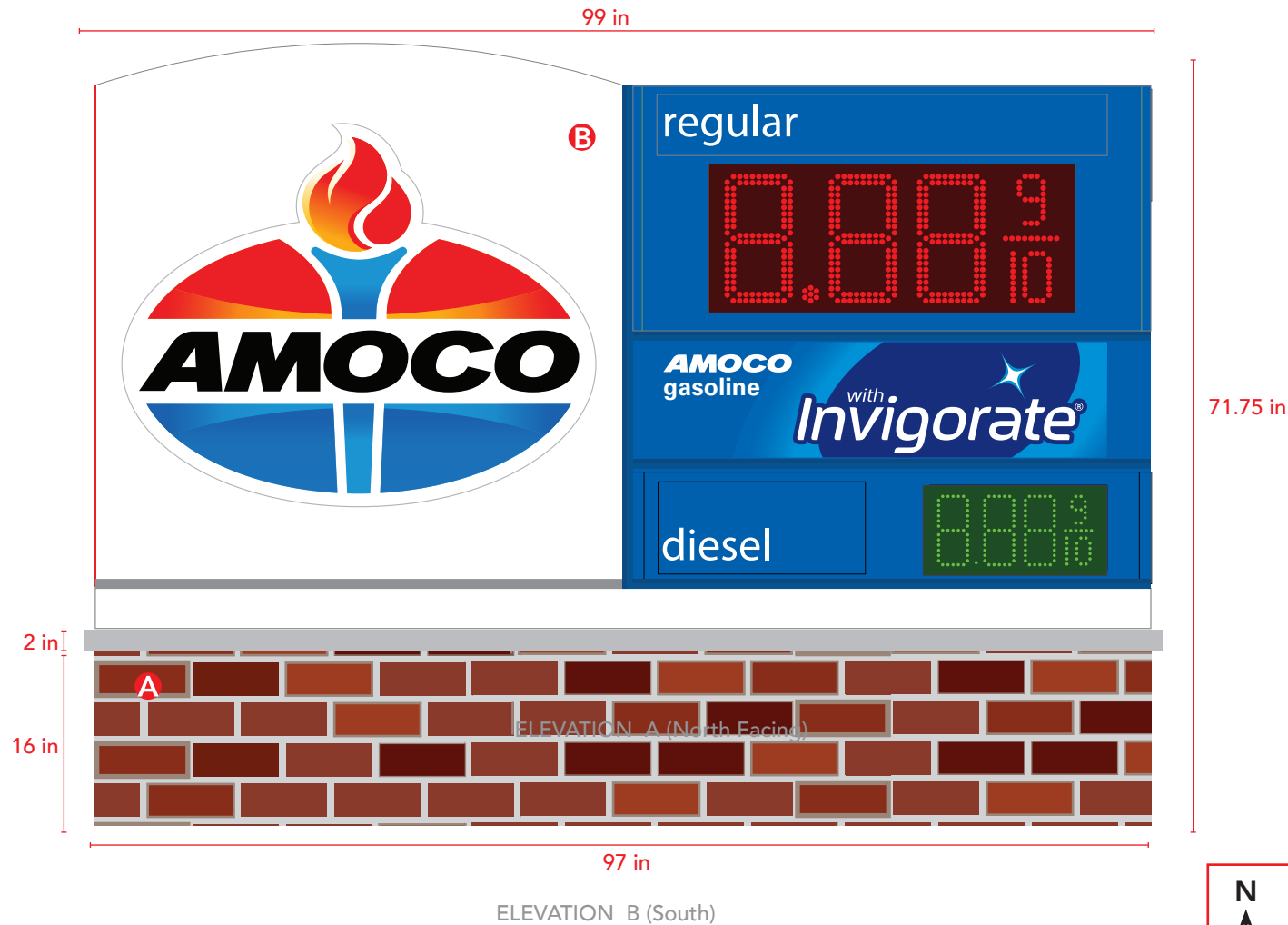
WC
DESIGN | FABRICATION | SIGNS

806 Woodward Street
PO Box 1051 • Lapel, IN
P: 317.819.0611
F: 317.819.0599
thewcteam.com

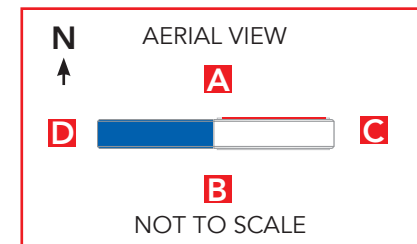
VIEW

B

Scale: 3/4"=1'-0"



- A:** Masonry - 97" x 16" x 16" Brick Base with 99" x 18" x 2" Concrete Cap. (1) - on concrete foundation
- B:** MID - Internal Illumination - Amoco Torch Logo • 12" Digital Numerals (Regular - Illuminated Red)
6" Digital Numerals (Diesel - Illuminated Green)

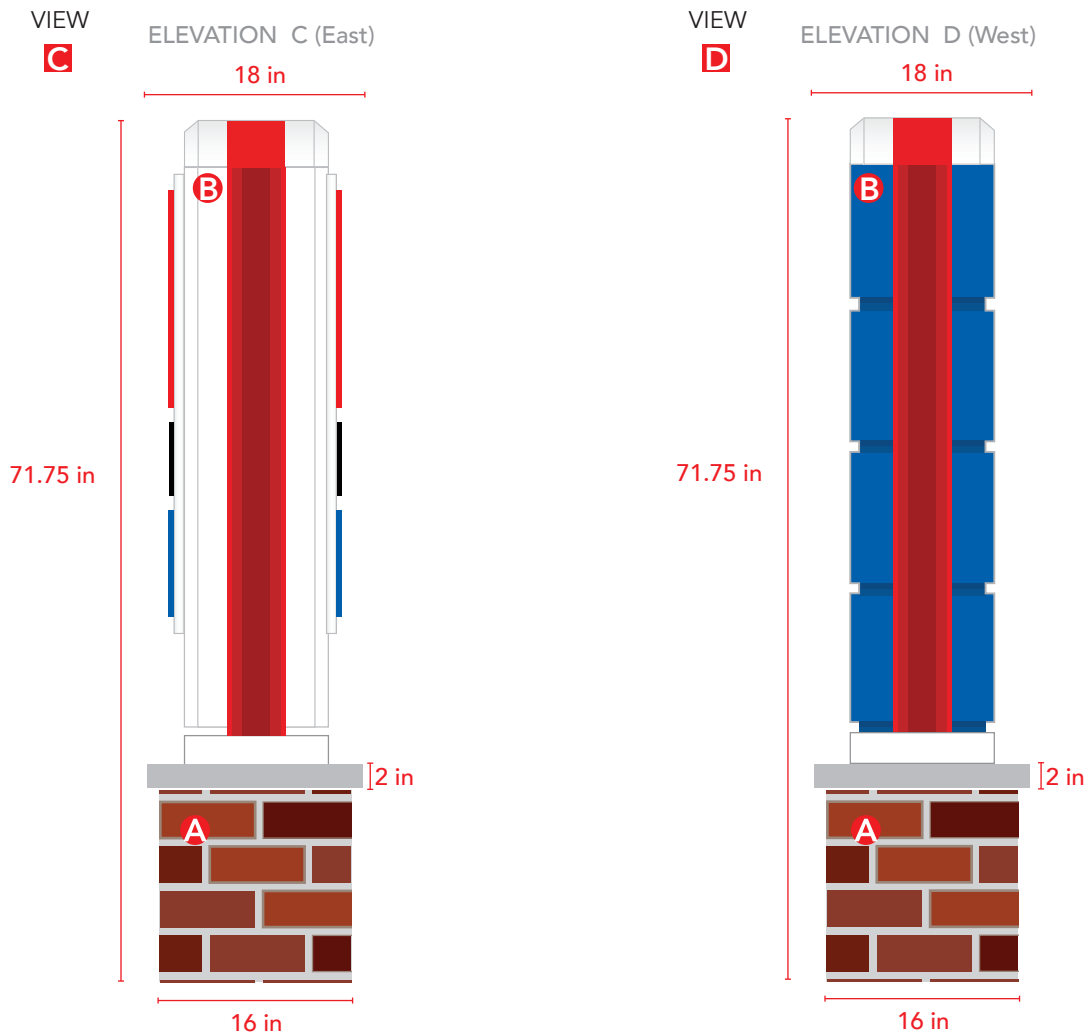


NOTES: e9504
12571 Reynolds Dr., Fishers, IN 46038 - Amoco NTI
Project Manger: CDR
Designer: JLC
Revision: 11/21/24 Version: 1.0

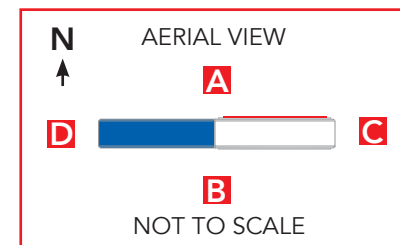
WC
DESIGN | FABRICATION | SIGNS

806 Woodward Street
PO Box 1051 • Lapel, IN
P: 317.819.0611
F: 317.819.0599
thewcteam.com

Scale: 3/4"=1'-0"



- A:** Masonry - 97" x 16" x 16" Brick Base with 99" x 18" x 2" Concrete Cap. (1) - on concrete foundation
- B:** MID - Internal Illumination - Amoco Torch Logo • 12" Digital Numerals (Regular - Illuminated Red)
6" Digital Numerals (Diesel - Illuminated Green)

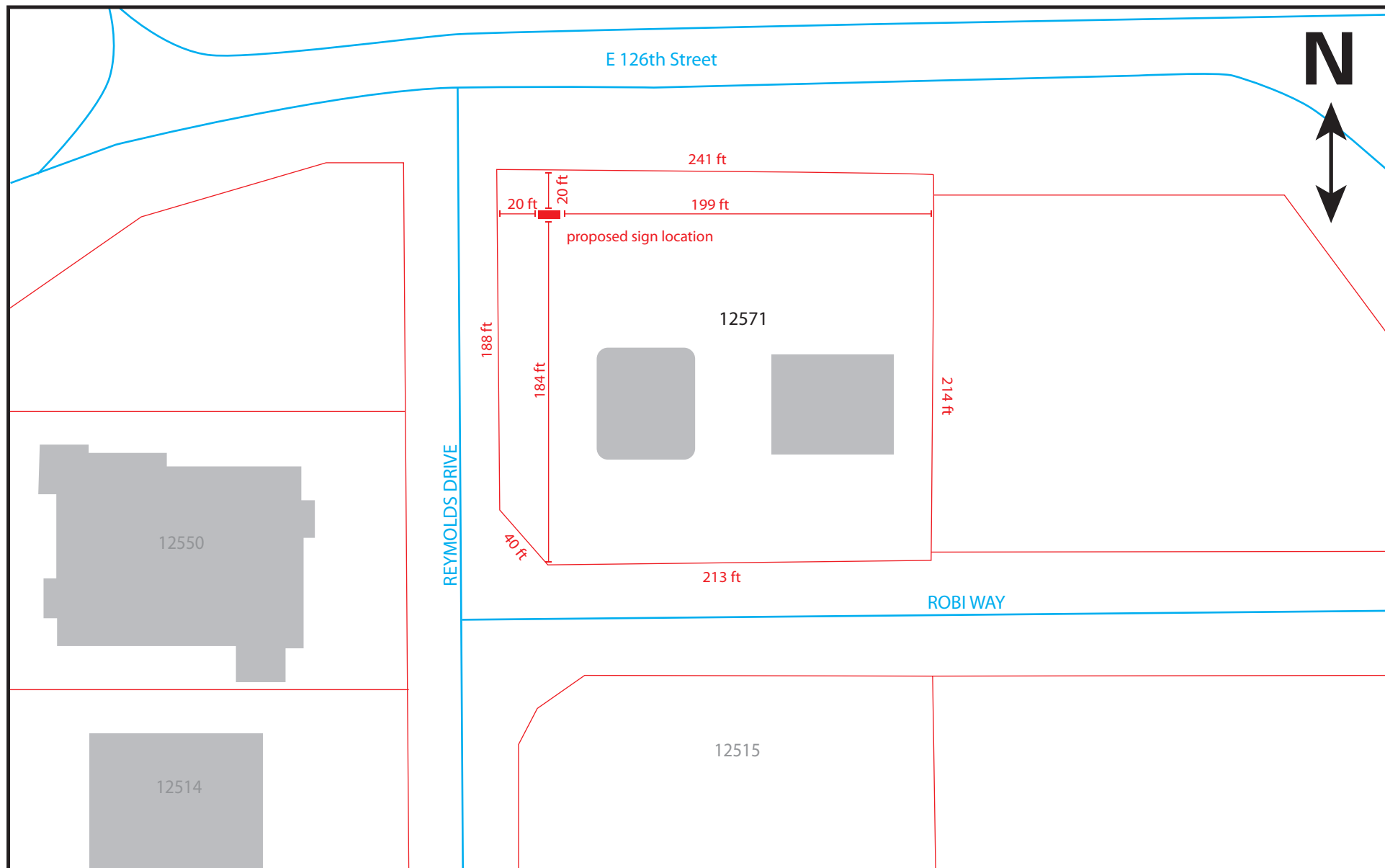


NOTES: e9504
12571 Reynolds Dr., Fishers, IN 46038 - Amoco NTI
Project Manger: CDR
Designer: JLC
Revision: 11/21/24 Version: 1.0

WC
DESIGN | FABRICATION | SIGNS

806 Woodward Street
PO Box 1051 • Lapel, IN
P: 317.819.0611
F: 317.819.0599
thewcteam.com

PROPOSED SIGN LOCATION

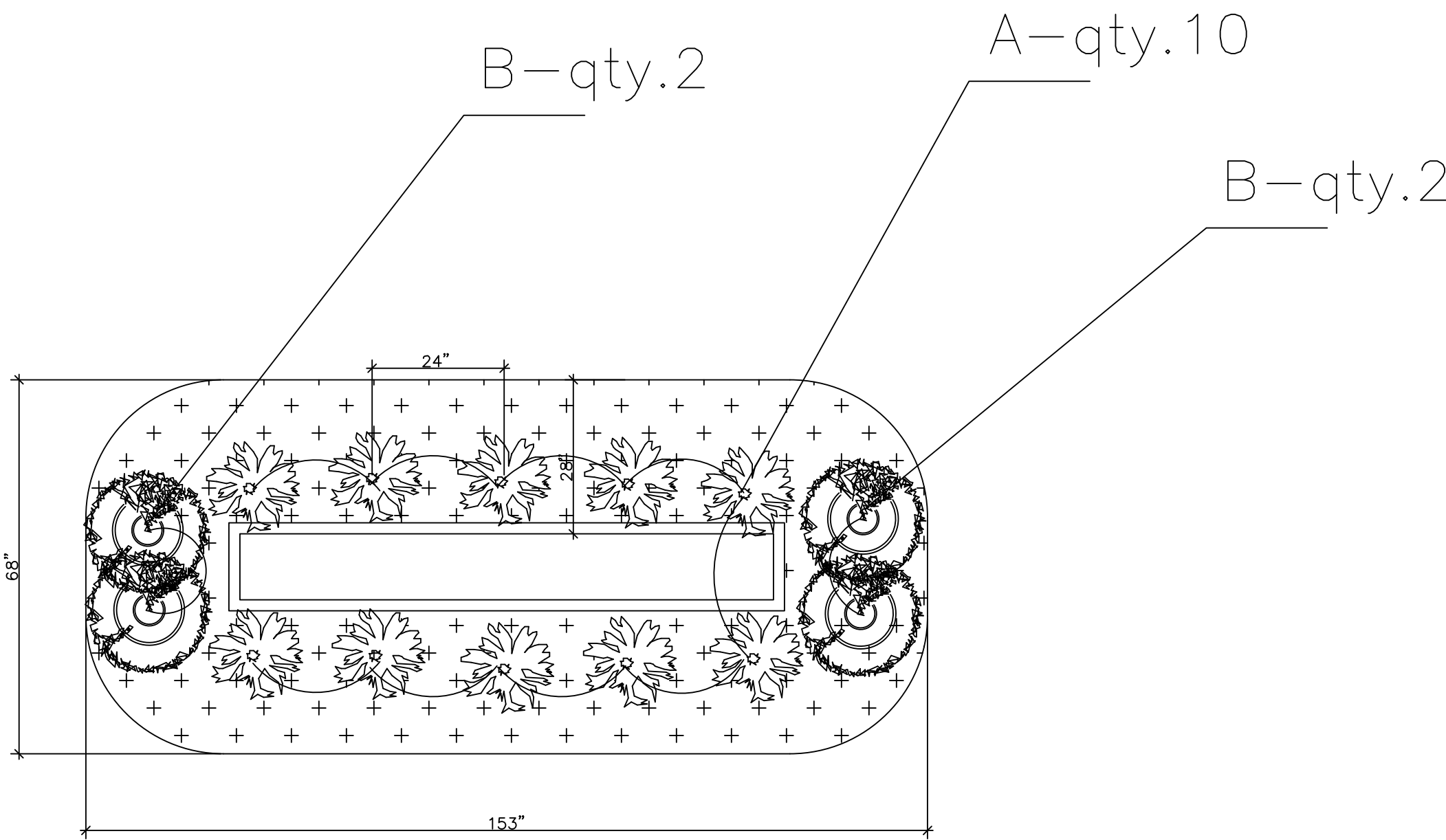
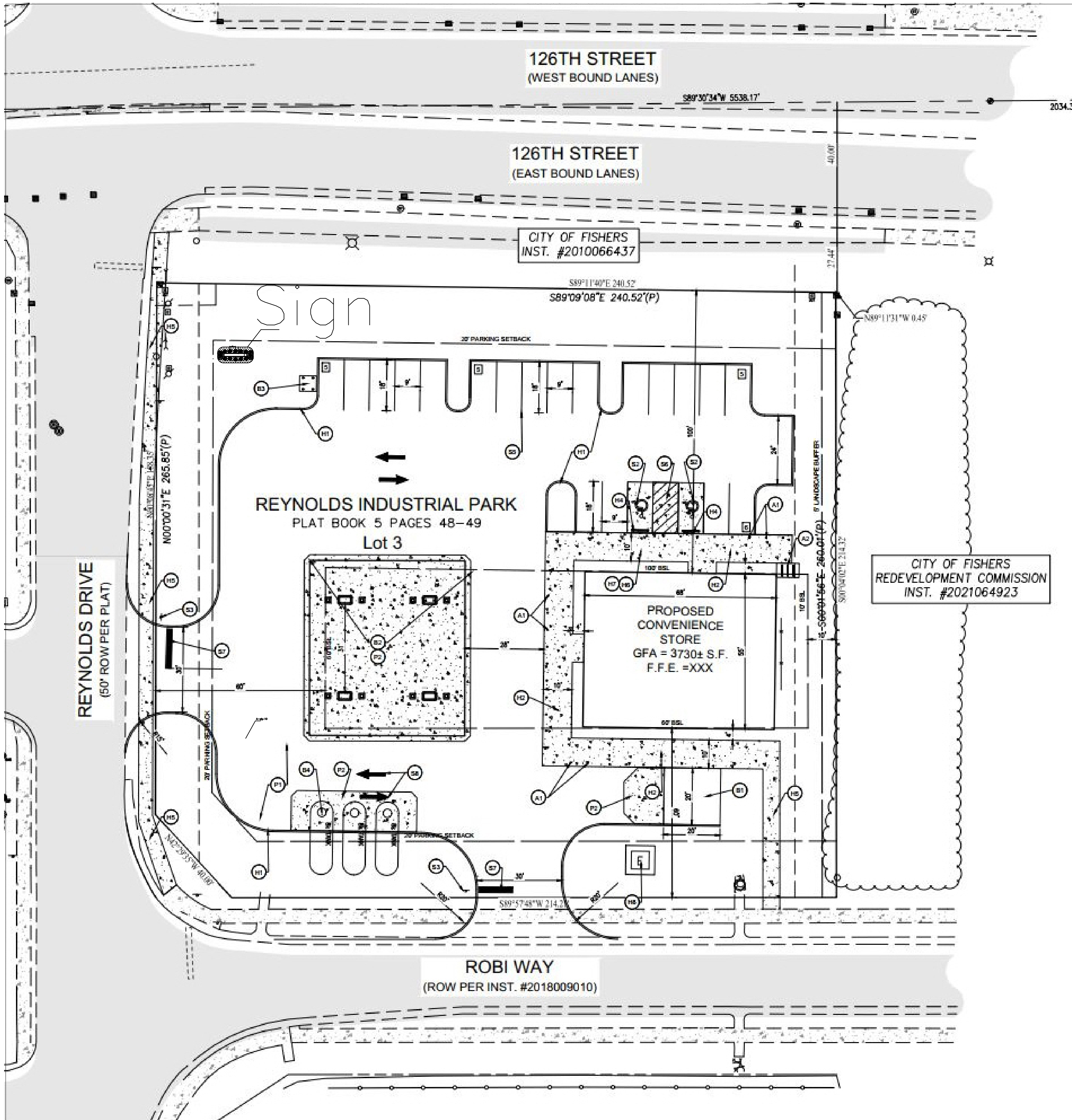


Location: 12571 Reynolds Dr.,
Fishers, IN 46038
Scale: 1"=75'

Parcel ID:
Formatted: 15-11-31-00-15-003.000
State: 29-11-31-015-003.000-006

Owner: Simran Investment LLC
Proposed Sign: Monument Sign

— ROADS
— EDGE OF PAVEMENT
— RIGHT-OF-WAY
Page 47 of 71



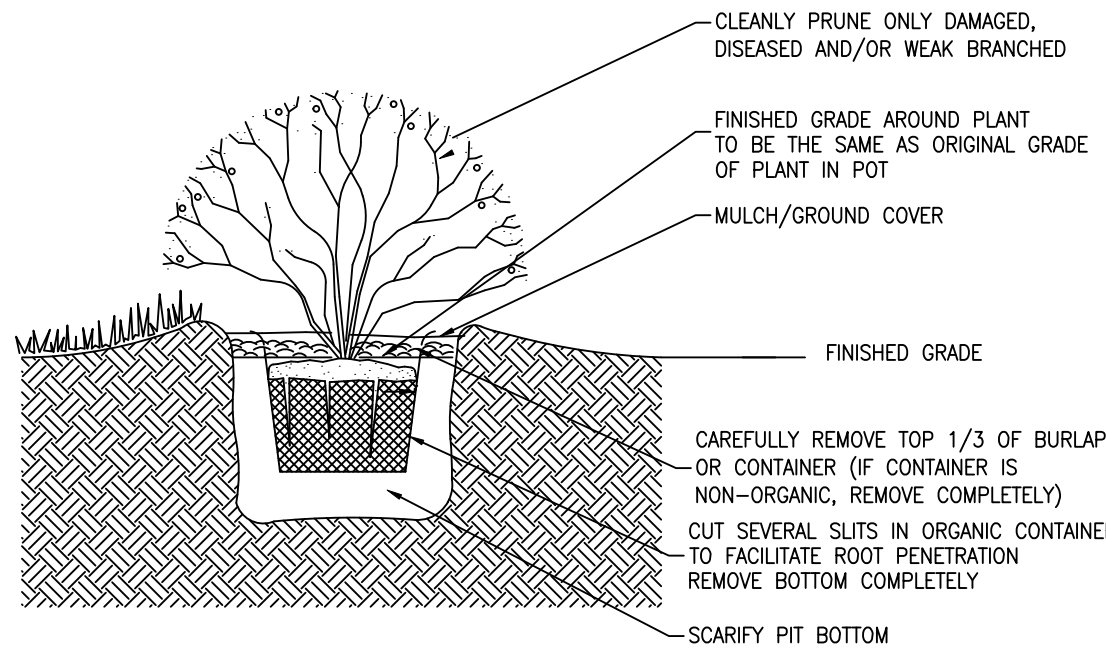
PLANT SCHEDULE

	QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME
A	10	3-5 gal	Juniperus horizontalis 'Wiltonii'	Blue Rug
B	4	3-5 gal	Hydrangea paniculata	Bombshell Hydrangea
G	as needed		Mulch	Mulch

Final Plantings may vary based on seasonal availability. Visual Design intent to be maintained as much as possible.

Note:

- Cut landscape beds 28" from sign
- At install, plant Blue Rug 24" +/- on center and 12" from sign
- Mulch open areas of Bed



- SPECIFICATIONS:
- TOPSOIL MIX, SEE SPEC.
 - WATER THOROUGHLY AFTER INSTALLATION.
 - EXCAVATE ENTIRE SHRUB BED AS SHOWN ON PROJECT DRAWINGS.

- NOTES:
- THIS DRAWING IS FOR INFORMATION PURPOSES ONLY AND NOT FOR CONSTRUCTION.
 - DO NOT SCALE DRAWINGS.

SHRUB DETAIL - POTTED



Board of Zoning Appeals Staff Report

Meeting Date: January 22, 2025

DEPARTMENT CONTACT: Christy Cashin (cashinc@fishers.in.us)	CASE NUMBER: VA-24-27
---	---------------------------------

PETITIONER: Eric Carter (cartere@weihe.net)	PROPERTY ADDRESS/LOCATION: 13402 Britton Park Rd, Fishers, IN
--	---

REQUEST: Consideration of a Development Standard Variance from Article 6.11.3.A.1 Parking Lot Design of the City's Unified Development Ordinance (UDO) to allow for a temporary gravel parking lot for equipment storage.

APPLICABLE REGULATIONS: Britton Industrial Park and Nuckols PUD & Unified Development Ordinance (UDO)	EXISTING ZONING: PUDC- Britton Industrial Park and Nuckols PUD	FISHERS 2040: Flex Employment Center/R+D
---	--	--

LOT SIZE: 3.65 Acres

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve, with Condition ☐ Continue ☐ Deny ☒ No Recommendation

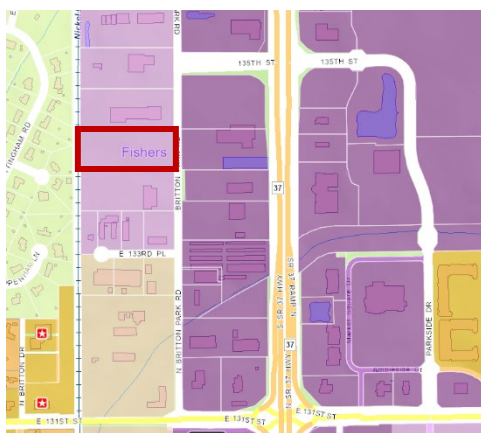
Case Number: VA-24-27

The property is currently zoned PUDC-Britton Industrial Park and Nuckols PUD (Ordinance No. 031595B and 080995B). Some architectural and development standards are in the PUD, others defer to the UDO.

North:	PUDC – Britton Industrial Park and Nuckols PUD (Industrial)
East:	PUDC – Britton Industrial Park and Nuckols PUD (Industrial)
South:	PUDC – Britton Industrial Park and Nuckols PUD (Industrial)
West:	R2 – Residential & Nickel Plate Trail Overlay District (single family residential)



The Fishers 2040 Plan identifies this area as Flex Employment Center/R+D. The variance request aligns with this vision.



SUMMARY OF PUBLIC COMMENTS:

At the time of writing this Staff Report there has been one public comment. This resident lives west of the subject property, identified by the yellow dot on the map.

1. Colin Schermann of 13434 Nottingham Rd, Fishers, IN commented that this property makes noise between the hours of 3am-8am, that makes it difficult for residents to sleep. Nearly every weekday and some weekend days constant vehicle beeping is heard. Their entire public can be found on the last page of this staff report.



PETITION OVERVIEW:

The petitioner is requesting a development standard variance to allow a 45522 sq. ft. gravel parking lot for equipment storage. In the future, the petitioner plans to build a 9000 sq. ft. building. They also plan to add paved parking along Britton Park Rd eventually. The lot will be fenced with a wooden fence, much like that one currently installed onsite and will be landscaped along Britton Park Rd. Landscaping is shown in the landscape plan below.

Meeting Date: January 22, 2025

Case Number: VA-24-27



Site Plan



Current conditions, showing existing drive and fencing

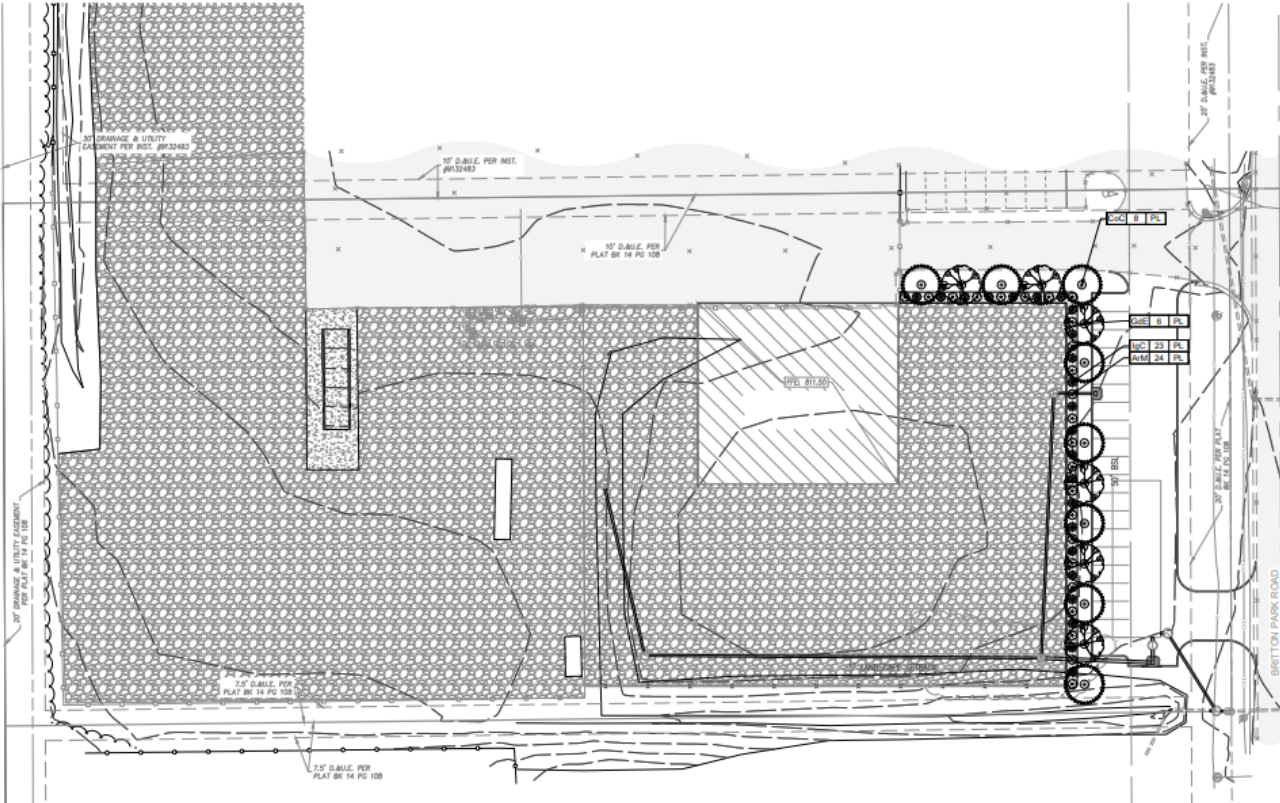
(317)595-3111

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@FishersIN

1 Municipal Drive
Fishers, Indiana 46038



PLANT SCHEDULE								
PLAN KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	B&B	CONT.	MATURE SIZE	SPECIAL INSTRUCTIONS
	<u>CANOPY DECIDUOUS TREES</u>							
CuC	CELTIS OCCIDENTALIS 'CHICAGOLAND'	CHICAGOLAND COMMON HACKBERRY	2" cal.	8	X		55T x 50W	
G4E	GYMNOCLADUS DIOICUS 'ESPRESSO'	ESPRESSO KENTUCKY COFFEE TREE	2" cal.	6	X		50T x 35W	FRUITLESS VAR.
	<u>DECIDUOUS SHRUBS</u>							
A4M	ARONIA MELANOCARPA	BLACK CHOKEBERRY	#3	24		X	6T x 6W	
	<u>EVERGREEN SHRUBS</u>							
IJC	ILEX GLABRA 'COMPACTA'	COMPACT INKBERY HOLLY	#3	23		X	4T x 6W	

Landscape Plan

Meeting Date: January 22, 2025

Case Number: VA-24-27

STAFF RECOMMENDATION:

Staff has a NO RECOMMENDATION of the variance request as proposed.

If the Board approves this Variance Request staff request the following condition, and any others sought by the Board:

1. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve, with Condition

☐ Continue

☐ Deny

☒ No Recommendation

Meeting Date: January 22, 2025

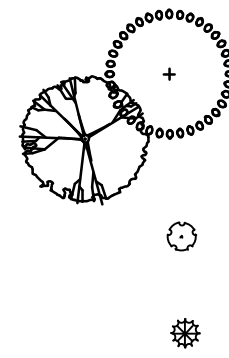
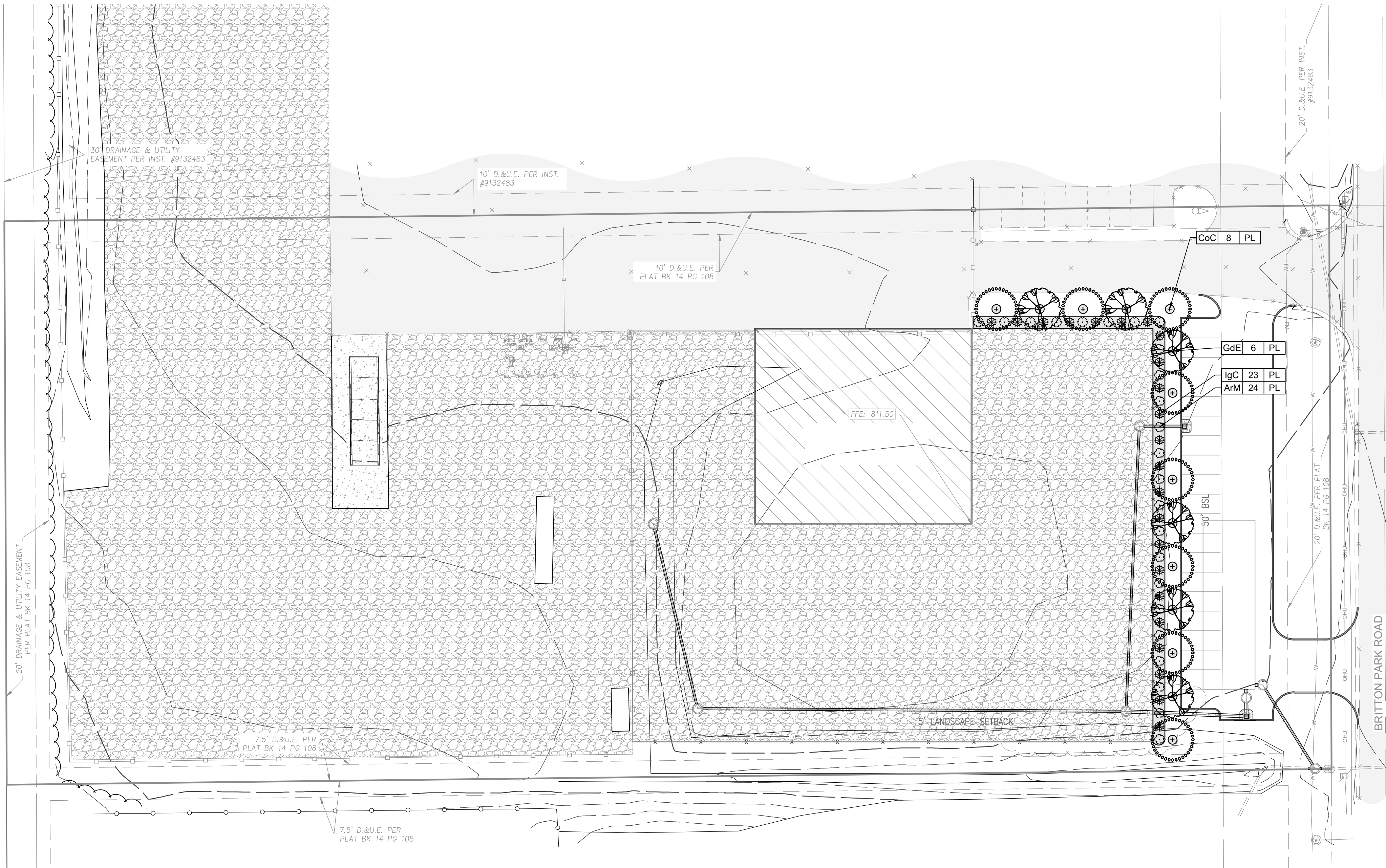
Case Number: VA-24-27

Public comment:

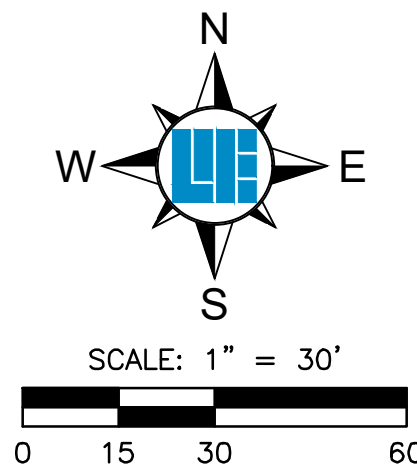
Name:	Colin Schermann
Address:	13434 Nottingham Rd. Fishers, IN 46038
Email:	colin.schermann@gmail.com
Subdivision or business name:	Cottingham Estates
Please select the meeting to which you would like to submit a public comment:	Board of Zoning Appeals - Fishers
Meeting Date:	Jan 22, 2025
Project Name/Resolution Number:	VA-24-27- Consideration of a Development Standard Variance from Article 6.11.3.A.1
Comment:	If this variance is to allow for more equipment to be stored on this site, Residents of Cottingham Estates would be against this. Reasoning against this if the corporation does not stop the nuisance noise violations it continually commits. This property/corporation continually operates vehicles with nearly constant beeping (above and in violation of the "B") noise ordinance of the City of Fishers. Nearly every weekday and some weekend days constant vehicle beeping is heard that is above the noise threshold defined by the City of Fishers. It is not a problem during normal working days/hours, It is the Hours this corporation operates these vehicles outside of the allowed times stated in the ordinance. This nuisance noise begins nearly every week day prior to or by 3AM (sometimes earlier). It is nonstop most days from 3am-8am, disrupts residents (kids) sleep, awakes residents during the night or early morning hours. The sound is piercing and even with all doors shut, windows shut, pillows over ears it can still be heard and not allow normal sleeping conditions. If the City allows this variance to go through, the City needs to monitor this address for the constant nuisance noise created during the hours when it is in conflict with the City of Fishers Noise Ordinance. A violation could be written on a daily basis as it is today and only would get worse if they are allowed to store more equipment. The Police Department should not have to be distracted by how many times this nuisance violation occurs. Any assistance the City can provide with this nuisance would be appreciated.
Would you like to receive email communications and updates from the City of Fishers?:	Yes



LOCATION: H:\2024\W24.0244\Engineering\Design\Concept\1.100 LANDSCAPE PLAN.dwg
DATE/TIME: January 02, 2025 - 4:35pm
PLOTTER BY: Buhg



PLANT SCHEDULE								
PLAN KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	B&B	CONT.	MATURE SIZE	SPECIAL INSTRUCTIONS
	CANOPY DECIDUOUS TREES							
CoC	CELTIS OCCIDENTALIS 'CHICAGOLAND'	CHICAGOLAND COMMON HACKBERRY	2" cal.	8	X		55'T x 50'W	
GdE	GYMNOCLADUS DIOICUS 'ESPRESSO'	ESPRESSO KENTUCKY COFFEE TREE	2" cal.	6	X		50'T x 35'W	FRUITLESS VAR.
	DECIDUOUS SHRUBS							
ArM	ARONIA MELANOCARPA	BLACK CHOKEBERRY	#3	24		X	6'T x 6'W	
	EVERGREEN SHRUBS							
IgC	ILEX GLABRA 'COMPACTA'	COMPACT INKBERRY HOLLY	#3	23		X	4'T x 6'W	



LANDSCAPE PLAN NOTES

CoC 8 PL
PLANT NAME QUANTITY KEY

LANDSCAPE LEGEND

- MULCHED LANDSCAPE BEDS
- SEED / SOD

REVISIONS AND ISSUES		PROJECT NO.	BY	DATE
xx/xx/20xx		W24.0244		
		DWG NAME		
		1.100 LANDSCAPE PLAN		
		DESIGNED BY		
		TAS		
		DRAWN BY		
		DMC		
		CHECKED BY		
		SSR		
		DATE		07/17/2024

APPROVAL PENDING
NOT FOR CONSTRUCTION

PREPARED FOR:
Vermeer Parking Lot
13402 Britton Park Rd, Fishers, IN 46038
LANDSCAPE PLAN
Part of the NW/4 of Section 30, Township 18 North, Range 6 East, Fishers Township, Hamilton County, Indiana

SHEET NO.
L100

PROJECT NO.
W24.0244

WEIHE ENGINEERS
Land Surveying | Civil Engineering
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Indianapolis, Indiana 46280
weihe.net
317 | 846 - 6611
800 | 452 - 6408
317 | 843 - 0546 /ax
ALLAN H. WEIHE, P.E., L.S. - FOUNDER



Board of Zoning Appeals Staff Report

Meeting Date: January 22, 2025

DEPARTMENT CONTACT: Christy Cashin (cashinc@fishers.in.us)	CASE NUMBER: VA-24-28
PETITIONER: Lisa Collins (lisa.collins@brrarch.com)	PROPERTY ADDRESS/LOCATION: 9354 Ambleside Dr, Fishers, IN

REQUEST: Consideration of a Development Standards Variance from Section 6.17.7.C. Wall Signs of the City of Fishers Unified Development Ordinance to allow five (5) wall signs, where three (3) wall signs are allowed. Signs will be placed on the primary frontage of the building and on the fuel canopy.

APPLICABLE REGULATIONS: Fishers Marketplace PUD & Unified Development Ordinance (UDO)	EXISTING ZONING: PUDM-Fishers Marketplace PUD	FISHERS 2040: Employment Node
---	---	---

LOT SIZE: 41179 Sq.Ft.

LOCATION MAP



STAFF RECOMMENDATION

☐ Approve, with Condition
 ☐ Continue
 ☐ Deny
 ☒ No Recommendation

Meeting Date: January 22, 2025

Case Number: VA-24-28

ZONING HISTORY:

The property is currently zoned PUDM (Fishers Marketplace PUD). Ordinance No. 070506 applies to this property. Architectural and development standards are in Ord. No. 070506.

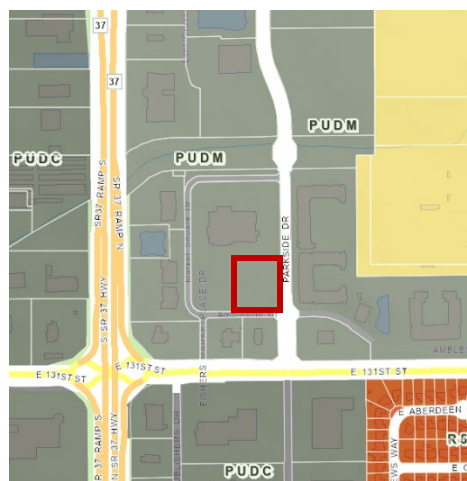
SURROUNDING LAND USE & ZONING:

North: PUDM – Fishers Marketplace PUD (retail centers, fast food restaurants, fitness center)

East: PUDM – Fishers Marketplace PUD (multi-family residential)

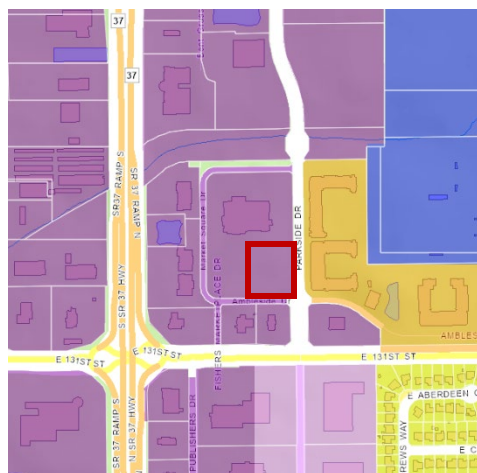
South: PUDM – Fishers Marketplace PUD (retail centers, fast food restaurants)

West: PUDM – Fishers Marketplace PUD (retail centers, bank)



FISHERS 2040 COMPREHENSIVE PLAN

The Fishers 2040 Plan identifies this area as Employment Node. The variance request aligns with this vision.

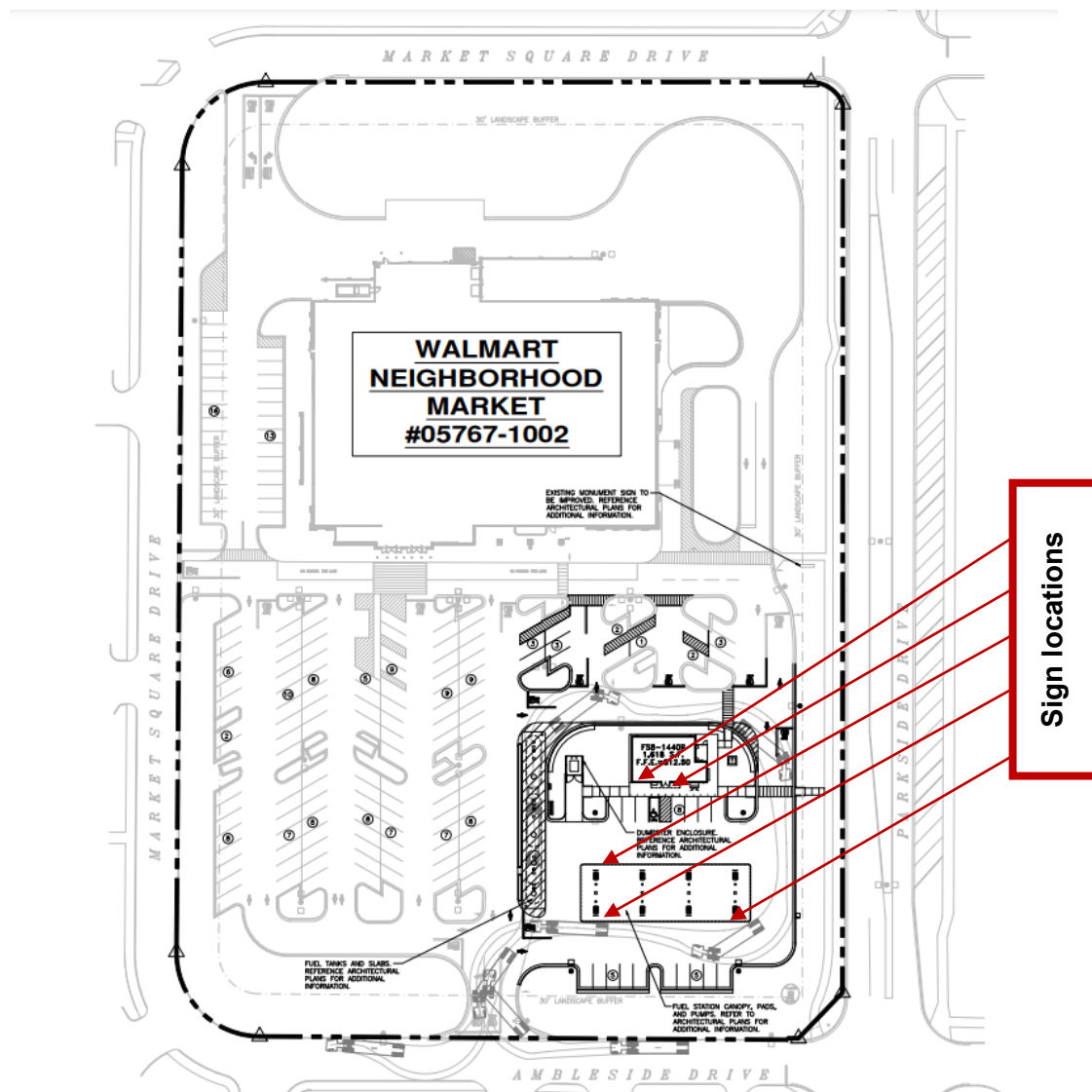


SUMMARY OF PUBLIC COMMENTS:

At the time of writing this Staff Report there has been no public comments.

PETITION OVERVIEW:

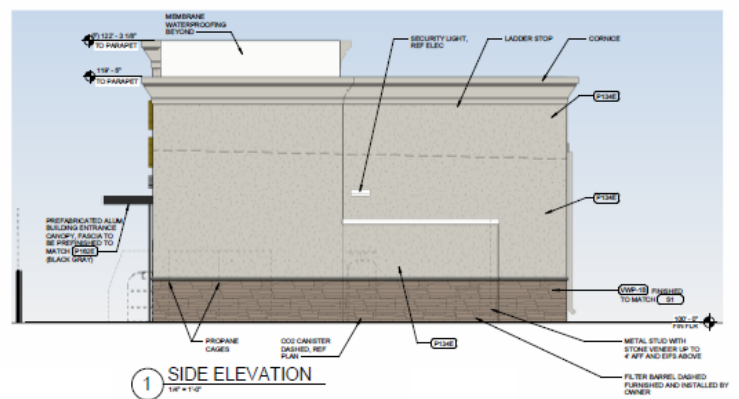
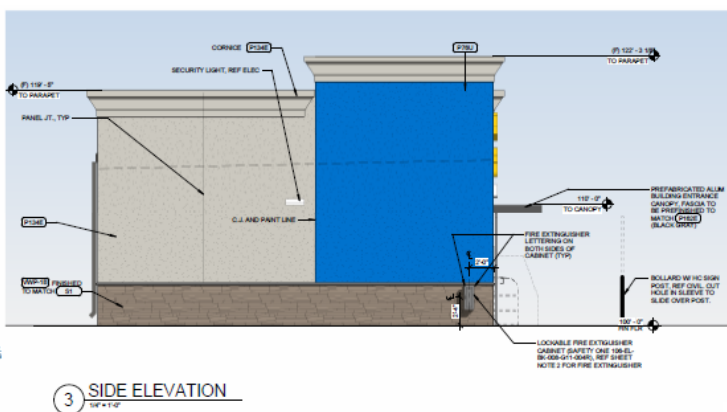
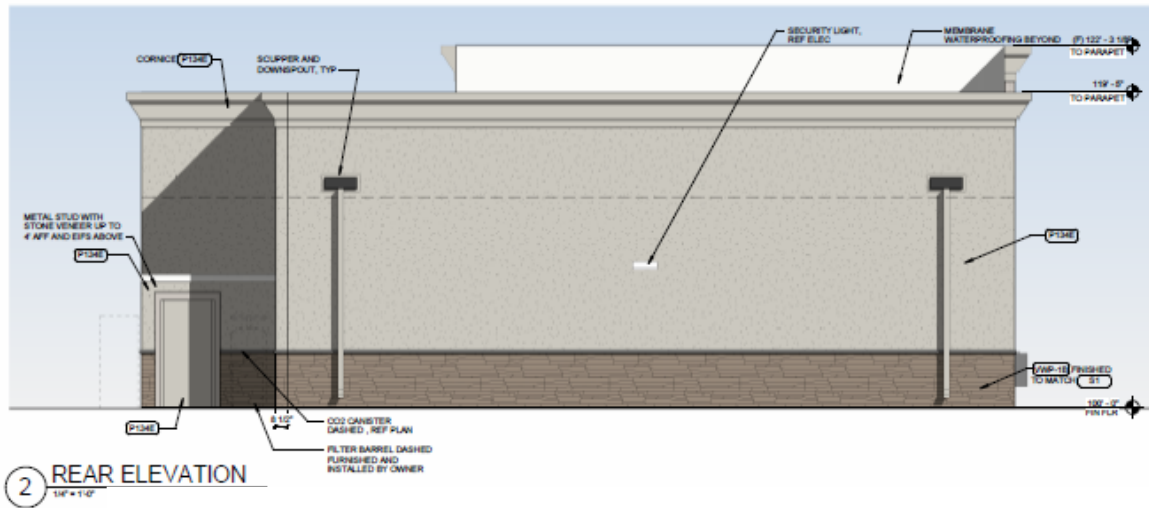
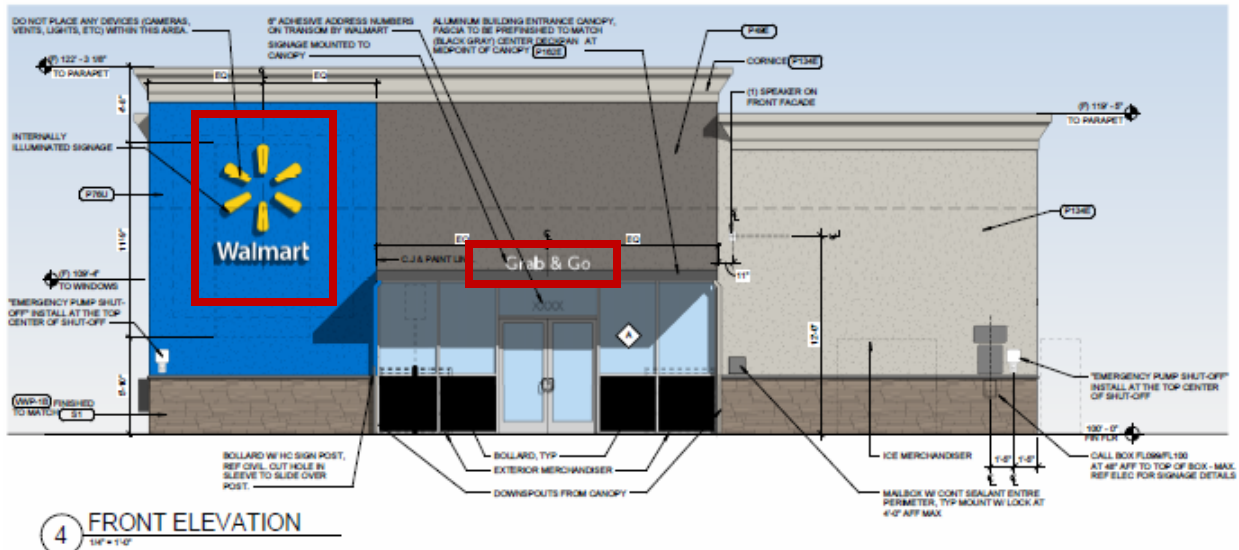
The petitioner is requesting a development standard variance to allow five (5) wall signs, where three (3) wall signs are allowed. Two wall signs will be placed on the primary frontage (along Ambleside Dr) and three wall signs on the fuel canopy (north and south sides). The total square footage of all five signs is 124 SF, the allowed square footage of wall sign for this property is 300 SF.



Site Plan

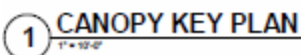
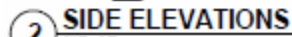
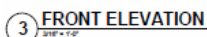
Meeting Date: January 22, 2025

Case Number: VA-24-28



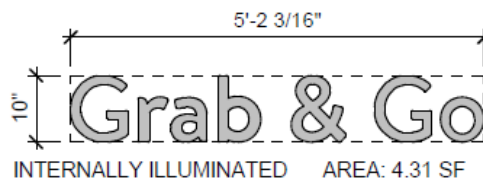
Building Elevations

Case Number: VA-24-28



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Case Number: VA-24-28



10'-0"

3'-1"

2'-5"

2'-0"

1'-6"

3'-0"

5 1/8"

UNLEADED

DIESEL

3.269

3.389

1'-4"

1'-0"

8"

5"

4"

7"

3'-2"

1'-10"

3'-2"

1'-2"

NON-ILLUMINATED
PRICE SCROLL SIGN,
INSET INTO CANOPY

REF BLDG ELEV
CL OF SIGN

AREA: 35 SF
(CANOPY)



STAFF RECOMMENDATION:

A variance from Chapter 6.17 Signage Standards may be approved by the Board upon the determination that the Findings demonstrate the following:

1. That the location and placement of the sign will not endanger or distract motorists or pedestrians; and,
2. That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance; and,
3. That the sign will not obstruct views of users of adjacent buildings; and,
4. That the sign will not interfere with the visual quality of public open space ; and,
5. That the sign is compatible with building heights of the existing skyline; and
6. That the sign does not impose a foreign element to an existing skyline; and,
7. That the sign's illumination, lighting or digital character will not distract motorists or pedestrians nor contribute to hazardous or unsafe driving conditions for motorists; and,
8. That the sign size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions are consistent with the time, place and manner conditions imposed by the Unified Development Ordinance.

Staff has a NO RECOMMENDATION of the variance request as proposed.

If the Board approves this Variance Request staff request the following condition, and any others sought by the Board:

1. The Approval Letter and relative documentation be recorded on the property with the Hamilton County Recorder's Office.

STAFF RECOMMENDATION

☐ Approve, with Condition ☐ Continue ☐ Deny ☒ No Recommendation

STORE:	05767
SEQUENCE:	1002
SCOPE OF WORK:	ADDED FUEL STATION ON EXISTING PROPERTY
BUILDING SF (TOTAL STORE GLA):	1440 SF
DEAL DATE:	10/28/24
FUEL STATION KIOSK SIZE:	1440 (WALK IN)
FUEL STATION DISPENSERS:	#8
FUEL STATION RESTROOM:	1
ELEVATIONS:	NON - PROTO
STRUCTURAL FOUNDATIONS:	TBD



FISHERS, IN

	DEAL COMMITTE PACKAGE - NEW FUEL WALK IN	12/30/24
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	12/30/24	 # 05767-1002 FISHERS, IN	COVER SHEET	1
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ENTITLEMENTS AND DISCLOSURES:

BUILDING DESIGN REQUIREMENTS:
PROTO BUILDING HEIGHT AND COLORS ALLOWABLE PER CODE

ARTICULATION: VERTICAL ARTICULATION. THE P76U AND P49E PORTIONS OF THE FRONT AND SIDE ELEVATIONS HAVE BEEN ELEVATED TO COMPLY WITH ZONING ORDINANCE.

BUILDING MATERIALS: TO MATCH COLORS AND MATERIALS OF NEIGHBORHOOD MARKET EXISTING ON SITE.

MAXIMUM BUILDING HEIGHT: 35'

VARIANCE PROCESS: MUST PRESENT AT A PUBLIC HEARING AND THE BOARD WILL DETERMINE IN WRITING THAT THE APPROVAL WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY; 2)THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER AND 3)THE STRICT APPLICATION OF TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY.

ROOFTOP EQUIPMENT SCREENING: ALL MECHANICAL EQUIPMENT, INCLUDING: HVAC SYSTEMS; PEDESTALS FOR TELEPHONE, ELECTRIC OR CABLE SERVICE; TELEVISION ANTENNA; OR, SATELLITE DISH ANTENNA, WHETHER GROUND OR ROOF MOUNTED, SHALL BE SCREENED BY BUILDINGS, ORNAMENTAL FENCES / WALLS, ARCHITECTURAL SCREENS, PARAPET WALLS OR LANDSCAPING TO PROVIDE SCREENING IN THE ELEVATION VIEW FROM ALL SIDES OF THE BUILDING SERVED. SCREENING MUST COMPLEMENT THE MAIN BUILDING ARCHITECTURE.

SITE SCREENING: ALL DUMPSTER LOCATIONS SHALL BE ENCLOSED BY A MASONRY ENCLOSURE THAT COMPLEMENTS THE ARCHITECTURE OF THE BUILDING AND AN OPAQUE GATE. ALSO, TRASH ENCLOSURES ARE NOT PERMITTED IN A REQUIRED FRONT, SIDE OR REAR YARD.

FOUNDATION LANDSCAPING: NOT NEEDED

LANDSCAPING AND SCREENING REQUIREMENTS: ALL AREAS OF THE 131ST STREET MARKETPLACE PUD-M SHALL COMPLY WITH THE LOT PLANTING, FOUNDATION PLANTING, PARKING LOT PLANTINGS, PARKING LOT SCREENING, SMALL SIZED BUFFERYARD AND MEDIUM SIZED BUFFERYARD LANDSCAPE REQUIREMENTS OF THE TOWN OF FISHERS ZONING ORDINANCE, AS AMENDED. EQUIPMENT SUCH AS THE TRANSFORMER, AIR MACHINE, AND VENTS MUST BE SCREENED USING LANSCAPING. MASONRY SCREENING WILL NOT BE REQUIRED.

VARIANCE PROCESS: VARIANCE MEETINGS ARE ON THE FIRST WEDNESDAY OF THE MONTH AT THE CITY COUNCIL OFFICE. THERE ARE FILING DEADLINES, A 10 DAY LEGAL AD AND MAILING PERIOD, FOLLOWED BY THE MEETING. WE WILL NEED A IMPROVEMENT LOCATION PERMIT (ILP), PUD COMMITTEE REVIEW, AND A COMMERCIAL BUILDING PERMIT.

SIGNAGE DESIGN REQUIREMENTS:

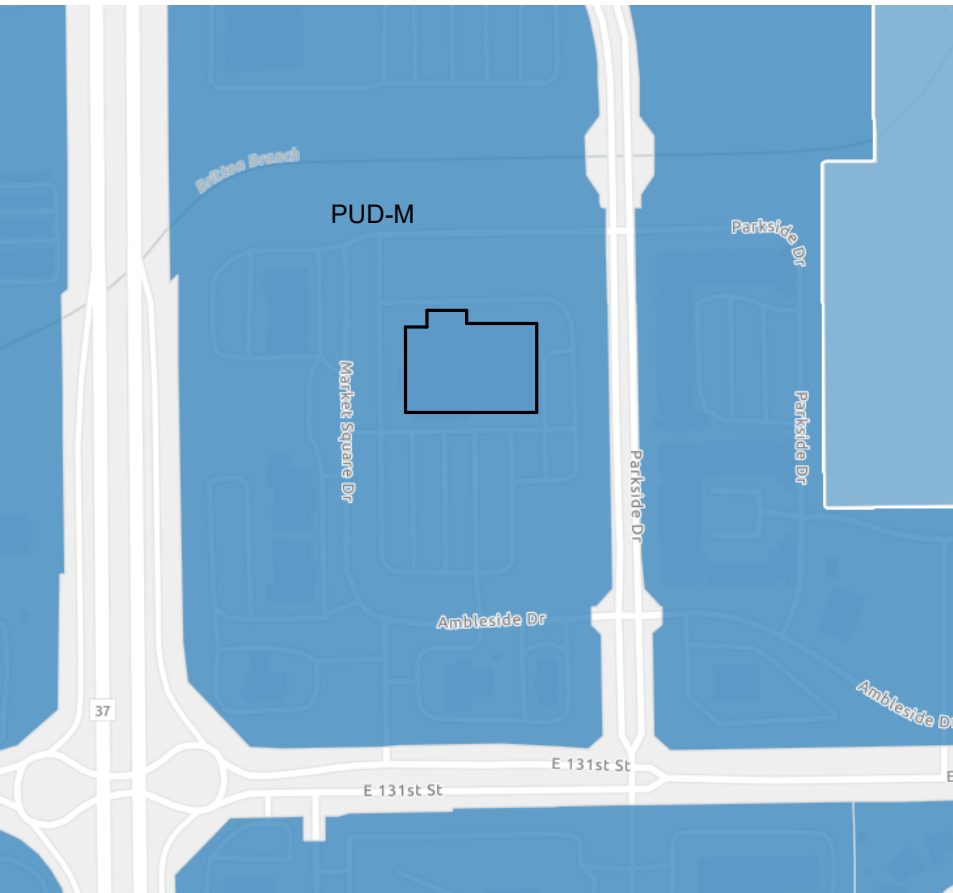
THE ORDINANCE STATES ALLOWED: OTHER THAN WALL SIGNS, SIGNAGE SHALL BE LIMITED TO ONE POLE OR GROUND SIGN PER COMMERCIAL DEVELOPMENT. IF THE DEVELOPMENT HAS MULTIPLE BUSINESS THAN ONLY ONE POLE SIGN WILL BE PERMITTED ALLOWING FOR IDENTIFICATION OF ALL BUSINESSES. BUILDING SIGNAGE IS LIMITED TO A TOTAL NUMER OF 3 SIGNS" ANY ADDITIONAL SIGNS AND ANY ADDITIONAL SIGNAGE SQUARE FOOTAGE WILL HAVE TO GO THROUGH VARIANCE PROCESS.

MAX ALLOWABLE SITE SIGNAGE AREA: MAXIMUM OF 2 MONUMENT SIGNS. 240 SF AT SR 37, 140 SF AT 131ST STREET (WEST), 32 SF AT 131ST STREET (EAST), 24 SF FOR SIGNATURE FEATURE

CURRENT SITE SIGNAGE AREA: 67.13 SF

MAX HEIGHT ALLOWED: SR37 - 28' TO THE TOP OF THE HIGHEST SIGN PANEL ABOVE PAVEMENT ELEVATION OF SR37, 131ST STREET (AREA 1) - 20' TO THE TOP OF THE HIGHEST SIGN PANEL ABOVE PAVEMENT ELEVATION OF 131ST STREET, 131 STREET (AREA 2) MONUMENT SIGN - 8' IN HIGHT ABOVE GRADE, SIGNATURE FEATURE - WITHIN THE SURFACE AREA OF AN APPROVED SIGNATURE FEATURE, MONUMENT SIGN - 6' IN HEIGHT ABOVE GRADE.

VARIANCE PROCESS: VARIANCE MEETINGS ARE ON THE FIRST WEDNESDAY OF THE MONTH AT THE CITY COUNCIL OFFICE. THERE ARE FILING DEADLINES, A 10 DAY LEGAL AD AND MAILING PERIOD, FOLLOWED BY THE MEETING. WE WILL NEED A IMPROVEMENT LOCATION PERMIT (ILP), PUD COMMITTEE REVIEW, AND A COMMERCIAL BUILDING PERMIT. NEED TO HAVE PROPERTY OWNER CONSENT, SITE PLAN, ELEVATIONS/PICTURES/CUT SHEET, AND ADDITIONAL SUPPORTING DOCUMENTS AS NEEDED OR REQUESTED. THE VARIANCE APPLICATION AND APPROVAL PROCESS SHOULD NOT AFFECT THE PROJECT TIMELINE AS IT IS A SEPARATE SUBMITTAL PROCESS FROM THE PUD APPLICATION AND APPROVAL PROCESS.



ZONING PLAN



AERIAL PLAN

LOCATION: CITY OF FISHERS

JURISIDCTION: CITY OF FISHERS

ZONING: SITE IS LOCATED IN A PLANNED UNIT DEVELOPMENT (PUD-M) DISTRICT

PROJECT DESCRIPTION: ADDING A FUEL STATION ONTO THE EXISTING SITE.

MONUMENT SIGN

EXISTING MULTI-TENANT SIGN

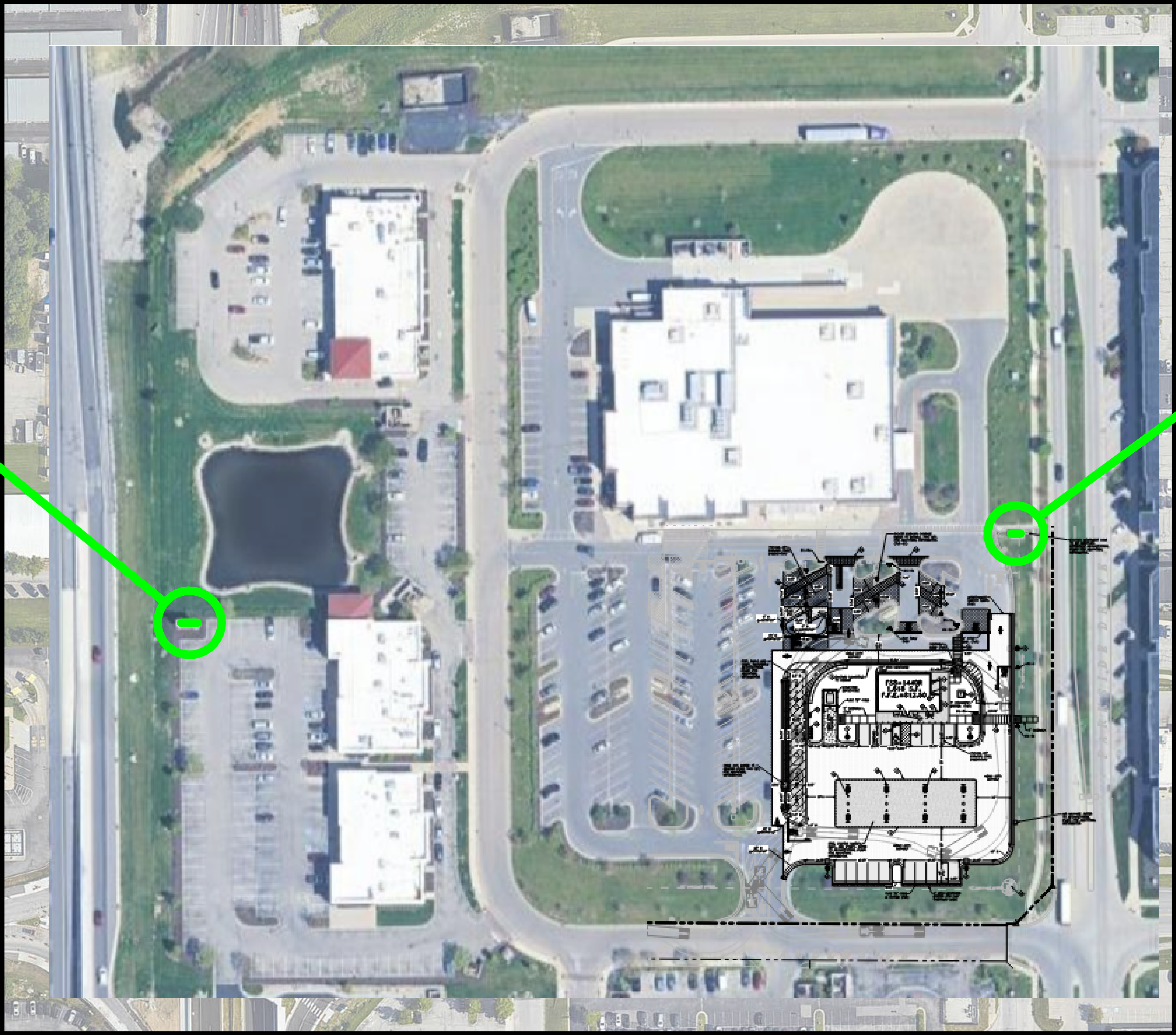
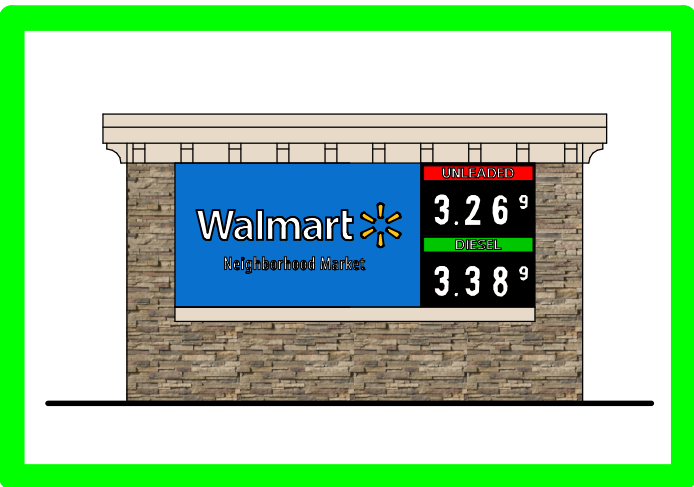


11'-7" 44.40 SF

PROPOSED MULTI-TENANT SIGN



7'-6" 22.73 SF



OVERALL SITE PLAN



brr

12/30/24

Walmart

05767-1002 FISHERS, IN

PRESENTATION SITE SIGNAGE
PLAN

3

NOTE: REFER TO CIVIL SITE PLAN FOR SITE SIGNAGE LCOATIONS.

SITE SIGNAGE GUIDLINES
THE ORDINANCE STATES OTHER THAN WALL SIGNS, SIGNAGE SHALL BE LIMITED TO ONE POLE OR GROUND SIGN PER COMMERCIAL DEVELOPMENT. IF THE DEVELOPMENT HAS MULTIPLE BUSINESS THAN ONLY ONE POLE SIGN WILL BE PERMITTED ALLOWING FOR IDENTIFICATION OF ALL BUSINESSES.

ALLOWABLE SITE SIGNAGE AREA: 240 SF AT SR 37, 140 SF AT 131ST STREET (WEST), 32 SF AT 131ST STREET (EAST), 24 SF FOR SIGNATURE FEATURE
CURRENT SITE SIGNAGE AREA: 67.13 SF
MAX HEIGHT ALLOWED: SR37 - 28', 131 STREET - 20', 131 STREET FRONTAGE MONUMENT SIGN - 8', WITHIN APPROVED SIGNATURE FEATURE, MONUMENT SIGN - 6'. REF ENTITLEMENTS AND DISCLOSURES

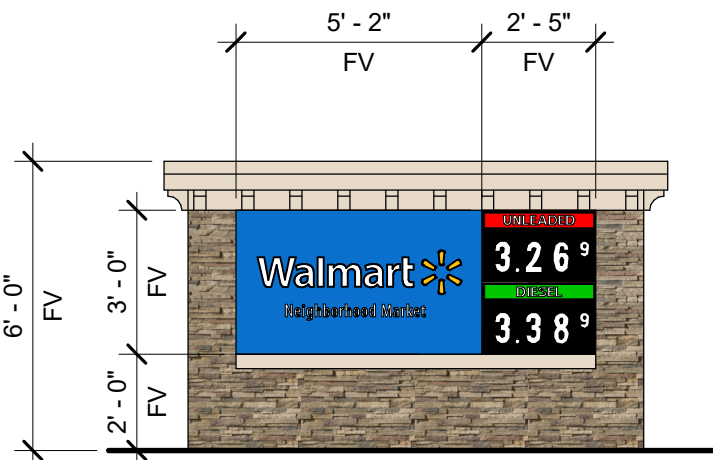
SITE SIGNAGE SCHEDULE						
SIGNAGE	QTY	ILLUMINATED	COLOR	SIZE	AREA (SF)	TOTAL AREA (SF)
WALMART MULTI-TENANT MONUMENT WITHOUT READER	1	YES	WHITE YELLOW	11'-7"	44.40	44.40
WALMART MONUMENT WITH READER	1	YES	WHITE YELLOW	7'-6"	22.73	22.73
TOTAL FRONT SIGNAGE						67.13 SF

SITE SIGNAGE	DEFICIENT	MEETS	ADDITIONAL
PROTO SITE SIGNAGE	X		THE MULTI-TENANT SIGN ALONG STATE ROUTE 37 CANNOT HAVE PRICE READERS. THE SIGN CAN BE REBRANDED AND WILL INCLUDE "UNLEADED & DEISEL AVAILABLE."
OFF SITE SIGNAGE: N/A			

SIGN SURVEY IS
REQUIRED TO CONFIRM IF
READERS CAN BE ADDED
TO EXISTING SIGN

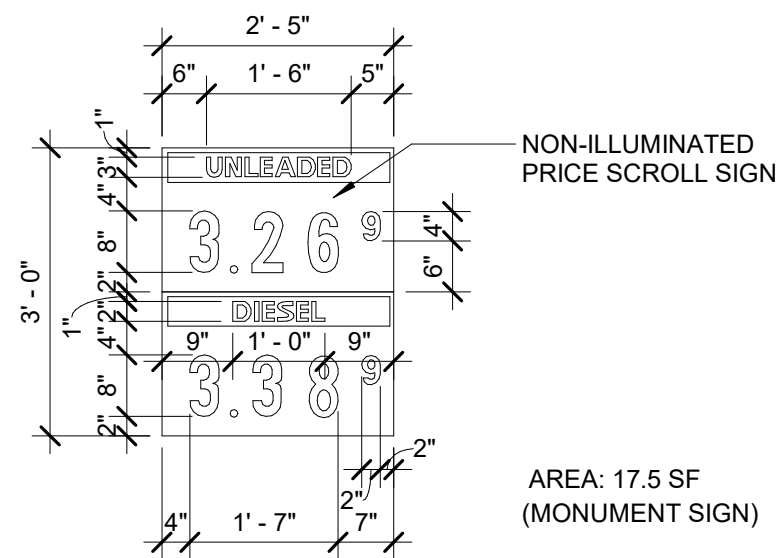


2 MULTITENANT MONUMENT SIGN WITH READER
1/4" = 1'-0"

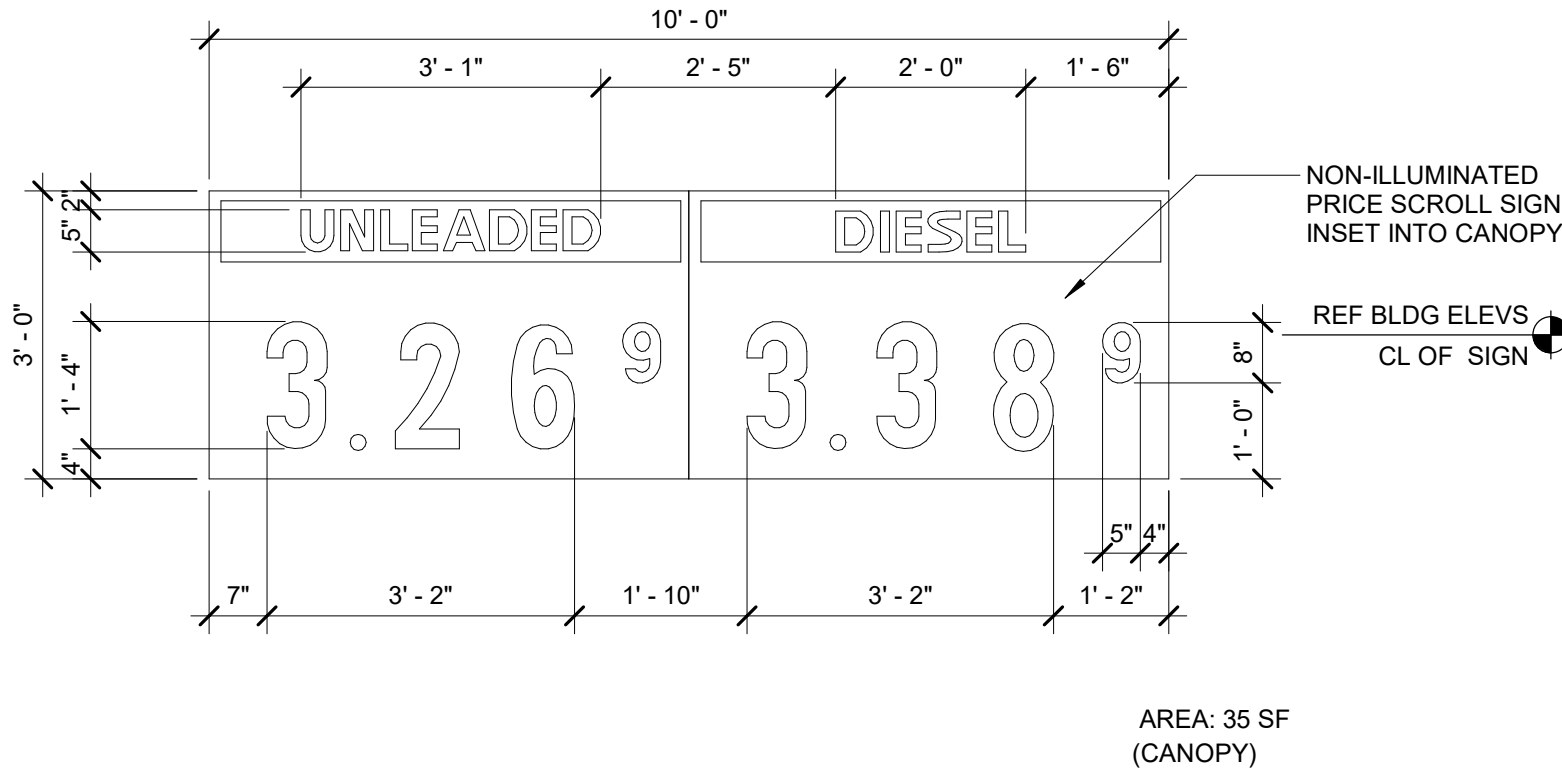


SIGN SURVEY IS
REQUIRED TO CONFIRM IF
READERS CAN BE ADDED
TO EXISTING SIGN

3 MONUMENT SIGN WITH READER
1/4" = 1'-0"



6 PRICE READER SIGN - MONUMENT SIGN
1/2" = 1'-0"

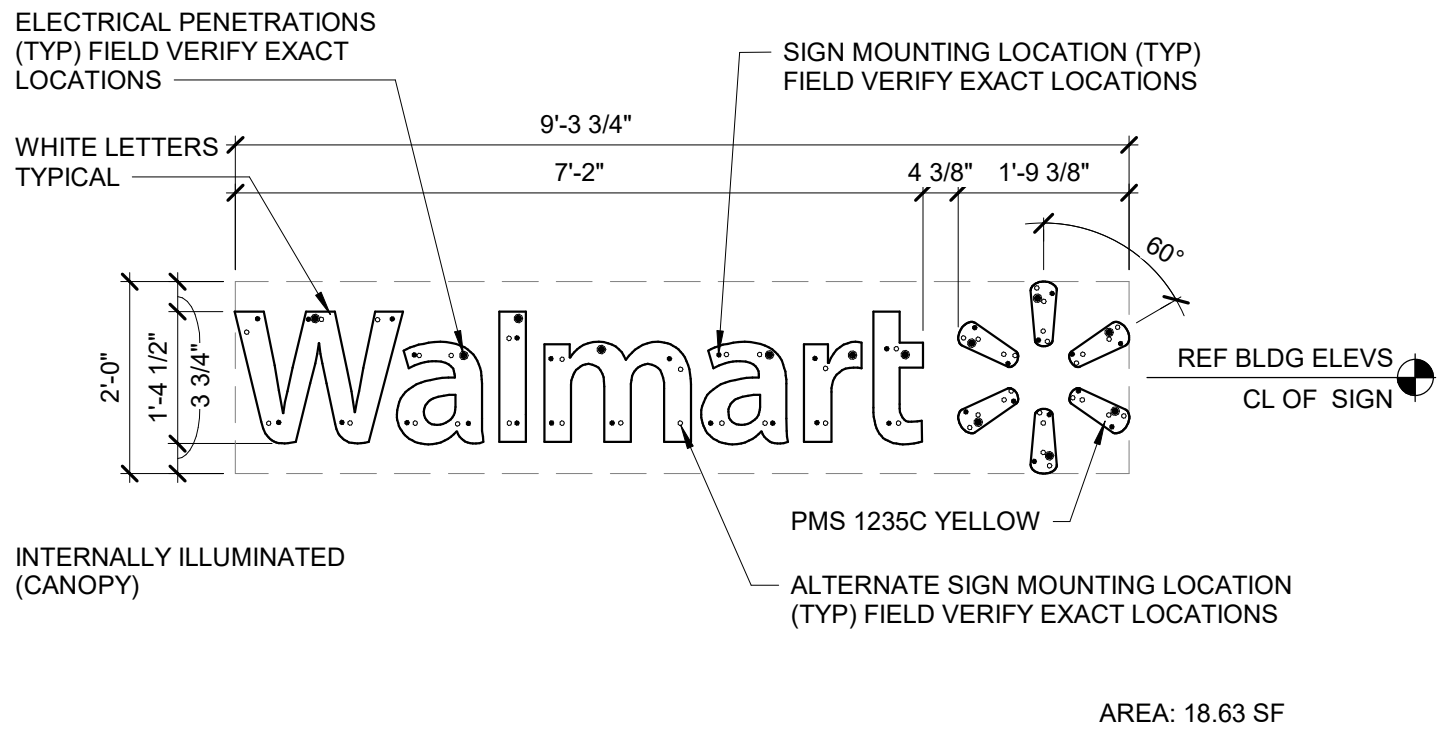
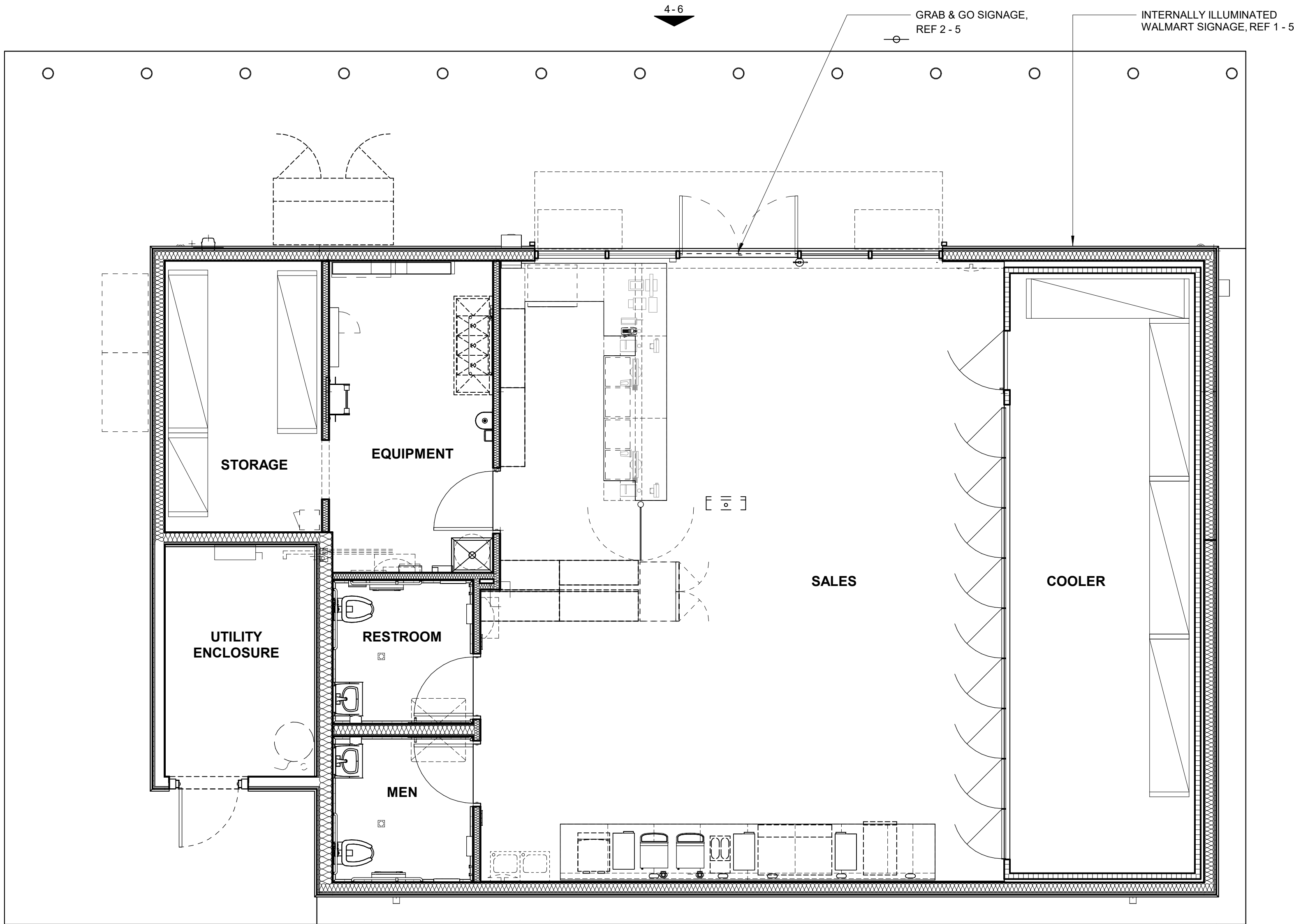


5 PRICE READER SIGN - CANOPY
1/2" = 1'-0"

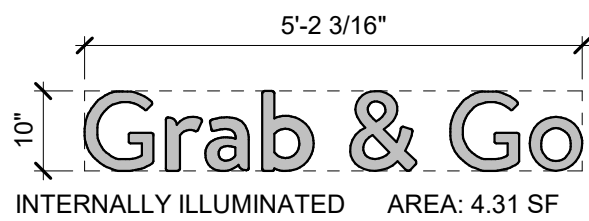
SIGNAGE SCHEDULE						
SIGNAGE	QTY	ILLUMINATED	COLOR	SIZE	AREA (SF)	TOTAL AREA (SF)
FRONT SIGNAGE						
Spark Walmart	1	ILLUMINATED	WHITE/YELLOW	5'-3 1/2"	24.88	24.88
Grab N Go	1	N/A	WHITE	10"	4.31	4.31
TOTAL FRONT SIGNAGE						29.19 SF
CANOPY SIGNAGE						
Walmart Spark	1	ILLUMINATED	WHITE	2'-0"	18.63	18.63
Digital Price Sign	2	N/A	BLACK	3'-6"	35	70
TOTAL CANOPY SIGNAGE						88.63 SF
TOTAL SIGNAGE						117.82 SF

BUILDING SIGNAGE	DEFICIENT	MEETS	ADDITIONAL
PROTO BUILDING SIGNAGE		X	IF VARIANCE IS NOT APPROVED, THE BUILDING SIGNAGE WILL BE DEFICIENT AS THE GRAB N GO SIGN WILL NOT BE ALLOWED

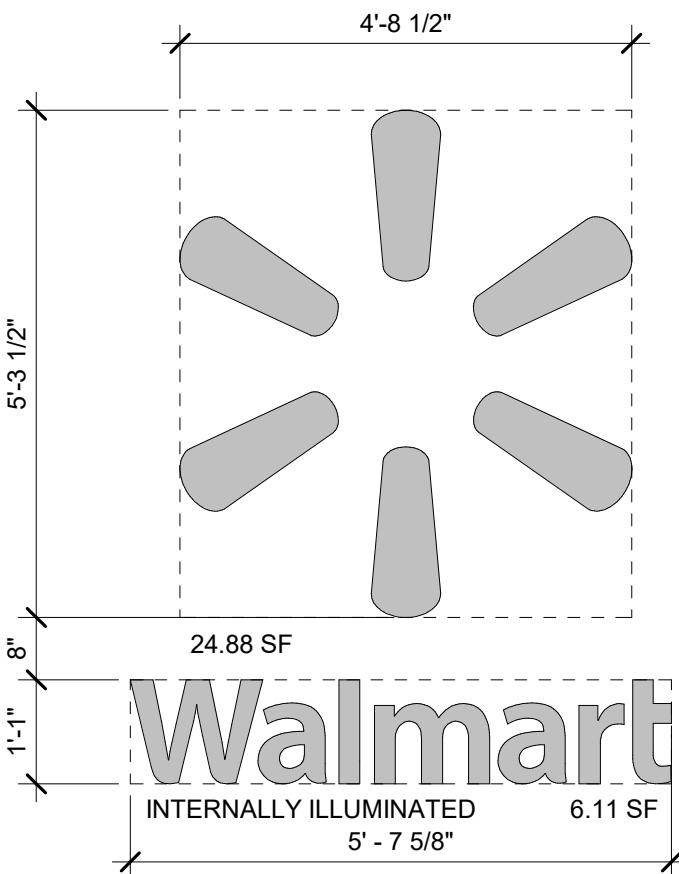
CANOPY SIGNAGE	DEFICIENT	MEETS	ADDITIONAL
PROTO BUILDING SIGNAGE	X		WITH A VARIANCE, THREE CANOPY SIGNS ARE ALLOWED, LIMITING THE CANOPY SIGNAGE TO TWO PRICE READERS AND ONE WALMART SPARK RATHER THAN A SET OF PRICE READERS AND WALMART SPARK ON EACH SIDE OF THE CANOPY. IF VARIANCE IS NOT APPROVED, THE CANOPY SIGNAGE WILL BE LIMITED TO ONE PRICE READER AND ONE WALMART SPARK SIGN.



4 WALMART SIGN
1/2" = 1'-0"



2 GRAB & GO SIGN
1/2" = 1'-0"



1 WALMART SIGN
1/2" = 1'-0"

3 FUEL STATION PLAN
1/4" = 1'-0"



brr

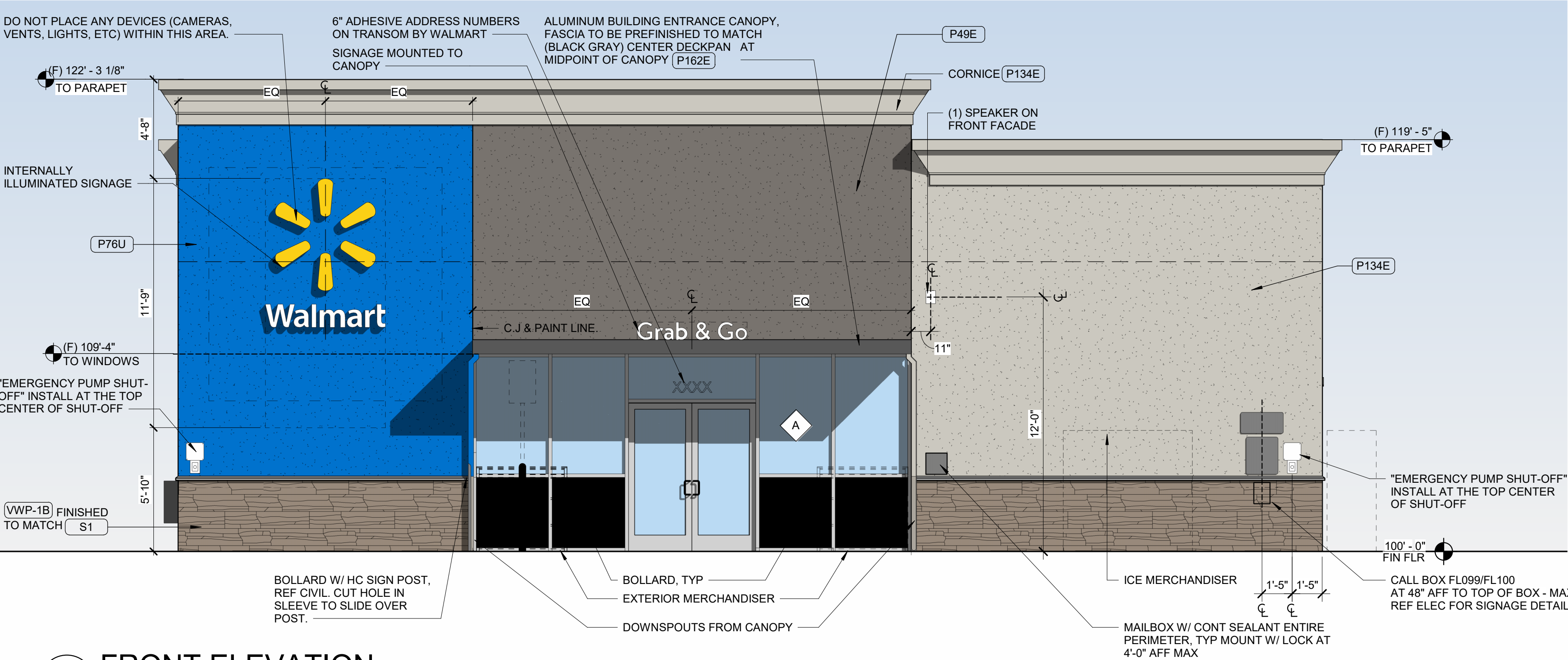
12/30/24



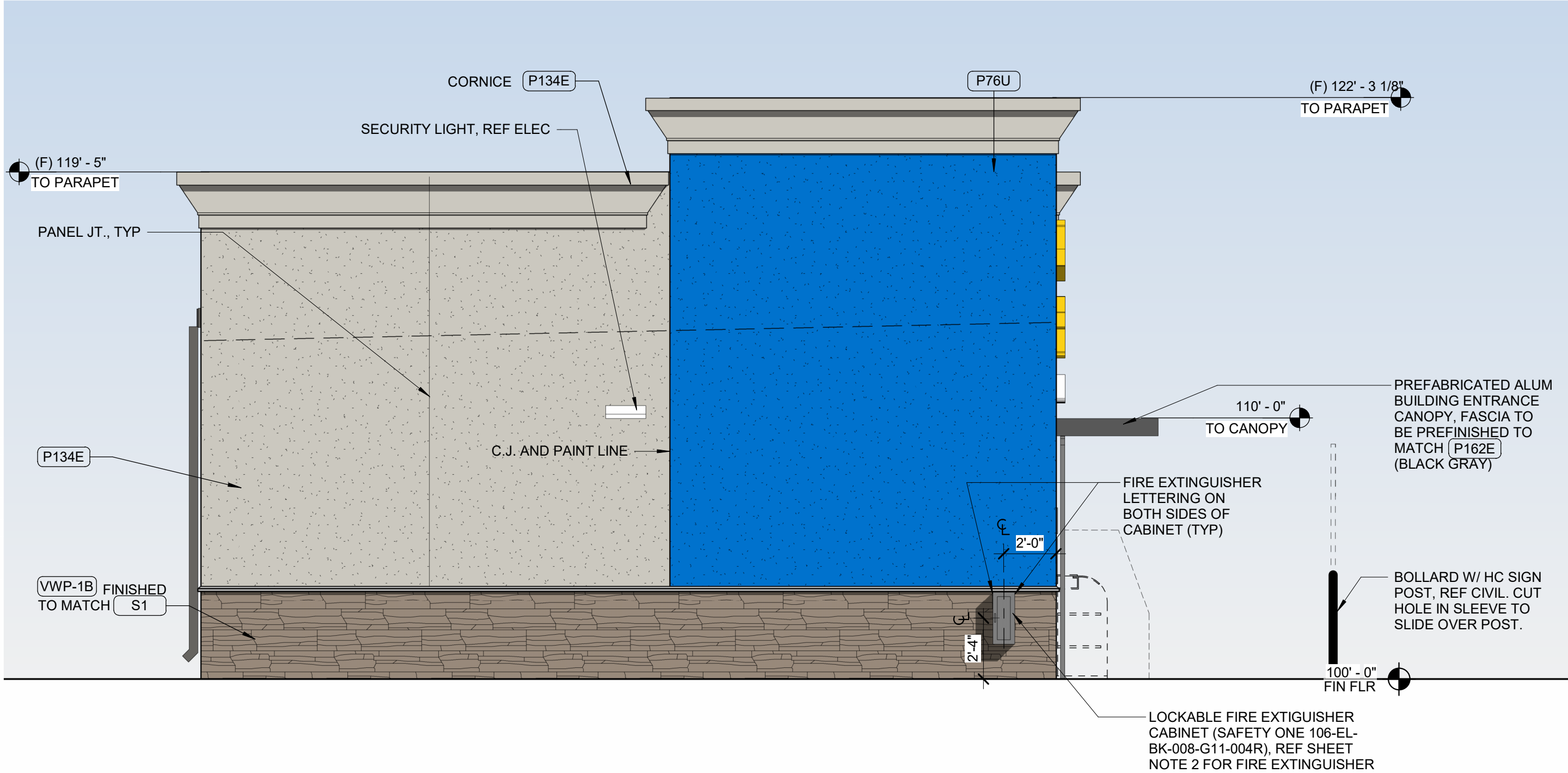
05767-1002 FISHERS, IN

WALK IN FUEL STATION FLOOR
PLAN & SIGNAGE

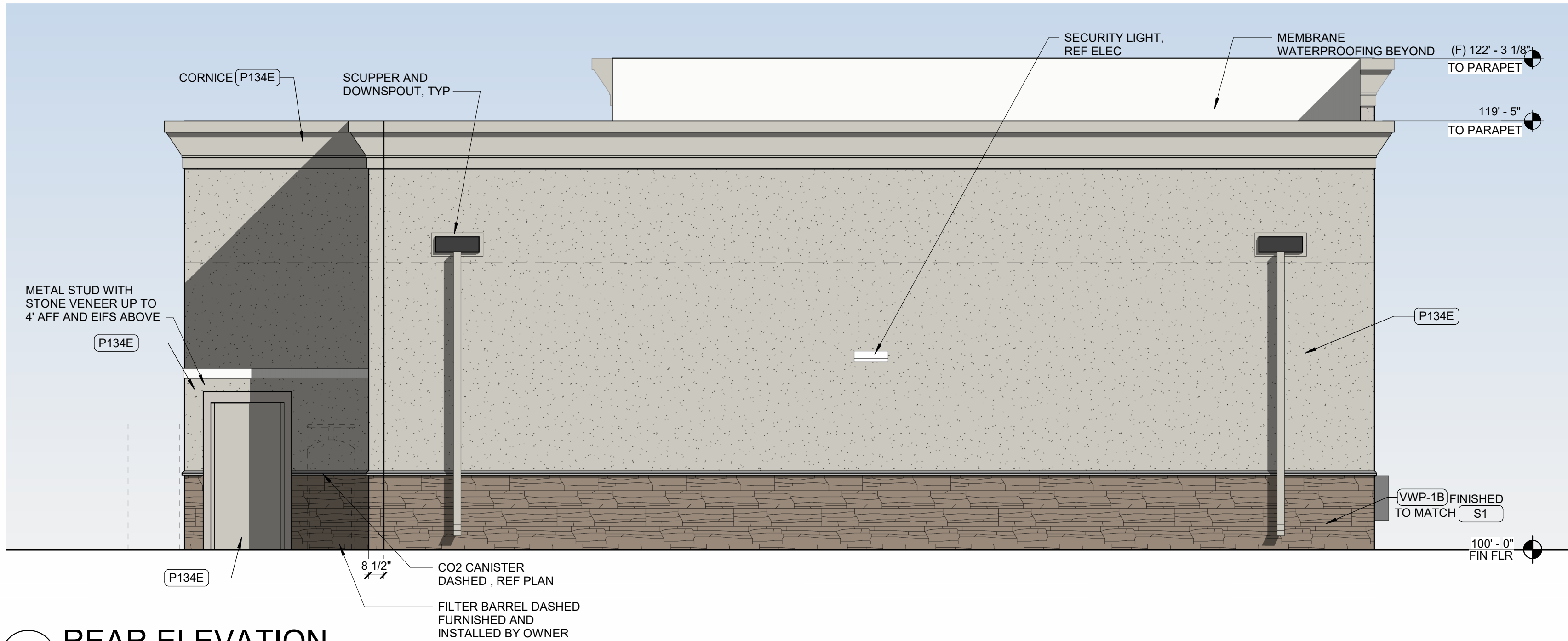
5



4 FRONT ELEVATION
1/4" = 1'-0"



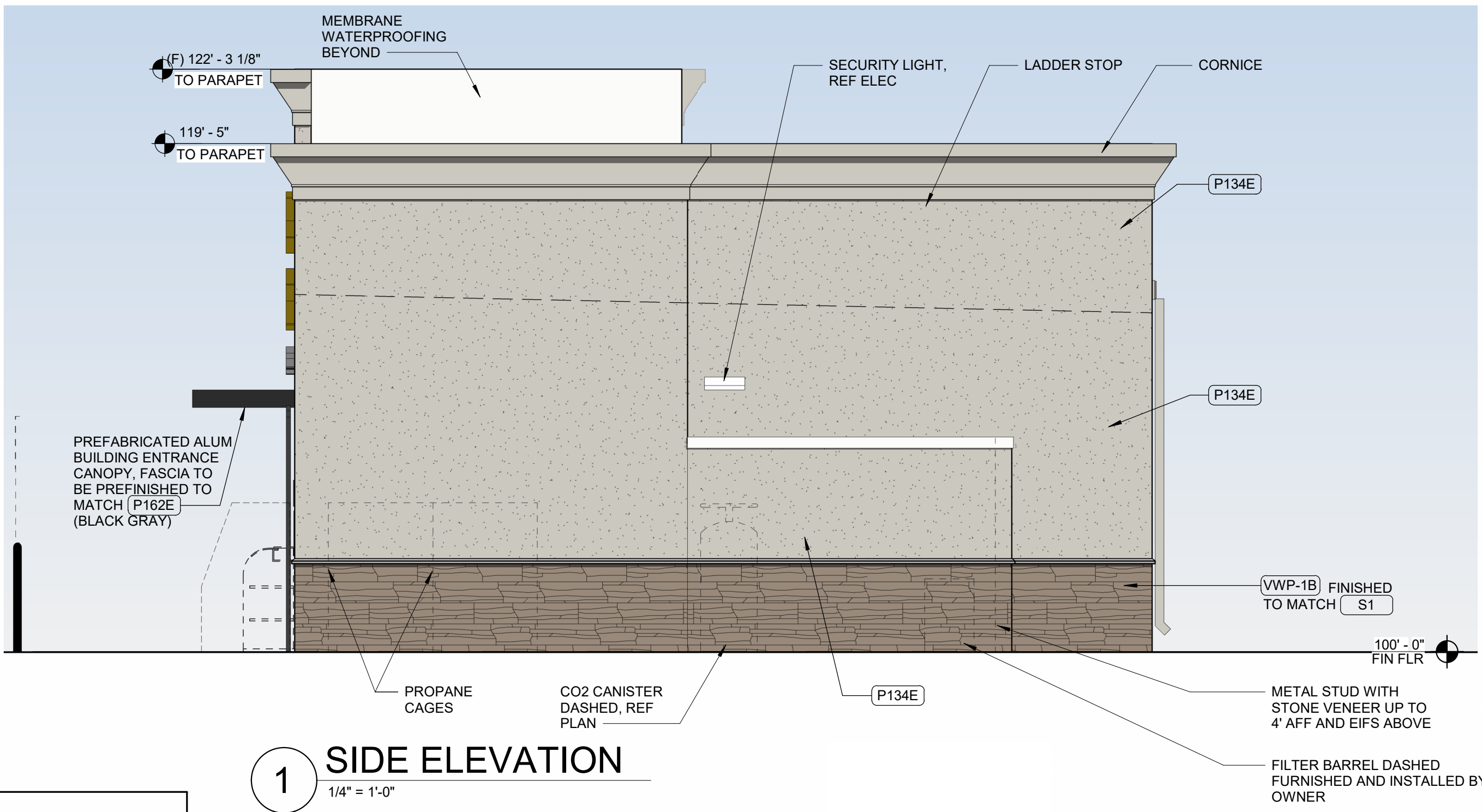
3 SIDE ELEVATION
1/4" = 1'-0"



2 REAR ELEVATION
1/4" = 1'-0"

PROTO ELEVATION ORDINANCE COMPARISON			
OVERLAY DICT. / AHJ NAME	DEFICIENT	MEETS	ADDITIONAL
GLAZING		X	
FACADE MASSING		X	
ARTICULATION OPTIONS		X	
COLORS		X	
CORNICE TREATMENTS	X		MATCH EXISTING WALMART NEIGHBORHOOD MARKET ON SITE
ROOFTOP EQUIPMENT SCREENING	X		INCREASE EIFS PARAPET HEIGHT
OUTDOOR STORAGE/TRASH ENCLOSURE	X		UTILITY ENCLOSURE MATERIAL MUST MATCH THE MAIN BUILDING. TRASH ENCLOSURE MUST BE MASONRY AND WILL BE QUIK BRIK TO MATCH THE WALMART NEIGHBORHOOD MARKET ON SITE.

MATERIAL SQUARE FOOTAGE BREAKDOWN	
PROPOSED MATERIAL BEYOND PROTO	PROPOSED QUANTITY
EIFS - ADD RAISED PARAPETS	1195.54 SF
CMU - REPLACE ALL FIBER CEMENT WALL PANELS	0 SF
EIFS CORNICE - ADD TO FACADE MASSINGS AND BRAND WALL	378.49 SF
TRANSPARENT GLAZING - ADD	0 SF
SMOOTH FACE CMU W/ STONE VENEER - ADD FACADE MASSINGS	0 SF
EIFS CORNICE - ADD TO FACADE MASSINGS AND BRAND WALL	173.39 LF
*SQUARE FOOTAGES DEPENDENT UPON FINAL ELEVATION DESIGN AS AGREED UPON WITH AHJ THROUGHOUT ENTITLEMENT PROCESS	



1 SIDE ELEVATION
1/4" = 1'-0"



brr

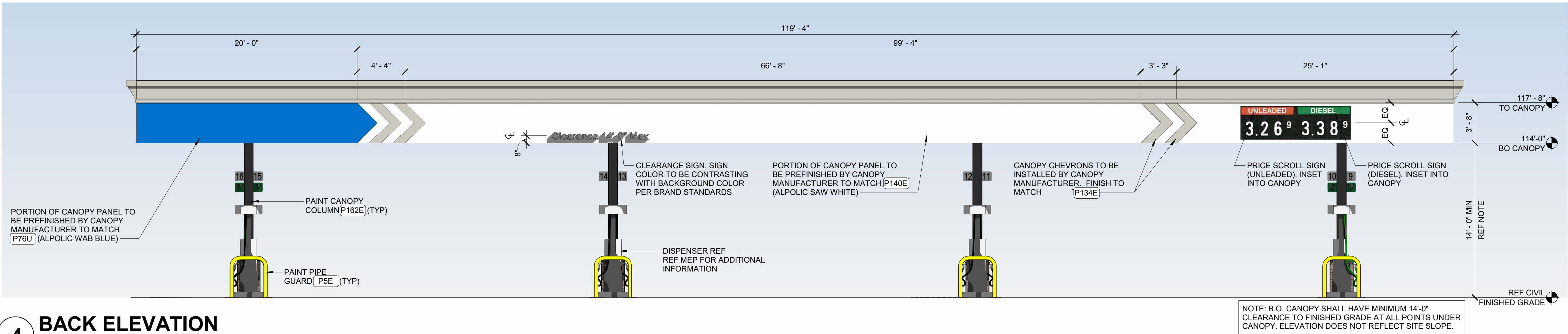
12/30/24



05767-1002 FISHERS, IN

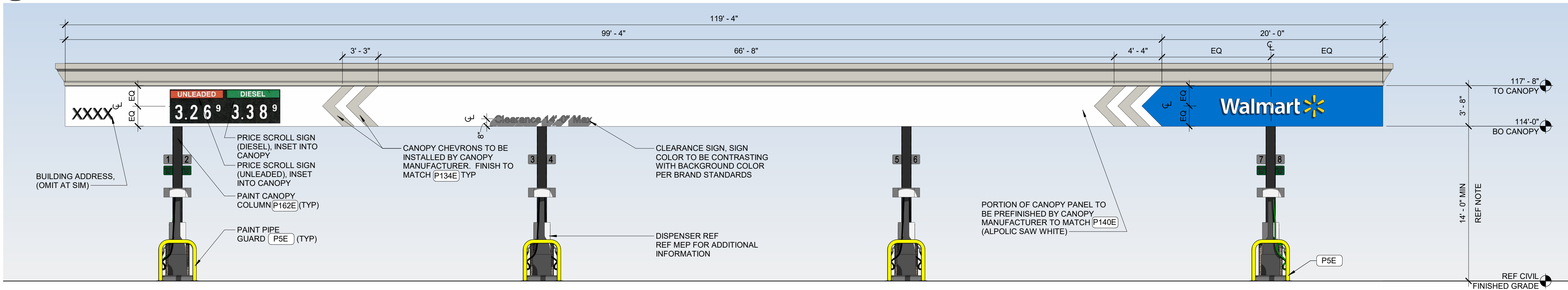
WALK UP FUEL STATION
ELEVATIONS

6



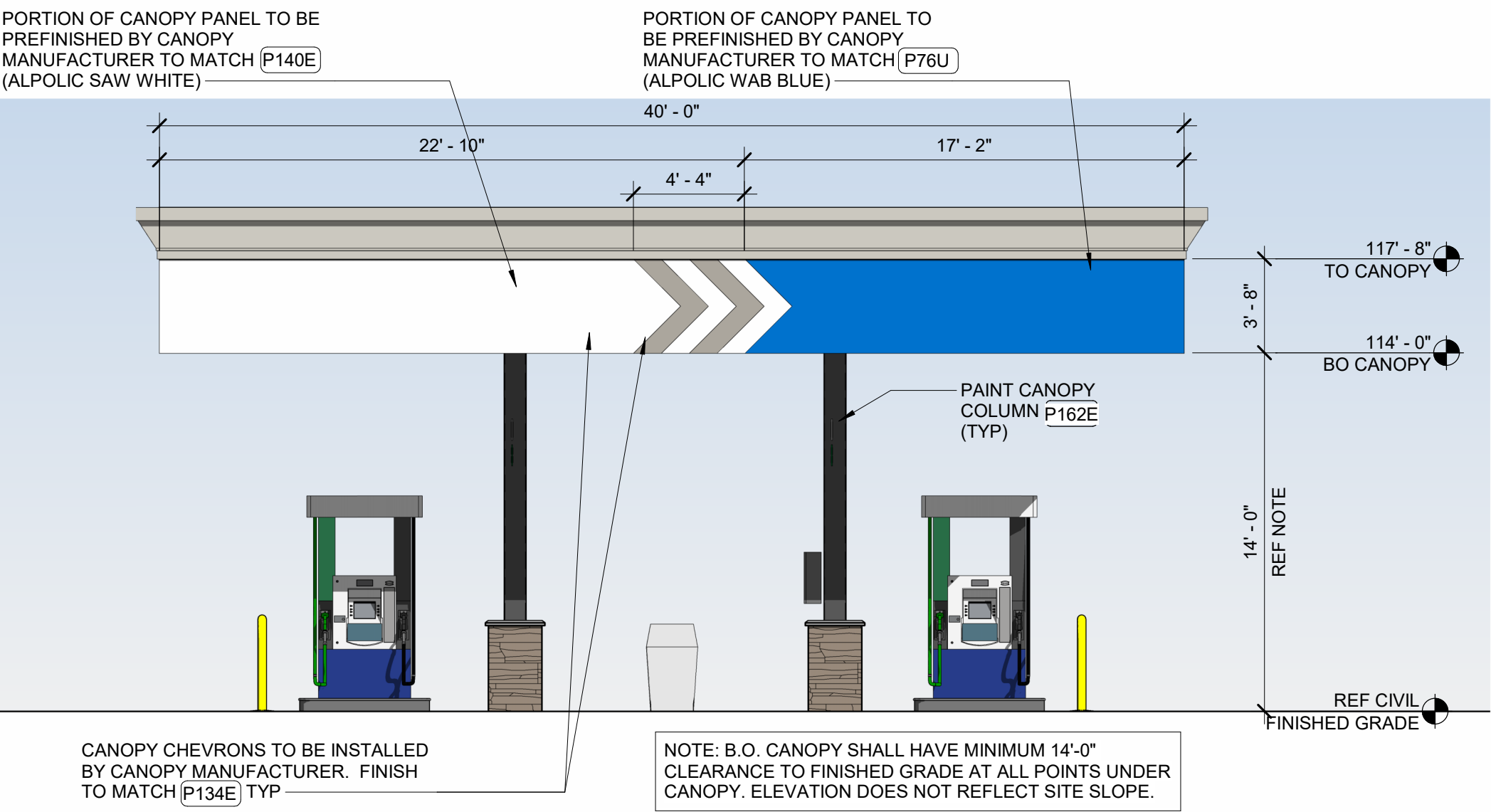
4 BACK ELEVATION

3/16" = 1'-0"



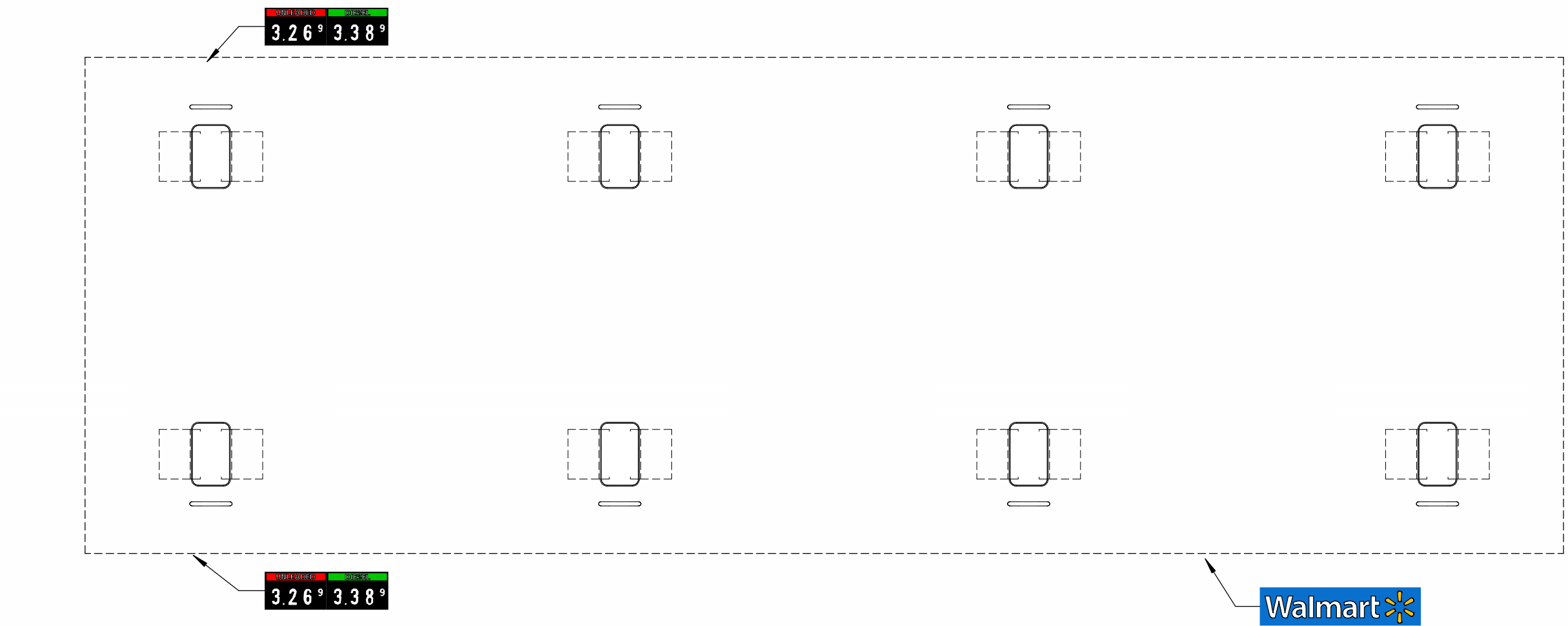
3 FRONT ELEVATION

3/16" = 1'-0"



2 SIDE ELEVATIONS

3/16" = 1'-0"



1 CANOPY KEY PLAN

1" = 10'-0"