CITY OF FISHERS AGENDA

BOARD/COMMISSION: Planned Unit Development (PUD) Committee Meeting
DATE: 7/10/2024, at 5:00 PM
DIRECTIONS: Fishers Municipal Center Theater, 1 Municipal Drive, Fishers, IN 46038

Members of the public can submit comments to the board via form submittal 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 and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should contact Kelly Lewark, Office Manager, no later than forty-eight (48) hours before the scheduled event at (317) 595-3487 or via email at lewarkk@fishers.in.us.

1. **Regular PUD Committee**

   a. **Fishers Marketplace Text Amendment**
   Parcel: 15-11-30-00-42-002.000
   Case: PUD-24-13
   Request: Request to approve the site plan and architecture for a new gas station with a convenience store and car wash within the Fishers Marketplace PUD at 13498 Bent Grass Lane.
   Petitioner: Joe Calderon (jcalderon@btlaw.com)
   Planner: Christy Cashin (cashinc@fishers.in.us)

2. **Riverplace PUD Committee**

   a. NONE

3. **Staff Communication**

Planned Unit Development (PUD) Committee
Staff Report

Meeting Date: July 10, 2024

TDEPARTMENT CONTACT: Christy Cashin (cashinc@fishers.in.us)	**CASE NUMBER:** PUD-24-13
PETITIONER: Joe Calderon (jcalderon@btlaw.com)	**PROPERTY ADDRESS/LOCATION:** 13498 Bent Grass Lane

REQUEST: Request to approve the site plan and architecture for a new gas station with a convenience store and car wash within the Fishers Marketplace PUD at 13498 Bent Grass Lane.

APPLICABLE REGULATIONS:	**EXISTING ZONING:**	**FISHERS 2040:**
Fishers Marketplace PUD	PUDM (Fishers Marketplace PUD)	Employment Node

Lot Size: 1.93 Acres

LOCATION MAP

STAFF RECOMMENDATION

☒ Approve ☐ Approve with Conditions ☐ Continue ☐ Deny

ZONING HISTORY

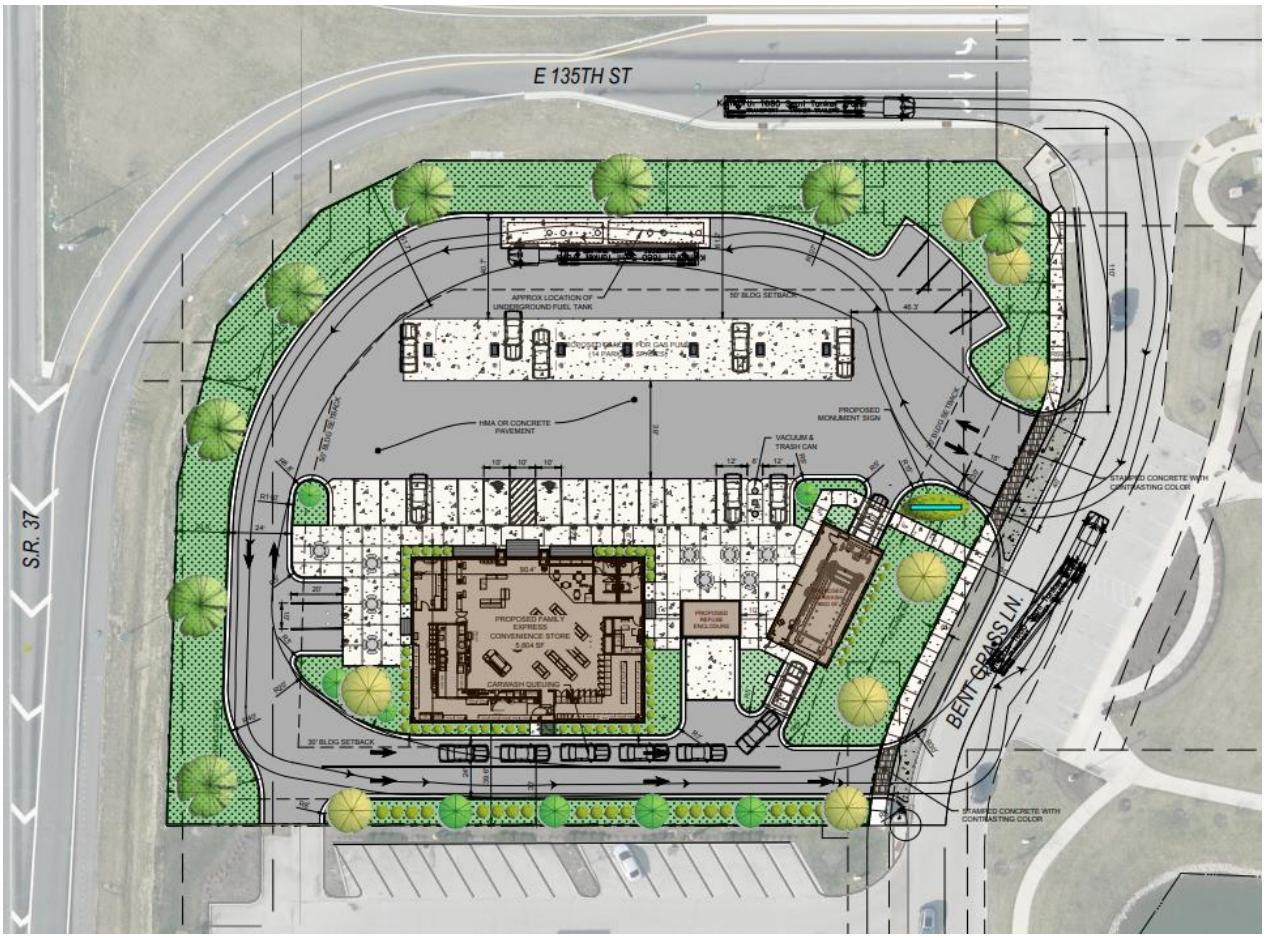
The property is currently zoned PUDM (Fishers Marketplace PUD). Ordinance No. 070506 and 081511A apply to this property, with architectural standards in both ordinances.

Regarding land use, Ordinance 070506 approved the gas station and car wash land uses, but in 2011 Ordinance No. 081511A prohibited gas stations and car wash land uses.

Ordinance No. 070506	Ordinance No. 081511A	Proposed Text Amendment (for this property ONLY)
Allowed Uses	**Allowed Uses**	**Allowed Uses**
• All C-3 uses, including: - Bar/Nightclub/Tavern - Hotel - Kennel - Veterinary Hospital - Car Wash (automatic or semi-automatic), detail shop shall conduct completely within enclosed buildings. - Gasoline Service Station/ C-Store (without repair) - Post Office • Recreation (full list in ordinance) • Residential (see ordinance)	• All C-3 uses, including: - Bar/Nightclub/Tavern - Hotel - Veterinary Hospital - Post Office • Recreation (full list in ordinance) • Residential (see ordinance)	• All C-3 uses, including: - Bar/Nightclub/Tavern - Hotel - Veterinary Hospital - Post Office - Filling Station/Fuel Station, in conjunction with a convenience store and car wash. - Car Wash, in conjunction with the Convenience Store with Gas and Car Wash. • Recreation (full list in ordinance) • Residential (see ordinance)
Prohibited Uses	**Prohibited Uses**	**Prohibited Uses**
• Wireless telecommunication facilities	• Wireless telecommunication facilities • Gasoline Service Station/ C-Store (without repair) • Car Wash (automatic or semi-automatic), detail shop shall conduct completely within enclosed buildings. • Kennel • Automobile sales, new and/or used • Automobile rentals • Automobile services and/or repair • Self storage	• Wireless telecommunication facilities • Kennel • Automobile sales, new and/or used • Automobile rentals • Automobile services and/or repair • Self storage

PETITION OVERVIEW

Petitioner is requesting to build a gas station with seven pumps (14 fuel fill up locations) on a 1.93 acre lot. The request is to also build a 5800 SF convenience store and a 1300 SF automated car wash. The project will have a plaza/patio area with seating between the store and the car wash buildings and on the west side to the store. Sidewalk connections have been made along Bent Grass Lane for pedestrian connectivity to the site.



Concept plan

FAMILY EXPRESS

FAMILY EXPRESS

FAMILY EXPRESS

North elevation

West elevation

East elevation

South elevation

Car wash – west elevation

Car wash – west side view

Car wash – east side view

Dumpster enclosure

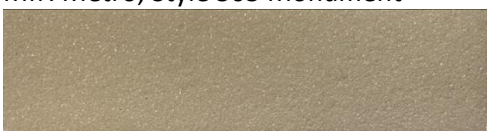
Details

Materials used on this project are a warm earthtones for the brick and Nichiha panels, black/dark bronze aluminum storefront faming, doors, and awnings, site lighting to match existing standards with adjacent buildings, black bollard sleeves to match aluminum framing, and coping color to compliment the masonry below.

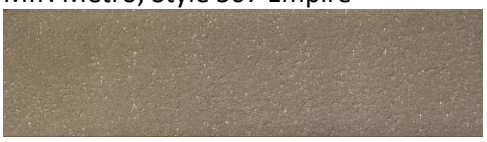
Below are the finishes for the exterior cladding of the buildings.

BRICK COLORS

Mfr: Metro; Style 505 Monument



Mfr: Metro; Style 507 Empire

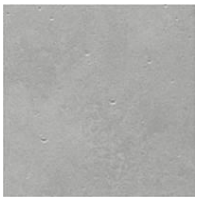


NICHIHA PANELS

Field Panel

Series: Modern; Texture: Architectural Block; Color: Tuscan

Entry Tower
Series: Concrete: Texture: Industrial Block; Color: Gray



Accent Band
Series: Designer; Texture: Miraia; Color: Gray

COPING
Over Masonry
Metal Era Creative Design Cornice Coping
Color: Slate Gray

Profile: (not this color)

Over Entry Tower
Metal Era Coping
Color: Cityscape
Profile - CUSTOM

Aluminum storefront framing & aluminum awning with tie-rods
Color: Black/Dark Bronze to match adjacent buildings.

Architectural Standards

Architectural standards for this project can be found in the Fishers Marketplace PUD, Ordinance No. 070506 (Section 5) and 081511A. Below is a list of all architectural standards with notes related to the project.

Ordinance No.	Architectural Standard	Project Notes
081511A	75% natural brick or stone on front elevation	30% brick, 35% nichiha board, 35% window
081511A	50% natural brick or stone on all other elevations	In compliance
081511A	Each ground floor frontage shall engage pedestrians, through windows, display windows, entry areas, and other pedestrian-oriented features.	In compliance
081511A	Primary building frontage shall feature pedestrian scaled lighting	In compliance
081511A	All customer entrances shall feature a plaza area, which features beds/planter boxes, a weather protection feature, and decorative surface treatments.	In compliance
070506	All structures within the same Area shall be constructed with similar or compatible design, materials and architecture.	In compliance
070506	All buildings located in sub-Area 1-A, sub-Area 1-B, sub-Area 1-C, Area 2 or Area 3 shall include a finished facade on each elevation.	In compliance
070506	The finished facade exterior of all buildings (excluding window, door, roofing and soffit materials) shall be constructed of either brick, stone (limestone, granite, fieldstone, etc.), architectural pre-cast (if the surface looks like brick or stone), masonry, stucco/EIFS or concrete composite / fiber cement siding.	In compliance
070506	Finished facades that have greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses with a minimum projection or recess of 5% of the overall length and extending along at least 20% of the length of the facade.	N/A - This building is only 90 ft in length
070506	Finished facades that have greater than one 100 feet in length, measured horizontally, shall include a repeating pattern.	N/A - This building is only 90 ft in length
070506	Each ground floor, retail tenant space designed to contain greater than 10,000 SF in area shall have clearly defined, highly visible customer entrances featuring	They've asked to remove this requirement as part of the text amendment
070506	The primary color shall be of low reflectance, subtle, neutral hues or colors. Building trim or accent areas may feature brighter colors, including primary colors or neon tubing.	In compliance
070506	Roofs shall have some combination of the following features…	They've asked to remove this requirement as part of the text amendment
070506	All mechanical equipment 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.	In compliance
070506	All dumpster locations and trash compactors shall be enclosed by a masonry enclosure that complements the architecture of the building and an opaque gate.	In compliance
070506	All accessory structures, including trash enclosures, shall not be permitted in a required front, side or rear yard.	In compliance
070506	The architectural design of the structure and canopy of any gas station shall comply with the standards of this PUD Ordinance and substantially comply with the architectural features as shown in the Illustrative Gas Station Exhibit, attached hereto as Exhibit "G". (Exhibit G is a photo of Speedway at E 116th & Lantern.)	**Not** in compliance for the canopy design.

Below are the proposed changes to the existing PUD's Uses, Development Standards, and Architectural standards.

	Ordinance No. 070506	Proposed Text Amendment (for this property ONLY)	Add or Remove
Uses	Section 3	Filling Station/Fuel Station, in conjunction with a convenience store and car wash	Add
Uses	Section 3	Car Wash, in conjunction with the Convenience Store with Gas/Car Wash.	Add
Development Standards	Section 4	Development standards in Ordinance No. 070506 shall apply to Convenience Store with Gas/Car Wash.	Add
Development Standards	Section 4	Subject Property shall be developed in a manner consistent with the Conceptual Site Plan in the text amendment.	Add
Architectural Standards	Section 5	Architectural Standard "G" shall not apply. Entryways: Each ground floor, retail tenant space designed to contain greater than ten thousand (10,000) square feet in area shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following: 1. Canopies or porticoes; 2. Overhangs; 3. Recesses / Projections; 4. Arcades; 5. Raised corniced parapets over the door; 6. Peaked roof forms; 7. Arches; 8. Architectural details such as tile work and moldings which are integrated into the building structure and design; or, 9. Integral planters or wing walls that incorporate landscaped areas or places for sitting.	Remove
Architectural Standards	Section 5	Architectural Standard "I" shall not apply. Roofs – Roofs shall have some combination of the following features: 1. Parapets – not exceeding one-third (1/3) of the height of the supporting wall and shall conceal flat roofs. 2. Cornice – shall be three-dimensional and in scale with the structure. 3. Eaves, Overhangs – extending not less than twelve (12) inches from the surface of the wall. 4. Pitched Roofs – shall have a minimum slope of 5/12 and: a. Shall be comprised of three (3) or more roof slope planes; b. Shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three dimensional asphalt / fiberglass shingles. Metal roofs shall have a low gloss finish to reduce glare. c. No more than fifty percent (50%) of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so that the roof can be given articulation with different heights. This subsection shall not apply to hotels.	Remove
Architectural Standards	Section 5	The Convenience Store with Gas / Car Wash/Pet Wash on the Subject Property shall be constructed in a manner consistent with the renderings in the text amendment.	Add

SURROUNDING CHARACTER

The proposed buildings will be adjacent to restaurants, a preschool, and small retail centers with a retention pond and walking path directly east of the property.

STAFF RECOMMENDATION

Staff recommends the PUD Committee approve the site plan and elevations as proposed.

STAFF RECOMMENDATION

☒ Approve ☐ Approve with Conditions ☐ Continue ☐ Deny

FAMILY EXPRESS
FAMILY EXPRESS
XL PIZZAS

FAMILY EXPRESS
XL PIZZAS
$9.99

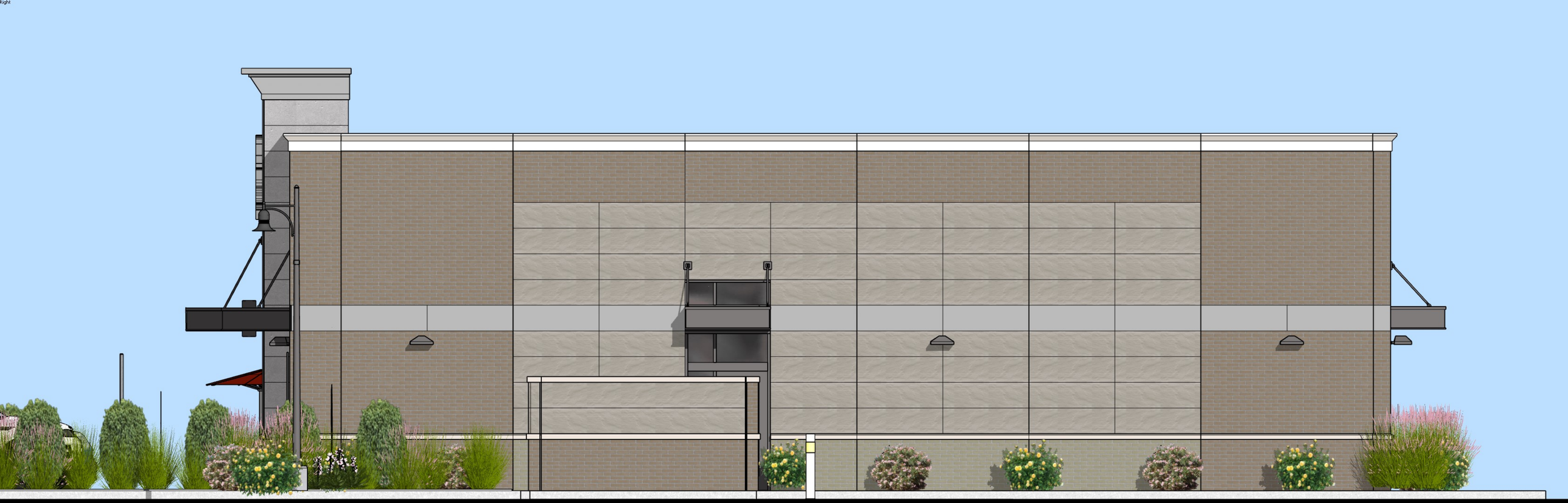
FAMILY EXPRESS
ALL PIZZAS
Voted best by YOU!

FAMILY
EXPRESS

Front

FAMILY
EXPRESS

Right



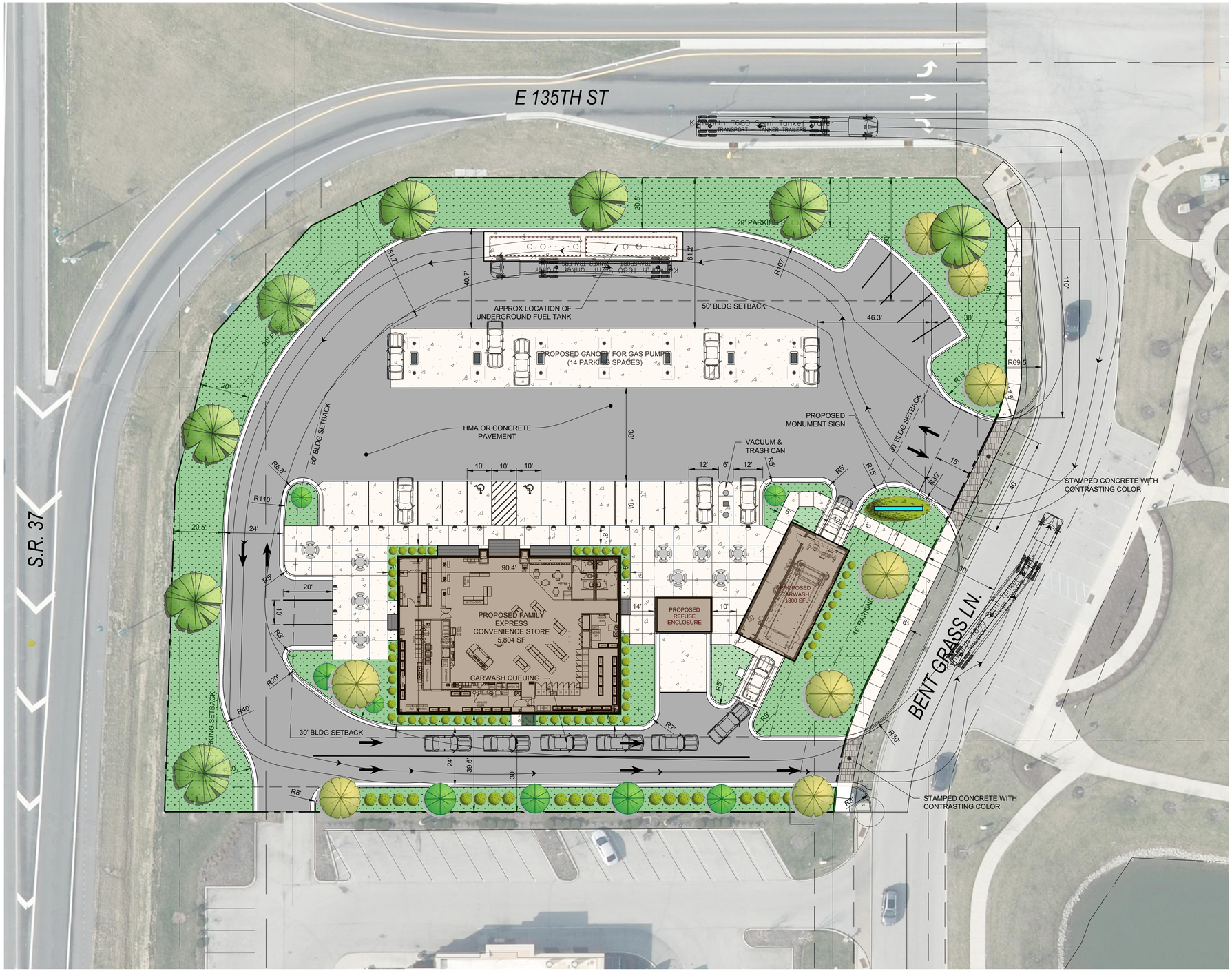
Left

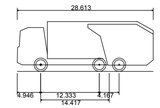
EXIT
Carwash

EXIT

EXIT

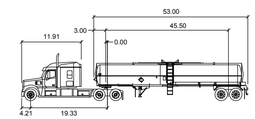
Front
Carwash





Mack TerraPro Cabover 6x4 MRU613 + Wayne Curbtender 31cu yd

Overall Length	28.613ft
Overall Width	8.000ft
Overall Body Height	10.481ft
Min Body Ground Clearance	1.311ft
Track Width	8.000ft
Lock-to-lock time	6.00s
Curb to Curb Turning Radius	33.500ft



Kenworth T680 Semi Tanker Trailer

	feet		
Tractor Width	: 8.21	Lock to Lock Time	: 6.0
Trailer Width	: 8.20	Steering Angle	: 42.5
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		

EXISTING ZONING = PUDM PARKING REQURIED:

PROPOSED USE: CONVENIENCE STORE & GAS
A. 1 SPACE/1000 SFT (5,760 SFT) + 1 SPACE/INDOOR/OUTDOOR SEATING + 1 SPACE/EMPLOYEE
6 + 12 5 = 23 REQUIRED

PROPOSED USE: CAR WASH
A. 2 SPACE PER WASH BAY + 1 SPACE PER EMPLOYEE = 3 REQUIRED

TOTAL = 26 PACES

TOTAL PARKING PROVIDED = 38 SPACES (INCLUDES 14 FUEL STATION SPACES AND 2 ADA SPACES)

APPARENT EXISTING PROPERTY

LAWN/LANDSCAPE AREA

CONCRETE PAVEMENT/SIDEWALK

STAMPED CONCRETE SIDEWALK

GAS PUMP LOCATION

FAMILY EXPRESS, FISHERS, IN

04.23.2024

JONES PETRIE RAFINSKI
South Bend, IN p: 574.232.4388
Fort Wayne, IN p: 260.422.2522

Feet 0 10 20
SCALE: 1"=20'

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ORDINANCE NO. TA-24-4

AN ORDINANCE AMENDING THE TEXT OF THE FISHERS MARKETPLACE PUD ORDINANCE NO. 070506 OF FISHERS, INDIANA

AN ORDINANCE AMENDING THE TEXT OF AN ORDINANCE OF FISHERS, INDIANA, dated November 6, 2006 - Ordinance No. 070506, as amended by Ordinance Nos. 081808D, 081511A, 021813, and 052019F (collectively, the "Fishers Marketplace PUD").

SECTION 1. DECLARATION

It is hereby ordained by the City Council (the "Council") of the City of Fishers, Indiana (the "City"), that the text of the Fishers Marketplace PUD is hereby amended as set forth in this Amendment to the Fishers Marketplace PUD. To the extent there is any conflict between the Fishers Marketplace PUD and this Amendment to the Fishers Marketplace PUD, this Amendment to the Fishers Marketplace PUD shall control. Any provisions of the Fishers Marketplace PUD that are not specifically amended by this Amendment to the Fishers Marketplace PUD shall remain in full force and effect. Any provisions of the Unified Development Ordinance of the City of Fishers, Ordinance No. 071618F (the "UDO") which are specifically referenced shall apply.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this Amendment to the Fishers Marketplace PUD is to amend certain and specific provisions of the Fishers Marketplace PUD pertaining to certain uses and certain development standards. This Amendment to the Fishers Marketplace PUD hereby establishes specific uses and development standards for the property in the Fishers Marketplace PUD commonly known as 13498 Bent Grass Lane, and more particularly described on Exhibit "A" attached hereto (the "Subject Property").

SECTION 3. AMENDMENTS TO THE FISHERS MARKETPLACE PUD

The following constitute the amendments to the Fishers Marketplace PUD:

A. Section 3. Uses Permitted and Prohibited is hereby amended by adding the following uses as an additional permitted use on the Subject Property:

1. Filling Station/Fuel Station, in conjunction with a convenience store and car wash (the Convenience Store with Gas/Car Wash").

2. Car Wash, in conjunction with the Convenience Store with Gas/Car Wash.

B. Section 4. Development Standards is hereby amended by the following:

1. The Development Standards set forth in the Fishers Marketplace PUD shall apply to the Convenience Store with Gas/Car Wash.

2. The Subject Property shall be developed in a manner consistent with the Conceptual Site Plan attached hereto as Exhibit "B".

C. Section 5. Architectural Standards is hereby amended by the following:

1. Architectural Standard "G" shall not apply to the Convenience Store with Gas/Car Wash/Pet Wash on the Subject Property.

2. Architectural Standard "I" shall not apply to the Convenience Store with Gas/Car Wash on the Subject Property.

3. The Convenience Store with Gas/Car Wash on the Subject Property shall be constructed in a manner consistent with the renderings set forth on Exhibit "C" attached hereto.

SECTION 4. PROCEDURES

The Fishers Marketplace PUD, as hereby amended by this Amendment to the Fishers Marketplace PUD, shall remain in full force and effect.

SECTION 5. APPROVAL

This Amendment to the Fishers Marketplace PUD shall be in full force and effect from and after its passage by the City Council.

ADOPTED BY THE City Council of the City of Fishers, Indiana on this ___ day of _____, 2024.

THE CITY COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

AYE		NAY
	Cecilia Coble	
	Pete Peterson	
	John DeLucia	
	Brad DeReamer	
	Tiffanie Ditlevson	
	Selina Stoller	
	Bill Stuart	
	John Weingardt	
	Todd Zimmerman	

ATTEST: _____ Date: _____
Jennifer Kehl, City Clerk
City of Fishers, Indiana

Approved by: Lindsey Bennet, City Attorney

I hereby certify that the foregoing Ordinance/Resolution was delivered to City of Fishers Mayor Scott Fadness on the ___ day of _____, 2024, at _____ ___.m.

ATTEST: _____
Jennifer Kehl, City Clerk

MAYOR'S APPROVAL

_____ _____
Scott A. Fadness, Mayor **DATE**

MAYOR'S VETO

_____ _____
Scott A. Fadness, Mayor **DATE**

This instrument prepared by: _____, City Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana 46038.

43040760.3

EXHIBIT "A"

PARCEL 1 (FEE)

OUTLOT 5 OF THE SECONDARY RE-PLAT OF BLOCKS A & D AT FISHERS MARKETPLACE, AN ADDITION TO THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA, AS PER PLAT THEREOF, RECORDED OCTOBER 9, 2013 IN PLAT CABINET 5, SLIDE 133 AS INSTRUMENT NO. 2013063166 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

EXCEPTING THEREFROM,

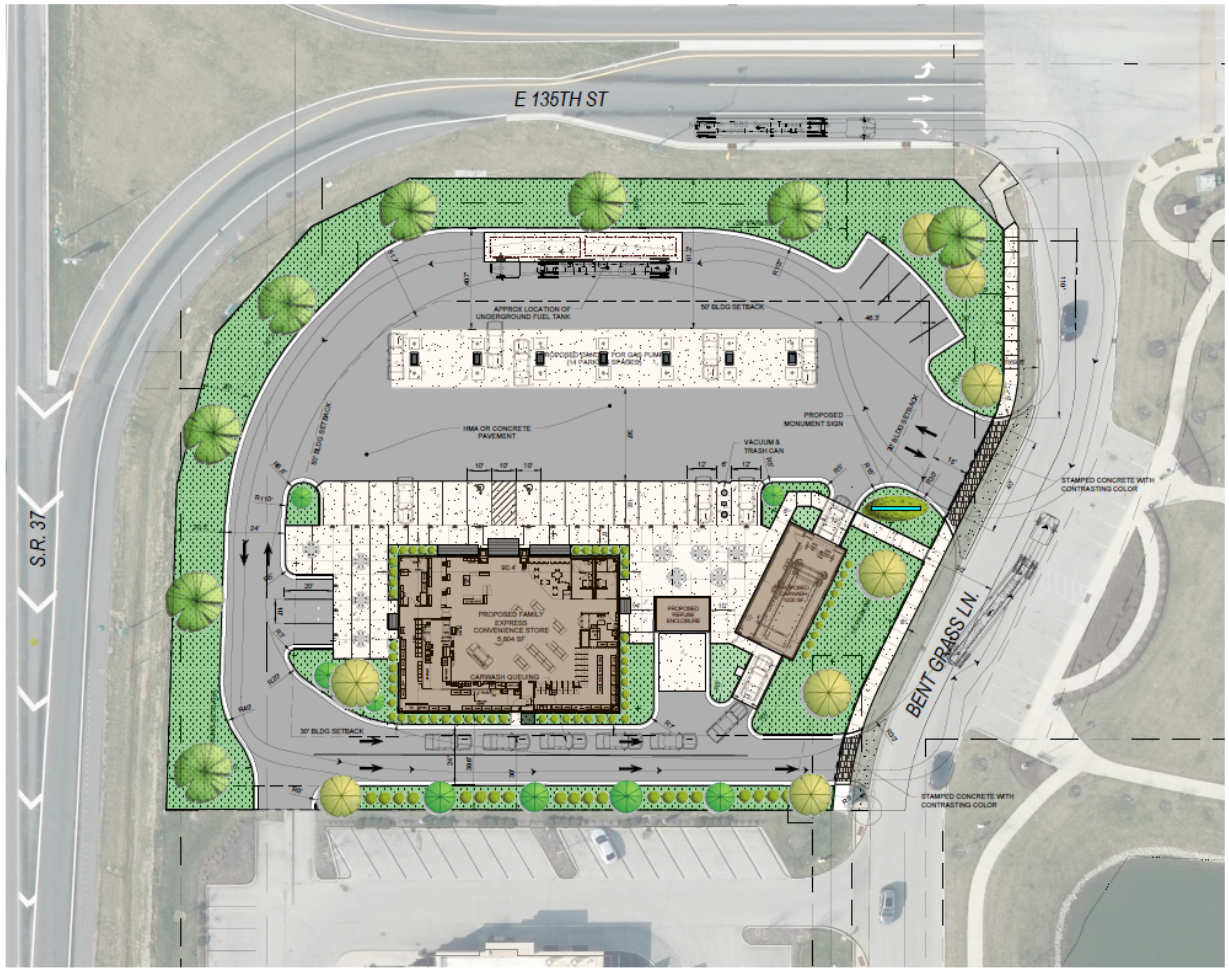
A PART OF OUTLOT 5 IN THE SECONDARY RE-PLAT OF BLOCKS A & D AT FISHERS MARKETPLACE, AN ADDITION TO HAMILTON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT CABINET 5, SLIDE 133 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT 5; THENCE ALONG THE WEST LINE OF SAID OUTLOT 5 NORTH 00 DEGREES 00 MINUTES 07 SECONDS WEST, 207.45 FEET TO THE NORTHWESTERN LINE OF SAID OUTLOT 5; THENCE ALONG SAID NORTHWESTERN LINE NORTH 47 DEGREES 25 MINUTES 52 SECONDS EAST 74.28 FEET TO THE NORTH LINE OF SAID OUTLOT 5; THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 44 MINUTES 18 SECONDS EAST 54.06 FEET TO POINT "537" DESIGNATED ON SAID PLAT; THENCE SOUTH 63 DEGREES 16 MINUTES 40 SECONDS WEST 44.64 FEET TO POINT "538" DESIGNATED ON SAID PLAT; THENCE SOUTH 41 DEGREES 54 MINUTES 59 SECONDS WEST 59.47 FEET TO POINT "539" DESIGNATED ON SAID PLAT; THENCE SOUTH 14 DEGREES 20 MINUTES 26 SECONDS WEST 63.06 FEET TO POINT "540" DESIGNATED ON SAID PLAT; THENCE SOUTH 01 DEGREE 48 MINUTES 20 SECONDS WEST 132.54 FEET TO THE SOUTH LINE OF SAID OUTLOT 5, DESIGNATED AS POINT "541" ON SAID PLAT; THENCE ALONG SAID SOUTH LINE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST 8.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.121 ACRES, MORE OR LESS.

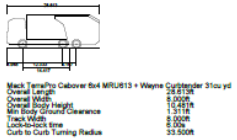
TOGETHER WITH, THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM AND ACROSS THE ABOVE-DESCRIBED REAL ESTATE. THIS RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON THE GRANTOR AND ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

PARCEL 2 (EASEMENT)

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ACCESS AS CREATED AND GRANTED IN THAT CERTAIN DECLARATION OF COVENANTS AND EASEMENTS (NORTH PARCEL) DATED OCTOBER 28, 2013, AND RECORDED NOVEMBER 7, 2013 AS INSTRUMENT NO. 2013068073 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

Exhibit "B"





EXISTING ZONING = PUDM PARKING REQUIRED:

PROPOSED USE: CONVENIENCE STORE & GAS
A. 1 SPACE/1000 SFT (5,760 SFT) + 1 SPACE/INDOOR/OUTDOOR SEATING + 1 SPACE/EMPLOYEE
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PROPOSED USE: CAR WASH
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APPARENT EXISTING PROPERTY

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CONCRETE PAVEMENT/SIDEWALK

STAMPED CONCRETE SIDEWALK

GAS PUMP LOCATION

FAMILY EXPRESS, FISHERS, IN

04.23.2024

JONES PETRIE RAFINSKI

South Bend, IN p: 574.232.4388

Fort Wayne, IN p: 260.432.3323

Feet

SCALE: 1"=20'

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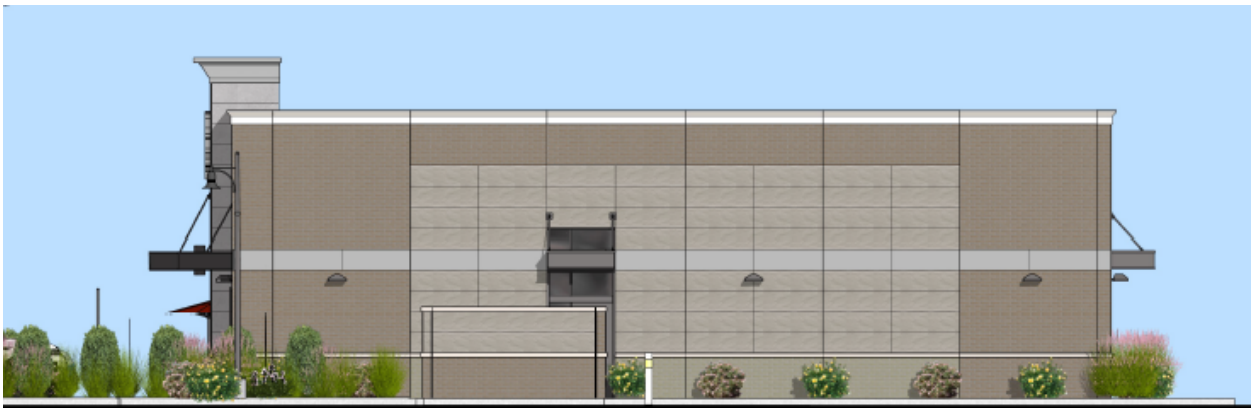
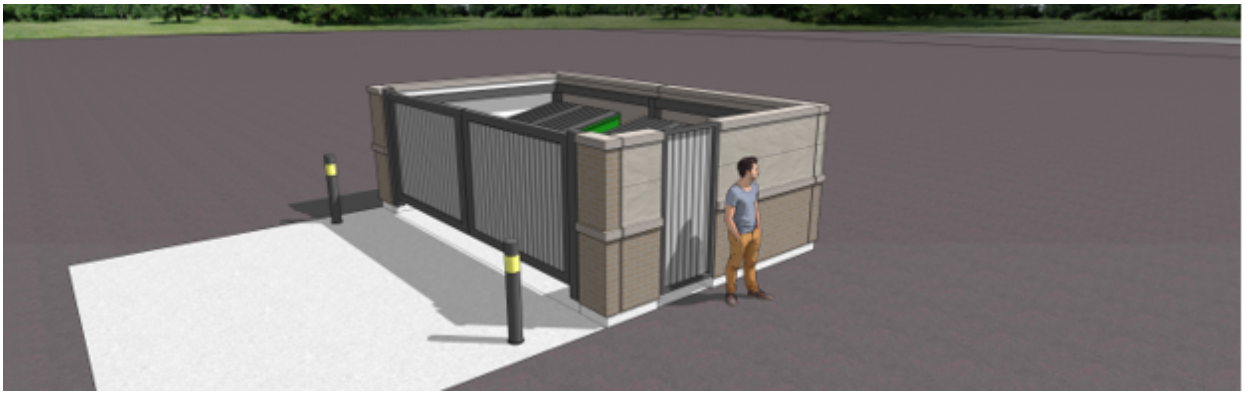
Exhibit "C"

FAMILY
EXPRESS



FAMILY
EXPRESS

Carwash

Carwash