



## CITY OF FISHERS AGENDA

**BOARD/COMMISSION:** Plan Commission Meeting

**DATE:** 7/16/2024, at 6:00 PM

**DIRECTIONS:** Launch Fishers Theater , 12175 Visionary Way, Fishers, IN 46038

Members of the public can [submit comments to the board via form submittal](#) before 12pm on the day of the meeting.

Members of the public may [stream the live meeting](#) online.

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**
2. **Pledge of Allegiance to The Flag of The United States**
3. **Roll Call**
4. **Approval of Previous Minutes**
  - a. 2-7-24
5. **Public Hearings**
  - a. Resolution of the Plan Commission Approving Redevelopment Commission Approval of CityViewAllocation Area, FRC 01R032124
6. **Staff Communication**
7. **Summary of Council Action**

## **8. Adjournment**

**CITY OF FISHERS  
ADVISORY PLAN COMMISSION MINUTES  
February 7, 2024  
LAUNCH FISHERS THEATER**

**The meeting of the Advisory Plan Commission convened at 6:00 p.m.**

**Mr. Stevenson confirmed quorum and called the meeting to order.**

A roll call was taken and those members present were: Selina Stoller, Howard Stevenson, Bruce Molter, Katie Jackson, Rick Fain. Brad DeReamer and Angie Frazier were also present and took the Oath of Office as new members. Kim Logan, Pete Peterson, and Steve Richards were not present. Others present: Rodney Retzner, Kay Prange, Ross Hilleary, Kevin Martin, Christy Cashin, Nancy Jarrell, Melody Landis, Joshua Lippert, Sue Anthony Follmar and Jack Follmar, Dave Collins, Chris Platt, Lee Ann Sherman, Randy Sherman, Peggy Platt, Brian Eversman, Charlie Mattox.

**Elections:**

Mr. Stevenson asked for a nomination for President of the Plan Commission. Mr. Stevenson was nominated by Selina Stoller and seconded by Bruce Molter. The Motion was approved, 8-0.

Mr. Peterson was nominated by Selina Stoller as Vice-President of the Plan Commission and seconded by Howard Stevenson. The Motion was approved, 8-0.

All appointments and Designations were also approved by a vote of 8-0.

Selina Stoller made a motion to approve the Minutes from the 12-6-23 meeting. Mr. Molter seconded. The Motion was approved 5-0-3. Mr. DeReamer, Mr. Fain and Ms. Frazier abstained.

**Public Hearings:**

**a. Commercial Use Limit Overlay**

**Parcel:** 15-10-35-00-01-002.000 & 19-11-34-00-21-004.000

**Address:** 7274 Fishers Crossing Drive and 12520 E 116<sup>th</sup> Street

**Case:** TA-23-6

**Request:** Consideration of a text amendment to the Unified Development Ordinance to remove Section 4.2.1. Commercial Use Limit overlay

**Petitioner:** City of Fishers

**Planner:** Ross Hilleary, Director ([hillearyr@fishers.in.us](mailto:hillearyr@fishers.in.us))

Ross Hilleary presented the Staff Report. The property is the old Kroger grocery store. Planning to take this to Council in February. Staff recommends approval. Committee asked what is going in this location and it is not known at this time. A Tenant can't subdivide it.

**Mr. Stevenson opened the meeting to Public Comment. Seeing no one from the Public to speak, he closed the Public Hearing.**

**Mr. Stevenson asked for a Motion. Ms. Stoller made a Motion to approve, seconded by Brad DeReamer. The Motion was approved, 7-0.**

b. **Traders Point Church Rezone**

**Parcel:** 19-11-34-00-00-012.002

**Address:** 12648 E 116th St (rezoned property is directly north of this address)

**Case:** RZ-23-7

**Request:** Consideration of a rezone of 5.67 acres from PUDM (Sandstone Gray Eagle PUD) to R3-Residential. To allow for future building and parking expansion of the Traders Point Church. A place of worship is a permitted use within the R3-Residential zoning district.

**Petitioner:** Charlie Mattox ([cmattox@crossroadengineers.com](mailto:cmattox@crossroadengineers.com))

**Planner:** Christy Cashin, Senior Planner ([cashinc@fishers.in.us](mailto:cashinc@fishers.in.us))

Christy Cashin presented the Staff Report for future expansion. Plans are to take this to City Council on 2/19. Staff recommends approval.

Charlie Mattox presented the expansion. Their intent is to rezone the North property so it matched the South. No buildings are submitted at this time.

Through a Neighborhood meeting and Public Comments, the City has become aware of Noise complaints on Sunday mornings. Mr. Mattox explained that the current building is metal and has no sound reduction qualities. The future expansion building will include the ability to reduce sound through insulated concrete panels.

**Mr. Stevenson opened the meeting to Public Comment.**

Kari Ferge (11830 Hanley Dr.) – they border the church property and are concerned about the future plans.

**Mr. Stevenson closed the Public Hearing.**

Ross Hilleary stated that current noise issues should be referred immediately to Fishers Police so they can do a sound check.

Brian Eversman stated that the new building would have bass traps and sawtooth walls to absorb sound. He will relate this to the concerned neighbors.

Brad DeReamer confirmed that the noise is all inside the building, none outside.

Howard Stevenson appreciates that the church is reaching out. Selina Stoller wants this tabled. Brad DeReamer is against tabling this, it's not needed. Angie Frazier confirmed that all services would move to the new building.

Bruce Molter confirmed that the vote tonight is only for the rezone. Ross Hilleary asked Charlie for a concept plan when it is developed.

**Mr. Stevenson asked for a Motion. Mr. DeReamer made a Motion to approve, seconded by Angie Frazier. The Motion was approved, 6-1.**

c. **Fishers 2040 Annual Update**

**Parcel:** City Wide

**Address:** City Wide

**Case #:** TA-24-1

**Request:** Annual update to the Fishers 2040 Comprehensive Plan. The Fishers 2040 Plan creates long-range planning goals for land use, housing and neighborhoods, transportation, and parks. Staff will provide updates on the status of the objectives and actions outlined in Chapter 6 Summary & Implementation, the 2023 Trails & Greenways Report, and the updated Thoroughfare Plan

**Petitioner:** City of Fishers

**Planner:** Ross Hilleary, Director ([hillearyr@fishers.in.us](mailto:hillearyr@fishers.in.us))

Ross Hilleary presented the Update. In 2040, Fishers population will be 135,000. The new City Website is live. The update focuses on Land Use, Housing and Neighborhoods, Parks, Transportation, with the addition of an Implementation chapter. Staff Recommends approval.

**Mr. Stevenson opened the meeting to Public Comment.**

Ross Rhinehart (sp?)- (7704 Creekside) - Spoke to support the Trails and Greenway report and highlighted support for the safety and research done.

**Mr. Stevenson closed the Public Comment portion of the meeting, and thanked Staff for their work on the Update.**

**Mr. Stevenson asked for a Motion. Angie Frazier made a Motion to approve, seconded by Bruce Molter.**

**The Motion was approved, 7-0.**

**The Meeting was adjourned at 6:45 p.m.**

Respectfully Submitted by:

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Kay Prange, Recording Secretary

**RESOLUTION NO. FRC 01R032124**

**RESOLUTION OF THE CITY OF FISHERS REDEVELOPMENT COMMISSION  
AMENDING THE DECLARATORY RESOLUTION FOR THE CONSOLIDATED  
FISHERS/I-69 ECONOMIC DEVELOPMENT AREA AND APPROVING AN AMENDMENT  
TO THE DEVELOPMENT PLAN FOR SAID AREA**

WHEREAS, the City of Fishers Redevelopment Commission (the "Commission"), governing body of the City of Fishers Department of Redevelopment (the "Department"), previously adopted and amended resolutions (collectively, the "Declaratory Resolution") establishing and expanding an economic development area known as the "Consolidated Fishers/I-69 Economic Development Area" (the "Area"), designating certain portions of the Area as "allocation areas" for purposes of Section 39 of the Act (collectively, the "Allocation Areas"), which Allocation Areas include, among others, an allocation area designated as the Downtown Allocation Area, and approving an economic development plan for the Area (as subsequently amended, the "Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, the Commission now desires to further amend the Declaratory Resolution, pursuant to Sections 15-17.5 of the Act, to (i) remove the area described on Exhibit A attached hereto from the Downtown Allocation Area, (ii) designate the area described on Exhibit A attached hereto as a separate allocation area pursuant to Section 39 of the Act to be known as the CityView Allocation Area (the "CityView Allocation Area"), and (iii) amend the Plan as described in Exhibit B attached hereto (the "Plan Amendment") (clauses (i), (ii), and (iii), collectively, the "Amendments"); and

WHEREAS, the Commission has thoroughly studied that portion of the City of Fishers, Indiana (the "City") described on Exhibit A attached hereto; and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the CityView Allocation Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the CityView Allocation Area, the parts of the CityView Allocation Area to be devoted to public ways, levees, sewerage, and other public purposes under the Plan as amended herein, and lists of the owners of any parcels proposed to be acquired, together with an estimate of the cost of acquisition and redevelopment; and

WHEREAS, the Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of "economic development areas" and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 15-17.5, 39, 41, and 43 of the Act to the Amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FISHERS, INDIANA REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Amendments promote significant opportunities for the gainful employment of its citizens, attract major new business enterprises to the City, retain and expand significant business enterprises existing in the boundaries of the City, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the "State"), and serving to protect and increase property values in the City and the State.

2. The Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of conditions that lower the value of the land below that of nearby land, lack of development, age, and other similar conditions, including without limitation the cost of the projects contemplated by the Amendments.

3. The public health and welfare will be benefited by accomplishment of the Amendments, and it will be of public utility and benefit to amend the Declaratory Resolution and the Plan as set forth herein.

4. The accomplishment of the Amendments will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan Amendment conforms to the plan of development for the City.

6. The Plan Amendment does not contemplate the acquisition of property as a part of the economic development strategy, and the Department does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the CityView Allocation Area. If in the future, the Department proposes to acquire specific parcels of land, the required procedures under the Act will be followed.

7. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan Amendment, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. The Commission hereby adopts the specific findings set forth in the Plan Amendment, and the Plan Amendment is hereby in all respects approved. The secretary of this Commission is hereby directed to file a copy of the Plan Amendment with the minutes of this meeting.

9. The area described on Exhibit A hereto is hereby removed from the Downtown Allocation Area effective as of the assessment date of January 1, 2024.

10. The Declaratory Resolution is hereby amended to hereby designate the area described in Exhibit A hereto as a separate “allocation area” pursuant to Section 39 of the Act, to be known as the “CityView Allocation Area,” for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under IC 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the CityView Allocation Area hereby designated as the “CityView Allocation Fund” and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

11. The allocation provisions in Section 10 hereof shall apply to all of the CityView Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the CityView Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B hereto. The base assessment date for the CityView Allocation Area is January 1, 2024.

12. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and subject to the Act, the allocation provisions herein shall expire on the date that is twenty-five (25) years from the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the CityView Allocation Area.

13. The Commission hereby finds and determines that the foregoing Amendments to the Declaratory Resolution and the Plan (as described in Sections 1-12 above) are reasonable and appropriate when considered in relation to the original Declaratory Resolution and Plan and the purposes of the Act, and that the Declaratory Resolution and Plan, with the proposed Amendments, conform to the comprehensive plan for the City.

14. Except as set forth above, the terms of the Declaratory Resolution remain in full force and effect.

15. This Resolution, together with any supporting data and together with the Plan Amendment, shall be submitted to the Plan Commission and the Common Council as provided in the Act, and if approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

16. The officers of the Commission are hereby authorized to publish notice of such meetings and hearings as are necessary to carry out the purposes of this Resolution and the Plan, and to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

17. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

Adopted the 21<sup>st</sup> day of March, 2024.

CITY OF FISHERS REDEVELOPMENT  
COMMISSION



President



Vice President

Secretary



Member



Member

## EXHIBIT A

### Area to be Removed from the Downtown Allocation Area and Designated as the CityView Allocation Area

The area identified in light blue in the below map is to be removed from the Downtown Allocation Area and is to be designated as the CityView Allocation Area.



|            |                        |
|------------|------------------------|
| Parcel No. | 15-14-01-02-01-010.000 |
|            | 15-14-01-02-01-011.000 |
|            | 15-14-01-02-01-012.000 |
|            | 15-14-01-02-01-013.000 |
|            | 15-14-01-02-01-014.000 |
|            | 15-15-06-01-01-001.000 |
|            | 15-14-01-02-01-015.000 |
|            | 15-14-01-02-01-016.000 |
|            | 15-14-01-02-01-019.000 |
|            | 15-14-01-02-01-020.000 |

## EXHIBIT B

### Plan Amendment

To foster economic development in the City, the City of Fishers, Indiana, the Fishers Economic Development Commission, the City of Fishers Redevelopment Commission, and, HighGround Fishers I, LLC (the “Developer”) entered into a Project Agreement (the “Project Agreement”), with respect to the development of the CityView Allocation Area. Pursuant to the Project Agreement, the Developer has committed to invest approximately \$89,000,000 to pay the costs of the acquisition, construction, renovation and equipping of a new mixed-use development, including age restricted, active adult (55 and over in conformance with the Housing for Older Persons Act, as amended from time to time) multi-family housing, commercial, retail, and restaurant space along 116<sup>th</sup> Street, and a parking facility all to be located in the CityView Allocation Area (the “Project”). The Project will be constructed on land owned by the Developer and the City. The City and the Commission have agreed to assist the completion of the Project through the payment of certain costs of the Project from the proceeds of bonds payable from the tax increment revenues from the CityView Allocation Area and other legally available revenues (the “Bonds”). Based on the findings below, the Amendments to the Plan provide for creation of the CityView Allocation Area, the completion of the Project, and the issuance of the Bonds, all as further described in the Project Agreement.

### Statutory Findings.

The Amendments meet the following required findings under the Act:

- (i) *The Amendments promote significant opportunities for the gainful employment of the citizens of the City, attract new business enterprise to the City, retain or expand a business enterprise existing in the City, or meet other purposes of Sections 2.5, 41 and 43 of the Act.*

The Amendments allow for the completion of a mix of residential, commercial and parking uses, which will add needed infill density in the downtown area of the City. Additional density and available parking will promote the overall vitality of the City’s downtown business district. The Project is anticipated to include over sixteen thousand square feet of commercial, retail and restaurant space which will provide additional employment opportunities in the City. The construction of age restricted housing fills a currently unfilled niche in the City’s downtown business district and will allow residents to take advantage of the downtown business district’s walkability.

- (ii) *Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.*

The land in the CityView Allocation Area has lagged behind surrounding properties in scale and quality of development as the downtown area of the City has rapidly developed to more intensive uses. By facilitating the Project under the Project Agreement, the Amendments enable the use of land in the CityView Allocation Area that was previously underdeveloped and provide the required incentives which are necessary for development commensurate to the surrounding area.

- (iii) *The public health and welfare will be benefited by accomplishment of the Amendments.*

By providing required support of the Project, the Amendments create new opportunities for employment through new commercial development in the Project and enhanced traffic to businesses in the downtown business district through added parking and residential housing, and as a result will also benefit the public health and welfare for the citizens of the City.

- (iv) *The Amendments will be a public utility and benefit as measured by public benefits similar to the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.*

As described above, the Project contemplated by the Amendments will be of public utility and benefit by creating jobs through new commercial development and enhancement of the value of surrounding commercial development, and the new development created by the Project will increase the property tax base.

- (v) *The Plan, as amended by the Amendments conforms to other development and redevelopment plans for the City.*

The Plan, as amended by the Amendments, conforms with the intended development of the Area as prescribed by the City of Fishers Plan Commission.

- (vi) *The Amendments are reasonable and appropriate when considered in relation to the original Declaratory Resolution and Plan and the purposes of the Act.*

The Amendments and the completion of the Project are consistent with the existing Plan which contemplates residential and commercial development in the area of the CityView Allocation Area and the use of tax increment allocation areas and bonds to finance infrastructure, real property acquisition, real property improvements, and equipment throughout the Economic Development Area.

- (vii) *The designation of the CityView Allocation Area will result in new property taxes that would not have been generated but for the adoption of the allocation provision.*

The designation of the CityView Allocation Area allows for the capture of tax increment revenues from the Project, and the use of those revenues to pay debt service on one or more series of Bonds, which finance portions of the Project. The Developer has expressed to the Commission that without such use of the tax increment revenues, the Project would not be completed and the additional tax revenue resulting from the Project would not be generated.

**ORDER OF THE CITY OF FISHERS PLAN COMMISSION  
DETERMINING THAT A RESOLUTION AND PLAN AMENDMENT  
APPROVED AND ADOPTED BY THE CITY OF FISHERS  
REDEVELOPMENT COMMISSION CONFORM TO THE  
COMPREHENSIVE PLAN AND APPROVING THE RESOLUTION AND  
PLAN AMENDMENT**

WHEREAS, the City of Fishers Redevelopment Commission (the “Redevelopment Commission”), governing body of the City of Fishers Department of Redevelopment (the “Department”), previously adopted and amended resolutions (collectively, the “Declaratory Resolution”) establishing and expanding an economic development area known as the “Consolidated Fishers/I-69 Economic Development Area” (the “Area”), designating certain portions of the Area as “allocation areas” for purposes of Section 39 of the Act (collectively, the “Allocation Areas”), which Allocation Areas include, among others, an allocation area designated as the Downtown Allocation Area, and approving an economic development plan for the Area (as subsequently amended, the “Plan”), pursuant to Indiana Code 36-7-14, as amended (the “Act”); and

WHEREAS, on March 21, 2024, the Redevelopment Commission approved and adopted Resolution No. FRC 01R032124 (the "Resolution"), which (i) removed the area described on Exhibit A attached to the Resolution from the Downtown Allocation Area, (ii) designated a portion of the Area described on Exhibit A attached to the Resolution as a separate allocation area pursuant to Section 39 of the Act to be known as the CityView Allocation Area, and (iii) amended the Plan as described in Exhibit B attached to the Resolution (clauses (i), (ii), and (iii), collectively, the “Amendments”); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Amendments to this Plan Commission.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF FISHERS PLAN COMMISSION, as follows:

1. That the Resolution and the Amendments conform to the plan of development for the City of Fishers, Indiana (the “City”).
2. That this Plan Commission hereby approves the Resolution and the Amendments.
3. That this Order hereby constitutes the written order of the Plan Commission approving the Resolution and the Amendments pursuant to Section 16 of the Act.
4. That the Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Amendments with the minutes of this meeting.

Passed by the City of Fishers Plan Commission this 1st day of May, 2024.

CITY OF FISHERS PLAN COMMISSION

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President

ATTEST:

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Secretary