



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Plan Commission Meeting

DATE: 12/6/2023, 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. 11-1-23
5. **Public Hearings**
 - a. **Fishers Community Center Rezone**
Parcel: 13-11-33-00-00-005.000 & 13-11-33-00-00-010.002
Address: 11400 Johnson Farm Way
Case: RZ-23-5Request: Consideration of a rezone of 25 Acres from R2 Residential to OS Open Space known as the Fishers CommunityCenter rezone

Petitioner: City of Fishers
Planner: Ross Hilleary, Director (hillearyr@fishers.in.us)

b. Drive Planning PUD

Parcel: 13-11-35-00-00-039.000

Address: 13562 E 116th Street

Case: RZ-23-6

Request: Consideration of a rezone of .88 acres from R2 Residential to PUDC for a single-tenant office building known as Drive Planning.

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

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

6. Staff Communication

7. Summary of Council Action

8. Adjournment

**CITY OF FISHERS
ADVISORY PLAN COMMISSION MINUTES
November 1, 2023
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: Rick Fain, Bill Stuart, Howard Stevenson, Todd Zimmerman. Kim Logan, Selina Stoller and Pete Peterson. Bruce Molter, Steve Richards, and Katie Jackson were not present.

Others present: Rodney Retzner, Kay Prange, Ross Hilleary, Gabrielle Herin, Bre King, Christy Cashin, Amanda Deardorff, Nancy Jarrell, Mindy Westrick Brown.

Mr. Stevenson asked for a Motion to approve the Minutes from the 10-4-23 meeting. Mr. Peterson made a Motion to approve, seconded by Mr. Fain. The Minutes were approved, 5-0-2. There were 2 members that abstained.

Public Hearings:

Cove at Thorpe Creek PUD

Case: TA-23-5

Address: Generally located east and west of Florida Road and northwest of Thorpe Creek

Request: Consideration of a text amendment to the Cove at Thorpe Creek PUD to request approval of new home elevations, an updated concept plan, and to increase the height of homes northwest of Thorpe Creek from 35 feet to 40 feet.

Petitioner: Nick Weber, Faegre Drinker, representative for Fischer Homes

Planner: Gabrielle Herin, hering@fishers.in.us

Gabrielle Herin presented the Staff Report. The elevations were reviewed for the Fischer Homes Masterpiece collection in the Grand Estates section of the Cove. Staff recommends approval. The Text Amendment to increase height from 35 feet to 40 feet was approved at PUD Committee tonight. Mandy Westrick Brown of Faegre Drinker is representing Fischer Homes.

Mr. Stevenson opened the Public Hearing. Seeing no one present from the Public to speak, he closed the Public Hearing portion of the meeting.

Mr. Stevenson asked for a Motion. Mr. Peterson made a Motion to send a favorable recommendation to City Council, seconded by Mr. Stuart. The Motion was approved, 7-0.

The Meeting was adjourned at 6:09 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary

ORDINANCE NO. 112023A
AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the City of Fishers (the “City”), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City’s Plan Commission has conducted a public hearing on December 6, 2023 for case RZ-23-5 as required by law in regard to the proposal to amend the City’s Official Zoning Map to designate the real estate identified on Exhibit A, attached hereto and incorporated herein (the “Real Estate”), as within the OS Open Space zoning district; and

WHEREAS, the Plan Commission at its December 6, 2023 meeting sent a _____ recommendation to the Fishers City Council by a vote of ____ in favor and ____ opposed; and

WHEREAS, to support its long-term vision for the City, the Council desires to adopt certain amendments to the Official Zoning Map.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

Section 1. Declaration. The City’s Official Zoning Map is hereby amended to designate the Real Estate as within the Open Space (OS) zoning district.

Section 2. Purpose and Intent. The purpose and intent of this text amendment is to support the City’s long-term vision for the City.

Section 3. Approval. This amendment shall become effective upon its adoption and publication in accordance with Indiana law. Development of the Real Estate shall be governed entirely by the provisions of the Open Space (OS) district with conditions and the provisions of the UDO.

ORDINANCE NO. 112023A

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 18th day of December 2023.

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

YAY

NAY

ABSTAIN

	John Weingardt President		
	Cecilia Coble, Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 18th day of December 2023, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"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." Lindsey Bennett

ORDINANCE NO. 112023A

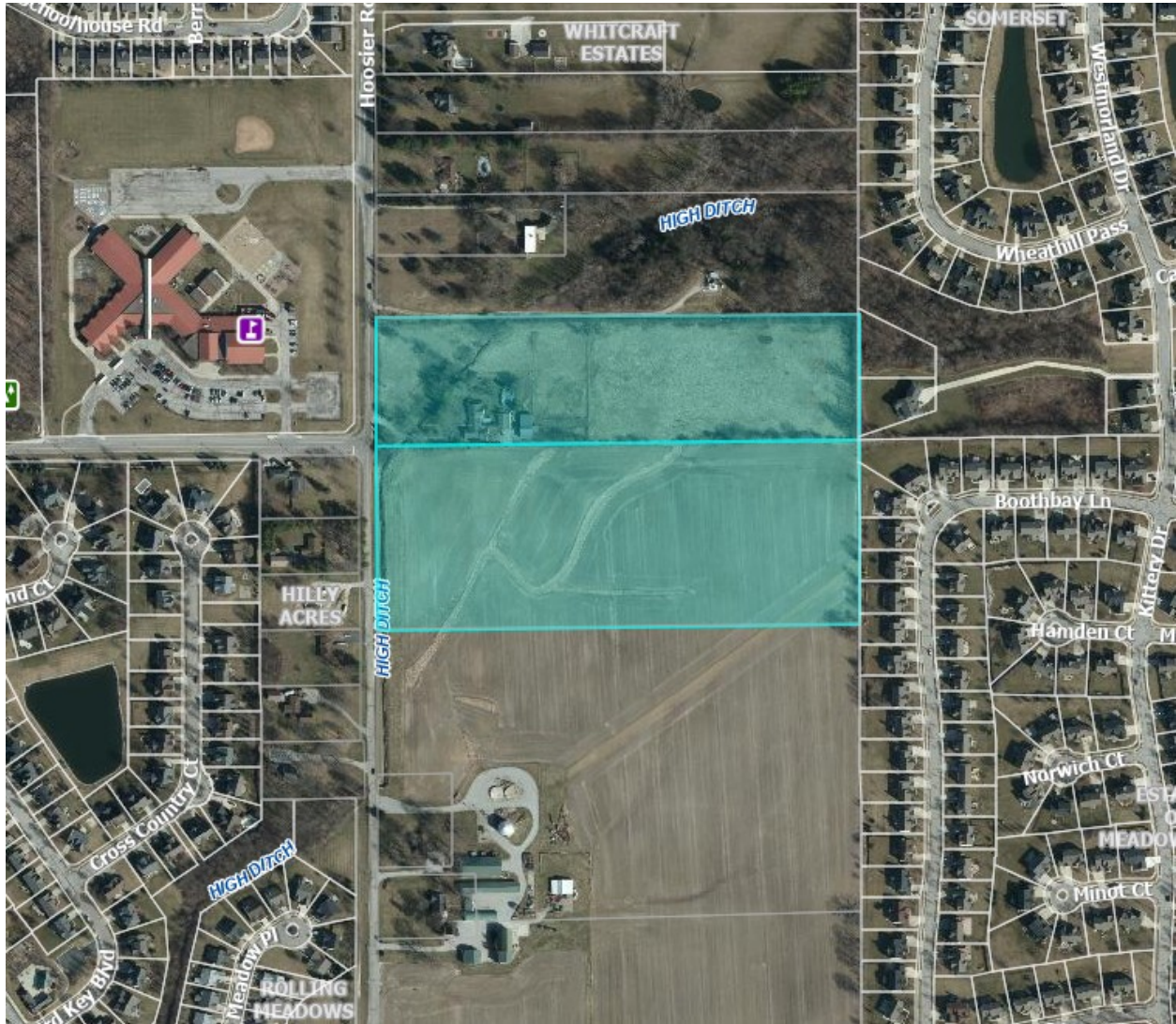
EXHIBIT A
Legal Description

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION, AS MARKED BY A HARRISON MONUMENT FOUND; THENCE ALONG THE WEST LINE OF SAID QUARTER SECTION NORTH 00 DEGREES 05 MINUTES 41 SECONDS WEST (STATE PLANE BEARING, INDIANA EAST) 330.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF THE WEST HALF OF SAID QUARTER SECTION NORTH 89 DEGREES 13 MINUTES 32 SECONDS EAST 1320.11 FEET TO THE EAST LINE OF SAID WEST HALF; THENCE ALONG SAID EAST LINE SOUTH 00 DEGREES 03 MINUTES 15 SECONDS EAST 330.00 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION SOUTH 00 DEGREES 16 MINUTES 33 SECONDS EAST 494.90 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID WEST HALF SOUTH 89 DEGREES 13 MINUTES 32 SECONDS WEST 1320.75 FEET TO THE WEST LINE OF SAID WEST HALF; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 44 SECONDS WEST 494.91 FEET, TO THE POINT OF BEGINNING, CONTAINING 24.999 ACRES, MORE OR LESS.

12102 Hoosier Road and 0 Hoosier Road Fishers, IN 46037
13-11-33-00-00-005.000 & 13-11-33-00-00-010.002

EXHIBIT B
Location Map



*12102 Hoosier Road and 0 Hoosier Road Fishers, IN 46037
13-11-33-00-00-005.000 & 13-11-33-00-00-010.002*



Advisory Plan Commission Staff Report

Meeting Date: December 6, 2023

DEPARTMENT CONTACT:

Ross Hilleary (hillearyr@fishers.in.us)

CASE NUMBER:

RZ-23-5

PETITIONER:

The City of Fishers

PROPERTY ADDRESS/LOCATION:

12102 Hoosier Road
46037 13-11-33-00-00-005.000 & 13-11-33-00-00-010.002

REQUEST: Consideration of a rezone of 25 Acres from R2 Residential to OS Open Space known as the Fishers Community Center rezone

APPLICABLE REGULATIONS:

City of Fishers Unified
Development Ordinance

EXISTING ZONING:

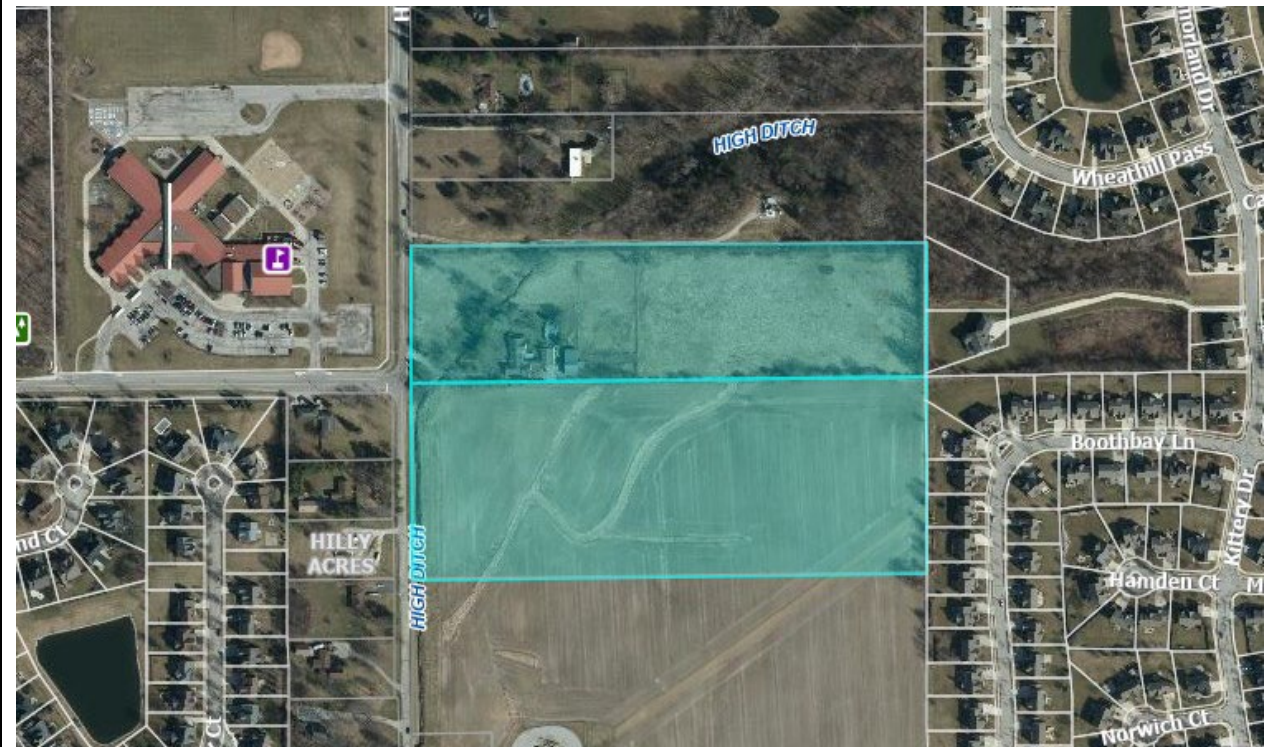
R2, in the process of
rezoning to OS Open Space

FISHERS 2040:

Suburban Residential & Core
Residential

Lot Size: 25 Acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Favorable Recommendation

☐ Unfavorable Recommendation

☐ No Recommendation

ZONING OVERVIEW:

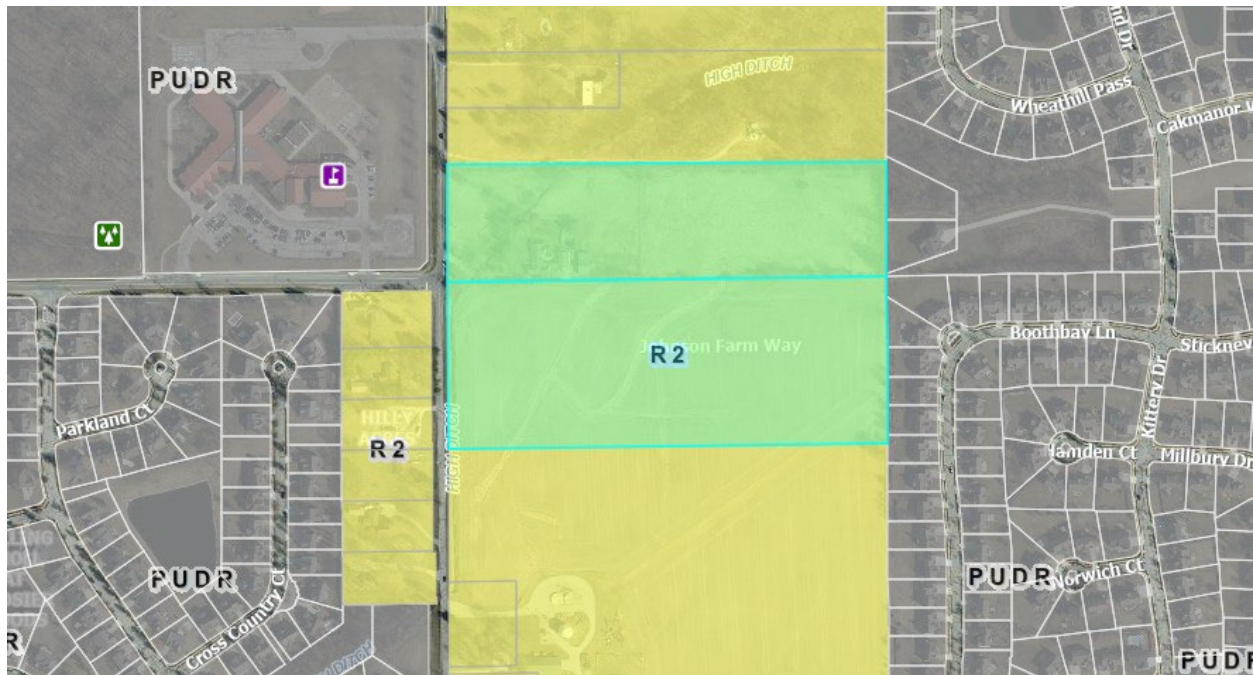
The property is currently zoned R2 Residential

North: R2 Residential (Single Family)

East: PUDR - Somerset Hills PUD & Hamilton Proper PUD (Single Family)

South: R2 Residential (Agricultural)

West: PUDR Hoosier Woods PUD & R2 Residential (Elementary School and Single Family)



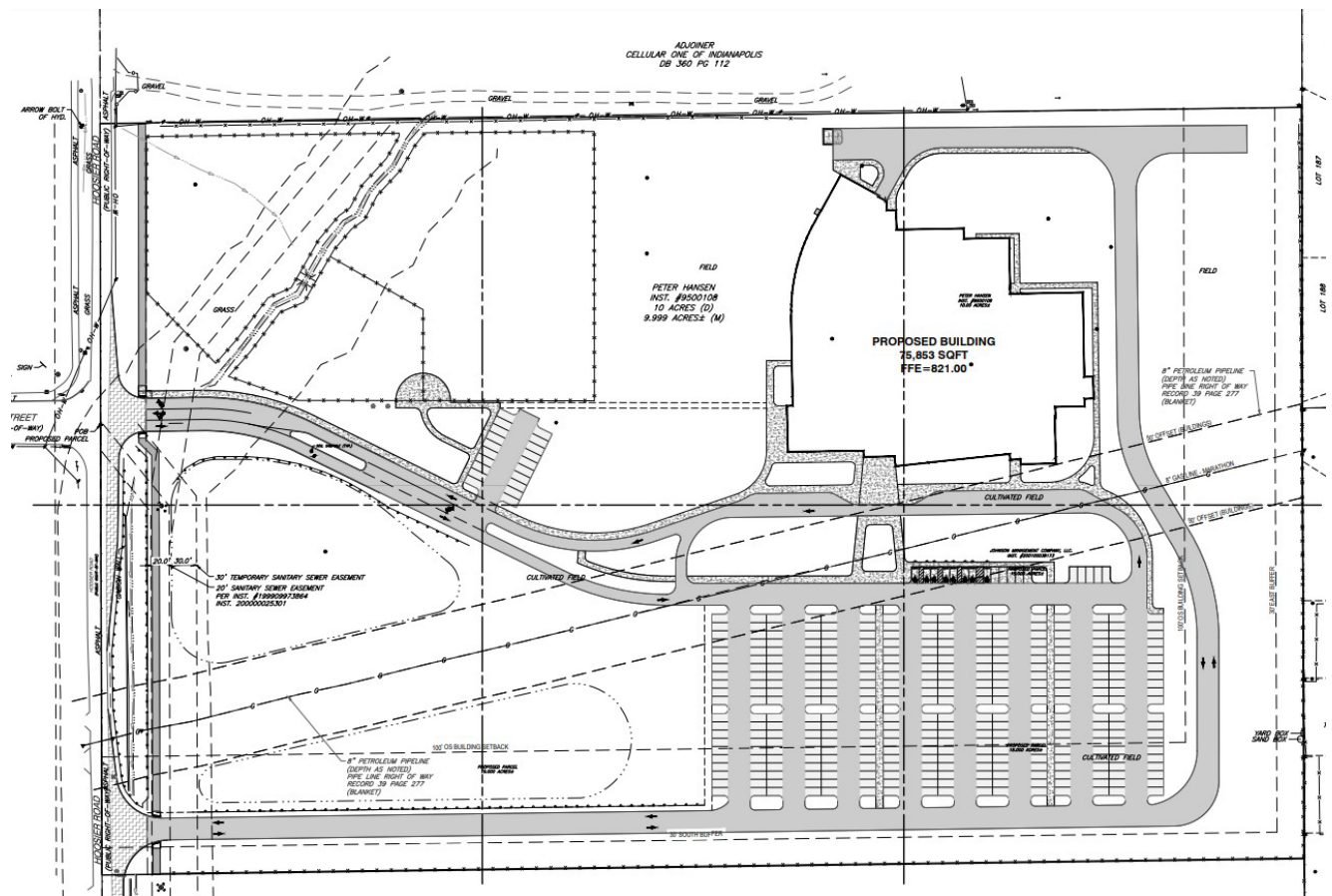
PETITION OVERVIEW:

The current zoning of the property is R2 Residential. The property is planned to be home to the Fishers Community Center at Johnson Farms. This 105,000 sqft community center was designed with input from residents starting in 2021 with nearly 3,500 residents completing a survey.

The community center will include a dog park, indoor playground and walking track along with a fitness center, aquatic center and athletic courts it will also house the Fishers Health Department and will have day programs aimed at empowering adults with intellectual disabilities in partnership with Outside the Box.

The City request to rezone this property from R2 Residential to OS Open Space to align itself with the community center use.

The OS Open Space District is intended to provide for permanent open space areas that will be preserved as undeveloped or open land and developed land for use as parks, playgrounds, recreational areas and buffer zones between commercial or industrial uses and adjacent residential districts. The open space may be developed into single or multipurpose use areas, and these uses may be managed or operated by the City, County, school systems, parks board, or others.



Site Plan of the proposed Fishers Community Center

The site plan above shows a primary entrance drive and secondary access drive to the south with the primary building, associated parking, trail adjacent to Hoosier Road and a dog park. Pedestrian and cycling access, trail connectivity and sidewalks, and drop-off areas are of high importance. A gas easement bisects the property. Landscape buffering will be provided to the adjacent residential properties through already established agreements.



Rendering of the Fishers Community Center (parking has been modified since created)

SUMMARY OF PUBLIC COMMENTS:

No new public comments or remonstrations have been provided at the time of writing this staff report.

STAFF RECOMMENDATION:

When making their decision, Plan Commission shall be reasonable regard to:

1. The Comprehensive Plan;
2. Current conditions and the character of structures and uses in each zoning district;
3. The most desirable use for which the land in each zoning district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Staff request a favorable recommendation from Plan Commission. This item is anticipated to go to the City Council on December 18, 2023 for Final Reading.

STAFF RECOMMENDATION

☒ Favorable Recommendation

☐ Unfavorable Recommendation

☐ No Recommendation



Memorandum

November 17, 2023

To: Ross Hilleary, Director, Planning and Zoning

Cc: Laura McClure, PE, Assistant Engineer, Engineering Dept.

From: Hatem Mekky, PE, MSCE, Director, Engineering Dept.

Subject: Drive Planning PUD Ordinance – RZ-23-6

Please see below for the Engineering comment on the proposed Drive Planning PUD Ordinance.

Section 13.i., Additional Standards and Exhibit B.2, Concept Plan

Based on the proposed use and size of the development, a full access driveway would not create any adverse effects on 116th St. and would be allowed by Engineering Dept. staff. Per my understanding, due to a request by residents on the south side of 116th St., the developer has agreed to provide a median divided driveway as shown on the PUD Concept Plan to promote only right-in and right-out turning movements. The Engineering Dept. generally has no concerns with the driveway as depicted on the Concept Plan. Technical review will be completed during the Technical Advisory Committee (TAC) review.

ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE 1.0 +/- ACRES FROM R2 TO PUD-C FOR A PROJECT KNOWN AS DRIVE PLANNING PUD DISTRICT.

WHEREAS, this is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance, ("UDO"), for the City of Fishers (the "City"), previously enacted pursuant to Ind. Code § 36-7-4 *et seq.* as amended.

WHEREAS, the Advisory Plan Commission for the City of Fishers ("Plan Commission") has conducted a public hearing on Docket No. ____-____-____ as required by law in regard to the rezone; and

WHEREAS, the Plan Commission at its December 6, 2023 meeting sent a _____ recommendation to the Common Council by a vote of _____ () in favor and _____ () opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, MEETING IN REGULAR SESSION AS FOLLOWS:

SECTION 1. The City's Official Zoning Map is hereby amended to designate the Real Estate, as described and shown in **Exhibit A**, to PUD-C.

SECTION 2. This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SECTION 3. The specific zoning standards, concept plan, and illustrative architectural exhibit shall be approved as shown in **Exhibit B** ("Petitioner's Packet"), attached.

SO BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA this ____ day of _____, 2023.

ORDINANCE NO. _____

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

YAY		NAY	ABSTAIN
	John Weingardt, President		
	Cecilia Coble, Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023, at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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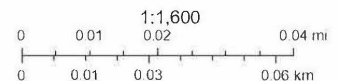
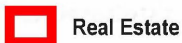
Exhibit A – Real Estate Description and Depiction

A part of the East Half of the Southeast Quarter of Section 35, Township 18 North, Range 5 East, described as follows:

Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 feet to an iron stake. Thence South 208.72 feet to the intersection with the South line of said quarter. Thence West along this South line 208.72 feet to the place of beginning, containing 1 acre more or less.

13484 E 116th St

13-11-35-00-00-039.000



2023

Exhibit B – DRIVE PLANNING PUD



Planning & Zoning Department

City of Fishers

Ordinance: _____



A. Declaration, Purpose and Intent, Applicability, and Allowed Uses

1. Declaration

- a. Ordinance No. _____ (this "Ordinance")
- b. Adopted: _____

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1, attached hereto and incorporated herein (the "Real Estate"), is hereby designated as Planned Unit Development – Commercial District (PUD-C) and shall hereafter be known as the "Drive Planning PUD".

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

3. Applicability

The standards of the UDO applicable to the *C1 Commercial District* shall apply to the development, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Sec. 1.3.6. Transition Ordinance* also shall apply to amendments.

4. Allowed Uses

All uses permitted in the *C1 Commercial District* shall be permitted.

B. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Drive Planning PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

C. Standards for the District

1. Introductory Provisions

The regulations of *CHAPTER 1. INTRODUCTORY PROVISIONS* shall apply.

2. Administration

The regulations of *CHAPTER 2. ADMINISTRATION* shall apply.

3. Zoning Districts

The regulations of *CHAPTER 3. ZONING DISTRICTS* shall apply, except as modified by this Ordinance.

a. Article 3.1. Establishment of Zoning Districts: Shall apply.

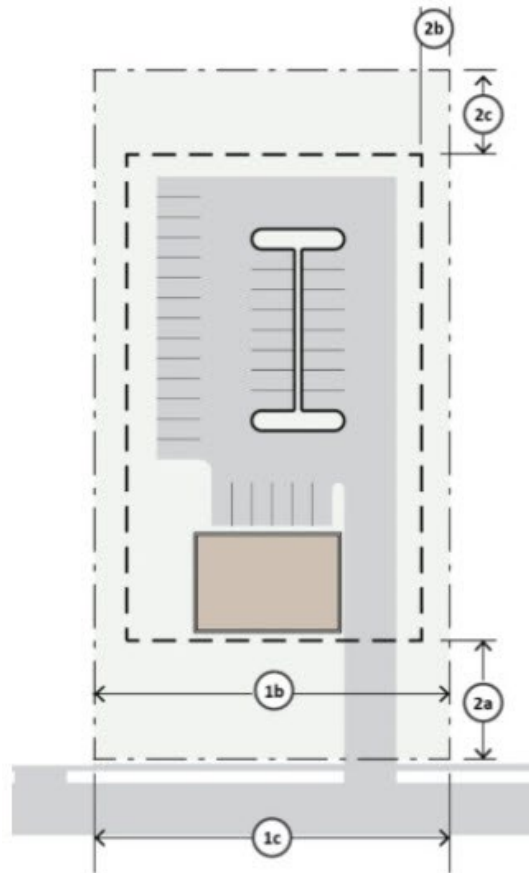
b. Article 3.2. Residential Districts: Shall not apply.

c. Article 3.3. Nonresidential Districts: Shall apply, except as modified below:

(1) *Sec. 3.3.1. C1 Commercial District:* Shall not apply; instead, the following shall apply:

Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary structure	24'
4. Building Floor Area	
4a. Main floor area (min)	n/a
4b. Floor area per unit (min)	n/a
4c. Building footprint (ground level), including garage (max)	4,500 sf
4d. Building loft space (max)	1,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional buffer yard requirements may apply.	



d. **Article 3.4. Other Districts:** Shall apply.

4. Overlay Zoning Districts

The regulations of *CHAPTER 4. OVERLAY ZONING DISTRICTS* shall apply.

5. Use Regulations

The regulations of *CHAPTER 5. USE REGULATIONS* shall apply.

6. Development Standards

The regulations of *CHAPTER 6. DEVELOPMENT STANDARDS* shall apply, except as modified by this Ordinance.

a. **Article 6.1. General Provisions:** Shall apply.

b. **Article 6.2. Accessory Structure Standards:** Shall apply.

c. **Article 6.3. Architectural Design Standards:** Shall apply, except as modified below:

- (1) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B.3**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the building on the Real Estate. The final design may vary from the Illustrative Architectural Exhibit; however, the building shall be substantially similar in quality and character to the building shown in the Illustrative Architectural Exhibit.

d. **Article 6.4. Entrance & Driveway Standards:** Shall apply.

e. **Article 6.5. Exterior Lighting Standards:** Shall apply.

f. **Article 6.6. Height Standards:** Shall apply.

- g. **Article 6.7. Landscaping Standards:** Shall apply. Additionally, existing saved trees shall count toward any planting requirement at a one-to-one ratio.
- h. **Article 6.8. Lot Standards:** Shall apply.
- i. **Article 6.9. Non-Residential Open Space:** Shall apply.
- j. **Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. **Article 6.11. Parking & Loading Standards:** Shall apply.
- l. **Article 6.12. Pedestrian Accessibility Standards:** Shall apply.
- m. **Article 6.13. Permitted Non-residential Structure Standards:** Shall apply.
- n. **Article 6.14. Property Identification Standards:** Shall apply.
- o. **Article 6.15. Public Art Standards:** Shall apply.
- p. **Article 6.16. Setback Standards:** Shall apply.
- q. **Article 6.17. Signage Standards:** Shall apply.
- r. **Article 6.18. Wall & Fence Standards:** Shall apply.
- s. **Article 6.19. Water & Sewer Standards:** Shall apply.
- t. **Article 6.20. Vision Clearance Standards:** Shall apply.

7. Subdivision Regulations

The regulations of *CHAPTER 7. SUBDIVISION DISTRICTS* shall apply.

8. Subdivision & Planned Unit Development Design Standards

The regulations of *CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS* shall apply.

- a. **Article 8.1. General Provisions:** Shall apply.
- b. **Article 8.2. Block, Lot & Access Standards:** Shall apply.
- c. **Article 8.3. Street & Alley Standards:** Shall apply.
- d. **Article 8.4. Open Space, Common Area & Amenity Standards:** Shall apply.
- e. **Article 8.5. Other Design Standards:** Shall apply.

9. Floodplain Standards

The regulations of *CHAPTER 9. FLOODPLAIN STANDARDS* shall apply.

10. Procedures & Permits

The regulations of *CHAPTER 10. PROCEDURES & PERMITS* shall apply.

11. Enforcement & Penalties

The regulations of *CHAPTER 11. ENFORCEMENT & PENALTIES* shall apply.

12. Definitions

The regulations of *CHAPTER 12. DEFINITIONS* shall apply.

13. Additional Standards

The following additional standards shall apply:

- a. The use of the Real Estate shall be limited to one tenant and shall be 100 percent owner-occupied.
- b. Business hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday. The business shall be closed on Saturday and Sunday.

- c. The building shall be limited to 4,500 square feet for the first floor building footprint, including garage. The loft space above the first floor shall be limited to 1,000 square feet. These limitations only include space under roof and shall not include outdoor amenity space such as patios, porches, rooftop decks, etc. that are not under roof.
- d. The use of the loft space shall be limited to open conference space.
- e. The building shall have a pitched roof and residential appearance.
- f. The building height shall be limited to 24 feet, which is two feet less than the adjacent dental office.
- g. The building shall be oriented with the front façade facing east.
- h. Existing hardwood/deciduous trees on the Real Estate shall be preserved to the greatest extent possible.
- i. The driveway and parking spaces shall be oriented north/south on the east side of the Real Estate, parallel with the adjacent dental office, with a right-in right-out only.
- j. There shall be a maximum of 24 parking spaces.
- k. The area located in between the parking lot and the building shall be green space, landscaping, rain garden, or similar.
- l. Signage shall be limited to one free-standing ground or monument sign on the Real Estate. Building signs shall not be permitted.
- m. Lighting in parking areas shall be minimal in order to meet minimum UDO requirements and designed/controlled to be dimmed two hours after dusk until one hour before dawn.

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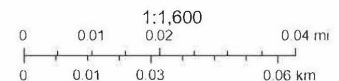
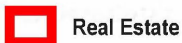
Exhibit B.1 – Real Estate Description and Depiction

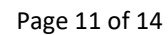
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Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 feet to an iron stake. Thence South 208.72 feet to the intersection with the South line of said quarter. Thence West along this South line 208.72 feet to the place of beginning, containing 1 acre more or less.

13484 E 116th St

13-11-35-00-00-039.000







DRIVE PLANNING
SCHEMATIC DESIGN



Exhibit B.3 – Illustrative Architectural Exhibit



Exhibit B.3 – Illustrative Architectural Exhibit, cont.



Drive Planning

Planned Unit Development



PRESENTED BY
J. MURRAY CLARK
MINDY WESTRICK BROWN



Plan Commission | December 6, 2023

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DRIVE PLANNING PUD	

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Drive Planning LLC:
 Gerry Linarducci,
 Managing Partner/Financial Strategist
 8100 106th St., Suite 260
 Fishers, IN 46038

DI+Build:
 Jason Schnurr,
 VP/Project Management
 10000 Marshall Dr.
 Lenexa, KS 66215

Faegre Drinker Biddle & Reath LLP:
 J. Murray Clark, Partner
 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	
DRIVE PLANNING PUD	

Drive Planning LLC, a comprehensive financial planning group, is pleased to present plans for its new office location in Fishers. The site is located on the north side of 116th Street, west of Olivo Road (please see the Aerial Location Map at Tab 2).

The Drive Planning team has met with surrounding neighbors to discuss the development of this site. They have adjusted and refined their plans for the new office location to reflect the meeting discussions (please see the Concept Plan at Tab 3 and the Illustrative Architectural Exhibit at Tab 4).

The proposed office development will include (please see the PUD Ordinance at Tab 5):

- Permitted Uses same as C1 Commercial District (*Section A.4*),
- Development Plan consistent with Concept Plan (*Section B*),
- Development Standards more tightly restricted than C1 Commercial District (*Section C.3.c*),
- Architecture substantially similar to Illustrative Architectural Exhibit (*Section C.6.c*), and
- Additional Standards (*Section C.13*):
 - a. Limited to one tenant and 100 percent owner-occupied
 - b. 7 AM to 7 PM business hours, Monday through Friday. Closed Saturday and Sunday
 - c. Limited to 4,500 sf for the first floor building footprint, including garage. Loft space above first floor limited to 1,000 sf
 - d. Loft space limited to open conference space
 - e. Pitched roof and residential appearance
 - f. Height limited to 24 feet, which is two feet less than the adjacent dental office
 - g. Oriented with the front façade facing east
 - h. Existing hardwood/deciduous trees preserved to the greatest extent possible
 - i. Driveway and parking spaces oriented north/south on the east side, parallel with the adjacent dental office, with a right-in right-out only
 - j. Maximum of 24 parking spaces
 - k. Area between parking and building to be green space, landscaping, rain garden, etc.
 - l. Signage limited to one free-standing ground/monument sign. Building signs not permitted
 - m. Lighting in parking areas to be minimal and designed/controlled to be dimmed two hours after dusk until one hour before dawn

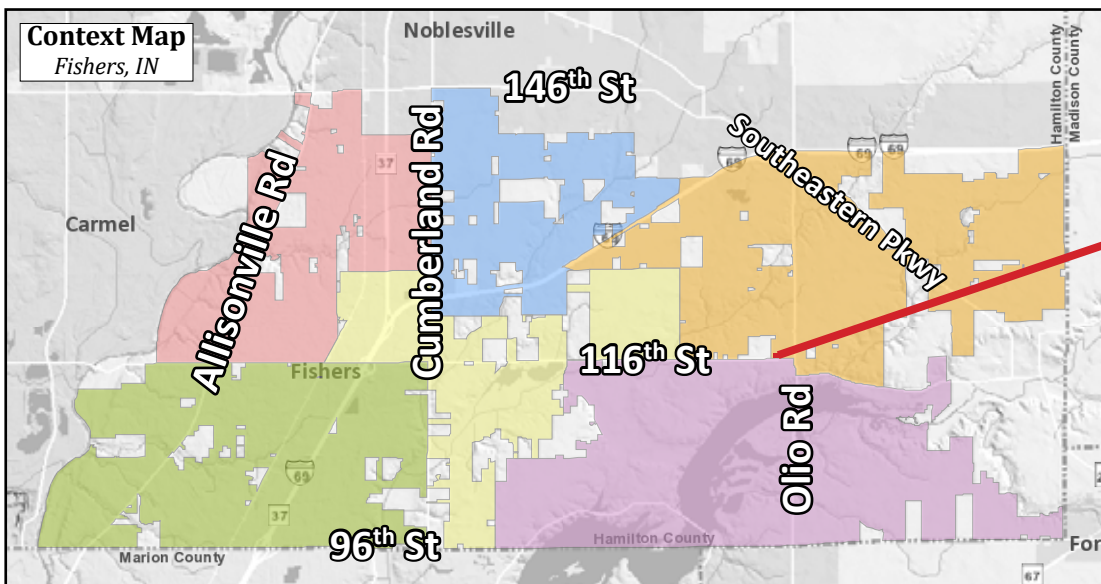
If approved, then site development work is anticipated to begin early next year.

Thank you for your consideration.

TAB 2

AERIAL LOCATION MAP

DRIVE PLANNING PUD



REAL ESTATE

AERIAL LOCATION MAP

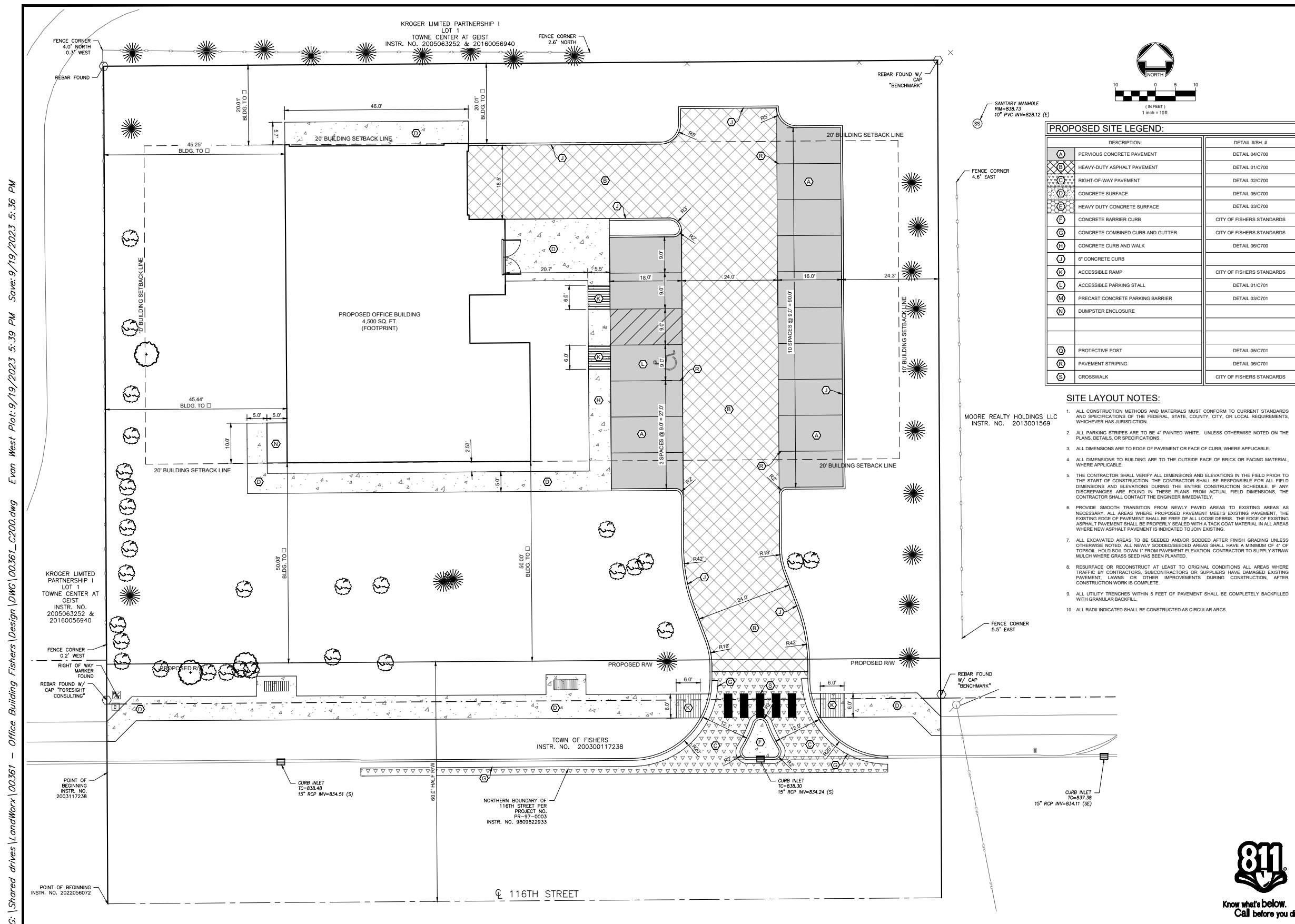
DRIVE PLANNING PUD



REAL ESTATE

TAB 3

DRIVE PLANNING PUD



PROPOSED SITE LEGEND:		
DESCRIPTION:		DETAIL #/SH. #
	PERVIOUS CONCRETE PAVEMENT	DETAIL 04/C700
	HEAVY-DUTY ASPHALT PAVEMENT	DETAIL 01/C700
	RIGHT-OF-WAY PAVEMENT	DETAIL 02/C700
	CONCRETE SURFACE	DETAIL 05/C700
	HEAVY DUTY CONCRETE SURFACE	DETAIL 03/C700
	CONCRETE BARRIER CURB	CITY OF FISHERS STANDARDS
	CONCRETE COMBINED CURB AND GUTTER	CITY OF FISHERS STANDARDS
	CONCRETE CURBS AND WALK	DETAIL 06/C700
	6" CONCRETE CURB	
	ACCESSIBLE RAMP	CITY OF FISHERS STANDARDS
	ACCESSIBLE PARKING STALL	DETAIL 01/C701
	PRECAST CONCRETE PARKING BARRIER	DETAIL 03/C701
	DUMPSTER ENCLOSURE	
	PROTECTIVE POST	DETAIL 05/C701
	PAVEMENT STRIPING	DETAIL 06/C701
	CROSSWALK	CITY OF FISHERS STANDARDS

- # SITE LAYOUT NOTES:
1. ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND REGULATIONS OF THE FEDERAL, STATE, COUNTY, CITY OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.
 2. ALL PARKING STRIPES ARE TO BE 4" PAINTED WHITE. UNLESS OTHERWISE NOTED ON THE PLANS, DETAILS, OR SPECIFICATIONS.
 3. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, WHERE APPLICABLE.
 4. ALL DIMENSIONS TO BUILDING ARE TO THE OUTSIDE FACE OF BRICK OR FACING MATERIAL, WHERE APPLICABLE.
 5. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND ELEVATIONS DURING THE ENTIRE CONSTRUCTION SCHEDULE. IF ANY DISCREPANCIES ARE FOUND IN THE FIELD FROM ACTUAL FIELD DIMENSIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
 6. PROVIDE SMOOTH TRANSITION FROM NEWLY PAVED AREAS TO EXISTING AREAS AS NECESSARY. ALL AREAS WHERE PROPOSED PAVEMENT MEETS EXISTING PAVEMENT, THE EXISTING SURFACE OF PAVEMENT SHALL BE FREE OF ALL LOOSE DEBRIS. THE EDGE OF EXISTING ASPHALT PAVEMENT SHALL BE PROPERLY SEALED WITH A TACK COAT MATERIAL IN ALL AREAS WHERE NEW ASPHALT PAVEMENT MEETS EXISTING ASPHALT PAVEMENT.
 7. ALL EXCAVATED AREAS TO BE SEEDED AND SOODED AFTER FINISH GRADING UNLESS OTHERWISE NOTED. ALL NEWLY SOODED/SEEDED AREAS SHALL HAVE A MINIMUM OF 4" TOPSOIL, HOLD SLOP DOWN 1" FROM PAVEMENT ELEVATION. CONTRACTOR TO SUPPLY STRAW MULCH WHERE GRASS SEED IS COMPLETE.
 8. RESURFACE OR RECONSTRUCT AT LEAST TO ORIGINAL CONDITIONS ALL AREAS WHERE TRAFFIC BY CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS HAVE DAMAGED EXISTING PAVEMENT, LAWNS OR OTHER IMPROVEMENTS DURING CONSTRUCTION, AFTER CONSTRUCTION WORK IS COMPLETE.
 9. ALL UTILITY TRENCHES WITHIN 5 FEET OF PAVEMENT SHALL BE COMPLETELY BACKFILLED WITH GRANULAR BACKFILL.
 10. ALL RADII INDICATED SHALL BE CONSTRUCTED AS CIRCULAR ARCS.

**OFFICE BUILDING - FISHERS
13562 E. 116 ST.
FISHERS, INDIANA
SITE PLAN**

Professional Seal & Signature	
Drawn By: LPC	Sheet C200
Created By: KAC	
Date: 05/24/2023	
Scale:	
Project No.: LVC-00361	

CONCEPT PLAN

DRIVE PLANNING PUD



DRIVE PLANNING

SCHEMATIC DESIGN

DI BUILD



TAB 4



View from East

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

DRIVE PLANNING PUD



SHINGLE
ROOF

EXPOSED
WOOD
FRAMING

METAL
TRIM

MASONRY

METAL
PANEL
CLADDING



View from East

DRIVE PLANNING
SCHEMATIC DESIGN

DI BUILD





View from South



View from West

TAB 5

ORDINANCE NO. 112023B

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE 1.0 +/- ACRES FROM R2 TO PUD-C FOR A PROJECT KNOWN AS DRIVE PLANNING PUD DISTRICT.

WHEREAS, this is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance, ("UDO"), for the City of Fishers (the "City"), previously enacted pursuant to Ind. Code § 36-7-4 *et seq.* as amended.

WHEREAS, the Advisory Plan Commission for the City of Fishers ("Plan Commission") has conducted a public hearing on Docket No. RZ-23-6 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission at its December 6, 2023 meeting sent a _____ recommendation to the Common Council by a vote of ____ () in favor and ____ () opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, MEETING IN REGULAR SESSION AS FOLLOWS:

SECTION 1. The City's Official Zoning Map is hereby amended to designate the Real Estate, as described and shown in **Exhibit A**, to PUD-C.

SECTION 2. This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SECTION 3. The specific zoning standards, concept plan, and illustrative architectural exhibit shall be approved as shown in **Exhibit B** ("Petitioner's Packet"), attached.

SO BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA this ____ day of _____, 2023.

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

YAY		NAY	ABSTAIN
	John Weingardt, President		
	Cecilia Coble, Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023, at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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

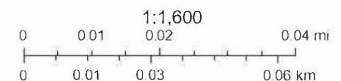
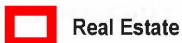
Exhibit A – Real Estate Description and Depiction

A part of the East Half of the Southeast Quarter of Section 35, Township 18 North, Range 5 East, described as follows:

Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 feet to an iron stake. Thence South 208.72 feet to the intersection with the South line of said quarter. Thence West along this South line 208.72 feet to the place of beginning, containing 1 acre more or less.

13484 E 116th St

13-11-35-00-00-039.000



2023

Exhibit B – DRIVE PLANNING PUD



Planning & Zoning Department

City of Fishers

Ordinance: 112023B



A. Declaration, Purpose and Intent, Applicability, and Allowed Uses

1. Declaration

- a. Ordinance No. 112023B (this "Ordinance")
- b. Adopted: _____

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1, attached hereto and incorporated herein (the "Real Estate"), is hereby designated as Planned Unit Development – Commercial District (PUD-C) and shall hereafter be known as the "Drive Planning PUD".

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

3. Applicability

The standards of the UDO applicable to the *C1 Commercial District* shall apply to the development, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Sec. 1.3.6. Transition Ordinance* also shall apply to amendments.

4. Allowed Uses

All uses permitted in the *C1 Commercial District* shall be permitted.

B. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Drive Planning PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

C. Standards for the District

1. Introductory Provisions

The regulations of *CHAPTER 1. INTRODUCTORY PROVISIONS* shall apply.

2. Administration

The regulations of *CHAPTER 2. ADMINISTRATION* shall apply.

3. Zoning Districts

The regulations of *CHAPTER 3. ZONING DISTRICTS* shall apply, except as modified by this Ordinance.

a. Article 3.1. Establishment of Zoning Districts: Shall apply.

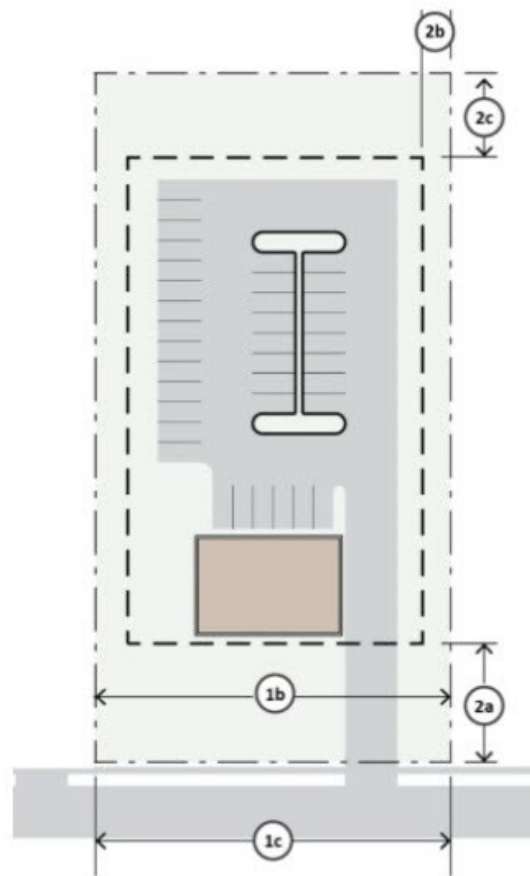
b. Article 3.2. Residential Districts: Shall not apply.

c. Article 3.3. Nonresidential Districts: Shall apply, except as modified below:

(1) *Sec. 3.3.1. C1 Commercial District:* Shall not apply; instead, the following shall apply:

Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary structure	24'
4. Building Floor Area	
4a. Main floor area (min)	n/a
4b. Floor area per unit (min)	n/a
4c. Building footprint (ground level), including garage (max)	4,500 sf
4d. Building loft space (max)	1,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional buffer yard requirements may apply.	



d. **Article 3.4. Other Districts:** Shall apply.

4. Overlay Zoning Districts

The regulations of *CHAPTER 4. OVERLAY ZONING DISTRICTS* shall apply.

5. Use Regulations

The regulations of *CHAPTER 5. USE REGULATIONS* shall apply.

6. Development Standards

The regulations of *CHAPTER 6. DEVELOPMENT STANDARDS* shall apply, except as modified by this Ordinance.

a. **Article 6.1. General Provisions:** Shall apply.

b. **Article 6.2. Accessory Structure Standards:** Shall apply.

c. **Article 6.3. Architectural Design Standards:** Shall apply, except as modified below:

- (1) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B.3**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the building on the Real Estate. The final design may vary from the Illustrative Architectural Exhibit; however, the building shall be substantially similar in quality and character to the building shown in the Illustrative Architectural Exhibit.

d. **Article 6.4. Entrance & Driveway Standards:** Shall apply.

e. **Article 6.5. Exterior Lighting Standards:** Shall apply.

f. **Article 6.6. Height Standards:** Shall apply.

- g. **Article 6.7. Landscaping Standards:** Shall apply. Additionally, existing saved trees shall count toward any planting requirement at a one-to-one ratio.
- h. **Article 6.8. Lot Standards:** Shall apply.
- i. **Article 6.9. Non-Residential Open Space:** Shall apply.
- j. **Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. **Article 6.11. Parking & Loading Standards:** Shall apply.
- l. **Article 6.12. Pedestrian Accessibility Standards:** Shall apply.
- m. **Article 6.13. Permitted Non-residential Structure Standards:** Shall apply.
- n. **Article 6.14. Property Identification Standards:** Shall apply.
- o. **Article 6.15. Public Art Standards:** Shall apply.
- p. **Article 6.16. Setback Standards:** Shall apply.
- q. **Article 6.17. Signage Standards:** Shall apply.
- r. **Article 6.18. Wall & Fence Standards:** Shall apply.
- s. **Article 6.19. Water & Sewer Standards:** Shall apply.
- t. **Article 6.20. Vision Clearance Standards:** Shall apply.

7. Subdivision Regulations

The regulations of *CHAPTER 7. SUBDIVISION DISTRICTS* shall apply.

8. Subdivision & Planned Unit Development Design Standards

The regulations of *CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS* shall apply.

- a. **Article 8.1. General Provisions:** Shall apply.
- b. **Article 8.2. Block, Lot & Access Standards:** Shall apply.
- c. **Article 8.3. Street & Alley Standards:** Shall apply.
- d. **Article 8.4. Open Space, Common Area & Amenity Standards:** Shall apply.
- e. **Article 8.5. Other Design Standards:** Shall apply.

9. Floodplain Standards

The regulations of *CHAPTER 9. FLOODPLAIN STANDARDS* shall apply.

10. Procedures & Permits

The regulations of *CHAPTER 10. PROCEDURES & PERMITS* shall apply.

11. Enforcement & Penalties

The regulations of *CHAPTER 11. ENFORCEMENT & PENALTIES* shall apply.

12. Definitions

The regulations of *CHAPTER 12. DEFINITIONS* shall apply.

13. Additional Standards

The following additional standards shall apply:

- a. The use of the Real Estate shall be limited to one tenant and shall be 100 percent owner-occupied.
- b. Business hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday. The business shall be closed on Saturday and Sunday.

- c.** The building shall be limited to 4,500 square feet for the first floor building footprint, including garage. The loft space above the first floor shall be limited to 1,000 square feet. These limitations only include space under roof and shall not include outdoor amenity space such as patios, porches, rooftop decks, etc. that are not under roof.
- d.** The use of the loft space shall be limited to open conference space.
- e.** The building shall have a pitched roof and residential appearance.
- f.** The building height shall be limited to 24 feet, which is two feet less than the adjacent dental office.
- g.** The building shall be oriented with the front façade facing east.
- h.** Existing hardwood/deciduous trees on the Real Estate shall be preserved to the greatest extent possible.
- i.** The driveway and parking spaces shall be oriented north/south on the east side of the Real Estate, parallel with the adjacent dental office, with a right-in right-out only.
- j.** There shall be a maximum of 24 parking spaces.
- k.** The area located in between the parking lot and the building shall be green space, landscaping, rain garden, or similar.
- l.** Signage shall be limited to one free-standing ground or monument sign on the Real Estate. Building signs shall not be permitted.
- m.** Lighting in parking areas shall be minimal in order to meet minimum UDO requirements and designed/controlled to be dimmed two hours after dusk until one hour before dawn.

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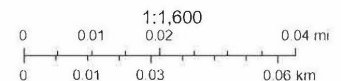
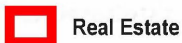
Exhibit B.1 – Real Estate Description and Depiction

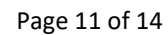
A part of the East Half of the Southeast Quarter of Section 35, Township 18 North, Range 5 East, described as follows:

Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 feet to an iron stake. Thence South 208.72 feet to the intersection with the South line of said quarter. Thence West along this South line 208.72 feet to the place of beginning, containing 1 acre more or less.

13484 E 116th St

13-11-35-00-00-039.000







DRIVE PLANNING
SCHEMATIC DESIGN



Exhibit B.3 – Illustrative Architectural Exhibit



Exhibit B.3 – Illustrative Architectural Exhibit, cont.





Advisory Plan Commission Staff Report

Meeting Date: December 6, 2023

DEPARTMENT CONTACT:

Ross Hilleary (hillearyr@fishers.in.us)

CASE NUMBER:

RZ-23-6

PETITIONER:

Faegre Drinker on behalf of Drive Planning

PROPERTY ADDRESS/LOCATION:

13562 E 116th Street

REQUEST: Consideration of a rezone of .88 acres from R2 Residential to PUDC for a single-tenant office building known as Drive Planning.

APPLICABLE REGULATIONS:

City of Fishers Unified Development Ordinance

EXISTING ZONING:

R2, in the process of rezoning to Drive Planning PUD

FISHERS 2040:

Suburban Residential

Lot Size: .88 Acres

LOCATION MAP



ZO

NING OVERVIEW:

The property is currently zoned R2 – Residential. Faegre Drinker on behalf of Drive Planning is requesting a rezone of the property from R2 – Residential to PUDC with C1 Commercial uses

RZ-23-6

December 6, 2023

permitted and other deviations from the Unified Development Ordinance.

This is the second time that Drive Planning has submitted a rezone for this property, the first rezone was withdrawn.

North: PUDC - NW Corner 116th Street and Olio Rd PUD (Retail / Grocery Store)

East: PUDC – Moore Dentistry PUD (Dental Office)

South: ER – Estate Residential and R2 Residential (Single-Family)

West: PUDC - NW Corner 116th Street and Olio Rd PUD (Stormwater)



PETITION OVERVIEW:

The current zoning of the property is R2 Residential and there is an existing vacant single-family home on the site. The petitioner is requesting a rezone to PUDC to allow for the proposed use of an single-tenant office with C1 Commercial standards. After meeting with neighbors to discuss concerns regarding this development the petitioner has agreed to the following conditions:

- Permitted Uses same as C1 Commercial District
- Development Plan consistent with Concept Plan permitted
- Architecture substantially similar to Illustrative Architectural Exhibit
- Limited to one tenant and 100 percent owner-occupied
- 7 AM to 7 PM business hours, Monday through Friday. Closed Saturday and Sunday
- Limited to 4,500 SQFT building footprint including garage area. Loft space above first floor

limited to 1,000 SQFT

- Loft space limited to open conference space
- Pitched roof to be residential in nature
- Height limited to 24 feet
- Existing hardwood/deciduous trees preserved to the greatest extent possible
- Parking oriented to the east of the building to mirror Moore Dentistry
- Maximum of 24 parking spaces
- Signage limited to one free-standing ground/monument sign with no building signs permitted
- Lighting in parking areas to be minimal and designed/controlled to be dimmed two hours after dusk until one hour before dawn

ADDITIONAL ITEMS FOR CONSIDERATION:

Architecture:

The building will be a mixture of masonry, metal panels, with exposed wood framing and single roof. The building will consist of a garage space for indoor/outdoor activation. The Petitioners has worked with the neighbors to the south regarding architecture including the height of 24' feet and the various materials presented.

Development Standards:

Any future development will be required to meet all development standards of the proposed Planned Unit Development or the Fishers Unified Development Ordinance if the standard is not addressed.

Traffic:

A full access drive would be permitted by the Engineering Department as per the Engineering Memo. The right-in, right-out shown is at the request of the neighbors and has been agreed upon by the developer.

Fishers 2040:

The Fishers 2040 plan lists the future land use as suburban residential.

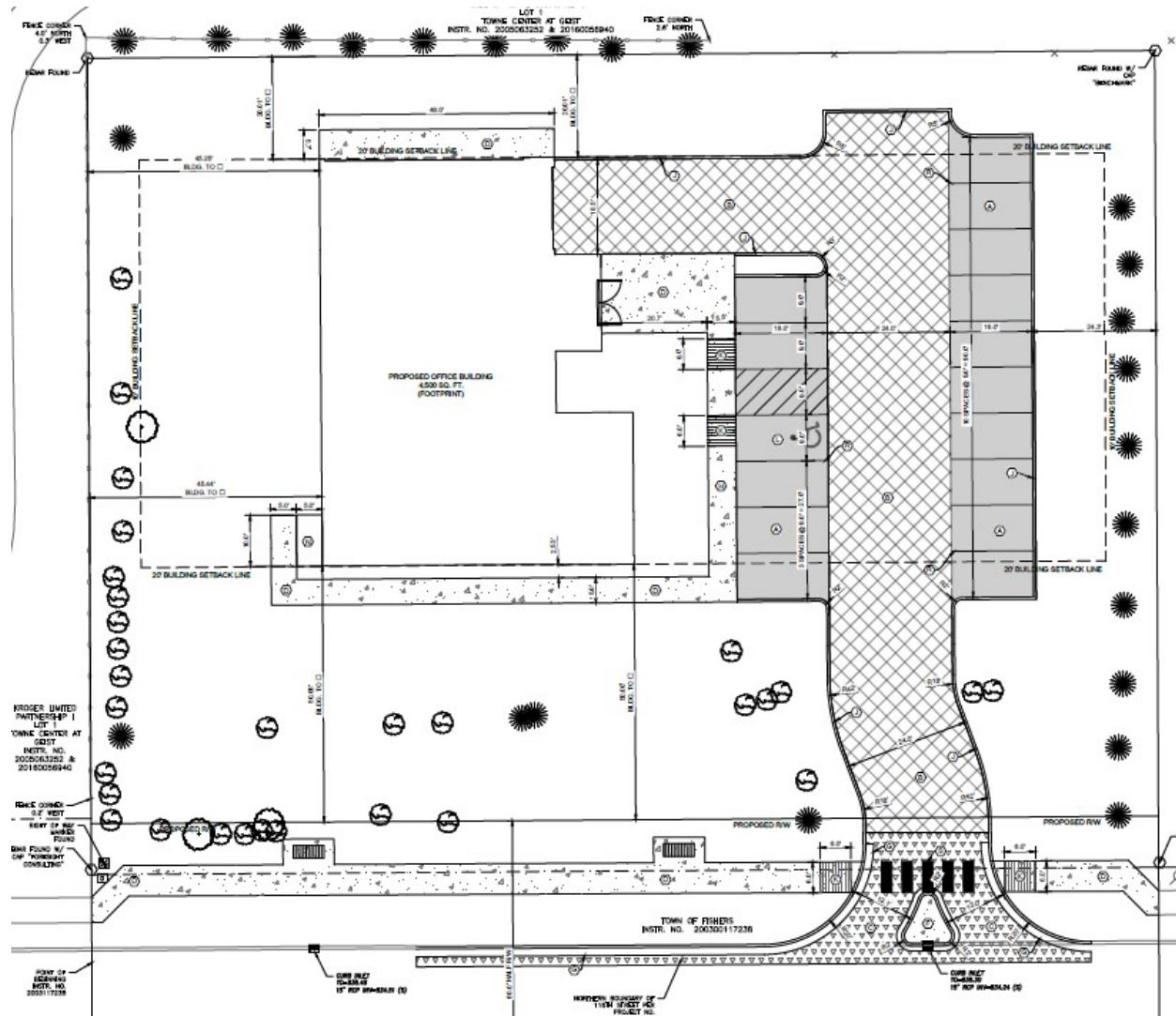


South Elevation and view from the E 116th Street



East Elevation

Parking will be provided to east of the building, mirroring the neighboring Moore Dentistry. At the request of the neighbors a right-in, right-out exit has been provided.



Site Plan showing the building footprint, parking, drive, and existing trees.

SUMMARY OF NEIGHBORHOOD MEETINGS AND PUBLIC COMMENTS:

As previously stated, this property had a previous zoning rezone request. Since the beginning of the process four (4) neighborhood meetings have transpired.

Two neighborhood meetings were held on May 11, 2023 and May 25, 2023 to discuss this project with neighbors. During these meetings neighbors expressed concerns about the impact of additional commercial development in this area related to traffic and increased congestion, including comments from:

- Donna Bond - 13555 E 114th St
- Angela & Andy Mattingly - 13487 E 116th

RZ-23-6

December 6, 2023

- Jacquelyn Thompson - 13429 E 116th St
- Chris & Elizabeth Cooke - 13625 E 114th St

On August 18, 2023 an onsite meeting was held with neighbors and staff to show the footprint of the building presented in this rezone.

On November 27, 2023 a virtual neighborhood meeting was held, led by the legal counsel for Drive Planning with an overview of the site plan, architecture, conditions within the proposed rezone. The primary concern during this meeting was the 1,000 square foot loft space with a request to the developer to place restrictions on the land via the deed.

No new public comments or remonstrations have been provided at the time of writing this staff report.

As a general note, this Zoning request will not dictate any deed covenants or restrictions on the land.

STAFF RECOMMENDATION:

When making their decision, Plan Commission shall be reasonable regard to:

1. The Comprehensive Plan;
2. Current conditions and the character of structures and uses in each zoning district;
3. The most desirable use for which the land in each zoning district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Staff has no recommendation for Plan Commission. This item is anticipated to go to the City Council on December 18, 2023 for Final Reading.

STAFF RECOMMENDATION

☐ Favorable Recommendation ☐ Unfavorable Recommendation ☒ No Recommendation