



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Plan Commission Meeting

DATE: 3/1/2023, 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. 2-1-23
5. **Public Hearings**
 - a. **UDO Update**
Case: TA-23-2
Address: Citywide
Request: Consideration of a text amendment to the Unified Development Ordinance (UDO).

Petitioner: City of Fishers

Planner: Megan Vukusich, Director (vukusichm@fishers.in.us)

- b. Geist Waterfront Park Rezone
Parcels: 13-15-01-00-00-012.341, 13-15-01-00-00-012.301, 13-15-01-00-00-012.000, 13-15-01-00-00-012.002, 13-15-01-00-00-012.311
Address: 10811 Olio Rd
Case: RZ-23-1
Request: Consideration of a rezone to Open Space for the Geist Waterfront Park.
Petitioner: City of Fishers
Planner: Megan Vukusich, Director (vukusichm@fishers.in.us)

6. Staff Communication

- a. Summary of Council Action

7. Summary of Council Action

8. Adjournment

**CITY OF FISHERS
ADVISORY PLAN COMMISSION MINUTES
February 1, 2023
LAUNCH FISHERS HUSTON 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, Selina Stoller, Howard Stevenson, Steve Richards, Pete Peterson, Dawn Lang. Absent: Bruce Molter, Kim Logan, Todd Zimmerman

Others present: Rodney Retzner, Megan Vukusich, Kay Prange, Tracy Gaynor, Jocelyn Vare, Bill McLellan, Kim Davison

Elections and Appointments:

1. Election of Officers, Appointments, and Designations

- a. **Election of President-** Mr. Stevenson opened the Elections portion of the meeting and asked for nominations for President. Pete Peterson nominated Mr. Stevenson as President, seconded by all. The nomination was approved, 7-0.
- b. **Election of Vice President-** Mr. Stevenson asked for nominations for Vice-President. Selina Stoller nominated Pete Peterson as Vice-President, seconded by all. The nomination was approved, 7-0.

The following Appointments and Designations were read by the Recording Secretary and one Roll Call vote taken for all. The Appointments and Designations were approved, 7-0.

- c. **Appointment of Secretaries (Megan Vukusich, Ross Hilleary, Jonah Butler, Bre King, Sydney Granlund, Tyler Folk)**
- d. **Appointment of Recording Secretary (Kay Prange and Kelly Lewark)**
- e. **Appointment of Member of Plan Commission to BZA (Howard Stevenson)**
- f. **Appointment of Member of Plan Commission from Unicorp Fall Creek Township to FCBZA (Steve Richards)**
- g. **Appointment of Member of Plan Commission to PUD (Pete Peterson)**
- h. **Appointment of Members of Plat Committee (Megan Vukusich, Jason Taylor, Selina Stoller)**
- i. **Designation of Plan Commission Legal Counsel (Krieg DeVault)**
- j. **Designation of Commission Legal Publications (Noblesville Times and The Current)**

Mr. Stevenson asked for a Motion to approve the Minutes from the 1-4-23 meeting. Mr. Peterson made a Motion to approve, seconded by Ms. Lang. The Minutes were approved, 7-0.

Public Hearings:

I. TA-23-1 Fishers 2040 Housing Update

Consideration of a text amendment to the Fishers 2040 Comprehensive Plan Housing & Neighborhoods chapter to include recommendations from the 2022 housing study and taskforce.

Megan Vukusich, Director of Planning and Zoning, presented the Fishers 2040 Housing Study update. The Study was completed in 2022 and is based on Urban Partners recommendations. The Text Amendment is for the Fishers 2040 Housing Plan. Staff recommends approval.

In Commission discussion, Bill Stuart mentioned the incentive to de-convert rentals to home ownership due to the cost of housing in Fishers. He suggested evaluating incentivizing home purchase costs for public safety employees, teachers, and veterans. Howard Stevenson supports evaluating this. Ms. Vukusich noted that the Text Amendment is written at a very high level. Pete Peterson added that it needs to be looked at from a legal basis. There could be hurdles. Steve Richards noted that we are moving to a renter nation. A similar precedent exists in Indianapolis at 10th and Rural.

Mr. Stevenson opened the Public Comment portion of the meeting.

Jocelyn Vare, At-Large member of City Council, applauds this step forward and noted that we will need a tapestry of solutions to address this. A good communication plan will be most important. Non-owner occupant sales are at 9.4%.

Mr. Stevenson closed the Public Comment portion of the meeting.

Mr. Peterson asked for a Motion for TA-23-1. Pete Peterson made a Motion to add the evaluation of the incentive proposed by Mr. Stuart and to send a favorable recommendation to City Council, seconded by Bill Stuart.

Staff Communications- Megan Vukusich presented the Summary of Council Action. Cyntheanne Woods, a 61-unit residential subdivision, with dedication of land for a future City Park, was approved.

Mr. Stevenson closed the meeting by thanking Dawn Lang for her service on the Plan Commission.

The Meeting was adjourned at 6:20 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary



Advisory Plan Commission Staff Report

Meeting Date: March 1, 2023

DEPARTMENT CONTACT:

Megan Vukusich, vukusichm@fishers.in.us

CASE NUMBER:

TA-23-2

PETITIONER:

City of Fishers

PROPERTY ADDRESS/LOCATION:

Citywide

REQUEST: Consideration of a text amendment to the Unified Development Ordinance (UDO) to require that all new HOAs allow changes to covenants and restrictions by no more than a simple majority vote.

EXISTING ZONING:

N/A

PROPOSED ZONING:

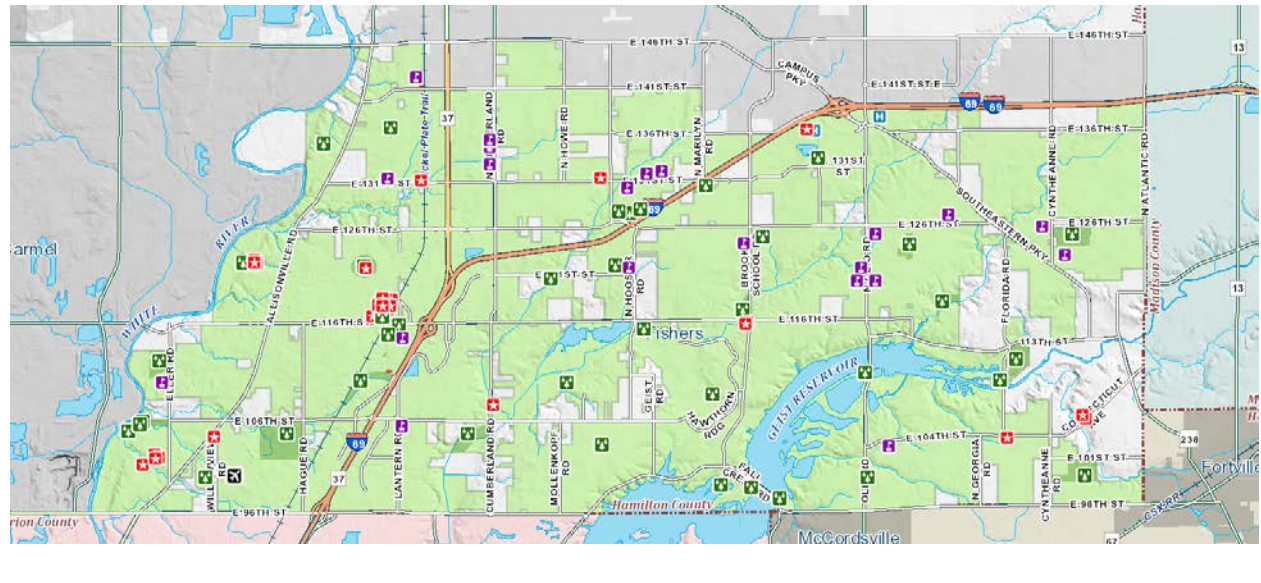
N/A

FISHERS 2040:

N/A

LOT SIZE: N/A

LOCATION MAP



STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ZONING HISTORY:

The city has been helping local homeowners' associations with amending their covenants and restrictions to help manage investment companies purchasing homes in their neighborhoods. We have heard from neighborhoods that it is challenging to meet the percentage requirements that are set in their covenants to be able to make changes. The city is proposing that we require any new HOA to limit the percentage of votes required to make an amendment to be no more than a simple majority.

Below is the existing state statute related to this topic.

IC 32-25.5-3-9Amending governing documents; consents required

Sec. 9. The governing documents must contain a provision allowing the owners to amend the governing documents at any time, from time to time, subject to the following:

- (1) The declarant's consent to an amendment may be required if:
 - (A) the declarant owns one (1) or more units within the subdivision; and
 - (B) not more than seven (7) years have passed since the original governing documents were first recorded.
- (2) The consent of the owners to the amendment has been obtained as evidenced by either of the following:
 - (A) The vote of the owners at a meeting duly called for the purpose of considering the amendment.
 - (B) A written instrument signed by the owners.

The governing documents may not require that the consent of more than seventy-five percent (75%) of the owners is required for consent under this subdivision.

(3) If the consent of first mortgage holders is required, only first mortgage holders that provide an address to the secretary of the board must be notified. The consent of a first mortgage holder must be indicated in a written instrument signed by the mortgage holder. However, a mortgage holder is considered to have consented to a proposed amendment if the mortgage holder does not respond to a written request for consent within thirty (30) days after the mortgage holder receives the request. The governing documents may not require that the consent of more than seventy-five percent (75%) of first mortgage holders eligible to receive notice is required for consent under this subdivision.

(4) Notwithstanding subdivisions (1) through (3), the governing documents may require the approval of at least ninety-five percent (95%) of the owners to convey common areas or to dissolve the plan of governance for the homeowners association.

As added by P.L.141-2015, SEC.11. Amended by P.L.164-2016, SEC.6.

SUMMARY OF PUBLIC COMMENTS:

No public comment has been received.

PETITION OVERVIEW:

The Unified Development Ordinance Section 8.4.3. currently requires "All open space, common area and amenities shall be owned, operated and maintained in perpetuity by an owners' association, condominium association, or similar legal entity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed to the City."

We are proposing the following language be added to this section.

“The governing documents concerning the operation and maintenance of such open space, common area and amenities, as well as the governing documents of the owners’ association, condominium association, or similar legal entity, must contain provisions allowing the owners of parcels of property subject to such governing documents to amend such governing documents at any time, and from time to time, and must allow such changes by the consent, or affirmative vote, of not more than a simple majority of such owners. Each “owner” for this purpose shall be an owner, in fee simple, of each parcel of property subject to such governing documents concerning, and each such “owner” shall be entitled to one vote per parcel of property so owned.”

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 recommends Plan Commission send a **favorable recommendation** to City Council. This item is anticipated to go to City Council on March 20, 2023, for final reading.

STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ORDINANCE NO.
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

This is an ordinance to amend 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 _____ for case _____ as required by law in regard to the text amendment; and

WHEREAS, the Plan Commission at its _____ meeting sent a _____ recommendation to the Fishers City 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, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. AMENDMENT. This Text Amendment amends certain sections of the Unified Development Ordinance;

Section 2. PURPOSE STATEMENT. The purpose of this ordinance is to add regulatory language in the furtherance of the overall Purpose & Intent provisions of Section 1.2.2. (UDO Introductory Provisions).

Section 3. CHANGES TO THE UDO REGULATIONS. The following sections of the UDO regulations shall be changed, as follows:

Sec. 8.4.3. Ownership, Operation, & Maintenance

All open space, common area and amenities shall be owned, operated and maintained in perpetuity by an owners’ association, condominium association, or similar legal entity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed to the City. **The governing documents concerning the operation and maintenance of such open space, common area and amenities, as well as the governing documents of the owners’ association, condominium association, or similar legal entity, must contain provisions allowing the owners of parcels of property subject to such governing documents to amend such governing documents at any time, and from time to time, and must allow such changes by the consent, or affirmative vote, of not more than a simple majority of such owners. Each “owner” for this purpose shall be an owner, in fee simple, of each parcel of**

ORDINANCE NO. _____

property subject to such governing documents concerning, and each such "owner" shall be entitled to one vote per parcel of property so owned.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on 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/ Resolution 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



ORDINANCE NO. _____

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, 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.” Christopher P. Greisl



Advisory Plan Commission Staff Report

Meeting Date: March 1, 2023

DEPARTMENT CONTACT: Megan Vukusich, vukusichm@fishers.in.us	CASE NUMBER: RZ-23-1
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PETITIONER: City of Fishers	PROPERTY ADDRESS/LOCATION: 10811 Olio Rd
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REQUEST: Consideration of a rezone to Open Space for the Geist Waterfront Park.

EXISTING ZONING: PUD-M (Marina PUD Ordinance 041210)	PROPOSED ZONING: Open Space (OS)	FISHERS 2040: Open Space / Low Density Residential / Neighborhood Service Center
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LOT SIZE: 70 acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ZONING HISTORY:

In 2010 this property was zoned to PUD-M under the Marina PUD Ordinance #041210.

In 2018 this land was acquired by the City of Fishers to develop a public waterfront park. Since acquiring the land, the city has engaged with the community on the design of the park. The first phase is set to open March 18, 2023. Future phases are in development.

SURROUNDING LAND USE & ZONING:

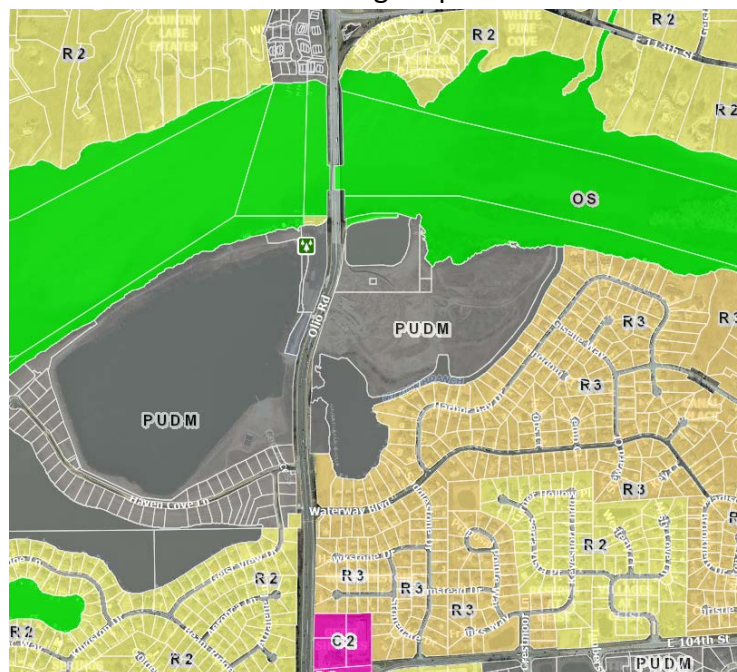
North: Open Space (OS) – Geist Reservoir

East: R3 Residential – Canal Place

South: R3 Residential – Canal Place

West: PUDM (Marina PUD Ordinance #041210) – Geist Marina

Zoning Map



SUMMARY OF PUBLIC COMMENTS:

No public comment has been received.

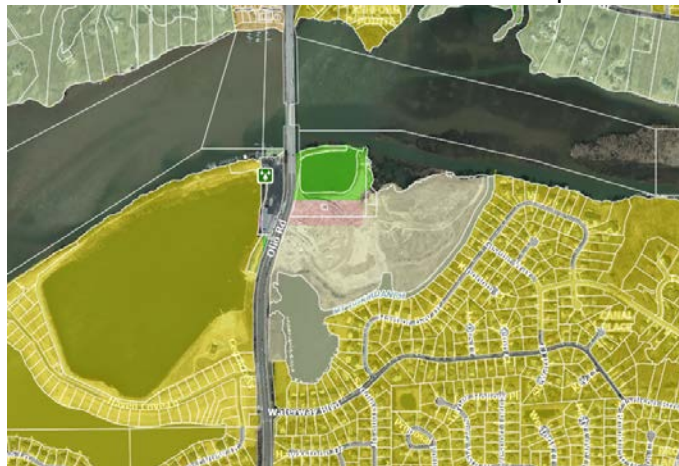
PETITION OVERVIEW:

With the park's grand opening next month, the City of Fishers is seeking a rezone of the property to the standard Open Space (OS) zoning district that governs all other public parks in Fishers.

Fishers 2040

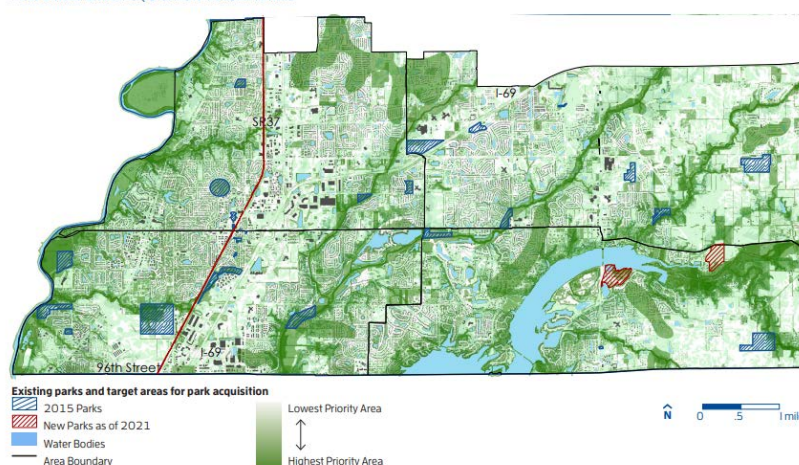
The Fishers 2040 Plan identifies this area as Open Space, Low-Density Residential, and Neighborhood Services.

Fishers 2040 Future Land Use Map



It was also identified as a location for preferred land acquisition for future public parks due to its proximity to natural features and the high number of homes surrounding it.

PREFERRED LAND ACQUISITION TARGET AREAS



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 recommends Plan Commission send a **favorable recommendation** to City Council. This item is anticipated to go to City Council on March 20, 2023, for final reading.

STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ORDINANCE NO.
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 March 1st, 2023 for case RZ-23-1 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 Open Space (OS) zoning district; and

WHEREAS, the Plan Commission at its March 1st 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 rezone 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) zoning district with conditions and the provisions of the UDO.

ORDINANCE NO. _____

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on 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/ Resolution 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: Christopher P. Greisl, 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." Christopher P. Greisl



EXHIBIT A

Legal Description

EXHIBIT B

Location Map

