

ORDINANCE NO. 112023B

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Hamilton County Recorder IN
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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 no recommendation to the Common Council by a vote of four (4) in favor and three (3) 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 16th day of January, 2024.

ORDINANCE NO. 112023B

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

YAY	NAY	ABSTAIN
<i>[Signature]</i>	John Weingardt, Member	
<i>[Signature]</i>	Cecilia Coble, Member	
<i>[Signature]</i>	C. Pete Peterson, Member	
<i>[Signature]</i>	Brad DeReamer, Member	
<i>[Signature]</i>	Selina Stoller, Member	
<i>[Signature]</i>	Todd Zimmerman, Member	
<i>[Signature]</i>	John DeLucia, Member	
<i>[Signature]</i>	Tiffanie Ditlevson Member	
<i>[Signature]</i>	Bill Stuart, Member	

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 16th day of January 2024 at 7:49 p.m.

ATTEST: *[Signature]*
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

[Signature]
Scott A. Fadness, Mayor

January 16, 2024
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

DRIVE PLANNING PUD

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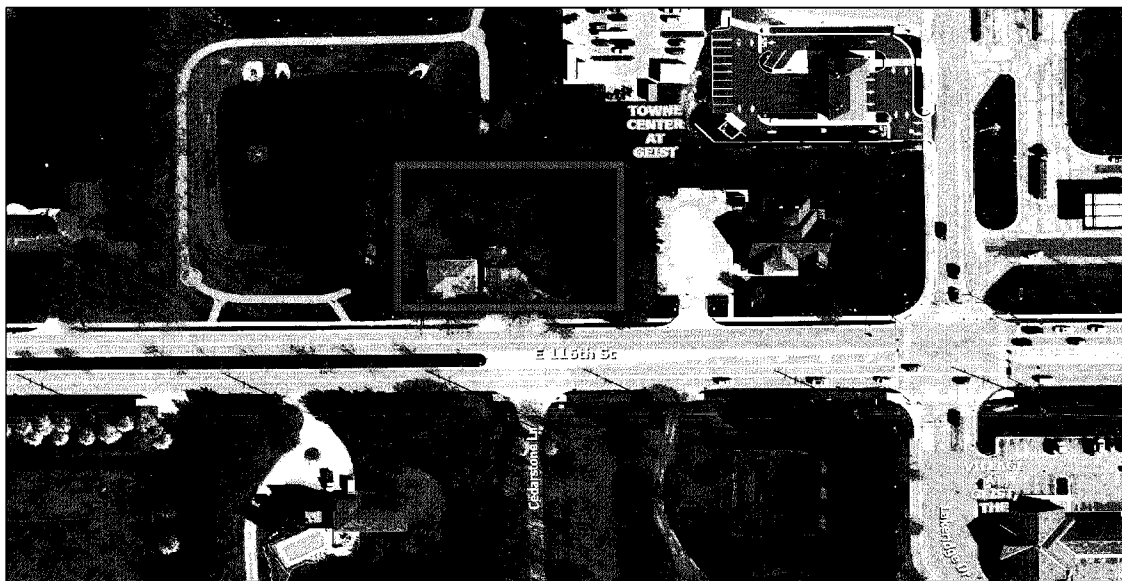
Exhibit A – Real Estate Description and Depiction

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

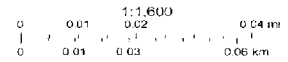
Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 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



 Real Estate



2024

Exhibit B – DRIVE PLANNING PUD



Planning & Zoning Department
City of Fishers
Ordinance: 112023B



ORDINANCE NO. 112023B

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

1. Declaration

- a. Ordinance No. 112023B (this "Ordinance")
- b. Adopted: January 16, 2024

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.

ORDINANCE NO. 112023B

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.

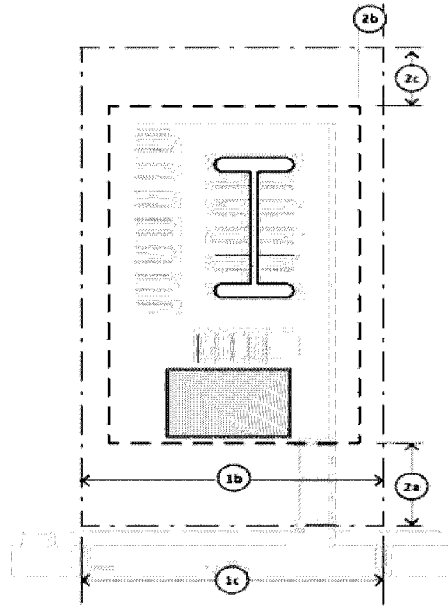
c. Article 3.3. Nonresidential Districts: Shall apply, except as modified below:

(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)	500 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.	

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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.

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- 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.

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- 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 500 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.

(Remainder of page intentionally left blank.)

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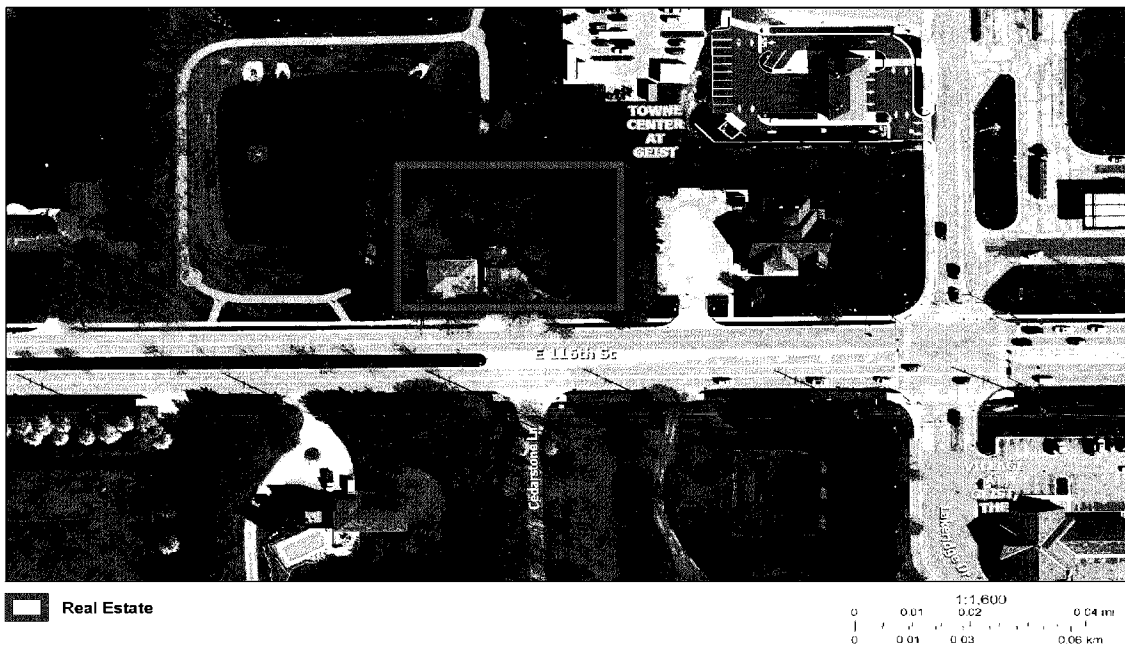
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Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel 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.

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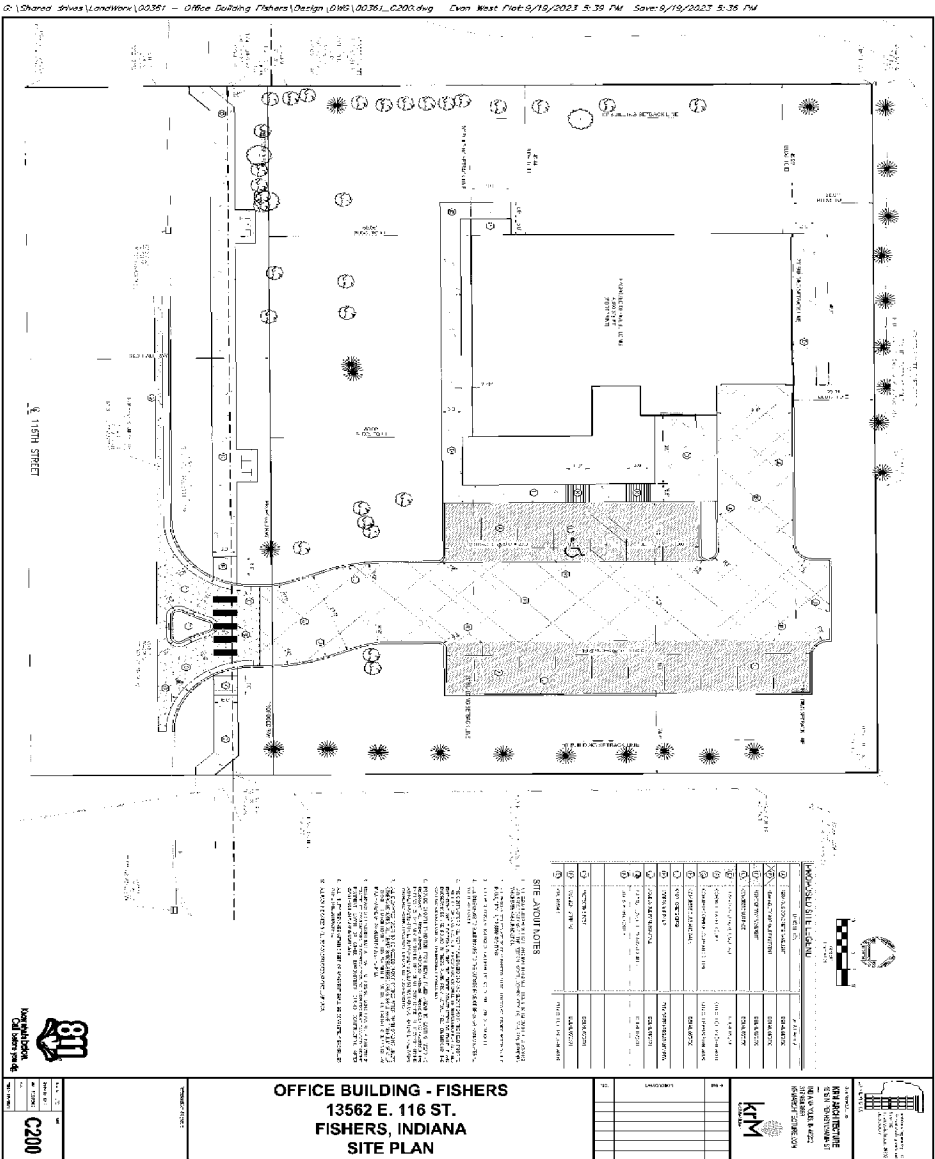
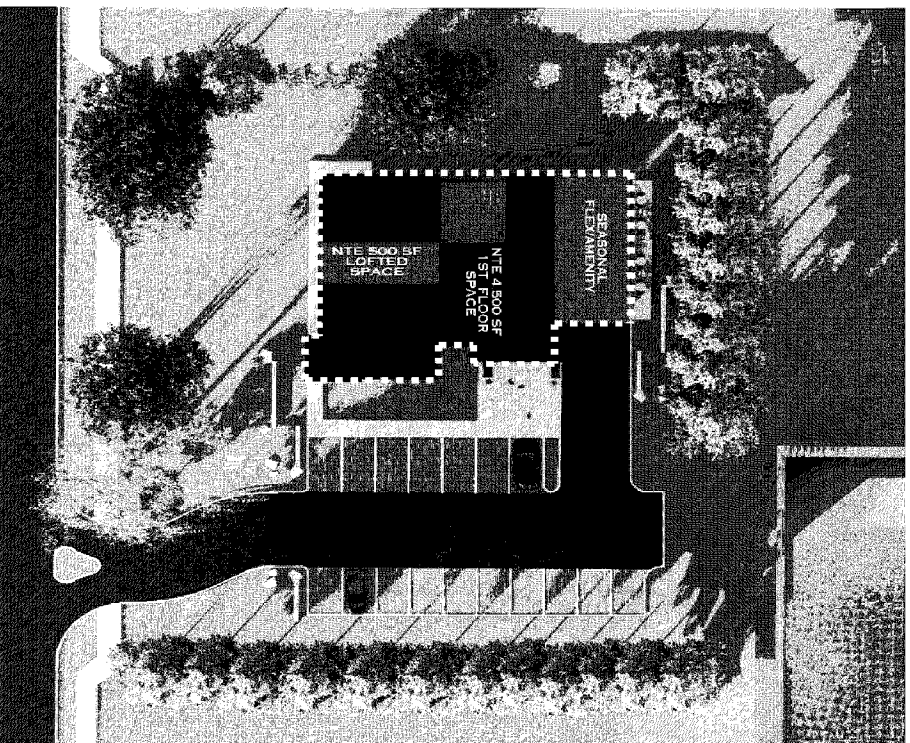


Exhibit B.2 – Concept Plan, cont.



DRIVE PLANNING
SCHEMATIC DESIGN

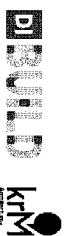
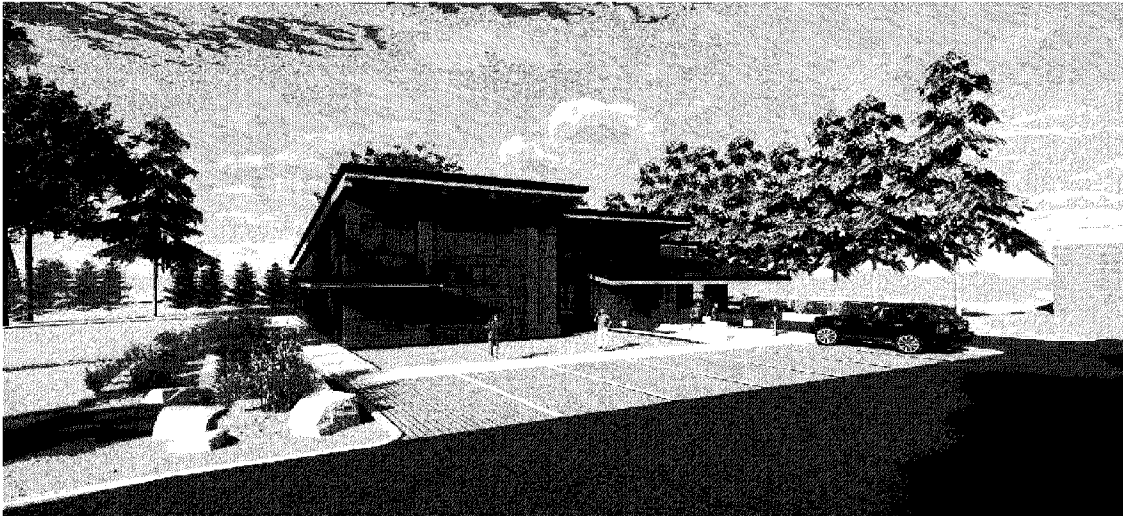
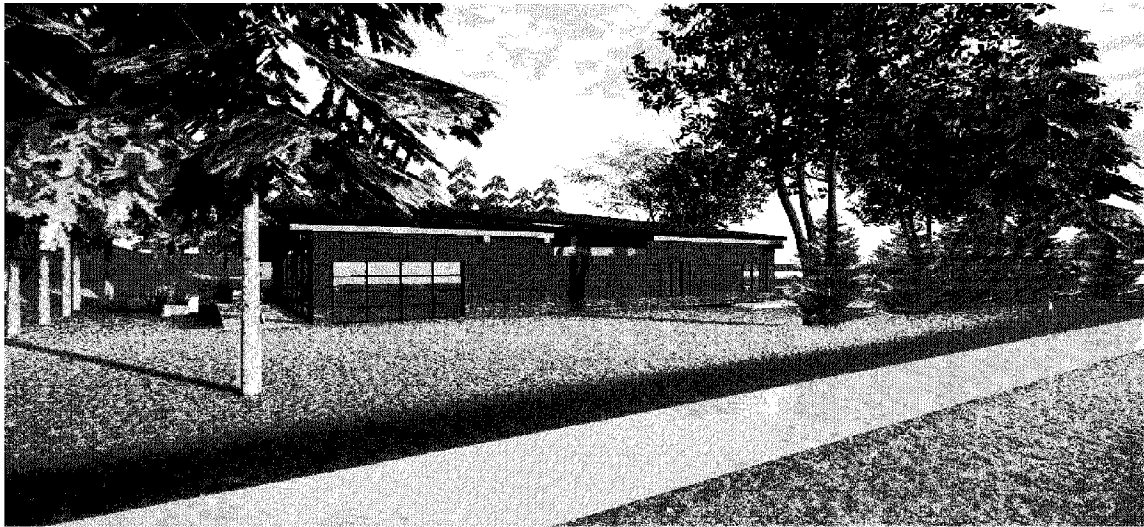
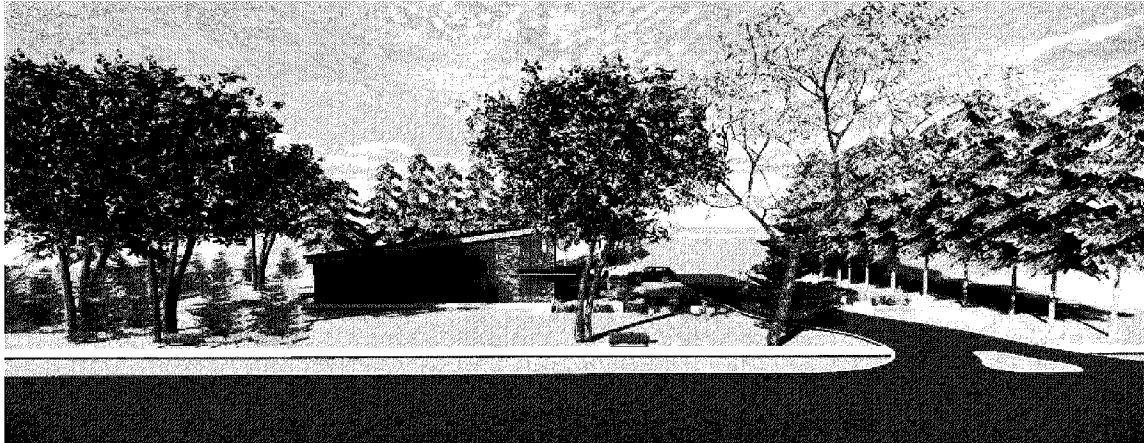


Exhibit B.3 – Illustrative Architectural Exhibit



ORDINANCE NO. 112023B

Exhibit B.3 – Illustrative Architectural Exhibit, cont.





Council Action Form

MEETING DATE	January 16, 2024		
TITLE	Consideration of a rezone of .88 acres from R2 Residential to PUD-C known as the Drive Planning PUD (RZ-23-6)		
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning Department:		
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special <input type="checkbox"/> Retreat
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution <input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing <input type="checkbox"/> 3 rd Reading <input checked="" type="checkbox"/> Final Reading
	Ordinance #: 112023B		Resolution #:
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office <input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Consideration of a rezone of .88 acres from R2 to PUD-C known as the Drive Planning PUD.</p> <p>See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property.</p> <p>At the December 6, 2023 Plan Commission meeting, they sent no recommendation to City Council with a vote of four (4) in favor and three (3) opposed.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include Deny Approval Option)	1.	Hold First Reading
	2.	Continue
	3.	Take No Action
	4.	
PROJECT TIMELINE	<p>November 20, 2023 - Proposed First Reading - City Council November 27, 2023 - Neighborhood Meeting via Teams December 6, 2023 - Public Hearing - Plan Commission January 16, 2024 - Proposed Final Reading - City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends City Council to hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	<p>1. Staff Report 2. Ordinance 3. Petitioner's Packet</p>	

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 no recommendation to the Common Council by a vote of four (4) in favor and three (3) 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.

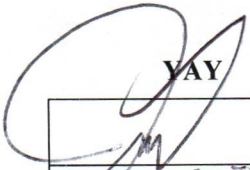
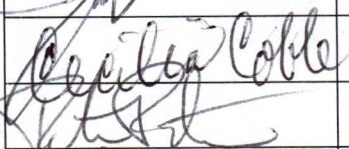
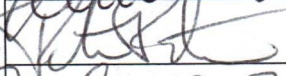
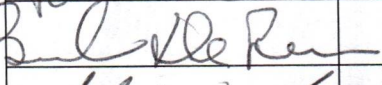
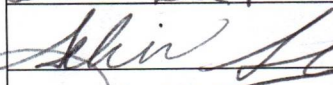
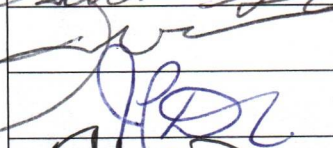


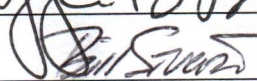
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COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

YAY	NAY	ABSTAIN
	John Weingardt, Member	
	Cecilia Coble, Member	
	C. Pete Peterson, Member	
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	John DeLucia, Member	
	Tiffanie Ditlevson, Member	
	Bill Stuart, Member	

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 16th day of January 2024 at 7:47 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

January 16, 2024

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

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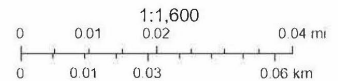
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13484 E 116th St

13-11-35-00-00-039.000



 Real Estate



2024

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: January 16, 2024

2. Purpose and Intent

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2. Administration

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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.

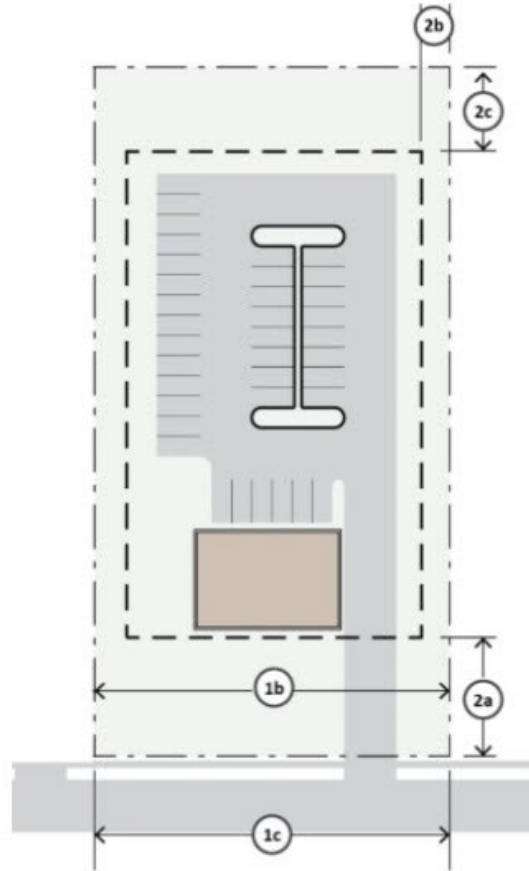
b. Article 3.2. Residential Districts: Shall not apply.

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)	500 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.

ORDINANCE NO. 112023B

- 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 500 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.

(Remainder of page intentionally left blank.)

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



 Real Estate

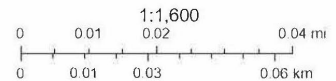


Exhibit B.2 – Concept Plan

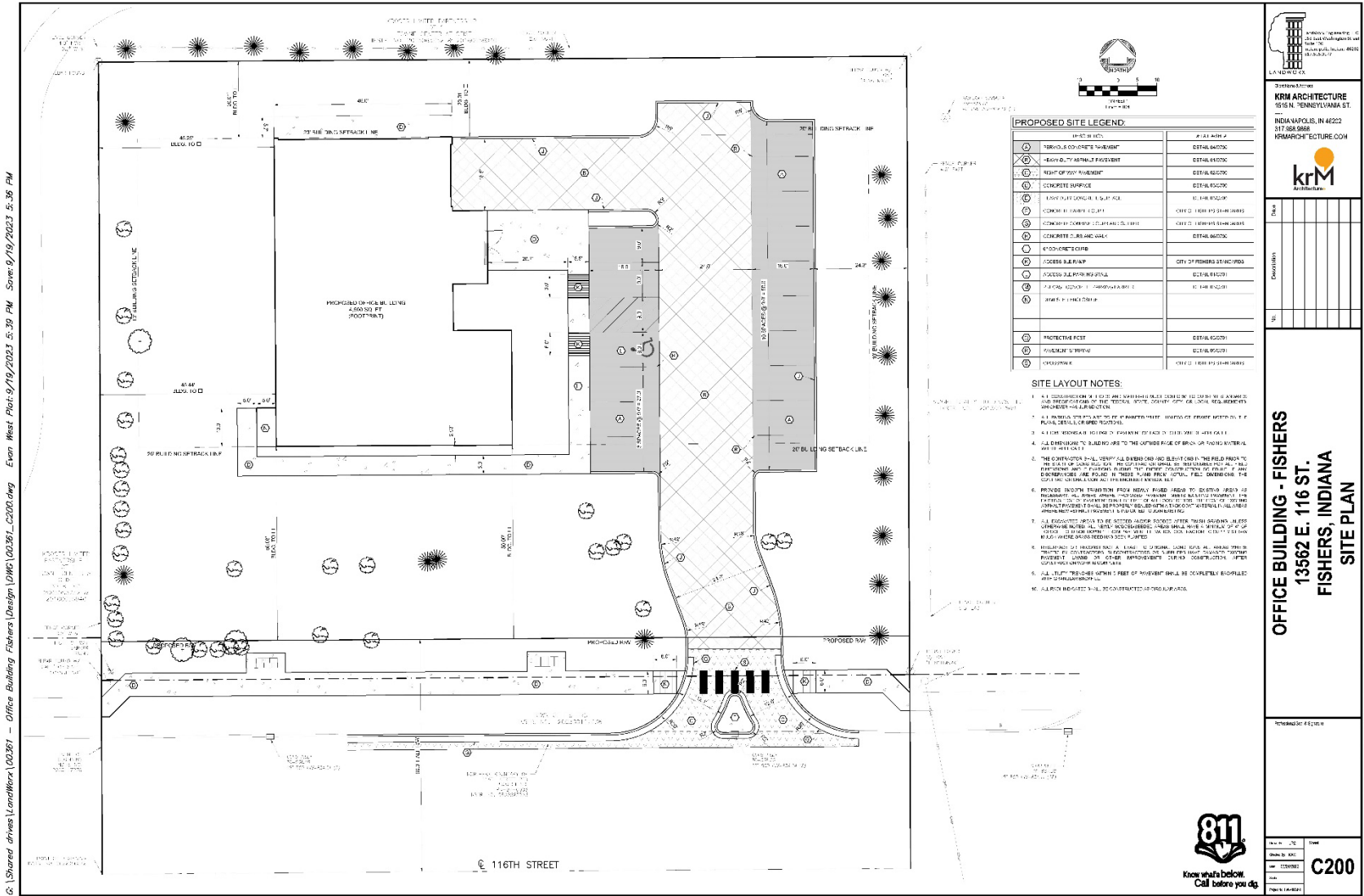


Exhibit B.2 – Concept Plan, cont.



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



City Council Approval | January 16, 2024

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DRIVE PLANNING PUD



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<u>Tab 2</u>	Aerial Location Map
<u>Tab 3</u>	Concept Plan
<u>Tab 4</u>	Illustrative Architectural Exhibit
<u>Tab 5</u>	PUD Ordinance

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 Olio 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 500 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

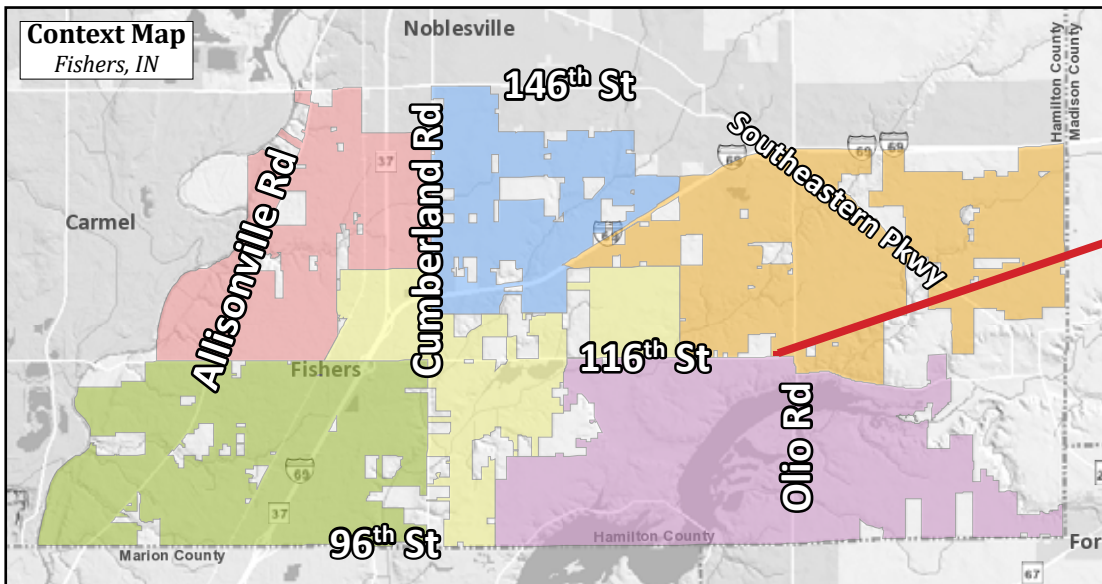
If approved, then site development work is anticipated to begin early this year.

Thank you for your consideration.

TAB 2

AERIAL LOCATION MAP

DRIVE PLANNING PUD



REAL ESTATE

AERIAL LOCATION MAP

DRIVE PLANNING PUD

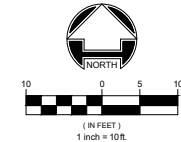
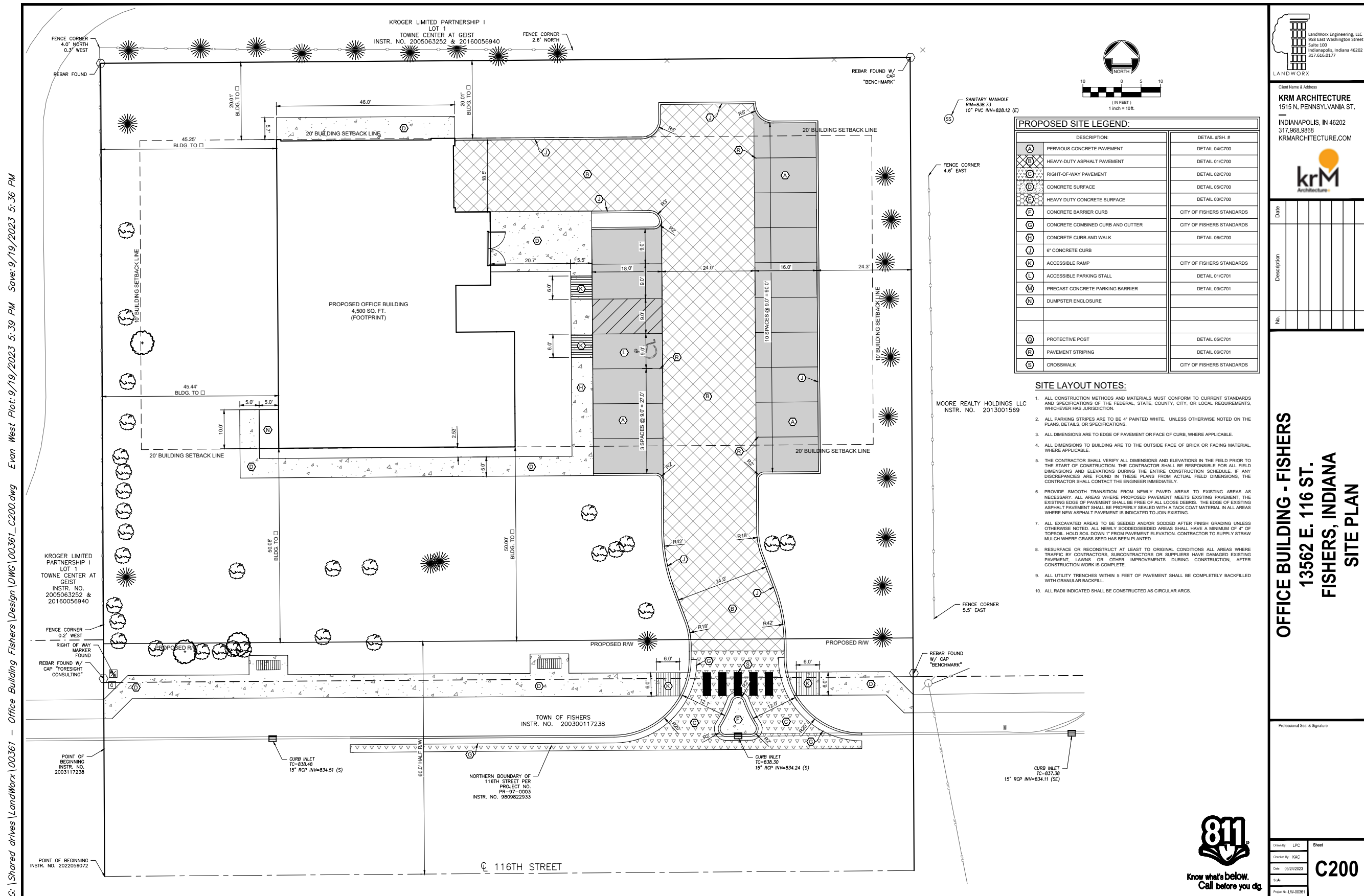


REAL ESTATE

TAB 3

CONCEPT PLAN

DRIVE PLANNING PUD



PROPOSED SITE LEGEND:

DESCRIPTION:	DETAIL #/SH. #
(A) PERVIOUS CONCRETE PAVEMENT	DETAIL 04C700
(B) HEAVY-DUTY ASPHALT PAVEMENT	DETAIL 01C700
(C) RIGHT-OF-WAY PAVEMENT	DETAIL 02C700
(D) CONCRETE SURFACE	DETAIL 05C700
(E) HEAVY DUTY CONCRETE SURFACE	DETAIL 03C700
(F) CONCRETE BARRIER CURB	CITY OF FISHERS STANDARDS
(G) CONCRETE COMBINED CURB AND GUTTER	CITY OF FISHERS STANDARDS
(H) CONCRETE CURB AND WALK	DETAIL 06C700
(I) 6" CONCRETE CURB	CITY OF FISHERS STANDARDS
(J) ACCESSIBLE RAMP	CITY OF FISHERS STANDARDS
(K) ACCESSIBLE PARKING STALL	DETAIL 01C701
(L) PRECAST CONCRETE PARKING BARRIER	DETAIL 03C701
(M) DUMPSTER ENCLOSURE	
(N) PROTECTIVE POST	DETAIL 05C701
(O) PAVEMENT STRIPING	DETAIL 06C701
(P) CROSSWALK	CITY OF FISHERS STANDARDS

- SITE LAYOUT NOTES:**
- ALL CONSTRUCTION METHODS AND MATERIALS MUST CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE FEDERAL, STATE, COUNTY, CITY, OR LOCAL REQUIREMENTS, WHICHEVER HAS JURISDICTION.
 - ALL PARKING STRIPES ARE TO BE 4" PAINTED WHITE. UNLESS OTHERWISE NOTED ON THE PLANS, DETAILS, OR SPECIFICATIONS.
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, WHERE APPLICABLE.
 - ALL DIMENSIONS TO BUILDING ARE TO THE OUTSIDE FACE OF BRICK OR FACING MATERIAL, WHERE APPLICABLE.
 - 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 THESE PLANS FROM ACTUAL FIELD DIMENSIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
 - PROVIDE SMOOTH TRANSITION FROM NEWLY PAVED AREAS TO EXISTING AREAS AS NECESSARY. ALL AREAS WHERE PROPOSED PAVEMENT MEETS EXISTING PAVEMENT, THE EXISTING EDGE 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 IS INDICATED TO JOIN EXISTING.
 - ALL EXCAVATED AREAS TO BE SEEDED AND/OR SODDED AFTER FINISH GRADING UNLESS OTHERWISE NOTED. ALL NEWLY SODDED/SEEDED AREAS SHALL HAVE A MINIMUM OF 4" OF TOPSOIL. HOLD SOIL DOWN 1" FROM PAVEMENT ELEVATION. CONTRACTOR TO SUPPLY STRAW MULCH WHERE GRASS SEED HAS BEEN PLANTED.
 - 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.
 - ALL UTILITY TRENCHES WITHIN 5 FEET OF PAVEMENT SHALL BE COMPLETELY BACKFILLED WITH GRANULAR BACKFILL.
 - ALL RADI INDICATED SHALL BE CONSTRUCTED AS CIRCULAR ARCS.

LandWork Engineering, LLC
 353 East Washington Street
 Suite 100
 Indianapolis, Indiana 46202
 317.634.0177

Client Name & Address
KRM ARCHITECTURE
 1515 N. PENNSYLVANIA ST.
 INDIANAPOLIS, IN 46202
 317.968.9868
 KRMARCHITECTURE.COM

Date: _____
 Description: _____
 No.: _____

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

Professional Seal & Signature

Drawn By: LPC
 Checked By: KAC
 Date: 05/24/2023
 Scale:
 Project No: LW-00361

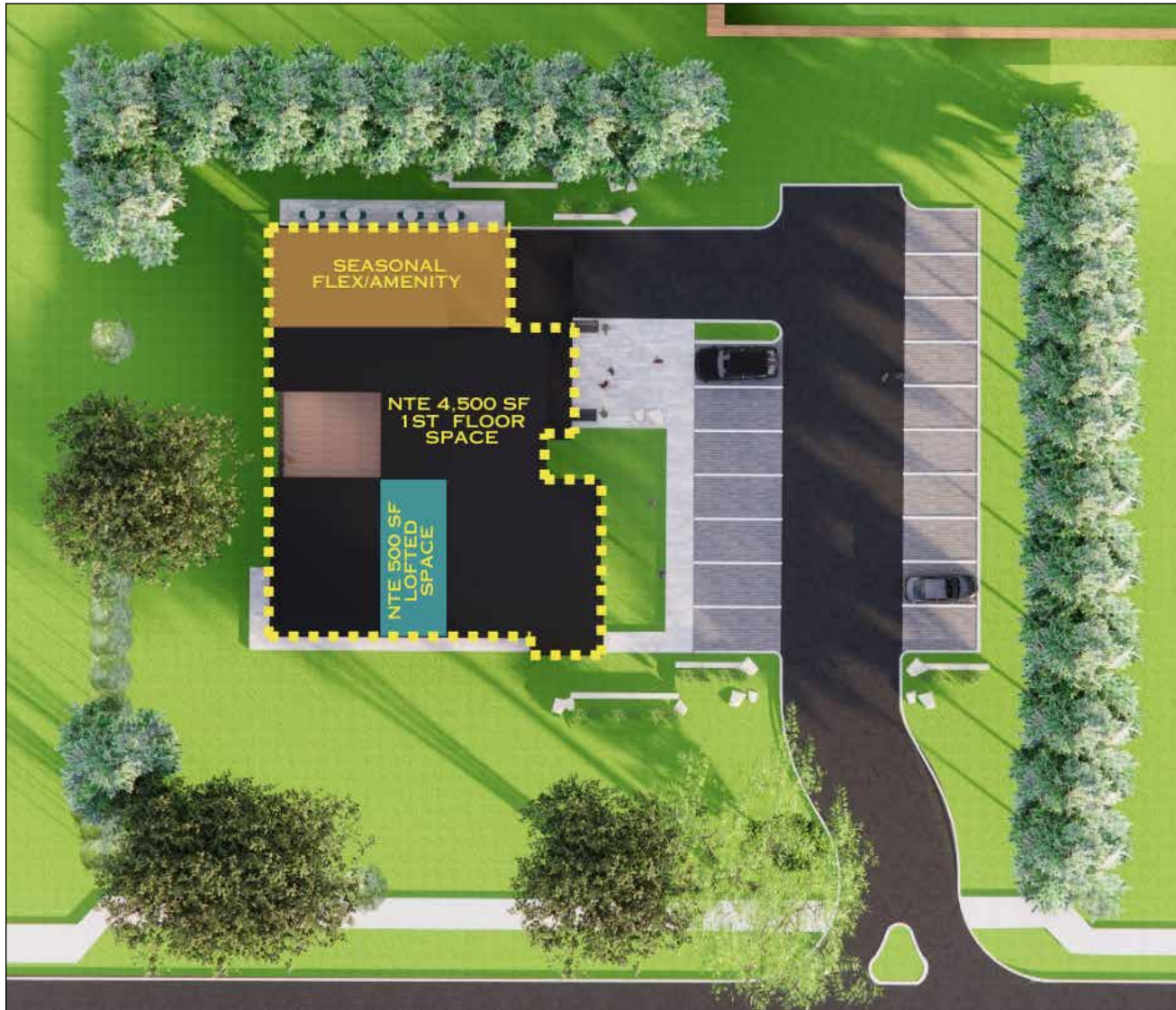
Sheet
C200



C:\Shared drives\LandWork\00361 - Office Building Fishers\Design\DWG\00361_C200.dwg Evan West Plot: 9/19/2023 5:39 PM Save: 9/19/2023 5:36 PM

CONCEPT PLAN

DRIVE PLANNING PUD



DRIVE PLANNING
SCHEMATIC DESIGN

TAB 4

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

DRIVE PLANNING PUD



View from East

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

DRIVE PLANNING PUD



SHINGLE
ROOF

EXPOSED
WOOD
FRAMING

METAL
TRIM

MASONRY

METAL
PANEL
CLADDING



View from East

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

DRIVE PLANNING PUD



View from South

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

DRIVE PLANNING PUD



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 no recommendation to the Common Council by a vote of four (4) in favor and three (3) 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 16th day of January, 2024.

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

YAY		NAY	ABSTAIN
	President		
	Vice President		
	Member		
	Member		
	Member		
	Member		
	Member		
	Member		
	Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2024, 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 for 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:

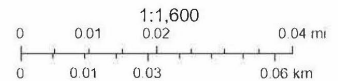
Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel with the South line of said South East Quarter 208.72 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



 Real Estate



2024

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: January 16, 2024

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.

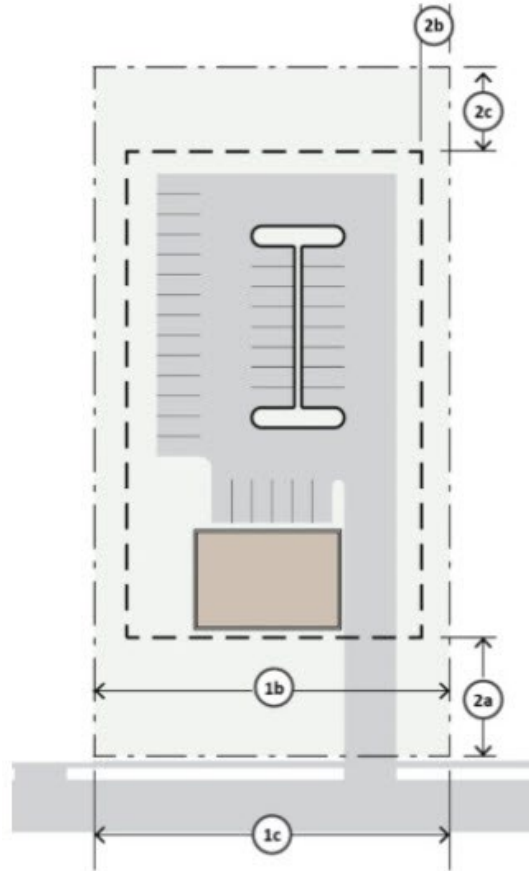
b. Article 3.2. Residential Districts: Shall not apply.

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)	500 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.

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- g. **Article 6.7. Landscaping Standards:** Shall apply. Additionally, existing saved trees shall count toward any planting requirement at a one-to-one ratio.
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- i. **Article 6.9. Non-Residential Open Space:** Shall apply.
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- o. **Article 6.15. Public Art Standards:** Shall apply.
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- 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.
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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.

ORDINANCE NO. 112023B

- 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 500 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



 Real Estate

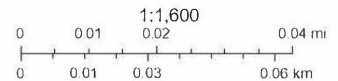
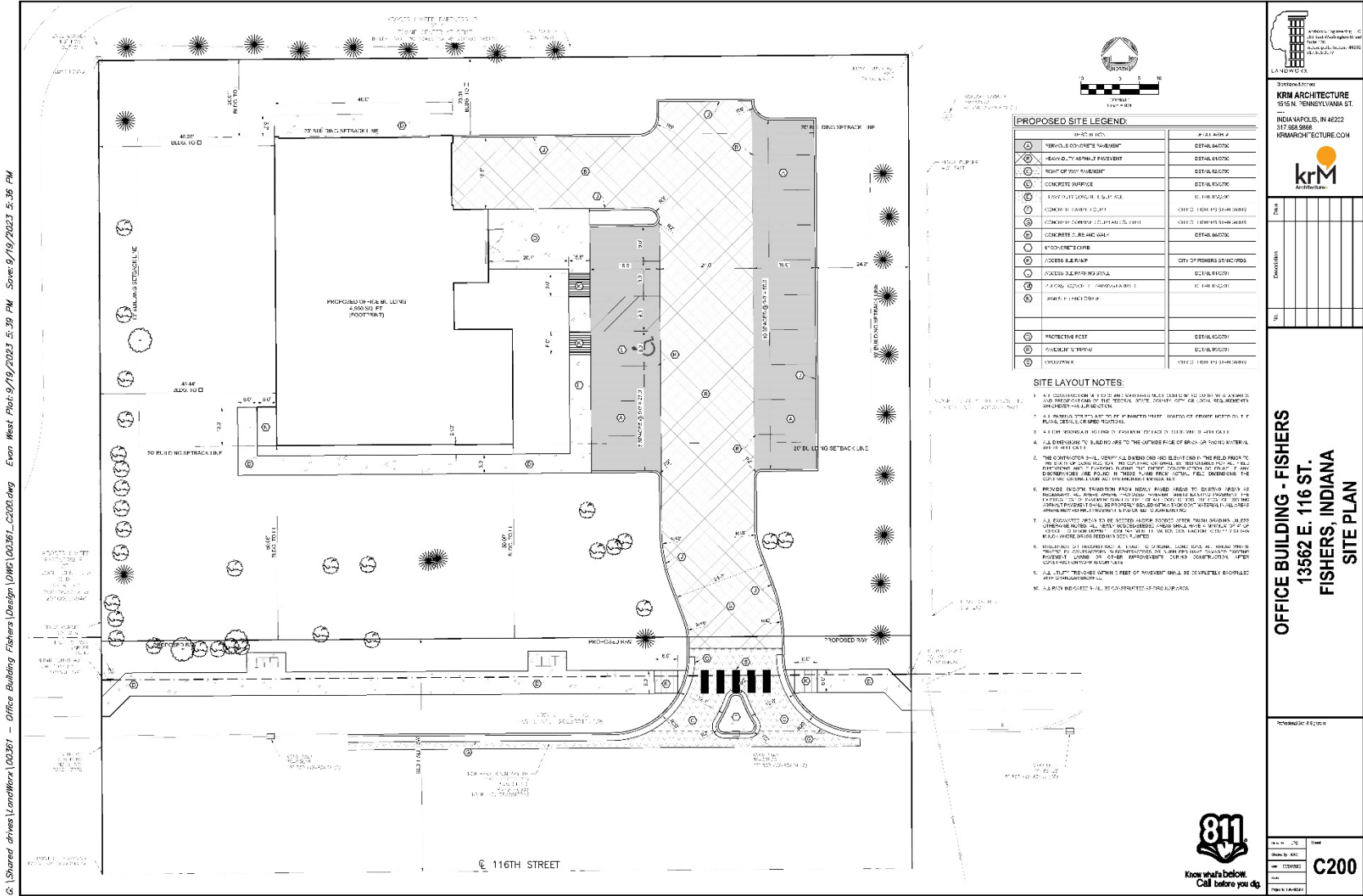


Exhibit B.2 – Concept Plan



G:\Shared drives\LandWork\00361 - Office Building Fishers\Design\DWG\00361_C200.dwg Evan West Date:9/19/2023 5:36 PM Saved:9/19/2023 5:36 PM

PROPOSED SITE LEGEND:

SYMBOL	DESCRIPTION	DETAIL REFERENCE
(1)	TERZOLO CONCRETE PAVERMENT	DETAIL 04070C
(2)	HEAVY DUTY ASPHALT PAVEMENT	DETAIL 04070C
(3)	NEST OF ASPHALT PAVEMENT	DETAIL 04070C
(4)	CONCRETE SURFACE	DETAIL 04070C
(5)	CONCRETE CURB AND WALK	DETAIL 04070C
(6)	CONCRETE CURB AND WALK	DETAIL 04070C
(7)	CONCRETE CURB AND WALK	DETAIL 04070C
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(50)	CONCRETE CURB AND WALK	DETAIL 04070C

- SITE LAYOUT NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FISHERS SPECIFICATIONS AND THE INDIANA CONSTRUCTION CODE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
 2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
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 5. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
 6. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
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 8. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
 9. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS ON THE FIELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FISHERS AND THE INDIANA DEPARTMENT OF TRANSPORTATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE INDIANA DEPARTMENT OF TRANSPORTATION.
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KRM ARCHITECTURE
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INDIANAPOLIS, IN 46202
317.588.8866
KRMARCHITECTURE.COM



811
Call before you dig

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

DATE: 9/19/2023 5:36 PM

PROJECT: 00361

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Exhibit B.2 – Concept Plan, cont.



DRIVE PLANNING
SCHEMATIC DESIGN



Exhibit B.3 – Illustrative Architectural Exhibit



Exhibit B.3 – Illustrative Architectural Exhibit, cont.





City Council Staff Report

Meeting Date: January 16, 2024

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



STAFF RECOMMENDATION

Favorable Recommendation
 Unfavorable Recommendation
 No Recommendation

ZONING 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 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

January 16, 2024

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. **Since Plan Commission on December 6, 2023 the Loft space above first floor limited to 500 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.

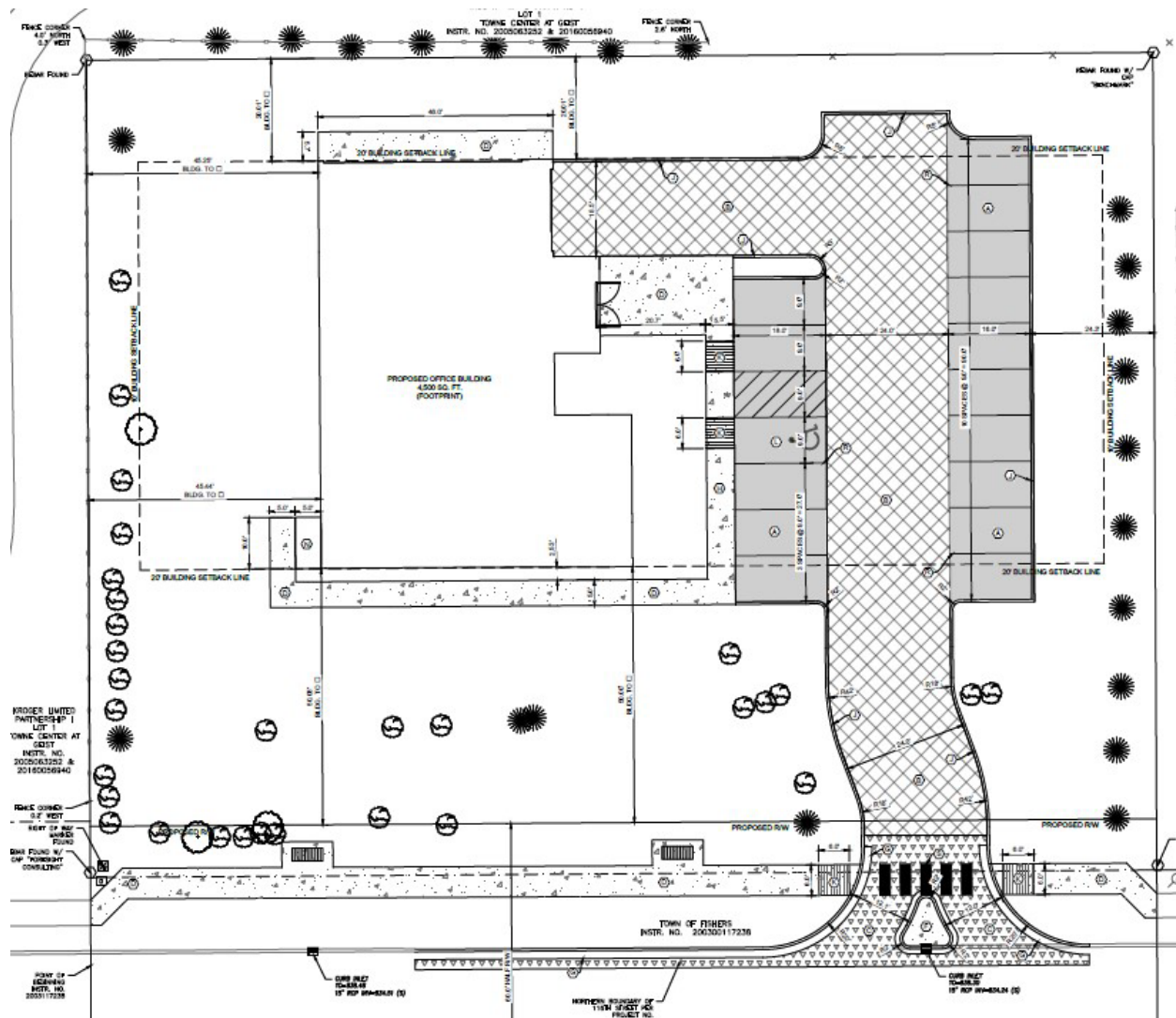


South Elevation and view from the E 116th Street



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.

January 16, 2024

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
- 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.

At the December 6, 2023 Plan Commission meeting, they sent no recommendation to City Council with a vote of four (4) in favor and three (3) opposed.

The Petitioner requested a continuation from the scheduled City Council meeting on December 18, 2023.

Since Plan Commission the Loft space above first floor has been limited to 500 SQFT.

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.

Ord. 112023B | RZ-23-6

January 16, 2024

Staff has no recommendation for City Council.

STAFF RECOMMENDATION

Favorable Recommendation

Unfavorable Recommendation

No Recommendation



Council Action Form

MEETING DATE	January 16, 2024			
TITLE	Consideration of a rezone of .88 acres from R2 Residential to PUD-C known as the Drive Planning PUD (RZ-23-6)			
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
	<input type="checkbox"/> Executive			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
				<input checked="" type="checkbox"/> Final Reading
	Ordinance #: 112023B		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office			

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Consideration of a rezone of .88 acres from R2 to PUD-C known as the Drive Planning PUD.</p> <p>See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property.</p> <p>At the December 6, 2023 Plan Commission meeting, they sent no recommendation to City Council with a vote of four (4) in favor and three (3) opposed.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold First Reading
	2.	Continue
	3.	Take No Action
	4.	
PROJECT TIMELINE	<p>November 20, 2023 - Proposed First Reading - City Council November 27, 2023 - Neighborhood Meeting via Teams December 6, 2023 - Public Hearing - Plan Commission January 16, 2024 - Proposed Final Reading - City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends City Council to hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	<p>1. Staff Report 2. Ordinance 3. Petitioner's Packet</p>	