



ORDINANCE NO. 052019F

**AN ORDINANCE TO AMEND THE
UNIFIED DEVELOPMENT ORDINANCE OF THE
CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend Ordinance No. Ordinance #070506, as amended, the Fishers Marketplace Planned Unit Development Ordinance (the "Fishers Marketplace PUD Ordinance"), previously enacted by the City of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 et seq., as amended.

WHEREAS, the Plan Commission of the City of Fishers has conducted a public hearing on Docket No. TA-19-4 as required by law in regard to the application filed by ONB Reality 1 LLC, (the "Developer") to amend the Fishers Marketplace PUD Ordinance regarding the subject real estate described in Exhibit A attached hereto (the "Real Estate"); and,

WHEREAS, the Plan Commission at its April 10, 2019 meeting sent a favorable recommendation to the Fishers City Council by a vote of seven (7) in favor and zero (0) opposed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fishers, Hamilton County, Indiana, meeting in regular session, that the Fishers Marketplace PUD Ordinance, as applicable to the Real Estate, is hereby amended as follows (the "Section" references below refer to the Sections of the Fishers Marketplace PUD Ordinance):

Section 6. SITE DESIGN GUIDELINES FOR RETAIL, MIXED-USE, OFFICE OR RECREATION AREAS shall be amended to remove requirements to install and/or replace certain "Signature Features" as follows:

E. Signature Features.

4. Signature features located at the intersections of 131st Street and SR 37, and 135th Street and SR 37, per Ordinance No. 070506 and as shown on Exhibit B, will not be required to be replaced due to the City's right-of-way taking for the SR 37 road improvements.

Effect of Approval. All other provisions of the Fishers Marketplace PUD Ordinance shall remain in effect with the adoption of this ordinance. All provisions and representations of the Fishers Marketplace PUD Ordinance that conflict with the provision of this ordinance are hereby rescinded as applied to the Real estate and shall be superseded by the terms of this ordinance. This Ordinance shall apply only to the Real Estate highlighted on the Concept Plan.

ORDINANCE NO. 052019F

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CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

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WHEREAS, the Plan Commission at its April 10, 2019 meeting sent a favorable recommendation to the Fishers City Council by a vote of seven (7) in favor and zero (0) opposed.

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E. Signature Features.

4. Signature features located at the intersections of 131st Street and SR 37, and 135th Street and SR 37, per Ordinance No. 070506 and as shown on Exhibit B, will not be required to be replaced due to the City's right-of-way taking for the SR 37 road improvements.

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

052019F

YAY

NAY

ABSTAIN

YAY	NAY	ABSTAIN
<i>Richard W. Block</i>	Richard W. Block, President	
<i>Eric Moeller</i>	Eric Moeller, Vice President	
<i>David George</i>	David George, Member	
<i>C. Pete Peterson</i>	C. Pete Peterson, Member	
<i>John Weingardt</i>	John Weingardt, Member	
<i>Cecilia C. Coble</i>	Cecilia C. Coble, Member	
<i>Brad DeReamer</i>	Brad DeReamer, Member	
<i>Selina M. Stoller</i>	Selina M. Stoller, Member	
<i>Todd Zimmerman</i>	Todd Zimmerman, Member	

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 20th day of May 2019, at 8:00 p m.

ATTEST:
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

5/20/2019



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 - Real Estate

NORTH ONB

Legal Description

TRACT 1:

Parts of the Southeast Quarter of Section 19 and the Northeast Quarter of Section 30, Township 18 North, Range 5 East, Delaware Township, Hamilton County, Indiana, being described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 19; thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing) 2,668.45 feet along the East line of the Southeast Quarter of said Section 19 to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 30; thence South 89 degrees 25 minutes 19 seconds West 1,291.52 feet along the North line of the Northeast Quarter of said Section 30 to the Northwest corner of a tract of land granted to Hamilton Southeastern Schools ("School Tract") recorded in Deed Record 266, Page 398, of the Hamilton County, Indiana Recorder's Office and the Point of Beginning of this description; thence South 00 degrees 10 minutes 47 seconds West 865.32 feet; thence North 89 degrees 49 minutes 13 seconds West 582.23 feet; thence South 00 degrees 10 minutes 17 seconds West 566.10 feet along the Western boundary line of said "School Tract"; thence South 89 degrees 29 minutes 44 seconds West 481.11 feet to a point of curvature to the left, said point being located North 00 degrees 30 minutes 16 seconds West 385.00 feet from the radius point of said curve; thence Westerly 266.58 feet along said curve to its point of tangency being located on the Eastern right-of-way line of State Road 37 per Right-of-Way Document recorded in Deed Record 149, page 441 in the Hamilton County Recorder's Office, said point being located North 40 degrees 10 minutes 35 seconds West 385.00 feet from the radius point of said curve, the following Two courses are along the Eastern right-of-way line of State Road 37; 1) thence North 00 degrees 02 minutes 06 seconds West 1,511.40 feet to the North Line of the Northeast Quarter of said Section 30; 2) thence North 00 degrees 02 minutes 06 seconds West 1,336.28 feet; thence North 89 degrees 28 minutes 01 second East 359.46 feet; thence South 00 degrees 00 minutes 16 seconds East 1,336.04 feet to the North line of the Northeast Quarter of said Section 30; thence North 89 degrees 25 minutes 11 seconds East 954.96 feet along said North line to the Point of Beginning, containing 46.496 acres, more or less.

EXCEPT that real estate conveyed to the State of Indiana by Warranty Deed recorded February 26, 2008, as Instrument 2008009323, more particularly described as follows:

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 19, Township 18 North Range 5 East; thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing) 2,668.45 feet along the East line of the Southeast Quarter of said Section 19 to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 30; thence South 89 degrees 25 minutes 19 seconds West 1,291.52 feet along the North line of the Northeast Quarter of said Section 30 to the Northwest corner of a tract of land granted to Hamilton Southeastern Schools ("School Tract") recorded in Deed Record 266, Page 398, of the Hamilton County, Indiana Recorder's Office; thence South 00 degrees 10 minutes 47 seconds West 865.32 feet; thence North 89 degrees 49 minutes 13 seconds West 582.23 feet; thence South 00 degrees 10 minutes

17 seconds West 566.10 feet along the Western boundary line of said "School Tract"; thence South 89 degrees 29 minutes 44 seconds West 481.11 feet to a point of curvature to the left, said point being located North 00 degrees 30 minutes 16 seconds West 385.00 feet from the radius point of said curve; thence Westerly 266.58 feet along said curve to its point of tangency being located on the Eastern right-of-way line of State Road 37 per Right-of-Way Document recorded in Deed Record 149, Page 441, in the Hamilton County Recorder's Office, said point being located North 40 degrees 10 minutes 35 seconds West 385.00 feet from the radius point of said curve (the foregoing portion of this description beginning with the words "thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing)" is taken from Instrument Number 2007000985) to the East boundary of S.R. 37 and a Northwest corner of a tract of land described in Instrument Number 200600061116 and the Point of Beginning of this description designated as point "201" on said plat; thence North 0 degrees 02 minutes 06 seconds West 1330.22 feet along the East boundary of said S.R. 37 to the point designated "214" on said plat; thence South 9 degrees 52 minutes 07 seconds East 76.12 feet to the point designated "213" on said plat; thence South 44 degrees 28 minutes 51 seconds East 78.54 feet to the point designated "212" on said plat; thence South 89 degrees 57 minutes 33 seconds East 275.33 feet to the point designated "211" on said plat; thence South 0 degrees 02 minutes 06 seconds East 94.00 feet to the point designated "210" on said plat; thence North 89 degrees 57 minutes 33 seconds West 275.33 feet to the point designated "209" on said plat; thence South 47 degrees 44 minutes 01 seconds West 74.28 feet to the point designated "208" on said plat; thence South 0 degrees 02 minutes 06 seconds East 1044.73 feet to a Northeast corner of said tract of land described in said Instrument Number 200600061116; thence along the South line of said tract 16.71 feet along an arc to the left having a radius of 385 feet and subtended by a long chord having a bearing of South 51 degrees 03 minutes 59 seconds West and a length of 16.70 feet to the point of beginning and containing 1.164 acres, more or less.

TRACT 2:

Non-exclusive perpetual easement for vehicular and pedestrian ingress, egress, utilities and incidental purposes as set out in Cross Easement Declaration by and between Britton Park Development, LLC, and H2O Resorts II, LLC, dated December 7, 2006, and recorded January 5, 2007, as Instrument No. 2007000986.

TRACT 3:

Non-exclusive, perpetual easement for drainage, utilities, landscaping, and incidental purposes as set out in Declaration of Easements, Covenants and Restrictions for Fishers Marketplace by Britton Park Development, LLC, dated December 7, 2006, and recorded December 21, 2006, as Instrument 2006075312.

Property Address: 0 SR 37, Fishers, IN 46038

SOUTH ONB

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East located in Delaware Township, Hamilton County, Indiana being bounded as follows:

BEGINNING at the southwestern corner of the 3.987 acre tract of land described in the WARRANTY DEED recorded as instrument #2007002262 by the Recorder of Hamilton County, Indiana, said Point of Beginning being on the South Line of the Northeast Quarter of Section 30, Township 18 North, Range 5 East and being South 89 degrees 36 minutes 52 seconds West (assumed bearing) 357.02 feet from the Southeast Corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West 1,379.32 feet along the South Line of said Northeast Quarter to the southeastern corner of the 0.502 acre tract of land described in the WARRANTY DEED recorded as instrument #20060006116 by said Recorder, the following three (3) courses are along the boundary of said 0.502 acre tract of land; 1) thence North 00 degrees 21 minutes 23 seconds West 12.68 feet; 2) thence North 63 degrees 40 minutes 12 seconds West 55.90 feet; 3) thence South 89 degrees 45 minutes 54 seconds West 39.99 feet to the southeastern corner of the 0.426 acre tract of land described in the WARRANTY DEED recorded as instrument #2008005304 by said Recorder, the following four (4) courses are along the boundary of said 0.426 acre tract of land; 1) thence North 00 degrees 14 minutes 06 seconds West 27.00 feet; 2) thence North 87 degrees 22 minutes 21 seconds West 160.20 feet; 3) thence South 89 degrees 45 minutes 54 seconds West 400.00 feet; 4) thence North 85 degrees 38 minutes 09 seconds West 127.54 feet to the eastern right-of-way line of State Road 37 per said Right-of-Way Document recorded in Deed Record 149, page 441; thence North 45 degrees 38 minutes 32 seconds West 95.71 feet to the eastern boundary of State Road 37, the eastern boundary of the 0.237 acre tract of land, described in the WARRANTY DEED WITH LIMITATION OF ACCESS recorded as instrument #200600061115 by said Recorder; thence North 00 degrees 02 minutes 06 seconds West 1,002.99 feet and along said eastern boundary and the eastern boundary of the 0.059 acre tract of land described in the WARRANTY DEED WITH LIMITATION OF ACCESS recorded as instrument 2008005305 by said Recorder to the southern boundary of the 46.496 acre tract of land described in the LIMITED WARRANTY DEED recorded as instrument #2007000985 by said Recorder, said point being on a non-tangent curve concave to the south and being North 37 degrees 41 minutes 27 seconds West 385.00 feet from said radius point of said curve; thence northeasterly and easterly 249.88 feet along the southern boundary of said 46.496 acre tract of land and along said curve to its point of tangency, said point of tangency being North 00 degrees 30 minutes 16 seconds West 385.00 feet from said radius point of said curve; thence North 89 degrees 29 minutes 44 seconds East 555.38 feet along the southern boundary of said 46.496 acre tract of land and along the southern boundary of the 0.383 acre tract of land described in the QUITCLAIM DEED recorded as Instrument #2008003589 by said Recorder to its southeastern corner, the following four (4) courses are along the boundary of said 0.383 acre tract of land; 1) thence North 00 degrees 23 minutes 08 seconds West 55.16 feet to the point of curvature of a curve to the left (said curve hereinafter referred to as Curve #1), said point of curvature being North 89 degrees 36 minutes 52 seconds East 463.00 feet from said radius point of Curve #1; 2) thence northerly 169.94 feet along Curve #1 to its point of tangency, said point of tangency being North 68 degrees 35 minutes 04 seconds East 463.00 feet from said radius point of Curve #1; 3) thence North 21 degrees 24 minutes 56 seconds West 110.41 feet to the point of curvature of a curve to the right (said curve hereinafter referred to as Curve #2), said point of curvature being South 68 degrees 35 minutes 04 seconds West 537.00 feet from said radius point of Curve #2; 4) thence northerly 1.80 feet along said curve to the eastern boundary of said 46.496 acre tract of land, said point being South 68 degrees 46 minutes 31 seconds West 537.00 feet from said radius

point; thence North 00 degrees 10 minutes 21 seconds East 239.89 feet to a southwestern corner of said 46.496 acre tract of land; thence South 89 degrees 49 minutes 13 seconds East 37.00 feet to the northwestern corner of the 3.000 acre tract of land described in the LIMITED WARRANTY DEED recorded as instrument #2008003590 by said Recorder, the next six (6) courses are along the boundary of said 3.000 acre tract of land and along the boundary of the 3.298 acre tract of land described in said instrument #2008003590; 1) thence South 00 degrees 10 minutes 21 seconds West 43.97 feet to the point of curvature of a curve to the left (said curve is concentric with Curve #2), said point of curvature being North 89 degrees 49 minutes 39 seconds West 463.00 feet from the radius point said curve; 2) thence southerly 174.45 feet along said curve to its point of tangency, said point of tangency being South 68 degrees 35 minutes 04 seconds West 463.00 feet from said radius point of said curve; 3) thence South 21 degrees 24 minutes 56 seconds East 110.41 feet to the point of curvature of a curve to the right (said curve is concentric with Curve #1), said point of curvature being North 68 degrees 35 minutes 04 seconds East 537.00 feet from said radius point of said curve; 4) thence southerly 197.10 feet along said curve to its point of tangency, said point of tangency being North 89 degrees 36 minutes 52 seconds East 537.00 feet from said radius point of said curve; 5) thence South 00 degrees 23 minutes 08 seconds East 55.01 feet; 6) thence North 89 degrees 29 minutes 44 seconds East 433.93 feet to the eastern boundary line of the 103.901 acre tract of land described in the CORPORATE LIMITED WARRANTY DEED recorded as instrument #200500021250 by said Recorder, following four (4) courses are along the boundary of said 103.901 acre tract of land; 1) thence South 00 degrees 10 minutes 47 seconds West 103.82 feet; 2) thence South 89 degrees 25 minutes 19 seconds West 95.31 feet; 3) thence South 00 degrees 10 minutes 47 seconds West 632.17 feet; 4) thence North 89 degrees 36 minutes 54 seconds East 1,029.76 feet to the northwest corner of said 3.987 acre tract of land; thence South 00 degrees 10 minutes 47 seconds West 500.00 feet along the western boundary of said 3.987 acre tract of land to the POINT OF BEGINNING containing 45.290 acres, more or less.

This property is commonly known as: Northeast corner of 131st Street and S.R. 37, Hamilton County, Indiana.

Less the following:

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West along the south line of said Northwest Quarter (basis of bearings per Instrument Number 200500021250, on file in the Office of the Recorder of Hamilton County, Indiana) 1,736.33 feet to the southeast corner of the tract of land conveyed to the State of Indiana, described in Instrument Number 200600061116 ("Indiana Tract 1"), on file in the Office of said Recorder, the following three (3) courses are along the east, northeasterly and north lines of said Indiana Tract 1; (1)thence North 00 degrees 21 minutes 23 seconds West 12.68 feet; (2) thence North 63 degrees 40 minutes 12 seconds West 55.90 feet; (3)thence South 89 degrees 45 minutes 54 seconds West 39.99 feet to the southeast corner of a tract of land conveyed to the State of Indiana, described in Instrument Number 2008005304 ("Indiana Tract 2"), the following four (4) courses are along the east and north lines of said Indiana Tract 2; (1)thence North 00 degrees 14 minutes 06 seconds West 27.00 feet; (2)thence North 87 degrees 22 minutes 21

seconds West 160.20 feet; (3) thence South 89 degrees 45 minutes 54 seconds West 400.00 feet; (4) thence North 85 degrees 38 minutes 09 seconds West 127.54 to the east right-of-way line of State Road 37 per Deed Record 149, Page 441, on file in the Office of said Recorder; thence North 45 degrees 38 minutes 32 seconds West along said east right-of-way line 95.71 feet to the east right-of-way line of State Road 37 as described in Instrument Number 200600061115, on file in the Office of said Recorder; thence North 00 degrees 02 minutes 06 seconds West along said east right-of-way line 795.50 feet; thence North 51 degrees 36 minutes 39 seconds East 180.98 feet; thence North 89 degrees 58 minutes 14 seconds East 99.46 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 10 seconds East 7.10 feet; thence South 89 degrees 59 minutes 55 seconds East 59.00 feet; thence South 00 degrees 00 minutes 10 seconds West 29.00 feet; thence North 89 degrees 59 minutes 55 seconds West 59.00 feet; thence North 00 degrees 00 minutes 10 seconds East 21.90 feet to the POINT OF BEGINNING. Containing 0.039 acres; more or less.

AND

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West (basis of bearings per Instrument Number 200500021250, on file in the Office of the Recorder of Hamilton County, Indiana) along the south line of said Northeast Quarter 357.02 feet to the POINT OF BEGINNING; thence continuing along said south line South 89 degrees 36 minutes 52 seconds West 958.58 feet; thence North 00 degrees 23 minutes 06 seconds West 146.03 feet; thence North 51 degrees 42 minutes 47 seconds West 127.50 feet to the point of curve of a curve concave to the south having a radius of 299.00 feet, the radius point of which bears South 38 degrees 17 minutes 13 seconds West; thence westerly along said curve 201.81 feet to a point that bears North 00 degrees 23 minutes 08 seconds West from said radius point; thence South 89 degrees 16 minutes 28 seconds West 84.22 feet; thence North 00 degrees 23 minutes 08 seconds West 33.00 feet; thence South 89 degrees 36 minutes 52 seconds West 2.83 feet; thence North 41 degrees 52 minutes 20 seconds West 45.28 feet; thence North 05 degrees 31 minutes 42 seconds West 63.36 feet; thence North 00 degrees 23 minutes 08 seconds West 633.42 feet; thence North 89 degrees 36 minutes 52 seconds East 11.50 feet; thence North 00 degrees 23 minutes 08 seconds West 11.16 feet; thence North 89 degrees 29 minutes 44 seconds East 336.94 feet to the east line of the 45.290-acre tract of land described in Instrument Number 2009074930, the following two (2) courses are along the east and north lines of said 45.290-acre tract; 1) thence South 00 degrees 10 minutes 47 seconds West 566.10 feet; 2) thence North 89 degrees 36 minutes 54 seconds East 1,029.75 feet to the northwest corner of the 3.987-acre tract described in Instrument Number 2007002262; thence South 00 degrees 10 minutes 47 seconds West along the west line of said 3.987-acre tract 500.00 feet to the POINT OF BEGINNING. Containing 17.759 acres, more or less. Subject to all highways, rights-of-way and easements.

ALSO: Appurtenant easement rights established in that certain Grant of Drainage Easement recorded as Instrument Number 2007026643 in the Office of Recorder of Hamilton County, Indiana.

EXHIBIT B
FISHERS MARKETPLACE SIGNATURE FEATURES





CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Kevin Stotts, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038
 T: (317) 595-3422 E: stottsk@fishers.in.us

DOCKET NUMBER:

TA-19-4

PETITIONER/PROPERTY OWNER:

ONB Realty 1 LLC & Thompson Thrift Development

PUBLIC HEARING DATE:

Wednesday, April 10, 2019

PROPERTY ADDRESS/LOCATION:

Fishers Marketplace PUD / Development;
 Generally located northeast of SR 37 and 131st Street

SPECIFIC REQUEST: Consideration of a Text Amendment to the Fishers Marketplace PUD Ordinance #070506 to remove the requirement to replace the "Signature Features" impacted by the S.R.37 road project

SIZE OF PROPERTY:

Approx. 95 acres

EXISTING ZONING:

PUD-M (Fishers Marketplace)

EXISTING LAND USE:

Mixed-Use Development

PROJECT SUMMARY:

The City of Fishers, ONB Realty 1 LLC, and Thompson Thrift Development (developers of the Fishers Marketplace PUD) requests consideration to remove the requirement to replace the "Signature Features" aka "Fishers Marketplace" sign features located on the northeast corner of SR 37 and 131st Street; and at the entrance located at SR 37 and 135th Street. Under the PUD Sign Standards these Signature Feature signs are a requirement of the PUD. However, the City's SR 37 road improvement project has taken significant land at these intersections which resulted in no usable land at these intersection for the Signature Features to be replaced or relocated.

LOCATION MAP:



STAFF RECOMMENDATION

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> APPROVE WITH CONDITIONS	<input type="checkbox"/> DENY	<input type="checkbox"/> CONTINUE
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ATTACHMENTS

SUBMITTED PLANS

PUBLIC COMMENTS

PUD Ordinance

LEGAL NOTICE

AGENCY COMMENTS

LEGAL DESCRIPTION

PETITION HISTORY:

The Fishers Marketplace PUD was established in 2006 and comprises of approximately 95 acres of mixed-use development generally located on the northeast corner of 131st Street and SR 37. The PUD Ordinance required signature features to be provided in the Fishers Marketplace with the following standards:

1. *No less than two (2) signature features shall be developed for the Fishers Marketplace PUD. One signature feature shall be developed at the intersection of 131st Street and SR 37. A second signature feature shall be developed along the SR 37 frontage in proximity to the Central Water Feature.*
2. *Additional signature features or smaller scale features which mimic certain elements of the signature features shall also be developed throughout the Fishers Marketplace PUD and shall be located:*
 - a. *At the main entrance from 131st Street;*
 - b. *In all four (4) quadrants of any four-way intersection of the major access drive with the secondary access drives, and,*
 - c. *At the crossing of the legal drain by the major access drive and secondary access drive.*
3. *Exhibit E – Examples of Signature Features contains sample graphics of potential signature features. The final content and design of each signature feature shall be subject to the approval of the PUD Committee in connection with Detailed Development Plan and Final Development Plan approval.*

The required signature features, as outlined above, were installed at the Fishers Marketplace development. However, the City's SR 37 road improvement project has taken significant right-of-way at the intersection of 131st Street and SR 37, and the intersection of 135th Street and SR 37. Due to the property takings at these intersections the signature features will be removed. Thompson Thrift, the City of Fishers Engineering Department and the Planning and Zoning Department agree that replacing the signature features at these locations would not be feasible.

PETITION OVERVIEW:

Due to the City's need for additional right-of-way at the intersections of 131st Street and SR 37, and 135th Street and SR 37 the signature features will need to be removed at these locations. The City has reimbursed the property owner for the value of the land and the signature features. Due to the design of SR 37 improvements the retaining walls for the on/off ramps will be located in a manner that does not allow for the signature features to be replaced at these intersections. Additionally, the overall design of SR 37 does not lend itself to replacing the signature features along the SR 37 frontage.

PUBLIC COMMENTS:

No comments have been received from the public at this time.

STAFF COMMENTS:

Due to the property takings at these intersections the signature features will be removed. The City's need for additional right-of-way at these intersections will allow for the construction of the on/off ramps onto SR 37. In addition, the new design of SR 37 does not lend itself to installing these signature features at different locations. Therefore, staff is supportive of the request to eliminate the signature features.

-
- ATTACHMENTS:**
- 1) PUD Ordinance
 - 2) Exhibits of Signature Features



Council Action Form

MEETING DATE	May 20, 2019		
TITLE	Consideration of a text amendment to the Fishers Marketplace PUD Ordinance to remove the requirement to replace the “Signature Features” impacted by the S.R.37 road project		
SUBMITTED BY	Name & Title: Kevin Stotts, Assistant Director Department: 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 #: 052019F		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)	The City of Fishers, ONB Reality 1 LLC, and Thompson Thrift Development (developers of the Fishers Marketplace PUD) requests consideration to remove the requirement to replace the "Signature Features" aka "Fishers Marketplace" sign features located on the northeast corner of SR 37 and 131 st Street; and at the entrance located at SR 37 and 135 th Street. Under the PUD Sign Standards these Signature Feature signs are a requirement of the PUD. However, the City's SR 37 road improvement project has taken significant land at these intersections which resulted in no usable land at these intersection for the Signature Features to be replaced or relocated.	
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:	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve text amendment
	2.	Deny text amendment
	3.	
	4.	
PROJECT TIMELINE	April 10, 2019 – Plan Commission & Public Hearing May 20, 2019 – City Council – Final Reading	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff is supportive of the requested text amendment to eliminate the requirement for the referenced signature features.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1) Staff Report 2) Fishers Marketplace - Text Amendment Ordinance	