

ORDINANCE NO. 081808D

**AN ORDINANCE TO AMEND THE
UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF FISHERS, HAMILTON COUNTY, INDIANA - 2006**

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 Town 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 Town of Fishers has conducted a public hearing on Docket No. 7-TA-08 as required by law in regard to the application filed by Lofts at Fishers Marketplace, 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 September 9, 2008 meeting sent a unanimous favorable recommendation to the Fishers Town Council by a vote of seven (7) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town 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 5 Architectural Design Standards for Retail, Mixed-Use, Office or Recreation Uses shall be amended to incorporate a Section 5(O) as follows:

- O. The mixed-use buildings, as shown on the Concept Plan attached hereto as Exhibit B, shall be substantially similar in quality and character as the Illustrative Building Elevations attached hereto as Exhibit C. The exterior building materials shall be restricted per the Fishers Marketplace PUD Ordinance, however, unless otherwise approved by the PUD Committee: (1) a minimum of fifty percent (50%) of the building's finished facade shall be brick or stone; and (2) E.I.F.S. shall not be permitted to exceed fifty percent (50%) of a building's finished facade. The

development plans for the mixed-use buildings shall be substantially consistent with the Concept Plan, subject to reasonable modifications due to engineering or as approved by the PUD Committee.

SECTION 6(D)(2) Site Design Guidelines for Retail, Mixed-Use, Office or Recreation Areas; Building Massing; Sub-Area 1-B shall be amended to require that no building shall exceed nineteen thousand and fifty (19,050) square feet in first floor area nor have a building height in excess of sixty-five (65) feet in height.

SECTION 6(D)(3) Site Design Guidelines for Retail, Mixed-Use, Office or Recreation Areas; Building Massing; Sub-Area 1-C shall be amended to require that no building shall have a building height in excess of sixty-six (66) feet in height.

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 provisions 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.

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Approval. This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this fifteenth day of September, Two Thousand and Eight.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE		NAY
BY: _____	Scott A. Faultless, President	_____
_____	Daniel E. Henke, Vice President	_____
_____	Stuart F. Easley, Member	_____
<i>Stuart Easley</i>	Eileen N. Pritchard, Member	_____
<i>Eileen N. Pritchard</i>	Charles P. White, Member	_____
<i>Charles P. White</i>	David George, Member	_____
<i>David C. George</i>	Arthur J. Levine, Member	_____
<i>Arthur J. Levine</i>		_____

ATTEST: *Linda Gaye Cordell*
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney

Prepared by: Steven D. Hardin, Esq., Attorney at Law, Baker & Daniels LLP,
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240

EXHIBIT A
LEGAL DESCRIPTION

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:

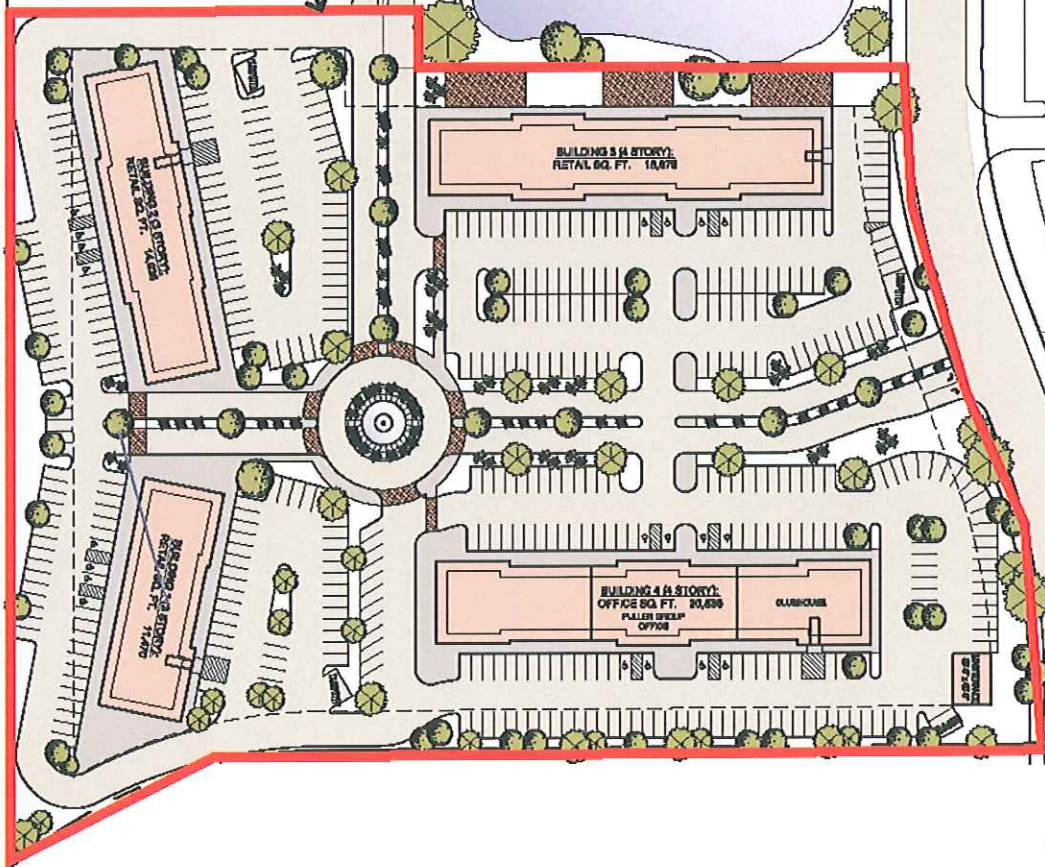
Commencing at the Northeast Corner of the Southeast Quarter of said Section 19; thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing) 2,668.45 feet along the East line of Southeast Quarter of said Section 19 to the Southeast Corner thereof, said point also being the Northeast Corner 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 the Hamilton County, Indiana Recorder's Office and the POINT OF BEGINNING of this description; thence South 00 degrees 10 minutes 47 seconds West 640.88 feet along the western boundary line of said "School Tract"; thence North 89 degrees 49 minutes 13 seconds West 582.27 feet; thence South 00 degrees 10 minutes 17 seconds West 790.55 feet; 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; thence North 00 degrees 02 minutes 06 seconds West 1,511.40 feet; thence North 00 degrees 02 minutes 06 seconds West 1,336.28 feet along the eastern right-of-way line of State Road 37; 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 43.496 acres, more or less.

EXHIBIT B | CONCEPT PLAN

THE LOFTS AT FISHERS MARKETPLACE

STATE ROAD 37

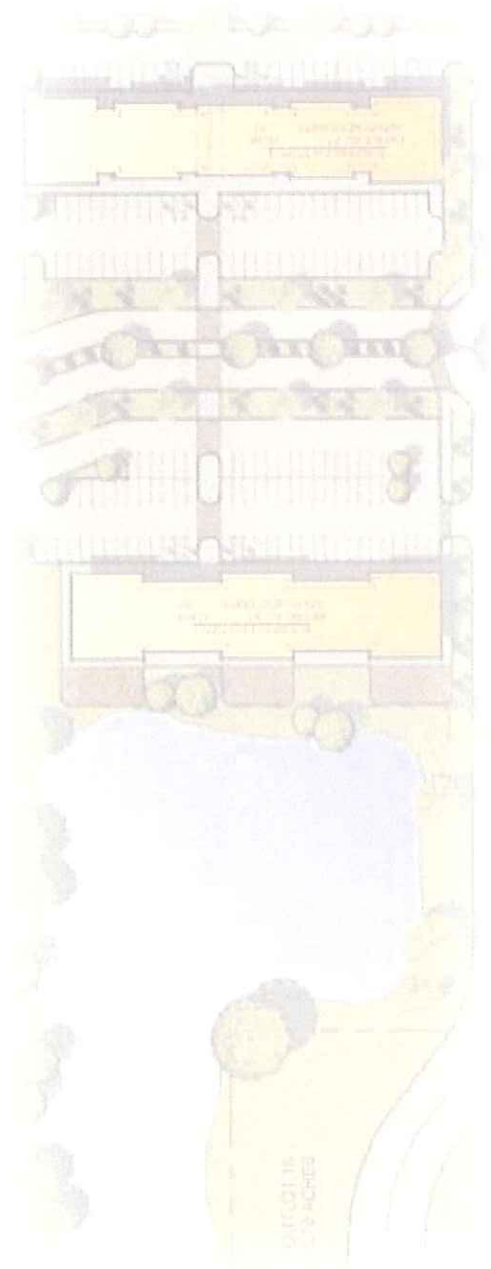
Real Estate affected by text amendment.



ILLUSTRATIVE BUILDING ELEVATIONS

THE LOFTS AT FISHERS MARKETPLACE

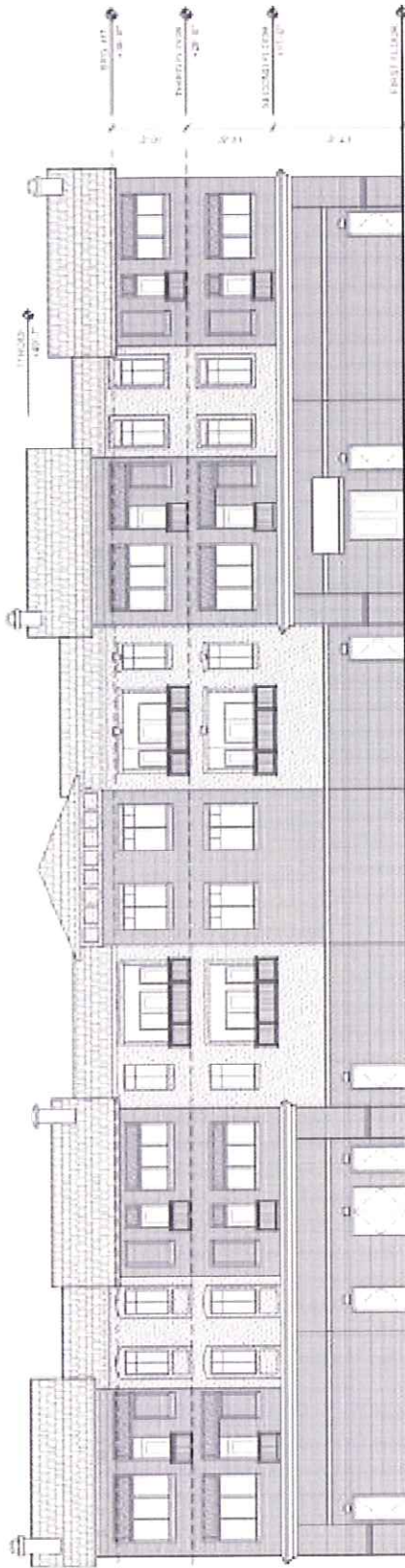
EXHIBIT C



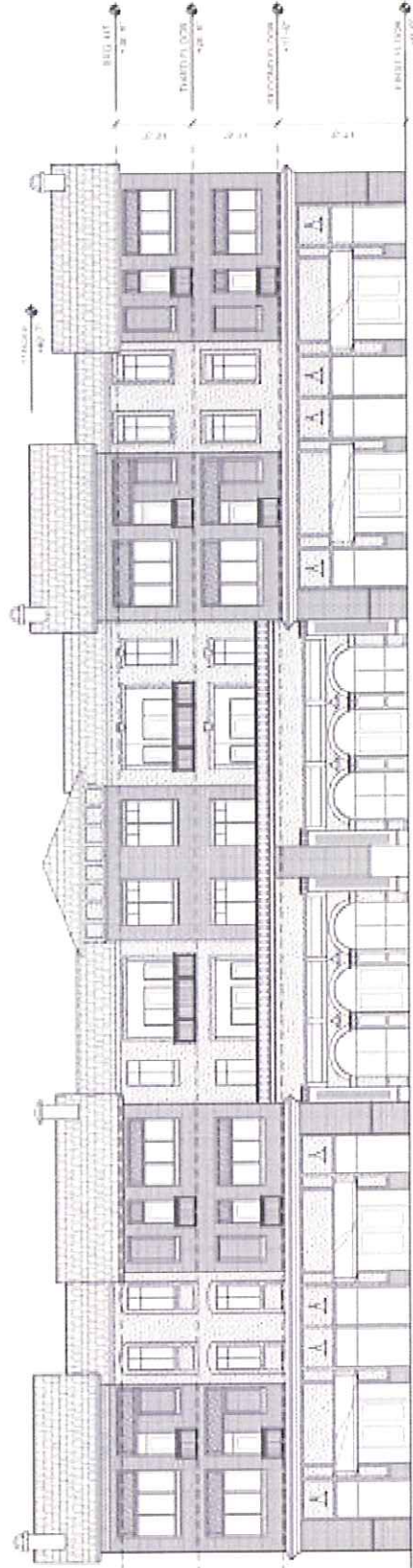
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278 ACRES

EXHIBIT C

ILLUSTRATIVE BUILDING ELEVATIONS
THE LOFTS AT FISHERS MARKETPLACE



2. BUILDING #1 EXTERIOR ELEVATION
1/8" = 1'-0"



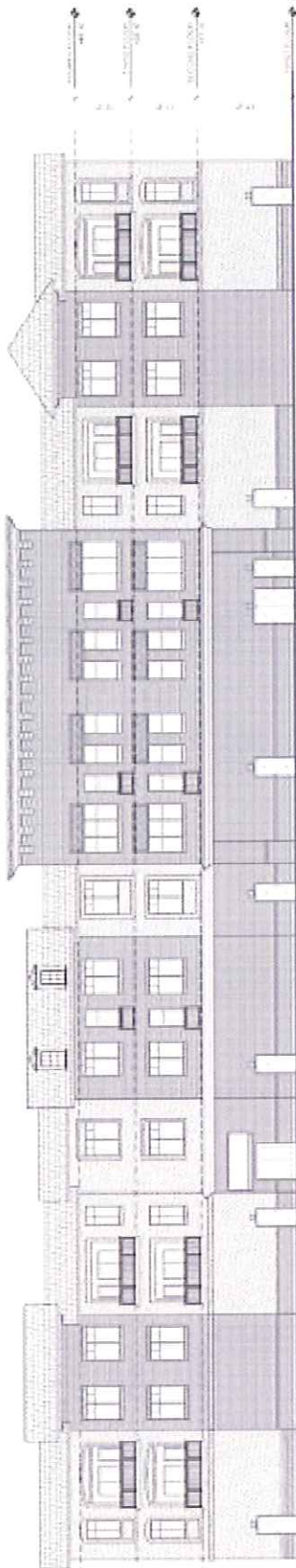
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1/8" = 1'-0"

ILLUSTRATIVE BUILDING ELEVATIONS

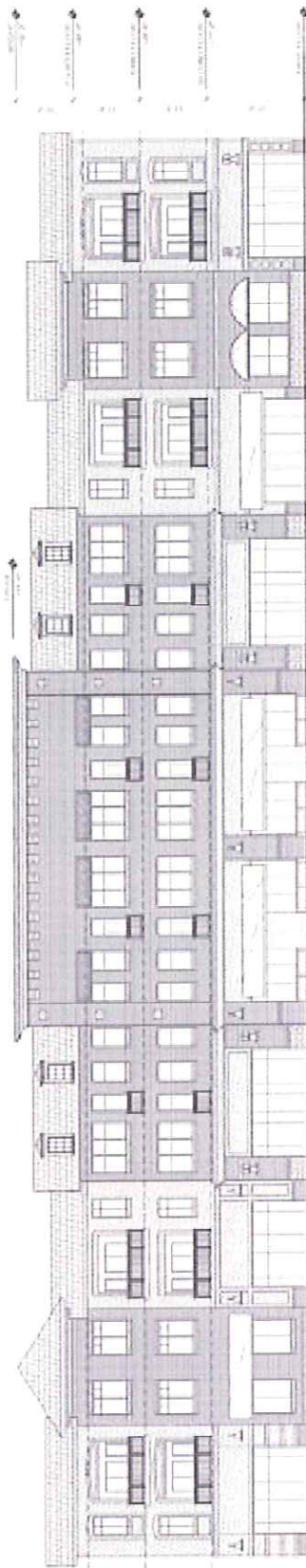
THE LOFTS AT FISHERS MARKETPLACE



EXHIBIT C



BUILDING #2 EXTERIOR ELEVATION



BUILDING #2 EXTERIOR ELEVATION

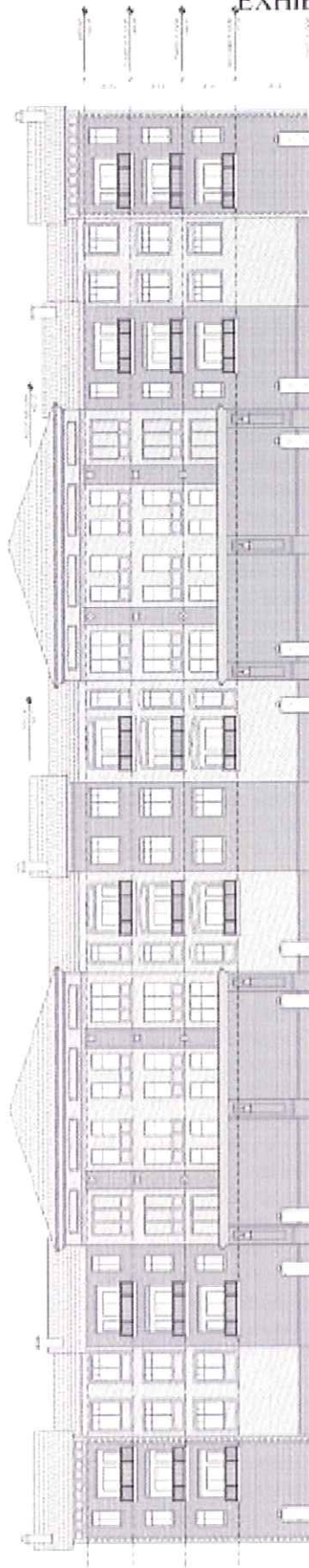


ILLUSTRATIVE BUILDING ELEVATIONS

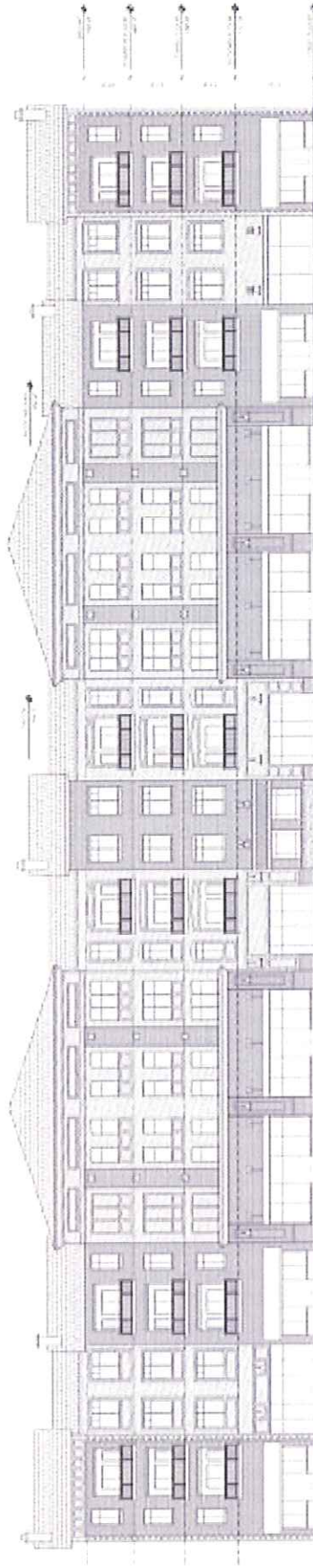
THE LOFTS AT FISHERS MARKETPLACE



EXHIBIT C



BUILDING #0 EXTERIOR ELEVATION



BUILDING #2 EXTERIOR ELEVATION

ILLUSTRATIVE BUILDING ELEVATIONS

THE LOFTS AT FISHERS MARKETPLACE

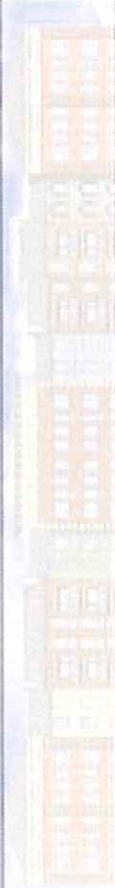
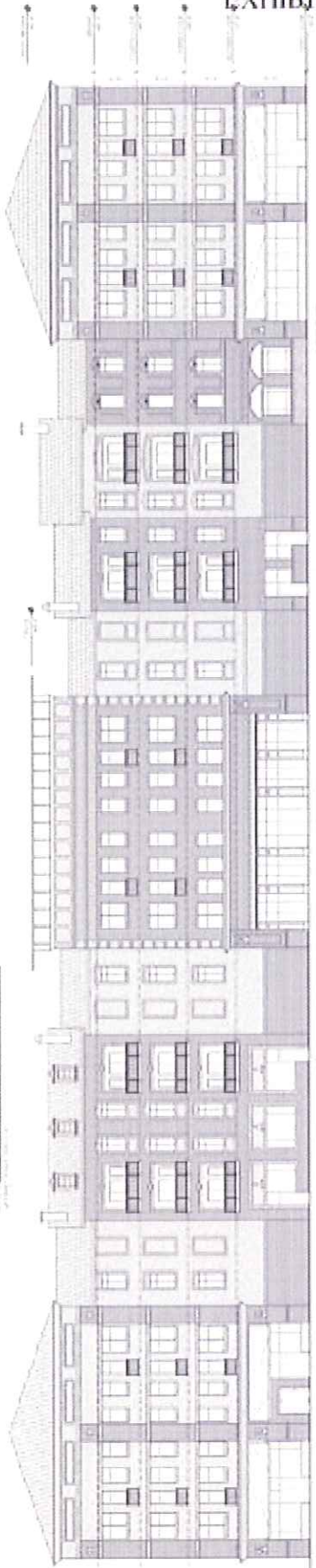
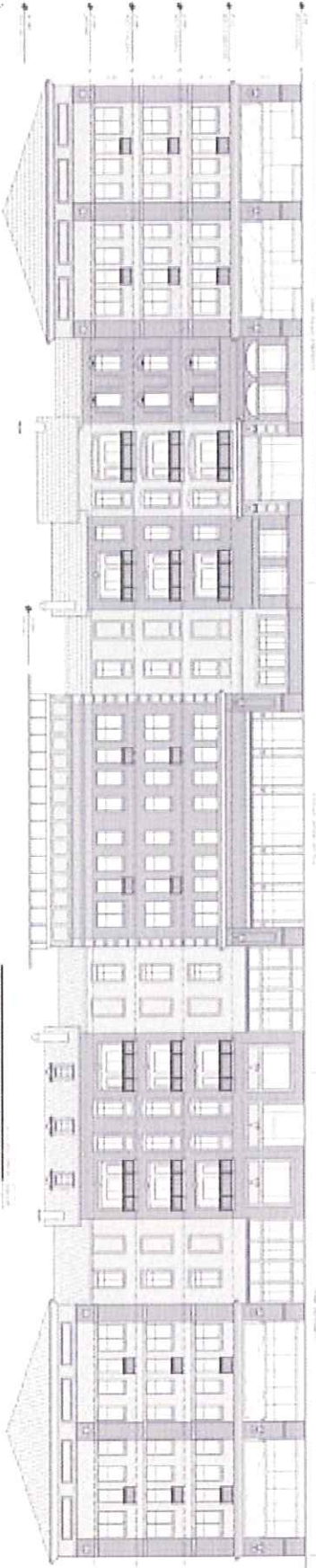


EXHIBIT C

BUILDING #1 EXTERIOR ELEVATION



BUILDING #2 EXTERIOR ELEVATION



BUILDING #4 EXTERIOR ELEVATION

