



ORDINANCE NO. 012120A

**AN ORDINANCE AMENDING THE TEXT OF THE PARKSIDE PUD
ORDINANCE No. 030294C
OF FISHERS, INDIANA**

AN ORDINANCE AMENDING THE TEXT OF AN ORDINANCE OF FISHERS, INDIANA, DATED March 2, 1994 - Ordinance No. 030294C (the "Parkside PUD");

SECTION 1. DECLARATION

It is hereby ordained by the City Council (the "Council") of the City of Fishers, Indiana (the "City") that the text of the Parkside PUD is hereby amended as set forth in this Amendment to the Parkside PUD. To the extent there is any conflict between the Parkside PUD and this Amendment to the Parkside PUD, this Amendment to the Parkside PUD shall control. Any provisions of the Parkside PUD that are not specifically amended by this Amendment to the Parkside PUD shall remain in full force and effect. Any provisions of the Unified Development Ordinance of the City of Fishers, Ordinance No. 090605A (the "UDO") which are specifically referenced shall apply.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this Amendment to the Parkside PUD is to amend certain and specific provisions of the Parkside PUD pertaining to certain development standards. This Amendment to the Parkside PUD hereby establishes specific development standards for the properties in the Parkside PUD with frontage on State Road 37 and more particularly described on Exhibit "A" attached hereto (the "Subject Properties").

SECTION 3. AMENDMENTS TO THE PARKSIDE PUD

The following constitute the amendments to the Parkside PUD:

- A. Section 3. Development Standards, paragraph (A)(1) is hereby replaced with the following:

COMMERCIAL USE.

The following development standards shall apply to all business, industrial or commercial, on the Subject Properties.

A. **MINIMUM BUILDING SETBACKS.**

- (1) Front Yard Setback – 25 feet on Parkside Drive, 30 feet from State Road 37. Front Yard Setbacks shall be measured from the right of way line in existence as of the date of the adoption of this Ordinance.

SECTION 4. PROCEDURES

The Parkside PUD, as hereby amended by this Amendment to the Parkside PUD, shall remain in full force and effect.

SECTION 5. APPROVAL

This Amendment to the Parkside PUD shall be in full force and effect from and after its passage by the City Council.

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012120A

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

YAY

NAY

ABSTAIN

YAY	NAY	ABSTAIN
<i>Cecilia C. Coble</i>	Cecilia C. Coble, President	
<i>Selina M. Stoller</i>	Selina M. Stoller, 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>Todd Zimmerman</i>	Todd Zimmerman, Member	
<i>Brad DeReamer</i>	Brad DeReamer, Member	
<i>Samantha DeLong</i>	Samantha DeLong, Member	
<i>Jocelyn Vare</i>	Jocelyn Vare, Member	

I hereby certify that the foregoing Ordinance/Resolution was delivered to City of Fishers Mayor Scott Fadness on the 17th day of February 2020, at 8:50 p. m.

ATTEST: Kimberly Greiner for
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness
Scott A. Fadness, Mayor

2-18-20
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl

EXHIBIT "A"

LAND DESCRIPTION

A part of the Southeast Quarter, the Southwest Quarter, the Northwest Quarter and the Northeast Quarter of Section 30 and a part of the Northeast Quarter and the Northwest Quarter of Section 31, all in Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 30; thence South 89 degrees 41 minutes 06 seconds West (assumed bearing) along the North line of said Southeast Quarter a distance of 1334.73 feet to the Point of Beginning; thence South 00 degrees 15 minutes 43 seconds West a distance of 2656.26 feet to the South line of said Southeast Quarter; thence continuing South 00 degrees 15 minutes 43 seconds West a distance of 16.50 feet; thence South 89 degrees 53 minutes 06 seconds West parallel with the South line of said Southeast Quarter a distance of 1103.08 feet to the East right-of-way line of State Road No. 37; thence South 45 degrees 30 minutes 24 seconds West along said right-of-way line a distance of 204.75 feet to an angle point on said right-of-way line; thence North 89 degrees 54 minutes 59 seconds West a distance of 174.36 feet to an angle point on the West right-of-way line of said State Road No. 37; thence North 45 degrees 27 minutes 40 seconds West along said West right-of-way line a distance of 166.88 feet to an angle point on said right-of-way line; thence North 00 degrees 32 minutes 56 seconds West along said right-of-way line a distance of 82.83 feet to an angle point on said right-of-way line; thence North 45 degrees 02 minutes 05 seconds East along said right-of-way line a distance of 169.48 feet to an angle point on said right-of-way line; thence North 00 degrees 00 minutes 56 seconds East along said right-of-way line a distance of 2328.83 feet to an angle point on said right-of-way line; thence North 44 degrees 36 minutes 07 seconds West along said right-of-way line a distance of 202.60 feet to an angle point on said right-of-way line; thence North 01 degrees 17 minutes 36 seconds East along said right-of-way line a distance of 37.53 feet to an angle point on said right-of-way line; thence North 44 degrees 33 minutes 53 seconds East along said right-of-way line a distance of 201.67 feet to an angle point on said right-of-way line; thence South 89 degrees 56 minutes 16 seconds East a distance of 174.76 feet to an angle point on the East right-of-way line of said State Road No. 37; thence South 45 degrees 26 minutes 31 seconds East along said East right-of-way line a distance of 206.90 feet to a point 16.50 feet North of the North line of the Southeast Quarter of said Section 30; thence North 89 degrees 41 minutes 06 seconds East parallel with said North line a distance of 1112.55 feet; thence South 00 degrees 15 minutes 43 seconds West a distance of 16.50 feet to the Point of Beginning. Containing 90.93 acres, more or less,



CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Jessie Boshell, Planner II, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038 T: (317) 595-3116
 Email: boshellj@fishers.in.us

DOCKET NUMBER:

Ord. No. 012120A (TA-19-16)

PETITIONER/PROPERTY OWNER:

Joe Calderon with Barnes & Thornburg, LLP on behalf of TWG Development, LLC and the City of Fishers

PUBLIC HEARING DATE:

Wednesday, February 5th, 2020

PROPERTY ADDRESS/LOCATION:

Parkside PUD/ Development; Generally located north of 126th Street, South of 131st Street, and East of State Road 37

SPECIFIC REQUEST: Consideration of a Text Amendment to the Parkside PUD Ordinance amending the Parkside PUD commitments concerning the use and development of real estate along State Road 37. Petitioner is Joe Calderon with Barnes & Thornburg, LLP on behalf of TWG Development, LLC and the City of Fishers.

SIZE OF PROPERTY: 90 acres

EXISTING ZONING: PUD-C

EXISTING LAND USE: Commercial/
Vacant Land

PROJECT SUMMARY: Consideration of a Text Amendment to the Parkside PUD Ordinance amending the Parkside PUD commitments concerning the use and development of real estate along State Road 37. Petitioner is Joe Calderon with Barnes & Thornburg, LLP on behalf of TWG Development, LLC and the City of Fishers.

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
- OTHER

- LEGAL NOTICE
- AGENCY COMMENTS
- LEGAL DESCRIPTION

ADVISORY PLAN COMMISSION RECOMMENDATION:

Case number TA-19-16 was heard before the Plan Commission on February 5th, 2020 and was unanimously sent to Council for third and final reading.

PETITION HISTORY:

The subject site is located north of 126th Street, south of 131st Street, and east of State Road 37. As part of the State Road 37 improvements, the overall ROW increased leading to a decrease in the overall front setback for numerous properties along State Road 37. The Parkside PUD is one of those developments that was affected by the ROW increase, and as such has made the majority of properties that front 37 in the PUD legally non-conforming making it difficult to redevelop or develop the properties.

PETITION OVERVIEW:

Petitioner is seeking approval of a text amendment to the Parkside PUD ordinance to decrease the required front setback of 50 feet along State Road 37 to 25 feet. Text amendment is being sought as the increase in ROW needed for the State Road 37 improvements has made most of the properties along State Road 37 in the Parkside PUD now Legal Non-Conforming. As such, the proposed text amendment would bring those properties into compliance and would allow for future development to occur along State Road 37 in the Parkside PUD.

PUBLIC COMMENTS:

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

STAFF COMMENTS:

Staff is supportive of the text amendment as it will bring the properties along State Road 37 in the Parkside PUD into compliance and they will no longer be legally non-conforming. The text amendment will also allow for future development to occur along State Road 37 without the potential of property constraints that otherwise would make the sites hard to develop and redevelop.

ATTACHMENTS:

- 1) Ordinance
- 2) Council Action Form



Council Action Form

MEETING DATE	February 17 th , 2020			
TITLE	Request to approve a Text Amendment to the Parkside PUD ordinance concerning the use and development of real estate.			
SUBMITTED BY	Name & Title: Jessie Boshell, Planner II			
	Department: Planning and Zoning			
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 checked="" type="checkbox"/> 3 rd Reading
				<input checked="" type="checkbox"/> Final Reading
	Ordinance #: 012120A		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 checked="" type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input 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 subject site is located on the East side of State Road 37, North of 126 th Street, South of 131 st Street. Petitioner is seeking approval of a Text Amendment to the Parkside PUD ordinance concerning the use and development of real estate. Because of the State Road 37 improvements, the ROW increase; which has led to a decrease in the overall front setback for all properties along State Road 37 in the Parkside PUD. Therefore, making the majority of the properties Legal Non-Conforming. Text Amendment will decrease the required setback along State Road 37 so that further development can occur.	
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.	Hold Final Reading
	2.	Do Not Hold Final Reading
	3.	Continue
	4.	Take no Action
PROJECT TIMELINE	January 21 st : First Reading City Council February 5 th : Plan Commission (Public Hearing) February 17 th : Final Reading	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends holding final reading	
SUPPLEMENTAL INFORMATION (List all attached documents)	-Staff Report -Ordinance	