

**ORDINANCE NO. 120103E**

**AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF FISHERS, INDIANA - 1980.**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

**SECTION 1. DECLARATION**

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described Real Estate is hereby zoned as PUD-M and this ordinance shall hereinafter be referred to as the Pet Palace PUD Ordinance:

SEE "EXHIBIT 1" ATTACHED HERETO.

**SECTION 2. PURPOSE AND INTENT**

The purpose and intent of this PUD-M is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the Real Estate. The Real Estate includes three parcels that are identified as Areas A - C on the concept plan ("Concept Plan") attached hereto as "Exhibit 2."

**SECTION 3. LAND USE**

The following uses are permitted:

- Area A: All uses described in Section 151.0775 Industrial District I1.5; one single-family residence use; and office use.
- Area B: All uses described in Section 151.0775 Industrial District I1.5; pet care and boarding facility (kennel) use; and related retail and office uses.
- Area C: All uses described in Section 151.0775 Industrial District I1.5; and parks and recreation area uses.

**SECTION 4. CONCEPTUAL DEVELOPMENT PLAN.**

The Concept Plan, attached hereto as "Exhibit 2", is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plan; such further approval is subject to the procedures set out in Section 6, below.

## SECTION 5 DEVELOPMENT STANDARDS.

Area A (Residential/Office) and Area B (Pet Care and Boarding Facility/Related Office and Retail). Minimum building set backs shall be: front yard – 50'; side yard – 10'; rear yard – 10'

Area C (Pet Park). The development standards for this Area shall be developed between the Owner of the Real Estate and the Town of Fishers Parks Department and will be submitted for Town Council approval at a later date.

## SECTION 6 PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any detailed and final development plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

## SECTION 7. 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.

## SECTION 8. WRITTEN COMMITMENTS.

A copy of the Commitments Concerning the Use and Development of Real Estate, attached hereto as "Exhibit 3," must be recorded with the Hamilton County Recorder's office upon approval of this PUD District, and a verification of the recorded document shall be submitted to the Department of Development.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 2 day of FEB 2004.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

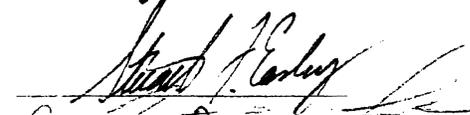
NAY

BY:



Scott Faultless,  
President

\_\_\_\_\_



Stuart F. Easley,  
Vice President

\_\_\_\_\_



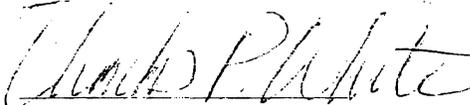
Timothy O. Lima,  
Member

\_\_\_\_\_



Eileen N. Pritchard,  
Member

\_\_\_\_\_



Dan E. Henke,  
Member

\_\_\_\_\_



Charles P. White,  
Member

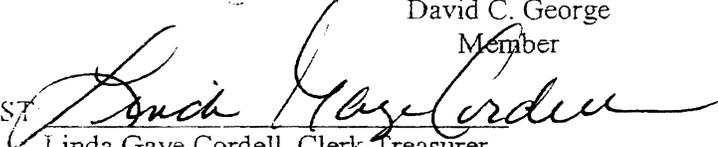
\_\_\_\_\_



David C. George  
Member

\_\_\_\_\_

ATTEST



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.  
Bingham McHale LLP  
970 Logan Street  
Noblesville, IN 46060

## EXHIBIT "1"

### Land Description:

A part of the North Half of the Southwest Quarter of Section 27, Township 18 North, Range 5 East, Hamilton County, Indiana, described as follows:

Beginning South 0 degrees 40 minutes East 63.10 feet from the Northwest corner of said half-quarter section, thence North 28 degrees 12 minutes 45 seconds East 52.88 feet; thence North 88 degrees 55 minutes 30 seconds East 795.93 feet; thence South 82 degrees 05 minutes 25 seconds East 54.43 feet; thence South 32 degrees 12 minutes East 54.86 feet to the North line of I-69, thence South 57 degrees 48 minutes West 1,056.40 feet along said North line, thence North 0 degrees 40 minutes East 552.56 feet to the point of beginning.

### Also including:

The entire width of the right-of-way of 131<sup>st</sup> Street that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

**COMMITMENTS CONCERNING THE USE  
AND DEVELOPMENT OF REAL ESTATE**

Heather Shepherd (the "Landowner") makes the following commitments to the Fishers Advisory Plan Commission (the "Commission") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

**Section 1. Description of Real Estate:**

See Exhibit A attached hereto.

**Section 2. Docket No.: 29-IZ-03**

**Section 3. Statement of Commitments:**

- A Pet Park.
  - a. Hours: dawn to dusk
  - b. Park will be fenced
  
- B The Pet Palace.
  - a. Dogs will not be allowed to roam off property
  - b. Dogs will be kept indoors overnight
  - c. No dog runs will extend north from the new kennel building towards 131<sup>st</sup> Street.
  - d. All dog runs shall be screened from I-69 with either fencing, landscaping, use of other opaque materials or some combination thereof.
  
- C Lighting
  - a. Light poles shall be limited to 25' in height, measured at the base, and shall incorporate bulbs that are shielded.
  
- D. Architecture.
  - a. No loading docks adjacent to I-69
  - b. No metal roofs
  - c. No metal siding on building facades facing I-69 or 131<sup>st</sup> Street
  - d. Any new kennel building will include a minimum of 3' masonry on the facades facing I-69 and 131<sup>st</sup> Streets.

**Section 4. Binding Effect**

A. These commitments are binding upon the Landowner, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.

B. These commitments may be modified or terminated only by a decision of the Town Council following a public hearing held by the Plan Commission wherein notice has been given as provided by the Commission's rules.

**Section 5. Effective Date**

The commitments contained herein shall be effective upon adoption of an ordinance by the Town Council of Fishers, Indiana assigning the PUD-M classification to the Real Estate as requested by the Landowner.

**Section 6. Recording**

The undersigned hereby authorizes the Secretary of the Commission to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

**Section 7. Enforcement**

These commitments may be enforced by the Plan Commission and by the Town Council of Fishers, Indiana.

IN WITNESS WHEREOF. Heather Shepherd has caused these commitments to be executed as of the \_\_\_\_ day of \_\_\_\_\_, 2004.

Heather Shepherd

By: \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Heather Shepherd, who, having been duly sworn, acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 2004.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Printed \_\_\_\_\_

Residing in \_\_\_\_\_ County

Prepared by: Steven D. Hardin, Attorney at Law, Bingham McHale, LLP, 970 Logan Street, Noblesville, IN 46060, (317)776-8650.

## EXHIBIT "A"

### Land Description:

A part of the North Half of the Southwest Quarter of Section 27, Township 18 North, Range 5 East, Hamilton County, Indiana, described as follows:

Beginning South 0 degrees 40 minutes East 63.10 feet from the Northwest corner of said half-quarter section, thence North 28 degrees 12 minutes 45 seconds East 52.88 feet; thence North 88 degrees 55 minutes 30 seconds East 795.93 feet; thence South 82 degrees 05 minutes 25 seconds East 54.43 feet; thence South 32 degrees 12 minutes East 54.86 feet to the North line of I-69, thence South 57 degrees 48 minutes West 1,056.40 feet along said North line, thence North 0 degrees 40 minutes East 552.56 feet to the point of beginning.

### Also including:

The entire width of the right-of-way of 131<sup>st</sup> Street that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

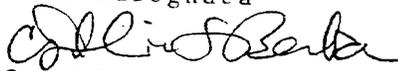
Canine Recreation Coalition  
6244 Dover Ct.  
Fishers, In. 46038

To Whom It May Concern,

The Canine Recreation Coalition supports the use of part  
of the 7 acre site located at the south west corner of 131st.  
and Marilyn Dr. for use as a pet park.

Sincerely,

  
Dale LaCognata

  
Cynthia Becker DDS . VP.

## EXHIBIT "1"

### Land Description:

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### Also including:

The entire width of the right-of-way of 131<sup>st</sup> Street that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

## STATEMENT OF PURPOSE

The Pet Palace submits this initial zoning request (for a PUD-M classification) in order to develop the subject 7 acres +/- into a mix of complimentary land uses including a pet care and boarding facility with related office and retail uses and a public park and recreation facility for pets and their owners. The proposal also will allow the existing single-family residential use to continue. At the direction of the Town Council, park management issues will be addressed in greater detail with the Town Parks Department.

The Pet Palace has met with the surrounding property owners and with the Canine Recreation Coalition regarding the proposed project, and they have stated their support for the proposal. Statements of support are attached at Tabs E and F.

If approved, The Pet Palace plans to open early next year.

### **Highlights of Recent Events:**

#### Plan Commission Public Hearing.

On December 9, 2003, the Plan Commission held a public hearing to consider the proposed PUD ordinance. There was no remonstrance at the meeting, and the Plan Commission voted unanimously to send a positive recommendation to the Town Council for adoption of the proposed PUD ordinance.

#### Park Advisory Committee Public Meeting.

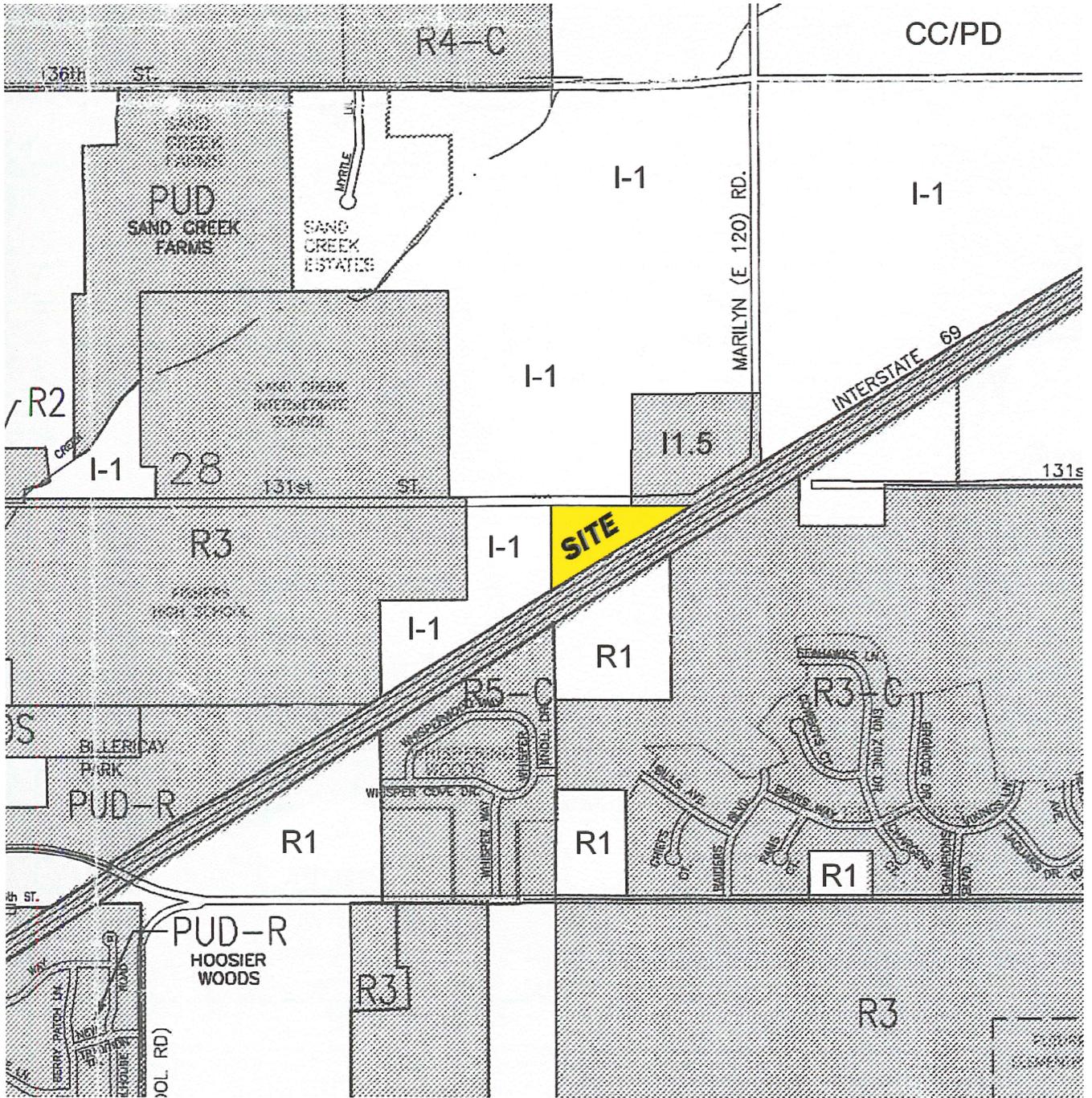
The Pet Palace and the Canine Recreation Coalition met with the Fishers Park Advisory Committee on December 23, 2003. The Committee addressed the following issues: (1) the alternatives of leasing versus purchasing the pet park property; (2) whether to include the proposed park facility in the Town's public park system; (3) liability insurance; and (4) the dynamics of maintaining a pet park facility.

The Park Advisory Committee supported leasing the property and including the proposed pet park facility within the umbrella of the Town's public park system. Parks & Recreation Department Director Gary Pruitt reported that the proposed facility could be covered by the same insurance applicable to other Town park facilities with little or no additional expense to the Town. The Committee had researched other similar pet park uses and, based on their research, felt confident that the Town would be capable of maintaining such a facility. For these reasons, the Park Advisory Committee unanimously voted to send a favorable recommendation to the Town Council for the project as proposed.

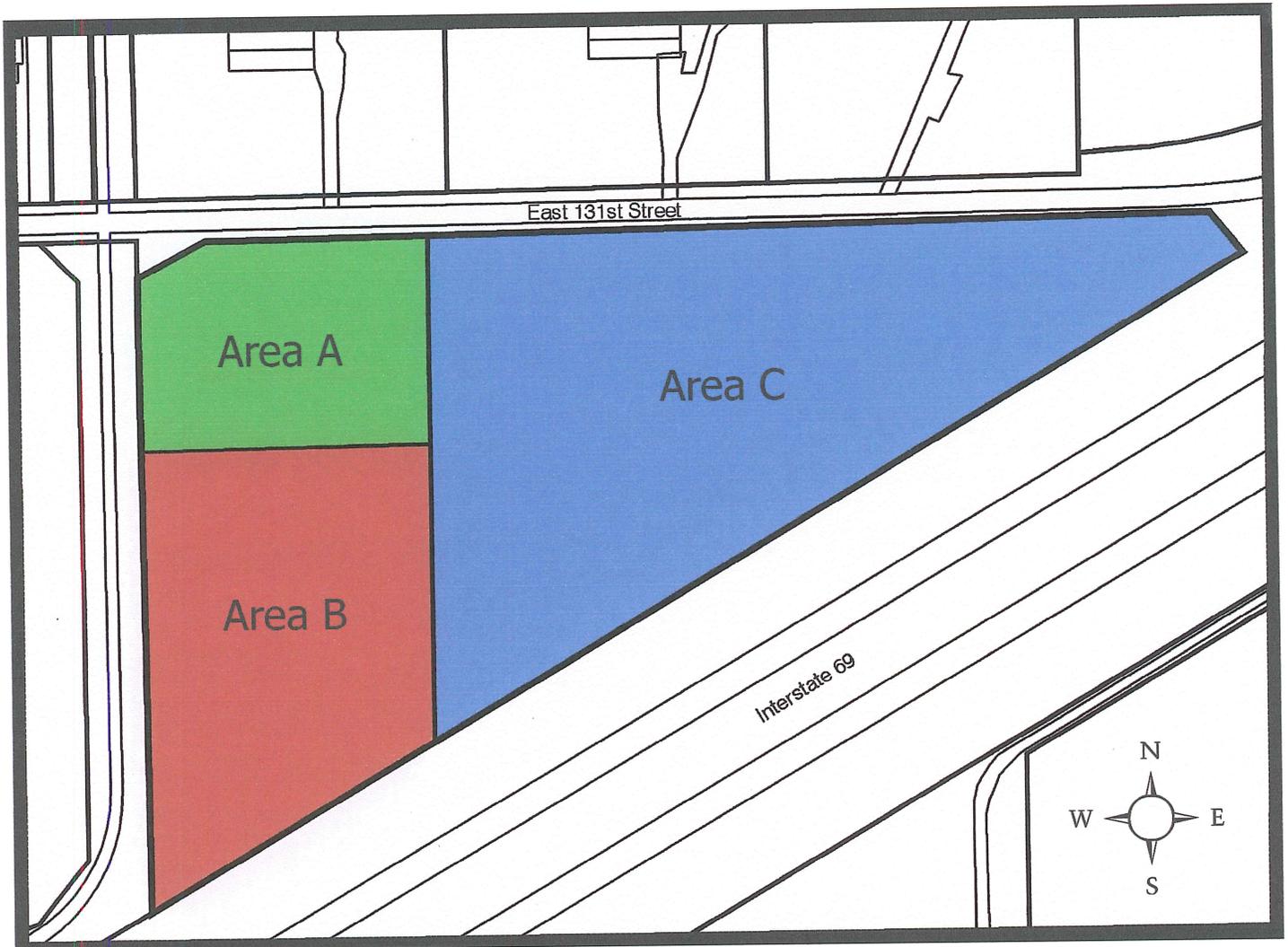
# Site Location Map



# Zoning Map



# Concept Plan



- Area A Residential / Office
- Area B Pet Care and Boarding Facility
- Area C Pet Park





131st Street

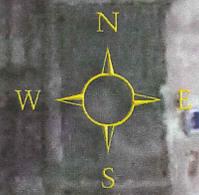
Marilyn Road

Residential

Park

Kennel

I-69



## Commitments

### **Pet Park:**

- Hours: dawn to dusk
- Park will be fenced

### **The Pet Palace:**

- dogs will not be allowed to roam off property
- dogs will be kept indoors overnight
- any light poles shall be limited to 25' in height and shall incorporate bulbs that are shielded



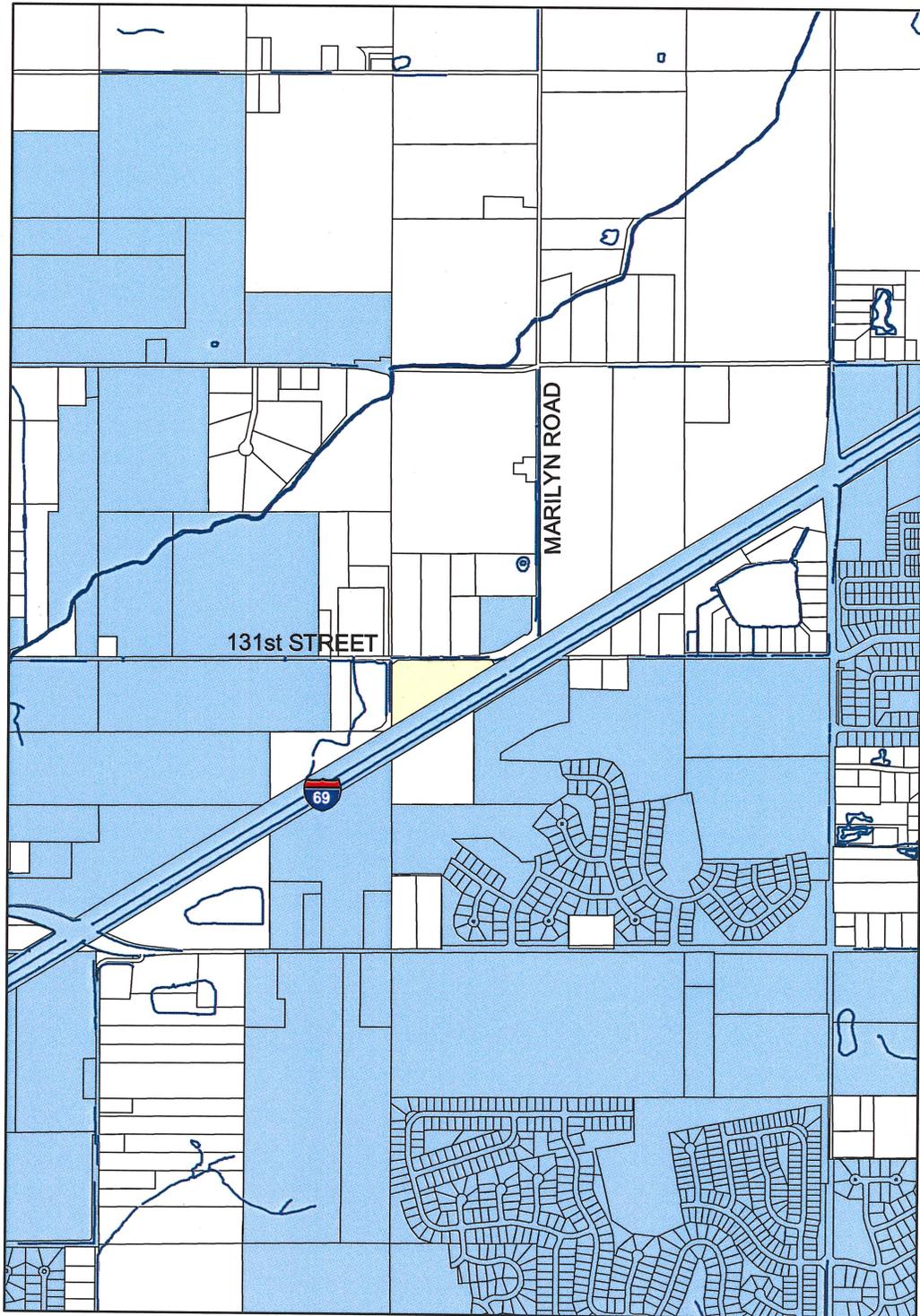
## 29-IZ-03 Dean Property Proposed Initial Zoning and Annexation

**Town Council**

Scott A. Faultless  
 Stuart F. Easley  
 Timothy O. Lima  
 Eileen N. Pritchard  
 Daniel E. Henke  
 Charles P. White  
 David C. George

**Clerk-Treasurer**

Linda Gaye Cordell



**Legend**

- Parcel Lines
- Fishers Corporate Boundary
- 29-IZ-03, Dean Property

Town of Fishers  
 Development Department  
 One Municipal Drive  
 Fishers, Indiana 46038  
[www.fishers.in.us](http://www.fishers.in.us)  
 November, 2003



NOT TO SCALE