

Shamrock Offices

Planned Unit Development



PRESENTED BY
STEVEN D. HARDIN, ESQ.
**FAEGRE BAKER
DANIELS**

City Council | April 15, 2019

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SHAMROCK OFFICES PUD



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Shamrock Builders Inc

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TAB 1

EXECUTIVE SUMMARY

SHAMROCK OFFICES PUD



Shamrock Builders Inc (“Shamrock”) is pleased to present its proposed redevelopment of the former Rita’s Backyard property. The 1.97 +/- acre site is located on the north side of 116th Street just west of Brooks School Road (the “Real Estate”). Over the past few years, the property immediately west of the Real Estate has, itself, been redeveloped into two residential-styled office buildings (Simply Dental and Vital Chiropractic). To complement those buildings, Shamrock now plans to build a 15,000 +/- square foot residential-styled office building on the Real Estate.

In 2014, the City re-zoned the property to C2-Neighborhood Business District with restrictions, thus allowing the previous owner to continue the various business that then-existed on the property. The old buildings now have been demolished, and the site is ready for redevelopment. Shamrock’s respectfully submits its proposed PUD Ordinance to permit the proposed office use (similar to the C-1 uses permitted within the adjacent Simply Dental PUD). Shamrock’s proposed concept plan may be found at Tab 4, and its proposed architecture may be found at Tab 5.

PUD Committee Review and Recommendation:


The City’s PUD Committee, at its February 6, 2019, meeting, reviewed the proposed plans and then voted unanimously to recommend approval of the plans.

Plan Commission Update:

On February 6, 2019, the Plan Commission held the public hearing on this proposal. No remonstrance was made, and, after conducting the public hearing, the Plan Commission voted unanimously to forward the proposed PUD Ordinance to the City Council with a favorable recommendation.

If approved, then Shamrock expects to begin construction in Spring 2019 and complete the redevelopment project by Fall 2019. Thank you for your consideration.

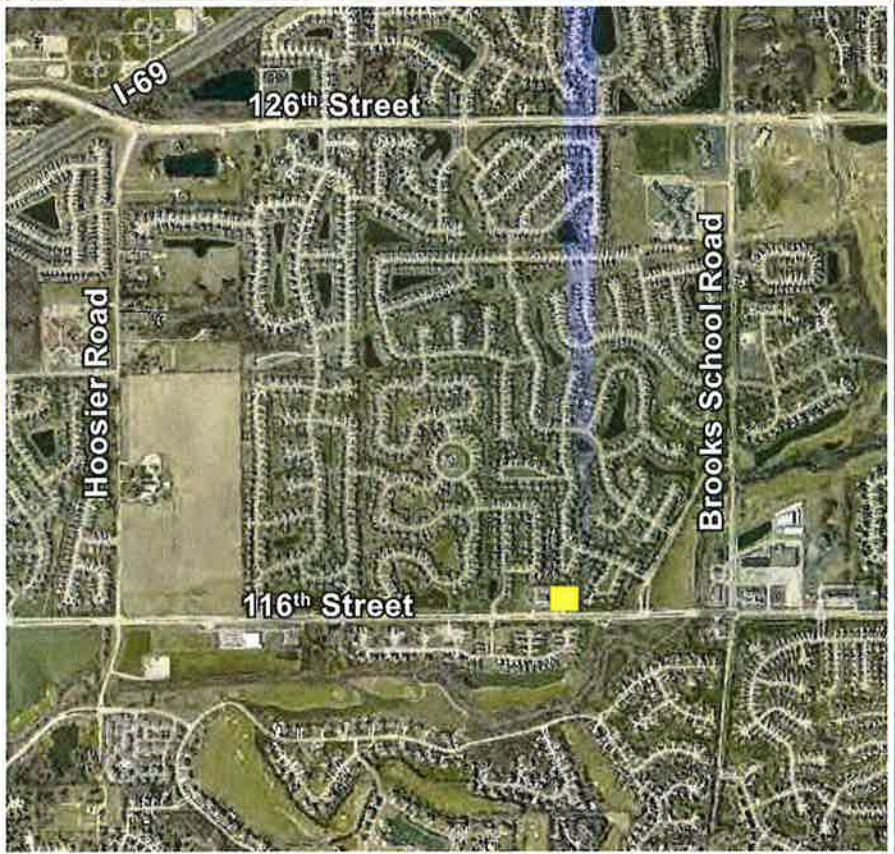
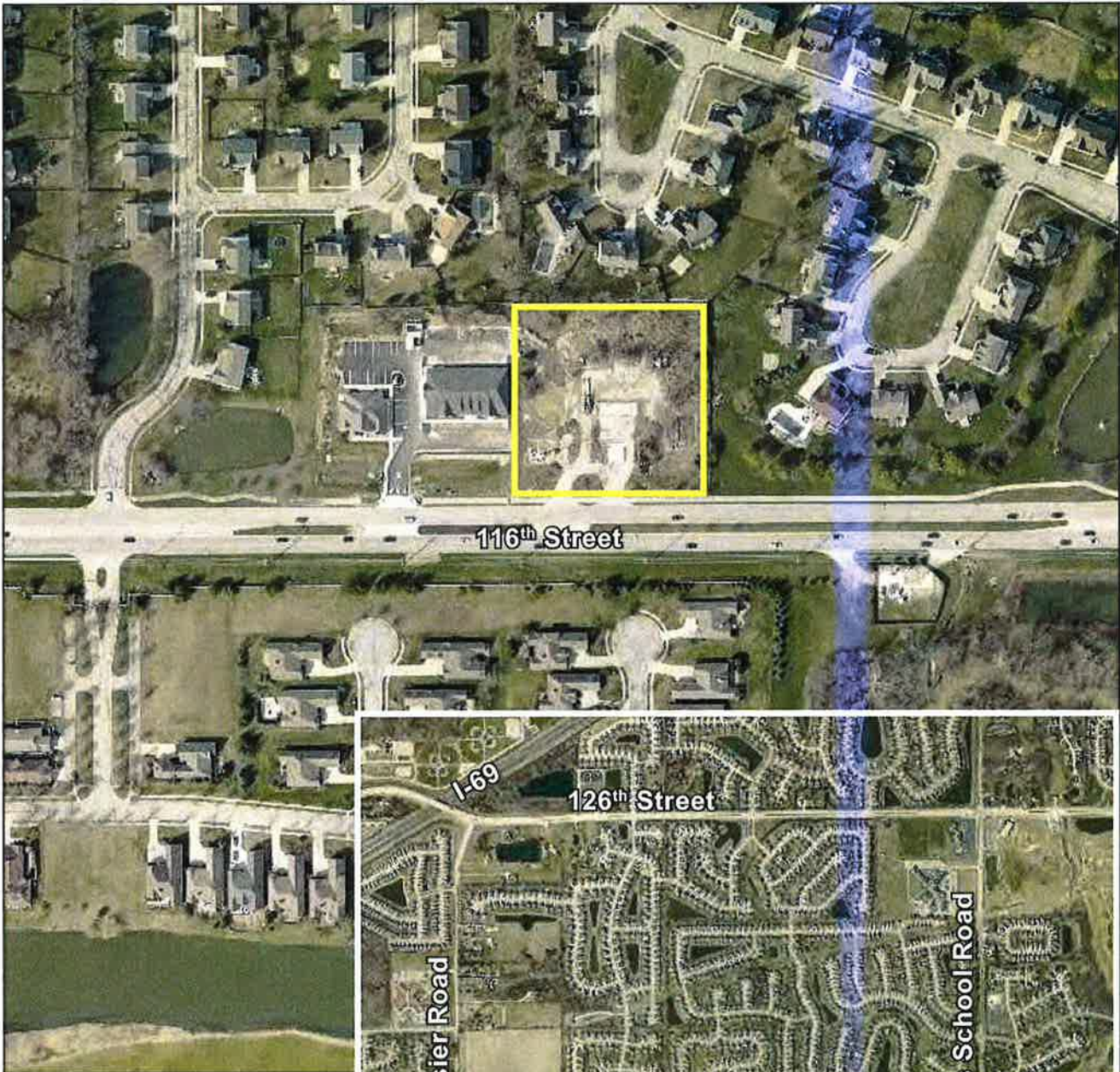


 Real Estate

TAB 2

AERIAL LOCATION MAP

SHAMROCK OFFICES PUD



NORTH

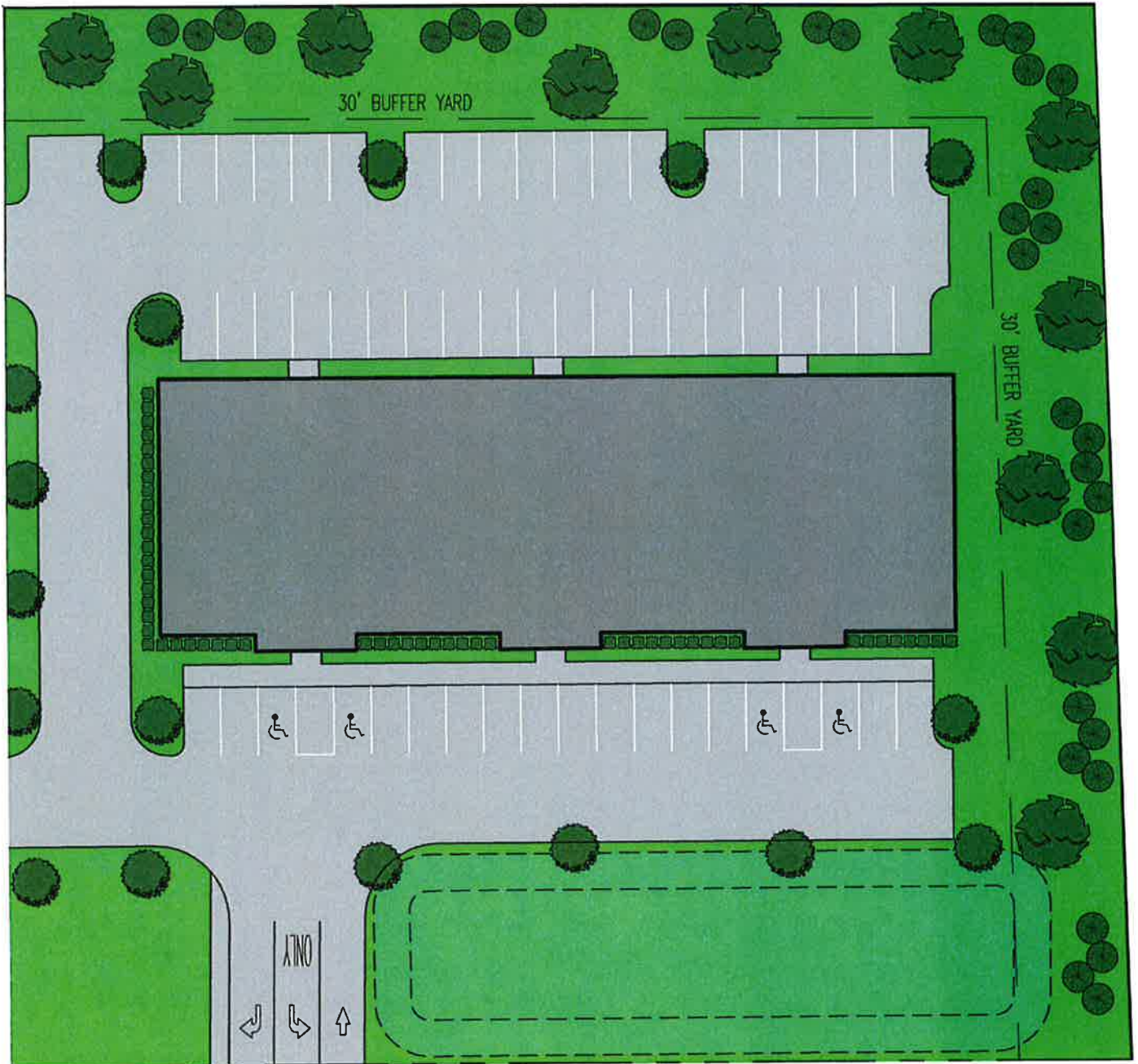


Real Estate

TAB 3

CONCEPT PLAN

SHAMROCK OFFICES PUD



TAB 4



ILLUSTRATIVE BUILDING RENDERING

SHAMROCK OFFICES PUD



TAB 5



2019

SHAMROCK OFFICES PUD



Planning & Zoning Department

City of Fishers

Ordinance 031819A

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

A. Declaration

- 1. Ordinance No. 031819A (this "Ordinance")
- 2. Adopted: 04-05-2019

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 071618F, 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 Section 1.6 of this Ordinance (the "Real Estate"), is hereby designated as a Planned Unit Development (PUD), and that said PUD zoning district shall hereafter be known as the "Shamrock Offices PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and its exhibits and those provisions of the 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. All previous PUD Ordinances, and amendments thereto, applicable to the Real Estate are hereby repealed.

C. Applicability

The standards of the UDO applicable to the C1 Commercial District shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this Ordinance. "Chapter" cross-references of this Ordinance shall hereafter refer to the Chapter section

as specified and referenced in the UDO. "Article" cross-references of this Ordinance shall hereafter refer to the Article section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein 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.: *Introductory Provisions: Transition Rules* also shall apply to amendments.

D. Allowed Uses

- 1. All uses listed under **C1** in *Sec. 5.1.5. Permitted Use Table*.
- 2. In addition, any applicable use standard as set forth in *Chapter 5: Use Regulations* shall also apply.

1.2. Concept Plan

The Concept Plan, attached hereto as "Exhibit A" 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 the 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 Shamrock Offices 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.

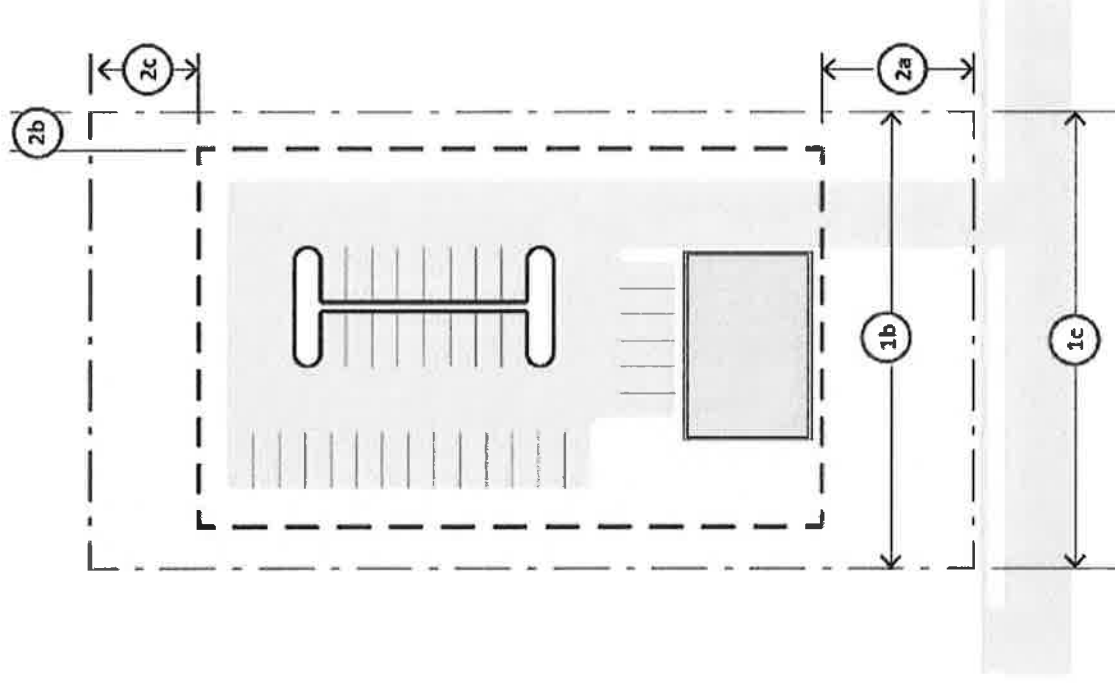
1.3. Development Standards

A. Cross Reference

The regulations of Chapter 6: Development Standards shall apply, except as modified by this Ordinance.

B. Development Standards: Sec. 3.3.1 C1 Commercial District shall apply, except as modified below.

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front	50'
2b. Side/aggregate	10'
2c. Rear	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary structure	35 1/3 stories
4. Building Floor Area	
4a. Main floor area (min)	n/a
4b. Floor area per unit (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%



- C. General Regulations:** Shall apply.
- D. Accessory Structure Standards:** Shall apply, as modified below:
 - (1) Section 6.2.6.D. Mechanical & Utility Equipment; Screening:** Shall not apply; instead, mechanical and utility equipment shall be screened using landscaping.
- E. Architectural Design Standards:** Shall not apply; instead, the buildings shall be substantially similar in quality and character to the Illustrative Architectural Exhibit. The Illustrative Architectural Exhibit, attached hereto as “Exhibit B,” is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building designs may vary from the Illustrative Architectural Exhibit; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibit.
- F. Entrances & Driveways:** Shall apply.
 - (1) Section 6.4.2.B. Maximum Pavement Width:** Shall apply.
- G. Exterior Lighting Standards:** Shall apply, except as further restricted below:
 - (1)** All freestanding lights and lights mounted on walls shall have at least full cut-off fixtures.
 - (2)** Lighting in parking areas shall be designed and maintained to be dimmed between the hours of 8:30 p.m. and 6:30 a.m.
- H. Height Standards:** Shall apply.
- I. Landscaping Standards:** Shall apply, as modified below:
 - (1) Section 6.7.4.C.1. Buffer Yards; Buffer Yard Types; Small:** Shall apply, and shall be located as shown on the Concept Plan.
 - (2) Section 6.7.5.B. Lot & Foundation Plantings; Foundation Planting:** Shall apply.
 - (3) Section 6.7.6.E. Street Trees; Arterial, Collector, and Local Streets:** Shall apply.
- J. Lot Standards:** Shall apply.

- K. Outdoor Display & Storage Standards:** Shall apply.
 - L. Parking & Loading Standards:** Shall apply, except as further restricted below:
 - (1)** Parking shall not exceed 125% of the amount listed for the applicable use in UDO Section 6.10.8 *Off-Street Parking Schedule*.
 - M. Pedestrian Accessibility Standards:** Shall apply.
 - N. Permitted Nonresidential Structure Standards:** Shall apply.
 - O. Property Identification Standards:** Shall apply.
 - P. Public Art Standards:** Shall not apply.
 - Q. Setback Standards:** Shall apply.
 - R. Signage Standards:** Shall apply.
 - S. Wall & Fence Standards:** Shall apply.
 - T. Water & Sewer Standards:** Shall apply.
 - U. Vision Clearance Standards:** Shall apply.
- 1.4. Planned Unit Development Design Standards**
- A. Cross Reference:** The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.
 - B. General Provisions:** Shall apply.
 - C. Block, Lot & Access Standards:** Shall apply.
 - D. Street & Alley Standards:** Shall apply.
 - E. Open Space, Common Area & Amenity Standards:** Shall apply, as amended below:
 - (1) Section 8.4.5. Perimeter Landscaping:** Perimeter landscaping shall be in aggregate with other landscape requirements, not in addition to.
 - (2) Section 8.4.6. Open Space:** Shall not apply; instead, open space shall be provided as shown on the Concept Plan.
 - F. Other Design Standards:** Shall apply.

1.5. Floodplain Standards for Real Estate

- A. Cross Reference:** The regulations of *Chapter 9: Floodplain Standards* shall apply, except as modified by this Ordinance.
- B. Floodplain Standards:** shall apply.

1.6. Miscellaneous Standards

- A. Service Hours:** Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 9:00 p.m. and 6:00 a.m. with the exception of snow removal (see also §50.035 of the Fishers Municipal Code).

1.7. Procedures

The procedures set forth in Chapter 10. Procedures and Permits shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.

If applicable: (1) the Real Estate shall be assigned to the City's general PUD Committee (the "Committee") for review pursuant to Section 10.1.2. Mayor or Mayor's Designee shall review each building's preliminary architectural plan (e.g., elevations, roof plan, floor plan, and rendering) and approve such plan based upon compliance with the development and design standards set forth herein.

The Committee, if applicable, and the Mayor or Mayor's Designee shall have discretion and flexibility to consider and approve modifications pertaining to any development and design standards established or referenced by this Ordinance if the Committee or Mayor or Mayor's Designee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

1.8. Real Estate

See "Exhibit C" attached hereto.

1.9. Adoption

I hereby certify that the foregoing ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts of the UDO in conflict herewith are hereby repealed.

APPROVED by the Common Council of the City of Fishers this 15th day of April, 2019.

Shamrock Offices PUD

2019

The Common Council of the City of Fishers, Hamilton County, Indiana

AYE NAY

Richard W. Block
President

Eric Moeller
Vice President

Cecilia C. Coble
Member

Todd P. Zimmerman
Member

Brad DeReamer
Member

David C. George
Member

C. Pete Peterson
Member

Selina M. Stoller
Member

John W. Weingardt
Member

Mayor's Approval

Scott A. Fadness, Mayor Date 4-15-2019

Mayor's Veto

Scott A. Fadness, Mayor Date _____

Approved by: Chris Greisl, City of Fishers, City Attorney

Prepared by: Steven D. Harden, Esq.
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,
Indianapolis, Indiana 46240. (317) 569-9600

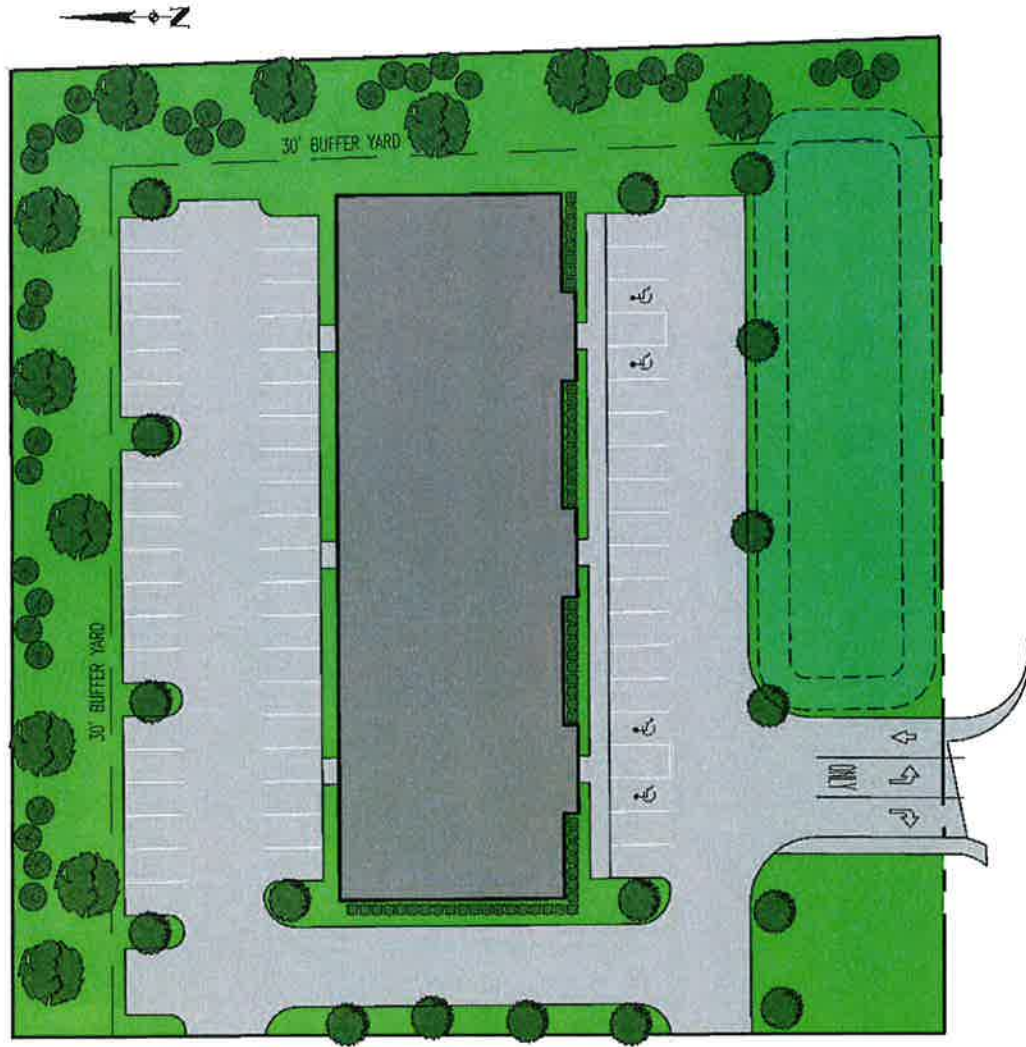
In accordance with Indiana Code, I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Stephanie J. Truchan

I hereby certify that the foregoing ordinance was delivered to City of Fishers Mayor Scott Fadness on the 15th day of April 2019, at 9:05 p.m.

ATTEST Jennifer L. Kehl, City Clerk



Exhibit A – Concept Plan



116th Street

Exhibit B - Illustrative Architectural Exhibit

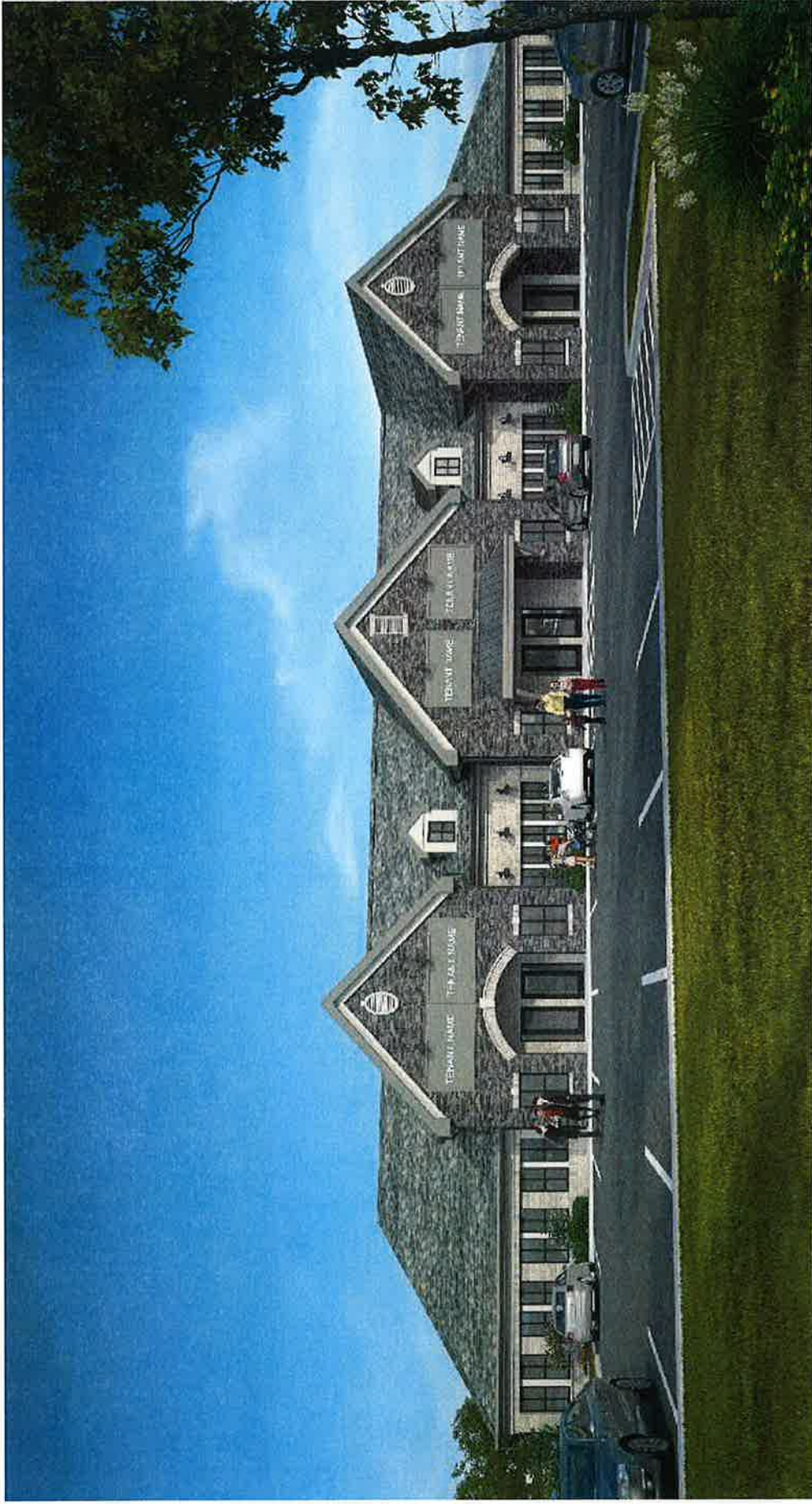


Exhibit C - Real Estate

Part of the Southeast Quarter of the Southwest Quarter of Section 34, Township 18 North, Range 5 East, in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Quarter Quarter Section; thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) along the South line of said Quarter Quarter Section 361.04 feet to the point of beginning of this description; thence continuing North 90 degrees 00 minutes 00 seconds West along said South line 301.53 feet to the Southwest corner of the East Half of said Quarter Quarter Section; thence North 00 degrees 29 minutes 50 seconds East along the West line of said Half Quarter Quarter Section 341.77 feet to a point 0.50 feet North of an existing East and West fence; thence South 89 degrees 26 minutes 44 seconds East parallel with said fence line 292.49 feet to a point that is 0.50 feet East of the Northerly extension of an existing North and South fence; thence South 01 degree 01 minute 35 seconds East parallel with said extension and North and South fence 339.54 feet to the point of beginning.





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. 031819A (RZ-22245)

PETITIONER/PROPERTY OWNER:

Faegre Baker Daniels LLP on behalf of Greg O’Herren with Shamrock Builders, INC.

PUBLIC HEARING DATE:

Wednesday, February 6th, 2019

PROPERTY ADDRESS/LOCATION:

12244 E. 116th Street

SPECIFIC REQUEST: Consideration of a rezone of 12244 E. 116th Street from C-2-c to PUD-Commercial, creating the Shamrock Offices PUD. The proposed ordinance will restrict land use to C-1 uses.

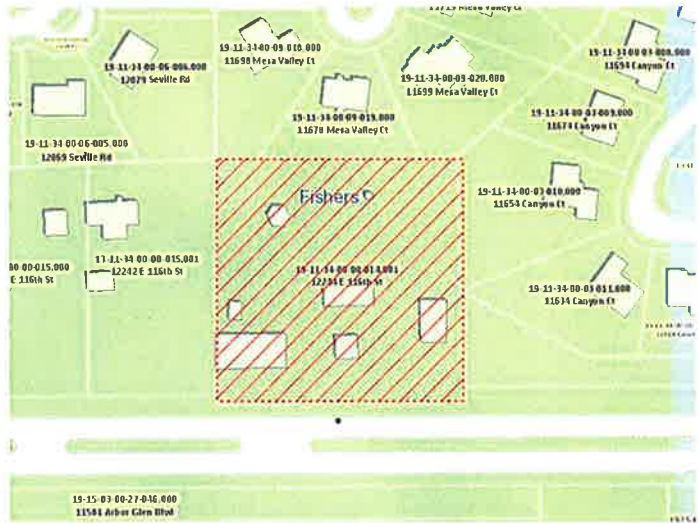
SIZE OF PROPERTY: 1.97 acres

EXISTING ZONING: C-2-c

EXISTING LAND USE: Vacant Land

PROJECT SUMMARY: Consideration of a rezone of 12244 E. 116th Street from C-2-c to PUD-Commercial, creating the Shamrock Offices PUD. The proposed ordinance will restrict land use to C-1 uses.

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 RZ-22245 went before the Plan Commission on February 6th, 2019 and received unanimous approval from the commission. Petitioner also received PUD Committee approval on February 6th, 2019.

PETITION HISTORY:

The subject site is located at 12244 E. 116th Street and is situated between residential and commercial land uses. Site was rezoned to C-2-c in 2014 so that the previous property owner could operate various businesses at the location.

The petitioner is seeking approval of a PUD ordinance to establish the Shamrock Offices PUD. The PUD ordinance seeks to rezone the site from C-2-c to PUD-C; creating a more restrictive office complex that allows only C-1 uses, similar to those allowed in the Simply Dental PUD to the west.

Petitioner received approval from both the PUD committee and the Advisory Plan Commission on February 6th, 2019.

Petitioner went before City Council on March 18th, 2019 for final reading. At the final reading there was discussion about the architecture of the proposed building and was continued to the April 2019 meeting so that the petitioner could work with staff on a new design.

PETITION OVERVIEW:

The petitioner is seeking approval of a PUD ordinance to rezone a 1.97-acre parcel located at 12244 E. 116th Street from C-2-c to PUD-C. The PUD ordinance will restrict uses to C-1 uses; and will follow C-1 development standards.

The proposed Shamrock Offices PUD will consist of one (1) single-level commercial office building that will be 14,748 square feet and have a minimum of forty-nine (49) parking spaces. There will be six-tenant spaces.

Ordinance points of interest:

- Development Standards: Section 1.04. D Architectural standards (Article 6.3) shall not apply; amended to enhance building design
- Development Standards: Section 1.04.F Exterior Lighting: (Article 6.5) Lighting standards will be more conducive to residential area; offering full cut off fixtures on the façade; parking lot lights will dim between 8:30 PM- 6:30AM so that the surrounding residential is not disturbed
- Development Standards: Section 1.04.K Parking and Loading Standards: Parking is further restricted and shall not exceed 125% of amount required by UDO (required to have 49, show 57; 125% would be 61 spaces)
- Design Standards Section 1.05.D: (Article 8.4 Open Space) Open Space will be provided as shown on the Concept Plan. Open Space: Shamrock Builders have proposed using the Dry Detention basin as activated open space, utilizing the proximity of the site to the path to create an open space feature that can be utilized by office workers and pedestrians passing by.
- 1.07 Miscellaneous Standards: Service hours will be restricted; other than snow removal. No service activities will be permitted between 9:00 PM and 6:00 AM (Trash removal, compaction, service vehicles, deliveries, parking lot sweepers)

PUBLIC COMMENTS:

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

STAFF COMMENTS:

Staff is supportive of the rezone of 12244 E. 116th Street as the proposed PUD ordinance restricts the site to C-1 uses. C-1 uses are more restrictive and have additional development standards that will complement the residential area.

Staff recommends granting approval of the proposed PUD ordinance and the new elevations provided as they are more residential in design and will fit the character of the area.

ATTACHMENTS:

- 1) Petitioner Packet
- 2) Revised Elevation
- 3) Council Action Form



Council Action Form

MEETING DATE	April 15 th , 2019			
TITLE	Request to approve the rezone of 12244 East 116th Street from C-2-c to Planned Unit Development-Commercial to create the Shamrock Offices PUD, property consists of 1.97 acres - Final Reading			
SUBMITTED BY	Name & Title: Jessie Boshell, Planner II Department: Community Development			
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
	Ordinance #: 031819A		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			
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input 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 checked="" 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>			

<p>BACKGROUND (Includes description, background, and justification)</p>	<p>Faegre Baker Daniels, LLP on behalf of Shamrock Builders Inc., requests a rezoning of approximately 1.97 acres of land zoned C-2-c - Neighborhood Commercial with conditions to Planned Unit Development Commercial (PUD-C). The new zoning district will be known as the "Shamrock Offices PUD", and is generally located on the northeast side of 116th Street, former home of Ritas Backyard.</p> <p>The underlying zoning district for the proposed Shamrock Offices PUD will be C-1 commercial. The PUD ordinance allows for C-1 commercial uses, but is more stringent in terms of development standards. The types of uses allowed within the C-1 commercial district are conducive to the surrounding residential area.</p>	
<p>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</p>	<p>Budgeted \$:</p>	<p>N/A</p>
	<p>Expenditure \$:</p>	<p>N/A</p>
	<p>Source of Funds:</p>	<p>N/A</p>
	<p>Additional Appropriation #:</p>	<p>N/A</p>
	<p>Narrative:</p>	
<p>OPTIONS (Include <i>Deny Approval</i> Option)</p>	<p>1.</p>	<p>Hold Final Reading</p>
	<p>2.</p>	<p>Continue</p>
	<p>3.</p>	<p>Propose an Amendment</p>
	<p>4.</p>	<p>Take no Action</p>
<p>PROJECT TIMELINE</p>	<p>February 6th, 2019: P.U.D. Committee Review February 6th, 2019: Plan Commission Review and recommendation (Public Hearing) March 18th, 2019: Final Reading (Item Continued) April 15th, 2019: Final Reading</p>	
<p>STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)</p>	<p>Staff recommends approval on Final Reading of Ord. No. 031819A</p>	
<p>SUPPLEMENTAL INFORMATION (List all attached documents)</p>	<p>-Staff Report -Petitioner Packet (includes ordinance) -Revised Elevation</p>	