

Year

2007

Shops at Geist Pointe

Town of Fishers
Planned Development
Ordinance
091707

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Shops at Geist Pointe



1.01 Shops at Geist Pointe, Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 091707 Adopted: November 7, 2007</p> <p>That the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A, and the OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated October 16, 2006, which accompanies and is a part of the Zoning Code of the Town of Fishers, Indiana, as amended (the "UDO"), are hereby amended as follows:</p> <p>That the zoning classification of the real estate legally described in Section 1.09 of this Ordinance (the "Real Estate"), is hereby designated as a Commercial Planned Unit Development District (PUD-C), and that said PUD-C zoning district shall hereafter be known as the "Shops at Geist Pointe".</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting the following objectives:</p> <ul style="list-style-type: none"> • Provide for the development of professional and office type businesses, commercial and frequently used businesses associated with the shopping, service and family needs of adjacent or local residential areas; • Greater flexibility in applying the rigid ordinances to the redevelopment of the Real Estate; • Innovative approach to meet the demands of the commercial and business markets; • The recognition of the interdependency of the above markets; • Efficient use of land resulting in more cost effective networks of utilities, streets and other facilities; and • Coordination of architectural styles, building forms and relationships, graphics and other private improvements. 	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • All uses described in <i>Article 02.023 C1 Commercial District</i> • All uses described in <i>Article 02.025 C2 Neighborhood Business District</i> • Medium Intensity Retail uses <p>Excluded Uses:</p> <ul style="list-style-type: none"> • Fast Food Restaurants and drive-in type Restaurants • Adult Businesses • Adult Entertainment • auto parts sales (used) • pawn shop • package liquor sales in gas stations/ convenience stores or pick-up liquor sales facilities



Shops at Geist Pointe

1.02 Applicability

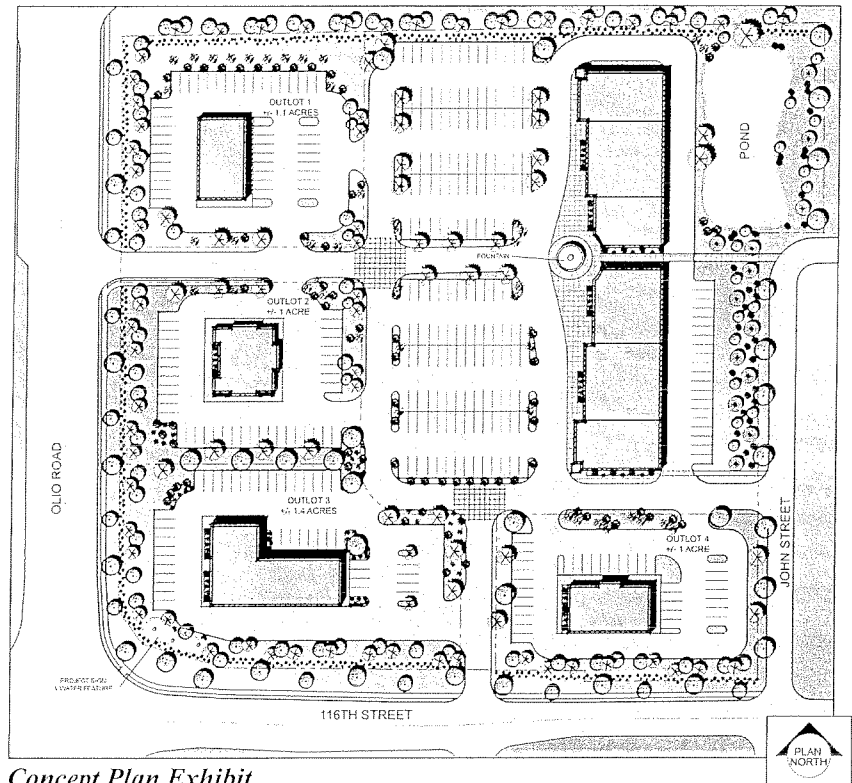
- A. The standards of the UDO applicable to the c2 *Neighborhood Business District* shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (this "Ordinance"). "Article" cross-references of this Ordinance shall hereafter refer to the *Article* section as specified and referenced in the UDO. Terms capitalized in this Ordinance (other than specific identifiers such as the "Developer" and the "Real Estate") refer to defined terms in the UDO. Pursuant to *Article 04.002(F): Amendments to the Unified Development Ordinance*, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard.

1.03 Concept Plan

- A. The Concept Plan is hereby incorporated. Per *Article 09.017(A)(2)(a): Planned Unit Development District; General; Purpose & Intent*, the Concept Plan provides the Plan Commission and Town Council with a general vision for the development of the Real Estate.

1.04 Development Standards

- A. Cross References: The regulations of *Article 02: Zoning Districts & Regulations* and *Article 05: Development Standards* shall apply except as modified by this Ordinance:
- B. General Regulations: *Article 02.026: C2 Neighborhood Business District Development Standards* shall apply except as modified below:



Concept Plan Exhibit

- (1) Minimum Lot Area:
 - 34,848 square feet (0.8 acres)
- (2) Minimum Setbacks shall apply except as modified below:
 - The Real Estate's north property line setback: 35'
 - Minimum Building Separation: 10'
- (3) Maximum Gross Floor Area:
 - Ground Floor: 54,000 square feet
 - Second Floor: 16,000 square feet; however, second floor uses shall be limited as follows: to insure appropriate massing, any second floor shall be attached to a primary building with at least fifteen thousand (15,000) square feet of first floor space; and parking shall be provided for the second floor uses consistent with the applicable parking regulations.
 - Maximum Ground Floor for a Single Building: 40,000 square feet
- (4) Minimum Required Open Space:
 - The development shall have a maximum impervious surface coverage of 75%.¹

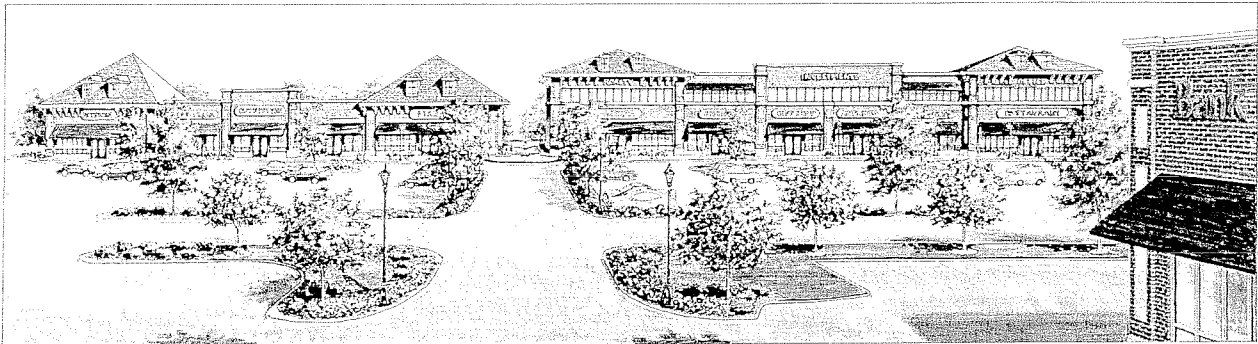
¹ This standard replaces all other applicable open space standards set forth in the UDO including, but not limited to: *Article 04.002(A)(1)(b): Planned Unit Development Districts: Development Requirements; Limitations; Minimum Project Open Space*.

Shops at Geist Pointe

Year
2007

- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply except as modified below:
 - (1) *Article 05.014 AD-03(A)(2): Architectural Design; Commercial; Exterior Materials* shall be further restricted to require that:
 - (a) All predominant exterior building materials shall be high quality materials, including, but not limited to: brick, limestone, other native stone and tinted/textured concrete masonry units; and
 - (b) Exterior materials shall not include smooth-faced concrete block, tilt-up concrete panels, prefabricated steel panels, fiber cement board or vinyl.
 - (2) *Article 05.014 AD-03(C): Architectural Design; Commercial; Entries* shall apply, in addition:
 - (a) All non-customer entrances visible from the Real Estate's eastern property line shall require a canopy or awning to visually enhance the entrance; and
 - (b) All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of *Article 05.014 AD-03(C)*.
 - (3) The Illustrative Architectural Exhibit is hereby incorporated. The character and quality of the Shops at Geist Pointe shall be substantially consistent with the Illustrative Architectural Exhibit.

Illustrative Architectural Exhibit

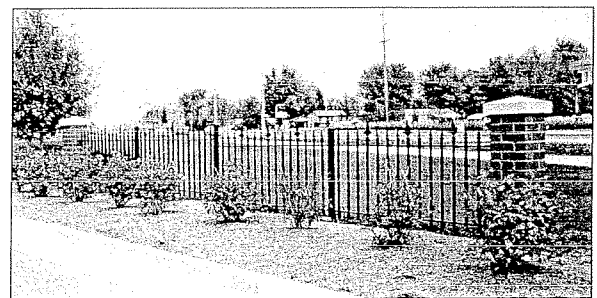


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- (4) The Shops at Geist Pointe shall include a minimum of two (2) site design features which may include, but are not limited to: the "fountain" and "project sign and water feature" as illustrated on the Concept Plan and in the Illustrative Architectural Exhibit. Such features shall be reviewed and approved by the PUD Committee with the Final Development Plan.

- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall apply except as modified below:



Decorative Fence Exhibit

- (1) *Article 05.043 LA-06(A): Landscaping Standards; Parking Lot Plantings; Perimeter Landscaping* shall apply, however, the width of the landscape strip along the perimeter of the Real Estate shall be as shown on the Perimeter Conceptual Landscaping Plan. The perimeter parking lot landscaping along Olio Road and 116th Street shall incorporate a decorative fence spaced and consistent in design with the decorative fence used along 116th Street and Olio Road for the northwest and southwest corners of the 116th Street and Olio Road intersection as illustrated in the Decorative Fence Exhibit.
- (2) *Article 05.044 LA-07: Landscaping Standards; Buffer Yards* shall not apply, rather, in order to accommodate the potential redevelopment of adjacent properties and encourage connectivity with

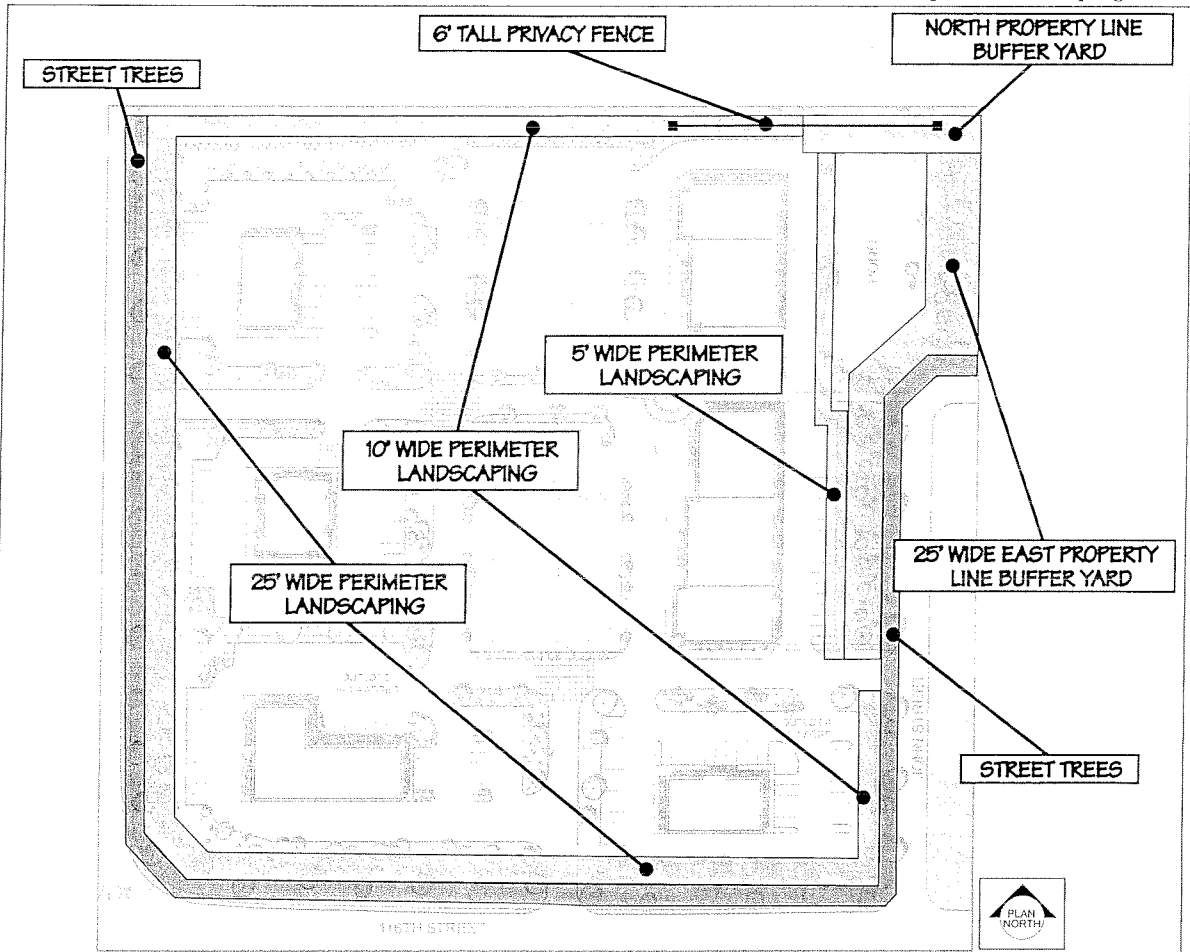
Shops at Geist Pointe

Year
2007

adjacent properties, the buffer yards as shown on the Perimeter Conceptual Landscaping Plan shall apply. Detention facilities may be located within the buffer yards and perimeter landscaping.

(3) The Perimeter Conceptual Landscaping Plan is hereby incorporated:

Perimeter Conceptual Landscaping Plan



Street Trees:

Located between curb & sidewalk / Ollo Road & 116th Street = 1 tree per 50' / John Street = 1 tree per 40'

East Property Line Buffer: Width as shown / 3 evergreen trees per 100' / 3 canopy trees per 100'

Perimeter Landscaping:

Width as shown / 1 shrub per 4' (50% evergreen) / 1 deciduous tree per 35'
(per perimeter parking lot landscaping requirements)

North Property Line Buffer:

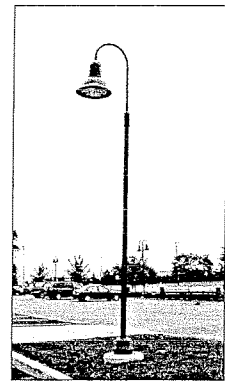
Undulating mound / 50% evergreen trees and 50% shade trees required to create a continuous visual barrier /
Shrubs shall be planted as needed to fill in gaps between trees /
6' tall privacy fence shall be installed in the location as shown (from the multi-tenant building's front facade
plane east to within 20' of the Real Estate's eastern property line)

Shops at Geist Pointe

Year
2007

N. Lighting Standards (LT): shall apply. Additionally, the following standards shall also apply. If a standard below conflicts with a UDO standard, then the more restrictive standard shall apply.

- (1) Lighting shall be limited to 0.5 foot candles at the Real Estate's perimeter property line. This requirement is exempt when adjacent to public right-of-way.
- (2) There shall be no greater than a twenty (20) to one (1) ratio of lighting with a ten (10) foot-candle maximum on site.
- (3) Light poles shall be limited to thirty (30) feet in height.
- (4) Light fixtures shall be decorative along the entrance drives and along public rights-of-way approved as part of the overall architecture, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a one hundred and eighty (180) degree angle of light.
- (5) Decorative light poles and fixtures shall be of a comparable design and quality as used by the developments on the other corners of the 116th Street and Olio Road intersection as illustrated in the Illustrative Light Pole Exhibit.



Illustrative Light Pole Exhibit

O. Loading Standards (LD): shall apply.

P. Lot Standards (LO): shall apply.

Q. Outdoor Storage Standards (OS): shall apply. Outdoor storage and displays shall be further restricted as follows:

- (1) Outdoor sales areas shall be surrounded by a permanent structure consistent with the building materials of the primary building.
- (2) Permanent outdoor displays shall be surrounded by a two and one half (2 1/2) foot tall masonry wall or wrought iron fencing or combination of the two.

R. Parking Standards (PK): shall apply except as modified below:

- (1) *Article 05.073 Table PK-A: Parking Standards; Commercial and Services Uses* shall be modified to require the following parking ratio for all commercial and service uses (except Restaurants): a minimum of one (1) space for every three hundred (300) gross square feet and a maximum of one (1) space for every two hundred and fifty (250) gross square feet.

S. Pedestrian Accessibility Standards (PA): shall apply except as modified below:

- (1) *Article 05.074 PA-01(B); Pedestrian Accessibility; Location of Sidewalks* shall apply, except no sidewalk shall be required along John Street, north of the Real Estate's first entrance, or 117th Street as shown on the Concept Plan. This sidewalk shall be installed in the future, however, if the Town determines that it is reasonably necessary to do so in order to complete a new pedestrian network.
- (2) *Article 05.075 PA-02(C)(1): Pedestrian Accessibility; Commercial; Sidewalks Adjacent to the Building* shall be modified to require sidewalks not less than six (6) feet in width.

T. Performance Standards (PF): shall apply.

U. Property Identification Standards (PI): shall apply.

V. Public Improvement Standards (PV): shall apply.

W. Setback Standards (SB): shall apply except as modified below:

- (1) *Article 05.084 SB-03(B): Setback Standards; Commercial* shall not apply to the Real Estate's north property line.

X. Sewer & Water Standards (SW): shall apply.

Y. Sexually Oriented Business Standards (SX): shall apply. Additionally, the Real Estate's Covenants and Restrictions shall include a statement prohibiting the Sexually Oriented Business uses as listed in Section 1.01: Permitted Uses; Excluded Uses of this Ordinance.

Z. Sign Standards (SG): shall apply except as modified below:

- (1) All wall and ground signs shall be (i) reverse channel letter neon; or (ii) externally lit with gooseneck light fixtures. Wall signs on multi-tenant building elevations oriented towards the Real Estate's eastern

Shops at Geist Pointe



property line shall be permitted and limited to one (1) tenant identification sign per tenant entrance not to exceed four (4) square feet in size.

- (2) All ground signs shall be architecturally compatible with the primary structure.
 - (3) Pedestrian Blade Signs shall be required as follows:
 - (a) Definition. Blade signs shall be defined as a small, pedestrian-oriented, two-sided sign that projects perpendicularly to a vertical building wall.
 - (b) Design. Blade signs shall be of the same orientation, design and color for the development to create a sense of uniformity for the sidewalk scape along each building's facade. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy or awning.
 - (c) Number. If a tenant's public entrance is located under a canopy or awning, then one (1) blade sign shall be permitted for each ground floor tenant and each second floor tenant accessible from a ground floor public entrance.
 - (d) Size. An individual blade sign shall not exceed two (2) square feet in size with a maximum horizontal length of four (4) feet and a maximum vertical height of six (6) inches.
 - (e) Height. The sign shall be mounted such that the bottom edge of the sign is not less than seven (7) feet and four (4) inches from the finished grade directly beneath it.
 - (f) Lighting. Blade signs shall not be permitted to be lit.
 - (4) Multistory buildings shall be permitted signage as follows:
 - (a) Ground signs shall be permitted and regulated per the UDO.
 - (b) One (1) wall sign per ground floor tenant frontage plus one (1) additional wall sign per second floor tenant frontage shall be permitted; however, Outlot 4 as illustrated in the Concept Plan shall not be permitted a wall sign on the east elevation of the building oriented towards John Street.
 - (c) Ground floor building or tenant space frontages of fifty (50) lineal feet or less are allowed two (2) square feet of sign for every one (1) lineal foot of building or tenant frontage. Building or tenant space frontages of fifty-one (51) lineal feet or more are allowed two (2) square feet of sign for every one (1) lineal foot of building or tenant frontage (up to 50 lineal feet); PLUS one (1) square foot of sign for every one (1) additional lineal foot of building or tenant frontage over fifty (50) feet. Maximum allowable wall sign area for ground floor tenants shall be three hundred (300) square feet.
 - (d) Second floor tenant spaces shall be permitted wall signs as follows:
 - (i) Maximum Size per Tenant Space: One (1) square foot of wall sign area per one (1) linear foot of frontage.
 - (ii) Maximum Total Wall Sign Area: One hundred (100) square feet for the west elevation and thirty-five (35) square feet for the south elevation.
 - (iii) Maximum Sign Height: Twenty-four (24) inches.
 - (iii) Maximum Number of Signs: Three (3) for the west elevation and one (1) for the south elevation.
 - (iv) Design. Second floor wall signs shall be equally spaced and proportionate in size as depicted in the Illustrative Architectural Exhibit and shall be limited to white lettering only, unless otherwise approved by the PUD Committee. Logos shall be permitted subject to the approval by the PUD Committee after its review that the logo(s) is appropriate and consistent with the design and theme of the building's architecture and the development's other signage.
- AA. Structure Quantity Standards (SQ): shall apply.
- BB. Telecommunication Facility Standards (TC): shall apply.
- CC. Temporary Use/Structure Standards (TU): shall apply.
- DD. Use-specific Standards (US): shall apply except as modified below:
 - (1) *Article 05.112 US-08(A)(1): Use Specific Standards; Neighborhood Business; Fuel Sales* shall be modified to allow a maximum of ten (10) vehicle fueling dispensers.
 - (2) *Article 05.112 US-08(A)(6): Use Specific Standards; Neighborhood Business; Fuel Sales* shall be further restricted to require canopies to be of a pitched roof design.

Shops at Geist Pointe

Year
2007

- (3) *Article 05.112 US-08(B): Use-specific Standards; Neighborhood Business; Drive-up Windows* shall only apply to Restaurants, Coffee Shops and Coffee Houses. For these uses:
- (a) Exterior menu boards (including speakers and speaker posts) are not permitted with any drive-up window facility.
 - (b) Drive-up windows shall be located no closer than four hundred (400) feet to any area that is both zoned and used for residential purposes.
 - (c) If in the future, a drive-up window or menu board (including speakers) becomes permitted for a Restaurant, Coffee Shop and/or Coffee House for any of the other 116th and Olio PUDs (NWC, SEC or SWC), then the same amendment shall apply to this Ordinance without the need for further action by the Town Council.

EE. Vision Clearance Standards (VC): shall apply.

1.05 Design Standards

- A. Cross References: The regulations of *Article 07: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Density & Intensity Standards (DE): shall apply.
- I. Development Name Standards (DN): shall apply.
- J. Easement Standards (EA): shall apply.
- K. Erosion Control Standards (EC): shall apply.
- L. Floodplain Standards (FL): shall apply.
- M. Lot Establishment Standards (LT): shall apply.
- N. Mixed Use Development Standards (MU): shall apply.
- O. Monument & Marker Standards (MM): shall apply.
- P. On-street Parking Standards (OG): shall apply.
- Q. Open Space Standards (OP): shall not apply. See Section 1.04(B)(4) of this Ordinance.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall not apply; rather, landscaping along the rights-of-way shall be required as shown on the attached Perimeter Conceptual Landscaping Plan, per Section 1.04(M) of this Ordinance.
- T. Prerequisite Standards (PQ): shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- W. Street Lighting Standards (SL): shall apply.
- X. Street Name Standards (SN): shall apply.
- Y. Street Sign Standards (SS): shall apply.
- Z. Surety Standards (SY): shall apply.
- AA. Utility Standards (UT): shall apply.

1.06 Miscellaneous Standards

- A. Service Hours: Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of midnight and 6:00 a.m. with the exception of snow removal.

Shops at Geist Pointe

Year
2007

1.07 Procedures

- A. The procedures set forth in *Article 09: Processes, Permits & Fees; Planned Unit Development* shall apply.
- B. The Shops at Geist Pointe shall be assigned to the 116th/Olio PUD Committee (the "Committee") for review pursuant to *Article 09.020 Planned Unit Development; Final Development Plan*.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage and landscaping design standards established or referenced by this Ordinance if the Committee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

1.08 Adoption

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.

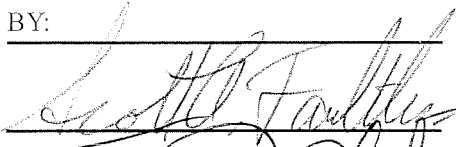

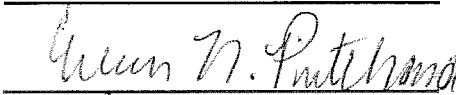


Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this Seventh day of November, Two Thousand and Seven.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

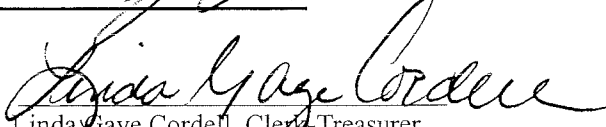
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NAY

BY:

	Scott A. Faultless, President	_____
	Daniel E. Henke, Vice President	_____
_____	Stuart F. Easley, Member	_____
	Eileen N. Pritchard, Member	_____
	Charles P. White, Member	_____
_____	David George, Member	_____
	Arthur J. Levine, Member	_____

ATTEST:


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

091707

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

Shops at Geist Pointe



1.09 Legal Description (the "Real Estate"):

Part of the Southwest Quarter of Section 36, Township 18 North, Range 5 East of the Second principal Meridian, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 36, Township 18 North, Range 5 East; thence North 89 degrees 16 minutes 56 seconds East (assumed bearing) 751.73 feet along the South Line of said Southwest Quarter; thence North 00 degrees 04 minutes 27 seconds West 25.00 feet parallel with the West Line of said Southwest Quarter to the southern right-of-way line of East 116th Street as depicted on the plat of Fall Creek Heights Subdivision ("Addition") (recorded as Plat Book 2, pages 100 through 101 in the Office of the Recorder of Hamilton County, Indiana) and being the POINT OF BEGINNING of this description; thence South 89 degrees 16 minutes 56 seconds West 243.73 feet parallel with said South Line to the southeastern corner of Lot 6 in said Addition and the southeastern corner of the right-of-way granted to Hamilton County, Indiana (recorded as Instrument Number 9809835703 in said Recorder's Office); thence North 00 degrees 04 minutes 27 seconds West 11.09 feet along the eastern line of said Lot 6 and said right-of-way line to the northeastern corner thereof; thence South 89 degrees 16 minutes 56 seconds West 49.09 feet (49.13 feet – Deed) along said right-of-way line; thence North 89 degrees 26 minutes 40 seconds West 295.35 feet along said right-of-way line and the northern and eastern right-of-way lines of the right-of-ways as granted to Hamilton County, Indiana (recorded as Instrument Numbers 9809838953, 9809838946, 9809846469 and 9809838948, all in said Recorder's Office) (the following three (3) courses are along said right-of-ways); (one) thence North 75 degrees 04 minutes 32 seconds West 85.18 feet; (two) thence North 36 degrees 52 minutes 53 seconds West 39.83 feet; (three) thence North 00 degrees 04 minutes 27 seconds West 140.22 feet to the southern line of Lot 10 in said Addition; thence North 89 degrees 16 minutes 56 seconds East 17.58 feet along the southern line of said Lot 10 to a point lying 50.00 feet (measured easterly in a perpendicular direction) from the western line thereof; thence North 00 degrees 04 minutes 27 seconds West 138.70 feet parallel with the West Line of said Southwest Quarter and the western line of said Lot 10; thence North 44 degrees 36 minutes 14 seconds East 71.11 feet to the northeastern corner of said Lot 10 and the southern right-of-way line of East 117th Street; thence North 00 degrees 04 minutes 27 seconds West 50.00 feet parallel with the West Line of said Southwest Quarter to the southeastern corner of Lot 25 in said Addition, being the northern right-of-way line of East 117th Street; thence South 89 degrees 16 minutes 56 seconds West 67.58 feet along the southern line of said Lot 25 and said northern right-of-way line to the southeastern corner of the 560 square meter tract of land granted to Hamilton County, Indiana (recorded as Instrument Number 9909914303 in said Recorder's Office); thence North 00 degrees 04 minutes 27 seconds West 188.70 feet along the eastern line of said tract to the northeastern corner thereof, being the northern line of said Lot 25; thence North 89 degrees 16 minutes 56 seconds East 703.58 feet along the northern lines of Lots 25, 26, 27, 28, 29, 30, 31, 32, and 33 in said Addition to the northeastern corner of said Lot 33; thence South 00 degrees 04 minutes 27 seconds East 188.70 feet along the eastern line of said Lot 33 to the southeastern corner thereof and the northern right-of-way line of East 117th Street; thence South 89 degrees 16 minutes 56 seconds West 9.72 feet along said northern right-of-way line; thence South 00 degrees 04 minutes 27 seconds East 50.00 feet parallel with said West Line to the southern right-of-way line of East 117th Street, being the point of curvature of a curve concave to the southeast, said point lying North 00 degrees 43 minutes 04 seconds West 20.00 feet from the radius point thereof; thence westerly, southwesterly and southerly 31.19 feet along said curved right-of-way line to its point of tangency and the eastern right-of-way line of John Street, said point lying South 89 degrees 55 minutes 33 seconds West 20.00 feet from said radius point; thence South 00 degrees 04 minutes 27 seconds East 361.70 feet along said eastern right-of-way line to the point of curvature of a curve concave to the northeast, said point lying South 89 degrees 55 minutes 33 seconds West 20.00 feet from the radius point thereof; thence southerly, southeasterly and easterly 31.64 feet along said curved right-of-way line to a point lying South 00 degrees 43 minutes 04 seconds East 20.00 feet from said radius point and the POINT OF BEGINNING.