

**116th/Olio Road PUD
Ordinance # 012201D**

ORDINANCE NO. 012201D (Revised 3/21/2001)

**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 ORDINANCES - 1980, 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-C also to be further defined as Olio Road/116th Street PUD-C.

SEE "EXHIBIT A" ATTACHED HERETO

SECTION 2. PURPOSE AND INTENT

To create a neighborhood commercial district for the intersection of Olio Road and 116th Street through the adoption of development standards including architectural design and material standards and create landscaping buffers and open space to aesthetically enhance the commercial areas to be COMPATIBLE with the surrounding residential neighborhoods.

SECTION 3 LAND USE

- A. All uses described in Section 151.073 (C1, Commercial District) and Section 151.074 (C2, Commercial District) of the Fishers Zoning Code, as amended, shall be permitted in this PUD District.
- B. Neighborhood retail including grocery, drug stores and similar uses are permitted provided that no single occupancy may exceed 48,000 gross square feet for an anchor tenant, The maximum square footage of retail area per corner of the intersection is restricted to no greater than 90,000 square feet.
- C. The retail area shall include no more than 20 acres of real estate for any single corner of 116th and Olio Road, up to an additional 5 acres of real estate for any single corner may be developed as office uses. For purposes of this ordinance, the corner of 116th and Olio Road is no more than a distance of 1000' from the center of

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the intersection.

- D. No Fast Food or drive-in type restaurants are permitted. Sit down or full service Restaurants are permitted. Fast Food is defined as Any establishment whose primary business is the sale of pre-prepared or rapidly prepared food directly to the customer in a disposable container and in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises or off the premises.
- E. This PUD will prohibit any adult entertainment uses through covenants and restrictions.
- F. Package liquor sales shall be prohibited in gas stations/convenience stores or “pick up” facilities.
- G. Drive up windows are only permitted for single tenant outlet parcels.
- H. Convenience Stores are permitted provided that the interior sales area is a minimum of 5000 square feet and that the Convenience Store have no more than 5 Gasoline Pump Islands and that no car wash facilities are permitted.

SECTION 4. STANDARDS

A. Bulk and Density Standards

(1) Setbacks

| | |
|-------|-----|
| Front | 50’ |
| Side | 10’ |
| Rear | 20’ |

(2) Buffer to residential

Side and rear building setbacks when adjacent to residential shall be a minimum of 95’ with the required landscape buffer of seventy five (75) feet exclusive of driveways and parking areas and will consist of a minimum of eight (8.0) foot tall mound, a six (6) foot tall wood fence placed upon the mound with masonry columns at the end and at corners, and a landscape screen of evergreen and deciduous plantings to be approved by the PUD Committee. The mounding, fencing and landscaping requirements may be altered by the PUD Committee if the spirit and intent of the buffering to the residential area is met, however, the 75’ buffer may not be altered.

- (3) Lot Coverage not to exceed 75% which is inclusive of buildings, parking areas and all other impervious surfaces which results in a open space requirement of 25% of the land area.

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(4) Building Height:

Buildings are restricted to 35' maximum height or a maximum of two stories. (Pitched roofs are measured at the mid-point)

(5) Parking Standards

(a) Parking Ratios

| | |
|------------|---|
| Retail | minimum of 1 space for every 300 gross square feet and a maximum of 1 space for every 250 square feet |
| Office | Minimum of 1 space for every 225 net usable square footage, Maximum of 1 space for every 200 net usable square footage. |
| Restaurant | Minimum of 1 space for every three seats plus one for each employee on largest shift. |

(b) Parking lot landscaping on the interior shall be required at a minimum of 5% of the total parking area and shall be part of the landscaping plan reviewed by the PUD Committee. The interior parking lot landscaping is calculated as part of the 25% open space lot coverage area requirement.

B. Architectural Standards

1. All buildings must have similar design and material.
2. All buildings must screen all mechanical equipment including roof and ground mounted.
3. The exterior of all buildings adjacent to residentially zoned areas or occupied shall consist of a brick, masonry or stone facade or stucco materials with masonry surface and appearance.
4. All structures within an individual PUD area shall be constructed with similar materials and compatible architecture.
5. Facades that have greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
6. Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

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7. Building facades must include a repeating pattern that includes no less than three (3) of the following elements:
 - a. color change;
 - b. texture change;
 - c. material module change;
 - d. an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

8. Roofs shall have no less than two (2) of the following features:
 - a. Pitched roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;
 - b. overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - c. sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
 - d. three (3) or more roof slope planes.

9. Materials and colors.
 - a. 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.
 - b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - d. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

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10. Entryways.

- a. Each retail establishment greater than 20,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 - (1) canopies or porticos;
 - (2) overhangs;
 - (3) recesses/projections;
 - (4) arcades;
 - (5) raised corniced parapets over the door;
 - (6) peaked roof forms;
 - (7) arches;
 - (8) outdoor patios;
 - (9) display windows;
 - (10) architectural details such as tile work and moldings which are integrated into the building structure and design;
 - (11) integral planters or wing walls that incorporate landscaped areas and/or places for siting.

11. Pedestrian Circulation.

- a. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- b. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground.
- c. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting facade.
- d. Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- e. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

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12. No trash removal or compaction, or other similar operations shall not be permitted between the hours of 10:00 p.m. and 7:00 a.m., Furthermore, no loading dock area may face an adjacent residential area.
13. Hours of operation are limited to 6:00 am to Midnight and deliveries are only permitted during the hours of operation

C. Signage

1. All wall signage shall be reverse channel letter neon
2. All signage shall be in conformance with Chapter 158 of Fishers sign code.

D. Lighting

- a. Limit to 0.5 foot candles at the property line
- b. No greater than a 20 to 1 ratio of lighting with a 10 foot-candle maximum on site
- c. Light poles limited to 30' in height
- d. Light fixture must 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 180 degree angle of light.
- e. Lighting to be reduced to security lighting no later than one hour after businesses close.

E. Landscaping

- a. All landscaping not defined in this ordinance shall be required as section 151.072 Screening and Planting of Fishers Code of Ordinances
- b. A 25' landscaping area is required between any adjacent street that is exclusive of driveways and parking areas. An entrance drive may cross this area at a 90 degree angle.
- c. One street tree is required every 50 feet along any adjacent street and can be placed within the 25' landscaping area
- d. Any portion of the perimeter yards that is adjacent to a street shall be landscaped with a buffer screen of either a wall or fence of ornamental , block, brick, solid wood fencing or combination thereof. Said wall or fence shall be at least 36" in height and shall be so constructed to such minimum height to restrict any view there through, or a compact hedge of evergreen and deciduous shrubs, at least 36" at time of planting.

F. Accessory Uses

- a. Dumpster and Trash compactors shall be enclosed by a masonry enclosure.
- b. Accessory structures including trash dumpster and compactors are not permitted within any front yard or within any side or rear yard setback requirements.
- c. No outdoor sales areas are permitted unless surrounded by a permanent structure

**116th/Ohio Road PUD
Ordinance # 012201D**

- consistent with material of the building.
- d. Permanent outdoor display areas are permitted provided that they are surrounded by a combination of 2.5 foot tall masonry wall or wrought iron fencing or combination of the two.
- G. Other requirements
 - a. Any other requirements not specified by this PUD Ordinance shall be subject to the Chapter 151.074 C2 commercial District

SECTION 5. PROCEDURES

1. 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.
2. Following approval of PUD zoning, the developer shall meet with the PUD Committee for preliminary architectural review. PUD committee design recommendation shall be required for Plan Commission review of the (detailed) development plan. Each individual parcel, building, when filing for an Improvement Location Permit, shall submit architectural design plans for the PUD Committee review and approval prior to the issuing of a structural Building Permit.
3. All architectural approvals shall be approved by an Architectural Review Committee made up of the members of the PUD Committee and one resident appointed from the Town Council and one resident/architect as appointed by the Town Council.
4. A fee for PUD architectural review shall be established in the development department schedule of fees.

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SECTION 6. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 7th day of May, 2001.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA
AYE

BY:



Scott A. Faultless,
President


DAY
Faultless

Timothy O. Lima,
Vice President




Walter F. Kelly,
Member



Stuart F. Easley,
Member



Eileen N. Pritchard,
Member



James W. Wallace,
Member

Daniel E. Henke,
Member

ATTEST


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

DATE:

May 7, 2001

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

LAND RECORDS
November 8, 2000

A part of the Northwest Quarter of Section 1, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of said Section 1, Township 17 North, Range 5 East; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) 1325.02 feet along the North Line of said Northwest Quarter to the northeastern corner of a tract granted to National Heritage Foundation ("National Tract") (recorded as Instrument Number 9909917119 in the Office of the Recorder of Hamilton County, Indiana); thence South 01 degree 19 minutes 26 seconds West 40.01 feet along the eastern line of said National Tract to the point of beginning of a 1.15-acre tract granted to David B. and Laurelee Dziemnik (recorded as Instrument Number 200000018328 in said Recorder's Office) and the POINT OF BEGINNING of this description (the following four courses are along the boundary of said 1.15-acre tract); (one) thence South 23 degrees 03 minutes 00 seconds West 226.06 feet; (two) thence South 01 degree 19 minutes 26 seconds West 473.36 feet; (three) thence South 76 degrees 21 minutes 21 seconds East 70.30 feet; (four) thence South 05 degrees 24 minutes 44 seconds East 120.29 feet to the eastern line of said National Tract; thence South 01 degree 23 minutes 00 seconds West 42.47 feet along the eastern line of said National Tract to a point lying 25.00 feet (measured northerly in a perpendicular direction) from the centerline of 113th Street; thence South 84 degrees 35 minutes 00 seconds West 282.38 feet parallel with the centerline of said 113th Street; thence North 06 degrees 54 minutes 41 seconds West 5.40 feet; thence North 88 degrees 53 minutes 57 seconds West 279.59 feet to a point on a non-tangent curve, concave to the North, lying South 05 degrees 33 minutes 56 seconds East 3195.54 feet from the radius point of said curve; thence westerly along said curve 47.12 feet to a point lying South 04 degrees 43 minutes 15 seconds East 3195.54 feet from said radius point and being the existing eastern right-of-way line of abandoned Olio Road; thence North 80 degrees 22 minutes 44 seconds West 61.60 feet to the western right-of-way line of abandoned Olio Road, being on a non-tangent curve, concave to the North, lying South 03 degrees 38 minutes 45 seconds East 3180.84 feet from the radius point of said curve; thence westerly along said curve 241.53 feet to a point lying South 00 degrees 42 minutes 17 seconds West 3180.84 feet from the radius point of said curve; thence North 89 degrees 17 minutes 43 seconds West 105.88 feet; thence North 00 degrees 42 minutes 18 seconds East 35.04 feet to a point on a tangent curve concave to the West and lying South 89 degrees 17 minutes 42 seconds East 1044.25 feet from the radius point of said curve; thence northerly along said curve 447.10 feet to a point lying North 66 degrees 10 minutes 25 seconds East 1044.25 feet from the radius point of said curve; thence North 23 degrees 49 minutes 35 seconds West 6.08 feet to a point on a tangent curve concave to the East, said point lying South 66 degrees 10 minutes 25 seconds West 924.25 feet from the radius point of

said curve; thence northerly along said curve 375.82 feet to a point lying South 89 degrees 28 minutes 15 seconds West 924.25 feet from the radius point of said curve; thence North 70 degrees 30 minutes 46 seconds East 76.30 feet; thence North 87 degrees 00 minutes 32 seconds East 176.56 feet to a point lying 40.00 feet (measured southerly in a perpendicular direction) from the North Line of said Northwest Quarter; thence North 90 degrees 00 minutes 00 seconds East 958.45 feet parallel with said North Line to the POINT OF BEGINNING, containing 21.061 acres, more or less.

EXHIBIT "A"

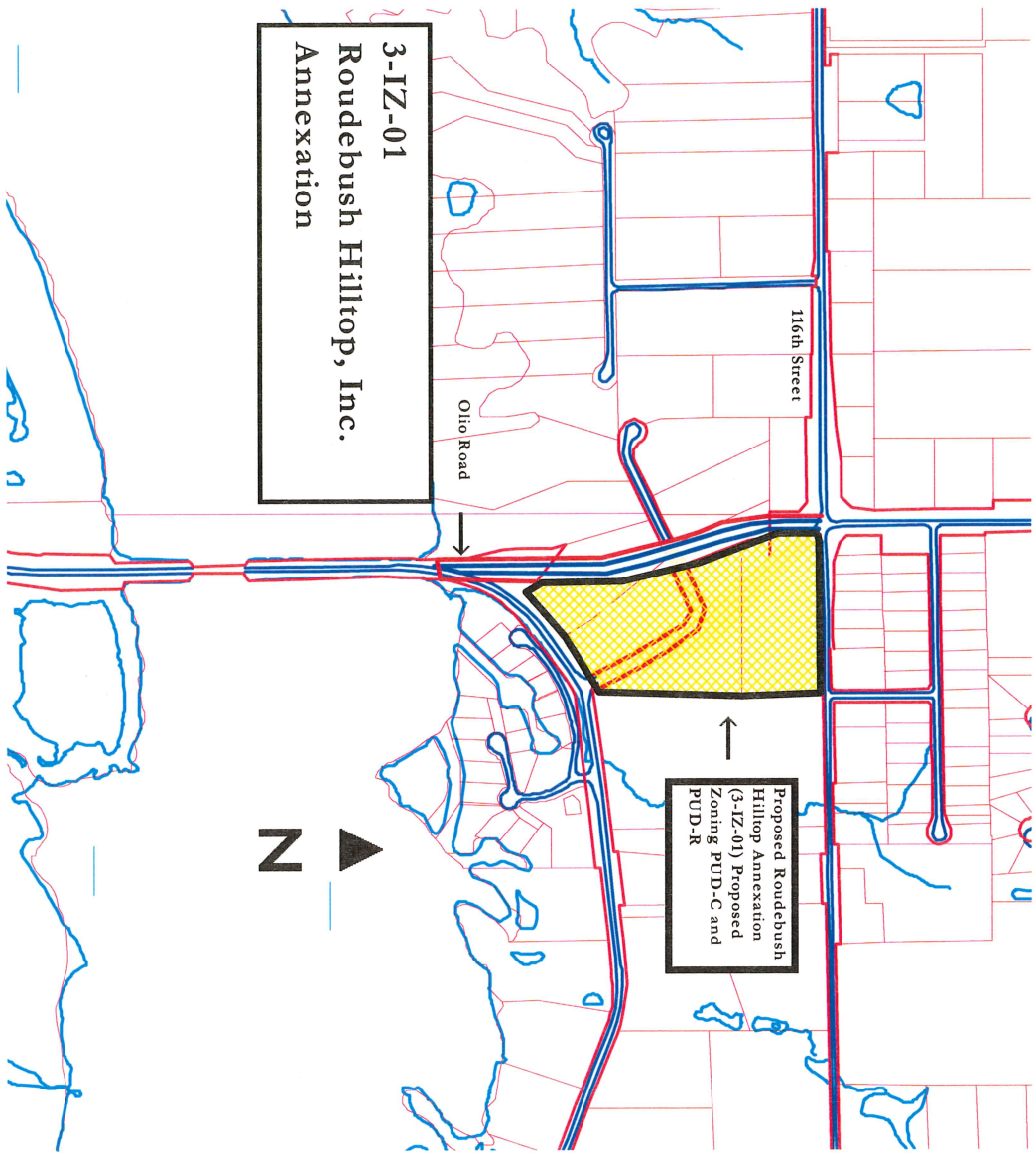
LAND DESCRIPTION

November 8, 2000

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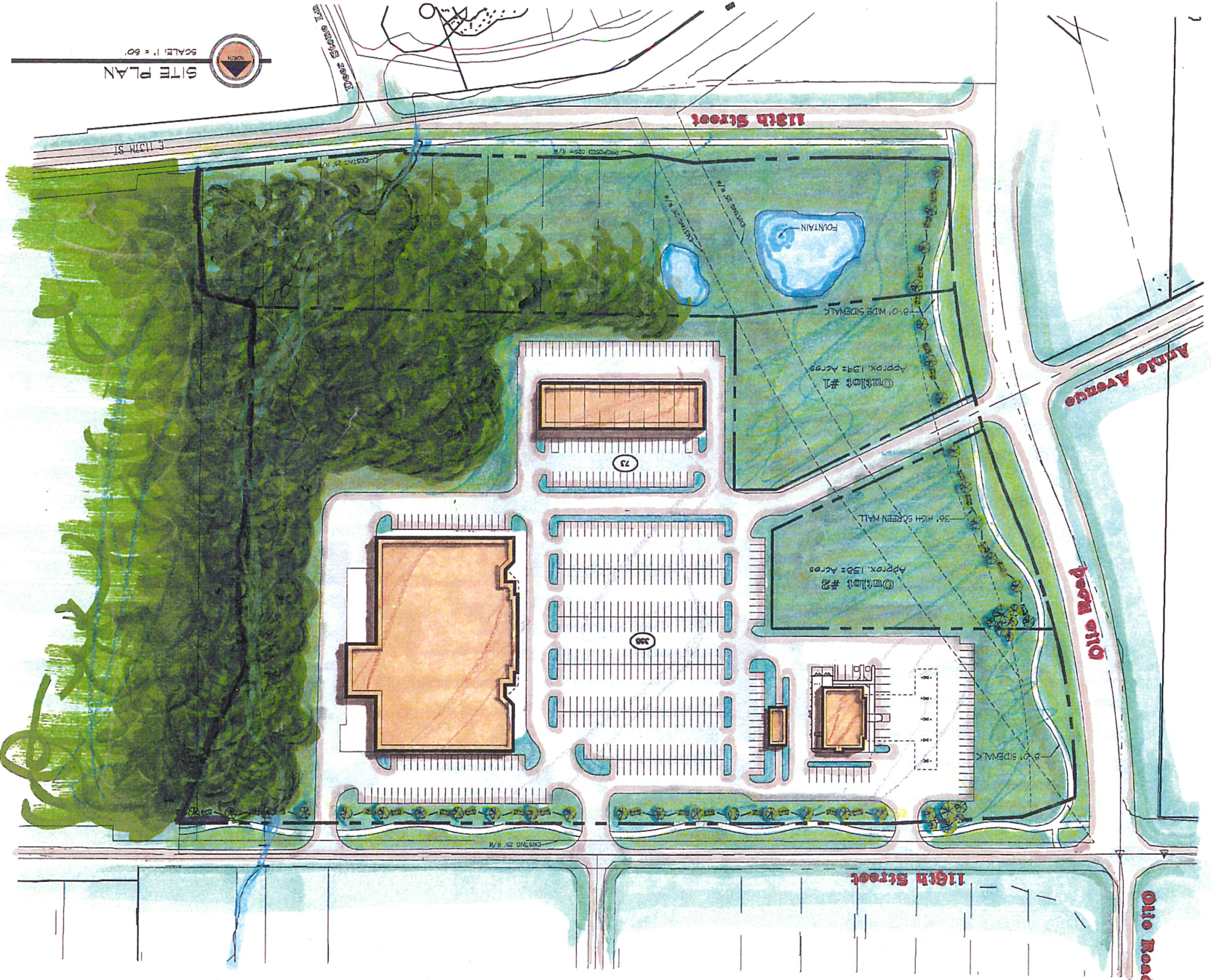
Proposed Roundebush Hilltop Annexation (3-IZ-01) Proposed Zoning PUD-C and PUD-R

3-IZ-01 Roundebush Hilltop, Inc. Annexation

116th Street

Olivo Road





SITE PLAN
SCALE: 1" = 60'

PROJECT NO.
0000A2

3

Prjlm Site Plan
Scheme #

The Shoppes @ Geist
FISHERS, INDIANA
development proposed by:
RJ Partners

| PRELIMINARY | |
|-------------|--------------------------|
| ✓ | CONSTRUCTION DOCUMENTS |
| ✓ | PERMITS |
| ✓ | CONTRACT ADMINISTRATION |
| ✓ | CONSTRUCTION SUPERVISION |
| ✓ | OPERATIONAL MAINTENANCE |
| ✓ | AS-BUILT DOCUMENTS |

LEITCH+PERKINS ARCHITECTS™

7700 East 120th St., Dayton, IN 45324
937.842.7331 fax 937.842.7399



Old Road

116th Street

Old Road

Annie Avenue

Outlet #1
Approx. 1.40± Acres

55,000± SF

13,200 SF

PUD-R

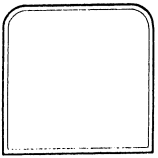
113th Street



SITE PLAN

SCALE: 1" = 60'

| SITE DATA | |
|--|-------------------------|
| TOTAL BLDG AREA | |
| TOTAL BLDG AREA | 68,200 S.F. |
| PARKING SPACES | |
| PARKING RATIO IS ASSUMED: | 1 SPACE/250 SF OF BLDG. |
| TOTAL PARKING REQ'D | 273 SPACES |
| TOTAL PARKING PROVIDED | 448 SPACES |
| NOTE: | |
| THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE ACREAGE AND LOCATIONS OR SIZES OF A BUILDING (OR BUILDINGS THAT WILL BE ON THIS SITE. CHANGES MAY BE REQUIRED ONCE A FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND OTHER WORK OR AT THE FINAL DESIGN REVIEW IS COMPLETED. | |



LEITCH-HIBBELT ARCHITECTS
 1201 W. 10th St., Suite 100
 Fishers, IN 46038
 Phone: 317.291.1201 Fax: 317.291.1299

| DRAWING REVIEW SHEET | |
|----------------------|--|
| DATE | |
| BY | |
| REVISIONS | |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| PRELIMINARY | |
| DATE | |
| BY | |
| SCALE | |
| DATE | |
| BY | |

The Shoppes @ Geist
 FISHERS, INDIANA
 development proposed by:
 RJ Partners

Prelim Site Plan
 Scheme #
 2
 PROJECT ID
 000037

EVJTDTE "D"

TOWN OF FISHERS



Town Council
Scott A. Fautless
President
Timothy O. Lima
Vice President
Walter F. Kelly
Stuart F. Easley
Eileen N. Pritchard
James W. Wallace
Daniel E. Henke

Clerk/Treasurer
Linda Gaye Cordell

MEMORANDUM

DATE: May 7, 2001

TO: Fishers Town Council

From: Department of Development

RE: ORDINANCE 012201C

Annexation request of for approximately 21 acres located on the Southeast corner of 116th and Olio, owned by Roubush Hilltop, Inc.

ORDINANCE 012201D

Initial Zoning Request for PUD-C for approximately 21 acres located on the Southeast corner of 116th and Olio, owned by Roubush Hilltop, Inc.

This petition is for the annexation and initial zoning of a parcel of land located at the southeast corner of 116th and Olio. The parcel consists of approximately 21 acres. The property meets the contiguity requirements per state statute.

At January's Plan Commission meeting we discussed a Planned Unit Development Ordinance for 116th and Olio Road. Staff had made some modifications to the Ordinance draft and submitted the revised PUD to the Plan Commission in February. At the February Plan Commission the remonstrance group along with Roubush Hilltop, Inc. introduced some commitments regarding size of structure limiting to 48,000 square feet and hours of operation to less than 24 hours. The Plan Commission also deliberated on and came to some consensus regarding the following issues:

- Limitations on overall square footage of 90,000 square feet on each corner
- No 24 hour operations
- No Fast Food restaurants,
- No drive up windows,



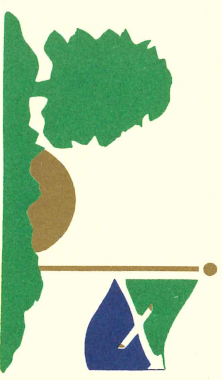
- Height limitation on parking lot lights limited to 30.0 ' and some light standards to adopted
- No temporary sales
- Channel letter neon sign on buildings

At the March Plan Commission meeting, the commission requested additions to allow drive thru windows for outlet parcels only and that convenience stores would only be permitted with a minimum of 5000 square feet of retail sales area and a maximum of 5 gasoline pump islands. The commission agreed on the hours of operation to be from 6 am to midnight and parking lot lighting to be turned off 1 hour after closing and only security lighting would then be permitted.

The Plan Commission voted unanimously to recommend approval of the PUD at the March 21, 2001 Plan Commission meeting. A copy of the most recent version is attached.

COUNCIL ACTION REQUESTED: 3rd reading on Annexation Ordinance 012201C and Initial Zoning Ordinance 012201D

TOWN OF FISHERS



Town Council

Scott A. Fautless

President

Timothy O. Lima

Vice President

Walter F. Kelly

Stuart F. Easley

Eileen N. Pritchard

James W. Wallace

Daniel E. Henke

Linda Gaye Cordell

Clerk-Treasurer

MEMORANDUM

DATE: April 11, 2001

TO: Fishers Town Council

From: Department of Development

RE: **ORDINANCE 012201D**

Initial Zoning Request for PUD-C for approximately 21 acres located on the Southeast corner of 116th and Olio, owned by Roundbush Hilltop, Inc.

This petition is for the Initial Zoning of the 21 acre parcel of land located at the southeast corner of 116th and Olio. This property has been requested for a voluntary annexation request.

At January's Plan Commission meeting we discussed a Planned Unit Development Ordinance for 116th and Olio Road. Staff had made some modifications to the Ordinance draft and submitted the revised PUD to the Plan Commission in February. At the February Plan Commission the remonstrance group along with Roundbush Hilltop, Inc. introduced some commitments regarding size of structure limiting to 48,000 square feet and hours of operation to less than 24 hours. The Plan Commission also deliberated on and came to some consensus regarding the following issues:

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At the March Plan Commission meeting, the commission requested additions to allow drive thru windows for outlet parcels only and that convenience stores would only be permitted with a minimum of 5000 square feet of retail sales area and a maximum of 5 gasoline pump islands. The commission agreed on the hours of operation to be from 6 am to midnight and parking lot lighting to be turned off 1 hour after closing and only security lighting would then be permitted.

The Plan Commission voted unanimously to recommend approval of the PUD at the March 21, 2001 Plan Commission meeting. A copy of the most recent version is attached to this staff report.

Council Action Requested: 2nd reading on Initial Zoning