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Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



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**ORDINANCE NO. 052118K
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the Northeast Commerce Park PUD (Ord. 121885A) for the City of Fishers (the "City"), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City's Plan Commission has conducted a public hearing on Docket No. PRT-1802-38 as required by law in regard to the proposal to amend the text of the Northeast Commerce Park PUD.

WHEREAS, the City's Plan Commission, having paid reasonable regard to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth in its consideration of this ordinance at its May 9, 2018 meeting, sent a positive recommendation to the Fishers City Council by a vote of 8 in favor, 1 opposed and 0 abstained, which recommendation was certified by Kay Prange on May 14, 2018 (date);

WHEREAS, to support its long-term vision for the City, the Council desires to adopt certain amendments to the text of ordinances.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

Section 1. Declaration. The text of the Northeast Commerce Park PUD (Ord. 121885A) is hereby repealed and replaced by the language in Exhibit A.

Section 2. Purpose and Intent. The purpose and intent of this text amendment is to support the City's long-term vision for the City as expressed in the Comprehensive Plan and to provide for: greater flexibility in applying the ordinances to mixed zoning classifications; innovative approaches to meet the demands of the housing, commercial, and business markets; the recognition of the interdependency of the above markets; and the planning and development of mixed zoning classifications to be consistent with the best interest of the jurisdictional area of the City, and the applicable ordinances.

Section 3. Approval. All other provisions of the UDO not in conflict with or specifically changed by this amendment shall remain in full force and effect. This amendment shall become effective upon its adoption and publication in accordance with Indiana law.

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052118K

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

YAY

NAY

ABSTAIN

YAY		NAY	ABSTAIN
<i>[Signature]</i>	Todd Zimmerman, President		
<i>[Signature]</i>	Richard W. Block, Vice President		
<i>[Signature]</i>	David George, Member		
<i>[Signature]</i>	C. Pete Peterson, Member		
<i>[Signature]</i>	John Weingardt, Member		
<i>[Signature]</i>	Eric Moeller, Member		
<i>[Signature]</i>	Selina M. Stoller, Member		
<i>[Signature]</i>	Cecilia C. Coble, Member		
<i>[Signature]</i>	Brad DeReamer, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 21st day of May 2018, at 9:30 p m.

ATTEST: *[Signature]*
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

[Signature]

Scott A. Fadness, Mayor

05/21/2018

DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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



CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Dale Davis, AICP, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038 T: (317) 595-3213
davidd@fishers.in.us

DOCKET NUMBER:

PRT-1802-38

PETITIONER/PROPERTY OWNER:

City of Fishers

PUBLIC HEARING DATE:

May 21, 2018

PROPERTY ADDRESS/LOCATION:

Northeast Commerce Park PUD

SPECIFIC REQUEST: Consideration of a Text Amendment to the Northeast Commerce Park PUD.

SIZE OF PROPERTY:

89.4 Acres (approx.)

EXISTING ZONING:

PUD-C

EXISTING LAND USE:

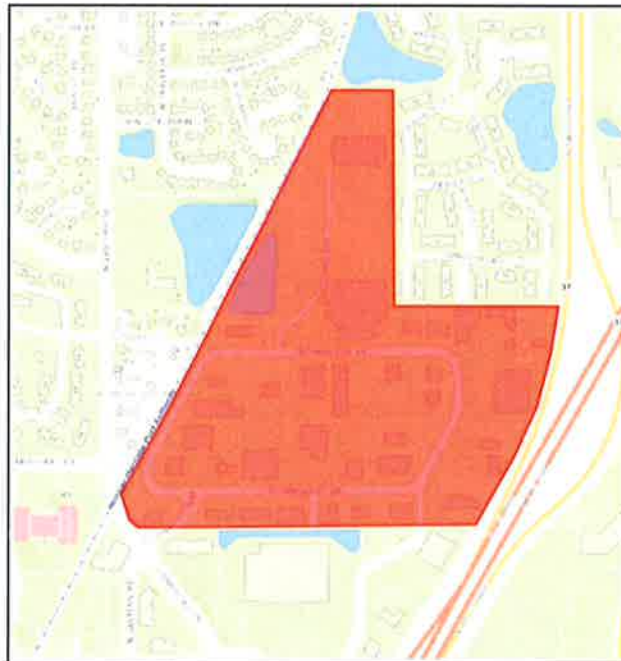
Various/Commercial

PROJECT SUMMARY:

The City of Fishers requests approval of a text amendment to the Northeast Commerce Park PUD. This text amendment is in response to the increased demand for reinvestment in this park.

This PUD was previously regulated by protective covenants, which expired over 10 years ago. With the expiration of these covenants, the City must enforce C-3 standards in their place. The proposed text amendment tailors the standards for this park to fit the technology, medical, and specialty manufacturers that have been investing and reinvesting in the park while also creating a higher standard of design.

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 (Ordinance)

- LEGAL NOTICE
- AGENCY COMMENTS
- LEGAL DESCRIPTION

PETITION HISTORY:

The Northeast Commerce Park PUD was established in 1986. The development standards for the park were established by separate protective covenants. These protective covenants expired in 2006 and have not been replaced. This then defaults to the standard C3 requirements for development review.

A rezone was previously considered for this PUD by the City. The City decided to amend the existing PUD instead to provide a more tailored response to the needs of the park.

PETITION OVERVIEW:

This PUD text amendment is in response to the demand for redevelopment within Northeast Commerce Park. With businesses outgrowing their spaces in LAUNCH Fishers, the designation of the area as a Certified Tech Park, and the expansion of some long-time businesses, there is a need for new development standards in this area. The standards need to respond to the sizes of the buildings while also establishing updated architectural and site design controls. Please refer to Exhibit A to see the specific standards.

PUBLIC COMMENTS:

No formal comments have been received from the public at this time. Staff has answered several calls asking for information about the proposed text amendment.

Staff held a listening session on April 10 with owners who had contacted the City about the previous rezoning effort to gauge their support of the changes to the PUD. The consensus from this meeting was that the owners who attended supported the changes.

STAFF COMMENTS:

This proposal conforms to the land use plan of the Comprehensive Plan. Staff has worked with business owners and developers who have projects within Northeast Commerce Park to develop standards that will raise the standard of design for the park while not overly increasing cost.

Plan Commission provided a favorable recommendation with the conditions that the roof heights on non-visible sides be reviewed, smells be added to the language discussing noise, and on-street parking needs to be reviewed.

Staff recommends approval.

ATTACHMENTS: 1) Ordinance
 2) Exhibit A

EXHIBIT A

NORTHEAST COMMERCE PARK
PUD-C

02

City of Fishers
PUD Text Amendment

Ordinance No. 052118K

2.60 District Intent and Permitted Uses

Purpose and Intent

The Northeast Commerce Park PUD is intended to preserve land for office, research and development space, and employment uses.

It is the purpose of this District to promote the public health, safety, comfort, convenience, and general welfare by providing for consistent coordinated treatment for employment areas within the planning and zoning jurisdiction of the City of Fishers, Hamilton County, Indiana.

It is further the purpose of this District to promote sustainable economic development in this area that will serve as an economic driver for the City, providing additional business tax base and employment opportunities for residents in and around the City. The standards of this section will encourage substantial capital investments for the development of the land within the District and promote the quality, scale, and character of development consistent with the future vision within the Comprehensive Plan.

Permitted Uses

Primary Uses:

- Office, Business/Financial Services
- Office, General Services
- Office, Medical
- Office, Professional
- Research and Development
- Science and Technology
- Corporate Campus
- Manufacturing, Light
- Manufacturing, Medical
- Warehouse
- Distribution
- Flex Building
- Gymnasium, excluding health clubs

Secondary Uses* (“Business Support”):

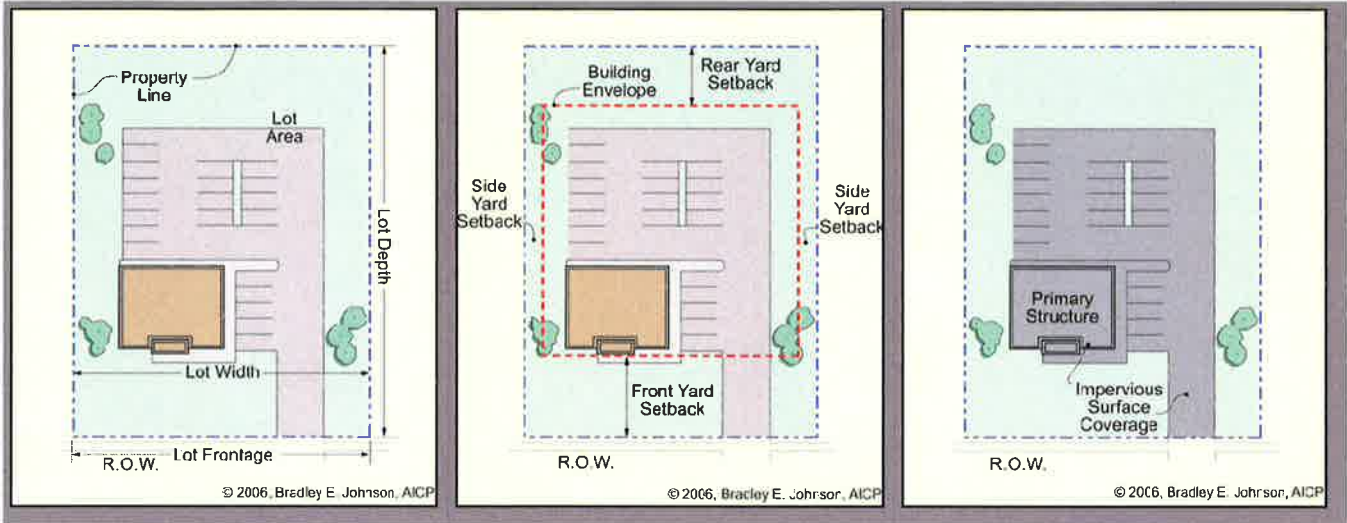
- Restaurant
- Retail: apparel shop, bakery, book store, boutique store, computer sales, craft gallery, drug store, office supplies, public market.

**These uses are subject to the requirements set forth in Section 2.63*

Accessory Uses:

- Accessory uses subordinate to the primary use of the building: daycare, fitness center, recreation

2.61 District Development Standards



Minimum Lot Area:
• n/a

Minimum Lot Width:
• n/a

Minimum Lot Frontage:
• 200 feet

Sewer and Water:
• Requires municipal water or sewer hookup

Minimum Front Setback*:
• 10 feet

Minimum Internal Setback:**
• 0 feet

Minimum Side Setback*:
• 5 feet

Minimum Aggregate Side Setback:
• 20 feet

Minimum Rear Setback*:
• 10 feet

**Note: Additional Buffer Yard requirements may apply;*

Maximum Impervious Surface Coverage:
• 90%

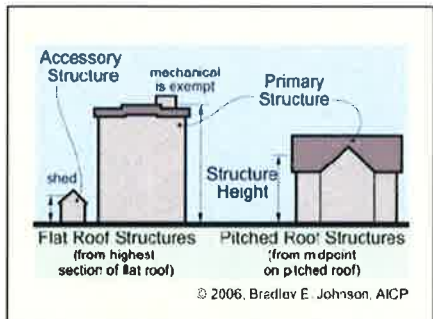
Open Space:
• 10%

Minimum Main Floor Area:
• n/a

Minimum Building Separation:
• 5 feet

Minimum Internal Setback:
• 0 feet

****For adjoined structures**



Maximum Structure Height:

- Primary Structure: 60 feet
- Accessory Structure: 18 feet

Additional Development Standards that Apply

Accessory Structure (AS) • AS-01.....Page 5-4	Lot (LO) • LO-01.....Page 5-57	Setback (SB) • SB-01.....Page 5-80
Entrances/Drives (ED) • ED-01.....Page 5-23	Parking (PK) • PK-01.....Page 5-62 • PK-02.....Page 5-64 • Table PK-A.....Page 5-68	Sewer and Water (SW) • SW-01.....Page 5-84 • SW-02.....Page 5-84
Environmental (EN) • EN-01.....Page 5-27	Pedestrian Accessibility (PA) • PA-01.....Page 5-73	Signs (SG) • SG-05.....Page 5-106
Fence and Wall (FW) • FW-01.....Page 5-28	Performance (PF) • PF-01.....Page 5-74	Structure Quantity (SQ) • SQ-01.....Page 5-112
Floodplain (FP) • FP-01.....Page 5-32	Property Identification (PI) • PI-01.....Page 5-77	Temporary Uses (TU) • TU-01.....Page 5-122 • TU-02.....Page 5-124
Height (HT) • HT-01.....Page 5-41	Public Art (PT) • PT-01.....Page 5-78	Vision Clearance (VC) • VC-01.....Page 5-143
Landscaping (LA) • LA-01.....Page 5-45 • LA-04.....Page 5-48 • LA-06.....Page 5-49	Public Improvement (PV) • PV-01.....Page 5-79	
Lighting (LT) • LT-01.....Page 5-53 • LT-03.....Page 5-54	Setback (SB) • SB-01.....Page 5-80	

2.62 Applicability

Unless otherwise stated herein, C3 standards, as amended, shall apply.

- A. **Development Plan.** The Department shall review a Development Plan for any proposed use of any Lot or Parcel within the District prior to the issuance of an Improvement Location Permit by the Department of Community Development.
- B. **Underlying Zoning.** The PUD shall adopt the C3 standards of the Fishers Unified Development Ordinance, as amended, unless otherwise stated herein.
- C. **Architectural Design, Exterior Lighting, Landscaping and Signage.** To insure the compatibility of the proposed use with adjoining areas, the Department shall review the architectural design, exterior lighting, landscaping and signage of any proposed use of any Lot or Parcel within the District prior to the issuance of an Improvement Location Permit. Reconstruction or structural alterations to existing buildings that is 20 percent or less of the gross building square footage is exempt from this requirement.
 - (1) **Design Purpose.** The District will utilize architecture as a key component for establishing a specific character for the area. Buildings within the District shall reflect a design standard found in business office parks and technology uses. All development within the District shall be required to meet the objectives of the architectural requirements of this Section unless modifications are approved by ADLS application. The requirements are intended to encourage creative architectural design while setting a level of expectation for development.
 - (2) **Architectural Intent.** All Structures within the District are expected to be thoughtfully designed with materials, detailing, scale, and proportions that is intentional and carefully thought through and with specific attention toward aesthetic and overall style and character. Appropriate massing shall be incorporated into the design and shall be used to break up larger buildings into smaller forms to provide architectural interest and well-designed building structures. The standards provided herein are not intended to produce a single architectural style but to facilitate a variety of architectural styles.
 - (3) **Site Design.** All parcels shall incorporate sidewalks and/or trails to promote walkability.
- D. **Remodeling and Building Expansion.** Buildings may expand up to 20 percent of their current ground floor area and maintain legal, non-conforming status. Expansions beyond 20 percent of current ground floor area will require full compliance with current zoning standards.
- E. **Maintenance.** All structures may be maintained with painting, roofing, and other exterior maintenance as the structures are currently constructed. Should building materials require replacement, the new materials must comply with the current architectural standards.

2.63 Architectural Standards

- A. Exterior Materials. A minimum of two (2) materials shall be utilized on each side of the building exterior. Where precast and/or panelized systems are used, the secondary material must be utilized as an accent.
- B. Building Massing. Buildings shall be designed to articulate to provide visual interest. Plain breaks shall be provided according to the following requirements. Breaks should be spaced to complement the overall building architecture which may result in uneven spacing.
 - (1) Primary and secondary front façade
 - (i) One (1) articulation point must be provided for every 50 feet of façade. Articulation points must offset at least five (5) feet. Articulation points are not required to be exactly 50 feet apart and may be spaced to complement the building architecture. The five (5) foot articulation point may be divided into two (2) two and a half (2.5) foot (or greater) articulation points.
 - (ii) A clearly defined main entry visible from a public right-of-way is required.
 - (iii) Twenty-five (25) percent transparent glass is required.
 - (iv) Loading bays shall not be located on the primary or secondary front façade. Where loading bays must face front, the bay must be located at least 30 feet behind the front or secondary front façade.
 - (2) Side and rear façade
 - (i) One (1) articulation point must be provided for every 100 feet of façade. Articulation points must offset at least five (5) feet. Articulation points are not required to be exactly 50 feet apart and may be spaced to complement the building architecture. The five (5) foot articulation point may be divided into two (2) two and a half (2.5) foot articulation points.
- C. Roof. Modulation of the roof and/or roof line is encouraged to provide visual interest and appropriate massing. Parapets must be fully integrated into the architectural design of the building and provide seamless design transitions, including exterior materials, between the main building mass, mechanical penthouses and other roof structures. The PUD Committee may allow for roof plains to remain flat for facades with reduced visibility.
- D. Loading bays and doors are screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match facade systems).
- E. No blank facades are permitted. Where precast or panelized wall systems are used, detail shall be incorporated into the façade to break up any monolithic building faces.
- F. All roof-mounted equipment must be fully screened from view. This viewpoint is measured at the opposite side of the right-of-way at an elevation of 10 feet. On non-frontages, the viewpoint is measured at the property line at an elevation of 10 feet.

2.64 Landscape Standards

- A. Street Trees. One (1) street tree shall be provided per every 60 feet of street frontage. Trees are to be planted in the planting strip between the sidewalk and the street. The location of the trees may be modified per any modifications made in 2.65.
- B. Foundation Plantings.
 - (1) The foundation plantings shall be located within 20 feet of the foundation wall.
 - (2) Front and secondary front façade. At least two (2) shrubs or ornamental tree shall be planted for every 12 lineal feet of building circumference exclusive of window, door, and loading dock openings. Foundation plantings may be evenly distributed or clustered in planters or in the ground.
 - (3) Side and rear façade. At least two (2) shrubs or ornamental tree shall be planted for every 25 lineal feet of building circumference exclusive of window, door, and loading dock openings. Foundation plantings may be evenly distributed or clustered in planters or in the ground.
 - (4) Trash enclosures and ground-mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.
 - (5) Foundation Plantings shall not be required on facades where the sidewalk extends from the building face to the curb.
- C. Lot Plantings. Not Applicable.
- D. Parking Lot Perimeter and Interior Plantings. Per C3 standards, as amended.
 - (1) Parking lot perimeter landscape may be located within building setbacks.

2.65 Street Design Standards

- A. Sidewalk. A six (6) foot sidewalk shall be provided along every street frontage*.
- B. Planting Strip. A five (5) foot planting strip shall be placed between the sidewalk and the street*.
- C. Street Lights. One street light shall be provided per every 160 feet of roadway. Lights shall alternate on the opposite side of the roadway to create an overall spacing of 80 feet between the street lights.

*These standards may be modified per City Staff should drainage conflicts or existing structures create conflicts.

2.66 Use-Specific Standards

- A. Outdoor Storage
 - (1) Outdoor storage shall not comprise more than 30 percent of a parcel.
 - (2) Outdoor storage of raw materials is prohibited.
 - (3) Storage areas shall be located in a rear yard, behind the primary structure. Where properties have multiple frontages, Technology Lane and Technology Drive shall be considered the front yard for the purposes of outdoor storage.
 - (4) Outdoor storage areas shall not be permitted within 20 feet of any property line or within 50 feet of Interstate 69 or Lantern Road/Commercial Drive.
 - (5) Storage areas shall be screened from view by an eight (8) foot tall wooden or masonry privacy fence. The fence shall utilize brick support columns every 50 feet and at the fence corners. Drives in and out of the storage area shall be gated with similar material as the screening fence.
 - (i) Materials or vehicles being stored in the outdoor storage area shall not be visible from the right-of-way. Where materials or vehicles would be visible, the eight (8) foot fence shall be increased to 10 feet. Should materials or vehicles still be visible, the fence shall be extended using earthen mounds to obtain the necessary height.
 - (ii) Fences and mounds combined shall not exceed 14 feet in height.
 - (6) Storage areas shall require perimeter landscape. This shall be placed in a 10-foot buffer surrounding the storage area and shall include one (1) evergreen tree and four (4) shrubs per every 25 feet of perimeter.
- B. Outdoor sales. Outdoor sales are limited to 30 calendar days per year and shall not occupy more than 20 percent of a parcel.
- C. Restaurant and Retail Uses
 - (1) Restaurant and Permitted Retail Uses may be included in one (1) or more buildings within a Development Plan, subject to the following:
 - (i) Restaurant and Permitted Retail Uses may comprise up to:
 - (a) Fifteen percent (15%) of the FFA (finished floor area) of a building; or
 - (b) Thirty percent (30%) of the FFA of a building, if the total square footage of Restaurant and Permitted Retail Uses designated in the Development Plan do not exceed 15 percent of the FFA of all buildings combined in that Development Plan.
 - (ii) Drive-thru restaurants are prohibited.
- D. Manufacturing, Light
 - (i) The use may not emit sound or odor from the manufacturing operation beyond the walls of the structure.
 - (ii) The use may not refine raw materials for distribution (i.e. smelting, forming steel).
- E. Manufacturing, Medical
 - (i) The use may not emit sound or odor from the manufacturing operation beyond the walls of the structure.
- F. Flex Building
 - (i) Parking ratios must be calculated using a commercial office equivalent.

NORTHEAST COMMERCE PARK PUD-C

Article
02

2.67 PUD Committee

PUD Committee approval is required for each building or site requiring an Improvement Location Permit. PUD Committee approval shall pertain to site design (parking, traffic flow, pedestrian access, landscape, lighting, etc.) and building architecture.



Council Action Form

MEETING DATE	May 21, 2018			
TITLE	Northeast Commerce Park PUD Text Amendment			
SUBMITTED BY	Name & Title: Dale Davis, AICP			
	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 checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
	Ordinance #: 052118K		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. Check all applicable boxes pertaining to contracts)	<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 checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office			
APPROVALS/REVIEWS	<input 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>			
BACKGROUND				

(Includes description, background, and justification)	The proposed text amendment repeals and replaces the existing PUD text with the language in Exhibit A.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval Option</i>)	1.	Approve
	2.	Deny
	3.	Amend and return to Plan Commission
	4.	
PROJECT TIMELINE	<p>April 11 - Listening session with owners</p> <p>May 9 - Plan Commission public hearing with a favorable recommendation</p> <p>May 21 - City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approval.	
SUPPLEMENTAL INFORMATION (List all attached documents)	<p>Staff Report</p> <p>Ordinance</p> <p>Exhibit A</p>	