

**ORDINANCE NO. 120307**

**AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
TOWN OF FISHERS, HAMILTON COUNTY, INDIANA - 2006**

This is an ordinance to amend Ordinance No. 010305A, the Walker Property Planned Unit Development Ordinance (the "Walker PUD"), previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

**WHEREAS**, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 10-TA-07 as required by law in regard to the application filed by Jim Walker (the "Developer") to amend the Walker PUD; and,

**WHEREAS**, the Plan Commission at its February 12, 2008 meeting sent a favorable/unfavorable recommendation to the Town of Fishers Town Council;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Walker PUD is hereby amended as follows:

**SECTION 1.** The subject real estate (the "Real Estate"), commonly known as 11862 Olio Road and more particularly described as follows:

A part of the Southeast Quarter of Section 35, Township 18 North, Range 5 East and more particularly described as follows: Beginning at the Southeast corner of the Northeast Quarter of said Southeast Quarter Section; thence South 89 Degrees 21 Minutes 27 Seconds West along the South line of the Northeast Quarter of said Southeast Quarter Section a distance of 250.00 feet to the southeast corner of the parcel described in Instrument Number 200400022509 recorded in the Office of the Recorder of Hamilton County, Indiana; thence continuing South 89 Degrees 21 Minutes 27 Seconds West along said South line 15.00 feet; thence North 00 Degrees 28 Minutes 15 Seconds West parallel with the east line of said Southeast Quarter Section a distance of 170.00'; thence North 89 Degrees 21 Minutes 27 Seconds East parallel with said south line a distance of 15.00 feet to the east line of said parcel; thence South 00 Degrees 28 Minutes 15 Seconds East parallel with the east line of said Southeast Quarter Section and along the east line of said parcel a distance of 60.00' to the southwest corner of the parcel described in a warranty deed recorded in Warranty Deed Book 264, Page 157 in said Office of the Recorder; thence North 89 Degrees 21 Minutes 27 Seconds East along the south line of said parcel described in said warranty deed to the east line of said Southeast Quarter Section; thence South 00 Degrees 28 Minutes 15 Seconds East 110.00 to the Southeast Corner of said Northeast Quarter of said Southeast Quarter Section and the Point of Beginning, containing 0.69 acres but excepting Olio Road right of way.

**SECTION 2.** The Standards of Section 4.A(2): Standards; Bulk and Density Standards; Lot Coverage, shall be replaced and superseded as follows (changes underlined):

Lot coverage shall not exceed seventy-five (75) percent and is inclusive of buildings, parking areas and all other impervious surfaces which results in a open space requirement of twenty-five (25) percent of the land area. The maximum square footages of commercial uses shall not exceed fifty-four hundred (5,400) square feet.

**SECTION 3.** The Standards of Section 4.E(1): Standards; Landscaping; Bufferyard Standards, shall be replaced and superseded as follows (changes underlined):

The following quantities shall be established as the required minimums for the perimeter landscaping along the rear property line to be located on the adjacent school property within a ten-foot (10') wide landscape easement (the "Landscape Easement") which shall be recorded in the Office of the Recorder of Hamilton County, Indiana (the "Recorder's Office") prior to the issuance of an Improvement Location Permit:

- a. Twenty-two (22) evergreen trees shall be required to be planted in a double staggered row as illustrated by the Concept Plan, attached hereto as Exhibit A.
- b. All trees must be planted within ten (10) feet from the property line that is contiguous to the conflicting property.
- c. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of the building on the subject property should be made.
- d. Evergreen tree species shall be approved by the Town of Fishers Development Department and the minimum size at installation of evergreen trees shall be per the Unified Development Ordinance Article 5.038 LA-01: Landscaping Standards: General.

**SECTION 4.** The Standards of Section 4.G: Standards; Parking shall be replaced and superseded as follows (changes underlined):

The development shall comply with the Town's Parking Ordinance, as amended, except as modified below:

- a. Parking shall be permitted to be located as illustrated by the Concept Plan.
- b. The minimum number of parking spaces required for a by-appointment-only hair salon shall be 2.7 spaces per chair.
- c. Prior to the issuance of an Improvement Location Permit, the Developer shall either: (1) acquire the property identified on the Concept Plan as the "Area to be Acquired for Parking" and combine that Area with Developer's existing property via Quit Claim deed to create one parcel for the Real Estate; or (2) record an easement with the Recorder's Office to accommodate the additional parking.

**SECTION 5.** All other provisions of the Walker PUD shall remain in effect with the adoption of this ordinance. All provisions and representations of the Walker PUD 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.

**SECTION 6.** 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 18th day of FEBRUARY, 2008.

**THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA**

BY: **AYE**

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

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

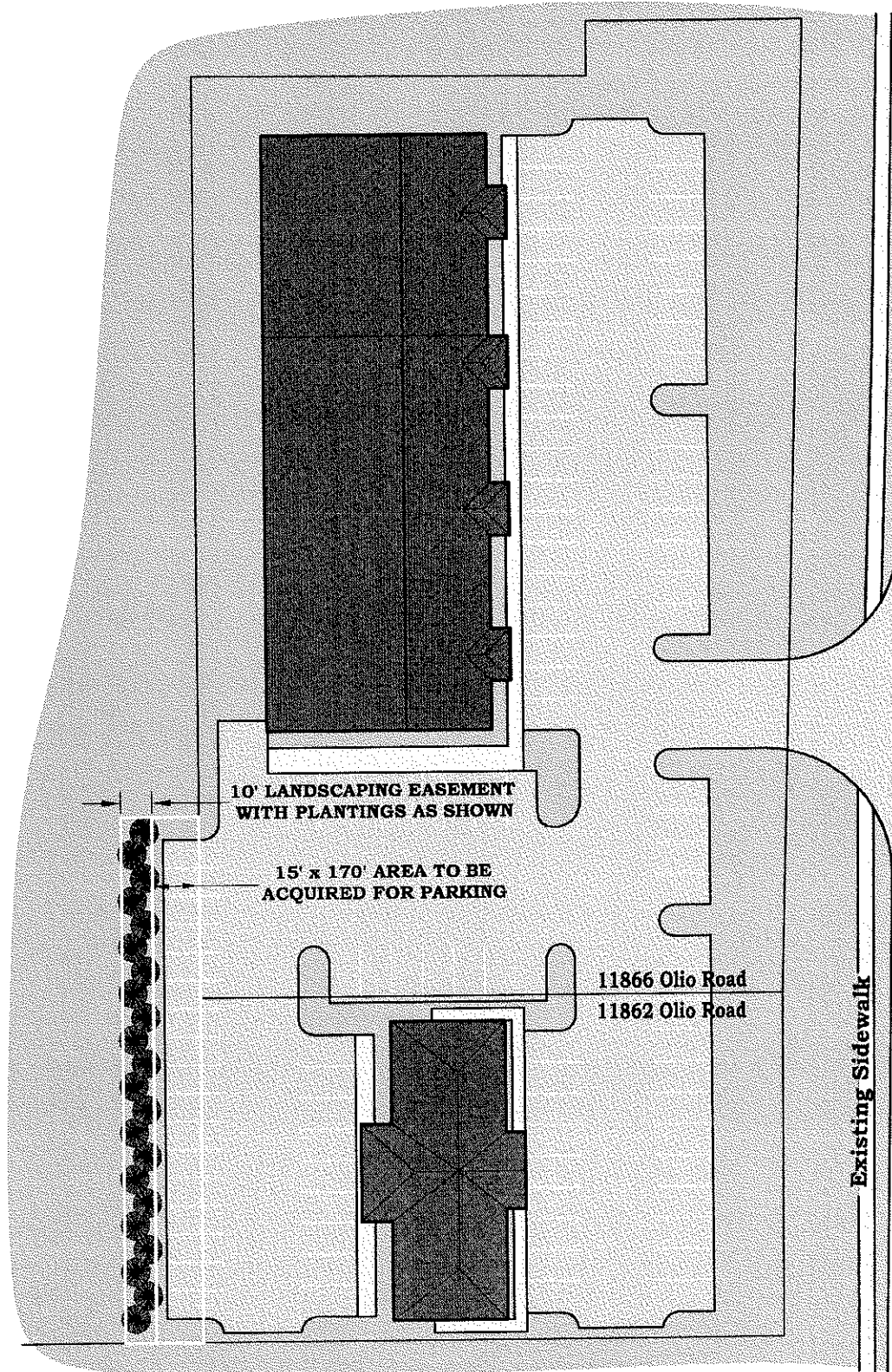
Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney

Prepared by: Steven D. Hardin, Esq., Attorney at Law, Baker & Daniels LLP,  
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240

# EXHIBIT A

Prepared for Jim and Lori Walker

## Walker Concept Plan



Olivo Road

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Indianapolis, IN 46256  
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sbordenet@civil-1s.com



**Flipped Out Hair Salon**  
11862 Olivo Road, Town of Fishers, Indiana