

**CITY OF FISHERS  
ADVISORY PLAN COMMISSION MINUTES  
CITY HALL AUDITORIUM  
February 6, 2019**

The Advisory Plan Commission convened at 6:00 p.m.

Mr. Harling confirmed quorum and called the regular meeting to order.

A roll call was taken and those members present were: Warren Harling, Pete Peterson, Brad DeReamer, Bruce Molter, Bill Stuart, Kim Logan, Rick Fain, Rich Block, and Howard Stevenson  
Absent were: Steve Richards

**Others present were:** Rodney Retzner, Tony Bagato, Kevin Stotts, Dale Davis, Megan Schaefer, Jessie Boshell, Kay Prange, Larry Lannan, Thomas and Margaret Deputy, Bradley Lott and Tiffany Lott, Roger Duncan, Kate Collins, Justin Furr, George Geiger, Steve Harden, Stephanie Truchan, Mike Mathioudakis, Adam Mears, Joe Nixon.

Mr. Harling asked for a Motion to approve the January 9, 2019 minutes. Mr. Peterson made a Motion to approve the Minutes which was seconded by Ms. Logan. The minutes were approved, 9-0.

**Public Hearings:**

**a. Case #: VAC-19-1 Morgan Meadows Plat Vacation (Partial)**

Gradison Land Development Inc. requests approval of a plat vacation for lots 24, 25, and 26 of the Morgan Meadows subdivision. This plat is being vacated to allow redevelopment under a new plat.

Dale Davis, Planner III, presented the Plat Vacation request.

Mr. Harling opened the meeting to Public Comment. A letter was delivered to the meeting from Mr. and Mrs. Thomas M. Deputy on behalf of their son, Thomas A Deputy, who lives at 11346 Meadows Dr. The letter of remonstrance concerned the construction zone, street blockage, and impact to citizens in the neighborhood. Mr. Harling urges the City to make the Developer aware and to follow up with City of Fishers Engineering. Kim Logan asked for a post-meeting follow-up with the citizens in the neighborhood. As there was no one from the public to speak, Mr. Harling closed the Public Comment portion of the meeting.

Mr. Harling asked for a Motion for VAC-19-1. Mr. Peterson made a Motion to approve, which was seconded by Mr. Block. The Motion was approved, 9-0.

**b. Case #: RZ-22245 - Shamrock Offices PUD**

Faegre Baker Daniels, LLP on behalf of Shamrock Builders Inc. requests a public hearing and a favorable recommendation to rezone the subject property from C-2-c to Planned Unit Development Commercial (PUD-C); creating the Shamrock Offices PUD. Proposed uses will be restricted to C-1 uses. The subject property is located at 12244 E. 116<sup>th</sup> Street, east of the Simply Dental PUD on the northside of 116<sup>th</sup> Street. Site is approximately 1.97 acres.

Jessie Boshell, Planner II, presented the request to rezone the property to C-1. Staff recommends approval. Steve Hardin, Esq., of Faegre Baker Daniels, recapped the rezone request and the PUD recommendations.

**Mr. Harling opened the meeting to Public Comment. There was no Public Comment, and Mr. Harling noted no remonstrations.**

In Committee discussion, the retention pond was discussed.

**Mr. Harling asked for a Motion for RZ-22245. Mr. Peterson made a Motion to approve, which was seconded by Mr. Fain. The Motion was approved, 9-0.**

**c. Case #: RZ-19-1 - Rezone from Village Center to Downtown Core**

SPF15 Inc. requests a rezone for five lots from Village Center to Downtown Core. The lots are generally located on the east and west sides of Moore Lane, north of South Street, east of the railroad tracks. Lots 15, 16, 17, 18, 19 of the Kimberlain's subdivision.

Dale Davis, Planner III, presented the rezone request. This rezoning brings all of the property under the SPF15 project under one zoning district. Staff Recommends approval.

**Mr. Harling opened the Meeting to Public Comment. Seeing none, he noted no remonstrations.**

**Mr. Harling asked for a Motion for RZ-19-1. Mr. Peterson made a Motion to approve, which was seconded by Mr. Fain. The Motion was approved, 9-0.**

**d. Case #: TA-19-2 - Nickel Plate District Code Text Amendment**

The City of Fishers requests text amendments to the Nickel Plate District Code. These amendments provide revisions to signage, height, and setback standards.

Dale Davis, Planner III, presented the Text Amendment request. The amendments provide new standards in consideration of new projects in the Nickel Plate District. Staff Recommends approval.

**Mr. Harling opened the Meeting to Public Comment. Seeing none, he noted no remonstrations.**

In Committee Discussion, Mr. Harling asked that signage on the Nickel Plate Trail be considered to provide useful information to trail users. Mr. Davis stated that he is looking at this as part of the UDO.

**Mr. Harling asked for a Motion for TA-19-2. Mr. Peterson made a Motion to approve, which was seconded by Mr. Stevenson. The Motion was approved, 9-0.**

**e. Case #: VA-22252- Crew Carwash [Continued to March Meeting](#)**

Faegre Baker Daniels, LLP. on behalf of Crew Carwash request a public hearing and favorable recommendation for a Text Amendment to the Delaware Commons PUD Ordinance 051517A to allow a car wash as a permitted use and to incorporate an additional concept plan and illustrative architectural elevations into the PUD. The subject property is located on the NW corner of E 116<sup>th</sup> Street and Cumberland Road and is approximately 1.86 acres.

**Mr. Harling made a Motion to continue. The Motion was seconded unanimously, and the Motion was approved, 9-0.**

**f. Case #: PRR-18491 - The Stations at Fishers District PUD Continued to March Meeting**

Faegre Baker Daniels, LLP. on behalf Thompson Thrift request a public hearing and a favorable recommendation to rezone the subject property from Planned Unit Development Commercial (PUD-C) to Planned Unit Development Mixed (PUD-M) for the proposed mixed-use office, retail, hotel, and townhome project. The subject property is located at 9712 and 9799 E 116<sup>th</sup> Street, east of The Yard at Fishers District, on approximately 8.67 acres.

**Mr. Harling made a Motion to continue. The Motion was seconded unanimously, and the Motion was approved, 9-0.**

**g. Case #: TA-22866 - Turnberry- Britton Falls Text Amendment Continued to March Meeting**

Consideration of a Text Amendment to the Britton Falls PUD Ordinance amending the Britton Falls commitments concerning the use and development of real estate.

**Mr. Harling made a Motion to continue. The Motion was seconded unanimously, and the Motion was approved, 9-0.**

**h. Case #: TA-20262 – UDO Modification**

Request: Consideration of a Text Amendment to the City of Fishers Unified Development Ordinance (UDO) to modify Section 10.2.8. Construction Surety. The proposed amendment will require a third-party inspection by a land developer before certain common area improvements are turned over to an Owners' Association.

Tony Bagato, Director of Planning and Zoning, presented the request to modify construction surety standards via an additional 3<sup>rd</sup> party inspection process, prior to turning over management to a HOA, similar to the City of Carmel ordinance. Concerns include additional cost to developers, which would be passed on to buyers, and that the City would be involved longer in private matters. Staff is providing no recommendation.

**Mr. Harling opened the meeting to Public Comment. Kate Collins of BAGI provided their perspective on the proposed request, echoing the above concerns. The Developer/HOA contract is private. It sets a bad precedent for the City. She noted the letter from Corby Thompson. Seeing no other speaker, Mr. Harling closed the Public Comment portion of the meeting.**

In Committee discussion, Rich Block stated that he is empathetic to Brad DeReamer's concerns. But with limited city resources, he would like to find a different way. He is aware that detention ponds are a recurring issue. For repeat offenses, the developer is responsible. Can fines escalate for repeat offenders? He is concerned about adding an Ordinance.

Brad DeReamer stated that he was elected to protect the citizens. In the Britton Falls matters, he doubts that the developer has been fined. The ordinance is already on the books but if the developer won't follow it, the citizens want an ordinance similar to Carmel's. Kim Logan asked: If the existing ordinance was followed, would it catch the majority of the problems? If so, logic says follow the existing ordinance.

Tony Bagato stated that Staff would need additional time to review and track. Developers would hire the engineer to evaluate. Pete Peterson stated that he is struggling with adding an additional ordinance. We would need to double down on inspection efforts.

Mr. Block stated that we would need adequate staff. Mr. DeReamer noted that there are violations all over Northeast Fishers, with different developers for landscape plans, street trees, ADA ramps not up to code.

Mr. Stevenson asked Mr. Bagato if Carmel has the same issues we do. Yes, detention ponds are failing. Mr. Block asked if staff can think of other ways to approach this. Mr. Bagato stated that a more proactive approach and technology will help. The City has held up Permits and met with Pulte numerous times to mitigate Britton Falls concerns.

Mr. Harling made a Motion on TA-20262 to send no recommendation to Council, and to continue examination to mitigate the situation, which was seconded by Ms. Logan. The Motion was approved, 8-1.

**1. Old Business- none**

**2. New Business-**

- i. **Rules of Procedure** -The City of Fishers requests approval of an update to the Plan Commission Rules of Procedure to allow plat vacations to be heard by the Plat Committee.

**Mr. Peterson made a Motion to approve, which was seconded by Ms. Logan. The Motion was approved, 9-0.**

- ii. **Appointments** - Plat Committee Members – Brad DeReamer, Jeff Hill, Tony Bagato

**Mr. Harling made a Motion to approve, which was approved unanimously. The Motion was approved, 9-0.**

**3. Staff Communication- none**

**As there was no further business, Mr. Peterson made a Motion to adjourn, which was seconded by all. The meeting was adjourned at 6:55 p.m.**

**Next Meeting: March 6, 2019**

Respectfully Submitted by:

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Kay Prange, Recording Secretary