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

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

Mr. Zimmerman signed the Oath of Office.

A roll call was taken and those members present were: Warren Harling, Brad DeReamer, Rick Fain, Kim Logan, Anne Kelly, Pete Peterson, Howard Stevenson, Todd Zimmerman
Absent were: Bill Stuart, Bruce Molter, and Steve Richards
Others present: Rodney Retzner, Tony Bagato, Jessie Boshell, Kay Prange, Larry Lannan, Doug Allman, Jocelyn Vare, Michael Taft, J.B. Curry

Mr. Harling asked for a Motion for the January 8, 2020 minutes. Mr. Fain made a Motion to approve, seconded by Ms. Logan. The minutes were approved, 7-0-1. Mr. Zimmerman abstained.

Election of Officers, Appointments and Designations:
Mr. Harling asked for a Motion to open the Election portion of the meeting. The Motion was made and Seconded.

I. Election of President- Mr. Peterson nominated Warren Harling as President of the Plan Commission, seconded by Mr. Stevenson. The Nomination was approved, 8-0.

II. Election of Vice President- Mr. Zimmerman nominated Pete Peterson as Vice-President of Plan Commission, seconded by Mr. Stevenson. The Nomination was approved, 8-0.

III. Appointment of Secretaries (Tony Bagato, Megan Schaefer, Ross Hilleary, Andrew Magee, Jessie Boshell, Gary Huddleston, Trevor Preddy). Mr. Harling made a Motion to approve the Appointments which was seconded by Mr. Peterson. The Motion was approved, 8-0.

IV. Appointment of Recording Secretary (Kay Prange) Mr. Harling made a Motion to approve the Appointment which was seconded by Ms. Logan. The Motion was approved, 8-0.

V. Appointment of Member of City of Fishers Board of Zoning Appeals (Howard Stevenson)- Mr. Harling made a Motion to approve the Appointment which was seconded by Mr. Peterson. The Motion was approved, 8-0.

VI. Appointment of Member of City of Fishers Board of Zoning Appeals - Fall Creek Township Division (Steve Richards and Anne Kelly). Mr. Harling made a Motion to approve the Appointments which was seconded by Mr. Peterson. The Appointments were approved, 8-0.

VII. Appointment of Member of Nickel Plate Review Committee (Warren Harling). Mr. Harling made a Motion to approve the Appointment which was seconded by Mr. Peterson. The appointment was approved, 8-0.
VIII. Appointment of Members to Plat Committee (Brad DeReamer, Tony Bagato, Jason Taylor). Mr. Harling made a Motion to approve the Appointments which was seconded by Mr. Peterson. The appointment was approved, 8-0.

IX. Designation of Plan Commission Legal Counsel (Krieg DeVault). Mr. Harling made a Motion to approve the designation which was seconded by Mr. Fain. The designation was approved, 8-0.

X. Designation of Commission Legal Publications (Noblesville Times and The Current). Mr. Harling made a Motion to approve the designation which was seconded by Mr. Peterson. The designation was approved, 8-0.

Mr. Harling closed the Election portion of the meeting.

1. Public Hearings:

   a. **TA-19-16 - Parkside PUD**

   Consideration of a Text Amendment to the Parkside PUD Ordinance amending the Parkside PUD commitments concerning the use and development of real estate. Petitioner is Joe Calderon with Barnes & Thornburg, LLP on behalf of TWG Development, LLC.

   Jessie Boshell, Planner II, presented the Text Amendment. This was continued from January Plan Commission agenda. Petitioner is seeking approval of a text amendment to the Parkside PUD ordinance to decrease the required front setback of 50 feet along State Road 37 to 25 feet. Text amendment is being sought as the increase in ROW needed for the State Road 37 improvements has made most of the properties along State Road 37 in the Parkside PUD now Legal Non-Conforming. The subject site is located north of 126th Street, south of 131st Street. This will go to Council in February. There are 8 more properties to be amended. Staff recommends approval.

   **Mr. Harling opened the meeting to Public Comment.** Michael Taft of TWG introduced TWG as a multi-family developer with interest in these properties. Pete Peterson clarified that this subject property in question is the former Ram Brewery on SR 37. **Mr. Harling closed the Public Comment portion of the meeting.** There was no Committee Discussion.

   **Mr. Harling asked for a Motion for TA-19-16.** Mr. Peterson made a Motion to send a favorable recommendation, which was seconded by Ms. Logan. The Motion was approved, 8-0.

2. New Business

   a. **RZ-19-14 Woods of Britton Phase II**

   Jessie Boshell presented the update on RZ-19-14, which was withdrawn by the petitioner on 12/31/19, which asks the Plan Commission to withdraw their favorable recommendation to Council.

   In Committee discussion, Mr. DeReamer thinks that Council is making the wrong decision. Mr. Zimmerman thinks that a special study is needed for this property, as is referenced in the 2040 Plan. Mr. Harling confirmed that this takes the decision off the table, not stating that it was a bad decision. Mr. Bagato stated that the formation of a Land Use Committee in the next year would address the needed study.

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Mr. Harling asked for a Motion for RZ-19-14. Mr. Peterson made a Motion to remove the favorable recommendation, seconded by Mr. Kelly. The Motion was approved, 8-0.

b. Advisory Plan Commission Rules and Procedures Revision for City Council 1st Reading of an Ordinance introduction

Tony Bagato, Director of Planning and Zoning presented the change to the Plan Commission Rules and Procedures to be in sync with City Council Rules regarding 1st Reading for any ordinances involving a text amendment or zoning map amendment. Staff recommends approval.

Mr. Harling asked for a Motion. Mr. Peterson made a Motion to approve, which was seconded by Mr. Zimmerman. The Motion was approved, 8-0.

3. Old Business

a. TA 19-14: Consideration of a Text Amendment to the Open Space standards for the City of Fishers Unified Development Ordinance (UDO)

Staff is proposing a Text Amendment to the Unified Development Ordinance (UDO) to modify the open space standards to reduce the overall percentage of open space required for non-residential development. Staff proposes to add a payment-in-lieu option for developers, so that if the City determines there is ample open space in close proximity to a new development, open space requirements can be lowered in exchange for fees to be applied to the nearby regional park. The payment-in-lieu proposes a reduced fee for smaller lots having trouble achieving open space which would be favorable to small business entrepreneurs.

On December 4th, 2019, the Plan Commission recommended approval of the Text Amendment.

On January 21, 2020, staff presented the proposed text amendment to the City Council during a work session. At the work session, there was discussion about a proposed exemption for infill lots less than two (2) acres. The discussion focused around the exemption leading to smaller businesses not providing any outdoor amenities, public art or a fee. A few of the council members were concerned that removing the exemption could negatively impact smaller business entrepreneurs. During the regular meeting, the City Council amended the proposed text amendment, specifically removing Section 6.9.2. which provides as follows:

Sec. 6.9.2. Exemption
Infill lots that are two (2) acres or less and are not part of a PUD that has been designed with open space requirements shall be exempt from this Article.

The Council does not believe that infill lots of two (2) acres or less should be universally exempted from the Text Amendment. The Council has further directed the Advisory Plan Commission (APC) to develop concepts to be considered in place of the exemption. For example, if infill lot of 2 acres or less are required to abide by the new open space standards, could they be exempted by making a proportional “payment in lieu of fee” to the City? It is the Council’s desire that the APC continue to discuss these concepts, and ultimately bring forward a further revised proposal for the Council’s consideration.

The City Council directed staff to work with the Plan Commission to provide options and comments related to the amendment. Staff will provide the comments back to the City Council at the February meeting for final adoption.

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In Plan Commission discussion:
Mr. DeReamer- what are developer opinions? Where is the fair balance? Mr. Bagato- generally supportive
Mr. Peterson- Where is the balance? Is this a miss on our part? Is this a subjective standard, open to litigation?
Mr. Zimmerman- he struggles with this for the entrepreneur, whose business may go elsewhere
Mr. Harling- art vs fee vs open space- can there be a Small Business/Entrepreneur certification?
Mr. DeReamer- is there something we can try for a year? For the “Launch Fishers people” for example
Mr. Retzner- consistency is needed to avoid lawsuits. Council wants to know if everyone plays by the same rules. Right now, every property is treated the same.
Mr. Peterson- agrees with removal of exemption.
Mr. DeReamer- wants something different for 1 and 2-acres
Mr. Stevenson- what about the new Chipotle. Mr. Bagato- it’s in a PUD which would have its own standards
Mr. Retzner- Two options: 1. Agree with the amendment so all properties are treated the same
                             2. propose additional considerations
Mr. Harling- all comments should go back to Council

No action or vote was taken.

As there was no more New Business, the meeting was adjourned at 7:00.

Respectfully Submitted by:

Kay Prange, Recording Secretary