

**CITY OF FISHERS**  
**ADVISORY PLAN COMMISSION MINUTES**  
**May 3, 2023**  
**LAUNCH FISHERS THEATER**

**The meeting of the Advisory Plan Commission convened at 6:00 p.m.**

**Mr. Stevenson confirmed quorum and called the meeting to order.**

A roll call was taken and those members present were: Rick Fain, Bill Stuart, Selina Stoller, Howard Stevenson, Steve Richards, Kim Logan, Katie Jackson

Members absent: Pete Peterson, Bruce Molter, Todd Zimmerman

Others present: Rodney Retzner, Megan Vukusich, Kay Prange, Tracy Gaynor, Larry Lannan, Josh Huser, Chris and Elizabeth Cooke, Bill Butz, Andy Mattingly, Kathleen Chabenne, B. Chabenne, Rachel Petry, Tom Perkins, Tom Murray, Melissa Garrison, Eddie McClure, Laura and Ed Villanyi.

Kim Logan made a Motion to approve the Minutes from the 4-12-23 meeting, seconded by Rick Fain. The Motion was approved, 7-0.

**a. Magnolia Grove Salon- CONTINUED FROM APRIL MEETING**

**Parcel:** 13-11-35-00-00-041.001

**Address:** 13483 E 116th

**Case:** RZ-22-4

**Request:** To approve of a rezone of 1.76 acres from R2 to C1 with conditions.

**Petitioner:** Bill Butz ([bill.butz@kimley-horn.com](mailto:bill.butz@kimley-horn.com))

**Planner:** Megan Vukusich, Director of Planning and Zoning ([vukusichm@fishers.in.us](mailto:vukusichm@fishers.in.us))

Megan Vukusich presented visuals and noted remonstrations from the neighbors. There were neighborhood meetings in October and April. A & F did a traffic review. Access from the church or Kroger is an option. Staff has made no recommendation to the Commission.

Tom Perkins, with the Paganelli Law Group, representing the Petitioner, noted that the building size has been reduced, the number of parking spaces has been reduced, and the hours would be kept from 8AM to 8PM. The dog grooming business will not be pursued in this location. They are asking for a C1 zoning.

**Mr. Stevenson opened the Public Hearing. He noted that he has granted permission for a video to be shown by Mr. Cooke.**

Chris Cooke (13625 E. 114<sup>th</sup> St.) – The video showed a City Council Meeting from several years ago regarding the Kroger Marketplace expansion and commitments. The discussion in the video was about honoring the buffers.

Elizabeth Cooke (13625 E. 114<sup>th</sup> St.) - Noted car crashes in the area, 2 deaths, and all the additional traffic from students from HSE. No agreement with Kroger and the church on the back alley exists. She disagrees with the traffic study, there is a risk to human life.

Andy Mattingly (13487 E. 116<sup>th</sup> St.) - This property should be transitioned to residential with a single tenant, owner occupied. There are traffic concerns.

Donna Bond (13555 E. 114<sup>th</sup> St.) - she sent a Public Comment in. Noted by the Commission. There is a serious traffic threat, also at Geist Water Park.

**Mr. Stevenson closed the Public Hearing.**

**In Committee Discussion:**

Selina Stoller noted that it was promised to residents that this buffer area would be residential. She wants to support small businesses and would support something like a dentist office. Pete Peterson, who is not at the meeting, is against this.

Kim Logan noted promises to stop at 1400 feet.

Howard Stevenson asked the square footage of the existing dentist office – 4200. Is this consistent with current 2040 zoning.

Bill Stuart asked if this parcel was outside the boundary discussed. Yes. 1 single-family home would fit but market conditions are unknown.

Before a Motion was made, it was discussed that the Commission could send an Unfavorable recommendation to City Council with a yes vote.

Mr. Perkins noted that there are no adjoining residential parcels. Single-family housing would be an issue. They are willing to work with the City and the Church next door. They believe that incrementally, this will not affect traffic and is the best use of this parcel at this time.

**Mr. Stevenson asked for a Motion. Ms. Logan made a Motion to send an unfavorable recommendation to Council.**

**Ms. Stoller seconded. The Motion failed at a 5-2 vote. Mr. Retzner added that this would be No Recommendation to City Council.**

**b. UDO Update – CONTINUED FROM APRIL MEETING**

**Case:** TA-23-2

**Address:** Citywide

**Request:** Consideration of a text amendment to the Unified Development Ordinance (UDO) establishing voting requirements for new HOAs.

**Petitioner:** Megan Vukusich, Director ([vukusichm@fishers.in.us](mailto:vukusichm@fishers.in.us))

Megan Vukusich presented the HOA Text Amendment updates to the CC & R's (Covenant Conditions and Restrictions). Tom Murray has been the SME for the City on this and he noted special consideration regarding quorum based on HOA size. HOA operations would be meetings, directors, by-laws, and would be a simple majority. Staff recommends approval.

**Mr. Stevenson opened the Public Hearing.**

Josh Huser (12863 Shakespeare Way)- representing Avalon HOA- Quorum needs to be quantified)

Tom Murray (9515 E. 59<sup>th</sup> St.)- noted revised language.

**Mr. Stevenson closed the Public Hearing.**

**In Committee Discussion:**

Selina Stoller thanked Mr. Murray, Josh Huser, and Councilor Brad DeReamer. Mr. Stevenson agreed. Bill Stuart noted that there will be developer concerns. Katie Jackson asked how to change rental restrictions. The existing ones would be grandfathered in until change in ownership.

**Mr. Stevenson asked for a Motion. Selina Stoller made a Motion to approve, seconded by Mr. Stuart. The motion was approved, 6-0.**

**Summary of Council Action:**

Megan Vukusich noted the new Flat Fork PUD and the update to the Nickel Plate District Code.

**The Meeting was adjourned at 7:02 p.m.**

Respectfully Submitted by:

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Kay Prange, Recording Secretary