

PETITION NUMBER:	0902-VS-03
SUBJECT SITE ADDRESS:	2550 and 2554 East 146 th Street
APPELLANT:	Kite Realty Group
REPRESENTATIVE:	Eric Strickland
REQUEST:	The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.08.010, I 5 d) to allow signage to be moved from the side of the building to the rear of the building.
CURRENT ZONING:	SB-PD
CURRENT LAND USE:	Commercial
APPROXIMATE ACREAGE:	8.67
RELATED CASES:	0304-DP-09, 0301-VS-01, 0301-VS-02, 0301-VS-03, 0301-VS-04, and 0301-VS-14
EXHIBITS:	1. Staff Report, 02/10/09
	2. Aerial Location Map, 02/10/09
	3. Property Card, 02/10/09
	4. Appellant's Application and Plans, 01/05/09
	5. Site Photo's taken by Staff, 02/10/09
STAFF REVIEWER:	JCM

PROCEDURAL

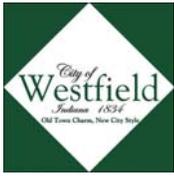
This item requires a public hearing

PROPERTY HISTORY

The development plan and site plan for the subject property were approved by the Advisory Plan Commission on April 28, 2003 (0304-DP-09). The development plan approval was for a 145,805 square foot commercial structure on approximately 17.48 acres.

The subject property currently has the following variances; 0301-VS-001 to vary the definition of a pole sign, 0301-VS-002 to permit both a pole sign (pylon) sign and ground signs to identify the same business development, 0301-VS-003 to permit two ground signs on one parcel, 0301-VS-004 to allow two wall signs for those tenants occupying end units of a shopping center; a maximum sign size of 250 square feet with an aggregate maximum of 1,600 square feet; all non anchor tenants a maximum of 30 square feet of sign surface area per signable façade for every 20 feet of building frontage; logo and identification signs within the permitted sign surface area; signage on all four sides of outlot buildings; each outlot building a maximum aggregate sign surface area of 200 square feet, and 0301-VS-014 to permit signage which faces a residential district. The variance request in this report is separate from the variances listed above.

There are no special exceptions, subdivision plats, or rezoning cases for the subject property. There are no pending development plan and site plan requests for the subject property.



ANALYSIS

The submitted plans propose wall signage that is allowed on the north side of the building to be placed on the east side of the building. The east building façade is the rear building façade.

The Westfield-Washington Township Sign Ordinance section WC 16.08.010 I 5 d reads that *“Wall signs in non-residential centers shall be located on the front façade except that those tenants with corner locations are permitted to place signage on a side wall”*. Front façade is defined for corner tenants in WC 16.010 I 5 b which reads, *“Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.”* The applicant is allowed signage on the west building façade as this façade has the primary public entrance to the tenant space. Per WC 16.08.010 I 5 d (referenced above), the applicant is also allowed to place signage on the north façade as this is a corner tenant space. Under Westfield-Washington Township Sign Ordinance section WC 16.08.010 I, 5, e *“Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space”*. Pictures submitted by staff (Exhibit 5) show that signage can be clearly viewed from within the development and from 146th Street while driving east.

The appellants submitted plans show that 68 square foot of wall signage is allowed. If the appellant uses individual letters for the wall sign, a sign bonus of 10 percent is available. The allowable signage shown on the appellant’s plans is 72 square feet. Staff checked the sign bonus calculation and believes that the appellant’s plans should read 74 square feet instead of 72 square feet. Staff further checked the amount of allowable signage and found that the appellant is allowed to have 102 square feet of wall signage per variance 0301-VS-004. The appellant is only requesting to use 74 square feet of the allowable 102 square feet of wall signage available.

At the time this development was constructed, a natural buffer of evergreen trees and other large plants completely screened the east building façade. Additional development has occurred east of the Cool Creek Commons during which much of the natural landscape screen was removed. Presently, the east building façade can be partially viewed while driving west on 146th Street.

As required by ordinance, the development to the east of Cool Creek Commons installed landscape along 146th Street. Gaps in the landscape create small opportunities for the Cool Creek Commons building’s east façade to be seen while driving west-bound on 146th Street. The east façade’s architectural design is not the same as the north, west and south building facades and the proposed signage would look out of the place. The appellant has submitted plans to reconstruct the east building façade to make the east façade blend with the other three building sides (Exhibit 4).

Signage located at the rear of buildings is not permitted for in-line corner tenants. The additional lighting of a new wall sign will also raise the lumens at the east property line. Per the Westfield-Washington Township lighting ordinance (WC 16.07.010 F 2), *“Light meter readings shall not exceed...one (1.0) footcandle at all other non-residential property lines. (It should be*



understood that, with all of these measurements, light will still be visible at or beyond property lines.)” New plans showing how the additional sign will affect the lighting at the property line have not been submitted. The increased signage illumination could be distracting to motorist driving west on 146th street.

The appellant has submitted plans that show the proposed location of the signage on the east building façade (Exhibit 4). No information has been submitted stating that other businesses in the same building would not be allowed to place signage on the east building façade. The appellant has agreed that if allowed to place wall signage on the east building façade, that no wall signage will be allowed on the north building façade, that wall signage on the east building façade will be limited to 25 square feet, that the maximum letter height will be 30 inches in height, that the signage will only be illuminated during business hours and that all other signage types (including window, awning, canopy) shall not be permitted on the north and east elevations.

CRITERIA FOR VARIANCE OF STANDARD REQUEST

1. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

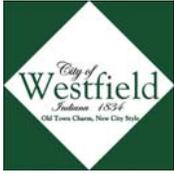
Finding: The approval of the variance will be injurious to the public health, safety, morals, and general welfare of the community. There is no commitment from the petitioner preventing other present and future tenants in the subject building from placing signs on the East façade; nor is there a commitment to prevent Stein Mart from placing signage on the East face of their building. Given these possible additions and the already congested nature of traffic in this area; the menagerie of illuminated signs on the east façades within this development will divert attention from motorist traveling west-bound on 146th Street and lead to increased traffic problems or accidents.

2. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Finding: The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The neighboring property east of Cool Creek Commons is commercial in use.

3. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Finding: The strict application of the terms of the zoning ordinance does not result in a practical difficulty in the use of the subject property. The property can be used commercially and is permitted to install wall signage to advertise the tenants within each tenant space that is visible from inside the Cool Creek Commons development and 146th Street.



RECOMMENDATIONS

Deny this request based on the findings 1 and 3 of this report.

JCM



0901-VS-01
08-05-15-00-00-010.004
417 West 216th Street
Exhibit 2

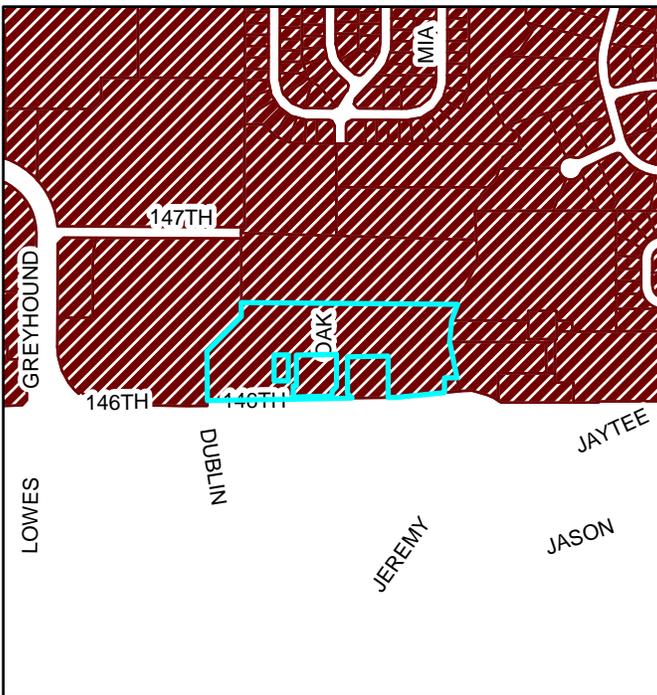


Aerial Location Map

Site

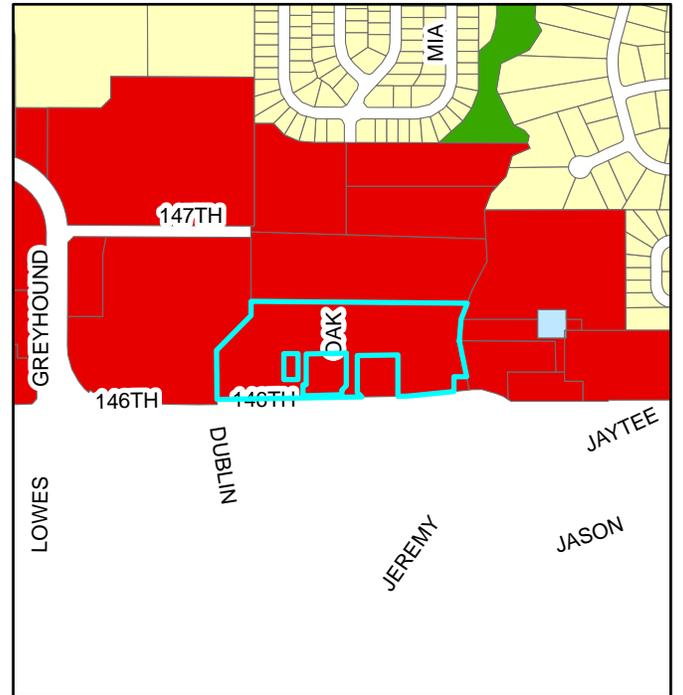


Zoning Map



 Special Business Planned Development

Existing Land Use Map



 Commercial
 Institutional
 Recreational
 Residential
 Vacant

Property Card Report

1. report type

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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Summary Information - Parcel Number: 09-10-18-00-00-014.007

Property Data

Parcel Location	2310 146th St E,Carmel
Taxing Unit	Westfield
Legal Description	3/16/89 FR COOL CREEK INV
Section/Township/Range	S18 T18 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	8.67
Effective Frontage	
Effective Depth	
Property Class	Neighborhood shopping center

Exterior Features and Out Buildings

1 Canopy, 1 Canopy, 1 Neighborhood Shopping Center, 1 General Retail, 1 Paving,

Property Owner as of April 30, 2007

Westfield One LLC

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	3421500
Assessed Value: Improvements	4704900
Total Assessed Value:	8126400

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TOWN OF WESTFIELD, INDIANA

Petition Number: 0902-VS-03
Date of Filing: _____

**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

- 1. Appellant's Name KITE REALTY GROUP ERIC STRICKLAND
Address 30 S MERIDIAN ST SUITE 1100
INDIANAPOLIS IN 46204
Telephone Number 317-809-6960 / 317-578-5165
E-Mail Address estrickland@kiterealty.com
- 2. Landowner's Name WESTFIELD ONE LLC
Address 30 S. MERIDIAN ST SUITE 1100
INDIANAPOLIS IN 46204
Telephone Number 317-578-5165
- 3. *Representative N/A.
*Address _____

*Telephone Number _____
*Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

- 4. Common description of property (address, location, etc.)
2550-2554 E 146TH STREET CARMEL IN 46033

- 5. Legal description of property (list below or attach)
SEE ATTACHED

- 6. Complete description of the nature of the development standard variance applied for:
SEE ATTACHED

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

SEE ATTACHED

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

SEE ATTACHED

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

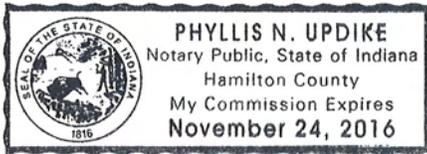
SEE ATTACHED

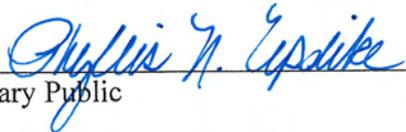
TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant Eric Strickland

SUBSCRIBED AND SWORN TO ME THIS 29th DAY OF December, 2008.




Notary Public

My commission expires: _____

6. Complete Description of the nature of the development standard variance applied for

Kite Realty seeks a variance from Section WC 16.08.010 I. Nonresidential Signs, 4. Center In-Line Tenant Signage (d) to allow signage on the east façade of a Building 3 Unit having an address of 2550-2554 E 146th Street within the Cool Creek Commons Shopping Center.

The proposed signage variance shall be applied only to the single north corner unit having an address 2550-2554 E 146th Street, Building 3. In exchange, for permitting signage on the east elevation, no signage shall be permitted on the north elevation of the corner tenant. The total allowed signage for this tenant shall remain per Sections WC 16.08.010 I. 4. a. and WC 16.08.010 J. 2. a.

We specifically proposed the following for space the following commitments and conditions:

1. Wall Sign Area: The length of the front façade of the space is 68'-9". The total wall signage permitted is 68 SF base amount plus bonus amount of 6 SF for a total of 72 SF.
2. Wall Sign Size Restriction: Wall signage on the east elevation of the building shall not exceed 25 SF. Wall signage on the west elevation shall be remaining amount allowed.
3. Wall Sign Location Restriction: No wall signage shall be permitted on the north side of the building.
4. Maximum Wall Sign Letter Height: The maximum letter height on the east elevation will be 30 inches.
5. Wall Sign Type: All wall signage shall be individual letters, internally illuminated with LED lighting.
6. Illumination Restrictions: All wall signage will be illuminated only during business hours and illumination levels shall be consistent with the existing wall signs in the center.
7. East Elevation Improvements: Construction of the presented architectural treatments (Exhibit A) shall be complete prior to the installation of the wall signage on the east façade.
8. Other Signage Restrictions: All other signage types (including window, awning, canopy) shall be not be permitted on the north and east elevations

8. The applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

The proposed variance to allow wall signage for a single tenant occupying 2550-2554 E 146th Street on the east façade of Building 3 will not be injurious to public health, safety, morals, and the general welfare of the community.

We proposed to limit the location of wall signage and other types of signage as part of the 8 commitments above in section 6 of the application. The proposed total wall signage will not exceed to the total allowed by code sections WC 16.08.010 I. 4. a. and WC 16.08.010 J. 2. a. Wall signage will not be permitted on the north elevation, thus allow only two wall sign areas will be permitted for the proposed corner location tenant consistent with number of sign locations permitted per code section WC 16.08.010 I. 4. d. Proposed wall signage illumination will be consistent with the other existing wall signs in the Cool Creek Common Shopping Center. All wall signage will be individual lettering.

b. That the use and value of the area adjacent to the property will not be affected in a substantially adverse manner:

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner by the proposed variance.

The proposed variance will include a commitment to upgrade the existing east elevation of Building per Exhibit A. This façade improvement will enhance the appearance of the east elevation of the building. During the original approval of the shopping center, this east elevation was not visible and faced the former Wilfong Construction Company and Hamilton Western Utilities Wastewater Treatment Plant. Upon re-development of the Wilfong/Hamilton Western site to the new Thompson Thirt LA Fitness Center, this elevation is now visible from the east and 146th Street.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:***

The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Code WC 16.08.010 I. 4. d allows for wall signage on two elevations of a corner tenant. These locations allowed are the west (front) and north (side). North side signage faces the existing Stein Mart building is not an effective location for signage. The proposed variance to allow the signage to be located on the east elevation will carry the condition above detailed in Exhibit A to improve this façade architecturally in a manner consistent with the buildings design of the primary front and side facades.

Legal Description for Cool Creek Commons

Parcel 1

Part of the Southwest Quarter and part of the Southeast Quarter of Section 18, Township 18 North Range 4 East in Washington Township, Hamilton County, Indiana described as follows:

Commencing at the southeast corner of said southwest quarter section thence South 89 degrees 01 minutes 25 seconds West (assumed bearing) on the south line of said southwest quarter section 587.24 feet, thence North 00 degree 06 minutes 44 seconds East 52.50 feet to the northwest corner of a 1.484 acre tract of land described in Instrument Number 199909958410 in the Office of the Recorder and the POINT OF BEGINNING of this description, thence continuing North 00 degrees 06 minutes 44 seconds East 247.50 feet, thence North 45 degrees 06 minutes 44 seconds East 232.38 feet, thence North 00 degrees 06 minutes 44 seconds East 341.28 feet, thence South 89 degrees 53 minutes 16 seconds East 1007.37 feet to a point on the approximate center of the line of Cool Creek also being on the westerly line of real estate described in Warranty Deed recorded on pages 752 and 753 of Deed Record 345 in the Office of the Recorder; thence along said westerly line the following 4 courses:

1. South 01 degrees 28 minutes 30 seconds West 0.86 feet (eighty six hundredths)
2. South 12 degrees 17 minutes 28 seconds East 140.97 feet
3. South 45 degrees 18 minutes 05 seconds West 119.00 feet
4. South 09 degrees 53 minutes 15 seconds West 142.51 feet

To the northwest corner of real estate described in a Warranty Deed recorded in Deed Record 297, page 561 in the Office of the Recorder, thence South 06 degrees 42 minutes, 12 seconds West on the west line of said real estate 93.66 feet, thence South 10 degrees, 36 minutes 15 seconds, East on said west line 205.43 feet to the northeast corner of a 0.1004 acre tract of land described in Instrument Number 2002277706 in the Office of the Recorder; thence South 89 degrees 45 minutes 45 seconds West 57.03 feet to the northwest corner of said 0.1004 acre tract; thence South 00 degrees 14 minutes 15 seconds West along the west line of said 0.1004 acre tract 69.32 feet to the north line of the aforesaid 1.484 acre tract; thence along the north line of said 1.484 acre tract the following four courses:

1. South 89 degrees 45 minutes 45 seconds West 476.00 feet
2. South 89 degrees 01 minutes 25 seconds West 45.94 feet
3. South 84 degrees 27 minutes 02 seconds West 164.57 feet:
4. South 89 degrees 01 minutes 25 seconds West 377.09 feet to the point of beginning, containing 17.315 acres more or less

EXCEPTING THEREFROM

that real estate dedicated to the Hamilton County Board of Commissioners for public right of way described in Dedication of Public Right of Way dated April 9, 2004 as Instrument 2004000276773 and more particularly described as follows:

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Southwest Quarter Section; thence South 89 degrees 01 minutes 25 seconds West (assumed bearing) on the south line of said southwest quarter section 587.24 feet; thence North 00 degrees 06 minutes 44 seconds East 52.50 feet to the Northwest corner of a 1.484 acre tract of land described in Instrument Number 1999-09958410 in the Office of the Recorder of Hamilton County, Indiana and the Point of Beginning of this description; thence continuing 00 degrees 06 minutes 44 seconds East along the West line of at 17.315 acre tract of land recorded in Instrument Number 200300121312 in the Office of the Recorder of Hamilton County, Indiana, a distance of 22.50 feet; thence North 89 degrees 01 minutes 25 seconds East parallel to the South line of said Southwest Quarter 586.29 feet; thence North 89 degrees 45 minutes 45 seconds East parallel to south line of said Southwest Quarter 476.15 feet to the east line said 17.315 acre tract ; thence South 00 degrees 14 minutes 15 seconds East along said East line a distance of 9.37 feet to the Northeast corner of said 1.484 acre tract; thence along the North line of said 1.484 acre tract the following four (4) courses:

1. South 89 degrees 45 minutes 45 seconds West 476.00 feet
2. South 89 degrees 01 minutes 25 seconds West 45.94 feet
3. South 84 degrees 27 minutes 02 seconds West 164.57 feet
4. South 89 degrees 01 minute 25 seconds West 377.09 feet to the Point of Beginning containing 0.367 acres more or less.

ALSO EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana described as follows:

Commencing at the Southeast corner of said Southwest Quarter Section; thence 89 degrees 01 minute 25 seconds West (assumed bearing) on the south line of said southwest quarter section 223.48 feet; thence North 00 degrees 00 minutes 00 seconds West 145.61 feet to the Point of Beginning; thence South 89 degrees 53 minutes 36 seconds West 62.21 feet; thence North 00 degrees 06 minutes 24 seconds West 114.43 feet; thence North 89 degrees 53 minutes 36 seconds East 62.43 feet; thence South 00 degrees 00 minutes 00 seconds East 114.43 feet to the Point of Beginning containing 0.164 acres, more or less.

ALSO EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana described as follows:

Commencing at the Southeast corner of said Southwest Quarter Section; thence 89 degrees 01 minute 25 seconds West (assumed bearing) on the south line of said southwest quarter section 216.59 feet; thence North 00 degrees 00 minutes 00 seconds West 75.01 feet to the North Right of Way Line of 146th Street and the Point of Beginning; thence North 0 degrees 06 minutes 24 seconds West 49.86 feet; thence South 89 degrees 55 minutes 42 seconds East 13.71 feet; thence North 00 degrees 00 minutes 00 seconds West 135.11 feet; thence North 89 degrees 53 minutes 35 seconds East 176.54 feet; thence South 00 degrees 06 minutes 24 seconds East 142.14 feet; thence South 44 degrees 27

minutes 30 seconds west 28.50 feet; thence South 00 degrees 06 minutes 24 seconds East 19.89 feet to said North Right-of Way Line of 146th Street; thence South 89 degrees 01 minutes 25 seconds West along said Right-of -Way 170 .52 feet to the Point of Beginning, containing 0.746 acres more or less.

ALSO EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana described as follows:

Commencing at the Southeast corner of said Southwest Quarter Section; thence 89 degrees 01 minute 25 seconds West (assumed bearing) on the south line of said southwest quarter section 75.00 feet to the North Right-of-Way Line of 146th Street; thence North 89 degrees 45 minutes 45 seconds East 44.03 feet along said Right-of-Way Line to the Point of Beginning; thence North 45 degrees 32 minutes 29 seconds West 28.07 feet; thence North 00 degrees 06 minutes 24 seconds West 161.27 feet; thence North 89 degrees 53 minutes 35 seconds East 178.06 feet; thence South 00 degrees 06 minutes 24 seconds East 180.49 feet to said Right-of-Way Line of 146th Street; thence South 89 degrees 45 minutes 45 seconds West along said Right-of-Way 149.11 to the Point of Beginning containing 0.734 acres more or less.

Parcel II

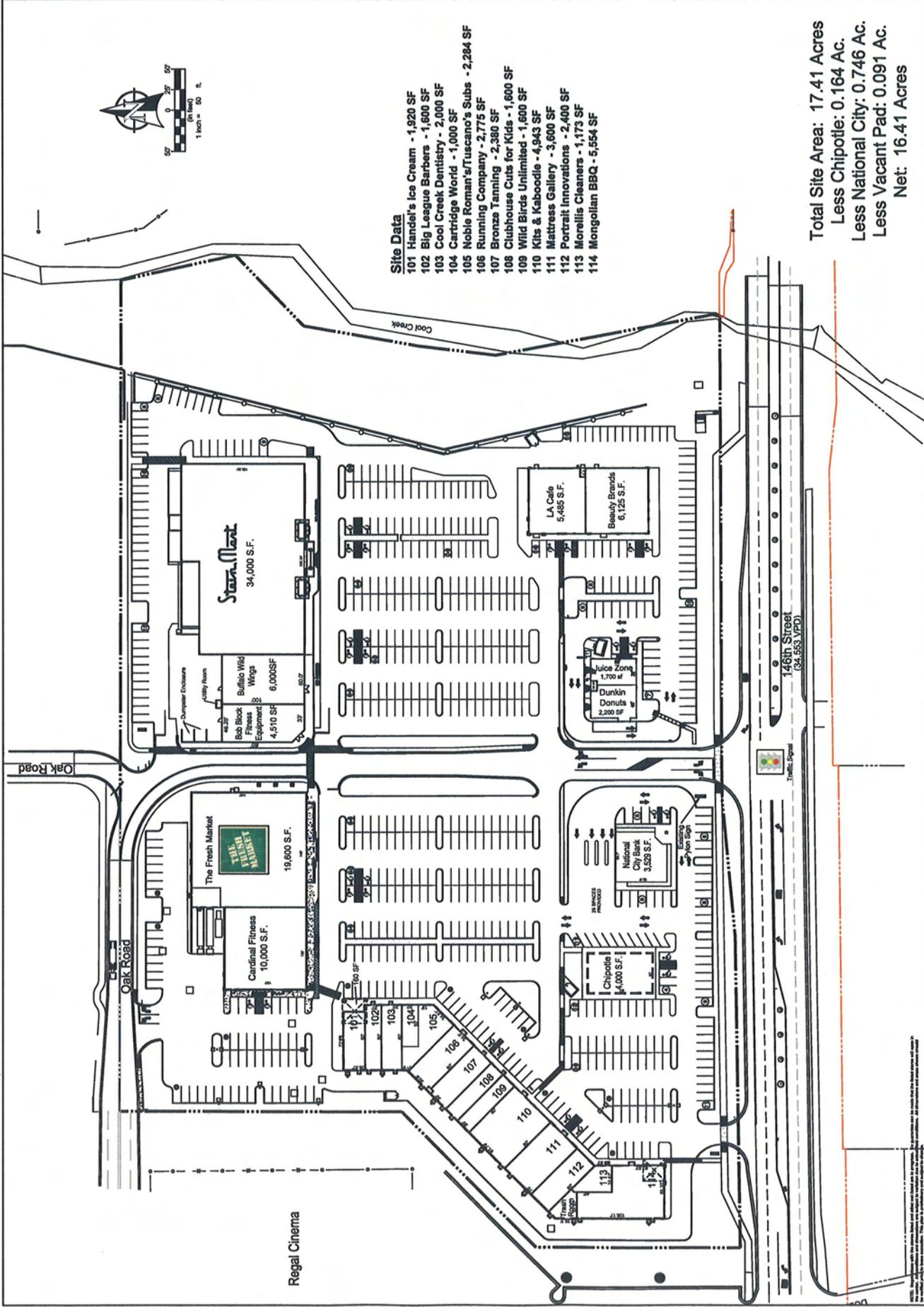
Easement rights granted in Reciprocal Utility and Access Easement Agreement by and between Village Developers Limited Partnership and Westfield Properties Limited Partnership dated May 4, 1990 and recorded May 7, 1990, as Instrument 90-10608

Parcel III

Easements and rights granted in the Grant of Access Easement by and between Village Developers Limited Partnership, and Cool Creek Investment Company, dated October 11, 1993 and recorded October 27, 1993 as Instrument 93-52645.

Current 1-20-09

COOL CREEK COMMONS 146th Street Westfield, Indiana		Drawn By: MEB Checked: ES Scale: 1" = 50' Project No: K-03002 Date: 12/08/08
KME REALTY GROUP 30 S. MERIDIAN STREET SUITE 1100 INDIANAPOLIS, IN 46204 317-577-5800 FAX 317-577-5605		LEASE LP 15



- Site Data**
- 101 Handel's Ice Cream - 1,920 SF
 - 102 Big League Barbers - 1,600 SF
 - 103 Cool Creek Dentistry - 2,000 SF
 - 104 Cartridge World - 1,000 SF
 - 105 Noble Roman's/Tusciano's Subs - 2,284 SF
 - 106 Running Company - 2,775 SF
 - 107 Bronze Tanning - 2,380 SF
 - 108 Clubhouse Cuts for Kids - 1,600 SF
 - 109 Wild Birds Unlimited - 1,600 SF
 - 110 Kits & Kaboodle - 4,943 SF
 - 111 Mattress Gallery - 3,600 SF
 - 112 Portrait Innovations - 2,400 SF
 - 113 Morellis Cleaners - 1,173 SF
 - 114 Mongolian BBQ - 5,554 SF

Total Site Area: 17.41 Acres
Less Chipotle: 0.164 Ac.
Less National City: 0.746 Ac.
Less Vacant Pad: 0.091 Ac.
Net: 16.41 Acres



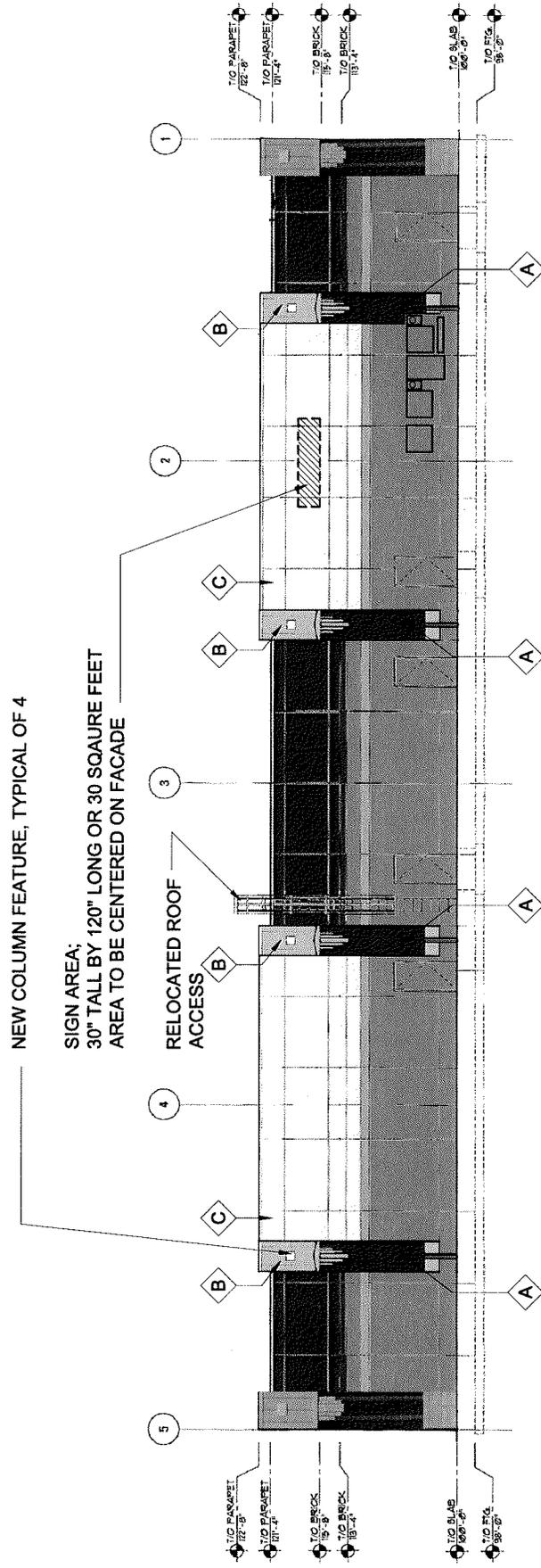
Oak Road

146th Street
(SP-353 MPD)

Regal Cinema

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Current 1-20-09



A	B	C		A	B	C
■	■	■		■	■	■
NEW EFIS TO MATCH EXISTING	NEW EFIS TO MATCH EXISTING	NEW EFIS TO MATCH EXISTING		NEW EFIS TO MATCH EXISTING	NEW EFIS TO MATCH EXISTING	NEW EFIS TO MATCH EXISTING

EAST ELEVATION
NOT TO SCALE

CRG REALTY GROUP
215 W. DEAN STREET
SUITE 1020, G. 14, AUSTIN
TEXAS 78701
PHONE: 512.477.5500
FAX: 512.477.5505

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**Cool Creek Commons
Building 3 East Elevation
Proposed Elevation Changes**



North Elevation



**SALON-SPA
SUPERSTORE**

Beauty Brands

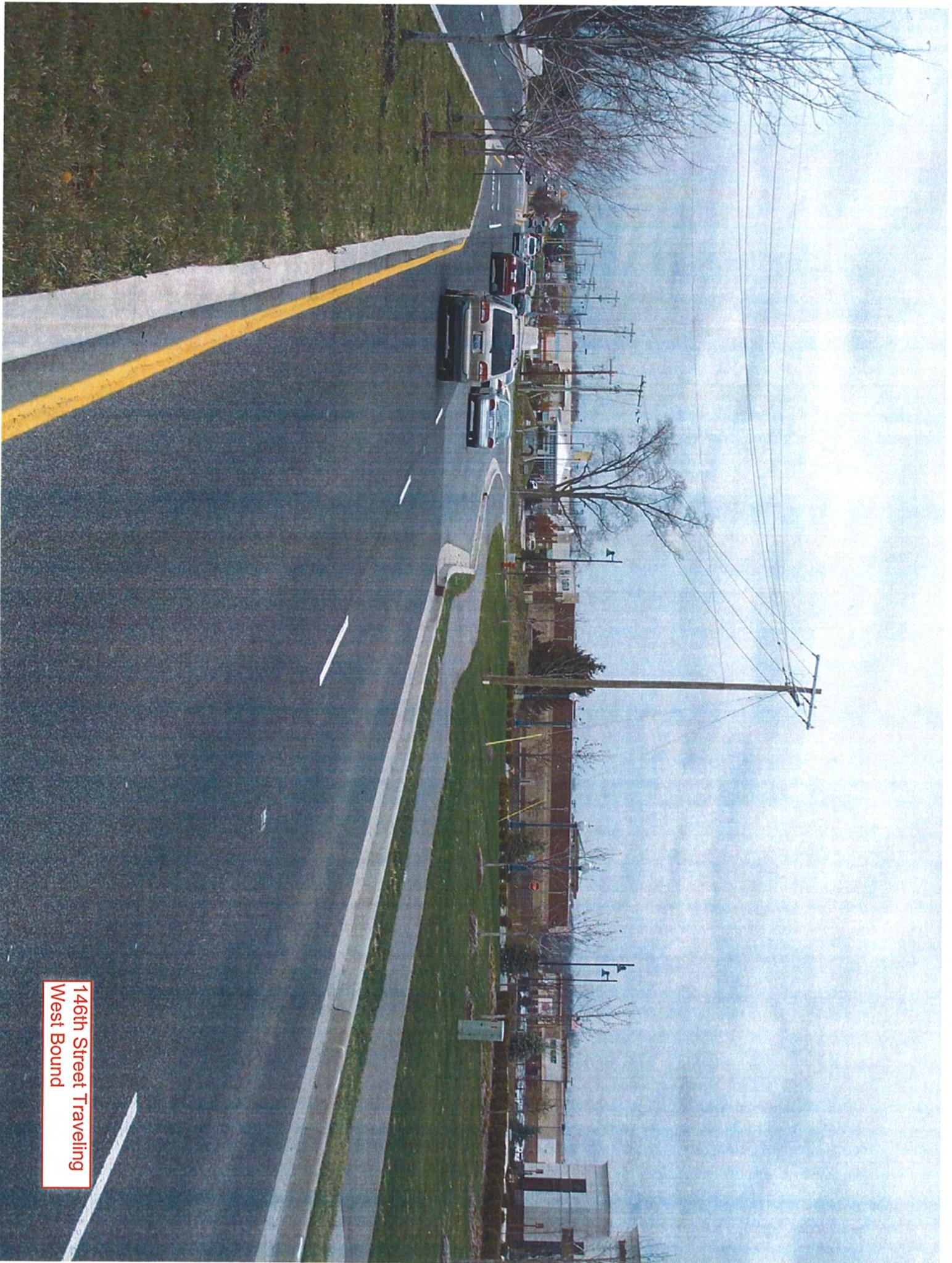
open

salon spa

South Elevation



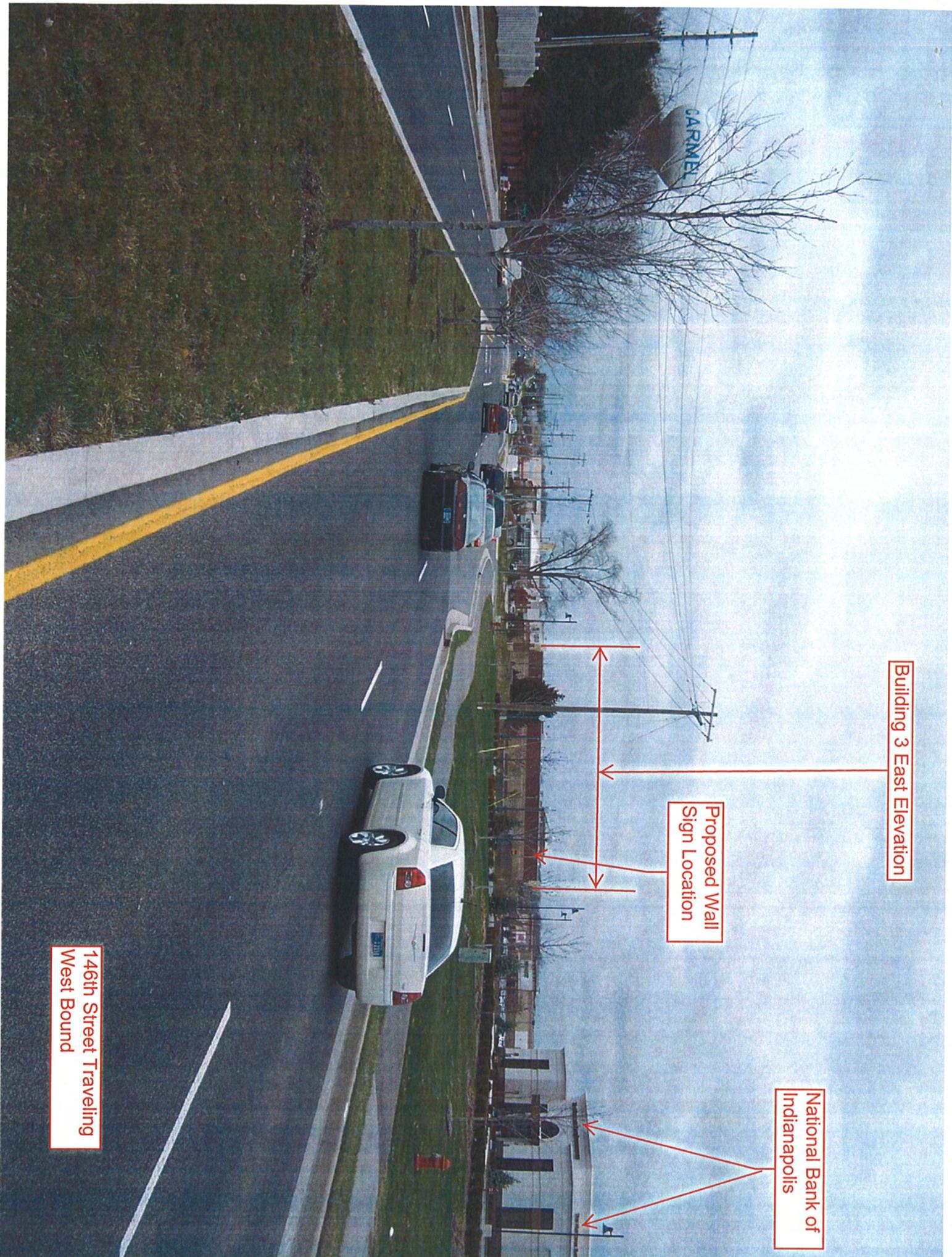
West Elevation from
146th Street
Traveling East Bound



146th Street Traveling
West Bound



East Elevation



Building 3 East Elevation

Proposed Wall Sign Location

National Bank of Indianapolis

146th Street Traveling West Bound



West Elevation



JAN 29 2009



562EXH

024111

JAN 29 2009



JAN 29 2009