

TOWN COUNCIL

ORDINANCE NO. 23-2015

AN ORDINANCE TO AMEND
THE METROPOLIS PUD, PHASE II STANDARDS IN
THE TOWN OF PLAINFIELD, INDIANA,
AND FIXING A TIME WHEN
THE SAME SHALL TAKE EFFECT

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Plainfield Plan Commission to hold public hearings and make recommendations to the Town Council of the Town of Plainfield concerning ordinances for the zoning or districting of all lands within the incorporated areas of the Town of Plainfield; and,

WHEREAS, the Town of Plainfield Plan Commission has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Metropolis PUD, Phase II permitted uses in the Town of Plainfield, Indiana, and has certified such proposal to the Town Council of the Town of Plainfield with a favorable recommendation:

NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Section 1. Amendment

Pursuant to Docket No. PUD-15-002, (Carmike Motion Pictures Indianapolis, LLC) the Metropolis Planned Unit Development (PUD) on real estate described in Exhibit "A" of about 19.36 acres attached hereto and incorporated herein by this reference is hereby amended in the following manner:

1. The Metropolis - Phase II - Rave Theatre Development Standards dated 7/30/04 shall be amended as follows:
 - 1.b. "The primary use for Phase II, that being an indoor movie theater, may file a petition with the Plainfield Board of Zoning Appeals (BZA) for a Special Exception to allow the sale of alcoholic beverages for on-site consumption in full compliance with Article 2.11. - A.2. of the Plainfield Zoning Ordinance".
2. Substantial compliance with the Carmike Cinemas Alcohol Control Plan (ACP) as amended (See Attached).

Section 2. Severability

If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date

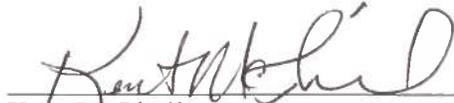
This Ordinance shall be effective within the incorporated areas of the Town of Plainfield, Hendricks County, Indiana upon its adoption by the Town Council of the Town of Plainfield, as provided in I.C. 36-7-4.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this 28th day of December, 2015.

**TOWN COUNCIL, TOWN OF PLAINFIELD
HENDRICKS COUNTY, INDIANA**



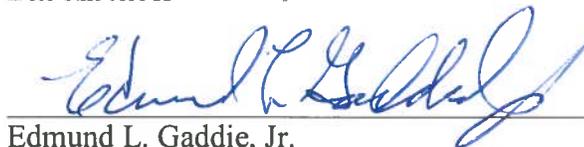
Robin G. Brandgard, President



Kent McPhail



Bill Kirchoff

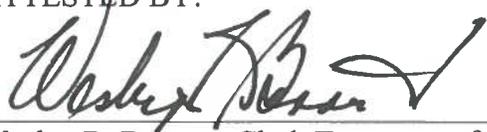


Edmund L. Gaddie, Jr.



Lance Angle

ATTESTED BY:



Wesley R. Bennett, Clerk Treasurer, of the
Town of Plainfield, Indiana

EXHIBIT A
LEGAL DESCRIPTION

A part of the Plainfield Marketplace Phase I, recorded in Plat Cabinet 5, Slide 88, Page 2A and 2B, a part of Plainfield Marketplace, Phase II, recorded in Plat Cabinet 5, Slide 196, Pages 1A-D, a part of Plainfield Marketplace, Phase III, recorded in Plat Cabinet 6, Slide 36, Pages 2A-B, in the Office of the Recorder of Hendricks County, Indiana, also a part of the West Half of Section 30, Township 15 North, Range 2 East and a part of the East Half of Section 25, Township 15 North, Range 1 East, all of the Second Principal Meridian in Gullford Township, Hendricks County, Indiana, being more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete at the Southeast corner of Section 25 (being also the Southwest corner of said Section 30); thence South 88 degrees 24 minutes 57 seconds West (the basis for bearings is per the Indiana State Plane Coordinate System - West Zone) along the South line of said Section 25 a distance of 1349.97 feet to the Southwest corner of the East Half of the Southeast Quarter of said Section; thence North 00 degrees 43 minutes 04 seconds West along the West line of said Half Quarter a distance of 1245.67 feet to the South right-of-way line of Gladden Road as recorded in Easement Record 3, Page 942 and amended in Miscellaneous Record 158, Pages 472-474 in the Office of the Recorder of Hendricks County, Indiana; (the following 3 courses are along the South and East lines of said right-of-way), (1) North 87 degrees 40 minutes 25 seconds East a distance of 121.85 feet; (2) North 88 degrees 30 minutes 43 seconds East a distance of 483.13 feet; (3) North 00 degrees 43 minutes 26 seconds West a distance of 60.11 feet to the Southwest corner of said Gladden Farms Apartments, Phase II; thence North 88 degrees 25 minutes 28 seconds East along the South line of said plat and the prolongation thereof a distance of 297.25 to the Point of Beginning, said point being on the East line of Block B of said Plainfield Marketplace, Phase II; thence North 00 degrees 43 minutes 26 seconds West along said East line a distance of 926.21 feet; thence South 89 degrees 16 minutes 34 seconds West a distance of 60.00 feet to a point on the West line of said Block B; thence North 00 degrees 43 minutes 26 seconds West along said West line a distance of 600.00 feet to a point on the North line of said Block B, (the following three (3) courses are along said North line); (1) North 62 degrees 31 minutes 33 seconds East 8.86 feet; (2) South 00 degrees 51 minutes 28 seconds East 24.41 feet; (3) North 81 degrees 09 minutes 08 seconds East along said North line and the North line of Block C of said plat 395.57 feet to the Northwest corner of Lot 1 of said plat; thence North 62 degrees 29 minutes 18 seconds East along the North line of said Lot 1 and the North line of Block F of said plat a distance of 733.91 feet to the West line of Block C of said Plainfield Marketplace, Phase I; (the following nine (9) courses are along the West, North and East lines of said Plainfield Marketplace, Phase I), (1) North 05 degrees 04 minutes 35 seconds East 219.41 feet; (2) North 27 degrees 30 minutes 42 seconds West 294.80 feet; (3) North 53 degrees 12 minutes 40 seconds East 129.64 feet; (4) North 08 degrees 51 minutes 23 seconds West a distance of

275.62 feet to the point of curvature of a curve to the left having a radius of 145.30 feet; the radius point of which bears South 89 degrees 08 minutes 37 seconds West; thence northerly and northwesterly along said curve an arc distance of 68.06 feet to a point which bears North 62 degrees 29 minutes 18 seconds East from said radius point; (5) North 27 degrees 30 minutes 42 seconds West 275.86 feet to the South right-of-way line of U.S. Highway 40, per ST-Project Number B176, dated 1986 and S.N.F.A. Project Number 15 EBC B(6) dated 1941; (6) North 62 degrees 27 minutes 24 seconds East along said South right-of-way line 97.00 feet to the Northwest corner of Lot 2 in Plainfield Shoppes, recorded in Plat Cabinet 3, Slide 117, Page 2, in said Recorder's Office; (7) South 27 degrees 30 minutes 42 seconds East 34.00 feet; (8) South 62 degrees 27 minutes 24 seconds West 17.18 feet; (9) South 27 degrees 30 minutes 42 seconds East along said plat and the southwesterly prolongation thereof 248.64 feet to a point on a non-tangent curve to the left having a radius of 25.00 feet, the radius point of which bears South 19 degrees 53 minutes 51 seconds East; thence southwesterly and southerly along said curve an arc distance of 39.31 feet to a point which bears South 70 degrees 00 minutes 18 seconds West from said radius point, said end of curve also being on the West line of Block A in said Plainfield Marketplace, Phase I; (the following six (6) courses are along the West and South lines of said Block A), (1) South 20 degrees 26 minutes 28 seconds East 21.38 feet to the point of curvature of a curve to the left having a radius of 376.94 feet, the radius point of which bears North 69 degrees 33 minutes 46 seconds East; (2) southerly along said curve an arc distance of 46.77 feet to a point which bears South 62 degrees 27 minutes 14 seconds West from said radius point; (3) South 27 degrees 32 minutes 49 seconds East 32.04 feet to a point on a curve to the left having a radius 24.50 feet, the radius point of which bears North 62 degrees 27 minutes 17 seconds East; thence southeasterly and easterly along said curve an arc distance of 98.57 feet to a point which bears South 27 degrees 44 minutes 27 seconds East from said radius point; (4) North 62 degrees 15 minutes 33 seconds East 223.87 feet to the point of curvature of a curve to the right having a radius of 133.49 feet, the radius point of which bears South 27 degrees 44 minutes 27 seconds East; (5) easterly along said curve an arc distance of 86.21 feet to a point which bears North 09 degrees 15 minutes 37 seconds East from said radius point, said end of curve being on the West line of Outlet AA of Plainfield Commons, recorded in Plat Cabinet 3, Slide 100, Page 1 in said Recorder's Office; thence South 27 degrees 32 minutes 36 seconds East along said West line 5.94 feet to the southernmost corner of said Outlet AA; thence North 62 degrees 15 minutes 25 seconds East along the southeasterly line of said Outlet a distance of 24.70 feet to a point on a non-tangent curve to the right having a radius of 145.50 feet, the radius point of which bears South 18 degrees 27 minutes 55 seconds West, said end of curve being at the Northwest corner of Lot 1 in said Plainfield Marketplace, Phase I; (the following four (4) courses being along the West and South lines of said Lot 1), (1) southeasterly along said curve an arc distance of 31.30 feet to a point which bears North 50 degrees 28 minutes 50 seconds East from said radius point; (2) South 39 degrees 31 minutes 10 seconds East a distance of 45.72 feet to the point of curvature of a curve to the right having a radius of 180.50 feet, the radius point of which bears South 50 degrees 28 minutes 50 seconds West; (3) southeasterly along said curve an

are distances of 30.28 feet to a point which bears North 80 degrees 05 minutes 29 seconds East from said radius point; (4) North 62 degrees 15 minutes 33 seconds East a distance of 251.23 feet to the West right-of-way line of Perry Road as described in Instrument No. 200600021163 in said Recorder's Office; thence South 27 degrees 44 minutes 56 seconds East along said West right-of-way line a distance of 67.00 feet to the South line of Block C in said Plainfield Marketplace, Phase I, (the following six (6) courses are along the South, East and North lines of said Block C; (1) South 62 degrees 15 minutes 33 seconds West 251.12 feet; (2) South 27 degrees 44 minutes 27 seconds East 339.66 feet; (3) South 26 degrees 37 minutes 07 seconds East 422.79 feet; (4) North 73 degrees 04 minutes 20 seconds East 179.15 feet to a point on a tangent curve having a radius of 84.50 feet, the radius point of which bears North 16 degrees 53 minutes 40 seconds West; (5) easterly along said curve an arc distance of 12.30 feet to a point which bears South 23 degrees 16 minutes 10 seconds East from said radius point; (6) North 64 degrees 49 minutes 50 seconds East 22.90 feet to the West right-of-way line of said Perry Road, as described in Instrument No. 200600021164 in said Recorder's Office; thence South 16 degrees 57 minutes 04 seconds East along said West right-of-way line a distance of 69.43 feet to the South line of said Block C, the following four (4) courses are along the South line of said Block C; (1) South 81 degrees 24 minutes 49 seconds West 22.92 feet to a point on a tangent curve having a radius of 84.50 feet, the radius point of which bears South 08 degrees 35 minutes 11 seconds East; (2) westerly along said curve an arc distance of 12.30 feet to a point which bears North 16 degrees 55 minutes 40 seconds West from said radius point; (3) South 73 degrees 04 minutes 20 seconds West 169.84 feet; (4) South 85 degrees 11 minutes 20 seconds West 7.87 feet to the East line of Block C in said Plainfield Marketplace, Phase III, (the following seven (7) courses being along the East line; (1) South 14 degrees 31 minutes 28 seconds East 327.39 feet to a point on a tangent curve having a radius of 300.50 feet, the radius point of which bears South 75 degrees 28 minutes 32 seconds West; (2) southerly along said curve an arc distance of 150.64 feet to a point which bears South 73 degrees 48 minutes 07 seconds East from said radius point; (3) South 14 degrees 11 minutes 53 seconds West a distance of 16.80 feet to a point on a tangent curve having a radius of 199.50 feet, the radius point of which bears South 73 degrees 48 minutes 07 seconds East; (4) southerly along said curve an arc distance of 89.87 feet to a point which bears South 80 degrees 06 minutes 38 seconds West from said radius point; (5) South 09 degrees 53 minutes 22 seconds East 44.56 feet to a point on a tangent curve having a radius of 24.50 feet, the radius point of which bears North 80 degrees 06 minutes 38 seconds East; (6) southeasterly along said curve an arc distance of 35.69 feet to a point which bears South 03 degrees 20 minutes 54 seconds East from said radius point; (7) South 09 degrees 34 minutes 29 seconds East 0.74 feet to the North line of Block E in said Plainfield Marketplace, Phase II; thence North 86 degrees 25 minutes 37 seconds East along said North line a distance of 36.36 feet; thence North 88 degrees 57 minutes 05 seconds East along said North line a distance of 147.17 feet to the West right-of-way line of said Perry Road as described in Instrument No. 200600024224 in said Recorder's Office; thence South 01 degrees 02 minutes 02 seconds East along said West right-of-way line a distance of 68.27 feet; thence South 80 degrees 15 minutes

48 seconds West a distance of 133.03 feet to a point on a non-tangent curve having a radius of 935.13 feet, the radius point of which bears South 00 degrees 06 minutes 14 seconds East; thence westerly along said curve an arc distance of 153.57 feet to a point which bears North 09 degrees 20 minutes 48 seconds West from said radius point; thence South 81 degrees 10 minutes 19 seconds West a distance of 258.30 feet to the South line of said Block B; the following eleven (11) courses are along the South and East lines of said Block B; (1) South 65 degrees 18 minutes 42 seconds West 79.63 feet; (2) South 80 degrees 34 minutes 43 seconds West 32.97 feet; (3) South 79 degrees 46 minutes 22 seconds West 108.34 feet; (4) North 84 degrees 25 minutes 19 seconds West 34.16 feet to a point on a tangent curve having a radius of 49.50 feet, the radius point of which bears South 05 degrees 34 minutes 41 seconds West; (5) westerly along said curve an arc distance of 12.96 feet to a point which bears North 09 degrees 25 minutes 17 seconds West from said radius point; (6) South 80 degrees 34 minutes 43 seconds West 143.78 feet; (7) South 61 degrees 25 minutes 46 seconds West 86.68 feet; (8) South 66 degrees 19 minutes 52 seconds West 10.77 feet; (9) South 80 degrees 34 minutes 43 seconds West 304.64 feet to a point on a tangent curve having a radius of 19.50 feet, the radius point of which bears South 09 degrees 25 minutes 17 seconds East; (10) easterly along said curve an arc distance of 30.63 feet to a point which bears North 80 degrees 24 minutes 43 seconds West from said radius point; (11) South 02 degrees 25 minutes 17 seconds East 565.58 feet to a point on a non-tangent curve having a radius of 69.50 feet, the radius point of which bears South 33 degrees 35 minutes 03 seconds East; (12) southwesterly along said curve and the South line of Lot 1 of said plat an arc distance of 43.71 feet to a point which bears North 39 degrees 05 minutes 20 seconds West from said radius point, (the following four (4) courses are along the South line of said Lot 1); (1) South 30 degrees 54 minutes 40 seconds West 95.38 feet to a point on a non-tangent curve to the left having a radius of 194.50 feet, the radius point of which bears South 41 degrees 01 minutes 10 seconds West; (2) northwesterly and westerly along said curve an arc distance of 138.07 feet to a point of reverse curvature of a curve to the right having a radius of 750.50 feet, the radius point of which bears North 00 degrees 20 minutes 50 seconds East; (3) westerly along said curve an arc distance of 177.33 feet to a point of compound curvature of a curve to the right having a radius of 483.50 feet, the radius point of which bears North 13 degrees 53 minutes 07 seconds East; (4) westerly along said curve an arc distance of 81.50 feet to a point of reverse curvature of a curve to the left having a radius of 14.50 feet, the radius point of which bears South 23 degrees 52 minutes 36 seconds West, said end of curve being on the East line of Block B in said Plainfield Marketplace, Phase II, (the following three (3) courses being along the East line of said Block B); (1) westerly and southwesterly along said curve an arc distance of 19.71 feet to a point which bears North 54 degrees 20 minutes 46 seconds West from said radius point; (2) South 35 degrees 39 minutes 14 seconds West 380.27 feet to point of curvature of a curve to the right having a radius of 377.14 feet, the radius point of which bears North 54 degrees 25 minutes 02 seconds West; (3) southwesterly along said curve an arc distance of 281.34 feet to a point which bears South 11 degrees 40 minutes 33 seconds East from said radius point; thence North 00 degrees 43 minutes 26 seconds

West a distance of 50.85 feet; thence South 88 degrees 29 minutes 43 seconds West a distance of 10.00 feet to the point of beginning.

Containing 63.90 acres, more or less.

Except:

Improvements located upon the following described tract as established in that certain Improvement Deed recorded October 16, 2003 as Instrument Number 200300046093, in the Office of the Recorder of Hendricks County, Indiana:

A part of Lot Numbered Two (2) in Plainfield Marketplaces, Phase I, an addition to the Town of Plainfield, Hendricks County, Indiana, as per plat thereof recorded August 4, 2003 in Plat Cabinet 5, Slide 88, Pages 2A and 2B, in the office of the Recorder of Hendricks County, Indiana, more particularly described as follows:

A part of the West Half of Section 30, Township 1 S North, Range 2 East of the Second Principal Meridian, Hendricks County, Indiana, part of Lot Numbered One (1) in Plainfield-Shoppes, an Addition to the Town of Plainfield, Hendricks County, Indiana, as per plat thereof recorded June 8, 1993 in Plat Cabinet 3, Slide 49, Pages 1 and 2, and part of the Replat of Lot Numbered Four (4) in Hendricks County Plaza II, an Addition to the Town of Plainfield, Hendricks County, Indiana, as per plat thereof recorded October 1, 1992 in Plat Cabinet 3, Slide 29, Pages 1 and 2, in the Office of the Recorder of Hendricks County, Indiana, more particularly described as follows:

Commencing at a 5/8 inch rebar in concrete at the Southeast corner of Section 25 (being also the Southwest corner of said Section 30); thence South 88 degrees 24 minutes 57 seconds West (the basis for bearings is per the Indiana State Plane Coordinate System-West Zone) along the South line of said Section 25 a distance of 1349.97 feet to the Southwest corner of the East half of the Southeast Quarter of said Section; thence North 00 degrees 43 minutes 04 seconds West along the West line of said Half Quarter a distance of 1243.67 feet to the South right-of-way line of Gladden Road as recorded in Easement Record 3, Page 942 and amended in Miscellaneous Record 138, Pages 472-474 in the Office of the Recorder of Hendricks County, Indiana; (the following 3 courses are along the South and East lines of said right-of-way), (1) North 87 degrees 40 minutes 25 seconds East a distance of 121.85 feet; (2) North 88 degrees 30 minutes 43 seconds East a distance of 489.13 feet; (3) North 00 degrees 43 minutes 26 seconds West a distance of 60.11 feet to the Southwest corner of Gladden Farms Apartments, Phase II, the plat of which is recorded in Plat Cabinet 4, Slide 39, Page 2 in said Recorder's Office; thence North 88 degrees 23 minutes 28 seconds East along the South line of said plat a distance of 237.24 feet to the Southeast corner thereof (the following 3 courses are along the East line of said plat), (1) North 00 degrees 43 minutes 26 seconds West a distance of 927.09 feet; (2) North 89 degrees 16 minutes 24 seconds East 147.58 feet; (3) North 00 degrees 43 minutes 26 seconds West a distance of 599.51 feet to the Northeast corner of said Gladden Farms Apartments, Phase II, said point also being on the South line of the Replat of

Lot 4 Hurdicks County Plaza II, the Plat of which is recorded in Plat Cabinet 9, Slide 29, Pages 1-2 in said Recorder's Office; thence North 81 degrees 09 minutes 08 seconds East along the South line of said replat a Distance of 924.02 feet to the Southeast corner thereof; thence North 00 degrees 51 minutes 23 seconds West along the East line of said replat a distance of 262.82 feet to an angle point in said East line, said point also being on the Southwestely prolongation of Plainfield Shoppes, the plat of which is recorded in Plat Cabinet 9, Slide 49, Pages 1-2 and a tract of land described in a deed to Premier Ventures, LLC, as recorded in Deed Record 941, Page 305 in said Recorder's Office; thence North 62 degrees 27 minutes 24 seconds East along the Southely line of said replat and said Southwestely prolongation a distance of 179.41 feet to a point on the proposed face of building, said point also being the Point of Beginning, the following calls being along said proposed buildings; thence North 84 degrees 55 minutes 25 seconds West 109.04 feet; thence North 05 degrees 04 minutes 35 seconds East 84.13 feet; thence South 84 degrees 55 minutes 25 seconds East 53.99 feet; thence North 05 degrees 04 minutes 35 seconds East 200.87 feet; thence South 84 degrees 55 minutes 25 seconds East 128.33 feet; thence North 05 degrees 04 minutes 35 seconds East 1.00 feet; thence South 84 degrees 55 minutes 25 seconds East 5.33 feet; thence South 05 degrees 04 minutes 35 seconds West 1.46 feet; thence South 84 degrees 55 minutes 25 seconds East 12.00 feet; thence North 05 degrees 04 minutes 35 seconds East 5.21 feet; thence South 84 degrees 55 minutes 25 seconds East 36.67 feet; thence South 05 degrees 04 minutes 35 seconds West 5.21 feet; thence South 84 degrees 55 minutes 25 seconds East 12.00 feet; thence North 05 degrees 04 minutes 35 seconds East 1.46 feet; thence South 84 degrees 55 minutes 25 seconds East 5.33 feet; thence South 05 degrees 04 minutes 35 seconds West 1.00 feet; thence South 84 degrees 55 minutes 25 seconds East 128.33 feet; thence South 05 degrees 04 minutes 35 seconds West 76.33 feet; thence South 84 degrees 55 minutes 25 seconds East 1.00 feet; thence South 05 degrees 04 minutes 35 seconds West 1.46 feet; thence South 05 degrees 04 minutes 35 seconds West 12.00 feet; thence South 84 degrees 55 minutes 25 seconds East 5.21 feet; thence South 05 degrees 04 minutes 35 seconds West 36.67 feet; thence North 84 degrees 55 minutes 25 seconds West 5.21 feet; thence South 05 degrees 04 minutes 35 seconds West 12.00 feet; thence South 84 degrees 55 minutes 25 seconds East 1.46 feet; thence South 05 degrees 04 minutes 35 seconds West 5.33 feet; thence North 84 degrees 55 minutes 25 seconds West 1.00 feet; thence South 84 degrees 55 minutes 25 seconds West 130.19 feet; thence South 05 degrees 04 minutes 35 seconds West 1.00 feet; thence North 84 degrees 55 minutes 25 seconds West 5.33 feet; thence North 05 degrees 04 minutes 35 seconds East 1.46 feet; thence North 84 degrees 55 minutes 25 seconds West 12.00 feet; thence South 05 degrees 04 minutes 35 seconds West 5.21 feet; thence North 84 degrees 55 minutes 25 seconds West 33.04 feet; thence North 05 degrees 04 minutes 35 seconds East 5.21 feet; thence North 84 degrees 55 minutes 25 seconds West 12.00 feet; thence South 05 degrees 04 minutes 35 seconds West 1.46 feet; thence North 84 degrees 55 minutes 25 seconds West 5.33 feet; thence North 05 degrees 04 minutes 35 seconds East 1.00 feet; thence North 84 degrees 55 minutes 25 seconds West 75.11 feet to the Point of

Beginning, containing 2.26 acres, more or less. Subject to all highways, rights-of-way and easements. :

Together with appurtenant easement rights, if any, established in: ;

Declaration of Easements, Covenants and Restrictions dated July 18, 1989 and recorded July 28, 1989, in Miscellaneous Record 118, Page 212; also Declaration dated August 8, 1991 and recorded October 2, 1991, in Miscellaneous Record 127, Page 798; First Amendment dated April 23, 1996 and recorded May 3, 1996 in Miscellaneous Record 154, Page 1; Second Amendment dated December 21, 2004 and recorded December 27, 2004 in Public Record Volume 553, Page 2323, in the Office of the Recorder of Hendricks County, Indiana.

Declaration of Covenants and Easements dated June 18, 1996 and recorded September 17, 1996, in Public Record Volume 156, Page 480, in the Office of the Recorder of Hendricks County, Indiana.

Terms and Provisions and Easements set out in that certain Declaration of Easements, Covenants and Restrictions dated August 8, 1991 and recorded October 2, 1991, in Miscellaneous Record 127, Page 798, as Instrument Number 8412, in the Office of the Recorder of Hendricks County, Indiana.

Terms and conditions of Declaration of Easement and Covenants by and between Russell P. Wurster and Premier Venture, I, LLC, an Indiana limited liability company dated August 17, 1994 and recorded September 27, 1994 in Miscellaneous Record 143, Page 762;

First Amendment to Declaration of Easements and Covenants dated April 23, 1996 and recorded May 3, 1996 in Miscellaneous Record 154, Page 1; Second Amendment dated December 21, 2004 and recorded December 27, 2004 in Public Record Volume 553, Page 2323 in the Office of the Recorder of Hendricks County, Indiana.

Terms and Conditions of a Declaration of Easements and Covenants dated December 20, 2004 and recorded December 27, 2004 in Public Record Volume 553, Page 2336, in the office of the Recorder of Hendricks County, Indiana. Common Use Agreement dated December 23, 1996 and recorded December 31, 1996 in Public Record Volume 158, Page 315, as Instrument Number 96-27099, in the office of the Recorder of Hendricks County, Indiana.

Terms and Conditions of a Declaration of Easement and Covenants, recorded July 1, 2003 as Instrument Number 05-19185, in the office of the Recorder of Hendricks County, Indiana.

Tax Identification Nos.:	021-130521-109001
	021-130521-111001
	021-130521-351001
	021-130521-108001



Plainfield
Planning & Zoning
DP RZ PUD PP BZA ILP SP

DEC 09 2015

APPROVED RECEIVED
BY _____

ALCOHOL CONTROL PLAN

1. Carmike Theaters abides by all local, State, and Federal laws governing restrictions on the service of alcohol beverages to minors and intoxicated persons.
2. Before ANY patron is served an alcoholic beverage, ID must be checked. The ID must be a picture ID that is current and not expired. Additionally, the ID must be a State issued ID such as a Driver's License, or a federally issued Military ID.
3. All patrons wishing to consume alcohol will present valid identification for inspection demonstrating they are above the age of 21 at the alcohol sales register (or by wait staff at the time of ordering if that option becomes available). Each person seeking to consume alcohol will be provided a neon tamper-resistant wrist band. Each wrist band will entitle the person to consume no more than two alcoholic beverages and the wrist band will be punched with each purchase to insure a maximum of two drinks per person. Multiple alcoholic beverage drinks will not be sold unless all persons who will be consuming the drinks present at the sales register and are properly checked for identification and banded with a wrist band.
4. Containers used to serve alcohol will be clearly distinguishable from those used to serve non-alcoholic beverages. Alcoholic beverages will not be sold in their original containers.
5. A container of alcohol will have no more than 12 ounces of beer or 6 ounces of wine.
6. No alcoholic beverages will be sold after 11:00 pm with the exception of certain special promotions such as boxing matches and UFC events. It is anticipated that there would be less than six such events a year and extra security would be provided. No alcoholic beverages shall be sold to patrons attending G-rated movies. Movable signage will be positioned in front of the entrance to G-rated movies indicating that no alcohol is allowed in this theatre.
7. There is a manager on the premises and on duty at all times alcohol is available for sale.
8. All employees involved with the sale and service of alcohol beverages will receive responsible vendor/server training from the Indiana State Excise Police or a licensed third-party provider as required by Indiana law. Training will include instruction on which types of identification will be accepted and on determining the validity of identification (i.e. forged, altered, counterfeit, and expired). Training will also include how to determine and identify whether a patron may be exhibiting signs of intoxication. Employees will be trained and advised not to sell alcoholic beverages to a patron who appears to be intoxicated and to notify the manager on duty.

9. All employees will receive training on monitoring, policing, notification and patron removal procedures for any and all patrons who appear intoxicated or who are found or suspected of violating this plan. Employees will alert the manager on call to assist in evaluating any potential violation of this plan.
10. Carmike will have a zero tolerance policy for employees who sell alcoholic beverages to a minor without properly checking for identification or who sell to an intoxicated person. Any employee who is convicted of a citation by the Indiana State Excise Police for sale to a minor or sale to an intoxicated person will be terminated from employment immediately.
11. Staff will visually monitor theater auditoriums open for alcohol consumption at least three times during every movie showing. Staff will also monitor corridors and restrooms for compliance. If needed, staff will use handheld lighting equipment to monitor the auditoriums. Staff will also monitor theater auditoriums from the projection booth for potential alcohol policy violations.
12. If a patron appears underage and is consuming alcohol, an employee will ask to verify ID again. Any minor found with an alcoholic beverage will have the beverage removed immediately and the proper authorities will be notified to deal with the situation. Under no circumstances will any minor who is found in possession of alcohol be allowed to remain on the premises.
13. The proper authorities will be notified to deal with the situation if any patron is determined to have given alcohol to a minor. Under no circumstances will a person who is found to have provided alcohol to a minor be allowed to remain on the premises.
14. Employees shall maintain a record of all on-site incidents requiring patron removal or service calls to law enforcement. Manager shall, on a monthly basis, provide copies of these records to the Police Chief, who will be asked to retain for six (6) months.
15. There will be no open spaces within theater auditoriums allowing for patron standing or dancing during film showings. All auditoriums have fixed seats available for each patron with the exception of open spaces reserved for patrons utilizing wheelchairs.
16. The concession stands will remain open for the purchase of food and non-alcohol beverages during all times alcohol beverages are available for purchase.
17. Each person who purchases an alcoholic beverage will be provided with written notice regarding certain policies within this Control Plan that might present a public safety danger if not followed and to provide guidelines to assist in the responsible consumption of alcohol at a venue frequented by minors.
18. Permanent signage will be prominently posted in the theater lobby or announcements will be made to provide patrons with the ability to text or otherwise notify the manager on duty to report any suspected violation of this Control Plan.

19. For the first sixty (60) days that alcoholic beverages are sold, Carmike will double the regular security that would normally be on site during the times that alcoholic beverages are offered for sale.
20. Signage will be posted at two locations near exits indicating that alcohol beverages are not permitted beyond the exits of the theater premises.
21. Carmike represents that this Alcohol Control Plan details established procedures that have been implemented for daily operations and are followed in order to maintain compliance with alcohol beverage sales regulations. Carmike agrees that both the local and state police may inspect the licensed premises for compliance with these agreed upon operational procedures.

Note: Carmike will support a motion made at the Board of Zoning Appeals (BZA) special exception hearing requiring it to appear before the BZA at its regular hearing approximately twelve (12) months after the BZA approval with a report regarding compliance with the ACP and State regulations and to address, in particular, whether any citations have been issued and status of same and, if none have occurred, the BZA may consider any requested reasonable modifications to the ACP.

The Plan Commission shall receive a copy of this report.