



PLAN COMMISSION STAFF REPORT

ITEM NO: 5 APPLICATION NO. **0167-2022**

MEETING DATE: October 24, 2022

SUBJECT: Preliminary Development Plan

PETITIONER(S): MAB Capital Investments, LLC (Steve Ball – Owner Rep) and
EFNR Management, LLC (Bryan Freel – Applicant)

SUMMARY: Request for the adoption of a preliminary development plan for a
residential use and ordinance governing the development.

LOCATION: South of East 141st Street and east of Marilyn Road

WAIVERS REQUESTED: Refer to ordinance and Staff Report

RECOMMENDATION: Approval

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Planning Terms

Development Plan- A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

Planned Development- A large-scaled unified development consisting of a parcel or parcels of land, controlled by a single owner and developed as a single entity. The area of land is then developed as a whole according to the adopted preliminary development plans and approved detailed plans with more flexible standards, such as lot sizes, uses, and setbacks than those restrictions that would normally apply to a specific zoning district.

Preliminary Development Plan- The initial development plans as proposed for a district overlay following approval by the Plan Commission and adoption by the Common Council of said drawings and Planned Development ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

Corporate Campus Planned Development District- The purpose of the Corporate Campus Planned Development District (CCPD) is to encourage economic development activity and high quality, well-integrated development both north and south of the 146th Street corridor, east of State Road 37 to Prairie Baptist Road and Atlantic Road, and north of the 1-69 interchange. This district is intended to provide for a broad range of uses, thus expanding employment opportunities in Noblesville and enhancing its tax base. Within this district are a number of subdistricts that represent various physical character areas. Although the CCPD District shall be developed in a unified and coordinated fashion, each of the subdistricts has tailored a purpose, use, bulk and site development standards reflective of its location, function, and desired appearance within the corporate campus park.

Waiver- A specific modification or lessening of the regulations of the Unified Development Ordinance granted by the Plan Commission and Common Council of said drawings and Planned Development (PD) ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

Condition - A restrictive or modifying factor that is essential to the occurrence of something else.

Stipulation - A condition, requirement, or item specified as a part of an agreement or ordinance.

Procedure

The application was filed on in August and is now proceeding through the public hearing at the October 24, 2022 Plan Commission Meeting. The proposed preliminary development plan/ordinance is discussed

at a Plan Commission Meeting where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed amendment. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendation at two separate Council meetings. At the final Council meeting the preliminary development plan/ordinance is adopted, denied, or modified by the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper and public hearing notices are sent to the surrounding property owners by certificate of mailing. Notices were sent to the surrounding property owners as required and publication in the newspapers.

Correspondence

Staff received one item of correspondence (attached) (Exhibit 4 – Adjacent Neighbor's correspondence)

Summary

As you may recall, this particular owner/developer presented a concept plan to the Plan Commission within the past twelve months. As noted at the time of presentation, each individual development would be returning to the Plan Commission and Council for approval of their actual preliminary plans. This is the fourth in a series of developments to come before the Plan Commission and the Council.

The property is located south of 141st Street and east of Marilyn Road. (Exhibit 1 – Aerial Photograph) The property is vacant/undeveloped and MAB is working towards the installation of infrastructure including pipes and roads in the Hyde Park overall area. The site contains approximately 25 acres. The Hyde Park Area is within the Corporate Campus Planned Development District (CCPD).

During 2000-2001, the City adopted what is known as the Corporate Campus Planned Development District of which more than 4,000 acres was assigned to a land use subdistrict and architectural character overlays as a part of that zoning district of CCPD. Afterwards then came the 146th Street connection to Interstate 69 that opened an area for development on the eastern portion of the City of Noblesville.

In the immediate area to the east is the Hyde Park Development that includes commercial and residential uses; south is residential uses; west is residential uses in the City of Fishers, and north and north of E. 141st Street is "Marilyn Ridge" planned development that was approved in 2002 and began construction shortly thereafter. The area immediately east of these 25- acres is floodplain.

Summary – Preliminary Development Plan and Ordinance

The land use of his property is “Single-Family/Office-Flex” land uses and if used residential is governed by the overlay of the Mixed Residential Subdistrict. If the area was to be used as “Office/Flex” then the subdistrict governing the development would be the Interchange Flex Subdistrict. This particular change in the land uses and subdistricts were adopted in 2006.

This particular development is for rental units developed and maintained by a single entity. The concept is similar to apartments but instead of being multi-buildings of multi-stories; these will be single-family structures. (Exhibit 6 – Site Aerial Characterization) These types of units offer the alternative to traditional multi-family housing with the benefits and function of private home ownership but without all of the obligations of private home ownership. Amenities include a community pool and spa, barbeque areas, dog park, multiple open areas for recreational activities, community center, fitness center and gathering spaces. Other items includes are as car wash station, car-charging stations, pet grooming area, valet trash pickup service. Each unit contains 1, 2, or 3-bedrooms ranging in size from 655 to 1,313-SF. The 1-bedroom units are constructed in a duplex style of building while the 2 and 3-bedroom units are all detached and single-story structures. Maximum density for this type of development is 6 units per acre. The maximum number of units they are proposing is 260. This is also a gated community. The applicants are proposing a 6-FT aluminum fence and 6-FT cedar fence with masonry columns. (Exhibit 5 – fence location/details)

The applicant is proposing two subdivision signs with one to be located at the ingress/egress drives from E. 141st Street and Marilyn Road. The UDO allows for a 32-SF sign at a maximum height of 6-FT with their proposed signage being approximately 150-SF and less than 5.5-FT in height. They are also proposing the signage in the landscape buffer which is not permitted by the Unified Development Ordinance.

The item was reviewed by the Technical Advisory Committee regarding the preliminary development plan. In these cases, the comments are very high level and generalized. For this particular development, Fishers Wastewater is responsible for the sanitary sewer in this area. Based on comments received from Fishers, they have agreed in concept regarding the sanitary sewer being privately maintained as well as an outlet running south and across Marilyn Road. It also is noted that timing of this installation is based on the infrastructure that is being provided by the overall development for Hyde Park Phase 3. Staff also notes that final approval from Fisher’s Wastewater will be required prior to the issuance of an Improvement Location Permit for this project. This particular layout is also dependent on the infrastructure being installed for Mass grading and infrastructure Phase 3. (Exhibit 2 – Reference Applicants Booklet) (Exhibit 3 – Proposed Planned Development Ordinance/Plans) (Exhibit 7 – Full Set Development Plans)

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UDO Requirements	UDO Standards	Proposed Standards
Minimum Lot Area	15,000 SF per dwelling (Detached) 6,000-SF per dwelling unit (Attached)	Single Lot and not individual lots - seeks waiver
Maximum Building Height	35-FT (detached) 40-FT (attached)	35-FT
Maximum permitted floor area ratio	0.5 (detached) 0.6 (Attached)	Will exceed ratio - seeks waiver
Front Yard Setback Side Yard Setback Rear Yard	25-FT 8-FT (detached), 10-FT (Attached) 20-FT	These yard are based on individual lots and not an overall site - seek waiver
Minimum Floor area per dwelling	1,800-SF (detached)	665-SF to 1, 313-SF - Seeks waiver
Peripheral Buffer yard required around entire development	50-FT width	50-FT along Marilyn Road (west side) 25-FT - south side, north side 0-FT - east side - seeks waiver for south, east, and north sides.
Parking spaces	2 per unit at 256 units = 512 spaces	Standard parking - 449 spaces Handicapped accessible - 20 spaces Garage spaces - 44 spaces TOTAL is 513 parking spaces but ordinance states 500. - seeking wavier
Landscaping is required in the buffer	3 staggered canopy trees or evergreen trees and 33 shrubs per 100 linear feet	Marilyn Road decreasing the shrubs by approximately 50%, south and north meet requirements - seeking waiver
Landscaping per residential unit	1 shade tree and 10 shrubs per unit	Seeking waiver - appears nothing is being provided.

Waivers being sought include:

1. Elimination of Minimum lot area per lot
2. Elimination of Minimum lot width per lot
3. Elimination of the maximum permitted floor area ratio per unit
4. Elimination of the maximum lot coverage requirements per unit
5. Reduction the peripheral buffer: north side and south side - 25-FT, zero feet on east side
6. Reduction in the required number of parking spaces to a minimum number of 500 spaces.
7. Reduction of the landscaping required in the peripheral landscape buffer to east side - 50% of the required shrubs.
8. Elimination of the landscaping required per unit.
9. Reduction in minimum square footage per unit to 665-SF to 1,313-SF
10. Maximum subdivision sign size not to exceed 150-SF.
11. Allowance of the subdivision sign locations to be inside the peripheral landscape buffer

Recommendation

Staff believes that providing additional residential in the area will help to foster “work-live-play” concept themes as the surrounding developments include commercial/office uses within the Saxony Corporate Campus and the Hamilton Town Center.

Motions

1. Motion to approve the requested Preliminary Development and Ordinance approval for 25 acres to be known as the “Village at Hyde Park” for a “Single-Family” land use and Subdistrict Overlay of “Mixed Residential” including the preliminary development plan and ordinance and Application No. 0167- 022 and the public hearing and forward a favorable recommendation for adoption to the City Council with the following Waivers:

Waivers

1. Elimination of Minimum lot area per lot
 2. Elimination of Minimum lot width per lot
 3. Elimination of the maximum permitted floor area ratio per unit
 4. Elimination of the maximum lot coverage requirements per unit
 5. Reduction the peripheral buffer: north side and south side – 25-FT, zero feet on east side
 6. Reduction in the required number of parking spaces to a minimum number of 500 spaces.
 7. Reduction of the landscaping required in the peripheral landscape buffer to east side – 50% of the required shrubs.
 8. Elimination of the landscaping required per unit.
 9. Reduction in minimum square footage per unit to 665-SF to 1,313-SF
 10. Maximum subdivision sign size not to exceed 150-SF.
 11. Allowance of the subdivision sign locations to be inside the peripheral landscape buffer
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2. Motion to deny the request for the adoption of a preliminary development plan and ordinance for Application No. 0167-2022 and forward a do not adopt recommendation to the City Council. (LIST REASONS)
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3. Motion to continue Application No. 0167-2022 until the November 21, 2022 meeting.