



BOARD OF ZONING APPEALS FINDINGS OF FACT

APPLICATION(S): BZNA-0162-2022

PROPERTY ADDRESS: Southwest corner of Butterfly Road and Dragonfly Drive,
Noblesville, Indiana

A Conditional Use application was submitted to the Noblesville Planning Department for the above referenced location. The application submitted by Tom Ferguson requested that approval be granted to a Conditional Use application application pursuant to Unified Development Ordinance §8.C.4.D, UDO §10.7 and UDO § Appendix C to allow parking as a principal use within the Town & Country Shopping Center in the PB zone. The Noblesville Board of Zoning Appeals conducted a hearing regarding this application on September 6, 2022. After testimony was given and evidence was presented to the Board, a motion to APPROVE was made, and the motion carried 4-0.

CONDITIONAL USE FINDINGS

In its deliberations, the Noblesville Board of Zoning Appeals weighed the evidence associated with the following criteria and made the following findings in granting the request for a Conditional Use. Indiana Code §36-7-4-918.2 states that a Conditional Use request may be approved only upon a determination in writing that the following nine (9) standards are met:

1. The proposed Conditional Use is, in fact, a conditional use established within the specific zoning district involved.
Pursuant to UDO § 8.C.4.D, UDO §10.7 and UDO § Appendix C, parking as a primary use is a conditional use in the GB (General Business) zoning district. The proposed parking lot will provide off-site parking for the existing IU Health Medical Office located on the property immediately east of the subject property.
2. The proposed Conditional Use will be harmonious with and in accordance with the general objectives or with any specific objective of the City's Comprehensive Plan and the Unified Development Ordinance.
The proposed Conditional Use will be harmonious with and in accordance with the general objectives of the City's Comprehensive Plan and the Unified Development Ordinance because it will provide additional parking for an existing commercial building. The Comprehensive Plan shows this area as Commercial-Corridor. Corridor commercial serves the local population through medium-scale retail amenities and other commercial amenities such as office space, entertainment and dining.

3. The proposed Conditional Use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area.

The subject property is within the Town & Country commercial center. The proposed parking lot has been designed to the required off-street parking standards. The surrounding lots are zoned PB (Planned Business) and consist of existing commercial businesses with parking lots. The proposed parking lot is located behind (and immediately west of) the building intended to use the off-site parking. This parking area will be reserved for IU Health medical office staff so that the parking adjacent to the building will be available for medical office patients and customers of the other businesses in the building.

4. The proposed Conditional Use will not be hazardous or disturbing to existing neighboring uses.

It is believed that the proposed use will be operated in a manner that will not be hazardous or disturbing to the surrounding area. Access to the proposed parking lot is off of Dragonfly Drive, a drive that serves one multi-tenant commercial building, an oil change business and a budget hotel with fifty eight guest rooms.

5. The proposed Conditional Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

It is unlikely that the proposed project will experience any lack in essential public facilities and services. The proposed parking lot is located on an underdeveloped property within the PB (Planned Business) zoning district at the southwest corner of Butterfly Drive and Dragonfly Drive. The utilities to the site and all other services provided by the City are already in place. A fire hydrant is located near the southwest corner of this intersection and an existing drainage structure will be utilized to capture drainage from the proposed parking lot. It is not anticipated that the proposed parking lot would generate trash, however the petitioner or land owner would be responsible for refuse disposal through a private carrier. No other public services are anticipated to be required for this project.

6. The proposed Conditional Use will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

It is unlikely that the proposed project will create excessive additional requirements at public expense for public facilities and services. The proposed parking lot consists of 22 parking spaces and will be privately maintained, requiring minimal, if any, public service.

7. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The excessive production of smoke, fumes, glare or odors is not anticipated from the proposed use. It is not anticipated that the 22-space parking lot will produce excessive traffic.

8. The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create interference with traffic on surrounding public thoroughfares. **The proposed parking lot will provide off-site parking for the existing IU Health Medical Office. The entrance to the proposed parking lot is directly across from the building where the IU Health Medical Office is located. Access to the proposed parking lot will be off Dragonfly Drive, a local road that dead ends in both directions. The only intersection with Dragonfly Drive is Butterfly Drive, which is also a local road. The location of this project will not interfere with traffic on surrounding throughfares.**

9. The proposed Conditional Use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. **There do not appear to be any significant natural, scenic or historic features of major importance located on or around the subject property.**

The findings of fact contained herein are adopted by the Noblesville Board of Zoning Appeals on November 7, 2022.

Mike Field, Chairman

Caleb Gutshall, Secretary