

The Noblesville Plan Commission met in regular session on Monday, October 24, 2022 at 6:05 PM in the City Hall Rooms 213A and 214A. Members in attendance were as follows:

Malinda Wilcox, President - Citizen Member
Christine Albregts-Cook – Jurisdictional Member
Dave Burtner – Jurisdictional Member
Steve Cooke – Citizen Member
Gretchen Hanes, Board of Public Works Representative
Jim Hellmann – Assistant City Engineer
Darren Peterson – Council Representative
Anita Rogers – Citizen Member
Angie Sutton – Park’s Board Representative
Members Absent: N. Scott Smith, Vice President – Citizen Member
Dr. Joe Forgey – Citizen Members

Others in attendance: Planning Director/Secretary, Caleb Gutshall; Development Services Manager, Joyceann Yelton; Senior Planner, Denise Aschleman; and Plan Commission Attorney, Jonathan Hughes

President Wilcox calls the meeting to order at 6:00 PM. She also notes that this is not our normal room for these public hearings and with this particular setup we will have to make due relating to the presentations and audio.

OPENING CEREMONIES

President Wilcox leads the Plan Commission in the Pledge of Allegiance.

DETERMINATION OF A QUORUM

Mr. Gutshall, Secretary commences with the roll call and declares a quorum with nine (9) members present.

MINUTES

Motion by Mr. Peterson seconded by Mrs. Rogers to approve the September 19, 2022 minutes as presented.

AYES: Peterson, Rogers, Burtner, Hanes, Sutton, Albregts-Cook NAYS: Zero ABSTAIN: Cooke, Hellmann, Wilcox Motion carries 6, 0, 3.

PUBLIC HEARING PROCEDURES

Ms. Yelton, Development Services Manager, read the “General Procedures” for the public hearing process as follows:

“For items requiring a Public Hearing, tonight's meeting has the following structure:

- The staff will summarize the petition(s).
- Then, the petitioner will be given up to 20 minutes to present to the Plan Commission, followed by Plan Commission discussion.
- The President will open a Public Hearing. Individuals will be given 3 minutes to speak and a group representative will be given 5 minutes to speak. The Public Hearing will be closed when all interested members of the audience have had a chance to be heard.
- The petitioner will then have a chance to comment on concerns raised during the Public Hearing.
- The Plan Commission will follow with any comments, questions or concerns regarding the petition as presented.”
- Please an orange or green “request to speak” card that are available on the table as you are entering the Council Chambers. The President of the Plan Commission will call on you when we are discussing the item, once the public hearing is open.

RULES OF CONDUCT

- ✓ Please do not disrupt the proceedings in any way. If you need to have a private discussion during the proceedings, then we ask that you please quietly exit the room.
- ✓ Please turn your devices off or to vibrate at this time. If you must answer them, then please quietly exit the room.
- ✓ If you wish to speak in regard to a petition scheduled for a Public Hearing, then a Request to Speak card (available at the entrance to the Council Chambers must be completed and returned to a Planning Department Staff Member.
- ✓ Due to COVID-19 restrictions and in an ongoing effort to protect public health, this evening' meeting is a hybrid of a combined virtual meeting and in-person meeting that may be viewed on Hamilton County TV, City of Noblesville web page, Facebook, and Twitter. Public comments will be accepted first by all in-person participants then via the teleconference mode.
- ✓ The President will call forward the individuals that have completed an orange “Request to Speak Card” and then the Planning Director will begin to call the last four digits of a telephone number for those wishing to speak by teleconference.
- ✓ During your comments, we ask that you not repeat previously stated comments. Your presentation will be timed and you will be advised when there is approximately 30 seconds remaining.
- ✓ We would like to remind everyone to please speak directly into the microphone so your comments can be put into the record and please identify yourself by name and address.
- ✓ We request that you do not applaud or comment on what others are presenting. Please be respectful.

NEW PUBLIC HEARINGS

#1 Application No. 0109-2022 Change of Zoning from “R1 Single-Family Residential” and “PB Planned Business” to “R5 Multi-Family Residential” and “PB Planned Business for approximately 34 acres (Noblesville City) and located adjacent to the southeast intersection of State Road No. 32 (Westfield Road) and Hazel Dell Road. Submitted by Secure Holdings, LLC (Owners’ Rep – Jim Adams), and Steven D. Hardin, Attorney

#1A Application No. 0110-2022 Change of Zoning from “R5 Multi-Family Residential” and “PB Planned Business” to “R5-PB/PD Residential-Planned Business/Planned Development” to be known as “Midland Pointe Planned Development” for approximately 34 acres (Noblesville City) (12.5 commercial acres, 21.5 residential) including the adoption of the preliminary development plan, ordinance, and waivers for property located adjacent to the southeast intersection of State Road No. 32 (Westfield Road) and Hazel Dell Road. Submitted by Secure Holdings, LLC (Owners’ Rep – Jim Adams), and Steven D. Hardin, Attorney
Staff Reviewer – Joyceann Yelton

Ms. Yelton states that Staff is requesting the items be continued until the November 21, 2022 Plan Commission meeting.

Motion by Ms. Hanes seconded by Mr. Peterson to continue Applications No. 0109-2022 and Application No. 0110-2022 until the November 21, 2022 meeting. By a show of hands, the vote was 9 ayes, 0 nays and 0 abstentions.

#3 Application No. 0170-2022 Adoption of a “Program of Signs” for the mixed use development known as “RiverWest Planned Development” located north of East 146th Street and west of River Road (Noblesville City). Submitted by 146th and River Road Land, LLC (Tom Sardelli Rep – Owners/Applicants)
Staff Reviewer – Joyceann Yelton

Ms. Yelton states the Applicant is requesting the item be continued until the November 21, 2022 Plan Commission meeting.

Motion by Ms. Hanes seconded by Mr. Peterson to continue Application No. 0170-2022 until the November 21, 2022 meeting. By a show of hands, the vote was 9 ayes, 0 nays and 0 abstentions.

#2 Application No. 0181-2022 Adoption of text amendments to the Unified Development Ordinance regarding flood amendments including Article 2 – Definitions; Article 4 – Zoning Applications and Approvals; and Article 8 – Zoning Districts.

Staff Reviewer – Denise Aschleman

Miss Aschleman, Senior Planner, states these are amendments to the flood text that is a part of our Unified Development Ordinance. She states the text amendments involved Article 2 – Definitions, Article 4 – Zoning Applications and Approvals, and Article 8 – Zoning Districts. She states these amendments will make our ordinances compliant with the State Floodplain Modal Ordinance which is crafted to allow us to be in compliance with the National Flood Insurance Program regulations. She states the majority of changes are additional definitions or rewording of existing definitions, and some reorganization. Miss Aschleman notes that one significant change that allows us to participate in the

'Community Rating System' that makes it clear that if you elevate your structure, then all your mechanicals including your ductwork have to be at or above the flood protection grade which is two feet above the 100-year flood elevation. She states these amendments have been reviewed by the State (Indiana Division of Water/IDNR), that is the division maintained in the Natural Resources Department and it is currently being review by FEMA (Federal Emergency Management Agency) Region Five. She states staff is requesting a favorable recommendation.

President Wilcox opens the public and seeing no individuals from the audience come forward to speak; she closes the public hearing.

Motion by Mr. Peterson seconded by Mr. Burtner to forward a favorable recommendation to the City Council adoption as per submitted Application No. 0181-2022.

AYES: Peterson, Burtner, Hanes, Sutton, Cooke, Rogers, Albregts-Cook, Hellmann, Wilcox NAYS: Zero ABSTENTIONS: Zero Motion carries 9, 0, 0.

#4 Application No. 0164-2022 Change of Land Use Category from "Commercial" with a Subdistrict Category of "146th Street Corridor" to a Land Use Category of "Multi-Family/Commercial" with a Subdistrict Category of "Mixed Residential" for approximately 9.5 acres located adjacent to the northwest and southwest intersection of Boden Road/Brooks School Road and Campus Parkway (Noblesville City) for two multi-family/commercial mixed use buildings containing approximately 200 units of multi-family and approximately 30,000-SF of commercial space to be known as the "Gateway at Hyde Park", a part of the Corporate Campus Planned Development District. Submitted by MAB Capital Investments, LLC (Owner's Rep - Steve Ball), Birkla Investment Group, LLC/Novo Development Group, LLC (Applicant's Rep - Timothy Hill) and Steven D. Hardin, Attorney

#4A Application No. 0165-2022 Adoption of a Preliminary Development Plan and Ordinance including waivers, stipulations, and/conditions for a Land Use Category of "Multi-Family/Commercial" with a Subdistrict Category of "Mixed Residential" for approximately 9.5 acres located adjacent to the northwest and southwest intersection of Boden Road/Brooks School Road and Campus Parkway (Noblesville City) for two multi-family/commercial mixed use buildings containing approximately 200 units of multi-family and approximately 30,000-SF of commercial space to be known as the "Gateway at Hyde Park", a part of the Corporate Campus Planned Development District. Submitted by MAB Capital Investments, LLC (Owner's Rep - Steve Ball), Birkla Investment Group, LLC/Novo Development Group, LLC (Applicant's Rep - Timothy Hill) and Steven D. Hardin, Attorney
Staff Reviewer - Joyceann Yelton

Ms. Yelton states this is a request for another residential application within the Hyde Park area. She states as you may recall, the Hyde Park developer presented to the Plan Commission several months ago, the idea of having different types of residential/commercial/ and park land within the area along Boden Road and Brook School Road south of Greenfield Avenue. She states this is the third develop that you will be reviewing. She states it is located north and south of Campus Parkway adjacent to Boden Road/Brooks School Road all within the Corporate Campus Planned Development District. She states the property is vacant; however, if you have recently been through the area you would have noticed a lot of earth moving activity including infrastructure installation, roads, bridges, and piping.

She states this proposed project will be known as the "Gateway at Hyde Park". She states the surrounding area to the east includes the Saxony Corporate Campus that houses commercial, industrial, office uses with the remainder of the surrounding land uses being within the Hyde Park Development. Ms. Yelton states the applicant is requesting a change of land use category of Commercial/Office Flex with a subdistrict overlay of 146th Street to a land use category of Multi-Family with a subdistrict overlay of "mixed-residential". She states the proposal is for two four-story buildings that house commercial on the ground floor with the apartments being above. She states is approximately 10 acres with a maximum apartment unit count of 236 with the commercial containing approximately 30,000-SF. She states the buildings will be constructed in two phases. She states one of the buildings will have an underground parking garage and the other building will provide surface parking only. She states based on the submitted plans, most of their hardscape and landscaping along the rights-of-way is controlled by Hamilton County Highway. She notes that prior to the release of an Improvement Location Permit, Hamilton County Highway will need to approve the hardscape and the landscaping within the right-of-way. She notes the applicants have been in contact with the County Highway Department and they have agreed in concept but not fully granted approval at this time. She notes there is also on this site a small area within the floodplain that is mostly the floodway fringe area. Ms. Yelton notes amenities for the apartments include, outdoor pool, a club room, fitness center, bike storage, co-workspace, and outdoor gathering areas. She states parking has been provided for visitors that would venture to this site. She states they have also included a sign package that is comprised of awning signs on top of a metal awning. She states the size and the location of the awning signs do not meet the requirements of the Unified Development Ordinance. She notes there would be projecting signs for some of the commercial users that again exceed the size requirements. She notes that the signs labeled "D, D-1, D-2, if located in the right-of-way will require Hamilton County Highway Department approval prior to the issuance of those permits. She states this is a unique project and Staff supports the sign package presented. Ms. Yelton notes there are several waivers and stipulations to be adopted, if the recommendation is for approval, to be considered including:

1. Elimination of the peripheral buffer yard as per the preliminary development plan.
2. Reduction of 10-FT minimum setback for ground signs from the property lines.
3. Elimination of the UDO sign requirements and adoption of sign package.
4. Reduction of building base landscaping as per preliminary development plan.
5. Elimination of interior parking lot landscaping.
6. Reduction of minimum lot area per dwelling unit.
7. Allowance of maximum height at 63-FT
8. Elimination of floor area ratio
9. Reduction of front yard, side yard, and rear yard setbacks as reflected on the site plan.
10. Impervious surface maximum 80%

STIPULATIONS:

1. Landscape/Hardscape areas along Campus Parkway and those portions of Boden Road and Brooks School Road with Hamilton County Highway's jurisdiction will require approval of the detailed development plan by HC Highway prior to the release of any Improvement Location permits and/or Building permits.

2. All ground signs located within the jurisdiction of either the City and/or County will be subject to the vision corner clearance area and shall be approved by the Planning, City Engineering and/or County Highway departments prior to the issuance of any sign permits.
3. No building permits shall be issued in the Flood Hazard district until a Letter of Map Revision is approved by IDNR and FEMA.

Ms. Yelton states although there are several waivers being sought, all are being supported by Staff as this is a unique type of product and the additional residential helps to support the existing commercial in this area, including the Saxony Corporate Campus, Hamilton Town Center, Ruoff Music Center, and of course Hyde Park. She notes this proposed residential development provides walkability to all surrounding uses.

Mr. Steve Hardin, Attorney with Faegre Drinker Biddle & Reath, LLP, representing the developers (MAB Capital), states Steve Ball, developer; Tony Birkla from Birkla Development, Tim Hill from his law firm are present this evening along with Brian Smallwood, Engineer with Woolpert. He states this evening the Plan Commission will see project three and four of the Hyde Park and this has been a culmination of approximately 2-3 years of working with the Administration, Economic Development and Planning Departments. He states the project agreement was approved by the City Council in the summer of 2021 and we came to the Plan Commission in the fall of 2021 with the 'big picture' noting that each specific project would return before the Plan Commission and the Council for their review and input. He states previously the Plan Commission approved the J. C. Hart project and the Edward Rose project. He states this evening you will be reviewing the Birkla project and the Empire project. He states the Empire Project was one that was brought to MAB Capital by the Administration. Mr. Hardin states following last fall's presentation to the Plan Commission, Steve Ball continued to work with Tony Birkla to include the apartments and commercial along south side. He states so today through encouragement from the Administration we are making this project bigger and a gateway into the Corporate Campus. He states this has been review by the Architectural Review Board receiving a unanimous recommendation. The proposed elevations were shown to the Plan Commission. He states on October 10, 2022 they hosted a "Neighborhood Meeting" noting only a few individuals from Republic Development attended and they were very supportive of the project. He states they like the residential component of this project as it will provide additional customer base and help to attract corporate headquarters to the area. He states my last discussion point is that we have had many good conversations with Jim Hellmann, City Engineering Department as some of our hardscape improvements will be located within the sanitary sewer easement for which there will be a comment on the plat that, if for any reason the City must repair the sewer within that easement, the City is not responsible for putting the hardscape back the way it was but it would be the responsibility of the developer. He states we request a favorable recommendation.

President Wilcox opens the public hearing and seeing no individuals from the audience come forward; she closes the public hearing.

Motion by Ms. Hanes seconded by Mr. Peterson to approve the request for a Change of Land Use Category from "Commercial" and "Office/Flex" to "Multi- Family/Commercial" and change of the subdistrict overlay from "Interchange" to "Mixed Use Residential" all within the Corporate

Campus Planned Development District (CCPD) as per the presentation, staff report, and Application No. 0164-2022 and forward a favorable recommendation for adoption to the City Council.

AYES: Hanes, Peterson, Burtner, Cooke, Sutton, Rogers, Hellmann, Wilcox NAYS: Albrechts-Cook
 ABSTENTIONS: Zero Motion carries 8, 1, 0.

Motion by Ms. Hanes seconded by Mr. Peterson to approve the requested Preliminary Development and Ordinance approval for 9.5 acres to be known as "Gateway at Hyde Park" for a "Multi-Family/Commercial" mixed use land use and Subdistrict Overlay of "Mixed Residential" as per the Staff Report for Application No. 0165- 2022 and the presentation and forward a favorable recommendation for adoption to the City Council with the following Waivers and Stipulations:

Waivers

1. Elimination of the peripheral buffer yard as per the preliminary development plan.
2. Reduction of 10-FT minimum setback for ground signs from the property lines.
3. Elimination of the UDO sign requirements and adoption of sign package.
4. Reduction of building base landscaping as per preliminary development plan.
5. Elimination of interior parking lot landscaping.
6. Reduction of minimum lot area per dwelling unit.
7. Allowance of maximum height at 63-FT
8. Elimination of floor area ratio
9. Reduction of front yard, side yard, and rear yard setbacks as reflected on the site plan.
10. Impervious surface maximum 80%

STIPULATIONS:

1. Landscape/Hardscape areas along Campus Parkway and those portions of Boden Road and Brooks School Road with Hamilton County Highway's jurisdiction will require approval of the detailed development plan by HC Highway prior to the release of any Improvement Location permits and/or Building permits.
2. All ground signs located within the jurisdiction of either the City and/or County will be subject to the vision corner clearance area and shall be approved by the Planning, City Engineering and/or County Highway departments prior to the issuance of any sign permits.
3. No building permits shall be issued in the Flood Hazard district until a Letter of Map Revision is approved by IDNR and FEMA.

AYES: Hanes, Peterson, Sutton, Hellmann, Cooke, Burtner, Rogers, Wilcox NAYS: Albrechts-Cook
 ABSTENTIONS: Zero Motion carries 8, 1, 0.

#5 Application No. 0167-2022 Adoption of a Preliminary Development Plan, Ordinance and waivers for approximately 25 acres with a land use category of "Single-Family/Multi-Family/Office-Flex" with a subdistrict overlay of "Mixed Residential/Interchange Flex" (Noblesville City) for a residential single-family attached and detached development containing approximately 260 units to be known as the "Village at Hyde Park", a part of the Corporate

Campus Planned Development District and located south of E. 141st Street and east of Marilyn Road (Noblesville City). Submitted by MAB Capital Investments, LLC (Owner's Rep – Steve Ball), EFNR Management, LLC (Applicant – Bryan Freel) and Jim Shinaver, Attorney and Jon Dobosiewicz (Land Use Professional)

Staff Reviewer – Joyceann Yelton

Ms. Yelton states this is the fourth and final residential project that was presented to the Plan Commission in fall 2021 within the Hyde Park area. She states this property is located south of East 141st Street and east of Marilyn Road. She states this property is currently undeveloped. She states the site contains approximately 25 acres and is also a part of the Corporate Campus Planned Development District. She states in the immediate area are mostly residential uses including Marilyn Ridge and the proposed Marilyn Woods to the north, scattered site residences to the south, and residential subdivisions to the west that are within the City of Fishers. Ms. Yelton states the area to the east is within the "FH Flood Hazard Zoning District". Approximately 8-10 years ago, this particular piece of property had a change of land use to be used as "residential" or "Office flex". She states with this proposed development it will be single family rental units so it will follow the "residential" land use. She states in this development everything will be maintained by a single-entity that will be responsible for exterior maintenance, snow removal, etc. She states it is comparative to a multi-family multi-building development but is single-family homes without the obligations of single-home ownership. She states amenities in the area include spa, barbeque areas, community pool, multiple open spaces for residential activities and well as a community center with a fitness room, a car wash, car charging station, and pet grooming area. She notes that trash pick-up will be done by the property maintenance company and taken to the trash receptacle area. She states the applicants are proposing one, two and three bedroom structures that will range in size between 665 to 1,313-SF. She states all of the one bedroom units will be a duplex style of structure with the two and three-bedroom units being single structures. She states the maximum number of units being proposed is 260. Ms. Yelton states it is a "gated community". She states the applicants are proposing a combination of a 6-FT cedar fence and a 6-FT aluminum fence with masonry columns. She notes that subdivision signage will be located at both entrances being along 141st Street and Marilyn Road. She notes the size of the signage is much larger than what is permitted by the ordinance but that is due to the fact that it is a brick wall sign. She states this item was reviewed by the Technical Advisory Committee with only preliminary comments provided to the applicants. She states the City of Fishers, Engineering Department –Sanitary is responsible for the sanitary sewer in this location noting that Fishers Engineering has agreed in concept that the internal sanitary sewer lines will be private as well as the outlet running south and across their own road. She notes final approval will be subject to Fishers Engineering review and approval at the submittal of the detailed development plan and prior to the issuance of an Improvement Location Permit. She notes that this particular area is also subject to the infrastructure that is being constructed in Phase 3 of Hyde Park. Ms. Yelton notes there are several waivers listed in the Staff Report including minimum lot area, minimum lot width, floor area ratio, lot coverage, peripheral buffer yard, landscaping in the peripheral buffer yard, building base landscaping per unit, subdivision sign size, and location of subdivision signage in the peripheral buffer yard. She notes that in reviewing the plans, there is a discrepancy in the ordinance and the site plan regarding the number of parking spaces – maximum of 500 vs. maximum of 513 so this will need to be reconciled before it reaches the Council. She notes landscaping is required in peripheral buffer yard and in some areas it is approximately 50% of what is required by the Unified Development Ordinance (UDO); it appears that they are not meeting the landscaping requirements per unit when the Staff report was completed; however it does appear that

each unit can meet the landscaping requirement so that waiver can be eliminated (Waivers to be sought - Item 8 in the Staff Report). She notes that all of the waivers are being supported by Staff and again without these waivers being granted, this particular project could not be built. She states as noted by Mr. Hardin earlier, this particular user was introduced to the developer through the administration and several months of negotiations have taken place between the City and the builder. She notes as previously stated if you choose to send forward these applications with favorable recommendations, please include the waivers and stipulations as listed in the Staff Report except for waiver number 8.

Mr. Peterson asks if the property south and east is a part of the overall development.

Ms. Yelton states the property to the south is an individual residential use and the property to the east of mostly floodplain and will be a part of the park area of the development.

Mrs. Albrechts-Cook asks if there are two entrances.

Ms. Yelton states yes – one from 141st Street and one from Marilyn Road.

Mrs. Albrechts-Cook asks if there are complications with having one entity have management control over the entire site.

Ms. Yelton states it would be no different than a typical apartment building complex with ten buildings and multi-units in each building. She states a management company provides all the maintenance both inside and exterior to the structures. She states this would be the same concept here but the structures would be single-story and they are responsible for paying their lease payment with maintenance completed by others.

President Wilcox asks how far apart are these buildings as viewing the site plan, it appears very strange.

Ms. Yelton states the Technical Advisory Committee has given a preliminary review of the project. She notes at first there were many questions regarding the concept. She states each set of buildings is considered a pod and within that pod are 4-10 units with each pod having their own particular architectural style. She notes that at first, the Fire Department had some concerns; however, those concerns have been alleviated in concept. She states this project is very similar to the one approved at 146th Street and Marilyn Road with Onyx & East being the builder. She notes that question may be better answered by the applicant's attorney.

Mr. Jim Shinaver, Attorney with Nelson & Frankenberger, states we represent the petition EFNR Management, LLC and sometimes referred to as "Empire Group". He states Bryan Freel from Empire and Director of Land Management is present with me this evening. He states this request is for a preliminary development plan for what we believe is a unique for lease residential community in the Hyde Park Development. He states this is the fourth residential project to be review in the Hyde Park development during the course of approximately one year. He notes there has been a lot of discussion over time related to this project with the administration and the developer. He states it is 25 acres south of 141st Street and east of Marilyn Road. He indicated on an overall aerial photograph the entire Hyde Park development and where this particular 25 acres was located. He states all of the residential

projects within Hyde Park work well together with each development having their own cohesive vision and design. He states that 141st Street will be extended to the east so as to establish a connection to the Hamilton Town Center and Saxony Development. Mr. Shinaver states this is a gated community so each resident will have the ability to pull onto the grounds, out of the right-of-way, then use their key-fob to enter the grounds. He states the applicant feels that this is an important element that provides security and safety to the residents. He states the other entrance from Marilyn Road is the same concept. He states the aggregate distance between the buildings is 10-feet. He states at the preliminary TAC review we received good questions from Mr. Hellmann, Engineering Department, and Darrel Cross, with the Fire Department. He notes there were several in-person, online calls, and correspondence that addressed many of the questions. Mr. Shinaver states the reason for this particular design as opposed to three story apartment buildings is we felt that the single-story design better fit this real estate and the surrounding area. He states this type of development promotes a sense of community and walkability with the extensive sidewalk layout it almost forces the residents to cross paths with other residents. He states at the 141st Street entrance is the leasing office for this development. He states you have not seen this type of development in Noblesville and we think it will be well received in the area that individuals can lease a home and yet have their maintenance issues addressed by others. He states there is a large amenity area including a clubhouse, fitness equipment, dog park, and common outdoor gathering spaces. He states this is a community trying to foster community and get people to interact with each other and engage with each other. He states there is nothing wrong with the typical three-story apartment buildings; however, you do not see as much interaction amongst the residents. He states along the perimeter of this development will be a six-foot tall fence constructed of aluminum or wooden with masonry pillars to make it more aesthetically pleasing. He provided examples of how the fences would appear on the site. He states each residence has their own private backyard that is fenced making it their own private space. He states within this area, pets can roam freely. He provided streetscape perspectives of the development. He states this was presented to the ARB and the ARB approved the conceptual plans. He states each floor plan fits three different elevations in order to achieve architecturally themed clusters and provide variation throughout the community. He states in this community you will have one building and one management company responsible for the maintenance of everything interior and exterior of each home. He states this is a single-family community without all of the maintenance responsibilities of home ownership. He provided renderings of the clubhouse and the proposed signage. Mr. Shinaver stated in conclusion, Empire is excited to hopefully become a part of the Noblesville community as well as the Hyde Park overall development with this unique opportunity for housing. He states regarding the parking space number, addressed earlier by Ms. Yelton, we will finalize this at the detailed development plan stage but we can accommodate the 513 parking spaces. He states we did receive one piece of correspondence from a resident in Westminster at Fisher's community regarding the potential for car lights to shine into those homes. He states we will address this issue later, if the applicant is not present to address his concerns. He states we mailed out 207 notices for both the neighborhood meeting and the Plan Commission meeting and we had ten residents that attended our neighborhood meeting and they asked good questions. He states there were some questions regarding an Indian burial ground on this site that we were not able to answer; other questions included the future trails and how they relate to the neighborhood. He stated Bryan Freel with Empire did send emails to all of the neighbors present at that meeting with responses to their questions. He states we would ask for a favorable recommendation to the City Council for adoption.

Ms. Hanes states that she understands that snow removal from the sidewalks and between the buildings will be done by the maintenance crew.

Mr. Shinaver states that is correct.

Ms. Hanes asks if you know the lease amounts for these units.

Mr. Bryan Freel, Land Management Director of Empire, states the rents will be one bedroom for \$1,650; two-bedrooms for \$2,050, and three-bedrooms \$2,330.

President Wilcox opens the public hearing.

Mrs. Jill Vaughn, 12280 E. 136th Street, states she is co-owner of the property that abuts Sand Creek, we talked about it at the neighborhood meeting that the existing drainage for the area reaches capacity on a regular basis and overflows and with this development that overflow is just not acceptable.

Mrs. Albrechts-Cook asks why you think this is not acceptable.

Mrs. Vaughn states for those of us that already live on Sand Creek we have already had issues with flooding of that waterway.

Mrs. Albrechts-Cook states so you think that with the new development it will increase the flooding.

Mrs. Vaughn states yes, that any overflow going to Sand Creek will increase the flooding.

Mr. Jim Dunn, 13800 Marilyn Road, states he owns the twelve acres just to the south of this development and a life-long resident of Indiana. He states when the Bubenzer's owned this property, which is the original farmer, they wanted to run 141st Street all the way through to the mall. He states based on the agreement with Ordinance No. 25-03-06, it states that if the property is zoned multi-family or office flex it is to have a 6-FT mound with a 6-FT fence adjacent to my property. He states these guys are asking for just a 6-FT fence and a waiver from the 50-FT buffer requirement adjacent to my property as they are asking for 25-FT landscape buffer. He states so we are concerned about what we will see, what the property will look like, and how it's going to affect our property. Mr. Dunn states we are questioning why they are asking for waivers to reduce the peripheral landscape buffer and the fencing. Mr. Dunn provided a copy of the ordinance to the Plan Commission Attorney, Mr. Jonathan Hughes to review and make comment.

Mr. Wayne Parker, 12130 E. 166th Street, states his property is just south of Mr. Dunn's, states he is present to support what was mentioned by Jill Vaughn regarding the drainage and the flooding situation.

President Wilcox closes the public hearing, after seeing no other individuals wishing to come forward to speak.

Mr. Shinaver states in regards to Mrs. Vaughn's question regarding the drainage we have presented a preliminary development than for the Technical Advisory Committee to review and in concept the drainage plan is acceptable. He states it is not until we fully design the civil drawings and provide a

fully engineered drainage plan, can the Engineering Department and Hamilton County Surveyor's Office approve the plans for any site work that would occur on this site. He states when you have an undeveloped parcel and whatever water comes onto that site, gravity wants to send it where the water naturally flows. He states in this case, we will be picking-up all of the water coming onto the site and releasing into the regulated drainage system through underground detention and that release rate must be at a slower release rate than what is the current release rate for the site. He states there are very strict requirements that we must adhere to regarding the drainage, and if the drainage is not acceptable to both the City Engineering Department and the Hamilton County Surveyor's Office, then we will not be sending the approval nor will we be issuing an Improvement Location Permit to install infrastructure and earth-moving activities. He states in regards to Mr. Dunn's questions regarding the fence and the reduction waivers for the peripheral buffer yard. He states we have a single-family residential use abutting a single-family residential use and we felt that twenty-five feet would be sufficient and secondly, we have all single-story structures that are adjacent to Mr. Dunn as opposed to three-story garden style apartments making those single-story structures less intrusive. Mr. Shinaver states the ordinance specifically calls out multi-family and these are single-family structures so in our opinion we would not be required to install a mound and a fence. He states in talking with his client, Mr. Bryan Freel of Empire, they would be agreeable to install the mound and the fencing but keep the width of the perimeter buffer yard at 25-FT, if the Plan Commission desires. He states we want to be good neighbors. He states so this would be a 12-FT in height obstruction viewed from both properties with the residents of this development looking at a ski-hill from their backyards of approximately 10-FT flat area for their patio prior to be beginning of the incline. He states that he would address the headlight issue brought to our attention through and email.

Mr. Jonathan Hughes, Plan Commission Attorney, read the email sent:

Good Afternoon,

I am hoping you are the correct person to reach out to, if not let me know!

I received a notice for Public Hearing related to the development off Marilyn and 141st Street. I may not be able to attend the meeting but wanted to provide some input. I am not sure how much I can do about this but the positioning of the second entrance is across from the backs of houses in Westminster Fishers. I know this is not the primary entrance but seeing the majority of the properties are closer vicinity to the second entrance will get some heavy usage. My primary complaint is the location of the entrance will cause headlights to be shown directly on the backs of the houses it faces. I would like to understand how the developer plans to protect the neighboring houses from light pollution that would be created.

Thank you and appreciate your help!

Adam Grover

2145499986

13985 Northcoat Pl Fishers

Mr. Shinaver states Bryan Freel has created an exhibit that has dropped in the Village at Hyde Park on this property with the entrance location and then highlighted across the street where Mr. Grover lives so that you can visually see how this is setup. He states you will notice that on the Westminster side of Marilyn Road, that development currently has a berm and some landscaping. He states Bryan

checked the elevations of the berm and the road and found that the berm is 824 to 825 and the Marilyn Road is at 820 so that makes the berm 4-5 feet higher than the road. He states we feel with this difference in elevation those headlights will be shielded.

Mrs. Albrechts-Cook asks if it is not necessary to have a retention pond.

Mr. Shinaver states there are different ways to address drainage and they have chosen to provide underground detention which is more costly to the developer than a wet detention pond but there are also benefits because it allows the developer more open space in common areas. He states the Onyx & East development at Campus Parkway and Marilyn Road has underground detention.

Mr. Hellmann, Engineering representative to the Plan Commission, and Professional Engineer, states it can still be a potential problem; it just looks different. He states you just do not see where the water is stored because it is in tanks underground. He states as for the drainage concerns of Sand Creek, it is a large water body, and it has a floodplain regarding of this development. He states as noted by Mr. Shinaver, there are permits that will have to be issued by the City Engineering Department and the Hamilton County Surveyor's Office because Sand Creek is a regulated county drain.

Mr. Hellmann then questioned the six foot mound in a 25-FT space in regards to the side slopes and are those maintainable and mow-able. He states so if you are a one to one, which in my opinion is not mow-able.

Mr. Brian Smallwood responded that it would be 6 to 8-feet in height and 6 to 8-feet back and if you can do the quick math then that would work out.

Mr. Hellmann states that is steep and this would be the minimum amount of space that you would need for rise and fall.

Mr. Bryan Smallwood states so if there is a certain slope (minimum or maximum) that you would dictate then we would obviously look to where the fence would be located.

Mr. Shinaver states that maybe an alternative would be to reduce the height of the mound and still have the six-foot fence. He states we are trying to be good neighbors and accommodate requests but you may make a good point. He states I am not an engineer and I spoke to Brian Smallwood and he thought it was doable but we are open to suggestions on this topic.

Ms. Yelton states typically we would not require a 50-FT buffer with a 6-ft tall mound and another 6-ft tall fence to buffer single-family from single-family. She states the proposed use is not a multi-family zoning as alluded to in Ordinance No. 25-03-06 nor is it a three to four-story building abutting a single-family residence. She notes that we have waived this 50-Ft peripheral buffer yard requirement for several of the residential planned developments. She further states that, if they have a 6-FT mound with a 6-FT fence it is not an aesthetically pleasing view from internal or external to the site. Ms. Yelton states that the slope of the mound can be no greater than a 3 to 1.

Mr. Hughes states that if the Plan Commission has the desire to require mounding perhaps it is either a six-foot mound which will required a change in the site plan but I do not believe that is what the applicant is committing to, or a mound to be a the greatest height possible with a 3 to 1 slope within the defined area.

President Wilcox asks what is the minimum peripheral buffer yard width that is typically approved for this type of development.

Ms. Yelton states 25-ft is the typical reduction; however, there have been cases where it is 15-20 feet in width. She states were single-family abuts single-family we have reduced the peripheral buffer yard many times over. She states it is a different scenario, if it is single-family to multi-family three to four stories.

Mr. Peterson states that he does not typically agree with Ms. Yelton but he does on this issue of the mound as we would be creating more problems and creating a muddy mess in the backyards. He states maybe we can mix some pine trees into the landscaping along the southern property line adjacent to Mr. Dunn and maybe an eight-foot fence.

Ms. Yelton states if you are wishing to require an eight-foot fence then they will need to seek a waiver from the fence maximum height requirement of 7-FT. She notes that waiver would have to be added to the motion if it was for approval.

Mr. Peterson states that we reviewed this item at the ARB and this is a unique product. He states you are no longer walking down a long hall to get to an elevator or outside in a typical three-story apartment building but you are walking outside which is think is a response to COVID. He states we also talked about the exterior lighting and how that stays safe on timers and we felt comfortable with that. He states this type of product will take some getting used to but I am excited for this project.

- 1. Motion by Mr. Peterson seconded by Mr. Cooke 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- 2022 and the public hearing and forward a favorable recommendation for adoption to the City Council including the waivers in the Staff Report:**

Ms. Yelton states we are eliminating item 6 – reduction of the required number of parking spaces to a minimum of 500 and modifying item 8 to read: reduction in the required landscaping per unit.

Mr. Hughes reads the waivers for clarification to the motion:

- 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~~ Reduction 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

He notes that the following will be added:

12. Additional pine trees to be added to the southern property line adjacent to Mr. Dunn's property as per the discussion at the public hearing.

Mr. Hughes states before you vote, to clarify the document that Mr. Dunn had (Ordinance No. 25-03-06) I would concur that the document states if it is being used as a multi-family project or an office/flex project it would require the mounding and fencing. He states he agrees with Ms. Yelton that this single-family is unique. He states so you are not in violation of this existing ordinance.

AYES: Peterson, Cooke, Rogers, Hanes, Burtner, Albregts-Cook, Hellmann, Peterson, Wilcox **NAYS: Zero** **ABSTENTIONS: Zero** **Motion carries 9, 0, 0.**

Mr. Peterson thanked the presenters, staff, and those individuals that attended tonight's meeting. He also noted that they have the Council's contact information.

MISCELLANEOUS

#6 Application No. 0209-2022 Order of the Noblesville Plan Commission Determining that a Resolution and an Economic Development Plan for an Economic Development Area Approved and Adopted by the Noblesville Redevelopment Commission conforms to the Plan of Development for the City of Noblesville, Indiana and Approving the Resolution and Plan for the 146th Street/River Road Economic Development Area
Staff Reviewer – Joyceann Yelton

Ms. Yelton states this is a resolution and an economic development plan for an economic development area approved and adopted by the Noblesville Redevelopment Commission that stipulates the plan conforms to the adopted Development Plan for the City of Noblesville, Indiana. She states this item deals with the "RiverWest Planned Development" that is located north of 146th Street and west of River Road containing approximately 46 acres. She states as you may recall when this development was before the Plan Commission at a public hearing it was for a mixed use development containing traditional apartments, age-restricted apartments, townhomes, and commercial uses. The RDC Order before you sets forth three allocation areas to be known as the RiverWest Economic Development Area. Ms. Yelton states the three allocation areas are: Area 1 – Age-restricted apartments; Area 2 – traditional multi-family; and Area 3 – commercial. She states these allocation areas deal with the distribution of property taxes on the real property. She states the Plan Commission Order attached states that the revised plans conform to the comprehensive plan for the City of Noblesville. She states

the comprehensive plan indicates the area as “mixed residential” which allows for different types of residential uses and a mix of neighborhood commercial uses. She states it does conform to the 2020 Noblesville Comprehensive Plan.

Motion by Mr. Peterson seconded by Mr. Hellmann to approve Order No. 04-2022 including the attached Redevelopment Resolution No. 2022-33 and attachments as this project area conforms to the policies, goals, and objectives of the 2020 Noblesville Comprehensive Plan.

AYES: Peterson, Hellmann, Burtner, Sutton, Hanes, Cooke, Albregts-Cook, Rogers, Wilcox NAYS: Zero ABSTENTIONS: Zero Motion carries 9, 0, 0.

#7 Adoption of the 2023 Meeting Dates and Filing Deadlines Schedule

Ms. Yelton states she will highlight a few areas of change: meeting dates are changed from the regular third Monday to other dates in January, February, October, December either due to holidays or scheduling conflicts; and relating to process that time deadline for submittals will now be 10:00 AM as opposed to the current time of 12:00 PM. Staff is requesting adoption of the submitted Schedule for the Meeting Dates and Filing Deadlines.

Motion by Mr. Peterson seconded by Mr. Burtner to adopt the 2023 Meeting Dates and Filing Schedule as presented. By a show of hands, the vote was 9 ayes, 0 nays and 0 abstentions.

ADJOURNMENT

A motion by Mr. Peterson to adjourn the meeting.

Meeting adjourned at 7:31 PM.

Malinda Wilcox

President

Caleb P. Gutshall

Secretary