



## PLAN COMMISSION STAFF REPORT

---

**ITEM NO:** 3 **APPLICATION NO. - 0110-2022**

**MEETING DATE:** January 17, 2023

**SUBJECT:** Planned Development

**PETITIONER(S):** Secure Holdings, LLC (Jim Adams, Rep) (Owners/Applicants)

**SUMMARY:** Request for adoption of preliminary development and ordinance

**LOCATION:** South of State Road No. 32 (Westfield Road) and east of Hazel Dell

**WAIVERS REQUESTED:** Reference Staff Report

**RECOMMENDATION:** Approval

**PREPARED BY:** Joyceann Yelton, Development Services Manager  
[jyelton@noblesville.in.us](mailto:jyelton@noblesville.in.us)  
317-776-6325

---

## Planning Terms

*Change of Zoning* – Any amendment to a zoning map and/or text of a zoning ordinance to effect a change in the nature of density or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

*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.

*R5 Zoning District* – The R5 zoning district was adopted to encourage the establishment of multi-family dwellings such as townhomes and apartments. This district should abut a major thoroughfare such as a collector and/or an arterial as specified by the adopted Thoroughfare Plan. This district shall be served by sanitary sewer and central water facilities of sufficient capacity and also meet the minimum bulk standards of said district.

*PB Zoning District* – The PB zoning district was adopted to encourage well-planned business uses with respect to a unified design, safe ingress-egress, adequate and properly located parking, service facilities and convenient and safe pedestrian accessibility and connectivity. This district also serves the motoring public with service/retail uses. The PB zoning district shall be permitted only along or at the intersection or major arterial roads as adopted in the Thoroughfare Plan. The bulk standards of said district shall also be met.

*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.

*Preliminary Development Plan* - The initial plans proposed for the Planned Development following the approval of the Plan Commission and adoption by the Council of said drawings and planned development ordinance including waivers, stipulations, and commitments.

*Planned Development* – A large-scaled unified development consisting of a parcels of land controlled by a single-owner to be development as a single-entity. The area of land may include residential, commercial, and/or industrial uses that are planned and developed as a whole according to the adopted Preliminary Development Plan and ordinance that establishes more flexible standards that those that would apply is a specific zoning district.

### Procedure

The application was filed on in May for a public hearing at the July 18, 2022 Plan Commission meeting. This item has been continued each month as the developer has been modifying and obtaining additional information from outside agencies to present a final plan for adoption. These continuances mostly were granted as per the City's request and to obtain all of the required information regarding infrastructure, specifically INDOT right-of-way for State Road No. 32. The proposed adoption of preliminary development plans and planned development ordinance are 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 project. 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 and/or stipulations to the recommendation. The Council then hears the proposals, including the Plan Commission's recommendations at two separate Council meetings. At the final Council meeting the change of zoning and the preliminary development plan and ordinance are 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 for this January meeting and publication in the newspapers was previously provided.

### Correspondence

Staff has not received any inquiries on this application.

### Summary

At the Plan Commission meeting in November, you heard a request for a change of zoning from the zoning districts of "R1 Low Density Single-Family Residential" and "PB Planned Business" to approximately 22 acres of "R5 Multi-Family Residential Zoning District" and 12 acres of "PB Planned Business" zoning district. The change of zoning ordinance was adopted by the City Council at their December 21, 2022 meeting. **(Exhibit 1 – Change of Zoning Ordinance No. 78-12-22)**. This acreage also has another overlay district known as the "State Road 32 Overlay District" that provides additional standards for access, uses, setbacks from State Road No. 32 as well as the Midland Trace Trail, bulk standards including 'height, setbacks, building sizes; architectural design standards and other general district requirements. This is a mixed-use development that includes commercial, office, apartments, and townhomes for approximately 34 acres. This development will be known as "Midland Pointe Planned Development". The Midland Pointe development is the first project to be subject to the standards since its adoption.

The property is located adjacent to the southeast intersection of State Road No. 32 (Westfield Road) and Hazel Dell Road. **(Exhibit 2 – Aerial Photograph)** The property is mostly vacant/undeveloped

except for a couple residential structures and accessory buildings on the 34 acres. The preliminary development plan includes a car wash, fuel service station with convenience store, a multi-tenant commercial building, a single tenant building, and a bank on the 12 acres located adjacent to State Road No. 32 and Hazel Dell Road. The remaining 22 acres will be developed with townhomes and apartments that are south of the commercial area and adjacent to the Midland Trace Trail. There are only two public roads in this development: (1) the proposed road from Hazel Dell Road that divides the commercial area from the residential area and (2) the eastern most ingress/egress from State Road No. 32. All other ingress/egress lanes are private.

In the immediate area to the east is established single-family dwellings that were constructed in the mid 1950's to the early 1960's, south is the "Midland Trace" trail and scattered site residential; west (across Hazel Road) are scattered site residential and agricultural uses and vacant planned business acreage at the southwest corner of State Road No. 32 and Hazel Dell Road; and north of State Road No. 32 is the "Promenade Planned Development" that has both residential and commercial uses. The total property has both residential and commercial zonings. (Exhibit 3 – Zoning Map)

The Comprehensive Plan shows the area at the corner being "Commercial- Neighborhood". This particular node service a smaller geographic area by providing smaller scale retail services to the neighborhood that could include dry-cleaners, grocery store, and dining establishments. The remainder of the property is a node of "Mixed Residential" and encourages a variety of housing types with accompanying mixed-use retail and offices located adjacent to the intersections and corridors. Scale and building heights are dependent on the surrounding context but can range from 1-5 stories in height. The mixed residential neighborhoods are highly walkable and are adjacent to recreational activities. This particular development hits on several of the Comp Plan items including adjacent to recreational activities (Midland Trace Trail); provides both townhomes and apartments as a mixed residential component and is a walkable community providing neighborhood services. (Exhibit 4 – Preliminary Development Plans)

The architectural review of the elevations has been conducted by the Architectural Review Board and they approved the submitted elevations (Exhibit 5 – Architectural Elevations) The total number of townhomes provided is 20; all being 2 bedroom and 3 baths. These units are located adjacent to the Public Road identified as "A" that divides the residential area from the commercial area. In the center of the residential area are two mid-rise apartment buildings containing a total of 72 units having 4 studio apartments, 48 two bedroom/1 bath, and 20 two bedrooms/2 baths. The remainder of the units known as "flats" are located along the boundary of the residential area. The units' breakdown is 46 one bedroom/1 bath, 82 two bedrooms/2 baths, and 36 three bedrooms/2 baths. The applicants did provide a parking breakdown for specific uses on page 6 of Exhibit 4. Based on the parking requirements for the residential portion, it appears that the applicants have approximately 20 additional parking spaces above the minimum required number.

The commercial portion of this development includes a car wash, fuel station, bank and multi and a single tenant buildings. It is difficult to determine parking requirements until they submit for detailed development plan review.

The existing tree line adjacent to the Midland Trace Trail is to be preserved. The removal of scrub trees and shrubs will be permitted but only at the setback line.

This is a project that has support of the Administration and has a development agreement through the Economic Development Department.

#### WAIVERS for State Road No. 32 Overlay District Requirements

1. A roadside corridor boundary is to be established behind the right-of-way for State Road No. 32. *The Indiana Department of Transportation (INDOT) will be upgrading State Road No. 32 in areas of Noblesville. The applicant's team has been working with the City and INDOT to establish the needed right-of-way for the eventual installation of a round-about at State Road No. 32 and Hazel Dell Road. If the applicant was required to establish the "roadside corridor" of 30-FT that would have included a trail. If that roadside corridor was established beyond the required right-of-way that would basically either eliminate the commercial area or substantially modify the residential area and most likely create a development plan that would not enhance the vision for the area as per the City. The Roadside Corridor would establish an alternative transportation corridor along State Road No. 32. Because of the INDOT project and the varying widths of additional right-of-way needed and the installation of a trail with the State Road No. 32 improvements, Staff supports these waiver(s) regarding Section M. Roadside Corridor Requirements (Ordinance No. 78-12-22) including setbacks, mechanical equipment, walls and fencing, design standards, corridor plantings and mounds/berms. The developer shall continue to work with the City to address the payment in lieu of the trail construction along State Road No. 32 with a final resolution being the submittal and approved prior to the acceptance of the secondary plat and so referenced on the plat document.*

Roadside Corridor is defined as a linear green space of a minimum width of 30-FT along each side of State Road No. 32 and immediately abutting State Road No. 32 right-of-way line within which alternative transportation trail improvements are installed.

2. Vehicular fuel pumps and canopies shall be setback a minimum of 30-FT farther than the building façade nearest to State Road No. 32 right-of-way line of the principal building to which the fuel pumps and/or canopies are associated. *The applicant is proposing that vehicular fuel pumps and canopies, and canopies not associated with fuel pumps, shall extend a maximum of seven (7) feet in front of the building facade, nearest to the State Road 32 right-of-way line, of the principal building to which fuel pumps and/or canopies are*

*associated. Basically instead of being 30-ft behind the building, the edge of the canopy or fuel pumps will extend 7-ft in front of the adjacent building to which it is associated. Staff can support this waiver based on the reasons provided in item 1 above.*

#### WAIVERS from the Unified Development Ordinance Requirements

3. Minimum building setback along Hazel Road – 60-FT. *The closest corner of the car wash building is approximately 13.5 feet from the right-of-way line. For reasons stated above in the State Road No. 32 Corridor Overlay, Staff supports this reduction.*
4. Minimum front yard setback along Hazel Dell Road for Residential is 45-FT. *The closest residential building is approximately 18-feet.*
5. Minimum setback of 10-FT is required for the leading edge of a ground sign. *It appears that there is only one ground sign proposed and it is along State Road No. 32. The applicant is showing the setback at 5-FT. Staff can support the reduced setback for the reasons listed above in the State Road No. 32 Corridor Overlay and the fact there will be multi-lanes of roadway along the State Road No. 32 Corridor, it can be justified closer to the right-of-way. Staff would note that the sign must be located out of any vision corner clearance triangles.*
6. LOCAL (Commercial) road cross-section requires 60-FT of right-of-way and two 18-FT travel lanes adjacent to 5-FT green strip and then a 5-FT sidewalk. *The applicant is proposing 60-FT of right-of-way, two 12-FT travel lanes then a 10-FT green strip and 5-FT sidewalk. The Engineering Staff is supportive of width reduction for the travel lanes as it is less costs for installation and less pavement width that must be maintained by the City and it could help to reduce cut-through traffic in the development. It is a known fact that reducing the pavement width also lends vehicles traffic to reduced speeds.*
7. Impervious surface calculations maximum is 70%. *In reviewing these calculations on the commercial areas as to what buildings are being proposed; however, may not necessarily be the buildings constructed, my calculations indicate that they applicants are above the 70% maximum by a few percentage points. Staff would support an increase of the maximum impervious surface to 75%. In doing the calculations as presented in the preliminary development plan. It appears that the calculations falls between 71-73%. Staff has supported an increase by approximately 5-% in the past for other developments and would be willing to do so for this development again based on the reasons regarding the State Road No. 32 Corridor Overlay above.*
8. Building Base Landscaping for Commercial Buildings adjacent to a public road or residential zoning district requires 10-FT landscape area around the building, 3 understory

trees and 33 shrubs per 100 linear feet and Building Base Landscaping for Commercial buildings adjacent to similar uses requires a 10-FT landscaping area around the building with 2 understory trees and 15 shrubs. *The landscaping plan falls short of meeting these requirements. For purposes of this discussion, the applicant is asking for the following: a 5-FT landscaping area around the building with pedestrian ways constituting up to 50% of the total area required for landscaping strip and 15 shrubs shall be planted per each 100-linear feet of landscaping strip. The Plan Commission could accept the plans as submitted with the landscaping regulations above as proposed. Staff is supporting this waiver.*

9. 50-FT peripheral landscape buffer is required. *The preliminary development plan does not indicate and/or label a peripheral landscape buffer. Based on past approvals, the Plan Commission has granted reductions to the landscaping buffer depending on the development.*
10. Parking lot setback – 20-FT. *The applicant is providing 10-FT along State Road 32. Staff can support the reduced setback for the reasons listed above in the State Road No. 32 Corridor Overlay waivers section.*
11. The Planned Business zoning district bulk standards require that all lots meet a 1:2 ratio. *Based on the submitted drawings that is not the case and the Planned Business zoning district is the only district within the UDO that requires any type of ratio of lot width to lot depth. Staff is supportive of the waiver and believes this may be a requirement to be changed with amendments to the Unified Development Ordinance.*

Although the Preliminary Development Plan does indicate the required right-of-way as per INDOT, the UDO requires the dedication of right-of-way at the time of secondary plat. They are proposing to dedicate separately the State Road No. 32 right-of-way separately from the other parcel secondary plat. That is an item that still needs to be addressed to the satisfaction of the City and the developer.

There are architectural standards required by the State Road No. 32 Corridor Ordinance regarding the commercial buildings. Those standards will be applied at the time of submittal for detail development plan review for each new building. At this time, there is no way to ascertain if all of those requirements are being met, so there are no waivers at this time regarding the commercial architecture of the commercial buildings as well as other general regulations.

Also, as a part of the State Road No. 32 Overlay, the applicants are required to install an artistic piece along the trail. The applicant has stated he will meet that requirement.

The Tree Canopy existing adjacent to the Midland Trace trail shall be protected. When the City managed the Midland Trace trail project through this area, the City challenged the installation contractor of the trail to preserve as many trees as possible and not to remove any trees unless absolutely necessary. Our portion of the Midland Trace trail has an inviting, calming mental affect as

the trail is being used by many. Staff contends that a note stating contractor will preserve as many trees as feasible is too vague of a statement on a Preliminary Development Plan and suggest later in the Staff Report practices the City is requiring to be in place prior to the issuance of an improvement location permit and the review by the Technical Advisory Committee.

The following is a phasing of the project without a date timeline:

- Phase 1            Construction of streets, utility infrastructure, and detention pond
- Phase 2            Construction of multi-family and townhomes
- Future Phases     Construction of commercial buildings

History            This particular site has previously contemplated both commercial and mixed-use developments during the past several years; however, those proposals have never fully been implemented and/or vetted.

**Analysis Table**

Item	Description	Analysis
<i>Surrounding Land Uses</i>	<i>North –Promenade Planned Development (mixed use north of SR No. 32) South – Midland Trace Trail and scattered site residential and agricultural uses East – Scattered site residential uses West – Vacant commercial acreage and scattered site residential</i>	<i>The surrounding land uses include commercial uses and residential uses.</i>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Commercial – Neighborhood and Mixed Residential</i>	<i>Reference body of Staff Report</i>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>State Road No. 32 and Hazel Dell Road (Primary Arterials)</i>	<i>A major road that is a traffic movement corridor that is indicative of interstate travel or connects major population centers and serves major center of activity with the highest traffic volumes.</i>
<i>Environmental and Utility Considerations</i>		<i>None at this time</i>
<i>TAC Comments</i>		<i>Preliminary Review</i>

**Attachments**

- Exhibit 1**            Change of Zoning Ordinance No. 78-12-22
- Exhibit 2**            Aerial Photograph
- Exhibit 3**            Zoning Map
- Exhibit 4**            Preliminary Development Plans
- Exhibit 5**            Adopted Elevations



Recommendation

Staff believes based in the comprehensive master plan proposed land use nodes that this project meets the intent. It may also foster a live-work-play community for this area and provides a walkable community adjacent to the "Midland Trace" trail including a trail along State Road No. 32. This proposed development is adjacent to the intersection of two major roadways as per the Thoroughfare Plan and per the zoning district definitions. Staff supports the request for the preliminary development plan and ordinance including all waivers listed in the Staff Report and the following stipulations and/or conditions:

1. The shrubs along State Road No. 32 adjacent to the parking lots be a minimum height of 3-FT at the time of planting.
2. That the existing tree canopy adjacent to the Midland Trace Trail be preserved by following the practices specified in the Unified Development Ordinance specifically Article 12 Landscaping and Screening, Section 13 Natural Area Protection, Paragraph E. Protection Practices 1 a, b, c, e, h and if there is a need to remove any of the tree canopy in this area, trees with a diameter of 6-inches or greater shall be inventoried (diameter, tree species, height) and located on a plan indicating the removal of said tree as a part of the Technical Advisory Committee Review.
3. The payment in lieu of the construction for the trail along State Road No. 32 shall be secured by the City prior to the acceptance of any secondary plat for this project.

Be sure, as a part of your motion, that you include all of the waivers (pages 5-7), conditions and stipulations (listed above) and any additional items that may be deemed necessary by the Plan Commission.

*Intentionally Left Blank*

Motions

1. Motion to approve the requested Change of Zoning from “R5 Multi-family Residential and PB Planned Business” to “R5-PB/PD - “R5 Multi-Family Residential and PB Planned Business” Planned Development zoning district for approximately 34 acres as per the presentation, staff report, and application No. 0110-2022 including waivers (pages 5-7 of the Staff Report) and stipulations/conditions (page 9 of the Staff Report) including any additional stipulations/conditions as per the Plan Commission and forward a favorable recommendation for adoption to the City Council.
  
2. Motion to deny the Change of Zoning for the 34 acres as requested per Application No. 0110-2022 and forward a do not adopt recommendation to the City Council. **(LIST REASONS)**
  
3. Motion to continue Application No. 0110-2022 until the February 21, 2023 meeting.