

The Noblesville Plan Commission met in regular session on Monday, January 17, 2023 at 6:00 PM in the City Council Chambers. Members in attendance were as follows:

Malinda Wilcox, President - Citizen Member
N. Scott Smith, Vice President - Citizen Member
Mark Boice - Council Representative
Christine Albregts-Cook - Jurisdictional Member
Dr. Joe Forgey - Citizen Member
Gretchen Hanes, Board of Public Works Representative
Jim Hellmann - Assistant City Engineer
Angie Sutton - Park's Board Representative

Member Absent: Dave Burtner - Jurisdictional Member
Steve Cooke - Citizen Member
Anita Rogers - Citizen Member

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

President Wilcox calls the meeting to order at 6:00 PM.

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 eight (8) members present.

MINUTES

Motion by Mrs. Albregts-Cook seconded by Mr. Smith to approve the December 12, 2022 minutes as presented.

AYES: Albregts-Cook, Smith, Dr. Forgey, Hanes, Hellmann, Wilcox NAYS: Zero ABSTAIN: Boice, Sutton Motion carries 6, 0, 2

ELECTION OF PRESIDENT AND VICE PRESIDENT FOR YEAR 2023

Ms. Hanes nominates Mrs. Wilcox to serve as President seconded by Dr. Forgey. Nominations were closed. By a show of hands the vote was 8, 0, 0.

Ms. Hanes nominates Mr. Smith for Vice President seconded by Dr. Forgey. Nominations were closed. By a show of hands the vote was 8, 0, 0.

Mrs. Wilcox was re-elected President and Mr. Smith was re-elected Vice President for 2023.

ARB REPRESENTATIVE

Ms. Hanes nominates Mr. Burtner to serve on the Architectural Review Board for 2023 seconded by Mr. Smith. By a show of hands the vote was 8, 0, 0.

OATHS OF OFFICE

Plan Commission attorney, Jonathan Hughes, administers the Oaths of Office for Gretchen Hanes and Mark Boice.

RULES OF CONDUCT/MEETING PROCEDURES

President Wilcox states that if you are present to speak about an item there are orange cards on the table outside of the Council Chambers that will need to be filled out and brought back to us. She states an individual will be given three minutes to speak and we will let you know when you are getting close to that time limit. She states if someone else has already made a point, please do not repeat the same issue. She states once the public hearing is closed, there is no additional time granted to those individuals wishing to speak

CONTINUED ITEM

#1 **Application No. 0220-2022** Amendment to the adopted Plan Development Ordinance for the "Hamilton Town Center" regarding signage for Chuy's Restaurant located at 14150 Town Center Boulevard (Noblesville City). Submitted by Hamilton TC, LLC (Owners) and Humble Sign Company (Applicant) *Staff Reviewer - Joyceann Yelton*

Ms. Yelton, Development Services Manager, states at the December meeting, we did conduct a public hearing on this item and there were no individuals that came forward to speak. She states at this meeting, we do not have to re-open the public hearing. She states if you read your Staff Report, you would note that Staff only highlighted the changes from the last meeting. She states as you may recall, this area is a part of the Hamilton Town Center and is an outlot adjacent to Campus Parkway. She states it is the site of "Chuy's" restaurant that has been at that location for a number of years. She states Chuy's is proposing new signage that does not meet the adopted standards per the Hamilton Town Center Ordinance. She notes that at the last meeting, Mr. Burns representing Chuy's, states that they would make all letters closed channel letters as opposed to open channel letters. She states even with that change, there are still outstanding items with the proposed signage including a cabinet and/or backer and the size of the letters. She states the applicant's previously mentioned the inline tenants that are actually located along the main streets of the retail center. She states the applicant's

representative noted in previous emails the size of letters that both "Total Wine" and Ford's Garage" are bigger than what Chuy's is allowed by the ordinance. She notes at the last meeting there was much discussion regarding signage for outlots and signage for the inline tenants and how the letter sizes for the outlot versus the inline tenants are different. She states to put this in perspective "Total Wine" and "Ford's Garage" are four times the distance behind the Chuy's restaurant than Chuy's is from Campus Parkway. She notes that Simon Group attempted to present their signage rules based on the traffic along Campus Parkway. Ms. Yelton notes their logo exceeds the requirements as it is somewhere between 30-35% as opposed to the 20% allowed. She states in doing some research regarding any service marks or trademarks, I only find the script word for Chuy's, the blue backer and the words "fine tex mex" are either expired or never were adopted as trademarks and/or service marks. She states at the previous meeting the elevation directions were incorrect. She proceeded to highlight the differences between the proposed signage and the existing signage on all elevations. She states the west elevation along Town Center Boulevard would include LED lights on top of the building in a single line and a new sign letters that are too large based on the ordinance and also had a cabinet (Blue area). She states on the north and east elevations they are requesting the same waivers; however, on the east elevation exceeding the maximum sign size. She states on the west elevation they are permitted a 24-Inch letter height maximum and Chuy's is proposing 68-IN letter; north elevation they are permitted 18-IN letters and they are proposing 60-IN letters and the same with the east elevation. Ms. Yelton notes that she did extra research in regards to sign standards and I found that the International Sign Association suggested that you have one inch of letter size for every 25-FT of distance you are away from a roadway and another institutional group that noted one inch of letter height for every 10-FT of distance back from the roadway. She states as an example, the restaurant is approximately 100-FT from the roadway and based on the 1-inch per 10-FT standard; it would permit a maximum letter height of 11-Inches. She notes that the Hamilton Town Center allows for twice that size for one of their signs. She states these standards were based on scientific objective factors such as setback from the roadway, number of lanes, posted speed limit, sign lighting, the angle at which the sign can be seen by both pedestrians and vehicles, and the font type all play a part in the readability of the sign. She states from the previous meeting to this meeting the only modification that Chuy's made to the signage was to include the individual channel letters; however, the signs and letter sizes and number of signs still exceeds the Hamilton Town Center (HTC) ordinance requirements. Staff, again, does not provide support for these amendments as Staff does not believe they have justified with any supporting documentation the difference between their proposal and what the HTC ordinance requires. She notes that it was Simon Group (mall owners) that provided those sign regulations based on their experiences elsewhere. Ms. Yelton states the ordinance has been in effect since 2007 and no other applicants have requested sign waivers from the adopted ordinance.

Mrs. Albrechts-Cook asks if Chuy's falls under a different umbrella than other merchants in the area.

Ms. Yelton states there are different standards for what is known as main street tenants (inline stores) and outlots such as Chuy's per the HTC ordinance.

Mrs. Albrechts-Cook states so Chuy's does not fall under the same umbrella as Ford's Garage.
Ms. Yelton states that is correct.

Mr. Russell Burns, Area Supervisor for Chuy's Restaurant in Indiana and Kentucky, 20252 James Road, Noblesville, Indiana states when we first opened the restaurant in the Hamilton Town Center, we felt that we made a lot of concessions for this area as we compared those to others Chuy's restaurant that we currently have in our inventory and what others in the Hamilton Town Center such as Ford's Garage were permitted to have and we have always felt that it has been a disparity in how these two businesses are being treated. He states we are no longer doing open channel letters. He states at last month's meeting we debated about the script and that was the reason for the additional size. He states we do need the blue cabinet sign with the arrow.

Mr. Jim Hellmann, Professional Engineer and Plan Commission member, states I took photographs on both sides of Campus Parkway because there was much discussion regarding the letter height sizes for Chuy's and Ford's. He states there is a perspective issue. He states you are wanting the perspective from the driver. He states in both cases, the comparison of the "c" in Chuy's and the "f" in Fords; the "C" was larger in both perspectives. He states he feels that the actual dimension of the sign letter height is a misrepresentation because it is the perspective of the driver going through the area.

Mr. Burns states if it comes down to the size of the lettering, we would commit to meeting that criteria, if we need to do that. He states the LED lighting around the building is important to us as our signs are not back-lit; we have gooseneck lighting and everyone else in the center has roof-top lighting.

Mr. Gutshall states that was a part of our original compromise they could keep the existing letter sizes and then we would not have any issues with the backers but I do believe reduced letter sizes must be met and then the department could be happy.

Mr. Burns states we can do that.

Mr. Hellmann states so you are willing to have the letter sizes meet the current size of the letters required.

Mr. Burns states yes we can do that if we are allowed to have the backer and we get the lighting around the top of the building.

Ms. Hanes states I have no issues with the LED lighting around the building as we have permitted others to do the same.

It was noted that we allowed Jagger's Restaurant at State Road No. 37 and E. 146th Street LED lighting around the top of their building and the same for the micro-hospital that never opened in the Promenade Planned Development.

Mrs. Albrechts-Cook states so you are willing to comply with the letter sizes discussed previously by Joyceann Yelton, Development Services Manager.

Mr. Burns states specific to the letter size only.

Mrs. Wilcox states so Caleb Gutshall noted that if they could live with the range for the letter sizes that we are looking for that we would be OK with the backer.

Ms. Yelton states I just want to make sure that we are all clear on what we have agreed to do as we have spoken about letter sizes, backers, sign sizes and I believe there may be come confusion. She states based on the adopted ordinance the maximum letter size for one sign is 24-inches and the other two signs have a maximum letter height of 18-inches and Mr. Burns has stated he is willing to reduce the letter size of the "C" and the rest of the letters to 24-inches in height minus the "y" which will be longer because of its tail and she notes that the other two signs the maximum letter height will be 18-inches.

Mr. Burns states yeah, we will meet those standards.

Ms. Yelton states I just want it to be very clear as to what is going forward from this point. She also notes that at the previous meeting we held the public hearing portion and we are not opening the public hearing again on this matter at this meeting.

Mr. Hughes, Plan Commission Attorney, states just to clarify for the record if there are individuals present to speak on this item.

Mrs. Wilcox states unless there is someone present to speak on this item at the meeting, she notes there are no "request to speak" cards filed and no one from the audience came forward.

Motion by Mr. Boice, seconded by Mrs. Albrechts-Cook to amend the application to reduce the size of the letters to a maximum height of 24-inches for one sign (West Elevation) and a maximum of 18-inches for the other two signs (North and East Elevations) regarding the letter "C" with all other items of the application remaining the same and that the tail of the "y" would be slightly longer as per Application LEGP 0220-2022.

AYES: Boice, Albrechts-Cook, Hanes, Hellmann, Dr. Forgey, Sutton, Wilcox NAYS: Smith ABSTAIN: Zero Motion carries 7, 1, 0

Motion by Mr. Boice seconded by Mrs. Sutton to send a favorable recommendation to the City Council for adoption, Application No. 0220-2022 as amended.

AYES: Boice, Sutton, Hellmann, Dr. Forgey, Hanes, Albrechts-Cook, Wilcox NAYS: Smith ABSTAIN: Zero Motion carries 7, 1, 0.

#2 Application No. 0222-2022 Amendment to the adopted Plan Development Ordinance for the "Saxony Corporate Campus" regarding signage for Outlaws Restaurant located in the 13000 block of Campus Parkway at Cabela Drive, South Side (Noblesville City). Submitted by Interstate Holdings, LLC (Owners), BML Holdings, LLC (Blake Lilly, Applicant) and BA Signs (Edgar Rivers)
Staff Reviewer - Joyceann Yelton

Ms. Yelton states the applicant has updated his sign package from the December meetings discussion; however, he has not received approval from the developer yet so he is requesting a continuance until the February meeting.

Motion by Mr. Smith seconded by Mrs. Albrechts-Cook to continue Application No. 0222-2022 until the February meeting.

AYES: Smith, Albrechts-Cook, Hanes, Hellmann, Dr. Forgey, Sutton, Boice, Wilcox NAYS: Zero ABSTAIN: Zero Motion carries 8, 0, 0

#3 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 at the November Plan Commission we heard and sent forward with a favorable recommendation the rezoning of this property. She states this application is for the planned development overlay. She states the property is located south of State Road No. 32 and east of Hazel Dell Road and contains approximately 34 acres of which approximately 12 acres was zoned "PB Planned Business" and the remaining 22 acres were zoned "R5 Multi-Family Residential". She states we completed the rezoning portion of this project prior to the planned development portion of the project as the developer, City, and Indiana Department of Transportation (INDOT) were still in discussions regarding the State Road No. 32 right-of-way. She states those negotiations have been completed so the developer is ready to move forward with this project. She states as you may recall INDOT is proposing a round-about at this intersection that is currently scheduled to begin in 2025. She states this property also has another overlay on it called the "State Road 32 Overlay District" that provides

additional standards for uses, setbacks, architecture, height of structures as well as the "Midland Trace Trail". Ms. Yelton states this property is mostly vacant and the development will be known as "Midland Pointe". She states the northern portion of the total acreage will be used for commercial development and the remainder being used for multi-family residential structures. She states in the immediate area are residential structures to the east built in the 1950-1960's; larger lot residential and agricultural uses to the south, west are single-family residential and Pebble Brook Village Center and the Promenade Planned Development are north of the site and both include commercial and residential. Ms. Yelton states the Comprehensive Master Plan shows this area as being "commercial neighborhood" meaning this area would serve a smaller geographic area by providing small-scale retail such as restaurants and services and mixed residential uses. She notes that a car wash, fuel station and bank are interested in the area. She states the Architectural Review Board did review and approve the residential elevations. She states the total number of townhomes is 20 units and those will contain two bedrooms, three baths and located adjacent to the public road labeled "A" on the development plan. She states there are two mid-rise apartment buildings containing 72 units having 4 studio apartments, 48 two-bedroom/1 bath apartments, and 20 two-bedrooms/2 baths apartments. She states the remainder of the area will be units known as "flats" and are mostly located along the exterior boundaries of the residential area. She notes that there will be 46 one-bedroom/1 bath; 82 two-bedrooms/2 baths, and 36 three-bedrooms/2 baths. Ms. Yelton states the developer did provide a parking breakdown on Page 6 of the Exhibit and it appears that based on the parking counts for the residential portion, the developer has approximately 20 additional parking spaces. She notes that specific parking for the commercial uses will be calculated at the time Staff is aware of the uses which would be the detailed development plan stage of the project. Ms. Yelton notes that this project has the support of the Administration and the Economic Development Department has a development agreement approved. She states the existing tree line to the Midland Trace Trail is to be preserved with only the removal of scrub trees or dead trees. She states there are several waivers being sought:

STATE ROAD 32 OVERLAY WAIVERS

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.

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.*

UNIFIED DEVELOPMENT ORDINANCE WAIVERS

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. She notes they proposed 85%.

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.*

Ms. Yelton states that at the time of submittal for the detailed development plan for the commercial uses, those uses are required to meet the adopted architectural standards as per the “State Road 32 Overlay District” and if for some reason they could not meet those architectural standards or other standards, they would have to return to either the Plan Commission, Architectural Review Board, and/or Council for their blessing. She states the developer noted via email today that they would be dedicating the additional right-of-way at the time of secondary plat. She states the City is interested in maintaining the tree canopy along the Midland Trace Trail. She states when we (City) first installed the trail, we challenged our trail contractor to preserve as many trees as possible and not remove any trees unless absolutely necessary. She states our portion of the Midland Trace trail is inviting as you walk/bike the area due to the wonderful tree canopy. She states that Staff contends that a note on the plan set stating that the contractor will preserve as many trees as feasible is too vague of language but suggests that the regulations of the UDO be followed regarding the existing tree canopy. She

states phasing of the project includes: Phase 1- Construction of streets, utility infrastructure, and detention pond; Phase 2 - Construction of multi-family and townhomes; and Future Phases being the construction of the commercial buildings. She notes there is an analysis table in the Staff Report that indicates the surrounding land uses, comprehensive master plan, traffic circulation and thoroughfare plan; environmental and utility considerations, and Technical Advisory Committee (TAC) comments. Ms. Yelton states the plan set has received preliminary comments from the TAC. She states Staff is recommending that this application be sent forward to the Council with a favorable recommendation for adoption including all stipulations, conditions, and waivers listed in the Staff Report. She notes one of the conditions that Staff is requesting is a modification to the shrub height adjacent to the major roadways of State Road No. 32 and Hazel Dell Road that the minimum shrub height at planting be 36-inches. She states this same requirement is within the Corporate Campus Planned Development District that includes areas along State Road No. 37 and East 146th Street.

A discussion was had regarding the curb-cuts along State Road No. 32 and the elimination of those curb cuts as stated previously by Mr. Howard (then City Attorney) and that access to any development was to come from behind the buildings and that there would be no direct cuts onto State Road No. 32 as per the State Road No. 32 Overlay District.

Ms. Yelton notes that the western most entrance is a right-in/right-out only and the eastern entrance is a right-in/right-out/left in.

Mr. Gutshall states the 32 Overlay district notes that individual drive cuts would not occur and in this case the cuts are for the development overall.

Mr. Hellmann states this is the first time we are applying the State Road 32 overlay district to a development and I appreciate from their team the coordination of the State Road 32 right-of-way and their effort. He states based on the overlay there was to be a road adjacent to State Road No. 32 but because of the additional right-of-way required for the INDOT project we are willing to forgo that requirement and allow the drive cut farther to the south along Hazel Dell Road and I believe they are meeting the intent of the ordinance. He states if there was not a right-in/right-out along Hazel Dell Road that would force all the traffic to the main drive along Hazel Dell Road. He states having other cuts along the roadway helps to alleviate all of the traffic coming to one location. He states the developer also provided us with a traffic study that was reviewed by the City and INDOT and different access points. He notes that based on the report, the traffic movements will work out even though there will be more traffic but the level of service to the City is acceptable. He states there are different levels of service that is like a grading system A through F. He states the City's level of service is "D" and that is what we consider acceptable. Mr. Hellmann states the State agencies actually accept a lower grade as their street network is much larger than a City. He states to use a higher classification would require that the intersections be ginormous and that becomes cost prohibitive based on the

number of lanes required and the maintenance. He states we use peak hours to calculate our road impact fees which is usually one in the morning and once in the evening. He states it is a balancing act for the infrastructure and the cost to build and maintain.

Mrs. Albrechts-Cook states that she has been concerned about traffic along State Road No. 32 since becoming a member of the Commission and she does not notice a difference between 8:00 AM and 8:00 PM traffic.

Mr. Hellmann states there will be two full lanes moving in each direction through the proposed roundabout so that helps to alleviate the stopping of cross-traffic in the area.

Mrs. Albrechts-Cook states based on what Joyceann stated, INDOT is not scheduled to begin construction until 2025 and you are telling me that as we flood this area with multi-family uses and commercial uses during the next two years State Road No. 32 as it exists can handle that traffic load.

Mr. Hellmann states yes. He states we looked at the full term of a 10-year build out of the improvements and I do not think that it is fair to hold up a developer just for the planned improvements by another entity. He states we are a growing community so we are going to have traffic. He states we collect road impact fees to help mitigate these improvements as growth pays for growth.

Ms. Yelton states the Midland Pointe development will not all occur simultaneously. She states it is a phased project beginning with the infrastructure including the pond in the first phase with the residential construction to follow in the second phase.

Mr. Hughes asks Ms. Yelton if there is a timeline on this development as to when it is to begin.

Ms. Yelton states Mr. Jim Adams, Developer is present and I am sure he can answer that question.

Mr. Hellmann states that again we looked at a ten year buildout and they looked at a 20-year buildout and the roadway still operated well. He states INDOT did their modeling and we put this traffic on top of their modeling and I would say there is a level of conservancy that is definitely not applied to most roadway projects.

Mr. Mark Leach, Land Use Planner with Faegre Drinker Biddle & Reath, Attorneys at Law states present with me this evening are Jim Adams, Developer with Secure Holdings; Kimberly Hanson with Old Town Companies; and Jared Wilkerson, Engineer with Kimley-Horn. He thanks Joyceann for her work on the project and the great summary of the project. He states before you tonight is an economic development project of a premier suburban trail side mixed use community that will have the residential core built by Old Town Companies with the commercial uses fronting along State Road No.

32. He states this developer's team has been working with the mayor and the administration for more than one year and the Common Council has approved an economic development agreement and the rezoning petition. He states we have been working with the Planning and Engineering Departments over the past few months to make this project a success. He notes that Secure Holdings is in agreement with the stipulations and conditions listed in the Staff Report. He states we respectfully ask for a favorable recommendation to implement this project. Mr. Leach states we believe that this development will bring energy to the western gateway of Noblesville and connect the Midland Trace trail to a great mix of residential and commercial uses. He states we are happy to answer any questions.

Mr. Jim Adams, Secure Holdings and Developer, states we have been working for quite some time on this project with Staff and all the external groups. He states the last hurdles dealt with the INDOT right-of-way for State Road No. 32, timing of their work and a round-about at this intersection and additional right-of-way for a bypass lane pulling into our project so this created additional delays in our coming back to the Plan Commission. He states that he appreciates getting the rezoning done and kind of bifurcating the process was helpful. He states pending the final approval of this project by the City Council and with the remainder of the process we are thinking a late spring start. He states there is at least six months of site work to be completed and a legal drain that needs to be rebuilt. He states we are scheduling for a pre-construction meeting with the County regarding the 1,400-linear feet of drainage ditch that is to be reconstructed and hope to be under way by late January. He states there have been drainage issues on this site that have also been a challenge. He states as soon as we have critical infrastructure in place such as the spine road, curb cuts, and critical infrastructure we would be turning the southern 2/3's of the site over to Old Town Companies and coordinating with them on the start of their project. Mr. Adams states their total construction time is 18-24 months of the 256 units. He states Crew Car Wash plans to be on the corner of this site with Crew wishing to be under construction yesterday. He states WaWa is also coming to the area with a fuel station and small grocery store. He states as the developer we have something to deliver before any of the others can begin their projects. He states the earliest that Crew would come out of the ground may be early fall. Mr. Adams states our total timeline is 24-36 months but realistically closer to the 36. He states the farther east we go, the less intense of a development as the Midland Trace trail at this location is the midpoint between Westfield and Noblesville and will be a stopping point for many. He states individuals will be coming into this development so we are looking for a good restaurant mix along with sit-down areas. He states his focus will be on local businesses in this development.

Mrs. Albrechts-Cook asks since this will be in phases are we voting on the entirety of the project including the residential and commercial or will each phase be returning to us for review.

Ms. Yelton states you are actually voting on the entire project including the residential and commercial areas. She states if the project ultimately receives approval from the Council then each individual

project within the development will return at a Staff level for review including the Technical Advisory Committee that will approve the civil drawings and architectural drawings.

Mrs. Albrechts-Cook states so we are not nitpicking the number of parking spaces for the residential and commercial. She asks Mr. Adams if he is developing the commercial and the residential.

Mr. Adams states he is the developer and we are installing the core infrastructure and master planning this entire community of 34 acres. He states Old Town Companies will be constructing the residential and each commercial entity will be constructing their respective buildings and parking. He states the detailed development plans will be returning for review by the respective groups.

Mr. Hughes states for clarification, Joyceann has already noted that the area has been rezoned for commercial uses (12 acres adjacent to State Road No. 32) and the remaining 22 acres used for residential. He states that they are unable to meet all of the standards within the Unified Development Ordinance so they are not seeking waivers for both the residential and commercial areas. He further states that detailed development plans will be reviewed by Staff and the Technical Advisory Committee for each project within the development. He states if they were asking for parking waivers now would be the time to request it. He states they are asking waivers for road, trail, and landscaping waivers and the others that were mentioned by Joyceann and those are on pages 5-7 of the Staff Report.

Mrs. Wilcox opens the public hearing and seeing no individuals come forward to speak; closes the public hearing.

Motion by Mr. Smith seconded by Ms. Hanes 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 the following waivers:

1. Elimination of the roadside corridor to be established behind the right-of-way for State Road No. 32
2. Reduction of the fuel canopies/pumps setback of 30-FT nearest to the State Road No. 32 right-of-way to allowing the canopies/pumps to extend 7-feet in front of the building associated with the site.
3. Reduction of the 60-FT building setback along Hazel Dell Road to 13-FT from the right-of-way
4. Reduction of the local (commercial) road cross section of 60-FT of right-of-way with two 18-FT travel lanes and 5-FT green strip and then 5-FT sidewalk to a 60-FT right-of-way with two 12-FT travel lanes, a 10-FT green strip then a 5-FT sidewalk.
5. Reduction of the 10-FT setback for the leading edge of a ground sign to a 5-FT setback.

6. Reduction of the minimum front yard for the residential portion along Hazel Dell Road from 45-FT to 18-FT.
7. Increase in the impervious surface percentage to 75%.
8. Reduction of the Building Base Landscaping for Commercial Buildings adjacent to a public road or residential zoning district requires 10-FT landscape area around the building, including 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 to 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.
9. Elimination of the required peripheral landscape buffer yard of 50-FT to what is indicated on the preliminary development plan.
10. Reduction of the minimum parking lot setback of 10-FT to a 5-FT setback.
11. Elimination of the 1:2 width to depth ratio for the commercial lots, and

Stipulations:

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.

and send a favorable recommendation to the Council for adoption.

AYES: Smith, Hanes, Hellmann, Sutton, Dr. Forgey, Albrechts-Cook, Boice, Wilcox **NAYS:** Zero
ABSTAIN: Zero Motion carries 8, 0, 0.

#4 Application No. 0240-2022 Waiver to the Adopted Corporate Campus Planned Development Ordinance regarding "no parking, loading, or vehicular used areas may be located between the buildings and the front property line and adjacent to an arterial roadway" for property located at 9855 and 9895 Cumberland Pointe Boulevard, a part of the Cumberland

Pointe Commercial Area. Submitted by Thomas A. Grant, Inc. (Owners); Patch Development (Andrew Greenwood, Developer)

Staff Reviewer – Joyceann Yelton

Ms. Yelton states this property is located south of Cumberland Pointe Boulevard and east of Cumberland Road and is within the Cumberland Pointe Planned Development that is both residential and industrial. She states the applicants are proposing a multi-tenant industrial/flex building on these lots similar to the buildings in Washington Business Park west of Cumberland Road. She states there is a standard in the Corporate Campus Planned Development District that does not allow vehicular used areas between the front building setback line and the property line along arterial roadways. She states they are also seeking relief to allow for pervious pavers to be installed in the landscape buffer easement for emergency purposes only. She notes that the vehicular used area standard has been waived for uses in the Washington Business Park. The two areas were highlighted on the site plan in the Staff Report. She states has for the pervious pavers in the landscaping buffer easement, the Fire Department has agreed to the concept for emergency access only; otherwise it will be off-limits to the public. She notes that the Corporate Campus Planned Development Standards were adopted back in 2002. She states in the Staff Report is the analysis table, the surrounding land uses, the comprehensive master plan designation, thoroughfare plan and Technical Advisory Committee (TAC) comments. She states the Comprehensive Plan indicates the area as "Innovation/Flex MU" indicating that it would allow for an industrial flex building. She notes that Cumberland Road is an arterial roadway thus the reason they are seeking the waiver. Ms. Yelton states because of the already existing drive cut along Cumberland Pointe Boulevard and its current location, it is difficult to situate the building and still allow for truck traffic movements to the lots. She states that the Engineering Department would not support the relocation of the drive along Cumberland Pointe Boulevard due to site distance requirements and the median that already exists. She states that the Fire Marshall also requires a minimum of two ingress/egress points to a site of this size and thus the support for the pervious pavers. She states TAC has reviewed the plan set and there were minor comments to be addressed by the developer. She states Staff does support the waivers as requested by the developer.

Mr. Boice states that he is not good visualizing these what the pervious pavers will look like and do we believe it will look ok.

Ms. Yelton states there is a landscape buffer adjacent to Cumberland Road and I do not believe it will be as noticeable as some may think. She states we have done this is other locations. She notes that currently the site is two lots and the applicants will be combining those lots into one. She notes that if the curb cut along Cumberland Pointe Boulevard was not already established then that might have provided all of us with some additional flexibility but we are working with an already established area.

Mr. Alex Chittenden, Patch Development, states we have been working on this site for 3-4 months with our team and the City's team. He states we will be cleaning up some of the items from TAC but we believe that we have a good plan.

Mrs. Wilcox opens the public hearing and seeing no one come forward to speak; closes the public hearing.

Motion by Dr. Forgey seconded by Mr. Smith to approve the requested waivers regarding the vehicle used areas located between the buildings and the front setback line and the granting of pervious pavers within the landscaping buffer easement based on the presentation and Staff Report and forward a favorable recommendation to the Council for adoption as per Application No. 0240-2022.

**AYES: Dr. Forgey, Smith, Sutton, Albrechts-Cook, Hanes, Hellmann, Boice, Wilcox NAYS: Zero
ABSTAIN: Zero Motion carries 8, 0, 0**

#5 Application No. 0243-2022 Waivers to the Adopted Corporate Campus Planned Development Ordinance regarding reduction of the front yard setback along E. 141st Street; reduction of the landscape buffer; location of dumpster and generator enclosures adjacent to an arterial roadway; reduction of the minimum building size required; and reduction in the minimum size for parking islands and located at 14065 BorgWarner Drive. Submitted by the Redevelopment Commission (Owners) and Indiana Joint Replacement Institute (Applicants)
Staff Reviewer - Joyceann Yelton

Ms. Yelton states this site is located along East. 141st Street just east of Olio Road and is a part of the Corporate Enterprise Park and adjacent to BorgWarner. She states across Olio Road is the Conference Center and Embassy Suite. She notes this is a part of the Corporate Campus Planned Development District. She states the land use category for this site is "office" with a subdistrict overlay of "View Corridor". She states the property is approximately 6 acres and is currently undeveloped except for a detention pond. She states the applicants are proposing to construct a new ambulatory surgery center with a medical conference room. She states it is a two-story structure that consists of approximately 37,500-SF. She states that access to this site is from BorgWarner Drive. Ms. Yelton states currently in the surrounding area is agricultural uses with scattered site single-family dwellings. She notes the area does abut Interstate 69 and south of that is the City of Fishers. She states west of the site is the Saxony Corporate Campus that contains restaurants and hotels. The Comprehensive Master Plan indicates the area as "Innovation/Flex MU" which is considered an employment district that could include assembly facilities, research labs, technology, food distribution, makerspaces, flex office space, and commercial areas are all predominate uses. She states this application has the support of the Administration. She states the following waivers are being sought:

1. The front yard setback along E. 141st Street is 75-FT. *When the update occurred to our Thoroughfare Plan in 2021, the classification of E. 141st Street changed from a Collector to a*

Primary Arterial. The setback for the type of roadway is different for each classification mentioned. The collector allowed a 25-FT setback and it was also platted with the 25-FT setback. Staff supports the reduction of the front yard building setback to the 25-FT as the City caused the issue with the reclassification of 141st Street.

2. *The landscape buffer along E. 141st is 40-FT. If the front yard setback waiver is granted there is no way to provide a 40-FT landscape adjacent to E. 141st Street. Staff supports the reduction of the landscape buffer due to the fact it is impossible to provide based on the approval of reduction for the front yard setback. Again, this comes about with the reclassification of the roadway.*
3. *Trash receptacle/generator enclosures shall not be located in front of any building adjacent to a collector, arterial, or expressway or adjacent to any residential use. It requires evergreen understory trees at 3-FT on center at a minimum height of 6-7 feet. The enclosures are located adjacent to E. 141st Street approximately 25-FF behind the property line. The applicant is proposing 24-inch shrubs along the enclosures. Staff cannot support the enclosures in this area, if only 24-inch shrubs are being provided. Petitioners should come prepared to discuss alternatives.*
4. *Parking islands are to be a minimum size of 240-SF. The applicant is proposed 180-SF parking islands. The Corporate Campus Planned Development (CCPD) district requires larger parking islands due to the CCPD, intended for much larger uses thus setting minimum building size standards. Staff can support the waiver due to the fact that approximately 40% of the total land area is encompassed by the detention pond as there is a minimum lot area of 5 acres; however, it does not speak to detentions being a part of that total acreage. As this is drainage pond is for the Corporate Enterprise Planned Development area and we are slight on the infrastructure uses on the lot, Staff is supportive of this waiver.*
5. *The View Corridor subdistrict that regulates architecture, bulk standards etc., required a minimum building footprint of 40,000-SF. The applicant is providing a 37,500-SF building on approximately 3.7 acres of building site, it is relevant based on the parcel size and required bulk standards to allow the reduction of 2,500-SF. Staff supports.*
6. *As for the landscaping see below:*

SUBDISTRICT ZONING VIEW CORRIDOR		REQUIRED	PROPOSED
Sec. 8	PARKING LOT INTERIOR 10% OF PARKING AREA =6,9140 sf 1 TREE/120 sf 1 SHRUB/25 sf	6,914 sf 58 TREES 277 SHRUBS	8,132 sf 29 TREES 185 SHRUBS
Sec. 8	BUILDING FOUNDATION (552') 1 ORNAMENTAL TREE/20' FACADE 1 SHRUB/3' FACADE	28 TREES 184 SHRUBS	7 TREES 186 SHRUBS
Sec. 8	PARKING LOT SCREENING 10' WIDTH @ R.O.W./5'WIDTH @ REAR & INTERIOR SIDE YARDS 2 CANOPY TREES/100 LF 33 SHRUBS/100 LF NORTH PARKING - 54'	1 TREE 18 SHRUBS	1 TREE 18 SHRUBS
	EAST PARKING - 121'	3 TREES 56 SHRUBS	3 TREES 56 SHRUBS
	SOUTH PARKING - 273' (INCLUDED FOR SCREENING PURPOSES)	5 TREES 90 SHRUBS	11 TREES 115 SHRUBS
	WEST PARKING* - 246'	3 TREES 40 SHRUBS	3 TREES 40 SHRUBS
Sec. 8	PERIMETER SITE BUFFERYARD ADJACENT TO R.O.W. 25' WIDTH ADJACENT TO SIMILAR 15' WIDTH	25' WIDTH 15' WIDTH	25' 15'
*PARKING SCREEN PROVIDED AT 50% NOT ADJACENT TO PUBLIC RIGHT-OF-WAY			

She notes that the landscaping numbers are very similar to what is required in the ordinance but there has been a shifting of trees in shrubs in other areas to meet the intent of the ordinance requirements. She states Staff is recommending approval of the request and a favorable recommendation be sent to the City Council for adoption.

Jennifer Frey, Representing the Indiana Joint Replacement Institute, states she has been their business advisor for a number of years. She states we appreciate the consideration of the waivers and we are excited to be working with the City. She states we have been working with the Administration and the Economic Development Team since June and in November the Economic Development Agreement was approved by the Council. She states we would appreciate your support for the waivers.

Mrs. Albrechts-Cook asks why they are minimizing the landscaping.

Ms. Frey states it has to do with the constraints of the site.

Mrs. Albrechts-Cook states I do not understand why the first thing developers want to cut is the landscaping. She asks if she knows the difference amongst the plants being used.

Ms. Frey states only from personal use. She states because of the constraints of the site we have had to reduce some of the other requirements such as the parking island size.

Mr. Hughes states just a note regarding the master development because the Redevelopment Commission currently owns this property. He states there is a large pond on the site as evidenced in the aerial photograph. He states the pond actually serves the entire development area including the BorgWarner site. He states south of BorgWarner and adjacent to Interstate 69 in another parcel of property so part of the reason for the setbacks along E. 141st Street are driven by these parcels. He states as this is a medical facility, so parking needs to be adjacent to the facility as much as possible. He states that is why Staff is supportive of the waiver for landscaping.

Mr. Gutshall states that with the proposed architecture of the building, it is so interesting that we do not think it needs a lot of foundation landscaping around the building.

Ms. Yelton states if they are required by the ordinance to provide 7,000-SF of landscaping for the parking areas and they are providing 8,100-SF of landscaping there is some give and take in this situation. She states in some areas there is more landscaping in a particular area than what is required and in other areas there is less landscaping in a particular area than what is required. She notes the area where they are mostly not meeting the landscaping requirements is the trees around the building. She notes it is an ambulatory surgery center and access to the building is crucial.

Mr. Boice asks when dirt moving would occur.

Ms. Frey states dirt moving in July-August with the building being completed towards the end of 2024 and then seeing patients shortly thereafter.

Mrs. Wilcox opens the public hearing and seeing no one come forward to speak; she closes the public hearing.

Mr. Smith states regarding the waivers you are OK with the location of the enclosures; however, you want the shrubs to be a minimum of 6-FT at planting around the enclosures.

Ms. Yelton states that is correct.

Motion by Ms. Hanes seconded by Mr. Smith to approve the construction of an ambulatory surgery center as per the presentation, staff report, and application No. 0243-2022 including the following waivers:

1. Reduction of the front yard setback along E. 141st Street from 75-FT for the arterial road to

- a minimum of 25-FT.
- 2. Reduction of the landscape buffer along E. 141st Street from 40-FT for the to a minimum of 25-FT.
- 3. Allowance of the trash/generator enclosures to be located in front of the building that is adjacent to an arterial roadway.
- 4. Reduction of the parking islands from 240-SF to 180-SF.
- 5. Reduction of the minimum building size of 40,000-SF to 37,500-SF
- 6. Landscaping requirements as below:

SUBDISTRICT ZONING VIEW CORRIDOR		REQUIRED	PROPOSED
Sec. 8	PARKING LOT INTERIOR 10% OF PARKING AREA =6,9140 sf 1 TREE/120 sf 1 SHRUB/25 sf	6,914 sf 58 TREES 277 SHRUBS	8,132 sf 29 TREES 185 SHRUBS
Sec. 8	BUILDING FOUNDATION (552') 1 ORNAMENTAL TREE/20' FACADE 1 SHRUB/3' FACADE	28 TREES 184 SHRUBS	7 TREES 186 SHRUBS
Sec. 8	PARKING LOT SCREENING 10' WIDTH @ R.O.W./5'WIDTH @ REAR & INTERIOR SIDE YARDS 2 CANOPY TREES/100 LF 33 SHRUBS/100 LF NORTH PARKING - 54'	1 TREE 18 SHRUBS	1 TREE 18 SHRUBS
	EAST PARKING - 121'	3 TREES 56 SHRUBS	3 TREES 56 SHRUBS
	SOUTH PARKING - 273' (INCLUDED FOR SCREENING PURPOSES)	5 TREES 90 SHRUBS	11 TREES 115 SHRUBS
	WEST PARKING* - 246'	3 TREES 40 SHRUBS	3 TREES 40 SHRUBS
Sec. 8	PERIMETER SITE BUFFERYARD ADJACENT TO R.O.W. 25' WIDTH ADJACENT TO SIMILAR 15' WIDTH	25' WIDTH 15' WIDTH	25' 15'
*PARKING SCREEN PROVIDED AT 50% NOT ADJACENT TO PUBLIC RIGHT-OF-WAY			

and forward a favorable recommendation for adoption to the City Council.

AYES: Hanes, Smith, Hellmann, Albregts-Cook, Sutton, Dr. Forgey, Boice, Wilcox NAYS: Zero
 ABSTAIN: Zero Motion carries 8, 0, 0

ADJOURNMENT

There being no Miscellaneous Business, a motion was made by to adjourn the meeting.
Meeting adjourned at 7: 40 PM.

Malinda Wilcox President

Caleb P. Gutshall Secretary