



## PLAN COMMISSION STAFF REPORT

<b>ITEM NO:</b>	<b>2</b>	<b>APPLICATION NO. - 0005-2023</b>
<b>MEETING DATE:</b>	March 20, 2023	
<b>SUBJECT:</b>	Change of Land Use Category and Subdistrict Overlay	
<b>PETITIONER(S):</b>	Bastain Solutions (Applicants), LOR Promise LLC; Marilyn Road, LLC, and Romany Catholic Diocese of Lafayette in Indiana, Inc (Owners)	
<b>SUMMARY:</b>	Request for a change of land use category for approximately 113 acres and subdistrict overlay for approximately 49 acres	
<b>LOCATION:</b>	11000 – 11600 block of E. 146 <sup>th</sup> Street, South Side	
<b>WAIVERS REQUESTED:</b>	None	
<b>RECOMMENDATION:</b>	Approval	
<b>PREPARED BY:</b>	Joyceann Yelton, Development Services Manager <a href="mailto:yyelton@noblesville.in.us">yyelton@noblesville.in.us</a> 317-776-6325	

### Planning Terms

*Land Use Category* - Classification of a parcel by its intended future uses that usually falls within the following broad categories: agricultural, residential, recreational, commercial, industrial, and/or public spaces.

*Subdistrict Overlay* - additional regulations over an existing zoning district dealing with architectural standards, landscaping standards, building materials and others.

*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.

*Corporate Campus Planned Development District (CCPD)* - The CCPD was adopted to encourage economic development activity and high quality, well-integrated developments along the north and south sides of East 146<sup>th</sup> Street Corridor between State Road No. 37 and Prairie Baptist Road. This district is intended to provide for a broad range of uses, thus expanding employment opportunities in Noblesville and enhancing its tax base. Within the CCPD are several land subdistricts that represent physical character areas with each subdistrict tailored to a purpose, use, bulk, and site development standards reflective of its location, function, and desired appearance within the CCPD.

### Procedure

The application was filed in January for a public hearing at the March 20, 2023, Plan Commission meeting. The proposed change of land use category/subdistrict is discussed at a Plan Commission Meeting where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed amendment. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions/stipulations to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendations at two separate Council meetings. At the final Council meeting the item is introduced and either approved, denied, or modified as per the presentation and the proposed ordinance. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspapers 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 March meeting and publication in the newspapers occurred.

### Correspondence

Staff has received some correspondence and is attached to this report. (Exhibit 9 – Received Correspondence)

## Summary

The property is located adjacent to and south of East 146<sup>th</sup> Street, east of Promise Road, north of East 141<sup>st</sup> Street, and west of Marilyn Road. (Exhibit 1 – Aerial Photograph entire acreage) The total property being purchased by Bastian Solutions is approximately 162 acres and is currently zoned Corporate Campus Planned Development (CCPD). The 162 acres is mostly vacant/undeveloped and is used for crop growing. The applicant ultimately is proposing to construct their headquarters at this location and consolidate their other facilities currently in the surrounding communities to this location as a multi-year project. The other facilities include assembly and production of conveyor systems and robotics equipment to outfit distribution and manufacturing operations, research and development and an innovation center. The applicant is requesting a change of land use from “Office/Flex” to “Industrial/Office” (Exhibit 2 – Aerial Photograph indicating land use area) on the northern approximately 113 acres adjacent to E. 146<sup>th</sup> Street to match the zoning currently on the southern +/- 50 acres. This is the same land use classification that governs SMC along Cumberland Road north of 146<sup>th</sup> Street. This operation would be considered similar in use but not at the same scale of the North American Headquarters for SMC. As for the land uses in both land use categories, they allow educational uses, cultural/entertainment uses, commercial uses, industrial uses, and transportation/communication uses that either are permitted by right or would require additional scrutiny through the public hearing process. On the southern 50 acres, the subdistrict overlay will be modified to the existing overlay on the 113 acres which is more restrictive than the current subdistrict on the southern portion. The subdistrict overlay regulates additional architectural and landscaping requirements.

In the immediate area to the east is a new residential subdivision known as “Marilyn Woods” a single-family residential development and is in the infrastructure phase of activity; south are residential neighborhoods in the City of Fishers known as “Westminister of Fishers”, “Canyon Ridge”, and “Sedona” and all are established single-family neighborhoods. To the west of Promise Road, is mostly agriculturally used ground with a single-family residence (also zoned CCPD), and north across E. 146<sup>th</sup> Street is more land zoned CCPD and is currently under development for commercial/industrial/ office/warehouse uses (Exhibit 3 – Zoning Map). Areas to the north, east, and west are all a part of the Corporate Campus Planned Development District (CCPD) with the City of Fisher’s neighborhoods to the south being mostly zoned “R4 – Residential” and “R5 – Residential”. The “Fisher’s R4 District” is intended to provide for the development of single-family homes in a higher density range of approximately 1.0 - to 2.5 dwelling units per acre and the “Fisher’s R5 District” is intended to provide for the development of single-family homes in a higher density range of approximately 1.0 - to 3.0 dwelling units per acre. (Exhibit 4 – City of Fishers Zoning Map). There are a few areas zoned “R2 – Residential” and an area zoned “PUD-C – Commercial Planned Unit Development”. (Exhibit 4A – Magnified Area of Fishers Zoning Map). The Corporate Campus zoning district was adopted prior t the development of the residential neighborhoods in Fishers.

The 2020 Comprehensive Plan publicizes the area as “Innovation/Flex MU”. This land use is established for assembly facilities, research and design labs, technology, makerspaces, small-scale food distribution, and flex office/commercial are the predominant uses within this typology. This typology is considered an “employment center” that houses industrial and campus style office uses that operate on a larger scale. (Exhibit 5 – Magnified Area of 2020 Comprehensive Plan Land Use Map). Prior to the adoption of the 2020 Comprehensive Master Plan the southern area was “Office/Industrial Flex” and “Office” (northern portion) as per a previously adopted comprehensive plan. The Comprehensive Master Plan 2003 indicated the area as it is today north half “Office/Flex” and southern portion “Industrial/Office. Some of the guiding principles for the Action Plan include (1) becoming well-equipped to facilitate larger scale redevelopment and future growth, (2) explore ways to offer information and assistance to businesses with respect to land use and transportation as well as enforcement, development, and redevelopment opportunities throughout Noblesville, (3) require more efficient land uses and development types to ensure a higher net fiscal impact, and (4) encourage more green space and natural amenities within developable areas for employees.

The 2021 Thoroughfare Plan denotes E. 146<sup>th</sup> Street, E. 141<sup>st</sup> Street, and Promise Road having a functional roadway classification of “primary arterials”. A “primary arterial” is a roadway that serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel or connects major population centers in rural areas or serves major centers of activity being one of the highest traffic volume corridors with the longest trip desires in urban areas. This functional classification also interconnects and augments with other arterials to provide service trips of moderate length for intra-community continuity in urban areas.

Along the eastern portion of this property is a designated wetlands known as “Freshwater Pond” that is approximately 2.8 acres in size and is adjacent to a well-established wooded area. (Exhibit 6 – Wetlands Inventory Map). Freshwater Ponds are usually extracted by humans and are not necessarily prominent due to the natural habitat. The mapping is an inventory digitized by the U.S. Fish and Wildlife Service that provides information on potential location, size, and type of wetlands across the entire country and is based on high-altitude aerial imagery. The polygons represent potential wetlands areas and should be used for preliminary assessments only. As for any development of the acreage it may require review by the Indiana Department of Environmental Management that may issue a Section 401 Water Quality Certification based on if it is a jurisdictional or non-jurisdictional wetlands. A jurisdictional wetland would be subject to the Clean Water Act.

The applicant's representatives have provided a narrative statement and ordinance (requires modifications as to form/function). (Exhibit 7 – Documents provided by applicant).

The applicants are required to hold an informational neighborhood meeting as a part of the process. The attendees are the same individuals/entities that are notified of the public hearing process before

the Plan Commission. This was a virtual meeting and approximately 20-25 individuals attended. Only a few individuals spoke and addressed their concerns as (1) entrance along E. 141<sup>st</sup> Street, (2) negatively affect the property values of the residential properties, (3) noted that those most affected resided in Fishers, (4) wanted buildings located away from the southern border of the property, (5) questioned if there are hazardous chemicals used in their processes, (6) questioned Noblesville's plans for extending 141<sup>st</sup> Street eastward, (7) hours of operation, (8) questioned if the Fisher's Council was involved in this project, and (9) disposal of chemicals (**Exhibit 8 – Summary of Neighborhood Meeting**).

As you may recall, at last month's meeting, the Plan Commission approved an order regarding this development. The Bastian Solutions project has support of the Administration and has an approved agreement through the Economic Development Department. By moving forward with the change of land use district/subdistrict, we are providing assurances that we continue to support this development.

History      2000 – Zoning Corporate Campus Planned Development

**Analysis Table**

Item	Description	Analysis
<i>Surrounding Land Uses</i>	<b>North</b> – Campus Center Planned Development <b>South</b> – City of Fishers (Residential) <b>East</b> – Proposed Marilyn Woods Residential Planned Development <b>West</b> – Agriculture (vacant)	<i>The surrounding land uses include commercial, residential, agricultural</i>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Innovation Flex/MU</i>	<i>Reference body of Staff Report</i>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>E. 146<sup>th</sup> Street, E. 141<sup>st</sup> Street, and Promise 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 currently.</i>
<i>TAC Comments</i>		<i>Not required at this time to be introduced to this committee.</i>

**Attachments**

**Exhibit 1 – Aerial Photograph of total acreage**

**Exhibit 2 – Aerial Photograph of land use area**

**Exhibit 3 – Zoning Map**

**Exhibit 4 – City of Fishers Zoning Map**

**Exhibit 4A – Magnified area of Fisher's Zoning Map**

**Exhibit 5 – Magnified area of 2020 Comprehensive Land Use Map**

**Exhibit 6 – Wetlands Inventory Map**

**Exhibit 7 – Applicant's Documents**

**Exhibit 8 – Summary of Neighborhood Meeting**

**Exhibit 9 - Correspondence**

### Recommendation

Staff supports the request for the change of land use as it is following the goals, objectives, and policies of the comprehensive master plan and the adopted thoroughfare plan. This type of proposed development may also encourage additional headquarters relocating to the Noblesville Corporate Campus Area, expand employment opportunities, and increase Noblesville's tax base. This proposed development is adjacent to three major roadways that foster development beyond residential uses.

### Motions

1. Motion to approve the requested Change of Land Use from "Office/Flex" to "Industrial/Office" for the northern +/-113 acres and a change of subdistrict overlay from "Internal" to "146<sup>th</sup> Street Corridor" for the southern +/- 50 acres as per the presentation, staff report, and Application No. 0005-2023 and forward a favorable recommendation for adoption to the City Council. **(LIST ANY STIPULATIONS AND/OR CONDITIONS)**
  
2. Motion to deny the requested Change of Land Use from "Office/Flex" to "Industrial/Office" for the northern +/-113 acres and a change of subdistrict overlay from "Internal" to "146<sup>th</sup> Street Corridor" for the southern +/- 50 acres as per the presentation, staff report, and Application No. 0005-2023 and forward an unfavorable recommendation and a do not adopt to the City Council for Application No. 0005-2023. **(LIST REASONS)**
  
3. Motion to continue Application No. 0005-2023 until the April 17, 2023, meeting.