



PLAN COMMISSION STAFF REPORT

ITEM NO: 1 **APPLICATION NO.** 0160-2023

MEETING DATE: October 23, 2023

SUBJECT: Amended Development Plan and Ordinance

PETITIONER(S):

SUMMARY: Amended development plan and ordinance

LOCATION: Noble West Planned Development Commercial Area

WAIVERS REQUESTED: NA

RECOMMENDATION: Approval

PREPARED BY: Joyceann Yelton, Development Services Manager
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Planning Terms

Amend or Amendment – Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

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.

Procedure

The application was filed and is now ready for a public hearing at the January 20, 2024 Plan Commission meeting. The proposed amendment 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 to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendation at two separate Council meetings. At the final Council meeting the amendment is 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.

Correspondence

As of the time of writing, Staff has not received any inquiries regarding the application.

Summary

This is a proposed amendment to a 2002 Noble West Planned Development Ordinance. The proposed update specific to the retail area would include an addition to the existing Kroger Store, and additional 75,000-SF of retail inline shops, development of a Kroger fuel station, and outlots along 146th Street.

The following are requested amendments to the planned development ordinance: prohibit the following uses (a) automobile sales including service and storage, (b) automobile service and repair (indoor), and (c) marine craft – sales, repair, service. Increasing the total allowable square footage from 283,000-SF to 320,000, and finally they are requesting amendments to eliminate the

requirement that a 5-7-ft wall is required along E. 146th Street. The applicants are proposing to remove any existing wall and in place of the wall install a 3-FT shrub hedge and other landscaping. Review behind tabs 6, 7, and 8 relating to the landscaping and wall. There are elevation drawings relating to the Kroger addition and fuel center.

History

- 2002 Adopted Original Ordinance

Attachments

Exhibit 1

Overall Stony Creek Estates Aerial Photograph

Recommendation

Staff recommends approval of the amended development plan and the clarification to the ordinance.

Motions

1. Motion to approve the amended development plan as submitted and the amendments are proposed to the original ordinance as per the presentation for Application No. 0160-2023.

2. Motion to deny the amended development plan and update to the existing ordinance for Application No. 0160-2023 **(LIST REASONS)**

3. Motion to continue Application No. 0160-2023 until the March meeting.