



PLAN COMMISSION STAFF REPORT

ITEM NO: 3 & 3A

APPLICATION NO. LEGP 0017-2024 and LEGP 0018-2024

MEETING DATE: March 18, 2024

SUBJECT: Zoning change and planned development proposal

PETITIONER(S): Willow Family Farms, LLC,: Jerrald & Stephanie Waterman Owners and MI Homes of Indiana, LP (Applicants)

SUMMARY: Change of Zoning and Adoption of a Preliminary Development Plan and Ordinance governing the development to be known as Finch Creek Planned Development

LOCATION: North of Greenfield Avenue, east of Promise Road, and south of E. 156th Street in Noblesville To

WAIVERS REQUESTED: Peripheral Landscape Buffer size and landscaping requirements; and some bulk standards

RECOMMENDATION: Approval

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Planning Terms

Change of Zoning- An amendment to a zoning map to effect a change in the nature, density, or intensity of uses allowed in a zoning district or on a designated parcel or land area.

R1 – is a low density single-family zoning district.

R5- is a multi-family residential zoning district allowing for townhomes and apartments that have at least three units in a single building.

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.

Planned Development- A large-scaled unified development consisting of a parcel or parcels of land, controlled by a single owner, and developed as a single entity. The area of land is then developed according to the adopted preliminary development plans and approved detailed plans with more flexible standards, such as lot sizes, uses, and setbacks than those restrictions that would normally apply to a specific zoning district.

Preliminary Development Plan - The initial development plans as proposed for a district overlay following approval by the Plan Commission and adoption by the Common Council of said drawings and Planned Development ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

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.

Stipulation - A condition, requirement, or item specified as a part of an agreement or ordinance.

Condition - A restrictive or modifying factor that is essential to the occurrence of something else.

Comprehensive Master Plan – is a policy document upon which laws that regulate land development activities are based. It is designed to guide community and economic development efforts or any activity that affect local government for a to 25- year period. Included is guidance on local decisions related to (1) public and private land development, (2) expenditures of public funds, (3) availability of tax incentives, and (4) cooperative efforts and issues of pressing concern such as creating a more vibrant downtown and introducing more options for attainable housing.

The land use plan map serves as a visual representation to the written narrative of the plan. Both the future land use map and the future built form map are visual guides for current and future community and economic development efforts and policies. Those bring two visuals bring together most of the elements of the comprehensive plan to illustrate what the broader community would like to see happen and further translate the vision, desired outcomes and policy objectives into a tangible decision-making network. A comprehensive plan is flexible and adaptive where as the regulations of the Unified Development Ordinance dictate uses and specific regulations for each zoning district.

The 'suburban transect' that is a part of the built-form map primarily consists of residential uses with plenty of green space. The scale of the development remains consistent to a lower-suburban land use with building heights ranging from 1 to 3 stories. The scale of housing and any mixed use development may increase in scale but must remain consistent with the surrounding context.

Procedure

The application was filed on the January deadline for a public hearing at the March Plan Commission meeting. The proposed change of zoning, preliminary development plan and 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 change of zoning, preliminary development plan, and ordinance. 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. After the Plan Commission's Public Hearing, the Council then hears the proposal and then may adopt, deny, or modify what was sent by the Plan Commission to 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

Staff has spoken to a couple of individuals via telephone; mostly asking procedural questions but also noting that they are against the project . Also, attached is correspondence from surrounding property owners and a petition that was circulated through the Chapel Villa's neighborhood. ([Exhibit 7 – Correspondence](#))

Background

These two applications affect approximately 27 acres of mostly vacant land with a single residential unit and accessory buildings along E. 156th Street just north of Greenfield Avenue

(formerly SR 238) and east of Promise Road. (Exhibit 1 – Location Map) The planned development name will be “Townes at 238”.

West of Promise Road are five individual home sites that the property ranges in size from .60 acre to 1 acre and is currently zoned R1 Single Family Residential. East property (fronting E. 156th Street) that is currently zoned R1-PD with an approved use of a flower gardens and sales at this location. Farther to the east is property zoned R1 Single-Family Residential, PB/PD Planned Business Planned Development (former Fiore Landscaping) and Hoods gardens that is mostly zoned B-PD which that use was original adopted under Hamilton County and then brought into the zoning jurisdiction of the City of Noblesville. Immediately north is “Chapel Woods” that is mostly single-family residential home sites with a small portion of duplex units (R1/PD). Northwest of the site is “Chapel Villas” which is not associated with “Chapel Woods” and is their own individual neighborhood that is all two-family units zoned (R4/PD). Farther east along the north side of E. 156th Street is “Brooks Farms” that is currently zoned (R3-R4/PD) that includes again single-family residential and two-family residential. Properties south of Greenfield Avenue are a part of the “Corporate Campus Planned Development Area” with different land use categories than the typical zoning districts. Along the southside of the proposed development and south of Greenfield Avenue is “Waterman Farms” which is a part of the Corporate Campus Planned Development District with a land use of “single-family residential”. Immediately west of “Waterman Farms” is an area that is zoned Corporate Campus Planned Development with a land use category of “multi-family residential” and known as “Meredith Meadows” are multiple buildings with approximately 84 units on 13 acres. Farther east along Greenfield and east of the multi-unit structures, is a commercial area including mini-storage warehouses and inline tenant buildings that are office uses, retail, and services.

The Comprehensive Master Plan indicates the area as “Mixed Density Single-Family Residential”. (Exhibit 2 – Land Use Map) This typology encourages a variety of housing types with accompanying mixed use retail and office uses along intersection and corridors. Scale and building heights can range from 1 to 5 stories for the residential and are dependable upon the surrounding context. Single-Family home types are more common within the ‘suburban transects’ but are compatible in scale with attached single-family homes and multi-family units. (Exhibit 3 – Build Form Map) These areas are highly walkable and have access to recreational opportunities and may be adjacent to employment centers and commercial regions that act as a buffer to lower intensity residential uses.

The applicant did hold the required ‘neighborhood meeting’ with approximately 20 households attending. Generically, it was noted that most were concerned about the proposal being compatible with the surrounding neighborhoods in regard to several items as expressed in the correspondence that has been received and is attached. There was one piece of correspondence that was received; however, it was not included as there is no address on the email.

Change of Zoning

The applicant is requesting a change of zoning from “R1 Low density single-family residential to “R5 Multi-Family Residential”. The “R5” zoning classification is the only zoning classification that permits more than three units in a single building. None of the other zoning classifications allows a townhome use.

Preliminary Development Plan

The name of the development will be “Townes at 238 Planned Development” and is proposed as a master planned townhome community. Each unit will be owner occupied with an HOA maintaining the common areas, landscaping and seating areas and walking paths within the development will be maintained by the HOA. (Exhibit 4 - Color Concept Plan) includes a maximum number that is capped at 190 units with the preliminary development plan indicating a total of 186 units. The overall density of this project could be up to 14 units per acre; however, this proposal is approximately 10 units or slightly less per acre. Minimum dwelling size is 1,300-SF per dwelling. (Exhibit 5 - Preliminary Development Plan).

The applicant is proposing both two-story and three-story townhomes units. Based on the color concept plan (exhibit 4), the units that are a yellow color are the 3-story units with the pink color being the 2-story. Based on this plan the height of the two-story units is approximately 27-FT and the height of the three-story units is 34-FT or three-stories which meets the requirements set forth in the Unified Development Ordinance (UDO). All garages are internal to the site and not facing any perimeter roads such as Greenfield Avenue, Promise Road, and/or E. 156th Street. Within the common areas are some enhancements such as a seating area with a fire pit and a roofed structure housing picnic tables and parking enhancements that may include bocce ball and corn hole.

A minimum of 28% of the overall acreage must be set aside for permanent common space. This development has 9.7 acres of common space that equates to 36.3%. In theory, the applicant could reduce the amount of common area by 2.3 acres and add additional units to the overall townhome count.

As for the peripheral buffer yards, it is set forth as follows: Greenfield Avenue and 156th Street – 30 FT landscape buffer yard and the east property line would be a 20-FT minimum buffer yard and the same for Promise Road.

Based on the PD Ordinance the following are the proposed waivers:

1. Reduction to peripheral buffer yard to either 30-FT or 20-FT.
2. Reference the bulk standards within the ordinance on page 7.

3. Reduction in landscaping peripheral buffer yards from the requirement of 3 staggered canopy or evergreen trees and 33 deciduous or evergreen shrubs per each 100 linear feet to 2 shade trees seven ornamental deciduous trees and 10 large deciduous or evergreen shrubs per 100 linear feet. East property line will remain as is.

This project has had a preliminary (high level review) Technical Advisory Committee Review, and it is noted that on their drawings it was incorrectly shown that the adjacent property owner to the east had installed the storm sewer when that is not a true. Also noted were the requirements for acceleration lanes, deceleration lanes and protected lefts to all entrances to the neighborhood; widening of the public roads on which the development has frontage to 12-FT through lanes and 2-FT asphalt shoulder per the Noblesville Standards; and the storm sewer must be either built to Noblesville Standards through the adjacent property to the east with reinforced pipe or we could consider possible another proposal.

This property is currently within our zoning jurisdiction but outside the corporate limits. An annexation of the area is required.

History – None

| Item | Description | Analysis |
|---|---|---|
| <i>Surrounding Land Uses</i> | <p><i>North</i> – single-family and two family attached residential units <i>East</i>– single-family dwelling and a flower farm <i>South</i> – single-family residential units <i>West</i> – single-family residential units</p> | <p><i>The surrounding uses are mostly residential in nature and this proposed development does meet the land use map and policy statements of the comprehensive master plan.</i></p> |
| <i>Comprehensive Master Plan and Future Land Use</i> | <i>Mixed Residential</i> | <p><i>The mixed residential land use category encourages a variety of housing types with accommodating mixed-use retail and offices located along intersections and corridors. Scale may range from 1 to 5 stories in height and mostly being single-family residential including some multi-family units. The area should be highly walkable with access to adjacent recreational activities and could be adjacent to employment centers, activity centers and commercial regions.</i></p> |

| Item | Description | Analysis |
|--|---|---|
| <i>Traffic Circulations and Thoroughfare Plan</i> | <i>Greenfield Avenue (Primary Arterial); Promise Road and 156th Street (Secondary Arterial</i> | <p><i>Arterial</i> is a type of roadway that is a high-capacity urban road that delivers traffic from an integrated network of continuous routes.</p> <p><i>Primary Arterial</i> serves corridor traffic movements indicative of substantial statewide or interstate travel and connects to major population centers.</p> <p><i>Secondary Arterial</i> serves to connect to primary arterials to provide service trips of moderate length for intra-community continuity in urban areas.</p> |
| <i>TAC Comments</i> | | <i>Submitted for preliminary review and the engineer has already addressed the comments.</i> |

Attachments

- Exhibit 1 Location Map
- Exhibit 2 Land Use Map
- Exhibit 3 Build Form Map
- Exhibit 4 Color Concept Map
- Exhibit 5 Preliminary Development Plan
- Exhibit 6 Applicant's Submittal
- Exhibit 7 Correspondence

Recommendation

Staff can support a positive recommendation for adoption of the preliminary development plan and waivers requested including the planned development ordinance regulations as it meets the intent and goals of the comprehensive master plan including any stipulations/conditions.

Motion

Change of Zoning

1. Motion to approve the change of zoning request from R1 to R5 as submitted per the presentation for Application No. 0017-2024 and forward a favorable recommendation for adoption to the City Council.

2. Motion to deny the request for a change of zoning as per the presentation and Application No. 0017-2024 and forward a do not adopt recommendation to the City Council. **(LIST REASONS)**

3. Motion to continue Application No. 0017-2024 until the April 15, 2024 meeting.

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Motion

Preliminary Development Plan and Ordinance

1. Motion to approve the change of zoning request from R5 to R5/PD Residential Planned Development as per the presentation and submittals for Application No. 0018-2024 including the adoption of the preliminary development plan and ordinance with the following waivers and stipulations:

Waivers

- a. Reduction of the peripheral buffer yards to 30_FT or 20-FT as per the attached preliminary development plan.
- b. Reduction of the minimum rear yard from 20-FT to 15-FT.
- c. Elimination of side yard setback per building to a building separation of 20-FT between buildings
- d. Reduction of lot width to be replaced with the actual width of each unit within the building
- e. Reduction of front yard setback from 45-FT to 10-FT (internal)

Stipulations

1. A tree survey prepared by a licensed arborist shall be submitted with the detailed development plan for purposes of determining the health, life expectancy, condition including any major insect or pathological issues for the preservation tree area to solidify the amount of trees that will remain and meet the criteria of a preservation tree area and the final determination of any additional plants that may be required along the eastern property line as a part of the peripheral landscape buffer yard.
2. Acceleration lanes, deceleration lanes and protected lefts to all entrances into the neighborhood as per the Noblesville Standards and Engineering Department.
3. Widening of the public road on which the development has frontage to 12-FT through-lanes and 2-FT asphalt should per the Noblesville Standards.
4. Downstream drain outlet must meet one of the following conditions:
 - a. storm sewer through the adjacent property to the east (Sweet Peas flower farm) shall be built per the Noblesville Standards with reinforced pipe, or
 - b. the use of HP Storm for the off-site storm in the grassed open area that flows across the Sweet Peas Flower Farm property if the pipe can meet the loading requirements and the acceptance of the storm sewer through Sweet Peas Flower Farm property as a regulated drain.
5. A traffic study is required with the detailed development plan submittal.
6. The sanitary sewer shall be a gravity sewer.

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

2. Motion to deny the request for the adoption of a preliminary development plan and planned development ordinance per the presentation and Application No. 0018-2024 and forward a do not adopt recommendation to the City Council. **(LIST REASONS)**

3. Motion to continue Application No. 0018-2025 until the April 15, 2024 meeting.