

**COMMON COUNCIL  
CITY OF NOBLESVILLE  
MAY 14, 2024**

The Common Council of the City of Noblesville met in the Council chamber on Tuesday, May 14, 2024. Darren Peterson called the meeting to order at 7:00 p.m. pursuant to public notice with the following members present: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, and Megan Wiles.

Also present were City Clerk Evelyn Lees, Public Safety Director Chad Knecht, City Attorney Jonathan Hughes, a Department Director, staff, applicants, interested citizens, and a member of the media.

**PLEDGE OF ALLEGIANCE**

Mr. Davis led the chamber in the Pledge of Allegiance.

**ROLL CALL**

Ms. Lees called the roll. A quorum was present.

**APPROVAL OF MINUTES: APRIL 23, 2024**

Mr. Davis moved to approve the minutes, second Mr. Boice, nine aye, motion carried.

**APPROVAL OF MINUTES: APRIL 30, 2024 – JOINT MEETING WITH PLAN COMMISSION**

Ms. Wiles moved to approve the minutes, second Mr. Boice, nine aye, motion carried.

**APPROVAL OF MINUTES: APRIL 30, 2024 – WORK SESSION**

Mr. Johnson moved to approve the minutes, second Mr. Elliott, nine aye, motion carried.

**APPROVAL OF AGENDA**

Ms. Wiles moved to approve the agenda, second Mr. Schwartz, nine aye, motion carried.

**PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT**

There was one request to speak. He chose to speak when the item was considered.

**COUNCIL COMMITTEE REPORTS**

Mr. Smith stated the Downtown District Committee met on April 26. He stated most of the meeting was spent discussing the State Road 32 construction project and announcing the City's Hard Hat Resiliency grant program to businesses impacted by INDOT's project on Conner Street through Downtown. He stated since then, applications have been received and are under review. He stated the grants should be awarded very soon. He stated INDOT's project is currently in phase II, which is expected to last into June, and then phase III will reconstruct Conner Street from west of 9<sup>th</sup> Street to 6<sup>th</sup> Street. He stated INDOT's website for the project is reconstructingsr32.com. He stated after this project is completed, projects on State Road 37 at 186<sup>th</sup> Street and 191<sup>st</sup> Street will follow. He stated the Designated Outdoor Refreshment Area (DORA) district was discussed and will be introduced to Downtown merchants soon.

Mr. Boice stated the Roads Committee met on May 3. He stated at the meeting the committee was informed of a public information meeting hosted by INDOT on May 8 for a project to improve State Road 32 from west of River Road to Westfield. He stated he attended the meeting. He stated INDOT plans to construct two lanes in each direction with a median and seven roundabouts at intersections, and possibly two more roundabouts. He stated left turns will be restricted. He stated INDOT's study found the drive time between the two cities is 15 minutes now, and they are striving to keep that same time for 20 years. He stated utility relocations are scheduled for 2025, and construction is scheduled for 2026 and 2027. He stated INDOT's website for the project is improvetomove32.com. He stated the website has a place to sign up for email newsletters concerning the project. He stated the meeting was very well attended. Mr.

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Peterson asked if the project would involve a full closure of the road. Mr. Boice replied INDOT hopes to keep it open.

Mr. Davis stated the Finance Committee met on May 9. He stated Economic Development Manager Amy Smith presented a report of the Redevelopment Commission's activities from 2023. He stated Ms. Smith also discussed a forgivable loan for Justus at Promenade Trails. He stated the committee recommended approval of the claims.

**APPROVAL OF CLAIMS**

Ms. Wiles moved to approve the claims, second Mr. Schwartz, nine aye, motion carried.

**PREVIOUSLY DISCUSSED ORDINANCES**

#15-04-24 COUNCIL TO CONSIDER ORDINANCE #15-04-24, AN ORDINANCE ESTABLISHING A CITY AUDIT COMMITTEE IN ACCORDANCE WITH IC 5-11-24.4 (JEFFREY SPALDING)

Chief Financial Officer and Controller Jeffrey Spalding stated the "Whereas" clauses in the ordinance describe the rationale behind the ordinance. He stated establishing an audit committee will allow the City to opt out of the State Board of Accounts audit program and select its own auditors if it is in the best interest of the City. Ms. Wiles moved to approve Ordinance #15-04-24, second Mr. Davis. The following roll call vote was taken for Ordinance #15-04-24:

AYE: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, Megan Wiles, and Darren Peterson.

Nine aye, motion carried.

**NEW ORDINANCES FOR DISCUSSION**

#14-05-24 COUNCIL TO CONSIDER ORDINANCE #14-05-24, AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE IN CHAPTERS 70, 72, AND 78 OF THE CODE OF ORDINANCES OF THE CITY OF NOBLESVILLE (ANDREW RODEWALD)

Ms. Wiles moved to introduce Ordinance #14-05-24, second Mr. Smith. Mr. Knecht spoke on behalf of Andrew Rodewald. Mr. Knecht stated this ordinance updates Title VII, Chapters 70, 72, and 78 in the City's traffic code. He stated these changes are for the efficiency and effectiveness of managing the City's parking enforcement and pedestrian/vehicular safety in the City. He stated the addition of 70.25 would allow the Board of Public Works and Safety to accept minor, routine changes to various schedules within the traffic code throughout the year, which could then be formally adopted within the code at the typical year-end update by the Common Council. He stated all changes go through a similar vetting process by Traffic Committee and staff prior to presentation to the Board of Public Works and Safety. He stated the changes to Chapter 72 are to further clarify a no parking minimum distance of 50 feet from an intersection for all intersections. He stated currently, this rule only applies to intersections with crosswalks. He stated the change to Schedule V, Parking Prohibited at all times, adds areas of no parking with painted yellow curbs at the entrances to the Hamilton County Garage. He stated currently parking is allowed up to the exits. He stated the slight slope of the streets makes the exit hazardous. He stated prohibiting parking next to the exit will allow a better sight line for drivers. He requested passage on first reading. Ms. Wiles moved to waive the rules and approve Ordinance #14-05-24 on first reading, second Mr. Davis, nine aye, motion carried. Ms. Wiles moved to approve Ordinance #14-05-24, second Mr. Schwartz. The following roll call vote was taken for Ordinance #14-05-24:

AYE: Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, and Darren Peterson.

Nine aye, motion carried.

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#18-05-24 COUNCIL TO CONSIDER ORDINANCE #18-05-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING FROM R1 SINGLE-FAMILY RESIDENTIAL TO R5 MULTI-FAMILY RESIDENTIAL FOR APPROXIMATELY 19 ACRES SOUTH OF MIDLAND TRACE TRAIL AND WEST OF HAZEL DELL ROAD (JOYCEANN YELTON, ATTORNEY JIM SHINAVER)

Ms. Wiles moved to introduce Ordinance #18-05-24, second Mr. Smith. The ordinance was discussed with Ordinance #19-05-24.

#19-05-24 COUNCIL TO CONSIDER ORDINANCE #19-05-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING FROM R5 MULTI-FAMILY RESIDENTIAL TO R5/PD RESIDENTIAL PLANNED DEVELOPMENT, AND THE ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND ORDINANCE FOR APPROXIMATELY 19 ACRES, TO BE KNOWN AS VILLAGE AT TRAIL CROSSING, SOUTH OF MIDLAND TRACE TRAIL AND WEST OF HAZEL DELL ROAD (JOYCEANN YELTON, ATTORNEY JIM SHINAVER)

Ms. Wiles moved to introduce Ordinance #19-05-24, second Mr. Thurston. Development Services Manager Joyceann Yelton displayed a map of the area. She stated the project would be on approximately 19 acres south of the Midland Trace Trail and north of Hazel Dell Woods. She stated the project would consist of a maximum of 180 three-story townhomes with an amenity area. She displayed a site plan and character renderings of the townhomes. She stated the Plan Commission voted to recommend adoption with a vote of nine ayes, zero nays, and zero abstentions. She stated an agreement granting credits for Park Impact Fees was approved at the Board of Public Works and Safety at their meeting this morning. She stated the ordinance will be accompanied by a commitment concerning leasing of the townhomes that will be the same as the last two projects that were approved.

Jon Dobosiewicz of Nelson & Frankenberger, P.C. at 550 Congressional Boulevard in Carmel, addressed the Council on behalf of M/I Homes. He stated on April 4, a neighborhood meeting was held, and there was no remonstrance at the Plan Commission. He stated additional landscaping will be added on the south border of the project at the request of neighbors.

Mitchell Rockwell of 17097 Linda Way addressed the Council. Mr. Mitchell stated he is here this evening to express opposition to the proposed ordinance to change zoning from R1 to R5/PD. He stated two years ago, the Council rejected a proposal from Olthof Homes, a proposal that would place 120 single-family townhomes on this site. He stated as per that decision, quoted from the Council President (Aaron Smith): "I'm not sure this is a gateway project"... "I consider the land along the Midland Trace Trail to be like waterfront property, so we have to make sure the best projects are in that area." Mr. Rockwell stated the current proposed plan is to place approximately 180 three-story townhomes on this site. He stated this is a 50 percent increase in the number of single-family residences over the plan that was denied just two years ago. He stated it seems like progression is going backwards, not forward. He stated Architectural standards aside, crowded homes are going to be crowded homes. He stated we have to ask ourselves if this development fits within the Noblesville Comprehensive Plan, which states "the desired outcomes are the means by which to uphold and strengthen a community's shared values. They reinforce the widely held positions of the collective population, as determined by the people and businesses that call Noblesville home. Remaining relatively unchanged over time, the desired outcomes provide a high degree of stability and predictability in what otherwise might appear to be a fluid planning process or fleeting plan recommendations." He stated the desired outcomes of Smart Growth in the Comprehensive Plan is stated as: accommodate the types (and mix) of land use activities and development types that have the ability to sustain and grow the City's tax base, **while preserving and protecting the community's natural features and environmentally sensitive areas.** He stated the desired outcomes of Complete Communities is stated: "accommodate a wide range of housing and neighborhood options, **while maintaining a relatively high degree of compatibility with the desired character of the immediate area, and access to nature.**" He stated taking into account rezoning from R1 to R5, he did not see

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how allowing this development will fit the community identity that is prevalent along this area of Hazel Dell Parkway. He stated the majority of homes in this area are small and large detached homes with front and back yards. He stated a zoning change to an R2 would make more community sense for this development site.

Mr. Rockwell stated one final issue he would like to address is as follows: at the community information meeting held by M/I Homes, it was communicated to those in attendance that three-story townhomes could be done on this site. He stated when he asked who said it, the answer was City Administration. He stated he wasn't sure how to take that bit of information, and he was curious as to why there is a Plan Commission and City Council to hear these zoning change requests if decisions are already made before the proposed developments go before these governing bodies. He thanked the Council for their time.

Mr. Peterson asked Mr. Dobosiewicz if he would like to respond.

Mr. Dobosiewicz stated the applicant would not have suggested that three-story townhomes were permitted by right on the land. He stated that was the request before the Plan Commission and the Council. He stated the developer researched the denied project and hopefully has worked through the City's objections. He stated the objections stated tonight appear to be townhomes in general at this site. Mr. Elliott asked why only three-story townhomes are included in this project instead of a mix with two-story townhomes, as in the Montelena project.

Jonathan Isaacs, Land Acquisition Manager for M/I Homes, addressed the Council. Mr. Isaacs stated when the project was taken over from Olthof Homes, they felt three-story townhomes were more appropriate for this location. He stated it would be difficult to mix different sizes of townhomes on this site. He stated the Montelena site was able to accommodate mixed sizes. He stated Olthof proposed 205 townhomes, and M/I Homes is proposing a maximum of 180. Mr. Elliott asked if there are immediate concerns for 12.24 units per acre density. Mr. Isaacs replied the goal is to have a walkable corridor. He stated there will be a lot of development on the north side of the trail that will be more urbanized. He stated the trail is an extension of walkability in the area. Mr. Elliott asked why outdoor decks don't face greenspace or the trail. Mr. Isaacs replied residents will congregate in the common areas to enjoy nature. He stated the majority of the project fronts either the common space or the Midland Trace Trail. Mr. Peterson stated this project meets the "missing middle" type of housing identified in the housing study. He stated he is in favor of density. He stated density is a good use of limited space and addresses the issue of affordability. Mr. Smith stated this site is like a Rubik's cube, and the petitioner has solved the puzzle to find a project that fits. He stated this developer has satisfied the concerns the Council had with the last proposal and provided ample parking. Mr. Peterson stated the developer also has addressed an aesthetically troubling neighbor, which the former developer did not do. Ms. Wiles moved to approve Ordinances #18-05-24 and #19-05-24, second Mr. Johnson. The following roll call vote was taken for Ordinances #18-05-24 and #19-05-24:

AYE: David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, Megan Wiles, Mike Davis, and Darren Peterson.

NAY: Evan Elliott and Mark Boice.

Seven aye, two nay, motion carried.

#20-05-24 COUNCIL TO CONSIDER ORDINANCE #20-05-24, AN ORDINANCE APPROVING A FORGIVABLE LOAN FOR JUSTUS AT PROMENADE TRAILS PROJECT (AMY SMITH)

Ms. Wiles moved to introduce Ordinance #20-05-24, second Mr. Davis. Economic Development Manager Amy Smith stated this ordinance approves a forgivable note for an amount not to exceed \$370,000.00 with Justus Construction LLC for project cost reimbursement to widen Mill Creek Road. She stated the Council approved an economic development agreement with Justus at Promenade Senior in late 2022 for a project on Mill Creek Road for 59 rental cottages and 151 apartment units for those 55 and older. As part of the agreement, Justus will complete

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stormwater improvements and the trail along the west side of Mill Creek Road. She stated as Justus went through the Technical Advisory Committee (TAC) review process in early 2023, they were advised that the roadway must be widened to city standards. She stated the Mill Creek roadway is very narrow with a sharp drop-off on the side of the road, so widening is critical. She stated because this work was not contemplated in the development agreement, the City Administration met with Justus and agreed to cover the expenses of the road widening in the form of a forgivable loan. She stated the loan would be forgiven once the road improvements are completed and the City has approved and accepted the project completed to its standards. She stated if the project is not completed by December 31, 2025, the loan will not be forgiven. She stated this item was presented to the Finance Committee and comes with a favorable recommendation. Mr. Peterson stated Justus can most likely construct the project more inexpensively than the City can. Ms. Smith replied the amount of the loan comes from a bid received by Justus, and staff confirmed the amount was reasonable for the project.

**PROPOSED DEVELOPMENT PRESENTATIONS**

- #1 COUNCIL TO HEAR INTRODUCTORY INFORMATION FOR A MIXED-USE DEVELOPMENT TO INCLUDE A KROGER, KROGER FUEL CENTER, ADDITIONAL COMMERCIAL LOTS, SINGLE-FAMILY HOMES, AND TOWNHOMES ON APPROXIMATELY 110 ACRES, TO BE KNOWN AS MARKETPLACE ON 146<sup>TH</sup> (ATTORNEY MATT SKELTON)

Attorney Matt Skelton of Church Church Hittle & Antrim, LLC at 2 North 9<sup>th</sup> Street addressed the Council on behalf of the petitioners. Mr. Skelton stated the petitioners chose to re-introduce the project because there have been significant changes since the first introduction on March 12. He displayed a map of the area. He stated the project has been redesigned and expanded to include another parcel. He stated the developers have acquired the Tuttle parcel to the east of the original project. He stated the parcel was under contract to another party at the time of the first presentation, but it became available before the Plan Commission meeting, so it has been incorporated into the development. He stated the project will still include a Kroger Marketplace, and the inline shops on the west side of the site are unchanged. He displayed a concept plan of the site. He stated inline shops have been added on 146<sup>th</sup> Street. He stated there are two alternate preliminary development plans for the internal portion of the site. He stated the site is now a half-mile long on 146<sup>th</sup> Street. He stated it is hoped that they will find a larger user for some of the space, but if not, there is an alternate plan. He stated the roads within the development will be public streets, which is a significant change. He stated the retention area has been enlarged to accommodate the additional development. He stated David Weekley Homes' single-family elevations were approved by the Architectural Review Board (ARB) on March 20. He stated there is not a builder yet for the proposed townhomes, and they will need to be approved by the ARB at a future date. He stated the developer has offered a commitment regarding leasing as has been required for other projects. Mr. Peterson asked if the rental commitment also would apply to the David Weekley homes. Mr. Skelton replied it could. He stated the first neighborhood meeting was held on March 19, but another, open house-style meeting will be held on May 30 for the expanded project. Mr. Peterson stated the Kroger should have a front-style elevation facing 146<sup>th</sup> Street, rather than a side elevation. He stated he loves the village center concept, but he would like the developer to pick one concept or the other. He stated the project can come back before the Council if a big box user is found. He stated he likes the outlots in the project with parking in the back. Mr. Elliott stated he approves of the name change for the project, but he would like to see separate names for the single-family homes and the townhomes. He stated the living areas should have their own identities. He stated 47 percent of the lots are under 7,000 square feet. He stated one third of the lots are affected by drainage and utility easements. He stated there have been drainage issues, so that may be the reason. He stated the homes that face Howe Road should have tree coverage. He stated he loved the marketplace concept and the Kroger store. Mr. Skelton replied more detailed housing concepts will be forthcoming.

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**MISCELLANEOUS**

- #1 COUNCIL TO CONSIDER RESOLUTION RC-23-24, A RESOLUTION FOR LAND ACQUISITION FOR INNOVATION MILE EASEMENTS (JONATHAN HUGHES)

Mr. Hughes stated this resolution approves land acquisition for utility infrastructure easements at Innovation Mile and the event center. He stated the infrastructure also will aid in the development of the remainder of the corridor. Ms. Wiles moved to approve Resolution RC-23-24, second Mr. Thurston, nine aye, motion carried.

- #2 COUNCIL TO CONSIDER ACCEPTANCE OF REDEVELOPMENT COMMISSION REPORT OF 2023 ACTIVITIES (AMY SMITH)

Economic Development Manager Amy Smith stated each year the Redevelopment Commission has various financial reporting requirements. She stated one of these reporting requirements is that by April 15 of each year, the Commission is required to file a report of prior year activities with the Mayor, the Council, and the Department of Local Government Finance. She stated the report was provided by email to the Mayor, Council President, and the chairs of the Council Finance Committee and Economic Development Council Committee. She stated this year there is a new requirement that the report must be accepted by the fiscal body in a public meeting. She stated details of the report were presented to the Finance Committee, and they recommended acceptance of the report. Mr. Peterson thanked Ms. Smith for her work with the Redevelopment Commission. Ms. Wiles moved to accept the Redevelopment Commission report, second Mr. Johnson, nine aye, motion carried.

**COUNCIL COMMENTS**

Ms. Wiles reminded everyone that the Indiana Peony Festival is this weekend. She stated thousands of people will be visiting Downtown, so she urged everyone to be patient as they travel. Mr. Thurston stated there are many videos online showing how to get around the construction.

Mr. Elliott welcomed the Parks and Recreation Director, Savannah Solgere, who starts next week. He also offered thoughts and prayers to the family of Shawn Young of Elwood, who was killed in a trench collapse at 146<sup>th</sup> Street on Monday.

Mr. Johnson stated he attended the Shining Stars student recognition dinner presented by the Noblesville Youth Assistance Program. He stated the City helps support the organization. He stated Mr. Thurston is a board member and emceed the event. Mr. Johnson stated ten students were recognized by their individual schools for having faced extraordinary challenges.

**ADJOURNMENT**

There being no further business before the Common Council this 14<sup>th</sup> day of May, 2024, Mr. Peterson adjourned the meeting.

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DARREN PETERSON, PRESIDENT

ATTEST:

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EVELYN L. LEES, CLERK