

# Common Council

## Agenda Item

## Cover Sheet

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**MEETING DATE:** July 9, 2024

- Previously Discussed Ordinance
- Proposed Development Presentation
- New Ordinance for Discussion
- Miscellaneous
- Transfer

**ITEM or ORDINANCE:** #33-07-24

**PRESENTED BY:** Joyceann Yelton, Attorney Jim Shinaver

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets

**ORDINANCE NO. 33-07-24**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP, ALL PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA**

*Document Cross Reference: Quit Claim Deed Recorded on July 7, 2022, as Instrument Number 2022-33957 with the Recorder of Hamilton County, Indiana.*

This Ordinance amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the “UDO”), enacted by the City of Noblesville (the “City”) under authority of Indiana Code § 36-7-4-600, et seq., as amended.

**WHEREAS**, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on Docket Number LEGP-0077-2024 at its June 17, 2024 meeting as required by law concerning a change of zoning of certain property described in **Exhibit A** attached hereto (the “Real Estate”) containing 42.52 acres, and depicted in **Exhibit B** attached hereto; and,

**WHEREAS**, the Plan Commission has sent a Favorable Recommendation for adoption of said amendment with a vote of eight (8) AYES and zero (0) NAYS to the Common Council of the City of Noblesville Hamilton County, Indiana (the “Common Council”);

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council, at its meeting in regular session, that the Unified Development Ordinance and Official Zoning Map, are hereby amended as follows:

**Section 1.** The Official Zone Map is hereby amended, as it pertains to the Real Estate, as follows:

- A. To change the zoning of the property legally described in **Exhibit C** and visually depicted with a yellow outline in **Exhibit E** from (i) the Corporate Campus Planned Development (“CCPD”) Interchange Flex Subdistrict and Office/Flex Land Use Type and (ii) the CCPD Interchange Flex Subdistrict and Multi-family/Commercial/Office/Flex Land Use Type to the CCPD Mixed Residential Subdistrict and Multi-family/Commercial/Office/Flex Land Use Type, and
- B. To change the zoning of the property legally described in **Exhibit D** and visually depicted with an orange outline in **Exhibit E** from the CCPD Interchange Flex Subdistrict and Multi-family/Commercial/Office/Flex

Land Use Type to the CCPD Secondary Corridor Subdistrict and Commercial / Commercial/Office Land Use Type.

**Section 2.** That the Zoning map shall be updated concurrently to reflect the changes referred to in Section 1.

- A. The resulting CCPD Mixed Residential Subdistrict and Multi-family/ Commercial/Office/Flex Land Use Type is legally described in **Exhibit C** attached hereto containing 38.78 acres, and visually depicted with a yellow outline in **Exhibit E** attached hereto.
- B. The resulting CCPD Secondary Corridor Subdistrict and Commercial / Commercial/Office Land Use Type is legally described in **Exhibit D** attached hereto containing 1.44 acres, and visually depicted with an orange outline in **Exhibit E**.

**Section 3.** This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

[The remainder of this page intentionally left blank; signature page follows.]

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: \_\_\_\_\_  
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ .M.

\_\_\_\_\_  
 Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

MAYOR'S VETO

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Evelyn L. Lees, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Kingsley at Hyde Park - Rezone Ordinance 4 062624

**EXHIBIT A**

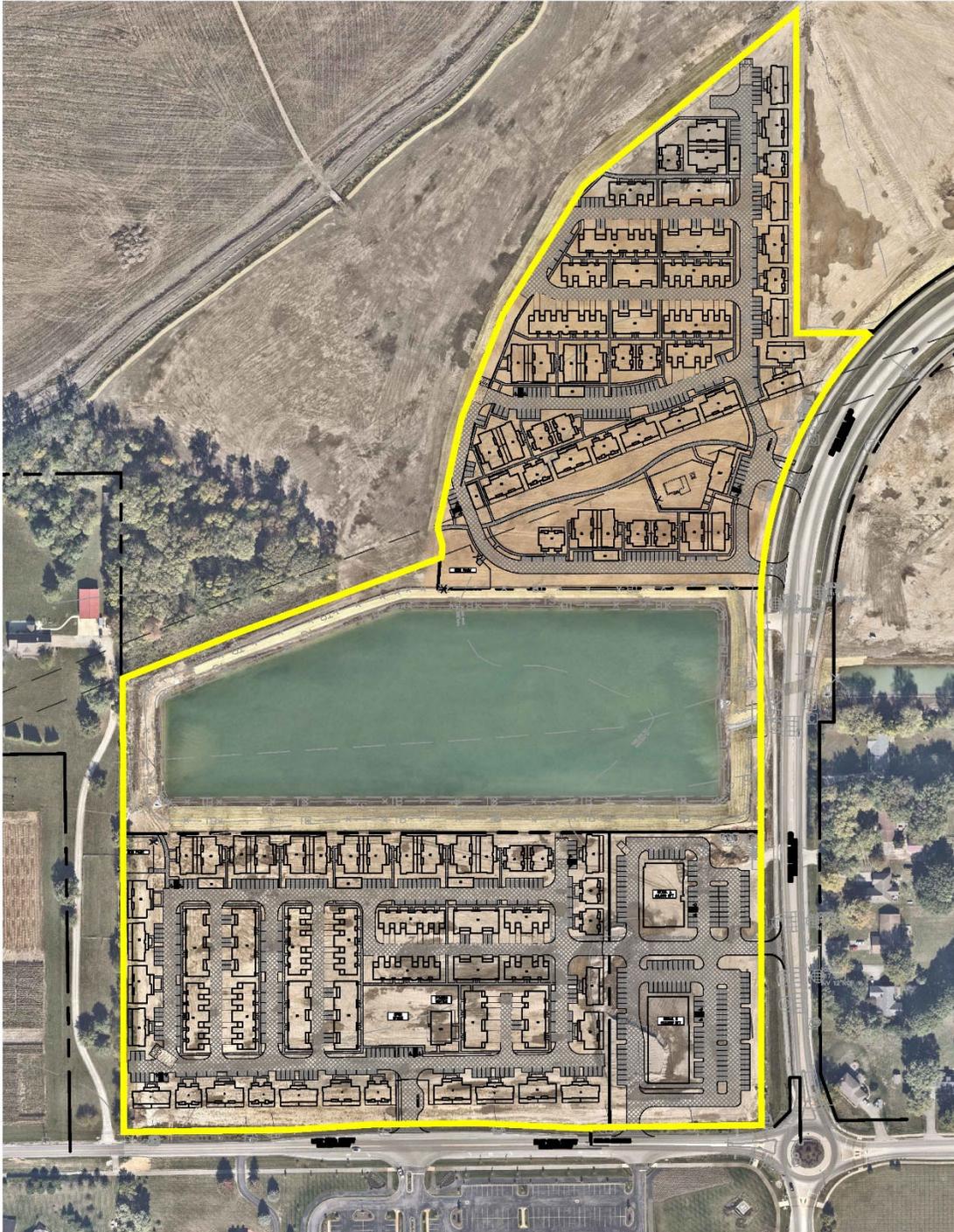
Legal Description  
(Page 1 of 1)

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST (BASIS OF BEARINGS) 33.42 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2018044927 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST 893.68 FEET TO THE SOUTH LINE OF A 60' WIDE GAS PIPELINE EASEMENT AS DESCRIBED IN INSTRUMENT NO. 9331187 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID INSTRUMENT NO. 9331187 NORTH 68 DEGREES 09 MINUTES 24 SECONDS EAST 232.74 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID INSTRUMENT NO. 9331187 NORTH 69 DEGREES 43 MINUTES 57 SECONDS EAST 434.69 FEET; THENCE NORTH 03 DEGREES 47 MINUTES 12 SECONDS EAST 20.44 FEET; THENCE NORTH 14 DEGREES 38 MINUTES 37 SECONDS WEST 36.98 FEET; THENCE NORTH 12 DEGREES 21 MINUTES 36 SECONDS EAST 219.22 FEET; THENCE NORTH 21 DEGREES 38 MINUTES 45 SECONDS EAST 220.67 FEET; THENCE NORTH 32 DEGREES 08 MINUTES 32 SECONDS EAST 297.87 FEET; THENCE NORTH 50 DEGREES 47 MINUTES 26 SECONDS EAST 543.32 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID WEST LINE SOUTH 00 DEGREES 05 MINUTES 28 SECONDS EAST 631.75 FEET TO THE SOUTHWEST CORNER OF THE LAND OF MAB CAPITAL INVESTMENTS LLC AS DESCRIBED IN INSTRUMENT NO. 2022024621 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE THEREOF NORTH 89 DEGREES 34 MINUTES 59 SECONDS EAST 148.67 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 20100040806 IN SAID RECORDER'S OFFICE, SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 786.20 FEET AND A CHORD BEARING SOUTH 21 DEGREES 53 MINUTES 02 SECONDS WEST 588.60 FEET; THENCE SOUTHWESTERLY ALONG SAID WEST LINE AND SAID CURVE 603.29 FEET; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 1011.69 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2006066492; THENCE ALONG SAID NORTH LINE SOUTH 89 DEGREES 13 MINUTES 51 SECONDS WEST 336.90 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 2006066492; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 36 MINUTES 09 SECONDS EAST 2.00 FEET TO THE NORTHEAST CORNER OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN THE AFORESAID INSTRUMENT NO. 2018044927; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTH LINE THEREOF; (1) NORTH 87 DEGREES 21 MINUTES 51 SECONDS WEST 226.33 FEET; (2) SOUTH 89 DEGREES 12 MINUTES 14 SECONDS WEST 201.14 FEET; (3) SOUTH 86 DEGREES 21 MINUTES 46 SECONDS WEST 161.24 FEET; (4) SOUTH 89 DEGREES 15 MINUTES 16 SECONDS WEST 329.07 FEET TO THE POINT OF BEGINNING, CONTAINING 42.52 ACRES, MORE OR LESS.

**EXHIBIT B**

Visual Depiction of Real Estate  
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## EXHIBIT C

Legal Description - CCPD Mixed Residential Subdistrict and Multi-family/Commercial/  
Office/Flex Land Use Type  
(Page 1 of 1)

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST (BASIS OF BEARINGS) 33.42 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2018044927 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST 893.68 FEET TO THE SOUTH LINE OF A 60' WIDE GAS PIPELINE EASEMENT AS DESCRIBED IN INSTRUMENT NO. 9331187 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID INSTRUMENT NO. 9331187 NORTH 68 DEGREES 09 MINUTES 24 SECONDS EAST 232.74 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID INSTRUMENT NO. 9331187 NORTH 69 DEGREES 43 MINUTES 57 SECONDS EAST 434.69 FEET; THENCE NORTH 03 DEGREES 47 MINUTES 12 SECONDS EAST 20.44 FEET; THENCE NORTH 14 DEGREES 38 MINUTES 37 SECONDS WEST 36.98 FEET; THENCE NORTH 12 DEGREES 21 MINUTES 36 SECONDS EAST 219.22 FEET; THENCE NORTH 21 DEGREES 38 MINUTES 45 SECONDS EAST 220.67 FEET; THENCE NORTH 32 DEGREES 08 MINUTES 32 SECONDS EAST 297.87 FEET; THENCE NORTH 50 DEGREES 47 MINUTES 26 SECONDS EAST 543.32 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID WEST LINE SOUTH 00 DEGREES 05 MINUTES 28 SECONDS EAST 631.75 FEET TO THE SOUTHWEST CORNER OF THE LAND OF MAB CAPITAL INVESTMENTS LLC AS DESCRIBED IN INSTRUMENT NO. 2022024621 IN SAID RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE THEREOF NORTH 89 DEGREES 34 MINUTES 59 SECONDS EAST 148.67 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 20100040806 IN SAID RECORDER'S OFFICE, SAID POINT BEING ON A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 786.20 FEET AND A CHORD BEARING SOUTH 21 DEGREES 53 MINUTES 02 SECONDS WEST 588.60 FEET; THENCE SOUTHWESTERLY ALONG SAID WEST LINE AND SAID CURVE 603.29 FEET; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 434.63 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 59 SECONDS WEST 300.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 209.41 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 27 SECONDS EAST 300.00 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 20100040806 IN SAID RECORDER'S OFFICE; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 36.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 27 SECONDS WEST 300.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 334.80 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2006066492; THENCE ALONG SAID NORTH LINE SOUTH 89 DEGREES 13 MINUTES 51 SECONDS WEST 36.87 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 2006066492; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 36 MINUTES 09 SECONDS EAST 2.00 FEET TO THE NORTHEAST CORNER OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN THE AFORESAID INSTRUMENT NO. 2018044927; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTH LINE THEREOF; (1) NORTH 87 DEGREES 21 MINUTES 51 SECONDS WEST 226.33 FEET; (2) SOUTH 89 DEGREES 12 MINUTES 14 SECONDS WEST 201.14 FEET; (3) SOUTH 86 DEGREES 21 MINUTES 46 SECONDS WEST 161.24 FEET; (4) SOUTH 89 DEGREES 15 MINUTES 16 SECONDS WEST 329.07 FEET TO THE POINT OF BEGINNING, CONTAINING 38.78 ACRES, MORE OR LESS.

**EXHIBIT D**

Legal Description – Secondary Corridor Subdistrict and Commercial / Commercial/Office Land  
Use Type  
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PARCEL 1

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST (BASIS OF BEARINGS) 33.42 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2018044927 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTH LINE THEREOF; (1) NORTH 89 DEGREES 15 MINUTES 16 SECONDS EAST 329.07 FEET; (2) NORTH 86 DEGREES 21 MINUTES 46 SECONDS EAST 161.24 FEET; (3) NORTH 89 DEGREES 12 MINUTES 14 SECONDS EAST 201.14 FEET; (4) SOUTH 87 DEGREES 21 MINUTES 51 SECONDS EAST 226.33 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2006066492; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 36 MINUTES 09 SECONDS WEST 2.00 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 2006066492; THENCE ALONG THE NORTH LINE THEREOF NORTH 89 DEGREES 13 MINUTES 51 SECONDS EAST 36.87 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 05 MINUTES 56 SECONDS WEST 334.80 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 27 SECONDS EAST 300.00 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 20100040806 IN SAID RECORDER'S OFFICE; THENCE ALONG THE WEST LINE THEREOF SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST 331.43 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2006066492; THENCE ALONG SAID NORTH LINE SOUTH 89 DEGREES 13 MINUTES 51 SECONDS WEST 300.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2.29 ACRES MORE OR LESS

ALSO:

PARCEL 2

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 00 DEGREES 06 MINUTES 13 SECONDS WEST (BASIS OF BEARINGS) 33.42 FEET TO THE NORTH LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2018044927 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTH LINE THEREOF; (1) NORTH 89 DEGREES 15 MINUTES 16 SECONDS EAST 329.07 FEET; (2) NORTH 86 DEGREES 21 MINUTES 46 SECONDS EAST 161.24 FEET; (3) NORTH 89 DEGREES 12 MINUTES 14 SECONDS EAST 201.14 FEET; (4) SOUTH 87 DEGREES 21 MINUTES 51 SECONDS EAST 226.33 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 2006066492; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 36 MINUTES 09 SECONDS WEST 2.00 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN SAID INSTRUMENT NO. 2006066492; THENCE ALONG THE NORTH LINE THEREOF NORTH 89 DEGREES 13 MINUTES 51 SECONDS EAST 336.90 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN INSTRUMENT NO. 20100040806 IN SAID RECORDER'S OFFICE; THENCE ALONG THE WEST LINE THEREOF NORTH 00 DEGREES 05 MINUTES

57 SECONDS WEST 367.43 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 52 MINUTES 27 SECONDS WEST 300.00 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST 209.41 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 59 SECONDS EAST 300.00 FEET TO THE WEST LINE OF THE LAND OF CITY OF NOBLESVILLE AS DESCRIBED IN SAID INSTRUMENT NO. 20100040806; THENCE SOUTH 00 DEGREES 05 MINUTES 57 SECONDS EAST 209.63 FEET TO THE POINT OF BEGINNING, CONTAINING 1.44 ACRES MORE OR LESS

**EXHIBIT E**

Graphic Depiction of (i) CCPD Mixed Residential Subdistrict and Multi-family/Commercial/Office/Flex Land Use Type *outlined in yellow* and (ii) Secondary Corridor Subdistrict and Commercial / Commercial/Office Land Use Type *outlined in orange*.

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