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Trini Beaver
HAMILTON County Recorder IN
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ORDINANCE NO. 31-07-24

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE,
A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA**

This is an Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on application number LEGP 0047-2024 (the "Petition") at its May 20, 2024 meeting as required by law in regard to the application filed by JDF Greenfield LLC, an Indiana limited liability company (the "Developer"), for a request in change of zoning; and

WHEREAS, the Plan Commission, at its June 17, 2024 meeting, sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana (the "City Council") by a vote of eight (8) in favor and zero (0) opposed.

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, that it hereby adopts this ordinance (the "Ordinance") as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") to establish this Planned Development Overlay District (the "District") to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Map is hereby changed to designate the subject real estate generally located southwest of the intersection of East 146th Street and Howe Road, Noblesville, Indiana, more particularly described on **Exhibit A** attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as **Howe Campus Corner Planned Development** (the "District").

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- 1.2 The District's underlying zoning district is hereby affirmed as **Corporate Campus Planned Development District** classification, and the District's underlying subdistrict within the Corporate Campus Planned Development District is hereby affirmed as **146th Street Corridor Subdistrict Type**. The District shall be designated as **Commercial/Office Land Use Type** as set forth in the UDO's Appendix D, Official Schedule of Uses – Corporate Campus Planned Development. The Corporate Campus Planned Development District and the 146th Street Corridor Subdistrict Type hereby collectively are referred to as the “Underlying District”. Development in the Underlying District shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO in effect as of the date of adoption of this Ordinance, and applicable to the Underlying District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the “Governing Standards”).
- 1.3 All provisions and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions.

- 2.1 The general rules of construction set forth in Article 2 of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.
- 2.2 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department, dated June 14, 2024. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the “Preliminary Development Plan”). A copy of the approved plans is also attached hereto as **Exhibit D**.
- 2.3 “Approved Elevations” shall mean the set of building elevations on file with the City of Noblesville's Planning and Development Department, as reviewed in prior version by the City's Technical Advisory Committee at its April 18, 2024, meeting. The exhibit attached hereto as **Exhibit C** is a general representation of those approved elevations (collectively, the “Approved Elevations”).

Section 3. Permitted Uses.

- 3.1 All uses listed in the UDO's Appendix D Official Schedule of Uses – Corporate Campus Planned Development District as “Permitted Use” or “Special Consideration” in the Commercial/Office Land Use Type shall be allowed in the

District, as generally depicted on the Preliminary Development Plan, except for the uses identified as prohibited uses on **Exhibit E**, attached hereto. An automobile fuel station shall be allowed to operate 24 hours per day.

- 3.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses shall be allowed.

Section 4. Preliminary Development Plan.

- 4.1 The Preliminary Development Plan and the stipulations and waivers listed on **Exhibit F**, attached hereto, are hereby incorporated and approved. Pursuant to Article 8 of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, and variations/waivers from the Underlying District and layout of the District.

Section 5. Architectural Standards. The following standards shall apply.

- 5.1 The Approved Elevations are hereby incorporated and approved. The buildings shall be substantially consistent with the Approved Elevations.
- 5.2 The Director of Planning and Development, including his/her designees, shall review and approve final plans at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.
- 5.3 If a building does not comply with Section 5.1, then the proposed elevations shall be submitted for review and approval by the Director. The Director's review of the elevations shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and/or the Approved Elevations.

Section 6. Title, Purpose and Effect. The regulations of *ARTICLE 1. TITLE, PURPOSE AND EFFECT* shall apply.

Section 7. Definitions and Rules of Word Usage. The regulations of *ARTICLE 2. DEFINITIONS AND RULES OF WORD USAGE* shall apply.

Section 8. Administrative Bodies and Officials. The regulations of *ARTICLE 3. ADMINISTRATIVE BODIES AND OFFICIALS* shall apply.

Section 9. Zoning Applications and Approvals. The regulations of *ARTICLE 4. ZONING APPLICATIONS AND APPROVALS* shall apply.

Section 10. Subdivision Procedure. The regulations of *ARTICLE 5. SUBDIVISION PROCEDURE* shall apply.

Section 11. Site Design and Improvement Standards. The regulations of *ARTICLE 6. SITE DESIGN AND IMPROVEMENT STANDARDS* shall apply, except as modified below:

- 11.1 *Article 6, Part C, Section 2.D. Lots, Lot Shape:* Shall apply. However, flag lots shall be permitted.

Section 12. Plans, Maps, and Zoning Districts. The regulations of *ARTICLE 7. PLANS, MAPS, AND ZONING DISTRICTS* shall apply.

Section 13. Zoning Districts. The regulations of *ARTICLE 8. ZONING DISTRICTS* shall apply, except as modified below:

- 13.1 *Table 8.E.4. Bulk Requirements for Corporate Campus Non-Residential Subdistricts:* Shall apply, except as follows:

Requirement	146 th Street Corridor
Minimum Area	2 acres
Minimum Width	75 feet
Minimum Building Height, Office Building	20 feet and single-story with two-story appearance
Minimum Building Height, Retail Building	24 feet and single-story
Minimum Front Yard Setback, Primary Arterial	146 th Street – 50 feet Howe Road – 20 feet
Maximum Front Yard Setback, Arterial	Howe Road – 75 feet for fuel canopy 100 feet for fuel station 335 feet for office 146 th Street – 125 feet for fuel canopy 240 feet for fuel station 210 feet for office
Minimum Building Size	5,000 SF

- 13.2 *Article 8, Part E, Section 5.C.2.c. Architectural Standards, Subdistrict Specific Architecture Requirements, 146th Street Corridor Subdistrict:* Shall apply. However, hardiplank fiber cement siding shall be considered an appropriate building finish material, as shown on **Exhibit C**.

- 13.3 *Article 8, Part E, Section 6.A.1. Front Setbacks Along Arterials:* Shall not apply. Instead, along arterials, parking, loading, or vehicular use areas may be located

between the building and front property line. Loading facilities shall be screened from all public rights-of-way.

- 13.4 **Article 8, Part E, Section 7.C.2. Signage, Sign Requirements in the Commercial and Commercial/Office Subdistricts, Ground Signs, Location Restrictions:** Shall not apply. Instead, an individual ground sign or designation sign, including a digital price board displaying two gas prices per sign side, shall be allowed.
- 13.5 **Article 8, Part E, Section 8.A.11. Landscaping/Screening:** Shall not apply. Instead, the landscaping/screening shall be provided as shown on **Exhibit D**.
- 13.6 **Article 8, Part E, Section 8.B.2.a. Landscaping/Screening, Interchange, 146th Street Corridor and View Corridor Subdistricts, Interior Parking Lot Landscaping:** Shall not apply. Instead, the interior parking lot landscaping shall be provided as shown on **Exhibit D**.
- 13.7 **Article 8, Part E, Section 8.B.3.a. Landscaping/Screening, Interchange, 146th Street Corridor and View Corridor Subdistricts, Building Foundation Landscaping:** Shall not apply, except on the north and south sides of the office building. Instead, the building foundation landscaping shall be provided as shown on **Exhibit D**.

Section 14. General Regulations. The regulations of *ARTICLE 9. GENERAL REGULATIONS* shall apply.

Section 15. Off-Street Parking and Loading. The regulations of *ARTICLE 10. OFF-STREET PARKING AND LOADING* shall apply, except as superseded by *ARTICLE 8. ZONING DISTRICTS, PART E. CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT (CCPD)* or as modified by this Ordinance:

- 15.1 All references to setback distance of parking lots to streets, parcels and buildings shall not apply; instead, all setbacks shall be as shown on the approved Preliminary Development Plan.

Section 16. Signs. The regulations of *ARTICLE 11. SIGNS* shall apply, except as superseded by *ARTICLE 8. ZONING DISTRICTS, PART E. CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT (CCPD)* or as modified by this Ordinance:

- 16.1 Businesses within the District may at a later date return to the Plan Commission with a program of signs. Signage may include the use of two digital fuel price

displays per ground sign side or per designation sign side (one digital display for regular fuel and one digital display for diesel fuel per sign side).

Section 17. **Landscaping and Screening.** The regulations of *ARTICLE 12. LANDSCAPING AND SCREENING* shall apply, except as superseded by *ARTICLE 8. ZONING DISTRICTS, PART E. CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT (CCPD)* or as modified by this Ordinance.

- 17.1 ***Article 12, Section 5.D.2 Parking Lot Landscaping, Perimeter Parking Lot Landscaping, Area and Configuration:*** Shall not apply. Instead, the perimeter parking lot landscaping shall be provided as shown on **Exhibit D**. Parking lot landscaping between the two lots along the north/south property line shall not be required.

Section 18. **Environmental Performance Standards.** The regulations of *ARTICLE 13. ENVIRONMENTAL PERFORMANCE STANDARDS* shall apply.

Section 19. **Nonconforming Uses and Structures.** The regulations of *ARTICLE 14. NONCONFORMING USES AND STRUCTURES* shall apply.

Section 20. **Enforcement.** The regulations of *ARTICLE 15. ENFORCEMENT* shall apply.

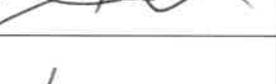
Section 21. **Procedures.**

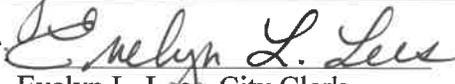
- 21.1 **Primary Plat.** A Primary Plat shall be submitted to the City for review by the Technical Advisory Committee and then for review and approval by the Plan Commission following a public hearing. The Primary Plat shall be reviewed and approved based upon compliance with the development standards set forth herein and shall be compatible and consistent with the intended quality and character of the District.
- 21.2 **Detailed Development Plan.** Approval of a Detailed Development Plan (“DDP”) shall follow the procedures set out in Article 8, subject to the following clarification: (i) the Director of the Department of Planning and Development shall approve Minor Changes; and (ii) if a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, an amended Preliminary Development Plan shall be submitted to the City for review by the Technical Advisory Committee and then for review and approval by the Plan Commission following a public hearing. A Major Change from the approved Preliminary Development Plan shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the development standards set forth herein and shall be compatible and

consistent with the intended quality and character of the District. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

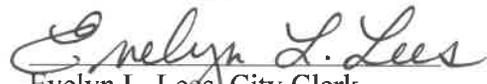
- 21.3 **Major Change.** For purposes of this Ordinance, a “Major Change” shall mean: (i) a substantial change to the location of a perimeter entrance as shown on the Preliminary Development Plan; and (ii) significant changes to the drainage management systems, including, but not limited to, BMPs and legal drains.
- 21.4 **Minor Change.** For purposes of this Ordinance, a “Minor Change” shall mean any change that: (i) is not a Major Change; and (ii) is consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance for the District. Specifically, changes to the internal access drive configurations and parking lot configurations are expected and shall be deemed to be Minor Changes for purposes of this Ordinance.

Approved on this 9th day of July, 2024 by the Common Council of the City of Noblesville, Indiana:

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

ATTEST: 
 Evelyn L. Lees, City Clerk

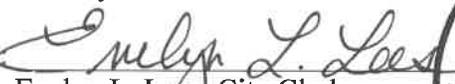
Presented by me to the Mayor of the City of Noblesville, Indiana, this 9th day of July, 2024 at 8:13 P.M.

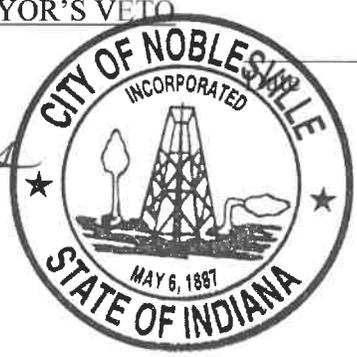

 Evelyn L. Lees, City Clerk


 Chris Jensen, Mayor

MAYOR'S APPROVAL
 Date 7-9-24

MAYOR'S VETO
 Chris Jensen, Mayor

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: Mark R. Leach, Land Use Planner.

This instrument prepared by: Andrew B. Buroker, Senior Counsel, Faegre Drinker Biddle & Reath LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240 | (317) 569-9600.

EXHIBIT A

**REAL ESTATE
LEGAL DESCRIPTION**

The Land referred to herein below is situated in the County of Hamilton, State of Indiana, and is described as follows:

A part of the West half of the Northeast quarter of Section 20, Township 18 North, Range 5 East of the Second Principal Meridian, particularly described as follows:

Beginning at the Northeast corner of the West half of the Northeast quarter of said Section 20, which is at the center of the public highway, and running thence North 89 degrees 45 minutes West along the North line of said Section 20, Township 18 North, Range 5 East, a distance of 481 feet to an iron pipe driven in the ground; thence South parallel with the East line of said Section 466 feet to an iron pipe driven in the ground; thence South 89 degrees 45 minutes East 481 feet to the East line of the West half of said Section, which is the center line of a county road; thence North along the East line of the West half of said Quarter section, and the center line of said road 466 feet to the place of beginning, containing 5.145 acres, more or less, in Hamilton County, Indiana.

EXCEPTING those rights of way conveyed to the City of Noblesville in Warranty Deed recorded as Instrument No. 200600016496 and subsequently conveyed to the Noblesville Redevelopment Authority in Quit-Claim Deed recorded as Instrument No. 200643187, in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

A part of the West half of the Northeast quarter of Section 20, Township 18 North, Range 5 East, Hamilton County, Indiana, and being part of the grantor's land, described as follows: Beginning at the Northeast corner of said half-quarter section; thence South 0 degrees 23 minutes 34 seconds East 466.00 feet along the East line of said half-quarter section to the Southeast corner of grantor's land; thence South 89 degrees 49 minutes 15 seconds West 60.00 feet along the South line of grantor's land to a point; thence South 0 degrees 23 minutes West 406.79 feet to a point; thence North 46 degrees 48 minutes 22 seconds West 84.20 feet to a point; thence Westerly 128.12 feet along an arc to the left having a radius of 5,900.00 feet and subtended by a long chord having a bearing of North 89 degrees 33 minutes 25 seconds West and a length 128.12 feet to a point on the North line of said half-quarter section; thence North 89 degrees 49 minutes 15 seconds East 249.10 feet along said North line to the point of beginning and containing 0.686 acres, more or less, inclusive of the presently existing right of way of Howe Road which contains 0.176 acres, more or less, for a net additional taking of 0.510 acres, more or less.



 Real Estate

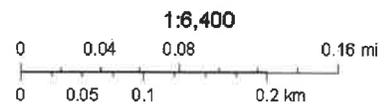


EXHIBIT B

**GENERAL REPRESENTATION
OF THE PRELIMINARY DEVELOPMENT PLAN**



EXHIBIT C

**GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS**

Office Building



- Asphalt Shingles
- Manufactured Stone Veneer
- Hardiplank Fiber Cement Siding
- Aluminum Storefront Glazing System

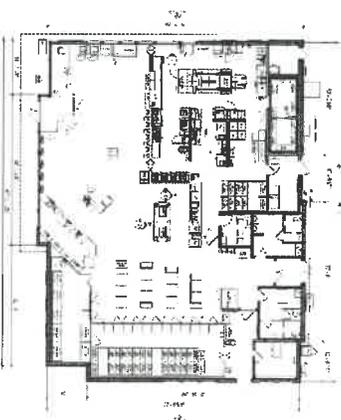
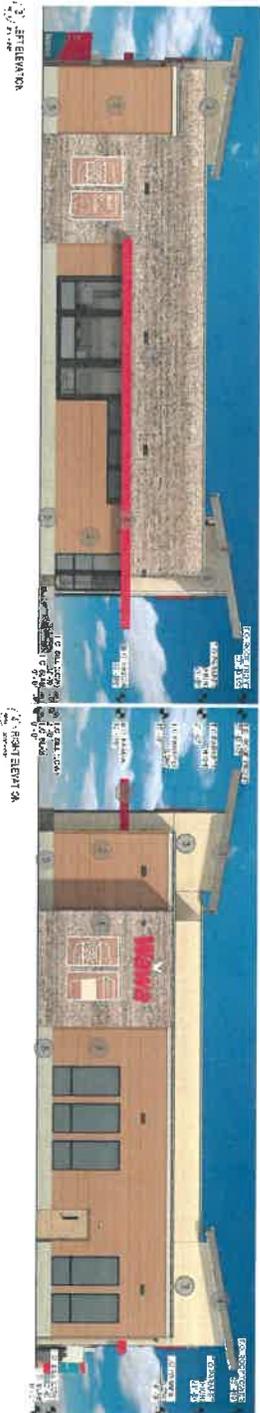
Howe Campus Corner PUD Submittal

JDF Development

02.15.24



Retail Building



MATERIALS:

- BRICK
- TILE
- BRICK - CO

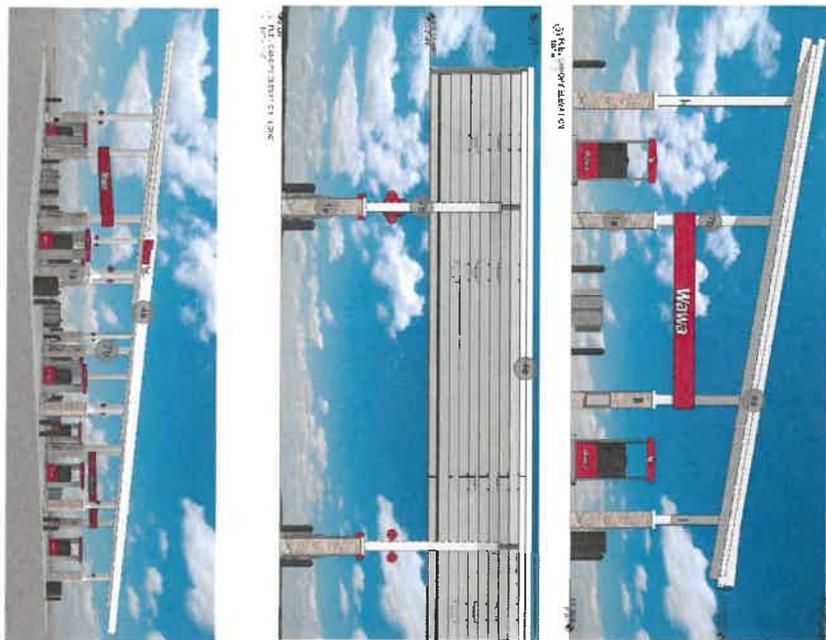
HRHA

Note: Signage is not a part of the approval of these elevations.

U63FB - STORE 7417
 HOWE RD & E 146TH ST.
 NOBLESVILLE, IN 46038



Retail Building

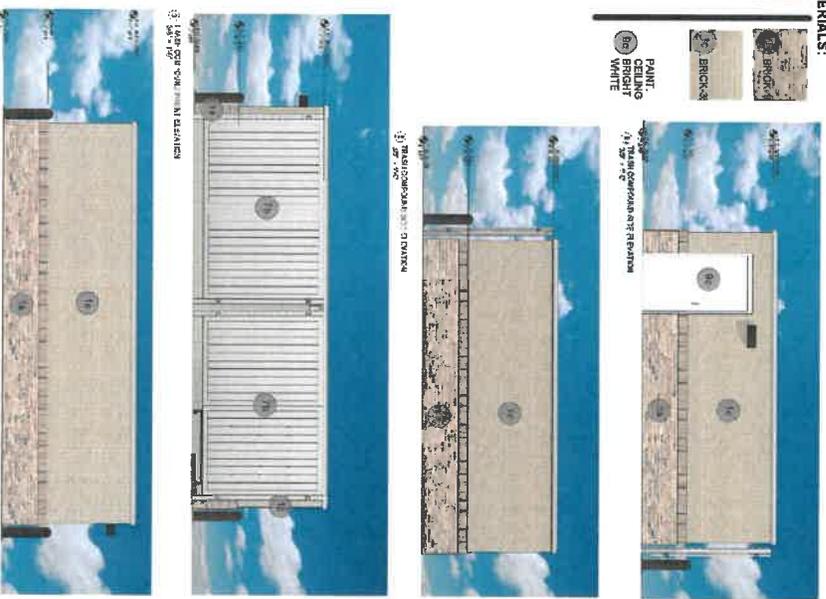


01. METAL ROOFING

02. METAL SIDING

03. METAL SIDING

- MATERIALS:**
- 01 BRICK
 - 02 BRICK
 - 03 BRICK
 - 04 METAL WHITE
 - 05 ROOF TITANIUM
 - 06 PAINT CEILING WHITE
 - 07 BRICK
 - 08 BRICK



04. METAL COMPONENTS FINISHES

05. METAL COMPONENTS FINISHES

06. METAL COMPONENTS FINISHES

07. METAL COMPONENTS FINISHES

HRA

Note: Signage is not a part of the approval of these elevations.

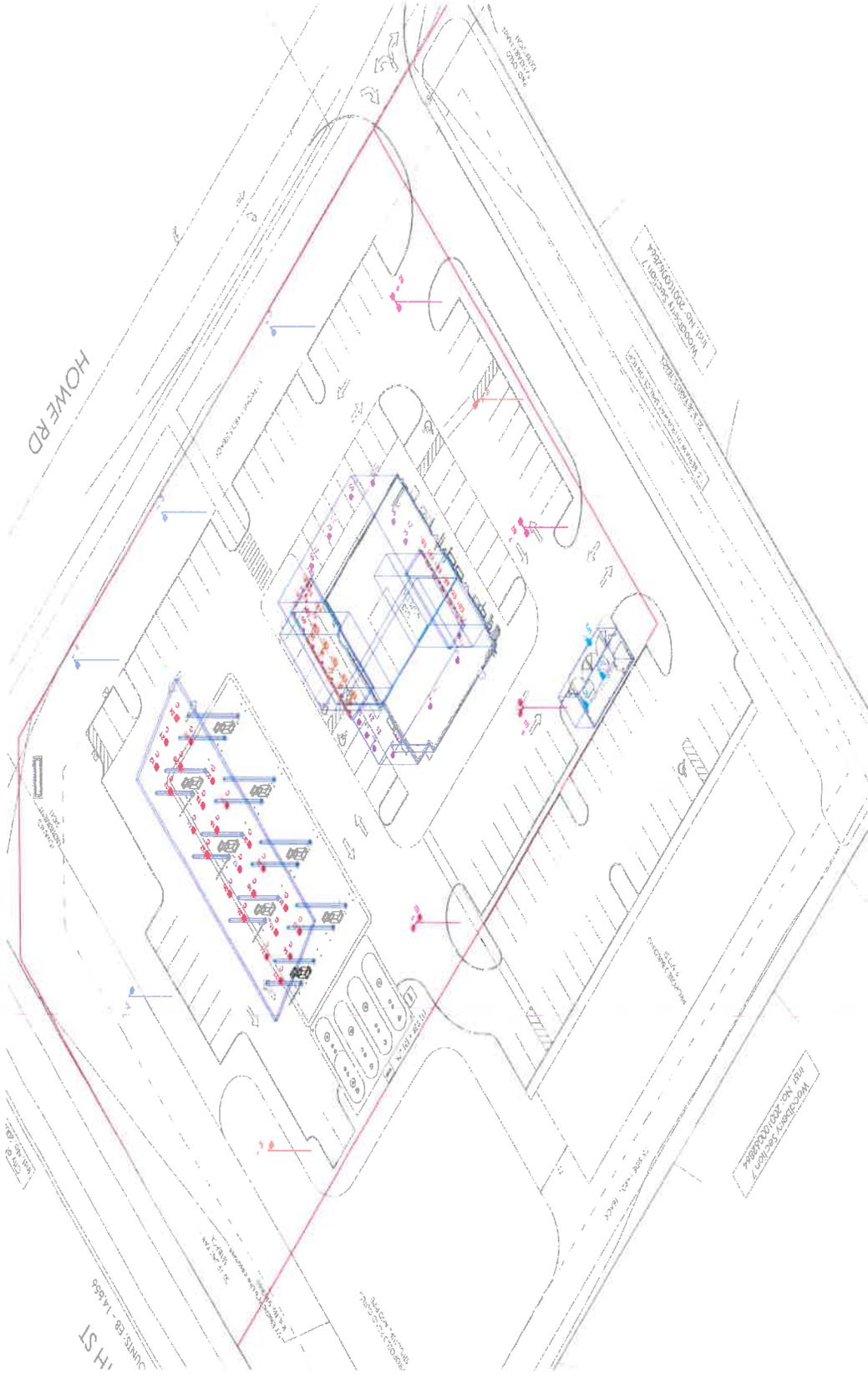
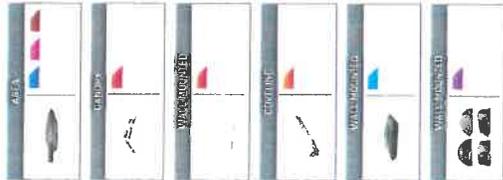
1 HOWE ROAD
FISHERS, IN 46038

Wawa

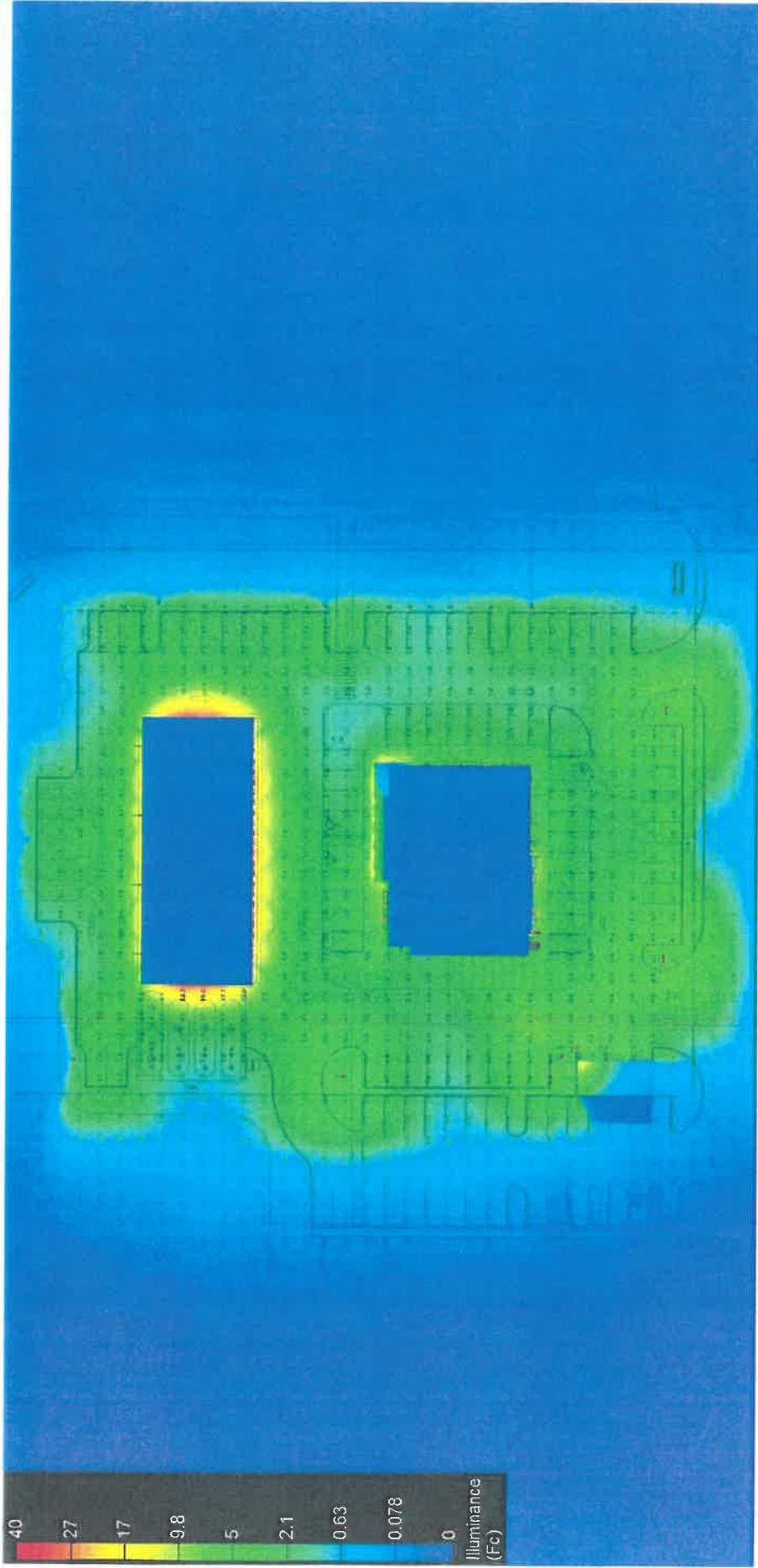
EXHIBIT D

PRELIMINARY DEVELOPMENT PLAN

Following Pages



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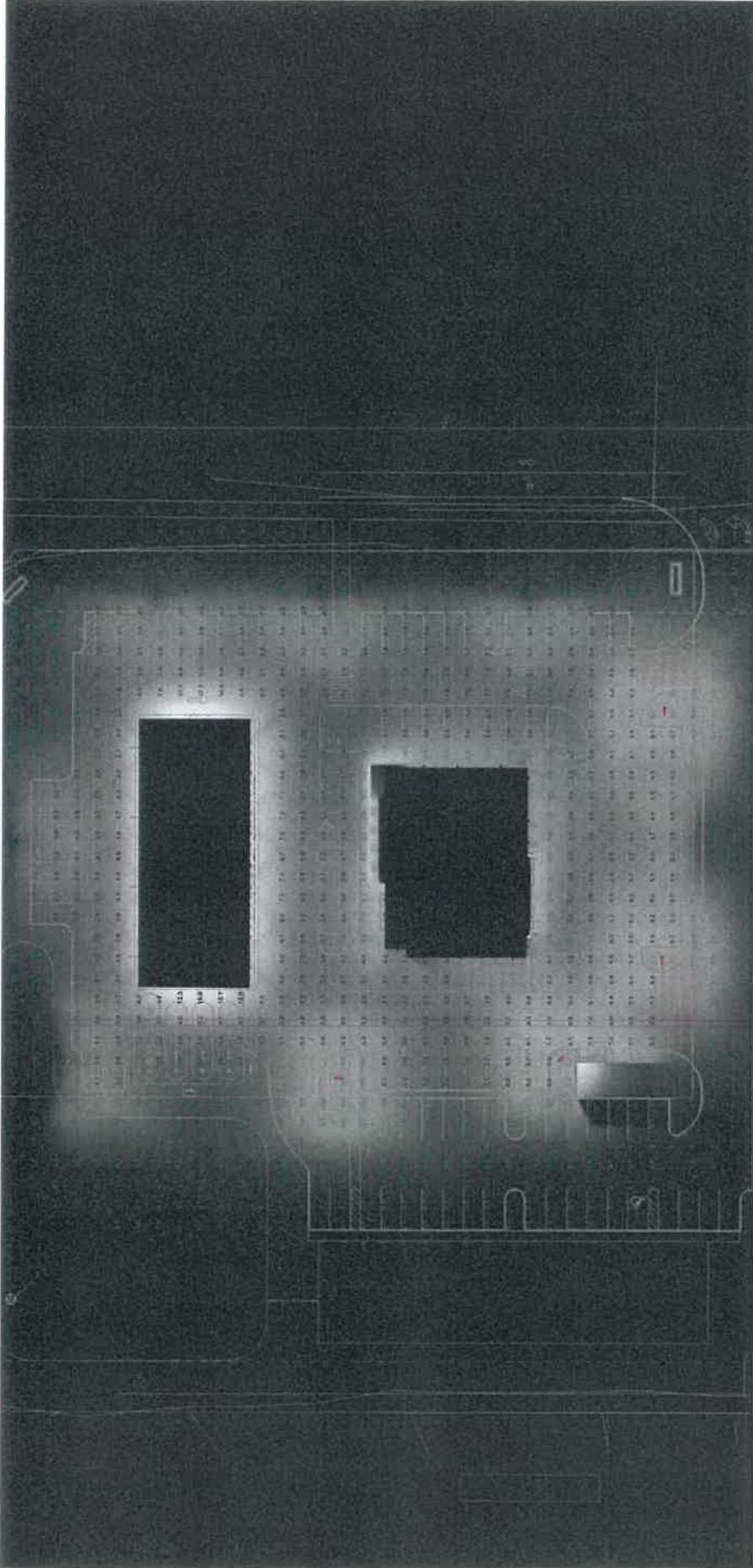


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PROJECT NAME
WAWA #7417
NOBLESVILLE, IN
 RL-9493-S1-R1

REDLEONARD
 ASSOCIATES
 1800 Koppers Boulevard, Suite 100, Noblesville, IN 46060
 317-771-9600 | redleonard.com





WAWA #7417
NOBLESVILLE, IN
RL-9493-S1-R1



REDLEONARD
ASSOCIATES
1315716400 redleonard.com

1315716400 redleonard.com

EXHIBIT E

PROHIBITED USE CHART

1. Dwelling Unit located on 2nd floor or above for non-residential building
2. Fire and Police Stations
3. Hospitals
4. Library
5. Mortuary or Funeral Home
6. Post Office
7. Nursery School / Preschool
8. Schools (Primary and Secondary)
9. Colleges and Universities
10. Schools (Business and Trade)
11. Cemetery
12. Parking Garages (Public or Commercial)
13. Galleries and Museums
14. Cinemas and Theaters, except drive-in theaters
15. Hotels
16. Parks and Playgrounds (Non-Commercial)
17. Places of Public Assembly
18. Recreation (Indoor/Commercial)
19. Automobile Fuel Station, prohibited only on future western parcel of the Real Estate
20. Automobile Rental
21. Restaurant (Sit-down), prohibited only on future western parcel of the Real Estate
22. Restaurant (Carry-Out ONLY), prohibited only on future western parcel of the Real Estate
23. Restaurant (Drive-in/Drive-Thru Facility) Primary Use
24. Restaurant (Drive-in/Drive-Thru) Accessory Use
25. Drinking Places, prohibited only on future western parcel of the Real Estate
26. Bar, Tavern, or Lounge, Brewpub
27. Retail Sales, prohibited only on future western parcel of the Real Estate
28. Assembly of Finished Goods
29. Wholesale Trade (Indoor)
30. Wireless Communication Service Facilities

EXHIBIT F

STIPULATIONS AND WAIVERS

Stipulations/Conditions must be satisfied prior to the issuance of an Improvement Location Permit and Pre-Construction meeting.

1. City of Fishers approval for the sanitary sewer.
2. City of Fishers approval relating to the storm sewer quantities being sent to the City of Fishers.
3. Right-of-way must be obtained from the east side of Howe Road for the required roadway improvements to meet the City of Noblesville Standards.
4. At the time of submittal for detailed development plan review, a proposed document relating to the cross-access easement is included with the submittal.
5. The construction drawings submitted for detailed development plan review shall meet the minimum requirements of all City, State, and Federal ordinances, if applicable or unless waivers were granted from those standards.

Waivers from Unified Development Ordinance Requirements

1. Reduction of minimum area requirement – 5 acres to 2 acres minimum.
2. Reduction of minimum building height for Office Buildings – 24-FT and two stories to 20-FT and single-story with two-story appearance minimum.
3. Reduction of minimum building height for Retail Buildings – 24-FT and two stories to 24-FT and single-story minimum.
4. Reduction of minimum parking lot front yard setback along Howe Road – 50-FT to 20-FT minimum from the right-of-way line.
5. Increase of maximum front yard setback – 50-FT to approximately 75-FT.
6. Reduction of minimum building size requirement – 40,000 SF to 5,000 SF minimum.
7. Allowance for fiber cement siding to be considered an appropriate building finish material.
8. Allowance for parking, loading, or vehicular use areas to be located between the building and front property line along arterials. Howe Road and 146th Street are both arterials.
9. Allowance for automobile fuel station ground sign in the Commercial/Office Subdistrict including a digital price board displaying two gas prices.
10. Elimination of requirement for a continuous sculpted and undulating earthen mound at 5-FT in height and mound landscaping along E. 146th Street.

11. Reduction in landscaping as per the submitted landscaping in the June 14, 2024 submittal.
12. Creation of what is termed a “flag lot” for the western most lot.
13. Elimination of parking lot landscaping between the two lots along the north/south property line.
14. Reduction of lot width to approximately 75-FT.