



## PLAN COMMISSION STAFF REPORT

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**ITEM NO:** 7

**APPLICATION NO.** LEGP No. 0114-2024

**MEETING DATE:** July 15, 2024

**SUBJECT:** Amendment to the adopted zoning commitments for Prairie Lakes Commercial

**PETITIONER(S):** Milk Crate Development, LLC (Potential Owners/Applicants)

**SUMMARY:** Amend zoning commitments to allow for additional drive-thru windows for restaurant users

**LOCATION:** 14560 Mundy Drive

**WAIVERS REQUESTED:** Non-Applicable

**RECOMMENDATION:** Approval

**PREPARED BY:** Joyceann Yelton, Development Services Manager  
[jyelton@noblesville.in.us](mailto:jyelton@noblesville.in.us)  
317-776-6325

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### Planning Terms

**Commitment** – A recordable written agreement or covenant concerning the use of development of a parcel of real property setting forth binding limitations for use or development of that particular real estate.

### Procedure

The application was filed in May for a public hearing at the July Plan Commission meeting. Prior to the public hearing before the Commission, a published legal notice has been advertised in the newspapers and notice of the meeting has been sent to the surrounding property owners. Both have been satisfactorily completed. The Plan Commission conducts the public hearing and either recommends approval or denial including any conditions or stipulations of proposal to the Common Council.

### Correspondence

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

### Summary

This property is located west of Jagger's Restaurant and Godby Furniture Store, and west of the CVS Retail store all within the "Prairie Lakes Commercial area of the Prairie Lakes Planned Development" (Refer to Aerial Photograph – Exhibit 1). This development was adopted back in the 1997 with the planned development ordinance being amended several times throughout the years. The amendment to the zoning commitments in 2018 amended the uses to allow a tire sales store within this development.

The applicant is requesting to amend the zoning commitments to allow for at least one additional drive-through window use being permitted within this development for a restaurant. The specific language appears on page 3, No. 8, third paragraph: "Further, no more than one gasoline station and nor more than two drive-through/carry-out food restaurants shall be permitted within this development. However, other drive-through facilities may be used incidental to the other allowed uses in the development such as banks, cleaners." The proposed three-acre site will be further subdivided into three lots. One of the lots will be established for a drive-through coffee facility provided the amended zoning commitments are approved. The applicant is also requesting that you allow for another drive-through window on one of the other adjacent lots. (Refer to site plan layout – Exhibit 2) Existing drive-through windows within this development include Burger King, the southern unit on the southern inline tenant building (141<sup>st</sup> Street) that was formerly a bank but is now a coffee shop, and Jagger's Restaurant.

History

- *Several amendments throughout the years regarding the have occurred including additional land being added, mini-storage warehouse units, building material amendment, signage and allowing personal use facilities.*

Attachments

- Exhibit 1 – Aerial Photograph
- Exhibit 2 – Site layout
- Exhibit 3 – Zoning Commitments
- Exhibit 4 – Applicant's Narrative

Recommendation

Staff recommends approval of this project as it is a good use for the new building and is adjacent to a primary arterial.

Motion

1. Motion to send a favorable recommendation to the Council relating to the number of drive-through windows being permitted for a restaurant type use within this development per Application No. 0114-2024 and as per the presentation. **(Be specific on the number of additional windows to be permitted.)**
  
2. Motion to deny the Special Consideration request for an indoor/commercial recreational use as per Application No. LEGP 0114-2024. *List reasons*
  
3. Motion to continue Application No. LEGP 0114-2024 until the August 19, 2024 meeting.