



PLAN COMMISSION STAFF REPORT

ITEM NO: 6

APPLICATION NO. LEGP-000109-2024

MEETING DATE: July 15, 2024

SUBJECT: Promenade Planned Development

PETITIONER(S): Meijer Stores, LP

SUMMARY: Amendment to Promenade Planned Development Ordinance to allow for additional drive-through windows and waivers for roadside corridor, parking, driveway spacing, landscaping, and lighting standards for lots 10, 12, and 13

LOCATION: 5957, 5985, and 6010 Promenade Shops Boulevard

WAIVERS REQUESTED: Refer to Ordinance and staff report

RECOMMENDATION: Approval

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Planning Terms

Amendment – Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

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.

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.

Procedure

The application was filed on the May, 2024 deadline for a public hearing at the July Plan Commission meeting. The proposed amendment and waivers 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.

Background

The Promenade Planned Development Ordinance (6-1-06) was adopted in March, 2006, for 153 acres at the northeast corner of State Road 32 and Little Chicago Road. The PD ordinance allowed for Promenade Shoppes area, allowing most uses in the Planned Business zoning district; an assisted living area; Villas at Promenade, allowing two to four unit attached dwellings; and Promenade Creek and Woods, an area of R1 single family dwellings.

In 2008, an amendment (32-6-08) to the Promenade PD Ordinance was adopted that added restaurants to the list of permitted uses in the Promenade Shoppes Area but with a limit on drive-through windows: *a maximum of one (1) restaurant with drive-through windows shall be permitted and no restaurant drive-through window shall be permitted to be located on the south façade of any building adjacent to State Highway 32, the west façade of any building adjacent to Little Chicago Road and the east façade of any building adjacent to Mill Creek Road.*

A third amendment (45-07-16) was adopted in 2016 to allow for a micro-hospital adjacent to State Road 32.

The application under consideration would amend the Promenade Planned Development Ordinance as follows: *Section 2: permitted uses, no change except: Promenade Shops Area—restaurants shall remain as a permitted use, and drive-through windows shall be permitted with a maximum of three (3) restaurants with drive-through windows.*

The amendment under consideration would not permit drive-through windows in location prohibited by the original ordinance, but would rather allow two additional drive-through windows, with a limit of three such uses within the Promenade Shoppes Area. An amendment to the architectural standards is also proposed to the roof line modulation to include a vertical change in the visible roof line of at least two feet, six inches (2'6") from an adjacent roof section.

Additionally, waivers are requested as discussed below. Exhibits D, E, F are the applicant's waiver request narratives for lots 10, 12, and 13, respectively.

Waiver Requests

1. The Roadside Corridor along SR 32 shall be a minimum width of 15 feet parallel and immediately abutting the SR 32 right-of-way line. Construction of a meandering trail, minimum 10 feet wide, shall occur upon completion of construction of SR 32 improvements by INDOT at a later date.

Staff comment: Section 8.H.8.M., Roadside Corridor Requirement, shall be a minimum width of thirty (30) feet parallel and immediately abutting the State Road 32 right-of-way line. *The Roadside Corridor hard surface shall be a minimum of ten (10) feet in width, and shall be constructed of asphalt material in compliance with the City's construction standards. Construction of a trail with meandering design is encouraged.*

Roadside corridor plantings are required as follows:

- a. *A minimum of three (3) shade trees and one (1) ornamental tree shall be provided per every one hundred (100) linear feet of Roadside Corridor along State Road 32. Installation of planting on both sides of the alternative transportation corridor is encouraged. All trees shall be a minimum of two and one-half inches (2.5") in caliper at the time of planting.*

- b. *Shade trees planted within the Roadside Corridor shall be spaced a minimum of fifteen feet (15') apart and a maximum of forty feet (40') feet apart.*

An existing 35-foot watermain and utility easement along this portion of State Road 32 make providing the roadside corridor impractical. Additionally, INDOT has not yet determined right-of-way requirements for SR 32. Due to these two factors, the reduction in the roadside corridor width from 30 feet to 15 is appropriate for lots 12 and 13. It should be noted there would be no reduction in number of plantings as required by the UDO. (Exhibits E and F)

2. Required parking spaces for free-standing retail stores shall be one per 250 SF of gross floor area.

Staff comment: Table 10.0.3.B., *Required Parking Spaces*, requires one parking space per 200 square feet of gross floor area for free-standing stores. The proposed amendment decreases the number of parking spaces required for a commercial use. With a mix of potential uses, including restaurants that would have drive-through windows, with staggered hours of operation, the reduction for lots 10 and 12 would be appropriate. (Exhibits D and E)

3. All parking lots shall be setback a minimum of 10 feet from the property line abutting any street.

Staff comment: Section 10.4.B.1., *Dimensions and Layout*, requires that *all parking lots shall be setback a minimum of twenty (20) feet from the property line abutting any street*. The north parking area on lot 10 abuts a driveway through the site, and not a platted street. A ten-foot setback along this portion of lot 10 would be permitted. For lot 12, eight parking spaces would be partially in the 20-foot setback but would provide a ten-foot setback from Promenade Shops Boulevard; lot 13 complies with the 20-foot setback requirement.

The minimal impact of the eight spaces within the 20-foot parking lot setback for lot 12 would be an appropriate waiver.

4. Off-street parking stall dimensions for 90-degree parking spaces shall be 9 feet by 18 feet.

Staff comment: Table 10.0.4.A., *Off-Street Parking*, requires stall length for 90-degree spaces to be 9 feet by 20 feet. A stall size as proposed by the applicant is not uncommon and is a standard size used by many communities. (Exhibits D, E, F)

5. Non-residential driveways shall be at least three (3) feet from an adjoining non-residential property line. No single non-residential driveway shall exceed a width of forty-two (42) feet at the right-of-way line.

Staff comment: Driveway aprons were installed when Promenade Shops Boulevard was installed and are located as shown on the preliminary development plan from the 2006 and 2008 Ordinances. Making use of the existing aprons would be an appropriate waiver.

The Noblesville engineering department has offered comments regarding driveway location. All TAC requirements shall be met prior to issuance of improvement location permits, regardless of waivers allowed by the PD Ordinance.

6. Interior parking lot landscape requirements for Class C parking lot shall be 6%. All single row parking landscape islands and peninsulas shall be a minimum of 133 square feet in area with a minimum width of eight (8) feet measured from back of curb to back of curb (or edge of pavement).

Staff comment: Section 12.5.C., Interior Parking Lot Landscaping, specifies the percent of required landscaping in parking lot, based on class size of parking area, and minimum parking lot island size. Exhibits D and E, address individual lot waiver requests for lots 10 and 12, respectively. For purposes of the PD Ordinance amendment, the reduction of the interior parking lot landscaping requirements and size of peninsulas would be mitigated by the fact that no reduction in the overall number of plantings as required by the UDO is requested; the number of trees and shrubs would still be provided but within a smaller landscaped area.

The language in the PD Ordinance should reflect the individual lot waiver requests. The waiver request for lot 10 is to reduce the minimum required interior landscaping islands for Class C parking lot to six percent; this request does not apply to lots 12 or 13. Additionally, the Ordinance requests a reduction to the minimum required parking landscape islands and peninsulas to 133 square feet in area and eight feet in width, which would apply only to lot 10. The waiver request for lot 12 is only to reduce the minimum required parking landscape islands and peninsulas to 163 square feet and 9.5 feet in width; no such waiver has been requested for lot 13.

7. Perimeter parking lot landscape width shall be twenty (20) feet along private streets and can be reduced to five (5) feet in areas where existing conditions do not allow for the full twenty (20) feet of width. Perimeter parking lot landscape width shall be fifteen (15) feet along Westfield Boulevard due to the presence of an existing utility easement. The requirements for number of trees and shrubs shall comply with the applicable landscaping standards in the PB district.

Staff comment: Section 12.5.D.2., Perimeter Parking Lot Landscaping, requires a landscaped yard of varying widths, depending on adjacent uses, with required trees and shrubs at a number dependent on the linear feet of the parking lot.

There is a topographical change on lot 10 that make providing the required 20-foot perimeter parking lot landscaping difficult. The waiver request for lot 10 (Exhibit D) is to reduce the minimum required perimeter landscape width along private streets and within a front yard to five feet and allow the required canopy trees to be planted irregularly.

On lot 12, the request is to reduce the minimum required perimeter landscape width along private streets and within a front yard to 10 feet where 20 feet would be required. Lot 13 would have a 15-foot parking lot perimeter landscape width along private streets and within a front yard where 20 feet would be required.

No reduction of overall number of plantings as required by the UDO is proposed, which would mitigate the reduction in landscaping perimeter width and would be acceptable to staff.

8. The entire base of each commercial building, except in areas of back-of-house maintenance and utility areas, shall be surrounded by a landscape strip 2-5 feet wide. These landscape strips may be broken by pedestrian access ways as needed for building access and ADA pedestrian routes. Required understory trees may be located elsewhere onsite as long as the requirements for number of trees and shrubs complies with the applicable landscaping standards in the PB district.

Staff comment: Section 12.6, Building Base Landscaping, specifies building base landscaping based on building location in relation to adjacent uses. The requested waiver is to reduce the width of the landscaping strips, not the total number of planting required. Applicant's waiver requests (Exhibits D, E, and F) address the waiver for each specific lot:

Lot 10:

- i. Reduce the minimum required width of building base landscaping to 3 feet wide.
- ii. Allow more than 10% of the total landscape strip to be paved with pedestrian access ways. Allow for the required understory trees to be located in other locations on the site.
- iii. Remove the requirement for building base landscaping at the rear façade of the building for back-of-house operations and maintenance.

Lot 12:

- i. Reduce the minimum required width of building base landscaping to 3 feet wide.
- ii. Allow more than 10% of the total landscape strip to be paved with pedestrian access ways.
- iii. Allow for the required understory trees to be located in other locations on the site.
- iv. Remove the requirement for building base landscaping at the rear façade of the building for back-of-house operations and maintenance.

Lot 13:

- i. Reduce the minimum required width of building base landscaping to 2 feet wide.
- ii. Allow more than 10% of the total landscape strip to be paved with pedestrian access ways.
- iii. Allow for the required understory trees to be located in other locations on the site.

While staff believes that a site could be designed to accommodate all required landscaping requirements, by reducing the building footprint for example, a reduction of the building base landscaping strip width could be appropriate especially because there will be no reduction in the number of plantings. Lots 10 and 12 will provide no building base landscaping along their northern elevation, which is the service entrance of each user. No reduction in overall number of required trees and shrubs is requested.

9. All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of 1.0 foot-candle onto any adjacent property that is of a similar use and hours of operation.

Staff comment: Section 13.2., Lighting, specifies that *All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of one-half (0.5) foot-candle onto any adjacent building or property, or onto any public street or vehicle thereon.*

Per the applicant's waiver justification (Exhibits D, E, F), these sites are adjacent to similar commercial uses interior to the overall Promenade development, with site lighting, and there would be areas on a site that lighting would exceed one-half foot-candle at the property line due to overlapping site lighting glare. Any approval of the waiver for lots 10, 12, and 13 should include the stipulation that *shine or glare shall not exceed one-half foot-candles onto State Road 32.*

The following issues should be addressed in the Ordinance prior to adoption by the Council:

1. The amendment to the PD Ordinance was filed with detailed development plans for lots 10, 12, and 13 and the Ordinance should reflect the amendments apply only to lots 10, 12, and 13.
2. The Ordinance should include references to the UDO sections modified by the PD Ordinance.
3. For the waivers relating to parking lot island, perimeter parking lot, and building base landscaping, Ordinance should include language that there would be no reduction in the overall number of plantings as required by the underlying zoning district.

	Description	Analysis
Surrounding Land Uses	North – Internal Promenade commercial uses zoned PB/PD South – Commercial zoned PB/PD/SR 32 overlay West – Internal Promenade commercial uses zoned PB/PD/SR 32 Overlay East – Internal Promenade commercial uses zoned PB/PD/SR 32 Overlay; under construction townhomes (adjacent to lot 10)	The surrounding uses are commercial or multi-family in nature and are supported by the Comprehensive Master Plan.
Comprehensive Master Plan and Future Land Use	Commercial-neighborhood	Neighborhood commercial serves a smaller geographic area by providing smaller scale retail services to residents. These can include uses such as grocery stores, dry-cleaners, and dining establishments.
Traffic Circulations and Thoroughfare Plan	Promenade Shops Boulevard is a local road. Lots 12 and 13 are not accessed off of US 32.	A system of streets and roads, which primarily provides local access service {including supplying access to fronting properties} and access to higher order street systems.
<i>TAC Comments</i>		<i>Submitted for preliminary review</i>

Attachments

- Exhibit A Location map
- Exhibit B Amended Promenade Planned Development Ordinance
- Exhibit C Development Plans
- Exhibit D Lot 10 waiver request memo and presentation board
- Exhibit E Lot 12 waiver request memo and presentation board
- Exhibit F Lot 13 waiver request memo and presentation board

Recommendation

Staff can support a positive recommendation for the amendment to the Promenade Planned Development Ordinance and waivers requested as it meets the intent and goals of the comprehensive master plan including any stipulations/conditions.

Motion Planned Development Ordinance Amendment LEGP-000109-2024

Motion to approve the Promenade Planned Development Ordinance amendment as per the presentation and submittals for application number LEGP-000109-2024 with the following waivers:

1. The Roadside Corridor along SR 32 shall be a minimum width of 15 feet parallel and immediately abutting the SR 32 right-of-way line. Construction of a meandering trail, minimum 10 feet wide, shall occur upon completion of construction of SR 32 improvements by INDOT at a later date.
2. Required parking spaces for free-standing retail stores on lots 10 and 12 shall be one per 250 SF of gross floor area.
3. Parking lots shall have a minimum setback of 10 feet from a property line abutting a street on lot 12.
4. Off-street parking stall dimensions for 90-degree parking spaces shall be 9 feet by 18 feet.
5. Non-residential driveways shall be at least three (3) feet from an adjoining non-residential property line. No single non-residential driveway shall exceed a width of forty-two (42) feet at the right-of-way line.
6. For lot 10, interior parking lot landscape requirements for a Class C parking lot shall be 6 percent. Single row parking landscape islands and peninsulas shall be a minimum of 133 square feet in area with a minimum width of eight (8) feet measured from back-of-curb to back-of-curb (or edge of pavement).

For lot 12, minimum required parking landscape islands and peninsulas shall be 163 square feet in area and 9.5 feet in width measured back-of-curb to back-of-curb.

7. Perimeter parking lot landscape width on lot 10 shall be five feet along private streets and within a front yard, with canopy trees to be planted irregularly; on lot 12 shall be 10 feet along private streets and within a front yard; and on lot 13 shall be 15 feet along private streets and within a front yard. Perimeter parking lot landscape width shall be fifteen (15) feet along Westfield Boulevard due to the presence of an existing utility easement. The requirements for number of trees and shrubs shall comply with the applicable landscaping standards in the underlying zoning district.
8. Building base landscaping shall be provided as indicated below:
Lot 10:
 - i. Minimum required width of building base landscaping shall be 3 feet.
 - ii. More than 10 percent of the total landscape strip may be paved with pedestrian access ways. Required understory trees to be located in other locations on the site.
 - iii. No building base landscaping at the rear façade of the building for back-of-house operations and maintenance.

Lot 12:

- i. Minimum required width of building base landscaping shall be 3 feet.
- ii. More than 10 percent of the total landscape strip may be paved with pedestrian access ways.
- iii. No building base landscaping at the rear façade of the building for back-of- house operations and maintenance.
- iv. Required understory trees to be located in other locations on the site.

Lot 13:

- i. Minimum required width of building base landscaping shall be 2 feet.
- ii. More than 10 percent of the total landscape strip may be paved with pedestrian access ways.
- iii. Required understory trees may be located in other locations on the site.

These landscape strips may be broken by pedestrian access ways as needed for building access and ADA pedestrian routes. Required understory trees may be located elsewhere onsite as long as the requirements for number of trees and shrubs complies with the applicable landscaping standards in the PB district.

9. All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of 1.0 foot-candle onto any adjacent property that is of a similar use and hours of operation. Shine or glare shall not exceed one-half foot-candles onto State Road 32.

And with the following stipulations:

1. Amendments shall apply only to lots 10, 12, and 13.
2. All TAC requirements shall be met prior to issuance of improvement location permits.

Motion to deny the Promenade Planned Development Ordinance amendment as per the presentation and submittals for application number LEGP-000109-2024 and forward a do not adopt recommendation to the Common Council. (LIST REASONS)

Motion to continue application number LEGP-000109-2024 until the August 19, 2024 meeting.