

# Common Council

## Agenda Item

## Cover Sheet

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**MEETING DATE:** August 27, 2024

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

**ITEM or ORDINANCE:** #48-08-24

**PRESENTED BY:** Joyceann Yelton

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

ORDINANCE NO. 48-08-24

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE NO. 62-12-95, AND THE MIDLAND POINTE PLANNED DEVELOPMENT ORDINANCE NO. 04-02-23 AND ALL AMENDMENTS THERETO, A PART OF THE COMPREHENSIVE MASTER PLAN FOR THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

*Document Cross-Reference No: 2023004939*

An Ordinance to amend the Unified Development Ordinance and Ordinance No. 04-02-23 and all amendments thereto, enacted by the City of Noblesville under the authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended, and

WHEREAS, the Plan Commission (the "Commission") has conducted a public hearing on Application No. LEGP NO. 0139-2024 (the "application") as required by law concerning an amendment relating to the "Prohibited Use Chart", a part of the "Midland Pointe Planned Development", all a part of the Unified Development Ordinance and after due consideration has sent a favorable recommendation for adoption to the Council with a vote of 9 ayes, 0 nays, and 0 abstentions at their August 19, 2024 meeting, and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance, and the "Midland Pointe Planned Development" Ordinance and all amendments thereto are hereby amended as follows:

SECTION 1. That the subject real estate as described in "Exhibit A – Legal Description", also known as Hamilton County Parcel No's: 10-10-03-00-00-002.001, 10-10-03-00-00-044.000, 10-10-03-00-00-045.000, and 10-10-03-01-01-002.000 and located south of State Road No. 32 (Westfield Road) and east of

Hazel Dell Road, within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana and is currently zoned "R5-PB/PD Multi-Family Residential-Planned Business/Planned Development" district and is hereby subject to the amendment.

SECTION 2. That this ordinance and attached "Exhibit B – Prohibited Use Chart " provides for the following amendment to allow one veterinarian clinic within one inline tenant building.

SECTION 3. Unless a development standard, specification, guideline, and/or requirement contained in the Unified Development Ordinance or the "Midland Pointe Planned Development" Ordinance No. 04-02-23 is varied, altered, or modified by this ordinance and/or exhibits, then such development standards, specifications, guidelines, commitments and/or requirements as specified in the Unified Development Ordinance and/or Ordinance No. 04-02-23 "Midland Pointe Planned Development" shall apply.

SECTION 4. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law. All prior ordinances or parts thereof in conflict therewith are repealed and deemed to conform to the provisions of these amendments.

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SECTION 5. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

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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.

Joyceann Yelton  
Printed Name of Declarant

Prepared by: Joyceann Yelton, Development Services Manager, City of Noblesville, 16 South 10<sup>th</sup> Street, Noblesville, IN 46060 (317) 776-6325

**EXHIBIT A**  
**REALESTATE**

Area A Land Description

Part of the Northwest quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, the following description was based on surveys prepared by Timothy D. Higbie, L.S as Survey First LLC project numbers 2021-0022 and 2022-0006, is described as follows:

Commencing at a brass pin in concrete at the Northwest corner of said Northwest quarter; thence along the West line of said quarter (bearings are based on the State Plane Coordinates, Indiana East Zone, on the NAD83, using GPS derived North from NTRIP CORS network) South 00 degrees 02 minutes 09 seconds East 608.80 feet; thence North 88 degrees 31 minutes 22 seconds East 56.11 feet to the East right-of-way of Hazel Dell Drive per Instrument number 200300090653 and Instrument number 200400005003 recorded in the Office of the Hamilton County Recorder and the POINT OF BEGINNING; thence North 88 degrees 34 minutes 17 seconds East 150.37 feet to a tangent curve to the left concave North having a radius of 200.00 feet and a long chord that bears North 67 degrees 35 minutes 14 seconds East and a long chord of 143.24 feet; thence Northeasterly along said curve an arc length of 146.50 feet; thence North 46 degrees 36 minutes 10 seconds East 196.32 feet to a tangent curve to the right, concave Southeast having a radius of 175.00 feet and a long chord that bears North 68 degrees 06 minutes 44 seconds East and a long chord of 128.33 feet; thence Northeasterly along said curve an arc length of 131.39 feet; thence North 89 degrees 37 minutes 17 seconds East 900.34 feet to the East line of the land of Gary Alton Hinshaw Trustees Deed per deed recorded in said Recorder's Office as Instrument number 2012023283; thence along said East line South 00 degrees 02 minutes 23 seconds East 715.58 feet to the North line of a parcel conveyed to the City of Noblesville in Instrument number 2017043039 in said Recorder's Office, a rebar was found 1.2' West and 3.5' North; thence along the North line of said City of Noblesville, South 87 degrees 58 minutes 18 seconds West 73.14 feet; thence along said North line North 89 degrees 43 minutes 39 seconds West 87.51 feet to the Northeast corner of a parcel conveyed to the City of Noblesville in Instrument number 2016004263 in said Recorder's Office (a one-inch diameter iron pipe was found 1.4 feet West and 2.8 feet North); thence North 89 degrees 43 minutes 42 seconds West 812.16 feet along the North lines of the parcels conveyed to the City of Noblesville in Instrument numbers 2016004263 and 2016009905 in said Recorder's Office to a rebar with cap set at the Northeast corner of a parcel to the City of Noblesville in Instrument number 2017042702 in said Recorder's Office; thence North 89 degrees 43 minutes 39 seconds West 456.49 feet to a rebar with cap set on said East right-of-way of Hazel Dell Road by said Instrument number 200400005003; the following one (1) courses are along said right-of-way; 1.) thence North 01 degrees 58 minutes 45 seconds West 464.97 feet to the POINT OF BEGINNING, containing 21.586 acres more or less.

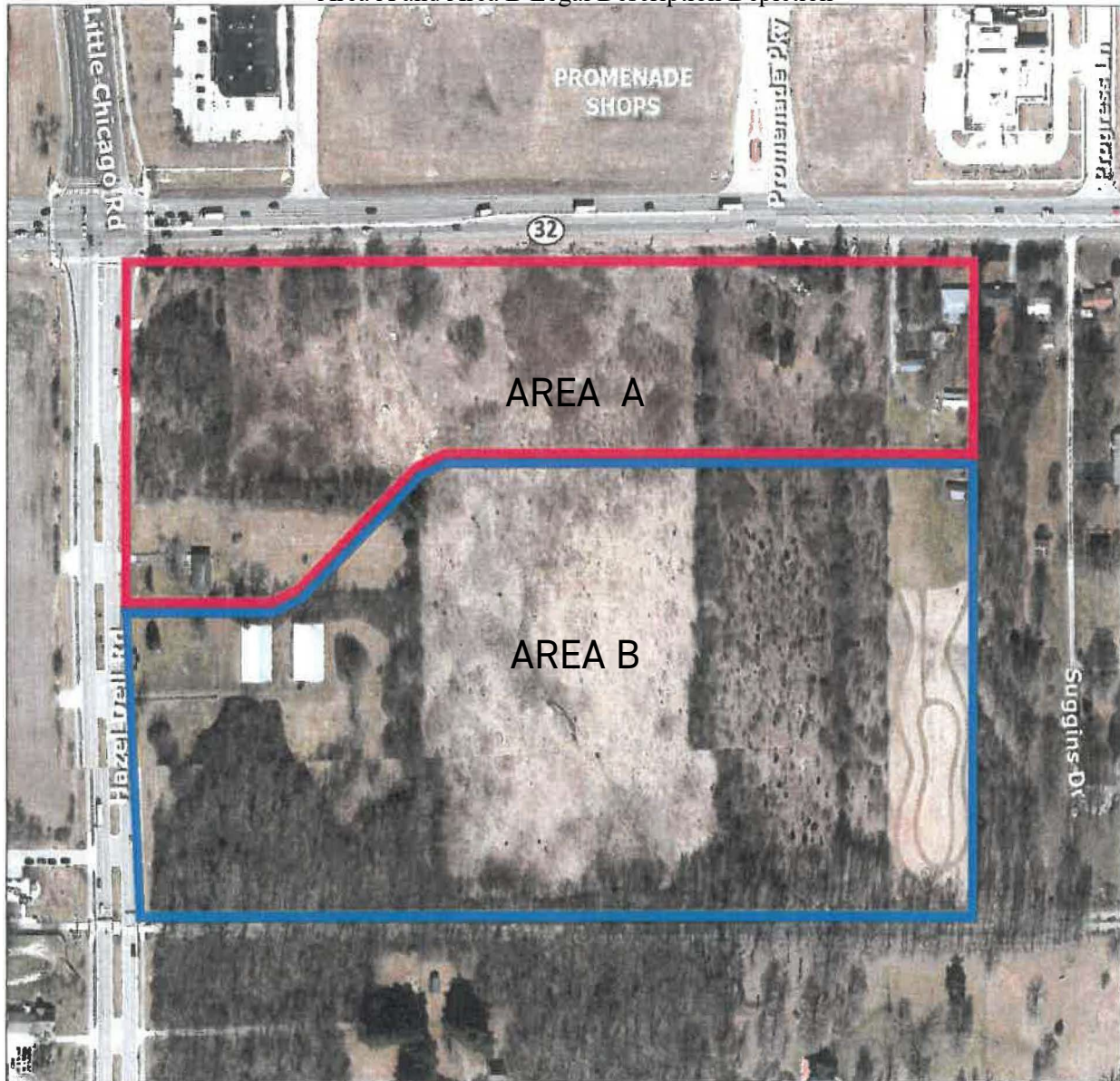
## Area B Land Description

Part of the Northwest quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, the following description was based on surveys prepared by Timothy D. Higbie, L.S as Survey First LLC project numbers 2021-0022 and 2022- 0006, is described as follows:

Commencing at a brass pin in concrete at the Northwest corner of said Northwest quarter; thence along the West line of said quarter (bearings are based on the State Plane Coordinates, Indiana East Zone, on the NAD83, using GPS derived North from NTRIP CORS network) South 00 degrees 02 minutes 09 seconds East 608.80 feet; thence North 88 degrees 31 minutes 22 seconds East 56.11 feet to the East right-of-way of Hazel Dell Drive per Instrument number 200300090653 and Instrument number 200400005003 recorded in the Office of the Hamilton County Recorder and the POINT OF BEGINNING; the following six (6) courses are along the East and South lines of said right-of-way; 1) thence North 03 degrees 29 minutes 58 seconds West 22.30 feet; 2) thence North 04 degrees 24 minutes 11 seconds West 129.81 feet; 3) thence North 01 degrees 44 minutes 14 seconds East 24.63 feet; 4) thence North 01 degrees 44 minutes 15 seconds East 310.83 feet (a concrete right-of-way marker found 0.40 feet North and 0.2' East of the corner); 5) thence North 33 degrees 02 minutes 35 seconds East 72.39 feet (a concrete right-of-way marker found 0.06 feet South and 0.20 feet East of the corner); 6) thence North 89 degrees 31 minutes 21 seconds East 97.25 feet (a concrete right-of-way marker found 0.03 feet South and 0.40 feet West of the corner); thence North 89 degrees 26 minutes 58 seconds East 264.69 feet along the South line and the Westerly extension of the South line of the right-of-way parcel per Instrument number 200100002817 in said Recorder's Office to the Southeast corner thereof (a concrete right-of-way marker was found 0.3 feet South and 0.4 feet West of corner); thence North 00 degrees 34 minutes 33 seconds West 9.06 feet along the East line of said right-of-way to a rebar found with cap stamped "Structurepoint #0094" (hereafter "Structurepoint rebar") on the South right-of-way line of State Road 32 as described in Deed Record 143, page 70, Deed Record 141, page 435, and Deed Record 141, page 250 in said Recorder's Office; thence North 89 degrees 26 minutes 10 seconds East 883.87 feet along said South right-of-way line to a Structurepoint rebar found on the East line of a parcel conveyed to Herbert E. and Betty Lou W. Boone in Instrument number 200000061947 in said Recorder's Office; thence North 00 degrees 02 minutes 22 seconds West 52.11 feet to the North line of said quarter section; thence along said North line North 89 degrees 25 minutes 18 seconds East 160.60 feet to the Northeast corner of the land of Gary Alton Hinshaw Trustees Deed per deed recorded in said Recorder's Office as Instrument number 2012023283, said point is referenced as 1171.47 feet from the Northeast corner of said Northwest quarter; thence along the East line of said Hinshaw, South 00 degrees 02 minutes 23 seconds East 375.48 feet; thence South 89 degrees 37 minutes 17 seconds West 900.34 feet to a tangent curve to the left, concave South, having a radius of 175.00 feet and a long chord that bears South 68 degrees 06 minutes 44 seconds West and a long chord of 128.33 feet; thence Southwesterly along said curve an arc length of 131.39 feet; thence South 46 degrees 36 minutes 10 seconds West 196.32 feet to a tangent curve to the right, concave North, having a radius of 200.00 feet and a long chord that bears South 67 degrees 35 minutes

14 seconds West and a long chord of 143.24 feet; thence Southwesterly along said curve an arc length of 146.50 feet; thence South 88 degrees 34 minutes 17 seconds West 150.37 feet to said right of way and the POINT OF BEGINNING containing 12.687 acres more or less.

Area A and Area B Legal Description Depiction





**EXHIBIT B**  
**PROHIBITED USE CHART**

Tattoo parlor

Piercing studio

Nail salon (specifically not including nail services that are part of a high-end day spa or other similar use)

Massage parlor (specifically not including massage services that are part of a high-end day spa or other similar use)

Refund anticipation loan lenders, title loan businesses, short-term loan providers, cash for precious metal stores and pawnshops

Sexually-oriented business uses

Adult entertainment business, including retail; night club or cabaret; adult novelty shop or business (including bookstore or video store specializing in adult or sexually explicit material)

Discotheque or otherwise for musical/dance reviews or topless/nude shows

Tobacco shop, cigar lounge, hookah, head or other smoke shop

A facility for the sale or use of paraphernalia used for the ingestion or use of illicit or recreational drugs

Weapon dealers

Tavern, bar, nightclub, or other similar use the primary purpose of which is serving alcohol, excluding any restaurant having entertainment or serving alcohol so long as it generates the majority of its revenues from other than alcoholic beverages and devoting a majority of its customer area to sit down food and beverage service

Store which the principal business is the sale of alcoholic beverages for consumption off premises (One store permitted within an inline tenant building)

Gambling facility

Billiard or Pool Hall

Second hand or government surplus store

Mattress store

Non-profit or institutional use by any entity which is exempt from property taxation and causes any portion of the Property Location to be exempt from property taxes

Retail telecommunications store

A store selling or advertising primarily "dollar" merchandise

Flea market, consignment or used good store selling primarily distressed or damaged merchandise

Laundromat or dry-cleaning processing plant

Animal clinic or pet stores (One Veterinarian Clinic permitted within an inline tenant building)

Businesses that emit noxious odors Stand-alone fast-food restaurants

Businesses that may adversely affect the health, safety or community morals of the City

# Noblesville Plan Commission Noblesville, Indiana

To the Noblesville City Council:

This is to certify that the Plan Commission of Noblesville, Indiana held a public hearing on the **19<sup>th</sup> day of August, 2024** for a text amendment to an adopted planned development ordinance, a part of the Comprehensive Master Plan, and after due consideration, recommends that the City of Noblesville ADOPT said amendment.

*Request:*      **Application No. 0139-2024**      Amendment to the "Midland Pointe Planned Development" ordinance regarding permitted uses for property located in the 5800 - 6100 block of State Road No. 32 (south side). Submitted by Midland Pointe, LLC (Jim Adams, Owner/Applicant)  
*Staff Reviewer - Joyceann Yelton*

**Plan Commission Action.** 9 **Ayes** 0 **Nays** 0 **Abstentions**

Petition is forwarded with a FAVORABLE recommendation

*Respectfully submitted,*  
*Noblesville Plan Commission*

By:   
*Gretchen A. Hanes*                      *President*

  
*Caleb P. Gutshall*                      *Secretary*