

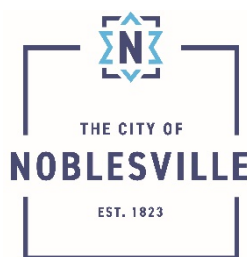
**From:** Caleb Gutshall  
**Sent:** Thursday, October 24, 2024 9:25 AM  
**To:** Mike Davis; Denise Aschleman  
**Cc:** Joyceann Yelton  
**Subject:** RE: Morse Village

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you, Mike. We will make sure this gets added to the staff report for Plan Commission's consideration.

Have a great day!

Caleb



**CALEB GUTSHALL**

Director  
Planning and Development Department  
**CITY OF NOBLESVILLE**  
P: 317.776.6325  
16 S. 10<sup>th</sup> Street • Noblesville, IN • 46060  
[www.CityofNoblesville.org](http://www.CityofNoblesville.org)

---

**From:** Mike Davis <[mdavis@noblesville.in.gov](mailto:mdavis@noblesville.in.gov)>

**Sent:** Thursday, October 24, 2024 8:12 AM

**To:** Caleb Gutshall <[cgutshall@noblesville.in.gov](mailto:cgutshall@noblesville.in.gov)>; Denise Aschleman <[Daschleman@noblesville.in.gov](mailto:Daschleman@noblesville.in.gov)>

**Subject:** Fw: Morse Village

Please see the email below from a resident at Carrigan At The Levee.  
His house will back up to West Point.  
I have talked with him and he has met with Phil at Lor.

Mike Davis  
Noblesville City Council, District 1  
[mdavis@noblesville.in.us](mailto:mdavis@noblesville.in.us)  
cell: 317-409-4209

---

**From:** Ross Coons <[rcoons@acespower.com](mailto:rcoons@acespower.com)>

**Sent:** Thursday, October 24, 2024 8:03:04 AM

**To:** Mike Davis <[mdavis@noblesville.in.gov](mailto:mdavis@noblesville.in.gov)>

**Cc:** [Purduethompson@yahoo.com](mailto:Purduethompson@yahoo.com) <[Purduethompson@yahoo.com](mailto:Purduethompson@yahoo.com)>; [jamiweddell@hotmail.com](mailto:jamiweddell@hotmail.com) <[jamiweddell@hotmail.com](mailto:jamiweddell@hotmail.com)>; [Kent\\_shrock@sbcglobal.net](mailto:Kent_shrock@sbcglobal.net) <[Kent\\_shrock@sbcglobal.net](mailto:Kent_shrock@sbcglobal.net)>; [Jeremyross1972.jr@gmail.com](mailto:Jeremyross1972.jr@gmail.com) <[Jeremyross1972.jr@gmail.com](mailto:Jeremyross1972.jr@gmail.com)>; [ks92@evansville.edu](mailto:ks92@evansville.edu)

<[ks92@evansville.edu](mailto:ks92@evansville.edu)>; The Coons <[rossandcrystal@gmail.com](mailto:rossandcrystal@gmail.com)>

**Subject:** RE: Morse Village

Good morning,

I had the chance to meet with the developer yesterday. The developer shared their plans for the west side of Hague Rd with me. From what was displayed and discussed, I am not on board with the current proposal for several reasons listed below and would request the planning commission explore additional options for this section of the development.

- The volume of units in this small area. The unit capacity would exceed over 130 units, 60 condo units and roughly 78 townhome units. I understand the developer is trying to maximize revenue but there needs to be some kind of negotiation to bring this many units down to a more reasonable number.
- With the volume of units comes an issue of parking. The developer stated the condo units would not include parking on the first floor and will instead have a parking lot out front. This will not add to the beauty of the surrounding area. With the townhomes, I expect they will have guests during the peak summer periods. Where will guests be allowed to park their vehicles? If you take the condos and townhomes with the allotted vehicles and possible guests at one point, this would not be feasible from a parking situation say for the 4<sup>th</sup> of July or Memorial Day.
- Rezoning from R-1 to R-5. I purchased my property on the basis the land would be built with the zoning in mind. The properties surrounding the development have been built out with certain limitations and standards. These standards have been applied to everyone prior and should not be changed for the benefit of a single party. The waivers being requested (lot dimensions and height) should be denied to ensure fairness from all other properties before it.
- The developer stated the reason for not siting single family homes on this space is due to the inability to have basements on homes over the \$800k asking price. If you did site single family homes, I'd guess you would be able to price those around \$600k or above based on updated homes as well as the proximity to the lake and trail system.
- Townhomes and condos without lake access would fetch a lower asking price compared to properties with lake access. The "views" value would only be applied to the condos yet the price of that view would still be limited without the access to the lake.
- I've looked at townhomes on the market within Hamilton County. The value of those units is less than the value of a single family home unless the square footage is above 2,500sqft or so. I showed the developer a housing development off Spring Mill Rd and 116<sup>th</sup> in Carmel which has the look of a townhome but are single family homes with larger sq. I believe that the proposed development would reduce the value of my property sitting within close proximity to the vast number of housing units. Space is a commodity this area values which will be disrupted by this development.

With these points in mind, I think we need to explore other options with this developer to see if there are other feasible options for this property on the west side of Hague Rd. I'm not totally against having the condos on the far side of the property, but I am against adding the volume and density of the townhomes. I would like to see other options that could be available to reduce the volume of units proposed. I believe my neighbors in Carrigan at the Crossing and East Harbor II would agree. I would also request that you be in attendance at the November 6<sup>th</sup> neighborhood meeting to hear the concerns of the surrounding residents without the time limits imposed at the council meeting in mid November.

Thank you for your time. If you would like to reach out, my number is (317) 345-6857.

Thanks,

Ross Coons  
7635 Winding Lake Dr S  
Noblesville, IN 46062

**Ross Coons | Senior Transmission Analyst**  
ACES® | 4140 West 99th Street | Carmel, IN 46032  
o: 317.344.7277 | m: 317.345.6857 | [rcoons@acespower.com](mailto:rcoons@acespower.com)

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For questions on this practice, please contact: ACES Legal Department 317.344.7000

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---

**From:** Mike Davis <[mdavis@noblesville.in.gov](mailto:mdavis@noblesville.in.gov)>  
**Sent:** Tuesday, October 22, 2024 2:22 PM  
**To:** Ross Coons <[rcoons@acespower.com](mailto:rcoons@acespower.com)>  
**Subject:** RE: Morse Village

**\*-EXTERNAL\*-\***

Think before clicking links or attachments.

Hi Ross,  
Thank you for your email. I do understand some of your concerns stated below and have attached some information on the eagles, traffic study, and renderings

of the condos at the south end of West Point. The buildings behind your house will be 3 stories.

The developer is installing a round a bout at 206<sup>th</sup> St. and Hauge Rd. The utility poles along the roadway will be moved back into an easement and away from the road, 206<sup>th</sup> street will be improved east from Hauge Rd to James road and south on Hauge Rd. from the round a bout.

Please let me know if you have any questions and feel free to call me anytime on my cell phone at 317-409-4209 to discuss.

Thank you,



**Mike Davis**  
City Councilman, District 1  
Cell 317-409-4209

**Noblesville Common  
Council**  
16 S. 10<sup>th</sup> Street  
• Noblesville, IN • 46060  
[mdavis@noblesville.in.gov](mailto:mdavis@noblesville.in.gov)  
[www.CityofNoblesville.org](http://www.CityofNoblesville.org)

---

**From:** Ross Coons <[rcoons@acespower.com](mailto:rcoons@acespower.com)>

**Sent:** Monday, October 21, 2024 12:55 PM

**To:** Mike Davis <[mdavis@noblesville.in.gov](mailto:mdavis@noblesville.in.gov)>

**Subject:** Morse Village

Good afternoon,

I am writing you about the planned development of Morse Village and the concern I have with regards to rezoning the west side of Hague to a high density zone. For your information, I live at 7635 Winding Lake Dr S which our backyard will be facing the potential new development. I have several concerns about this high density project which are as follows:

- Height – The developer has requested waivers which state the structures can increase from 45 feet to 75 feet or 5 stories. That would reduce our visibility significantly from the surrounding nature/trail.
- Lot area/ Front Yard/ Side Yard – The developer has requested waivers to eliminate such requirements. With these limitations, the look, feel, and sounds of nature will be demolished. Adding 5x or 5 times the amount of units in such a small space will take away the feel of being near the water/reservoir. This will bring the city to my backyard.
- Landscape buffer – The developer has requested waivers for the buffer to be reduced to 20 feet. This would not be able to accommodate much landscape to maintain any sort of natural feel.
- Privacy – With roughly 144 units in this small area, local residents in Carrigan at the Crossing as well as East Harbor will have reduced privacy as these dwellings would be dense with high visibility into our yards all the while reducing our visibility significantly.
- Traffic – Adding this dense of a population is not going to help the area traffic. I believe we should keep the zoning to R1-3 to ensure decent commuting for the current residents. Adding high density housing on this stretch of land is not what local residents are looking for.

While I laid out my concerns, I welcome development in the area. We would like to see a less dense housing option like single family homes on decent lots. I am afraid that adding high density 3-5 stories building behind my house will hinder my property value as appose to a 2 story single family home.

Thank you for listening to my concerns and hope to have additional conversations with you.

Thanks,

Ross

**Ross Coons | Senior Transmission Analyst**  
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November 13, 2024

**VIA ELECTRONIC MAIL AND FED EX OVERNIGHT**

Noblesville Plan Commission  
c/o Jon Hughes, Attorney  
BOSE MCKINNEY & EVANS LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
jhughes@boselaw.com

Noblesville Plan Commission  
c/o Joyceann Yelton  
c/o Caleb Gutshall  
c/o Denise Aschleman  
16 S 10<sup>th</sup> Street  
Noblesville, IN 46060

*Re: Remonstrance Submission and Renewed Motion to Continue the  
November 18, 2024, Noblesville, Indiana Plan Commission Meeting as  
to LEGP 0192-2024 and LEGP 0208-2024*

To Whom it May Concern:

As you know Paganelli Law Group has been retained by Jeremy and Jami Ross, to assist in the remonstrance against LOR Rangeline, LLC's ("LOR") Applications LEGP 0192-2024 and LEGP 0208-2024 (the "Applications") for rezoning to create the Morse Village Planned Development (the "Development"). We write in two respects:

***Renewed Motion to Continue***

The Noblesville Plan Commission is currently set to hear comment on the Development at the Public Hearing on November 18, 2024, at 6:00 P.M.

On November 4, 2024 and as permitted by Article VI(8) of the Noblesville Plan Commission's Rules of Procedure, we requested that this matter be continued to the next Public Hearing date of December 16, 2024. A copy of that correspondence is attached hereto as **Exhibit A**. As we indicated in the letter, the continuance was requested because affected landowners have not had enough time to assemble or investigate the Development; explore the retention of experts to opine on their concerns on the Development; or prepare their remonstrance to the Development.

As Noblesville is aware, the Rosses did not receive notice of these proceedings until Friday, November 1, 2024. Other affected landowners likely did not receive their notice of these proceedings until the week of November 4, 2023. This means that Noblesville gave the affected property owners a week or less to meet the staff submission deadline of November 8, 2024 (which you extended for us to today), and two weeks or less to prepare for the hearing on November 18, 2024. This is insufficient by any standard—in vacuum and especially considering Noblesville has been in discussions with LOR on the Development since at least February of 2024.

We spoke on the phone and exchanged several emails last week copying LOR and wherein I attempted to get the Plan Commission to move the Plan Commission meeting from 11/18 to 12/9, with the understanding that the Council will likely vote on the Application on 12/17. But, in the end, Noblesville would not agree to the extension in advance unless I could agree to various terms (including waiving potential statutory compliance arguments) on behalf of all remonstrators – most of whom, due to the abbreviated time period given by Noblesville, I have not yet had a chance to meet, I do not represent and have not authorized me to act on their behalf. This is something that I do not believe I can even legally do without violating the Indiana Model Rules of Professional Conduct and Indiana law.

While I understand that the Plan Commission may ultimately grant the requested continuance at the hearing on 11/18, its unwillingness to do so in advance is very disappointing as it will inherently result in increased costs and tremendous inconvenience to its many remonstrating citizens. Why would the Plan Commission fail to agree to this very reasonable, one-month extension to allow its citizens the time to engage in their statutory right to remonstrate in response to a 175-acre development that will directly impact their homes, businesses, and daily lives?

For Noblesville's records, the following remonstrators join in the requested continuance:

<b>Name</b>	<b>Address</b>
Russ French	135 Edgewater Drive, Noblesville, IN 46062
Carol French	135 Edgewater Drive, Noblesville, IN 46062
Kelly Deuser	7749 Dixon Ct, Noblesville, IN 46062
Stephanie Daugherty	127 Edgewater Drive, Noblesville, IN 46062
Robert Daugherty	127 Edgewater Drive, Noblesville, IN 46062
Ross Coons	7635 Winding Lake Drive South, Noblesville, IN 46062
Crystal Coons	7635 Winding Lake Drive South, Noblesville, IN 46062
Douglas Brucker	125 Edgewater Dr. Noblesville, IN. 46062
Jim Chinni	842 Dorchester Dr., Noblesville, IN 46062
Gina Chinni	842 Dorchester Dr., Noblesville, IN 46062
Chris Ayers	137 Edgewater Dr., Noblesville, IN 46062
Darla Ayers	137 Edgewater Dr., Noblesville, IN 46062
Courtney Kulp	7946 Forreston Oak Drive, Noblesville, IN 46062
Deborah Thompson	8242 River Run Pl., Noblesville, IN 46062
William Thompson	8242 River Run Pl., Noblesville, IN 46062



### **Objections from Remonstrators**

Based upon a preliminary meeting with the Rosses and other affected landowners, the Rosses' initial canvassing resulting in approximately 338 opposition petitions<sup>1</sup>, and the palpable tension at the developer/community meeting on November 6, 2024, there is and will be a very strong remonstrance to the Application on at least the following bases:

**Contrary to the Comprehensive Plan:** The proposed Development is in direct conflict with the Noblesville Comprehensive Plan. The West Pointe portion is in an area designated as "Residential" on the Future Land Use Map. This means the predominant use for the area is "one to two-unit single family residential," NOT a 5 story, 300+ unit townhome complex. Additionally, the West Pointe portion is either partially inside or right next to a Floodplain-Opportunity Corridor. The list of "Allowable Development" in that corridor does not include or even contemplate high-density residential. The Comprehensive Plan is supposed to be used "as criteria in making decisions upon land use requests." In this case, the Comprehensive Plan forecloses the Development.

**Environmental Condition and Consequences:** The Development is proposed to be built on or in the periphery of 4.23 acres of areas designated on the wetlands map of US Fish and Wildlife Service. According to IDEM, wetlands serve important functions including but not limited to: recharging aquifers, protecting surrounding properties from flooding, controlling erosion, and serving as the exclusive habitat for more than 1/3<sup>rd</sup> of the country's endangered or threatened species. Moreover, the proposed Development is right next to Morse Reservoir, a water supply for Noblesville and the White River. Noblesville has previously denied an attempt to develop on this area because of the immense, negative environmental risk. Noblesville must protect the wetlands and our water supply.

**Undesirable Use/Irresponsible Development:** The Development is not a desirable use for the land. The UDO states that each zoning district is designed to "accomplish a specific purpose," "encourage a particular type of development," and "protect that development from being encroached upon by incompatible types of development." In this case, the West Point portion is proposed to occupy land zoned "R1-Low Density Single Family Residential." By virtue of this designation,

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<sup>1</sup> We have not compared every single petition signature to determine if there are duplicates as we just received many of them on the date of this correspondence.

Noblesville committed to the community and property owners deciding to buy and build around that land that only single-family dwellings were allowed and two-family, multi-family, and mixed-use residential were explicitly PROHIBITED. Noblesville has a duty to honor that commitment and now protect that land from being encroached upon by the Development, which is contrary to the zoning chosen for the land and would constitute irresponsible growth and development. Absolutely nothing has changed that would make the Development appropriate.

**Negative Impact on Property Values:** The development could substantially, negatively impact property values of adjacent landowners. The West Pointe portion is proposed to occupy land that is undeveloped, replete with trees, and serves as a habitat to a diverse and important wildlife population. Surrounding properties have always benefitted from its scenic views and tranquil atmosphere. LOR proposes to tear down the trees, fill it with concrete, and turn it into an up to 5 story, 300-unit condo/townhome complex that will tower over the surrounding structures, generate a tremendous amount of noise and traffic, and destroy the character of the area. This will inherently harm the property values of the surrounding properties

Copies of the opposition petitions received thus far are attached as **Exhibit B**.

In the incredibly limited time that they have been given by Noblesville, the Rosses have consulted with the Hoosier Environmental Council (“HEC”), which OPPOSES the Development. A copy HEC’s position on the Development is attached hereto as **Exhibit C**. The Rosses join in the concerns of HEC. The Rosses have reached out to obtain the opinion of the White River Alliance, as Morse Reservoir is a water supply for the White River. The Rosses have also consulted with real estate professionals on the impact the Development will have on property values of affected landowners. Unfortunately, they have not had enough time to obtain expert opinions on these issues. This is particularly troubling as both the Plan Commission and the City Council must consider, *inter alia*, the most desirable use for the land and the conservation of property values before rendering their decisions on the Application and the Development. Ind. Code § 36-7-4-603.

In conclusion, we respectfully request that the Plan Commission continue the meeting on the Application, presently set for November 18, 2024, to the next meeting on December 9, 2024. This request was made with good cause and was submitted within the required time period under Article VI(8.2) of the Noblesville Plan Commission’s Rules of Procedure. We also request that this letter and the attached materials be provided to the Noblesville Plan Commission and ultimately to the City

**PAGANELLI LAW GROUP**

ATTORNEYS AT LAW

Two Meridian Plaza  
10401 N. Meridian Street, Suite 450  
Indianapolis, Indiana 46290

Voice: 317.550.1855  
Fax: 317.569.6016  
www.paganelligroup.com

Council in connection with their deliberation on the Application and prior to their decision on the fate of the Development.

Sincerely,

*/s/ Raegan M. Gibson*

Raegan M. Gibson

Monica S. McCoskey

Cc: Noblesville Plan Commission

[jyelton@noblesville.in.gov](mailto:jyelton@noblesville.in.gov)

[cgutshall@noblesville.in.gov](mailto:cgutshall@noblesville.in.gov)

[daschleman@noblesville.in.gov](mailto:daschleman@noblesville.in.gov)

Enclosure:   Emails Attached and Had Links to Exhibits  
                  Fed Ex Packages Have Thumb Drives with Exhibits

## "Exhibit A"

**PAGANELLI LAW GROUP**  
ATTORNEYS AT LAW

Two Meridian Plaza  
10401 N. Meridian Street, Suite 450  
Indianapolis, Indiana 46290

Voice: 317.550.1855  
Fax: 317.569.6016  
www.paganelligroup.com

November 4, 2024

### **VIA ELECTRONIC AND FED EX OVERNIGHT**

Noblesville Plan Commission  
[iyelton@noblesville.in.gov](mailto:iyelton@noblesville.in.gov)  
[cgutshall@noblesville.in.gov](mailto:cgutshall@noblesville.in.gov)  
[daschleman@noblesville.in.gov](mailto:daschleman@noblesville.in.gov)

*Re: Motion to Continue the November 18, 2024 Noblesville, Indiana Plan Commission Meeting as to LEGP 0192-2024 and LEGP 0208-2024*

To Whom It May Concern:

Please be advised that Paganelli Law Group has been retained by Jeremy and Jami Ross, to assist in the remonstrance against LOR Rangeline, LLC's Applications LEGP 0192-2024 and LEGP 0208-2024 (the "Applications") for rezoning to create the Morse Village Planned Development (the "Development").

The Noblesville Plan Commission is currently set to hear comment on the Development at the Public Hearing on November 18, 2024, at 6:00 P.M. Pursuant to Article VI(8) of the Noblesville Plan Commission's Rules of Procedure, we respectfully request the matter be continued to the next Public Hearing date of December 16, 2024. As the Development is a "New Case," and the November 18, 2024, meeting is its "first time on the agenda," the Rules of Procedure provide the continuance may be granted upon request.

The continuance is needed because affected landowners have just received notice of the public hearing—the Rosses only received their notice on Friday, November 1, 2024. Other affected landowners may yet to have receive notice. Based upon a preliminary meeting with the Rosses and other affected landowners, and the Rosses canvassing over the last weekend resulting in approximately seventy-five (75) signatures opposing the Development, there will be a strong remonstrance to the Application on at least the following bases:

**Contrary to the Comprehensive Plan:** The proposed Development is in direct conflict with the Noblesville Comprehensive Plan. The West Pointe portion is in an area designated as "Residential" on the Future Land Use Map. This means the predominant use for the area is "one to two-unit single family residential," NOT a 5 story, 300+ unit townhome complex. Additionally, the West Pointe portion is either partially inside or right next to a Floodplain-Opportunity Corridor. The list of "Allowable Development" in that corridor does not include or even contemplate high-density residential. The Comprehensive Plan is supposed to be used "as criteria in making decisions upon land

use requests.” In this case, the Comprehensive Plan forecloses the Development.

**Environmental Condition and Consequences:** The Development is proposed to be built on or in the periphery of 4.23 acres of areas designated on the wetlands map of US Fish and Wildlife Service. According to IDEM, wetlands serve important functions including but not limited to: recharging aquifers, protecting surrounding properties from flooding, controlling erosion, and serving as the exclusive habitat for more than 1/3<sup>rd</sup> of the country’s endangered or threatened species. Moreover, the proposed Development is right next to Morse Reservoir, a water supply for Noblesville and the White River. Noblesville has previously denied an attempt to develop on this area because of the immense, negative environmental risk. Noblesville must protect the wetlands and our water supply.

**Undesirable Use/Irresponsible Development:** The Development is not a desirable use for the land. The UDO states that each zoning district is designed to “accomplish a specific purpose,” “encourage a particular type of development,” and “protect that development from being encroached upon by incompatible types of development.” In this case, the West Point portion is proposed to occupy land zoned “R1-Low Density Single Family Residential.” By virtue of this designation, Noblesville committed to the community and property owners deciding to buy and build around that land that only single-family dwellings were allowed and two-family, multi-family, and mixed-use residential were explicitly PROHIBITED. Noblesville has a duty to honor that commitment and now protect that land from being encroached upon by the Development, which is contrary to the zoning chosen for the land and would constitute irresponsible growth and development. Absolutely nothing has changed that would make the Development appropriate.

**Negative Impact on Property Values:** The development could substantially, negatively impact property values of adjacent landowners. The West Pointe portion is proposed to occupy land that is undeveloped, replete with trees, and serves as a habitat to a diverse and important wildlife population. Surrounding properties have always benefitted from its scenic views and tranquil atmosphere. LOR proposes to tear down the trees, fill it with concrete, and turn it into an up to 5 story, 300-unit condo/townhome complex that will tower over the surrounding structures, generate a tremendous amount of noise and traffic, and destroy the character of the area. This will inherently harm the property values of the surrounding properties

Pursuant to the Rules of Procedure, in order for the affected landowners to submit materials in time for them to be included in the Staff Report to the Plan Commission, they must submit those materials by November 8, 2024. Considering the Rosses just received notice of the public hearing on Friday, November 1, 2024, and it is highly likely that other affected landowners have yet to receive notice of the public hearing, Noblesville and LOR Corporation have given affected landowners a week or less to prepare their positions on the Development. This raises significant due process concerns. The affected landowners need additional time to investigate the Development; explore the retention of experts to opine on their concerns on the Development; and prepare their remonstrance to the Development.

For all these reasons, we respectfully request that the Plan Commission continue the meeting on the Application, presently set for November 18, 2024, to the next meeting on December 9, 2024. This request is made with good cause and is being submitted within the required time period under Article VI(8.2) of the Noblesville Plan Commission's Rules of Procedure.

Sincerely,

/s/ Raegan M. Gibson

Raegan M. Gibson

Michael A. Lang

Monica S. McCoskey