

November 4, 2024

**VIA ELECTRONIC AND FED EX OVERNIGHT**

Noblesville Plan Commission  
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*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