

ORDINANCE NO. 06-03-24

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE, AND
THE NOBLE WEST PD ORDINANCE AND ALL AMENDMENTS THERETO,
A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA**

Document Cross Reference No. 2003-0008624 _____

WHEREAS, the Common Council of the City of Noblesville, Hamilton County, Indiana, (the “Common Council”) on the 14th day of January 2003, adopted the Noble West PD Ordinance as Ordinance Number 59-12-02 and the Noble West Ordinance was recorded in the Office of the Recorder of Hamilton County, Indiana, as Instrument No. 2003-00008624; and

WHEREAS, the Common Council on the 10th day of June 2003, as Ordinance Number 37-5-03, adopted an Amended and Restated Ordinance Number 59-12-02 and the Amended and Restated Ordinance Number 59-12-02 was recorded in the Office of the Recorder of Hamilton County, Indiana, as Instrument No. 2003-00058881, as amended (the “Noble West PD”); and

WHEREAS, this Ordinance (the “Noble West PD – 2023 Retail Area PD Amendment Ordinance” which is also referred to herein as “this Ordinance”) amends (i) the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, (the “UDO”) enacted by the City of Noblesville, Indiana (the “City”) under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended and (ii) the Noble West PD; and

WHEREAS, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on Application Number LEGP 0160-2023 at its February 20, 2023 meeting, as required by law, in regard to the application concerning amendments to the Noble West PD as it pertains to certain property described in Exhibit A attached hereto (the “Real Estate”); and

WHEREAS, the Plan Commission has sent a Favorable Recommendation for adoption of said amendments with a vote of eight (8) in favor and zero (0) opposed to the Common Council;

NOW, THEREFORE, BE IT ORDAINED by the Common Council, meeting in regular session, that it adopts this Noble West PD – 2023 Retail Area PD Amendment Ordinance as an amendment to the Noble West PD including all zoning commitments and all amendments thereto, the UDO and the Official City of Noblesville Zoning Map, as follows:

Section 1. Applicability of Ordinance.

- A. Development of the Real Estate shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, (ii) those provisions of the UDO applicable to the

Noble West PD, and (iii) the Noble West PD, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the “Governing Standards”). The Governing Standards shall be as provided in Section 2 thru Section 11 of this Ordinance.

- B. All provisions and representations of the UDO and Noble West PD that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Permitted Uses.

- A. All Uses permitted in the Planned Business (PB) Zoning District of the UDO shall be permitted, except the following Uses which shall be prohibited:

- i. Automobile Sales including Service and Storage,
- ii. Automobile Service and Repair (Indoor)
- iii. Marine Craft Sales, Repair, and Service

- 1. The maximum square footage provisions of Section 6.3 the Noble West PD shall be increased from two hundred and eighty-three thousand (283,000) square feet to three-hundred and twenty thousand (320,000) square feet.

- B. Accessory Uses and Accessory Structures customarily incidental to any permitted use shall be permitted.

Section 3. Preliminary Development Plan.

- A. The Preliminary Development Plan of the Noble West PD, including the Real Estate has been previously approved. What is attached hereto as Exhibit B is a general representation of the planned development on the Real Estate and Exhibit B, together with the current Preliminary Development Plan, shall collectively be referred to as the “Preliminary Development Plan”.

- B. The Preliminary Development Plan is hereby incorporated herein and approved. Pursuant to Article 8 of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, variations/waivers from the Governing Standards.

- C. Detailed Development Plan approval as required under Section 11 of this Ordinance shall be required prior to the issuance of an improvement location permit or the construction of any building(s).

Section 4. Bulk Standards. The bulk requirements of the Noble West PD applicable to the Real Estate including, but not limited to Section 7.2 and any amendments thereto, shall be modified and superseded by the below:

- A. Screening and buffering along 146th Street may be achieved through walls and/or landscaping and shall be a minimum of three (3) feet in height.
- B. Required Minimum Setbacks: Front Yard: Twenty (20) feet; Side Yard: Ten (10) feet; Rear Yard: Ten (10) feet.
- C. Parking and Loading shall comply with Section 7 of this Ordinance.

Section 5. Architectural Standards. The Noble West PD, as it applies to architecture and/or architectural standards shall be modified and superseded by the below:

- A. Conceptual elevations of the Kroger building and Automobile Fuel Station are included and incorporated by reference as Exhibit C (Kroger Elevations) and Exhibit D (Fuel Station Elevations) respectively. Final building elevations submitted for building permits shall be in substantial compliance with the conceptual elevations illustrated on Exhibit C and Exhibit D.
- B. All buildings not illustrated in Exhibit C or Exhibit D shall be subject to the Retail Commercial Architectural Building Requirements of the Noble West PD, included as Exhibit E of this Ordinance, for reference.
- C. The Director of Planning and Development, including his or her designees, shall review and approve all building elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance and consistency with Exhibit C, Exhibit D or the Retail Commercial Architectural Building Requirements, as applicable.
- D. Any elevations that substantially vary from Exhibit C, Exhibit D or the Retail Commercial Architectural Building Requirements shall be submitted for review and approval by the Architectural Review Board.
- E. The City's Architectural Review Board may approve modifications to (i) the conceptual building elevations included in Exhibit C and Exhibit D and (ii) the Commercial Architectural Building Requirements.
- F. The Architectural Review Board's review of said building elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of buildings included (i) in Exhibit C, (ii) Exhibit D or (iii) in the Retail and Commercial Architectural Building Requirements, as applicable.

Section 6. Landscaping and Open Space Standards. The standards of the Noble West PD shall apply, except as modified below:

- A. Open Space. The minimum area required for Open Space shall be generally in the size, configuration and locations depicted on the Preliminary Development Plan. The Open Space standard of the Noble West PD have been met and shall not apply to the development of the Real Estate.

Section 7. Parking and Loading Standards. The standards of Noble West PD shall apply, except as modified below. Article 10 of the UDO shall not apply unless modified below:

- A. Parking shall be permitted within a front, side or rear yard and shall provide (i) a minimum five (5) foot setback from side yards and streets internal to the District, and (ii) a minimum ten (10) setback from 146th Street. A side yard setback shall not be required where a property line falls within a parking area previously approved on a Detailed Development Plan.
- B. Article 10, Off-Street Parking and Loading, of the UDO shall apply if application of the UDO minimum number of required parking spaces is less than the minimum required under the Noble West PD.

Section 8. Lighting Standards. The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

Section 9. Sign Standards. Signs shall comply with Article 11 of the UDO as applicable to the Noble West PD.

Section 10. Infrastructure Standards. Unless otherwise stated within this Ordinance or on the Preliminary Development Plan, all public infrastructure within the Real Estate shall adhere to the City's standards and design criteria.



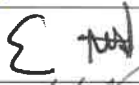
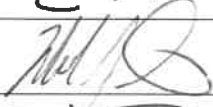




Section 11. Detailed Development Plan.

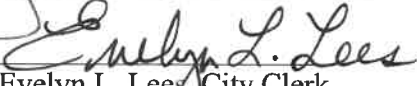
- A. Approval of any Detailed Development Plan ("DDP") shall follow the procedures set out in Article 8 of the UDO, subject to the following clarification:
 - 1. The Director of Planning and Zoning shall approve a Minor Change; and
 - 2. If a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, The Major Change shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the Governing Standards set forth herein and shall be compatible and consistent with the intended quality and character of the District.

Section 12. Effective Date. This Noble West PD – 2023 Retail Area PD Amendment Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

[The remainder of this page intentionally left blank; signature page follows.]

Approved on this 12th day of March, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Darren Peterson		
	Meghan Wiles		
	Pete Schwartz		
	Evan Elliott		
	Michael J. Davis		
	Todd Thurston		
	Aaron Smith		
	Mark Boice		
	David Johnson		

ATTEST: 
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 13th day of

March, 2024 at 8:03 A.M.

Evelyn L. Lees
Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen
Chris Jensen, Mayor

3-14-2024
Date

MAYOR'S VETO

Chris Jensen, Mayor

ATTEST: Evelyn L. Lees
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: Jon C. Dobosiewicz

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Noble West - 2023 PD Retail Area Amendment Ordinance 5 022124

EXHIBIT A

Legal Description
(Page 1 of 2)

LOT 4, LOT 5, BLOCK A AND BLOCK C IN THE PLAT OF NOBLE WEST SHOPPES, A SUBDIVISION IN HAMILTON COUNTY, INDIANA (AKA NOBLE WEST SHOPPES LOTS 4, 5, 7 AND BLOCKS A, B AND C; A PART OF THE NOBLE WEST PLANNED DEVELOPMENT) AS PER PLAT THEREOF RECORDED JULY 31, 2007 AS INSTRUMENT NO. 2007043112 IN PLAT CABINET 4, SLIDE 346, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

Tax Identification Numbers:

10-10-15-00-16-001.000
10-10-15-00-16-002.000
10-10-15-00-16-004.000
10-10-15-00-16-006.000

EXHIBIT A

**Depiction of Legal Description
(Page 2 of 2)**

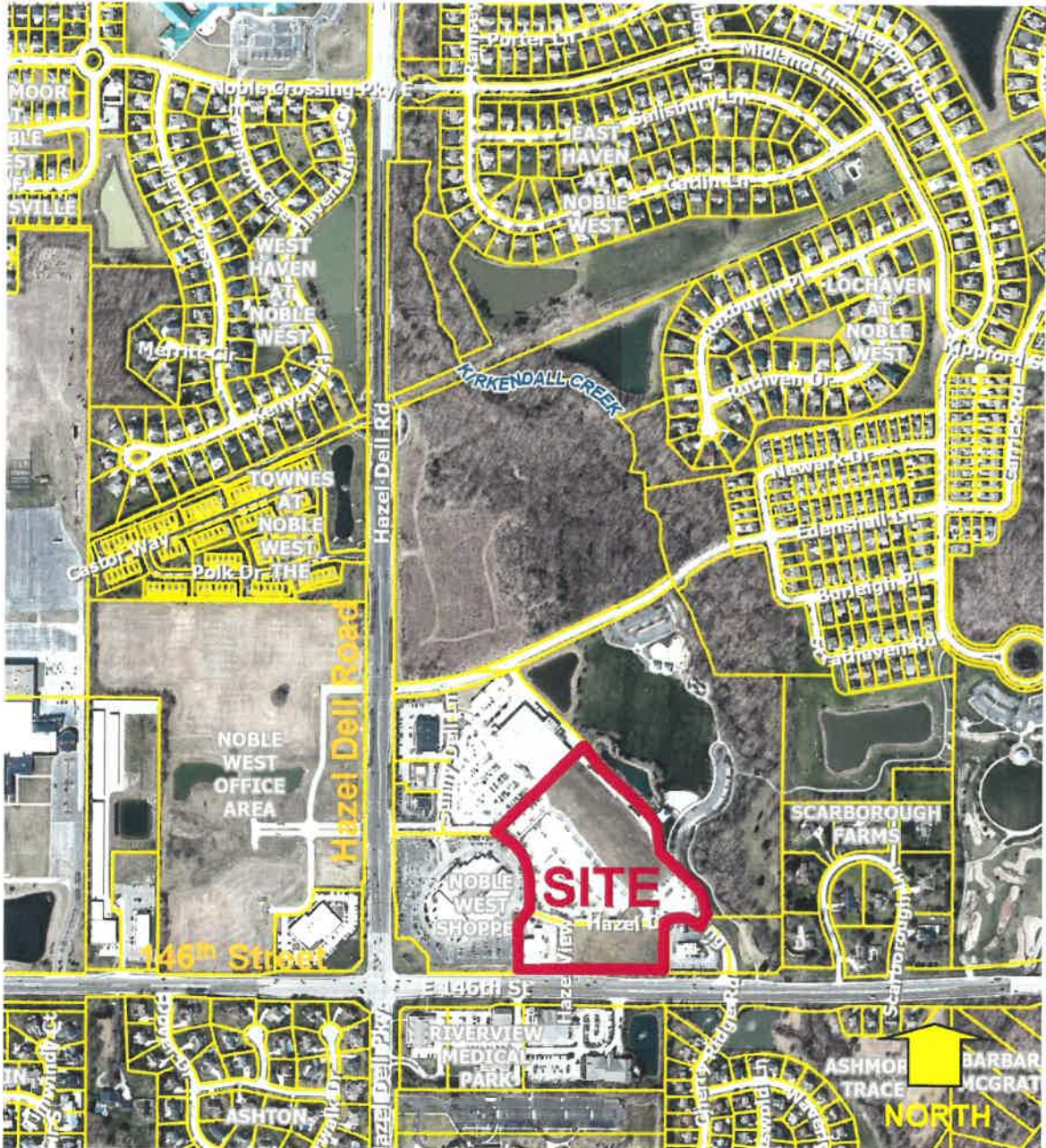


EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN – KROGER EXPANSION)

(Page 1 of 2)

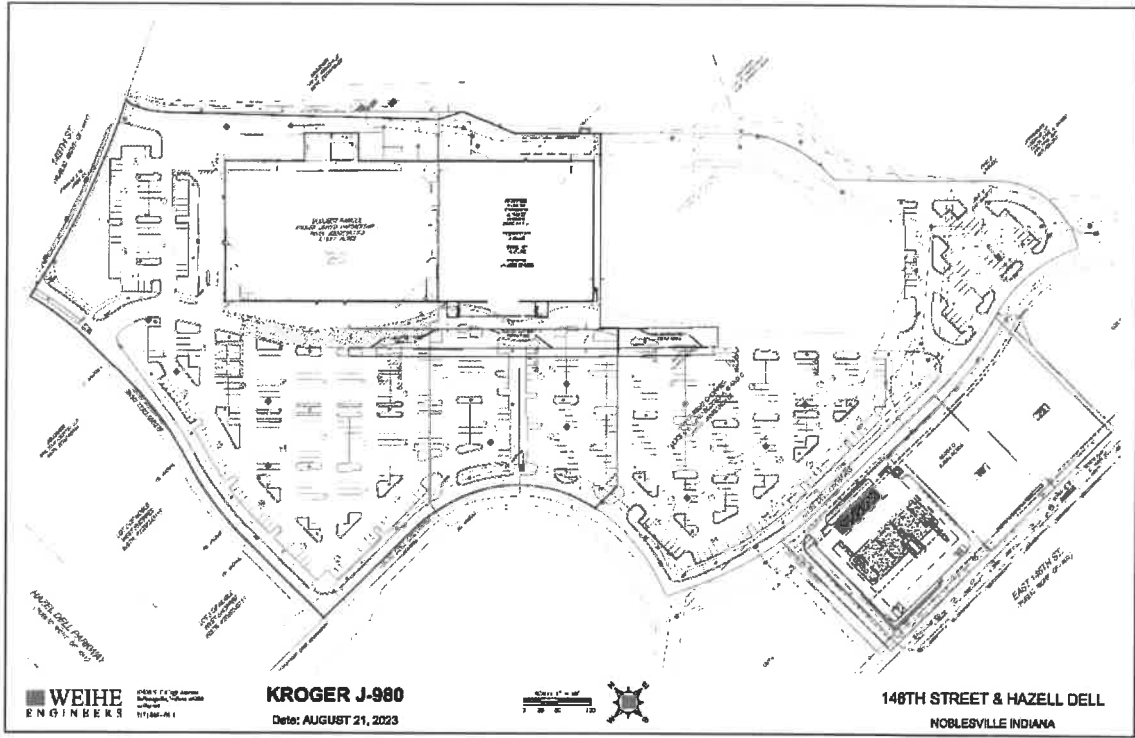
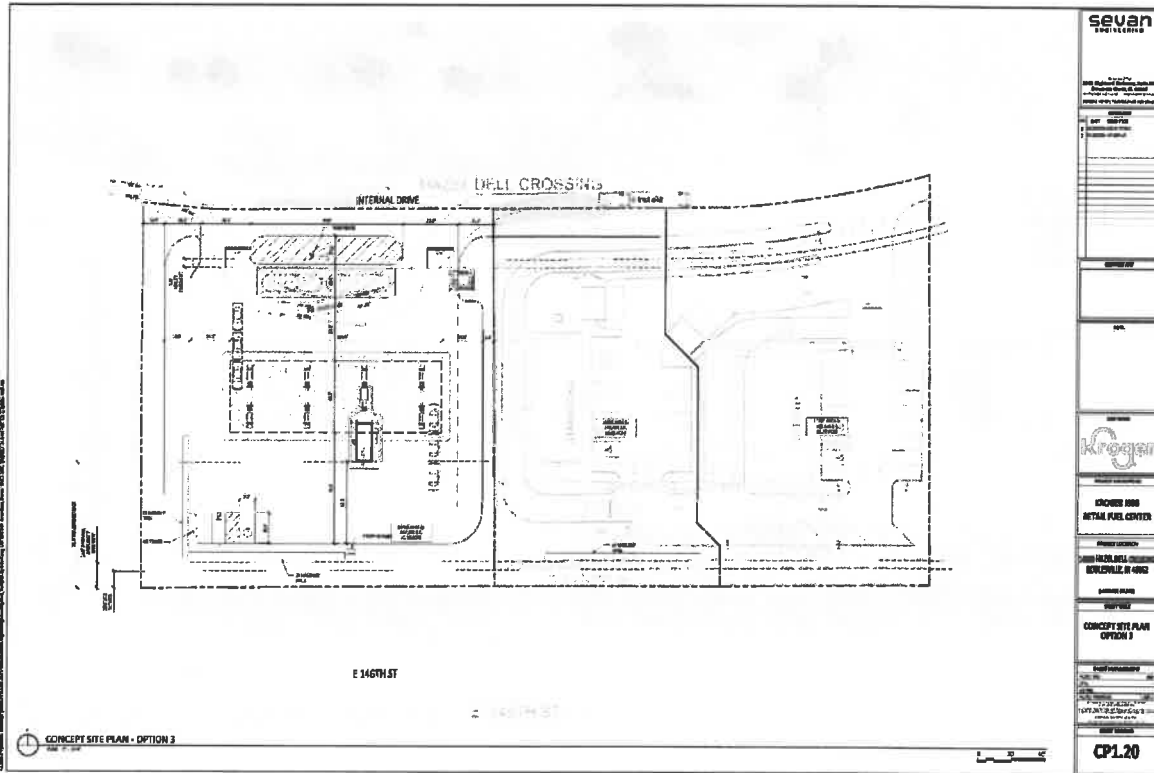


EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN – FUEL STATION AND OUTLOT)

(Page 2 of 2)



sevan ENGINEERS
10000 146TH AVE, SUITE 100 EDMONTON, ALBERTA T5A 2C4 TEL: (780) 443-8888 WWW.SEVANENGINEERS.COM
PROJECT NO. 2019-001
DATE: 08/20/2019
SCALE: AS SHOWN
Kroger
14600 146TH AVE ACTON FUEL CENTER
PROJECT NO. 2019-001
DATE: 08/20/2019
SCALE: AS SHOWN
CONCEPT SITE PLAN OPTION 1
CP1.20

EXHIBIT C

KROGER ELEVATIONS

(See following page)



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



PROPOSED ELEVATIONS

December 15, 2023

KROGER STORE J980

NOBLESVILLE, IN

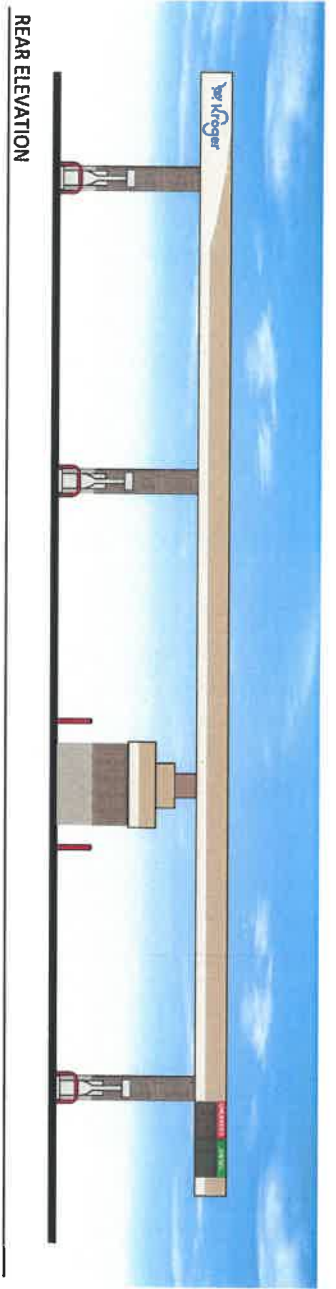
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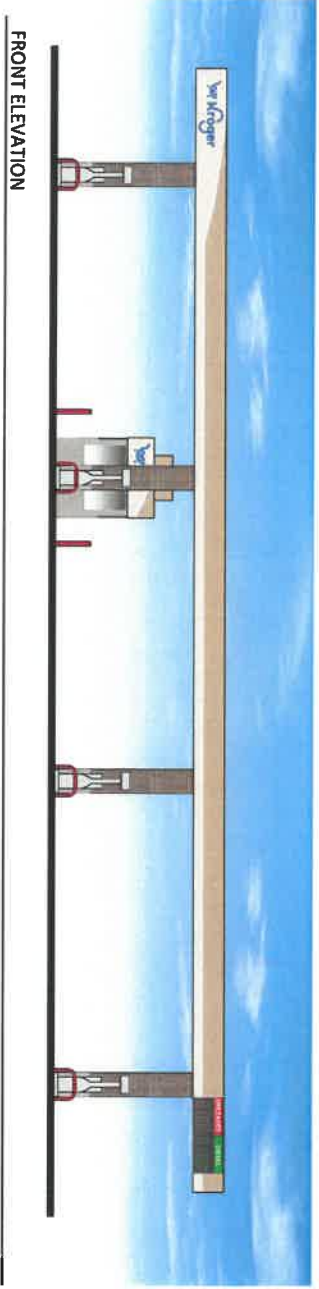
EXHIBIT D

FUEL STATION ELEVATIONS

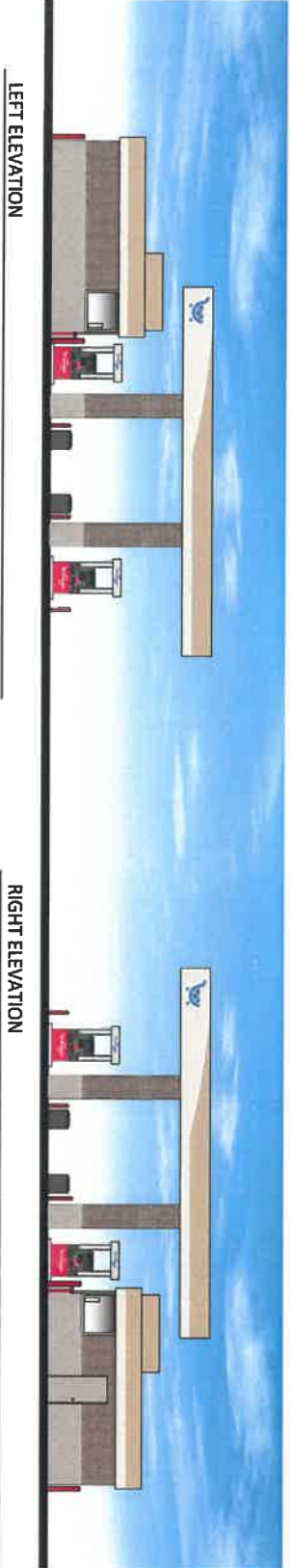
(See following page)



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

RIGHT ELEVATION



TRASH ENCLOSURE

EXHIBIT E

COMMERCIAL ARCHITECTURAL BUILDING REQUIREMENTS

(See following 4 pages)

RETAIL COMMERCIAL
ARCHITECTURAL BUILDING REQUIREMENTS

GENERAL DESIGN GOALS

The development of the commercial retail within Noble West is to reinforce the establishment of a mixed-use area that provides a special retail focal point and promotes pedestrian activity within the neighborhood and the community. The buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. The features and spaces should enhance the neighborhood retail component as a central, integral part of the Master Planned Community.

In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following general standards shall apply:

- 1a. On buildings along Hazel Dell Parkway or 146th Street, no wall that faces either of these two streets shall have a blank, uninterrupted length exceeding thirty (30) feet without including one of the following: change in plane, change in height, change in texture or masonry pattern; doors, windows, faux windows, trellis' with vines, or an equivalent element that subdivides the wall into human scale proportions.
- 1b. On all other exterior walls along a designated walkway, there shall not be a blank, uninterrupted length of wall that exceeds eighty-five (85) feet without including one (1) of the following: change in plane, change in height, change in texture or masonry pattern; doors, windows, faux windows, trellis' with vines, or an equivalent element that subdivides the wall into human scale proportions.
2. Side or rear walls along designated walkways may incorporate the use of false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall to break up the facade to meet the above mentioned requirements.
3. All sides of the building shall include design characteristics perceived to be generally consistent with those on the front. Buildings along Hazel Dell Parkway or 146th Street, shall have side and rear facades that are of the same materials and similarly detailed as the front elevation.
4. Buildings along Hazel Dell Parkway or 146th Street shall appear as one and one-half (1 ½) stories from the front and sides. The minimum height for the front facade of any building (facing either Hazel Dell Parkway or 146th Street) shall be twenty (20) feet, either at the roofline or at the top of the parapet wall. Minimum heights for other sides of the buildings shall be eighteen (18) feet, either at the roofline or at the top of the parapet wall.
5. The appearance of finished space above the retail first floor is required on the main building accenting the corner shop (see plan). The nighttime illumination of architectural

features, specifically windows, with the use of decorative lights that are consistent with the architectural character is required.

BUILDING BASE, BODY, AND CAP

All architectural elevations of principal buildings shall consist of a base, a body, and a cap.

Base: Building materials that are used to accentuate the transition from grade to a height consistent with requirements in this section. (For instance, materials different from those used in the body of the building – like textured concrete masonry. Or designs to accentuate materials used in the body of the building – like brick rowlocks or soldier courses.)

Body: Building materials and designs that make up the main proportion of the building (should be approximately 80% of the vertical height of the facade, but will vary in relationship to overall design character of each individual building).

Cap: Building materials that are used to accentuate the transition from the body to the top of the building, consistent with the requirements in this section. (For instance, a cornice, crown mold, eave or a sloped roof structure designs.)

1. The base shall occupy the lowest portion of the elevation, and shall have a height no less than five percent (5%) of the average wall height.
2. The body shall occupy the middle portion of the elevation, and shall have a height no less than fifty percent (50%) of the average wall height.
3. The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than five percent (5%) of the average wall height.
4. The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, sloped roof or eaves.
5. The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

MATERIALS

Predominant exterior building materials must be of high quality, and be aesthetically pleasing and compatible with materials used in adjoining neighborhoods within and outside of the Master Planned Community. The following are permitted:

1. Building Body: Wood, brick, architectural cast stone, Quick-Brick (rear wall elevations only), EIFS (Synthetic Stucco) decorative tiles, and limestone shall be permitted as siding materials for the body of the building.

2. Building Base: Brick, architectural cast stone, limestone or textured concrete masonry units (Quick-Brick or Split Faced Units) shall be permitted as base finish materials.

The following body materials which are considered inappropriate may be permitted with the specific approval by the Planning Director on a case-by-case basis:

- a) Siding that imitates wood lap siding such as aluminum or vinyl siding,
- b) Sheet metal, corrugated metal, or other similar metal panels,
- c) Poured concrete, tilt-up concrete panels, panels with an aggregate surface, or other similar concrete siding.

3. Building Cap: Brick, architectural cast stone, limestone, textured concrete block, wood, metal coping or applied materials such as EIFS (Synthetic Stucco) or other synthetic materials (i.e. "Fypon") are examples of materials permitted for the building cap. Materials not specifically mentioned may also be permitted with the specific approval of the Planning Director.

FACADE COLORS

The use of low reflectance, subtle, red brick, or earth tone colors as the predominant colors on the façade is generally acceptable. The use of high intensity colors, metallic colors, fluorescent colors or Black as the predominant façade color would have to be reviewed by the Planning Director on a case-by-case basis. However, building trim and accent areas may feature Black or brighter colors, including primary colors, but the use of neon tubing as a feature for building trim or accent area is not permitted.

ROOFS

In order to reduce the massive size of large structures, flat roofs should be enhanced through the utilization of parapets. The roof treatment should harmonize with the character of the surrounding residential neighborhoods and with the designs of the buildings adjacent to the structure. Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to 146th Street.

1. Permitted roof styles shall include gable, mansard, and hip roofs. Flat roofs are permitted if sufficiently disguised through the use of parapet walls. Other roof styles shall require specific approval by the Planning Director on a case-by-case basis.
2. The height of any pitched roof shall not exceed one-half (1/2) of the overall building height.

3. Permitted materials for pitched roofs include wood, slate, fiberglass reinforced asphalt 3-D roof shingles, and standing seam or termed metal. Other roof materials shall require specific approval by the Planning Director on a case-by-case basis.

4. Flat canopies (such as those associated with convenience stores with gasoline sales) must be designed in such a manner to create a strong association with the building itself.

ADDITIONAL OUTLOT BUILDINGS GUIDELINES

Retail buildings with less than 8,000 leasable square feet should be oriented closer to Hazel Dell Parkway or 146th Street, subject to a 75' building setback line as measured from the improved rights-of-way.

Sidewalks areas in front of buildings should be no less than 5-feet in width. The use of specialty paving as an accent paving materials for cross-overs to connect sidewalks to the walk-ways along Hazel Dell Parkway and 146th Street is permitted and encouraged.

LANDSCAPING

Landscaping requirements shall conform to the overall City of Noblesville standards. Designs will be determined and shall be submitted to the Staff and Planning Director for their review and approval prior to construction.

AMENITIES

The development of the commercial retail must include the publicly accessible outdoor space as shown on the Site Development Plan. This pavilion shall be connected to the other pedestrian walkways within Noble West.

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