



**ORDINANCE NO. 53-12-23 As Amended**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE, A PART  
OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,  
HAMILTON COUNTY, INDIANA**

This is an Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority of Indiana Code § 36-7-4-600, et seq., as amended, and the Allegro Planned Development Ordinance No. 08-02-22 and all amendments thereto, a part of the Comprehensive Master Plan for the City of Noblesville.

**WHEREAS**, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on application number LEGP-0140-2023 at its November, 20, 2023, meeting, as required by law, in regard to the application filed by Alhuda Foundation, Inc. (the "Developer"), for an amendment to an existing zoning ordinance and approval of Special Consideration for school use. (the "Petition"); and

**WHEREAS**, the Plan Commission sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana (the "City Council") by a vote of 10 in favor and 1 opposed.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council, meeting in regular session, it hereby adopts this ordinance (the "Ordinance") as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") to establish this Planned Development Overlay District to read as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance amends a previous Allegro Planned Development Ordinance (Ordinance No. 8-02-22) approved on February 22, 2022 and recorded on March 18, 2022 as Instrument No. 2022014099. This amended Ordinance affects a portion of the overall 31.59 acres which was the subject of Ordinance No. 8-02-22, specifically the legal description on **Exhibit A** which is +/- 17.983 acres as depicted on legal description **Exhibit A** and demonstrative **Exhibit A-1**.
- 1.2 The District's underlying zoning district shall be the Corporate Campus Planned Development District, with an underlying subdistrict of Mixed Residential Subdistrict and a designated land use of Single-family Residential.
- 1.3 The standards of the UDO existing on the date of adoption of this Ordinance applicable to the Mixed Residential District shall apply to the development of the District except as modified, revised, or expressly made inapplicable by this Ordinance. Cross- references to "Article", "Part", "Section" and "Subsection" in this Ordinance shall refer to the corresponding Article, Part, Section and Subsection as specified and referenced in the UDO as of the date of adoption of this Ordinance.

- 1.4 All provisions and representations of the UDO 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. All previous Planned Development Ordinances, and any amendments thereto, applicable to the Real Estate are hereby repealed with respect to the Real Estate.
- 1.5 This amended Ordinance changes the previous Ordinance by allowing as a permitted use (educational uses/primary and secondary school) (hereinafter "School Use") and the application having received approval of Special Consideration of the school use on the parcel described above of +/-17.983 acres (hereinafter referred to as "School Parcel") . This Ordinance also changes the Preliminary Development Plan (hereinafter "School Development Plan") and affects different development standards for architecture and landscaping as further detailed in the Ordinance. The real estate not affected by this amended Ordinance and the Ordinance which regulates it remain in full force and effect (+/-13.611 acres which is the subject of Ordinance No. 8-02-22).

## **Section 2. Definitions.**

- 2.1 The general rules of construction set forth in Article 2 of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meanings ascribed to them in the UDO.
- 2.2 "Approved Elevations" shall mean the set of elevations for the school on **Exhibit B**. The exhibit attached hereto as **Exhibit B** is a sampling and general representation of those approved elevations (collectively, the "School Approved Elevations").
- 2.3 "Preliminary Development Plan" shall mean the oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated November 20, 2023. The exhibit attached hereto as **Exhibit C** is a general representation of the oversized plans (collectively, the "School Preliminary Development Plan").

## **Section 3. Permitted Uses.**

- 3.1 Educational uses (primary and secondary school) shall be permitted as special consideration uses within the District.
- 3.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses shall be permitted including, but not limited to athletic fields and uses.

## **Section 4. Preliminary Development Plan.**

- 4.1 The Preliminary Development Plan is hereby incorporated 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 from the Underlying District and layout of the District.

**Section 5. Architectural Standards.** The standards set forth in Article 8(E)(4)(D) and (E) of the UDO shall not apply; instead, the following architectural standards shall apply to the Eman school to be located in the District:

- 5.1 The Approved Elevations for the Eman School are incorporated and approved as **Exhibit B.** attached hereto. The Director of Planning and Development ("Director"), including his or her designees, shall review the school elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.
- 5.2 If the school elevation does not comply with Section 5.1 of this Ordinance, then the proposed elevation(s) shall be submitted for review and approval by the Architectural Review Board. The Architectural Review Board's review of the elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and the Approved Elevations.
- 5.3 The construction material the school will be constructed of shall comply with the Architectural Standards that are applicable to Secondary Corridors in the UDO. By way of clarification, the building materials defined in the Secondary Corridor Ordinance shall apply with the addition of concrete blocks that may be used if the concrete blocks are dimensioned concrete blocks,

**Section 6. Title, Purpose and Effect.** The regulations of *ARTICLE 1. TITLE, PURPOSE AND EFFECT* shall apply.

**Section 7. Definitions and Rules of Word Usage.** The regulations of *ARTICLE 2. DEFINITIONS AND RULES OF WORD USAGE* shall apply.

**Section 8. Administrative Bodies and Officials.** The regulations of *ARTICLE 3. ADMINISTRATIVE BODIES AND OFFICIALS* shall apply.

**Section 9. Zoning Applications and Approvals.** The regulations of *ARTICLE 4. ZONING APPLICATIONS AND APPROVALS* shall apply.

**Section 10. Subdivision Procedure.** The regulations of *ARTICLE 5. SUBDIVISION PROCEDURE* shall apply.

**Section 11. Site Design and Improvement Standards.** The regulations of *ARTICLE 6. SITE DESIGN AND IMPROVEMENT STANDARDS* shall apply, except as modified below:

- 11.1 Whenever existing utility facilities are located above ground, they shall not be required to be removed and placed underground.
- 11.2 Article 6(C)(2)(B)(2) (Comer Lots) shall not apply.
- 11.3 Article 6(D)(1)(C)(7) (Continuation of Streets and Dead End-Streets) shall not apply.

- 11.4 Article 6(D)(1)(D)(5) (Minimum Centerline Radii for Horizontal Curves) shall not apply. Within the District, the minimum centerline radii for horizontal curves shall be 100 feet.
- 11.5 Article 6(D)(1)(D)(5) (Minimum Tangent Distance Between Reverse Curves) shall not apply. Within the District, the minimum tangent distance between reverse curves shall be 0 feet.
- 11.6 Street trees requirement shall not apply.
- 11.7 Multi-purpose paths will be constructed on Greenfield Avenue and Boden Road.

**Section 12. Plans, Maps, and Zoning Districts.** The regulations of *ARTICLE 7. PLANS, MAPS, AND ZONING DISTRICTS* shall apply.

**Section 13. Zoning Districts.** The regulations of *ARTICLE 8. ZONING DISTRICTS* shall apply, except as modified below:

- 13.1 **Residential Bulk Requirements.** Table 8.B. Summary of Residential Bulk Requirements and Article 8(E)(4)(B)(2) through (6) (Mixed Use Residential Subdistrict Regulations), shall not apply. Instead, the following requirements shall apply for the District:

Area	Eman School
<b>Maximum Building/Dome Height</b>	Building – 38 feet Dome – 50 feet
<b>Minimum Front Yard Setback</b>	257.6 feet
<b>Minimum Rear Yard Setback</b>	53.8 feet
<b>Floor Area Ratio</b>	Not Applicable
<b>Maximum Lot Coverage</b>	Not Applicable

- 13.2 **Setback and Parking Lot Standards.** The Preliminary Development Plan and parking **Exhibit D** controls in connection with the development standards of the setback and parking and landscaping requirement as on attached **Exhibit E**.
- 13.3 **Peripheral Landscape Buffer Yard.** The establishment of a landscape buffer yard shall apply only where and as shown on the landscape **Exhibit E** and Preliminary Development Plan as "Buffer Yard". Within the District, the Buffer Yard (as shown and depicted on the Preliminary Development Plan) and common areas shall be deemed open space areas for purposes of calculating open space percentage.
- 13.4 **Streetlights.** The District shall have uniform lighting.

**Section 14. General Regulations.** The regulations of *ARTICLE 9. GENERAL REGULATIONS* shall apply.

**Section 15. Landscaping and Screening.** The regulations of *ARTICLE 12. LANDSCAPING AND SCREENING* shall apply, except as modified, below:

15.1 **Landscaping Plan Standard.** Landscaping shall be required and installed in **substantial** compliance with the landscaping plan attached hereto as **Exhibit E** (the "School Landscape Plan"). If a provision of Article 12 of the UDO is in conflict with the Landscape Plan, the School Landscape Plan shall control. Relocation of plant materials shall be permitted as part of the Development Plan approval. The School Landscape Plan eliminates building base landscaping and no landscaping shall be required in the rear yard of the school area. In addition, no street trees will be required and the interior parking lot landscaping and screening shall be as per the parking **Exhibit D.**

15.2 **Rear Yards.** No landscaping shall be required in rear yards of the school use.

15.3 **Allowable Encroachments.** Article 12(7)(C) is hereby modified. Stormwater detention facilities are located along the north property line of the development, and thus are deemed allowable encroachments. No plantings shall be required in this area.

15.4 **Landscape Bufferyard Requirements.** Article 12(7)(E) is hereby modified. Notwithstanding any provision of the UDO to the contrary, including, without limitation, Article 12(7)(E), 3 shade or evergreen trees and 23 large shrubs per 100 linear feet shall be provided in landscape bufferyards along perimeter frontage of Greenfield Avenue and Boden Road.

15.5 **Landscaping in Utility Easements.** The landscaping requirements of the UDO and this Ordinance shall not apply in the case of existing utility easements for the benefit of parties other than the City of Noblesville. In such easements, only such landscaping as is permitted by the easement grantee, not to exceed the requirements of this Ordinance or the UDO, as applicable, whichever is lesser, shall be required.

15.6 **Street Trees.** Street trees shall not be required in the development.

15.7 **Perimeter Site Buffering.** The landscaping between the school use and existing Boden Road Mixed Residential Subdistrict shall be 30 feet in width; 15 feet to be located on the school legal description and 15 feet on the residual Boden Road Mixed Residential real property as per perimeter site buffering landscape **Exhibit E.**

This Planned Development Ordinance, and specifically its Exhibits A through E, permit variations from Development Standards specifications, guidelines and requirements contained in the UDO and any Corporate Campus overlay zone requirements. These Exhibits supersede the standards, specifications, guidelines and/or requirements of the UDO of the City of Noblesville.

**Section 16. Environmental Performance Standards.** The regulations of *ARTICLE 13. ENVIRONMENTAL PERFORMANCE STANDARDS* shall apply.

**Section 17. Nonconforming Uses and Structures.** The regulations of *ARTICLE 14. NONCONFORMING USES AND STRUCTURES* shall apply.

**Section 18. Enforcement.** The regulations of *ARTICLE 15. ENFORCEMENT* shall apply.

**Section 19. Procedures.**

19.1 **Detailed Development Plan.** A Detailed Development Plan ("DDP") for the area or a portion of the school use shall be submitted to the City for review and approval pursuant to Article 8(H)(3), subject to the following clarifications: (i) the Director shall approve Minor Changes; and (ii) if a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, an amended Preliminary Development Plan shall be submitted to the City for review by the Technical Advisory Committee and then for review and approval by the Plan Commission following a public hearing. A Major Change from the approved Preliminary Development Plan shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the development standards set forth herein and shall be compatible and consistent with the intended quality and character of the District. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

19.2 **Major Change.** For purposes of this Ordinance, a "Major Change" shall mean: (i) a substantial change to the location of a perimeter entrance as shown on the Preliminary Development Plan; and (ii) significant changes to the drainage management systems, including, but not limited to, BMP's and legal drains.

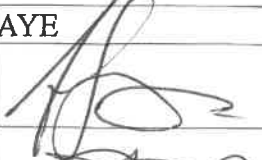
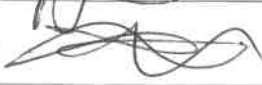






19.3 **Minor Change.** For purposes of this Ordinance, a "Minor Change" shall mean any change that: (i) is not a Major Change; and (ii) is consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance for the District. Specifically, changes to the internal street configurations and Lot configurations, are expected and shall be deemed to be Minor Changes for purposes of this Ordinance.

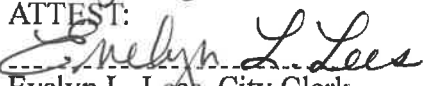
19.4 **Start of Construction.** The applicant will start construction within three years of ordinance approval, however if applicant is unable to start construction within three years it may request one one-year extension with the City of Noblesville Plan Director. The Director may approve or file a request with the Noblesville City Council for review.

**Section 20. Commitments**

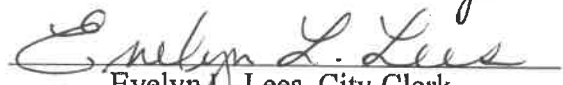
20.1 Exhibit F Commitment Concerning use and development of real estate as attached are conditions to the approval of Ordinance No. 53-12-23, As Amended.

Approved on this 23rd day of Jan 2024 by the Common Council of the City of Noblesville, Indiana:

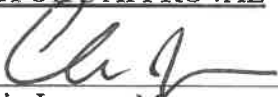
AYE		NAY	ABSTAIN
	Aaron Smith		
	Darren Peterson		
	Evan Elliott		
	Mark Boice		
	Mike Davis		
	Pete Schwartz		
	Todd Thurston		
	Dave Johnson		
	Megan G. Wiles		

ATTEST:  
  
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 23rd day of Jan 2024 at 7:24 P.M.

  
Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

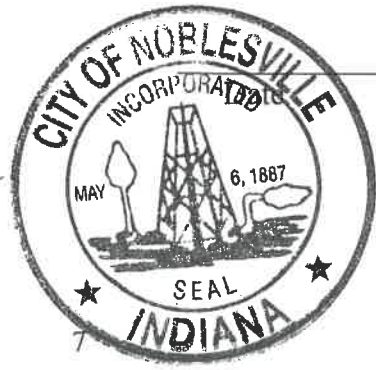
  
Chris Jensen, Mayor

1-23-24  
Date

MAYOR'S VETO

Chris Jensen, Mayor

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: Gordon D. Byers.

Prepared by: Gordon D. Byers, Attorney-At-Law, 298 South 10<sup>th</sup> Street, Suite 300, Noblesville, Indiana (317) 773-3221.



## Zoning Exhibit

### LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 15, Township 18 North, Range 5 East, Wayne Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 15; thence South 00 degrees 05 minutes 33 seconds West 1.23 feet along the extended East line of said Southeast Quarter to the centerline of the vacated Greenfield Avenue (SR 238) as shown on the Location Control Route Survey Plat recorded as Instrument No. 200500004461 in the Office of the Recorder for Hamilton County, Indiana; thence North 63 degrees 24 minutes 39 seconds West 115.58 feet along the aforesaid centerline of vacated Greenfield Avenue; thence North 63 degrees 13 minutes 14 seconds West 290.78 feet along said centerline to the prolonged East line of a 1.71 acre tract labeled as "RES.C" on the Right-of-Way Parcel Plat marked "Exhibit B" recorded as Instrument No. 200600017144 in the aforesaid Recorder's Office; thence South 00 degrees 02 minutes 14 seconds East 138.30 feet along said prolonged East line to Point "326" on said Parcel Plat to the current northerly right-of-way of Greenfield Avenue; thence on and along said current northerly right-of-way of Greenfield Avenue the next fourteen (14) courses as follows: 1) northwesterly 334.19 feet along an arc to the right having a radius of 665.01 feet subtended by a chord bearing North 60 degrees 40 minutes 05 seconds West 330.69 feet; 2) North 48 degrees 37 minutes 25 seconds West 365.88 feet; 3) North 26 degrees 59 minutes 29 seconds East 16.50 feet; 4) northwesterly 103.13 feet along an arc to the right having a radius of 1,317.57 feet subtended by a chord bearing North 60 degrees 45 minutes 59 seconds West 103.10 feet; 5) North 46 degrees 16 minutes 15 seconds West 1.91 feet to the POINT of BEGINNING of this description; 6) continuing North 46 degrees 16 minutes 15 seconds West 90.67 feet; 7) North 46 degrees 16 minutes 33 seconds West 154.18 feet; 8) North 61 degrees 22 minutes 54 seconds West 51.80 feet; 9) North 46 degrees 16 minutes 26 seconds West 145.21 feet; 10) South 05 degrees 23 minutes 23 seconds West 21.04 feet; 11) North 46 degrees 16 minutes 26 seconds West 69.74 feet; 12) North 43 degrees 32 minutes 48 seconds East 58.80 feet; 13) North 46 degrees 27 minutes 12 seconds West 161.71 feet; 14) northwesterly 104.45 feet along an arc to the left having a radius of 2,766.67 feet subtended by a chord bearing North 47 degrees 32 minutes 05 seconds West 104.44 feet to the easterly right-of-way of Dry Creek Road; thence on and along said easterly right-of-way of Dry Creek Road the next four (4) courses as follows: 1) North 04 degrees 20 minutes 34 seconds West 35.66 feet; 2) North 40 degrees 09 minutes 37 seconds East 61.97 feet; 3) northeasterly 227.29 feet along an arc to the left having a radius of 330.00 feet subtended by a chord bearing North 20 degrees 25 minutes 43 seconds East 222.83 feet; 4) North 00 degrees 41 minutes 49 seconds East 187.31 feet to a point on the boundary of Meadows of Shelborne At Deer Path Section Two recorded as Instrument No. 2005-024745, Plat Cabinet 3, Slide 615 in the aforesaid Recorder's Office; thence South 89 degrees 18 minutes 11 seconds East along said boundary 105.00 feet to a point on the boundary of Autumn Breeze Apartments Plat, recorded as Instrument No. 2008-022755 in the aforesaid Recorder's Office; thence on and along said boundary the next two (2) courses as follows: 1) South 42 degrees 03 minutes 50 seconds East 252.86 feet; 2) North 89 degrees 17 minutes 52 seconds East 1068.64 feet to a point on the West right-of-way of Boden Road described in Instrument No. 2006-031345 in the aforesaid Recorder's Office; thence on and along said right-of-way the next two (2) courses as follows: 1) southeasterly 35.83 feet along an arc to the left having a radius of 6,384.94 feet subtended by a chord bearing South 04 degrees 00 minutes 28 seconds West 35.83 feet; 2) southeasterly 360.21 feet along an arc to the left having a radius of 6,535.03 feet subtended by a chord bearing South 02 degrees 35 minutes 22 seconds West 360.16 feet; thence North 90 degrees 00 minutes 00 seconds West 454.60 feet; thence South 44 degrees 58 minutes 35 seconds West 641.52 feet to the place of beginning, containing 17.983 Acres, more or less.



Dennis D. Olmstead  
Professional Land Surveyor  
Indiana No. 900012  
Certified: September 27, 2023

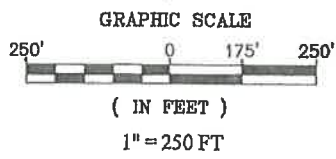
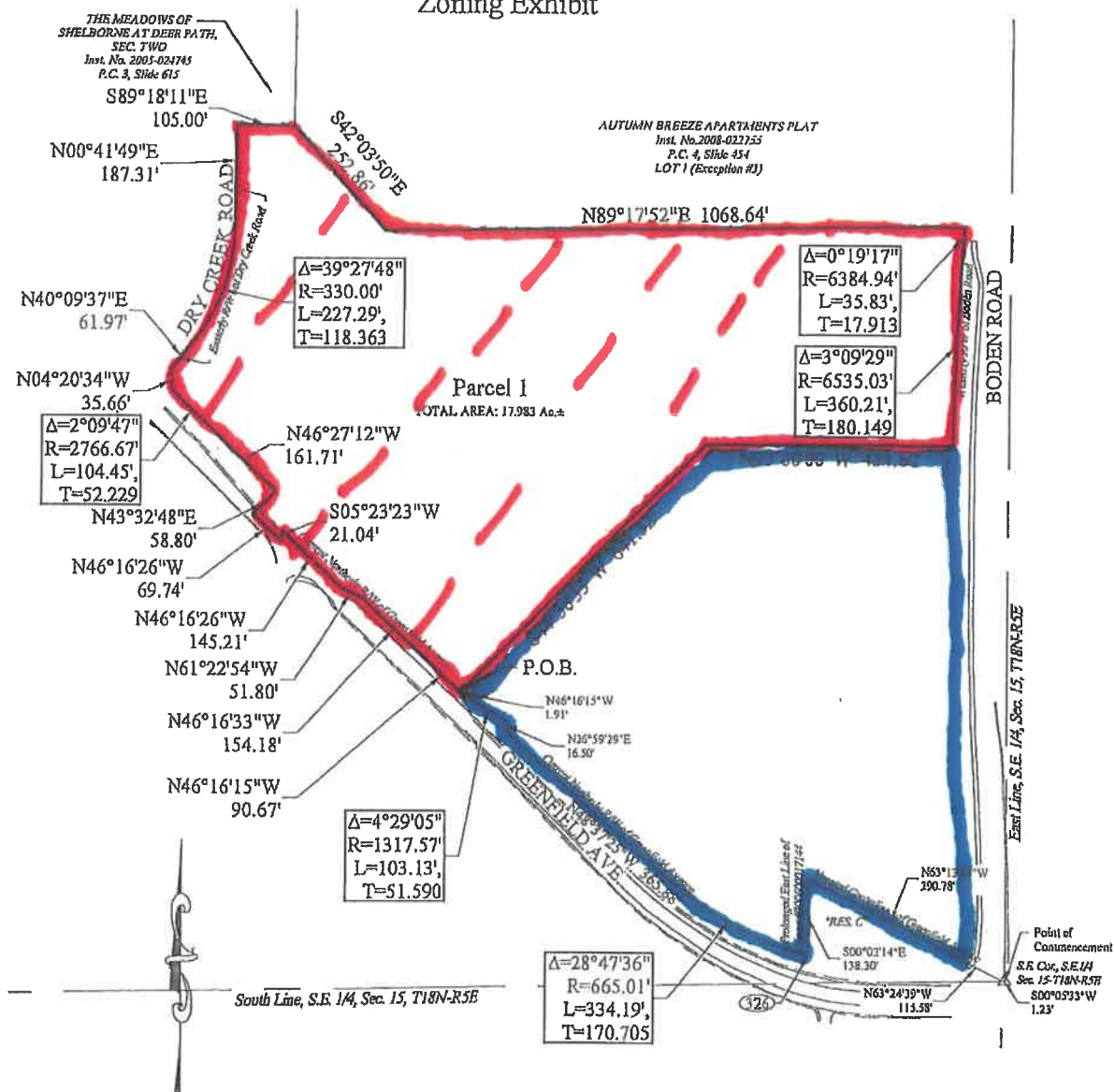


THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

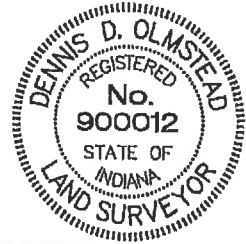
 <h1 style="margin: 0;">STOEPPELWERTH</h1> <p style="margin: 0;">ALWAYS ON</p> <p style="margin: 0; font-size: small;">phone: 317.849.5925 fax: 317.849.5942</p>	JOB NO. 55165COL	PAGE
	DRAWN BY: GEM	1
	CHECKED BY: DDO	
	DATE DRAWN: 09/25/2023	
	FIELDWORK DATE:	OF 2 SHEETS

Exhibit A

# Zoning Exhibit



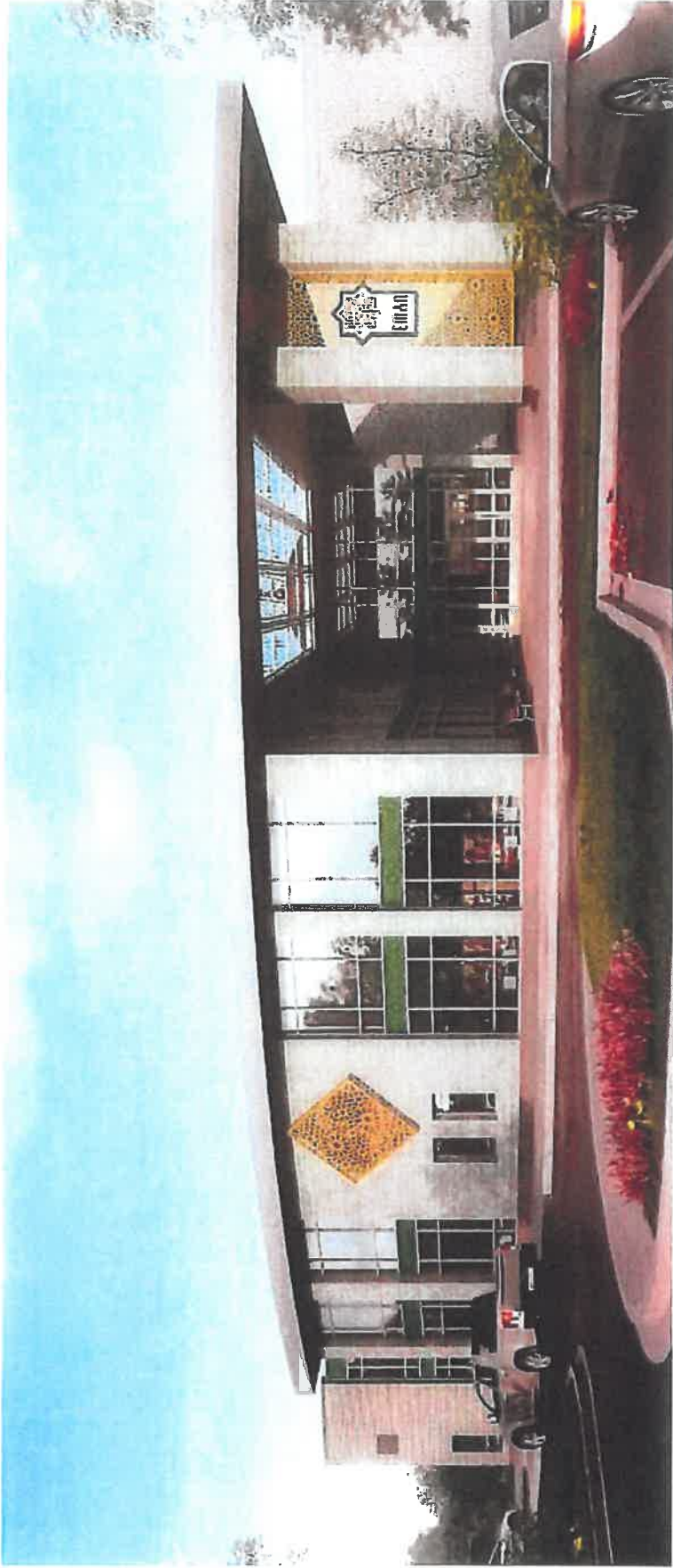
*D.D.O.*  
Dennis D. Olmstead  
Professional Land Surveyor  
Indiana No. 900012  
Certified: September 27, 2023



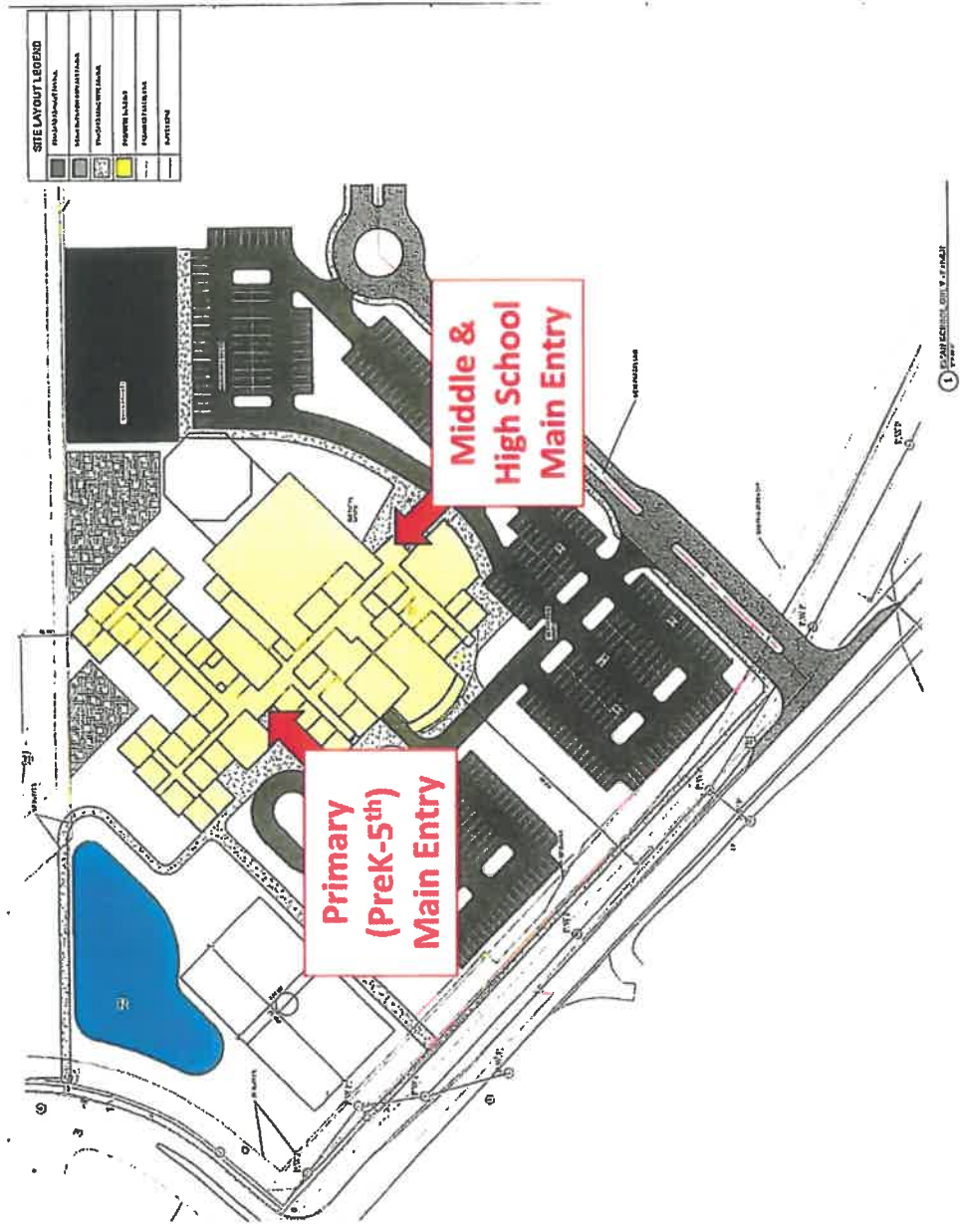
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

 <b>STOEPPELWERTH</b> ALWAYS ON phone: 317.849.5935 fax: 317.849.5942	JOB NO. 55163COL	PAGE
	DRAWN BY: GEM	2
	CHECKED BY: DDO	
	DATE DRAWN: 09/25/2023	
	FIELDWORK DATE:	
	OF 2 SHEETS	

Exhibit A-1



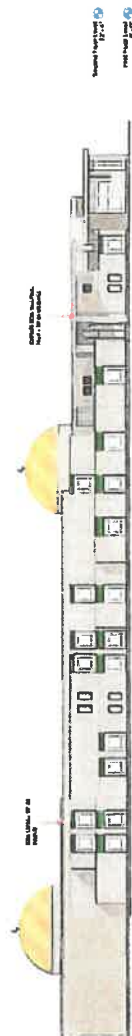
**Middle & High School Main Entry**



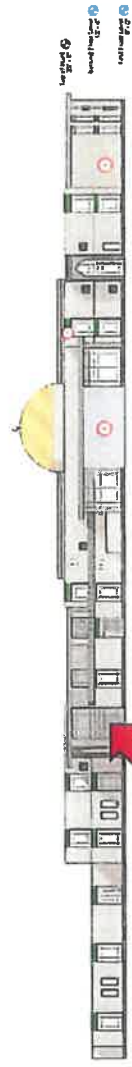
	Entry to Public Middle School
	Entry to Public High School
	Entry to Public Middle School
	Entry to Public High School



**14** MIDDLE SCHOOL

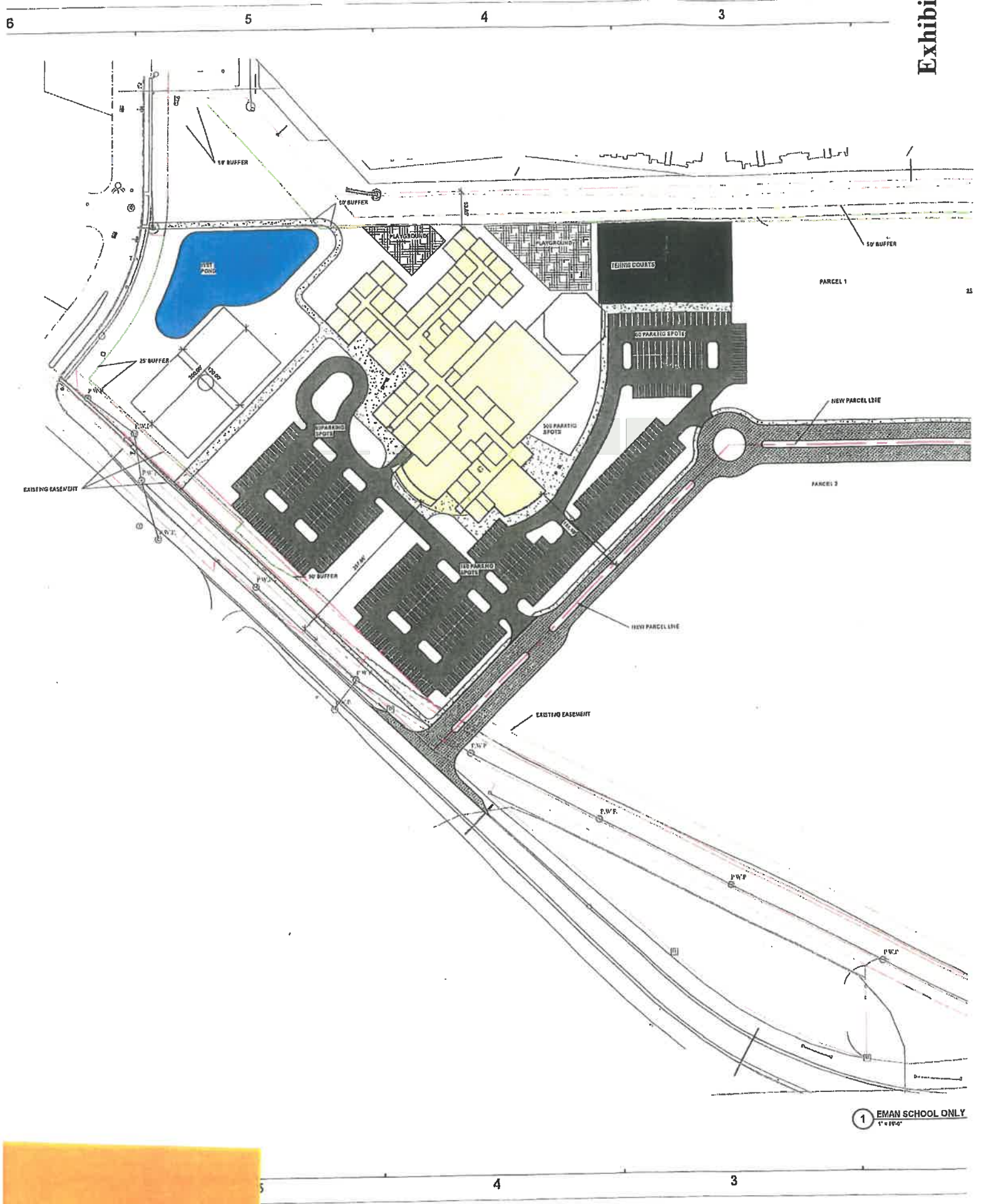


**15** MIDDLE SCHOOL



**Primary  
(PreK-5<sup>th</sup>)  
Main Entry**

**Middle &  
High School  
Main Entry**



1 EMAN SCHOOL ONLY  
1" = 100'





**SCHMIDT ASSOCIATES**  
 LANDSCAPE ARCHITECTS  
 10000 W. 10th Avenue, Suite 100  
 Golden, Colorado 80401  
 Phone: 303.440.1234  
 Fax: 303.440.1235  
 Email: info@schmidtassoc.com

Project: **EMAN SCHOOLS**  
 Phase: **CONSTRUCTION**

**Not for Construction**

This drawing is a conceptual landscape plan and is not intended to be used for construction. It is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The contractor is responsible for the final construction details.

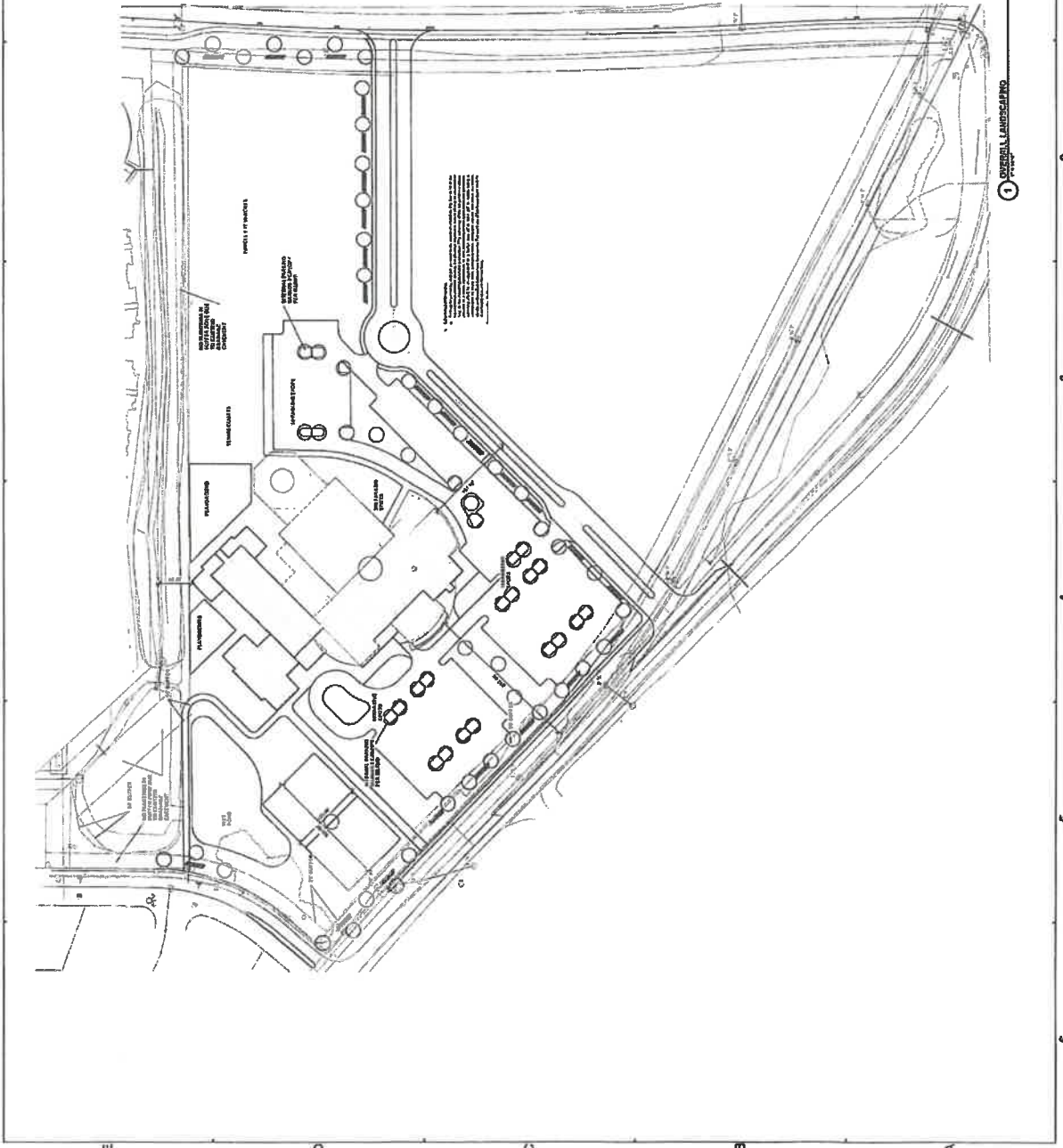
DATE: 08/15/2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

KEY PLAN  
 EMAN SCHOOLS

MASTERPLAN  
 OVERALL PLANTING  
 LP101

**LANDSCAPE LEGEND**

	PROPOSED PLANTING
	PROPOSED PAVED AREA
	PROPOSED STRUCTURE
	PROPOSED UTILITY









**SCHMIDT ASSOCIATES**  
 11111 15th Street, Suite 100  
 San Diego, CA 92161  
 Phone: 619.594.1111  
 Fax: 619.594.1112  
 Website: www.schmidt-assoc.com

**Not for Construction**

This drawing is the property of Schmidt Associates and is not to be used, copied, or reproduced in any form without the written consent of Schmidt Associates. All rights reserved.

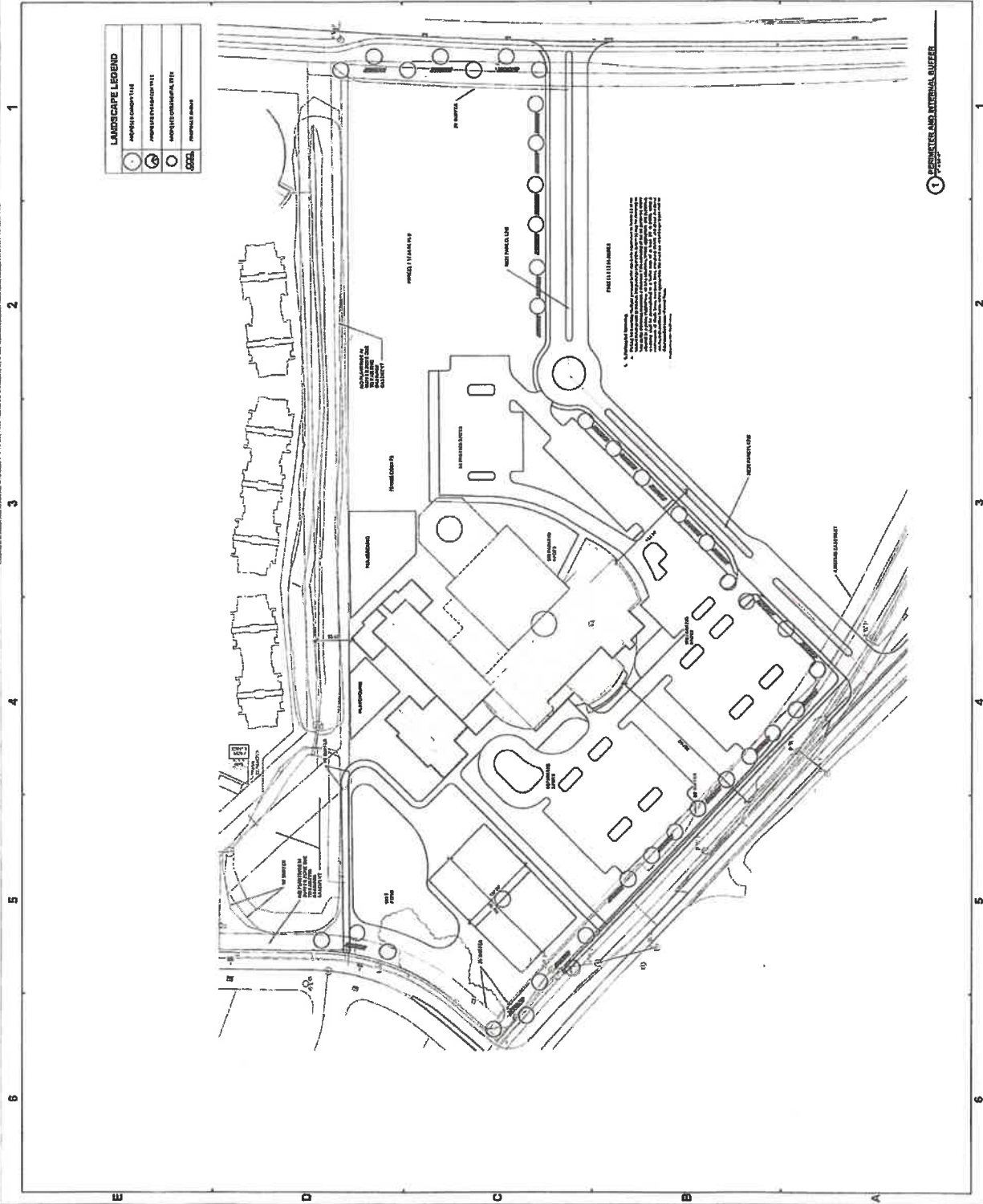
DATE: 08/14/14

KEY PLAN

EMAN SCHOOLS

MASTERPLAN  
 PERIMETER AND INTERNAL BUFFER  
 LP-104

LANDSCAPE LEGEND	
	PROPOSED PLANTING
	PROPOSED PAVED AREA
	PROPOSED STORMWATER MANAGEMENT
	PROPOSED UTILITY
	PROPOSED FENCING
	PROPOSED SECURITY



## **Buffer Yard Landscaping Summary and Commitments**

1. **Exterior Buffer Yard Landscaping.** The exterior buffer yards on Boden Road and Greenfield Avenue are 25' in width. On the northwest corner, north of detention pond, the buffer yard goes to 50' in width and are 50' clear across the northern part of the PUD. The reason they are 50' is because no plantings are allowed in the buffer zone due to existing drainage easements. The 25' in width buffer yards shall contain three shade or evergreen trees and 23 scrubs per 100 lineal feet.
2. **Interior Buffer Yard.** The interior buffer yard between the two uses is 15' on each side; that is 15' on the school site and 15' on the residual mixed-residential side for a total of 30'. We are proposing to put 2 staggered canopy trees and 15 shrubs; or alternatively, 3 staggered canopy trees per 100 lineal feet.
3. **Parking Lot.** The parking lot islands are to be in compliance with the UDO; parking islands every 100' and will have 2 canopy trees and shrubs in the island.
4. **School Site.** The school site has no building base landscaping on the school, no rear yard landscaping, and no street trees. The project will have a soccer field, tennis courts, and other play areas for a substantial amount of green space.

**COMMITMENT CONCERNING USE  
AND DEVELOPMENT OF REAL ESTATE**

**Document Cross Reference No. \_\_\_\_\_**

Alhuda Foundation, Inc. (the “Applicant”) makes the following commitments to the Common Council for the City of Noblesville, Hamilton County, Indiana (the “Council”), in connection the use and development of real estate generally located at 14800 block of Boden Road (west side) in Noblesville, Indiana, and more particularly described in Exhibit A, attached hereto and incorporated herein (the “Real Estate”).

WHEREAS, the City of Noblesville (the “City”) in Hamilton County, Indiana is subject to the Noblesville Unified Development Ordinance (the “UDO”);

WHEREAS, the UDO and Indiana Code §36-7-4-105 contemplates that an Applicant may make a commitment as a condition to the use or development of real estate in connection with the approval of a change of zoning proposal;

WHEREAS, as a condition to approving Ordinance Adopting an Amended Development Plan and Special Consideration for School Use, Ordinance No. 53-12-23, the Council seek a Commitment by Applicant pertaining to the development of residual parcel being acquired by Applicant, but not part of the amended Ordinance for school use;

NOW, THEREFORE, the Applicant hereby makes the following Commitments regarding the use and development of the Real Estate:

**Section 1. Description of Real Estate.** This Commitment shall apply to the Real Estate.

**Section 2. Statement of Commitment.** There Applicant hereby makes the following binding Commitment: (i) Applicant, or its successors or assign, shall within five (5) years seek an amendment to the zoning applicable to the Real Estate (“Amendment”); (ii) the Applicant, or its successors or assigns, shall not pull any permits (building or otherwise) for any work on the Real Estate until the Amendment is approved; (iii) the Applicant shall not develop the Real Estate for single family residential unless this Commitment is modified with approval of the Common Council and property owner.

**Section 3. Binding Effect.** This Commitment shall continue in effect until modified, terminated, or satisfied. This Commitment is binding upon the Applicant, each owner of the Real Estate, each subsequent owner of the Real Estate, and each other person acquiring an interest in the Real Estate, unless modified, terminated, or satisfied.

Section 4. Recording. The Applicant shall record this Commitment in the Office of the Recorder of Hamilton County, Indiana. The Applicant shall return a copy of the recorded Commitment to the City within ninety (90) days after the Council's adoption of the Ordinance.

Section 5. Enforcement. This Commitment may be enforced by the City.

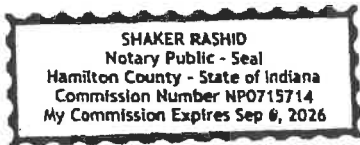
Section 6. Modification or Termination of Commitment. Except as set forth below, this Commitment may be modified or terminated in accordance with the UDO and Indiana Code § 36-7-4-1015.

Section 7. Effective Date. The Commitment contained herein shall be in full force and effect upon the approval of the Ordinance Adopting an Amended Development Plan and Special Consideration for School Use, Ordinance No. 53-12-23, by the Council and the acquisition by deed (closing) on the Real Estate by Alhuda Foundation, Inc., its successors or assigns.

IN WITNESS WHEREOF, Alhuda Foundation, Inc. has caused this Commitment to be executed as of this 22<sup>nd</sup> day of January, 2024.

APPLICANT:

ALHUDA FOUNDATION, INC.



By:

DocuSigned by:  
Alhuda Aljebawi  
aljebawi  
Dr. Ahmad Aljebawi  
Printed

Title:

President, BOT

STATE OF INDIANA )  
 )SS:  
COUNTY OF Hamilton )

Before me the undersigned, a Notary Public in and for said County and State, personal appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Commitment.

Witness my hand and Notarial Seal this 22<sup>nd</sup> day of January, 2024.

My Commission Expires: 9/6/2026

My County of Residence: Hamilton

Shaker Rashid  
Signature of Notary Public  
SHAKER RASHID  
Printed Name

This document prepared by: Gordon D. Byers, Attorney at Law, 298 South 10<sup>th</sup> Street, Suite 300, Noblesville, Indiana 46060.

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. *Gordon Byers*

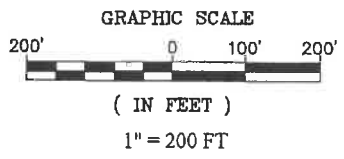
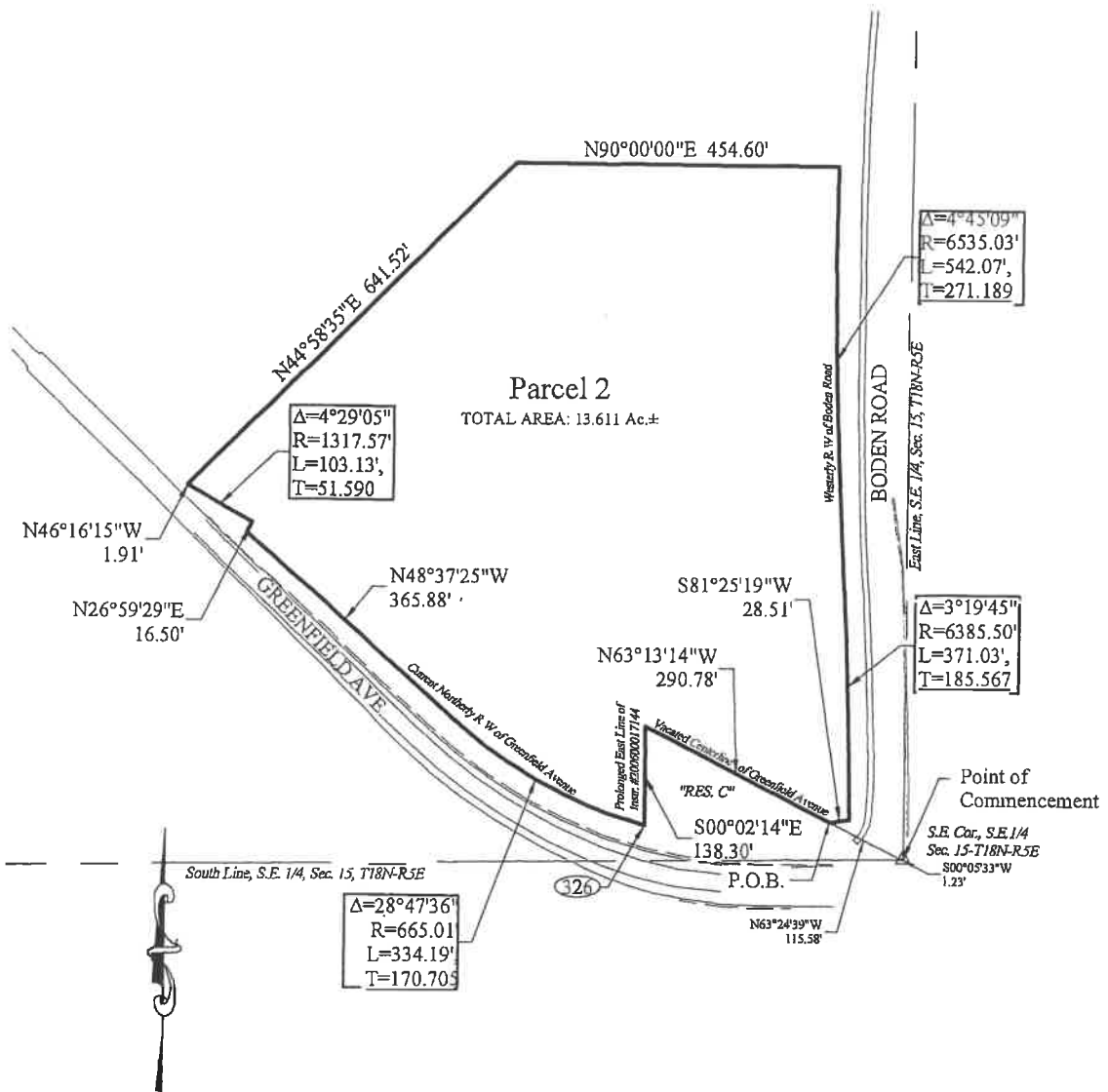
# EXHIBIT A

## "Real Estate"

### LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 15, Township 18 North, Range 5 East Wayne Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said section 15; thence South 00 degrees 05 minutes 33 seconds West 1.23 feet along the extended East line of said Southeast Quarter to the centerline of the vacated Greenfield Avenue (SR 238) as shown on the Location Control Route Survey Plat recorded as Instrument No. 200500004461 in the Office of the Recorder for Hamilton County, Indiana; thence North 63 degrees 24 minutes 39 seconds West 115.58 feet along the aforesaid centerline of vacated Greenfield Avenue to the POINT of BEGINNING of this description; thence North 63 degrees 13 minutes 14 seconds West 290.78 feet along said centerline to the prolonged East line of a 1.71 acre tract labeled as "RES.C" on the Right-of-Way Parcel Plat marked "Exhibit B" recorded as Instrument No. 200600017144 in the aforesaid Recorder's Office; thence South 00 degrees 02 minutes 14 seconds East 138.30 feet along said prolonged East line to Point "326" on said Parcel Plat to the current northerly right-of-way of Greenfield Avenue; thence on and along said current northerly right-of-way of Greenfield Avenue the next five (5) courses as follows: 1) northwesterly 334.19 feet along an arc to the right having a radius of 665.01 feet subtended by a chord bearing North 60 degrees 40 minutes 05 seconds West 330.69 feet; 2) North 48 degrees 37 minutes 25 seconds West 365.88 feet; 3) North 26 degrees 59 minutes 29 seconds East 16.50 feet; 4) northwesterly 103.13 feet along an arc to the right having a radius of 1,317.57 feet subtended by a chord bearing North 60 degrees 45 minutes 59 seconds West 103.10 feet; 5) North 46 degrees 16 minutes 15 seconds West 1.91 feet; thence North 44 degrees 58 minutes 35 seconds East 641.52 feet; thence North 90 degrees 00 minutes 00 seconds East 454.60 feet to a point on the West right-of-way of Boden Road described in Instrument No. 2006-031345 in the aforesaid Recorder's Office; thence on and along said West right-of-way the next three (3) courses as follows: 1) southeasterly 542.07 feet along an arc to the left having a radius of 6,535.03 feet subtended by a chord bearing South 01 degree 21 minutes 57 seconds East 541.91 feet; 2) southwesterly 371.03 feet along an arc to the right having a radius of 6,385.50 feet subtended by a chord bearing South 02 degrees 04 minutes 38 seconds East 370.98 feet; 3) South 81 degrees 25 minutes 19 seconds West 28.51 feet to a point on the aforesaid vacated centerline of Greenfield Avenue (SR 238) also being the place of beginning, containing 13.611 Acres, more or less.



*D. D. Olmstead*  
 Dennis D. Olmstead  
 Professional Land Surveyor  
 Indiana No. 900012  
 Certified: September 27, 2023



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT.

# 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 20<sup>th</sup> day of November 2023 for the "Special Consideration" for a school use and amendment to the adopted preliminary development plan and ordinance known as the Allegro Planned Development, a part of the Comprehensive Master Plan, and after due consideration, recommends that the City of Noblesville ADOPT said amendment.

**Request:**      **Application No. 0140-2023**      Amended development plan and ordinance for the "Allegro Planned Development" to consider a "special consideration" for a school on approximately 17.9 acres of the overall 31 acre site located in the 14600 - 14800 block of Boden Road, west side (Noblesville City). Submitted by Boden Road Properties, LLC (Owners), Alhuda Foundation, Inc. (Applicants) and Gordon Byers, Attorney

**Plan Commission Action:** 10 Ayes 1 Nays 0 Abstentions

Petition is forwarded with a FAVORABLE recommendation

Respectfully submitted,  
Noblesville Plan Commission

By:

  
Malinda Wilcox

President

  
Caleb P. Gutshall

Secretary