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Phase 1

200600061513
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
10-12-2006 At 11:20 am.
ORDINANCE 25.00

ORDINANCE NO. 70-8-06

Document Cross Reference No. 200500034736

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 (the "Cumberland Point Marketplace PD") to amend the provisions of the Noblesville Corporate Campus District (the "Corporate Campus") previously approved pursuant to the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "City's Development Ordinance"), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing on Application No. 06N-15-1002 as required by law in regard to the application filed by Noblesville Cumberland Pointe Development, LLC, (the "Developer") to amend the Corporate Campus and the City's Development Ordinance; and,

WHEREAS, the Plan Commission at their August 21, 2006 meeting sent its unanimous favorable recommendation to the Noblesville Common Council by a vote of 10 in favor and 0 opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Corporate Campus and the City's Development Ordinance are hereby amended as follows:

SECTION 1. The subject real estate (the "Real Estate"), more particularly described in Exhibit 1 attached hereto, is located generally on the southeast corner of State Highway 37 and Greenfield Avenue, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate, as depicted in the Cumberland Point Marketplace Amended Preliminary Development Plan at Exhibit 2, currently is zoned Corporate Campus Planned Development (CC/PD) – Commercial District, located within the View Corridor Subdistrict.

SECTION 2. The Corporate Campus and the City's Development Ordinance are hereby amended to permit the development of "Cumberland Point Marketplace" as follows:

1. Permitted Uses

- a. Unless otherwise restricted below, the uses permitted by the Corporate Campus and the City's Development Ordinance shall be permitted uses on the Real Estate.
- b. The following uses shall not be permitted on the Real Estate: vehicle repair and service centers; laundry and dry cleaners with on-site plant; drive-thru accessory uses (not including ATM facilities); and industrial uses.
- c. Any use that includes a vehicle fuel station must receive architectural approval from the Noblesville Economic Development Committee prior to obtaining Detailed Development Plan approval.
- d. Accessory structures shall not be permitted on the Real Estate (not including dumpster enclosures and ATM facilities).

2. General Regulations

- a. Unless otherwise provided herein, the development standards of the Corporate Campus and the City's Development Ordinance shall apply.

- b. In the case where the development standards of this Cumberland Point Marketplace PD conflict with the development standards of the Corporate Campus or the City's Development Ordinance, the development standards of the Cumberland Point Marketplace PD shall apply.
3. Bulk Requirements
- a. Minimum Lot Area – 1.3 acres
 - b. Maximum Impervious Surface – 80%
 - c. Minimum Building Height – 24 feet
 - d. Minimum Front Yard Setback
 - i. Along State Highway 37 and Greenfield Avenue – 50 feet
 - ii. Along Cumberland Road – 40 feet
 - iii. Along other streets – 20 feet
 - e. Minimum Side and Rear Yard Setback – 20 feet
 - f. Minimum Building Size – 3,500 square feet
4. Site Planning – Drive-thru windows and lanes shall not be permitted between the right-of-way line of State Highway 37 and the side of a structure that is nearest to said right-of-way. Drive-thru windows and lanes shall not be permitted between the right-of-way line of Greenfield Avenue and the side of a structure that is nearest to said right-of-way. Otherwise, drive-thru windows shall be permitted.
5. Lighting – Parking lot light standards shall be of a consistent color and design throughout the development.
6. Signage
- a. Signage on the Real Estate shall include internally illuminated channelized letters.

- b. Each sign on the Real Estate may include the following colors: black, white and up to one other predominant color. Each tenant sign located on a designation sign structure shall be considered a separate sign for purposes of this sign color limitation.
- c. Designation signs shall be installed at the locations identified in Exhibit 3 and shall be installed in substantial compliance with the designation sign detail included at Exhibit 4.
- d. An area at the southeast corner of State Highway 37 and Greenfield Avenue, as identified in Exhibit 3, is reserved for the City of Noblesville to install a Corporate Campus/City of Noblesville identification sign on the Real Estate.

7. Parking/Loading

- a. Cross-access easements shall be provided to allow public access to all uses on the Real Estate and to provide for shared parking for uses on the Real Estate. Such cross-access easements shall be identified on final construction plans for the development.
- b. Parking, loading and vehicular use areas shall be permitted between buildings and front property lines. Loading facilities shall be screened from public rights-of-way.
- c. Required front setbacks for parking, loading and vehicular use areas along State Highway 37 and Greenfield Avenue shall be a minimum of 40 feet from the front property line. Required front setbacks for parking, loading and vehicular use areas along Cumberland Road shall be a minimum of 20 feet from the property line.
- d. Required side or rear setbacks for parking, loading and vehicular use areas shall be a minimum of 20 feet from side and rear property lines.
- e. Diagonal and perpendicular parking spaces shall be permitted.

8. General Landscaping/Screening

- a. Earthen berms shall have a maximum height of 3 feet and a maximum slope of 3:1.

- b. Earthen berms shall be seeded with grass rather than mulched, except where clusters of plants require a mulch bed.
9. Building Foundation Landscaping – Shade trees required for building foundation landscaping should be clustered and placed within 30' of the building in defined beds of groundcover.
10. Parking Lot Screening – Along Cumberland Road, parking lot screening shall be accomplished in a buffer zone of at least 20 feet in width.
11. Perimeter Site Buffering
- a. Perimeter walls and landscaping shall be installed in substantial compliance with the landscaping plan at Exhibit 3 and the perimeter buffer elevations included at Exhibit 5.
 - b. Adjacent to State Highway 37 and Greenfield Avenue, a minimum 40 feet wide perimeter site buffer shall be provided.
 - c. Adjacent to a Cumberland Road or a side or rear of a building, the perimeter site buffer width may be reduced to a minimum of 20 feet.
12. Architectural Review
- a. Pitched roofs shall be permitted on buildings used for retail, service and office uses.
 - b. Pitched roofs may be gabled, have hipped-ends or mansard provided that they are proportionately integrated with a slope roof mansard on all sides that adequately hides all roof-top mechanical equipment.
 - c. The sloped mansard shall be a minimum of 8 feet in height.
 - d. Roofs shall not exceed 1 ½ times the height of the exterior building wall.
 - e. A minimum of 8-inch overhangs on pitched roofs shall be provided.
 - f. Dumpster enclosures shall be landscaped and constructed of the same building materials as the principal structure to a height of at least two (2) feet above the dumpster unit.

g. The awning colors identified in Exhibit 6 shall be permitted on the Real Estate. Each awning will be one solid color. Awning color variations may be permitted and approved by the Director of the Planning and Development Department as long as such colors are consistent with the architectural theme and character of the development. Striped awnings shall not be permitted.

h. The brick and EIFS colors identified in Exhibit 6 shall be permitted on the Real Estate. Brick and EIFS color variations may be permitted and approved by the Director of the Planning and Development Department as long as such colors are consistent with the architectural theme and character of the development.

SECTION 3. Preliminary Development Plan. The preliminary development plan attached hereto as Exhibit 2 is hereby approved. The preliminary development plan is intended to establish conceptual goals for the development.

SECTION 4. Detailed Development Plan. The detailed development plan may be approved in phases. In order to maintain design flexibility, the exact configuration and locations of each building within the development may vary from the preliminary development plan as long as the development and architectural standards of this ordinance are met. If the standards of this ordinance are met, the review of site plans, landscaping plans and architecture shall be completed by the Department of Planning and Development Staff. Approval of a detailed development plan is subject to the provisions of Article 8, Part E, Section 4, of the UDO. The provisions of Article 5, Part B of the UDO shall not apply to any detailed development plan.

SECTION 5. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 12th day of September, 2006.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

Terry Busby Terry Busby _____

Alan Hinds Alan Hinds _____

Laurie Jackson Laurie Jackson _____

Kathie Stretch Kathie Stretch _____

Dale Snelling Dale Snelling _____

Mary Sue Rowland Mary Sue Rowland _____

Brian Ayer Brian Ayer _____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 12th day of September 2006.

John Ditslear
John Ditslear, Mayor
City of Noblesville, IN

ATTEST:

Janet Jaros
Janet Jaros, Clerk-Treasurer

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Matthew S. Skelton
Matthew S. Skelton

Prepared by: Matthew S. Skelton, AICP, Attorney-At-Law, BAKER & DANIELS, LLP
970 Logan Street, Noblesville, IN 46060, (317) 569-9600

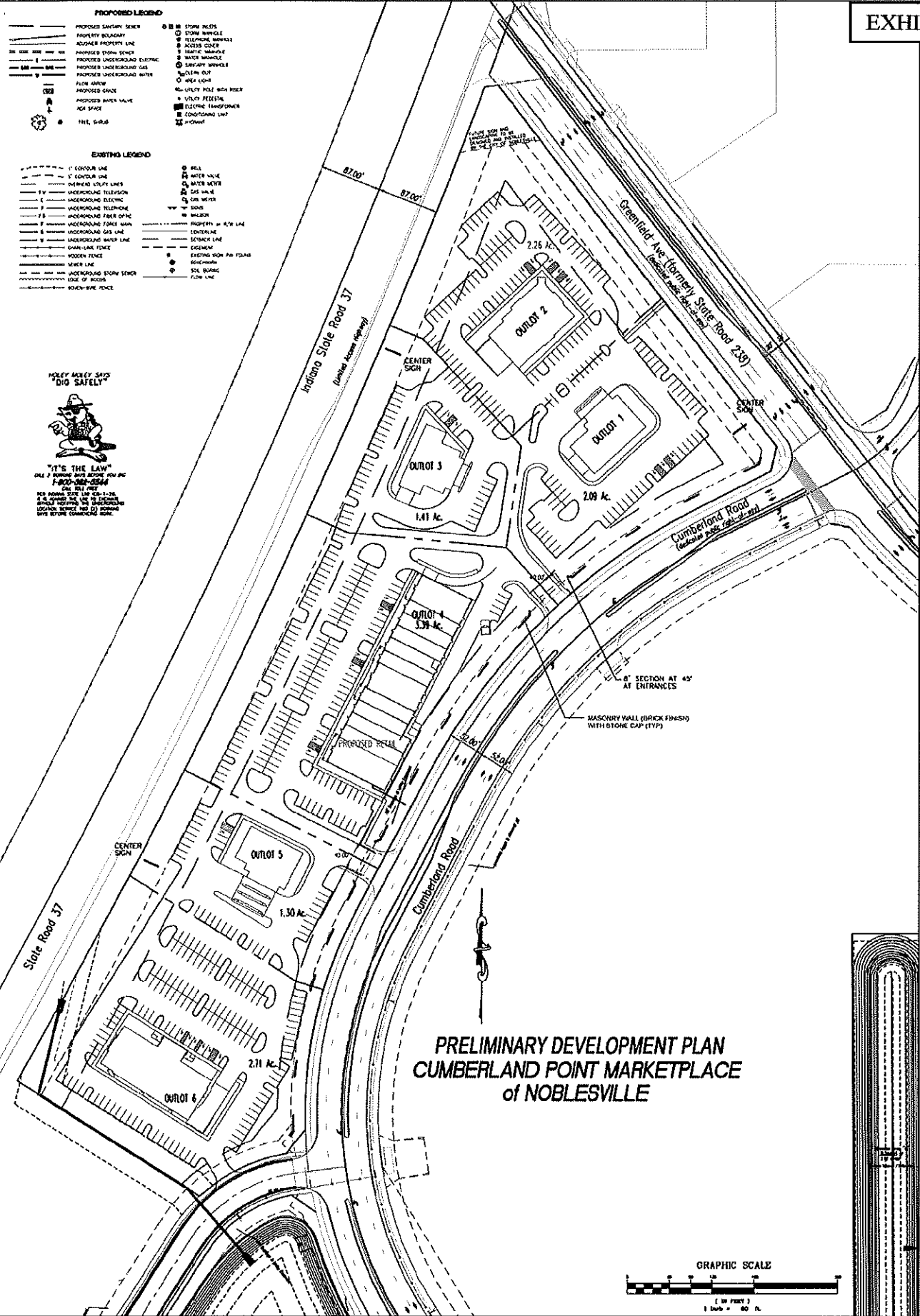
All exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

EXHIBIT 1
Legal Description

A part of the Southeast Quarter of Section 7, Township 18 North, Range 5 East of the Second Principal Meridian, City of Noblesville, Noblesville Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter, said point as referenced per survey by Pendleton Consulting, dated April 9, 2005 and signed by Steve Bourquein, said point also being in the center of Cumberland Road, as now located; thence South 89 degrees, 44 minutes, 24 seconds West, along the South line of said Southeast Quarter and the Southerly line of the parent parcel of real estate described in Deed Record 148 Page 38, in the Office of the Recorder of Hamilton County, Indiana, 87.11 feet, to a point on a non-tangent curve to the left, along the Westerly right-of-way line of Cumberland Road; thence 390.95 feet along said curve through a central angle of 43 degrees 39 minutes 51 seconds, having a radius of 513.00 feet, a chord bearing of North 43 degrees 35 minutes 16 seconds West and a chord length of 381.56 feet; thence North 65 degrees 25 minutes 11 seconds West, along the Westerly right-of-way line of Cumberland Road, tangent to last said curve, 231.70 feet, to a point on a tangent curve to the right; thence 681.35 feet along said curve and along the Westerly right-of-way line of Cumberland Road, through a central angle of 63 degrees 16 minutes 17 seconds, having a radius of 617.00 feet, a chord bearing of North 33 degrees 47 minutes 03 seconds West and a chord length of 647.25 feet, to the POINT OF BEGINNING; thence South 39 degrees 13 minutes 20 seconds West, 44.05 feet, to a point on a non-tangent curve to the left, along the Westerly right-of-way line of North Point Boulevard; thence 140.00 feet along said curve through a central angle of 32 degrees 57 minutes 44 seconds, having a radius of 243.36 feet, a chord bearing of South 63 degrees 45 minutes 50 seconds West and a chord length of 138.08 feet; thence North 57 degrees 43 minutes 36 seconds West, 308.80 feet, to a point on the Easterly right-of-way line of the Limited Access right-of-way for Indiana State Road 37, as described in Deed Record 149, Pages 168-170, in the Office of the Recorder, Hamilton County, Indiana, being on a non-tangent curve to the left; thence 1568.63 feet along said curve through a central angle of 09 degrees 19 minutes 37 seconds, having a radius of 9636.30 feet, a chord bearing of North 25 degrees 10 minutes 15 seconds East and a chord length of 1566.90 feet; thence North 81 degrees 18 minutes 40 seconds East, 19.56 feet, to a point on the Southwesterly right-of-way line of the Greenfield Avenue (formerly Indiana State Road 238), per survey by Pendleton Consulting, dated April 9, 2005 and signed by Steve Bourquein; thence South 37 degrees 47 minutes 45 seconds East, along the Southwesterly right-of-way line of the Greenfield Avenue (formerly Indiana State Road 238), 671.78 feet, to a point on the Westerly right-of-way line of Cumberland Road per survey by Pendleton Consulting, dated April 9, 2005 and signed by Steve Bourquein; thence South 12 degrees 46 minutes 41 seconds West, 36.30 feet, along the Westerly right-of-way line of Cumberland Road; thence South 63 degrees 21 minutes 07 seconds West, 110.23 feet along the Westerly right-of-way line of Cumberland Road, to a point on a tangent curve to the left; thence 563.02 feet along said curve and along the Westerly right-of-way line of Cumberland Road, through a central angle of 06 degrees 21 minutes 07 seconds, having a radius of 902.00 feet, a chord bearing of South 45 degrees 28 minutes 13 seconds West and a chord length of 553.92 feet; thence South 27 degrees 35 minutes 19 seconds West, 218.50 feet, along the Westerly right-of-way line of Cumberland Road, to a point on a tangent curve to the left; thence 320.23 feet along said curve and along the Westerly right-of-way line of Cumberland Road, through a central angle of 29 degrees 44 minutes 13 seconds, having a radius of 617.00 feet, a chord bearing of South 12 degrees 43 minutes 12 seconds West and a chord length of 316.65 feet, to the POINT OF BEGINNING, containing 13.143 Acres, more or less.

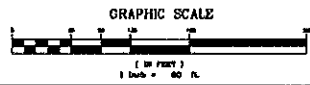
Subject to all easement, highways, right-of-way and restrictions of record.



- PROPOSED LEGEND**
- PROPOSED SANITARY SEWER
 - PROPERTY BOUNDARY
 - ADJACENT PROPERTY LINE
 - PROPOSED STORM WATER
 - PROPOSED UNDERGROUND ELECTRIC
 - PROPOSED UNDERGROUND GAS
 - PROPOSED UNDERGROUND WATER
 - PROPOSED GRAVE
 - PROPOSED WATER VALVE
 - ADA SPACE
 - TRAIL, SWATH
 - STORM MANHOLE
 - TELEPHONE MANHOLE
 - ACCESS CIDER
 - TRAFFIC MANHOLE
 - WATER MANHOLE
 - SANITARY MANHOLE
 - WATER OUT
 - AREA LIGHT
 - MULTI-UTILITY POLE WITH PEGS
 - UTILITY FEEDLINE
 - ELECTRIC TRANSFORMER
 - CONCRETE LAMP
 - POLE
- EXISTING LEGEND**
- 1" CONTOUR LINE
 - 5" CONTOUR LINE
 - OVERHEAD UTILITY LINES
 - UNDERGROUND TELEVISION
 - UNDERGROUND ELECTRIC
 - UNDERGROUND TELEPHONE
 - UNDERGROUND FIBER OPTIC
 - UNDERGROUND FORCE MAIN
 - UNDERGROUND GAS LINE
 - UNDERGROUND WATER LINE
 - GRAVE-LINE TIE
 - WOODEN FENCE
 - SEWER LINE
 - UNDERGROUND STORM SEWER
 - WALKWAY
 - WATER VALVE
 - WATER METER
 - GAS VALVE
 - WATER METER
 - WELL
 - PROPOSED 4" R/W LINE
 - EXISTING
 - SEWER LINE
 - CONCRETE
 - EXISTING SIGN AND FOUND
 - STONE WALL
 - SOIL BORING
 - FLOW LINE



**PRELIMINARY DEVELOPMENT PLAN
CUMBERLAND POINT MARKETPLACE
of NOBLESVILLE**



1 of 1
PRELIMINARY SITE PLAN

NEW COMMERCIAL CENTER FOR
CUMBERLAND POINT MARKETPLACE
NOBLESVILLE CORPORATE CAMPUS PLANNED DEVELOPMENT
NOBLESVILLE, INDIANA

KEELER-WEBB ASSOCIATES
4000 East 10th Avenue
Denver, CO 80231
Tel: (303) 733-1000
Fax: (303) 733-1001

Design And Construction, LLC
P.O. Box 130
10000 N. Meridian Ave.
Suite 100
Denver, CO 80231
Tel: (303) 887-1128
Fax: (303) 887-1389

PROPOSED LEGEND

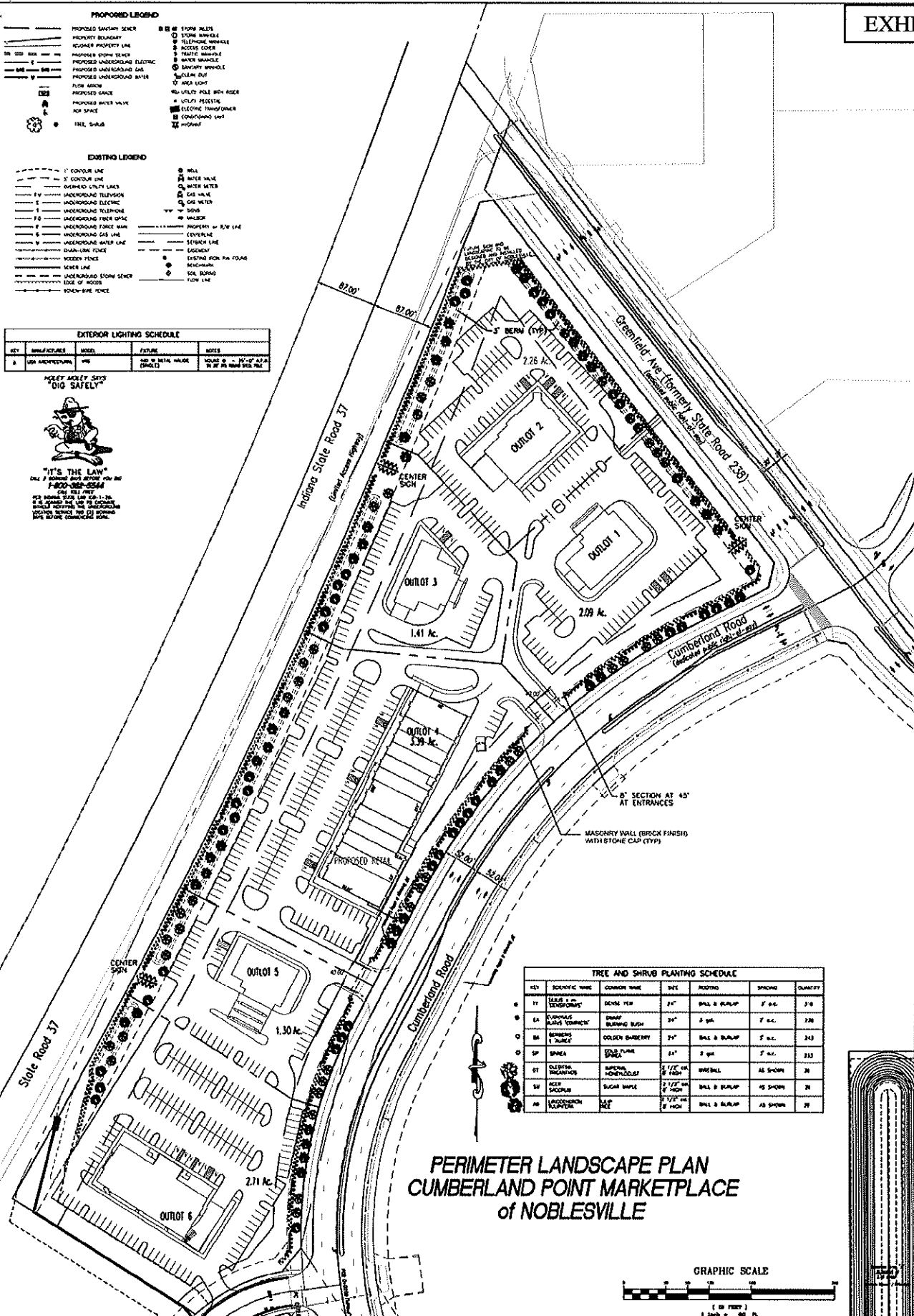
PROPOSED SANITARY SEWER	SS	STORM MAINS
PROPERTY BOUNDARY	—	STORM MANHOLE
PROPOSED PROPERTY LINE	---	TELEPHONE MANHOLE
PROPOSED STORM SEWER	---	ACCESS SCORE
PROPOSED UNDERGROUND ELECTRIC	---	WATER MANHOLE
PROPOSED UNDERGROUND GAS	---	SAFETY MANHOLE
PROPOSED UNDERGROUND WATER	---	WELL
PIPE MANS	---	WELL HEAD
PROPOSED SPACE	---	RELUCTANT WIRE WITH RISER
PROPOSED WATER MAIN	---	UTILITY PEDESTAL
NOT SPACE	---	ELECTRIC TRANSFORMER
TREE, SHRUB	○	CONDITIONING UNIT
		REFRIG

EXISTING LEGEND

1' CONTOUR LINE	○	WELL
3' CONTOUR LINE	○	WATER VALVE
OVERHEAD UTILITY LINES	---	WATER METER
UNDERGROUND TELEPHONE	---	GAS VALVE
UNDERGROUND ELECTRIC	---	GAS METER
UNDERGROUND FORCE MAIN	---	WELL
UNDERGROUND GAS LINE	---	PROPERTY OR R/W LINE
UNDERGROUND WATER LINE	---	CENTERLINE
DOUBLE-LINE FENCE	---	SEWER LINE
WOODEN FENCE	---	EXISTING SIGN FOR FOUND
SEWER LINE	---	MANHOLE
UNDERGROUND STORM SEWER	---	WELL
EDGE OF WOODS	---	WELL
WOODEN-SIDE FENCE	---	TURN LINE

EXTERIOR LIGHTING SCHEDULE

KEY	MANUFACTURE	MODEL	FEATURE	NOTES
A	USA INDUSTRIES	408	200 WATT HALOGEN (DIMM)	SPACING IS 30'-0" ALONG SIDE OF ALL WALKWAYS



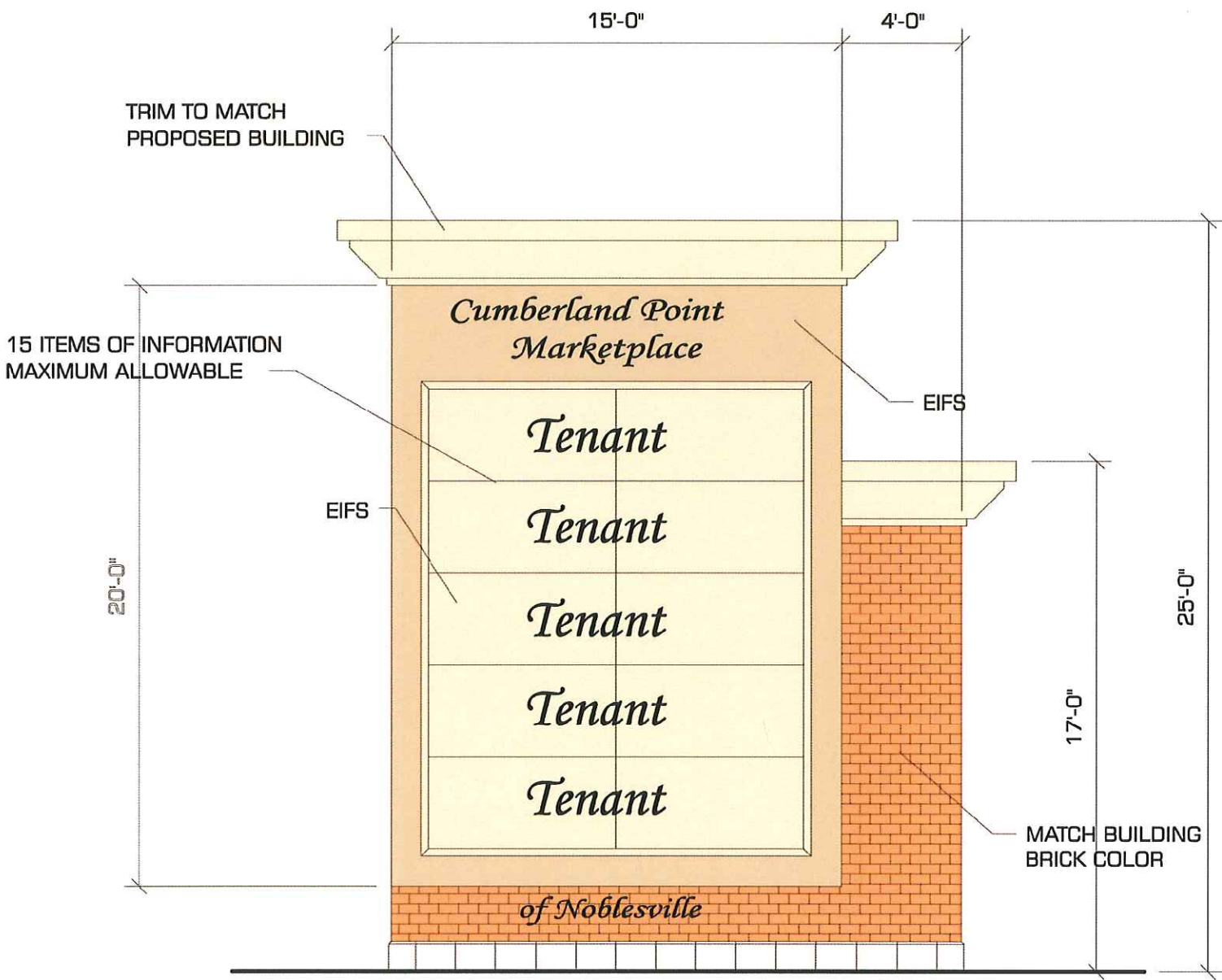
TREE AND SHRUB PLANTING SCHEDULE

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	PLANTING	SPACING	QUANTITY
IT	LELISIA (L. SP. 'SUNSHINE')	BOSSIE TREE	2 1/2"	BALL & BURLAP	7' o.c.	318
EA	SPERMATOPHYTES	SHRUB	2 1/2"	2' o.c.	7' o.c.	328
BA	BENEDICTUS	OLDEN BARKBERRY	2 1/2"	BALL & BURLAP	7' o.c.	343
SP	SPINOSA	SPINOSA	2 1/2"	2' o.c.	7' o.c.	353
OT	OLEA	OLIVE	2 1/2"	WELL	AS SHOWN	20
SV	SALICINA	SUGAR MAPLE	2 1/2"	BALL & BURLAP	AS SHOWN	20
AV	AVICENNIA	AVICENNIA	2 1/2"	BALL & BURLAP	AS SHOWN	20

**PERIMETER LANDSCAPE PLAN
CUMBERLAND POINT MARKETPLACE
of NOBLESVILLE**



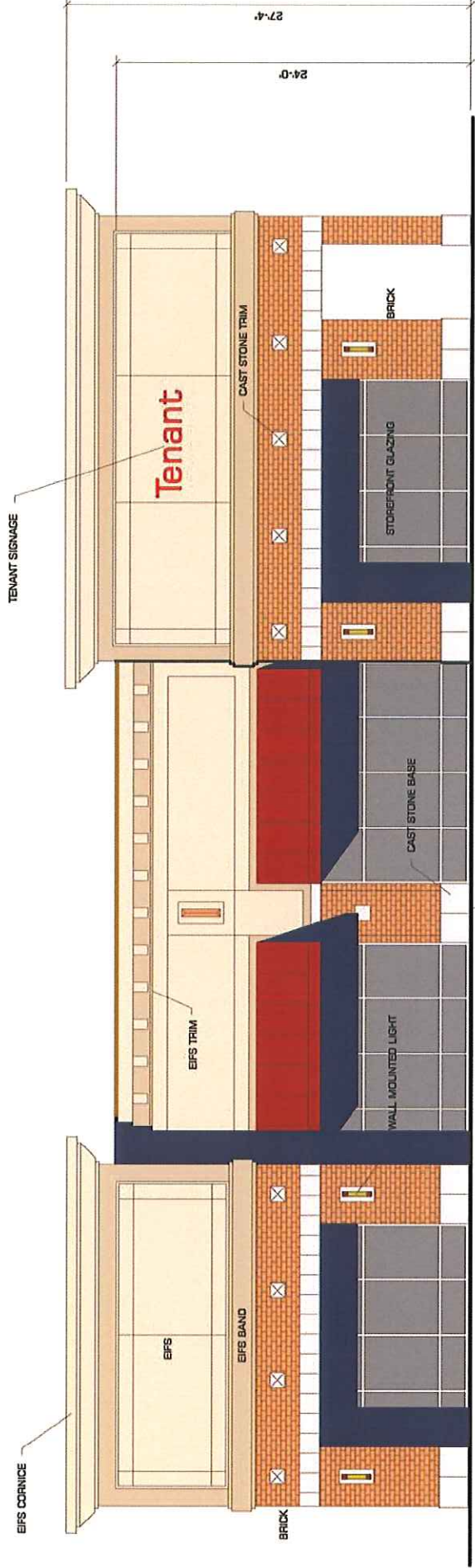
<p>DESIGN AND CONSTRUCTION, LLC 10000 N. STATE ROAD 46074 NOBLESVILLE, IN 46064 TEL: (317) 847-1138 FAX: (317) 847-3588</p>	<p>NEW COMMERCIAL CENTER FOR CUMBERLAND POINT MARKETPLACE NOBLESVILLE CORPORATE CAMPUS PLANNED DEVELOPMENT NOBLESVILLE, INDIANA</p>	<p>KEELER-WEBB ASSOCIATES Landscape Architecture 445 South Park Carmel, Indiana 46032 TEL: (317) 847-1138 FAX: (317) 847-3588 WWW.KWASSOCIATES.COM</p>	<p>DAC Design And Construction, LLC 10000 N. STATE ROAD 46074 NOBLESVILLE, IN 46064 TEL: (317) 847-1138 FAX: (317) 847-3588</p>	<p>PERIMETER LANDSCAPE PLAN 1 of 1</p>
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CUMBERLAND POINT MARKETPLACE
DESIGNATION SIGN DETAIL



LANDSCAPING BUFFER YARD - GREENFIELD AVENUE & STATE ROAD 37
CUMBERLAND POINT MARKETPLACE

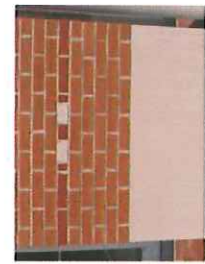


ELEVATION DETAILS
CUMBERLAND POINT MARKETPLACE

BRICK COLOR



CAST STONE



EIFS COLORS



CANDY COLORS



FILE COPY

Document Cross Reference No. 200600061513

**AN ADMINISTRATIVE DETERMINATION TO CLARIFY
THE TERMS OF THE CUMBERLAND POINT MARKETPLACE PD
AND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF
NOBLESVILLE, HAMILTON COUNTY, INDIANA**

This is an administrative determination generated by the City of Noblesville (the "City") in order to clarify the terms and restrictions of Noblesville Ordinance No. 70-8-06 (the "Cumberland Point Marketplace PD") and the Unified Development Ordinance of the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing on Application No. 06N-15-1002 as required by law in regard to the application filed by Noblesville Cumberland Pointe Development, LLC, (the "Developer") to amend the City's Corporate Campus and the UDO;

WHEREAS, the Plan Commission at its August 21, 2006 meeting sent its unanimous favorable recommendation to the Noblesville Common Council by a vote of 10 in favor and 0 opposed;

WHEREAS, the Common Council at its September 12, 2006 meeting adopted the Cumberland Point Marketplace PD by a vote of 7 in favor and 0 opposed;

WHEREAS, certain ambiguities within the Cumberland Point Marketplace PD pertaining to drive-thru uses exist when read in conjunction with certain provisions of the UDO; and

200600063528
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
10-20-2006 At 03:45 pm.
ORDINANCE 16.00

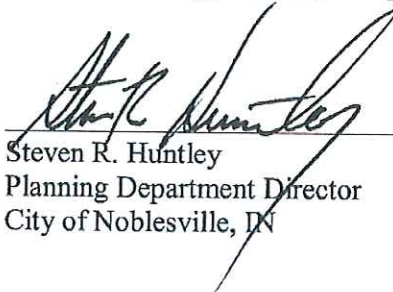
WHEREAS, the City, the Developer, the Developer's successors, the Developer's assigns and future tenants within the Cumberland Point Marketplace PD would benefit from clarification of such ambiguities;

NOW, THEREFORE, BE IT ORDAINED by the Director of the Planning Department, City of Noblesville, Hamilton County, Indiana, that the following administrative determinations and interpretations clarifying the terms of the Cumberland Point Marketplace PD and the UDO are hereby made:

1. Notwithstanding the language of Section 2, paragraph 1 (Permitted Uses), subparagraph b of Ordinance 70-8-06 and in accordance with the UDO provisions, any and all of the following uses are permitted within the Cumberland Pointe Marketplace PD: drug store with drive-thru pharmacy pick-up window, restaurant with drive-thru, financial institution with drive thru (including ATM and personal service), any drive-thru that is part of the primary use of the individual parcel.
2. The type of drive-thru use which is prohibited by said language (referred to as "drive-thru accessory uses (not including ATM facilities)" in Ordinance 70-8-06) is a free standing drive-thru for other than an ATM machine for a purpose that is unrelated to the primary use of the individual parcel.

[The remainder of this page is intentionally left blank.]

This administrative determination is hereby issued, approved and signed by the Director of the Planning Department, City of Noblesville, Hamilton County, Indiana, this 19th day of October, 2006.



Steven R. Huntley
Planning Department Director
City of Noblesville, IN

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me, a Notary Public in and for said County and State, personally appeared Steven R. Huntley as Planning Director of the City of Noblesville, who having been duly sworn upon his oath acknowledged the execution of the foregoing administrative determination for and on behalf of the City of Noblesville.

Witness my hand and Notarial Seal this 19 day of October, 2006.

(Signature)



(Printed Name)

DEBRA D WAINWRIGHT

NOTARY: AFFIX SEAL

Notary Public residing in MADISON County

My Commission Expires: 5-31-09

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: Matthew S. Skelton.

This instrument prepared by: Matthew S. Skelton, Attorney at Law, BAKER & DANIELS, LLP, 600 E. 96th Street, Suite 600, Indianapolis, IN 46240, (317) 569-9600