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Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

**ORDINANCE NO. 21-6-09**

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

*Document Cross Reference No. 9852939, 9926602, 2006-31345*

An ordinance to amend the Unified Development Ordinance and adopted Planned Development Ordinance No. 53-12-97, as amended by Ordinance No. 63-7-06 (the "Cedar Path PD Ordinance"), previously approved pursuant to the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDQ"), 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 Docket No. 09N-15-0438 as required by law in regard to the application filed by AmeriCare Companies, Inc. (the "Developer") to amend the Cedar Path PD Ordinance regarding the subject real estate, consisting of approximately thirteen (13) acres +/- located generally on the west portion of the land more particularly described in Exhibit A attached hereto (the "Real Estate"); and,

**WHEREAS**, the Plan Commission at its June 15, 2009 meeting sent a favorable recommendation to the Noblesville Common Council by a vote of ten (10) in favor and zero (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 Cedar Path PD Ordinance is hereby amended as follows:

**Section 1.** **Applicability.** This Ordinance shall apply only to the Real Estate and to the Continuing Care Campus uses, defined below.

**Section 2.** **Permitted Uses.** In addition to the existing permitted uses, the following uses shall also be permitted: assisted living, convalescent, skilled nursing, memory care and continuing care facilities and up to four independent living/visitor units (collectively, "Continuing Care Campus").

**Section 3.** **Development Standards.** The development standards of the Cedar Path PD Ordinance, as amended, shall apply except as modified below.

- (A) Off-Street Parking Requirements for Continuing Care Campus
  - (1) Convalescent/skilled nursing/memory care uses: one-half (0.5) space per bed
  - (2) Assisted living uses: six-tenths (0.6) space per unit
  - (3) Independent living/visitor units: two (2) spaces per unit

(4) Land Banked Parking. The off-street parking standards set forth above in Section 2(A)(1) and (3) mirror the UDO standards. In order to avoid the installation of unnecessary impervious surfaces, Section 2 (A)(2) modifies the UDO standard for assisted living uses, which standard requires seven-tenths (0.7) space per unit. In order to insure that additional parking may be installed in the future if needed, as determined by either the City of Noblesville's Planning Director or the Developer, the Real Estate's secondary plat shall set aside and identify as "land banked for future parking" area(s) to accommodate at least seven-tenths (0.7) space per assisted living unit.

(B) Streetscape Standards

(1) The intent of the landscape development along the Real Estate's frontage abutting public right-of-way is to blend into a seamless streetscape the right-of-way street trees and sidewalk with the adjacent 40'-wide perimeter landscape area (the "Landscape Setback"). The trees and shrubs in this area shall be spaced in a natural pattern randomly positioned. Landscape designs shall address pedestrian experience along the meandering sidewalk, create site lines to signage and the buildings, protect entrances and visually block parking fields. Pedestrian sidewalks will lead into the Real Estate.

(2) The landscape in front of the buildings facing the public right-of-way shall respond to sight lines to provide visibility to signage and building facade. The landscape in front of such buildings shall be a continuation compatible with the Landscape Setback.

(3) Tree Spacing and Sizes.

(a) Right-of-Way Street Trees ("Street Trees")

i. The number of Street Trees to be planted shall equal the number of lineal feet of the public right-of-way within the Real Estate divided by forty (40). Street Trees shall be spaced in a natural pattern randomly positioned in the public right-of-way and Landscape Setback. Street Trees shall be deciduous canopy trees and shall have a minimum caliper of 3 inches.

(b) Landscape Buffer abutting Public Right-of-Way

i. Deciduous canopy trees each having a minimum caliper of 2.5 inches shall be placed randomly to compliment a natural tree planting. The number of trees required shall equal the number of lineal feet of the public right-of-way within the Real Estate divided by forty (40). Particular attention shall be paid to visibility corridors to signage and building facades. If the required quantity of trees cannot fit along the public right-of-way as determined by the City of Noblesville's Planning Director, then the remaining trees shall be spread within the open space areas flanking the Real Estate's entrance(s) from the public right-of-way.

ii. Ornamental trees each having a minimum caliper of 1.75 inches shall be placed randomly to compliment a natural tree planting. The number of trees required shall equal the number of lineal feet of the public right-of-way within the Real Estate divided by forty (40).

iii. Evergreen shrubs shall be planted in clusters and along the parking lot edge to create a backdrop for landscape frontage and visually screen the parking lot. Evergreen shrubs shall have a minimum height of

eighteen inches (18") at the time of planting and a maximum height of four feet (4') at maturity; and

- iv. Low accent shrubs, ornamental grasses and deciduous shrubs shall be planted in drifts in front of the evergreen backdrop. Such plantings shall be a minimum of twenty-four inches (24") at planting and a maximum height of four feet (4') at maturity.

(4) Perimeter Parking Lot Landscaping abutting Public Right-of-Way

- (a) Along the public right-of-way, there shall be a parking lot screen which shall be a minimum of forty-two inches (42") in height and shall contain one or a combination of the following: a hedge, wall, low fence, mound or water elements with materials consistent with the architecture of the building. The hedge shall be of non-deciduous species and shall be spaced so that the shrub canopies are not more than 36" apart so as to form a continuous visual screen a minimum of forty-two inches (42") in height above grade at planting.

- (5) Parking and vehicular access areas may be located between the building and front property line, subject to the Streetscape Standards of this ordinance.

(C) Bulk Requirements

(1) Minimum Building Height:

- (a) Convalescent/skilled nursing/memory care uses: One-story
- (b) Assisted living uses: Two-stories
- (c) Independent living/visitor units: One-story

(2) Building/Pavement Front Yard Setback along Public Right-of-Way:

- (a) Minimum: Forty feet (40')
- (b) Maximum: No maximum

(3) Building Size:

- (a) Minimum Gross Floor Area:
  - i. Convalescent/skilled nursing/memory care uses: 50,000 square feet
  - ii. Assisted living uses: 65,000 square feet
  - iii. Independent living/visitor units: 1,400 square feet/unit
- (b) Maximum Gross Floor Area: No maximum

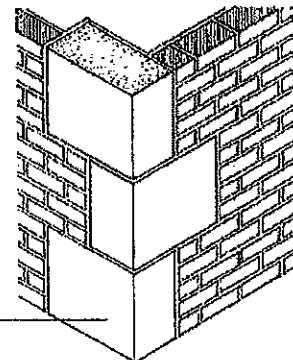
(D) No Parking On Internal Access Drive

- (1) The City previously agreed to grant this development a non-signalized full access entry on Greenfield Avenue as long as it is at least six hundred feet (600') from the intersection of Boden Road and Greenfield Avenue. That access may be used to provide an entrance drive that is shared by the Continuing Care Campus and the future development immediately to the east of the Real Estate. Parking shall not be permitted on the shared internal access drive unless designated parking areas are provided.

(E) Corner Breaks.

- (1) In addition to the applicable architectural standards of the UDO, any building fronting along Greenfield Avenue (e.g., multi-story assisted living building) shall incorporate masonry quoins into the building's corner breaks. Quoins may be

**quoin**  
An exterior angle of a masonry wall, or one of the stones or bricks forming such an angle, usually differentiated from adjoining surfaces by material, texture, color, size, or projection.



evenly spaced along the Corner Break or incorporated with no spacing (as illustrated in the diagram<sup>1</sup>).

**Section 4.** **Effect of Approval.** All other provisions of the Cedar Path PD Ordinance, as amended, shall remain in effect with the adoption of this ordinance. All provisions and representations of the Cedar Path PD Ordinance or UDO that conflict with the provisions of this ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this ordinance.

**Section 5.** **Expiration.** Unless otherwise extended by the Common Council, if an Improvement Location Permit is not issued for the Real Estate to begin construction of the Continuing Care Campus within eighteen (18) months of the approval of this Ordinance, then this Ordinance shall become null and void and the Real Estate's zoning shall revert back to the zoning in effect prior to this Ordinance's adoption.

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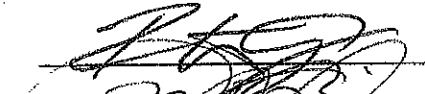
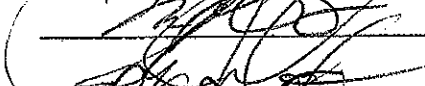
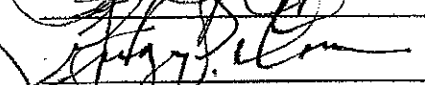
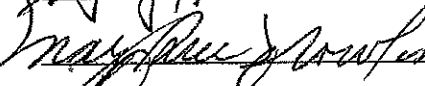


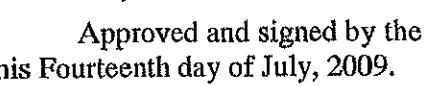
<sup>1</sup> Diagram Source: Ching, Francis D.K. (1995). *A Visual Dictionary of Architecture*. New York: John Wiley and Sons, p. 158.

Section 6. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this Fourteenth day of July, 2009.


**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

**AYE**

**NAY**

	Brian Ayer	_____
	Mark Boice	_____
	Roy Johnson	_____
	Greg O'Conner	_____
	Mary Sue Rowland	_____
	Dale Snelling	_____
	Stephen C. Wood	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this Fourteenth day of July, 2009.

  
\_\_\_\_\_  
John Ditslear, Mayor  
City of Noblesville, IN

ATTEST:

  
\_\_\_\_\_  
Janet S. Jaros, Clerk-Treasurer

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: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney-At-Law, Baker & Daniels, LLP  
23 South Eighth Street, Noblesville, Indiana 46060 | 317.569.9600

## EXHIBIT A

### Real Estate

A part of the Southeast Quarter of Section 15, Township 18 North, Range 5 East of the Second Principal Meridian, Wayne Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 00 minutes 10 seconds East along the East line of said Quarter Section a distance of 2,662.23 feet to the Northeast corner of the Southeast Quarter of said Section; thence South 89 degrees 15 minutes 14 seconds West along the North line of said Quarter Section a distance of 16.50 feet; thence South 00 degrees 05 minutes 33 seconds West parallel with the East line of said Quarter Section a distance of 592.79 feet to a point on the North line of Autumn Breeze Apartments, the secondary plat of which is recorded as Instrument Number 2008-22755 in Plat Cabinet 4, Slide 454 in the Office of the Recorder, Hamilton County, Indiana; thence along the bounds of Autumn Breeze Apartments by the next four (4) courses; 1) South 89 degrees 17 minutes 52 seconds West 1,031.31 feet; 2) continuing South 89 degrees 17 minutes 52 seconds West 316.53 feet; 3) South 14 degrees 26 minutes 32 seconds East 177.99 feet; 4) South 00 degrees 41 minutes 49 seconds West 346.81 feet to the Southeast corner of Lot 48 of The Meadows of Shelborne at Deer Path, Section Two, the plat of which being recorded as Instrument Number 2005-24745 in Plat Cabinet 3, Slide 615 in said Recorder's Office and the POINT OF BEGINNING of this description; thence North 89 degrees 18 minutes 11 seconds West along the South line of said Lot 48 a distance of 105.00 feet to an East line of The Meadows of Shelborne at Deer Path, Section One, the plat of which being recorded as Instrument Number 2004-41681 in Plat Cabinet 3, Slide 425 in said Recorder's Office; thence along the bounds of The Meadows of Shelborne at Deer Path, Section One by the next seven (7) courses; 1) South 00 degrees 41 minutes 49 seconds West 187.31 feet to the point of curvature of a curve concave westerly, the radius point of said curve being North 89 degrees 18 minutes 11 seconds West 330.00 feet from said point; 2) southerly along said curve 227.29 feet to the point of tangency of said curve, said point being South 49 degrees 50 minutes 23 seconds East 330.00 feet from the radius point of said curve; 3) South 40 degrees 09 minutes 37 seconds West 61.97 feet; 4) South 04 degrees 20 minutes 34 seconds East 35.66 feet to a point on a curve concave southwesterly, the radius point of said curve being South 41 degrees 23 minutes 02 seconds West 2,766.87 feet from said point; 5) southeasterly along said curve 104.45 feet to the point of tangency of said curve, said point being North 43 degrees 32 minutes 48 seconds East 2,766.87 feet from the radius point of said curve; 6) South 46 degrees 27 minutes 12 seconds East 161.71 feet; 7) South 43 degrees 32 minutes 48 seconds West 58.80 feet to the centerline of Old State Road 238 (Greenfield Avenue); thence South 46 degrees 16 minutes 26 seconds East along said centerline 69.74 feet; thence North 05 degrees 23 minutes 23 seconds East 21.04 feet to a point 16.50 feet Northeasterly at right angles from the centerline of said State Road No. 238 (Greenfield Avenue); thence South 46 degrees 16 minutes 26 seconds East parallel with the centerline of said State Road No. 238 (Greenfield Avenue) a distance of 145.21 feet to the northeastern boundary of 146<sup>th</sup> Street as

described within Instrument Number 2006-31345 (Parcel 1) of said Recorder's Office; thence along said northeastern boundary of 146<sup>th</sup> Street as described within Instrument Numbers 2006-31345 (Parcel 1), 2009-21797, and 2007-1927 of said Recorder's Office by the next six (6) courses; 1) South 61 degrees 22 minutes 54 seconds East 51.80 feet; 2) South 46 degrees 16 minutes 26 seconds East 246.76 feet to a point on a curve concave northeasterly, the radius point of said curve being North 31 degrees 28 minutes 33 seconds East 1,317.57 feet from said point; 3) southeasterly along said curve 103.13 feet to the point of tangency of said curve, said point being South 26 degrees 59 minutes 29 seconds West 1,317.57 feet from the radius point of said curve; 4) South 26 degrees 59 minutes 29 seconds West 16.50 feet; 5) South 48 degrees 37 minutes 25 seconds East 365.88 feet to a point on a curve concave northeasterly, the radius point of said curve being North 43 degrees 43 minutes 34 seconds East 665.01 feet from said point; 6) southeasterly along said curve 334.19 feet to the point of tangency of said curve, said point being South 14 degrees 56 minutes 00 seconds West 665.01 feet from the radius point of said curve, said point also being a point on a East line of the real estate described in Instrument Number 2007-1927 of said Recorder's Office; thence North 00 degrees 02 minutes 14 seconds West along said East line 138.28 feet to the centerline of said State Road 238 (Greenfield Avenue); thence South 63 degrees 13 minutes 14 seconds East along said centerline 290.78 feet to the northern boundary of 146<sup>th</sup> Street as described in Instrument Number 2006-31345 (Parcel 2) of said Recorder's Office; thence along the bounds of said real estate described in said Instrument Number 2006-31345 by the next four (4) courses; 1) North 81 degrees 25 minutes 19 seconds East 28.51 feet to a point on a curve concave westerly, the radius point of said curve being South 89 degrees 35 minutes 14 seconds West 6,385.50 feet from said point; 2) northerly along the western boundary of Boden Road and said curve 371.03 feet to the point of tangency of said curve, said point being North 86 degrees 15 minutes 29 seconds East 6,385.50 feet from the radius point of said curve to a point on a curve concave easterly, the radius point of said curve being North 86 degrees 15 minutes 28 seconds East 6,535.03 feet from said point; 3) northerly along the western boundary of Boden Road and said curve 902.27 feet to the point of tangency of said curve, said point being North 85 degrees 49 minutes 53 seconds West 6,535.03 feet from the radius point of said curve, said point also being the point of curvature of a curve concave westerly, the radius point of said curve being North 85 degrees 49 minutes 53 seconds West 6,384.94 feet from said point; 4) northerly along the western boundary of Boden Road and said curve 35.83 feet to the point of tangency of said curve, said point being South 86 degrees 09 minutes 11 seconds East 6,384.94 feet from the radius point of said curve, said point also being on the South line of said Autumn Breeze Apartments; thence along the bounds of said Autumn Breeze Apartments by the next two (2) courses; 1) South 89 degrees 17 minutes 52 seconds West 1,068.64 feet; 2) North 42 degrees 03 minutes 50 seconds West 252.86 feet to the place of beginning, containing 31.594 acres, more or less.



AERIAL LOCATION EXHIBIT

REGENCY POINTE





CONCEPT PLAN

REGENCY POINTE



VISITOR UNITS

SKILLED NURSING FACILITY

ASSISTED LIVING FACILITY

GREENFIELD AVENUE





ILLUSTRATIVE RENDERING  
REGENCY POINTE



Continuing Care Campus (looking to the north)



ILLUSTRATIVE RENDERING

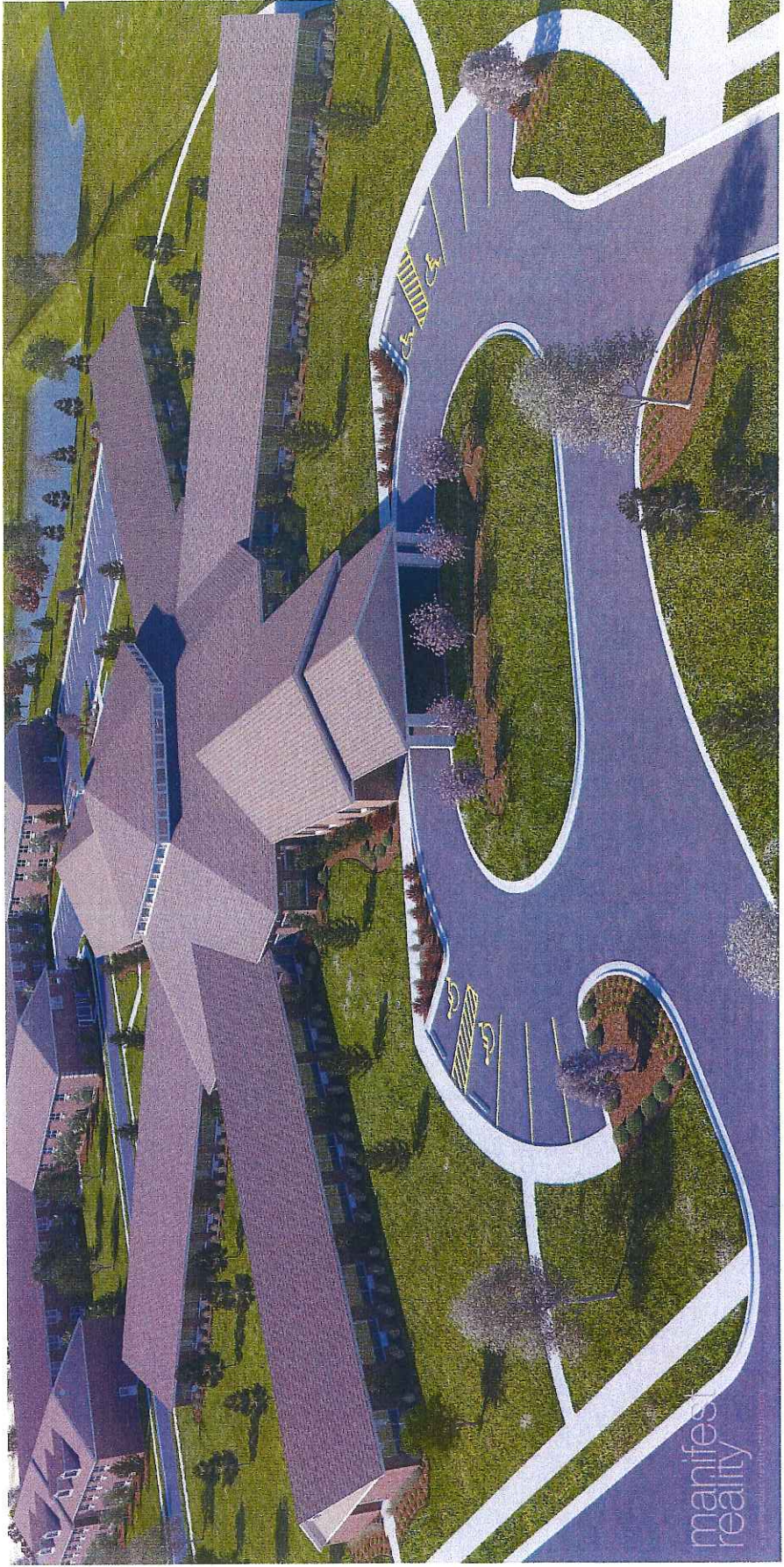
REGENCY POINTE



Assisted Living Facility (looking to the north)



ILLUSTRATIVE RENDERING  
REGENCY POINTE



Skilled Nursing Facility (looking to the southwest)

manifest  
reality



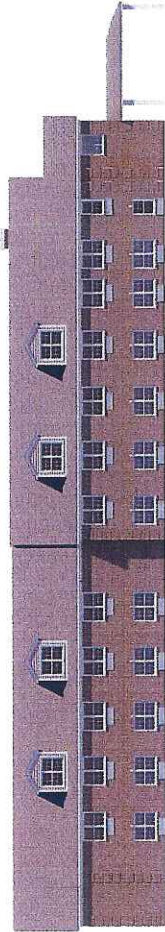
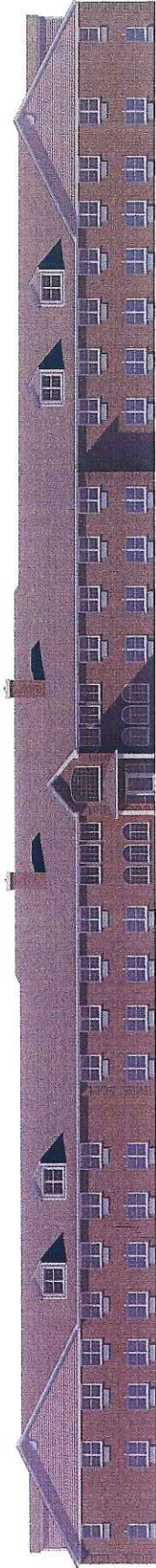
**ILLUSTRATIVE RENDERING**  
**REGENCY POINTE**



**Visitor Units (looking to the northeast)**



	<b>ILLUSTRATIVE ELEVATIONS</b> <b>REGENCY POINTE</b>	
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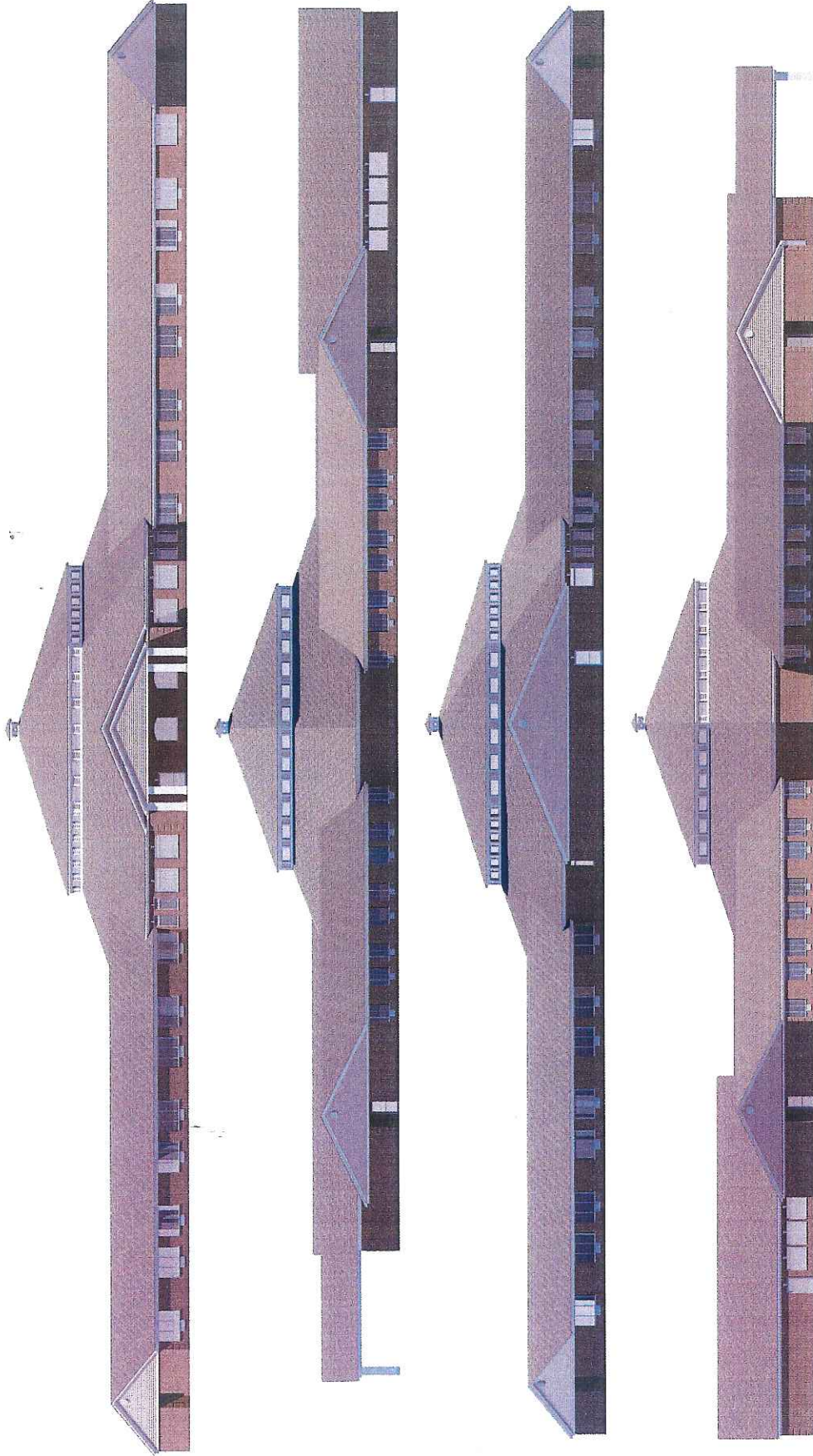


Assisted Living

manifest  
reality



**ILLUSTRATIVE ELEVATIONS**  
**REGENCY POINTE**



Nursing Home

manifest  
reality



**ILLUSTRATIVE ELEVATIONS**

**REGENCY POINTE**



**Visitor Units (front elevation)**



**Visitor Units (back elevation)**