

5625 portion

2009066150 ORDINANCE \$20.00
11/17/2009 11:35:13A 4 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 48-10-09

Document Cross Reference No. 9017232

**AN ORDINANCE TO AMEND THE ADOPTED PRELIMINARY
DEVELOPMENT PLAN FOR NOBLE CREEK SHOPPES, A PART OF THE
COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON
COUNTY, INDIANA**

An ordinance to amend Ordinance No. 41-6-90 and all amendments thereto regarding the Noble Creek Shoppes Planned Development, located west of State Road No. 37 and south of Cherry Street, in the City of Noblesville, Hamilton County, Indiana, 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 09N-15-1101 as required by law in regards to the application for an amendment to adopted preliminary development plan, and filed by Troy CMBS Property LLC;

WHEREAS, the Plan Commission at their October 19, 2009 meeting sent its favorable recommendation to the Noblesville Common Council by a vote of 10 ayes, and 0 nays;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that Ordinance No. 41-6-90 an adopted Preliminary Development Plan for Noble Creek Shoppes is hereby amended as follows:

SECTION 1. The subject real estate (the "Real Estate"), more particularly described in "Exhibit A" attached hereto, is located generally located west of State Road 37 and south of Cherry Street, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana is hereby amended as per attached "Exhibit B", more specifically the amended preliminary development plan reducing the number of required parking spaces to 4.5 parking spaces per 1000 square feet of total building area and realigning the interior ingress/egress drive.

SECTION 2. This amendment to the Planned Development Ordinance and its Exhibits (collectively, the "Preliminary Development Plan") permit variations from the development standards, specifications, guidelines and/or requirements (collectively, the "Standards") contained in the City's Unified Development Ordinance and the approved Noble Creek Shoppes Planned Development. The adopted amended preliminary development plan supersede the Standards in the City's Development Ordinance and the approved Noble Creek Shoppes Planned Development, for this specific use and Real Estate, to the extent the preliminary development plan varies, alters, or modifies the Standards in the City's Unified Development Ordinance or the approved Noble Creek Shoppes Planned Development standards. The Standards in the approved Nobles Creek Shoppes Planned Development, however, shall apply to the extent that the preliminary development plan does not vary, alter, or modify them.

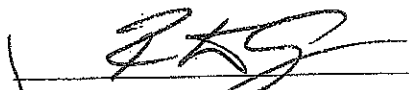
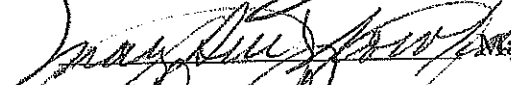

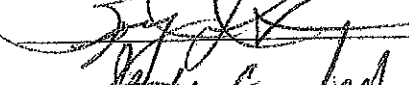
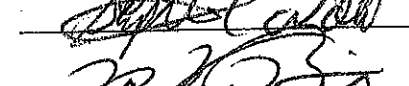
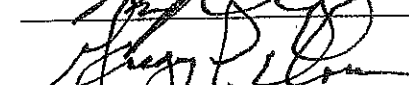
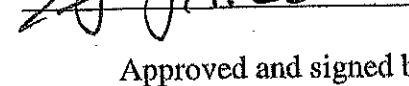
SECTION 3. This ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10th day of November, 2009.

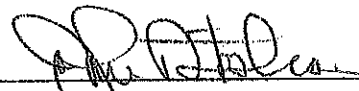
COMMON COUNCIL

AYE

NAY

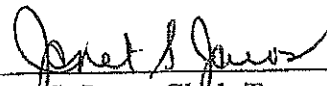
	Brian Ayer	_____
	Mary Sue Rowland	_____
	Dale Snelling	_____
	Roy Johnson	_____
	Stephen C. Wood	_____
	Mark Boice	_____
	Greg O'Connor	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of November, 2009.



John Ditslear, Mayor
City of Noblesville, Indiana

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.

Joyceann Yelton
Printed Name of Declarant

Prepared by: Joyceann Yelton, Senior Planner, City of Noblesville, 16 South 10th Street, Noblesville, IN 46060 (317) 776-6325
Exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

EXHIBIT A

Legal Description

A part of the Northeast Quarter of Section 6, Township 18 North, Range 5 East of the Second Principal Meridian, Noblesville, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 6, Township 18 North Range 5 East; thence Westerly along the North line of said Northeast Quarter a distance of 193.38 feet to the Southeast corner of the Southeast Quarter of Section 31, Township 19 North, Range 5 East; thence south 89 degrees 52 minutes 31 seconds West (assumed bearing) along the North line of said Northeast Quarter a distance of 70.51 feet along the North line of said Northeast Quarter to the POINT OF BEGINNING thence south 89 degrees 52 minutes 31 seconds West 789.26 feet along the North line of said Northeast Quarter to the Northeast corner of Conrad Addition to the City of Noblesville, a subdivision in the City of Noblesville, the plat of which is recorded in Deed Record 110, Page 45 in the records of Hamilton County, Indiana; thence South 00 degrees 14 minutes 12 seconds West 276.00 feet along the East line of said Conrad Addition to a point on the Easterly extension of the South right-of-way line of Hannibal Street in said Addition; thence North 89 degrees 52 minutes 31 seconds East 40.00 feet along said Easterly extension of the South right-of-way line of Hannibal Street; thence South 00 degrees 14 minutes 12 seconds West 206.00 feet parallel with the East line of said Conrad Addition to a point on the Easterly extension of the North right-of-way line of Division Street in said Addition; thence South 89 degrees, 52 minutes 31 seconds West 40.00 feet along said Easterly extension of the North right-of-way line of Division Street to the East line of said Conrad Addition; thence South 00 degrees 14 minutes 12 seconds West 508.16 feet along the East line of said Conrad Addition to the former North right-of-way line of the Central Indiana Railway; thence North 89 degrees 43 minutes 55 seconds East 873.03 feet along the former North right-of-way line of the Central Indiana Railway to a point on the Westerly right-of-way line of State Road No. 37, said point being on a non-tangent curve concave to the East, said point being North 89 degrees 53 minutes 58 seconds West 3,906.65 feet from the radius point of said curve; thence Northerly 874.34 feet along the westerly right-of-way line of State Road No. 37 and along said curve to a point being 87.00 feet left of Centerline Station 094+00 Reference "F" Project No. 824 Section 1 dated 1955), said point being on North 77 degrees 04 minutes 34 seconds West a distance of 3906.65 feet from the radius point of said curve; thence North 59 degrees 34 minutes 19 seconds West 207.12 feet along the Westerly right-of-way line of State Road No. 37 to a point being South 00 degrees 07 minutes 29 seconds East (perpendicular to the North line of said Northeast Quarter) a distance of 16.00 feet from the point of beginning; thence North 00 degrees 07 minutes 29 seconds West 16.00 feet perpendicular to the North line of said Northeast Quarter to the POINT OF BEGINNING. Containing 20.239 acres more or less being subject to applicable easements and rights-of-way of record. A non-exclusive easement for vehicular and pedestrian ingress and egress for the benefit of all parcels as set forth in "Easement Agreement" dated February 4, 1955 and recorded February 12, 1955 as Instrument No. 9504851 and Subject to the "Declaration of Covenants and Restrictions of Noble Creek Shoppes dated February 16, 1994 and recorded as Instrument No. 9408226 and amended February 14, 1995 by Instrument No. 9504853.



Peterson Architecture
 802 Mulberry Street, Suite G
 Noblesville, IN 46080
 p 317.770.9714
 f 317.770.9718
 studio@petersonarchitecture.com

OUTLOT DEVELOPMENT
SEARS BLDG RENOVATION
 NOBLE CREEK SHOPPING
 NOBLESVILLE, INDIANA
SEARS HOLDINGS

CONCEPTUAL DESIGN
 SEPTEMBER 16, 2009

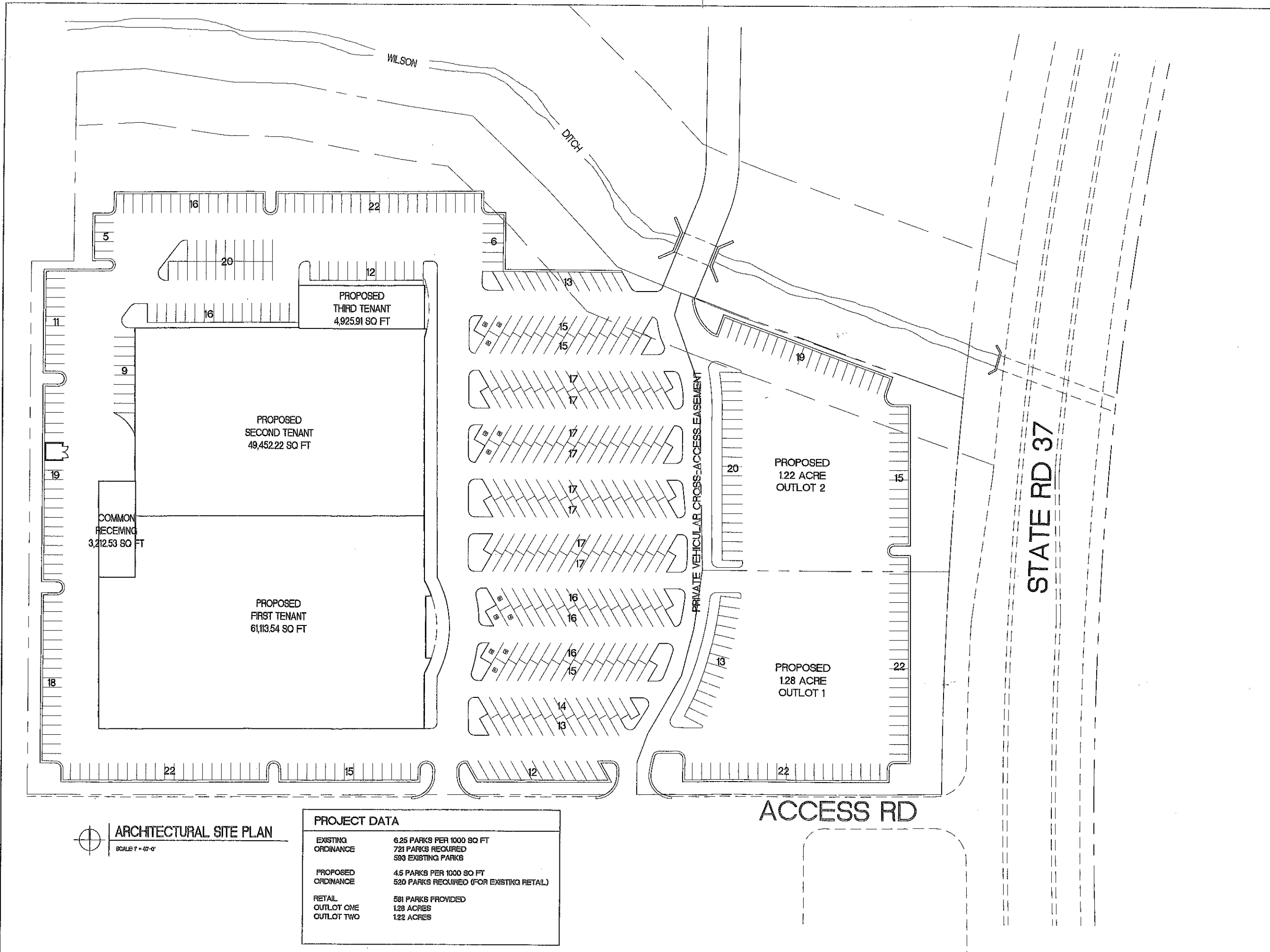
REVISIONS

△	REVISION	DATE
△	REVISION	DATE
△	REVISION	DATE
△	REVISION	DATE
△	REVISION	DATE

DRAWER NO. 10
 DRAWN BY: M MCCAILLEY
 CHECKED BY: D PETERSON
 PROJECT NUMBER: 09-0125

ARCHITECTURAL
SITE PLAN
A100-D

THESE DRAWINGS ARE GIVEN IN CONFIDENCE AND SHALL BE USED ONLY IN ACCORDANCE WITH THE AGREEMENT WITH PETERSON ARCHITECTURE, P.C. NO OTHER USE OR REPRODUCTION MAY BE MADE WITHOUT THE WRITTEN CONSENT OF PETERSON ARCHITECTURE, P.C. ALL OTHER COPYRIGHT AND COPYRIGHT LAW RIGHTS ARE HEREBY SPECIFICALLY RESERVED.



ARCHITECTURAL SITE PLAN
 SCALE 1" = 60'-0"

PROJECT DATA	
EXISTING ORDINANCE	6.25 PARKS PER 1000 SQ FT 721 PARKS REQUIRED 593 EXISTING PARKS
PROPOSED ORDINANCE	4.5 PARKS PER 1000 SQ FT 520 PARKS REQUIRED (FOR EXISTING RETAIL)
RETAIL OUTLOT ONE	591 PARKS PROVIDED 128 ACRES
OUTLOT TWO	122 ACRES