



## PLAN COMMISSION STAFF REPORT

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**ITEM NO.** 2 & 2A APPLICATIONS NO. 992-2016 & 993-2016

**MEETING DATE:** November 14, 2016

**SUBJECT:** Change of Zoning

**PETITIONER(S):** Noblesville Schools – Owners  
MI Homes Of Indiana, LP – Developer

**SUMMARY:** Change of zoning from R1 Low Density Single Family Residential to R2/PD Low Density Single Family Residential/Planned Development and approval of a preliminary development plan

**LOCATION:** On the east side of Hinkle Road, ¼-mile north of State Road 38 in Noblesville Township

**WAIVERS REQUESTED:** Reduction of the perimeter buffer from 50 feet to 28 feet on the east side, and 0 feet on the north side

**RECOMMENDATION:** Forward to the Common Council with a favorable recommendation

**PREPARED BY:** Andy Wert, Assistant Director of Planning  
[awert@noblesville.in.us](mailto:awert@noblesville.in.us)  
317-776-6325

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## **PLANNING TERMS**

**Zoning** – A division of a municipality into districts for the regulations of the use of real property. The districts include residential commercial, industrial, and flood plain. The regulations limit the use, design, and set bulk requirements for properties within the City's jurisdiction. Zoning districts help to maintain orderly growth and development of the City, based on the Comprehensive Master Plan.

**Change of Zoning** – The adoption of one zoning district for another zoning district.

**Planned Development** – A large-scale unified development consisting of a parcel or parcels of land, controlled by a single owner to be developed as a single entity. The area of land in which a variety of residential, commercial, and/or industrial uses are planned and developed as a whole according to the adopted preliminary development plans and approved detailed plans, with more flexible standards, such as lot sizes, uses and setbacks, than those restrictions that would normally apply to a specific zoning district.

**Preliminary Development Plan** – It is a plan that establishes the basic goals and policies, bulk standards, architectural standards, variations/waivers from the underlying zoning district standards and layout of the proposed planned development. The plan should include feasibility statements regarding the infrastructure, landscape concept plan, 360 degree building architecture elevations, and a proposed layout including building, parking, amenity locations.

## **PROCEDURE**

The application was filed on August 29, 2016 for a public hearing at the November 14, 2016 Plan Commission meeting. State Statutes establish the regulations regarding **zoning** changes and modifications to previously approved **preliminary development plans**. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper and public hearing notices are sent to the surrounding property owners by certified mail return receipt requested. Before the public hearing, staff determines that the notices were sent and postmarked as required. It is typical for the Technical Advisory Committee to review the plan prior to the Plan Commission meeting. Beginning with the filing deadline, the overall process is approximately 48-50 days, provided there are no continuances. Regarding the **change of zoning** and the **preliminary development plan**, the Plan Commission sends a favorable, unfavorable, or a do not adopt recommendation to the City Council. The Plan Commission can also recommend conditions of approval on the requested waivers. The City Council ultimately is the final authority regarding changes of zoning. Should the Council approve the zoning, construction plans would be filed for administrative review. Following posting of performance sureties, infrastructure would be constructed. A secondary plat would then be recorded allowing building permits to be sought. This petition was reviewed by the Technical Advisory Committee on September 15, 2016. This committee is established by the Unified Development Ordinance to make review technical aspects of various applications to the City and advise the Plan Commission and Board of Zoning Appeals. It is comprised of City and County officials as well as representatives of the various utilities.

## **SUMMARY**

This is an application presented by developer M/I Homes for a new 203-lot single family subdivision to be called "Havenwood". The location is 97.2 acres on the east side of Hinkle Road, ¼-mile north of State Road 38. The property is currently zoned "R1" Low Density Single



Family Residential. The specific proposal is to rezone the property to "R2" and to adopt a "PD" Planned Development overlay, with unique standards tied to the preliminary development plan.

As with most **Planned Development** overlay petitions, certain bulk standards have been proposed for modification. The chart below compares the area proposed for Havenwood against the "R1" and "R2" standards set forth in the UDO:

District Area	R1 zoning	R2 zoning	Havenwood
Minimum Lot Area (sq. ft.)	30,000 s.f.	15,000 s.f.	9,000 s.f.
Minimum Lot Width	200 feet	110 feet	65 feet
Minimum Front Yard Setback	30 feet	30 feet	25 feet
Maximum Floor Area Ratio	30%	35%	40%
Maximum Lot Coverage	45%	45%	55%

In addition, the minimum floor area standard for houses is proposed to be identical to the proposed underlying R2 zoning standard:

District Area	Minimum Floor Area
R1 zoning	2,400 s.f.
R2 zoning	1,800 s.f.
Havenwood	1,800 s.f. (1 story), 2,200 (2 story)

The density proposed is 2.69 lots to the acre. The maximum standard allowed in the R2/PD district is 2.9 units/acre. The UDO does mandate that density calculations for PD overlay districts discount "unbuildable" acreage. Subtracting this unbuildable area, which includes the detention area and internal right-of-way dedication, the net area is 75.6 acres.

The UDO also mandates open space in **Planned Development** subdivisions. For residential uses, at least 28% of the gross acreage must be dedicated open space. For Havenwood, 28% would require 27.22 acres in open space. The plan shows 31.06 acres or 31.95% of open space. The UDO also sets forth a perimeter buffer yard requirement of 50 feet. The petitioner is requesting a waiver from this requirement on the north and east sides with reductions to 0 feet and 28 feet respectively.

The Havenwood road network will be connecting to two neighboring subdivisions. Stub streets were provided in both Country Lake Estates and Pine Knoll to this property. This subdivision abuts three existing neighborhoods. Hinkle Creek Estates is to the south. It is zoned R1 and is served by individual well and septic systems. Country Lake Estates is to the south and east. It is zoned R1 and R2, with minimum lot widths of 80 feet and lot sizes at the 10,000 square foot minimum standard that existed when the plat was approved. Pine Knoll is to the north and is also zoned R1 and R2, with the same development standards.

Two public meetings have occurred on this project, thus far. On September 15<sup>th</sup>, The Technical Advisory Committee met. Outlet permits will be required for drainage outlets to a tributary of the Sly Run drain. Sanitary sewers will be extended from Country Lake Estates. Accel/decal lanes at the entrance were discussed. It was recommended that the internal

island at the entrance be removed. Three-phase power will be extended to the site, either from 216<sup>th</sup> and Cammack Road or State Road 38 and Hinkle which is on a different circuit. A gas main extension will be necessary from State Road 38 and Little Chicago.

On October 20<sup>th</sup>, The Architectural Review Board had Havenwood as an agenda item. M/I Homes submitted fourteen (14) house plans. All were approved with minor variations to the ARB Guidelines. No vinyl or aluminum siding will be permitted.

**Correspondence**

As of this writing, staff has received no correspondence relating to this petition.

**History**

Part of Noblesville’s zoning jurisdiction since 1974.

Item	Description	Analysis
<b><i>Surrounding Land Uses</i></b>	North – existing residential (Pine Knoll) East – existing residential (Country Lake Estates) South – existing residential (Hinkle Creek Estates, Country Lake Estates) West – residential, agricultural	This property is located near the northwest corner of the City’s zoning jurisdiction and surrounded by residential use.
<b><i>Comprehensive Master Plan and Future Land Use</i></b>	The Comp Plan indicates this area as Mixed Density Residential	These areas incorporate a variety of single-family dwellings into an overall project. Single-family developments that integrate a range of housing options within neighborhoods allow for greater housing choices for all age groups. Overall densities may vary across the projects but will generally be between two and five units per acre and should reflect nearby developments. Some developments may contain both high and low density sections to achieve overall densities while providing coordinated open spaces and amenities.
<b><i>Traffic Circulations and Thoroughfare Plan</i></b>	Access will be from Hinkle Road	Hinkle Road is a secondary arterial with conditions sufficient to handle the proposed subdivision.



<b>Environmental and Utility Considerations</b>	Wetlands appear to be present on the site. Drains to a tributary of the Sly Run drain.	Sanitary sewer will be extended from Country Lake Estates subdivision. Power and gas lines will require main extensions.
<b>TAC Comments</b>	Reviewed at the September meeting	Discussion centered on administrative approvals and utility extension applications.

**Fiscal Analysis**

<b>PROJECT:</b>	<b>Havenwood</b>
Lots:	203
Acres:	97.21
Ave. Assessed Home Value with lot:	\$310,000
Total Internal Street Miles:	1.9
<b>ESTIMATED ANNUAL REVENUE</b>	
Property Tax:	\$258,013
COIT:	\$105,151
Alcoholic Beverage Tax:	\$1,067
Cigarette Tax:	\$1,792
Trash Fee:	\$25,749
Vehicle Excise Tax:	\$47,556
MVH Fund	\$27,979
LRS Fund	\$3,366
TOTAL:	<u>\$470,673</u>
<b>ESTIMATED ANNUAL COSTS</b>	
Police:	\$87,370
Solid Waste:	\$25,749
Road Maintenance:	<u>\$24,130</u>
TOTAL:	<u>\$137,249</u>
<b>ONE TIME IMPACT FEES:</b>	
Sewer:	\$551,145
Road:	\$485,677.50
Park:	\$313,838

**Attachments**

- Color Map (Exhibit 1)
- Havenwood preliminary development plan (Exhibit 2)
- Applicant's Project Narrative (Exhibit 3)
- Adajcent Development Map (Exhibit 4)
- Developer's packet

### **Recommendation**

Staff recommends that this petition be forwarded with a favorable recommendation to the City Council for adoption of the Change of Zoning from R1 Low Density Residential to R2/PD Low to Moderate Density Residential/Planned Development and to adopt a preliminary development plan with the waiver that the perimeter landscape buffer be reduced from 50 feet to 28 feet on the east, and 0 feet on the north side for 97.21 acres on the east side of Hinkle Road, ¼-mile north of State Road 38 as per submitted applications #LEGP-0992-2016 & #LEGP-0993-2016.

### **Motions**

1. Motion to forward this petition with a favorable recommendation to the City Council for adoption of the Change of Zoning from R1 Low Density Residential to R2/PD Low to Moderate Density Residential/Planned Development and to adopt a preliminary development plan with the waiver that the perimeter landscape buffer be reduced from 50 feet to 28 feet on the east and 0 feet on the north side for 97.21 acres on the east side of Hinkle Road, ¼-mile north of State Road 38 as per submitted applications #LEGP-0992-2016 & #LEGP-0993-2016.
2. Motion to forward this petition with an unfavorable recommendation to the City Council for adoption of the Change of Zoning R1 Low Density Residential to R2/PD Low to Moderate Density Residential/Planned Development and to NOT adopt a preliminary development plan with the waiver that the perimeter landscape buffer be reduced from 50 feet to 28 feet on the east and 0 feet on the north side for 97.21 acres on the east side of Hinkle Road, ¼-mile north of State Road 38 as per submitted applications #LEGP-0992-2016 & #LEGP-0993-2016. (support with reasons)
3. Motion to continue applications #LEGP-0992-2016 & #LEGP-0993-2016. (date)





















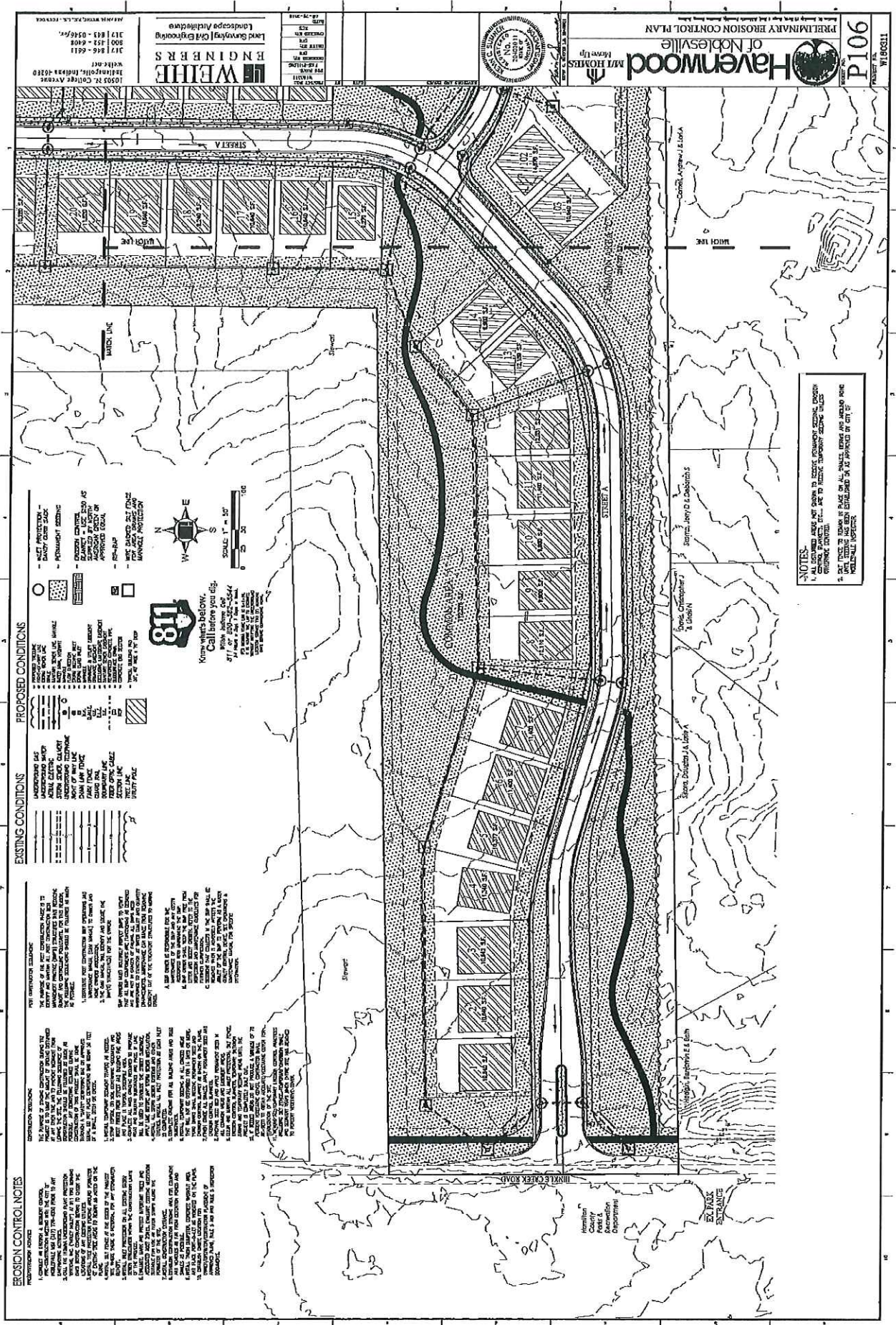












**EROSION CONTROL NOTES**

**PROPOSED CONDITIONS**

- 1. CONSTRUCTION AREA - ALL CONSTRUCTION AREAS SHALL BE PROTECTED BY EROSION CONTROL MEASURES PRIOR TO ANY EXCAVATION OR FILLING OPERATIONS.
- 2. SLOPE PROTECTION - ALL EXPOSED SLOPES SHALL BE PROTECTED BY VEGETATIVE STABILIZATION OR OTHER EROSION CONTROL MEASURES.
- 3. SEDIMENT CONTROL - ALL CONSTRUCTION AREAS SHALL BE PROTECTED BY SEDIMENT CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION.
- 4. WATERWAY PROTECTION - ALL EXISTING WATERWAYS SHALL BE PROTECTED BY EROSION CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION.
- 5. STORMWATER MANAGEMENT - ALL STORMWATER SHALL BE MANAGED IN ACCORDANCE WITH THE CITY OF NOKESVILLE STORMWATER MANAGEMENT PLAN.

**EXISTING CONDITIONS**

- 1. EXISTING TOPOGRAPHY - ALL EXISTING TOPOGRAPHY SHALL BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE.
- 2. EXISTING UTILITIES - ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
- 3. EXISTING STRUCTURES - ALL EXISTING STRUCTURES SHALL BE MAINTAINED AND PROTECTED.
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**NOTES**

1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS EROSION CONTROL DEFICIENCIES. HOWEVER, THE DESIGNER DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

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**Havenwood of Nokesville**  
 PRELIMINARY EROSION CONTROL PLAN  
 NOKESVILLE, VIRGINIA  
 10/10/2014  
 SCALE: 1" = 30'

**WEITHE ENGINEERS**  
 Landscape Architecture  
 11717 46th Avenue, Suite 100  
 Nokesville, VA 22090  
 Phone: 703-441-6611  
 Fax: 703-441-6612  
 Email: info@weitheng.com

**NO. 1000**  
 PROFESSIONAL SEAL  
 CIVIL ENGINEER  
 STATE OF VIRGINIA  
 EXPIRES 12/31/2015

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10505 N. College Avenue  
Portland, Oregon 97208  
503-253-6511  
503-253-6567  
LANDSCAPE ARCHITECTS

**WEIHE ENGINEERS**  
Landscape Architecture  
1111 1st Street, NE  
Seattle, WA 98102  
206-461-1111

DATE: 08-26-2018  
PROJECT NO: 180000  
SHEET NO: 180000-01

**Havenwood**  
PRELIMINARY LANDSCAPE DETAILS  
of Noblesville  
M/I HOMES  
Move Up

PLANT KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	ROOT CONDITION OR OTHER SPACING	SPACING	INSTALL INSTRUCTIONS	MATURE SIZE
AO	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2 1/2"	18	X	SEE PLAN	X	50' x 30'
GBA	GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO	2 1/2"	96	X	SEE PLAN	X	50' x 30'
GIS	GLEDITSIA TRICANTHOS 'NERMIS SKYDOLLE'	SKYLINE HONEYLOCUST	2 1/2"	111	X	SEE PLAN	X	40' x 25'
QR	QUERCUS RUBRA	RED OAK	2 1/2"	59	X	SEE PLAN	X	25' x 25'
ASG	ORNAMENTAL UNDERSTORY TREES	AUTUMN BRILLIANCE SERVICEBERRY	1 1/2"	119	X	SEE PLAN	X	25' x 25'
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EPG	EVERGREEN TREES	BLACK HILLS SPRUCE	1 1/2"	120	X	SEE PLAN	X	25' x 25'
EPG	EVERGREEN TREES	BLACK HILLS SPRUCE	1 1/2"	120	X	SEE PLAN	X	25' x 25'
AMM	ARONIA MELANOCARPA 'AUTUMN MAGIC'	AUTUMN MAGIC BLACK CHOKEBERRY	#5	312	X	SEE PLAN	X	6' x 7' x 7'
BUP	BUDDELEIA DAVIDII 'PINK DELIGHT'	PINK DELIGHT BUTTERFLY BUSH	#5	591	X	SEE PLAN	X	7' x 7' x 7'
POB	PHYSCARPUS OPULIFOLIUS 'DIABLO'	DIABLO NINEBARK	#3	81	X	SEE PLAN	X	8' x 8' x 8'
RIB	RHUS TYPHINA 'BALTOBER'	TIGERSTRIPS STAGHORN SUMAC	#3	110	X	SEE PLAN	X	6' x 8' x 8'
EBG	EVERGREEN SHRUBS	GREEN MOUNTAIN BOXWOOD	#2	81	X	SEE PLAN	X	5' x 5' x 5'
IBG	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	#3	113	X	SEE PLAN	X	4' x 4' x 4'
CL	CHASMANTHIUM LATIFOLIUM	NORTHERN SEA OATS	#2	283	X	SEE PLAN	X	5' x 2.5' x 5'
MSP	MISCANTHUS SINENSIS 'PURPURASCENS'	AUTUMN FLAME GRASS	#5	161	X	SEE PLAN	X	4' x 5' x 5'

**GENERAL NOTES**

- IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST, THE PLAN SHALL PREVAIL. IF IN QUESTION, CONTACT THE LANDSCAPE DESIGNER.
- ALL PLANTS AND MATERIALS TO BE USED SHALL BE APPROVED BY THE LANDSCAPE DESIGNER. APPROVED PRE-ELEMENT HERBICIDES SHALL BE APPLIED TO ALL PLANTING AND GRASSING AREAS AT RATES SPECIFIED BY MANUFACTURER'S DIRECTIONS. NO OTHER HERBICIDES OR PESTICIDES SHALL BE APPLIED TO ANY PLANTING OR GRASSING AREAS WITHOUT THE WRITTEN APPROVAL OF THE LANDSCAPE DESIGNER.
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- NO SUBSTITUTIONS OF PLANT MATERIAL WILL BE ALLOWED. IF PLANTS ARE SHOWN TO BE UNAVAILABLE, THE CONTRACTOR SHALL NOTIFY LANDSCAPE DESIGNER PRIOR TO BID DATE IN WRITING. ALL PLANTS SHALL BE INSPECTED AND TAGGED WITH PROJECT IDENTIFICATION AT NURSERY OR CONTRACTOR'S OPERATION PRIOR TO MOVING TO JOB SITE. PLANTS MAY ALSO BE INSPECTED AND APPROVED OR REJECTED ON THE JOB SITE.
- ALL NEW LANDSCAPE PLANTINGS SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FOLLOWING FINAL INSPECTION BY LANDSCAPE DESIGNER. AT THE END OF THIS PERIOD, PLANT MATERIAL TERMED DEAD OR UNSATISFACTORY BY THE LANDSCAPE DESIGNER SHALL BE REPLACED AT NO ADDITIONAL CHARGE BY THE LANDSCAPE CONTRACTOR.
- PLANTS AND ALL OTHER MATERIALS TO BE STORED ON SITE SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR'S EQUIPMENT AND AS DIRECTED BY OWNER.
- PLANT TAGS TO BE USED ON PROJECT SHALL BE 4" x 6" WHITE TAGS WITH BLACK PRINTING. TAGS SHALL BE IDENTIFIED BY PROJECT NUMBER AND PLANT NUMBER. TAGS SHALL BE ATTACHED TO PLANTS PRIOR TO MOVING TO JOB SITE.
- CHARACTER AND SHALL MEET APPROVAL OF LANDSCAPE DESIGNER.
- LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE DESIGNER IN WRITING PRIOR TO BID DATE OF ANY PLANTS THAT ARE NOT SHOWN IN LOCATIONS NOTED.
- LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE DESIGNER IN WRITING PRIOR TO BID DATE OF ANY PLANTS THAT ARE NOT SHOWN IN LOCATIONS NOTED.
- CONTRACTOR TO SUBMIT UNIT PRICES ON EVERY TYPE OF WORK AS REQUESTED BY LANDSCAPE DESIGNER.
- ALL NEW LANDSCAPE PLANTINGS SHALL BE 10% APPROVED TOPSOIL AND 5% APPROVED PEAT MOSS. TOP LAYER OF BACKFILL SHALL BE 100% EXISTING TOPSOIL. A 5-0-0-0 ANALYSIS SHOWING RELEASE FERTILIZER SHALL BE PROVIDED FOR EACH PLANTING AREA WITH MATRIURE COMPRISING OF ONE PART COMMERCIAL GRADES PUTTING SOIL, 3 PARTS TOPSOIL AND 4 PARTS PEAT MOSS. A FULL 4" LAYER OF APPROVED SHREDED FERTILIZER PEAT MOSS MAY BE USED IN LIEU OF PLANTING MIX.
- PLANTS SHALL BEAR A TAG SHOWING GENUS, SPECIES AND VARIETY.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING UTILITIES PERTAINING TO THEIR PHASE OF WORK. UTILITIES ARE SHOWN TO BE APPROXIMATE. CALL UTILITY LOCATE PRIOR TO ANY PLACEMENT OF PLANT MATERIAL OR OTHER LANDSCAPE MATERIAL.



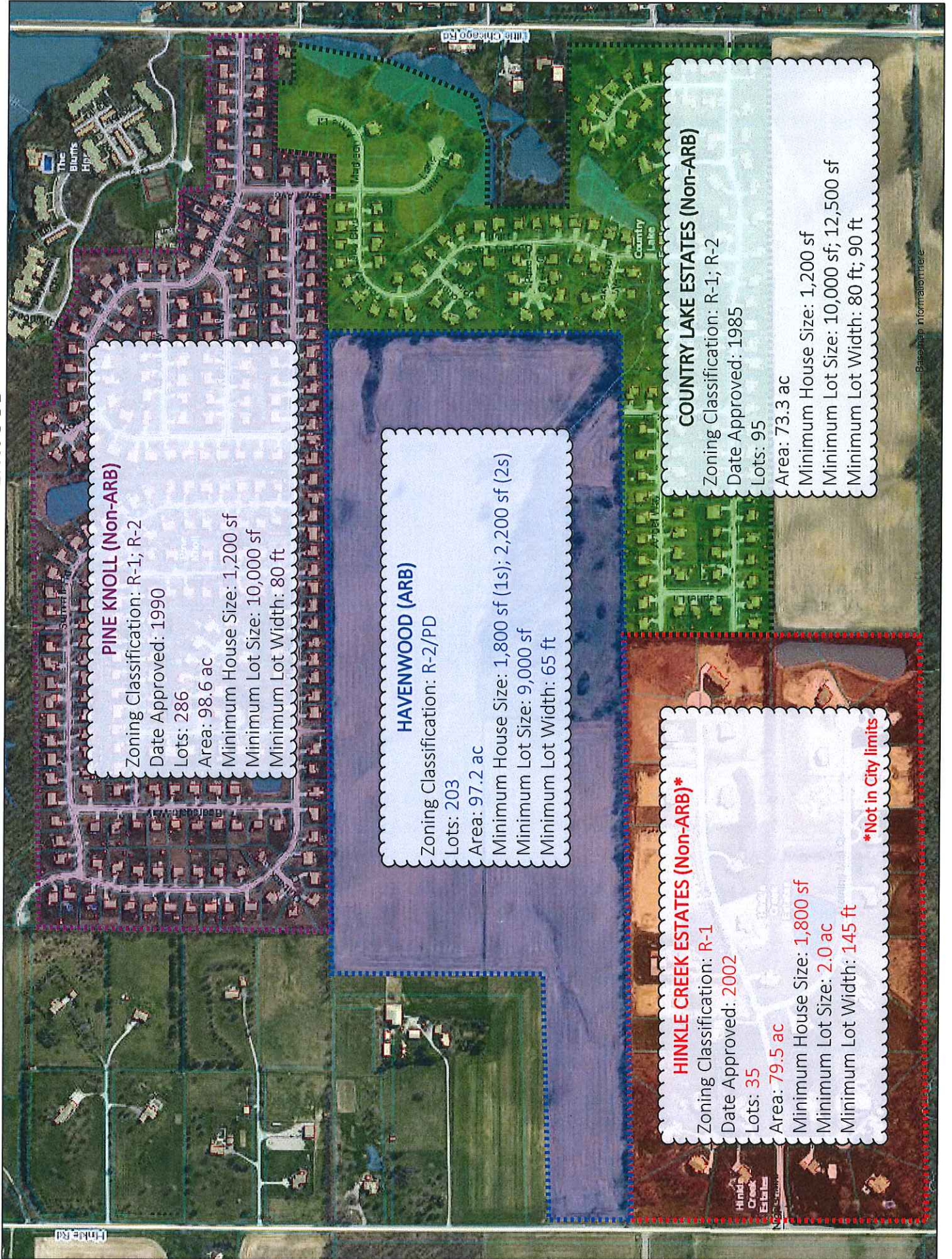
Havenwood Planned Development Project Narrative

MI Homes of Indiana, L.P. ("MI") is requesting rezone approval to a Planned Development District for a proposed residential subdivision to be known as "Havenwood" which will consist of approximately 203 lots. The real estate that is the subject of this request is approximately 97.21 acres, is generally located east of and adjacent to Hinkle Road, north of SR 38 and west of Little Chicago Road and is currently zoned R1. MI is requesting a rezone of the real estate to a R2-PD.

In addition to the rezone and planned development applications filed by MI for the real estate, MI has also filed a request for Architectural Review Board approval of the proposed home elevations that MI proposes to build on the real estate.



ADJACENT DEVELOPMENT MAP - HAVENWOOD



**PINE KNOLL (Non-ARB)**

Zoning Classification: R-1; R-2  
Date Approved: 1990  
Lots: 286  
Area: 98.6 ac  
Minimum House Size: 1,200 sf  
Minimum Lot Size: 10,000 sf  
Minimum Lot Width: 80 ft

**HAVENWOOD (ARB)**

Zoning Classification: R-2/PD  
Lots: 203  
Area: 97.2 ac  
Minimum House Size: 1,800 sf (1s); 2,200 sf (2s)  
Minimum Lot Size: 9,000 sf  
Minimum Lot Width: 65 ft

**HINKLE CREEK ESTATES (Non-ARB)\***

Zoning Classification: R-1  
Date Approved: 2002  
Lots: 35  
Area: 79.5 ac  
Minimum House Size: 1,800 sf  
Minimum Lot Size: 2.0 ac  
Minimum Lot Width: 145 ft

\*Not in City limits

**COUNTRY LAKE ESTATES (Non-ARB)**

Zoning Classification: R-1; R-2  
Date Approved: 1985  
Lots: 95  
Area: 73.3 ac  
Minimum House Size: 1,200 sf  
Minimum Lot Size: 10,000 sf; 12,500 sf  
Minimum Lot Width: 80 ft; 90 ft