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ORDINANCE NO. 15-03-14

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE NO. 62-12-95, ZONE MAP, AND ALL AMENDMENTS THERETO, A PART OF THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

Document Cross Reference No. 2008012335 & 9506544

An Ordinance (the "Ed Martin Pointe PD 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 Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended, and

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on docket number 14N-15-0080 at its March 17, 2014, meeting as required by law in regard to the application (the "Petition") filed by Prime Development of Indiana, LLC (the "Developer") concerning a change of zoning of certain property described in **"Exhibit A"** attached hereto (the "Real Estate") and adoption of a preliminary development plan to be known, collectively with attached Exhibits, as "The Ed Martin Pointe preliminary development plan" (the "Plan"); and,

WHEREAS, the Plan Commission has sent a favorable recommendation for adoption of said amendment with a vote of __10__ ayes and ___0___ nays to the Common Council;

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

Section 1. The Official Zone Map of the City of Noblesville, a part of the Unified Development Ordinance, is hereby amended to change the zoning on the parcel legally described in Exhibit A from "PB" Planned Business to "PB/PD" Planned Business/Planned Development as designated in said Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana.

Section 2. The preliminary development plan, attached hereto as Exhibits "B-1" & "B-2", is hereby adopted as part of the Ed Martin Pointe PD Ordinance.

Section 3. All uses deemed permitted in the "PB" and "I-1" districts as denoted by Appendix C, Official Schedule of Uses of said UDO, shall be permitted uses within the Real Estate excluding the following uses: Penal or Correctional Facility; Automobile Impound Lot; Adult Cabaret; Adult Media Store; Adult Motion Picture Theatre; Sex Shop; and Lingerie or Nude Modeling Studio.

Section 4. The following uses, which may be listed in Appendix C, Official Schedule of Uses of said UDO as Conditional Uses in the "PB" and/or "I-1" districts, shall be deemed Permitted Uses within

the Real Estate: Bus or Rail Passenger Terminal; Parking Lot (Private or Public); Automobile Sales including service and storage; Automobile Repair/ Body Shop; Automobile Service and Repair (indoor).

Section 5. All other uses deemed Conditional Uses in Appendix C, Official Schedule Of Uses of said UDO shall return to the Plan Commission for approval, following the "Major Changes" provision under UDO 8.H.3.L.2.a.

Section 6. The applicable bulk requirements of Article 8: Zoning Districts of the UDO shall apply to the development of the Real Estate except as modified by the development guidelines attached hereto as Exhibit C.

Section 7. The applicable bulk requirements of Article 12: Landscaping and Screening of the UDO shall apply to the development of the Real Estate except as modified by the landscaping development guidelines attached hereto as Exhibit D.

Section 8. The applicable bulk requirements of Article 11: Signs of the UDO shall apply to the development of the Real Estate except that Block A will be allowed the size, design and amount of signage as shown in the designs attached as Exhibits E-1 & E-2.

Section 9. A portion consisting of less than five (5) acres of the Real Estate, located in either of the areas designated as Block C or Block D identified within the attached Exhibit B-1, may be suitable for and shall be offered for sale and use to serve as a bus or rail passenger terminal in conjunction with a proposed long-range transit initiative.

Section 10. This ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

Section 11. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of June, 2015.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE		NAY
	Brian Ayer	
	Mark Boice	

Roy Johnson

Gregory P. O'Conner

Rick L. Taylor

Stephen C. Wood

Jeff Zeckel

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 9th day of June, 2015.

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: Andrew E. Wert.

Prepared by: Andrew E. Wert, City of Noblesville
16 South 10th Street, Suite 150, Noblesville, Indiana 46060 | (317) 776-632

EXHIBIT "A"

Southeast Quarter of the Northwest Quarter of Section 19, Township 18 North, Range 5 East, containing 40 acres, deed (41.153 acres, measured) more or less.

EXCEPT: A part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 18 North, Range 5 East, in Hamilton County, Indiana, being more particularly described as follows:

Beginning at a point in the South line of said quarter quarter section distant 249.4 feet West, deed (South 89 degrees 30 minutes 26 seconds West measured, assumed bearing) of the Southeast corner thereof, and running thence West, deed (South 89 degrees 30 minutes 26 seconds West, measured) upon and along said South line a distance of 113 feet to a point; thence running North, deed (North 00 degrees 00 minutes 33 seconds West, measured) and parallel to the East line of said quarter quarter section, a distance of 213.9 feet to a point, running thence East, deed (North 89 degrees 30 minutes 26 seconds East, measured) and parallel to the South line aforesaid a distance of 250 feet, deed (247.27 feet, measured) to a point in the west right-of-way line of State Highway No. 37, said point being 112.4 feet, deed (115.10 feet, measured) West of the East line of said quarter quarter section, thence South, deed (South 00 degrees 02 minutes 44 seconds East, measured) upon and along said West right-of-way line a distance of 69.4 feet, deed (70.52 feet, measured) to a point; thence Southwesterly, deed (South 43 degrees 48 minutes 47 West, measured) upon and along said right-of-way line a distance of 199 feet, deed (177.52 feet, measured; thence South 34 degrees 41 minutes 54 seconds West 20.00 feet, measured) to the place of beginning, containing in all 1.00 acres, deed (0.987 acres, measured) more or less.

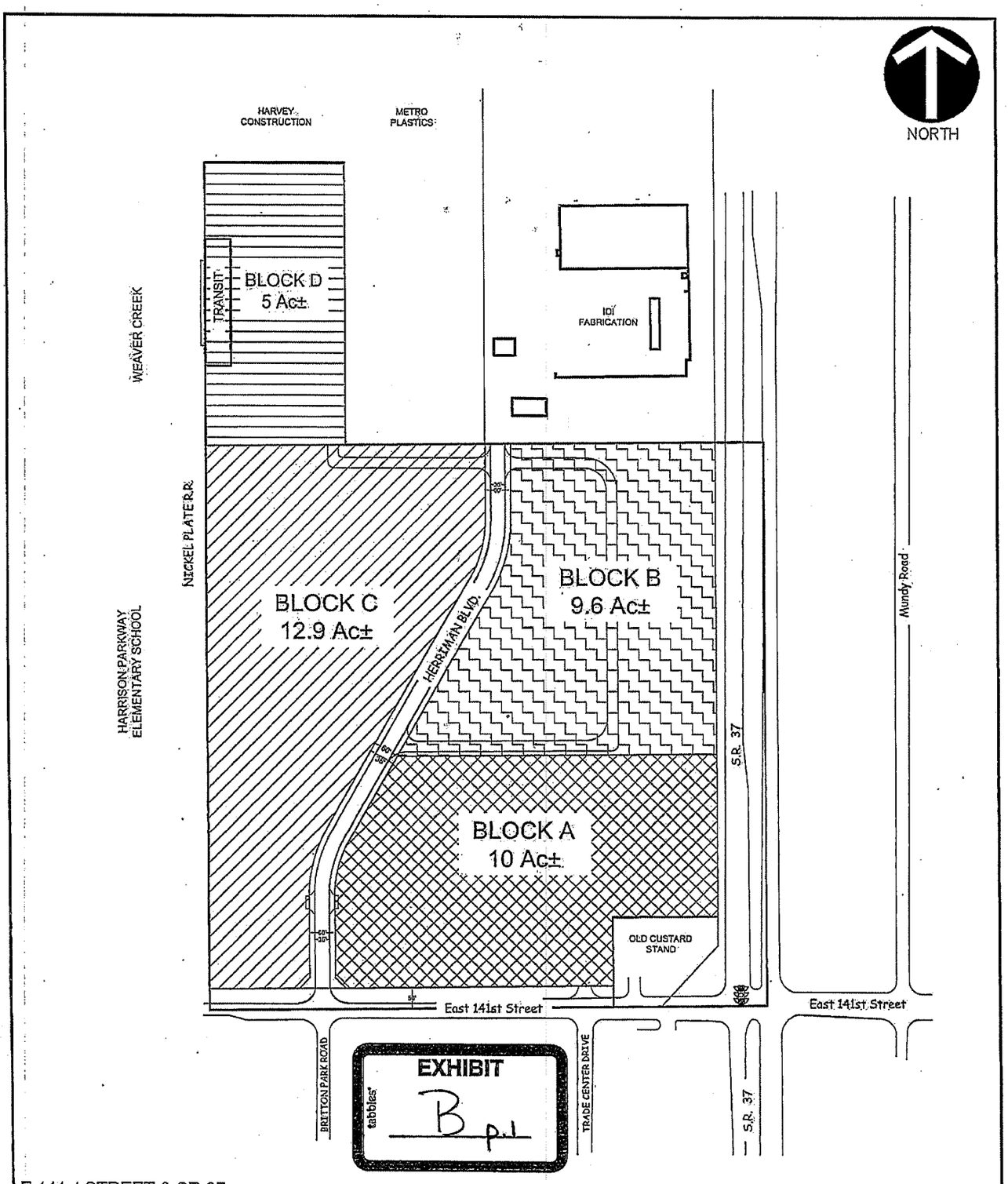
ALSO, Part of the Northwest Quarter of Section 19, Township 18 North, Range 5 East, described as follows: Beginning at a point 985.3 feet West, deed (South 89 degrees 44 minutes 57 seconds West, measured, assumed bearing) and 357 feet South, deed (South 00 degrees 00 minutes 33 seconds East, measured parallel with the East line of said Northwest Quarter) of the Northeast corner of said Northwest Quarter; thence South, deed (South 00 degrees 00 minutes 33 seconds East, measured parallel with the East line of said Northwest Quarter) 976.0 feet to a point; thence West 329.7 feet, deed (South 89 degrees 44 minutes 57 seconds West measured parallel with the North line of said Northwest Quarter 329.56 feet measured) to a point in the Right-of-way line of the Nickel Plate Railroad; thence North, deed (North 00 degrees 06 minutes 00 seconds East, measured) and along said Railroad Right-of-way 976.0 feet, deed (976.01 feet measured) to a line stake; thence East 331.2 feet, deed (North 89 degrees 44 minutes 57 seconds East, measured parallel with the North line of said Northwest Quarter 327.70 feet) to the place of beginning, containing 7.42 acres, deed (7.36 acres, measured) more or less.

EXCEPT: A part of the Northwest quarter of Section 19, Township 18 North, Range 5 East, Hamilton County, Indiana, being more particularly described as follows: Commencing at the Northeast corner of said quarter section; thence North 89 degrees 47 minutes 12 seconds West, deed (South 89 degrees 44 minutes 57 seconds West, measured, assumed bearing) 985.3 feet along the North line thereof; thence South 0 degrees 35 minutes 41 seconds West, deed (South 00 degrees 00 minutes 33 seconds East, measured) 357.00 feet parallel to the East line of said quarter section, to the place of beginning of this description; thence continuing South 0 degrees 35 minutes 41 seconds West, deed (South 00 degrees 00 minutes 33 seconds East, measured parallel with the East line of said Northwest Quarter) 304.00 feet; thence North 89 degrees 47 minutes 12 seconds West 328.92 feet, deed (South 89 degrees 44 minutes 57 seconds West, 328.28 feet, measured) parallel to the North line of said quarter section to the East Right-of-way line of the Nickel Plate Railroad; thence North 0 degrees 34 minutes 26 seconds East, deed (North 00 degrees 06 minutes 00 seconds East, measured) 304.00 feet along said Right-of-way; thence South 89 degrees 47 minutes 12 seconds East, deed (North 89 degrees 44 minutes 57 seconds East, measured) 329.03 feet (331.2 feet deed) (327.70 feet , measured) parallel to the North line of said quarter section, to the point of beginning; containing after said exception, 5.074 acres, more or less.

Subject to all legal easements and rights-of-way including, but not limited to, the right-of-way for Indiana State Road No. 37 granted to the State of Indiana, per Right-of-way Grant recorded as Instrument 3057, in Deed Record 149, page 175 in the Office of the Recorder of Hamilton County, Indiana, and the right-of-way of the Nickle Plate Railroad.

EXHIBIT "B-1"

Preliminary Development Plan



E 141st STREET & SR 37

LAYOUT-1

CSG PROJECT NUMBER PDI.001	DATE: 1/24/14	CIVIL SITE GROUP, INC. 643 MASSACHUSETTS AVE., SUITE 200 INDIANAPOLIS, INDIANA 46204 (317) 423-3305 / (Fax) 423-3306
SHEET 1 OF 1	DWN. BY: BSC	
	CHKD. BY: BSC	
	SCALE: 1" = 300'	

Civil Site GROUP, INC.

EXHIBIT "B-2"

Preliminary Development Plan

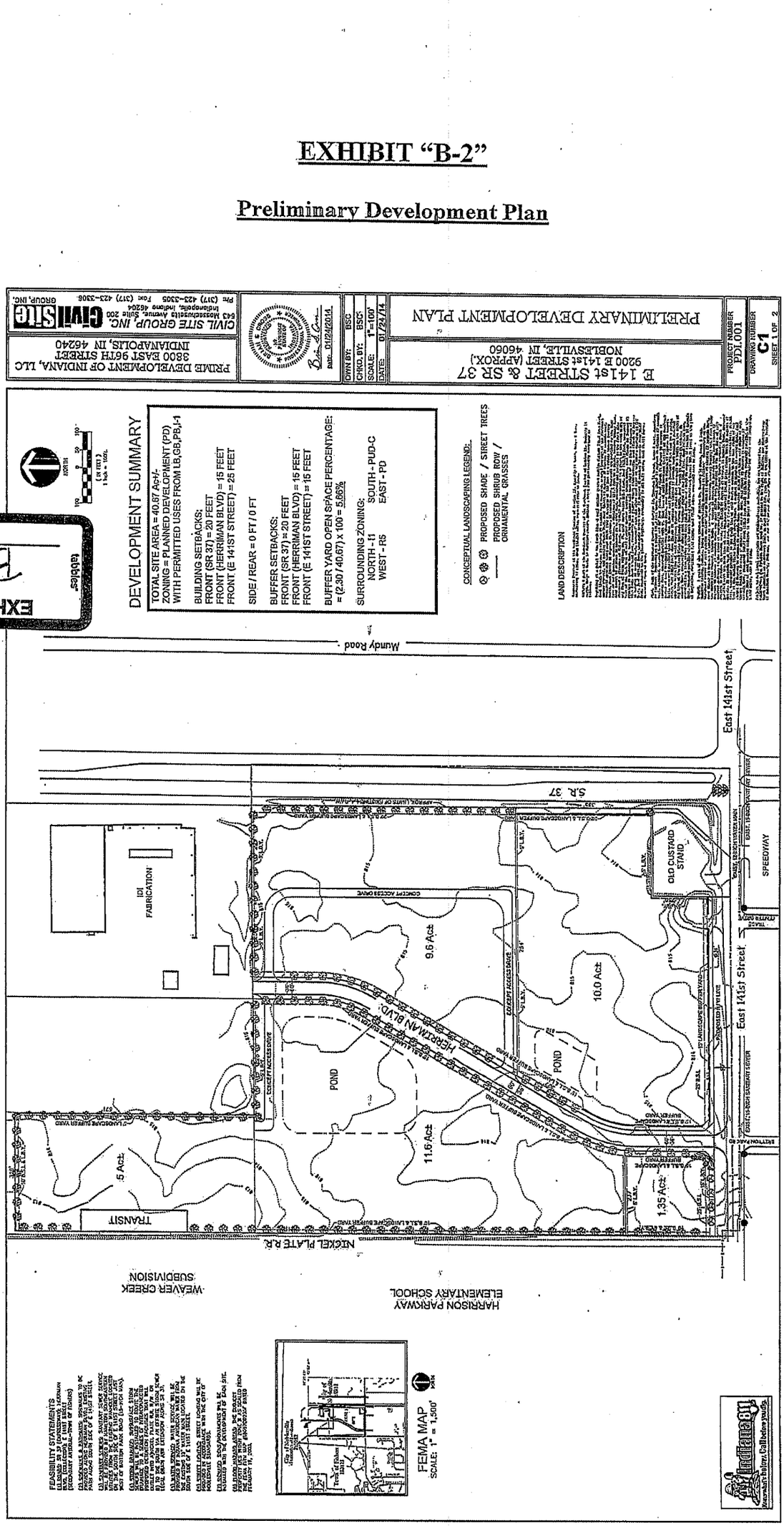


EXHIBIT "C"

Development Guidelines

Except as otherwise specified, the Development Guidelines contained in this Exhibit C shall apply to all buildings designed and constructed on the Real Estate.

Setback Lines.

The Building and Landscaping Setback Lines for each Lot of the Real Estate shall be as follows:

A. Block A of the Preliminary Development Plan ("Dealership Lot"):
   1. Front Yard Building Setback Line (along S.R. 37) shall be Fifty (50) feet.
   2. Front Yard Building Setback Line (along East 141st Street and Herriman Boulevard) shall be Fifteen (15) feet.
   3. Front Yard Landscaping Buffer Yard (along S.R. 37) shall be Twenty (20) feet.
   4. Front Yard Landscaping Buffer Yard (along East 141st Street and Herriman Boulevard) shall be Fifteen (15) feet.
   5. Side Yard Landscaping Buffer Yard (north property line) shall be Five (5) feet.

B. Block B of the Preliminary Development Plan:
   1. Front Yard Building Setback Line (along S.R. 37) shall be Fifty (50) feet.
   2. Front Yard Building Setback Line (along Herriman Boulevard and any access drives) shall be Fifteen (15) feet.
   3. Front Yard Landscaping Buffer Yard (along S.R. 37) shall be Twenty (20) feet.
   4. Front Yard Landscaping Buffer Yard (along Herriman Boulevard) shall be Fifteen (15) feet.
   5. Side Yard Landscaping Buffer Yard shall be Five (5) feet.

C. Block C of the Preliminary Development Plan:
   1. Front Yard Building Setback Line (along Herriman Boulevard) shall be Fifteen (15) feet.
   2. Front Yard Building Setback Line (along East 141st Street) shall be Twenty-five (25) feet.
   3. Front Yard Landscaping Buffer Yard (along Herriman Boulevard and East 141st Street) shall be Fifteen (15) feet.
   4. Side Yard Landscaping Buffer Yard shall be Five (5) feet.

D. Block D of the Preliminary Development Plan:
   1. Building Setback Line shall be Ten (10) feet.
   2. Landscaping Buffer Yard (from North and West property lines) shall be Ten (10) feet.
   3. Side Yard Landscaping Buffer Yard (from East and South property lines) shall be Five (5) feet.

EXHIBIT "D"

Landscaping Development Standards

Application.

Unless otherwise specified, the Landscaping Development Standards contained in this Exhibit D shall apply to the landscaping of the Real Estate. Landscape standards specified in Article 12 of the Unified Development Ordinance (UDO)shall apply to the Real Estate unless otherwise modified by this Exhibit.

D.1 Landscaping for the Building Base shall be as follows:

1. Plantings shall be incorporated at the building base of all buildings constructed on the Real Estate to accomplish the following:
   a. Highlight main entrances; and
   b. Tie the architecture to the site.
2. Building base landscaping width shall be a minimum of five (5) feet along the front and side of the buildings.
3. Service drives and access points shall not be counted in the overall building base calculation.
4. Provide one (1) ornamental tree and twenty (20) deciduous shrubs, evergreen shrubs, or ornamental grasses per 100 linear feet of building base length.
5. Refer to Section 6 of Article 12: Landscaping and Screening of the UDO for limitations on pedestrian walk locations and plant placement.

D.2 Parking Interior

1. When the nature of the business is to display, sell, purchase, or rent vehicles, the percentage of required landscaping area shall be reduced by 50%. This reduction shall not allow for islands to be less than 180 square foot in size. Reductions shall take place where merchandise is located and not in areas designated as parking for personal vehicles.

2. Parking interior plantings shall be protected using a six (6) inch high curb or wheel stops.

3. The minimum landscape area at the end of each row of customer and employee parking shall be 180 square feet. One (1) Canopy tree and five (5) deciduous shrubs, evergreen shrubs, or ornamental grasses shall be provided for each island.

4. Where rows of customer and employee parking create a double row, the size and planting requirements shall be doubled.

5. Additional interior parking requirements shall be governed by Section 5, Part C.1.d-f of Article 12: Landscaping and Screening of the UDO.

D.3 Parking Perimeter

For all parking lot edges that face a Public Right-of-Way or residential use, the following shall be provided:

1. A ten (10) foot landscape space;
2. One (1) canopy tree per 40 linear feet for purposes of determining number of trees and not placement of the trees on the Real Estate and trees may be placed in any manner to achieve project landscaping requirements;
3. 33 deciduous shrubs, evergreen shrubs, or ornamental grasses per 100 linear feet with a mature height of 3 feet;
4. When the nature of the business is to display, sell, purchase, or rent vehicles, the percentage of required shrubs shall be reduced by 50%; and

5. When the nature of the business is to display, sell, purchase, or rent vehicles, the percentage of required shrubs shall be reduced to 24 inches.

For parking lot edges that face a similar use, the following shall be provided:

1. A five (5) foot landscape space;
2. One (1) canopy tree per 50 linear feet for purposes of determining number of trees and not placement of the trees on the Real Estate and trees may be placed in any manner to achieve project landscape requirements;
3. 17 deciduous shrubs, evergreen shrubs, or ornamental grasses per 100 linear feet with a mature height of 3 feet;
4. When the nature of the business is to display, sell, purchase, or rent vehicles, the percentage of required shrubs shall be reduced to 18 inches;
5. When the nature of the business is to display, sell, purchase, or rent vehicles, the mature height of required shrubs shall be reduced by 50%; and
6. Trees can be grouped when adequate room is available. There shall be no greater than 80 linear feet between trees.

EXHIBIT "E-1"

BLOCK A

ED MARTIN POINTE
PRELIMINARY SITE DESIGN

EXHIBIT "E-2"

BLOCK A

ED MARTIN POINTE
PRELIMINARY SITE DESIGN