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**ORDINANCE NO. 32-6-07**

**Document Cross Reference Nos. 2007018056 and 2007028278**

**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 – Phase II") 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. 07N-15-0557 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 June 18, 2007 meeting sent its favorable recommendation to the Noblesville Common Council by a vote of 10 in favor, 0 opposed and 1 abstention;

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 along the east side of State Highway 37 and south of 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 Phase II Amended Preliminary Development Plan at Exhibit 2, currently is zoned Corporate Campus Planned Development (CC/PD) – Commercial District and Industrial/Office District, all located within the View Corridor Subdistrict. With the adoption of this Ordinance, the underlying zoning classification of the entire Real Estate shall be 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 Phase II" as follows:

1. Permitted Uses

- a. The uses permitted by the Corporate Campus and the City's Development Ordinance shall be permitted uses on the Real Estate.

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 – Phase II conflict with the development standards of the Corporate Campus or the City's Development Ordinance, the development standards of the Cumberland Point Marketplace PD – Phase II 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 – 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
- a. 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. Otherwise, drive-thru windows shall be permitted.
  - b. Drive-thrus shall be permitted in the following instances: drug store with drive-thru pharmacy pick-up window; restaurant with drive-thru; financial institution with drive-thru (including ATM and personal service); and any drive-thru that is part of the primary use of an individual parcel.
  - c. Free-standing drive-thrus, other than ATM facilities, used for purposes that are unrelated to the primary use of an individual parcel shall not 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.

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 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 and North Pointe Boulevard 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 4.
- b. Adjacent to State Highway 37, 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 1½ 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 5 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 5 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.


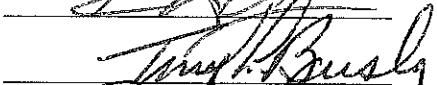
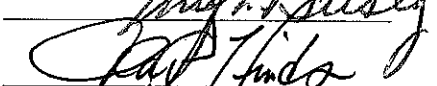
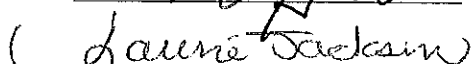
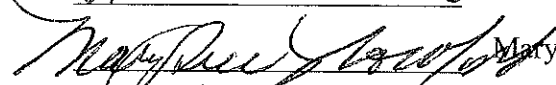
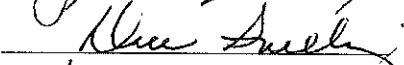
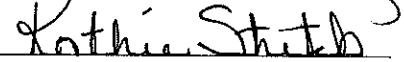
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SECTION 5. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10th day of July, 2007.

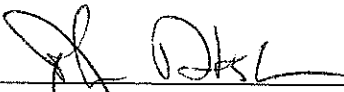
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

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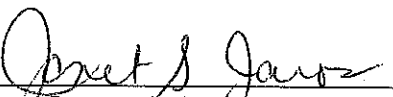
NAY

	Brian Ayer	_____
	Terry Busby	_____
	Alan Hinds	_____
	Laurie Jackson	_____
	Mary Sue Rowland	_____
	Dale Snelling	_____
	Kathie Stretch	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of July, 2007.

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

ATTEST:

  
\_\_\_\_\_  
Janet 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: Matthew S. Skelton.

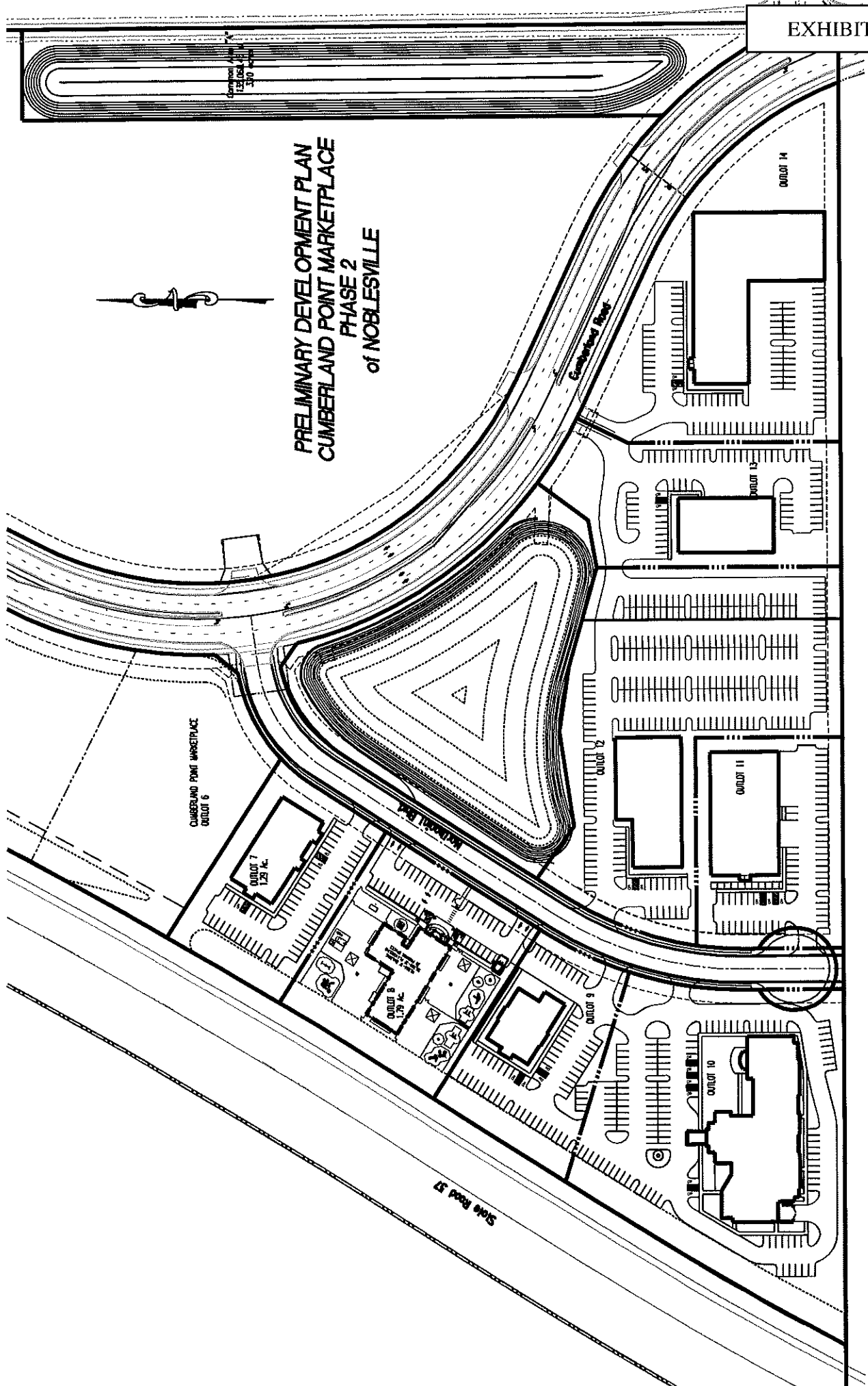
This instrument was prepared by Matthew S. Skelton, AICP, Attorney-At-Law, Baker & Daniels, LLP, 970 Logan Street, Noblesville, IN 46060, (317) 569-9600.

**EXHIBIT 1**  
**Cumberland Pointe Marketplace Phase II**  
**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, also located per the Final Plat for Cumberland Pointe Marketplace right-of-way for Road Construction Plat, recorded on September 15, 2005, as Instrument Number 200500060873, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 44 minutes 24 seconds West, (assumed bearing) along the South line of the Southeast Quarter of said section, a 87.11 feet, to a point on the Westerly right-of-way of Cumberland Road, also being the POINT OF BEGINNING; thence continuing South 89 degrees 44 minutes 24 seconds West, along the South line of the Southeast Quarter of said section, 1,843.01 feet, to the Easterly right-of-way line of Indiana State Road 37, the following three (3) course are along the Easterly right-of-way line; (1) thence along a non-tangent convex curve to the Northeast, the radius point of which bears South 61 degrees 53 minutes 23 seconds East, 5,642.58 feet, an arc distance of 409.99, to a point which bears North 57 degrees 43 minutes 36 seconds West, 5,642.58 feet from said radius point; (2) thence North 32 degrees 16 minutes 24 seconds East, 334.80 feet, to a point along a tangent concave curve to the Northeast, the radius point of which bears North 57 degrees 43 minutes 36 seconds West, 9,636.30 feet, (3) thence an arc distance of 410.23, to a point which bears South 60 degrees 09 minutes 57 seconds East, 9,636.30 feet from said radius point; thence perpendicular to said centerline of Indiana State Road 37, South 57 degrees 43 minutes 36 seconds East, 312.20 feet, to the Westerly right-of-way line of Northpoint Boulevard per the Final Plat for Cumberland Pointe Marketplace right-of-way for Road Construction Plat; thence along a non-tangent concave curve to the Northeast, the radius point of which bears South 41 degrees 06 minutes 04 seconds East, 280.00 feet, an arc distance of 147.39, to a point which bears North 10 degrees 56 minutes 27 seconds West, 280.00 feet from said radius point; to the Westerly right-of-way line of Cumberland Road, the following five (5) course are along the Westerly right-of-way line; (1) South 07 degrees 43 minutes 52 seconds East, 60.12 feet; (2) thence South 55 degrees 19 minutes 36 seconds East, 28.83 feet, to a point along a non-tangent concave curve to the Southeast, the radius point of which bears North 77 degrees 37 minutes 50 seconds East, 617.00 feet, (3) thence an arc distance of 571.28, to a point which bears South 24 degrees 34 minutes 49 seconds West, 617.00 feet from said radius point; (4) South 65 degrees 25 minutes 11 seconds East, 231.70 feet, to a point along a tangent convex curve to the Southeast, the radius point of which bears South 24 degrees 34 minutes 49 seconds West, 513.00 feet, (5) thence an arc distance of 390.95, to a point which bears North 68 degrees 14 minutes 39 seconds West, 513.00 feet from said radius point; to the POINT OF BEGINNING, containing 22.224 Acres, more or less.





PRELIMINARY DEVELOPMENT PLAN  
CUMBERLAND POINT MARKETPLACE  
PHASE 2  
of NOBLESVILLE

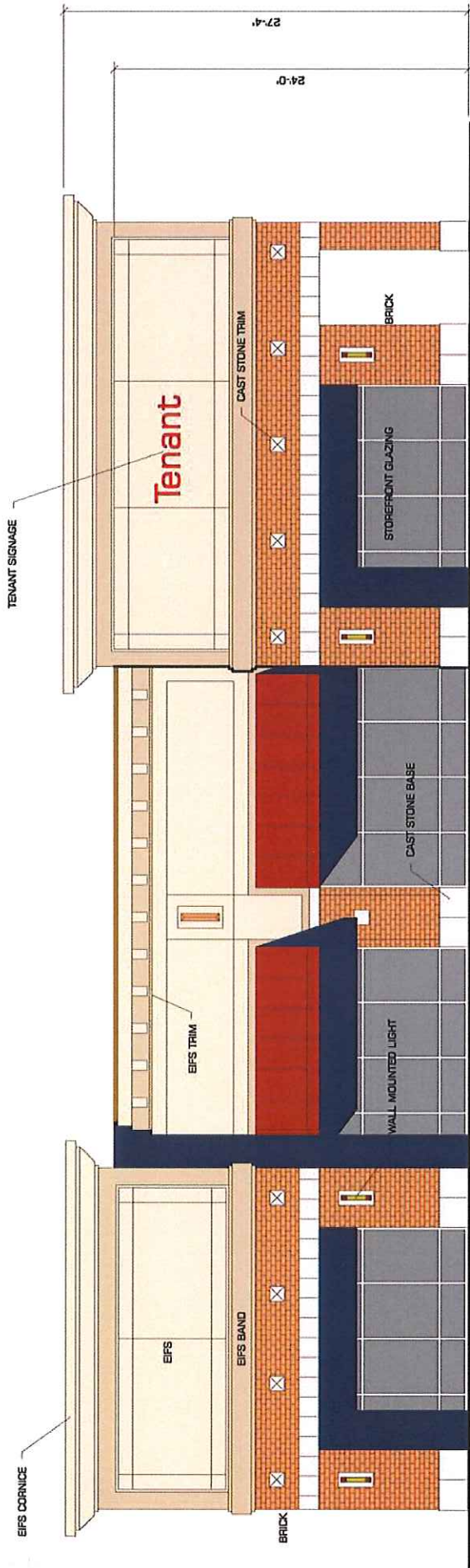






LANDSCAPING BUFFER YARD - BRICK WALL  
CUMBERLAND POINT MARKETPLACE

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

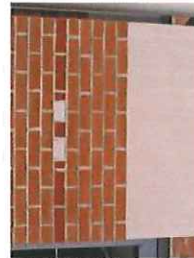


ELEVATION DETAILS  
CUMBERLAND POINT MARKETPLACE

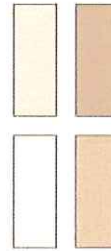
BRICK COLOR



CAST STONE



EIFS COLORS



CANOPY COLORS

