


2300
5

2016041741 ORDINANCE \$23.00
08/17/2016 10:17:33A 5 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented


ORDINANCE NO. 45 - 07 - 16

AN ORDINANCE TO AMEND THE PROMENADE PLANNED DEVELOPMENT ORDINANCE NUMBER 06-01-06 AND THE UNIFIED DEVELOPMENT ORDINANCE AND ALL AMENDMENTS THERETO OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

Document Cross Reference No. 200600016342

This Ordinance (the "2016 Promenade Planned Development Micro Hospital Amendment") amends the original adopted Planned Development Ordinance Number 06-01-06, and the Unified Development Ordinance, as amended for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville, Indiana 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 (the "Plan Commission") conducted a public hearing on docket number 000918-2016 at its July 18, 2016 meeting as required by law in regard to the application (the "Petition") filed by Justus at Promendade LLC (the "Owners") and Steven Kirkpatrick (the "Applicant") concerning an amendment to the Promenade Planned Development as it pertains to certain property described in Exhibit A attached hereto (the "Real Estate") and the adoption of an amended preliminary development plan to be known, collectively with the attached Exhibit B, as the "2016 Promenade Preliminary Development Plan Amendment for a Micro Hospital", as further described in Section 3 below; and,

WHEREAS, the Plan Commission has sent a favorable recommendation for adoption of said amendment with a vote of ten (10) in favor and one (1) opposed 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 Promenade Planned Development Ordinance and the Unified Development Ordinance, are hereby amended as follows:

SECTION 1. Development in the Real Estate shall be governed entirely by (i) the provisions of this 2016 Promenade Amendment, (ii) the provisions of the Promenade Planned Development Ordinance and amendments (iii) those provisions of the UDO in effect as of the date of adoption of this Ordinance, and applicable to the Promenade Planned Development Ordinance except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

SECTION 2. The 2016 Promenade Planned Development Micro Hospital Amendment for the Real Estate is attached hereto and incorporated herein as Exhibit B, amends the Promenade Preliminary Development Plan and is approved by permitted the use of a Micro-Hospital as depicted in the Exhibit B.

SECTION 3. Unless a development standard, specification, guideline, and/or requirement contained in the Unified Development Ordinance or the Promenade Planned Development Ordinance No. 06-01-06 as may be amended is varied, altered, or modified by this ordinance and/or exhibits, then such development standards, specifications, guidelines, and/or requirements as specified in the Unified Development Ordinance and/or the promenade Planned Development Ordinance No. 06-01-06 shall apply or as previously amended.

SECTION 4. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law. All prior ordinances or parts thereof in conflict therewith are repealed and deemed to conform to the provisions of these amendments.

Intentionally Left Blank

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of August, 2016.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

<u><i>[Signature]</i></u>	Brian Ayer	_____
<u><i>[Signature]</i></u>	Mark Boice	_____
<u><i>[Signature]</i></u>	Wil Hampton	_____
<u><i>[Signature]</i></u>	Christopher Jensen	_____
<u><i>[Signature]</i></u>	Roy Johnson	_____
<u><i>[Signature]</i></u>	Gregory P. O'Connor	_____
<u><i>[Signature]</i></u>	Mary Sue Rowland	_____
<u><i>[Signature]</i></u>	Rick L. Taylor	_____
<u><i>[Signature]</i></u>	Megan G. Wiles	_____

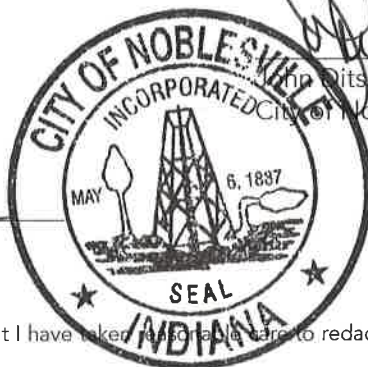
Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 9th day of August, 2016.

[Signature]

John Pitslear, Mayor
City of Noblesville, IN

ATTEST:

[Signature]
Evelyn L. Lees, City Clerk



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

EXHIBIT A

Real Estate – Legal Description

Part of the Southwest one-quarter of Section 34, Township 19 North, Range 4 East, Noblesville Township, Hamilton County, Indiana, being a part of that 10.265 acre tract and that 30.248 acre tract described in the Corporate Warranty Deed recorded as Instrument 2015041549 in the Recorder's Office of Hamilton County, Indiana and more particularly described as follows:

Commencing at the Southeast corner of said quarter section; thence North 00 degrees 24 minutes 48 seconds East 132.00 feet along the east of said quarter section; thence South 89 degrees 24 minutes 29 seconds West 280.50 feet; thence South 00 degrees 25 minutes 26 seconds West 82.00 feet to the North Right of Way line of State Road 32 as established by Book 142, Page 161; thence along said right of way line South 89 degrees 24 minutes 29 seconds West, parallel with the south line of said quarter section, 424.07 feet to the point of beginning of this description; thence continuing along said right of way line, South 89 degrees 24 minutes 29 seconds West 357.26 feet; thence North 00 degrees 31 minutes 00 seconds West 323.92 feet; thence South 84 degrees 16 minutes 23 seconds West 13.71 feet; thence South 84 degrees 35 minutes 01 seconds West 77.15 feet to an eastern line of the Promenade Shops, the plat of which is recorded as Instrument Number 2008007316 in said Recorder's Office; thence North 05 degrees 43 minutes 37 seconds West 60.00 feet along said eastern line; thence North 84 degrees 35 minutes 01 seconds East 77.31 feet; thence North 84 degrees 16 minutes 23 seconds East 167.48 feet; thence Easterly 24.54 feet along an arc to the right having a radius of 255.00 feet and subtended by a long chord having a bearing of North 87 degrees 01 minutes 47 seconds East and a length of 24.53 feet; thence North 89 degrees 47 minutes 10 seconds East 94.17 feet; thence Northeasterly 23.56 feet along an arc to the left having a radius of 15.00 feet and subtended by a long chord having a bearing of North 44 degrees 47 minutes 10 seconds East and a length of 21.21 feet; thence North 89 degrees 47 minutes 10 seconds East 60.00 feet; thence Southeasterly 23.56 feet along an arc to the left having a radius of 15.00 feet and subtended by a long chord having a bearing of South 45 degrees 12 minutes 50 seconds East and a length of 21.21 feet; thence South 00 degrees 12 minutes 50 seconds East 60.00 feet; thence Southwesterly 23.56 feet along an arc to the left having a radius of 15.00 feet and subtended by a long chord having a bearing of South 44 degrees 47 minutes 10 seconds West and a length of 21.21 feet; thence South 00 degrees 12 minutes 50 seconds East 304.54 feet; thence South 45 degrees 25 minutes 35 seconds East 25.14 feet to the point of beginning and containing 3.263 acres, more or less.

