



## PLAN COMMISSION STAFF REPORT

---

**ITEM NO:** 8 **APPLICATION NO. -** LEGP 0080-2024

**MEETING DATE:** May 20, 2024

**SUBJECT:** Government Use Overlay

**PETITIONER(S):** Board of Commissioners for Hamilton County  
(Owners/Applicants)

**SUMMMARY:** Adoption of a Government Use Overlay district

**LOCATION:** 18100 block of Presley Drive (Noblesville Township)

**WAIVERS REQUESTED:** Reference Staff Report

**RECOMMENDATION:** Approval

**PREPARED BY:** Joyceann Yelton, Development Services Manager  
[jyelton@noblesville.in.us](mailto:jyelton@noblesville.in.us)  
317-776-6325

---

### **Planning Terms**

***Government Use Overlay*** - is a use of land within the zoning jurisdiction of the City of Noblesville by a unit of government or a subdivision thereof and having the power of eminent domain which is authorized by State Statute.

***Condition*** - A restrictive or modifying factor that is essential to the occurrence of something else.

***Stipulation*** - A condition, requirement, or item specified as a part of an agreement or ordinance.

### **Procedure**

The application was filed for a public hearing at the May 20, 2024 Plan Commission meeting. The proposed Government Use Overlay is discussed at a Plan Commission Meeting where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed amendment. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions/stipulations to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendations at two separate Council meetings. At the final Council meeting the item is introduced and either approved, denied, or modified as per the presentation and the proposed ordinance. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspapers and public hearing notices are sent to the surrounding property owners by certificate of mailing. Notices were sent to the surrounding property owners as required for this May meeting and publication in the newspapers occurred.

### **Correspondence**

No correspondence received.

### **Summary**

With the adoption of a Government Use Overlay (GUO) it allows the Plan Commission and Council to consider government uses that are (1) not expressly permitted with the zoning district or (2) variations from the development standards may exist.

The proposed is the land immediately adjacent (East) of the Hamilton County solar field fronting along State Road No. 37 just south of E. 186<sup>th</sup> Street and at the end of Presley Drive as it exists today containing approximately 22 acres. **(Exhibit 1 – Aerial Photograph)** Surrounding land uses include the solar field, agricultural uses, and commercial uses. The current zoning district is R1 "Single-Family Residential". The R1 zoning district was proposed in some areas that had limited access to both sanitary and storm sewers. A GUO is a type of planned development overlay that has an adopted ordinance governing its uses and bulk standards.

The applicants are proposing an office building and accessory building(s) for government use. The main building is three stories in height is roughly 96,250-SF. This building does not allow for public access to the building. This will be a secured site with fencing and berming. The applicants are requesting some waivers that are addressed in the motion. There is sufficient parking at the site. The minimum distance the building to any property lines is 160-FT and only continues a greater distance.

The 2021 Thoroughfare Plan denotes the continuation of Presley Drive to E. 186<sup>th</sup> Street from where it ends today continuing to the north. It has a functional roadway classification of "collector". A "collector" is a roadway that primarily serves travel of intra-area and intra-county traffic to service rural area, connect to principal arterials, and to provide service trips for the intra-community continuity in urban areas. At the time of development of the property, roadway improvements are required per our Unified Development Ordinance.

Applicant must comply with the City of Noblesville's adopted ordinances including the Stormwater Technical manual and drainage standards but with the understanding that additional requirements may be required based on the April 2020 Hydraulic Study for the Elwood Wilson, Sam Craig, and John Holloran Arts by Clark Dietz, Inc. that was commissioned by the Hamilton County Drainage Board. The applicant must also comply with all applicable ordinances adopted by the city including the Unified Development Ordinance unless waivers were granted for specific requirements.

History      None

#### Analysis Table

Item	Description	Analysis
<i>Surrounding Land Uses</i>	<b>North</b> –agricultural <b>South</b> – Residential, agricultural, commercial <b>East</b> – agricultural <b>West</b> – Hamilton County solar fields and Cell tower	<i>The surrounding land uses include commercial, residential, agricultural, government uses</i>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Infill Residential</i>	<i>Allow for one-two family homes, mixed use development, public and semi-public uses, and neighborhood retail.</i>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>Presley Drive (Collector)</i>	<i>a roadway that primarily serves travel of intra-area and intra-county traffic to service rural area, connect to principal arterials, and to provide service trips for the intra-community continuity in urban areas.</i>
<i>Environmental and Utility Considerations</i>		<i>None currently.</i>
<i>TAC Comments</i>		<i>Preliminary comments received from TAC committee.</i>

**Attachments**

Exhibit 1 – Aerial Photograph

Exhibit 2 – Site Plan

Exhibit 3 – Landscaping

Exhibit 4 – Building Renderings

Exhibit 5 - Memorandum

*Intentionally Left Blank*

### Recommendation

Government Use Overlay districts are permitted in all zoning districts. Staff supports the requests for allowing a legal drain within the 50-FT perimeter buffer, the increase of height for the fencing to 8-FT, and a slight reduction in the landscaping percentage plantings (overall total) in the parking islands and its compliance with the comprehensive master plan.

### Motions

1. Motion to approve LEGP 0080-2024 including the adoption of a "government use overlay" and development ordinance and development plans as per the presentation, staff report and discussion during the meeting and send a favorable recommendation for adoption to the City Council including the following waivers and stipulations:

#### Waivers

1. Allow of a portion of regulated drain within the buffer yard easement.
2. Reduction of the total percentage of planted parking islands:
  - a. Rear Lot to 6.9% (8%)
  - b. Front Lot to 8.7% (11%)
3. Allowance of an 8-FT fence as indicated on the site plan

#### Stipulations

4. Presley shall have a protected left turn lane at the entrance to the 911 center.
5. Applicant shall dedicate right-of-way per the adopted City of Noblesville Thoroughfare Plan per Resolution RC-48-21.
  - a. full right-of-way width shall be granted at the southern portion then shifts easterly to a half right-of-way at the northern end.
6. Applicant shall extend Presley Drive as a public city street to city standards to north of the driveway that serves the 911 Center approximately being 560-FT.

NOTE: City can enter into a road impact fee credit agreement for 50% of the Actual Presley Drive Construction Costs based on a Road Impact Fee Study by A & F Engineering dated March 2024.

2. Motion to deny the request for a government use overlay as per the presentation, staff report, discussion for Application No. 0080-2024 and forward an unfavorable recommendation and a do not adopt to the City Council. **(LIST REASONS)**
3. Motion to continue Application No. 0080-2024 until the June 17, 2024 meeting.

This item will be heard at the June 11, 2024 Council meeting.