

Items marked by an "X" are not needed as waivers.

Townhomes at Stony Creek

Waiver Requests

~~**Request #1:** Encroachment of buildings into the peripheral buffer yard by an additional 10 ft. Initial waiver granted was a 20-FT peripheral buffer yard setback.~~

~~**Response:** Please refer to the originally approved waivers (Ord. #40-06-22) and the presentation from the associated Plan Commission Hearing that established a 20' front yard setback and 5' perimeter landscaping yards on the north and south sides of the site. The current site plan does not encroach the setbacks established as a part of Ord. #40-06-22 and as such we do not believe this waiver is required.~~

~~**Request #2:** Further reduction of the parking lot landscaping from the previously approved plan.~~

~~**Response:** Please refer to the originally approved waivers (Ord. #40-06-22). Exhibit B of the approved ordinance showed two landscape islands for the entirety of the parking areas. The current site plan shows 6 landscape islands. The plantings within those islands have been revised since the previous submission to include additional plantings to better meet the intent of the UDO. As such, we do not believe this waiver is required.~~

~~**Request #3:** Elimination of landscaping around the trash receptacle enclosure.~~

~~**Response:** The proposed landscape plan was revised to show plantings around the proposed dumpster enclosure. As such, we do not believe this waiver is required.~~

**Request #4:** Non-enforcement of widening, milling, and overlaying of asphalt on 16th Street including construction of accel, decel, and passing blister lanes.

**Requirement:**

City of Noblesville Construction Standards Sheets 3 and 5 note that driveways shall provide designated turn lanes, a passing blister lane, as well as widening and resurfacing.

**Request:**

The requested right of way will be dedicated as a part of the project. The request is to not make additional right of way road improvements.

**Justification:**

The location of the proposed driveway is aligned with the existing driveway. This property is located along a portion of 16th Street that is fully developed with the Noblesville Streets Department to the north and single family homes to the south. Given the close proximity of the existing buildings and

existing residences along 16th Street a significant road widening project would not be feasible or practical without condemnation of portions of adjoining residential parcels on the west side of 16<sup>th</sup> Street and condemnation of a portion of the Noblesville Streets Department facility. Such widening may then require redeveloping the Noblesville Streets Department facility and certainly adversely affect the residences along the west side of 16th Street. We appreciate the Planning Department and Plan Commission's favorable consideration of our request based on the information above.

**Request #5:** Non-enforcement of the relocation of utility poles

**Request:**

The request is to leave the existing utility poles in place.

**Justification:**

Since a holistic road widening project along 16th Street is not practical or reasonably feasible per the justification for Request #1, the efforts and substantial expense associated with relocating the long-existing utility poles along 16<sup>th</sup> Street are not justified. Additionally, Duke Energy (the owner of the existing utility poles) supports this requested waiver and has expressed their desire to leave the existing utility poles in their current location. We appreciate the Planning Department and Plan Commission's favorable consideration of our request based on the information above.