

The Noblesville Plan Commission met in regular session on Monday, September 18, 2023 at 6:03 PM in the City Council Chambers. Members in attendance were as follows:

Malinda Wilcox, President – Citizen Member  
N. Scott Smith, Vice President – Citizen Member  
Christine Albregts-Cook – Jurisdictional Member  
Mark Boice – Council Representative  
Dave Burtner – Jurisdictional Member  
Steve Cooke – Citizen Member  
Dr. Joe Forgey – Citizen Member  
Gretchen Hanes, Board of Public Works Representative  
Jim Hellmann – Assistant City Engineer  
Anita Rogers – Citizen Member

Member Absent: Angie Sutton – Park’s Board Representative

Others in attendance: Community Development Director/Acting Secretary, Sarah Reed; Development Services Manager, Joyceann Yelton; Principal Planner, Denise Aschleman, and Plan Commission Attorney, Jonathan Hughes

President Wilcox calls the meeting to order at 6:03 PM.

#### OPENING CEREMONIES

President Wilcox leads the Plan Commission in the Pledge of Allegiance.

#### DETERMINATION OF A QUORUM

Mrs. Sarah Reed, Acting Plan Commission Secretary commences with the roll call and declares a quorum with ten (10) members present.

#### MINUTES

Motion by Mr. Burtner seconded by Mr. Smith to approve the August 21, 2023, minutes as presented.

AYES: Burtner, Hanes, Boice, Sutton, Cooke, Dr. Forgey, Wilcox NAYS: Zero ABSTAIN: Hellmann, Albregts-Cook, Rogers Motion carries 7, 0, 3

#### RULES OF CONDUCT/MEETING PROCEEDURES

Ms. Yelton read the “Rules of Conduct/Meeting Procedures” for the public hearing process as follows:

##### Rules of Conduct

- Turn off all devices or to vibrate at this time.

- If you wish to speak during the public hearing, please complete a 'Request to Speak' card available at the entrance to the Council Chambers. You will be allowed to present during the Public Hearing.
- During comments, we ask that you do not repeat previously stated comments.
- Speak directly into the microphone so that your comments can be put into the record.
- Do not applaud or comment on what others are presenting.

"For items requiring a Public Hearing, tonight's meeting has the following structure:

- The staff will summarize the petition(s).
- Then, the petitioner will be given up to 20 minutes to present to the Plan Commission, followed by Plan Commission discussion.
- The President will open a Public Hearing. Individuals will be given 3 minutes to speak, and a group representative will be given 5 minutes to speak. The Public Hearing will be closed when all interested members of the audience have had a chance to be heard.
- The petitioner will then have a chance to comment on concerns raised during the Public Hearing.
- The Plan Commission will follow with any comments, questions or concerns regarding the petition as presented."

The following is a synopsis of the meeting as the recording device failed to record and the doc-cam failed to project.

### CONTINUED BUSINESS

**#1 Application No. RESI 1013-2023** Consideration of an application for demolition of residential/accessory buildings for property located within the 'Downtown Protection Boundary' located at 1540 Conner Street. Submitted by K & J Acquisitions (Jeff Meyer, Owner and Bob Goins, Applicant)

President Wilcox states that this item had a public hearing at the August meeting. She states we are not opening the public hearing at this meeting so no new information will be accepted. She states we are here this evening to vote on the matter. She asks if the members that were absent at the August have either read the minutes or listened to the recording; the three members absent at the August meeting acknowledged they had either listened to the recording or read the minutes.

Mr. Jonathan Hughes, Plan Commission Attorney, reiterates that the applicant chose to have the commission consider that there is no reasonable economic use of the structure due to the cost of repairs exceeding the fair market value of the property. He states the ordinance sets forth three conditions; however, they only have to prove one of the three conditions. He states those three conditions are (1) is there an economic viable use of the property as it exists, (2) does the cost of repairs exceed the fair market value of the property, or (3) is the property marketable or able to be sold and listed for sale/lease? He states if you can answer yes to one condition number 2, then the Plan Commission

could issue the certificate of authorization to proceed with the demolition. He states but if you believe that sufficient information was not supplied to the commission for review, then you could deny the request. you do not have to find all three of the criteria; only one.

President Wilcox states one item she did not see in the packet were appraisals of like properties that were in good condition so that we could determine what happens if the house was repaired and that would have been independent appraiser.

Mrs. Albrechts-Cook asked when the property was purchased, was he aware that the property was in a historic area.

Miss Aschleman states it was purchased in December, 2022 and the historic district has been around for more than 25 years.

**Motion by Mr. Boice seconded by Burtner to deny the Certificate of Authorization to allow for the demolition of a structure at 1540 Conner Street as he is not convinced that the repairs exceed the fair market value as provided in the information submitted by the applicant.**

**AYES: Boice, Cook, Dr. Forgey, Hellmann, Albrechts-Cook, Rogers, Wilcox    NAYS: Hanes, Smith, Burtner  
ABSTAIN: Zero    Motion carries 7, 3, 0**

### **NEW PUBLIC HEARINGS**

**#2 Application No. LEGP 0064-2023** Change of Zoning from "SR Suburban Residential" to "R1 Low Density Single-Family Residential" for approximately three acres located at 5263 E. 156<sup>th</sup> Street (Noblesville Township). Submitted by Timothy and Dorothy Juergensen (Owners) and Church Church Hittle & Antrim (Matthew Skelton, Attorney and Andy Wert, Land Use Professional)

Miss Aschleman states the property is located on the south side of 156<sup>th</sup> Street midway between Gray Road and Hazel Dell Road. She states it is surrounding to the south by Westmoor at Noble West subdivision and varying sizes of parcels (5+ acres) on the north side of E. 156<sup>th</sup> Street. She stated under construction is a new residence on the three-acre parcel. She states the property is currently zoned "SR Suburban Residential" and the request is to rezone it to "R1 Low Density Single-Family Residential". She states the rezoning is a part of a multi-stage process that that the applicant is completing. She states the applicant did receive approval from the Board of Zoning Appeals to allow a reduction in the road frontage for these lots. She states the ordinance requires a minimum of 200-FT of lot width and the applicant is proposing three lots with the western most lot being approximately 127-FT in width. She states if the property is rezoned, then the applicant must still submit for a primary and secondary plat to create the three lots.

Mr. Andy Wert, Land Use Professional with Church, Church Hittle & Antrim with law offices at Two North Ninth Street, Noblesville, Indiana states the applicants wish to rezone the property to R1 Single-Family

Residential to match the underlying surrounding zoning to the south and east. He states the applicants wish to create two additional building sites at this location as they would like to have family members close as they are aging. He states we did not have sufficient acreage to create a planned development for this site and that is why we are going through several processes. He states there are some areas along the north side that are only one-acre parcels.

President Wilcox noted that she drove the site and she would not want to see three driveway cuts along E. 156<sup>th</sup> Street and believes that they should consider creating a frontage road with one access.

Mr. Hellmann states typically the plans are reviewed at the Technical Advisory Committee before it comes to the Plan Commission and the Engineering comment typically is one drive per existing frontage.

Miss Aschleman states that because this is just a change of zoning it is not submitted to the Technical Advisory Committee for review; however, the primary plat will be submitted for review prior to the public hearing at the Plan Commission meeting.

President Wilcox opens the public hearing.

Mr. Terry Murphy, 5355 E. 161<sup>st</sup> Street, Noblesville, Indiana states we need reaffirmation of the bulk standards in the area as there is not sufficient depth of the lot to create a frontage road. He states except for the lot directly across the street from this request being only one acre, the other parcels are at least 5-acres or greater. He states he does not understand the process and would not that the Board of Zoning Appeals has already voted favorably so now the Plan Commission will follow with their favorable recommendation. He states that the Plan Commission needs to deny this request and re-evaluate the standards. Mr. Murphy states if you vote to approve then you have sent a precedence for others to do the same.

Seeing no other individuals wishing to speak on this matter, President Wilcox closes the public hearing.

Mr. Tim Juergensen, applicant, states he is currently building a 1.6-million-dollar home on this site. He states he has talked with some of the neighbors across the street and they are pleased to see a new home being constructed.

Mr. Burtner states the house under construction is in the middle of the lot and there is not room for a frontage drive to access the three lots.

Mr. Hughes, Plan Commission Attorney, states the Board of Zoning Appeals is a fact-finding body deciding their motion based on criteria set forth in State Statute.

Mr. Hellmann states that at the time of submittal of a building permit for the residence the Engineering Department reviews the site plan for driveway locations. He states we review the drives as a part of the access management of the roadway.

Mr. Hughes states that the Plan Commission could stipulate the number of drives to 156<sup>th</sup> Street as a part of the motion.

**Motion by Mr. Smith seconded by Mr. Boice to forward the petition with a favorable recommendation to the City Council for adoption of the Change of Zoning from "SR Suburban Residential to R1 Low Density Single-Family Residential" for property located AT 5263 E. 156<sup>th</sup> Street as per submitted Application LEGP 0064-2023 and all documentation as presented in the staff report and presentation with the following stipulation:**

1. Only two access drives for the three lots.

**AYES:** Smith, Boice, Hellmann, Rogers, Cooke, Hanes, Dr. Forgey      **NAYS:** Albregts-Cook, Burtner, Wilcox      **ABSTAIN:** Zero      **Motion carries 7, 3, 0**

**#3 Application No. LEGP 0039-2023** Text Amendments to the Unified Development Ordinance regarding Article 4 – Zoning Applications and Approvals, Article 8 – Zoning Districts, and Appendix B - Applications regarding procedures and submittals. Submitted by the Noblesville Planning Department

**Motion by Mr. Burtner seconded by Mr. Smith to continued Application No. LEGP 0039-2023 until the October meeting. A hand vote was as follows:**

**AYES:** Burtner, Smith, Dr. Forgey, Albregts-Cook, Boice, Hanes, Rogers, Hellmann, Cooke, Wilcox  
**NAYS:** Zero      **ABSTAIN:** Zero      **Motion carries 10, 0, 0**

**#4 Application No. LEGP 0094-2023** Change of Land Use Category from Industrial/Office to Commercial/Office for approximately 32 acres located in the 14200 block of East 141<sup>st</sup> Street, South Side (Noblesville City). Submitted by the Noblesville Redevelopment Authority (Owners/Applicants)

Miss Aschleman states this is a 32-acre site located east of Olio Road on the south side of 141<sup>st</sup> Street. She states the property is zoned Corporate Campus Planned Development District with a land use category of "Industrial/Office" and staff is requesting to change the land use category to "Commercial/Office" to allow for a new multi-purpose even facility that will house the Pacers "G" League Team when they relocate from Ft. Wayne to Noblesville. She states surrounding land uses include mostly agricultural, scattered site large lot residential and BorgWarner immediately to the west of this site. Miss Aschleman states this area will be known as "Innovation Mile" to which the master plan will be considered at the October Plan Commission meeting. She states later in the year there will be updates to the UDO (Unified Development Ordinance) that lays out the regulations for this proposed area. She states we are making this request today due to the logistics and timing of moving the team to the area and achieving the construction timeline that is at a relatively rapid pace. She states the proposed uses for this site such as a hotel, mixed use residential, place of public assembly would be permitted land uses under the "Commercial/Office" category.

Mrs. Albregts-Cook asks if the team is paying for the facility.

Mr. Hughes states the city is crafting a lease arrangement to allow the "G" league their specific game dates with the remaining dates being available for the city and us recouping costs by events and through the "Innovation Mile" construction.

Mr. Hellmann states this area has been planned for decades. He states he has had conversations with a neighbor across the street and he is present this evening. He states this is a collaboration between the City and Patch Development to construct this facility. He states Patch Development is currently the developer of the Washington Business Park.

President Wilcox asks if there are any individuals wishing to speak; seeing no individuals come forward she closes the public hearing.

**Motion by Mr. Boice seconded by Mrs. Rogers to forward this petition with a favorable recommendation to the City Council for the adoption of a change of land use from "Industrial/Office" to "Commercial/Office" for approximately 32 acres located in the 14200 block of East 141<sup>st</sup> Street on the south side per the submitted Application No. LEGP 0094-2023**

**AYES: Boice, Rogers, Dr. Forgey, Smith, Hellmann Cooke, Hanes, Burtner, Albrechts-Cook, Wilcox  
NAYS: Zero ABSTAIN: Zero Motion carries 10, 0, 0**

**#5 Application No. LEGP 0087-2023** Amendment to an adopted Preliminary Development Plan including waivers regarding setbacks and landscaping relating to right-of-way acquisition for Prairie Lakes Planned Development located at 14575 Mundy Drive. Submitted by CVS Health (Owners) and Planning Department (Applicants)

Ms. Yelton states this property is located east of State Road No. 37 and south of E. 146<sup>th</sup> Street and is also known as Lot 1A in Prairie Lakes Planned Development. She states that particular development encompasses the area south of E. 146<sup>th</sup> Street, west of Cumberland Road, north of E. 141<sup>st</sup> Street, and east of State Road No. 37. She states during the past several years, the City of Fishers on behalf of the City of Noblesville has acquired the necessary right-of-way for improvements to State Road No. 37. She states because of the acquisition of land from the CVS lot adjacent to Mundy Drive and State Road No. 37, it has caused this lot to not be in compliance with the adopted planned development ordinance. Ms. Yelton states as a part of the City's commitment, we agreed to move forward with any waiver or variance requests to be presented by Staff and with no charge to the individual parcel owners. She states this is a first in a series of requests. She states because CVS is proposed improvements to their parcel, Staff brought this one forward to be considered separately. She states the waivers involve perimeter landscape buffer, parking lot setbacks and reduction in number of required parking spaces, front yard setbacks, the allowance of the landscape buffer along Mundy Drive to be encroached upon by parking, reduction in building base landscaping, and reduction in parking island minimum square footage. She states the right-of-way acquisition at the northern end of Prairie Lakes was more severe in the acquisition than what occurred at the southern end of the development. She states Staff is bring this request forward to make this parcel a legal lot of record for zoning purposes and not have a lawful non-conforming lot.

President Wilcox asks if there are any individuals wishing to speak; seeing no individuals come forward she closes the public hearing.

**Motion by Mr. Smith seconded by Ms. Hanes to approve the amended development plan as submitted per the presentation for Application No. 0087-2023 including the following waivers:**

- A. Elimination of landscape buffer along State Road No. 37
- B. Reduction of landscape buffer along E. 146<sup>th</sup> Street as per the amended plan
- C. Reduction of required parking spaces from 66 to a minimum of 50 spaces
- D. Reduction of the parking lot setback along E. 146<sup>th</sup> Street to a minimum of 2-FT.
- E. Reduction of minimum building setback along State Road No. 37 to 54-FT.
- F. Reduction of parking space length to 18-FT for a 90-degree parking space
- G. Reduction to the landscape buffer along Mundy Drive as per the amended plan to a minimum of 5-FT in width. (Commitments)

- H. Reduction of the parking lot setback along Mundy Drive to a minimum of 25-FT (Commitments)
- I. The allowance of the Mundy Drive landscape buffer to be used for parking (Commitments)
- J. Reduction building base landscaping along the east side of the building
- K. Reduction of the parking island north along Mundy Drive to a minimum of 165-SF

and forward a favorable recommendation for adoption to the City Council.

**AYES:** Smith, Hanes, Rogers, Boice, Cooke, Albrechts-Cook, Dr. Forgey, Burtner, Hellmann, Wilcox

**NAYS:** Zero **ABSTAIN:** Zero **Motion carries 10, 0, 0**

**#6 Application No. LEGP 0088-2023** Change of Zoning from "R1, R1/PD, A2(S)" (County Zoning) Residential to "R4, R5 Residential" and "PB Planned Business" for approximately 603 acres located north of E. 156<sup>th</sup> Street, east of Boden Road, south of 166<sup>th</sup> Street, and west of Olio Road. Submitted by Whitecroft Farms, Inc, Kregcroft, Inc. , Robert L. Bowen, and Corby D. Thompson (Owners) and Pulte Homes of Indiana, LLC (Applicants)

**#6A Application No. LEGP 0089-2023** Change of Zoning from "R4, R5 Residential" and "PB Planned Business to "R4, R5,PB/PD Residential-Commercial/Planned Development" and the adoption of a preliminary development plan and ordinance including waivers, conditions, and stipulations for approximately 603 acres located north of E. 156<sup>th</sup> Street, east of Boden Road, south of 166<sup>th</sup> Street, and west of Olio Road. Submitted by Whitecroft Farms, Inc, Kregcroft, Inc., Robert L. Bowen, and Corby D. Thompson (Owners) and Pulte Homes of Indiana, LLC (Applicants)

Staff requested that the Plan Commission allow the applicants to impart their presentation first as they have a PowerPoint presentation as that portion of the equipment is function properly. The Plan Commission concurred with the Staff request.

Mr. Rex Ramage, Pulte Homes of Indiana, LLC, 11590 N. Meridian Street, Carmel, Indiana, Director of Land Planning and Entitlements and developer introduced others in his group: Chris Werth, Boomerang Development; Todd Pyatt and Paul Claire of Pyatt Builders; Chase Smith with TWG; Tony Bagato with Lennar Homes, Brandon Burke with HWC Engineering; and Steve Fehribauch, PE with A & F Engineering that provided the traffic study as well as Dave Compton with Pulte Homes. He states this is a multi-generational mixed-use master planned community of 603 acres. He states it is located east of Boden Road, south of E. 166<sup>th</sup> Street, west of Olio Road, and north of E. 156<sup>th</sup> Street. He notes the development will include market-rate apartments, traditional single-family dwellings, specialty single-family dwellings, townhomes, age-restricted single-family area and approximately 10,000-square feet of neighborhood commercial uses. He states "Area A" will be for the age restricted Del Webb product that will include 690 units located northwest of E. 156<sup>th</sup> Street and Olio Road. He states "Area B" will contain the traditional single-family units for a total of 530 lots with the specialty homes "Area C" having approximately 110 lots (locations west of Boden Road, South of 166<sup>th</sup> Street) Mr. Ramage states there is a portion of this development that was originally a part of Noble East - Copper Point that will now be a part of the Finch Creek Planned Development located east of Boden Road. He states this development include 195 acres of park space, 8.5 miles of trails for pedestrian connectivity and is situated across the street from Mojo Up Sports Complex. He states there is approximately 40 acres of central open space

including a 2-mile trail looping the proposed water areas and connecting to the proposed plaza at 156<sup>th</sup> Street and Boden Road. He stated the area at the northwest corner of 156<sup>th</sup> Street and Boden Road will be set aside for the apartment complex in Phase 1 of Area D. He states Phase 2 of "Area D" may include an additional 200 units of apartments, 100 units of townhomes, and He introduced Chase Smith from TWG Development.

Mr. Chase Smith, Vice President of TWG Development, Construction and Management, 1301 E. Washington Street, Indianapolis, Indiana states his firm is a national multi-family developer throughout several states. He states they are proposed in Phase 1 in Area D 295 luxury 1-, 2-, and 3-bedroom apartments being 3-4 stories in height. He states our amenities include a dog park, pool, central green space with the trail connecting to the exterior trails as well as the interior trails of the development. He states there will be approximately 5,000-SF of neighborhood commercial on the ground floor in Phase 1.

Mr. Ramage states Del Webb is our product that will allow people to age-in-place with a housing community of 690-acres that is highly amenitized. He notes amenities include pool, bocce ball, pickle ball, pocket parts, open areas including lawn areas and gardens; clubhouse including dining areas, meeting areas, exercise equipment and a golf-simulator. He states the traditional single-family as well as the specialty single-family will have access to many of the overall amenities as well as pocket-parks that include a pool, playgrounds, basketball courts. He states the Pyatt Builders product is currently being constructed at "The Legacy" in Carmel south of E. 146<sup>th</sup> Street and west of River Road and those homes are on smaller lots but have a lot of architectural character. Mr. Ramage notes that there are power transmission lines that transect this property that will be moved adjacent to Olio Road. He states as a part of this development there was a traffic study completed by A & F Engineering noting there will be roadway improvements to the adjacent roads that is a 5-million-dollar price tag, and we are investing 3.5 million dollars in this project. He notes that sanitary sewers will be service by Hamilton Southeastern Utilities. He states they did appear before the Technical Advisory Committee and have received big picture comments and also received approval from the Architectural Review Board on all our single-family and multi-family elevations.

Mr. Jim Hellmann asked if DUKE, Indiana American Water Company, and Hamilton Southeastern Utilities have provided feedback that the easements shown on the preliminary development plan will meet all of those utilities' needs.

Mr. Ramage states we are still working on finalizing those easements with the respective utilities.

Ms. Yelton states that the easements required by DUKE may not allow for the landscaping that is shown on the preliminary development plan or that is relating to in the proposed ordinance. She notes within the Staff Report there was information regarding DUKE easement requirements for transmission lines of which those lines that transect the property are major power carrying lines. She states that document relates to the location and type of landscaping that they will allow. She states prior to a final sign-off on the construction plans, correspondence from DUKE will be required the landscaping underneath and/or adjacent to the transmission lines/poles. She also notes that the ordinance that was a part of the Staff Report will be modified between now and the Council meeting to include the Architectural Review Board (ARB) Design Standards that were approved and discussed at the ARB meeting, and items that were discussed with Staff prior to the ARB meeting.

President Wilcox asks if there are any individuals wishing to speak; seeing no individuals come forward she closes the public hearing.

**Motion by Ms. Hanes seconded by Mr. Burtner to approve the change of zoning request as submitted per the presentation for Application No. 0088-2023 and forward a favorable recommendation for adoption to the City Council for adoption.**

**AYES: Hanes, Burtner, Boice, Cooke, Hellmann, Albrechts-Cook, Dr. Forgey, Smith, Rogers, Wilcox  
NAYS: Zero ABSTAIN: Zero Motion carries 10, 0, 0**

**Motion by Ms. Hanes seconded by Mrs. Rogers to approve the change of zoning request from R4 and R5 to R4-R5/PD Residential Planned Development as per the presentation and submittal for Application No. 0089-2023 including the adoption of the preliminary development plan and ordinance with the following waivers:**

- a. Exceeding the maximum block length on local streets
- b. Reduction of minimum corner lot dimensions
- c. Allowance of jog lines between the front and rear property lines in Area C
- d. Reduction of the height of the mound
- e. Elimination of frontage roads adjacent to arterials and collectors
- f. Increase the cul-de-sac length
- g. Reduction of the minimum tangent distance for reverse curves along a residential street relating to horizontal alignment.
- h. Reduction of minimum lot area, minimum lot width, minimum front yard setback, minimum rear yard setback, and maximum lot coverage for the R4 zoning district.
- i. Reduction of minimum lot area per multi-family dwelling unit, increase of maximum building height, reduction of parking space numbers, elimination of maximum lot coverage.
- j. Increase in the number of model homes permitted at one time per builder.
- k. Reduction of the parking space length, elimination of parking lot setback from property line
- l. Modifications to residential driveway locations as per ordinance.
- m. Modifications to improvements for parking lots as per ordinance.
- n. Modifications to sign regulations as per ordinance.
- o. Building base landscaping requirements as per ordinance.

**With the following conditions:**

1. That the amendments as proposed by Joyceann Yelton during a telephone conversation with Rex Ramage be incorporated into the planned development ordinance
2. That the agreed upon standards from the Architectural Review Board also be incorporated into the planned development ordinance

**Both being reviewed by Joyceann Yelton and forward a favorable recommendation for adoption to the City Council.**

**AYES: Hanes, Rogers, Smith, Albrechts-Cook, Boice, Dr. Forgey, Cooke, Hellmann, Burtner, Wilcox  
NAYS: Zero ABSTAIN: Zero Motion carries 10, 0, 0**

**MISCELLANEOUS**

Ms. Yelton reminded the Plan Commission that their next meeting was on the fourth Monday, October 23, 2023.

**ADJOURNMENT**

There being no other miscellaneous business, a motion was made for adjournment.

Meeting adjourned 8:10 PM

**ADJOURNMENT**

There being no other miscellaneous business, a motion was made to adjourn the meeting. Meeting adjourned at 8:10 PM

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Malinda Wilcox                      President

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Sarah L. Reed                      Acting Secretary