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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 15-3-08

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF CITY OF NOBLESVILLE, A PART OF THE COMPREHENSIVE MASTER PLAN FOR THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA AND CHANGE OF ZONING AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND STANDARDS FOR THE CONNER POINTE PLANNED DEVELOPMENT

Document Cross Reference # - 200600044703

An ordinance (the "PD Ordinance") to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO") 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 as required by law on Application Docket No. 08N-15-0219 as filed by law in regard to the application for a change of zoning district designation and adoption of a preliminary development plan filed by Hometown Development, LLC; and,

WHEREAS, The Plan Commission at their March 17, 2008 meeting sent its favorable recommendation to the Common Council of the City of Noblesville (the "Common Council") by a vote of seven (7) in favor and zero opposed;

NOW, THEREFORE, be it ordained by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance for said City and the Official Zone Map be hereby amended as follows:

Section 1. The zoning classification of the subject property, legally described in what is attached hereto and incorporated herein referenced as Exhibit B (the "Real Estate"), is hereby rezoned from the PB classification to a Planned Business – Planned Development (PB-PD) District classification, as designated in the UDO.

Section 2. The preliminary development plan as attached hereto as Exhibit A, the development guidelines attached hereto as Exhibit C, the architectural elevations, accepting that the entrance may be reversed, attached hereto as Exhibit D, and the landscape plan attached as Exhibit E are adopted as part of this ordinance.

Section 3. The preliminary development plan (Exhibit A) includes the following variations: (1) Elimination of the 50-FT peripheral buffer yard, (2) Width of the 40-FT Landscape Buffer to be measured from the right-of-way fence along State Road No. 37 and the existing Cumberland Road regardless of ownership, (3) Elimination of the 40-FT buffer yard requirement in areas of the detention/retention ponds, (4) Elimination of the rear building base landscaping requirements for structures located within Block A, Block B, area designated as "Future Retail", Block C, and Block D, (5) Reduction of the exclusive landscape easement within the 40-FT Landscape Buffer Easement along State Road No. 37 and Conner Street (State Road No. 32) to permit the construction of legal drains and drainage improvements, including the improvements located adjacent to Lots 1 through 5 must be in enclosed pipes. Within the other areas of the required 40-FT Landscape Buffer Easement should legal drains be installed, an area at a minimum of ten (10) feet wide shall be maintained outside the legal drain easement for the landscape materials, (6) Granting of an easement by the City of Noblesville to permit drainage improvements within the right-of-way of Existing Cumberland Road, (7) Lots 2, 3, 4,

and 5 shall meet the minimum lot width to length ratio of 1 to 2 with all other parcels and/or lots being exempt, (7) Minimum Open Space requirement shall be fifteen percent (15%) of the gross acreage, (8) The designation sign and monument signs shall be permitted to be located within the required Landscape Buffer Easements, (9) Building Base Landscaping Percentages are waived for Blocks A, B, and the "Future Retail" building to the north of Block B as evidenced on Exhibit E, and (10) Wall signage for the Target Building is accepted as provided in Exhibit D.

Section 4. All uses allowed in the PB District are permitted as a part of the planned development ordinance.

Section 5. The following Commitments have been agreed to by Hometown Development

LLC.

1. Maintenance of the detention/retention ponds and all common areas including landscaping shall be the responsibility of the developer or assignees/tenants/purchasers as evidence through the subdivision covenants.
2. All future buildings constructed in the Conner Pointe Planned Development shall be similar in architecture including color, building materials, percentage of building materials, and articulation of the building as evidence in Exhibit D.
3. Sidewalks and/or trails shall be installed adjacent to all streets as per the Noblesville Standards and the Noblesville Alternative Transportation Plan and shall be the responsibility of the developer or his assignees should the City of Noblesville's financial commitment fail to cover those costs.
4. Street Trees shall be installed by the developer or his assignees as per the Unified Development Ordinance requirements.
5. Subdivision Covenants shall be approved by the Planning Department Staff and recorded prior to the release of any building permits.
6. All cart corrals shall be approved by the Planning Department Staff prior to installation and shall not be constructed of metal poles.
7. Lighting Standards shall be consistent throughout the development including height, fixtures, color, and installation. Light standard

cut-sheets shall be provided to the Planning Staff by Hometown Development LLC.

8. The Designation Sign shall be compatible with the overall Conner Pointe Planned Development and constructed from similar materials and colors as evidence in Exhibit D.

Section 6. This Planned Development Ordinance, and its exhibits approved by the Noblesville Plan Commission (collectively, the “PD Standards”) identify and permit variations from the development standards, specifications, guidelines and/or requirements (collectively, the “Underlying Standards”) contained in the UDO. The PD Standards supersede the Standards on the UDO to the extent the PD Standards vary, alter or modify the Standards in the UDO. The Standards in the UDO, however, shall apply to the extent that the PD Standards do not vary, alter or modify them.

Section 7. The Planning Director shall determine whether the Detailed Development Plans including without limitation the building elevations, site plans, landscape plans, signage elevations and locations and other requirements as per this ordinance or the Unified Development Ordinance are in substantial compliance with the Preliminary Development Plan that is approved by the Plan Commission and Council as a part of this planned development ordinance.

Section 8. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.




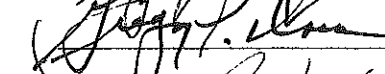
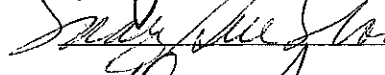
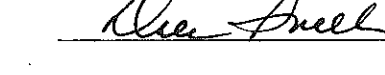
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Section 6. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Noblesville Common Council on this 15th day of April, 2008.


COMMON COUNCIL OF THE CITY OF NOBLESVILLE

Aye

Nay


	Brian Ayer _____
	Mark Boice _____
	Roy Johnson _____
	Greg O'Conner _____
	Mary Sue Rowland _____
	Dale Snelling _____
	Stephen C. Wood _____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 15th day of April 2008.



John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:



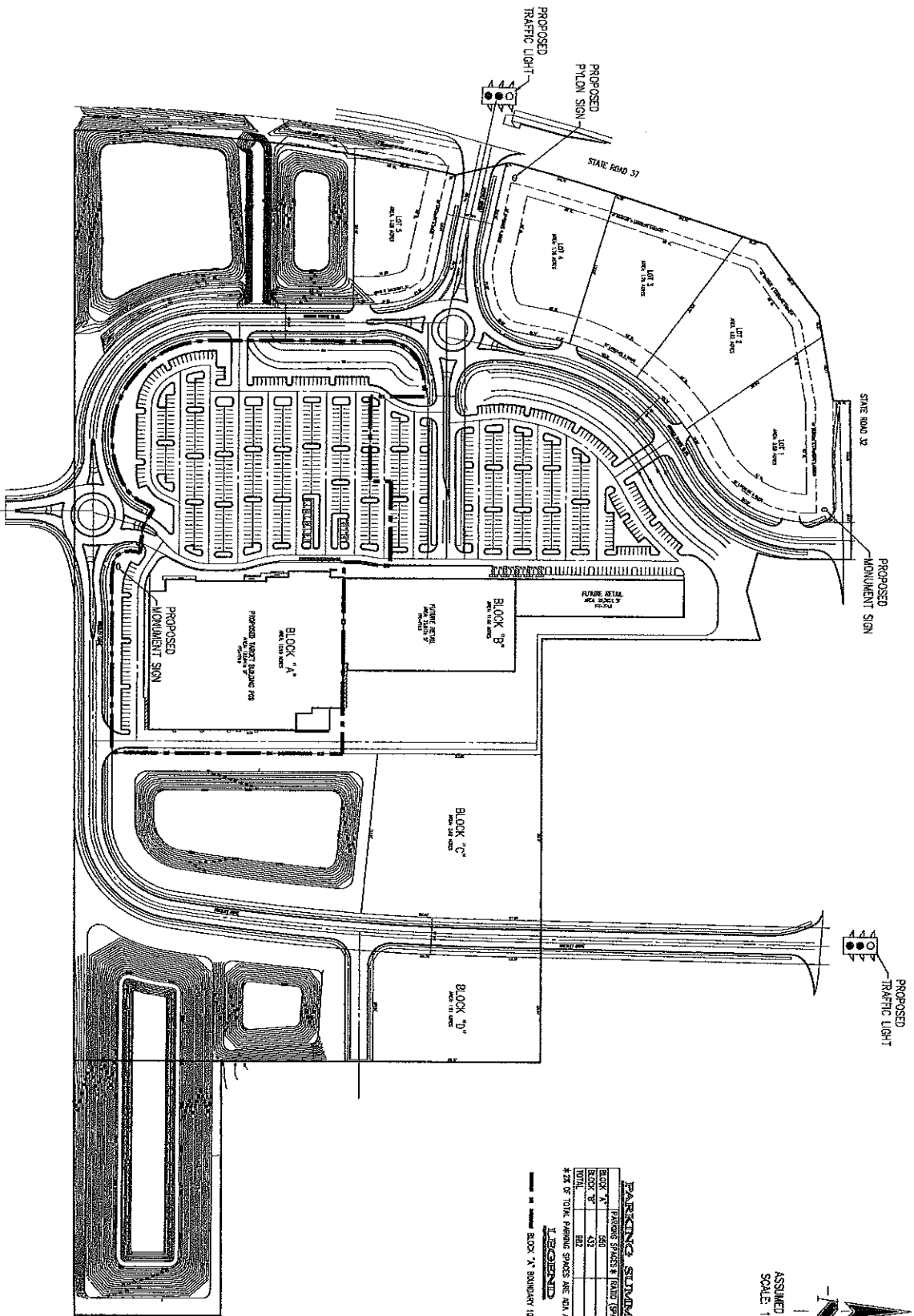
Janet S. Jaros, Clerk Treasurer

Exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

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



PARKING SUMMARY

Block	Parking Spaces	Ratio (Spaces/1,000 sq. ft.)
Block 7A	560	4.13
Block 7B	430	4.20
Block 7C	820	4.15
TOTAL	1,810	4.15

* 25% OF TOTAL PARKING SPACES ARE ADA ACCESSIBLE

SEE PLAN SHEET BLOCK 7A BOUNDARY 100' WIDE

LEGEND

ASSUMED NORTH
SCALE: 1"=100'

<p>1</p>	<p>DATE: 02/23/08 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: AS SHOWN</p>	<p>CONNER POINTE NORTHEAST, INDIANA HOMETOWN DEVELOPMENT NORTHEAST, INDIANA</p>	<p>Schneider THE SCHNEIDER CORPORATION 5001 DALLAS AVENUE NORTHEAST, IN 46220-1127 TEL: 317.226.1100 WWW.SCHNEIDER.COM</p>	<p>DATE: 02/23/08 DRAWN BY: [Signature] CHECKED BY: [Signature] SCALE: AS SHOWN</p>	<p>REVISIONS:</p>
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Exhibit B

LAND DESCRIPTION – OVERALL CONNER POINTE TRACT

A part of the Northwest Quarter of Section 5, Township 18 North, Range 5 East and (part of) the West Half of the Southwest Quarter of Section 32, Township 19 North, Range 5 East of the Second Principal Meridian in Noblesville Township of Hamilton County, Indiana.

Commencing at the Southwest corner of the Southwest Quarter of Section 32, Township 19 North, Range 5 East; thence North 89 degrees 36 minutes 03 seconds East (Assumed Bearing) along the South line of said Quarter Section 193.38 feet to the Northwest corner of the Northwest Quarter of Section 5, Township 18 North, Range 5 East; thence continue North 89 degrees 36 minutes 03 seconds East along said south line 1139.40 feet to the Southeast corner of said West Half and the POINT OF BEGINNING of the following described real estate:

Thence continue along said South line North 89 degrees 36 minutes 03 seconds East a distance of 918.42 feet to the Northwest corner of real estate as contained in Instrument No. 96-30844 as found in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 04 minutes 08 seconds East along the West line of said real estate 1005.25 feet to a point in the center line of abandoned Central Indiana Railroad; thence South 89 degrees 31 minutes 02 seconds West along said center line a distance of 2151.28 feet to a point in the center line of State Road No. 37 per I.S.H.C. plans for project No. 824 (1), dated 1954, sheet 15 therein, said point being on a non-tangent point on a curve concave to the East, having a radius of 3819.72 feet and a long chord which bears North 08 degrees 57 minutes 26 seconds East 1234.87 feet; thence along said curve to the right an arc distance of 1240.31 feet to the point of tangency thereof; thence North 18 degrees 15 minutes 31 seconds East 473.50 feet to the Intersection with State Road No.s 32 & 38 being marked with a brass plug; thence North 88 degrees 50 minutes 58 seconds East along said center line 612.96 feet to the point of curvature of a curve concave to the south, having a radius of 5694.58 feet and a long chord which bears North 89 degrees 21 minutes 25 seconds East 100.86 feet; thence along said curve to the right an arc distance of 100.86 feet to the Northwest corner of real estate as contained in Instrument No. 98-72645 of said Recorder's Office; thence South 00 degrees 05 minutes 39 seconds West 111.97 feet (record), 114.37 feet (measured) to the point of curvature of a curve concave to the West, having a radius of 301.62 feet and a long chord which bears South 08 degrees 31 minutes 11 seconds West 88.39 feet; thence along said curve to the right an arc distance of 88.71 feet to the Southwest corner of said real estate thereof; thence South 74 degrees 50 minutes 08 seconds East 85.87 feet to the Southeast corner; thence North 74 degrees 13 minutes 52 seconds East 110.72 feet to the Southeast corner of real estate as contained in Instrument No. 88-04544 and found in said recorder's office, said point also being on the East line of the West Half of said Southwest Quarter of Section 32; thence South 00 degrees 08 minutes 19 seconds East along said East line 472.00 feet to the Point of Beginning. Containing 63.082 Acres, more or less (gross) and 57.829 Acres (net), less rights-of-way.

Conner Pointe Development Guidelines

The following guidelines replace, in their entirety, the requirements established in the UDO:

1. Wall Signage

Wall signage shall be permitted without consideration of architectural plane restrictions. All signs shall meet the maximum allowable items of information described in the Noblesville Unified Development Ordinance (the "UDO").

2. State Road 37/State Road 32/38 Buffer Yard

Legal drains and drainage improvement shall be permitted in the required 40 foot buffer yard along State Road 37 and any buffer yard required along State Road 32/38. All legal drain improvements along Lots 1-6, as identified in Exhibit A, must be in enclosed pipes. In other areas within the required buffer, surface drainage improvements shall be permitted. In the event that legal drains are installed, an area at least 10 feet wide shall be maintained outside of the legal drain easement to allow for the planting of required landscape materials.

3. Elimination of State Road 37 Buffer Yard

In the area south of Lot 5, as identified on Exhibit A, there shall be no required 40 foot buffer yard and/or buffer yard landscape plantings.

4. Measuring the Width of the 40 foot Buffer Yard

The required buffer yard along State Road 37 shall be measured from the Right of Way fence located between State Road 37 and the current Cumberland Road (to be removed), regardless of property ownership within the buffer yard

5. Reduction in the rear building base landscaping

No building base landscaping shall be required in the rear of buildings.

6. Easement in the Cumberland Road Right of Way

In the event that the Cumberland Road Right of Way is not vacated, then an easement shall be granted by the City of Noblesville to allow drainage improvements within the Right of Way.

7. Elimination of the 50 foot perimeter buffer

There shall be no 50 foot Planned Development perimeter buffer yard required for any portion of Conner Pointe.



NOBLESVILLE, IN.

LANDSCAPE PLANS

24X36 PLANS SUBMITTED FOR STAFF REVIEW