



## PLAN COMMISSION STAFF REPORT

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**ITEM NO:** 2 **APPLICATION NO.** 0065-2023

**MEETING DATE:** August 21, 2023

**SUBJECT:** Amended Development Plan

**PETITIONER(S):** P B & J Prop Exchange, LLC (Owners); GBC Design, Inc. (Allan Wiley/Applicant)

**SUMMARY:** Amended development plan for the elimination of landscaping, installation of pervious pavers, and an 80-SF addition

**LOCATION:** City of Noblesville

**WAIVERS REQUESTED:** NA

**RECOMMENDATION:** Approval

**PREPARED BY:** Joyceann Yelton, Development Services Manager  
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### **Planning Terms**

***Amend or Amendment*** – Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

***Development Plan*** – A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

***Corporate Campus Planned Development District*** – The purpose of the Corporate Campus Planned Development District (CCPD) is to encourage economic development activity and high quality, well-integrated development both north and south of the 146th Street corridor, east of State Road 37 to Prairie Baptist Road and Atlantic Road, and north of the I-69 interchange. This district is intended to provide for a broad range of uses, thus expanding employment opportunities in Noblesville and enhancing its tax base. Within this district are a number of subdistricts that represent various physical character areas. Although the CCPD District shall be developed in a unified and coordinated fashion, each of the subdistricts has tailored a purpose, use, bulk and site development standards reflective of its location, function, and desired appearance within the corporate campus park.

### **Procedure**

The application was filed on In June for a public hearing at the August 21, 2023 Plan Commission meeting. The proposed amendment 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 to the recommendation. The Council then hears the proposal, including the Plan Commission's recommendation at two separate Council meetings. At the final Council meeting the amendment is adopted, denied, or modified by the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper 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.

### Correspondence

None

### Summary

This request affects Lot B in the Saxony Corporate Campus Planned Development located at the northeast quadrant of the intersection of Campus Parkway and Bergen Boulevard. (Exhibit 1 – Aerial Photograph) This is the site of the Chick-Fil-A restaurant which opened in August-September 2016. The Saxony Corporate Campus area was established in 2002. To the south of Lot B is the Shell Fuel/Convenience Store, east is Crew Car Wash, west is Panda Express, and south is the Hamilton Town Center. As you may recall, in July 2019, Chick-Fil-A was before the Plan Commission and the Council regarding the installation of larger canopies for their outdoor employees that take/receive food orders and their protection from the weather elements. As you may recall, Staff recommended against the approval of the canopies in 2019. Also back in 2022, Chick-fil-A sought additional approval for the extension of pavement into the front and side yard setbacks, additional canopies, elimination of a bio-retention area that was adopted by the Council. The parcel area contains approximately 1.58 acres and is a part of the overall Saxony development that includes 280 +/- acres and is located both north and south of Campus Parkway.

Chick-Fil-A is returning to the public hearing process for the following reasons: (1) construction of an 80-SF storage room addition to the trash receptacle enclosure, (2) installation of permeable pavers in the parking lot to off-set the new impervious service, and (3) elimination of established landscaping. (Exhibit 2 - Site Plan). Their justification for the additional space includes that (1) the remodel in 2022 was designed to eliminate dining seating space and was aimed at improvements in production; thus little space was set assign for dry storage so that we could maximize “speed” of our drive-thru service. With the change they have reach nearly 200 cars per peak hour. Chick-fil-A notes that they could not have made the drive-thru cockpit any larger without losing access to an exterior door thus putting the restaurant out of building codes from a fire perspective. Although, it was noted in their narrative that they could have attempted to add exterior storage space as a part of the previous (2022 project) but since they were already working through approvals on the other portions of the project, it seems they chose not to amend the plans at that time which may or may not have caused a delay in the public hearing. (Exhibit 3 – Narrative). They also noted in their narrative that they have added 4 million dollars in revenue and that during peak hours there are consistently reaching 200 cars through the drive-thru thus noting that they have contributed to the economic development of the City. It appears that there may be no end to the requests to modify their site plan as this will be the third request in the past four years. The proposed structure may be encroaching into a pedestrian way going north and south.

Personnel from the Fire Department noted two violations back in April 2022 (1) sprinkler riser room was not accessible and (2) and the electrical panel was not accessible. Although, they were sited

by Fire Department Personnel, the department did not provide them a solution to their outstanding violations but to note that those needed to be corrected and still meet State building/fire code regulations. Chick-fil-A's solution is to add a structure adjacent to the trash receptacle enclosure, removing again, already established landscaping, and slowing water run-off by increasing the impervious paver area.

## History

- Adopted the original ordinance in 2002 with several amendments
- Amendments in 2019
- Amendments in 2022

Item	Description	Analysis
<b>Surrounding Land Uses</b>	<b>North</b> – Shell Fuel Station - Saxony <b>South</b> – ULTA and Key Bank – Hamilton Town Center <b>East</b> – Crew Car Wash - Saxony <b>West</b> – Panda Express	<i>The surrounding land uses are commercial in nature and mostly within the Saxony PD except for area south of Campus Parkway</i>
<b>Comprehensive Master Plan and Future Land Use</b>	Commercial	<i>The commercial land use classification comprises the majority of retail and service business development within Noblesville. It is generally oriented to automobile access and includes retail, personal service office, hotels and automobile related uses within a shopping center and outlots.</i>
<b>Traffic Circulations and Thoroughfare Plan</b>	Bergen Boulevard and Campus Parkway (Primary Arterials) and Interstate 69 (Expressway)	<p><b>Arterial</b> is a type of roadway that is a high-capacity urban road that delivers traffic from an integrated network of continuous routes.</p> <p><b>Primary Arterial</b> serves corridor traffic movements indicative of substantial statewide or interstate travel and connects to major population centers.</p> <p><b>Expressway</b> is a type of highway that is designed for high-speed vehicular traffic with all traffic flow ingress/egress regulated. This type of roadway provides an unhindered flow of traffic, free of at-grade crossings with other roads which are instead carried by overpasses and underpasses across the highway with opposing directions of travel being separated by a median strip, traffic barrier, and/or grass. Entrances and exits to the highway are provided at interchanges by ramps.</p>
<b>TAC Comments</b>		NA

**Attachments**

Exhibit 1	Aerial Photograph
Exhibit 2	Applicant's Site Plan
Exhibit 3	Narrative

**Recommendation**

Staff does not lend support to the request.

**Motions**

1. Motion to approve the requested amendment as per the presentation and Application No. 0065-2023 submittal and forward a favorable recommendation for adoption to the City Council.
2. Motion to deny the amendment request to eliminate the established landscaping, and construct an 80-SF structure as per the presentation and Application No. 0065-2023 and forward a do not adopt recommendation to the City Council. **(LIST REASONS)**
3. Motion to continue Application No. 0065-2023 until the September 18, 2023 meeting.