

2009066148 ORDINANCE \$24.00  
11/17/2009 11:35:13A 6 PGS  
Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

## **ORDINANCE NO. 46-10-09**

**Document reference number(s): 200535922**

**AN ORDINANCE TO AMEND ORDINANCE NO. 64-8-05 THE CHAPEL WOODS PLANNED DEVELOPMENT AND THE UNIFIED DEVELOPMENT ORDINANCE, A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA**

This is an ordinance (the "PUD Ordinance") to amend Ordinance No. the Chapel Woods Planned Development, the Unified Development Ordinance for the City of Noblesville, Hamilton county, Indiana (the "City's Development ordinance"), 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 on Application 09N-15-0590<sup>0948</sup> as required by law in regard to the application for a change of zone district designation filed by Chapel Woods LLC ("Chapel Woods"); and,

WHEREAS, the Plan Commission at their October 19, 2009 meeting sent its favorable recommendation to the Noblesville Common council by a vote of 7 in favor and 2 opposed;

WHEREAS, the Plan Commission at their October 19, 2009 meeting recommended favorably subject to the following conditions:

1. That, in the event the location of the sign is dedicated as right-of-way, that the sign would be moved to another location on the Real Estate at the petitioners sole expense and will still meet the 10 foot setback requirement.
2. That the sign shall not be illuminated.
3. That the sign will be permitted to remain on the Real Estate for a period of three (3) years from the date of approval of this ordinance

regardless of the presence of other development signage for Union Chapel Shoppes.

4. That the petitioner has the right to locate any future builders in Chapel Woods on the sign.

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 of said Ordinance are hereby amended as follows:

**SECTION 1.** The subject real estate (the "Real Estate"), more particularly described in "Exhibit 1" attached hereto, is located generally 10 feet east of the northeastern corner of Union Chapel Road and Greenfield Avenue, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate hereby shall maintain its existing zoning and the purpose of this ordinance is exclusively for the purpose of amending the signage package for the Chapel Woods development to also allow for the placement of an offsite temporary directional sign.

**SECTION 2.** The proposed Program for signs attached hereto as "Exhibit 2," is adopted as part of this ordinance.

**SECTION 3.** This Planned Development Ordinance and its Exhibits (collectively, the "PD Sign Standards") permit variations from the development standards, specifications, guidelines and/or requirements (collectively, the "Standards") contained in the City's Development Ordinance. The PD Sign Standards supersede the Standards in the City's Development Ordinance to the extent the PD Sign Standards vary, alter or modify the Standards in the City's Development Ordinance. The Standards in the City's Development ordinance, however, shall apply to the extent that the PD Sign Standards do not vary, alter or modify them.

**SECTION 4.** Nothing in this ordinance shall limit or interfere with any signage that would otherwise be permitted on the underlying property by the Unified Development Ordinance or any previous or future zoning approvals on the property in the case where the proposed sign was not located on the property.

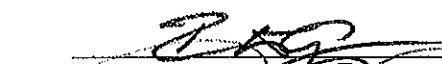
**SECTION 5.** This ordinance shall be in full force and effect from and after its passage and approval.


**SECTION 6.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10th day of November, 2009.


COMMON COUNCIL OF THE CITY OF NOBLESVILLE


Aye

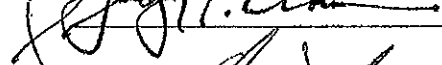
Nay

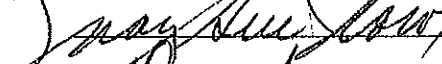
 Brian Ayer \_\_\_\_\_

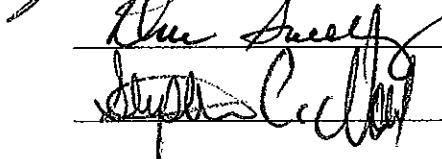
 Mark Boice \_\_\_\_\_

 Roy Johnson \_\_\_\_\_

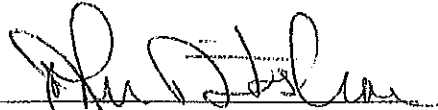
 Greg O'Conner \_\_\_\_\_

 Mary Sue Rowland \_\_\_\_\_

 Dale Snelling \_\_\_\_\_

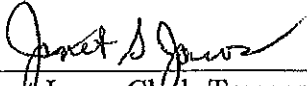
 Stephen C. Wood \_\_\_\_\_

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10<sup>th</sup> day of November, 2009.



John Ditslear, Mayor  
City of Noblesville, Indiana

ATTEST:



Janet Jaros, Clerk-Treasurer  
City of Noblesville, Indiana

Prepared by:  
Saxony Management Company  
Chris Hamm  
13578 E. 131<sup>st</sup> Street, Suite 200  
Fishers, IN 46037  
317-910-1073

Chapel Woods LLC  
Lawrence M. Moon

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.  
Michael A. Howard

## LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 16, Township 18 North, Range 5 East, described as follows: Begin at the Northwest corner of the Northwest Quarter of Section 16, Township 18 North, Range 5 East; run thence East on and along a fence line on the North line of said Quarter, 827.0 feet to an iron stake and corner post; thence deflection to the right 91 degrees and 41 minutes, 515.2 feet on and along a fence line and extension thereof to a point at intersection with the Center line of State Highway No. 238; thence deflection to the right, 108 degrees and 45 minutes on and along the Center line of said Highway, 867.25 feet to intersection with the West line of said Quarter, thence deflection to the right 69 degrees and 44 minutes on and along said West line, 210.1 feet to the place of beginning. Containing 6.84 acres, more or less. Subject to Highway and Public Utility easement.

(from Instrument Number 200300082974)

## EXHIBIT 2

### Amendment to Chapel Woods Signage


The following represent the proposed additional signage that would be included for the Chapel Woods development. In the event that the proposed additional signage differs from that permitted by the underlying zoning standards, the following signs shall be permitted:

#### 1. Greenfield Avenue Sign

This two-sided 4' x 8' ground sign would be placed 10' out of the right-of-way at the northeast corner of Greenfield Avenue and Union Chapel Road. The general location and design of the sign are depicted in Exhibit 2A and 2B. The sign shall not be internally illuminated.

#### 2. Time Period

This proposed sign was originally requested to be in place for up to five (5) years. Based on our conversations with the City, we have reduced our request to allow the sign to be in place for three (3) years, which is more in keeping with previous approvals along Hazel Dell Road. Any request for extension beyond the initial term would need to be approved by the Common Council.



**Peterson Architecture**  
 1275 West 10th Street  
 Indianapolis, IN 46202  
 317-727-7272  
 petersonarchitect.com

**NEW MULTI-TENANT RETAIL DEVELOPMENT**  
**UNION CHAPEL SHOPPES**  
 GREENFIELD AVENUE AND UNION CHAPEL  
 NORFOLK, INDIANA  
 JC PARTNERS, LLC

CONCEPTUAL DESIGN  
 AUGUST 29, 2009

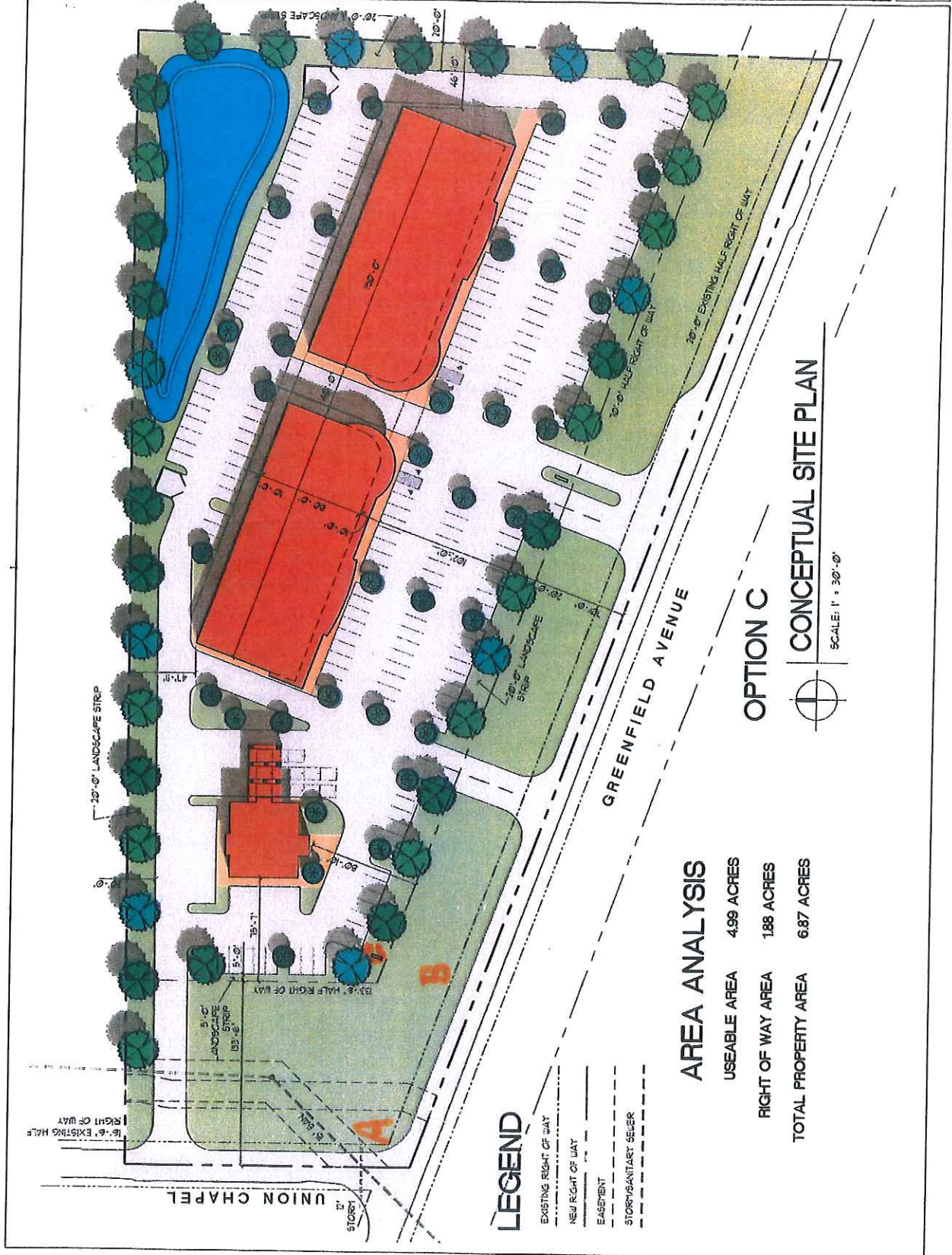
DESIGNED BY:  
 JCPARTNERS  
 JCPARTNERS  
 JCPARTNERS  
 JCPARTNERS  
 JCPARTNERS

DATE: 08-29-09  
 DRAWN BY: JCPARTNERS  
 CHECKED BY: JCPARTNERS  
 PROJECT NUMBER: 09-002

CONCEPTUAL SITE PLAN

**A100**

THIS PLAN IS THE PROPERTY OF JCPARTNERS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JCPARTNERS.



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# Exhibit 2B



SIZE: 4' x 8'

DOUBLE SIDED

Post option : PVC or treated

ESTIMATE #:  
DATE: 7/13/09

FILE NAME: july 09 Chapel Woods  
of Noblesville



2802 E. Troy Ave.  
Indianapolis, IN 46203  
Phone: (317) 788-0202  
Fax: (317) 788-1579  
www.WagnerSigns.com



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