

Agenda Item #1

Case Number	BZNA-0165-2019	Property Size	24.45 AC
Address	4940 Webster Drive	Zoning	R5/PD
Owner	Templeton Ridge One LLC	Reviewer	Oksana Polhuy
Applicant	Will Sharer	BZA Meeting	January 6, 2020

Requested Action:

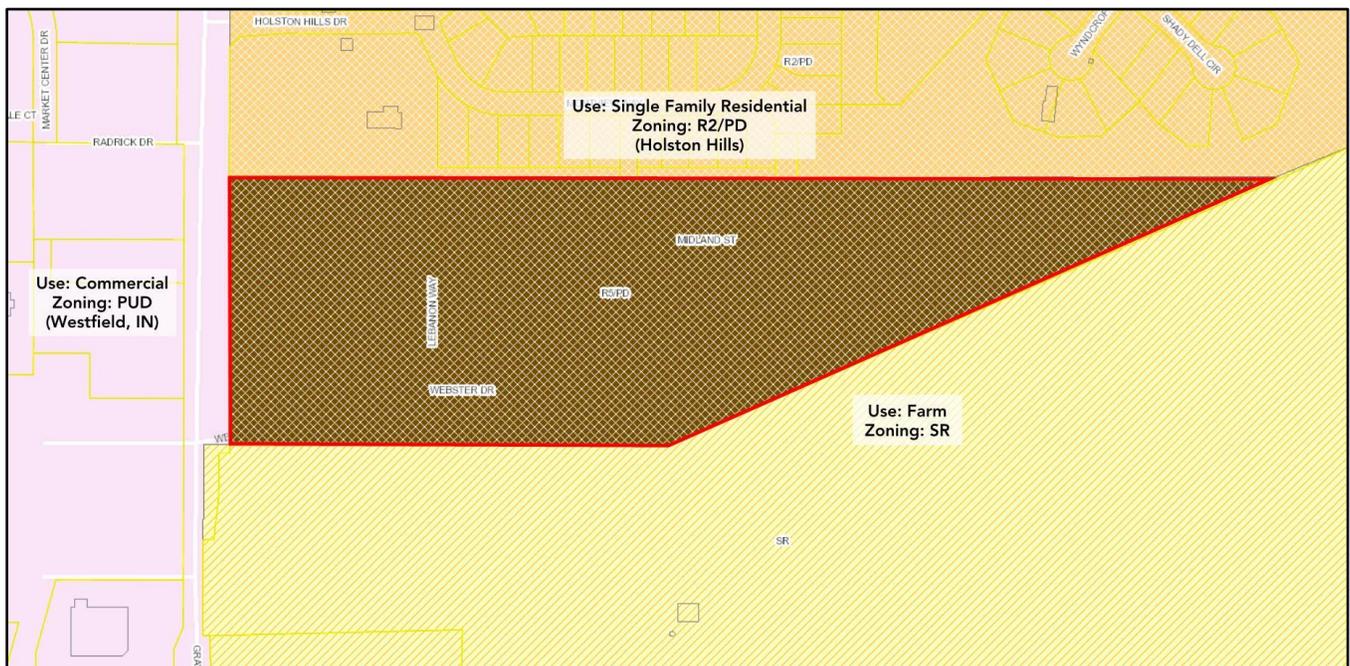
UDO § 6.A.6 Variance of Development Standards to permit use of a development name that duplicates, or too closely approximates phonetically, the name of another development in the planning jurisdiction on a ground sign.

Recommendation:

Approve. See Findings of Facts for Approval on page 3 and Conditions of Approval on page 4.

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ANALYSIS

The subject site is a residential multi-family planned development called Templeton Ridge located on the east side of Gray Road, about 700 feet north of 146th Street (Exhibits 2, 3). The applicant, Redwood Neighborhood Apartments, manages two communities in the City of Noblesville planning jurisdiction, known as Templeton Ridge (subject property) and The Hamptons planned developments. As part of its branding strategy, Redwood would like to install ground signs featuring the name of the company "Redwood Neighborhood Apartments" at the entrances to both communities (Exhibits 4 and 5).

Typically, a ground sign to a residential community/subdivision features the name of the planned development as designated in the planned development ordinance. Per our zoning ordinance, UDO 6.A.6, *"The proposed name of the development shall not duplicate, or too closely approximate phonetically, the name of another development in the planning jurisdiction. The reviewing authority shall have final authority to designate the name of the development, which shall be determined at the time of Improvement Location Permit."* The applicant is requesting a variance to UDO 6.A.6 for the purposes of using a duplicate, or too closely approximate phonetically, names on a ground sign to two different planned developments.

Redwood attempted to change signage without getting a sign permit in May 2019, but the code enforcement caught them early on. Redwood removed the new signs immediately upon receiving a Notice of Violation and applied for the permits. At that point, the staff informed them that they could not use "Redwood Neighborhood Apartments" on the ground signs to both communities. The staff recommended that the applicant could include some form of brand name or logo as long as the designated names "Templeton Ridge" and "The Hamptons" were present too. Redwood did not want to pursue this option. After a long discussion between the legal councils of Redwood and the City of Noblesville, a compromise was reached to apply for the variance to permit using the same name, but vary the names on the sign by including the name of the street that serves as the entrance to the community on the sign (Exhibit 5).

The main concern of using the same names on the signage is safety of the residents of Templeton Ridge. When planned developments go through the approval process, several government authorities review their names. The 911 Address Coordinator in Hamilton County, Indiana, has the final authority to approve the street and subdivision names before the plats and ordinances are recorded. They review the names for safety purposes and make sure that they are different among the subdivision and street names in the county, not just the city of Noblesville. The approval of this variance would not authorize change of the development name in the ordinance or a plat, and is used only to permit the same name on the ground signs to two different communities. To alleviate the safety concern and somehow differentiate the signs, the proposed sign design includes the name of the community entrance street (Exhibit 5).

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #1:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) conditions are met (see Indiana Code § 36-7-4-918.5):**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. Proposed sign design alleviates the concerns that the staff has with regard to safety by including the street name that serves as the entrance to the community. Because there are only two communities in Noblesville affected, it is not likely that they will be confused or cause safety issues.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because it does not have alternative provisions that would allow using the same brand name for different residential communities that are recorded under a different development name.

RECOMMENDATIONS

AGENDA ITEM #1:

APPROVE the requested Variance of Development Standards based upon the following findings of fact:

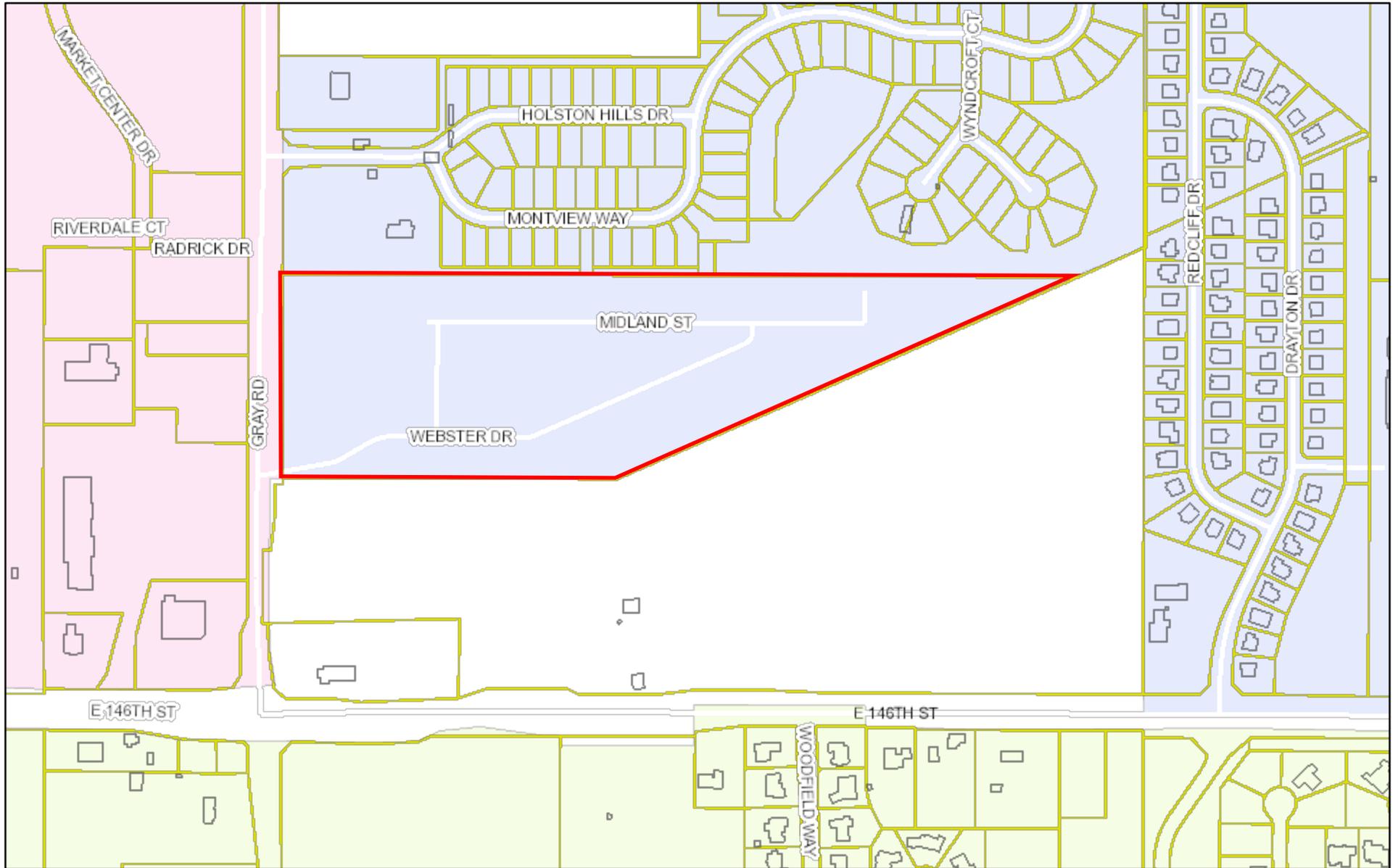
- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

- The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

With the following specific conditions:

1. This variance shall be valid as long as Redwood remains the owner/manager of the subject property. A different entity that wishes to use the same brand name for this and other residential planned developments in the City of Noblesville planning jurisdiction would need to seek a new variance.
2. The ground sign shall conspicuously and prominently include the name of the street that serves as the entrance to the community as depicted in Exhibit 5.
3. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
4. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

EXHIBIT 2. PARCEL MAP



December 13, 2019

centerlines □ Buildings □ Parcels

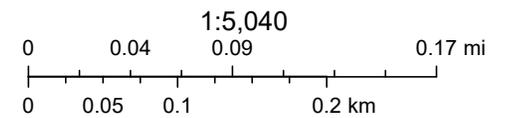


EXHIBIT 3. AERIAL MAP



December 13, 2019

- centerlines
- Parcels

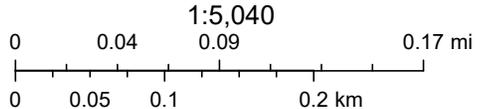


EXHIBIT 4. APPLICATION



CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF DEVELOPMENT STANDARDS APPLICATION

Application Number: BZNA-0165-2019

The undersigned requests a Variance of Development Standards as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Templeton Ridge - Redwood Noblesville Webster Dr.
Common Address: 4940 Webster Dr.

Applicant Name: Will Sharer

Applicant Address: 7510 E. Pleasant Valley Rd.

Applicant City/State/Zip: Independence, OH 44131 E-mail: WSharer@byredwood.com

Applicant Phone #1: 716-339-0944 Phone #2: _____ Fax: _____

Owner Name: Templeton Ridge One LLC

Owner Address: Same as Applicant

Owner City/State/Zip: _____ E-mail: _____

Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: Not located in a recorded subdivision, see legal description attached.

Subdivision Name: Templeton Ridge

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number: _____

Existing Land Use: Multi Family

Common Description of Request: - Sign Variance

Zoning District of Property: RS-PD Code Section(s) Appealed: UDO § Article 6, Part A, Sect. 6
Development Names

Date: 11/22/19

Applicant's Signature: [Signature]

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standards from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

Design Two Redwood branded neighborhoods will
not be injurious to the public because each neighborhood
will have the unique identifier of its street name
clearly visible with large lettering illuminated with uplighting
on the base.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

The name on our sign will have no affect on
adjacent properties. If anything the improved design
will contribute in a positive way to the image of
the surrounding area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

The strict application of this ordinance would prevent
the Redwood Trademark brand from being utilized in Noblesville.

4940 Webster Dr
Parcel #: 10-10-16-00-00-015.000
State # 29-10-16-00-015.000-013



Current Owner as of May 22, 2019

This information is updated 5 times a week.

PROPERTY ADDRESS	DEEDED OWNER	SUMMARY INFORMATION
4940 Webster Dr Noblesville, IN 46062	Templeton Ridge One LLC 7510 E Pleasant Valley Rd Independence, OH 44131	Parcel Number: 10-10-16-00-00-015.000 State Parcel Number: 29-10-16-000-015.000-013

Legal Description:

Acreage 24.45 Section 16, Township 18, Range 4 TEMPLETON RIDGE Lot 1
Irregular Shape

Section/Township/Range:

16/18/4

Subdivision Name:

TEMPLETON RIDGE

Subdivision Section:

Not Available

Deeded Acres:

24.45

Political Township:

Noblesville

Lot Number(s):

1

Last Recorded Date:

1/6/2016

Disclaimer: This program allows you to view and print certain public records. Each section reflects information as of a specific date so the information provided in different sections or reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

Letter of Intent

Our intent is to better serve our residents and the communities surrounding our neighborhoods by uniting our many properties under one Redwood umbrella. This change is part of a larger branding initiative that will unify the image of all Redwood Neighborhoods across the country, helping residents and communities understand that no matter the Redwood Neighborhood, they'll get the same beneficial experience.

While we understand that there will be an adjustment period, we have a plan in place to notify residents and emergency service personnel in each area where a Redwood property has a sign change. We are committed to working with the community to make sure everyone is aware of the situation—our goal is to make this transition as smooth as possible for all involved.

Thank you for your continued support and candor as we move forward with this process. Your thoughts and opinions help us make the best decision for our residents and the communities we serve.

Best,

Will Sharer

EXHIBIT 5. PROPOSED SIGN DESIGN



32 SQUARE FOOT DOUBLE SIDED SIGN

Monument Sign

Aluminum Sign Cabinet Painted Mathews to match PMS 7427C & PMS 490C

DIMENSIONAL LETTERING

REDWOOD
3" Deep Back Lit Channel Letters
Returns of letters to be white

TREE
3" Deep Back Lit Channel
Returns to be white

APARTMENT NEIGHBORHOODS
1/2" Push Through Letters Back Lit

ALUMINUM BASE
Aluminum Base with "cut granite"
High Density Urethane attached

Please verify that all artwork, sizes, colors, spelling and grammar are correct. Once approved, the artwork is final and will be printed as pictured. The design shown is the property of A Sign Above, Inc. No transmittal or disclosure shall be made to any person, firm, or corporation without prior written consent.

asa
a sign above
8982 Dutton Drive
Twinsburg, Ohio 44087
Phone: (330) 425-7832
Cell: (216) 337-2201
Email: jerryasignabove@yahoo.com

Client:

**REDWOOD
MANAGEMENT**

File Name:
REDWOOD - NOBLESVILLE - 32 SQ FT SIGN.PLT

Proof Date:
11/18/19

PLEASE CHECK ONE OF THE FOLLOWING:

Approved	Approved With Changes	Revised & Reapproved
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:

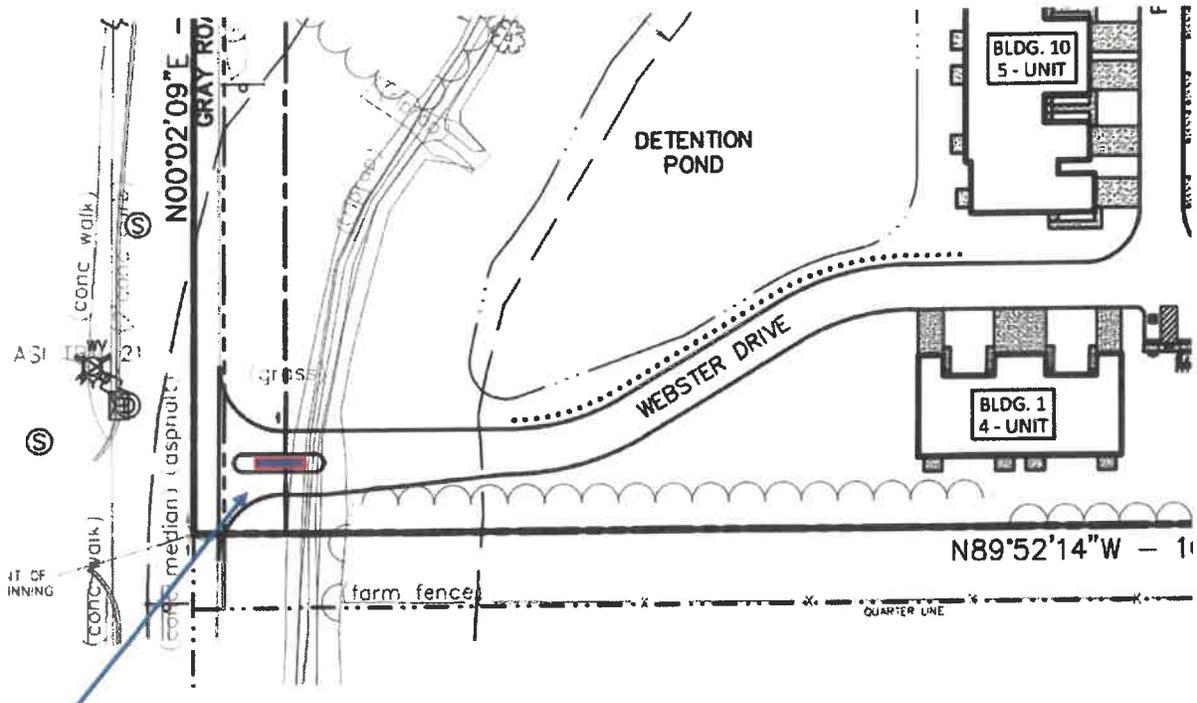
X _____

Date of Approval:

Templeton Ridge (Noblesville, IN)



- Remove existing sign and columns from the center island
- Place 32 sqft d/s internally lit sign in exact same locations
- Landscape to complete



Sign location



- Sign to be reverse channel (halo lit) per Noblesville Zoning ordinance

EXHIBIT 6. SIGN PICTURES

Previously approved ground sign.



The sign face has been removed.

