



## PLAN COMMISSION STAFF REPORT

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**ITEM NO:** 1 **APPLICATION NO.** 0222-2022

**MEETING DATE:** March 20, 2023

**SUBJECT:** Amendment to an adopted planned development ordinance

**PETITIONER(S):** Interstate Holdings, LLC on behalf of Republic Development, LLC (Developer/Owners) and BML Holdings, LLC (Applicant)

**SUMMARY:** Amendment to the adopted Saxony Corporate Campus Planned Development Ordinance specifically regarding signage for Outlaw's Restaurant

**WAIVERS REQUESTED:** NA

**RECOMMENDATION:** Approval

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

**Regulation** – a rule or order issued by a public agency having the force of law.

**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.

### **Procedure**

The application was filed on the October 24, 2022 filing deadline for a public hearing at the December 12, 2022 Plan Commission meeting. The application was presented; however, it was continued. 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/stipulations to the recommendation. The Council then hears the proposals, including the Plan Commission's recommendations at two separate Council meetings. At the final Council meeting the change of zoning and preliminary development plan 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 and publication in the newspapers.

### **Correspondence**

None received since the initial presentation.

### **Summary**

This item was continued from the February meeting when the applicant failed to attend the meeting or send a representative to present his project. This item was also continued at the December meeting to provide the applicant additional time to modify the signage as the applicant noted he was not aware of the items Staff had discussed with the sign company. Mr. Lilly (applicant) did modify the sign and also has received approval from the Saxony Design Review Board prior to presenting to the Plan Commission.

The existing designation sign is located side of Campus Parkway and within the Cabela Parkway right-of-way within a median. (Exhibit 1 – Overall Saxony Corporate Campus Area, Exhibit 2 – Aerial Photograph locating designation sign)

Mr. Lilly is proposing to have the word "Outlaws" in all caps white letters measuring 16-inches in height and additionally he is adding the words, Steaks, Burgers, Brews at 4.5-IN letters being white and a reddish brown in color. It was a suggestion by the Plan Commission that additional words be added to the sign to describe what is "Outlaws" as it is not a chain restaurant. The applicant has resubmitted his proposal for the designation sign based on some of the comments from the December meeting. (Exhibit 3 – Proposed Outlaws Signage, Exhibit 4 – Adopted Saxony Designation Sign, Exhibit 5 – Original Staff Report and Exhibits, Exhibit 6 – Partial December Minutes)

The following is a breakdown of the requirements based on the adopted Saxony Corporate Campus Planned Development Ordinance:

SAXONY REQUIREMENTS	APPLICANT'S PROPOSAL	COMMENTS
Tenant Space Lettering for remaining 5 spaces below Cabela's shall not exceed 12-inches in height	Applicant proposing 16-IN for all letters in the word "OUTLAWS" and 4.5-IN letters for remaining words	Letters for the word "Outlaws" exceed the maximum letter size by 4-inches based on the adopted ordinance

Since the December meeting, Staff has located standards used by sign companies. Those standards reviewed by Staff included the International Sign Association and the United States Sign Council Foundation. One of their findings noted that signs should not be addressed by minimum and maximum sign/letter heights in any given zoning district but should focus on the distance from grade level to the lowest portion of the sign message that is readable by a traveling motorist relating to ground and designation signs. The findings were based on best-practices for optimal freestanding on-premise signs including factors of the roadway cross section including speed and number of lanes, and width of lanes; sign visibility; traffic safety; and sign offsets as well as geometry and the driver's line of sign and visual field. If you think about traffic signs they have a mandatory minimum height requirement but on-premise signs for commercial uses have a mandatory maximum height based on zoning districts. Below is a generalized letter height to sign height regulations based on their study, however, to further refine the sign and letter heights, all of the supporting factors must be included.

Letter Height (inches)	5	10	15	20	25	30
Maximum Sign Height (feet)	16.5	29.7	42.9	56.0	69.1	82.2

A concern of Staff is the applicant is requesting a larger letter size than the largest letter in the name of the development. The largest letter in the word "MarketPlace" is 12-inches. The applicant's

proposal is 4-inches larger than the letters in the name of the development. From a Staff's perspective, it seems odd to allow a tenant larger letter sizes than the actual development name. Currently, "Marshall's and Michaels" have a few larger letters in their name that measure 16-Inches with the remaining letters meeting the 12-inch standard with Duluth Trading Company having letter sizes of approximately 11-inches in height.

**Attachments**

<b>Exhibit 1</b>	Aerial Photograph overall Saxony Corporate Campus
<b>Exhibit 2</b>	Aerial Photograph of Designation Sign location
<b>Exhibit 3</b>	Designation Sign as Proposed by Outlaws
<b>Exhibit 4</b>	Designation Sign Adopted
<b>Exhibit 5</b>	Original Staff Report and Exhibits
<b>Exhibit 6</b>	Partial December minutes

**Recommendation**

Staff would be supportive of the sign, if the letter sizes on the word "Outlaws" was a maximum of 12-inches or there was a slightly larger first letter but the remaining letters were 12-Inches. Even based findings from the two outside agencies (based on the chart) the maximum letter size should be approximately 10-inches and the developer allowed up to 12-inch letters. Staff does not believe they have justified their request with supporting statements or documentation and therefore does not agree with the increase in the letter sizes. It would appear that if that size was an issue, then other tenants existing on the sign would have attempted to modify the ordinance.

**Planned Development Motions**

1. Motion to approve the amendment to the Saxony Corporate Campus Ordinance as per the presentation, drawings attached, and Staff Report and forward a favorable recommendation to the Council for adoption as per Application No. 0222-2022
2. Motion to approve the amendment to the Saxony Corporate Campus Ordinance with the following stipulations: **(fill in the blanks)** and as per the presentation and forward a favorable recommendation to the Council for adoption as per Application No. 0222-2022
3. Motion to deny the requested amendment as per the presentation, submitted drawings, and Application No. 0222-2022 and forward a do not adopt recommendation to the City Council.  
**(LIST REASONS)**
4. Motion to continue Application No. 0222-2022 until the April 2023 meeting.
5. Should the applicant fail to appear, Staff would recommend that the Plan Commission either deny the proposed sign or dismiss the application.