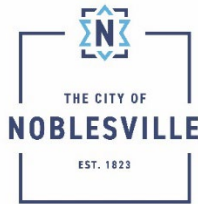


ORIGINAL STAFF REPORT AND EXHIBITS



PLAN COMMISSION STAFF REPORT

ITEM NO: 4 **APPLICATION NO.** 0222-2022

MEETING DATE: December 12, 2022

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: Denial

PREPARED BY: Joyceann Yelton, Development Services Manager
jyelton@noblesville.in.us
317-776-6325

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 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

At the time of writing, Staff had received a comment from another business in the immediate area and that individual suggested that Outlaws Restaurant should also be required to follow the rules.

Summary

The property is a part of the Saxony Corporate Campus Planned Development. The applicant operates the "Outlaws Steak and Spirits" restaurant that is the former site of "Primanti Bros" restaurant located along Cabela Parkway and north of the existing Cabela's retail store. The Saxony Corporate Campus Planned Development original ordinance was adopted in 2002 and encompasses approximately 280 acres. (Exhibit 1 – Aerial Photograph Overall Saxony CCPD) After the original adoption of the Saxony Corporate Campus Ordinance, there have been several ordinances adopted relating to signage, bulk standards and the land use categories. During 2014-2015 when Cabela's retail store was being constructed, there were also sign amendments being proposed and adopted regarding a designation sign at Campus Parkway and Cabela Parkway. (Exhibit 2 – Aerial Photograph of designation sign location) (Exhibit 3 – Proposed Designation Sign). Currently, existing on the designation sign are the names of Cabela's, Marshalls, Michaels, and Duluth Trading.

Primanti Bros. also had a sign at the bottom of this designation sign during the time they were in an active business in the Saxony Corporate Campus.

The following is a table which includes the adopted Saxony standards relating to the individual tenants and the proposed standards by the applicant.

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 18-IN for all letters	Letters are larger than permitted by the adopted ordinance
Letter shall be earth tone muted colors	Earth-tone colors are those colors that typically have some brown in the mix	White

Exhibit 4 – Proposed sign by applicant

Prior to the City issuing an actual sign permit, the applicants are required to obtain approval from the developer of the Saxony Corporate Campus. These applicants did receive approval from that developer (*Exhibit 5 – Saxony Approval*); however, it does not meet the standards that the developer has adopted in the ordinance. Keep in mind, that the adopted Saxony Ordinance was proposed by the developer as based on other developments they had previously completed or were underway at the time of adoption. Based on Staff's review of the existing signage, "Duluth Trading" is approximately 11-IN letters, "Marshalls and Michaels" have a few larger letters in their names that measure approximately 16-inches with the remaining letters being at or less than the 12-inches as per the ordinance. It also appears that when "Primanti Bros" had their sign in this same location as is being proposed by "Outlaws", the letters "P, B, S" were approximately 16-inches with the remainder of the letters being 12-inches or less. Staff told the applicants that if they sought a text amendment, it would not be supported by Staff. Although in some instances reference to earth-tones colors may include the color "white" it is not a bright white as proposed by this applicant and it could be argued that white is not an earth-toned color.

The applicant's reasoning for the 18-IN tall letters is that several tenants have 18-IN tall letters. Staff would note that only certain letters in the names of "Marshall's and Michael's" are larger than permitted but the majority of the letters meet the adopted ordinance requirements and are trademarked. They also note the size is for better visibility. Staff would contend that having entirely white lettering is better visibility in itself.

Attachments

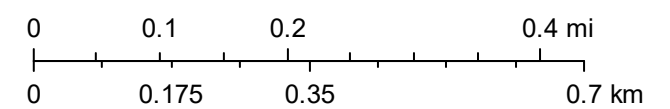
Exhibit 1	Aerial Photograph overall Saxony Corporate Campus
Exhibit 2	Aerial Photograph of Designation Sign location
Exhibit 3	Existing Designation Sign
Exhibit 4	Proposed Sign by Applicant
Exhibit 5	Saxony Approval Correspondence

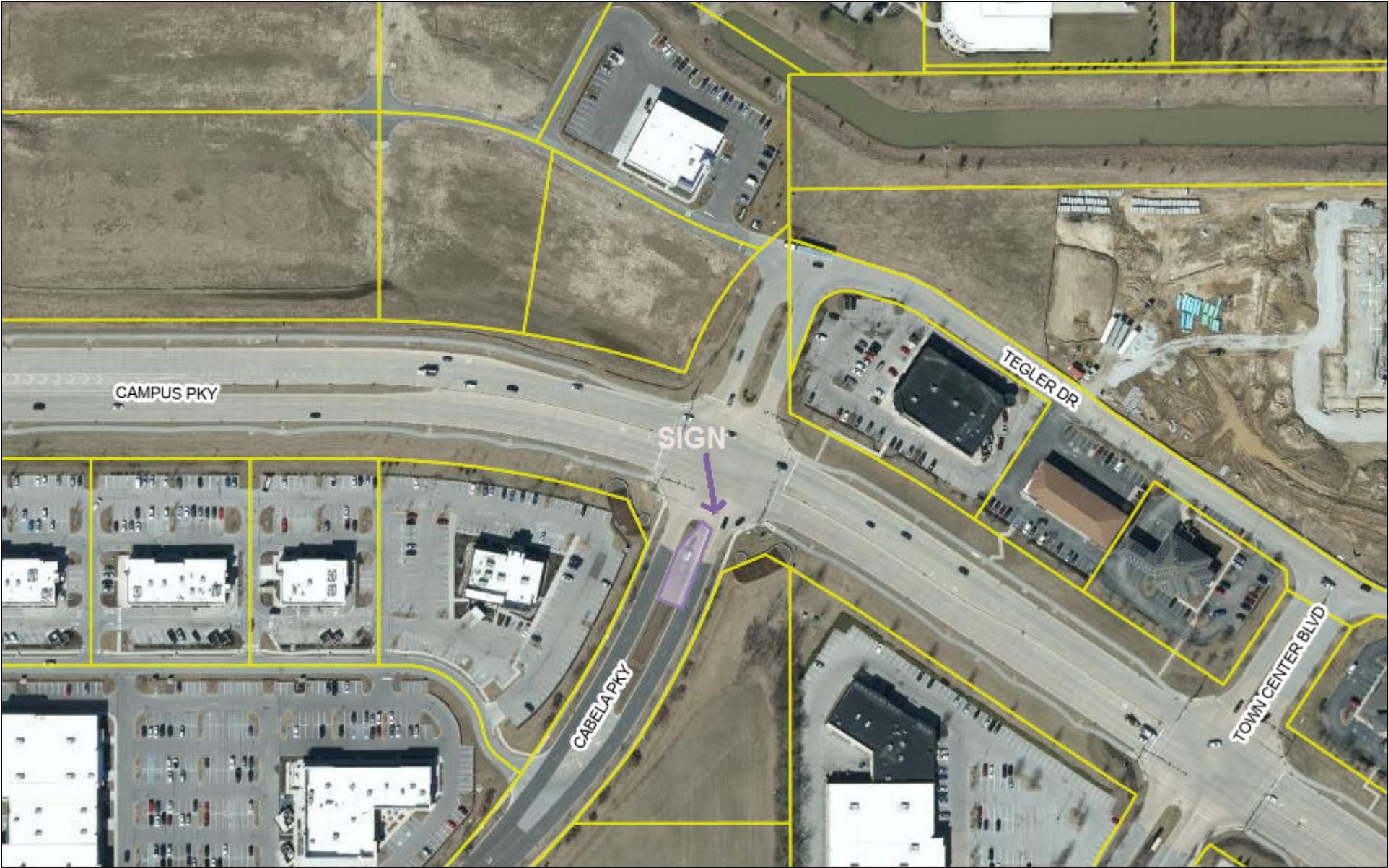
Recommendation

Staff does not support the amendment to the sign portion of the ordinance as Staff does not feel like they have justified their request with supporting statements or documentation and therefore does not agree with the increase in the letter sizes and the color of the sign. It would appear that if that size was an issue, then other tenants that have existed 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 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)
3. Motion to continue Application No. 0222-2022 until the January 17, 2023 meeting.

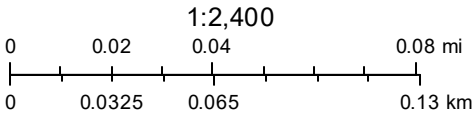


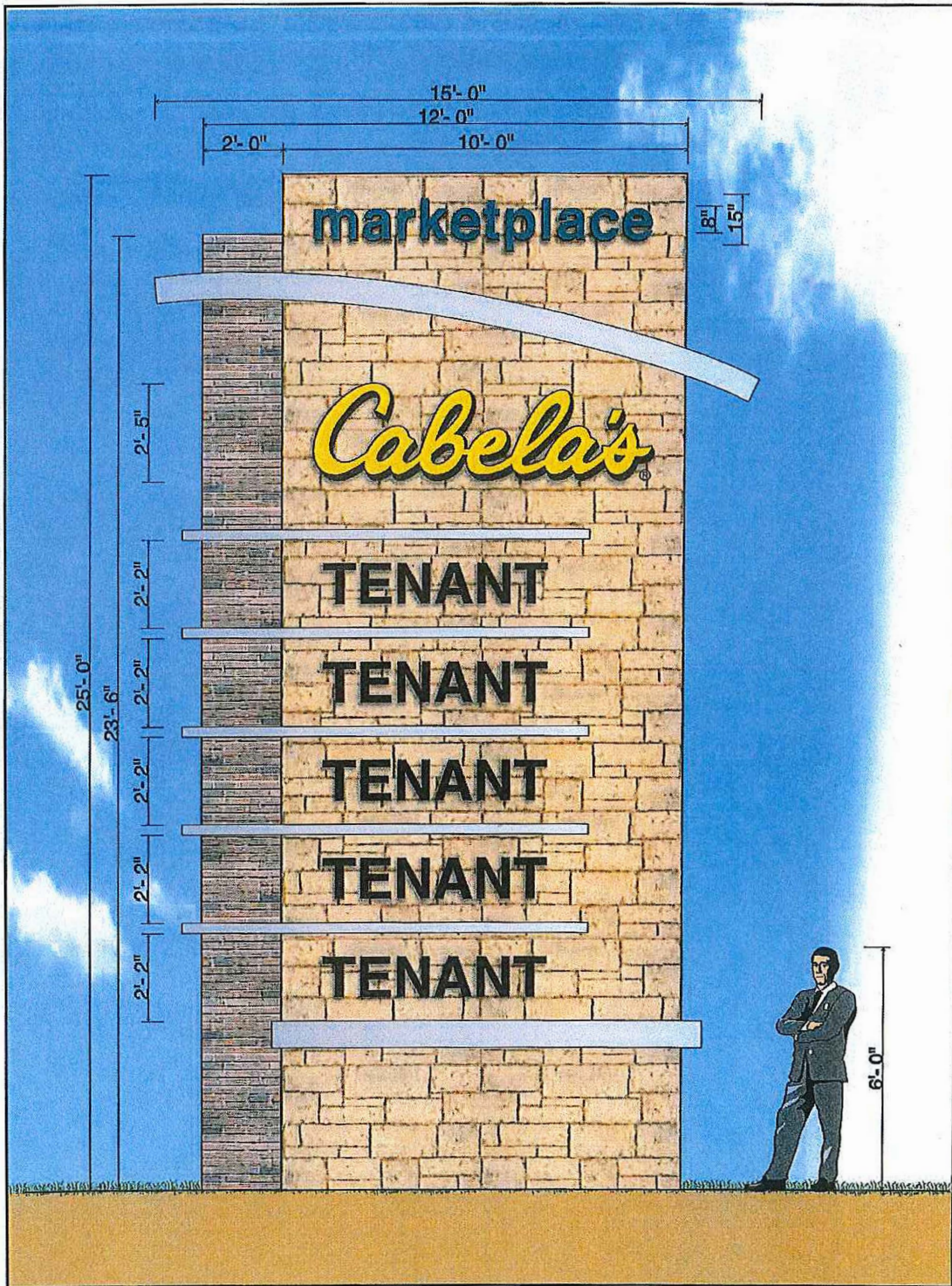


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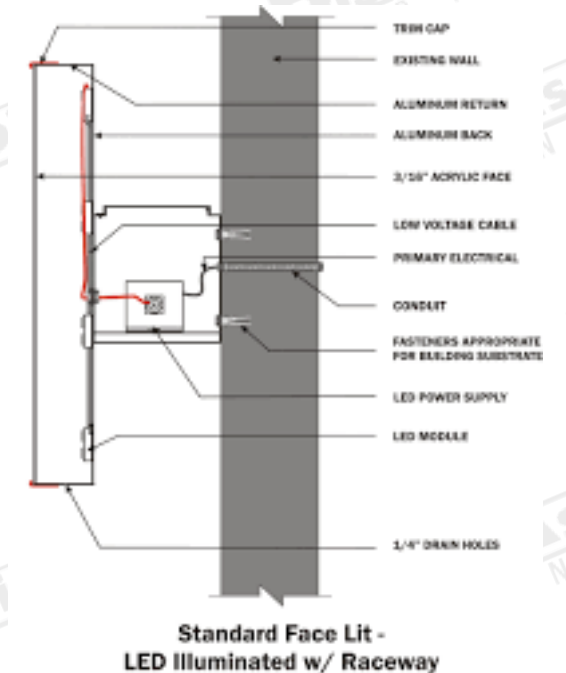
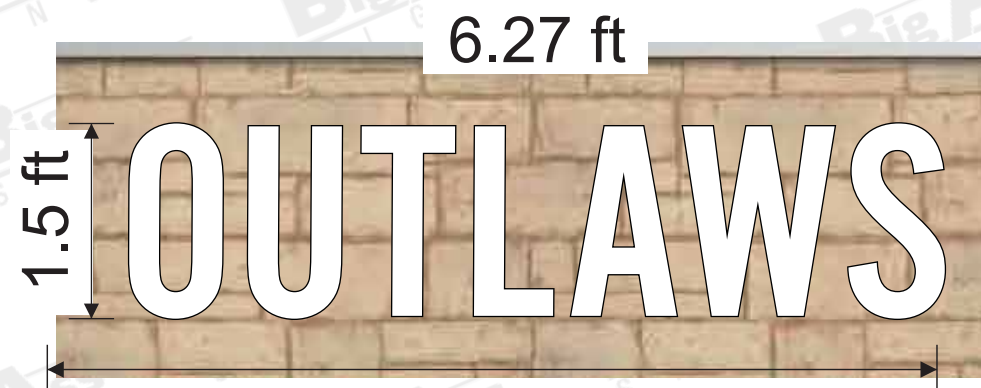
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FILE NAME CABELAS-MON1.PDF	SALES REP BEV MILLER
DATE 10/27/14	DRAWN BY AA
LOCATION	

DRAWING APPROVAL

CLIENT _____ DATE _____

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R1



DATE 08-02-2022

PREPARED FOR

OUTLAWS
STEAKS BURGERS BREWS

VIA ELECTRONIC MAIL

August 19, 2022

SAXONY®

Outlaws Steak & Spirits
Attn: Blake Lilly
c/o: Lilly Group
P.O. Box 747
Effingham, IL 62401
Email: blake.lilly@lillygroupco.com

***RE: Saxony Design Review: Revised Tenant Signage (Outlaws Steak & Spirits) – APPROVED
Revision #3 to North Elevation (R5) & Pylon Sign Tenant Panel 5 (R1)
Primanti Building –13871 Cabela Pkwy., Noblesville, Indiana 46060
MarketPlace at Saxony Corporate Campus, Parcel JJ-1***

Dear Mr. Lilly:

The Saxony Design Review Board has reviewed the above Tenant's further revised permanent wall signage plan for the "North Elevation" branding sign dated August 2, 2022 (R5), as re-submitted electronically August 4, 2022 by BA Signs (Edgar Rivera) on behalf of Tenant (copy attached). Applicant has requested that their proposed north elevation branding sign text be changed from "Steak * Spirits" to "{OUTLAWS} STEAKS * BURGERS/BREWS *."

Considering the height and area proposed, the Board hereby "**approves**" the further revised north elevation branding sign (R5), as re-submitted above.

The Saxony Design Review Board has also reviewed the above Tenant's revised signage plan for "Tenant Panel 5" of the MarketPlace at Saxony Corporate Campus "Pylon Sign" located at the intersection of the south side of Campus Parkway and Cabela Parkway, as dated August 2, 2022 (R1) and submitted August 11, 2022 (electronically August 9, 2022) by BA Signs (Edgar Rivera) on behalf of Tenant (copy attached).

The Board hereby "**approves**" the proposed pylon sign tenant panel (R1), as submitted above.

Sincerely,

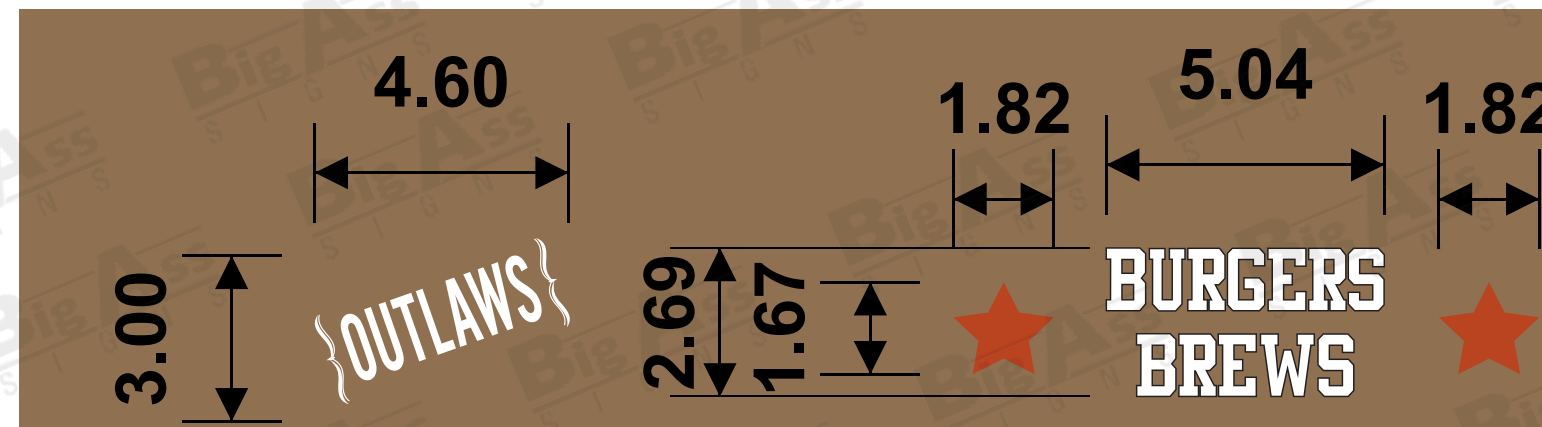


Meg Ransford
Saxony Design Review Board Manager

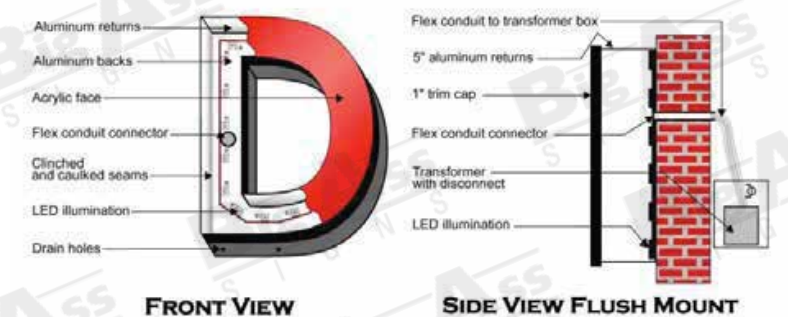
MAR/mr

Enclosures

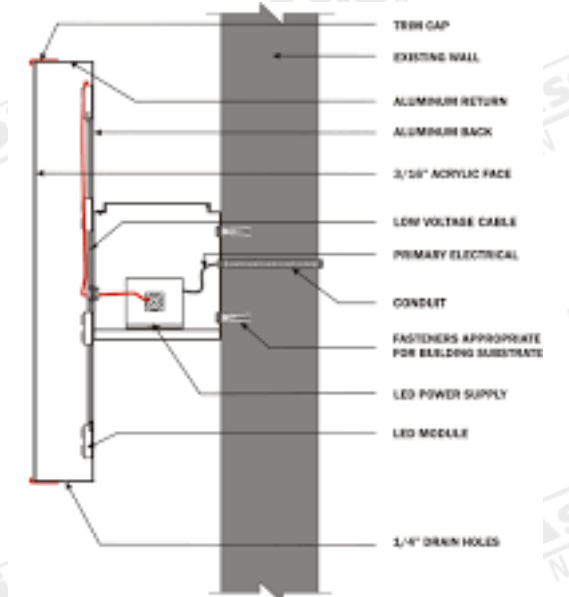
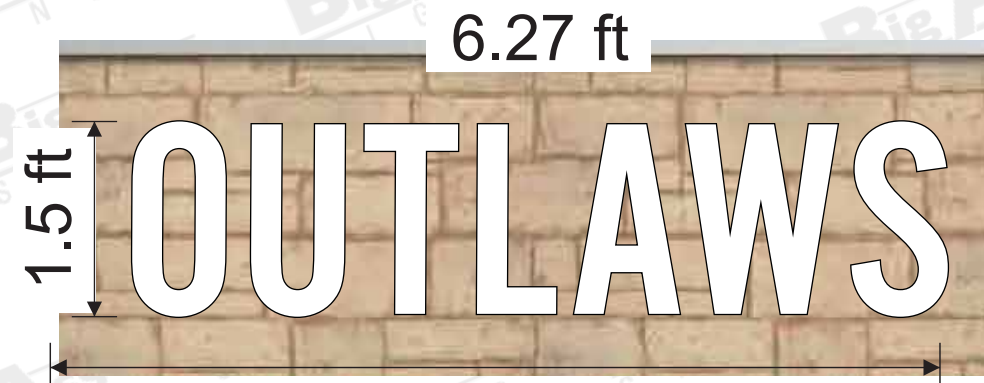
cc w/encl: Edgar Rivera – BA Signs (erivera@basigns.net)
Joyceann Yelton – City of Noblesville (jyelton@noblesville.in.us)
Rina Neeley – City of Noblesville (rneeley@noblesville.in.us)
Candi McKinnies-Shreve – Saxony Management Company (cms@saxony-indiana.com)
Saxony Design Review Board Members (via e-mail)



INSTALLATION- FLUSH MOUNTED TO FASCIA



R5



Standard Face Lit -
LED Illuminated w/ Raceway

R1