

Mr. Burns states he understands. He states that the only concession made was to not have open channel letters and the rest would be as proposed including sizes.

President Wilcox states that you are conceding to the channel letters on the signs but having the sign size as proposed.

Mr. Burns states yes but then says it may not be possible for the sign company to do that as I just don't know so I apologize for that.

President Wilcox then states maybe you should request a continuance.

Motion by Mr. Smith seconded by President Wilcox to continue Application No. 0220-2022 until the January 17, 2023 meeting.

AYES: Smith, Burtner, Cooke, Hellmann, Rogers, Albregts-Cook, Dr. Forgey, Hanes, Peterson, Wilcox
NAYS: Zero ABSTAIN: Zero Motion carries 10, 0, 0

#4 Application No. 0222-2022 Amendment to the adopted Plan Development Ordinance for the "Saxony Corporate Campus" regarding signage for Outlaws Restaurant located in the 13000 block of Campus Parkway at Cabela Drive, South Side (Noblesville City). Submitted by Interstate Holdings, LLC (Owners), BML Holdings, LLC (Blake Lilly, Applicant) and BA Signs (Edgar Rivers)
Staff Reviewer – Joyceann Yelton

Ms. Yelton states this is the second item that we are discussing located in the Corporate Campus. She states the applicant did send the required notices by Certificate of Mailing and was advertised in the newspapers. She states this sign is located in the Saxony Corporate Campus which surrounds the Hamilton Town Center. She states this particular tenant is wishing to place his name on the designation sign adjacent to Campus Parkway. She states the adopted ordinance allows for a maximum size of 12-inch letters and this applicant is asking for 18-inch letters. She states existing on the sign currently are tenants such as "Michael's, Marshal's, Cabela's and Duluth Trading Company. She notes that prior to the designation sign being installed, the developer went through the public hearing process to allow the word "Cabela's" to be larger in size with the remainder of the tenants allowed only a 12-inch maximum letter size. She notes that the Duluth Trading sign size is less than 12-inches and the "M, H., and L's" in Marshalls are larger letters due to their trademark and the same with the slighter larger letters for the name Michael's; however the largest letters are still less than 18-Inches in height. Ms. Yelton states the Outlaws Restaurant is not a franchise and it a stand-alone facility. She states they are also required to seek approval from the Saxony Design Review Board to which they did receive approval. She states as with the adoption of this sign regulations, those were proposed by the developer of the Saxony Corporate Campus and adopted by the City of Noblesville. She states for those not familiar with this restaurant, they opened in the former building of Primanti Bros Restaurant and again Primanti Bros restaurant had their sign in this same location meeting the 12-inch or less letter size except for the first letters of each word. Ms. Yelton states as a compromise, Staff was willing to approve the letter "O" at 16-inches with the remaining letters being 12-inches or less. She states the

16-inch letter size is comparable to both the "M" in Marshall's and Michael's. She states again that the applicant applied to amended the ordinance as opposed to accepting the compromise.

Mrs. Rogers states just so I understand the requirement is 12-inches but currently there are signs like Marshall's and Michael's that have larger letters to 16-inches.

Ms. Yelton states in both cases, the majority of the letters are 12-inches or less with just a few letters measuring 16-inches.

Mrs. Rogers states so how do these tenants get larger letters.

Ms. Yelton states it is basically trademark signs. She states just by common sense letters such as 'l, k, h' are taller letters just by our alphabet.

Mr. Smith asks if Staff knows how tall the letters are in Duluth Trading Company. She states those a slightly less than 11-inches.

Mrs. Albregts-Cook asks what is Staff's recommendation.

Ms. Yelton states we are recommending denial. She states again we did provide a compromise to the 18-inch lettering to approve the letter "O" at 16-inches and the remaining letters at 12-inches which there was not a response and this application was filed for the public hearing process.

Mr. Smith asks if Staff was given any reasons for why they could not meet the requirements or the compromise.

Ms. Yelton states we were not given any reasons.

Mr. Smith asks do we know that they have to be located on the bottom of that sign.

Ms. Yelton states she would say so as that is the same location of the previous restaurant and the vacant slot in the center of the sign is most likely for a larger tenant as per their Saxony development agreement. She states if you have driven by the sign, you will note that there is nothing at the bottom of the sign prohibiting seeing the sign such as shrubs and/or tall grasses.

Mr. Blake Lilly, owner of Outlaws Restaurant states if you drive by the sign, no one can read the words Duluth Trading Company. He states if my letters are only 12-inches, nobody will be able to read them. He states the reason Primanti Bros Restaurant is not there any longer is because no one knew they were located back there. He states that may also be the same reason the building was vacant for two years. He states I am back there by Cabela's but nobody goes back there. He states I have spent a lot of money on advertising and still nobody knows we are back there. He states that he did not know some of the information that was presented by Staff as there has been communication problems between the sign company and me. He states all of those other businesses are national chains and I am not as this is my only location. He states as for the color as stated in the Staff Report we could make it burnt orange or some other earth tone color but I just can't have the letters at 12-inches because those are not readable. He alluded to the fact that maybe the sign had already been constructed and it

would cost him additional money to change it. He states the national chain businesses people will drive specifically to those businesses as they know where they are located. He states I am just a small business trying to make it. He states my business would be the only restaurant located on this sign. He states he did ask Saxony if he could have the other spot on the sign and I was told no. He states Saxony has not been good to me in their emails regarding the sign, specifically Meg Ransford.

Mr. Smith asks about the offer for the 16-inch letters?

Mr. Lilly states I never heard anything about that. He states if I had known about the 16-inches then I might have agreed to it; however, I know that the 18-inch letter sign exists so he would be charging me additional money for the new sign and we would be at war. He states that Ford's Garage and Chuy's are in prime locations and my restaurant is not in a prime location and I don't know that it will ever be a prime location.

Mr. Burtner questioned that his statement referring to this location not being a prime location next to Cabela's is somewhat puzzling as it is in surrounding area of the Interstate and a major retailer.

Mr. Lilly states that I thought the exact same thing but the people coming to Cabela's are all out of town.

Mr. Burtner states that I went to Cabela's and then went to your restaurant because of your location.

Mrs. Albregts-Cook states if I had not been at this meeting and was told that "Outlaws" was a restaurant, I would have had no idea. She states you have to tell the general public what it is you do whether it says "Outlaws Restaurant" or "Outlaws Bar & Grill" you have to provide the information. She states that she would suggest that you amend your sign to include words that describe what you do whether it is a steakhouse or bar and grill. She states this would help in your advertising that there is a restaurant back there.

Mr. Lilly states that if I add all those words, the letters become so small that you would not be able to read it.

Mrs. Albregts-Cook states I can tell from experience that businesses have troubles when they have a name of a business and they do not describe what they do.

Mr. Lilly states you have a valid point about the additional words describing my business.

President Wilcox states that she was unaware that Outlaws was a restaurant. She states just by the name Outlaws there would be no reason for me want to look any further in regards to your business.

Mr. Lilly asks if the Commission would continue the item for at least 30 days and further reiterated that some of the proposals by Staff he was not told by his sign company and was unaware.

Motion by Mr. Smith seconded by President Wilcox to continue Application No. 0220-2022 until the January 17, 2023 meeting.

**AYES: Smith, Hanes, Albregts-Cook, Burtner, Cooke, Hellmann, Rogers, Dr. Forgey, Peterson, Wilcox
NAYS: Zero ABSTAIN: Zero Motion carries 10, 0, 0**