

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF A PUBLIC HEARING**

DATE.....July 1, 2020
 TIME.....4:40 P.M.
 PLACE..... COUNTY OFFICE BUILDING
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Jackson Bogan
 Greg Jones
 Carl Griffin
 Jerry Reynolds
 Gary Schroeder
 Larry Leverenz
 Vicki Pearl

MEMBERS ABSENT

Tom Murtaugh

STAFF PRESENT

Ryan O’Gara
 Kathy Lind
 Chyna Lynch
 Larry Aukerman
 Zach Williams, Atty.

ALSO PRESENT

Bill Hutzal
 Liz Solberg

Chair Larry Leverenz called the meeting to order.

Attorney, Zach Williams, called roll to establish members present.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the June 6, 2020 joint meeting of the Ordinance and Bylaw Committees. Carl Griffin seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. ALLOWING SMALL WIND ENERGY CONVERSION SYSTEMS (WECS) FOR INSTITUTIONAL USES:

A discussion (continued from the June meeting) requested by the Tippecanoe School Corporation which is interested in the possibility of installing small WECS on its residentially zoned school properties which the ordinance currently prohibits.

Kathy Lind said Tippecanoe School Corporation is interested in installing small WECS on their properties in the county like James Cole Elementary. Bill Hutzal from Purdue contacted TSC regarding the possibility of using WECS and he is here this evening to answer any questions the Committee may have.

Bill Hutzal said he is a faculty member of the Mechanical Engineering Technology school at Purdue and designs net zero energy buildings. He said he looks at next generation buildings and how they interact with the power grid. He led a team of students to make recommendations for an existing building to make it net zero energy. A net zero energy building is a property that on an annual basis provides as much energy as it takes from the grid. In the early stages of looking at James Cole, with the amount of land available, the possibility of solar and wind made the most sense. The cost of solar has dropped to the point where it is more cost competitive than wind systems like the one seen at CityBus. The much larger wind systems, in the megawatt range, are more cost effective but much larger than what would be needed at a school. The

net metering regulations in Indiana which deals with how people are compensated for what they put on the grid can also impact this conversation about net zero energy.

Gary Schroeder asked what the pay back would be on the solar panels.

Bill Hutzal said the payback in Indiana is about 12 years. The capacity of the system at James Cole would be in the range of 300 kilowatts and would cost around \$600,000 based on the rate electricity is used at the school. The pay back would be seen in a range of 12 to 15 years. There will be more schools looking at this option because solar panels are guaranteed to perform for about 25 years. At the midpoint of the life of the panel, the electricity is free which is attractive to school districts. For example, Frontier School Corp is installing solar panels and there are about 20 other projects throughout the state to install solar panels to offset energy prices. TSC will see an electric rate increase of 16% next year. This is what is driving school districts to find better options. They are not looking at megawatt wind turbines or 50 to 100-kilowatt wind turbines. They are looking at solar fields because the prices are significantly lower.

Carl Griffin asked if he would point the school corporation towards solar fields rather than small WECS.

Bill Hutzal said that is correct. Based on the amount of energy the school uses, to get the best pay back, they will be looking at solar instead of wind. Indiana has a unique net metering structure. Net metering is the rate that utilities compensate people for the energy they put on the grid. In Indiana, when a person puts energy on the grid, they are compensated at the rate of generation which is substantially less than the retail rate. There is very little incentive for a school or business to put in an oversized solar field or wind turbine to sell energy back to the grid.

Carl Griffin asked staff if this new information takes pressure off the Committee needing to revisit the WECS ordinance.

Kathy Lind said that is correct. Solar panels are currently permitted by right. She asked if this amendment is needed.

Bill Hutzal said he is not sure about policy. When he counsels school districts to find cost-effective ways to manage their schools, he first suggests renewable energy initiatives. For example, installing motion detectors, LED lights or updating cooling systems. Next, they look at renewable energy sources which would have to be solar as opposed to wind at this point.

Carl Griffin asked if it will be relatively easy for a typical school to size their solar needs. He asked how much space will be needed for the solar panels or if they will go on the building.

Bill Hutzal said James Cole is a unique building that already has energy efficient features. It is built into the ground, so the heating and cooling loads are less. It is also heated with a geothermal heat pump which means the energy demand is relatively low. The rural schools that sit on significant amounts of land, like James Cole, only need about 2 acres of solar panels to get to the break even point. The rule of thumb is for every megawatt of solar electricity, about 6 acres of land is needed. Solar panels need to be oriented facing south and James Cole has a perfect south facing roof which presents the opportunity to put panels on the roof. However, it is cheaper to install and maintain solar panels that are on the ground.

Larry Leverenz asked if there are places in the county that are not applicable for wind energy that are applicable for solar energy and vice versa. He asked if wind is considered at all as far as small systems are concerned.

Bill Hutzal said he has not looked at wind in detail. However, in 2010 TSC sponsored a wind survey to specifically look at James Cole. The survey looked at maps and sensors to study wind speeds. James Cole had an above average wind source to put in a wind turbine but since 2010 the price of solar has decreased significantly. He has not looked at wind in the whole county. On US 231 by the Purdue Airport, there is a 1.6-megawatt solar farm. If TSC installed a wind farm, they would assume the risk of owning the wind farm. However, Duke and other utility companies will assume the risk and the cost of installing a solar farm. Utility

companies typically create a leasing arrangement based on the solar farm sites on the land. In 2013, Southwest Middle School put in a 50-kilowatt wind tower before it was hit by a tornado. The wind turbine was damaged enough that the physical structure was standing, but the generator was damaged. The school never found anyone to recommission it properly and the school ultimately decommissioned the wind turbine. There are risks when a school pays \$600,000 to put either solar or wind on their property.

Jerry Reynolds said the City of Lafayette would be more inclined to investigate solar than wind.

Larry Leverenz said West Lafayette Council members and the mayor are in favor of the amendment as it stands. As far as renewable energy, West Lafayette is open to the idea of solar as well.

Jerry Reynolds said Lafayette is open to solar. He thought solar would benefit the city's institutional uses because more people would take advantage of solar than wind.

Carl Griffin said nothing needed to be done to allow institutional solar farms.

Kathy Lind said that is correct.

Carl Griffin asked if this ordinance amendment should be tabled.

Jackson Bogan said we should press pause on this amendment to see if there is a need or a want for WECS in institutional settings.

Jerry Reynolds said he agreed with Jackson and thought the Committee should investigate the WECS more.

Vicki Pearl said this request was brought up for a reason. She asked who brought this request to APC and TSC.

Bill Hutzal said he contacted Larry Aukerman when he first started to look at James Cole Elementary.

Jackson Bogan asked if Bill would be comfortable with the Committee pausing work on this ordinance amendment. This can always be brought up again if the need arises.

Bill Hutzal said that is fine. When he is working for a client, he looks for the most cost-effective option. If something like wind becomes cost-effective, this would be worth revisiting. But at this time, solar is the best option.

Carl Griffin said this committee has the responsibility to facilitate energy effective methods and allow them to happen in our community. He said he looks back at his approval vote to the bus company's request for a wind turbine and thinks the community learned that they do not want to have wind turbines. It is good to investigate alternatives. He said he is comfortable with leaving this amendment alone based on the cost and risk benefit that solar offers. We would encourage our communities towards solar rather than wind.

Carl Griffin moved to discontinue the reassessment of WECS in Tippecanoe County. Gary Schroeder seconded.

Larry Leverenz asked staff if this is the right step to take in the chance there is another request to look at wind energy later.

Kathy Lind said that is fine; staff will be ready to go in the future.

Liz Solberg, League of Women Voters of Greater Lafayette, 4030 Sylvan Trail, West Lafayette, IN 47906, said it may be a good idea to be in touch with the staff member from TSC that made the request. She said she was interested in what was presented. This would not be the reason to go ahead with the big wind ordinance but there is an educational benefit. The jurisdictions have the option to not pass the ordinance if

they do not want to. She thanked the Committee for their work on this and added that our state senator is trying to change the net metering.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Greg Jones
 Larry Leverenz
 Gary Schroeder
 Jerry Reynolds
 Vicki Pearl

No-Votes

III. BUSINESS PARK SIGNAGE

An amendment creating a new type of sign called a "Gateway Directory Sign" and developments defined as "Business Parks" as well as minor changes to the sign section of the UZO. Continued from the June meeting.

Kathy Lind said the Committee requested the changes discussed last month be put into ordinance format. The definition of Business Park changed how big a monument sign can be. Previously, the monument sign was limited to equal 25% of the total allotment of signage. Staff thought this was too strict and changed it, so they may have no more than one monument sign equal to up to 50% of the total signage allotment. This allows more flexibility if businesses want to use more of their signage for a monument sign. She presented the proposed ordinance. She said a brand-new definition of business park has been added as well as a definition for a gateway directory sign. This amendment would also change the way signage is calculated for a business. Currently, if a business has three or four street frontages, they can calculate each of the frontages in their sign allotment to get a larger number of signs. Staff now wants to limit that to two street frontages. Section 3 calculates the number of freestanding signs per sign-lot. Currently, a business gets one freestanding sign per road frontage which can be too much sometimes. Staff is proposing to change this to one freestanding sign per 2,000 linear feet of frontage. The amended ordinance includes two new charts for gateway directory signs. A gateway directory sign is like an integrated center sign except it is for a business park. These charts give guidance on how big and tall the directory sign can be. Section 5 has been updated with the proposed changes to how signage is calculated.

Carl Griffin asked if a business is allowed use 50% of their signage for a gateway directory sign.

Kathy Lind said up to 50% of the total signage could be used as a monument sign. The signage on the gateway directory sign is not included in their sign allotment.

Larry Leverenz asked if this is on the agenda for the APC meeting.

Kathy Lind said that is correct.

Larry asked if a motion needed to be made.

Zach Williams said staff likely wants to know if the Committee is in favor or against the amendment. It is already on the agenda and it is likely the full APC will want to hear what the Committee thinks about this.

Carl Griffin moved to send the amendment to the full APC. Jackson Bogan seconded.

Gary Schroeder said the Speedway on SR 38 and Creasy Lane was discussed at the previous meeting. SR 38 is a four-lane road that runs east to west and Creasy Lane is a four-lane road that runs north to south. They have two signs that are perpendicular to each other. One sign faces SR 38 traffic and the other faces Creasy Lane traffic. The signs are not very large with only one visible depending on what road a person is on. The proposed changes would not allow signs like this, but these signs are appropriate for this

particular corner. He said he is rethinking section 3 where it now requires 2,000 total linear feet and leaving it as it was. There is some risk of leaving this in place like the example Kathy gave of the CVS that has 4 road frontages. They only use 2 signs but would be allowed to have 4 per the ordinance. He said he is in favor of leaving section 3 the way it is. The risk is not substantial, and signs are expensive to put up and maintain. Businesses have to calculate where they want to put their signage.

Carl Griffin asked if the same thing can be accomplished by a diagonal sign placed close to the intersection so that both directions of traffic can see the site.

Gary Schroeder said there are instances where signs that are on the corner of the lot cannot be seen until a person is in the intersection. A busy intersection is not the ideal place to be looking around for signs. It is more convenient to see the signs from 300 or 400 feet away.

Jackson Bogan asked if Speedway would have had to file for a variance.

Gary Schroeder said he believes those signs are allowed by right. If section 3 were changed, they would not be allowed by right and they would have to file for a variance.

Larry Leverenz asked if a business could still have these signs if they filed for a variance if section 3 were changed.

Kathy Lind said that is correct. They could apply for a variance.

Jackson Bogan said this would take away the right to a certain number of signs. He asked if they could have 2 smaller signs and 1 large sign.

Kathy Lind said this change would take away the ability to have 1 sign per road frontage unless a variance was granted.

Carl Griffin said if this is left to allow one freestanding sign per 2,000 linear feet of road frontage, a business would spend more time and money to go through the variance process to get two signs. He said looking back at similar arguments that have been presented to the BZA, would the members of the BZA allow this variance? He asked Zach Williams if this would be considered a variance.

Zach Williams said yes, that would have to be a variance. There are policy provisions in the ordinance about sign changes. This would likely come with a recommendation that the sign ordinance be adhered to.

Carl Griffin asked Gary Schroeder if he thinks these sign variances would receive an affirmative vote at the BZA.

Gary Schroeder said it would depend on the members of the BZA. He said we write sign ordinances that we think are reasonable. It may be a conflict that the ordinance is written but businesses must get a variance each time. On the other hand, when businesses apply for a variance, staff will not recommend approval.

Carl Griffin said staff will not recommend approval. There may be a tendency for the BZA to approve this. If it is going to be approved anyway then why make people apply for a variance?

Gary Schroeder said he agreed. The BZA is reasonable and does not approve all signs that come to them for a variance.

Jackson Bogan asked if there are examples of the current ordinance being misused.

Kathy Lind said she disagreed with Gary about the Speedway at SR 38 and Creasy Lane. She believes both signs can be clearly seen at the same time and they are not necessary. The CVS on Union and 18th has four frontages with two freestanding signs that are not necessary. There are times staff recommends approval of sign variances but there must be a compelling reason that the ordinance is creating a hardship.

Jackson Bogan said he agrees with Gary. When someone buys a piece of real estate that is highly valued because it is near a busy intersection, they want to highlight it with signs.

Vicki Pearl said it is easy for us to say that these signs are unnecessary but, when traveling somewhere unfamiliar, people use the signs to navigate.

Jackson Bogan moved to amend the motion on the floor to change section 3 back to the original wording. Gary Schroeder seconded.

Zach Williams clarified that the first vote will be to amend the ordinance. The packets have not been sent to APC. This can still be changed and get out to APC with the hold item on the agenda.

Kathy Lind said this has already been sent to the newspapers, but it was a general legal ad that stated signage would be amended.

Zach Williams said the first vote will be for the motion on the floor then a second vote for the second motion.

Kathy Lind said one of the reasons we wanted to change this because the Culvers coming to Sagamore Commons will have 3 frontages which means they will be allowed 3 freestanding signs.

Jackson Bogan asked if the freestanding signs will have to be within the allotted sign square footage. If they want to use their signage for freestanding signs instead of on their building, they can.

Kathy Lind said if the gateway directory sign gets put up first, Culvers would just get one monument sign.

Jackson Bogan said regardless of the gateway directory, they would still have to abide by the square footage allotment.

Zach Williams said the vote is to modify the motion on the floor. The modification is going to change section 3 to how it was originally written.

Zach Williams conducted a vote by roll call. The motion was approved 6 yes to 0 no.

Yes-Votes

Jackson Bogan
Greg Jones
Larry Leverenz
Gary Schroeder
Jerry Reynolds
Vicki Pearl

No-Votes

Zach Williams said the motion on the floor has been amended. The next vote will be for passing the ordinance amendment to the full Area Plan Commission at the July meeting with a recommendation.

Gary Schroeder asked if the changes that were made are cohesive with the rest of the changes. Section 5 says not to exceed 2 frontages.

Kathy Lind said section 5 has to do with the sign area that is permitted. Because section 3 has been changed, section 5 should be too.

Gary Schroeder asked if there needs to be a motion on this change.

Kathy Lind said one section has to do with a number of freestanding signs and the other has to do with the amount of signage permitted on the sign lot. This would also include section 2.

Gary Schroeder said this section is for the gateway directory sign. He asked what part of section 2 would

be removed.

Kathy Lind said section 2 is changing the number of street frontages used to calculate sign area. Section 2 and section 5 are tied together. They both do the same thing. She said in section 2 the highlighted "up to two" would need to be changed.

Gary Schroeder moved to send the amended ordinance to the full Area Plan Commission and to amend the motion to remove "up to two" in the two highlighted places in section 2 and the changes made to section 5. Jackson Bogan seconded.

Zach Williams conducted a vote by roll call. The motion was approved 7 yes to 0 no.

Yes-Votes

Jackson Bogan
Greg Jones
Larry Leverenz
Gary Schroeder
Jerry Reynolds
Vicki Pearl
Carl Griffin

No-Votes

IV. CITIZEN COMMENTS

Larry Leverenz said there will be a 30-second pause for citizen comment.

Ryan O'Gara said there were no citizen comments.

V. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:40 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director