

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

DATE.....August 4, 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
 Vicki Pearl
 Greg Jones
 Carl Griffin
 Tom Murtaugh
 Gary Schroeder
 Larry Leverenz

MEMBERS ABSENT

Jerry Reynolds

STAFF PRESENT

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

ALSO PRESENT

Chad Spitznagle

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 July 1st, 2020 Ordinance Committee meeting. Carl Griffin seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. 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 July APC meeting.

Kathy Lind said originally, staff made a proposal that was changed by the Ordinance Committee in July. She presented the proposal for August Ordinance Committee. The business park and gateway directory sign sections are unchanged. The maximum number of freestanding signs is what staff would like to change. It currently allows one freestanding sign per each road frontage. Staff has always believed that is too much and are fortunate that most business owners have not taken advantage of this. Staff wants to fix this so business owners can’t take advantage of this in the future. Staff wanted to see this changed to one freestanding sign per 2,000 total linear feet of all road frontages. That may be taking it too far. A compromise has been made for one freestanding sign per street frontage up to a maximum of two signs which shall be separated by 500’ of total street frontage. This means a business on a corner lot that was 200’ by 200’ would only get one sign. If a business was on a lot that was 200’ by 400’, they would be allowed two signs if they were separated.

Staff has been working with Chad Spitznagle from West Lafayette and Debbie Mann from Mann Properties on this proposal but had not heard from the City of Lafayette. She said she contacted the City of Lafayette and got a response from Dave Griffiee. He said regarding the number of frontages, he did not see an issue

with the original goal of going to two. She believes this would eliminate some ambiguity and would not change things a lot for anyone. For the frontage signage in general, the direction staff is headed is reasonable. He said he did not see a reason why Lafayette would not participate in these changes.

Kathy Lind said currently to determine how much signage a business is permitted, they can calculate using every road frontage they have. Staff was trying to narrow that down to two road frontages but are willing to go to three road frontages as a compromise.

Sallie Fahey said staff is trying to reach a compromise between what a standalone lot and business park will be able to achieve, which will allow each business to have a freestanding sign and a sign on the gateway directory sign. A compromise needs to be made so that the standalone lots do not have a sign advantage over someone that is in a business park. Staff thinks this compromise will get us that kind of agreement without the over reach that individual standalone lots have had in the past.

Tom Murtaugh asked staff to explain why the example of the 200' by 200' corner lot would only get one sign.

Kathy Lind said the new proposal allows one freestanding sign per street frontage up to 2 signs, but they have to be separated by 500' of street frontage. If the lot is 200' by 200', there is only 400' of frontage.

Tom Murtaugh asked what if the business could not put a sign that could be seen from both streets.

Sallie Fahey said the gas station at Ferry Street and 9th Street has one sign that is angled at the corner. There is not so much frontage that you cannot see it when you approach it from either side. That is the type of lot that would be represented by the 200' by 200' example.

Kathy Lind said there is no limit to where the freestanding sign can be placed.

Tom Murtaugh said a corner of a lot may be unavailable due to utilities or traffic signals.

Sallie Fahey said most utilities are in the right-of-way and signs cannot be in the right-of-way. Even a monument sign must be setback from the property lines the same distance as its height. This is part of the sign ordinance that gives an advantage to have a monument sign because it can be closer to the property line. With a pole that is 20' tall, the setback would be 20' from each property line whereas a monument sign that is only 6' tall only needs to be 6' from the property line. Signs are never right at the corner.

Tom Murtaugh asked if staff could foresee a situation where a sign is put on the corner.

Sallie Fahey said she does not believe so. There could be a lot that had an obtuse angle where there is sight difficulty from one approach. There are not many locations that have that situation. This could possibly happen on some of the roads that come onto US 52 S where it is angled, and intersecting roads are east to west and north to south.

Jackson Bogan asked if anything limits a business from having two signs on one pole sign so that it can be seen from north/south and east/west.

Sallie Fahey said two-sided signs are allowed. There is a limit to how wide signs can be angled to still be considered one sign.

Jackson Bogan asked if on a perfect corner, would the signs be at a 90-degree angle.

Sallie Fahey said the perfect corner would not need an angle because the two sign faces would be flush. It would be a two-sided sign.

Jackson Bogan said if you were on a corner that has traffic coming from both north to south and east to west, there could be two signs facing different directions on the same pole.

Sallie Fahey said that would be considered two signs. It would have to be 20-degrees or 30-degrees or less for it to be considered one sign.

Jackson Bogan asked if someone could file for a variance on this.

Kathy Lind said yes, a variance can be filed.

Vicki Pearl said when this amendment was first brought to the Committee, the Speedway on Creasy Lane and SR 38 was the primary example. She asked if the example falls within the 500' street frontage separation requirement.

Kathy Lind said staff had originally wanted 600' of separation. With 600' of separation, Speedway would only get one sign. The change to 500' of separation, Speedway could have two signs. But it would have to be separated.

Vicki Pearl asked if one sign would need to be on Creasy Lane and the other on SR 38.

Tom Murtaugh said they would have to be separated by 500'.

Kathy Lind said that is correct. The signs would be closer to the entrances rather than in the corner like they are now. The driveways are not close to the corner and are farther south on Creasy and west on SR 38.

Sallie Fahey said this is what we want for visibility for traffic. The signs should be near the entrances because people will drive past the entrance before they reach the sign.

Larry Leverenz asked if the 500' is along the edge of the property or if it is from sign to sign.

Kathy Lind said it is along the edge of the property.

Carl Griffin asked if street frontage is an unequivocal term that everyone will know how it is measured.

Kathy Lind said it is a term that is defined in the ordinance.

Gary Schroeder said he drove around to look for businesses that have two signs and most of these businesses were on busy four-lane roads like SR 26 or US 52. He said he doesn't know if we are trying to solve a problem that hasn't happened yet. Signs are expensive to install and maintain. The way people advertise is changing. Some are advertising online, and some have small signs on their buildings. When traveling out of town, it is hard to find these places. If these changes are made, some current signs will become nonconforming. All businesses are different. Regarding Speedway, each entrance is right-in/right-out next to a busy corner so left turns cannot be made into the parking lot. The Marathon across the street was put in before Creasy Lane was extended and they have just one sign on the corner. He said he is okay to leave the sign ordinance the way it is.

Sallie Fahey said part of the issue is that staff wants to encourage the collective signs at a business park. This sign will have the name of the business park and all the businesses located within it. Many of the businesses in the park are at a disadvantage and will not have frontage on the main street. Having a business park sign will help people notice the businesses in the park and staff wants to encourage the business park sign. The concern is why would Culvers go to a business park if they could find another lot with four frontages and have four signs. Staff is trying to make sure business parks are not being put at a disadvantage because of the sign allowance.

Larry Leverenz said that is an important point. The Committee is looking at a small group of exceptions and those exceptions still have the route of getting a variance.

Gary Schroeder said Ms. Mann was forward thinking in this because it is a disadvantage to business parks to not have signage on the main road. This may be considered an off-premise sign which is a plus for business parks to be able to do that. Ms. Mann mentioned that she wanted to be able to let her customers know how much signage they would be allowed on the building and on the business park sign. This was an issue when the Creasy Lane and SR 26 Sam's Club was built. The businesses that were built behind, like Marsh, could not advertise and were not successful. The business park is a great idea.

Carl Griffin asked if the changes in green in the proposal would cover 90-95% of the sign settings that the Committee sees and if the developer or owner would be happy with this wording.

Sallie Fahey said she believes so. Over the years, we have heard from national chains that tell franchises what they need to have for signs or a sign company that tells a business they need multiple signs to be seen. There are places in the country where signage is smaller than what is required here, and those businesses do just fine. It is not about the sign; it is about their customer service and the quality of their product. The county could have the most liberal sign ordinance in the world and we would still get pushback from some national chains. However, in general, most people will be satisfied.

Larry Leverenz asked if the Committee was ready to send the latest proposal to the full APC.

Carl Griffin moved to vote on a recommendation for the full APC. Jackson Bogan seconded.

Jackson Bogan asked if anyone had previously violated the sign ordinance. We may be putting something in place to remedy a problem we may not currently have. If there are no previous violators, what is the purpose of the ordinance.

Kathy Lind said there have not been any previous violations because someone would need to get a variance. People get variances all the time for signage. If the ordinance is too liberal, why not make it fit the way businesses have been getting signs.

Sallie Fahey said under the ordinance before the current one that was adopted in 1988, the sign ordinance did not take speed on the adjacent road or how far back the building sat from the road into consideration. These kinds of things have an impact on what people can see while they are driving. This created numerous variances and is how the mess on Teal Road happened. When the current ordinance was written we made sure we considered the things that are important to people when they are trying to find a business. For example, how fast are people going on the abutting road or how far the building is setback from the road to see fascia signs. These were considered, and the ordinance was tested based on properties that had received variances. The thinking was that the community standard was what had been granted as variances. The current ordinance matched what had been granted as variances in the past. As many know, this is no longer good enough. People want variances from standards that used to be fine in the community. The more allowances we give, the more people will push it. She said she is in favor of making the ordinance reasonable to fit what the community standards represent because inevitably there will be variances. That is okay and if they can meet the test for a variance because their property is unusual, and the ordinance is creating a hardship, they should get a variance. Making the ordinance reasonable to begin with instead of going up and up through the variance process is important.

Jackson Bogan asked if this will cause more variance requests.

Sallie Fahey said it may not cause more requests or reduce requests. Whatever the standard is, someone is still going to think it is not enough. Then it will become common place to issue variances for more signage.

Chad Spitznagle, City of West Lafayette Building Commissioner, said when Jimmy Johns went in next to Von's on campus, they were allowed 40 square feet of sign area and they requested 48 square feet from the BZA. They were denied. He said he has used this specific denial by the BZA on dozens of signs requests since. There have not been many sign requests in West Lafayette because they are scared that they can't have an astronomical amount of signage. He agrees that if there is an exception that the city is willing to accept as a sign request, it is still an option. But it is best to put it in the hands of the BZA to make those

approvals. For instance, the new Culvers in Sagamore Commons would be allowed 198 square feet of sign area and that is plenty. It is a good idea to keep it as low as possible and if they need an exception, they can go through the variance process.

Gary Schroeder said when the BZA heard the Jimmy John's case, he thought that was a tight area with a low speed limit and there was not a need for that much signage. If it would have been on a four-lane road, that would have been different. In reference to Sallie's comment, the ordinance change did solve a lot of problems with considering speed and setback distances. He said he was wondering if these should also be considered into the new ordinance change if it were to be approved. It seems like there is a standard without considering where those are located. 9th Street and Ferry is a slow street and the building is close to the street as opposed to some areas that are near major highways with a large setback.

Larry Leverenz asked for additional comments. The motion on the floor is to send the latest proposal from staff to the full APC.

Zach Williams said this will be the Committee's recommendation to the full APC who asked that the Ordinance Committee vet these new changes to the ordinance. He took a roll call vote.

Yes-Votes

Jackson Bogan
Greg Jones
Larry Leverenz
Tom Murtaugh
Carl Griffin

No-Votes

Vicki Pearl
Gary Schroeder

III. INTRODUCTION TO THE DISCOVER PARK DISTRICT FORM-BASED OVERLAY:

A brief introduction to the Discover Park District Form-Based Overlay amendment to the Unified Zoning Ordinance – Ryan O'Gara

Ryan O'Gara said this started with the US 231 Corridor Plan. One of the implementation strategies was to investigate the creation of an overlay district to better realize the mixed-use potential of areas along and adjacent to State Street. This was a medium priority item that was moved up to a more pressing priority because of PRF's activities that have been done through the planned development process. There was a future land use plan for the US 231 Corridor with an innovative mixed-use district in the south sector. That category lists an urban, midrise environment with a diverse mix of uses. This was created through working with PRF during their planning process of Discovery Park and the surrounding area. With the US 231 Corridor Plan, there was a conventional rezoning of the entire corridor to the existing zoning districts that are in the ordinance. Most of the land in blue on the map was owned by Purdue and zoned Agricultural. This needed to be up zoned to something more useful and closer to the vision of the plan. At the time, the Discovery Park District was zoned Office Research. The Provenance area, that was zoned multi-family, is now a planned development. The idea was first to address conventional zones then second the form-based overlay that looks at development standards within the district. Chapter 7 in the zoning ordinance is the form-based overlay that currently has a sub-section for the Centennial Neighborhood. We are proposing a second sub-section for the Discovery Park District.

For months, staff and PRF have been developing ideas for the form-based overlay that would fit this developing neighborhood. First, they agreed to a boundary that is outlined by State Street, Airport Road and Martin Jischke Drive. The details of the plan are similar to that of the Centennial Neighborhood in that it outlines prohibited uses, building types and prohibited materials. This section goes on to the specific requirements for the building types depending on the zone which vary from townhouses and full block buildings. There are street scape requirements that are similar to the planned developments in this area as well as parking requirements. This will also have specific permitted signage. As with form-based overlays in general, the underlying zone only controls use. PRF is interested in rezoning this area to the Central Business West Lafayette zone because it is a downtown oriented zone with a diverse mix of residential and commercial uses. If this rezone is accomplished and later PRF wants to do a heavy industrial rezone on a small area for manufacturing, they can do a spot zone. This will not carry the same negative connotation

because the form-based code will control how it looks. In PRF's estimation, the OR zone does not achieve what they thought when they agreed to the rezone. This amendment will likely accompany a rezone to fix the OR zoning in Discovery Park.

There will also be some changes to chapter 1 to outline innovative uses that PRF is interested in bringing to this neighborhood. There is not an interest in the uses to be allowed in other parts of the city. We are working with council to see what can be done. For example, urban agriculture would not typically be permitted in this zone. We wanted to craft a specific use that will be defined in chapter 1 and dedicated to the neighborhood. The listed definitions in the packet are uses that PRF is bringing to the table like urban pilot manufacturing, hospitals, micro production of alcoholic beverages, and specialty food production. There will also be a specialty gateway sign for the benefit of Purdue. There will be an amendment to chapter 7 to include this neighborhood and the development requirements within it as well as a change in the definitions in chapter 1. There will also be the opportunity for creating multi-family uses in the OR zone so if PRF decides to maintain some OR zoning it will be an option. Lafayette has shown interest in bringing in this zoning because they do not currently have OR zoning. we wanted to give the Committee a full month to read through this proposal to ask questions before we formally go through the details.

IV. CITIZEN COMMENT

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

Sallie Fahey said there was an email received. She read the comments from the following:

Steve Clevenger, President, Area Board of Zoning Appeals, recommended that the business park signage amendment say, 'shall be separated by at least 500' of total street frontage' so that it doesn't get interpreted that it has to be exactly 500'. She asked if this change can be made by consensus.

Larry Leverenz asked if there were any objections to the change. There were none.

V. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:58 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director