

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
JOINT MEETING OF THE ORDINANCE COMMITTEE AND BYLAWS COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....JUNE 3, 2020
 TIME.....4:40PM
 PLACE.....COUNTY OFFICE BLDG.
 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
 Kathy Parker
 Tom Murtaugh
 Gary Schroeder
 Larry Leverenz
 Lisa Dullum
 Vicki Pearl
 Jerry Reynolds
 Carl Griffin

MEMBERS ABSENT

Greg Jones
 Jake Gray

STAFF PRESENT

Sallie Fahey
 Ryan O’Gara
 Kathy Lind
 Diana Trader
 Zach Williams, Atty

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 March 4, 2020 Ordinance Committee meeting. Carl Griffin seconded and the motion passed by unanimous voice vote.

II. PROPOSED BYLAW CHANGE:

Discussion about adding a 3rd Designated Official to sign plats and PDs.

Sallie Fahey said there have been a few conversations over the last few months about the times when Jackson is not able to get to the office to sign plats and PDs as quickly as he would like. The possibility of electronically signing the plats and PDs was discussed, but everything recorded needs an original signature. This led to the discussion of having a third person available to sign anything that requires recording. The statute states that the president of the Plan Commission and the secretary are the designated officials for signing these documents. The Bylaws duties of officers states that the Vice President has all the powers as the President in his or her absence. This allows the President and the Vice President to sign. For subdivisions, there are 10 working days that allow staff time to review the documents before recording for the final subdivision plat. In most cases, 10 days is fine once the filing is perfected. However, if the two designated officials are on vacation, this could lead to a problem. This led us to the discussion to amend the Bylaws to have a third designated official to sign documents that need to be recorded. There are currently two ideas for the third official. The first idea would be the two County Commissioners that sit on the APC. The second idea would allow the immediate past APC President.

Zach Williams said the state statute gives a broad discretion in designating people to sign documents. This third designation is being proposed as a backup. In the current climate, this is being seen more frequently

in municipalities. In emergencies, there is a cascading of power so if the President is not there, the Vice President acts. If the Vice President is not there, the member with the most seniority acts and then the next member with most seniority will act. The idea of having the County Commission member is great because under statute, they will always have a role in the Plan Commission. Adding a third person will give some flexibility and is not a bad thing.

Jackson Bogan asked if the wording of the amendment would be specific to one Commissioner.

Sallie Fahey said it would be specific to the two Commissioners that are on APC.

Jackson Bogan said that would give us the option to possibly add a fourth designated person to sign. He said if he and Larry were gone and they delayed a project, he would feel bad. This would simply be a backup plan.

Gary Schroeder said as a past president, the signature was symbolic of the approval from staff and the Commission. The two Commissioners as an option is great because they are typically available. He said he is in favor of this amendment.

Tom Murtaugh said he agrees because the Commissioners are typically around if needed. This is a sound idea to go with the Commissioners.

Jerry Reynolds said he supports this amendment.

Carl Griffin moved that a third identified official be designated to sign plats and PDs. Jerry Reynolds seconded.

Zach Williams conducted a vote by roll call. The motion was approved 9 yes to 0 no.

Yes-Votes

Jackson Bogan
 Carl Griffin
 Larry Leverenz
 Gary Schroeder
 Tom Murtaugh
 Jerry Reynolds
 Vicki Pearl
 Lisa Dullum
 Kathy Parker

No-Votes

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

A discussion (continued from the January 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 this item was discussed and tabled at the January meeting. Tippecanoe School Corporation would like small wind systems at some of their schools. But all TSC schools are residentially zoned and small wind energy conversion systems are not allowed in this zoning. The proposed ordinance amendment would allow institutional uses to have WECS as accessory structures in residential zoned areas. These areas could include nursing and personal care facilities, elementary and secondary schools, colleges, universities, libraries, museums and fire and police stations.

Jerry Reynolds said in his conversations with city council members, there are still concerned with this. There are several schools on the border that could be annexed into the city. As far as having them at the fire stations and schools, Lafayette City Council has come to an agreement that they are not interested in it.

Kathy Lind said there is a second part to this amendment that would remove the 50 kilowatt per tower production limit. It was reasoned that if a tower can be created that meets the size limits of a small tower, the energy produced should not be limited.

Ryan O’Gara read a letter of support from:

Liz Solberg, League of Women Voters of Greater Lafayette, 4030 Sylvan Trail, West Lafayette, IN 47906.

Tom Murtaugh asked if the same setbacks are required.

Kathy Lind said that is correct.

Tom Murtaugh said for this to happen, there will have to be a significant amount of real estate involved.

Kathy Lind said the size requirement for a small wind system would be 140’ or less in height and a swept area of 40’ or less. For example, the CityBus wind tower is 155’ with a swept area of 70’.

Tom Murtaugh asked what the required setback would be.

Kathy Lind said the setback must be equal to the height of the tower.

Jackson Bogan asked if each jurisdiction would have to approve this separately.

Sallie Fahey said this would go to the full APC for recommendation to each of the jurisdictions.

Jerry Reynolds said before we take this to the full APC, it would be helpful for a draft to be drawn up to let everyone understand the amendment.

Sallie Fahey said when this was first presented in January, a draft was not ready because members wanted to get input from colleagues in their jurisdictions. It is now appropriate for staff to draw something up for the July meeting.

Kathy Lind said there is a draft of the amendment behind the memorandum in the packet. She asked if a drawing to show size comparisons would be helpful.

Jerry Reynolds said there have been towers put up in Lafayette that are not compliant and have left a bad impression on the city. A size comparison for this amendment would be helpful.

Sallie Fahey asked if the Committee would like for staff to limit the proposed uses that would allow accessory small towers.

Carl Griffin said it would be helpful to have the professional planner’s thought on what to restrict in this amendment.

Sallie Fahey said staff may be able to give a few examples to show what this would look like at different sites in terms for setbacks. Staff can give options for what type of institutional uses should be included or restricted. Additionally, staff should be able to pick a couple of TSC sites or something closer to give a drawing of the location and what the setbacks would look like.

Jerry Reynolds said that would be a great idea. He asked if staff could give examples of a site closer to the city to give an idea of what that could look like.

Sallie Fahey said that will be ready for the July meeting.

Ryan O’Gara said there is currently no public comment.

Larry Leverenz said it would be helpful to have this for the next City Council meeting if possible.

Sallie Fahey said she is not sure if the July Ordinance meeting is before the next City Council meeting.

Carl Griffin said it might be useful for this to come back to Ordinance before sending it to City Council meetings, so feedback can be given.

Jerry Reynolds said July 1 is the City Council meeting and July 6 is the next Ordinance meeting. Council members may want some time to look at this. This could possibly be at the caucus meeting.

Gary Schroeder said he agrees with Carl that this should come back to Ordinance before going out to jurisdictions. He suggested that staff help with presentations for the City Council meeting.

Jerry Reynolds said that is a good idea if possible.

Sallie Fahey asked if they would like staff at the City Council meeting or the Caucus meeting.

Jerry Reynolds said it depends on what next month brings because caucus meetings have not been held.

Sallie Fahey said she didn't want the presentations to be confused for an ordinance instead of a draft of an ordinance.

Jerry Reynolds asked if staff could contact Cindy Murray to see if this should go on the agenda for a caucus meeting or council meeting.

Sallie Fahey said staff will touch base with Cindy.

Larry Leverenz said he would be in contact with staff regarding West Lafayette.

IV. INTEGRATED CENTER (or BUSINESS PARK) SIGNAGE:

A discussion regarding business signs within integrated centers and what types of developments can be considered "integrated centers." Continued from the March meeting.

Kathy Lind said integrated centers and signs were discussed in March to try to make Sagamore Commons fit the definition of integrated center. Instead of changing the definition of integrated center to make Sagamore Commons fit, staff decided to start from scratch with a definition of a business park with a gateway directory sign. A business park is a commercial subdivision with internal public streets, containing more than two lots, the boundary of which is created by the preliminary plat, with a gateway directory sign located near the main entrance from the perimeter arterial street that advertised the businesses located on the lots within the subdivision. In addition to the gateway directory sign, businesses within the park may have no more than one monument sign equal to 25% of the total allotment of signage for its sign-lot. All other signage for businesses within the business park shall be fascia signage. A gateway directory sign is located at the main entrance of a business park that advertises the businesses located within a commercial subdivision. A minimum of 25% of the sign's supporting structure shall be composed of brick, masonry or stone. The name of the business park shall comprise at least 20% of the total sign area of the gateway directory sign. A gateway directory sign may only be erected within a sign easement.

Sagamore Commons is 28 acres which allows for a 250 square foot gateway directory sign. The proposed gateway directory sign meets the requirements of these definitions. The name of the business park is 25% of the sign, it is 30' tall and is composed of some brick.

Carl Griffin asked Kathy to clarify the statement that requires brick. He asked if the minimum of 25% of the sign's supporting structure is based on square footage, volume or weight. Because someone could argue that the brick or masonry is 25% of the weight of the structure. This statement may be misinterpreted and may need something additional to clarify the requirement.

Kathy Lind said whenever someone comes in for a building permit to construct the sign, a drawing will be required. The percentage is based on the square footage of the sign.

Carl Griffin referred to the drawing of the proposed Sagamore Commons gateway directory and asked if there is stone above the brick pillars.

Kathy Lind said she is not sure what the petitioner is wanting to install.

Carl Griffin asked how much of the sign is considered the supporting structure.

Kathy Lind said when signage is calculated, it is the smallest square, circle or rectangle that encompasses the message of the sign. For this sign with Sagamore Commons on top, the business park name sign would be measured and the white part of each of the smaller signs underneath would be measured. The supporting structure would not be measured.

Sallie Fahey said on this sign, the two legs and everything on each side of the signs are the supporting structure. These parts would have to be 25% stone, brick or masonry.

Larry Leverenz asked if the name is considered part of the supporting structure.

Sallie Fahey said that is considered a sign.

Kathy Lind said this can be changed to require additional brick or stone.

Carl Griffin said the amendment says 25% of the supporting structure must be brick, stone or masonry.

Zach Williams said Dr. Griffin is concerned with the ambiguity of the term 'supporting structure'. This can be interpreted in different ways by different people.

Carl Griffin said if staff thinks this cannot be misinterpreted then he is comfortable with this term.

Sallie Fahey suggested that this portion be written in the negative so that anything that is not in the calculated sign area, which is well defined, would be considered supporting structure.

Carl Griffin said that's a great idea.

Kathy Lind said that is a good idea. This proposal goes to the Administrative Officers tomorrow. She said she will send this out to the cities and the county.

Larry Leverenz asked if it is up to the developer to designate whether this is a business park or an integrated center.

Kathy Lind said if it is a commercial subdivision that has a gateway directory sign, which some developers like to build first so people know what is coming, it is considered a business park.

Larry Leverenz said developers do not get a choice.

Kathy Lind said if there is not a gateway directory sign, it is a standard business.

Larry Leverenz asked if the only thing that makes it a business park is a gateway directory sign. There can be a few businesses together in a commercial subdivision with internal streets created by a preliminary plat without a gateway directory sign and not be considered a business park.

Kathy Lind said that would just be considered a commercial subdivision. Purdue Research Park is an example of this because they do not have a gateway sign.

Vicki Pearl asked if an existing commercial subdivision can become a business park with a gateway directory.

Sallie Fahey said it may depend on whether their internal lot businesses have used the signage for a stand-alone lot or can conform their signage to that of a business park.

Vicki Pearl said in Cascada Park, for example, there could be a gateway directory sign and each of the buildings could then meet the requirements for signage. She asked if there is an existing subdivision that fits this description, is there a way for them to request a gateway directory sign.

Sallie Fahey said the individual lot owners would have to agree to reduce their signage.

Vicki Pearl asked if there is a process for owners of an existing business park to get a gateway directory sign.

Sallie Fahey said if every existing internal property complied with the business park signage, they would just need to go to the proper Administrative Officer to get a gateway sign permit.

Vicki Pearl said the definition requires this to be on the approved preliminary plat.

Sallie Fahey said staff wanted the acreage of the development to be based on the legal description from the preliminary plat. Many times, there are multiple final plats and phases. We do not want a gateway sign for each final plat phase. We want it to be for the original overall development as described by the preliminary plat.

Zach Williams said both are an interpretation of that line in the definition. This will not prevent anyone from getting a gateway sign. The preliminary plat is the starting point.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said Sagamore Commons had internal roads and curbs installed this week. The next plat that will involve Culvers is about to be submitted. She asked what point they need to indicate they are a business park and get a gateway directory sign.

Kathy Lind said you are going to need a sign easement on the final plat to show where the sign will be located. Then you can apply for a sign permit once this amendment is adopted.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said Culvers is going in at the opposite side of the sign. Typically, they would make the sign easement part of the contract and the sign would be erected during closing. She is unsure how this will be done before selling the lot.

Sallie Fahey said the plat has not yet been filed, approved or recorded.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said there is a preliminary plat that is not final. The next plat will include roads and the final sizes of the lots.

Sallie Fahey said before you record the final plat or sell a lot, make sure the sign easement shows up on the final plat.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said she will inform her engineer.

Sallie Fahey said she suggests they consult Don Lamb at APC.

Kathy Lind said during the conversation about the gateway directory signs, staff realized the freestanding sign calculation worksheet is too generous. When a business approaches staff about wanting signage, a sign worksheet is filled out to find out how much square footage of signage is allowed. This is based on the number of frontages, the zoning of the property, the speed limit of the road in front of the property, the building setback and the freestanding sign use factor. Because staff encourages businesses not to have a

freestanding sign, businesses will get a bonus if do not put up a freestanding sign. Staff is also wanting to change the freestanding sign characteristic table because it allows one freestanding sign per each road frontage. This means if a business has 4 frontages, they can have 4 freestanding signs which is excessive. The maximum number of freestanding signs permitted will be changed to 1. Unless the total of all street frontages exceeds 2000' then a second freestanding sign on a different road frontage than the first, is permitted in a commercial zone or for an institutional use in a residential or rural zone. This means if the lot is large enough, a second sign is permitted. If it is a typical city lot, there should not be multiple freestanding signs. She showed an example of the current sign worksheet for CVS on 18th Street. They would currently be allowed 266 square feet of total signage and 4 freestanding signs. If the proposed amendment is adopted, they would only be allowed 1 freestanding sign. She showed the same example on the amended sign worksheet. This would allow only 135 square feet of total signage and 1 freestanding sign.

Kathy presented the preliminary layout of Sagamore Common. Culvers is considering lot 3, which has 3 road frontages. Under the current ordinance, they would be allowed 3 freestanding signs. She presented the amended sign worksheet for Culvers as a standalone business and not a business park. This would allow 1 freestanding sign and 150 square feet of total signage. She then showed the sign worksheet if they put up a monument sign to get the sign bonus because they would be putting up 50% of what is allowed. This would allow 172 square feet of total signage. If this were a business park with a gateway directory sign, they would be allowed a monument sign, 125 square feet of fascia signage and a sign on the gateway directory sign.

Larry Leverenz asked if this needs to be voted on to take this to the full APC.

Kathy Lind said that is correct. The amendment could be made for the July meeting.

Gary Schroeder asked if there is any other reason to change the sign ordinance besides it being too generous.

Kathy Lind said businesses have been reasonable with signage. CVS could have 4 freestanding signs, but they do not. Another example of this is Speedway at Creasy Lane and SR 38. They have two freestanding signs about 20' to 30' apart. Both signs may not be necessary. In general, businesses have not been abusing this ordinance.

Gary Schroeder said at a previous meeting, it was discussed that when someone does not know where they are going, the signs are helpful. The Speedway signs are angled different, so you can see one from SR 38 and the other from Creasy. In business parks like Cascada, the monument signs are effective. He asked if the monument signs will be restricted. On Veteran's Memorial Parkway, some of the businesses are back loaded so the monument signs let people know they are in the right parking lot.

Kathy Lind said businesses on Veteran's Memorial are small integrated centers. Staff will have to look at that in the future. This ordinance does not address that.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said it would be nice if directional signs were not included in that.

Sallie Fahey said directional signs are allowed but they cannot have logos on them. Signs that say drive thru, enter, or exit are acceptable so long as they do not advertise the business.

Gary Schroeder said when there are several driveways with narrow lots, the directional signs for the entrance are helpful.

Sallie Fahey said this proposal does not affect the directional signs.

Larry Leverenz asked if the Committee is ready to take this to the full APC.

Carl Griffin asked if this needs to be put into ordinance form or if everyone is comfortable with the changes

presented. If staff feels that there is a strict timeline then this should go to the full APC. If there is not a timeline, it would be beneficial to see this in final ordinance form.

Kathy Lind asked if it would be okay to file an amendment for the July APC meeting, so it can be discussed at the July Ordinance meeting.

Carl Griffin said he is comfortable with that idea.

Sallie Fahey said there is a timeline for the City Council and County Commissioners meetings in August. Any later will affect the Sagamore Commons project because Culvers will want to get signs soon. She said she supports Kathy's process.

Larry Leverenz said we should aim for August to be the cutoff date.

Vicki Pearl asked if a business absolutely needed 3 signs that has 3 frontages, would they be able to get a variance, or would that not be allowed at all.

Kathy Lind said they would apply for a variance and explain to BZA why they need the sign.

Larry Leverenz said there will be a one-minute pause for public comment on this amendment.

Ryan O'Gara said there were no citizen comments.

V. CITIZEN COMMENTS

Larry Leverenz said there will be a one-minute pause for general public comment.

Ryan O'Gara said there were no citizen comments.

VI. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:52 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director