

BZA MINUTES

October 15, 2018

Members present: Bill Davis, Jim Hufford, Eli Jones, Jason Hawley, Jon Peacock and Myron Cougill

Absent: Dan Vinson

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Vinay Duncan, Joe Smallwood

Chairman Davis: It's Monday, October 15, 2018. I will take a motion to approve the minutes from August 20th 2018. Motion has been made and seconded to accept the minutes as presented, all in favor say aye, opposed, no. Alright, first on the agenda tonight is BZA2018-17-V, Triumph Signs on behalf of Casey's Marketing Group. Would a representative come forward please? This is a recorded meeting so if you would please state your name and address for the record and who you're representing.

J. Smallwood: Joe Smallwood, 480 Milford Parkway, Milford, Ohio, 45150. I am representing Casey's General Store and I am with Triumph Signs Consulting.

Chairman Davis: Before we get started did you receive Article V, Conduct of Hearings?

J. Smallwood: I believe I did, yes.

Chairman Davis: And everything has been sent in a timely manner?

D. Johnting: Yes.

Chairman Davis: Please proceed and let us know what we can do for you.

J. Smallwood: I appreciate everyone coming in today, what we're asking for is an increase, or variance in height for the sign package that we're wanting to go with at the property so the sign that we're trying to do is a 60' tall sign which is intended to be seen from Route 27 to actually bring people off of 27 of on to 32 where the property is located. What we think is the biggest thing is we are trying to compete against people who are already there, so we've got the Marathon, which is the "Jay's Petroleum" at the time it was permitted and the Arby's and McDonalds. And Casey's General Store also serves food, so we are also competing against those restaurants. That's really all we're asking for.

Chairman Davis: Anyone on the board have questions or comments?

J. Hufford: The Marathon sign and the McDonald's signs, what height are they now?

D. Johnting: In your packet in the back, there is a list. We weren't able to find the older permits, those were pre 1990-1995. Under the old ordinance those signs could be up to 75'. Our best estimate is that the McDonald's is roughly 45', maybe 50', Arby's and what was Jay Petroleum, it's Marathon now, are both 60', with our best way of measuring. Marathon by Mrs. Wicks is 30', and so on down the list.

Chairman Davis: Where is the sign going?

D. Johnting: It's highlighted in yellow on your map. It's a small map but it was a good representation so I wanted to use it. It is on the east side at the back on the opposite side from residential.

J. Smallwood: One thing that we did do, we brought a crane out to the site and actually raised up a test sign which is a 4'x8' sheet of plywood with a letter on it just to represent a sign and played with it at different heights to get to the best site for viewing from the road. So we did put some effort into finding that proper height.

Chairman Davis: Did our code just change this year then? For the signs?

D. Johnting: Yes, about a month ago we got the last signature. Since this has been in the works for several months we are using the old ordinance for them.

J. Hawley: In 2011 it was adjusted to 30' if I'm not mistaken?

D. Johnting: No, that permit was a mistake.

J. Hawley: Ok, fair enough.

J. Smallwood: One thing I will add too, this is all part of the due diligence with the Casey's group. I talked to them this morning and found that the property—they haven't even purchased yet. The property is under contract to buy but it is dependent on the due diligence. They have to get all the building permits and all the different permitting they are going for them to follow through with the purchase of the property. So, if they are not able to get what they are want, and I will just say this is one of the things they will want, but if it doesn't happen I am not going to say they are not going to buy the property—I'm just saying they do these things on purpose so they get what they are trying to get and make sure the property meets their criteria.

J. Hawley: Kind of a quick question, obviously you operate several, or have worked with Casey's in several different locations, such as I assume Union City, Ansonia, Centerville, New Castle, Hartford City. How big are the signs in those areas? So they have the sixty foot signs as well?

J. Smallwood: I don't know for sure about every location. I know one of those we did was a hi-rise and I think it was about 75-80 feet if I'm not mistaken? Which one was that?

V. Duncan: It was either the Lima or Union City one I think.

R. Abel: It was not Union City, they've got about a 20-25' one.

V. Duncan: Then it must be Lima.

R. Abel: Isn't there an interstate that goes by there?

J. Smallwood: Yes there is, it's I-75.

R. Abel: I will remind the board that in our old ordinance if you look at the footnote it does reference an interstate, that that is an appropriate sign for an interstate. Obviously we copied that ordinance off of some other city that has an interstate, which we obviously don't have any interstates here.

J. Peacock: If I was a business trying to locate here, I would just want to be able to compete with the other signs, I would want my sign to be the same height as Marathon, or Arby's. That's, I think, a reasonable request. I would really be interested in knowing why we wouldn't want them to be able to advertise.

J. Hawley: Well, what if Mrs. Wicks wants a new sign, or the liquor store? I think then they are entitled to have a 60' sign as well wouldn't they?

J. Hufford: They would have to get a variance as well.

R. Abel: But once you set this precedent what reason would you give Wicks for not allowing a 60' sign?

J. Hufford: I think what sets the precedent when the signs were already erected there for the other people for the by-pass.

R. Abel: But the ordinance at that time allowed a 75' sign.

J. Hufford: As I say, competing businesses coming in are going to request that.

R. Abel: But at some point, if you look at McGalliard in Muncie, for example, sometime you're going to not want to have a hundred 60' signs up. Then what happens, in McGalliard's case now they are having to find ways to downsize everybody. The way our ordinance is now if they are damaged or something happens to them and they don't meet the standards any more then they have to come down. My proposal would be for directional signs. I don't know what you are talking about with competing signs, when I was coming over the overpass from the north, I could see those three houses from the top of the overpass before I could look down and see Marathon. So you could see a 24' sign. Coming from the other direction is a different issue. You could easily put a directional sign up which is like a 4'x6' sign, on the highway, that would advertise everybody's business. It could advertise Wicks, Casey's, could advertise the other Marathon that's on down past the Casey's store. You could have a variety of businesses actually advertised.

B. Davis: How would that come about?

R. Abel: That would be through the city, I believe. And if it's put on county property it might actually be through the county.

J. Hufford: And if it's on the state highway it would be through the state, INDOT.

B. Davis: Have you checked on that then?

D. Johnting: I checked with a contact I have and she gave me the name and number of the person the city would contact to see about getting those—and I don't take that as a guarantee, but I don't know what reason they would have for not wanting to allow that. I don't know who would pay for the signs, I guess the city?

R. Abel: I guess if it would be considered advertising, I guess it would be the businesses, if you wanted your sign up.

J. Peacock: So, Randy, the main reason you wouldn't want a 60' sign is because we don't want to have a lot of 60' signs?

R. Abel: That would be my reasoning, the esthetics of it. We're not an interstate, you know. I would say 90 percent of the time I don't even look for those signs any more. My daughter is in the back saying here's the next exit that's got the restaurant I want, here's the gas station I want, and you don't even look at those signs any more.

J. Peacock: I am old enough I do look at those signs. When I'm coming up on an intersection I am looking at those signs to see which one I'm going to before I get off.

J. Hawley: As a frame of reference, I looked it up, the Sphynx in Egypt is 66' tall. So you're going to have something roughly the same height as the Sphynx in Egypt in Winchester, Indiana.

B. Davis: We already have it though.

J. Hawley: But the plan, like we were talking about, what if something happens, and it gets damaged, they've got to come down, right?

J. Smallwood: The Arby's sign looks fairly new, the top of the sign looks like it's been replaced recently, right?

R. Abel: In a remodel, yes. It wasn't damaged, just refaced and it is actually lower than it was before. It just has new coverings over the same sign.

J. Peacock: So, did Arby's change their sign?

R. Abel: Yes, they lowered it.

J. Peacock: Did they have to have a permit to do that?

R. Abel: You can go to more conforming, not less conforming.

J. Smallwood: I was under the impression in a non-conforming sign, that when you did make any change to it other than servicing the sign you would have to come before the board.

J. Hufford: So it should be 15' now, or 25' because they remodeled before we changed the ordinance.

R. Abel: It was before.

J. Hufford: So it should have been brought down to 25'.

R. Abel: Possibly, depending on how the wording goes.

B. Davis: Any other comments?

D. Johnting; I will say I think the reason why Mrs. Wicks and Marathon west of Casey's is surrounded by residential and that would have been a hindrance to them with the old ordinance being so closely surrounded by residential. That would have been a hindrance then and would be now. I wondered by they did not ask for the 60' signs as well.

J. Peacock: Point of interest here if we don't all agree on this, how many votes do we need to pass.

J. Welch: You need 4 votes, it's the majority of the entire board, even though there are only 6 here tonight.

J. Peacock: So what do you think Mr. Welch?

J. Welch: I don't have a vote. This isn't an opinion of a legal issue, this is what do you think is the best. I can see both sides of the issue.

J. Peacock: I can see both sides too.

J. Hufford: I can too.

E. Jones: I guess what I was telling Bill, here. The Arby's sign has been there since before I was born.

B. Davis: Have they been here that long? [Laughter]

E. Jones: It says here 1988, and I was born in 1994, so, I don't know...but that is further away from 27 than this sign will be, so I guess where I am at is that 60' sign has never impacted anything in the last 30 years, so why would this sign do that now?

B. Davis: I guess I am thinking the same thing. I like that, and I like the idea of having the sign that Randy had suggested as well. Those are my thoughts. Any other comments or questions? Is there anyone in the audience who would like to speak for or against? Let the record show that no one came forward. So we'll take a few minutes to go over the new voting form. Alright, do I hear a motion to take a vote? It has been moved and seconded to take a roll call vote.

D. Johnting: Bill Davis, yes, Jim Hufford, yes, Jason Hawley, no, Eli Jones, yes, Jon Peacock, yes, and Myron Cougill, no. Dan Vinson is absent. With 4 votes the motion is approved.

Chairman Davis: Good luck, how soon are you guys going to be starting?

J. Smallwood: I think the building permits are already underway. I think this is one of the last things, so this is good news.

Chairman Davis: Is there any old business?

D. Johnting: We do already have a docket for the next hearing in November.

Chairman Davis: Ok, if there is nothing else I will hear a motion to adjourn this meeting? All in favor, all opposed. We are adjourned.

Bill Davis, Chairman

Jason Hawley, Vice Chairman

Debra Johnting, Recording Secretary