

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING MINUTES
OCTOBER 17, 2013

Call to Order: Ron Kerr called the meeting to order at 7:02 p.m.

Roll Call: Lori Martino, Community Development Clerk, called the roll.

Present: Sean Chase, Sam Dunn, Michael Karl, Ron Kerr and Laura Erickson.

Absent: Todd Holt and Marian Chasse.

Staff Present: Jim Jacks, City Planner; Lori Martino, Community Development Clerk

Others: Joe Piscitelli, Darrell & Angela Flood, Don Bray, Bonnie Kishpaugh, Michelle Hinton, Robin Mullin, John & Alanna Lambert and one additional that cannot be identified due to being unable to read handwriting on sign in sheet.

Approval of Minutes:

Minutes were postponed until the November 21st meeting.

Discussion: • UGB Discussion

Jim Jacks went over the staff report with the Planning Commission and gave a brief update to audience.

Jim Jacks gave a brief overview of the information obtained for the sewer and water system issues with a UGB expansion. He also went over the report included in the packet from the City Engineer.

Angela Flood –Lafayette.org, 287 Canyon View Drive-Lafayette.

Angela questioned if the City was still just looking at residential expansion. She noted that there was no property available for commercial development. Jim Jacks noted that it was unknown at this point if there was enough. According to the research, there is some property available. Ron Kerr also noted that the focus of the UGB expansion is for residential, not commercial or industrial.

Discussion ensued.

There were no further questions regarding the UGB.

Discussion: • Sign Code Discussion

Jim Jacks read over the staff report with the Planning Commission.

Robin Mullin-1100 Monroe Street questioned why the letter that she had submitted at the last meeting was not in the Commissioners packet. Lori Martino noted that she was not at the last meeting and was not aware that the Commissioners had not received it the first time.

Discussion ensued.

Ron Kerr suggested that we continue with the staff report and if there is anything of concern that was not addressed; it could be brought up at that time.

Jim Jacks continued with the staff report.

Ron Kerr noted that he had some points to go over that he had issues with. He noted that it was questioned if the intent of the Planning Commission was to restrict political signs. Ron noted that it was the Commissions intent to restrict political signs on the area of the signs, not the content. He noted that the reason for the time period allowed to have election signs in place seemed to make sense with the number of possible elections throughout a year in Lafayette. Ron stated that he saw no issue with changing the time allowed to display political signs from 30 days before election to 14 after to 45 days before to 14 days after.

Discussion ensued.

Robin Mullin-1100 Monroe Street: Robin explained to the Commission the issues that she is having with the sign code due to the number of signs that she is allowed to have due to the small frontage of her business. She noted that she feels that businesses should be allowed to use promotional products and they should be allowed a lot more signage.

Discussion ensued.

Robin noted that another issue that she has found is that the Cities street trees are blocking some of the businesses signs downtown.

Jim Jacks noted that most of the businesses do not use up to their allowed signage.

Lori Martino noted that the Planning Commission needs to keep in mind that variances are available for additional signage.

Jim Jacks noted that the assumption that is going around is that all the businesses are maxed out on their signage. However, just by looking at most of the businesses, that is not accurate assumption.

Discussion ensued.

Laura questioned the issue with the street trees. Lori noted that the street trees were not a sign issue and that it was an issue that would need to be addressed by the City Council or City Administrator.

Joe Pisciitelli- 712 Lincoln Street- noted that he owns Antonio's restaurant and has talked to the City about the trees blocking his sign and they have been slow taking care of the issue.

Lori Martino once again noted that street trees were not an issue to be addressed at the Planning Commission level but it will be noted in the minutes.

Discussion ensued.

Don Bray-829 Jackson Street-also noted that the street trees are an issue.

Ron Kerr asked to move the discussion away from the street trees.

Ron Kerr noted that if City Council wanted some things clarified he would give some additional items from attachment 4 in the packet. Ron noted that before he continued, he would take more input from the audience.

Darrell Flood-287 Canyon View Drive- Darrell noted that political signs were brought up and he felt that was a 1st amendment issue regardless of what, how or why he put up a sign. He feels because of his 1st amendment right, that the City should not be allowed to tell him how big a sign can be, how many he can have and what content can be on the sign. Darrell noted that he also has an issue with the portion of the sign code that addresses holiday signs or decorations. He noted that if he wanted to celebrate Christmas year round he can. Darrell continued discussing how these types of things could lead to lawsuits against the city.

Discussion ensued.

Ron Kerr questioned if Darrell thoughts were to throw out all the codes. Darrell noted that the only code that was being discussed now was the sign code and he believed it should be thrown out. It may be beneficial to mirror a town's code that is more successful with businesses than Lafayette.

Jim Jacks noted that maybe it would be a good idea to seek legal advice on the political signs.

There was further discussion regarding political signs and other cities sign codes.

Angela Flood noted that the City is overregulated and the City should get rid of the sign code.

Discussion ensued.

Joe Piscitelli-712 N. Lincoln Street- Joe noted that he assumes places have sign codes because they want a clean city. He felt that the city should not get rid of the sign code because he did not want to go down the street and see every yard and business plastered with a bunch of signs. He noted that there should be a little more leeway for businesses because it is their livelihood.

There was a discussion amongst the Planning Commission, staff and audience about needing to attract people to Lafayette and developing a downtown association.

Ron Kerr brought the meeting back on track and noted that he had a couple of things that he would like to go over. He started with attachment 4; section 2.206; purpose: He proposed the paragraph to read as follows: *The purpose of this Section is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase economic viability and maintain the aesthetic appearance of the city by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.*

Ron discussed his reasoning for his thoughts for the change. He also noted that there had been some questions about what the difference is between a commercial and a political sign. He noted that definitions can be added for both.

Commercial sign: A sign whose primary purpose is to identify commercial locations and drive financial economic decisions and activities.

Political sign: A sign whose primary purpose is to influence voting and drive support for or against an individual, a measure, a proposition, or any other item that must be ratified through a voting process. This also applies to signs directed at activities to influence commercial and/or economic decisions towards a specific social engineering outcome.

Ron noted that the two major items discussed that seem to be an issue are the political signs, which we may want a legal opinion on the matter, and a study may need to be done on what allowed signage of the businesses in town are and what the actual signage used is and what is the desired signage. Ron also noted that it may be beneficial to have a variance to the signage at a lower cost to the applicant.

Jim Jacks noted that the Planning Commission needs to keep in mind that there is, under the sign code, a section that allows for a variance on signs. This section has specific criteria that relate only to sign issues.

Discussion ensued.

Ron suggested changing some of the wording under the variance section 2.206.13

Item C: The granting of the variance compensates for the unique circumstances in a manner equitable with other property owners and is thus not a special privilege to ~~any other business~~ the requesting party.

Item E: The variance ~~will not result in~~ shall avoid creating a special advertising advantage in relation to neighboring businesses or businesses or similar nature.

Item F: Ron suggested that the commission completely get rid of item F. Jim Jacks noted that there were reasons other than the purchase of a type of business that item F would be beneficial.

After further discussion on Item F between the Planning Commission and staff, it seemed that the consensus of a majority of the commissioners was not to get rid of item F.

Laura Erickson started a discussion of when the sign regulations came into effect. Jim Jacks noted that the last update was around 2008 or 2009 but there were regulations long before that and they have been updated over the years.

Discussion ensued.

There was discussion on making the sign code more leeway to allow a lot more and larger signs. Lori noted that she had talked with a business owner earlier in the day that understood the need for more signs but did not want to see businesses in town that looked like a circus.

Discussion ensued.

Jim Jacks noted that the Planning Commission needed to provide a direction or items that need to be looked into.

An audience member noted that when he opened his business, he was told what size of sign he was allowed to have. He put up his sign and used other forms of advertising to promote his business. There are other businesses in town that may have way too much signage and also use other properties to utilize their signs. He wants to see the city looking clean and having signs everywhere, makes it look trashy.

Discussion ensued.

The Planning Commission discussed the items that they would like Jim Jacks to look into further and they came up with three points.

- Legal limits on allowed political signs
- Comparison of current versus prior sign code regulation changes.
- Study of actual signage in play versus, what is allowed versus, what a business owner might desire.

Sam Dunn noted that the fee for a variance should be waived by the City Council in the case of street trees blocking business owner's signs.

There was further discussion regarding the size allowance of signs.

New Business

Jim Jacks noted that Patti Webb will have a presentation for the commissioners at the meeting in November and there will also be some further information on the

UGB from the open house. He also noted that there will be no meeting in December.

Old Business

Adjournment

Ron Kerr made a motion to adjourn. Sam Dunn seconded the motion. Motion passed unanimously. Meeting adjourned at 9:34 p.m.