

BOARD OF ZONING APPEALS STAFF REPORT

То:	Members	of the Board of Zoning Appeals
From:	Tom Vand	der Woude, Planning Director
Meeting Date:	April 11, 2	2023
Agenda Item:	BZA Dock	et No. 23-002
Hearing:	PUBLIC H	EARING
Application Type:	Developn	nental Standards Variances
Summary:	WALL SIG	ter Investment LLC seeking multiple variances from TABLE 26-6.701.B N SPECIFIC STANDARDS to permit three nonconforming signs on a te Hotel at 9420 Calumet Avenue.
Applicant:		HP Munster Investment LLC
Property Address:		9420 Calumet Avenue
Current Zoning:		SD-PUD
Adjacent Zoning:		North: SD-M South: SD-M/PUD East: CD-4.A West: SD-M
Action Requested:		Approve variances
Additional Actions Requ	ired:	Findings of Fact
Staff Recommendation:		Denial
Attachments:		BZA 23-002 Variance application Hyatt Place sign renderings prepared by Transworld dated 05.17.2022 Renderings of Hyatt Place, Munster (undated) Development Plan (engineering plans prepared by Torrenga Engineering revised 06.17.2021) DEVELOPMENTAL STANDARDS FOR THE MAPLE LEAF CROSSING DEVELOPMENT AT THE MUNSTER BUSINESS COMPLEX PLANNED UNIT DEVELOPMENT AMENDED SEPTEMBER 19, 2022

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BACKGROUND



Figure 1: Maple Leaf Crossing PUD outlined in red. Subject property highlighted in blue.

Amit Shah of HP Munster Investment LLC is seeking approval of 8 variances related to signage for a Hyatt Place hotel currently under construction at 9420 Calumet Avenue in the Maple Leaf Crossing Planned Unit Development. The applicant is seeking to install internally illuminated channel letter signs on the 2nd floor of the north, south, and east sides of the hotel.

The Maple Leaf Crossing PUD is governed by the attached DEVELOPMENTAL STANDARDS FOR THE MAPLE LEAF CROSSING DEVELOPMENT AT THE MUNSTER BUSINESS COMPLEX PLANNED UNIT DEVELOPMENT AMENDED SEPTEMBER 19, 2022. There are no unique sign standards for Maple Leaf Crossing: the standards contain the following provision regarding signage:

IV. Signage Design Criteria

Signage shall be compliant with §26-6.701 unless a variance is obtained from the Board of Zoning Appeals.

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DISCUSSION

The variances being requested in connection with this project are as follows.

Wall Signs

	Code Section	Standard	Permitted	Proposed
1	TABLE 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Quantity (max)	 1 per Facade or 1 per first floor business Frontage if multi-tenant Building A single wall sign is permitted on the first floor of the north elevation and a single wall sign is permitted on the first floor of the south elevation. 	The applicant proposes to install a wall sign on the east elevation.
2	TABLE 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Additional standards	In addition to all other applicable standards, each Wall Sign allowed under this Article: a. shall be applied to the first Story Facade and not project vertically above the roof line	The applicant proposes that the wall sign on the north side be installed on the 4 th story.
3	TABLE 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Quantity (max)	In addition to all other applicable standards, each Wall Sign allowed under this Article: a. shall be applied to the first Story Facade and not project vertically above the roof line	The applicant proposes that the wall sign on the south side be installed on the 4 th story.
4	TABLE 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Quantity (max)	In addition to all other applicable standards, each Wall Sign allowed under this Article: a. shall be applied to the first Story Facade and not project vertically above the roof line	The applicant proposes that the wall sign on the east side be installed on the 4 th story.
5	Table 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Area	1.5 sf per linear ft of Facade or business Frontage.If a sign were permitted on the east elevation, the maximum area is 116.78 square feet.	The applicant proposes a 129.91 square foot wall sign on the east elevation.

6	Table 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Sign Size	Lot with bldg. setback < 100' channel letter(s) Letter Height (max) 24"	The applicant proposes a wall sign on the north elevation with 33.75" tall letters and logo.
7	Table 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Sign Size	Lot with bldg. setback < 100' channel letter(s) Letter Height (max) 24"	The applicant proposes that a wall sign on the south elevation with 33.75" tall letters and logo.
8	Table 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Sign Size	Lot with bldg. setback < 100' channel letter(s) Letter Height (max) 24"	The applicant proposes a wall sign on the east elevation with a 40" tall logo.
9	Table 26- 6.701.B Sign Types – Wall Sign – Specific Standards	Sign Size	Lot with bldg. setback < 100' channel letter(s) Overall Height (max) 36"	The applicant proposes a wall sign on the east elevation with an overall height of 74.625".

DISCUSSION

The size and location of the signs proposed for the subject property indicate that the intent is for the building to be identified from a distance, similar to tall pole signs.

To comply with the Munster zoning code, the applicant would be required to do the following:

- Eliminate the wall sign installed on the east side of the building.
- Relocate the wall signs on the north and south sides of the building to the first story. Alternatively, the applicant could remove the wall signs and replace them with a different sign type, such as a large projecting sign.
- Reduce the height of the letters and logos comprising the wall signs on the north and south sides of the building from 33.75" to 24". Alternatively, the applicant could change the sign materials from channel letters to externally illuminated solid lettering or static neon.

Examples of alternative sign types installed on existing Hyatt Place hotels are below.



Figure 2 Hyatt Place Bloomington, IN (Google Streetview)



Figure 3 Hyatt Place Bloomington, IN (Google Streetview)

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Figure 4 Hyatt Place Hyde Park, Chicago, IL (Google Streetview)

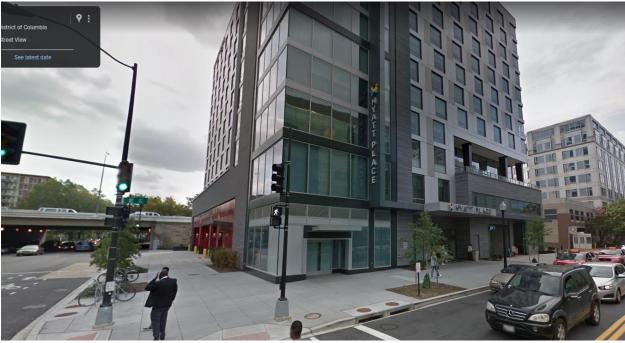


Figure 5 Hyatt Place Washington D.C. National Mall (Google Streetview)

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Figure 6 Hyatt Place Florence, SC (Google Streetview)

The Munster zoning ordinance states that "A Variance may be granted only if... ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;".

The Munster zoning ordinance states that "A Variance may be granted only if... the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;".

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.1 of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

 the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;

Staff finds that the Hyatt Place hotel is a brand-new building with multiple options for signage, which were known at the time that the development plan for the building was approved by the Munster Plan Commission, and therefore it is difficult to conclude that any difficulties with installing code compliant signage are not self-imposed., which indicates that this criterion has not been met.

ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;

Staff finds that the petitioners are requesting 9 sign variances, which indicates that this criterion has not been met.

iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

Staff finds that the general purpose of the zoning ordinance is to limit the amount of signage to specific sizes and types to improve the aesthetics of the Town, which indicates that this criterion has not been met.

iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

Staff finds that the character of Maple Leaf Crossing is a pedestrian-oriented, mixed-use development, but the proposed signage is oriented to distant traffic rather than the pedestrian, which indicates that this criterion has not been met.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

i. it will not be injurious to the public health, safety, morals, and general welfare of the community;

Staff finds no evidence that the proposed signage will be injurious to the community.

ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and

Staff finds no evidence that the proposed signage will adversely affect the use and value of the adjacent area.

iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

Staff finds that Hyatt Place hotels in other locations have implemented compliant sign programs, which could be applied in this case as well.

The applicant has also addressed these criteria in the attached application.

MOTION

The BZA should make a motion indicating the specific variances that are approved or denied.



Petition BZA	
Date:	
Application Fee: \$	
Sign Fee: \$	

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

HP Munster Investment LLC	_ 219 614 2676
Name of Owner	Phone Number
9420 Calumet Ave. Munster, IN 46321	amit@shahlodging.com
Street address, City, ST, ZIP Code	Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner	Phone Number
Street address, City, ST, ZIP Code	Email address
PROPERTY INFORMATION:	
Maple Leaf Crossing - Lot 2	
Business or Development Name (if applicable)	
9420 Calumet Ave. Munster, IN 46321	
Address of Property or Legal Description	Current Zoning
APPLICATION INFORMATION:	
Please select what this Application is for:	
□ Variance If yes, select one of the following:	: 🗆 Use 🗹 Developmental Standards
Conditional Use	
Administrative Appeal	
Brief Description of Project and List of Variances or Cond	litional Uses Being Requested (if applicable):
Exterior signage for the Hyatt Place hotel under construction	
Maust Architectural Services	574-537-8500

Name of Registered Engineer, Architect or Land Surveyor

112 N Main St. Goshen, IN 46526 Street address, City, ST, ZIP Code Phone Number

michaelmaust@maustarchitects.com Email address

DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

Yes.			

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

Properties values will not be adversely affected.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

Hotel signage is very distinguishable to customers and almost all hotels have the same signage from property to property to create brand awareness / consistency. The signage

requirement from the town will create visibility issues and unnecessary confusion for guests

trying to find the hotel.

Attach additional pages if necessary

	A3 East Elevation Scale: 3/32" = 1'-0"	
	South Elevation Scale: 3/32" = 1-0"	

SCALE: 1/32" = 1'-0"

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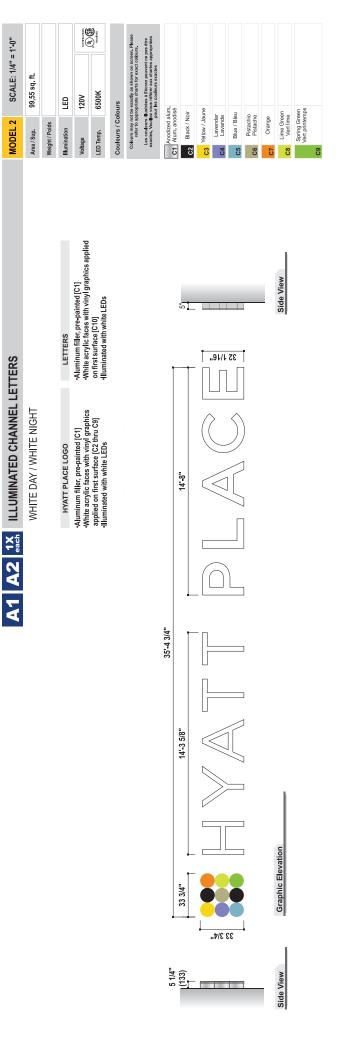


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TRANSWORLD

RENDERING / RENDU





Night View SCALE: NTS

RENDERING / RENDU YEAR LANNÉE Date:

Signature:

Client Approval / Approbation client

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Site

Client

AVIS / NOTICE

CONTACT

Des. Date						
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		WHITE DAY / WHITE NIGHT		Area / Sup.	129,90 sq. ft.	
				Weight / Poids		
		HYATT PLACE LOGO	LETTERS	Illumination	LED	
		•Aluminum filler, pre-painted [C1] •White acrylic faces with vinvl graphics	•Aluminum filler, pre-painted [C1] •White acrylic faces with vinyl graphics applied	Voltage	120V	CONTRACTOR
		applied on first surface [C2 thru C9] •Illuminated with white LEDs	on first surface [C10] Illuminated with white LEDs	LED Temp.	6500K	9
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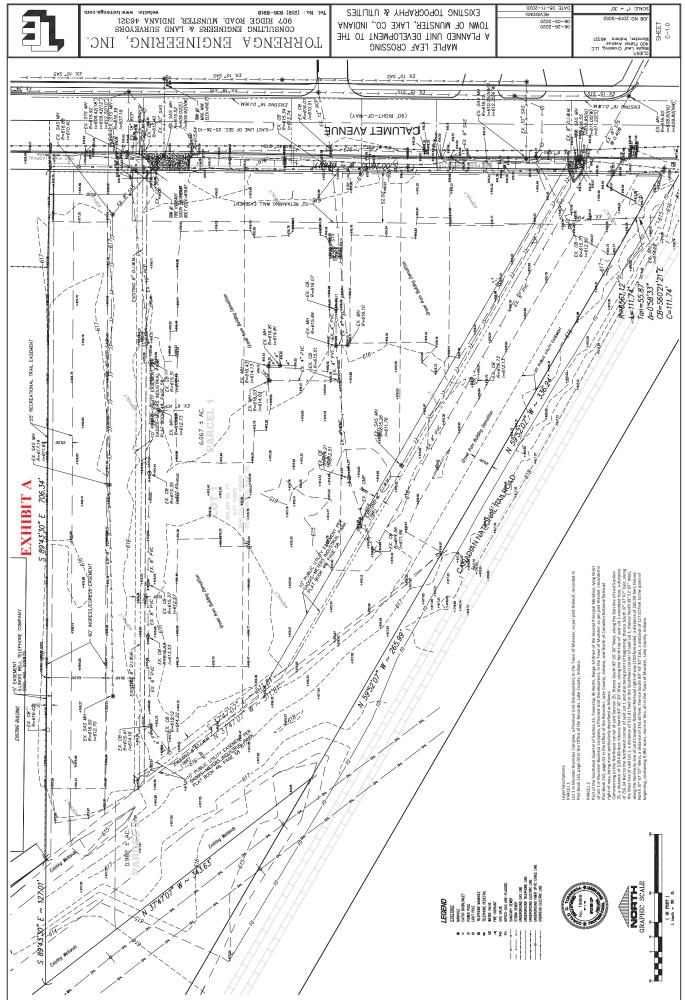


Maple Leaf Crossing 9420 Calumet Avenue Munster, IN 46321

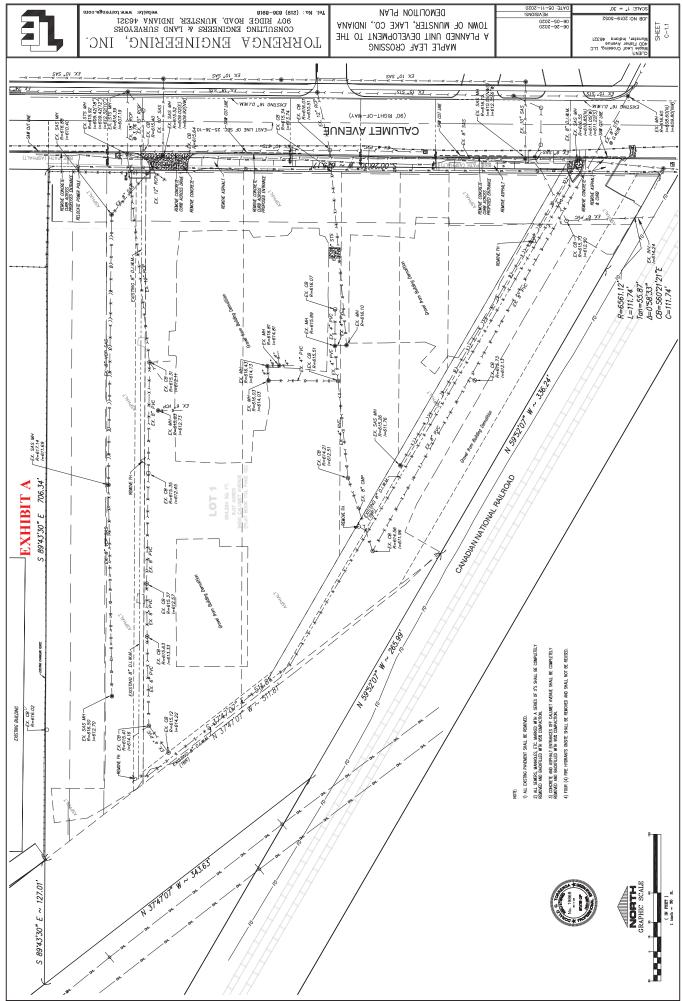




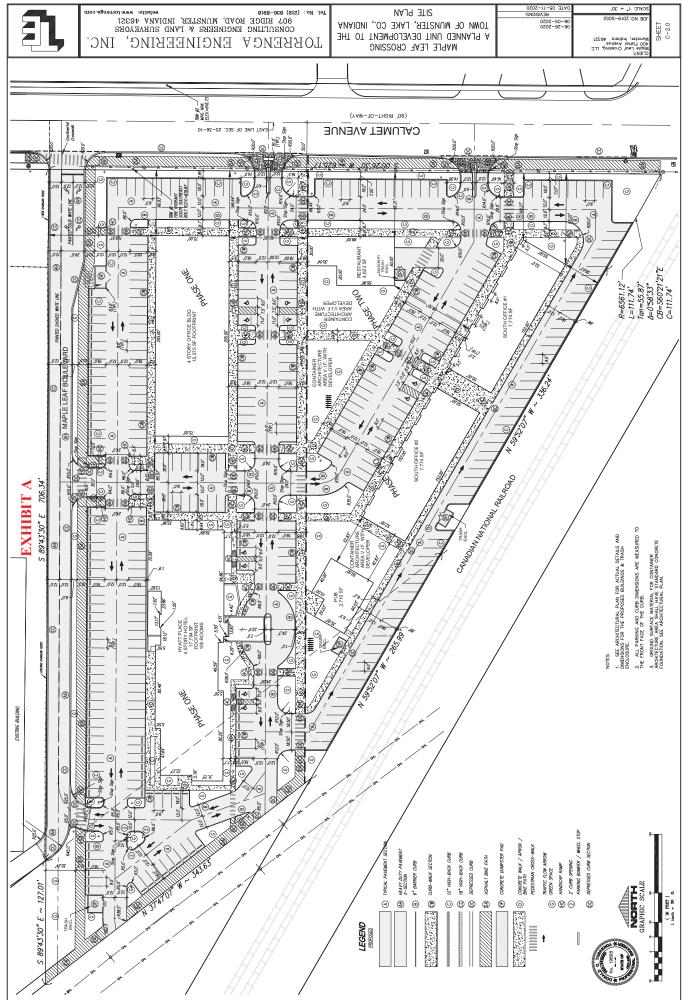
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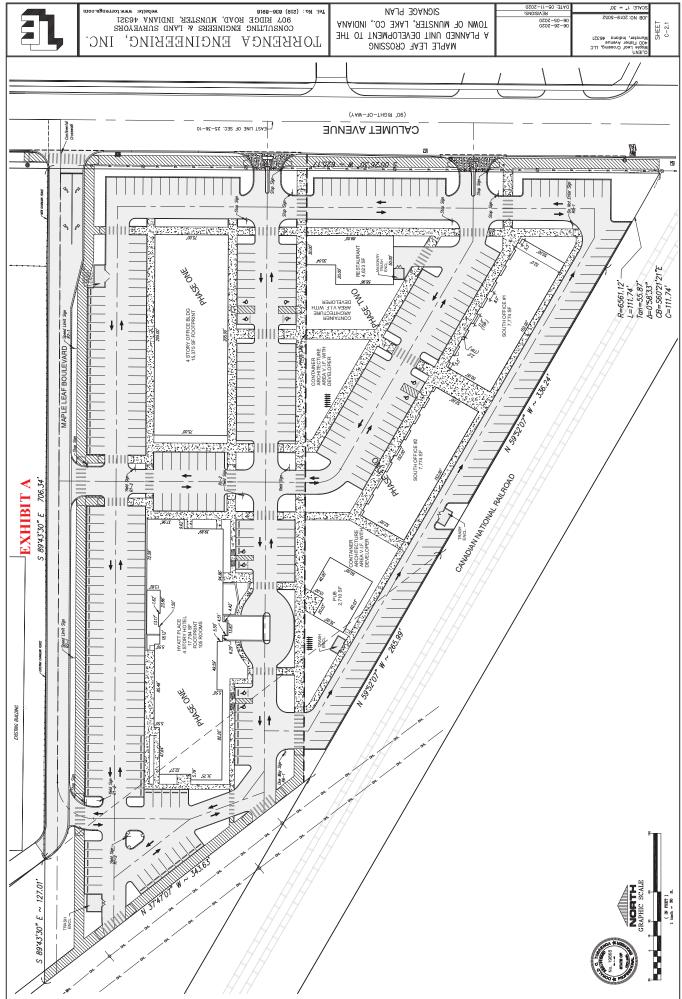
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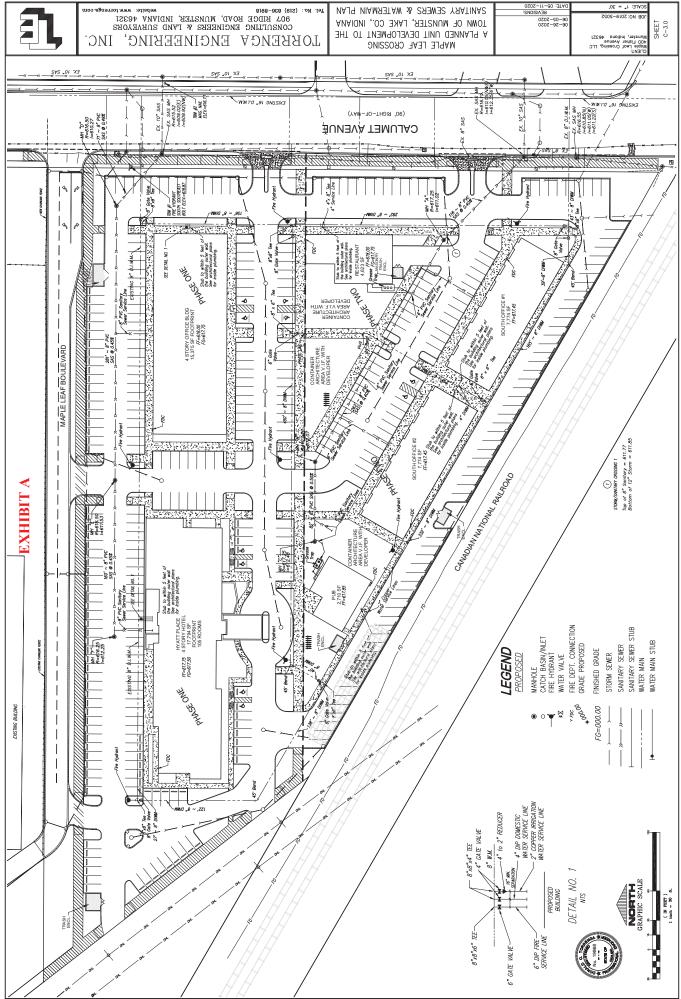


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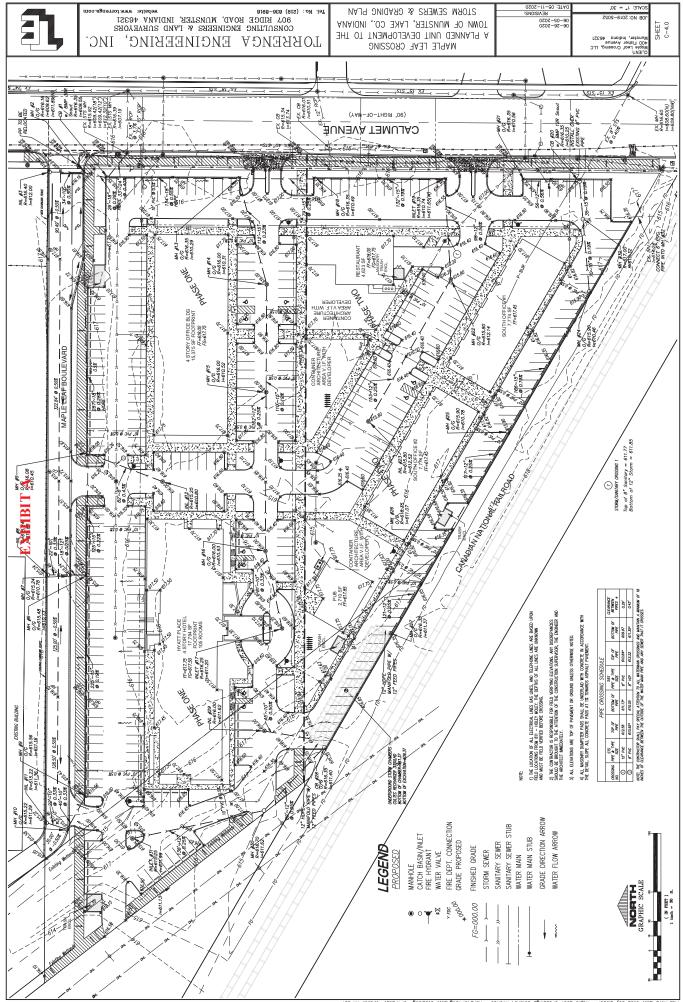


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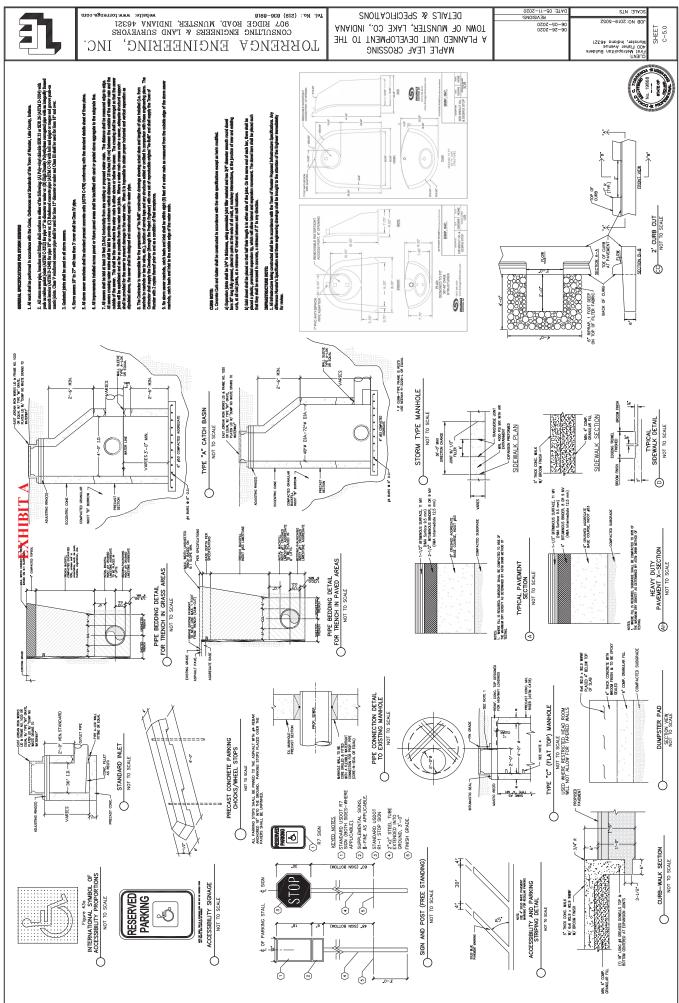




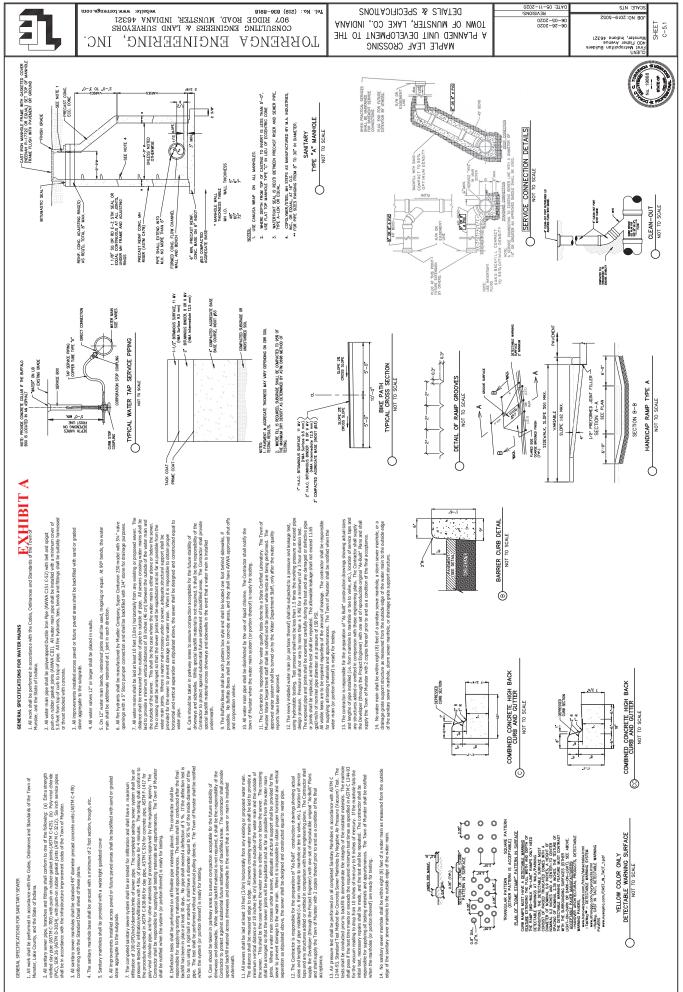
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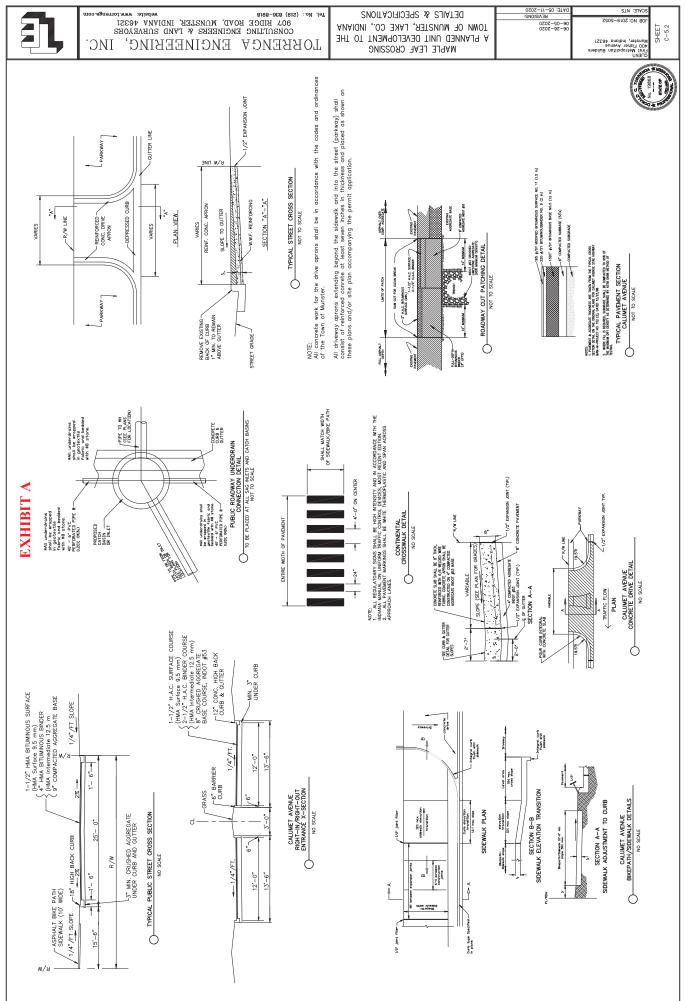


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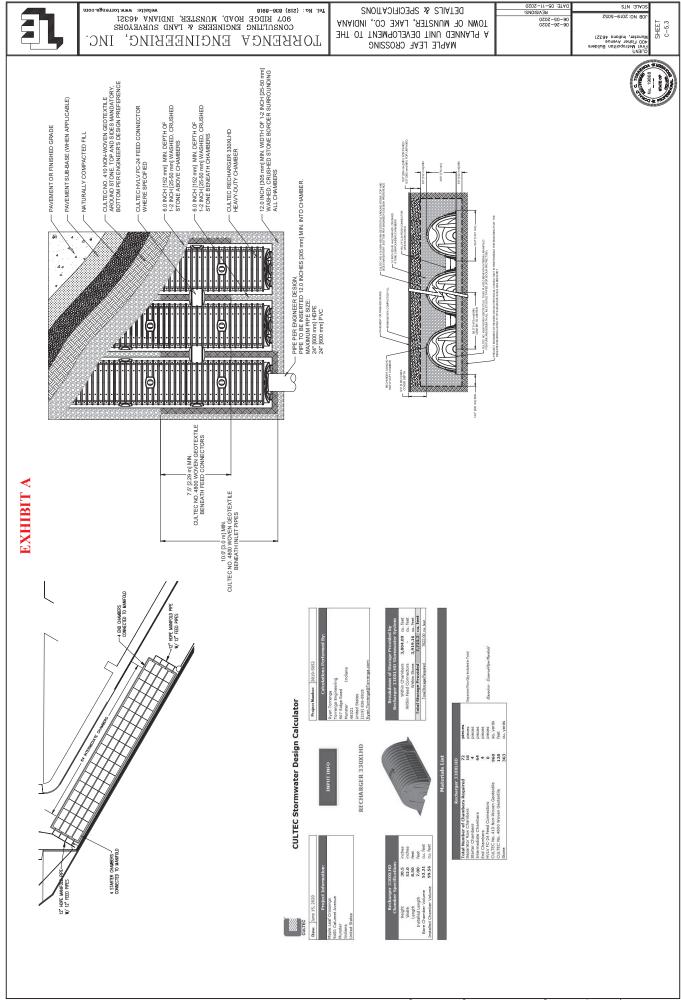


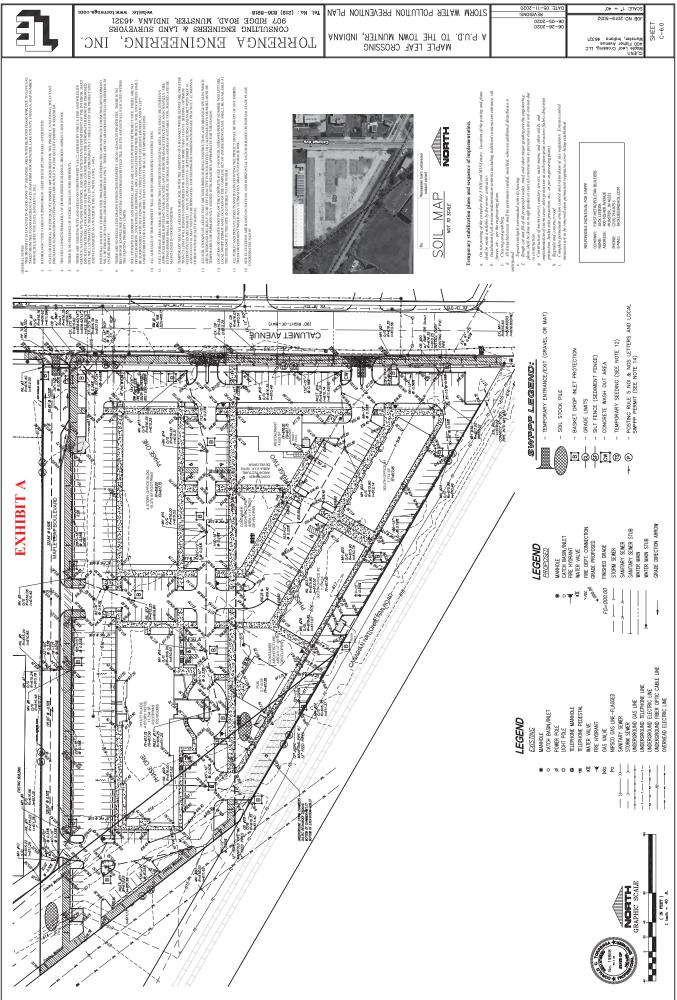
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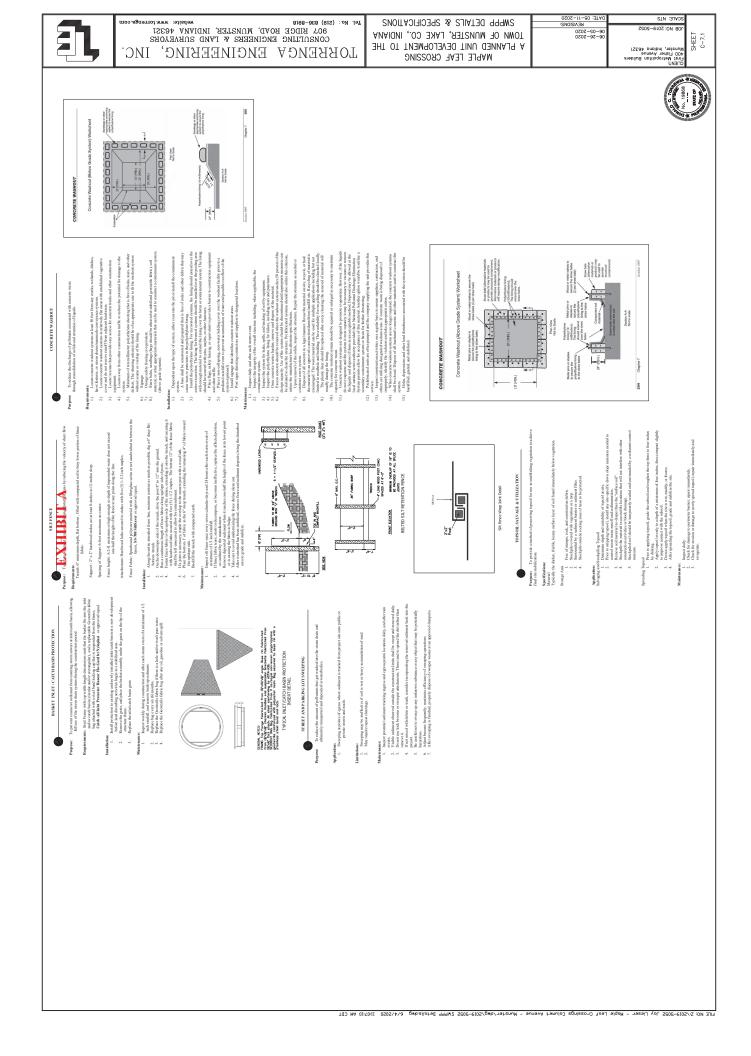
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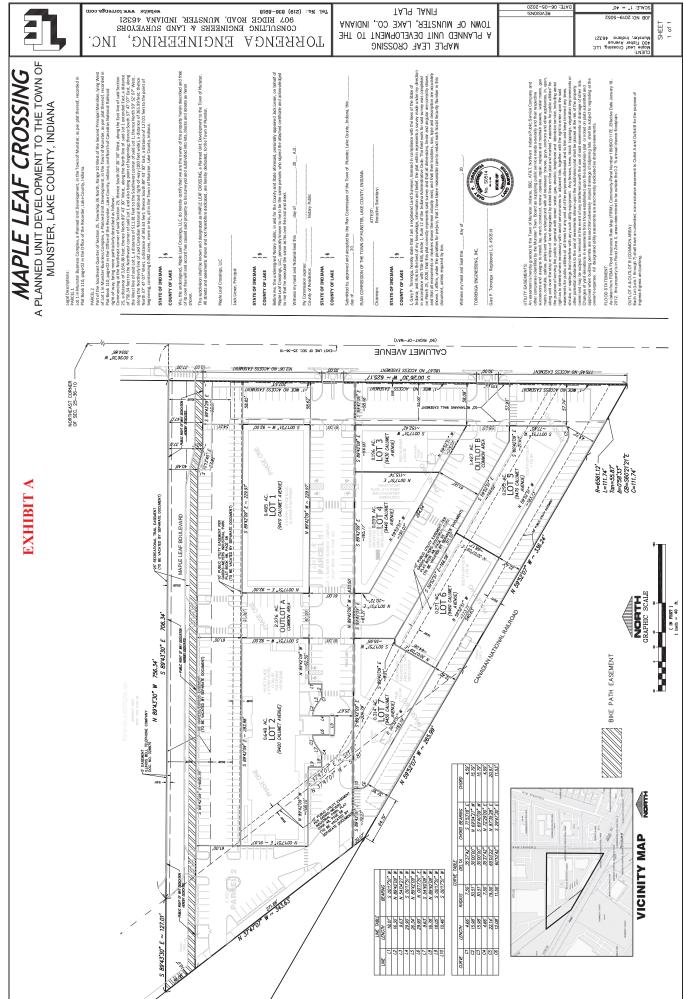




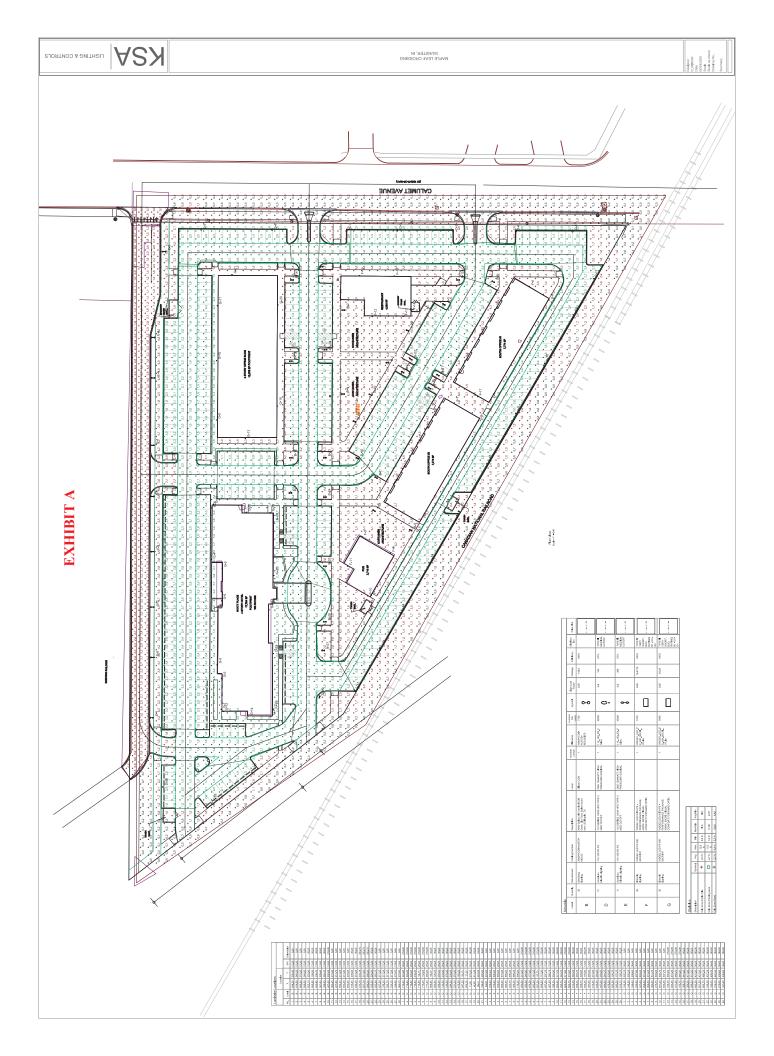
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DEVELOPMENTAL STANDARDS FOR THE MAPLE LEAF CROSSING DEVELOPMENT AT THE MUNSTER BUSINESS COMPLEX PLANNED UNIT DEVELOPMENT <u>AMENDED SEPTEMBER 19, 2022</u>

This document sets forth the developmental standards for the Planned Unit Development known as Maple Leaf Crossing, with street addresses 9352-9482 Calumet Avenue.

I. Planned Unit Development

Maple Leaf Crossing is hereby designated as a Planned Unit Development Special District ("SD-PUD") under Ordinance No. 1788.

A. Permitted uses shall include:

- 1. Hotel
- 2. Professional Office
- 3. Medical or Dental Office or Clinic
- 4. Alcoholic Beverage Retail Sales
- 5. Alcoholic Beverage- Serving Establishment
- 6. Bar or Tavern
- 7. Brewpub
- 8. Craftsman Establishment
- 9. Dry Cleaning without drive-through
- 10. Entertainment Facility
- 11. Financial Services without Drive-through
- 12. Hair, skin, nail care or day spa
- 13. Open air market, including container shops
- 14. Open Front or Open Lot Retail, including container shops
- 15. Pharmacy
- 16. Restaurant, and Restaurant with outdoor dining
- 17. Tailor or Seamstress Shop
- 18. Tasting Room
- 19. Theater or Performing Arts Venue

- 20. Ticket Office
- 21. Veterinary Office Clinic or Hospital
- 22. Warehouse/ retail
- 23. Civic space
- 24. Brewery
- 25. Distillery
- 26. Microbrewery/MicroDistillery/ Microwinery/ Nanobrewery
- 27. Winery
- 28. Food/ Refreshment Stand
- 29. Garden
- 30. Gift Shop
- 31. Massage Services by Indiana licensed masseuse, accessory to Spa or Salon
- 32. Parking Area
- 33. Patio
- 34. Such other uses as approved by the Plan Commission or Town Council
- B. Temporary buildings for construction purposes for a period not to exceed the duration of the construction.
- 2. Use Conditions and Restrictions

A. Hours. Maple Leaf Crossing hours of operation shall be seven days per week as allowed for any like businesses in Commercial Districts in the Town of Munster.

3. Yards

Yards, roadways, walkways, parking and greenspace shall be as set forth in the Approved Development Plan attached hereto as Exhibit A and incorporated herein.

4. Height Regulations

No building shall exceed four stories in height and a maximum of 60 feet.

5. Screening of Mechanicals

All mechanical equipment will be screened as to not be visible by those at street level on all sides of the building.

6. Off-Street Parking Facilities

Off-street parking shall include approximately 358 parking spaces as set forth in the Approved Development Plan.

7. Lot Coverage

Green space shall exceed 7.5% of the total area as set forth in the Approved Development Plan.

8. Pedestrian and Bicycle Access

Sidewalks and bicycle paths shall be located within and upon Maple Leaf Crossing as set forth in the Approved Development Plan.

II. Formula Business Regulations

Any Formula Business that desires to located within the Planned Unit Development must obtain a Special Use permit from the Board of Zoning Appeals. A "Formula Business" is defined as a restaurant or retail establishment which is required by contractual or other arrangements to operate with standardized menus, ingredients, architecture, décor, uniforms, appearance or signage.

The following findings, at a minimum, must be made prior to the issuance of a Special Use Permit for a Formula Business:

- 1. The Formula Business will be compatible with existing surrounding uses, and has been designed and will be operative in a non-obtrusive manner to preserve the community's distinctive character and ambiance;
- 2. The Formula Business will not result in an over-concentration of formula establishments in its immediate vicinity or the Town as a whole;
- 3. The Formula Business will promote diversity and variety to assure a balanced mix of commercial use available to serve both resident and visitor populations;
- 4. The Formula Business will contribute to an appropriate balance of local, regional or national-based businesses in the community;
- 5. The Formula Business will be mutually beneficial to and will enhance the economic health of surrounding uses in the district; and,
- 6. The Formula Business will contribute to an appropriate balance of small, medium and large-sized businesses in the community.

III. Building and Material Requirements

1. Building Design

All building designs and lot plans shall be submitted to the Plan Commission for building site plan approval in accordance with Section 26-6.804.G of the Town's Code

of Ordinances. The overall image should be well coordinated, fully integrating components such as entries, displays and signage. Buildings shall comply with the Approved Development Plan and the Development Standards for the Maple Leaf Crossing Planned Unit Development.

2. Materials and Details

Building materials shall consist primarily of glass, steel, brick, stone, and shipping containers for accents and small businesses as contemplated by the Development Agreement. Proposed materials and colors shall be submitted on a color material sample as a component of building site plan approval application in accordance with Section 26-6.804.G of the Town's Code of Ordinances..

3. Permitted Materials

The following is a list of permitted materials, subject to Town approval during the review process:

- a. Painted aluminum or steel;
- b. Stainless steel;
- c. Solid brass, bronze, copper or pewter;
- d. Enamel coated steel;
- e. Textured or brushed stainless steel;
- f. Galvanized, sandblasted or etched metals;
- g. Natural stone;
- h. Full size brick;
- i. Painted or stained wood in limited amounts
- j. Porcelain, ceramic or glass
- 4. Metals

High quality is expected for all metal applications. Metal such as shop-painted aluminum and steel, stainless steel, solid brass, bronze, copper, pewter, or enamel coated steel may be used for hardware, trim and panels when well designed and detailed.

- a. Lap joints and seams must be even and straight and concealed when possible. Outside corners are to be mitered or continuous break shaped.
- b. Fabrication must be either heavy gauge material or thinner gauge material shop laminated to solid backing. In no case are oil canning (resulting from light reflection from an uneven or buckled surface), scratches, warps, dents, occlusions, visible seams or other imperfections allowed.

- c. Sealants on natural metals are required to prevent tarnishing.
- d. Textured or brushed stainless steel, galvanized, sandblasted and etched metals are encouraged in creative applications. Unique treatments such as patina, rusted, etched and imprinted metals will be considered for special design objectives.
- e. Polished metals should be solid, not plated and limited to accent trim.
- 5. Natural Stone
 - a. Granite, marble, limestone, slate and other natural stone materials may be used in building applications. Stone may be polished, unpolished, sandblasted, flamed, honed, split face or caved. Careful, craftsman-like attention to detail is required at all connections and transitions to other materials.
 - b. Edge details must prevent visible unfinished edges. Exposed edges must be quirk mitered, chamfered or polished to match adjacent surface finish.
 - c. The transition between stone and adjoining materials must be defined by use of metal reveals.
 - d. Stone use as a paving material must be flush when meeting other flooring materials.
 - e. Natural stone must be protected against staining and discoloration by means of sealers appropriate to the material.
- 6. Wood
 - a. Painted or stained wood may be used in many design applications, such as window frames, decorative trim or molding, and for solid areas, such as decorative bulkheads. In some cases, it may be used for larger architectural elements, such as columns and entablatures. Wood paneling and plank construction are not acceptable unless presented in a highly imaginative concept and approved by the Town.
 - 1. Wood used in the construction of the building must be kiln dried, mill quality, or marine grade hardwood and must meet local frame spread requirements.
 - 2. Painted wood must have a shop quality enamel finish.
 - 3. Wood without a paint finish must receive a clear, preservative sealant.
 - 4. Extensive use of natural wood finishes is discouraged.
- 7. Tile
- a. Tile may be used in diverse applications. Its use is encouraged to introduce light, decorative texture or graphic quality to a storefront.
 - 1. Porcelain ceramic or glass tiles in glazed or natural finishes may be used as accents and in limited field applications. Patterns used

over large areas are expected t have a sophisticated, well executed design concept.

- 2. Small and intricate mosaic tile patterns may be utilized for detail and accent only.
- 3. All tiles must be carefully detailed at outside corners with bull nose edges or special corner trims. Lapped or butt joints are not permitted.
- 8. Glazing
 - a. The creative use of glazing and other building front design elements is encouraged and must be carefully detailed.
 - 1. Large panes
 - 2. All glass
 - 3. Stained, leaded
 - 4. Glass block
 - 5. In frameless assemblies,
 - 6. Aluminum, metal or wood building
 - 7. All aluminum framing
 - 8. Tinted glass is permitted, however, reflective glass (including mirroring) is not permitted.
- 9. Lighting
 - a. Lighting fixtures shall be high quality commercial grade. The fixtures shall be constructed and installed to be glare free and shall comply with all applicable code requirements.
 - b. Recessed or appropriately styled surface mounted halogen incandescent, ceramic metal halide, or solid state (LED) sources are permitted. 2077 to 3000 k is the required color temperature range of these sources, with a minimum Color Rendering Index (CRI) of 80.
 - c. Fluorescent fixtures are not permitted.
 - d. The lighting plan shall be of the design and layout set forth in the Approved Development Plan.
 - e. A detailed lighting plan for each building and lot shall be submitted for Plan Commission approval as a component of a site plan approval application in accordance with the procedure of Section 26-6.804.G of the Town's Code of Ordinances and the standards of the Development Plan and Development Standards.
- 10. Prohibited Materials

- 1. The following is a list of prohibited materials. In rare instances, special consideration may be given for the use of a prohibited material if its application is highly original, creative and essential to the theme or design concept of the building front. Exceptions may be granted by the Plan Commission solely at its discretion as a component of a building site plan approval application in accordance with Section 26-6.804.G of the Town's Code of Ordinances.: Plastic laminates, except for high pressure laminates such as Prodema and Trespa or similar.
- 2. Glossy, or large expanses of acrylic or Plexiglass
- 3. Pegboard
- 4. Mirror
- 5. Mirrored glass (but not tinted glass)
- 6. Vinyl, fabric or paper
- 7. Plywood or particle board
- 8. Sheet or modular vinyl
- 9. Luminous ceiling, including "egg crate"
- 10. Shingles, shakes, rustic siding
- 11. Drywall
- 12. Stucco, exterior insulation finishing system (EIFS) or similar products

IV. Signage Design Criteria

Signage shall be compliant with §26-6.701 unless a variance is obtained from the Board of Zoning Appeals.

V. Landscape Design Criteria

Landscaping for Maple Leaf Crossing shall generally be in accordance with the Landscaping Plan attached hereto as Exhibit C and incorporated herein. Other Developmental Standards

VI. Other Development Standards

The Approved Development Plan and Development Standards shall govern the development of Maple Leaf Crossing PUD. The development standards for zoning district CD-4.A set forth in Zoning Ordinance 1788, Table 26-6.405.A-6 shall apply to matters not addressed in the Approved Development Plan and Development Standards.

<u>VII.</u> All construction on the building sites on lots 1 through 7 of the Approved Development Plan are subject to approval by the Munster Plan Commission in accordance with the procedure set forth in Section 26-6.804.G of the Town's Code of Ordinances according to the terms and standards of the Approved Development Plan and Development Standards for Maple Leaf Crossing PUD or section VI above, if applicable.

- VIII. In addition to the above, the development of Lot 7 will be in accordance with the attached Exhibit D which includes the following:
 - a. Lot 7, Maple Leaf Crossing Master Site Plan prepared by Torrenga Engineering, Inc. dated 06.29.2022
 - b. Lot 7, Maple Leaf Crossing Site Plan prepared by Torrenga Engineering, Inc. dated 06.29.2022