

Planning Commission
December 21, 2016
Minutes

Chairman Mears called the meeting to order at 4:30 PM. The following members were present: Mr. David Miller, Mr. Pete McGory, Chairman John Mears, Mr. Mike Zuilhof, Commissioner Wes Poole and Mr. Ned Bromm. Ms. Casey Sparks and Ms. Angela Byington represented the Planning Department, Mr. Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from Community Development. Mr. Jim Jackson was absent.

There were six voting members present.

Mr. Poole moved to approve the minutes from the November 30, 2016 meeting as presented. Mr. McGory seconded the motion. Chairman Mears advised the clerk of 2 corrections on page 8. The motion carried unanimously.

Ms. Sparks briefed the Commission and audience members that Donald Frost has applied for a Conditional Use permit for a sign to be located within a residential zoning district for the property located at **1216 Campbell Street**. In April the Planning Commission approved a Substitution of a Non-Conforming Use to operate a motorcycle repair business from this location and at this time the applicant had not proposed any signage. Section 1143.08(b) (4) states that signage within a residential district shall not exceed nine square feet, anything exceeding nine square feet shall require a Conditional Use Permit. The applicant originally approached staff with a sign that spanned the majority of the front façade of the building, Staff informed him we would not recommend approval of this sign. The applicant then reduced the size of the sign to 25 square feet which is what would be permitted if the building was located within a commercial district. Understanding that the commercial use was previously approved by Planning Commission, Staff does recognize the need for signage. Staff does not believe that the applicant should be permitted to have the same size signage as what would be permitted within a commercial zoned area, as such Staff has recommended 18 square feet. Staff would also recommend that the window signage be removed.

Chairman Mears and Mr. Zuilhof asked if the picture provided in the packet was verified for the size requested. Ms. Sparks stated that she included what the applicant had provided.

Mr. Don Frost, 519 Bardshar Rd stated that he originally wanted the 54 square foot sign, as the brick façade was designed to border a 54 square foot sign. While working with Staff, he scaled it down to 25 square feet. The proposed sign will be flat and unlit. He does not feel that an 18 square foot sign would serve his purpose.

Ms. Marcie Platte, 1217 Columbus Ave stated that she is to the northeast of the property. She stated that she had addressed many of her concerns in May of 2016. Her concern tonight is that she would not like the Planning Commission to allow a sign any larger than the allowed 9 square feet. She added several reasons why she is opposed:

- The picture submitted by the applicant is not correct. The window is not boarded up.
- The property owner cemented in a parcel of land that is directly behind her house. She stated that this is to store a truck with a toy hauler on it to do business.
- When the truck and toy hauler is not on the concrete, there are often 5-7 motorcycles on it.
- They often have more than 2 motorcycles parked in front of the business. Her understanding is that only 2 motorcycles can be parked there at one time.
- Mr. Twardzik continued to use the space as commercial after it was zoned residential. She feels that there would be RITA taxes owed if that were the case.
- She does not understand how it was rezoned without asking the neighbors.
- She wondered if Mr. Twardzik should pay rental registration like she does.

Ms. Platte stated that the decision made by Planning Commission to allow the use as a motorcycle repair shop has cost her \$10,000 - \$15,000 on the value of her house. She spoke to a realtor regarding the value. She feels strongly that the Planning Commission did not consider her as a homeowner before allowing the use. Further, she feels Mr. Frost has enough advertising in the window of the building and on social media, etc. and does not need a sign bigger than the allowed 9 square feet for advertising.

Ms. Sue Dougherty, 1016 Third Street stated her concern with the proposed signage in a residential area. She feels that the content of the sign could be implied as an offensive meaning. She asked the Planning Commission to take the content of the sign into consideration before making their decision. She stated that it would limit the desirability to live in this neighborhood.

Mr. Frost clarified that the content of the sign is not meant to be offensive. His last name is Frost and his former partner's name was Kreshion. It stands for "Frost, Kreshion And Performance". His request is for a 25 square foot sign and content has nothing to do with the approval process.

Mr. McGory asked Mr. Frost what the "N" stood for in the name of the business. Mr. Frost stated that it symbolizes AND. Mr. Poole stated that the content of the sign is not what is being approved and that Planning Commission has no ruling on the content of signage. Mr. McGory added that twisting the letters to a potentially offensive phrase may not be doing him any favors as a business man.

Mr. Zuilhof asked Mr. Hayberger whether Planning Commission has any latitude to consider the content in their decision process. Mr. Hayberger answered no. The only consideration in the decision is the impact that the proposed size of the sign would have on a residential neighborhood.

Mr. Bromm asked Staff if Ms. Platte's concerns regarding violations to are true. Ms. Sparks replied that Staff had on several occasions driven past the property and have not noticed more than 2 motorcycles at one time parked there. She added that Ms. Platte visited the office on Friday December 16, 2016 and provided a photo dated May 25, 2016 that showed more than 2 motorcycles parked at one time. Other than Ms. Platte's complaint on December 16, Staff had not received any other complaints from surrounding neighbors.

Mr. Zuilhof stated that he is not in favor of a 25 square foot sign. He feels that 9 square foot is a sufficient size. That, along with the window sign would be sufficient for the business that was approved for a Substitution of a Non-Conforming Use in a residential neighborhood.

Ms. Byington clarified that window signage is exempt from overall calculation of square footage of the sign. Staff recommended removal of the window sign as a condition of approving any larger sign as it adds more visual signage to the space.

Mr. Zuilhof asked that if the application were approved per Staff's recommendations and conditions, what would happen if the window sign was not removed or if a sign went back up. Ms. Byington stated depending on how the condition is worded, for example if the condition states "there cannot be any window signage", the current window signage must be removed and there can never be a window sign. They would be in violation of their Conditional Use and could also receive a citation, assuming the City is made aware of the situation.

Mr. McGory stated that he feels that 9 square feet is a sufficient size for a sign that will let people coming to the business know that they have found the business and also to advertise this space for people that don't know where the business is. He feels that both of these objectives can be accomplished within the code regulations of a 9 square foot sign.

Mr. McGory moved to deny the application and staff's recommendation. Mr. Zuilhof seconded the motion.

Mr. Poole disagrees with Mr. McGory's comments. He feels that the sign will also add decoration and will enhance the look of the brick building. He agrees with Staff's recommendation of 18 square feet. He also stated that the determining factor should be whether it will cause detriment to the neighbors.

~~Mr. Miller stated that he would not be in favor of an illuminated sign. Ms. Byington clarified that the sign itself is not internally illuminated but it will have lights that are already installed for safety purposes shining on the sign. Mr. Miller added that he is not in favor of the slogan and understands that Planning Commission cannot control the content of the signage. Mr. Miller then stated that he isn't clear on how the 9, 18 or 24 square feet are measured as the sign is made up of individual letters. Ms. Byington stated that the square footage is calculated by going to the furthest edge of the letters. She also stated for the record that there was never a~~

discussion between Staff and the applicant on what would or would not be allowed to be stated in the message. Staff's discussion with the applicant was only about the size of the sign.

Mr. Zuilhof moved to call the question. Roll was called and the motion to call the question was defeated by a 5 no, 1 yes vote.

Ms. Byington continued discussion regarding the brick panel. It was first suggested to remove the brick border since that would appear to make the sign area 54 square foot. It was then discussed to use a panel sign and limiting the size. Staff felt that would draw even more attention and possibly be obtrusive to the residents. The current proposal seems to blend in nicely with the brick on the building and be less obtrusive to the residents.

Mr. McGory addressed Ms. Platte to ask if her concern is more with the slogan or with the size of the sign. Ms. Platte answered that she feels that the sign should follow the requirements for a residential space or make the space a commercial space.

Ms. Platte addressed Mr. Hayberger and asked if the applicant is allowed to discuss the application with the Commission members prior to the meeting. Mr. Hayberger's response was yes and that she could have done so as well.

Mr. Poole asked if Staff had received any noise complaints. Ms. Sparks stated that she is not aware of any noise complaints since the business opened in May.

Mr. Zuilhof stated that there have been several variances granted in the past. In this particular case, the building is close to the street where people will see the sign. There is no need for a larger sign.

Chairman Mears added that the motion on the table is to deny the application and the recommendation from Staff. Roll was called and the motion carried with a 4/2 yes vote.

Chairman Mears moved to the item of old business, a discussion regarding proposed Zoning Amendments to Section 1129.06. Ms. Sparks stated that this is only an update to let Planning Commission know where this topic is at. She added that this legislation will be heard at Tuesday's City Commission Meeting. The amendment will state the allowance at Staff's approval for gravel within the rear yard vs. concrete. The City Commission President instructed Staff to bring back this topic to Planning Commission to talk about other possibilities or restrictions that can be placed on recreational vehicles within residential zoning districts. Items to be considered but not limited to are as follows:

- Number of accessory vehicles on the property
- Require ownership of vehicles to owner or occupant of residence
- Prohibition of parking in side yard
- Setbacks and screenings

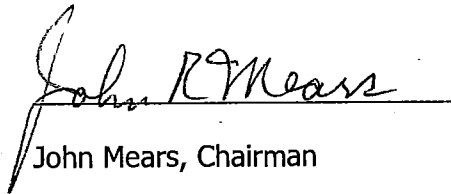
Mr. Poole acknowledged the fact that concrete is expensive and that this could be resolved appropriately with stone. There have been several issues come up since the legislation was written and it needs a second look at before City Commission approval. He suggested that Planning Commission work with Staff on the topics that Ms. Sparks stated above.

Mr. Miller moved to adjourn the meeting. Mr. Poole seconded the motion. Meeting was adjourned at 5:50PM.

APPROVED:

Handwritten signature of Debi Eversole in cursive script, written over a horizontal line.

Debi Eversole, Clerk

Handwritten signature of John Mears in cursive script, written over a horizontal line.

John Mears, Chairman