



**Oberlin Planning Commission
June 1, 2011, 4:30 p.m.
City Hall Conference Room #2
85 South Main Street, Oberlin, Ohio**

Members Present: Frank Carlson, Eric Gaines, Christina Nichols, David Gibson and Marilyn Fedelchak-Harley.

Members Absent:

Others Present: Gary Boyle; Wendie Fleming, Secretary to the Planning Commission and Elizabeth Rumics.

Chair Carlson called the meeting to order at 4:32 p.m.

1. Approval of the May 18, 2011 Meeting Minutes.

Gaines made a motion to approve the May 18, 2011 meeting minutes as submitted. Nichols seconded. Motion carried unanimously.

2. Approval of the May 20, 2011 Meeting Minutes.

Nichols noted one minor change on page 1 of the minutes. Nichols made a motion to approve the May 20, 2011 meeting minutes as corrected. Gaines seconded. Motion carried unanimously.

3. Application for Sign Permit, Proposed Freestanding Sign Relocation, Oberlin Underground Railroad Center, City of Oberlin, Station Square Partners, LP, 291 South Main Street.

Boyle advised that this application seeks the approval to install a two-sided, non-illuminated freestanding sign that would be located within a landscaped strip in the north portion of the "Station Square" shopping plaza site. He indicated that in 2005 the Commission reviewed the proposed installation of a sign for the Underground Railroad Center and suggested that the two (2) 25 sq. ft. signs be installed rather than one larger sign. One of those signs was located in front of the Gasholder Building and the other was located along South Pleasant Street in order to provide more visibility. Boyle stated that the City now wants to combine those two (2) signs into one "v-shaped" sign that would be located on a landscape island west of the Gasholder Building. He noted that the proposed sign would be setback a considerable distance from the South Main Street right-of-way, and the property's north side lot line. Boyle advised that the

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sign would have an overall height of 9.0 feet, and it would have sign panels with a sign surface area of 25 square feet per side or 50 square feet in total sign area. The proposed sign would, therefore, comply with the Sign Code's setback, height and size regulations.

Boyle stated that this application is before the Commission as the City should be held to the same standards as any other applicant and a variance is needed with respect to the location of the sign, because the sign would be located on property that is not where the use is located. He further outlined a number of findings of fact concerning the possible reasons for granting the variance which include: (a) there is no other freestanding sign on the Station Square property at this time; (b) the proposed sign would be temporary in nature; (c) the proposed signage would comply with all other aspects of the Sign Code; (d) the 2 existing signs will be removed if this request is approved thereby insuring that sign clutter does not occur; (e) the proposed sign would not be used for commercial speech; and (f) the proposed sign would identify the location of an important community-owned facility on the adjacent property.

Nichols indicated that the findings of fact provided by staff make sense. Boyle stated that this sign is somewhat different in that it is a government sign, not a commercial sign. Gaines asked why a variance would be needed as this is a government sign. Boyle indicated that it is not located on the City's property where the Gasholder Building is located, so a variance would be needed for "off-site" display. He noted that it is his understanding that the proposed location for the sign was selected in order to make the sign more visible.

Fedelchak-Harley asked what period of time is considered temporary? Boyle stated that he has been advised that the sign could be in place for 24 to 36 months, or it could be removed before that time if the property owner requests it. Fedelchak-Harley noted that the sign should be professionally constructed given its proposed location. Carlson asked if the sign was to be two-sided. Boyle stated that the two existing sign panels would be used to make one "v-shaped," two-sided sign.

Gaines advised that he feels that the sign and location is acceptable. Gibson concurred since the sign is to be temporary. Carlson stated that the base/frame for the sign should be well constructed and visually pleasing. Boyle agreed and noted that the "photo" attached to the staff report is just a "mock up" of what the sign would look like, and assured the Commission that the City would construct a base/frame for the sign that was sturdy and that looked good.

Carlson suggested that if the Commission approves this temporary sign, the approval should be for a one (1) year period.

Nichols made a motion to adopt the findings of fact discussed earlier by the Commission, to approve a variance to the Code's locational requirements since it will not be on the Gasholder Building site, and to approve the sign with the conditions that the base/frame of the sign be professionally constructed and that this approval would be valid for a one (1) year period that may be extended by the Commission if requested in writing by City Administration. Gibson seconded. Motion carried unanimously.

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4. Review of Possible Sign Code Updates.

Boyle stated that staff recently met with the Planning Consultant Mark Majewski to further discuss possible amendments to the Sign Code. At that meeting, staff determined that it might be a good idea to break the Sign Code into sections so that it would be easier to review. Boyle indicated that the staff report and draft ordinance provided to the Commission for review at this meeting encompasses all of the Sign Code except for the sections related to signs in residential districts (Section 1351.05) and commercial/industrial districts (Section 1351.06).

Boyle indicated that the draft ordinance reflects changes that address non-commercial speech and a substitution clause as well as a "clean-up" of some redundancies. He further advised that the definition for calculation of sign surface area has been moved from the "Definition Section" of the Zoning Code (Chapter 1321) to the Sign Code. Boyle stated that the section on College signage has been removed. He also noted that the section on non-conforming signs was also reworked.

Gibson asked how the City handles temporary signs at the College. Boyle indicated that the College has to get a permit for any signage.

Boyle stated that with respect to the section on temporary signs, it is difficult to control the time period in which the signs are displayed, as staff would have to monitor the length of time signs are displayed and manpower to do so is not available. In addition, he indicated that there is the question of what is an appropriate length of time for a temporary sign to be displayed. Boyle also advised that the Sign Code states that if a sign is under a certain size, a permit is not needed. He noted that this has caused confusion with applicants in the past and this matter can be further discussed when the Commission reviews the residential district and commercial district Code sections. Boyle indicated that this review of the Sign Code is also a great time for the Commission to clean-up parts of the Code that have lead to numerous variance requests, such as the size of signs allowed in the "C-3"/Highway Commercial District.

Carlson indicated that in Section 1351.01 "Purpose," language about preserving the right of free speech has been included. Boyle stated that Majewski has been involved with some recent court cases regarding signs and it is his understanding that this or similar language should be included. Carlson suggested that possibly that sentence could be reworded to say that the City "allows free speech to the extent allowed by the Code?" Nichols agreed that if this language is included in this section, it could be open to much interpretation. Gibson concurred noting that the Constitution already addresses this. Gaines agreed. The Commission suggested that this language be omitted unless there is a compelling reason to include it.

Carlson stated that the language in Section 1351.02(b) regarding non-commercial speech is substantive and agreed that it should be added to the Code. He further noted that the definition of non-commercial speech appears to be acceptable. Gibson and Nichols noted their concurrence with the same.

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The Commission agreed that Section 1351.03(b) regarding inspections should be removed as it already implicit that an inspection of any signage is required.

Carlson asked the Commission members for their thoughts on whether Section 1351.03(c)(2) regarding signage in buildings not intended for observation should be removed. Boyle stated that such "signs" would not be considered to be "signs" as currently defined by the Code in any event, so it can be removed.

Boyle indicated that as previously mentioned, Section 1351.03(c)(4) regarding temporary message signs has been a source of confusion for applicants in the past and he advised that this section could be considered in the Commission's future discussions on the residential and commercial district signage.

Boyle stated that Section 1351.03(d) regarding governmental, public utility, seasonal and celebration signs was separated into two sections as it seemed more appropriate for governmental/public utility signage and seasonal/celebration signage to be in separate subsections. The Commission agreed that this was the proper approach.

Boyle indicated that in Section 1351.04 "General Regulations," the method for measurement of sign surface area is outlined. He noted that the Commission has, in the past, had numerous discussions concerning calculation of sign surface area. Boyle stated that currently the Code states that sign surface area is calculated using one geometric shape. He advised that the proposed definition for the calculation method would be better placed here than in the "Definition" section of the Code. Carlson agreed and noted that the recent revised signage request for Verizon Wireless was a good example of the difficulties of using "one geometric shape" to calculate sign surface area. He suggested that the Commission may want to consider allowing "two geometric shapes" to be used for the calculation. Gibson indicated that the revised submission for the Verizon Wireless sign did bring the sign closer to compliance with respect to sign surface area. Carlson agreed, but noted that the revised sign design was not as attractive in appearance. He further advised that with two geometric shapes being used to calculate the sign surface area, one shape could be used for a logo and the other for the text portion of a sign. Carlson also asked if the Commission was of the opinion that the wording "geometric shape" should be changed to "rectangle" or "square" to further clarify this section of the Code?" Nichols suggested that perhaps the language should be changed from "geometric shape" to "a four sided shape with right angles." Carlson and Gibson advised that perhaps the use of the word "rectangle" would be the best. Nichols agreed and indicated that by using two rectangles, some background would automatically be included in the sign calculation and that would likely help control the overall size of a sign. Boyle advised that by doing that, the size of the sign will be somewhat smaller, and that would be an acceptable outcome.

The Commission agreed that the sign surface area calculation language should be changed to the area within "two rectangles. . .".

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Carlson advised that the other proposed changes to Section 1351.04(c) by deleting some redundant language dealing with maintenance and repair of signs are acceptable and helps to streamline that section. Boyle noted that Section 1351.04(b) was left as it is so that there would not be a situation where an applicant would just string an above-ground wire to a sign. Fedelchak-Harley thought that this subsection should be retained for that reason. Gibson asked if sign maintenance is addressed by the Property Maintenance Code? Boyle stated that it is not. Gibson asked what criteria would be used to determine whether a sign is considered to be dilapidated? Boyle stated that Section 1351.04(c) would contain that information. He further noted that the issue of the removal "abandoned" signs has been a big issue in the past as well. Boyle indicated that the sign at Larry Funk's property next to Full Circle Fuel was an example of an abandoned sign. Carlson advised that it was his understanding that the Full Circle Fuel sign was to be removed. Boyle stated that the City is still trying to resolve this matter.

Fedelchak-Harley stated that Section 1351.04(d) "Prohibited Signs" indicates that banners are prohibited. She asked if the College's banners at the Allen Art Museum would be prohibited as well and whether language needs to be added to this section to allow them? Boyle indicated that this issue has been an ongoing debate. He advised that many ideas with respect to banners were discussed, including allowing only non-profit organizations to display them. Boyle stated that those ideas were considered but, this would allow churches and other organizations to regularly use banners and this could create unsightly conditions. The extremely large banner that was installed by Sustainable Community Associates was mentioned as a commercial sign that the Commission did not approve. Boyle also indicated that many museums regularly use banners to notify the public when a special exhibit or event will take place that seems acceptable. Gibson advised that the Sign Code would then have to specifically state that only College banners would be allowed. Boyle agreed. Nichols asked if it could state "institutional" uses. Boyle stated that if it was worded "institutional uses" that would include churches and other organizations and this could potentially create problems. He further advised that banners are regularly used at Allen Art Museum and Mercy Allen Hospital, and those banners are used to communicate events and information that are for the community at large. Carlson suggested that the language "except as where permitted in" be added to this section. Boyle agreed. Carlson asked if these community banners would still need to go through the approval process? Boyle stated that yes, they would need approval. The Commission agreed to discuss this matter further. Fedelchak-Harley asked about banners that are publicly sponsored or governmental ones? Boyle stated that currently, there are community banners that are permitted over the streets and OMLPS has a process to seek that approval. Fedelchak-Harley noted that the banners at Allen Art Museum essentially announce community events.

Carlson stated that with respect to Section 1351.04(d)(5), dealing with signs on trucks and trailers could be an issue if the signs are political in nature. The Commission agreed to keep this section.

Carlson asked the Commission for input on 1351.04(d)(6) which deals with abandoned signs. Nichols stated that the way this section is currently worded, it would require a building owner in the downtown area to remove a sign. She noted that in many cases, the signs downtown could

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just be repainted and used by a new tenant rather than removed. She gave examples such as the sign for the former Dave's Army Navy store and for Java Zone, now Aladdin's Eatery. Carlson agreed but noted that there have been problems in the past with old pole/freestanding signs not being removed. He suggested that this issue could be left to the City to enforce.

Carlson suggested that in Section 1351.04(d)(7), the word marquee should be kept. Boyle agreed and noted that with respect to awnings, which will be dealt with in the commercial district section, they do not always have signage on them. Nichols stated that a marquee is technically an awning and a changeable message sign and therefore, it should be reviewed by the Commission. Boyle indicated that marquees are dealt with in the Building Code. Gibson noted that the East College Street project also has the awning architectural feature. Carlson suggested leaving this section as it is for now and the Commission can revisit this section at another time.

The Commission next discussed Section 1351.04(d)(8) which pertains to signs being prohibited in the street, public right-of-way, other public places, etc. Carlson asked if this section could be removed since it is stated elsewhere in the Codified Ordinances that approval is required to place anything in the public right-of-way? Boyle advised that it does help to have this section in the Sign Code. He noted that if someone questions whether or not they are allowed to put a sign in the curb lawn, it is convenient to have this reference in the Sign Code section and not have to search through the entire Codified Ordinances to find the prohibition elsewhere. Gibson asked if non-profit organizations are allowed to place signs in the public right-of-way? Boyle stated that only government signs are permitted to be located in the right-of-way. He noted that the Community Services Officer, Henry Wallace has been good about enforcing this Code section. Gibson advised that the Oberlin Farmers' Market has placed signs in the right-of-way. Boyle advised that Officer Wallace may not work on Saturdays so it is harder to enforce the Code with respect to signage in curb lawns. He further advised that staff would contact the Oberlin Farmers' Market manager to let them know that their signs are not to be placed in the street right-of-way.

The Commission reviewed Sections 1351.04(d)(9) through (14) and agreed with the draft changes to those sections.

Boyle noted that there are a number of proposed changes for Section 1351.04(e) "Non-Conforming Signs." Carlson advised that some communities are very strict about requiring non-conforming signs to come into conformance. Gibson stated that the Commission required the IGA store to bring its sign into compliance. Boyle advised that in that case, the sign panels for the IGA store had already been removed so its non-conforming status was lost. Carlson suggested that language be added regarding changes to non-conforming signs that would result in an owner having to bring that sign into compliance. Boyle stated that some communities use an "amortization schedule" for non-conforming signs. He explained that the owner would be allowed to keep the non-conforming sign for a specified number of years and then would be required to bring it into compliance. Boyle indicated that this method requires enforcement and it is not the easiest approach to administering non-conforming signs. He asked the Commission whether it would consider a change to a sign panel as grounds for bringing a sign into

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compliance? Carlson stated that if the size, shape or contours of a sign are changed, the applicant/owner should then be required to bring the sign into compliance with the Code. The Commission concurred with such an approach.

Boyle further stated that in Section 1351.04(e), the language regarding appeals of this Code section to Zoning Board of Appeals should be deleted and language added that states that appeals would be reviewed by the Planning Commission. The Commission agreed with this change. Nichols stated that she likes the amortization method, for example, using a five year period for bringing signs into compliance if that approach can be made workable.

The Commission indicated that with respect to Section 1351.07 "College Signs," the College should be required to get the necessary permits for any signage. The Commission agreed, and suggested that this subsection be deleted in its entirety.

Boyle advised that no change to Section 1351.08 "Fees" is recommended.

The Commission then reviewed Section 1351.09 "Appeals." Boyle noted that staff recommends that any appeal from the Commission's decision be filed with Common Pleas Court. That is the approach followed in Chapter 1325 "Zoning Board of Appeals." Carlson indicated that such an approach is preferable for administrative appeals. The Commission agreed that this subsection should be reworded to require that.

Boyle noted that Section 1351.99 "Penalty" should remain in the Code for enforcement purposes. The Commission concurred with that approach.

Boyle indicated that staff would make changes to the draft to reflect the Commission's discussion for review at an upcoming meeting.

5. Discussion of Design Review Subcommittee Procedures, Etc.

Boyle noted that the Commission has discussed the issue of possible changes to the composition of the Design Review Subcommittee on several occasions in the past. A draft ordinance regarding the subject of the Design Review Subcommittee, its composition and function was provided to and reviewed by the Commission.

Fedelchak-Harley suggested that staff appoint Subcommittee members rather than the Commission. Carlson noted that staff should not be placed in such a position, and that since this is a Subcommittee of the Commission, the Commission should appoint members. The Commission agreed.

Boyle stated that in past discussions, the Commission has supported changing the number of days that the Subcommittee has to make a recommendation to the Commission on application to twenty-one (21) days, rather than forty-five (45) days now provided.

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Boyle further advised that the Commission has also had lengthy discussions on a possible reduction in the number of Design Review Subcommittee members to three (3), with one member being a Planning Commission representative, as that would help provide a much more efficient and consistent review process, and reduce issues related to achieving quorums.

Nichols indicated that the current composition of the Design Review Subcommittee does provide valuable input to the Planning Commission and is a good place for residents who do not want to be on Planning Commission to contribute to their community. Carlson noted that a problem with Design Review has been that some of the members have strong parochial interests which they express during the meetings and this has caused confusion to applicants in the past. He advised that a smaller three (3) member Subcommittee would be less intimidating to an applicant and would likely result in more efficient and consistent decision making. Carlson stated that he would prefer to continue discussion on this issue when Soucy, the Commission's Council Liaison is present. He indicated that the Commission will need be able to articulate clearly to City Council its reasons for wanting to recommend these changes. Boyle agreed and advised that staff can help the Commission with developing sound reasons why changes should be considered to the Subcommittee make-up and function.

Gaines asked if there would be any changes as to the type of matters that would be reviewed by the Subcommittee? Boyle stated that there would not be any suggested changes to the Subcommittee's purview at this time. Carlson concurred with that approach.

Carlson advised that with respect to matters like the window replacement application for Rice Hall, he had expressed concern that this matter had to be reviewed by the Subcommittee. He indicated that his reasons for this were that this is private property and the proposed changes had virtually no affect on the exterior appearance of the building. He did acknowledge Boyle's comments at the last meeting that there is potential for such projects to alter the character of a building. Boyle noted that there was concern expressed by members of the Subcommittee concerning similar window replacements that were proposed for Asia House last year although he recently read an article where that project received an architectural award for its sympathetic treatment of an historic building. Fedelchak-Harley suggested that possibly simple applications could just be handled by staff. Boyle stated that the Commission would need to define what would be considered a "simple" project. Nichols advised that some communities have used a monetary figure to determine whether a matter needs to go to Design Review or not. Boyle stated that this could be problematic in that a proposed project may not be expensive but could considerably alter the appearance of a building. Fedelchak-Harley agreed that a building's integrity could still be damaged by an inexpensive project.

Carlson indicated that in his opinion, the Subcommittee helps a great deal with respect to matters like signage. He noted that Design Review has often been useful in other matters as well.

Boyle stated that the Design Review Subcommittee, as it is currently configured is well intentioned but having a large number of members (seven) can be unwieldy, there have been a number of issues with getting a quorum, there are some very divergent opinions expressed on

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projects that result in confusion by applicants, and there are often delays in the appointment of members, either from other Boards/Commission or from City Council which exacerbate the issue of having a quorum to conduct business. Fedelchak-Harley asked if there would be any problems with respect to recusals if there were only three members. Boyle stated that it could be an issue, but if there is no Design Review recommendation, the matter would automatically go to the Planning Commission and the Commission has suggested the number of days for review be changed from forty-five (45) to twenty-one (21) to avoid delays.

The Commission agreed to continue its discussion on this matter at a future meeting.

6. Other Business.

Boyle provided the Commission with a possible revised meeting schedule for June, July and August. He indicated that meeting dates may need to be rearranged depending on vacations/availability of members and staff. Gibson and Gaines indicated that they would both be unavailable on June 29th. Boyle further stated that it may be necessary to move the date of the first meeting in August back a week, to August 10th as he will be on vacation the last two weeks of July and therefore reports and packets would not be ready before the meeting.

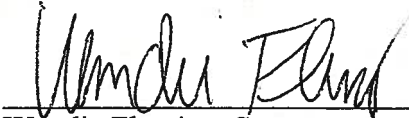
The Commission had no objections to the revised schedule and it was agreed that meetings can be arranged as necessary.

7. Adjournment.

There being no further business, the meeting was adjourned at 5:55 p.m.



Frank Carlson, Chair



Wendie Fleming, Secretary

