



**Oberlin Planning Commission  
July 13, 2011, 4:30 p.m.  
City Hall Conference Room #2  
85 South Main Street, Oberlin, Ohio**

**Members Present:** Frank Carlson, Marilyn Fedelchak-Harley, David Gibson, Eric Gaines and Peter Crowley.

**Members Absent:**

**Others Present:** Gary Boyle; Wendie Fleming, Secretary to the Planning Commission; Sharon Soucy, Council Liaison; Scott Broadwell; Scott Schell; Jack Cochrane; Janet Michal; Gerald Groh; Lynda Khoury; Elizabeth Rumics and Larry Funk.

Chair Carlson called the meeting to order at 4:30 p.m.

**1. Approval of the June 15, 2011 Meeting Minutes.**

Fedelchak-Harley made a motion to approve the June 15, 2011 meeting minutes as submitted. Gibson seconded. Motion carried unanimously.

**2. Discussion on Sign Code Update.**

Boyle advised that the Planning Commission, at its last meeting, continued its review and discussion regarding possible amendments to the Sign Code. He noted that at that meeting, the Commission had requested that both a "strike-out" and a "clean" draft version of the possible amendments be included in the Commission's next agenda packet. Boyle indicated that the most recent draft reflects suggestions the Commission made at its last meeting. He also advised that with respect to the section on increasing the amount of signage permitted for corner buildings, Mark Majewski, the City's Planning Consultant, has indicated that he can prepare some graphics that would allow the Commission to see the difference between signage at 25% and at 50% for the side of a corner building. There are, however, a number of variables that could affect the location and size of such signs. Boyle stated that it is his understanding that the Commission felt that 25% was not large enough and 50% was too large, and he and Majewski have not decided on an amount between 25% and 50%.

Boyle introduced Scott Schell, the Oberlin Main Street-Chamber Director to the Commission. He advised that once the Commission has completed its review of the Sign Code, it may be beneficial to discuss the proposed changes with the Main Street/Chamber Board in order to obtain feedback and to ensure that any changes to the Sign Code are understood by merchants and business owners and that any areas of concern would be identified.

## **Oberlin Planning Commission**

### **Meeting Minutes**

**July 13, 2011**

**2 | Page**

Schell advised the Commission that he has been familiarizing himself with the Code since he started as the Director of Oberlin Main Street-Chamber. He noted that he has had conversations with a few merchants who are interested in updating their signs. Schell agreed that the Main Street-Chamber Board would like an opportunity to have input on possible changes to the Sign Code.

Boyle indicated to the Commission that a definition for electronic signs is still being developed and that sample definitions from other communities have been obtained. He further stated that it is his understanding that the Commission wanted to prohibit electronic signs in the residential zoning districts. Boyle also advised that another suggested change that was made in the residential section of the Sign Code was to allow "one or more" signs under four square feet so that a resident could display their landmark plaque, last name, house name, etc.

Carlson suggested that the wording be changed in Chapter 1351.03 where it states "signs that are permitted without a permit" to "allowed without a permit" and add language stating "provided that they conform with all other provisions of this Chapter." He further suggested consideration be given to add a temporary sign category. Boyle indicated that there was some question as to whether temporary signs would require a permit like a permanent sign, except for temporary windows signs, etc.

Carlson advised that he feels that there should be three categories in Chapter 1351.03, which would be (1) signs that require a permit; (2) signs that are allowed without a permit; and (3) specially permitted signs. Boyle concurred with such an approach and stated that the wording "all types" of signs be added. Gibson asked if there is a definition for temporary signs. Boyle stated that there is a definition but he would like to review it with Majewski. Carlson suggested the wording for temporary be "a period of time of limited duration which is reasonably limited to an event to which it pertains." He advised that it may be best to keep the definition vague. Gibson asked if sandwich board-type signs would be considered to be temporary signs. Boyle stated that there has been concern about these types of signs because they are often located on the sidewalk. Carlson indicated that in his opinion, they are permanent because they are used on a daily basis. Schell advised that business owners and merchants like to use the sandwich board signs because they feel that they are helpful in attracting customers, especially for businesses that are located on upper floors of buildings, but he noted that he does realize that they do cause access and pedestrian traffic flow problems. Carlson agreed and advised there are also aesthetic considerations with respect to sandwich board signs. Fedelchak-Harley stated that allowing sandwich board signs on the sidewalk would create more clutter on the sidewalks, especially since sidewalk cafes and outdoor business activities are in operation. Schell reiterated that upper floor merchants have concerns about visibility and like the idea of using sandwich board signs. Boyle stated that the present draft of the Sign Code would allow for signage, such as a building directory, for upper floor retail/commercial space and the amount allowed would be included in the total amount permitted for a particular building. He indicated that a directory could help to alleviate the problem for upper floor businesses. Schell agreed that a building directory may address the problem of visibility of upper floor businesses. Carlson asked how signage for upper floor businesses is currently handled. Boyle advised that the Code restricts placement of signage above 25 feet in height. He noted that there are some upper floor businesses that currently have signage in place on windows. Boyle also stated that signs that do not project more than twelve (12) inches from the wall of a building are allowed too. He indicated that a projecting sign would need to be sized so as not to affect the view of other flush mounted wall signs, but they may help in identifying an upper floor business. Boyle reiterated that a "building directory" sign would be permitted but would be included in the total amount of signage allowed for a building.

## **Oberlin Planning Commission**

### **Meeting Minutes**

**July 13, 2011**

**3 | Page**

Carlson stated that under Section 1351.04 – General Regulations – Prohibited Signs, the Commission had discussed prohibiting banner signs, with the exception of the banners used at Allen Art Museum and temporary banners for certain events. The Commission concurred. Crowley asked if a banner sign was a “temporary sign” and noted that the “temporary sign” category seemed to be a “catch-all” for signage that does not really fit in other categories. Carlson stated that the Code now contains a general prohibition on banner signs, but the Commission is discussing whether to allow some banner signs for special events, such as the Allen Art Museum, FAVA, FirstMerit Bank to welcome students back, the opening of a new business, special events, etc.

Carlson advised that in Section 1351.04(13), it states that “a sign constructed of paper, cloth, cardboard, or materials insufficiently durable for the proposed location, use, or life expectancy of the sign, except for a “temporary window sign” in a commercial zoning district” is not permitted and, language for other such “temporary signs” should be added.

Boyle indicated that if the Commission wants to prohibit sandwich board or “A-Frame” signs language should be added in Section 1351.04 to clarify that intent.

Carlson stated that in Section 1351.05 – Signs in Residential Districts, subsection (a)(1) Multi-Purpose Signs seems to be a catch-all which would include historic plaques, house/occupant names, etc. Boyle agreed and asked if the Commission felt the language should be changed to read “one or more” signs because an owner may want to display an historic plaque and the house’s name, for example. Gibson asked if more than one sign was allowed, they would still have to be 4 sq. ft. or less in total area? Boyle stated that yes, the total allowed would be 4 sq. ft. or less. Crowley asked if house numbers would be included in this calculation? Boyle advised that house numbers would not be included in the total amount of signage allowed. Crowley asked if a bed and breakfast inn could have a sign? Boyle stated that it could but it would only be permitted to have 4 sq. ft. or less in signage. He advised that even though uses such as hospitals, churches, professional offices are allowed in the “R-2” District, a “bed and breakfast inn” is supposed to blend into the neighborhood so larger signage should not be permitted. Crowley stated that a “bed and breakfast inn” is a business and likely they would need a larger sign for advertising. Boyle stated that staff would not recommend that the amount of signage for a bed and breakfast inn be increased. Carlson noted that the amount of signage for a bed and breakfast could be increased to 20 sq. ft. which is what is allowed for uses other than dwellings in an “R-2” District. Boyle advised that because a “bed and breakfast inn” is just a single-family house with lodging for visitors, staff would not recommend that the amount of signage be increased for this type of use.

Carlson advised that under “temporary signs,” it has been suggested that with respect to political signs, the language be changed to allowing “one or more” of these types of signs. He suggested that additional language be added: “additional signs permitted pertaining to issues and candidates.” He noted that religious signs would have as much protection and this could create issues. Boyle advised that he would discuss this matter with the Law Director to obtain his opinion on how to handle this matter once a draft is finalized by the Commission. Fedelchak-Harley asked if the issue of political and religious signs had been reviewed by the Law Director before? Carlson stated that it will need to be, and that there are new laws in place that would require the City to pay attorney’s fees if it lost a challenge to the Code in a court case. He also suggested that the language “and other non-commercial speech” be added. Carlson asked if there could be a limit to the square footage for political, etc. signs? Boyle advised that he did not think that legally a size limit could be required, even though there could be aesthetic issues, but he indicated that he would ask the Law Director about that matter.

## **Oberlin Planning Commission**

### **Meeting Minutes**

**July 13, 2011**

**4 | Page**

Carlson asked the Commission for its thoughts on the increase in the amount of signage allowed on the side of a building on a corner lot from 25% to 50%. He noted that the Commission had indicated at the last meeting that 25% was too small and 50% was too large. Carlson suggested 35% as an alternative. The Commission discussed this matter but no consensus was reached. Carlson and Gibson suggested that input on this issue be obtained from Oberlin Main Street-Chamber.

Larry Funk stated that with respect to subdivision identification signs, he asked if the Commission would consider changing the regulations regarding the location of these types of signs. He advised that currently the Code reads: “. . . one or more permanent freestanding signs may be located on a lot or lots within a subdivision. . .” Funk asked if the Commission would consider allowing this type of signage to be installed on a property or lot that is contiguous to the subdivision instead of requiring that it be on a lot that is within the subdivision. Boyle explained that Mr. Funk owns property on West Lorain Street and his subdivision is behind this property. Funk noted that several years ago, he had installed a subdivision identification sign on that property and had to remove it due to complaints from neighbors. Carlson suggested that these types of matters could be reviewed on a case by case basis. Boyle agreed but advised that regulations should be created to outline the location for such signs, the length of time for the sign to be displayed, whether it can be illuminated, etc. Carlson asked Funk if he was referring to a permanent subdivision sign or a temporary one. Funk indicated that he was referring to a temporary sign to be used during construction. Carlson stated that he understands why Mr. Funk would want signage on West Lorain Street since that street has more vehicular traffic than North Prospect Street does. Boyle stated that staff could develop draft language for the Commission’s review.

The Commission agreed to continue its review of possible amendments to the Sign Code at an upcoming meeting. Boyle noted that making amendments to the Sign Code is a very difficult, time-consuming process which needs to respect First Amendment issues.

### **3. Public Hearing - Application for Conditional Use Permit, Proposed Bed and Breakfast Inn, Dominique and Janet Michal, 171 Elm Street.**

Carlson advised that the public would be allowed to comment on this application and then the Commission would discuss the application. He then declared the “public hearing” open at 5:11 p.m.

Boyle advised that this application seeks approval of a “Conditional Use Permit” for a proposed “bed and breakfast inn” to be operated on property known as municipal number 171 Elm Street. He stated that the applicants propose to operate up to two (2) “bed and breakfast inn” rooms with a maximum of four (4) guests in this local historic landmark house. Boyle indicated that parking for the two (2) “bed and breakfast” rooms is to be located on-site. He further advised that this property is located in the “R-2” Dwelling District and that all four (4) of the City’s residential zoning districts allow “bed and breakfast inns” as conditionally permitted uses.

Boyle stated that the Code requires that a public hearing be held on Conditional Use Permit applications and that a notice be published in a paper of local circulation as well as mailed to property owners within 200 feet of the subject property. He indicated that the required notice was published and forwarded to property owners within 200 feet. Boyle indicated that the applicants’ original application sought approval to operate up to three (3) “bed and breakfast inn” rooms with a maximum of six (6) guests but they have revised their application to two (2) rooms with a maximum of four (4) guests. Boyle advised that the existing driveway on this property is large and measures 31 ft. in width in front of the attached garage. The applicants propose two (2) parking spaces to accommodate off-street parking requirements for guests

**Oberlin Planning Commission**  
**Meeting Minutes**  
**July 13, 2011**  
**5 | Page**

and parking for the residence would be accommodated in the existing two- car garage. He indicated that all of the City departments have reviewed this application and no objections to the application were noted but there are various conditions that would need to be complied with.

Boyle indicated that this property is zoned "R-2" Dwelling District as is all of the property to the north and east of it. He advised that "R-2" zoning district is the least restrictive of all of the residential zoning districts and in addition to single-family residential uses, this zoning district permits hospitals, nursing homes, churches, colleges, professional offices, etc.

Gerald Groh, 166 Elm Street, stated that he objects to a commercial enterprise being allowed in the middle of a residential block. He advised that there is already a considerable amount of cars that park on the street and more on-street parking is not needed. Groh also stated that a "bed and breakfast inn" would add another 2,000 trips to traffic counts on Elm Street. He indicated that a "bed and breakfast inn" would disrupt the historic and residential character of the neighborhood and would detract from the value of the homes in this area. Groh read a letter from Dr. Mark Schaeffer and Cristal Tomblin who live at 172 Elm Street. The letter indicated that Schaeffer and Tomblin have concerns that a "bed and breakfast inn," which they consider a commercial use, would add to the traffic on Elm Street, bring strangers into a residential area and that any signage for the "bed and breakfast inn" would be illuminated. Carlson stated that the total amount of signage that would be permitted for this "bed and breakfast inn" would be 4 sq. ft., which is the amount allowed in any residential zoning district and that illumination of the sign would not be permitted.

Groh indicated that the neighboring property owner had expressed concerns about this use. Boyle advised that Mr. Wood's letter was included in the Commission's packet, and he has indicated that he is not opposed to the use but asked that screening of the parking be a condition of approval.

Fedelchak-Harley stated that she is somewhat surprised that some of the neighbors consider a small "bed and breakfast inn" to be a commercial operation. Groh indicated that he is of the understanding that there was a complaint about a "bed and breakfast inn" at 364 Reamer Place a few years ago. Carlson advised that that was not a similar situation to this application because there was no application for a Conditional Use Permit to operate a "bed and breakfast inn" at that property, the owner resided elsewhere, etc. That issue involved a complaint not a request for a Conditional Use Permit.

Crowley asked Groh where he obtained his information on traffic counts for a "bed and breakfast inn?" He noted that most single-family residential homes average about 10 to 12 trips in and out of the driveway, where he feels that a guest at a "bed and breakfast inn" would likely only make one or two trips per day. Boyle agreed and advised that many single-family homes likely have many more than 10 to 12 trips per day than a small "bed and breakfast inn" with two (2) residents. He further stated that the Police Department did not feel that a "bed and breakfast inn" would be likely to significantly increase traffic or congestion in the area. Boyle noted that currently about one-half of this block is in College use and there is a considerable amount of on-street parking due to the College uses.

Drew Wilburn, 197 Elm Street, was present at the meeting and advised that he and his wife are completely in support of the proposed "bed and breakfast inn" at 171 Elm Street.

Lynda Khoury, 166 Elm Street, stated that any signage associated with the "bed and breakfast inn" would change the integrity of the neighborhood. Fedelchak-Harley advised that if the applicants' decide they want to have signage, they would only be allowed 4 sq. ft. maximum. Groh indicated that a "bed and

**Oberlin Planning Commission**  
**Meeting Minutes**  
**July 13, 2011**  
**6 | Page**

breakfast inn” in the middle of the block would likely result in a significant increase in traffic, maybe as much as 10,000 to 12,000 trips in his opinion. Carlson asked if there were any other specific objections to the proposed “bed and breakfast inn” besides signage, strangers, traffic increase and on-street parking. Khoury stated that many other residents from this part of Elm Street were able to be present on the date of the original public hearing, but were not able to attend this meeting.

Carlson advised that he has lived in Oberlin his entire life and all of the “bed and breakfast inns” in Oberlin that he knows of appear to be well maintained. He further indicated that the existing “bed and breakfast inns” do not seem to have drastically increased traffic in the areas where they are located and likely would create less traffic than a duplex or a single-family home with a large family. Carlson also stated that a “bed and breakfast inn” is consistent with other uses in this neighborhood which is zoned “R-2” District. He reiterated that this zoning district allows hospitals, churches, institutional uses, professional offices, etc. as permitted uses and those uses would only have to be reviewed by the Planning Commission under site plan regulations. Carlson stated that the reality is that neighborhoods do change over the years and the Commission will be requiring appropriate screening for the parking area to minimize the impact of headlights on neighboring properties. He advised that he lives farther down on Elm Street and this area has many College uses, duplexes, etc. and that it could be considered somewhat of a mixed use area. Carlson further indicated that old homes such as this one need proper stewardship in order to maintain them.

Groh agreed that this house does need a lot of maintenance and stated that if the owners need income from a “bed and breakfast inn” to just pay the mortgage that could negatively affect how the property is to be maintained. He further indicated that the College has been reducing the number of students that are allowed to live off campus, so neighborhoods have fewer student rentals and that is good. Gibson stated that he too does not feel that a “bed and breakfast inn” is considered a commercial enterprise. Khoury stated that if it is not a commercial enterprise, why is signage needed? Carlson indicated that even the local landmark plaques that many residents have on their homes that can be considered to be a sign. Khoury advised that they and their neighbors have made well over \$400,000.00 in improvements to their properties with their own money, and they do not want the value of their property to be diminished by a commercial operation on their street.

Janet Michal, the applicant, stated that she grew up in Oberlin and her mother still lives here. She indicated that she has visited Oberlin frequently throughout the years even though she and her husband have lived many different places. Michal advised that she has always loved Oberlin and their decision to purchase this property to operate a “bed and breakfast inn” is what she and her husband plan to do for their retirement. She indicated that she and her husband will make their home in Oberlin and that they are not just “temporary residents.” Michal stated that, although it is really no one’s business, she and her husband have the financial means to purchase the house, renovate it and maintain it, and do not need to operate a “bed and breakfast inn” just to be able to afford the house. She advised that it has been her dream to own and operate a “bed and breakfast inn” and they feel that it will be a great addition to Oberlin. Michal stated that she had invited neighboring property owners and residents to her home recently to discuss and share their plans for the “bed and breakfast inn” and some were able to attend. She advised that they plan to address any issues or concerns that may arise and they very much want to be a part of the neighborhood.

Drew Wilburn stated that the College has turned many properties in this area into student rental properties and faculty housing. He noted that if this type of transient housing has not changed the neighborhood, a “bed and breakfast inn” certainly would not do so.

## **Oberlin Planning Commission**

### **Meeting Minutes**

**July 13, 2011**

**7 | Page**

Gibson asked if there have been any complaints made to the City regarding any other "bed and breakfast inns" that have been approved by the Planning Commission in the past? Boyle stated that he is not aware of any complaints concerning any of the existing "bed and breakfast inns."

Gibson advised that proper screening will be required to make sure that the impact of the parking area for guests will be minimized and that there will be no lights in the parking area that could cause glare to neighboring properties and that any signage will not be illuminated. Carlson indicated that Richard Wood, a neighboring property owner to the east has asked that a privacy fence for screening of the parking area be required which seems reasonable. Gibson asked if there would be any lighting in the parking area. Carlson stated that no lighting is being proposed at this time, but if lighting is installed in the future, it would need to be fully shielded. Boyle stated that this could be added as a condition.

Carlson closed the Public Hearing at 5:41 p.m.

Gaines made a motion to approve the Conditional Use Permit for the use of two (2) bedrooms with a maximum of four (4) guests at any one time subject to compliance with all of the conditions intended to ensure compatibility with the neighborhood and Code as outlined in the staff report and draft permit. Fedelchak-Harley seconded. Motion carried unanimously.

Carlson thanked the public for its input.

#### **4. Other Business.**

Boyle asked the Commission to consider a revised meeting schedule for July and August due to upcoming vacation schedules. He advised that he would be on vacation the last two weeks of July and suggested that the July 20<sup>th</sup> and August 3<sup>rd</sup> meeting be canceled. He stated that if the Commission was agreeable, there would only be one meeting in August and it could be held on August 10<sup>th</sup> or August 17<sup>th</sup>. The Commission agreed to meet only once in July and August. The Commission's next meeting was scheduled for Wednesday, August 17, 2011.

Boyle provided an update to the Commission on the Frontier (formerly Verizon) parking lot improvements and indicated that work on that lot has commenced, and should be completed in the near future.

Boyle noted that due to the recent resignation of Christina Nichols, the Commission needed to appoint a second member to the Design Review Subcommittee in order to help reduce the possibility of any future quorum issues. Crowley volunteered to serve and the Commission appointed him as its second Subcommittee member.

Boyle reported that City Council has scheduled a Public Hearing to consider the Commission's recommended amendments to the Design Review Subcommittee and review process for August 22, 2011.

Boyle suggested to the Commission that it may want to continue its review and discussion of possible amendments to the Planned Development District regulations once possible amendments to the Sign Code are finalized. The Commission agreed to that approach.

**Oberlin Planning Commission**

**Meeting Minutes**

**July 13, 2011**

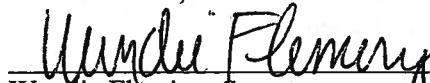
**8 | Page**

Boyle advised the Commission that the owner of the property where the Full Circle Fuels business is currently located has requested an extension to the agreement that they have with the City to avoid removal of the non-conforming freestanding sign at that location. The Commission briefly discussed the matter and recommended that it should be handled by City Administration.

**5. Adjournment.**

There being no further business, the meeting was adjourned at 5:50 p.m.

  
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Frank Carlson, Chair

  
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Wendie Fleming, Secretary