

PLANNING COMMISSION

MINUTES

December 4, 2012

Members Present:	Lynne Thomas-Roth	John Bruns
	Glynn Marsh	Mayor O'Callaghan

City Staff Members Present	John P. Applegate	Denise Winemiller
	Joe Moore	Glen Green

Mrs. Thomas-Roth called the Planning Commission meeting to order on December 4, 2012. Attendance was taken and all planning commission members were present.

1. Mrs. Thomas-Roth asked if there were any additions or corrections from the minutes from November 7, 2012. There were no comments or corrections so Mr. Marsh moved that the minutes be accepted as prepared. Mayor O'Callaghan seconded the motion. All concurred and the minutes from the November 7, 2012 meeting were accepted as prepared.

2. Third discussion of proposed new sign regulations.

Mrs. Thomas-Roth said that the planning commission members had been provided with additional information to insert into their copy of their sign regulations.

Mr. Lantz said the main issue discussed was the service station provisions in the conditional use section, for additional square footage of signage.

Mr. Lantz had concerns over that and had done additional research. He said allowing additional square footage for service stations could be viewed as

“speaker-based” discrimination. He said they would all be familiar with “content-based” discrimination, where they could not regulate signs based on what they say. He added that they also cannot regulate signs because of the type of speaker they are. So singling out service stations in the zoning code and allowing them additional square footage would not be a good idea. Mr. Lantz added that what they had discussed last week was proposing to remove that provision for conditional use for service stations but allow them to apply for a variance. The variance standards and criteria are well laid out in that provision of the zoning code. Anyone that wants additional square footage could apply for a variance and that way the extra square footage is not just granted to service stations.

Mrs. Thomas-Roth asked what would happen if they would allow variances and additional square footage for service stations and not grant variances for other businesses and if that would be discrimination also. Mr. Lantz said possibly depending on whom the applicant was but if they satisfy the criteria required for the variance, they would be granted the variance. If they do not comply with the criteria, then the variance would not be granted.

Mr. Applegate said that he had a long discussion with Mr. Moore and Mr. Lantz concerning that. Mr. Applegate said they were accustomed to handling things with the conditional use code but he understood Mr. Lantz’s concerns and since he has more knowledge in that area, he agreed that the best way was to eliminate that section in the conditional use.

Mrs. Thomas-Roth said she liked the idea of having the option of granting a variance but she thought people might question it. Mr. Applegate said they could. Mrs. Thomas-Roth said she was traveling and looking at signage lower to the ground and thought that was great but she could see the need for different signage across the river.

Mr. O’Callaghan asked if signs for an existing gas station would be grandfathered in and Mr. Applegate said yes.

Mr. Lantz said there were some cosmetic changes in the regulations and some more pressing changes. He suggested they look at 1341.011, page 2, where they had entered the traffic count for West Martindale Road.

On 1341.02, page 4, Mr. Lantz said he was waiting on sign dimensions for the Industrial zoning. Mr. Applegate said he is working on that and has met with Hal Hunter, their part-time Economic Development Manager. He is reviewing things and may have some additional items to add so Mr. Applegate said he will be scheduling a meeting with Mr. Lantz, Mr. Hunter, and Mr. Moore. He added that

after that meeting they will need to meet again to look over any more minor changes. Mr. Applegate said Mr. Hunter has written sign regulations for Vandalia, and several other communities and is very knowledgeable. He had many questions and Mr. Applegate thought he should sit down and discuss things with Mr. Lantz.

Mr. Lantz continued to proceed through the code, noting the changes that had been made.

Mr. Lantz also commented about the photographs of the Meadows of Martindale signs and the location of the right-of-way and the setback. Real estate signs cannot be posted in the city's right of way. Mr. Marsh said he thought they were talking about the number of signs. They had a discussion about the amount of square footage, and the number of signs, and the amount of days the signs could be posted.

Real estate signs cannot exceed sixteen square feet in size. Mr. Lantz asked if the planning commission members wanted signs to be removed in a certain time for multi-family. He said most real estate people wanted their signs back.

Mayor O'Callaghan said he thought some of the signs would be removed because of being placed in the right-of-way but Mr. Applegate said not necessarily because the signs in question were behind the sidewalk and one was on private property. Mr. Applegate said he would hate to dictate about someone's private property. Mr. Bruns mentioned that this could be considered as a safety measure because the signs were a distraction when placed too close to the curb. Mr. Applegate recommended limiting the square footage to control the number of signs. Mr. Bruns said the signs were two feet by two feet, or four square feet so they could have four of those small signs under the sixteen square feet maximum.

Mr. Marsh said he was uncomfortable with that number of signs posted for an extended time. He asked how many properties were like that. Mr. Applegate said only the buildings on Martindale Road, Old Mill Road and Montgomery Street are true apartments. Mr. Lantz said the signs were being treated as temporary real estate signs. There was a discussion on if the signs would be real estate signs or not.

Mr. Applegate said they could reduce the square footage to cut down on the signs. Mr. Lantz said they could keep the square footage the same but limit the number.

Mr. Applegate asked what they thought on how long the signs could be up. Mr. Marsh said fourteen days. Mr. Bruns said for vacancies, they could need longer than fourteen days.

Mr. Marsh said when the signs are scattered as in the example, the signs look like trash along the road.

Mr. Bruns said if they would reduce the number of signs but not the square footage, that would mean they could put up one sixteen foot square sign which no one would want.

Mr. Marsh asked if this signage would be in addition to their permanent sign allowance and Mr. Applegate said yes. Mr. Applegate suggested they reduce the square footage to eight to ten square feet and say no temporary real estate sign to exceed two feet by two feet or four square feet. Mr. Lantz said he would have to take a look at that because this put them back to “speaker based” restrictions.

Mr. Applegate said they all agreed on lowering the amount of the square footage. Mr. Marsh suggested eight feet which would give the property two, two foot square signs. Mr. Lantz said he would take a look at it. Mr. Applegate suggested “no sign shall exceed two feet by two feet in size for a total of eight square feet per property. Mrs. Thomas-Roth said if they would do smaller signs, then it would be multiple signs again. Mr. Applegate asked Mr. Lantz to look into it further.

Mrs. Thomas-Roth said signs to sell land were usually much larger. Mr. Lantz said they could tie the size of signs to zoning areas, like only allow smaller signs in residential zoning and allow the bigger signs in industrial districts. Mr. Bruns said in Stoney Crest, which is a residential area, they have very large signs. Mr. Applegate said they are using a sheet of plywood and sometimes they include a map of the lot layout of the subdivision.

Referring back to the photograph of the multiple real estate signs, Mr. Marsh asked if a permit was required for those signs. Mr. Applegate said the signs are temporary so they did not obtain a permit.

Mr. Lantz said he would look at the real estate signs in 1341.03. In sections 1341.04, 1341.041, 1341.042, and 1341.05, there were no changes. In 1341.06, there were changes in duration, when a permit would need to be issued, and information on the appeal.

Mr. Lantz continued to go through the additional minor changes made in 1341.07 on the definitions and there were no changes in sections 1341.08, 1341.09, 1341.10 and 1341.99.

Mr. Marsh verified that they were still up in the air on the sign footage for the industrial park.

Mr. Applegate said he had discussed that with Hal Hunter who is in community development and had recently worked with another community. He had some different ideas so Mr. Applegate wanted to see what his thoughts were and discuss that with Mr. Lantz and Mr. Moore. They also talked about electronic signs where the message can be changed but signs are not allowed to be flashing. He had talked about sign regulations in West Carrollton and Mr. Lantz said he had drafted those regulations and there was a section that dealt with electronic signs. Mr. Applegate said he thought they should discuss that, even if it was not permitted, because that was what would be coming in the future.

Mr. Applegate said he would check with Mr. Lantz and he thought within the next few weeks the planning commission would meet again.

Mrs. Thomas-Roth asked if there was anything else for the discussion on signs and there were no more comments.

3. Open Agenda

Mrs. Thomas-Roth asked if there was anything for the open agenda. There was nothing for the open agenda.

4. Mr. O'Callaghan moved that the planning commission meeting be adjourned. Mr. Marsh seconded the motion. All concurred and the meeting was adjourned.

Mr. Applegate said they would be choosing another date to get together.

Mr. Bruns then moved to reconvene the planning commission meeting. His motion was seconded by Mr. O'Callaghan.

Mr. Bruns moved to cancel the January 1, 2013 planning commission meeting and a new meeting date will be determined by the end of December. Mr. O'Callaghan seconded the motion. All concurred and the motion was passed.

Mr. Bruns then moved to adjourn the meeting. Mr. O'Callaghan seconded the motion. All concurred and the December 4, 2012 planning commission meeting was adjourned.