



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES MAY 27, 2015

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, May 27, 2015 at 7:01 p.m. Commissioners present included Ed Cooper, Richard Fusch, Trent Hartranft, Joe Jester and Bill Little. Also present were David Betz, Development Director; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

STAFF ITEMS

Mr. Betz presented a slide show of the comments obtained from the 16 young residents who attended the Young Residents Workshop on May 7th. The topics of discussion were City planning and what City Planners do, along with going through a visual preference survey asking what the young residents liked and don't like in the City. Mr. Betz gave the Commissioners a handout showing the comments from young residents given in the survey, which will become a part of the Comprehensive Plan update (Exhibit 2). Mr. Betz reported that the young residents had a lot of interesting comments and ideas, a few of which are wanting "less old people stuff" and wanting more stores downtown that are national chains types of stores like an Apple store.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Emerick opened the public comment session. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES

MOTION: Commissioner Little moved to approve the minutes of May 13, 2015. Commissioner Fusch seconded the motion. By unanimous consent, the minutes were approved.

SIGN REGULATIONS REVISIONS – Public Hearing

Mr. Betz reported that City Council asked Planning & Zoning Commission to examine the sign code as it relates to temporary and portable signs; this being the scheduled public hearing on the topic. The City has a lot of businesses non-compliant with the current code. Staff believes the current code does need to be updated as it is very difficult to enforce some of the provisions pertaining to temporary and portable signs requirements; especially the multi-user temporary sign plan. The original code was written not allowing temporary signs, then several years ago the code was changed to allow temporary signs. Mr. Betz said that the revised code still allows temporary signs but a free permit requires the business to show the Zoning Administrator the type of sign to be used in terms of size, design and placement. Mr. Betz pointed out that the changes made to the code are in bold and highlighted on the copy of the code provided with the Staff report. Mr. Betz said that commercial establishments will also be able to use larger free-standing, permanent signs, enabling a multi-tenant property to utilize a larger, free-standing sign in order to get more tenants' names on their sign. Mr. Betz said that the use of larger free-standing signs will ensure that motorists know where a business is located and should eliminate the use of portable signs. Mr. Betz said the City has found that temporary signs are now being used on a permanent basis. The permit will allow for 42 days out of a year, which is 6 total weeks a year, to use a temporary, portable sign. Mr. Betz said that Staff feels this is plenty of time for a business to let people know from time to time where it is located, the specials the business is running, etc. Mr. Betz said that Staff feels that the revised code is a more workable, more enforceable code and businesses still have the ability to use temporary, portable signs.

Chairman Emerick provided background that City Council asked the P&Z Commission to review the code because Council members had received several complaints from residents of Powell; with the major complaint being there are numerous temporary signs on major roads. Mr. Betz concurred and added that the complaints included businesses not taking the temporary signs in at night as required and using the signs every day. Mr. Betz said the revision to the code reduces the use of temporary signs substantially, only being able to use signs a certain number

of days a year and not all of the time.

Chairman Little asked if the revised code is enforceable. Mr. Betz said that the old code allowed for different requirements in the downtown district as opposed to the non-downtown districts. He said the City received complaints from businesses outside of the downtown district complaining that businesses in the downtown district were using temporary signs all of the time. Mr. Betz said the old code allowed businesses in the downtown district to use temporary signs every day. Mr. Betz said the revised code makes the use of temporary signs uniform; all districts will be under the same code, having to obtain a free permit to use temporary signs 42 days a year.

Commissioner Fusch asked if Section C of the code, on page 11, which refers to non-residential districts, replaces Sections D, E and F. Mr. Betz said yes, D, E and F are removed. He said the code now address all non-residential districts, and all districts are treated the same.

Commissioner Cooper pointed out that on page 4 of the code, under (15) Electronic Sign, the word "omit" is incorrect; it should be "emit". Mr. Betz noted the correction.

Chairman Emerick opened this item to public comment. Hearing none, he closed the public comment portion.

Michael Mockler, 447 Nathan Drive, asked if the revised code is going to allow LED possibilities within the larger monument signs. Mr. Betz said they are already allowed within the code, on a case by case review basis by the P&Z Commission. Mr. Mockler stated if a business were to upgrade to a larger monument sign with an LED light to advertise a special, it would help eliminate the additional sandwich boards type of signs. Commissioner Little added that the Commission has historically not allowed signs to be a flashing sign or a changing message. Mr. Betz agreed and said the message needs to be a solid message for a certain period of time; the message can't be flashing. Mr. Mockler asked if there are any distance requirements from the front doors of the businesses for temporary signs. Mr. Betz said the signs cannot be in the right-of-way unless there is no other place to put the sign. He said there is no requirement on maximum distance from front doors. Chairman Emerick asked if there are any fire code restrictions on placement of signs near the front of businesses. Mr. Betz said signs can't be put in any handicap accessible routes; the business must have the egress out of the door and the business can't put the sign in the middle of the parking lot. Mr. Mockler asked if the code addresses flags. Mr. Betz said that the City has to go after flags from time to time, especially in regards to height, but this issue is addressed under the height of temporary signs where it says signs can be no more than 36". Mr. Betz said the revised code will only allow for one sign at a time and only by permit. Mr. Mockler recommended that the code clarify the use of flags. Mr. Betz said a flag is still a use of a temporary sign. Commissioner Hartranft asked if something needs to be added to the code about flags. Mr. Betz said no. Commissioner Cooper said he recalls seeing something about flags in the code, exempting the U.S. flag. Mr. Betz said yes, the U.S. flag, the State of Ohio flag and any type of flag that is not a commercial type of flag is already addressed. Mr. Mockler said he thinks the revised code is great. Commissioner Little asked Mr. Mockler if he was a business owner. Mr. Mockler said he owns a sign company, Sign Masters, and he works with the City of Powell; he wanted to get clarification on the code.

Mr. Meyers said that he read through the revised code and thinks it is well done and thorough. He said that in the future he is going to scrutinize the designs of the building integrated signage more closely. Mr. Meyers thinks that architecture is looked at very thoroughly and the signage is accepted as presented. He thinks signage aesthetics and quality can be raised to a higher level in the future. Mr. Betz agreed with the idea. Mr. Meyers mentioned the Spectrum projects and that a lot of attention was given to design and details of buildings but from memory, he can't remember what the signage is going to look like. He said more attention will be paid to signage from now on.

Commissioner Cooper asked why the sign permit can't be made for 52 weeks instead of 6 weeks, making it an even year so no one has to monitor. He feels that we have not been able to enforce the code we have. Commissioner Cooper asked if the Zoning Inspector is still a part-time employee. Mr. Betz said yes. Commissioner Cooper thinks it is impossible to enforce the revised code. He asked who is going to go out every day and survey signs, knowing what day the sign is out and whether the sign should be out or not. Mr. Betz said the City can keep track of when the permit is issued and what days the business is going to have the sign out and if the business doesn't follow the permit requirements they will lose their ability to use temporary signs. Mr. Betz said that an Outlook schedule has already been set up to enter when a business obtains a permit and when the permit expires. He said staff will go visit the business the day the permit expires or the day after and tell the business that the sign must be taken down if the sign is still out. Commissioner Cooper asked if there is a requirement listed in the code as to whether the business must bring the signs in at night. Commissioner Little asked if the revisions supersede the arrangements already made with existing situations. Mr. Betz said there would only be one remaining issue on Grace Drive; all other businesses are no longer there. Commissioner Little asked about the tanning business, Las

Margaritas and Hickory House. Mr. Betz said the issue was the Grace Plaza where the barbeque business was. Commissioner Cooper asked how frequently a business can renew their permit after their 42 days has been used. Mr. Betz explained that the business can request another permit after the 1 year anniversary of their permit. Commissioner Cooper asked if it is a calendar year that starts at the time a business applies for a permit. Mr. Betz said yes. Commissioner Cooper said again that his biggest concern is how the City can possibly, physically enforce the revised code. Mr. Betz said the Zoning Inspector will need to spend half of their time working on enforcing the code. Commissioner Cooper asked if the Zoning Inspector works every day. Mr. Betz said no, but there is other staff.

Chairman Emerick mentioned the recent rise in College Pro Painter signs. Mr. Betz said the City picks those types of signs up.

Commissioner Jester praised Staff's work on the code revisions. He asked if the revised code has been distributed or placed in the newspaper. Mr. Betz said that notices were placed in the newspaper and on 3 different occasions over 70 letters have been sent to most businesses that use portable signs and the businesses were asked to attend the meeting. Commissioner Jester said that he also thinks the Zoning Inspector has his hands full trying to enforce the revised code, at least for a period of time. Mr. Betz said that he is requesting that the Zoning Inspector position be made full-time next year. Commissioner Jester asked if the Zoning Inspector reports directly to Mr. Betz. Mr. Betz said yes. Commissioner Jester said that overall the revisions are a step in the right direction.

Commissioner Little said that it seems to him, based on the turnout to discuss temporary signs, that there really isn't any businesses promoting the need for temporary signs. He said he doesn't really believe that is the case but it would seem more compelling to him if the local businesses affected by the code were present to voice their opinions and provide input. Due to the turnout, Commissioner Little said he isn't certain we need temporary signs. Mr. Betz said some businesses attended the Development meeting and said temporary signs are important. Mr. Betz said the idea of permits was brought up in the Development meeting and he speculated that the businesses' concerns were satisfied and they no longer feel the need to attend meetings. Commissioner Little said he agrees with Mr. Meyers' comments and he thinks there are a couple of approved development projects that need the signage requirements reviewed. Mr. Betz said Spectrum is one of them. Commissioner Little asked how the cities of Worthington and Dublin enforce their similar ordinances. Mr. Betz said some cities don't allow temporary signs so full-time staff removes the signs. Commissioner Little wanted to confirm that the College Pro Painter signs, the work for \$15.25 stake signs are not allowed. Mr. Betz said they are not and the City would remove those types of signs. Commissioner Little recognized that the sign ordinance that was written years ago was not enforceable however his opinion is that not much has been accomplished with the revisions, without a plan for enforcement. He said he is not suggesting that a lot of people be hired to enforce the code; he wonders if there is a creative way to enforce. He asked if a business owner can designate in the City's Outlook program the days the business will be putting out signs. Mr. Betz said the notification can be handled via e-mail, it is a free permit and the business can just e-mail a photograph of the sign for approval. Commissioner Little clarified that he was asking about how the business advises which days a sign will be used. Mr. Betz said a process could be implemented that would allow a business to notify the City of the days a sign would be put out. He said the City is going to use the Outlook scheduling to show the days the business applies for with their permit. Chairman Emerick asked if the business specifies the days the sign will be put out when they apply for their permit. Mr. Betz said the days of sign usage will be specified on the permit. Commissioner Little asked if the business will specify what days they will put a sign out ahead of time for a whole year. Mr. Betz said no, the business may not know which days ahead of time but the business can e-mail the days when they know. Mr. Betz said the City is trying to make it as easy as possible for the business. Mr. Meyers said that it is going to be very hard to monitor the days a sign is out. Mr. Betz agreed and said that the business needs to let the City know which days the sign will be out, if the Zoning Inspector is out on a particular day, he will know from the Outlook schedule which businesses have permits for that particular day. Mr. Meyers said that it is still difficult and there is labor involved in monitoring. Mr. Betz agreed. Commissioner Little said one way to handle is for a business to apply for a temporary sign permit for a designated start and end date, then the business can reapply for another amount of days until the business reaches 42 days. Chairman Emerick said that the City is relying on the business to advise which days they are putting a sign up. Commissioner Cooper asked if any consideration was given to going back to not allowing portable signs. Mr. Betz said the public will have complaints if we do that. Commissioner Little said he doesn't think anything is being accomplished if there isn't a more robust enforcement policy. He said if the policy isn't enforceable, we either don't have any rules or we don't allow portable signs. Commissioner Little said that it is detrimental to business if we don't allow portable signs so he isn't suggesting that; but he would like to see how the revised code will work before he approves the revisions.

Chairman Emerick asked Mr. Betz if a motion is needed. Mr. Betz said the topic can be brought back and discussed again; he can go door to door and try to get more businesses to come to a meeting. Commissioner Cooper said

that he was surprised that no business owners attended and he does think the signs need cleaned up. He said there are too many signs. Chairman Emerick said there are too many signs left out 24/7.

Commissioner Fusch said he agrees that the revised code is going to be difficult to enforce but he doesn't know what else to do about the issue. He thinks Staff has attempted to address the concerns the best they can so he doesn't know any better way than to approve the revisions and test how it works.

Chairman Emerick asked if the revisions should be approved at this meeting or should we try to get more businesses to attend another meeting. Commissioner Fusch said that he doesn't think any more businesses would come to a future meeting than came to tonight's meeting. Commissioner Little said the feedback is obvious in that some businesses just leave the signs out no matter what, like the business doesn't care about any sign ordinances. Mr. Meyers said the mindset is, "I'm going to do what I want until I get caught and then I will deal with it". Chairman Emerick mentioned the business owner who said his business would fail if he wasn't able to put out a sign.

MOTION: Commissioner Little moved to approve the City of Powell's sign regulation revisions (Exhibit 1) as proposed by Staff at the P&Z meeting held on May 27, 2015, noting that:

- 1. The Planning & Zoning Commissioners have expressed concerns that the sign regulations are not enforceable. Commissioner Cooper seconded the motion.

VOTE: Y 5 N 1 (Little)

OTHER COMMISSION BUSINESS

There was no further Commission business. The next Commission meeting is June 10, 2015. Mr. Betz said the next meeting will have the Powell Grand, the Schottenstein/Margello project as well as the architectural details for the Sean Snyder project on Lincoln Street. Commissioner Little advised that he will not be at the June 10th meeting.

ADJOURNMENT

MOTION: Chairman moved at 7:48 p.m. to adjourn the meeting. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: June 10, 2015

Donald P. Emerick 6-24-15
 Donald Emerick Date
 Chairman

Leilani Napier 6-24-15
 Leilani Napier Date
 Planning & Zoning Clerk

