

M NUTES
Plan ning Co mmi ssi on
Oct ober 4, 2016

The Wo rni ng Plan ning Co mmi ssi on met i n regul ar sessi on on Oct ober 4, 2016 i n the Council Chambers at the Cty Bui l dng. The meeti ng was cal led to order at 7:00 p m by Mr. Jon B. Boss, Chair man. Attendance was as fdl ows:

ME MBERS:

Jon B. Boss
Phyllis Bossi n
Jenny McCaul ey
Mary Beth McGrew

OT HERS:

Terry Vander man, Community Devel opment Di rector
Megan Statt Bake, Assistant Community Devel opment Di rector

Approval of the September 12, 2016 Meeti ng Mi nutes

Ms. McCaul ey moved to approve the mi nutes as wri tten. Ms. Bossi n seconded the moti on. There bei ng no comments, the moti on to approve the Sept ember 12, 2016 meeti ng mi nutes as wri tten carried wi th al l voti ng yes.

Co mmi ttee Report

No reports were received.

Ci tizen Parti ci pati on

No comments were received.

Busi ness

2017 Master Plan Update

Mr. Vander man reported that the worki ng group of the Master Plan Co mmi ttee met and pl anned its meeti ng schedul e over the next eleven months. The Steeri ng Co mmi ttee wi ll meet thi s week as well to for mally get the proj ect movi ng for ward. Mr. Vander man stated that he and Ms. Statt Bake wi ll be speaki ng wi th the consultants tomorrow and are looki ng for ward to a producti ve meeti ng. I n the comi ng months as the Master Plan progresses, the Plan ning Co mmi ssi on wi ll receive more for mal updates.

Conti nued Di scussi on Regar di ng the Plan ning Co mmi ssi on's Report on, and Further Potenti al Changes to, the Zoni ng Code Pertai ni ng to Medi cal Marijuana

Mr. Vander man reported that Cty Council passed its legi slati on by the Staté's deadi ne. He acknowl edged that, due to the deadi ne for legi slati on to be passed, the Plan ning Co mmi ssi on felt that it had to rush through its deli berati ons and for ward its recomme ndati on to Cty Council wi thout bei ng abl e to fully expl ore al l of the relevant issues. He asked the members if the medi cal

marijuana legislation is an item that the Members would like to have placed on the agenda each month for discussion or if the item should be removed and only brought back if and when any further action is needed? Mr. Boss noted that the State indicated that it may take up to a year-and-a-half to adopt regulations to determine how business will be regulated. Ms. McCauley suggested that when the regulations have been determined the Planning Commission should then take another look at the City's legislation and that it should not be placed on the agenda each month until that time. The Members agreed.

Possible Changes to Chapter 1331 Pertaining to Murals

Mr. Vanderman reported that after the Planning Commission's review of the proposed changes to this legislation last month he forwarded the Members' concerns to the City Manager and the City Auditor for discussion. He also obtained additional direction from the Committee of the Whole at its meeting earlier this evening.

These issues are as follows:

1. As murals will likely have significant visual impact, should there be a more comprehensive review approval process than an administrative process by the City Manager? More specifically, should the Architectural Review Board (for example) review and make a recommendation on the applications? Should consideration be given to having mural approved by City Council after holding a public hearing? The City Manager and City Auditor felt that the review and/or approval process should be kept at an administrative level and added that there already exists an appeals process for administrative decisions. City Council felt that they should not need to be involved in the approval process.
2. Revisiting the mural that is proposed to be placed on the wall of the building at 1517 Springfield Pike, Planning Commission raised the question as to whether the depiction of eggs on the wall was too closely related to the restaurant offerings to be considered a mural rather than a sign? Expanding on the previous question would it be appropriate to add a provision in the legislation that somehow more specifically prohibits murals from having any correlation whatsoever to the business(es) located on the premises? Meaning that a restaurant could not have food products, etc. on its building a hardware store could not have nuts, bolts, etc. on a mural on its building etc. Mr. Vanderman discussed this topic at length with the City Auditor who indicated that she believes the picture of eggs lacks a critical component in its message (wording) and therefore the Auditor felt that this would be considered a mural rather than a sign. Ms. Bossin asked for clarification if it was because the picture of eggs on the side of a restaurant does not qualify as a sign because it has no wording. Mr. Vanderman stated that this was correct and each proposal will need to be reviewed on a case-by-case basis. At some time, someone may cross that line when a mural does become a sign and the administration and/or Auditor will need to make a determination at that point. Mr. Boss questioned when a mural becomes a sign. Mr. Vanderman stated that based on the definition in the Sign Code and the proposed legislation before the Members this particular egg example it is not a sign. Ms. McCauley stated that in reality, a business is likely going to put up a mural on the side of their building that relates to their type of business. She cited the optometry

business at the corner of Wyoming Avenue and Oak Avenue; the eye doctor is not likely to install a mural on the side of the building advertising food. Mr. Vanderman stated that this particular wall could have a mural depicting something or someone having nothing to do with any of the businesses in that building. Rather the current proposal for this building is to place a mural on the wall of the Wyoming community as a whole including historical figures that are important to the founding of Wyoming. Ms. McCauley stated that, if the Meat Market were to put up a mural, they would likely want to paint something that depicts the business. If the mural doesn't help the business where it is erected then there may be no use in putting one up. Mr. Boss commented that in the Meat Market example, the mural could be a picture of a picnic basket, or a cow or pig but as long as there are no words advertising that there is a meat counter with food and groceries for sale or the name of the business, then the painting would likely be considered a mural rather than a sign.

3. Should consideration be given to including provisions for the maintenance of murals within the Sign Code? Related to this question, would it be appropriate to include a sunset clause on mural approval that, like special uses, requires a periodic review of their condition? Mr. Vanderman explained that the Property Maintenance Code currently requires properties to be maintained to certain levels and if a mural starts to peel, chip or fade the City currently has measures in place to address those issues. City Council was comfortable using existing legislation rather than creating new legislation.

4. Should the Code be expanded to allow murals to be applied to other institutional buildings such as religious institutions and schools? And 5. Do we want the opportunity to allow murals to be hung from light poles or applied to other structures in the rights-of-way such as electric boxes, etc.? Mr. Vanderman stated that City Council's opinion is that, as we do not know at this point how popular the idea of murals will be in the community, we should just be cognizant of that fact and restrict murals to commercial buildings and municipally owned buildings. Council was not in favor of allowing murals on electric utility boxes, or on schools and other institutional buildings [for now]. Mr. Boss noted that on the east wall of the gymnasium at the high school there is a 'Cowboy Country' painting with an arrow pointing to the door. He stated that at some point in the future, someone may raise the question of why the school is permitted to have this sign/mural when the Code does not allow it. Mr. Boss added that, in his opinion, he believes the sign/mural may be directional in nature because it directs visitors where to go to enter the facility.

Ms. McCauley commented that she is hopeful that these murals are carefully designed and complementary to our community noting that Wyoming is surrounded by communities that differ from ours and murals tend to be more widely seen in urban communities. Wyoming is not a downtown Cincinnati or an Over the Rhine type community. We need to keep in mind that some residents will be comfortable with these types of changes and some will not. Ms. Boss expressed concerns that the community could begin to appear to be cluttered if murals are applied everywhere they can be done. Ms. McCauley added that, when the State came to evaluate the City on its historic district, there were many homes of diverse architecture and that the green environment [trees, grass] that surrounded and intertwined throughout the district, is what ties it

all together. Whatever changes we make to the Code need to help maintain our unique community design. Ms. Bossin added that we must always keep our community vision in mind.

Mr. Vanderman explained that a recommendation through a motion and vote needs to be made and forwarded to City Council on the proposed changes to Chapter 1331. Ms. McCaulley motioned to recommend the proposed changes to Chapter 1331 be made as proposed regarding murals. Ms. Bossin seconded the motion. Ms. Bossin asked for further discussion before a vote is taken. She asked for further clarification as to how the painting of a picture of eggs on the side of a restaurant building is considered a mural and not a sign. Mr. Vanderman explained that a picture of eggs is a picture of eggs. There are no words painted along with the picture saying that 'eggs are sold here' or 'eat here', the picture, while food related, is a mural. Ms. Bossin commented then that if the Meat Market were to paint a picture of a hot dog on their wall, this too would be considered to be a mural and not a sign because there are not words with it. Mr. Vanderman stated that he has the same opinion. Ms. Bossin stated that, in her opinion, this will open up a 'Pandora's box' of issues if this legislation is adopted. Ms. McCaulley stated that normally in areas where murals are painted, they are often done to mask an eyesore which often has no relation to what the picture is. Mr. Vanderman explained that, when he has a different point of view on a topic, he tends to look at the scenario as if the issue ended up going to Court; how it might be evaluated. He stated that at the end of the day, we pay the Schedulers office to provide opinions and direction on such things and that he is comfortable with the direction he has been given in this case. Ms. Bossin commented that the City has one potentially controversial submission currently before it and that all other submissions in the future will be compared to this precedent. Mr. Boss suggested that if a building has a nice scene of a boy chasing a dog, this does not necessarily mean that a kennel or dog store is there or if the Meat Market paints a picture of a bull or a cow that doesn't necessarily mean that's what is inside that building unless the words or the name of the business is also contained within the picture. Ms. Bossin commented that we may be thinking these are cute examples right now, but we may have a different opinion if numerous murals are painted on buildings especially if they are painted on buildings in the Historic District. Wyoming is not on the cutting edge of everything going on such as Cincinnati or Over the Rhine. Ms. Bossin withdrew her motion to second. Ms. McCaulley subsequently withdrew her motion to recommend adopting the proposed changes to Chapter 1331. Ms. McCaulley instructed Mr. Vanderman to report to City Council that the Planning Commission members had concerns relating to the proposed changes. Ms. Bossin added that the Members have a lot of concerns and the Ordinance cannot be adopted without a better definition of a mural. Mr. Vanderman advised the Members that if no formal action is taken he can draft a report to City Council indicating that no action was taken or a member of the Planning Commission could make a motion which could then be voted on to recommend that the changes to the Code as drafted not be adopted. Ms. Bossin motioned that the proposed legislation as written, revising Chapter 1331 pertaining to Murals not be adopted. Ms. McGrew seconded the motion. Ms. McGrew commented that in Los Angeles, for example, they have many murals with pictures and words and they have a very specific set of criteria that must be met. However in Wyoming, having someone be able to paint almost anything on a wall is too open ended for her taste. By a roll call vote of 4-0 in favor of not

adopting the proposed changes to Chapter 1331 of the Code relating to Murals carried with all voting yes.

Possible Changes to Chapter 1331 to Permit Electronic Signs

Mr. Vanderman reported that at a recent Committee of the Whole meeting some members of Council expressed an interest in allowing electronic message boards to be erected in the community via our Sign Ordinance. The discussion was prompted due to the City preparing the budget for next year which requested funds to be allocated to replacing the sign at the Recreation Center. The sign is located within the Village of Woodawn and that we intend to erect a sign that has an electronic, changeable message component to it which is permitted in Woodawn. The questions are these types of signs appropriate for our community and if so under what circumstances and conditions.

Planning Commission is only being asked to provide a yes or no type answer as the Committee of the Whole is asking the Planning Commission to evaluate whether it is appropriate for our community to allow these types of signs. Ms. Bossin stated that, as the Recreation Center is in Woodawn and the Village of Woodawn allows these types of signs, can the sign simply be replaced and be done.

Mr. Vanderman distributed a memo to the Members that was prepared by Ms. Statt Bake outlining the research that she conducted on existing signage regulations of various communities in Ohio. Mr. Boss commented that the City previously rejected electronic signs when the Sign Code was initially written. The concern to reject them stemmed from a public safety consideration in addition to design and style on narrow streets where people tend to take their eyes off the road to read a sign. Mr. Vanderman advised the Members to read Ms. Statt Bake's memo and to be prepared to discuss the issue at length at the next meeting. Ms. Bossin commented that these types of signs are usually commercial in nature and would be more appropriate on Springfield Pike near the businesses rather than on Wyoming Avenue. Ms. McCauley commented that she lives near a church and if the church had an electronic sign, she can imagine what her neighbors might think about their home values declining and she believes that they will likely complain. Ms. Bossin commented that the Planning Commission spent two years discussing and creating the existing Sign Code and asked why this is being discussed again because of a sign that may be erected in another community. Mr. Boss commented that the question is simply, if the City erects this type of sign at the Recreation Center, then should they also be permitted at the Meat Market or any other business in the City? Ms. Bossin commented that the issue is quite simple, Wyoming is a different community and that the Sign Codes can also differ. Mr. Boss commented to Mr. Vanderman that the minutes from the past discussion could be reviewed to see what the discussion was on this matter.

Ms. Bossin commented that the City already has a process in place and she does not believe that just because someone has an idea that they want a prohibited sign that the Planning Commission should go through the review process all over again. Additionally, she does not believe that most people get the information that they need about something from an electronic sign. One may read a newsletter they receive in the mail or find the information on the City's website, but a

changeable copy signs not the most likely place for people to get their information. Mr. Vanderman commented that the City is doing more than just a monthly mailed newsletter; information is being disseminated to the community by several methods and it is always looking for more ways to get information out to the public. Attitudes can change over time, especially since the Code was adopted. Members are being asked to look at the same question but under the context of today's world.

Mr. Boss commented that he would like to know what Gendale and Dublin allow in their communities. Ms. Statt Blake commented that a community she researched just north of Dublin has a very strict Sign Code but does allow electronic signs. Ms. McCauley commented that Members should take notice of electronic signs in other neighborhoods and evaluate what message is being displayed and whether or not the information is useful. As people enter Wyoming on Spryngfield Pike it is evident that they are in a different place. The ambience of Wyoming is different than our neighbors some of which have multiple commercial signs on both sides of the street. Wyoming property values are very important to many people and they must be maintained. We need to be sure that these signs are not harmful or that they are helpful and are necessary. Ms. Bossin stated that the Signage Task Force spent a lot of time creating inviting entrances into the community as we want visitors to feel like they have entered some place different and the City must maintain the integrity of this special place and look to the Mission Statement in everything that is done to be sure that it is being followed. Ms. McCauley added that the Master Plan must also be consulted to make sure these signs comply with the Plan.

Excusal of Absent Members

Ms. Bossin moved to excuse Mr. Johnson. Ms. McGrew seconded the motion. By roll call vote 4-0 all voted yes, the motion carried and Mr. Johnson was excused.

Adjourn

There being no further business before the Members, Ms. McCauley moved to adjourn the meeting. Ms. McGrew seconded the motion. All voted yes, the motion carried. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Debby Martiņ Executive Assistant

Jon B. Boss, Chairman