

PLANNING COMMISSION MEETING

December 7, 2023

The meeting was called to order at 7:01 p.m. by Chairman Andy Lorenz. Commission members present were Greg Bade, Andy Lorenz, Rob Vela, John Wellstein, and Becky Williams (5). Mayor Mackin and Megan Wolfinger were absent (2). Also present was Brody Walters, Planning & Zoning Administrator.

APPROVAL OF MINUTES

Ms. Williams moved to approve the minutes of the October 26, 2023 meeting as written. Seconded by Mr. Bade. Ayes: Bade and Williams (2). Abstain: Lorenz, Vela, and Wellstein (3).

ADMINISTRATOR'S REPORT

Mr. Walters stated that it is Mr. Wellstein's last meeting as he has served two terms. He thanked him for his service. Mr. Lorenz said that Mr. Wellstein was on the Commission when he started, and he also thanked him for his service.

***Special Approval Us
Massage by Melinda, LLC
122 W. South Boundary Street, Suite D***

APPLICANT/OWNER/DEVELOPER

Melinda Newton, LMT
118 Twinbrook Dr.
Perrysburg, OH 43551

REQUEST

Chapter 1225.08 – Land Use and Base Zoning District Table
Chapter 1235.02(d) – SAU – Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the southwest corner of W. South Boundary Street and Louisiana Avenue in the Country Charm Plaza.

Property Size: 0.243 acres

Parcel: Q61-400-080102030000

Zoning: C-3 – Community Shopping

BACKGROUND

The applicant (a State of Ohio licensed massage therapist) has recently moved into the space and would like to open a spa business that includes therapeutic massage specializing in pain management, trauma informed, and prenatal massage.

ANALYSIS

This Special Approval Use provides “specific conditions” for this type of use, but those conditions are waived for state licensed massage therapist. As the applicant has provided our office with the necessary documentation, this use would only be subject to the following “general requirements”:

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.
2. The special approval use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the special approval use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

Notes:

1. Chapter 1235.04(u)(4) listed exemptions to the special requirements for a Special Approval Use (SAU). Section 1235.04(u)(4)(B) states that due to all massage

therapists being licensed by the State of Ohio Medical Board, Massage by Melinda, LLC would be exempt from the specific SAU special requirements for Massage Establishments but would still be subject to the general requirements.

RECOMMENDATION

The Planning and Zoning Deputy Administrator has reviewed the application for Special Approval Use for Massage by Melinda, LLC located at 122 W. South Boundary Street, Suite D. It has been found that the applicant has met the necessary requirements to be granted a Special Approval Use for a massage establishment at this location.

Mr. Walters reviewed the above Staff Report regarding the Special Approval Use for Massage by Melinda, LLC located at 122 W. South Boundary Street, Suite D.

Melinda Newton was present. She stated that she has been a licensed massage therapist for fourteen years, eleven of those years at Massage Envy. She said that she grew up in Perrysburg, and is still a resident. Ms. Williams asked how big the establishment will be. Ms. Newton said it is 654 square feet and there is one other therapist sharing the space. She said that it is next to the barber and 7 Little Cupcakes. Mr. Vela asked what documentation is provided to show that they are registered with the State. Mr. Walters stated that the applicant has a license that she provided as proof.

Mr. Lorenz moved to approve the Special Approval Use for Massage by Melinda, LLC located at 122 W. South Boundary Street, Suite D. Ms. Williams seconded, and it was unanimously approved (5-0).

Preliminary & Final Site Plan and Special Approval Use St. Timothy's Episcopal Church (Clothesline Building) 869 E. Boundary Street

PRELIMINARY & FINAL SITE PLAN CHECKLIST

Project Name: St. Timothy's Clothesline Building – Preliminary & Final Site Plan with Special Approval

Location: 869 E. Boundary Street

Zoning: INS - Institutional

Applicant(s): St. Timothy's Episcopal Church

Eric Craig - Buehrer Group Architecture & Engineering, Inc

Land Use: Institutional – Church/Religious Assembly

Parcel(s): Q61-400-050402025000 and Q61-400-050402026000

Request: Convert rectory residence to an accessory building for church clothing donation and re-purpose program. Parking lot and site modifications as needed for zoning compliance.

PRELIMINARY & FINAL SITE PLAN CHECKLIST

Land Use		Permitted	Special Approval	Not Permitted
1225.08	Land Use Type		x	
Dimensional		Compliant	Non-Compliant	Not Applicable
1230	Front Setback	x		
1230	Side Setback	x		
1230	Rear Setback	x		
1230	Lot Coverage	x		
1230	Height	x		
1230.03(a)	Height Variance from BZA			x
1230.03(b)	Features above max height (exemptions)			x
Parking		Compliant	Non-Compliant	Not Applicable
1250.02(t)	Parking Lot Location	x		
1250.02(r)	Parking Relief			x
1250.03	Parking Quantity	x		
1250.05(b)	Parking lot design/layout	x		
1250.05(c)	Wheel Stops	x		
1250.05(f)	Location of Driveways	x		
1250.06(a)(5)	Parking Lot Screening (near residential)	x		
1250.06(a)(7)	Parking Lot Surface Material	x		
1250.06(b)	Parking Space Sizes	x		
Landscape		Compliant	Non-Compliant	Not Applicable
1250.11	Planting Plan	x		
1250.11(a)(1)	Landscape Architect (stamp/sign)	x		
1250.11(a)(3)	Planting Schedule	x		
1250.13(g)	Tree size (8' height, 2 ½" caliper min)	x		
1230	Minimum Landscape Percentage of parcel	x		
1250.18(a)	Min. Landscape Percentage of Parking Lot (6%)	x		
1250.17(b)	Parking Lot landscape primarily shade trees	x		
1250.17(c)	Planting areas dispersed through parking lot	x		
1250.19(b)	5' landscape strip between parking lot and P/L	x		
1250.19(c)	1 tree for each 8 parking spaces	x		
1250.19(d)	Landscape island = 1 per ea. 10 parking spaces	x		
1250.19(d)	Shade trees located in islands	x		
1250.20	10' landscape strip between R/W and parking			x
1250.20(d)	Hedge within 10' landscape (min 1.5' height)			x
1250.27	Berms/Earth Mounds (if required)			x
1250.42	Fence/Screen Requirement (height & location)			x
1250.43	Lighting (height & direction)			x
Building Design		Compliant	Non-Compliant	Not Applicable
1250.44	Screening of Rooftop Mechanicals			x
1250.48	Building Material (allowable percentages)	x		
1250.481(a)	Customer entrance facing each street frontage			x
1250.481(b)	Recesses/projections if > 100' in length			x

1250.481(d)	Façade to have color/texture/material change			x
1250.481(e)	Rooflines to change at least every 100'			x
1250.481(f)	Façade colors – low reflectance and neutral	x		
1250.481(g)	Building trim to be non-illuminated	x		
Drives & Access		Compliant	Non-Compliant	Not Applicable
1250.51(a)	Driveway access onto public or private street	x		
1250.51(a)(2)	Drives enter perpendicular	x		
1250.51(a)(3)	Driveway grade less than 10%	x		
1250.51(a)(6)	Driveway – at least 100' from an intersection	x		
1250.51(a)(6)	Driveway – at least 80' from other driveways	x		
1250.51(c)	Driveway – alignment with existing drives			x
1250.53	Deceleration Lanes if use > 1,000 trips per day			x
Sidewalks		Compliant	Non-Compliant	Not Applicable
1250.56(a)	Sidewalks across all frontages	x		
1250.56(a)	Sidewalks from R/W to entrance		x	
1250.56(a)	Sidewalk material through drive aisles	x		
Dumpster		Compliant	Non-Compliant	Not Applicable
1250.57	Waste Receptacle - Location	x		
1250.57	Waste Receptacles to be consolidated	x		
1250.57	Waste Receptacle – design/materials	x		
Acc. Buildings		Compliant	Non-Compliant	Not Applicable
1250.61(a)	Accessory Building – Location (rear yard)	x		
1250.61(b)	Accessory Building – ≥ 5' from side or rear P/L	x		
1250.61(b)	Accessory Building – ≥ 10' from main structure	x		
1250.61(d)	Acc. Building – Height (20' or main structure)		?	
1250.61(f)	Accessory Building – Size Limit (5% of lot size)	x		
Traffic Study		Compliant	Non-Compliant	Not Applicable
1255.04	Traffic Study – if more than 100 trips/peak Hr.			x
1255.04	Traffic Study – if more than 750 trips per day			x
Miscellaneous		Compliant	Non-Compliant	Not Applicable
1260.15(a)(1)	Plan doesn't impede normal development	x		
1260.15(a)(2)	Existing landscape preserved (as possible)	x		
1260.15(a)(5)	Emergency vehicle access to structures	x		
1250.26	Wall Location (if required)			x

General Requirements		No special approval use shall be approved by the Planning Commission unless it shall find the following:	
Section	Requirement	Compliant	Non-Compliant

1235.02(d)(1)	The establishment, maintenance or operation of the SAU will not be detrimental to or endanger the public health, safety, general welfare or the natural environment.	x	
1235.02(d)(2)	The SAU will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish or impair property values within its neighborhood.	x	
1235.02(d)(3)	The establishment of the SAU will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.	x	
1235.02(d)(4)	Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.	x	
1235.02(d)(5)	Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.	x	
1235.02(d)(6)	The SAU shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.	?	?
Specific Requirements		Additional “use specific” requirements:	
Section	Requirement	Compliant	Non-Compliant
1235.04(yy)(1)	It is consistent with adopted plans of the City and the stated purposes of this Zoning Code.	x	
1235.04(yy)(2)	Complies with all applicable standards of this Zoning Code.	x	
1235.04(yy)(3)	Will not result in significant adverse impacts to other property in the vicinity of the subject property or to the natural environment.	x	
1235.04(yy)(4)	Any differences in appearance or scale from the surrounding area will be mitigated through setbacks, screening, landscaping or other design features.	x	
1235.04(yy)(5)	Has adequate mitigation measures for any other identified adverse impacts.	x	
1235.04(yy)(6)	Uses shall be subject to site plan review to assure compatibility with surrounding areas.	x	
1235.04(yy)(7)	Any such use shall be so located and developed so as not to create a nuisance to abutting property, and so as to be neither injurious to the surrounding neighborhoods nor contrary to the spirit and purpose of this Zoning Code.	x	
1235.04(yy)(8)	All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.	x	
1235.04(yy)(9)	Lighting of outdoor activities shall be shielded from adjacent residential areas.	x	
1235.04(yy)(10)	No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.	x	
1235.04(yy)(11)	Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.	x	

1235.04(yy)(12)	Will not have significant adverse impacts on the livability of nearby residential property due to: noise, glare from lights, late-night operations, odors, litter, privacy, traffic and other safety issues.	x	
1235.04(yy)(13)	After review, the Planning Commission shall make a recommendation to the City Council.	REQUIRED	

Analysis:

St. Timothy's Episcopal Church is requesting site plan approval and a special approval use review for a proposed addition to the existing rectory at the rear of the property. A rectory is a somewhat unique feature to church properties and this request would be to permit the existing building (along with the addition) to be used as an "accessory structure" to the church to accommodate an expanded clothing mission referred to as the Clothesline Community Outreach.

The church leadership and the project consultants have been involved in discussion with the Planning and Zoning Division from the beginning of this project to ensure that the requirements of the zoning code would be met. For this reason, this application requires relatively minimal comment.

All changes to properties zoned INS – Institutional require review of the special approval use requirements to ensure the protection of the surrounding neighborhood and to make sure the quality of the built environment is maintained.

The only major discussion point is focused on the dimensional attributes of the existing rectory building. The building appears to have been constructed in 1970 and is currently located on a separate parcel of land. It was explained that to permit this use the property would need to be combined with the church property to qualify as an accessory use (to the church). The planning commission will need to review the site plan to determine how the zoning code shall be applied to this request since the existing portion of the structure would fall just short of the 50' setback and would slightly exceed the maximum height of accessory buildings. This is a unique request because all the new improvements would meet the requirements, but two of the existing conditions would not.

Aside from the proposed addition, the church has acknowledged the requirement to bring the non-conforming aspects of the existing property up to code. These elements include landscape, parking areas and trees.

Notes:

1. The existing church building does not have a sidewalk connecting the public sidewalk to the main entrance to the building. The code does call for this type of sidewalk connection in instances where pedestrian activity is reasonably expected. Typically, the Planning Commission has decided if this is warranted or not after discussing the requirement with the applicant.

2. As noted above, the status of the rectory building would change from a residence to an accessory structure. The code limits accessory structures to 20' in height. The existing portion of the rectory is 24'4" from grade to the ridge beam. The highest point of the proposed addition is shown as 17'4".
3. The addition to the rectory building is occurring on the west side of the building (the side opposite of the closest neighbors). The eastern part of the existing building does not meet the 50' setback required by the special approval use criteria. The exact dimension is not shown but it would appear to be approximately 35'.
4. In order to qualify for approval as an accessory building a lot combination would be required prior to the issuance of a zoning permit.
5. The length of the parking spaces in the large parking area are not shown but page C2.0 does have a note indicating that the main lot is to be restriped to meet current zoning requirements.

Recommendation:

The Planning & Zoning Administrator recommends conditional approval of the Preliminary & Final Site Plan as well as the Special Approval Use for St. Timothy's Episcopal Church (Clothesline Building) at 869 E. Boundary Street, subject to discussion with the applicant and adjacent owners regarding the issues and items identified in the report.

Furthermore, it is recommended that a Public Hearing be set for January 16, 2024 at 6:20 PM.

Mr. Walters reviewed the above Staff Report regarding the Preliminary & Final Site Plan and Special Approval Use for St. Timothy's Episcopal Church (Clothesline Building) at 869 E. Boundary Street. He said that a request from the owner of an adjacent property was received requesting that landscaping not be installed directly across from the parking spaces adjacent to the courtyard.

Rev. Sarah Shofstall, 25400 Fort Meigs Road, was present on behalf of St. Timothy's. Mr. Wellstein asked if there was any issue with combining the lots, and Ms. Shofstall said they do not object. Mr. Wellstein said that he has no issue with the height or the setback since they are existing properties. Mr. Vela asked how people would get back to the facility without a sidewalk. Ms. Shofstall said they would rather not have to put in the sidewalk, but will do it if required to. Ms. Williams said that she also has no problem with the height or setback, but cautioned not having the sidewalk. Mr. Bade agreed and said that he is in support of the sidewalk because it's about giving people access. Mr. Walters said that he will work with St. Timothy's regarding the best location for the sidewalk.

Mr. Bade made a motion to approve the Preliminary & Final Site Plan and recommended approval of the Special Approval Use for St. Timothy's Episcopal Church (Clothesline Building) at 869 E. Boundary Street subject to the conditions and recommendations in

the Staff Report including sidewalk access from the church to the rectory, and recommended that a public hearing before City Council be scheduled at 6:20 p.m. on Tuesday, January 16, 2024. Seconded by Mr. Wellstein. Ayes: (5). Nays: (0).

***PUD (Planned Unit Development) – Request for Qualification
Pride One Construction
Parcel Q61-400-300000005000 (0 N. Dixie Highway)
SE Corner of SR-25 and Five Point Road***

APPLICANT/OWNER/DEVELOPER

Ben Weinerman
2211 Medina Road, Suite 100
Medina, OH 44256
Ph: 330-241-3808
bweinerman@prideone.cc

REQUEST

Chapter 1240.01 – Planned Unit Development
Chapter 1240.06 – Submittal and Request for Qualification
Chapter 1255.01 – Impact Assessment

PROPERTY LOCATION & DESCRIPTION

The subject property (parcel Q61-400-300000005000) is approximately 24.30 acres and is located on the southeast corner of SR25 and Five Point Road, surrounding the existing electrical substation. This parcel was recently rezoned from A1 (agricultural) to C4 (highway commercial) at the request of the current owner. The previous A1 zoning classification prohibited the applicant from making a PUD application.

ANALYSIS

The applicant is requesting preliminary determination as to whether the provided plan for the parcel meets the qualification standards for the eventual approval of a Planned Unit Development (PUD). The applicant desires to develop the eastern 18.3 acres of the property for residential use and set aside the remaining western 6 acres for commercial out lots along SR25. The overall plan for this property includes two commercial buildings and 121 rental villas.

Proposed Statistics:

Residential Rental Units = **121 units**
Residential Density = **6.72 units/acre**
Commercial Buildings = **2 units**

Per Ch 1240.03, in order to qualify for the Planned Unit Development option all of the following must be met:

- a) The PUD option may be effectuated only in the R, RM, C, OS and I Districts.
As a result of the recent rezoning to C4 the project site now permits the applicant to submit an application for PUD qualification.
- b) The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.

The current zoning would not permit the primary use of the property (residential) but would allow by right the establishment of commercial uses in accordance with Ch. 1225.08. If the Planning Commission were to find this project consistent with the above requirement, then further explanation would need to be provided as to how the plan improves the community's health, safety, or welfare.

- c) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

The applicant should further explain why they believe that the land uses as shown on the preliminary determination application could not be accomplished with traditional zoning categories. The intended uses appear to be accommodated by utilizing both C4 and RM zoning.

- d) The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Comprehensive Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

The comprehensive plan identified this area as "suburban corridor" which does list the following as recommended uses: Retail, Office, Multifamily, Public and Semi-Public Uses. While a large residential development will add service loads above the current use it is most likely not above or significantly above what was contemplated by the current comprehensive land use plan for this specific area.

- e) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

Additionally, at least two of the following must be met:

The proposed Plan Unit Development appears to meet four (4) of the eight (8) objectives per Chapter 1240.03(f) and are indicated below with a numbered circle:

- 1) To permanently preserve open space or natural features because of their exceptional characteristics or because it can provide a permanent transition or buffer between land uses.
- 2) To permanently establish land use patterns which are compatible, or which will protect existing or planned uses.
- 3) To accept dedication or set aside open space areas in perpetuity.
- 4) To provide alternative uses for parcels which can provide transition buffers to residential areas.
- 5) To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- 6) To promote the goals and objectives of the Comprehensive Plan.
- 7) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- 8) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed the applicant's submission and was unable to find that all of the requirements of "a" through "e" above have been met. Additionally, only one of the 8 objectives appears to be partially met. If there is support from the Planning Commission for this application, the ownership and phasing of the commercial portion of the project needs to be clarified. Previous discussions have indicated that Pride One would not own or control the proposed commercial area as shown. In conclusion, it is recommended that the Request for Preliminary Determination of PUD (Planned Unit Development) be denied as presented for Pride One Construction, located within Parcel Q61-400-300000005000 (on N. Dixie Highway) on the SE Corner of SR-25 and Five Point Road.

Mr. Walters reviewed the above Staff Report regarding the Request for Preliminary Determination of PUD (Planned Unit Development) for Pride One Construction, located within Parcel Q61-400-300000005000 (o N. Dixie Highway) on the SE Corner of SR-25 and Five Point Road.

Ben Weinerman was present. He stated that they would like to construct 128 luxury units, age targeted to empty nesters and young professionals. He said that they have a symbiotic relationship with St. Clare Commons, and he envisions a couple with one of them residing at St. Clare Commons and the other residing in the PUD. He said they will be one story units, no steps, one or two car garages, with a private entrance, in the \$2,000 to \$3,000 a month range. He said he was taken aback by the Staff Report and that a need for more diverse housing is recommended in the Comprehensive Plan.

Mr. Lorenz clarified that the outlots would not be developed by Pride One, so this would be two separate projects. Mr. Weinerman stated that it is one parcel now and if approved, the property would be split. He said they are requesting approval conditioned upon the owner coming back when they have plans for the outlots. Mr. Bade said that he doesn't think he can even vote on this.

Brian MacMahon, 624 W. South Boundary Street, said that he understands the concerns Perrysburg has with apartments, but he said these are not typical apartments, and the people who would locate here would not add to the schools. He said that typically with PUD's like Levis and Harbor Town, you don't have all the uses at one time. Mr. MacMahon said the reality is, do you want this project or not.

Mr. Walters asked if there is anything such as building materials or amenities that they have done with this plan that they would not do if it were zoned multi-family. Mr. Weinerman said there is a higher standard of product with a PUD.

Mr. Lorenz asked if they have end users for the outlots. Mr. MacMahon said they do not. He said that he feels a PUD is better for the City. He said this is not a subsidized project, and it will be able to support the commercial on site. Ms. Williams noted that there is less commercial on the 2023 concept plan as opposed to the 2022 concept plan. She asked if the ponds are retention, and Mr. Weinerman said that they are. Mr. Bade asked if they get PUD approval, if it is easier to market the commercial properties. Mr. Vela said that a sticking point for him is if the PUD is approved, and the residential portion is built, what if the commercial never develops. Mr. MacMahon said the commercial will develop as there is not a lot of small commercial available on SR25. Mr. Vela asked why it couldn't be sold now.

Mr. Walters stated that according to 1240.03, to qualify for a Planned Unit Development, criteria 1240.03 (a) through (e) must all be met. He reviewed the five criteria stating that (a), (d), and (e) seem to be met, but for criteria (b) and (c), we do have tools other than

the PUD to achieve this plan whether we like those tools or not. Mr. Weinerman said that they appreciate the clarification, and he requested that this be tabled. Mr. Walters said moving forward, if they are locked into this concept, they need to explore rezoning or if they are not locked into it, they need to rearrange so the lines between residential and commercial are blurred.

Ms. Williams made a motion to table the Request for Preliminary Determination of PUD (Planned Unit Development) for Pride One Construction, located within Parcel Q61-400-300000005000 (O N. Dixie Highway) on the SE Corner of SR-25 and Five Point Road. The motion was seconded by Mr. Lorenz, and it was unanimously approved (5-0).

Code Amendment

Chapter 1250.38 – Nonconforming Signs

December 1, 2023

MEMORANDUM

TO: All Members, Planning Commission

CC: Brody Walters, Planning and Zoning Administrator
Tim Effler, Law Director
Joe Fawcett, City Administrator

FROM: Mark Easterling, Deputy Administrator

SUBJECT: Sign Code Variance

On January 1, 2023, a code section allowing for nonconforming signs expired, forcing many to have to seek variances for any change to existing signs. In the wake of this change, the Board of Zoning Appeals and Planning and Zoning Committee of City Council have requested that our office in conjunction with the Planning Commission review the code section for changes. After discussions with Council our office has determined that a version of the following options could move forward depending thoughts and discussion held in this meeting.

Option 1: Elimination of code sections 1250.38 Nonconforming Signs and 1250.39 Variances. Subsequently, this would force all signs to come into conformance with any minor or major change to the sign.

Option 2: Elimination of only code section 1250.38. This is currently how the code section is being enforced. This would mean any changes including name plates switching out would require a variance for the sign in its entirety. Although this would create more work for the Board of Zoning Appeals, if denied, the sign still has a path forward to bring

structures into compliance with the code over time. This option may or may not allow for new signs to receive variances.

Option 3: Grant any nonconforming multi-tenant sign the ability to switch the nameplate of any business as long as there are no structural changes made. This could include switching any portion of the sign components outside of maintenance and repair. This also may include or exclude adding electronic displays, illumination, etc. This option would also eliminate all variances for new signs. The option presented here would essentially be reverting back to the sign code section prior to the sunset clause presented currently in Chapter 1250.38.

Option 4: Allow for only nonconforming signs to apply for variances based on the criteria set forth in 1250.39 without expiration.

In conclusion, the above-mentioned options are not finite as these options may be combined or expanded based on reasoning, discussion and the future vision for signage throughout the city moving forward. The option selected will move forward to the Planning and Zoning Committee of City Council where our office should receive the necessary feedback to draft a final revision to bring back to Planning Commission for a formal recommendation.

Thank you.

Mark Easterling
Deputy Administrator
Planning and Zoning

Mr. Walters recommended tabling the Code Amendment discussion for Chapter 1250.38 – Nonconforming Signs. He said he does not anticipate any applications to the Board of Zoning Appeals within the next couple of months.

Ms. Williams made a motion to table the Code Amendment discussion for Chapter 1250.38 – Nonconforming Signs. Seconded by Mr. Lorenz. Ayes: (5). Nays: (0).

OTHER BUSINESS

Mr. Bade asked if any bids were received for the Code rewrite. Mr. Walters said that they received one RFP from McBride Dale Clarion who will partner with a zoning attorney. They have received glowing reviews on McBride, so the Planning and Zoning Committee is recommending to City Council that we enter into a contract with them for the Code rewrite.

Mr. Lorenz wished everyone Happy Holidays.

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Mary Jo Sutton
Recording Secretary