

Planning Commission
October 24th, 2018
Meeting Minutes

The Chairman called the meeting to order at 4:31pm. The following members were present: Mr. Miller, Mr. Waddington, Chairman Zuilhof, Mr. McGory, Mr. Galea, Mr. Jackson, and Mr. Whelan. Mr. Greg Voltz and Ms. Byington represented the Planning Department; Mr. Trevor Hayberger represented the Law Department and Ms. Casey Sparks, Clerk from Community Development.

Mr. Waddington motioned to approve the minutes from September 26th, 2018; Mr. Galea seconded the motion.

Mr. Voltz stated that Kevin Boehler, on behalf of S & S Realty, Ltd. has submitted a site plan application for an expansion of the Holiday Inn Express at 1931 Cleveland Road. The property is zoned as "GB" General Business, hotels are permitted in this zoning district. Mr. Voltz stated that the proposed site plan indicates that the facility will be a new section of the Holiday Inn Express. The property owner will be removing a two story wing of Quality Inn. The applicant has made a significant effort to meet the cities current parking requirements. Per the zoning code each hotel room requires one new space. In keeping with the intent of the code the applicant shows how much combined parking is available on site and has agreed to locate 60 overflow parking stalls across the street if necessary. Mr. Voltz stated that it is also important to note that bowling alleys per the existing zoning code require 7 spaces per lane.

The applicant has stated that the addition will look very similar to the previous holiday Inn Express that was built a few years ago. The applicant is continuing to work with staff on making sure that landscaping requirements in Section 1149.09 are met. The setbacks, aisle widths, stall widths, and height requirements meet all existing zoning regulations. The applicant has also indicated that the lighting will be directed down.

In conclusion Planning Staff recommends approval of the proposed site plan for 1931 Cleveland Road with the following conditions:

1. The applicant has indicated overflow parking will be available across the street staff recommends restriping the overflow parking area.
2. The plan shall be revised for staff approval, showing location and placement of landscaping items to be located in landscaped areas, per Section 1149.09.
3. Parking blocks shall be utilized for the southern spaces in the new parking area located at the North West portion of the site, and a 3' landscaped strip shall be installed between mentioned spaces and the existing parking to the south.
4. The lighting shall be in conformance with Section 1149.10 and a revised cut sheet shall be submitted for staff approval that shows the lens being parallel to the ground.

Mr. Zuilhof stated that he was mildly concerned with the lighting however staff's condition that the lens shall be parallel to the ground would effectively make them full cut off lighting, as such he would be in favor of this condition.

Mr. Miller stated that the application has indicated the overflow parking on Cleveland Road, however there does not appear to be any pedestrian crossings across Cleveland Road. Some enhancements of pedestrian crossing would be important.

Mr. Voltz stated that this would be important to bring up in the upcoming US Route 6 public meeting tomorrow morning, there is also not a continuous sidewalk within this area which is an important point to bring up as well.

Jim Sortina, 1931 Cleveland Road, stated that even on the busiest time of the year all of the parking is never utilized.

Mr. Zuilhof stated that the parking standards are changing, some of the current requirements are arbitrary.

Mr. McGory motioned to approve the site plan application for 1931 Cleveland Road subject to staff requirements. Mr. Waddington seconded the motion.

With no further discussion the motion was approved with a 6/0 vote.

Mr. Voltz stated that staff would like to discuss with staff the current definition of a mural which is any decorative pictorial that is painted on a wall surface of a building or structure. Staff is proposing to change the definition to state any decorative expression, illustration or other work of art which is painted, or directly applied on a wall surface of a building or structure. Staff is currently working with the law department on these definition. Staff is also proposing to exempt murals and include the following language: building or structure murals on non-residentially zoned properties that contains no subject matter that could be construed as advertising or political messages. Building or structure murals must obtain a permit through the Public Arts and Culture Commission Staff Liaison prior to installation. All other rules and regulations in regards to historic properties or districts must be followed. Mr. Voltz stated that there have been several case studies regarding murals and each case has varied on rulings.

Mr. Miller ask if the mural on the state theatre does in fact market Sandusky.

Mr. Voltz stated that governmental speech is different than a sign and the law department can touch on this.

Mr. Hayberger stated that recently the courts have not figured out a way to determine a mural versus a sign. One way to review it is to see what it is not; it's not a political message, it's not advertising.

Mr. Galea ask how we came up with the language "could be construed" within the proposed definition.

Mr. Voltz stated the definition was made from his research, much of his research also gave indicators such as advertising, commercial, or a political messages. Mr. Voltz gave the example of Derrick's Dinner, this mural is an actual sign as it markets the business.

Mr. Galea ask how we will test this this determination, with the proposed definition stating "could be constructed" this could be an issue as the interpretation can be very different for many people.

Mr. Hayberger stated that there is clearly a dilemma on determining this definition and we will take time to determine how this is measured.

Mr. McGory ask what the purpose of changing the ordinance, is it to manage both aspects of a sign and also a murals.

Mr. Voltz stated that it is to reduce the burden on an artist that wants to create a mural/ signage.

Mr. Miller stated that it is hard to determine a mural versus a sign, and gave an example of an image that was painted on Kelly's Island that was painted on a residential property. Mr. Miller stated that the current regulations do not address residential property.

Mr. Zuilhof ask what the murals would be exempt from.

Mr. Voltz stated that the murals would be exempt from the existing signage code.

Mr. Zuilhof stated that we need to determine is if it advertising, he would rather see something that would not prohibit political messages but a campaign message needs to be regulated. The regulations also need to require a permit before installation, should not accept the idea of doing something first then getting a permit later.

Mr. Whelan confirmed that a sign would come to staff to review and it would need to go to the arts commission if it is a mural.

Mr. Voltz stated that it would likely be a permit process for a mural, staff is trying to determine a process on how we determine if it is a sign, a political message, or if it is a mural.

Mr. Zuilhof stated that it is reasonable to have an ordinance that places limits on murals, we can place limits on it even if it is art. One process would be to determine if it is a sign they need to get a permit and meet the sign ordinance, if it determined that it is art the arts commission could review applications for appeals on this determination.

Mr. McGory ask if there has there been any direction on if a resident wanted to paint something on their residence.

Mr. Voltz gave examples of case law regarding murals on residential properties.

Ms. Byington stated that staff has not gotten into the residential properties and they may not want to do this. Currently any commercial building can place a mural on the building, we currently have a process in place for that, they would need to follow the existing sign code. We are trying to be friendlier with artists, we are not to a point that we have something determined this is only for discussion purposes.

Mr. McGory stated that there is already a sign ordinance, if deemed art could they then apply for the art commission.

Mr. Galea stated that overall language is close, Planning Commission or City Commission has ability to restrict the political messages within the sign code and allows people to engage in art. If we distinguish certain regulations for the murals as art and speech is confined to the sign code it would be good to clarify for the code.

Mr. Zuilhof stated that staff provided direction on what we want to accomplish, we just need to work on the wording. Mr. Zuilhof stated that he is not sure if the current process is inconsistent with the masterplan; not certain that anything needs to be done.

Mr. Voltz stated that they could either keep murals as an exemption and go through the Board of Zoning Appeals or determining an administrative pathway where no hearing would be needed if it is determined as art.

Mr. Zuilhof stated that it appears the Planning Commission consensus is to create an administrative pathway for determining if it is art so no hearing is necessary.

Mr. McGory motioned to adjourn the meeting; Mr. Whelan seconded the motion.

With no further business, the meeting at 5:22 PM.

APPROVED:



~~Debi Eversole~~, Clerk



Michael Zuilhof, Chairman