

**Planning Commission
November 26th, 2019
Meeting Minutes**

Meeting called to order:

The Chairman called the meeting to order at 5:03pm. The following members were present: Mr. David Miller, Mr. Dave Waddington, Chairman Mike Zuilhof, Mr. Peter McGory, Mr. Jim Jackson, and Mr. Joe Galea. Mr. Greg Voltz represented the Planning Department. Mr. Trevor Hayberger represented the Law Department.

Approval of minutes from the September 25th meeting:

Mr. McGory moved to approve the minutes. Mr. Waddington seconded the motion. With no further discussion, all in favor to approve.

New business:

Mr. Zuilhof stated that next on the agenda was an application for Downtown Design Review Certificate of Appropriateness for Decorative Exterior Flood Lighting to the Cedar Fair Resort and Attractions Management Facility of Bowling Green State University, at 250 E. Market St., submitted by Lynn Harlan on behalf of Resort School LLC.

Mr. Voltz explained that the application is solely for the light fixtures to be used above the first floor of the building and up. He said that the proposed height of the building is 58 feet. The proposed fixtures are meant to highlight only the building and should not affect the adjacent buildings or shine off directly into the sky. The proposed 31 light fixtures will be mounted between the first floor and second floor of the building and will shine the full height of the building. The lighting is meant to have red, green, and blue colors available, to shine on different holidays. The application is a common practice worldwide and is a great way to highlight the architectural elements of the building. Staff does believe this will create a sense of vibrancy towards this side of the central business district and will draw downtown users. This will also add a sense of safety to the area. The lighting is only going to be installed on the eastern and northern sides of the building. Staff does recommend granting of the Certificate of Appropriateness.

Lynn Harlan representing Resort School LLC, stated that he has used this type of lighting before. He stated that the lighting will set less than a foot off the building and will die off at the parapet level. It will not shine into the school. The owner will be able to change the color of the lighting for holidays if desired. The fixtures cost \$3,000 a piece.

Mr. Miller stated that he is in favor of the look and understands the potential to add vibrancy downtown, but asked what the affect is when inside the building. Will this prevent people inside from looking out and will the light shine inside the building.

Mr. Harlan stated that the lights will wash the walls in between the windows, so there should be no effect on the inside.

Mr. McGory stated that he likes concept in a softer version where the building doesn't glow. He said he is not so sure he would like the lights moving, if that is an option that the owner would be allowed to do. Mr. Harlan stated that would depend on what the owner wanted to do, but it could be allowed to be done.

Mr. Jackson asked if any of the rooms are going to be dorm rooms.

Mr. Harlan stated that the building is going to consist of classrooms, offices, common areas, and apartments. He said that they are hoping that the students will live there, but the apartments will be open to the public also.

Mr. Jackson asked if there is going to be a time limit for when the lights will be on.

Mr. Harlan stated that most people will turn the lights off at midnight.

Mr. Zuilhof asked if this would be a safety issue for traffic if the lights are bright and moving.

Mr. Voltz stated that the Public Arts and Culture Commission discussed this and thought that if the commission wanted to put a condition on this having the lights remain static, that they would like for the owner to be able to have the ability for moving lights on special occasions.

Mr. McGory asked if the lights come with a dimmer.

Mr. Harlan stated yes.

Mr. McGory asked if there is any ability for further input after the application has been approved, or is it a done deal once approved.

Ms. Byington stated that once the commission makes a decision, we cannot go back and change things. So if the commission wants to set parameters, she advised to set them and then the owner could come back asking for the parameters to be modified.

Mr. McGory asked what would happen if a neighbor stated that the lights are too bright and asked for the owner to dim them a little bit.

Ms. Byington stated that if the light was too bright and obtrusive, that might be a nuisance and something the city could follow up on, but staff are hoping to be able to work with the owner and find something everyone can agree upon.

Mr. Hayberger stated that he agrees with Ms. Byington that if the commission wants to set parameters that they should do it now.

Mr. McGory stated that he wouldn't mind the lights being on all night as long as they are softly lit.

Mr. Galea asked if there is any data on the likelihood of the lighting shining into the sky.

Mr. Voltz stated that the glare should not shine off into the night sky, but there will always be reflection. He said that he has tried to find data on this, but all of the studies he found stated that they need more research on this topic.

Mr. Zuilhof asked if the law director could give any guidance on wording that would cover excessive brightness.

Mr. Hayberger stated that the commission could state that the light shall not cause a public nuisance.

Mr. Zuilhof asked how about stating that the light shall not be unnecessarily bright or cause a nuisance.

Mr. Hayberger said that would be fine.

Mr. McGory asked if commission should set a time limit or just hope that it all works out. He also asked if commission should allow movement or not.

Mr. Zuilhof asked commission about approving the application with the following conditions: 1) That the display be static except for during special events, at which time the display would again become static at 11:00pm, except on New Year's Eve it may be moving until 1:00am on New Year's Day, and 2) The illuminous intensity shall not be excessively bright or cause a nuisance.

Mr. Miller stated so moved.

Mr. Harlan asked if he could ask a question.

With lack of a second on the motion, Mr. Zuilhof asked Mr. Harlan what his question is.
Mr. Harlan asked if multiple colors would be allowed.
Mr. Zuilhof stated that with that motion multiple colors would be fine.
Mr. McGory stated that he would feel more comfortable if commission could approve the application and somehow reserve jurisdiction to address any complaints.
Mr. Hayberger stated that commission would lose jurisdiction unless there would be a nuisance complaint that would be handled through the Housing Appeals Board.
Mr. Galea stated that he does not see a problem with movement of the lights and he does not see lighting coming in the windows as a problem either. Mr. Galea stated that he would remove the condition of the lights remaining static.
Mr. McGory stated that with all of the details that he has heard, he would like to see all of that in writing, so that he is clear on what he is approving.
Mr. Zuilhof asked if commission wanted staff to work out something more specific.
Mr. McGory stated that would be difficult for them. He then motioned to approve the application subject to use and limitations yet to be determined within the next two months, so that the only thing that would result would be perhaps the owner could not use everything that those lights are capable of.
Mr. Miller seconded the motion.
Mr. Zuilhof stated that he would feel better knowing what is being approved as it sounds like what is being approved is yet to be determined.
Mr. McGory stated that it is saying that the owner can put in everything that they are asking to, but that commission will potentially put some limitations on what they can do with the lights.
Mr. Galea asked staff if there are any ordinances or limitations in Cleveland for this sort of thing.
Mr. Voltz stated that he could not find any ordinances regarding this.
Mr. Harlan stated that there are none.
Ms. Byington stated that maybe something else to be considered is approving the application now as static only and then amending the approval through a second application for motion, to allow staff to research that.
Mr. Galea moved to amend the pending motion to include the conditions that approval to delete that this will be determined at a future date and replace it with that approval will be for static display only and subject to that it will not be unreasonably bright and will not create a nuisance and there will not be prejudice to future applications regarding those conditions.
Mr. McGory seconded the motion.
With no further discussion, all members were in favor.
All members were in favor to approve the amended motion.

Old Business:

Ms. Byington stated that President Murray wanted Planning Commission to pass along an article in regard to Dollar Stores and how they are affecting communities across the county in regard to lack of fresh fruit.
Mr. Waddington stated that he thinks there is a need for Dollar Generals, as many people do not have the ability to get to the bigger grocery stores.

Mr. Jackson stated that many people do not have access to fresh produce. He said that when he was in Orlando last winter, a farmers market was forced into some of the areas where fresh produce was not available. He stated that we may not have that problem in Sandusky, but there is definitely a problem in some of the bigger cities.

Mr. Galea stated that he would not be in favor of any zoning that eliminated the ability of a store like Dollar General to operate as they do provide a service to the community. He stated that he thinks the role of the Planning Commission would be to say that there may be parts of our community where we would not want a Dollar Store or a chain retailer in general because it would not fit a specific neighborhood or might compete with a local independent business. He also stated that it would be a good idea to get some input from the Economic Development Department to guide any decision making.

Mr. Zuilhof stated that next on the agenda is to discuss members whose terms are expiring at the end of this year.

Clerk for the Planning Commission, Kristen Barone, stated that Mr. Jackson and Mr. McGory both have terms expiring 12/31/19.

Mr. Jackson and Mr. McGory stated that they would both like to be reappointed.

Ms. Barone then asked the commission members if they were okay with clerk emailing them the agenda like always and then having a printed copy available to them the day of the meeting, instead of mailing it out since some members are not getting the packets in the mail or get them with not much notice.

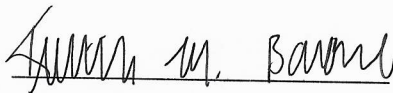
All members were okay with that.

Next meeting is Wednesday, December 18th at 4:30pm.

Meeting Adjourned:

Mr. McGory moved to adjourn the meeting. Mr. Waddington seconded the motion. All members were in favor and the meeting was adjourned at 6:12pm.

Approved:



Kristen Barone, Clerk



Michael Zuilhof, Chairman