



**Oberlin Planning Commission**  
**May 2, 2012, 4:30 p.m.**  
**City Hall Conference Room #2**  
**85 South Main Street, Oberlin, Ohio**

**Members Present:** Frank Carlson, Eric Gaines, Peter Crowley and David Gibson.

**Members Absent:** Marilyn Fedelchak-Harley

**Others Present:** Gary Boyle; Wendie Fleming, Secretary to the Oberlin Planning Commission; Sharon Soucy, Council Liaison; Kelly Ressler; Katherine Hayes; Tony Mealy Darlene Colaso and David Sonner.

Chair Carlson called the meeting to order at 4:35 p.m.

**1. Approval of the April 4, 2012 Meeting Minutes.**

Gibson made a motion to approve the April 4, 2012 meeting minutes as submitted. Crowley seconded. Motion carried unanimously.

Carlson indicated that the Commission would consider the request by Mercy Health Partners before the "Public Hearings."

**2. Application for Sign Permit, Proposed Freestanding Sign, Medical Office Building, Mercy Health Partners, 224 West Lorain Street.**

Boyle indicated that this application seeks approval to install a new freestanding sign to replace an existing freestanding sign. He advised that the proposed sign would be located between the building and the front lot line of the property, and a short distance to the east of the driveway entrance to the parking area. Boyle stated that according to information submitted by the applicant, the proposed sign would have a setback of about 10.0 ft. ± from the front lot line and would be approximately 103 ft. from the east edge of the drive.

Boyle advised that the Commission considered a similarly-sized freestanding sign for this property at its meeting on March 16, 2011 and approved the sign subject to the applicant siting that sign at least 10.0 ft. from the street right-of-way. He stated that the applicant did not proceed with that sign, and as provided for under Section 1357.03(a)(5) of the Zoning Code, that approval expired on March 16, 2012 and as a result, the applicant has filed this application seeking the approval of a new freestanding sign.

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Boyle stated that the proposed two-sided sign would be about 3.0 ft., 1.25 inches in height, and would have an overall width of about 4.33 ft.  $\pm$  and would feature aluminum faces that would be blue in color with router cut letters and a white acrylic background. The proposed sign panels would be 2.0 ft., 1.0 inch in height and 4.33 ft. in width resulting in a sign surface area of about 9.03 sq. ft. per side (18.06 sq. ft. total area). The proposed sign would be mounted on a cultured stone base that would be approximately 10.75 inches in height.

Boyle indicated that the proposed sign is intended to replace an existing freestanding sign and will have dimensions similar to those of the existing sign but would be setback about 10.0 feet  $\pm$  from the public street right-of-way whereas the existing sign is setback about 2.66 feet  $\pm$  from the public sidewalk which setback distance does not comply with the requirements of the Sign Code.

Boyle stated that the proposed sign would comply with all of the above regulations provided that the Commission decides to approve the proposed illumination of this sign. He further noted that the Design Review Subcommittee considered this matter at its meeting on May 2, 2012 and unanimously moved to recommend approval of the sign design to the Planning Commission with the suggestion that the Commission consider limiting the illumination of the sign during business hours only.

Carlson asked if the Subcommittee's concern regarding the illumination of the sign was its potential impact on the neighborhood? Boyle advised that this area is a mixed use area, with residential use, the College's power plant across the street and to the southeast, and the hospital to the east and north. He noted that only the letters would be illuminated, not the whole sign panel and that the existing sign is illuminated with exterior ground-mounted lighting.

Mark Morehart of Brady Sign Company was present to represent this application. Morehart confirmed that the sign would be internally-illuminated and that only the copy/letters would be lit. He further advised that it is possible for the sign lighting to be turned off during non-business hours. Morehart indicated that the hospital may want the sign to be illuminated during the early morning hours and late evening hours. He suggested that the sign could be turned off at 11:00 p.m. and turned on at 6:00 a.m. to accommodate any early morning or late evening appointments. Morehart advised that he did not think illumination during this period of time would have any detrimental impact on the neighborhood.

Crowley stated that the Subcommittee had concluded that because this medical office building is not a twenty-four (24) hour a day use like the hospital, keeping the sign lit twenty-four (24) hours a day is a waste of electricity and therefore suggested that the hours of illumination be limited. Carlson indicated that it is not for the Subcommittee or Commission to judge whether an applicant is wasting electricity or not by having a sign illuminated twenty-four (24) hours a day. Gibson agreed and advised that instead, it is the Commission's job to determine whether an illuminated sign would have a negative impact on the neighborhood.

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Carlson advised that although he does not necessarily feel that having a sign illuminated twenty-four (24) hours a day is offensive, he indicated that the Commission could suggest that the applicant limit the proposed sign's hours of illumination to 11:00 p.m. to 6:00 a.m. He further noted that he finds the sign design to be very attractive.

Gibson made a motion to accept the Design Review Subcommittee's recommendation and to approve the sign as submitted subject to the condition that the sign only be illuminated between the hours of 11:00 p.m. to 6:00 a.m. Crowley seconded. Motion carried unanimously.

**3. Public Hearing – Application for Conditional Use Permit and Application Site Plan Approval, Proposed Restaurant Use and Outdoor Dining Patio, SVG Management, LLC, Triad Realty, LLC, 46023 United States Route 20.**

Boyle advised that this application seeks approval of a "Conditional Use Permit" for a proposed outdoor patio dining area associated with a multi-brand restaurant. He indicated that a "Conditional Use Permit" is required for any outdoor use such as a patio dining area in the "C-3"/Planned Highway Commercial District.

Boyle stated that the applicant proposes the construction of a one-story, 3,100 sq. ft. ± business building that would be used as a "multi-brand" restaurant housing a "KFC and Taco Bell." That restaurant would have seating for about sixty (60) guests according to the "Application Form" filed with the Commission. He noted that this restaurant would also feature a "drive through" window and an outdoor patio dining area for about twenty (20) guests. Boyle advised that off-street parking for forty-one (41) vehicles, including two (2) handicap accessible spaces, is proposed. Vehicular access to the proposed restaurant would be provided through a future public street connecting with United State Route 20 opposite the Wal-Mart access driveway, and a private street running to the east of that future street.

Boyle noted that the applicant previously applied for a "Conditional Use Permit" for a proposed "drive through window" also associated with this proposed restaurant which permit was granted by the Commission subject to compliance with conditions at its meeting on April 4, 2012.

Boyle indicated that notice of this public hearing had been published in the Morning Journal on April 20, 2012 and that notice had been mailed to property owners within 200 feet on April 16, 2012 as required by the Code.

Kelly Ressler of SVG Management, Inc. was present to represent this application.

Carlson opened the public hearing at 4:45 p.m. He asked if anyone wished to comment on or ask questions about this application. There were no questions or comments from the public, therefore, Carlson closed the public hearing at 4:46 p.m.

Boyle advised that there are some site design issues that have been addressed in this revised preliminary site plan, but that final approval of the site plan and of the Final Subdivision Plat for

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this subdivision is still needed and a landscape plan must still be submitted for review and approval as part of the site plan application. He stated that he feels that this patio area appears to be well laid out and is an attractive design.

Gaines joined the meeting at this time.

Gibson agreed that the patio design is attractive. He asked what the hours of operation would be for the patio. Ressler advised that the only access to the patio would be through the restaurant's lobby doors and the lobby would be closed before midnight.

Crowley asked if the patio would be located on the west side of the building. Boyle indicated that it would be and stated that the patio's maximum capacity would be twenty (20) people.

Carlson noted that the Police Chief had expressed concern over a proposed sidewalk that would run through a landscape island and asked if this had been resolved? Boyle advised that the applicant is aware of the Police Chief's concern and is working on a solution. Ressler indicated that they need the final dimensions of the lot in order to complete their site plan. Carlson asked if just the "Conditional Use Permit" for the patio was being considered by the Commission today. Boyle stated that that only the "Conditional Use Permit" was being considered at this time and that the developer is still working on the Final Plat. He provided the Commission with a draft list of conditions if the Commission decides to approve the request.

Gibson made a motion to approve the "Conditional Use Permit" subject to compliance with draft conditions that staff had prepared. Crowley seconded. Vote was taken and there were three (3) votes to approve the application and one (1) abstention (Gaines). Motion carried.

**4. Public Hearing - Application for Conditional Use Permit and Site Plan Approval, Proposed Seasonal Farmers' Market, City Hall Complex, 69 – 85 South Main Street.**

Boyle stated that this application seeks Planning Commission's approval for a "Conditional Use Permit" to operate a "farmers' market" in the downtown district of the City. He indicated that the approval of such a request would allow the operation of a seasonal "farmers' market" in a manner somewhat similar to the "farmers' markets" that were previously conducted during the past fourteen (14) years, including the last twelve (12) years at the City Hall complex location.

Boyle advised that notice was published in the Morning Journal on April 20, 2012 and notice was mailed to property owners within 200 feet on April 16, 2012 in accordance with the requirements of the Code.

Boyle stated that departmental comments are the same as in past years and the applicant has requested approval for fifteen (15) vendors. He noted that the application indicates that the market will operate from May 19, 2012 to October 27, 2012 and during the hours of 9:00 a.m. to

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1:00 p.m. if approved. He advised that market has been allowed an hour before the market opens and an hour after it closes for set-up/take down.

Boyle indicated that staff has no objections to this application subject to the conditions outlined in the draft provided to the Commission at the meeting.

Carlson opened the public hearing at 4:53 p.m.

Katie Hayes, co-operator of the Oberlin Farmers' Market was present and asked for clarification of the requirement for vendors to have liability insurance or whether the market as a whole could carry the insurance. She indicated that the Oberlin Farmers' Market By-Laws state that the vendors must insure their products, however, she stated that from her experience in running other farmers' markets, this is not an industry standard. Carlson advised that because the Farmers' Market is using City-owned property, the City requires that premises liability insurance be obtained, but he did not think about product liability insurance being required. He noted that premises liability insurance is definitely required though. Boyle agreed.

Hayes indicated that the Oberlin Farmers' Market carries insurance and because most of the vendors are small businesses, the cost of product liability insurance could be around \$300.00 is too expensive, especially given the limited time that most of the vendors participate in the market, she did not think that it is not feasible for them to carry the insurance. She also indicated that she had checked with the Farmers' Market at Crocker Park and they did not need insurance. Carlson noted that Crocker Park is private property while this is public property. Carlson advised that the Commission is more concerned with the requirement that premises liability insurance be obtained to protect the City. He stated that the Commission could amend the condition to state that the Oberlin Farmers' Market must carry the premises liability insurance. Boyle agreed that this would be acceptable to the City. Hayes advised that many farmers' markets will have vendor's sign waivers of liability and they could provide those to the City. Boyle stated that waivers of liability have been challenged in many legal cases and are not considered to be adequate liability protection. In addition, he advised that the City does not assume any liability for products sold at the Farmers' Market, however, the Oberlin Farmer's Market, if it wants to, it can obtain product liability insurance to protect itself.

Carlson advised that only premises liability insurance is required by the City and the Oberlin Farmers' Market can carry a blanket policy instead of each of the vendors obtaining their own insurance. Gaines indicated that this seems to be a fair solution. Carlson stated that while it is great for the community to have a farmers' market, the vendors do have a lot of advantages compared to the downtown merchants who have many fixed costs like insurance and taxes. Gibson asked if the Law Director would need to review this matter? Boyle stated that the City's Risk Manager/Finance Director would need to review any insurance coverage.

The Chair closed the public hearing at 5:00 p.m.

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Gaines made a motion to approve the Conditional Use Permit with conditions similar to those required in past years with a change to require premises liability insurance. Crowley seconded. Motion carried with three (3) affirmative votes and one (1) abstention (Gibson).

Carlson thanked staff for providing the draft conditions and noted that they were very helpful to the Commission.

**5. Application for Site Plan Approval, Proposed Kiosk and Temporary Freestanding Sign, Underground Railroad Center, City of Oberlin, 273 and 291 South Main Street.**

Boyle stated that this application seeks approval of the continued use of the freestanding sign located in the landscape island in the parking area of the "Station Square" plaza. He advised that the Planning Commission's approval of that sign provides for its use until June 1, 2012 unless the time period is extended by the Commission on the request of the City Administration. Boyle noted that the location of the sign provides improved public visibility, and information concerning the "Underground Railroad Center" project at the nearby "Gasholder Building," and the City would like to continue to use it.

Boyle advised that approval is also sought for the construction of a kiosk on the "Gasholder Building" site. That kiosk will be used to provide information on the "Gasholder Building," the "Underground Railroad Center" and "Park and Ride Project" intended for this property as well as to provide information to visitors on the downtown district. The kiosk would be 8 ft. in height, 4 feet in width and 1.4 ft. in depth. Boyle stated that staff has no objections to these applications.

Boyle indicated that the Design Review Subcommittee considered these matters at its meeting on May 2, 2012 and unanimously moved to recommend to the Planning Commission that the temporary freestanding sign approval be extended. With respect to the kiosk, the Subcommittee expressed some concern regarding the materials to be used and the method of construction. After considerable discussion, the Subcommittee unanimously moved to recommend approval of this application to the Planning Commission with the condition that the City ensure that the structure is properly maintained in the future which the City agrees to do.

Darlene Colaso, Assistant City Manager/Human Resources Administrator was present to represent this application.

Carlson noted that he shares the Subcommittee's concern about the materials for the kiosk. He stated that he has worked with treated lumber before and knows that it can be hard to work with and often needs regular maintenance. Carlson advised that he understands the kiosk is being built by JVS students through a grant program but does have concerns about the quality of the project with respect to the materials.

Gibson asked about concerns and questions were expressed by the Subcommittee? Crowley stated that the Subcommittee was worried about the use of treated lumber and its propensity to

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warp and crack, however, the applicant advised that regular maintenance would be done to keep the kiosk in good repair both structurally and in appearance. Gaines asked if the Subcommittee found the design of the kiosk to be acceptable? Crowley advised that the Subcommittee thought the design for the kiosk was acceptable and that its rough-hewn appearance gives an historic feel that works with purpose of the restoration of the Gasholder Building, which is to house an Underground Railroad Center. Tony Mealy stated that the JVS expects to receive an award for the design of this kiosk. Gibson advised that he too has concerns about the use of treated lumber because of its propensity to warp and crack, and that it will require regular maintenance to keep it looking good. But that is an issue for the City to deal with.

Gaines made a motion to accept the Design Review Subcommittee's recommendation and to approve an extension of the term for use of the sign for a one-year period and a motion to approve the installation of the kiosk with the condition that the City ensure that the kiosk is properly maintained. Crowley seconded. Both motions carried unanimously.

Boyle asked the Commission if the City needs a further extension on the temporary sign, would the Commission be prepared to consider that. The Commission confirmed that it would, and the City will have to come back before the Commission for any such approval.

**6. Preliminary Discussion, Gateway Hotel Project, Oberlin College, 7 North Main Street.**

Boyle indicated that the College had requested that this item be included on the Commission's agenda for this meeting. Boyle advised that the applicant has subsequently indicated that because preliminary design plans had not been finalized, and as a result, they could not make a preliminary presentation to the Commission at this meeting but would in the near future. He stated that the reason for the College's preliminary presentation is to seek the Commission's input in the early stages of the development of this project. The Commission noted that it appreciated that approach.

**7. Discussion – Thoroughfare Plan.**

Boyle advised that recent departmental discussions on the City's transportation system, future street connections, etc. have led to a desire to have the Commission review existing policies and to possibly create a separate "Thoroughfare Plan" that would be an update of these types of matters. He noted that currently, these issues are outlined in various documents such as the Comprehensive Plan, Strategic Plan, etc. and it may be beneficial to have a separate document that exclusively covers policies such matters as a street classification system, transportation issues, street connections, etc. Boyle indicated that a report on this subject would be forwarded to the Commission for its review at an upcoming meeting.

Crowley asked if the State would have to approve any Thoroughfare Plan that is developed. Boyle stated that it would not have to approve the plan. Crowley then asked if there are any recommended changes to arterial streets, would the State have to approve that? Boyle advised

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that when ODOT has jurisdiction over certain roads, the City cannot dictate to them where roads should go, etc. Mealy stated that there is no funding available from the State for transportation but the City's Thoroughfare Plan needs to be reviewed every five (5) years. Boyle indicated that it is important to keep the Plan current, and it was considered during the Commission's recent five (5) year review of the Comprehensive Plan.

#### **8. Other Business.**

Boyle reported that a developer is interested in the City-owned property on South Main Street that was the site of the former Clark Lumber business. He advised that the Oberlin Community Improvement Corporation had met earlier today and that Board had discussed the fact that the developer interested in this property has concerns as to whether they can comply with all of the regulations for the "C-1" zoning district which this property is zoned. The developer's concern has to do with the requirement in this district that a building be flush with the sidewalk and whether they can make this site work for them with this requirement.

Boyle noted that the Commission has discussed in the past whether the "C-2"/General Business District zoning classification would be more appropriate in this area, including McDonald's, Misslers and Quick and Delicious since all of those buildings are now non-conforming due to setbacks, and whether or not it should make a recommendation to City Council that the zoning be changed or the regulations amended.

The Commission proceeded to discuss this matter. David Sonner advised the Commission that he was very adamantly opposed to any zoning change to this property that would allow an "automobile oriented strip center" development. He stated that this type of development is undesirable for this community and that the zoning of this property should not be changed so that this type of development could be constructed. Sonner indicated that developers frequently pressure cities into giving them what they want, whether it be a zoning change, etc. He advised that it is his opinion that walkability needs to be encouraged in Oberlin, not the use of automobiles and that he finds auto-centric "strip developments" to be aesthetically offensive. Sonner stated that he feels that this area is not separate from downtown, but is actually adjacent to it, so pedestrian oriented development should be encouraged on this property. He further noted that the Commission will be increasingly confronted with this type of issue in the future. Sonner advised that he feels that the Missler's building would function much better if it were located up at the street and reiterated that he would be opposed to any development on the former Clark Lumber Yard that is not designed to be built up to the street.

Carlson stated that the Commission does not have to take any action on this matter and that the applicant has the right to apply for a rezoning of the property should they wish to do so. He further noted that it is developers that drive the real estate market and if the developer cannot make the project work here, they will go somewhere else where they can.

Boyle advised that the City and the Commission is very sensitive to pedestrian friendly development and that there are extensive design guidelines in place to make sure that new



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development is high quality and aesthetically pleasing. He also indicated that the area around the former Clark Lumber Yard property has a number of non-conforming uses including some residential uses to the south and that is a good indication that the City needs to take a thorough look at this area to determine whether the current zoning classification is appropriate.

Gibson stated that he does recall the Comprehensive Plan Steering Committee having lengthy discussions about this area and it seemed that at that time, it was the community's desire to see any new buildings/development occur closer to the street like the main downtown area. Boyle indicated that if the property was to be rezoned to "C-2"/General Business District, that zoning classification would not necessarily prohibit the construction of buildings with parking to the side or rear of it. Carlson noted that businesses are very concerned with customer flow and whether their business is easy and convenient for customers to access buildings. Boyle also noted that the Steering Committee for the Comprehensive Plan saw this area as separate from downtown.

Mealy advised that he feels that the whole area around the former Clark Lumber Yard property is a mess now, and that constructing a building up to the street would only create more problems. He further noted that the Misslers' parking lot is used a lot on the weekends which could create even more problems in this area if there were buildings at the front lot line.

Carlson stated that the Commission did not need to pursue any further consideration of this issue at this time, and the developer has the right to submit a formal application to have this property rezoned or the Code's regulations amended.

Boyle provided a brief update on the status of the Downtown Revitalization Grant Program and noted that implementation of the grant is now underway.

Boyle noted that staff anticipates that the Final Plat and Improvement Plans for the Triad Realty site will be filed in the near future for the Commission's review.

Soucy asked if the "Gateway" project goes forward, would the Oberlin Inn be demolished or reused? Boyle stated that it is his understanding that the design approach at this time would involve the current building being demolished.

**9. Adjournment.**

There being no further business, the meeting was adjourned at 5:45 p.m.

  
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Frank Carlson, Chair

  
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Wendie Fleming, Secretary

