

City of Springboro  
320 West Central Avenue, Springboro, Ohio 45066

Planning Commission Meeting  
Wednesday, February 28, 2018, 6:00 p.m.

**I. Call to Order**

Chairperson Becky Iverson called the Springboro Planning Commission Meeting to order at 6:00 p.m. at the Springboro Municipal Building, Council Chambers, 320 West Central Avenue, Springboro, Ohio.

Present: Becky Iverson, Stephen Harding, Becky Hartle, Jack Hanson, Robert Dimmitt, Chris Pearson, John Sillies

Staff: Dan Boron, Planning Consultant; Chad Dixon, City Engineer; Amy Brown, Planning Commission Secretary

**II. Appointment of Planning Commission Chair, Vice Chair for 2018**

*Mr. Harding made a motion to appoint Becky Iverson as Commission Chair, and Chris Pearson as Vice Chair for 2018. Ms. Hartle seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Hartle, yes; Hanson, yes; Pearson, yes; Dimmitt, yes; Sillies, yes. (7-0-0)**

**III. Approval of Minutes**

**A. December 13, 2017 Planning Commission Work Session**

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

*Mr. Harding motioned to approve the December 13, 2017 Planning Commission Work Session minutes as submitted. Mr. Dimmitt seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Hartle, yes; Hanson, yes; Pearson, yes; Dimmitt, yes; Sillies, yes. (7-0-0)**

**B. December 13, 2017 Planning Commission Meeting**

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

*Mr. Harding motioned to approve the December 13, 2017 Planning Commission Meeting minutes as submitted. Ms. Hartle seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Hanson, yes; Hartle, yes; Pearson, yes; Dimmitt, yes; Sillies, yes. (7-0-0)**

#### **C. February 14, 2018 Planning Commission Work Session**

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

*Mr. Harding motioned to approve the February 14, 2018 Planning Commission Work Session minutes as submitted. Mr. Hanson seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Hanson, yes; Hartle, abstain; Pearson, yes; Dimmitt, yes; Sillies, yes. (6-0-1)**

#### **IV. Agenda Items**

##### **A. Planning & Zoning Text Amendment, Amendment to Sign Code**

Please see the February 22, 2018 memorandum from the Planner regarding a revision to the Planning & Zoning Code as discussed at the February 14th work session.

##### **Discussion:**

Ms. Iverson asked Mr. Boron for a brief summary of the proposed amendment.

Mr. Boron said this was discussed at the Work Session on February 14th, and this would be a revision to our sign code and also the Planning and Zoning code in general to address two issues. He said the first would be revising the Town Center Overlay District design standards to allow both internally lit signs and also electronic message signs, and also to revise the overall electronic message sign provisions in the code. We have a large number of existing internally lit signs in the Town Center Overlay District, which is the area including the IGA Plaza, and everything north to Eleanor Drive on either side of S.R. 741. The idea was to gradually have those signs go away as redevelopment occurred, but we are to a point now where allowing internally lit signs is the custom. He said this district has been in place for almost 17 years, and we are recommending that we revert back to allowing internally lit signs. He said the second issue was a request by a couple of businesses to allow electronic message signs in the Town Center Overlay District, and currently the only locations in town where they are permitted is the Commercial Sign District, and PUDs that allow commercial uses. He said that we are recommending a change that would allow multiple colors to be used in keeping with a recent Supreme Court case, *Reed vs. Town of Gilbert*, that states that we can no longer look at signs and use the content of the sign as a basis for a regulation. He said it is called content neutrality and it is a First Amendment issue where the sign's content cannot be used as a judgment for its compliance. He added that the Law Director has reviewed these items. He said that we have put these recommendations together in a format for Planning Commission to review, and they will also put together for City Council to review in

Ordinance form with all the sections if Planning Commission chooses to place this before Council as a recommendation for approval.

Ms. Iverson asked if there were any questions or comments.

Mr. Pearson said that we talked about how it had to be content neutral, and colors were a part of that content. He said the *Reed vs. Town of Gilbert* case was about church signs vs. commercial signs, and the content was religious content. He said this case we are just taking the context of the words and just saying the color is the content. He asked if that was the opinion of the City attorney.

Mr. Boron said yes, the case involved the manner in which the Town of Gilbert was managing signs for religious institutions versus commercial uses. He said they were discriminating against the churches by having a very short window that signs could be erected compared to other signs. He added that the opinion was 9-0; all of the justices agreed that you can't look at a sign and use the message as the content. He said the interpretation of our Law Director to reflect all of the post-Reed decision advice, is it extends not just to the way you treat one sign versus another, but also the color content. He added that day-glow colors are not going to be able to be enforced, and it will now be focused on what the sign is made of, where it is located, and its size and dimensions.

Mr. Pearson asked if the animation is also content. He wondered if you view this so broadly as just the color can't be used as content, then why wouldn't somebody come to us and say a sign is animated, that's their content, and you can't discriminate against their content.

Mr. Boron said we've talked with our Law Director about that, and asked about that being a grey area. He said we feel strongly that we can continue to prohibit the appearance of animation.

Mr. Harding added that it could be a safety issue if there is flashing animation.

Mr. Boron agreed, it is a safety issue as well. He said the message has to be contained on one side of the screen, and not allowed to continue on another.

Ms. Iverson asked if there were any colors that pose a safety risk.

Mr. Boron said no, not in their interpretation. He said the one caveat is that the signs cannot appear to be a City or other government agency regulated sign, which could lead to confusion on the part of passers-by.

Ms. Iverson said that before we take a vote, we'd like to give the guests in the audience a chance to comment on this agenda item.

David Edwards, Edwards Furniture, 800 West Central Avenue, thanked the Planning Commission for this change. He said he knew their sign would be a big investment, but it has made a huge impact on his business. He said it looks more professional and this is a step in the right direction. He said he agreed it doesn't need to flash, but asked what would be considered animation. He said that his sign has technology to transition from one slide to another.

Mr. Boron said that there are two transitions permitted, fade and dissolve, and those will continue to be permitted.

Mr. Edwards said that a picture of a flag that is moving is animation.

Mr. Boron said, correct, and the City would be happy to work with you as we have in the past.

Mr. Edwards thanked Planning Commission again. He said it is a battle to let people know what we do, and the sign has made a huge difference.

*Mr. Pearson motioned to Approve the Planning and Zoning Code Text Amendment for the Sign Code, subject to compliance with City staff comments. Mr. Hanson seconded the motion.*

Mr. Pearson asked if there would be future guidance or parameters for animation.

Mr. Boron said yes, other changes to the sign code will be coming to fully implement all of the recommended changes to the sign code from the Law Director.

Mr. Dimmitt asked if the limitations of the brightness of a sign was normal compared to other municipalities.

Mr. Boron said that the core of our provisions today are similar to many other communities, and the brightness standard came from the standard of other communities.

**Vote: Iverson, yes; Harding, yes; Hanson, yes; Dimmitt, yes; Hartle, yes; Pearson, yes; Sillies, yes. (7-0)**

#### **V. Guest Comments**

Ms. Iverson asked if there were any further guest comments.

David Edwards offered to demonstrate the capabilities of his sign for the members of Planning Commission.

#### **VI. Planning Commission and Staff Comments**

Mr. Boron reminded everyone that the Planning Commission Meeting for March has been rescheduled to Tuesday, March 20th at 6:00 p.m. He said that he anticipated having the Sawgrass Pointe subdivision review that was on the agenda for the February 14th work session back at the March meeting. He said we would again notify all adjacent property owners of the upcoming meeting. He said he would inform Planning Commission if there will be a March Work Session, but it is unlikely.

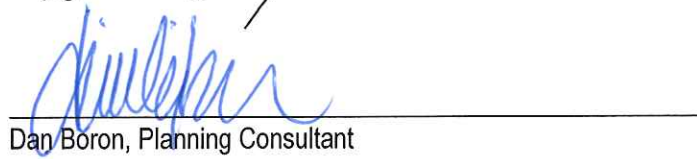
He said there will be an open house on Tuesday, March 6 at 7:00 p.m. in the community room regarding the IGA plaza redevelopment, which is owned by the City. He said that City staff will be available there to answer questions. He said that the City website has a questionnaire, more information about what is proposed, and they are still looking for feedback from residents.

**VII. Adjournment**

*Mr. Harding motioned to adjourn the February 28, 2018 Planning Commission Regular Meeting at 6:20 p.m. Ms. Hartle seconded the motion.*

**Vote: Iverson, yes; Harding, yes; Hanson, yes; Hartle, yes; Pearson, yes; Dimmitt, yes; Sillies, yes. (7-0)**

  
Becky Iverson, Planning Commission Chairperson

  
Dan Boron, Planning Consultant

  
Amy Brown, Planning Commission Secretary