

**DESIGN REVIEW
BOARD MINUTES OF
MEETING June 10, 2015**

MEMBERS PRESENT: Scot Draughn, Alan Seymour, John Morehart, Peter Griffin, Chris Runyon, Tim Schacht.

OTHERS PRESENT: City Zoning Administrator Derek Hutchinson, City Planner Chad Flowers, Robert Wagar, Amanda Morris, Virginia Elliot.

MEETING CALLED TO ORDER: The meeting was called to order at 6:30 p.m.

APPROVAL OF MINUTES: The minutes from April 18, 2015 and May 13, 2015 were approved as presented.

CITIZEN COMMENTS:

ADMINISTRATION COMMENTS: Mr. Hutchinson welcomed everyone and apologized for the delay in the packets getting out and welcomed Chad Flowers the new City Planner.

OLD BUSINESS: None.

NEW BUSINESS:

Sign Variance Request- An application has been submitted for a variance request to permit five (5) canopy signs vs. two (2) canopy signs permitted for property located at 318 E. Fifth Street in the B-R (Business Residential District) zoning district.

Mrs. Morris said we are allowed to have 3 signs according to code. We currently have 3 signs and we are requesting two more which will bring our count to five. Mr. Draughn stated he would go through each of the conditions individually.

First condition, special circumstances or conditions exist that are particular to the land structure or building involved, and which are not applicable to other land structures or buildings in the same district. Mr. Draughn thanked the applicant for providing conditions to the board. Instead of reading each one, he asked the board for any suggestions that they may have on the conditions.

Mr. Runyon asked when did they purchase the building? Mrs. Morris stated they purchased the building last year around spring time but did not open until June.

Mr. Draughn said with special conditions regarding the land, he would agree with most of what they have provided. Mr. Seymour suggested the board review the conditions and where we were in the previous application. Mr. Draughn said they current have one canopy sign and would be permitted one more according to the code, and furthermore they have one monument sign. Mr.

Hutchinson said which is permitted as well and added they are requesting an additional three tonight above what the code allows.

Mrs. Morris asked why the one canopy sign was considered two signs. Mr. Hutchinson said the break in the sign is what caused it to be considered as two signs. Mr. Draughn asked last time you applied for the variance it was for seven additional signs over what you currently have. Mrs. Morris answered it would have been six additional on top of what they currently have. Mr. Draughn said now you are currently requesting three additional signs instead of the six. Mrs. Morris said yes, but we did not do our due diligence last time, we were looking at the amount of signage for the size space of the building and not that we are requesting the amount of additional signs. She said after the meeting last month we went back and talked about it, as well as talked with the Chamber of Commerce and Historical Society. She said they did their research so they could come back to the board with a really good case, because they do have some disadvantages with the location of the building. She said because of what we have and what other places have around us, it hurts the business in the long run.

Mr. Draughn continued with the special conditions. Hinkley's reported they have a further setback than other businesses; higher elevation than surrounding buildings which limits the site line. With parking behind the building it does not help for customer's to know what kind of business we have other than just seeming like a large home. Our front porch is like no other in the historic district, which is great for our customers because they can escape while enjoying a meal outside. Mr. Draughn asked the board if they had any comments or arguments regarding those stipulations "special conditions".

Mr. Griffin said his only comment there was all of these conditions/stipulations are factual but all of them were a part of the building when the building was purchased, the requirements were known. He said they are asking for a fix that they knew was already there when they bought the building. Mrs. Morris said she would not disagree with that but the way some of our codes and zoning is right now with regards to signs if we wanted to put a sign in our window, no one would see it until they were right at our establishment, so we are a little limited there. She said some of the programs and incentives that are available to other uptown business owners are not available to them. She said what they have come up with is the next logical step for them. She said they are trying to make sure that the signage looks well and like a finished product.

Mr. Draughn asked if anyone sees these conditions as positives. Mr. Morehart said from his stand point when he read this it made him better understand their circumstances more so than last month.

The second condition is the literal interpretations of this zoning ordinance would deprive the applicants of their rights that are commonly enjoyed by other right of owners in terms of the zoning ordinance. He said they have brought a few conditions, which are: our front porch prevents us from using any window signs non-residential; we do have a second floor signage but that would create a traffic issue; second floor signage would deter from the building's historical nature; the front porch is private for our customers therefore it is unseen by the public to know we are a dining establishment considering other establishments in the area where the patios are extremely visible. And finally portable sidewalk signs can only be placed five feet from a public entrance and/or three feet from the building. If the business tried to place a sign five feet from

our entrance the sign would be located on our porch within an enclosed section unable to be seen. Mr. Draughn said if he is reading the code correctly three feet from the building, you could at least put one on a sidewalk to your entrance. Mrs. Morris said she thought it said the front door, but it could be the building. Mr. Hutchinson said the porch would not be considered in the building.

Third condition is special conditions that do not result from the applications the actions of applicant. Mr. Draughn said high elevations or windows being part of it, and since the code reads that you are not allowed to have a portable sign except strict from the entrance. He asked if anyone had any comments.

Fourth condition is that the authorizing of such variance will not create detriment to the adjacent properties and will not materially impair the purpose of this zoning ordinance or public entrance. The request would ensure that the building is a restaurant and bring business and customer traffic. Because of the buildings unique characters it creates an issues that other historical buildings do not have. Our building is on the registry of historic places. The signage that is being proposed will not be obstructive. Mr. Draughn asked for comments.

Mr. Draughn asked if there were any comments on the individual signage on the proposed awnings. He made sure that everyone was ok with what they say and how it is being said. Mr. Seymour said with the current signage there is no identification that you are a restaurant. Mrs. Morris agreed. Mrs. Morris added that people have looked at the restaurant's numbers and said they are not going to make it much longer with the way things are. She added that anything they can do to identify their selves is what they need to do. She thinks that this is the best option for them, and hopes that the board does as well. Mr. Schacht said he thinks the overall signage on it is subtle it is nothing designed or crazy. He said if you take away the signs you have that are symmetrical on the front porch, it would look like Mrs. Morris said, that they just through a sign on one of the canopies. He said as being a member of Design Review Board, he wants to make all the businesses uptown look good. He feels that limiting to one sign would hinder the overall look of the building.

Mr. Draughn questioned if the building is on the historic registry, has Mrs. Morris contacted them to make sure that they can do this. Mrs. Morris said she did not believe so. Mr. Draughn suggested that she might want to, because they are particular on what you can put on a historic building. He said if it is not historical to that building they might tell you that it will not be allowed. Mrs. Morris apologized and said the Hinkleys sign that is on the side awnings, it was considered temporary, because it was not fixated into the building. She said she will definitely verify the signage is ok. Mr. Hutchinson said if he recalls from history lessons that we had on our demolition process is that we only have one property on that list and it is not Hinkleys. Mr. Draughn told Mrs. Morris next time she brings something like that up to make sure she has checked her facts, because it could change the boards position.

Mr. Draughn said we need to have a five out of six vote to approve. The board has to look at all the conditions to see if there is any unfair conditions that exist. He said in his view there are some unfairness presented here that warrants some variance. Mr. Draughn mentioned that if we approve this variance it will stay with the building even if Hinkleys is not there. Mr. Hutchinson

said whatever business moves in that building will be permitted five canopy signs. Mr. Morehart asked if we are setting a precedent for other uptown businesses. Mr. Hutchinson said every variance is unique, they have had some with conditions for uptown signage. Mrs. Morris would like to add to the request that if the building sells that the variance would revert back to the original signage zoning.

Mr. Draughn said what he is hearing is that the board is ok with letting the variance go as it is submitted right now. Mr. Seymour said except for when the building is sold and it is not a restaurant anymore the signage goes back to the original zoning. Mr. Griffin said he does not feel that the conditions that Mrs. Morris mentioned are all bad. He does not feel that we can say that they should be granted a variance for this. Mrs. Morris asked what he would suggest for their situation since he does not think they are unique. He said by just having the name Hinkleys on the sign you missed it, because you could have described what it is that you have. She said it goes back to what is in a name. A lot of things people do not realize is that it is Bruce Daniels' father's original name. Bruce's last name would have been Hinkley. She said he was estranged from his father for many years, but they were able to reconnect and he was able to originate with his heritage and his grandfather owned a grocery store, so it has that history and historic significant for us. She said but until people make it through our front door we cannot tell that story.

Mr. Draughn said we let the variance go the way it is, with the condition that the variance would revert back to the original conditions if the building is sold.

Mr. Schacht moved to pass the variance, Mr. Morehart seconded and the question put, stood:

Mr. Seymour YES; Mr. Draughn NO; Mr. Schacht YES; Mr. Morehart YES;
Mr. Runyan YES; Mr. Griffin NO;

COMMENTS OF INDIVIDUAL COMMISSIONERS:

Mr. Griffin asked if we are a business friendly community or not. He thinks there is a problem with our code. Mr. Runyan said that if we want to code differently then we need to write it to make it more business friendly. Mr. Draughn said when you buy a property you better know your codes and you better know your business. He said why it is his job to tell you why you are not making it. He told Mrs. Morris that they are unique to every restaurant around, and why do they have to throw more signage up there to show that it is a restaurant, he said it is called Hinkleys. Mr. Seymour said every time you do not know the whole code when you buy, he said probably people in the restaurant business are not as knowledgeable about the code. After reading through all of them, they might not understand them. Mr. Draughn said he understands that but if you are going to be opening a restaurant it should be considered. Signage means a lot but you have to understand what you are signing. He said Mrs. Morris said it that their sign does not convey restaurant. Mr. Draughn stated why is that his problem, he said why couldn't stay Hinkleys fine food establishment at the bottom. Mr. Griffin said the previous building used the same kind of signage and did well. He said we have had people come in and destroyed the building, changed the image and they should of projected the positive image that they wanted too.

ADJOURNMENT: The meeting was adjourned at 7:35 p.m.