

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

SEPTEMBER 13, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of September 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Cindy Gordon
Tom Knotts
Curtis McCarty
Robertta Pailes
Chris Lewis

MEMBERS ABSENT

Diana Hartley
Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Jeff Bryant, City Attorney
Rick Hoffstatter, GIS Analyst
Terry Floyd, Development Coordinator
Scott Sturtz, City Engineer

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Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

Item No. 7, being:

ORDINANCE NO. O-1213-6 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS IN SECTIONS 18-303, 18-405, 18-412 AND 18-506; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1213-6 (Annotated)
3. Excerpt – Planning Commission Minutes of August 9, 2012
4. Illuminating the Issues: Digital Signage and Philadelphia's Green Future (bound separately)
5. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs: Final Report (bound separately)

PRESENTATION BY STAFF:

1. Ms. Connors – This on-premise digital electronic sign discussion started at the Business and Community Affairs Committee. We discussed this with them in March of 2012 and also in May. This also has been to a City Council Study Session on June 19, and they requested that this ordinance be moved forward. It's before the Planning Commission because it is an amendment to Chapter 18, which you hear. Our current sign code prohibits all signs which are animated or have real or visual movement. That prohibition has been in the code since 1979. In our current code there are five classifications of zone groupings for on-premise signs, and all land uses under the City zoning ordinance are contained in one of those five classifications. So instead of going by zoning district, we go by these classifications. We have an industrial, commercial, office, medium density, and low density. The three that we are discussing this evening as a part of the on-premise digital sign discussion is 1, 2, and 5. So in the proposed language for on-premise digital signs – if you'll remember, we've already gone through a process and approved off-premise digital signs in Norman – on-premise digital signs would only be allowed within the commercial and industrial categories, and then as well as institutional uses would be allowed in low-density residential areas. An individual business would be allowed either a building sign or a free-standing sign, but not both. However, in projects utilizing joint use signs, such as a shopping center, if the joint identification sign were digital, then each business could also have a digital wall sign. The language in this ordinance restricts the location of the digital signs for the commercial and industrial sites near signalized intersections to be no closer than 50' to the edge of pavement. All these signs cannot have any visual movement, but must project from one static image to the next, with a dwell time of 12 seconds. The off-premise digital sign dwell time was 8 seconds. You probably don't remember that. This is slower because you're going at a slower pace on city streets. The illumination for these digital signs during the daytime is 5,000 NITS and 300 NITS at night. At night they don't need to be as bright because we're seeing them in the dark. We also require that devices must be installed which adjust for the ambient light levels if they change, and that the device will freeze if there's a malfunction occurring in the sign. It also requires a separation of 200' for the commercial and industrial sites between the sign and any nearby residential zoning district. In another portion of the code regarding low-density areas and institutional uses, such as churches and schools, this 200' rule doesn't play in. In those sections the sign code will regulate signs that can occur closer in neighborhood areas, because most churches and schools are not 200' from a residential zoning district – they're either in the zoning district or across the street from it. That's primarily the changes.

AUDIENCE PARTICIPATION:

1. Brad Raley, 541 S. Flood Avenue – I have to say, when I heard about this ordinance, I thought it was a solution in search of a problem. I don't know about you, but I feel absolutely inundated by advertisements everywhere I go. I am puzzled that we want to do more. I'm also struck by the fact that, in an age when everybody is going smarter and to social media, that we are essentially going back to the 1950s for our technology for advertising in our approach. The

biggest concern I have beyond that – that's sort of a basic objection – is I live right on the edge of the historic district. As far as I can see, there's no restrictions with the historic district. I live just down the street from the Firehouse Center. I assume they would have good taste, but I don't know. I have huge concerns, as do others, I think, with the residential areas with schools and churches. The fact that there is no restriction there – that you can have very large signs in a residential neighborhood strikes me as counter to the nature of Norman. Personally, I think the whole thing should be rethought. The only part of it that makes sense to me are for the buses. The rest of it, I don't see the point. But, if it's going to go forward, certainly we can restrict this kind of signage with churches and schools in residential areas. That seems to me to be a fairly common-sense approach. Thank you.

2. Megan Benson, 1235 Windsor Way – I am aware of the sign ordinance – the passing of the sign ordinance in 1979, after literally years of study by the Environmental Advisory Control Board. I feel like I have an inside track to the original intent of that law because my mother, June Benson, was one of the crafters of that piece of legislation. It's been proposed and cast as safe, inevitable – as high-density housing – necessary to stay current with technology, and it's portrayed as true to the original intent, and it really is none of these. We have the choice to say no as many other cities have and entire states have. The ordinance as crafted would allow lighted signs to change every 12 seconds. While I would argue that this alone is distracting, if you stand at the corner of Berry Road and Lindsey and look west, you will see a minimum of 50 signs, all of which will be changing every 12 seconds, and I doubt they're going to be coordinated. The result is that each of these changing signs would create visual chaos in an already high-accident area. I'm just using that as an example. There are many of these around town. But let's move north to the intersection of Berry and Boyd and look west. In that residential neighborhood, there are five churches and institutions in the block between Berry Road and Wiley Road, all of which can have signs – illuminated signs every 12 seconds changing their message. The signs will be taller than the single-story single-family dwellings that are right across the street. It's out of proportion for that neighborhood. I don't know of any other example, but I can imagine there are several in this situation.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailles – I've been curious about the permission for the churches and schools, also, because those are typically things that you find once – I mean, you look for them once and then you know where they are, as opposed to a McDonalds, for your random traveler wanting to find it. It's not usually a random traveler looking for a school or a church, so you did wonder why they needed a 12' changeable sign. I live in a neighborhood with two nearby churches – three actually – and it just seems excessive for a residential neighborhood. I thank you for all of this information, which was very nice, although I didn't read every word. It looked like the ordinance covered a great deal of what they suggest as best practices. Some things they did not cover – the studies mention that people will wait for the change. If you're driving down the street and you know a sign is changeable, you'll watch it until it changes. This makes them hazardous, even if you're trying to account for that; the very fact that it will change makes people watch them longer. The other thing that ordinances like this commonly include are requests – demands – that the materials be recycled, since those light bulbs all burn out. Many things talk about the worry about digital signs on corners, because if you have a 45 degree angle corner you've kind of got to track that corner. If you've got a bright digital sign straight ahead, you're apt to lose your place in the lane because you're tracking the digital sign instead of your corner. So it seems like there are several lacks. Now I don't think we actually have any ability to add or subtract from this – probably just say yes or no. I don't even know if we just maybe accept it. So I'm not really sure what our role here is. But it seems that there are several areas that are both too permissive and that have some lacks. That's it.

2. Mr. Boeck – It's one of those deals where I know schools already have – university some. Most of those signs seem to go on highways. I look at the signs coming down I-35 and seeing the

signs just right there by the Baptist school. You see them as you're driving by – you can see them change. But the idea of having them in residential neighborhoods at churches, to me – we've got enough eye clutter as it is. I understand technology. I just have a problem with filling our commercial streets and churches and schools with digital signs that just advertise more and more stuff. So that's my comment.

3. Mr. Lewis – Susan, I do have a question. Certainly not segregating out a specific entity, such as a school or a church, if a sign abuts a residential neighborhood, such as our lighting ordinance we require shielding – is there any type of time limit on when these signs can be active that abuts a neighborhood, or is there any type of shielding that is required?

4. Ms. Connors – There is no shielding, but I did want to mention that in the low-density residential areas these signs must be turned off at 10:00 p.m.

5. Mr. Lewis – At 10:00 p.m. So completely off, regardless of whether it's church, school, hotel?

6. Ms. Connors – In the low-density residential areas, that's right – whether it's church or school, they all must be turned off at 10:00 p.m.

7. Mr. McCarty – The example of looking up Berry on Boyd west – churches across the street from residential areas. It's less than 200'. It's probably a 50' street, I'd guess. So those would have to go off at 10:00?

8. Ms. Connors – Yes. Unless you're in a commercial or industrial area.

9. Mr. McCarty – They can't have more than 300 NITS. So that's 25 mph and I haven't ran the numbers, but if you're driving the speed limit, how far can you travel in 12 seconds? I guess my question is, is that intended so that it doesn't distract you? Is that distance of travel – 12 seconds – intended at any certain miles per hour?

10. Ms. Connors – Really the 12 seconds was taken from literature research that we did for on-premise signs, and that seemed to be the standard, as well as 8 seconds on the freeway. It has to turn in a second. The change can't linger. So it's a one-second turn from one image to the next.

11. Ms. Gordon – I have a quick question. The 300 NITS basically at night until 10:00, right, and then they have to turn it off? Is that any brighter than a regular old sign that they would have lit up? How much brighter is it?

12. Ms. Connors – I'm sorry. We've asked sign people to tell us what that means. I don't have a good answer for you on how bright that is. Some have said it's the brightness of a digital television in your home.

13. Ms. Gordon – I'm less concerned about the distraction for traffic. I think it would be less of an issue with that as it would be having a big church sign close to somebody's window.

14. Ms. Connors – Remember, these signs still have to meet all the setbacks we have now. It's not like they can put these any closer than they can now any other type of sign.

15. Ms. Pailles – Some of the stuff that we got said that a typically illuminated billboard with the lights shining on it is 100 NITS. So 300 is considerably brighter.

16. Mr. Lewis – When this first came forward and I read it, I thought this absolutely makes sense to limit it in certain areas. But now that I understand that the signs will be going off at 10:00 p.m., my concern was, if I were living across from a sign and I had it shining in my bedroom window every night, I would not like this. But since they're going off at 10:00 p.m. and they're at minimal NITS, they reduce in brightness in the evening time, I believe this is something that I can support moving forward.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-6 to the City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Roberta Pailles
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-6 to the City Council, passed by a vote of 5-2.

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