

**Minutes of the Planning Commission  
Of the City of Portland**

Held on Wednesday, January 12, 2011  
In Council Chambers at City Hall

Portland Planning Commission Members Present: Segerlind, Kmetz, Clement, Gorman, Grapentien

Absent: Swaney-Frederick

Staff: City Manager Dempsey, City Clerk Miller, and Camera Operator Cummins

Guests: Steve Antaya of Tom's Food Center

Chair Segerlind called the meeting to order at 7:03 P.M. with the Pledge of Allegiance.

Motion by Clement, supported by Grapentien, to approve the Agenda with the addition to excuse Swaney-Frederick.

All in favor. Approved.

Motion by Clement, supported by Kmetz, to approve the Minutes of the December 8, 2010, regular meeting as presented.

All in favor. Approved.

Under Old Business, City Manager Dempsey outlined the applicant's request and discussion held at the December 8<sup>th</sup> Planning Commission meeting. The City received a request for a sign dimension variance from Tom's Food Center located at 1462 E. Grand River Ave. to alter their present non-conforming sign and request a variance to maintain the existing sign size. The modification to the existing sign would remove the digital changeable copy sign, which would be relocated to Tom's Fuel Center, and replace it with a full color electronic message center. The Public Notice was published in the Review & Observer on November 21<sup>st</sup> and mailed to property owners within 300 feet. The notice incorrectly stated the sign and variance dimensions but clearly stated that a variance was being requested to alter the present nonconforming sign and maintain the existing sign size. Legal counsel advised that the incorrect dimensions are a scrivener's error and the public notice is valid. The City did not receive any comments on this request.

At the December 8<sup>th</sup> Planning Commission meeting the applicant admitted they do not meet the criteria for a sign variance. A variance was requested because the existing sign is a nonconforming sign. Section 28-8 of the Ordinance does not permit nonconforming signs to be modified except if there is a change solely in the wording of the copy or if a routine repair to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of the ordinance.

Staff interpreted the request as a permissible change because Section 28-8(b)(3) specifically provides that nonconforming signs may not be "enhanced with any new feature including the addition of illumination". The staff interpretation requires the applicant to bring the current sign into conformance with current regulations if they wish to modify it.

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The Planning Commission has the following options in their decision. Option 1 would be to either grant or deny the variance. Option 2 would be for Tom's Food Center to bring the sign into compliance. Option 3 is for the Planning Commission to interpret the change as a "face change," eliminating the need for a variance.

City Manager informed the Planning Commission the City Council had taken action to officially change the number of members on the Planning Commission from 9 to 7. The change was previously implemented years ago, but had not been made officially.

Chair Segerlind welcomed S. Tutt Gorman to the Planning Commission.

Member Gorman asked City Manager Dempsey to further summarize the sign dimension variance request by Tom's Food Center.

City Manager Dempsey presented photos of the proposed and current sign and further summarized the issue.

Secretary Clement explained the discussion/debate of whether the change to the colored led sign from a red led sign is simply a "face change". She stated that since the last meeting she has looked at the information and feels that as the red led sign would be moved to a new location, she can't support the change.

Mr. Antaya explained that moving the red led sign to the Fuel Center is the most cost effective solution as the colored sign would be preferred at the Food Center. The red led sign is on its last life, as it is becoming obsolete.

The Planning Commission further discussed the issue.

Mr. Antaya stated that he understand by strictly looking at the Ordinance the sign change would not be allowed. He is looking for the Planning Commission to interpret the change as a "face change".

City Manager Dempsey explained a face change would be changing text on a plexi panel; by changing the digital copy components it would be a change.

Secretary Clement cited the changes allowed to nonconforming signs.

There was further discussion of the issue.

Member Kmetz stated the intent of the Sign Ordinance when implemented was for nonconforming signs to be brought into conformance when practical. He feels that approval of this request would go against that intent.

Mr. Antaya stated that he wanted to withdraw his sign variance request.

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Under Member Comments, Secretary Clement commented that the Portland Community Art's Council annual Portland Plunge fundraiser would be held on January 15<sup>th</sup>. The Winter Run will also be held on January 15<sup>th</sup>.

City Manager Dempsey stated that the City of Portland is now on Facebook with updates of events.

Motion by Clement, supported by Kmetz, to adjourn the meeting at 7:42 P.M.  
All in favor. Approved.

Respectfully submitted,

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Julie Clement, Secretary