

1 City of Montgomery
2 City Council Public Hearing Minutes
3 March 2, 2022
4

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 Tracy Henao, Asst. City Manager
9 Kevin Chesar, Community Dev. Director
10 Gary Heitkamp, Public Works Director
11 Katie Smiddy, Finance Director
12 John Crowell, Police Chief
13 Paul Wright, Fire Chief
14 Matthew Vanderhorst, Community and Information Serv. Dir.
15 Amy Frederick, Community Engagement Coordinator
16 Connie Gaylor, Clerk of Council
17 Shawn Cooper, Customer Service Representative

City Council Members Present

Craig Margolis, Mayor
Lee Ann Bissmeyer, Vice Mayor
Mike Cappel
Chris Dobrozsi
Ron Messer
Sasha Naiman
Ken Suer

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20 City Council convened its Public Hearing for March 2, 2022 at 6:30 p.m. at City Hall with Mayor Margolis
21 presiding.

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23 Mayor Margolis stated that all Council members were in attendance.

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25 Mayor Margolis explained that the Public Hearing was to consider text amendments to the Land Usage Code –
26 Sign Regulations and Old Montgomery Gateway District Regulations.

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28 **NEW BUSINESS**

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30 **Text Amendments to the Land Usage Code – Sign Regulations and Old Montgomery Gateway District**
31 **Regulations**

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33 Ms. Henao explained that it is requested that City Council consider a recommendation from the Planning
34 Commission on a series of text amendments to Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway
35 District Regulations.

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37 Ms. Henao explained that the City has partnered with Gateway Montgomery Partners, LLC to develop the
38 Montgomery Quarter project with a shared vision, which includes a viable mix of uses including office,
39 restaurant/retail, residential and a boutique hotel. The City has worked closely with the development team to
40 develop a project that will have its own unique sense of place and create a ‘village within a village,’ while still
41 complementing the adjacent Heritage District. She stated this has been accomplished through a carefully
42 considered mix of uses, a high-quality public realm, enhanced public spaces and pedestrian friendly elements.

43 The architecture and massing and scale for the buildings in Phase I of the project has been approved and
44 construction is underway. As the development team has begun to market the project, there are concerns that the
45 existing signage regulations are too restrictive and will not allow for proper identification and wayfinding. The
46 existing Sign Code is primarily designed for signage on single or two-story buildings and the regulations are
47 appropriate for the size and scale of those buildings. However, newer developments have buildings which are
48 larger in scale and may have multiple entrances and frontage on more than one street which requires more
49 flexibility to design effective identification and wayfinding signage.

50 Ms. Henao explained that in the past, signage for buildings of larger scale and massing have been approved by
51 variance. In collaborating with applicant, Staff suggested that modifications to the Zoning Code would be more
52 appropriate than requesting variances to create a cohesive approach to signage for the development and for the
53 city. The proposed text amendments have been created by Staff and the applicant working together to create
54 proposed text amendments that will allow for flexibility in sign design while respecting the existing built
55 environment. Staff also took the opportunity to clean up sections of the Sign Code that needed clarity (i.e.,

56 definitions, clarity on temporary signs in residential districts, process, etc.). It is important to note that the specific
57 regulations for signage for the Heritage District as defined in Chapter 151.14 would supersede these regulations.

58 Ms. Henao explained that the Landmarks Commission met on November 10, 2021 and December 8, 2021 to
59 discuss the recommendations. At the December 8, 2021 meeting, Staff reviewed the changes that were made since
60 the first meeting and the applicant presented the additional information regarding lighting and brightness levels.
61 After discussion, the Landmarks Commission voted to recommend approval of the proposed amendments to the
62 Planning Commission (4-1 vote) with the following modifications:

- 63 • Establishing maximum foot candles to be no more than 0.01 footcandles from the property line.
- 64 • Creating a temperature color range.
- 65 • Establishing a maximum lumen level, consistent with the existing District (Old Montgomery Gateway),
66 utilizing a lighting expert and final approval of the Landmarks Commission consultants, Ms. Sullebarger
67 and Mr. Grier.
- 68 • Add the language that logos may be permitted to be internally illuminated, if appropriate to the
69 architecture, scale and massing of the building, and approved by the Landmarks Commission.
- 70 • Add language that in all cases, logos shall be in line with the lettering size.
- 71 • Ask that the experts look at the two corners, three over three signs vertically stacked, and take their
72 recommendation, if a limit is needed.

73 Ms. Henao stated that following the Landmarks Commission recommendation, Staff worked with Kolar Design
74 and the Landmark Commission consultants to research and create proposed language to address the Commission's
75 concerns regarding color temperature and brightness for internally illuminated signs. The changes were
76 incorporated into the proposed text amendments for consideration by the Planning Commission. The Planning
77 Commission met on January 18, 2022 to discuss the proposed text amendments as recommended by the
78 Landmarks Commission. After discussion, the Planning Commission voted unanimously to recommend approval
79 of the text amendments to Chapter 151 of the Land Usage Code as recommended by the Landmarks Commission.

80 Ms. Henao provided a summary of proposed text amendments as summarized below:

- 81 • Chapter 151.3002: Add a definition of channel letters.
- 82 • Chapter 151.3002: Remove height regulation from definition of a ground mounted sign. Heights of
83 ground mounted signage would be defined in district regulations.
- 84 • Chapter 151.3002: Add clarification to the definition of wall sign to include projecting signs.
- 85 • Chapter 151.3011: Clarifying size of temporary signs in commercial districts.
- 86 • Chapter 151.3012(a): Proposed language creates different size maximums and heights for ground
87 mounted signs based on size of the building (i.e., one and two story buildings vs. buildings with three or
88 more stories).
- 89 • Chapter 151.3012(b): Proposed language creates different size maximums and heights for wall signs
90 based on size of the building (i.e., one and two story buildings vs. buildings with three or more stories) in
91 commercial districts. The proposed amendments would also limit the percentage of wall area where signs
92 can be installed per frontage.
- 93 • Chapter 151.3012(b): Proposed language creates limitations on location based on architecture of the
94 building versus setting a maximum height from grade in commercial districts.
- 95 • Chapter 151.3012(h): Adding clarity that sandwich board signs shall not be illuminated.
- 96 • Chapter 151.3013: Proposed language creates different size maximums and heights for wall signs based
97 on size of the building (i.e., one and two story buildings vs. buildings with three or more stories) in office
98 districts.

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- Chapter 151.3012(b): Proposed language creates limitations on location based on architecture of the building versus setting a maximum height from grade in office districts.
- 101
- Chapter 151.3014: Proposed language provides clarity on illumination type for channel letter and prohibits open face channel letter with exposed neon lighting or LED ropes. Additional language prohibiting raceway mounting and requiring signs to be constructed so that conduit and piping for electrical sources are not exposed to view.
- 102
- 103
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- Chapter 151.3014: Proposed language would allow internally illuminated signs in all districts except for the Heritage District and residential districts.
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- 106
- Chapter 151.3017: Proposed language would give the Zoning Administrator the authority to approve signs that meet the code requirements without obtaining approval from the Planning Commission.
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- 108
- Chapter 151.1518 Signage in OMG District: Remove language that is contradictory to proposed text amendments to the Sign Code.
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- 110

111 In closing, Ms. Henao explained that Staff supports the recommendation of the Landmarks Commission and the
112 Planning Commission to approve the proposed text amendments to Chapter 151.30 Sign Code and 151.15 Old
113 Montgomery Gateway District Regulations. The existing Sign Code is primarily designed for signage on single or
114 two-story buildings since as most of the buildings in the commercial districts are single or two-story buildings.
115 The existing regulations are appropriate for the size and scale of those buildings; however, buildings of larger
116 scale require more flexibility in size and height to create effective and appropriate signage. In the past, variances
117 have been granted to deal with these types of buildings (i.e. Thomas Comprehensive Care Building, Christ
118 Hospital medical office building, etc.); however, Staff is of the opinion that creating a Sign Code that provides
119 different regulations based on the scale and mass of the buildings is a more effective way of regulating signage
120 that will lead to a more cohesive approach to signage and reduce the amount of variance requests. Therefore,
121 Staff has worked with Kolar Design to evaluate the existing Sign Code to determine where amendments may be
122 appropriate.

123 Mayor Margolis explained the process for the Public Hearing to those in attendance. He explained that in a Public
124 Hearing Council has the following options when considering an application:

- 125
- Approve the Recommendation
- 126
- Deny the Recommendation
- 127
- Remand the matter to Staff for more specific information or
- 128
- Take the matter under advisement and vote at another public meeting within thirty days.

129 Mayor Margolis explained that if City Council chooses the final option, it is suggested that they announce the date
130 and time of the subsequent hearing when the matter will be discussed and considered for vote.

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132 Mr. Dobrozsi stated that at the time he will recuse himself as he does with all matters related to the Montgomery
133 Quarter.

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135 Ms. Henao reminded City Council that the proposed amendments apply to the city as a whole and not just the
136 Montgomery Quarter. She added that the Heritage District guidelines would supersede these amendments.

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138 Mr. Cappel stated that he likes this concept as it provides clarity that these standards have to be met.

139 Vice Mayor Bissmeyer stated that she appreciates the number of hours that staff and the Landmarks and Planning
140 Commission members have dedicated to the updates to the Code. She stated that focus to details was very
141 important to staff and the volunteers even down to the number of lumens to be used.

142

143 Ms. Henao stated that staff has worked to find the right temperature of the lighting to project the look desired for
144 the Montgomery Quarter. She stated that 2700 lumens is the color/temperature that will be the standard for the
145 development.

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147 Mrs. Naiman asked if these changes would impact existing businesses.
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149 Ms. Henao replied that any new amendments do not require current signage to be changed, however if a sign is to
150 be replaced then any new sign would need to conform to the new code.
151
152 Mr. Suer stated that he agreed that the Planning and Landmarks Commissions did a thorough job in reviewing and
153 updating the Land Usage and Sign Code. He stated that the Code was a constantly evolving document as there is
154 no permanence in it in order to address changes in the environment and industry. He stated that the best approach
155 is adaptation so that new businesses can be identified properly. He stated he felt the City has always taken signage
156 seriously and because of that he was in favor of the modification.
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158 Mr. Messer stated that he too was impressed with the thoroughness of the amendments. He asked Ms. Henao why
159 there was one dissent from the Landmarks Commission.
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161 Ms. Henao explained that the individual who did dissent was concerned about the possibility of a large sign with a
162 logo being internally illuminated with little to no text. She explained that the language was changed to require the
163 logo be in line with text. She added that the individual wanted the proposal to come back with visuals, but the rest
164 of the Commission approved it going on to the Planning Commission instead.
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166 Ms. Henao provided further explanation that “in line” means “aligned.”
167
168 Mayor Margolis stated that he was also very impressed with the depth of discussion and research that was
169 dedicated to making the proposed amendments best meet the desired appearance and brand of the City.
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171 Mr. Cappel moved to approve the recommendation of the Planning Commission for the stated text amendments to
172 Chapter 151.30 Sign Code and 151.15 Old Montgomery Gateway District Regulations with stated modifications.
173 Vice Mayor Bissmeyer seconded. City Council unanimously agreed.
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175 Mayor Margolis asked if there was any further business to be heard in the Public Hearing. There being none, he
176 explained that City Council convened at 5:30 p.m. and adjourned to an Executive Session for matters related to
177 the employment and compensation of a public employee/public official. Council then reconvened at 6:30 p.m. and
178 recessed for the Public Hearing. He stated that Council will now rejoin the Council meeting from the recess.
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180 Council rejoined the Business Session at 6:49 p.m.
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Connie Gaylor, Clerk of Council