

PLANNING COMMISSION MEETING
February 13, 2018
7:00 P.M.

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Darby.

II. ROLL CALL

Members Present: Richard Bauer, Don Darby, Tom Hall, Lawrence Hawkins III, Dave Okum, Joe Ramirez, Meghan Sullivan-Wisecup

Staff Present: Greg Dale, sitting in for the City Planner, Don Shvezgda, City Engineer, Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF JANUARY 9, 2018

Chairman Darby: The chair will accept the motion for adoption of the minutes of our previous meeting of January 9th.

Mr. Ramirez: I move to adopt

Mr. Hall: I'll second Mr. Chairman.

Chairman Darby: It has been moved and seconded that those minutes be adopted. Voice vote all of those in favor. (7 Aye, 0 opposed, 0 abstained). They are adopted. Now we would like to move on to our report on Council. Mr. Hawkins.

V. REPORT ON COUNCIL

Mr. Hawkins: Thank you Mr. Chairman. Council met on January 17th. All seven members were present. We had a presentation from the Better Bus Plan by the Better Bus Coalition. These are a group of individuals that had been going around to a county commissioners, local government trying to let folks know about some of the issues with the current bus system in terms of having to get transfers, the time it takes to get from one place to another and even getting out around the suburban areas is, is a very trying. So these gentlemen came through, basically they've developed an idea of a plan that the current plan is more of a grid. This is more of a web that deals with being able to connect areas in the outer limits of Hamilton County in a more efficient way and they've estimated that if this plan gets adopted, it's going to be about a \$200,000,000 cost. The current routes costs about \$106,000,000 and they figured out that the deficit it can be made up with a 34 cent sales tax, what you multiply by the 870,000 in Hamilton County and it would take care of that cost. So, it was a pretty impressive presentation. Pretty impressive all the thought and time they've gotten into where they could break down the cost of each bus, how many buses need to come into circulation and what type of frequency. So, they weren't asking for

Chairman Darby: Excuse me, pardon my interrupting, but did you say 34-cent sales tax?

Mr. Hawkins: Umm hum.

(talking off mic)

Mr. Hawkins: Right. That's what you figured it out to, to be, to make up the difference. So again, he wasn't, they weren't coming in asking for money. They weren't asking for anything to say besides wanting to educate the Council, educate the public and basically get support with the idea of some evolution and change regarding the bus routes. This

is something that they've gone and spoken with county commissioners, like I said, their main thing was trying to get awareness, particularly in the, the outskirts of Hamilton County and some of it it's going to be stuff that they're even going to get into and try and connect with Butler County in their transit system as well. So, something that was interesting is ongoing with those gentlemen. In terms of ordinances, we had Ordinance 3-2018 an ordinance authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Barrett Paving Materials for the Jake Sweeney Place rehabilitation and declaring an emergency. That passed with a 7-0 vote. We had budgeted \$939,676 for the project. The awarded bid was under that at \$900,779.82. We also had Ordinance 4-2018, amending section 30.01 of the Codified Ordinances of the City of Springdale regarding Council officers and declaring an emergency. That was a first reading. Council also met on February 7th, all seven members were present. We had a public hearing and Ordinance 2-2018, amending the zoning map for the property at 11905 Kenn Road, changing the Zoning district from residential single household low density to public facilities. This is the Calvary Pentecostal Church. That passed with a 5-2 vote. We had Ordinance 4-2018, amending section 30.01 of the Codified Ordinances of the City of Springdale regarding Council officers in declaring an emergency. That passed with a 7-0 vote. We also had Ordinance 5-2018 authorizing the Mayor and Clerk of Council/Finance Director to execute an agreement with the City of Montgomery to provide prisoner confinement. That was a first reading. We had Ordinance 6-2018, amending the Zoning Map for the property at 11345 Century Circle West changing the zoning district from general industrial to planned unit development. This is The Vineyards Ministries. It came before us last month. That was a first reading. We had Ordinance 7-2018, approving the preliminary development plan for the property located at 11345 Century Circle West, again The Vineyard Ministries, that was the first reading. We had Ordinance 8-2018, approving a major modification to the preliminary transition district development plan for 242 West Sharon Road. This is The Housing Network of Hamilton County, the apartments that came before us last month. That was also a first reading. We had Ordinance 9-2018, approving a major modification to the planned unit development and preliminary development to the Cassinelli Square PUD for the construction of a small hospital. That matter also came before us last month. That was the first reading. We had Ordinance 10-2018, approving a major modification to the planned unit development and development plan to the Northwest Business Center planned unit development. This is where the former Bahama Breeze was, where the hotel is a projected to be. That was the first reading as well. We also had Ordinance 11-2018, which was regarding litigation settlement. That passed with a 7-0 vote. That concludes my report unless there are any questions or Mrs. Sullivan-Wisecup has anything to add.

Chairman Darby: Mr. Okum: Just a comment on the presentation regarding transportation and communicate and the need for better transportation resources for our community. Ironically, coincidentally I guess coincidentally at OKI's meeting on Thursday, there was an announcement of the OKI partners with Uber on the regional; it's called the mobility lab. Just briefly, there's 7.5 million trips are made across our region every day. So, people are connecting but they realize that SORTA and the transit system is not the true answer for everything, and Uber, combined with OKI is going to be doing a significant study on the region. They chose Cincinnati and OKI as a partner for this. This is a national program that it is going to impact nationally but it's being centered here in the development of the program is here in Cincinnati. The Cincinnati region based with OKI. What that's going to do is basically identify the needs and identify transportation resources to those needs. So, before people start, and I'm not objecting to it, I'm just saying before we start spending money at another bus, there's other means of transportation are we're developing. Waze and the other resources I mentioned, maybe I had mentioned that a previous meeting that a Waze is working on a new program where you will be able to identify parking spaces within a shopping center and it'll actually, if you want to go to like Macy's at Tri County, it'll actually be able to identify open spaces for you to be able to find a place to park, reducing number of trips, et cetera. Part of that study is also part of the thought and the processes are traffic signals where traffic signals are currently designed to stop traffic, integrating traffic signals so that they continue to make traffic flow through a system instead of stopping. That's why we have, we've seen a significant investment in primarily Butler County in this region, on the roundabouts, which has been significant and it's reduced

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the number of accidents reduced the number of stops continues to keep traffic moving and Hamilton County is a little bit behind on that. So, needless to say we don't have them here. So just for input if you'd like to find out more information in because you mentioned that Lawrence, I wanted to mention OKI has got on their website, just go to their homepage and look at the mobility lab. It's a partnership with Uber. That's it. Thank you.

Chairman Darby: Thank you.

VI. CORRESPONDENCE

None.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

- A. Speedy Signs, Homefront Nursing, 12124 Sheraton Lane, Cincinnati, Ohio, Minor Improvement Requiring Planning Commission Approval (Application 33199)

Chairman Darby: The representative from Speedy Signs please come forward. Introduce yourself.

Mr. Yarrell: Hello, my name is Waughney Yarrell, I'm the owner of Speedy Signs and Apparel, we are located in Sharonville and I am here to speak to you on behalf of the owner of Homefront Nursing. They are a supplier of nursing services for elderly. He has contracted with us to install a cabinet sign. The issue he has right now is that his sign in front of the building has no lights and most of the people of course who need his services are elderly and sickly so he thinks that it detrimental to his business that they can't recognize the services that he provides and he feels like the option that we have now is to install channel letters and as you know channel letters are very restrictive on the amount of information that they can display so he thinks that the channel letters would be detrimental to his business. In addition to that his services change from time to time and channel letters have no flexibility once you install it, it is there and there's no modifications able to be made and lastly the building that he occupies is on a corner lot and there's currently a light cabinet sign on the side of the building so we thing that there is precedence already being established for that area to install another cabinet sign.

Chairman Darby: Thank you. We will go to staff reports. Mr. Dale.

Mr. Dale: Thank you Mr. Chairman. The requests that you had before you, that you just heard, the property is in the general business district, but it is also in the corridor district the CRD sub area A and the applicant is correct in indicating that the requirements are for channel letters. There are also requirements for earth tone colors that are attached to that as well. From staff's perspective as you heard some of it here, but there was no justification a provided so Planning Commissions could approve this, but they would need to make that a determination that they should allow that. They're well within the square footage requirements, that's not an issue at all. So, I think what staff has indicated in the report, if Planning Commission determined that is appropriate, that they do need to determine why it was a cabinet sign is appropriate as opposed to the channel a letter signs. Also, they are recommending that the colors do conform to the requirements of the district.

Chairman Darby: you.

Mr. Dale: Thank you.

Chairman Darby: Mr. Shvezda do you have anything?

Mr. Shvezda: Thank you Mr. Chairman I have no further, no additional comments.

Chairman Darby: I just wanted you on the record. That's it. Mr. Taylor.

Mr. Taylor: Nothing further. I will mention that the existing non-illuminated sign was approved I think in 2015. My recollection is that it was initially presented with a white background and I believe the instructions were that it was going to be, somewhat of an off white or cream color so that it was in conformance with the earth tone standards. And there is a, you know, excuse me, illuminated cabinet signs on the side of the building, but basically that was approved because they were, preexisting. That's all I have.

Chairman Darby: Thank you, Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Just a couple questions in regards to the existing signage on the building. That building's been there a long time. West Shell Realty was there for many, many years and I believe those cabinets were West Shell's cabinets prior to, I think prior to the CRD. So I believe that's the reason that they existed. If I'm just going by long-term history on that property. I don't recall ever a sign on this elevation of the building originally. This is sort of a new, this was new when home care, the nursing facility went in there, is that correct?

Mr. Taylor: That's correct.

Mr. Okum: Yeah, there was no sign there. Are we adapting in this request for the business operation on the main, on the upper level or the other level of the building? They also have a business in there and our square footage is based upon, I believe 136 square feet is permissible, but we have shared 134 square feet, but we have shared businesses there. Would that be considered the back of the other business and the front of this business because it's a fall away lot and sort of odd. Don't run into these too often. So, I'm asking for an interpretation first, and then the other questions I'll carry the further.

Mr. Taylor: That's a good question. I believe when we looked at the sign previously, the intention wasn't that they needed to share that square footage on that face of the building. So, the other occupant would get the square footage on the Sheraton Lane side.

Mr. Okum: Then going back to that, this sign is actually on the tenant space on the second level.

Mr. Taylor: Correct.

Mr. Okum: Just so the commission is aware that. Is there any reason that the tenant could not to the corridor review district requirement?

Mr. Yarrell: No physical reason why not just that he feels like the limitations of channel letters will be a detrimental to help him because he won't be able to display very much information, such as services and contact information. So, people who would need to service would not know exactly what he does or how to contact him.

Mr. Okum: This is an office space?

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Mr. Yarrell: Yes.

Mr. Okum: It doesn't have really walk in customers is it?

Mr. Yarrell: Yeah. They have walk in customers to apply for the service but they don't receive any services there.

Mr. Okum: Okay. Thank you. That's all I have for right now.

Mr. Chairman: Are there other questions? Lights, Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. So the concern with the channel cut letters, he wouldn't be able to put the phone numbers that the concern?

Mr. Yarrell: Phone number or the services. Currently list the services and his contact information.

Mr. Bauer: Okay. All right. I see that too. Okay. That's, that's all I have.

Chairman Darby: I have a question. Just exactly what activities occur here?

Mr. Yarrell: What they do is, people who are like restricted to their homes for medical reasons, they can go there and they can arrange to have like a nurse scheduled to come out and visit them, do care for them in their homes and they can also order medical supplies through this company also.

Chairman Darby: Okay. And it's also; it says it's a training academy.

Mr. Yarrell: Right they do train people on how to provide these services.

Chairman Darby: Okay, thank you. Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. So the new sign will indeed be beige and not the beige that you currently have?

Mr. Yarrell: Yeah, I did see that report and I think that's an error. That's the background is beige now. They did make sure we made it beige when we originally applied. So, I'm not sure why that's even in the report.

Mr. Ramirez: Going forward.

Mr. Yarrell: It's not white it's the background.

Mr. Ramirez: It is beige.

Mr. Bauer: I said it does not look beige.

Mr. Ramirez: No, it does not look beige.

Mr. Okum: The background looks yellow.

Mr. Yarrell: Well yeah, you know how photographs tend to be misleading, but it's definitely not white.

Mr. Ramirez: Thank you, that's all I have.

Mr. Chairman: Mr. Okum.

Mr. Okum: I'm seeing no other discussion; I'll make a motion, Mr. Chairman. I'd like to move for the approval of Speedy Signs, Homefront Nursing at 12124 Sheraton Lane, minor improvement which includes the replacement of a flat panel sign to an

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illuminated sign box with the sign information for the business and colors as per recommended by staff in the staff report.

Mr. Hall: Mr. Chairman I'd like to second that.

Chairman Darby: It has been moved and seconded that this application be approved as indicated in the motion. Secretary please call the roll.

(Secretary called the roll and the motion was denied with a vote of two approval votes and five opposing votes (Bauer, Hawkins, Okum, Ramirez, Sullivan-Wisecup))

Chairman Darby: Unfortunately, the motion has been denied. I would ask that you contact Mr. Taylor for future activities regarding this. You're going to have questions.

Mr. Yarrell: I think they explained to me that we can offer an alternative. Is that correct or am I mistaken?

Chairman Darby: You need another application.

Mr. Yarrell: Om my god. Okay.

Chairman Darby: You need another application.

Mr. Okum: We have already acted.

Chairman Darby: Because we've already acted on this motion, so we'd have to start with a fresh application.

Mr. Yarrell: I should have made that earlier on.

Chairman Darby: Right.

Mr. Yarrell: Okay. Is that all?

Chairman Darby: That's it.

Mr. Yarrell: Alright, Thank you.

Chairman Darby: Thanks for coming.

B. BRF Management Group LLC, Roosters, 12120 Springfield Pike, Cincinnati, Ohio, Minor Improvement Requiring Planning Commission Approval (Application 33228)

Chairman Darby: Representative please come forward.

Mr. Karhoff: Good evening, I'm Eric Karhoff with March Architects. We are looking to add a 1600, roughly 1598 exactly square foot addition to the front of the existing Roosters restaurant just up the road here in Springfield Pike. We are looking to change the color of the entire building when we do this edition, it'll be earth tones, which we've called out. I think it's a dark brown, which is a Shagbark color and the windows and trim items would be changed to a Navajo white or kind of a beige color. We are asking for a variance on the open space currently the existing property within the boundaries only has 18 percent. The addition that we'll be putting on will reduce it by one percent to 17 percent. It looks like we're good for setbacks and we are asking for new signage to be updated on the building. Currently it is a big backlit box sign. We are going to channel cut letters except for our logo, which is the corporate logo of a rooster that's right next to the channel cut letters and they will be lit. We have overhead doors being put on the front because we have a seasonal area to the addition. There'll be some additional fixed seating inside, also seasonal, so, the overhead doors would be glass. They would raise up in the summer when the weather permits to be open out to the front, towards the street. There was a request on our last review here about adding some landscaping

along a buffer zone along Springfield Pike that we have not addressed yet. It's an existing condition so I didn't know if that's, I didn't see it in the first review, but this review, they did ask for that, so we wanted just to clarify about the landscaping.

Chairman Darby: That will be provided tonight.

Mr. Karhoff: Okay, great.

Chairman Darby: Okay. We'll move on to staff reports. Mr. Dale.

Mr. Dale: Thank you, Mr. Chairman. This is also in the GB and the corridor review district sub area A. Just for the record, I technically I would just want to correct it. It's not actually a variance request. It's, as you know, in the zoning, that's a different item, but this is something that could be modified by the Planning Commission. So, let me clarify a couple of things. On the open space, it is true that the open space requirement is 25 percent and they're proposing to be at 17 percent. Currently it's at 18 percent so they're just taking it down one percent from what is on their current site. The parking requirement is met, the setback requirement is met, as was indicated, the colors are the buff and the Shag Bark, the dark brown. Mrs. McBride set out in the staff report starting on page two, three and four, the requirements for the building materials. I won't go through all of those because generally speaking those are either all met or not applicable. The one that I might direct your attention to on page three on number three C is the building entry. It is supposed to actually face the right-of-way, this would not be based up on the addition, but to the extent that, that's designed to require activity in the front of the building arguably you could suggest that that is being met by the outdoor seating and so forth that they are proposing to have. The signage as was indicated, the signage would require, they're proposing a 111 square feet. There's actually, if I understand correctly, was 228 square feet now, so they're actually bringing down substantially, but it would still be under the 115 square feet to that are required. The signage colors, the requirement for the, at least 50 percent earth tone colors actually that would not comply, but Mrs. McBride indicated the comment that based upon the color of the building, that that's probably a reasonable thing to consider. Then with regard to landscaping, one of the proposed conditions of approval would be that a landscape plan be submitted to include certain things that are required as they appear to be pretty minimum kinds of things, the minimum of three inches of Mulch, a plant schedule needs to be added to indicate the size of the plant and then the buffer yard landscaping material to be added for the area between the existing parking area and Springfield Pike and that, that be submitted for approval. So, under the considerations, should the Planning Commission choose to approve this, they would need to consider that request in required open space, which would just be one percent lower than what they currently have. The parking be consistent with the requirements of the code that the building meet the setbacks, which it appears to do. Then of course that the Planning Commission determine that the building addition, are in keeping with the intent of the CR district. That the Planning Commission approve the two wall mounted signs as approved which appear to comply, and then the proposed modifications or the required modifications to the landscape plan. Thank you very much.

Chairman Darby: Mr. Shvezda.

Mr. Shvezda: Thank you. Mr. Chairman. Since the expansion of the building is taking place in the front, it's encroaching out into the existing green area there, so there is an increase in the impervious area. Therefore, additional volume of detention will need to be provided. The existing site does have some detention on it that consists of some on surface parking lot detention and some underground detention. The on surface parking lot detention is no longer permitted but the applicant has in subsequent correspondence indicated that they would provide additional underground detention in some format. Also, the post construction BMP method must be provided and here in again the applicant has indicated that they're looking at putting the hydrodynamic separator on the site and submit the operation and maintenance agreement that would need to be accompanying that. As far as traffic, the applicant submitted information regarding the summary of increased trips for the site. The traffic engineer has reviewed

it and both confirmed it's less than a 100 trips for the PM peak. So therefore, no additional study is required and as far as the site layout, there's no change in any of the vehicle or access points. That concludes my report.

Chairman Darby: Thank you. Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. The only issue I'd care to add, as you all know we have our tree replacement ordinance. There's two small ornamental trees that are set out to be relocated on the site. If for some reason that relocation is unsuccessful, those would need to be replaced. I have nothing further. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Just a couple of questions in regards to your room, your parking. There's more parking on the north side of the building then there is the south side, but based upon the drawings were primary entrance is on the south side. Is there a reason for that?

Mr. Karhoff: It had a little bit to do with access to the inside the existing building and handicap accessibility. We have, we will need a small ramp to get in there, nothing large.

Mr. Okum: I saw that on the drawing.

Mr. Karhoff: Yes sixteen or something, which we put under a walkway to get inside. Being it was more kind of because of the way that you come in, people driving in off of Springfield Pike there is a little access that comes right in there that is the first thing you are going to see is that corner.

Mr. Okum: Which is your focal point?

Mr. Karhoff: Yes. The signage is on the front and that side of the building.

Mr. Okum: Right. Sometimes it's difficult, like O'Charlies is a good example, I visit O'Charlies, the volume of parking is, for O'Charlies in Springdale is on the right side of the building.

Mr. Karhoff: Right.

Mr. Okum: If I were to be forced to park on the left side over towards Dos Amigos, it's significantly a different transition to get into the business. That's a fairly tight corner there because you have that ease access off of where you actually go into Showcase's driveway and ten sort of cut in. You're familiar enough with it now.

Mr. Karhoff: It's potentially able to be flipped because it is really symmetrical. We can't come in the front mostly because that's where the seasonal seating is so that part may not always be used. There's no easy part.

Mr. Okum: Right, sure.

Mr. Karhoff: But it really would not matter if we needed to it could flip over to the north side.

Mr. Okum: I'm just looking at the aerial picture that staff provided shows, and I noticed it when I was doing my review the other day, and I thought, because I drive by there every day, and frankly, the majority of the parking tends to be to the left side of the building more than the right side currently. You may want to talk with, for me it does not matter.

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Mr. Karhoff: Right.

Mr. Okum: I'm just talking convenience of customer and usually when you have to go round the building to a corner it makes it a little bit more difficult for that.

Mr. Karhoff: And that's something that is still flexible, we are lucky that it has handicap to the front so either way it will work.

Mr. Okum: Right those handicap spots will basically go to a sidewalk across the front, is that correct?

Mr. Karhoff: Yes it will be flush across the front and then you have to ramp up maybe a six foot ramp at the most, it is five to six inches floor change.

Mr. Okum: I'm pleased with the improvement on the building. We were given another name for the overhead door with glass in it at a previous meeting some time ago. I'm trying to remember what it was.

Chairman Darby: You don't want to hear it.

Mr. Okum: I don't want to hear it. Okay so I will forget about that. I don't know what the name of it was but.

Mr. Taylor: Upward active door.

Mr. Okum: Upward active door.

Mr. Karhoff: Okay. We will keep this simple then.

Mr. Okum: So anyway, yeah. Thank you I appreciate that Mr. Taylor.

Chairman Darby: Sir, will you identify yourself?

Mr. Richter: I'm one of the owners.

Chairman Darby: Your name please.

Mr. Richter: Rich Richter. Thank you. We get a lot of people that actually walk from the movie theaters over into our restaurant, which makes that closer than walking clear around the building to the other side.

Mr. Okum: That is a great point because when I walk the theater lot I go through there. It would be nice to have a little grassy area, or because you have that grass berm back there and there is sort of a downhill depression maybe give them, maybe do some cross access walkway there when you do your buildout and get that connection in that space so that people at the theater, because I go to both Roosters and the Bistro so.

Mr. Karhoff: Good point.

Mr. Okum: Thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you, Mr. Chairman. I have a couple of things. I'm very familiar with the Roosters location. I go there quite often. With the increase of size, I see you're meeting the requirement for parking, but I think you're going to have to force some people to park in the back. The back actually has more parking than the front. I was just there two days ago. I notice the lighting in the back is yellowish. Then there was a poll with each one had two lights and each poll only have one lit. It's doesn't illuminate much because right now it's not a big issue because it's not used that often in the back, but I can see going forward what the increased capacity that you would have more

patrons. You're going to have to have more people park in the back and I'm wondering if you could take that under advisement.

Mr. Karhoff: Absolutely.

Mr. Ramirez: Just look at the lighting and the back and the other thing is in the front, you do a lot of carry out business as well and unfortunate a lot of people come in and even though they think they're only going to be there 5 or 10 minutes, they parked in the handicap to go in and get their food and bring it out. And with only four spaces now and you're only going to have four spaces going forward and I don't know if you could come up with an idea for carry out a pickup as well.

Mr. Karhoff: I don't know, is there a possibility from like a side door pickup instead of the front ever?

Mr. Richter: You mean like dedicating a parking spot or two to pickup, up close?

Mr. Ramirez: Right. Yes.

Mr. Karhoff: Yeah we will look at that.

Mr. Ramirez: Okay thank you. That is all that I have.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Just trying to be clear that the changes that are being made, these are consistent with corporate is doing or what they're asking the franchises to do.

Mr. Karhoff: Yeah. All over Ohio they are using the new signage and those are the colors that is their logo and the colors and that is how they are doing every. I know I had sent some pictures from some other ones down in Cincinnati or they're using the brown and then the reds. I've also got some from northern Ohio showing the signage if we, if you need any other pictures, but it's their corporate colors and logo so that it's a lot better than the, you know, the big box obviously.

Mr. Hawkins: I appreciate it. Thank you.

Mr. Karhoff: No problem.

Chairman Darby: No lights.

Mr. Okum: No lights. I'm working on it.

Chairman Darby: Mr. Okum.

Mr. Okum: Mr. Chairman, I was listening to what Mr. Ramirez had stated regarding the lighting and I to agree, the lighting package probably needs to be upgraded on the parking area, but prior to that we would need a photometric lighting plan submitted to staff and reviewed, so that it complies with our zoning code. If you could get that done for them.

Mr. Karhoff: Is it okay if we do it during, we're in the preliminary phase here. Obviously when we're ready for a building permit, we'll have to turn in.

Mr. Okum: Right, yeah. As long as it complies with code, staff will review it and we'll be good with it. So, it doesn't need to come back to us for that. It's just a matter of making sure it is compliant. Additionally, if you change out your mechanical HVAC units or replacement of those, they'll need to comply with screening requirements.

Mr. Karhoff: We'll basically match the upper parapet that is there, that is the front piece that pops out so it will all be hidden.

Mr. Okum: So south will not be visible?

Mr. Karhoff: Right the only thing that you'll see is the sloping roofs on either side of the big piece. It basically aligns with the old Bob Evans parapet that ran through there, it will come on out that way. So, it'll be six foot tall, probably it'll be hidden.

Mr. Okum: That's pretty much all I had unless someone else has something else. Thank you.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I would like to echo Mr. Ramirez's comments concerning the lighting. Even though the lighting is on most of the time during the day in the parking lot areas, at night it is very very dark back there especially for the safety of the worker and the patrons that would be there. So I would strongly echo the same comments.

Mr. Karhoff: Honestly, I have not seen it at night. I'll take a look after this though.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just one comment. I really appreciate what you've done to the appearance of that building with these modifications. I think that's a great improvement and I'm glad to see people investing money in our neighborhood. Thank you.

Chairman Darby: I would imagine you're happy to hear that the observation shared tonight came about because members were at your locations stuffing their faces, which is good news and I join that group. Thanks for the improvement.

Mr. Karhoff: Thank you.

Chairman Darby: Ready?

Mr. Okum: Mr. Chairman I'd like to move for the request by BRF Management, Roosters at 12120 Springfield Pike, case number 33199 be approved to include specifications and designs contained in the exhibits as submitted to staff up prior to this meeting. It shall include. Did I get the wrong number?

Chairman Darby: Yeah.

Mr. Okum: Oh 33228, thank you. Sorry, did I get the right address? 12120

Chairman Darby: Yes.

Mr. Okum: Good. I got that right. Okay. Shall include staff, our City Planner and City... City Planner's considerations. It should also include that the mechanical unit shall be screened from view from adjoining properties in the public right away. A mechanical unit shall be screened by staff, and Planning Commission's approved enclosure and screening. All lighting or re-lamping of existing fixtures shall conform to the existing zoning code requirements. All lighting if any, re-lighting or re-lamping is executed, a lighting plan shall be submitted to the planning staff for all outdoor lighting and for their approval to be compliant with code.

Mrs. Sullivan-Wisecup: I second that motion.

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Chairman Darby: It has been moved and seconded that this be approved as indicated in the motion. Secretary, please call the roll.

(Secretary called the roll and the motion was passed with a 7-0 vote)

Chairman Darby: Congratulations.

Mr. Karhoff: Thank you.

- C. The Calvary Church, 11965 Kenn Road, Springdale, Ohio Application for a Conditional Use Permit (Application 33229)

Mr. Winkler: Hi, I am Brian Winkler with Lincoln Construction.

Chairman Darby: This is a, Thank you.

Mr. Okum: Sorry I'm just trying to make sure we got this. We'll get him sworn in.

Chairman Darby: This is a public hearing. We would like to open the public hearing. If there is anyone here that would like to make comments as a result of this presentation, would you please stand and be sworn in. There being none, oh I'm sorry the applicant himself. Okay you swear him in.

(Mr. Okum sworn in the applicant)

Mr. Okum: Everybody's been sworn in.

Chairman Darby: You may proceed with your presentation.

Mr. Winkler: Thank you. I'm Brian Winkler with Lincoln Construction, on behalf of the applicant of Calvary Church. I apologize; the applicant is unable to make it this evening. Senior Pastor Paslay is in Indianapolis and had luckily he had successful artificial heart surgery this morning. So, the rest of the applicants are over in Indianapolis with him today.

Chairman Darby: Could you move just a little bit closer to the mic please? We're having a hard time picking up your voice. Thank you.

Mr. Winkler: Sorry. We're requesting a conditional use permit for a daycare facility at 11965 Kenn Road, the former Temple Baptist church, now owned by the Calvary Church, for operation of a daycare nursery facility for the Calgary Academy.

Chairman Darby: Okay. We'll go to staff reports now. Mr. Dale.

Mr. Dale: Thank you Mr. Chairman. As was indicated being this as a request for a conditional use permit, the property is approximately a little bit over eight acres in size. It's in the public facilities district. The proposal is to operate the daycare facility in the, 4,500 square foot building that was formerly the library. At its capacity, the daycare will serve 77 students with a 10 to 12 employees. My understanding is that this is part of a longer-range plan that would ultimately result in a converting the facility into both the gymnasium and schools, a school with grades preschool through twelfth grade. The school would be a permitted use not a conditionally permitted, so it would not have to come back for the conditional use, it is the daycare that triggers the conditional use requirement. The standards in the zoning for conditional use, conditional uses are set out, in the staff report and the Planning Commission would need to make a determination that those standards are met. There are additional details that would need to be provided ultimately related to outdoor lighting, landscaping, the proposed playground area; those details have not yet been submitted. Staff would also request additional information to indicate how the waste would be handled. The parking requirements would be met. In terms of signage those details have not be submitted. Those would need to be submitted as part of the staff for approval. So, the big thing is,

is as a conditional use, what the Planning Commission is being asked to determine is whether or not this particular use is in compliance with the requirements that are set out on pages one and two of the code. So, should Planning Commission choose to approve this, they would need to make that determination that the daycare is consistent with those requirements and that the applicant provides staff details for the issues that are identified, including landscape, lighting and the playground edition and the provision of waste and that the condition would also be requested that the signage, information for the signage be submitted to demonstrate compliance with the code and that all future work on the property would need to be reviewed and permitted by the city.

Chairman Darby: Thank you.

Mr. Dale: Thank you.

Chairman Darby: Mr. Shvegza, do you have anything for us?

Mr. Shvegza: I have no additional comments.

Chairman Darby: Thank you. Mr. Taylor.

Mr. Taylor: No sir.

Chairman Darby: Thank you. Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I have a few questions I guess. Other similar applicants that have come before us, I guess it felt like we've had a lot more information than what we have right here in front of us right now. We just have a, a plan view of the structure and that's it. I guess we're, we're proposing, that all of the information that we don't have will be reviewed by staff and approved, is that what I'm understanding?

Mr. Taylor: Yes, and I should point out we received at staff level quite an extensive packet of information. Unfortunately, there wasn't any real depth. It wasn't delineated, the phasing that this was going to take place over because they have, a as Mr. Dale mentioned, a pretty elaborate grand scheme of things because ultimately they want to move the school from the Calvary campus over to this facility. That's not really what's before the commission at this point in time. The issue right now is, is a daycare a permitted use on that particular site? Does it meet the requirements of those? So we elected to not present the vision, if you will, for the whole thing to the commission for review at this point in time because it was really, we felt like it was going to be virtually confusing because there was so much information provided and there wasn't much opportunity to differentiate between, okay, what are we doing right now and what are we doing next year? The year after that, five years from now, because there is no indication at this point how long all this stuff is going to take, but it's my understanding that they are very interested in opening and operating the daycare right away and there will be real plans that would be submitted. I think very soon for us to review that would include, you know, detail information on the playground, et cetera.

Mr. Bauer: Okay. I guess that's my concern is how are the residents that are right next to that building going to be offered or protected from, I mean we've talked about that previous daycares, that were in close proximity of residents that, that didn't impact the, their property as they're sitting in their backyard.

Mr. Taylor: And that is certainly a valid concern and I believe staff is aware of the sensitivity of the situation and would certainly take that under advisement. I think, should anything be presented that there was any discomfort at all, in the staff's mind, we would insist on bringing it back to you guys.

Mr. Bauer: Okay. Thank you.

Chairman Darby: Mrs. Sullivan-Wisecup did I see your light earlier.

Mrs. Sullivan-Wisecup: Yes, he asked my question.

Chairman Darby: He does that all the time.

(talking off mic. not audible)

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. The first off, I agree with Mr. Bauer on the interruption of the residents that abut against that property for having a daycare and my question is to staff, the current location where the daycare on one side of the Kenn Road, did they have a conditional use permit? Why on one side of Kenn Road do they have daycare?

Mr. Taylor: They don't have a daycare at Calvary they have a school.

Mr. Ramirez: They don't have a daycare.

Mr. Taylor: No just a school.

Mr. Ramirez: Okay. Then the other question is, at what point would that road need to become a school zone?

Mr. Taylor: Actually, that question was raised at Council, I believe, and I think the administration said that, you know, we would just have to see how their plans evolve. It's currently not a school zone and there is a school there. There was a lot of discussion, you know, whether it was a, it had to be a public school in order to be a school zone or if the City instituted that.

Chairman Darby: It does not.

Mr. Taylor: I think, the short answer is, I don't know the answer to that question, but it has been discussed and in the applicant's aware of the concern.

Mr. Ramirez: I know on a Route 4, the Christian school on Route 4 has a school zone.

Chairman Darby: It doesn't have to be a public school, but it's my belief that a day care does not require a school zone. So that issue would have to be tackled in the future, if you come back to move into the actual school business.

Mr. Winkler: Sure.

Mr. Ramirez: Well, like Mr. Bauer said, the other proposals that we've seen on a folks are looking to put in a daycare, consist of buffering from the neighbors, maybe lighting, gating of the kids that would go out and play in the play yard. Are you saying that you have that information but because it was segmented that you didn't share that.

Mr. Taylor: We don't have details on the landscaping. It is going to be, it has to be fenced. That's a requirement from family services. So, we will be looking at it as far as lighting is concerned. I don't believe that's the intention is to have kids out there after dark, but in terms of proximity to the neighborhood to the north, I mean, that's a concern of course. We will certainly be watching that very carefully.

Mr. Ramirez: But at this point aren't they asking us to give an okay, and then what will change after we said okay, and they proceed with the daycare.

Mr. Taylor: I think the proposal would be that it would be subject to the staff's approval.

Mr. Ramirez: Very good. Thank you.

Chairman Darby: Mr. Shvegza, did you have clarification for us.

Mr. Shvegza: Yeah, just real quick on the school zone issue? Actually, Jeff Agricola in the Public Works office has done some initial research on that. One of the things, the school will have to be, there is certain criteria that it has to meet and it doesn't pertain whether it's public or private but there are certain criteria and registered with the state and at that time then the school zone signage can be constructed there and probably in this location if it goes to that point, it would be just passive signage, just noting that it is a school zone.

Chairman Darby: Mr. Okum.

Mr. Okum: I hate passive signage. I'd rather a light be on or off. It at least tells me when it is and when it isn't.

Mr. Winkler: Sorry.

Mr. Okum: Just my preference. I will say that Tri-County Assembly does cut their light off, I mean as soon as those kids are in the building, that light goes off on Route 4 and that is appreciated by people that drive Route 4 every day. I'm one of, I'd rather have a sign there telling me that this is school hours and we are offloading kids and kids are coming in and out of the building versus school zone hours are 8:00 AM to 4:00 PM or maybe 6:00 PM or whatever you would assume is school hours.

Mr. Shvegza: Route 4 is a special case just because of the volume of traffic there, but in fact the school zone is in effect whenever their children playing there. It doesn't pertain to any particular hours.

Mr. Okum: I understand, but they turn that light off after their kids are in the building. I will attest to that.

Chairman Darby: But you still have to observe the speed limit.

Mr. Okum: No not when the light's off.

Mr. Hall: If there's children outside you do.

Mr. Okum: If there's children outside, but there, I don't think, I've never seen them tag anybody.

Chairman Darby: We haven't gotten to that point yet, but it's

Mr. Okum: We need to figure this out.

Chairman Darby: I'm sure staff will have some clarification on that.

Mr. Okum: I understand. Would the cost of that signalization, if necessary, be at the applicant's expense or the City's expense?

Mr. Shvegza: I think at this point, we are just talking about signage.

Mr. Okum: Signs. If there is a sign there, the City will pay for it. Okay, I understand. The question I have is, I'm going along with what Mr. Ramirez and Mr. Bauer has stated, typically when we do a conditional use consideration for a daycare, and let me preface this first. I don't see any reason why this site would not be a perfect site for a daycare facility. It's a big site, but how that site impacts the neighbors to the north is a concern of mine and without that information on how the attenuation of sound is going to be dealt with between those north properties and that daycare center in that 4,500 square foot building, I can't support it. So, at this point I'm going to be voting no for the conditional use variance for that reason. Once I see how the sound in the playground area is going to impact those residents, then I think that it's, a good site for that use.

Chairman Darby: A clarification question. Unless you plan to do something inside as required by the State of Ohio, then you will be required to have an outside playground, correct?

Mr. Winkler: Correct, and it is required to be fenced by family services.

Chairman Darby: What I think what you hear the members saying is that in addition to fencing, they would need to have information about some noise attenuation, buffering trees, whatever.

Mr. Winkler: Right? We are developing the landscape plan currently. As Mr. Tayler, mentioned we will be submitting plans here very soon for the Building Department, which would include landscape plans. I know there's a, a large buffer zone on the north property line with the trees that are currently in that area.

Chairman Darby: Mr. Dale.

Mr. Winkler: We can look at additional landscaping along that fencing for the playground fencing.

Chairman Darby: Before Mr. Dale, Mr. Taylor in the past as I recall, I don't recall, when daycare plans have come to us, has this information not been a part of the original submission?

Mr. Taylor: I think the general layout of the play area was, but I don't recall in any case that we've seen if there was any specific information regarding the type of fencing or any sort of landscaping. I remember there was a specific comment made, a and I believe it was in Mr. Okum's motion at the Higher Ground one that the applicant should seek to investigate I believe was the word, sound attenuation for the play area because the play area was existing or is existing at that particular facility. But apart from that, I don't recall any of the other.

Chairman Darby: Do you recall the discussions we've had about one site where it was required to have mounding. I thought that was a part of the initial submission.

Mr. Taylor: The, well the only applications that I think I've seen since I've been here, with the Olde Gate where there was the playground was absolutely right adjacent to the houses. Of course, that was a no go. We had the one that the play area was going to be entirely enclosed inside the up on 747 and then we had the Higher Ground one, which again, the sound was, in all cases, you know, obviously this has been a serious consideration for planning and I think it goes back to a time prior to my arrival here. I believe that was down near the Maple Knoll area, I think there was a situation had developed.

Chairman Darby: Then we had another.

Mr. Taylor: We discussed it at the Autism Center.

Chairman Darby: Autism Center right.

Mr. Taylor: Which again is, it's not a daycare, but I mean the sensitivity of the play area.

Chairman Darby: The issue was there was an outside playground.

Mr. Taylor: Yes.

Chairman Darby: Okay. Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Yes, I had a question. Do we know what the hours and the days are for operation? I want to make sure, like no weekends or late nights or anything like that. Do you have any idea what they have planned?

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Mr. Winkler: No, they have planned typical school type hours Monday through Friday 8:00am till 4:00pm.

Mrs. Sullivan-Wisecup: Okay.

Chairman Darby: Mr. Dale.

Mr. Dale: Mr. Chairman, just to be clear for everyone, including the applicant's. Staff agrees with the concerns that had been raised with regard to the impact and that's why that second condition or consideration was added. I think the difference in terms of what you're talking about now is the question whether or not the commission wants to see those details or whether staff could review those details and bring them back to the commission, if there is a concern about them.

Chairman Darby: Straw vote, do we want to see it?

Mr. Okum: I want to see a plan.

Chairman Darby: I think we want to see a plan. Yes sir.

Mr. Warnament: Patrick Warnament with the Kleingers Group. I think it should be noted that the City application for the conditional use permit does not ask for all of that. So, this is a little bit above and

Mr. Okum: We have the right to ask.

Mr. Warnament: Sure I'm saying you don't have the right to I'm just saying that if that's something that would be a standard, the City application should probably reflect that.

Chairman Darby: Mr. Dale.

Mr. Dale: Just, I don't believe that this individual was sworn in.

Mr. Okum: If you're not sworn in we did not hear you.

Chairman Darby: No, you're not.

(laughter)

Mr. Warnament: Fair enough.

Chairman Darby: And although we did not hear it, in response to what you just said, I think that the applicant realizes where many of the members are at this point and though it may not be a requirement, I think the commission is still empowered to vote yes or no. Mr. Dale.

Mr. Dale: Mr. Chairman, just to clarify, I think that's an accurate statement. What I would say is, what the commission is required to do is to find that the requirements in the conditional use are met and those do address things like activities, processes and so forth that might have an impact. So, I think the requirement is within the realm of what you're required to determine.

Chairman Darby: We would like to see it. Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I heard the applicant's representative testify that the, that there would be landscaping provided, that there would be a fence provided, but I didn't hear anything from the applicant's representative on what they were going to do to protect the residents there. Is the fence going to be a sound barrier fence that you're indicating that you're going to put, that the applicant would put there? Is it a chain link fence? Maybe you could enlighten us a little more on that, what your proposal is then.

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Mr. Winkler: I think we'll be, we'll provide those details on the plans when we submit them to the building department and it sounds like you'd like to see them prior. I don't necessarily want to speak on that behalf right now since you don't have that information in front of you right now in order to act upon. What I would ask, is a continuance to our application so we can come back with the information that you're requesting.

Mr. Hall: So then, you're not prepared to go forward with that? As far as the commitment.

Mr. Winkler: With the information that you are requesting and we're not prepared to go forward.

Mr. Hall: Thank you sir. Appreciate your time.

Chairman Darby: Is that your request for continuance?

Mr. Winkler: Yes.

Chairman Darby: The applicant has made a request that this be continued until our next meeting.

Mr. Okum: Mr. Chairman, may I make a motion?

Chairman Darby: Yes.

Mr. Okum: Mr. Chairman, I make a motion to continue the public hearing process to the next meeting which is March 13.

Mr. Hall: Mr. Chairman, I'd second that.

Chairman Darby: It's been moved and second that this item be continued until our next meeting. A secretary please call the roll.

(Secretary called the roll and the motion to continue was approved with a 7-0 vote)

Chairman Darby: See you in March. Thank you.

IX. DISCUSSION

Chairman Darby: At this time, do we have items for discussion from anyone? Do you have any OKI stuff you need tell us about?

Mr. Okum: No. The Planning Partnership has their, the Allor award presentation and event March something, but the City has participated before with Planning. There are two new categories that have been added to the planning award process. One is a keystone award where a community has an individual that has exemplified planning and a great contribution to a community and the planning realm. That is one that is called the Keystone ward and the other one is the implementation of plan has been added. So, we have had a plan. We have adopted corridor review district is one. And we wish to submit that for consideration. That is a plan that's been implemented and applied so that type of thing is being recognized this year has a separate award.

Chairman Darby: Thank you.

X. CHAIRMAN'S REPORT - None.

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XI. ADJOURNMENT

Chairman Darby: We will reluctantly accept the motion to adjourn.

Mr. Hawkins: So moved.

Chairman Darby: Seconded.

Mr. Okum: All in favor. We all second.

Chairman Darby: See you next time folks.

Respectfully submitted,

_____, 2018 _____
Don Darby, Chairman

_____, 2018 _____
Richard Bauer, Secretary