

PLANNING COMMISSION MEETING

September 10, 2019

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: Meghan Sullivan-Wisecup, Tom Hall, Rich Bauer, Don Darby, Dave Okum, Lawrence Hawkins III

Members Absent: Joe Ramirez

Staff Present: Anne McBride, City Planner, Shaun Riggs, City Engineer representative, Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING ON AUGUST 13, 2019

Chairman Darby: The chair will now accept the motion to adopt the minutes of our previous meeting of August 13<sup>th</sup>.

Mr. Okum: Move to approve.

Mr. Hall: Second.

Chairman Darby: It has been moved and second that we adopt the minutes of the August 13<sup>th</sup> meeting. Voice vote.

(Voice vote taken and the minutes were approved with a vote of 5-0 with Mr. Bauer abstaining and Mr. Ramirez absent.)

V. REPORT ON COUNCIL

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. City Council met on September 4<sup>th</sup>. All seven members were present. We had before us Ordinance No. 24-2019, an ordinance removing section 153.460(C) and amending sections 153.253(C), 153.253(E) and 153.600 of the Codified Ordinances of the City of Springdale. This passed with a 7 to 0 vote. This was with regard to highway sign for Tri-County Mall. This was something that has been approved back in April of 2007, basically trying to help the mall out and the mall never used it. So, we got rid of that so as to not to create some loop hole opportunity for somebody else to use it or to complain that they don't have something similar. We had Ordinance No. 29-2019, an ordinance amending section 152.33(B) and 152.15 and removing 152.33(C) of the Codified Ordinances of the City of Springdale. That passed with a 7 to 0 vote. That matter was with regard to regulating water drainage to protect adjacent properties. We also had Ordinance No. 30-2019, an ordinance creating the section 152.38 of the Codified Ordinances of the City of Springdale, Ohio to address regulations for swimming pools, spas and hot tubs. That also was to regulate drainage from pools and general water drainage that may impact adjacent property owners and both of those passed with 7 to 0 votes. We had Ordinance No. 31-2019, an ordinance amending Ordinance No. 20-2019 to revise the pay table for full-time, part-time and seasonal employees and declaring an emergency. This was going to be in relation to part-time Fire Fighter Lieutenant positions that were going to pay \$25.00 per hour. That was actually withdrawn from the agenda with a 7

to 0 vote. Resolution R13-2019 approving the necessity of acquiring, constructing and improving certain public improvements in the City of Springdale, Ohio in cooperation with the Suburban Communities Energy Special Improvements District and declaring an emergency. This was a special assessment with regard to \$763,550.80 to help businesses be energy efficient. The city has no financial impact with regard to that situation, it is just helping folks be greener. That passed with a 7 to 0 vote. Ordinance No. 34-2019 and ordinance determining to proceed with the acquisition, construction and improvement of certain public improvements in the City of Springdale, Ohio in cooperation with the Suburban Communities Energy Special Improvements District and declaring an emergency, much in relation to the item that I just referred to. That passed with a 7 to 0 vote. We also had before us Ordinance No. 35-2019 levying special assessments for the purpose of acquiring, constructing and improving certain public improvements in the City of Springdale in cooperation with the Suburban Communities Energy Special Improvements District authorizing and approving an energy project cooperative agreement and authorizing an approving a special assessment agreement and declaring an emergency. That was just like prior ordinance and the prior resolution dealing with energy efficiency and that passed with a 7 to 0 vote. As we had Ordinance No. 36-2019, an ordinance authorizing the Mayor and Clerk of Council Finance Director to enter into a contract with CT Consultants for design engineering services necessary for the Beacon Hills subdivision and streets milling and resurfacing project and declaring an emergency. This is with regard to, obviously we redid the streets up in Beacon Hills. There were some issues with regard to that and this is \$20,550 to pay for engineering to go back and readdress those roads to fix some of those issues. That passed with a 7 to 0 vote. Ordinance No. 37-2019 declaring a certain city property as surplus property and authorizing the City Administrator to dispose of said surplus property and declaring an emergency. Specifically, we have some gear from the fire department; coats, boots, turnout gear and a pickup truck. Those items are actually going to be donated to another department and that passed with a 7 to 0 vote. Finally, we had Resolution R14-2019, a resolution authorizing the execution of a settlement agreement between Prus Construction Inc. and the City of Springdale related to the road work performed in the Beacon Hills subdivision. Again, this relates back to Ordinance No. 36 where we have the engineering going because we're going to go back into beacon hills and redo those roads. The city was not happy with the work that was done by the construction company so instead of there being a lawsuit there was an agreed settlement of \$60,000. That passed with a 7 to 0 vote. That's it for resolutions and ordinances. I will say that also and if there is any input, there was some discussion with regard to having a document to address, to give out two new residents whether they are property owners or renters with regard to the do's and don'ts, things that you don't want to miss or you don't want to do in the City of Springdale. Whether it be a list of 10, 15, 20 what have you, but trying to keep it down somewhat. So, there is going to be a committee, will actually we already have a committee that is going to address that. Mrs. Sullivan-Wisecup is a part of that, but that is something that is going to be in the works. We are hoping to be able to turn that out within the next 60 days maybe or 45 days, maybe that's ambitious. Turn that out this year to get information out to residents so things as simple as with the expectations are with what you do with your trash cans, recycling bins and not leaving them out to making sure that you don't miss a great restaurant down by the mall or what have you that we have out there. So if there is any input that this commission has, a new have a lot of great minds and a lot of input, please see Mrs. Sullivan-Wisecup. That concludes my report unless there are any questions or comments from Mrs. Sullivan-Wisecup.

Chairman Darby: Mrs. Sullivan-Wisecup, did you want to say something about your new committee?

Mrs. Sullivan-Wisecup: Well of course I do. Our committee is a public relations committee that is handling this and it is myself and Dan Shroyer. At this point in time, because we are getting ready to turn over, some people are up for election and Dan Shroyer is not going to be on council either way his term is ended in November, there was discussion right now on how we are going to proceed with that because he does not want to get into it and then end up not being on it and leave it halfway finished. So, we are dealing with that right now. I absolutely would like some input on it. What we want to send out is something like here are the things that are important because when

renters or new owners come into Springdale, like Mr. Hawkins said, they might not know that we have rules like you have to have your garbage cans away this long after the trash is taken away and it has to be hidden from the street. Just different things like you can't put refrigerators out at the end of the road for the garbage without having the Freon taken out doing all kind of stuff. There are just things that people seem to either not know or just need to be reminded of. And we also want to let them know of all the great things that we have in Springdale like different upcoming events, different restaurants that are here, different things that we're doing so that they can feel included in all that is Springdale. I think it is a great idea and like you said, we absolutely want any kind of input that we can get to try to make this as successful as possible. We want to put it with a welcome packets that citizens are ready get anyway. That is a big part of that. The other thing that I wanted to comment on was when we were talking about the items that are being donated from the fire department, the Springdale name has been taken off of all of the items that are being donated so when they go to other communities they will no longer have the Springdale stuff on them it will be switched over to whatever community is receiving those. Thank you.

Chairman Darby: Thank you very much. Before we get started, I want to welcome Mr. Riggs sitting in for Mr. Shvegza. I must note that since we typically had seven members, we're down to six this evening. Any positive vote must have at least five affirmative from this group. Just for the record.

VI. CORRESPONDENCE

None.

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

- A. American Heritage Girls, 35 Tri-County Parkway, Springdale, OH, Minor Improvement requiring Planning Commission Approval. (Application 35476)

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. This is from CAGIS, it is an aerial of the site and of course this is the building in question. It has recently been remodeled to allow American Heritage Girls to move in. There is, on the next slide here, which is part of your packet, this is the sign that is before you. It is going to go on the side of the building that faces Tri-County Parkway. There's already a sign on this side of the building that was permitted because it was just a face change of an existing sign. Finally, this is, actually this rendering is kind of the sign and so forth was placed over it really before the building was remodeled. It is much more attractive at this point. The idea here, what is in question is the logo which is a cabinet sign. American Heritage Girls would be channel letters. That is all that I have. Mrs. McBride has the floor.

Mrs. McBride: Thank you. Just to continue on where Mr. Taylor left off, based on the 131 lineal feet of frontage of the building on Tri-County Parkway, they are allowed actually 216 ½ square feet of sign area and they are proposing 51.3 square feet of sign on the building of which only 9 square feet of it are actually the cabinet sign. So they are actually only using 24% of the sign area that they are permitted to have and of the proposed signage only 17.5% and that is going to be a cabinet sign but pursuant to our section 153.459 (C)(2)(d), that would require Planning Commission's approval to incorporate a cabinet sign with in the overall building signage.

Chairman Darby: Thank you. Mr. Riggs do you have anything for us?

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Mr. Riggs: No, I did not.

Chairman Darby: Questions, comments from the commission members? Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just driving by there is also a monument sign there to. There's no issue with that?

Mrs. McBride: The monument sign they changed the face on as they did on the east side of the building. They popped the panel on that sign, both of which were permitted because they were just changing the panel.

Mr. Bauer: Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: What you want basically, Mrs. McBride, is an approval for the logo medallion element shall be permitted considering it is less than the allowed square footage sign that could be requested?

Mrs. McBride: That's correct.

Mr. Okum: In essence. Okay. I hereby move

Chapman Darby: Excuse me. Mr. Hawkins.

Mr. Okum: Sorry Mr. Hawkins. Go ahead.

Mr. Hawkins: I had not hit my button.

Mr. Okum: It is an inadvertent button. I hereby move to approve the following project: American Heritage Girls, project 35476 per specifications and designs provided in our meeting packets as exhibits which were submitted by the applicant and reviewed by staff prior to this meeting. This excludes the applicant responses if any to the staff's comments and communications. This motion includes the following conditions: staff's recommendations and considerations. In regards to signage, special signage conditions shall include the logo medallion element shall be permitted on the building as illustrated considering the less than allowable square foot of signage requested by the applicant.

Mrs. Sullivan-Wisecup: Second.

Chairman Darby: Moved and second that this submittal be approved as identified in the motion. Secretary please call roll.

(Secretary called roll and the motion was approved with a vote of 6 to 0.)

Chairman Darby: Congratulations.

Mr. Okum: That was quick. The building looks great by the way. I drove by today. I did get, Mr. Chairman if I could for just a second? I did get a little confused on the in and the out and I went the wrong direction. So, I was going back in your out.

Chairman Darby: Yeah, he does that all the time.

Mr. Okum: Just bought that I would mention it.

(Someone talking in audience not on mic. not audible.)

- B. Lamount Properties LLC on behalf of Culver's, 11530 Princeton Pike, Springdale, OH, Minor Revision to a PUD (Application 35486)

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. This is again CAGIS and essentially this is the entire Cassinelli Square. This is what we're talking about here. This is actually the parcel that was, you all may recall was going to be the small hospital. It is now going to be a Culvers restaurant. This is the site plan. Of course, you all have all of the detail information in your packet. The most notable thing here is that all of the access essentially comes off of the main entrance to Cassinelli Square. This is the landscape plan that is proposed for the project and per Mr. Okum's request, this is the landscape plan on the Bank of America site which is immediately to the north where the Ponderosa used to be. The point here was to trying to illustrate how this all comes together right up in here because there is some work with sidewalk and so forth that is being done by Bank of America. Then again it is down here in this area for all of the stuff is supposed to connect the dots between the two. Finally, this is a photometric lighting plan which again you all have copies of this in your packet. I just included in the presentation tonight, the rendering sheet that pretty much shows how the building is going to look from all of the different angles. That is all that I have for you tonight.

Chairman Darby: Mr. Riggs.

Mr. Riggs: I will go through and review comments. In terms of the site layout there is only one comment and it was related to the pedestrian crosswalk to the north from the Bank of America site. We would just need appropriate warning signs going across the drive thru lane. In terms of storm water management, and they are exceeding the required detention volume through 416 feet of 48-inch diameter pipe, however; it wasn't really clear how the orifices would be arranged in the pipe and connected to the storm structures. The inlet capacity calculations will also need to be submitted. The site impervious area is being reduced by 20.5%, therefore no water quality BMP's are required. That is all that I have.

Chairman Darby: Thank you. Mrs. McBride.

Mrs. McBride: Starting to think that I was forgotten there. As Mr. Taylor indicated, Culvers is proposing to locate a 4310 square foot restaurant at the northwest corner of Cassinelli and that is where we did previously approved the small hospital so we will need the two members of Council who serve on Planning Commission to vote that, in fact this is a minor adjustment to that PUD. The fact that we already have restaurants and so forth in that PUD and resale uses staff believes that it is a minor modification.

Mrs. Sullivan-Wisecup: I find that this is a minor modification.

Mr. Hawkins: I also find that it is a minor modification.

Mrs. McBride: Thank you. In terms of open space, they are required to have 25% and they are actually proposing 26.1% that the plan that is before the commission this evening. The building meets all of the setback requirements as does the parking with the exception of the side where it's adjacent to paved parking areas already. So, the commission has approved that in every other location within this PUD and other PUD's. Based on the proposed 4310 square foot building the total of 44 parking spaces are required and they are proposing 60 nines which exceeds our 30% over requirement. Based on that they would need to do additional landscaping and also submit a parking study for staff to review and approve. They have included the additional landscaping that is required on their landscape plan so that is already shown. One of the considerations that we have offered to the commission, is that they would provide staff to a parking study to review and approve. They are required to have a total of five stacking spaces for the proposed drive thru window and they are actually showing 13. I guess the "Concrete Mixers" are very popular. The waste enclosure meets all of the requirements of the zoning code. They are proposing an outdoor patio in the southwest

corner of the building and we need to confirm that they are going to meet all of the provisions of section 153.253(E)(8) which they have indicated that they will do. Those things largely go to a railing and tables being secured and so forth. So, we feel comfortable that they will be doing that. The drive thru that it also needs to meet the requirements of section 153.253(E)(4) and that has more to do with the volume level on the speaker and so forth and again they have indicated that they will be complying with that but we have also put that in for consideration. We had some very minor changes on the landscape plan, very minor. We've asked that they revise and resubmit back to staff for review and approval. In terms of signage they are proposing one ground mount sign that would be 8 feet tall, contain 52.5 square feet. It would be set back 10 feet from the right of way as required and also in a landscape bed. The landscape bed needs to match the size of the sign. 17.4 square feet of that sign is proposed to be, the lower portion, an electronic message center which is permitted as long as it doesn't exceed 50% of the sign area which this does not. They did provide us with information that allowed staff to determine that it does comply with the provisions of section 153.460(B) and that has to do with the brightness and that it would only change once per day because the sign is only 8 feet in height and so forth and that would be one of the considerations as well. Just to make sure that has the auto dimmer and those types of things. With regards to wall signage, they are proposing signage on the west side which they are entitled to 80 square feet of signage on the west elevation. They're actually proposing 47 square feet of channel cut letters. They would also like signage on the south and the north building elevations that are a "Culvers" in channel cut letters that would be a little bit over 29 square feet on each of those two sides. So, they are proposing a little over 105 square feet. Again, they are entitled to 80 square feet on the west side. Planning Commission has previously granted other uses within this PUD and other PUD's signage on the building sides and slightly over and above the sign area that they are permitted to have. With regards to the lighting, they did revise their lighting plan. Staff would consider this a medium activity use which allows fixtures to be mounted at 24 feet. They've actually have 24 foot poles with 6 inch concrete base is so staff would suggest that planning commission go ahead and allow these to be mounted at 24 feet 6 inches. I see Mr. Okum's head shaking, I'm sure he's going to have a question on that. Otherwise the lighting plan is concurrent with the requirements of our zoning code. The building itself, and I know Mr. Taylor just had some elevations up there is of manufactured a stone and HardiePlank siding with some additional accent materials. There are blue awnings on them that would be exterior illuminated from goose neck lighting. The one thing that Planning Commission, in addition to reviewing these building elevations, you would need to approve if you so choose is that they are proposing blue LED lighting on both the north the west and the side elevations and that does require Planning Commission's review and approval. They have indicated that all of the mechanical screening is going to be hidden from view as required by our code. They are, I believe tonight I saw a large box come in so I think those are the building material and color samples for your review. That is all that I have.

Chairman Darby: I had your report already right in front of me.

Mrs. McBride: You were going to give my report? That's fine. All good.

Chairman Darby: Does the applicant want to come up to the podium please?

Mr. O'Brien: I'm David O'Brien, I'm with Bayland Buildings, 3323 Bayridge Court, Greenbay, WI. Does anybody have any questions regarding the project?

Chairman Darby: Did you have any presentation to make this evening sir?

Mr. O'Brien: Well I do. I know they're talking about the parking, and I'm not sure, I'd copies from Culvers corporate that lists 20 stores, same footprint, with the amount of parking that they have on that site. Would you like to see those?

Mr. Okum: That would be something that you'd probably to.

Mr. O'Brien: Okay. I don't really have anything to add to that. I do have the material samples if you want to look at those.

Chairman Darby: Yes, we would like to do that please. I saw someone struggling in here with that heavy box. I don't want to disappoint.

(Multiple people talking off mic. at the dais while passing around the material samples.)

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman and my mic is on. A couple of items, Mrs. McBride in regards to the lighting. I believe on the Bank of America we held the lighting to the same height as it was at the corner and I would like to see that our lighting height is consistent along those properties.

Mrs. McBride: We may have considered the Bank of America as a given activity level. That you remember our code does a low, medium and high activity levels. With Bank of America we did allow them significantly to increase the light levels under the ATM.

Mr. Okum: For Safety?

Mrs. McBride: Yes, for safety reasons, and by the rear doors.

Mr. Okum: I'm more interested in a height of pole because according to hear the pole is 24 foot I believe it said

Mrs. McBride: The photometric plan indicated a 6 inch base.

Mr. Okum: A six inch base, where in the world of a 6 inch base come from?

Mrs. McBride: You'd have to ask the applicant.

Mr. Okum: I mean I visited the site today and if you're going to use any of the existing bases, they are 24 or 30 inches out of the ground.

Mr. O'Brien: No, it is a 6 inch curb that we place so that when they plow they wouldn't curb then a concrete cylinder, you know I'm talking about?

Mr. Okum: Well you still have a base, a base for the sign.

Mr. O'Brien: You're talking about the light poles?

Mr. Okum: Your light bases yes that holds your poles.

Mr. O'Brien: Right, it is just a concrete sono tube.

Mr. Okum: Yeah, the sono tubes on the site currently are 24 to 30 inches tall.

Mr. O'Brien: Those are all getting removed.

Mr. Okum: Your sono tubes will be at grade?

Mr. O'Brien: They will be 6 inches above grade.

Mr. Okum: So, how do you keep cars from hitting them, you keep it back further in the parking area?

Mr. O'Brien: Most of those light poles are in a landscaped area.

Mr. Okum: Okay. Perfect for us but I just want to understand. So, you are asking for 24 foot 6 inches?

Mr. O'Brien: Correct.

Mr. Okum: And staff feels comfortable with that so I'm staying with what staff says. The accent lighting on the building, I typically put a motion in effect that should a portion of it go out that it all be turned off. And you don't have a problem that?

Mr. O'Brien: No, I do not.

Mr. Okum: Okay. So, that will be in the motion when I do phrase it so it is maintained. Obviously, most of the Culvers are very well maintained so I would assume that Springdale's is going to be. Are going to do an irrigation system for your landscaping?

Mr. O'Brien: Yes.

Mr. Okum: Okay. I guess going back to parking, Mrs. McBride, and I understand the parking study is necessary, I guess my question that comes is what if the parking study doesn't show that they need that many parking spaces?

Mrs. McBride: Well, you know Culvers knows how many parking spaces that they need.

Mr. Okum: So, did Wal-Mart if I may.

Mrs. McBride: So, what staff will be looking at is consistency with regards to those stores. I mean the applicant has represented that those stores are roughly the same size and he is going to, I'm assuming, tell us how many parking spaces that those stores have. If necessary, we may go by and look at them, we might call Mason or someplace and say hey, are those spaces used most of the time? But they are in excess of the open space requirement.

Mr. Okum: I understand, slightly, not a lot, couple percentage. I mean that that site is a sea of asphalt so anything that can break that asphalt except for where the gravel is in the middle and the more the weeds of grown.

Mrs. McBride: I would say, I've not had a Culvers or been to Culvers but I'm guessing that with thirteen stacking spaces these guys know their business and Mr. Taylor's car is going to be parked there probably permanently. So, that that is one space right off the top it's gone.

Mr. Okum: We've even eaten dinner at Culvers. The food is pretty darn good. But that being said, another item that I had on my list and it was in regards to the rear of the building signage. And I don't have a problem with rear of the building signage. I think it enhances it and elevates the quality of properties especially when you treat the rear elevation architecturally into your design. I would support a limited amount of signage for the rear of the building as well as the other three sides.

Mrs. McBride: They actually had signage on that rear elevation and one of staffs, on the original submittal and one of staff's comments was, as we always do, you're only allowed to have it on the frontage the faces in the right-of-way.

Mr. Okum: That's the advantage of Planning Commission so we can sort of go with what the rules are and Planning Commission has the opportunity to work with a client to see if possibly, would you who is the owner rep?

Mr. O'Brien: He's the owner.

Mr. Okum: You're the owner sir?

(Talking from audience off mic. not audible.)

Mr. Okum: Did you want to have that sign on the rear elevation the of the building?

(Talking from audience off mic. not audible.)

Mr. Okum: I don't have a problem with that. It is up to this commission. Considering it can't be seen, I mean you can still see signs from two points, but you can't see the sign on the south when you're on the north side of the building. So, I don't have a problem with it. I think it may help things to the east of the building a little bit. Possibly, we can only hope.

Chairman Darby: Mrs. McBride, what size was proposed?

Mrs. McBride: Was that another 29 square foot sign?

Mr. O'Brien: I believe that it would be the same size as the ones on the north and south.

Mrs. McBride: Which is 29.12 square feet.

Mr. Okum: Okay. I guess the only thing I had is about the asphalt. We'll all of the asphalt of your area be totally replaced?

Mr. O'Brien: Yes, it will be.

Mr. Okum: Because that part of the driveway is just completely gone.

Mr. O'Brien: Yeah, we stopped out there because I think in the staff comments they were talking about the driveway and maybe 50 to 75 lineal feet from the site itself, that road if you want to call it a road to our driveway is pretty bad but the rest of it, we think it was okay. But, I don't know what staff's opinion of that is when I say okay. I guess we don't have a problem milling it out because that's how it was designed for but when we drove out there and just looked at it just before here, that road, say it is 300 lineal feet, the first 250 to 275 feet is a pretty good condition. The rest of it is just banged up.

Mr. Taylor: Just for clarity, this portion of the drive you're saying that you believe is in pretty good condition and this portion down here closer to the site is what is in such poor

Mr. O'Brien: Correct, very poor.

Mr. Taylor: Okay.

Mr. Okum: I was there today and I'm not an asphalt engineer but I will disagree with that. I think staff would need to look at it and make a determination. It is primarily a drive through for two businesses, yours and what was the Steak-n-Shake.

Mr. O'Brien: Correct.

Mr. Okum: Obviously, you are utilizing the other. Just one other question for staff in regards to the PUD and the covenants. Is there any need for any review or making sure that the covenants are tied properly to this because this seems like a different outline what was there for Longhorn Steak House years ago?

Mrs. McBride: I don't believe so because the covenants address things like the restaurant use, the drive thru, and so forth. All of which we already have within or have had within that PUD.

Mr. Okum: That was originally a restaurant. It was a Longhorn Steak House.

Mrs. McBride: Right.

Mr. Okum: Many, many years ago.

Mrs. McBride: No that many, well yes.

Mr. Okum: A few years ago. The sign at 8 feet with the vegetation that is currently they on your neighbors adjacent property, I guess that vegetation is going to be eliminated

with their landscape plan and that was one of the reasons that I asked staff to illustrate their corner. If you have an 8 foot sign that's behind everything it doesn't really do a whole lot of good if it is blocked on by vegetation significant vegetation. So, as long as you keep it as a monument sign and it is within, is that a pole sign right?

Mrs. McBride: Ground mount 8 feet tall.

Mr. Okum: Do they have a ground mounted sign? Why did I, you said that but then I saw

Mr. O'Brien: Yeah, that sign is still there

Mr. Okum: I thought I saw, in the sign package I thought I saw something, I saw the ground mount sign. Maybe I didn't. I thought I saw one sitting on a pole someplace. Okay I'm done for now.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I have three questions, two for staff. I appreciate the quick display of the map of next door, Bank of America. Just confirm to me that you are good with the intersection between those two properties and how they all relate fairly well as far as sidewalks and is there a cross drive between the two?

Mr. Taylor: There is no cross access, well the only access, cross access is down here actually, vehicular I'm talking about. Up here, this is actually the crosswalk connection and I think Mr. Riggs mentioned getting people across this drive thru lane is that not correct?

Mr. Riggs: Yes.

Mr. Taylor: So, basically the dots do connect.

Mr. Bauer: I appreciate that. Second, just a clarification on signage. The electronic sign, your notes indicate that one electronic sign is permitted per development. So, that is per PUD correct? So, this would be the only site in that PUD that could be electronic?

Mrs. McBride: That would be my understanding unless this commission decided to, because of the size of the PUD or another type of user ever coming in to allow them to also have one.

Mr. Bauer: Okay. Thank you. Lastly, the blue LED is more for the applicant. The blue LED accent lighting, where is that going to be? Location on the elevations?

Mr. O'Brien: It is going to be, it is basically at the top of the building underneath, right there yup. It is tucked up underneath there.

Mr. Bauer: Okay, and the blue is the blue that we're seeing up there? It's not, because I look at Christmas light blue and that blue bothers me. So, I am assuming it is this blue that I see up there?

Mr. O'Brien: Yeah, it is a real soft blue. It is not overwhelming by any means.

Mr. Bauer: Okay. Alright that was it thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. That's not Christmas blue, that's Hanukkah blue so we should be okay. With regard to the signs in the back. Mr. Okum was referring to, I'm fine for that for the sake of the record. With regard to the conflict and the, one of the islands that have landscaping and the light pole, has that already been addressed with staff?

Mrs. McBride: There were just those minor landscape issues and we will work with them to get that revised before the moving forward.

Mr. Hawkins: Okay. When are you anticipating construction beginning?

Mr. O'Brien: November 1<sup>st</sup>.

Mr. Hawkins: And when do you think it will be conclude?

Mr. O'Brien: February 1<sup>st</sup>.

Mr. Hawkins: Thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I just forgot one thing. On my comment on the signage on the back of the facility, I guess when I first looked at that I didn't look at signage, I looked at, it's obvious that that's the back of the building. That bothered me a little bit but that's my look of the building. I guess I would prefer something be done architecturally to the way the building looks verses signage, but that's just one man's opinion.

Chairman Darby: Mr. Okum.

Mr. Okum: I don't disagree architecturally. I think architecturally they did treat the rear of the building. I mean they've got the stone that they carried all the way around it. They've carried the HardiePlank on it. They've got the cornices on the rear elevation. I mean they have really juiced up the quality of the look of the back of the building. It could have easily been a concrete block element without cornices, without brackets, you know. I think they have done a fair job with that. I am still not, I'm thinking of the other parcels that we have in PUD's where we've permitted rear building elevation signage and I am thinking that in fairness, considering who would be seeing it, I don't have a problem with that because that is, sort of an entry. That is sort of the entrance if you think about it to their business. It is sort of the front even though the street signs is there. Since there are no other lights lit, I guess we will leave it up to the commission Mr. Bauer.

Chairman Darby: I think we are okay.

Mr. Okum: Okay. I just have a couple of questions in regards to the digital sign which is going to be incorporated into the monument sign. From my understanding is that this will be the only permitted digital sign for that entire PUD. This is part of the Cassinelli PUD.

Mrs. McBride: That's correct, unless this commission should decide to

Mr. Okum: Approve a second or third or whatever

Mrs. McBride: Yes any additional LED signs.

Mr. Okum: The reason I am bringing it up is because it could establish some type of a quandary for the commission on future developments. Let's say Bank of America comes back in and says you know we'd like to do a digital sign and upgrade our sign and then the people that ultimately buy Steak-n-Shake and they say, you know we'd really like to upgrade our sign when we redevelop the Steak-n-Shake and Zips Carwash comes in and says, you know we really need a digital sign in our monument element. Then we end up with a problem. So, I am having difficulty with this. I really am. I love the idea of quality digital signage. Under discussion tonight I have three items and all three items are existing digital signs that are in the City of Springdale that are not working the way that the city had approved and we are still dealing with it. We had a situation on the Red Dog with a digital sign and the frequency of changes. We set a standard on that,

that it would only change once every 10 minutes. Did I get that right this time? Once every 10 minutes. I don't know how often your signs change.

Chairman Darby: Once a day.

Mrs. McBride: If I might. The plans that were submitted by the applicant says that they will change once a day which is permitted by code because their sign is eight feet. The Red Dog sign was over eight feet so that's why then they went to the 10 minute. We can talk about this electronic message center but it is permitted as of right by the code.

Mr. Okum: Yes for that PUD.

Mrs. McBride: For this PUD.

Mr. Okum: For that PUD and one per that PUD.

Mrs. McBride: Right.

Mr. Okum: And that was the reason I sort of, because obviously they have to get the blessings of the property owner in order to build and they are part of that PUD and that is part of the Covenants of the PUD and they are all tied together into one big happy family, usually. But I just want to make sure and we use the once a day formula for McDonalds

Mrs. McBride: That's correct.

Mr. Okum: And I think that that's appropriate. I don't have a problem with that but I want to make sure that whatever we ultimately do we are fair to all applicants and that we are consistent. I think that is something that we have to be aware of.

Mrs. McBride: Everything that I am aware of with their proposed sign meets the code in terms of the brightness, in terms of the timing of the changing, the height, the percentage of the LED but we've also put in there the provisions that because I don't physically have the auto dimmer in my hand that they have to comply with all of the provisions of the code.

Mr. Okum: Okay. I guess that it is this commission's decision to understand that should Cassinelli redevelop that we are going to be faced with decision making on potential digital signage which is the age of today.

Chairman Darby: The way, as I understand it, the way that the code is written there is no way around that, but that is something we'd have to consider in the future.

Mr. Okum: My motion is, as far as I can see, should state that the digital sign incorporated into the monument sign shall be the only digital sign allowed for the PUD. That's what we've been told.

Chairman Darby: Well the code already says that.

Mr. Okum: I want it to be clear and understood as part of the motion. So, does anybody have a problem with that being part of the motion?

Chairman Darby: I have a question. Why would, why is there a necessity to restate the code in this particular submittal? When as Planning Commission, next month someone else could come in and make the same request?

Mr. Okum: So, are you saying, Mr. Chairman, that you probably don't have a problem with more digital signs?

Chairman Darby: I'm saying that we follow the code and we deal with what is presented to us.

Mr. Okum: Okay.

Chairman Darby: I don't know how else we can look at it.

Mr. Okum: I see Mr. Hawkins' light. I defer to Mr. Hawkins.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I tend to agree with our Chair. I think with what you are saying Mr. Okum, is exactly correct, they are only going to be allowed to have one but we are essentially restating legislation in there and the reality is possibly through this discussion and possibly through other discussion that might take place with whoever is on Council, there may be some evolution with regard to the code and if there is I don't think it is necessary to do. The code is what it is right now. That thing may change and we, through the course of this discussion, I'm sure that's probably going to be do we need to look at that as being an issue, but right now, as it sits here today if it is put in there we know that if anybody else is coming through the code is indicating that they couldn't have an electronic sign in that PUD as the code is today. So, I don't have a major issue but it seems like it could be unnecessary and it could be something that, if it is going to be addressed it is going to be addressed elsewhere.

Mr. Okum: Legislatively and that would be generated from us anyway unless Council took it on themselves.

Mr. Hawkins: Right.

Chairman Darby: Since you agree with me does that mean I can pretend to be an Attorney?

Mr. Hawkins: Yes. You don't have to take the bar or anything. It's official.

Mr. Okum: Since I deferred to you, I don't have a problem with, because we are the authors of what ultimately is recommended to Council and a part of my discussion tonight is going to be consistency in our sign code. So, obviously we need to address it but the PUD is a little different than code because a PUD you have give and take and you approve things and those conditions of that motion stay with that property until that property PUD is redone. Is that correct Mrs. McBride?

Mrs. McBride: So does this final development plan that you are reviewing and approving. Now if somebody else wants to come in just as the commission this evening has suggested, not only can the applicant have signage on the west side of the building which they are entitled to they can have it on the north and the south and the east, this is being considered on its own merits. So, if somebody else were to come in and say, redevelop the TGI Fridays parcel and they wanted to have an electronic message center and the commission felt that it was appropriate use tied with that user and that it met all of the other requirements of the code in terms of size and brightness and changing and so forth, because it is a PUD you could, in fact, grant that. So, I don't, you know, with a PUD the commission has to look at each site on its own merits. Just as you have done tonight, just as you did with Zips and so forth. I think that is the precedent that you have set is that you look at each project that comes before you on its own merits and I would urge you and expect you to continue that as this PUD redevelops, and other PUD's redevelop.

Mr. Okum: Okay. Thank you.

Chairman Darby: Mr. Hall.

Mr. Hawkins: Thank you Mr. Chairman.

Chairman Darby: Mr. Hall.

Mr. Hawkins: Oh, sorry.

Chairman Darby: That's not your name but you're next though.

Mr. Hall: Thank you Mr. Chairman. Just for clarification from the applicant. Is the applicant requesting permission to put a sign on the back of this building? Just so the record is clear. Is the applicant requesting this permission or is it the understanding that the commission is suggesting that to you?

Mr. O'Brien: I'll answer that because I did ask them about that. There were four signs on the building to begin with and then when it was submitted to staff for review they said that we were only allowed X amount of square footage of signage so in all likelihood the rear is coming off. That's why we did it. He prefers, Culvers does to at the corporate office, prefers that all four sides have signage on it as was depicted on the original submittal but when it went through staff's first review they said that X amount of square footage of signage is only allowed so we took the rear off.

(Someone talking off mic. not audible.)

Mr. O'Brien: Yes we are. Yes.

Chairman Darby: That's clear. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. With regard to the signage, I just want to say, again I am okay with it. It is not something that I am sitting here saying I've got to have but I don't have an objection if that is where the commission goes. Just going back to the previous issue in terms of the language of this is the only electronic sign in the PUD. Along the lines of what Mrs. McBride said, I think that situation is fluid because we are going to look at each parcel or property or applicant individually and because it is fluid it is one more reason to not put it in there and the code is what it is and I think that is sufficient. Thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Let me pile on one more time. My only reason for bringing it up was more, not individual properties but large signage to the whole PUD and the issues we got into across the street with additional signage. Again, the electronic signage that was wanted on that PUD at, for the Princeton Bowl piece the last time that it came up. Just to make it aware, I didn't read that till tonight when you were going through it that it popped back into my head that's something we need to be aware of and in that could mean that big monument signs. There's two of them correct to that PUD at this point in time.

Mrs. McBride: There's a number of signs for Cassinelli and if you will recall, on the Towne Center PUD, this commission approved three electronic message centers for that one PUD. Large, very large LED signs and that was this commission's decision to do that. So, again, you are looking at it case by case and in that case you felt that it was appropriate.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. With regard to the applicant, for most Culver's, I've frequented several during my time, and I have to admit I don't usually pay attention to the signage because I am excited to get my Mixer but do most of them have signage around all four sides of the building?

Mr. O'Brien: Yes they do.

Mr. Hawkins: With regard to most of the franchises now, do most of the franchises have electronic signage?

Mr. O'Brien: Yes, most franchisees do have them. He's the franchisee.

Mr. Hawkins: And is there anything from corporate that, where they send out any edicts in terms of signage beyond, obviously, it has to be the Culvers logo but is there any, are there any edicts in terms of how much signage or anything like that?

Mr. O'Brien: I don't believe there is, no.

Mr. Hawkins: Thank you. Thank you Mr. Chairman.

Chairman Darby: There being no more lights? Mr. Okum, your stage.

Mr. Okum: If I could. Just, I heard what you said in regards to the notification of one PUD, one sign and I have struck that from my motion so you won't hear me say it. I might mumble it. Just kidding. So, based upon that I hereby move to approve the following project: Lamont Properties LLC, case project 35486. Did I get that right? Per specifications and designs provided in our meeting packets as exhibits which were submitted by the applicant and reviewed by staff prior to this meeting. This excludes the applicant's responses after staff's comments and communications. This motion includes the following conditions: Staff, our City Engineer and City Planner's recommendations and considerations contained in their report except for the item regarding the rear building signage which wasn't listed I think was it?

Mrs. McBride: No, because they had withdrawn it.

Mr. Okum: They had withdrawn it. So I don't have to say that. Includes the staff, City Engineer's and City Planner's recommendations and considerations contained in their report. In regards to accent lighting, such accent lighting shall be limited to the following conditions: All on or all off, if a portion of the system becomes defective all accent lighting shall be turned off until such repairs are made. Building elevations are to be as illustrated. The exterior color pallet shall be per the samples submitted. Special signage conditions include rear building signage of 29.12 square feet single channel letter, lighting or signage is requested and shall be on the east rear elevation. Pole sign illustrated in the applicant's signage proposal packet is not approved. Just a reference, there is a pole sign in your sign packet. There is, it is in the sign packet. Signage in regards to the digital sign information shall only be changed once a day as requested.

Mr. Hawkins: Second.

Chairman Darby: It has been moved and second that this submittal be approved as identified in the motion. Secretary please call the roll.

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

Chairman Darby: Before we close this out I need to know what is your best-selling sandwich or should I ask Mr. Taylor?

Mr. O'Brien: The Culvers Deluxe.

Chairman Darby: Culvers Deluxe, okay. Thank you very much.

Mr. O'Brien: Thank you.

Chairman Darby: Welcome to Springdale.

Mr. Okum: You will be open by spring?

Mr. Hall: February 1<sup>st</sup>.

Mr. Hawkins: Valentine's Day.

Mr. O'Brien: Yeah, whenever we start, I just need 120 days to finish.

Mr. Okum: Are you serious?

Mrs. Sullivan-Wisecup: Now you said February 1<sup>st</sup>, that is my birthday and this is my very favorite restaurant, I'm just saying, I'm holding you to it and I'll see you on my birthday.

IX. DISCUSSION

Chairman Darby: Items for discussion?

Mr. Okum: If I could Mr. Chairman and I will make this fairly quick because I think it is going to take committee time and staff working on it. Today I drove Springdale of course which I drive most days but the vapes and Noodles sign is changing every five seconds. The Towne Square large sign is changing every 10 seconds, McDonald's is changing zero times and I think it becomes very complicated in regards to what staff has to deal with and what we are putting on their responsibility. I think we need to revisit our sign section of the code and look at a couple of the things in regards to frequency of change, the issue of the 8'6" verses the 8" signage issue so we don't have that. I think we need to be consistent so that we are not relying on Dave Okum's memory or Don Darby's memory or one of the other or one of us to say what was the length of time that that sign was supposed to be changing between changes. That's crazy. I mean we really need to be consistent, consistent, consistent and it is only fair to the applicants, the people that have businesses in the community and to the staff that has to administer the code. So, that is my point of reference.

Chairman Darby: Mrs. McBride.

Mrs. McBride: Thank you. The code is very specific on that Mr. Okum. Table 460-1, if you have a sign with an LED that is under 8', it can only change once every 24 hours. If you have a sign that is 9' and above, it can change every 8 seconds. So anything in between then, unless this commission varies that or the Board of Zoning Appeals varies that, depending on if it is not in a PUD

Chairman Darby: So we are saying, these folks are just non-compliant?

Mrs. McBride: Then those signs are not compliant.

Mr. Okum: But the PUD allowed changing?

Mrs. McBride: The signage that you all just approved is consistent with the requirements of the zoning code.

Mr. Okum: Except if the applicant had come in with a 9' sign.

Mrs. McBride: Then they could have changed every 8 seconds, staff might not have recommended that.

Mr. Okum: This person on this commission says that's crazy and it can be 8'3" tall and it can be changing every 8 seconds.

Chairman Darby: Under no conditions should they change every 5 seconds.

Mr. Okum: Under no condition should they change every 5 seconds.

Chairman Darby: That's just a compliance issue.

Mrs. McBride: But they don't change, the code does not allow signs to change every 5 seconds.

Mr. Okum: So, what we need to look at in the code is that factor of changeable signage from 8'6" to whatever. I don't care how high it is. I think we need to set a standard that is reasonable that is consistent.

Mrs. McBride: Well that is what we have. I mean

Mr. Okum: No it's not. If I can change, I disagree then that 8'3" gives me the right to have my sign change every three minutes so everybody coming into this doorway says their sign is going to be 8'3" tall but we are going to build a monument sign to be compliant with the code.

Mrs. McBride: Well in order to be considered a ground sign it has to be 8' or below. So, if this commission chooses, if they're only allowed to have a ground sign in most cases. So, if this commission chooses to approve a larger ground mount sign, a taller ground mount sign then is permitted, then with that you are approving signage that is changing, just like you did for Red Dog and for Circle Storage right?

Mr. Okum: Right which was a nightmare in my opinion and it's really unfair to the applicant that was just before us or anyone that complies with the code that hits that 8' line and stays with the monument sign the way that the code is written.

Mrs. McBride: Well I mean that is the commission's prerogative. If you want to approve that 9' sign or 8'6" whatever the Red Dog, I think was 8'3" or 8'6".

Mr. Okum: I want to be able to approve an 8'6" sign because it might be in a valley or down in a valley and it is hard to see, I know we addressed that.

Mrs. McBride: You can do that but you could also as a part of that "variance or modification from the code", you could restrict it to still changing once every 24 hours. That is within the purview of the commission in a PUD.

Mr. Okum: So, let's expand it a little bit further. So, it's a non-PUD and it goes to Board of Zoning Appeals and Board of Zoning Appeals says well the code says that it could be 9' high and we are going to allow, and I'm not picking on our BZA members but it puts them in a terrible position that it can be a changeable sign every 8 seconds because it is 9' and we are approving a 9' sign and they could easily miss that in their review of the conditions for the variance. Then that stays with the property forever.

Mrs. McBride: Well I would hope that staff would point out to them that it would be prudent to keep that 24 hour change time. Just as the BZA is looking at what are the site characteristics that make this property different than any other property that is zoned similarly in the vicinity etc.. of the Duncan Factors that they would also be looking at things like how often the frequency of the change of the sign.

Mr. Okum: Would it not be simpler to for our code to just state that the signs don't change but once every 24 hours and be done with it?

Mrs. McBride: Well it does if you have 8' or under. I mean I don't think, you're not going to find many codes that require a once a day change. I mean at one point in time, I will give you an example. At one point in time, Anderson Township said once a day and we had so many complaints from businesses on Beechmont Avenue, including the churches and the schools and everybody else saying that it's useless, why do we have this?

Chairman Darby: It kind of defeats the purpose of a digital sign.

Mrs. Okum: So, then what did Anderson Township do for consistency on their signs?

Mrs. McBride: Ours, I forget what the frequency is but I think it is once every five seconds that they all change.

Mr. Okum: So, that's more frequent.

Mrs. McBride: I believe it is five seconds. I mean we can do, I think we did an analysis for you guys

Mr. Okum: Yes you did.

Mrs. McBride: When you were initially considering this.

Mr. Okum: You did an analysis recently.

Mrs. McBride: I can bring that back to the commission next month if you would like to see that.

Chairman Darby: We have some other folks that want to get in. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Mr. Okum, I agree with you that it looks almost like a loop hole sort of thing to just say I am going to make it over 8' tall but I think to Mrs. McBride's point we have to be the ones that police it or if it is a BZA thing and BZAs got to be cognizant of what that is. I know that this commission is going to be sensitive to that situation and obviously we went round and round with the Red Dog thing. I was not happy with the signage there, obviously; I voted against it multiple times here and on the floor of Council I think. But, to your point, I understand that you are saying that it sounds crazy to go well if I can't have it at 8' then I will just make it 8'3" and I'm good to go but that's where we have to manage and police that. The one other thing that I would be interested in, in terms of signage as we talk about Red Dog and those things is the issue of pole signs and the highway that they were able to do based on the way that the code is and I am interested in seeing if there's another means to limit or tighten that up because they are basically sitting there saying that well because the exit ramp is right there, they are able to get that sign there. I really was not in favor of that but I don't know if there's any means to close that loop hole through our code.

Mrs. McBride: Well, the commission chose to, that signage way over what they were permitted to have. Now, there was some justification for the height variance because it does sit down in a hole and to make it visible above the 275. But, in terms of the area and so forth that was this commission's decision to go ahead and allow them to have that. That wasn't the code that was the commission.

Mr. Hawkins: So, but right now you could have a pole sign of some size?

Mrs. McBride: Fifty square feet.

Mr. Taylor: One hundred and fifty square feet.

Mrs. McBride: One hundred and fifty, sorry, 150 sq. ft.

Mr. Hawkins: And that has to be on, what is the requirement that they have to be on the entrance has to be on the right-of-way of the interstate?

Mr. Taylor: On the interstate.

Mrs. McBride: On the interstate. It would have to be on an interstate highway.

Mr. Hawkins: And that is requiring frontage? I think that's what their

Mrs. McBride: Yes, so they have to have direct frontage on an interstate highway right-of-way and are subject to the following regulations: maximum height is 50', total area is 150 sq. ft. Then it talks about colors and design that incorporate elements of the rest of the development, that they can't have any bare metal poles. They have to be set back from the right-of-way equal to the distance of the height of the sign and that they have to be in a landscape mulched bed.

Mr. Hawkins: But they got that because of the exit ramp right?

Mrs. McBride: Right.

Mr. Taylor: They have frontage on the interstate.

Mrs. McBride: Yes. Put your mic on.

Mr. Taylor: The other, I'm sorry, The other, I think the thing that you are thinking of is that there's a, on that PUD sign that you guys got rid of, there was a consideration that it had to be on a through lane and that was for the gigantic sign that could have been, I don't, it was humongous.

Mr. Hawkins: Right.

Mr. Taylor: I think, you know we have kind of gotten past that hurdle but the reason, I think, the commission was swayed to give them probably more square footage than they were otherwise entitled to, there were two considerations: 1) it is two businesses located on the same lot and so there could have been some thought that maybe they deserved more than 150 sq. ft. since there were two businesses. That may have been in the commissions mind but the other thing was I think, since they were getting approved as a PUD and that PUD language was in there on the interstate sign it really muddied the waters and the applicant came in with 900 sq. ft. and they ended up with 360. So, I think the beginning point was so outlandish that it may have skewed the decision. The other thing I wanted to mention about this electronic sign thing, the ones particularly at Tri-County Towne Center were approved prior to the code and so there is some weird considerations in there and those kinds of things aren't going to go away. For example, the Noodles sign is supposed to change once over 15 days. Now, the big sign was allowed to change every eight seconds and the McDonald's sign was allowed to change once a day. So, on three PUD's, excuse me, on one PUD we have three signs with three different standards and I think the code allows us to have standards and I think the idea of the magical eight foot intention if you will, was because when the code was rewritten the idea was, we are going to get rid of these pole signs that are scattered all over town and we are only going to allow pole signs on the interstate, therefore; if you are going to have a ground sign and you are going to have an electronic sign you are going to change it once a day because we are not going to allow you to have a sign that is more than eight feet tall. So, I think as this thing evolves and I believe you made an excellent point, we are in the digital age. Things are changing. Twenty years ago there was no such thing as a digital sign. You know the message is going to be, we have the technology, therefore we want to use it and I've got to believe that it would be advantageous to try to get out in front of this thing and try in some way to anticipate where things are going to be going from a signage stand point because otherwise we are always going to be behind the curve and trying to catch up and we are going to end up having a lot of somewhat conflicting issues to deal with. That is also part of my commercial for the Greater Planning Study.

Chairman Darby: Folks, I think this is a very, very important issue. Some very salient points are being made but I don't think this particular forum is getting us anywhere. If this is something we want to deep dive into, I think we should come up with a format which takes into consideration a number of things. Where are we now? Where do we want to go with this? While at the same time considering, as Gregg just said, change technology and also what are our neighbors doing? If we can come up with that model I think we might be have a discussion that would really advance this. Mrs. McBride.

Mrs. McBride: I would just add to that, that when we did the code, we did look at what some of our surrounding neighbors were doing. We also met with one of the representative of the Watch Fire Signs, which is one of the biggest LED manufacturers to make sure that when we put this in writing before we took it to you guys, we met with them and said where is your industry going? What should we be looking for? So, I am not saying we shouldn't go back and revisit that but I just want the commission to be aware that we did do both of those things before putting this code before you.

Mr. Okum: Just my feeling is that we need to be consistent and we need to be fair with all of the applicants the same way. And if once every 24 hours is not reasonable, let's fix it now before it gets worse because management, staff is not going to be able to deal with 15 different variables. Mr. Taylor said we've got three different time frames on

one PUD currently. Additionally I don't want somebody to make a mistake and say, oh I missed that crow's foot on that drawing, or BZA to be put in a position where they approve a ground mounted sign at 8'3" that just happens to have a digital sign in it and we end up with, well because that has a digital sign in it they can change it every eight seconds. That's not right. That's not the purpose of what we intended. That's not what my understanding was is what we intended. The key is that we want to be in front of it instead of behind it. We want to be consistent for purposes of managing it and also for fairness to the applicants. That's all I have got to say.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I promise, one last question then I will shut up. Just following up where we were for either for Mrs. McBride or Mr. Taylor. If the code indicated that frontage for a pole sign did not include an off ramp, would Red Dog have been able to have that pole sign there?

Mrs. McBride: It just said right-of-way. In that instance, that included the off ramp.

Mr. Hawkins: Right I know but if the code was changed to indicate that it would not include an on ramp or an off ramp, would that

Mrs. McBride: It would say a through lane like the former electronic PUD sign said.

Mr. Hawkins: Okay. So, they would still be able to do that?

Mrs. McBride: No.

Mr. Hawkins: Okay.

Mrs. McBride: If the code said through lane, in my opinion, they would not be able to do that.

Mr. Hawkins: Okay. Thank you.

Chairman Darby: Other comments folks? Mr. Bauer.

Mr. Bauer: It has nothing to do with signs. (Cheering throughout the commission!!!) I noticed that First Watch was painted and the new awning? Is the rest of that center going to be updated, painted?

Mr. Taylor: Well that is a good question and I do not know the answer. I don't recall that First Watch got a permit for anything. (Laughter through the commission again!!) That's okay.

Mr. Okum: Showcase has new silver around the

Mr. Taylor: Well they did get a permit. Yay!!

Chairman Darby: Hopefully, Anne and Gregg, could we perhaps discuss this issue at our next staff meeting and come up with something that we could bring forward as an agenda item? Just kind of give that some thought because I see a lot of frustration coming out of the group about this signage issue but I'd like for us to come up with a way to address it that is going to get us someplace.

Mrs. McBride: The commission is going to be seeing a series of text amendments. I agree we can certainly talk about that in the staff meeting but the commission is going to be seeing, I think a series of text amendments at your November meeting. So, this could certainly be incorporated in that if it is appropriate to amend.

Chairman Darby: On those text amendments, as related to signage, hopefully we can get some input from this group as they are developed.

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Mrs. McBride: You will be having a public hearing and you can address it late into the night.

Mr. Okum: Can I come to the staff meeting? Just kidding.

X. CHAIRMAN'S REPORT - NONE

XI. ADJOURNMENT

Chairman Darby: Motion to adjourn

Mr. Hawkins: So moved.

Chairman Darby: Magic word?

Mr. Hall: Second.

Chairman Darby: Second, we are out of here.

Respectfully submitted,

\_\_\_\_\_, 2019 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2019 \_\_\_\_\_  
Richard Bauer, Secretary