

PLANNING COMMISSION MEETING
December 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, Don Darby, Dave Okum,
Joe Ramirez, Steve Galster, Bob Diehl

Staff Present: Anne McBride, City Planner, Don Shvezda, City Engineer, Gregg
Taylor, Building Official

III. SWEARING IN OF NEW PLANNING COMMISSION MEMBERS

Mrs. Sullivan-Wisecup swore in both new Planning Commission members: Bob Diehl
and Steve Galster.

IV. PLEDGE OF ALLEGIANCE

V. ELECTION OF 2020 OFFICERS

Chairman Darby: Is there a motion for Chair?

Mr. Okum: I move that Don Darby be nomination to the Chairman's position.

Mr. Hall: I'll second that.

Mr. Okum: Move that nominations be closed.

Mr. Galster: Second.

Chairman Darby: It has been moved and second that the nominations be closed. Don
Darby is up for the Chair position.

(Voice Vote taken and with a vote of 7 to 0 Mr. Don Darby was elected to the Chairman
position)

Chairman Darby: We will now accept nomination for the position of Vice-Chair.

Mr. Hall: I'd like to make a motion for Vice-Chair for Mr. Dave Okum.

Mrs. Sullivan-Wisecup: Second.

Mr. Hall: Motion to close.

Mrs. Sullivan-Wisecup: Second.

Chairman Darby: It has been moved and second that the motion for Vice-Chair for Mr.
Okum be closed.

(Voice Vote taken and with a vote of 7 to 0 Mr. Dave Okum was elected to the Vice-
Chairman position)

Chairman Darby: Congratulations.

Mr. Okum: Thank you and Congratulations to you.

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Chairman Darby: Don't miss any meetings.

Mr. Okum: I'll try not to sir.

Chairman Darby: Chair will accept nominations for the position of Secretary.

Mr. Okum: I nominate Mr. Steve Galster as Secretary.

Mrs. Sullivan-Wisecup: Second.

Mr. Okum: I move that nominations be closed for Secretary.

Mrs. Sullivan-Wisecup: Second.

Chairman Darby: Moved and second that the nomination of Mr. Galster be closed.

(Voice Vote taken and with a vote of 7 to 0 Mr. Steve Galster was elected to the Secretary position)

Chairman Darby: The Chair will accept the nomination for appointment to the Board of Zoning Appeals representing Planning.

Mrs. Sullivan-Wisecup: I move to nominate Steve Galster for Board of Zoning Appeals liaison.

Mr. Okum: I move for Tom Hall to be appointed to Board of Zoning Appeals.

Chairman Darby: Motion to close nominations?

Mr. Okum: Any more nominations? I move to close the nominations for appointment to Board of Zoning Appeals.

Chairman Darby: Nominations for position to Board of Zoning Appeals has been closed.

Mr. Okum: Mr. Chairman, I move that we do it by closed ballot.

Chairman Darby: So moved. We shall do this by closed ballot.

Mrs. Zimmerlin: The vote has to be open.

Mrs. Sullivan-Wisecup: It has to be open.

Mr. Okum: We can still do, we are not doing closed meeting we are doing a closed ballot. That means you don't know who votes for who.

Mrs. Zimmerlin: It doesn't matter.

Mr. Okum: It's not required.

Mrs. Zimmerlin: If it is an open meeting, yeah.

Mr. Okum: Not on appointments.

Mrs. Zimmerlin: Yes.

Chairman Darby: I'm not aware.

(Discussion off mic between multiple members of the commission and staff.)

Mr. Galster: Mr. Chair if you could acknowledge me, I'd appreciate that.

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Chairman Darby: Oh, I'm sorry. Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. I respectfully would like to withdraw my name from nomination.

Chairman Darby: Mr. Galster shall be removed from the nominations. So we have one nominee now. It has been moved and second.

Mrs. Sullivan-Wisecup: I'll second it.

Chairman Darby: It has been moved and second for Mr. Hall.

(Voice Vote taken and with a vote of 7 to 0 Mr. Tom Hall was elected as the Planning Commission liaison to Board of Zoning Appeals)

Chairman Darby: Congratulations. Officers are set. For the future we need to get some definitive information about that.

Mrs. Zimmerlin: I will have the Law Director write something up.

Chairman Darby: Thank you. That would be good.

Mr. Okum: Didn't Council make their appointments closed? Mr. Chairman? Did Council make their appointments to committees?

Mrs. Zimmerlin: (talking off mic. not audible.)

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. During the, what I go through the stuff from the Council, we did do our appointments. Everything had to be out loud. We were not allowed to do secret ballot any more. It was a ruling that it was not supposed to be. So, we are no longer doing secret ballot. Everything is open, open meeting and a voice, according to the Sunshine law and we are happy to do it.

Chairman Darby: Thank you.

Mr. Okum: It is what the law calls for. Thank you Amanda. Keep us straight.

VI. MINUTES OF THE REGULAR MEETING ON NOVEMBER 12, 2019

Chairman Darby: The Chair will now accept the motion for approval of our minutes of our previous meeting of November 12, 2019.

Mr. Okum: Since it was off of my phone I am going to move that they be approved.

Mr. Hall: Second.

Chairman Darby: Move and second that the minutes of the November 12 meeting be approved.

(Voice vote taken and the November 12, 2019 minutes were approved with a vote of 5 to 0 and 2 abstentions from Mr. Diehl and Mr. Galster)

VII. REPORT ON COUNCIL

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I'm the big girl at the table. Besides Mrs. McBride, I'm the only girl at the table. We have a couple of things. We have November 20th. We met and we had Ordinance No. 45-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Justin Bartlett to serve as Mayor's Court Magistrate for the City of Springdale. This was declared an emergency

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and that was passed with a vote of 7 to 0. Ordinance No. 46-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Seth S. Tieger for prosecuting services for the City of Springdale and declaring an emergency. That passed with a vote of 7 to 0. Ordinance No. 47-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into a contract with Daryle C. Tibbs for Public Defender services for the City of Springdale and declaring an emergency. That passed with a vote of 7 to 0. All three of those were returning and we are very happy that they agreed to continue. We had an Executive Session about Economic Development. That was what we had on that one. We met on December 1, 2019 at 6PM for a special meeting of Council and we did the swearing in with Judge Melba Marsh. We swore in Joe Ramirez, we swore in the Mayor, we swore in Lawrence Hawkins and Carolyn Ghantous and we also swore in our Clerk of Council/Finance Director, Kathy McNear. We elected Tom Vanover as the President of Council and Lawrence Hawkins as Vice-President of Council. We had Resolution R19-2019, commending Dan Shroyer for his dedication and service to the City of Springdale. Then we had a meeting on December 4, 2019 at 7PM. We actually tabled the presentation of the 2020 Budget for the next meeting so next week we will be going over that. We had Ordinance No. 48-2019 authorizing the Mayor and Clerk of Council/Finance Director to amend the contract with CT Consultants for engineering services and declaring an emergency. That passed with a vote of 7 to 0. Ordinance 49-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into an agreement with Strauss and Troy for legal services and declaring an emergency. That passed with a vote of 7 to 0. We had Ordinance 50-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into an amended agreement with Process Plus LLC, related to a job retention and creation incentive agreement and declaring an emergency. That passed with a vote of 7 to 0. Ordinance 51-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into an amended agreement with Council on Aging Southwestern Ohio, related to job retention and creation incentive agreement and declaring an emergency. This passed with a vote of 7 to 0. Ordinance 52-2019 authorizing the Mayor and Clerk of Council/Finance Director to enter into an amended agreement with Ultimus Fund Solutions, LLC related to a job retention and incentive agreement and declaring an emergency. That passed with a 7 to 0 vote. Those last three were just basically agreements that we had with those companies and they were doing some growing and some different things so we amended our agreement to meet their changes. Resolution R20-2019 was a resolution requesting the State of Ohio Director of Transportation to modify the speed limit on East Crescentville Road, beginning from Transpiration Way and ending at Centerdale Road. There is three different speed limits there. We had 25, 35 and 40. So we voted 35 is what we recommended so that it is the same everywhere so that you don't get confused when you are going down Crescentville Road, is it 25, 35 or 40? It is 35 now no matter what is what we have recommended. Resolution R21-2019 appointing Dave Okum as a member of the Planning Commission. Obviously it passed. It passed with a 7 to 0 vote. Resolution R22-2019 appointing Robert Diehl as a member of Planning Commission. That passed with a 7 to 0 vote. Resolution R23-2019 confirming the Mayor's appointment of Don Darby to the Springdale Planning Commission and that was approved with a vote of 7 to 0. Resolution R24-2019 confirming the Mayor's appointment of Steve Galster to the Springdale Planning Commission. That was a 7 to 0 vote. Resolution R25-2019 confirming the Mayor's appointment of Tom Hall to the Springdale Planning Commission. That was approved with a 7 to 0 vote. That's how you all got here tonight. I appreciate all of you for agreeing to be up here. That's awesome. Resolution R26-2019 was confirming the Mayor's reappointment of Scott Garrison to the Board of Health. That was passed with a 7 to 0 vote. Resolution R27-2019 confirming the Mayor's reappointment of Lynn Jones as a member of the Board of Health. That was passed with a 7 to 0 vote. Resolution R28-2019 confirming the Mayor's reappointment of James Squires to the Board of Health. That was passed with a 7 to 0 vote. Resolution R29-2019 appointing Mrs. Darby as a member of the Civil Service Commission. That was passed with a 7 to 0 vote. Resolution R30-2019 appointing Ms. Sharon Conrad as a member of the Charter Revision Committee. That passed with a 7 to 0 vote. Resolution 31-2019 approving Mr. Mitchell as a member of the Tax Review Board. Is that Roy Mitchell I believe? That was approved with a 7 to 0 vote. Resolution 32-2019 appointing Jeff Anderson as a member of the Volunteer Fire Fighters Dependent Board, seat 1. That was approved with a 7 to 0 vote. Resolution 33-2019 appointing Joe Ramirez as a member of the Volunteer Fire Fighters Dependent

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Board, seat 2. That was approved with a vote of 7 to 0. Resolution R34-2019 appointing Doug Stahlgren as a member of the Board of the Zoning Appeals. That was approved with a 7 to 0 vote. We also had an appointment to BZA of David Gleaves and BZA also got Michelle Miller. Those were Mayoral appointees. They did not need to be voted on they just went through. That is all that we did last time. Just a few things there.

Chairman Darby: Thank you very much. When I get home I will inform my wife that she had a 7 to 0 vote. Then I will tell her mine was 8 to 0.

Mrs. Sullivan-Wisecup: We have questions up?

Chairman Darby: We do have. Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Just on the Crescentville Road speed limit.

Mrs. Sullivan-Wisecup: Yes.

Mr. Galster: Is the Butler County side of that consistent at 35 mph as well?

Mrs. Sullivan-Wisecup: Yes. Right? Butler County? Yes it will be. That is what we recommended. We all recommended together 35. So it would be Sharonville, Springdale and Butler County.

Mr. Galster: Because they are different.

Mrs. Sullivan-Wisecup: Right.

Mr. Galster: Just double checking.

Mrs. Sullivan-Wisecup: Sure.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just a note, Finance Committee will meet 12/18 at 6:30pm to review the budget.

Chairman Darby: Any questions on the report?

Mrs. Sullivan-Wisecup: I forgot to mention that our chairperson also passed out our normal committee appointments as well for on Council if anybody would like that information they could see me afterwards.

VIII. CORRESPONDENCE

None.

IX. OLD BUSINESS

- A. Springdale Commerce Park, Buildings 2 & 3, Revised Development Plan, 12110 Princeton Pike, Springdale, Ohio (Application 35488) (Continued)

Chairman Darby: As noted in the Agenda, the Springdale Commerce Park presentation, they have requested a continuance. Staff is there anything that you would like to inform Commission about this development.

Mr. Taylor: Thank you Mr. Chairman. As you know they were here last month and it didn't go very well. They asked at that time to continue. They had made the commitment at least to staff that they want to be much better prepared when they come and talk with you folks again. So, the deadline, actually for the February meeting

for submission of documents to staff is December 30th. So, that is the current plan. So, you won't see them next month either. So, it will be in February when they will be back.

Chairman Darby: So, our protocol. Mr. Okum.

Mr. Okum: So, if push came to shove and there was a request for Certificate of Occupancy, they couldn't get it, is that correct?

Mr. Taylor: Correct.

Mr. Okum: Thank you.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I know that several people on Council had questions about this because this group got several continuances before and I guess the question is why do they keep continuing to get continuances? Why are they special? So, can you let me know if there is a reason why they are special?

Mr. Taylor: Well, I don't think that they are special per se'. I think it has been our practice to continue the case twice. They have asked. This is their second request so I don't think that it is unusual at this point. Now, if it would

Mrs. Sullivan-Wisecup: It is the second one on this particular right?

Mr. Taylor: Correct.

Mrs. Sullivan-Wisecup: That is why I want to be clear because they are saying although we are saying it is the second one on this one it is not their second overall on this project.

Mr. Taylor: Oh, no. They have asked to go all the way to February. They have, this is certainly not the first time that you have heard this, this is the second request on this particular item but there have been numerous others. I think, the realization here is that it is a very large project and they have been fighting time and weather trying to do things. Frankly, I think you could make a case that in their haste to do things they have caused themselves some issues and they ultimately have to rectify those. That's why it is taking them so long to get this stuff together.

Mrs. Sullivan-Wisecup: But this was a lighting issue. That doesn't have anything to do with the weather. I know what you are saying and I understand that, but overall when we are looking at the whole thing because we do get the questions a lot and my answer has always been that they are working with the City, they are working with the City to find a resolution. I just want to make sure that that is true. Are they truly working with the City to find a resolution?

Mr. Taylor: Absolutely. I mean I talked with Mr. Cumming last week and I think the idea here is that they recognize that they have a problem. He recognized that he should have, probably in hindsight, addressed this issue more fully when it was approved in the beginning. He didn't. That's his "bad" if you will. I think that's really the crux of the situation. Again, there were some extenuating circumstances that really were not within their control. Frankly, there were a number of circumstances that probably were within their control that caused them to do things maybe in an order that we would have, that we agreed to but probably wished that they wouldn't have. I mean you recall that there were a number of phases that this thing was approved in.

Mrs. Sullivan-Wisecup: Right.

Mr. Taylor: That was all in order to get the thing, the project moving because there was some, as part of the TIF financing they had to actually spend money on these public improvements at a certain time. I mean I really don't know the details on how that works but I know that there was a timing issue in terms of when they were able to get

started on that work. So, they, again, I think they have put themselves, to an extent, in a bit of a box, but this is a large project and it probably warrants some understanding on the part of the City as long as we end up getting what we need. I mean at the end of the day, their responsibility for making sure that everything gets done in the right way really falls on you all and on Council and at a certain level on staff to make sure that everything that you guys agree to actually gets implemented and that's really where we are.

Mrs. Sullivan-Wisecup: Okay. Thank you.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Mr. Taylor, if we continue this until the February 11th meeting or if we remove it from the agenda, does the submittal time for when they have to have the paperwork for that February 11th meeting change?

Mr. Taylor: No.

Mr. Galster: Is there any cost difference if they are continued and/or dropped?

Mr. Taylor: Officially we should get another fee from them, but frankly I don't think that would be appropriate.

Mr. Galster: Okay. So, if we made a motion that was, that we continue it to the February 11th meeting but failure to submit the documentation on time will cause them to be removed from the agenda is that fair?

Mr. Taylor: That would be entirely appropriate. It was actually done on the hotel case. So, I think that would be well within your purview.

Mr. Galster: So moved.

Mr. Okum: I second that motion.

Chairman Darby: It has been moved and second as explained by Mr. Galster. Secretary please call the roll.

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

Chairman Darby: Thank you very much.

B. Zoning Code Text Amendments.
PUBLIC HEARING (continued)

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. You don't have to suffer through my, somewhat inept Power Point presentation tonight. We have a Professional to lead us through these changes. This is Ms. Fields, from Mrs. McBride's office.

Chairman Darby: Good evening. Welcome.

Ms. Fields: Hi. Thank you Mr. Chair. Planning Commission. So as some of you remember and some of you may not remember, I helped the City now four or five years ago do a rewrite of the code and since then we have done some strategic amendments over the years. So this is just kind of another batch of small amendments to the code. Just kind of a laundry list of things that staff has identified as stumbling blocks in the code or changes in technology or uses that we wanted to address and incorporate into the code. So, I have formulated a Power Point in line with the memo that you have received by topics. The spreadsheet that was included in your packet included all of the text amendments. Basically a summary with the page number reference and the

section number reference. So I didn't count but there is about 100 of them individually. Instead of going through those individually we are going to go through them by topic similar to the memo. But, if there are specific questions please let me know. So, first the uses. We did kind of a thorough review of the use table for both the residential uses and the non-residential uses. We added some new uses that the code did not address like breweries, distilleries, e-commerce, things that have been coming up in conversations and people have enquired about and the City didn't really know how to address those. So, we added those uses. We've altered some existing uses. Previously the code had many, kind of commercial recreation uses listed individually. There was skating rink and bowling alley and indoor skating rink and I think an outdoor skating rink and putt putt golf and basically all of this laundry list of different recreation items. So, to simplify we have just created an indoor commercial recreation use and an outdoor commercial recreation use and removed all of the uses that fall within that category. We revised some uses where they are allowed and where they are not allowed. For instance parks were a conditional use in the residential districts, which obviously we want to encourage parks in a residential district so we changed that to a permitted use. We also added items like commercial studios as a permitted use in the SS district. I believe we also added car repair as a conditional use in the SS district. So those are a couple of examples there. One proposed revision, specifically to the used car sales regulations. As you know your code has a lot of use specific standards within it. One of the things that has been identified is that currently the code for used cars requires that used car sales only occur on the same lot as a new car sales or a lot adjacent to new car sales. So, in reviewing that standard, used car sales is an accessory use. So, we are proposing to remove that allowance that used car sales can occur on a lot adjacent to new car sales because that doesn't jive kind of with the accessory use purpose and requiring that used car sales has to occur on the same lot as new car sales. So, that is that specific change to the use specific standards for the used car sales.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Just clarification.

Ms. Fields: Yes.

Mr. Galster: Used car lots cannot exist by themselves?

Ms. Fields: Correct.

Mr. Galster: They have to be only on a new car lot?

Ms. Fields: Correct. That is currently the regulation as well.

Mr. Galster: This is just clarification to clear it up so that there is no question about that because I ended up confused when I was reading all of that. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Separate from my other comments, I separated that one out on its own. We currently have a major stake holder in the community that has a used car lot that is not attached to their new car sales.

Chairman Darby: Across the street.

Mr. Okum: The problem with it is, and I understand the logic to it, but if you have a stake holder in your community that's got five dealerships then in my opinion it should be an allowable use for them to have, if they are a mega dealer or of that nature, they should at least have, because I feel uncomfortable with the code being specific this way and then somebody drives down the road and they see the situation where that particular major stake holder has a used car facility in the community. So, I'm looking for verbiage. I am not doing wordsmanship on this. I'm just thinking that if they are a multi lot or multi franchise dealer with businesses in multiple locations in your community they should certainly be allowed one detached used car facility. I think we

should be specific about it. That way we don't have somebody say, well you've got that one there and you don't have any other and now you are telling me no. So, I think we are contradicting ourselves with our code and telling businesses, and I agree that we should be this way but on the other hand I think we need to address it in our code so that it is specific and it ties it down. That's pretty much my comments and everybody knows who it is and everybody knows where the used car lot is.

Chairman Darby: Mrs. McBride.

Mr. Okum: The old Dodge dealership.

Mrs. McBride: Thank you. So if you recall this was actually a change that we made to the code a number of years ago. It used to just be that it had to be on the same lot, period. For a potential stake holder within the city, we changed that to allow it to be adjacent or affiliated with. That takes it out of the realm of being accessory use so now it is a principal use. So, now, hello JD Byrider, hello CarMax, etc. etc.

Mr. Okum: Right.

Mrs. McBride: So, I don't think that you can tie the ownership of a used car lot to, because they are all owned by separate entities. All of those stake holder's properties and dealerships are all held by separate companies, LLCs or whatever. So, I think it would be very hard and I would certainly flip this to the Law Director but I think it would be very difficult to defend if a JD Byrider or somebody else wanted to come in to prove how do you distinguish that they are, in fact, affiliated with this? Now, existing used automotive dealerships that are immediately adjacent, obviously those are grandfathered in. So, I think that that's kind of a slippery slope because if we maintain it the way that it is in the code today, it must come out of the accessory use and it has to go into the principal use category and I don't think you can say, well you can only do this if you have three significant car dealerships or you have five car dealerships in the City. I mean we can't do that.

Mr. Okum: So you can't say if you've got some 500,000 square feet of automotive space for new cars you can't, you can have 10,000 square feet of used cars that are not attached.

Mrs. McBride: Who has the 500,000 square feet, they are held by 10 different entities?

Mr. Okum: I understand.

Mrs. McBride: Who's going to check that? You know, I mean I think that's problematic.

Mr. Okum: I've got a problem with the whole thing because that JD Byrider could easily drive down that road and see that particular business and say, Hey.

Mrs. McBride: We are one of the very few communities that do not have a host of used vehicle sales on corners and other vacant fuel stations and so forth.

Mr. Okum: I totally understand.

Mrs. McBride: We are one of the very few communities that don't and it has been largely, or solely I believe because of our zoning code.

Mr. Okum: I understand. So, there's no true answer for it except we just don't see this occurrence?

Mrs. McBride: I mean it's two choices, either the used car sales is an accessory use to an existing principal use which means it is not the primary use of the property or it is the primary use of the property with standards but with that comes the opportunity for other people to take advantage of that land use.

Mr. Okum: I understand. It's a slippery slope and a precedent that I am having difficulty with.

Mrs. McBride: Well, it was the right way, I will say before we changed to accommodate a business here in Springdale.

Mr. Okum: Stake holder.

Mrs. McBride: We now have a conflicting situation in our code which we can't let remain. So, the commission, it is whatever you decide but it either needs to go one way or the other way with the standards that would apply to whichever category that you want that use in.

Mr. Okum: So the way that it is currently worded is inappropriate because it is a contradiction?

Mrs. McBride: That's correct. The existing code is inappropriate and it conflicts in that it is not an accessory use if it is the primary use of the property. I have suggested to stake holders within the community that the way to get around that, in most instances given that particular use, stake holder I'll say, would be to consolidate parcels. Now, they don't want to do that because they are all in separate ownerships. Everything is in separate ownerships. We can't help that.

Mr. Okum: This one particular stake holder has one dealership that has nothing on it but used cars.

Mrs. McBride: Right and that would be grandfathered in because that exists today.

Mr. Okum: Then I can accept that.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I was just going to ask if that is going to be grandfathered in but you already answered that question. This goes back to playing favorites like I was saying about earlier. We can't say that someone is special, we have to go this is this and that is that. We can't have contradicting stuff on there, it is either an accessory or it is a primary. I guess they can't really get mad if it is grandfathered in and they just can't add another whole used car sales for that particular or any car sales person I should say, especially that stake holder.

Mr. Okum: I'm comfortable with the grandfather situation for that by changing the code. I think that would eliminate the issue but that one stake holder should clearly understand that that is going to be the only one.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. That particular stake holder over the time has moved their dealerships all over the place within those properties. Hopefully, where they are now is where they stay but most likely they are probably going to continue to shift like they always have. I think the Chevy dealership is probably the only thing that has stayed static. So, the option for that particular stake holder is to come and get a variance from BZA that would allow that used car lot or used car sales on a lot if they try to move it into a different location in the future correct? I mean there's a remedy to them, available if in fact they so choose and of course an argument at BZA could be made that this is a unique situation because of the fact that he has six ownerships of six different things that have moved around and therefore may be able come up with a true hardship or lay of the land kind of an argument that would allow that future movement. But as long as that option is available I don't, plus the grandfathering in, I don't have a problem with the changing of the language on this particular issue.

Mr. Okum: Mr. Chairman?

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Chairman Darby: Mr. Diehl.

Mr. Diehl: Mrs. McBride, I have a question for you. Would it matter the lot itself were approved for new cars?

Mrs. McBride: It would have to sell the new cars. Now, what it doesn't say guys, is

Mr. Okum: How many.

Mrs. McBride: It sells, if I was representing a stake holder like this, I would say you are selling two new cars. Right? Then you have to look at what is the principal use. I mean it could be an enforcement nightmare for the city.

Mr. Diehl: The reason that I ask that, many many years ago when this all came up that lot was going to be a new car sales lot. Does that have any bearing on if the lot of stuff that was approved?

Mrs. McBride: No, I mean it has to be the current use of the property. Mr. Galster, let me point out though section 153.206(B)(3) does prohibit the use of variances being granted for use.

Mr. Diehl: Okay.

Mr. Okum: So there are no use variances?

Mrs. McBride: That is correct.

Mr. Okum: In the City of Springdale?

Mrs. McBride: Right. Correct.

Mr. Okum: Hamilton County has a use variance and an area variance application

Chairman Darby: So, what we

Mrs. McBride: Ms. Fields is pointing things out to me. It is a good thing that we have her here tonight. They could do a PUD if they really wanted to do that. If CarMax came in and they really wanted to do that they could do any use that is permitted in the city. I'm sorry, if it's approved. Correct.

Mr. Okum: Then it would go through Planning Commission and Council.

Mrs. McBride: And Council. Right. And then we would be able to regulate where they are, what the landscape, what the lighting is like. Carvana, well those kinds of things.

Chairman Darby: It appears that we are comfortable with the Grandfather issue? Mr. Galster.

Mr. Galster: Just one quick more thing Mr. Chairman, thank you. The used car lot now that is being grandfathered, is that connected to lots that they own to where the PUD would be an option for that particular tenant?

Mr. Okum: PUD's have to be contiguous to property.

Mr. Galster: That's what I am saying.

Mr. Okum: It's not.

Mr. Galster: He can't make a PUD if he's not connected to the other lot?

Mr. Okum: That lot itself could be qualified as a PUD.

Mr. Galster: I know but if you know how they move things around, I am just seeing if all of their lots are contiguous or?

Mrs. McBride: So, I'm sorry was the question could it?

Mr. Galster: All of the Sweeney lots are not connected in other words.

Mrs. McBride: Correct.

Mr. Galster: Do you know if that is the only one that's not?

Mrs. McBride: The only one that is on a separate parcel?

Mr. Galster: Yes, that is not connected to the others.

Mrs. McBride: No, I mean they are all separate parcels. They are all held in separate entities.

Mr. Galster: But are they all connected?

Mr. Taylor: Adjacent?

Mrs. McBride: Oh, adjacent? Are you saying?

Mr. Galster: Adjacent properties? Do we know that? Is that the only one that's not?

Mr. Okum: We've got it here.

Mr. Galster: I am almost looking at it.

Mr. Okum: I've got it on my phone. I don't think, Mr. Galster if I could Mr. Chairman, I don't think you can have a PUD that has non-contiguous properties.

Mr. Galster: That's what I am saying, it wouldn't work.

Mr. Okum: Ms. Fields, I don't believe that I have ever heard of a PUD

Ms. Fields: I don't believe so but you could do separate PUD's for the different parcels.

Mr. Okum: Right, each parcel could stand on its own as an individual PUD.

Ms. Fields: So if they were decided to move you could do a new PUD for whatever lot that they are moving to for that specific used car lot on that specific lot. It does not have to be connected to the other ones.

Mr. Okum: Then the underlying zoning stays with it as it is and if it should be vacated then it goes back to what it was prior to the PUD.

Ms. Fields: Yes, if the used car lot moves or goes away it couldn't become a new, another used car lot. It would have to conform with the zoning.

Mr. Okum: That makes sense.

Mrs. McBride: Relative to the PUD option. So we do have a minimum 3 acre requirement but this commission can waive that or if it is contiguous to another PUD, that's not an issue.

Mr. Galster: But they are all connected somehow.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman.

Mr. Galster: They are all adjacent to something.

Chairman Darby: Mr. Hall is recognized folks.

Mr. Hall: Since this pertains

Mr. Galster: Just for clarification, they are all adjacent in some for except for the one that goes across the street to the Pontiac where the old Pontiac, the new Mitsubishi dealership. It is a pretty good sized PUD considering that they are all adjacent. Just not a nice perfectly square box.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I guess the question that I would have is that we have talked about the JD Byriders, the other lower end used car dealers. Since the major dealer within the City of Springdale also serves to that market they have their own finance company. They deal in that kind of services to the folks like that. What would prevent them from going in there and doing the same thing as a JD Byrider? Would the code provide that they wouldn't be allowed to do that?

Mrs. McBride: Well with this amendment it would have to be on the same lot as their new car sales and operated in conjunction with that. So, I guess there wouldn't necessarily be anything to prohibit them from, I'll say us the hotel term, flying the Flag, of JD Byrider but I don't know what they would gain by doing that. I mean right now it is stake holder Chevrolet and as part of that they have used cars on their lot.

Mr. Hall: But what about at the used car lot that's specifically used for used car vehicles, could that particular dealer, since they are in that business and just other markets, would they be able to go forward with that type of a used car auto sales at that same location?

Mrs. McBride: With the text amendment they can't do that.

Mr. Hall: Okay. That's it. Thank you.

Chairman Darby: Mr. Galster.

Mr. Galster: Once, let's just say Sweeney would give up that lot and sell it to

Mr. Okum: Stake holder. Say stake holder.

Mr. Galster: Well we are using JD Byrider's name so stake holder number two that is not in the city wants to take over stake holder No. 1's lot who is in the city. Does that change of ownership change the grandfather clause?

Mrs. McBride: No they would still be able to do that.

Mr. Galster: The use will always be permitted on that lot?

Mrs. McBride: Until they made a significant change to that use.

Mr. Galster: Where the use changed and/or a zoning change.

Mrs. McBride: Yes, so if they expanded the asphalt in this particular case, there's not a building, well I guess there could be a building if they took the small office building and they wanted to quadruple it in size or they wanted to double the size of the asphalt or them if it's destroyed by a tornado 100%. There are rationales where they could not do that. But just a flat out sale, stake holder to Mr. Byrider, you are good to go.

Mr. Galster: Thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just a note. I want to make sure that we stated that we are not against one used car chain that we are speaking about all used cars that are independent. So that we are not alienating one particular dealership.

Chairman Darby: Good point. Mrs. McBride.

Mrs. McBride: The only thing that I would add to that is that it has been consistently the policy in the City of Springdale. We have no independent used vehicle sales facilities in the city and that's the intent and the desire of the city to maintain that.

Mr. Okum: Good discussion.

Ms. Fields: Alright. Let's move on to PUD's. For planning and development we have a couple of small amendments. One is that we are adding the ability for applicants to combine their preliminary and final PUD's. That means if an applicant came in and they were really ready to go and they are on a tight time line, they could submit their rezoning proposal to rezone to PUD along with a final level detailed set of plans. So, your landscape plan, your building elevations, your parking plan. All of the final level of detail that you would normally see with a final development plan, they would provide that instead of providing a concept plan in conjunction with the rezoning application. So, that means that they would still come to you all for a public hearing, then go to City Council for a public hearing and City Council would ultimately make that decision on if the PUD was approved or not but it would cut out the process of then having to go back to Planning Commission for that final PUD stage. So, it is an option if an applicant wanted to take advantage of it now. At least we are proposing it to be. We also clarified

Mrs. McBride: Could I just jump in here for just a second.

Ms. Fields: Yes.

Mrs. McBride: So, what that would do, is it is at the applicant's risk that they are doing their final site engineering and their architectural plans and so forth for all of it to come to Planning Commission. Planning Commission's recommendation on to Council and approval of the final development plan would be tied to the fact that Council actually approved the application. This is something that you find probably in 70% of the codes today and more and more people are doing that trying to be a little bit more developer friendly. If you are pretty confident that you are going to get this zone change and you are willing to put the money on the line then who are we to say no, kind of thing. So, we are just getting more detail up front.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. So, let's just say that Planning Commission has got this dual application before us and we do not approve it and it goes to the City Council on appeal and they have to override Planning Commission so they're going to need what five out of the seven? So they get the five votes, what plan is approved then?

Mrs. McBride: It would be the plan that is before City Council.

Mr. Galster: The final plan would be approved?

Mrs. McBride: The final plan that is before city council because that would be essentially their preliminary plan.

Mr. Galster: So, even though we have got two plans being submitted, what we really have is just the final plan being submitted?

Mrs. McBride: It is just one plan. It is one set of drawings, one plan but it is at the final development plan level. So you are just seeing more detail up front.

Mr. Galster: Okay.

Chairman Darby: Mr. Okum.

Mr. Okum: The only problem you end up with is, and it is up to the building official to make the determination for staff to make a determination that it is substantial enough that it could be brought forward. The difficulty is is that you are going to have loose ends always. You're going to have lighting per staffs review, landscape per staffs review, buffer yard separation. All of those things may not be finalized when they do it. But you do see this much more frequently regionally to be warm and fuzzy and to help development occur. We had a plan at Regional Planning last week that clearly should have been a double letter zoning which is a PUD to Springdale, and the applicant was told by the community could just file a single letter zone request which he did but had he done, he had everything there, it was all finished. He could have done a complete final plan and it could've been a double letter zone or a PUD for the property and it would have gone right through and got an affirmative vote on it. This makes it a lot easier for developments. Especially smaller ones that we do waive the three acre requirement for PUD's.

Ms. Fields: Are we going?

Chairman Darby: When you hear a pause GO!

Ms. Fields: The other amendment to the PUD section is a clarification on what constitutes a major and a minor amendment. We added that a major amendment would apply if substantial change is proposed to any specific condition of approval of an approved PUD. So, when a PUD comes before Planning Commission for City Council and a specific condition is placed upon that PUD like the height of lighting or signage restrictions are use restrictions and then if the applicant came in and proposed an amendment to any of those specific conditions that were placed upon that PUD approval that that would constitute as a major amendment to allow for adjacent property notification and public hearings to occur because a lot of times those specific conditions are placed upon a PUD based on neighbor comments or things like external circumstances. So, we just want to make sure that there's that level of, kind of second level of review for those specific approval items. For the corridor review district we are proposing a number of changes. The one being to reduce the setback since sub area B to align with sub area C. This would allow for a reduced set back in the front yard to allow buildings to be closer to the street with parking in the rear. Currently the setbacks required the building to be pushed back so we want to be able to encourage buildings closer to the street and parking in the rear if an applicant wants to do that. We have removed the requirement for pitched roofs and all of this of districts and remove the requirement that signs must be done in earth tone colors. This is a constant issue in the corridor review district. The debate on what an earth tone color is and how that much constitutes has been an issue in the past so we are proposing that that be removed. We are also proposing to remove the parking lot like height restriction in the corridor review district and just to have the code's lighting standards apply a across the board. Those height restrictions apply to the parking lot lighting in the corridor review district.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. The pitched roof requirement, is there a particular reason to eliminate that?

Mrs. McBride: We have not been enforcing that. That was put in with the initial Bohmen B J Study

Mr. Galster: A long time ago.

Mrs. McBride: Yes 30 plus years ago. So, it is just one thing that you all are having to waive.

Mr. Galster: Because we haven't been enforcing it?

Mrs. McBride: We have not been enforcing it.

Mr. Galster: So, the pitched roof, like on the bank and through the heart of downtown Springdale, all of the new, well I guess the Springdale center didn't have a pitched roof correct? Alright. Thank you.

Mr. Okum: But

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you. Sub area A is north right?

Mrs. McBride: Yes. A is north of 275.

Mr. Okum: Right. But area A, there's not much to B, we are talking redevelopment. I mean we don't have any, we're talking redevelopment. The only, D is sort of an odd situation. We've got Maple Knoll there in D and Maple Knoll does not have pitched roofs and we didn't hold them to it except on their housing units. So, it would be pretty difficult to enforce it. I like the idea that you want them to work around and try to get something to look more residential but I don't think we're going to get it and the problem. I understand why they are recommending that we waive it and not deal with it but I would personally I think it might be better that we leave it there and let them appeal to the commission and council on that particular item. Because in D, I definitely, except for the three story, we've got Baldwin which has got sloped, shingled roof. We have all of the condos that have sloped shingled roof. We've got General, whatever it's called, we've got all of the office condos there that are shingled roof. Pretty much all of them are shingled pitched roofs. Redevelopment in D, D would mean the City property that is on Sheraton Lane because that is part of D and we have Showcase Cinemas on the other side of the street. But we've also got the, we've got to look at what we've got. We've got Roosters that's got a pitched roof, we've got development that could go on at the old Barleycorns, or whatever it was called. I think it was Barleycorns.

Mrs. Sullivan-Wisecup: Bargos.

Chairman Darby: Bargos.

Mr. Okum: Bargos, Barleycorn's before that and the car dealer, and the Tire Discounters which is going to be redeveloped some time. I think we ought to leave the pitched roof and let them submit reasons why not to us. Especially in A and D but all of them. If it is in all of them it doesn't really, yeah. What's everybody's feeling? I'm for leaving pitched roof in.

Chairman Darby: Mrs. McBride, why have we not been enforcing it?

Mrs. McBride: Well because most of the uses that have come in, we have seen actually a lot of kind of redevelopment in the corridor. So we've seen a center up here, we have seen a Days Inn, those kinds of uses so obviously we are not enforcing that. We haven't really seen a lot of new development. Now if the hotel site the former hotel site develops, you're going to maybe start to see some things but, chances are if things are going in on that big of a site there going to be coming in asking for relief on that.

Chairman Darby: Okay, as a developer is it a good thing?

Mrs. McBride: I don't have a lot of clients that do pitched roofs.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. I'd like to see pitched roofs and as many applications as we can get them. I don't think that we're going to get them in three story buildings. I don't think that it makes a whole lot of sense to have a pitched roof for three, four or five stories tall. If we end up with a hotel on the city owned site, once again I think that not a pitched roof probably works out fine. But, if we end up with a multifamily or multi use town houses and something like that then pitched roofs is going to be important. It will be important to the people that are behind them which are the residential buildings that are in the city are already existing and I think that we should be trying to look out for that for those people as well as what they are staring down at. So, I'd like to see the pitched roofs stay. Thank you.

Chairman Darby: I think a couple of the members have made very compelling argument. What are the feelings of the other members? Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I do agree that a pitched roof would be aesthetically nicer. It wouldn't make sense for a lot of office buildings, like the office building that I work and doesn't have a pitched roof we have a flat roof. But, they can come and ask for relief from that, it is not like we are saying you must have a pitched roof or you're not coming into Springdale. We are saying, hey we want to have a pitched roof but if that is not going to work for you come and talk to us and we will see what we can do.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I pretty much agree with Meghan. They can come with a variance, maybe they are going to have mechanicals or some other feature on the top that a pitched roof doesn't make sense for them and I would like to see them come and get a variance.

Chairman Darby: I think you hear the choice of a group.

Ms. Fields: Alright.

Chairman Darby: Okay.

Ms. Fields: Axe it. Dimensional standards, we just had one change that we are proposing. A reduction in the minimum distance between multifamily residential buildings. So, if you're doing a development with multiple multifamily buildings the current requirement is that each building be 20 feet apart from each other. We are proposing to reduce that to 10 feet which is in line with the building code requirements and to allow just a little bit more flexibility. Twenty feet seems like a big distance to put between buildings when it is not a building code requirement.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Even in our residential single family I think you're required side yard setbacks 6 feet total of 16. So, if you are on the other side, you might end up between the buildings of almost 20 feet on the big side or as small as 12 feet on the small side. I don't understand the need to go down to 10 feet for multifamily. Multifamily would be built in the city owned property kind of a lot or some other, taking down multiple single family is in order to build multifamily. There's not a whole lot of developable space otherwise. So, in all of those situations there is going to be adjoining residential units. So, once again just like the pitched roof, I'd rather see this stay at 20 and if you need to have something closer than that then bring it forward and show me why. I don't like the idea of let's get them as close as we can to start with so that we can get as many as we can in per acre and then try to fight to get it back. I'd rather start at the 20 and at least we are in a position where the argument we're coming more from a position of strength instead of asking for something back we are actually in a position to give the dimensional relief and I'd rather keep it that way. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: I'm looking, I'm thinking of like Crossings at the Park as an example with the quad condos or Maple Knoll's with the quad condos and you've got a serviceability and private owned landminiums. The going trend is to allow narrow side yard setbacks and then bulking up because you have to have so much green space, open space anyway and in our requirements we require what 25%? Yeah, so you still have to have 25% on the development but if they are individual, and I think Mr. Galster makes a valid point that if they are individual and they become individually owned, like let's say two family buildings or three family buildings and we have a row of them and there's no way you can service between the buildings even if you are at 10 feet. If it is between the buildings. Are you saying it's 10 feet between the buildings on common owned, common property or is it

Ms. Fields: Correct, we are not proposing a change to the setbacks. So your current front, side and

Mr. Okum: This is like to

Ms. Fields: rear setbacks still remain. We are now proposing to change, you still have a 50 foot front setback in your multi household district. You still have side and rear setbacks equal to the height of the building. So this is just a few have a developer that is doing three different buildings or four different buildings it is allowing them a little bit more flexibility on the distance between those buildings on a site but they will still have to meet the periphery setbacks that is currently in the code.

Mr. Okum: Legitimately feet could build them like we have at Mallard Lakes where there are 10 units and a cluster connected or whatever, 6 units. I mean they could and not have 20 feet between them or 10 feet between them, they could have and bring it together and have more area on the sides so they could do that as well. So, I'm up in the air and this one. We had the discussion on route four with the houses or Kemper road with the house is and the separation on the zero lot line homes. It is just when you get a larger mass buildings and you put them that, they might as well all be connected.

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. The most recent example of this was the 11 units built down at Maple Knoll which you folks approved and they in fact had to go to the Board of Zoning Appeals to get this 20 foot standard reduced between the two buildings that are on the, I guess what would that be on the Glendale side, on the east side of the property. Anyway, that was kind of the, that's an example of a situation where this was requested, again you folks granted the approval of the development plan and BZA subsequently provided them a variance to enable the construction.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I will have to act to the comments earlier, and I agree that we should maintain the 20 feet rather than give away 10 feet of it and then they come in here and ask for five feet. So, I think it would be in the best interest of the City to maintain the 20 feet separation between the units and then if necessary, the developer could approach the commission and ask for a variance. Thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. If I remember right the Maple Knoll location they needed to reduce that to be able to get all of the condos in that one smaller area and they needed that 10 feet as opposed to 20. So that being said I am in agreement that seems like with most and I would like to see them come before us and ask for a reduction. Thank you.

Chairman Darby: I think what I'm hearing is that this body doesn't mind working and having people come in and ask on the last two issues.

Mrs. McBride: Moving on.

Ms. Fields: Moving on. Landscaping, we had the city's landscaping consultant read the landscaping section. She recommended some clarifications to the landscaping section. Most of them were just pretty specific, of a determined plant quantities and minimum height requirements, specific things that she has come went with and we did some language cleanup. We realized that there were some inconsistencies with terminology so we have just kind of clean that up that, those items in the landscaping section.

Chairman Darby: Mr. Galster.

Mr. Galster: Mr. Chairman I have no issues with this paragraph.

(Laughter and a Yay followed by clapping.)

Ms. Fields: Alright. Signs, we have a number of proposals to the sign section of the code. Per legal's recommendation we are exempting political signs from regulation in the code. For some other items we are proposing an allowance that right now the code requires when you're measuring the size of a wall sign you can only use one box. So if you have multiple words or multiple words and Logos you just use one box to measure that which leaves a lot of blank space usually. So we are proposing the ability to use two boxes to measure the wall sign. So, if you have a sign with your name and then you have your logo you could use one box to measure the logo and one box to measure the sign and then you would combine that to come up with your wall sign calculation. So it is a little bit more friendly in how you would measure the size of a sign. We are also proposing, currently we have a requirement that all signs be channel letter, channel cut letter signs and we are proposing an allowance of 15% of the proposed sign area could be a cabinet sign to allow for things like Logos and certain little items that are common. I know that you've seen this come before you multiple times so allow kind of a part of a sign to be a cabinet sign but not all of the sign.

Chairman Darby: Okay. Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Just a comment about the political signs since we just finished up the process. I will have to say that Springdale did a good job of keeping that under control. Being as some other cities where the signs were absolutely everywhere but also we had some locations where people running for office is just decided to put up signs wherever they want and that any size that they thought they wanted to put up. Just a comment on my part. Thank you.

Ms. Fields: Then lastly, we are proposing a rewrite of the temporary sign regulations. There has been a lot of confusion with some of the existing regulations and we just clean them up and put them into a more definitive categories to make them a little bit easier to administer and a little bit easier for applicants to understand. For definitions

Chairman Darby: Mr. Galster.

Ms. Fields: Oh, the off premise signs.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. On the temporary signs.

Ms. Fields: Yes.

Mr. Galster: What are the major changes to that? I mean I'm having, I haven't found within the code and I was looking for it real quick. If I look at the temporary signs where somebody puts up a banner and they hang it like it is their sign, are going to be their sign. How long do we allow that to happen or what changes are we making that address the continual use of temporary signs?

Chairman Darby: Mr. Taylor will comment on that he loves this area.

Mr. Taylor: Yeah, this is

Mrs. McBride: That is why he is retiring.

Mr. Taylor: This has been a kind of a problematic area because we have a couple of different, well there's basically three different areas where there's regulations for temporary signs that aren't "otherwise regulated". There are temporary signs for special events and they all have different requirements. How this whole thing kind of got started, during the economic crash there was an effort made on the part of council I think really do try to be a little bit more business friendly and allow some of these mom and pop operations to put up a temporary sign and ultimately they were allowed to be up for an unlimited period of time. I believe the temporary signs for special events are only allowed to be up 90 days and then we had well what happens when you have a pop up shop and then it is allowed to have the regular signage but again only be up for 90 days. That if it is not regulated as a temporary use, in other words where this gets into some problems, we have been recently advised by the law director that anything that requires, that has anything to do with content whatsoever gets you and all sorts of trouble. So, if a sign says grand opening or it says sale then we would consider that as special event, however; you're not allowed to read the sign and comment on content so the effort here was to try to clean this whole thing up and frankly to put some time limitations on the allowance of these temporary banners. I am sure that you recall when Overstock was there. This was put in place for these mom and pop operations and then Overstock had a temporary banner the whole time that they were here in town. It was about five years. So, this temporary sign thing is frankly really problematic from an enforcement standpoint and what we are trying to do is a) simplify it, b) get rid of the variety of temporary signs and then put us in a position to where from an enforcement stand point we can regulate these things a little better.

Chairman Darby: Having some knowledge of what staff pass to go through in this area, I think we would be well advised to trust their judgment on this one.

Mrs. McBride: It's a pause, grab it.

Ms. Fields: Okay.

Mr. Okum: That's a no argument.

Ms. Fields: We have one more signage change that I forgot to put into the PowerPoint but it is something that we should note. We have had some recent questions about off premise signs and how we can regulate those. Based on discussions with legal counsel we are proposing to remove the regulation of off premise signs from the signage section and to regulate them as a use instead of a sign. So off premise signs has been added as a principle and an accessory use to the use table and with not being allowed anywhere in the city we have also added a definition to off premise signs. Based on this, defining them as a use so that essentially by removing them from the sign section and putting them in as a use instead of a sign we can alternately not allow them in the city and kind of get around the content based restriction or regulation.

Mrs. McBride: This is the recommendation from the Law Director. There was the case out of the sixth circuit which again goes to content to know that is in off premise sign you have to read it so in talking with the law director, I said what if we move it from the sign section to a use because it really is the use of either all or part of the parcel and there is typically a lease that goes with that and so forth. While he thought that was a good idea. At any rate that is where this comes from so we are totally backing it out of the sign section and putting it into the used section concurrent with the law director and the decision of the sixth circuit this September.

Ms. Fields: So, this is groundbreaking right here. Back to definitions. We have updated some definitions and revised some existing definitions. Some are listed there. New definitions were added mostly based on the new content that was added or revised and then existing definitions were tweaked like commercial recreation because we changed

how that was going to be regulated from a use standpoint and make sure to update those. So, if you have any questions on the definitions we can address those specifically but those are all pretty straightforward.

Mrs. Sullivan-Wisecup: You defined earth tone?

Ms. Fields: We did define find earth tone because of all of the questions on how to define earth tones so we now have a definition to refer to.

Mr. Okum: Elizabeth the only thing I was thinking when I read the earth tone definition, I was thinking of glossy verses

Ms. Fields: Matte?

Mr. Okum: Matte. An earth tone glossy can be just as, can cause just as much impact as earth tone non glossy. So, you're not happy with glossy?

Mrs. McBride: No, I'm just saying that they have to bring the colors to you anyway. At that point in time, if you feel that it's not appropriate, if it's

Mr. Okum: That it's glossy?

Mrs. McBride: Then that's

Ms. Fields: Because we are saying that they are muted.

Mr. Okum: A good example is the Pretzel Baron because those panels appear more glossy than I envisioned.

Mrs. McBride: They don't appear as we approved them. That's a whole separate issue.

Mr. Okum: I know that but I am just saying, that in my opinion should have been, we should have probably thought about that. The good point about it is the weather is going to make them not be so glossy. Especially dark colors. I don't know, maybe think about that.

Ms. Fields: We do state that earth tone colors are muted and flat in emulation of the natural colors found in dirt, trees and rocks. Muted and flat, I would say that glossy is not a muted and flat.

Mr. Okum: Okay so you're

Chairman Darby: Good, took care of it.

Mrs. McBride: Liz, did you mention that we are taking out the earth tone color requirement for the signs?

Ms. Fields: Yes.

Mrs. McBride: You did?

Ms. Fields: Yes.

Mrs. McBride: Sorry guys.

Mr. Okum: I saw that.

Chairman Darby: Yes she did.

Mrs. McBride: Okay I just wanted to make sure everybody knew.

Ms. Fields: We are leaving the earth tone requirement for the buildings, just removed it just for the signs. There are some other amendments. You'll see in the big spreadsheet there has been a number of kind of small, aligning terminology and typo and reference fixes throughout the code. These are kind of the other random ones. We are proposing a time limit for Conditional Use Permits. If a Conditional Use permit is approved but then is vacated, if they are vacated for six months then they would expire. So you can't just kind of have a Conditional Use live on forever. It doesn't prohibit a new person to come in if a use has been vacated for six months and somebody buys it on the seventh month they can still come in and request that from the City but they would have to request that. Just to kind of put an end to those definitive uses if they do go away. We are also proposing a maximum impervious surface ration of 50% for residential front yards to prohibit people from paving their entire front yards. So those are kind of the other two items that didn't really fall into one of my categories. So that is the conclusion to my presentation. So, if there are any additional questions, I'd be happy to discuss that.

Chairman Darby: Mr. Okum.

Mr. Okum: You knew I'd have a list.

Ms. Fields: Of course. I was hoping we hit most of those throughout though.

Mr. Okum: You did. You did a really good job. Going under Planning Commission's role. I was reviewing it. Of course I gave it a little bit more review than I probably should have but, I added an H, I and J in wording. These are the items that I suggest that we add to that. One is review and make decisions as required by the City of Springdale Charter. I know it references the City Charter created by the City Charter but there's rules, there's regulations in our Charter that dictate what our duties are at the Planning Commission level and that's not referenced. Did I miss it?

Mrs. McBride: Item I right now says "perform all duties and functions as provided by the Springdale City Charter".

Mr. Okum: Where, did I do that?

Ms. Fields: I, on page 5.

Mrs. McBride: 153.153 I.

Mr. Okum: Oh, I got that. And then you added thoroughfare plan?

Ms. Fields: We are not proposing any changes to that.

Mrs. McBride: We are not adding changes to that. This is existing

Mr. Okum: Oh, then why did I highlight them? Oh forget it.

Mrs. McBride: That was one of your 10.

Mr. Okum: I put added text. No, no it isn't.

Mrs. McBride: You've got 9 left.

Ms. Fields: New text is red.

Mr. Okum: Okay. So, I had vacant or not occupied. Is there vacancy?

Ms. Fields: Is that for the Conditional Use?

Mr. Okum: Yes. Under Conditional Use, Elizabeth, page 15. I was thinking that if it is not occupied, vacant does not always mean, is there a definition that definitely describes vacant?

Mrs. McBride: No, there isn't and we probably should add that given that we are now referencing it. That is a good catch.

Mr. Okum: I listed vacant or not occupied for its intended or approved use.

Mrs. McBride: We will wordsmith that.

Mr. Okum: I wordsmithed it a little bit.

Mrs. McBride: We will wordsmith that, we will add an appropriate definition for vacant.

Mr. Okum: Under page 19 or 22, I am not sure, it says page 22 but it printed. An aviary was not listed. Is that a necessary or a non-necessary?

Mrs. McBride: I'm sorry, which, I was?

Mr. Okum: Under residential permitted uses. Under residential accessory uses. If a person wishes to have an aviary. Bird house.

Ms. Fields: Would that fall under our regulation of animals?

Mr. Okum: Is that okay, we've got it covered?

Ms. Fields: Yes.

Mr. Okum: Okay, I'm getting there.

Ms. Fields: So we address dogs and cats, we address farm animals, we address husbandry of fowl, rabbits or bees. We don't specifically regulate birds but we don't prohibit them.

Mr. Okum: Then it's not listed. Right but it is not listed so they are not approved. If it's not listed they are not approved.

Ms. Fields: If they are a domesticated pet then, we allow the keeping of domesticated pets.

Mr. Okum: Birds aren't domesticated, neither are cats.

Mrs. Sullivan-Wisecup: Neither are cats. Yeah.

Mr. Okum: Birds and cats are not domesticated.

Mr. Hall: They're not.

Mrs. Sullivan-Wisecup: It was discussed.

Mr. Okum: They are considered a wild animal.

Mr. Hall: Been through that many times.

Mrs. McBride: What?

Chairman Darby: You mean Fluffy is wild?

Mr. Okum: Fluffy is wild. So if you get an owl it is a wild animal. Just put it down in your notes just before it gets to Council. When I was looking at chain link fence for side yard and rear yards in residential zoning districts, for some reason I thought I saw that it was allowed to be six foot tall.

Ms. Fields: We are not proposing a change.

Mr. Okum: I understand that but we are doing code review and

Ms. Fields: Yes.

Mr. Okum: I can't imagine a six foot permissible chain link fence on a side yard or a rear yard.

Ms. Fields: So, fences shall not exceed six feet in height and then chain link fences may be used in the side yard and rear yard of residential zoning districts. That was passed in 2016. We did not stipulate a specific height for chain link as far as a maximum height.

Mr. Okum: Right and I have a problem with chain link at six feet in the side and rear yard.

Mr. Galster: On Kemper Road there is a dog kennel area that is six foot tall in the back yard and as a matter of fact, I used to live in that house. We put it in.

Mr. Okum: Shame on you.

Mr. Galster: No, it is still used to this day.

Mr. Okum: But is the whole yard surrounded by a six foot high fence?

Mr. Galster: No.

Mr. Okum: This is permitting a six foot high side yard, rear yard fence.

Mr. Galster: I understand that.

Mr. Okum: Kennel I understand six feet.

Mr. Galster: Yeah but that kennel is 60' x 60'.

Mr. Okum: It is a dog run.

Mr. Galster: Yeah and there is nothing wrong with it. I could have just as easily made it as wide as the property and brought it all the way up to the house. Probably would have made more sense because then I could have let the dog straight out into a fenced area.

Mr. Okum: As a neighboring neighbor to a neighbor, would you want your neighbor to have a chain link fence six feet high next to your house?

Mr. Galster: If I have a neighbor that's got a wood fence that is six foot tall is there a difference?

Mr. Okum: Okay.

Mr. Ramirez: I have a six feet high wood fence.

Mr. Galster: Yeah, but

Mr. Okum: A lot of wood fences are six feet high.

Mr. Galster: Correct.

Mr. Ramirez: I also have a pool so.

Mr. Okum: It's just the appearance. I mean architecturally a chain link fence is definitely an architectural feature but wood fences can be pretty ugly to or nice. Okay,

we don't need six foot? Six foot is okay. Let's see here, did we change, oh, minimum distance, you got that. We didn't do that. Under page 32 we took out golf courses.

Ms. Fields: Yes.

Mr. Okum: Possibly, Tri-County Golf Ranch as a business, it is on Oak Hill Cemetery property.

Ms. Fields: Yes.

Mr. Okum: It is outdoor recreation now?

Ms. Fields: Commercial recreation. That is why we added commercial recreation indoor and outdoor.

Mr. Okum: So the driving range, does the driving range fall under that?

Ms. Fields: Yes. So all of the recreation uses that have been crossed out, batting cages, bowling alley, golf courses, mini-golf course, skating facility, all falls within indoor or outdoor commercial recreation.

Mr. Okum: Good. Got it. I'm good. Okay, page 36 under non-residential permitted uses. We do not have a designation for doggie daycare.

Ms. Fields: We have animal training, boarding and pet daycare.

Mr. Hall: Red Dog.

Mrs. McBride: OOhhhh.

Mr. Galster: Pet daycare.

Mr. Okum: Where's that. Oh it is it pet daycare?

Ms. Fields: Yes, pet daycare.

Mr. Okum: Oh, I missed it?

Mrs. McBride: We added that when PetSmart wanted to do pet daycare.

Mr. Galster: Back up a page.

Mr. Okum: Okay. You beat me. You guys.

(Laughter among the commission.)

Mr. Okum: Okay so, Tri-County Golf Ranch is. Oh, should under restaurants, should restaurants not be permitted in the SS district. I don't have a problem with restaurants being in an SS district.

Mrs. McBride: I do.

Mr. Okum: Support Services, why?

Mrs. McBride: Because then you are starting to allow more retail type uses. Now we do allow them in some state just like drug stores within, say the office district as long as there is no exterior signage. There isn't an exterior door. Those kinds of things but to open up the SS district to restaurants then why not drug stores and why not dry cleaners and

Mr. Okum: We only have one SS district which is Northland Boulevard.

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Mrs. McBride: Right.

Mr. Okum: Okay.

Mr. Taylor: And Lowes.

Mrs. McBride: And Lowes.

Mr. Okum: Oh and Lowes. We've got Chick Fil A on the corner of Lowes. It is a PUD underlying as SS. Okay. No / Yes? Okay. I had a question regarding Lab and definition of what a laboratory is. So, if you are a business that does blood testing, you know like Hoxworth or not even Hoxworth. The Diagnostics. Is that what laboratories is?

Ms. Fields: We have a definition. A facility for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and scientific research facilities. Does that answer your question?

Mr. Okum: Does it mean square footage? It could be a 20 x 20 space in an office building and that's okay?

Mr. Hall: Yes.

Ms. Fields: Right.

Mrs. Sullivan-Wisecup: Like a LabCorp.

Mr. Okum: Okay. Do you have a definition of personal services?

Ms. Fields: I believe so.

Mr. Okum: I didn't catch it.

Ms. Fields: Yes.

Mr. Okum: Okay.

Ms. Fields: Do you want me to read it?

Mr. Okum: No.

Mrs. Sullivan-Wisecup: Yes.

Mr. Okum: Yes, she does.

Ms. Fields: Yes?

Mr. Galster: Please.

Ms. Fields: An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to, barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios.

Mr. Okum: Nobody said anything. So?

Ms. Fields: Any issues?

Mr. Okum: Okay so on your outdoor recreational commercial outdoor, recreational commercial outdoor, is there some way that we should understand that the noise that is being created by the activity impacting the residential use?

Mr. Galster: If it is in a residential area.

Mr. Okum: It can be abutting.

Ms. Fields: If it is located, it is a conditional use in a PF, so if it is conditional use you can review that as part of the conditional use. In GB it has to be 100 feet setback from a residential district. Any outdoor speakers have to be 100 feet from any residential use and they have to have a fence screening between a residential use.

Mr. Okum: You put a bar with an outdoor volley ball facility next to a residential neighborhood even if it is 100 feet that is going to impact that residential use.

Mrs. McBride: Well as someone who put a Top Golf next to a single family residential development.

Mr. Okum: I know that, I saw that.

Mrs. McBride: Oh no not West Chester, I was talking about Columbus. At any rate, so,

Mr. Okum: I saw that in West Chester too. There is one right next to it.

Mrs. McBride: I mean they would have to, we have noise ordinances in the city.

Mr. Okum: Okay.

Mrs. McBride: So they would have to, if it was an issue, they would call and we have obviously, we have lighting requirements and we have noise requirements.

Mr. Okum: That one had nothing. I had a note here under page 48.

Mr. Galster: Page what? I'm sorry Dave.

Mr. Okum: Page 45, I'm sorry. Page 45 at the bottom. Outdoor dining areas shall not include the use visual electronics, including televisions and projection screens. I don't have a problem with it as long as it is not seen from the public right-of-way or the adjacent property. I'm right here in the code.

Mrs. McBride: I know but that was put in at the Commission's request last time around.

Mr. Okum: I understand that but I am looking at it now because we are doing a plan review. You don't just, because basically what you are saying is, I think it is overly restricting to a business because the going trend is to encourage outdoor dining and outdoor activities and to allow them to have a TV screen that's not obstructing the public right-of-way and people are not catching it when they are driving by, I don't have a problem with it.

Mrs. McBride: Nor do I personally, but I am just saying to you, if you are going to make it so that it is not visible from a public right-of-way or whatever other restrictions you want to put on that then Mr. Taylor or whoever succeeds him, folks get to go out there and enforce that. So, we will turn it but we turn it back, it is whatever you guys want to do.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. How hard is that to regulate realistically? Mr. Taylor be honest about it, is it unrealistic to be able to regulate that particular piece?

Mr. Taylor: I think it's, these sorts of things whenever you are asked to make a judgment call in the field you are setting yourself up for potential situations. Let's just say for example Mi Cozumel puts a TV set on out there. It's a big screen TV. If you are driving down Princeton Pike, maybe you could see it. Then let's just say that Noodles or Roosters with one up and they are obviously way closer to the public right-of-way.

Okay, is that a problem or is it not a problem? That's where enforcement gets a little bit dicey.

Mrs. Sullivan-Wisecup: But somebody can technically come to us and say when they are doing their planning, say that we want outdoor entertainment or whenever correct? That could be part, is that part of a planned or is that's just something that they threw in there after they are already in?

Mr. Taylor: Well, in a perfect world, people would be, they would anticipate what their need is going to be and they would present it to you for your consideration. Unfortunately, a lot of times I think giving our folks the benefit of the doubt, they don't necessarily understand when they start into one of these things that it might evolve. The perfect example is the folks at Mi Tierra. When you guys first approved that, that outdoor dining didn't exist and they came back for the outdoor dining. You folks even asked the question you know is it going to be any kind of loudspeaker or anything? Well we might occasionally have a mariachi band out there or something. I think that the thought process at the time was well we have a noise ordinance if they get out of line, well call the police and we will deal with it. I think the more subjective that these things are, the more problematic they are from an enforcement standpoint. I guess I'd have to limit my comment to that.

Chairman Darby: Mrs. McBride.

Mrs. McBride: I would suggest that either it stays as it is prohibiting it or you allow it flat out. Most communities I see do not prohibit that type of outdoor entertainment. As somebody who does Panera's and so forth with outdoor dining. One way or the other but the start to put conditions on to it that are going to be a nightmare for enforcement, I just don't think that's a good idea.

Mr. Okum: I don't have a problem.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I saw a little work around for this, the old Beef 'O' Brady's had televisions outside and the TVs were on the other side of the wall, the other side of the glass and speakers were put out side so there is a little work around there that the TV wasn't actually outside that you could see the TV from sitting outside.

Mr. Okum: I remember that.

Mr. Ramirez: They we'll work around if it if they can.

Mr. Okum: My feeling is that you should permitted as long as it is not considered signage. Since we don't deal with content.

Chairman Darby: Could you read that off again please?

Mr. Okum: Well it is in this section right here. It says, outdoor dining areas shall not include the use of visual electronics including televisions and projection screens.

Chairman Darby: Mrs. McBride, based on your travels, how prominent is that approach be coming?

Mrs. McBride: Well I do Starbucks, I do Panera, I do all of those guys and none of those have outdoor televisions. The places where you get it are the ones where they have a covered patios, your Buffalo Wings and Rings your BW3's, those types of places where there are more sports bars and they have got the covered patio and so forth. You don't see them at a lot of places but you do see them at some places which I don't know if that's a good answer.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Let's just say that we have some time in the future a tenant that goes on to 747 that is one of those places where you typically see those. At some point we were talking about LED signs and how often a change in how safe they are and all that stuff. So now on top of that we are going to maybe have TVs out into the public right-of-way or that can be seen from the public right-of-way that god forbid the Bengals score a touchdown, everybody might go crazy.

Mr. Okum: And run into the back end of me.

Mr. Galster: I mean, it won't happen. So, at some point they almost become, I'm not going to say they become a sign because that is not their intent but they become a safety issue just like a changing LED sign would. So, I think that when it is up at the public right-of-way or is visible from the public right-of-way, that the safety issue has to be come before the convenience of the smokers and/or the diners at the restaurant. So, if we are going to say that LED's can't change too much because they become a distraction to the drivers, then I think you have to also look at then are these tvs in the public right-of-way not the same distraction.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. That is exactly what I was going to say was, we have really been, we have had so many discussions that lasted forever up here talking about how the frequency of the changing of signs, the height of signs and everything and if we are adding TVs, especially if it is in the front and viewable anywhere from the road, then people will argue, well what if I put it in the back where it is not visible from the road? I'm like, well that's whatever. It becomes a thing of why do we have it and we can't have it. I think it would be a distraction personally if I saw a big screen TV as I'm driving down the street my eye would automatically go to it and be like what is that? And if the Bengals did in fact score a touchdown, especially in the second half, I would absolutely wreck because that is just not common. So, it's my opinion that it is the same thing to me as an electronic sign.

Mr. Okum: So, from what I am hearing is, I heard two Planning Commission members say that if it is visible from the public right-of-way, that they would say that is a bad think and I agree and that's what I said. But, for any other reason, except for where it is visible, well my TV is visible to my neighbor to. So, I am saying for safety purposes, I'm a reasonable person that it shouldn't be seen from the public right-of-way period. And any other use of it on outdoor dining areas should be a permitted use. I mean it is a reasonable approach, it is fair to the businesses. We are thinking that this community is progressive, somewhat. Bob looks at me. I think it would be fair. I'm becoming a more liberal person when it comes to this item. So I think as long as it is not visible from the public right-of-way, I'm good with it.

Chairman Darby: I hear two salient points being made. 1.) The safety issue and I think we all understand that. That's in stone. Another issue that I see is the competitive issue. If this, according to those folks who get around a lot more than I do, it is becoming rather trendy to provide these kinds of niceties in these outdoor patios and I don't know if it would be a deal breaker for a developer but it could be. So those are two points that I see and I'm not so sure we can reconcile the two through language, even if it does require enforcement. Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. In reference to the competitive issue, not talking about the Bengals, the businesses themselves, if you have a seating area in the front of your establishment then you're going to need to make the arrangements for somehow to have that TV mounted to where it is not broadcasting out to the street and it is broadcasting back to your establishment.

Mr. Okum: That is exactly right.

Mr. Galster: That is just location location location.

Mr. Okum: Right.

Mr. Galster: Not saying that you can't put a TV in the front of your building, you just can't have it visible from the public right-of-way.

Chairman Darby: Alright.

Mr. Galster: Maybe that public right-of-way, there's so many public right of ways, does it have to be a main thoroughfare?

Mr. Okum: No, and just a public right-of-way.

Mr. Galster: Public right-of-way is the best way to enforce it.

Mr. Okum: We have new wording that describes what a public whatever access way or something. New wording. I think you've got, everybody agree?

Chairman Darby: Sounds like we could live with it?

Mr. Okum: Limited but yes. Okay.

Ms. Fields: Got it.

Mr. Okum: Page 52 I believe 49 to 52 and I know it's not part of your stuff but, roof mounted solar panels shall not be installed on the front or street side of the structure. Yes or no?

Chairman Darby: Can't hear you Mr. Taylor.

Mr. Taylor: It is currently legal and as long as they don't protrude more than 6 inches above the peak of the roof. You know we have had, very recently I think three recent solar panel installations. I know there's one down on Lawnview that is in the front because the house happens to face the appropriate direction.

Mr. Okum: If you go to Solar Ready through OKI you're going to see where your solar panel can go. It shows every house in this region and shows where the solar panels can go and what they will pay. I'm bringing it up for discussion. Does this city and this commission what restrictions on where they are going to be located or not? What are you seeing in other communities? You've got a bunch.

Ms. Fields: I'm seeing support for sustainable, the sustainable methods where you can do it. You know I am seeing a lot of apprehensions on tall wind stuff and that kind of thing and obviously the solar panels that project very high but I don't recall seeing a lot of restrictions on flush mounted solar panels on what roof eve they can be on, front back, side or whatever. I think there is more support for this than there is opposition.

Mr. Okum: I understand. I would get about thirty cents a month about of mine so I know where my house is and where it would stand but I believe in that and technology is getting better and they are paying more than they were and there is a lot of reasons and I am part of the Strategic Regional Policy Plan which includes solar ready. But it makes, I want to know where the City is. So if we are all okay with it then it says with our code the way that it is. Okay. Next item. Accent light shall be maintained and in good working order at all times. Should any part of the system become defective, all accent lighting shall be turned off until it is fully functional. Under accent lighting.

Mr. Galster: What page?

Mr. Okum: Section 153.24 something 245 or something like that.

Mrs. Sullivan-Wisecup: What page is it on?

Mr. Okum: I've got page 60. So that's the right page. For some reason my notes didn't end up on that page.

Mr. Galster: Accent lighting yes.

Ms. Fields: We do have accent lighting on page 60 but not to that language.

Mr. Okum: I know you've got accent lighting

Ms. Fields: We've got accent lighting in a couple of different places.

Mr. Okum: Yeah, unless reviewed and approved by Planning Commission. I just don't want to have to make the statement every time we have a motion that somebody wants to put accent lighting on their building and part of it is off.

Mr. Galster: One lit, all lit.

Mr. Okum: What?

Mr. Galster: The one lit, all lit rule.

Mr. Okum: Yes the one lit all lit rule. Is that in? Do we have it?

Mrs. Sullivan-Wisecup: That's in.

Chairman Darby: That's been our practice.

Mr. Okum: It's been our practice but we state it verses code standards.

Mr. Hall: I think you just reinforce it.

Ms. Fields: We don't have it in

Mr. Okum: I thought we did to but I didn't see it and I didn't read every

Ms. Fields: The, we have accent lighting in multiple places because we wanted to make sure that we kind of hit it in multiple places and I am wondering if it is in the lighting section. 458?

Mr. Okum: I'm almost done Mr. Chairman. I'm working at it.

Chairman Darby: It is early.

Mrs. Sullivan-Wisecup: I love your face, your face was priceless.

Chairman Darby: It's early, wink wink.

Mr. Okum: It's not 1 o'clock in the morning.

Mr. Galster: Page 113.

Mr. Okum: See I don't have the whole code section. I just printed my notes. We just need to make sure that it is all lit or not lit.

Mr. Galster: That is true with accent lighting but that is true with LED signs, that is true with any sign that if any part is out then it has to be maintained, fixed or it all goes out right?

Mr. Okum: Right. That's exactly right but Elizabeth we just need to make sure that we get it tied down in the code. So, when Dave Okum calls Liz and says, hey the lights are partially out on so and so's building, she can reference it.

Mrs. McBride: We will add another reference in the outdoor lighting section that may be a duplicate to what is in the sign section but that way that will save us at least two minutes of Planning Commission meeting.

(Woo was hear from a member.)

Mr. Okum: I'm good. Thank you for doing that. The next one that I had under the combined preliminary and final development plan. Page 65. I'm really glad that you are doing this and I am very encouraged by it but we will probably will never get the covenants tied to that process when there's covenants involved. Just accept that right? Is that what we are saying?

Ms. Fields: Not, I wouldn't say necessarily.

Mr. Okum: What you think we will be able to get review and approval?

Mrs. McBride: Yes if somebody is willing to put the money up to do their final engineering they are going to have their covenants.

Mr. Okum: Okay, then that expectation is there.

Mrs. McBride: And if they didn't for some reason then that could be a requirement that Planning Commission could recommend to Council that either that particular item comes back to you which wouldn't hold up necessarily their starting construction or it could be referred to the Law Director and Staff for review and allow them to move on. So, I don't see that that's, there may be amendments to those covenants by the time that it goes through Planning Commission and Council but I feel pretty comfortable that they would have at least draft covenants if they can do a final grading plan.

Mr. Okum: Okay.

Mr. Galster: With some kind of understanding of what those covenants are trying to cover. Because my thing always goes back to, if we turn it down and Council then overrules that, what are they approving? So, if we haven't made exact recommendations as to what needs to be covered in those covenants, even if we just say that they have to meet staff's approval. I mean is that good enough?

Mrs. McBride: Well if you all recommended denial of the zone map amendment and subsequently the final development plan since it is coming in as one package per section, whatever it ends up being, and Council decided to override you and approve it, they could either approve it as it is or they could approve it with modifications. Or they could actually even then refer it back to the Planning Commission for reconsideration.

Mr. Galster: We don't want to have Council be put in the position that they have to do the, in the trenches of work

Mr. Okum: The motion.

Mr. Galster: That gets done

Mrs. McBride: Right but if they are willing to override Planning Commission's recommendation, then they are probably going to get down in the trenches whether it is a preliminary development plan or a final development plan.

Mr. Galster: Alright.

Mr. Okum: I mean if we make a comprehensive, if I made a

Mr. Galster: If the motion

Mr. Okum: Comprehensive motion

Mr. Galster: Correct.

Mr. Okum: And we denied it and it goes to Council for reconsideration of our decision, Council would have my motion in hand

Mr. Galster: They would have the information what to look for.

Mr. Okum: They would have the information but they would have to phrase that motion back into the conditions

Mr. Galster: Right.

Mr. Okum: And put those conditions upon it in their motion. Not just based upon what we discussed here tonight.

Mr. Galster: And once again, I think that's, getting back into combining them both into one is one of the drawbacks is that it is almost like you get, you don't get that extra time for them to meet all of the requirements that they usually are short of. Thank you.

Mrs. McBride: But if they, just to be clear so the Commission understands, if they are not meeting the requirements of the final development plan, it is not going to be presented to you as a zone map amendment and a final development plan.

Mr. Okum: I mean, in the townships they have basically community conferences with the community on most double letter zoning for after it goes, before it goes to the trustees so that there is community input going for PUD's. Anyway, that was just a point of reference, point of comment. Okay. Let's see here, page 74. You took out for at least 50% of the site coverage of a structure a, something, a picture. Oh, that is a picture of, oh that is a pitched roof.

Ms. Fields: We are putting that back in.

Mr. Okum: Okay we've got the pitched roof in.

Ms. Fields: Pitched roofs back in.

Mr. Okum: Then why did you drop the lighting for

Ms. Fields: We are proposing to use the codes lighting requirements under outdoor lighting to regulate all lighting city wide and not put specific lighting in here.

Mr. Okum: I'm good. Elizabeth did you describe in your notes what the dimensions of a compact car is?

Ms. Fields: Of the actual dimensions of the car itself? No I don't have that on the

Mr. Okum: I've got, you know

Ms. Fields: We did research, I mean I researched compact car requirements.

Mr. Okum: I understand but we are requiring compact car spaces

Ms. Fields: Optional.

Mrs. McBride: We are permitting compact car spaces.

Mr. Okum: We're permitting.

Mrs. McBride: Again, this is in, this is at a request to help facilitate the back leasing of a number of our empty office buildings and they can meet our zoning code requirements but they cannot meet the tenant requirements. I have repeatedly said that I don't think this is necessarily a good idea because I think what you are going to find is that,

although we are allowing the smaller spaces, that cars are going to be parking, taking two spaces or making it so that you can't get out of your car door when you come out of work.

Mr. Okum: And my doors get dented/dinged and I get very upset with that.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I know that you guys are very familiar with my tiny little yellow car. That is a compact car. It takes up a whole space. The only difference with my car is that if you are going around a corner and I've got SUV's on either side of me, you are going to try to hit me first before you realize that I am there because you can't see me. That is the only advantage that I see to having compact car spaces is then people can go, oh those are the tiny car spaces. I have a compact car. I don't see an advantage or disadvantage other than if it is there, people know that we are there. I, like I said I have seen people literally try to pull into the space that I am before they realize that I am there if there's a bigger car on either side.

Mr. Okum: Are they going to try and tow me away if I park my Acadia in a compact car space.

Mrs. Sullivan-Wisecup: I will call the police right on you.

Mr. Okum: Do we need a description of what a compact car is or is it just a car that is classified?

Mrs. McBride: Mr. Okum, it doesn't matter who parks in those spaces. We don't get to regulate that. We regulate the size of the spaces, the percentage of those spaces, the size of the drive aisle, how they are signed, how they are striped. We don't get to regulate if I park in them or you park in them.

Mr. Okum: Okay.

Mrs. Sullivan-Wisecup: Fair enough.

Mr. Okum: Go be there.

Mr. Diehl: All spaces should be equal.

Mr. Okum: I agree with you Bob. Okay, page 84 just two questions. One being, how do we determine per employee of the largest shift?

Mrs. McBride: We are depending on the applicant for supplying us that information and that is no different than any other community.

Mr. Okum: All of the communities?

Mrs. McBride: Correct.

Ms. Fields: Yes.

Mr. Okum: The e-commerce, I wasn't, it seemed really high at one space per 1,000 square feet. Did that come from someplace?

Ms. Fields: Let me

Mr. Okum: That is on page 84.

Ms. Fields: Yes, I believe that is in line with warehousing. Yes.

Mr. Okum: Okay.

Ms. Fields: Because, since they are essentially a warehouse if they are just holding things and shipping things out that it is kind of a similar use in that sense.

Mr. Okum: Doesn't it seem like a lot of parking spaces for a warehouse?

Ms. Fields: 1 per 1,000?

Mr. Okum: Yeah you've got 250,000 square foot warehouse, so you have to have 250 parking spaces.

Mrs. Sullivan-Wisecup: You have employees.

Mr. Okum: If it is a warehouse you don't 250 employees.

Mrs. McBride: They can always, they as of right can reduce that amount of parking and then they can come back in to the Board of Zoning Appeals and reduce it further if they so choose.

Mr. Okum: Okay. I don't see anybody putting their hands up saying. Perimeter landscape requirements, why was that deleted? I am on page 101.

Ms. Field: It was repetitive.

Mr. Okum: Okay.

Ms. Fields: With the landscape and buffer table.

Mr. Okum: Page 102.

Ms. Fields: Yes.

Mr. Okum: Minimum buffer yard from any office land use for residential, 15 foot side or rear yard. Shouldn't that be different than that?

Ms. Fields: That is just the buffer yard, that's not the setback.

Mr. Okum: Okay, got it. So then go to industrial to residential, should that not be larger than that at 100 foot side?

Ms. Fields: Again, that is your setback so you still would have that setback that is just the amount of basically your buffer yard of landscaping. So, you would have to have 20 feet of landscaping and then you could have an additional 80 feet of grass or other landscaping.

Mr. Okum: Are we going to require mounding as well?

Mrs. McBride: The mounding is an option. It is one of the, if you look down there.

Mr. Okum: So, you can offset

Mrs. McBride: Different options, yeah.

Mr. Okum: Okay.

Ms. Fields: So, basically you can

Mrs. McBride: Which is also very common as you know.

Mr. Okum: What's that?

Mrs. McBride: It is also very common as you know to have different options.

Mr. Okum: Right. I know that, I just wanted to make sure that. Okay. I just think any time that you put industrial next to residential, which I don't agree with period. I don't think you should allow industrial next to residential personally. I think it's contradictory. You have to have the highest integrity of separation that you can possibly have.

Mr. Galster: Do you want to change those to be and instead of or?

Ms. Fields: No.

Mr. Okum: Too much. Do we need to permit industrial next to residential?

Mrs. McBride: That's not a zoning code issue. That would be for this commission to make a decision and recommend on to City Council as to whether or not it is appropriate.

Mr. Okum: I understand that and it's this commission's responsibility to make a determination whether we need, do we, we are referring, this code is going to Council for consideration.

Mrs. McBride: Correct.

Mr. Okum: I'm bringing it up to the floor because I have taken up 40 minutes of our and it is past 10 questions, but do we, I mean we have to look at what we have got as our housing stock and our industrial stock and what could be impacted in our community. Right? I mean that's realistically

Mrs. McBride: If for some way there was a way to do that, you could potentially be creating a number of non-conforming uses because we have a very large industrial park now adjacent to multiple residential developments and there are probably other areas in the city where there is some adjacency between those two land uses. So, you are promoting a lot of non-conforming uses and I don't believe that the zoning code can prohibit somebody's right to come in and request a zone change to industrial or to residential adjacent to industrial. The code can't do that. They have the right to come in and request it. That doesn't mean that you have to recommend that or that Council has to approve it but they have the right to request that.

Mr. Okum: Okay, so then the standard should be as high as you can possibly make it.

Mrs. McBride: If that is the City's desire.

Ms. Fields: That typically would be a decision that we would have at a comprehensive plan level

Mr. Okum: I understand.

Ms. Fields: When we are talking over the normal process.

Mr. Okum: Which we don't have right now.

Ms. Fields: Exactly.

Mr. Okum: For right now it is staying where it is at. Last item that I have is my favorite subject, digital signs/electronic signs.

Mrs. Sullivan-Wisecup: Buckle up.

Mr. Okum: It is my last page 123. Actually 120. This eight second thing and the 8' 3" or 8' 4" height of sign is driving me insane. So, our ground mounted signs are at 8 foot but if they go with an 8' 3" ground mounted sign in a PUD we end up with 8 second changing interval that would be permitted unless we quantify it in the motion. Is that correct?

Mrs. McBride: An 8 foot sign is permitted. If this commission chooses, as it has done in the past, to grant an additional height to a ground mount sign then they are allowed additional changes. You don't have to approve that additional height to the sign. That is this commission's choice. So that is entirely in your purview.

Mr. Okum: Okay. You know I have studied these things and researched them and there is, I did find a rule that was a formula for speed vs. signage. You've probably seen it and if the traffic pattern was 35 mph you would quantify it at 10.6 second change or 10 second or 11 second or something like that. Did you know that? Okay, we are allowing 8. We are also allowing 8 for any sign that is 9 feet tall.

Mrs. Sullivan-Wisecup: But if it is on the 8 foot it is 24 hours.

Mr. Okum: Yeah, if it is 8 and under it is 24 hours.

Mrs. Sullivan-Wisecup: Right.

Mr. Okum: That's where I am having a problem because there's not a lot of difference between 8' and 8' 3".

Mrs. Sullivan-Wisecup: I agree.

Mr. Okum: Or actually 8' and 9' or 10'.

Mrs. McBride: I think, Mr. Okum, all due respect that the reason that it was at the 8 foot and then there was a change thereafter is that 8 foot was felt to be an acceptable height of a sign on Princeton Pike, on Kemper Road, on St. Rt. 4 corridor and so those are neighborhood oriented, the vehicles are traveling slower and so that's why that signage was to change, my understanding, once every 24 hours. If, and again that's it, that's the rule for ground mounted signs. If the commission chooses to allow an applicant to break that rule, to break that law and go over 8' on a ground mount sign then the commission understands the consequences to that. That that sign is then going to change more than 24 hours. It is going to change a lot more than 24 hours but that's the code and that is the decision that you have to make when you allow them to break that law.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. First of all in the table 460-1, I don't like the fact that it goes 0-8' then 9'-25'. It should be 0-8' then 8' or 8' to anything over 8'. There's always that foot difference that's not ever covered and that doesn't make sense to me in a table like this. But I agree with Mr. Okum's premise to his argument about the frequency of change at a low level and maybe the solution might be to make this minimum hold time instead of just 0-8 make it also the 9-25 so it has to be over 25 feet before it changes once per day. That makes it a highway sign or decent height pole sign which it is kind of like a heads-up display in a car. If you are reading your map down on your phone that is a problem but you have a heads-up display with your map and it puts it out here it is not as big of a problem as far as a safety issue, you are not distracted as much. So once the sign that is up higher starts changing more frequently because you are still looking forward and up, that's not so bad. But, when you start looking down and off to the sides and those type of things for these smaller matters that's when the safety issue comes. So, I'd like to clean up the one foot kind of discrepancy areas in that and then make the 24 hour hold for the first two categories and maybe that 25 feet is not the answer maybe it's 20 feet. I don't know. Modify it to where that we for sure get those more rapid changes on pole signs where the sign is up in front of us where we are not looking down and away or on the highway. Thank you.

Mr. Okum: It is a tough decision because, and I'm even in favor of less than 24 hours. I don't think it needs to be the 24 hour sequence. We are becoming a digital age and we need to, and that's what I said four weeks or a month ago and the month prior to that. We need to come up with a reasonable, and Mrs. McBride did some research and said that this is what other communities are doing. I can't remember those numbers but you

know I am thinking that we really need to become of age. You know sure we want static signs. We do not want moving and video and all of the things that are associate with it but we also want the business community to have an opportunity. On the other hand we also have the Board of Zoning Appeals that could approve an 8' 3" sign in a blink that we have changing every 8 seconds. The way that our code is right now. That is a precedent that we really need to be concerned about.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. That is why I think, Dave, if you change the second category, the 9' or 8'+ to 25 foot if you make that the same 24 hour change or make it a 12 hour change it doesn't really matter but that takes all of the monument signs into those two categories at least. Those are the ones you are mostly having an issue with. The higher mounted signs I don't think it is as big a deal. The idea being, there is a matrix out there that says if you are driving at this speed and the sign is this far away, you are going to see how many changes in such a period of time. What we want to make sure doesn't happen is that on these monument signs that we are not trying to make that driver see four different messages from light to light because that's what creates the distraction. You know if on the highway, you think about our sign out here, the Welcome to Springdale sign, when you are driving by that if you see one sign change that's normal but if you start seeing two or three it is changing too quick. So, I don't have any problem with just trying to make sure that we don't get into those three or four changes from light to light and extending that out from eight seconds to something that's maybe it is 30 seconds on all of those other signs so that you are only going to see one sign change at the most.

Chairman Darby: Mr. Diehl.

Mr. Diehl: Thank you Mr. Chairman. I think in this case once size can't fit all. I think each one would have to stand on their own merits. If you have a 25' sign in Tri-County shopping center or a 25' sign at the Days Inn, they are not the same.

Chairman Darby: No.

Mr. Diehl: I don't think that you can pass rules to make them the same.

Mr. Galster: Well that is what we have to try to do.

Mr. Okum: The only problem that we run into is that we've got staff that has all of these matrixes that have enforcement that's becoming a quandary of, well what time frame did we approve Tri-County's sign and what time did we approve Springdale Center. You know we are not consistent and I want the code to drive the consistency not by virtue of motion of Planning Commission or Council. I think the code needs to stand on its own strength to be fair. I thought, originally I thought the 24 hour, I though boy that is pretty sharp, that ties but that's not what we are seeing everywhere else. I mean we are probably one of the few communities in the whole region that has a 24 hour moratorium. Once an hour, I would probably be okay with for pretty much any of the businesses whether it be 30 foot or 50 foot I don't have a problem with it or 10 foot. I don't because I drive ever where. I'm all over the place. Anne goes to every and Elizabeth does to I'm sure, you guys service communities all over the country now and you're seeing this discussion all the time. Originally I remember Steve Galster saying you know when we first had the discussions about digital signs he made a comment about, I'd love to see Santa Claus on that sign handing out suckers and candy to the kids.

Mr. Galster: That would pull people off the interstate but that is also a big distraction and we changed that opinion.

Mr. Okum: I understand. I remember that statement. The reality of it is that we've got all of these communities around us, some of them restrict it and some of them don't. I think we need to be consistent. Frankly I think we need to be consistent for all digital signs. I don't care if it is at 30 feet or 20 feet or 12 feet or 8 feet. I think should be a consistent change rate or what do they call it. A dwell time.

Mr. Galster: Hold time.

Chairman Darby: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. Just a couple of comments. As I have mentioned to the commission previously. Just in Tri-County Towne Centre we have three different digital signs with three different times. That is an enforcement disaster. So, I think, the idea of the 8 foot sign and the demarcation from that point forward was simply to recognize that there is a different inherent safety factor based on the size of the sign and the location of the sign and it is all related to, as Mrs. McBride said, the type of street that these things are envisioned that they are on. Frankly, with the exception of 275, all of the commercial property that we have in town, the speed limit is 35 or less. So, there really probably just needs to be a line in the sand, I would say two of them. One should be what's the time. You guys decide what it is because I don't really personally care whether it is 8 seconds or 2 minutes as long as it is the same. Then secondly, I think you need to come to grips with, if it is an 8 foot ground sign as a rule then it is 8 feet. It is not 8' 3" or 8' 7" or 9' or anything else. A lot of times you are going to be put in a position to make a tough call from time to time and I would encourage you to make these lines in the sand as liberal as you possibly can to encourage orderly development and sustainable growth in this community to the best of your possible ability. But at some point you just have to be able to say to whomever it may be, the Red Dogs of this world, hey 8 feet is 8 feet. You know those are not easy things to decide when somebody is threatening to walk away from something that you basically want. I think we really need to come up with some rules and stick with them. Whatever they may be. That is all that I have.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I have had an issue with this for several months with several applicants that have come in. If the sign is 8 foot it is at this level, well okay we will adjust that then we will make that 8' 3" then we can change. I agree where you are going to have to have more separation because you can't, one it isn't consistent with the way that the other signs are for an applicant to come in here and say well I'll just make my sign three inches higher and I can change it more often. So, I don't know what the common denominator is on it but there has to be, how do the other cities the other municipalities handle this?

Mrs. McBride: They don't approve signs over 8 feet.

Mr. Hall: Case closed.

Mrs. McBride: Done. What is the hardship to go three extra inches guys?

Mr. Hall: Thank you Mr. Chairman.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. What also about just separating out the frequency change to make a monument sign no matter what the height it. We say 8 feet is the maximum height of a monument sign, right? Sometimes there's a variance to allow a little bit higher but don't let the frequency of the sign change with the height. A monument sign is permitted to have a message that changes X number of times. A pole sign, because pole signs have quite a variance in height, a pole sign at this height can be changed X number of times and a pole sign at this height can be changed X number of times then all of the monument signs at 8' or 8' 3" are going to have them same change time. Just separate that out from it being the height issue and make it a monument sign issue.

Mr. Hall: That sounds.

Mr. Okum: You are saying two categories?

Mr. Galster: I'm sorry?

Mr. Okum: You are saying two categories?

Mr. Galster: I'm saying there should be a monument sign regulation as to how often it changes no matter what the height is, a monument sign can only change so often and a monument sign in the code is designed as 0-8 feet. Now if they get a variance to go to 8' 3", that doesn't change the part that says that a monument sign can only change every so often.

Mr. Okum: It is no longer a monument sign. It may be surrounded by brick and stone

Mrs. McBride: I do agree with Mr. Okum on that is that then could potentially put it in to the category of a pole sign which is permitted in retail shopping centers, regional retail shopping centers, etc... that the 8' 10" would then put it into the pole sign so theoretically you could have and 8' 3" that is changing every, you know.

Mr. Galster: Alright so we have a monument sign that can change so often and the next height is a pole sign that goes up to 15' as an example or whatever dimension that you want to come up with that has the same change time as a monument sign so that all monument and short pole signs are only changing so often.

Mrs. McBride: It is your code. We will write whatever you would like us to write.

Mr. Galster: It seems to me that, I understand that we should just be strong and not changing what a monument sign is but if, in fact somebody gets something approved, either through this body or through BZA, the fact that they got a taller monument sign I don't think should change the definition or the change time. Thank you.

Mrs. McBride: Just one comment. I think that if they go to the Board of Zoning Appeals on one of our straight letter districts, and ask for an extension of the ground mount sign from 8' to 9'.

Chairman Darby: What would be the reason?

Mrs. McBride: You would have to have, but BZA at that point in time would say, we will grant you the height restriction but all other requirements of the ground mount sign prevail. Okay and the same thing if it is a PUD and it is coming to you guys.

Chairman Darby: Yes.

Mrs. McBride: So, yeah, you have proved it is a hardship and your sign is in a ditch, we did that up here on Rt. 4, your sign is in a ditch Tire Discounters, we will give you extra square footage to get it back off of the street required. You can go up but all of the other provisions apply. I mean it's, the boards and commissions applying. The tools are here they just have to be applied.

Chairman Darby: Correct. Sounds good.

Mr. Okum: But, we need to still come up with what is the reasonable changing or dwell time. For the signs, period. So that we are consistent on the dwell time.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Right now in the code it says 24 hours for the 8 foot and under and then it says 8 seconds for 9 to whatever, right?

Mrs. McBride: Correct.

Mrs. Sullivan-Wisecup: So, we do have set times except for that there is that one foot in the middle.

Mrs. McBride: We'll correct that.

Mrs. Sullivan-Wisecup: Okay. So, we fix that part so we do have dwell times set in our code in stone unless we decide to grant a variance. Okay.

Mr. Okum: Mrs. Sullivan, my point is, is that if the PUD's that are going to come in, in the future of this community, vibrant community the growth community that we envision for the next 20 years

Mrs. Sullivan-Wisecup: Right.

Mr. Okum: We are not going to be able to stay at 24 hours on an 8 foot high.

Mrs. Sullivan-Wisecup: Oh, I agree but that is what they asked, they said when we were doing that, they said then what is the time?

Mr. Okum: What is the time and my feeling is, as long as, and I think Mr. Galster hit it very carefully, if you are driving 35 mph, how many changes are you going to see

Mrs. Sullivan-Wisecup: Between the lights.

Mr. Okum: Because the viewing distance is 500 feet, the vision distance is 500 feet. How many possible changes could you see in that 500 feet?

Mrs. Sullivan-Wisecup: What was our time limit that we gave Red Dog and Circle Storage? Ten seconds?

Mr. Taylor: Ten minutes.

Mrs. Sullivan-Wisecup: Ten Minutes. Well 10 minutes I can drive from here to work and I work down on East Kemper Road down by Chuck E. Cheese and I will see one sign.

Mr. Okum: I'd say that you would see one change of that sign.

Mrs. Sullivan-Wisecup: That's right.

Mr. Okum: I'm good with once an hour, I'm good with once every 10 minutes period. On all of the signs. Then I would strongly suggest that we, because we are giving latitude for changes, that we don't PUD it to death and kill staff with every other alternate or we just bring it down to, like this study in Montgomery City, I don't know what city it was, their standard at 35mph, 500 feet the maximum dwell time is 10.6 seconds. So, that was their formula. I didn't create it, they created it.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. As the only member, I believe, of this board that ever went to a sign seminar paid for by the City of Springdale in order to

Chairman Darby: Las Vegas wasn't it?

Mr. Galster: Gain knowledge

Mr. Okum: Where was that?

Chairman Darby: Las Vegas wasn't it?

Mr. Galster: Out in Vegas to gain knowledge on these signs in order to facilitate the highway sign that we have out there now. I can tell you that the only thing that matters is the safety issue and that safety issue can be addressed in a 10 second change or making it a 30 second change eliminates how many times you are going to see more than, you are not going to see more than one change if it is a 30 second change. It's just

going to happen. You are going to have passed that sign. The readability of that sign within that period of time. So, 8 seconds, seems like that is way too fast for me, 20 seconds, 30 seconds seems like that is going to allow enough change for the business to try to get whatever multiple messages out there that they want but it is not going to affect the individual motorist to where they are distracted constantly changing signs because they are just not going to see it in that drive. Now if you are walking, yeah. If you are sitting there parked, if you are sitting there parked at 747 and you see that pole sign, you might see, because that light is a long light, you might see that thing change 5 times but you are sitting there. There's no problem with it changing 5 times. If I am driving through the intersection at 35 mph, if I see it change 3 times then that is an issue. So, my recommendation is that we come up with a number that is other than the highway sign that is internal to the city that is more in the 20 to 30 second range and I think that that's plenty of cycle time for the tenants and it's going to be more safe than every 8 seconds. Thank you.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: My number is 20, 20 seconds. Does anybody have a problem with 20 seconds?

Mr. Hall: How did you arrive at that?

Mrs. Sullivan-Wisecup: Because he said that, it made sense that it would probably switch one to two times, something like that possibly, if you are at a long light it could be a couple more times. If you are in traffic a couple more times so you would see it switch in that time. I wouldn't only be one thing. So, 20 seconds, I think makes sense in my head. We have to come up with a number and we could all have different numbers all night long if we want to. I could go down and Mr. Ramirez could say 3 minutes, 40 seconds, 30 seconds. It could always be a different number and we have to come up with a number and I am throwing out there 20 seconds. For that and then for the higher ones more frequency, I say keep that at 8.

Mr. Okum: Mrs. McBride, wasn't the original highway transportation lag time delay time 20 seconds originally? I recall a 20 second.

Mrs. McBride: No, we didn't allow electronic message center signs before this.

Mr. Okum: No, I'm talking, Ohio, O.D.O.T.

Mrs. McBride: Oh, O.D.O.T.

Mr. Okum: O.D.O.T.'s original guidelines was every 20 seconds.

Mrs. McBride: I don't recall.

Mr. Okum: For some reason, 20 seconds keeps hitting my head. You don't remember either?

Mrs. McBride: You weren't born then so you don't remember.

Mr. Okum: You weren't here then.

Mr. Galster: Those were also old standards because they didn't let them be within so many feet of an exit ramp and so on.

Mr. Okum: We still require it.

Mr. Galster: They've all been modified since then.

Mrs. McBride: I don't think we have had a huge number of accidents based on the changing time based of the one on 275. I don't see a huge, the bigger problem is tech

and we are not going there tonight guys, okay. But, using your phone while you are driving, that's a far bigger issue than

Mr. Okum: And reading the sign.

Mrs. McBride: We are not going there Mr. Okum. But, is the signage itself. Whatever the commission is comfortable with. Changing all is AOK with staff.

Chairman Darby: Okay. So, I don't hear any disagreement about 20 seconds. Okay and on the 8 foot if it is there?

Mr. Okum: It doesn't matter.

Chairman Darby: And we stick with it. If they alter it because of something that they have to get through BZA, it doesn't alter the change time.

Mrs. McBride: Right. So, for example McDonald's has one in place now. They could then go from once a day to every 20 seconds. Red Dog could, why?

Mr. Okum: It's a PUD.

Mrs. McBride: I don't know that we

Mr. Galster: They could appear before us and ask and request that it be changed.

Mrs. McBride: I don't, I think that if the sign regulations change, I think they can come back in and apply for that and I don't know that they would even need to apply for that. That part notwithstanding for example if the, well I will just stop there. Okay.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. At 20 seconds, I can just envision going down Kemper Road, 747, whatever, a group of monument signs, each one flipping over at 20 seconds and seeing all of these messages like one after another. I think twenty seconds is too short.

Mr. Okum: Okay.

Mr. Galster: What do you think is okay?

Mr. Ramirez: I am thinking a minute. Enough time to get past one sign to be able to read the next sign in line. Looking at this sign and the sign right behind it's now changed and you are reading that one and then the next one.

Mr. Galster: Would you agree that the highway sign would be a different situation?

Mr. Ramirez: Yes, I agree with that.

Mr. Galster: But that would be the only, pretty much.

Mr. Okum: Only the highway sign. Interstate signs would be under a different regulation.

Mr. Ramirez: Sure.

Chairman Darby: Mr. Taylor.

Mr. Taylor: Just for fun and games

(Laughter from the commission)

Mr. Taylor: 35mph is 51.33 feet per second so in 20 seconds you are going to travel 1,000 feet.

Mr. Galster: You are not going to see it anymore.

Mr. Taylor: I mean if the idea is that you can see a sign for 500 feet, it would seem that the 20 seconds would give you an ample time to not be distracted. Just like I said, fun and games.

Mr. Galster: Just to Mr. Ramirez's argument on multiple signs changing, well if they are changing, if you happen to catch the change and they are all set at one minute change or they are all set at 20 second change, it doesn't really affect the fact that you saw all of them change. You just happened to be at the wrong place at the wrong time if you didn't want to see signs change.

Mr. Okum: Sort of like getting green lights when you are going through.

Mr. Galster: What's that?

Mr. Okum: It's like getting green lights all the way through. You may get them, you may not.

Mr. Galster: Absolutely.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I think that this whole discussion has so many variables involved. You referred to how many feet that you say you are going at 35 mph?

Mr. Taylor: 1,000.

Mr. Hall: 1,000 feet which is 1/5 of a mile. But then if you are going 25 mph it is less and then if you get stopped at a traffic light you are sitting there for two or three minutes until it cycles through. So, how you could come up with the correct number is beyond me.

Mr. Okum: Well, if I could? This is from the American Planning Associations policy position on billboards. It said that you multiply the speed limit by 5280 and then divide by 3600 to calculate feet per second. By the way Mr. Taylor is SPOT ON! That comes up to 51.33 feet per second equals 9.7 seconds to get there. This, what they recommended is that you add a factor, a value on it of 10% and that is how they got to the 10.6 seconds. Darn you're good. So the 20 second is almost double of what they are saying you would typically get at 35 mph. That's double what the calculations come up to.

Chairman Darby: Which they claim is safe.

Mr. Okum: Which they claim is safe on highways, or byways or roadways.

Mr. Ramirez: If all of the signs on the road were synced.

Mr. Okum: They could ultimately, it could happen, sequential. Yeah but we don't have, I mean we have a PUD one side, you've got to look at your road, you've got to look at what we've got. We've got Kemper Road and the PUD's. The PUD's are already dictated. Well Tri-County doesn't but if Tri-County redeveloped it might be something different. I am inclined to go with the 20 second because I know that the 10.6 seconds works safety wise. So, 20 seconds would get us there even though, and I think it brings us more in line with what all of the other communities are doing if you did it at 20 seconds.

Chairman Darby: Straw polling folks, are we feeling 20 secondish?

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Mr. Okum: We are feeling it.

Mrs. Sullivan-Wisecup: 20 seconds feels good to me.

Mr. Diehl: 20 seconds I agree with that.

Mr. Okum: Except for highway.

Mrs. Sullivan-Wisecup: Highway we want the regular 8 seconds.

Mrs. McBride: I need a height on that if we are going to do that.

Mr. Okum: I think that's the 51 foot and higher. How high is our billboard?

Mrs. McBride: We don't allow billboards remember? That's how

Mr. Okum: How high is our sign at, Welcome to Springdale?

Mr. Galster: I think that is 50 and over.

Mrs. McBride: It is over 50, I want to say 57.

Mr. Okum: I want to say 51 and taller is the 8 second and anything under that, ANYTHING under that is 20 seconds.

Mr. Hall: What is the height of the Red Dog sign that we approved?

Mr. Okum: 9', no 8' 6"

Mr. Hall: No, the one on the highway?

Mrs. McBride: 95 but it doesn't have the electronic message board remember. It is two static panels.

Mr. Okum: Because he is in proximity to an exit ramp.

Chairman Darby: Feeling pretty good now?

Mr. Okum: I'm feeling much better that we get standardized on it personally. Just so it is fair.

Chairman Darby: Son we are there.

Mr. Okum: Mr. Chairman I yield the floor.

Chairman Darby: I think we had several additions to our new business agenda. Do you want to present those? No, no, no. We don't have any. Any items for discussion?

Mrs. McBride: Mr. Chair, the commission does need to take formal action on these amendments and if I could I have been keeping track of these I think and I am sure that Liz has as well but if could just run through these and make sure that we have got these both for what we forward on to Council and what this commission is going to vote on now. So, we have removal of the changes to table 252-3, removal of the following section revisions that we had proposed, 153.257(E)(1), 153.257(F)(1), 153.257(G)(1) and 153.257(H)(i). We are going to add a definition for vacant and also for aviary. We are going to delete section 153.253(E)(8)&(9) which would allow visual electronics not visible from a public right-of-way is how that section would be changed. We are going to add a section to outdoor lighting to all on or all off rule just to make sure that it is very clear. Lastly, we are going to be changing table 460-1 to 1) clarify the heights of the signs so it goes 0-8', 8' 1"-25', etc. on down the line and then to change the hold time so that signs that are over 51' in height can change, the hold time is 8 seconds, those that are under 51', so 50'11" and below would be a hold time of 20 seconds.

Chairman Darby: Before the motion, Mr. Galster.

Mr. Galster: I was going to make the motion.

Chairman Darby: Oh, okay.

Mr. Galster: I move to approve the changes as further modified by Mrs. McBride's summarization.

Mrs. Sullivan-Wisecup: Second.

Chairman Darby: It has been moved and second that the summarization be approved as indicated. Secretary please call the roll.

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

X. NEW BUSINESS

XI. DISCUSSION

Chairman Darby: Items for discussion? Mr. Galster.

Mr. Galster: I just have one real quick and this is in regard to maintenance of ground mounted signs that have been run over by vehicular traffic.

(Multiple members of commission together said "BP")

Mr. Galster: In particular the BP station. That sign has been damaged for over six months and it continues to operate and it continues to not be repaired and continues to look unsightly and unsafe and everything else you can come up with short of blighted.

Mr. Okum: That was a gateway business discussed when it was originally proposed.

Mr. Galster: It just needs to get fixed and I don't know what we need to do.

Mrs. Sullivan-Wisecup: I think that there has been discussion.

Mr. Taylor: Well we have cited them numerous times. They have been to court.

Mr. Galster: So, according to our code, if in fact that has been done, the city has the ability to fix and/or remove the sign is my understanding.

Mr. Taylor: I don't know whether we do or we do not. I mean at this point I am not sure where we go from here.

Mr. Galster: So, if we don't have the ability to either fix and/or remove the sign then I would make a recommendation that the code be so modified that after reasonable period of time and court decisions and everything else that at some point the city has to have a remedy to eliminate that condition. Whatever we have got to do to make that happen. Thank you.

Mr. Hall: What was the court ruling just out of curiosity?

Mr. Taylor: They actually got, I believe some additional time out of the court to get the thing resolved. Here's the problem with these things,

Mr. Okum: Makes you want to retire.

Mrs. McBride: Yes it does.

Mr. Taylor: You take what is the called for action and even when you get a remedy, it's not really a remedy. I mean this thing has been going on as you said, I mean this started and I think our first order went out to them in July if I am not mistaken.

Mr. Okum: Thank you Liz.

Mr. Taylor: Spinning our wheels. So, there you go.

Mr. Hall: Why wouldn't we go back to municipal court and ask for enforcement on that court order?

Mrs. Zimmerlin: They were granted a continuance until January.

Mr. Hall: Oh, okay.

Mrs. Zimmerlin: At that point they told the magistrate that they would have the sign repaired by them. The sign is on order and that it would be repaired. I don't remember which day it is (talking from audience and off mic. not audible).

Mr. Hall: Nothing that we can do till then and then after that it is the court's enforcement?

Mrs. Zimmerlin: Yes.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you for clarification. I do appreciate the efforts and I understand the frustration in trying to get some of those things accomplished but at the same time we have got to make sure that they actually happen. Like I said I appreciate the efforts of staff and our guys out there that are inspecting it and seeing and trying to get it done. It's just awfully frustrating and I understand your frustration as well. So, we will have a big cheer and pat on the back the day that it gets replaced.

Mr. Okum: I mean there's a number of those things in the city that have been, staff has done what it can do to. The old tire center at Macy's is one that there is orders on it.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. On another discussion note I did want to thank Mrs. McBride and her whole staff. I know that they had to work really really hard on all of these text amendments. There was a lot and don't think that went unnoticed. This was a lot and I for one appreciate all of the work that you guys do and continue to do. Thank you so much.

Chairman Darby: They don't mind. Okay, Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I wonder if somebody can help me out. As my first duty as a Council Person I had a neighbor come up to me and inquiring about Pit Bulls and the City's stance on Pitt Bulls. I was told by someone that they needed to have insurance on these but I don't know what the real remedy is? If anybody knows are Pitt Bulls legal?

Mr. Diehl: She knows.

Mrs. Zimmerlin: In the city we do have a dog ordinance but we don't enforce it because the only person that can designate which animal is a Veterinarian. So, we are actually working with our Law Director right now to revise that.

Mr. Ramirez: Okay. If

Chairman Darby: Not all Pit Terriers are viscous

Mrs. Zimmerlin: Right.

Mr. Okum: That's the problem. My sons got

Mr. Ramirez: It's not by breed then?

Mrs. Zimmerlin: Right.

Mr. Okum: Yeah, it is not a breed issue.

Mr. Ramirez: So, how is this resolved? I mean

Mr. Okum: I mean I was bit by a German Shepard when I was a kid so

Mr. Ramirez: Well I live next door to this. Well I'll show you a photo if you care.

Mr. Okum: I understand Joe.

Mrs. Sullivan-Wisecup: I had a conversation with Mr. Ramirez earlier. I said you don't know it is a viscous dog until it is too late.

Mr. Ramirez: Till it bites you.

Mr. Okum: That's the problem.

XII. CHAIRMAN'S REPORT - NONE

XIII. ADJOURNMENT

Mr. Okum: Move for item 13

Mrs. Sullivan-Wisecup: Second.

Chairman Darby: Moved and second that we are adjourned. Again, I want to welcome the old timers back. We are out of here.

Respectfully submitted,

_____, 2020 _____
Don Darby, Chairman

_____, 2020 _____
Steve Galster, Secretary