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 Shvegzda, City Engineer, Gregg Taylor, Building Official, Carl Lamping, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING ON DECEMBER 10, 2019

Chairman Darby: The chair will now accept the motion that we adopt the minutes of our previous meeting held on December 10.

Mr. Okum: So moved.

Mr. Hall: Second.

Chairman Darby: Moved and second that the minutes be adopted.

(Voice vote taken and the minutes were approved with a vote of 7 to 0.)

V. REPORT ON COUNCIL

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I have two meetings here. The first one was on December 18th. We had Ordinance No. 53-2019 amending Ordinance 58-2018 as amended by Ordinance No. 31-2019 to provide for wage increases and declaring an emergency. There was just some cleanup that we were doing on different jobs that were available and making sure that the rates were all correct. That passed by a 7-0 vote. Ordinance No. 54-2019 adopting the supplemental appropriation estimated receipts ordinance to make appropriations for current expenses and other expenditures to adjust estimated receipts for the City of Springdale during the fiscal year ending December 31, 2019. That’s just cleaning up the end of the year finances and that passed with a 7 to 0 vote. We had Ordinance No. 55-2019 adopting the temporary appropriation ordinance for the period of January 1, 2020 until the fiscal year 2020 for the permanent Ordinances adopted by City Council. That passed by a 7 to 0 vote. Then we did reject a bid for the women’s locker room. The bids came up a lot higher than what we had anticipated and we decided to vote those down 7 to 0 and start fresh in hopes for a lower bid. Then we also agreed to pass through the liquor license for Blue Ash Chili. It was a transfer so that was that. We had a meeting on January 8 and we had Ordinance No. 01-2020 adopting the annual appropriation estimated receipts Ordinance for fiscal year ending December 31, 2020 which was basically going through for this year’s receipts. That was passed 7 to 0. We had Ordinance No. 02-2020 allowing for the issuance of tickets produced by computer or other electronic means for the Springdale Police Department and declaring an emergency. We have found that we are finally doing the electronic tickets that everybody else does basically and it’s a lot less paperwork and it is taking less time for the police so it is going to save us money and time. That passed by a 7 to 0 vote. We had Ordinance No. 03-2020. An Ordinance enacting and adopting the 2019-S21 supplement to the Code of Ordinance of the city and declaring an emergency. We were basically adopting the new S21 and that passed with a vote of 7 to 0. We had Ordinance
No. 04-2020, an Ordinance amending various sections of Chapter 153 of the Codified Ordinances of the City of Springdale. This was a first reading and I know that we are all very aware of what this is. This is what we discuss that our last meeting. Tomorrow at our meeting this will have the second reading and we will also have the public hearing. If any of you would like to attend so there are any questions or anything else I’m sure Mrs. McBride will probably be there. Right? We’re all going to be there, but if any of you would like to attend, we will be doing that tomorrow and there will be a public hearing on that as well. We had Resolution R1-2020, authorizing the investment of municipal funds. That was basically just where the money needs to be for this year. This passed with a 7 to 0 vote. Then we had Resolution R2-2020 requesting advanced payment from the Hamilton County Auditor and that passed by a 7 to 0 vote also. That is all that I have unless you have anything to add? We’re all good. Any questions?

Chairman Darby: Thank you very much for your report.

VI. CORRESPONDENCE

Chairman Darby: We didn’t generate anything in writing for you but I think this would be an ideal time for Mrs. Zimmerlin to come forward and introduce someone to us even though most of us have met him.

Mrs. Zimmerlin: Thank you Mr. Chairman. Amanda Zimmerlin, Assistant City Administrator. I would like to introduce to you, and you are edging out Council on this one because he has not been introduced there yet, Mr. Carl Lamping who is coming on as our new Building Official. Carl comes to us from Clermont County where you have over 20 years’ experience.

Mr. Lamping: Twenty-five years.

Mrs. Zimmerlin: We are very happy to have him on board. I don’t want to miss a few words.

Mr. Lamping: I am not prepared to really speak to the group but I am happy to be here. I am looking forward to working closely with everyone and making things, facilitate things. That is what I try to stand behind and make things happen for the development community and work closely with everybody that has to review it. All of the staff and everything and try to facilitate reviews and approvals. I look forward to it. Thank you.

(Multiple people stated thank you and welcome aboard from the commission members.)

Chairman Darby: Thank you. I am told that in his other life, Carl is a basketball referee. So we asked him to make sure when we have meetings that he should keep this shirt in the trunk.

Mr. Lamping: I just got off of the court about a half hour ago or 45 minutes.

Mr. Okum: On occasion it may be necessary to blow the whistle.

Mr. Lamping: I’ve got my whistle.

Chairman Darby: Thank you very much.

Mrs. Zimmerlin: Mr. Chairman, I would be remiss if I didn’t mention that this is Mr. Taylor’s last Planning Commission meeting and then I am very thankful for the service that he has given the city and I am very thankful that I had had an opportunity to work with him. Thank you.

Mr. Okum: Thank you Mr. Chairman. I got my button to work. Didn’t think five years ago, was it five years ago, that Gregg would come on board as the new guy on the block. There was a lot of mixed feelings among the commission and we didn’t know Gregg.
We didn’t have any idea of what your background was. We just knew he was the new guy. Having been here for as many years as I have been here, a new guy was a little bit intimidating to say the least. I couldn’t have asked for a person to come on board, and Carl I’m sure you will be quite like Gregg but, it was amazing how Gregg integrated himself into the system and into the City of Springdale. His heart, every moment every time that I spoke to him, was with the City of Springdale. Your representation of the city was phenomenal and you’re going to be missed. I wish it was longer but I am glad that Carl is here but I am also sad to see you leave and I think that will speaks for all of us.

Mr. Taylor: If I might. Thanks very much for the kind words from everybody. I would have to say, the interaction with Anne and Don and you all has really been one of the high spots of being here. I enjoyed this forum and having an opportunity to work with you all and I thank you very much for the opportunity. I very much appreciate it.

Chairman Darby: I did have an opportunity to salute Gregg at a previous planning meeting but I did want you to know that I understand that a contract for you to handle signage is on its way.

(Laughter through the commission.)

Mr. Lamping: We are not letting him get out of that signage.

Chairman Darby: Thank you sir.

Mrs. McBride: Actually, I think he is going to be working for me doing sign variances and things and other communities.

Mrs. Sullivan-Wisecup: Especially electronic signs.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

A. AZP Inc. LLC a.k.a. Gold Star Chili, 11551 Springfield Pike, Springdale, Ohio, Minor Improvement requiring Planning Commission approval, (Application 36211)

Chairman Darby: Mr. Taylor.

Mr. Taylor: One last round up and for me to tangle with the electronic system here. So, beg your indulgence one more time. Here we go. This is the Gold Star Chili at 11551 Springfield Pike. It is located in the corridor district. This is taken off of CAGIS and the zoning is GB and again it is sub area C of the corridor review district. This is just the site plan that is shown in your packet. There is fairly limited work being done to the site itself. The parking lot is going to be resealed and striped and a new menu board. They are going to clean up the dumpster enclosure and then the bulk of the work is basically to redo the exterior of the building which I just put in the presentation here is the color rendering sheet that is in the packet that you all have. Our illustrious planner provided some photos of a recently completed buildings that more accurately shows the colors. We have actual color samples but it was really kind of challenging to figure out a way it is going to look from the renderings dealing with printers and all of that sort of thing. So, this is a pretty accurate representation of the colors that are going to be on the building. I did also include a couple of slides that the applicant provided kind of subsequent to our review that show what a typical store looks like in the evening. The reason for this is, it is not really mentioned in your application but there is some accent lighting, I think on the building that you would like to do?
Mr. Schlagbaum: The LED rope lighting on the top of what you are seeing.

Mr. Taylor: Right.

Mr. Schlagbaum: The

Chairman Darby: Sir would you come to the dais please for recording purposes and introduce yourself.

Mr. Schlagbaum: I’m Steve Schlagbaum, Project Manager for Gold Star Chili, I am here on behalf of the owner Oudeh Shteiwi. The previous picture that you had of the building in the daytime that we’re showing the colors is actually, that is actually a brand-new corporate location. So, the difference there is that the remodeled structures don’t have all of those same elements, the metal panels of the top and what have you but everything in the way of the EFIS and the color banding at the bottom, those colors are representative of what was submitted for the remodel.

Mr. Taylor: Again, these are a couple of shots at night so that you can see the accent lighting at the top of the building. That is all that I have for you and I turn it over to Mrs. McBride.

Mrs. McBride: Thank you. As Mr. Taylor indicated the property is zoned GB, General Business district and they are in sub area C of our corridor review district. Right now, the existing building is about 2200 square feet and they don’t plan any additions to that is my understanding. As Mr. Taylor indicated basically what they want to do is to update and refresh the building. So, they are proposing a series of, and we’ve got color samples here. I don’t know who comes up with these names but the first one I am passing down is for the lower wainscot that is actually called Raccoon Fur. I don’t know who makes this stuff up, right? Then the second one would be for the majority of the building which is EFIS and that would be, it is called backdrop, it is the dark taupe. Then this would be, the color the color there, Smoke and Mirror which is going to be the tower element on the east elevation, it is a medium grey color. The existing metal roof over the tower would be painted this Chili Power color. I don’t think that you need to see the gutters and soffit color. So those are the colors that they are proposing. Staff feels that those are consistent with earth tone colors that are required with in the corridor review district and that actually the proposed colors bring it much more into compliance with the corridor review district then what is existing there today. They are also proposing to remove the existing awnings that are on the south, north, and east elevations. The existing awnings our red and yellow stripe and what they are proposing to do is to replace them with a solid red awning and they have submitted example of that. They are not going to be eliminated from the interior. The awning on the north elevation would be illuminated through the use of four LED goose neck features similar to what you see on that picture and as I said they have provided that material sample for us. They are also proposing to enhance the entry feature that is currently located on the north elevation and they’re going to do that by breaking up both of the façade and the roof line. Again, that goes more toward the requirements for a new builder something within the corridor review district in terms of breaking up that façade. As I mentioned they are going to have the four goose neck lamps on that north elevation as well. In addition to those items the applicant is also proposing to update the existing wall signage for the building. Right now there is a Gold Star Chili on the front, on the east elevation that faces Springfield Pike and it is 100% non-earth tone colors. On the south elevation there is a Gold Star logo that is painted on the building, again in non-earth tone colors. What they are proposing to do on the east elevation which faces Springfield Pike is to do the Gold Star with their logo which would be 16 square feet and then a sordid awning signage that would say Chili, Burgers, Shakes, Fries, Coney and Salad that add up in total to about 5 ½ square feet. So, the total on the east building elevation would be 21.4 square feet of sign area. They are proposing signage on the north elevation of the building which does not face the street so that would require the commission’s approval to extend signage on a face that does not front on a public right-of-way. On the north elevation they are proposing the star logo as well as the Gold Star which is in channel cut letters for a total of 29 square feet is proposed for that north building elevation. So, all told the signage that they are proposing on both the east side
and then the north side which would require additional approval from you all its 50.4 square feet. Based on the lineal footage of the building at 49 ½ feet they are entitled to 94.23 square feet of sign area so they are significantly under what they are permitted but again and the inclusion of the signage on the north building elevation would require your approval. The inclusion of the two non-channel cut letter signs, the Gold Star logo would also require your approval. The use of signage that is more than 50% non-earth tone colors would also require your approval. You know that is one of the changes that could be implemented tomorrow evening but at any rate just to draw that your attention. Then we also have a provision in our code that you’re not allowed to have signage for more than 20% of an awning and they are actually at 22.86% signage as they are proposing it on their awnings. So, all of those items would require review and approval by this commission. They are, as Mr. Taylor indicated, going to the painting the existing concrete block waste enclosure to match the building which I think would be an improvement. Right now it is just bare concrete block. The only other item that staff would point out, two items actually, is that the existing ground mounted sign base is, it was brick and then then put EFIS I think over it and that has kind of worn away and a brick is crumbling and it is coming down onto the sidewalk and our Public Works Director pointed it out and would like to have that corrected so that that’s not coming down on to his sidewalk. The only other item then is when we were driving around doing some other zoning hearings and other communities this last week we noticed that other Gold Star locations have the red LED rope lighting at night. So, we contacted the applicant and they said yes that they would like to have that and it was not noted on their plans. That is something that is permissible but only if this Planning Commission chooses to approve that. So, you have seen the pictures of what they are proposing for that. So I think those are all of my comments unless you have questions.

Chairman Darby: Mr. Shvegzda.

Mr. Shvegzda: Thank you Mr. Chairman. Just one item. I did speak with the public works department and they have taken a look that the drive aprons there to see what condition they were in. They are fine but the trench drains that are immediately behind the drive aprons on St. Rt. 4 need to be repaired. Those are my comments.

Chairman Darby: Thank you. Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. I just wanted to point out that I do know the owner of this particular facility. I consider them to be a friend. I eat there quite often but more importantly the reason for my declaration is that I actually had conversations with the owner regarding improvement of this site prior to being reappointed to Planning Commission. Those conversations however were general in nature and we did not specifically talk about anything that is being considered here tonight. I just wanted to make the commission aware of that. Thank you.

Chairman Darby: Thank you for sharing. Other questions? Mr. Okum.

Mr. Okum: Mrs. McBride, in your review of the site or staffs review of the site, were the Dumpster enclosure gates operational and kept closed?

Mrs. McBride: I am sorry, were you asking me were they closed?

Mr. Okum: Yes, and functional.

Mrs. McBride: Yes, when I visited they were closed.

Mr. Okum: Was there any replacing of parking lot lighting on the plan?

Mrs. McBride: No, nothing was proposed. The only lighting change that was submitted with the addition of those four goose neck lights on the building.

Mr. Okum: So, I’ll address this to the applicant. Will the parking lot lighting the re-lamped?
Mr. Schlagbaum: The intent, the parking lot lighting, as part of this phase of work is not being touched and the way of the pole lighting. The elevations show the four goose necks that are going over the main awning and then we’re actually having there are cylinder lights on the corners of the building and the front entrance. They are an up down architectural feature, they are not providing any lot lighting. So, no we didn’t have in the budget initially anything to do with the parking lot box, the shoe boxes themselves.

Mr. Okum: So, if that were to change you do know that it would need to comply to our zoning code in regards to non-glare and non-effect?

Mr. Schlagbaum: Yes, completely understand.

Mr. Okum: Can you explain what those other lights are that are architectural accent lighting?

Mr. Schlagbaum: Other than trying to, I guess point at it from my direction.

Mr. Okum: Are they on the photograph of one of the other stores?

Mr. Schlagbaum: Yes.

Mr. Okum: Can we go to that?

Mr. Schlagbaum: If you pull up that nightlight you can see how they affect. So, on the right-hand side you have a dark window and a light window in the back and right in between those there are two up down lights.

Mr. Okum: Wall sconces.

Mr. Schlagbaum: The wall sconces themselves, the cylinder fixtures, yes.

Mr. Okum: Staff, do you see anything wrong with the wall sconces in the request?

Mrs. McBride: No, I don’t. There is no residential nearby on the sides that they would be put.

Mr. Okum: They would need to comply with our code on non-glare, obstructing traffic that etc.

Mrs. McBride: Right.

Mr. Okum: Okay. Then let me see if I had anything else. The red that rope lighting that you are intending is LED based rope lighting?

Mr. Schlagbaum: Red solid plastic LED continuous. That’s correct. Seamless basically.

Mr. Okum: It’s on one circuit so that if a portion of it becomes defective that it can be shut off?

Mr. Schlagbaum: Yes, yes.

Mr. Okum: I didn’t see it on your electrical drawing.

Mr. Schlagbaum: Again, when we, from my understanding in talking to my boss when he had contacted Mr. Shteiwi when they first originally worked on this, our design phase and everything over 6 to 9 months by the time we get through the process of talking them into the remodel and then ultimately figuring out what it is going to cost and the trying to talk them into spending that kind of money. Initially Tom had referenced, again my supervisor, had referenced that LED’s or I think what he was informed that neon lighting is not allowed on buildings and he interpreted that as well the red band lighting that is LED would not be accepted either. So, we never had it in the budget or
on the drawings. I’d like to be able to try to work to get it back into the budget cut in half to make sure I can get it approved forth as long before waste my time to get into the budget. As long as it’s permissible I would like to be able to add it because it adds a nice accent and makes all of our buildings look somewhat contiguous in their design. This was a remodel. This is Wilmington and the think that I guess I wanted to show was the LED rope lighting will start and stop at the tower features and not go continuous around the tower features. Now, that doesn’t necessarily mean the whole lot it is just how we detail it out. So the way that this is done is basically it is on receptacles. They are plugged and they run the same circuits. They are actually controlled on the same time clock with the parking lot lighting and the building lighting. So, they will go on and off as the wall signs, the outside lights. All of those wall sconces and the pendant lights are all controlled on the same timer for building lighting.

Mr. Okum: The only difficulty that, if I may comment, is that it should any of it becomes defective we have a pretty set standard that it will all be turned off, of their rope lighting and we would not want to impact your parking lot safety lighting.

Mr. Schlagbaum: Okay.

Mr. Okum: So, that would need to be separated out so that it could have a disconnect on it.

Mr. Schlagbaum: Again, I know that you have to deal with the issues and situations but if it becomes defective it gets replaced immediately.

Mr. Okum: I understand but we do have situations in the community

Mr. Schlagbaum: I understand that is what I figured.

Mr. Okum: Things will be left in disrepair a number of months while they are waiting on a part to come in. So, the simplest way is that this is the rule and try to be fair.

Mr. Schlagbaum: Okay.

Mr. Okum: All on or all off.

Mr. Schlagbaum: I mean again we have the ability by control of separating circuits and/or through the timer itself through the contactor and the timer. I can make them independent should anything go down then the whole thing will be set up. That’s not a problem.

Mr. Okum: That’s all that I have for right now. Thank you Mr. Chairman.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Finally have one question on the lighting just to be clear. The red LED light will at no time be a chasing light or flashing lights?

Mr. Schlagbaum: No sir.

Mr. Ramirez: Thank you.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Based on the fact that Vanarsdale is behind them they actually have two frontage roads so they would be inside or they would be entitled to two signs just on the east and the west elevation is that correct Mrs. McBride?
Mrs. McBride: They would be entitled to half as much signage on the Vanarsdale side.

Mr. Galster: So, the variances really can put it on the north elevation as opposed to having it on the west elevation which they would be entitled to correct?

Mrs. McBride: Or they could put it all on the east elevation because they are significantly under the sign area that they are permitted. Staff doesn’t have any issue with them transferring some of that square footage on to the north elevation.

Mr. Galster: Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Based upon the information that is provided I hereby move to approve the following project: Gold Star Chili at 11551 Springfield Pike case number 36211 per the specifications and design provided in our meeting packet as exhibits which were submitted by the applicant and reviewed by staff prior to this meeting. This includes staff’s, City Engineer and City Planner’s and recommendations and considerations contained in their report. In regard to the accent lighting read LED broke lighting as illustrated in the sample photo provided, that shall be permitted and having a condition that if a portion of the system becomes defective all accent lighting shall be turned off until repairs are made. All building elevations shall be by the color pallet that was submitted and any signage changed, those that are referenced in our City Planner’s report shall be approved. This is conditional that all code regulations as they apply shall apply to this site and the site’s modifications request.

Mr. Hall: Mr. Chairman I’d like to second that motion.

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

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

Chairman Darby: Congratulations you have your approval.

Mr. Schlagbaum: Great now I have to build it.

Mr. Diehl: Did you bring any samples?

Mr. Schlagbaum: No, actually marking was a little busy with a Tom & Chee that we just opened up in Anderson Township over the weekend because we now own both. So, I haven’t been able to get them to give me anything in the way of a coupon or anything for anybody. But I appreciate it very much.

Mrs. McBride: Did you see the people sleeping out in tents?

Mr. Schlagbaum: But did you go by? I don’t know if anybody get out into Anderson but we opened on Saturday morning and they gave away coupons for free melts for a year. So, basically they gave away 52 free, which is to the first 50 people I think in line are under people in line. They opened up and they don’t start handing them out until the store opens at 10:00am. People were in line at 5:30pm on Friday night and stayed there. There were Turpin boys.

Mr. Okum: Great weather.

Mr. Schlagbaum: Yeah and I think some Anderson High School boys that were the first ones in line so they had quite the hoopla. It was a lot of fun.

Mrs. McBride: Your City Planner was not in line.

Chairman Darby: We are confident that you are going to give us a beautiful building. We look forward to it.
Mr. Schlagbaum: Well thank you very much. Just so you, then intent here is Gold Star Chili is rebranding. We are bringing back some of what we started with, with hamburgers, shakes and fries as added to the menu which is why it is critical to have the words on the awnings to try to get people to understand what we have done other than just a new paint job. The interior requires additional new finishes as well as additional equipment. So that is why the majority of all of the work is on the inside so you are seeing, when you come in your experience on the interior is where you’re really going to see it and driving by the new building on the outside to. Parking lot conditions and everything like that, Oudeh owns the property. He knows that he needs to maintain it. I guess my question is, do we need to do something with the monument sign? Do I need to figure out where to get money to do that and what do I have to do with that as approval for this?

Mrs. McBride: Yeah, the Public Works Director was pretty set on that. So the bricks are crumbling down onto the sidewalk.

Mr. Schlagbaum: So, what the question is, because I know we have run into the same thing when we did Anderson Township for example. They have requirements regarding brick veneer. I have not looked into what the monument designs standard requirements are. It is an existing structure, obviously I have to modify something. So, who will I be dealing with the figure out the details?

(Laughter among the commission.)

Mrs. McBride: To be a material that is complimentary to the building.

Mr. Schlagbaum: Okay.

Mrs. McBride: We can talk about that.

Mr. Schlagbaum: So, I don’t have to have brick base on it. Okay, that makes it easy then. Our thought was that if we could figure out a way of repairing with the EFIS material that would blend with one of the colors on the building.

Mrs. McBride: Yes that’s fine. Also, just make sure, we didn’t see anything on the menu board but we have signage requirements for menu boards. If you could make sure that it complies.

Mr. Schlagbaum: Okay.

Mr. Okum: There is one thing that I need to tell you.

Mr. Schlagbaum: Do I need to submit something different for that other than when I do the sign application? Okay.

Mr. Okum: There’s one particular football player that is possibly coming to Cincinnati.

Mr. Schlagbaum: I saw him last night.

Mr. Okum: That does not like Cincinnati Chili, so he was specific about a particular brand.

Mr. Schlagbaum: He was specific about one brand, yes. Marketing jumped all over that today but they couldn’t do anything officially with it.

Mr. Okum: Got it.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I just want to see if we should submit the samples or return those?
Mrs. McBride: Those go to us for the file.
Mr. Okum: They stay with the file.
Chairman Darby: Thank you sir.
Mr. Schlagbaum: Anything else? Thank you very much. I appreciate it.

IX. DISCUSSION

Chairman Darby: At this point, Mr. Taylor, Item for discussion.

Mr. Taylor: Thank you Mr. Chairman. As you all recall, we had a request from Strategic Capital regarding the exterior site lighting at Springdale Commerce Park. As you know they were basically not prepared. So, in preparation for their appearance before you next month they are in the process of trying to work out a couple of evenings where they can demonstrate, actually on the buildings what they want to propose to you all and so the suggestion is that you folks at your convenience, conditioned on whenever these things are going to be available to look at. Staff members and some neighbors would like to be able to view this as they are proposing it because it is kind of difficult to visualize. I mean they tried of course with the site lines and so forth and staff can verify the photometrics but the whole idea of the appearance of the lighting, there's really only one way, I think, to determine whether you think it is going to be acceptable or not and that is to look at it. So, the hope is that they would provide some times where you guys might be able to go and take a look at this. That's what they have asked me to ask you and if it is something that you all are amenable to considering, when we get some suggested times from them, I will follow it up with an email to all of you folks, well or Carl will. One of us will.

Chairman Darby: I think we need to stress the fact that this would be sporadic enough so that it would not constitute a special meeting.

Mr. Taylor: Correct. We would specifically not want a majority of you guys there at the same time together because then that would constitute a meeting and we don’t want to go there if we can help it. It just avoids confusion.

Chairman Darby: Mrs. McBride.

Mrs. McBride: I would also suggest that there not be interaction between the commission members and the applicant.

Mr. Okum: Certainly.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. Are they expecting that the lighting will be any different than what they sent us where it clearly showed that these lights were going to go straight into the homes?

Mrs. McBride: They did not this time around submit those same drawings.

Mrs. Sullivan-Wisecup: The same ones?

Mrs. McBride: No, all they submitted was photometric drawings this time.

Mrs. Sullivan-Wisecup: So we don’t have the kind where it will show how it will affect?

Mrs. McBride: We did not receive, I did not receive those this time.
Mrs. Sullivan-Wisecup: That’s why they want to do this instead?

Mr. Taylor: I don’t think they submitted new site line drawings but I think the lights have not changed position.

Mrs. Sullivan-Wisecup: So what you are saying is that it is exact same site lines as the last ones that we

Mrs. McBride: They are actually five feet lower, they are at 25 feet instead of 30.

Mrs. Sullivan-Wisecup: Okay.

Mrs. McBride: All we are looking at are buildings 2 & 3.

Mrs. Sullivan-Wisecup: Okay.

Mrs. McBride: I say all.

Mr. Okum: Building two is up on the hill.

Mr. Taylor: Yes. Two is the smaller one along Crescentville and then three is the one in the corner.

Mrs. Sullivan-Wisecup: I for one would be fine with going and seeing that if you get times and things like that. I think that would be helpful but I just wanted to make sure that before we made this trek out there that they weren’t just going to show us, yep that’s definitely going to shine into that second floor. You know what I mean. I wanted to make sure before everybody went out there that they were bringing something different to the table.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Not having been part of the original, even though I was just trying to read the documentation on it, is it my understanding then that they are going to set up a sample light pole that is going to be lit that we are going to be able to see the effects of the light on the surrounding adjacent property owners?

Mr. Lamping: It is my understanding that they are simply going to put the lights in place as they are asking it to be approved and they believe that it will not produce, it will produce the desired results and not produce the bad results that we are worried about. So, they are asking to put together a demonstration to show that it won’t be counterproductive to what the rules are.

Mr. Galster: Will that demonstration then be sample lighting that they are going to preinstall?

Mr. Lamping: Yes.

Mr. Galster: If it is not then they may have to modify that and/or take it down and/or remove it?

Mr. Lamping: Yes.

Mr. Galster: Do you know if they are going to light the whole parking lot or just certain areas where there is a concern? I just would hate to

Mr. Lamping: Some of these details still have to be worked out but it is my understanding that it is a sample lighting illustration on one part of the building, on one side, maybe two sides. But sample lighting to answer your question.
Mr. Galster: So, I guess my comment is that I would surly encourage them to put or to have these sample lights that they are going to demonstrate to us in the worst case position as far as showing the lighting effect on the surrounding residential areas.

Mr. Lamping: I will convey that to them.

Mr. Galster: And not just somebody that puts up a pole light that is close to the building to where we don’t to see the effect that it would have.

Mr. Lamping: Right. We will tell them that.

Mr. Galster: Thank you.

Chairman Darby: Mrs. McBride.

Mrs. McBride: So, I would strongly suggest though that when we do that, that we also drive some of the residential areas and so forth so that we are not just looking at it on their site as well as on Crescentville Road because that’s where they are proposed to be 25 feet at height and I am a little bit concerned about the glare into the road.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. I was over there today, I obviously didn’t drive down into the gravel pit that they haven’t got a road, base road in but I didn’t see any post, any bollard bases or anything on the building, the one closest to 747, what is that building 2?

Mrs. McBride: Two.

Mr. Okum: Building 2. There’s no bases or anything out there. It is almost like, I don’t know how, I am totally confused on how they are going to do it. I still have a problem with the exposure of the docks and everything on that side of the building that they are going to have to answer to but, the other point I want to make is that those residences on Tivoli and Ledro, they need to have a real, true feeling and those folks, as a Planning Commission member, it would be awkward for me to go into their back yards but I would like to see a letter go to those residents and give them information on when those lights will be on and that we are requesting their comments back to us in this regard so that there is true transparency that every one of those residents, whether they are a tenant or a land owner, that they are fully informed and have an opportunity to express their feelings and I think the people in the condominiums are just the same. All of them, all of the residents that are adjoining the development. Additionally I want to comment that I will not hear a hardship case that we’ve already got them in place and that it would be very expensive for them to change them. I am not open to hear that at all at this meeting or at the future meetings. That’s all I have. Thank you.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. This is a question in particular for staff. What, and just for clarification for the record, what is the applicant trying to accomplish here with lowering the lighting after everything has already been approved?

Mrs. McBride: You will recall that when the PUD was originally approved, we made a number of comments and the applicant agreed with us that this was in fact a low activity use, which our code specifically defines as industrial uses and that as such then the maximum mounting height for lights was 15 feet and they agreed to that and that is in fact in the Covenants for Springdale Commerce Park. Then they have made the point that mounting at 15 feet in height is going to conflict with the semi-trucks which were also proposed originally. So, I don’t know exactly where the disconnect was there but that’s their position.
Mr. Hall: Thank you.

Chairman Darby: Mr. Taylor.

Mr. Taylor: I think, you know, the short version is to get back to Mr. Hall’s point, I think they realized they probably, in an effort to get this thing approved back in the beginning, agreed to something that they really probably shouldn’t have and be that as it may, I think their goal is to modify the lighting that you guys approved and I think the goal of this exercise is to demonstrate that they are meeting the intention of the way that this was set out. Clearly, there’s no way with a 25 foot high light that you can make it be 15 feet. You can’t get there from here. I mean there’s a distinct difference. So, I think their goal is to demonstrate that the idea of protecting the surrounding residents, they are able to provide that protection and vary the height of the lighting. I think that’s the goal. Whether they can or they can’t, remains to be seen.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. I wanted to just take Mr. Okum’s suggestion a little bit further as far as the notification to the residents that are going to be affected by this. Not only should they get a letter but they should have the ability to respond via mail, have a return addressed envelope so that they can, if they can’t attend this meeting to voice their objections, that we could at least get a mail feedback from them if there is anything pro or con because I think it would be extremely tough to try to gauge the reaction based on a one night or two night demonstration out there and getting out to talk to all of these people. I believe that those costs, because it is something that this applicant is trying to modify in order to make it work for them that they need to bear the cost of sending that information out in addition to the return addressed envelopes and that kind of thing. So that if in fact we are changing it after the fact that there’s a true effort being made to make sure that we take into account the feelings of the people that are going to be most affected. Thank you.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. I cannot emphasize enough the importance of making sure that those people aren’t affected because I feel like, personally, there was a lot of time and a lot of negotiations if you will that surrounded making people happy, making this project work and a big part of it was the lighting to be honest. That they wouldn’t have to deal with the lighting from on top of the dock doors. They talked about that they didn’t want to see the lights from the semis. It was very, very clear that they didn’t want the light to be in their condos and then on the homes over on Tivoli and Ledro. So, I keep going back to what Mr. Galster said earlier, maybe it was you that said, we just don’t want it put somewhere and then go Oh, this is going to be representative of it all because I can put a light somewhere and make sure that it does what I want it to do to get the yes. I want to make sure that if they get the yes, it is what is actually happening because we had quite a few people out here, quite a few meetings and they were very very vocal. No one was shy about what they felt and we told them that this was happening. We approved something that they asked for. It took a long time to get there and for us to go backwards is kind of frustrating.

Chairman Darby: Thank you. I have been listening very carefully and I am hearing some very distinct things coming from my right here and from Mrs. Sullivan-Wisecup. Staff, what I would like to do is ask the two of them, in a manner that you deem appropriate to work with you guys to see what is going to be sent to the residents because I see a very very heavy emphasis on taking care of the rights of our residents here. So, if these two folks would agree to do that and then you can be in contact with them? That means you say yes.

Mr. Galster: Oh yeah.
Chairman Darby: She already did. Thank you very much.

Mr. Taylor: Speaking for all of us, I think we would appreciate that. Certainly you are exactly correct, sticking an industrial development in between two residential areas is a pretty amazing thing. The fact that there was a way to do it, to try to minimize the impact on those folks is well taken. So I think having some input from you folks before it goes out is a great idea.

Chairman Darby: Mr. Galster.

Mr. Galster: Thank you Mr. Chairman. Make no mistake about it there is going to be response to the lighting and part of the problem is going to be is making sure that the residents also understand that there would have been a certain amount of lighting in the first place and what they are proposing to change may change that lighting but you are going to get a lot of responses that, Oh it is just too much. So, how do you meter, for lack of a better word, the difference between what was approved and then what is now being proposed. It’s almost like you need to have a selector switch out there that says, okay this is what you approved and this is what we are proposing.

Mr. Taylor: Well I think the answer to that is that they have an approval and if the reaction from the affected parties is such that, oh my golly I just can’t have this, guess what? Go back to what was approved. I completely understand what you are saying that under any circumstance there was probably going to be some kind of light if it is nothing more than a glow coming from over there, however; that ship sailed in my mind and the glow, if you will, whether somebody likes it or somebody doesn’t I think the Commission and Council vetted this as thoroughly as could possibly be done. That’s why the 15 foot height was approved X many years ago. So, if there is a strong reaction that say, oh my gosh this is not what we thought it was going to be, then I think the default position is, well put the lights at 15 feet and we will all have to suffer the consequences.

Mr. Galster: But in all fairness Mr. Taylor, it might be good to express to the applicant the fact that he is going to get that response and it is going to be overwhelmingly negative. Because they are going to spend the money to make this demonstration, they may want to show what it approved and spend that money to show the difference as opposed to just putting light out there in what used to be just a dark world. So, just in fairness to them I’m not trying to give them an upper hand over the residential position but in fairness to them I think that if they are going to spend the money then let’s spend the money constructively to find out where the difference actually is.

Chairman Darby: Mr. Lamping.

Mr. Lamping: I was going to clarify, that would be our plan to talk to them about that. This is, generally, a request from them to see if this is an option to even explore this idea. That is my understanding. So, we will convey that to them.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. I’d like to see more in detail exactly what this demo is going to look like. I can see that maybe they are going to throw up a lift truck and put a light there to show you how it spreads out but we all know one light on a Christmas Tree is different than if you light up the whole tree. So, I’d like to see what they are really after before we run everybody out there to look at this dog and pony show. I’d like to get a better detail how many standards are they going to have out there? Are they all going to be 25 feet? Are the intensities going to be the same? So we get a good idea before we even shop up of what we are going to see. Thank you.

Chairman Darby: Mr. Okum.
Mr. Okum: Great thing for you to get into. Not like you didn’t have those kind of things in Clermont County. Simply, on our phones there is a light lux meter that the residents could easily download. We could reference. They could do a screen shot of their current lighting in their back yards and do a second screen shot of it after the sampling is done. Those are dated, those photos.

Mr. Galster: They actually have an app for that?

Mr. Okum: Yeah they do.

Mrs. Sullivan-Wisecup: I didn’t know they had an app for that.

Mr. Okum: Right now we are at 683 lux. So, it is available. So if we tell the residents, hey everybody has a cell phone.

Mrs. Sullivan-Wisecup: What is the app?

Mr. Okum: There’s a bunch of them but this one is free. I got to turn off they want to give me free stuff. Lux light meter. So, residents could go into their back yard, take their lux light meter on their phone, do a screen shot of it. It’s got a date on it on that screen shot, do a demonstration, do a screen shot when the demonstration is done and we will know what it is.

Mr. Galster: But like I said Mr. Okum that is just going to show a jump from perfectly black to what they are proposing then.

Mr. Okum: Yeah but if your back yard is currently

Mr. Galster: it is going to be

Mr. Okum: I agree but if you are a resident and your back yard is currently a dark area that you can go out there and sit in peace and then somebody puts an aura of light into my back yard then I am going to have a problem because I recall a zero fall at those property lines and I am going to remain very strong that it needs to maintain a zero fall at those property lines. Thank you.

Chairman Darby: Staff, did you have time lineage in mind as regarding when materials would be prepared? The model would be in place?

Mr. Taylor: The short answer is no. Mr. Cumming said that he was hopeful to have some suggested times back to us yet this week, however; I haven’t heard from him. I think given what we are hearing, I am not sure that they are really going to be ready because I don’t think there’s probably enough, well I shouldn’t say because I honestly don’t know what exactly they were proposing but I am pretty sure that it didn’t include two levels of lighting. So, I think we need to just go back to them. Tell them what we heard tonight. They asked us to as, we asked. They might not be ready in time for February because in order to get all of this done and get everybody out there, we are running out of days.

Chairman Darby: Mrs. Sullivan-Wisecup.

Mrs. Sullivan-Wisecup: Thank you Mr. Chairman. That was my question. Do they think that they are going to be ready by February? Did they feel that we would be able to do this and they would have something ready for us in February? You know how I already feel about this, it has dragged on for a while.

Mr. Lamping: That was their initial statements yes, to be ready for that, but we will discuss it with them.
Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I think all of us were here, most of us were here when this whole auditorium was full of people.

Chairman Darby: Several times.

Mr. Hall: Several times from the condo association, from the single family homes and I saw this before. I think it is going to be very very hard to get a consensus from the home owners because its perception. It is total perception of this amount of light was coming through before, I didn’t have any lights, then now you are going to get in now there are semi-trucks running down there and now the lights are in my bedroom and I think the most important thing that we need to take into consideration is the homeowners there and make sure that their perception is good. They were acceptable before with it the way we passed it so I know that there’s going to be controversy over it, warranted or unwarranted however many meters you put up if you stand there. It’s going to be whether it comes into my bedroom. It is going to be well my windows are open and all I hear is semi-trucks and light lighting up my bedroom at night. It is the perception of it and that’s my take on it. Thank you so much.

Chairman Darby: Thank you. Well we have our work cut out.

Mr. Okum: We do indeed.

Chairman Darby: Before moving on any closing comments here? We have no Chairman’s report at this time but, however; Mrs. Zimmerlin would you cheer us up please and tell us about the resolution for the BP situation? I mean the inside skinny on that please?

Mrs. Zimmerlin: Sure. So the BP sign, I’m sure you have all noticed has been fixed. The Magistrate did make the decision that the Building Department had contacted them enough times and had given them enough chances that he wasn’t going to let them slide. He gave them a $250.00 fine and a 20 day suspended jail sentence. So, anything else happens at that property and they don’t remedy that, that the jail sentence will be imposed.

Chairman Darby: I knew you’d like that. Thank you very much.

Mr. Okum: Did the crab place open?

Mrs. Sullivan-Wisecup: They are still working on that.

Mrs. Zimmerlin: Yeah, I don’t think they have opened yet have they?

Mr. Diehl: The sign went up today.

Mrs. Zimmerlin: Did you hear they said they just got their C/O today.

Mr. Taylor: I am not certain whether the Health Department is finished with them or not but the Building Department is done at this point but I don’t know. Typically the Health Department won’t give them a final sign off until they have a C/O from the Building Department. So, at least a ⅓ of the building is finished with them. I really can’t answer the rest but I do know that we issued the C/O today.

Chairman Darby: I am going to double back since I was remiss. Were there any additional items for discussion?
X. CHAIRMAN’S REPORT - NONE

XI. ADJOURNMENT

Chairman Darby: The chair will now accept the motion for adjournment.

Mr. Okum: So moved.

Mr. Hall: Second.

Chairman Darby: Moved and second we adjourn.

(Voice vote taken to adjourn approved by 7-0 vote.)

Chairman Darby: See you next month.

Respectfully submitted,

________________________, 2020 __________________________
Don Darby, Chairman

________________________, 2020 __________________________
Steve Galster, Secretary