

PLANNING COMMISSION MEETING

June 12, 2012

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: David Okum, Don Darby, Tom Vanover, Marge Boice and Carolyn Ghantous

Members Absent: Richard Bauer, Robert Diehl

Others Present: Anne McBride, City Planner; Pat Madl, City Engineer; William McErlane, Building Official

Chairman Darby: As indicated by the roll call, we have five Members here this evening, so I need to share with all applicants that the passage of any proposal will require five affirmative votes.

III. MINUTES OF THE REGULAR MEETING OF MAY 8, 2012

(Mrs. Boice moved to approve the minutes of the May 8, 2012 Planning Commission Meeting; Mr. Vanover seconded the motion and with 5 "aye" votes from the Planning Commission Members present, the minutes were approved as written.)

IV. REPORT ON COUNCIL

Mr. Vanover: No report.

V. CORRESPONDENCE

Chairman Darby: All Members of the Commission along with Staff and the applicant have received a copy of a letter submitted to us by Mrs. Shroyer. I would like to say, just like several meetings ago when her son came in and spoke for her, this letter is highly supportive of the application for the Minor Improvements being brought forth by the Cincinnati Autism Center.

VI. OLD BUSINESS

Chairman Darby: In Old Business, we have Minor Improvements to the PUD Building Elevation Color Changes to Hooters, 12185 Springfield Pike.

Mr. Terry Marty: I want to thank the Commission for allowing me to come back. (At this time Mr. Marty handed to each Planning Commission Member photos showing painting techniques on the brick surface of a small portion of the Hooters Building.) The list that is before you is a list of some of the people that have submitted quotes on the project. I have had Michael Lichtenberg Construction Company handling most of this and he couldn't be here tonight. We have some samples that I have shown to Mr. McErlane, veneer brick and two limestone samples; both of these are similar to what we have on the south wall of the building. The only thing that I don't have, which I have been trying to get, is an additional process of chemical to strip the brick that was painted, and it is hard to find. We have tried one chemical which is the item #1 on the sheet that I gave you. They did a chemical process and took the paint off but it did not get to the primer; we are still

looking at that option but that option is a little over \$14,000 to paint all the necessary areas that fall within the requirement. As I mentioned last time the sandblasting doesn't work because the brick veneer is too thin; so that isn't an option. To completely replace all the brick is around \$49,000. To replace the brick with brick veneer 12' high, from the base of the building, is around \$17,000. Using this limestone, which is comparable to what we have on the south side of the building, is fairly reasonable. It would go up to the roof level of where you enter Hooters and go around that corner and around the back of the building where there is brick area that is painted; it would be 10' of that limestone on that area. Lastly, what I gave you is what they call Jackson. Bill and I met with the President of that company at the site and it is a fairly new process; it is a spray process and it does some insulating of the building. The negative of it is that you will see the coating and if you try to paint that, then there would be no mortar lines. Even though it is very inexpensive, from my perspective as the owner of the building, it probably won't work in this particular instance. If you ask me what I want to do, my answer is "nothing". To get closer to complying, I would like to see the limestone go up across the building and around the back corner of the building. I think it would make the building look very nice and the only negative of it is on the north side of the building on the east wall you really can't see it. The limestone we have on the south wall is fairly visible except the deck covers that area a lot; we don't get the full value of the appearance of that wall. We would like to move forward on this and get this done in a reasonable time and I guess the only option I don't have for you is another technical process that would take the brick back to the original brick.

Mr. McErlane: I really didn't have much available to me at the time we made comments. As Mr. Marty expressed, one of the things that I offered up as an offering to Planning Commission is the stone veneer up to a certain height; we had discussed up to the eave height of the entry where there is a small little entry roof there; on both that side and the north wing.

Mr. Okum: Mr. Marty, does that include the entry portico around the entry doors to be the limestone or brick veneer; is that what you are suggesting?

Mr. Terry Marty: Yes.

Mr. Okum: And does it also include the area underneath the canopy or the porch area of Hooters?

Mr. Terry Marty: It does not.

Mr. Okum: It is really just approximately 30 lineal foot by 10', about 300 s.f.?

Mr. Terry Marty: That should be about right.

Mr. Okum: Looking at that as compared to the mass I think it is an under amount where we really should be. As far as the far right or the north side elevation, you would have to get out of your car and get on the curb to see it. I am not as concerned about that as the main entry area where it is 2- 1/2 stories high of the "L-shaped" area and the portico; that is much more my focus. If the area underneath the canopy by the porch, if Hooters were to vacate and that porch were to be removed then obviously that elevation would be exposed but then we would be faced with dealing with it with a new applicant and we could deal with it then. The other thing, the Jackson's coating is absolutely a "no" that is nothing more than a rubber roof coating. There are some other products that are available, and I have been working on a project for commercial coatings that are granulated that have cemented granulated material in them that are applied to the surface and that could be applied to the upper area that would soften some of that grey and take off some of the starkness of it. I could talk to you a little bit about that later. This product was brought to us by Sherwin Williams, it is a coating system that can be rolled or sprayed. The other thing, for the benefit of this Commission, we would need an elevation sketch showing the application detail of what is going to go where; my opinion is that 10' height is not very much when. The far right side or the north side of the elevation gets very little visual exposure and I don't think that is a key

element of what everyone sees from our vantage point, Springdale and the community. I think there is a happy medium there. To get higher would be a necessity. Stone or brick, I really don't have a preference. I will say that the stone that is covered by the deck by Rib City Barbecue, you really don't know what that stone is anymore because it is covered and it has some landscaping and you really don't pay that much attention to what that stone is; that is not a focus. I believe above their deck they have lap siding or a siding material.

Mr. Terry Marty: Yes, that is correct.

Mr. Okum: That is a wood or a cement wood product and that would comply, as long as you have the other masonry end that is required by code. You are going to have to go higher than that entry portico to get to there and change the area above it so it all is color coordinated.

Mr. Terry Marty: So, I am working on that wall?

Mr. Okum: My feeling is that wall and the two vertical columns; I think those are two key elements. Personally, I think the north elevation has very little exposure to the community and it is totally forested area there, it is not adjacent to a neighboring business or neighboring facility. I do not anticipate the Missioners will ever vacate that area.

Mr. Terry Marty: So, we have some direction to get this finalized; so that you are happy and we are in compliance. Is this something that I can work with Mr. McErlane or does it have to come back here?

Chairman Darby: Eventually, it would have to come back to us. As you work through the process, Mr. McErlane will be a good resource for you.

Mr. Terry Marty: I would like to come back next time with a final direction but I would like to know that it is going to be acceptable. I think that if I work with Bill using your concept and the idea of maybe more stone or some composition above the stone that would blend in nicely, that sounds like a very good option for us and hopefully for you.

Mrs. Boice: I am really interested in what the timing is on this. This has been going on a long, long time and I think we have extended a great deal of patience and longer than I have ever been aware of that we have extended to any commercial owner or resident or anything else. I want this to come to fruition and very, very quickly. What are you looking at in time; coming back next month with something very final or are you asking for more time than that?

Mr. Terry Marty: I think I may be out of town, but I will send my construction fellow here if I am. I think at the last session, Mr. Okum stated that we had to have it completed by October. Hopefully we will have it done as soon as we get approval from you; I will try to have it done immediately. I appreciate your willingness to work with me over this period of time and I understand your point.

Mrs. Boice: The weeks and months go by very rapidly and this needs to be done.

Mr. Vanover: I would echo Mr. Okum's comments; the north side is virtually invisible, unless you go up the hill to Glenmary Missions or walk around the building, that is about the only time you are really going to see it. I would much rather see a concentration on that massive façade, the grey wall. I like the limestone but I would like to see it pushed up higher if we could aesthetically blend and make it look aesthetically pleasing on that area.

Mr. Terry Marty: Thank you.

Chairman Darby: Is there a motion to table?

Mrs. Ghantous: I move to table until the next meeting.

(Mr. Vanover seconded the motion to table and with five affirmative votes (two Members absent) the item was tabled until the next Planning Commission Meeting.)

## VII. NEW BUSINESS

- A. Chairman Darby: The next item on the agenda is Springdale Route 4 Corridor Review, Color and Material Changes for the Autism Center at 305 Cameron Road.

Ms. Laurel Nelson: I am the Executive Director for the Cincinnati Center for Autism and I was actually at this meeting in September.  
(At this time Ms. Nelson expounded on the mission of the Cincinnati Center for Autism.)

As far as the neighborhood impact, we bought the building on Cameron Road because it uniquely suited our purposes and we found that we are located in a very supportive community. The neighbors have taken a very active interest in the Center. Several neighbors have offered assistance and support and are willing to look out for the Center in our off-hours and weekends. Our budget is extremely lean and we could not be doing the things that we are doing with the building and the grounds without the corporate partnerships.

(Ms. Nelson showed a short video of the proposed end result of the exterior changes to the Cincinnati Center for Autism.)

Ms. Chris Gaylish: My husband and I are parents of a nine year old who was diagnosed with Autism when he was seventeen months old. We became clients at the Cincinnati Center for Autism in 2003 and I joined the Board not long after. I was thrilled when CCA found and acquired the Cameron Road facility. Thank you on behalf of all the families, I appreciate your help.

Mr. Matt Brennan: The costs of the improvements are pretty astronomical, as you can imagine. We are a non-profit so our budget is somewhat limited. We have done internally all of what we have done so far with volunteers; Turner Construction was the only real professional volunteer and they built out the basement. I wish that the Planning Commission would stop by and see what we have done; you are welcome. The areas that we need the most help on are two areas and I think you would be pleased with the exterior elevations, Jim Sheanshang is our architect and he has done a very, very good job on placing stone and painting brick and putting a new roof on and we are working on the financial side of that to make that happen. We have started putting windows in, and as soon as we get money we buy more windows; we will replace 30 something windows here eventually. Where we need the most help is two areas: one is on the buffering, our original focus and plan was to do the mounding and then once we got into the detail of what the mounding required, we just can't afford the mounding and all the landscaping that has to go on it. The second option was a privacy fence and that is a lot cheaper; but frankly I don't want to put up a privacy fence because I don't think it looks good. We had a meeting with the neighbors, several who are here tonight, and we asked them if they wanted us to put up a privacy fence and I think you will hear from them that the resounding answer was "no". The other thing that they asked us not to do was block off access to the rear of their houses; on the revised plan I left a 10' strip so that the neighbors could access the back of the property and we left that pavement in. There is no secret to that pavement; it is not going to be top-coated, we will probably seal it and we will definitely cut the grass that is growing up in it. We would like a variance to do that because we think we have a valid reason and we need the neighbor's help keeping an eye on things and I think they would rather not lose access to the rear of the yards and they would rather not see a fence. The second area that we need help on is the lighting. The current light plan requires five lights. The lighting requirements are way more than we can afford. Putting ten to fifteen foot pole lights up, at a cost of about \$1,800.00 a light is \$18,000.00. In my opinion, even if you reduce the exposure to the neighbors by having the lights so that they have the deflectors, you only get so many lumens on the adjoining properties and those neighbors are still going to look out their patio and see a lot that is lit up like a Christmas tree. The lot, before we bought it was lit by two bulbs and all of a sudden we buy it and we have to put ten

post lights in. I have been doing this a long time and I understand what the Codes are but we have some existing lights on the building and we would like to put a nominal amount of those 15' lights in. We can't afford that; that is not the Planning Commission's problem, it is our problem. We would like to work with Staff and our architect who has been studying this and doing all of the plans; we have looked at a lot of alternatives.

(At this time, Mr. McErlane read his Staff comments.)

Chairman Darby: I know it is listed as a discussion item, but for the purposes of Planning I would like Ms. McBride to give us a quick idea of what we are going to be discussing later concerning the Springdale Route 4 Corridor District Boundaries and how this impacts this property.

Ms. McBride: Without going into a whole lot of detail about what we are going to talk about later, the Springdale Route 4 Corridor study was done many years ago before I was a City Planner and out of that came the overlay district with the four sub areas and the map that applied those four sub areas to the corridor was done twenty-plus years ago and it was done with zip-a-tone tape; it was not property specific. We now have a number of properties that are captured in the district that, in my professional opinion, should not be captured in the district. One of which, I feel, is the property before the Commission this evening. What we are going to be talking about later this evening, I hope, is how we can focus that district on properties that truly front on Springfield Pike or are directly adjacent to it and have some impact on how the Corridor looks. A property like this that is substantially off of the corridor district, in a residential area for that matter, the single family home next to this property would also theoretically have to come in if they wanted to paint their house some other color other than earth tones. I don't believe that was the intent of the City in adopting it. I don't really have anything to add to Mr. McErlane's comments other than to emphasize that in my opinion I don't know that this property should have been included in this Corridor District. I think that the improvements that the Center is proposing to make to the exterior of the building are certainly an upgrade over existing conditions and they blend in very nicely with the neighborhood. I certainly have no objections. Relative to signage we would need to work with them to make sure that it is permitted or it needs to go to the Board of Zoning Appeals to get a variance for bigger signs or extra number of signs; that we properly guide them in that regard.

Mr. McErlane: The Conditional Use Permit is to allow an educational use on the property.

Mr. Okum: Strictly that, but there were conditions placed on that.

Mr. McErlane: Yes.

Chairman Darby: At this time I would like to open this up for public comment.

Mr. Dan Shroyer: I have been here before to represent my mother who lives at 372 Naylor Court and is one of the three residential properties that back up to the church property. We came here in 1966 and the church has always been there and the view has always been there. Obviously looking at their presentation is a lot better look than what she has looked at or our family has looked at, for a number of years. The church has had financial issues for a number of years; they have not maintained the building and they have not maintained the parking lot. What was there when the Center took over was what was there for fifteen or twenty years prior to that. What the Center has done to this point is far more than what the church did in the last ten or fifteen years. I know from my mother's perspective and I think some of the other adjacent residents that are here, what I saw on the video is a whole lot better than what she has been looking at for the last fifteen years. My mother could not be here tonight but I know she would much prefer to look at that than what has been there.

Ms. Sequoia Powers: I live at 380 Naylor Court, next door to Dan's mother and I have lived there since 2000. I have been very excited by the coming of the Autism Center. I am aware of the improvements they have made and I really, really appreciate them. I think they add some real style to the neighborhood. I support the variances and I don't see any reason at all for a high fence blocking my view of their facility or their children. I don't see any need for the mounds either; although we have already learned that is out of their price range.

Ms. Shelly Darnell: I live at 329 Cameron Road. We abut right up next to the Autism Center, next to Ruth's house. We support what the Autism Center is doing. I echo what Dan Shroyer said about their improvements to the property and what we see visually from our spot and on the location there. I echo what Sequoia said; we have lived there since 1995 and we have never required nor needed a fence to block the view of that area. As a matter of fact we have a nice solarium that we can see out there and look out to Route 4 so we can see the busses come when our kids are coming home from school. We would appreciate that we don't have any blockage there, fences or otherwise to block that view. As a matter of fact, any thing that they are doing has supported even making it visually, aesthetically nice in order to enjoy that view. Thank you for your consideration.

Ms. Lee Miller: I live 364 Naylor Court and have since 2003 and we think what the Autism Center has done is wonderful, beautiful and I have been over there several times and they have been very receptive. I hope you can go along with all of their requests and I am also in favor of not having a fence.

Chairman Darby: If we have no further communication from the audience, do we have a motion?

Mr. Okum: Mr. Chairman, I would like to make a motion in regards to the color and material changes for the Autism Center at 305 Cameron Road, to include the building elevations as presented with the color palette and materials as submitted. At this time it shall not include any signage in this motion, nor be considered. (Ms. Boice seconded the motion and with 5 affirmative votes (two Members absent) the requested color and material changes were approved.)

B. Chairman Darby: The next item on the agenda is for the bufferyard and site lighting at the Cincinnati Autism Center, 305 Cameron Road. At this time we will go to the questions from Members.

Mr. Okum: I have read Staff's report and the recommendations in regards to height of lighting and so forth. I would discourage enforcement of high volume of lighting for this site, considering the residential character of the site. I would also encourage that the Board not approve building wall packs that are out-lighting the parking area which would impact the residences, in that regard I would probably not be as strong to a heavy density of lighting. Based upon the submission that we received tonight that Staff has not had an opportunity to review it appears that there is some pretty heavy large lights that would be needed to be placed towards the south side of the property and that would be a negative effect on residential character of the neighborhood and I would not support that. I would much rather see a different lighting plan than what was submitted with lower light levels to at least meet some of the minimum lighting standards in the pedestrian areas, but not off in the activity area where the walking path and that recreational area is. Treating it more towards the building and close to the building property; that is not on this drawing. At this point I wouldn't be encouraged to approve this lighting plan nor would I be encouraged to disapprove because Staff hasn't reviewed this yet, am I right?

Mr. McErlane: It is in addition, because last month you received the stuff on the building materials.

Mr. Okum: At this point, this is just too heavy of lighting for this site and I would like to see it backed down some. I am not totally in support of 25' light fixtures; fewer poles more coverage.

Mr. Jim Sheanshang: I am the architect for this project. The last proposal we gave you three different site lightings. The typical pole height in this area is supposed to be 15' maximum but at 15' you get hot spots and you don't get the coverage that you would get with a higher pole. We are trying to keep the light levels low. Currently there is one gooseneck like fixture on a telephone pole in the middle of the parking lot and that is the only light lighting up the place beside a couple residential 75 watt floods on the building. Initially I submitted plans that had pole lights on the boundary line of the parking lots near the residents plus wall packs on the building and that was in order to get the ratios that are required by the Zoning Code. To get that there was 10 to 12 lights that we were installing and it was getting really expensive; you would get a glow to the residence that has never been there. The light level is not going off of their property line but you still, when you look out, you are going to see a little glow of light for the parking lot. We came back and tried to get some lighting, the same amount of light; one at 15' height and one at 20' height and another at a 25' height. The higher you go the better light distribution you can get with fewer light fixtures but you also, with the higher light, you are going to get some glare effect to the neighbors.

Mr. Okum: So, how many poles would you need at 15'?

Mr. Jim Sheanshang: Doing it at 15', I show five. You can see it has an average foot candle of .85; the trouble with doing this is we don't get the ratio that is required by zoning. What we were proposing is something to get some lighting there just to pull in and to not feel a security risk, but at the same time not feeling like you have a parking lot glowing in the night there.

Mr. Okum: At 20' you have how many?

Mr. Jim Sheanshang: There is still five but when you go higher you get a better light distribution.

Mr. Okum: Is it a different wattage of light?

Mr. Jim Sheanshang: At 15' is a 100 watt, then at 20' it is 250 watt and at 25' it is 250 watt. The manufacturer doesn't recommend putting a 250 watt at a 15' height.

Mr. Okum: Could you have done ballards or something of that nature along the walkways to get that low level lighting or carriage lighting to give you that effect?

Mr. Jim Sheanshang: On the building there are currently some flood lights.

Mr. Okum: I am not talking flood lights, I am talking carriage lights or something smaller.

Mr. Jim Sheanshang: We could do some lighting of some sort along the sidewalk.

Mr. Okum: I am more worried about up close to the building.

Mr. Jim Sheanshang: I am sure we could add some type of landscape lighting or something that would light up the sidewalk. When we put a 15' pole on the opposite side of the parking lot; you are not getting a whole lot of coverage going over to the sidewalk side of the parking lot.

Mr. Okum: I would rather see more lighting closer and less further away.

Mr. Jim Sheanshang: We could take the pole lights and move them to the building side; it is easier to cut the light off going backward than shining forward.

Ms. McBride: I wanted to offer a few comments relative to the comments in our Staff report. First of all I would like to remind the Commission that although these directives relative to lighting are found in our Zoning Code in the parking section, they are recommendations, they are not setbacks like we have for building setbacks

or parking lot setbacks in districts. Planning Commission needs to look at each site individually relative to those recommendations. From Staff's perspective there are two big components; to provide safe lighting on the site and as Mr. Okum was saying closer to the building. Obviously those are the spaces that are going to be used and I am sure they are going to have lots of programs that are going to go afternoon or evening particularly in the winter hours so we want to make sure that there is plenty of safe lighting on the site. The second concern from Staff is to limit the light spillage into the residential areas; and I think that is a concern of the applicants as well. I wanted to remind the Commission that these are recommendations and we do have flexibility to work with the applicant in terms of the number, the height and what the light levels are on the site but we do want to make sure there is safe lighting on the site and that the bulk of it stays on the site and doesn't spill over into the residential areas.

Mr. Okum: How do you get to that point?

Ms. McBride: Our suggestion was that we work with the applicant and try to come up with some solution to that because I understand if you do 15' poles then you have a lot more poles than if you go to 25' poles but we don't want to go to 25' poles because that is going to negatively impact the neighborhood. I need to have enough light on that site that I know particularly in the most used areas that there is going to be light to get into the car with children and books and whatever. It will be pretty much a balancing act. I think Staff can work with the applicant to try to come up with that balance, understanding that 15' isn't the hard rule, it is a recommendation.

Mr. Okum: So your suggestion is a revised photometric lighting plan.

Ms. McBride: We would like to work with the applicant to try to come up with some suggestions for that as to what might work for them both from a light level standpoint as well as a cost standpoint.

Mr. Okum: In regards to the bufferyard, I believe the intent and the purpose of 153.608 is to protect adjoining properties and adjacent properties to the area. I think one of the biggest discussions back when you made your first application was concern of the residents and impact of residents from noise, specifically to the change in use. This is Conditional Use location; it is in a residential district. There was wording, I believe in regards to complaints from two or more residents in regard to the noise conditions.

Mr. McErlane: It had conditions that if we received complaints from two or more residents that the Autism Center would look at alternatives, additional buffering through some means whether that be additional landscaping or mounding to adjusting times or number of kids or it could be any number combination of things.

Mr. Vanover: I want to thank the residents for coming out. We try to protect you, sometimes you can protect yourselves. I wholeheartedly concur that we let them work with Staff on the lighting. My feeling right now from the feedback I have gotten from the letter and the residents here is, that we leave well enough alone.

Ms. McBride: I just want to make sure that the residents understood that the bufferyard requirements are something that are contained in our Zoning Code and they are basically set up to provide a buffer or screening between any institutional use in the City anytime that it abuts a residential area.

Mrs. Boice: The neighbors that came up and spoke tonight really just lit up my soul. I hate privacy fences; that is why neighbors don't seem to get together anymore. I am very glad to hear your comments and it is really enlightening to see a neighborhood coming together and being so open and caring.

Chairman Darby: The beauty of the system is the people that came before us (Council, Planning Commission and Staff) wrote various regulations that we are dealing with this evening; they left the opportunity for us to provide variance to

those varied regulations. A lot of things are difficult to foresee. We do have some leeway to do those kinds of things to make this plan work. The Code is here for a reason so all of us need to realize that whatever we approve this evening and whatever is approved in terms of you working with Staff, somewhere down the road there still may be some resident who offers a legitimate complaint about light bleeding over. I think Staff and the Commission need to be able to address those.

Mr. Dan Shroyer: Regarding the lighting issue, there has been thirty yards or less from the back property line and there has been a utility pole with a regular street light on it for as long as I can remember. As you look at 15' poles or 25' poles or which side of the parking lot they are on, this is a well established residential area and most of the rear of those properties, I am speaking only for my mother, she has a well established tree line behind the property and if you get more than 10' off of the ground you are looking at trees. Whether you have a 15' pole line or a 25' pole line it is not going to have much effect on her because it is going to be screened by the canopy of the trees. If the concern is which side of the parking lot the poles are on, in order to direct that light toward the building or away, if the lights are on the building side of the parking lot and there is some amount of light that spills out toward the parking lot at a 15' level or a 25' level it is not going to come through the tree canopy. I think that my mother's opinion would be \$18,000 worth of lights, if you can do that for \$9,000 and spend the other \$9,000 on the kids then I think she would probably support that. As far as the variance for the screening, I think that the letter that she provided shows that what is there has been there for 35 years, 45 years or however long. I understand Mr. Vanover's comments and Ms. McBride's comments; 35 years of Fire Code enforcement and I have run into situations where I look at the code and look at the situation and say, how do I make this make sense. Fortunately, the Fire Code is full of "one liners" that say whatever is acceptable to the authority having jurisdiction so that is usually a work around.

Mr. McErlane: Because we didn't really address the bufferyard comments that Staff had, I think Planning Commission before they vote needs to be clear of what they are approving. If you recall back in September there was accommodation mounding and plantings and because we didn't have any detail we really couldn't say that this was acceptable but we left it open to allow Staff to consider a bufferyard that was different than what the code said. The code said you basically either provide a hedge and plantings or trees, or you provide a fence and trees. The alternative would be some kind of mounding and some combination of planting. This was a deviation from several of those things. The question I would ask when you do make your motion is, are we approving the plan that is before you right now? One of the questions that has come up or one of the questions that we posed a couple of times in the preliminary comments that we gave to the applicant and our final ones was the surface of that access path; tonight we found out that it is going to be paved. We may have some concern about it being paved; it is very nice of the Autism Center to allow adjacent property owners to gain access to the back of their yards through their property and it is certainly not something that they have to do but we would hope that it would be an infrequent use of that path and because of that we would rather not see it paved, maybe some durable vegetative surface and the City Engineer might be able to provide some input on that. Part of the concern, other than the fact that it is paved is how you drain it; we have questions about that in our approved site plan in terms of grades and how surface water is going to drain across this site. If Planning Commission is agreeable to the access path, it would be our recommendation that it would be some kind of vegetative surface maybe durable enough that you could drive something on infrequently but that it not be a paved surface.

Chairman Darby: I want to comment about the buffering that came about because of the possibility of the noise; the kind of noise that existed at another school that was located in proximity to this area, we came up with this grandiose plan of trees and buffering. I don't hear any indication from residents that at this point there has been an issue.

Mr. Dan Shroyer: In reference to the paving issue, it is paved now and they were just going to leave it as it is, as far as drainage and those kinds of things, I don't

know. The other thing regarding the noise issue or the kid issue is, I think from my mother's standpoint and from what I understand of the other folks that kids have always been back there, boy scouts and other activities. I happen to live on the corner of Ruskin and Van Cleve, which is basically one house removed from the Recreation Center's property and I can hear every swim meet at the Recreation Center and I can tell you what age group is swimming next and I can tell you who won and in the summer time when I am in the garage and in the driveway working I don't need to turn my radio on in the garage because I can hear it from the Recreation Center. We live in a residential area and there is going to be noise, there is going to be kids and there is going to be radios and swim meets but I don't think my mother or the other folks have an issue with that. I fully support what this Commission does; I think in this particular instance the owners of the property are caught in a "catch 22" and I think our society has gotten to a point where there are a number of folks that will say those kids need a place but not in my backyard. My mother and these folks are saying put it in their backyard and they are fine with that. We appreciate whatever you do.

Mr. McErlane: In defense of Planning Commission's concern about noise, they addressed that in response to a problem that occurred previously and actually occurred in your neighborhood and complaints from your neighbors, not adjacent to this property but within a couple hundred feet of this property. If there are concerns, we have discussed how we can address those things. I think the other aspect of the buffer is not necessarily noise but other activities. It is certainly up to Planning Commission if they feel what is presented tonight is an acceptable buffer.

Mr. Okum: Is it Staff's consideration or review of the SP1-.0 that they submitted on May 30<sup>th</sup> that we will reference in the motion? It doesn't show a fence and it shows trees and plants, it shows pretty much everything they are planning on doing including a 10' wide access path that Staff has recommended and I would like to hear some comment from Commission on that; personally I would rather leave it what it is but, if that water is draining on that lady's property that is here tonight, then that is the church property draining onto her property and that isn't the right thing.

Mr. Matt Brennan: This access road came just as a means to work with the residents and that is all it is about. It has always been paved and every once in a while we would look over there and we would see a car go back in there and then duck back in somebody's backyard. We felt that 10' we are not going to use and it is already paved. I kind of felt guilty that we come in and cut it all off; so I went to the residents and said that I would leave it and not cover it up or tear it out. Overwhelmingly everybody said leave it. It has always been blacktop. Our goal was to let it go naturally but maintain it and seal coat it and make it look new but grade over to it. There is 3 1/2' of fall from the crest of the parking lot down to the curb that we put in. We went ahead and put a 4" drain along the curb line and then tied that drain, which is not on the plans, across the parking lot into the catch basins. Any water run off is going to come to that curb line; that is the way that is going to drain and that is the way we graded it. That 4" will catch that and drain it right into the storm sewer system. By adding the dirt we have cut the runoff on that property by almost two thirds. If we are creating a potential water problem then we will adjust the grading until that water problem is gone. I don't want the access road to be a big deal because it is not; it didn't mean much to us, it meant more to the residents.

Ms. Shelly Darnell: We fully support that. Our whole yard access is that parking lot. So, in order to get into the backyard for anybody to deliver wood or if we were reconstructing the tree house in the back or putting in mulch in the backyard my husband pulls his truck in the back. We appreciate their opportunity to leave that there.

Mr. Madl: The site generally drains to the north so it is not a question of changing any drainage back towards the residences. The only concern here would be the fact that fill has been placed adjacent to this access path and the concern is that you would be blocking an existing waterway and that water may build up there. If the

applicant is comfortable that they can provide information showing that it will drain out or that minor grading modifications be made to allow that to drain out and you are not berming it up to create a water issue, at Staff level, I think that would address the only concern in that area that I would have.

Chairman Darby: Thank you.

Ms. McBride: The only additional comment that I would make relative to the landscaping is that we have worked with the applicant relative to the type of material and the size of material and so forth but they have spread dirt all ready over the existing parking lot and what needs to happen is those trees can't go in there on top of that parking lot surface. We have made recommendations to them that in the case of the white pines, we need to have a 20' diameter around where the tree is going in free of pavement in order to allow the plant to survive and with regards to the maple that needs to be a 40' to a 50' diameter. There is now dirt over that so we are going to need to have that pulled back and the pavement area removed to make sure that those plants survive.

Mr. Okum: The best way to handle the motion in regards to the noise issue is under the bufferyard conditions that were set on the original Conditional Use Variance, that the approved special bufferyards conditions per Section 153.603(B)(3) originally approved shall be suspended at this time. If we suspend those bufferyard conditions then should a situation or noise or some other attenuation circumstances come up in the future then we are there.

Mr. McErlane: I don't know that it is necessary to do that. The way it was worded is that it complies with code or meets something that is acceptable to Staff. If Planning Commission feels what they have is acceptable then it is acceptable. The noise thing is still going to apply.

Mr. Okum: So, we just ignore it?

Mr. McErlane: The noise thing would still apply, if we have an issue with noise.

Mr. Okum: The original conditions require the mounding.

Mr. McErlane: No, they didn't. There were two different things, one was the bufferyard requirements and that specifically said that it either complies with code or some alternative that is acceptable to Staff. The other was a noise issue and it said that if there are two complaints or more then they will address it through some means to address the noise.

Mr. Okum: So, we ignore that part completely?

Mr. McErlane: No, I don't think there is a need to. We just leave it the way it is. If there is a noise issue then they have to address it.

Mr. Okum: So, it wouldn't be part of the motion?

Mr. McErlane: This addresses just the bufferyard and you are approving the bufferyard as proposed.

Mr. Okum: As proposed on the drawing?

Mr. McErlane: Right.

Mr. Okum: It is not listed as a bufferyard but we are assuming it is. The reference on the drawing does not say that this area is a bufferyard.

Mr. McErlane: No, it doesn't.

Ms. McBride: It does state that the plants are going to have 20' of diameter of clearance and that is not enough for those maples.

Mr. Okum: I was going to include your recommendations, excluding item #2. The access path shall be reviewed by our City Engineer.

I move to approve the variance request from the Cincinnati Center for Autism to include specifications and designs and exhibits as submitted, Item SP 1-.0 to include our City Staff, City Engineer and City Planner's recommendations with the exception of Item #2 of the considerations on our City Planner's report. All lighting and re-lamping of existing fixtures shall conform to the existing Zoning Code requirements; any final lighting plans shall be reviewed by Staff and worked out with the applicant. Landscaping conditions to include and shall be reviewed by Staff along with comments back from Staff to the applicant. The access path shall be reviewed by our City Engineer and approved as needed.

(Mrs. Boice seconded the motion and with five affirmative votes, two Planning Commission Members absent, the request was approved.)

- C. Chairman Darby: Moving on to the next item, a variance request for the PUD Transition District; proposed ground sign at Full Throttle Karting, 11725 Commons Drive.

Mr. Joe O'Gorman: I am one of the owners of Full Throttle Indoor Karting. I am happy to be in Springdale and happy to be seeing the results from our standpoint. Part of our plan when we opened was to look for alternative entertainment to be brought into Springdale. One of the things we have done is install a slot-car track built by Fast Lane and Hobbies. Owner Ray Torbeck had a place in Forest Park but wasn't seeing the retail traffic; in our conversation with him we realized he has the same philosophy of treatment of customers and he is a big kid just like the rest of us. We have moved some retail operation into our lobby and we are keeping the "Fast Lane" branding for the benefit of Mr. Torbeck. He still owns the company and we work together on a Friday night or Saturday night when the track is busy. It gives a great alternative for people to come in, play with slot cars and have some fun as they're waiting. We are also respectful of our neighbors, Dave and Buster's with their restrictive covenants on coin operated games. The slot cars give us a nice alternative to that, without stepping on Dave and Buster's primary business; they are a good neighbor and we want to keep that up. I am asking for the addition of the Fast Lane sign to be added to replace the current directional sign that was left behind by Cort; that sign is in poor repair. The focus has been on the inside of the building and getting customers in. We want to replace the directional sign with one that was previously on display at the Fast Lane Raceway location in Forest Park; it is currently in storage at our building. It is a non-lighted sign and we wanted to keep it minimally invasive because as we understand there could be other tenants that move in here and part of our longer range plan is a consideration of actually buying Mr. Torbeck's business. At that time we would probably re-brand and that sign would come down but in the interim the sign is part of his livelihood. We are bringing additional business to Springdale. This is the only track like this; he is one of the few providers of this track. Part of our longer range plan, just so the Commission is aware, we are in discussions with the Bergman Group to add additional finish space behind our current lobby with the plan to add two additional slot car tracks. We have found that this is a great complimentary business and we would like to look for ways to grow it and we believe having some signage out front compliments the building and isn't stuck on the building; keeping it away from the building really adds a nice aesthetic. I have added the red stripe to match the top of the red stripe on the building just to try to tie it all together.

(At this time Mr. McErlane and Ms. McBride read their Staff comments.)

Mr. Joe O'Gorman: It looks kind of like the signs that are there, when you look at the old directional signs they were all done with 4 X 4's and we were trying to reuse and keep that. If we need to change that and make it a finished material like the fence around the dumpster that we made all cedar; that wood now that it has aged doesn't look very much different. If the Commission says that it needs to be covered and wood isn't acceptable then I am good with that.

Mr. Okum: It could be wrapped in vinyl or slide vinyl over it to give it a finish.

Mr. Vanover: You could walk into one of our resident big stores and get vinyl 4 X 4 posts that slides right over or if you want to get a little fancier you could use some of the composite material that is out there that they use on composite decking. I don't have a problem with the cedar either.

Mr. Joe O'Gorman: That is a fair request.

Chairman Darby: If there are no more questions, I think we are ready for a motion.

Mr. Okum: Mr. Chairman, I would like to make a motion to approve the additional signage, ground sign for the property at 11725 Commons Drive, Full Throttle Karting to allow for the additional sign with the conditions set forth in Ms. McBride's report on page #2.

(Mrs. Boice seconded the motion and with 5 affirmative votes from the Planning Commission Members present the request was approved.)

## VIII. DISCUSSION

- A. Chairman Darby: For discussion we have the issue of Public Hearing notification. You have a document in your packet, 153.562, this is an issue that comes to us from the Council and we will probably rely a lot on our Council Member, Mr. Vanover, to help us.

Mr. McErlane: After I put some illustrations together to show what the impact was, we had three different interpretations of what was required, so we would like to table this until next month.

Mrs. Ghantous: In April there was a matter that came before the BZA and we had quite a bit of attendance from the public. Several of the speakers had not been notified, because even though they did live on the same street they were out of the radius. There was discussion at that time about bringing this item forward to decide if we should increase the notification range. The suggestion was made that evening that we might continue with the same radius but make sure that everyone on the street be notified. That was the suggestion that came through that evening after we had so many people interested in this particular issue.

Mr. McErlane: And there were further discussions by Council that came to the conclusion we currently have in the language; but like I said there have been three different interpretations particularly on corner lots as to what is going to happen there. The one example I had went from 32 notifications to 95 notifications. We still need to clarify it.

Mr. Vanover: I was going to have a special report from Council because there was a lot of discussion and as you can imagine input and it ran from the entire street, so if you take a street like Lawnview or Kemper it is a Pandora's Box. One thing we all agreed on is something that we used to do and we got away from, is to go back to the signs.

Chairman Darby: So, we will have this discussion at the next meeting.

Mr. Okum: I think we need to look at how other notices are given in other communities.

Mr. McErlane: We did.

Mr. Okum: The simple thing is the sign but in addition to that is a copy of the application request like the real estate people use in the boxes on the real estate signs that have information that you can pull. The public notice could be put in the public right of way adjacent to the property.

Mr. McErlane: We are not going to place it that close to the curb.

Mr. Okum: So it must be placed on the property. The biggest objection to signs being placed in the yards is the response of not knowing what is happening there. It is alarming.

Mrs. Ghantous: I think that is a really good idea of what you are saying about possibly having the information available there because that prevents, from the case we were listening to, which was gossip and hearsay because people didn't know exactly all the parameters that were being requested.

Mr. Okum: The Board of Zoning Appeals could easily determine what items are going to be in the box, obviously the application and the Section of the Code that the variance is requested from.

Chairman Darby: All of this is good but it is putting the cart before the horse because we were prepared to discuss this issue based on what was presented tonight, but they are back to the drawing board; and this may be appropriate with what comes to us next month.

B. Chairman Darby: Another item for discussion is the Storm Water Regulation amendment.

Mr. McErlane: The Storm Water Quality Regulations that were put into the Storm Water Regulations last year that are being mandated by the State and the Feds now have a requirement that may have been in there a while ago but it didn't get implemented. The property owner who implements the water quality standards has to do annual inspections of those and clean those items if necessary and also is required to covenant that against the property. Basically, they have to come to an agreement and it has to be covenanted so that the future property owners know they have that requirement to maintain and inspect their water quality features on the property. We do have a sample agreement that we are working on and tweaking and this basically implements language that says there is a requirement for an inspection and there is a requirement for the agreement and there is a requirement to make whatever changes need to be made to bring it back to the conditions it needs to be. We are talking water quality, so we are talking about filters and rain gardens and those types of things that have to be maintained from time to time.

Chairman Darby: So, exactly what are you asking of us tonight?

Mr. McErlane: Referral to Council for adoption.

Mr. Okum: I move to refer these documents to Council for consideration.  
(Mr. Vanover seconded the motion and with five affirmative votes from the Planning Commission Members present the request to refer the Storm Water Regulation amendment to Council was approved.)

C. Ms. McBride: We talked about this a little bit earlier this evening relative to the Autism Center. When the Corridor plan was done, then this map was created as a part of that; that then has become how we interpret what properties are in the district and what sub-areas are located within. If you pull the Zoning map, I would not even know that they were in the Corridor Review District because the designation does not appear on our Zoning map. What we would like to do with Planning Commission's direction is to take a look at it, on a more property by property direction, which properties are appropriate to include in the Corridor Review District and to make a recommendation and come back to Planning Commission with a recommendation as to which properties should be included. Again, keeping the four sub-districts and keeping the intent of the district in tact. That then could be incorporated by CDS onto our Zoning map, so that everyone would be very much aware of, "they're in the district and they are in sub-area A, or

in sub-area D”, or whatever. We would just like your guidance this evening that we should begin to take a look at this.

Mr. Vanover: I wholeheartedly concur.

Mr. Okum: I think you hit it on the head when you said earlier tonight that there was a study area but there was never an implementation area that was distinguished different than this study area.

Ms. McBride: When it was done there was no Cagis and things have really advanced beyond that and now we have the tools to better implement the intent of the Corridor District, so that is the recommendation that we would like to come back to the Commission with.

Mr. Okum: I move to refer that to Staff for evaluation and application.  
(Mrs. Boice seconded the motion.)

Chairman Darby: It has been moved and seconded that we move this on.

D. Mr. Okum: I called Staff regarding the trees on Mitchell’s property.

Mr. McErlane: I have a meeting on Monday to talk about all the other trees that need to be replaced.

Mr. Okum: Also, Springdale Plaza has taken out the buffer area, the mulch area and they need to do something about it. They are concreting that separation area between the driving lane and the parking field all the way across.

Mr. McErlane: They talked to me about some crossovers.

Mr. Okum: Well, now it is solid so it is one big crossover.

E. Mr. Okum: The other item I have is Dave and Buster’s changed their atmospheric graphic panels on the front of the building and two of them became information or wording, not graphic but more information. It would be hard for me to consider that not signage versus an atmospheric graphic panel. If we approved it, I understand.

Mr. McErlane: I approved it but it is not any different than saying, “Eat, Play”, or whatever.

Ms. Ghantous: What does it say?

Mr. Okum: It doesn’t say, “Dave and Buster’s”, it is a statement.

Mr. McErlane: There are six panels and four of them have pictures and the two that are in the middle of each of those groups of three have some kind of text. It is not too dissimilar to the other panels that said “Eat, Drink and Play”.

Mr. Okum: I understand, but they were mixed with graphics that were sort of eating it up and now it becomes more than just wording. I think it sort of jumps out and it doesn’t hurt.

Mr. McErlane: Well, it doesn’t say “Dave and Buster’s”.

Ms. McBride: You start to get into a real content issue here.

Mr. Okum: I understand. The other ones looked like atmospheric graphic panels with some art and 5% or 10% wording, like we have on the Tri-County Mall.

Chairman Darby: How can you get into content about something that wasn't supposed to be a sign anyway?

Mr. Okum: I understand. We need to be concerned about that when we are approving atmospheric graphic panels with a limited amount of text. I don't care what the text says.

IX. CHAIRMAN'S REPORT

Chairman Darby: You can see that signs were approved (CVS Pharmacy). Also, I would like to thank Mr. Okum for being so adamant that our electronic display board be built to a different standard than billboards on poles and Mr. Vanover who showed the representatives how to add the "Mohawk" feature; it looks good.

X. ADJOURNMENT

Mr. Okum moved to adjourn; Mr. Vanover seconded the motion and the meeting adjourned at 9:11 p.m.

Respectfully submitted,

\_\_\_\_\_, 2012 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2012 \_\_\_\_\_  
Richard Bauer, Secretary