

PLANNING COMMISSION MEETING

October 11, 2016

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Richard Bauer, Don Darby, Tom Hall, Marjorie Harlow,  
Lawrence Hawkins, Dave Okum, Joe Ramirez

Staff Present: Liz Fields, Representative of City Planner; Don Shvegza, City  
Engineer; Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF SEPTEMBER 13th, 2016

Chairman Darby: At this time, the Chair will accept a motion to adopt the Minutes of our previous meeting of September 13th, 2016.

Mr. Hawkins motioned to accept the minutes. Mr. Okum seconded the motion. The minutes were approved with a 6-0 vote, as Mrs. Harlow abstained.

V. REPORT ON COUNCIL

Mrs. Harlow: Council met on October 5<sup>th</sup> (Discussion with Chairman Darby, off mic, about Mr. Hawkins having given the report at the previous meeting). We had two items of business under Ordinances and Resolutions. One was an Ordinance authorizing the Mayor and Clerk of Council/ Finance Director to enter into a collective bargaining agreement with our Springdale Professional Firefighters (in reference to Mr. Hawkins: Maybe he needs to give this all the time, because I'm not getting it out!). We also had a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and this has been a practice that we have done for years and years, and the rate has not changed at all. It's stayed the same.

Under New Business, I brought up a Springdale Clean-Up Day that we would get our citizens to invest one Saturday into sprucing up our Community, and our Committee met this afternoon, and we're going to call it Spruce Up Springdale. Our first date that we picked is April 29<sup>th</sup>, and we have a rain date of May 7<sup>th</sup>. Some of the things that we want to do are we want to get volunteer organizations from different churches, schools, Boy Scouts, Girl Scouts, to work in the parks as well as to help us with any of our residents who are not physically able to go out and do some spruce up on their own. If they contact us and let us know that they'd like their front door painted or some bushes trimmed, we'll get the volunteers there to do that. And then we're going to cap it off with hot dogs in the park afterwards. So I think it'll be a great community day; it'll be a day we can all get together, make some new friends, and make our city shine.

VI. CORRESPONDENCE - none

VII. NEW BUSINESS

A. People Ready, a True Blue Company, 1343 East Kemper Road, Springdale, Ohio, brought by Atlantic Signs for a Minor Modification of a PUD (Application #31335)

Chairman Darby: Rep, please come forward. Identify yourself please.

Mr. Reed: Hi, my name is Tommy Reed. I'm with Atlantic Sign Company, 2328 Florence Avenue, Cincinnati, Ohio, 45206. We've proposed for a wall sign totaling 22.8 square feet at the address at 1343 East Kemper Road. The existing sign is a 26 square foot sign, so we're proposing smaller. The snagging point, or what we're running up against, is the currently PUD or the text amendment allows 9.9 square feet

of sign area for this tenant, and we were hoping to kind of maybe piggyback this on with the text amendment or code resolution that you're going to discuss coming up. The wall itself is 14' high, 17'8" of frontage, plenty of wall space there, again, replacing an existing 26 square foot sign with a 22.8 square foot sign.

Ms. Fields provided the Staff report.

Mr. Reed: And we would keep our proposal at the 22.8 square feet even though 46 square feet would be allowed. This permit application has already been submitted, and that's what the customer has requested.

Mr. Okum: Based upon what I can see here in the illustration provided by Staff, the existing sign was depicted as Labor Ready, is that correct? And that was 22.8 square feet, and sometimes it takes working through these things to realize what's right and what's not right. I'm not quite sure if the 46 square feet would be right for this based upon what I'm looking at here, because the Labor Ready, based upon the size of that storefront, seems to be right in balance, and certainly the People Ready sign is appropriate as well, so I would support the request for the 22.8 square foot requested sign as presented.

Mrs. Harlow: I understand that this is an item that needs to be decided whether it's a major or minor modification to the PUD. I believe that it is a minor Mr. Hawkins?

Mr. Hawkins: I agree. I believe it's a minor modification to the PUD as well.

Mr. Reed: Thank you very much.

Mr. Okum motioned to approve the modification. Mrs. Harlow seconded the motion, and it was approved with a vote of 7-0.

#### VIII. OLD BUSINESS

##### A. Proposed Zoning Code Text Amendments

Chairman Darby: I'm sure everyone recalls that some time ago when we entered into this initiative to amend the Zoning Code, our consultants and Staff mentioned to us upon several occasions that there would be times when they would come back to us to correct some things that had been included, and this is one of those occasions, so I'm going to ask Ms. Fields if she would take us through this. And welcome!

Ms. Fields: Thanks! The revisions before you, the table that you have in front of you in your packet outlines all of the changes that have been made to the Code, including the section number and page number and kind of a summary. I did this in chronological order in the Code, so it's kind of a mismatch of, some of these revisions are substantial changes like how we're going to calculate sign size. Some are purely clean-up of typos or it said "enforced" and it should have said "reinforced". Things like that. So I'm going to keep the presentation focused on the more substantial changes. At the end. I'll kind of quickly go over those housekeeping items, because most of those are not substantial changes to the Code. So as we kind of go through this, we're not going to go in order of this table, because I also did, in the presentation, group things based on topic because there's different parts in the Code that may address the same thing that we changed kind of the same thing in a couple different places.

The first one, this was request by the City Manager and the Chair of Planning Commission to add a regulation for our re-zonings including PUD re-zonings, that if a rezoning was denied by Planning Commission, that the applicant has to request to the City to be heard by City Council. Currently it's automatic that if you go to Planning Commission and you're denied, you would automatically be sent to Council, unless the applicant chose to withdraw that application. So this is changing that basically if you're denied by Planning Commission, you would end, unless the applicant specifically would request to go forward to Council.

Mr. Okum: (Off mic, inaudible)

Ms. Fields: Yeah, I think that would make more sense.

Mr. Okum: Do we have a time limit period that they have to make that request in that section? I would think that they would have to give notice within so many days after the decision's been made for the purposes of a moratorium on that issue.

Ms. Fields: Mr. Forbes drafted the language and he did not include a time limit. If this is kind of the consensus of the Board to add a time limit of either 30 days or before the next Council meeting or whatever is appropriate...

Mr. Okum: I mean otherwise the applicant could come in six months after denial and make a request, and then we're trying to refresh and regather all of our thoughts, everything that's been documented. We certainly need to set a time limit, in my opinion.

Mr. Hawkins: I agree with Mr. Okum that it makes sense to put some type of time constraints in that, and I'm assuming that request would be something that the applicant would be waiting to make after it comes through Planning to see if it's approved or not, opposed to something that they make with their initial application saying even in the alternative that we're denied, we want to be able to go before Council. But I'm assuming that's it's something that's going to be a reactionary thing based on what this Board does.

Ms. Fields: Yes, I mean if you submit the re-zoning, you anticipate you're going to Planning Commission and Council. If it doesn't go your way at Planning Commission, that's when the applicant would need to make the decision how he wants to proceed. I don't think it would happen beforehand. I don't think that's probably appropriate.

Mr. Hawkins: What was the thought process around making this change?

Ms. Fields: It was initiated, and the idea brought up, again by the City Manager and I believe also Mr. Darby, so I don't know if...

Chairman Darby: The Chair was supportive. The problem emanated because as...

Mr. Okum: off mic, inaudible

Chairman Darby: Yeah, I'll give my version. (To Mr. Thamann) Come on up.

Mr. Thamann: (Off mic, inaudible)

Chairman Darby: You can speak for Derrick. And then you'll knock it out.

Mr. Thamann: Good evening.

Chairman Darby: Turn your mic on!

Mr. Thamann: It's on. The reason we requested this is because if an applicant comes to Planning Commission and is denied or rejected by the Planning Commission, that applicant could just sit on that and not do anything. We go ahead and do the advertisement. We put it in the paper, announce that we're going to hold a public hearing. That applicant may never show up at Council because they feel they're not going to get the support of Council because they already have been denied by Planning Commission. SO we thought, let's require them to request to move forward if they received a denial from Planning Commission and I agree with you that we should put some type of time restraint on it. The 30 day time frame, Liz mentioned either before the next Council meeting or 30 days, and I think 30 days is probably a better fit than saying the Next Council meeting. Sometimes we only have one

Council meeting a month, so I think if we just leave it to 30 days it's probably a better fit.

Mr. Okum: There are some special time limits and sequential order that needs to be applied. They need to get a letter of denial from us, unless we're going on the verbal disposition of this body. Then once they've been given notice, it could be notice in verbal or notice in writing, then we would need, if they're going to go to Council, we need to get, we have a certain period of time that we have to advertise in order to get that sequence working. I think 30 days is fair, but I think that Staff needs to look at that timeline of sequential order so that this process is fair, but it doesn't extend it out further than what we would think is normal.

Mrs. Harlow: I was thinking 30 days also.

Mr. Taylor: The current code requires 15 day advertisement period, so I think the 30 days is workable. In fact, that's why we changed all of our submission dates that come before your body and BZA, everything now. Basically we try to get a 30 day window so that we have an opportunity to get it in the paper, and again part of the reasoning is it's much less expensive for the City to advertise in Tri-County Press than it is in the Enquirer, so if we only have to provide 15 days' notice, that normally gives us enough time to get it in a printing of the Tri-County Press which we can do at a fairly reasonable rate. I mean it's a huge cost; it's an order of magnitude difference. You can put a legal ad in the Tri-County Press for \$20-\$30, and it's \$200-\$300 if it has to go in the Enquirer.

Mr. Thamann: If I could add also, if the applicant submits a request to go to Council on the 29<sup>th</sup> or 30<sup>th</sup> day, they would then be told there are requirements for advertisement, and so we could then tell them when they could expect to be in front of Council.

Mr. Hawkins: Along the lines of what Mr. Okum had to say, and I trust Staff and Mr. Forbes to wordsmith this further, I would be in favor of the time starting with the action of the Board. Again, if Staff or Mr. Forbes thinks there is some issue with that and thinks we need to have some kind of formal written letter going out to them, so be it, but I think that they're going to be present for the hearing and they'll know; they'll have notice at that point that it's been denied, that we start the clock there as opposed to having to worry about thirty days from when you get notice, from when the letter is dated, what have you. So that's my suggestion, again in talking to Mr. Forbes and you guys putting your heads together, whatever you think is best.

Mrs. Harlow: Mr. Darby, we could have a document here made up in advance that was either or approval or denial, and if it was a denial, it would be signed off on by the Chair and handed to them. And then the clock could start ticking right there.

Chairman Darby: I have no problem with that if that would fit in with the Administrative scheme, and of course if Mr. Forbes concurs with that approach.

Ms. Fields: We can confirm with him on that. With Mr. Forbes.

Chairman Darby: That would be an expeditious way to approach it.

Mr. Okum: The simplest way is if we don't need to have a form that we have to sign and certify. If we accidentally forget to sign to that form... I agree with Mr. Hawkins, if it can be simply the, at the time of action of this Commission, that way it goes by the date we act on it, because some Public Hearings continue on for several times, so that would be a good way of doing it. I think you're right, what Mr. Taylor said in timing. You've got enough time to advertise it as long as they provide notice and adequate time that it can be advertised, and that has to be in the wording, and Mr. Forbes can wordsmith it to make sure it's right for the City and for the applicant.

Chairman Darby: But is it not the case, and I'm not sure what happens once it leaves us now, but what do we do to assure that that applicant who has been denied knows what those timelines are?

Mr. Taylor: Well currently, we automatically pass it to Council, and that's the reason for the Code change. Typically in the case of a denial currently, there's no formal document provided. There is a zoning certificate provided when you all approve something.

Mrs. Harlow: Wouldn't an applicant need a denial letter in case they wanted to take it to a court? Wouldn't there need to be some type of written document that would...

Mr. Taylor: I can't answer that. I really don't know.

Mrs. Harlow: I would tend to think there would need to be something.

Ms. Fields: Since Planning Commission is the recommendation body, you're just recommending denial to City Council. City Council would be the Board that would actually approve or deny the re-zoning, so that official denial letter I think would be more appropriate from City Council and not Planning Commission because your denial right now does not end the process. They would continue on. So it's still, at this point, a recommendation of a denial and I think if this change is made, that process is still the case; they just have to request to move on and have that recommendation forwarded to City Council.

Chairman Darby: Let me throw a little bit more history in here. When Mr. Parham presented this at Staff meeting, this year we have had two cases go to Council. Two of our denials. And these are the only cases that have ever gone to Council since Mr. Parham has been here, is that correct?

Mr. Thamann: Denials.

Chairman Darby: I'm speaking of denials. And that's why he was concerned about having it codified just as to who was going to go to Council and who was not, because it puts a burden on Staff to do things, well they automatically do them, but in the past this has not been very common. This year we've had two. So I think what we're hearing is that if Mr. Forbes can clean up the language relating to the timeliness Mr. Okum presented, Mrs. Harlow agreed, Mr. Hawkins. Is that where we are? But I'm also impressed with Ms. Fields' response about the fact that we do know we are just a recommending board.

Ms. Fields: It also seems that there may still want to be a letter that comes from this Board after denial of a re-zoning, just so that the applicant knows that they need to request it to be moved on. This is not a common practice in zoning codes, and so it's something that if you've done this before, if it's an engineer or an architect's office that does this a lot, they may not realize that they need to request it to be moved on to City Council. So I think that's something we may also want to check with Mr. Forbes on, on what he would recommend and on language or on some sort of communication from your Board, whether it's at the meeting or something that's handed out afterwards.

Mr. Hawkins: Exactly along the lines of Ms. Fields, it's important that communication is clear with the applicant with regard to what the process is, because I guess I sort of understand why Administration wants to do this. I don't think we've had an issue with somebody not showing up though in the instances we just dealt with, as I'm recalling that were suggested to be denied. If I'm playing devil's advocate, the concern becomes are we making the process more difficult for the applicant and from the City perspective, it's not necessarily our problem, but I want to make sure that we're being clear so the applicant understand the process. The applicant shows up and says "I'm petitioning the City for re-zoning" and they think in that process ultimately City Council is going to make a decision on that, and that this Commission

is going to be the first step in terms of making recommendation to City Council and then City Council's going to make a decisions whether they go with the recommendation of Planning Commission or not. All of a sudden, that's not what that process is. That process is saying "I want to go before Planning Commission to see if they recommend this to go up to City Council" essentially with an approval, opposed to "I'm coming before the City with the mindset that they're going to make a decision on my re-zoning". I'm just saying it's, I understand the City's interest and Administration's interest and I can understand the benefit myself as a Council member, but playing the other side, that would be my concern. It may not be clear, so I want to make sure that whatever applicant's coming forward, they understand what that process looks like, because it changes things a little bit more than where we are right now.

Mr. Thamann: One thought I had, and I don't want to speak for Mr. Taylor, and I don't know how he develops his applications and all the forms he uses, but one thing we could possibly do is add language to that application "If the recommendation from the Planning Commission is denial, the applicant must request to move forward to Council" and cite the section of the code that they can refer to, so they know. They're put on record right there, from the time they fill the application out.

Mr. Okum: That's a good idea, Jerry, because what happens is that you frequently the owners, not frequently but on occasion the owners are not present and only representatives of the owners, but the owners do sign off on the request. So let's say it's a sign company making a revision to a PUD regarding sign size or additional signage on a site that's a change to the PUD, and we deny it, we don't require that?

Ms. Fields: it would only apply to re-zonings.

Mr. Okum: Just on the re-zoning part?

Ms. Fields: Just on the re-zonings.

Mr. Okum: Just on the re-zoning part of the PUD, not on the contents.

Mr. Thamann: Right.

Ms. Fields: With a concept plan in re-zoning and then a straight zone change.

Mr. Okum: Back up. Back up. But it's still in any case there are representatives of the applicant many times, you represent them sometimes, Liz, other hats, but it would be good that that owner is given notice and sees the notice, and there's nothing, I agree with you Jerry, it should be as clear as it can.

Chairman Darby: It's all about the communication.

Mr. Okum: That being said, we got through one.

Chairman Darby: So we can expect to see this again once it's been reworked.

Mr. Okum: I don't see a need to see it. Whatever, if we can get through this and we don't need...

Chairman Darby: We'll trust Staff.

Mr. Okum: We'll trust Staff to deal with the language and Law Director, because it's going to Council and we're making recommendation. Get the wording right and...

Chairman Darby: Okay, well I think we're probably going to need a vote on that.

Mr. Okum motioned to add a time limit; Mr. Bauer seconded. The motion was approved with a vote of 7-0.

Ms. Fields: Another change we made based on a recent application, we identified that there were some issues with our definition of Community Social Service Facilities, so we reviewed that and are proposing an update to the definition of Community Social Service Facilities. With that change in definition, the use table for both the non-residential and the residential zoning districts stated the, the use that was stated in that table was "Community Social Services except group homes and adult group homes". Since we changed the definition of Community Social Services, we specifically state that that definition does not include a residential use, so we just removed that statement of "except group homes and adult group homes" from the use name, because now we're taking care of that with the definition, So mainly a clean-up item.

Chairman Darby: Let's just treat this like a conversation. So we'll interact with her as we move in if you have any questions, okay?

Mr. Okum: No questions.

Ms. Fields: The next one is items regarding non-residential permitted uses, so this is 253-1 which is on page 32. These are kind of the different changes we made to this table. One change was, it previously stated "retail sales and services". When I drafted the code, I assumed, I meant for retail services to mean personal services. There was some confusion there, so we just decided to have a separate use of personal services and then remove the "services" from retail, so now it just "personal services" and then "retail sales".

The next one is we added "installation of products purchased on premise" as an accessory use in GB and SS. This came out of the Northland Boulevard study that we conducted regarding especially the SS zone. This was our idea of if you have for example a Best Buy, buy you're installing radios and things like that, that sort of installation wasn't technically permitted under the code, so this is just clarifying that if you're buying something on site and you're installing it on site, that that's an allowed accessory use. We anticipate that that mainly would be kind of car things like if you buy a battery at Brakes Plus or something like that and you install it on site.

The next one is we added standards for mobile use food and mobile use medical. In a little bit we'll go over those details, but we added those as permitted uses to the use table.

And then we inadvertently left out storage structures and accessory buildings as approved accessory use in the non-residential zones. There were conditions of how to regulate them, or there were setbacks but there were not actually conditions of how to regulate accessory buildings in non-residential zones. So we made sure we added that in.

We made a couple changes to the non-residential fence regulations. We are stating that only chain-link and barbed -wire are allowed in the GI zoning districts, and then we added some permitted materials for fences in the other zoning districts, such as wood and metal and wrought iron, aluminum that looks like wrought iron, things like that. So that was an update to material standards for fences.

Mr. Okum: Liz, what if they had an aluminum solid fence structure? IS that a permitted application?

Ms. Fields: Let me double check. It was on page 40 and 41.

Mr. Okum: I'm referring to like a metal, like a structure with a metal panel roof as a fence system. Would that be a permitted fence?

Ms. Fields: So where the code states that in PF, OB, GB, and SS, "fences shall be constructed out of wood, vinyl, wrought iron, aluminum or other similar material subject to approval of the Building Official" so it doesn't state if they are okay.

Mr. Okum: So there's no opaque, that's what I'm referring to.

Ms. Fields: Yeah it doesn't have an opacity requirement.

Mr. Okum: Okay, so it could be a wall as a fence. Masonry wall.

Ms. Fields: Yes.

Mr. Hawkins: I just want to be clear in terms of the barbed wire. Right now, that's allowed where?

Mr. Okum: GI.

Mr. Hawkins: Just GI? And so in terms of barbed wire...

Mr. Taylor: That's where it's going to stay. Can't be anywhere else.

Mr. Hawkins: Okay. I just wanted to make sure.

Mr. Taylor: And no razor wire.

Mr. Hawkins: Okay. Was that the, was it barbed wire or razor wire we were dealing with at the old Walmart?

Mr. Okum: Razor.

Mr. Hawkins: Razor. Okay.

Ms. Fields: So that would still not be allowed.

This came out of discussions with Staff. The desire to add in new standards for mobile uses, mainly mobile uses for food such as food trucks and then medical mobile uses such as blood mobiles or mammogram mobiles, thing like that. So we researched various communities' codes on how they deal with these mobile uses and proposed standards in the code for these uses. So you can find those on 41 and 42 and on to 43. So they're separated by food and by medical. The regulations discuss where they're allowed, the location; lighting standards; signage standards; hours of operation; noise; parking; things like that. I can go into this in more detail or if you have any questions on this. Again this is something new that has been added to the code. But I can move on.

Mr. Okum: No questions.

Ms. Fields: Okay. This was regarding the retail sales in the SS zone. This was also an outcome of the Northland Boulevard zoning study that we conducted. We looked at the existing uses in that zone, especially, really the SS zone is focused on the section of Northland Boulevard. Besides that, it's only the Lowe's that is zoned SS, and looked at the existing businesses that have a retail sales component and we're proposing to increase the allowance from 10% to 20% of the total building area. This was a result of a request from Frame USA and then the Off-road Jeep, I'm forgetting the name of that company, but both of those companies we were concerned that they were in excess of that 10% so kind of based on a study of the square footage of those buildings 20% seemed to be a more comparable allowance so that we would still keep these businesses in this corridor in sort of service industry, but allow a little bit more flexibility in how much retail sales were conducted there.

The next one is regarding non-residential accessory structures and buildings. AS I stated before, we did not have standards for these in the new code. This was definitely a mistake and was left out, so we wanted to make sure we added them in. We looked at the standards for what we had in the residential section and then updated them to make sense in non-residential. They have larger square footage than allowed in residential and things like that. It addressed also I believe materials

and things like that so that they're more in line with the look and feel of the principal structure.

Sign changes. So this is another, let me get to that page. So our proposed sign changes are all listed here so I'll go through by these one by one, and again if you have questions, we can address them as we go. The first one up there is we changed how sign height is measured. Oh, in the section that was referenced there, 257(F)(2)(b), it described how sign height was measured. We drafted a new definition for sign height. Sign height wasn't defined in the code, and so we removed how sign height is measured from this section of the code, because now it's being taken care of by the new definition. The next one is identifying exemptions for temporary signs in the right of way. This goes in line with the...

Mr. Taylor: Community-type things.

Ms. Fields: Yeah, I think it's on the next; there are two slides of sign changes. Let's see if I can find it. There we go. So that second one on this slide, we are proposing to allow temporary signs in the right of way for City events or activities, so we needed to put something in the code that allowed an exemption for temporary signs in the right of way, but then we're stating that it's only allowed for City events and activities.

Mr. Okum: Liz, is that, and I don't question the need for that, could that be challenged by someone wishing to put signs up in the right of way, because what's good for the government is not good enough for, I mean the government has control of the property.

Chairman Darby: They own it.

Mr. Okum: Well, they own it, but...

Chairman Darby: Mrs. Harlow, I think you might want to, I know this was discussed at Council.

Mrs. Harlow: Right. Mayor Webster discussed this at Council, and he said that it was brought to the attention that the residents weren't allowed to do that, but the City was doing it to advertise for soccer signs ups or sports sign ups, Comeunity Bash, and the City simply didn't want to be outside the law so it was recommended that they do an exemption for temporary signs in the right of way for government.

Mr. Okum: And I support that. I just want to make sure that legally we're on a stable...

Mrs. Harlow: Well, that's the man at the other end down there, legally.

Mr. Hawkins: I'm not on the clock right now. I'm happy to bill the City. But yeah, as Mrs. Harlow said, I think Mr. Shroyer had brought it to the Administration's attention that previously the way the law was, nobody had the authority to put signs in the right of way, and so in order just to make sure that no one's sitting there going, "Well why are you guys doing it if no one's supposed to do it?" And again, I sort of questioned it first when it came up. Council was like, well it's the City's land and the City can do whatever it wants to it, in theory, but we have these confines as we do as residents, we have confines with what we can do. So, the idea was to just make sure that we're conforming with what the code actually says.

Mr. Okum: And there's other communities that do this?

Mr. Hawkins: That I don't know. I don't know if Mr. Forbes had any...

Ms. Fields: I'd have to check again with Mr. Forbes. I don't recall if he looked at this specifically. The community I worked in in Colorado allowed an exemption for both the City and for other public jurisdictions, so like churches and schools could also put

signs in the right of way. I don't know if I'm familiar with any codes that just exempt the City to do it. Again, we can verify that with Mr. Forbes.

Mr. Okum: As long as it's legal and it doesn't present an unfair position, don't see a problem with it. I just want to make sure that we're on good legal ground that someone doesn't challenge us to the fact that, "Hey, you guys have created legislation that puts you in a position." Now it's for public information. It's pretty easy to defend, in my opinion, that it's for purposes of the people of the community as a whole, so it gives a position that I think would be a very stable position, but I just don't want to be challenged on it by a church or a fraternal organization or whatever of that nature that wants to do it as well. That's all I had.

Mrs. Harlow: I brought it up a couple Council meeting ago that I thought it was really important that we get some kind of small digital signage throughout our community at different key locations that lets our residents know what's going on. I think that we really, really need to communicate with our residents, and a lot of the people from Heritage Hill or Beacon or Oxford or the other Olde Gate or other parts of the community don't drive past the Community Center to see what's on the bulletin board, so they don't get to see things that are happening. So hopefully this will be just a temporary fix until we do get some of that signage out there that will let our residents know what's going on in our city in a much better fashion.

Mr. Okum: Years ago, Heritage Hill had a big sign at the school, by the school, and it was really nice when we lived in Heritage Hill that as you were driving down Chesterdale, there was that sign telling you what's going on in the community and it was maintained by I think the PTA at the time. It was pretty much in the right of way. Frankly, it was in the right of way, but it was really nice that it was there because it did give us information non what's happening in the City because people, like you said. Heritage Hill, Beacon Hill, Oxford Hills, they're on the outer areas of the community. They're not central core. They're not always on Lawnview to know.

Mrs. Harlow: Right. So what we're hoping is that this is a solution to our temporary signs in the right of way and that we'll be able to move these electronic signs forward a lot faster and get all kinds of information out to our residents.

Chairman Darby: Mr. Hawkins, you had another comment on this?

Mr. Hawkins: Just along the lines of what Mr. Okum said, that obviously the concern to make sure we're in a defensible position. I think this change actually helps us a little bit more than where we are right now, where we're saying nobody can put anything in the right of way and then we're doing it. That I think gives somebody a little more credence to argue, "Well if you guys can do it, then why can't anybody else do it?" So it should be helpful.

Mr. Okum: I agree.

Chairman Darby: Moving on.

Ms. Fields: Now we're on to the third one on that list. We clarified that sign height is measured at the closest point of the sign to the right of way. If you have a lot that has a substantial grade and you have a six foot high sign and you're measuring from back here, then you're really having a ten foot sign right next to the right of way. So we wanted to clarify that height is measured from the closest point to the right of way. So that was done in a couple places in the code.

The fourth one is we added, we have the table 459-1 which has the permitted signs. That table did not include manual changeable electronic signs, even though we had those standards in the code, so we just added them to the code to make it more user friendly. Added it to the table to make it more user friendly.

The last one on that list is the bigger one. We changed how wall sign allowance is calculated, and added in maximum sign size, so I'm going to go into this one a little

bit more. The previous code, if I recall this correctly, for wall signs allowed 1.5 times the linear feet of the building, and then you got to add 40 square feet to that. So that was how the old wall signage calculation was done. That worked well for some businesses but not all. We ran into a problem, especially with some of the larger tenants in the City, that that did not create enough signage for them, and the City kept on getting variances for especially those larger tenants. We proposed in the new code to measure it a different way, and to have wall signage be calculated by a percentage of the front façade, or the façade that sign was to be located on. So we changed it to have it be on the front façade you could have four percent of that façade be wall signage, and the side I believe it was 2%, and then if you're really far back from the road, you get a little bonus in that percentage. We realized even though we made this change to benefit the larger tenants, we did not do our due diligence at that time to see how it affected the smaller businesses, and you saw tonight was a perfect example of how that calculation does not work for the little guys. If you only have eighteen feet of frontage, and a 12 or 14 foot tall building, ten square feet is nothing. So we looked at what changed and we looked back at the old code, and we were going to change it just back to how the old code did it, but we altered it a little bit. So what we have in front of you is we're proposing that wall signage be equal to the building frontage times that 1.5, but plus twenty. We did some calculations and looked at some existing buildings and signage and thought that that was a little bit more manageable, especially the old sign code was a little excessive for some of the smaller tenants. This still may, as with the previous example, it would have allowed 46 square feet with this proposal. The old code would have allowed 66 square feet, so we reined it in a little bit. We also added in an allowance that if a building is a minimum of 400 feet back from the right of way, they get the building frontage times 2 and then plus 40, so if you are back from the right of way, you are still going to get a little bonus so we're trying to both fix this for the little guys but not hurt the big guys again. So we did a little bit more testing of this one. Hopefully this is a better fit, but again, just like with the existing code, we won't really know until you start using it.

Mr. Okum: I'm very, very pleased with these changes to the depth adjustment, because I've been an advocate of that for a good number of years because of that distance from the right of way. I'm also encouraged by the fact that you've been able to balance it out a little bit for the smaller frontage. The only thing I am a little concerned about is tonight that number would have been too much for that space, and...

Chairman Darby: 46?

Mr. Okum: Yeah the 46. If you look at People Ready, if you put 46 on that, now they have to maintain 3 feet from each end, the only thing they could do is go vertical, but they could literally go vertical as long as they don't exceed, they have to stay on the façade, but I just want to make sure that we... It's really going in the right direction, but on the other hand, the other factors, that three foot is still a ledge that they can't go past, right?

Ms. Fields: Correct.

Mr. Taylor: Correct. And they can't go up.

Mr. Okum: They can't go; I mean could they go below the façade? The sign band? I mean take a look at this with that metal panel roof. Could they literally go, with their sign, from the bottom of that metal panel roof to the ridge to that metal capping at the roof? Could that literally be their sign space, if we were to interpret it as frontage?

Mr. Taylor: I think, you know it's supposed to be attached to the wall, and I don't know that we would allow it to be attached to the canopy and stand off the wall that far because it can only stand off the wall I think 18 inches if I'm not mistaken.

Ms. Fields: 18 inches.

Mr. Taylor: So I think with the side to side, you know the three feet on either side...

Mr. Okum: That helps.

Mr. Taylor: And the top of the façade, and then the fact that it can't stand off the wall very far, I think there's probably... Now, sure as I say this we're going to have yet another exception, but the idea is that there's enough other restrictions that would prevent us from having something that doesn't work very well.

Mr. Okum: And I think that when you do your report, any person in Staff, if they would in this particular case we were under the understanding that they could be 40 some square feet, but on the other hand there are other limitations...

Ms. Fields: Correct.

Mr. Okum: That would prohibit that because, that jumped out at me really quick. I said, "Wow! That would be a lot of sign on the front of that little business!" But on the other hand then, if you take a look at the business next to it that's got a much wider band, and these parameters, it must be a, it certainly would work out. I'm encouraged by it. I think a positive to it, like you said, we're going to see how it works. I'm an advocate for signage regulations to be as close to fair and right as they need to be, so that you're not constantly hitting your Board of Zoning Appeals with sign variances for something that should have been addressed in the code to start with that in a reasonable person's mind would have been right. So that being said, I'm not going to say change it. I'm just going to see we're going to have to look at it.

Ms. Fields: We can do some more studies.

Mr. Okum: This isn't etched in stone. This is the way it goes.

Ms. Fields: On to more sign changes. We added the ability for developments in the public facilities in the SS zone to have electronic signs, subject to a conditional use permit. We did not have any allowance for businesses in those two zones to have electronic signs, and it was, we kind of realized in certain circumstances they may be appropriate in those zones, so a conditional use permit seemed appropriate for that.

The next one on that last we've already addressed, so moving on to the third one. We added regulations for signage for temporary occupants. The City in the past has had some issues with temporary occupants such as the Halloween stores that come in, or pop-up retail for March Madness. Things like that. So we added a new section of the code to basically allow them to have a larger, more permanent banner for the life that they exist in that space. That would not fall under temporary signage, but would be kind of their own regulation for that use.

Lastly, we added a definition for sign height. So if there's any sign questions, this is the end of the sign section.

Mr. Okum: Just another comment in regard to the sign height. I think public right of way as a reference point for the height of the sign is dead on. You're not, without creating artificial mounds, hills, and so forth to create an elevation to place the sign on; I think it's much more appropriate.

Mrs. Harlow: How would the signs that I just spoke about the City having, how would that fit in here, because I know some of those would in PUDs.

Ms. Fields: So those would be...

Mrs. Harlow: They'd be sprinkled throughout the City.

Ms. Fields: I guess it depends on what zone they would be located in and which properties they'd be located in. They would have to be, with signs of larger than a

small temporary sign you would want that ten feet off the right of way, how we have all of our other permanent ground signs in the City. But they would require a sign easement or an easement from whoever owned that property, or if it was a City property we would give ourself an easement so if it was property we owned, then we would just have to look and see how it fits into the regulation. But it's not something that I think is clearly addressed in the sign code.

Mrs. Harlow: Okay.

Ms. Fields: Kind of a unique request.

Mr. Okum: Just to tag on to that, Liz, then but we do prohibit in our sign code still off premise signage is not permitted, correct?

Ms. Fields: Correct.

Mr. Okum: So I think what Mrs. Harlow has brought up is something we need to refine, because that's clearly an off premise sign. There are some instances in the City of Springdale where off premises signs exist, but I'd say that's a very, very small situation and not much notice about it, but in general we prohibit that. So let's say that the City is doing a functional, or they lease or have an agreement for an outparcel portion of a corner lot or something like that, or in a park which would be, City park, City property, but dedicated area or corner which is what you would typically find like in front of the Vitamin Shoppe where there's I believe dedicated area there on that corner that was dedicated to the City of Springdale. Then you're on, you're in dedicated land, you're on the City of Springdale property, doesn't really matter. It's where you would, if the City were to want to put one in let's say on the Target sign or on the Costco sign element, that's not necessarily, that's really an off premise sign, so we need to make sure that as this evolves we make sure that we address it so that it's not challenged.

Chairman Darby: Question. How would we define the City's premises?

Ms. Fields: City-owned property.

Mrs. Harlow: City-owned property, or if we have a...

Ms. Fields: If you have park land and you put up a sign, you wouldn't just have to advertise things that were happening on that park. You could advertise things that were happening throughout the City as long as it was on City-owned property. That is my understanding.

Chairman Darby: Okay. I was looking for a little loophole.

Mr. Ramirez: As I understand, this is just a draft. Do we have projected time, I guess the next step is when this is all finalized it goes to Council and they vote on this? Do we anticipate when that might happen?

Mr. Taylor: In a perfect world, I think, speaking for myself, my hope was that you all would be in a position to recommend this tonight, and then we could advertise it and take it to Council however the dates worked out with our advertising period, because since it's a change to the zoning text it would have to be a public hearing at Council. Just like it's a public hearing here. And the reason for some amount of urgency is because, in particular probably the signs, just so that we don't, we would have had to have heard in this particular case because it was in a PUD anyway, but if it would have matched the zoning, we could have at a Staff level discussed it with the Chairman of Planning Commission. We've got that authority; if it complied with the sign regulations you wouldn't have had to deal with it. But if it's in a, we get a lot of sign requests over the course of time, and so many of the spaces that are being re-badged are the smaller ones which are somewhat problematic. So I guess from my perspective, sooner is better than later, but it basically all hinges upon what you all feel like that right thing is. If you need to see it again, which I understand, we would

take it as soon as you recommend approval my intention would be to take it to Council at the next available time.

Mr. Ramirez: It's my opinion from what we've seen here tonight, there's some minor changed to things that I don't myself believe we need to see it again. I don't need to see it again. I have a follow up question though. When this is implemented and the zoning, these changes are approved and implemented, what happens to the folks that are non-compliant because of these changes?

Mr. Taylor: It would stay a non-conforming use, and as long as they don't change it, they're good to go, and then when they would make a change, they would have to make a change such that it was conforming.

Mr. Ramirez: Okay, thank you.

Ms. Fields: Most of the changes for things becoming non-conforming would have occurred with the original code adoption. Most of the changed in front of you tonight are allowing things to be a little more flexible for the most part.

Mrs. Harlow: On the signs, I just want to have it on the radar that this is something that I think Council really does want to have some signage for the City throughout the City, and however we need to get it zoned so that happens.

Mr. Okum: The best thing for Council to do based upon what I can see here is for it to be placed on deeded or dedicated property areas that have been given to the City by design or just by virtue of where it's at. That would be the simplest way. I would discourage the tying it in with other businesses.

Mrs. Harlow: Yeah, we imagine that. I wasn't in favor of that option.

Mr. Okum: Well, I just would discourage that because one business may feel, "Why is the City of Springdale favoring me over them?"

Mrs. Harlow: Right, I would prefer it to be a stand-alone sign.

Mr. Okum: And the best thing to do is put it on properties that have been dedicated. And this is very common in a lot of communities that there are dedicated areas given for park, dedicated areas given for corner entry areas, feature elements and so forth.

Mr. Taylor: I was just going to say, when you all approved the Tri-County Commerce Park on the GEEAA, there was at the corner there at 747 and Crescentville, you guys had a dedicated area for a monument sign, so that kind of thing can happen.

Mrs. Harlow: How does that work now that that is not at the current time a viable development? I mean is it still dedicated to us?

Mr. Taylor: At such time that they actually go forward with the plat, it would be dedicated. Because it...

Mrs. Harlow: So right now we can't use it.

Mr. Okum: No but Thornton's, not Thornton's but Vitamin Shoppe has dedicated corner that was committed to the City. So that's just one of...

Mrs. Harlow: So that has to get through development.

Mr. Okum: So there are places that have been committed.

Ms. Fields: And then lastly, these are just kind of the remaining clean-up items that I haven't addressed but that are in your table. Again most of them are typos or slight clarification of language. So that concludes proposed text amendments.

Chairman Darby: As I recall, as we have gone through this, there was only one item that required significant change and we were going to allow Staff to deal with that in conjunction with legal counsel. Is that correct? Just to kind of piggyback on what you were saying earlier.

Mr. Okum: Liz, yeah there's just one other item. One of the items I noticed you did get in there the accessory structures where commercial or industrial uses are next to residential uses and I saw that in the code, so I was glad to see that. I think the restriction is that it must be the distance that the building must be, the main principal building is separated from those properties and I appreciate you incorporating that into this because I was concerned about accessory structures at a five foot setback from a single family residence. Can be a little bit disheartening for a property owner.

Mr. Okum motioned to forward the amendments to Council. Mr. Ramirez seconded the motion and it was approved with a vote of 7-0.

Mr. Okum: If I may, just for the record so that everyone knows. This was a public hearing and we did, there was not a necessity to close the, it was a continuation of a public hearing, and for purpose of disclosure there was no one in the audience to comment in regards to this so I just want it to be part of the record so that we don't overlook anyone.

Chairman Darby: We knew that.

Mr. Okum: But people reading the minutes don't.

Mr. Okum closed the public hearing.

#### IX. DISCUSSION

Mr. Okum: It's great that Liz is here because she will appreciate this. A couple weeks ago I went to the OKI forum, Regional Planning Forum, and there was a spokesman speaking, not a spokesman, an attorney speaking in regards to medical marijuana and how it impacts our communities. And because I serve on OKI Regional Planning Commission and on Regional Planning Commission, I've had two discussions now. We've had the discussion at the Regional Planning Forum. I had a discussion at the Hamilton County Regional Planning Commission last Tuesday. At that level, there is no recommended, at the Regional Planning Commission there is no recommended verbiage or anything to be addressed. The topic was very interesting by the spokesman, or the gentleman from the legal firm, and he wasn't pro or either, he was just for information purposes and we all need to be aware of this that this new law that was passed by Ohio currently identifies this use that currently none of our zoning codes really identifies and can place. So until the law is written, until it's figured out by all the professional people, the recommendation is that communities such as the City of Springdale pass a moratorium on the use, which is 6 months typically, because that's the legal time for a moratorium, until such time that a law or the zoning could be changed or developed. The reason is that it's not a pharmacy. It's not a dispensary. It is some manufacturing because there's a process of liquefying the process and growing, and there's cultivation that goes on. It's everything that we've never had in zoning, and it's very unique because it's pretty cool actually, and get excited about it because it's something that we don't have a description for.

Chairman Darby: Watch out with the word "excited".

Mr. Okum: Okay, I'll be careful. But anyway, so based upon that there are, most of the legal firms are drafting up moratoriums that communities are, templates for the communities to use because it is a community standard, a community determination. It's up to the individual communities to determine where, how, and where these types of businesses will be located. And I'm not saying one way or the other. I don't have a preference either way, but I think it's up to the communities and all of Hamilton County and in our region, to make those determinations so we probably

need, and because this is, we are the Planning body for the City of Springdale and we are the ones to make recommendation to the City of Springdale, we probably should make a recommendation because we currently don't have something in our zoning code that would address it, that we could currently actually have an applicant come in and make application for space with the basis that we don't have a zoning...

Mrs. Harlow: We have a moratorium.

Mr. Okum: We do have a moratorium?

Mrs. Harlow: Yes.

Mr. Okum: When did we pass a moratorium?

Mrs. Harlow: A couple Council meetings ago.

Mr. Okum: We did?

Mrs. Harlow: Yes.

Mr. Okum: Well see I didn't know that.

Mrs. Harlow: Six months.

Mr. Okum: So I'm not going to talk to the choir any more about it.

Mrs. Harlow: No.

Mr. Okum: Well I feel a lot better. You had me all worried.

Mrs. Harlow: No, we have a moratorium. I wanted to bring something up in relationship to the same thing. I just was out in Denver, Colorado and I had the pleasure of sitting next to a man on the plane from Colorado. So I was telling him about our new medical marijuana law, and I asked him how things were done out in Colorado because they just have sales all over the place for any type of marijuana, not just medical. One of the interesting things he told me was because the marijuana issue in Colorado is a state issue, banking is federal. They have cash houses that are heavily armed and secured.

Chairman Darby: Can't put it in the bank.

Mrs. Harlow: They cannot put the money in the bank.

Chairman Darby: It's illegal drug money.

Mrs. Harlow: So in Central City, Colorado, I ventured into a pot dispensary and tried to talk to the gentleman.

Mr. Hawkins: For research purposes.

Mrs. Harlow: It was totally for research purposes.

Chairman Darby: What happens in Colorado stays in Colorado (laughter)

Mrs. Harlow: That's what we said, Mr. Darby! But when I told him where I was from and that they had just passed the law, and I said I'm just curious as to how this is working for you guys and how you handle the money. He really didn't want to talk to me about it. His comment was that they had only been open a couple months and they really hadn't made very much money yet. But I am concerned, because I could just see some gangs coming in and shooting up a safe house to get some money, and I don't want that in Springdale.

Chairman Darby: He said he hadn't made, but a number of those operations have made LOTS of money. They have LOTS of money in those houses.

Mrs. Harlow: I know. I mean are these houses that are just sprinkled throughout the neighborhood? I was, I never gave the banking part of it any thought. I thought about how far should it be from a school, how far should it be from here, I never gave the banking aspect of it any consideration whatsoever.

Chairman Darby: Well many times we've all been in banks where a courier or an employee will come in with the bank drop. That does not happen in that industry. It goes to that house.

Mr. Okum: Can you imagine those check cashing operations working out of one of those banks?

Mrs. Harlow: I really don't know that we can figure this out in six months on the moratorium that we decided upon in Council. I believe that we will probably have to ask for an extension of that.

Chairman Darby: How long has that moratorium been in place?

Mrs. Harlow: It's been in place about a month.

Mr. Okum: They're good for six months I believe. That's what I was told.

Chairman Darby: Are we aware if any other municipality in this vicinity has had to deal with any real problems on that issue?

Mrs. Harlow: Sharonville requested a moratorium as well. And I don't think any business have opened up as of yet.

Mr. Okum: No, but a business literally could make application, take possession of property with the anticipation of potentially having that business in that location.

Mrs. Harlow: And I also noticed where, and again I know it's different with medical marijuana as opposed to just regular marijuana, but I did notice where the different types of stores were located. They were just out in shops. They were in strip malls. They were on a corner where a gas station might have been at one time. Just anywhere. It didn't seem like zoning made a daggone bit of difference.

Mr. Okum: Because it's just a product and it's GB use.

Mrs. Harlow: It's just a product.

Mr. Hall: it's a retail store.

Mr. Hawkins: I was going to say that there are a lot of things that still have to be ironed out legally. As we often have legislatures that don't think everything through or don't set everything up and they pass legislation, that's what we have right now with this. It's not, everything's not ironed out yet and quite frankly, until the federal government sits there and says marijuana is no longer a controlled substance, you're going to have these issues in terms of how you're going to do things financially that are going to create some other problems too. So, the state legislature did what they did, and the governor, but there's still a lot of problems and issues that have to be worked out before this is going to be something that's mainstream.

Ms. Fields: Along the same lines, it's my understanding that there are still multiple years of legal issues that they still need to work out because the state hasn't figure out where they're going to grow, how they're going to grow, how they're going to dispense it to the different dispensaries. It was my understanding that the law only really allows that if you have a prescription for medical marijuana, that you can drive to a state that legally sells medical marijuana and bring it home. At this point, there's

no legal sales that can occur. It's definitely something to keep on the radar. I was working in Colorado when the medical marijuana was approved. We left right before it was legalized everywhere, but it was regulated differently there. The state required that communities couldn't ban it. You could only regulate it. Just like SOBs or liquor stores. You couldn't outright ban them, and so there was a lot of legal cases of communities doing moratoriums and then getting sued and long legal issues. I think it will just be a different process here and hopefully we can kind of figure out as a state the best way to do it, but you never know.

Chairman Darby: We went through a lot of things with the legislatures and what have you when this country went into and out of Prohibition, so different product, similar kinds of problems.

Mr. Okum: We had 3.2 beer when we were 18. You just drank twice as much.

Ms. Fields: Colorado still only sold 3.2 beer in grocery stores. You had to go to a liquor store to get more than 3.2 beer.

Mr. Okum: Indiana, I think it's Indiana has a thing where you can only buy so much when you carry it out. It's like a six-pack and it's all you're allowed to carry out of the business at a time as a single purchaser. It's one of the craziest things. It depends on where you are, how the law is written.

Mr. Hall: at the airport, you can't get a drink there until after one o'clock on Sunday.

Mr. Okum: Funny stuff.

Chairman Darby: Anything else from the group? Ms. Fields, again we want to thank you for coming. Good job.

X. CHAIRMAN'S REPORT - none

XI. ADJOURNMENT

Mrs. Harlow moved to adjourn. Mr. Hall seconded the motion and the City of Springdale Planning Commission meeting concluded at 8:21 p.m.

Respectfully submitted,

\_\_\_\_\_, 2016 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2016 \_\_\_\_\_  
Richard Bauer, Secretary