

PLANNING COMMISSION MEETING
August 8, 2017
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 (arrived late),
Lawrence Hawkins III, Dave Okum, and Joe Ramirez

Staff Present: Anne McBride, City Planner, Don Shvegza, City Engineer;
Randy Campion, Inspection Supervisor

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF JULY 11, 2017

Chairman Darby: The chair will now accept the motion to approve the minutes of our previous meeting of July 11.

Mr. Okum: I move to approve

Mr. Hall: Second.

Chairman Darby: It has been moved and seconded that the minutes be approved. A voice vote of all those in favor 5 opposed 0. We did have five affirmative votes so they are approved. We do not have five. Mr. Hawkins, not knowing he was going to have to give the Council report this evening had to run out to his car so we will take a few moments and let him get back. And then we will approve our minutes. We will do this over. I will now accept a motion.

Mr. Okum: Move to approve.

Mr. Ramirez: I second.

Chairman Darby: It has been moved and seconded that the minutes of July 11th meeting be approve. Voice vote all those in favor 5 Aye, opposed 0, abstained 2. That gives us five positives. Now we will go on to our report from council.

V. REPORT ON COUNCIL

Mrs. Harlow: I apologize for running way I just got home from the hospital (not audible not on mic.)

Chairman Darby: Happy to see you.

Mrs. Harlow: On July 19 we had a regular meeting of the council of the City of Springdale and we had an introduction of a new employee Susan Breau who will be our new violations bureau clerk in the Police Department. We had our normal committee and official reports and then going into are ordinances we had quite an unusual evening that night. We had an ordinance 30-2017 authorizing contributions to certain Health Care accounts of fulltime employees of the City of Springdale related to the city's Health Insurance plan and declaring an emergency. That was passed with a 7 to 0 vote. Next up we had ordinance 31-2017 and this was adopting a section 73.042 of the codified ordinances of the City of Springdale regulating temporary parking of recreational vehicles on city streets and declaring an emergency. We had a lot of conversation about this and basically we are trying to create a law and legislation for

one person who is not following and not being in very good steward of his neighbors. He has two recreational vehicles parked and they are parked close to the corner where it has become a traffic hazard for some of the residents. Of course they have the right to park there, the Ohio code says they can park them but it is a problem. So we had a lot of discussion about that. How the person that owns the RV would need to fill out a permit and place it on the windshield and they would have so many hours a month that they could actually have the RV in front of their house. We talked about well could this be an online permit that they have to go to the police station to get it we had so many questions that we ended up tabling it so that administration and our law director and people that had a voice in this could try and come back with a plan that would work for everyone. And next we had a resolution R6-2017 and this was a resolution permitting the carrying of concealed handguns in the Springdale municipal building by a valid concealed carry permit holder. Again we had a lot of conversation, would this be just the council members that would have the ability to carry their concealed weapons in the council chambers? Again after lot of conversation back and forth this was tabled to bring a little more clarity to the issue and bring it before council at a later date. Our last resolution was resolution R7-2017 and this was authorizing the Mayor and Clerk of Council, Finance Director to enter into an amendment to the cooperative agreement with Hamilton County Ohio, pursuant to the provisions of the Housing and Community Development Act of 1974 is amended and that was passed with a 7-0 vote. We are also having a community wide garage sale this Saturday and that is from 9-2. Then we're having a shredding event at the community center. This is a great opportunity for anyone up here who needs documents shredded. It is from 10-1 and they do a great job you can stand there while they do the shredding so it is not something that you are dropping it off and not knowing if the information you have, the documents that you have are being held around for a while. They are being shredded right then and there in front of you. So that would conclude my report unless anyone would have any questions.

Chairman Darby: No questions. Thank you very much.

VI. CORRESPONDENCE

Chairman Darby: Under correspondence in your packet you received copies of two letters from attorneys that deal with an issue that was before this body some time ago. Moving on.

VII. OLD BUSINESS

- A. 15 Acre site located on Northwest Boulevard, Springdale, Ohio, Final PUD Development Plan.

Chairman Darby: Representatives please come forward.

Mr. Theobald: Good evening my name is Tom Theobald with Exeter Property Group. The last hearing where this project was brought up my associate Steve Stein was the presenter and he could not make it this evening because his wife gave birth to their first daughter today so I am here to fill in for him.

Chairman Darby: He made the right decision.

Mrs. Harlow: Yes they did.

Mr. Theobald: I have a copy of the staff comments that were circulated and I suppose everybody else does but just to briefly fill you in on where we are. On the 11th there was a conditional approval given for our development plan and there were several conditions that we need to address in order to obtain a final approval. We have resubmitted many of the items required but we didn't quite get everything submitted back in time for staff to have enough time make a complete review of what we have resubmitted. What we wanted to do tonight was to take advantage of this opportunity to present some of the things that we have resubmitted and make sure that we are

addressing the concerns that have been brought up back on the 11th and prior hearings on this matter as well. Of the conditions number one consideration and/or recommendation of the staff city planner and the city engineer we hope to address that over the next several days. The covenants, conditions and restrictions reviewed and approved by staff and city law director. We hope to have that to staff in the next few days.

Chairman Darby: May I interrupt you just a moment.

Mr. Theobald: Yes certainly.

Chairman Darby: Staff I know I've been briefed but for the other members of the commission would you talk a little bit about the nature of this presentation because it is a little bit different than what we usually do.

Mrs. McBride: Yes. We have been working with Exeter has the applicant indicated you all had approved conditionally their final development plan that there were a number of outstanding issues things like the covenants, the building design, the landscaping the storm water, there was a number of items, major items, that are still outstanding. They were to be getting us plan information and unfortunately we actually met twice I think maybe since the last meeting and on the last go round we were to get plan information they can so that we would be able to come to you this evening with our recommendations on clarification and/or resolution on all of those issues and unfortunately we could not get that information in time. Part of the information was not complete and we will discuss here this evening. What we decided was the applicants request that we would use this evening more as a sounding board or workshop type meeting with the commission to hear where they are on the particular issues and if there were issues that you felt needed more clarification or less of something. We could give that input to the applicant this evening and then they would be better directed for the next round of submittal. They have asked for and I believe would request probably later this evening that the planning commission will hold a special meeting and staff did talk about that and we can discuss that with the commission when that's appropriate.

Chairman Darby: Thank you.

Mr. Theobald: Number three on the list of conditions was if the question for no wall mounted lighting fixtures are permitted for area lighting. We have come up with a new lighting plan that has pole lights throughout the entire project. We do have an area at the back of the building. I am going to try to use one of these exhibits to help show that. We have a power point presentation but unfortunately, we don't have the ability to bring that up.

Mr. Campion: They are working on it. She is trying to see if she can get it working.

Mr. Theobald: She is. Okay. While she is doing that...

Chairman Darby: While you're away from the MIC. (hand held mic was given out).

Mr. Theobald: Thank you. This is the sight aerial exhibit and what we are proposing with respect to the lighting is to eliminate all wall packs that has previously been shown around the south north and west walls of the building and replace those with 15ft. LED light poles throughout the auto parking area and along the south drive and north drive. At the rear of the building where we have our loading, we are proposing to put 30ft. poles along the back edge there and then. Yeah we got that up to maybe we can show the lighting plan a little bit better. And then what we would propose is wall packs on the back of the building. The reason we're still seeking approval for wall packs is because we are unable to get the foot candle elimination in certain areas of the truck court that just poles. We know how to move this line along?

Mr. Okum: There should be a mouse.

Chairman Darby: She will be right out with that. She has it.

Mr. Theobald: I am going to flip through to this exhibit which shows the light pole fixtures in these locations around the building. But it also shows wall packs in the number of five across the back of the building. Again the reason why we are requesting wall packs is because if we just went with the pole lighting in the back. We would have a pole here there and another pole there and one over near this area within the truck court would not have enough elimination we would be hitting zeros in a lot of these areas right in there without being able to cast light over there. With respect to that matter are you would open it up to any comments suggestions or concerns?

Chairman Darby: We will have questions here but does the staff want to make some comments first?

Mrs. McBride: I think we really have not had a chance to review this and so I think that we would like the opportunity to review that and I understand the need to have a good light level obviously in the loading dock areas. But also understanding that and the cities concern about the use of wall packs on that side in the impact that might have on the adjacent properties.

Chairman Darby: One of the things that was a big issue and a topic of discussion in the last meeting was the building itself do you have any comments that you want to make on that?

Mr. Theobald: Yes. That is coming up next. I will finish up just one last item on the wall packs and pole lights, that is a description of the LED the light fixture that we are proposing for the entire site and that fixture, would be identical whether it is frontage on a whole or mounted on a wall. They are all designed to cast down and not like the old-fashioned wall packs that kind of set out like this and this cast light out like that. These wall packs and pole lights will be casting down on the site. Number 4 on the list of conditions was to modify the exterior of the building to be more compatible with the Pictoria Office tower and to provide details regarding finish, texture and color palette for review. We are going to go back to the prints that were originally presented on the 11th this was the exterior rendering of the corners of the building. This is what prompted the comments that we had. What we are proposing now is a much more dramatic entrance feature on all three entrance areas. What we think we have done is being able to capture the look of more of a suburban office building at each of these entry locations by adding additional glass, second story glass and what we call an eight high brow or canopy at the high end. It is a little bit hard to see on that screen but we have a larger copy if anybody would like to maybe pass that down does that make sense. We have also eliminated what we call the torch light color that was part of the color scheme and in lieu of that we have put a light color in there and we also have some other options as an accent color if somebody would like to comment on that as well. The Efis colors of this building are more in line with the colors of the Pictoria Office building. We also have paint samples showing the textured paint that would be applied and those are the colors that are shown on the rendering.

Chairman Darby: Did you conclude your comments?

Mr. Theobald: With respect to the building exterior design yes I'm up for any comments.

Chairman Darby: Any question there on the building? Mr. Okum.

Mr. Okum: Just so I understand. Can we get my microphone on and then I'll be good. In the packet that we received, which staff has not had time to review there are three color groupings. Is that because you are not definite on the color proofing but you are feeling warm to one more than the other.

Mr. Theobald: Correct. Yes.

Mr. Okum: And those samples or what you are proposing to use?

Mr. Theobald: Yes they are.

Mr. Okum: And that is a textured paint?

Mr. Theobald: Yes it is.

Mr. Okum: Applied to the concrete panel?

Mr. Theobald: Correct.

Mr. Okum: Okay. Thank you.

Chairman Darby: You may proceed.

Mr. Theobald: I have with me tonight Patrick Warnement with Kleingers and also Corey Rose with ARCO Midwest Design Build and with respect to the next item, provide a minimum of a 60 foot wide cross access easement for right-of-way to the south of the building, the size location and configuration would be mutually acceptable to the city and developer. I asked Patrick to be prepared to answer questions with respect to this matter. We have an exhibit shown up on the screen right now that was provided by Don and that shows a potential alignment with Victoria Drive connecting into ones being called Avon Drive and we are proposing to grant the right-of-way for that particular configuration. There have been a few discussions about maybe doing in different alignment here in the future that might be more of an extension of Avon this way and then more of a direct connection this way which might provide more connectivity to the front of Avon. Our proposed right-of-way that would be granting would allow either one of those alignments to work. And to accommodate this potential alignment we have been able to shrink the detention pond by introducing an aqua swirl feature that we would go ahead and install up front whether that is the configuration for not.

Chairman Darby: Could you talk a little bit about the Aqua swirl?

Mr. Theobald: I am going to ask either Patrick or Cory to address the Aqua swirl. I am not an expert on that matter.

Mr. Warnement: Sure, the Aqua swirl is a hydrodynamic separator that basically takes solids out of storm water. It would have to be back flushed every so often for maintenance. Basically, we have reconfigured the pond to be able to make that work in the future so that the pond would not be an issue and we would not have to do all this at a later date. That was the whole idea. The other option would be to create a water quality system in the pond itself but that requires more volume and then shifting that we don't have the volume available to us to do that so we are using the manufactured unit to take place there.

Chairman Darby: It's awfully quiet. Mr. Bauer.

Mr. Bauer: I would like to ask a question about the aqua swirl a little bit more. Is that a proven product, as far as that arrangement?

Mr. Warnement: ODOT accepts it.

Mr. Bauer: Okay. And it has been in use for many years?

Mr. Warnement: Oh yes it is similar to concrete type products. Like I said the gold standard for these type of things is a New Jersey Department of Environment and they approve it so lots of third party documentation is available if anybody would like to see it. We can certainly supply it.

Mr. Bauer: Thank you.

Chairman Darby: Mr. Shvegza.

Mr. Shvegza: Yes there are actually two of those at the Tri-County Mall. Obviously all you see on the surface was just a manhole lid they are all underground. The biggest item with those is just maintenance.

Mr. Theobald: Number 6 is rework the buffering landscaping along Pictoria Drive. Number 8 is also provide a revised landscaping plan an accordance with the city planners comments as well as additional buffering required along Pictoria Drive in phased parking areas. Kind of addressing two with one. This is the proposed revised landscape design that I know Anne has not had a chance to fully look at this yet. Is that correct?

Mrs. McBride: Yes.

Mr. Theobald: Okay, alright. Then I might open it up and might you talk about it first.

Mrs. McBride: Mr. Chairman is that alright?

Chairman Darby: Please do.

Mrs. McBride: So we had some comments on the landscape plan in the last meeting and the applicant has come back and suggested that to offset the cost of the Aqua swirl they would like to eliminate a lot of the landscaping on the site. The first illustration I'm going to pass down to you and I also give a couple copies here to the applicant is plant material that need to be relocated because right now it's in their detention basins. So that's one item and I think it's easily resolved. The second exhibit that I would like to pass out takes the Applicants submittal to us the landscape plan that took their originally submitted landscape plan that you all saw last month and we had comments on to increase the landscaping and they removed a lot of the landscaping and so what I'm going to pass out is that the landscape plan that you saw last month with red strikes through it which is what the applicant wants to be able to remove. We have reviewed it and we believe that it would be appropriate to remove the landscaping that they're proposing to remove on the north property line adjacent to the other industrial building and to remove the landscaping that is in the islands of the truck dock. But the rest of a landscaping needs to stay and it needs to stay because it needs to provide screening and buffering from Avon Drive to all of those truck docks. The landscaping that we are and again this is down from what they would have originally be required to provide, the landscaping that we are proposing that they would be allowed to omit from the plan in addition to what was original is almost \$13,500 worth of landscape material so we would certainly not want see it go below what I am passing out to you today. We want the integrity of the streetscape to be maintained both on Pictoria and Northwest and again I feel very strongly about the buffering from what would be Avon drive for whatever it is to be called to those truck docks. It is very important that those truck docks be screened. So that all needs to stay. Again along with other property line an adjacent the truck docks we can work with them on that and this is what we are suggesting.

Chairman Darby: A comment on her comments?

Mr. Theobald: No we have not had a chance to review it but I am certain that we can work this out with respect to the landscaping. We will make that work.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Mrs. McBride, so I understand this, the first paper that you provided showed areas originally proposed and circled as remove proposed plant material up to right of way so that the shrubs are more visible. Those are your comments?

Mrs. McBride: Correct?

Mr. Okum: Okay. Then we go to the second page and forget about values here, the strike out,

Mrs. McBride: This is the applicant's suggestion that that plant material all be eliminated.

Mr. Okum: Okay.

Mrs. McBride: So for example on the east property line, they are suggesting that every other tree be removed and every third shrub will be removed and we are saying no. So then if you go to the north property line the trees that they have struck out that are now colored pink we are suggesting that it is acceptable to remove those.

Mr. Okum: That would be next to General Advertising?

Mrs. McBride: And the shrubs as well. I'm sorry.

Mr. Okum: That would be next to the north General Advertising site?

Mrs. McBride: Correct.

Mr. Okum: So the striked out is okay?

Mrs. McBride: The strike outs that are not pink are not okay. The strikeouts that are pink are okay.

Mr. Okum: Got it.

Mrs. McBride: And again the smaller sheet then on top is a breakdown by type, by quantity, size and then cost of what the pink material represents.

Mr. Okum: But there is also a type of tree issue that you or a type of tree discussed. Is there types of trees okay?

Mrs. McBride: Yes. What we are suggesting comes out is still going to give us a good mix of plant material on the site and so forth.

Mr. Okum: Thank you.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. Staff is confident that the landscape plan is going to provide sufficient screening without having additional mounding? Has it been talked about initially?

Mrs. McBride: You know staff would have liked to have seen the mounding stay but when it was no longer apparently feasible for the applicant to do underground detention and they had to come above ground instead of going up they went down so I mean that really wasn't an option.

Mr. Hawkins: Thank you Mr. Chairman.

Chairman Darby: Other questions? Mr. Okum.

Mr. Okum: So the reason sir that you're reducing the landscaping quantity material is because of the incurred cost of the Aqua swirl which is necessitated by the dedication of right-of-way necessary for Avon for the Avon connection is that correct?

Mr. Theobald: That is a part of it. Probably the primary driver of reducing some of the landscaping was just the overall amount and our experience having over 100,000,000 square feet of buildings across the country of industrial nature, landscaping tends to grow very quickly and unless you are on top of it which we intend to be here it does grow together so fast and so crowded that it can smother each other so we had that in mind as well when we were making recommendations for eliminating some of the landscaping.

Mr. Okum: Okay thank you.

Chairman Darby: Is there another part of the presentation for us? Is there an additional presentation for us?

Mr. Theobald: No.

Chairman Darby: We are at a point now I think going into this we knew it was not going to be an action item. This is the last opportunity for anyone of us that there are comments, Mrs. McBride.

Mrs. McBride: There was one other item that I did want to discuss and that had to deal with the covenants. We did received a draft sort of speak of the covenants from the applicant the other day and I did share those with the Law Director, but they are very vague, there were no attachments or exhibits to them and neither the Law Director or I could really comment on what you sent because there really isn't anything to comment on.

Mr. Theobald: Right we owe you exhibits to go with that and part of the exhibits would be developed as a result of what is finally approved.

Mrs. McBride: So then this is in addition to the covenants then and this deals with the phased parking. The law director and I have come up with this language and basically you know the criteria is when do you get the call and that phased parking. If they have cars parked on Northwest Boulevard and Pictoria and parked on the grass and double park and so forth they have 50 parking spaces that the city is saying you don't have to pay for those today. You can set that land aside and you can't count it as you're open space, you cannot construct anything on it but we will let you reserve that area for 50 spaces, you don't have to pay to pave it and to maintain it say for the southern access drive until we, the city, decided that it is needed it's warranted because you have increased the number employees in the building or one of your tenants has changed or whatever the situation is. So this addition to the covenants then will address what they can and can't do with that area as I said they can't count it for open space, they can't construct a building in it they have to maintain it and in perpetuity until said time that the city says you need to put those 50 parking spaces in. It is a savings of them this and not having to do that front in case it is not needed but it does need to be provided for in the covenants so that the city can pull the trigger and require those 50 parking spaces to be put in. I also think with regards to the covenants and Mr. Shvegza probably wants to comment on that more that there would need to be some provision for the maintenance of the Aqua swirl as we are all hearing here this evening. Also the uses in the covenants will need to be changed as well as the lighting, the landscaping and then the site plans will all have to be changed and they need to be provided obviously enough time so that the law director can properly review those and offer comments on them for the commission.

Chairman Darby: Mr. Shvegza.

Mr. Shvegza: Just to highlight the agreement that needs to be in place for the maintenance of the hydro swirl or Aqua swirl. The operation and maintenance agreement that's recently in the process of being recorded for the existing features that are in Tri-County Mall and it's a part of the city's permit for storm water management and that is approved by OEPA so that does need to be in place and we have a kind of refined version of the standard document from that now so we have given that to the applicant.

Chairman Darby: Thank you. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. And the Aqua swirl will it be in both water features or just the one?

Mr. Theobald: Just the one to the south. Yes.

Mr. Hawkins: Thank you Mr. Chairman.

Chairman Darby: Mrs. McBride, a question on this document and have read it very quickly. Are there indicated triggers that would be included in the letter?

Mrs. McBride: No, it would be at the city's discretion. We did some research on that and everywhere that allows for this phased parking is at the discretion of the city, the township the county or whoever the authorizing authority is. Again, I did discuss that with the law director and we are very comfortable with this. I would just offer Mr. Hawkins you mentioned a wet basin these basins are actually dry.

Chairman Darby: Mr. Okum.

Mr. Okum: Several questions I guess. Get my microphone on. I guess the first is aesthetics to resemble commercial office vs. commercial warehouse, staff's opinion of the preliminary drawings that we have received?

Mrs. McBride: I think that they are an improvement over what we have initially seen.

Mr. Okum: Okay I would agree it is an improvement. There is still a lot of the buildings fairly stark so I personally think it can go a little further. The texture paint is a nice finish it gives it a stone finish or a drivet appearance but at 150 feet if the plane of wall that does not have that. Anybody walking up to the building you would notice it or walking into one of the retail for office and trees but from the street were not going to notice that texture. It is an improvement and light reflects differently on that than the flat concrete. It brings about burden and responsibility on the landlord and owners to maintain those colors because those colors will fade out and that is what we're trying to sort of pull away from it and I would think that the covenants would address building maintenance and appearance of the building along with landscaping and all of that of those typically in the covenants Mrs. McBride?

Mrs. McBride: I don't recall seeing building maintenance in these covenants but we can certainly look at and work with the law director on something that covers maintenance and general.

Mr. Okum: Because if it became a faded out blob I hate to say it that way but you don't want to get that look.

Mr. Theobald: We don't want to get that look either.

Mr. Okum: I don't have a particular objection of staff initially thinking of wall mounted pole lighting that's what you are describing vs. wall mounted or light packs on the wall. I think there is a different representation when you think of wall pack and you think of wall mounted pole light which is using the building as a pole mounting so that your light is projected down in a little odd on the back of the building but on the other hand functionally they function well. I think staff need some time to review that. Like I said the outside panels on the building are the biggest issue for me. I am sure that we can arrive at a landscape plan that is acceptable to staff in regards to the project. I wanted to ask staff in regards to the recording of the covenants it seems like projects like this tend to happen, we get it approved and a set of documents for the covenants on a project and then 10 years in the past we're looking for covenants and they're not recorded with the auditor's office as part of the deed. Do we have a process for making sure that these covenants are finally approved and finally recorded within the governmental agency and I guess that would be the auditor's office right?

Mrs. McBride: Right, and what I would suggest is that maybe in the staff report for the next planning commission meeting under the discussion of covenants that they be required to be recorded from the record copy supplied it to the city prior to the issuance of the Certificate of Occupancy.

Mr. Okum: I echo that strongly and I think that going forward that's something we really need to make sure of. Thank you.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. Have we discussed the height of the wall mounted light packs on the building?

Mr. Theobald: 25 to 30 feet.

Mr. Ramirez: And then the poles will be how high?

Mr. Theobald: The polls will be 30 at the rear of the property in the truck court area and then 25 in the auto parking areas.

Mr. Ramirez: So we are only talking a difference of 5 feet between the two. Has staff had a comment on whether or not we had quite a long discussion on the intrusion of a light to other areas that might interfere with other businesses close to their?

Mrs. McBride: Yes, we have not had a chance to review the photo metric plan so we will be looking at that and also more from hot spots and from the glare off of the LEDs.

Mr. Ramirez: Very good thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. I was absent last month but what I saw I see an improvement and it seems like a big improvement to me from the looks again I'd just saw that rendering up there. I guess a question about the looks the pre-cast is looking like it's a large stone at the entrance the way there is there a huge cost difference in that vs. the regular precast of the warehouse?

Mr. Theobald: Specifically?

Mr. Bauer: Like that center that looks like big block of stone right there in the center they are right in there.

Mr. Theobald: Yeah that is a reveal relief that is put into the casting plan...

Chairman Darby: I'm sorry could you get the mic so we can get this recorded properly. That means you guys have to start all over.

Mr. Theobald: This is Corey rose with ARCO and we're going to let him describe some of the architectural features of these pre-cast panels the way that they have been redesigned and enhanced from the old panels.

Mr. Rose: Some of this stuff you can't really tell from this elevation but it is hard to view from the top and get the full effect to it but these panels here on the ends these panels that you see in the middle on the ends and also these shown squared pieces with a rhythmic pattern they are lapped panels so they do set out from the building. So the buildings not straight down it will have some ins and outs. It is hard to tell from here but it will. This bottom shade of gray area, there are six inch on center reveal patterns so they are ½ inch to ¾ inches deep and they are usually 2 to 3 inches wide about every 6 inches on center so you have a pattern going down the whole front of it.

Mr. Theobald: And that goes up how high?

Mr. Rose: 10 feet

Mr. Theobald: 10 feet is the top of the windows?

Mr. Rose: Top of the windows yes.

Mr. Theobald: So that horizontal feature has been added both here at eye level.

Mr. Rose: So these are the six-inch reveal patterns. These are more rhythmic block patterns but this is a lapped panel and so are these. So to answer your question the

reveals do add considerable cost to it and it is partially why we did try to keep them to a certain number but which are gone down the whole side in the back and we also on the elevations you can tell we have wrapped the back end just a little bit to get it across the dock so does on both sides in the whole front. It does add quite a bit of cost yes.

Mr. Bauer: Okay.

Mr. Rose: And then these canopies here are like a sun shade screen so we have wrapped the corners with them also.

Mr. Bauer: Okay. Thank you.

Chairman Darby: Mr. Okum.

Mr. Okum: How far are those canopies going to project from the building?

Mr. Rose: 4 feet.

Mr. Okum: 4 feet. And they are constructed of aluminum?

Mr. Rose: Typically aluminum yes.

Mr. Okum: The block pattern that you are using is it, would you put it in classification too and a limestone look they seem larger?

Mr. Rose: Yeah it is larger; it is just a rhythmic pattern like a limestone or even a marbled panel that they inter lock on the brick pattern.

Mr. Okum: It's brick laid staggered jointing?

Mr. Rose: Yes it is a staggered joint but it would be the size of like you said a limestone panel something like that. That portion specifically is where we tried to mimic the office tower because they have those architectural panels.

Mr. Okum: Thank you.

Chairman Darby: At this time we are going to, not for this meeting, but one of the things we are going to be considering is a special meeting. We appreciate you coming in and making this presentation of that you can tell if the direction that you're moving in and hopefully at the special meeting when and if it is scheduled we can have that final action. So prior to that time, if there are any more questions most of them now or we will be moving on. Staff?

Mrs. McBride: I was just going to miss cuss the date then we had talked about in our staff meeting. That would be August 24, which gives us enough time; the applicant would have to have their information to us no later than August 15 at noon so no later guys okay NO LATER. Then we would do a special meeting on August 24 if that works for the commission this room is free and it would give us enough time then for them to make any revisions and for us to review them.

Chairman Darby: Are we okay, it is a Thursday. Mrs. McBride I am not hearing any objections.

Mrs. McBride: Okay we will hopefully see all of you on the 24th then and we will see your plans at noon on the 15th and no later than.

Chairman Darby: Thank you for coming.

Mr. Theobald: Thank you, thank you very much.

VIII. NEW BUSINESS

- A. PSA Architects, Pretzel Baron, 311 Northland Boulevard, Springdale, Ohio, Revised Development Plan.

Mr. Sears: Good evening Darryl Sears with PSA architects here on behalf. I think staff has provided you with a little bit of report there for what we have submitted. I have Gary Gottenbusch with Pretzel Baron here that will be able to answer some of the parking and staffing criteria there. As far as the landscape comments I believe that we're just dealing with a few trees that we need to adjust and I think that incline for resolution on that one. We're just being cautious on the overall height of the trees so I think we can find a solution to that as well as any root intrusion into the concrete pad that would be there for the silos. I have brought a sample of the material for the siding but would you be looking at as well as this is the actual color chip of the color that would be used and I can pass this around if you would like. Other comments that might be on there I believe Gary would be able to address but I think all in all I think we've got a solution here presented to you to provide a nice façade facing the roadway and I believe overall it is going to be an improvement to the community and I will be here for any questions that anyone might have.

Mr. Gottenbusch: Gary Gottenbusch with Pretzel Baron.

Chairman Darby: Good evening.

Mr. Gottenbusch: Thank you for having me here this evening. So again this is a vital thing for operation having flour silos so that we can make pretzels. Should I just go into the amount of employees and parking and truck traffic and that sort of thing? We should potentially at full capacity have between 100 to 120 employees. We do work in 24 hour production so there would not be more than 40 employees in the building up anytime at full capacity. Our production line uses 4000 pounds of flour per hour and a typical truck of delivery is 40,000 pounds. So we would need at least two truck deliveries so two and then one and two for example per day for each truck that comes in with flour we will ship three trucks of finished products out. So that being said currently now we are shipping and receiving 3 to 4 trucks per day and in this scenario would be close to 12. As far as employees in the parking again by working a 24 hour production a lot of our employees walk to work I would say at least 50% and the bus line is very convenient front of the building as well. But with parking we still have plenty of parking we're not trying to take away any parking spaces and then the truck access backing up to the silos it's a hose system so the worst case scenario is that we would have to expend the pad in front but it would not be necessary and runoff water from the roof of the silo we would fully enclose it. Darrel, it would go into the drain water from the roof itself. Any questions? Each silo holds 110 tons of flour.

Chairman Darby: We will get our comments from staff. Mrs. McBride.

Mrs. McBride: Thank you. As you may have gathered we had given Pretzel Baron feedback previously on the issue of installing the two silos on the front of the building and we started to work with them as to what was the best way to screen them. They came up with a solution of actually enclosing the silos, which is the best possible solution. So the silos themselves are 32 feet 2 inches tall I believe and the building closure has went to be 35 feet 2 inches tall so will enclose it on three sides with the loading dock, the feed dock then on the fourth side. Food processing is a permitted use in our SS, support services district so that is not a problem. Our code, however; does prohibit loading facilities in a front yard and technically this would be a front yard. Planning commission however is also given the discretion in that same section of the code to waive or to modify that provision and I think what the applicant has explained is that the silos need to be on the north side of the building in terms of the production, existing production line located within the building. Again that site is limited in terms of just physically where else on the site they could go. So staff would suggest that planning commission on the part of any action that they might make it if it is a positive approval that you would waive that requirement about not having a loading facilities in the front yard in this specific situation. The drawings that they have submitted as you can see indicate some future building height extensions. I don't think the applicant

knows exactly what those might be so those would not be part of any action of the commission might take tonight. In terms of setbacks our SS district has a 75 foot setback and its actually set back over 102 feet from Northland Boulevard so it has a good set back again going toward the fact of why we might allow a loading facility in the front yard. The proposed building material as you see they brought those this evening and they will be earth tone metal siding for that. They did provide a landscape plan we of course had to offer some critique of their plant material but I am very confident that we can work that out with them, it is not significant changes that we are proposing. If they're going to be adding any additional lighting we would need to review that and approve that per the code. Just one other comment is that the code requires 30% open space and the SS District and with the building addition it would be 34.5% so they still need the open space on the site. That is all my comments.

Chairman Darby: Mr. Shvezda.

Mr. Shvezda: Thank you Mr. Chairman. Just a few comments. One involves the providing details for the handling of the runoff from the new impervious area in addition we also hope to have some measure for water quality to be added to the site, we ask for the consideration, and then of course the information on traffic to compare current and the post construction traffic and the applicant has indicated that the number of trucks that will be to the site each day, so that in written format is what we will need. That concludes my comments.

Chairman Darby: Mr. Campion. Before you go on or don't go on, I have been remiss I want to welcome you to our meeting.

Mr. Campion: Thank you.

Chairman Darby: Misery loves company, and you can come back any time. Questions?
Mr. Okum.

Mr. Okum: Mrs. McBride, your considerations pretty well hit it right on the head I think, I believe that when I do, if I do make a motion for this, that possibly we be specific that the front loading facility shall be approved for purposes of replenishing the flour silos in the facility so that it eliminates, let's say if Pretzel Baron is not there five years from now that it does not become a front loading facility or something else. That way we make it a specific. You don't have a problem with that do you?

Mr. Gottenbusch: No.

Mr. Okum: Additionally, the material that I saw there, I know it is an earth tone, it does have a green cast to it, is that the intent because you do have red brick on the building.

Mr. Gottenbusch: We know that we are not going to match the brick and we are happy to go with any color that might be suggested I was looking for more of a yellow or an off white. This particular sample we have here did not come in a color.

Mr. Okum: What is your corporate color?

Mr. Gottenbusch: My corporate color is well pretzels are brown.

(back ground laughter)

Mr. Okum: I've seen those before. The brown pretzels.

Mr. Gottenbusch: Yes, thank you. We don't have a specific color. I mean I was thinking more of an off white a little bit more on the yellow side with a yellow tinge personally but Darrell can speak to what colors are available. He does have a color chart it in his car and there is another material with a slightly different corrugate which I am happy to go to as well.

Mr. Okum: I think you can work that out with staff. It's just my comment for the commission's benefit that, that in mass will give more of a green cast to it than it will

yellow, and I was thinking more tan, taupe, to the tan side than I am to the green side because of the way it would go with the red building. I think that is more of a contrast to it.

Mr. Gottenbusch: We have quite a color palette that we can choose from that we chose a slightly different material.

Mr. Okum: I understand, I am just commenting, I am only one of seven plus staff so that is my comments. I am very pleased with you're working in the process of making it work. I do not have any negatives to it except my one picky little thing that doesn't really amount to much. Thank you.

Mr. Gottenbusch: We wanted to be very attractive so absolutely.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. First off thank you by the way for working with the staff and making it easier on all of us.

Mr. Gottenbusch: Thank you for having me. I really appreciate being able to work in Springdale it's been a pleasure.

Mr. Ramirez: With all of the flour coming in does the product you're making also go out on the same docks.

Mr. Gottenbusch: No, the loading docks or on the side of the building and potentially if we added on to the freezer space we would have an ideal situation having a freezer loading into the trucks which would be at the rear of the building facing north. I am not proposing any freezer addition at this point, they are at the side of the building. They are internal loading docks now on the east side of the building.

Mr. Ramirez: The flour would be coming in 24 hours a day?

Mr. Gottenbusch: No, currently, I don't even load trucks or take deliveries after 4:00 PM. There are rare exceptions were a driver had a misfortune or there was a rush delivery but no we don't currently load trucks in the evening I have no plan on doing that either.

Mr. Ramirez: Thank you very much.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Just a question about your business. You envision yourself being in Springdale and at that plant, I guess the more I hear you speak your business sounds like it is doing well and I hope you'd stay in Springdale I guess is that plant big enough.

Mr. Gottenbusch: I plan on making Springdale the base of our U.S. operations. The Springdale facility is roughly 80,000 square feet now with the potential for more freezer space. A comparable facility in Germany is 100,000 square feet in there basing the plans by potentially compacting the lines a little bit to fit in our space so we are here permanently and this is our home and we have even had some question if there might be availability of some Springdale space next door with the utility if they want a new building in the future but we'll see how that were set in the future. But we plan on keeping this facility and in Germany, their two buildings one of the size of the Springdale location and the second is twice as large in another location. And yes logistically it might make sense to have something out west but no Springdale is very close to all of the expressways with 275. It's got a vast and diverse labor pool. I am not having luck in the city with Servatii hiring. Very friendly work environment and please to be here and we want to be here long term and for my history with Servatii Pastry Shop, my family's business we go to a neighborhood we stay there 20 plus years where always signed 10 plus year leases but we were so committed to this location we purchased the building.

Mr. Bauer: Thank you.

Chairman Darby: Before we move to a motion I just want to thank you and commend you it is rare that applicant come back to us having adopted the most of the expensive option and enclosing the silos.

Mr. Gottenbusch: Well the problem is that I have to pay for it myself but.

Chairman Darby: You will sell a lot of pretzels, I wouldn't worry about it.

Mr. Gottenbusch: The corporation was part of the agreement of the sale that I would take care of the screening of it and I understand that and I appreciate your feelings. I love silos but then after North Korea situation I can understand why people don't want to see silos.

(background laughter)

Chairman Darby: Mr. Okum.

Mr. Okum: Mr. Chairman, I would like to make a motion seeing no other lights to make a motion to approve the Pretzel Baron case in project number 32431 to includes specifications and designs contained in the exhibits as submitted and reviewed by staff prior to this meeting to include all staff City Engineer and City Planners recommendations in this motion and that the front yard loading facility shall be improve for purposes of replenishing flour silos in the facility.

Mr. Hall: Mr. Chairman I would like to second a motion.

Chairman Darby: It has been moved and seconded that the motion be approved as read secretary please call roll.

Mr. Bauer called the roll and the motion was passed with a vote of 7 to 0.

Chairman Darby: Welcome to Springdale.

Mr. Gottenbusch: Thank you very much I appreciate it thank you.

Chairman Darby: If everyone okay to move on?

B. Proposed Zoning Code Amendments – Public Hearing.

Chairman Darby: We are going to open this up for a public hearing. I see no one in the audience who would be addressing the issue.

Mr. Okum: Move to close the public portion of the hearing no keep it open?

Chairman Darby: Not yet, you have to keep it open.

Mr. Okum: We are going to stay open.

Chairman Darby: You work here.

Mr. Okum: I just want to get to this process.

Chairman Darby: It's open. Folks as you recall way back when we adopted the new code Mrs. McBride alerted us that there would be times when she would be coming back or refinements and/or additions so this is just another piece of that mosaic that we're looking at.

Mrs. McBride: It is like buying a new car and it has a rattle. This is the most exciting part of the agenda. Actually some of these issues have come up since the code was actually drafted so I think that way that we have them on the agenda this evening the

first one that is before you, and we will launch three separate actions on these, has to do with medical and basically it is a text amendment to section 153.254(D) of the zoning code that prohibits the cultivation, the processing or the distribution of medical marijuana in the city and any zoning district. So if we could take these one at a time. For the commission's knowledge I have worked with the law director and he has reviewed all of these and it has signed off on all of them as they are proposed to you this evening.

Mr. Okum: We have two council members present on this commission so is this the direction the council has been going?

Mrs. Harlow: I can only speak for myself but the conversations surrounding this is that when really don't want this in our community.

Mr. Hawkins: That is accurate. When council had the discussion on this I think it was probably unanimous in terms of the input that council wanted this come back to Planning Commission with the hope that we could have legislation that would keep all of these areas of medical marijuana out of the city.

Chairman Darby: Okay.

Mr. Okum: If I can Mr. Chair and just to continue other communities nearby are adopting similar legislation from my understanding.

Mrs. McBride: That is correct.

Mr. Hawkins: They are.

Mr. Okum: Okay that is all I needed.

Chairman Darby: We are going to take these one at a time so I'm looking for a motion.

Mr. Okum: Mr. Chairman I would like to move to approve the text amendments section 153-254(d) to the zoning code that would prohibit the cultivation processing and distribution of medical marijuana in the city of Springdale in any zoning district.

Mr. Hawkins: Second

Chairman Darby: It has been moved and seconded.

Mrs. McBride: If I could just the motion you all are not actually approving a you're making a recommendation of approval to City Council, they would actually be adopting that.

Mr. Okum: I am moving to make a recommendation to Council to amend section 153.254(d) etc.

Mr. Hawkins: Second.

Chairman Darby: It has been moved and seconded that the motion be approved as indicated secretary please call roll.

Mr. Bauer called the roll and the motion was approved with a vote of 7 to 0.

Chairman Darby: The second item small cell towers.

Mrs. McBride: The second set of amendments that are before the commission have to do with small cell towers and you know this is on back and forth in the legislature and it is now prudent for us to make some adoptions to our zoning code relative to regulating small cell towers so we have proposed a series of amendments to section 153.254 which identifies and provide the definition for the small cell towers. It talks about where they can be located talks about the design of them talks about the process on how one would get approval to put up small cell towers and such and I can do in the

details of that if you want that. That is basically what the text amendments cover. Again the law director has been an interval part of this and this is an amendment that a lot of other communities are adopting have either adopted or in the process of adopting at the same point in time to try to control the small cell towers.

Chairman Darby: Mr. Okum.

Mr. Okum: Thank you Mr. Chairman. Several items I have questions on under 14 that would be B number two. Am I understanding that these would only be permissible in an industrial subdivision? Because that is sort of a way it reads.

Mrs. McBride: No, they would be permissible on an arterial or collector road they would be permissible in industrial subdivision they would be permissible on a private easement however, they would have to be 250 feet from any residentially zoned property or any residential use. They would also have to be 2000 feet from any other small cell or any other wireless communication tower.

Mr. Okum: Okay so if we have a neighborhood in Springdale that currently does not have quality of service, and an applicant comes in the city of Springdale and wants to put a small cell, let's say in one of the parks so that they can continue to get service to Beacon Hills or Oxford Hills or service to were ever, old Springdale, that currently doesn't have because technology is going at a lot of things TV television video all that stuff is ultimately going to be powered wirelessly. Would they be or would there be an opportunity for them to provide that service to our residents by this section being the way it is?

Mrs. McBride: It would depend on a number of factors. It would depend on

Mr. Okum: As long as the distances

Mrs. McBride: You know they could always request a variance if they can prove to the City that in fact were 200 feet from a residentially zoned piece of property but we need to be here because, that is a variance that they could request.

Mr. Okum: Would that be a variance or a conditional use?

Mrs. McBride: It would be a variance because the Planning Commission is approving the small cell towers were there not co-located so it would Development Plan approval.

Mr. Okum: It would not be Planning Commission's decision it would be for the Board of Zoning Appeals?

Mrs. McBride: On the variance issue yes. No different than if you approved something in our GB District and is still required assigned variance then you all typically act first and then the next week it goes to the Board of Zoning Appeals.

Mr. Okum: The only advantage to it being at Planning Commission level is there can be conditions placed upon it under a Conditional Use variance verses a land variance. Mr. Campion is here he knows exactly what I am saying right? It is easlier for this commission to put that condition on than it is for Board of Zoning Appeals at a raw level. Is that correct Mr. Ramirez?

(back ground chatter)

Mr. Ramirez: (talking off mic.)

Mr. Okum: So the conditions would need to come through us first before it got to BZA.

Mrs. McBride: So what you're suggesting is that it would not be permitted it would be is a conditional use?

Mr. Okum: Right.

Mrs. McBride: I think that if that is what the commission would like to do you could make that recommendation to City Council but I would want a discuss that with the law director, because this has other implications other than just what we're doing.

Mr. Okum: I understand and I'm just trying to feel the maintenance and you know if it is not maintained and it goes into disrepair or start a leaning or all of those other things that can go wrong or it gets struck by lightning and ends up fried. This is my feeling that that levels of service that are necessary for the benefit of our community that may end up putting these things in a position where we may need to increase hour availability of placement, not that I am happy about it being in somebody's backyard I'm not, but on the other hand if there is a location that it could be placed that would not be adversely affecting the appearance of the neighborhood and provide a level of service to our residents then if that unit were approved my feeling is that I would like to sort of have that level of improvement being Conditional Use and placed and I think that a law director's discussion but instead of it being straight up zoning 101 yes with a variance. Because my next item is appearance item number two in regards to if the unit is coated and painted, which is instead of galvanized which I agree with, there's a certain level of maintenance that is involved with that and the maintenance of appearance is important. And if you go down to number three number three is very restrictive in fact it is not factually accurate and the fact that and those units will need to have a meter socket and a power supply and a disconnect on them that is all surface mounted that needs to be accessible for emergencies that would need, that would be apparent and be noticeable.

Mrs. McBride: It is my understanding that everything that they need to have access to that can be provided and this glass dome of. That is the way that Cincinnati bell has worked with the city of Mason and that is what they are implementing is the 24 inch poles and everything is inside except for this glass dome.

Mr. Okum: We have two in Springdale now.

Mrs. McBride: But they were not done under this regulation obviously.

Mr. Okum: We have one by Lowes and the other by Costco.

Mrs. McBride: Right.

Mr. Okum: So those are the two items maintenance, Conditional Use, I'm just thinking I like to get this regulation in place but if, and I don't know how this commission feels but I think Conditional Use is a much better approach to this then straight up zoning variance because then it becomes attached without the conditions that you can put under Conditional Use.

Mrs. McBride: I also think that the maintenance issue might be handled under our Property Maintenance code.

Mr. Okum: I would hope so, I guess. Staff?

Mr. Champion: It could be handled under Property Maintenance.

Mr. Okum: So if it became, the paint starts peeling off, I mean we had our own light poles in the city where the paint was peeling off of them. So I know that paint does not stick to everything right.

Chairman Darby: Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. In terms of the discussions with the law director adding this text amendment would make it or legally or more easily legally defensible if the city planning commission or whomever is turning somebody down for wanting to put in a cell tower?

Mrs. McBride: Well I am not an Atty. as you know Mr. Hawkins, but understand that if there are the series of rules and regulations that are in place and they are applied fairly

to everyone you might want to do this within the City, that once those are established then that becomes the basis and becomes easier to defend any action that might come in.

Mr. Hawkins: Thank you.

Chairman Darby: Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. This is a question for staff. When you're talking about small cell towers is my understanding correct on those but the one over in Tri-County Parkway like at Princeton and Kemper Road where it's the small cone unit that's mounted on the top of a utility pole?

Mrs. McBride: No, these are if you went down by Target, between Target and where AT&T is going in, there is one they're on the north side of the street there is one by Lowes on Tri-County Parkway of the north side of the street and there polls that are we are proposing that they will be limited to 24 inches in diameter and they're basically like a booster kind of thing and they are going more toward those the cell carriers than the big towers that we use to see.

Mr. Hall: It is kind of my understanding that the small cell sites are the ones that are mounted on the utility poles with the one over in Tri-County parkway at the top of utility that is a kind of place that is on the top of that with electric meter and disconnected at the base, is this going to cover those?

Mrs. McBride: That may be a form of those that have co-located and I'm not familiar with what exactly are talking about so in terms of specific locations

Mr. Hall: I noticed that they just put one up over that Princeton and Kemper road by the traffic signal there.

Mrs. McBride: I saw your traffic signal what they did.

Mr. Hall: I'm just trying to clarify what a small cell site is.

Mrs. McBride: For the purposes of if they wanted to co-locate then that is something that staff would be approving, the Building Official could approve those but it is when what we don't want to see happen and other communities don't want to see happen is a proliferation of these polls going and unchecked about the city.

Chairman Darby: Mr. Parham straighten us out.

Mr. Parham: A couple of things. So when we were first approached with some of these companies your right, they were regular poles what we will refer to as Duke Energy poles and they have those big ugly gray boxes attached to them. Because we were approached by couple of these organizations who wanted to put up new ones in our residential neighborhoods. So you may already have a wooden poll there they wanted to come in and put one right next to it and then put that big ugly thing on it. We told them at that point in time no you cannot add an extra pole you had to attach it to an existing pole. We were able to work that out. We then found out later on that they have other units that sort of look like this. If you look over on Merchant Street there is one that sits on Merchant Street that it's about 28 feet I think it is. The public works director and I sort of worked through with these organizations in putting, getting this one and then there's one over I think over by Lowes. It to looks very similar to this sort of design. So there are multiple types of designs. What we really prefer not to have are the big ugly ones, especially added to the neighborhoods. But I think as reflective of what Mr. Okum talked about, is trying to manage them because they will all come to you and tell you that they need them everywhere and there may come a point somewhere within the residential community that you may find yourself capable of adding them and change the appearance of it if you will. Now some of them have tried to change the appearance to make them look like pine trees or something and they look ugly.

Mr. Okum: Sequoias.

Mr. Parham: But that is what they have tried, but there are a variety of different shapes and types and we want to stay away from the ones that are not attractive and more towards the ones that blend in perhaps in the commercial parts of the community if you will. So yeah there are different varieties.

Chairman Darby: Thank you sir. Mr. Okum.

Mr. Okum: Just some following up on that. We're are thinking dimensionally on cell but we are also in a new age of electronics in communication. Possibly even the term communication tower over cell tower because there's other communication systems that are coming forward that we're going to be seeing in the next 10 years that is not going to be just so it will be multi dimensional. There's a number of different names for them but I don't want to pigeonhole us but on the other hand, I want to make sure that we get it right. I am not sold on one or the other but I still feel I would rather delay this, if we've got that special meeting coming up on the 24th can we not, Mr. Parham can we not run this through the law director's office and see if we can get this structured under Conditional Use instead of zoning? Is there a time issue for administration on this?

Mr. Parham: No we would like...

Mr. Okum: Sorry I just, because you are dealing with it every day with the people coming to the city and my feeling is that we want to make sure that we don't want to hand cuff the city with zoning regulations that are not functional.

Mr. Parham: I think the key is trying to get them right. We are not in a hurry. Prior to the state taking the action that they did in the state legislature where they essentially gave these organizations the ability to put them anywhere they wanted to and municipalities not townships we were receiving a number of requests for permits to add them. Since that process was then the state was sued by a number of communities. All of these organizations sort of stayed off to the side until that was resolved and at this point it has been resolved although we believe that more than likely the state is going to come back at some point in time and try to do it again. Or try to implement new regulations if you will. But in the meantime I think it is important that we put something in place but I think you have time especially since you are talking about meeting again on the 24th so I think that gives us enough time to have discussions amongst the administration and the legal staff and City Planner to decide what is best for the organization which is the best direction to go.

Chairman Darby: And so what shall we do we would just pull one out and go with the other two?

Mrs. McBride: When you go to close your public hearing you're going to close in it presumably on all of the text amendments with the exception of the text amendment to section 153.254 and you want to keep that open until you next meeting.

Chairman Darby: Okay. We will now move on to Item Miscellaneous Springdale Zoning Code Amendments.

Mrs. McBride: So this is the part where it is the rattling car. So the first I outlined in my memo the four kind of major kind of things and there are couple other kind of cleanup things the Building Official had asked for an illustration on something, those kind of minor things. The four kind of major items that are before you with the series of text amendments. The first has to do with car sales and leasing. The city has always consistently said if you're going to sell used cars it has to be done in conjunction with a new car dealership and they don't necessarily have to be on the same parcel that they have to be operated in conjunction with one another. The problem with that was we never had a definition for new car sales used car sales and automotive I should say and automotive leasing and we did not ever list them in any of our codes as three separate uses. So we started having inquiries about used car facilities so we wanted to make it very clear. What we have done is we have added definitions for those three separate

uses and then we have provided for those three specific uses in the table of permitted use and created standards and definitions for each of those three uses. The intent is still maintained that you cannot have a used car dealership unless it is operated in conjunction with a new car dealership. We wanted to make it very clear to folks.

Chairman Darby: Does it specify that they have to be on the same physical location?

Mrs. McBride: They do not have to be a on the same parcel and examples of that are some of the Sweeney operations.

Chairman Darby: Okay.

Mrs. McBride: Any other questions on that one?

Mr. Okum: I am going to but do you want to go through them each.

Mrs. McBride: Go ahead and address them.

Mr. Okum: Okay.

Chairman Darby: Mr. Okum.

Mr. Okum: On page 34 under automobile leasing, as a category there is also automobile rental that sort of comes to mind but now these dealerships are leasing used cars so it is a function. It is a function because of the ugly duckling and the Digger O'Dell's pay by the day, by the week whatever. The function of purchasing a car or acquiring a car is not only to buy a car but the method of the transaction is either lease or buy or rent the car. It's not that it is an automobile, we have a dealership that has one of Sweeney's associated dealerships that says automobile leasing, that is a tag to entice, it is a marketing strategy but if you went in there, they would sell you a car. They would also rent you a car on a monthly basis if you wanted to rent a car on a monthly basis. Leasing is not always, it's not a physical element of the business operation it is a function of acquiring of getting the vehicle to use. If everybody, are we on the same page? You are not buying the car but you can go to a used car dealership and lease that car it is just a method of payment. Okay, the dealership or whoever still owns the vehicle but you're still leasing that car. It is not truly a leasing facility. What I am saying is that when we added the words automotive leasing as the type of dealership it is really a function of a dealership. It is not a type of dealership that it is.

Mrs. McBride: Would you rather that leasing is changed to rental?

Mr. Okum: Well rental depicts that the vehicle is owned by someone else, which is typical of a lease, I would think possibly yes. That might be appropriate and then determine if automobile rental facilities which we have, we have a number of them in Springdale would be applicable. But I do not think that the lease term as a type of business is really the type of business it is still an automobile dealership and its function is to provide vehicles. So if we are looking at land use and we are looking at what the use of the land is it is a vehicle sitting on the parking lot that is the use, it's not that it is a leasing facility it is then use. The cars are sitting there whether it's going to be the method of conveyance to a subscriber is by purchase or by lease or buy rental it is still a vehicle on a parking lot. The use of the lot and the function of the lot is still a car sitting on a parking lot in the field of parking.

Chairman Darby: Dave I have a question. So what are we trying to regulate?

Mr. Okum: We are trying to clarify I think staff's recommendation is we've got to tie this down so that you don't have the Digger O'Dells and the buy here, rent here or buy here pay here facilities there.

Chairman Darby: Would Digger be associated with a new car sales operation?

Mr. Okum: Could be sure. I mean if Digger O'Dell bought Jake Sweeney Chevrolet tomorrow, he'd be Digger O'Dell's Chevrolet and then he could have a leasing lot on

Northland Boulevard or a leasing lot on Kemper Road, I get them mixed up because one is Walt and one is Jake. Does everybody understand what I am saying? It is not truly, leasing is just a function.

Mrs. McBride: So again my question to you is you would prefer to see it as rental then leasing so we have new automobile sales used automobile sales and automobile rentals?

Mr. Okum: I think that they are all the same because if you go to Sweeney Chevrolet you can either buy a car there, you can lease a car there or you can actually rent a car there. You can do all three at Sweeney Chevrolet today. If you go to Sweeney's leasing lot you can buy a car at Sweeney's leasing lot you can lease a car it's Sweeney's leasing lot and if you made an offer

Mrs. McBride: But you just told me that the lease was a form was in lieu of payment.

Mr. Okum: It is a process of conveyance yes.

Mrs. McBride: So it is not a lease lot it would be a rental lot like an Enterprise lot right?

Mr. Okum: If the description say for purposes of one person owning the equality of the person driving at yes it's the function, where there is still a holder whether it is GMAC or Jake Sweeney holds the title somebody other than ~~Enterprise lot right?~~

Mrs. McBride: But everybody holds the title unless you paid full market value in cash so that applies to every car that everybody takes a loan out on right?

Mr. Okum: Right. Why are we creating a leasing category?

Mrs. McBride: Because it is in the code today and because the idea was because we have places like Enterprise, we had inquiries from Hertz that wanted to come in and have car rental and car leasing opportunities.

Mr. Okum: And then they would like to sell.

Mrs. McBride: And that is why this is before the commission is to make it clear. We had an inquiry from Hertz and part of their operations now is to sell used cars and we said no because it was not being done in conjunction with a new car sales facility and they said okay fine we can't do that and they left.

Mr. Okum: I don't have all of the answers to this. I'm just saying that it is not as etched in stone as we look at it.

Mrs. Harlow: Mr. Parham has some comments.

Mr. Okum: Public hearing we are open to input on this. This is what code is all about.

Mr. Parham: I am trying to capture this in my own head. So currently, we allow a new car facility but we don't allow a used car facility unless it is tied to a new car facility?

Mrs. McBride: That is correct.

Mr. Parham: And I would imagine that the purpose of that is to prevent a bunch of little used car places popping up everywhere.

Chairman Darby: Pay on the lot.

Mr. Parham: Yes. But we also have as it has been articulated, car rental facilities. So the rental and/or leasing is more of an activity of that facility. Now some will observe it as if it is the actual facility itself. I guess is what you are trying to get to. Let me ask this question. So if this was adopted by, recommended by Planning Commission and adopted by Council would it then eliminate the requirement that a used facility be tied to a new facility?

Mrs. McBride: No.

Mr. Parham: That would still be in place.

Mrs. McBride: Correct.

Mr. Parham: It simply just is providing a definition for a new facility, a used facility and then a leasing.

Mrs. McBride: Correct, because the way the code reads now it says automobile sales or leasing, including motorcycles, recreational vehicles and trucks with a series of standards and one of those standards is that used car sales can only be done in conjunction with new car facilities. What we wanted to do was we wanted to clean that up and make it very clear so that somebody such as when Hertz looked at this and the Hertz attorneys looked at this and the Hertz attorneys called that it was very clear to them that we have a category for new automotive sales, used automotive sales and automotive leasing and each one of those three functions, uses, have standards that go with them. I guess I would make the distinction that something like a Sweeney with their new car sales, can you rent a car for the day while your car is being repaired, yes but that is not their primary use. That is not their principal use that is not their principle use that is an accessory use to the principle use, which is new car sales. If you go to one of their used car facilities and you go to have something done you can still get a rental car for the day and again that is an accessory use that is not a principle use of the property. If you go to the Enterprise dealership and you want to rent a car for the day that is the principle use of that property. So I think that is really a distinction being made.

Mr. Okum: I am good with that. The only thing is the leasing and rental tie together. One you rent for a day

Mrs. McBride: And if you want to change, leasing was the term the city has always used in their code. So if you and I think probably when that was put forward there weren't car leases like some of us use today. If you want to change that to rental or some other term that the law director and I can come up with as long as the administration is good with that.

Mr. Okum: I would go along with both of those because that gets you principle use, the use of the property and it is for those because that way you can tie them together because the used car situation can be leased as well in today's market.

Mr. Parham: So it seems like just from that discussion instead of having automotive leasing you have the three categories are, because we talked about primary function of what that business is doing, selling new cars, selling used cars or renting cars because the practice of leasing can be incorporated into I guess all three really.

Mr. Okum: At least two.

Mr. Parham: At least two of them.

Chairman Darby: We have some other input here. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. I understand what is being said and what Mr. Okum is saying in terms of difference in or the similarity of renting and leasing but at the same time the practical thing that is taking place is that you are renting a vehicle for a shorter, more confined period of time and you are leasing a vehicle to use for an extended period of time as your own vehicle. I don't have issue with having leasing as a category knowing that most businesses are going to be doing other things along those lines. I guess the question is how does it hurt in terms of putting leasing in there as a category? As we sit here right now and as Mrs. McBride indicated years and years ago, people were not leasing cars like they do today. I mean you go back 30 years that probably was not happening the same way that is now. There could be a time where someone is focused on primarily leasing vehicles opposed to selling them with the idea

that they are going to get the vehicle back and they are going to do whatever they are going to do with it at that time. I don't have a problem with that category but I guess the question is what's the down side to having leasing being a category or is it just an ideal that's not clear legislation or zoning or what's the objection.

Mr. Okum: Because the term lease can apply to rental well not rental but more used and new vehicles. And it is not really a primary category function of the use the land use is not a leasing land use. You have automotive, automobiles sitting on a lot for the purposes of a transaction that is going to occur with that. You are selling a good. Whether you are selling it on a lease basis or a purchase basis. It is still a vehicle sitting on a lot. The use of the land, that land use is primarily for that so you have a bunch of vehicles sitting on land and that is the land use. Part of the transaction is that you lease a car or part of the transaction is you buy a car or part of the transaction is you rent a car. Those are the three choices. It can be a new car or a used car. I am agreeing with staff that we still need to maintain that the used car and other functions, used car is tied to new car sales. That is our key that we want to maintain that discipline that if you have a used car lot whether it be for leasing or rental or sale that used car lot is tied to that new car lot. It is just terminology and understanding that the definition of that terminology. I don't think that just because Sweeney has on their lot sign that says lease your car here means that is the principle function of that business. It is still a car lot and there is still transferring of vehicle to somebody to drive either short term or long term. Whether it is a 12-month lease, 1 week rent, or 36 months or 72 months it does not matter. But still the purpose of a vehicle on a lot going to somebody going in to get it and that lot whether it is a new car or used car it needs to be tied to the principle new car dealership is what our code currently holds. I strongly support that part of it I just don't want a category, I think the key is that we need a leasing and rental if it is really a use. I think rental more is very short term and it can be defined. Leasing is very vague and very hard to tie down like Mrs. McBride says. The bank holds the title until you pay it off. You lease a car the dealership or the GMAC holds the title until the end of the lease but it is still held sometimes not even on the site, the ownership of the vehicle is held someplace up in Detroit or wherever GMAC is or wherever Ford Motor Company is that is where the ownership is. The dealership does not own it they are done with it. That vehicle has left their lot and it's gone. I just want to get it functionally right.

Mr. Hawkins: Yeah, I think the, you can get into the sort of the weeds and semantics in terms of when you "purchase" a vehicle. Do you own the vehicle and who has the title but it really comes back to what's the intention and what's contractual action that takes place. When you purchase the vehicle, the dealership is done with it unless you are financing with them and they can have some kind of rights to come back on if you don't make your payments. If you are leasing the vehicle, you don't own it.

Mrs. Harlow: You are never going to own it.

Mr. Hawkins: You are going to have to turn that back in. Now at the end of that you may decide you want to purchase the vehicle but that is still a different a separate action. I understand what you are saying in terms of as we stand here today there are not places that hold themselves as a primary use to go out that we are here to lease vehicles. But at the same time if you are Sweeney, Zach is sitting here he doesn't care if you want to lease his vehicle or if you want to buy his vehicle. No I agree with you at the end of the day at some point in time he wants to get rid of that car whether it if it is 5 years from now or 2 days after it arrives on his lot at some pint he wants to get rid of it but if you want to lease it they are going to make money hand over fist some would say even more so than if they sold that car they are going to be making money off of it and at some point they will get rid of it like any other good. I don't want to go and say that that's going to be their primary thing but it's a pretty big thing. I don't have numbers on it but I think it has evolved dramatically over time. I agree with you that there aren't going to be places right now as we sit here sitting here saying this is our primary business to lease vehicles and secondarily to sell them or secondarily to rent them but at the same time I don't have an exception or an issue with us putting that in the code as an option because I think it is a big part of car lots that are maybe primarily selling vehicles. They lease a lot of vehicles too, and they make a lot of money from that so it's something that if you are asking them if that is a decent part of their

business, it is. Now at the end of the day I agree they are still going to try to sell that car 5 years from now when that lease is up. They are going to want to get rid of it and move something else in.

Mr. Okum: But they are not going to be selling it. Somebody else, GM, whoever.

Chairman Darby: We want to move this along but I've got some other folks that have some input. Mr. Hall.

Mr. Hall: Thank you Mr. Chairman. I would like to, concurring with what Mr. Okum is saying, I am not really understanding that because if you go to a Hertz operation or a Budget operation or an Avis operation, they one, will rent you a car for a day, for a week. You can also rent a car for a month. Then when that car reaches a certain mileage, let's say 30,000 miles Hertz or the major rental companies are the owner of that vehicle they market those. So the way that they market those is they retail them and I just happen to be when I leased a car or rented a car from Hertz not too long ago I was kind of surprised to find out that they have their own finance company also. So you would go in not only and buy a used car from Hertz but they would finance it for you, they would rent it to you for a month or two months or rent it to you for a day and they are not connected to a new car dealership at all.

Chairman Darby: They can't do that in Springdale.

Mr. Hall: So that is why they are not allowed in Springdale?

Mr. Campion: They can't sell that car.

Mrs. McBride: That's correct. They could not sell it. They could come in and do, and we told Hertz this, that they could come in and they could do a car rental facility like Enterprise has but that they could not sell their used vehicles in Springdale because they are not affiliated with a new car dealership. Now if they had Hertz brand new Dodge cars then they could but they could not unless they are affiliated with a new car dealership.

Mr. Hall: Is that why Enterprise has their sales operation in Sharonville over on Reading Road across from Sharon Woods.

Mrs. McBride: I would assume so because they are not allowed to have it here.

Mr. Hall: I understand.

Mrs. McBride: Unless it was new cars.

Mr. Hall: So that would keep the Digger O'Dell or somebody from coming in here, they could rent a car but they could not sell a car.

Mrs. McBride: Right. I think if you look around the city has been the key factor as to why we don't have any JD Byriders etc. is because it has always been tied to new car dealerships. At the same time, we did not want to prohibit the folks that are selling new cars and taking used cars in trade or coming off leases or whatever from being able to sell those in conjunction with their new car dealerships.

Mr. Hall: Okay. Thank you.

Chairman Darby: Mr. Bauer.

Mr. Bauer: Thank you Mr. Chairman. Digger O'Dell is getting a bad name here. I used to sell play softball with him.

Mr. Okum: Sorry I was just using a term.

Mr. Bauer: I am going to over simplify this probably but I just have a question. There is a tie between new and used cars in the definition of that. What is the tie for rental?

Mrs. McBride: The tie is because the Springdale Zoning Code has always lumped all three together as one use and has always defined it together and permitted it as one line item with the same standards. So that is why it is being broken out.

Mr. Bauer: Okay. So there is no restriction for a rental car facility, other than they can't sell used cars because they don't sell new cars. That type of thing.

Mrs. McBride: Well the definition that was proposed for automotive leasing was any building or land used for the display and leasing of motor vehicles, motorcycles, recreational vehicles and trucks in operable condition. Vehicle leasing is the use of a motor vehicle for a fixed period of time at an agreed amount of money for the lease. And it was directed at Hertz, at Enterprise, I don't think we want to get into the business of saying with a maximum of 30 days per the lease or something. I am sure that the Building Department would love to go out and start enforcing 31-day leases. I mean we don't want to get into that business.

Mr. Bauer: Okay that is all that I had.

Chairman Darby: Mr. Ramirez.

Mr. Ramirez: Thank you Mr. Chairman. How would we, and in what category would somebody like a Mike Albert leasing fall?

Mrs. McBride: It would likely; I mean if he were leasing new cars, I would assume that it would fall within the automotive leasing.

Mr. Ramirez: Leasing and he does sell used ones as well.

Mrs. McBride: He would not be allowed to do that unless he had an Albert Pontiac, well there is no Pontiac anymore is there, like a Ford dealership.

Mr. Ramirez: So you have to have a flagship dealership to be a dealer of new cars?

Mrs. McBride: No, to sell used cars. Used cars are an accessory use to new car sales.

Mr. Ramirez: So Hertz, I don't know what brand they represent, Ford so they have new Fords for sale. Could they do that?

Chairman Darby: They don't sell new Fords that I am aware of.

Mrs. McBride: If Hertz decided to go into the new car dealer business and you could go into a Hertz dealership or Hertz business and you could buy a new car you could lease a car for today or for three years then you could also then buy a Hertz used car because they are selling Hertz new cars.

Mr. Ramirez: Okay.

Chairman Darby: Mr. Okum.

Mr. Okum: So why don't we have automotive sales new, automotive sales used and automotive rental?

Mrs. McBride: Well that is what I suggested quite a while ago.

Mr. Okum: 30 minutes ago. But you said leasing.

Mrs. McBride: I suggested changing leasing to rental.

Mr. Okum: Oh, Okay, I don't think we should use the word leasing period. Right. Well we don't have automotive used.

Mrs. McBride: We do.

Mr. Okum: Where.

Mrs. McBride: It is an accessory use.

Mr. Okum: Oh, it is under accessory uses.

Mrs. McBride: Correct, because you can't do it as a principle permitted uses as of right.

Mr. Okum: Where's my automotive used under accessory non-residential accessory uses. Okay so you are going to change leasing because that is a function to rental.

Mrs. McBride: Correct. To rental.

Mr. Okum: And a description of that rental being something like you have really.

Mrs. McBride: Except we are going to basically change leasing for rental.

Mr. Okum: I like that. I'm finally getting it. It just took 30 minutes.

Chairman Darby: Let the record show Mr. Okum owes everybody a half hour.

Mr. Okum: NOOO, I'm sorry but I want to make sure, nobody else chimed in, Mr. Okum that is what she is saying. I'm good with that, how does staff feel? How does the Administration feel about it? Administrative feels that they can manage that.

Mr. Parham: I'm sorry.

Mr. Okum: Administration feels they can manage that?

Mr. Parham: I think we can manage it. Just as I have been listening to the discussion and thinking about it, it just boils down to a couple things in my brain. One is we either have new cars or we have used cars for sale. In a part of either, you can sell the car outright at either one of those facilities or you can lease someone a car at those facilities. The other option then is the or function if you will, I call it activity, is renting of vehicles for a temporary period of time whether it is a day, whether it's a week or whether it is a month. It is a function of renting vehicles. Okay. But really the two key elements it seems in my mind either we have a new car sales dealership or we have a used dealership and the good thing is that we continue to want to tie the used into the new. The third opportunity for you to acquire a vehicle is through a rental process. So it seems that at the end that was part of earlier, new/used rental.

Mr. Okum: I thought you were going to use both leasing and rental and that is where I lost you completely.

(background chatter off mic)

Mr. Okum: Be quiet. That is not nice picking on an old person.

(background chatter)

Mrs. McBride: Alright, if the commission then is ready to move on with that modification.

Chairman Darby: Yes

Mrs. McBride: The next, the second category is to create aged restricted multi-household dwellings. So those would be for folks that are 55 and older and the reason that we are putting this forward as a permitted use within the PF, Public facilities district with standards is that there are certain uses actually at Maple Knoll right now in the Public Facilities district that do not meet what was, and I am going back many many many years, some of their units that were approved are basically non-conforming uses

according to this code and according to the code before it. So that is why we are putting forward that amendment. Are the questions on this? Yes. Okay.

The third, one has to do with final development plans. In most communities, there is an expiration period for PUD Final Development Plans. We want to be fair.

Chairman Darby: Mrs. McBride, I think we had a question on the last issue. Mr. Hawkins.

Mr. Hawkins: Thank you Mr. Chairman. The law director said that it is okay to do that with regard to restricting.

Mrs. McBride: Under the fair housing yeah, we have explored that avenue and it is. I have clients that do it. The law director said that it is perfectly acceptable to do that.

Mr. Hawkins: Okay, Thank you.

Mrs. McBride: I know where you are going with that. Are there any other questions on the Aged restricted?

Chairman Darby: We thing that is awfully young considering our ages.

Mrs. McBride: So the Final Development plan expiration. So what we are proposing is that Final Development Plans are good for a period for 18 months and if you don't get a building permit within 18 months then they would expire. They could come to this Commission and get a 12-month extension on that 18 months, but if they don't then the Final Development Plan would expire and they would have to come back to this Commission to get a new Final Development Plan approval. So the district stays, there is no reverter clause on the underlying zoning. The Preliminary Development Plan stays but the Final Development Plan does not unless they come to get an extension from you.

Mr. Okum: Here here. The way it should be.

Mrs. McBride: And the idea, I think everyone on the Commission understands why we are proposing that.

The last one has to do with adding educational facilities as a permitted use within the Public Facilities district. It probably should have been done initially and the purpose statement for the Public Facilities District, we are modifying that to include educational establishments and then adding that as a principle permitted use within that district. Then again, as I said there are some kind of other clean up items. Mr. Taylor had asked that we do and exhibit for corner lots, there was one typo that was caught yet still, thank you Liz, and so I think that pretty much summarizes them up.

So my understanding is that we would want to if the Commission were to move forward with this series of amendments that they would want to make sure that all references to automotive leasing were changed to rental and I would also suggest that, I liked Mr. Parham's, I think it was Mr. Parham's language of for a temporary period of time. I think that even better defines it to add that in the definition. So that change on definition just at the end of for a fix, temporary period of time at an agreed amount of money for the rental. I would just add temporary in front of period. That is on page 131.

Mr. Okum: Mr. Chairman if I could. I would like to move for approval of

Chairman Darby: We need to close the public hearing. Mrs. Harlow.

Mr. Okum: No, we can't close.

Mrs. McBride: Don't close any of them.

Mrs. Harlow: My question I think is for Mrs. McBride. What triggered the educational facilities, is there something that happened that triggered that?

Mrs. McBride: We have had inquiry from a church that is looking to acquire another church and they want to move their school to the other church property and they would want to rezone that to PF, Public Facilities and right now educational facilities are actually not permitted within the Public Facilities district. Obviously educational facilities are a public facility just like a library or a museum or a hospital, so I think that they should have been included all along.

Mrs. Harlow: Okay. Thank you.

Chairman Darby: Did we close the public hearing on them?

Mrs. McBride: We have not close any of the public hearing.

Chairman Darby: We are going to close number one and two, no one and three.

Mrs. McBride: One and three.

Chairman Darby: One and three.

Mr. Okum: Before we vote? We already voted on one.

Mrs. McBride: It was advertised as one public hearing so if you just want to leave it open per say but you are doing three separate actions.

Mr. Okum: Then we will close the public hearing.

Mrs. McBride: No, we don't want to close the public hearing because you are going

Mr. Okum: All except for two.

Mrs. McBride: Well you did not open a public hearing each time you did a text amendment.

Mr. Okum: Right it is one public hearing for all three.

Mrs. McBride: You have three separate actions, one public hearing.

Mr. Okum: Right so, we will take the action without closing and we will make a motion to continue the public hearing on number two.

Mrs. McBride: Just leave the public hearing open. Because you did not open it on one and close it on one and open it on these.

Mr. Okum: So we can vote on number three.

Mrs. McBride: Right.

Mr. Okum: Now. That is what I wanted to do.

Mrs. McBride: Right.

Mr. Okum: Good. That is what I was trying to do.

Chairman Darby: You have half an hour.

Mr. Okum: No, I just want to make a motion to approve the Miscellaneous Springdale Zoning Code Text amendments with the inclusion of changing the work leasing to automotive rental, adding the term temporary period of time into the definition and the other items that Mrs. McBride stated in her review of our discussion.

Mrs. Harlow: Second.

Chairman Darby: This motion to recommend to council has been approved and seconded as described. Secretary please call the roll.

Mr. Bauer called the Roll and the motion was approved with a vote of 7 to 0.

Mrs. McBride: Then a motion to continue the public hearing.

Chairman Darby: Make a motion to continue the public hearing

Mrs. McBride: To August 24th.

Chairman Darby: To August 24th.

Mr. Okum: I move to continue the public hearing to August 24th.

Mrs. Harlow: Second.

Chairman Darby: Moved and seconded that the public hearing on this item be continued to the August 24. Secretary please call the roll.

Mr. Bauer took roll and this was pass with a vote of 7-0.

IX. DISCUSSION

Chairman Darby: Do we have any items to be brought forward for discussion? Mr. Parham since you are here is there anything that you want to update this board on?

Mr. Parham: The only thing I have to share with you is the fact that the razor wire case is scheduled for oral arguments with the Court of Appeals on September 11th and they are actually going to hold the appeal hearing in Colerain Township because apparently they are to with some other organizations, agencies they are moving their activities around in Hamilton County. So that will be held in Colerain Township, September 11th.

Mr. Okum: So the hearing, the appeal is only on the specifics of the appeal not, is that not correct?

Mr. Parham: My understanding is.

Mr. Okum: Did they not pull the wire off of the building.

Mr. Parham: No.

Mr. Okum: It is still on.

Mr. Parham: In fact, I think the requirement for them to remove it has been stayed during the appeal.

Chairman Darby: Anyone else?

Mr. Okum: Just a question regarding the blue-lighted sign at Springdale Plaza. Is there any resolution to their signage? Their definitely not compliant with the requirements for the sign.

Mr. Campion: We did get them to change it to instant where it does not scroll up.

Mr. Okum: It's fixed I guess.

Mr. Campion: It's fixed. Yes, that part is fixed. I did not know that there was a color thing on it, so it can not be blue is that what you are saying?

Mr. Okum: It was supposed to be full color. I thing that's the motion but I guess they can say that blue is a bend of other colors or is that a primary color?

Mr. Campion: I will look into that. Apparently they had a, every time there is a power failure or something like that it defaults back to the scrolling.

Mr. Okum: It is amazing that it worked for so long.

Mr. Campion: Well we have a new owner so they did fix that part of it and I will check on the color.

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: There are no items under the Chairman's report so we will accept the motion to adjourn.

Mr. Hawkins: Move to adjourn.

Chairman Darby: We don't have to worry about a second on that one do we.

Mr. Okum: No.,

Chairman Darby: We are out of here.

Respectfully submitted,

_____, 2017 _____
Don Darby, Chairman

_____, 2017 _____
Richard Bauer, Secretary