

PLANNING COMMISSION MEETING

January 12, 2016

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Staff Present: Mrs. McBride, City Planner; Don Shvezgda, City Engineer;
Gregg Taylor, Building Official

III. MINUTES OF THE REGULAR MEETING OF DECEMBER 8th, 2015

Chairman Darby: At this time the Chair will accept a motion to adopt the Minutes of our previous meeting of December 8th, 2015.

Mr. Hawkins: Move to adopt.

(Mr. Bauer seconded the motion. With six "aye" votes from the Planning Commission Members, the December 8th, 2015 Minutes were adopted as submitted. Mr. Okum abstained, as he was not present at that meeting.)

IV. REPORT ON COUNCIL

Mrs. Harlow provided a summary report of the January 6th City of Springdale City Council meeting including the authorization of Ordinance 2-2016, for the purchase of the old hotel located at 11911 Sheraton Lane.

Chairman Darby: That is a great development.

Mrs. Harlow: Thank you.

V. CORRESPONDENCE

Chairman Darby: You received a copy, it should be in front of you, information on Planning Commission Members. I notice that this sheet does not contain my cell phone and I would like to give that to you. If you notice any mistakes under your name, please bring that to Mr. Taylor's attention.

VI. OATH OF OFFICE

Chairman Darby: At this time we are entering the phase where we will be administering the Oath of Office.

Mr. Hawkins: Mr. Chairman, please stand and raise your right hand and repeat after me.

Chairman Darby: I, Donald Darby, do solemnly swear and affirm to uphold the Constitution of the United States of America, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Springdale and to faithfully, honestly, and impartially discharge the duties as a member of the Planning Commission to the best of my ability.

Mr. Hawkins: Congratulations, Chairman Darby. Vice Chairman Okum, raise your right hand and repeat after me.

Mr. Okum: I, David Okum, do solemnly swear and affirm to uphold the Constitution of the United States of America, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Springdale and to faithfully, honestly, and impartially discharge the duties as a member of the Planning Commission to the best of my ability.

Mr. Hawkins: Congratulations. Mr. Hall, raise your right hand and repeat after me.

Mr. Hall: I, Thomas Hall, do solemnly swear and affirm to uphold the Constitution of the United States of America, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Springdale and to faithfully, honestly, and impartially discharge the duties as a member of the Planning Commission to the best of my ability.

Mr. Hawkins: Congratulations. Mr. Ramirez, raise your right hand and repeat after me.

Mr. Ramirez: I, Joseph Ramirez, do solemnly swear and affirm to uphold the Constitution of the United States of America, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Springdale and to faithfully, honestly, and impartially discharge the duties as a member of the Planning Commission to the best of my ability.

Mr. Hawkins: Congratulations. Mr. Bauer, raise your right hand and repeat after me.

Mr. Bauer: I, Richard Bauer, do solemnly swear and affirm to uphold the Constitution of the United States of America, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Springdale and to faithfully, honestly, and impartially discharge the duties as a member of the Planning Commission to the best of my ability.

Chairman Darby: For those of you wondering why only a portion of us were sworn in, our Council Representatives have already been sworn in.

VII. OLD BUSINESS

Chairman Darby: We have no items under Old Business.

VIII. NEW BUSINESS

A. Oak Hills Mausoleum and Gardens, 11200 Princeton Pike, Development Plan Review

Chairman Darby: Representatives, please come forward. Good evening. It is our procedure that you give us a brief overview.

Mr. Gerald Wantz: I am the Vice-President of Spring Grove Cemetery. We also operate and maintain Oak Hills Cemetery here in your municipality. We are here tonight to hopefully get through our plan for the development review of a mausoleum on the property. I am here to field any questions or anything you would have for me.

Chairman Darby: This is your opportunity, if you choose to do so, to give us a brief statement about it, which you have done. Is there any other details that you would like to add?

Mr. Wantz: I know you had a few questions for us, so we can address those. We have our Engineer of the project from IDE Company, Tim Foster, who you met before. Also the Project Manager from Coldspring Mausoleum Minnesota, Marty Tuttle. They are here to answer any questions that you may have as far as what your concerns are but the overview briefly is a 279 crypt mausoleum that will also have 288 niches for cremation. It will go about six crypts high. I know there were some questions that you all had in regards to other strategic points of the building.

Chairman Darby: We will move on to our Staff reports and those questions will be forthcoming.

Mrs. McBride provided the City Planner's Report.

Mr. Taylor: Ann sort of stole my thunder there - I basically don't have any additional but I would like to reiterate they have proposed an appropriate amount of tree replacement. We have some suggestions in terms of size. Basically the replacement plan indicates that all the replacement trees are 2 ½" caliper and our ordinance calls for them to be 3"; so I'm

sure that can be worked out between Staff and the Applicant. To affirm, the application has been filed for the variance. I have nothing further.

Mr. Shvegza provided the City Engineer's Report.

Chairman Darby: Thank you, we will open it up for questions and comments from the Commission Members. I would like to remind everyone to please make sure your microphone is on when you speak even if it is just to second a motion.

Mr. Hall: This may be addressed to you, or if you have your contractor here. In the second paragraph of your Engineer's report, Mr. Foster brought up concerning detectable odors and also indicated that your contractor, Coldspring Construction and the type of construction that they were going to use also indicated that there was a 2" vent pipe to be placed in each one of the crypts to be exhausted out through the roof. This kind of raised some questions because of the close proximity of the eating establishments that are there. Your project, being up on the hill that it is, it seems that if these odors are detected by the folks that are out there enjoying lunch in the springtime or dinner that that would be very offensive. I have done quite a bit of research on this and this is an ongoing problem with mausoleums in the area. The main concern is, will the odors create an exhaust through the 2" vent pipes? Is this just going to be exhausted out to the air and then depending on which way the wind is blowing whether it would go to Fridays to the people enjoying their dinner there or if it would go across the street to the folks enjoying their dinner? I think it is very important that we take into consideration the long time businesses that are there and the immediate area of their customers, that it is not compromised by this. Obviously the odors are generated in the heat in the summertime and that would be the same time that the patrons would be outside enjoying their dinner. So if you care to address that, I would certainly like to hear your response.

Mr. Wantz: I certainly understand your concern. At Spring Grove, we have close to 11,000 entombments or available spots there. I know of no one that has ever mentioned anything about any odor. In my career of forty years, I have never had that kind of odor through the vents. I am going to call on Mr. Tuttle, who is the Project Manager, for particulars of the questions that you are asking.

Mr. Marty Tuttle: Good evening. It's no secret that the situation that occurs inside of a crypt has the potential to be not so pleasant. It is a natural process that takes place. A couple of things; Coldspring has been building Mausoleums for over one hundred and twenty five years, so we have learned a few things about how to control that process. In a nutshell, yes it does vent through the roof. There is a process that happens at a cemetery when they entomb, they use a bag on the entombment on the casket which basically contains that during the real crucial time when the odor would be the strongest. It is contained. Then through the natural process of the decay that takes place, that amount of odor is reduced. Through the venting process, what there is left is released and many times it is very little because of the process that happens inside, the chemicals and stuff that are used by the funeral homes and such. It just vents up. I can tell you that we have lots of mausoleums that are sitting very close to residential areas and it is always a concern. There are lots of questions, this is a common question but we haven't had anybody call us up and say this is unbearable or complain so that we have to go back out and change the way we are venting these. There are literally thousands and thousands of mausoleums so if it is done properly, and we believe that we do it properly because we haven't had the problems with it and it has been tried and tested, so venting it up rather than keeping down low and keeping it up higher makes a difference and through the bagging process reduces that, during that crucial time of, without getting into the details during that early on time of the decay, that is when the most odors are there and by bagging it we control that.

Mr. Hall: Is that something similar to a product known as the Franklin Wrap, or something to that extent, where the casket is wrapped and put in a container?

Mr. Wantz: Yes, at Spring Grove we use what is called Insurance Seal bag and it is hermetically sealed and everything prior to entomb.

Mr. Hall: Thank you.

Mr. Hawkins: I do want to say thank you in being proactive and answering some questions in the letter that you sent to Mr. Taylor with some of the concerns and questions that we had previously. You're indicating that there aren't typically complaints about an odor being unbearable? Just educating me, is there usually some kind of smell if someone goes to a mausoleum that they can detect?

Mr. Wantz: I can't sit here and say that I quite honestly have detected - have I been in mausoleums where there has been odors; yes. But that's why we were very careful in who we selected. At Spring Grove, I think we have upwards of 11,000 and if there are any complaints, I don't know about them and I am the Operations Manager. If it is done right and built right; I can tell you honestly that I have not noticed an odor. I have been in buildings and I am going to tell you that I have smelled some but the ones that I have been affiliated with and companies that we have used, Coldspring is at the top of the list, I can't sit here and say that I have ever detected that.

Mr. Hawkins: And the process is that the deceased is in the casket and the casket is in a bag and the bag is in the vault?

Mr. Wantz: The bag is in a crypt, yes. It encapsulates the casket itself.

Mr. Hawkins: Thank you.

Mr. Bauer: Another follow-up to that; as far as the venting you say that each crypt is vented with a 2" vent? Not all 279 of those are vented through the roof, are they; they have one 2" vent through the roof or do we see all 279 of those?

Mr. Marty Tuttle: No, it is connected into a maze. Think of it like plumbing, you really have fewer stacks coming through the roof. It is the same concept. All crypts are connected to that and there might be three or four vents in sight.

Mr. Bauer: Thank you. And there is no requirement or you see no need to add any kind of odor filter on that venting system?

Mr. Tuttle: No; typically not.

Mr. Bauer: Okay. I will go on to something else; the height of the mausoleum above the 16' required by Code and I know you are going before BZA for a variance but can you share with us what the justification for that height is going to be to them?

Mr. Wantz: Well, when I gave my preliminary design, I didn't want a flat roof; I wanted the gothic-pointed roof and I just felt that compliments what we're looking for and complimenting the funeral home across the street and would stay within the basic architecture plan and it just so happens that it did exceed your limits.

Mr. Bauer: So that answered my other question that it is aesthetic and there is nothing functional or operational about that height or that peak?

Mr. Wantz: Not so much. The crypts go up six levels high and so the gables of the roof will exceed the height of those crypts.

Mr. Bauer: Okay, thank you.

Mr. Okum: If we could speak in regards to the odor issue a little bit more. Coldspring Contractor is the custom company that makes this system, right?

Mr. Wantz: Yes, sir.

Mr. Okum: And then it is erected or constructed by a contractor?

Mr. Wantz: Coldspring does all the work.

Mr. Okum: You do the assembly. Does Coldspring offer in their product line an odor attenuation device or equipment for their mausoleums?

Mr. Tuttle: No, there's no product on the market that is sold, as such. Basically, the only things that you can really do beyond the networking is to make sure you have enough ventilation and make sure if you have an enclosed structure, for instance that you have positive pressure situation so that the odors are not coming to the inside, although the crypts themselves are sealed beyond the bag and then sometimes if it is a long push with the ventilation we would put an inline fan in there to move that to insure that nothing is stagnating and hanging and that it is moving out. But there is no product where you could filter through something. They are for crematories but not for this.

Mr. Okum: Okay. So since people are placed in there at different times, the amount of the decay that you have indicated would be over a period of time depending on when they are placed in the crypts because certainly not everybody is placed in a crypt all at one time, you have two hundred and some units that are going to be there. What is your build out time of that fill, that expectation?

Mr. Wantz: Well, it all pretty much depends upon the sales but we usually project about a ten-year period and then, I think you have seen some of our extended drawings or opportunities where, if it depends on sales and if it goes well and the building sells then we will come to you again for a little more what we call annexes. But generally a ten-year period.

Mr. Okum: So over ten years there is a certain amount of decay that is going to occur naturally which would break down. Do they do readings, like parts per million of release?

Mr. Tuttle: I have never been exposed to that or even heard of it being done.

Mr. Okum: Because there is embalming fluids or those type of materials used, are there chemical releases that occur during that decomposition?

Mr. Wantz: Not to my knowledge. Gentlemen, in your careers, have you ever heard of that?

Mr. Tuttle: No, sir.

Mr. Okum: Okay, I was not here last month but I did get the packet and I saw that much and I did read the minutes so I was up on what is happening with the presentation this evening. So based upon what I have heard this evening from everybody else, I don't see any other lights lit, there is a requirement for the 3" caliper tree replacement that you would need to comply with. You need the Board of Zoning Appeals approval of your building height elevation to accommodate the gabled roof. It seems like the building is a little bit higher, basically by about a foot or so up to the eave, the primary height extension that Board of Zoning Appeals would be considering would be aesthetic and the gable roof system, not for a second level of crypts?

Mr. Wantz: Nothing beyond the original design for the crypt height.

Mr. Okum: That's all I had, Mr. Chairman, thank you.

Mr. Hall: I have one last question. You indicated that you have several of these mausoleums in Spring Grove, which encompasses several hundred acres, right, is that fair to say?

Mr. Wantz: There are nine buildings; is that right, Mark?

Mr. Mark Funke: Right now there are eight.

Mr. Wantz: We will build the ninth one in the next year.

Mr. Hall: What has been your experience in placing a mausoleum this close to outdoor food establishments?

Mr. Gerald Want: Never an issue.

Mr. Hall: You have had personal experience with that?

Mr. Gerald Wantz: Yes, for forty years I've been doing this; not all at Spring Grove but throughout Ohio and I can't think of any issues we have ever had.

Mr. Hall: Thank you, sir.

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

Mr. Okum: So I understand - as a standard operating procedure, your odor attenuation is surrounded around and accomplished by a solid sealed wrap of the casket, is that correct?

Mr. Wantz: A solid sealed?

Mr. Okum: It is a solid sealed wrap of the casket?

Mr. Wantz: It is encased.

Mr. Okum: Okay. That's your best practices, correct?

Mr. Wantz: Absolutely.

Mr. Okum: So if there was a requirement, and I guess you have had other communities require this, or is that a standard that you just do that?

Mr. Wantz: We do it as a safeguard.

Mr. Okum: As a safeguard because you don't want to have the un-pleasantries?

Mr. Wantz: No, we don't. Actually I know of many, like some of our buildings outside, we have what is called exterior crypts much like this where we don't use the bags but as an added precaution there is no reason why we couldn't do that here and that is what we are proposing. It is not a requirement, sir.

Mr. Okum: So, if the motion were to include, odor attenuation of the crypts shall be accomplished by a solid and encased sealed wrap of each casket, would that be adequate?

Mr. Wantz: I would be more than willing to do that.

Mr. Okum: Okay, thank you.

Mr. Hawkins: Just one last question regarding the lighting; the lighting that is inside the open-aired rooms, is that going to be on all the time or just during the hours of the cemetery being open?

Mr. Wantz: That is a good question. We talked about that; just exterior lighting will be left on.

Mr. Hawkins: There will be inside recessed lights, but those will not be on?

Mr. Wantz: They will be much like these, recessed.

Mr. Hawkins: Those would only be on during the regular hours of the cemetery?

Mr. Wantz: As necessary, because it is an open-air type mausoleum but they are there as needed if it gets a little darker or overcast or anything of that nature.

Mr. Hawkins: But the idea would not be to have those on once the cemetery is closed.

Mr. Wantz: We haven't given it any thought but we could for whatever reason. We could, there is no reason we couldn't.

Mr. Hawkins: The only thought that I have is that it may detract anybody who may be there that is not supposed to be there, if you can clearly see into those open areas in the evening time.

Mr. Wantz: I hear you. There is no reason we couldn't do it.

Mr. Hawkins: Okay, thank you.

Mr. Okum: A suggestion, it was a suggestion?

Mr. Hawkins: Yes.

Mr. Okum: I would like to make a motion to approve Oak Hill Mausoleum at 11200 Princeton Pike. This motion includes specifications and designs contained in the exhibits as submitted and reviewed by Staff prior to this meeting. It also includes the Staff, City Engineer, and City Planner recommendations and considerations. This approval is conditional upon the approval by Springdale Board of Zoning Appeals for the identified variance on building height for the purposes of a gable or sloped roof effect. The motion includes that all lighting fixtures shall conform to the existing Zoning Code requirements. According to our Tree Preservation and Replacement conditions, the Applicant has agreed to adjust the tree caliper inches for the replacement to be 3", as per Staff's report. As a matter of odor attenuation, this shall be accomplished by a solid sealed and encased wrap of each casket placed in the mausoleum.

Mrs. Harlow seconded the motion and with a vote of 7 – 0, the motion was passed.

B. J. Austin's American Eatery, 11568 Springfield Pike, CRD Sign Proposal

Chairman Darby: Would the representatives please come forward.

Mr. Klusty: I am representing Klusty signs and J. Austin's. I don't know if you have questions first; there were a few items on the sign package that were of concern. Essentially, Ken and Gloria came to me to design and they implemented a common theme that they are putting in several of their restaurants, this being the second one. In doing that with their logo that was already established we tried to write a sign spec and a look for the entire front, it had a nice look in keeping everything within Code, as far as square footage and sign specifications. As that unfolded, we came to find out, after we applied, that one or two of the units involved were interpreted as maybe a different style sign than what is typically approved; mainly being the "American Eatery", that is under the channel letters at the main front where it says "American Eatery". That being called a box sign; it really is still a channel made at the same depth as the letters. Sometimes we can't fabricate a letter that small, so that secondary copy that is a way to get that out. If you look at the night view it is still would be all white lettering, individuals; you don't actually see a shape of a box or anything like that. I think the other part of it was the round logo, the way they have kind of achieved that logo near the bar area was really the only way to design that with that unique look. Again, not really what Code intended as a box sign being typically the back-lit extruded squares with pan faces in them and backed with fluorescent tubes; it is not that. It would have its own face and its own trim caps, similar to a channel letter so that the whole theme, day or night, kind of all ties together.

Mrs. McBride: J. Austin's is going to be the rebranding of Riley's in our Springdale Towne Center and that property is zoned within our PUD District but it is also within sub-area C of our Corridor Review District so the two Members of Planning Commission that serve on Council will have to make the determination that this is in fact a Minor Change, and Staff thinks that it is, from the approved PUD.

Mrs. Harlow: I believe it is a Minor Change.

Mr. Hawkins: I agree. I believe it is a Minor Change.

Mrs. McBride provided the City Planner's Report.

Chairman Darby: I don't believe that we have any comments from other Staff at this time.

Mr. Klusty: I do have the LED lighting sample, to give you a feel for it because it is somewhat new. Steak and Shake uses it inside and we just did it last year down at LaRosa's at the Towne Center there. This being the red and they have chosen the white.

Chairman Darby: Can you step out so everyone can see, please?

Mr. Vince Klusty plugs in light demonstration board.

Chairman Darby: I know, during a previous submission, one of the things that the Commission was really concerned about was that there have been situations where some of those lights go out. I know one of the things that we are going to be really, really concerned about that that is closely monitored.

Mr. Klusty: Yes. They actually warrant that for five years. We really don't have much problem with that, maybe a power supply going out, not so much the LEDs. So I would think just like any other signage, we would be called.

Mr. Okum: Let's talk about this lighting for just a second. What is the length of each of those sections?

Mr. Klusty: I think 10' is our maximum.

Mr. Okum: So there is a ballast or power supply for each of those?

Mr. Klusty: I think that job will require four power supplies.

Mr. Okum: If there was wording that if any portion of this system becomes defective, all similar accent lighting shall be turned off until such repairs are made; that is not a problem, you can turn it off with one switch?

Mr. Klusty: Yep.

Mr. Okum: On your submission, on page two, there is a black and it says approximate illuminated space and it says "J. Austin's American Eatery" - I don't know where that's going; help me understand.

Mr. Klusty: That's the night view of that sign.

Mr. Okum: The night view of which sign?

Mr. Klusty: This is that sign at night. We try to do at least a small sampling so that you understand that is all you see at night.

Mr. Okum: Behind the lettering "Austin's", the raceway, there is no black there.

Mr. Klusty: Right, at night when it lights, you will just have individual letters that will go away, in theory.

Mr. Okum: So the black is just a representation of darkness?

Mr. Klusty: Correct.

Mr. Okum: And not cabinet?

Mr. Klusty: Correct.

Mr. Okum: Just so that I understand that that is not a cabinet, that it is darkness.

Mr. Klusty: Correct.

Mr. Okum: Please understand that is the reason I am asking that question because it could easily be viewed as a sign case.

Mr. Klusty: Hopefully not. I can see that.

Mr. Okum: Now I understand and I am good with that. I was at Riley's New Year's Eve and had dinner and found out you are renaming and rebranding and I was a little surprised that you didn't bring the grill name into it but that's a marketing thing for your family to make a decision on, because the other one is grill right - J Austin's Grill?

Audience Member (Owner): Actually it's café.

Mr. Okum: I thought it was grill; maybe it was the online. Well, anyway, I think it is time and I hope that it does very well. I don't see a problem with the LED lighting on a limited basis if it is used tastefully. Your sign quantity that you have requested are very much fair and as far as the sign on the tower, I would like to see it brought in a little bit but on the other hand, you can't get the 3' because you would have no sign at all. Mr. Klusty, you did a sign and I will disclose this - that you did a sign for me and did it very tastefully and you project it very well. You know what would look best up there and honestly, based upon the representation that you have here, maybe a little bit smaller but I am not going to push either way.

Mr. Klusty: And that rule was a 3' inset, not from the lease line but from any protruding element.

Mr. Okum: That would be taking 6' off of that sign and it would be purposeless, as some people say. That is all I have.

Mr. Bauer: The sign on the tower, currently the Riley's sign is on that tower; correct?

Mr. Klusty: Yes.

Mr. Bauer: How far is that from the edge of that; it doesn't look 3' to me when I drove by today?

Mr. Klusty: I don't know if I would have that; I thought they were.

Mr. Bauer: I was just curious, it didn't seem like it was 3' from the edge.

Mr. Klusty: I think it was afforded in the verbiage he had in the last letters; he was probably able to achieve a bigger look and hold that better. He might have a foot or two.

Mr. Bauer: What do you think this new sign will be from the edge?

Mr. Klusty: It is probably only 6".

Mr. Bauer: Okay, that's all I have.

Mr. Hawkins: I think it is important that the motion indicate that the LED light is to be white verses pink or orange or yellow or what have you.

Mr. Okum: Are there any other comment on the sign on the tower? (None.) The Commission is okay with what the designer designed. Mr. Chairman, I would like to make a motion to approve J. Austin's American Eatery project to include specifications, designs contained in the exhibits as submitted and reviewed by Staff prior to this meeting; that the design also includes accent lighting in the PUD district. Such accent lighting as presented in the application shall be LED and it shall be white. There shall be a condition

be placed on that, that if a portion of that system becomes defective, all similar accent lighting shall be turned off until such time that the repairs are made.

Mr. Hawkins seconded the motion and with a vote of 7 – 0, the motion was approved.

Chairman Darby: I would like to thank the owners for coming out for the presentation. It is so often that many owners just send their hired guns; I am happy to see you out in this weather, thank you.

C. New Zoning Code / Zoning Code Update

Mrs. McBride: As Planning Commission knows, you recommended on to City Council, consideration of our new Zoning Code. Some of the changes that were made to that Code impacted our Zoning Map and so the Zoning Map is proposed for amendment and that is before you this evening. I did a memo but very briefly, when we did the review of the Code, it was the decision of the Committee and the recommendation then of this Commission to eliminate the Motor Service (MS) District. There were only three areas of the City that had that zoning district and we felt that the Code was somewhat redundant with that, so with the elimination of the MS District then those properties would become General Business (GB) District. That is the first change to the map. The second change has to do with our Public Facility (PF) Districts. If you recall, we had originally three PF Districts - a Low Density, a Medium Density, and a High Density and it was the decision of the Committee and the recommendation of this Commission to combine those into one Public Facilities district. So what the map now would reflect then is, any property that was PF-L, PF-M, or PF-H would now be designated Public Facility District. The third change had to do with, we had a number of multi-household districts and those were consolidated and the map is proposed to reflect that. There were a few locations where those are now described as within the (RMH) Residential Multi-Household district, which represents the consolidation of the Residential Multi-Household Low Density and the Residential Multi-Household High Density districts; so the map reflects those changes as well. We also had four Single Family districts and it was the recommendation contained in the new Zoning Code to eliminate the Residential Single Household – Medium Density District and consolidate that within the Residential Single Household Low Density (RSH-LD) District; there were two areas in the City where those area would then be re-zoned to (RSH-L). The map is before you this evening for recommendation on to Council, if you feel it appropriate. What we have done is we have given you both the old map as well as the proposed Zoning Map. Again, these revisions keep up with the Code that is being proposed to City Council.

Mr. Okum: Just one question, Mrs. McBride; where we label it PUD, there is still an underlying zoning that applies to it but we don't show it on the Zoning Map, is that right?

Mrs. McBride: That's correct but we generally classify those as PUD, when we start looking at them.

Mr. Okum: Okay, thank you.

Chairman Darby: Are there any other questions?

Mr. Taylor: There are just a couple of housekeeping things that I just wanted to point out. I am sure you probably recognized it but where we had PUD districts that abutted one another, the divisions between the individual ones are now indicated so that you can tell what PUD is what. From a use standpoint, the State Route 4 inset that is on the second page was done just to make it easier to identify what is going on. Previously it was a little tough to read. That is all I wanted to point out, thanks.

Mrs. McBride: And I just want the Commission to be clear on those, those are kind of housekeeping issues. These other four items that I just talked about are actual map amendments, so that is what actually needs to be recommended on to Council if that is the Commission's decision.

Mr. Okum: There will be a Public Notice?

Mrs. McBride: The Map will be considered with the Zoning Code. It will all be held together. Actual notice on the specific properties does not have to be done because of the number of properties that are being amended.

Mr. Okum: That's good; it would create a lot of confusion and it really is not impacting anything.

Mrs. McBride: We have done the analysis and looked at the comparison of what the districts were and what the districts are proposed, in terms of uses and minimum lot size, setbacks and those kinds of things and that was all done prior to the Committee making the recommendation on to this Commission and the Commission subsequently making their recommendation on to Council.

Mr. Okum: Mr. Chairman, I would like to make a motion to approve the Zoning District Map revisions as submitted by Staff for review and to move it on to Council for their approval.

Mr. Hall seconded the motion. With a vote of 7 – 0, the motion passed to move the proposed revisions to the Zoning Map forward to Council for their approval.

IX. DISCUSSION

A. Chairman Darby: Mr. Taylor, I did receive the election ballot. As we all know, we did recommend that Mr. Okum be our candidate for the Regional Planning Commission. I just got some additional paperwork here. Dave, from this point, it is our responsibility to submit this to the Planning Commission?

Mr. Okum: That is correct. It is our responsibility, as a municipality in Hamilton County, part of the Regional Planning Commission territory and to now vote on the appointment of one of two people to the Regional Planning Commission; I am one and the other is a gentleman by the name of Mark Tilsley, from Madeira.

Chairman Darby: And we did receive their acknowledgement that we in fact did submit your name. There is no need for a further vote from this group; correct?

Mr. Okum: No, we need to vote again. We nominated and now we need to vote in affirmation or approval. I would appreciate your vote; as most of you know, it is a totally free job and no one gets paid. I get to park in the City garage over by the Casino so I get to walk, as well.

Mr. Thamann: You get an annual dinner, right?

Mr. Okum: That is true. And they are paying for my participation in the upcoming David Allore Planning Workshop; that saves us money.

Chairman Darby: I think I hear a motion coming.

Mr. Ramirez: Thank you, Mr. Chairman. I would like to make a motion to make Dave Okum our representative for the Regional Planning Commission.

Mr. Hall seconded the motion.

Chairman Darby: It has been moved and seconded that this Body would vote for Mr. Okum for the representative for the Regional Planning Commission. We will do a voice vote.

The Planning Commission Members voted unanimously for the appointment of Dave Okum to the Regional Planning Commission.

Mr. Okum: Thank you very much.

Chairman Darby: Thank you, Dave.

- B. Mr. Okum: I get back in town and I'm addressed by a couple of different people about Liberty Tax Service and their LED lights around the windows. I am sure Staff is aware of it and it appears that they have been off for the past couple of days. We do have a lot of beautiful American flags around and I do appreciate their recognition of our flag but I'm a little bit concerned about the over lighting; literally the parking lot does not need lighting with those lights on.

Mrs. Harlow: They call it little Las Vegas.

Mr. Taylor: They were told to turn them off. So far, so good. They are off. This is kind of backwards, but we wrote orders to tell them to turn the things off because they were so bright. I got an opinion from Mr. Forbes that since the lights weren't for any particular lighting purpose, they were to draw attention to the tenant, therefore, it is a sign and therefore we can regulate it as a sign; therefore, they need a sign permit. They have not applied for one and they haven't turned them on since we issued the orders and I am hopeful that this thing goes away on its own. If it doesn't, then obviously we will have to continue to act.

Mr. Okum: Thank you very much. As a follow-up to that, last year's training session, it was West Chester who challenged I believe it was Liberty regarding the person standing out on the street, as signage.

Chairman Darby: Mrs. McBride, do you want to address that?

Mrs. McBride: It was my understanding in that case, West Chester won initially; Mr. Hawkins, you maybe can comment on that. And then Liberty Tax had that overturned and I believe that West Chester then appealed that decision and I believe that that may still be pending. That has been an on-going battle between West Chester and Liberty Tax.

Mr. Okum: Thank you.

Chairman Darby: One other piece of that has to do with, I think we intervened when the Lady Liberty was in the right-of-way – is that correct? And that is just not allowable.

Mr. Taylor: We have sent orders to turn off the outline lighting around the windows. So far they have complied. We are aware "Lady Liberty" was strolling within the right of way near their tenant space. We informed the Police Department, they went and got her to stop. Again, that hasn't come back up recently but at least we can try to deal with a blazing, white light.

- C. Mr. Ramirez: Mr. Taylor, the owner or the management from Howard Johnson's came to me questioning his signage. He is no longer going to be a franchise of Howard Johnson's and as you know, he's changing it to Springdale Inn and Suites. He is questioning why he has to come before the Planning Commission to change the name although he is maintaining the same colors.

Mr. Taylor: We didn't tell him he had to come before you all to change his name - it had to do with the colors of the sign. We went through an extensive iteration to try to get the sign to be 50% earth tone. It has to be 50% earth tone because it is in the Corridor Review District. Originally it was proposed to be blue and anyway, the long and the short of it is, he did apply to get the pole sign changed and we got that worked out kind of at the 11th hour on New Year's Eve. He is, I believe, at some point going to do something with the ground signs but so far we don't have anything from them on that.

Mr. Ramirez: And the question came up, and me being new at this I didn't know how to answer that, he said "What if I would have changed from a Howard Johnson's to a Super 8 where the colors are pre-determined"? Would those automatically be approved because that is company colors?

Mr. Taylor: I would think not.

Chairman Darby: You might share with him that we continue to have a white White Castle and that is not the color that they wanted. They wanted to rebuild but they could not rebuild and have the white color; is that correct?

Mrs. McBride: The issue has to do with the Corridor Review District overall and the fact that it does require earth tone colors. This Commission has the ability to modify those requirements and so that is what happened with White Castle. If it were to become a Super 8, then he would need to come before the Commission and present that information to the Commission and say, "I have the flag for Super 8 but contingent on that is the fact that I get to make the sign red and yellow". It would be up to this Commission to make that decision to modify the color requirement.

Mr. Ramirez: Okay, thank you.

D. Mrs. McBride: I just wanted to remind everybody, Saturday at 8:30 a.m., here in this room Mr. Forbes, my partner Gregg Dale, and I will all be here for a training session. We have most of the BZA coming; I know most of you guys are coming so that is great. We are looking forward to seeing you. A week from Friday, the 22nd is the Allore Planning and Zoning Workshop over in Anderson. I think the Chair had suggested maybe carpooling from Springdale. Just in case there is bad weather there is shuttle bus service at the township, if you are going to drive yourself, from the upper parking area down to the facility itself. Breakfast, lunch, and there is a happy-hour afterwards. We are going to be screening the movie "A Tree in Trouble" done by Taking Root. It should be an all-inclusive day. Last year we had two hundred and we ended up having to close down the registration because it was absolutely full. We are going to be running four tracks almost all of the day. Hopefully there will be some good information there for you all.

X. CHAIRMAN'S REPORT

Chairman Darby: There is nothing on the Chairman's Report this month.

XI. ADJOURNMENT

Chairman Darby: We will accept a motion to adjourn.

Mr. Okum moved to adjourn. Mr. Hawkins seconded the motion and the City of Springdale Planning Commission meeting concluded at 8:10 p.m.

The next Planning Commission meeting is scheduled for February 9th, 2016.

Respectfully submitted,

_____, 2016 _____
Don Darby, Chairman

_____, 2016 _____
Richard Bauer, Secretary