

PLANNING COMMISSION MEETING

August 13, 2013

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Carolyn Ghantous, David Okum, Richard Bauer, Robert Diehl, Marge Boice and Don Darby

Members Absent: Tom Vanover

Others Present: Anne McBride, City Planner; Don Shvezda, City Engineer; and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF JULY 9, 2013

Chairman Darby: We will accept a motion to adopt the Minutes of the previous meeting of July 9, 2013.

(Mrs. Boice made a motion and Mr. Okum seconded the Minutes be adopted as written; with a unanimous "aye" vote from the six Planning Commission Members present, the July 9, 2013 Planning Commission Minutes were approved.)

IV. REPORT ON COUNCIL

(Mr. Diehl gave a summary report of the July 17th, 2013 City of Springdale Council Meeting.)

Mrs. Boice: You look at so many communities that are struggling, you people are really just doing one whale of a job and I know it is tough budget-wise; and I am not the only one saying that, I talk to a lot of people and they feel the same way. Hats off to all of you.

Mr. Diehl: On behalf of Council and the Administration, we thank you.

V. CORRESPONDENCE

(No Correspondence presented at this meeting.)

VI. OLD BUSINESS

(No Old Business presented at this meeting.)

VII. NEW BUSINESS

- A. Chairman Darby: Minor Revision to the PUD Plan, Vineyard Church off Premise Sign at 925 East Kemper Road.

Mr. Jim Cochran: I am part of the leadership team for the Vineyard Community Church here in Springdale and I thank you for the opportunity to come before Planning Commission tonight. At this time, we are talking about a minor revision to a PUD district, close by to us that impacts us. We feel that we have really

benefited as a church from the great relationship that we have had over the years with the City and love how our campus has developed here. Probably the biggest practical barrier to our campus fully functioning is the lack of quality signage at our main entrance there on Kemper and Century. We have made a substantial investment in the Springdale Community, not only with our physical campus but with the array of support services that we are able to provide. In addition to our weekend services, our support services include things like divorce care classes, addiction recovery groups, job coaching, computer skill classes, health screenings, citizenship classes and many others. From some recent survey data, we are aware that a substantial portion of our campus visits come from folks who live more than twenty minutes away. It is easy to make a projection from that statement that our campus draws over one hundred thousand visits per year from folks that would not otherwise be in the Springdale area. Many of those visits will include stops at local stores and restaurants which we would like to think is beneficial to the local retail environment. Helping people more easily find our location is beneficial to the church but we hope it is also considered beneficial to the Springdale Community at large. We recognize the value of good signage principals and practices in municipalities and having been at these meetings a number of times over the years, you guys do a great job with managing that process well. Taking all of this into consideration we think we have found a really good solution to what has been our long term signage needs; we have an agreement and principle with the Kraus Company that owns the property and sign on the southwest corner of Kemper and Century Boulevard where Best Buy and Dicks are located and they have agreed to lease us the currently blank panel in their existing ground sign. We have provided in our application package a couple of graphic representations of what an existing sign might look like with the Vineyard sign in that currently blank panel.

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

Mrs. Boice: As we all know, we have a lot of signs that come before us and we talk and do a lot of convincing over them because many of them are very, very difficult with our sign regulations. I find this one very easy; a slam-dunk if there ever was one. We are well aware of the work that you accomplish and we are happy to have that in our community. I just think that what has been presented is wonderful and we have had a situation like this before, this is not something brand new. I am in favor and I hope that all of the other Members would be feeling the same way.

Chairman Darby: I think also we can appreciate the creativity and approach that was used here.

Mr. Okum: I too believe that this is a viable solution for the church considering the amount of traffic that it generates into that development. Years ago, I thought that changing the name of the street would have been a better option but I think there are other businesses that would have something to say about that. We have changed names before on streets and I personally felt that might be some consideration maybe sometime in the future. I would like to suggest possibly the option #2 with the arrow, especially if you are traveling eastbound on Kemper Road, the small arrow; I am used to looking at my Garmin for an arrow to tell me which way to go. I will be supporting this. I think personally that it may need a line up and then a right, so that they know that they want to go to the street and turn right in and it is not in the shopping strip; sort of like a traffic arrow.

Mr. Diehl: I am also in favor of this and I also thank you for all the work you do for the community. How long is the lease arrangement for the sign?

Mr. Jim Cochran: It would be ongoing. They would reserve the rights down the road if the situation with the retail center changed, so that they could kind of recoup that space. We would like to not have that kind of clause in it but we understand it from their perspective.

Mr. Diehl: So if a store would leave and they would have to cut the store frontage in half, then you would be out?

Mr. Jim Cochran: I am thinking that is when it could come up as an issue.

Chairman Darby: Well, it appears we are ready for a motion.

Mr. Okum: Mr. Chairman, I would like to move that we approve the application for a signage change of the existing sign at the east corner of Kemper and Century Boulevard for the Vineyard Community Church; to be placed on the existing sign panel.

(Mrs. Boice seconded the motion.)

Chairman Darby: Prior to the vote I will indicate that we do have one member absent this evening, the approval of any motion requires five affirmative votes of this Commission. With that said, would the Secretary please call the roll?

(Mr. Bauer polled the Planning Commission Members present and with six "aye" votes the request was approved.)

B. Chairman Darby: Moving on to Item B on our agenda; Minor Revision to the PUD Plan, McDonald's Monument Sign, 11723 Princeton Pike.

Mr. Bauer: As a matter of disclosure, since the last time the applicant has been here, my daughter now works for McDonald's but it is not this restaurant.

(Mr. Bauer was not requested to recuse himself from this issue.)

Ms. Etta Reed: I am with Bayer Becker, 6900 Tylersville Road, Mason Ohio. With me today is Cynthia Booth and you have met her before, she is the owner / operator of your new McDonald's that will be opening here in a couple of weeks. Hopefully you have been by the site and you have seen how it is coming along. Why we are here tonight is to request approval of an electronic message sign. I know we had come before you previously with this request very early on in the process. At that time the owner / operator was not determined; McDonald's corporate was essentially running with the application while they were still in the process of determining the owner / operator. In the McDonald's process the owner / operator has a lot of decisions that they get to make, such as the decor and the color of the building and things like that as well as some of the signage. Now that the owner / operator is on board they feel that the electronic message sign is very important at this location. The location of the sign will not be changing from what you had originally approved for the changeable message sign. The dimensions of the sign is not changing from the originally approved sign. In your packet you should have received this rendering; if not, we do have additional copies. What we have done is we have a side by side rendering; essentially the one on the right is the changeable reader board that you had approved with our final PUD approval. The one on the left is the one that we are asking for, which is the electronic message board. The message on the sign, while it is electronic, will not be changing multiple times during the day, the hour, etc. The way Ms. Booth operates her electronic message signs is that they change once to twice a month, basically as the special changes or even a community message like "Go Vikings". This will not be a scrolling message, it will change just once or twice a month.

Ms. Cynthia Booth: Two and a half months ago we stood before you and asked for permission to become a community partner and you were gracious enough to let us do so. Seventy-five days later we are just a few days from opening your new McDonald's restaurant and we are very happy to say that we are on target. I need to just mention to you that we are here today, as Etta said, to ask for not a new sign but just a revision to the sign. The McDonald's restaurant that we have built at 11723 Princeton Pike was a 2.2 million dollar investment by me; that is what it cost to build that restaurant. In addition to that we have hired seventy-five employees that will enter that restaurant on the projected day of opening, which is August 22nd, 2013. I am so pleased to tell you that the majority of those employees live in Springdale, Ohio. I also want to tell you that forty of those employees are adults and about thirty-five of them are young people. We partnered with the Vineyard Church and also the Healing Center to do much of our recruiting,

as well as seeking out young people that were out of school so that they would have their first opportunity to understand what the world of work is all about. I am proud so far of what we have made, in terms of contribution to this community and I need to tell you, that is only the beginning. Tonight we are here to ask for the opportunity to move out the static message signage that we have and replace it with an electronic messaging center. The reasons we are asking for this, as Etta indicated, we use that messaging board to do a couple of things; one, is obviously to advertise some of our products but also a message to the community. So, on Veteran's Day, we might put a message that says "We honor our Veterans". If Princeton High School is on its way to the championship, we message to the young people to give them encouragement. It is not just about advertising our products, although we use it for that, we use it for a lot of other reasons as well. Secondly, I need to tell you that it is becoming more and more difficult to find the lettering on these static signs. As a matter of fact, we can't find them hardly at all in the City of Cincinnati so we found a company on the internet that will actually send the letters to us. The last time we tried to order letters, they sent the wrong letters. It is becoming more and more difficult because these signs are becoming obsolete. We are here tonight to ask for the variance, not to change the sign but to just change the middle portion. I commit to you that we would not have flashing lights going off; that would not happen. We are able to control the messaging out of my office and so that is where the messaging is controlled, not in the restaurant but out of my office. We appreciate your consideration of our request.

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

Mr. Okum: Since I was on the digital sign committee, I will start with a question; I haven't seen any of the technical information. Our Code has specific terms in regards to 5,000 nits with the maximum illumination at dark of 1,500 nits. I don't know how that impacts when it is five foot from public right of way. I would be concerned on how that number really relates because we use a model of an illuminated sign somewhat distant from there. I am concerned about it, on the other hand, I am progressive in the way that I do understand the situation with the business. I see a situation where the digital quality of a sign as illustrated in the application, if changed at the right time, would not be an impact on the motoring traffic. If we were to approve something like this and we would say that it would be changing one time a month or twice a month, and the period of time that this sign could only change is between 3:00 a.m. and 5:00 a.m. in the morning, obviously that would not impact motoring traffic to any extent and we would have a single change on a sign. Really, not much different than an applicant changing a face panel on a fixed sign that we could currently approve. I am just concerned about it being over-lit. The quality of the sign could be driven by the quality set by Code, so I am not really concerned about that. It is basically a digital display board. With that being said, if those type of technical details could be worked out, in my opinion, it is a reasonable consideration to consider a fixed digital sign and not a digital sign that we would consider a multiple, changeable digital sign but one where the sign face is basically changing once or twice a month and changed at a time when public and drivers are not going by.

Mrs. Boice: I am going to have to be honest, I was surprised when I saw this in our packet because I recall when the Gilhart contingent was in here we had a lengthy discussion about going from one of these lit signs to two. I really had thought the book was closed; that we did establish the two and I thought everybody understood that very completely. It was a bit of a long session and we went back and forth about placement. In Springdale, we have always held a hard line on signs because we used to always say that we didn't want it to look like Colerain Avenue. As I drive into some of the newer developments, even up on Tylersville Road, I can't help but think, my God what have they done? But that is their area and this is ours; I have to be honest with you right up front, I need a real hard sale on this one. Right out of the box, I don't see it, I just don't.

Mr. Bauer: I guess I would echo Mrs. Boice's comments; I am concerned with the Tri-County Towne Center property. We went around with them on digital signs for a long time and the addition of that second sign, and I am concerned about adding

another digital sign whether it be less static or not, I guess I don't see it. I see it as going beyond what we were looking for when we were looking at the development of that property. I would be against this at this point.

Mr. Diehl: I have a whole list of things saying why I think this is a good idea, but I basically agree wholeheartedly with the comment Mr. Okum made about regulating what time you could change the sign and how often you could change it. I will tell you as far as electronic signage, the sign that we have down on 275 made a big plus to the community. The sign on the Towne Center at Kemper and 747 is a big plus for all of the local businesses. I tend to vote yes on this.

Chairman Darby: Some years ago, when I was first appointed to Planning Commission, it was during the Tri-County renovation and I recall that I had a discussion during the meeting with Mayor French because Tri-County was proposing a very, very basic kind of flashing sign which was the technology at that time. I wasn't really that knowledgeable about it at that time but this is the new technology and it is happening all around us. That request didn't pass at that time. I look at this request and I feel somewhat boxed in because there are some things that are clearly counter to our Code, the size and the setback, the nits. When I look at this rendering here, this is what really causes me a big problem because if there are going to be change limitations and it is changed from your office a couple times a month except for a special occasion, it is not a problem for the traffic, it is manageable, etc. and it is the new technology but I am bound by some previous discussions and commitments that have come from this group. I think it is time for us as a Commission and for the Council itself to really take a look at where we are going with the limitations that are currently enforced for electronic signage. How that will occur, I am not sure but because of those limitations I am in a position tonight where I don't feel like I can support it. Perhaps there could be some developments in the future that would allow me and others to support this kind of request.

Ms. Cynthia Booth: I appreciate your concerns and I respect the Code of the City of Springdale. I did have a conversation with the Gilhart family before I made the decision to come before you tonight and in discussing this with them, they were 110% supportive of this. Yes, we are on their large sign; they have been gracious enough to say that McDonald's is coming. Our message is different than what they have on their sign. I have to abide by the ruling that you provide for us tonight. I am a woman of my word and if I tell you that it is not going to change for more than a couple times per month then that is what will happen. That, is perhaps not the real issue tonight; the issue is whether it is Code or not Code and tonight we are here to ask for a variance to that Code. We will stand by your decision tonight and we will open this restaurant on August 22nd, with an electronic sign or not and we will serve this community, as I said we would, seventy-five days ago when I stood before you.

Chairman Darby: Thank you; your position is appreciated.  
Are we ready for a motion?

Mayor Doyle Webster: Can I say something? I think the last time I attended a Planning Commission meeting and stood up and spoke was when the Gilharts were in here for their second message board and I think I made the comment that if you think this is the end of it and that two signs are going to do it, forget it. They will be back for more signage. At the time, I didn't know that McDonald's was going to come to town, so I am not surprised that this issue is before the Commission tonight. This evening I patronized one of our local restaurants over in the Tri-County area and I had the opportunity to come to that intersection, totally devoid of anything, of preparing to speak tonight or anything else and I just looked over there and I marveled at what a great job those people have done with paint, with the facade and the message board. It is not the same place, it is not the Princeton Plaza that was here when we moved here in 1964. You made a comment about Mr. French's feelings on the sign for Tri-County and that is one of the most frustrating things that this administration has had to cope with, the Tri-County situation. I don't think it is a mystery why the Mall struggles. When you go past

there it is a big monolithic piece of concrete, a huge structure that is very well done but what is inside there? You know that there is a Dillards and you know there is a Macys and now you know there is a BJ's Brewhouse; short of that what is in that Mall? Nobody knows what is in the Mall and that is why nobody goes in the Mall. When you look across the street then you see what I consider a very user friendly center that you know what is in there before you pull in the lot. Now we have a signature tenant that wants to come in and make their presence felt there and I don't think the request is unreasonable. I think Mr. Okum brought up some very interesting points and I think that if the Commission would approve the sign then they should certainly adhere to what Mr. Okum had to say about it. I think we do need to control it. I don't share the Colerain Avenue feeling as much as I once did because I think that we have the framework and the legislation, the rules and regulations in place to properly control the signage. I don't think you are going to have all of these flashing neon lights and all of that kind of stuff and that is certainly not what they are proposing to put up over there. I would strongly urge the Commission to give them due consideration and see if we can't make this work in some shape or form. I think the Gilharts have done a marvelous job and I think they probably will be back in here again; I don't think this is the end of it. I think you are going to see everything from where McDonald's is going and on the north and I think you are probably going to see all of that redeveloped. I think you are probably going to be requested to approve another message board somewhere along the way. I think it is a thing of the future but I think as long as we have the proper controls in place we can make it acceptable and we can do what is necessary to make the businesses successful. I would hope that somebody on the other side of the street would come in before this Commission and want a huge message board to say "Tri-County Mall and here are the businesses that you can patronize if you will just pull in off 747 and give us a shot". Thank you very much.

Chairman Darby: Mrs. Boice, I am going to pick on you, are there particular issues in the hard sale that you need, questions that Staff can respond to?

Mrs. Boice: I guess it's just a case that I am old-fashioned but my interpretation when they were in here, and as I recall there was quite a long discussion, that this was it and we were going over to the two message boards and that was going to be it. I was surprised when I saw it in my packet. I appreciate Mayor Webster's words and I think he is dead-on about Tri-County; there is no question about that. I am thinking of other businesses that are in there, is Hobby Lobby going to want a blinker / digital sign? And when you say that the Gilharts are coming back in, that kind of surprises me; I have to be very honest with you Mayor Webster because I thought when they said two electronic signs, and we passed that, it was a done deal and everybody was happy with that and everybody was going to get on the message board.

Mayor Doyle Webster: I have no inside knowledge of them coming back here, at this time.

Mrs. Boice: As I said, I am one voice on the Commission, Mr. Chairman. If all of the rest of you here think this is fine and we are not going to be faced with request after request, I guess then I would go along with all of you. Certainly five other voices here have got to know more than I do. If I am going to be the lone objector then I will back off on it. I take people at their word and I thought it was a done deal, two electronic signs and that kind of disappointed me; I will be very honest with you. I have dealt with that family for years and their word has been golden.

Mrs. Ghantous: What I am hearing is a lot of comments going back to the Gilharts and we did go through a long drawn out process talking to them about their signs and yes, this is Gilhart property but I am just not seeing this as we should hold Ms. Booth accountable for presentation that was made by the Gilharts before they knew there was going to be a McDonald's. When we spoke to her last time, they didn't come to us with this request; this is a whole new thing. The Gilharts weren't aware of it, this is a new idea to promote her business; she is going to make a wonderful contribution to our community and I can't see what the big deal is about approving this small sign. I just don't get it, I think we should approve it.

Mr. Bauer: I'm with Mrs. Boice still, we are a Planning Commission, the Gilharts represented their PUD here and as far as signage awhile back; to me, more people can come back. If we are getting pieces of a puzzle, it is kind of hard to make a ruling on things. I believe that package included that, and I think that another electronic sign is going beyond what is in the Code. Right now, we approved the additional one for the Gilharts and now we are being asked for a third one. I still have a strong objection to it based on that. The Mayor indicates that in the future they might come back for more signs and I guess the Planning Commission will look at it again. I felt when they were here we were getting piecemealed to death by them and we were not getting the whole picture. They have made great improvements to that property, there is no doubt about that but signage again is a sticking point for me. I think we have gone beyond for that property and I think this electronic sign is going one step further.

Mrs. Boice: I really, at this point wonder; we have a Member missing and to really give this the ultimate fair shot I might suggest extending this to the next month's agenda rather than taking a vote tonight. Unless I am called very last and if I knew that all of you were going to support it, I would bend from what I am finding difficult to accept. I guess maybe I am on the wrong track here but I wish we had a full vote tonight.

Chairman Darby: In terms of the technology, what position would it put you in to postpone a decision?

Ms. Cynthia Booth: The sign is being constructed as we speak. The sign is actually up and the only thing that has to be done now to complete the signage is to build the brick base to give it the attractiveness that I certainly would want as the business owner and that you would want for your City. It will match and compliment the brick that we selected for the building. To postpone this to a September meeting would require me to proceed with the static sign because that is what I am approved for right now. There is cost associated with that and it is not insignificant. If I come back in September and the electronic sign is approved then the sign company would have to come out and remove the static part of the sign, rewire the sign and put the electronic portion in there; so it is almost creating the sign for one month or for the longevity depending on what the Zoning Commission decides. Right now I am approved for the static sign, so I have to go with that and as I said there is a cost to doing that. The signs are costly. To put that sign out there to compliment the Gilhart's property as well as to compliment our building and it is about \$60,000. To pull that sign back out would probably be another \$15,000 to \$20,000 to rewire it and come back in. Instead of being \$60,000 it would take the cost to \$80,000.

Mrs. Boice: I guess my idea of postponement is not the best thing. McDonald's has pretty much standard things going on; I just can't imagine that dire need for that message board.

Ms. Cynthia Booth: Our buildings have evolved over the years. We are not the red and yellow brand that we used to be, the old buildings and I think you will see that when you walk into our new building when we open on August 22nd. The decor on the inside of the building is a very different decor. As our buildings have evolved and the corporate headquarters in Chicago have come up with the new floor plans, they have also come up with new signage plans. We work with many communities that don't want a static sign, they want an electronic board because it adds a different dimension and a different look to their community, as long as we comply with the message changes; that is why we, as the owner / operators control that. That is why we typically change the sign early in the morning and it is not this huge flashing sign. We only change it once or twice a month and we do that in accordance with our marketing calendar or something special going on in the community.

Mr. Okum: Do you keep a record of how often the sign is changed?

Ms. Cynthia Booth: It actually records when we change it. It keeps a record of when it was changed and what time it was changed. For example, if we needed to change it on August 20th, then we could go into the message center board and say on August 20th change the message and this is the new message. We can pre-date it and it keeps a record of how many times we actually change it.

Mr. Okum: If there were a requirement in the motion that on a yearly basis a report is submitted to the Building Department for the City of Springdale, then you could supply that?

Ms. Cynthia Booth: Absolutely.

Mr. Okum: We approved a message board there. The sign square footage has been approved for that site. We are really talking about how that message is presented to the client, to the customer, to our residents and to our community. I am still concerned about the dynamics of how that impacts, because I look at the Code and I am remembering 23mm for the pitch and that was the gap between lights. This board is probably far beyond that because of standards in the video quality otherwise it would look grainy and it would look very cheap. There is one tree blocking that sign, by the way.

Ms. Cynthia Booth: That is correct and we are going to correct that. We have to be sure that we follow the landscape plan so we need to move it just slightly and keep the tree there.

Mr. Okum: In regards to the setback issue, we have a very wide public right of way setback there; we have an enormous amount of green space in front of that site that we could expand the road but we do have legitimate boundary that this sign actually currently sits 5' back from the public right of way. Our right of way line is very wide and we have grass space out in front. I am not overly concerned about it because I looked at where the sign is placed today and I am a realist, I look at how it is sitting and how it is going to impact the motoring public. We have sections in our Code that if the motion were phrased right, we would be creating an approval for this site, this business owner and not for the Gilharts. Gilharts is the mall itself and this is part of that mall and they have an opportunity to advertise on that sign for that 20 seconds or whatever the cycle; but this is a static message and I am very strong on this because I think there is a big difference in interpreting a static message from what you see on the existing digital board that is there, than you see on the digital board that is on 275. That is the reason I am feeling this way about it. I am not an advocate of over-signage, you all know me, I am negative to over-signage. I think that we have to understand that things are changing and the way things are presented to the consumer and we have to be able to provide. Honestly, I think the message board with changeable letters in it cheapens and lowers the quality of the development more than a digital sign that is in a static mode. That is nothing more than a visual display and that is nothing different than if they go out once a month and slide in the new sign panel and put in another message. We have approved that square footage of information. We can't control what that information says, we are bound to that. We can't determine whether it looks pretty or it doesn't look pretty; that is up to the business and the business has to make that decision on how it is going to look and how it is presented. I have had experience with McDonald's on a large scale for a fire restoration project and I know how particular McDonald's is about everything that they put into the development. If a sign package is available for McDonald's and it can be worked out for the digital level, that it is not over-lighting and it is nothing more than a fixed display then I think it is positive to the development and I think it is positive to the City.

Mr. Diehl: If you go around the City and you see other McDonald's that have this type of sign, it really adds to the property value. It is nice looking and very appealing so I think the sign itself looks really great. I will tell you the Gilhart family is not here, Tri-County Towne Center is not here; Cynthia Booth on behalf of McDonald's of Springdale is here requesting the sign and I think we need to deal with the fact that we are talking about one sign for McDonald's and we are not talking about the whole blanket of signs.

Mr. McErlane: To clarify a couple comments; the request that is before you tonight, even though the applicant is McDonald's and Ms. Booth, is actually on behalf of the Gilharts because they own the property. The zoning goes with the property and not the operator or even a specific owner. When you approve a sign, you are not approving it for a specific owner, you are approving it for the property and regardless of who owns it; if McDonald's, twenty years in the future, goes out and some other development is built there, then the sign that you approve tonight can be put on that property for that particular use, for that particular owner. As long as they operate within the parameters that you place on the operation of the sign, location and those types of things. A zoning approval is not specific to a particular owner or operator.

Mrs. Boice: I said I would be a hard sale and I am listening closely to my Commission Members and I think Mrs. Ghantous made a good point that the Gilharts were here doing their thing and this is an entirely different thing. I think that Mr. Okum also made a good point that it is the same sign, same size, just a change in how we are going to have the message flowing. I am a little more open to it than I was before.

Mr. Okum: Mr. McErlane, this being a PUD then we are not creating a zoning variance; it is a PUD plan. It is a modification to the PUD. If a new development would go in there and they would modify or alter the site, then what was approved under the PUD would it hold, or would it not hold?

Mr. McErlane: You would have a hard time defending a position that would not allow them to operate a sign similar to the zoning variance.

Mr. Okum: The motion would need to be extremely strong enough that it would hold it to specifically this development in this type of application.

Mr. McErlane: I think you can strongly hold it to the operation of this sign.

Mr. Okum: I don't know where we go from here; I want to try to bring this to the floor for a vote. I still have issues with the pitch settings and the nits and I don't know how I can phrase the wording to protect the City and the community on those two items. I can protect on the time that it is changed. I can protect on reporting the changes to the City, so there is a record process. I can protect us under our existing Code that it must be in working condition at all times or it is turned off.

Ms. Etta Reed: I have forwarded the zoning code, the section that pertains to the electronic message signs to Everbrite. Everbrite is the company that manufactures and fabricates the signage for all of the McDonald's. They have seen your zoning code and they have submitted a letter saying that their software can address and meet your zoning code requirements.

Mr. Okum: I am absolutely confident that they can. The question is how do we deal with it at this 5' off of the existing public right of way. We need to tie that down because that sends a message as to the quality of the sign.

Ms. Etta Reed: Would you like for us to go back to Everbrite and get a recommendation from them on what type of pitch and things it should be for a sign at that height and the location off of the roadway or would you rather have your consultant present those to us and we can see if Everbrite can meet those.

Ms. McBride: I would suggest that maybe Everbrite comes back to us with information.

Mr. Okum: Personally, I know you have a timeline but I am willing to meet again if we need to. The other option for you is to straw vote this Planning Commission and design your case with what you think can go in there so that your digital sign will work. Your electronics are in and your power is in. I would need those numbers to tie it down in the motion because if I make the motion to be approved

by Staff, we could make it on a complaint ratio. If there are two complaints on over-lighting and it must be toned down, we could do that; that is one option. The other items we can take care of, the record, the single change between 3:00 a.m. and 5:00 a.m.; you could do that.

Ms. Cynthia Booth: Absolutely, yes.

Mr. McErlane: I have a comment relative to the pitch; the current requirement for the pitch for the shopping center is 16mm maximum dot pitch. When we determined that and we put it in the Code, it was a pretty fine dot pitch at the time and they keep refining things. The current sign that is up there is a 16mm dot pitch.

Mr. Okum: What is the nits?

Mr. McErlane: We don't measure nits. They have to do a measurement of the brightness on it. They have to take measurements.

Mr. Okum: I think our Code says for the electronic signs it is 23.

Mr. McErlane: No; it is, if it is an electronic highway sign. It is 16mm for the Center sign under the PUD approval. And for brightness they have to go through and measure 100' from the sign and determine the brightness levels and they have to adjust it based on that.

Mr. Okum: Could you do the same for this?

Mr. McErlane: Yes.

Chairman Darby: I stated my position earlier and I have listened to my colleagues here and especially since it is a PUD, I am in a position to support the motion. I think you have heard from the other Members the various positions that have been stated.

Ms. Cynthia Booth: Thank you. I would just say that I absolutely appreciate the dialogue that you have had tonight. It says a lot to me as a new business owner coming into this community that, one, you care about this community; and two, you don't want to over light the community. I understand and respect that very much and my job as a business owner is to comply. If we are approved for this signage, my responsibility to this community and to the City of Springdale is to comply with the requirements that I am responsible for. All I can say to you is that you can be assured that I would do that. I respect the decision of the Commission tonight and we will honor whatever your decision is. We would like very much to have the sign but we respect your due process as well.

Chairman Darby: If there is no further deliberation, are we ready for a motion?

Mr. Okum: Ms. McBride, items of importance according to what I am seeing is #6, #7, #8, #9, #10 and #12 are specific to this motion, is that correct?

Ms. McBride: Yes, #11 has to do with the style.

Mr. Okum: In the rough draft, I have "a single change of sign face may occur between 3:00 a.m. and 5:00 a.m.; one sign face change may occur one time per or within a 15 day period".

Ms. McBride: So that supersedes the 8 seconds.

Mr. Okum: Yes.

Chairman Darby: Does that take into account the community based request that may come through for the City itself or and Amber alert?

Mr. Okum: I don't think that the purpose of this sign would be for that. I think we have plenty of opportunities because we have the large community sign on 275 and we have the sign that has been approved for the development that changes every 20 seconds and we have the potential on that and on the other corner of the Gilhart center. If Tri-County would ever become progressive and do something, they would probably have that opportunity for the community information of vital importance. I don't think that this sign is designed to be spontaneous and I am thinking that this is a static display and that is what its purpose is.

Mr. McErlane: I think it would be worthwhile for the applicant to know what #6, #7, #8, #9, and #12 are. I can summarize if you would like; item #6 refers to the dot pitch of the sign at 16mm maximum. Item #7 is the intensity of the light. Item #8 basically says that you have to maintain that and the maximum light level can't exceed that. Item #9 says it has to be auto dimming. Item #12 says it has to be maintained.

Ms. Cynthia Booth: We have those and thank you for providing those to us. We can comply with the regulation. I hire a company that monthly goes to all of my restaurants and they monitor the quality of the lighting, not only the reader board that we are talking about tonight but also all of the pole lights and the arch so that the worst thing a community could have is a business with half of their arch out, it begins to deflect from the building and says something about the community and the standard that the business owner is held to. We utilize Riverside Electric and they monitor our property and they send us audits of any lighting issues and we tell them what to be looking for based on whatever specifications are presented to us by Code.

Mr. Okum: Mr. Chairman, I would like to make a motion for McDonald's at 11723 Princeton Pike be approved for a PUD Revision application for an electronic message board in lieu of the fixed letter message board that was previously approved; per the exhibit provided by the applicant. This has the following conditions: 153.531 of our Code #6, #7, #8, #9, and #12, additional to that a single change of the sign face shall occur between 3:00 a.m. and 5:00 a.m., one sign face change may occur one time within a 15 day period, no more than one time. The applicant and owner of establishment shall provide evidence and records in the report of face changes to be submitted to the City of Springdale Building Department on a yearly basis.

(Mr. Diehl seconded the motion; Mr. Okum, Mr. Diehl, Mrs. Ghantous, Mrs. Boice, and Mr. Darby voted "yes" and Mr. Bauer voted "no". The request was approved with a 5-1 vote from the Planning Commission Members present.)

Ms. Cynthia Booth: On behalf of your newest business owner and McDonald's, thank you very much. You can count on us that we will comply with what you have proposed in your motion. We look forward to seeing each of you when we cut the ribbon on August 22nd.

## VIII. DISCUSSION

A. & B. Chairman Darby: Moving on to the scheduled items for discussion; Item A, text amendment for the Farmers Market.

Ms. McBride: The Farmers Market has been operating very successfully down at the Springdale Towne Center for several years now and it has really become a wonderful asset for the City. However, I think next month you may see some proposed development for that area that is going to cause the Farmers Market to look for a new home. The Administration has been looking into this issue for several months now trying to find a suitable location for the Farmers Market for next year. The location that has been selected is the City owned parking lot that is bounded by Elm Alley, Peach Street, Walnut Street and Church Street. The City does own that lot, right now it is a 68 space parking lot but it is zoned (RSH-H), Residential Single Household High Density district. Obviously the residential district doesn't allow parking lots. As you recall when the City bought it, it was

being used in conjunction with the Church. It is basically a non-conforming use at this point and time. The issue of Farmers Market, including it in a residential district isn't particularly appropriate. What we are proposing to do and we are asking the Commission to initiate the following actions: one, would be to amend our General Business (GB) district to allow for farmers markets as a conditional use within that district and we have proposed the text amendments for the Commission's consideration. We have provided a definition of farmers markets and we have indicated that it would be a conditionally permitted use within the GB district and we have created a parking requirement for that use and then we have also created sign standards for that use. The one action is to amend our zoning code in the GB district to basically allow these to occur as a conditional use. The second item then that would require the Commission's consideration is to amend the zoning map for the City and that would be to basically rezone that parking lot from the existing residential district to the (GB) General Business district. If the City was not the owner of that property, I would likely would not be suggesting that action for the Commission to consider that, however we do own that property and there is business zoning adjacent on two sides to this; the church is on the third side. There is a single family home to the south but it does sit quite a ways back from that road; again, the City owns it. If the City were to go ahead and amend the GB zoning district and create this use as a conditional use and to amend the map to GB, then the Farmers Market would be in a position to come back to the Planning Commission and request a conditional use permit that would then allow them to operate at that location next year. Those are the actions that are before the Commission and if you have questions, we did try to provide with the help of CDS and Staff some additional documents so you have a good understanding as to the area that we are looking at.

Mayor Webster: Anne has done a very good job of summarizing what this is all about. Let me back up a little bit and tell you that the City does own that parking lot of 68 parking spots. We own it outright and we bought it from the church and the only restriction that we have on it is, as long as there is a church there, we have to provide a parking lot for the church. I guess we did own one lot, we bought a lot from Mr. Shteivi, as I recall. Most of the parking lot was owned by the church and the City has paid them for it and we own it outright with the only restriction that as long as there is a church there we have to maintain a parking lot. I would like to take you back a few years to before the Towne Center; one of the things that we tried and tried to get that downtown redeveloped and we went to several developers and we had numerous meetings to get someone to partner with us to develop that and I think that Anne told us that if we were ever going to develop it that we would have to provide parking out front; that parking in the back doesn't work. That was proven true time after time with various developers. At the end of the day, if we were ever going to make that redevelopment happen we had to acquire all the property all the way back to Walnut Street. Little by little we started acquiring the property as it became available and at the end of the day there were three or four pieces left. We didn't go to court on any of it, we negotiated settlement, three businesses struck a deal with the current landlord, Randy Cooper, the pizza place and the laundromat. It is our desire and I think it is part of the master plan for Route 4, for that type of development to continue on down. Once that happens, I think we are going to be faced with the same thing, that we are going to have to provide parking out front where the businesses are. The land in back where the City's parking lot is will most likely be where Towne Center II, if you will, would be built. Somebody will be standing here, some years from now, asking for a PUD to be approved for that entire spot. I think the fact is that it is miss-zoned now because we just didn't change the zoning when the City acquired the parking lot, which we probably should have done but we didn't. So, here we have a 68 space municipal parking lot plopped down on a residential district. As Anne indicated it is bordered on two sides by businesses already. If you will consider the rezoning of that property, what you or Council will hear is some of the residents will probably complain about the fact they are rezoning the property. But I think there are good valid reasons for doing it, even the Farmers Market aside, that is the proper zoning for it and eventually if and when we develop Phase II, that will be zoned PUD or GB, I would think it would be another PUD or an extension of the one that is there. I think it is another step in the progression. As far as the Farmers Market, Anne is

exactly right, the Market has operated for five years where it is now. The first four years was in the northern corner of the Towne Center parking lot. One of the businesses complained about the parking and then they added a new tenant to the mix and then the landlord wanted to move it down to the south end. As Anne indicates, that out-lot you are probably going to hear a presentation asking for a business to go on that out-lot, most likely next month or October for sure; so that is not going to be feasible next year. Also, some of the businesses have complained about the amount of space that the Market takes on the south end. They are like a little orphan, nobody wants them, but the community wants them. The community has accepted the Farmers Market and it is patronized very heavily by the community, not just Springdale residents but Forest Park and Glendale. I think it has been a very valuable addition to the City and I would hate to see that Market go away because we can't find a place for it. They could go over to Tri-County or Value City or something but I think it takes it out of the heart of the City. We would like to see that Market stay somewhere on Route 4. We have two separate issues, one is the rezoning of the lot which should happen irregardless of the Market and the other one is to change the Zoning Code to make this an acceptable use in a GB district. Thank you.

Chairman Darby: What is it that you desire of us at this time?

Ms. Anne McBride: Just a couple of other things that I did forget to mention: The Law Director did review the proposed text amendments and he found them acceptable. We did work with the Administration to make sure that the signage and so forth that we are proposing in here meets the requirements of the Farmers Market. There is just a huge push in Planning circles, right now, to create sustainable development and provide fresh food sources in suburbs and so forth. This Farmers Market has really done great things.

Mr. Okum: Both of these changes are important; but how viable will the Farmers Market be when it is not as seen as readily on Route 4. I am just concerned and I guess, Mayor, you made it clear that you are going to try it at this location and rezoning this property is right because it is clearly GB right around it. The changing of the Code to allow the Farmers Market, this description in it, is also important. That would give the Farmers Market an opportunity that if it didn't work out there to go to other GB locations and be viable.

Mrs. Julie Matheny: I just wanted to let you know that I have spent a lot of time and so did my dad, driving around the City and coming up with different locations. I actually had two of my key vendors out here in April; these are vendors, that if I didn't have them we wouldn't have a good Market or a Market at all. I met with them and I took them to a couple of the locations. Although they weren't terribly excited as they are about being on Route 4 and being in that lot, they thought it was great because the parking is just us and we don't have people to deal with outside and we don't have anybody to crab at us, like we do now; this year it is one tenant and that business closes at 4:30 p.m. and the Market goes on till 7:00 p.m. Those are the kind of complaints that we get. I think we are established enough and this is our fifth year. The plan was early in the year to have this approved, then we kind of move the Market over there for the last month of this year to get people used to it; the Market ends at the end of October.

Mrs. Boice: Can't the newsletter be used well in advance about the change of where it is going?

Mrs. Julie Matheny: Yes, definitely.

Mayor Webster: Mr. Okum, you brought up an interesting point, I really think that we have three questions here; one, rezone the property; number two, amend the Zoning Code; and number three, the City needs to work out a lease arrangement and liability issues and all that kind of stuff with the Market before we are able to lease this City parking lot for four hours a week. If the property is rezoned and this is added to the Zoning Code then that gives us the ability to relocate them there. The visibility is not the greatest in the world but at least going south, I think it will be

fine, coming north it will be somewhat problematic. I think 85% to 90% of the traffic for the Farmers Market is repeat business and that is why it would have been great if we could have been standing here two months ago talking about this because they could have made the change before the Market ends this year.

Mr. Okum: Mr. Chairman, I would like to make a motion to propose Zoning Code text amendment 153.218, 153.014, 153.504 & 153.531 be approved.  
(Mr. Diehl seconded the motion and with a unanimous "aye" vote from the Planning Commission Members present, the request was approved.)

Mr. Okum: Mr. Chairman, I would like to make a motion for the map amendment for Municipal parking lot Walnut and Peach Streets be approved as presented.  
(Mrs. Boice seconded the motion and with a unanimous "aye" vote from the Planning Commission Members present, the request was approved.)

#### IX. CHAIRMAN'S REPORT

Chairman Darby: The next item on the agenda is the Chairman's Report and you will see that there were two signs approved.

#### X. ADJOURNMENT

Mr. Okum moved to adjourn; Mr. Diehl seconded the motion and the meeting adjourned at 8:33 p.m.

Respectfully submitted,

\_\_\_\_\_, 2013 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2013 \_\_\_\_\_  
Richard Bauer, Secretary