

City of Springboro
320 West Central Avenue, Springboro, OH 45066

Planning Commission Regular Meeting
Wednesday, July 29, 2009, 7:00 p.m.

I. Call to Order and Roll Call

Chairperson Marie Belpulsi called the Springboro Planning Commission Regular Meeting to order at the temporary Springboro Municipal Building, Council Chambers, 425 South Pioneer Boulevard, Springboro, Ohio. Ms. Belpulsi asked the Secretary to call the roll.

Present: Marie Belpulsi, Chairperson; Jim Chmiel; Hans Landefeld; Barb Gibson; Janie Ridd;
Becky Hartle
Absent: Chris Papakirk

Staff Present: Chris Thompson, City Manager; Dan Boron, Planning Consultant; Raj Sharma, City Engineer; Elmer Dudas, Assistant City Engineer; Lois Boytim, Planning Commission Secretary

Ms. Belpulsi asked Planning Commission for a motion to excuse Chris Papakirk.

Ms. Gibson motioned to excuse Mr. Papakirk. Mr. Chmiel seconded the motion.

Vote: Landefeld, Hartle, Gibson, Ridd, Belpulsi, Chmiel; all yes

II. Approval of Minutes

A. June 24, 2009 Planning Commission Meeting

Ms. Belpulsi asked Planning Commission for corrections or additions to the minutes. There were none.

Ms. Ridd motioned to approve the June 24, 2009 Work Session minutes as submitted. Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Gibson; all yes, Hartle; abstain

B. July 8, 2009 Planning Commission Work Session

Ms. Belpulsi asked Planning Commission for corrections or additions to the minutes. There were none.

Mr. Chmiel motioned to approve the July 8, 2009 Meeting minutes as submitted. Mr. Landefeld seconded the motion.

Vote: Belpulsi, Chmiel, Landefeld; all yes, Hartle, Gibson, Ridd; abstain

III. Agenda Items

A. General Plan, 477-483 North Main Street, reuse of existing retail building

Ms. Belpulsi asked Planning Commission for a motion to amend the agenda to table this item.

Ms. Ridd motioned to table Item A; General Plan, 477-483 North Main Street, reuse of existing retail building. Mr. Landefeld seconded the motion.

Vote: Hartle, Gibson, Ridd, Belpulsi, Chmiel, Landefeld; all yes

B. Planning & Zoning Code Amendments, Chapter 1229 (Historic Preservation), minor and major changes to protected properties and appeals to City Council of certain changes

Background Information

At its meeting on July 13th, the Springboro Architectural Review Board (ARB) approved two recommendations that would amend Chapter 1229 (Historic Preservation) of the Planning & Zoning Code. Section 1229.04(j)(2)(D) establishes ARB's responsibility to recommend to the Planning Commission amendments to Chapter 1229.

The first recommendation is the outgrowth of damage associated with a windstorm in June 2008 as well as Hurricane Ike in September 2008. Aside from ordinary repairs and maintenance, Chapter 1229 requires that all exterior changes to protected properties—the 91 contributing structures in the Springboro Historic Preservation district as well as the five (5) stand-alone landmarks—are subject to a Certificate of Appropriateness (COA) approvable by the ARB. Following the windstorms of last year a number of protected properties required extensive repairs and in one case partial demolition and in-kind replacement. This in-kind restoration work necessitated compliance with the ARB's submission requirements and meeting schedule and further potential damage to property.

The proposed amendment approved by ARB would do the following:

- Define minor repairs that could be approved by City staff using the definitions approved and guidelines established by the ARB. Candidate projects would be in-kind replacement of windows, roofs, doors, sign face changes and painting involving no color changes;
- Define major repairs that can only be approved only by ARB. Example projects in this category include additions, demolitions and new paint schemes; and
- Minor changes approved by City staff would be reported to ARB on a regular basis.
- ARB would review the minor change standards from time to time and establish rules for their administration as provided in Chapter 1229.

The proposed text amendment would affect multiple sections of Chapter 1229 including Section 1229.03 (Definitions); 1229.08 (Regulation of Major Changes, title change only); and 1229.085 (Regulation of Minor Changes, new section). A copy of the proposed changes to Chapter 1229 is included in your packets. New text appears in **bold and underline** font; deleted text appears in ~~strikeout~~ font.

The second recommendation made by ARB on July 13th would allow for the expansion of the type of cases that may be appealed to City Council when the ARB denies a COA application. This

proposed text amendment would reinsert language in Chapter 1229 that was deleted in 2000. Ordinance O-00-24 included a number of "housekeeping" items that changed ARB membership requirements, eliminated regulatory provisions for non-contributing structures in historic districts and changed the process for nominating future landmarks. The 2000 Ordinance also deleted appeals of denials of COAs for construction, reconstruction and alterations to City Council; appeals to Council for denial of COAs for demolition are still in place.

It is staff's recommendation that such appeals be reinserted into Chapter 1229. The appeal of ALL denied COA applications to the established legislative authority of a community (in our case Springboro City Council) is a legal underpinning of the constitutionality of historic preservation ordinances according to the Ohio Historic Preservation Office. In fact the appeal of denied applications in such cases is included in the model historic preservation ordinance recommended for use by all Certified Local Governments (CLGs) in Ohio.

The proposed text amendment appears as Section 1229.08(h) in the enclosed Chapter 1229. The proposed language is for all intents and purposes a verbatim replacement of the pre-2000 Ordinance language. As with the previous text amendment description, the proposed text appears in **bold and underline** font.

A recommendation to City Council on the proposed text amendments is requested.

Dan Boron explained that the amendments to Chapter 1229 are the result of a recommendation of the ARB meeting of July 13th. The first set of amendments involves the manner of approval by the ARB,; allowing for an emergency procedure in the case of natural disaster by allowing staff to review of minor changes; major changes would still go through the ARB process.

Ms. Ridd asked whether major roof damage should fall under the major changes definition.

Ms. Gibson stated that she felt that as long it is an in-kind replacement, it should fall under the minor changes definition.

Mr. Boron continued that the second change to the Chapter would involve an appeal of a denial of a Certificate of Appropriateness for alterations, reconstruction and construction. This section was deleted by Ordinance in 2000. Staff recommends that it be reinserted.

Ms. Belpulsi asked for further questions or comments from Planning Commission.

There were no further questions.

Ms. Ridd motioned to recommend to City Council approval of the proposed text amendments to Chapter 1229 (Historic Preservation). Ms. Gibson seconded the motion.

Vote: Ridd, Belpulsi, Chmiel, Landefeld, Hartle, Gibson; all yes

C. Discussion, Planning & Zoning Code Amendments, Section 1271.02, Exterior Lighting

Background Information

This agenda item is a continuation of the discussion from the July 8th Work Session regarding Section 1271.02 of the Planning & Zoning Code that addressed exterior lighting provisions and the

proposed consideration of alternative lighting types from the current high-pressure sodium standard. A copy of Section 1271.02 is included in your packets as a reference.

Dan Boron reminded Planning Commission that this issue had been discussed at the last work session. He reviewed the issues involved and reasons for the proposed changes. He added that the proposed changes would allow the use of new technology including LED and induction. He added that the copy of the ordinance provided to Planning Commission does not include any staff recommended changes.

Ms. Belpulsi asked for questions or comments from Planning Commission.

Ms. Ridd commented that after reading the minutes from the meeting, she agreed with the emphasis on uniformity on the site and asked that it be incorporated.

Mr. Landefeld stated that the consensus was that the Commission was open to induction and LED lighting. He added that there was no clear direction on incentives.

Ms. Ridd asked how metal halide fits in with the new technology.

Mr. Boron commented that metal halide is still out.

Ms. Gibson asked why metal halide was out; due to lack of energy efficiency or the harsh light.

Ms. Thompson commented that while the new lights are more purely white light, the purpose was to make more options available.

Mr. Chmiel commented that these products are the way of the industry and would be more widely available.

Ms. Belpulsi commented that by allowing for more kinds of lighting, the Planning Commission is encouraging more energy efficiency. She stated that the lighting does need to be uniform, but that the Planning Commission needs to set an example for energy efficiency.

Ms. Thompson asked should Planning commission agree to allow induction and LED lighting, should they make retrofitting part of the ordinance?

Ms. Gibson commented that if this technology does save energy, there should be no problem with developers using it.

Ms. Belpulsi commented that the language could read that the City encourages energy efficiency and retrofitting. She asked that, should someone want to change their lighting; would they have to go through Planning Commission or through staff.

Ms. Gibson stated that she felt comfortable with it going through staff.

Ms. Hartle agreed that other lighting should be included, it is important to give people choice.

Mr. Landefeld asked right now, when someone gets a site plan review for lighting with an engineering plan with foot candles, if they get a change with other fixtures and less poles, would they come to Planning Commission for review?

Ms. Belpulsi stated that the guidelines should be set up to allow staff to review it.

Ms. Ridd stated that as long as staff is comfortable and it was within the spirit of the original approval. Should they not come to an agreement, then it would be reviewed by Planning Commission.

Mr. Boron stated that staff would prepare something for the Planning Commission's review for the August 12th work session.

D. Discussion, Bicycle & Pedestrian Advisory Committee

Background Information

This agenda item is a continuation of the discussion from the July 8th Work Session regarding the proposed Springboro Bicycle & Pedestrian Advisory Committee. The July 8th draft meeting minutes include a summary of the discussion that work place at the Work Session; a copy of the proposed committee mission, structure and goals—information that was distributed prior to the July 8th Work Session—is included in your packets.

Ms. Belpulsi commented that there was a very productive discussion at the work session, with the suggestion that a subcommittee review the resumes and report to Planning Commission.

Ms. Hartle asked how long the review would take.

Ms. Thompson stated that it should be complete in about a month.

It was discussed and decided that the subcommittee would consist of three members, one from the Park Board, one from the Planning Commission and one staff member.

Ms. Thompson nominated Chris Papakirk to be the Planning Commission member and will contact the Park board and staff to complete the committee.

Ms. Belpulsi added that it was important that the new committee is trained in the planning and zoning process.

Ms. Thompson stated that she would have the formal recommendations for the August 26th Planning Commission meeting.

IV. Guest Comments

There were no guest comments.

V. Planning Commission and Staff Comments

Mr. Landefeld reported that there would be a Miami Valley Cycling Summit to be held at the University of Dayton on August 14th. He stated that the focus of the meeting would be to provide a tool kit for communities who want to become more bike friendly.

VI. Adjournment

Mr. Landefeld motioned to adjourn the July 29, 2009 meeting. Ms. Ridd seconded the motion.

Vote: Belpulsi, Chmiel, Landefeld, Hartle, Gibson, Ridd; all yes

Ms. Belpulsi adjourned the meeting at 7:39 P.M.

Marie Belpulsi, Planning Commission Chairperson

Dan Boron, Planning Consultant

Lois Boytim, Planning Commission Secretary