

Agenda
City of Springboro Planning Commission Meeting
Wednesday, October 9, 2024, 6:00 p.m.
Council Chambers, City Building, 320 West Central Avenue

- I. Call to Order
- II. Approval of Minutes
 - A. September 11, 2024 Planning Commission Meeting
- III. Agenda Items
 - A. Preliminary Review, Planning and Zoning Code Text Amendments, external lighting code, sign code
- IV. Guest Comments
- V. Planning Commission and Staff Comments
- VI. Adjournment

Background Information & Staff Recommendations
City of Springboro Planning Commission Meeting
Wednesday, October 9, 2024, 6:00 p.m.
Council Chambers, City Building, 320 West Central Avenue

III. Agenda Items

A. Preliminary Review

Planning and Zoning Text Amendments, exterior light code, sign code

Background Information

Please see the enclosed memorandum from City staff for information on this agenda item.

The information contained in this report is based on material provided to the City of Springboro as of Monday, October 7 2024 at 12:00 p.m.

Memo

To: Members, Springboro Planning Commission; Planning Commission Staff
From: Dan Boron, Planner
Date: October 7, 2024
Re: Amendment to Codified Ordinances

This agenda item is a follow-up to staff comments made at the conclusion of the September 11 meeting and represents amendments to the Planning and Zoning Code focused on Chapter 1273, Exterior Lighting.

In 2023 City Council enacted a moratorium on the acceptance of new applications for Certificates of Zoning Compliance for vaping establishments to provide the City time to review the Planning and Zoning Code and how this land use is regulated. The result of that review is a recommendation from City staff—the City Manager, Law Director, and me—to amend the Planning and Zoning Code to address the external effects of these businesses with respect to the intensity of light produced by their operation. We engaged a consultant to review our Planning and Zoning Code and their recommendations, as well as those of City staff, are listed below. As in the past, proposed text is shown in **bold and underline**, and deleted text in ~~strikeout~~.

- Revise Section 1273.01, Purpose and Background, to improve readability and reflect all goals of the chapter as follows:

It is the intent of this Chapter to regulate outdoor lighting in a manner that establishes appropriate minimum **and maximum** levels of illumination, prevents unnecessary glare, reduces light trespass onto adjacent properties, and reduces unnecessary transmission of light into the night sky. These provisions are not intended to eliminate the need for an applicant to seek ~~out~~ professional assistance to determine appropriate lighting for the **proposed** use and design ~~proposed~~.

- Revise Section 1273.02 title Applicability and Approved Site Plan Required, to reflect the intent of later amendments to the manner exterior lighting is regulated.

Section 1273.02, **Applicability and Approved Site Plan Required**

- In that same section, adding a new (a) that clarifies how these regulations are applied.
 - (a) The regulations of this chapter shall apply to the installation or modification of outdoor lighting that is part of a development requiring site plan approval.
- Same section, adding a new (b) that states that interior lighting visible from the exterior will be treated as exterior lighting. This is the central recommendation to the entire text amendment recommendation.
 - (b) For the purposes of these regulations, interior lighting visible from the exterior of the building or structure shall be treated as outdoor lighting.
- Modifying new (c) to clarify how the chapter is applied.
 - (c) ~~Whenever the~~**The Planning Commission shall review and make a decision on the** installation or modification of outdoor lighting ~~is part of a development that requires site plan approval, the Planning Commission shall review and approve all proposed lighting~~ **subject to the standards of this chapter** as part of its site plan approval process, **or amendment to a previously approved site plan.**
- Adding to Section 1273.02(c)(2), Lighting plan approval criteria, adding a new F. that includes interior lighting visible from the exterior as a criterion in the applicability of the regulation.

F. Whether any interior lighting that will be visible from the outside is unnecessarily bright in a manner that will create significant contrast with all other lighting on the site, with adjacent properties, or with the ambient light:

- Adding to Section 1273.02(c)(3), Design Standards, adding D. that prohibits lighting attached to the interior or exterior of windows.

D. No lighting fixtures may be attached to the interior or exterior of windows or doors.

- Staff recommends that Section 1273.02(c)(3), Design Standards, be recodified as Section 1273.03 to reflect the hierarchy of this important part of the chapter. Succeeding sections would in turn be renumbered accordingly.

Staff also used this review as an opportunity to make other amendments to Chapter 1273:

- For Section 1273.02(c)(3)(G), change one reference of color temperature to correlated color temperature, and delete use of degrees Kelvin to just K. Both terms are correct industry standard.

G. Outdoor lighting shall be designed to present a uniform color temperature on a site, building or development as far as the lighting shall have a **correlated** color temperature of 3500 degrees Kelvin (K) or less.

- Revise Section 1273.02(c)(3)(J), that regulates the illumination of specific uses. For this provision, vehicle fueling station illumination is increased to a maximum of 15 foot-candles, a standard that has been used for fueling operations since 2020; drive-throughs would remain 10 foot-candles, and convenience stores are removed from the list and be held to the baseline illumination standard for the ordinance.

K. The illumination of vehicle fueling stations **shall not exceed 15 foot-candles as measured at any one point**. Drive through operations (areas directly associated with the drive through itself, not the entire use or property) and convenience stores shall not exceed 10 foot-candles as measured at any one point. Excessive lighting for the purposes of attraction and advertising shall not be permitted.

No specific amendments to the sign code in support of the vaping moratorium are recommended. The amendments to Chapter 1273 capture the illumination from signs as well. Our consultant and City staff recommend the following amendments:

- Revise Table 1281-C, Maximum Individual Building Sign Area in Commercial Zoning Districts, to allow 150% of the maximum sign area in the ADD-1, Austin Development District-1. For the purposes of the Sign Code, the ADD-1 is included in the Commercial Sign District. With large buildings, for example a 100,000-square foot auxiliary building for Innomark on South Tech Boulevard, the sign allowances are exceptionally low. The allowance would be executed with a note at the bottom of the table.

TABLE 1281-B: MAXIMUM INDIVIDUAL BUILDING SIGN AREA IN COMMERCIAL ZONING DISTRICTS		
Sign Setback from the Curb of the Adjacent Street	Maximum Sign Area of any Individual Building Sign¹	
	If Street Frontage Has a Ground Sign	If Street Frontage Does Not Have a Ground Sign
0 to 100 Feet	35 Square Feet	65 Square Feet
101 to 250 Feet	50 Square Feet	80 Square Feet
251 to 350 Feet	75 Square Feet	105 Square Feet
351 Feet and Over	100 Square Feet	130 Square Feet

¹For parcels in the ADD-1, the maximum sign area permitted is 150% of the number stated.

- Revise Table 1281-C, Ground Sign Standards. This amendment would replace the term curb to right-of-way when calculating the minimum setback for ground signs. This was an error from the 2021 sign code revision and supports our goal of prohibiting signs in the right-of-way, an inadvertent result of using the term curb. In this case the term right-of-way is preferable to property line or lot line since in some cases the property line may be at the centerline of a road.

TABLE 1281-C: GROUND SIGN STANDARDS			
District	Minimum Setback from Curb Right-of-Way	Maximum Height	Maximum Sign Area
Commercial Zoning Districts	8 Feet	6 Feet	30 Square Feet

TABLE 1281-C: GROUND SIGN STANDARDS

District	Minimum Setback from <u>Curb Right-</u> <u>of-Way</u>	Maximum Height	Maximum Sign Area
Industrial Zoning Districts	8 Feet (See Also Maximum Sign Area.)	20 Feet	100 Square Feet. The maximum sign area may exceed 100 square feet provided there is one additional foot in setback, beyond the 8-foot minimum, for each additional 8 square feet of sign area beyond the initial 100 square feet of sign area.
Architectural Sign Overlay District	4 Feet	6 Feet	20 Square Feet
Note: In no case shall any ground sign exceed 300 square feet in sign area, in any zoning district.			

Following the preliminary discussion at the October 9 meeting, the recommendations would be on the November 13 meeting agenda for formal approval. The recommendation would be transformed into Ordinance format at that time. Following Planning Commission action, a Public Hearing would take place, followed by approval of the Ordinance by City Council.

If you have any questions regarding this proposed amendment, please feel free to reach out to me at (937) 748-6183 or danb@cityofspringboro.com.

**City of Springboro
320 West Central Avenue, Springboro, Ohio 45066
Planning Commission Meeting
Wednesday, September 11, 2024**

I. Call to Order

Becky Iverson, Chair, called the Wednesday, September 11, 2024 Springboro Planning Commission Meeting to order at 6:00 p.m. at the Springboro Municipal Building, Council Chambers, 320 West Central Avenue, Springboro, Ohio.

Present: Becky Iverson, Chris Pearson, Matt Leedy, John Sillies, and Mike Thompson.

Staff Present: Dan Boron, City Planner; Elmer Dudas, Development Director; and September Bee, Planning Commission Secretary.

Mr. Thompson motioned to excuse Mr. Dimmitt and Mr. Harding. Mr. Pearson seconded the motion.

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, yes; (5 yes – 0 no)

II. Approval of Minutes

August 14, 2024 Planning Commission Minutes

Ms. Iverson asked for corrections or additions to the minutes. There were none.

Mr. Pearson motioned to approve the August 14, 2024 Planning Commission minutes. Mr. Sillies seconded the motion.

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, abstain; (4 yes - 1 abstain - 0 no)

III. Agenda Items

A. Final Approval

Record Plan, 1331 South Main Street, replat of two lots

Background Information

This agenda item is a request for record plan approval for Tucker Subdivision Section 1A, located at 1331 South Main Street, submitted by the property owner Joseph Bockelman. The record plan is adjusting the common side lot line of exiting lots 2 and 3, to make the setbacks for an existing garage compliant. The plan contains a total of 4.4957 acres. Once approved, the plan will proceed to City Council for final approval.

Staff Recommendation

City staff recommends approval of the record plan for Tucker Subdivision, Section 1A, subject to the following conditions:

1. Move the signature block for lot 3 underneath the notary signature for lot 2.
2. Provide the lienholder acknowledgements for both existing lots, if required. Otherwise, remove from plan.

3. Add the Declaration of Covenants, Restrictions & Conditions as shown on the original platted Tucker Subdivision.
4. Submit to Warren County for review and revise accordingly.

Discussion:

Mr. Joseph Bockelman, property owner, 1331 South Main Street, was not present.

Ms. Iverson asked Mr. Dudas for a summary of this agenda item.

Mr. Dudas said that the applicant resides on lot 2 of the site plan submitted for review. This is a replat adjusting the side lot line between lots 2 and 3. In the past, a garage was built in the wrong location and the owners of lots 2 and 3 have now agreed to move the lots lines to make Mr. Bockelman's property compliant with setbacks for the garage. The changing of the lot lines will not make a major change to either property.

The Warren County Engineers Department has been forwarded the comments from staff and they are ok with this change moving forward. Once approved by Planning Commission, it will go before the City Council for formal approval.

Mr. Boron said he had spoken with the surveyor prior to this meeting and are making the changes as noted in the comments and will forward on to Mr. Dudas to present to City Council.

Ms. Iverson asked for any further questions or comments.

Mr. Pearson asked if both property owners are agreeable to this change.

Mr. Dudas replied that yes, they agreed, but both parties must sign the amended record plan; if either party does not sign, this replat will not be carried forward.

Mr. Sillies made a motion to approve the Final Approval, Record Plan, 1331 South Main Street, replat two lots. Mr. Leedy seconded the motion.

Ms. Iverson called for roll call.

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, yes; (5 yes – 0 no)

Ms. Iverson said the motion was approved unanimously.

B. Final Approval

Site Plan Review, 88 Remick Boulevard, Coffman Family YMCA, building addition

Background Information

This agenda item is based on a request filed by Ferguson Construction, representing the YMCA of Greater Dayton, property owner, seeking approval for the construction of an 1,872-square foot addition to the Coffman Family YMCA building located at 88 Remick Boulevard. As indicated in the submitted plans, the YMCA proposes to construct the addition on the rear/north side of the existing YMCA building. The addition will serve as a cross-fit training area. A new outdoor turf area is also proposed for this portion of the building along with a new access drive.

The existing building and site were developed beginning in 1999 when the property was in Clearcreek Township, and have been added onto from time to time, most recently in 2016. The YMCA and what is now the Ledgestone Office Building were annexed into the City of Springboro in 2000.

The subject property is zoned O, Office. The O District permits the existing YMCA use and the proposed addition. The Ledgestone Office Building located immediately to the south of the property is also zoned O, Office District. Lands to the northeast (The Villas at the Point II condominiums), east (YMCA-owned recreational fields) and southeast (Southwest Church) are zoned PUD, Planned Unit Development, and are part of the Settlers Walk PUD. Lands to the north and northwest are unincorporated lands within Clearcreek Township, Warren County, and Miami Township, Montgomery County, and are owned and operated by the City of Dayton Aviation Division as Dayton-Wright Brothers Airport. The YMCA leases a small area of airport property immediately north of the YMCA building that is used as ball fields.

Staff Recommendation

City staff recommends approval of the site plan for the addition to the Coffman Family YMCA with the following conditions:

1. Exterior lighting, if proposed for the building addition and vicinity, to comply with Chapter 1273, Exterior Lighting, of Planning and Zoning Code.
2. Provide storm water detention due to changes in impervious surface, along with design calculations.

Discussion:

Mr. Jeff King, Vice-President, Ferguson Construction, 825 South Ludlow Street, Dayton, was present to answer any questions from the Planning Commission members and staff.

Ms. Iverson asked Mr. King if he had any questions regarding the staff comments for this project.

Mr. King replied that they did not; they have will be submitting their photometric plan and the storm water detention issue is being addressed.

Ms. Iverson asked Mr. Boron if he had any comments.

Mr. Boron said the staff comments are minor in nature; this is a small addition and is not much of a change to the existing facility.

Ms. Iverson asked if there were any other questions or comments. There were none.

Mr. Thompson made a motion to approve the Final Approval, Site Plan Review, 88 Remick Boulevard, Coffman Family YMCA, building addition. Mr. Pearson seconded the motion.

Ms. Iverson called for roll call.

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, yes; (5 yes – 0 no)

Ms. Iverson said the motion was approved unanimously.

C. Final Approval

Planning & Zoning Text Amendment, Adult Use Marijuana

Jerry McDonald, Law Director, has prepared the enclosed text amendment to the Planning and Zoning Code that would prohibit adult use marijuana in the city. Adult use marijuana was approved by Ohio voters under State Issue 2 in November 2023; thereafter, City Council adopted a moratorium on the acceptance of applications to permit operators while the state (which did not accept application for operators until last month) composed rules for cultivators, processors, and dispensaries. Following discussion on the matter earlier this year, City Council directed Jerry McDonald to prepare legislation to ban adult use marijuana operators.

The proposed legislation would add to the list of prohibited uses in Section 1263.02, Prohibited Uses and Uses Not Expressly Permitted. This is the same code section where the medical marijuana ban was executed in 2017.

Jerry McDonald will be in attendance to answer questions from the Planning Commission and the public on this matter.

Discussion:

Mr. Jerry McDonald, legal counsel for the City of Springboro, was in attendance to present a text amendment to Planning Commission members and staff. He explained that when medical marijuana was legalized years ago, the City Council voted to impose a moratorium on all applications for permits for medical marijuana distribution until further information was provided by the state of Ohio. Now that adult use marijuana has been legalized, Council members will be voting after a Public Hearing on October 17 to determine if all cultivators, processors, or distributors will or will not be permitted to operate in the city.

Mr. Sillies asked how long the moratorium on applications will last.

Mr. McDonald replied the moratorium was originally supposed to end in October and it was just extended to December 31.

Ms. Iverson asked what would happen once the moratorium expires on January 1.

Mr. McDonald said that by the time the moratorium expires, Council is expected to have voted on a permanent prohibition of medical marijuana establishments within the City limits. This prohibition will have no effect on the home-grown marijuana that is now permitted. Residents may have up to six plants per person, with a maximum of twelve plants per household, but it must be grown indoors; it cannot be grown in an area that is accessible to the public.

Mr. Thompson asked about the repercussions of prohibiting adult use marijuana when the citizens of Ohio have voted to legalize its use.

Mr. McDonald said it was within the rights of Council to consider the health, safety, and well-being of its community members; there are two dispensaries near Springboro that offer adult use marijuana, so it is not imposing a hardship on citizens wishing to purchase their product. Residency in a community is not required to purchase products in those businesses.

Ms. Iverson commented that the Public Hearing will allow residents to voice their opinions regarding allowing or prohibiting adult use marijuana in the community.

Mr. Pearson asked about the alcoholic and edible products that contain THC and are available at several stores in the area currently.

Mr. McDonald explained the concentration of THC in those products is much lower than the THC level of the marijuana available at a dispensary, like the lower-proof alcohol available in stores not licensed to sell state-controlled alcoholic beverages.

Mr. Leedy asked Mr. McDonald what would happen in the future if the zoning ordinance was not changed to include prohibiting these businesses.

Mr. McDonald replied that if a use is not listed as permitted, it is prohibited for that zoning district. Listing medical marijuana dispensaries as prohibited altogether in all zoning districts will avoid conflict with applicants in the future.

Ms. Iverson asked for any other discussion. There was none.

Mr. McDonald respectfully requested that the Planning Commission members vote to move this text amendment forward to the next scheduled City Council meeting.

Mr. Pearson made a motion to approve the Final Approval, Planning and Zoning Text Amendment, Adult Use Marijuana. Mr. Sillies seconded the motion.

Ms. Iverson called for roll call.

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, yes; (5 yes – 0 no)

Ms. Iverson said the motion was approved unanimously.

IV. Guest Comments

Ms. Iverson called for guest comments. There were none.

V. Planning Commission and Staff Comments

Ms. Iverson asked if there were any further questions or comments from Planning Commission members or staff.

Mr. Boron announced that the 36th Annual Miami Valley Planning and Zoning Workshop will be held on Friday, December 6, 2024 at the Ponitz Center, Sinclair Community College in Dayton. All Planning Commission members and staff are invited to attend; if interested in attending, please notify Ms. Bee with your information.

VI. Adjournment

Ms. Iverson called for a motion to adjourn.

*Mr. Pearson motioned to adjourn the September 11, 2024 Planning Commission Meeting at 6:30 pm
Mr. Leedy seconded the motion.*

Vote: Iverson, yes; Pearson, yes; Leedy, yes; Sillies, yes; Thompson, yes; (5 yes – 0 no)

Ms. Iverson said that the motion is approved unanimously, and the meeting is adjourned.

Becky Iverson, Planning Commission Chairperson

Dan Boron, Planner

September Bee, Planning Commission Secretary