

WHITEHALL PLANNING COMMISSION MINUTES JULY 7, 2022

The Whitehall Planning Commission meeting of Thursday, July 7, 2022, was called to order by Chairperson, Terry Anderson, at 6:33 p.m.

Chairman Anderson asked for a roll call.

Terry Anderson – Present

Mike Brown – Present

Denny Roberge – Present

Barb Blake – Present

Jackie Plank – Present

Jason Thomas – Absent

Zach Woodruff – Present

Chairman Anderson asked for a motion to excuse the absent member. Mr. Roberge motioned. Ms. Blake seconded the motion. All voted in favor to **EXCUSE** the absent member.

Chairman Anderson asked for a motion to approve minutes from April 7, 2022. Mr. Brown motioned to approve the minutes. Ms. Blake seconded the motion. All voted in favor to **APPROVE** the minutes.

Chairman Anderson introduced Case 841, 4181 East Main Street, parcel 090-000089. Fikru Nigusse, owner of ABC Accounting and Tax Service, LLC, is seeking a PARKING LOCATION VARIANCE, 1123.11.02(E)(2). Mr. Nigusse hired a contractor, but he discovered a permit was not obtained. Mr. Nigusse stated the city provided him guidance on how to remedy his situation. Mr. Nigusse stated he uses the second floor as a CPA firm. Mr. Nigusse reviewed his plan showing the added green space at the front of the building and side. Mr. Brown asked Mr. Nigusse the total number of parking spaces. Mr. Nigusse stated he has 11 spaces. Mr. Woodruff stated that includes the parking spaces in question. Chairman Anderson asked Mr. Nigusse the total number of employees. Mr. Nigusse employs two people. At this time, there are no other tenants. Mr. Nigusse stated he is seeking guidance from the building department regarding the first floor. Ms. Blake complimented Mr. Nigusse on the separation of the public walkway and parking from a safety standpoint. Mr. Nigusse stated that the building is not ADA compliant; thus, there is not a handicap parking space. Mr. Woodruff stated upon variance approval and completion of the improvements, the building department will determine if an ADA parking space is required.

Ms. Miller reviewed the staff report. Staff recommends a favorable recommendation for Case 841.

Chairman Anderson asked for a motion to approve **Case 841**, PARKING LOCATION VARIANCE. Mr. Roberge motioned. Ms. Plank seconded the motion. All members voted in favor to **APPROVE** Case 841.

Chairman Anderson introduced Case 842, 3588 East Main Street, parcel 090-008431. Stanley W. Young III, Worthington Signs, Ltd., representing Captain D's, is seeking a SIGN VARIANCE, 1124.10(n)(2)(4) and (1127).04(g). Mr. Young stated he is seeking a sign variance for the 9 sq ft menu board. Mr. Young stated identification for Captain D's will come from the front of the building and the monument sign. Mr. Young stated Captain D's will have a pedestrian-friendly outdoor patio. Mr. Young stated pedestrians will have the ability to place their order via walk-up ordering utilizing this menu board. Chairman Anderson asked for clarification how the sign is to be illuminated. Mr. Young stated the sign will be a rear-illuminated sign with LEDs. Ms. Blake asked if the sign would be a changeable sign, manual or digital. Mr. Young stated the sign is not a digital sign. However, he stated the graphics, per the drawings provided, state are "to be determined." Mr. Young stated changing the sign would necessitate a face change to achieve the changeable copy. Ms. Blake asked if the menu board would include the complete menu. Mr. Young stated he is not prepared to answer that question but stated that due to size of the sign, it may include specials. Mr. Brown asked if the sign requested is similar in size to other Captain D's restaurants. Mr. Young stated that it is the brand standard for pedestrian-friendly sites. Mr. Young stated the measurement is 18"x6'. Mr. Woodruff asked for clarification regarding if the sign is, in fact, a cabinet box sign. Mr. Woodruff stated the City of Whitehall's sign code does not allow for cabinet box signs in the overlay. Mr. Woodruff stated the sign sounds like a fixed-copy sign that would necessitate a face change by a sign company. Mr. Young stated Captain D's corporate would send face signs to do their own face changes without permits. Mr. Woodruff stated face changes on signs require permits. Mr. Woodruff stated that calling the sign "changeable copy" would not be accurate. The sign is really a printed sign. Mr. Woodruff asked Mr. Young if he would agree that the drive-thru menu board is a cabinet box, similar to this sign. Mr. Young agreed. Mr. Woodruff stated this is actually an additional menu board, not a cabinet box which is not permitted. Mr. Woodruff stated that face changes would require a sign permit for each face change.

Mr. Woodruff stated the variance, if approved, will become null and void if the signage changes from a menu board to just signage. Mr. Young stated, "It would be all menu board."

Ms. Blake asked for clarification if the sign will be read by the walk-up customers only and not an attention-seeking sign for vehicles. Mr. Young stated the sign is oriented to the walk-up customer.

Ms. Miller reviewed the staff report. Staff recommends a favorable recommendation for Case 842 – both the graphics and menu board.

Mr. Woodruff motioned to approve **Case 842**, SIGN VARIANCE, with the condition that the variance be granted for the additional menu board and that they remain for the purpose of displaying items and pricing; if the content were to change from being a menu board, that the variance be rescinded. Ms. Plank seconded the motion. All members voted in favor to **APPROVE** Case 842.

Chairman Anderson introduced Cases 843, 1123.11.09(2); 844, 1127.04(d); and 845 1127.04(d), 407 North Hamilton Road, parcel 090-005336. Stanley W. Young III, Allied Sign Co., representing Byers Porsche, is seeking three SIGN VARIANCES. Mr. Young stated as Byers is remodeling the showroom, the plan is to also update their signage. Mr. Young stated the plan is to remove two older signs and replace those two signs with a 47.2 sq ft Porsche identification sign which is 12 ft overall height. The new sign would have a minimum 5 ft setback. Removal of the two signs and replacing with one sign thus reduces the sign overall sign area by 58.5 sq ft. Case 843, 112.11.09(2) (labeled SG3), does not permit a monument sign in excess of 8 ft. Mr. Young is requesting an additional 4 ft height. Regarding Case 845, 1124.04(d) (labeled (SG5), Mr. Young stated this sign variance requested is 13.79 sq ft. This sign variance request is in terms of total area. This sign would be on an island further into the dealership. Case 844, 1124.04(d) (labeled SG4), is a monument sign, 17.77 sq ft, which identifies where the showroom is located. Mr. Young stated this sign is slightly above 8 ft in height. Mr. Woodruff asked for setbacks for SG5 and SG4. SG5 is at least 50 ft back from the right of way, and SG4 (directional) is 60 ft.

Ms. Miller reviewed the staff report. Staff recommends a favorable recommendation for Cases 843, 844, and 845.

Chairman Anderson asked for a motion to approve **Cases 843, 844, 845**. Ms. Blake motioned to approve cases 843, 844, and 845, SIGN VARIANCES. Mr. Brown seconded the motion. All members voted in favor to **APPROVE** Case 843, 844, and 845.

Chairman Anderson introduced Cases 846, PRELIMINARY HEARING TO UPDATE THE PLANNED UNIT DEVELOPMENT (PUD), 1123.16, 5000 East Broad Street, multiple parcels,

owned by The City of Whitehall. Mike Shannon, representing NR Properties in conjunction with The City of Whitehall, presented Case 846. Mr. Shannon stated this is a very minor modification but is required to be very specific. Mr. Shannon stated the unit count has increased incrementally from 259 up to 270. Mr. Shannon stated that along the East Broad Street frontage, building G will be eliminated. In replacement, building C along South Hamilton Road frontage, is now proposed to be five stories. This level of specificity is required for PUD. Mr. Shannon, along with Mr. Woodruff, illustrated the proposed plan to the planning commission with comparison to the previous plan (four stories vs. five stories). Mr. Shannon stated the new plan is more economical. Building G affected the line of sight. Mr. Shannon stated there will be key visual elements planned for East Broad Street. Mr. Shannon reiterated that all PUDs require this level of specificity in granular detail. Mr. Woodruff stated that the ordinance governing this PUD required specificity for phase one but allowed flexibility for future phases. The City of Whitehall PUD language requires that an increase in phase one in density required we go through this process. Mr. Woodruff stated the intent would be to come back before the planning commission in August with a final site plan with the elimination of building G. Mr. Woodruff stated the renderings with the colors are not fully representative. The brownish color is brick with a mixture of Hardie plank and board and batten. Mr. Shannon also stated the depth of the articulation is hard to visualize. Chairman Anderson asked for clarification if this building is to have commercial sites at the street level. Mr. Woodruff reviewed building B which has ground floor commercial with three floors of residential above facing the center promenade. Buildings C and D have first floor residential. Building C will have first floor to the South Hamilton Road side with tuck-under parking on the east side. Building D is a three-story walkup. Building E and F, liner buildings, have not been finalized – could be more of a townhouse look – one or three units above enclosed parking below. Building A and B is where there is the first floor commercial facing the promenade with the 14 live/work units which have the retail appearance but could be for entrepreneurs or small business, or artists. Those are studio/commercial with a one-bedroom apartment in the rear centered around the pedestrian walkway. Mr. Brown asked for clarification if the five-story building would be in the same footprint as the four-story building. Mr. Shannon confirmed, as did Mr. Woodruff. The only change made was adding the fifth story. Mr. Woodruff stated the view of downtown and the airport from the fifth floor would be ideal.

Chairman Anderson asked for a motion to approve **Cases 846**. Mr. Brown motioned to approve case 846, THE PRELIMINARY SITE PLAN. Mr. Roberge seconded the motion. All members with the exception of Mr. Woodruff who abstained voted in favor to **APPROVE** Case 846.

Chairman Anderson asked if there was any further business. There being no further business, Chairman Anderson asked for a motion to adjourn. Mr. Woodruff motioned. Mr. Roberge seconded the motion. All members voted in favor to adjourn the meeting. The July 7, 2022, Planning Commission meeting adjourned at 7:21 p.m.

APPROVED _____, **2022**, respectfully submitted,

Terry Anderson, Chairman

Lori Morton, Secretary