

WHITEHALL PLANNING COMMISSION MINUTES THURSDAY, MARCH 2, 2023

The Whitehall Planning Commission meeting of Thursday, March 2, 2023, was called to order by Chairman, Terry Anderson, at 6:30 p.m.

Chairman Anderson asked for a roll call.

Terry Anderson – Present
Mike Brown – Present
Denny Roberge – Absent
Barb Blake – Present
Jackie Plank – Present
Jason Thomas – Present
Zach Woodruff – Present

Chairman Anderson asked for a motion to excuse the absent member. Mr. Woodruff motioned. Mr. Brown seconded the motion. Voting was unanimous to excuse the absent member.

Chairman Anderson the asked for a motion to approve the minutes from February 2, 2023. Ms. Blake motioned. Mr. Woodruff seconded. Voting was unanimous to approve the February minutes.

Chairman Anderson introduced Cases 856, 857, 858, 859, 860, 861, and 862 – SIGN VARIANCES, 1123.11.09(1)(A), 1123.11.09(4)(A), 1123.11.09(3)(A), 1123.11.09(3)(B), 1123.03(D)(1), 1127.04(b), and 1127.06(a)(5), for Ross Dress for Less, 3790 East Broad Street, parcel 090-005608. Ms. Rebecca Green, Zoning Resources/Blair Image, presented Cases 856 – 862. Ms. Green reviewed the site plan. Ms. Green stated they are requesting one large wall sign, side wall sign, two wall plaques, two under canopy pedestrian-oriented signs, and temporary signage. Ms. Plank asked how large the wall sign would be in comparison to the previous sign that Staples had in place. Ms. Green stated she did not have that, and Mr. Woodruff stated that measurement was not available from the city. Mr. Woodruff and Ms. Blake confirmed the previous Staples sign has been removed. Ms. Green asked if the additional renderings sent via email had been distributed to the planning commission members. Ms. Morton confirmed the members had those additional renderings. Ms. Green stated that Ross Dress for Less stated desired to be very visible from all directions to the entrance. Mr. Anderson asked about the desired sign color. Ms. Green stated the Ross Dress for Less color is blue. Mr. Brown asked for clarification regarding the

signs on the side of the building. Ms. Green stated that would be the west side of the building (the pop out). Ms. Green stated that portion of the building juts out a bit so that the signage is not visible.

Kelsey Miller reviewed the staff reports for Cases 856 – 862. Ms. Miller stated the staff recommends unfavorable recommendation to all variances because the number of signs are disproportional to the area, current signage, and the neighboring businesses, especially regarding the amount of their building frontage.

Chairman Anderson asked if there were further questions. Mr. Brown asked Ms. Miller if these variance requests met the recommendations of the commercial overlay. Ms. Miller stated that these signs exceed the maximum square footage of all of the signs to include the temporary signage and undercanopy projecting signs are not permitted in the Broad Street District – confirming these signs are not permitted in the overlay. Mr. Woodruff stated the total proposed square footage is 399.55 sq ft. The allowable is 189.75 sq ft. The current code allows for two wall signs. Mr. Woodruff stated the city has not permitted signs on nonfrontage sides of buildings in the past.

Mr. Woodruff also reminded the commission that motions are made in the affirmative, voting is made up/down on that affirmative motion. Mr. Woodruff recommended that each case be voted upon individually. Mr. Woodruff asked Ms. Green if her client has a preference of order which signs are most important to Ross. Ms. Green stated that the front wall sign is the most important as the Ross Dress For Less branding sign – the S1 wall sign. Ms. Green stated the second most important sign would be the west wall sign. Ms. Green stated that every Ross Dress for Less has had a side or rear-facing wall sign. Ms. Green stated the remaining signs are less important as they are pedestrian-oriented signs. Ms. Miller recommended referencing page 24 of the Planning Commission Packet (applicant letter) which simplified each case. Ms. Green requested information regarding page 24. Ms. Morton confirmed with Ms. Miller that the applicant letter was mailed/emailed to Ms. Green and Mr. McFarland on February 23, 2023. Mr. Woodruff asked if the undercanopy signs would be illuminated. Ms. Green confirmed they would be projecting and illuminated.

Chairman Anderson asked for a motion to approve **Case 856 – EL2 WALL**. Mr. Woodruff motioned. Ms. Blake seconded the motion. Anderson – No, Brown – No, Blake – No, Plank – No, Thomas – No, Woodruff – No. All members voted unanimously to **DENY** Case 856.

Chairman Anderson asked for a motion to approve **Case 857 – S1 FRONT WALL**. **Mr. Woodruff motioned**. Mr. Thomas seconded the motion. Anderson – No, Brown – No, Blake – Yes, Plank – Yes, Thomas – Yes, Woodruff – Yes. Case 857 was **APPROVED**.

Chairman Anderson asked for a motion to approve **Case 858 – S2 WEST WALL**. **Mr. Woodruff motioned**. **Mr. Brown seconded the motion**. Anderson – No, Brown – No, Blake – No, Plank – No, Thomas – No, Woodruff – No. All members voted unanimously to **DENY** Case 858.

Chairman Anderson asked for a motion to approve **Case 859 – UHC1 UNDERAWNING**. **Mr. Woodruff motioned**. **Ms. Plank seconded the motion**. Anderson – No, Brown – No, Blake – No, Plank – No, Thomas – No, Woodruff – No. All members voted unanimously to **DENY** Case 859.

Chairman Anderson asked for a motion to approve **Case 860 – UHC2 UNDERAWNING**. **Mr. Woodruff motioned**. **Ms. Plank seconded the motion**. Anderson – No, Brown – No, Blake – No, Plank – No, Thomas – No, Woodruff – No. All members voted unanimously to **DENY** Case 860.

Chairman Anderson asked for a motion to approve **Case 861 – WINDOW SIGN**. **Mr. Woodruff motioned**. **Ms. Plank seconded the motion**. Anderson – No, Brown – No, Blake – No, Plank – No, Thomas – No, Woodruff – No. All members voted unanimously to **DENY** Case 861.

Chairman Anderson asked for a motion to approve **Case 862 – TEMPORARY SIGNAGE**. **Mr. Woodruff gave Ms. Green the floor to speak on the temporary signage request**. Ms. Green stated temporary signage would come in phases such as a "coming soon, hiring, and now open" phases. Ms. Green confirmed with Mr. Woodruff that the time frame would be three months total – not per. Ms. Green understood that the banners requested are larger than code permits. Mr. Woodruff asked if the streamers per the submitted illustrations would be requested as part of the temporary signage. Ms. Green stated streamers will not be used. Mr. Woodruff motioned with the amendment that no streamers be used and that temporary signage be limited to three months. Mr. Brown seconded the motion. Anderson – Yes, Brown – Yes, Blake – Yes, Plank – Yes, Thomas – Yes, Woodruff – Yes. All members voted unanimously in favor to **APPROVE** Case 862.

Chairman Anderson introduced Case 863 – ZONING COMPLIANCE REVIEW, 1123.11.01(C)(1), 903.20(e)(8), and 1123.11.02(C)(2), Daniel Hernandez, 4257 East Main

Street, parcel 090-000310. Mr. Hernandez reviewed his case stating his request to open a new restaurant, extending the restaurant 5 ft to the rear, 10 ft away from the fence line. Mr. Hernandez stated extended the back of the restaurant would add square footage to the restaurant. Mr. Hernandez stated this would also prevent pedestrian walk-up traffic at the back of the restaurant. Mr. Hernandez stated this added space would also allow a garage to permit food deliveries. Mr. Hernandez also stated there would be front patio seating. Mr. Brown asked if the build out would be across the entire front of the building. Mr. Hernandez stated that the build out would be 24 ft from the corner of the west side of the building to the east side of the building. Mr. Brown asked if the dock doors would be removed. Mr. Hernandez stated the dock doors on the front of the building would remain so that the doors can be opened/closed during the summer. Mr. Hernandez stated the patio area would also be weather resistant so that customers may dine on the porch during the winter months. Ms. Blake asked for clarification regarding extended the back portion of the restaurant if that would provide enough space for emergency equipment if necessary. Mr. Hernandez stated there would be enough room. Mr. Woodruff stated that space between the back of the building and the property line would be only 10 ft. Mr. Hernandez also desired to remove some of the trees but keep the pine trees. Mr. Brown asked Mr. Hernandez his plans on landscaping the front of the property. Mr. Hernandez stated the plan is to place stone, columns, and trees. Mr. Woodruff asked if that meant the tree lawn. Mr. Hernandez stated that would be in the tree lawn. Mr. Hernandez also desired to landscape around the fire hydrant with a retaining wall. Mr. Woodruff stated the city and the fire department would require that the fire hydrant is still accessible. Mr. Brown asked Mr. Hernandez to further detail his plans for the food truck on the property. Mr. Hernandez requested to keep the food truck on site but not serve from the food truck. Mr. Hernandez stated it would be like a dessert area. Mr. Hernandez stated the designs were reviewed with Mr. Woodruff and Kelsey Miller. Mr. Hernandez stated the food truck graffiti art was designed by an artist from Germany. Mr. Hernandez stated the food truck will look good next to the building. Mr. Brown asked if the food truck would be permanent. Mr. Hernandez stated that the food truck could be moved to events. Ms. Miller stated that the food truck would remain until the restaurant is completed. Mr. Woodruff stated that he believed Mr. Hernandez wanted to keep the food truck parked on site. Mr. Woodruff stated that is not what was discussed in the meetings prior to planning commission. Mr. Woodruff stated the food truck could remain while the building was under construction but, afterwards, could be parked in the rear but could not serve food. Ms. Miller stated the food truck could be utilized during the construction phase only but cannot be stored on site permanently. Chairman Anderson asked about the hours of the restaurant. Mr. Hernandez stated the expected hours would be 10 a.m. to 11 p.m. Monday through Thursday and 10 a.m. to 1:30 a.m. Friday through Sunday. They are also requesting a liquor license. Mr. Brown asked regarding signage.

Mr. Woodruff stated there is currently a monument sign. Mr. Hernandez stated they would request a face change on that sign. Mr. Hernandez stated they plan to place lights on the exterior of the building.

Chairman Anderson asked if there were any further questions. Ms. Miller reviewed the staff report. The applications are for parking, setback, and open space. The staff recommended approval converting this space from the previous auto repair facility to a restaurant.

Chairman Anderson reiterated the points made regarding temporary use of the food truck. After construction, the food truck is to be relocated. Ms. Blake motioned. Ms. Plank seconded the motion. Anderson – Yes, Brown – Yes with the caveat regarding the food truck (Mr. Woodruff stated food truck regulation is detailed in the updated code), Blake – Yes, Plank – Yes, Thomas – Yes, Woodruff – Yes. Case 863 was **APPROVED**.

Chairman Anderson introduced Case 864 – ORDINANCE 013-2023 – PLANNING AND ZONING CODE UPDATES, PART 11, TITLE 3, CHAPTER 1120 – 1130 WHITEHALL CODIFIED CODE EXHIBITS A, B, AND C. Jason Sudy, OHM Advisors, reviewed the Case 864, accompanied by a visual presentation. The Broad Street, Hamilton Road, Main Street, Community Corridor, and Yearling Road districts have already been updated. This update speaks to the Residential, Industrial, and Military districts. This portion also encompasses administrative and auxillary uses – all of the items necessary to make the code "go." Mr. Sudy stated the goal is to streamline the process, not to radically remake the residential or industrial districts. Mr. Sudy stated the old code is confusing and outdated. Mr. Sudy stated the goal was that the administrative process was streamlined, as well as applicants, developers, and residents can more easily understand the code/process. At this point, **Mr. Sudy reviewed the code** updates via a visual presentation overview of the 236-page zoning code. STUR is the Single and Two-Unit Residential District was reviewed. **Mr. Woodruff reiterated that previous zones of R0, R1, R2, R3, and R4 is now just one Residential District.** MUR is Multiunit Residential District (townhouses, apartments). The Industrial District was kept essentially the same as the existing industrial zone. The MILO, Military Office District, is pretty much their own entity. However, the City of Whitehall desired to have standards in place as new build/change occurs. Planning Unit Development, PUD, is a tool to keep at hand for zoning. The Flood Plain Overlay was reviewed. The Rapid Five Waterway Initiative was reviewed with how the flood plain plays with the waterways. **Mr. Woodruff asked if the Flood Plain Overlay is only in the Big Walnut Creek area or also Mason Run and Turkey Run.** Mr. Sudy stated it is along the Big Walnut Creek area. **Mr. Woodruff stated that Big Walnut Creek is the only one that has a flood way.** Mr. Sudy

reviewed the simplified tables provided in the code. Signage in the corridors, as well as limited signage in residential was reviewed. Mr. Sudy stated that the zoning code is a living document and subject to change. Mr. Woodruff asked for clarification that this change would replace Chapter 11 of the current code and would repeal the commercial overlays currently in place. Mr. Sudy stated that yes that essentially that is what would happen. Ms. Blake stated these changes are comprehensive. Mr. Woodruff asked for clarification regarding bold and brash colors and that would be something needing to be addressed in the near future. Chairperson Anderson asked if a medical corridor would be addressed where the newer medical office cluster is located on East Main Street area. Mr. Woodruff stated the old zoning code is not what facilitated the medical cluster but the city working with developers to achieve that end. Mr. Brown asked if the overlay would necessitate further review.

Mr. Woodruff stated there is nothing in the overlay there is nothing that is not currently in the new zoning code. Mr. Woodruff used the food truck ordinance written in the 1990s and updated in 2014 but did not reach the point of where we want to be in 2023 as an example. A transient merchant license, food truck, could be in place for 30 days and was done, but applicants were figuring ways around the code. As one of the changes, a transient merchant license is available but not allowed to be parked on site from 12 a.m. to 6 a.m. with parking behind the building being permitted. Food truck licenses, permanent, with picnic benches would not be permitted. Mr. Woodruff also stated that urban agriculture code has also been expanded regarding regulations – types of animals, how to keep chickens, how many, types of chicken coops, etc.

Mr. Woodruff stated this update is very easy, comprehensive to understand. Business owners, developers, and residents will not feel they will not need to hire a zoning attorney to proceed with their projects. Mr. Brown asked if this completes the overall update. Mr. Sudy stated that the code is complete once approved. Ms. Blake asked when the new code would appear online. Mr. Woodruff stated council would approve in three weeks and wait 20 days to go into effect, then published to Walter Drane. Mr. Sudy stated the PDF would be available after council approval.

Mr. Woodruff motioned to approve Case 864 – Ordinance 13-2023. Mr. Brown seconded the motion. Voting was unanimous to **APPROVE Case 864, ORDINANCE 13-2023.**

Chairperson Anderson asked if there was any other business before the Planning Commission. With no further business, Mr. Woodruff motioned to adjourn. Mr. Thomas seconded. All members voted in favor to adjourn the meeting. Therefore, the March 2, 2023, Planning Commission meeting adjourned at 7:44 p.m.

APPROVED _____, **2023**, respectfully submitted,

Terry Anderson, Chairman

Lori Morton, Secretary