

MINUTES
Planning Commission
March 9, 2022

The Planning Commission met in regular session on March 9, 2022, in the Council Chambers at the City Building. The meeting was called to order at 7:00 p.m. by Jon B. Boss, Chair. Attendance was as follows:

MEMBERS:

Jon B. Boss, Chair
Dan Driehaus
Ethan Pagliaro

ABSENT:

Phyllis Bossin
Dan Johnson

STAFF:

Megan Statt Blake, Community Development Director
Tana Bere, Community Development Specialist

OTHERS:

Sara Aschliman, applicant for 432 Springfield Pike
Becky Johnson, resident of 191 Compton Road

Approval of January 3, 2022 Meeting Minutes

Mr. Pagliaro moved to approve the minutes as written. Mr. Driehaus seconded the motion. By voice vote, all voted yes, the motion carried.

Citizen Participation

Becky Johnson, 191 Compton Road, addressed the members regarding potential legislation for outdoor lighting. She stated that she lives on a private driveway which is shared with two other properties. Recently, she has had issues with one neighbor ever since they blocked access to her driveway and disregarded their easement agreement. She believes that in anger and retribution, the neighbor replaced outdoor carriage lights with floodlights and trained them on her house. They also trained lights on the shared driveway using a 30-foot pole with a light at the top, which has since been taken down, but they have continued to shine floodlights on her home which are extremely bright and noticeable from Compton Road (approximately 300 feet from her house).

Ms. Johnson stated that light pollution has become a concern across the world, and she believes many are becoming more aware of how lighting can be problematic. In addition to bright lights at night being both a nuisance and disruptive, it should be the choice of the

homeowner to illuminate their home, not from the action of a neighbor. She explained that lighting is an important criminal deterrent and reiterated that it should be the choice of the homeowner, no matter how close the property lines are. With so many options today in directional lighting and wattage, it is easy to light one's own property without spilling light onto an adjacent property.

Ms. Johnson read the City of Cincinnati Ordinance 1421.39 on exterior lighting which states: all exterior light sources on private property, including canopy, perimeter, and flood, must be energy-efficient, stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. The maximum height may not exceed 20 feet above grade. She believes a reasonable ordinance would address the following situations that impose light pollution or "spillage" on neighboring properties: 1) Height of lights on houses and on poles. 2) Directional floodlights, which should be placed in such a way that they illuminate one's own property, not the property of others. 3) Wattage of outdoor lights. She expressed concern of having yet another law on the books, and that perhaps only be necessary on irregular lots or shared drives. She explained that she keeps chickens on her property, and she follows the City's ordinance which essentially says that chickens can be kept if they are not a nuisance to one's neighbor, and perhaps a lighting ordinance could work the same.

Ms. Statt Blake commented that she conducted a survey among other communities on if and how they regulate exterior lighting. She received eight responses to the survey, and none of the respondents indicated that they had any type of legislation. The Zoning Administrator with the City of Cincinnati indicated that the enforcement can be challenging but the department does not get many requests to police it. It can be difficult to enforce lighting regulations from a large plot of acreage versus a small interior residential lot. Ms. Statt Blake explained that the language from Cincinnati's exterior lighting ordinance is a starting place to assist the Planning Commission to determine if it wants staff to review potential legislation further. Additionally, she noted that the City of Montgomery has similar legislation, however theirs is housed under their General Offenses Code rather than their Zoning Code and is classified as a nuisance.

Mr. Pagliaro stated that he would be in favor of asking staff to investigate potential legislation for the Commission to consider. Mr. Driehaus thanked Ms. Statt Blake and Ms. Bere for pulling together the survey so quickly after receiving the request from Ms. Johnson. He added that many residents are pushing back on community projects where lighting would be considered a nuisance. He provided an example of Moeller High School's new stadium that, given the large amount of push-back from the area neighbors regarding the lighting, the project was moved elsewhere to a less residential area. Ms. Pagliaro stated that most body senses are regulated, such as smell and noise, but there is nothing that regulates being blinded by a spotlight.

Ms. Statt Blake explained that there are a few options for the draft legislation which would regulate the height, direction, and wattage. If the ordinance falls under the Zoning Code, issues would be directed to the Community Development staff, which typically starts property complaints on a soft approach before jumping into a more formal enforcement process. As a nuisance in the General Offences Code, issues would be handled by the Police Department. Ms. Statt Blake explained the paths lighting complaints would take depending on if they lived in the Zoning Code or the General Offenses Code.

Mr. Boss concluded that the Commission prefers to review legislation from both options – in the Zoning Code and as a General Offenses violation, and then they will decide which path to pursue.

Business

Review of a Development Plan Application in Accordance with Chapter 1133 of the Wyoming Codified Ordinances for a Change in Use and Structural Alteration of 432 Springfield Pike – The Work+Shop: Ms. Statt Blake provided a review of the history of the property and the proposal before the Members. On July 19, 2021, City Council adopted a report from the Economic Development Commission (EDC) regarding the redevelopment of 432 Springfield Pike and directed the Wyoming Community Improvement Corporation (CIC), as property owner, to negotiate the redevelopment of the property with Sara Aschliman. On August 2, 2021, the Planning Commission reviewed a request for a Development Plan Exemption from Sara Aschliman that would be in place on a temporary basis for the property. Ms. Aschliman, the tenant at the time, proposed to change the use of the property from single-family residential to commercial use, specifically office and meeting space in the existing building, outdoor dining in the front yard, and use of the existing rear paved area as staff parking for Wyoming Community Coffee. The change in use to a commercial operation aligns with the vision for the Promenade as detailed in the 2018 Master Plan, pages 74-79.

At the time of approval of the temporary Development Plan Exemption, Ms. Aschliman, the CIC, and the City administration believed that the rear portion of the property would be split for two purposes: construction of a 'Makerspace' industrial arts workshop building by Ms. Aschliman, as well as construction of a parking lot by the City which would connect to the existing City-owned parking lot at 15 Wyoming Avenue, and potentially the School Board parking lot at 428 Springfield Pike. Continued investigation by the City indicated that the expense of constructing the parking lot was likely to delay construction of the parking lot indefinitely. The CIC and Ms. Aschliman have since articulated that should a parking lot be constructed on the rear portion of the property in the future, an access easement will be granted to provide pedestrian and vehicular access across 432 Springfield Pike to connect it with 15 Wyoming Avenue and 420/428 Springfield Pike. During this same time, Ms. Aschliman identified a more suitable location for the Makerspace elsewhere, therefore that scope of the development is no longer under consideration. Given these changes, the

CIC and Ms. Aschliman are proceeding with an agreement for the sale of the entire property to Ms. Aschliman as described in her Development Plan Application.

Beyond the City Manager and Community Development Department, the Development Plan Application was disseminated to the Public Works Department, Water Department, Police Department, and Fire & EMS Department for review and comment. Notice has been provided via mail to all neighboring properties within 200 feet of 432 Springfield Pike, notifying them of the Development Plan Application and the Planning Commission meeting of March 7, 2022, as well as the anticipated public hearing before City Council on April 18, 2022. Ms. Statt Blake added that she received an email from Rod Sidley in support of the proposal.

Ms. Statt Blake shared additional details from the Development Plan Application. The Work+Shop would serve as studio, office, and event space, to include a front dining patio serving neighboring Wyoming Community Coffee. These uses are found to follow the permitted uses provided in Chapter 1171: E Commercial District. The *Application and Administrative Review Checklist* confirms that the applicant has addressed the Development Plan submittal criteria required by Section 1133.03; though a specific waiver by the Planning Commission is being requested, as permitted by Section 1133.05(d), because the plan provides for seven parking spaces, including one ADA compliant space. Section 1171.04 of the Code requires 12 parking spaces. Additionally, the Architectural Review Board reviewed and accepted the proposed exterior changes to the building, in conjunction with the Historic Preservation Commission, on February 16, 2022.

Ms. Aschliman addressed the members and stated that the intended use of the property is to provide a multi-functional space for students, creatives, entrepreneurs, and small business owners to generate, collaborate, teach, learn, and showcase and grow their work. The goal is to create a customizable space that is welcoming and accessible to host an event or learn a craft or skill. The first-floor multi-purpose events space will be suitable for professional meetings, private parties, and pop-up retail events. The second floor will consist of working studios leased to local creatives and educators. Seasonal outdoor retail markets may be incorporated as well. Life-skill classes, or a home-economics type class in food preparation, health and well-being can be held in the kitchen area. Small, outdoor music and spoken-word events can be held on the front porch and front lawn, and an outdoor community gathering space, which can accommodate patrons of Wyoming Community Coffee and any person wanting to sit outside.

Ms. Aschliman explained that to make the necessary repairs and to bring the property up to commercial code to fit the needs of the new business that the extensive renovation plan includes new accessible restrooms, updated electric throughout, new third floor HVAC system and updated A/C, and interior refresh including paint, lighting, and refinished floors. Exterior renovations include adding a new accessibility ramp, reconstruction, and

expansion of the front porch with an outdoor performance area, new exterior siding repair and painting, new windows throughout, exterior front patio paving, landscaping, and lighting. Additionally, there will be an expanded sidewalk connection to newly designed ADA parking in the existing rear paved area. The proposed work has been approved by the Historic Preservation Commission and Architectural Review Board.

The reconstructed front porch, ramp, and new accessible restrooms are of particular significance to the exterior renovation. Accessible restrooms and ramps are not only required to bring the project up to Code but an integral part of the functioning goal of the building. The location of the new restroom facilities was driven by the desire to preserve as much open interior space as possible and locate the facilities off the central entry zone to be accessible to both meeting rooms, kitchen, and stairway without interrupting the individual use of those spaces. It made the most sense to make use of the existing side porch structure, which already needed attention, for the new restrooms.

Ms. Aschliman explained that several options for ramp placement were considered including iterations on all four sides of the building. While the cost to build the ramp was similar in each option, the user experience was vastly different. The current design has the entrance at grade and is closest to the new ADA parking, the exit at floor level directs the user to the same front door as any typical user, the location provides a connective path to the coffeeshop and makes use of an otherwise underutilized interstitial space between the two buildings. She shared images of the existing deteriorated porch as well as elements not fitting to the historic character of the original house. The new porch is to be constructed using historic elements salvaged from the existing structure and designed to enhance the overall character of the building. Programmatically, the porch is designed to connect the main building entrance to the new ramp while also providing an informal outdoor gathering and performance area. The cost to build the new porch is not significantly more than the already necessary cost to repair the existing porch.

Ms. Aschliman said new paving is to include widening the existing concrete sidewalk along the Wyoming Community Coffee south property line, and a paver patio for the purposes of outdoor coffeeshop dining. The existing driveway is to remain until new parking is constructed. The remaining front yard is to be reseeded as flexible greenspace. Hard and soft scaping is to be conscientious of surface water drainage which is to be directed to the street. She explained that as part of the overall project, she wants to work with the City to repave the section of public sidewalk at the northwest corner of the property to improve current drainage issues that cause pooling.

Ms. Aschliman stated that a signage plan has not yet been determined but is to be designed in conjunction with the ARB and will be intended to meet the Zoning Code. Possible options to be considered include: 1) Monument sign at the southwest corner. 2) Hanging sign above the main porch stair. 3) Fin sign on the upper southwest building

corner.

Ms. Aschliman stated that construction is proposed to begin in summer 2022 and anticipated to be completed early 2023. Hazardous materials such as lead paint are to be handled appropriately according to industry standards. She said that parking in this area has been below code requirements, but manageable, so long as the Wyoming School Board remains amenable to sharing its lot. Public on-street parking is also ample. The most immediate need is accessible spaces. While it is desirable to provide appropriate parking, requiring it at the time of development could deter further development in this area.

Mr. Pagliaro asked for clarification on the estimated costs to connect the City's parking lot to the Middle School lot. Ms. Statt Blake stated that when the City estimated this work the estimate was in the high \$300,000s. Ms. Aschliman added that if she were to obtain bids using a private contractor, she could probably manage the cost but not within the first phase of re-development.

Mr. Driehaus asked about any plans to control storm water runoff. Ms. Aschliman explained that because the structure is existing, water is currently being channeled to the street. She explained a standing water issue that currently exists in front of the Community Coffee building, and she would like to have the City regrade the sidewalk to channel the standing water away. Ms. Statt Blake added that the rear parking lot connection is rather expensive because there is an extensive drainage system that was added when the Middle School was renovated. Mr. Driehaus commented that he believes the parking situation and drainage will all work out. Ms. Aschliman added that she will be researching permeable pavers in the front, but she does not believe this will be the best option to provide drainage but to be able to maintain as much grass as possible.

Mr. Boss recalled that during the Middle School renovation the storm water runoff was re-located to the southeast corner and a new inlet was added. He suggested that perhaps the drainage could be tapped into this inlet when the parking lot is engineered. Ms. Statt Blake said that the City has an easement over the school's property for storm sewers and she would have to research the legal mechanism that allows more storm water to be added. Mr. Boss stated that he believes the storm water system was constructed to accommodate additional capacity.

Mr. Boss recalled the Master Plan and Promenade Report regarding streetscape improvements through this small business district and he asked if what Ms. Aschliman is proposal will impact the design indicated in these reports. Ms. Statt Blake stated that any improvement Ms. Aschliman makes will not prohibit the Promenade and streetscape plans from occurring.

Mr. Boss commented that the only waiver requested by the applicant refers to the parking

requirements. Section 1171.04 requires the site to have 12 parking spaces, however the applicant plans to provide seven spaces, including one ADA-compliant space. He added that the applicant has addressed the Development Plan application required by Section 1133.03 of the Code and the proposed use follows the permitted uses provided in Chapter 1171: E Commercial District.

Mr. Pagliaro asked if anything will occupy the basement or the top floor. Ms. Aschliman stated that both spaces will be used for storage, and none of the fireplaces in the housework. If there are any events that need catering, the food will be prepared at Wyoming Community Coffee and will be brought over. However, home economics type classes will be taught in the kitchen. Mr. Pagliaro asked for a description of the type of artists that will be occupying the commercial spaces on the second floor. Ms. Aschliman stated that there is a painter, a writer, a collector of curator artist who repurposes older items and upcycles them. She had interest from someone wanting to provide tutoring space, which is what she would like to offer as well as spaces for artists to teach their craft.

Mr. Driehaus commented that he has no negative opinion with the site having seven parking spaces rather than 12. Ms. Aschliman added that she currently has four tenants in the building plus her staff. She will eventually be expanding into the Edward Jones space next door which will provide two additional parking spaces. The pergola at the rear of the coffee shop will eventually go away and will provide an additional two spaces.

Ms. Statt Blake advised the Members that the future signage plan can either be referred to the Architectural Review Board or it can be reviewed administratively. Ms. Aschliman stated that she plans to submit for a sign permit separately from the building permit.

Mr. Pagliaro moved to approve the Development Plan as submitted and grant a waiver for the parking requirements and with the understanding that any future sign plans shall be referred to the Architectural Review Board. Mr. Driehaus seconded the motion. By roll call vote, 3-0, all voted yes. The motion carried.

Miscellaneous

Staff will contact the Promote Wyoming Commission regarding publishing a What's Up Wyoming blog post on the proposed development at 432 Springfield Pike.

Excusal of Absent Members

Mr. Driehaus moved to excuse Mr. Johnson and Ms. Bossin. Mr. Pagliaro seconded the motion. By roll call vote, 3-0, all voted yes. The motion carried.

Adjourn

With no further business before the Members, Mr. Driehaus moved to adjourn the meeting. Mr. Pagliaro seconded the motion. By voice vote, all voted yes, the motion carried.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Jon B. Boss, Chairman