

**CITY OF GERMANTOWN PLANNING COMMISSION  
MINUTES OF MEETING HELD JULY 26, 2017**

The City of Germantown Planning Commission met in regular session on July 26, 2017 in the City Building Council Chambers. The meeting was called to order at 6:44 p.m.

**MEMBERS PRESENT:**

The following members were present at Roll Call: Jeff Jones, Rob Rettich, Rob Richter and Andrew Rohrbach.

**MEMBERS ABSENT:**

There were no absent members.

**ALSO PRESENT:**

Also present was Keith Brane, City Planner.

**APPROVAL OF MINUTES:**

On a motion by Mr. Rettich, seconded by Mr. Jones, it was move to approve the minutes of the May 24, 2017 Planning Commission meeting. On call of the roll: Mr. Rettich, yes; Mr. Jones, yes; Mr. Richter, yes; and Mr. Rohrbach, yes. Motion carried.

**BUSINESS:**

**Preliminary Review of Hickory Pointe Self Storage Units**

Mr. Jones said what we have tonight is a pre-submission which allows the applicant to run ideas by the Planning Commission and the City Planner so we can reconcile ideas, issues before they submit a preliminary and final plan. What we have in this case is a pre-submittal review for a self-storage facility at Hickory Pointe. This is not a public hearing but we will allow audience members to express their thoughts and concerns after the presentation.

Mr. Josh Liles representing Apex Engineering said basically all we are doing is a continuation of what was done on the other corner, similar style building with more of the smaller type walk-in units, some being air conditioned.

Mr. Ryan Morris representing Associate Construction said our goal is to bring some climate controlled units to the development. The others are nearly 100% filled and we've done no marketing; the units are just in demand. We have a waiting list with requests for climate control which will take up 75 to 80% of the new building. The building will be all brick with dimensional shingles and it will be a good transition between the residential properties and the retail development on the frontage. We tried to take any variances out of this and just make it a clean project.

Mr. Jones asked what the plan was for buffering and screening. Mr. Morris said the buffering mound is already in place and will not require any additional vegetation; it will look identical to the opposite corner. We are trying to mimic the first phase so we take these questions out; it will meet all the setbacks requirements and all the landscaping requirements, so there should be no concerns. Mr. Jones asked about storm water detention. Mr. Morris said this was designed 12 years ago so everything drains down to the master detention basin and there will be no need for any additional detention.

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Mr. Jones asked if additional signage would be needed. Mr. Morris said yes; it will be discussed in the future and it will be on a separate permit. Mr. Jones said we might have a new sign code in place by then and if so, you will have to submit a sign package. Mr. Morris said we've done that before in the past; it will be its own application and can be scrutinized at a later time.

Mr. Jones asked if any of the climate controlled units would accommodate a motor vehicle. Mr. Morris said no; those units will be interior units accessible from a hallway.

Mr. Jones asked how people accessed the units. Mr. Morris said everyone has their own access code and there is a punch pad. We plan to have a person on-site in case there are any problems. Mr. Jones asked if it was an office shown on the plan. Mr. Morris said yes.

Mr. Rohrbach asked if there was any type of monitoring of what went into the units. Mr. Morris said no; there is a lease agreement people sign that says what they can and cannot do but people come and go all day long and you can't really control what is put in the units. We find a little bit of everything that people abandon and we couldn't really control what goes in without inspections. Once people put their locks on, it's theirs until the lease is up.

Mr. Jones asked if they ever auctioned off the abandoned stuff. Mr. Morris said we've tried it and its not a big draw; once someone doesn't pay we have to give them a 30 day notice and it's mostly trash they leave behind. Mr. Jones asked if the State regulated what they can do. Mr. Morris said there is a process; there are 150 units currently in the first phase and 140 to 145 stay rented all the time. Mr. Jones asked if it was Germantown people who rent. Mr. Morris said it's all over the board; ours are nice, they are new, and they are secure, a lot of things other facilities don't offer.

Mr. Rohrbach said so you can go online, rent your unit, get your access code, and you never have to meet a person face to face. Mr. Morris said it can be done that way but it can also be done face to face. Mr. Rohrbach said if you do it online, how do you know someone renting that unit is not renting it for some nefarious purpose. Mr. Morris said you can't really control any of that no matter how you do it; you have 150 tenants and it's just like renting apartments, you don't know what is going on inside. If you are a landlord or have ever been one, you understand there are problems no matter what business it is.

Mr. Rettich asked if there is electric inside the units. Mr. Morris said no.

Mr. Jones said I would like to see the agreement that states what you can and can't put in the facilities.

Mr. Jones asked what schedule they were looking for. Mr. Morris said we want to push through as quickly as we can and we will follow your lead as to what to do next. Our goal is to break ground in the fall. We've already done a preliminary development plan 12 years ago, so we would like to go straight to the final since we already meet all of our setbacks and our permitted use. Mr. Jones said you can submit the site package and final elevation drawings. Mr. Morris said we are familiar with your codes and it should be a clean process.

Mr. Brane asked if this is all indoor storage. Mr. Morris said yes; everything will be inside the unit. Mr. Brane said just to point out as you folks may have read, it will be brick veneer with dimensional shingles, there will be a security system with cameras to monitor all the activity, they will have one full time

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person and one part time person on staff working Monday through Friday from 10:00 am to 6:30 pm and Saturdays from 9:00 am to 2:00 pm. There will also be 24 hour key access.

Mr. Jones said to make sure the parking is addressed to whatever is required by the code.

Mr. Morris asked if they could get on the August schedule. Mr. Brane said to see the Clerk of Council for an application and we'll get things underway.

Mr. Jones asked if there was anyone in the audience was wanting to speak to this.

Mr. Bob McClain of Buckeye Court said I had two questions coming in this evening. Question one, who the developer was; we know what Associate can do and I have no problems with Associate doing a similar project to what they have. It's a great looking facility Question two, will there be any outside storage such as RVs and that type of thing; that's where opposition would probably occur. It sounds like nothing will be outside. Thank you.

Mr. Morris said the developer is Associate Construction then once it's up and running, we have an investment group that will take ownership.

Ms. Darlene Griffith of Hickory Pointe Drive said I am in a unit that backs up to the property in question and I am glad to know there will be no outside storage. I believe that's what got all the neighbors stirred up because we thought there was going to be outdoor storage and it would be like a truck stop or something. That being said, I still have a big concern over a couple things; one is the landscape mounds. I was told when I purchased my home, I was told I owned that landscape mound and it was part of my personal property. When I actually took possession of my home, which was several years after I bought it, several of the trees had died on the hill. The HOA went to Associate and asked the trees be replaced and we were told no, it was not their problem and they would not replace any of the trees.

Mr. Morris said that is your property; there's a landscape easement on your property which gives the HOA the right to mow it, but the builders and developers do not warrant the life of the tree. That falls back on the HOA, all of the common areas and the landscape easements.

Ms. Griffith said it was her understanding it was not the HOA's responsibility to replace the trees and the trees that were planted were dead within a year of her buying the property.

Mr. Jones said we need to look at the original record plan to see what was specified and what the original warranty of the trees was; typically it's one year. Then the HOA is responsible for the maintenance. Unless there was a concern brought up legally or to the city, I don't know what we can do about that. When you look out of the back of your property, can you see any buildings? Ms. Griffith said yes. Mr. Jones said when we have our public hearing and we talk about what is there and what is supposed to be there, maybe, legally, there is no recourse to plant additional vegetation for additional buffering; but practically, maybe there is resolve of some kind. Mr. Jones said the City Planner will look at the original plan, he's not only a planner but tends to be an ombudsman and he looks at both sides; maybe there's some resolve. Mr. Brane will get back with you on that.

Ms. Griffith asked how much of the property is going to be dedicated to storage vs. office space. Mr. Morris said across from CVS basically as far down as CVS comes; we are taking things one lot at a time

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but are currently in discussion with office users as well. We are trying to get uses within the C-1 zone so there is no controversy.

Mr. Morris said we will be back as soon as we can with the final development plan. Mr. Brane said we will coordinate that with Kelli; she is the keeper of the applications.

**Review of Proposed Zoning Code Amendments**

Mr. Jones said tonight we have the review of additional proposed modifications to the existing Chapter 1137, Off Street Parking and Loading Facilities; and proposed modifications to Chapter 1139, Signage.

Mr. Jones said we had a recent BZA case regarding parking and because of that I did some additional tweaks to Chapter 1137. He reviewed: illumination; joint or collective facilities plans and agreements; and off street loading standards.

Mrs. Izor said I think it is a great use of parking space to say the bank uses a lot until 5:00 p.m. and maybe a theater uses the same lot after 5:00 and on weekends. Mr. Jones said I included that as part of the agreement which needs to be more deliberate than what is currently in the code. If there are problems that can't be resolved then it will revert to current parking standards and could indirectly require you to shut down or relocate. Mrs. Izor said I've never had a problem parking here; I'm usually within 50 feet from where I'm going. Mr. Jones said that's why there aren't many changes to the parking schedule.

Mr. Jones summarized Chapter 1139, Signage: city has no regulation of content that is expressly protected by the first amendment but can regulate place, time, and manner; city can regulate location and type; signs with noncommercial messages states the city does not favor one type of expression over another type of expression; off-site advertising was reviewed. We are trying to take the existing chapter and rid it of anything that can be misconstrued as favoring one type of speech over another whether it is commercial or noncommercial speech. There are parts of the chapter that are repetitive to enforce that and make the code easier to use for all types of signs. There are categories of uses, different types of structures, and Mr. Brane had a concern that the current code didn't address structural integrity. It is common for a city to regulate materials for health and safety purposes.

Mr. Jones said the purpose and intent of this chapter has become much more elaborate: there are signs you can have by right without a permit; there are signs you can have by right as an accessory use that require a permit; and there's another category of things that are prohibited from a health and safety standpoint. This also contains a section of definitions.

Mrs. Izor asked about not allowing any projected signs; I'm kind of curious about this, we do see the open flag law and those are quite nice. It's also more pedestrian friendly on narrower streets to have that small sign that projects out when you are walking down the street and you can look down the block and see the café or the book store. Mr. Brane said in district areas those are appropriate, like downtown. Mr. Jones said I think by right, you can have a sign projecting up to 18 inches. If you look at portable or temporary signs, those cannot project from the building which means they must be on the ground. Mrs. Izor said this would mean that shops would have to get rid of their open signs. Mr. Jones

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said no; by right, you can have flags or banners as long as they are attached to the building. You can't have things that will move that will distract traffic.

Mr. Rohrbach said what about a barber pole. Mr. Jones said it may be that a barber pole isn't a sign. Mrs. Izor said this is kind of tricky. Mr. Brane said it's meant to attract attention for a service, so that makes it a sign. Mr. Jones said if it's existing, it can remain as long as it is maintained. He reviewed signs permitted in all districts not requiring a permit.

Mrs. Izor asked when does a mural becomes a commercial sign. Mr. Jones said if it was designed for a use that is no longer there, you could make the argument; I think most cities just ignore those. If it is of historic significance it wouldn't require a permit because it's part of the artwork.

Mr. Jones said one of the things I did change; right now you can't have a window sign that is more than 20% of the window area. Mrs. Izor said I had a question about that too; what about the shops that paint scenes in the windows. Mr. Jones said there is a concern in other cities about coverage of window area; it's typically 30% to 50%. I changed our code from 20% to 30%. Mrs. Izor asked if the area was based on what is considered to be clear glass. Mr. Jones said you can easily define how many square feet that is and it is mostly self-regulating; they want people to see in their store. Mr. Brane said doesn't that become a clash of disciplines; don't police and fire want to be able to see into a business. Mr. Jones said right; if you're over 30% and something is going on inside the business it could cause a problem.

Mr. Jones said there are a bunch of other requirements; it's all categorized by whether it's an attached sign or detached sign and that's further divided by whether it's in a residential district or nonresidential district. There's even provisions for State institutional and educational uses.

Mr. Jones reviewed page 17 which talks more about projecting signs and awnings. Whenever you have two requirements that overlap, you always defer to the most restrictive. The point with the projecting signs into the right of way is we need to make an allowance for signs where there is no front yard which is the case for many properties downtown.

Mr. Jones said I wanted to provide a matrix but that is very difficult due to the small size font that needed to be used. Another issue I had was how many illustrations should we use; I did a mixed of regulations and guidance. For the most part we will be asking for monument style signs that will not create line of site problems and reduce visual clutter.

Mrs. Izor asked what sort of problem we are having around town that prompted review of the sign code. Mr. Brane said we received an application for a hand-painted sign on a plywood board attached to a 4x4 post and we have no rules against it. Mr. Jones said much of this is preventive code and much of this doesn't have anything to do with existing problems; it addresses potential practical problems application and legal problems.

Mrs. Izor said I've seen other communities have regulated the concepts of signs, so what can we say so the signs being constructed don't detract from the general quality and texture of the neighborhood. Mr. Jones said aesthetics are part of other requirements such as health, safety, and welfare which are legal. The introduction sets the scope of what you want to do; that intent and purpose should be clear. The

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code is written to be upheld in a court of law. There are certain types of signs that are less safe than others and when you want to prohibit certain types of signs, there are legal ways to do that.

Mrs. Izor said in terms of lighting whether a sign is emitting light or has light projected on it, do we have light pollution regulations. Mr. Jones said right now we don't; we have a variance application coming for an electronic reader board sign and there are studies that show certain types of those signs are appropriate. The board discussed different types of signs and how those can be illuminated.

Mrs. Izor asked how this regulated sandwich board signs. Mr. Jones said it doesn't; we can write regulations but that is a right of way issue and may have to go in the business code, not within the planning and zoning code.

Mr. Jones said this is probably not as business friendly as the current code but at the same time it does make allowances for certain types of signs that are not currently permitted.

Mr. Rettich said I noticed you took out the political signs. Mr. Jones said we aren't going to treat them any differently except that there is no permit required; it's not practical and when they are in the right of way, the city has the right to remove them. If you put them in your neighbor's yard with their permission, we aren't going to issue a permit; it's not practical. Mr. Rettich said the only thing I'm questioning is it used to say those signs had to be removed within 3 days of the election. I think that's a nice thing to have somewhere if it's a political sign because some people don't remove them and two months later you see them. The board discussed removal of political signs and listing of treasurer on political signs in Ohio.

Mrs. Izor asked about 1139.03 (l) requiring a sign withstand wind pressure of 30 pounds per square foot. Mr. Brane said we have no way of measuring that. Mr. Jones said I'll take that out.

Mr. Jones said I would like to fast track this portion of the code due to coming development.

**ADJOURNMENT:** On a motion by Mr. Jones, seconded by Mr. Rettich, it was moved to adjourn. All were in favor; none were opposed. The meeting adjourned at 8:45 p.m.

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Jeffrey Jones

Planning Commission Chairman

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Keith A. Brane

City Planner