

XENIA TOWNSHIP ZONING COMMISSION
CONTINUED PUBLIC HEARING

July 28, 2015

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Zoning Commission held a continued public hearing on July 28, 2015 at 7:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH 45385.

Chairman Jeffrey Zweber called the continuation of the Public Hearing to order at 7:00 p.m.

Roll Call: Kent Harbison, Alan King, Willie Washington, Jeffrey Zweber, Donna Randall, Harold Snyder and Alan Stock.

Mr. Zweber informed the audience of the requirement that voting members of the Commission must be present at all public hearing sessions if there are continuations. He said they are down to four members of the Zoning Commission who will be allowed to vote—Kent Harbison, Willie Washington, Donna Randall and himself.

Mr. Zweber said the Zoning Commission wanted to consider a few changes to the working copy that will be offered as text amendments under consideration and then they will open it up for public comments and discussion.

Mr. Stock verified all the proper procedures were followed, including publishing a notice in the newspaper and posting a notice on the website. He said this is the third continuance of the public hearing. He said at the last meeting alternate Donna Randall was seated as a voting member since one of the regular member was absent. He explained they would need to have simple majority vote.

Mr. Zweber said with the Working Copy the intention is to have only things that have been changed in it. With Working Copy, Page 5, Sound and Sound Level and Working Copy, Page 6, Section 527 Adult Businesses no changes are being made so the Commission would like to omit them. Mr. Washington made a motion to delete Sound and Sound Level from the Working Copy Page 5 and Section 527 Adult Businesses from Working Copy Page 6. Mrs. Randall seconded the motion. All voted aye. Motion PASSED by a vote of 4-0.

Mr. Zweber said in Working Copy Page 4, (in the middle of the page) the following sentence had been moved to Working Copy Page 2, #9 so it could be deleted on Page 4: “Where illuminated signs exceed fifty (50) square feet in area they shall not be placed nearer than fifty (50) feet to an adjacent residential lot line.” Mr. Harbison made a motion to delete this sentence from Working Copy Page 4, seconded by Mr. Washington. All voted aye. Motion PASSED by a vote of 4-0.

Mr. Zweber said on Working Copy Page 4, under the definition of Sign the last part of the sentence is an addition so should be in red font: “, excluding licensed vehicles.” Mrs. Randall made a motion to accept the red font for the addition. Mr. Washington seconded the motion. All voted aye. Motion PASSED by a vote of 4-0.

Mr. Zweber said there were two tables “Allowable Signage by District” and “Allowable Signage Examples” to be added to the proposed text amendments before Section 517.5. Mr. Washington made a motion to accept the insertion of the two tables, seconded by Mrs. Randall. All voted aye. Motion PASSED by a vote of 4-0.

Public Comments:

Marshall Foilles, 1166 Dayton-Xenia Rd., representing Kil-Kare, Inc., gave history of getting their electronic sign in the City of Xenia. The City had similar language in their zoning codes and was worried about traffic problems associated with the animated sign. He said there is a government study which shows there is no correlation between accidents and animated signs. He said they would like to move an electronic sign to Kil-Kare. He feels a lot of businesses are handicapped by signage rules. He mentioned the one-second non-animated transition between static messages. He said the offset from the road and sizes seem acceptable. He would like more leeway in the sign being able to change and show different things. If he was writing the text himself he would say animation is acceptable as long as not pornographic. Animation goes in frames of 30th of a second but it can't be seen because of the way the LED works. He thinks they need to remove the restriction of the image not changing more often than every eight seconds with no longer than a one-second non-animated transition between static messages or static images. He does not think there are any companies that make signs that are not ADA (American Disabilities Act) compliant. He said the ones on the highway in Beavercreek change every six seconds and the sign Kil-Kare has changes every four seconds. He would like to put this up for discussion. Mr. Zweber asked what the City of Xenia requires. Mr. Foilles answered they allow animation as long as ADA compliant, but their focus is on the size of the sign. He said the billboard size electronic signs cost about one million dollars. The charge for putting six seconds of advertising on the animated sign on Thursday, Friday, Saturday and Sunday can cost around \$1,800. Mr. Foilles said their signs are 5' x 5' (25 square feet) and cost around \$50,000 each. He said it also takes someone to maintain it. Mr. Zweber said if they were to delete the rules for signs, a high definition television set (whatever size a person could afford) would be allowed. He said the Commission did not want people to put up large television sets as signs. He would be willing to consider something else to reference as a standard. Mr. Foilles said the number of LED per square inch could be limited which could rule out a television. Mr. King said the Commission does not want to regulate that specifically. He said their numbers were determined by searching what other entities were doing. Mrs. Randall said she would like to delete the first three and a half lines of 517.1.3 which would get rid of the restrictions on time for animation on signs. Mr. Foilles said they might want to add that signs have to be ADA compliant which eliminates strobe lighting.

Mrs. Randall made a motion to change Section 517.1.3 to read: All illuminated or electronic signs shall be designed and constructed with no strobe and operated so as to prevent glare upon the street or adjacent property. Such illuminated or electronic message shall be turned off no later than 11:00 p.m. when such sign is in or within two hundred (200) feet of an R-1, RM, R-MH or E District. Mr. Washington seconded the motion. Discussion followed. Mr. Stock said

he had two studies which contradict what was said about the safety issue of animated signs. Mr. Washington asked if a business open 24 hours a day has to turn off their sign at 11:00 p.m. The answer was yes if the sign is located within 200 feet of an R-1, RM, R-MH or E District. There was a question about if the studies Mr. Stock referred to were strobe or LED. Mr. Zweber said he is concerned that deleting the first sentence goes beyond safety limitations by allowing full motion video. This would be like allowing a television for a sign. Mr. King said he preferred to look at national standards, safety standards and reports to change numbers in animation and transition. He thinks they need a minimal definition that would prevent a drive-in movie experience every time you go by a sign. Mr. King said whatever is done needs to be simple, generally applicable to every business and fair to businesses and property owners. Roll Call Vote: Ken Harbison-Aye; Willie Washington-Abstain; Donna Randall-Aye; Jeffrey Zweber-Nay. Chair ruled that motion PASSED by a vote of 2-1.

Kent Harbison made a motion to continue the Public Hearing to August 11, 2015 at 5:30 p.m., seconded by Alan King. All voted aye.

Mr. Stock will contact Ken LeBlanc with Greene County Regional Planning to see if he would be able to attend the hearing on August 11.

The Public Hearing recessed at 8:00 p.m.

ATTEST:

Alan D. Stock, Zoning Clerk