

PLANNING COMMISSION MEETING
JUNE 10, 2014
7:00 P.M.

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Don Darby.

II. ROLL CALL

Members Present: Carolyn Ghantous, Dave Okum, Richard Bauer, Marjorie Harlow, Robert Diehl and Don Darby

Member Absent: Marge Boice

Others Present: Anne McBride, City Planner; Don Shvegza, City Engineer; and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF MAY 13, 2014

Chairman Darby: The Chair will accept a motion for the approval of the Minutes of the May 13, 2014 Planning Commission meeting.

Mr. Okum: So moved.

(Mrs. Ghantous seconded the motion and with an "aye" vote from the Planning Commission Members present, the Minutes were approved.)

IV. REPORT ON COUNCIL

(Mrs. Harlow presented a report of the June 4th, 2014 City of Springdale Council Meeting.)

V. CORRESPONDENCE

Chairman Darby: There is no correspondence for this meeting.

VI. OLD BUSINESS

Chairman Darby: Before we go into our Old Business, I would like to acknowledge that as it was represented by the vote, we are six Members tonight, so all presenters please understand that any vote to approve requires five positive votes.

- A. Chairman Darby: The first item for Old Business is Minor Revision to PUD, panel addition to the pylon sign at Tri-County Commons located at 620 Kemper Commons Circle.

Mr. Paul Koehneke: Since this matter was tabled at the May 13th meeting, one of the comments specifically talked about understanding the more holistic approach to the improvement at the Center at Tri-County Commons. I would ask if the Planning Commission would allow us to cover all of the sign as well as the awning and color changes that we are proposing this evening, at this time.

Chairman Darby: That was the discussion and unless there are any objections, then we will proceed that way. We will combine the Old Business and New Business for this applicant.

Mr. Okum: I don't see any problem with that. We might need two motions.

Mr. Paul Koehneke: (Mr. Paul Koehneke provided a handout of photos to each of the Planning Commission Members.) A clarification to the existing pylon sign that is there, we were talking about a minimum height from grade to the bottom of the proposed addition. The first page of the handout reflects the new field measurements. I believe at the meeting last month, the minimum height from grade to bottom of cabinet is 8', so that is what is being proposed; it does not go below the 8' mark. The other point was the sign may have been blocking some signage on Five Guys, when in fact it is blocking an awning. The signage on the west side of the facade and the side fronting Kemper are still both visible even if they would have that added cab extension allowed. What I have shown on the second page is basically the existing sign without the addition and two open tenant panels today. They have enjoined into a lease with one tenant and so we will have one panel remaining without any additions on the existing sign. The next page then talks to the I-275 pylon, which is the Dave & Busters. Last month we talked about having two accessible panels that we have to use plus a third which is currently being used for the lease statement for the Cotswold Group and we have filled one of those since last month so there will only be two panels left on the existing sign as it is today. The next page is showing two of the like centers, like in the sense of multi-tenant and how they are addressing multiple tenants. I know there was a comment about busyness and what we are proposing even with the addition because that is the only focal point on the road, there is nothing besides Five Guys that falls behind that as a structure, no other signage exists. Now as it relates to the facade and awning changes, there were color samples sent out and there was a question about the green color that is shown on the rendering and the difference from the sample that you are looking at. The major manufacturer of that awning fabric is a company called Sunbrella and they do not make the lime green color so what we have given as a sample is an alternate color if we are unable to find the lime green; if we are able to find the lime green, we would prefer to use that but as of today we have yet to find a manufacturer to make that color. There are existing graphic designs shown near Home Emporium and the question was if those are painted or on panels, those panels are on what we call a shoe-box lid manufactured out of aluminum and painted onto the aluminum and then that aluminum panel is attached to the building with a bracket, so it is not painted to the building but is on a panel that is affixed to the building. There was a question asking for clarification on the awnings, whether or not the awnings would be illuminated; they will not be. They are not today and they are not intended to be, going forward. There was a question regarding more specific detail on those panels between Home Emporium and the balance of the Center, those panels are in rectangular shape, three different sizes and are all 6' tall and start at 2' off grade and work up 6' in height, widths varying from 5', 7' and 13' in length. There is a note that several trees within the parking field are in need of professional attention; it is our understanding from a review that we even conducted today, that those trees are part of Sam's Club property which is not part of my client's property. I believe that answers the questions that came up in the Staff review. I also have Robert Shasha here from the Cotswold Group and he is available to answer any questions that you may have regarding his intention going forward with the property.

Mr. McErlane: We have no new Staff reports regarding the sign because we did not receive anything new until tonight, with regard to the sign. Just to point out a few other things that may not be that apparent on the building, there are some areas that are currently an off-white color that are going to be painted white; the area at the entrance of the Home Emporium Store, the area above that is going to be painted white and it is not currently white. I am not sure if the area above where the Guitar Center is, is to be painted white?

Mr. Paul Koehneke: No, that is not Bill, just these two sections.

Mr. McErlane: Then the fascia just to the east of H.H. Gregg is to be painted white.

Mr. Paul Koehneke: This will; it is what they call "Super White" a Benjamin Moore color.

(At this time Mr. McErlane and Ms. McBride read their Staff comments regarding the New Business portion of the request: Minor Revision to PUD Changes to Building Colors and Awning Fabric Colors - Tri-County Commons – 600 - 750 Kemper Commons Circle)

Ms. McBride: The only other thing would be that the two Members of Council obviously need to make a determination as to whether or not they feel this is a major or minor departure. Staff feels that this is a minor departure given what we are looking at but you need to make that formal determination.

Mr. Diehl: I agree.

Mrs. Harlow: I think it is a minor.

Mr. Okum: In regard to the facade changes, I guess the gentleman representing the developer is here. Is this the total extent of the improvements that you intend to make to this development at this time?

Mr. Robert Shasha: Yes, sir.

Mr. Okum: Do you feel directly that there is a significant value that these changes will enhance the rent-ability of your facility?

Mr. Robert Shasha: Yes, sir.

Mr. Okum: I don't see a lot of value. I am more interested in the sign position. I did a physical count and it appears that almost every development in Springdale of large nature basically hit a level of ten panels on those signs, Cassinelli Square and Princeton Plaza. I think even the small Center down on Northland Boulevard has a multi-tenant panel sign that was approved by Board of Zoning Appeals a number of years ago and is still pretty close to that ten limit. You are requesting fourteen panels on the sign. It gets a little bit confusing to the motoring public. It is basically, if we were considering it like Colerain Avenue has considered a lot of sign blight. We understand it is a leasing issue for you, on the other hand Princeton Plaza has gone with fewer signs and has been able to fill up their Center. It takes a more dynamic sign to do that. We understand the value of that. Princeton Plaza is on the agenda tonight for a change but they have approval for a digital sign that meets the City's standard and your development is also subject to the availability of putting a digital sign on the site which would give you more exposure to the motoring public and the availability of more dynamic signage. Have you considered that in your deliberations for what you are doing to this Mall?

Mr. Robert Shasha: Yes, sir.

Mr. Okum: Is there a reason that you backed off? You have a lot of vacancies. Princeton Plaza is an example of a Plaza that is dynamic and they did building elevation changes and did signage changes and have been successful with their sign package. We could put another two or four more on there next year and you would still have a situation where you've got empty spaces in your Mall.

Mr. Robert Shasha: What we are trying to do by adding the three, we are going to cut each in half and get six. What we are responding to, the problem with this Center is the part that is parallel to the road, which is H.H. Gregg and all that you can see is fine, the problem is that part that is perpendicular where Furniture Fair is, and we have a lot of vacancies. Every time we have tried to get a tenant, the guys say "Well, I will only go if you can give me panel space", and that is where we are losing tenants. The major retailers like to have their logo on the sign and that is just a reality. That is why our preference is to go with a regular sign panel. The other thing is the cost; the LED sign might cost \$150,000 to \$200,000. We want to invest our money in the other upgrades and we can do the panels at a lot more reasonable level. Those are the two factors that we have considered.

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Mr. Bauer: We talked about tenants and possible tenants last time. You are talking about one potential client and you just explained that you get turned down by others that don't have the panel on there. I am still a little leery of putting a lot of blank panels up there, I would prefer that you would come back to entertain those at a later time. The existing sign seems to do the work of what you need at this present time, plus you still have one vacant. The sign that you didn't show in your presentation was the sign that I talked about last time and that was the one at Springdale Plaza, that is what I think the sign is going to end up looking like. That sign is very busy and I couldn't pick out a name without stopping and actually looking at the sign because there are too many names on that sign.

Mr. Robert Shasha: I understand what you are saying, the challenge that we face as a landlord is that we need to please our customers, our customer is the retailer and these retailers insist on having signage there so our hands are really tied and we have to be responsive. It really makes sense to do it all at once because we are trying to lease this Center as quickly as possible. That is why we are doing the whole renovation at once.

Mr. Bauer: As far as the overall sign, is there going to be any upgrades other than putting the panels onto it?

Mr. Robert Shasha: I think we are going to do some painting of it to freshen it up, as well.

Mrs. Harlow: Currently you have a committed tenant and one blank sign?

Mr. Robert Shasha: Actually that tenant decided to go elsewhere.

Mrs. Harlow: So, the committed tenant that we have here is no longer?

Mr. Robert Shasha: In the interim, he decided to go elsewhere. We have no committed tenant and we have lost one tenant.

Mrs. Harlow: So, you have two blank spaces for your sign?

Mr. Robert Shasha: I think two, but we need one for every store.

Mrs. Harlow: That is my next question, sir. How many vacant stores do you have?

Mr. Robert Shasha: I think we have seven or eight vacant stores, something like that. By adding these three it is going to turn into six. However we counted it out, then we will have one for every store.

Mrs. Harlow: I can understand where it is a problem for a perspective tenant to want to make sure that he is going to have a space on your signage, I get that. Can the sign be reworked in a different way to change the size of any of the other signage, or is that covered under their lease?

Mr. Robert Shasha: That is covered under their lease.

Mr. Okum: For basis of the two applications that we have, I am going to make the first motion in regards to the sign, which is what we had previously reviewed. The second motion will be in regards to building elevations, so we can vote on them individually.

I move in regards to the Tri-County Commons, 600-750 Kemper Commons Circle request for the changes to the existing pylon sign for the addition of additional six panels as presented by the applicant, that this be approved.

(Mrs. Harlow seconded the motion and with four "aye" votes from Mrs. Harlow, Mrs. Ghantous, Mr. Diehl and Mr. Darby and two "no" votes from Mr. Bauer and Mr. Okum, the request was denied.)

(New Business item for 600-750 Kemper Commons Circle)

Next, I move for the Minor Revision to the PUD building for the same address,

620 Kemper Commons Circle to allow for the revisions to the building elevation colors and awnings, as presented by the applicant. That the awnings that will be installed shall not be illuminated and, as presented on the building elevation rendering, that the upper facade east of H.H. Gregg and the upper wall of Home Emporium shall be painted white. The rest of the colors shall remain per the original PUD approval.

(Mr. Bauer seconded the motion and with six "aye" votes, Mrs. Boice being absent, the request for the revisions to the building elevation colors and awnings was approved.)

Mr. Paul Koehneke: So in that motion, you are approving only the white?

Mr. Okum: That is correct.

Mr. Paul Koehneke: And the awning colors?

Mr. Okum: That is part of the request, as presented. It did have a condition that Staff do the final review of those awning colors because you did indicate that one of them might vary a little bit.

Mr. Paul Koehneke: And the panels?

Mr. Okum: The panels were part of the motion with your awnings.

Chairman Darby: If there are any questions about the motion, you can contact Staff and they will provide it to you.

- B. Chairman Darby: The next item is for Conditional Use Permit and Development Plan for Tire Discounters, 12130 Springfield Pike. This is a Conditional Use hearing and I am going to ask our Vice-Chairman to swear in any potential members of the audience that may want to speak. Mr. Bauer is recusing himself because of his professional affiliation. Any vote for passage requires five affirmative votes.

(At this time Mr. Okum did swear members of the audience in that indicated they may speak on behalf of this request.)

Mr. Tim Dwyer: After the last meeting, we met with Staff and we went over the plans together and I do believe that we are much further along now than we were. If we could go through the considerations, starting with the photometric lighting plan, we intend to use the 18' poles with the half foot candles at the property lines; that was an error on our side, the printer actually printed the wrong plan. I have talked with Staff and we have resubmitted a plan that shows the 18' poles along with the reduced lighting at night and the half foot candle at the property lines. The light fixtures, we still need your approval for the light fixture type. The outside storage display, Tire Discounters will always come to you guys for permits prior to doing any outside storage. The only signs that they have, will be the building signage and the pole signage or monument signage, you guys will approve with a variance. The waste enclosure has been moved to the rear of the property behind the building. Code requires that three sides be landscaped. The enclosure is attached to the building now, so only two sides will be able to be landscaped because of the entrance. The landscaping plan will be revised to the comments from the Staff. We are working diligently with the Staff and I do believe that we are very close with the landscape plan and I do believe we can resolve that with Staff. The building, we have submitted our materials board and we also have added pilasters which was a Staff recommendation, so we took that upon ourselves to add the pilasters to that building elevation to help break up the flat part of the building. I do believe that we have submitted a per item letter about the Conditional Use to Staff, as they have recommended.

(Mr. McErlane and Ms. McBride read their Staff comments.)

Chairman Darby: Mr. McErlane, have you calculated how much bringing the pole sign to a monument sign would reduce the square feet?

Mr. McErlane: It would reduce it by 55 s.f.; so 331.7 s.f.

Chairman Darby: I have one quick question for the applicant. What was the rationale, knowing the standards, that you went from the previously submitted monument sign to a pole sign?

Mr. Tim Dwyer: Jake Thomas from Triumph Signs is here and he can answer those questions.

Mr. Jacob Thomas: Our existing store up on the corner actually has an existing pole sign that we would really love to have on our new property and with the existing elevations the monument sign is not going to give us the visibility that we are looking for with that free standing sign.

Mr. Tim Dwyer: There is a major grade change from the street down to our site. In order to get a monument sign up high enough we would almost have to go to the fact of adding a wall around the sign, which we had talked about with Staff. Ownership thought that it would be a good idea to carry over the pole sign.

Mr. Diehl: Ms. McBride, could you clarify the comment that you made about the roof?

Ms. McBride: The Corridor Review District requires that you have a 50% pitched roof on a building within the Corridor District. They have a pitched roof on the front portion of their site, it is red and it is kind of their trademark and that takes about 23% of the building roof. They are a little over 50% short of the true pitched roof requirement.

Mr. Diehl: They are 50% short of what they should be?

Ms. McBride: Correct.

Mr. Okum: A couple of things occurred here, one in regards to Board of Zoning Appeals still needing four variances. Can you give me those?

Ms. McBride: It would be a variance from Section 153.423(B)(1), which would be to allow the pylon sign instead of the ground mounted sign. It would be a variance from Section 153.531(C), which would allow them to increase the amount of sign area permitted from the 115s.f. to the 386.7 s.f. And a variance from Section 153.608 to reduce that island screening from the east service drive to the parking area, from 10' to 6'. And then the applicant indicated that they could work with us on the landscape item which was the other variance item that was listed there. If they go back to the ground mounted sign, that 10' setback is required for that, it is not specifically required for the pylon sign but we would suggest and hope that they are going back to the ground mounted sign.

Mr. Jacob Thomas: We show on our plans a 10' setback for the free-standing sign, which I don't feel would be an issue to make that. A 10' setback would be perfectly fine.

Mr. Okum: So, it would be 10' whether it is a pole sign or free-standing sign?

Mr. Jacob Thomas: Yes.

Mr. Okum: Staff, because this is a Conditional Use and approval by this Commission, if this Commission puts a standard on it that says "No variance shall be given for a pylon sign", then there would be a breach to the Conditional Use and even if it is granted, the Conditional Use wouldn't be approved and then we could stay consistent with the Corridor Review District Standards that are set and approved by the City.

Ms. McBride: I think that if I was making that motion I would not make the motion relative to the variance which ties another Board of the City. I think I would make the motion that the Conditional Use was conditional upon their having a ground mounted sign.

Mr. Okum: That makes sense. That gives Board of Zoning Appeals basically the ability to grant a variance, but the Conditional Use would be based upon a monument sign only, if the motion came forward that way. I am a very strong component to keeping this a ground monument sign and no pole sign for a couple of reasons, if you look at the building elevations that were submitted, you are going to have at ground level because of the grade the "Tire Discounters" on the front facade and the "Tire Discounters" on the south facade and the "Tire Discounters" sign on the southbound facade is going to be equal, if anything a very significant statement on that building. There would be no way that anyone driving down Springfield Pike / Route 4 wouldn't see Tire Discounters from those three vantage points. So, bringing a sign down to a monument sign level would certainly be more appropriate considering the high signage that you have already got on the building that you have presented to us.

Mr. Jacob Thomas: I understand your reasoning. With the elevation grade for that particular placement for a freestanding sign, driving the site, the reasoning on our end is just to have that visibility to draw the customers in who are used to having the pole sign at the existing store which is a way for them to advertise their deals and sales pitches, as well.

Mr. Okum: I understand but you are still accomplishing it by your building signage which is pretty significant in itself. You could have a message board on the monument sign and still get the message across.

Mr. Jacob Thomas: O.K. With that being said are you open to a monument sign that could be possibly a higher overall height to help offset that elevation change by the placement of the freestanding sign?

Mr. Okum: I would probably have to see some sections to make that decision.

Mr. Jacob Thomas: O.K.

Chairman Darby: What is the height of the proposal?

Ms. McBride: The previously approved ground mounted sign was at 7'.

Mr. Jacob Thomas: After further review, especially with the elevation in that area, we would request that we would be at least a 9' overall height for a monument style freestanding sign.

Mr. Okum: I think a lot of it has to do with where it is placed. I obviously have an understanding that if a sign is put in a hole you can't see it and it is about useless. I am also an advocate of what is seen from the public right of way as a point of reference for sign height. I would be flexible to that but I am not going to say without seeing it, where it is going to be placed and how it is going to fit within the landscaping plan and placement on the site, exactly what would be approved. I would rather hold off on the approval on the monument sign, its size and location until those issues are resolved, as far as I am concerned and I am just one of five right now. Because it seems like you are working very forward to making this thing happen and I don't think you have had somebody upstairs say "We are not going to put a monument sign on that site", on the other hand if that is the case then you need to tell us if it is a make or break deal for them and then we will have to vote on it.

Mr. Jacob Thomas: In Staff review it was suggested to us, and we didn't receive the magic number but we should work to try to find a compromise on the square footage because we are obviously over our total allowable square footage. A lot of

that has to do with the building orientation on that lot. If you do a 90° rotation on the building we would obviously be a lot closer to each other on the allowable square footage. After the Staff review we did remove the east elevation set and we did reduce the overall square footage on the north, south and west elevations and then as mentioned after further review of the elevation for placement of the free-standing sign is why we wanted to submit for the pole sign, especially since at the existing site we do have a pole sign. We are wanting to keep that, it is obviously the direction from our customer, that is their desire for the site to keep the pole sign. With that being said, we are trying to accommodate as much as possible and as well as trying to keep that pole sign.

Mr. Okum: I understand but I also understand that the sign package is significantly higher than what is permitted by Code on that site.

Chairman Darby: Mr. McErlane, did you have a comment?

Mr. McErlane: I have a procedural comment initially with regard to the Conditional Use Permit. I think the applicant is not only asking for a Conditional Use Permit but a site development plan approval and I think they need to be handled separately. The Conditional Use Permit lending itself to the use and all the factors that go into that and the site development plan with lighting and detention and layout and all of the rest of that.

Mr. Okum: So, are we going to entertain two motions this evening then?

Mr. McErlane: Yes. You need the Use before you can approve the site plan.

Mrs. Harlow: Your current location and your pole sign, you have kind of made your messages that you have put up there iconic to your business, is that correct?

Mr. Jacob Thomas: Yes, we try to stand out.

Mrs. Harlow: Can you do the same thing on a monument sign?

Mr. Jacob Thomas: Well, the messages, you can read the same thing. It is regarding the visibility from the road and what we found is the pole signs are able to catch the customer's eyes a lot easier because they are a lot easier to view at the higher level.

(At this time Mr. Shvegza read his comments.)

Chairman Darby: At this time I would like to ask any members of the public who were previously sworn in who would like to comment, to come forward.

Mr. Felix Canestri: I am part of the Senior Management Team at Tire Discounters and my title is Director of Purchasing and I would be happy to answer any questions that you have for me.

Chairman Darby: Your people have done a good job.

Mr. Felix Canestri: I am glad to hear it.

(No further comments were presented by the public. At this time the public hearing portion for this request was closed by the Chairman.)

Mr. Okum: Mr. Chairman, I would like to make a motion to approve the Conditional Use Permit, not the site plan but just the Conditional Use Permit with the conditions as set forth by Staff in their reports.

(Mr. Diehl seconded the motion and with 5 "aye" votes, Mrs. Boice being absent and Mr. Bauer recusing himself from this request, the Conditional Use Permit was approved with conditions.)

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Mr. Okum: I move that Tire Discounters at 12130 Springfield Pike that has a Conditional Use Permit approved by this Commission, that their site plan be approved with the following conditions: As submitted as part of our packet of 5/2014, Item C-1, C-2, C-3, E-1 and a lighting plan yet to be finalized, sign package as submitted with conditions, to include in this motion Staff and City Planner's recommendations, that this approval is conditional upon the variances that are identified by our City Planner. The applicant is aware that this motion includes that the mechanical units shall be screened from view from adjoining properties and the public right of way, that all lighting on the site shall be in compliance with the Zoning Code and shall have a non-glare impact on the public right of way and adjoining properties, a final plan to be reviewed and approved by Staff.

Landscaping to be reviewed and approved by Staff, as well. The tree preservation replacement conditions, as identified by Staff shall be complied by, by the applicant. The dumpster and refuge enclosures shall be in the same color and material as the building as per the color palette that was presented. The parking and drive site plan conditions shall be as identified by Staff. All building elevations shall be as presented on the color palette as submitted. Signage conditions shall be as submitted by the applicant in a supplemental attachment, this does not include the pole sign approval. That a monument sign shall be permitted for this site and it shall be reviewed and approved by this Planning Commission as to height, size and location at a later meeting.

(Mrs. Ghantous seconded the motion and with 5 "aye" votes, Mrs. Boice being absent and Mr. Bauer recusing himself from this request, the site plan was approved with conditions.)

- C. Chairman Darby: The next item under Old Business is Wendy's Restaurant at 400 Northland Boulevard for Exterior Building Improvements.

Mr. Tim Princehorn: I am with Shremshock Architects. I have with me, Scott Jones from Wendy's Corporation. As you are aware, we submitted for preliminary review and we received comments. Wendy's "Image Activation Red Blade" did not go over very well. We addressed those comments and went to a "Cultured Stone Blade" and reduced the amount of signage and through the last recommendation letter, I believe with the exception of screening the roof-top units from view, we have addressed all of the concerns. There was a comment on the existing dumpster and that is a separate budget and the owner has indicated that they will go ahead and make the required repairs and bring that up to a better condition. At Staff's recommendation we did add back the white Wendy's sign facing the east street. I would be happy to answer any questions.

(Mr. McErlane and Ms. McBride read their Staff comments.)

Mr. McErlane: We did receive the owner's affidavit on Friday, so we do have that in place at this point and time.

Mr. Okum: I agree with all of the comments from Staff. I am just throwing this out to the applicant, that nice looking stonework on the west side is not going to be seen by anybody and I would much rather see that nice looking stonework on the east side of the building and integrated into the building elevation. It is not a big deal but I would appreciate it if you would take it to your architect and consider it because that is really your focal point, which is the east and the south elevations and the west elevation has a nothing to benefit your business and it is a waste of your stone. The stone proportion and brick, I am very comfortable with and I think it is a very good compliment to your building but that east side could certainly use that look. It is actually the front of Route 4 / Springfield Pike. Based upon that and with the condition of the screening on the mechanical units, which is pretty important, I am very much in favor of your improvements.

Chairman Darby: If there are no other comments, are we ready?

Mr. Okum: Would Staff need to bring it back to us if they switch that stone?

Ms. McBride: I don't believe so, as long as the Commission would be acceptable with Staff reviewing that.

Mr. Okum: I am seeing everyone agreeing.

Chairman Darby: Yes.

Mr. Okum: I would like to make a motion to approve Wendy's at 400 Northland Boulevard to include the specifications and designs contained in the exhibit as submitted and reviewed by Staff prior to this meeting including those submitted on 3/26/2014, sheets 1-L-1, 2-A, 2-C,4,5, F-1 and the elevations. In addition the signage package as submitted by the application, REV-2. To include in this motion Staff's comments and recommendation which shall include that the mechanical units shall be screened from view of adjoining properties and the public right of way and the mechanical units shall be in Staff and Planning Commission's approved enclosures and screening. All lighting and re-lamping of existing fixtures shall conform to existing Zoning Code.

(Mr. Diehl seconded the motion and with 6 "aye" votes from the Planning Commission Members present, the request was approved.)

VII. NEW BUSINESS

- A. Chairman Darby: The first item under New Business is a Conditional Use Permit for the Farmers Market at 11494 Walnut Avenue.

(At this time, Mr. Okum did swear in Mr. Jeff Tulloch, City of Springdale Economic Development Director.)

Mr. Jeff Tulloch: The request for the Conditional Use Permit is to allow for the operation of the Springdale Farmers Market on the lot right off of Peach Street, it is a lot that is owned by the City and the Farm Market is operated in cooperation with the City and the Chamber of Commerce. The Farm Market will be operated in accordance with the terms that we previously had for the operation of the Farm Market for the Springdale Towne Center. The hours of operation are 2:00 p.m. until 7:00 p.m., June through October. The parking is actually quite sufficient at that site and would devote no more than 32 spaces to vendors and I believe the total number of spaces is 64. We do think that the average number of vendors is going to vary because it cycles through the year from the early Spring to Summer and kind of goes up again in the Fall so getting a definitive number is kind of difficult but it is anywhere between ten and twenty. I don't think we necessarily get over twenty, although we would love to. It consist of three signs at the maximum allowed signage of 32 s.f., we intend to put them in three different location: one at the corner where it has traditionally been and another one at Peach Street and another one at Walnut.

(Ms. McBride read her Staff comments.)

Mr. Okum: The banner that goes across the street at the Springdale Alteration site, it would probably be good to have several of those along the Corridor there to announce the event especially on the south side, so that people coming north on Springfield Pike would know. I don't know if you are planning on updating the sign or not.

Mr. Jeff Tulloch: I think it will get through this year. Part of the problem is the expense; the City is not subsidizing this, it comes out of the Chamber's budget. It is not so much the banner but the structural supports that you need to have.

Mr. Okum: And they are currently not there.

Mr. Jeff Tulloch: We just reuse the anchoring points for the sign. At some point, if we could afford to do it, then it would be great.

Mr. Okum: Maybe just change the signs on the sign poles that are in the square with an arrow.

Mr. Diehl: I have a legitimate concern; we are talking about a parking lot and people park in that lot on a daily basis. How are you going to prevent people from parking there and if they do, what are you going to do about it?

Mr. Jeff Tulloch: There has been conversations with the people, the owners of the restaurants and the owners of the market to ask their employees to not park in the front part where the vendors are. We did not tell them that they could not park in the lot but if they were to, to park toward the back of the lot. I will apologize, the Farm Market that was to be held at Springdale Towne Center with Randy Cooper's approval, due to a miscommunication with me and the Director of the Chamber, we did actually have the Farm Market prior to the issuance of the Conditional Use Permit last week and it worked out extremely well. The parking circulation worked well and there was a good audience and there was a concern if people would get back there, and they did come to Towne Square and filtered back. I think we had ten vendors and it was a much more comfortable environment. We didn't have the level of traffic that was a problem at the Towne Center with cars moving this way and that way.

Mr. Okum: Mr. Chairman, I move to approve the Conditional Use Permit for the Farmers Market as presented.

(Mrs. Harlow seconded the motion and with 6 "aye" votes from the Planning Commission Members present, the request was approved.)

- B. Chairman Darby: Item B, Minor Revisions to the Transition Plan, sign for Supreme Great Lakes, 11780 Springfield Pike.

Mr. Tom Harsch: I am with Custom Signs.

(At this time Mr. Tom Harsch gave each Planning Commission Member and Staff a handout containing various pictures of signage.)

I also have a couple of letters from the Property Manager and one from the owner of Supreme Great Lakes or their representative V.P. and if anybody wants to see them then I can show them at any time. We had applied for the permit for this sign and going off of a couple other signs that we had done in the Center in the past. We received a permit and I thought it looked pretty much like the drawing that we applied for the permit with. I know that it is an Overlay District and there was something twenty-five years ago that signed an agreement with the landlord to have individual channel letters for that particular property due to the Overlay District. Things have changed kind of in the industry and if you notice on some of the drawings, how many of the "big-wigs" are changing. If I was to build or have them call in and say "I have a channel letter sign to put up for White Castle at Reading and Benson", that sign shown on the handout is their channel letter sign now a days. Same way with Subway and Pizza Hut, that is their channel letter sign that is available through their corporate headquarters. As the industry has changed, the cost and feasibility. This type of sign would have had individual letters, then that sign would cost \$2,500 more than what it cost. For these people starting these small companies it is a hit and that is why these other huge corporations have changed their fabrications to that type of sign. The sign is up; I had a permit for it. I have been in this business for forty-two years and I am not into putting signs up without permits. When Bill saw the sign as is, then when I applied for another sign just like that, he questioned it and then I kind of ratted myself out and said there is another sign a couple months ago that is fabricated the same way. That is why I am here right now to clear myself and to allow these people to keep this sign. It is a nice looking sign and it keeps within the way these other companies have gone, to what they consider channel letter signs in their format. I have a brochure that came in the mail, it is from a large wholesaler and it has signs and descriptions of their signs and they are the same type; I would be glad to pass this around too. That is just how the industry has changed; it saves on cost and all signs are LED illuminated, most of them. I am not used to standing in front of these meetings, I am the owner,

the salesman, the fabricator and the janitor. I just do signs. The guy loves his sign and the landlord is very happy with it and wrote a nice letter saying as far as looks, it works good with their Center. It was up for three months before anything was noted of it until I ratted myself out. If you have the drawing of what I applied for and the sign that is up, it is really pretty close, a couple of cut-ins by the "T" and between the "L" and the "A".

(At this time, Mr. McErlane read his Staff comments.)

Mr. Diehl: I would like to let you know that I totally agree with you, the sign is a good looking sign.

Mr. Okum: That is why Codes change. I tend to agree that it is a nice looking sign. The intent of individual lit letter signs was to eliminate box signs.

Mr. Tom Harsch: That is what they are trying to get away from.

Mr. Okum: That is why the Code is written the way it was so many years ago. We would have to go in and purge a lot of signs on our businesses, I think the Wine Source is non-compliant; maybe it is maybe it isn't. We are in the process and a committee is meeting on our Zoning Code tomorrow and that is one of the things that they are going to discuss. Things evolve and things change. I would not require that sign to be removed.

Mrs. Ghantous: A couple months ago the Mayor mentioned to me that there was going to be a whole total of our signage regulations, is that part of the Zoning Code or is that something separate where someone is going to come in and make recommendations based on the improvements of the technology and so forth?

Ms. McBride: This specific criteria is pertinent to this property only. It was a condition of the zoning approval for this property, that they be channel cut letters. That is not actually part of the Zoning Code. The signage, as with the parking, as with everything that is in the Zoning Code is being reviewed.

Mr. McErlane: Just to add to what Ms. McBride said, it is specific to this particular site and there are other sites that have this same requirement, Springdale Towne Center and Princeton Plaza have the same requirement. What, in essence you are allowing is a deviation from that and you can do it as this specific instance or you can do it across the board, it is up to you.

Mr. Okum: I lean to more of this specific instance because the variation could push the limits of box signs for the development.

Mrs. Harlow: My comment is that we have seen it in other zoning codes, such as the R.V. parking issue that we had before Council, because of the industry changes. If the industry is changing how they make signs then that is something that we need to be aware of. Making an exception to allow it for this, just one time, kind of ties the hands of any future signage that might want to go up there especially if it is a less expensive sign that can be made for the customer.

Mr. Okum: I agree with you. My feeling is, that is the right way to go but if you do a standard for this development and that standard is basically anything goes, without a written standard then basically we have to take it on a one by one basis and identify whether it is realistic or reasonable to interpret that as individual and defining enough to be similar to a channel letter sign. In this case we have four individual units; whether they are letters or units, it is definitely not a single box sign for one business.

Chairman Darby: For clarification, the process that begins tomorrow would eventually cover such situations?

Ms. McBride: It would cover such situations elsewhere in the City but relative to this property and the Towne Center and so forth, it will not because those are

conditions that are tied specifically to those properties. Unless the applicant would come in and ask that those conditions be removed.

Chairman Darby: With that being said, I think we should consider this as a one time, because help is on the way.

Mr. Okum: And then we would have a basis to go from, with code that has some standard.

Mr. Tom Harsch: I would be glad to leave you this magazine, this brochure for when the codes start to get written.

Mr. Okum: Based upon the request, I move to allow the Supreme Great Lakes sign as placed on the Wimbledon Plaza.

(Mrs. Ghantous seconded the motion and with 6 "aye" votes from the Planning Commission Members present, the request was approved.)

- C. Chairman Darby: Minor Revision to the PUD, new retail building at the Tri-County Towne Center located at 11711 Princeton Pike. Prior to beginning, I am going to ask a question of Council if this is considered to be a minor revision to the PUD.

Mrs. Harlow: We are tearing a building down, I would consider that a major revision.

Mr. Diehl: It is a small part of the whole Center, so I would say it is a minor revision.

Mr. John Gilhart: I think you are both right, I think it is a major modification to the site but because this is about a twenty-four acre site, it is a minor modification to the overall site.

Mrs. Harlow: Then I will go with minor.

Chairman Darby: Before we begin, you are here to present for a vote, that is my understanding and that is your right. However, after sitting through Staff planning and having reviewed Staff comments I strongly suggest that you stage this as a concept discussion because I cannot vote affirmatively for this with what is before me.

Mr. John Gilhart: Absolutely, as a matter of fact the cover letter that I submitted back with Staff comments makes that clear that we are here to discuss a concept plan and all of the information that is required will be supplied. What we would like to do is work together to come up with a concept plan. There is no need for any vote tonight.

Chairman Darby: Thank you.

Mr. John Gilhart: My name is John Gilhart and this is my nephew Clark Gilhart and Clark is the on-site Manager of the Tri-County Towne Center. We are here representing Gilhart Enterprises Inc., the other couple of representatives were not available. Gilhart Enterprises owns that specific site and actually both sites, the KFC and the Monroe site. What we are here to discuss is minor modifications to the overall Plan Unit Development. What we would like to do is redevelop the Kentucky Fried Chicken and Monroe properties. The items that we would like to do in general overall would be to demolish the existing KFC and Monroe buildings, combine the existing KFC and Monroe properties, remove the existing KFC and Monroe parking lot pavement and other site improvements. After that, we would want to construct one new multi-tenant free standing retail building, construct new parking lot lighting, landscaping and site improvements to go with that, then modify the existing exterior free-standing signs. (Video demonstration presented of the current site plan and the proposed changes.) The existing Monroe building is

3,966 s.f., the KFC is 2,473 s.f. for a total of 6,439 s.f. We discussed this amongst ourselves and we have talked about this in previous Planning Commission meetings. There is basically two options for us, one to leave the site the way it is and try to work with the two individual sites and possibly remodeling and doing a new building. Financially that makes the most sense for us to do however we stated in the past that we would be willing to redevelop the site because we feel it is a nice visual impact for the City and for our entrance and we would be willing to incur the cost of a new structure, new landscaping, lighting and so forth. The only thing we ask you to understand and are aware that this site and the overall shopping center is roughly fifty-three years old, there would be some concessions on both sides and hopefully we could work together to make this site happen.

Chairman Darby: What kind of trucks will be making deliveries there?

Mr. John Gilhart: Thirty foot delivery truck and that is not the super-semi, it is kind of a short semi. We are going to work with that somewhat and at the end we have some alternatives that we can discuss. I just want to tell you that most every item is on the table, in general, we just need to make this thing financially work and lay out so that what we end up with isn't all this effort and everything else in a small building on a site that isn't financially feasible. So having said that, we have Noodles and Company and we do have a signed letter of intent; we are probably a week to two weeks away from a final lease agreement obviously what it ends up looking like, the building and the site. The sign shows a tenant panel and another tenant panel that has an LED on the bottom and that is open for discussion. The materials show brick, we might possibly go to a brick and stone and we will talk about that later. What we are trying to do is take all four sides of the building and make them look as if they are all four fronts.

(Mr. McErlane, Ms. McBride and Mr. Shvegza read their Staff comments.)

Mrs. Harlow: Ms. McBride, I am confused, the KFC sign that is currently there has to go away?

Ms. McBride: Well, it has been represented by the property owners in prior submittals that that sign would go away with the redevelopment of those properties.

Mrs. Harlow: Then, whoever the tenant is then they could get the monument sign?

Ms. McBride: Correct, because that would all be one parcel. We treat that as all one PUD and I am sure that whoever is going to locate in that new Center would be able to use the electronic message board that is already up, or the electronic message center that we have already approved that they haven't constructed or other multiple signs that pertain to that PUD. There are plenty of opportunities for signage.

Mrs. Harlow: But the parking for this has to be just around the proposed building, is that correct?

Ms. McBride: Because they have indicated, one of the questions that I asked in our initial Staff review is, would there be cross parking between what would be this one parcel and the balance of the Center. And the response came back that there would be no cross parking. If there is not going to be the ability to share parking between these parcels then either they have to meet the parking requirements or Planning Commission has to say that it is o.k. to have half of the parking that is required.

Mrs. Harlow: Are there two proposed businesses for this one building?

Mr. John Gilhart: We are open for cross access, we are open for cross parking, it is just that we can't guarantee that or control it. The tenants that we would put in there, the first larger portion would be Noodles and Company and that is the deal if it works out. Then there would be another two or three.

Mrs. Harlow: I guess the question that I was trying to work out in my mind, save for the tenant that you think that you have Noodles and Company, do you have any idea how long a customer typically stays in their building?

Mr. John Gilhart: That I don't know and I know getting into the parking calculations is complicated. As a general rule for me and for what I do and I don't know if it applies here, we use one per every 250 s.f. and that is four per 1,000 s.f. in shopping centers generally. That is in Florida and obviously that is not here. So that would require about 36 spaces and that is assuming there is cross use from other tenants. We are going to try to put as much parking on there, present it to you and get as much building as we can but not get too much. Noodles will either be satisfied or not that the parking is going to work out. There are a list of items that have to be addressed for this to work. We are open and flexible on everything, except we can't end up with a site that is not even financially worth doing. Our attempt is to tear it down and make it look nice.

Mrs. Harlow: Absolutely, and I want to see you succeed in doing that.

Mr. Okum: Ms. McBride, when it comes to the dumpsters and containers, if there is a restaurant on site they typically have a grease dumpster type of thing?

Mr. John Gilhart: It is in the ground; that is what theirs is.

Mr. Okum: So what about the CO2 units?

Mr. John Gilhart: I don't know, we haven't gotten that far yet.

Mr. Okum: The only thing that really jumps out at me is the density of impervious surface ratio; you are at 11% and that is significant. Even though there is a green space out in front that is dedicated right of way. That is a lot pavement.

Mr. John Gilhart: I agree with you on the site, we will get to that in a minute.

Mr. Okum: If the building is that close to the "0" lot line on the backside, then if there is emergency exit out of businesses, would they not be exiting right into the flow of traffic on the backside of the building if there is no buffer or nothing?

(No verbal answer given.)

(At this time, Mr. Shvegzda read his Staff comments.)

Mrs. Harlow: Up in the northwest corner, the green space there, does that belong to your piece of property?

Mr. John Gilhart: No, that is the property to the north. That is on my list of items to go over, as far as what I think we could do together. I think you are thinking the way we are, to try to incorporate the entire site although we can't go over on their property. I have no problem going with them and planting more plantings on their property. That is the intent to try to come up with something that works out and if we recalculate, it might come closer or even exceed the 20% or 25%.

Mrs. Harlow: That little green piece of property probably has no useful benefit to them at all.

Mr. John Gilhart: There is a retaining wall and quite frankly, if we get the opportunity to purchase that, we probably will. There is a whole list of items that need to be overcome but I think we can do it. You do have option 1, 2 and 3 and really a hybrid of option 2 and option 3 where there is a street coming in behind Fire House Subs and then where it is kind of a swoosh, we have looked at that and I kind of have a combination of that more like a curve but moved over slightly closer. We are open to that and we would be more than happy to set that up. We will take it right up to the property line. The option 2, and the property owner to the north, if you look at the northeast corner and the row of parking, we would like to set this up

so that stops right at the property line with pavement. We would love to see that as a connector. So, there would be a connector for those sites and there would also be a connector with a drive coming across PetSmart and curving in the corner. We have a problem with one of them because it cuts right through the lot and you would have to have a ramping down because of the retaining wall and then we would lose part of the parking, we would lose the site and that would be the end of it.

Mr. Okum: Where is the water concrete bunker?

Mr. John Gilhart: It might be right in the middle.

Mr. Okum: There is a big water pit.

Mr. John Gilhart: I have checked that pit and there is room for 24' between the corner of that pit and you would have to clip two or three spaces to make that 24' a double drive.

Mr. Okum: That answers my question, I knew you were aware of it. What about a shared access point for both properties?

Mr. John Gilhart: Where would you suggest that?

Mr. Okum: Move your entrance further north.

Mr. John Gilhart: Which entrance?

Mr. Okum: The entrance off of 747.

Mr. John Gilhart: Yes, I don't have a problem with something like that potentially. Here is what I am up against, I have a deal in hand for Noodles and we want to try to get this site ready to go come September 1st, one way or another we want to all try to agree because we are going to move forward with this. Is that ODOT or state route?

Mr. Shvegza: It is a state route.

Mr. John Gilhart: So, if I mess with that opening right now, who knows where that is going to go.

Mr. Okum: No, that is here, City of Springdale.

Mr. John Gilhart: O.K. My concern about that was for efficiency and was to just leave it alone at least for now. I don't want to get the project held up.

Mrs. Harlow: I see some merits to a shared entrance for both businesses.

Mr. John Gilhart: I met with Greg Malone, he represents them and I met with him on two or three different occasions and he is telling me that property is upside down and I don't know if it is now. He said it is part of a real estate investment trust and that is what he told me. He said, to do anything on that I would have to clear it with the bank and I would have to clear it with PetSmart. He told me PetSmart has been wanting to get out of there or at least reduce the size of their square footage. He said we have no money and we can't do anything and I don't think we can give you approval. I even said that we will pay for it, if we have to, it is just a matter of connection.

Mr. Okum: That is why you get a guy like Jeff Tulloch back there involved in your discussions.

Mr. John Gilhart: I have had discussions with Jeff on this, I believe in the past. It is still up to the property owner. You are dealing with the real estate investment trust who has serious financial problems from my understanding; not necessarily this property but the overall. It is all well and good but we just can't wait for that,

we either need to do something or not do something. I am open for change in the future and we talked about signage. This is all give and take, the nature of the property and it has been for the last five years.

Chairman Darby: Since this is concept discussion, I am going to put something on the table for you to respond to and I know the developers and owners hate to hear this; the building is too big for the site because most of the problems that I am seeing emanate from the size of the building. Talk to us about if that is true or not true.

Mr. John Gilhart: Yes, to some degree and I am going to get into our alternative. We just have to get over that threshold and the biggest problem we are having is getting over that threshold of going backwards rather than forwards on this space. We are not asking to build a monster building in this, we are just trying to get close to our equivalent to what we have now.

Mr. Okum: Is there a specific depth that Noodles needs, or width?

Mr. John Gilhart: Not really. What happens if you have a double row of parking you have 18' - 24' - 18' and when you put that right up against the road which you really can't do, and then you take a 4' sidewalk which we really can't do then, now that is your point there. I bet I have done fifteen different options and we are down to option "F", and this seems to be the best option for trying to get as much parking and building on there and make it function. Is this perfect right now; no, this isn't going to work. There are so many issues here to deal with. The problem is you have double row parking and you have to have clearance for set back and you have to have clearance for drive in the back, so you pretty much end up with your distance. The reason it is staggered is you have to maintain that across. The front, you have a minimum 50' setback for the building but then again you have to take into account parking stalls and drives and that is pretty much set. You have the north, the south and the east; it is a matter of what you can do with the west and that is about it. And to answer your question; yes, it is a little too big.

Chairman Darby: And you said that you had something else that you wanted to talk about?

Mr. John Gilhart: Let me give you an idea of what my understanding is of where we need to work, the zoning variances: The variance required for the footprint setback is 75', and I think that is an area that we need to work together on that. The waste receptacle enclosures, 5' and we have one. We would be more than happy to try to get it to where we pull it back as much as possible. I think we can address that issue because of where it is and add the landscaping. The landscaping variance, because it is no-mans land, that would be somewhere we would have to work. The parking lot, as far as the setbacks and the actual physical pavement and the number of stalls, the spaces being 9' x 18' rather than 9' x 19', those I think are the areas we need flexibility on to make this work. If we can come up with a consensus, a kind of direction on where we are going then I would like to come in here the next meeting and have everything provided to Staff. I know we need for the building outdoor dining area, a footprint including bollard protection from the vehicles, materials, elevations, dimensions. We need all the information on the waste receptacle enclosures. For the site, we have photometric plan, landscape plan, grading; I have all of that. What I am going to do is give that to Staff and make sure that is the list of everything that is required. That is an overview of the variances that we think we need to have and the information that we need to provide. We will go into some alternative adjustments that we have done since we submitted all of the initial drawings.

(At this time Mr. Clark Gilhart gave additional handouts to each of the Planning Commission Members.)

Mr. John Gilhart: I get the general indication that this is something that Planning Commission would like to see, the site redeveloped, is that fair to say?

Mrs. Harlow: Yes, I think after what you have done with the major portion on your shopping center because it is so nice.

Mr. Okum: Commerce has changed a lot. You own other developments and have been involved in this a long time. It seems to me that the footprint that businesses need for merchandising is shrinking and business demand for that mega-footprint is not as necessary as it used to be on the retail end, is that a fair statement?

Mr. John Gilhart: I don't know if that is necessarily the reason but your statement is correct. I always felt that was because the cost per square foot was so high that they were having to do without. There are some instances like Office Depot, their new prototype might be 5,500 s.f.

Mr. Okum: We don't need twenty bins of that, we can do it with one bin.

Mr. John Gilhart: There is no inventory.

Mr. Okum: We will have it to you tomorrow.

Mr. John Gilhart: Exactly.

Chairman Darby: Restaurants have definitely shrunk.

Mr. John Gilhart: It is across the board, there are all kind of different sizes. The original building footprint was a little over 7,900 s.f. The original that we proposed and this would go down to 6,900 s.f. and that is real close, within 500 s.f. of the existing KFC and Monroe building. What this helps is the turning radius on the back of the building, it gives us less space therefore less tenants and less customers. It adds four parking spaces. We have redirected the dumpster enclosures to the north and we are open to doing it straight in. We have also shifted the outdoor dining area to the north; it was originally where the green space is to the south and we are open to flexibility but the only thing we are required in our lease agreement or letter of intent is that there is a size requirement; I don't know what that is off of the top of my head. The turning radius is tight but it flows and it works. Noodles would be on the end with possibly three other tenants. In the rear elevations we have added another pitched roof on the west end. On the north elevation, we have added glass delivery doors, signage so that the idea is to make it look like frontage on all four sides. I told the architect to look at the McDonald's building and use the same or similar materials, little different shapes and go with some stone, brick, the storefront glass, the outdoor dining area fencing would match. The building is real similar to the Vitamin Shop, Verizon and Aspen Dental.

Mr. Okum: Same architect?

Mr. John Gilhart: No. It is real similar to the way the traffic flows, it is just a different direction. Obviously, it is not identical but it is real similar.

Chairman Darby: What was your reasoning in going totally away from the color schemes in the rest of the development, was it the intent to make this stand out?

Mr. John Gilhart: Yes. It is an out parcel, just like Jared is different, McDonald's is different and I think it is so far away. We are open for suggestions but I thought this was a good way to go.

Mrs. Harlow: I think it looks nice. It is very crisp looking.

(At this time, Mr. Clark Gilhart demonstrated a visual display of the projected development.)

Mr. Bauer: Just some things that stuck out in my mind as I wrote notes to myself and this being conceptual but what I would like to see in the future is that you would address the cross connection between those lots, whether you are successful

or not. I think it is important for the community and the shoppers in that area to go back and forth.

Mr. John Gilhart: We will put it on the plan.

Mr. Bauer: Secondly, signage I would like to see addressed and limited as much as you can in that area. Parking, the numbers that Ms. McBride stated, if Noodles was correct and that number jumped from 36 to 75, hit me like a ton of bricks. That is a hard number to digest on that small of a site to try to address but I think it is something that you will need to look at pretty intently. Lastly, the patio and the safety of the folks that are sitting there. I am not sure I like the alternative spot, right there in front of traffic as it comes in but I am sure we can work on that. Is the intent of that drive to be one way, to go around and not go both ways when you are coming into that entrance?

Mr. John Gilhart: I think it is open for a two-way; quite frankly, I wouldn't have a problem with putting a sign that says "No right turn" or "No out", or something like that. I think the nice thing is, it is wide enough so that the trucks can make turns and they can get in there. I am not opposed to putting the outdoor dining area around but which do you want, do you want cars backing up, we have to somehow get it up in the front but then we push parking back there.

Mr. Bauer: I guess I see less mishap from people parking and pulling out than cars coming in.

Mr. John Gilhart: Is there a preference?

Ms. McBride: This part of the Staff would prefer to put the patio there because I think we can protect that with bollards or fencing; fencing to keep the people in and bollards to keep the cars out.

Mr. John Gilhart: I can see obviously there wouldn't be any access, it would be a fence and the access would be on the sidewalk in and bollards would probably be 6" bollards.

Mr. Okum: They do it all over the place, it is very common.

Mrs. Harlow: A lot of places, you have to be inside the building before you can access the outdoor patio.

Mr. John Gilhart: It would probably be on the sidewalk.

Mr. Okum: We had the same problem with the Vitamin Shop and there was originally a restaurant that was sort of slated for that, that was considered at that corner site and we ended up with a one-way, one direction and it flows and it functions and it does what it needs to do and it actually helps some emergency exit issues from those back doors for the Vitamin Shop, as well. Those are things that I would be concerned about, an employee coming out of the back because a lot of employees use back doors. I think there are some restrictions and bollards are required by doorways for safety issues. The walkway in front of the place for handicap accessibility, if the door swings against the handicap person it is pretty limiting and I know the 4'-6" is not really wide enough unless there is parking blocks. It depend on if it is at grade; we did some at grade access point area on McDonald's when they came in for access for handicap accessibility so they didn't really have to go up a curb or up a ramp to get in, they can basically go straight in and businesses were still able to load. I am very positive to outdoor dining, it is very popular. The parking is going to be a problem unless you can partner some type of a deal.

Mr. John Gilhart: We might be able to do employee parking.

Mr. Okum: For your north neighbor?

Mr. John Gilhart: I wouldn't count on anything from them, but that would be great.

Mr. Okum: To show your intent, and I am not suggesting that you haven't made the effort, I would like to see instead of you coming to us and say that you talked to them, I think you need to have someone like Mr. Tulloch sort of involved in that process so that he can come back to the City and say, "They did make an effort to do it".

Mr. John Gilhart: I would like to have a letter one way or the other.

Mr. Okum: We had the same problem with the parking crossover with Schottenstein property.

Mr. John Gilhart: If you recall, we took the guardrail out. You know what is going to happen and I don't care what you do, the same thing that happened years ago with Kentucky Fried Chicken, they parked in their lot to go to Swallens.

Mr. Okum: Going back to Mrs. Harlow's comment, every business has its number and Noodles probably has its number on amount of customer time and how long their customers are going to do business. Once we approve it as a restaurant, then it is a restaurant; it doesn't matter if it is Noodles or White Castle, it is still a business but at least it would give us a benchmark on what they are expecting on their parking for the site. The answer to businesses, if you can't find a place to park then unfortunately they aren't going to do any business. As much code writing as you do that is still the fact. You could have a field of parking like Walmart over where Sam's is at and it doesn't mean that your code was exactly right, it was at that time what we thought we needed.

Mr. John Gilhart: If we don't utilize it right, it is going to come back to bite us anyway.

Mr. Okum: Those are my comments, I am positive to it. We definitely have to get that density issue down and we have to get some more green onto the site and I don't care if it is shared green but next door that green was used for that development as part of their approval process.

Mr. Diehl: How big is that patio and can it be cut down?

Mr. John Gilhart: That is an answer I don't have. The only thing I do know is there is a specific square footage that is the minimum in the lease agreement with Noodles and whatever that is then that is what that is; I think it is like 475 s.f.

Mr. Diehl: What you are saying is that you are at the minimum now?

Mr. John Gilhart: Yes, that is the minimum. I could be off a couple or three feet but that is it.

Mr. McErlane: I think Mr. Okum already hit on it, it is an interesting concept to borrow your green space from your neighbor because you could do that all the way up the road if you wanted to. Then again, as Mr. Okum implied, that could have been their requirement to meet the green space requirement on their site. I agree with Mr. Okum that you need to work on density and green space.

Mr. John Gilhart: I can tell you that I had this issue down in an office park that I own in Florida. I actually went in and they revised the code for it. These are two separate Plan Unit Developments; when there was a unified plan where there were sites that were used, individual sites as a Plan Unit Development there wasn't the requirement for the perimeter landscape buffering. In other words, if there were five lots next to each other, if they go by code then it would be fifteen feet buffer, fifteen feet buffer and so there would be thirty feet. What they did is they made their requirements smaller and kept the requirements on the outside. I don't know if that applies here to some degree.

Chairman Darby: I think you have a sense from the Commission that it is an exciting concept and we look forward to the future developments and I am sure working with Staff you guys will come up with something.

Mr. John Gilhart: Would it be fair to say that we are going to continue this and provide all of the information. Would you say conceptually, with the reduction of that building, that is about where we are going to be, give or take a few square feet; is that something you think we can work with, a reduction of about 1,000 s.f.?

Chairman Darby: Then I guess my question to you, from all of the comments that have been generated in writing and tonight, do you feel you can make it work with that square footage?

Mr. John Gilhart: I can make that site work with a little bit of modification. There is no way I can get 20% or 25% and I don't know if I can get the proper setback, I can't get the 75' requirement for the building. Can I get the setbacks for the dumpster; maybe, maybe not. We can tweak it the best we can to maximize the parking and the room space. The reason I put three dumpsters on there is that Noodles requires two, it was in the lease agreement. I thought we should have a third one for the remaining tenants. I don't know if that is for recycling or what that is.

Mrs. Harlow: Could the building be orientated on the lot a little bit differently to provide more room, kind of tilt the building towards the northwest corner?

Mr. John Gilhart: I think what is going to happen is whatever you gain you are going to lose in parking and you still have to deal with dumpsters and deliveries. I can bring all the different plans in here. We had another that was a square building pushed back a little bit but it was a larger square building and the problem with that is when we go to lease it, Noodles wanted the south portion so that they would have the south, the east and the west. We had parking, even a couple more spaces in there, if they took that then they would have the whole entire spot for parking and the person to the north would have three spaces. You probably have the same thought as I do, isn't there a better way to do this, different options and this is where we have come to.

Mrs. Harlow: I just want to see it work.

Mr. Shvegza: I haven't heard any concern about the fact that Frances Lane will be now limited to one lane in and two lanes out. I can't tell you if that is sufficient, there has not been a traffic study to determine what is really required there. There is nothing more that can really be done on 747 to alleviate the traffic concerns there. This in fact will probably forever limit the amount of lanes that will be at Frances.

Mr. Okum: What is the chances of Frances being extended?

Mr. Shvegza: I don't know. Even besides that, just from the standpoint that is the only signalized access point to the development.

Mr. John Gilhart: The options proposed in the past that I have seen from the City and on our behalf was Frances Lane coming straight back through the bowl behind Value City and over around. That was my understanding before 5/3rd was torn down and moved to the back.

Mr. Okum: Actually, more recent than that.

Mr. John Gilhart: It is certainly an option but you would have to deal with crossing the creek and you have to come around behind and that is something that we wouldn't be part of. We would certainly have no problem.

Mr. Shvegza: Discounting that, just from handling the new retail, the additional resurfing of your property to that site and your current site to the south.

Mr. Okum: Mr. Shveg zda, you are saying that you are really thinking a study needs to be done there? I mean, that is what your recommendation was.

Mr. Shveg zda: In the past we have always said that when we get to this point.

Mr. Okum: Then we should do it, it should be done. It should definitely be done. I think you are right.

Mr. John Gilhart: I can tell you what happens now on that intersection, there is enough space it appears to be, correct me if I am wrong for almost two lanes going in and what happens is that it is set up as one lane. There is a partial lane like a merge lane coming over. The second lane is unusable because of the pole. I don't know if anything is going to change as far as the impact of the traffic, if you take out 6,500 s.f. and you put back in 6,500 s.f.

Mr. Okum: The difference is that traffic patterns have changed and if a traffic study were done there would be new counts and the new counts would give you a different perspective.

Mr. John Gilhart: What would be the concern there, that there is not enough and then there would be an additional in-lane?

Mr. Shveg zda: That there aren't enough lanes there now, there is not enough left turn length. I don't know because we have never done that analysis to determine what the issues are and what the required lanes would be.

Mr. Diehl: Have you looked at the possibility of having two buildings?

Mr. John Gilhart: I think seven or eight years ago there was a submittal when KFC came up, where it actually tore down the KFC building and built a new one on the back site and kept the Monroe on the front site. We could certainly do that but they are already there. Can we remodel them; sure we can remodel them.

Mr. Diehl: No, knock them down and rebuild them.

Mr. Okum: You would have four facades, twice.

Mr. John Gilhart: If we can get this worked out and get some numbers on what is really required, basically what you are talking about is customer turnover and the requirements for parking. As far as two buildings, sure we can do that. They are there, we could just remodel them just like we have done with the new shopping center, it is a new facade.

Mr. Okum: Mr. Chairman, I move that this be continued to the next meeting.
(Mrs. Ghantous seconded the motion.)

Chairman Darby: It has been moved and seconded that we continue this to the next meeting and we certainly look forward to what you bring us.

- D. (Tri-County Commons at 600-750 Kemper Commons Circle, Minor Revision to PUD for changes to building colors and awning fabric colors was presented with Item A in Old Business.)

VIII. DISCUSSION

(No items were presented for discussion at this meeting.)

IX. CHAIRMAN'S REPORT

Chairman Darby: You can see we approved several signs.

X. ADJOURNMENT

Mr. Diehl moved to adjourn; Mrs. Ghantous seconded the motion and with six "aye" votes from the Planning Commission Members present, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary