

PLANNING COMMISSION MEETING

October 8, 2013

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 Ghanous, Dave Okum, Richard Bauer, Tom Vanover, Robert Diehl, Marge Boice and Don Darby

Others Present: Emily Crow, City Planner; Don Shvezda, City Engineer; and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF SEPTEMBER 10, 2013

Chairman Darby: We will accept a motion to approve the Minutes of the last meeting of September 10, 2013.

(Mr. Vanover made a motion and Mrs. Ghanous seconded the motion for the Minutes to be adopted as written, with a unanimous "aye" vote from the Planning Commission Members, the September 10, 2013 Planning Commission Minutes were approved.)

IV. REPORT ON COUNCIL

(No Report presented on Council at this meeting.)

V. CORRESPONDENCE

Chairman Darby: There were a couple items of correspondence in your packets.

VI. OLD BUSINESS

Chairman Darby: The first item of business is revision to the PUD Transitional District Development Plan for Waffle House at 11520 Springfield Pike.

Mr. Jeff Baumgarth: I am with Myers Y. Cooper Company.

Mr. Walter Barineau: I am with Waffle House.

Mr. Jeff Baumgarth: Planning Commission heard the presentation at the last month's meeting which was tabled to give the applicant the opportunity to sort through some of the Staff comments. We have done so and resubmitted to Staff a couple of weeks ago. We received some additional Staff comments that were somewhat confusing to us and we just wanted to clarify what our intentions are here. Back in 2005 when this project was originally envisioned, it was approved through this Commission as well as City Council, as a PUD. We have an approved development plan from those hearings, as well as a declaration of covenants and conditions that was signed by ourselves and the City, to both benefit and restrict the development of this property. Some of those conditions and covenants that are addressed in the document as well as in the final development plan deal with things such as the setback requirements, screening of mechanical equipment, specific landscape plan and those are the limitations that we have tried to develop this submittal around following the guidelines of that approved plan and the declarations. We tried to address Staff's comments from that standpoint and it seems like we continue to get some comments that still didn't necessarily address the conditions of the covenants, they addressed other zoning code items that weren't

in the covenants. So we have again tried to address some of those items; I think Walter can get into the details of the specific ones but I just wanted to address the fact that we are planning to comply with the requirements of the approved development plan and the covenants and restrictions that were signed in 2007.

Mr. Walter Barineau: Our goal is to build the Waffle House on the site of the proposed out lot at Springdale Towne Center and to basically comply with the PUD accordingly. Since we do have a slightly different size building, it is a little smaller and it is a little different shape than what was shown on the PUD, we have had to move things around. Our entire intention is to develop that Waffle House as a part of the Springdale Towne Center; to landscape in accordance with the Springdale Towne Center PUD, to build in accordance with the Springdale Towne Center PUD, to provide the exact same lighting as the Springdale Towne Center currently has, into the PUD. More or less, a lot of the comments that we received were referenced to the Code as opposed to the PUD and so what I would like to do is to say what I think we need to decide. The one area that is slightly different has to do with our building; we do have a flat roof, we have roof-top equipment because we are a restaurant it is really not feasible to design it with a pitched roof because of the roof-top equipment and because of the screening of the roof-top equipment and because of the maintenance that is necessary to keep that equipment running properly for a 24 hour restaurant. An addition we have proposed to utilize a product known as quick brick which is a structural brick. The brick is designed to build the Waffle House as a structural basis. It has the appearance of brick. (Mr. Walter Barineau passed samples of the two varieties of colors of the quick brick to the Planning Commission Members for them to examine.) This is a product that we use extensively and you can't tell it from brick, in fact you can argue that it is truly brick. It is integrally colored, it is not painted and it is not dyed; it is made and has the rich appearance of brick. Some other aspects of the building; we are not intending to break up the wall facing Peach Street with architectural enhancements, as is encouraged by the Code because of the way it is built it doesn't lend itself to that. We have proposed screening that, with landscaping instead; with the landscaping that we have provided it won't be seen. We have proposed screening the integrally colored cooler on the back of our building with landscaping, as well. We ask that the Planning Commission approve that. In short, we are trying to develop this Waffle House within the confines of the Springdale Towne Center and within the confines of the PUD and we think that we have done that.

(Mr. McErlane, Ms. Crow and Mr. Shvegza read the Staff comments.)

Mr. Okum: My packet came with a C-3 and L-1, the lighting plan, a building elevation plan, a rendering and a Waffle House lighting section and signs. Our original submission that we got for the last meeting had a C-2, L-1, C-3, K-1 which showed the interior layout, a page showing the roof plan, another section drawing and different drawings. I am not quite sure, frankly what we are supposed to review. Is this supplemental to that or do these replace the drawings that you made for the last meeting?

Mr. McErlane: Our review is based on what was submitted.

Mr. Okum: So, this is a new submission that replaces everything. What was previously submitted, C-2 is no longer with this, K-1 is no longer with this; there is a lot of things that we are not getting from the original submission.

Mr. Walter Barineau: To get to the K-1 and the overhead, most of those were submitted to provide Staff and you with dimensions and understanding so that parking requirements could be calculated. Then we were asked to put the parking requirements onto the plan; so we put the parking requirements onto the plan. So, those are no longer necessary.

Mr. Okum: So the C-2, which is the existing survey, that is not critical?

Mr. Walter Barineau: I don't believe so.

Mr. Okum: So, we don't need to consider that as part of the submission; o.k. I guess I have some concern regarding a statement that was made by the applicant and maybe the applicant can clarify it. You are complying with the conditions that are set forth in the covenants that are attached in the PUD that was approved by this Planning Commission when the plaza was approved, is that correct?

Mr. Walter Barineau: Correct.

Mr. Okum: When the plaza was approved, it was approved with sloped residential style roofs.

Mr. Walter Barineau: And I think that I stated that was the only thing that we are not complying with; right. And we stated in our proposal letter that there is a requirement for 70%. Considered as a whole, the entire shopping center, even with our flat roof building will be over 80% sloped roofs but our building individually will not.

Mr. Okum: Based upon your conversation with us at the last Planning Commission meeting, you stated that this is going to be a separated parcel and therefore it is not part of the site, except for cross easements; is that correct?

Mr. Jeff Baumgarth: Even if it is a separate parcel, it is still governed by the PUD. We are not removing this property from the PUD at all. It is still required to meet all of the covenants and required to comply with the preliminary and final approved development plans because it is always part of the PUD. That PUD approval runs with the land regardless of who the owner is.

Mr. McErlane: Just to clarify, the only final development plan that exist is for the shopping center part of it, not for the out lot. This is the final development plan for the out lot.

Mr. Okum: So this was never part of those conditions?

Mr. McErlane: The entire PUD is governed by the covenants. This particular lot with regard to the development was shown in a preliminary manner on the preliminary plan. When Planning Commission reviews a final plan it is to look at the consistency with the preliminary plan with regard to uses. Obviously, if you were to look at the preliminary plan, it wouldn't look like this site right now. So, there are obvious changes to that that the applicant is proposing. If either party was to say that it has to be what was shown on the preliminary plan, then we are both in trouble because the development plan doesn't match the preliminary plan. So there is no existing final development plan for this parcel because this is the final development plan.

Mr. Okum: Is there an exclusion then, that the applicant be required to have a sloped roof?

Mr. McErlane: Not within the covenants. Within the Zoning Code it says that 70% of any structure.

Mr. Okum: Is that your understanding, sir?

Mr. Randy Cooper: The covenants which we signed that covered the entire shopping center, including the parcel here and the north end, which is a separate parcel that is part of those same covenants and regulations; it includes the out lot whether we create a separate lot and sell it out to Waffle House or even keep it and rent it to Waffle House. We don't have to have those property lines; we would prefer to but if that setback is an issue we won't create the line.

Mr. Okum: I understand what you are saying, Mr. Cooper.

Mr. Randy Cooper: As far as the roofs, Springdale Towne Center is not 100% gabled roofs. Riley's is a flat roof and at the time when we were negotiating the

agreement we said that we couldn't have them all gabled roofs because you are going to have certain instances where you have to have equipment, like exhaust hoods or very large heating and air conditioning equipment that you can't accommodate with residential style. We all agreed to that. In terms of the out lot, we couldn't imagine what would happen there; was I going to put a car wash in there or was I going to put in an ATM or some other use that might perhaps be able to accommodate this Zoning Code, we didn't know. That is why we are here with these awkward issues with we don't comply 100% with the appearance and the color or the rest of the shopping center. I would like to say that I am so proud of what we have accomplished jointly here; back in 2005 this was an early public private partnership and it was by our two organization that that shopping center exists today; it was through cooperation and focusing on trying to do what was good for Springdale that we have accomplished what you have. It is my hope that we can sort through these issues that Bill and Don and Emily have brought up, to accomplish a continuation and bring Waffle House, which I believe is a quality first rate organization that I would welcome to this community.

Mr. Okum: Just a question in regards to your existing buildings, what percentage of them would you say are sloped residential style?

Mr. Jeff Baumgarth: Between 80% and 85%.

Mr. Okum: So, it is over the 70%.

Mr. Jeff Baumgarth: If we include the Waffle House square footage, we are still over 80% for the entire development. To specifically address your question about the pitched roof on their building, we could not comply with the requirements of the covenants to screen the mechanical equipment if we put them on a pitched roof. All that mechanical equipment coming through a pitched roof would be visible; so there is no way we can comply with a pitched roof and screen the equipment.

Mr. Okum: There are buildings that are built that do that. I understand that this is a narrow building, but there are buildings that do that; United Dairy Farmers is one that has mechanical equipment. Not as much as a restaurant, but it does have mechanical equipment and they are on a rear end of the building and it does have gabled roofs.

Mr. Jeff Baumgarth: But their building is much wider than 20'.

Mr. Walter Barineau: It is much larger and it doesn't have the extent of equipment that we do. I understand your point and your point is a great one. The design of our building, as you can see by one of the drawings, there are four RTU's that are sitting up on top of the building and they are spaced out considerably.

Mr. Okum: They are not on our plans.

Mr. Walter Barineau: It should have been on the ones that were submitted.

Mr. McErlane: They are on the elevation.

Chairman Darby: I will ask that you look at this photo, a photo of much of the center and it shows your building sitting prominently on that out lot. Getting back to the roof issue; is there anything that can be done to soften the effect of what that flat roof does as part of this particular center?

Mr. Walter Barineau: I wish I could tell you yes but I don't know that there is an occasion that we have put mansard roofs on, but I know those aren't wanted either, so I don't think that is an option. What we have proposed is what we think is an attractive combination of the two styles of buildings. It is certainly not our standard building, if you are familiar with Waffle House. What we have tried to do, understanding and trying to meet as close as possible the intent of the Code, is to provide what is a more expensive building and to do the best job that we can to try to be harmonious with both the Center and the Corridor, itself.

Chairman Darby: O.K.

Mr. Diehl: Could you address what you are planning to do with the truck traffic?

Mr. Walter Barineau: The restaurant is being developed in accordance with the Towne Center, so we will have easements that we extend to the Towne Center and the Towne Center extends to us. So, all truck traffic will access the Center as it does today through the main entrance off of Springfield Pike. We would intend to access it from Springfield Pike and we will have easements that connect our site with Springfield Pike and Peach Street. I believe, trucks are allowed to exit onto Peach Street, as long as they head back toward Springfield Pike.

Mr. Diehl: Could you elaborate a little bit more about the dumpster; where they are going to be and how you are going to cover or hide it?

Mr. Walter Barineau: You can see the dumpster location on the site plan and it is going to be clad in the same material as the building. It will have a dumpster corral that is made out of the same material and gates as required. On the front, steel posts with wooden gates, I believe are the requirements of the Code. We will match identically to the building and we will screen it with landscaping. We have proposed and we are intending to develop the building with the landscaping that was proposed for the Towne Center. We are actually adding additional landscaping for screening of the cooler and screening of the dumpster corral, etcetera. Not only are we matching the building with the dumpster corral but we are then screening with landscaping.

Mr. Bauer: What I am trying to come to grips with is, how this will look with the rest of the Center. So, I look at the things that you brought up tonight as far as the appearance of the quick brick and those things of appearance in that Center. My background is mechanical engineering, so what can be done with mechanical equipment might be limited. We might be tied with what you have right there now. As far as appearance, I see this color sample and it looks a little more within the colors that are on the Center, itself. The photos that I have seem to be awful red, which makes it kind of stark and sticks out a lot more than the Center's brick and stone.

Mr. Walter Barineau: I think that might just be the photography. The product that we use is beautiful and I would be more than happy to provide you with a number of different addresses that you can go and view it. Our intent is to try to blend in with the Center. We think that Richfield Blend, which is what we are calling out on our elevations, meets that. Is it depicted 100% ideally in those pictures; probably not and certainly not in the rendering but there is not a ton I can do about that. I do think it is depicted in the three dimensional rendering relatively accurately; I think that is the one that most represents what it will kind of look like even though that is an artist drawing as well. I will do whatever I can do to make you comfortable with that. For reference sake I do have a brochure of the quick brick product and as you can see it has a number of different variations on that and I would be happy to pick one of these that is closer, if someone feels that there is a color that more closely matches what is in the Center. We think we have tried to be harmonious but still have a little distinction as far as our brand goes. We are not tied specifically to that Richfield Blend so that is something that we can discuss.

Mr. Bauer: But does it more represent this color that is on this sample?

Mr. Walter Barineau: That is the Richfield Blend.

Chairman Darby: I think one of the things that we are suffering from is that many of the photos we have with Waffle House were not your submission.

Mr. Walter Barineau: Correct. Those are not mine.

Chairman Darby: That is not your intention?

Mr. Walter Barineau: The bright red is not our intention. That is a picture of our Beechmont store.

Mr. Okum: Then that is the color?

Mr. Walter Barineau: That color is the color, but that picture looks a lot more red than that color actually is.

Mr. Okum: You are saying because it is printed on paper it looks more red?

Mr. Walter Barineau: Correct.

Mr. Okum: The sample that is on this picture sheet that was given to us shows variation in color; that is one thing that brick does.

Mr. Walter Barineau: As does that one; it varies in color, as well.

Mr. Okum: This varies in color?

Mr. Jeff Baumgarth: That print out that you are holding is right off of Quick Brick's website.

Mr. Walter Barineau: It is; it is not what that picture depicts.

Mr. Jeff Baumgarth: Only having a sample of one brick, you don't get the sense of variation in colors.

Mr. Bauer: The other thing that I noticed was the screening of the cooler, that Staff made comment about, that stuck out and was more stark than the rest of the building. I passed Chick-fil-A today by Lowes and it is bricked in like the rest of the siding and I was wondering why that type of screening couldn't be done on this?

Mr. Walter Barineau: It could be done but frankly I think you are better off with landscaping because what we basically have to do is put a cladding on that cooler and that causes maintenance problems, it causes all kinds of stuff to get in there; it is a nightmare to maintain something like that. That is why we prefer to do it with landscaping. We think it is more attractive and we think the cooler is integrally colored, it is not painted, to match the building and so from a visual standpoint we think it is more attractive to do it with landscaping.

Mr. Okum: I have not heard anything change from what the submission is; if we were to impose the considerations that Ms. Crow had placed in her recommendations then there are things here that have not been agreed to by the applicant. I want everybody to be clear of that. The applicant hasn't agreed to those; those could be conditions placed on it if it were approved but the applicant would still have to accept those as part of this approval process. In regards to the walk-in cooler, McDonald's just opened and it has probably the biggest walk-in cooler I think I have ever seen, but you don't see it on the building and you don't know there is this massive walk-in cooler on this McDonald's. That is because it is integral to the building element. To tell me that you believe that putting landscaping around a box that is clad with a cladding that is pre-painted by the manufacturer, it is still painted and it still needs to be maintained, that it is still the same; it is not. If that were the only item at this point that was on the table then I would probably be voting "no" based upon that one item. There are other issues that I believe you have shown some give and take, that Staff was trying to help you with in regards to the application but at this point I am not prepared to vote in favor of the request. I can't speak for the rest of the Commission. I still hold my feeling that when the Corridor Review District was established and those guidelines were set, there was a set of guidelines and requirements placed upon a lot of developments. We fought with CVS over what we got, and there are some sloped elevations on the roof facade on CVS that created at least somewhat of a sloped effect. I think it would be unfair to all the other people that have been given this task that we have held to this standard. I would love to have Waffle House in

Springdale but sometimes things are not right for where they are; you can't say that everything is right for every location and this may not be the right location for this Waffle House. I would love to see it there if it complied with some of the things that Staff has been able to identify to you. I have done my due diligence and I have gone online and tried to see prototypes of other Waffle Houses and I just could not find variations on Waffle House. I think in this particular case it is a stark variation between the beautiful center that Mr. Cooper has built there and your building and that starkness will be very prominent on that site. I think that hiding the mechanical units inside the parapet is critical but I think that you still need to comply with the Corridor Review District.

Mr. Walter Barineau: I don't believe that CVS for instance doesn't hide their mechanical units.

Mr. Okum: I believe they do.

Mr. Walter Barineau: I saw them when I was coming from 275.

Mr. Okum: CVS? No, not from 275.

Mr. Walter Barineau: I could be wrong. I remember being very surprised to see them.

Mr. Okum: You will probably see them on top of D.J.'s Grill which has just opened. You will probably see them on top of Beef O'Brady's which was built twenty-something years ago.

Mr. Walter Barineau: I agree with you that I think it is critical to hide the roof-top mechanical units because they stick out like a sore thumb. But we have them, and to your point we are what we are and we like this location and we want to be there, we think we are providing an enhanced building to our typical design that fits in with this location. If it is your feeling that is not the case then, by all means, I don't want to waste my time and I don't want to waste your time. We have spent a lot of money already and don't want to further spend a lot of money. Do we want to be in Springdale; we sure do and we think that is a great location. These guys have been fantastic to work with. I don't feel I have been offered a lot of suggestions on things that need to be done. I think I have been told that I don't have a pitched roof and you are right; there is not a lot I can do about that. But that is not a suggestion to fix.

Mr. Okum: You were given instructions on the south elevation in regards to breaking that up. Your answer was that you were going to landscape.

Mr. Walter Barineau: Correct. I am pointing out the fact that it is screened. What is there already and what we are going to put back in. Quite frankly, it is a small building and to make it look on three sides adequate, as opposed to putting a column or pilaster there, that to me is not an enhancement.

Mr. Okum: I think on Peach Street, if you are going north on Springfield Pike and you look at that side of that building, it is longer than it is wider and that is what you will see when you are driving.

Mr. Walter Barineau: And there is a landscaped wall there.

Mr. Bauer: On that south side, other than landscaping, we have had this discussion on a couple of other buildings about landscaping and how it really doesn't do a whole lot to break up that facade. We don't have the luxury of having the interior layout anymore so as far as trying to do something in regards to the exterior with the interior I couldn't help you out there. I will tell you that is a long stretch of building that needs to be broken up somehow.

Mr. Walter Barineau: Some of the things that we have done is we have put metal trellises and used those to break it up, we have put shutters and faux windows and

that is something that is easy to do with our style of building; that goes a long way to break it up, as well. I won't have it on all three sides.

Mr. Bauer: There is nothing that you can do to carry the window over to break it up down that side; not continued in one long stretch but in separate spots down along that side?

Mr. Walter Barineau: Unfortunately you would be looking into our bathrooms and our kitchen.

Mr. Bauer: I remember looking at that initially but with it not being in this submission I didn't go back to the previous one to look at that to see if there was any opportunity there.

Mr. Walter Barineau: The only thing that I think we could do successfully would be external and we can break it up with faux windows and shutters or trellises which I think actually look great, they are decorative trellises. Because of the size of our building I personally like the landscaping. It is something we can certainly take a look at.

Mr. Bauer: The light pole fixture that is in the walkway, is there any possibility that it could be moved out of the walkway?

Mr. Walter Barineau: Distinct possibility; in fact I have already had a plan done that moves that.

Mrs. Boice: I have been listening to my fellow Commissioners here and I don't totally disagree with what they are saying but I think the very fact that this is an out lot and it is a separate lot, it is not attached to the development which is quite a beautiful development and it is a real pride and joy for us in Springdale. I think some consideration has to be given to that; it is free standing. I agree that big expanse of brick and I think you have come up with a number of good suggestions there. I would really like to see us work with you on this because I think it would be a tremendous addition to that particular center. I think we are concentrating too much on this picture and I agree with pitched roofs and all of that but this is a separate free standing and I think you have to keep that in the back of your mind as you are discussing it. I do not totally disagree with many of the comments that have been made. I think you have tried to work with us in many areas and I appreciate that.

Mr. Diehl: Some of the comments that Ms. Crow made about the landscaping, would you like to address those?

Mr. Walter Barineau: The approved PUD has a schedule for landscaping and sizes, we are planning to duplicate that on our lot; it is different that what the Code reads. If we do differently we are going against the PUD and it won't be harmonious with what is there.

Mr. Diehl: Ms. Crow, can you elaborate a little bit more on your comment that they were not in compliance?

Ms. Crow: Part of the challenge was reviewing the site plan that was submitted with the landscaping. It was difficult to discern what was existing from the preliminary approved plan, what was proposed for this site specifically because what was submitted to us we did not have the planting schedule that told me that there were several things on the north and western property lines that appeared to be from the preliminary development plan but there was no indication on the schedule what those plantings were. Because this is a new out lot, I had to review it against the required buffer yard standards for that out lot. The complication was I couldn't calculate whether you had what was required for this specific site plan or if I was just responding to what was existing from seven years ago in the preliminary when that out lot was not fully designed.

Mr. Walter Barineau: What we intend to have when we develop this corner is to have the landscaping that is in the final on the approved PUD plan, the exterior landscaping for the approved PUD, that will probably require us to take some things that are there out. I think they were on even the original site before it was developed by the Springdale Towne Center but at the end of the day we will have on our site what was approved in the original PUD plan. We are planning on putting in sizes; we took the planting schedule directly from the approved PUD plan for sizing and height and caliper, etcetera. That is what we are intending to put into our landscape plan or as landscaping when we develop our property. Does that make sense?

Mr. Diehl: Yes.

Mr. Walter Barineau: In essence we are taking what was approved for the Springdale Towne Center and dropping our Waffle House in there and it is going to have all the landscaping that was approved by the PUD.

Mr. Diehl: That meets with your approval?

Mr. Walter Barineau: Plus, some additional plantings that we call out on the schedule, as well.

Ms. Crow: I believe that would satisfy me but the issue is that it is difficult to read from what was submitted and so we would request, if Planning Commission is o.k., that would be a revised submission that we get before any landscaping actually be done.

Mr. Walter Barineau: I get that; it is when we are trying to overlay and then add to it, it is a little confusing so that the visual I think the schedule is accurate.

Ms. Crow: The plant sizes listed on the schedule are all much smaller than what is required in the standard planting.

Mr. Walter Barineau: But they are what was approved in the PUD.

Ms. Crow: O.K., but the PUD is not the final, this is the final and so it would have to conform with the standards for the plantings.

Mr. Walter Barineau: That is not my understanding but that is why we are here.

Chairman Darby: Could we get this cleared up, Mr. McErlane?

Mr. McErlane: I was just going to point out that I would hope that the Spirea that were planted in that Center were taller than 15" as being proposed here today. If you look at the pictures of the location from the Beechmont and you look at the planting sizes that are there, they are pretty miniscule. I would hope that when the Center was planted it was a little better than 15" tall shrubbery. Certainly we can take a look at the final plan that was developed. The preliminary plan was just that, preliminary and there weren't details with regard to that.

Mr. Diehl: I have another comment for you and I know you answered this before but I just want to make sure that we are in agreement. On the equipment that sits on top of the roof, the way you construct, from the side you cannot see that equipment from any angle whatsoever unless you are on the roof itself.

Mr. Walter Barineau: Unless you are up in one of those trees.

Mr. Diehl: On the walk-in cooler type thing, would you prefer landscaping or enclosed building; are you flexible on that, at all?

Mr. Walter Barineau: I still hold to my position that my way is better but I don't think that is a deal killer.

Mr. Diehl: Thank you.

Mr. Randy Cooper: This is it; this was the City's landscaping. Spirea is kind of a ground cover and it is not going to be very tall anyway. It is not a boxwood, it is that little stuff that we have in all of the planting beds that is underneath the canopy of the trees. It is a very low plant material. It is not a hedge, it is a ground cover so the 15" height shouldn't really be an issue for the Spirea. All of the schedules here are what was approved by the City, actually it was designed with the assistance of the City. I think we had to pay for it. What you guys are going through tonight, now you should appreciate what Cecil went through when approving this shopping center. We appreciate your efforts, just so you understand. With respect to the landscape code, if the PUD and the agreement with the City negotiated with the Myers Y. Cooper Company, said that the PUD when in conflict with the Code then the PUD applies. We don't want to say that we are going to use this part of the Code or this part. It is the PUD, it was the promise that we made and it was the promise that you made.

Ms. Crow: My only point being that the landscaping shown on this preliminary plan was set up for a different positioning of the building in the out lot location. And so for me to go back and review the submission that was presented to Planning Commission this evening, I had to review it against the standards for the perimeter landscaping, as the City standards require because the preliminary plan doesn't account for the location of the parking and the building the way it is on this final submission. I am not saying that it is impossible but that is what my review is based on and so if we can have some clarification about what those plantings are going to be, that would be all that I am asking for, just some clarification on that.

Mr. Randy Cooper: As to location?

Ms. Crow: Yes.

Mr. Okum: Mr. Cooper, we are not arguing over landscaping; we just want to make sure it is right. This is a different building footprint than what was submitted in your original PUD submission as a potential out lot building and proximity and distance from the right of way is a little different than possibly the original was. If you recall we spent a lot of time on pulling the building back and having landscaping along Springfield Pike so that cars could pull forward into those spots and it wouldn't impact the roadway and how your bushes and shrubs were all planted along there was all considered because the buildings were setback. Now we have got a building that is up there toward the front, a lot closer, so you would certainly expect Staff to look at that on its own merit, a little bit. Even though it is the same types of plantings and sizes and caliper should all apply. I am one for consistency; we shouldn't put a burden on this applicant any different than what we put on you for your development.

Mr. Randy Cooper: That is my point. I am sorry if I offended you but it is the PUD that applies, not your Corridor district.

Mr. Okum: But we also need a balance because the building footprint changed a little bit from the PUD.

Mr. Randy Cooper: The building footprint that was put on that site plan was for illustration purposes only and was not a specific application of what would be placed.

Mr. Okum: I totally agree with you, Mr. Cooper. I understand the reason for why it was done, where it was placed. I think the applicant has answered the issue on the walk-in cooler, that it could be an integral design into the building; Staff has requested that in their comments and considerations. I guess it would be up to this Commission to determine from Ms. Crow's recommendations and Mr. Shvegzda's comments. There was no objections from any of your recommendations, Mr. Shvegzda, from the applicant?

Mr. Shvegza: Not that I recall.

Mr. Okum: O.K. And Mr. McErlane, you were giving us points of information so that we would know what we are talking about. So, if Planning Commission wants to bring this to the floor, which is appropriate, I think we need to go through the considerations on Ms. Crow's recommendations. I see one that clearly cannot comply, which is Planning Commission will need to determine compliance with providing residential roof for at least 70% of the building as required per Section 153.424 and that is the only one. Do you, the applicant, have a copy of Ms. Crow's considerations?

Mr. Walter Barineau: Yes.

Mr. Okum: Is there any other items in that list of considerations that you would not be able to conform with?

Mr. Randy Cooper: I think what hasn't been addressed today but was brought to our attention by Bill, is the setback.

Mr. Okum: That is in here; reference to the setback issue.

Mr. Randy Cooper: And that is an issue that I think does deserve some discussion because we could take that off of the table; we would very much like to have this as a separate parcel but if it is the desire of the Planning Commission to erase the setback issue or condition, we can comply. That is something that we would seek your direction in our application because I don't know if we included a survey. We can remove that request from the application.

Chairman Darby: Mr. McErlane, do you want to comment on that?

Mr. McErlane: The issue of the setback is brought forward as part of the consideration by Planning Commission if they feel that it is acceptable to have a setback on a 4.93', because it was never indicated on the plan. And then I guess their architect will have to deal with the building code issues relative to that.

Mr. Okum: The simplest way is that we stay with the consideration of Ms. Crow. It says a 15' rear yard with buffer and parking area to the east needs to be provided since the lot is to be subdivided. The Planning Commission will need to modify the requirements for Section 153.424. If we apply that consideration, it is up to the applicant to deal with it. If he decides to take away the line, then he doesn't have the 15'. If the applicant wants to comply with the buffering standard that is set forth in our Code then the applicant can make that decision on his own. Am I right?

Mr. McErlane: Well, there are actually two issues and one is the buffering and the other is the 15'.

Mr. Okum: But the applicant can deal with both of those or comply by not putting a line.

Mr. Randy Cooper: But the application includes the line and we are saying that we can remove it. This is a discussion.

Mr. Okum: I understand. I just think that if I keep the motion the way it is with the considerations that Ms. Crow placed on it, if you comply then there is not an issue. Unless you wanted to be stronger Mr. Cooper and you say we erase that setback line.

Mr. Randy Cooper: We want the landscaping and we want that buffer between their building boundary and our driveway; we think that is appropriate and so regardless of whether or not there is that property line in the rear yard buffer, we will have that landscaping. It is really the function of the erasure of that line. Everything else would be the same except in terms of our over achieving on compliance with the Code because without that property line we don't have that rear

yard issue. It is internal. A lot of the things that you are seeing here today, we have already negotiated with Walter because we are the owner of the rest of the shopping center.

Mr. Okum: Your businesses and your clients see the back end of that building.

Mr. Randy Cooper: That's right. In terms of that landscaping and all of those design functions that are on your drawing, they don't go away. It is just a function of whether or not we are going to accept this as a separate parcel. That is it. Walter and I will say we have a ground lease instead of owning his lot. We will go either way.

Mr. McErlane: The only other thing that I was going to suggest or ask is what about the possibility of removing that line?

Mr. Randy Cooper: Then I am giving him our driveway. I want to control the driveway.

Mr. McErlane: Obviously since this has no curb cuts, there are agreements.

Mr. Randy Cooper: Yes. There is a separate easement agreement.

Mr. Okum: What if that consideration said, a rear yard with buffering approved by Staff and they can make it whatever they wanted. Frankly I don't care where the line is. You may not be the owner in thirty years; you have to sell that property and you have to tell them that you don't have any control over the back end of the Waffle House parcel that you sold off.

Mr. Randy Cooper: Again, part of the PUD and the agreement that will be approved here tonight will be memorialized and it will have to be honored in perpetuity as we did with the rest of the shopping center.

Mr. Okum: Ms. Crow, what do you think should replace #10?

Ms. Crow: This was just because of a separate lot; that was the only reason that would have been required. If the Commission is comfortable with having the landscaping component being addressed so that there is adequate landscape screening between the buildings in the center and the Waffle House site, I think we could say something to the effect of "with consideration that this is an internal shared property line" or something to that effect, as long as landscaping is provided.

Mr. Randy Cooper: It is perceived to be an integral part of the shopping center and buffering needs to be provided from its rear facade.

Ms. Crow: And then that would then be the carry over and so we could actually eliminate the need for 15' rear yard, if that is Planning Commission's position on that. It would just be a landscaping requirement.

Chairman Darby: I think silence indicates that Members are of the mind that we just want it to be made to work.

Mr. Okum: Are you o.k. with that, Mr. Cooper, that Staff reviews and approves that?

Mr. Randy Cooper: The buffer.

Mr. Okum: My consideration is that this is an integral part of the PUD; the east rear area shall be adequately buffered and it shall be reviewed and approved by Staff.

Mr. Walter Barineau: Can I make one suggestion? I was looking back and

Ms. Crow and I are in agreement; I think as long as you state the buffering will be consistent with the approved PUD then that covers everything, and is approved by Staff.

Mr. Randy Cooper: You are talking specifically about that rear yard?

Mr. Walter Barineau: Right.

Mr. Okum: I don't see how you can do that, sir. We really don't have significant buffering considerations on that site. The back has a wall and that has buffering on that wall.

Ms. Crow: I would also maybe suggest, you do have a utility line that runs right through that landscape area or the storm sewer line, planting of any depth would be a significant issue so I would perhaps consider this more internal landscaping to buffer.

Mr. Walter Barineau: I would agree with you wholeheartedly.

Ms. Crow: And that could be approved by Staff, would be the condition on that one, along that whole western wall.

Mr. Okum: So what I said doesn't apply. With consideration of this as an integral part of the PUD, the east rear area shall be adequately buffered which shall be reviewed and approved by Staff.

Ms. Crow: I think that is accurate.

Mr. Okum: So #10 would not apply and #9 would not apply. In #7 of Ms. Crow's recommendations and considerations, it says the cooler utilities shall be clad with the same material approved for the primary structure and integrated into the building's architecture. The dumpster is wrapped with the same material as the building would be approved of, quick brick. Staff had indicated that they would be approving all the landscaping material which is consistent with what is on this site. On the back, the dumpster enclosures, if we were to take that by literal interpretation of what was approved, the dumpster enclosures are not screened with landscaping but because of where your site is your dumpster enclosure will be required to have Staff review and approve landscaping buffer around the side, front yard.

Mr. Walter Barineau: Once again, we have provided it so we intend to.

Mr. Okum: Based upon what we have seen, you are o.k. with #1 through #8 of Ms. Crow's recommendations?

Mr. Walter Barineau: With one clarification; #5, we will provide the clarification of the locations but I still want to be governed per the PUD on plant type and size.

Mr. Okum: Species and sizes of plantings?

Mr. Walter Barineau: Correct.

Ms. Crow: I think that would work. I guess I need clarification and maybe I should request this, with that submission that we have a preliminary landscaping plan submitted so that we can review against it as opposed to having to go through our records and find what you are referencing.

Mr. Walter Barineau: Most definitely. On #8, we talked about trellises and those types of things.

Mr. Okum: I understand. There was a lot of discussion about a lot of different things that we have not seen. I think what they are indicating is that you add

additional architectural details. Now that would need to be submitted and approved, whether that is trellis or shutters or faux windows, or whatever.

Chairman Darby: Mr. Bauer, that was your discussion. What were the things you had in mind there?

Mr. Bauer: I am a visual person; so, something to break up that wall.

Mr. McErlane: That was going to be my question. What do we do with #8 and what is going to be acceptable since we are just throwing out ideas at this point and time. You tossed out several ideas and you kind of laid it on Staff to determine what is going to be acceptable to the Commission. That is my concern there.

Mr. Okum: If we get past this point here, what does it hurt for the applicant to come in with that south elevation detail?

Mr. Walter Barineau: Building a column into that wall?

Mr. Okum: That may be, but I would have some dialogue with the City and Staff because that is important.

Mr. Walter Barineau: I don't disagree with you but my question is whether to build a column into the building or add something onto the building? Two very different things.

Mr. Okum: I think you need to show us some samples of that and that decision can be made; Mr. Bauer said he is a visual person and I am a visual person.

Mr. Walter Barineau: O.K. I am thinking more structural verses aesthetic.

Mr. Okum: A shutter is an architectural detail on the building. I am not talking a structural element.

Ms. Crow: Can I ask Planning Commission a question because to me articulation would be some use of pilasters or some kind of horizontal in-and-out with some detailing on it. I would say that we have a 75' long facade and you have probably about 10' maybe where you have windows that are around the corner, so that leaves you with 65' of uninterrupted wall surface at this point; I would say something in the 20' to the 25' range to put some differentiation there. I don't think it has to be extreme and I would ask Planning Commission if that is what you have in mind or would you rather see something with windows and shutters, like a continued pattern that way, so that when I review this I have some guidance about what you would prefer?

Chairman Darby: I think it has been agreed that windows are "out".

Ms. Crow: Faux windows or shutters, is that something that Planning Commission is interested in?

Mr. Okum: Are the two windows on the front building faux windows?

Ms. Crow: I don't believe so, those are real.

Chairman Darby: Before we get into a heavy discussion on windows, wasn't it agreed that windows weren't practical because of the things inside?

Mr. Walter Barineau: Right, but faux windows or shutters or something that you are adding to the building from an external standpoint, you are attaching it to the building as opposed to building it into the structure of the building.

Ms. Crow: It is part of the cladding, instead of the structure.

Mr. Walter Barineau: It is not cladding because the building is a structure and you are adding a column. It is a lot harder to do that than to add a shutter.

Mr. Okum: It is too important, I think that if we get through as much of this as we can and make that conditional, a building elevation can be submitted and it comes back next month. I don't think we should be designing it here in this meeting and I think we need to give the applicant an opportunity to put down his best answer to the question and resolve it.

Ms. Boice: Before we go on any more with all this cross conversation about windows and shutters and trellises, I think your last suggestion was very good, let's close it down on that wall and come back. We love having you here; come back and we will discuss it again and probably come up with something very dynamic.

Mr. Okum: Is that o.k. with you, sir?

Mr. Walter Barineau: Yes.

Mr. Diehl: Rather than us telling you what we want, this is your building and I think you should tell us what you want.

Mr. Walter Barineau: Sure.

Mr. Vanover: A couple times a comment has been made that we are holding you to a different standard than what was agreed upon. Rules and regulations change. You can't build that building today under the same standards that you built your Center. Building standards have changed. I am an electrician and as a matter of fact we have a new code coming in 2014. I walk into your building and it passed code when you opened the doors, we make a substantial change and remodel an interior then that new code is put in place; it doesn't matter what the approved was. That just irritates me and that is part of why I have been quiet because I was sitting over here boiling and rather than open my mouth and stick my foot in it, it is better to cool my jets. I take great offence at that statement. Also, a comment was made about Planning; our job is not to design but we can offer suggestions and offer guidance but it is not our job to design this project. In the past, sometimes we have quite honestly bordered on that. It needed to be said and aired out. We are a Planning Commission but it is approving developments in accordance with our Zoning Codes, our City Plan and the whole ball of works. Thank you.

Chairman Darby: At this time I am going to ask a question of the two Council persons: In your opinion, is what we have here consistent with the preliminary plan approved by the City.

(Mr. Diehl and Mr. Vanover both nodded affirmatively.)

Mr. Okum: Mr. Chairman and Planning Commission Members, I would like to move for planning for the Midwest Waffle Springdale Towne Center out lot approval based upon submission C-3, L-1 lighting plan, building elevations and signage plan submitted to us on 9/27/2013. We shall include in this motion all Staff, City Engineer, City Planner recommendations and considerations with the following exceptions: item #10 and #9 of Ms. Crow's report regarding 70% of the building shall have a residential roof and item #10 being the rear yard setback issue. The additional items to Ms. Crow's recommendations are #5, there shall be verbiage added based upon approved PUD species and size of plantings for this development. Item #10, additional wording shall be that this item shall be submitted and approved by this Commission at a following meeting. The other item will be in reference to item #10, with consideration that this is an integral part of the PUD and the east rear area shall be adequately buffered which shall be reviewed and approved by Staff. The other items to be considered in this motion are the mechanical units shall be screened from view of the adjoining properties and the public right of way. All mechanical units shall be screened by the roof system. All lighting fixtures shall match the existing lighting in the Center. Landscaping shall be reviewed and approved by Staff. The signage conditions shall be as per the sign plan submitted and not those shown on the building elevations.

(Mrs. Ghantous seconded the motion and with a six "aye" votes and one "no" vote from Mr. Vanover, the Planning Commission Members approved the development plan for Waffle House at 11520 Springfield Pike.)

Chairman Darby: Welcome to Springdale.

VII. NEW BUSINESS

- A. Chairman Darby: We will move on to the next item on the agenda; Minor Improvements, signage material and color changes to the facade for Value City Furniture, 94 West Kemper Road.

Mr. Tom Martin: I am from M. S. Consultants.

Mr. Eric Schreiber: I am from American Signature, Inc.

Mr. Tom Martin: We are removing approximately 490 s.f. of glazing of the front elevation of the Value City Furniture at 94 West Kemper and we are proposing to use a fiber cement panel in its place. Staff comments stated that we did not have a color rendering so we are providing a sample for you.

Mr. Okum: Are those 4' x 8' panels, sir?

Mr. Tom Martin: Yes.

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

Mrs. Boice: When I first got my packet on this I was delighted, it is very sharp and it is surely an update in that area where Burlington is coming in. We are going to have a lot more life going on there. That makes me very, very happy. I would like to make a motion that we accept it as submitted.
(Mrs. Ghantous seconded the motion.)

Mr. Bauer: Just for clarification; the windows that were there before, did they provide lighting into the store?

Mr. Eric Schreiber: No, not into the store. It provides light into the entryway but to get into the store you had to walk through a 300' hallway.

Mr. Bauer: It has been awhile since I have been in there. Will you be adding light to the interior of that space?

Mr. Eric Schreiber: Yes. It will be sufficient.

Mr. Diehl: Are you just doing Value City or are you going to do Burlington, too?

Mr. Tom Martin: Just Value City is our client. That is all we are working on.

Mr. Diehl: I am curious why you are not doing both?

Mr. Tom Martin: Burlington is not my client.

(At this time Mr. Bauer polled the Planning Commission Members and with a unanimous "aye" vote the request for signage material and color changes to the facade for Value City Furniture, 94 West Kemper Road was approved as submitted.)

VIII. DISCUSSION

- A. Chairman Darby: The next Planning Commission Meeting is scheduled for November 12th.

IX. ADJOURNMENT

Mr. Okum moved to adjourn; Mr. Vanover seconded the motion and the meeting adjourned at 8:56 p.m.

Respectfully submitted,

_____, 2013 _____
Don Darby, Chairman

_____, 2013 _____
Richard Bauer, Secretary