

PLANNING COMMISSION MEETING

May 10, 2016

7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Richard Bauer, Don Darby, Tom Hall, Marjorie Harlow,
Lawrence Hawkins, Dave Okum, Joe Ramirez

Staff Present: Gregg Dale, City Planner; Don Shvegza, City Engineer;
Gregg Taylor, Building Official

III. MINUTES OF THE REGULAR MEETING OF APRIL 12th, 2016

Chairman Darby: At this time, the Chair will accept a motion to adopt the Minutes of our previous meeting of April 12th, 2016.

Mr. Okum: Move to adopt.

Mr. Hawkins seconded the motion. With seven "aye" votes from the Planning Commission members, the April 12th, 2016 Minutes were adopted as submitted.

IV. REPORT ON COUNCIL

Mrs. Harlow provided a summary report of the April 20th City Council meeting to include an ordinance authorizing the City of Springdale to work with ODOT for the State Route 4 Southbound Lane Addition Project, an ordinance for TEC Engineering for professional services for operations and maintenance of the City's traffic control system, and an ordinance amending Ordinance 3-2016, this was the ordinance to borrow money to tear down the Sheraton Hotel. We needed to do an amendment to that because of the timing of the bond issue and the dates that were required by them. We also had an ordinance for contract with O'Rourke Wrecking Company for the demolition of the former Sheraton Cincinnati North Hotel.

Council also met on May 4th, 2016, with only one item on the agenda, authorizing the City to participate in the Ohio Municipal League's 2017 Worker's Compensation Group Rating Program and that passed with a 7 – 0 vote. We did have some discussion that I think this Board should know about, Charter Revision Committee has brought before Council for consideration whether to have Council member only - this does not pertain at all to residents or Mayoral appointments - this is for Council member-only appointments to BZA and Planning to be two-year assignments as opposed to four-year assignments. This is something that I had talked about when I was President of Council because it gives you more flexibility in moving your Council people around to different committees. Council voted 6 – 1 to have our Law Director bring in an ordinance to see if we want to pass it to put it on the ballot for the electorates of the City to vote on. The second item was Mr. Shroyer made a motion to ask the Law Director to bring in an ordinance that would remove the one district person and one at-large person from the boards, so the Board then could be made up of any Council members, it could be two at-large, two district. I don't know if you want to talk about this now or if we want to talk about this later in the meeting but I would like to know your feelings are so that I could take that back to Council.

Chairman Darby: Personally I prefer we talk about this during the Discussion portion of the meeting.

Mrs. Harlow: The other item that I wanted to let you know about, which I am very pleased to bring up, is that we have a letter that is addressed to all three of the County Commissioners. It is a letter from the elected officials of the City of Springdale thanking them for partnering with the City of Springdale for the demolition of the former Sheraton Hotel project. The County's contribution of \$300,000 in Community Development Block Grant funds, in addition to the \$50,000 in Transient Occupancy

Tax funds, will go a really long way in helping us get that building down. We are very, very grateful to our Commissioners for working with us and providing this. That is the end of my report and I would be happy to answer any questions.

Chairman Darby: Thank you very much.

V. CORRESPONDENCE

Chairman Darby: We do have an article up here from Mrs. Harlow; let's save this for Discussion.

VI. OLD BUSINESS

Atrium Hotel and Conference Center, 30 Tri-County Parkway, Springdale, Ohio, Planned Unit Development Zone Map Amendment and Preliminary Development Plan

Chairman Darby: By request of the Atrium, this is to be moved to the June 14th meeting. Mr. Taylor, would you give us a brief summary of this please?

Mr. Taylor: Yes, sir. Thank you, Mr. Chairman. You folks might recall, when they came before us at the April meeting, they were represented by legal counsel who had been very recently obtained, so he didn't feel like he was prepared to go forward so they asked to be tabled until this meeting. In order to provide a better submission to Planning Commission, they asked if we could just go ahead and move it until June - the reason being that the deadline for submission for this meeting was virtually two or three days after last month's meeting and they just didn't feel like they could be ready in terms of providing a quality response to our initial Staff comments in time for this meeting. That was the reason for the request of delay.

Chairman Darby: I think we should revisit, not too long ago, we had one presentation that was tabled a number of times, where the applicant was asked to withdraw and then reapply - how many times did we table?

Mr. Taylor: It was the cell tower and it went on and on and they finally withdrew. I think it would be appropriate, if we want to place some limitation on it, I can communicate that to the Applicant and tell them, if it's your pleasure, if they are not ready by June to withdraw and then reapply.

Mr. Okum: I would so support that as well. I certainly think that the Applicant needs an opportunity to review Staff's comments and get back to us with their interpretation of those issues. So I would move to table this until the next meeting of June 14th.

Mr. Hawkins seconded the motion and with a unanimous "aye" vote from the Planning Commission members, the request to table was approved.

Chairman Darby: By the way, for the record, let me mention that in Mrs. McBride's absence, Mr. Dale is with us this evening. Good to see you again.

VII. NEW BUSINESS

- A. Tri-County Mall, 11700 Princeton Pike, Springdale, Ohio, Revision to PUD District Development Plan, Outparcel #4

Chairman Darby: Applicants, please come forward.

Mr. Schupp: Hello, my name is John Schupp. I am with Avison Young representing Tri-County Mall. As we noted at the last public hearing last month, that Outparcel #4 would be coming up as part of our procedure with our redevelopment of the Center. We need to request this outparcel location to be approved, we do not have a name on it yet or a design on it now but the procedure is until we get a lease in place and until we get a tenant in place, we can't identify them but in order for them to approve a

deal we need to have a location for them. So, it is a procedural matter right now and we are hoping to have Outparcel #4 approved. Once we have a tenant in place and our tenant is identified then we will come back to this same Committee with the tenant details in terms of architecture and design and the other issues that are required for complete approval in this process.

Mr. Robert Rich: I'm Robert Rich with A359 and I am the architect for the project. I am here mostly to answer questions, if you have questions. I think in your packet, we responded to Staff's comments. So there should be a sheet in there with our letterhead that responds to the comments and questions that Staff had. In addition to that, we prepared this drawing which addressed mostly the traffic comments; there were traffic and water comments, so this drawing has been updated to reflect truck movement on the site and some utility movement as well.

Mr. Dale provided City Planner comments.

Mr. Dale: First of all, this is an amendment to the PUD plan and one of the things that would have to occur is that the two Council Members serving on the Planning Commission would need to make the determination that this is in fact a minor amendment, which allows for the Planning Commission to act on it. I think the Applicant made the point that what you have before you is simply the proposal to create the outparcel, when they get to the point where they have a specific development plan then that would have to come back before you and all of the other requirements of the code would have to be met at that time. The only other thing that Mrs. McBride pointed out in her Staff report for at least Planning Commission to consider and think about it is whether or not there is interest in the part of the Commission to create some sort of more pedestrian-friendly environment; the connection between the outparcel and the main building itself. I think maybe unlike some of the other outparcels that have come before the City, I think Mrs. McBride senses that this is one where there might be more of a tendency for pedestrian traffic to want to go back and forth between the main part of the mall and this outparcel. She just wanted to put that out there for the commission members to consider as it deliberates this.

Chairman Darby: Could we get the input from our Council Members, please.

Mr. Hawkins: I find this to be a Minor Departure.

Mrs. Harlow: I agree.

Mr. Taylor: Really, the only thing I wanted to say is I think I might have misled Mr. Rich. I don't know that we included their letter to you, but the Staff comments have been altered to reflect the fact that we have it and they responded to preliminary comments so I apologize for that. I believe what you have before you is in order, that drawing is included in the packet and they have in fact responded and our Staff comments reflect that.

Mr. Shvezda provided the City Engineer's report.

Chairman Darby: Thank you. At this time, we will have questions or comments from members.

Mrs. Harlow: One of the things that I thought about when I was looking at this plan was the pedestrian traffic that has been addressed by Mrs. McBride in Item #3, that we might want to consider providing pedestrian activity within the mall property. That was one of the first things that popped into my mind when I looked at that drawing. I believe that we do need to make sure that we have very visible, highly marked safe pedestrian traffic from this building pad, which is going to be a restaurant according to what is listed here on my paper, back over to the junior anchor store. That would be my comments on that, thank you.

Mr. Okum: Based upon the drawing submitted, will this facility have an outdoor dining area?

Mr. Rich: That's to be determined.

Mr. Okum: I guess you have some people in mind that might occupy this size of a space?

Mr. Rich: The mall does but it is not final.

Mr. Okum: Do you have any difficulty with the suggestions of Staff in regards to pedestrian connectivity to the mall?

Mr. Rich: No.

Mr. Okum: So you will reposition parking spaces? Restriping typically does not work well, especially when it gets wet because the old stripes tend to want to show through.

Mr. Rich: We are very willing to study what the possibilities are.

Mr. Okum: To bring it together?

Mr. Rich: Correct.

Mr. Okum: Is this the only proposed outbuilding lot that would go into that general field or is there an opportunity for a second unit on the Kemper Road side?

Mr. Rich: There are currently no additional plans for outparcels. I think I'll leave it at that.

Mr. Okum: Okay. And I guess in addition to that, based upon the drawing the dumpster container area will be to the backside or the mall side, is that correct?

Mr. Rich: Correct.

Mr. Bauer: I would echo that I would like to see some pedestrian access between that outparcel and the mall. I think it is very important to try to keep those from becoming an island. A lot of people want to visit an eatery and then venture into the mall or vice versa. One other question and maybe this is for the Commission and Staff, on that one map it indicates that there is a previously approved Outparcel #5 and that has nothing to do with Outparcel #4. Was that a concept that we approved at one time, I guess I am not remembering that.

Mr. Rich: I believe that was in 2006 when that was approved.

Mr. Okum: That is the parcel that they started to build and there was a lease issue, from what I understand with one of the tenants couldn't build in front of their exposure; and I mentioned that at the last meeting. All the infrastructure and all the concrete that was put into the ground basically got buried.

Mr. Bauer: Okay.

Mr. Rich: And the tenant mix is changing, so it may be there in the future.

Mr. Bauer: Okay, thank you.

Mr. Okum: Seeing no other lights, Mr. Chairman, I'd like to move for approval of the Tri-County Mall, LLC, Project #30317, to include all Staff, City Engineer, and City Planner recommendations and considerations for the project.

Mrs. Harlow seconded the motion and with a vote of 7 – 0 from the Planning Commission members, the request was approved.

B. Tri-County Mall, 11700 Princeton Pike, Springdale Ohio, Revision to the PUD District Development Plan, Macy's Modifications.

Mr. Rich: So this project is proposed as part of the redevelopment of the mall. It is primarily a façade, it's more than paint-up and fix-up - it is really to freshen up the façade of Macy's. It doesn't change the floor area of Macy's, it doesn't change the height of Macy's; in fact, it doesn't change the envelope at all, the physical envelope. Primarily what it is, is recladding the blue tile that is on the mall that gives it a dated appearance now, with a white finish. I brought a color and material board. Repainting the brick and the concrete that is currently painted; it would be a white color and right now it is grey unfinished concrete color. So it will be painted white along with the brick and then also to replace the canopy that is currently on the west entrance of the mall with what is Macy's current prototype entrance. So that the storefront and then the cover will be open up more so that there is a little bit more visibility into the store and then also to extend what will be the landscaping for the future lifestyle center that will be occurring just to the south of Macy's, to extend that landscaping over across the front of Macy's to connect it. Again, this is just another image of the blue tile that is being covered with the EIFS material that is on this color board. This also shows the change in the canopy frontage, the covering of the blue tile and the extension of the landscaping. This doesn't exactly depict the landscaping as it is drawn on the plan but I think it represents the character. The landscaping on the plan is what is being proposed. This was an image that was prepared just to explain the concept to Macy's. This is also proposing that the small one-store area that is to the left of the main body of building, which is currently clad with a T-11 plywood, it will also be re-clad to match what we are covering the blue tile with so that it will bring the building together. We are not changing the parking, we are not changing the curbs, we are not changing the bridge; all we are doing is really covering the blue tile and replacing this entrance that is here on the west side with an updated version that Macy's currently uses when they redevelop their buildings and their new buildings so that the store itself will have a changed appearance and it will really help the momentum to refresh and reinvent the entire center. This shows a submittal with the landscaping and I will say that there were some comments about the landscaping, this landscaping is consistent with what Macy's does at their entrances; I do Macy's stores all over the country and they are pretty comfortable with mass plantings. Your Landscape Architect, every time I have made a submittal, she doesn't like when we do mass plantings but they seem to be pretty successful in places like Washington Park and other large landscaped areas and that is currently the concept that Macy's pursues. I am just remarking that she made a concept that she didn't like the mass plantings but that is consistent with what Macy's is doing across the country with their new stores and their remodeled stores.

Chairman Darby: Any questions?

Mr. Okum: Just for clarity, mass plantings, you are referring to clustered?

Mr. Rich: Well, she didn't like the fact that we were using Dwarf Hameln grass in the large planted areas without a lot of other plant materials in that plant bed. It is more of an architectural way to plant plants; I mean the best examples that you can see of that are places like Washington Park in Over the Rhine where there are some large mass plantings of native grasses there. She had made the comment in the wintertime when they are cut back that there is nothing green there but that is part of the seasonal change that happens for the character of the building. So, I just brought that up because she had made that comment.

Okum: So her position has been to have a variety of plantings.

Mr. Rich: That's correct.

Mr. Okum: I just want to understand what your variety of plantings versus consistency of plantings that are of one variety.

Mr. Rich: Well, there is more than one variety but it is larger beds.

Mr. Okum: Larger beds, okay, I understand. Thank you.

Chairman Darby: Again, on this project we need to get our two Council Persons to determine if this is a minor change.

Mr. Hawkins: I find it to be a minor change.

Mrs. Harlow: I agree with Mr. Hawkins.

Mr. Hawkins: The changes to the building, I think make it look very vibrant and modern; it looks good. I just want to be clear, this design with the color scheme, the material, you are saying this is unique to Tri-County or this is in line with other Macy's that are being redeveloped at other places?

Mr. Rich: It is not unique to Tri-County. This is consistent with what Macy's is building across the country. This is really how they are refreshing their buildings and actually I designed the prototype for Macy's and we are currently doing this across the country. The color scheme is consistent, the new entrance, canopy is consistent and they want their buildings to be white; they think that works best for their identity and gives their logo icon better presence off the face of their building. So, we really kind of brought it up to their standards that they are currently using.

Mr. Hawkins: Do you have a feel for what percentage of old buildings have been revitalized or turned into this?

Mr. Rich: Well, you know it is interesting and I can't say anything bad about Macy's because they are a nice client of mine but they do it whenever the developer will pay for it.

Mr. Hawkins: Okay.

Mr. Rich: And in this case, the developer is paying for it.

Mr. Hawkins: In the scheme of things are we toward the end or the beginning or sort of in the middle?

Mr. Rich: Well, I would say that they have a current program and I would say I have designed their prototype now and it has been probably about seven years ago and there was a pretty slow period from about 2008 until about 2011, where they didn't do a lot of new stores or remodeled stores just because of the decline in the retail market. They have most recently spent most of their capital at Herald Square but they are currently back in business and refreshing stores. I am currently involved in five projects that they have for facelifts to the store similar to this in other parts of the country.

Mr. Hawkins: Thank you.

Mrs. Harlow: I just wanted to echo what Mr. Hawkins said. It is very refreshing. I really think the paint or exterior colors that you have chosen will make a huge difference in the overall corner there. I think it will be very, very nice and just work the landscaping with Mrs. McBride. I am very pleased to see this update happening.

Mr. Dale: With regard to the landscaping, the comments that were made about the landscaping is really isolated to the one landscape bed. I am confident that the applicant and the Landscape Architect can resolve the details for that and I don't think that is a sticking point for us here. A couple of other minor points, one is I think really

is a questions that Anne had with regard to whether or not there would be any changes to the exterior lighting of the building as part of this plan?

Mr. Rich: The changes to the exterior lighting would be that there are some exterior lights that haven't been operational for a number of years, especially that illuminate that top level and we are going to replace those so that there will be that exterior, what is blue tile which will be white, will be illuminated.

Mr. Dale: But as originally designed, just made operational?

Mr. Rich: As originally designed. Actually, because I was involved when it happened, it looks really good but there needs to be new efficient fixtures installed in place of the ones that are there now.

Mr. Dale: The other question had to do with rooftop equipment and whether there is any plan to screen rooftop equipment or whether that is an issue of concern?

Mr. Rich: We weren't going to change the envelope of the building at all. So we didn't propose to try to raise the parapet because that would cause structural stress to the existing walls which Macy's is very sensitive to. So we haven't proposed to raise the height of the building or alter any of the exterior except to just cover the blue tile that exists there today.

Mr. Taylor provided Building Official comments.

Mr. Shvezda provided City Engineer comments.

Mr. Okum: I am happy to see the update on Macy's; I think it is due and I am pleased to see it. It brings longevity to their position in the mall, as well. We do have a standard for our code regarding the mechanical units being screened and I don't think it would be inappropriate to treat this any different than what our code calls for on the mall. I don't think necessarily raising the parapet would be appropriate because it is a major change to the building but I think some screening that the applicant could work out with Staff in regards to being consistent; it makes it difficult for us to deal with other developments, even your other outparcels, if we give variance to that and we have other developments and redevelopments in the community that occur; it is part of our code so I would like to see something worked out if possible to attend to that.

Mr. Rich: I think we are happy to approach Macy's with that; they are very sensitive to building being modified on the roof.

Mr. Okum: I am not looking to modify the building but there are methods of systems of screening for mechanical units that can be done.

Mr. Rich: We are happy to go to them and relay the fact.

Mr. Okum: I would make it part of the conditions and then let you work with Staff to come up with some resolution and that would give them an opportunity to get comment back. We are going to see you again, I am sure.

Mr. Rich: Yes. As long as it is not a parapet, is what I am saying because I know they won't let us add a parapet to their building.

Mr. Okum: Our code doesn't require that. The terms that I typically use in the motion would be "mechanical units shall be in Staff's and Planning Commission's approved enclosure and screened." That would be the approach and you can deal with that and submit something to Staff that you think would work with that building elevation. Your mechanical units on that building do stand out pretty significantly.

Mr. Rich: My only concern would be that it would delay the project.

Mr. Okum: I think you can work through that pretty quick.

Mr. Rich: I am just saying, given the workings of Macy's that my only concern is that it might delay the project.

Mr. Okum: I understand. Thank you.

Mr. Bauer: Just to clarify the lighting, the lighting that currently exists around the upper perimeter, you talked about making it operational but I heard you say that you were going to make it more efficient so are you planning on changing fixtures?

Mr. Rich: Yes, we are going to change the fixtures but we are not going to relocate them.

Mr. Bauer: They will be in the same location.

Mr. Rich: The electrical is there, so we want to replace the fixtures with more efficient fixtures.

Mr. Bauer: LED type of lights?

Mr. Rich: Probably, yes. They haven't been selected but that is the intent.

Mr. Bauer: Okay, thank you.

Mrs. Harlow: Okay, Mr. Okum, you're not going to like me, but let's talk about the fixtures that were on the roof when the original zoning was granted for this. What is there now, is that what was allowable?

Mr. Okum: We are talking thirty-five, forty years ago and we didn't have those things in our code.

Mr. Rich: Actually the building was remodeled in 1996, I believe and that was the latest iteration of it.

Mr. Okum: We have had that in our Zoning Code for screening mechanical units in our code for at least 20 years, if not longer.

Mrs. Harlow: Was this addressed back in 1996 when they came in? I don't want to see this project held up because of the mechanical units on the roof.

Mr. Okum: I understand your position Mrs. Harlow but the situation is that it is difficult to put restrictions and conditions upon other businesses and other developments in our community if we don't hold everybody to a standard that is consistent.

Mrs. Harlow: I agree. I think that we should hold people who are doing new development and doing new construction to the standards that are in our code right now. They are coming in to put lipstick on this and a little bit of makeup. They are not coming in with a redevelopment where they are actually changing the profile of the building, adding any construction to the building. They are just putting paint and making it nice so I do have a little bit of an issue with that part of it. I don't want to see the project held up in any way, shape or form. Macy's has been a very important business that has come into Springdale and I want to see us work with them the best way that we possibly can.

Mr. Rich: Can I clarify something; when I said it may delay the project, it is not that Macy's wouldn't want to do it. It would delay the project because there would need to be investigation done on the building as to when we would build onto the new roof, how it would affect the existing structure and whether the structure would actually have to be amplified in order to hold up something like a wall that the wind could blow. When you have a wall like this and you have wind, it has to have support

so they might have to add structure to the underside to the building to do that. To do that investigative work, I am just saying that it could literally delay the project probably about six months. We want to move forward with this and I am not saying that it will definitely delay it but I am saying that we are willing to go back to Macy's and work with them but I can anticipate that the investigative work that they will require on their building would probably delay the project.

Mr. Okum: I realize that Macy's owns that building, so it is theirs. I can understand the logistics of the design effort. I am not asking you to delay the project or the process. I am asking that within the period of this PUD update, the entire mall update, that that is not pushed aside and not done. It could certainly be done within the period of time that you can do the engineering and have the analysis done and meet with Staff with some possible alternatives that could work and not hold up this re-facing and refinishing of the exterior of the building. Just because there is no timeline on this improvement, there is no stated date that you have to have it completed by; so...

Mr. Rich: We would hope to be able to get a permit within a month.

Mr. Okum: And I wouldn't have a problem with the Building Department accepting your permit application with everything else and that part being set aside but not left alone. I am sure other communities, Mr. Dale, you probably could comment on this in regard of other communities working with developers all the time that give them a period of time to get issues worked out. Raising Cane's, a simple little business that had a driveway entrance that was to be constructed going into the Sam's property and because of timing and everything, they opened and were fully functional and they are just now building the secondary driveway entrance. They are fully functional and the City didn't hold up their project. It was to be designed, planned out and engineered but it didn't delay the process. I don't want to delay the process but I want to be consistent with all of the businesses that communicate with this community; that everybody is treated the same way and unfortunately you put the burden on the small businesses as well as large businesses with the same restrictions. The code is not dollar sensitive; the code is written to be consistent for all businesses.

Chairman Darby: Mr. Okum, let me pose a question, something that you said keyed a thought when you mentioned the possible problems that we could have when dealing consistently with people present and future. Our consistency is the code. Where does this particular request line with code?

Mr. Okum: It is in our code.

Mr. Dale: My understanding is, yes there is a requirement in the code that rooftop equipment be screened.

Chairman Darby: For this type of renovation?

Mr. Dale: I haven't investigated specifically how that applies to an existing condition. Clearly, if this was a new building it would require it so in a sense, it is a nonconformity that is existing. I guess what I am trying to think through is the sequencing of this because if the intent of the Applicant is to move forward with the building permit application within the next month then I understand that this investigation could slow that down. I am just trying to think creatively here, there must be a way to phrase the condition in such a way that you are not preventing the applicant from moving forward with these improvements but you are also not essentially setting this aside. I think Mr. Okum's point that being consistent in applying the standard is important. So I am just trying to think how you would word a motion with a condition that required the applicant to investigate this but not to interfere with the timeframe of wanting to move forward. I do understand that it would be easy say, let's just put something up there but if the reality is that it does require some sort of structural approach that would require going through the building then I could understand how that would delay things. I don't think that is your intent so I think it is really a question of how you word the motion.

Mr. Rich: I would say that I am concerned that I don't want Macy's to have any perception that it would in any way affect their occupancy of their building in the interim because if that were the case they would probably walk away quickly.

Chairman Darby: Are there any further comments?

Mr. Ramirez: I somewhat agree with Mrs. Harlow. This application here, to me is for the renovation of Macy's exterior and I don't know why we are bringing in a zoning of mechanicals on top of the roof. I may be missing something but to me, I think we should be focusing in on this application and if there are issues going further with the mechanicals then that should be addressed separately. Thank you.

Mr. Bauer: Another opinion, I guess I side with Mr. Okum because we are in the midst of a renovation and that the building needs to be made to do that. There is a lot going on there, EIFS is being built and it is a pretty sizable construction piece. That canopy is creating a new entrance, the way it is being built and the building should be brought up to code. I agree that those units are an eyesore, I pass them daily on 275, whether it is dark or it is light outside. So, I think it needs to be addressed. I do not want it to hold up the project. I think we need to word the motion such that you could proceed with your work that you are doing right now and then the evaluation of the screening of those mechanical units be done as we are proceeding with the rest of the work to see if it is a viable option and not impact anything that Macy's is doing currently or in the future.

Mr. Rich: I would hope that it would be worded such that there is some evaluation as to how viable it is, whether it compromises the integrity of the roofing structure system. Because those are tall units it is going to be a pretty large enclosure that is going to have to cover it. I am guessing that is why it wasn't done in the past.

Mr. Bauer: And I would agree. There has to be some viability study to see what can be done and what the cost it. I am not advocating doing it at no cost. Obviously you guys need to look at that aspect.

Mr. Hawkins: I'll be of little help because I don't want the project held up but I want screening. So, if there is a means in which the motion could be worded in such a way that the applicant is going to make some good faith effort to go through that process without it being conditional, then that is great. To me, I think the question of whether this renovation takes away being grandfathered-in from not having to be in line with the Zone is a legal issue. I don't have the answer to that. I am thinking that it may not rise to that level. But, with that being said it would still be nice if you guys could get those things screened. I don't want that to hold up what you have going on and the redevelopment of the building on the outside, aesthetically. There is something to be said about the aesthetics in trying to be consistent throughout the City with screening rooftop equipment. I don't want it to be something to hold up guys up but I do want a good faith effort to be made to try to make that happen, whether it takes three months, six months or what have you but I would hope that at some point Macy's would take that step to try to be in conformity with what is around the rest of the City.

Mr. Rich: I don't want you to misinterpret my comments because the mall wants it screened as well but the mall doesn't own the building, Macy's owns the building.

Mr. Hawkins: Right.

Mr. Rich: And Macy's is a little – you know, it's their building. The mall wants the facelift and Macy's has consented and said "okay you can facelift our building, we will allow you to". They are very sensitive about what goes on in their building because in the end they own it. I don't want you to get my comments wrong because I know that the mall would love to have it screened magically. I just know, because I do a lot of work for Macy's, how they work and they are sensitive to other people touching their building because it is their insurance and they have to upkeep it over the long term.

Part of the negotiation with this we went through the details and everything to touch their building as little as we could. It would be a good faith effort but at the same time we have to negotiate with Macy's to build on their building.

Mr. Hawkins: Mr. Dale and Mr. Taylor, do you interpret the situation to be something to be where their preexisting grandfathered-in status is impacted by the changes that are being made or those changes are not significant enough. Obviously, they are not tearing the building down and building a new building.

Mr. Taylor: Well, I think your comment about this really ultimately being a legal question is the right answer. I am certainly not prepared to say it is too minor or it is major enough. I wonder if a condition could be that a feasibility study, if you will, a submission of a feasibility study be required. Maybe Staff could then present to Planning Commission at a later date and these guys could do some investigation and determine. I would gather that reinforcing the roof structure pretty much negates any possibility of this happening. I think realistically, from what I am hearing from you folks that you probably don't want to maybe take a chance on getting sideways with Macy's here. I was trying to take the temperature of the Commission but if there is a way to do it that doesn't involve major structural renovation that possibly there is some support from the mall, as well, maybe there is some room for middle ground here.

Mr. Dale: I think what Mr. Taylor suggested makes a lot of sense in that one of the conditions be that they perform a feasibility study of the screening and it would have to come back to you. If you conclude that they are not meeting that condition then you would have your course of action at that point. I think that is a reasonable approach, as a way to balance the various considerations.

Chairman Darby: One of the things that Mr. Okum did mention is that you would be in consultation with Staff. Dave did you see them coming back to us?

Mr. Okum: No, not necessarily. Staff has been approving structural and changes to the screening approval for mechanical units on pretty much every development. What happened at Sam's with their mechanical units, which ultimately got screened on the new replacements that got put on their roof and so forth. There is two ways of approaching this; one is we do this with feasibility, stating that the applicant comes back or goes to Staff and shows them. The other option is that the motion is raised to give them the opportunity to make their good effort and if they can't make it work all they have to do is get on the agenda for Planning Commission and have us give them relief. It's not that complicated that we wouldn't do that. Let me phrase the wording that I think would work, I think for the motion and this is concurrent with Mrs. McBride's recommendation and consideration, as well: "Mechanical units shall be screened from view of adjoining properties and or the public right of way. Mechanical units shall be in Staff and Planning Commission's approved enclosure and screening; allowing necessary time that the applicant can investigate, design and implement a system that does not compromise the structural integrity and the structure that would require major structural changes to that structure." It pretty well gives a lot of breadth. Does Staff understand that? Is that strong enough that Staff would be comfortable with giving the permits for all that they want to do and allowing them to make their presentations and evaluations?

Mr. Dale: Could you read that again?

Mr. Okum: I will try to do that one more time. "Mechanical units shall be screened from view of adjoining properties and or the public right of way. Mechanical units shall be in Staff and Planning Commission's...", we may not need to say in Planning Commission's, "...approved enclosure and screening; allowing necessary time that the applicant can investigate, design and implement a system, such system shall not compromise the structural integrity of the structure which would require major structural changes to that structure."

Mr. Dale: What would the timing of that be relative to their ability to get permits to move forward with the façade improvements?

Mr. Okum: There is no time requirement on any of the applications. So, since there is not a time limit given by the applicant of when they would complete the project, then there would be no time limit on the motion.

Mr. Dale: My question is, would the Applicant be required to meet that condition before they could get their permits to go forward with the work?

Mr. Okum: That is not my understanding.

Mr. Dale: Okay. That is what I wanted to be clear on.

Mr. Okum: I could add wording that the permit process will not be held up by this procedure.

Mr. Taylor: I guess I would appreciate you adding that statement regarding the permitting because typically if there is a condition that Planning Commission places on something and somebody comes in for a building permit later, then we wouldn't grant the building permit unless the action of the Planning Commission was fulfilled. Then secondly, I think the right answer is if Staff can't approve it, then my understanding is then the applicant would bring another application before Planning Commission. So they would apply, but we can't meet this condition and you guys would then evaluate it at a later date. I would rather it be your decision that it okay or not okay.

Mr. Okum: Then we will leave, "and Planning Commission's approved enclosure in screening".

Mr. Taylor: Okay.

Mr. Okum: It gives them the latitude and it gives us the flexibility to get relief.

Mr. Schupp: If I might interject as well; on the minor versus major, cost to replace this building is probably about \$35,000,000 to \$40,000,000. What we are proposing to do, although we haven't actually bid the job, is maybe three percent of the cost so it is very, very minor dollars compared to building replacement. Of course everybody understands that we have to bring it up to the current code, point number one. Point number two, if your wording does not have in there, "if Macy's says no", because that is their building and that needs to be a legitimate out; that needs to be legitimate relief. If Macy's says no, then there is nothing we as the landlord for the center can do to force their hand. I'm not saying we run to them and plead with them to say no, they don't care really because it is landlord's dollars. They do care, because as Mr. Rich mentioned, it's their building and their sensitive to their building. We've had to come up with a different means of attachment on that blue tile in order to minimize damage to the blue tile which is damaged already, and the substructure underneath that. We worked around their engineers and their consultants of how we do these improvements and even painting is just not simple painting, it is investigating if this paint is going to add too much weight to the brick to cause it to delaminate someplace else, the vapor pressure build up, so they are extremely sensitive to their building and what we do to it. If they say no, then I want to be certain that that is a relief here.

Mrs. Harlow: I would like to see that, as well because your hands are basically tied. You can either get Macy's permission to allow the investigation of putting a screening around or they are going to say no and they don't want any part of it. My take, as a Council person and as a former Chairperson of the Finance Committee, we had to look at budgets that were bone thin and we were using a meat cleaver to chop, I don't want to see anything slow momentum of the mall down. I want to see the mall be able to move forward as quickly as they want to move forward and as they can to revitalize, to reinvent and to repurpose the mall so that it is a viable business partner to our community. I understand those who have been here a long time but I

understand the situation that the mall is in when you are trying to work on somebody else's property.

Mr. Okum: I understand that Mrs. Harlow. I understand how important Macy's is to the community. When I made the statement earlier that our Zoning Code is not based upon how large you are or how small you are, I said that with sincerity and the reason that it applies for the mom and pop shop as well as the Macy's and the Trump Towers; it applies to all businesses. If we didn't want that in our Zoning Code, we should have never adopted that Zoning Code with that condition. By giving relief because the building owner, and I understand your reason for that because you are a Council person and that is the reason that we have Council persons on this Commission, but on land use and zoning, you treat everybody whether they are the mom and pop or they are the Macy's or the Trump Tower evenly. The code is written to be even and fair to all of those businesses. By granting that, that circumvents any part of our code that we have another applicant come in for any building elevation change that they want to make that is not consistent with the Zoning Code. Sure, this being in the PUD gives it a different perspective on what can be a variance to the Zoning Code. We can give relief, most people on here probably don't remember that we made Macy's make their sign bigger. When they came in here with their sign change ten years ago. The reason was that our calculations on the sign counted the little star that Macy's uses into the square footage and the sign was too small. Mr. Galster and I argued that the sign was too small for the size of the building elevation that it was placed on and the distance that it was from the street. And it being a PUD, we approved it. I am having a lot of difficulty and I wrote it down exactly that way, "If the tenants says no to the improvement, the Applicant shall be granted relief" and then I started thinking well, mom and pop shops and everybody who don't want to comply with the Zoning Code should be granted relief because they don't want to? And that's where I have a problem.

Mr. Hawkins: I think it being a PUD puts it in a little bit different circumstances but I think it comes down to is there a legal obligation for them to comply because just like if you been grandfathered in and then you tear that building down or go through some kind of change and you now have to come up to the standards, your prior allowed preexisting use is no longer allowed, that's one thing. Obviously when you have a PUD, we can put all kinds of conditions in there without even that, but looking at from the other way, I think there's some uniqueness to the circumstance - it's a little bit different from just everybody else who's just out and around. Based on both of those things - one that there's a non-conforming preexisting situation with the unscreened mechanicals but there's also a PUD. I would love to see them screened. At the same time, in trying to process the situation logically due to the circumstances that they're in, I asked myself, PUD aside, is it a situation where there's a change enough if there wasn't a PUD, where they would have to go do it. I'm not convinced that they would have to go do it if it wasn't a PUD. Again, it's a PUD, we can put whatever conditions we want on there. I think at some point if we're saying there's a condition to screen but you don't have to you if you don't want to, there's little point in putting the condition in there except for to make sure that they're showing good faith - it's essentially what that's for, because then if they go throw and show good faith, they come back and say hey, we did these studies. We've got this engineer that says it's going to cause some structural changes, you know, I think that's the only purpose to put it in there.

Chairman Darby: Folks, I think something we need to keep in mind as far as consistency trail again, is that that condition was there in 2009 also. There may have been different faces but it was the same commission. They didn't get screened; there had to be a rationale for that.

Mr. Rich: May I speak?

Chairman Darby: Please.

Mr. Rich: I just wanted to make a statement in reference to your comment. Macy's is not applying for this change to their building. That's the complexity of it. That's why I

think the request was made - if Macy's say no, because if they say no, they're going to say no, nothing's going to be done. So the only out for us would be if they say no, that we can still proceed with the rest of the project as opposed to having Macy's kill the whole thing. I mean that's the complexity of it; this is not Macy's coming to you, this isn't a mom and pop or anybody saying I want to do this to my building. This is

Mr. Okum: It's the PUD coming to us.

Mr. Rich: Correct, but I'm saying this request is not being made by Macy's; this request is being made by the mall and that's why Mr. Schupp asked for that request, because he doesn't want to see the project, he doesn't want to see this killed if Macy's says no because if they say no, it'll be no to the whole project.

Mr. Hall: I think the question here is, is it a Major Modification or is it a Minor Modification? And we don't have the answer to that; that would be up to Legal Counsel or to a court, wouldn't it?

Mrs. Harlow: No, it's up to the Council members of Planning Commission ... (not on microphone, indistinguishable).

Chairman Darby: Our Council person just gave us that answer.

Mr. Okum: No, he's talking about in reference to the code requiring this.

Mr. Hall: Correct.

Mr. Okum: I would hate to think that our Zoning Code is only for new businesses and that it applies only to greenfield versus brownfield development because we're in a community that we're built out, folks, pretty much. Everything we're going to see over the next 20 years is going to be redevelopment. I think that the only justification would be that, and I think it's a viable justification, that if it's structurally an impracticality, that they're going to have to go in and build columns and superstructure and the roof system won't support it, it's a dead deal, guys. It's a dead deal and the Applicant gets absolute complete relief. If the situation is that Macy's says well, I don't want my mechanical units screened, I don't know why in the world they wouldn't want it screened, but if they said that, I think it puts us in a little bit more of a difficult position for the other Applicants that are going to be coming. We've got another development we just approved tonight on another outparcel - what if that Applicant says well, I really don't want my mechanical unit screened and we say, well, you're a new development and the code applies only to new development. Our code doesn't apply to new or old; it applies to all (indistinguishable) in the community. So I really don't, unless ... Mr. Dale's looking over there, going through the code. Did you find that there is relief to be given, Mr. Dale?

Mr. Dale: Certainly, as a PUD, as has been mentioned, you have the ability to waive requirement and basically build conditions. I've just been trying to think through this and having a little sidebar here with Mr. Taylor - I think the issue of the nonconformity - I'm trying to think this through and come up with another example. For example, if they had come in with modifying the parking field, I don't think that that would trigger the requirement then that they screen the equipment so what they're essentially doing here is modifying the façade, right, just aesthetic modification of the façade. If they were proposing to restructure it, to make structural changes to it, I think the screening would likely be triggered but the provision of certain aesthetic improvements to parts of the building that aren't related to the rooftop equipment, I think you could reasonably conclude, particularly since you're in a PUD, that that's not really connected to or related to the façade, the aesthetic façade improvements.

Mr. Okum: Okay. So then

Mr. Dale: I understand your concern - without creating a precedent for future cases.

Mr. Okum: Okay. So going back to the motion, if I - I still have a problem with putting if Macy's says no to the improvement, the Applicant shall be granted relief. I think that that statement is not a good statement. I think the understanding is clear. I think that everybody wants it screened but nobody wants to make sure that it does get screened so I have a problem with bringing that into the motion but if it's the position of this commission that they want that wording in the motion, this motion maker will put that wording into the motion and I'll probably support it reluctantly, just so you know.

Mr. Schupp: May I add one more thing, another item?

Mr. Okum: No. (Laughter)

Chairman Darby: Please.

Mr. Schupp: To the point about whether screening is required or not – yes, it's in your code and I understand your position you have no more greenspace. Also in your code is no antennas on rooftops for houses but if a person comes in and wants to build a fence on his house and comes here for zoning approval on a fence, are you going to make him take the antenna off his roof?

Mr. Okum: I disagree with that being a comparison.

Mr. Schupp: I used those two analogies to

Mr. Okum: Those are two totally different things - we're talking building façade and building façade.

Mr. Schupp: We're not touching the HVAC equipment though.

Mr. Okum: You're talking physically the appearance of Macy's façade to the public right-of-way and the public and we're making - if we don't hold these standards at a certain level, like I said, and I was the one that mentioned that this is a PUD so it gives us some latitude to grant that type of flexibility but I would not want to grant that flexibility on those out lots that you plan on developing. I would not want to grant that flexibility on the old Michel's Tire building if it were to be redeveloped. And let's say that it gets refaced.

Mr. Schupp: (indistinguishable)

Mr. Okum: I don't know what's going to happen with Michel's tire so I'm bringing that up as an example.

Mr. Schupp: And we're very conscious and aware of the out lots and the sensitive points.

Mr. Okum: So if it's this commission's position,

Chairman Darby: We have one more input.

Mr. Okum: then I'll make the motion the way it's together. Go ahead.

Mr. Hawkins: Mr. Okum, I'm with you 100% in terms of folks have to be consistent. I do think there's a difference though between a building that's been there that has been allowed to exist as it is because, at the time that it was there, those requirements weren't in place versus one of these new out lots that might have a restaurant that's a grade like BJ's or something like that hopefully going in to it and saying, hey, you need to conform with the rest of the code as it's a brand new thing. At some point, and I understand where you're coming from too, if you're putting in the motion hey, you got this requirement unless you don't want to – it's like why even have it in there but I don't, and again, I understand it's a PUD, we can make whatever

requirements we want, but I don't think it raises to the level of being the same thing as essentially a new building. IF you took the old building in the back and we tore it down and made it a hotel and a movie theatre, there are requirements they're going to have to do that, if they left it alone or just put paint on the outside, they probably wouldn't have to and I acknowledge we can do whatever we want because it's a PUD but, thinking about it in the other sense, is the part that gives me pause. Again, I say all that in saying I would love to see screening on the top of the building.

Mr. Okum: I think I might have struck it when you said that I may have, if I could. I don't want to give a blank check to, and I hate to use that term. I hate to have a complete wavier on Macy's part but I think if I said if Macy's says no to the improvement due to adverse impact on their structure, the Applicant shall be granted relief. At least we tied it to a reason for the - just not the flip "I don't want to do it". I see Mr. Dale shaking his head. So then we worked through that - now does that answer the question, besides the antenna and the roofing?

Mr. Rich: I want to reiterate that it's not our attempt to skirt the rules in any way.

Mr. Okum: Then let's go with this motion, with that consideration, as those reasons. So there is an avenue for appeal and review and work through the process.

Mr. Rich: I hate this position that they just don't want to

Chairman Darby: I hate to throw a wrench, but, and please comment folks - I have a problem that a public document from this commission stating what you just said, that if this owner doesn't want to do it, he doesn't have to do it.

Mr. Okum: No, I added the wording due to an adverse impact on their structure.

Chairman Darby: Which is what we would get from the developer.

Mr. Okum: That's what, yeah.

Mr. Rich: It would be our intent - as what I said were not trying to skirt the rules - in good faith, we have already said we're going to go back to Macy's and say Springdale wants you to screen your equipment so we need to take those steps to see what we need to do to screen that equipment. The only out that we want is if, at some point in that process, if Macy's says it impacts our building, we don't want to do it, that we don't want to kill the rest of the project. I mean every other thing we have come to you and if there's been any other indication that things need to be screened, we have screened it. So we're not trying to get around anything here, we just don't want to kill what we're trying to do just because screening the mechanical equipment that's been there for fifty years.

Mrs. Harlow: Sir, you mentioned before, that Macy's was concerned for the exterior of the building when you were talking about going over the top of their existing tile - are they concerned for the structural part of the building, is there a reason for this concern that we know about?

Mr. Rich: I brought that up; we haven't broached this with Macy's because we just presumed, because it has been in that condition and we were just applying, we were putting the material over the façade - we didn't anticipate that we would need to screen that mechanical equipment.

Mrs. Harlow: No, I mean, is there any underlying structural issues that?

Mr. Rich: We don't know until we investigate it but a screen will resist the wind and those units are, I think, 20' tall.

Mrs. Harlow: Right, I know.

Mr. Rich: So the wind load on a screen causes uplift so you have to secure it down so it doesn't blow it away.

Mrs. Harlow: So if something like that would have to be done to support the screening, then that's an interruption in their business - who bears the cost of that - is it Macy's bearing the cost of that?

Mr. Rich: I think they would be worried about their cost later on, if something happened that then they have to pay for something that if you would have never touched our building, we wouldn't have to pay for, so therefore, we don't want to do it.

Mrs. Harlow: I understand.

Mr. Rich: Also, if it does offer you any relief here, Macy's will eventually have to come to you anyway because their equipment has useful life to it. Is it at the end of their useful life? Who knows? It's 20+ years old right now anybody knows HVAC equipment, 30 years is usually top end for all your equipment, so they're going to have replace that equipment at some point in time so replacement of equipment like that will come back to you at that point in time, then you have the replacement of and the screening of the equipment, just like you had mentioned that Sam's had replaced their rooftop equipment - on their rooftop replacement equipment, that's when you placed on them the burden of the Zoning Code for screening of the equipment. They will be back to you eventually for the rooftop equipment because it's not at the end of its' useful life but it's getting there.

Mr. Okum: How old is their roof?

Mr. Rich: I think it was probably replaced fifteen years ago maybe.

Mr. Okum: So they got about eight more years.

Mr. Rich: About eight more on that, maybe about ten more on the HVAC equipment so they're coming back to you.

Someone off microphone: It depends on what (indistinguishable)

Someone else off microphone: (indistinguishable)

Mr. Okum: Are we okay with that motion, with that additional wording?

Chairman Darby: No lights.

Mr. Okum: No lights, okay. Mr. Chairman, I would like to make a motion to approve Tri-County Mall, LLC, Case #30318, to include specifications, designs contained in exhibits as submitted and reviewed by Staff prior to this meeting to include all Staff, City Engineer, and City Planner's recommendations and considerations. The condition of this motion has one additional item and that is "the mechanical units on the roof shall be screened from view of adjoining properties and/or the public right-of-way. The mechanical units shall be in Staff and Planning Commission's approved enclosure and screening, allowing necessary time that the Applicant can investigate, design, and implement a system. Such system shall not compromise the structural integrity of the structure which would require a major structural change to the structure. The permit process will not be held up by this process. If Macy's says no to the improvement regarding the enclosures due to the adverse impact on their structure, the Applicant shall be granted relief from this condition."

Mr. Rich: May I make the request that you add roof in addition to structure?

Mr. Okum: On their structure?

Mr. Rich: And roof.

Mr. Okum: Okay, roof system? You're talking the covering on the roof?

Mr. Rich: Correct, well, I mean there

Mr. Okum: (Indistinguishable) ... impact the covering anything you do on the roof.

Mr. Rich: Well, but, all I'm saying is that if it compromises the integrity of the roof because we have to penetrate it, we have to build something on the roof.

Mr. Okum: Well, structure is the roof.

Mr. Rich: Okay, if that's the interpretation

Mr. Okum: That's my interpretation of the roof.

Mr. Rich: If that interpretation is consistent that the roof is part of the structure.

Mr. Okum: Yes, the roof is part of the structure.

Mr. Rich: Okay.

Mr. Hawkins seconded the motion. With a vote of 7 – 0, the motion was approved.

Chairman Darby: I think sometimes our discussions remind me of the old carpenter whose motto was measure twice and cut once. (Laughter.) That means something to the older people.

C. Tri-County Mall, 11700 Princeton Pike, Springdale, Ohio, Revision to the PUD District Development Plan, Tax Lot Split Outparcel #3

Mr. Schupp: Strictly, this motion, and what we're petitioning here, is for the purpose of the outparcel, out lots that we created. Ten of the out lots have confusion - I shouldn't say have confusion; have concerns about how we assign, how the landlord assigns taxes through their parcel. With the major mall major development vertical land improvement, it's very hard to separate out what is their proper pro rata share. So this process we're going through is strictly and simply just to have these parcels out there for simply means of assigning taxes, property taxes appropriately.

Mr. Reed: Mr. Chairman, members of the Planning Commission, officials of the City of Springdale, my name is Mike Reed. I'm Counsel for the mall in this matter and I appreciate the opportunity to be here with you tonight. Ladies and gentlemen, we're asking that you approve our split so that we can in fact have a separation of the improvements in the lands from the rest of the mall for taxes purposes. We would respectfully ask that we be allowed to work with Mr. Taylor and the other appropriate officials in the City to come up with an acceptable Reciprocal Easement Agreement that would provide for ingress and egress and adequate parking. If you have any questions about this matter, I would be happy to do my best to answer them but hopefully this is relatively a straight forward matter compared to what you just went through.

Chairman Darby: Okay. We'll move on to Staff comments. The commission will recall we did something similar with Cassinelli Square.

Mr. Dale: Once again, I would point out that the two Council members that are on Planning Commission would need to first make a determination to whether or not this is a minor amendment.

Mr. Hawkins: For the record, I find it to be a minor change.

Mrs. Harlow: I agree with Mr. Hawkins.

Mr. Dale then provided City Planner comments.

Mr. Shvezgda provided City Engineer comments.

Mr. Okum: I'll be a lot briefer. Just a couple of items (not on microphone, indistinguishable) ... require possibly a change to the covenants on the site and that should be reviewed by the Law Director's office because ... covenants that are tied to the PUD so we probably just need to make sure that if there's any changes to the covenants that they need to be addressed. Does that change the frontages in any way in regards to interpretation for signage? The only item I have is with regard to the covenants for the PUD, which should be recorded some place. Seeing no other lights, Mr. Chairman, I'd like to make a motion to approve Tri-County Mall, LLC, Case #30322, to include Staff's, City Engineer's, and City Planner's recommendations, that this PUD shall include Staff's and the Law Director's approval of covenants and easements as necessary.

Mr. Hawkins seconded the motion. With a vote of 7 – 0, the motion was approved as read.

Mr. Reed: Thank you, ladies and gentlemen.

D. Tri-County Towne Center, 11711 Princeton Pike, Springdale, Ohio, Minor Revision to PUD District Development Plan, Woodcraft Sign

Mr. Gilhart: Clark Gilhart, with ACF Property Management, representing Tri-County Towne Center, LLC, representing Woodcraft – I think I got it all in there. Just a brief presentation, basically just showing what we have. Like I said, Woodcraft is going to be relocating to different part of our shopping center. We have another tenant coming in behind them, thus the reason for the relocation. Here's a site plan of the shopping center (presentation.) Obviously to the left there, that blue square, that's Woodcraft's current location. It's a little too big for them, another reason for the move. They'll be shifting north. They're going to be taking up portions of what's currently Suite 271-281; you'll know that as the Spirit Halloween store that's been in there next to Luke's Sewing Center the last few years. That L-shape configuration that we've chosen, there's multiple reasons for that - one being there's a portion behind Luke's that's kind of been unleaseable quite frankly; that will work out nicely for them. Obviously the signage currently on their space, this is how it is – this is a recent picture. I've got measurements on there – it's 46" tall by about 30' in width. We have the total s.f. of that sign at 114.68. What Woodcraft proposes to do, obviously for financial reasons and everything else, is to use that existing sign at their new location. Here is the location they'll be moving into. Here's a representation of the existing sign of the façade, same measurements. We have a frontage of almost 49'7", this is the East elevation. Up in the upper right-hand corner, you can see how it currently exists. It's a little hard to tell in this picture, (walks away from microphone, indistinguishable) ... this will be the Woodcraft frontage here, this will be a new vacancy, then Luke's Sewing Center. (Back at microphone.) This is just the sign specifications – this is the same sign that is currently up on Woodcraft, as is, right now. That's pretty much it. Like I said, we're just looking – Woodcraft's looking to use their existing signage at their new location.

Mr. Dale: Again, the Council members would need to make the determination that this is a minor amendment.

Mr. Hawkins: I find it to be a minor change.

Mrs. Harlow: I agree with Mr. Hawkins.

Mr. Dale provided the City Planner Report.

Chairman Darby: Could you mount the sign picture again?

Mr. Gilhart: Yes, absolutely.

Someone not on microphone, indistinguishable.

Chairman Darby: I just want that up so it can be referenced to the appearances during the discussion. Does any of the other Staff have any comments to make?

Mr. Bauer: Just a quick question – so is the sign centered over the store space?

Mr. Gilhart: Correct, yes.

Mr. Bauer: Leaving how much on either end?

Mr. Gilhart: It's going to be well over the three feet that's required.

Mr. Bauer: Thank you.

Mrs. Harlow: That was my concern too. In looking at the visual, it looks like the sign is to the left.

Mr. Gilhart: You get a little bit of that illusion too, because if you'll see, like the letter "A" and "F" there towards the end of Woodcraft, you get that column – I think that shifts the eye a little bit.

Mrs. Harlow: It's centered in the middle of their store front.

Mr. Gilhart: Correct, yes.

Mrs. Harlow: Does that go over to the yellow numbers on the right?

Mr. Gilhart: That's the actual store frontage. (Demonstrates)

Mrs. Harlow: Okay, so they don't go

Mr. Gilhart: (not at microphone, indistinguishable)

Mrs. Harlow: And they're not putting up the power tools, wood products, hand tools, all of those signs?

Mr. Gilhart: There's no room.

Mrs. Harlow: Okay, thank you. You mentioned there would be another store who's backfilling where they are. I hope that you took into consideration Mrs. McBride's and my request; that's all I'm saying.

Mr. Gilhart: I take it into consideration; I pass it along but that's all I can do now; it's not like the good old days.

Mrs. Harlow: Thank you.

Mr. Okum: Mr. Chairman, if I may, I'd like to move for approval of Woodcraft Supply, LLC, Case #30320), to include specifications and designs contained in exhibits as submitted and reviewed by Staff prior to this meeting to include all Staff and City Planner recommendations and considerations.

Mr. Ramirez seconded the motion. With a vote of 7 – 0, the motion was approved.

- E. Tri-County Towne Center, 11711 Princeton Pike, Springdale, Ohio, Minor Revision to PUD District Development Plan, Woodcraft Loading Dock

Mr. Gilhart: Again, I just have a small presentation. Again, just a relocation. We'll get into a little bit more of their floor plan on this one, their layout. You can see on the screen, right-upper portion of the new location, the L-shape, this is where we're

proposing a garage door/loading dock. For purposes of full disclosure, this is the existing floor plan of what's there right now. You see the Suite 271 and 281 and, lower right-hand portion, that's that space that we lease to them as well, just because of the inability to lease it quite frankly. There's the existing dock location that they propose to use. Here's the visual representation, what's actually there right now, just a single man door. I very loosely use that as a loading dock; it's very small, concrete with a stair case. It's approximately a little over four feet currently away from the building and about eight feet wide. This is the actual layout of Woodcraft that we're working on currently. Also we are working on plans right now we'll be submitting those to the Building Department here shortly. Obviously, this was something we wanted to wait on first. So this is what it would look like with that concrete pad, you see the red square in the right-hand corner, that would house a scissor lift and it's a little hard to see on there, but there would be an 8' x 8' manual roll-up garage door replacing the man door just to make the deliveries easier. Here's a visual rendering of what we're looking at to do actually here, there'd be the 8' x 8' door. The yellow space on the ground there represents where the concrete pad would go that the scissor lift would mount to. You see in the lower right-hand corner, that's a typical kind of scissor lift hydraulic that would be used in this kind of situation. Especially because they're downsizing, the big store can hold a lot of product, right now they currently have two docks at their current location. They won't be bringing in as much inventory. A typical Woodcraft is no more than 7,000 s.f. and they're at 20,000 currently right now so that's why the overkill. It's a little hard to read, but these are the concrete pad specifications – a little bit more easily detailed in the submitted plans. There's a little bit more detail on the actual door that's going to be made by Overhead Door Company – again, 8' x 8' typical; they're actually suggesting that it be painted to match the building same with anything else associated with it, just so we match everything. Regarding comments about the actual loading area - this a site plan. This is existing right now, so you'll see Luke's there and that's the current space next to it that we will divide up into a vacancy and Woodcraft. There's some measurements there – currently, as is and I will show you proposed. Based off the comments I believe the loading area should be at least 12' x 40' long. I wasn't sure if that included or excluded the scissor lift/concrete pad area. So this is with the concrete pad area but if it's to exclude that, we have plenty of room to the west there still; I think we're at 40'; we've got another 10' 15', 20' up into those parking stalls there but I'll have to obviously defer to Staff on that a little bit. If we do the 12' wide, we would have to take up one parking space that's not currently really utilized anyway. Otherwise, we're looking at 8' wide for the door, concrete pad, and scissor lift so this would actually be a little bit narrower than that. Comment regarding the walkway there, down below – it's 25' across; I believe it's approximately 15' high. My office is right in that corner so I get to watch this on a daily basis. Not a problem with truck traffic - they usually come in really slow because they don't think they can make it but there's plenty of room. The ingress and egress there - same with the road off of Frances Lane, the top left there, we get occasional deliveries obviously for some of our restaurants - LaRosa's, Blue Agave, but have never really had a problem with trucks moving in and out of there. I've actually had a rouge Hobby Lobby truck that went the wrong way and they use the biggest ones in the industry and I guess he was just a good truck driver - everything went well. That's it.

Chairman Darby: Thank you.

Mr. Dale: I think the only question, Mr. Chairman, that Mrs. McBride raised that I didn't hear addressed is wither or not is there any modification to the lighting in the rear or if there's an existing light fixture there?

Mr. Gilhart: There could be and I'll bring it up real quick here too. Here again, it's just the proposed. If you'll see just up and to the left of it, the garage door – there's an existing wall-pack light. We could add additional lighting if need be. I talked to Woodcraft; they said that would be sufficient. I figured, I actually measured it out - it's probably about three feet from the edge of the wall-pack to the garage door.

Mr. Dale: I honestly don't know if Mrs. McBride had an opinion about whether there should or shouldn't be, I think she just wanted to make sure that the commission had

the thought in mind, if it was considering this as to whether that was adequate. I will point out, based on what Mrs. McBride said, this is actually not visible from the public right-of-way.

Mr. Taylor: I had some questions regarding the operation of the dock. I believe, in your packet, you can see Mr. Gilhart's response. This doesn't, I guess, function as I guess what we would consider a typical loading dock because it's so much smaller in scope so that's really all I was intending to get at here is how this is going to work? Thank you.

Mr. Shvezda: The only question I had was regarding trucks being able to access this area from the front, from the east of the building because of the overhead canopy there and Mr. Gilhart did say that that canopy is at least 14 ½' in height and 14' would be the minimum required so that answered that question.

Mr. Okum: Mr. Gilhart, in regards to the swing doors down there on the back of the building, the emergency exit doors, you're going to have steps and a pad for those to be functional.

Mr. Gilhart: Yes, there's, and I might have that on a site plan here, but since that was three different spaces basically that Woodcraft would be occupying, we have multiple points of egress and there's others that have stairs so like you see the one right there – obviously we don't want to have a fire and someone just, you know, fall four feet real quick so that one is actually going to be part of this building permit process. We're going to be bringing up everything to code so a door like that might be completely enclosed or that will be in the Building Department process. I'll pull up the site plan real quick.

Mr. Okum: That's ok, as long as - I just saw that was no staircase there anymore.

Mr. Gilhart: It would be a rough landing.

Mr. Okum: I don't know if the other one has a staircase either – does it?

Mr. Gilhart: There's two more that have staircases.

Mr. Okum: To exit out - because of where the exits are, that's probably the closest one to the warehouse area. For safety purposes, that should certainly have an exit door near there and steps.

Mr. Bauer: A couple of questions – trucks, size of those trucks? It sounds like everything is fine but what size – I mean a big semi-trailer, a box truck that would deliver to that site?

Mr. Gilhart: What I gathered from Woodcraft and what I've seen visually because I'm always around the shopping center, you'll get box trucks, you'll get also individual pickups – customer's pickup trucks, stuff like that, occasionally the larger trucks. You're not going to see Hobby Lobby-size trucks. I bring that up because I know that they use the biggest ones in the industry and that's why we went through a whole process for their loading dock behind their store several years ago. So you're going to get occasionally some of the bigger trucks - I think like no bigger than a Sysco truck and you'll have box trucks and then you'll have your pickup truck here and there. The other understanding too is, and it kind of coincides with the lighting issue - they don't do anything usually very early morning or late at night and quite frankly, maybe a couple of deliveries a week, I believe – something like that. Again, since they're downsizing, the frequency which they have at their current location is not going to be the same, it is going to be reduced.

Mr. Bauer: The other question was on the light in the back. Visually, it doesn't look right to me; I'm not going to hold that against you, but I think it, it made it do what it's supposed to do for that dock - it should be moved over. I have no idea what kind of

light that is, if it provides adequate light for being 3' over from the door but I would think it would behoove you to move it in the center of that door.

Mr. Gilhart: It's, I believe, I think it's a 400- watt light, so obviously currently that area of the shopping center we like to keep it well-lit for security reasons, you know, corners of the shopping center, people up to no good. Quite frankly, Woodcraft may put some additional lighting above their door; we're going to work that out in the plans. Here's the thing what we're doing with Woodcraft as far as the finish-out. In lieu of a tenant allowance, we, the owners, are actually doing their work, so we're going to be submitting the stuff – we're going to be doing the work but we're getting input from what they want as well during this process so it's kind of a hybrid situation, not like Woodcraft giving us the plans. We're trying to move it along quickly obviously because of the potential follow-up tenant to go into that other space; they don't want to lose that tenant as well. Thank you.

Chairman Darby: Any other questions? None.

Mr. Okum: Seeing none, Mr. Chairman, if I may?

Chairman Darby: Mr. Okum.

Mr. Okum: Mr. Chairman, I'd like to move to approve Tri-County Towne Center 15, LLC, Case #30321, to include Staff recommendations and that all lighting and/or re-lamping of light existing fixtures shall conform to the existing Zoning Code requirements.

Chairman Darby: I need a second.

Mrs. Harlow seconded the motion.

Mrs. Harlow: I have a questions. Could I ask our Secretary to go back and see if Mr. Hawkins and I agreed that this was a Minor

Chairman Darby: We did.

Mrs. Harlow: We did, on this one? We did on the other one, on the sign.

Mr. Bauer: I don't remember.

Mrs. Harlow: I don't believe we did.

Mr. Dale: I don't think you did and I apologize; I should have

Mrs. Harlow: I want to dot our i's and cross our t's. I'm a detail person, sorry.

Mr. Okum: I'll withhold my motion for a moment so you guys can concur that it's a minor change.

Mr. Hawkins: I find it to be a minor change.

Mrs. Harlow: Well, I'm going to agree to that but I just wanted to make sure that we're doing it right.

With a vote of 7 – 0, the motion was approved.

Mr. Gilhart: Thank you guys, take care.

Mrs. Harlow: Thanks, Clark.

- F. Uptown Sport Bar & Grille, 370 Glensprings Drive, Springdale, Ohio, Minor Revision to State Route 4 Corridor Review, Building Color

Mr. James: I guess the first one is about the color – we're wanting to change the color.

Chairman Darby: Please identify yourself.

Mr. James: My name is De'Angelo James. My mother is the owner; I'm her son. I'm just helping her out, trying to fill in for her where I can. Right now we just want to change the green on Beef O'Brady's to a blue. That's all we want to do with the color. We're trying not to touch it too much because that you all want to do earth tone colors so we thought we picked out an earth tone color. That blue that we picked out was an earth tone – Infinite Deep Sea – the lady at Home Depot went there and told her hey, could you just pick me out all earth tone colors and she picked me out all earth tone blues and that was one of the ones I chose so I went with that because you all were saying that it had to be an earth tone color so that's basically why I went with that blue.

Mrs. Harlow: Do we have a sample of the color that they want to change it to? I didn't think so.

Chairman Darby: Back in the packet.

Mrs. Harlow: I don't have it in my packet.

Chairman Darby: There it is, right there.

Mrs. Harlow: Oh, that.

Mr. Hall? That little guy there.

Mrs. Harlow: Okay, thank you.

Mr. Okum: This is the color? Oh, that.

Mrs. Harlow: I missed that altogether.

Mr. Dale: First of all, let me clear – in this case, we do not need to have the Council members make the determination because we're not modifying a PUD. This is actually in the Corridor Review District and the question that is before you on this one is whether or not the color, which I think everyone was just struggling to try to find in their packet and so, if everybody's found that, the Infinite Deep Sea is, in fact, an earth tone color, as the code requires. I actually did some research on that, internet research on earth tone colors and this is very much similar to other colors that you see in that earth tone palette of colors.

Mr. Taylor: Nothing further.

Mr. Shvegza: No comments.

Chairman Darby: Why did I suspect that? Any comments, questions from

Mr. Hawkins: Thank you, Mr. Chairman. I just want to be clear – it's your intention to paint the whole building this

Mr. James: No just that roof awning, the metal part that's green. That's the only part that we were going to touch. I think on the papers I had the arrows pointing to just the roof; I had like lines pointing just to the roof where it is green right now. Sort of tethered.

Mr. Okum: So all green will be blue.

Mr. James: Just that dark green. Just the roof; the metal part of the roof. We'll change that to blue. We aren't touching no other color, just that one green.

Mrs. Harlow: So instead of the building, it's the roof.

Mr. James: The roof, yes ma'am.

Mr. Hawkins: So the other top, like the elevation that had Beef O'Brady's on it, that's still going to remain green.

Mr. James: Well, see, actually the color doesn't look green when you're out there. It looks sort of like a – you don't know what color it is – it's sort of like a bluish-green, sort of like a = I don't know what color it is, so we were thinking it sort of a grayish, like a grayish-green, so we were thinking it was going to match with the blue. We weren't going to change it, we were thinking it was going to go with it sort of nice.

Mr. Hawkins: Thank you, Mr. Chairman.

Mrs. Harlow: I don't believe that the paint on Beef O'Brady's, on the front elevation, I don't believe that's been on there very long – what, maybe three or four years, something like that, since they were in to get approval for that? I think the building in general looks very dark. That would be my only comment and you know, if this color, as Mr. Dale said, meets our earth tones, then you're in bounds to ask for that.

Mr. Ramirez: Thank you, Mr. Chairman. I'll have to say the representation, the color copier, is very poor. I can't determine what color that is. I don't know what color you want to go to. I know the name of the color but I'll have a difficult time saying yes because I don't know what color you're trying to change it to. Thank you.

Mr. Hawkins: It's your intention to put it on all of the metal awning?

Mr. James: The whole roof, yes - every part that is dark green on the roof we're going to cover with blue. Change all the green on the roof to blue.

Mr. Hawkins: In everybody's packets, if you sort of trail from the patch on the Infinite Deep Blue, you can see lines going towards all of those metal awnings. It's hard to see because it's a dark black pen but the Applicant is looking for all of those awnings to be the Infinite Deep Blue.

Mr. Bauer: Thank you, Mr. Chairman. I, too, am having a hard time with the color, but if it meets the code, it meets the code but it's just hard to figure out what it's really going to look like on your building. The lighting that we allowed on the upper part of the building for Beef O'Brady's - I can't remember, is that a white light, like a – does anybody remember that? Like at the top of the parapet?

Unidentified: (someone coughing) ... go to a green LED?

Chairman Darby: It's a white LED.

Mr. Bauer: Yes, I wasn't sure if it was – it was white.

Mrs. Harlow: White.

Mr. Bauer: Okay, I just wanted to make sure it was something that would clash with the blue. Okay, that's all I have.

Mr. Okum: So, my understanding, just to make sure then we're all clear – on the flat face of the building, where it's currently green-blue, whatever we want, green color, where the Beef O'Brady sign is, and those lights are pointing down, that stays the way it is – it's not being changed, is that correct?

Mr. James: Yes, sir, that is correct.

Mr. Okum: Okay, just wanted to make sure. That's all the comments I have in regards to that item.

Chairman Darby: Any other comments, questions? (None.) Okay, Mr. Okum?

Mr. Okum: Mr. Chairman, I'd like to move to approve the project De'Angelo James, Case #30335, to include comments and recommendations from Staff and the color that has been reviewed by Staff as consistent with the Corridor Review District for the roof panels only.

Mr. Hawkins seconded the motion. With a vote of 7 – 0, the motion was approved.

G. Uptown Sports Bar & Grille, 370 Glensprings Drive, Springdale, Ohio, Minor Revision to State Route 4 Corridor Review, Fencing

Mr. James: I was trying to put some type of – right now there's an iron, a short iron fence like 4' tall. Right now any type of guest or patron could just jump over it so I was trying to put some type of regulation where I could have some type of security at this spot. Another thing is the fence is sort of see through so anybody could pass a drink, mace, anything through the fence. It doesn't do me any good to almost have a pat-down or try to have the place secure when I have a fence that somebody can just go out the side door and get whatever in. So I was trying to get some type of privacy fence to make sure that I don't have any type of safety issues.

Mr. Dale: Thank you, Mr. Chairman. Just for the Commission's benefit, I'm going to circulate a couple of photographs of the existing fence to give you a little bit better view of what's there. So, as I understand it, what's been proposed is either a wood or a vinyl fence and I think the first point that we would make is that the vinyl fence would not be permitted so that wouldn't even be in the picture because that's not consistent with what the code provides. I think that, if you look at the consideration, at the bottom of Mrs. McBride's report, I think she summarizes it well and that is the commission really needs to consider the intent of this district and whether the 6' tall fence would be aesthetically pleasing and add to the appearance of that on the front elevation of the building.

Mr. Taylor: Thank you, Mr. Chairman. I really don't have anything further. I guess I would just mention that, even though this isn't in the front set-back, per se, which would be prohibited, it's in the front, basically the front yard of the building, in my mind. I mean, the front entrance of the building, so I think it's going to be pretty prominent and you know I think you all need to kind of take that into consideration as you look at this. Nothing further.

Mr. Shvezda: No comments.

Mr. James: Can I say something real fast?

Chairman Darby: Sure.

Mr. James: In here, it said that they don't believe that it would be aesthetically pleasing. I guess that's sort of they're believing it would be ugly, in shorter words, is that what it's saying? That's the way I took that. After submitting this, my girlfriend, she said she doesn't believe it's that pretty, so we might be on the same page and don't think it's that pretty. When we submitted the thing, we really didn't know how this whole thing worked so we just wanted to hurry up and get something in to see if we could get a wood fence, to see if we can get a privacy fence. If you all have any suggestions - maybe a privacy fence that you have seen that you liked, we would do that. We would paint it whatever color that's existing. We really don't care - we just want to sort of maybe get on the safety side, as far as letting people be able to sneak their drinks in or people to be able to have access to do whatever without our security being able to stop anything. Where right now, with a 4' fence that's open. It's sort of,

it's almost hard to really have the place secured; it's almost impossible. To have it, to have it how you want it ran, it's almost impossible. People will jump the fence. When you start getting into people getting in there, then things just start being a safety risk and then the only way you can keep people safe is that you make sure everybody coming through your door is getting patted down to make sure that everybody is adherent to security. If don't nobody have to adhere to security, people can just put whatever through the fence. It's just going to be a problem over time; at some point, it'll be a problem. It will be a problem with just people getting their liquor in without them having to pay for it. They'll get free liquor in. They'll just slide it through the fence; I've have seen it a thousand times.

Chairman Darby: We're going to move on but it's interesting – we've never had this discussion.

Mrs. Harlow: Yes, we've never had this discussion and I'm very concerned. I think I'm very business-oriented; I want new businesses to come into Springdale but restaurants that need to pat people down, I have real issue with. The issues that you have raised here, just in the short time that you've been here, have just - the hairs on the back of my neck standing up. You've talked about people handing stuff through fences and drinks coming out from the fences and patting down and security and I know that what we're for tonight is to talk about a fence but I just need you to understand that I am very sensitive to the other words that you have used here.

Mr. James: The reason that I'm concerned is because I go to DJ's over there – they're the same sports bar and grille like we're trying to do. We're trying to do the same thing in the same little lot, so I'm thinking that some of their patrons are going to come over to our spot – that we're going to share some of the same crowds. So I watch where they are weak at – I see where they aren't as secure as they should be.

Mrs. Harlow: Okay. That's a whole other issue other than the fence and I just had to put it out there because it was really very concerning to me. I think that the fence that is there is appropriate for the business that was there and that would be there - a restaurant with outdoor seating area. The fence looks nice. I don't think it's in our code to have a wooden fence or vinyl fence, so I would be voting no on a fortress-type fence there.

Mr. James: Okay. I see what you're saying.

Mr. Hawkins: We are talking about the fence, but, you know, as Mrs. Harlow indicated, regarding the fence, some of the things that you are raising as concerns about the fence, and wanting to have a higher privacy fence that is not accessible where folks can reach through or over comes to a question of what is the business going to entail to need some of that? We've got a lot of different restaurants that have some outdoor seating so folks can smoke or whatever; none of them have to have a 6' privacy fence to do what they need to do. Friday's has outdoor eating - they've got a short fence. When we had Bargas, they had some outdoor things. It's not inherently necessary to have a fence that tall

Mr. James: Just for security.

Mr. Hawkins: For regular restaurant eating.

Mr. James: I agree.

Mr. Hawkins: So some of it comes to – again, we're talking about the fence, but your concerns for having a fence of that height, I think comes to what you think is going to be going on there at that business.

Mr. James: My other thing is nobody wants to walk past people smoking cigarettes on the way to the spot, on the way going in – nobody wants to do that. Nobody wants to walk past people smoking their cigarettes on their way in.

Mr. Hawkins: Well, I think that the smoke's going to rise whether you have a 3' fence, you got a 6' fence – you're going to smell that potentially.

Mr. James: I liked Bargos; that was one problem with Bargos. When I walked in, you had to walk through a crowd of people to get in there.

Mr. Hawkins: If you have that area where it is and it's by the entrance, you're going to smell smoke whether the fence is three feet or six feet tall; that's just part of that. But having a 6' fence is not aesthetically pleasing; it's not in line with what you have around in the Corridor District. I don't think it's consistent with that.

Mr. James: Nobody else has privacy fences.

Mr. Hawkins: Right. It's not consistent with what we have in the Corridor District so I wouldn't support that.

Mr. James: Okay.

Mr. Hawkins: Some of it, again, comes back to what it are you trying to do and what are you trying to accomplish with that? There may be some other ways about going about that – it may mean you have to have somebody who is going to be frequenting out there at the – if you're worried about somebody sneaking a drink in or something.

Mr. James: If you guys were going – from right here, it sounds like you guys didn't like the fence so if you guys didn't like the fence, that's what I was going to go with – that was my other option. That was the only other option I had.

Chairman Darby: We didn't have any problems with the fence – we approved that fence.

Mr. James: The fence that's there?

Chairman Darby: Yes.

Mr. James: I know. That fence - it's cool; it's broke. I got to fix it. We got to fix it. Somebody hit it with a car so it's got a little dent. Somebody got to weld it. Someone has to reweld it so it needed some fixing anyway, which I'll do it if I have to. We'll do it if we have to if you guys are saying that you all don't want me to have a privacy fence, we'll go with that – whatever. That wasn't really a deal breaker. The color was more of a deal breaker than the fence.

Mr. Hall: Thank you for coming before the Commission. As a personal experience, I've had dinner at that location many times myself and I've never seen anything where people are passing drinks back and forth from outside and some of the other problems that you've named off. I just really can't see that building, a fortress around that and blocking off the view, blocking off the area, blocking off everything would be advantageous and I would have to support the Staff's viewpoint on that - that it isn't aesthetic to the community around there because you have the other businesses, you have residences right down the street and I always had an enjoyable time dining out there and having a few drinks. I really don't think your concerns with that are concerns because I've been there many, many times along, I'm sure with some of the other members, and I never even saw anything halfway what you're describing that's going to happen there.

Mr. James: I agree. Sometimes it might be the times that you go out. You might go out before ten. You go out after ten, it changes a little bit.

Mr. Hall: Well normally that establishment closed at ten.

Mr. James: You got to think - DJ's next door. DJ's stays open until 2:30; I've been there and they have a fence that's open. I've seen – I just have seen jerks do jerk things.

Mr. Hall: Thank you so much for your comments.

Mr. James: I appreciate it.

Mr. Ramirez: I agree with Mr. Hall. I, too, have been there many, many times with the family. I hate cigarette smoke but those people sit out there and it never bothered me at all. It never came to my mind that they were there and it was influencing me, whether I was going to go in that establishment or not. What scares me is, like Mrs. Harlow said, is when you say pat down, and I'm thinking family restaurant - I take my granddaughter in there.

Mr. James: No, not

Mr. Ramirez: But you're scaring us now with what's going on in there and putting a security fence around it - I'm sorry, I'm not going to support this. Thank you.

Mr. Okum: I guess we'll talk practical zoning issues here. The request is for a 6' privacy fence which ultimately becomes the façade on the building of a 6' privacy fence. I don't find that to be proper within the text for the Corridor Review District. I understand that the outdoor seating area is necessary for additional - for people that want to smoke and people want to be outside. We, I - I think a couple of the other commissioners have referenced a good number of restaurants that we have outdoor seating areas in - all the way from Noodles to Bargas was permitted outdoor seating, DJ's has outdoor seating, Pappadeaux's has outdoor seating, but that's tastefully surrounded, wouldn't you agree - you've been to Pappadeaux's?

Mr. James: Like I said, it wasn't a deal-breaker. If we could have got it, it was cool. If we can't, it's cool.

Chairman Darby: Are we ready for a motion?

Mr. Okum: Yes. Based upon that, I probably wouldn't support a fence for it. I think

Mr. James: My girlfriend said she didn't think it was cute, so, like I said, I understood it

Mr. Okum: I agree with your girlfriend.

Chairman Darby: You should have listened.

Mr. Okum: Based upon the request by the Applicant, Project De'Angelo James, Case #30336, I move to approve the requested project based upon the Application that was submitted prior to this meeting and to include our City Planner's recommendations in that motion.

Mr. Hawkins seconded the motion. With a vote of 0 - 7, the motion was not approved.

Mr. Okum: We all agreed with your girlfriend.

Mr. James: I'm sorry. You said - I zoned out for a minute - I started hearing

Chairman Darby: Let me share with you.

Mr. James: Go ahead, please.

Chairman Darby: Before you take your next step, improve your listening skills.

Mr. James: A little bit better, just a little bit better?

Chairman Darby: Yes, right.

Mr. James: Yes, sir; yes, sir.

Chairman Darby: (indistinguishable) the first time. Thank you.

Mr. James: I want to tell Council thanks for hearing me out. I apologize for how I was dressed. I never know what – I came down here and see that everybody's in suits, I'm like, next time you all see me, I'll be a little dressed better.

Chairman Darby: Okay, thanks a lot for coming in.

Mr. James: Thanks for what you all did approve though too.

VIII. DISCUSSION

Chairman Darby: We do have some items for discussion. Mrs. Harlow, the article?

Mrs. Harlow: Yes, sir. This was in today's paper and I cut it out. I've been following this very closely, as I'm sure all of you guys have been following it. One of the comments that bothered me, and I'd like to get some input from commission, was that the article states that GEEAA has attempted to sell all or a portion of the property for more than 40 years, but, according to court filings, one of the hurdles to completing this sale was getting the necessary zoning changes. I'd like input on that – is that correct, is that – was this zoning previous to our working with the GEEAA in the last year and a half? Does anybody know?

Mr. Okum: Historically? Historically it's had one major application for redevelopment, which was the Shopco project.

Mrs. Harlow: Right, that was in 1986, 87.

(Several people talking at once, indistinguishable.)

Mrs. Harlow: Do you think that's what they're referring to?

Mr. Okum: It wasn't 40 years ago – I've been around a long time but it hasn't been 40. That was a contested presentation.

Mrs. Harlow: Right, I remember that.

Mr. Okum: There was a land use study that was implemented after that case resolved itself and there was a PUD or a land use adopted land use for that site that the Applicant was involved in that process and consulted in so you're going to find all kinds of things in newspapers that people say so.

Mr. Dale: As I understand it, the City is not a party to this lawsuit.

Mrs. Harlow: No, we're not.

Mr. Dale: And that's a good thing. I would simply encourage that since there is pending litigation, that there not be a lot of discussion about this.

Chairman Darby: Thank you. You had a second item also?

Mrs. Harlow: Yes, as I brought up in my report, Charter Revision looks at our Charter every year and they make recommendations to Council and then it's up to Council to decide if they're interested in having the Law Director bring forward an ordinance to put this on the ballot for the electorate. One of the items that has been brought forward is two-year terms for Council members only - this has nothing to do with the residents serving or the Mayor appointments – it's only for Council members, for BZA and Planning. That was approved and the Law Director will bring forward legislation for that and then Council will vote on it. It has to be a majority of Council; it has to be at least five members of Council voting in favor before it can be put on the November ballot. Mr. Shroyer brought up that he would like to

see us do away with the one at-large and one district that sits on each board. That received a 4 – 3 vote to take it to the Law Director and have him draw up legislation and then it comes back to Council for a vote to see if it goes to the legislators. If the board has input on that, I would be happy to pass that along to Council.

Chairman Darby: I would really be supportive of any measure that would give Council more flexibility as far as staffing the commissions are concerned.

Mrs. Harlow: I totally agree with the two-year term. I think it's really good for Council people to be able to grow into their position and to be able to move from one committee to another committee, it's been - I was always in awe of Mr. Galster when he gave the Planning Commission report because it just seemed like it was such a task to come to Planning Commission and wrap your mind around all of these facts and developments, the colors, and all.

Chairman Darby: You did pretty good on the last Applicant.

Mrs. Harlow: All of that. I was always in awe of that and then once I got on Planning Commission, I'm absolutely in love with Planning Commission. I think it's one of the neatest boards I've ever served on and I really thoroughly enjoy it. But I think that, if a President has an opportunity or needs that opportunity to move somebody, it doesn't mean they have to move them - it means they have the ability to move them if they need to. When I served as President of Council, it was very difficult at times because we had so many people who were already slated to a four-year term. Our Charter reads that you will serve in your capacity for your term. So if you have new people coming on Council, it's kind of hard to move them around and that's just something. Now, for the other part of the coin, where they want to do – they brought it up to do one at-large and one district, I happen to have some minutes from the Charter Revision meeting back in 2000, where all this was discussed. I also contacted Mrs. Boice and contacted Mr. Galster to get their remembrance of why they discussed this and what their outcome was to leave it like it was. Mrs. Boice said that her recollection, and I believe that Mrs. Boice has one really good recollection - her recollection was balance. That as an at-large Council person, you kind of look at the community as a whole and a district Council person might see it more as protecting the residents. The Mayor brought up the point that when you take your oath, you are representing all of the residents of Springdale. That is very true but again, I've never served at-large. I've only been a district Council person and I'm very protective of my residents and you know, I felt like I was trying to be very protective of the residents at the other development that we had recently that was going to impact our Heritage Hill community. I wanted to make sure that, as a district Council person, I tried my best to represent them. Those are just some of the conversations that came out of that.

Chairman Darby: I didn't mean to minimize Council report but we had such an ambitious agenda, I didn't want to keep those people. I think we can give a little bit more serious consideration to your presentation at this time.

Mrs. Harlow: I understand.

Mr. Okum: In regard to the first issue – having served on Council, the things changed – I don't know when they changed, but they did change. When I served on Council, the appointment to Planning Commission and BZA was not a President of Council's appointment; it was an appointment of Council to Planning Commission. Not giving the Chairman the flexibility, but the Council the option of appointment the persons that they wanted to serve on the Planning Commission. So somehow, some way, that got changed and if you look at the Charter and the duties of Planning Commission, the Charter is written very specifically, with very specific duties, of Planning Commission members and Board of Zoning Appeals members. It's not – it doesn't - there's some long-range planning, thoroughfare plan, Comprehensive Land Use - all of those things really fall under Planning Commission and the Charter is written to create that body, the Planning Commission body of the City of Springdale, that it would, from its' own body, appoint those members to those commissions - Board of Zoning Appeals and Planning Commission. It did change and I believe in recent years that appointment has been at the Chair's discretion but I don't think personally, I've never felt that that was the purpose of the Charter and the way the Charter

was written. I felt that the Charter was written and created those positions and it says "of the bod of Council". It doesn't say by the Chairman. If writers of our Charter had felt that it would be a Chairman's appointment to those commissions, it should have stated that in the charter; it doesn't say that. In regards to that, I'm just giving that as my personal understanding. So when you go through the dynamics of that process, okay, if you were living with the way the Charter was written and the spirt of the Charter, as I understood it, I would think that the Council members would then elect to Planning Commission and elect to Board of Zoning Appeals representatives of their body to serve in those capacities and that would occur. It occurs now and I understand the four-year issue and the return and the evolution of that so I think that that really needs to be looked at. First of all is the appointing part of it needs to be looked at and understood. In regards to the process in addition to that is – does that, the way that's drafted, does that prohibit a reappointment to that position concurrently or is there a step aside for two years?

Mrs. Harlow: No.

Mr. Okum: So, in essence, a person could serve, like you, could serve for two years and then Council, by their approval,

Mrs. Harlow: Their reappointment.

Mr. Okum: Could reappoint you to the position for another two years. There is a good to that because we do our district elections offsetting our at-large elections so that would give a little bit, and I agree with you, Mr. Chairman, in regards to Council a little bit of flex and I'm saying Council, the flexibility of that appointment. In regards to the other item, I agree with the Mayor's position, because having served as a Council member for long enough that I understand it, that the at-large position and that district position doesn't change your oath or your alliances or your allegiances but I believe, again, that there was a purpose for having at-large and there was a purpose for having district and there was a purpose for balance and perceived balance among its' boards and commissions. Again, these are two bodies of our government that were created by the Charter that were specifically identified by the Charter as those commissions and committees and that, for that reason, I would be very concerned that you would not continue that intent of the Charter because you're basically stripping out the purpose of the balance, in my opinion. I didn't know we were going to discuss this tonight but I hope you understand my position.

Mr. Hawkins: This issue of two-year terms for BZA and Planning Commission for Council members came up in 2009 when I was doing my first term and we went through a significant amount of time talking about it, probably over a year, going over those ideas and we voted on it and, by one vote, it didn't make it to passing, to be on there. I was avidly against it primarily because of wanting to make sure consistency and having been on Planning Commission and just starting on BZA at that point, but having sat in this room with everybody on Council, everybody on Planning, everybody on BZA and doing a mini, I guess, plan/study for the Corridor, the mall and 747 and Kemper, there's a value in folks being around for time to be able to talk about what a plan is over time. If you have folks switching around, you can lose some of that and, granted, some of the arguments have been made hey we're just talking about two out of seven people but still, I think there's some value in it. Over time, I've been a little more cautiously open to the idea of there being two-year terms. I'm not moved by it inherently for flexibility purposes but that's part of it. Some of what we've talked about previously has been, and again, this is under the context which is different from what Mr. Okum stated and I'm not sure how things have evolved – they took place prior to my getting on Council in 2009 but, and maybe we've sort of merged this process, because I think the President will select somebody and then I think Council still votes on BZA and Planning Commission so it's sort of become a hybrid thereof from the past. Some of the people have talked about, well, we don't have enough people getting opportunities to serve on different boards and commissions. My answer to that is it's a simple resolution – if it is, in fact, the President's job to do that, then the President can do that so if, for 12, 16 years or something, you have somebody doing the same thing, then the President can change that. They have the same flexibility they do now. So that's not as compelling, but, at the same time, if it's supposed to be the President whose going to make those decisions, giving him the flexibility, hoping that they're going to keep in mind the value in having some consistency and continuity, so be it. I do think, and I'm vehemently

against losing the requirement to have one at-large and one district person on there. While everybody swears the oath has an obligation to uphold the Charter of Springdale, the Constitution of Ohio and the United States there's a difference there and to not acknowledge it just isn't being, I think, as frank as we should. If you're the District 1 representative, District 1 votes you into office and you're beholden to that part of the electorate; you're responsible to the whole City and you've got to make decisions that benefit the whole City, but at the end of the day in November, the people that are in that district are going to be the people that are going to vote to decide whether or not you're in there versus if you're at-large - you are, I think, looking at it in a much more global thing. Some of it comes down to the reward system for whatever you're doing and so there's going to be someone who is going to make a judgement on how well of a job you've done. That individual, and I think you're going to have your mindset somewhat catered to making sure you're trying to satisfy that individual all the time with the underlying current of you want to do what's right for the City. There does need to be some balance there so I'm not in support of changing the district and the at-large requirements. The two-years versus four-years, like I said, I've been coming around to that reluctantly. It's hard for me because I do know the value in having that continuity and that consistency. Mr. Ramirez can tell you - watch the evolution of BZA - we had a bunch of people leave. You've got a whole bunch of new folks and that continuity changes - that's big. For this board and for BZA, not having continuity and having a bunch of new people there is huge and these two - that board and this commission are critical to the City so that's a big concern for me.

Chairman Darby: I've not been privy to the Council discussions about this and I find this interesting. One thing I would like to comment on that you said two years or four years - I see the value of the continuity and consistency. I think it's also it's a good idea for Council persons to have this experience and the BZA experience.

Mr. Okum: In closing, I think that Council has a lot of committees that are very valuable to the community. I would have never served - I served as an alternate on Finance Committee but I probably should have never done that but there are certain people that are, as the Chairman, you try to put the best people you can in the committees that you can possibly put in. Put politics aside, all of that - you put the best qualified people in those positions. Hopefully you do a good job at that. Saying the same to your Finance Committee, your Finance Chairman - that's a key person in your arsenal of people in your City - would you want to take that same position on that Finance Chairman - that every two years you're going to rotate that person? Would you take that same position on the other commissions that are under the President of Council? And then you start thinking about well, there isn't value to having in that key person, that right person there, doing that job and having the experience and the knowledge to do it. I'm just saying, just putting it out. It's up to you guys and up to the electorate to make a decision. I will tell you that in regards to the one district, one at-large - if it's on the ballot, I'll tell you how I'll vote right now and I usually (indistinguishable) you pretty well know how I'll vote on that. If it hits the ballot, I do vote and I will vote. In regards to the appointment issue, I'm a little bit more flexible on that but I'm thinking, I think that all of Council needs really to read the Charter and look and see how those appointments are made and the purpose of why the Charter was written the way it was written.

Mrs. Harlow: The longer I sit on Council, the smarter I believe the founding fathers of our City were. I'm very impressed with our Charter. There have been few things that they have not had the foresight to give us direction on; they are few and far between. It's really a good Charter. The people who crafted this back in the early 1960's did an awesome job and hats off to all of those people.

Chairman Darby: Mr. Okum, did you have a Discussion item?

Mr. Okum: (Not on microphone, partially indistinguishable) I just have one item. Mr. Taylor, there seems to be, and I don't know where it is, but you can probably assign it to somebody on your staff, but there are a couple of businesses that have gone to all-window signage recently and I noticed it. I can't remember where it was - I think it was on Northland. ... there's one on Route 4, so ... need to nip that because it's becoming very prominent, if you don't mind.

Chairman Darby: Don't tease us.

Mr. Okum: I don't know where it's at; I can't remember. It was all – the window was completely red, I remember that. I mean all the window panes were red with, yeah, it was ...

Mr. Taylor: I think I know what you are referring to.

Mr. Okum: Thank you.

IX. CHAIRMAN'S REPORT - None.

X. ADJOURNMENT

Chairman Darby: We will accept a motion to adjourn.

Mr. Hawkins moved to adjourn. Mr. Hall seconded the motion and the City of Springdale Planning Commission meeting concluded at 9:50 p.m.

Respectfully submitted,

_____, 2016 _____
Don Darby, Chairman

_____, 2016 _____
Richard Bauer, Secretary