

PLANNING COMMISSION MEETING

November 8, 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: Anne McBride, City Planner; Don Shvegza, City Engineer;
Gregg Taylor, Building Official

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF OCTOBER 11th, 2016

Chairman Darby: The Chair will accept a motion to adopt the Minutes of our previous meeting. Everyone should have received those.

Mr. Hawkins motioned to adopt; Mr. Okum seconded the motion. With seven "aye" votes from the Planning Commission members, the October 11th, 2016 Minutes were adopted as submitted.

V. REPORT ON COUNCIL

Mrs. Harlow: I have a rather long report tonight so I'll move through it as quickly as I can. Just a reminder or everyone that Friday, November 11th is Veterans' Day and the City of Springdale will be having a memorial service over here at our Veterans' Memorial Park at 1 o'clock on Friday, November 11th. The Springdale Elementary fourth graders will be part of our program, and then Mayor Webster and James Bird will also do a wreath presentation, and the guest speaker is First Lieutenant Lance Mattingly. It's a moving program and I think it's enjoyed by everyone who is able to attend.

For our October 19th meeting, all members were in attendance and we had three Ordinances. The first Ordinance was authorizing the Ohio Department of Transportation to provide bridge program inspection for the City. That passed with a 7-0 vote of approval. The next was to authorize the Mayor and Clerk of Council/ Finance Director to enter into a collective bargaining agreement with the Fraternal Order of Police, and this was for the Patrol Officers' Bargaining Unit, and that passed with a 7-0 affirmative vote. The final one was an Ordinance authorizing the Mayor and Clerk of Council to enter into a bargaining agreement with the Supervisor's Bargaining Unit for the Police Department, and that passed with a 7-0 affirmative vote. The other item that was discussed that night was sidewalks on Kemper Road, and I know you've heard this before. Well now they're looking at the south side of Kemper Road. This was brought up by Mr. Diehl. He believes that it's a real safety issue and he would like to see Mr. Shvegza's group to do the engineering on putting a six foot wide sidewalk on Kemper Road.

Mr. Shvegza: Six and a half.

Mrs. Harlow: Six and a half foot wide sidewalk. I've already expressed my displeasure at a six and a half foot wide sidewalk. I'm not in favor of a sidewalk at all because our residents have told us repeatedly they don't want it. But they're going to go on and they're going to do the engineering study. It was voted, the majority voted to do that. So that was \$6,500 that was set aside to do that engineering study for this sidewalk, and the thought was, do we ask for our residents' input first, or do we get the engineering study done first and then come back and have data to give the residents as well as data to use for any grant funding that they might want to write for. So that's where we are with the sidewalk again on Kemper Road.

Then at our November 2nd meeting, we had a very light agenda. We had the first reading of our codified Ordinances for the City of Springdale, and then that will be voted on at our next meeting, and we also had a presentation from the State Treasurer's Office on the Ohio Checkbook Process. This is something that a lot of schools, municipalities, townships, are moving toward. They're putting their checkbooks essentially online so that any of the residents, anyone who has a desire to go out there and look at it can look at it. You can also put your budget online so that you can do some charts and graphs, and you can drill down and you can see exactly what your city is paying for salt, or you can see what they're paying for police cruisers, or office supplies. This is something that we've asked Mrs. McNear to take a look at with other communities and get some input from other communities that are already using this checkbook to see if they like it, their pros and cons, and then bring that information back to Council for further review. So under our items that we're still looking at, we are looking at an Ordinance in the future at our next meeting that's involving our property maintenance code. It said that from time to time the City Building Department has to deal with repeated violators of the Property Maintenance Code, so currently they can have the same violation over and over and over again, with not too much consequence. Right now it's a 4th degree misdemeanor and it carries a \$250 fine and/or jail time of not more than 30 days. The Law Director has provided language to incorporate additional penalties for repeat offenders. So the proposed language would be the second violation of the same provision would be a misdemeanor of the 3rd degree and carry a fine of not more than \$500 and jail time of not more than 60 days, or both. A penalty for the third offense would be a misdemeanor of the 2nd degree, and that would carry a fine of not more than \$750 and jail time of not more than 90 days. So that is going to be up for consideration with the emergency clause at our November 16th meeting. Also at the November 16th meeting, we will be considering rolling over a \$2,640,000 real estate acquisition bond. This is for the Sheraton Hotel. As you know, we were not able to raze the hotel in time to get it turned around and get it on the market for a prospective buyer because of asbestos. We had a lot more asbestos in two areas, the west side and the north side of the hotel first floors, than what was anticipated, so Council had to authorize additional funding to clear the asbestos. That had to be done. Now we're on O'Rourke's schedule for spring for demolition, but Mr. Parham stated that they were going to try to meet with O'Rourke and get them back to the table to see if we couldn't do something and move that date forward. Up until this point we don't have any new information, so that's still pending. And then there's also an Ordinance for Council to enter into an agreement with a company that's tagged Project Solutions, and that's a code name. It's for a company that wants to relocate to Springdale, and they're asking for financial assistance from the City to help defray cost to purchase and furnish a very under-utilized facility in Springdale. So that is part of the City's job creation and retention incentive program, so that will be an emergency clause before Council on the 16th. We also have on the 16th annual contracts or our magistrate, prosecutor, and public defender, and then we also have some boards and Council appointments coming up for various commissions and boards. Then we have in the audience this evening Amanda Zimmerlin, who is our new Assistant City Administrator and she will have an introduction at our next Council meeting, and also there will be a proclamation for Full Throttle Indoor Karting. They're celebrating their five year anniversary. Also recognizing Core Incorporated; they're celebrating 30 years. And then we're having a swearing in ceremony for Garrett Wheelander who is a new patrol officer for the police department. And then we also be looking at our 2017 budget.

Chairman Darby: That was a nice, light agenda!

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| VI. CORRESPONDENCE | - | none |
| VII. OLD BUSINESS | - | none |

VIII. NEW BUSINESS

A. AT&T, 705 Kemper Commons Drive, Springdale, Ohio, Final PUD Development Plan (Application #31360)

Chairman Darby: Would the rep please come forward and identify yourself for the record.

Mr. Herzner: My name is Chris Herzner. I work for the Zaremba Group up in Lakewood, Ohio, and I guess I'd like to start off by saying that I grew up in Cincinnati for the first 31 years of my life and actually lived in Fairfield, so I did all of my shopping in Springdale. I actually worked in the City of Springdale for a while, too, so it's actually kind of fun to come back and do this in the area where I grew up shopping all the time and knowing that location, so this is kind of an interesting joy for me. First of all, I'll be very quick. I'm sure you are familiar, having seen the packets and the development, but I'll go over some brief description of the site and then move into the building, and address some of the comments that were in the Staff comments. As you know, the location located next to Raising Cane's is currently vacant and we are proposing to have a connection and shared access for which we have a reciprocal access agreement with Raising Cane's, and thirteen parking spaces for an 1,800 square foot building. The front entry doors actually face Kemper Road. There is an existing monument sign on Raising Cane's, part of which we'll have the, what I'll call secondary panel and we'll be sharing that panel with Raising Cane. We also have an agreement with that as well in the bargain with this. The building itself is a combination of mostly E.I.F.S. as well as Nichiha board, which is a brick feel and look material. It goes up in big sections and has the exact same appearance as normal brick, and I actually brought some samples with me. This is a small sample of Nichiha, and it even has like a texture, the same texture as a brick. On the E.I.F.S., here's the colors that they're going (inaudible) on the building, and they're all complimentary of each other. Oddly enough, they are also Verizon colors, which I found very interesting. These are the materials. The hatch enclosure is actually hatched to the backside of the building which faces the back side of Raising Cane's, and it's actually a little bit lower than the first floor elevation of the building, and the material of that dumpster enclosure, according to our purchase agreement through Raising Cane's is to match the look and materials of their dumpster enclosure. Luckily are bricks extremely close in appearance and we will be doing the gates according to the code. I think they were a slight oversight on my part and well as my architect's part. We must have just missed that detail and didn't update the material, so we will be matching with Raising Cane's and also the code. I believe Staff had some comments, and one is the dumpster enclosure, which we will make modification during construction drawing to make sure that those match the code. The trees, in regards to Duke Power transmission, I guess whatever happens with those trees or what needs to happen with those two additional trees compared to the landscape drawings that we've already done. Two trees are fairly minimal to replace if those have to come down. So we will work with the City on the result of what to do with those. As you see, the site lighting and the building design comply with various sections of the code. I believe there were some other minor comments about stop signs, which we will obviously put in, in the appropriate places to help direct traffic accordingly. We will make correct notations in the landscaping plan in regards to the mulch, and I believe I have covered most of the comments. I did want to make one notation. When we originally met with the City and Christine was in that meeting, she asked me to also verify what's going to happen to the existing AT&T stores that are in Springdale. I believe there are two in Springdale, one in the mall and one over in Princeton Plaza, and the owners that are going to be taking ownership are also the owners of the one over in Princeton Plaza and they will be relocating that store to this new location. The one in the mall they don't own, so they don't know what's going to happen with it. They assume it's just going to remain in the mall.

Mrs. McBride provided the Staff Report.

Mr. Taylor: The only thing I'd like to mention is the tree situation that Chris referred to. When Raising Cane's went in there, there was a number of trees that were

required and Duke's transmission line project basically has had issue with that, and so the agreement that has been worked out between Duke and the City is that they're actually going to remove the trees and plant them somewhere else within the City, and then they're going to be replacing them with a more suitable variety of tree which is essentially something that doesn't grow quite as tall. The reason for the comment was just that the original landscape plan submitted indicated that some trees were to remain, and they're actually not, but I believe between Chris' group and Duke and Raising Cane's, it's all going to get worked out. So I just didn't want to muddy the water too much with that, but that was the issue there. The only other thing I would say is Staff had a few preliminary comments and I think you can see from the level of the submission that we got, they were very cooperative in trying to address everything that we had brought forth.

Mr. Shvezda: Just a few items in regards to the entrance. It was initially a concern as far as the approximate 180 degree turn that a vehicle would have to make to exit the site to travel eastbound on Kemper Commons Circle. The applicant has supplied a wheel path exhibit that notes that it can make the turn; it does have to move to the center lane in that location to make that turn, but there's not a significant amount of traffic in that area at this point. The only other question was in regards to delivery vehicles and trucks and dumpsters will be accessing that location at off-peak hours, so that won't be an issue with that location as far as entering the Kemper Commons Circle.

Mr. Herzner: Correct. The deliveries, they're extremely small trucks, more along the lines of a van from what I am told. In regards to the dumpster, correct, it is done off hours and at this point they don't have a lot of trash. They said maybe once a week, depending on the dumpster size they get it could be once every two weeks. So it's not very frequent.

Mr. Shvezda: Also with regards to the entrance, we have a situation where we have basically a drive approaching from the south which is kind of the access way for Raising Cane's, there's offset to the drive that enters onto Kemper Commons Circle; there was a concern of how that interacted. Well, primarily most of the traffic that's parked at Raising Cane's is on the west parking lot, so they enter and exit from that western driveway. Usually if there are any in this location that you see in the report that was on the eastern drive aisle, they're circulating to the left to approach the drive-thru window, so our comment to kind of control that would be to place a stop sign at the driveway approach from the AT&T store that would control that traffic so that they're able to see who's accessing in which direction, so that was one comment as far as the drive entrance.

As far as storm water management, the site proposed building and parking lot does not exceed the impervious area that the detention basin was originally designed for. There is an existing underground pipe detention basin system that's in the vicinity of the Raising Cane's building, therefore no additional modifications to the detention basin needs to occur as a result of this project. They've submitted calculations that note that their storm sewer is adequate for the site. One thing that they've noted that there is basically one catch basin that handles the majority of the run-off from the parking lot area, and we just need a little bit of additional information to ensure that the grading takes places such that it does intercept that flow. So that was one comment we had also.

The last comment was just a detail that may have been missed in regards to the landscape area to the east where we've got a swale that runs through there. They had noted there was going to be like a rock channel area through there, decorative with the landscaping.

Chairman Darby: The question we need to ask since this is a PUD, the Council people need to advise us as to whether they think this is a minor change.

Mrs. McBride: It's a final development plan,; it's not a modification to the Planned Unit Development.

Chairman Darby: So we don't need that?

Mrs. McBride: No.

Chairman Darby: I usually forget it, now I remember and you tell me it's not necessary.

Mrs. McBride: If you need, it's in your Staff Report. It's not in your Staff Report tonight. You don't need it.

Chairman Darby: Oh that's how that works.

Mr. Okum: I thought she missed it.

Mr. Bauer: I'd like to thank the applicant for the depth and breadth of the submittal. It made my job of looking through it and reviewing it very easy, so I appreciate that. Just a couple questions. One question is more Staff related. I guess one thing that stuck out to me was the distance between the building and the road. You made no mention of setback, so I'm assuming it meets any kind of setback from that road. Is that correct?

Mrs. McBride: Yes, that's correct. The building meets the setbacks.

Mr. Bauer: The only other thing was just a nitpick of mine as I look at the back elevation; I forget what page it was on, but the elevation that faces that Commons Circle Drive. Just the downspouts kind of stuck out to me. I didn't like seeing...

Mr. Herzner: (inaudible) I mean if you want them painted to match, that can easily be done. I just kind of liked the way it looked. It was my choice, so I apologize.

Mr. Bauer: No, that's just me.

Mr. Okum: Is this a company store then, or is it independent?

Mr. Herzner: It's an authorized retailer.

Mr. Okum: It's an authorized retailer, so it's not a prototype of...

Mr. Herzner: It's not AT&T directly.

Mr. Okum: So it's not similar to the AT&T like at Fields-Ertel and...

Mr. Herzner: If it doesn't say Authorized Retailer, then it's a pure AT&T store. If it says Authorized Retailer, which they are required by law to say that on their signage, then it is basically a franchise. And ours will have Authorized Retailer.

Mr. Okum: But it meets all of their color standards.

Mr. Herzner: Oh yes, you have to follow all AT&T's requirements.

Mr. Okum: I've visited, I've been in AT&T stores a number of times over the years, and at certain times they do get pretty busy and I'll agree with Mrs. McBride on timing. Of course it's usually on Saturday afternoon when phones don't work or get dropped, but they're fixing that now. Phones will last forever now so you don't have to do it. I'll echo what Mr. Bauer had said, rarely do we get as detailed of a presentation from an applicant on a final set of plans, but I'm very pleased with the outcome of both your work and the code, how it transitioned a preliminary set of drawings to a final set that is going to be a real positive impact to the City of Springdale. I'm encouraged by it and will be supporting it.

I did have one question about the mechanical units. I know our code calls for it; it's basically based upon the right-of-way line-of-sight. Because if the grade situation coming down from Target, you're going to be at a little higher elevation. They may need to a little more on the color on the mechanical units because of that drop.

Mr. Herzner: I actually looked at that when I was doing it, because obviously I knew from looking at all the shielding on Raising Cane's and reading their previous Council and Planning Commission reports as well, that's the way it's a small unit. It's only a five ton unit, so it's not very big at all. And that's why we put it with very high parapets in a very high area, and it just sits way down in there below any parapets and they shoved it right in the very front so when you're up at that intersection looking down, it's at the tallest point of the building, so you cut right...

Mr. Okum: Excellent. Couldn't ask for anything better than that.

Mr. Herzner: I'm familiar with the area, so as soon as I did it I was like, I've got to be careful of that spot.

Mr. Okum: That's all I had.

Mr. Okum made a motion to approve; Mr. Ramirez seconded the motion. The application was approved with an affirmative vote of 7-0.

IX. DISCUSSION

Mr. Okum: Any status on any of the projects that we've approved over the past six months, because people do ask us.

Chairman Darby: I know they're moving on the Wimbledon Plaza.

Mr. Taylor: They took down the walls today and they painted. You know they're working on the Macy's façade and so forth. Notably absent from any work, I guess, is the "junior anchor" and/ or Outlot 4, so I don't know anything about that. We haven't heard anything. Outback opens November 16th, I believe. So that's pretty exciting.

Chairman Darby: If you want to get a last meal there, they close what, the 9th? Tomorrow. Or was it tonight? Today or tomorrow. If you go tomorrow, they may be closed. It must be tonight. Anything else for the edification of the group?

Mr. Ramirez: Grocery store (inaudible)

Mr. Okum: Yeah, that grocery store ever happen?

Mr. Taylor: Well, my understanding is they purchased the property and that's all I know.

Mrs. Harlow: I went by there yesterday and nothing was going on.

Mr. Taylor: They submitted plans twice for construction documents, and they were rejected because they weren't sufficient. The last I heard they were in the process of reevaluating their, I think they intend on doing a lot of e-commerce and that was going to have some impact on the design of the interior of the space. That was in May, I believe. And I haven't heard a word since. So they've got a lot of money invested in an empty space at this point. That's about all I can say.

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Chairman Darby: We will accept a motion to adjourn.

Mrs. Harlow moved to adjourn. Mr. Hall seconded the motion and the City of Springdale Planning Commission meeting concluded at approximately 9:00 p.m.

Respectfully submitted,

_____, 2016 _____
Don Darby, Chairman

_____, 2016 _____
Richard Bauer, Secretary