

BOARD OF ZONING APPEALS MEETING
JANUARY 28, 2020
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Anderson

II ROLL CALL

Members Present: Jeffrey Anderson, Dave Nienaber, Tom Hall, Carolyn Ghantous, Douglas Stahlgren, Michelle Miller, David Gleaves

Staff Present: Carl Lamping, Anne McBride, Randy Campion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF DECEMBER 17, 2019

Chairman Anderson: Before we look at last meeting's minutes I want to make everyone aware and I did speak with Council, with the Law Director. We had a question last time about the minutes with the number of abstentions that we had verses the new members. The Law Director did clarify that the abstentions that we had in the last meeting for approving the minutes do carry with a majority of the vote so the minutes were approved as we discussed last time for the previous month's minutes. So now we have reviewed the minutes from the December 17 meeting. If there's any discussion are questions otherwise I'll take a motion.

Mr. Nienaber: I move that it be approved.

Mrs. Ghantous: I'll second that.

Chairman Anderson: Moved and seconded.

(Voice vote take and the minutes were approved with a vote of 7 to 0.)

Chairman Anderson: The minutes are approved with seven affirmative votes.

V CORRESPONDENCE – None.

VI REPORTS

Report on Council

Chairman Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on January 15th. The first order of business was a wonderful presentation to our now retired Police Chief, Mike Mathis. There was a resolution recognizing his distinguished service. It was very emotional. It was wonderful. He is the most wonderful guy. I felt very sad for him to go although happy he was able to retire but said still. Then we had Ordinance No. 4-2020. That was an ordinance amending various sections of Chapter 153 of the Codified Ordinances. That passed with a 7 to 0 vote. We had Ordinance No. 5-2020. That was an ordinance amending section 32.5(E)(1) and (7) of the Codified Ordinances. That passed with a 7 to 0 vote. The last ordinance was Ordinance No. 6-2020. That was an ordinance creating Section 32.05(F) of the Codified Ordinances. That passed with a 7 to 0 vote. That is all that I have unless you have something to add Jeff.

Chairman Anderson: I did want to echo the ceremony for Chief Mathis. It was impressive. There was a lot of people there. It was a good turn out and it was quite emotional.

Mrs. Ghantous: It was. He is so awesome. He is so special.

Chairman Anderson: So, we were lucky to have him. The other thing that I did want to highlight is that one of the ordinances that was passed I think we talked about in a last meeting. There were several changes to the zoning code that were approved that went through public hearing and were approved by City Council. So those we don't have updated folks in front of you handed out. I suspect we'll get some updates at some point here. But if there is something that comes through that is related to the new stuff and you see a discrepancy in your book that is something that the city can pull close as we go through presentations. It is primarily things like sign timings. There are some changes for parking, for compact car parking and things like that. Some adjustments to landscaping, those types of things. So if you want a complete list of those we can also get those out. You can just ask about that. Mrs. McBride.

Mrs. McBride: To the board. The new changes to the zoning code become defective in the middle of February so I think you will all be getting new copies of that but we didn't want to pass it out until it was actually effective. So, stay tuned.

Mrs. Ghantous: Thank you.

Chairman Anderson: Are there any questions about the report from council?

Mrs. Ghantous: Also, if anybody wants more details about what we discussed and what went on at the meeting, it is available on the City web site. You can watch the whole meeting if you are interested.

Report on Planning Commission

Mr. Hall: Thank you Mr. Chairman. Planning Commission held their meeting on January 14th at 7pm in Council Chambers. There was one case on the agenda. It was application 36211 that involved AZP Inc., also doing business as Gold Star Chili, located at 11551 Springfield Pike, in Springdale. It was a minor improvement requiring Planning Commission approval. This is currently a 2,200 square foot building located at said address. It is zoned General Business. The applicant was proposing to update the exterior of the building. That was passed with a 7 to 0 vote. If there are any questions, I'd be glad to answer them.

Chairman Anderson: Thank you. Any questions?

VII CHAIRMAN'S STATEMENT

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their name and addresses and the facts as they are pertinent to the subject before this Board.

As this is a Public Hearing, being sworn in prior to giving testimony is required by law.

At this time, please stand up, raise your right hand and repeat after me:

If you think you may want to testify make sure that you have signed in at the back. Okay. Raise your right hand and repeat after me:

*I (state your name)
Do solemnly swear
To tell the truth, the whole truth
And nothing but the truth,
So help me God.*

Please be seated. Please be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come up to the podium.

VIII OLD BUSINESS

None.

IX NEW BUSINESS

- A. Cincinnati Commercial Contracting on behalf of Jake Sweeney Automotive, variance request for 30 Tri-County Parkway to reduce parking stall sizes and drive aisles and to eliminate curbed landscape areas and plantings within the parking lot. (Application 36373)
PUBLIC HEARING

Chairman Anderson: I think we have the staff report first.

Mrs. McBride: Thank you. I think I knew most of you but I am Anne McBride, the City Planner for those of you that I have not met. So, the application that is before the board this evening is from Sweeney Automotive Group. They have actually purchased the former Atrium Hotel as most of you probably know. It is a 6.86 acre site. It is zoned GB or general business district. It is the site right now of the vacant hotel that had about 115,000 square feet of space in it. It was built in about 1980 and it has been vacant as you all know for quite some time. There has been interest in it over the years but the Sweeney Automotive Group has recently acquired it and would like to move forward with the redevelopment of the property. What they are proposing to do with it, is to demolish the northern addition that was put on to the building. That is that rectangular piece on the northern part of the site there. They will be demolishing that and then also demolishing a portion of the northern part of the main structure as well. We don't have the square footage that they are demolishing and we don't have the square footage that is to remain otherwise I would certainly share that with you. What they are proposing to do is to use the balance of the building that is to remain as a used car sales floor and offices associated with used car sales as well as moving some of the Sweeney corporate office functions into the building. The floor plans that they submitted indicated that portions of the building might be used for HR, payroll, storage and that type of thing, so general office type uses. The used car sales are permitted in the code if they are immediately adjacent and/or are affiliated with another automobile sales facility which obviously this would be. They are proposing parking for the building itself, 131 parking spaces and then an additional 548 spaces that would be used for vehicle display/storage for the cars that would be for sale. The site plan is going to be reviewed by the planning commission at their February 11 meeting. That is a little bit in reverse sometimes of what you all see typically it would go to the Planning Commission first and then to you all but Planning Commission will be considering this at their meeting in February. The applicant has requested two variances. The first variance that we are going to talk about is a variance from section 153.302(B). Specifically, what that does is it defines size of parking spaces within the City of Springdale as well as the width of the drive aisles that service those parking spaces. A basis for that is to make sure that cars can safely get in and out of a parking spaces and there is adequate room to open your doors and those kinds of things. So, the code requires that parking spaces be a minimum of 9 feet in width and 18-feet in length and that for 90° parking spaces, which these are, that there would be a 24-foot wide drive aisle between the parking spaces. The applicant is requesting a variance to reduce the size of the display/storage spaces only to 8 in width and 16 feet in length and to reduce the width of the drive aisles from 24 to 22 feet. What I found is that is somewhat common with these types of uses because whereas, the parking spaces are designed for turn over whether it is in and out of an office building and you're coming and going to lunch or it's a retail use and you are in and out of the different stores or whatever so that they are used to a more frequent turnover so to speak than the spaces. So, one of the restrictions that is frequently put on this is that those that would be using those spaces, accessing those spaces would be Sweeney Employees so that they are backing the cars up, bringing them around to the front so that you could test drive

them or see them better or whatever the case may be. So, the one question that staff has asked with regard to this first variance is how that area is going to be blocked off so that it is not readily accessible for the public? So that I can't just drive my car down there and discover that I can't turn my car around and making sure that it is just the dealership employees that are going back there to get cars in and out? So, that is the first variance that they have requested. The second variance is a variance to section 153.404 and they cited E and I am also thinking that it is also probably C. There are some problems with this variance request and you probably gathered that from my staff report. We did not receive the square footage of the portion of the build that is to be demolished. We did not receive the square footage of the building broken out by use because there are different parking requirements for the office verses the used car facility. We don't know the area of the display/storage spaces and we don't of a planned summary as to what they are proposing. So, they have asked for kind of a blanket variance from this section and we tried to do, the city landscape architect, tried to do some assumptions based on the plans that they submitted by blowing things up and measuring. A variance, as this board knows better than anyone is a specific request asked to not have to comply with our zoning code regulations. Typically, what this board would see is that it would be a setback variance request, let's say, from a 10-foot setback to an 8 foot setback so it is a variance of two feet. I cannot tell the board tonight what this variance request is. They are required to have 20 trees and they are proposing two trees. I can't tell you that because we haven't gotten enough information. So, I have done something that I don't think I had done with this board before, which is to recommend that this matter be tabled and let the applicant supply us with that information so that we can review it and make a fair assessment and provide that back to this board. So, again the request that they are asking for is relief from some of our landscape requirements. Just let me go a little bit further with that. The code actually differentiates between display/storage spaces, what the landscaping that is required for those type of car parking facilities verses those that are required for regular car parking lot. The difference is that for the storage/display spaces, the landscaping, the amount required is not as much for example we don't require trees because what we have heard from a lot of our automobile dealers, including the Sweeneys is that the trees that we require in islands in a regular parking lot are detrimental to the cars, to the paint, they attract birds. You know all of those kinds of things. So, the requirements are different for the two types of parking lots and that is why it becomes important to know things like the square footage and for the display area it is based on the area of those spaces and so forth. So, I am sorry I can't offer you really more information on that request but I would be happy to answer any questions that you have and general.

Chairman Anderson: Thank you. I guess next we will hear from the applicant. If you could come to the podium, state your name, address and let us know why, if you could speak to each variance separately and what it is that you need and why you need it.

Mr. Patterson: Okay. My name is Matt Patterson. I am with Cincinnati Commercial Contracting on Redbank in Cincinnati. I am the applicant on behalf of Jake Sweeney Automotive. We have representation here from the Sweeney family as well as architect and engineer to help answer questions. We submitted the information on December 30th for the deadline for both Planning Commission and for the board here. So, with the idea that we are trying to keep things moving quickly along. They allowed us to do that based on, even though Anne pointed out, it is maybe kind of backwards from what is normal. So, that is why we are here with the backwards thing. The deadline was December 30th at the time that we were wanting to submit. So, we received staff comments on Friday, that passed Friday after 5:00 PM. So that only gave us kind of Monday and today to sort of react to that. We did put together a little bit above response to hopefully try to help with the understanding of what the variance was that we were asking for and I emailed that out about 3pm. I am assuming that nobody probably received that right because of the lateness of that but I made several copies for everybody if I may. Just take one and pass it down to everybody. What you all will see here is the two variance requests with regard to the parking space and aisle and then also the landscaping request. So, it is true that what we have submitted includes landscaping plans that are based on what the Sweeney's have desire to propose for the project to improve the site, improve the looks of the site from the street. Even though we didn't site specific code sections

and elements that said we understand that the code requires this many trees and we are proposing this may. We didn't spell that out in a table or such but we have provided a plan that they wanted to propose to the board for hopefully for your acceptance. So, I am happy to address any questions. So, Liz if you can keep on going. So this is the sheet L1. This is the southern half of the landscaping plan. Just for the sake of being able to blow this up little bit better so that you can see. What we have proposed here is adding trees along both street fronts where they are currently missing trees. So, like you know if you read your zoning regulations and it says you have to have a street tree every so often. I don't know how many feet it is particularly at this moment but we went back and had the landscape architect add the trees in that are missing so that it would, the effort is to try to comply with the zoning regulations. So, we have shown that for both street fronts. The next page, if you would go to that next page Liz then to. Then you can see, going up the left side there. Some of those trees are darker than others and the darker ones are the new trees where the lighter line are the trees that are existing there now. So, this is what we are bringing in front of the board and proposing to do to improve the site from what it is now. To address Mrs. McBride's comments on not having some of the square footage. Anne, in your staff report, or I don't know if it is specifically yours but the staff report I should say, the assumptions that were made were very very close. The 25,000 square feet is just a couple 100 square feet over the building that is going to remain and the percentage use of office verses sales of it was very close as well. So, the numbers that I think that you kind of helped out with by putting a scenario out there where numbers weren't given in the application, I think gives a very good picture of what may be required verses what is being shown on the plan at this time. So, our hope would be able to hopefully make sure that there is no question in anyone's mind here tonight of what it is that is being proposed. Understanding that there is, this is some variance request for the parking size and the landscaping and we feel like we show very clearly on the plans for what it is we are proposing even though we may not have spelled it out real close in the variance, in a right up for in a table what the specific code numbers are there we are seeking a variance for.

Chairman Anderson: Alright, with that I just want to make sure that you understand the process that we will go through tonight. So you certainly have the opportunity, based on what Mrs. McBride said of tabling and asking us to reconsider the full application at our next meeting. I do appreciate the fact that we're trying to move things quickly and we always try to support that whenever we can. Before I open up for questions I want to make sure that you understand that this is one application and we will review it and we will take some, we'll go to questions from the group tonight and then before we vote I will certainly give you an opportunity to respond to all of the questions but then maybe we will take a pulse to see if you want to continue or if there is enough questions you might want to wait until we can go through this more thoroughly. It is very difficult the way that it is presented tonight. It is not what we usually see. We usually have a complete report at a time so that we can review it added the meeting but we will try to get through what we can and see where we're at alright?

Mr. Patterson: Okay.

Chairman Anderson: So, with that I will open up to questions from the board. If there are any questions for the applicant or for the city this is your chance to raise those. Mr. Hall.

Mr. Hall: Thank Mr. Chairman. This is a question for Mrs. McBride. Have you been able to render any type of decision of what the applicant has passed out here this evening on or recommendation for that ma'am?

Mrs. McBride: No. I mean obviously I got this when you did so, I am pleased to hear that the city landscape architect was close on her numbers. That's always good to know right? But what we're really looking for is a table from them saying that these are the trees that we are proposing, this size, this species, here's how many we are proposing and here's some many that's required. Again, I can't, the board can't make a decision on a variance if you don't know what you're varying from and to. So, we really do need that information from the applicant on all of the different criteria in terms of the percentage of landscape area that is required, the number of trees

that are required, and the number of shrubs that are required. Again, those requirements are different for the parking lot for the sales and office areas verses the car storage display area which would be to the northern portion on the site.

Mr. Hall: Thank you.

Chairman Anderson: Mr. Nienaber.

Mr. Nienaber: Thank you Mr. Chairman. Some of these are just thoughts and others are questions so let me compose this the best I can. Do you have a handle on how many parking spaces that you ultimately need or is this that you just want to cram in as many as possible so you don't have to rent space elsewhere to park them like over at the Tri-County Mall garage?

Mr. Patterson: That's probably a question for the Sweeneys and I don't want to probably answer for them.

Mr. Nienaber: He's welcome to come up and join the conversation. Just come on up to the mic.

(Someone talking in audience off mic.)

Chairman Anderson: Please, you can come up and state your name and address and you can answer the questions as well.

(Multiple people talking off mic.)

Chairman Anderson: No, please if you don't speak into the mic we won't get it in the recording.

Mr. Sweeney: I'm Josh Sweeney, I am the CFO of the Jake Sweeney Auto Group. I want to say thank you for hearing us out today. As far as the question about the number of spaces, we are trying to maximize on the site. The idea is obviously to try to get our cars on the property that we own. That doesn't mean that we're not going to want to rent space at the mall still but we obviously prefer to have our vehicles on our lots and our space.

Mr. Nienaber: Again, on that same line of thought first of all I am grateful to see somebody wanting to do something with the old Atrium facility. Like Jeff may have mentioned we value Sweeney as a member of the community. The fact that you are using the old original part of the Atrium as corporate offices to lead me to wonder wouldn't you willingly sacrifice a few parking spaces just to landscape and dress up the front to your corporate offices there and that is where most of my questions are leading.

Mr. Sweeney: Yes, I believe actually, we are all familiar with the Atrium site and I am very well to and believe me we are, speaking on behalf the Sweeneys, we are really excited to do something with it. Just to correct Mrs. McBride, we do not own the property yet. We have it under contract, so we have not finished and a lot of that is contingent upon if we can accomplish the things that we need to accomplish with Springdale.

Mr. Nienaber: Sure.

Mr. Sweeney: The important thing, I think to see is the way that this property flows is the majority of you see is from the southern site when you drive by it. Obviously as you drive down Jake Sweeney Place, the half of it that would be parking would really not be visible. In fact the part that would be visible are in fact the trees, the very mature trees that are there. So, we would be accomplishing I think in terms of the beautification and the way Springdale looks on that side of the property with the addition of those trees. As far as the upper part of the site, we have every intention of the existing, and don't know what you want to call it, the shrub boxes or the landscaping islands, we are going to repopulate those with bushes so that it does look like a corporate office. There's actually trees in front of the south side that we will repopulate as well. So, it is going to look like a professional, or very good looking

site as far as for offices and also for retail space. I think if you look at everything that Sweeney has done in Springdale, we have made them look good. We have taken the old Delhi building, that is a brand new \$3.5 million Mazda store. The old body shop or Buick/GMC store that used to be an air-conditioning facility that is now a brand new Mitsubishi store. So, I think the exciting thing is that when we do something in Springdale, we make sure it looks good because we care about it. I can tell you that my uncle, we have all moved I mean I have spent more life in Springdale and I have actually at my own home. So, we want to look good. We intend to make this look good and it will look good. I can promise you that. I think the fact is that it is suffering right now because there is nobody there. There is nobody there monitoring it. It is an abandoned hotel. I personally will have an office on the site. So every day when I walk out is going to look good because I can't stand for something to look bad.

Mr. Nienaber: Good.

Mr. Sweeney: So as far as the landscaping features, I think you are going to see a very strong improvement on the south side. The north side we are going to have that bordered with trees but as with anything we do want to maximize parking spaces there. It is not going to be really viewed by the public of that and maybe to take them down there to look at a car but they will be driving down there. They won't be pulling cars out. We will be doing that. Very similar to the mall, where we park our cars now there are no trees in those garages right? So, that is why it's ideal. So, here we would prefer to have as few landscaping things on the interior, which is why we are proposing what we are proposing yet the site will be very green on the borders. There is still a very green culvert between our existing facility which is to the north which is our Chrysler store and it looks very similar to that. It is actually parking very few or minimal landscape islands there as well. So, that is our intention and our goal here is to have a facility that we can use as corporate offices also used for sales, possible sales in the future. In a reality of our business is that, like anything in Springdale, you are saying what is happening is the consolidation. There are fewer car dealers in the country and there were 20 years ago. What is happening is that the people that are continuing the car business are acquiring more franchises thus they have more cars and thus need for space to store those cars and to sell them. It is happening, you've got Sam's Club, you've got COSTCO, we've got Target and that's happening with the car industry to. Fortunately for Springdale, with those new car franchises are in Springdale because there is a limit to where you can put them. I'm happen that they are in Springdale because it is wonderful because there is accessibility for the public to come and get cars here. To have an onsite and to be able to see that readily available next to our dealerships is ideal. So that is kind of the nature of the business and why we are looking for more space and also space that we can maximize the cars on our properties.

Mr. Nienaber: Thank you.

Mr. Sweeney: Sorry, I went on a tangent there.

Mr. Nienaber: That's quite alright. Certainly, I understand, why would you need landscaping in the middle of a giant parking field.

Mr. Sweeney: Yes, yes.

Mr. Nienaber: The perimeter it looks like you are trying to cut down on the number of trees and the number of shrubs and part of that, my thinking is that it is lack of imagination on whoever is designing that because I think if you went with pollarded trees they aren't going to hang out over the cars so the birds can crap on them. Or if you go with upright trees like a Lombardy Poplar or Red Cedar and shrub wise with a really low ground clinging thing like a Creeping Juniper then you are not blocking view and not having birds overtop. So, I think that was part of what I was thinking. Aside from that it is good to see that there is a plan to use the place. So thank you for your time.

Mr. Sweeney: Yes, thank you.

Chairman Anderson: I'll just take the opportunity to ask, one comment and one question. So, I do agree with the statement so far, we do appreciate that you are trying to improve the property here. Don't misunderstand questions that we ask that are challenging about how you do it or how you are going to optimize it. The Board of Zoning Appeals isn't Planning so we have a very narrow focus on what we are asked to do here tonight which is to give you, evaluate giving you an exception to specific sections of the Zoning Code. So, you have asked for variance in two areas in our Zoning Code but my concern with the second variance is that even with the updated information you gave us tonight, I don't know what that variance would look like specifically because I don't know what sections or what amount of variance is required. We always try to do the least amount variance required. Giving an exception to an entire section is very difficult. It would have to be some pretty extraordinary reasons for that. We want to bind that because that variance isn't just for Jake Sweeney, that variances for that property writ large forever. It's sits it with forever. So, we try to make it as narrow as possible and it needs to have reasons behind it. Redevelopment is good but there has to be reasons why it can't be redeveloped within the zoning code. With that in mind, my question on the first variance, there is a question from staff that I didn't see a responded to in what he passed out tonight about that high-density parking. In general, I can get my head around the idea that there is high density parking for this type of use and we have car storage in our zoning code. A question from staff that I didn't hear answer was how do you prevent or what are you doing to make sure that the general public isn't going to go back there by mistake? Whether the gates, guards, signage? How do we make sure that it is only used for storage and no one is driving back there? If the safety issue for the general population or general public. How do you respond to that question?

Mr. Sweeney: I would say two things. First is that the property itself is not conducive for people to drive back there. There's only one entrance if you can see it is on Jake Sweeney Place. When you do come in there, I don't think the average customer, who is going to look, it is really inventory that is going to be back there, that they are going to come in there and drive and go down that way to look at those cars. What I envision is more or less vehicles that are extras, ones or twos that are already available on the other lots that that's where they drive in off 33 West Kemper to see Chevrolet, Chrysler vehicles. Used cars would be stored more toward the front. So, I don't believe that we are going to see people just driving back there. I mean you're familiar with the property. You can't get into that, back to that area unless through that one little narrow drive back to there. So, I think that's just by natural the way that the land falls that there's not going to be much traffic back there at all.

Chairman Anderson: Where does the storage lot end? Because really you are talking about a storage lot and the general use lot.

Mr. Sweeney: Correct.

Chairman Anderson: Where does the storage lot end? How is that noted?

Mr. Sweeney: So, it is not noted on there and to be, the way we see it is that the storage, I would say, I guess maybe if I could come up, can I go up?

Chairman Anderson: Yes, please, just realize that anything you say will be difficult for us to hear without the mic.

Mr. Sweeney: I will speak out. So if anybody is going to make their way back here it is going to be through this narrow section. So, storage is going to be here back. So, when I say storage, more inventory or display. So, as far as you are saying what is the hazard that is going to be there, I don't, maybe if you could

Chairman Anderson: So, the variance would be to allow a storage area for used cars, for car storage right? The variance that you are requesting that we review is to establish a storage area on the lot that would have different parking requirements than general parking on the facility. So, are you considering the entire property and storage lot and there just happens to be some users?

Mr. Sweeney: This would be the general parking. Customer/Employee parking so I don't believe the variance is here. The variance is here back. So, there is your display or inventory back here.

Chairman Anderson: Which then goes to the question from staff, which is how are we noting that on the site other than it is hard to get back there? Is there anything that you are doing to denote or fence off or prevent it to show that it is storage?

Mr. Sweeney: That was discussed and it is all a matter of to that if we were to say, put a gate here because there is actually grass here, that the entrance to back here could be blocked with a gate but would that be allowable to Springdale as far as code and fire and services? Is that a possibility?

Chairman Anderson: I would certainly defer to our Planner and Building Official for what is available. I know you can fence off lots, so Mrs. McBride.

Mrs. McBride: I mean I think it would be very possible for them to install gates with a breakaway gate, that kind of thing in case the fire department need to get back there to fight a fire. You know, I am thinking more of Friday night you go to dinner, you're thinking about buying a new car used car whatever it is and then you know your drive around back there. It is as much to protect their inventory as it is safety for folks that might be back there because you don't want them dinging your cars and backing up and that kind of thing. So, it's really more for that purpose.

Mr. Sweeney: If the aisles are what 22, I believe if a customer were to get back there could drive and get in and out and around and through there. I don't think that is a hazard.

Chairman Anderson: I think my question was, first the hazard but also to understand the variance itself. What the variance would be granting would be a reduction in parking lot size for a storage lot. So, you would have to define in your plan a storage lot for that to apply, to have the smaller parking size. That's why I want to make sure it is clear where that is. So, I think you answered that question. The other question is really on the other variance. I guess I am struggling with how mechanically we would do that with the information we have tonight. I don't know if anyone else on the board has spots for questions or ideas about that second variance, if people are comfortable moving forward without the specific in the variance request? Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. I am in favor of the parking variance. I will be voting in favor of that. I just don't feel I have a good grasp on the landscaping thing. You know we have always have been able to work things out with Jake Sweeney, so I'm sure that it is workoutable but I just don't feel like I have enough information to vote on that tonight. It is a little bit too vague for me.

Chairman Anderson: Mr. Nienaber.

Mr. Nienaber: Thank you. I don't know if this will help move the discussion along but I have a couple of straw men here that I wrote a potential motions and let me just read the two separate ones then we can see if there is a way to refine them to fit what Sweeney needs.

Chairman Anderson: To be cleared you are not making motions?

Mr. Nienaber: I am not making a motion at this point, I am just offering a straw man. The first one: move to permit a variance to the owners of 30 Tri-County Parkway, BZA application 36373 to Section 153.302(B) to allow up to 543 parking sites, sized at 8'x16' within the area cleared by demolition of portions of the building on the site with the understanding that these spaces are to be accessed only by employees and not the public. That within my first straw man. The second one has to deal with the second variance: move to permit a variance (same thing) to 153.404(E) and potentially (C) according to Mrs. McBride to the owners of 30 Tri-County Parkway, BZA application 36373, to eliminate curbed landscape areas and plantings within the vehicle storage area that will be created by demolition of portions of the building, creating up to 543 8'x16' parking spaces which results in a. interior landscape islands

proposed to require only a total of 7 trees and 17 shrubs based on 1400 square feet as opposed to the zoning required 6,730 square feet and b. landscape areas for the outside sales and display areas require only 19 shrubs and 1 tree verses code required 466 shrubs and a tree. That second one is the one, as Carolyn mention is really sloppy in terms of trying to figure out what they are wanting now verses what came to us in the mail over the weekend. I am just bringing this up for discussion to see if this fits what you need Mr. Sweeney and what the board sees and whether Mrs. McBride has any input into that.

Chairman Anderson: Mrs. McBride.

Mrs. McBride: Yes, thank you. The additional information that the applicant passed office evening, I don't feel comfortable. Obviously, it is the board's decision, but they use our numbers and our numbers were blown up on plans and we were guessing and trying to make some assumptions for the board to give you some idea of what you were looking at this evening. I would not feel at all comfortable if the board were to grant a variance based on our numbers. I mean you can see in my staff report I say approximately and so forth. That's my advice.

Chairman Anderson: Mr. Nienaber.

Mr. Nienaber: Given that, we are in a position to either have the Sweeney's table this or it will be put down. So those are the kind of the two options as I see it.

Chairman Anderson: We will come back to that. Any other questions or comments about either applications, either variance request right now? I will echo the concern that you have heard tonight. We do want to work with you, don't misunderstand that. I personally it would be very difficult for me to vote in favor of the second variance on this application because I don't feel like the numbers are firm. I don't feel like we are able to have a discussion about the amount of ground cover, the amount of variance that you're asking for. I think the plans are in the right space. I can get my head around the fact that this is a used a certain way that it fits the neighborhood. I feel like I can't have a good conversation or discussion to see if it's a sufficient, to qualify for a variance. To qualify for a variance there has to be some reason you can't follow the Zoning Code other than it would be better for us if we didn't. I feel like I can't have that discussion because I don't have the numbers were a firm plan. So, from my perspective it would be very difficult for me to vote on that second one. The first one I can get my head around the storage area. I think we have try to accommodate that in our zoning code and I think the nature of this lot would allow for more narrow parking which makes it a unique situation. So, the challenge that we have is that this is one application and we would move on it is one application and there is two variance requests. So, I put it back to you before I ask for motions if you are comparable with everything that you have heard tonight, if you want us to move forward and make motions and make a decision tonight or if you would rather take the time over the next week or two to work with the City Planner and the building office to firm up the numbers and come back for our next meeting?

Mr. Sweeney: I think one of the questions maybe so I understand. As far as the variance on the, how you are viewing this is the variance on the landscaping, are you viewing it two separate facilities? Obviously, the storage area verses the landscaping on the southern part? Is that

Chairman Anderson: It is one site.

Mr. Sweeney: It is one site. Okay. So that helps me. I guess the second part is

Chairman Anderson: I'll just make sure that is right with the City. So, the variance is for the site for the total square footage, we don't subdivide inside of our minds?

Mrs. McBride: Well we do a little bit because of the requirements are different. The southern portion of the parking lot has different landscape requirements because it is the parking lot for the offices then for the retail facility. The parking area, storage area, display area or whenever you want to call it on the northern part of the site is treated differently from a landscaping perspective, as I said we have reduced of requirements from that in the code to eliminate trees and those kinds of things. So,

there are different requirements so we do treat those are little bit differently for landscaping.

Chairman Anderson: By treating it differently, it just means that you couldn't over plant one section to make up for another and how that meet the code?

Mrs. McBride: Correct.

Chairman Anderson: So, to be clear, the variance is attached to the site but there are different requirements for different portions of the site because one side is for storage and that does not have the same requirements for landscaping as the office side.

Mr. Sweeney: I think one of the things that, instead of having you vote is that understanding the expediency that we want on our end to get this done and I'm hoping you guys feel the same way because it is that for all business to sit and have this behind us. It really is. I have personally even received calls from the owner of Benihana who owns that property and has said to you guys have problems because they are having problems running that space. So, it is something that we want to fix together. One of the things is that, how quickly could a decision, if we were to get plans to you, what is the next step as far as getting it voted on? How quickly can it happen? Because again we don't own this property and that is one of the things that we're waiting on. So, what does that look like?

Chairman Anderson: So, unless I am mistaken, it would fall under, if it were to be tabled tonight, it would fall under old business and we would take it up again at the next meeting which is the fourth Friday of February which would be the 25th? February 25? Yes, Tuesday, February 25th.

Mr. Sweeney: So that is pretty much it?

Chairman Anderson: I'm sorry, Tuesday, February 25th. Mr. Nienaber.

Mr. Nienaber: What is the time table for when they have to have another presentation in front of the city before it makes it to the board?

Mrs. McBride: As I said, the Planning Commission is scheduled to hear this on Tuesday, February 11, so that would be for their site plan approval.

Mr. Nienaber: But does that make it in, in time be on next month's docket for us?

Mrs. McBride: Oh, I'm sorry, the question was what is the submittal date for the next BZA meeting? February 24th I'm told.

Mr. Nienaber: Then we have time. Great.

Mr. Patterson: I might ask, how this could look as far as collaborating to come up with an approvable plan for the board. We may have made some assumptions as an applicant that he could work to having an approvable plan before coming to this meeting. Since we have this in the December 30 of this meeting but that he got no feedback until just this past Friday after business hours. There was no time for collaboration. These things could have been addressed a couple of weeks ago so that we gotten an approvable plan in front of you all. So, if we are tabling to try to make sure that we get an approvable plan in front of everybody, we want to make sure that we can work together to get an approvable plan. I don't think it is just as simple as Jake Sweeney Automotive and us on their behalf doing the code research work and putting it out there as much as it is, I think it is a two-way thing. I think we need to work together to be able to get that done. I don't think it is just us and clearly it is not just the City. The timeliness is imperative and we don't want to be submitting on the 24th to find out we still don't have the right approvable information for you all.

Chairman Anderson: Mr. Lamping.

Mr. Lamping: We can set up meetings to help facilitate that back and forth review. I think that is a very smart move and I encourage it. As soon as you guys send us

the information that we still need, the tables, that's a start and then let's sit down and meet.

Mr. Patterson: Okay.

Mr. Lamping: We can get that worked out.

Chairman Anderson: The other thing that I would add, from a scheduling perspective. We do typically, I know you apply for both Planning and BZA at the same time earlier which is good. We can often times move more quickly that way. If there are additional variances or concerns that come out of the Planning meeting, it sounds like there would be time for you to address those in our next meeting as well. So, even though you are tabling it, it is two weeks I think is the difference between if we had everything tonight or not and if anything were to come out of Planning, we could certainly take a look at that at the same time. So hopefully to keep things moving.

Mr. Patterson: Okay.

Chairman Anderson: Any other questions or concerns? Things that we need to take care of? Alright I will entertain a motion, we need a motion on the application one way or the other if it is going to be tabled. Mr. Nienaber.

Mr. Nienaber: Motion that we table the Sweeney application until next month.

Chairman Anderson: Is there a second?

Mr. Stahlgren: Second.

Chairman Anderson: Discussion? I want to be clear, that is your desire to go back and have that opportunity to work with the city? I would encourage it.

Mr. Patterson: It might be the most expeditious in this matter, I think.

Chairman Anderson: Mr. Secretary would you will take roll on the motion.

(Secretary Hall called roll for a vote and the motion to table the application was approved with a vote of 7 to 0.)

Chairman Anderson: Okay the motion to table to our next meeting has been approved 7 to 0. Mrs. McBride.

Mrs. McBride: Just to be clear that the board is continuing the public hearing in progress this evening.

Chairman Anderson: Thank you. Yes. So, with the approval to table that we will continue the public hearing in process. Thank you for that. We will see you again next time. I'm sorry we could not get it all done tonight. We will track has been closely into the best that we can to keep it moving.

Mr. Patterson: Okay. Thank you. Have a good evening.

X DISCUSSION

XI ADJOURNMENT

Chairman Anderson: We have item 11 before us.

Mr. Nienaber: Move to adjourn.

Mr. Hall: Second.

Chairman Anderson: We are adjourned.

Respectfully submitted,

_____, 2020 _____
Chairman, Jeffrey Anderson

_____, 2020 _____
Secretary, Tom Hall