

PLANNING COMMISSION MEETING
November 10, 2015
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, Marge Boice, Don Darby, Carolyn Ghantous,
Marjorie Harlow, Lawrence Hawkins, Dave Okum

Staff Present: Mrs. McBride, City Planner; Don Shvegza, City Engineer;
Gregg Taylor, Building Official

III. MINUTES OF THE REGULAR MEETING OF OCTOBER 13, 2015

Chairman Darby: At this time the Chair will accept a motion to adopt the Minutes of our previous meeting of October 13th, 2015.

Mrs. Boice: Move to adopt. (Mrs. Ghantous seconded the motion.) With seven "aye" votes, the October 13th, 2015 Minutes were adopted as submitted.

IV. REPORT ON COUNCIL

Mr. Hawkins provided a report of the October 21st and November 4th, 2015 City of Springdale City Council meetings.

Chairman Darby: Thank you, Mr. Hawkins, for that comprehensive report. How times change – when we had him as a freshman at Princeton, we couldn't even get him to say a silent prayer (laughter). Moving on.

V. CORRESPONDENCE

Chairman Darby: There is no correspondence this evening.

VI. OLD BUSINESS

Chairman Darby: There are no items of Old Business.

VII. NEW BUSINESS

A. Kemper Pond – Revisions to an Approved Development Plan, 1329 East Kemper Road

Chairman Darby: Representatives, please come forward.

Mr. Matthew Howe: Good evening. Pretty much what we are going to do is add an expansion to an existing maintenance building. We have found that the maintenance building, through the permitting process of the expansion, that the maintenance building didn't have the correct permits, zoning approval submitted. We have talked with Gregg Taylor, the Building Official, to get everything approved so that we can do the expansion.

(Mrs. McBride provided the City Planner report.)

Mr. Taylor: We have had discussions with the Applicant regarding getting the building inspection and so forth done, once Planning Commission has approved the building; that discussion is ongoing and I don't anticipate any problem with that.

Chairman Darby: So there is a protocol or procedure in place to retroactively conduct this building inspection, correct?

Mr. Taylor: That is correct. That's all I have.

(Mr. Shvezgda provided the City Engineer report.)

Chairman Darby: You folks have had discussion with Staff, so you are comfortable with the procedures as outlined as how we are going to move forward on this?

Mr. Howe: Correct.

Chairman Darby: Since we were made aware after the fact.

Mr. Howe: Correct.

Chairman Darby: Okay. Any other questions from the Commission members?

Mr. Okum: Just based upon what was submitted, it seems reasonable that a facility of that size would need some type of operational maintenance facility for equipment and so forth, otherwise it would just be laying outside. This is not unreasonable considering the amount of square foot that this site encompasses so I'll be supporting the request for the approval on the existing building with the expansion.

Chairman Darby: You ready?

Mr. Okum: Yeah.

Chairman Darby: I don't see any other lights.

Mr. Okum: Mr. Chairman, I'd like to make a motion to approve the aforementioned project to include the specifications and designed contained in the exhibits that have been presented to this Commission prior to the meeting for review. Also to include Staff, our City Engineer's and our City Planner's recommendations and considerations.

(Mrs. Boice seconded the motion. With seven "aye" votes from the Planning Commission Members, the motion was approved.)

Chairman Darby: Thank you for coming.

Mr. Howe: Thank you.

B. Oak Hills Mausoleum and Gardens Development – Concept Plan Review, 11200 Princeton Pike

Chairman Darby: Would the representatives please come forward. (No representatives present for this request.) Mr. Taylor, do we have any information on these Applicants?

Mr. Taylor: No sir, Mr. Chairman. I don't know why no one is here.

Mrs. Boice: I move to table and move to next month's agenda.

Chairman Darby: Perhaps if we move this item to the end of the agenda, because we do have another item; if they don't show up by then, we will table until next month.

Mrs. Boice: I think that's very considerate but I do recall their mailings and all of the applicants are told to be here at 7:00 p.m. I am kind of strict about that - I mean it isn't like we are wandering in here at 7:15 or 7:20 p.m. I made the motion, whether it's seconded or not.

Chairman Darby: Is there a second?

(Mr. Bauer seconded the motion to table until next month's meeting and with seven "aye" votes from the Planning Commission Members, the Oak Hills Mausoleum and

Gardens Development, Concept Plan Review at 11200 Princeton Pike was tabled to the December meeting.)

- C. Enson Mart – Minor Revision to an Approved PUD/Transition District Development Plan, 11360 Princeton Pike

Chairman Darby: Would the representative please come forward?

Mr. Haglage: Hello everyone. My name is Dick Haglage. I am with CF Partners, which is the ownership of Cassinelli Square. I am here with Ming, who is one of the representatives of Enson Mart, and the architect for this project, Randy Plikerd. I just wanted to comment on a couple of items on the report that was prepared by Anne McBride. I am going to ask Randy to stand up here in a moment to give a brief description of the building that you now see the elevation in front of you. This submittal also includes a mezzanine that is a total of about 18,020 s.f. of which 14,540 s.f. as my understanding is going to be used for storage of materials and goods. The balance, which is 3,480 s.f. is to be used just as an observation platform for customers of this grocery store to be able to go up and look down onto the floor. It is a particular design and Randy can speak to this a little bit more, as well. Where it is really going to be very appealing, a main street type of operation. The ownership of Enson Mart is thinking it is kind of an attractive feature to be able to send people upstairs to be able to look down on the operation. We respect the fact that we have as the submittal of our applicant Enson Mart this evening, that which is in front of you includes an additional 220 s.f. of signage over what we had submitted to you back in March of this year. That is in part because we had also asked for approval of signage on the existing tower that is in the middle of the large 265,000 s.f. building of Cassinelli Square and so they have added some of their signage to that tower. That was earlier approved, at least our ability to put signage on that tower was earlier approved by the Planning Commission; I hope you recall. As it relates to the pylon sign, I have spoken with your Staff regarding the pylon signs and I think we have worked out the issues as it relates to that. So those are just my early comments. Randy, if I could ask you to give a description of the plan.

Mr. Plikerd: The main idea is to match the existing tower, which is on the left side of the drawing with an identical tower that would be right beside the Home Emporium; same material, same brick, same glass block, same metal roof. We are creating like a pilaster of the central feature; a larger version of that existing tower which is really the lobby where you walk into the grocery store. It is dryvit, the same material that is on the Home Emporium, the same metal roof and the same glass block, clear glass curtain wall to see into the store but matching the materials; a lighter color than Home Emporium, an off-white or ivory but all of the other materials are identical.

Mrs. McBride: Before we get started, the two Members currently of Council will need to make the determination that Staff would suggest that this is a Minor Change to the PUD.

Mr. Hawkins: I would find that this is a Minor Change to the PUD.

Mrs. Harlow: I do as well.

(Mrs. McBride provided the City Planner's report.)

Mr. Taylor: At this point, I really don't have anything to add. When the building plans comes in, there is going to be some fairly significant things to be worked out but we are not there yet.

Mr. Shvezda: I have no comments.

Mr. Okum: I ask that the Applicant respond to the considerations that were brought forward by Mrs. McBride in regards to justification on the signage, as well as the loading spaces.

Mr. Haglage: As the developer or investor on this project, the signage we've been before you before on signage and our point continues in as much as we need to be able to provide our retailers as much signage as possible. It is in part because of the fact that the building sits down below grade of Princeton Pike, so it is important that they have the right amount of signage. As far as the dock, because of the operation that is anticipated here with a 46,000 s.f. grocery store, our applicant feels that is more than ample for his operation at this time. As far as the mezzanine space, I think the declaration that I made earlier is the use of that is storage and then the rest of it just being an observation platform.

Mr. Okum: How do you separate those uses out between storage and observation?

Mr. Plikerd: The main observation area is right over the cash registers and there is an open stairway going up to that area and then there is an egress stair going directly to the outside and there is an elevator; that is all towards the front of the store. The mezzanine a like a U-shape around the other two-thirds of the rest of the store and that is accessed from the loading dock area in the back; there is a lift up to a platform area which has its own egress area, as well in the back. There's a partition and a door. The storage areas are not open to the observation area other than through a door.

Mr. Okum: So the dry goods storage would be along the north side of the space; is that correct?

Mr. Plikerd: Really there is only three sides.

Mr. Okum: Is that addressed in drawing #5?

Mrs. McBride: Yes.

Mr. Okum: So the mezzanine area is separated off by the storage area? So, that is all designated as dry good storage; so the mezzanine area that Mrs. McBride is referring to is labeled the observation area; is that correct?

Mrs. McBride: Well, no. The whole area we're calling the mezzanine area. Then we are suggesting that if part of it is to be truly storage, although the Code doesn't specifically provide for that, Planning Commission has the ability to modify parking requirements and particularly because it is in a PUD, that if it is going to be simply storage that they not be required to park that; which is a little bit different than what the Code provides for. Our question was, the observation area itself - is that going to be just one big open space or are there going to be seats in that?

Mr. Plikerd: I imagine there will be seats there.

Mrs. McBride: Will you be able to purchase some food downstairs and bring it up?

Mr. Plikerd: I think you could buy your food and take it up there.

Mrs. McBride: So from a parking standpoint, we are going to want to make sure that 3,480 s.f., that parking is provided for that. Staff doesn't feel it is necessary to park the balance of the 14,540 s.f. I would suggest that would be in any motion of approval that the Commission might consider.

Mr. Okum: You identified that as #2 of your considerations and I think that adequately addresses it, unless there is additional wording necessary?

Mrs. McBride: No, that is fine.

Mr. Okum: So it is right on, good.

Mr. Plikerd: Can I just say that the designer is from New York City and he had this idea of a like an interior street, like a cobblestone street and the mezzanine kind of came from his idea of doing storefronts like downtown Cincinnati or Over the Rhine

storefronts all the way around that area. Since we are building a gyp-board wall there anyway, we said why don't we just go ahead and build the mezzanine; it kind of evolved over time.

Mr. Okum: You originally had just storage up there.

Mr. Plikerd: Really it was just going to be a fake designer wall.

Mr. Okum: Then the designer said, hey look there is an area there that we really don't need for storage and we can use it for observation.

Mr. Plikerd: The whole thing just keeps going.

Mr. Okum: I am trying to see this three dimensional. I am trying to follow. So, internally the storage area will have walls part way around the building?

Mr. Plikerd: And windows.

Mr. Okum: It will have murals or some type of architectural detail.

Mr. Plikerd: And painted with architectural detail; it is going to be pretty interesting.

Mr. Okum: The reason I think Mrs. McBride brings it up is it is a mezzanine area, it has three restrooms and so that to me means sort of dining or sitting type of.

Mr. Plikerd: I can't give you a straight answer but I think they will be able to take their lunch up there; I am pretty sure.

Mr. Okum: It is not like they are starved for parking spaces but Staff and we need to as the City, make sure that when other tenants come into this space that all of those parking spaces are allocated fairly for all of the developments. Your response in regards to this additional signage, is it strictly because of it not being visible from Princeton Pike?

Mr. Plikerd: So much of the logo is giant; the big sign logo.

Mr. Okum: We do square that off and we have done that for thirty years so I am very familiar with how we do that.

Mr. Plikerd: The only Chinese item is that kind of red and white thing right inside the Enson Mart.

Mr. Okum: Mrs. McBride, if that architectural feature of whatever that letter "E", if that were not in your calculations, where would that fall?

Mrs. McBride: The feature on the center tower?

Mr. Okum: Yes.

Mrs. McBride: If that was not there, and the "Be part of your life", that is 304 s.f., so it would be 775 ½ s.f.

Mr. Haglage: Which would be below what was approved in March.

Mrs. McBride: Plus the pylon, the pylon is at 62 s.f.

Mr. Okum: Can we get a number on the "Be part of your life" space and separate that?

Mrs. McBride: We can, I think. If you want to go on and come back to me on that because it is going to take me a minute to scale it off.

Mr. Okum: I just have one additional question. All cart storage is approved to the facility?

Mr. Plikerd: Grocery carts, yes.

Mr. Okum: Are those outside or inside?

Mr. Plikerd: They are inside; they never brought up having outdoor places in the lot.

Mr. Okum: I understand but this is strong on submittal that you gave us this evening. It shows the entry vestibule and it shows the cart storage.

Mr. Plikerd: Yes, in the vestibule.

Mr. Okum: Then cart corrals would not be part of their plan?

Mr. Plikerd: They may want that at some point if it becomes an issue.

Mr. Okum: I think they would need to come to us because some businesses are using canopies and covers and enclosures and so forth for their cart storage. If there were cart storage or cart corrals, then that would need to come back before the Commission or at least before Staff for review to make a determination.

Mr. Plikerd: Okay; thank you.

Mr. Bauer: I am glad to see a grocery store coming to Springdale but I have some questions in regards to that, to get me caught up to speed. As I look at your rendering tonight and I look at Mrs. McBride's photo and as I drove over there, I am trying to understand where your building starts to the south. From the rendering, it looks like it would start as you go over there where there is currently a door that is in a higher part of that building, that's where that central tower would approximately be?

Mr. Haglage: This is the space. If you recall this is part of the 106,000 s.f. building that was prior the Home Quarters Warehouse.

Mr. Bauer: Right.

Mr. Haglage: Home Emporium came in and they took the 60,000 s.f. that is the south portion of that 106,000 s.f. Everything that is north of the Home Emporium is 46,000 s.f. and that is the frontage that they are taking, the remainder of that building. So, it essentially starts from the edge of the canopy of the entrance of the Home Emporium that is where this building starts. As you can see shortly after this first tower that you see, that's a new feature that would be installed as well as all of this vestibule area. The tower that is in the middle, that is existing; it is just being modified and quite an enhancement to be honest with you.

Mr. Bauer: That is where I was getting confused when I was looking at it. It is clear in my mind now.

Mr. Haglage: As the owner of this, I am delighted with these modifications to this storefront, to be honest with you. I think it is really going to soften it and really make it a lot more attractive, it is balancing it quite a bit.

Mr. Bauer: Signage, and maybe this is more of a question for Mrs. McBride, I don't remember a March 27th meeting; maybe I was absent or my mind is getting older as the days go by, but do we have something that tells us what we approved back in March from a visual standpoint? Was it similar to what we are looking at tonight?

Chairman Darby: Before we proceed, can we get clarification on this March 27th meeting?

Mrs. Boice: March 27th would not be the 2nd Tuesday.

Mrs. McBride: No, I am sorry, March 2015. Going back though, somebody had asked the question, Mr. Okum, I think it was you, on the square footage on the signage. I believe the "Be part of your life" is 123.5 s.f., by my rough scaling here tonight, and then the "E" emblem is 180.5 s.f.

Mr. Okum: Is this what we approved (referring to a drawing)?

Mrs. McBride: That is what we approved at the March meeting; it goes back to what came in with their revisions to Staff's comments.

Mr. Haglage: Just to fill in the gap there, our retailer, our tenant decided to make some modifications to the plan and so that is the reason that it has been resubmitted to you for new consideration.

Mrs. McBride: And the March date was actually March 10th.

Mrs. Boice: So that would be in the March 10th meeting?

Mr. Okum: But the March 10th meeting we did subdivision of the site. We did not do this building elevation. I don't recall it. I don't think there's a person on this Commission and usually we will remember everything we have seen and I thought I was the only one that was crazy and I kept my mouth shut and listened.

Chairman Darby: No, I don't remember it.

Mrs. Ghantous: No, it's all of us.

Mrs. Boice: I know I've missed two meetings and I figured this must be it. But, then I saw the 27th and we didn't meet then.

Chairman Darby: That is a typo.

Mrs. McBride: Here is the situation - March 27th we offered Staff comments to the Applicant on all of this signage. So it would have been then at your April meeting.

Mr. Okum: I don't recall it at our April meeting.

Mrs. Boice: I don't remember that. This is a big chunk of signage; I know we would remember that. What was allowed was 300 s.f. and according to this we had granted, which no one seems to remember, 858 s.f. Now, you are coming in and wanting 221' more. I note in the notes here that you have not any signage on the freestanding Cassinelli Square sign, which if you decide that we would have to give additional space and approval for that. I like what I am hearing here and we all want a market in Springdale but throughout the community, my lord if everybody came in asking for this kind of signage it just to me is not workable; it is too much. Thank you.

Mr. Hawkins: What does the red and white symbol say or mean that is on the front of the building?

Mr. Ming Huang Guo: It is sort of just like a design, doesn't have any meaning. It is sort of a logo design.

Mr. Haglage: It is kind of a place holder, what it sounds like.

Mr. Okum: It's a box sign.

Mr. Hawkins: Thank you.

Mrs. Harlow: I had a question on page #3 of the floor plans in the design. You have porches out on the front which I understand is the area to the right and the left of the big pylon; will there be seating out there?

Mr. Plikerd: Outside seating?

Mrs. Harlow: Yes.

Mr. Plikerd: No.

Mrs. Harlow: So there is no seating and no reason to have any balusters out there?

Mr. Plikerd: No, there won't be any seating.

Mrs. Harlow: Okay, thank you.

Chairman Darby: Are we clear about the Staff comments here, folks?

Mrs. Harlow: I think Mr. Thamann may have gone to get the notes from that meeting.

Mr. Bauer: One other question about the loading dock, Mrs. McBride - the Code indicating that two are required, is that based on square footage, that is how that is determined?

Mrs. McBride: That is correct.

Mr. Bauer: Okay, thank you. I do agree that needs to be taken care of, if that's what it looks like, not only the painting around the dock but they ought to do something with that storm drain too.

Mr. Haglage: Yes, actually we could just paint that the same color as the building so that it just blends in. In hindsight, I would have liked to have had that done before this picture was taken.

Mr. Thamann: There is nothing on the agendas for February, March, April or May.

Mr. Taylor: Obviously this was before I got here but I know there was some fairly significant discussion because there was actually an adjudication that went up to Columbus with dealing to build a firewall. So, I am pretty confident that there must have been some discussion about splitting these buildings. Unfortunately, I wasn't here but I am sure there was lengthy discussion.

Mrs. Harlow: My recollection is that we did discuss the firewall, that we did do some approval on plat changes.

Mr. Haglage: That is correct.

Mrs. Harlow: But I do not recall ever seeing the signage like that.

Mr. Haglage: Okay. I am sorry that I can't shed any light on this because I wasn't the partner that came to that particular meeting. So, I am feeling a little flat-footed on that. It was my understanding that it had been discussed earlier. What I would like to suggest maybe on that is that we are really excited about getting this grocery store and I think you all are too. And while there is some confusion over that prior meeting and whether it occurred or not, I am fine with setting aside that it didn't and let's have the discussion regarding the signage tonight. What I would ask for though is your consideration for the signage. It is important that I get this retailer in this building. I have a 265,000 s.f. building that I have been trying to lease now since we have owned this center for four years. A grocery store is tantamount; it is really important for us to have to make the rest of the leasing more viable. A grocery store can be a game-changer in that regard. While I agree with you, this is a lot of signage typically, maybe this is a time when I would ask for you to make that exception because a grocery store, of which there is none in this community, we need this in the community and I need it in this shopping center in order to enhance its viability for us to complete the leasing. I am sorry about the confusion in that I particularly can't shed any light on

that but I would just ask for your consideration of the application that is in front of you tonight.

Chairman Darby: I am going to agree with you about regardless of how this came to us it is what it is and we need to deal with it.

Mr. Hawkins: I may have missed this if it was said but Tower "A", the one that is the farthest south by Home Emporium, what is the total square footage for the nine signs built into that tower?

Mr. Haglage: Yes, and again these signs here probably pretty clearly, if you look at them, they are just place holders, as well. The total s.f. of that total is 128 s.f.

Mr. Hawkins: On each side, 128 s.f.?

Mr. Haglage: It is two sides on both of the towers.

Mr. Hawkins: Right. I want the grocery store to be successful and obviously folks will need to see where it is but I'm not sure how important it is to have that 128 s.f. of signage on the south-bound side of that tower because I don't know that there is going to be a big benefit for that. I understand wanting to put on the other tower and having it sort of by the side by Kemper Road but on that south-bound tower and the south side of that south-bound tower, I don't know that there is a big benefit that you're going to get and if you can save some square footage on the signage then that would be good.

Mr. Haglage: Okay. I think we can do that. It is conflicting here, the elevation that was put in front of you calls it as two sides and our application itself really just has it on the front side and so I think that we would certainly be willing to keep it to just the front side.

Mrs. McBride: Yes, the list it on two sides of that submission. They call it sign area on Towers "D" and "E" and they split that.

Mr. Haglage: Towers "D" and "E", they did but we are talking about "A".

Mrs. McBride: They split out. I thought you were talking about this tower.

Mr. Hawkins: "A" has it on one, but the one that she just handed us has it on both sides.

Mrs. McBride: Yes, "A" is on one side and towers "D" and "E" is on two sides.

Mr. Haglage: Right. Your point is well taken, Mr. Hawkins, I think we could make sure there is no signage on the south side.

Mr. Okum: But that is not in the calculation.

Mr. Haglage: To be clear, it's not in the calculation. But I think I can step forward on this in order to try to mitigate this conversation some by lessening the amount of signage that is going to be for Enson Mart on "D" and "E", as well. As the developer, we had approved signage on that tower and I think it was at the same meeting where we talked about the additional panels on the two pylons signs, if you recall that conversation; this was not the March meeting, this was a meeting that I was at, so this one I can vouch for. It may have been the same meeting where we talked about the huge wall that we had to build in the Enson Mart space but, at any rate, I think we are allowed to have by prior approval, 164 s.f. on what is being shown here on the column that is on the left of the drawing, or the most northerly tower. Enson Mart is showing the use of 128 s.f. of that 164 s.f. that was approved earlier for us as the developer to use throughout the shopping center as we saw fit. I think it would be appropriate to cut that back some, to maybe 82 s.f.; is that making sense?

Mr. Okum: What really makes sense is Tower "D"/"E" is outside of the building elevation for Enson Mart.

Mr. Haglage: Right.

Mr. Okum: So, Tower "D"/"E" should not apply to the Enson Mart application that we are looking at, in my opinion. I believe that Tower "A" is in front of Enson Mart, the main tower is in front of Enson Mart but Tower "D"/"E", or whatever you want to call that tower, that's really outside of their frontage. So we probably need to consider that and I still want to find out where in the world we did approve that, because I don't remember that, but we can at least "D" and "E" belong to the shopping center because it is for multiple tenants and isolate Enson Mart and the two towers that belong to Enson Mart, under one application and part of the square footage as we need to apply it to that. So I'm asking Staff for new numbers, in my opinion and just for my purposes, to exclude Towers "D" and "E", and give us Tower "A" and Tower "B" and the frontage along their lease space. While they are doing that, if I could ask you a question – vitality of a business has a lot to do with the length of time that they project, and vitality is important to a business, is this lease a long-term lease that you are establishing with them?

Mr. Haglage: Yes, it is.

Mrs. Harlow: I was kind of looking at the same thing that Mr. Okum was on the advertising there because I noticed that on page #3 of your plans there are four rental spaces that are planned for the interior of the grocery store and so those four rental spaces would want advertising there on the outside, as well, as well as the roadway; correct?

Mr. Plikerd: Probably not at the roadway.

Mrs. Harlow: Not at the roadway; just on the tower. Okay, thank you.

Mr. Bauer: The description of that box, place-holder sign, really didn't do much for me other than that is a placeholder for you to put something there. How important is that? That is some square footage to me that doesn't add a whole lot to me right now and I don't know if it really adds a whole lot if you eliminate that from advertisement for the grocery store?

Mr. Haglage: Are you talking about the logo, just to be clear?

Mr. Ming Huang Guo: I think that could be taken out; it is not a big change for our business. It could be eliminated.

Mr. Haglage: I don't know what the square footage of that is; 40 s.f.

Mr. Bauer: I will ask you another question about signage because I'm not a big fan of a lot of signage. The signage on those towers I look at and I don't know how anybody's going to see those from a distance to know what is there. I always have an issue with the number of signs that are there; you'd almost have to be standing still to read what is there and to find out that a store is in that location. I'm always curious from a developing standpoint why everyone seems to think that that signage is that important. The business itself is important once people know you create good service and goods then they will find the place whether there is a sign there or not. I think those little signs don't add a whole lot.

Mr. Haglage: The only point I can make is that I have been developing shopping centers for over thirty years and I can tell you that I'm not a retailer and I never will be but I can tell you that every retailer that we deal with, signage is of the utmost importance even if it is small and you almost have to be on top of it to see it. Any kind of outside the store recognition is just really important; that is my two-cent worth. There is a part of me that understands what you are saying but that is not what I have understood over the years from retailers.

Mrs. Harlow: On the Enson Mart sign, is that a back-lit sign or what type of sign is that?

Mr. Plikerd: It will be illuminated box letters.

Mrs. Harlow: And the tower part, the logo that you have there?

Mr. Plikerd: It will be illuminated, as well. It will be lit.

Mrs. Harlow: Is that some type of symbol that is important for the Mart, the "E"?

Mr. Plikerd: Eternal Foods is the mother company that supplies all of the food to the grocery chain.

Mrs. Harlow: Okay, thank you.

Mrs. McBride: So, just backing up, at your February 11, 2014 meeting is the one where you considered adding a right-turn in and right-turn out to Cassinelli Square and you added one panel on the bottom of each of the two free-standing signs that were 42 s.f. each. You also approved converting the existing tower element, the one that we are talking about right now into signage for the development. That date is solid. Then with regards to the additional signage, Mr. McErlane and myself both provided comments to the Applicant on March 27th, relative to all of this additional square footage, all of this additional signage. It would have gone to your April meeting but it is not on the agenda. I was not at that meeting, I was at the APA Conference; so there is the little bit of disconnect. They didn't make the revisions and make the agenda. So I apologize for that, I was working off of my existing reports. The other question that was asked was how much signage would there be for the Enson Mart without those two towers signs, which were 128 s.f.; and that answer is 886.5 s.f. and that includes the two proposed pylon panels; one half a panel on one side and a full panel on the other. If you remove the two tower signs and the logo sign that we talked about but include those two pylon signs, then you are at 846.5 s.f.

Mr. Okum: Which is less than the 858.83 s.f.; that we are not sure where that number came from. That number of total approved.

Mrs. McBride: Right. That is what they originally proposed back in March that didn't seem to make it to Planning Commission.

Mr. Okum: So we really have never gotten to that number.

Mrs. Ghantous: What is Enson, is that someone's name?

Mr. Ming Huang Guo: Yes. It is one of the shareholder's son's name. He feels this name is very lucky.

Mr. Okum: So, Mrs. McBride that number is 846.5 s.f. without that logo; is that the number?

Mrs. McBride: That's correct, 846.5 s.f. and that does include the two pylon signs.

Mr. Okum: The two pylon signs.

Mrs. McBride: The full panel on one sign at 42 s.f. and ½ panel at 21 s.f. on the second sign.

Mr. Okum: At Princeton Pike and Kemper Road. Based upon that, I think that I'm fairly comfortable considering that this is, again, 1,000 feet from Princeton Pike, I would support a larger signage element. There is still a lot of white, if you will look at this rendering presented to us this evening; there is still a lot of white. The sign elements on Tower "D"/"E", in my opinion, should not be part of this consideration

but they are already preapproved as part of the mall element, not Enson Foods because it is not part of their frontage and they are not directly directed to Enson. Considering that the other signage on Tower "A" is directly in front of Enson and part of their frontage, I would have to consider that because we really can't control content when it comes to signage; we control the sign space. So, based upon those facts...

Chairman Darby: Just a second, this has been quite an involved conversation so surely, before we get to a motion, I want to make sure there are no other questions or comments out there.

Mr. Okum: I was just going to wrap up, if I could. I am not ready to go to a motion. So, based upon that I would support an increased amount of signage. I think the size of the "E", or whatever that logo thing is, per that tower is probably reasonable in dimension to what it looks like from that distance. I would put that more in the mode, even though that is a logo, it doesn't necessarily match there "E" in their Enson Mart logo on the other representation that they presented us but it is more graphic, in my opinion. It is like the moon that was on Mars recordings, the Mars store that we had at the center along 275. On the other hand it sort of balances out. If it was smaller I don't know what benefit it would be, let's say if we reduce it down. One of the other things is our sign code is very specific about, we square the sign and that is historically proper for Springdale and it is not done that way everywhere but in Springdale we do, pretty much. I agree with it but sometimes there is latitude you have to give on some signage because I always thought the Mars emblem was a bit of a stretch but that is the way our Code read and use that as a representation not that I am approving it. The other items that are listed in Mrs. McBride's recommendations is she has an Item #3 regarding the signage and I think that Item #3 would not apply because the 220.67 s.f. does not reference anything where we know we are; so we would disregard Item #3 if we were to make a motion right now. The other items that I feel that would apply is cart corrals are not approved at this time, that is parking lot cart corrals and I would also make in the recommendation for the motion that cart storage shall be contained internally to the building, so that we don't have outdoor carts parked and stacked.

Chairman Darby: As reflected on the renderings.

Mr. Okum: This is not part of our motion at this time because Staff really hasn't measured this. So I don't think we should reference this because you have not measured this. At least for visual opportunity, it gives us a visual but it is really not there for our consideration. What is here for our consideration is pages 1, 2, 3, 4, 5, and 6; and that is pretty much it. I think Tower "A" basically represents what it could be because we don't know what that sign content is.

Mr. Haglage: Correct.

Mr. Okum: That is all I have.

Mrs. Boice: I appreciate where you are coming from and I appreciate your remarks Dave, but I think we are doing some hair-splitting here. I know the way you were sorting it out with this tower and that tower and so forth but if another developer comes in and sees this signage and starts measuring it, they are not going to see it that way. They are going to see it as a lot of signage and I just think we have to take that into consideration to a point. As I said, split the hairs here and there, but that is going from 303 s.f. that's allowed up to 1,079 s.f. – that's a tremendous jump and I am still having some difficulty with that, Mr. Chairman.

Mrs. McBride: This is going back to the considerations of Mr. Okum, he was discussing on #2 of my considerations, and I would also ask that the Commission put in there the 14,540 s.f. of storage on the mezzanine level and the 3,480 s.f. which is to be open to the public and parked; as well as adding onto #6 that the wall be painted to match the existing building surrounding that loading dock door - just two additional comments based on the Applicant's representation.

Mrs. Harlow: I think my question is for Mrs. McBride - when we are looking at this rendering that they have given us and we are looking at the Home Emporium sign and the Enson Mart sign, how are they in scale? Do you recall what we allowed for the Home Emporium?

Mrs. McBride: I don't recall the square footage for that.

Mr. Okum: It was increased.

Mrs. McBride: I know it was increased over what was permitted and just by looking at it, I would say that it is probably just a little bit larger than just the Enson Mart component but I couldn't tell you by how much.

Mrs. Harlow: Okay, thank you.

Chairman Darby: We have had vigorous discussion and questioning and there are some substantive issues that have been placed on the table but I think we've come to the point that we need to make a decision regarding how we are going to go with this.

Mr. Bauer: Then Dave, based upon what you had discussed on the signage, the total amount of signage now would not be that 1,048.5 s.f.?

Mr. Okum: 846.5 s.f.

Mr. Bauer: Okay. I would also like to add to Mrs. McBride's Item #6, that the storm drain also get painted along with the wall.

Mr. Okum: You are talking the drain pipe?

Chairman Darby: Yes, on this side.

Mr. Okum: Mrs. McBride, can I have those square footages again? On the mezzanine, 3,480 s.f. for observation?

Mrs. McBride: And open to the public and that would be parked and then 14,540 s.f. for storage that would not be parked.

Mr. Okum: No public access. Does that 3,480 s.f. include the restrooms?

Mr. Haglage: Yes.

Mr. Okum: Mr. Chairman, I'd like to make a motion to approve a request by Enson Mart for the revisions to the plan for the Cassinelli Square PUD to include their submissions page #1, page #2, page #3, page #4, page #5, and page #6, to include City Planner's recommendations with the following changes and exclusions: Item #3 of Mrs. McBride's considerations shall be excluded. Item #6 shall add the rear wall shall be painted and the drain pipes as well, in the color that is consistent with the rest of the exterior of the building. Item #2, the mezzanine area shall consist of 3,480 s.f. of observation area and shall be open to the public; 14,540 s.f. shall be utilizing the storage with no public access. Signage conditions shall include the Tower "E" and "D" shall not be part of the signage for this application; Towers "A" and "B" shall be. The logo sign of 40 s.f. shall not be applied or approved for this application. The sign shall be constructed of individual channel block letter signs. The total approved signage for this frontage shall be 846.5 s.f. In regards to cart storage, they shall be contained internally to the building; cart corrals are not approved at this time.

(Mrs. Ghantous seconded the motion. With seven "aye" votes from the Planning Commission Members, the motion was approved with the aforementioned conditions.)

Chairman Darby: We love working with the applicants but it is our practice to measure twice and cut once. Congratulations.

VII. DISCUSSION

Tri-County Commerce Park – Proposed Minor Modification to previous approval; additional protective covenant to be included.

Chairman Darby: I would ask Mr. Taylor to introduce this discussion.

Mr. Taylor: I will let the Applicant get into the details of this but the long and short of it is, there is some difficulty with the language that was utilized in our motion when this was approved. What they are suggesting that we do is bring that to make a little more definition to the language; less general, because they are having some difficulty figuring out exactly what we meant, to be honest with you. The reason that it is up for discussion, this was actually presented at the time the recommendation went to Council. The applicant approached Council about possibly changing the language at the Council stage and Council elected to not do that. Subsequent, it was a requirement for five votes at Council in order for the emergency clause to be enacted which would have enabled the resolution to take place immediately. Had that happened, we could have had them on the agenda this month before this Board to actually consider this language and unfortunately because thirty days has not passed, so the Council ordinance does not take effect. The best they could do is to basically present it to you folks for your consideration and try to explain to you where they are coming from and why they feel that change is needed in hopes that it would be a voting item at next month's meeting.

Mr. Steve Dragon: Good evening. I appreciate your time this evening. I will try to be as respectful as possible of your time. As Mr. Taylor pointed out, we were unable to take action on the question before you that we are presenting. Let me hand out a sheet here with the language in question. (Mr. Dragon gave each Planning Commission Member a copy of "Draft Language of Planning Commission Condition".) The approving language that we are having concerns about is at the top of the page that I just handed out. Basically it states that "any uses involving chemical, biological or hazardous materials be reevaluated with the final development plan". The concern that we have, and that we have heard back from potential investors and financing professionals with regard to the project is that the language is broad enough that it is unclear what is permitted in the PUD. In an effort to try to avoid those concerns and make the project feasible to get financing and to get investment associated, we will need to move the project forward we have proposed some language shown under the proposal heading on this handout. The concern, in a nutshell is the categories of chemical materials and biological materials is so broad that it takes in a huge, almost entirely any possible business. As an example, a piece of paper that that is printed on consist of biological and chemical materials. So, we are just trying to hone in on what the concern is and we think the concern is. We drafted the language with that in consideration, what we believe the concern to be and we are doing our best; I don't think we are in disagreement unless we misunderstand what the intent of the language was. So, we tried to hone in on that in a more definitive way with our proposal. Let me read this for the for the folks in the audience; we are proposing to include it not only in the approving language, if you see fit but also in our covenants, conditions and restrictions, so it will be of record recorded against the property, as well. The language we propose would be that: "No building shall be used for the manufacture, storage, distribution or sale of any product that causes or has the reasonable expectation to cause emission of pathogens, noxious fumes, odors, dust, gases, radiation, vibrations or noises that will be injurious or hazardous to other persons or property in the Park or neighboring persons or property, unless otherwise approved by Planning Commission, or for any use in violation of valid applicable laws." So, we are trying to hit what we understood or what we though the intent of the language was while sort of narrowing the focus down to be more specific and more customarily understood in the industry. We're hoping you'll consider that. We think it is to both the City's benefit and the project's benefit to be better defined in the language. I think the language, as approved, would be difficult to enforce because it

leaves it open to reevaluation of almost any business and it doesn't really set any criteria for what you are evaluating, based on; it is subject to reevaluation. We're hoping that you will agree and we are presenting it to you tonight to give you an opportunity to think about it and maybe offer additional language, if we missed the mark, in advance of next month's meeting. With that, I would be happy to answer any questions.

Chairman Darby: To try to hone in on this, I am recalling our discussions and it is my recollection in formulating the original language, Mr. Okum was really heavily involved. Dave, why don't you share since you have had a chance to look at this, why don't you share your perceptions.

Mr. Okum: I think you're trying to get to where it needs to go. My fear is, is that should an accident occur, a release of chemical, a release of gas, our neighborhood to the east is going to get hit. There is nothing worse than a cloud of something ungodly going over top of a residential neighborhood. That was my reason for crafting rudimentary basic language that sort of ended up being part of the motion, which I wasn't here for but I did submit that wording to Staff and to the Commission. I think you are getting there. I just saw this tonight; I saw it but I didn't really pay a lot of attention to it because I didn't know where we were coming from on it. I think the terms pathogens verses biological is a good approach.

Mr. Dragon: That was Staff's addition.

Mr. Okum: Good job, Staff. You know the storage of radioactive materials, I think that should be prohibited; I really do. I am not a nuclear engineer so I can't tell you how much is reasonable because of radioactive isotopes are used in medical industry and those are commonly housed. So, I can't craft that kind of wording; I am not that professional at that to do it. I think the concept is there. The only thing that worries me is, "causes or has reasonable expectations to cause". That is a nice broad area that gives a lot of protection, very broad to both the old applicants, all tenant possible users of this site. Anybody could say, "Well, our intent is not and our expectation is not to release or have release". I will give you an example, we have the hot dog factory right next to Best Buy and Dick's Sporting Goods; and anybody that has gone to Best Buy always feels like they are wearing a hot dog sandwich when they walk into Best Buy. I don't want to see that happening to the residents of Heritage Hill. That was my reasoning for that wording. I think we need to look at this and apply a reasonable approach. We obviously don't want to hinder the growth and the development of a project that we have approved and Council is in a position where they are ready to finalize things but we also want to make sure that we protect our residents. I appreciate all the work that your firm has done in the final submission that went before Planning Commission. It was a lot easier for me to review with those changes and the setbacks that you incorporated and the elimination of outdoor storage; a lot of those things were very worthy of the development. On this particular instance, we need to make sure that those residents and there are some residents in Union township, right across Crescentville Road, as well that are subject to the same because our winds prevail northeasterly and that is basically to the other side of this development. We just want to make sure that we cover all the bases. I will give it more time and I will discuss it with Staff and I think that we have a lot of smart people around us and we will probably come up with wording. This looks like you are getting there.

Mr. Taylor: My only comment was the Building Code makes an attempt to regulate all sorts of hazardous materials, whether it be corrosive, flammable, combustible, radioactive and what not. There are some very difficult size limitations and quantity limitations that these sorts of materials have to be stored under in order to keep it at a small enough quantity to be manageable, at least in terms of the Building Code. I am not sure that that addresses exactly what Mr. Okum is getting at but I think it is at least a start. There's a building classification called Use Group "H", which is hazardous materials and there are threshold levels where these sorts of substances must be under a certain amount in order to not be classified as a hazardous use. I would think, in general these buildings, because of their size and I think their projected use, they

are probably going to be either an "F" use, which is a factory, or "S" which is a storage, or "B" which is a business. And in order to have those sorts of materials within those use groups, the quantities are very limited. It's kind of like, for example, in many, many mercantile uses, there is a lot of hazardous material but it is very limited in nature, in terms of size in order to keep it from becoming a hazardous use. That's all I wanted to say.

Chairman Darby: Since we are not reinventing the wheel here, this particular statement, how does this stack up with industry standard?

Mr. Dragon: I don't know that I am necessarily an authority on it. We went back and we developed this language based on previous industrial park covenants that we have written. We had somewhat less similar language in the covenant that was approved as part of the PUD; it didn't go quite as far as this. I would say in general terms, I would say this is probably more restrictive going after the issue that what you might see in your normal industrial park covenants. I think this is sort of over the normal bar. I don't know if Mrs. McBride - you've probably seen more of these than I have. If anything this is probably getting over the threshold of what is normal than not but there is a wide variation, of course. I would say that I think we're aligned in our goal, we really don't want dangerous uses, hazards, potential problems for a particular tenant in our Park that might affect other tenants or the marketability of other sites within the Park. I think, I hope that we can get, and we are more than happy to continue the dialogue with Staff and get input between now and next month's meeting to try to get there. I think we share the same goal, it is just trying to get the right language that sort of hits the target from both of our perspectives and I think we can get there. It sounds like we are trying to hit the same thing, we just need to get the words right, at this point.

Mr. Hawkins: I think what Mr. Taylor had indicated is very important that we keep in mind, the language in this covenant really is a secondary protection. We have got things in the Building Code that are going to be there initially, and in all candor, we had this matter when this came before Council and we had a discussion, there were six of us there and we went through the discussion and I was not happy that we had something different than what had already gone through and been approved by Planning Commission but, in that same vein, as we discussed it and talked through it, I said then and I'll say it again, I appreciate the Applicant coming with a solution to the problem and not just the problem. As we talked through it, we got to a point language-wise, very close to what we have right here, that I was okay with. We had an amendment to that motion and it was a three to three vote, so there was no action taken. So, I did support it then, and I would support it again now if Staff wants to look at it and tweak it further, I have no problem with it. From a legal standpoint, I am not going to act as the City's Law Director unless you are going pay me to do that (laughter). I think the initial language that we had was probably too broad, not just for the sake of the Applicant but in terms of our position to be able to defend it as a City, we could run into some issues. This still gives us enough breadth to protect the residents, which is the number one issue with regard to that may be hazardous to persons or property that I personally feel comfortable about where we are coming from and being able to defend it and protect our residents and protect the City. So, my two cents.

Chairman Darby: You may send your bill to the Mayor. Okay, what can we expect at the next meeting?

Mr. Taylor: We'll get something we can vote on.

Chairman Darby: Okay. Thank you for coming.

IX. CHAIRMAN'S REPORT

Chairman Darby: There is no Chairman's Report this month.

X. ADJOURNMENT

(Mr. Okum moved to adjourn, Mrs. Ghantous seconded, and the City of Springdale Planning Commission meeting concluded at 8:30 p.m.)

The next Planning Commission meeting is scheduled for December 8th, 2015.

Respectfully submitted,

_____, 2015 _____
Don Darby, Chairman

_____, 2015 _____
Richard Bauer, Secretary