

PLANNING COMMISSION MEETING
SPECIAL MEETING
AUGUST 24, 2017
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: Don Darby, Dave Okum, Richard Bauer, Lawrence Hawkins III, Tom Hall, Marjorie Harlow.

Members Absent: Joe Ramirez

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

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF AUGUST 8, 2017

Minutes were unavailable at the time of the meeting and will be addressed at the next meeting.

V. REPORT ON COUNCIL

Mrs. Harlow: Council had our regular once-a-month meeting because we're on the summer schedule on Wednesday, August the 16th, and at that meeting we had a presentation of a company called Simple Recycling and Simple Recycling is an organization that will give you a recycling bag and it's for anything that you would normally give to Goodwill or St Vincent DePaul. It can be textiles, it can be kitchen appliances, things like that. You put it out on your assigned day and that's the day that, like it's every two weeks, that's the day that the garbage pickup comes through your neighborhood. And you put it out by your trash cans and they will come along behind the trash collectors and they will pick this up and they will leave you another bag. And this is a way of getting things that you want out of your home to be used. And what they use it for is they go through it and they sort it and if it's something that can be resold they will resell it. If it can't be, if it's missing buttons or torn, not something that someone would want to buy then there is another category of shipping it overseas for countries, like third world countries. And then the last part of it would be to recycle the textiles for insulation. This was a presentation and Council's going to be considering this. I wanted to let you know about that. And then we also had quite a few ordinances that evening. The first one is an ordinance regulating temporary parking of recreational vehicles on city streets and declaring an emergency. This was long discussed issue and it was an issue where that the people who own recreational vehicles such as campers, RV's, boats, fifth wheelers, any of those types of things, anything that hooks onto a vehicle, they have to go to the police department and they have to get a permit to park in it front of their house while they're loading it. Then they have to, if you would get a permit that says you can park it there from Friday night to Saturday morning then you maybe use 9 hours of your 96 hours per month parking privileges. Then you would have to do the same thing when you came home to unload your vehicle and clean your RV and all that. This is a process at this time can't be done online, so the person has to go to the police department and do this. I voted it against it because I felt like that it was too cumbersome and it was basically one family that we were having a big issue with, so the ordinance did pass with a 5 to 2 vote. The next one was an ordinance reducing and recertifying special assessment levies for the purpose of constructing certain improvements and declaring an emergency and this is for Pictoria Island, it was for the TIF and that was voted on with a 7 to 0 passage. Then the next one was an amendment amending the zoning code and zoning map of the City of Springdale to provide for the rezoning of property relocated at 1391 E. Crescentville Road from residential single household high density to planned unit development. And this was High Ground Ministries that was in to see us before they came to Council. that was in to see us before

they came to Council. And that was going to be before us on September the 6 so that was the first reading of that ordinance. And then we had a secondary ordinance to that, approving a preliminary development plan for the same property and that will be addressed on our September 6 meeting. Then we had an ordinance that will also be addressed on September 6 and was for major modification of the planned unit development at The Crossings Tri-County Office Park and that will again, we'll look at that on September 6. And we had two resolutions and one was a resolution permitting the carrying of concealed handguns in the municipal building by valid concealed carry permit holders. And this would be anyone could come in to the municipal building if they had a carry permit. This failed for lack of support and was not voted on because it couldn't get a second on it. And then the other one was a Resolution R8-2017 and that was permitting the carrying of concealed handguns in the Springdale Municipal Building by Springdale elected officials who are valid concealed carry permit holders and that passed with a 7 to 0 vote. And that would be the end of my report and I'd be glad to answer any questions that you might have.

Mr. Darby: Just one quick question on the Simply Recycling. What about the issue of those people who make contributions to Goodwill and other agencies for the deduction purpose?

Mrs. Harlow: Well, that was one of the things that this company can't do. And he said, the gentleman said that most people will have the greatest intentions and they will possible bag something up and then drive it around in their car for quite a long period of time because they just haven't gotten to drop it off or maybe they don't have transportation or they're disabled and they can't get out to drop things off. So this would be a way for them to purge some of the things they don't want in their house anymore.

Mr. Okum: Just a couple questions. One in regards to the recycle bags. Where are they going to place the replacement bags because that could be quite a bit of litter.

Mrs. Harlow: Well, they would place them up close to the door. They know they can't put them in the mailbox or on the mailbox but they would put them up close to your front door.

Mr. Okum: I seem to get Amazon in my mailbox now so I don't know if that rule is holding much anymore or not. It doesn't bother me.

Mrs. Harlow: I don't know either.

Mr. Okum: Just another question on the concealed carry. What about city employees and law enforcement officers?

Mrs. Harlow: Well, that was discussed, the city employees and Mr. Parham is here and he could probably talk about that better than I could but he talked to his employees about it. What about city employees and law enforcement officers?

Employees in the municipal building and from my understanding is they did not want to have that privilege to carry.

Mr. Okum: It just seems like Council sort of isolated themselves as an entity and without that extra discussion here I didn't know if it was isolated. We're isolating ourselves as a special body. I know that they're elected officials but on the other hand, you have the city employees, you have, and I'm sure police officers by law are allowed to carry their weapon at all times.

Mrs. Harlow: That I can't answer because I'm not familiar with what policers are allowed to do. Mr. Parham maybe you can answer that.

Mr. Parham: So, as Mrs. Harlow indicated I did speak to employees. Employees were not in favor of, not so much whether they have the ability to carry a weapon into this building. But what that legislation would have done was allow John Q. Public to walk into the building carrying a weapon, a handgun even though they were a valid

concealed carry permit holder. Law enforcement officers, as you indicated, Mr. Okum, they have the right, they have the ability to carry a weapon with them at all times. And so, a number of law enforcement officers when they're off duty they more than likely carry their concealed guns. They are always officers. So that covers them but the rest of the employees we did not want that, that ability to have someone come in.

Mr. Okum: Was the discussion of an armed police officer as a lot of jurisdictions have available for public meetings or official meetings at the city building discussed?

Mr. Parham: There was very limited discussion. This legislation very limited discussion. Mrs. Harlow I think brought that up at both of the two city meetings that this legislation was being discussed. There was very limited discussion on that. It was pointed out that the school district apparently has an officer attend their meetings but that was not the determination.

Mr. Okum: I understand and I'm just bringing it up because I know other communities do have law an enforcement officer at the meetings. Fortunately here in Springdale we haven't had a lot of issues but you never know anymore.

Mr. Mr. Parham: You do not know. I think relative to the elected officials being designated, the law provides for, the new revised law provides for the ability of the governing body which is our Council to establish rules and regulations. We also in investigating to see what was permissible because there are different rules for private employers, there are different rules for public employers, there are different rules for universities and so it was deemed that the elected officials could be designated as a class, special class, which then would allow Council to create the special class, if you will, for lack of a better term, but it will allow them to create the opportunity for the elected officials to be able to carry a valid concealed carry gun into the municipal building. It is not permitted and nor are they permitted to carry one in any of the other buildings. It is simply this building.

Mr. Okum: Well, I'm just thinking that I would hope Marge or Lawrence have their concealed carry and they're here to protect us.

Mr. Darby: We can assume you have a phone in that holster?

Mr. Parham: That is a phone, sir. I'm not a gun owner, I'm not a fan of guns, I'm not a fan of conceal carries, I'm not a fan of conceal carries in this building. Nor do I want any of those people trying to protect me.

Mr. Hawkins: Along the lines of some of Mr. Okum's questions and as Mrs. Harlow indicated and Mr. Parham indicated, there was a lot of discussion around the idea of other things that can be done. So in terms of having an officer here you'd have to either pull somebody off the street or you'd have to give somebody a detail to do and that's not something in the budget right now. Maybe the finance committee looks at that going forward but it was going to cost money that we don't necessarily have, we don't necessarily have the manpower to just pull somebody off the street to do that. The big part of talking about that initial ordinance didn't pass or just letting anyone who has a CCW come in, giant concern with regard to letting any random person walk in here with a firearm just because they have a license to do so, and, you know, if and several Council members indicated this, if people that work in this building five days a week, eight hours a day, felt there was a threat that they were concerned about. That's one thing Council would look it. That was not something that we got and was perceived by the administration as something they're interested in or wanted and definitely didn't want the trade-off of, hey, we might have a few folks that are going to carry but we're going to let everyone walk in the door carrying. And then the other part of that too is if you did that, you have to set up some different rules and policies to the administration to manage that in terms of the employees as well in terms of what that's going to look like when you bring your firearm in here. The whole thing started were with, probably two elected officials who had a concern about elected officials safety. So, you know, the point was if that's where the concern is then let's keep it narrowly tailored to that particular issue. Let's not try to create a bigger problem by doing more. And a lot of that sprung from the softball shooting of the congressmen in D. C. or Virginia so that's

how it got to that resolution which all things considered is reasonable and keeps us from opening up Pandora's box of letting anyone walk through the door who's got a CCW or a firearm in here.

Mrs. Harlow: And, unfortunately, if someone wants to walk in the door with a weapon, the CCW is not going to prohibit them from doing that. That decal on the front door is not going to stop anybody and it is a concern. You know, you hear about different things all the time that cause concern and there's no place for any of us to go if someone comes in and is upset. Like one of the Council members pointed out, the building department, the tax department, they probably upset more people with, you know, they're having to say, well, I'm sorry, Mr. So and So, you have to pay these taxes these are due. Or I'm sorry, you know, you have to do this or do that for the building department. So they have a concern that they upset people doing their daily job. They don't want to but they do.

VI. CORRESPONDENCE

Chairman Darby: And, of course, the waters have been muddied because the nearby school districts board recently enacted policy allowing us to have to carry guns in the building. So, we'll move on

VII. OLD BUSINESS

- A. 15-acre site located on Northwest Boulevard, Springdale, Final PUD Development Plan.

Chairman Darby: Reps please come forward.

Mr. Theobald: Thank you very much for agreeing to this special hearing this evening. My name is Tom Theobald with Exeter Property Group and we are here to hopefully get our final development approval. We have comments from you folks. This is my first time doing this in the formal manner. Do you guys present your comments?

Chairman Darby: You present and then we will hear from staff and then we will engage.

Mr. Theobald: We have hopefully addressed all of the staff comments and there's probably just a small handful left that we can address this evening as they come up and are explained. We have the same architectural rendering that we presented last time and we are hopeful that it's well received. Again, we did our best to try to make the building much more compatible with the Pictoria office tower than it was previously submitted. We have modified the front entrances to show more a two-story suburban office look. The paint scheme is very consistent and complimentary to the office tower, much more so than the white and gray and red building across the street. So we're hopeful that finds approval this evening as well. I don't really have anything more to add on that at this point.

Chairman Darby: That being the case we'll move to our staff reports.

Mrs. McBride: The first item that I presented to my staff report had to do with the building design and the materials. And my first comment is that Planning Commission will have to make the determination that precast concrete panels are an appropriate material use in this type of structure. Our revised zoning code has design and building requirements within the PUD district and it's really geared more toward retail and office type development than industrial. So, I think that we've had a lot of discussion about the precast concrete panels and I don't think that there's a lot of heartache about that but you will need to make that a part of any recommendation. The second thing has to do with particularly the front elevation. Our code now requires that you can't have lengths of building over 40 feet that go uninterrupted and so they can be broken up with projections that extend at least two feet, they can be broken up with a change of material and change of color and so forth, but we don't see that exhibited on this front building elevation. So, again, Planning Commission is going to have to say, well, you know, given these circumstances we're going to set that aside or, you know, go back to

the drawing board and you need to try to incorporate some of those elements. We also have a requirement that 35 percent of the elevations that face right-of-way at the pedestrian level have to have transparency. And they meet that although they're grouped on the west elevation. The south elevation at the east end, the part that's actually the warehousing part of the building, obviously does not have windows and staff understands why that doesn't have windows, but again, that would also take an action of Planning Commission to vary from that design requirement not require windows on the eastern portion of the southern elevation. They are required to have 30 percent of the site as open space and they are showing exactly 30 percent of the site. They are also proposing to do phased parking, and I'll talk about that in just a minute, for 50 spaces. And we need to make sure that they are not counting that area that's not going to be paved upfront as part of that 30 percent so staff would like to see an illustration of what exactly is included in that 30 percent open space just to make sure that the phase parking area is not included. So, as I mentioned they're required to have 231 parking spaces, they're proposing 243 parking spaces, and that takes into account the 10 percent reduction that our code allows you to take. They are proposing of the 243 spaces, 50 of those would be in phase parking. And again, that's a provision in our new code. It's actually the first time we're going to be using it. So what we have done is within that is, create that as part of the covenants that will be recorded with this property and providing that that area cannot be built on with the exception of that east west access drive on the south side of the building. It can't have a building on it, it can't have pavement in it. That all landscaping that's required for those parking spaces go in upfront so that it gets some maturity. We did not receive either signage information or waste handling information but they've indicated that they will come back to this Commission once they have specific tenants and they know specific details with regards to those items. The last item has to do with the covenants. We got kind of a bare bones submittal of that. It doesn't have any exhibits to it and that's because I think the applicant wants to include the submittals that reflect whatever the Commission might do this evening. It also doesn't reflect the phased parking language and I know that Mr. Shevgzda also has some language that he wants to see included in those covenants. So, what we are saying is, no permits will be issued on this project until those covenants are reviewed by staff and the law director and approved by staff and the law director and executed by the City and executed by the property owner and recorded and a recorded copy of those covenants provided to Mr. Taylor. And that's all contained in my recommendation.

Mr. Okum: Just one question in regards to submittals and what we have. What we have is not everything you referenced. We don't have in our packet the building elevations in this packet that was submitted to us. And we do not have in this packet the lighting specifications. They may have not changed.

Mrs. McBride: The lighting plan we didn't get previously so the lighting plan was new.

Mr. Okum: We don't have a lighting plan.

Mrs. McBride: We didn't get the lighting plan last go round.

Mr. Okum: And usually I'm looking for size because you can't read it because it's so small, but there wasn't anything to read. But the building elevations that have been presented we did have a discussion on that at the last meeting when they made presentation for discussion but they're not part of the packet so I need to get it referenced if we're going to carry a motion forward that would be considered in the motion. So I'm open to help on that.

Chairman Darby: Mr. Taylor.

Mr. Taylor: What you were given is the last set of drawings that we were provided by the applicant. We can, and I apologize for not providing you with the earlier stuff. I'm not sure, this has been before us so many times I kind of lost track of what you have or do not have. But I will do whatever your pleasure is here.

Mr. Okum: I mean, we've got a couple of minutes but I think for purposes of discussion and tying it we probably need to tie that down. Specifically, if staff has it I can reference the sheets that they have but I think this Commission needs that. I see shaking heads for keeping things straight.

Mr. Taylor: It's got to be part of what you approve. There's no question about that. I'm not real sure about why they weren't in the last set but let me go get what was submitted at the last meeting because I think that's what we need.

Mr. Okum: And then we'll have to pull sheets, I guess, that were replaced which would work.

Mr. Taylor: Correct.

Mr. Okum: It's good for me.

Chairman Darby: That's fine. If we're going to have it, it needs to be available for everyone, right? So you want to put it on the easel and talk through it or what? While Mr. Taylor is doing that let's move on. Mr. Shvegza, what do you have for us?

Mr. Okum: Just for reference, this still doesn't have the elevations or the lighting.

Mrs. McBride: That set does have them.

Mr. Okum: It does?

Mrs. McBride: I saw the lighting.

Mr. Okum: You saw the lighting?

Mrs. McBride: Under E something.

Mr. Okum: Well, it would be an E. Sorry.

Mrs. McBride: Toward the back.

Mr. Okum: Yeah, I know. L. C, C, I got a lot of C's. Sorry, I got L's and I got C's.

Mrs. McBride: The applicant supplies us understand what the copies that goes to the commission.

Mr. Okum: I understand. It's not that. It's the applicants responsibility to make sure.

Chairman Darby: Here's what we'll do. Mr. Taylor's going to get what he has and until he gets back we'll deal with Mr. Shvegza's report.

Mr. Shvegza: The first comment is in regards to the, of course, we've had a number of discussions of the cross connection that would take place in the vicinity, the southern portion of this property and the adjacent property to the east. As a matter of fact, the last submittal on August 14th indicated one of the earlier alignments for that right-of-way which showed a radius coming from the north south extension of Avon Drive around to the east west portion of Pictoria. Subsequent to that the City had, there was internal discussions and a preferred alignment was determined and basically it's a T intersection of the north south extension of Avon Drive and east west extension of Pictoria. That was submitted to the applicant and on actually Tuesday of this week they did make that revision and it to shows basically the T intersection. I'll pass this down. This kind of shows what's represented on the drawings now which is acceptable.

Mr. Okum: Is acceptable?

Mr. Shvegza: Correct. They've also included language in the covenant that states that upon approval the final plans for each lot or phase developers shall grant deed or dedicate to Springdale without charge or cost to Springdale unnecessary rights-of-way

both permanent and temporary to install roads, storm sanitary sewers and any utilities for the project which would be the construction of the cross access roadway. So, that language is in the covenants now and I think the law directors are actually reviewing it at this time. On the storm water management, one of the issues was the operation and maintenance agreement for the post construction best management and practice, aqua-swirl that the actual operation and maintenance agreement was not submitted. Originally it was submitted Tuesday of this week, we're in the process of looking at that. In addition, language has been added to the covenant that basically refers to that agreement. So we'll have to review it, make sure it's acceptable. That will actually become an exhibit in the covenants. In regard to the storm management system itself basically the detention, there are some clarifications that need to be developed.

Chairman Darby: Folks, I'm aware we just got some materials, somewhat like Christmas, but let's be attentive to the presentation. We will get to these documents. Thank you.

Mr. Shvezda: But there needs to be some additional information submitted that will better define basically the water coming in, the depth and the water flowing out to make sure we have the right amount of volume in there for the release structure that's in place. So that's something the applicant will need to be submit as a detailed part of the submittal and staff can review. Other aspects of the storm water management system initially what would be the north detention basin there was a 24-inch storm sewer from the outlet structure to basically the existing storm sewer system at Northwest Boulevard, that one part has been deleted most recently and it's utilizing existing 12-inch storm sewer. In addition to that, there's noted on the plan a spillway system that would allow water to flow in high volume periods of time where it exceeded the capacity of an outlet structure, basically to flow out into the roadway. We don't want that. To control that flow out into the roadway we need to have that sized so that that can be entering storm sewer system. So at least the 24-inch must be implemented back there and we have to have better information to determine what the maximum capacity of that is. In addition, there's on the south basin, in the vicinity of the south basin there's another spillway that's called out but it's probably left over from a previous plan submittal. It shows basically in the area where the landscaping mounds at. So I think that's accurate where it's shown. And then there's some things that we had to make sure are part of the process here. One would be the storm water pollution prevention plan submitted specifically for this development. There's one previously that was submitted and approved by the City for the earth work that took place on the site. That there would need to be a new one for this particular work that's taking place for this project. That also is true for the water management control bond that will need to be submitted both for the temporary work that will take place and for the construction, pollution prevention control and for the permanent structures that will be part of the storm water management system. Just clarification keeping, that north truck drive, it's very close to one of the catch basins that are out there and we need to make sure that that's five-foot off of the depressed end of the apron so we don't have the trucks running over the end of the catch basin. In addition, we just need to make sure that the grading plan shows some encroachment on an existing channel to the north and we just need to make sure that if that's the case that they still maintain the proper capacity in that channel. In addition, there's one plan that shows the modifications to the pavement markings out on Northwest Boulevard. We're reviewing that with the public works office so any of those comments would have to be reflected in the final plans. And that concludes my comments.

Chairman Darby: Now, let's talk about our new documents.

Mr. Taylor: Well, first of all, let me apologize that they were not in your packet. Unfortunately, the information that was delivered to our office to include in the packet obviously didn't have it. This stuff that I just passed out was given to us about a week prior. And you know what they say about assuming. I assumed that the new information was included and clearly it wasn't so I apologize for that. However, the drawings that you have do reflect the comments regarding the lighting plan and also the elevations. In terms of any comments that I might have I would just like to reiterate the necessity to get the covenants recorded before we issue any permits basically because, I mean, the covenants regarding storm water, regarding the cross connection, regarding the phase parking, I mean there's some pretty unusual things that we need

to make sure we get nailed down and survive in a recorded form in the event, you know, that these guys sell the property at some point. We need to make sure that it's all of record. The lighting, regarding the lighting as Ann mentioned, there are what we refer to as wall packs on the back of the building. You folks need to determine if you're okay with that. Similarly the appearance of the building. If it goes far enough in your mind to be complimentary to Pictoria. And then finally, the only other issue I think that probably hasn't been mentioned is the tree replacement fund. They have indicated that they'll pay into our reforestation fund. It appears that there's significantly less payment going to be due than as indicated on the plan for whatever reason, but the amount of shortfall appears to me to be 392 caliper inches. So that's what we would be expected to be paid into the fund. That's all I have.

Chairman Darby: Very quickly. I know at our last meeting we were pretty definitive about the, towards the lighting about the pole, pole lit. Are you hearing what the staff is saying about that?

Mr. Theobald: Yes, absolutely and we have with us this evening a revised ornamental plan that brings those poles back down to the heights that were requested. That was miscommunication between ourselves and the lighting designer with respect to the pole height. They thought a pole being 15 feet was what they needed to show and that's why the plan came back with the concrete base there, then a 15-foot pole as opposed a maximum height. So we do have that revised plan and I can bring it up on our screen here. Or we can make that a condition.

Chairman Darby: You want to come forward?

Mr. Theobald: This is Corey Rose with Arco Design Build.

Mr. Rose: And part of the reason they put that concrete base at the bottom I'm sure you know Ann and Gregg, is mainly for protection of the pole. So, it's pretty standard for them to have 2 and 1/2, 3 feet of concrete. That was if somebody is backing up slowly out of a parking spot, they hit that instead of getting the pole. They did say they could always cut those 15-foot poles down to 13 and leave the 15 foot height, no problem. And still leave that concrete base if we needed to for the City code, I guess it for the industrial buildings it does call for 15 feet, we realize that. The surrounding buildings including the tower, the restaurant and the road itself currently after measuring them recently are 30 feet. So we're half those right now. So part of your comments were the intensity of light under the poles. Right directly under the pole for 2 or 3 feet, that's where we were getting the 10 to 14-foot candles directly under the light but as it dispersed, usually they go out to about 60 feet and then they'll get 0-0. So usually it's pretty intense especially that 15 feet. If you get the taller pole up 20 or 30 that light directly under it obviously is less. So, part of that is trying to figure out the 15- foot pole and the light intensity right underneath them to meet that 5- foot candle. So what we've done on a new photo metric, and I apologize I got on this on the way down here. As we put 15-foot poles back there at a true high mount high of 15 feet, you can kind of see the dots around it. What we've also done, instead of making them dual heads, they'll single, and we've tried to space them a little closer to get that foot candle overlap, also starting at 5-foot candle out to 00. The only thing that changes really is when you get closer to the building you're getting 00, 0.1 so the building itself isn't lit as much and that's what we were trying to accomplish with the two heads. On the wall packs themselves on the back, again, we would like consideration on those because of the distance that the light poles currently are from, from the building. That's where the trucks back up to so we would like a little light there. We were getting 00 at the building with the light poles. We did run a photo metric of the poles in the islands and they were just too far apart so we were still getting 00 in the middle of them and that's why we suggested the wall packs at least on that back end for safety. Also with the poles and the island, you know, again, the trucks are probably going to back into them and they'll also create kind of a vision problem. Personally, I just put the exact same wall pack fixtures on a building in Indiana, maybe 60 feet off a main interstate so, they look good, they shine down, they don't shine out. Again, usually they're good for about 60 feet and then they hit a 00. They're a good-looking fixture, they're LED's, and again, they shine more down than out.

Mrs. Harlow: I had a question about how you would be addressing the issue of 40-foot blank walls that were uninterrupted either by windows or projection?

Mr. Okum: He's not on mic. Is he on mic?

Chairman Darby: If you could hold up just a moment I think Mr. Taylor is getting a mic so that we can catch your comments.

Mr. Theobald: So we've got them up there also and here. So to break up the 40-foot sections and again, I explained it a little bit last time. But it's hard to tell on elevations and renderings, I get that too. So these, the corners and then the accent panels right in the middle, they all project out, they're a lapped panel so it would be the thickness of a panel. We'll have to figure that out structurally what they have to be but usually it's between 8 to 10 inches, so the building does have some fluctuation. And the top of the panels where they step at those panels, the corners and the centers, those step up two feet, so the building will be straight, step up two feet, back down two feet. So, we've added different projections out and up. Also, we've added the length of the building, ten feet high or six inches on center reveal pattern so it gives it another pattern look. I do not have the samples with me but we also added the textured paint to it which helps break up the flat look also. There is more variation in the building than these reflect but it's there. The panels will step up two feet and then they project out ten inches off and on throughout the length of the building. The areas that would exceed 40 feet in length without maybe what we call a vertical type interruption would be the areas in between the windows here and then this center piece in here, here and here. Those areas would measure seven times eight, whoever does math well. 56. And they're 12 foot panels, okay, so that would be whatever 12 times 8.

Mr. Okum: That's 96

Mr. Theobald: What we could do is maybe paint some of these columns in a different accent color to create a little bit of difference. Alternatively, we could also do some plantings in here which are not in there right now. Maybe arborvitaes or something like that that would be able to break up that stretch. That's things we could contemplate doing.

Mrs. McBride: Just a couple of things I guess I would point out to the Commission that in a building this size an 8-inch projection off of that wall is nothing. The code requires two feet and I would even argue two feet on a building this size really is going to be tough to see, tough to tell. And the applicant indicated that they're stepping the roof up two feet. The plans that I have are one foot, with one exception. And one foot again, on a building that size from the road, it's not even going to be visible

Mr. Theobald: We did have two options early on and we might actually submitted the one foot, but there's a 1-foot and a 2-foot elevation out there. So we could do the two foot.

Chairman Darby: So you're saying you will be compliant with the code?

Mr. Theobald: Where the panels step top we could do two foot, yes. The elevation that I guess was submitted would make sure.

Chairman Darby: What about the outward projections?

Mr. Theobald: Outward projections would be 8 to 10 inches off the panel for sure.

Chairman Darby: And you're aware the code says two feet

Mr. Theobald: Yes.

Chairman Darby: So how do you reconcile that?

Mr. Theobald: We're requesting some consideration for that. Because this is an industrial building it has to be designed and constructed in a manner such that it's

affordable for us to lease the building to the types of users that are going in there. This one of the more costly buildings that we are developing anywhere in the country because of all the architectural features which we understand is appropriate for the location. We feel like we've hopefully addressed the concerns about matching this building as closely as possible to the Pictoria office tower. We also offer up that we have, in fact, bought the ground, we've closed. We've paid nearly \$100,000 an acre for the property. We are granting to the City almost an acre of that plan for the right-of-way and we are putting in an aqua-swirl feature to allow for the future construction. So we were hopeful that that would be deemed as a consideration that we're putting forward, hopefully in exchange for getting some relief on additional architectural design of the building.

Chairman Darby: I'm not sure we want to talk about the cost of aqua-swirl to support that but I understand what you're saying.

Mr. Okum: A couple items first. At the last meeting we talked conceptually. The discussion was that you as the developer would meet with staff and try to resolve some of these elevation issues. And we really haven't changed much since the last meeting.

Mr. Theobald: Our understanding was that from the first meeting we were to meet with staff and address these. We did modify our plan and present it in the manner it is now to staff. We developed at that meeting and at the time of the submittal that we were hopefully addressing those. I think we had no nods of absolutely you nailed it from anyone but we did get some comments along the lines that it does appear that the applicant has made an effort to address the planned Commissions comments from the first meeting where it was presented. Coming into this meeting we thought we were there. We thought we had done what we could and done what was appropriate to address those.

Mr. Okum: Then I'll go to staff. Staff, did you interpret from the last meeting that the elevations were acceptable to the Commission

Mrs. McBride: I think that we have consistently informed the applicant that there are sections of the code they do not meet, however, the Planning Commission has the ability to modify those sections.

Mr. Okum: We have the right to, yes.

Mrs. McBride: If you feel the modifications are appropriate given the situation.

Mr. Okum: And we understand that it's still a concrete warehouse with offices in the front, totally understand that. The good fortune is that I have an opportunity to walk after I go to the movie on Tuesday or Wednesday night so recently I've been walking down Northwest Boulevard from Showcase Cinemas and Sunspot or whatever it is, the building on the right, the office white building, is pre-Pictoria built. It was built probably 25 years, 20 years ago, I think. It's a long time. And it's a very small building compared to this building and I think we all need to realize the massiveness, the massive nature of this building compared to the building across the street. This is significantly bigger. And the applicant knows that. I mean, if you walk that site you clearly realize that the magnitude of this structure, it's going to be huge. And so I'm concerned about that. And I think staffs comments are valid in regards to the relief and false look of relief. We've had other applicants in. Recently we had one in that had silos that he wanted to place in the front of his business and he dealt with protecting that look on the front of his business even though those silos were not part of the internal, of the structure they were functionally needed to be where they were at. I think we're situated with the same situation here. The going to away from building elevations because I still have some concerns about that massive nature and I do work in the building trades and I do work with substantial structures and elevations and I know what one foot makes a difference on in a building that's 30 feet tall that's only 25 feet or 40 feet wide much less the length of this massive building. One foot is not going to be observed and certainly would not be noticeable. Eight inches or 6 inches is definitely not going to be noticeable. From the very beginning I talked about embossing panels and creating the softness and I said at the last meeting, if you can recall, that painting with a texture

paint is basically when you're looking at this building just going to look like a painted building. It's not going to look like a textured paint. You'd have to put five inches of stucco on a building to reveal or some softness to it. So when we talk about textures and finishes, let's not give the impression that texture paint is going to make a difference. It's still a painted structure. The lighting fixtures, I think we've gone back on the lighting fixtures, I understand it's a nice looking fixture, but am I still right that the wall packs are basically the pole lights mounted to the building or is that different now? Mr. Theobald: No, that's correct

Mr. Okum: So these are not wall packs? They're pole mounted elements that are not attached to a pole?

Mr. Theobald: Correct. That would be a better characterization of it. It's the same light fixture at the same angle that would be mounted on a pole it's just mounted on the wall instead using the wall as a pole for its support

Mr. Okum: In regards to the dedication of right-of-way for future change, I think that we all need to understand that on the landscape plan that was submitted, if that roadway were to be built, which hopefully will be some day, we're going to be taking a lot of that vegetation out. Am I wrong or am I right? It looks like we're taking it out with the roadway. If you go to the landscape plan that was submitted, L100 and you take that curvature of the road and that too additionally besides looking at it in the evening I was there this afternoon, and I drove not into Pictoria tower but I drove into and then I drove out of Pictoria Tower, and the way that radius is impacted there, go to the landscape plan. On the landscape plan if you notice if that road, that road were to be built, that's not the landscape plan, that's the lighting plan. There's the landscape plan. That grouping of trees and landscape elements, the road is necessary but we've got to understand that that separation, that break up of that corner of the building that no longer has the glass on it, that elevation no longer has glass on it.

Mrs. McBride: The eastern portion of the south elevation does not have glass on it.

Mr. Okum: Right. Eastern portion of the south elevation, that's what I said, that's correct. That's that corner that that landscaping which would ultimately be eliminated, not landscaping but trees would ultimately be eliminated and we're going to be basically seeing the back end of the building. Am I wrong or am I right? I'm looking at the drawing where the T Intersection goes in. I'm right.

Mrs. McBride: First of all, let me advise the Commission, the landscape plan that's up there is not correct. That is not the plan that's in front of you.

Mr. Okum: Okay. I'm looking at L-100 dated 8/14.

Mrs. McBride: And I understand and I'm looking at that version here. But this version does not match that version.

Mr. Theobald: Please look at the ones that you have in front of you.

Mr. Okum: So we need to understand when talk about going back to landscaping and tree replacement and building elevations that we're not only talking Northwest Boulevard we are talking Pictoria is going to see that corner. If this were excavated, and I know Mr. Shvezda that this is the right way to do but on the other hand we're going to lose trees and landscaping if we do it.

Mrs. McBride: And if I could just make one comment. This was not agreed to when we did the landscape plan review so hence why there was no comments about this is temporary material. We just got this the other day.

Mr. Okum: Right. I'm still having problems with this development and I really would like to it happen and be useful and developed. But on the other hand I'm having trouble with building elevations, lighting, landscape, impact on Pictoria, that southeast corner is critical. I mean, we've got a drawing here that's been presented to us this evening and it looks like it shows a wet basin there or two ponds and we don't have ponds on

this site. They're dry, right? Everybody looks around to make sure, yeah, we've got dry ponds. So everybody is in agreement, there are dry ponds. Those are not water. That's just grass.

Mr. Theobald: Yes, they would be grass.

Mr. Okum: Which is consistent with our landscape plan that we have? So those are dry ponds. I don't know what to do. Where the windows are in the large blocks the building has appearance of conformity. The space which is 180 feet between those sections I guess or is it 98 feet? 96 feet between those sections, it's not. And the first person that made the presentation I said, have you ever heard of embossed panels and the gentleman who was making the presentation said, no, we've never seen that. And they're everywhere. They're on commercial buildings all over the tri-state area. It's not like we're recreating the wheel here. I don't know what to say. I understand what you're asking for as far as relief is concerned and there is a value to what you're contributing to in land mass to the City, there's no doubt about it, but that doesn't mean that that is right. The plan has got to be right no matter what the offset. And as far as tree replacement fund that's great, but on the other hand I really would like to get from point A to point B. I guess I'm okay with the explanation on the lights as long as the staff signs off on the way the field and the fall occurs according to the revised, revised. Because if I reference S-2 dated 7/2017 lighting plan that's the wrong reference because your numbers are going to be wrong.

Mr. Theobald: Right. We did submit a new lighting plan that we just got today so we will be submitting that and we will work with staff to make sure that complies.

Mr. Okum: Right. I'm going to defer to other members.

Mr. Bauer: I guess I'll start where Mr. Okum started that we all agreed way back when that this was going to be a warehouse and we agreed to the warehouse. I'm going to diverge. Maybe I'll be in the minority but I think you've done a good job with the appearance of the building and breaking it up and making it look less like a warehouse, looking more like Pictoria. I do agree that the offsets of two feet are better than one, that would help. Again, I think it's a warehouse and again I think the glass on either end and in the center and the variations that you've made along that elevation even though it's long, have gone a long way from where it started, so I'm not opposed to that. Lighting, just to add my two cents, the wall packs are the lights similar to the poles. I'm at a school building right now in Clermont County that use the same lights on the side of the building and they do shine down, they don't shine out at directly at anybody traveling around and they look very nice. That's my comments for now.

Mr. Hawkins: I agree with a lot of the comments just made. At the end of the day it's a warehouse and so there's only so much that's going to be able to be done as big as it is, as much space is taken up on those 15 acres to break that up. I do think you guys have done what you can with regard to that. I'm okay with it. Would I love to have seen as we talked about the mounding and some other features to help with site lines and what the neighboring folks are going to see, sure, but we're past that at this point. So as things stand right now I'm okay with where we are.

Mrs. Harlow: I would echo the same thing too, I'm okay where we are too. The only comment I would make and Mr. Okum, if I'm understanding you correctly, you alluded to the landscaping where the road is going to be conveyed. Couldn't we take into account that now and adjust the landscaping so we don't lose trees in the future or it's not a burden for the applicant to replace landscaping that needs to be there.

Mrs. McBride: We have suggested that we work with the applicant on actually shifting some of the plant material on the north property line from the center more up toward Northwest Boulevard to provide better screening for the parking area, we wanted to work with them on that. We still want to maintain some landscaping. To answer your question, yes, we can work with them on that.

Mr. Hall: Just for clarification this evening, the renderings that you have brought before the Commission, are those an accurate, true representation of what the building will

look like? The reason that I ask that is because I saw you and the other gentleman over there, well, we can go through here, we can do through here. Is that true and accurate representation? Or is there going to be changes to your renderings?

Mr. Theobald: It is true and accurate and there will not be any modifications.

Mr. Hall: There won't be any changes?

Mr. Theobald: Correct.

Mr. Hall: Thank you.

Chairman Darby: As I look back from whence we have come, we started out with the concept of a building that didn't belong there, we went through those processes and throughout this process there's been a lot of give and take but that's what the whole planning process is about. Sitting on this side we probably wish you had given a lot more, you probably wish we had given a lot more. But it is what it is and we are where we are. I share the thoughts of my colleagues who say we would like to get this project going, and although we haven't gotten everything as requested, you have shown a lot of adherence to the things we've suggested to you so because of that I'm okay with it. I will say this though, there are a few things that need to be worked out and I think, to quote Mrs. McBride, they will work with the applicant. When you do that folks I hope you're very agreeable with them, very agreeable, okay?

Mr. Theobald: Yes.

Chairman Darby: Because if anything else on this project comes back to us I won't be willing to give.

Mr. Theobald: Understood.

Chairman Darby: Those are my comments.

Mr. Taylor: If the Commission wishes to approve the project I'd like to suggest could we have those renderings as part of our exhibits that they would vote on?

Mr. Theobald: Yes.

Chairman Darby: Minus the water.

Mr. Taylor: Minus the water.

Mr. Okum: Mr. Chairman, I'd like to move to approve the 15-acre site on Northwest Boulevard Case No. 32288. This motion is to include specifications and designs contained in the exhibits as submitted and reviewed by staff prior to this meeting. They include A-2.2, A-2.3 dated 8/3/17. C-100, C-101, C-200, C-300, C-400, C-500, C-501, C-600, C-700, C-701, C-100, L-200, L-300. S-2, conditional lighting plan. Did I miss anything?

Mr. Bauer: You missed L-100.

Mr. Okum: I missed L-100? Did I miss anything else? To include staff, our City Engineer and City Planners considerations and recommendations as being a PUD this shall also include staff from our Law Directors approval of the covenants as stipulated and the considerations. All lighting shall meet the City Building Code and Conformance and meet staffs acceptance of the final plan. Landscaping conditions shall include adjustments as referenced by staff including adjustments for the south elevation exposure due to changes for future roadway and dedicated roadway conditions as stipulated. All four building elevations shall be submitted and be finished with color pallet per the samples submitted previously and they shall be resubmitted to the City as they were originally submitted.

Mrs. Harlow: (Talked off mic)

Mr. Okum: That was in your consideration as acceptable, right?

Mrs. Harlow: Second.

Chairman Darby: Move to second that this request be approved as indicated in the motion. Secretary, please call the role.

Secretary Bauer called roll and the motion was passed with a vote of 6-0

Chairman Darby: Congratulations. Moving on, Item B Old Business. When can we expect to see ground overturned?

Mr. Okum: They have a lot of ground overturned already.

Mr. Theobald: They have already, we are ready to go. It is going to be real quick. As soon as we address the matters or conditions. Thank you.

B. Proposed Zoning Code Text Amendments

Chairman Darby: We're going to continue our public hearing. It's still in the process.

Mrs. McBride: You'll recall at the last meeting that we three sets of text amendments and two went on through to Council and one of them which dealt with the small cells the Commission felt that if there was going to be new towers that those should be conditional uses not just approved by Planning Commission. The change that we have made then is to make new small cell tower facilities a conditional use which would require a public hearing before Planning Commission as well as Planning Commissions approval. The other change that you will notice is that we have added the small cell facilities as new towers and as co-locators and then we've also added cellular or wireless communication facilities, which are the big towers, both as co-locators or as new towers into our table of uses so that it's very clear to anybody trying to be very user friendly where they are permitted with standards and where they are conditional uses. So anything new is a conditional use with standards and anything is a co-location is permitted as a right with standards. None of that changed, we just added it in the table so it was clear. I think there was a question also about the maintenance of the towers and that was already in the document, it was a reference back to the larger towers that they had to be maintained and so forth in good conditions. That was already in there so we did not add that.

Chairman Darby: At this time it's appropriate to close our public hearing.

Mrs. McBride: Unless anyone would like to speak on them.

Chairman Darby: You wouldn't dare.

Mr. Hall: Mr. Chairman, I'd like to make a motion that we close the public hearing at this time.

Mr. Bauer: Second.

Chairman Darby: Move to second that the public hearing be closed. All those in favor by a voice vote. All those in favor 6 Aye, Opposed 0. Public hearing is closed.

Mr. Okum: I just had a question for staff. So small cell addresses wireless communication weg-fi, wi-fi, whatever comes up that they could utilize those units for.

Mrs. McBride: It addresses whatever is included on those small cell towers.

Mr. Okum: We don't know, no.

Mrs. McBride: I'm techology naive. Yes. They're wireless communication so whatever is included in that today and whatever is included in that five years from today.

Mr. Okum: Then based upon that I'll move that we refer this to Council for consideration.

Mr. Hall: I'll second that, Mr. Chairman.

Chairman Darby: It's been moved and seconded that this issue be forwarded to Council for consideration. Secretary please call the role.

Secretary Bauer called the roll and the motion was passed with a vote of 6-0.

VIII. NEW BUSINESS

None

IX. DISCUSSION

Chairman Darby: Moving on, the only item left that might require any action is under discussion. Anyone have items for the group?

Mr. Okum: Just a question on the bowling alley property. Has that been withdrawn, not responded to? Do we anticipate because I'd like to get rid of all this old.

Mr. Taylor: The short answer is, I really don't know the answer. The last communication I had with Mr. Gilhart I advised him that we thought we needed a second appraisal on the property. He said they would be providing that and I got the impression that conversation that's something that I would have very quickly, but it's been probably going on two months and I have not received anything. I'm not sure where they are.

Mr. Okum: Did we table the request? I'm trying to remember. It was the applicant requested we table until.

Mr. Taylor: We tabled it and I believe the meeting that it was going to be continued to he withdrew at that point in time and left his, I guess left the opportunity to come back.

Mr. Bauer: Glensprings Plaza, the sign, the lack of tenant signage on the big old blank signage down there.

Mr. Taylor: This is a gross assumption on my part. I imagine that they are charging to have a person's name on that and the only taker has been Elmwood Staffing.

Chairman Darby: That's real good planning, right? Is there anything in the code about power washing bricks and I'm speaking of my favorite location the filling station right there at the corner.

Mr. Taylor: In the Property Maintenance Code we have had people power wash things when there's been things like vegetation, moss, whatever, growing on things. We've had people do that in the past.

Chairman Darby: I say this very seriously because that's a gateway corner and those bricks are so unattractive, they are grubby. You know my feelings about that particular place.

Mr. Okum: Their sign came down, right? We've got property zoned GB or motor service, I can't recall. I would think Tire Discounters –

Chairman Darby: I'm talking about the filling station, the gas station right across from The Wimbeldon.

Mr. Taylor: The BP station.

Mr. Okum: Oh the BP station. I thought you were talking about the other corner.

Chairman Darby: No, I'm talking about the BP station. It's such a grubby looking location.

Mr. Okum: The brick on that building is not even real brick. I think it's faux brick. Oh, the wall on the face.

Chairman Darby: Yes.

Mr. Hall: That place just needs to be cleaned up. It's a mess.

Mr. Okum: We were thinking Tire Discounters.

Chairman Darby: Tire Discounters, that's a disgrace. Are we off of the minutes?

Mr. Okum: Not yet not until we move to. Call it what you see it.

Chairman Darby: Anything else for the group?

X. CHAIRMAN'S REPORT - None.

XI. ADJOURNMENT

Mrs. Harlow: Move to adjourn

Mr. Okum: Second.

Chairman Darby: It has been moved and seconded that we adjourn. All in favor - Aye

Respectfully submitted,

_____, 2017 _____
Don Darby, Chairman

_____, 2017 _____
Richard Bauer, Secretary