

PLANNING COMMISSION MEETING
JULY 8, 2014
7:00 P.M.

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Members Present: Carolyn Ghantous, Dave Okum, Richard Bauer, Marjorie Harlow, Robert Diehl, Marge Boice and Don Darby

Others Present: Anne McBride, City Planner; Don Shvegza, City Engineer; and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF JUNE 10, 2014

Chairman Darby: The Chair will accept a motion for the approval of the Minutes of the June 10, 2014 Planning Commission meeting.

Mrs. Ghantous: So moved.

(Mr. Okum seconded the motion; Mrs. Boice abstained, as she was absent from the June meeting and the remaining six Planning Commission Members voted in favor to adopt the June 2014 Minutes.)

IV. REPORT ON COUNCIL

(Mrs. Harlow presented a report of the June 18th, 2014 City of Springdale Council Meeting.)

V. CORRESPONDENCE

Chairman Darby: There is no correspondence for this meeting.

VI. OLD BUSINESS

- A. Mr. Bauer: I will have to recuse myself from this request because of my professional affiliation with Tire Discounters.

Chairman Darby: Free-Standing Sign Approval for Tire Discounters at 12130 Springfield Pike; would the representative please come to the podium?

Ms. Lauren Wessel: I am from Triumph Sign consulting. I will be representing Tire Discounters for our free-standing sign. We are presenting a 9' monument sign at the new Route 4 location where we are going to be relocating the Tire Discounters that is currently here is Springdale. (At this time Ms. Lauren Wessel handed out a packet with pictures demonstrating the proposed sign and placement.) We have superimposed a monument sign based on measurements that we actually went out and obtained ourselves last week. Based on the elevation change at this current location which is also on the last page that you can see on the package, we have a drop from the roadway to the base of this monument and it is a 5' drop in elevation. Our stone base will be 4' to basically implement our reader board which will have three lanes of readable copy. On top of that will be the cabinet with the Tire Discounters logo. This increase elevation will help us allow drivers from both sides of the road to see our reader board from both angles easily.

(Mr. McErlane and Ms. McBride read their Staff comments.)

Mr. McErlane: I think the applicant had indicated a 5' elevation difference, is that correct?

Ms. Lauren Wessel: It is 4-1/2'.

Mr. McErlane: Is that at the location of the sign?

Ms. Lauren Wessel: The base of the sign.

Mr. McErlane: If you look at the photograph that she presented it is actually a greater difference in elevation on the south end of that site than where the sign is to be located. Based on the grading plan that we have, it looks like it may be 3' but you are losing some of the visibility of it if it were to be maintained at 7'.

Mr. Okum: Just to make sure, the building package has not changed, it is original as submitted?

Mr. McErlane: It is the same as what we saw last month.

Mr. Okum: So, it is the same as what we saw and approved. Thank you. If I may Mr. Chairman, I would like to make a motion to approve the Tire Discounters sign package as presented, to include all of Staff, City Planner's recommendations and considerations.

(Mrs. Harlow seconded the motion and with 6 "aye" votes, Mr. Bauer recusing himself from this request, the free-standing sign was approved.)

Mr. McErlane: Just as a reminder, Board of Zoning Appeals needs to grant a variance for the height of the sign and total square footage.

- B. Chairman Darby: Minor Revision to the PUD, new retail building or two at the Tri-County Towne Center located at 11711 Princeton Pike.

Mr. John Gilhart: With me is Clark Gilhart and we also have Lou Santoro here representing Tri-County Towne Center. As you know we were here last month to get some feedback to try to see how we can take a fifty-three year old property and bring it up to speed and make it a nice entryway into the City and into the Shopping Center. This is about the redevelopment of the Kentucky Fried Chicken and the Monroe properties. We have separated them and went with Plan "B", which would be the two separate buildings. (The applicants demonstrated proposed changes using Power Point and provided each of the Planning Commission Members a handout.) We propose to demolish the existing Kentucky Fried Chicken building and remove the parking lot pavement, add site improvements and then construct one new free standing retail building, construct new parking lot, lighting and landscaping and site improvements. These are two separate parcels, as you may know. And then on the Monroe parcel we would demolish that building, remove the parking lot pavement, site improvements and construct one new free standing retail building which would have two tenants in it, one would be Noodles and Company. We would construct new parking lot lighting, landscaping. The only difference between this site and the KFC is that it has a free standing monument sign so we propose to modify the existing free standing monument sign; we propose to remodel it and leave it where it is. The existing pylon sign, the tall one that is on the KFC property, we would propose as part of this package to remove that obviously and nothing would come back in its place. Mr. Darby specifically said that he thought the building was too big and I agree with him and that is what we worked on. The initial building that we proposed we have reduced the size of the buildings total to 6,298 s.f. and I believe that is about 100 s.f. less than what is actually there with the two buildings. The other thing that we did was to increase the parking from roughly 35 to 45 parking spaces. For a lot of different reasons, combining the sites, financing, so on and so forth, we felt this created access; we

now have one free standing building and two end caps and we felt this was the way to go and that is what we are going to be asking for approval tonight.

I think in the comments the truck turning radius would have to be revised. It is the same as what it was before. The only thing that we have done is reduce part of the building so that the area between the two proposed buildings has gotten wider. The building on the left will be 1,631 s.f. and the one to the right is a future tenant and that is 2,058 s.f. and Noodles and Company which is on the far right is 2,509 s.f. and then there is the outdoor patio area that has remained the same. The signs would be whatever the Code makes us do, which is individual illuminated letter signs, individually or on raceway.

(Mr. McErlane read his Staff comments.)

Mr. John Gilhart: Can I address some of the key points? To start off with the cross-parking and cross-access agreements, we will come up with those and record those, if necessary. We realize that needs to happen from the two parcels. The green space went down because of the increased ten parking spaces. There is going to be some comment from another couple spaces that they are concerned about, safety pulling off of Princeton Pike and that could be added back. If there is a discrepancy in the sign dimensions then we will certainly go with whatever is there. I had a question mark on the 9'-7" in width.

Mr. McErlane: It is showing 8-1/2' of green space to put the 9'-7" sign in. You have 9'-7" at the top but the base is actually wider than that.

Mr. John Gilhart: That is a question for the engineer. So that is something I need to look into and obviously it is going to have to fit in there.

(Ms. McBride and Mr. Shvegza read their Staff comments.)

Mrs. Harlow: I am trying to understand the drawing; there is going to be an elimination of two parking spaces on the east side?

Mr. John Gilhart: That is what Staff is proposing.

Mrs. Harlow: My other question is, is that 10' between the two buildings?

Mr. John Gilhart: Yes, it is.

Mrs. Harlow: I understand what you said about the two parcels, keeping them separate for cost effectiveness and everything but what is the value of that 10' between the two buildings.

Mr. John Gilhart: It is just an arbitrary number that I picked for separation. It is really so that we can keep the parcels separate and the buildings are on two separate parcels within a unified plan. It has to do with combining the parcels. It is a combination of a lot of things. Typically what we will do, for example is we will take the front parcel and finance that because we have a Noodles lease and then it gives us one piece of property to free up in case we want to do something else. It gets more involved too, within our lease agreements with Monroe we are working with two, although they are done there are still issues with demolition. There are two separate deals if we have them separated like this and it reduces the size of the building by another 400 s.f. or something like that.

Mrs. Harlow: I was trying to understand why you have a 10' space there when the proposed site is very tight.

Mr. John Gilhart: We can make it 8' or we can make it 6'. If we make it too narrow then there is no walkway.

Mrs. Harlow: What is the distance between the two existing buildings?

Mr. John Gilhart: I am guessing, maybe 10'.

Mrs. Harlow: The slide that is outlined in the black, that is your actual property. But what we are seeing on the other screen where you have the green space around, that is not?

Mr. John Gilhart: All we are doing is pointing out the green space. The property lines will still stay the same.

Mrs. Harlow: But that is not your actual property, correct?

Mr. John Gilhart: No, it just gives you an overall. That is not included in the calculation by Staff, that green area that we do not own.

Mrs. Harlow: So, in their calculation they are only including what is inside the black box?

Mr. John Gilhart: The black box, right.

Mrs. Harlow: We have no guarantee that what is outside that black box is going to stay that way because it belongs to someone else, correct?

Mr. John Gilhart: Yes, that is correct. There is elevation change and retaining walls. I don't know that Planning Commission would ever come back and say to bring the parking all the way to the edge.

Mrs. Harlow: I am new to Planning Commission so I am trying to understand and it is a learning process for me.

Mr. John Gilhart: If we took all of these setback requirements, so on and so forth, we wouldn't even be here, we wouldn't show up. What we would do is we would go ahead and say there are two buildings there and the people that are calling for the service station we would put a sign up and the people that are calling for KFC for a restaurant we would change the sign and paint the buildings.

Mrs. Harlow: But this is an opportunity to make the area much nicer.

Mr. John Gilhart: Financially, this does not make sense for us to even do it.

Mrs. Harlow: I wondered about that.

Mr. John Gilhart: But overall, I believe it does for the appearance of the Shopping Center. If I owned this parcel right now and it was the only thing that I had out there, I would not do this.

Mr. Bauer: On the cross access, we talked about that last time, did you actually go talk to the neighboring property and discuss with them the cross access?

Mr. John Gilhart: Mr. Okum mentioned that we should speak with Jeff Tulloch and we spoke with Jeff to see if he would address that and go to them.

Mr. Clark Gilhart: I spoke with Jeff and he went ahead and spoke with Greg Malone who is the representative for Casto. The conversations that we have had has been with Greg Malone and he told Jeff Tulloch the same issues. Jeff advised me that if you want more detail on it you could speak to him. As far as Greg Malone is concerned, they want to do something but it is not feasible in the near future here, at least three years out.

Mr. John Gilhart: I will tell you this, we will certainly put it on the plan. The access on the left side of the screen, there is nothing that we need to do because the parking lot is already there. There was negative comment, which is fine, on the northeast corner. We will take that right to the property line and also take a sidewalk right to the property line and leave it there, we will go ahead and construct it. Two things have to happen obviously, the property owner to the north would

have to connect to it which we don't have a problem with and Staff would have to reconsider their concerns about the safety factor. That I can't comment, I don't know much about that; Staff is the experts as far as that. We will certainly build it so that it is there, if someone can work it out. The ball is in their court.

Mr. Bauer: I was just curious to see if you followed up and actually tried to have some conversation with the neighboring property owners; how viable either of those alternatives are; the one up front, the traffic study and that was my next question is the traffic study, the completion of that traffic study would help me understand what kind of traffic might be coming in and out of the area and why that is a concern to Staff at the front access towards Princeton Pike.

Mr. John Gilhart: That is a separate issue, that is not regarding a traffic study.

Mr. Shvezda: The traffic study will delineate how many vehicles are entering at different points to that site. Primarily it is to verify what is needed, if anything additional to the private access drive, Frances Lane.

Mr. Bauer: But it would give you some idea as far as what kind of traffic that is going to be in that area, nothing specific about that access but it might help you out.

Mr. John Gilhart: Sure but your concern is more about safety, isn't it?

Mr. Shvezda: Yes, but safety also involves the number of vehicles that would be entering from both 747 and leaving the site.

Mr. John Gilhart: Based upon the positioning of the connector.

Mr. Shvezda: But that is the main concern.

Mr. Bauer: On the traffic study then, you are in the process of obtaining that?

Mr. Clark Gilhart: We have had that conversation with Don and we have sent a scope of work over to Kleingers.

Mr. Shvezda: I think that reflects what our discussion was at the prior meeting and I will verify that with the gentleman from TEC on that.

Mr. John Gilhart: We got an email from the Kleingers group and they are waiting for the go ahead from us and we just stated that you were checking on the scope of work, and that the gentleman was out of town; is that correct?

Mr. Shvezda: Yes, correct.

Mr. John Gilhart: So, when he comes back, is that accurate?

Mr. Shvezda: Yes, that is correct.

Mr. John Gilhart: It will be forthcoming as soon as we get the go ahead.

Mr. Bauer: O.K. That would echo Mr. Shvezda's comments that that is pretty critical for that tight site, truck traffic around and being able to make those turns without hitting the building or the front part of that area.

Mrs. Harlow: My comment pertains to the number of parking spaces. At the last meeting I asked you if you had an estimated time that a customer would be in the Noodles and Company; were you able to ask them?

Mr. John Gilhart: Yes we did, but we didn't get any feedback. Lou Santoro is here tonight and we talked about that. Through all of the negotiations they have never voiced any concerns even back when it was a proposed 7900 s.f. building with a smaller count.

Mr. Lou Santoro: The discussion with Noodles, they have seen three different site plans and they understand that we are in redevelopment and they had no questions concerning any one of the three site plans, actually or the parking.

Mr. John Gilhart: On the screen I want to give you a visual of a picture we took on June 20th, Friday at noon, which is our peak for lunchtime, where we have Blue Agave, LaRosas and Fire House Subs. I know that Staff or Council, Planning Commission is going to be reviewing the zoning and just all the different Codes just to see if signage needs to be updated or parking ratios or setbacks; that will be different items that they talk about. Those are all vacant spaces to the right and there is a row up against the building and there are two rows there, there are 26 spaces up against the building of which 24 are filled in this picture, there is a double row of 25 and it looks like about 48 are filled. To give you an idea, there are 76 spaces there so you can see that we need one row and two rows for the lunch crowd and there is 76 spaces there total. If all of those were to be used, based on all three restaurants; Blue Agave is 3696 s.f., LaRosas is 4800 s.f., and Fire House Subs 2,260 s.f., that is 10,756 s.f. If you take 76 spaces into that you get one space per every 141.5 s.f. To put that into perspective, prior to losing possibly 2 spaces, the 45 on our site would be 140 s.f.; that is not scientific, that is the reality. At 45, we would be at 1 space per 140 s.f. I am not familiar with the Code here but in Coliand County where I am from which is Southern Florida and a highly populated area, retail shopping centers are 1 space per 250 s.f., 1 space per every 200 s.f. for medical office and 1 space for every 300 s.f. for regular office. So it is basically 7 spaces per 1000 s.f., regular shopping center mixed use is 4 per 1000 s.f. So, here it is for restaurants 1 per every 222 s.f. and then they take employees and waiting areas. We did go through this years ago when we built the outbuilding, went through and got all of the counts from the cinema, the restaurants, so on and so forth to prove our point that there is a lot of cross access and even as you can see in peak hours with three restaurants that is about what it amounts to. I believe when we first came up with a redevelopment concept that it was mentioned by Staff and maybe other Members that they realized that the new lifestyle centers didn't need these vast parking lots.

Mr. Okum: Staff has recommended that a traffic study be a critical clog to the process. Approval of a plan with that being in part or whole, really puts us in an odd position. Sure we are pretty much where we were last month until that gets done. The concept is fairly good and I think you can work through the numbers. I have three items that jump out at me that continue to make it difficult for me to make a decision, the vertical delineation between Frances Lane and the parking field, if you notice McDonalds has 6', 7' or maybe 8' between Frances Lane and those parking areas.

Mr. John Gilhart: Are you talking about the landscape area?

Mr. Okum: The landscape area, yes.

Mr. John Gilhart: I can't speak for McDonalds.

Mr. Okum: It is part of the PUD. We required it and it was built that way. I don't particularly want to see a guard rail going along Frances Lane and I don't want to see bollards going along Frances Lane. I don't want to back my truck into a bollard along Frances Lane and mess up the back end of my truck. I do back into parking spaces a lot when I go into businesses and a lot of people do. I am concerned about Noodles and Company's emergency exit into that drive lane and I mentioned that at the last meeting. Separation of the two buildings was good because you can put your emergency exits into that corridor space between the two buildings so people aren't exiting out into that drive lane for emergency exit or for loading purposes. I don't know if you are going to do that, I see doors on the elevation drawings so the doors pretty well tell me that trucks are going to park in that lane to unload goods to go into the back of those businesses.

Mr. John Gilhart: Yes, it could be access, it could be delivery or a combination. Noodles does have three exit points.

Mr. Okum: But they do have an exit point on the drive lane?

Mr. John Gilhart: Yes.

Mr. Okum: The other items that I have are basically the issue with a shared or cross access; I think you addressed it fairly well. The development next door is eventually going to want to do an out lot change. They are going to come to us and they are going to want to make a change to sell an out-parcel on that site, we can have leverage then that says they need to do cross access with Princeton Plaza. But we don't have anything at this point that says, once this is built out, that Princeton Plaza will incur the cost to make the changes to their site, as well. There would need to be something that would be put in place that you would share the cost on your part of the site as well as they would share the cost of the cross access on their part of the site. Not just a drawing on a piece of paper but something physical that we can say Princeton Plaza has agreed, they are on paper for doing their cost to do it and you need to do it if you are going to do it. Those are the main issues.

Mr. John Gilhart: You are referring to the access point to the left?

Mr. Okum: I don't care if it is to the left or up to Princeton Plaza side, personally I would like to see it at Princeton Plaza side verses back in the corner but I don't care I just want to see cross access between the two sites. You have provided an opportunity for two places and I compliment you on that.

Mr. John Gilhart: We will build it right up to the line.

Mr. Okum: We have landscaping on the front side, what little bit we have there. My final comment is that we really have a sea of asphalt and building here and we have to call it for what it is. I can't take your neighbor's property and use their green space.

Mr. John Gilhart: I agree, it is a visual.

Mr. Okum: Visually, we are still at 7% on your site which is about the heaviest I have seen. I had the opportunity, Hamilton County is involved in a Green Umbrella Project and the most recent study was completed and showed the hottest spot in all of Hamilton County and that spot happens to be City of Springdale; we are a hot zone. It is primarily because of our asphalt. We are not doing anything to better it by what we are doing here. We have taken measures to deal with the run-off of water but we are still a hot spot. Until the traffic study is done and that review is completed, I don't know how I can phrase a motion, to bring to this Commission that would address it.

Mr. John Gilhart: What we were looking for, and we realize there are a few details such as landscaping, which we have worked with Ms. McBride before, and we could certainly work that out, if we can come up with a conceptual and get approval on the site contingent upon a satisfactory traffic study then that is really what we are looking for. I can tell you even on the entryway I would like to re-work some of that on engineering drawings so that we still do maintain a wider throat there. There are a few little items like that. We are looking to come out of here tonight with approval on the building, the site the way it is laid out. If you want to remove a couple parking spots and put back in landscaping, we don't have a problem with that. If you want cross connection then we will build it right to the edge. I think if we go another month, we have some obligations to meet with Noodles and I think if it is possible we would like to get an "up or down", contingent upon a satisfactory traffic study and then if there are any other minor outstanding items; that is what we are looking for.

Mrs. Harlow: Clark is showing three dumpsters back there?

Mr. Clark Gilhart: Yes.

Mrs. Harlow: Do you really need three for the size of that building, or is it because of the three different tenants?

Mr. John Gilhart: What it is, in the lease agreement with Noodles and Company, it says that we are to provide them with two dumpsters; I don't know why. We could certainly do with less but if we have two for them then that leaves us one for the other two.

Mrs. Harlow: I understand.

Mr. John Gilhart: I have no problem going down to one and emptying it every week but then we get into issues of sharing dumpsters. We do have some dumpsters that are shared but on the restaurants, in particular, LaRosas and Blue Agave, they have their own. I think it would be wise to leave it as is, with the three and we can certainly landscape it and paint it up. I don't know if you have seen the one we have done out there behind the out-building, they are as attractive as we can make them. The wood isn't really wood, it is faux wood, but wood rots and looks bad.

Mr. Diehl: Would you consider another restaurant in one of the vacancies?

Mr. John Gilhart: I think we would. It would be the one on the end, the small one.

Mr. Diehl: And what would happen if you had a possible tenant who needed 2200 s.f.?

Mr. John Gilhart: It depends, the Code is sometimes too much and sometimes too little. We, as the property owner, certainly don't want to kill our one tenant just for the sake of another one. The reality is that we would look at them and analyze them. If it is a restaurant that serves smoothies and chicken, that is a lower impact and we would look at that. I don't want to see, personally, two restaurants or even three restaurants there that would be the kind of impact that Noodles and Company would have.

Mr. Clark Gilhart: I think for this parcel, if you were to get a national chain or regional chain or something like that then they are going to have their own numbers.

Mr. John Gilhart: It just won't work, no matter what you do here the site wouldn't be big enough.

Ms. McBride: I just want to make the Commission aware and the applicant as well, that the modification that is before us this evening is based on those other tenant spaces being calculated at a retail ratio of 1 per 222 s.f. If the applicant were to lease one of those two spaces to a restaurant, we would have to redo those calculations. That modification / variance would have to come back to this Commission because obviously it would be more than the modification you are being asked to consider this evening. The restaurant is 1 per 50 s.f. plus 1 per each employee on the largest shift.

Mr. John Gilhart: I think what she is trying to say is that we would have to come back and convince you that the next one would work.

Mr. Diehl: Mr. Chairman, is it possible that we can get a kind of verbal vote for these gentlemen to say that we are in agreement conceptually but we are not going to give any final agreement; or something like that?

Mr. Okum: I agree with you, but basically we did that last month. We gave them conceptual approval. I am really torn because I think until the traffic review is completed and some approach is addressed to Frances Lane and those parking spaces, I don't see how we should or could approve it. I just don't think it is right. I think that traffic has to drive part of this. I think the applicant has to go back and pull those two spots out and recalculate their impervious surface ratio so that they

can show that they increase it over the 7%. They truly need to drop off the public right of way green space out of the equation because that is the City of Springdale's right of way.

Mr. John Gilhart: That is not in the calculation.

Mr. Okum: I know it is not. It is just shown for purposes of illustration. Those are all the reasons. I am happy to see the change but change has to come with good planning and a strategy that makes it work. What if the traffic study comes back and says that there are ten items that need to be addressed for this site to work. What if the traffic study says that the turning radius around the back of the building will not work, based upon what was submitted? Then you would have to reduce the buildings down.

Mr. John Gilhart: Then the deal is just dead. We are at a point now that if it does come back, unless it is minor items that we can do, there are no big picture items that we can do anymore. Keep this in mind for what it is worth, we had an operating Kentucky Fried Chicken restaurant that was 2500 s.f. plus or minus and a Monroe 4000 s.f., operating here for I don't know how many years. You could argue about what impact but the actual size of the building will be about 100 s.f. less. Again, I would just like to have a vote "up or down" contingent upon a satisfactory traffic study. If there are items on there, if we need to take the two spots out, I don't have a problem with that, contingent upon us taking the two spots out and adding in landscaping. I think we are down to a few little minor items here. If it is not going to work out we are not going to do it. If the traffic study comes back that it is not going to work out then we will scrap it because it doesn't make sense. We don't want to put a bad project in there.

Mrs. Boice: I really have to agree with Mr. Okum on this. I think that traffic study is really very important. Everything that you have done in that area has been really outstanding and I know it sounds like we are doing a little bit of nit picking here but we just really need to know that. Coming off of 747 and all of the congestion that is up there, I just wouldn't be ready to vote on it without that traffic study. Also the idea of another electronic message board is not appearing very palatable to me at this point either.

Mrs. Harlow: Because I understand what he is saying that if he can't get approval from the City that there is a possibility that he could lose his contract with Noodles. In the interest of working with the applicant, is it possible that there could be an emergency meeting of this Board, once the traffic study has been done and he has met other issues that Staff has brought forward. I don't know how long it takes to get a traffic study done.

Mr. John Gilhart: Three to four weeks after we get the confirmation.

Mrs. Harlow: I really want to work with you and I really want to see that area redeveloped, not only for your benefit but for the City's benefit as well because it will be a much nicer property. I am certainly willing to propose that if you can get your traffic study done quickly and you can work with Staff to get your other issues ironed out, I do believe we have to do a public notice of the meeting, probably seven days in advance or something along those lines.

Mr. McErlane: I don't think it is quite that many days.

Mrs. Harlow: But we do have to give some type of advanced notice, if the rest of the Board would be willing.

Mrs. Boice: Absolutely, I don't have a problem with that at all.

Chairman Darby: The only question is, it is three to four weeks?

Mr. Okum: Right at the next meeting.

Chairman Darby: Are we at a situation where an emergency meeting would help us?

Mr. John Gilhart: I think what we need now is a definitive answer, certain things look good, the building structure, the footprint so we can get going on the architectural drawings. If we come out of here 95% confident then we will go ahead and spend the money to get going on the plans. We just need to get things moving. We can't do anything until we have an acceptable site plan; the footprint and the parking, traffic study, turning radiuses, connectors and things like that can be modified but we need to get going on plans. Would an emergency meeting help; possibly, it depends on how fast we can get Kleingers Group, the engineers to move forward on it.

Mr. Okum: I think I saw a lot of nodding heads and I don't see anybody not willing to meet for a special meeting; I think that is very positive. I would like to hear from the Commission Members personally of other items; I gave reference to the 18" along Frances Lane and is that a concerned item for this Board? Do we want to have a guard rail or bollards along Frances Lane to deal with the cars?

Mr. Shvezda, I am not knocking your suggestion but I am saying, do I really want to have a guard rail there along Frances Lane where cars are backing over the curb or some other form?

Mr. Shvezda: Obviously, it would be my intent to suggest a normal highway guard rail would be a good fit for that particular location; maybe there are other alternatives.

Mr. Okum: I understand, and an illustration to show how that would be dealt with. Is the Commission concerned about the 7%?

Mrs. Harlow: Yes.

Mr. Okum: Is the Commission concerned about two buildings verses one? I think that is simple, I mean it gives them other access points for emergency exit. It is pretty simple, it reduces their building footprint down a little bit. I think that is not a deal breaker and I think that is a great idea. Those type of things. The monument sign that is out at the street, to reface it with brick or stone; I think stone would look better on it, is that o.k. or is that a deal breaker for this Commission? Those are items that need to be resolved and obviously Staff has a good number of considerations. Staff, your landscape architect and your firm can deal with the applicant dealing with the landscaping but let's say that landscaping increases to 14% and let's say they get up to 18% impervious surface ratio and they get more green space on the site, then we have a situation of having more landscaping to deal with and we have to deal with that. I don't think there is a tree on the site, is there with this plan?

Mrs. Harlow: There is not a tree there now.

Mr. Okum: There is a couple trees, yes. Those are the items and you saw a lot of heads shaking. Those types of things, the faux windows are great.

Mr. John Gilhart: I think those are actually real windows in the back.

Mr. Okum: They are either going to be obscure or something on the backside?

Mr. John Gilhart: Maybe, maybe not, we haven't worked that out yet.

Mr. Okum: But if they are, you don't want to look at the backend of a business.

Mr. John Gilhart: We are trying to make it look like the front end of the business.

Mr. Okum: Those are the type of things; that 18" is going to bother me a lot. I don't know how you can deal with it.

Mr. John Gilhart: This site is what it is. If you take certain dimensions you are going to end up with it; for example the reason that 18" is the way it is, it was another foot but the sidewalk out front we had it 4' and it increased to 5'. We are just asking that you consider the site and we think it will be a big improvement and we will be back here again like we have for the last five years. We have some other ideas in other areas of the Shopping Center. Maybe some consideration on this area and we are adding back landscape to the sea of asphalt, we are trying. McDonald's is a big help, I think. Jarred was, when they did that. We are moving in that direction. It is just on this site to make everything work out, you can only do so much; it is what it is.

Mr. McErlane: To point out a couple things that obviously will impact the building footprint, which the applicant is asking for approval on, one is the 18" strip along Frances Lane if that gets increased, obviously I don't want that to impact the building footprint. The turning radius around the back of the building, if you put a legitimate turning radius on there, that very well could impact the footprint of the building, as well. Obviously, if you increase the green space it is likely going to impact the footprint. I am not sure if the traffic study will; it is going to look at the use and square footages to some degree. But those other items will definitely impact the footprint, if things change with regard to those.

Mr. Bauer: Mr. Okum, I would agree with everything you had concerns with and they are my concerns. Mrs. Boice is concerned about the electronic sign and I am not a big fan of adding another electronic sign onto that site, so I would like to see that sign stay as a static sign. The traffic study, Mr. McErlane answered my questions there as far as what is the worst case with the traffic study and how it will impact the building. We can sit here and approve a bunch of stuff and I hear what Mr. Gilhart is saying, that it is null and void but what has that bought you if we do that and that traffic study changes the footprint of that building and the parking around the building is such that you can't get what you want anymore and now you have wasted time and effort in designing a facility that doesn't work.

Mr. John Gilhart: I thought the traffic study was to check the volume of the traffic there. I don't see how turning radius and setbacks and parking stalls, isn't that something separate?

Mr. Shvegza: The traffic study is primarily there to determine required cueing lengths and the capacity of that particular private drive at the intersection. The worst case scenario would be that they say you need another lane.

Mr. John Gilhart: A turning lane is what you are talking about?

Mr. Shvegza: Another lane in. Another separate left turn lane that would be separated from an all right turn lane that is there right now.

Mr. John Gilhart: Again, at that point it would be dead. The project would be dead and we would have no problem with that. If it was contingent upon a satisfactory traffic study where there would be a turn lane or something like that then it would be a dead rocket. If we couldn't meet that and the traffic study said that, then we would stop any further expenses on drawings or engineering.

Mrs. Harlow: On the little 18" green space that we are concerned about with traffic and backing up and viable landscaping and all of that, is it possible to do a brick or stone wall down through there that is a planter that some plants could be maintained in? That way you are going to be getting a barrier to the traffic and you would also be getting some green landscaping through there. My second comment because I am not concerned about the electronic sign because you have Frances Lane there that is separating that parcel and if I were visiting Springdale I would never know that parcel is connected to your Towne Center, it is far enough away from the big sign at the corner and I don't know when we look at the rezoning that we are planning on looking at that, I don't know if signs will change or what have you but if it is the ground sign there and you change it over to something electronic then I personally don't have a problem with it. Would that stone or brick wall, with

landscaping on the top of it, would that solve any of the problems that you are looking at there for that part of it?

Mr. John Gilhart: I don't think so. I think the intention is good but I don't think it would be a good idea. I think they would just end up running into it. What happens here is if you have the 18" and the curb and you have your parking stop then you are basically stopping the car. I don't know if somebody backs in and they have an extra long car, it is quite possible.

Mr. Okum: It happens all the time at Outback.

Mr. John Gilhart: Because they are so busy. For what it is worth, I don't know if you recall but Frisch's had a similar strip along there and I don't know if it was ever a problem. I think it was an 18" or 24" strip there, it was narrow enough that they had a mulch bed with junipers. I talked to a person representing McDonalds and they were concerned about any landscaping or any obstacles; we will talk about that and we will try to work everything in so that we don't block signs but enhance the property. They were concerned as it was about 2' shrubs growing up high and we would be too, for visibility and safety. As far as the sign, we are trying to work together; some of it is trading off. We are trying to give you back the 35' tall pylon sign for KFC, so we are trying to do a little horse trading to make this site work. Like I said, if we can make this work we will be back again for a couple other improvements that will include more landscape islands, specifically the small stores. That is our Phase II, by the way.

Chairman Darby: The 18" space is problematic because of everything that has been said. I personally don't know anything that can be done about it. You mentioned a couple of times that if the traffic study requires something extraordinary then the plan would be dead anyway. In my opinion, if contingent upon a workable traffic study there could be an approval, in the meantime what would you do?

Mr. John Gilhart: We would start on the architectural drawings. Just getting three to four weeks ahead of the curve will help us quite a bit. If it comes to that, then we have spent \$5,000 on this or \$10,000 on this and it is down the drain; that is life.

Mr. Okum: Just thinking out of the hat there are a couple ways, one is you can hold the building back another 3' to 5' on the Frances Lane side and narrow the gap between the two buildings down so that you can still get your 2000 s.f. building or attachment to the Noodles and Company and you would gain 5' on the front.

Mr. John Gilhart: Which way did you say to move it?

Mr. Okum: Push it.

Mr. John Gilhart: So that building or buildings push north?

Mr. Okum: Not the whole building, just that Frances Lane facade.

Mrs. Harlow: That would give you more landscaping.

Mr. Okum: That would give you 5' more along Frances Lane, which would bring you to 6'-6" along Frances Lane. You would have to calculate it out but looking at it, I could venture to say you could get 5' off of that front. You have 10' between the two buildings; I would personally allow a 0' lot line variance between the two. You can put it right on that property line, I don't care; you don't need that 10' there.

Mr. John Gilhart: The sidewalk can't go down, can it?

Mr. Okum: The problem with that is if you narrow the sidewalk down, when the door opens you have issues of handicap accessibility.

Chairman Darby: While the applicants consult on that, we will take a brief break.

(At this time the Planning Commission adjourned for a break.)

Chairman Darby: Do you have something to present to us.

Mr. John Gilhart: I have done some calculations and if we take the two-tenant building and take 2' off of that, left the building as is and took 2' off of the front and moved the building 4' to the left, which would give us 1' from the property line. We could increase the landscape area along Frances Lane from 1-1/2' to 3-1/2' and then we could leave the building on the left where it is then that would give us 6' through there and I think that 5' is the minimum for a sidewalk and we could take the front of that building, 2' off of that and it would be a net loss for us of 76 s.f. and that would give you 3-1/2'. You may be familiar with Fire House Subs where we do have an outdoor eating area and along that is a small landscape that is only maybe 2-1/2' or something like that and we have that loaded up with landscaping, Clarke has a picture of that to give you an idea of what it would look like. We could go 2' back and it would be pretty much it.

Mr. Okum: I know the applicant really wants to work through it and we do too. We want to make sure that it works. One of the things, if the building shifts a little bit, we still have to deal with the turning radiuses of the trucks going around. We want to make sure that is right and that is not going to be by the traffic study but by our City Engineer who needs to have that assurance because let's say one of our fire trucks decides to go around the back of our building, I don't even know if it would make it but we want to make sure that it could. Based upon those issues, I think that this type of thing is something we need to work through with the applicants. I think the applicants understand where we are coming from but on the other hand, I don't think we are ready to vote on this. Based upon that I will not make a motion. If someone else from the floor wishes to, I am certainly willing to consider it and vote but I will not make that kind of motion.

Mr. John Gilhart: But according to this we could move it 2' back and that would be taking 2' out of the building to the north and adding 4' to the west.

Chairman Darby: At this point, I am going to have to voice my agreement with Mr. Okum because as is the case with any project, a change in this spot necessitates changes in other spots. I am concerned that a motion that we would make would be so questionable and incomplete. As has been shared by the other Members, I really want to see this go but we owe it to our appointments here to be a little bit more thorough than to vote on the kind of motion that would be required. I would like to hear if there is shared opinion from other Members.

Mrs. Harlow: I just want to state that I, for one, would be willing to have an emergency meeting of the Board once you have gotten your traffic study done and your turning radiuses done to show our willingness to work with you and move forward with it.

Mr. Diehl: My comments will be that I basically agree with Mr. Okum also. That being said, if the study comes back and other things come back to where I anticipate them to come back, I will certainly vote "yes" on this when the motion would come to the Board.

Mr. Bauer: I would agree with the comments I have heard from this Board. It will be a great improvement over there and we want to see it succeed. I am a little apprehensive at this point of the things that are not known and could change based on what we have discussed.

Mrs. Boice: I really don't think there is any doubt that every Member on this Board is certainly supportive of what you are bringing in here and we do want to work with you on it. I liked what I saw but there are just so many unanswered questions but I think it is obvious the entire Board is really supporting what you are attempting to do here.

Chairman Darby: I would say, with the understanding that Staff would be willing to work with applicants in a timely manner, to schedule if necessary an emergency meeting with all of the proper notifications and we will get back together. And in the meantime the Chair will accept a motion to continue.

Mr. John Gilhart: I am looking for direction here because I am a bit confused. I understand that you are waiting for a traffic analysis to see if everything works out with that. Are we going to go back and revisit the possible removal of two parking spaces or the next time argue about the setbacks for the landscaping or the sign?

Mr. Okum: I think you have heard the comments from everybody on this Commission in regards to those items and I am supporting Staff's position on their recommendations and I am going to support Staff's recommendation on the turning radiuses and the traffic review. I am not changing in anyway on that position. I don't think anyone on this Commission said that they would relinquish and I think I saw a lot of heads shaking that 7% doesn't make it for this site. There are ways of dealing with it, eliminating a couple of the parking spaces. Obviously this 6' or whatever this turns out along Frances Lane can make a difference on this site. We are all anxious to help you but on the other hand those items are pretty hard in my book, as far as making it work.

Mr. John Gilhart: I guess what I am getting at is I would like the few items that we need to address so I know exactly what we are talking about. That would be the elimination of two parking spaces?

Mr. Okum: You have read Ms. McBride's considerations.

Mr. John Gilhart: But if I go through all of them, what I am trying to say is, which?

Mr. Okum: I don't think she was harsh in anyway.

Mr. John Gilhart: I am not saying she was, I am saying which ones do we need to address?

Mr. Okum: My motion this evening, had everything been o.k. would be to include the considerations that Staff has made in regards to this development with the addition of the items that we've discussed.

Mr. John Gilhart: So, it would be the elimination of the two parking spaces, add back the landscaping, address the Frances Lane, and then the signage?

Chairman Darby: To reiterate, it is all in writing in her considerations. Nothing that we have discussed has waived any of the considerations that were included in the Staff report.

Mr. John Gilhart: I am trying to figure out what items I need to address. If I have to address all of them, I can't address the setback for dumpster. I can't address the 75' setback. If I come back and address the elimination of parking, add back some landscaping, address the planter and the traffic analysis, we are good with everything else?

Ms. McBride: I guess to prepare kind of a summary of my comments and what I have heard the Commission express tonight, there are certain things. The site is tight and you are redeveloping it. We are going to have to continue to list that setback reduction for the dumpsters from 5' to 2', but I did not hear any of the Commission Members here this evening, and I don't want to speak for them but I didn't hear any of the Commission Members here this evening say "Oh my gosh, you can't do that". We will have to continue to list that because they will have to modify that requirement. I think what we have heard is that there is concern or discussion on the fact about including the electronic message on the sign; I think Staff has asked about the width of the sign relative to the width of the area that it is shown in. The two northern parking spaces on the east side of the building and then that becoming a landscape area. I think there has certainly been expressed concern

regarding the 18" and whether or not that is adequate physical separation for those parking spaces, as well as providing a viable landscape area. I think that we have asked for additional details relative to the outdoor dining area and I would particularly encourage to submit a floor plan for Noodles which could allow us then to reduce the number of parking spaces that we are suggesting are required on this site; we have asked for that before but we haven't gotten it. If we had the employee count and we had footprint then that could actually reduce that modification.

Mr. John Gilhart: The reason that we haven't submitted one is we haven't had a building footprint that was close to being approved. I think we are kind of there now and we can submit that to them and have them come back with a floor plan. That is what I am looking for, I realize that you have to list all of these things. I am just looking for the hot buttons here that are potential problems. A couple minor setbacks and you will work with us on that. I was trying to come up with a list and I think I have.

Chairman Darby: The Chair awaits a second on the motion.
(Mr. Okum seconded the motion to continue this item until the next meeting which may be an emergency meeting. The Secretary called the roll and with 7 "aye" votes from the Planning Commission Members, the item was continued.)

VII. DISCUSSION

- A. Chairman Darby: Mr. McErlane would you please introduce our new Economic Development Director?

Mr. McErlane: This is Christine Russell.

Mr. Jerry Thamann: She is coming on board and we are still in the process; we hope everything gets finalized soon, she is going to be Jeff Tulloch's replacement.

Chairman Darby: Welcome aboard, we are happy to have you.

Ms. Christine Russell: I very much look forward to joining the team next Monday.

- B. Chairman Darby: Any other items for discussion.

Mrs. Harlow: I have a question about an applicant that was before us back in the winter, Waffle House. Have we heard anything at all from them?

Mr. McErlane: No, I haven't. I understand that they have moved a couple things on site, but we still have the issue of the southern elevation.

Mrs. Harlow: And that is the only thing that is holding that up?

Mr. McErlane: Well, we are not holding it up.

Mrs. Harlow: No, I mean that is the only thing that is outstanding on the development?

Mr. McErlane: Actually Planning Commission did approve something so they could move forward.

Chairman Darby: It is my understanding that the applicant did purchase the parcel, correct?

Mr. McErlane: Right.

- C. Chairman Darby: Anything else?

Mr. Okum: I just wanted to mention the "Green Umbrella Project", I would really appreciate it Mr. Shvezda if you would get involved in that because there is a lot of information that you may have in regards to the water that has been retained in Springdale, Sharonville and Forest Park. We just happen to be a hot spot, believe it or not. Along with the water, we have a lot of asphalt that causes a lot of reflective heat and if you look at our temperatures it does impact it. I will scan and send a copy of the report to Anne McBride and Don Shvezda.

VIII. CHAIRMAN'S REPORT

Chairman Darby: You can see we approved several signs.

IX. ADJOURNMENT

Mr. Okum moved to adjourn; Mrs. Harlow seconded the motion and with a unanimous "aye" vote from the Planning Commission Members, the meeting adjourned at 9:06 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary