

PLANNING COMMISSION MEETING  
AUGUST 12, 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 JULY 8, 2014

Chairman Darby: The Chair will accept a motion for the approval of the Minutes of the July 8, 2014 Planning Commission meeting.

Mrs. Boice: So moved.

(Mrs. Ghantous seconded the motion and the Planning Commission Members voted unanimously to adopt the July 8th, 2014 Minutes.)

IV. REPORT ON COUNCIL

(Mr. Diehl presented a report of the July 16, 2014 City of Springdale Council Meeting.)

Mr. Diehl: I would like to recognize Mr. Jeffrey Tulloch because tonight is his last meeting for Planning Commission and I want to thank him for all of the many years that you have given to the City and also the professionalism that you have shown throughout the years.

Mr. Jeff Tulloch: I appreciate that. I have enjoyed every minute, Springdale is a very special place with a lot of very special people. The government here is outstanding, the residents and the businesses. You should be very proud of the City and what has been accomplished here over the years and I know you are. Thanks, very much.

V. CORRESPONDENCE

Chairman Darby: There is no correspondence for this meeting.

VI. OLD BUSINESS

- A. Chairman Darby: The first item under Old Business, Minor Revision to the PUD, new retail buildings at the Tri-County Towne Center located at 11711 Princeton Pike.

Mr. John Gilhart: As you know, this is our third time back here, so this time we are trying to focus on things that were outstanding that were recommendations by Planning Commission at the last meeting. Clark Gilhart is here, myself, Lou Santoro and Rick Gilhart as representatives. We are here to get approval for the redevelopment of the Kentucky Fried Chicken and Monroe properties. The recommendations from Planning Commission from the July 8th meeting are as follows: It is requested that we provide a traffic analysis study, increase the

landscape area along Francis Lane and provide details on the outdoor dining area, there was a suggestion to move the outdoor dining area to the south somewhat and add a landscape planter also to reduce the monument sign to fit in the area allocated. These are our responses to Planning Commission's recommendations: The traffic analysis study has been completed and provided to Staff, the landscape buffer along Francis Lane has been increased to 2.5' and that includes both curbs to 5' which means the landscape area itself was 18" (1.5') and that has been increased and the parking stops are being provided with a 3' offset from the parking lot perimeter. We are going to provide details for the outdoor dining area that has been moved to the south and one parking stall and landscape planter added. The monument sign has been reduced to 8' wide to fit in the area allocated. (At this time Mr. John Gilhart and Clark Gilhart give a PowerPoint demonstration of the revisions to the proposed plan.) The building has been reduced, it was about 7,919 s.f. when we began and I believe it is down to about 6,177 s.f., and that is actually a couple hundred square feet smaller than what is already on that property with KFC and Monroe. One item that was requested on the outdoor dining area about the reflective yellow bollards, suggesting that they would match the perimeter railing which is silver, match the roof and window frames; we have no problem changing those to match the railings, silver or black or whatever Staff prefers.

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

Mr. Okum: Mr. Shvegzda, the most east cross-access to the north property would not be recommended, is that correct?

Mr. Shvegzda: That is correct.

Mr. Okum: So, your recommendation is that if there were to be a cross-access easement, it would be as illustrated on the west?

Mr. Shvegzda: Of the two that were submitted, yes it would be west.

Mr. Okum: When they calculate dumpster enclosure size, is there a specific size that is required under our Code for that dumpster container?

Ms. McBride: No. Some codes do require that but the only requirement on ours has to do with the height, not the area.

Mr. Okum: If they were to use small dumpster containers, that would potentially adjust the size of the enclosure?

Ms. McBride: Correct.

Mr. Okum: It does concern me that we are basically putting a wall next to the neighbor's property without any consideration for how that is going to look at that site. That is the reason we call for landscaping on three sides of the dumpster. I would hope that we could identify the size of dumpsters that are necessary because this is a fairly small site and I don't see them needing a mega-dumpster, it may only be a 10 yard or a 12 yard dumpster.

Mr. John Gilhart: Typically, I believe it is 12'. This is actually identical to the dumpster enclosure that we have already built behind DXL and Office Depot on Princeton Pike. There is a little extra depth because they are angled at 45°.

Mr. Okum: Which really could go straight in.

Mr. John Gilhart: We did that because of the truck, there is not enough turning.

Mr. Okum: No, I am saying the backside could be square because the dumpster can't go in any deeper there.

Mr. John Gilhart: Yes, we could do that.

Mr. Okum: If you do that then you could accomplish about 80% of the landscaping requirement on the backside.

Mr. Shvegza: On the truck turning routes, there are two that are really based on the comments from the applicant that would be utilized and that would be the one where you see vehicles turning into the un-signalized access point from the southbound 747; and the other one would be vehicles, trucks traveling eastbound on Francis Lane, entering on Kemper behind the Center and then accessing the development.

Mr. John Gilhart: We did show you a third one but we did not intend or think that was a good idea; we just showed that on there. I will go through a few comments: A comment was made, the drive isle width appears to be approximately 24' and it wasn't identified; it is 24' and we did identify it on the revised plan C-4.0, that was given to Staff. The comment was made that there was no dimension on the width of the proposed westbound lane; it scales approximately 14.5' and it is identified on the revised C-4 plan. There was a comment of a "Do not block intersection" sign should be installed below the "Stop" sign eastbound, northbound and southbound; basically, the intersection at Firehouse Subs, Kentucky Fried Chicken and McDonald's, we have indicated "Do not block intersection" signs have been added and have been identified by the engineer on revised C-4.0. Turning radiuses, talked about recommendation to eliminate the entry off of Princeton Pike; a "No Truck Delivery" sign will be installed, language to be determined by Springdale and property owner and the location is identified on the revised plan C-4.0, to be approved by Springdale and the property owner. The protective bollards, it was suggested to put on the north side of the buildings; they have been added to five corners on the north side of the buildings and they are identified on page C-4.0. The possible future connection that is closest to the 747 and the northeast corner, it was suggested that there was significant potential problems or conflicts; we have eliminated that and it has been removed on the revised C-4.0. Bumper blocks should be shown with a 3' offset; we have provided those and they are shown on the revised plan C-4.0. Some type of barrier guardrail system will need to be utilized; we are providing a guardrail system and it has been added and identified again on the revised C-4.0. In regards to Mr. McErlane's comments, there were three comments: No lighting plans have been provided; I believe they were previously but if not we have provided a revised lighting plan. Cross-parking access will be required; we have indicated cross-parking and access easement will be recorded as a condition of approval of the SDP. It says that there are no details of sign provided; I thought we did with the submittal but again we provided that here tonight and did show it on the slide. In regards to Ms. McBride's comments, I am not going to address the whole thing but I have highlighted some and given them to Staff. It says no parking summary or parking information was provided; I had the engineer provide the parking summary and it has been added and that is on plan C-2.0. It says that there were 37 spaces; I believe it shows that there is 40 spaces plus two handicap spaces for a total of 42. The size of the building to confirm; it is 6,177 feet. It is broken down to 4,641 for the larger one and 1,536 for the smaller one. Landscaping is required on all three sides of the enclosures; we gladly would change that to how Mr. Okum recommended. We will be contacting the property owners and we will gladly do a hedge or planting there with their cooperation. It said that Staff would prefer to see bollards in the same color; we have agreed to that. There was a mistake on a page that said open space at 7% and that has been corrected to 11%. I realize that we may have 11% and I talked about the actual perimeter and I know its not our property and I want to show you what that entails; but it goes from 11% to 26% for what it is worth.

Chairman Darby: How did you accomplish that?

Mr. John Gilhart: We are just talking about the perimeter. There is an area there that neither Casto property can use or we can use and then there is the open area in the right of way.

Mr. Okum: You mean the City's property?

Mr. John Gilhart: For what it is worth. I am not saying that you should go by that, it may just be a consideration. It will appear more than 11%, I guess that is what I am saying.

Chairman Darby: But it is not your property.

Mr. John Gilhart: It says that no information was provided on the ground mounted sign; we have provided that. Photometric lighting plan details for the free-standing building light fixtures need to be submitted; we did that prior and we did give a revised photometric lighting plan. There is no trees on this site and it says that there are 23 required; we have indicated that the applicant prefers that the applicant's landscape architect work with Ms. McBride or Staff Member to add back trees where possible without interfering with sign visibility on applicant's property and the adjacent properties to the south. Details for landscaping the outdoor patio need to be identified; we don't propose anything on the outdoor patio but it is possible that Noodles may want to do some pots out there. Several landscape beds are planted with only one variety plant and plant landscape needs to be included in these landscape areas. I had our landscape architect review that earlier this morning and the comment was that the applicant's landscape architect has reviewed and feels that the variety proposed is adequate. Applicant's landscape architect stated "When you compare our proposed landscaping verses what was installed at the adjacent sites, McDonald's and Jared, we feel our planting plan has much more variety than either of these sites". I am not a landscape architect and I don't know that that is true but that is what he is saying. There is approximately 1,550 s.f. of impervious area, therefore an additional 155 s.f. of landscape area needs to be added along Princeton Pike; applicant's landscape architect has advised applicant that there isn't enough area to add the additional unless it is permitted in the right of way or we would have to remove another parking space. There was a note here about the 5' wide Seagreen Junipers, confirm the location and that they won't interfere; it just says applicant's landscape architect has confirmed that the proposed Junipers will not interfere with vehicular access. Mulch beds need to encompass all shrubs; I noted that mulch beds will encompass all shrub masses at a 3" minimum depth, refer to Plan L-1.0 and L-1.1. Cross access and the parking agreements be recorded; they will be recorded as a condition of the SDP, if you approve it. The number of employees and the floor plan of the restaurant be provided; a floor plan can be provided but unfortunately once Planning Commission has approved the building footprint, we can't get a layout from Noodles until we have an approved footprint. We would be more than happy to get that as soon as that is done. Details provided for the waste enclosures; we did provide those previously and I have those with me again tonight if you need to see those. To confirm the outdoor dining area, it is 482 s.f. The proposed bollards, we went over that and we can change the color. The existing KFC pylon sign is to be removed; if this is approved, we will remove the existing KFC sign. It talks about the applicant to provide details on the ground monument sign and we have done that tonight. Again the photometric plan, lighting plan, we have given that. Mechanical equipment to be screened; we would screen that from view. Building wall mounted signs, it says details provided; individual illuminated letter signs will be utilized to be approved per the sign code. Landscape plan be revised per Staff comments and resubmitted for review; Applicant's landscape architect to work with Staff, we would like that. Material and color boards need to be submitted; we did that at the previous meeting and we are doing that again.

Chairman Darby: Is there any response from Staff?

Ms. McBride: I think relative to the landscape issues, if the Commission is willing, we can sit down with their landscape architect and work out those issues. If we get to an impasse point where they say they will do one tree, then it may have to come back to the Commission for that final decision. With regards to signage and lighting, we just got that information tonight. If the Commission feels that it is appropriate, we can review the lighting. But relative to that ground mounted sign, we have not had the chance to look at that. I know that is a concern of the Commission, particularly as it relates to yet another electronic message center on that property. I don't feel comfortable making a recommendation to you on any of

those three items because we simply haven't had a chance to review the information submitted tonight.

Mr. Okum: You are going to irrigate all of your landscaping beds, is that correct?

Mr. John Gilhart: That is correct. I haven't looked at the landscaping plan but it is our intention to irrigate just 11% of the property.

Mr. Okum: The mechanical units shall be screened. We really do not get a good view of the west or the north elevation, except for that angle elevation drawing that we have got. I think that as far as the final submittal, Staff would need to review that and make sure that does comply with treating that north elevation as a front elevation not just a side elevation of the building. You had indicated that was your intent. There are areas that I am sure you can resolve. What would be your method of dealing with the amount of trees that are still short?

Mr. John Gilhart: I have added three.

Mr. Okum: Staff said twenty-three trees. I will say, McDonald's has pretty many trees on their site.

Mr. John Gilhart: We counted eleven.

Mr. Okum: Seems like more.

Mr. John Gilhart: They are basically up against Jareds, and then there are a couple out by Firehouse Subs.

Mr. Okum: You need to work on it. What would you do with this shortfall, would you contribute to the tree replanting or put more trees on the site?

Mr. John Gilhart: Twenty-three seems quite a bit. The McDonald's property is one acre and this is .8 acres. I don't have a problem with putting as many trees as we can, I think there are a lot of areas. There was a concern from Noodles and from us as the property owners and from the gentleman that owns McDonald's and McDonald's themselves, that there be a lot of thought put into it.

Mr. Okum: A lot of that is by canopy height and what size the trees will ultimately be. If you get a tree that grows low and is bushy at the low side then it obstructs the view of a ground mounted sign. If you have a tree that canopies up and it can be undercut, then you have the advantage of the beauty of the tree as well as the view. It is really in choosing species and how that is ultimately going to grow and how it is going to impact the tenants.

Mr. John Gilhart: We agree that we would like to work with Staff to try to do that, to beautify the property but yet keep it to where it is a functioning business.

Mr. Okum: Ms. McBride, have you seen where they have incorporated the bollards into the railing system?

Ms. McBride: I have not but I wouldn't be surprised if they could certainly do that.

Mr. Okum: I would certainly think they could incorporate the bollards into the railing system.

Mr. John Gilhart: Another thing is lighting into it.

Mr. Okum: Well, you can do that too, if it is appropriate and doesn't cause glare. I don't see a need for another electronic sign, so I would not support that on this site. I think that on the cross-access which you have offered to do, which I appreciate because I have been talking about this for twenty-something years so I appreciate you working with us and trying to accommodate that, I would certainly want that agreement to be a "no fee" agreement that if they decide to connect there

it is not a fee for them to connect and you don't have a fee from them to connect. I don't know if that language needs to be stated but I think it should be stated, that both parties of the parcels that nobody is going to gain by a fee charged.

Mr. John Gilhart: Our intent would be to finish to the property line and for them to finish to the property line.

Mr. Okum: And that would be "no fee" on properties and that is what I am referring to and I am sure you agree with that.

Mr. Bauer: On the landscaping, the 11%, what was it previously when you were here?

Mr. John Gilhart: 7%.

Mr. Bauer: That is good. On the sign, one of your renderings shows another sign but you are still only talking about one sign?

Mr. John Gilhart: Yes, that was an old sign. The intention is to trade off. We wouldn't want to get rid of the KFC sign if we couldn't work something out. I think the representatives feel that they will trade the KFC sign removal for the proposed sign. On the monument sign we have to eliminate the vertical brick column because that is the 16" that we have to knock off.

Mr. Bauer: I will agree with Mr. Okum on electronic signs, I think we have enough on that PUD right now. The traffic study, I appreciate you going through that and I am glad that is a requirement because it does point out that is a tight site and we obviously ruled out one path. Administratively, how is the property going to restrict trucks to these recommendations?

Mr. John Gilhart: The simple answer is that we would put a sign there. I am not sure what the language would be but we want it short and sweet so that it is indicated, the sign and there is a big bollard there. You can't force someone to do that but I believe it is going to make them enter either on the north or go down to the next one all the way back down to Kemper. If they are there early in the morning and there is nobody around then they might swing out and in; there is no way to stop that. With the reconfiguration and the sign, there is no way they can turn there if somebody is going out.

Mrs. Harlow: I think I want to address the electronic sign that you have requested. You have one at McDonald's and then you have the big one on the corner.

Mr. John Gilhart: Rick has one at McDonald's.

Mrs. Harlow: Staff, this is a pretty large piece of property that sits on the corner there, what does the Code say about the electronic signs per square footage?

Mr. McErlane: Generally, the Code says you can have one electronic sign per development area and there's some minimum sizes for development area, you have to have at least 200' of frontage and 40,000 s.f. of gross leasable area. This Center has another larger electronic message center that's been approved but has not been installed yet, so there are two of the same size as the one on the corner and then the McDonald's.

Mrs. Harlow: If this were a separate parcel that did not belong to the Center, would they be allowed to have an electronic sign?

Mr. McErlane: No, they wouldn't. They are not large enough.

Mrs. Harlow: I see that electronic signs are going to be the wave of the future.

Mr. John Gilhart: Here is our thought on this and I discussed this with Jeff Tulloch or some members of Staff that the Shell gas station has the old-fashioned turning

numbers. A lot of the areas or city's or municipalities are realizing that is not such a good thing and they are actually mandating that they are all electronic because it looks better and they are not hanging off and nobody is up there and that liability. Our thoughts are rather than put the reader board there, it made more sense for us to go with electronic. What it is doing is promoting, just like McDonald's. It is not a flashing sign and it is not running a video. It simply allows you the opportunity to advertise specials and it works. It is the wave of the future. We are not coming to you tonight saying that we want electronic message boards across the center like Vegas or something, that is not the intention. The intention is to clean up things and make it look nice.

Mrs. Harlow: Right.

Mrs. Boice: Ms. McBride, you had stated in your report about the length of the parking places but I didn't really get a definite on how you felt about that?

Ms. McBride: Yes, the industry standard really is 9' x 18'. That 19' length in our Code is something that is kind of a carry-over from older codes and in the Code revision that would be one of the recommendations that we would be making to reduce that to 18'; so I don't have a problem with that. That is one foot I am o.k. with.

Mrs. Boice: O.K., that is what I want to be clear on.

Mr. McErlane: I don't know if you have had the opportunity to talk to McDonald's with regard to the electronic message center. They don't use it as a full color electronic message center, they basically use it as a single color text message center. Is there a reason why they do that, is it because it is not effective in full color at that small size?

Mr. John Gilhart: Is it capable?

Mr. Clark Gilhart: Yes, I have seen a message with a peppermint mocha special that they had but since then it has just been text.

Mr. McErlane: Just text.

Mr. John Gilhart: Is it capable, does anybody know?

Mr. Clark Gilhart: Yes.

Mr. McErlane: The only reason I ask that because in that smaller size, is it not that effective being full color because you can't distinguish the text?

Mr. John Gilhart: The smaller the board; you are absolutely right. If we had it out there, we would put some samples up and we would see. It is nice to have the color background and do a few things. That is our intention to go that route, to have them advertise teeth cleaning or chiropractic specials or that type of thing, rather than the old fashioned individual letters. Rick Gilhart made a comment that we have no control over the McDonald's site or the sign, however we have had issues with a few things and we are trying to encourage them along with a number of things, including that. We have total control over this sign though, and for what it is worth I think you have seen what we have done with the sign out on the road so I can assure you that it will be properly utilized.

Mr. Okum: Right now, I don't want to write the Code for it and I don't know how far our special committee is on looking at the Code, it may be that the Code may change by the time this gets developed out. This is basically in one of your panels. McDonald's, when they originally put their sign up, they put it up with the changeable face and within 24 hours all of a sudden it became a digital sign.

Mr. John Gilhart: It wasn't approved, that is why they had to go ahead.

Mr. Okum: It wasn't approved and then they got it approved and they didn't use it. My feeling is that I would recommend that you design your case to accommodate it should the Code change, but at this point I am not going to support it. You do have four businesses on that sign, is there four businesses?

Mr. John Gilhart: Three.

Mr. Okum: The fourth case is to advertise for the three businesses?

Mr. John Gilhart: Correct.

Mr. Okum: Not for the Center because they are not part of this; it would be for those three businesses. I think that pretty much addresses it, there are a lot of things not in here, I have been looking for lights; the lighting plan needs to be reviewed by Staff, obviously. Staff has done a very, very thorough job as usual on identifying all the items. Your responses, Mr. Gilhart, are appreciated but the motion has to reflect Staff's recommendations at this point until they have had an opportunity to review what you have submitted. I didn't hear any comment from any of the Members regarding the trees and the landscaping and the increased green space and those things.

Chairman Darby: The trees are conditional; they will work with Staff.

Mr. Okum: There are a lot of things that Staff has recommended, Ms. McBride has recommended an increase in green space by utilizing island entry areas where the traffic zones aren't identified on the driving map. I think we are not going to get much more green space out of this site but it is part of an overall PUD. I have to look at that as the whole PUD and I would certainly want to see a much higher percentage and I think you can accommodate that; I haven't heard you say that you wouldn't. We have space behind the dumpsters that is going to get some more green space and you have this corner on the northeast. Ms. McBride and her landscape staff can probably come up with some other areas that don't need to be concrete and you can get some more green out there.

Mr. John Gilhart: Yes. I have been before you probably ten times in the last four to five years and I think we have done any and everything that we have proposed. I asked you to trust us from the beginning. We are doing that and we will continue to add landscaping islands and businesses. Getting back to the sign for a minute, that is really a hot button for us to trade off the KFC pole sign; that would be a problem for us, if everything went well and we couldn't do something about that. Is it possible that maybe we do something in the interim, something like what you approved for McDonald's where it is a limited use until the Code does change. I have two issues with that, the one obviously is that we leave enough room and we put a manual reader board up and then possibly it would be approved and the Code would change and we would have to come back and that would be good. The bad thing would be if we didn't address it and didn't take advantage and get it from the beginning and it never came back. That is something for me and I can speak for the property owner, that is a real hot button for us and I hope you will work that out for us.

Chairman Darby: I am on the record here and I personally don't have a problem with the signs. I am also aware that zoning committee will get to that section of the Code eventually and how it will come out, I have no idea. I am no expert on signage but you mentioned the reader board, changeable letters and if the Code does not change then you would be stuck with a reader board forever.

Mr. John Gilhart: Correct; and you would be stuck with a reader board forever, too.

Mr. Bauer: There is nothing in the Code that says it has to be a reader board or a reader board has to be on there; am I correct in saying that?

Mrs. Harlow: How are other communities addressing the electronic signage? As a community we have to be competitive with other communities.

Ms. McBride: Some communities have taken the position that they are not permitting them and other communities are permitting them with pretty specific guidelines. Guidelines in terms of who can have them and how they are used and the technical requirements that go with them in terms of brightness and how much they can change and when those changes take place and so forth. That is something that the code committee will be looking at because the City does want to remain competitive but at the same time we have to be sensitive to other things as well.

Mr. McErlane: Is there something that would preclude the advertisements that would occur on this sign from occurring on the other two larger signs?

Mr. John Gilhart: Technically they are different property owners.

Mr. McErlane: But it is all one PUD. You can't toss out different property owners when it is convenient.

Mr. John Gilhart: That is the problem, on one hand it is an out-parcel and on the other hand it works for us and against us.

Mr. McErlane: When it is convenient you use it as separate parcels, and when it is not then you use it as an overall shopping center.

Mr. John Gilhart: And that is when Staff does the opposite. We want to take advantage of everything that we can but have a nice shopping center.

Mr. McErlane: So, you say that you would preclude them from advertising on the overall signs?

Mr. John Gilhart: I have no problem if Staff and the Commission would permit, because it is part of the PUD. I have no problem with that but if you say I have a problem with that and I am not permitted, then we wouldn't do that.

Mr. McErlane: I don't think anyone is saying that you are prohibited from that.

Mr. John Gilhart: I understand that it is a Planned Unit Development but would you have a problem with Pet Smart being on here?

Mr. McErlane: Sure, it is not even the same development or development area.

Mr. John Gilhart: It is a different property, as this is compared to Tri-County Towne Center.

Mr. McErlane: But this is a comprehensive single PUD that was zoned PUD as a comprehensive development plan. My understanding is, when you are ready to pull the trigger on the second electronic message board, the one that is currently on Princeton Pike will be moved closer to this particular sign?

Mr. John Gilhart: I think it is if we remove the electronic message board from the corner then we could add it to the one at Kemper and add a sign with that to the one at Princeton, so that there would be two. Is that accurate?

Mr. McErlane: The understanding that I had is, when you are ready to pull the trigger on the one on Kemper, then the one on Princeton Pike moves further north; correct me if I am wrong but I think that is the understanding.

Mr. John Gilhart: And it would replace the Princeton Bowl sign.

Mr. McErlane: Which is across the drive from this one.

Mr. John Gilhart: Right. I will utilize it any which way you will allow me to. Technically if I did Pet Smart, it would be off-site but is not part of our Planned Unit Development.

Mr. Okum: It is not technically right. It is not part of the PUD. It is a different property owner. You could have thirty property owners and thirty parcels in a PUD but the PUD is the PUD that we approved. The PUD that we approved is Tri-County Towne Center which incorporates this property, all of the properties behind it and all the Center where Harbor Freight is and where the outbuildings are and all that; that is all part of this PUD. This signage that was approved for this site is based upon that PUD approval for all of those parcels including this parcel. This parcel has availability according to what we voted on, this Commission and this City approved it at our City Council level. It is all one PUD, this is all part of one PUD. I think what one of the other Members said is that you don't have to have a reader board on that sign. You could have three larger panels for each of the tenants and they could have graphic pleasing signs without it being digital.

Mr. John Gilhart: It would be fixed.

Mr. Okum: I am not encouraging that but I am saying to let the Code evolve.

Mr. John Gilhart: We can't wait for the Code to evolve.

Mr. Okum: You still have a digital board that is available on the site. Actually, you have two digital boards that we have approved for this site. Staff has indicated that one of them is going to be closer to this site when it gets relocated to the north.

Mr. John Gilhart: I think we are losing sight of the size of this. This is minimal, it is 2'-5" tall x 8'.

Mr. Okum: There are television sets that small. I really took a chance by bringing it to the forefront and I probably shouldn't have, to give McDonald's an opportunity to go with a static digital sign. The problem is, that I put controls on it but we didn't see it go anywhere. I would like Staff to do what they do best and do their research, create the regulation that will work that we know will work. This proximity to the street is not exactly the same proximity to the street that McDonald's sign is. The distance from the right of way is different for this site. Those light levels are different and how that impacts the driving public. I hope the committee will be able to make those determinations but we are not going to be able to make those here tonight on the fly. Right now, I have a motion that is two pages long. We have got Staff's report and recommendations and considerations that has about thirty items on it and I am ready to make a motion. My motion will not include the digital sign at this site.

Mr. John Gilhart: Don't make it. Don't make that motion. This is the third time we have been here. We have done everything in our power to accommodate this and I have said from the very beginning that this is about a fifty three year old site. If we go by Code then we can't do anything, we shouldn't even show up and we will take the Kentucky Fried Chicken and put someone else in there and remodel it and utilize the sign and do the same thing. We will put a service station out front. We cannot meet the Code. If you were to say to me, "Sorry, you can't meet the Code, don't bother", then we would say thank you and go about our business. I think we are down to a point here where this is the third time and I have answered all of Staff's questions, I have addressed all of their recommendations and there are a few minor issues that I would consider Staff items to resolve with my engineer and my architect and my landscape architect and that should be done. If the complaint is that you shouldn't have done McDonald's and they are not utilizing it enough then I can guarantee that this sign will be utilized enough even if it is under the same restrictions. We would like to get an approval on this tonight. We have a signed lease agreement and I said this at the last meeting that it is contingent upon our approval, it is Noodles and Company. It is a done deal and we have everything ready to go. The buildings are scheduled to be torn down but if we push it past the September 1st deadline and we don't get rolling on it then that is the end of it and we go back to square one. If you would like us to scrap the whole project then we can do that; I don't think it is appropriate but financially it will be better off for us. We will go ahead and remodel the KFC and put another restaurant in there and do

the same with Monroe. What else can we do if we can't tear it down and donate it as a cemetery or green space?

Chairman Darby: When you say you would be willing to scrap the whole thing, that is because of what you just mentioned about the one sign?

Mr. John Gilhart: It is that and the overall. We are at a point where we have negotiated and negotiated, now we need to work together and move on this.

Mrs. Harlow: He is working with you on the lighting, he is working with you on the landscaping. So what are our sticking points? Is it just the sign?

Ms. McBride: I appreciate and I think that they are making efforts here but I also want to recognize that the Planning Commission is making a tremendous effort here should you chose the plan that is before you this evening. There are at least ten modifications to the Zoning Code that the Commission is being asked to make in addition to this sign and those are things like the number of parking spaces, reduction in the open space, reduction in all of the required setbacks both for the parking area and the dumpsters and the buildings. Again, I recognize that this is a small site and a redevelopment site and we do want to make this happen but I think for the applicant to say, "We are being asked to all these things", the Commission is also being asked to approve a number of modifications on this site to make this happen and I think that some recognition of that needs to be made.

Chairman Darby: I am going to try to move this along and unless someone can tell me that I am wrong, so that we will know exactly where we are, the Chair will accept a motion for a vote singularly on the sign as it is proposed. So that this Commission can publicly make a determination as to whether or not it is willing to approve the sign as proposed. If it is passed then it would go into the motion; if it is not then it would not go into the motion.

Mr. Okum: We could do a straw vote on that, as well.

Mr. Diehl: I agree with where you want to go with the sign. That being said, I am not sure with or without the sign that I am willing to give approval because I feel it is basically unfair to Staff to give a day to two days to go over all the material that they received.

Chairman Darby: I think that provision would be included. That would be included in the motion.

Mr. Diehl: Then I am in favor of the vote on the signage.

Mr. Okum: I am going to move to separate out of the PUD, for consideration the following item, that the applicant shall be permitted to construct a monument sign as presented on the illustration this evening with the limitations that Staff must approve all the conditions of that monument sign and that the sign shall be permitted a static digital sign, full color with the same conditions as set forth on the McDonald's site for their monument sign, the digital display would be identical.

Mr. McErlane: The conditions on the McDonald's site were pretty tight. Our conditions on the rest of the electronic message centers are that the message can change every 8 seconds, where you are saying twice a month?

Mr. Okum: Right. This is a static display sign as the applicant has illustrated.

(Mrs. Ghantous seconded the motion and with 5 "aye" votes from Mrs. Ghantous, Mrs. Harlow, Mrs. Boice, Mr. Diehl and Chairman Darby and 2 "no" votes from Mr. Okum and Mr. Bauer, the motion was approved.)

Chairman Darby: Is that o.k. with the applicant?

Mr. John Gilhart: That is fine. Thank you.

Mrs. Boice: I just really feel I owe my Commission Members an explanation of my vote. I have been very outspoken about digital signs, as you are well aware. I did change my mind on the McDonald's vote and I regret now that I did. We have worked very well together and you have come in and have done as many changes as possible, there are a lot of things and variances that you will have to go before the Board of Zoning Appeals but over the years, any of you who have done work in Springdale know that when the Gilhart's do a project they do it well and they work very well with the City and I have taken that into consideration also. I do not want you to junk that project because of a sign and that is why I voted in favor of it. Technically, I don't like them but of course we are getting into everything is electronic in this day and age. Thank you.

Chairman Darby: I recall when I first joined Planning Commission under Mayor Vern French, as part of the Tri-County redevelopment they were asking for something that was revolutionary and it was a sign that did practically nothing but it was new and I supported it and I never will forget it, Mayor French said "I am glad that you have an independent mind but I will have a shot at that later on". I think we are into an age of a new technology and especially the static electronic sign that Mr. Okum described, I can't find a way to have a problem with it.

Mrs. Harlow: I think what you have done with the Center is remarkable. I frequent the Center and I see the increased number of vehicles in the Center. We are looking for your neighbor across the street to do something and it is going to be a big something and I think that having the surrounding properties to Tri-County Mall updated will only make that area better. I realize with the footprint that you have, that you cannot meet all of our zoning requirements but I totally agree that you have worked in such good faith, and you have done everything that we asked you to do and we really appreciate it. Most importantly, I appreciate what you have done for that corner because you have really breathed new life into it and it is very, very nice and I am really glad to see that you have the occupancy rate that you have and I think it is really looking a lot better with the color changes that you have made, it is very fresh and new.

Mr. John Gilhart: We appreciate your comments.

Mr. Okum: I am a person of rules, and I believe that the Code is written for the purposes of the Code. The good fortune is that when the Zoning regulations were written, they gave us the latitude for Planned Unit Development which gave you the opportunity to be that Planned Unit Development. Other areas used double letter zoning and have a whole host of different ways of dealing with specialized uses in different areas but you have done a phenomenal job with your PUD and you have lived up to everything that you have been expected to but I hate to be writing rules "on the fly". Staff has done a phenomenal job working with you in bringing us to the point where you can answer the questions that they brought forward. The digital signage, I am not against that, I was the one that made the motion for McDonald's. I am not against it for pretty much ultimately where it is going to go because I do understand that is the future. I understand that without some controls and regulations it is very difficult for us to deal with it. I met with Boone County Planning Commission and they are having an enormous amount of problems with the digital signs that have been approved, part of it is the over-lighting and over-brightening that is created by the signs that are going into the service stations that you mentioned this evening with changeable information on them. The jury is still out on what is right and that is the reason that I made the motion on McDonald's because I felt McDonald's would grab hold of it and do something extraordinary and utilize the coloring and maintain a static display; which I don't think anybody on this Commission has a problem with it.

Mr. John Gilhart: The owner of the property has limited control because it is basically a land lease. Rick would like to know if the motion requires them to use all of the colors?

Mr. Okum: They had to build a full-color multi-fixed display digital sign and that it had limitation on how bright it is and the pixels and when it would be changed; I remember it was 2:00 a.m. to 5:00 a.m. and it would be changed twice a month.

Mr. John Gilhart: Maybe we could help each other, if Staff would send us a letter, as property owners, regarding that sign and the intended use and the restrictions and requirements.

Mr. Okum: We can't tell them what to put on it.

Mr. John Gilhart: But you can tell them as far as the full color. That is what I am getting at.

Mr. Okum: That was the intent.

Mr. John Gilhart: If that was the intent, then we can certainly take that. All we need is a letter and we will address that and change that so that it is utilized properly.

Mr. McErlane: I think the point is, that it is just being underutilized. It is a full-color display, it is just being underutilized.

Mr. Okum: Staff verified that the pixel spacing was exact, according to the motion and they verified that it was a full-colored unit. It is just that you have a tenant of your development that doesn't use it.

Chairman Darby: We are now ready for a motion.

Mr. Okum: I am ready, if I may. I move that Tri-County Towne Center at 11711 Princeton Pike, PUD Minor Modifications be approved to include specifications and designs contained in the exhibits as submitted and reviewed by Staff prior to this meeting; to include the Staff, City Engineer's and City Planner's recommendations in this motion that is in all motions, mechanical units shall be screened from view of adjoining properties and the public right of way. That all the lighting fixtures and lighting plans shall be reviewed and approved by Staff. That the light fixture pole and colors shall be reviewed and approved by Staff. That the landscaping conditions shall include Staff's review and final landscape plan approval. That the entire site shall have an underground irrigation system that shall be placed and maintained operational in all planting beds and landscaped areas. The tree planting conditions to include trees that shall be determined by Staff and the City's Landscaper's recommendations. Offset of the shortfall of trees shall be brought to Planning Commission for discussion at a later time. Dumpster and refuge enclosures shall be steel framed, wood faced gates and shall be modified to have a square rear area to allow for landscaping, to meet the landscaping requirements as set forth by Staff. The retaining walls on the north side of this site shall be reviewed and approved by Staff. The railings and fences around the patio area shall be reviewed by Staff and approved. All four building elevations have been presented and the three sides, the north, the south and the east elevations shall be treated as a front elevation. The signage conditions on the site shall contain a monument sign that shall be surrounded by landscaping, as approved by Staff. There shall be permitted one digital static full-colored display sign with the same conditions as set forth on the McDonald's site, which is adjacent to this property. The patio and safety area bollards shall be blended into the railing system if possible or in Staff's reviewed and approved finishing configuration. Cross access to the north property shall be provided, as illustrated on the submittal and an agreement of no fee to the north property, should a connection be made and agreed upon.

(Mr. Diehl seconded the motion.)

Chairman Darby: Staff, are you o.k. with your involvement in this motion?

Mr. McErlane: Yes.

Mrs. McBride: Yes.

Chairman Darby: Applicant, are you o.k. with the motion as read?

Mr. John Gilhart: Yes.

(With a unanimous "aye" vote from the Planning Commission Members the motion as presented was approved.)

- B. Chairman Darby: The next item on the agenda is an item for New Business, Development Plan Approval for Jake Sweeney at the former Delhi Garden Center, 135 Northland Boulevard.

Mr. Scott Csendes: I am with KZF Design, we are the architects and civil engineers for the project. As mentioned the property is a 6.85 acre parcel, the former Delhi Nursery property. It has frontage both on Northland Boulevard as well as Jake Sweeney Place. The property currently contains the old car sales building facing Northland, as well as a greenhouse that Delhi used. On the eastern portion of the property there is about an 8,000 s.f. pre-engineered metal building that was used to store materials in and there was also a detention basin located on that eastern section of the property. Our submittal today primarily focuses on improvements to the property related, to support Jake Sweeney BMW. Jake Sweeney BMW is on an adjacent parcel to the north of this site on Jake Sweeney Place. They are currently planning a major renovation and expansion to comply with BMW's newest 2016 dealer prototypes and part of that includes improvements, increasing the area for storage of stock of vehicles. To do that Sweeney has purchased the Delhi site and the plan is to expand the Sweeney display lot to the south, which is approximately two acres of that Delhi site fronting along Jake Sweeney Place. The goal is to develop a comprehensive facility for BMW to comply with the standards of this newest prototype. The section that is on the west half, the existing building is currently being used as a used car center and again that is a separate operation. The properties will have cross easements, parking easements and access easements recorded to allow the flow of traffic and storage of vehicles for the other properties used. Submittal history is we have submitted once and got some comments back, submitted again and got some comments on Friday and we got some additional revisions based on those that we can hand out.

(At this time Mr. Scott Csendes handed additional revisions mentioned to the Planning Commission Members.)

What we have done is created an approximately 200 space lot for display of vehicles for sale. To do this there is a significant amount of earth movement that needs to be done. The existing detention basin is an open basin, it is used for a lot of things beside a basin, it was used as a nursery and they were growing plants in there and there were cars parked in there and a number of things were in that. Our plan is to create a flat surface lot with underground detention basins that allow us to have a flat site gently flowing back to the BMW site to allow us to have a good flow with visibility from Sweeney Place, as well as from Kemper. As well, to allow for handicap accessibility throughout the site. There is approximately six foot grade difference at the property line between the Jake Sweeney building and our proposed lot that we need to make up so there is a fair amount of earth moving that we will do, another reason that we are going with underground detention on this site. Again, in our proposal we have attempted to keep our work here to the eastern two acres of the site relative to the Sweeney BMW. There has been work done to the other side and I am certain that we will touch on that later, as there are some issues that we need to discuss. Relatively speaking, it is simple, stacked rows of cars with the landscaping pushed to the perimeter to comply with BMW standards, as well as to help maintain a consistency between the Sweeney all along the Kemper area.

(At this time Mr. McErlane, Ms. McBride and Mr. Shvezda read their Staff comments.)

Mr. Scott Csendes: In response to the comments received Friday, we attempted to make revisions to address a number of those and I can run through those. Obviously, the first one had to do with the number of trees on the replacement. There were 24 trees removed at 316 caliper inch, was the total; we have made modifications to the plan. Initially, we had all ornamental trees, they tend to be more friendly in an environment that you are selling retail automobiles and it also matches with what the Sweeney group has done down Kemper Road. Along the south property line there are some purple-rose colored trees and those have been switched over to a category one tree, so basically along that south edge we have replaced ornamentals for category one trees, I believe it is a maple tree; the total count on those is 19. So we didn't quite make the 24 direct number replacement but we did what we could, fitting it in between the existing trees along that south edge. Caliper inches is 57. The category three trees still remain all along that south edge, as well. Ideally what we tried to do is get a little closer to the number count on the number of trees replaced and the type of trees replaced so that we get a mix and it is not just ornamentals, we heard that and we understand that and tried to do what we could. One thing that I will say, along the south edge there is a green space that appears to be sort of unplanted; we do have some power lines along our property lines along our south property edge which we are limited in what we can put there. We would love to pack that with trees. There are pine trees that are off our property that are a little rough and we are trying to create a screen to replace those but we are limited with where the power lines are, we can't plant certain things underneath them. Relative to the green space area, the total site green space is about 14.7 existing and that is for the total 6.85 acre parcel. What we have proposed on this plan is about 14.8; it is a slight increase but we tried to make sure that we are taking care of all the things we were taking off on the other side and trying to balance out as best we can. (Mr. Scott Csendes gave a Power Point demonstration of the prior placement and proposed placement of trees on the property.) There are trees sitting in raised planter boxes made out of railroad ties and they were put in as a display for Delhi; that is what their product was and over the years they have grown larger and have become pretty large trees. The issue that we are having with some of them in reusing this site, they are very large for the area that they are within. There are five 15" caliper trees that are in an area that is around 550 s.f.; that is not an incredibly healthy environment for a large tree when you have paving all around it, it is not going to get the moisture that it needs and the roots are going to intertwine. Further exaggerating that issue with these trees is that they are in plant boxes that are raised so in the winter a good part of the root system is actually above grade, not enjoying the warmth of the earth below causing issues with how they grow. In the summer, when they are getting water, the water flows right out and when there is salt applied to the drive it is going to them. These trees have been stressed pretty greatly. The Sweeney group had a concern because they are very large and Sweeney is going to stock vehicles around these and they also have people walking around them. We have a large canopy exposed to the west and the straight line winds that we get around here, there was legitimate concern relative to liability, and these trees are susceptible to splitting at this age and size. So, they took them down when they were doing some work on the other side. When we realized that we shouldn't have done that then we stopped on the backside. But the concerns for the trees that are in that middle section, there are three islands left with five trees left, the concerns are the same for those. It would be our preference to try to do something that is going to be more healthy for the tree in an environment where it has a better chance of growing and reaching its full potential as opposed to being stuck in there. Relative to displaying automobiles, we mentioned before that it is not a particularly good situation, these are trimmed pretty low and aren't conducive to working within a car lot. The boxes that they are in don't work within a car lot, you can't park next to it. This is a run down of why they did what they did and would like to continue to correct that issue. If there is a way that we can replace them but the big challenge is caliper inches, those trees are large and they have been there a while. To replace the caliper inches is honestly a daunting task. Realistically, the largest tree that you reasonably want to put in an island of a certain size might be 4" to 5". If we have to do 331", if you quickly do the math, we are looking at 65" trees and that would probably cover our entire parking lot making it almost useless as the function proposed for it. We are looking to try to find a middle ground where we can work with the perimeter of the property and

plant hardwoods and things of that nature so that maybe they are not 331" now but they are a fair size now and they have a good shot at potentially getting to 331" in ten years or however long that takes because they are in a healthy environment to grow.

Chairman Darby: Ms. McBride, can I make a suggestion that may facilitate this process, as you said there are a lot of issues that need to be addressed and certainly we all want to get to that middle ground? Ms. McBride, would you repeat what you said earlier about the kind of interaction that could go on between you folks that may put us in a better position?

Ms. McBride: What I suggested was if we could sit down with the applicant and discuss the landscape plan and try to come up with some reasonable solution. It is a heck of a lot of caliper inches that are coming down off of that site but at the same time we would like to see this site redeveloped and we are sensitive to the type of use that is going on there. One thought that Staff has had, in the diagram that the applicant just recently passed out, you will see that there is a series of four green space islands that are C, F, K and then the last one to the south that is not labeled. They are just seeded islands and my first thought is to just get rid of those islands. There are no trees in them they are just flat green space and let's go ahead and add that 10' over onto the front of Jake Sweeney Place. That is a net loss of zero spaces for the applicant. The addition of that 10' would allow us to save those trees that are on Jake Sweeney Place which is 111 caliper inches. Those are the types of things that we would like to sit down and work through with the applicant.

Mr. Scott Csendes: The trees along Sweeney Place, we have a grade issue there. There is about a 6' grade difference between the Sweeney BMW property and this adjacent property, which we need to connect both for automotive traffic and customers who will go from the showroom out to look at a car on the lot. To do that we need some maximums that we can meet relative to the slope to allow wheelchairs and things of that nature to go up. To make those sort of align, the grade along Jake Sweeney Place is basically berm. It was bermed to create the eastern edge of that pond that they had there. We don't need that pond we are burying it for us to align with an ADA compliant slope across there; that grade has to come down. When we take the grade down, the root structures of those trees are not going to survive.

Ms. McBride: I don't want to correct the applicant but I would like to hear Don Shvezda's thoughts on that. We shouldn't be designing this here tonight at the Commission. But those are the kinds of things that we would like to sit down and meet with the applicant. That idea may not be a good one but there may be some other ones that we could come up with together.

Mr. Okum: It appears that between the two properties, where the new parking area begins, you have a slope adjustment with some shrubs and so forth; is that a set of stairs?

Mr. Scott Csendes: There is a set of stairs between there.

Mr. Okum: So, you are still going downhill?

Mr. Scott Csendes: Well, over there. The grade on this property is 79 and at the top of the steps we are at 83; so you have 4' right there. Basically what we are doing we are retaining a little bit to allow the parking lot on the west of it to be flatter and a little higher (demonstrating with Power Point).

Mr. Okum: So, a person that is in a wheelchair can't traverse that slope?

Mr. Scott Csendes: This slope they can, that is why we lengthened it to that length to keep it within that distance. It is a display access drive. All customer parking is held on the parking lot to the south, it is not encouraged for customer traffic to drive up here.

Mr. Okum: So on the south line you are at 86?

Mr. Scott Csendes: Yes, that is about right.

Mr. Okum: I am speaking in terms of grade and slope.

Mr. Scott Csendes: There is about 7', and we still want to align the curb cut with the elevation at the street.

Mr. Okum: So that is going to stay at 86 because it is pretty close to the street line?

Mr. Scott Csendes: The south corner, the apron is going to stay at 86 and again our parking lot is 79.

Chairman Darby: The agenda says that you are here for Plan Approval, with what we have gone through so far I don't see how that is going to occur. I really think a direction for us to go would be to convene the meeting as Ms. McBride alluded to and see if we can get this cleaned up some more so when you bring it back to us we would be in a position to vote on it. Is that o.k. with you because we can't take the whole night to develop this?

Mr. Scott Csendes: We would like to get some feedback relative to this revised plan, the count of the trees and have a discussion about the caliper inches and the reality of being able to replace inch for inch and all of that, where the Board is with that. There are decisions that Sweeney has to make relative to the costs of everything and trying to figure it all out. What we would appreciate is some feedback relative to the revised design and whether we are in the ballpark from what is approvable relative to the tree count and the caliper count or what may be in that range.

Chairman Darby: Until Staff has had a chance to really get into the revisions I don't see a positive vote.

Mr. Fred Mangold: I wanted to make some comments as far as the business plan itself and the importance of what we need to try to accomplish. What we strive to do in the auto mall concept, is to have a consistent image and a consistent look with all of our dealerships. One of the things that we are trying to accomplish is that all of our dealerships have the same look and have the Jake Sweeney brand. All of our facilities, we believe, are premier facilities, second to none. Hopefully all of you agree with that. We have leading edge manufactured prototypes and standards within all of those franchises bringing each dealership together with consistent landscaping and lighting. Obviously we believe we maintain each dealership to the higher standards and look to have sharp and inviting facilities to the customers promoting a classy environment. We have a deep pride in our heritage and our tradition. We have been in the Springdale area for a long time. Displaying of vehicles is paramount to our business. Vehicles must be orderly, clean, well lit at night within a consumer friendly environment with easy access to demonstrate our product. First impressions are extremely important to our business. Large inventory presented in an impressive way is a necessity to our success and so some of the comments that are made here I want to try to address. The BMW site is challenged by being off of the main thoroughfare. It is not on Kemper Road, it is on Jake Sweeney Way. Maintaining visibility from Kemper Road is critical to our success. Not having interrupted visible display frontage from Kemper all the way up Jake Sweeney Way would be extremely detrimental to customer traffic and ultimately sales. That is why we are proposing this clean look on the corner where the existing BMW certified pre-owned facility is and then the next building is the BMW new vehicle and service department, then moving on into the Delhi two acre property that we are talking about, we want that to have a clean impressive consistent look along with what the customer also sees coming down Kemper Road in front of Chevrolet, Chrysler and Mazda. I have had comments from some of the City people of how much better that it looks in front of there than it used to when we had all of those trees. Trees are not conducive to an automobile dealership. Carrying inventories valued in the tens of millions of dollars can occur and

unfortunately from trees you have problems with sap, pollen and leaves, branches, limbs that can fall and damage cars but potentially customers. Trees attract birds. Damage from bird droppings can be a significant expense. BMW even adds to the problem because their paint is a soft paint. If you get bird droppings on a BMW then we have to repair it and it cost a lot of money. Trees planted within the display areas risk damage to the vehicles and potentially customers from falling limbs. The trees that are in the middle of this property are not in very good shape at all. The previous Delhi owner told me that thirty years ago in 1983 they planted these trees with these railroad ties around them because that was their business, but they just planted them on top of the existing concrete and put dirt around it. I apologize, I am the guilty person as far as taking those trees down without permission because I understood from the pervious Delhi owner that was not part of the Springdale project then; they planted them and as far as he knew I could take them out, so I took them out. Jake Sweeney is committing significant capital investment in this remodel and expansion. Only six years ago we did a remodel of BMW back then. Add to that our facility remodel and building improvements at all of our Springdale dealerships over the past few years, Chevrolet, Chrysler Jeep, Dodge and Ram and Mazda. I believe this is good for our business and I believe good for Springdale. We would like to move on with this project and we have our contractor here who feels that it would be good for us to get this thing started sometime in September. If we table this for another month then it is going to push it back to the point where we risk getting this thing started at any time this year and then that moves us into, I don't know, late next year. I am the guilty party on these trees on the west side where the garden center showroom was. I was under the gun to get that project finished. To run a car dealership with trees planted in the middle of the lots, it doesn't work. I understand what you are saying Mr. Darby that maybe we should table this, I would just like to say that we would like to get it started as soon as we can.

Mr. Bauer: This is not a PUD, it is zoned General Business; based on where we are at and what you are trying to do with your facility verses what the previous facility was, I would be more willing to have a little bit more leniency on the caliper inches but I also think that Staff needs to look at that; if we can grow that caliper inches by saving some of the trees that are on the perimeter of the site then I would prefer to do that. I am with Mr. Darby, until Staff has a chance to sit down with you and talk, the only other way to do that is to try to design it here and I am not a landscape architect and I don't think many of us here are. What are the plans for the other three buildings on the west side of the site?

Mr. Fred Mangold: The brown metal building is going to come down.

Mr. Bauer: I am talking about the existing Delhi facility.

Mr. Fred Mangold: The greenhouse we are planning on taking down but the old dealership, we have already remodeled the front section on Northland Boulevard. We are selling used cars out of there now and that could be a new car franchise in two or three years. The old service department attached to that showroom is still there. With trees stuck in there it is going to take away from the whole look. I am not against trees and we will plant trees wherever he can fit them in there.

Chairman Darby: That is why we are suggesting that this be continued.

Mr. Okum: What you have presented tonight is starting in the right direction. The west where you went with the temporary dealership that is in there now, that is a nightmare; cars are everywhere. I agree with Staff to accommodate with cluster plantings and using the southwest side to do that might be the best option. You can do hardwoods and category ones. We, as this Commission, needs to see that happen. I think you have an opportunity to do some of your replacement where the greenhouse goes down. In regards to what you want to do on Jake Sweeney Way, it is o.k. as long as you work with Staff in regards to some of the plantings and some of the green. I agree with Ms. McBride, why have an island of dirt in the middle of your parking field. In regards to the staircase, I would like to see a walk ramp or in combination to the stairs for people with disabilities; it is going to take a little bit of

landscaping out to do that but I think it is necessary. There are some specimen trees on the site, the one that you are taking landscaping away from, the Crimson Maple absolutely it has to be protected. I think we need to do something on Northland Boulevard side, again I don't have a problem with cluster planting for this type of site to accommodate some of the shortfall. I think that Staff indicated that you are 331" of loss and you have offered 83", I don't know what you have come up to now?

Mr. Scott Csendes: We are up to 104".

Mr. Okum: If those were moved up to hardwoods in category one, increasing your caliper inches from 3" to 3.5" caliper, you could gain and maybe accommodate some of the numbers. We are talking about a mature site, this site is grown out. We typically look at sites as starting off and they get to this point after 25 years. But that's my feelings about it and I would like to see you able to move forward but on the other hand I think you have to get Staff to a point where they think they can manage and handle the changes. My feelings in short are cluster plantings and utilizing the southwest corners of the site to accommodate that, species of trees that don't drop seeds and berries that attract birds. Get rid of those other islands in that area but build up a little bit on those sides to accommodate it and then meet the other things that Staff has identified. I think you can get there. I think we need to give them a number that we feel would be a good number for replanting. Does Staff have a shot at what they think?

Ms. McBride: I don't think I feel comfortable tonight giving you a caliper inch requirement for the site. I would rather sit down and try to work with them and see what works. I think the Commission needs to remember that there have been other applicants in Springdale like the motel on 275 that took trees down and had to pay on a payment plan. Wendy's had to pay, as well.

Mr. Scott Csendes: I don't disagree with you about the layout of the cars in that lot because I drove through, but I will say that we have held off restriping and doing anything there because of this issue specifically. Ideally we would have cleared those islands, reconfigured it in a more organized fashion and putting in some landscaping within there but we didn't want to cause anymore trouble, so we are leaving it as it is. It is a little bit disorganized right now but the plan is not to leave it in that manner.

Chairman Darby: I think we have reached a point now where it is the applicant's preference.

Ms. McBride: If we are going to work with the applicant, I think we need to see a striping plan and what is being proposed for that western portion so that we can look at this as a total picture and see how we can maximize it both for the applicant as well as benefit for the City in terms of appearance and functionality.

Mrs. Harlow: Has the issue of the fire lane been addressed?

Mr. McErlane: As Mr. Okum expressed, it is difficult to move around the parking lot as it is. It has gotten a little bit better. I think they need to work with the Fire Department because they are parking in posted fire lanes, they have stock sitting in posted fire lanes; it needs to be moved before they get written up and ticketed for it. They probably should work with the Fire Department on posting some kind of an access route.

Mr. Scott Csendes: Once we kind of do it all, comprehensively what we are going to do with the islands, then we can definitely integrate a path for the Fire Department.

Mr. Diehl: I agree with you totally Fred, trees and cars don't mix very well. When you sit down and work with Staff then you are going to come up with some type of number of trees but it is not going to be enough. Did you talk about making a contribution to the tree fund?

Mr. Scott Csendes: We are aware of that option and are willing to make that part of the discussion and how to make it work out.

Chairman Darby: This is one case where we would prefer trees over money. You have an option, we could go forward with a motion.

Mr. Scott Csendes: We are going to ask you to table.

Mrs. Harlow: I make a motion to table.  
(Mr. Okum seconded the motion and with a 7-0 vote from the Planning Commission Members, the development plan approval for Jake Sweeney at 135 Northland Boulevard was tabled.)

VII. DISCUSSION

(No items were presented for discussion at this meeting.)

VIII. CHAIRMAN'S REPORT

Chairman Darby: You can see we approved one sign.

IX. ADJOURNMENT

Mr. Okum moved to adjourn; Mr. Diehl seconded the motion and with a unanimous "aye" vote from the Planning Commission Members, the meeting adjourned at 9:51 p.m.

Respectfully submitted,

\_\_\_\_\_, 2014 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2014 \_\_\_\_\_  
Richard Bauer, Secretary