

PLANNING COMMISSION MEETING
SEPTEMBER 9, 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; Pat Madl, City Engineer; and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF AUGUST 12, 2014

Chairman Darby: The Chair will accept a motion for the approval of the Minutes of the August 12, 2014 Planning Commission meeting.

Mrs. Boice: So moved.

(Mrs. Ghantous seconded the motion and with unanimous approval from the Planning Commission Members the August 12, 2014 Minutes were adopted.)

IV. REPORT ON COUNCIL

(Mrs. Harlow gave a report of the August 20, 2014 and the September 3, 2014 City of Springdale Council Meetings.)

V. CORRESPONDENCE

Chairman Darby: There is no correspondence this evening.

VI. OLD BUSINESS

- A. Chairman Darby: We will begin with the one item for Old Business, Development Plan Approval for Jake Sweeney at the former Delhi Garden Center, 135 Northland Boulevard.

Mr. Scott Csendes: I am with KZF Design, representing the applicant Jake Sweeney, BMW. (At this time Mr. Scott Csendes handed out to each Planning Commission Member a packet of information that was displayed on the screen during the presentation.) As was the case last month, the improvements are generally for the removal of existing structures and improvements to allow for the display of automobiles for sale supporting both Jake Sweeney BMW over on Jake Sweeney Place, as well as Jake Sweeney used cars on Northland Boulevard in the former Delhi Garden Center building. The goal is to create separate identities for each of those automobile storage areas as required by the manufacturers. To recap from the August 12th meeting, there was discussion about providing handicap routes separated from the vehicular traffic connecting the existing and the proposed lots, which we have done. You wanted to see a layout and a restriping plan for the west section of the site, Jake Sweeney Used Cars, to organize the parking and traffic flow, which we have done. You asked that we provide landscape beds at the irregular shaped parking line end-caps on that site, we have done that and increased the green space as well as the landscaping that went in those. You asked to provide a fire lane on the west section, and on the side of the building we have created a fire lane through the site. As requested we've provided additional tree planting areas

near the south property line. We have provided more clustered plantings to allow us to increase the number of trees which we are providing. We have collaborated with Staff to compromise on the site landscaping plants, specifically regarding the tree replacement. We met with Staff also to go over the site storm water detention calculation requirements, as was requested. Some of the improvements that we have made, in August we proposed about 300 s.f. of increase in green space and we shifted a lot of that from the west side to the east side. What we have done with the updated plan that was submitted was, we increased the overall greenspace by about 9900 s.f., an increase of 22% over the previous submittal and well in excess of the minimum requirement. We balanced it out more, about 17.2% versus 19.7% greenspace, west side versus east side, so it is much more balanced. On the west half of the site we added a large section for tree plantings, taking away from display area. On the east section we had the landscape beds spread out within the car display areas; we have moved that to the ends to try to create bigger landscape areas where we can cluster trees and so forth. Relative to the tree survey last month, we submitted 41 trees, 83 total caliper inches versus 28 trees removed, 331 caliper inches removed. This month we have come back with a modified plan that increases the number of trees that we are replacing to 64, including 13 category one canopy trees and 169 total caliper inches. We have also retained some other trees that reduced the caliper inches that we need to replace. We have increased the number of category one trees by 13 and the caliper inches by 39". We have increased the number of category two trees by 10 and the caliper inches for that category by 47". Overall increased the total tree replacement count by 56% over our previous. We have increased the total replacement caliper inches by 203% over what we had previously submitted. We also identified with Staff some key trees, although we weren't able to retain all of them, we were able to maintain some that work best with the function and we also provided a variety of trees to create some visual interest in the tree plantings, which limited the number of category one trees but we could increase that if that would be necessary. A lot of the stuff happens along the south property line and then that vertical section that goes north on the west half of the site. We also added some trees near the BMW building and along Jake Sweeney Place. We were able to maintain one of the existing large trees over there at the cost of six prime display spaces right along that front line but again we did our best to try to maintain as many as you could but open up that front to allow that visual corridor to the building and to the lot. Staff requested a change to the proposed Golden Elm trees to Frontier Elm trees, which is acceptable to the applicant. They also requested to change some Japanese Maple Purple Ghost trees to Bloodgood Japanese Maple trees, which is also acceptable. Staff requested to change the proposed parking lot trees on the west portion of the site, which is acceptable however they would like to use Frontier Elms for that. Staff also requested to plant trees within the proposed greenspace along the south property line. The one thing that I will say going back to the site plan is that you can see that south property line there is a green space that we have not planted anything in; part of the expansion over at the BMW building looks for a number of years down the road and as sales increase the number of display spots that you need to have also increases, to bank those spaces we have created a green space area that for now will be grass but potentially in the future, if all goes well, we would come back and attempt to use those as display parking. There was a honeysuckle tree that is near the property line between the existing lot and the proposed lot and it is a large canopy tree and they requested that we keep it. We looked at a lot of ways to reroute our storm sewer that goes right near it and we can reroute around it, which we are willing to do but from the work that is happening in the proximity to it we don't see it. Our landscape experts have indicated that tree probably won't survive and we don't think it would be genuine to say that we will keep it, knowing that it probably won't survive. We just went ahead and took it off. With the changes through the negotiations with Staff, the applicant kept some trees along Sweeney Place, at the cost of some front line display spots for their vehicles. The buffer yard planted would be along the front line along Sweeney Place which we proposed is similar to what we are proposing along the Jake Sweeney Automotive building, as well as in front of a number of the other Jake Sweeney dealerships along Kemper Road, trying to create some continuity and consistency in the appearance of all of those dealerships. The next thing that we talked about with Staff is the storm water. One of the things with the storm water that we ran into was that the Delhi property,

we could not find calculations for that original installation, so we didn't have the numbers to figure out what they did. There was discussion that there was likely an ability to reduce the quantity but we couldn't really figure out a good way to determine what that was so the applicant has just gone ahead and said fine we are going to treat it like that whole site and take care of it all, as if it were all brand new, right now. Not modifying any structure over there, we are going to detain for all of that, as well, and that is at a pretty considerable cost. The storm water system is designed to accommodate the 100 year storm for detention capacity. Fire lane is in there, it is 20' wide, with 30' inside turning radiuses as requested; they will be posted with the appropriate required signage. The curb cut, we do ask the Planning Commission approve a modification for that 29' curb cut which allows us to put our transporters off Jake Sweeney Place to keep traffic flowing there and to keep it off of the public right of way. Site lighting plan, for clarification, there were poles indicated at 30', those were existing poles that we had and all the new poles listed are 20' or below and the applicant is willing to abide with the new poles staying within the 20' height. We do request the Planning Commission approve a modification related to the limited areas where the lighting levels at the property lines on the north side and west side exceed the 1/2' candle limit at the line.

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

Mr. Okum: In regards to your presentation and Staff's comments, are there contradictions that occur that I am not aware of that I need to point out? Are you pretty much in agreement?

Mr. Scott Csendes: I think the only thing that came up was the volume. We did have some additional volume.

Mr. Okum: I think you would have to resolve that with the engineers in regard to capacity.

Mr. Scott Csendes: If they ever went to repave, obviously we would have to present and demonstrate that we need the calculations; we are not at the dead minimum, we are a little bit over it.

Mr. Okum: In regard to the tree situation, obviously there is a discrepancy between category one and category three; some areas that Staff has made some recommendations for additional plantings that would lower your obligations for the tree replacement program. Are you in agreement with that, or do you want to discuss it? Do you want to work with Staff more on that?

Mr. Scott Csendes: We met with Staff and went through a lot of the number of dead trees that we are going to take out and replace that they identified. We talked about where we could and couldn't put things and, quite frankly, we have over doubled the amount of tree caliper that we had and we went and switched over to a category one hardwood and put a lot more of those in. There are some more opportunities to do that. We tried to do a combination where you go with a category one and a category three and mix it up. We could switch it all to a category one but it would be a little less visually interesting but if the goal is to get category one trees, then we could do that. We were trying to find a happy medium. After we met with Staff, we gave it the last best shot of what we could put on here relative to the operations that Sweeney has to do on that lot, the considerations that they have over there and the budget that they have and a number of things. This is sort of the last best shot we have at it; there may be a few tweaks here and there but overall we might be able to switch a category three for a category one here and there but I don't see us being able to double the amount again or anything to that nature.

Mr. Okum: In regards to the planting schedule, you are showing three caliper inch type species, except for the Eastern Redbud, so you are pretty well maxed out for size that you could plant. I tend to feel that Ms. McBride and her Staff have identified Item "C" under "6", that the Armstrong Maple trees along the south

portion of the site would be an ideal area that you could get some of the caliper inches of replacement without creating an issue for the paint on the vehicles and so forth. I think Staff's review, they deal with a lot of developments and automobile dealers, and the issue with the berries and the fruit and the flowering is the key areas. If I were a bird, I could sit on a pole or building or car or tree and if it has food in it then it is a pretty good source but if it doesn't have food it is not much different than a wire or a board or a building. As far as quantities are concerned that Mr. Sweeney needs to deal with, it seems that you could work out most of the details with Staff. You gave in your presentation some alternatives that you would like to incorporate but if we go strictly with what Staff has recommended under their considerations then what you have presented is not going to be considered unless Staff approves a landscaping plan and a tree replacement plan that is agreeable with Staff. I am pretty much in favor of widening the driveway to allow for the vehicles to be off-loaded on site versus on the public right of way and in the street.

Mrs. Boice: I want to thank you for this. I think that the way you have worked with our suggestions and that is what it is all about here; a give and a take because we want the very best for you and you want the very best for you. I am very pleased with what I have seen there. I really am hoping that we are not going to get too hung up on this caliper bit, we can move a few things around here and there. All in all, I think what you have done in going along with our suggestions is excellent and I am very pleased with that. So often we do make suggestions and the applicant sometimes gets more upset, which cures nothing. The willingness for you to work as closely as you have with the Staff, and I have total confidence in that Staff, if you continue to work with them on the trees then ultimately we will come up with something that makes you happy and will make the City happy.

Mr. Bauer: What is the plan for the tree replacement fund? What is your plan for that?

Mr. Scott Csendes: It was a condition of the approval, which I believe at this point we are not going to kill the deal over that.

Mrs. Harlow: I am in agreement with the curb cut being 29" wide so that moves all deliveries onto their property and out of the public right of way, for safety reasons. I don't have any issue with the modification to the Section 153.514, for the light levels because there is not residential areas in that neighborhood and it is all businesses. I think that you have shown a great willingness to work with the Staff and City Planner on the landscaping, and I know that will continue to be worked and tweaked until it is a satisfaction to everyone. So, I am pleased with what I see.

Mr. Diehl: I agree with the other comments. You couldn't have said it any better than what you did, Mrs. Boice.

Mr. Okum: Ms. McBride, do you feel and does Staff feel that you can work through the miscellaneous items of the tree replacement and so forth, with the applicant and arrive at a reasonable adjustment?

Ms. McBride: I think that we can try to do that. I would suggest that if we come to what we feel is a significant impasse then we would probably have to come back to you for a final decision on the landscape plan.

Mr. Okum: That makes sense.

Chairman Darby: I think what I am hearing is that you did good.

Mr. Scott Csendes: At this point, we did appreciate working with Staff and coming from last meeting to where we are. However, based on the schedule that we have to meet, construction and so forth, we are going to ask that this come to a vote because we can't wait another month.

Mr. Okum: I was prepared to make a motion. I would like to make a motion to approve the development plan, Jake Sweeney at 135 Northland Boulevard 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 and City Planner's recommendations to this motion; that the tree preservation and replacement conditions to include Staff's review and approval of a final revised plan.

(Mrs. Boice seconded the motion and with a unanimous "aye" vote from the Planning Commission Members the request was approved with conditions.)

NEW BUSINESS

- A. Chairman Darby: Next, for New Business, Development Plan Approval, Jake Sweeney BMW expansion at 11535 Jake Sweeney Place.

Mr. Scott Csendes: (At this time Mr. Scott Csendes handed out to each Planning Commission Member a packet of information that was displayed on the screen during this presentation.) This is for the adjacent property that was just discussed. It is the one that currently houses the Jake Sweeney BMW dealership. The general improvement scope is an approximately 4800 square foot expansion of the existing showroom area and service drop-off area, supporting the Jake Sweeney BMW dealership, totally just shy of 26,000 s.f. It also includes the modification of the existing new car display parking area and customer parking area in coordination with the proposed lot improvements on the adjacent property to the south. To address a couple of the comments that were in Staff's reply on Friday; a little more clarification on the building materials proposed for the building; the BMW is proposing a very sleek, clean look and with that we included a rendering of what it will ultimately look like. The primary materials on the building include a store front glazing system that will have a silver frame around it and glass in it. It does have a little bit of EIFS synthetic stucco, actually a very small amount, that will be white. We have a composite metal panel system which is the majority of the building and fascia which is also white. The overhead sectional doors that lead into the service area will be a silver finish to match the aluminum store front frames and there is a little bit of split-face block that goes around the back primarily that would also be painted white. Some would say, not very exciting but it is sleek and clean and that is what they like. Relative to setbacks, there is an issue related to the building along a portion of the north property line, which you see on the original submittal. A section of a screen wall that screens a transformer, actually moves off of our property and then back onto our property. Mr. Sweeney owns the property to the north. By expanding our service bays to the east to get more cars in there, we are continuing that setback encroachment and we will be requesting a variance for that. There was a comment to record the cross-parking and access agreements, which Mr. Sweeney is willing to do upon approval of the Commission. Site lighting, all the new stuff is going to be 20'; this site actually doesn't have any 30' poles on it. I have to apologize, the submittal from the lighting designer included the entire site, both sites, where it had those 30' poles and we had him revise that and we could provide that to Staff for further review, if necessary. We are willing to stay within the 20' limit. We have the same request to approve a modification related to the areas where the light levels exceed the 1/2 foot candle limit on the north and south property lines. Staff requested that the trees be added to the western portion of the green space on the south property line. Along the south property line, we only have about 5' on this property and then there is a retaining wall. We do not believe that it provides sufficient area to add buffering there and that is why we included it to put some trees and bushes onto the adjacent lot where we have more room and it is flat. Staff also notes that the trees along Jake Sweeney Place, that there is no redevelopment reason for removing these trees. The applicant respectfully disagrees, noting that the existing trees create both operational and economic issues to the function of displaying and selling of automobiles and request that Planning Commission approve a modification to allow removal of those trees, where replacement is shown.

Chairman Darby: Sir, could you please define economic and operational issues?

Mr. Scott Csendes: Operationally, those trees are very large. The type of trees that some of them include honeysuckle and they have very small leaves. Those tend to get down along the front column of the cars and in the cracks of all of the cars. When they get down in the column and they build up in there it creates two problems, it will plug up drain holes so the column will not drain water properly which can lead to premature rusting and they also can rot and create an odor. The trees will also generate pollen and then there is the bird issues that we have talked about. It can damage the paint finish on the inventory that is probably in the neighborhood of seven million dollars worth of cars. Relative to the economic issues, again the visual access and presentation of this whole property is critical to the way that they do business and present their cars. All of their cars on that entire site are like a jewelry box of cars, they take great care to put certain colors out there and have a bright, shiny display. This is not like a traditional store where all of the stock is inside and you want to get people inside and the parking lot is a parking lot. This is a display area for them, this is their sales area, so by not being able to display them appropriately, it doesn't give them the full advantage of the sales marketing and branding opportunities that they should be getting. Going on, Staff requested to replace a declining tree that was in the parking lot, which is acceptable to the applicant and we proposed substituting a Frontier Elm. Staff requested to change the proposed Golden Elm trees to Frontier Elms and that is acceptable. Relative to signage, the proposed signage totaling 188 s.f. of pole signage and 228 s.f. of building mounted signage is indeed over the allowable limit from a previous variance and the applicant will be submitting a request for a variance for that additional signage to comply with the BMW standards.

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

Mr. Bauer: On the proposed signage, is there a reason why you can't make the signage fit within the variance that you already have for that site?

Mr. Scott Csendes: With the new program from BMW, they have prescribed sizes and packages based on the type of store that you have and the volume and location. We are sort of required to request that package as it is.

Mr. Bauer: And that dictates a particular size for a sign?

Mr. Scott Csendes: They have standard sizes for signage.

Mr. Bauer: And they don't like to change those for whatever reason?

Mr. Scott Csendes: Retailers never like to change those sizes.

Mr. Bauer: Regarding the trees, you are trying to make this consistent. I haven't seen the other Jake Sweeney properties and I am assuming we are talking about down Kemper Road.

(Mr. McErlane demonstrated views of the lots for the Planning Commission Members, to see using Cagis.)

That is the look that you are looking for, down at the BMW?

Mr. Scott Csendes: What they have is large planting beds with lower bushes and plantings and ornamental trees as it goes down the road and it continues east in front of the Chevrolet.

Mr. Bauer: I guess the only other comment I would make on the trees, I have been here maybe eight years and I have never heard Staff so vehement about a landscaping plan and trees in that area, so I have a hard time going against what the Staff has recommended in that area.

Mr. Okum: How do you plan to resolve the tree issue? You went down to 2" Dogwoods versus 10" Lindens. I have a Linden and it is pretty messy but it doesn't mean that you need to get rid of them because they are messy. I think Staff indicated that you could up-cut them some to get the better visibility. "No trees" is

what your presentation is; I am not really in favor of that either. Those trees are right on the edge of the public right of way, is that right?

Mr. McErlane: They are pretty much inside the right of way.

Mr. Okum: So the trees are like 5' in.

Mr. McErlane: Pretty much centered up in between the area of the right of way and the edge.

Mr. Okum: Is this a make or break deal for the dealership? Obviously, you need to get this project underway. I am certainly in favor of the changes that you have requested but unless you give me an alternative I will have to support Staff's position on the trees.

Mr. Scott Csendes: Relative to the replacement of caliper inches, I think along that south edge, if it is acceptable to get the plantings to keep those off property, along the island between the Sweeney building and the new lot, there is room for some more trees and we could put some caliper inches there. Limbing up, I appreciate the comment and it was discussed with our consultant and the leaves are still going to be coming down; it doesn't solve the problem. These are high-end cars with high-end expectations from the purchasers and that is a big issue for Mr. Sweeney and his team.

Mr. Okum: My difficulty is that you are not giving us a viable alternative. Do we want the stark boulevard grassy area look for all the way down the street? That is what you are saying.

Mr. Scott Csendes: I think one of the other things that was discussed along Kemper, it is pretty open and along this side street this stuff kind of looks out of place. There is obviously functional issues with those trees, removing those and replacing it with something that is a little bit smaller scale, continues with what's going around with the rest of the area over there.

Mr. Okum: What do we have on the other side of the street?

Mr. Scott Csendes: It is all grass.

Mr. Okum: There are two trees, basically at the entrance.

Mrs. Boice: I am not an expert by any means, but there is a tree that grows up real slender.

Ms. McBride: There are a number of species that do that; the question is that we have a number of mature trees out there and do we want to just take them down and start over again at 2" or 3" caliper?

Mrs. Boice: I also noticed that the signage on the end seems to be blocked a bit. If those trees did come down, is it your intention to replace with some other type of tree of some substance?

Mr. Scott Csendes: The plan was to go with the category three type tree, not to put something in there that would create a similar problem twenty years again. If you plant a tree knowing that it is going to block you out again then it kind of defeats the purpose of taking the first one out. The applicant is willing and we offered up the property to the south, that is something that we would be willing to find some more category one along that south property line, slightly across the property line if that is acceptable to replace those. That front line, the intention would be to go with a smaller category at a wider spacing with more ground plantings over there to open that up.

Mrs. Boice: Staff, do these trees appear to be very healthy?

Ms. McBride: In our landscape architect's opinion, yes.

Mrs. Boice: So, that is our stumbling block here, these trees.

Mr. Okum: The difficulty I have with planting them off property and doing that is that the off property may not be held by Mr. Sweeney forever and it could be sold off, is that correct?

Mr. Scott Csendes: Sure, yes. I will say that lot is intended to serve that BMW function.

Mr. Okum: Are we talking property lines like we had with the used dealership and the new dealership and they both sort of shared parking areas but it was divided by boundaries of family, some certain years ago?

Mr. Scott Csendes: I think that is it. One of the strategies that we discussed was re-planting to put that parking lot on the BMW's property and do all of that. For reasons relative to his business and his family and so forth, that was not something that was possible to do.

Mr. Diehl: From a business standpoint I agree totally with you about the trees for that type of business. However, Mr. Okum was trying to get you to give him an alternative that we could kind of live with and we haven't heard that yet. That is where we are.

Mr. Scott Csendes: I think that the only alternative we have is to put them into that buffer, south of the building, but off property. We just don't have large areas of green around any where else except in that front and even that is not that large, to plant a whole bunch of trees. A lot of this site is paved so we are challenged. If the off-site option isn't there then that really limits us. If it is, I think that is something that we would be willing to do.

Mr. Diehl: Ms. McBride, do you have any suggestions for the applicant?

Ms. McBride: No, I really don't. Obviously, our first preference is that those trees stay; they are healthy. The applicant planted the trees, he knew his business when he planted them. We would really like to see those trees stay. If it is the Commission's pleasure that they need to go away then maybe we look at doing maples, thirty foot on center, in that big green area. That is the green space on the site, that is why we are Tree City, USA.

Mrs. Boice: If the trees go away, what would you suggest going there as a replacement, that would be attractive and wouldn't be problematic?

Ms. McBride: A lot of retailers would prefer the Honeylocust trees, we call them see-through trees. Places like Walgreens and Kroger and so forth like those trees in front of their stores in streetscapes but those types of trees tend to have leaves that could be a problem for this type of retailer for exactly what the applicant said. Then we would probably look at something as we've suggested like that Armstrong Maple which doesn't fruit and doesn't flower and has a more narrow type canopy going up.

Mrs. Boice: Do you feel that would be attractive?

Ms. McBride: I don't think it will be as attractive as what is out there.

Mrs. Boice: I understand that. I am just looking for an alternative.

Ms. McBride: That is at least going to give you some street presence and it is going to give them some caliper inches.

Mrs. Boice: I am certainly not against saving trees. But when push comes to shove, if this were something about a curb cut or something, in my mind that would

be more decisive. That is why I am questioning so deeply about the trees. I don't like to see trees removed but by the same token it just might be necessary.

Ms. McBride: What I am hearing and I understand that you are looking for some type of alternative, what I am suggesting which I think might be a workable solution, if the trees have to come down, and we want to make sure what gets replanted there is something that is going to work then for this retailer in terms of, no fruit, no flowers, nothing that will get a really wide canopy, nothing that is going to spit off these tiny little leaves and those kind of things, then you are looking at something like an Armstrong Maple. What I am hearing from the applicant is that they don't want that.

Mrs. Boice: They don't want any trees there at all?

Ms. McBride: No. They have some ornamental trees, like Redbuds and so forth.

Mrs. Boice: Now I will ask the applicant, would you consider a smaller type of tree?

Mr. Jake Sweeney, Jr.: When we opened the BMW store and moved it over to McGillard Street, we planted those trees and we didn't know they would become a problem all these years after, but they have been. Basically, our vision is that we want a nice clean look that is going to start when you turn the corner and you look down the street. I love trees and I have nothing against trees but we want a nice clean look. If you look at the other side of the street it is basically a green sod berm. We are all for planting any kind of plants that would be lower, any kind of landscape that would be lower that isn't going to grow up and become a problem with the cars. What makes us different than Krogers or Walgreens, those are parking lots, people are coming in and out parking. That is our display area and when you are dealing with BMWs they are very expensive cars; if it is a Chevrolet it is the same thing, it creates problems. That is why we bought the property to be able to expand and our vision was to have a nice clean look that would be consistent with what is already there going north, not where those large trees that have gotten out of control, too big and do block visibility coming the other direction, not that there is a lot of traffic that comes that way. We want to start over and do this right. We are in a situation, being very honest with all of you that we have been encouraged and it is not a situation that BMW would not be happy with to move a little further north than we are now. I have kind of dug in my heels to say that we can make this work and we were able to secure the additional property; it gave us the place to do that. The one up in West Chester at the Union Center where the Mercedes is and Volvo. So we bought the property to try to create something that we feel is going to look good along Jake Sweeney Place and consistent and would fit the image of BMW. There are only two BMW stores here in this marketing area and they are very sought after and we wanted to have a nice clean look. I like trees but to me they have to be part of the backdrop not taking our prime frontage where we display our cars; that is the business that we are in. I don't know if planting smaller trees, that I will be back here in fifteen years. This has been debated between me and my children, they are the next generation; I have got them on board with this versus picking up and moving. Taking the existing building, converting it into another use, with additional used cars or moving another franchise, one of the existing that we have and moving the whole BMW to the north. When you spend this kind of money, we would like the presentation that this building is going to make, with the addition of what we are doing here to make an impact. Here is the signs, this is what they want and it is not like we can choose. It doesn't work that way with these manufacturers. This is what it is and this is the size and that is how it goes. I have nothing against trees, I don't know where else we can replant anything that is on this property that doesn't become a problem; if there is, I will certainly be amenable to discuss it or add to giving money to have trees replanted somewhere else. To me it defeats the whole purpose of the vision of what this is going to look like. We are up against a timeframe here because if we don't get this started in the adjacent lot, we are going to get too far in because trying to do this major renovation to this building is going to be a problem if we delay this any longer and it will go into next year and then we are going to have problems with

BMW and then honestly I might be back to make a whole new decision to do this here or not. If we can't do this and make it look right then I would just as soon possibly move the whole thing; I would have to find real estate and look up there but that is certainly not something that is not appealing to them, just so you know. I am not trying to threaten or anything but I am just trying to tell you the realities of how they look at this. I have been happy with our relationship with Springdale over the years and we have been here a long time, since 1971. I am trying to keep the future to stay right here and trying to keep as much business here as I can, instead of moving franchise. We have been successful and the things have changed in the area around us. It is not, to me, what it was ten years ago or so, fifteen years ago or twenty years ago. I still believe in it. Trying to spend some money to make the things look right and try to get some cooperation as to having you people accept our vision. If there is a way to do it without impeding on the frontage of our property there then I will try to work with you any way I can or donate to the fund.

Mrs. Harlow: Springdale has been very fortunate to have the Sweeney family and have their businesses in Springdale for all of these years. As a Council person who is also on the Finance Committee, as Mr. Diehl is, I know dag-gone well that we do not want three trees to hinder a redevelopment process in Springdale. I am going to urge this Committee here to figure out a way to work with this applicant. I am not in favor of cutting down trees either but I understand that you are the middle person between the City of Springdale and BMW. You are trying to figure out how to make it work so that you can satisfy the requirements of the luxury dealership which I believe will only put a star in our lapel at the City of Springdale. I think it is up to this Board here to find out a way to make this work for this applicant. Three trees should not stand in the way of what needs to be accomplished. I don't know how to do it but that is going to be for people who have been trained in that field. I would ask Mr. Diehl if he would agree with me on that point.

Mr. Diehl: Yes.

Mr. Jake Sweeney, Jr.: Besides that, I am currently recruiting another line; just to the point of what you are bringing up about BMW and luxury vehicle lines, something that is out there that we have a good opportunity I think. With BMW there it gives me a better chance of landing another product that is going to be upscale that is coming into the market now; we already represent it in the Northern Kentucky area and it is part of the other property on Northland and could eventually be that franchise.

Mrs. Harlow: With your investment in the property, I know that you understand where this Board sits in relationship to the requirements that we ask of businesses because it protects you as a business owner that we don't allow another business to come in and just do whatever they want to do. I know you understand that and we all understand that but we just need to come to an agreement on how we can resolve this because as a Council Member, I certainly don't want you going anywhere.

Mr. Jake Sweeney, Jr.: We really don't want to. I didn't think this would be as big of a problem.

Mrs. Harlow: I would hate to have three trees halt that process.

Ms. McBride: If the three trees are going to go and if we are not going to be able to replant trees along Jake Sweeney Place, then Staff could work with their landscape architect to develop some creative landscape beds that would have some variety and materials; some ornamental grasses and some different types of shrubs and so forth. It is not going to have the same impact, obviously as the trees that are there. We need to have something there, we can't just have all grass and I would certainly urge that some of the additional tree plantings that Staff has suggested both on this case and the prior case be implemented as a part of that, kind of as an offset of some of these trees.

Mrs. Harlow: I was thinking and I don't know how this would work, but a slightly raised berm there with landscape plantings.

Ms. McBride: I don't want to speak for the applicant, but I think a berm or raised berm along there probably would not be...

Mrs. Harlow: No, I don't mean like a real high one, just something that would offer some visual interest, so that you would have a little bit of different heights or maybe some big boulders throughout the landscape so that you offer a little bit of visibility.

Mr. Jake Sweeney, Jr.: I am willing to work with anything to me that basically allows the vehicles to be seen from the street, anything creative that is low.

Mrs. Harlow: I don't mean a great big berm, I just mean something that would not be flat.

Ms. McBride: We maybe can accomplish some of that intent with different plant materials, in terms of height and texture and color and so forth that maybe would work better for him than doing a berm. If the trees are going to go then I think we understand what the concerns are and what the preferences are.

Mrs. Boice: I am sure that you are aware that we have some of the best Planners and people in this community who openly work with everyone. Just like what you have said, Ms. McBride, if anybody would make that classy if the trees come down, then I have no doubt that the people that I am looking at right now will do one whale of a job. You have never let us down in anything like that and I think that Mrs. Harlow stated it very clear, if it is three trees that are standing in the way, then another landscape could be a stunner, the big rocks, that type of thing. I would like some consideration from the Planning Commission to work along that line.

Mr. Okum: Mr. Sweeney, I think that your trees just got some type of an economic disease, that is probably the end result, but the work through needs to be resolved. None of us on this Commission want to give away trees and you don't either. You have done a pretty good job on the other site dealing with it, you have made an agreement to work with Staff to resolve some of that. If you look at these three trees, it is only one small part of Jake Sweeney Place and I would certainly like to see, if you are going to do a landscaping plan that you tie it to both sides of the street and bring it on down to the Delhi entrance so that you have some continuity.

Mr. Jake Sweeney, Jr.: I would have no problem with that.

Mr. Okum: Then all of the landscaping design and everything becomes part of your image because that is an entry into your business; it is sort of like your front door, to tie that in. Summer grasses are great but winter grasses are sort of dull. I hate it when someone says that they are going to plant petunias, they are going to be gone in the Fall and basically you have dirt. I am sure our Staff can work that out with you but I would like to see at least maybe a comprehensive landscape plan down your street down to the Delhi entrance on both sides to tie it all together and then that looks like your business. And for how you deal with the tree loss; I don't care where you put it on the lot but build it into the site or make a contribution to the tree fund, it will get planted in the City of Springdale and that is what we are interested in. I think that is resolved; do you have any problem doing that?

Mr. Jake Sweeney, Jr.: No, we want to have a wonderful visual impact. Right now we feel the one side of the street is nothing but a grass berm pretty much, but it is very important for us to look good and to be consistent on both sides. Again, trees become a real problem for us. I would work with your people coming up with your vision, too.

Mr. Okum: I think you have a good landscape planner and we have a landscape planner and I think you can resolve and come up with a landscape plan that will make it your front door, I think that is what is important.

Chairman Darby: I think I hear that we are ready for a motion.

Mr. Okum: I would like to make a motion to approve the development plan for Jake Sweeney BMW expansion at 11535 Jake Sweeney Place, that this approval is conditional upon the approval of the Springdale Board of Zoning Appeals of the items identified for variance as required. That it shall include all City Engineer, City Staff and City Planner's recommendations with the exception of the three Lindens that are subject to an adjustment to be worked out between Staff and the applicant for a relocation process. The applicant has agreed to a landscaping plan to be presented to our landscape architect for both sides of Jake Sweeney Place from Kemper Road to the old Delhi entry. The tree replacement shall be reviewed and approved by Staff.

(Mrs. Boice seconded the motion and with seven "aye" votes the request was approved with conditions.)

- B. Chairman Darby: Moving on; Minor Improvements, exterior paint at 11500 Springfield Pike. Is there a representative here?

Mr. Okum: I move that it be tabled to the next meeting.

Mrs. Boice: Is there not a representative here; Mr. Hernandez is not here?

Chairman Darby: Before we move to table, I would like to comment that the painting has already occurred.

Mr. McErlane: We provided comments and highlighted in bold print that he needed to be here tonight for the meeting.

Mr. Okum: Mr. McErlane, if we disapprove this then he goes back to the blue?

Mr. McErlane: Not necessarily.

Mr. Okum: Well, based on that, we will give him one chance to come in and make his presentation. I will move to table.

(Mr. Diehl seconded the motion to table the item and with a unanimous "aye" vote from the Planning Commission Members, the request to table was approved.)

- C. Chairman Darby: The next item, Minor Improvement, exterior paint at DJ's Sports Bar, 380 Glensprings. Is the representative here?

Mr. David Kuo: I am the manager of DJ's. This project is not over 2% of the property and it is temporary only for this season and then it will change back.

Chairman Darby: This is a case of "better to beg forgiveness than to ask for permission"; it is already done.

Mr. David Kuo: Already done, yes. We just ask if it is possible that we could keep it till February and then we will change back.

(At this time Mr. McErlane read his Staff comments.)

Mrs. Boice: I went past this, this evening and I personally don't have any objection to it. My main objection is, after this experience, you will know that you need to come in before you do these things.

Mr. David Kuo: I know. I am sorry for that.

Mrs. Boice: The only way that I will accept this is that the day the season is over then I want somebody out there with a paint brush.

Mr. David Kuo: I will do it.

Mr. Diehl: Is this going to be once and done?

Mr. David Kuo: Yes, just once.

Mr. Diehl: Just for the season?

Mr. David Kuo: Just for the season only.

Mr. Diehl: When you get to 2015, then you are not going to do it again?

Mr. David Kuo: No, I am not going to do that. This is already done and I apologize for that. For today, I am just asking if we can keep it for this season. Next year I am not going to do that; I will not do it.

Mr. Diehl: So, you would not be opposed if I told you that you couldn't have that sign but we would give you until March 1st to take it off? If we said that you were not allowed to have it but you would have until March 1st to take it off?

Mr. David Kuo: Right, thank you.

Chairman Darby: Prior to the motion, I would like to offer a descending comment. I don't think the City of Springdale should be in the business of cooperating with promoting sports teams. Also as a group that has to deal with precedents, your neighbor may want to highlight his building and represent the Pittsburgh Steelers and that wouldn't go over very well. My intention is to vote "no" on this when it comes up for a vote.

Mrs. Harlow: Did you work with our Building Department?

Mr. David Kuo: No.

Mrs. Harlow: Who is responsible for the building; are you responsible for the building?

Mr. David Kuo: Yes.

Mrs. Harlow: Did you work with our Building Department prior to opening DJ's to upgrade that building and to work out all of the building permits and everything that was needed?

Mr. David Kuo: I am the manager and I have worked for this company for two months; I am the manager so I don't talk to the City to change this, I just did it.

Mrs. Harlow: Did the owner of the building understand that they needed to come to the Building Department?

Mr. David Kuo: Right, he understands. He knows that I already did it.

Mrs. Harlow: I am not getting my question answered. Let me try to rephrase. You painted the stripes on there, personally?

Mr. David Kuo: Right.

Mrs. Harlow: Did the building manager know that you were going to do that ahead of time?

Mr. David Kuo: He don't know.

Mrs. Boice: How can you not know?

Mr. David Kuo: I am the manager there. After I tell the owner of the building, he grimaced.

Mrs. Harlow: So he was aware during the remodeling of this facility that he had to work with Staff for building permits and any changes that were being made such as that side patio and that type of thing? So, he was aware that any changes that were made to the building needed to go through the City; correct?

Mr. David Kuo: He knows but he is not there. He was not in Ohio, so I was the person in charge. I did everything. I believe that he understands that he needs to talk to City first.

Mrs. Harlow: I am not in favor of this either and I feel like because he came to the City and worked with them on developing the property to open as a sport's bar a couple of years ago, then I would have thought that he knew he had to come back to the City to change any of the outside appearance or to do any major work on the inside or anything.

Mr. David Kuo: He do the business for the sport's bar but it is not doing too good because it is just a sport's bar. I took over two months ago and I changed it, it is right now just old-school and not young people. We have a lot of sports like Bengal team that goes there sometimes and they like it there; it is just old-school, the average people there are 50 years old. The members were there, a couple players were there so we ask them how they like it and they said to put up "Home of the Bengals", so that is why I changed it without the City knowing. The reason I come here is to say, you can let me know and I will take it down, tomorrow I will change it back right away. I don't want to make any trouble for you. But I already did it, so why not just come to the meeting and ask if it is possible if it can stay for a couple months until the season finish? I am not going to do it next year.

Mrs. Harlow: So we would be making an agreement with you, who is the manager, that if this Board agrees it would be painted the first part of March back to the neutral color?

Mr. David Kuo: Exactly.

Mrs. Harlow: But what if you are not there?

Mr. David Kuo: I am there, definitely. You can write it and I can sign it, either way.

Mr. McErlane: To help out those Commission Members that haven't been here for a long period of time, the owner of the property has been before this Board at least twice, maybe three times. I don't know if the manager has expressed whether the owner knew that he was painting that. Did the owner know that you were painting the columns that way?

Mr. David Kuo: Right.

Mr. Okum: Does this gentleman have the authority to represent the property owner?

Mr. McErlane: The property owner signed the owner's affidavit for the application and I would think that the manager would have the authority.

Chairman Darby: A technical question for Staff; I am sensing some conflict between item two and item four on Mr. McErlane's report.

Mr. Okum: It is a process. The first process is the Corridor Review District review and the second is what is permitted under those standards, percentage wise.

Chairman Darby: That takes care of that.

Mrs. Boice: As I said, the way it is does not bother me. I think the point that our Chairman made which I had not considered and I should have is we have another sport's bar right next door and that does present a bit of a conflict. I think the thing

that bothers me the most and I realize the owner is not in residence, he is someplace off, and you as manager, do not check with him on any of these things? You just go ahead?

Mr. David Kuo: Right, right. I take over this business because he is doing very, very bad. I have an interest here too, on part of the owner, but he just don't know how to do everything so finally I took over. Right now we are doing very well. We are doing very well, Jazz, Blues all of the time, every day I am there. But I did one thing wrong, I painted this. This is nothing about him, he don't know nothing. I talked to Randy and he said you have to come to notarize and sign your name, so he came and signed his name, otherwise he is not here.

Mrs. Boice: That is a good job when you don't have to worry what the owner thinks.

Mr. Diehl: I do agree with you on this, however I wouldn't have any problem allowing him until March 1st, 2015 to remove it.

Mr. Okum: Just for bringing this to the floor. I move to allow the accent colors on DJ's Sports Bar to remain in place as it currently exists until March 1, 2015. After that time the building colors are to return to their previous color that it was before the stripes were added.

(Mr. Diehl seconded the motion, Mr. Okum, Mr. Diehl and Mr. Bauer voted "yes"; Mrs. Ghantous, Mrs. Harlow, Mrs. Boice and Mr. Darby voted "no". The motion was defeated and the request denied.)

Chairman Darby: Mr. McErlane, do we have a timeline for making corrections such as this?

Mr. McErlane: We would typically give two weeks to paint it back.

Mr. Okum: Mr. Chairman, I think there are valid issues to be considered with what we just saw in regards to our Zoning Code review and I am sure Staff is aware of that, regarding accent colors and the percentage in the Corridor Review District. We may need to look at that if we could because that is sort of accent colors in my mind and it is under 10% but it certainly could be interpreted as a sign, as well. That is for you to figure out, Ms. McBride.

VII. DISCUSSION

Chairman Darby: For our next presentation, I am going to deviate slightly from our protocol and I am going to ask Mr. Okum to introduce this item and our presenter.

Mr. Okum: It is my pleasure to introduce Mr. Brian Wamsley of the Hamilton County Regional Planning Department.

(Mr. Brian Wamsley from the Hamilton County Planning Department delivered a presentation to the Planning Commission Members, "Design Guidelines for Transforming Surface Parking Lots from Deserts to Oases".)

VIII. CHAIRMAN'S REPORT

Chairman Darby: You can see we approved one sign for Tortilleria Garcia at 11774 Springfield Pike

IX. ADJOURNMENT

The Chairman adjourned the Planning Commission meeting at 9:18 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary