

PLANNING COMMISSION MEETING

January 14, 2014

7:00 P.M.

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by Vice-Chairman Dave Okum.

II. ROLL CALL

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

Members Absent: Don Darby

Others Present: Anne McBride, City Planner and William McErlane, Building Official

III. MINUTES OF THE REGULAR MEETING OF DECEMBER 10, 2013

Vice-Chairman Okum: Ladies and gentlemen, you have the minutes of the regular meeting of December 10, 2013 to consider. Are there any additions or changes to those minutes?

(Mrs. Boice made a motion to adopt the minutes as written and Mr. Diehl seconded the motion. With a unanimous 6-0 "aye" vote from the Planning Commission Members present, the December 10, 2013 Planning Commission Minutes were approved.)

IV. REPORT ON COUNCIL

(Mrs. Harlow presented a summary report of the January 8th City of Springdale Council Meeting.)

V. CORRESPONDENCE

Vice-Chairman Okum: In the correspondence, you have a letter to Council recommending the Zoning Map amendment for 135 Northland Boulevard. You also have the registration information for the David J. Allor Planning and Zoning Workshop, the American Planning Association for January 31st, 2014.

VI. OLD BUSINESS

- A. Vice-Chairman Okum: The first item of Old Business is a revision to the PUD Transitional District Development Plan for Waffle House at 11520 Springfield Pike. I believe we have a letter of request from the applicant.

Mr. McErlane: We received an email today asking the application be tabled until the February meeting.

Vice-Chairman Okum: If there is no discussion on that request, can we have a motion to table?

Mrs. Boice: What is so difficult about what they were considering here; what is this delay? This has been going on far too long. I mean, either fish or cut bait here.

Mr. McErlane: Initially he said he had a commitment and he couldn't make it here tonight but he also said that he wants to accumulate some information that would actually give us some details as to how he plans to construct the shutters. If you

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recall, the information that we received didn't give a whole lot of detail as to what it would look like, either in a section or how it was going to be mounted to the buildings.

Mrs. Boice: I would move to table this time, but it will be the last time I would make that move.

(Mrs. Ghantous seconded the motion and with 5 "aye" votes and one "no" vote from Mr. Diehl, the request to table was approved.)

VII. NEW BUSINESS

- A. Vice-Chairman Okum: Moving on to the next item on the agenda, Minor Improvements exterior color change at Beef O'Brady's located at 370 Glensprings Drive. Would the representative for Beef O'Brady's please come forward?

(Beef O'Brady's representative not present at this meeting.)

Vice-Chairman Okum: I think it is at the Chair's discretion, we will give them a few minutes and we will go through the other business on the agenda and if they are not here then we will take action on it after that.

VIII. DISCUSSION

- A. Vice-Chairman Okum: Items of discussion, we will turn to Staff.

Ms. McBride: You have a memo from me concerning a proposed text amendment to our SS, Support Services district; we have had some interest in a business occupying a building over on Northland Boulevard that is zoned SS, Support Services and it would be a food preparation type use. Initially they would use it for warehousing which is permitted in the SS district but ultimately they might like to move their food preparation operation there, currently the SS district does not permit such a use. What we are suggesting is that we do a text amendment that would include the food preparation as a principally permitted use within the SS district and then also that we provide definition for food preparation within our definition section and I supplied that language to the Commission. It is a business that would be a very nice addition to the City, particularly in lieu of the fact that we have a 70,000 s.f. building sitting there right now so it would be a very nice addition to the City in terms of ultimately employees and tax base. If and when we get to do some work on the Zoning Code, we are going to really want to take a hard look at that SS district because I just don't know that it is "fish or fowl", it just really doesn't do much and the only area that it is really applied to, is that Northland Boulevard area. I think it is very appropriate to place this type of use in that area and would ask that the Commission give consideration to initiating that text amendment.

Mrs. Boice: What is the potential; is this business leaning heavily?

Ms. McBride: It is my understanding that they have it narrowed down to a few locations but ours is the preferred location. Part of that has to do with timing and right now they would not be a permitted use, so that obviously has to weigh into their decision making.

Mr. Diehl: Can you tell us the location?

Ms. McBride: It if the old Heater Meals building.

Mr. McErlane: Just east of the city garage.

Mrs. Harlow: I have a question about the SS district because I know that we are going to have a public hearing to change where Delhi was to a GB. How much

more SS district is over there and is that the only place that we have that in Springdale?

Mr. McErlane: The principal area that is Support Service district runs from where the framing place is on Northland west to the Heater Meals location on the south side of Northland Boulevard.

Mrs. Harlow: Would it have been beneficial to change the whole SS district over to General Business with what we were doing before Council?

Mr. McErlane: I think the difficulty there is a lot of those uses are more of a warehousing operation and it is not really a General Business type operation. It is kind of a mix of a couple different things. It is not straight warehousing, there are some services that are included in there but they are not retail operation either.

Mrs. Harlow: Would Support Services still be applicable as a zoning or is it so outdated that it needs to go away totally?

Mr. McErlane: It is, but it has a nebulous definition in it; we haven't quite figured out what it is. It is called retail service activity and it has been in our Code forever but if you read it, it is so convoluted that you can't tell exactly what it is. We need to take a look at some of the uses in there because some of them are archaic, as well. I think it needs to be better defined. I don't think it was ever intended to be a straight retail district. If you look back historically, I think it was Industrial initially and they changed it from Industrial to allow some other service type uses in that district. It still has a mix of Industrial because it has warehousing in it and it has some service industries in it, but it is not a retail district.

Vice-Chair Okum: Your percentages of office and warehouse varies in Industrial versus retail service district; in GB there might be some uses in GB that you would not want, that are permissible.

Mr. McErlane: The only other location where we have support service zoning is the Lowes location. When they first came in we talked to them about going PUD but the timing didn't fit for that and they were allowed under Support Service zoning to be a home improvement store but it created a problem for them when they wanted to sell out lots because the out lots didn't fit into Support Service so we ended up with a PUD for Chik-fil-a. So, that is the only other Support Service.

Vice-Chairman Okum: There are a good number of parcels that are still Support Service but the one that we discussed at the last meeting was directly connected to and surrounded by other GB district. We weren't postage stamping spot zoning, we were just bringing in alignment with the rest. That makes good sense. The Chair will entertain a motion to recommend to Council for this change to the Zoning Code.

Mrs. Boice: So moved.

(Mr. Bauer seconded the motion and with a unanimous 6-0 "aye" vote from the Planning Commission Members present, recommendation to Council for consideration of a text amendment to the SS, Support Services district was approved.)

B. Vice-Chairman Okum: The next item please.

Mr. McErlane: What this proposes to do is add "minor automotive service repair establishments" back into the General Business district. Back in 2000 we redrafted the entire Zoning Code and took them out of the General Business district. The only place they are permitted in the General Business district is as an accessory use to non-sales facility. The only other place in the City that they are permitted is in a Motor Service district and there are none located in a Motor Service district today. There is only one Motor Service district on Glensprings Drive. There are six existing auto service facilities located in Planned Unit Development, some of which

have occurred after we zoned them Planned Unit Developments; some that were existing before we zoned that property Planned Unit Development. There are five existing locations that are in General Business districts that are non-conforming uses because we changed the code in 2000. What that means for them is, if they close that facility and they are closed for more than six months they can no longer be an auto service facility which kind of creates a problem with regard to reuse of that property. They are usually not too conducive to other uses when they have garage doors and lifts and repair equipment. We actually have one location at 370 Northland, which is the Tuffy location, which has lost its non-conforming use which means it will sit there for a period of time until somebody comes up with a creative use of the property or has the resources to tear it down and rebuild something else. Dave may be able to lend some history to this. I cannot remember why we deleted it in 2000.

Vice-Chairman Okum: I can't. Maybe to not allow or not permit the thought of conditional, an application under conditional use was probably never considered. You know, you end up with garage doors facing the public right of way and there is no real control. When you do it conditionally, it is almost like double letter zoning; you can get a lot of things from that before a building is turned into garage doors facing Kemper Road or that type of thing. This goes way back to Springdale Auto Parts on Route 4; I am going way back.

Mr. McErlane: We do have protection in the Route 4 Corridor standards that say that you can't have garage doors visible from major streets.

Vice-Chairman Okum: In 2000, did we have the Corridor Review?

Ms. McBride: Yes, we did. We actually added that into that district while Cecil was still here, he had us do that text amendment so that the doors couldn't face in sub-areas "B" through "D" and not "A", but everything south of 275 the doors could not face Route 4.

Mr. McErlane: And I think it says Route 4 or Northland or Kemper Road.

Mrs. Harlow: The former Tuffy location at 370 Northland, you said it lost its non-conforming use because it had been closed for over six months, so if someone wanted to come in and open an oil change then they could not do that?

Mr. McErlane: Right.

Mrs. Harlow: Would changing the zoning allow that to happen?

Mr. McErlane: The only zoning you could change it to would be Motor Service and there is none contiguous with that, so it would be spot zoning basically to do it.

Mrs. Harlow: I can't see anyone who would have pockets deep enough that would want to come in and tear it down and do something else with it because it is not in a prime location.

Mr. McErlane: It is not an extremely large lot either.

Mrs. Harlow: So, there is no way that we could work with them for a non-conforming permit or something so that they could open a business there, if they wanted to?

Mr. McErlane: No, not as it stands today. You can't send them to the Board of Zoning Appeals because the Board of Zoning Appeals cannot grant use variances to allow a use that is not permitted in a district. Essentially you are allowing the Board of Zoning Appeals to rezone a property.

Ms. McBride: If the text amendment went through, they could come in and apply for a conditional use permit and would be allowed to reuse that building for an oil change facility.

Mrs. Harlow: I just don't want to see any hands tied for redevelopment of a piece of property.

Ms. McBride: This would allow them to reuse that building for that type of use with Planning Commission's explicit approval. And if you wanted more bushes or whatever the deal was, then that would allow them to use that; without this they would not.

Mrs. Harlow: I would just hate to see the redevelopment of that be stopped for that reason. What is the piece of property on Glensprings that is General Business and is related to the Motor Service?

Mr. McErlane: The properties starting west at Howard Johnson's and the north side of Glensprings heading east all the way to the Extended Stay at the other end of Glensprings are all Motor Service zoning district. That is the only area in the City, right now where you can have a free-standing auto repair facility.

Mrs. Harlow: Has there ever been one there?

Mr. McErlane: No, our Zoning Code only allows it in that district right now.

Mrs. Harlow: I am really confused. How did it get that zoning in the first place if there was never one there?

Mr. McErlane: That zoning permits restaurants, hotels and actually allows auto sales and car rental facilities. There are probably ten different uses that are permitted in that district but as our Zoning Code reads, right now that is the only district that will allow you to legitimately build an auto repair service facility.

Mrs. Harlow: Am I allowed to ask how these other auto repair facilities got built throughout Springdale?

Mr. McErlane: The six that are in Planned Unit Developments, in a Planned Unit Development you can place any use as long as Planning Commission and Council agree to it. Now, some of those existed before we made them Planned Unit Developments and they were non-conforming at the time or it was prior to 2000 such as the Monroe at the Tri-County Towne Center that has been there for quite a long time. The Tires Plus at Tri-County Mall has been there and Sears, as well. The Sam's Club and the Costco became auto service facilities when it was zoned as PUD and so did the quick stop that is in front of Costco.

Vice-Chairman Okum: That no longer exists.

Mr. McErlane: The Pep Boys and the Tire Discounter and the Car-X and the Oil Express and Princeton Tire existed before the year 2000 when we made this change that said they are no longer permitted to be there, so they are allowed to remain there as long as they don't discontinue for six months.

Mrs. Harlow: O.K., thank you.

Mr. McErlane: The only other thing that I would add is, and they may not have expressed it when they were in for the re-zoning, but the 135 Northland where Sweeney picked up the Delhi property, the way they are considering phasing that property is BMW is asking them to expand their facilities because they want a bigger car presentation area within their facility. Part of their phasing plan was that they wanted to build a new service facility on the Delhi property to accommodate the BMW. The problem that we have is, without a car sales facility on that property you can't have an auto service facility on that property. They can't legitimately build an auto service facility on there until they get a sales business on that property. This change would allow them to do that.

Vice-Chairman Okum: I think that additionally this puts a position on that property of going back into the GB consideration, a little bit more control on the City's part for that Delhi redevelopment. I am very interested to see how they deal with the lines of properties owned by the multiple parties of the Sweeney family as it was described to us when they came in for the BMW change and it was very difficult for them to do the BMW improvement that they did because they had family owning different parts of the parcel, subdivided. We need a motion for this to be referred to Council.

Mr. McErlane: I remember one other thing I want to add to the list here and that would be electrical systems.

Vice-Chairman Okum: Automotive electrical systems?

Mr. McErlane: Right now it says minor automotive service and repair limited to sales, servicing and installation and it gives a laundry list and I want to add electrical systems.

Vice-Chairman Okum: Are we missing anything? I think the concept is good but maybe Staff might find some other special wording that they want to get into that. Can we get a motion please?

(Mrs. Ghantous made a motion to recommend a Zoning Code text amendment to Council for their consideration to add automotive service facilities to the General Business districts as a conditional use. Mrs. Boice seconded the motion and with a 6-0 "yes" vote from the Planning Commission Members present, the motion was approved.)

Mrs. Harlow: Could you review for me what we are asking Council for? I will be giving a report to Council on our meeting.

Mr. McErlane: We are asking for a zoning text amendment which basically will allow minor automotive service and repair in a General Business district as a conditional use.

VII. (NEW BUSINESS continued)

A. (Minor Improvements exterior color change at Beef O'Brady's located at 370 Glensprings Drive.)

Mrs. Boice: It is almost 7:30 p.m. and I don't think we should sit here any longer; my idea is that they need to be sent a letter telling them that they missed the meeting.

Mr. Jeff Tulloch: I put a call into Tom Drennen and I was unable to get him.

Mrs. Boice: We should notify him that he was not in attendance and we were here to discuss the issue. And if he is not in attendance at the next meeting then he will have to reapply. I find this type of behavior inexcusable; you all are here to hear an issue and you all are as busy as they are. I am probably the least busy person of anybody sitting here.

Vice-Chairman Okum: Everybody takes time out of their personal lives to come for a meeting.

Mrs. Boice: I find this inexcusable, no call or request to table. If they don't come to the next meeting then they should start over as far as I am concerned, new application and everything. The weather is not that bad. I don't know how the rest of you feel.

Mr. Diehl: You have a valid point.

Vice-Chairman Okum: We send out reminders, the City does a really good job in making sure the applicant is informed. I agree with all of the comments even though I did not have anything specifically planned tonight, I did have other things that I could do.

Mrs. Boice: I will motion to table.

(Mrs. Ghantous seconded the motion to table the request for minor improvements for exterior color change at Beef O'Brady's located at 370 Glensprings Drive and with a unanimous "aye" vote the request was tabled until the next Planning Commission meeting.)

IX. CHAIRMAN'S REPORT

Vice-Chairman Okum: You saw the Chairman's Report on the agenda.

X. ADJOURNMENT

Mrs. Boice moved to adjourn; Mrs. Ghantous seconded the motion and the meeting adjourned at 7:30 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary