

PLANNING COMMISSION MEETING

February 11, 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: Don Darby, Marjorie Harlow, Robert Diehl, Marge Boice and Carolyn Ghantous

Members Absent: Dave Okum and Richard Bauer

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

Chairman Darby: That vote does indicate that we do have a quorum. But I would like to notify all folks presenting that in order to have a positive vote on a motion this evening, it will have to be unanimous, all five votes.

Mr. McErlane: I think the way the Charter reads is that you have to have five affirmative votes for a final action on something and I don't know if that counts for the Minutes or not.

III. MINUTES OF THE REGULAR MEETING OF JANUARY 14, 2014

Chairman Darby: Can we have a motion to accept the minutes of the January 14th, 2014 meeting?

Mrs. Boice: So moved.

(Mrs. Ghantous, Mrs. Boice, Mrs. Harlow and Mr. Diehl voted "aye" to approve the Minutes of January 14, 2014; Chairman Darby abstained; he was not present at the January 14th, meeting.)

Chairman Darby: I was not at the January meeting, so I will abstain. As a point of order, Mr. McErlane, we will only have four votes for acceptance of the Minutes.

Mr. McErlane: I think the way the Charter reads is that you have to have five affirmative votes for a final action on something.

(With only four Planning Commission Members voting for approval of the January 14th, 2014 Minutes, consideration for approval of the Minutes will be presented at the March 11th, 2014 meeting.)

IV. REPORT ON COUNCIL

(Mrs. Harlow presented a summary report of the February 5th, 2014 City of Springdale Council Meeting.)

V. CORRESPONDENCE

Chairman Darby: Under correspondence in your packet you should have received a letter to Council to recommend a zoning text amendment for food preparation in Support Service Districts and another letter to Council to recommend a zoning text amendment for automotive repair / service facilities in General Business Districts.

VI. OLD BUSINESS

- A. Chairman Darby: The first item of Old Business is a revision to the PUD Transitional District Development Plan for Waffle House at 11520 Springfield Pike. In front of you, you should have correspondence between Waffle House and Mr. McErlane. Mr. McErlane, will you talk us through this please?

Mr. McErlane: I had sent a reminder to Mr. Barineau on Friday that the next meeting was tonight, Tuesday the 11th. He responded back that he has his architect working on some details and would like to shoot for the March meeting, so I assume that is a request to table.

Chairman Darby: What is your pleasure? Is there discussion on this?

Mr. Diehl: What is our alternatives?

Chairman Darby: Alternatives would be to table.

Mr. McErlane: Your options would be to table, approve or deny.

Chairman Darby: Table, approve or deny, based on what has been presented in the past.

Mrs. Boice: If we are going to move to table, then we need five votes to carry. I am on record in last month's Minutes that I would not move to table this item again. This has been going on and we were sitting here prepared to do this last month and they were not here; this has been going on for months so a motion to table will not carry because I will be voting "no" against it. I don't know how you want to proceed from that point on.

Chairman Darby: Another question, Mr. McErlane, should this submittal be voted down, what is the applicants recourse?

Mr. McErlane: As it stands right now, the motion was to recess the shutters and to provide a lintel and a sill for those false windows. The options would be to build it that way or to make another request to Planning Commission.

Chairman Darby: Or to deny.

Mr. McErlane: If you were to deny it then he has the option of either complying with the motion which was made at the November meeting or to make a new request for modification of that.

Mrs. Harlow: I totally understand Mrs. Boice's frustration with this issue but I just wanted to put it out there that I know that the property changed hands just a very short time ago, so I think the property is now in the hands of the Waffle House owners. I believe they intend to do something but I don't know what their timeline is.

Mr. McErlane: I am sorry, Mr. Chairman, one other option that he has is to appeal it to City Council. Since it is a PUD, he can appeal for that to be overturned by City Council.

Mrs. Boice: My understanding is the only thing that we are holding up on here is the design on that wall. Are the new owners planning on making more changes, Mr. McErlane? This has been going on a long time and I don't know how long it takes to design something to put on the side of a building. I don't think that is that difficult.

Mr. McErlane: He has not indicated to me that there are other changes that he was considering. Planning Commission considered this at the December meeting and then has tabled it the last two meetings.

Chairman Darby: As I recall, at the December meeting the only issue separating us were the shutters, the way they were to be constructed. So, if this group this evening passes the motion that is currently on the table, then the project would be o.k. but it would require that those shutters be built the way the Commission recommended. And if they are not in favor of that then they can appeal our decision to Council.

Mr. McErlane: Let me clarify; the applicant's request for the December meeting was to surface mount the shutters and then provide trim either at the top and bottom or around the perimeter of them. The motion that was made in November, that was approved by Planning Commission, was that they be recessed. If Planning Commission were to deny the December request then he would be required to recess the shutters. What was made part of the motion for the approval in November is that they be recessed and that there be a lintel and a sill. If you were to deny it, then he would have to comply with that or he could appeal it. If you were to approve it, then you are approving the surface mounted shutters with the trim.

Chairman Darby: Does everyone understand that?

Mr. Diehl: Yes. I have more discussion. Mrs. Boice, could you elaborate on your feelings here; you are going to do what?

Mrs. Boice: On a motion to table this particular issue, I cannot support. We sat here when we didn't even need to be here because they didn't show then. As far as the business itself, I have been in favor of it for a long, long time. And I have been in favor of these shutters that takes, I don't know who to design; so I am in favor of the project, I am not opposed to that at all.

Mr. Diehl: And Mrs. Harlow, when you said that the property changed hands, what parties are you speaking of?

Mrs. Harlow: I can't answer that; I was just told by Administration, I had inquired about Waffle House and I was told that the property itself had been switched over to the new owner.

Mr. Diehl: When you said, the new owner?

Mrs. Harlow: I am assuming that is Waffle House.

Mr. McErlane: Just for a point of clarification, because tabling is not a final action it doesn't require five affirmative votes, it just needs a majority.

Chairman Darby: That is good information. With the things being said, is there a motion from the floor?

Mrs. Boice: For clarification, Mr. Chairman, I certainly don't want to hold this up. So, in other words if the motion to table fails then they have to start over?

Mr. McErlane: If a motion to table fails, then you need a new motion and that would be either to deny it or approve it.

Chairman Darby: The options have been discussed and the Chairman will accept a motion.

Mr. Diehl: I make a motion that we proceed with the vote that was last discussed and approved by Planning Commission in the November meeting.
(Mrs. Ghantous seconded the motion.)

Chairman Darby: It has been moved and seconded that the project be approved based on the motion presented during the November meeting and for clarification that would be the meeting where the motion involved the recessed shutters.

Mr. McErlane: That would be a motion to deny the applicant's request.

Ms. McBride: The November motion was already approved with the shutters being recessed. When they came back to us in December, they wanted to face mount those shutters. That is really what is before the Commission this evening. Do you want those shutters face mounted? If so it is a recommendation to approve. If you want to leave them recessed then it would be a recommendation to deny.

Mr. Diehl: I make a motion to deny.
(Mrs. Ghantous seconded the motion.)

Chairman Darby: It has been moved and seconded that the motion be denied; would the Secretary please call the roll?
(Mrs. Ghantous polled the Planning Commission Members and with a unanimous "aye" vote from the five Members present, the motion to deny the request was accepted.)

- B. Chairman Darby: Moving on to item B, Minor Improvements for exterior color change at Beef O'Brady's located at 370 Glensprings Drive. Would the representative for Beef O'Brady's please come to the podium?

Mr. Tom Drennen: I am the owner of Beef O'Brady's. I want to personally apologize to the Commission for not being present at the last meeting; I was not able to be here and I want to apologize.

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

Mr. Diehl: Can you explain why you want to make this change?

Mr. Tom Drennen: Yes. Originally the inspiration for the color is that we have seen a lot of the McDonald's and they went to the stacked stone and the darker color; after putting this color onto the building and the way the building sits at view level to the street and it is down and the lighting, it just appears very dark. From the customers standpoint and from comments from this Commission, it is something that we had to consider to change the color to a lighter color. We chose to do a portion of it and not the entire building for two factors: One, I want to break the color up some and we tried to pull the lightest color from the stack stone that is there and just tried to compliment the stack stone to the new beige color. Secondly, the portion that we would be re-coloring, it is not as labor intensive as doing the whole building or different surfaces on that building such as EIFS, which require professional application and this is something that can be done as soon as the weather breaks. We would try to do this as soon as possible.

Mrs. Boice: I am very glad to see you are going to brighten this up. I have to be very honest, every time I drive by, it just looks so dark. My grandchildren who are hip on color said "Why is that so dark?". I am very pleased with this new color and I am also pleased that you are at tonight's meeting.

Mr. Tom Drennen: Thank you.

Chairman Darby: I concur, this has been an issue we have discussed here before. I think the color scheme you have selected will brighten it up and hopefully add to the success of your restaurant.
Any other questions, or are we ready for a motion?

Mrs. Boice: I would make a motion that the new color proposed for the exterior of Beef O'Brady's be accepted.
(Mrs. Harlow seconded the motion and with a unanimous "aye" vote from the five Planning Commission Members present the request was approved.)

Chairman Darby: When do you plan to get started?

Mr. Tom Drennen: I think as soon as we get warm weather.

VII. NEW BUSINESS

- A. Chairman Darby: Moving on to New Business; the first item is Minor Modification to the PUD Plan, Cassinelli Square at 11400 Princeton Pike.
Would the representatives please come forward? Prior to beginning, I would like to get input from the Council Members if they see this as a major change in the PUD?

Mr. Diehl: I see it as a minor change.

Mr. Dick Haglage: I am with Terra Firma Associates and part of the ownership of Cassinelli Square with CF Partners, LLC. It is nice to be in front of the Planning Commission tonight and I appreciate your time. We acquired this property at the end of 2011 and have been working since then to try to redevelop this center into something that I think we can all be proud of. We are making some headway on that but we are looking for some support on a couple of issues that have come to our attention as we do market this to national and regional and local retailers, for that matter. I am going to let Bill and the Staff talk about what all those are but I just wanted to speak briefly to a couple of them. One of them is the tower that exist back in the center of our large 265,000 square foot building; we would like to apply some signage to that. One of the things that we are struggling with is identification for these tenants because of the fact that it is sitting pretty far down below the road and so we would like to utilize that tower, which is an existing architectural feature for some more signage to help us with that, as well as adding a couple of panels to the large pylon signs that you see at the entrance across from Tri-County Mall on Kemper Road, as well as our entrance and exit point on Princeton Pike. Those are important and it just helps to give the kind of visibility that we need for our tenant prospects that we have been talking to. We are not over the finish line with any of these folks, by any measure, it is just that we need to know what kind of arrows we have in our quiver so that we can be as effective as possible as we advance those conversations. We are also asking for, if we look back at the site plan, if you see the dark grey buildings and where the TGI Fridays is at the top left, there is a building on the PUD plan that actually shows up on the existing PUD plan that is the building in front of that; we are asking tonight that there be some clarity on that because there was a covenant that was added apparently in the language of the PUD that eliminated that building and we are just trying to get some clarity so that out-lot building be added back in. The dark grey longer rectangular building is just a reconfiguration of space that is already allowed within that area, which is the old cinema pad location. The remaining dark building which is the subject of tonight's conversation is the old LongHorn Steak House building and we are working with a couple of national tenants to locate and sign a building that we would build there. That is really a 5,500 square foot building which is nearly identical in square footage as the LongHorn Steak House building was originally. With that building also, in order to make it viable for us and these tenant prospects that we are talking to, we are asking also for a right-in and right-out directly onto Princeton Pike which you can see on the drawings that have been submitted to you. We have received some comments from Don Shvezda and we are working with him. We have already submitted some information responding to some of Don's concerns earlier today. We have met with Staff a couple times and we are in agreement with the comments that they have outlined.

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

Mr. Diehl: Could you please elaborate on the signage for this tower? I am o.k. with the one on Princeton and the one on Kemper, but I am not real clear on what type of signage.

Mr. Dick Haglage: We are really looking at the possibility of adding three or four sign panels on that tower on two faces of the tower; one of them as it would face Princeton Pike; if you are coming into our center from Tri-County Mall then you

are looking right at that tower, so it just helps to get exposure for those tenants that are down at the end of our center from Tri-County Mall which is a key thing for us because the proximity of this to the Tri-County Mall is important for the retailers that we talk to. So, you would have signage on the face as it is parallel to Princeton Pike and perpendicular to that so that you can see it as you are coming in off of East Kemper Road. As far as the detail, we haven't really designed the detail.

Mr. Diehl: You wanted signage so that you can see it coming off of Kemper?

Mr. Dick Haglage: So that you can see it as you pull in from our Kemper Road access and you would be looking at that tower, so you would be able to see the three or four tenants that we would put on that and more than likely they would be for the tenants for that big box where Hobby Lobby used to be and Home Quarters was, the 106,000 square feet down at that end. If you can picture coming in from Kemper Road, as you pull in crossing the street from Tri-County Mall, you would have that tower in your sightline and you would be able to see who the tenants were in the end of our Center.

Mr. Diehl: And would you have signage coming off of Princeton too, that you can see.

Mr. Dick Haglage: On that same tower feature, right at the end of our drive coming off of Princeton Pike, directly at the end of it and as you would come in through that entrance and stare straight at that tower; I think that would also enhance the signage for those tenants there. So, it is really from two different locations.

Mr. Diehl: What if I am walking from the old Hobby Lobby store, would there be signage on that side too?

Mr. Dick Haglage: No, because it is kind of tucked back behind the building there, so I don't think that would be effective in that location.

Chairman Darby: If there are no further comments or questions, are we ready for a motion?

Mr. Diehl: I have another question. Are you looking for a vote tonight for us, or to approve it for you to go forward?

Mr. Dick Haglage: We are requesting a formal vote on the particular items that we have in front of you tonight. These are just items that we need in order to give us the best foot forward as we continue to try to redevelop this property. Again, I thank you for your consideration.

Mr. Diehl: Conceptually, I don't have a problem with it.

Mr. Dick Haglage: We need your help, so I appreciate that.

Mr. Diehl: You took over this, I believe you said in 2011?

Mr. Dick Haglage: At the very end of 2011.

Mr. Diehl: And now it is 2014, do we have any immediate plans to get this thing up and running quickly?

Mr. Dick Haglage: I would like to say that I do. I don't have any immediate plans, I do have some immediate interest in some of these buildings out in the front to handle some of the smaller tenants. We continue to try to attract larger tenants to go back into the back to help anchor. We have a list of folks that we are in constant contact with trying to catch them at the right time to try to pull them into this market. I would be misrepresenting this if I said I had someone.

Mr. McErlane: Just to alleviate some of Mr. Diehl's concerns; the applicant is asking for a modification of the preliminary plan. In essence most of this plan will

have to come back to you for final development plans for approval, with exception of the sign issues, which could be permitted whenever they are ready with the details on it. Essentially buildings "D" and "E" and "H" will have to come back for final plan approval to the Planning Commission, so you are really approving preliminary approval at this point and time.

Mrs. Harlow: If the discussion is finished, I would like to make a motion that this Commission accept the minor modifications of the PUD plan to the Cassinelli Square at 11400 Princeton Pike as outlined in our Staff reports and our documents here this evening.

(Mrs. Boice seconded the motion and with a unanimous "aye" vote from the five Planning Commission Members present at this meeting the request was approved.)

- B. Chairman Darby: The next item under New Business is Item B, Minor Modification of the PUD Plan for Dave & Busters at 11775 Commons Drive, proposed exterior color changes.
Again, I will ask the Council Persons if they see this as a major modification to the PUD?

Mrs. Harlow: No.

Mr. Diehl: No.

Mr. Chris Hamer: I am with R. A. Architects with the architectural firm for Dave & Busters. We remodeled the store in early 2013, interior only. This is the second store in the country that Dave & Busters remodeled and what we found since we started the process was that customers come in, and the store was looking kind of tired and they haven't come back in the numbers we would like since the initial remodel. We really want to signify with the exterior design, that the inside has changed too.

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

Mrs. Boice: I really like what I am seeing here. I was over there just a couple weeks ago, maybe a month ago and it needs to be jazzed up. I really think that what you are wanting to do here is very, very good. I like it.

Mrs. Harlow: Can you address the strip lighting, is that going to be just a white light or is it going to be colored lights?

Mr. Chris Hamer: It is a warm white.

Mrs. Harlow: Warm white; o.k. I think what you are doing there is a much nicer facade.

Chairman Darby: I echo the comments that they have made, I think this is a tremendous upgrade.

Mrs. Boice: If a motion is in order, I would make a motion that we accept the minor modification with the proposed exterior color changes at Dave & Buster's. (Mrs. Ghantous seconded the motion and with a unanimous "aye" vote from the five Planning Commission Members present, the request was approved.)

VIII. DISCUSSION

- A. Chairman Darby: Are there items from the group for discussion?

Mr. Diehl: I would like to thank Ms. McBride for a really fine seminar that she put on.

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Ms. McBride: I just wanted to let the Commission know, if it is alright with you, my partner is teaching another class at the University of Cincinnati, a masters level planning class and he would like to bring them out in March to see the Planning Commission. He thought that the students last quarter got an awful lot out of that. So, if it is acceptable with the Commission, he would like to do that again in March if that is alright?

Chairman Darby: Bring them on.

Mrs. Boice: Absolutely. It was delightful to have them. To see them so interested, I think that is wonderful.

Mrs. Harlow: I just wanted to echo what Mr. Diehl said about the workshop. I thought it was really interesting and I thought it was a well planned event and I thank the City for allowing us to attend that.

IX. CHAIRMAN'S REPORT

Chairman Darby: On the Chairman's report we had a wall sign at Sweeney.

X. ADJOURNMENT

Mrs. Boice moved to adjourn; Mrs. Ghantous seconded the motion and the meeting adjourned at 7:50 p.m.

Respectfully submitted,

_____, 2014 _____
Don Darby, Chairman

_____, 2014 _____
Richard Bauer, Secretary