

PLANNING COMMISSION MEETING

May 13, 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 APRIL 8, 2014

Chairman Darby: The Chair will accept a motion for the adoption of the Minutes of the previous meeting of April 8, 2014.

Mrs. Boice: So moved.

(Mr. Okum seconded the motion and with an "aye" vote from the Planning Commission Members, the Minutes from the April 8, 2014 Planning Commission meeting were approved.)

IV. REPORT ON COUNCIL

(Mrs. Harlow presented a report of the April 16, 2014 and May 7, 2014 City of Springdale Council Meetings.)

V. CORRESPONDENCE

Chairman Darby: There is no correspondence for this meeting.

VI. OLD BUSINESS

(No Old Business presented at this meeting.)

VII. NEW BUSINESS

- A. Chairman Darby: The first item under New Business is Wendy's Restaurant at 400 Northland Boulevard for Exterior Building Improvements.

(No one came forward to represent this request.)

Mr. McErlane: They were forwarded comments on Friday with a reminder of the meeting date and time. I have not heard anything from them. My recommendation is to move this item to the end of the agenda, just in case they are running late.

- B. Chairman Darby: Item B is a Minor Revision to PUD, panel addition to the pylon sign at Tri-County Commons located at 620 Kemper Commons Circle.

Mr. Paul Koehneke: I am the owner of Sign-A-Rama Tri-County on Kemper Road. I am representing the Cotswold Group tonight out of New York who are the recent

purchasers of the Tri-County Commons Development on Kemper Road. They are asking for a minor modification to the tenant pylon sign that is fronting Kemper Road. They are currently running at just over 40% occupancy rate. There are seven vacant spaces in the Center. They are having difficulty leasing out the space because of distance and position in the way the development fronts Kemper Road and they are asking for an additional cabinet to be placed at the bottom of the existing tenant panel sign which would add six tenant panels for the balance of people so that they would be able to allow a granting of one panel for visibility for each of the vacant store fronts. That is our request this evening.

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

Mr. Bauer: Did they take the opportunity to look at a LED sign, similar to the sign that is on the corner at the Towne Center?

Mr. Paul Koehneke: Yes, they looked at that but because of the specification set by the City, the cost of the LED sign based on the current specifications verses this, it is a pretty substantive difference. Given the occupancy rate right now there are other changes that will be forthcoming next month that they are looking to make, as well, to the Center. So, they are trying to optimize the use of their dollars to achieve a few different changes rather than put it all into a sign.

Mr. Bauer: My only concern is when you add that number of sign panels down there then that is going to become a very busy sign. I look at the Springdale Plaza sign that is just down the road a little bit, and every time I go by there I wonder how anybody could pick out who is on that sign because there are too many, in my mind. As far as the height, how high would that be off the ground?

Mr. Paul Koehneke: It would be about 12' to 13' from finished grade to the bottom of the cabinet.

Mr. Okum: I am looking at the sign proposal dated 4/11/2014, I guess this depicts the addition of the panels. I would say that looking at the bushes and shrubs underneath it, you would be no more than 6' at the lowest point to the bottom and 7' at the other side. The base of that would be a lot closer than 13'. I tend to agree with Mr. Bauer in regard to the signage. Currently based upon Staff's photos provided and my personal observation, because I frequent that Mall and there is currently panels available on that one and then there are two major panels on the 275 sign. Putting signs up to have blank panels doesn't really seem to be productive, currently we have one blank panel on there now. Are you familiar with the black panel that is painted out?

Mr. Paul Koehneke: Yes.

Mr. Okum: So based upon that, there is sign space available on the sign currently.

Mr. Paul Koehneke: And that sign is shown here.

Mr. Okum: It is an enormous amount of signage. I realize that the issue of visual appeal of that Center because you really can't see any of the stores. I didn't place it there but Walmart and Sam's sort of pushed that development in and placed it there. Visibility is an issue but just because we placard signs to that extent, I don't necessarily agree that that is going to generate the revenue source. Obviously 40% empty is a pretty significant amount empty but there are sign spaces available for new tenants. Once you get filled up then I think possibly come and talk to us about it. I would not be encouraged by adding six additional panels to the sign at this time. Right now we have empty spaces on the sign as it is.

Mr. Paul Koehneke: You are saying that as long as there are empty spaces, fill them up and then when they are full come back and ask for more?

Mr. Okum: I would be more encouraged by that, yes. Right now you are showing two and then there are two major spaces on 275 on the large pylon sign. I would

encourage, and I believe this Center qualifies under our standards for the digital sign. If your business got it, it would be fine with me too. Colerain Avenue has suffered from sign blight and Colerain Township has passed significant changes in their zoning regarding signage over the past year that is eliminating that type of blight in their zoning code, so other communities are sort of following suit. That is heavy as far as signage is concerned, in my opinion. I definitely would not be encouraged by six additional panels.

Mr. Paul Koehneke: My client has talked with prospective lessees for space on the 275 front and that is not a drawing card, for whatever reason. The main traffic is on Kemper Road and that is where people, especially prospective tenants want the visibility to bring people down into that valley. Although there are open spaces, the large spaces are given to the flagship stores.

Mr. Okum: I believe we had an applicant at a prior meeting that indicated the Princeton Plaza sign, the digital sign being nice but the other signage added to that was sort of "blighty" and difficult. It was a sign guy who was basically criticizing the sign at Princeton Plaza for the multiple sign placements that the sign has on it, in addition to the digital sign. I think a digital sign, and I am not encouraging them to spend it but if they are going to invest their dollars, I think a digital sign at this site would be definitely a plus and definitely an enhancement to the development. They still have the difficulty of eyeball to storefront and signs don't always eliminate that. It is a difficult development.

Mr. McErlane: I wanted to clarify the height underneath the proposed sign panels. Based on the original sign drawings for the sign, it should be in the neighborhood of 8' to 9'.

Mrs. Harlow: On the proposed sign where you have added the panels down below, it blocks the other business, "Five Guys" restaurant. It blocks it from the traffic that would be going eastbound on Kemper Road. I don't think that is fair to another business to block their visual.

Mr. Diehl: That is a very good point and I don't think too many people caught that. I would tell you that I agree with Mr. Okum about 75% of what he said and about 100% with Mr. Bauer about the sign being really busy. What is your timetable of gaining all of this; are you putting the signs up even though you have no tenants or are you putting them up as you get tenants?

Mr. Paul Koehneke: No, they are in the process. The only ones that we are putting up now are the four lease panels which provide awareness and a phone number to the new owner. Other than that, as leases are put together, they are allocated space at the time of the lease and so they have one that was assigned last month and they have two in process. It is as the leases are concluded and signed off that the space is allocated on the sign.

Mr. Diehl: Mr. Okum, the 25% that I don't agree with you on is the fact that if they are going into negotiation with a potential tenant then they can't say we need to go back to Planning Commission. But, if we could give them approval to add signs as they get tenants then that would be a good alternative. Going back to Mrs. Harlow's comment about "Five Guys", that is a major, major issue.

Mr. Paul Koehneke: It is blocking no signage of "Five Guys". The cabinet that is being proposed to be added at the bottom of the sign is not creating any visibility issue with car traffic coming in or out of that entrance. I am trying to understand where the blockage is, other than the fact that it is blocking a part of that upper facade above the awning.

Mrs. Harlow: Not traveling in and out, but going straight down east on Kemper. If those white signs were added to the bottom of the existing sign then I believe that would visually block some of "Five Guys" if you are in your car traveling eastbound.

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Mr. Diehl: There is no sign for "Five Guys" until you get almost directly in front of it you can't tell it is a "Five Guys". It will block the building, without any question, but it probably won't block any signage.

Mr. Okum: If you would take a line, then you could take the photo that Staff provided and do a straight line across the canopy or the awning on "Five Guys", and that is where that sign would be, pretty much right to the bottom of the canopy. I think it is still getting back to, are we going to have one panel for every business that is in a shopping center and I think that is what it really amounts to. Let's say that they put in 20 more small businesses in that Center, are we going to add 20 spaces on the street sign to accommodate all 20 businesses so that they get leases signed? I think that is something that we have to weigh, are you going to allow that type of exposure in your signage regulations because basically this is a PUD, it is significantly over the allowable signage for the sight. So, then we go and say that they are 40% empty or 60% full; how many possible tenants could that accommodate; ten or fifteen at that site?

Mr. Paul Koehneke: Right now there are seven available spaces.

Mr. Okum: So, that would give every tenant a space, unless you subdivide.

Mr. Paul Koehneke: That is the intention, to provide every space that is there today with their own separate panel.

Mr. Okum: If we go to Office Max which is a triple space, or quad, base-wise and you put four businesses in the old Office Max space, then you are not accommodating signage for everybody in the Center there. So basically we are talking all small businesses.

Mr. Paul Koehneke: These are spaces anywhere from 12,000 s.f. to 45,000 s.f.

Mr. Okum: 30' frontage per business?

Mr. Paul Koehneke: You may have a couple of 20' there, but it is probably more towards the 30' to 40'.

Mr. Okum: I am having a really hard time with it and I agree with the comments in regards with blocking view of businesses with signage but in addition to that, I think it is getting to the point where it is almost like reading a teller board of all of the information. It is great when I am sitting at the stop light there but when I am driving by I am not going to be able to read it.

Mr. Paul Koehneke: You won't read all of it.

Mr. McErlane: The Office Max space is still available but it is not likely that you would divide that up into two small tenant spaces, it is a pretty deep space and it is hard to lease narrow deep spaces like that. The Furniture Fair is in the old Shoe Carnival location. So you wouldn't divide the Office Max space up into any more than two spaces, at the most.

Mr. Okum: That size business, based on size, would need the larger panel?

Mr. McErlane: That is a lease issue.

Mrs. Harlow: I don't want us to seem like we are being unfriendly to new business because that is not the impression that we want anybody to walk out of here with at all. Over the last few years we have lost businesses in Springdale because of the economic downturn and we welcome anyone who wants to come to Springdale and do business. It is a matter of figuring it out, how we can make a sign that was designed for two or three huge corporations such as Walmart and Sam's work for a re-invented shopping area. What was once the big Walmart store is now going to be parceled up and cut into different pieces and there has to be a way of doing it and I think that the fact that the signs that we have here now go back how ever many

years that they go back, 25 years maybe and we are trying to retro-fit them to make them hold more store signs than what they were really intended for. I don't know what the answer is but I certainly don't want to discourage any business from coming into Springdale. I think that businesses that want to come to Springdale, it is our obligation to sit up here and figure out how to work it out so that they have a sign that can be represented without blocking another business sign and without going over and breaking all of our Codes. I think that is maybe part of the problem that we have, we have the old Tri-County Commons Sign that we are trying to retro fit to host many signs when it wasn't designed that way. Please don't feel like the comments that you are hearing from us mean that we are not for business, we are for business and we want all of the businesses in Springdale that want to come here and we want to welcome them with open arms.

Mrs. Boice: I suppose I am alone in this but when you are in a shopping center, you pop in this store and you pop out of that store when you are walking around but these big billboards with all of this; am I the only one that really knows where I am going to begin with and I am not just driving down a road and say "Oh, there is a bridal shop" though I am not ready for that. I guess I don't understand and yes I am sure it brings some people in. I don't think they are going to be that valuable. I am a destination person, when I get in the car I know where I am going and why I am going and I guess that I am foolish enough to believe that maybe everybody else does it that way. I worry when you have all of this conglomeration. I think traffic wise it is not a healthy thing when people are trying to read this down and I certainly would agree with everything that Mrs. Harlow has said about the businesses in Springdale. We have extended banners and many, many things to encourage our businesses to come in. We are a business oriented community and have been for a long time and work well with them. I am hoping that we can work something out but right now what I am seeing, as Mr. Okum pointed out, maybe if you would come back in with a whole new design of that sign and we can work from there but right now to put up the blank areas, I just don't think it would serve any purpose.

Mr. Okum: Blank signs are also a negative to the development, as well as signs that have information on them. We had a number of situations at Cassinelli years ago where it looked like they took a magic marker and painted over the old signs to cover up and that wasn't good for business either. I try to do 95% of my shopping in Springdale and I think most of the residents have that same position. It is more than just the downfall of the economy, it is the mass exodus and the growth in the north and how that has impacted us. It is not something that Springdale has done wrong, it is just what has happened in the marketplace. We have certainly done things to help that, we have gone to digital signage to help; that is why it is sized specifically to allow developments like this one to be able to go digital, to encourage the additional signage and the additional information being presented to potential customers going into those centers. I think it has obviously been beneficial to Princeton Plaza. Princeton Plaza is probably at 85% to 90% now?

Mrs. Harlow: 92%, I believe.

Mr. Okum: And they only have one of their boards up and they have approval for two. Frankly, if I were them I would say they are at 92%, why spend the money on the other board. They have been successful by making building elevation changes and making updates to their Center and doing landscape plans and additionally they put the money into their sign that made it an attractive place to go. At this point, I will not be supporting this, but for purposes of bringing this to the floor I am going to make a motion, and it could go either way. Hopefully, they come up with a plan for next month with their overview plan for the development; maybe there is something there that can tie all of this together into a package instead of just an extra box on their existing pole sign.

Chairman Darby: Prior to the motion, I would like to ask the representative, having heard what you have heard and with us being prepared to proceed with the motion to approve or not approve, would you prefer that the item be tabled and then come back to us next month with a different presentation?

Mr. Paul Koehneke: I have already filed this week another request for another set of refurbishments that my client wishes to make to this development. Just from a standpoint of timing, I was unable to make it for this session tonight.

Chairman Darby: Let me say that perhaps this Commission would be better off if they could see the total package at one time.

Mr. Okum: We could vote on it and he could make his submission next month and resubmit with signage.

Mr. Paul Koehneke: I think a deferral or a tabling would be in my client's best interest. I know to just leave it as is, and the way in which it is headed, would be a disappointment to my client. Given the amount of investment that he has already placed into the development, I know that he is committed to revitalizing that development. This is his twelfth investment of this type east of the Mississippi, he has experience doing this with developments, so if that is what the Commission would prefer to see more of a total plan, then yes, I would say we defer.

Chairman Darby: The Chair will accept a motion to table this item.

Mr. Okum: So moved.

(Mrs. Ghantous seconded the motion and with seven "aye" votes, the request to table was accepted.)

A. (Item "A" moved to end of agenda.)

Mrs. Boice: Before we move on, I would like to move back to item "A". If you look at the papers that were sent to us, unless this has changed, has the owner's affidavit been filed?

Mr. McErlane: No.

Mrs. Boice: Well then it is very clear that Planning Commission should not act on this application until the affidavit is received. I want to be sure if you thought we were waiting for someone to come in, the Building Department is advising us not to act on this at this time.

Mr. McErlane: We discussed in the Staff meeting that we could potentially, if Planning Commission chose to do so, they could act on it with a condition that the document be received.

Mrs. Boice: Without the owner's affidavit?

Mr. McErlane: Yes.

Mrs. Boice: Thank you.

C. Chairman Darby: Moving on to Item "C", Conditional Use Permit and Development Plan for Tire Discounters at 12130 Springfield Pike.

Mr. Bauer: I am going to have to recuse myself from this discussion and voting because Turner Construction has all of the construction management for all of the Tire Discounter Stores.

Chairman Darby: With Mr. Bauer recusing himself, I just want to mention that any passage would still require five affirmative votes.

Mr. Tim Dwyer: I am with Leesman Engineering, we are the civil engineering firm for Tire Discounters. Throughout the city, Tire Discounters is going through a major revamp with all their stores and up next on the list is the one on Route 4. We looked at the original site but it has its restraints and it has gotten to be a small lot

over the years. The Sibcy Cline building has come up and Tire Discounters is very interested and they would like to purchase that and put a new building on that lot. They have three prototype stores. There is the prototype "A", which is at the new Colerain location, right off of 275 and that one doesn't fit this lot very well. We have now moved to a "C" prototype, which is identical to the Red Bank location and the Sharonville location. This store will be identical to the Sharonville location; basically what you see in the Sharonville location is what you would get here. I don't know if they are going to demolish the existing store or market it to something else. We are here obviously for a reason, and that is automotive repair is not allowed in this district.

Chairman Darby: Because this is a public hearing, Mr. Okum is prepared to swear in anyone who would like to speak on behalf of this application.  
(At this time, Mr. Okum did swear in members of the audience for the public hearing portion of the meeting.)

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

Mrs. Boice: When I first sat down and read the packet and I guess what caught my eye on the first letter dated May 9th, that the applicant had sent in documents wanting to construct an automotive service structure of "unknown" size and that caught my eye. How do you submit documents and not know the size? Then as I got further into the pack I found out on May 13th that there was another submission and you are talking about 7,568 s.f.?

Mr. Tim Dwyer: I believe so.

Mrs. Boice: Which is better than 3000 s.f. larger than the present building that is on the land. That caught my eye and the signage, and then all of the comments; we have a lot of work to do here. The best thing we can do is take it item by item. I would kind of advise in the future that the first plan that you submit, it would be better to have the size then, don't you think?

Mr. Tim Dwyer: Yes.

Chairman Darby: At this time we will open the floor for public comment; is there anyone that would like to come forward?  
(No one came forward and the public portion of the hearing was closed.)

Chairman Darby: We can always reopen the public hearing if necessary.

Mr. Diehl: Ms. McBride, could you elaborate a little bit on the LED lights, especially if they are going to be on 24/7?

Ms. McBride: In our initial Staff comments that we provide to the applicant on their first submittal, we had asked them if there was a possibility of those lights being dimmed or the number that were illuminated being reduced in the off hours. We were advised that was not an option. Other retailers obviously do that and I don't why the applicant is not able to do that.

Mr. Diehl: Would that have any type of impact on the neighbors?

Ms. McBride: It is not directly adjacent to residential.

Mr. Diehl: What about to the other commercial businesses?

Ms. McBride: There is the hotel next door and the building would be between the parking area and the hotel. It is kind of good practice to have the lights reduced during non-business hours.

Mr. Diehl: O.K., thank you.

Mr. Tim Dwyer: I guess I misread the question; it said, will they be reduced. We typically don't but I don't see why we can't. With LED lights, it is very easy to do that. That is definitely something that we can do, it is not something that we typically do.

Mr. Okum: Ms. McBride, Section 153.708, the applicant didn't respond, is that correct?

Ms. McBride: No. There are a number of conditions and standards in there.

Mr. Okum: Are you familiar with what those requirements are and have you had an opportunity to look at those?

Mr. Tim Dwyer: I had a very brief opportunity and actually had a very difficult time getting the ordinance off of the internet. I had not gotten to that and obviously the Staff review came out before I could answer any of those questions.

Mr. Okum: I understand. With your brief review, can you comply with those standards that are in that Conditional Use?

Mr. Tim Dwyer: I believe so. Are there any of them that you particularly didn't like?

Mr. Okum: It is up to you to articulate what you cannot comply with.

Mr. Tim Dwyer: I don't have it with me.

Mr. Okum: I understand but because it is a Conditional Use and there is a Conditional Use hearing, we have opened it up for comment from the community but obviously there are standards that are set for that, and we want that. You feel comfortable that this business that you are representing can comply with the standards of the Conditional Use Variance. Otherwise, it is not a good situation. Most importantly I think the applicant needs to know that he can comply with those Conditional Use conditions for the site, obviously, and Ms. McBride has eleven issues that are considerations for us this evening. I am not saying this negatively, because I have seen the Sibcy Cline building empty for almost eight or nine years or longer, it has been well maintained and I can't believe they have for so many years but there are doing it. I want to make sure that I don't have a problem with this. You are placing this business right between two restaurants. I noticed tonight right before I came to this meeting that there is a little bit of shared parking going on between the site, which happens between businesses as long as businesses don't object to it, then I don't see a problem with it. That is fine. On the other hand, I think the conditions are really important and certainly those conditions you need to, and the owners of Tire Discounters need to understand that those are not flexible, those are conditions that are set in our Code and they have to comply. Your answer tells me that hasn't been really discussed yet.

Mr. Tim Dwyer: I don't know.

Mr. Okum: I understand. I am not negative to the development, the redevelopment, I am certainly leery about what happens on the corner but I think Tire Discounters is going to be conservative about what goes in there because it is going to impact their business market potential, as well. I don't think they are going to put "Pop's Auto Repair" on the corner and have Tire Discounters two doors down. You choose who you sell to. On the other hand these items are all critical items for my consideration and I do have, like Mrs. Boice said, some concerns for the amount of signage and I am familiar with Sharonville. I went to Sharonville and took pictures of the stuff out in the front, the dumpster container / enclosure area. The lights, I am not sure about because I have not seen them at night time and I do want to see them at night time. I don't have a problem with them, especially if it is not over-lit. We went through that with Mike's Car Wash a number of years ago and we worked through it and I think we came up with a successful resolve but the Sharonville facility, this is going to be a flip of that I believe because your

garage bays are going to be on the south side. The signage is large and I would like to see the comparative, because I can see Sibcy Cline's signs pretty good right now, and this building is going to be a little closer?

Mr. Tim Dwyer: Five feet closer.

Mr. Okum: I think we need to know that comparative for the signage; what that Sibcy Cline sign is compared to the Tire Discounter sign. What is the Sibcy Cline sign size?

Mr. McErlane: In terms of the wall sign, I don't know what that is but I would guess that it is not 128 s.f. or 129 s.f., but I don't know that for certain.

Mr. Okum: Those are my concerns. I am open for comment from you as the applicant or from the community if there is anyone here to speak in regard to this. I would like to at least hear it but with these open items, I am not really sure I am ready to vote on it. I am going to listen to what everyone else is saying.

Chairman Darby: To echo an earlier comment, we have so many things here that must be considered and it puts us at somewhat of a disadvantage. Are there particular items on here this evening that you are ready to address?

Mr. Tim Dwyer: All of the considerations from Ms. McBride, I believe we are ready to address tonight.

Chairman Darby: You said all of them?

Mr. Tim Dwyer: Yes.

Chairman Darby: The floor is yours.

Mr. Tim Dwyer: Eighteen parking spaces are required and twenty are proposed. As Mr. Okum has said, there is some shared parking going on; the nine spaces up front are all existing spaces that do get used quite often to the fact that we have six to eight employees a day and their better performing stores have up to thirty cars a day and this is a tire store so people don't just stop and get their oil changed and leave, they drop their car off for "x" amount of time and at the end of the day they come and pick it back up. On a good day there is thirty to thirty-six cars in the lot and that can very well happen. Tire Discounters is not big on parking cars in driveways, parking cars in the concrete apron in front of the trash enclosure, they like to keep the site clean, as you have seen and that is the reason why they have so many spaces, to fill them up with cars and not leave them in places where they shouldn't be. Number "2", the streetlight fixture; that is the fixture that they have chosen for their store, it is a part of their package and that gets installed at every site unless there is a REA where you have to use the development's light. It is a very good fixture and puts out a very good light and it is very controllable; it is not a very bright light and it is not a very mellow light but it is a very good site lighting that actually accents the building instead of dulling it. The street light, I can see why you would call it a street light because it doesn't have the typical square can, it has some architecture to it, so I can see where it is deemed a street light. That would be up to your consideration of whether you would allow us to use that or not. I do believe it won't be a problem for us to reduce the lighting at night, that is just a simple electrical addition. On Number "3", the parking blocks; although parking blocks are a very big maintenance items for Tire Discounters because when the lot gets plowed, they get pushed around and broken; Tire Discounters is willing to put the parking blocks if they are required. That is not something that we would object to. The outside storage display, we understand that and if they are doing a promotion then they should and will apply for a permit. If they choose to do that, and I don't know how the governing works, but they should be filing for permits for any additional signage or display units that are outside the building; they are well aware of that. The additional landscaping area that needs to be added to the parking area to offset the number of parking spaces provided exceeding over 30%; all the pavement is either staying or it is getting removed. We are not adding any

additional pavement to this plan, we have actually reduced the impervious area by over 10% on this site. We actually are adding a lot of green space to this site. As of that, the islands are staying and if we need to add additional landscaped areas throughout the parking lots, then I believe that Tire Discounters will do so. There is an existing access easement, the title work has just come in for this and we are going through it; I have seen the access easement, it is in place to get to the restaurant next door. I don't know if it is a parking and access ingress / egress easement so maybe there is shared parking attached to that, I am not sure. There are existing spaces and Tire Discounters intention is to not do any construction west of the curb line in front of the proposed building; everything will stay the same, it won't get touched. Also, along the south side, as you can see where the concrete apron meets the existing pavement, all of that pavement will remain the same. The catch basins will remain the same and the storm sewer actually will remain the same until we have to break it to get the building then we will have to relocate the storm sewer to get around the building. For Number "5", if we do need to add the additional landscaping, is that in the parking area, an additional island?

Ms. McBride: Making it larger.

Mr. Tim Dwyer: Tire Discounters would be willing to do that. As far as the waste enclosure, theft is a major issue and they store their used tires in the trash enclosure. They keep that under lock and key and they don't like not being able to see that. If a tire is stolen, they are responsible for it and that is very bad practice for them. Unfortunately, in the east in the rear yard, that is where we are relocating all of the utilities so there is going to be a sanitary sewer easement over there and MSD will not allow us to put a structure on their easement. We have already submitted for the Ohio EPA permit to install and that comes with a 20' wide easement, so right now the easement goes to the building and the new sewer will be 10' off of that and then there will be an additional 10' beyond that. So, putting the trash bin in that easement, I would have to go back and see if it is even possible to put it in the rear yard.

Chairman Darby: Does Staff have comments on that?

Mr. Madl: I am unaware if MSD would not allow that. That would be something that we would have to clarify.

Ms. McBride: I think it is definitely worth exploring rather than have those dumpster gates facing Springfield Pike.

Mr. Tim Dwyer: You can see the original dumpster there, that is actually used by LaQuinta and that is not even used by us, it is off of our property and the maintenance guy was actually putting things in that dumpster bay and he explained to me that he had been using that for years and that is their only dumpster bin. The work on the vehicles are always done indoors unless the vehicle is too large to actually be put into the building, then they will jack it up on the concrete pad and they will fix it and move it along. For the most part, all of their equipment is indoors and all of their lifts are indoors, everything that they have is indoors so that is where all of the vehicles are that are going to be worked on. The noise associated with the equipment is contained within the building, luckily the doors only face one way, they don't face two ways; there is not an entrance over here and then an entrance over there.

Chairman Darby: Let's go back. So, if you say I bring Mr. Okum's motor home in, then you would work on it out in the parking lot?

Mr. Tim Dwyer: If it can't fit in the bays, then that is the only way we would be able to do that. Or if somebody has a boat trailer and they can't take it off of the trailer and put it in the building then the tire will be changed right there quickly and the trailer would go away; 99% of our work will be done inside the building but there are those vehicles that just won't fit so they will have to be performed outside on the concrete pad.

Chairman Darby: We will hold you to 99%.

Mr. Tim Dwyer: I can't speak to how many trailers and motor vehicles show up in one day. The landscape plan was resubmitted for approval. Desired requirements per Section 153.423(A) of the CRD district, I don't have that document with me. Ms. McBride, can you elaborate on item #9?

Ms. McBride: That would be up to the Planning Commission to discuss the items such as the percentage of the pitched roof, the color of the pitched roof, the accent color, the blank wall on the north side of the building. All of those items are really up to the Planning Commission for determination.

Chairman Darby: I think we need a sense from the Commission Members at this time as to how we are proceeding here. We are being asked to digest an awful lot; is this working for you?

Mr. Okum: I stated earlier, I am happy to hear your responses in regards to a lot of this but a lot of it is technical. There are avenues that if we were doing some discussion I would say that if you move the sanitary sewer 10' from your rear lot property line so you have room so that you could do a dumpster enclosure area closer to the building on the backside for your tire storage or whatever you do on the backside, so that you move it further east.

Mr. Tim Dwyer: That is certainly something that we can look into.

Mr. Okum: So, you could comply and get that dumpster container out of the front because frankly I would not approve a dumpster enclosure out front. I saw it at Sharonville; it was embarrassing and I can't believe they approved it but they did, it is ugly and it is pretty amazing that they would have but they did. I have pictures on my phone, if anybody wants to look at it. I am sure there were limitations because I have looked at the site and you did have to squeeze ten pounds on that site. There are things that are highly technical. There are three things that we have here, the plan approval; we have the Corridor Review District, with conditions that are set by that for pitched roof, color, accent colors and so forth. You don't comply but there are avenues for this Commission to give variance to that, provided other things are done. Someone could say that the roof is an accent color, which is pretty significant on that building but it is an accent color. It is not earth tones obviously but on the other hand we are seeing an improvement to the development, so I am somewhat flexible to understand that. The other item is, it is a Conditional Use and those conditions that come along with that. You earlier stated that you, i.e. the representative for the owners haven't reviewed those and we obviously have to be very concerned about that.

Mr. Tim Dwyer: I would much rather a representative of Tire Discounters understand that.

Mr. Okum: And they absolutely should. We are encouraged to see redevelopment and obviously there is service that is done in the front parking lot and I think there is even a lift in the front parking lot, if I can recall that has been there for years. There has been service work going on with that development for a long time and I have gone to that facility a number of times. But, to see a new development there, nothing wrong with that at all. We just need to get these things covered and reduce this list of conditions down. I said earlier that I am not ready to vote on it tonight but I am encouraged by what you want to do but we have to fine tune. There are comments that Staff made and you have given the answers to that. Let's put it to paper and you come back, if we can get you to agree to continue the Conditional Use hearing in progress then we can carry this forward to next month. Hopefully by that time you can answer a lot of these questions, have a Staff meeting and get a lot of these things resolved.

Mr. Tim Dwyer: Sure.

Ms. McBride: I just wanted to get some clarification because we haven't gotten the building material and color sample. Is the building brick?

Mr. Tim Dwyer: Brick.

Ms. McBride: It is brick?

Mr. Tim Dwyer: It is all brick.

Mr. McErlane: It appears to me that the exterior finish schedule says that it is kind of a colorized block.

Mr. Tim Dwyer: It is a cast brick, it is a solid 8" cast brick, so it is a structural brick.

Mr. McErlane: It says concrete brick so it is really a colorized block, pretty much, 4" x 16" long by 8" deep. So it is half the height of a typical block, but it is colorized to look like brick?

Mr. Tim Dwyer: Correct.

Mrs. Boice: Ms. McBride just touched on this; the material and color sample board was something else when I was scanning and preparing for the meeting, that I was personally eager to see. The landscaping, the color and that type of thing and I think Mr. Okum's comments pretty well covers it for how we want to work with you but we need more definitive answers and I think you would be more comfortable with that also because there are too many "ifs" and too many questions here. If we can get a few of those knocked out and settled by the time you come in to the next meeting then we could probably roll along a little bit better but the color samples and that type of thing are really in my estimation a great necessity, so I look forward to seeing those.

Mr. Tim Dwyer: Understood.

Chairman Darby: Commission what is your pleasure?

Mr. Diehl: I agree with the rest of the panel, but I do want clarification on the landscaping. Now you said you increased the landscaping; did you just increase the number of trees and bushes or did you actually expand the square foot?

Mr. Tim Dwyer: We increased the amount of landscaping and we have also reduced the amount of impervious at the same time. We have reduced the amount of impervious area by about 10%. We have increased the landscaping area just by removing the existing building and parking.

Mr. Diehl: Thank you.

Mr. Okum: Based upon the applicant's request, I move that the Conditional Use hearing be continued along with the plan review of this Tire Discounters development at 12130 Springfield Pike.  
(Mrs. Boice seconded the motion to table the request.)

Chairman Darby: I think we have one person in the audience that may want to say something.

Ms. Linda Pritchard: I am with Sibcy Cline Realtors. I appreciate the compliment because I am the person responsible for taking care of that property and we take a lot of pride in our buildings, and although we've not been occupied in that building for a long time we have tried to keep it as beautiful as we can for the community. We really are hopeful that we can make something happen with Tire Discounters, it would be good for the community. The building has been vacant, as you said, for a very long time. We are real positive about this and I think that they are going to be providing what you need to make this situation work. The restaurant next door, as

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far as shared parking, we are a good neighbor and I know that they share our lot and we've allowed that as long as it wasn't a problem for our business to continue so there isn't an agreement but just a verbal agreement with the business next door. There are easements that have been provided to Tire Discounters, so that is not an issue for you to be concerned about. I am all about lighting; I have twenty-seven properties and certainly you can reduce the lighting if you choose but I find the area with the restaurant, in the evening business hours has been a benefit so that we don't have any issues there and it prevents a lot of younger people from gathering. Thank you and I just wanted you to know that we are here if you have any questions for us and certainly if Tire Discounters needs our assistance.

Chairman Darby: Thank you. It has been moved and seconded that the hearing be continued.

Mr. McErlane: Since the public hearing was closed, it would be my suggestion that Planning Commission reopen the public hearing and then continue it in progress for the next meeting.

Mr. Okum: I will reopen the meeting.

(Mrs. Boice seconded the motion and with a unanimous 6-0 "aye" vote from the Planning Commission Members present, the public hearing was reopened.)

Chairman Darby: Would the Secretary please take the vote.

(Ms. Ghantous polled the Planning Commission Members, Mr. Bauer being recused and with a 6-0 "aye" vote from the remaining Members, approval to continue the public hearing to the next meeting was approved.)

D. Chairman Darby: We will move on to item "D"; Development Plan, Dock Expansion for Progress Park at 175 Progress Place.

Mr. Kevin Smith: I am with First Highland. We are the owner and manager of the former Avon property at 175 Progress Place. We acquired the property approximately a year ago and the plan is to redevelop the property into a multi-tenant mixed use facility and to redevelop the land surrounding the property to hopefully be offices and potentially retail and other mixed type uses. As I am sure you all know that it is a 63 acre parcel of land, approximately one million square feet under roof. Avon currently leases back 1/3 of the leasable square footage and they have approximately four years left on their lease. When Avon utilized the facility they had all of their docks on the north side of the facility that you can see at the top left of the aerial photograph and they never accommodated the space on the east side of the building, which was an addition, with any sort of dock access. Our desire is to add twelve docks on the east side of the building that would allow us to lease that large square block of space which is the high-bay warehouse space of the facility to warehouse distribution type companies. The dark gray area is the sloped area coming away from the building and that will be the new truck court for the twelve dock doors. On the top right portion of the sketch is the area that is currently asphalt that we will convert to pervious landscape area to offset the square footage that we will be turning to concrete and asphalt for the new dock area. So there will be no net gain of impervious surface. We have not come up with a master detention / retention plan for this site at this time and we are asking your consideration to allow us to proceed with this off-set plan for the time being until we have a master plan for the balance of the property that is currently vacant, which we hope will be a lot of office and additional car parking with future employees. At that time, based on that parking plan, we would come to you with a new detention / retention plan that would be a master plan for the entire site. We have also not submitted a detailed landscaping tree substitution plan, we are aware of the City's requirements for substituting new trees for any trees that are removed and we agree with that plan and we will submit a landscape plan and a new tree planting plan as part of the master redevelopment plan. We have taken down many trees since we have acquired the property, and unfortunately the property has lost a lot trees over the last five to ten years, oaks, ashes and pine trees that were just in very poor condition, or dead. We will continue that process of just getting rid of the unsightly trees but we will be coming back and planting new trees especially when we take

away some of the nice trees along the east side. The request this evening is your approval to move forward with a plan to add twelve dock doors on the east elevation to accommodate future warehouse distribution tenancy.

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

Mr. Okum: Mr. Madl, I know you just got their turning radius, is the parking field that is currently there going to house and hold tractor trailers for storage, like a field of tractor trailers that could potentially be parked in that field.

Mr. Kevin Smith: That is a potential. That is certainly the least productive use of land. Our goal is to minimize the footprint of any sort of truck / trailer storage. It is valuable land and we don't want to give that away for warehouse use, but we want to have the ability to offer a tenant the ability to have some trailer storage. We are going to try to shrink that truck court area to as small of an area as possible and that is why we have the trucks coming in on the east drive closest to the building so that they can come in, turn around and exit the same access drive so that the primary drive that the Avon employees have always used, will be kind of the Park entrance. We are very cognizant of screening those truck docks, we want cars to be able to come into the main drive, prospective office tenant / future office tenant and not be looking at truck docks and have a nice park-like setting as they drive along that is grass and a berm area, a future detention / retention pond as a feature. We certainly believe that the highest and best use of the majority of the building, especially the area that you see along 275 which was a former processing and packaging area, the highest and best use for that space is not industrial and we hope it is going to be office and to do that you have to have an image that you can present to a prospective tenant, Fortune 500 Company that this is not an industrial park but a mixed use campus. To answer your question, we want to be able to offer trailer parking, but in a very limited manor. One thing to point out, you will see the existing Avon docks in the top left of the photograph which is accessed off of Progress Place, I want to point out that the elevation of those docks is about 13' higher than the finished foot elevation of the building on the right. That building was built in stages and it went with the topography so that there is no way to access the docks on the north side from the main warehouse space. Avon had a very extensive web of conveyor belts and conveyor systems but they never had any docks. We certainly don't want to add docks because it is a very expensive process but after a year of having prospective tenants look at the building and look at the space it has been a consensus that we need to add docks to access that space.

Mr. Okum: How many bays are you putting in?

Mr. Kevin Smith: We are putting twelve dock doors in.

Mr. Okum: At any given time, potentially three or four trucks could possibly be there and then in and out type of situation?

Mr. Kevin Smith: Per door?

Mr. Okum: No, per the whole area.

Mr. Kevin Smith: I would say maybe 1/2 dozen, half of those docks with a truck potentially there. It is going to be serving the block of space on the right and then the block of space immediately next to it. It is about 240,000 square feet of high-bay warehouse type space. A typical ratio of dock doors to industrial square footage on a warehouse is about one door per 10,000 which would require about twenty-four doors. We are going on half of that ratio with the belief that we are not really trying to serve a high velocity distribution type use but more of someone that wants to be close to the highway looking for high-bay warehouse space but it is not going to be a high velocity in and out. Which we believe will allow us to have less trailer parking and fewer docks.

Mr. Okum: Any way we can at least get the doors painted to a color that is consistent with the rest of the building instead of white overhead doors?

Mr. Kevin Smith: Sure.

Mr. Okum: They are hard to see, it will be hard to see from the expressway but you will see it from the entrance ramp. Based upon that, can I have some explanation about pervious surface area material; is that something special that they will be using?

Mr. Madl: No, effectively because they are removing a portion of the grass berm to compensate because they are going to be making that obviously pavement for the truck dock bays, the section on the screen in the upper right hand corner with the radius, that currently is parking lot and they are proposing to remove that.

Mr. Okum: So, that is where they will gain the replacement?

Mr. Madl: Correct.

Mr. Okum: So it is a swap of space?

Mr. Madl: Right.

Mr. Diehl: Are you are putting the doors in before you have a tenant or once you have a tenant?

Mr. Kevin Smith: Ideally, once you have a tenant but it has been a year and we are experiencing tenants that are moving relatively quickly and their brokers want to see the dock doors installed before we make the short list of a consideration. We have probably twenty companies look at the space or portions of the space and there is enough competitive space out there that tenants don't need or want to wait to see if we are really going to follow through on the plan.

Mr. Diehl: O.K., thank you.

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

Mr. Okum: I would like to make a motion for approval of 175 Progress Place to include specifications and designs contained in exhibits as submitted and reviewed by Staff prior to this meeting, to include Staff, City Engineer and City Planner's recommendations and considerations. Those items submitted are items 1 - 8, plus the elevation drawing.

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

Mr. Kevin Smith: Thank you for your support. We look forward to working with you in many more phases of this.

A. (Item "A" moved to end of agenda.)

Chairman Darby: Moving on; did the Wendy's representative ever show?

(No one came forward to represent the request for Item "A", under New Business, Wendy's Restaurant, 400 Northland Boulevard for Exterior Building Improvements.)

Mr. Okum: I move for this item to be tabled until the next meeting.

(Mrs. Boice seconded the motion and with a unanimous "aye" vote from the Planning Commission Members the request to table Wendy's exterior building improvements was approved.)

VIII. DISCUSSION

- A. Chairman Darby: I felt somewhat embarrassed this evening and I guess I really didn't pick it up during the Planning Meeting but that proposal shouldn't have been here before us tonight, the Tire Discounters, it was just too incomplete. That is my thought.

Mr. Okum: I don't find it that way, it is a significant development in our Corridor Review District and it is important to the City to see that type of change. I wanted them to be able to hear and at least give us an opportunity to interject any comments that there are, so I don't find a problem with that.

Chairman Darby: My feeling is, that it should have been a more complete submittal.

Mr. Okum: I am not disagreeing. But for you not to push it aside; I think it still needed to be heard.

Mrs. Boice: I have kind of become, and I am sure that everybody that comes in here thinks that I am the ultimate grouch because I believe that they should be well prepared when they come in and they should be on time. If they are not showing up then I think we should receive some notice for that. I just feel when the Commission is here, and nine times out of ten we are here in total, we have very little absenteeism from this particular Commission. So, I agree with you Mr. Chairman.

Chairman Darby: My commitment to you and I am sure Staff's commitment to you, is that we will work very hard to not put you in a position that I think we put you in this evening.

IX. CHAIRMAN'S REPORT

Chairman Darby: On the Chairman's report, as you can see we approved a couple of signs.

X. ADJOURNMENT

Mr. Okum moved to adjourn; Mr. Diehl seconded the motion and the meeting adjourned at 8:43 p.m.

Respectfully submitted,

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

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