

PLANNING COMMISSION MEETING

May 8, 2012

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: David Okum, Richard Bauer, Tom Vanover, Robert Diehl, Marge Boice, Carolyn Ghantous and Don Darby

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

III. MINUTES OF THE REGULAR MEETING OF APRIL 10, 2012

(Mr. Okum moved to approve the minutes of the April 10, 2012 Planning Commission Meeting; Mrs. Boice seconded the motion and with 6 “aye” votes from the Planning Commission Members present (one Member arriving slightly late) the minutes were approved as written.)

IV. REPORT ON COUNCIL

Mr. Vanover: No report, Mr. President.

V. CORRESPONDENCE

Chairman Darby: In your packet you received a copy of Ordinance No 17-2012 - 153.533 - Amended Sections (A)(3)(a) and (A)(3)(b) Special Event Signs, Balloons and Search Lights.

VI. OLD BUSINESS

(No Old Business presented at this meeting.)

VII. NEW BUSINESS

- A. Chairman Darby: One item that affects our agenda this evening, we received an email from the architect for the Autism Center.

Mr. McErlane: I received an email from the architect for the Autism Center saying that the President of the Autism Center, Mr. Matt Brennan, can't be here tonight so they have asked to be tabled until the June Planning Commission meeting.

Mrs. Boice: So moved.

Mr. Okum: Second.

(With a unanimous “aye” vote from the Planning Commission Members, the request to table the item, was approved.)

- B. Chairman Darby: The next item on the agenda is minor improvements to PUD, building elevation color changes at Hooters, 12185 Springfield Pike.

Mr. Terry Marty: I am the owner of the Hooter's site. I want to give a special thanks to Bill McErlane for helping me try to meet the deadline date, which is

June 1<sup>st</sup>; I appreciate him cooperating with me and being available when I had questions. I received a copy of the Minutes of March 2009 and December 2008, on Friday. The comments were very supportive. The positive thing we have today is we still have Hooter's in our building and we have Rib City. The one thing I am geared toward is July of 2013, which is when Hooter's lease comes up after 20 years; they have been an outstanding tenant and I think they have been a great community member for you, so I am hoping that we are going to be able to continue that relationship. They have closed down some of their places here in Cincinnati that just weren't doing the numbers but we seem to be doing the numbers and hopefully they will be very excited about renewal. We had a storm which started this whole process and tore up the front of our building back in 2008 and Mr. Hawkins, who is not on your Commission now, asked the question of how much the insurance covered of that damage. Because of high deductibles, because of some confusion between Hooters and us on the insurance it didn't cover anything. So our group, not Hooters, but our group was out \$23,383.00 and that is what we put into that front area which is under question. There was no insurance and part of the lease says that our obligation is the exterior walls. The Code is very clear, we messed up. It was not intentional because nobody likes to spend money twice, because that is what is going to happen. What I have done to this point is to get bids and some of these bids were prior to my reading the Code, so bear with me. The first bid was a chemical wash and repaint process; a little over \$14,000.00. I had them do a test site on the east wall facing Springfield Pike, around the corner there is a little elbow and I had them do some test activity on the wall behind there and they did it in two spots: one where they didn't remove the paint and a second spot where they did remove the paint and I can tell you if painting was allowed it is perfect. It looks nice and I would invite the Commission Members to take a look at it. The second thing that we did is look at sand blasting and that was a little over \$15,000.00 and they came in and did a test on the brick veneer and that didn't work. The brick veneer is not strong enough and it just started ripping it and they stopped. Yesterday I received a bid from Michael Lichtenberg Construction Company and I asked him to go out and look at two different avenues: re-bricking the whole east wall. And second, to brick from the base of the wall 12' high across the building except where the wood is. I have two bids on that: the low bid 12' across the building where there is brick and that is about \$17,000.00. Replacing all the brick, which is actually covering the brick, is about \$50,000.00. Hooter's, when they were here a couple years ago went out and got quotes to tear off the brick veneer and replace it with brick and that was between \$50,000.00 and \$70,000.00. The Code clearly states not painted or stained, therefore my painting options may not be applicable. If somehow they could be, I would love to have you see the end result. Just a few quotes that I took out of the Minutes of those two meetings: Mr. Okum said something about the staining process probably not explored. It wasn't and I am anxious to hear about other options especially from people that are in the construction business. Mr. Galster was the next quote: he wanted to see it turn into more of a residential feel. I understand that. Mr. Vanover said something about the Hardy board, which he thought would look nice. Compared to what is up there it does look nice. Mr. Okum also said that there are a number of materials that could be used that would bring that residential look back, so I am anxious to hear what you would recommend. Mr. Hawkins asked what it would cost to do a complete re-bricking of the wall and if insurance would cover it. It did not. Tonight I called the Hooters' people in Louisville, who are the folks that I work with, and I told them that I am not getting as favorable response as I would like and they got on the phone and found a new coating process, it is an insulation green advocate and I am getting a quote on that. The Ohio representative for this new product is going to be coming here to look at our site and maybe do a section on the back wall to give us an idea whether that is acceptable or not.

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

Mr. McErlane: The question that I have to the applicant is what he is specifically asking the Commission to do tonight?

Mr. Terry Marty: Ask for extended time; I guess what I am asking is if any of you, from your own experiences have any ideas that would help; if there is something

that we are missing that would help us get this finalized, I would love to hear it. I would wish that you would look at the test patterns on the back of the building and see how that looks because the mortar is not affected, it is only the brick that is painted and it looks very nice. The only problem is it doesn't fall within your Code. I may ask for a few months to get this resolved. If I can't get it done on June 1<sup>st</sup>; I would ask that I work with Bill to get something that is acceptable to the community for that site. The orange may not be to your taste but the gray that was done, I think looks very nice but it is out of Code. The south wall is fine it has a stone that is covered up by a deck; the west side and north side of the building is all painted block, so we are talking about the east wall that is not in conformity.

Mr. McErlane: I don't know if the Commission totally understands what you have tried on that northeast side of the building.

Mr. Terry Marty: The painting outfit that my construction guy uses did a small area on the side of the building that is not visible, the far side of Hooters. I asked to see how the chemical works, does it take it all the way down to the bare brick veneer. It took the top paint off but didn't get the primer because the primer is pretty much sucked into the bricks. There are two places on that test area that shows how it looks painted, where the chemical was used and the other section is where it was painted over the gray; it is the same color as the brick that was on the building initially. There is a little section where the sandblast fellow tried to blast all the paint off; he just started and it started to rip. If we could paint that 12' high across the front or the whole thing, that would be great.

Mr. McErlane: I think you are saying that the areas that you have gone back and repainted over the existing gray with a color that is similar to the brick that was on there, is that the entire brick or the face of the brick?

Mr. Terry Marty: It is just the face of the brick, the mortar where we didn't do the chemical is gray but it is hard to see; where we did the chemical process and then painted the brick the mortar is clearly shown. We weren't sure if a painter could do the surface of all of the brick but it is very well done.

Mr. McErlane: So the surface of the brick face itself is a color similar to what was previously there?

Mr. Terry Marty: Correct.

Mr. McErlane: The mortar is either a painted gray or it is the original mortar color?

Mr. Terry Marty: That is correct. The chemical did take the paint off of the mortar.

Mr. McErlane: You don't have any photographs or anything showing that?

Mr. Terry Marty: I don't, but I could get some; I don't have it with me. I would invite you to come up and see the painting because I think it would be helpful if there is any possibility to go that route.

Mr. Okum: We have given it three years and the purpose of that is to allow you some time to develop a war chest of some funds in order to execute some type of remedy. By the virtue of the property being leased the deadline would be an incentive to get that war chest together and apply some type of change. Obviously we are not going to make the June deadline but on the other hand we have to go with the assumption that during this building season, this summer, something can be done. Building materials have changed and building philosophies have changed. One of the concerns discussed at the meeting in 2008 was because the foam panels had loosened from the wall, there was a foam system with little slots in them that each of the bricks were individually glued into and the grout or mortar lines were grouted in physically around each of the bricks after they were glued into place, they were in panels put on the building and adhered; I was at that meeting and it was questioned whether the glue would hold up and in general most of the glue has held up. When that storm came though is 2008 a number of bricks did come loose

and there had been some spalling of the bricks and that is where water can get into the masonry and it pops and then the finish becomes deteriorated. Brick manufacturers don't continue to make the same brick over and over again and there is not huge yards of bricks sitting there that are splits, like on this building. Had a repair process been undertaken at the time when the bricks came loose, whether the foam panels were loose or not, there would have been a discernable difference between the replace bricks and the existing bricks. Our Code doesn't say that the bricks have to match, so I think that we need to give him an opportunity to work through this process during the summer building season with an alternate to what he has got now. I agree with Mr. Vanover's comments in 2008 and I still agree that the Hardy panels are better than the T-111 and Hardy panels are an acceptable replacement. Hardy panels were approved for the corner building for the Sport's Medicine at the corner of Ray Norrish and Sheraton Lane. To be expeditious, Mr. Marty, by the next meeting in June we should have a plan and that would give this Commission an opportunity to see the trial; if you need to bring a sample of what you are planning on doing with that face, I think that would be fair. I have no problem at all extending your deadline as long as we see progress moving forward to the end of summer, October 1<sup>st</sup> or something like that. Masonry enhances value and everybody knows that a masonry building has a higher value typically than a building that is just painted siding or T-111 or Hardy panels. My recommendation to the Commission is that we give Mr. Marty an opportunity to progress through the process; as long as the process is proceeding then extend your deadline to October and that will give you time through the building season to come up with a solution.

Chairman Darby: So he should be back before us in September?

Mr. Okum: No, I would say back before us in June with a recommendation; at the latest the July meeting. That gives you plenty of time to get something into this building season without the weather being a problem.

Mr. Terry Marty: I would like the Commission to look at the paint to see if it is applicable. I would like the Commission to look at 12' from the base of the wall up which would come under the second floor windows across that whole brick area and around the bend and lastly, the one I am not excited about is having to brick the whole thing because the is substantial dollars. Safety is crucial because we had an engineer come in the last time and look at the brick and said it is secure and safe and we have a letter in writing of that. The best situation for us is to get the brick painted. I may be back in "X" number of years re-bricking or repainting but that is the pecking order that I would ask the Commission to consider.

Chairman Darby: Mr. McErlane will provide guidance as to the best way for you to present those suggestions and examples to us.

Mr. Okum: We can all, on our own, without the presence of Mr. Marty which would be inappropriate but it is open to the public to look at it without interaction with the applicant. The other system that you are exploring; the other thing that you could do is bring sampling of that and some photographs of where that has been applied. I carry a camera with me all the time and I can take some pictures and share them. Look at the painted option that has been done on the side of the building and consider the 12' high masonry, and the other is the new process that would go over the brick face.

(No further comments were brought forward by the applicant or the Planning Commission Members.)

Mr. Okum: Mr. Chairman, I would like to move to table until the June meeting based upon what has been presented.

Mr. Vanover: Second.

(After a unanimous "aye" vote from all of the Planning Commission Members, the request to table was accepted.)

- C. Chairman Darby: Moving onto the next item, minor improvements to PUD for exterior façade changes at the Springdale Plaza, 459 East Kemper Road.

Mr. Drew Chrien: I am a development consultant for the owner of Springdale Plaza, Jubilee Springdale LLC. I have been working with the owner since we did the Burlington Coat Factory vacancy to DSW, Bed Bath and Beyond. I have also worked with the City Engineer on the right of way improvements on Kemper and Tri-County Parkway that impacted our center. I have done some work on some tenant finishes there and recently coordinated the effort for TJ Maxx taking over the vacated Circuit City store. We are requesting to raise a portion of the sign band in the retail strip and that is to accommodate a conforming sign for an upcoming prospective tenant. The current sign band is 4'-1" tall and basically depending on fonts and graphics or other situations it is very difficult to accommodate a sign on that height of a sign band. We are looking at a slight raising of the sign band in that area to about 1'-9" and the width of it will match the pilaster width in the center portion of the Center. We are going to maintain the symmetry of that middle portion below the arch and there are some alignments that work there too. We would match the finishes and colors and textures of the existing materials. We feel that is a real good solution for what we are working towards. Second piece of the request is to remove the "S" and "P" letters on the arch above this same area. The owners had some feedback from tenants and prospective tenants and shoppers; very few people understand what the "SP" is, and we don't really have the "SP" logo anywhere else in the Center. It does detract from the wall signage buildup. We would restore the area to match the existing materials.

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

Chairman Darby: If Members would recall that several months ago there was a request from the applicant to make some more drastic changes to this façade and that was turned down. Even though this was much more minor, I felt that it was necessary for everyone to take a look at it again.

Mrs. Boice: When I looked at it as I was going over my paperwork this weekend; there is not a straight line across this, so raising that adds to it and gives it a bit of depth. I just said to Mr. Okum, this is a "slam-dunk"; I like what I see and I don't have any problem with it at all.

Mr. Okum: I appreciate this being brought before us and I agree with Mrs. Boice that this is not a significant change and actually is not a bad change but a good change that I will be supporting. Based upon the fact that I don't see a lot of lights lit for discussion I would like to move to approve the changes that are presented, the exhibits provided by the applicant and comments by Staff for the approval for 459 East Kemper Road façade changes.

Mrs. Boice: Second.

(With a unanimous "aye" vote from all of the Planning Commission Members, the request was approved.)

- D. Chairman Darby: The next item on the agenda is minor improvements to PUD for exterior façade changes for a Firehouse Subs at the Princeton Plaza, 11711 Princeton Pike.

Mr. Clark Gilhart: This is a proposed change to the exterior elevation to the former President Tuxedo and TCBY Yogart. The day after the last Planning Commission meeting Dan Torrence, Firehouse Subs came in our office and executed the lease agreement.

(Mr. Clark Gilhart demonstrated by Power Point the space location at present and proposed changes, also a handout was distributed to each of the Planning Commission Members.)

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

Mr. Bauer: How would you answer Ms. McBride's concerning the dining that was proposed some time ago?

Mr. Clark Gilhart: Just to give you a brief update on that which was from Phase I and Phase II, this was going to be part of Phase II. My understanding is that next week we will have a finalized lease agreement with Salon Concepts, they are looking at the end cap of Borders, and that whole stretch for Hobby Lobby will be done this summer. This came in as an afterthought when Firehouse Subs went in because they do have at some of their locations, outdoor dining areas; so that is where this came in. So this would be the start of Phase II; I don't have a timeline for this but we would probably wait until LaRosa's is finished with their renovation. I personally can't give you a definitive timeline but this would be part of that Phase II; LaRosa's has expressed interest and Blue Agave, everyone in that aisle.

Mr. Bauer: Where that patio is proposed, is there an existing curb there now or some type of protection from vehicles?

Mr. Clark Gilhart: No curb, there is a sidewalk there that is a few inches tall and I think 8'; nothing to stop a car but that is what is there right now.

Ms. McBride: If the Commission is thinking of maybe acting on this, this evening and maybe deferring portions of the approval to Staff, I would like to ask that there be some thought given into the incorporation of landscape treatments like we are going to be seeing on the east elevation in front of the Hobby Lobby and the Salon Concepts and whatever else might be going into that area. That there would be some incorporation of similar type landscape materials and pedestrian amenities along that east elevation to tie that all together; and we could certainly work with the applicant post any action by the Commission, to come up with those plans but I would like to see something like that incorporated.

Mr. Okum: Is that tied to your conditions for considerations, Ms. McBride?

Ms. McBride: No, it is not because at the time that we reviewed this, what we were reviewing was something that simply didn't work relative to traffic and circulation; so my recommendation was that the Commission not act on the outdoor dining this evening. Seeing the modified plan here this evening, if the Commission was thinking of approving the outdoor dining it would obviously be subject to Staff review. I would like to see it conditioned, or giving of a consideration to include landscaping elements and pedestrian elements similar to that being incorporated elsewhere in the center.

Mr. Okum: I agree with you. I think the atmospheric graphic panels that Firehouse Subs Corporate didn't want to put on that elevation did add a break to that elevation and actually helped it versus a red block facing in the "Flowerpot color". I personally think they need to be there to break that up. I think it added character to it. The outdoor dining area, I would like to see that tied to the future outdoor dining areas on the south side so that there is some consistency of design so that if you are doing outdoor dining there; then the LaRosa's, the Blue Agave and the other restaurant would have a similar feel along with landscaping and parking islands and so forth. The drive isle issue certainly is something that we need to set aside; one drawing showed a double left turn or a double right turn; that doesn't need a double right turn. I like the idea and the feel; I can't disagree that the feel is nice. On the other hand I think we need to get some of the other things going along with the landscaping and so forth. I do have a concern on the corner of that area, where the 8' sidewalk area is, I think that there needs to be landscaping in that area besides just concrete and asphalt. Maybe that is something you can do to break up that Firehouse wall where they don't want the atmospheric graphic panels; let's do some vertical landscape elements there and I am also concerned about people making the turn and driving into the pedestrian's seating area, the patio area and that sort of concerns me. Maybe a landscape portion or a pod of landscaping with some tree elements in that space so that patio is sort of sheltered from that turn.

Mr. Clark Gilhart: Absolutely. The idea behind that, amongst other things, it looks beautiful along the main drive line and it affects pedestrians because there is something physical for drivers to see; so you have something here instead of painted asphalt, like curbing and shrubbery and some taller elements.

Mr. Okum: I think if we are not going to do the atmospheric graphic panels, we go to something vertical and landscaping on that building elevation where the "Flower Pot" color is. I don't really have a big problem with the patio area being part of this Phase because Firehouse Subs will have outdoor dining opportunities for lunches and such for people and I think that adds, and it is very popular.

Mr. Clark Gilhart: It will be about three tables or something like that.

Mr. Okum: In that aspect I am very positive but I think you need to get the other areas going so that it has some cohesive development along with it.

Mr. Clark Gilhart: Absolutely, I agree.

Mr. Okum: It looks like, if things continue to move, you will be about 80% occupied by the end of the summer. And that means that pretty much all the things that were waiting to happen now need to.

Mr. Clark Gilhart: Just to touch on that briefly, DXL should be completed this summer, Firehouse Subs hopefully will be completed this summer, Salon Concepts if everything goes well with the lease agreement that should be this summer as well. Hobby Lobby hopefully will be done by the end of this summer, too. Phase 1 should not be a problem. The second Phase we will have to budget out this whole section because that will be a hefty price and we just put a lot of cash into these tenants. This is something that we could do sooner than later, if you didn't want to break it up; it is probably going to have to wait a little bit longer until we recover from all of these cash outflows.

Mr. Diehl: You did a great job on the presentation. I can tell you that I am deeply concerned about the patio and nothing to prevent cars from going into that. I would like to see some type of condition in the motion; that we put some type of construction to prevent cars from going into the patio.

Chairman Darby: Mr. McErlane, does the Code have any specifications for a barrier related to outdoor dining?

Mr. McErlane: No. There is nothing specific to that. I think with Ms. McBride's concern about getting some landscaping in place there that might help as a barrier, as well.

Mr. Okum: I think we all agree that something needs to be done and I don't see a lot of negative comments about the patio area, as long as there is a cohesive patio concept for the other areas, as well. We need to protect those people in the dining area from the situation that could occur and that could be done by curbing, along with landscaping being on the northeast corner of the future patio. You could do a fairly decent size tree element there.

Mr. Clark Gilhart: In the other landscape beds that we proposed, shrubbery and stuff like that to give a visual from pedestrians or drive lines. We would be willing to do something a little bit taller; a good visual cue.

Chairman Darby: Mr. Diehl, you raised this concern; do you have any ideas what would be sufficient. When I hear shrubbery I am not so sure that is sufficient.

Mr. Diehl: I don't have a specific suggestion but put some type of blockage there; cement and the shrubs can hide that at the same time.

Chairman Darby: I am thinking about the discussion that we had about the school and the playground; something that would really be a deterrent for cars.

Mr. Okum: Most of the landscaping islands that were designed for this site had high curbs surrounding those.

Mr. Clark Gilhart: Maybe 5" to 6" or something like that.

Mr. Okum: You are not going to drive over them but you could fly over a 5" curb but you are not going to drive over them.

Mr. Clark Gilhart: I guess, unless someone gets a running start, there is not a whole lot of acceleration. It would definitely help.

Mr. Diehl: Fortunately, you don't have any parking.

Mr. Clark Gilhart: As far as the existing parking stalls there, yes. At least that clears up any of that mess and we don't have cars backing in and pulling into that drive lane there.

Mr. Okum: I would like to kind of poll the Commission about the graphic atmospheric panel wall area on the east side to see if the Commission supports landscaping in that area then? I am seeing heads shaking in support.

Mr. Vanover: Mr. Okum, on that I would say that landscaping would actually be my first choice and the other possibility in addition to a high curb might be a double rail; put another line of fence on that outside so that the sidewalk is between the two rows of fence. The supports would have to be more beefed up than the typical decorative fence. If the spindles didn't match up though, it would not be a pleasing visual look. On that northeast corner a little landscape isle there would force that traffic in so that they could not go too wide. I'm sure most of the people remember the nightmare when TCBY was there; you got in your car and looked twice and hit the accelerator and prayed when you backed up because people come in and blow right through there.

Mr. Clark Gilhart: To give you a visual, I think that is 93' and about half of that will be bricked in. We are suggesting landscaping from the end of the fence all the way down.

Mr. Vanover: Actually, definitely I think that would help down on that corner but the landscape discussion was to come all the way up to protect the patio area.

Mr. Clark Gilhart: O.K.; so it would come all the way around it?

Mr. Vanover: Yes; that is what I am envisioning.

Mr. Okum: You don't have a lot of space between the railing and the walkway.

Mr. Vanover: Four feet.

Ms. McBride: I think there is 36' of pavement and Mr. Shvegza can add, but it is two-way traffic. There are 12' drive lanes, so there is plenty of space to go east there. So, the landscaping could go on the other side of that sidewalk which also starts to form a definition for where the pedestrians are and then the landscaping and then the vehicles. In addition to the curb you have that visual definition, as well.

Mr. Okum: So, you are talking a 3' landscape bed?

Mr. Clark Gilhart: In our previous submission we had a 2' painted area so that is not out of the question.

Mr. Okum: Mr. Chairman, I would like to make a motion for approval of 11711 Princeton Pike, the Firehouse Subs location to approve with the following specifications, designs contained in the exhibits as submitted and reviewed by Staff

prior to the meeting to include the additional exhibits that were submitted excluding the proposed future outdoor dining and patio drawing and traffic layout provided: Exhibit May 8<sup>th</sup>, 2012 information packet. To include all Staff or City Engineer's, City Planner's recommendations and considerations; the drive isle and parking layout shall be left unchanged at this time as it currently exists; landscaping and pedestrian elements, the inclusion of landscape elements and pedestrian features to compliment the features approved for the east elevation along with the east roadway elevation along the patio / dining area, there shall be a 3' landscape buffer between the roadway and the sidewalk, the patio area shall be approved but it shall be protected from vehicular intrusion by a curbed landscaped area; landscaping to be reviewed and approved by Staff. The area on the east elevation where the atmospheric graphic panels were originally designated to go, there shall be a vertical landscaping element placed along that masonry elevation and that shall also be approved by Staff.

Mr. Vanover seconded the motion.

(Mr. Bauer polled the Planning Commission Members and with a unanimous "aye" vote the request was approved with conditions.)

Mr. Clark Gilhart: Thank you very much.

#### VIII. DISCUSSION

(No Discussion presented at this meeting.)

#### IX. CHAIRMAN'S REPORT

Chairman Darby: As you can see from the agenda we had a number of signs that we approved.

Mr. Okum: We have a large digital sign in the City of Springdale that is on 275; do we have the cladding and the finish coming on this?

Mr. McErlane: Jeff Tulloch had informed me last week that they had scheduled it for this week but I am sure that they have delayed it a little bit because of the rain.

#### X. ADJOURNMENT

Mr. Vanover moved to adjourn; Mr. Okum seconded the motion and the meeting adjourned at 8:28 p.m.

Chairman Darby: The next meeting will be June 12, 2012.

Respectfully submitted,

\_\_\_\_\_, 2012 \_\_\_\_\_  
Don Darby, Chairman

\_\_\_\_\_, 2012 \_\_\_\_\_  
Richard Bauer, Secretary