

PLANNING COMMISSION MEETING
SUMMARY MINUTES
October 11, 2022
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting was called to order at 7:00 p.m. by Mr. Okum, Chairman.

II. ROLL CALL

Members Present: Dave Okum, Bob Diehl, Tom Hall,
Megan Sullivan-Wisecup, Joe Ramirez, Don Darby

Staff Present: Carl Lamping, Building Official; Shawn Riggs, City Engineer;
Liz Fields, City Planner

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE PREVIOUS MEETING ON SEPTEMBER 13, 2022

Motion to approve the minutes was made by Mr. Hall. Ms. Sullivan-Wisecup seconded the motion.

Voice vote taken and the minutes were approved.

V. REPORT ON COUNCIL

Ms. Sullivan-Wisecup presented her report on Council from the October 5, 2022 regular Council meeting.

VI. CORRESPONDENCE - NONE

VII. OLD BUSINESS - NONE

VIII. NEW BUSINESS

A. MAJOR MOD TO A PUD/FINAL DEVELOPMENT PLANS
UHAUL
600 KEMPER COMMONS CIRCLE
(Application #20221010)

Ms. Fields presented her staff report and comments.

Mr. Okum asked if Staff had recommendations for the signage with the overhead doors at this point or if we were going to bring it to the floor for discussion with the applicant.

Mr. Lamping clarified that the staff report is recommending the signage with considerations.

Mr. Okum stated the report was referencing a lot of sections of the code, it's a little confusing for Planning Commission to react to that. He just wants to make sure that everyone is clear as to what the considerations are and how it applies.

Mr. Riggs presented his staff report and comments.

Mr. Lamping presented his comments.

Mr. Okum asked Ms. Fields to go through the considerations according to the code.

Ms. Fields stated the first one was for the requirements of the code about self-storage uses and that was the one where they meet a, b, c, d, and f, but e was that no other uses be performed on site. Two is the car rental requirements. Three is the parking of commercial vehicle requirements in the code. She stated she will have to get confirmation on number four and come back to it.

Mr. Okum confirmed that Staff's considerations are that the overhead doors that are presented on the one elevation, the only elevation that we really have for that building. He stated that he was going to bring that up with the applicant because Commons Dr. wraps around this building and the west side of the building is an elevation we have nothing on from the applicant so we have no idea what that side of the building looks like. He stated in regards to that those garage doors count into their signage quantity. He questioned what the signage quantity was.

Ms. Fields explained that that would be the south building elevation and they are permitted to have 236 square feet of sign area and they are proposing 980 square feet of sign area, including a 147 sq. ft. cabinet sign.

Mr. Okum asked what that was in dimensions.

Ms. Fields continued, stating it was actually an 85.9 sq. ft. cabinet sign.

Mr. Lamping confirmed that the 85.9 sq. ft. is 12x7.

Ms. Fields stated that if that was the only sign on that would not meet our cabinet sign restriction where you can only have 15% of your signage be a cabinet sign. If the doors were removed then that cabinet sign would not meet our code requirements. If the doors remain then that would be considered part of that 15% of the cabinet sign allowance.

Mr. Okum asked if Commission would like to ask questions to the staff now or would they like to go to the applicant.

Applicant's representative, Mr. Mark Quinn reviewed the application with the Commission.

Mr. Okum called on Ms. Fields.

Ms. Fields stated that the fourth consideration is referencing Section 153.453, subsection f, which talks about tractor trailers and box trucks that display the business advertisement name. That has been discussed previously and there is a shunting area identified on the plan where those truck will be parked.

Mr. Okum confirmed that the shunting area is specific and was part of the discussion that was established that because the trucks are considered a major sign element. That being said, he asked the applicant if he understood that the shunting area is designated specifically. He asked if they could also do shunting on the area where additional elevation and screening/buffering was called for on the NW corner.

Ms. Fields stated they are allowed to store those vehicles in established areas for loading or in areas not visible from the public right of way so she is not sure if that area is visible from a public right of way.

Mr. Okum stated that Commons goes back to the property line. So that is where it debarks from public to private.

Ms. Fields stated if they did screen that area somehow that could be a possibility.

Mr. Okum confirmed then that they would need to screen it according to code for that to happen. And question if the applicant understood.

Mr. Quinn answered, yes sir. He stated that he believed some of the screening was the box warehouse for the shunting lanes. He asked if that was correct.

Mr. Lamping tried to clarify what the question, and asked where trucks that need to be serviced will be parked.

Mr. Quinn stated they will go inside and when finished they will go back to the shunting area or off the property.

Mr. Okum stated that all makes logical sense and he agrees the out building is a big screening element, but when you put the garage doors on it, it becomes a big sign too. So it serves two purposes and we'll have to get through that. He asked if Mr. Lamping had anything else.

Mr. Lamping showed where the applicant did submit the drawings for the west elevation. He also stated that to reduce the amount of signage the applicant removed the orange garage doors on both the east and west elevations. There are now only orange garage doors on the south elevation.

Mr. Okum questioned that his understanding is that that building elevation, that we're talking about, Commons goes elliptically around the building.

Mr. Lamping pulled up the sight plan again and pointed out where Commons drive was on the west side.

Ms. Sullivan-Wisecup asked about consideration number fourteen, the POD building, should not exceed 75' in height. She confirmed that that building will not exceed 75' in height.

Mr. Quinn stated that was correct, it's approximately 52'.

Mr. Okum stated there was something missing in the drawing, that they did not have that measurement, so for the record that building is 52'.

Mr. Quinn confirmed and stated it will not exceed the 75'.

Mr. Okum stated that the idea is that we have to set a limit at the proposal because this is a final development plan. We will say 55'.

Mr. Hall asked if the applicant received concurrence this evening from the Planning Commission, when they are prepared to move forward on this project and an estimated time of completion.

Mr. Quinn stated is their due diligence to close is the end of the week, so they have to make a decision right away to close. He thinks they will close immediately and there is a lease agreement in place with the current property and he is unsure when the lease agreement is up, but that would slow down progress. He stated they have in other cases asked the tenant to move out early. They have also bought out contracts in the past.

Mr. Lamping asked how long the current lease agreement is for.

Mr. Quinn stated the lease agreement is one year from now.

Mr. Okum stated there were comments from staff regarding the lights being dimmed during non-operational times. We have a huge residential development that's going to be developing across the way and there was some concern from staff at staff meeting that that would be an issue. He asked if there was any problem dimming lights down at non-operational hours.

Mr. Quinn stated it depends on which lights we would be talking about. The purpose to have the lights on is to give the availability to return a truck at any time of night.

Mr. Okum asked where trucks would be returned if they were dropped off at night.

Mr. Quinn stated they will typically be able to be dropped off anywhere in the parking lot. They may have a designated spot in the lot for late night drop offs so that employees could come in in the morning and get it checked in and returned to the shunting lanes.

Mr. Lamping clarified that the notes being reference in the staff report are in the general body of the code and the statement was made that U-Haul does not plan to dim the lights. He stated that he is not clear that in the zoning code it's a requirement to dim the lights.

Mr. Okum stated this is a PUD and that requirement can be opposed by this commission, because it is adjacent to a residential development.

Ms. Fields reiterated there is not a code requirement in the code about that.

Mr. Okum stated he understood that and he understands the safety issue, he just wanted protect the residents.

Mr. Quinn asked if the neighborhood was there when the property was a Sam's Club or Kmart.

Mr. Okum stated that it was Tri County Mall and the development plan that this commission approved several months ago includes multi story residential housing units directly on that line alongside the U-Haul property. That is why it is his concern that we respect that issue because they did approve the development for the use so now we just have to work through this in the final development plan.

He stated, that being said, he understands an area for people to pull their cars in and park them, that there will probably be 2-3 people bringing trucks back.

Mr. Quinn stated it would be a very small portion of their customers that would be returning after hours, but they have the ability if someone wants to.

He then answered Mr. Hall's question on the timeline of the current lease stating that is month to month so they could ask them to leave immediately and that is their plan.

Ms. Fields pointed out the google street view of Kemper Commons and there are street lights along that road so that could provide some light to the sight as well.

Mr. Okum asked Ms. Fields what a normal reduction in light would be. 25% reduction at off hours?

Ms. Fields stated she is unsure, but she knows that a lot of codes speak to dark sky requirements and having light point down and away so that there isn't any glaring onto residential property owners. She thinks a lot of zoning codes don't speak to lighting in that sense of the light reduction in the evenings, just that the lights need to be shielded, pointed down and away.

Mr. Okum then asked what the light levels were on the west side of the sight. He asked if we had the photometric plan.

Ms. Fields stated the code requires .5 adjacent to residential. She stated she believes they were above that but not significantly.

Mr. Lamping pulled up the photometric plan and zoomed into the 5 circles on the west portion of the sight. The highest level seen is 3.0. He pointed out that those levels are down to the south, away from the residential areas.

Mr. Okum stated he wants someone to tell him without him doing the dynamics that those residents are not going to be inhibited by a glaring parking light next to them.

Ms. Fields asked the applicant if they were planning on using LED lights.

Mr. Quinn stated they planned to use the existing lights and just fix the existing if there are any that are broken.

Mr. Okum stated he has not seen anyone not re-lamp the existing pole.

Mr. Hall stated his understanding is that there are 5-7 returns during the night season and asked if his understanding is correct.

Mr. Quinn stated he expected 5-7 through the week.

Mr. Hall asked what the possibility would be of changing where the renter brought the truck in at a different location so they were able to comply to protect the residents.

Mr. Quinn stated they could ask them to put them back into a shunting lane.

Ms. Fields asked if Planning Commission would be open to saying that the photometric plan must comply with the requirements of the zoning code and that staff could work out a lighting plan that makes sure that it complies with the .5.

Mr. Quinn stated that they purchased a property that backed up to a residential area and all they went in and re-lamped the bulbs, put shields on each of the lights so they weren't shining on the neighbors.

Mr. Ramirez agreed that something needs to be done with the lighting and stated that this reminds him of what they did with Kerri Ford where they required some shielding.

Mr. Okum stated we should reflect to the code and have the applicant work with staff.

Mr. Lamping stated item number 11 in the body of the comments, the notes from Anne indicate the continued use of 13 LED fixtures and a number of the locations on the west property line exceed .5 light level that's limited, so he recommends we approve it to be modified to meet the code requirements for the lighting levels that leave the sight. He also stated that it is interesting to note that the area where the higher lighting level happened to be was across from the old Sears Auto Center that will remain in the new development. The lower lighting levels were to the north where all the residential will be.

Mr. Ramirez asked if there are plans to park any of the trucks other than out in the main parking lot in front of the location.

Mr. Quinn said "no sir".

Mr. Ramirez asked how many trucks might we see there and will the trucks be parked parallel with the property so all the U-Hauls are showing toward the main road.

Mr. Quinn stated they will be facing the south elevation. So the sides of the trucks will be facing east and west.

Mr. Ramirez questioned "so they'll be visible"? He then asked how many trucks will there be.

Mr. Quinn stated it was hard to give an exact number because of the business. If business is great you get a larger number of trucks, if not so great you get less. He would guess 20-25 trucks on average. On the weekends they are hoping they'll be on rental so the lot would be empty Friday through Sunday during the summer, winter will be slower so there will be more trucks in the lot.

Mr. Ramirez asked if any of the trucks will be stationary, meaning just park them and leave them.

Mr. Quinn stated they're going to be put in lanes and then rented, so the idea would be just like a rail yard. None would be permanent.

Mr. Lamping stated that about 70 trucks would fit on the lot if at maximum capacity.

Mr. Quinn stated that there would be a mix of sizes so depending on if 10 footers do real well there or 26 footers do well. They will have the sizes the customers demand.

Mr. Okum asked Mr. Lamping if the layout of the shunting area had changed from what was approved in the preliminary review in the zoning change that was referred to council.

Mr. Lamping stated the number of lanes may have change a little when they modified the west side and added landscaping and moved customer parking over, so it might have gotten a little smaller, but essentially this meets the same intent that was submitted to this body and council. North to south orientation, which has not change and the behind the storage building.

Mr. Okum stated the next item for discussion is the 980 square feet with overhead doors. The allowable of 236 square feet of signage and the box sign. Staff has indicated the box sign is non-compliant. We have the authority to allow the variance provided the applicant shows other considerations to reduce signage or other means of dealing with it. The garage doors, which are non-functional, are considered signage on this building. Let's start with the garage doors first. He asked what the purpose of the garage doors was. He asked if customers could store in that building.

Mr. Quinn stated not traditional storage.

Mr. Okum verified the garage doors serve no purpose other than signage and they are permitted 236 square feet and this puts them at 980 square feet. He asked if we were to approve this the way it is does the cabinet sign comply.

Ms. Fields stated it is less than 15% of the 980 total.

Mr. Ramirez asked how we determined these are signage.

Mr. Okum stated because they have no useable function and they're identified as an exhibit.

Mr. Ramirez asked if they were a different color would the same apply.

Ms. Fields stated signage is anything that advertises the use that's inside. So as an overhead door is reflective of a storage building, therefore the color does not matter.

Ms. Sullivan-Wisecup asked, on a scale from one to ten, how important those orange doors to this building are.

Mr. Quinn stated a ten.

Ms. Sullivan-Wisecup questioned if it would be a deal breaker with signage not to have the doors.

Mr. Quinn stated it is crucial to their business model.

Mr. Okum stated he travels a lot and he has seen multiple locations and there is going to be other ability for the applicant to get his information to the public about what they do there. He stated he hasn't seen one building with the glass windows that doesn't have orange lockers behind them, it's in the business profile. It is not signage if it is back 30 inches from the window. So there will be a visual that they're going to maintain 30 inches behind those windows that will allow people to understand what U-Haul does besides rent trucks. He stated the only thing he has noticed on some developments, not only U-Haul, is that they've over lit the component internally so it really stands out. He stated the reason the windows are at that elevation is so they are visible from Kemper Rd.

He stated now that we all know what we are going to see, we need to make a decision on 980 square feet on this elevation. There is no signage on the west elevation, the signage is basically configured to reach the driving public on Kemper Rd.

Mr. Okum questioned if they reduce the amount of signage down, where does threshold get for that cabinet sign.

Mr. Lamping stated one other option that we had talked about to get away from the cabinet sign problem is to change the sign to a channel cut letter sign and then the whole issue is resolved. They chose to go with the box sign because they believe it complies with the 900 square feet. To eliminate the whole question about the box sign they could have submitted a channel cut sign and be in compliance with the box sign issues. They would still be at 900 square feet so they are still asking for more area, but the box sign question can be resolved.

Mr. Okum stated if they go to a channel cut letter sign in order for their message to be conveyed they would need more space. You could never read it if it were at the 89.9 square feet. He stated personally he doesn't like the box sign but if they put channel cut letters and have all the garage doors they're going to be at 100 square feet.

Mr. Ramirez asked what would prevent them from taking those garage doors and writing graphics on them such as, storage or for rent. So all of those are being used with letters on them.

Mr. Okum stated we cannot control content of a sign. He asked Ms. Fields to verify.

Ms. Fields stated if Commission approves this as proposed, we approve 980 square foot of signage, so they could change out those doors to say anything because you're approving the square footage and location of the sign, not what the sign says.

Mr. Ramirez stated that would change his outlook on this whole project. If we cannot control that he is not in favor.

Mr. Lamping stated he believes since they were submitted this way, this is the sign that Commission is approving and if they wanted to change it in any way, they would have to come in and get a permit to do that. He believes it would be very difficult based on the discussion that was discussed here in this council to get that approved by the Building Department.

Mr. Okum stated he respects that but he has been doing land use and zoning for so long and he has seen so many case law situations where communities lost on controlling content of a sign that they could sue the City of Springdale and win. He stated he hates to disagree but he thinks we'd lose in that aspect.

Ms. Fields stated we would probably need legal councils input on this but she doesn't know if opportunity for you to consider it part of the building elevation even though we consider it signage and if it was approved as part of the building elevation of the PUD that might lock it in, but again if we consider it signage she's not sure if we have that ability.

Mr. Okum stated he would want to see legal opinion from our Law Director to do that because then that would bring them to where they could get to the 236 square feet on that elevation and then they'd have to reduce the cabinet sign or go to the channel cut letters. If we could get an opinion from the law director to allow the garage doors as a building elevation element and not a signage element per our code.

Mr. Okum stated he thinks he could add signage on the west elevation because he sees it as an elevation on the public right of way and the road goes around the building.

Mr. Lamping asked if Mr. Okum said he thought they could add signage on the west elevation and be in compliance.

Mr. Okum stated he does.

Mr. Lamping stated he does not because this is a PUD, they have submitted it this way, they're asking for approval to install 900 some odd square feet of sign, this way. We are running down this road of what if he did this and what if he put signs on the west side of the building, where it's not being proposed, it's not being submitted that way, and we're running down a tangent about what if, could, might be. I think we should be looking at what they submitted and making a decision based on that. He asked are they allowed to have 900 square feet or not.

Mr. Okum stated from what he is seeing here this Commission is not going to give these people approval for their final development plan.

Mr. Quinn stated that on other properties he has purchased and developed there was verbiage put in saying that if we wanted to change something that we would have to come back in front of the Planning Commission and ask for approval for those changes.

Mr. Okum stated that typically does apply to building elevations in PUDs but signage is a complicated thing and attorneys have a field day with it.

Mr. Lamping stated in his opinion they are asking for the Commission to consider 900 and some odd square feet of signage, as proposed, and if they wanted to change that in the future they would have to come back in front of the Commission to get that approved. The only precedent we're setting is the area of the sign. How the sign is configured is what you are approving. The only thing we should be considering is the request to increase the area.

Ms. Sullivan-Wisecup agreed with Mr. Lamping that when it came before planning everything was pretty much the same, is that correct?

Mr. Lamping summarized stating they reduced the amount of signage they originally proposed in their concept plans and preliminary plans that they had go before council, because the discussion then was that they would provide signs that comply. So to try to get to that square footage of compliance they've reduced the amount of signs on the overall project significantly. They have taken them off the west and the east and they've reduced the numbers on the south side of the main building significantly so that they can ask for some up front on the main street of Kemper. It's not one to one, but an attempt to comply.

Mr. Darby stated he recalls when this presentation was first made, he raised a question about the orange doors and that's when Ms. McBride explained to him that it is signage. He stated this is a PUD, what comes out of here is in writing and he agrees with Mr. Lamping, if they want to change it they will have a hard time doing that. Because it is a PUD and it's in writing, it's our agreement with them. The fact that it is a PUD means we can go either way.

Mr. Hall stated he also agrees with Mr. Lamping, this is the way that it has been presented by the applicant. There has been all this discussion about getting an opinion from the Legal Counsel, find out this, check this, and check that. The bottom line is if you get legal opinion on it that's opinion it isn't what the judge is going to say. He stated the other thing

is it would be very difficult as it's presented by the applicant this way and if in fact it is approved then it would be very difficult for the applicant to go back and change it to red, white and blue or some other type of signage without the concurrence from the Commission or at least from staff.

Mr. Okum stated based upon that his understanding is it sounds like a pole count that the garage doors are considered signage, staff interpretation of it is signage, and this Commission is in a position where they are ready for a motion to allow the 980 square feet of signage on this elevation with the box sign. He stated he is not trying to wear the Commission down, he is just saying that's where it's at. He asked if that is correct.

Upon further discussion and deliberation, the following motion was presented by Chair Okum.

The Chair will entertain a motion in Case #2022-1010 for a major modification to the PUD and final development plans to the PUD submitted by U-Haul, located at 600 Kemper Commons Circle. The motions includes the following conditions:

1. Staff, City Engineer, and City Planners recommendations and considerations
2. As a PUD, this shall include Staff and Law Directors Approval of Covenants as necessary.
3. All four Building elevations on the Pod Out Building shall not exceed 55' high.
4. Special Signage conditions shall be as presented.
5. Windows-
 - a. Window elements facing the Public right of way shall comply with code and window signage regulations.
 - b. Lighting within window elements shall not project light outward outside the building.
 - c. No moving or motion element signage shall be observed from the public right areas.

Whereas, all other Zoning Code regulations and conditions not detailed in this motion shall remain in effect.

Any changes to the above conditions shall constitute a change of the Approved Plan. Such changes shall require Approval of the Springdale Planning Commission.

Motion to approve was made by Ms. Sullivan-Wisecup. Seconded by Mr. Darby.

Roll was called and the motion was approved with a vote of 5-1.

- IX. DISCUSSION - NONE
- X. CHAIRMAN'S REPORT - NONE
- XI. ADJOURNMENT

Ms. Sullivan-Wisecup moved to adjourn. Mr. Hall seconded.

Meeting was adjourned with a voice vote of 6-0.

Respectfully submitted,

_____, 2022 _____
Dave Okum, Chairman

_____, 2022 _____
Bob Diehl, Secretary