I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Don Darby.

II. ROLL CALL

Members Present: Don Darby, Robert Diehl, Marge Boice, Carolyn Ghantous, Marjorie Harlow, Dave Okum

Members Absent: Richard Bauer

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

III. MINUTES OF THE REGULAR MEETING OF NOVEMBER 11, 2014

Chairman Darby: The Chair will accept a motion to approve the Minutes of our November 11, 2014 meeting.

Mrs. Boice: So moved.

(Mrs. Ghantous seconded the motion and with six "aye" votes from the Planning Commission Members present the November 11, 2014 Minutes were adopted.)

IV. REPORT ON COUNCIL

(Mrs. Harlow gave a report of the November 19, 2014 and the December 3, 2014 City of Springdale Council Meetings.)

V. CORRESPONDENCE

Chairman Darby: Each of you should have received a copy of the updated Planning Commission Member information sheet in your packet.

VI. ELECTION OF OFFICERS

Mrs. Boice: We are moving to the election of officers?

Chairman Darby: That is correct.

Mrs. Boice: As I have done in the past two years and I am going to do that again tonight; we have been served very well by you, Mr. Darby, as our Chairman and Mr. Okum as our Vice Chairman, Richard is not here tonight, he has served us well as Secretary. I see no reason to make any changes so I put in nomination for all three at one time to save the Staff from going through this three times in a row. I nominate Mr. Darby, Mr. Okum and Mr. Bauer.

Chairman Darby: I might add that I did speak with Mr. Bauer an hour or so ago, he is agreeable to accepting that nomination.

Mrs. Boice: That is good and I make the motion.

(Mrs. Ghantous seconded the motion and with six "aye" votes, from the Planning Commission Members present, the election of officers for the City of Springdale Planning Commission was approved.)
Chairman Darby: Thank you all for your confidence and I will try to live up to that.

VII. OLD BUSINESS

A. Chairman Darby: Under old business we have tree replacement at Jake Sweeney, 135 Northland Boulevard and 11335 Jake Sweeney Place.

Mr. Scott Csendes: I am with KZF Design, representing the applicant this evening. We were here in the fall regarding some improvements occurring at the old Delhi Nursery site as well as the current Jake Sweeney BMW property. As of the last meeting that we attended in October we believed that we had come to an agreement on the landscaping and how we would proceed. We are back here tonight to get some guidance and direction from the Planning Commission. The big issue we had was what to do with trees along Jake Sweeney place, large trees. During the October meeting there was a discussion about an alternative of how we might be able to offset those trees in some other landscaping improvement. Mr. Sweeney came up and presented a vision, feeding off of some comments from the Commission regarding improving all along, extending off of our proposed subject site and doing an improvement basically from Kemper Road south on Jake Sweeney Place all the way to the southern edge of the properties of Delhi and the Mazda dealership across the street. We believe that was intended to be the offset for some of the tree caliper and tree issues that we had along Jake Sweeney Place. After the meeting we met with Staff, met with Anne to talk specifically about the plant types and there was a lot of discussion about making sure we had good mixture of textures, mixture of color, good seasonal continuity all year round. We went with a proposal and presented it. We got comments back pretty much every comment related to everyone of those beds we did including operational issues relative to keeping them back from curbs so that they don't get trounced by the snow plows and so forth and salt. There was plant types changed and mixtures changed and quantities changed to reflect Staff’s request. We came back and submitted a plan and received a Staff recommendation letter which again opened up the discussion related to tree caliper, tree count, trees and things of that nature which confused the applicant as well as ourselves a little bit. We actually added more to what Staff had requested, in terms of those planting beds along Sweeney Place, again to help create this continuous comprehensive set of landscaping along that section. We got the letter and we are kind of confused by that. At this point what the applicant would like to do is present to you for your review and hopefully tonight a vote for approval on a final plan. We are kind of at a point where we need to "fish or cut bait" on things and we believe that we have come up with a plan that met the intention and the agreement that we had when we left the last time.

(At this time Mr. Scott Csendes handed out a copy of the revised plan presented.)

Chairman Darby: Is this different than what Staff has previously reviewed?

Mr. Scott Csendes: There are some minor differences. We have a tight site with a lot of parking and there was a number of trees that have gone down and we are trying to do our best to offset that. Back in August, our first initial pass at it, we had a total of forty one trees, eighty three caliper inches is what was proposed. After our first return to negotiate with Staff, we came back with a proposal that had sixty four trees and one hundred and sixty nine caliper inches. Our current submittal that we have turned in has eighty eight trees and two hundred and sixty four inches. We have continued to move farther, and farther, and farther over to the side but we are confused by the Staff comments because there is no movement off of their side; so the applicant is understanding how the negotiation piece is supposed to work and followed by the understanding that we thought we had relative to the improvements along Sweeney Place. We want to talk through it here and make sure we are all clear on it, to the plan that I handed over to you compared to the one that we submitted; we submitted what we had at the time just because we needed to meet the deadline. What we have done compared to the plan that was submitted, you will notice along the south property line there was an area that was
for future use as the business continues to succeed, more spots for parking cars. We had trees along Sweeney Place that were going away; we took a lot of the caliper inches that were in there and created three more beds over there to put large Category I, Category III trees along those to kind of off-set the trees. Maybe they don't go in front of the place but what we had talked about was creating a back drop and a side drop to this where we put some of those trees; granted they are not along the front but they are still in there, they are in healthy opportunities where they can grow and do well. We also added trees just south of the BMW building along that edge of the property. We discussed about being landlocked a little bit with the Sweeney's property not having room to put trees in just because it was all blacktopped already and it was possible to use the adjacent property to insert some of the trees, so we did that and put some in over there. The differences from what was submitted, there was a tree at the southeast corner of the Sweeney BMW property, it is one that is kind of in controversy, it is right by a meter pit.

(Mr. Scott Csendes demonstrated by the illustration to the Planning Commission the areas referred to in his presentation.)

Down in these areas, we have added some landscaping bed at the cost of some future parking and added a number of large caliper trees along that property edge there. We have also added some trees along this side here to get our caliper count up and the number of trees up, as well as switch the number of trees from Category III to Category I. In this area, there was an existing Honeylocust tree which although it was desired to save, the fact of the modification to the grade and the modification to the utilities in the area will damage the root system to the point where we don't believe and our landscape architect believes that it will not survive construction. We don't want to put it on there and confuse anybody to think it is going to stay because we don't believe it is going to survive; the root system is going to be affected far too much; we have removed it here and replaced it with plantings that are similar to what we have up and down Sweeney Place to again extend the continuity up and down the street. We have also added some Category III trees into the landscaping beds, which were not requested by Staff but we have added on top of that to each of these beds all along Sweeney Place to get a little bit more vertical and pick up some of the landscaping species that we use in front of the BMW and the Delhi portion of the site. Those are the main differences.

We are trying to clean up that whole alley top to bottom from Kemper down to the south edge of the Delhi property. To talk about the landscape beds that we have added along Sweeney Place, there is well over two hundred new plants, I believe there are twelve or fourteen different species of plants all mixed in so it provides visual interest year round so that it is not a bare bed during winter and things that are serviceable in that environment. We are asking Planning Commission to consider and approve this plan that is shown here tonight so we can move forward with our project.

Chairman Darby: We will move to Staff reports.

Mr. McErlane: We will have to take into consideration that the plan submitted tonight is different from the plans that were submitted for review.

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

Mr. McErlane: The question that I have for Planning Commission, is what they are proposing acceptable as well as, is there additional contribution that needs to be made for the shortfall? Planning Commission had considered the planting on Jake Sweeney Place to be partial compensation for what couldn't be planted on site. I leave that to Planning Commission to consider.

Ms. McBride: I didn't really intend to make any additional comments. Bill and I didn't really feel comfortable, once the plans came in and the trees that you had seen and thought you were getting were no longer on the table and I guess I am a little bit resentful of the applicant's comments that kind of came off to me like Staff didn't work with them, and we did. We suggested species, we suggested locations, we met with them. I thought they were productive meetings, we brought our landscape architect, Bill has worked with them on a number of occasions since then. I want the Commission to know that we did work with them. When the game
changed over what you all saw, we were charged with a specific task to go back and say, “we have this, now see what else we can do to kind of offset that”, and I thought we came to a good solution for that but then when it came in and what you all had said was o.k. was gone, then we could no longer support that. I just want to make sure that the Commission understands what the difference is. It isn’t that we didn't work with them but what they had originally proposed to you, what you had seen at your last meeting they took off of the table and we didn’t feel comfortable moving forward without you all seeing that.

Mr. Shvegzda: As you see some of these plantings, it is my understanding that some of these will be planted within the public right of way, in order to fill in those locations; just so everybody is under that understanding.

Chairman Darby: I have one question that I would like to get on the table, for Staff; I know that you haven't had a chance to do a thorough analysis but at this point how much of a game changer is the new plan that is submitted?

Mr. McErlane: I can give you a little bit of feedback. There are additional trees that have been added on the east side of Jake Sweeney Place; that is a major change to what we had seen. So there are additional trees along the street, they are on the east side of the street. The one other substantial change is the loss of that additional 19” Honeylocust on the previous plan that they said they were going to try to maintain. Which kind of puts us back to where they were when they submitted in September, however on that side of the street they are only proposing to plant three trees where they had six on those plans.

Mr. Okum: Ms. McBride, the Sweet Bay Magnolia is a three inch caliper tree, it is listed as an ornamental. Does anyone know what the potential height of that tree is going to be?

Mr. McErlane: They can grow twenty five feet. We question whether or not it is a good tree to plant there, particularly if you are concerned about visibility because it is multi-stemmed and it will leaf up from the ground.

Ms. McBride: It has a big leaf and it maintains its leaf late into the year. As Mr. McErlane was saying, it is multi-stemmed. They are listing it as three inch caliper, that is a little bit difficult unless you measure all of the stems. It is not typically a street tree.

Mr. Okum: I have a couple magnolias on my property and there are magnolia bushes and there are magnolia trees.

Ms. McBride: But it is not typically a street tree.

Mr. Okum: I guess I would like to hear comments from the applicant in regards to that. In regards to where that Linden was, the nineteen inch, you have a SBM I going in that spot, is that the little square concrete thing?

Mr. Scott Csendes: That is the meter pit. Where all the water service comes in and splits off.

Mr. Okum: And that Linden is growing right in that place right now?

Mr. Scott Csendes: Yes.

Mr. Okum: Oh, great. O.K., that makes it a little bit interesting, root wise.

Mr. Scott Csendes: And we are making modifications to those utilities and the grate in that area. We thought we figured out a way that we could do it but the fact of the matter is, it is not going to survive.

Mr. Okum: What is that size, nineteen inch?
Mr. Scott Csendes: It was, yes.

Mr. Okum: Are there any other specimen trees on the site that are being preserved; that is pretty close to specimen size, nineteen inches? Are there other large variety trees left, once they take the other trees out, are there any other large trees left along Jake Sweeney Way?

Mr. McErlane: There is one shown closer to the driveway into the old Delhi site. There is one tree that is remaining.

Mr. Okum: Can you help me with where that is at, or what its designation is?

Mr. McErlane: If you look up on the screen.

Mr. Okum: Oh, I see, it is MNS 9 or right where that number is?

Mr. McErlane: That is also a Honeylocust.

Mr. Okum: So, we have two Honeylocust left along there and taking the one out we are down to one Honeylocust sort of sitting there by itself, correct?

Mr. McErlane: That is there, it is not sitting by itself. It is in a bed of a number of under-canopy type specimens, as well as other Category III's in the area. It is not just a sole tree in the middle of a prairie by any stretch. We tried to do our best to incorporate and put in the new street planting concept, cover both sides. As mentioned, there are five Category III; three inch caliper trees slated for the east side of the road, in the plan that I handed out this evening. There are eight Category III trees proposed on the west side road, so we have a total of thirteen along that way, along that side. Again, while I might agree that although it is not a standard street tree this isn't Kemper Road, this is a side street that has one business off of it, Mr. Sweeney's. It is almost akin to a driveway to his place, to some extent. That tree, although it is a split trunk tree that splits low and can be maintained in more of a bushy flow but also its height can be trimmed and kept in a situation that works with our use. Being a three inch caliper tree, typically those trunks split three times, so you basically have three things that come up that don't get too dense right away.

Mr. Okum: So you have three one inch trunks?

Mr. Scott Csendes: Together in one plant, yes. It is three near the bottom and it splits relatively low. And we talked with Staff, and again I apologize to Ms. McBride, if we inferred; I thought we worked well relative to all the street tree stuff, she gave a lot of positive feedback which we responded to and literally gave exactly what she asked for on that stuff, so I apologize for any inference that that was not the case. But the tree, that specimen type, that magnolia tree was discussed with Tammy, who is not here this evening and it is a Category tree that was acceptable to her and we discussed how many inches would work and all of that and she indicated that it qualifies.

Mr. Okum: I just have never seen that type of tree used in a streetscape application, so that is the reason I am asking. In regards to the public right of way placement, pretty much a lot of this additional vegetation and landscaping, are you mounding those areas as well, doing some raised beds?
Mr. Scott Csendes: That was discussed but being in the right of way and along the east side there is a lot of slope that happens, especially at the Kemper end, there is a grade drop that is pretty substantial and so to mound it would make a really steep edge. So, we stayed with flat beds and then created visual vertical interest by altering the species, taller and shorter and things of that nature to create some planes that way in response to Ms. McBride's suggestions.

Mr. Okum: So, basically you have got an area that you are going to plant. Is the City going to maintain that or is that an area that Sweeney will take over and maintain?

Mr. Scott Csendes: The applicant is willing to take care of those areas, although we did comply with the City's recommendations regarding how much room for mowers and stuff. Again, I don't believe that they would have to do it but we did respond to and provide as the City would request for the buffer areas that you need for grass, to get mowers through and things of that nature. So, we put all that in, exactly how they asked.

Mr. Okum: So, you would sign some type of a document for cross access use and a maintenance agreement for the City for that area?

Mr. Scott Csendes: They would.

Mr. Okum: In regards to maintaining that landscaping and so forth, because there would have to be something in perpetuity to maintain and to be responsible on Sweeney's part, so that it is maintained. Are you irrigating any of those beds?

Mr. Scott Csendes: No.

Mr. Okum: O.K.

Mr. Scott Csendes: Again, that was taking into account the species selection, as well. We didn't go with things that tend to require a lot of water. There are not piles of petunias that die out when it gets hot and things of that nature. It is hardy type plants that are going in there, generally speaking.

Mr. Okum: O.K. I guess then the next question right now, I would like to go to Ms. McBride for just a second; back in front of the Sweeney BMW facility there is a landscape bed and it has got MS, MNS 9, GOJ 7, KFG 5 and a number of different plantings, in your Staff review Ms. McBride was that landscaping bed o.k. with the landscape architect? Or is that new information?

Ms. McBride: I don't know. I will have to get back to you on that.

Mr. Okum: The reason I was asking, I think it was there. It looks like it has more labels on the new one than the old. But it is basically more of the same stuff, I guess, pretty much the same thing but just maybe more. Was that type of design o.k. with the landscape architect?

Ms. McBride: Yes.

Mr. Okum: And that same concept has been provided on the other side of the street, pretty similar, based upon this very small drawing that we are trying to look at?

Ms. McBride: Yes. Although, as has been noted previously, they did I think remove some plant material and then put in the Sweet Bay Magnolias, it looks like just in a casual review here this evening.

Mr. Scott Csendes: The count stayed the same. We separated that a little bit and made some room for them. The counts along in those beds stayed as they were on the submitted plan.
Mr. Okum: So, it is your proposal, based upon this that you would, barring adding a few more trees into certain areas, you feel that the Sweet Bay Magnolia is the best option for this application?

Mr. Scott Csendes: It is the option that we felt, when used as an ornamental as well as within the beds, made sense. If there is another category tree that somebody would prefer we use, as we did with the other trees on here where we took a lot of Staff's suggestions in changing out to different species, we would be happy to consider that.

Mr. Okum: I am just leery, I have got a magnolia at the end of my drive, it is this variety and it has taken a long time to get very big. Now, in some ways that is pretty good because it is still there and it is green in the summer but it doesn't grow very fast and it is very short and stalky and in my particular application, I have shade so it doesn't get as much sunshine and that may be one of the reasons.

Mr. Scott Csendes: The growth speed is part of it, its ability to be pruned and kept in a reasonable size and so forth and shape; it is good relative to that as well. Again, if there is another tree type or if we just want to leave some Category III to be determined, that is something that I think we are willing to live with. I think right now the applicant needs some closure on this.

Mr. Okum: I understand. In regards to the contribution to the tree replacement fund, you have lowered the number down so that the percentage, the amount comes down based upon what your numbers were that you had presented previously, your loss of replacement.

Mr. Scott Csendes: We are adding more trees than before.

Mr. Okum: Staff's report says that you had two hundred and twenty two inches to be planted and you had a shortfall of one hundred and twelve inches; what is your number now on what you are missing?

Mr. Scott Csendes: I honestly have not calculated it; I don't know. I know our total that we have proposed is at two hundred and sixty four. One of the things that I will say, I believe the applicant felt that part of the discussion had regarding improvements on both sides off-site and doing a bunch of work off-site is obviously a pretty considerable cost, as somewhat an offset to that. That is what we were offsetting anyways was the tree count that we were missing. The thought was that the amount of funds expended, which are going to be fairly decent to do all of this work on the property and the CPO property on the west side and the entire length of the east side, we asked that it would be considered as an offset to whatever the additional fund shortage might be.

Chairman Darby: O.K., thank you.

Mr. McErlane: Assuming that the table is similar to the plan that was submitted for Planning Commission, they are showing thirty more caliper inches than the plan that you received, the plan that we reviewed. So, it appears that their shortfall might be eighty two and one half caliper inches total.

Mrs. Harlow: I need to understand the requirement here. On the east side of the street, they are not required to do anything there, is that correct? No landscaping, no trees, no nothing? They are not required? They are doing this because they want to reduce their contribution to the City that they would be required to make because of the loss of caliper inches. So, is that my understanding that all along the east side of the street that is not required, they are doing that to beautify the area?

Mr. McErlane: It was required as a condition of your approval in September.

Mrs. Harlow: Correct. And how many trees are being planted along the east side there?
Mr. McErlane: Now? On the plan that was submitted there were none. Now, it looks like there are five.

Mrs. Harlow: Sir, what do you consider the cost of the east side?

Mr. Scott Csendes: The total cost of the improvement; give us a moment to think on that. Another thing on the west side of the street in front of Certified Pre-Owned, that is off-property improvements that were included. We have got the entire east side.

Mrs. Harlow: So there are five trees on the east side?

Mr. Scott Csendes: Correct. There are three additional on the west side in front of the Certified Pre-Owned, as well as a pretty substantial landscape bed there as well. Right now it just has some low ground cover type plants.

Mrs. Harlow: I think we should take that into consideration. Thank you.

Mr. Scott Csendes: Again, the idea over there was to create something that was consistent looking, all the way down.

Mr. Diehl: I would like to follow up with what Mr. Okum questioned. Back in October when I asked Mr. Sweeney if he was willing to make a contribution, and he said "yes", are you still at that stage?

Mr. Jake Sweeney: Yes. I think the amount was $15,000.00?

Mr. Diehl: I believe so, at that time, yes. Thank you.

Mrs. Harlow: I believe that we need to take into consideration what the applicant is doing to the other side of the street that he doesn't really have to do, in regards to that contribution. He is making that area a much more pleasant green space that is going to be viewed by our residents and it is going to be enjoyed. So, he is putting extra money in on that east side that he didn't have to do at all. I am suggesting that somehow we reduce the amount of money that he would need to pay to the tree fund. I think we need to work with this applicant on that.

Mrs. Ghantous: I do too.

Mrs. Harlow: I don't know how much the landscaping on the east side is costing, but I am sure it is considerable. Trees are very expensive, the labor to put it in and the landscaping; I am sure it is considerable.

Mr. McErlane: And I think that was Mr. Okum's suggestion at the September meeting, that that could be part of the offset. The $15,000.00 that we were talking about was actually a penalty for removing five trees that they removed without permission. Then, we were considering what additional contribution was necessary for the shortfall and I think as I stated, Mr. Okum suggested the landscaping along Jake Sweeney Place to offset that, at least part of that. I do have another question for the applicant because the revised plan is now showing some things that we hadn't seen before; we do have a question about the existing trees that are in front of the Certified Pre-Owned, are those staying because they don't show up on this plan?

Mr. Scott Csendes: No, they are being replaced as part of a continuous look completely down Jake Sweeney Place, utilizing that Category III tree within a bed of lower plantings and creating a rhythm down the street so that everything has, we are not going up and down in all crazy heights with the different trees as they move down the street, and they have consistency to the species types in them as well as the organization of the beds.

Mr. McErlane: Then my recommendation is that Planning Commission table this to let us review it because now we are getting, I hate to use the term "bait and switch", 
but now we are getting trees that are outside of the sites that are being taken down to do plantings.

Mr. Jake Sweeney: It was my recollection when we left here the last time, when I came to the meeting, I tried to present what was our view of what we wanted to present here in regard to how this street was going to look. Obviously, several years ago you honored us and named the street after my father. Obviously, we have been doing business here in the community for fifty years. The point of the matter is that on that street from the south end where we just purchased Delhi, up to the corner, we have purchased property in five different time periods over that period of time going back to 1982. There was a purchase in other words that would have been on the east side of the street in other words to the back, across from the Delhi property. In 1986 the little parcel where our BMW new car showroom sits right now. In 1988, the Chrysler Mazda property that now rests on the corner and goes back in other words to that other piece. In 2006, the corner where Hardies was. So, at all different times we have come back with plans, in other words when these new pieces happen; different shrubs and plants were in other words created at that period of time that we were asked to put in and do. Now, most recently we bought the piece that was Delhi Nursery that again is the far south side on the west side of the property. It was our vision or at least my vision of what I am trying to accomplish is to take this thing like it is a white sheet of paper and start like we are looking at that street on both sides. Mr. Okum is the one, yes, that suggested what we do possibly on the east side to offset, I guess loss of tree count, because there were large trees on the Delhi property and it was a nursery. And, which I thought was a great idea and I left here with the impression that the thought was to go back and try to create a plan that was going to take both sides of the street, like we were starting fresh, in other words, and make it look really, really nice, really attractive. Create a vision that, in other words, like we're starting fresh and here is what it is going to be from the corner to the property that we own at the south side which is pretty much directly across from one another. That is where I thought we were going and I thought you all agreed to that and then you said have our landscape people hired by Mike Leech who is the contractor here and your people as advisors, as to what would be a good mix of things to do down that street to create that look. And basically, that is what we are trying to accomplish here; that is what we think would look best. We own the properties on both sides of the street and I really don't think anybody else all the way till you hit Tri-County Parkway has any frontage on that street. So, nobody wants more than me to make this thing really, really look nice. And I think the plan that was brought to me most recently, we added some additional trees on to that because there was some concerns about again, not in my concept weren't considered, but obviously because the CPO piece of property has got three other trees on it, I guess I wasn't considering at the time. But we tried to add back in even more trees to offset what those are to create this vision or to complete the vision of what we feel would look the nicest. You know, we have a high-line franchise there; I told you last time, one of two in the whole greater Cincinnati marketing area and we have got other franchises here. We want it all nice but specifically here because we are having a chance to do this the right way, If you can embrace my vision of what we want to do. Obviously, part of the plan is to keep something that isn't going to get too high. I mentioned last time, we are in the business of selling cars, these aren't just parking lots, that is the merchandise we sell and the front lines of these are very, very important to us. People drive by, they see cars, that is what we are selling. Our stuff is outside, more than inside. So, we want this to look great, we want to be extremely proud of it. We also want to kind of take a look and have something here that we can maintain and it looks nice and it looks like that is the way it was planned for the next fifteen, twenty, thirty years; way beyond when I am going to be here, but hopefully my kids and that generation are going to be running that business. So in a very lay term, I am not a tree expert, I am taking advise on what kind of plantings to put there so that we don't get back into this situation, you know another ten years from now, fifteen years from now, it is all done right, right from the start. So, I don't want to get into a situation; that is my vision, that is what we are trying to accomplish. That is what I think would look best. If there is a concern about a magnolia, Mr. Okum or whatever, you must probably know trees better than me but we just don't want something that is going to get out of hand. We want something that we can maintain and when you turn
that corner it looks like that is what was meant to be from the beginning. That is what I am trying to accomplish and that is what I would like you to approve tonight because we need to get moving on this thing, quite honestly, we are kind of up against it in regard to getting this project done. If anybody has any other questions, that is my point of view.

Mr. Diehl: Do you agree to $15,000.00? And you have heard the comments here, most of the Members would like to take less. So, this is like selling a car to you; the bid is now $15,000.00 and we want to take less. What is your next number?

Mr. Jake Sweeney: I will accept whatever number. It is my understanding, that is what Mr. McErlane said. That was in regard to trees removed from planters on the other part of the Delhi property, property that we are not even talking about and it was something done in error because they were put in beds, built up in like boxes and beds. In talking with Mr. Maddux, the former owner, he said they planted all those on their own, they weren't part of the original plan, you understand, what their tree plan was. So, unknowingly we took them out of there before we should have and that is where the penalty was, we were going to do that. And yes, we accept that penalty, it was our mistake and we would be happy to do that. But anything less that you would want to do, believe me, that would be fine with me. But that is how I understood it, too. And I can tell you this, without going into any specific numbers, this landscaping job what we are talking about doing on this street, is substantial. I don't have anywhere to go with additional trees because we are cutting down some bigger ones than we can replace, but we have filled every other spot that we possible can on this site and now we want to do it across the street to make the whole thing look uniform and like it was meant to be. Absolutely, I would accept any kind of generosity, if possible. But if not so, I am willing to accept the $15,000.00.

Mr. Diehl: O.K. Well, I personally think you did a real good job here getting to where you are now.

Mr. Jake Sweeney: Thank you.

Mrs. Boice: Regarding your comments, we understand that you work very well with clients. I would like to certainly clear the air on that. We have been going round and round on trees, I have been pretty vocal about the fact that I certainly am not a tree expert. I like what you have brought in, I think that additional work that you are doing you are to be commended for that and I think it has come to a time here, we can kick this around, we have been into it for almost an hour now and we can just keep going round and round about whether it is this size or that size and I think what is here is excellent. Also the penalty of removing some of those trees, those were trees that were planted by Delhi, as I recall, so I certainly think that has to be taken into consideration as to the cost. They were trees that you inherited and we are certainly willing to work with that. But I think that we are at the point where we need to bring this to a conclusion because we can sit here and talk about two trees, three trees, whatever; I think that we have got kind of the best of both worlds, right now and I see no point in taking this any further and I would hope that Mr. Okum has prepared his motion and then we can get this on to the floor for a vote. Thank you.

Mr. Okum: I would just like to get a better understanding from Staff regarding the issue that was just brought before us, in regards to the removal; those numbers are not in, Mr. McErlane?

Mr. McErlane: No.

Mr. Okum: I heard 82.5; and that doesn't seem right.

Mr. McErlane: That is not right any more. I don't have, because we don't have a tree removal plan for the CPO site, which was never considered previously, other than the landscaping out at the street that was required; there were four existing Honeylocust that are being removed on that site, I can only guess at this age they
are probably somewhere in the neighborhood of five to six inches. I don't know because we don't have that plan. In return for that, they are planting three Sweet Bay Magnolias on that side.

Mr. Okum: That makes it hard; very difficult. Because it skews the number significantly if you are using for tree replacement; and I thought we were at 82.5” and I put a value on that of about $6,800.00 and certainly you are doing more than $6,800.00. I think we use $200.00 an inch; is that right?

Mr. McErlane: That's the number that is in the Code for trees that are removed without permission. We typically, for bond amounts, use $100.00 per caliper inch.

Mr. Okum: I used $133.00, just as a rule of thumb and I came up with $6,800.00 and I certainly saw you were putting $6,800.00 into this. So, for me that was a simple math equation. Now, we have these three trees or four trees?

Mr. Scott Csendes: There are three, that is part of the reason that we added additional trees on the east side, to offset some of that loss in inches, as well.

Mr. Okum: Yes, but on the east side you only added three trees.

Mr. Scott Csendes: On the east side we added five trees.

Chairman Darby: Five.

Mr. Scott Csendes: Each bed down that side with the exception of the northern most bed, which is pretty small and pretty steep, we have added one Category III three inch tree. So, there is fifteen inches on that side and on the CPO site there are three 3”, so that is nine more so there is twenty four inches of trees that we have added after we met with Staff and they came to an agreement on the beds. Again, that is part of the offset from what we were replacing at CPO. As Mr. Sweeney said, we are trying to get a consistency up and down the whole distance of the street. Having the same size trees is part of that, so part of the attempt was to add some trees on the east side as well as the west to offset the three or four that there is on that side that are five or six inches as he said. We probably net out zero or close to zero, I would think.

Mr. Okum: You said you would be zeroed out on that side; but you used that to offset the number on the other side and that is where I am having problems.

Mr. Scott Csendes: The trees weren't part of something that Staff had asked for initially, we added that on top of it after.

Mr. Okum: Right, I understand.

Mr. Scott Csendes: The offset of trees on the east side, initially had to do with the planting beds themselves off site, off property.

Mr. Okum: Right but that was the offset, the difference in money for the tree replacement and getting the whole thing into a package, anyway.

Mr. Scott Csendes: And we added trees on the east side of the road, as well. Those are the ones on the south side of the property; along that south edge in that hatched area. Again, we added nearly one hundred inches of trees since we came in September.

Mr. Okum: I understand. When I go down your schedule and this is not unworthy of recognizing, you have on your deciduous trees, fourteen and another six and another thirteen and another ten, all deciduous three inch caliper trees; that is a lot but you are taking out a lot. And they are not being put on the street, and I understand that. I just did a little google search to see what a Sweet Bay Magnolia looks like fully grown, unfortunately mine has never been that way but it would be nice to have them look that way. I see Mr. Diehl looking at $5,000.00 instead of the
$15,000.00 but that is a different issue. I am good with that if the Commission is fine with that; I don't have a problem with that. We are not in this for money, it is not a money thing. I tend to agree and I am sympathetic to the applicant because I know those planters were a nightmare and it was a stupid design and they had outgrown those planters and nobody is going to say that is not the truth. I mean anybody that drove that lot knows what it was, it was a horror.

Chairman Darby: For uniformity, Mr. McErlane would you please give us the cliffnotes version of the two categories of compensation that we are talking about?

Mr. McErlane: There is a $15,000.00 penalty basically for the five trees that were taken down on the Delhi site, they were in the planters that Delhi had planted as part of their landscape plan.

Mrs. Harlow: They should have never been put there.

Mr. McErlane: They should have never been removed but they were planted as part of the landscaping plan for the Delhi site, when Delhi developed their property.

Mrs. Boice: And they were very unattractive, I thought.

Mr. McErlane: We had photographs early on when we were first discussing this. And any other compensation would be whatever Planning Commission feels is necessary for the shortfall for the planting that they are not doing that is required by the Tree Preservation Ordinance. That number, we are not really sure where we stand with regard to that because we have a different plan than we reviewed. The number I had thrown out previously is not accurate because we have trees that are being taken down that I didn't know were being taken down at that point and time.

Mr. Scott Csendes: We've also added some too. What was the number last time, Bill?

Mr. McErlane: It was substantial but I understand after we got past the point of removing those three Linden trees and we were discussing where additional trees could be planted, Mr. Okum's suggestion about planting along Jake Sweeney Place was to compensate for some of that shortfall on trees. I don't know where we stand with that number.

Chairman Darby: But we understand that we are talking about the two different categories.

Mrs. Boice: I think that Mrs. Harlow raised the point about that additional planting that they have done that was not required. Which to me, should balance out any further amount of money. I have no idea, like I said, I know very little about trees; I have rock gardens all over my place because I don't want to deal with it all. The amount has been mentioned of $5,000.00. I think that, and I saw a lot of heads nodding agreeable to the Commission and again I would urge that we would bring this to a conclusion and get a motion on the table, please. Thank you.

Mr. Okum: Could you get any more trees on the east side?

Mr. Scott Csendes: The east side of the street?

Mr. Okum: Possibly seven or eight deciduous; or seven or eight?

Mr. Scott Csendes: Pick up two or three more on that side?

Mr. Okum: Yes.

Mr. McErlane: To point out to Planning Commission, the trees on the left side of the street are the Honeylocust that they are proposing to take down that weren't shown on the previous plans.
Mr. Scott Csendes: I think the challenge that we have on that side is with the slope of that small, if you go down there then the closer you get to the east side you start introducing slope along there; and us having to hold back four feet off of the curb doesn't leave us a lot of room. If we were to add any, most likely would be at that south end of the property. We were trying to keep some sort of equal distance spacing happening along there, again to kind of create a rhythm.

Mr. Okum: Those are the trees that are being removed that are being shown now.

Mr. McErlane: The ones on the right now.

Mr. Scott Csendes: They are on the right, yes. That one on the left is staying and we are not doing anything to that tree because that is kind of out at the corner there. The left side is grass only; the east side is grass only right now, pretty much. And you can see there is some steepness to it which makes it a little challenging to put too large of a specimen in that will start just creeping down and end up pointing the wrong way. As you get to the south end there it starts to flatten out and we might be able to do a cluster at the end there or something like that maybe to mirror the clusters that we have at the south end of the Delhi site there; maybe that is something we could work in.

Mr. Okum: I am open to suggestions. I can make a motion but I don't know how I am supposed to go until I hear from Staff.

Chairman Darby: Mr. McErlane, before we get into a motion do you have any final comments?

Mr. McErlane: No.

Mr. Okum: Basically, before I make the motion I just want to comment; you certainly add four additional trees into this space and get your numbers up to accommodate some of that. You are losing another twenty inches based on what I am hearing now.

Mr. Scott Csendes: Again, we have added eight 3” caliper trees.

Mr. Okum: Even with that number we are still down eighty two inches, right?

Mr. Scott Csendes: Yes.

Mr. Okum: So we have lost eighty two inches of trees and there is no replacement because you are doing the landscaping package, which is a value of $6,000.00 to $15,000.00 that you are going to be investing. I have heard comments from the Commission that that be lowered from $15,000.00 to $5,000.00 and I have no problem at all with that based upon the development and what all you are doing on the entire combination of sites. I have heard no comments from this Commission on where this motion should go. On the east side, how many three inch caliper trees will you be getting placed?

Mr. Scott Csendes: We have five shown on the plan.

Mr. Okum: And you think you can get eight?

Mr. Scott Csendes: If we can cluster them at the south end, I think we can figure out how to make that work if that is permitted on the steep slope.

Mr. Okum: That is fine with me, I have no problem with that. You have been lowered down from $15,000.00 to $5,000.00 so you can put it into landscaping, Mr. Sweeney. Mr. Chairman, I would like to make a motion that we approve Jake Sweeney, 135 Northland Boulevard and 11353 Jake Sweeney Place with the following exhibits, C402-01 dated 12/9/2014; C401-01, 11/8/2014; and C401-01, dated 11/3/2014 with the following landscaping modifications: there shall be an agreement between Jake Sweeney and the City for total landscape maintenance and
care in perpetuity along the public right of way at Jake Sweeney Way, along Sweeney properties only, can't obviously make you go past that just so everybody understands it is along Sweeney properties. Regarding trees on the schedule, that Staff and Sweeney representatives reach an agreement that the SBM, Sweet Bay Magnolia is the appropriate tree along the Jake Sweeney Way, is the focal tree for that area. That the penalty that was imposed for the removal of the trees on the Walt Sweeney, I guess you would call it the old Delhi property be lowered from $15,000.00 to $5,000.00 and that the applicant should add to the drawings submitted this evening in place of the four Honeylocust trees that are being removed, that they shall be replaced with planting beds and an additional total, a total of eight 3” caliper feature trees.  

(Mrs. Boice seconded the motion.)

Mr. Scott Csendes:  If we could add at the south end of that property?

Mr. Okum:  I gave you the latitude.

Mr. Scott Csendes:  Alright, thank you.

Mr. Okum:  I didn't say where it had to be.

Mr. Scott Csendes:  Fair enough.

Chairman Darby:  It has been moved and seconded that the motion be approved as read by Mr. Okum. Would the acting Secretary please call the roll?  

(With six "aye" votes from the Planning Commission Members present, the motion was approved.)

VIII. NEW BUSINESS

A. Chairman Darby:  Moving into new business Item A, exterior paint changes at Pep Boys, 11452 Springfield Pike.

Ms. Teri Cantor:  I am with ABC Signs, representing Pep Boys. I have some handouts for you before I begin. Pep Boys has recently begun upgrading their buildings and signage throughout the country. They are trying to uniform the various locations so that when their clients see their buildings they immediately recognize it as Pep Boys. I have given you photos of some other locations that have recently been accomplished. Two of them we are working on right now; one is Florence and one is East Gate and the rest of them throughout the country. In this process they are trying to work very hard with the various communities their sites are located in, respecting the Code requirements. In the case of the Springdale location, we are asking for an approval to adjust the percentage of colors allowed to be used on a building that exceeds slightly over the amount allowed for non-earth tone colors. They made various adjustments for this site to adhere to the requirements of the Planning Commission, so that we can get approval. The entire packet is also attached to that, so that you see the different adjustments that we have made. They have also agreed to landscape around the existing monument, meeting the recommendations of the City Planner. We highly recommend that they wait until Spring to do that kind of planting. This upgrade will only benefit Pep Boys, their clients and the community of Springdale with a fresh new look. I will answer any questions that you have and I have a representative with me tonight from Pep Boys.

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

Mr. Okum:  I have one question, are those channel lit letters on that band?

Ms. Teri Cantor:  Internally lit.

Mr. Okum:  I have no problem with it and would support a motion.
Chairman Darby: I think Ms. McBride's comments about the landscaping in that bed are extremely important and there is a strong expectation that there will be follow through with that.

Mr. Okum: I would like to move for approval of the applicant at 11452 Springfield Pike, Pep Boys based upon the submissions and the conditions as outlined in Staff's comments.

(Mrs. Boice seconded the motion and with six "aye" votes from the Planning Commission Members present, the request was approved.)

B. Chairman Darby: Moving on, Minor Modification to the PUD, Tri-County Mall Outlot #2, 11700 Princeton Pike.

Mr. Robert Rich: I am with the architectural firm A359. I was here in October and we presented to you most of the vision for the reformulation of Tri-County Mall which included out parcels on Princeton Pike. Probably shortly after I was here, maybe minutes that I was here an opportunity came to switch out the tenant for Out Parcel II from a retail tenant to a restaurant tenant. This submission is to change the tenant. The buildings are approximately the same size and we have tried to limit the amount of area that we have affected. I would like to address some of Staff's comments because they really encompassed the area beyond what we had proposed here for this change. It is primarily to put a restaurant tenant in place of a retail tenant in the same location.

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

Mr. McErlane: Just clarification for the applicant; where you indicate EIFS on the dumpster enclosures, is that just typically a stucco finish directly on the block without the foam?

Mr. Robert Rich: Without the foam.

Chairman Darby: Mr. Rich, you said you had some comments that you wanted to make following their reports.

Mr. Robert Rich: I wanted to make the comment, what we have done is just taken the Outback prototype and we have submitted the Outback prototype; sign sizes are the sign sizes that came from their prototype. We didn't pass judgment or attempt to modify them at all. We just took them directly as they gave them to us. The building elevations and the finishes were all directly from what they submitted as their prototype. We didn't editorialize it except for the trash enclosure. It is the City's requirement to accommodate that trash enclosure; we did in fact finish it with the same finish that is on the building, which is an EIFS finish but it is not a foam wall it is a CNU wall, it just has the paint coat that you put on EIFS to finish it. I have done this in Macy stores across the country and it seems to hold up because it is a concrete block solid wall, it just has a paint finish on it for the most part; it is a textured thickened paint. The comment about the additional landscaping along Princeton Pike, because when we came to you last time we talked about that the fact that there was a bigger picture involved and that is a landscaped area now and we were trying not to touch it. Our submittal did not involve that area, we were just within the parking lot making adjustments. I am hoping that the landscaping portion is not an issue. I don't know about your legible building elevations and I don't know if you got a bad copy?

Ms. McBride: The only copy of the actual Outback elevations we got was the 11 x 17's; in terms of this document.

Mr. Robert Rich: You should have gotten six full size copies.

Ms. McBride: Not of that sheet.

Mr. Robert Rich: I will give you more if you need it.
Mr. Okum: Have you submitted a color palette?

Mr. Robert Rich: Yes. The color and material board is here.

Mr. Okum: So we can reference it.

Mr. Robert Rich: I think all of the information is there. The last comment I want to make is about the revised north entrance drive and I think we have done a traffic study; it is just that we were asked to do a new traffic study which we are currently involved with. There was some discussion that there was some discrepancy in the numbers.

Mr. Shvegzda: The last meeting that we had was dealing with what the ultimate number that we were going to utilize in the traffic study. There was discussion, do we use the numbers as they are right now or with some proposed redevelopment and increase of traffic that would utilize access to the Mall. I guess that is what the reformulation plan was to be.

Mr. Robert Rich: Right, we are currently running the numbers based on the reformulated plan. My understanding, there was some other discrepancies in numbers that Jack talked to you about. The only comment that I want to make is I hope that we made the changes that the City's Staff asked for to allow the traffic to flow and not turn and to cut off the eastern most portion of that drive isle. We made all of those adjustments that were requested. The last sketch sort of came after we had made those adjustments and we don't have any problem with that. I am hoping that we won't have to get into the issue of that north entrance because that is still on the table but we are at the point where we need to redo the traffic study. We are not proposing to make any changes from that, from the last submittal; that is the only point of clarification that I want to make.

Ms. McBride: The only comment that I would make is that it wasn't our intention for the applicant to address the landscaping out on Princeton Pike or on those access drives. We just wanted to make them aware at some point and time in the future we will be looking for a comprehensive plan for that.

Mrs. Harlow: My question is for Mr. Shvegzda, you made a comment that I don't understand so I need you to help me understand it. One of the driveways would be an out driveway only?

Mr. Shvegzda: (Mr. Shvegzda clarified to Mrs. Harlow the changes from the drawings that were submitted.) Actually this has been added here so this can come out right through here.

Mr. Okum: There is no ground mounted sign?

Mr. Robert Rich: Not according to Outback's prototype.

Mr. Okum: O.K. That is a good thing. I did my due diligence and went on line and did verify that this is exactly what they are building.

Mr. Robert Rich: That information that Bill got came directly from Outback.

Mr. Okum: This is Outback restaurant's new design which is pretty specific and it shows pretty much the same elevations that we are looking at here this evening. We are basically relocating a business within Springdale but a 6,700 s.f. Outback will make a big difference verses, I think a 3,000 s.f. in the existing location at the Wimbledon. I don't have any problems at all with the application and the change. My motion is going to be very simple, if everybody is ready.

Mrs. Harlow: Is this an outdoor dining area that is shown here?

Mr. Robert Rich: Yes.
Mrs. Harlow: Do we have concerns for safety there?

Mr. Robert Rich: I am unclear what the safety issue would be?

Mrs. Harlow: Would a person be able to leave the outdoor dining area and get into the parking lot, or do they have to exit back through the restaurant?

Mr. Robert Rich: My understanding is they exit back through the restaurant.

Mrs. Harlow: So, that is a totally enclosed area?

Mr. Robert Rich: It is an enclosed outdoor area. I will confess that I am not one hundred percent sure of that because I am not Outback's architect. I am just presenting to you their prototypical plan.

Mr. McErlane: The state liquor board requires them to be enclosed for outdoor dining if they serve alcoholic beverages out there. Whether they have to exit through the restaurant, or they can exit directly, is really kind of a control issue with regard to the restaurant.

Mr. Okum: Based on the elevation drawings, the only access to that area is from within the building and the main entry.

Mr. McErlane: The floor plan shows a gate which they would be required to have for exiting purposes.

Mr. Okum: Based upon the submission, I move that Tri-County Mall at 11700 Princeton Pike, Outlot II modification be approved to include City Staff, City Engineer and City Planner recommendations. That the color palette shall be as presented.

(Mrs. Boice seconded the motion and with six "aye" votes from the Planning Commission Members present, the motion was approved.)

C. Chairman Darby: Item C. Minor Modification to PUD, Home Emporium outdoor sales at 11360 Princeton Pike.

Mr. Richard Haglage: I am with Terafirma Associates and CF Partners LLC, which is the owners of Cassinelli Square. We have been before you in the past asking for a couple of things that we needed to help to advance this project. I am happy to tell you that things are going well. We are here to talk to you tonight about Home Emporium which is coming to our center. You can see the elevation that we have here on the board on the right, which is a little bit different than the one that had been submitted to you earlier and I will speak to that in a minute. Hap Pendleton is our architect for Home Emporium, as well as the center and Bill Hobek who is with Home Emporium. We are happy to have this new tenant come to Cassinelli Square. It is the kind of tenant that we are looking for to be a catalyst for us to bring other tenants to the center. We have about 200,000 s.f. of vacancy yet. I am also happy to tell you that Haverty's Furniture has made some interior improvements to their store. We are talking to three or four tenants. While this is a relocation, I think that point was made earlier about the Outback Steakhouse, this is similar and we recognize it is a relocation from another center within Springdale, however this is a catalyst that is allowing us to have conversations with three or four other significant tenants that are currently not in this market at all and we are really happy about that. What we are asking for today really is the addition of a garden center that would go along the south side of the existing former Home Quarters building which also had Hobby Lobby in it for awhile. The elevation that is there on the right at the far right of that elevation, it does reflect that outdoor sales area. That is what we are here to ask for your approval of tonight. We have reviewed the Staff comments and I don't think that we have anything significant regarding those. To mention a couple of things; we were showing something that was a triangular shaped roof on the elevation that was given to you earlier. The Home Emporium folks, at this point
and time are just really looking to put that enclosed fence in so that they can move materials and have that area available to them. Exactly how that roof is going to look is something that we would like to look to in the future and work with Staff on that. There is some confusion too about the parking table on one of the plans that had been submitted to you earlier. Working with Mr. McErlane in a meeting that we have had with him, and I appreciate all of his time he spent with us, we have simplified that parking summary here. You can see that we are showing the existing and proposed buildings at 342,928 s.f. plus the garden area at 14,000 s.f. gets us 357,000 s.f. total.

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

Mr. Hap Pendleton: We have addressed each item and as far as the downspouts, we have submitted drawings showing that there is going to be pipe underground. Along the south landscape area, that is where the water detention area is and we are going to put the main underground downspout leader line right at the site of the catch basin there, so it takes care of that. We added bollards on the east end of the building to help protect that driveway area that you had mentioned. I think we have addressed everything that Staff wanted and we have accommodated what you wanted in your report.

Mr. Okum: The mechanical units on the roof, I am not quite sure if they are visible from the public right of way; it would probably be the two on the front upper area and the ones along Tri-County Parkway. If they are observed from the public right of way then I think they should be screened with the improvements that are being made to this site. In regards to the trees, there is a fairly mature tree in that landscaped area in that parking field, are you going to pull those out completely or are you going to build inward and leave the tree up against the fence?

Mr. Richard Haglage: Those will actually remain, we are just tying into an underground detention basin that is in that area. We are really not going to be disrupting that.

Mr. Okum: So those trees that are in that open field, they will remain?

Mr. Richard Haglage: Yes, sir.

Mr. Okum: You have addressed Staff’s comments in regard to the tree issue and plantings?

Mr. Richard Haglage: I think we have submitted a plan that responds to all those concerns.

Mr. Okum: I move for the approval of the project at Cassinelli Square, Home Emporium be approved to include specifications and designs contained in the exhibits as submitted and reviewed by Staff prior to the meeting; to include replacement of COV-11/26/14 sheet and A-1.0-11/26/14 sheet, with Staff’s review and approval of same, to include all Staff, City Engineer and City Planner recommendations, as submitted in their reports. That the mechanical units visible from the public right of way be screen from view and that the tree replacement conditions to be reviewed and approved by Staff. (Mr. Diehl seconded the motion and with six “aye” votes from the Planning Commission Members present, the motion was approved.)

D. Chairman Darby: Minor Modifications to the PUD, Cassinelli Square property split, 11360 Cassinelli Square.

Mr. Richard Haglage: The shopping center Cassinelli Square is under one ownership, CF Partners LLC. We want to have the flexibility and the ability to sell off part of this property. We are asking the Planning Commission approval for a zero lot line to go down between Big Lots and that 46,000 s.f. of vacancy. We have an approval for what it necessary from a fire wall construction by the State Building
Department in Columbus, for the variance that was necessary for that, so we have that in hand and now as part of the process we are asking for your approval of the PUD to allow for a zero lot line. This red line on the drawing shows a potential property that we would like to have the ability to convey to a third party. It is just to give us some flexibility of putting tenants in here that would want to own as opposed to lease the space. For that reason we want to create a separate parcel and to be able to get that property line to go down through the middle of that building. We have to build a special fire wall but we also need your approval of a zero lot line because your current requirements would require a certain side yard for a building and this would be in violation of that.

(Mr. McErlane and Mr. Shvegzda read their Staff comments.)

Mr. Okum: So the frontage is going to be Tri-County Parkway so they obviously have their setback there, which is 50’?

Mr. McErlane: Yes, fifty feet.

Mr. Okum: The back of building G would then be the side lot?

Mr. McErlane: Yes, that is probably the rear lot line. If that is considered rear lot line then you are allowing a zero lot line where 30’ is required.

Mr. Okum: My only question is the side lot line that he referred to is actually, when this split occurs, the rear lot line of this building because this front lot line would be on Tri-County Parkway?

Mr. McErlane: You're right.

Mr. Okum: All of the covenants and restrictions apply to this under the PUD, so this really doesn't change anything. Is that registered land?

Mr. Richard Haglage: There is a small part of registered land.

Mr. Okum: That will slow the process.

Mr. Richard Haglage: It can, there is no question about that. But we will deal with that as part of the entire process.

Mr. Okum: I understand.

Mrs. Harlow: Is this a common thing that happens when you would split out a piece of property that has buildings attached?

Mr. Richard Haglage: I don't think that it is uncommon. There are some architectural code requirements that need to be dealt with on unlimited area and provided that we can do that, for having a zero lot line in a project like this I would say is not unusual. It does allow for separate ownership.

Mrs. Harlow: I understand the cross parking and cross easement and all of that but twenty five or thirty years from now is this going to be an issue; part of it wants to be upgraded and a new facade and all of that to bring it into the new millennium and is this parcel going to be an issue?

Mr. Richard Haglage: The entire property will be bound by the Planned Unit Development of Cassinelli Square; the zoning is established for the entire thirty acres; whether you portion it off to separate owners, that zoning still stays the same. Each of those different property owner will be obligated to the Cassinelli Square PUD as the zoning. That is from a public restriction standpoint, if you will. From a private standpoint there will be what we refer to as a declaration. That declaration will set forth how these different components of parking lot maintenance, storm sewer maintenance, parking lot lighting, leaf pick up and snow removal and that type of thing and how that is all taken care of.
Mrs. Harlow: Do you see this splitting off of Parcel B to a different owner having any impact on eventually getting somebody, a tenant in that building G?

Mr. Richard Haglage: No, I don’t. As a matter of fact the optimist in me says that this will enhance our ability to do that because the more people that we can put in the big building back in the back, and this will give us flexibility to do that, it is going to enhance the marketability of building G.

Ms. McBride: I, right now am working on three different malls, Northgate Mall being one of them doing exactly this re-platting lots to bring in different ownerships and so forth. So, it is not uncommon in terms of development of business.

Mr. McErlane: And just to give you a feel for where this exists currently, we saw Tri-County Mall tonight, Macy's owns there own property on that PUD and at the Tri-County Commons, Sam's owns their own parcel there and then there are two other parcels but they are owned by the shopping center owner, the Walmart is a separate parcel but it is still owned by the shopping center ownership.

Mr. Okum: Based upon the request of the applicant, I move to approve the re-plat as requested for the property split at 11360 Princeton Pike to include Staff’s conditions and recommendations and that the parcel B shall have a zero lot line permitted between tenants of the 32,500 s.f., as designated on the drawing. (Mr. Diehl seconded the motion and with six “aye” votes from the Planning Commission Members the motion was approved.)

IX. DISCUSSION

Chairman Darby: Are there items for discussion?

Ms. McBride: I wanted to let the Commission know that the Allor Planning and Zoning workshop is going to be held on Friday, January the 30th. We are going to do that again out at the Anderson Towne Center. I know some of you were able to attend last year. The registration went live today or will go tomorrow, so I would encourage you all to come out, we have some good sessions I think this year. If you let Mr. McErlane know if you want to go, I am sure he will get everybody registered.

Mr. Diehl: I went last year and it was very, very beneficial.

X. CHAIRMAN’S REPORT

Chairman Darby: The Chairman's report as presented shows several sign approvals.

XI. ADJOURNMENT

Mr. Okum moved to adjourn, Mrs. Harlow seconded and the Planning Commission meeting concluded at 9:17 p.m.

Respectfully submitted,

. 2015 ____________________________________
Don Darby, Chairman

. 2015 ____________________________________
Richard Bauer, Secretary